

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

August 1, 2024, Regular Meeting

Noon

Montgomery-Watterson Boardroom, City Hall

Members Present:

Bill Sumner
Calvin Clifton
Joe White
Wes Combs
Tracey Cleek

Members Absent:

Staff Present:

Lori Pyatte
Ken Weems
Jessica McMurray
Jessica Harmon

Visitors:

Holly Trick
Paul McRoy
Scott Wortmann

Chairman Bill Sumner called the meeting to order at 12:03pm.

Chairman Sumner explained the meeting procedures.

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

Public Hearing:

Case: BZA24-0141 – The owner of property located at 3971 Skyland Drive, Control Map 0620, Group D, Parcel 016.00 requests a 307 square foot variance to Sec. 114-133(2) to exceed the maximum square footage allowance for an accessory structure. The purpose of the request is to install a new metal carport to cover a recreational vehicle. The property is zoned R-1B, Residential District.

Mr. McRoy introduced himself and presented the case to the board. Mr. McRoy stated he recently purchased a recreational vehicle that he currently stores uncovered and parked on the side of his home. He explained the purpose of his request is to construct an unenclosed metal carport in the rear of his home to store the RV. Staff noted no phone calls were received. Chairman Sumner clarified the RV is currently parked on the side of the home and would be relocated to the rear. Mr. McRoy confirmed. Vice Chairman Clifton inquired as to whether the structure would be on concrete footers. Mr. McRoy explained he is looking at different ways to anchor due to the slope and nearby sewer drains and cleanouts. Chairman Sumner clarified with staff that detached, unenclosed carports were considered accessory structures and require permitting. Staff confirmed that yes, carports are considered accessory structures per code. Mr. Combs confirmed the request is an accessory structure square footage variance. Staff confirmed. Mr. McRoy went on to say he is at his limit for accessory structure square footage per code.

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

Case: BZA24-0144 – The owner of property located at 209 W. Wanola Avenue, Control Map 0461, Group C, Parcel 008.00 requests a 2.6 foot side yard (Western) variance to Sec 114-185(e)(1)d for the purpose of constructing a new addition to an existing home. The property is zoned R-2, Two-Family Residential District.

Ms. Holly Trick introduced herself as the representative for the homeowner and presented the case to the board. Ms. Trick stated the homeowner would like to build a small extension in the rear of her home to include a small den, laundry area, and bathroom. Ms. Trick explained that when the existing structure is extended back, it increases the side yard encroachment. Mr. Combs questioned if a variance was in place before. Staff clarified the home is approximately 100 years old and the existing footprint encroaches on the side yard approximately three feet, which was grandfathered when the zoning district was put in place. Staff went on to say the current zoning is R-2 and requires a 10-foot side yard. Staff directed to the board the site plan submitted, pointing out the current setback is 7.7 feet, legal and non-confirming. Staff stated the new addition will encroach into the side yard approximately 2.6 feet, and that is the purpose of the request. Staff noted no phone calls had been received. Staff stated this home is located within a historic district and will have to be before the Historic Zoning Commission. Chairman Sumner noted the hardship is the irregular lot shape and historical designation.

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

Case: BZA24-0146 – The owner of property located at 2626 East Stone Drive, Control Map 0471, Group A, Parcel 018.00 requests approval to Sec 114-533(8)a to permit one additional freestanding sign. The purpose of the request is to install a new multi-panel freestanding sign. The property is zoned B-3, Highway-Oriented Business District.

Mr. Scott Wortmann introduced himself as the owner's representative for Dry Creek Properties and presented the case to the board. Mr. Wortmann stated the purpose of the request is to install one additional freestanding sign at the location shown on the diagram submitted. Mr. Wortmann explained the owner would like to prop up the western end of the Pavilion Shopping Center by drawing attention to stores on the western end. Mr. Wortmann went on to say the eastern side of the property is doing well with Ashley's and Academy Sports moving in. Mr. Wortmann continued on saying the western end is struggling and owners are trying to incentivize tenants to move in. He continued on saying the addition of a smaller pylon sign would allow more visibility to highlight those stores. Staff drew the board's attention to previous meeting minutes in the packet and stated a variance is already in place, allowing six additional outpost signs limited to 40 square feet and no higher than eight feet tall. Staff explained the only variance being requested is the second freestanding sign, and that code does not address size requirements for additional signage. Staff agreed the cited need for hardship is a reasonable request due to the size of the parcel. Mr. Combs questioned the location of the parcel. Mr. Wortmann explained the sign would go in the grassy area between the T-Mobile building and the exit to Stone Drive. Chairman Sumner inquired as if the traffic department had approved the location. Staff stated traffic did not review the request based off the distance from Stone Drive. Staff stated they will share the proposal with the traffic department for review to make sure. Staff noted no phone calls were received.

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

BUSINESS:

Chairman Sumner stated the minutes should reference his questioning of Ms. Rhonda Morris confirming that she did know the people signing the petition and that she had validated all the signatures on the petition, to which Ms. Morris confirmed.

Staff commented there will be BZA training available in November, and more information as to dates and times will be provided.

MOTION: made by Vice Chairman Clifton, seconded by Mr. Combs, to approve the Kingsport Board of Zoning Appeals minutes for July 1, 2024.

VOTE: 5-0 to approve the minutes with noted corrections.

Adjudication of Cases:

Case: BZA24-0141 – The owner of property located at 3971 Skyland Drive, Control Map 0620, Group D, Parcel 016.00 requests a 307 square foot variance to Sec. 114-133(2) to exceed the maximum square footage allowance for an accessory structure. The purpose of the request is to install a new metal carport to cover a recreational vehicle. The property is zoned R-1B, Residential District.

Chairman Sumner asked if there was any additional discussion. There was none.

MOTION: made by Mr. Combs, seconded by Ms. Tracey Cleek, to approve the 307 square foot accessory structure allowance as requested.

VOTE: 5-0 to approve the request.

Case: BZA24-0144 – The owner of property located at 209 W. Wanola Avenue, Control Map 0461, Group C, Parcel 008.00 requests a 2.6 foot side yard (Western) variance to Sec 114-185(e)(1)d for the purpose of constructing a new addition to an existing home. The property is zoned R-2, Two-Family Residential District.

The board noted the hardship is the irregular lot shape and historical designation.

MOTION: made by Mr. Combs, seconded by Vice Chairman Clifton, to approve the 2.6 foot side yard (Western) variance as requested.

VOTE: 5-0 to approve the request.

Case: BZA24-0146 – The owner of property located at 2626 East Stone Drive, Control Map 0471, Group A, Parcel 018.00 requests approval to Sec 114-533(8)a to permit one additional freestanding sign. The purpose of the request is to install a new multi-panel freestanding sign. The property is zoned B-3, Highway-Oriented Business District.

The board noted the hardship is the irregular lot shape and parcel size. Vice Chairman Clifton stated he will abstain from voting.

MOTION: made by Mr. Combs, seconded by Mr. White, to approve one additional freestanding sign as designed and contingent upon traffic review.

VOTE: 4-0-1 to approve the request as designed and contingent upon a traffic review.

With no further business the meeting was adjourned at 12:27pm.

Respectfully Submitted,

Jessica McMurray

Jessica McMurray
Development Coordinator