

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

May 5, 2016

10:30 a.m.

Members Present:

Leland Leonard, Chairman
Frank Oglesby, Vice Chairman
Bill Sumner

Members Absent

Bob Winstead, Jr.
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 1064 E Stone Dr., 1205 N. Wilcox Dr., 2400 N. John B Dennis Hwy, and 1604 W Stone Dr. 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)

May 5, 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
Ashok Gala

Members Absent

Bob Winstead, Jr.

Staff Present:

Ken Weems, AICP
Jessica Harmon
Page Jeffers

Visitors:

Phil Pierce
Michael Roark
Danny Carr
Dwayne Powell
Sharon Williams

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. All visitors were sworn in.

Public Hearing:

Case: 16-701-00003 – Property located at 1605 West Stone Drive and 1607 West Stone Drive, Control Map 45E, Parcels 001.00 and 002.00 requests a 10 foot rear yard variance to Sec 114-195(f)1(e) necessary to accommodate a new commercial building. The code requires a 30 foot rear yard. A 21 foot planting strip boundary variance to Sec 114-600(4)a necessary to accommodate a new commercial building and drive isle. The code requires a 30 foot planting strip boundary. A 10 foot planting strip variance along West Stone Drive to Sec 114-600(d)2 necessary to accommodate a new parking area. The code requires a 10 foot planting strip. A 10 foot planting strip variance along Riverside Avenue to Sec 114-600(d)2 necessary to accommodate a new parking area. The code requires a 10 foot planting strip. The property is zoned B-3, Highway Oriented Business District.

Mr. Phil Pierce explained the need for the multiple variances to the Board. Mr. Pierce stated that the property is in the process of being combined and even then will still be too small to accommodate the landscape buffer strips that are mandated by the code. Mr. Pierce stated that his plan is to raze all existing structures on the property and build a new A-1 Hitch Center. Mr. Pierce stated that his current A-1 Hitch Center is across Plantation Road from the proposed site.

Additionally, Mr. Pierce stated the need for trucks with long trailers to enter the property and that the proposed configuration would help him to accommodate all of his customers. Mr. Pierce showed the Board how the current traffic circulation for A-1 Hitch Center must enter Riverside Avenue, turn right onto Putnam Street, then make another right onto Plantation Road. With the proposed configuration, Mr. Pierce stated that the majority of his business would only travel on Riverside Avenue enough to enter his property. A gated egress would be maintained along Plantation Road for especially long truck/trailer configurations. Vice Chairman Oglesby inquired about the island in the vicinity of the intersection of West Stone Drive and Riverside Avenue being asphalted. Mr. Pierce stated that he would be able to landscape the area without impacting traffic.

Mr. Danny Carr stated that he is attending the meeting as the surveyor for Mr. Pierce and would be happy to answer any questions of the Board.

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

Case: 16-701-00004 – Property located at 1205 North Wilcox Drive, Control Map 61C, Parcel 061.00 requests a special exception to Sec 114-191(c)1 necessary to accommodate a veterinary clinic. The property is zoned P-1, Professional Offices District.

Mr. Michael Roark explained the special exception request to the Board. Mr. Roark stated that his wife has been looking for a place to conduct her own veterinary business, after practicing for many years. Mr. Roark stated that the veterinary business would not keep any animals after business hours. Mr. Roark stated that he and his wife planned to purchase the property. Chairman Leonard stated that the special exception should be contingent upon the sale of the property. Mr. Roark stated that the top floor of the building will be a future employee lounge.

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

Case: 16-701-00005 – Property located at 1064 East Stone Drive, Control Map 46E, Parcel 007.00 requests a 19.43 foot rear yard variance to Sec 114-195(f)1(e) necessary to accommodate an existing commercial building. The code requires a 30 foot rear yard. The property is zoned B-3, Highway Oriented Business District.

Mr. Danny Carr explained the need for the variance. Mr. Carr stated that the property needed a variance to complete a sale. Chairman Leonard theorized that the rear property line was reconfigured in the past, creating a non-conforming rear yard for the subject property. Mr. Carr stated that the building was constructed in 1988.

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

Case: 16-701-00006 – Property located at 2400 North John B. Dennis Highway, Control Map 47, Parcel 011.30 requests a special exception to Sec 114-191(c)6 necessary to accommodate a prosthetic & orthotic business. The property is zoned P-1, Professional Offices District.

Ms. Sharon Williams presented the case to the Board. Ms. Williams stated that she wants to move her business to this location, and that it would suit her needs well. Chairman Leonard asked Ms. Williams if she needs a license to practice prosthetics and orthotics. Ms. Williams confirmed that she needs and has a license that is under the purview of the State Podiatric Board. Chairman Leonard acknowledged the finding of fact for a medical office use in a P-1

District and that it must be addressed properly by the Board in order to grant the special exception.

