



BOARD OF ZONING APPEALS MEETING AGENDA

Thursday, August 03, 2023 at 12:00 PM

City Hall, 415 Broad Street, Montgomery-Watterson Boardroom

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 23-0238 – The owner of property located at 630 W. Sullivan Street, Control Map 046H, Group B, Parcel 003.00** requests approval from the Board of Zoning Appeals to Sec. 114-8(4) to re-establish a non-conforming use for 20 mini storage units and requests special exception to Sec. 114-193(c)2 for the purpose of commercial office space. The property is zoned B-1, Neighborhood Business District.

INTERESTED PARTIES:

Owner: Dennis Phillips

630 W. Sullivan St.

Kingsport, TN 37660

423.292.6449

Representative: Dennis Phillips

- 2. Case: 23-0239– The owner of property located at 1221 Lynn Garden Drive, Control Map 030H, Group D, Parcel 040.00** requests a 10 foot planting strip boundary variance to Sec 114-600(4)a and a parking reduction variance to Sec 114-564(4)q from 63 parking spaces to 36 spaces for the purpose of constructing a new Dollar General. The property is zoned B-3, Highway Oriented Business District.

INTERESTED PARTIES:

Owner: DG Holdings LLC

1221 Lynn Garden Dr.

Kingsport, TN 37664

423.790.5880

Representative: Chandler Hunt

IV. BUSINESS

- 1. Approval of the July 6, 2023 regular meeting minutes.**

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

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, August 3, 2023 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:

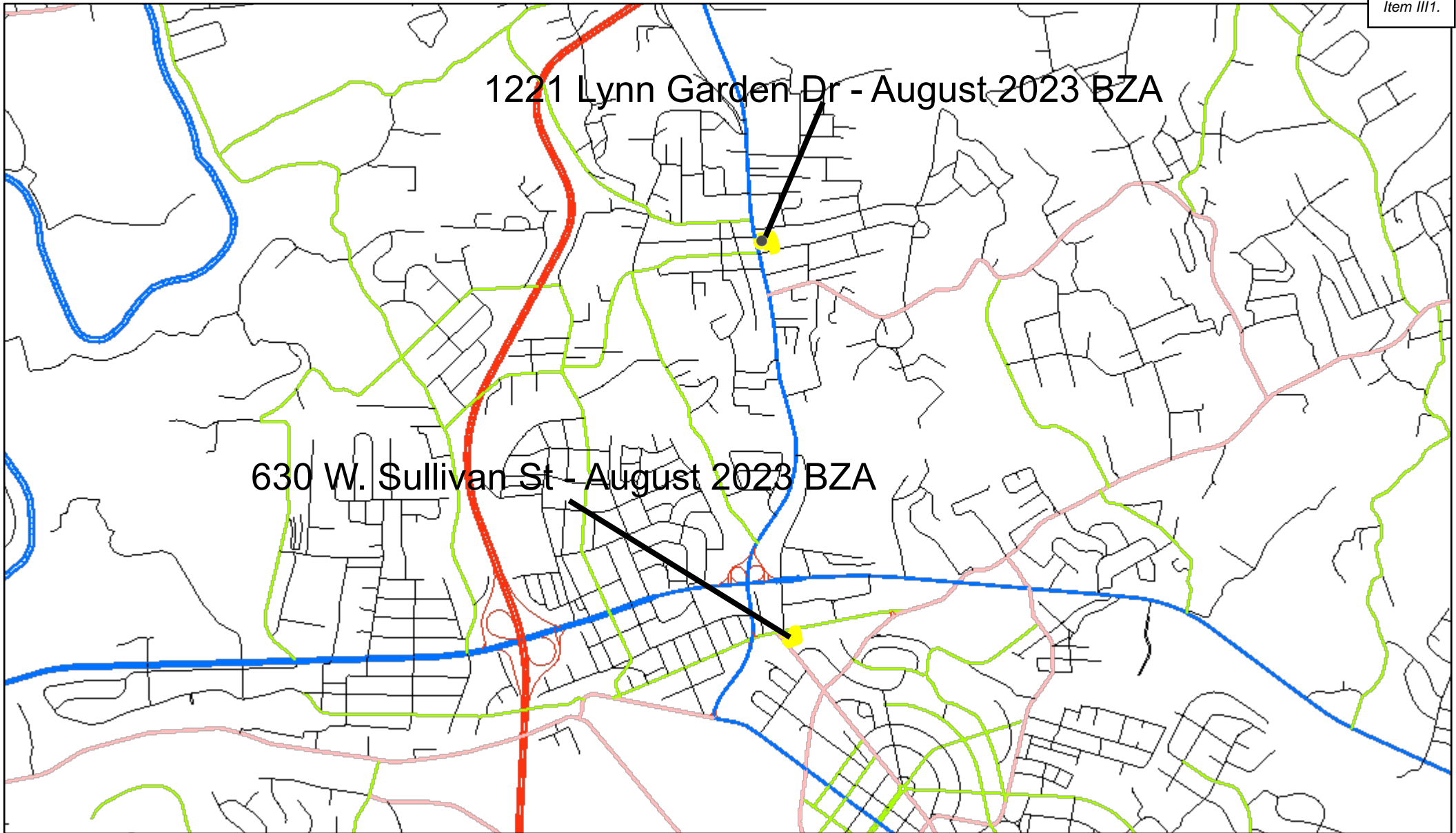
Case 23-0238 – The owner of property located at 630 W. Sullivan Street, Control Map 046H, Group B, Parcel 003.00 requests approval from the Board of Zoning Appeals to Sec 114-8(4) to re-establish a non-conforming use for 20 mini storage units and requests a special exception to Sec 114-193(c)2 for the purpose of commercial office space. The property is zoned B-1, Neighborhood Business District.

Case: 23-0239– The owner of property located at 1221 Lynn Garden Drive, Control Map 030H, Group D, Parcel 040.00 requests a 10 foot planting strip boundary variance to Sec 114-600(4)a and a parking reduction variance to Sec 114-564(4)q from 63 parking spaces to 36 spaces for the purpose of constructing a new Dollar General. The property is zoned B-3, Highway Oriented Business 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) 224-2482.

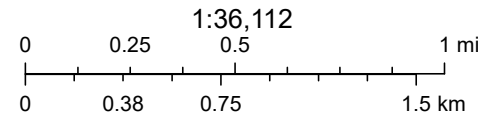
All City of Kingsport public meetings are conducted in accessible locations. If you require accommodations to participate in this meeting, these may be requested by calling (423) 224-2482 or by emailing ADAContact@KingsportTN.gov at least 72 hours in advance. Copies of any documents used are available in accessible formats upon request.

CITY OF KINGSPORT
Angie Marshall, City Clerk
PIT: 7/24/2023



7/19/2023, 9:16:42 AM

- | | | |
|-----------------------|------------------|----------------|
| Urban Growth Boundary | Major Arterial | Local Street |
| Streets | Minor Arterial | Private Street |
| Interstate | Collector Street | Ramp |
| Expressway | | |





TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: July 19, 2023

RE: 630 W. Sullivan Street

The Board is asked to consider the following request:

Case 23-0238 – The owner of property located at 630 W. Sullivan Street, Control Map 046H, Group B, Parcel 003.00 requests approval from the Board of Zoning Appeals to Sec. 114-8(4) to re-establish a non-conforming use for 20 mini storage units and requests special exception to Sec. 114-193(c)2 for the purpose of commercial office space. The property is zoned B-1, Neighborhood Business District.

