



BOARD OF ZONING APPEALS MEETING AGENDA

Thursday, May 07, 2026 at 12:00 PM

City Hall, 415 Broad Street, Montgomery-Watterson Boardroom: Room 307

This meeting is an open and accessible meeting. If interested parties request special assistance or accommodations, please notify the Planning Department three (3) days in advance of the meeting.

I. CALL TO ORDER - 12:00 P.M. NOON

II. INTRODUCTION AND MEETING PROCEDURES

III. PUBLIC HEARING

- 1. Case: BZA26-0081–The owner of property located at 2721 John B. Dennis Highway, Control Map 031J, Group A, Parcel 01.00** requests a 7.8-foot front yard variance from Sec. 114-195(f)(1)c, along with a 7.5-foot reduction to the required landscape buffer from Sec. 114-600(d)2. These requests are to facilitate the construction of a new convenience store and gas station. The property is zoned B-3, Highway-Oriented Business District.

INTERESTED PARTIES:

Owner:

Arnie Riggs

P.O. Box AA

Big Stone Gap, VA 24219

Representative: Stephen Ellis

- 2. Case: BZA26-0084–The owner of property located at 1905 Brookside Lane, Control Map 047A, Group A, Parcel 09.30** requests a variance from Section 114-535(1) to reduce the minimum required lot frontage by 27.12 feet in order to install a freestanding sign with an electronic message board. The property is zoned M-1, Light Manufacturing District.

INTERESTED PARTIES:

Owner:
Rick Millsap
1905 Brookside Lane
Kingsport, TN 37660

Representative: Rick Millsap

IV. BUSINESS

- [1.](#) Approval of the April 2, 2026 regular meeting minutes.

Stating for public record, the next application deadline is May 15, 2026 at noon, and meeting date (Thursday, June 4, 2026).

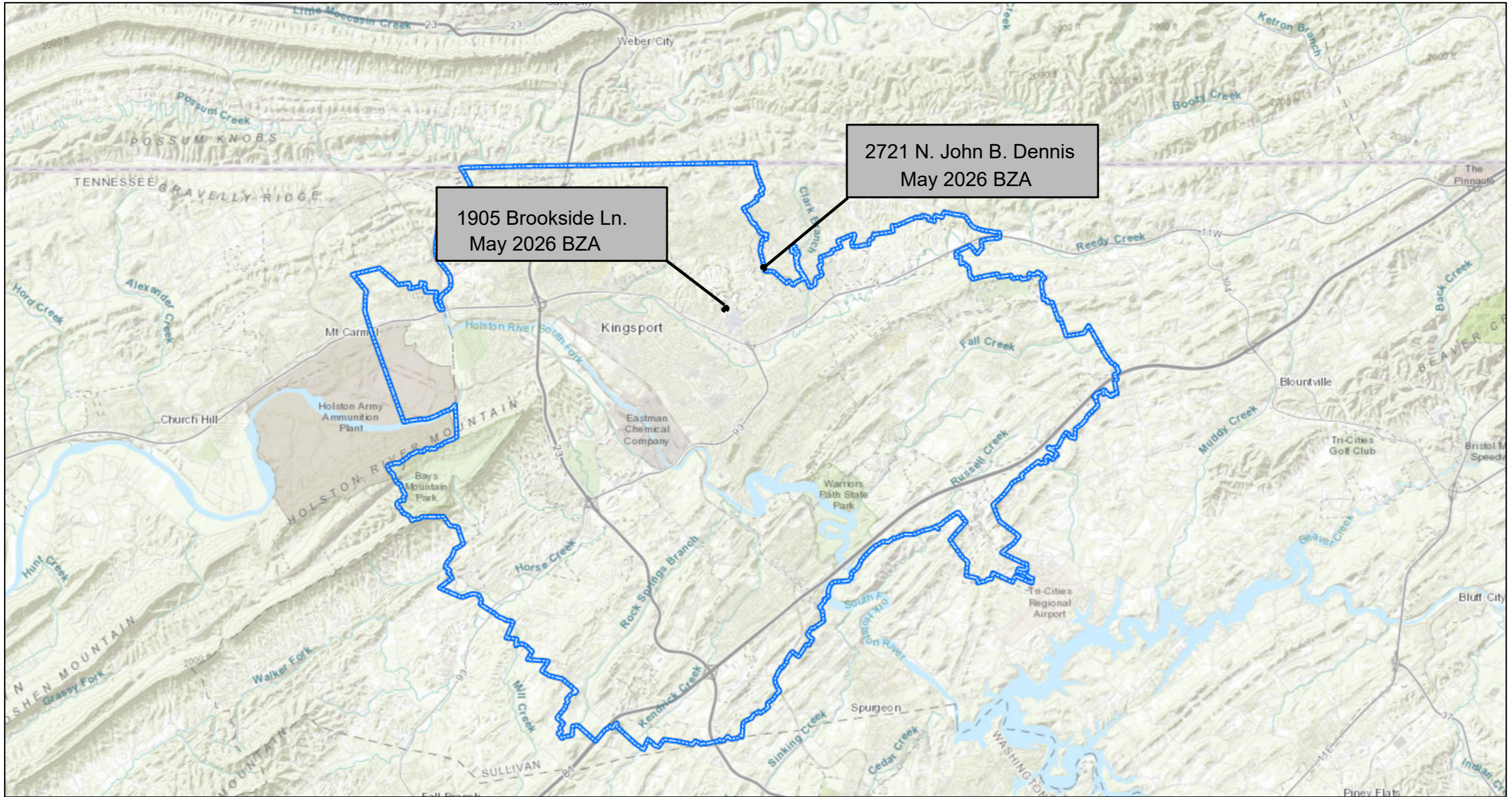
V. ADJUDICATION OF CASES

VI. PUBLIC COMMENT

Citizens may speak on issue-oriented items. When you come to the podium, please state your name and address and sign the register that is provided. You are encouraged to keep your comments non- personal in nature, and they should be limited to five minutes.

VII. ADJOURN

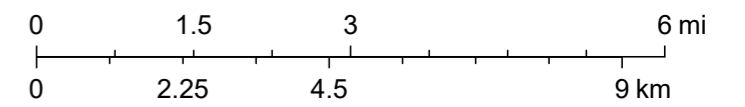
ArcGIS Web Map



4/16/2026, 9:03:33 AM

1:144,448

 Urban Growth Boundary



Tennessee STS GIS, Esri, HERE, Garmin, USGS, NGA, EPA, USDA, NPS

REGULAR MEETING & PUBLIC HEARING
Kingsport Board of Zoning Appeals

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that an open and public meeting of the Kingsport Board of Zoning Appeals scheduled for Thursday, May 7, 2026 will be conducted beginning at NOON in the Kingsport City Hall, Montgomery-Watterson Boardroom, 415 Broad Street, 3rd floor, Kingsport, Tennessee.

Public Hearings: The Kingsport Board of Zoning Appeals will conduct a Public Hearing during this meeting to consider the following cases:

Case: BZA26-0081–The owner of property located at 2721 John B. Dennis Highway, Control Map 031J, Group A, Parcel 01.00 requests a 7.8-foot front yard variance from Sec. 114-195(f)(1)c, along with a 2.5-foot reduction to the required landscape buffer from Sec. 114-600(d)2. These requests are to facilitate the construction of a new convenience store and gas station. The property is zoned B-3, Highway-Oriented Business District.

Case: BZA26-0084–The owner of property located at 1905 Brookside Lane, Control Map 047A, Group A, Parcel 09.30 requests a variance from Section 114-535(1) to reduce the minimum required lot frontage by 27.12 feet in order to install a freestanding sign with an electronic message board. The property is zoned M-1, Light Manufacturing District.

All interested persons are invited to attend this Public Hearing. Additional information concerning this case may be obtained by contacting City of Kingsport Planning Division staff, telephone (423) 229-9485.

All City of Kingsport public meetings are conducted in accessible locations. If you require accommodations to participate in this meeting, please call (423) 229-9485 or email ADAContact@KingsportTN.gov at least 72 hours in advance. Copies of any documents used are available in accessible formats upon request.

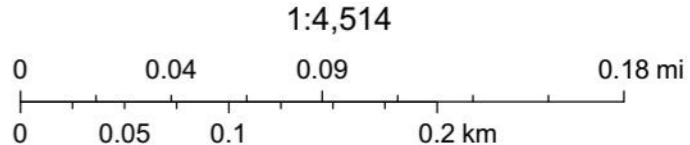
CITY OF KINGSPORT
Angie Marshall, City Clerk
PIT: 4/27/2026



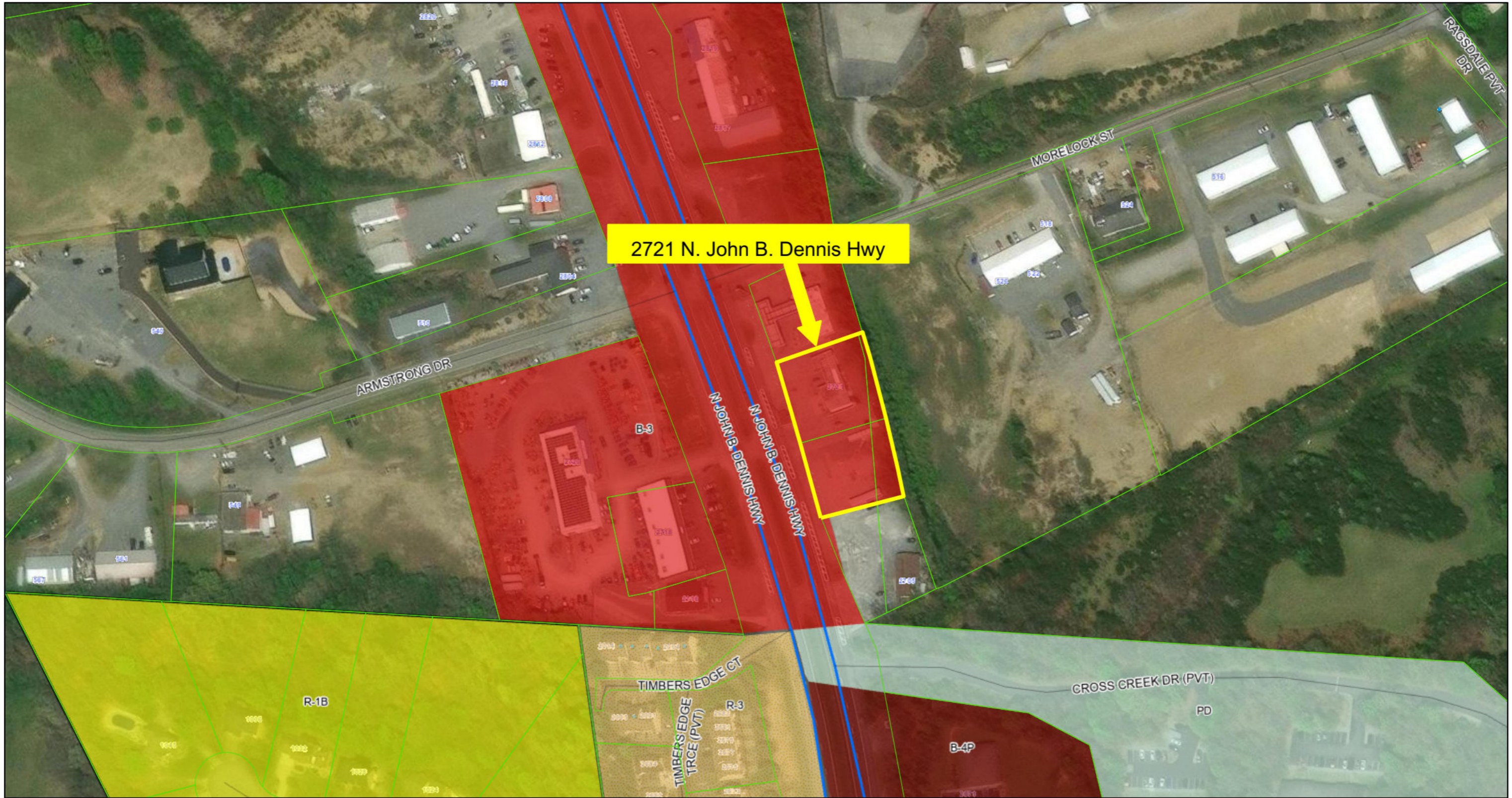
3/31/2026, 10:51:57 AM

Sullivan County Parcels Jan 2023 Streets

- Parcels
- Major Arterial
- Collector Street
- Local Street
- Private Street



NC Collaboratory at UNCCH, Vantor



3/31/2026, 10:48:56 AM

Sullivan County Parcels Jan 2023

Parcels

City Zoning

B-3

B-4P

PD

R-1B

R-3

Streets

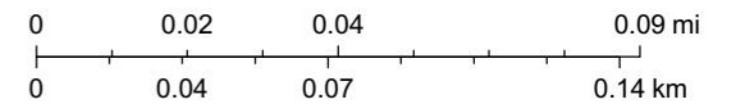
Major Arterial

Local Street

Private Street

Kpt 911 Address

1:2,257



NC Collaboratory at UNCCH, Microsoft, Vantor

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: April 16, 2026

RE: 2721 John B. Dennis Highway

The Board is asked to consider the following request:

Case: BZA26-0081–The owner of property located at 2721 John B. Dennis Highway, Control Map 031J, Group A, Parcel 01.00 requests a 7.8-foot front yard variance from Sec. 114-195(f)(1)c, along with a 7.5-foot reduction to the required landscape buffer from Sec. 114-600(d)2. These requests are to facilitate the construction of a new convenience store and gas station. The property is zoned B-3, Highway-Oriented Business District.

Code reference:

Sec. 114-195. - B-3, Highway Oriented Business District.

(f) *Design standards; dimensional requirements.*

(1) *Minimum requirements.*

- a. *Lot area, 10,000 square feet.*
- b. *Lot frontage, 50 feet.*
- c. **Front yard, 20 feet.**
- d. *Each side yard, not applicable.*
- e. *Rear yard, 30 feet.*
- f. *Usable open space, not applicable.*

Sec. 114-600. - Landscape requirements.

(d) *Parking areas.*

(2) *Perimeter. Landscaping for the perimeter of new parking areas requires a planting strip of a minimum width of ten feet abutting public streets excluding access driveways or alleys. This planting strip will include a minimum of one deciduous tree for each 50 linear feet of perimeter and for any fraction of footage over 25 linear feet. These trees may be grouped or placed at intervals appropriate to the species for aesthetic purposes, so long as the total number of trees equals or is greater than the minimum specified by the linear-foot method of determination of trees required. Location of types of landscaping materials is to be compatible with utility lines, sidewalks and the safe use of streets. When a building permit is requested for redevelopment or additions to a previously developed site, where the required perimeter strip does not exist, the required trees may be planted in pavement cutouts of sufficient size for tree survival and growth.*



APPLICATION

Board of Zoning Appeals

APPLICANT INFORMATION:

Last Name	Riggs	First	Arnie	M.I.		Date	
Street Address	P.O. Box AA			Apartment/Unit #			
City	Big Stone Gap	State	VA	ZIP		24219	
Phone	[REDACTED]			E-mail Address		[REDACTED]	

PROPERTY INFORMATION:

Tax Map Information	Tax map: 031J	Group: A	Parcel: 001.00	Lot: 2R			
Street Address				2715 & 2721 John B. Dennis Parkway		Apartment/Unit #	
Current Zone	B-3	Proposed Zone	B-3				
Current Use	Car Wash		Proposed Use		Convenience Market and Gas Station		

REPRESENTATIVE INFORMATION:

Last Name	Ellis	First	Stephen	M.I.		Date	
Street Address	1108 Whispering Pines Road			Apartment/Unit #			
City	Unicoi	State	TN	ZIP		37692	
Phone	[REDACTED]			E-mail Address		[REDACTED]	

REQUESTED ACTION:

1. A 7.8' variance is requested from the front setback for the proposed gas canopy.
2. A 2.5' and 7.5' variance is requested for portions of the front landscaped yard.

DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

Signature: [Handwritten Signature] Date: 3-25-26

Signed before me on this 25th day of March, 2026
 a notary public for the State of Virginia
 County of Wise

Notary Captal L Owen 7313615
 My Commission Expires October 31, 2026



Variance Worksheet – Finding of Facts

Variances. Except as provided herein to hear and decide applications for variance from the terms of this chapter, because of exceptional narrowness, shallowness or shape of a specific piece of property which on June 16, 1981, was a lot of record or where, **because of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property**, the strict application of this chapter would result in peculiar and exceptional practical difficulties to exception or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before any variance is granted, the board must find all of the following, which shall be recorded, along with any imposed conditions or restrictions, in minutes and records and issued in written form to the applicant to constitute proof of the variance:

a. The specific conditions in detail which are unique to the applicant's land. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

- There is steep topography on the eastern side of the property along with the Flood Zone Area associated with Leslie Branch. This reduces the available developable depth on the lot.



b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.

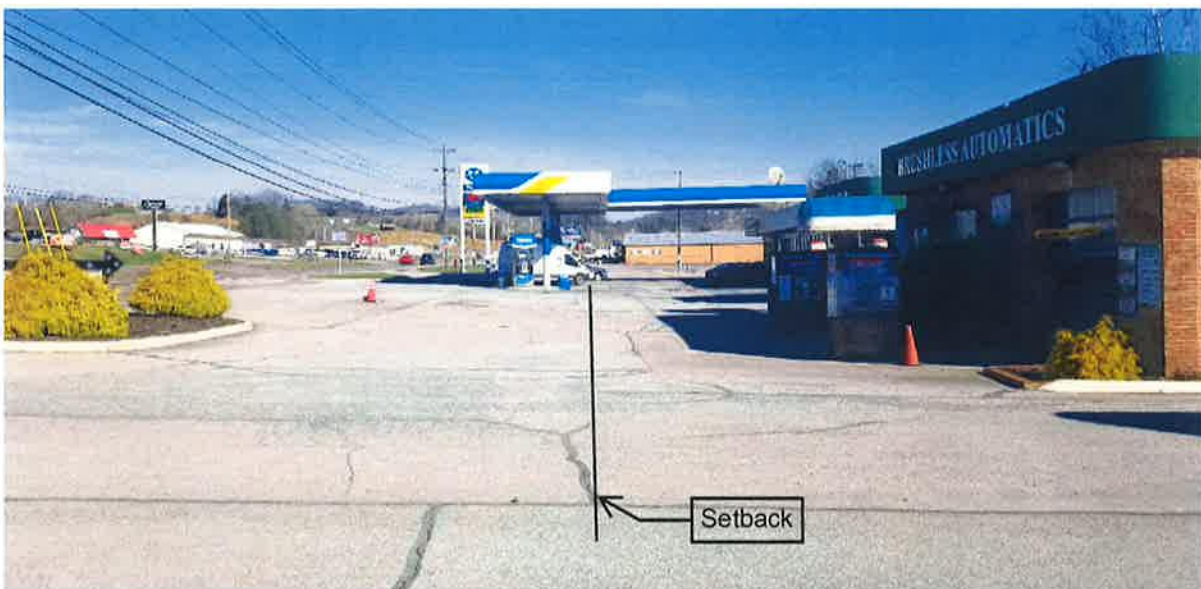
- Applicant would need to reduce the number of gas pumps and eliminate a cross-connection drive with the adjoining property.

c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.

- The unique conditions and circumstances associated with the steep topography and Flood Zone Area associated with Leslie Branch and are not a result of the Applicant's actions.

d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

- The variance will allow the Applicant to have a cross-connection drive with the adjoining property.
- A landscaped frontage yard will still be provided with all the required tree and shrub plantings.
- The Applicant's proposed gas canopy will be less of an encroachment into the front setback than the adjoining gas canopy for the existing Valero gas station. All the gas pumps for the existing Valero gas station appear to be located within the front setback. The sign for the adjoining Valero gas station appears to be on TDOT's Right-of-Way also. The Applicant's sign will be located in accordance with City regulations.

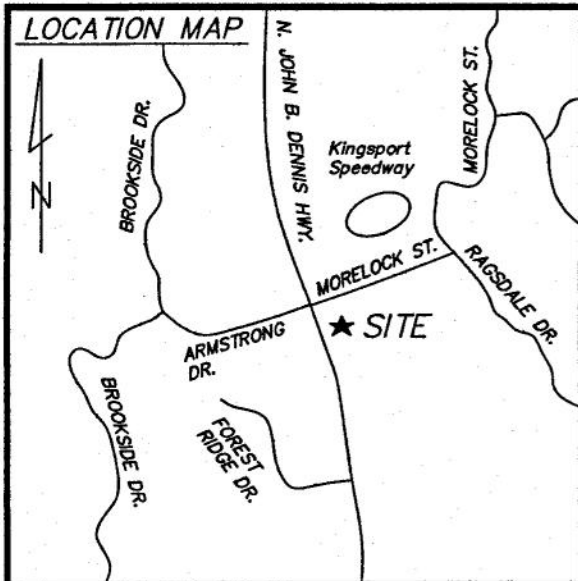


Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area or density above the maximum permitted by the zoning district; allowing a use other than those specifically authorized by this chapter in the applicable zoning district; or from the denial of a zoning permit when such denial is due to the fact that such lot has no frontage on a public street unless such lot was a lot of record on June 16, 1981.

Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.

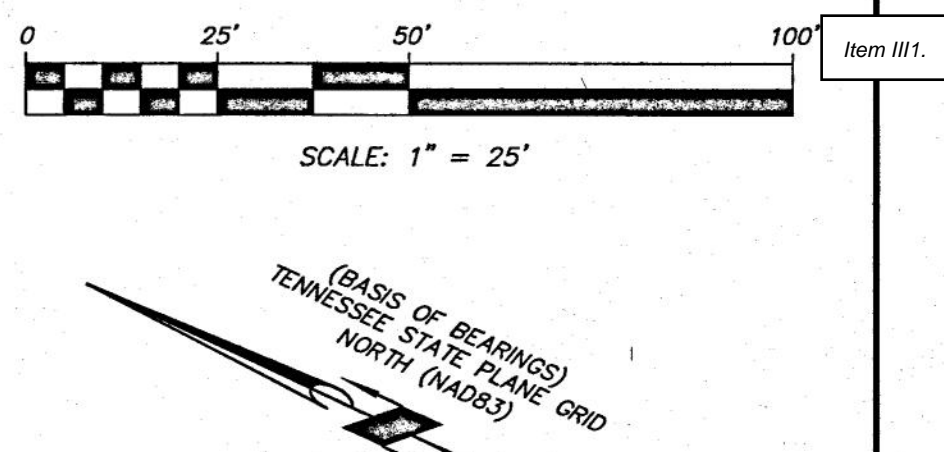
2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
3. Inability to put the property to its most profitable use DOES NOT constitute a "hardship".
4. Mere inconvenience to the applicant is not sufficient grounds for determining a "hardship". In granting a variance the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance.



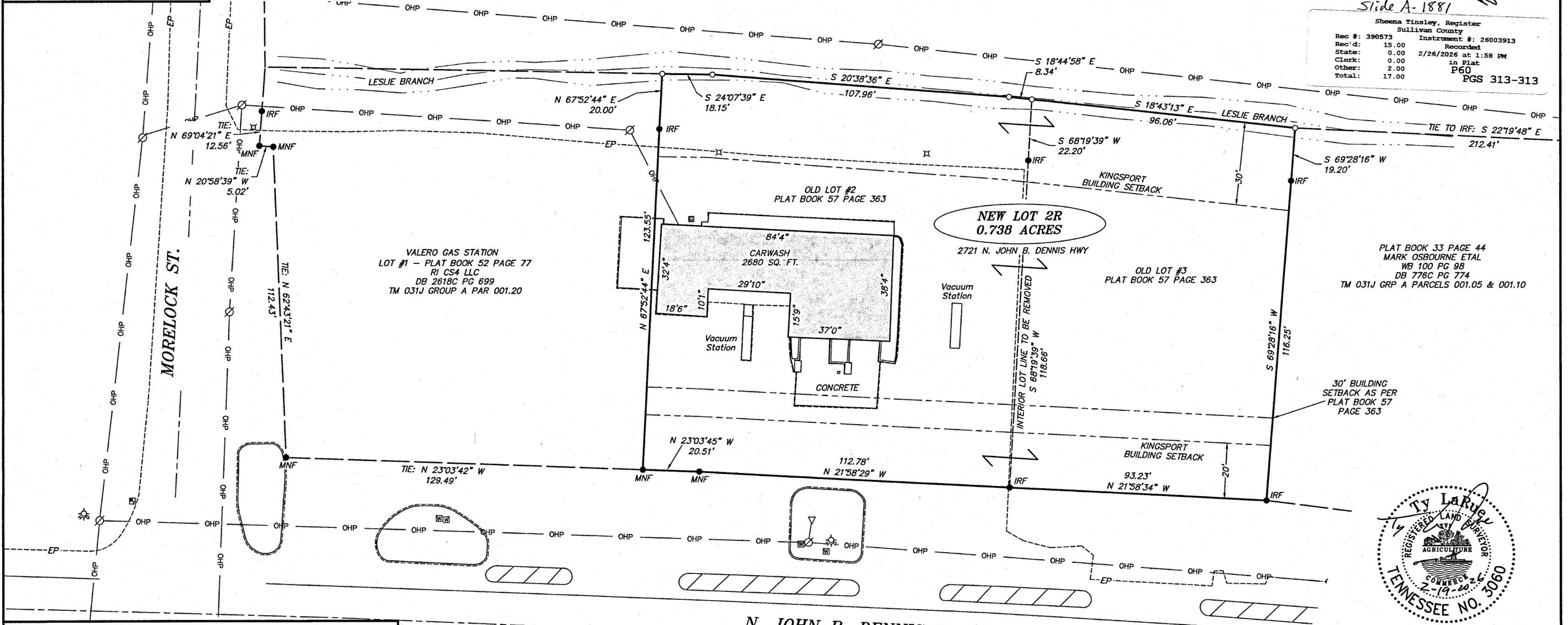
7.5' EASEMENT NOTE:
 THESE PROPERTIES ARE SUBJECT TO A 7.5' WIDE EASEMENT AREA ALONG THE INTERIOR SIDES OF ALL LOT LINES FOR THE INSTALLATION AND MAINTENANCE AND THE CONVEYANCE OF STORMWATER RUNOFF FROM THE IMPROVEMENTS ON EACH LOT AS REFERENCED BY PLAT BOOK 57 PAGE 363.

WANDA RENA CHRISTIAN
 DB 3295 PG 479
 TM 031J GRP A PAR 002.00

**COMBINATION PLAT FOR THE
 ABCK RENTALS, LLC PROPERTY
 2715 & 2721 N. JOHN B. DENNIS HIGHWAY,
 KINGSFORT, TN 37664
 10TH & 11TH CIVIL DISTRICT
 SULLIVAN COUNTY, TENNESSEE
 FEBRUARY 19TH, 2026**



Side A-1881
 Sheena Tinsley, Registrar
 Sullivan County
 Rec #: 390573 Instrument #: 26003913
 Rec'd: 15.00 Recorded
 State: 0.00 2/26/2026 at 1:58 PM
 Clerk: 0.00 in Plat
 Other: 2.00 P60
 Total: 17.00 PGS 313-313



PLAT BOOK 33 PAGE 44
 MARK OSBOURNE ETAL
 WB 100 PG 98
 DB 776C PG 774
 TM 031J GRP A PARCELS 001.05 & 001.10



SURVEY NOTES:

1. SURVEY IS SUBJECT TO ANY EASEMENTS, EITHER WRITTEN OR UNWRITTEN.
2. DEED REFERENCES ARE BASED ON INFORMATION OBTAINED IN THE COUNTY TAX ASSESSOR'S OFFICE AND IN THE COUNTY REGISTER OF DEEDS OFFICE.
3. PROPERTY SUBJECT TO ANY EXACT LOCATION OF COUNTY, CITY OR STATE RIGHT-OF-WAY.
4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
5. NO CERTIFICATION IS MADE AS TO THE EXISTENCE OR LOCATION OF ANY UTILITY STRUCTURES OR EASEMENTS OTHER THAN THOSE SHOWN HEREON.
6. ALL DISTANCES AND BEARINGS SHOWN REFLECT THE MEASUREMENTS BETWEEN MONUMENTATION FOUND DURING THE COMPLETION OF THIS SURVEY.
7. SETBACKS ARE AS PER THE PARTICULAR ZONING ORDINANCE IN EFFECT ON SUBJECT PROPERTY.
8. PROPERTY IS CURRENTLY ZONED: CITY OF KINGSFORT B-3
9. BUILDING SETBACKS: FRONT: 20 FEET REAR: 30 FEET SIDES: NOT APPLICABLE
10. ZONING DESIGNATION AND SETBACKS OBTAINED FROM KINGSFORT TN, GIS DATABASE AND MUNICODÉ CODIFICATION (11-18-2025)
11. THIS PROPERTY DOES LIE IN AN AREA DESIGNATED BY FEMA AS A SPECIAL FLOOD HAZARD AREA (ZONE A) AS SHOWN ON FIRM MAP NO.47163C00350 DATED SEPTEMBER 29TH, 2006.

CERTIFICATION OF THE APPROVAL OF SEWERAGE SYSTEMS

I HEREBY CERTIFY THAT THE SEWERAGE DISPOSAL SYSTEM INSTALLED OR PROPOSED FOR INSTALLATION FULLY MEETS THE REQUIREMENTS OF THE TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION AND IS HEREBY APPROVED AS SHOWN.

[Signature] 26 Feb 26
 KINGSFORT AUTHORIZING AGENT DATE

CERTIFICATE OF APPROVAL OF PUBLIC WATER SYSTEMS

I HEREBY CERTIFY THAT THE PUBLIC WATER UTILITY SYSTEM INSTALLED OR PROPOSED FOR INSTALLATION FULLY MEETS THE REQUIREMENTS OF THE WATER UTILITY SYSTEM AND IS HEREBY APPROVED AS SHOWN.

[Signature] 26 Feb 26
 AUTHORIZING AGENT DATE

LEGEND:

- IRON ROD OLD (FOUND)
- POINT
- WATER METER
- GAS METER
- WATER VALVE
- ☆ FIRE HYDRANT
- ⊗ LIGHT POLE
- ⊗ UTILITY POLE
- ▽ GUY LINE
- CENTERLINE (C/L)
- BUILDING SETBACK
- CREEK
- BOUNDARY LINE (SURVEYED)
- ADJOINER LINE/ R/W MARGIN (NOT SURVEYED UNLESS NOTED)
- OHP--- O/H UTILITY LINE
- PAR --- PARCEL
- CMP --- CORRUGATED METAL PIPE
- IRF IRON ROD FOUND
- MNF MAGNETIC NAIL FOUND
- EP EDGE OF PAVEMENT
- R/W RIGHT OF WAY
- DB DEED BOOK
- WB WILL BOOK
- PG PAGE
- TM TAX MAP
- GRP GROUP

TITLE REFERENCES:

0.438 Acres (19092 Sq. Ft.)
 LOT 2 - PLAT BOOK 57 PAGE 363
 ABCK RENTALS, LLC
 DB 3656 PG 393
 TM 031J GRP A PAR 001.00 & 001.06

0.300 Acres (13069 Sq. Ft.)
 LOT 3 - PLAT BOOK 57 PAGE 363
 ABCK RENTALS, LLC
 DB 3656 PG 400
 TM 031J GRP A PAR 001.15 & 001.16

I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS NOT LESS THAN 1:10,000 AS SHOWN HEREON AND IS DONE IN COMPLIANCE WITH THE "TENNESSEE MINIMUM STANDARDS OF PRACTICE".

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, ESTABLISH THE BUILDING LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

[Signature] 2-26-26
 ABCK RENTALS LLC DATE

CERTIFICATION OF THE APPROVAL FOR 911 STREET ASSIGNMENT

I HEREBY CERTIFY THAT THE ADDRESSES, AS NOTED ON THE FINAL PLAT, ARE APPROVED AS ASSIGNED.

February 23, 2026
[Signature]
 CITY CLERK OR SULLIVAN COUNTY DIRECTOR OF 911 ADDRESSING OR HIS/HER AUTHORIZED REPRESENTATIVE

CERTIFICATION OF THE APPROVAL OF STREETS AND STORMWATER SYSTEMS

I HEREBY CERTIFY: (1) THAT CONSTRUCTION PLANS HAVE BEEN APPROVED; (2) THAT STREETS AND STORM WATER SYSTEMS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO THE SPECIFICATIONS; (3) ADEQUATE RIGHTS-OF-WAY DEDICATION UPON AN EXISTING PUBLIC ROAD SHALL SERVE THESE LOTS AS PROPOSED.

[Signature]
 CITY ENGINEER OR COUNTY ROAD COMMISSIONER DATE

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR KINGSFORT, TENNESSEE, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE REGISTER. IF REQUIRED, A SURETY BOND IN THE AMOUNT OF \$ _____ HAS BEEN POSTED WITH THE KINGSFORT REGIONAL PLANNING COMMISSION TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT.

[Signature] 2-19-2026
 KINGSFORT MUNICIPAL / REGIONAL PLANNING COMMISSION DATE

CERTIFICATE OF ACCURACY

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE KINGSFORT, TENNESSEE REGIONAL PLANNING COMMISSION AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON

[Signature] 2-19-2026
 TENNESSEE REGISTERED LAND SURVEYOR DATE

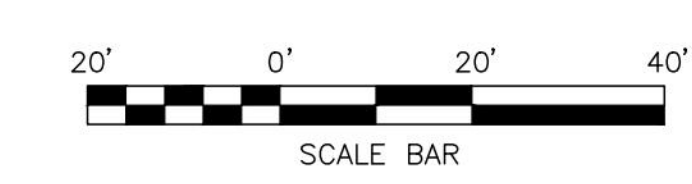
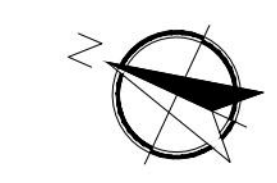
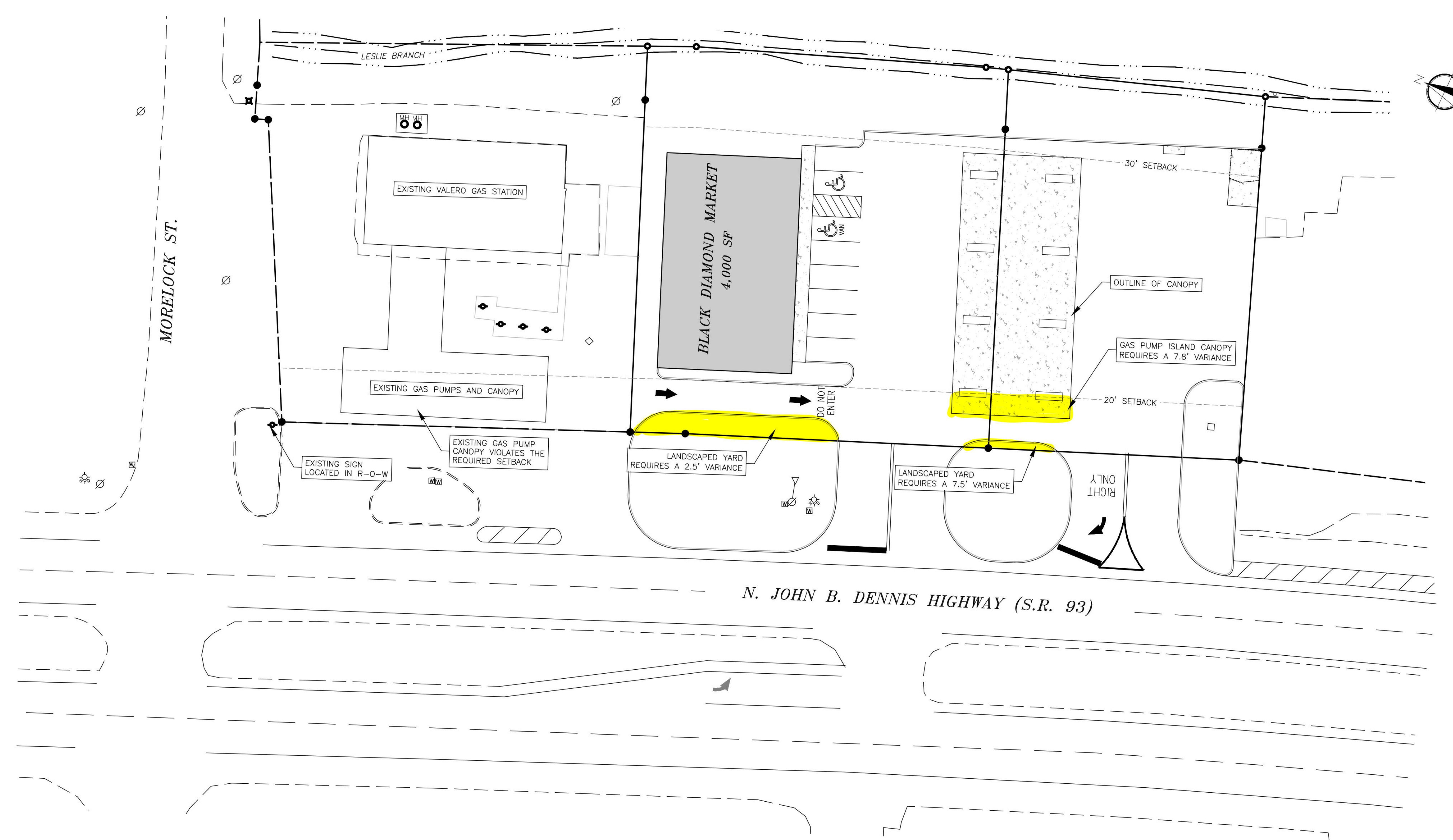
COMBINATION PLAT FOR THE ABCK RENTALS, LLC PROPERTY

CITY OF KINGSFORT REGIONAL PLANNING COMMISSION

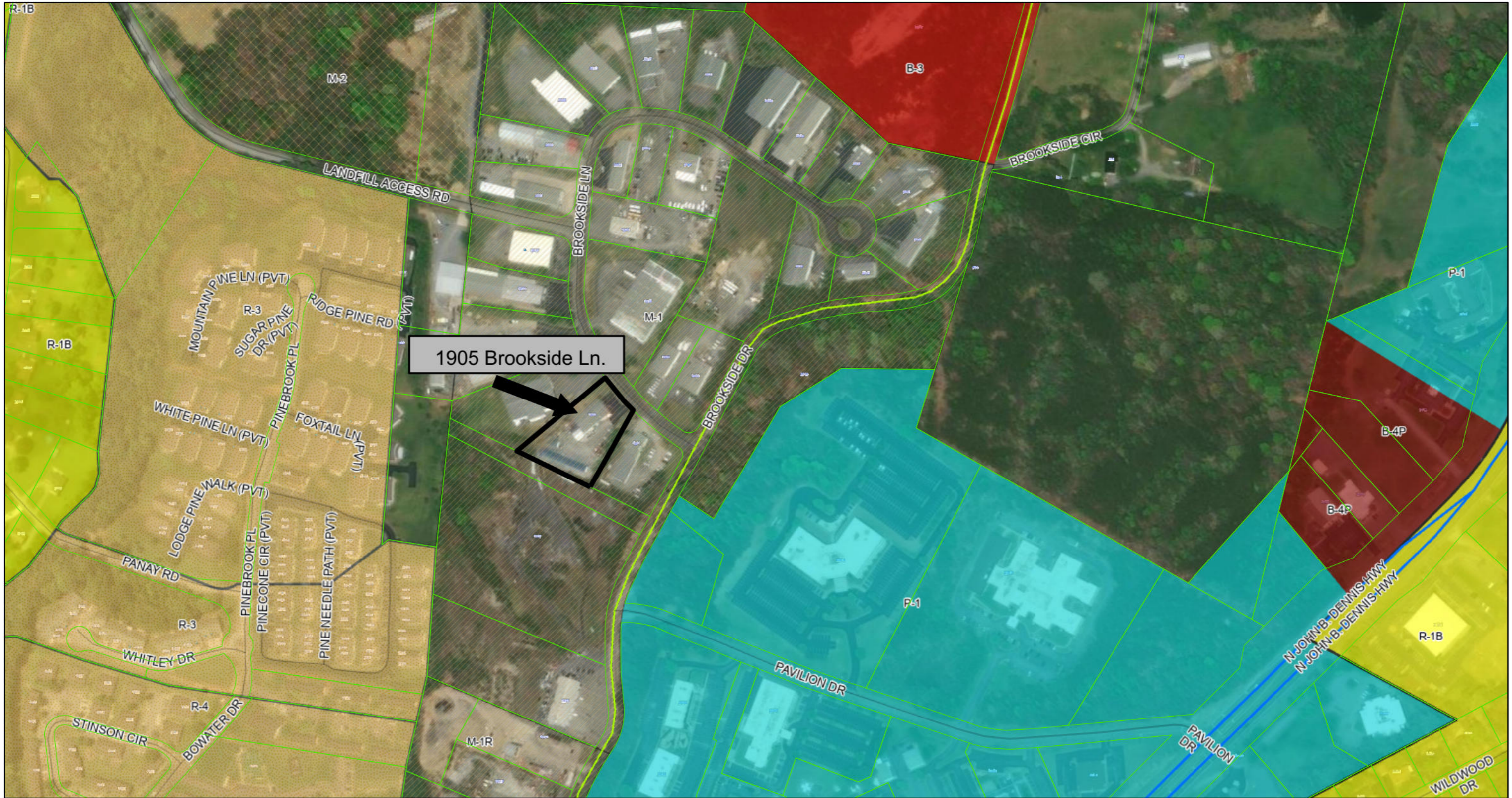
TOTAL ACRES 0.738 ACRES TOTAL LOTS 1
 ACRES NEW ROAD 0 MILES NEW ROAD 0

OWNER ABCK RENTALS LLC CIVIL DISTRICT 10TH & 11TH
 SURVEYOR Ty LaRue CLOSURE ERROR 1: 10,000

SCALE: 1" = 25'



	PROJECT ENGINEER	<p>CONTACT: STEPHEN ELLIS, P.E.</p>	PROJECT	REV DATE
	PROPOSED SITE CONSTRUCTION PLANS BLACK DIAMOND MARKET KINGSFORT, TENNESSEE		- - - - - -	
DWG. TITLE VARIANCE REQUEST			DATE: 3/24/26	SCALE: 1"=20'
			DWG. NO.	



4/14/2026, 8:38:00 AM

Sullivan County Parcels Jan 2023

Parcels

City Zoning

B-3

B-4P

M-1

M-1R

M-2

P-1

R-1B

R-3

R-4

Urban Growth Boundary

Streets

Major Arterial

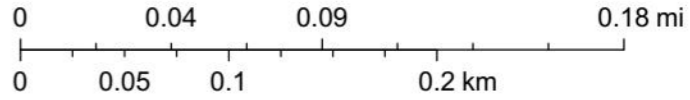
Collector Street

Local Street

Private Street

Kpt 911 Address

1:4,514



NC Collaboratory at UNCCH, Vantor



TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: April 15, 2026

RE: 1905 Brookside Lane

The Board is asked to consider the following request:

Case: BZA26-0084–The owner of property located at 1905 Brookside Lane, Control Map 047A, Group A, Parcel 09.30 requests a variance from Section 114-535(1) to reduce the minimum required lot frontage by 27.12 feet in order to install a freestanding sign with an electronic message board. The property is zoned M-1, Light Manufacturing District.

Code reference:

Sec. 114-535. - Electronic message board signs.

Except as otherwise provided in this section, electronic message boards are allowed only in the following zoning districts: M-1, Light Manufacturing District, M-1R, Light Manufacturing Restricted, District, M-2, General Manufacturing District, B-3, General Business District, BC, Business Conference Center District, B-4P, Planned Business District, and TA/C, Tourist Accommodation/Commerce District as follows:

(1) Only one freestanding electronic message board to convey information by words, letters, or still pictures shall be permitted for each development, provided that at least one parcel within the development has a minimum frontage of 150 feet and the electronic message board sign is mounted along the parcel front.



APPLICATION
Board of Zoning Appeals

APPLICANT INFORMATION:

Last Name Millsap
Street Address 1905 Brookside Ln
City Kingsport
Phone [Redacted]

First Rick
State TN
E-mail Address [Redacted]

M.I. J Date 3/24/26
Apartment/Unit #
ZIP 37660

PROPERTY INFORMATION:

Tax Map Information Tax map 047A Group: A
Street Address 1905 Brookside Ln
Current Zone
Current Use

Parcel 00930 Lot: 29
Proposed Zone
Proposed Use

Apartment/Unit #

REPRESENTATIVE INFORMATION:

Last Name Millsap
Street Address 1905 Brookside Ln
City Kingsport
Phone [Redacted]

First Rick
State TN
E-mail Address [Redacted]

M.I. J Date 3/24/26
Apartment/Unit #
ZIP 37660

REQUESTED ACTION:

The request is a variance from Section 114-555(1) to reduce the minimum required lot frontage by 27.12 feet in order to install freestanding sign with an electronic message board.

DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

Signature: Rick Millsap

Date: 3/30/26

Signed before me on this 30th day of March 2026
a notary public for the State of Tennessee
County of Sullivan

Notary Margaret R. Ryans
My Commission Expires November 21, 2027



Variance Worksheet – Finding of Facts

Variances. Except as provided herein to hear and decide applications for variance from the terms of this chapter, because of exceptional narrowness, shallowness or shape of a specific piece of property which on June 16, 1981, was a lot of record or where, **because of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property**, the strict application of this chapter would result in peculiar and exceptional practical difficulties to exception or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before any variance is granted, the board must find all of the following, which shall be recorded, along with any imposed conditions or restrictions, in minutes and records and issued in written form to the applicant to constitute proof of the variance:

- a. The specific conditions in detail which are unique to the applicant's land. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

Kingsport Heating and Air has operated at 1905 Brookside Lane since 1987. In those 39 years, I have seen the traffic density on the Stone Drive corridor increase significantly. My land has a unique natural upward slope—a 3.5-foot rise from the curb—and a building setback of over 100 feet, which is much deeper than newer developments. Because of this specific topography and the mature trees we have preserved for four decades, a standard sign is 'buried' in the landscape. Drivers often do not see our entrance until they have already passed the driveway, creating a safety hazard. This physical 'visual valley' is a hardship unique to my specific lot and is not shared by the flatter, street-adjacent properties in this vicinity.

- b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.

Strict application of the current code would deprive me of the reasonable use of my land by rendering my business functionally invisible to the public. I understand that safe, clear identification is essential for any business to survive. Without the requested height to clear the 3' 6" elevation rise and the monument width to be seen from a distance, I am denied the same level of public access and safety that my neighbors enjoy. A sign that works for a flat lot simply does not provide a 'reasonable' level of visibility for a recessed, sloped lot like mine.

- c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.

The unique conditions of this property are entirely natural and pre-date modern zoning. I have operated here since 1987, and the topography of the land—specifically the rising grade and deep setback—existed long before the current ordinance was adopted. Furthermore, the mature tree growth is a result of 40 years of natural growth, not a recent landscaping choice I made to create an obstruction. The hardship we face today is a result of the world changing around us—faster traffic and increased commercial noise—making our original 1980s visibility insufficient for modern safety standards.

