

Report on the Last 10 Years of Zoning Variances

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This report serves as the min-project for UT IPS internship. I was tasked with researching and categorizing the last ten years of zoning variances through the minutes of the Board of Zoning Appeals. The goal was to find any changes that may be needed to the zoning ordinance.

Process

For each variance I recorded: the street, the zone, the type of variance, the dimensions, the result of the appeal, and the date. Variance types that I declined to record were: non-compliance, special exception, administrative review, vehicle zoning, and commercial parking within residential. I felt as these cases either did not fit within my categorization or were not important to the resulting data. After categorizing all the appeals in the master copy (see attached), I sorted and analyzed into the attached tables and charts. While recording my data I discovered one outlier. This was a request for 20 different minimum lot size variances that occurred in 2019 by dividing an existing mixed used plot along Cox Hollow Road. This drastically increased the amount of data for the street, zone, type, and year so I removed them from most of my analysis where noted.

Findings

Variance Type

The top three variance types requested were by far front, rear, and side yard respectively. Combined these three made up 113/276 variances accounting for approximately 41% of the total [Table 1]. That number percentage is increased to 44% with the exclusion of the outlier [Table 2]. Two additional variances of note that where above 5% of the total were wall sign area and planting strip reduction. Any variance that was either requested once or twice was incorporated into an “Other” category because they accounted for less than 1% of the total. Additionally, I

included Table 3 to combine relevant variances together which also reduced the “Other” category by combining some of the less common aspects of variance with those that are more common such as Freestanding Signs. Table 3 then shows that Freestanding signs takes the 4th most common variance followed behind by all other signs which includes Wall and Directional.

Zoning Districts

Requested variances were dominated by two zoning districts: R-1B Residential and B-3 Highway-Oriented Business. These numbers were not even close with each district accounting for around 30% of the total [Table 5]. I assume that these are the most common zones seeing as they represent so much of the recorded variances. These numbers also support the top types of variances being yard and sign related. Yard variances are pretty much the only variances requested for residential besides accessory structure. Businesses (especially along a highway) also want more elaborate signs to attract new customers. The only other notable zone is B-4P Planned Business which goes along the same lines as B-3 in regards to variances but I assume are not as prevalent with 13% of the total. The rest of the zones are just a handful of variance and even some zones that did not apply for variances such as M-1 and M-2 which have more relaxed restrictions. To further emphasize the point of residential and business dominating variances see Table 6. I combined all variances into Residential, Business, and Other which shows that all non-residential and non-business only account for 17% of the total.

Streets

While recording I began to notice a trend in certain streets. These obviously would be the largest streets in the City of Kingsport which draw in the majority of the commerce for the city. These streets include: Fort Henry Drive, Lyn Garden Drive, Stone Drive, Rock Springs Road, and Center Street. All of these are either B-3 or B-4P. Cox Hollow Road was also up there due to

the outlier [Table 7]. Without the outlier these make up 34% of all variances. In Table 8 I compared how these top streets compared to each other showing that Fort Henry Drive dominated doubling the next street and each of the Center Streets coming in half of the next lowest. However, if both East and West Stone Drive are combined they would be the largest of these top streets.

Year

Categorizing the variances by year mainly served as a way to return to the source material and was not primarily helpful in determining much information. However, up creating a graph of the data I found that it is almost a very nice bell curve [Chart 6]. The exceptions are 2016 and 2022 both of which are 3 away from the peak of 2019. Additionally, 2019 is where the outlier was that would normally add 20 additional variances to peak, but even without that 2019 is the center. There is one explanation for this—Covid. The two highest years for 2019 and 2020 which left a lot of people and or companies stuck at home or without customers. That would be a great time to start some home improvement projects or renovating to draw in more customers. Also of note I only have through May of 2024 so that bar could exceed 2023.

Results

The results of appeals were overwhelmingly approved with 87.86% [Table 11]. Only 6.16% were deferred to future BZA meetings with a most of those resulting in eventual approvals. Only around 4% were denied showing that the planning team has a good understanding of what appeals to assist with and bring to the board. A handful of the requests were altered (both more and less than was asked for) and only 2 resulted in no need for a board ruling. The data shows that someone going up for an appeal has a good chance of being granted

their request as long as they do demonstrate some form of hardship which was often the case in this research.

