AGENDA

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

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.

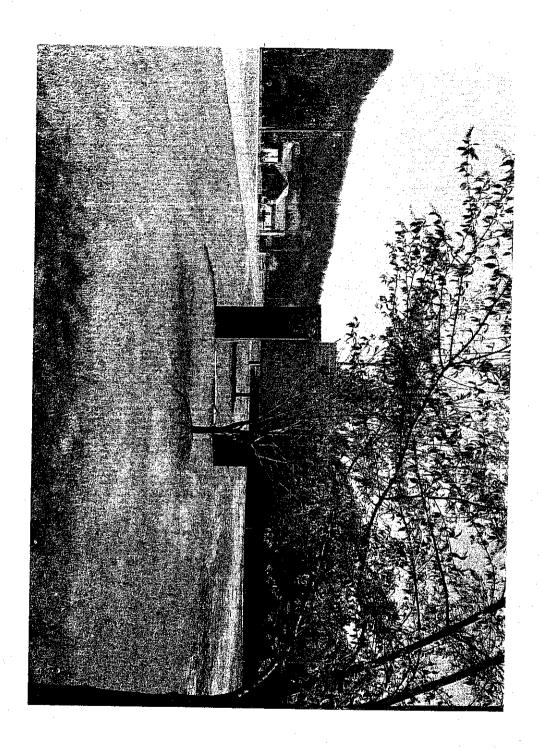
Shannon Copas the local planner advised there was no topographical reason to allow this variance and that allowing it would set a precedent for the future. Mr. Raymond Sisco represented the Kimball Tabernacle of Praise. He stated that the sign was erected without knowledge of the present ordinances. 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 ave.

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

Date Permit Fee 5			Permit No
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		THIS DOCUMENT BECOMES THE RITH DING BED WITES.	Date Date



APPLICATION FOR PROPERTY RECLASSIFICATION/ZONING APPEAL KIMBALL, TENNESSEE

GENERAL INFOR	OITAN	v ;
Name of applicant '	· -KI	(last) (first) (middle)
Applicant's Interest	in Prop	erty: Owner (ス) Lessor ()
Prospective Purcha	iser () Option Holder () Other: (State Relationship)
NATURE AND CH	ARACT	ER OF APPLICATION
Planning Commis	sion	
Requested Action:	()	PROPERTY RECLASSIFICATION
Board of Zoning A	lppeals	
Requested Action:	()	APPEAL ALLEGING ERROR OF BUILDING INSPECTOR
·	(X)	VARIANCE
	()	SPECIAL EXCEPTION
	()	INTERPRETATION OF BUILDING INSPECTOR
	()	INTERPRETATION OF ORDINANCE
PROPERTY LOCA	TION -	Address: 1491 BATTIL CROOK Rd
LOT(S)	OF E	BLOCK of the Tax
Maps Dated:		
Present Zoning Cla	ssificati	on Proposed Zoning Classification
Description of Inten		
Reasons for Reque	st: <u>/</u> 3_/	RICK SIGN POST ROUGHIFT
FROM Rig	######################################	E LUBY TAISTED OF 18" each applicant's name with other pertinent information to this form.

Application Reviewed	d By Planning Staff				
	Date				
Comments and Actio	n 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 falled 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 Reviewe	d by Planning Commission				
Comments and Actic	on	Date			
DISPOSITION					
Publication Date of F	Public Hearing	(Attach newspaper notic	e)		
Public Hearing Com	mentary				
		. *			
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ACTION BY BOARD	OF MAYOR AND ALDERM	EN			
					
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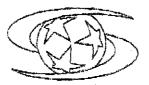
PROPERTY DESCRIPTION: Attach map showing dimensions and topographic characteristics**, street right-of-way and street pavement, the location of existing and proposed structures or uses including setbacks, yards and heights, the spatial relationship of the property to adjoining properties showing use, 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.

Regard Lesi Signature of Applicant

REVIEW AND ADMINISTRATION					
Recommendations from Other Agencies, Boards o					
	_ 		· •		
					· ·
Application Reviewed By Building Inspector			Date		
				-	<u>, , , , , , , , , , , , , , , , , , , </u>
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^{**}Required only in the case of variance.



STATE OF TENNESSEE DEPÁRTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

LOCAL PLANNING ABBIETANDS OFFICE BOUTHEART TENNESSEE REGION SAD MCGALLIS AVENUE, BUITE 690 GMATTANDOGA, TENNESSEE 37408 TELEPHONE: 420,604,6446 — FAX: 423,634,6351 MTTP://WWW.TNECO.GOV

MEMORANDUM

TO:

KIMBALL BOARD OF ZONING APPEALS

FROM:

SHANNON COPAS, PRINCIPAL PLANNER

DATE:

4/18/06

RE:

KIMBALL TABERNACLE OF FAITH - SIGN VARIANCE

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 particularly 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.