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**A G E N D A**

**KIMBALL BOARD OF ZONING APPEALS**

**APRIL 18, 2006**

**TOWN HALL - 5:30PM**

- I. CALL TO ORDER/DETERMINATION OF A QUORUM
- II. READING AND APPROVAL OF PREVIOUS MINUTES
- III. NEW BUSINESS:
  - A. Kimball Tabernacle of Praise - Variance Request to Allow a Ground Sign within Eight Feet of Battle Creek Road Instead of the Minimum Ten Feet Road
  - B. Any Other Properly Presented New Business
- IV. ADJOURNMENT

**TOWN OF KIMBALL  
BOARD OF ZONING APPEALS  
MEETING  
APRIL 17, 2006 5:30 PM CENTRAL TIME**

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The meeting was called to order with Scott Hawkins presiding in the absence of Chairman Martha Holland and a quorum was established.

**Those Members Present:** Dean Pesnell          Rodger Ford  
Scott Hawkins

**Others Present:** Ronnie Blevins          Shannon Copas          David Jackson  
Peggy Thomas          Raymond Sisco

**Old Business:** None

Minutes of the June 21, 2005 meeting were read and Rodger Ford made the **motion** to approve them as read, **second** by Dean Pesnell. **All voted aye.**

**New Business:**

The Kimball Tabernacle of Praise located at 1491 Battlecreek Road is requesting a variance for a monument sign erected 8 feet from the right of way and also taller than the allowable 6 feet high.


Shannon Copas the local planner advised there was no topographical reason to allow this variance and that allowing it would set a precedent for the future.

Mr. Raymond Sisco represented the Kimball Tabernacle of Praise. He stated that the sign was erected without knowledge of the present ordinances.

Again the planner explained that this would not be a valid reason to allow the variance. There was general discussion regarding the sign.

**Dean Pesnell made a motion to deny the variance allowing the sign to remain 8 ft from the right of way and too tall. A second was made by Rodger Ford and All voted aye.**

Rodger Ford made a motion to adjourn the meeting and a second was made by Dean Pesnell. All voted aye and the meeting was adjourned.

  
\_\_\_\_\_  
Chairman

Date

APPLICATION FOR SIGN PERMIT

Permit No. \_\_\_\_\_

Date \_\_\_\_\_ Permit Fee \$ \_\_\_\_\_

STATE TAX MAP NUMBER		Map		Group		Parcel	
<b>PROPERTY LOCATION</b>							
1491							
Street Number				Apt. Number			
Bethacreek Rd.				Kimball TN			
Street Name							
37380				Direction			
Zip Code				Direction			
<b>OWNER INFORMATION</b>							
Kimball Tabernacle							
Name							
Same							
Street Address							
City		State		Zip Code			
423		837		6002			
Area Code		Phone Number					
Ownership Is:							
1. <input checked="" type="checkbox"/> PRIVATE							
2. <input type="checkbox"/> PUBLIC							
<b>TYPE OF WORK</b>							
1. <input type="checkbox"/> NEW CONSTRUCTION							
2. <input checked="" type="checkbox"/> ALTERATION							
3. <input checked="" type="checkbox"/> REPAIR/REPLACE							
4. <input type="checkbox"/> DEMOLITION							
5. <input type="checkbox"/> MOVE							
6. <input type="checkbox"/> ADDITION							
<b>PROPERTY OCCUPIED/USED AS</b>							
1. <input type="checkbox"/> INSTITUTIONAL							
2. <input type="checkbox"/> RESIDENTIAL							
3. <input type="checkbox"/> INDUSTRIAL							
4. <input type="checkbox"/> COMMERCIAL							
No. of dwelling units, if residential. _____							
No. of buildings, if multi-family residential. _____							
<b>CONTRACTOR INFORMATION</b>				<b>ARCH/ENGR. INFORMATION</b>			
Contract Value \$ approx 4 - 5000.00				State Lic. _____			
County Bus. Lic. _____				City Business Lic. _____			
Phone _____				Arch./Engr. Name _____			
Contractor Name Church Installing				Street Address _____			
Street Address _____				City _____			
City _____				State _____			
Zip Code _____				Zip Code _____			
<b>AGENT INFORMATION</b>							
Aaron Cagle 423 903 0556							
Name of Agent				Phone No.			
1550 Patton School Rd.							
Address of Agent							
Smith Pittsburg				TN 37380			
City				State			
State				Zip Code			
NOTICE -- This permit is issued with the distinct understanding that the building for which this Permit is issued is to be built in strict accordance with the building laws of State of Tennessee and Marion County.							
Persons performing construction work under this permit must For _____ Chief Building Official							
observe Tenn. Law. (Pub. Chap. 289 Acts of 1955) providing							
for precautions to be taken in vicinity of high voltage wires. By _____ Date _____							
<b>THIS DOCUMENT BECOMES THE BUILDING PERMIT WHEN SIGNED.</b>							