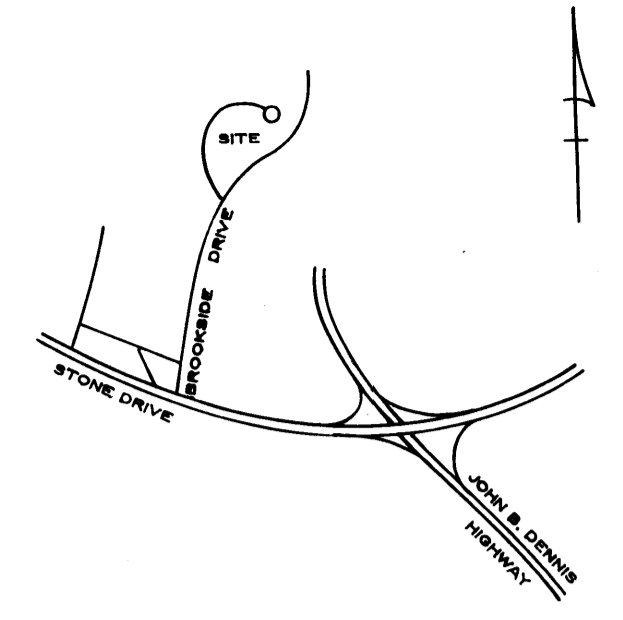
d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

This variance will actually improve public safety by providing clear, early identification for drivers, preventing the sudden braking and missed turns that currently occur at our entrance. We have been a good neighbor for 39 years; therefore, we have chosen a high-quality monument-style design that fits the professional character of Brookside Lane. We aren't changing the character of the district; we are simply ensuring a long-standing local employer remains visible and safe for the Kingsport community.

Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area or density above the maximum permitted by the zoning district; allowing a use other than those specifically authorized by this chapter in the applicable zoning district; or from the denial of a zoning permit when such denial is due to the fact that such lot has no frontage on a public street unless such lot was a lot of record on June 16, 1981.

Hardship - There is no definition of a “hardship”. Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.
2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
3. Inability to put the property to its most profitable use DOES NOT constitute a “hardship”.
4. Mere inconvenience to the applicant is not sufficient grounds for determining a “hardship”. In granting a variance the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance.



LOCATION MAP 1" = 5 MI.

ADDENDUM TO
 CERTIFICATE OF OWNERSHIP AND DEDICATION

Alba C. Hays
 OWNER LOT 7

John L. McLean
 OWNER LOT 8

Fambrough Holding
 OWNER LOT 9

Fambrough Holding
 OWNER LOT 10

David M. Hays
 OWNER LOT 21

ALL LOTS SHOWN HEREON, WITH THE EXCEPTION OF LOTS 1 & 2, ARE PART OF TRACT 3 BROOKSIDE INDUSTRIAL PARK OF RECORD IN PLAT BOOK 20, PAGE 36 R.O.S.C.

BROOKSIDE INDUSTRIAL PARK RESTRICTIONS OF RECORD IN DEED BOOK 455C, PAGE 164 R.O.S.C.

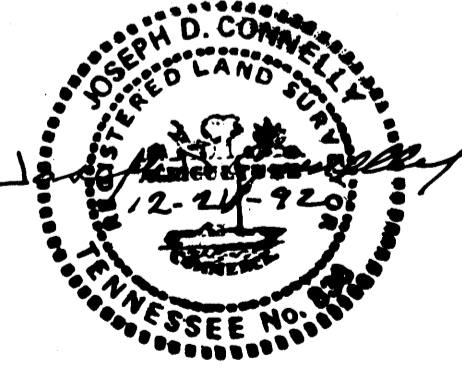
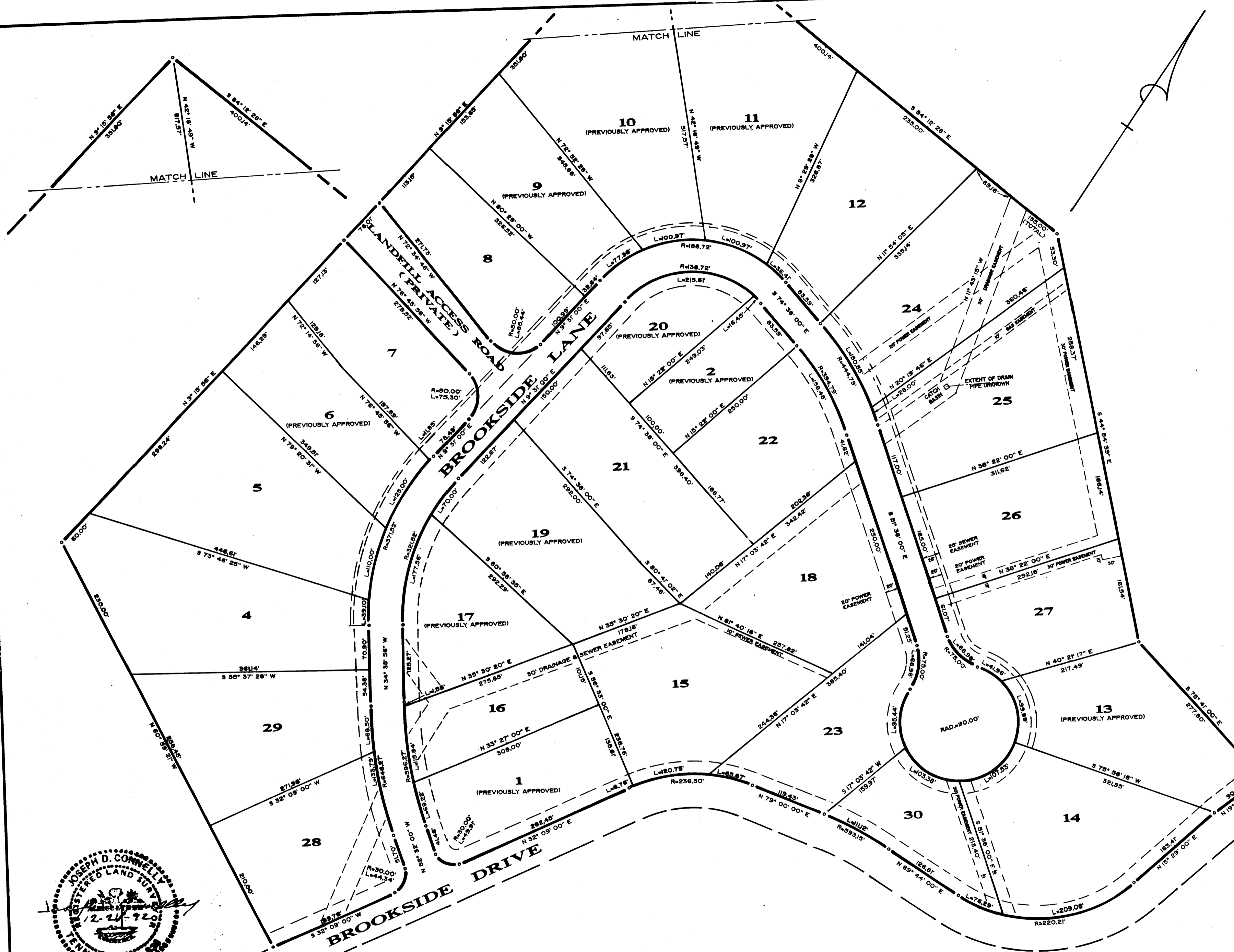
BUILDING SETBACK LINES TO CONFORM TO RESTRICTIONS AND ZONING ORDINANCE.

SURFACE DRAINAGE FOLLOWING NATURAL DRAINAGE PATTERNS BECOMES THE RESPONSIBILITY OF INDIVIDUAL LOT OWNERS.