Code reference:

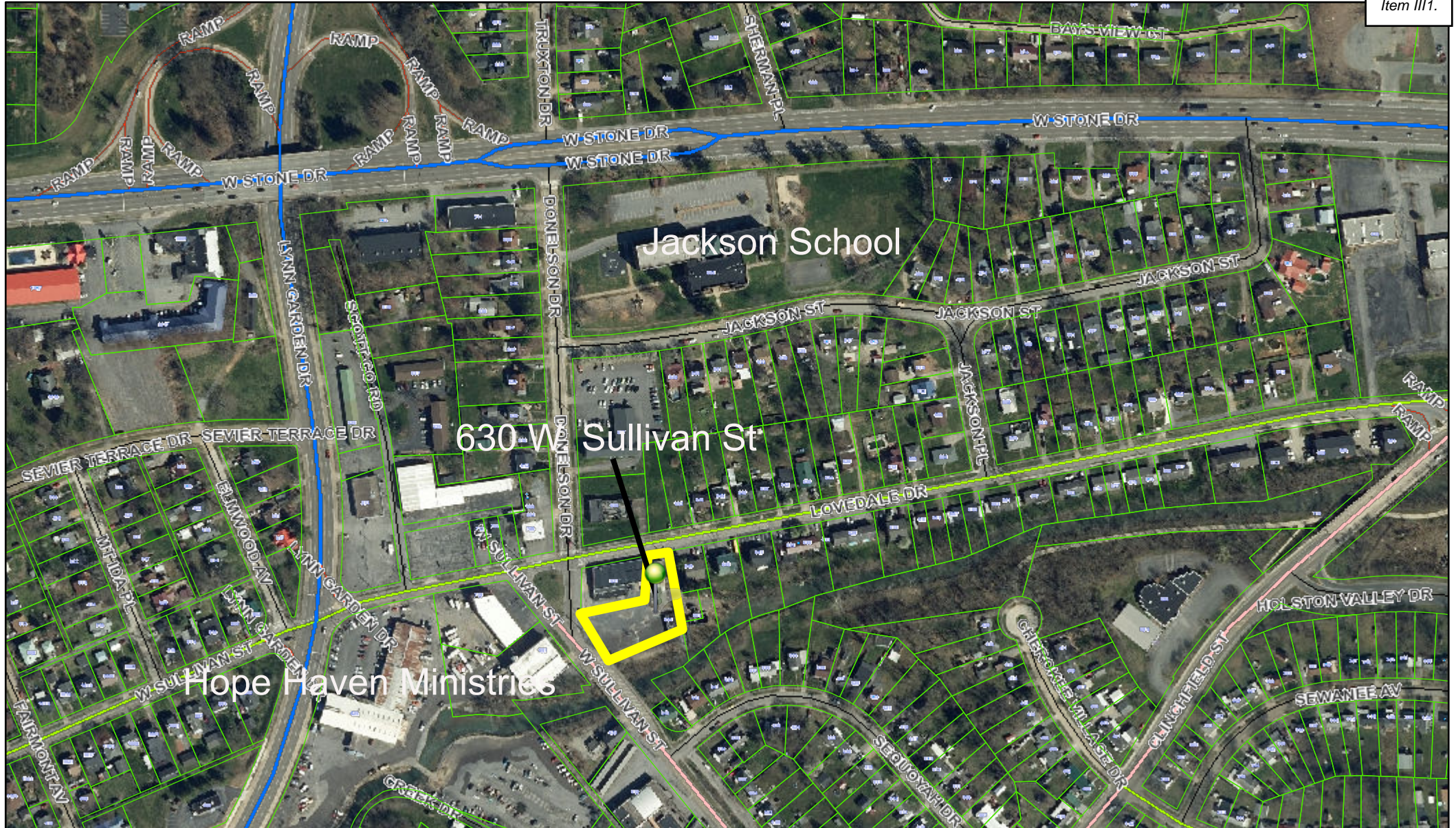
Sec. 114-8. - Nonconforming uses

(4) *Discontinuance.* When a nonconforming use of any building or land has ceased for a period of one year, it shall not be reestablished or changed to any use not in conformity with this chapter without the written approval of the board of zoning appeals.

Sec. 114-193. - B-1, Neighborhood Business District.

(c) Special exceptions. Special exceptions are permitted only with the approval of the board of zoning appeals and are allowed in the B-1 district as follows:

- (1) Self-service carwashes.
- (2) Offices.
- (3) Same as for R-3 districts.
- (4) Communication facilities.

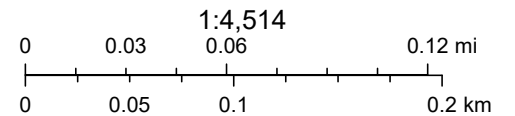


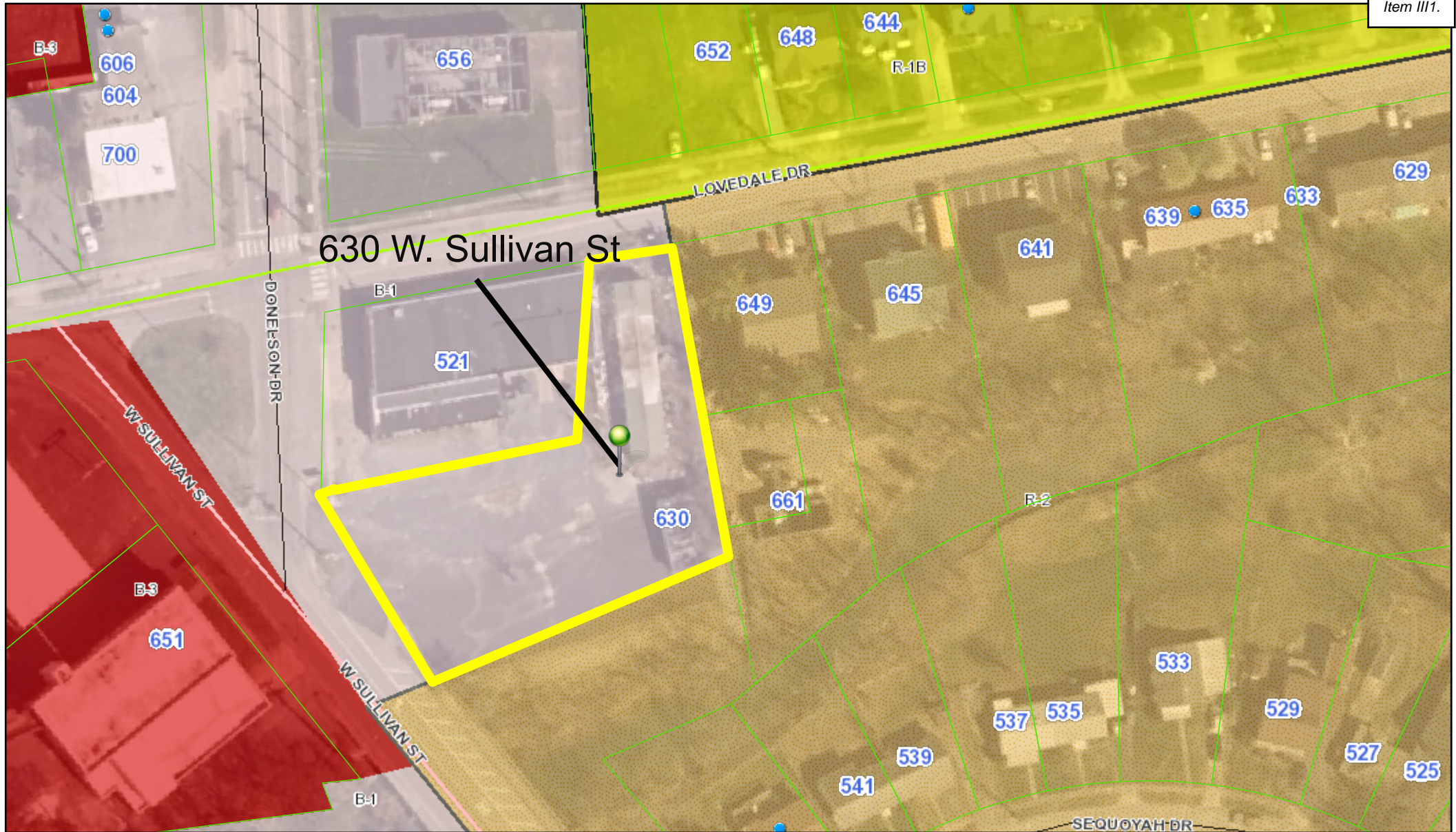
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Sullivan County Parcels Jan 2023 Streets

- Parcels
- Kpt 911 Address
- Urban Growth Boundary
- Interstate
- Expressway
- Major Arterial

- Minor Arterial
- Collector Street
- Local Street
- Private Street
- Ramp



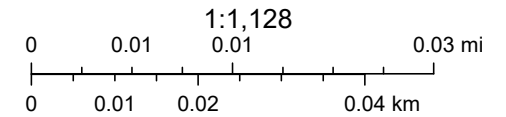


7/17/2023, 9:37:52 AM

Sullivan County Parcels Jan 2023

- Parcels
- Kpt 911 Address
- City Zoning
- <Null>

 TA/C	 A-1	 B-2	 B-4P	 M-1	 P-1	 PD
 R-5	 A-2	 B-3	 B-4P	 M-1R	 P-D	 PMD-1
 GC	 AR	 B-3	 BC	 M-2	 PBD-3	 PMD-2
 B-2E	 B-1	 B-4	 GC	 MX	 PBD/*	 PUD



APPLICATION

Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name Phillips First Dennis M.I. R Date 7/11/23
 Street Address 2121 Pendragon Rd Apartment/Unit #
 City Kingsport State TN ZIP 37660
 Phone 423-292-6449 E-mail Address miami04@yahoo.com

PROPERTY INFORMATION:

Tax Map Information Tax map: Group: Parcel: Lot:
 Street Address 630 W. Sullivan Apartment/Unit #
 Current Zone Proposed Zone
 Current Use Proposed Use

REPRESENTATIVE INFORMATION:

Last Name Same First M.I. Date
 Street Address Apartment/Unit #
 City State ZIP
 Phone E-mail Address

REQUESTED ACTION:

To put back mini Storage - approval to re-establish non conforming use
To put office in old building space - Approval for office space as
special exception in B-1

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: Dennis Phillips Date:

Signed before me on this 13 day of July, 2023
 a notary public for the State of Tennessee
 County of Sullivan

Notary Christina M. Blair
 My Commission Expires 8/26/24



Board of Zoning Appeals Criteria and Application Requirements

The BZA utilizes the following Criteria in their decisions:

A Special Exception (conditional use) is an infrequent but desirable land use, which must be individually regulated for location and mode of operation due to its nature. The BZA will balance the public need for the specific use with possible adverse impacts upon the surrounding area if the special exception is granted.

Application Requirements of the Petitioner for a Special Exception:

1. Completed Application
2. Provide staff with a drawing/plan of the proposed building with dimensions, parking lots, existing and purposed driveway, required green space and traffic circulation patterns.

When applying for a special exception keep in mind the following and be prepared to answer:

1. What is the use, activities, hours of operation, numbers of anticipated customers and daily vehicles?
2. Are there accessible safe streets for anticipated traffic and adequate parking facilities on site?
3. Does the use and additions if any, fit with the neighborhood architecture aesthetics?
4. Will the use generate excessive noise, traffic, dust, etc.?
5. Is there proper fencing and screening to shield proposed use from existing neighborhood?
6. Are there any undesirable effect upon the neighborhood's physical or environmental conditions or any adverse impacts on the health, safety and welfare of the surrounding area?

**** All requested material must accompany a completed application form before it will be accepted by staff and placed on the Board of Zoning Appeals agenda. All application packets along with a \$100.00 processing fee must be turned into the Kingsport Planning Office before NOON on the 15th of the month prior to the month the item is to be heard by the Board of Zoning Appeals.**



Kingsport, Tennessee
Google Street View
Apr 2019 See more dates



Image capture: Apr 2019 © 2023 Google



Kingsport, Tennessee
Google Street View
Apr 2019 See more dates

Image capture: Apr 2019 © 2023 Google

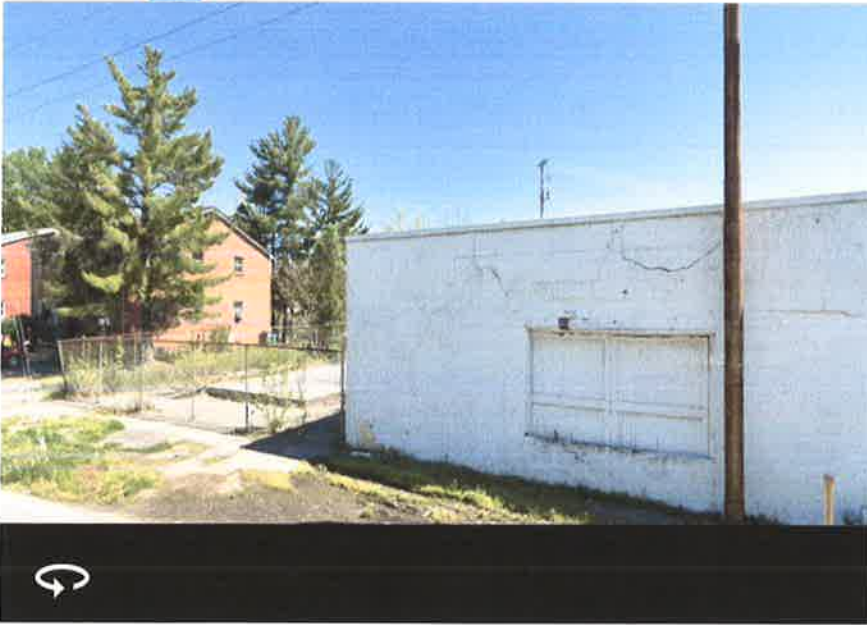


630 W Sullivan St

Item III1.

All

Street View & 360°



Mini Storage Units



(<https://trusteelbuildings.com/wp-content/uploads/2022/10/self-storage-gallery-aerial-2.jpg>)



(<https://trusteelbuildings.com/wp-content/uploads/2022/10/self-storage-gallery-construction.jpg>)



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(<https://trusteelbuildings.com/wp-content/uploads/2022/10/self-storage-gallery-close-up.jpg>)



(<https://trusteelbuildings.com/wp-content/uploads/2022/10/self-storage-gallery-open.jpg>)



(<https://trusteelbuildings.com/wp-content/uploads/2022/10/self-storage-gallery-exterior.jpg>)



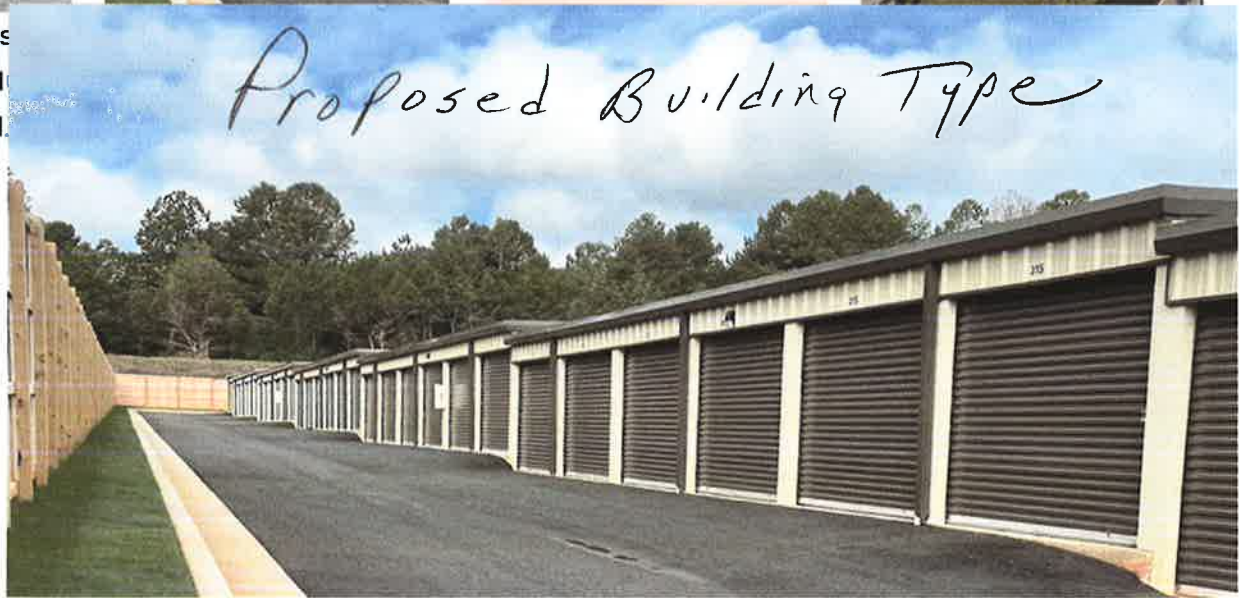
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(<https://trusteelbuildings.com/wp-content/uploads/2022/10/self-storage-hvac.jpg>)



