

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

July 7, 2016

10:30 a.m.

Members Present:

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

Members Absent

Ashok Gala

Staff Present:

Ken Weems, AICP

At 10:30 a.m., the BZA departed the Development Services Building, 201 W. Market St. to conduct a driving tour of 3828 Ridgeline Drive, 1525 Linville Street, 3357 East Stone Drive, and 5301 Canova Court. No official action was taken.

The driving tour concluded at 11:50 a.m.

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

June 7, 2016, Regular Meeting

Noon

Bob Clear Conference Room, 1st floor of the Development Services Building

Members Present:

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

Members Absent

Ashok Gala

Staff Present:

Ken Weems, AICP
Page Jeffers

Visitors:

Jeff Begley
W. Marion Conerly, III
Jim Thrift
Angela Thrift
David L. Cole
Fred White

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. Jeff Begley, W. Marion Conerly III, Jim Thrift, and Angela Thrift were sworn in.

Public Hearing:

Case: 16-701-00008 – Property located at 3828 Ridgeline Drive, Control Map 620, Group A, Parcel 024.00 requests a 372 square foot variance to Sec 114-133(2). The code allows a maximum of 1,100 square feet of accessory building floor area. Additionally, a 4 foot vertical height variance is requested for an accessory structure to Sec 114-133(2). The code provides for accessory structures to not exceed the height of the principal structure or 35 feet, whichever is less. The property is zoned R-1B, Residential District.

Ms. Thrift presented the case to the Board. Ms. Thrift described the small house on the property and her family's need for a garage and workspace. Chairman Leonard asked about the two boats parked in the rear of the property. Ms. Thrift answered that the boats are being stored there temporarily and that they belong to her stepson. Vice Chairman Oglesby questioned staff as to if the Board is to consider the building ground coverage when determining accessory structure size. Mr. Weems stated that the code addresses total floor area as opposed to building ground coverage. Ms. Thrift further stated that she and her husband also own the abutting lot.

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

Case: 16-701-00009 – Property located at 1525 Linville Street, Control Map 46N, Parcel 016.00 requests a variance to permit an inground swimming pool in the side yard to Sec 114-133(1). The code requires swimming pools in the rear yard. The property is zoned R-1A, Residential District.

Mr. W. Marion Conerly III presented the case to the Board. Mr. Conerly stated that he did not have enough space in his rear yard to construct a swimming pool and that the side of his home is the only possible place the swimming pool could be constructed. Mr. Conerly acknowledged that he had been before the Board in the past for variance approval for a home addition.

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

Chairman Leonard swore in Mr. Fred White

Case: 16-701-00010 – Property located at 3357 East Stone Drive, Control Map 32, Parcel 083.10 requests a 10 foot side yard variance to Sec 114-198(f)(1)d. The code requires a 15 foot side yard. The property is zoned M-1R, Light Manufacturing Restricted District.

Mr. Fred White presented the case to the Board. Mr. White stated that he was unaware of the fifteen foot side yard requirement for the zoning of his property, and that he would never had purchased the property if he had been aware of the requirement. Mr. White stated that he needed to set his new building closer to the side property line since he would sometimes be servicing large boats up to 45 feet in length.

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

Case: 16-701-00011 – Property located at 5301 Canova Court, Control Map 47L, Group A, Parcel 011.00 requests a 15.91 foot variance to Sec 114-183(e)(1)e. The code requires a 30 foot rear yard. The property is zoned R-1B, Residential District.

Mr. Jeff Begley presented the case to the Board. Mr. Begley stated that the owner of the property desired to partially cover his existing back porch. Mr. Begley noted the construction will shed upon the roof of the existing home and contain an outdoor television and fireplace. Mr. Begley noted that the porch cover will be open on all sides excluding the portion with the fireplace. Mr. Begley described the appearance of the porch cover as resembling that of the home and that the stone patio will remain as-is.

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

Conducting the business meeting, Chairman Leonard called for the approval of the minutes. On a motion by Bill Sumner, seconded by Bob Winstead, Jr. the minutes on of the June 2, 2016 driving tour were approved unanimously, 3-0. On a motion by Bob Winstead, Jr., seconded by Bill Sumner, the minutes of the June 2, 2016 regular meeting were approved unanimously, 3-0

The Board stated, for the record that the next Board of Zoning Appeals application deadline is July 15, 2016 at noon with a meeting date of August 4, 2016.

Adjudication of Cases:

Case: 16-701-00008 – Property located at 3828 Ridgeline Drive, Control Map 62O, Group A, Parcel 024.00

Bill Sumner stated that it was clear the property contained hardship due to existing conditions. Mr. Sumner added that the home lacked the necessary storage for the property and that the house was small.

MOTION: made by Bill Sumner, seconded by Mr. Winstead to grant both variances of accessory structure height and floor area as requested, with the stipulation that the building materials used for the accessory structure be compatible with that of the existing home.

VOTE: 3-0 to approve the request due to the property configuration constraints and existing conditions when the property was recently purchased.

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 home is small in comparison with adjacent structures.*
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.*
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 lot size and configuration is not a result of actions 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 creating an accessory structure that is compatible with existing accessory structures in the general vicinity.*

Case: 16-701-00009 – Property located at 1525 Linville Street, Control Map 46N, Parcel 016.00

Chairman Leonard stated that the property owner had simply ran out of room in the rear of the property. Additionally, Chairman Leonard acknowledged the two previously granted BZA variances dealing with the rear yard of the property.

MOTION: made by Frank Oglesby, seconded by Mr. Winstead to grant the variance of allowing an inground pool to be built in the side yard of the property.

VOTE: 3-0 to approve the request due to the severe lack of space in the rear yard of the property.

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 property does not have adequate space in the rear yard to locate an accessory structure.*
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.*
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 lot size and configuration is not a result of actions 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 creating an accessory structure that is similar in location characteristics of adjacent property inground pools.*

Case: 16-701-00010 – Property located at 3357 East Stone Drive, Control Map 32, Parcel 083.10

Frank Oglesby stated that the property hardship for this case pertains to the floodplain configuration and potentially the the existing power easement.

MOTION: made by Mr. Winstead, seconded by Mr. Sumner to grant the requested variance.

VOTE: 3-0 to approve the request due to the floodplain location on the property.

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 lot is heavily encumbered by existing floodplain from Reedy Creek.*
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.*
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 lot size and configuration is not a result of actions 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 creating an accessory structure that is compatible with existing accessory structures in the general vicinity.*

Case: 16-701-00011 – Property located at 5301 Canova Court, Control Map 47L, Group A, Parcel 011.00

Bill Sumner stated that the existing single family home located on the property was barely within the allowable setbacks for the zoning district. Additionally, Mr. Sumner acknowledged the existing similar structures contained by adjacent homes.

MOTION: made by Bill Sumner, seconded by Mr. Winstead to grant the 15.91 foot rear yard variance with the stipulation that the building materials used for the covered porch be compatible with those of the existing home.

VOTE: 3-0 to approve the request due to the property configuration and similar features of surrounding single family homes.

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 lot configuration of the property is unique since it is located at the terminus of a cul-de-sac. This fact limits the depth of the rear yard while providing for a very wide rear yard.*
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.*
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 lot size and configuration is not a result of actions 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 creating a home addition that is compatible with existing principal structures in the general vicinity.*

With no further business the meeting was adjourned at 12:55 p.m.

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator

