

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

April 4, 2024, Regular Meeting

Noon

Montgomery-Watterson Boardroom, City Hall

Members Present:

Bill Sumner
Calvin Clifton
Tracey Cleek
Joe White
Wes Combs

Members Absent:

Staff Present:

Lori Pyatte
Ken Weems
Jessica McMurray
Jessica Harmon
Steven Bowers

Visitors:

Jeffery Housewright
Joshua Taylor
Lynn Shipley
Jeremy Fields
Mitch Walters
Joe LaBarber
John Rose
Aaron Rose
Marian Pullham
Richard Rex

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

Mr. Bill Sumner explained the meeting procedures.

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

Mr. Richard Rex and Ms. Marian Pullham, representatives for case BZA24-0038, were not present at the start of the meeting. Chairman Sumner pushed case BZA24-0038 to the end of the public hearing section to allow time for the representatives to arrive.

Public Hearing:

Case: BZA24-0044 – The owner of property located at 185 Rock Springs Road, Control Map 077, Parcel 045.01 requests a 8.1 foot front yard variance to Sec. 114-183(e)(1)c for the purpose of constructing a new single family home. The property is zoned R-1B, Residential District.

Mr. John Rose presented the case to board. Mr. Rose stated he is the current property owner after transferring ownership from Aaron Rose who purchased the property from the city of Kingsport. Mr. Rose explained he is requesting an 8.1 foot front yard variance to construct a single family home due to the small and irregular lot shape. Mr. Rose described the home size as comparable to other houses within a mile of site and constructed with metal siding. Mr. Weems pointed the board to concerns staff

received from neighbors citing concerns with visibility at the Pactolus/Rock Springs tunnel, lot and building square footage size. The board inquired about the distance of site to the tunnel determining it to be approximately 100 feet.

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

At this time, both Marian Pullham and Richard Rex entered the room and were sworn in by Ms. Pyatte

Case: BZA24-0045 – The owner of property located at 1004 Chippendale Road, Control Map 060G, Group E, Parcel 002.00 requests a 20 foot departure from rear yard variance to Sec 114-133(1) for the purpose of constructing a swimming pool and deck. The property is zoned R-1B, Residential District.

Mr. Joshua Taylor, the property owner presented the case. Mr. Taylor explained the request for the rear yard deviation to construct a swimming pool is due to topography. Mr. Taylor went on to say the slope of the backyard is approximately 70% leaving no space to construct the pool in the rear of the home. Vice-Chairman Clifton inquired if pool was to be above ground, Mr. Taylor confirmed. Mr. Weems stated staff had not received any public comment.

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

Case: BZA24-0049 – The owner of property located at 1017 West Stone Drive, Control Map 045D, Group K, Parcel 003.10 requests a 28.1 foot planting strip boundary variance to Sec 114-600(4)a for the purpose of constructing a new Friendship Hyundai Car Dealership. The property is zoned B-3, Highway Oriented Business District.

Mr. Jeremy Fields of Appalachian Design Services presented the case to board. Mr. Fields explained the request was for a 28.1 foot planting strip boundary variance. Mr. Weems pointed the board to the site plan explaining the 28.1 foot request is the most extreme in one small area toward the northwestern rear of the property and the majority of the site met boundary setback requirements. Mr. Weems stated staff had not received any public comment.

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

Case: BZA24-0038 – The owner of property located at 1133 Bloomingdale Pike, Control Map 030O, Group B, Parcel 012.00 requests a 68.6 foot departure from rear yard variance to Sec 114-133(1) for the purpose of permitting a residential accessory structure. The property is zoned R-1B, Residential District.

Ms. Marian Pullham represented the case. She explained Code Enforcement visited her property in August, citing her for the location of a yard barn. Ms. Pullham went on to say she is requesting a departure from the rear yard requirement to permit the yard barn at its current location. She stated the yard barn could not be located behind the home because the backyard is steep and a semi in-ground pool would need to be relocated. Ms. Pullham further explained that relocating the yard barn and pool would be a financial hardship. Mr. Weems pointed the board to emails staff received regarding concerns with vehicles parked in front of the yard barn causing sight distance issues. Board members confirmed the building in question is the building pictured in the packet. Mr. Weems confirmed that was correct. Vice-Chairman Clifton inquired about additional code enforcement actions on the property. Mr. Weems stated the property owner has been cited in court for junk and trash along with the zoning issue before the board today. The judge gave extra time for the applicant to make the variance request to the board

of zoning appeals. Chairman Sumner questioned the amount of accessory structure on the property. Mr. Weems confirmed the applicant was under the 1,100 square feet allowance for accessory structure allotment.

Mr. Jeff Housewright, introduced himself to the board as the property owner of 1137 Bloomingdale Pike. Mr. Housewright explained the current tenant of the property states vehicles parked in front of the building impedes her view when pulling on to Bloomindale Pike. Mr. Housewright went on to say there has been a car accident due to the sight distance issue.

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

Adjudication of Cases:

Case: BZA24-0038 – The owner of property located at 1133 Bloomingdale Pike, Control Map 0300, Group B, Parcel 012.00 requests a 68.6 foot departure from rear yard variance to Sec 114-133(1) for the purpose of permitting a residential accessory structure. The property is zoned R-1B, Residential District.

Chairman Sumner noted he did visit the property. The condition is as presented and the building is setback approximately 14 feet from the property line as shown on the survey. Chairman Sumner stated there is some hardship due to topography, however, it appears to be self-inflected. Further explaining the building could be pushed back if not other things in the way. Vice-Chairman Clifton stated with other active code violations he could not support the variance request. Mr. Combs noted that financial hardships are not considered by the board. Ms. Pullham inquired as to how to bring this request back to the board after other code violations are resolved. Mr. Weems explained that process.

MOTION: made by Vice-Chairman Clifton, seconded by Ms. Cleek, to deny the 68.6 foot departure from rear yard variance as requested.

VOTE: 5-0 to deny the request.

Case: BZA24-0044 – The owner of property located at 185 Rock Springs Road, Control Map 077, Parcel 045.01 requests a 8.1 foot front yard variance to Sec. 114-183(e)(1)c for the purpose of constructing a new single family home. The property is zoned R-1B, Residential District.

The board noted the irregular lot shape and size. The board recognized this lot was subdivided prior to Mr. Rose purchasing the property.

MOTION: made by Vice-Chairman Clifton, seconded by Mr. White, to approve the 8.1 foot front yard variance as requested.

VOTE: 5-0 to approve the request.

Case: BZA24-0045 – The owner of property located at 1004 Chippendale Road, Control Map 060G, Group E, Parcel 002.00 requests a 20 foot departure from rear yard variance to Sec 114-133(1) for the purpose of constructing a swimming pool and deck. The property is zoned R-1B, Residential District.

The board noted the topographical hardship due to the slope of the rear yard, the lot shape and two public easements located on the property.

MOTION: made by Mr. White, seconded by Vice-Chairman Clifton, to approve 20 foot departure from rear yard variance as requested.

VOTE: 5-0 to approve the request.

Case: BZA24-0049 – The owner of property located at 1017 West Stone Drive, Control Map 045D, Group K, Parcel 003.10 requests a 28.1 foot planting strip boundary variance to Sec 114-600(4)a for the purpose of constructing a new Friendship Hyundai Car Dealership. The property is zoned B-3, Highway Oriented Business District.

The board noted the combination of buffering strip and opaque fencing to be installed on the property.

MOTION: made by Ms. Cleek, seconded by Mr. Combs, to approve the 28.1 foot planting strip boundary variance as requested.

VOTE: 5-0 to approve the request.

BUSINESS:

MOTION: made by Mr. Combs, seconded by Ms. Cleek, to approve the Kingsport Board of Zoning Appeals minutes for February 1, 2024.

VOTE: 5-0 to approve the minutes.

With no further business the meeting was adjourned at 12:51 p.m.

Respectfully Submitted,

Jessica McMurray

Jessica McMurray
Development Coordinator