

**MINUTES OF THE DRIVING TOUR OF THE  
KINGSPORT BOARD OF ZONING APPEALS (BZA)**

**January 5, 2017**

10:30 a.m.

Members Present:

Leland Leonard, Chairman  
Frank Oglesby, Vice Chairman  
Bill Sumner  
Ashok Gala

Members Absent:

Bob Winstead, Jr.

Staff Present:

Ken Weems, AICP

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At 10:30 a.m., the BZA departed the Development Services Building, 201 W. Market St. to conduct a driving tour of the property located at 3706 Thornton Drive and 225 Westfield Drive. No official action was taken.

The driving tour concluded at 11:30 a.m.

Respectfully Submitted,

Ken Weems, AICP  
Zoning Administrator

## MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

### January 5, 2017, Regular Meeting

Noon

Bob Clear Conference Room, 1<sup>st</sup> floor of the Development Services Building

Members Present:

Leland Leonard, Chairman  
Frank Oglesby, Vice Chairman  
Bill Sumner  
Ashok Gala  
Bob Winstead, Jr.

Members Absent

none

Staff Present:

Ken Weems, AICP  
Page Jeffers

Visitors:

Scott Powers  
Brenda Wilson  
Bobby Wilson  
Trent Wilson  
John Rose  
Kim Torbett  
Bruce Ratliff  
Darin Karst  
Mark Torbett

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Chairman Leonard called the meeting to order.

Chairman Leonard explained the meeting procedures.

Ms. Page Jeffers conducted the swearing in ceremony for those wishing to speak during the regular meeting. Scott Powers, Kim Torbett, Bruce Ratliff, and John Rose were sworn in.

**Public Hearing:**

**Case: 16-701-00027 – Property located at 3706 Thornton Drive, Control Map 77A, Group F, Parcel 005.00** requests a 10 foot front yard variance to Sec 114-183 e(1)c to accommodate a new single family home. The property is zoned R-1B, Residential District.

Mr. Bruce Ratliff presented the case to the Board. Mr. Ratliff described the steep terrain and the need to construct a home closer to the street due to having to construct a very tall basement for the home otherwise. Mr. Ratliff also stated that he owns the parcel to the west of the parcel in question. Next, Mr. John Rose spoke in support of the agenda item. Mr. Rose addressed the steep grade of the property, noting that construction would be very difficult without a front yard variance. Mr. Rose further stated that the basement of the home would have to be abnormally tall to properly accommodate the home without variance relief. Mr. Weems stated that only the abutting property owner to the east of the subject parcel had contacted the planning office. Mr.

Weems stated that the only concern of the property owner is that he did not want a trailer on the parcel.

Chairman Leonard, seeing no one wishing to speak, closed the public hearing.

**Case: 16-701-00028 – Property located at 252 Westfield Drive, Control Map 105, Parcel 093.00** requests a special exception to Sec 114-191 c(6) to accommodate a dental office. The property is zoned P-1, Professional Offices District.

Mr. Scott Powers presented the case to the Board, stating that the location is properly suited for a dental office. Mr. Powers further stated that the office would not be close to any residential dwellings. Mr. Powers stated that the property and building had been used as a daycare center for the area for several years. Bill Sumner inquired about the available parking. Mr. Weems stated that enough space is available to provide parking for the dental office as described in the zoning code. Mr. Weems stated that no one had contacted the planning offices about the case. Frank Oglesby noted that the property is far from any existing residential uses. Bob Winstead, Jr. asked staff as to why distanced parameters are associated with special exception requests in a P-1 district for dental offices. Mr. Weems explained that although this P-1 zoned parcel is far away from residential uses, many P-1 zones are very close to residential uses and the distance parameters may be needed for other cases to ensure harmony with surrounding/ existing residential neighborhoods.

Chairman Leonard, seeing no one wishing to speak, closed the public hearing.

Chairman Leonard, in conducting the business portion of the meeting, asked staff to conduct the 2017 officer elections for the Board. Mr. Weems addressed the Board. Mr. Weems called for nominations for the Chairman position for the year 2017. Frank Oglesby made a motion to nominate Chairman Leonard. Bill Sumner seconded the motion. Mr. Weems called for discussion. No discussion occurred. Chairman Leonard was re-elected to the Chairman office by a vote of 4-0. Next, Mr. Weems called for nomination for the Vice Chairman position for the year 2017. Bob Winstead, Jr. made a motion to nominate Vice Chairman Frank Oglesby. Bill Sumner seconded the motion. Mr. Weems called for discussion. No discussion occurred. Vice Chairman Oglesby was re-elected to the Vice Chairman office for the year 2017.

Next, Chairman Leonard called for the approval of the December 1, 2016 driving tour and regular meeting minutes. On a motion by Mr. Sumner, seconded by Mr. Gala, the Board approved the December 1, 2016 driving tour minutes. On a motion by Mr. Sumner, seconded by Mr. Gala, the Board approved the December 1, 2016 regular meeting minutes.

The Board stated, for the record, that the next submittal deadline is January 16, 2017 at noon for the February 2, 2017 regular meeting.

#### **Adjudication of Cases:**

**Case: 16-701-00027 – Property located at 3706 Thornton Drive, Control Map 77A, Group F, Parcel 005.00**

Chairman Leonard acknowledged that as attested to by the case representatives, the property is extremely steep. Frank Oglesby inquired as to why the property needed a slope easement. Chairman Leonard remarked that the slope easement is necessary to maintain a safe road for

the portion of parcel that fronts Thornton Drive. Chairman Leonard also stated that the property owner could not build on the portion of the property that contains the slope easement.

MOTION: made by Mr. Gala, seconded by Mr. Winstead, Jr., to grant the 10 foot front yard variance as proposed.

VOTE: 4-0 to approve the request due to extremely steep terrain along the front of the parcel.

PROOF PRESENTED:

1. The specific conditions in detail which are unique to the applicant's land. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity. *The existing parcel configuration leaves the existing parcel with an extremely steep grade abutting the street and effecting the rest of the parcel.*
2. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land. *The strict application of this chapter would deny the owners of a reasonable use of their property, whereas all surrounding lots do not contain a slope as extreme as the one for this property.*
3. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter. *The existing property configuration is not a result of the applicant.*
4. Reasons that the variance will preserve not harm the public safety and welfare and will not alter the essential character of the neighborhood. *The variance will preserve the essential character of the neighborhood by allowing a home similar in size and amenities to those surrounding it.*

**Case: 16-701-00028 – Property located at 252 Westfield Drive, Control Map 105, Parcel 093.00**

Frank Oglesby stated that the proposal does not represent a significant impact to any adjacent single family use. Bill Sumner noted that the proposal is not a detrimental use. The Board acknowledged that the proposal is not located in a densely populated area.

MOTION: made by Mr. Oglesby, seconded by Mr. Sumner, to grant the special exception as proposed.

VOTE: 4-0 to approve the request

With no further business the meeting was adjourned at 12:25 p.m.

Respectfully Submitted,

Ken Weems, AICP  
Zoning Administrator