1. What is to be built, installed, moved, repaired, altered or demolished? Replacing Existing Sign with New lighted sign
2. Type of construction? Sign
3. Plan, specifications, drawings, and land survey must accompany application. Land survey must show location of proposed building and property lines.
4. Is property located in a designated 100 year flood plain? YES  NO   
If yes, what is the elevation? \_\_\_\_\_

The undersigned does hereby declare that the statements contained in this document and on the attachments hereto, are true and correct to the best of his or her knowledge, information and belief.

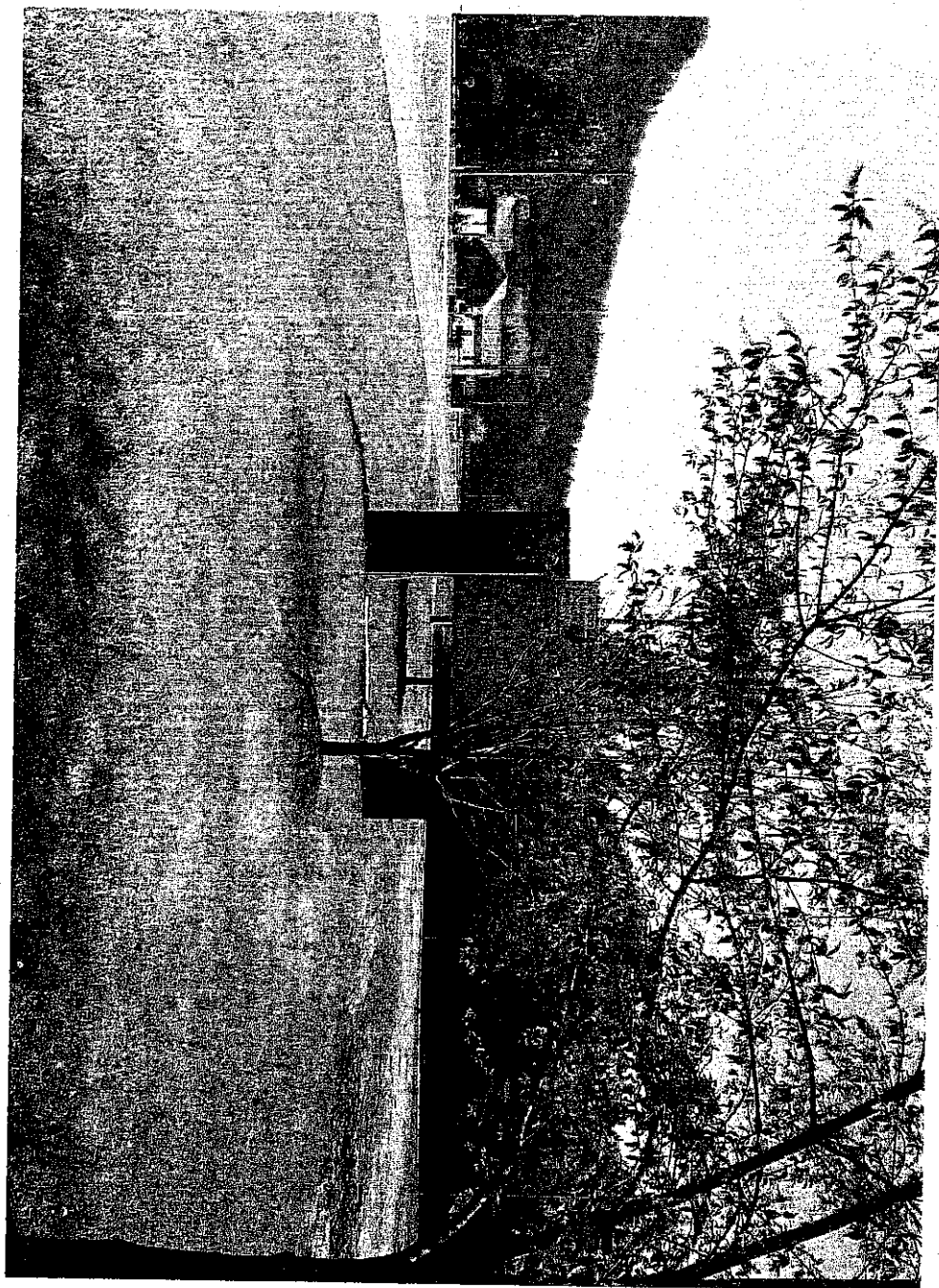
Robert A. Cagle  
Owner or Agent

NOTICE -- This permit must be accompanied by septic system approval from the Health Department.

Is approval on file? YES  NO

NOTE: Location of residence on lot:  
Minimum front yard setback is 40 foot.  
Minimum side yard setback is 10 foot (interior lot)  
Minimum size yard setback is 25 foot (corner lots).  
Minimum rear yard is 20 foot.

BUILDING INSPECTOR, RONNIE BLEVINS, STATES THAT THE SIGN WAS ALREADY IN PLACE WHEN A PERMIT FOR A SIGN APPLICATION WAS REQUESTED...



APPLICATION FOR PROPERTY RECLASSIFICATION/ZONING APPEAL  
KIMBALL, TENNESSEE

GENERAL INFORMATION:

Name of applicant \* KIMBALL TABERNACLE OF PRAISE  
(last) (first) (middle)

Applicant's Interest in Property: Owner () Lessor ( )

Prospective Purchaser ( ) Option Holder ( ) Other: (State Relationship)

NATURE AND CHARACTER OF APPLICATION

Planning Commission

Requested Action: ( ) PROPERTY RECLASSIFICATION

Board of Zoning Appeals

- Requested Action: ( ) APPEAL ALLEGING ERROR OF BUILDING INSPECTOR  
() VARIANCE  
( ) SPECIAL EXCEPTION  
( ) INTERPRETATION OF BUILDING INSPECTOR  
( ) INTERPRETATION OF ORDINANCE

PROPERTY LOCATION - Address: 1491 BATTLE CREEK Rd

LOT(S) \_\_\_\_\_ OF BLOCK \_\_\_\_\_ STREET \_\_\_\_\_ of the Tax

Maps Dated: \_\_\_\_\_

Present Zoning Classification \_\_\_\_\_ Proposed Zoning Classification \_\_\_\_\_

Description of Intended Use of Property:

Reasons for Request: BRICK SIGN POST 5' HGT

8' FROM RIGHT OF WAY INSTEAD OF 10'

\*If more than one applicant is filing, attach each applicant's name with other pertinent information to this form.

Application Reviewed By Planning Staff

Date \_\_\_\_\_

Comments and Action **RECOMMENDATION:**

Staff Planner recommends that the regulations found in the Kimball Zoning Ordinance be followed and strictly applied to in any situation, and Staff Planner would like to point out to the Board of Zoning Appeals that by granting a variance it sets a precedence for future requests. Once a variance is granted, the Board of Zoning Appeals would have to grant variances that are similar to this request in the future. Staff cannot recommend that a variance be given based on the standards mentioned above. It appears that a building permit was not issued for this particular sign because it failed to meet the standards for monument signs. Staff would also like to mention that if a variance is not granted, the only remedy to this situation would be for the owner to physically move the sign to meet the required setbacks.

Application Reviewed by Planning Commission

Date \_\_\_\_\_

Comments and Action \_\_\_\_\_

**DISPOSITION**

Publication Date of Public Hearing \_\_\_\_\_ (Attach newspaper notice)

Public Hearing Commentary \_\_\_\_\_

**ACTION BY BOARD OF MAYOR AND ALDERMEN**

**PROPERTY DESCRIPTION:** Attach map showing dimensions and topographic characteristics\*\*, street right-of-way and street pavement, the location of existing and proposed structures or uses including setbacks, yards and heights, the spatial relationship of the property to adjoining properties showing use, and the distance from the nearest traffic intersections at a scale of not more than one (1) inch equals fifty (50) feet.

I hereby certify that the statements made by me herein and the maps and other accompanying data submitted herewith are true and correct.

  
Signature of Applicant

**REVIEW AND ADMINISTRATION**

Recommendations from Other Agencies, Boards or Departments:

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Application Reviewed By Building Inspector

Date \_\_\_\_\_

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\*\*Required only in the case of variance.



STATE OF TENNESSEE  
DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

LOCAL PLANNING ASSISTANCE OFFICE  
SOUTHEAST TENNESSEE REGION  
540 McALLIE AVENUE, SUITE 690  
CHATTANOOGA, TENNESSEE 37402  
TELEPHONE: 423.634.6446 — FAX: 423.634.6351  
HTTP://WWW.TNECD.GOV

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MEMORANDUM

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**TO:** KIMBALL BOARD OF ZONING APPEALS  
**FROM:** SHANNON COPAS, PRINCIPAL PLANNER  
**DATE:** 4/18/06  
**RE:** KIMBALL TABERNACLE OF FAITH - SIGN VARIANCE

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**BACKGROUND:**

The Town of Kimball has adopted zoning regulations through Tennessee Code Annotated Section 13-7-201 through 13-7-401, to provide for the establishment of districts within the corporate limits of Kimball, Tennessee; to regulate within such districts the location, height, and size of buildings and other structures; the percentage of lot which may be occupied; the sizes of yards, courts and other open spaces; the density and distribution of population, and the uses of buildings and structures for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation or other purposes. (Ord. 61, Aug. 1988).

The Kimball Tabernacle of Faith at 1491 Battle Creek Road in Kimball, Tennessee is seeking a variance from the Kimball Zoning Ordinance. The property is located in an AG Zone, and it appears that it is seeking a variance from the front yard setbacks for monument signs. The application indicates that it is requesting a variance of approximately two feet from the minimum requirements of ten feet from the right-of-way. The specific setback for a monument sign is 10 feet from the right-of-way of any street where these signs are allowed.

**ANALYSIS:**

Monument signs are permitted as long as they shall comply with the following dimensional regulations found under Section 14-902 of the Kimball Zoning Ordinance:

- (i) They are no closer than ten (10) feet from the right-of-way as measured from the side of the sign, including supports, to the edge of the right-of-way;
- (ii) They are no higher than six (6) feet from the ground to the top of the sign or support;

- (iii) They are no wider than 15 feet, including supports, and
- (iv) They are located in zones A or C as set forth on the Zoning Map of the Town.

According to Section 14-708 of the Kimball Zoning Ordinance, the purpose of a variance is to modify the strict application of the specific requirement of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the use of his/her land. The variance shall be used only where necessary to overcome some obstacle that is preventing an owner from using his property under this ordinance.

Standards for Variances (Section 14-708). In granting a variance, the BZA shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions, fully described in the findings of the board, do not apply generally in the district;
2. Variances shall not be granted to allow a use otherwise excluded from a particular district in which the request is made;
3. For reasons fully set forth in the findings of the BZA, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land;
4. The granting of any variance shall be in harmony with the general purposes and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development, and
5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying therefor.

#### **RECOMMENDATION:**

Staff Planner recommends that the regulations found in the Kimball Zoning Ordinance be followed and strictly applied to in any situation, and Staff Planner would like to point out to the Board of Zoning Appeals that by granting a variance it sets a precedence for future requests. Once a variance is granted, the Board of Zoning Appeals would have to grant variances that are similar to this request in the future. Staff cannot recommend that a variance be given based on the standards mentioned above. It appears that a building permit was not issued for this particular sign because it failed to meet the standards for monument signs. Staff would also like to mention that if a variance is not granted, the only remedy to this situation would be for the owner to physically move the sign to meet the required setbacks.