Recommendations

This section will be my opinions and suggestions to amendments to the Zoning Ordinance if any. The data used comes from Table 12 which consists of the 5 number summary calculated through 1-Var Stats after creating lists of all the dimensions for the top 8 variance types. I did not do any statistics on anything with under ten appeals because there would not be any meaningful statistics. Each of these categories would serve as their own population which would calculate the standard deviation as such. The letter “n” represents sample size, “Mean” is the average, “ σ ” is population standard deviation, “Q1” is the data point that 25% of the data falls under, and “Q3” is the same except where 25% falls above. The median was calculated for each of these but I determined it was not beneficial to my analysis. For use of reference zoning ordinances I will use R-1B and B-3 as those were the most prominent zones I do acknowledge that different zones have different minimums and that combining all of them will impact the data. However, sorting by zones AND variance type would result in less amount of data per category and not even have the grounds for amendment due to the lack of enough appeals.

Front Yard

The average requested variance was 12.06 feet with a standard deviation of 10.52. This is a large SD compared to the mean so the data is considerably spread out. Of note is a Q1 of 5 feet. This means that if the zoning code was reduced by 5 feet then 25% of Front Yard variance requests could be eliminated. The current minimum requirement for R-1B is 30 feet--Sec 114-183(e)1(c) [City of Kingsport]. However, this amount of reduction would only result in a 4%

reduction in appeals. A threshold of 5% will be the grounds for amendments to the ordinance.

Future study may be helpful on specific front yard variances.

Recommendation: not necessary

Rear Yard

The average requested variance was 26.46 feet with a standard deviation exceeding the mean with 26.59. The data is not correlated enough to determine a change to the zoning code. Additionally, Q1 and Q1 along with the mean and SD are drastically higher than Front Yard variance. The Q1 alone is almost half of the minimum distance for R-1B—Sec. 114-183(e)1(e) [City of Kingsport]. This is most likely because of projects being added in the back as usually required by other parts of the zoning ordinance.

Recommendation: not recommended

Side Yard

The average requested variance was 9.5 feet with a standard deviation of 9.46 feet. As with the above section this data cannot be used to recommend an amendment. Additionally, These two number exceed the 8 feet for R-1B minimum side yard—Sec. 114-183(e)1(d) [City of Kingsport]—showing that the data is spread out among different zones and not enough in individual zones to recommend an amendment.

Recommendation: not recommended

Planting Strip

The average requested variance was 17.71 feet and a standard deviation of 8.96 feet. This data does have some grounds to suggest an amendment. The Q1 is 10 feet so 25% of appeals could be eliminated with a reduction of 10 feet; however, that would only be a reduction of 1.5%

of total appeals. Planting strips are good for rain water management and human enjoyment so a reduction in favor of more built environment is not advisable.

Recommendation: not recommended

Wall Sign Area

The average requested variance was 87.91 sq. feet with a standard deviation of 83.9 sq. feet. As with previous sections this does give the data grounds for an amendment. Additionally, sign area is contingent based on physical size of the business so there is a lot of variability that cannot be determined with simply the information given.

Recommendation: not recommended

Freestanding Sign Area

The average requested variance was 124.52 sq. feet with a standard deviation of 152.68 sq. feet. As with wall signs, this data does not have the grounds for an amendment and the area depends on the size of the establishment.

Recommendation: not recommended

Accessory Structure Area

The average requested variance was 674.2 sq. feet with a standard deviation of 306.51 feet. There is some grounds for amendment with this data. There has also been a recent amendment to accommodate larger properties wishing to build accessory structure by adding the condition of not exceeding 2% of the land area instead of being subject to a set square footage. Furthermore, Q1 is 372 sq. feet which would be a large amendment to such a few amount of appeals amounting to around 1% of the total.

Recommendation: not recommended

Parking Reduction

The average requested variance was 28.7 spaces with a much higher standard deviation of 36.17 spaces. The data does not have grounds for an amendment. Q1 is only 6 which is the smallest proportion compared to the mean for any of the top variance types, but that is such a small number for the amount of appeals this may alleviate that it is not worth it. Of note, a good portion of all the requested parking variances were new Dollar Generals all citing they did not need as much parking to accommodate their customers. Dollar generals would also be built in smaller less desirable places making adding enough parking difficult.

Recommendation: not recommended.

Conclusion

The current zoning ordinance adequately serves the City of Kingsport. In total there were only 276 requests, a number I was expecting to a lot larger, with the vast majority immediately being approved. The primary zones requesting variance were R-1B and B-3 with the top three types being Front, Rear, and Side yard variances. There is no need for any amendments to the zoning code.

References

City of Kingsport. (2022). Chapter 114-Zoning, Code of Ordinances. [Mini TOC: Chapter 114 - ZONING | Code of Ordinances | Kingsport, TN | Municode Library](#), accessed 6/17/2024.