

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

October 6, 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:

Jessica Harmon

At 10:30 a.m., the BZA departed the Development Services Building, 201 W. Market St. to conduct a driving tour of the properties located at 604 Beechwood Drive, off Kendrick Creek Road (no address), and off Fort Henry Drive (no address). No official action was taken.

The driving tour concluded at 11:40 a.m.

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

October 6, 2016, Regular Meeting

Noon

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

Members Present:

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

Members Absent

Bob Winstead, Jr.
Ashok Gala

Staff Present:

Jessica Harmon
Page Jeffers

Visitors:

Dan Elcan
Brad Israel
Randy Beckner
William Roller
Jonathan Lewis
Luther Cain
Dennis Robbins
Sophia Davidson

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: 16-701-00017 – Property located at 604 Beechwood Drive, Control Map 92O, Group A, Parcel 009.00 requests a 6.9 foot side yard variance to Sec 114-183 (e)(1)d to accommodate a carport. The property is zoned R-1B, Residential District.

Mr. Dennis Robbins presented the case to the Board. Mr. Robbins stated that he needed the carport to cover and new truck that he had recently purchased. Mr. Robbins stated that the carport would be open on all sides. Additionally, Mr. Robbins stated that the materials used for the carport would match the existing home. Mr. Robbins stated that he had discussed the carport project with his neighbors and that they are supportive of the improvement. Chairman Leonard confirmed that Mr. Robbins would be extending the roofline of the home out to encompass the carport. Bill Sumner asked when the existing home was built. Mr. Robbins stated that most likely the home was built in the 1960's. Chairman Leonard called attention to the letter in the packet from an abutting neighbor in support of the carport.

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

Case: 16-701-00018 – Property located off Kendrick Creek Road, Control Map 119, Parcels 097.05 and 098.50 requests a special exception to Sec 114-201(c)(1) necessary to accommodate a franchised auto dealership. The property is zoned TA/C, Tourist Accommodation/Commerce District.

Mr. William Roller presented he case to the Board. Mr. Roller stated that Lexis, Mercedes, BMW, and Porsche. Mr. Roller stated that Toyota would potentially be a future dealership on the site. Mr. Sumner confirmed with staff that a franchised auto dealership meets the requirement for a special exception. Staff confirmed.

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

Case: 16-701-00019 – Property located off Fort Henry Drive, Control Map 77H, Group C, a Portion of Parcel 003.00 requests a special exception to Sec 114-227 necessary to accommodate an institution for human care (assisted living facility). The property is zoned B-4P, Planned Business District.

Mr. Jonathan Lewis presented the case to the Board. Mr. Lewis stated that the request is a special exception for an assisted living facility and that he had been working with staff on the project. Chairman Leonard asked if another red light would be installed on Fort Henry. Staff stated that a traffic impact study had been performed that warranted the additional light. Mr. Elcan shared pictures of similar facilities with the Board.

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

Chairman Leonard, in conducting the business portion of the meeting, called for the approval of the September 1, 2016 driving tour and regular meeting minutes.

On a motion by Mr. Sumner, seconded by Mr. Oglesby, the Board approved the September 1, 2016 driving tour minutes. On a motion by Mr. Winstead, seconded by Mr. Oglesby, the Board approved the September 1, 2016 regular meeting minutes.

The Board stated, for the record, that the next submittal deadline is October 17, 2016 at noon for the November 3, 2016 regular meeting.

Staff stated that there are no staff reports for the October meeting.

Adjudication of Cases:

Case: 16-701-00017 – Property located at 604 Beechwood Drive, Control Map 92O, Group A, Parcel 009.00

Chairman Leonard restated that this variance case is for 6.9 feet on the side yard. Mr. Sumner stated that the lot is very narrow. Mr. Oglesby noted that he cannot find a more suitable location for the carport.

MOTION: made by Bill Sumner, seconded by Mr. Ogelsby to grant the 6.9 foot side yard variance, with the conditions that the carport remain open on all sides, be of compatible construction of the existing home, and have gabled ends.

VOTE: 3-0 to approve the request due to incompatible (narrow) lot shape.

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 and existing home location makes a carport use impossible to fit inside current district setbacks*
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 similar uses surround the applicant.*
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. The applicant purchased the home in its current configuration.*
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 carport use similar to adjacent single family homes.*

Case: 16-701-00018 – Property located off Kendrick Creek Road, Control Map 119, Parcels 097.05 and 098.50

Mr. Ogelsby stated that this in an appropriate area for the franchised dealership. Mr. Sumner noted similar dealership locations in other cities.

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

VOTE: 3-0 to approve the request due to no negative impact on adjacent property.

Case: 16-701-00019 – Property located off Fort Henry Drive, Control Map 77H, Group C, a Portion of Parcel 003.00

Chairman Leonard stated that the facility is beautiful and that it will be an asset to the community

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

VOTE: 3-0 to approve the request due to no negative impact on adjacent property.

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

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator