

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

July 6, 2023, Regular Meeting

Noon

Montgomery-Watterson Boardroom, City Hall

Members Present:

Bill Sumner
Tracey Cleek
Joe White

Members Absent:

Wes Combs
Calvin Clifton

Staff Present:

Angie Marshall
Ken Weems
Jessica McMurray

Visitors:

Bill Weigel
Gary Hayes
Vincent Ha
Dallen "Travis" Dayley
Matthew Lee
Stewart Taylor
Danny Karst

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

Chairman Sumner explained the meeting procedures.

Ms. Angie Marshall conducted the swearing in ceremony for those wishing to speak during the regular meeting. All visitors were sworn in.

Public Hearing:

Case: 23-0202 – The owner of property located at 2810 E. Stone Drive, Control Map 047, Parcel 023.20 requests a 60.36 square foot variance to Sec 114-533(8)a(1)a and a 86.38 square foot variance to Sec 114-533(8)b. The purpose of the requests is to exceed maximum size requirements for both freestanding and wall signs for a new commercial building. The property is zoned B-3, Highway Oriented Business District.

Mr. Gary Hayes introduced himself and Mr. Bill Weigel to the Board. Mr. Hayes stated the requested freestanding and wall sign additions were needed due to the extreme distance of the building to E. Stone Drive. Mr. Hayes noted that a detention pond and TDOT right-of way also presented issues.

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

Case: 23-0206 – The owner of property located at 1789 N. Eastman Road, Control Map 047P, Group C, Parcel 057.50 requests a 27 foot 3.5 inch planting strip boundary variance to Sec 114-600(4)a for the

purpose of constructing a new commercial building. The property is zoned B-3, Highway Oriented Business District.

Mr. Vincent Ha introduced himself to the Board. Mr. Ha explained that a small portion of the parking lot in the planting strip boundary is the reason behind request and the majority of the planting strip boundary is not disturbed. Mr. Ha noted he is aware of the landscaping requirements in the planting strip boundary and will comply with those requirements.

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

Case: 23-0213 – The owner of property located at 4604 Matilda Place, Control Map 062E, Group C, Parcel 059.00 requests approval from the Board of Zoning Appeals to Sec 114-563(4) to park an ice cream truck (commercial vehicle) at the residence. The property is zoned R-1B, Residential District.

Mr. Dayley introduced himself to the Board. Mr. Dayley explained he is seeking approval to park an ice cream truck in his driveway. Mr. Dayley noted the truck was parked on the street for a short time but has since been moved in his driveway. Mr. Dayley stated the truck is not currently operational and no ice cream is being sold on or off the premises. He explained he intends to restore the truck this winter. Staff noted eight (8) phone calls had been received from neighbors not in favor of the request.

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

Case: 23-0219 – The owner of property located at 5011 Preston Park Dr, Control Map 047M, Group D, Parcel 027.00 requests a 20 foot front yard variance to Sec 114-182(e)(1)c for the purpose of constructing a new single-family home. The property is zoned R-1A, Residential District.

Mr. Matthew Lee presented the case to the Board. Mr. Lee stated that limestone embankment in the rear of the parcel is the reason behind the request. Mr. Lee stated he was able to move the home as close to the rear yard as possible, leaving approximately 10 feet for a backyard area. Mr. Lee explained that the lot has an approximate 10 foot rise before it levels out and for that reason he is building a one level 7,000 square foot ranch. Mr. Lee noted the subdivision restrictions require a minimum of 3,000 square foot on the first level. Staff noted that other property owners in the area have made the same request and that three (3) phone calls were received from neighbors all in favor of the request.

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

The Chairman opened the business meeting. A motion was made by Tracy Cleek, seconded by Joe White, to approve the minutes of the June 1, 2023 regular meeting. The motion was passed unanimously, 3-0. Staff stated for the record that the next application deadline is July 15, 2023 for the next regular meeting to be held on August 3, 2023.

Adjudication of Cases:

Case: 23-0202 – The owner of property located at 2810 E. Stone Drive, Control Map 047, Parcel 023.20

The Board acknowledged the hardship of the location of the subject parcel due to its extreme distance from the main road, detention pond and TDOT right-of way.

MOTION: made by Mr. White, seconded by Ms. Cleek, to grant the 60.36 square foot freestanding sign and 86.38 square foot wall sign variance as requested.

VOTE: 3-0 to approve the request.

Case: 23-0206 – The owner of property located at 1789 N. Eastman Road, Control Map 047P, Group C, Parcel 057.50

The Board acknowledged the hardship of the irregular lot shape of the subject parcel, noted the majority of planting strip boundary is not disturbed and the applicants intent to comply with all landscaping requirements for the planting strip boundary.

MOTION: made by Ms. Cleek, seconded by Mr. White, to grant the 27 foot 3.5 planting strip boundary variance as requested.

VOTE: 3-0 to approve the request.

Case: 23-0213 – The owner of property located at 4604 Matilda Place, Control Map 062E, Group C, Parcel 059.00

The Board acknowledged the applicant's intent to restore the truck and that it is currently parked in his driveway. The Board explained the applicant has the option of screening the truck so that is not visible to neighbors. The Board agreed a six (6) month compliance period is appropriate giving the applicant ample time to move or screen the truck from view. The Board noted if compliance is not met at the end of the six (6) month compliance period the truck must be removed from the property.

MOTION: made by Mr. White, seconded by Ms. Cleek, to deny the request but with a date of zoning compliance extended for 6 months.

VOTE: 3-0 to deny the request, with the date of compliance being January 6, 2024.

Case: 23-0219 – The owner of property located at 5011 Preston Park Dr, Control Map 047M, Group D, Parcel 027.00

The Board acknowledged the hardship of the limestone embankment in the rear of the subject parcel.

MOTION: made by Ms. Cleek, seconded by Mr. White, to grant the 20 foot front yard variance for the proposed 7,000 square foot one level single family home as requested.

VOTE: 3-0 to approve the request.

With no further business the meeting was adjourned at 1:10 p.m.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Jessica McMurray". The script is fluid and cursive, with the first letters of each word being capitalized and prominent.

Jessica McMurray
Development Coordinator