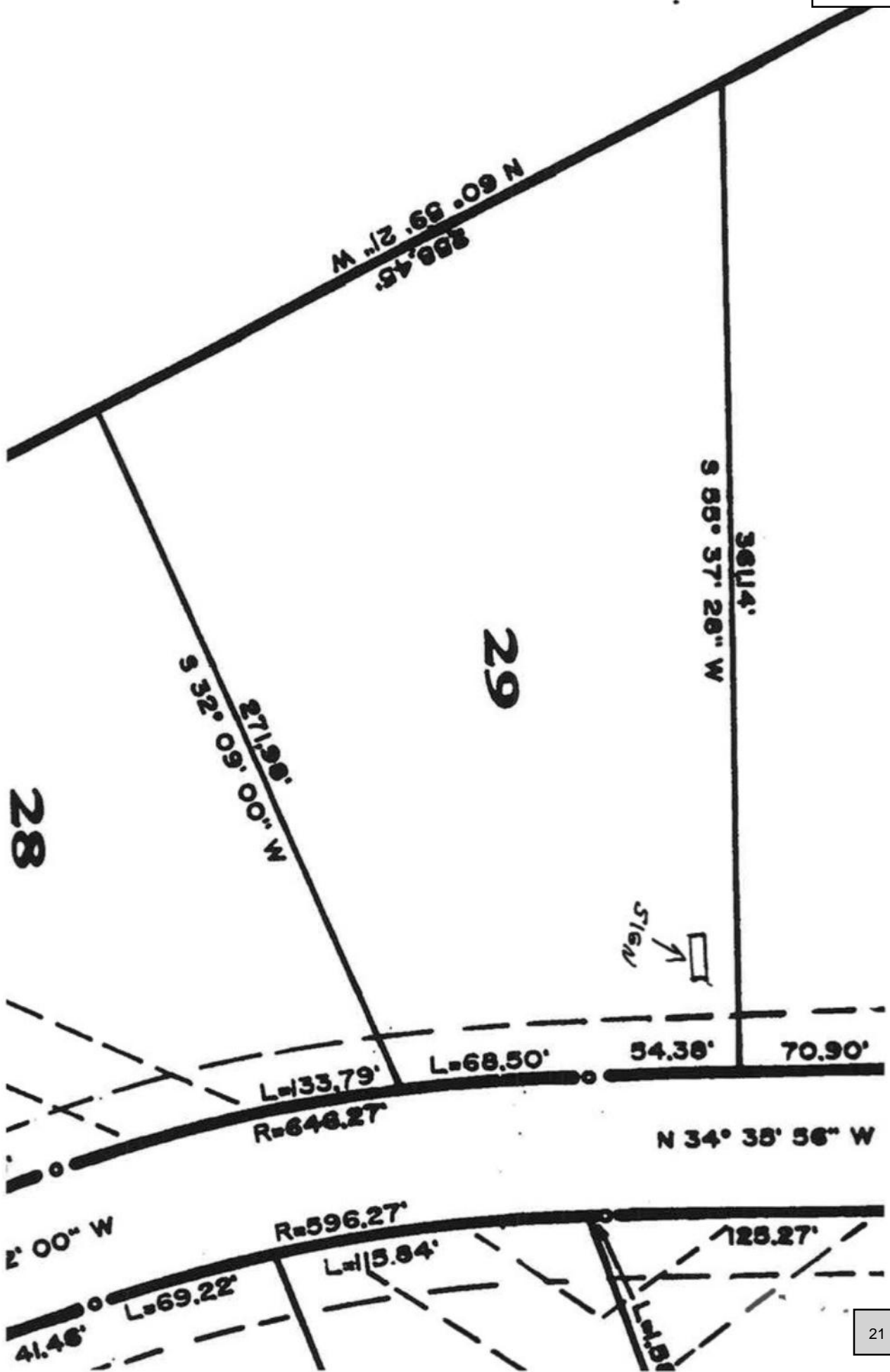
IRON PINS ON ALL CORNERS.

88257
 BK 37 PG 67

State of Tennessee, County of SULLIVAN
 Received for record the 21 day of
 SEPTEMBER 1993 at 10:20 AM. (REC# 46225)
 Recorded in Book 37 Pages 67- 67
 State Tax \$.00 Clerks Fee \$.00
 Recordings \$ 10.00, Total \$ 10.00,
 Register of Deeds MARY LOU DUNCAN
 Deputy Register REVONDA WISE



<p>CERTIFICATE OF OWNERSHIP AND DEDICATION</p> <p>(I/WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY(OUR) FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.</p> <p>(SEE ADDENDUM)</p> <p>Sept. 9 19 93 <i>W.E. King</i> OWNER</p>	<p>CERTIFICATE OF ACCURACY</p> <p>I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE <u>KINGSPORT</u> TENNESSEE REGIONAL PLANNING COMMISSION AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON.</p> <p>Dec. 21 19 92 <i>Joseph D. Connelly</i> REGISTERED ENGR. OR SURVEYOR</p>	<p>CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES</p> <p>I HEREBY CERTIFY: (1) THAT STREETS, UTILITIES AND HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO CITY SPECIFICATIONS OR, (2) THAT A SECURITY BOND IN THE AMOUNT OF \$ _____ HAS BEEN POSTED WITH THE PLANNING COMMISSION TO GUARANTEE THE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT.</p> <p>DATE _____ 19 ____</p> <p>CITY ENGINEER OR COUNTY ROAD COMM.</p>	<p>CERTIFICATION OF THE APPROVAL OF WATER AND SEWERAGE SYSTEM</p> <p>I HEREBY CERTIFY THAT THE WATER SUPPLY AND/OR SEWAGE DISPOSAL UTILITY SYSTEM OR SYSTEMS INSTALLED, OR PROPOSED FOR INSTALLATION, FULLY MEET THE REQUIREMENTS OF THE TENNESSEE HEALTH DEPARTMENT, AND ARE HEREBY APPROVED AS SHOWN.</p> <p>15 Sept 19 93 <i>[Signature]</i> CITY HEALTH OFFICER OR HIS AUTHORIZED REP.</p>	<p>CERTIFICATE OF APPROVAL FOR RECORDING</p> <p>I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR <u>KINGSPORT</u> TENNESSEE, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE <u>Sullivan Co</u> REGISTER.</p> <p>Sept 21 19 93 <i>H.B. Memphis Jr.</i> SECRETARY, <u>Kingsport</u> REGIONAL PLANNING COMMISSION</p>	<p>BROOKSIDE INDUSTRIAL PARK KINGSPORT REGIONAL PLANNING COMMISSION</p> <p>TOTAL ACRES <u>38.20</u> TOTAL LOTS <u>29</u> ACRES NEW ROAD <u>0</u> MILES NEW ROAD <u>0</u></p> <p>OWNER OF THE CITY OF KINGSPORT CIVIL DISTRICT <u>11th</u> SURVEYOR <u>JOSEPH D. CONNELLY</u> CLOSURE ERROR <u>NIL</u></p> <p>SCALE 1" = 100'</p>
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Approved _____ on: _____

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

April 2, 2026 Regular Meeting

Noon
Montgomery-Watterson Boardroom, City Hall

Members Present:

Lora Barnett
Bill Sumner
Joe White
Calvin Clifton
Josh Taylor
Wes Combs

Members Absent:

Hoyt Denton

Staff Present:

Lori Pyatte
Ken Weems
Jessica McMurray

Visitors:

Richard Lane
Shelia Lane

Chairman Bill Sumner called the meeting to order at 12:00pm.

Chairman Bill 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: BZA26-0057–The owner of property located at 2020 Springfield Avenue, Control Map 046F, Group C, Parcel 018.00 requests a twenty-foot front yard variance from Sec. 114-182(e)(1)c in order to construct a new single-family home. The property is zoned R-1A, Residential District.

Mr. Richard Lane, the property owner, presented the case to the Board. He explained his intent to construct a single-family residence on the property but noted that, due to the steep topography at the front of the lot, he is requesting a 20-foot variance.

The Board acknowledged that the lot’s shape and challenging topography constitute a hardship.

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

BUSINESS:

Staff stated for record, the next application deadline is April 15, 2026 at noon, and meeting date Thursday, May 7, 2026 at noon.

The board reviewed the March 12, 2026 regular meeting minutes.

MOTION: made by Vice Chairman Calvin Clifton, seconded by Ms. Lora Barnett to approve the Kingsport Board of Zoning Appeals minutes for March 12, 2026.

VOTE: 6-0 to approve the minutes.

Adjudication of Cases:

Case: BZA26-0057–The owner of property located at 2020 Springfield Avenue, Control Map 046F, Group C, Parcel 018.00 requests a twenty-foot front yard variance from Sec. 114-182(e)(1)c in order to construct a new single-family home. The property is zoned R-1A, Residential District.

The Board found that the hardship is created by the property’s topography and irregular lot shape.

MOTION: Made by Mr. Wes Combs and seconded by Mr. Joe White to approve the request as presented.

VOTE: 6-0 to approve the request.

Public Comment:

With no further business the meeting was adjourned at 12:09pm.

Respectfully Submitted,

Jessica McMurray

Jessica McMurray
Development Coordinator