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

Conducting the business meeting, Chairman Leonard turned the meeting over to Secretary Ken Weems to conduct 2016 officer elections. Mr. Weems requested Chairman nominations from the Board. Mr. Sumner nominated Leland Leonard for Chairman. On a motion by Bill Sumner, seconded by Frank Oglesby, Leland Leonard was reelected Chairman for the year 2016 by a 4-0 vote. Next, Mr. Weems opened nominations for Vice Chairman. Mr. Sumner nominated Frank Oglesby for Vice Chairman. On a motion by Bill Sumner, seconded by Ashok Gala, Frank Oglesby was reelected as Vice Chairman for the year 2016 by a 4-0 vote.

The Chairman called for the approval of the minutes. On a motion by Bill Sumner, seconded by Ashok Gala, the minutes on of the February 4, 2016 driving tour and regular meeting were approved unanimously, 3-0.

The Board stated, for the record that the next Board of Zoning Appeals application deadline is May 16, 2016 at noon with a meeting date of June 2, 2016.

Adjudication of Cases:

Case: 16-701-00003 – Property located at 1605 West Stone Drive and 1607 West Stone Drive, Control Map 45E, Parcels 001.00 and 002.00

Chairman Leonard noted that it was unusual for so many variances on a property. The Chairman noted the majority of variances concerned landscaping parameters. The Vice Chairman noted that the area at the intersection of West Stone Drive and Riverside Avenue could potentially be landscaped instead of asphalt paving as noted on the zoning development plan. Bill Sumner agreed that the property restricted due to parcel size. On a motion by Frank Oglesby, seconded by Bill Sumner, the Board granted all requested variances with the condition that the portion of the site plan labeled asphalt paving, located in the vicinity of West Stone Drive and Riverside Avenue be landscaped with bushes.

MOTION: made by Frank Oglesby, seconded by Bill Sumner, the Board granted all requested variances with the condition that the portion of the site plan labeled asphalt paving, located in the vicinity of West Stone Drive and Riverside Avenue be landscaped with bushes.

VOTE: 3-0 to approve the request as presented due to home and lot configuration.

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 that will contain the new commercial building is very small in comparison to other like-zoned parcels.*
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 prevent the applicant from being able to safely maneuver traffic on and off the lot.

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 disposition 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 reducing commercial traffic on adjacent streets.*

Case: 16-701-00004 – Property located at 1205 North Wilcox Drive, Control Map 61C, Parcel 061.00

The Board collectively agreed that a veterinary use is appropriate for the building and area.

MOTION: made by Bill Sumner, seconded by Ashok Gala, the Board granted the special exception for veterinary clinic use contingent upon the sale of the property.

VOTE: 3-0 to approve the request as presented.

Case: 16-701-00005 – Property located at 1064 East Stone Drive, Control Map 46E, Parcel 007.00

Chairman Leonard noted that the old Midas Muffler shop parcel had somehow lost a portion of its correct rear yard parameter sometime in the past. This was most likely due to a previous replat that affected the rear of the parcel.

MOTION: made by Frank Oglesby, seconded by Ashok Gala, the grant the variance as requested

VOTE: 3-0 to approve the request as presented due to lot configuration

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, due to no fault of the current owner, currently has a rear yard too small to conform with existing rear yard setback requirements in a B-3 zone.*
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 prevent the applicant from being able to operate a new commercial business in conformance with current zoning requirements.*

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 disposition 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 area by maintaining the existing drive isle configuration of the existing and surrounding parcels.*

Case: 16-701-00006 – Property located at 2400 North John B. Dennis Highway, Control Map 47, Parcel 011.30

The Board collectively agreed that a prosthetics and orthotics use is appropriate for the building and area.

FINDING OF FACT: The Board finds that adequate public facilities are available; the traffic generated by the use will be safely accommodated along major streets without traversing minor streets; the use will not materially or adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed use; the use will not have an adverse impact on land use compatibility; the use will not be detrimental to and will not injure, damage or adversely affect the use, value or enjoyment of the properties in the surrounding neighborhood; that health, safety, and welfare will be protected, and that the distance from a public or private school, day care facility, park, any area devoted to public recreation activity or a residential dwelling is appropriate given the proposed use being separated by the principal arterial of North John B Dennis Highway.

MOTION: made by Bill Sumner, seconded by Frank Ogelsby, the Board granted the special exception for a prosthetic and orthotic business/practice.

VOTE: 3-0 to approve the request as presented.

With no further business the meeting was adjourned at 1:01 p.m.

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator