BOARD OF ZONING APPEALS MEETING AGENDA

Thursday, November 02, 2023 at 12:00 PM

City Hall, 415 Broad Street, Montgomery-Watterson Boardroom

This meeting is an open and accessible meeting. If interested parties request special assistance or accommodations, please notify the Planning Department three (3) days in advance of the meeting.

I. CALL TO ORDER - 12:00 P.M. NOON

II. INTRODUCTION AND MEETING PROCEDURES

III. PUBLIC HEARING

1. **Case: BZA23-0333 – The owner of property located at TBD Caymus Court, Control Map 062A, Group K, Parcel 003.00** requests a 19 foot front yard variance to Sec. 114-193(e)(1)c for the purpose of constructing a new duplex. The property is zoned B-1, Neighborhood Business District.

   INTERESTED PARTIES:

   Owner: Joe Begley
   1505 Fairidge Dr.
   Kingsport, TN 37664
   423.677.6778

   Representative: Mike Stone

2. **Case: BZA23-0332 – The owner of property located at 1270 Ridgetop Trail, Control Map 033P, Group A, Parcel 043.00** requests a 12 foot side yard variance and 3 foot side yard variance to Sec. 114-183(e)(1)d for the purpose of constructing an attached garage and swimming pool for a new single family home. The property is zoned R-1B, Residential District.

INTERESTED PARTIES:

Owner: Cassandra Honaker
1544 Belmeade Dr.
Kingsport, TN 37664

Representative: Mike Stone

IV. BUSINESS

1. Approval of the October 12, 2023 regular meeting minutes.

Stating for public record, the next application deadline is November 15, 2023 at noon, and meeting date (Thursday, December 7, 2023).

V. ADJUDICATION OF CASES

VI. PUBLIC COMMENT

Citizens may speak on issue-oriented items. When you come to the podium, please state your name and address and sign the register that is provided. You are encouraged to keep your comments non- personal in nature, and they should be limited to five minutes.

VII. ADJOURN

REGULAR MEETING & PUBLIC HEARING
Kingsport Board of Zoning Appeals

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that an open and public meeting of the Kingsport Board of Zoning Appeals scheduled for Thursday, November 2, 2023 will be conducted beginning at NOON in the Kingsport City Hall, Montgomery-Watterson Boardroom, 415 Broad Street, 3rd floor, Kingsport, Tennessee.

Public Hearings: The Kingsport Board of Zoning Appeals will conduct a Public Hearing during this meeting to consider the following cases:

Case: BZA23-0332 – The owner of property located at 1270 Ridgetop Trail, Control Map 033P, Group A, Parcel 043.00 requests a 12 foot side yard variance and 3 foot side yard variance to Sec. 114-183(e)(1)d for the purpose of constructing an attached garage and swimming pool for a new single family home. The property is zoned R-1B, Residential District.

Case: BZA23-0333 – The owner of property located at TBD Caymus Court, Control Map 062A, Group K, Parcel 003.00 requests a 19 foot front yard variance to Sec. 114-193(e)(1)c for the purpose of constructing a new duplex. The property is zoned B-1, Neighborhood Business District.

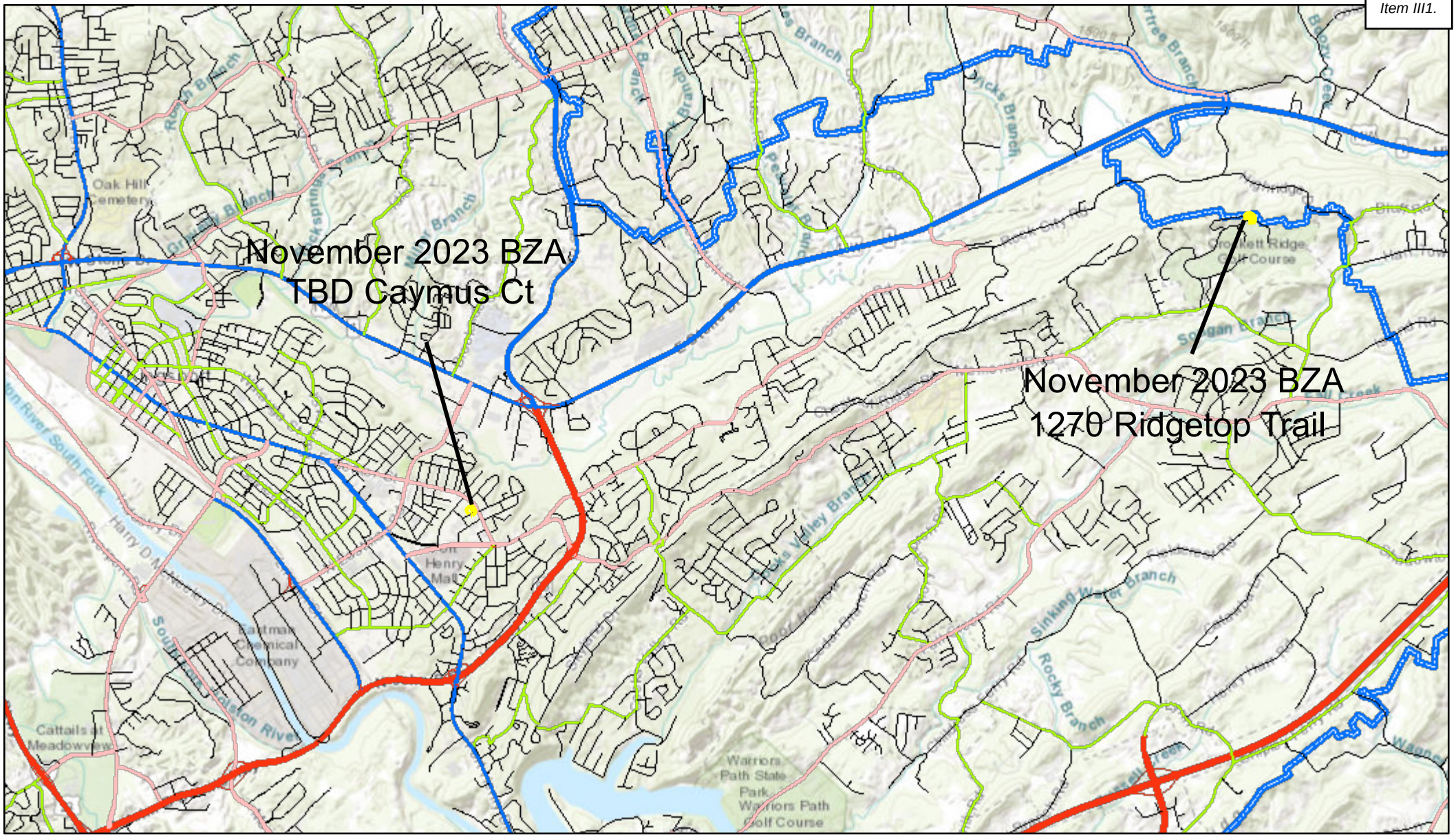
All interested persons are invited to attend this Public Hearing. Additional information concerning this case may be obtained by contacting City of Kingsport Planning Division staff, telephone (423) 229-9485.

All City of Kingsport public meetings are conducted in accessible locations. If you require accommodations to participate in this meeting, these may be requested by calling (423) 229-9485 or by emailing ADAContact@KingsportTN.gov at least 72 hours in advance. Copies of any documents used are available in accessible formats upon request.

CITY OF KINGSPORT
Angie Marshall, City Clerk
PIT: 10/23/2023

Vicinity Map - November 2023 BZA

ArcGIS Web Map



10/19/2023, 9:06:14 AM

Urban Growth Boundary

Streets

Interstate

Expressway

Major Arterial

Minor Arterial

Collector Street

Local Street

Private Street

Ramp

1:72,224

0 0.5 1 2 mi

0 0.75 1.5 3 km

Tennessee STS GIS, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, NGA, EPA, USDA

Web AppBuilder for ArcGIS

KINGSPORT
TENNESSEE
Planning Department

TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: October 18, 2023

RE: TBD Caymus Court

The Board is asked to consider the following request:

Case: BZA23-0333 – The owner of property located at TBD Caymus Court, Control Map 062A, Group K, Parcel 003.00 requests a 19 foot front yard variance to Sec. 114-193(e)(1)c for the purpose of constructing a new duplex. The property is zoned B-1, Neighborhood Business District.

Code reference:
Sec. 114-193. - B-1, Neighborhood Business District.

(e)Dimensional requirements. The minimum and maximum dimensional requirements for the B-1 district are as follows:

(1)Minimum requirements.

a. Lot area, not applicable.

b. Lot frontage, not applicable.

c. Front yard, 30 feet.

d. Each side yard, not applicable.

e. Rear yard, 20 feet.

f. Usable open space, not applicable.

TBD Caymus Rd - November BZA 2023

ArcGIS Web Map

10/18/2023, 4:02:12 PM

Sullivan County Parcels Jan 2023

Parcels

Urban Growth Boundary

Streets

Interstate

Expressway

Major Arterial

Minor Arterial

Collector Street

Local Street

Private Street

Ramp

1:4,514

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.2 km

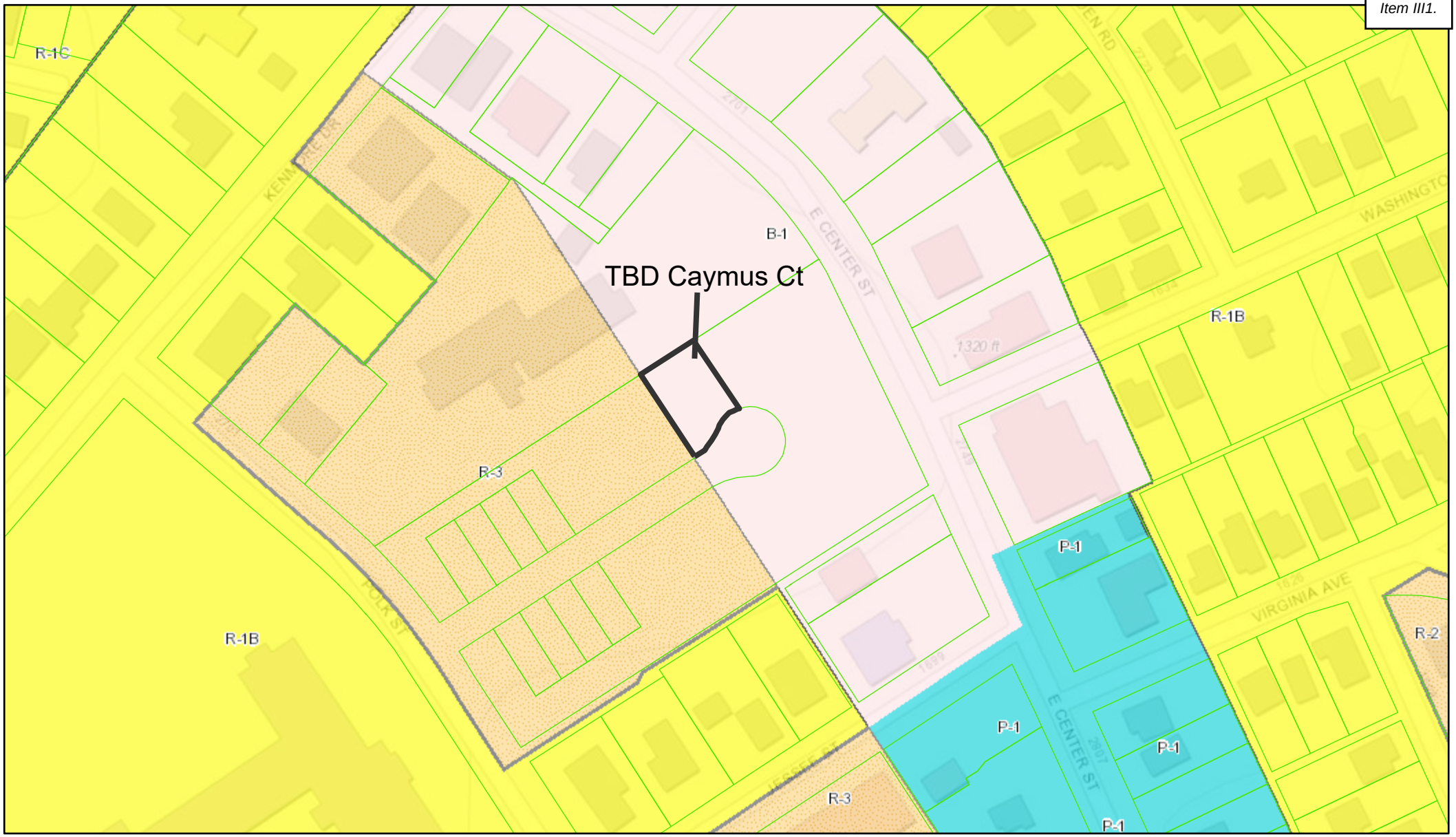
NC CGIA, Maxar

Web AppBuilder for ArcGIS

TBD Caymus Rd - November BZA 2023

ArcGIS Web Map

Item III1.



10/19/2023, 10:24:26 AM

Sullivan County Parcels Jan 2023

Parcels

City Zoning

<Null>

TA/C

R-5, GC, B-2E, A-1, A-2, AR, B-1, B-2, B-3, B-3, B-4, B-4P, B-4P, BC, GC, M-1, M-1R, M-2, MX, P-1, P-D, PBD-3, PBD/*, PD, PMD-1, PMD-2, PUD, PVD

1:2,257

0 0.01 0.03 0.06 mi

0 0.02 0.04 0.09 km

Tennessee STS GIS, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Web AppBuilder for ArcGIS

APPLICATION
Board of Zoning Appeals

Kingsport

APPLICANT INFORMATION:					
Last Name	Begley	First	Joe	M.I.	Date 13 Oct 2023
Street Address	1505 Fairidge Drive			Apartment/Unit #	
City	Kingsport	State	TN	ZIP	37664
Phone	423-677-6778	E-mail Address	joe@thebegleygroup.net		

PROPERTY INFORMATION:					
Tax Map Information	Tax map: 062A	Group: K	Parcel: 003.00	Lot:	
Street Address	TBD Caymus Court			Apartment/Unit #	
Current Zone	B-1	Proposed Zone	No change		
Current Use	Multifamily	Proposed Use	No change		

REPRESENTATIVE INFORMATION:					
Last Name	Stone	First	Mike	M.I. A.	Date 13 Oct 2023
Street Address	2141 Moccasin Street South			Apartment/Unit #	
City	Kingsport	State	TN	ZIP	37660
Phone	423-418-3333	E-mail Address	mike@mikestonesrchitect.com		

REQUESTED ACTION:

19ft Encroachment upon the northernmost setback of the existing cul-de-sac. The hardship is the small amount of space left

DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

Signature: Date: 10-13-2023

Signed before me on this 13 day of October, 2023,
a notary public for the State of Tennessee
County of Sullivan.
Notary Susie Denice Vaughn

SUSIE DENICE VAUGHN
STATE OF TENNESSEE NOTARY PUBLIC
SULLIVAN COUNTY

My Commission Expires 01/26/2025

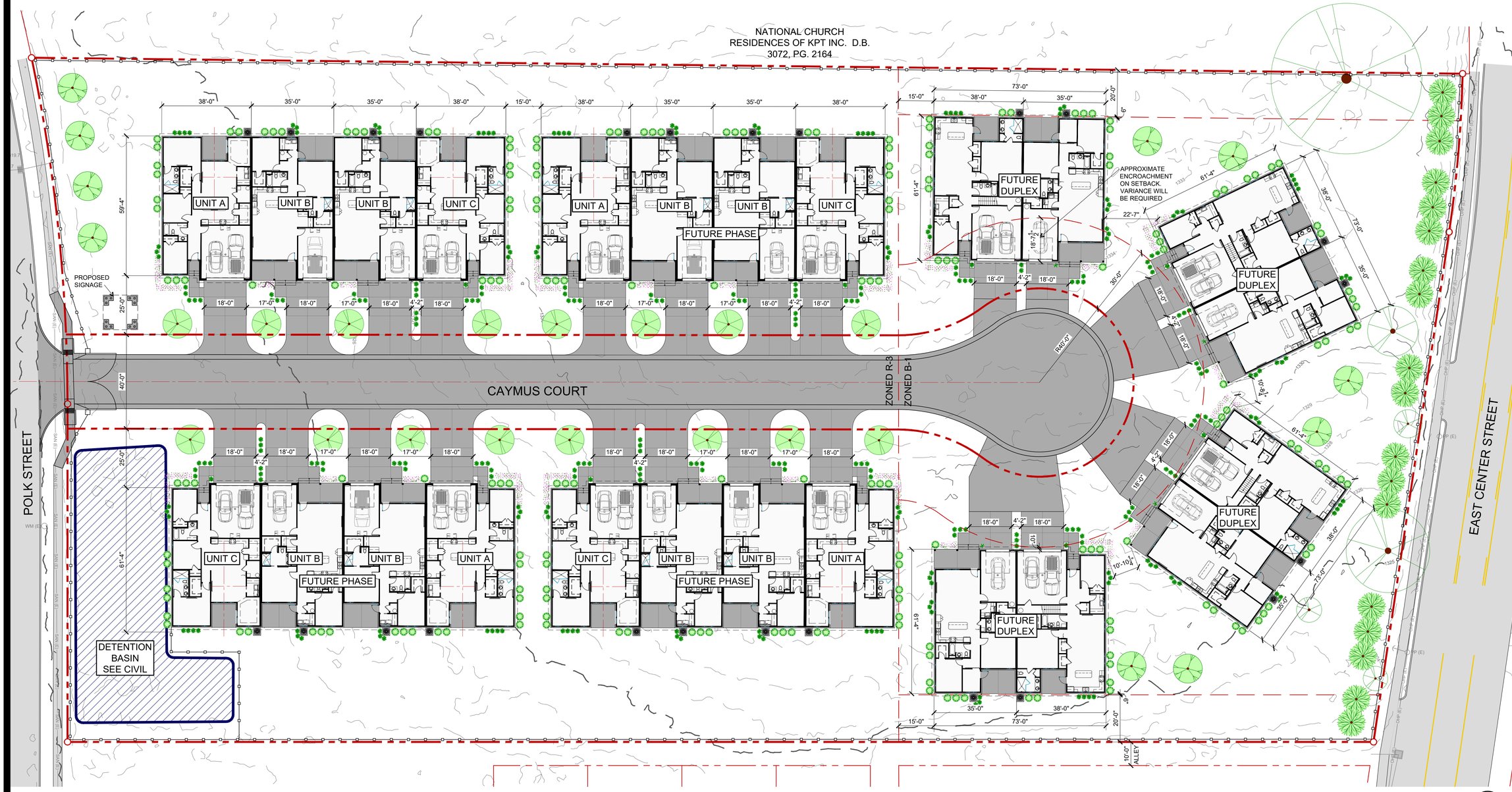
CITY PLANNING OFFICE	
Received Date:	Received By:
Application Fee Paid:	
Board of Zoning Appeals Meeting Date:	
Section of Applicable Code:	
Building/Zoning Administrator Signature:	Date:
Completed Site Plans Received:	
Previous requests or file numbers:	
Signature of City Planner:	Date:

SITE NOTES

1. REFERENCE SURVEY COMPLETED BY ALLEY AND ASSOCIATES. CONTRACTOR SHALL REFERENCE THE ORIGINAL SURVEY PRIOR TO CONSTRUCTION.
2. THE SITE /CIVIL PACKAGE IS BY SPODEN & WILSON CONSULTING ENGINEERS AND SHALL BE USED IN CONJUNCTION WITH THIS SET OF DRAWINGS. GRADING, STORMWATER, UTILITIES, AND OTHER SITE / CIVIL DETAILS ARE DEPICTED IN THAT SET OF DRAWINGS.

SITE LEGEND

- PROPERTY LINE (THIS PROJECT)
- PROPERTY LINE (OTHER)
- SETBACK / EASEMENT
- PROPOSED ADDITION
- EXISTING CONTOUR MINOR (1202)
- EXISTING CONTOUR MAJOR (1200)
- NEW FENCE
- EXISTING PAVEMENT
- NEW ASPHALT PAVEMENT
- NEW DETENTION BASIN (SEE CIVIL DRAWINGS)
- SMALL TREE | SHRUB | LOW GROWTH



SITE LAYOUT PLAN 1" = 20'-0"

MIKE STONE ARCHITECT, P.C.
423.418.3333
mike@mikestonearchitect.com

no.	date	revision	by

New Development for:

Caymus Yard - HVP, LLC

Center Street - Kingsport, TN

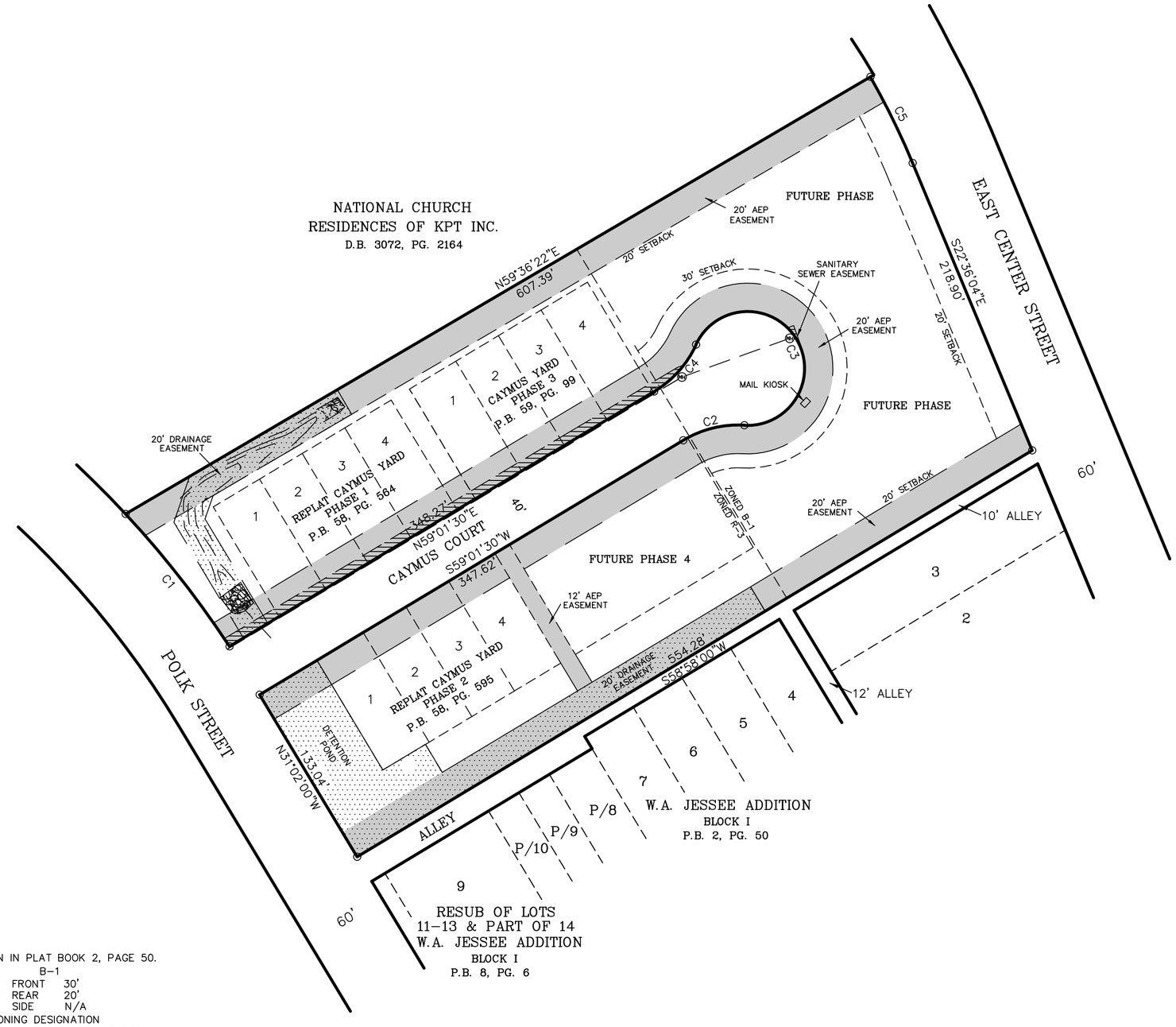
PROGRESS PRINT
10/12/2023
NOT FOR CONSTRUCTION

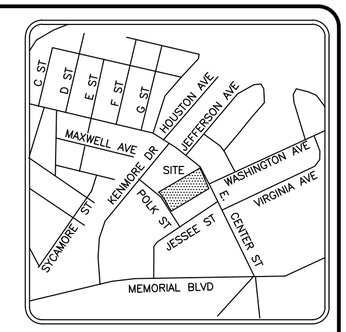
ISSUE DATE

DRAWN BY
MIKE STONE

DRAWING NAME
SITE LAYOUT PLAN

C1.1





LOCATION MAP
N.T.S.

REVISIONS:	DATE:	BY:

CAYMUS YARD
KINGSPORT, TENNESSEE

LEGEND

D.B.	*DEED BOOK*
PG.	*PAGE*
P.B.	*PLAT BOOK*

NOTES:

1) NORTH BASED ON S58°58'00W AS SHOWN IN PLAT BOOK 2, PAGE 50.
2) PROPERTY IS ZONED R-3 & B-1

FRONT	N/A	FRONT	30'
REAR	N/A	REAR	20'
SIDE	N/A	SIDE	N/A

SETBACKS TO CONFORM TO CURRENT ZONING DESIGNATION
3) THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD INSURANCE ADMINISTRATION BOUNDARY MAP 47163C0045D EFFECTIVE DATE DATE SEPTEMBER 29, 2006 AND FOUND THAT THE ABOVE PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
4) JOB NO. 20-11912
5) ACAD FILE 20-11912 BEGLEY.DWG
6) FIELD INFORMATION ELECTRONICALLY COLLECTED
7) TAX MAP 62A "K", PARCEL 3.00
8) DEED REFERENCE: DEED BOOK 57, PAGE 380
9) THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT TITLE AND MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY-AT-LAW.
10) I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE RATIO OF PRECISION OF THIS SURVEY IS BETTER THAN 1:10,000.
11) THIS SURVEY WAS DONE IN COMPLIANCE WITH THE CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE.
12) THIS SURVEY MAY BE SUBJECT TO ALL RIGHTS-OF-WAYS, EASEMENTS, RESERVATIONS AND RESTRICTIONS, WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED.

CURVE	RADIUS	LENGTH	CHORD	
C1	716.20'	118.55'	S38°08'07"E	118.41'
C2	75.00'	44.90'	S76°10'32"W	44.23'
C3	40.00'	173.56'	S30°58'30"E	66.09'
C4	75.00'	44.90'	N41°52'28"E	44.23'
C5	543.00'	67.52'	S26°09'49"E	67.48'

SITE PLAN

11TH CIVIL DISTRICT
SULLIVAN COUNTY, TENNESSEE
DATE: OCTOBER 12 2023
SCALE: 1"=60'

60 30 0 60 120
SCALE IN FEET

ALLEY & ASSOCIATES, INC.
• SURVEYORS •
422 E. MARKET STREET KINGSPORT, TENNESSEE 37660
TELEPHONE (423) 392-8896
E-MAIL: mstrickler@alleyassociates.com

FILE NO. 20-11912 BEGLEY.DWG

Variance Worksheet – Finding of Facts

Variances. Except as provided herein to hear and decide applications for variance from the terms of this chapter, because of exceptional narrowness, shallowness or shape of a specific piece of property which on June 16, 1981, was a lot of record or where, because of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of this chapter would result in peculiar and exceptional practical difficulties to exception or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before any variance is granted, the board must find all of the following, which shall be recorded, along with any imposed conditions or restrictions, in minutes and records and issued in written form to the applicant to constitute proof of the variance:

a. 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 30ft setback all around the cul-de-sac presents an issue on the northmost side leaving a narrower than usual "pinch point" of buildable space.

b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.

The applicant would need to provide a different smaller unit rather than another duplex that will match all the other units and fit the intent of the development.

c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.

Correct

d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

This encroachment only affects the property that is asking for the variance and thus does not affect any neighboring properties. The setbacks against the adjacent properties can remain honored if this encroachment is allowed.

Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area or density above the maximum permitted by the zoning district; allowing a use other than those specifically authorized by this chapter in the applicable zoning district; or from the denial of a zoning permit when such denial is due to the fact that such lot has no frontage on a public street unless such lot was a lot of record on June 16, 1981.

Hardship - There is no definition of a “hardship”. Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.

2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.

3. Inability to put the property to its most profitable use DOES NOT constitute a “hardship”.

4. Mere inconvenience to the applicant is not sufficient grounds for determining a “hardship”. In granting a variance the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance.


1612
WELCOME
1616


1608
CPI
WELCOME

KINGSPORT
TENNESSEE
Planning Department

TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: October 18, 2023

RE: 1270 Ridgetop Trail

The Board is asked to consider the following request:

Case: BZA23-0332 – The owner of property located at 1270 Ridgetop Trail, Control Map 033P, Group A, Parcel 043.00 requests a 12 foot side yard variance and 3 foot side yard variance to Sec. 114-183(e)(1)d for the purpose of constructing an attached garage and swimming pool for a new single family home. The property is zoned R-1B, Residential District.

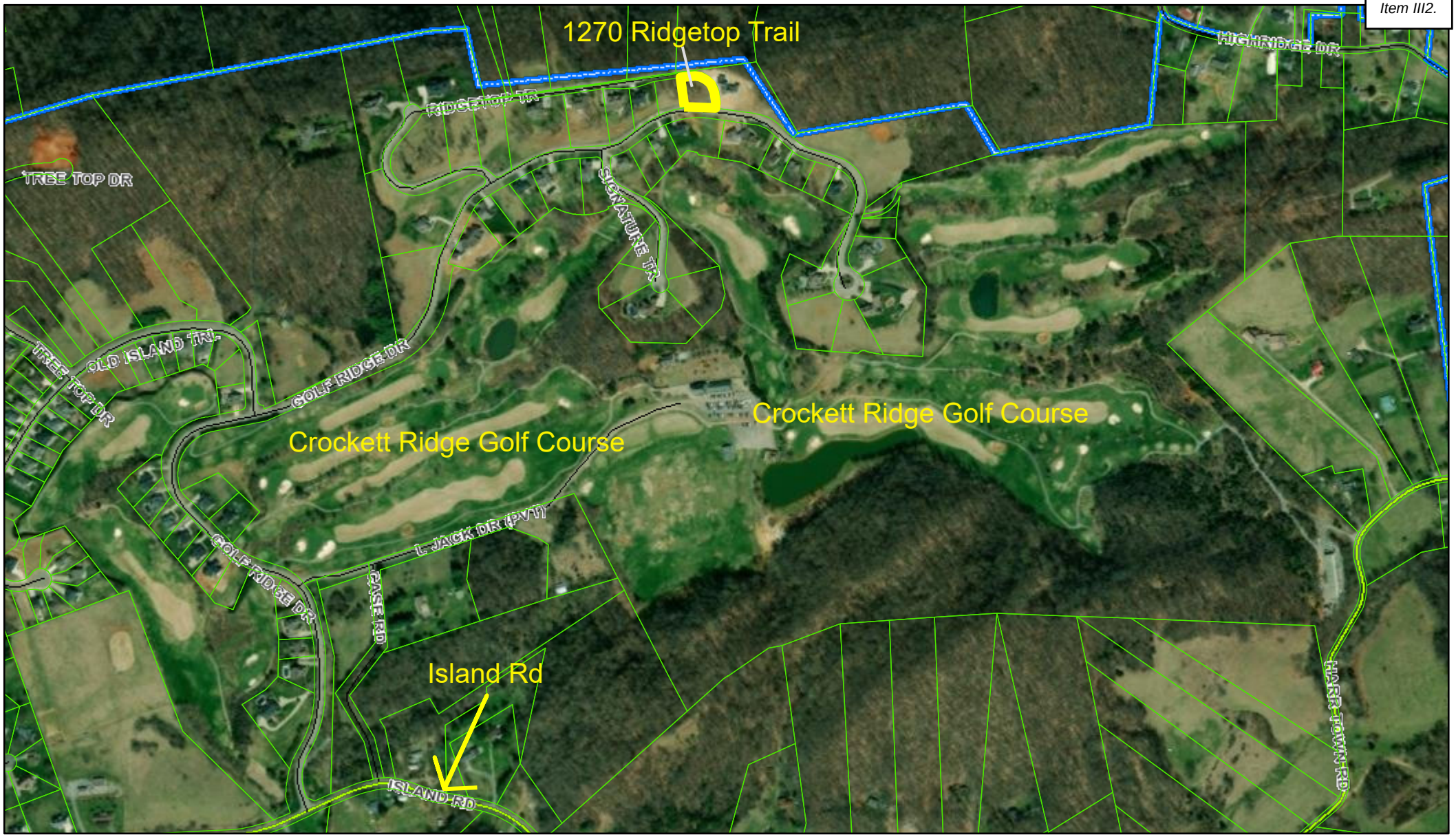
Code reference:
Sec. 114-183. - R-1B, Residential District.

(e)Dimensional requirements. The minimum and maximum dimensional requirements for the R-1B district are as follows:

(1)Minimum requirements.

a. Lot area, 7,500 square feet.
b. Lot frontage, 50 feet.
c. Front yard, 30 feet.
d. Each side yard, eight feet.
e. Rear yard, 30 feet.
f. Usable open space, not applicable.

ArcGIS Web Map



10/18/2023, 3:51:15 PM

Sullivan County Parcels Jan 2023

Parcels

Urban Growth Boundary

Streets

Interstate

Expressway

Major Arterial

Minor Arterial

Collector Street

Local Street

Private Street

Ramp

1:9,028

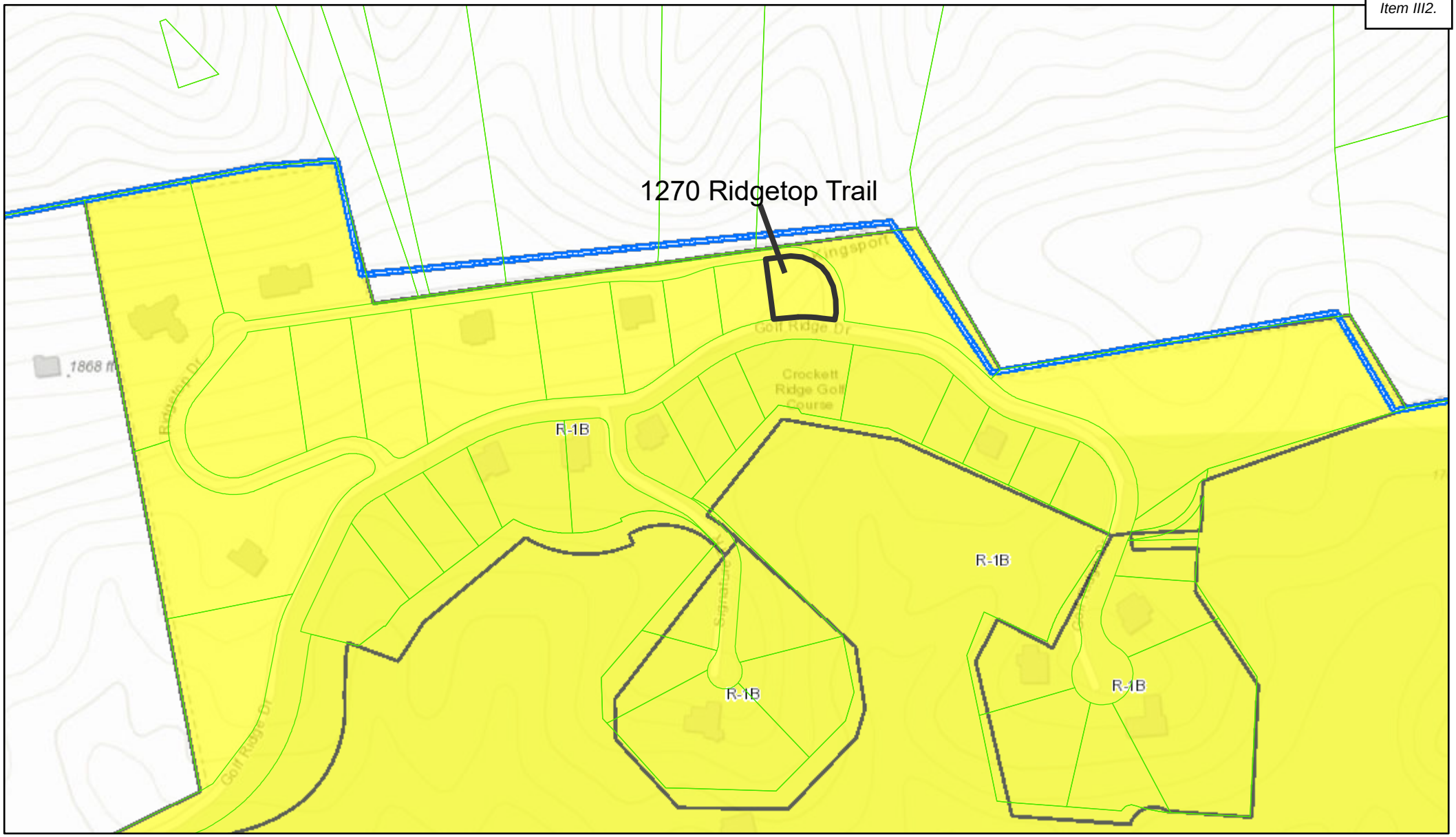
0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

NC CGIA, Maxar

Web AppBuilder for ArcGIS

ArcGIS Web Map



10/19/2023, 10:22:19 AM

Sullivan County Parcels Jan 2023

Parcels

City Zoning

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TA/C

R-5, GC, B-2E, A-1, A-2, AR, B-1, B-2, B-3, B-3, B-4, B-4P, B-4P, BC, GC, M-1, M-1R, M-2, MX, P-1, P-D, PBD-3, PBD/*, PD, PMD-1, PMD-2, PUD, PVD

1:4,514

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.2 km

Tennessee STS GIS, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Web AppBuilder for ArcGIS

APPLICATION
Board of Zoning Appeals

Kingsport

APPLICANT INFORMATION:

Last Name	**Honaker**	First	**Cassandra**	M.I.	**L**	12 oct 2023	
Street Address	**1544 Belmeade Dr**			Apartment/Unit #			
City	**Kingsport**	State	**TN**	ZIP	**37664**		
Phone		E-mail Address	casshonaker@gmail.com				

PROPERTY INFORMATION:

Tax Map Information	Tax map: **033P**	Group: **A**	Parcel: **043.00**	Lot:			
Street Address	**1270 Ridgetop Rail**			Apartment/Unit #			
Current Zone	**R-1B**	Proposed Zone	**No change**				
Current Use	**Singlefamily**	Proposed Use	**No change**				

REPRESENTATIVE INFORMATION:

Last Name	**Stone**	First	**Mike**	M.I.	**A.**	Date	**12 Oct 2023**
Street Address	**2141 Moccasin Street South**			Apartment/Unit #			
City	**Kingsport**	State	**TN**	ZIP	**37660**		
Phone	**423-418-3333**	E-mail Address	mike@mikestonesrchitect.com				

REQUESTED ACTION:

12ft Encroachment upon the northernmost setback for garage, 3ft encroachment of pool on southernmost setback, and placement of pool partially in the side yard.

DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

Signature: Cassandra Honaker Date: 10/16/2023

Signed before me on this 16th day of Oct., 2023

a notary public for the State of Tennessee

County of Sullivan.

Notary Angela Ricker

ANGELA RICKER
STATE OF TENNESSEE NOTARY PUBLIC
SULLIVAN COUNTY

LEGEND

PROPERTY LINE (THIS PROJECT)
PROPERTY LINE (OTHER)
SETBACK / EASEMENT
PROPOSED ADDITION
EXISTING CONTOUR MINOR — 1202
EXISTING CONTOUR MAJOR — 1200
NEW CONTOUR MINOR — 1202
NEW CONTOUR MAJOR — 1210
EXISTING PAVEMENT
NEW ASPHALT PAVEMENT
NEW FLAT GRASSY YARD

SMALL TREE | SHRUB | LOW GROWTH

	EXISTING	NEW
SANITARY SEWER	SAN (E)	SAN
STORM SEWER	ST (E)	ST
WATER LINE	W (E)	W
UNDERGROUND ELECTRICAL	UE (E)	UE
GAS LINE	GAS (E)	GAS
CHAIN LINK FENCE		
POWER POLE	PP (E)	PP
LIGHT POLE	LP (E)	LP
CLEAN OUT	CO (E)	CO
MAN HOLE	MH (E)	MH
GAS VALVE	GV (E)	GV
FIRE HYDRANT	FH (E)	FH
WATER METER	WM (E)	WM

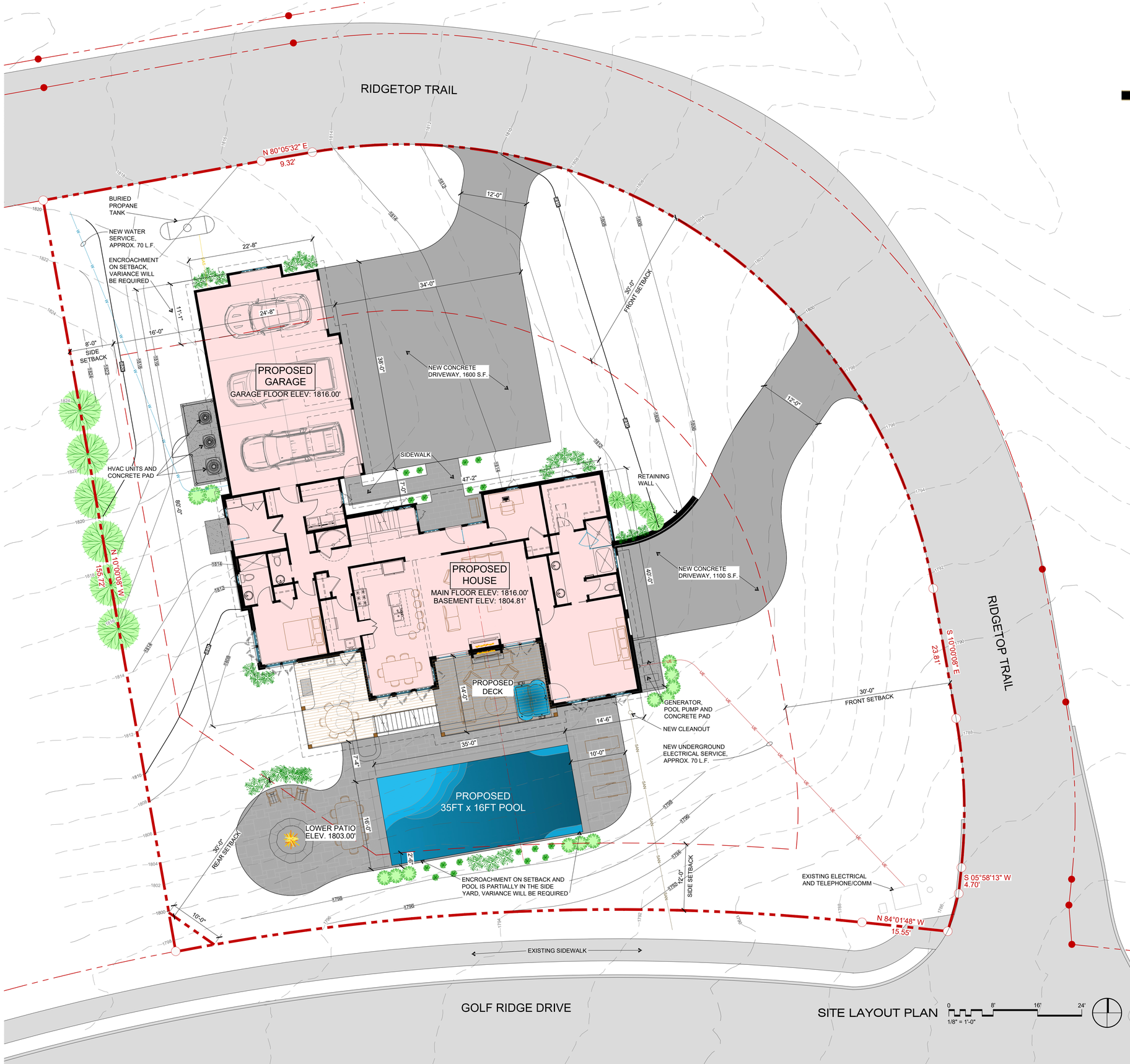
DIRECTION OF SURFACE RUNOFF

GRADING NOTES

1. FILL MATERIAL SHALL BE COMPACTED AND SHALL GAIN THE APPROVAL OF A GEOTECHNICAL ENGINEER PRIOR TO PLACING THE FOOTINGS OR SLAB.
2. PROVIDE POSITIVE DRAINAGE TO ALL LOW POINTS TO PREVENT PONDING OF SURFACE RUN-OFF.
3. IT SHALL BE THE CONTRACTORS' RESPONSIBILITY TO LEAVE THE SITE ADEQUATELY PROTECTED AGAINST EROSION, SEDIMENTATION, OR ANY DAMAGE TO ANY ADJACENT PROPERTY AT THE END OF EACH DAY'S WORK.
4. THE CONTRACTOR IS RESPONSIBLE FOR ADEQUATELY CLEANING EQUIPMENT PRIOR TO LEAVING CONSTRUCTION SITE, SO AS NOT TO TRACK MUD, ASPHALT, ETC., ONTO PUBLIC RIGHT-OF-WAY. THE CONTRACTOR IS RESPONSIBLE FOR ANY CLEAN-UP OPERATIONS ON ADJACENT PROPERTY OR PUBLIC RIGHT-OF-WAY DUE TO MUD, ASPHALT, ETC., THAT IS TRACKED FROM THE CONSTRUCTION SITE.
5. ALL STREETS, STORM SEWER PIPES, DROP INLETS, AND CURB INLETS SHALL BE CLEANED OF DEBRIS AND ERODED MATERIAL DURING THE FINAL STAGE OF CONSTRUCTION.

SITE UTILITY NOTES

1. SANITARY SEWER LINE SHALL TIE INTO AN EXISTING CITY SEWER. CONFIRM EXACT TIE-IN LOCATION, PIPE SIZE, AND OTHER DETAILS WITH THE CITY OF KINGSPORT WATER DEPARTMENT. PROVIDE A CLEANOUT WHERE SEWER EXITS THE HOME.
2. PROVIDE NEW STORM PIPING TO CONNECT TO DOWNSPOUTS AND SLOPE TO DAYLIGHT.



SITE LAYOUT PLAN

MIKE STONE ARCHITECT, P.C.
423.418.3333
mike@mikestonearchitect.com

no.	date	revision	by

New Residence for:

Charles and Cassie Honaker

1270 Ridgetop Trail - Kingsport, 37664

PROGRESS PRINT
10/13/2023
NOT FOR CONSTRUCTION

ISSUE DATE

DRAWN BY

DRAWING NAME
SITE LAYOUT PLAN

C1.1

N

0' 50' 100'

SCALE: 1 INCH = 50 FEET

006967

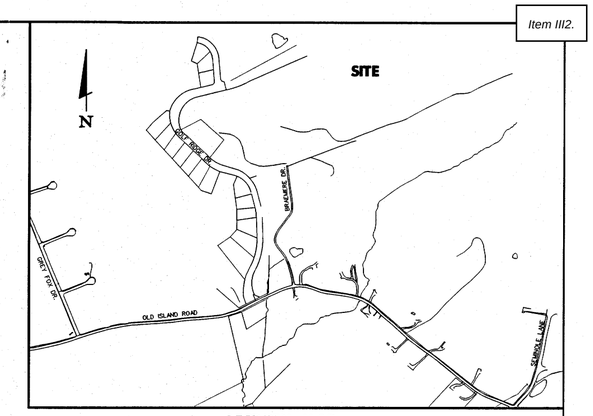
BOOK P0053 PAGE 0125

Slide A-760

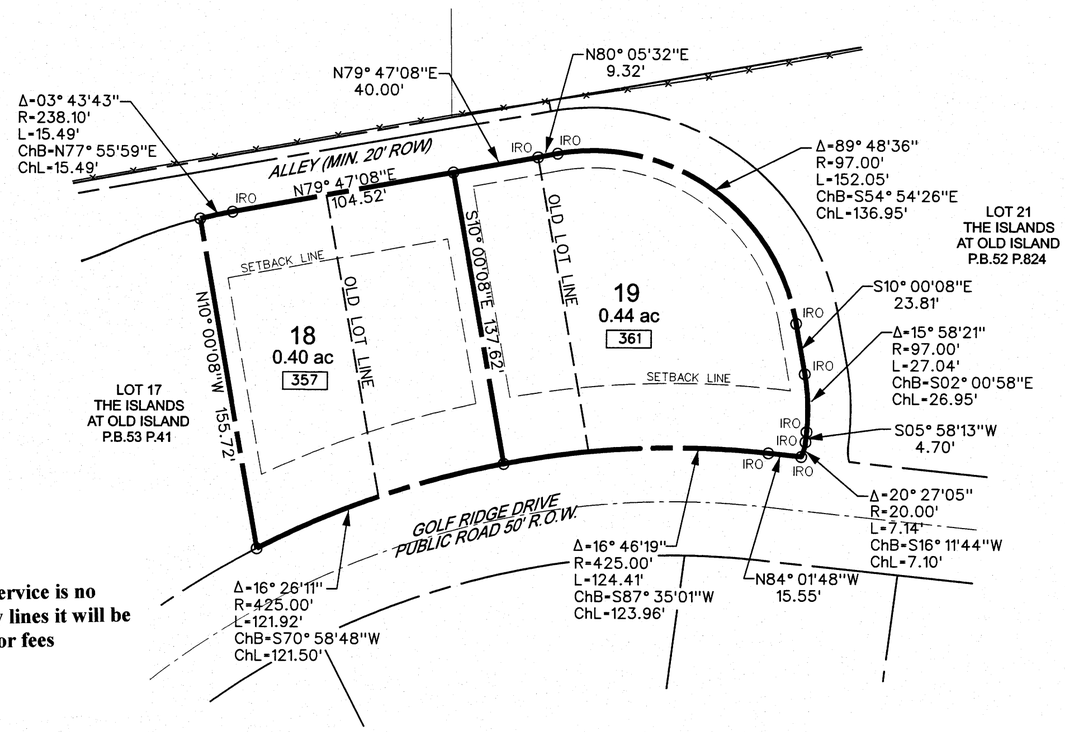
MARY LOU DUNCAN
REGISTER OF DEEDS
SULLIVAN COUNTY, TENNESSEE

21 Apr 2010		TIME	09:45 a
BOOK	P0053	PAGE	0125
TAX		C	CF 2.00
FEE	15.00	TOTAL	17.00

RECEIPT NO. 2010-124726



VICINITY MAP



If water meters and/or sewer service is no longer within the new property lines it will be the Developers responsibility for fees associated with relocation.

NOTES:

1. BEARINGS ARE BASED ON PREVIOUSLY RECORDED DEEDS.
2. DEED REFERENCE:
   TAX MAP 32, 7th CIVIL DISTRICT
   PLAT BOOK 52 PAGE 824
3. PROPERTY ZONED: R1-B RESIDENTIAL
   SETBACKS : 30' FRONT & REAR
   8' SIDE
4. FLOOD MAP: 47163C0070D, EFFECTIVE DATE SEPT. 2006.
   THE PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.
5. UTILITY PROVIDERS:
   WATER: CITY OF KINGSPORT
   SANITARY SEWER: CITY OF KINGSPORT
   TELEPHONE: EMBARQ
   ELECTRIC: AMERICAN ELECTRIC POWER
   CABLE: CHARTER COMMUNICATIONS
6. 361 - 911 ADDRESS
7. UTILITY EASEMENTS:
   - 15 FOOT UTILITY EASEMENT ALONG FRONT LOT LINES.
8. IRON RODS NEW SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.

JAN E. STOUT
REGISTERED LAND SURVEYOR
IN AGRICULTURE & COMMERCE
TENNESSEE NO. 2018

BWSC BARGE WAGGONER SUMNER & CANNON, INC

FOUR SHERIDAN SQUARE, SUITE 100, KINGSPORT, TENNESSEE 37660
PHONE: 423-247-5525 FAX: 423-247-6233
www.bargewaggoner.com

CERTIFICATE OF APPROVAL OF PUBLIC WATER SYSTEM

I HEREBY CERTIFY THAT THE PUBLIC WATER UTILITY SYSTEM INSTALLED OR PROPOSED FOR INSTALLATION FULLY MEETS THE REQUIREMENTS OF THE PUBLIC WATER UTILITY SYSTEM AND IS HEREBY APPROVED AS SHOWN.

4-6, 20 10
DATE

AUTHORIZING AGENT

CERTIFICATION OF THE APPROVAL FOR 911-ADDRESSING ASSIGNMENT

I HEREBY CERTIFY THAT THE ADDRESSES, AS NOTED ON THE FINAL PLAT, ARE APPROVED AS ASSIGNED.

April 1, 20 10
DATE

Constance Campbell
CITY G.I.S. DIVISION OR SULLIVAN COUNTY DIRECTOR OF 911 ADDRESSING OR HIS/HER AUTHORIZED REPRESENTATIVE

CERTIFICATE OF OWNERSHIP AND DEDICATION

I(WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER (S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I(WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, ESTABLISH THE BUILDING LINES, AND DEDICATE ALL STREETS ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

April 1, 20 10
DATE

OWNER
dba Lifestyle Dev Co, LLC

CERTIFICATE OF ACCURACY

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE KINGSPORT, TENNESSEE REGIONAL PLANNING COMMISSION AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON.

_____, 20____
DATE

SURVEYOR

(OR)

I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 AS SHOWN HEREON.

Oct 26, 20 09
DATE

SURVEYOR TN. REG. NO.

CERTIFICATION OF THE APPROVAL OF STREETS

I HEREBY CERTIFY: (1) THAT STREETS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO THE SPECIFICATIONS OR, (2) ADEQUATE RIGHTS-OF-WAY DEDICATION UPON AN EXISTING PUBLIC ROAD SHALL SERVE THESE LOTS AS PROPOSED.

4/16/, 20 10
DATE

CITY ENGINEER OR COUNTY ROAD COMMISSIONER

CERTIFICATION OF THE APPROVAL OF SEWERAGE SYSTEM

I HEREBY CERTIFY THAT THE SEWERAGE DISPOSAL SYSTEM INSTALLED OR PROPOSED FOR INSTALLATION FULLY MEETS THE REQUIREMENTS OF THE TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION AND IS HEREBY APPROVED AS SHOWN.

4-6, 20 10
DATE

TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION
OR
KINGSPORT AUTHORIZING AGENT

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR KINGSPORT, TENNESSEE, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE Deputy REGISTER. IF REQUIRED, A SURETY BOND IN THE AMOUNT OF $ _____ HAS BEEN POSTED WITH THE KINGSPORT REGIONAL PLANNING COMMISSION TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT.

April 20, 20 10
DATE

SECRETARY:

KINGSPORT MUNICIPAL/REGIONAL PLANNING COMMISSION

RE-PLAT LOTS 18 & 19
THE ISLANDS AT OLD ISLAND

KINGSPORT REGIONAL PLANNING COMMISSION

TOTAL ACRES	0.84	TOTAL LOTS	2
ACRES NEW ROAD/ALLEYS	0	MILES NEW ROAD	0
OWNER	LIFESTYLE DEVELOPMENT, LLC	CIVIL DISTRICT	7th
SURVEYOR	JAN STOUT	CLOSURE ERROR	1:10,000

SCALE: 1" = 50'

Variance Worksheet – Finding of Facts

Variances. Except as provided herein to hear and decide applications for variance from the terms of this chapter, because of exceptional narrowness, shallowness or shape of a specific piece of property which on June 16, 1981, was a lot of record or where, because of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of this chapter would result in peculiar and exceptional practical difficulties to exception or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before any variance is granted, the board must find all of the following, which shall be recorded, along with any imposed conditions or restrictions, in minutes and records and issued in written form to the applicant to constitute proof of the variance:

a. 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.

This is a corner lot with a steep existing topographical slope. The garage is best suited where proposed due to grade, and the pool will need to encroach partially into the side yard setback due to the odd lot shape.

b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.

The applicant would be deprived of being able to build a 3rd garage bay on level with the main floor, and would also not be able to have a pool if strict application were applied.

c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.

Correct

d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

Visibility around this curve will remain preserved and will maintain the character of the neighborhood by allowing this applicant to build a 3 car garage and pool which is common for the neighborhood and surrounding area.

Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area or density above the maximum permitted by the zoning district; allowing a use other than those specifically authorized by this chapter in the applicable zoning district; or from the denial of a zoning permit when such denial is due to the fact that such lot has no frontage on a public street unless such lot was a lot of record on June 16, 1981.

Hardship - There is no definition of a “hardship”. Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.

2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.

3. Inability to put the property to its most profitable use DOES NOT constitute a “hardship”.

4. Mere inconvenience to the applicant is not sufficient grounds for determining a “hardship”. In granting a variance the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance.

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

October 12, 2023, Regular Meeting

Noon
Montgomery-Watterson Boardroom, City Hall

Members Present:
Bill Sumner
Tracey Cleek
Calvin Clifton

Members Absent:
Joe White
Wes Combs

Staff Present:
Lori Lane
Ken Weems

Visitors:
Travis Featherstone
Minnie McGriffin
Michael McGriffin
Cynthia Struck
Jason Pratt

Chairman Sumner called the meeting to order at 12:01p.

Chairman Sumner explained the meeting procedures.

Ms. Lori Lane conducted the swearing in ceremony for those wishing to speak during the regular meeting. Travis Featherstone, Cynthia Struck, and Jason Pratt were sworn in.

Public Hearing:

Case 23-0303 – The owner of property located at 4232 Rustic Way, Control Map 062F, Group E, Parcel 06.66 requests a 900 square foot variance to Sec. 114-133(2) for the purpose of constructing an accessory structure to store recreational vehicles. The request is to exceed the maximum square footage allowance for an accessory structure. The property is zoned R-1B, Residential District.

Mr. Jason Pratt presented the case to the Board. Mr. Pratt stated that he needed extra enclosed space to store his boat and RV camper. Mr. Pratt stated that he had a larger lot than most in the neighborhood due to combining lots several months ago. Staff stated that two complaints and one message of support had been received. The two complaints were centered around the owner potentially running a business out of the proposed structure and the commercial appearance of the structure.

Chairman Sumner, seeing no one wishing to speak further on the item, closed the public hearing.

Case: BZA23-0305 – The owner of property located at 134 Cherokee Street, Control Map 046P, Group C, Parcel 036.00, requests a zoning interpretation/ administrative review of Sec 114-194(e)2(a). The property is zoned B-2, Central Business District.

Mr. Featherstone introduced himself to the Board and presented the case. Mr. Featherstone stated that he is seeking an accessory structure designation from the Board concerning a proposed building on his lot that will house a bathroom, supply closet, and picnic benches for people to use at his proposed food truck lot. Staff similarly stated that the proposed building can be seen both ways and that the most defensible way to judge the project is to obtain an either principal or accessory designation from a Board of Zoning Appeals zoning interpretation. Staff's main concern was the size of the proposed structure, and that it could possibly be used as a principal structure once the property is no longer used as a food truck lot.

Chairman Sumner, seeing no one wishing to speak further on the item, closed the public hearing.

Adjudication of Cases:

Case 23-0303 – The owner of property located at 4232 Rustic Way, Control Map 062F, Group E, Parcel 06.66

The Board acknowledged the larger size of the parcel compared to those surrounding it.

MOTION: made by Ms. Cleek, seconded by Mr. Clifton, to grant the 900 square foot variance for the proposed detached garage, with the condition that the building match the colors of the house it serves.

VOTE: 3-0 to approve the request.

Case: BZA23-0305 – The owner of property located at 134 Cherokee Street, Control Map 046P, Group C, Parcel 036.00,

The Board completed a zoning interpretation/administrative review of Sec 114-194(e)2(a) for the subject parcel to determine whether the proposed structure for the site is a principal or accessory structure.

MOTION: made by Mr. Clifton, seconded by Ms. Cleek, to recognize the proposed structure as accessory to the function of the property.

VOTE: 3-0 to approve the request.

With no further business the meeting was adjourned at 12:45 p.m.

Respectfully Submitted,

Jessica McMurray

Jessica McMurray
Development Coordinator