(<https://trusteelbuildings.com/wp-content/uploads/2022/10/self-storage-gallery-paved.jpg>)



Directions

Save Home

Share



© 2023 Google

Google Maps 656 Lovedale Dr



Kingsport, Tennessee
 Google Street View
 Apr 2019 See more dates



Image capture: Apr 2019 © 2023 Google

Directions

Save Home

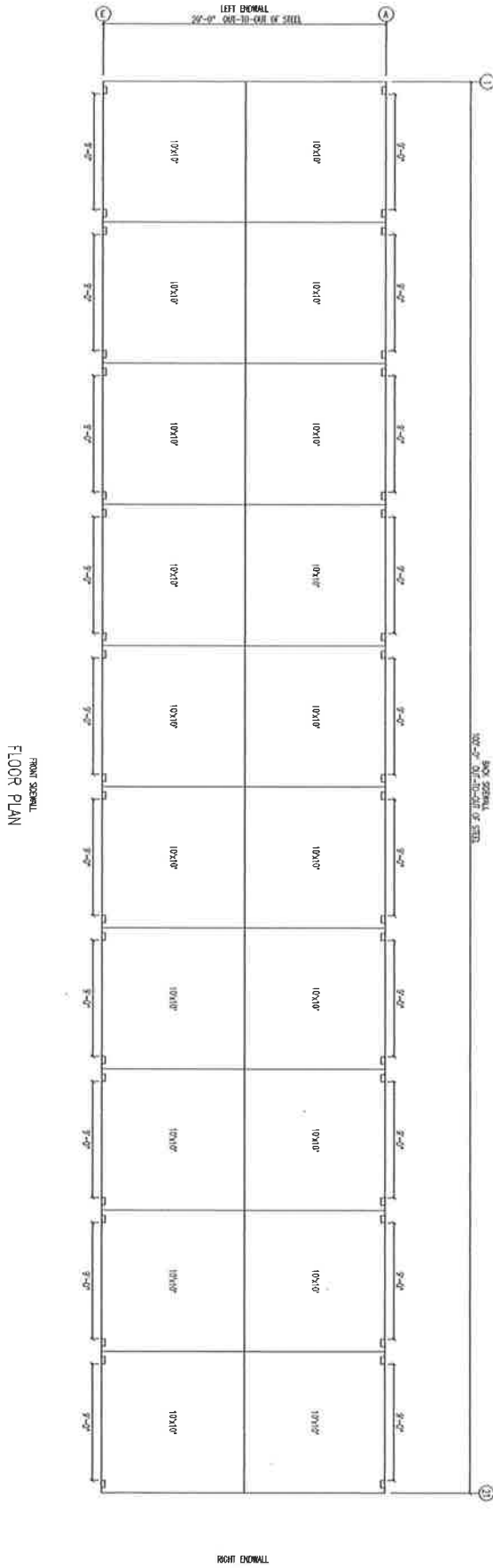
Share



Both Buildings Will Go on Existing Pads,
No Modifications



© 2023 Google Keep a promise



FRONT SCRAMBLED
FLOOR PLAN

A7

Sheet

DWG # 53447

TruSteel
BUILDINGS
 395 JERRY SMITH DR.
 WATKINSVILLE, GA 30677
 706-310-4081

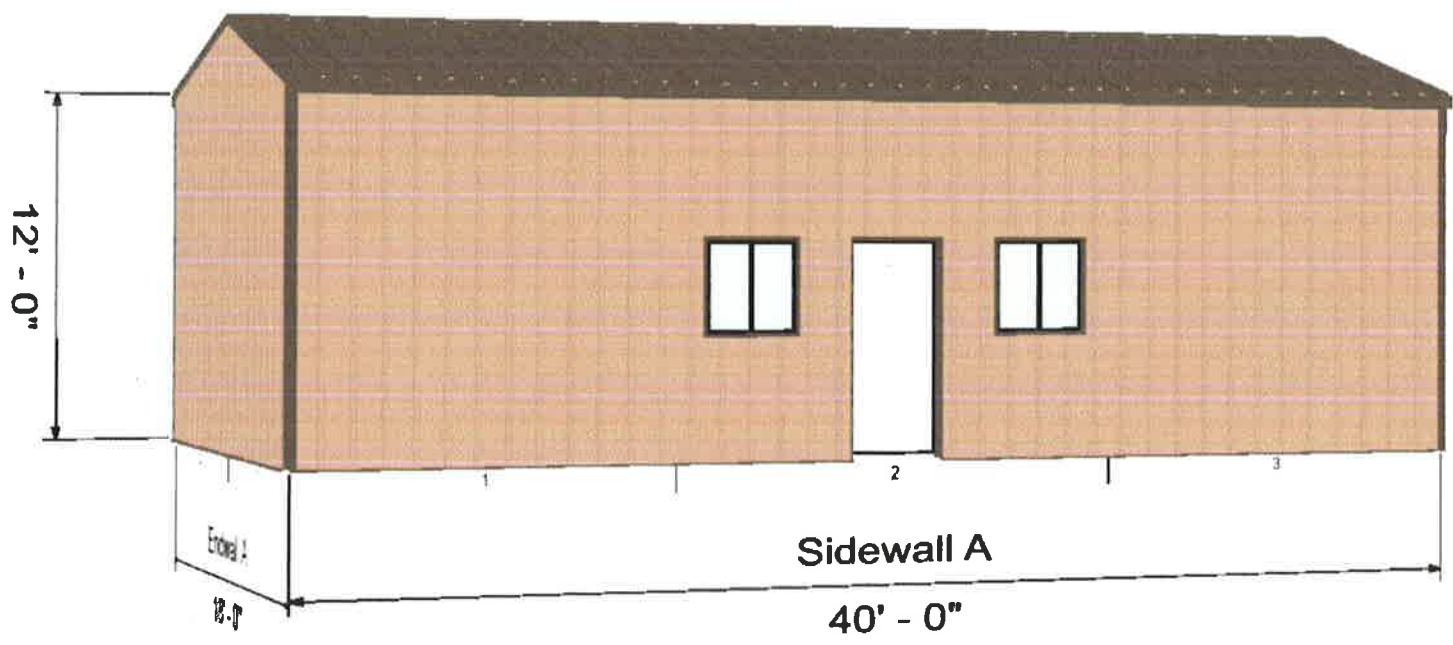
PROJECT: 20.0 x 100.0 x 8.5
 LOCATION:
 Dennis Phillips

CONFIDENTIAL AND PROPRIETARY INFORMATION
 THESE DRAWINGS ARE THE SOLE AND EXCLUSIVE PROPERTY OF THE BUILDING MANUFACTURER. SENSITIVE, PRIVILEGED, AND CONFIDENTIAL INFORMATION CONTAINED IN THESE DRAWINGS MAY ONLY BE USED FOR ITS INTENT. THE DISCLOSURE OF THESE DRAWINGS TO UNAUTHORIZED PERSONS IS STRICTLY PROHIBITED. THESE DRAWINGS MAY NOT BE USED TO CONSTRUCT LIKE PROJECTS WITHOUT WRITTEN PERMISSION FROM THE BUILDING MANUFACTURER. THIS DOCUMENT AND ALL COPIES MUST BE RETURNED UPON DEMAND.

APPROVAL	EF	6/27/23
PRINTS ISSUED FOR	EF	DATE

Building created for:
Dennis Phillips
630 W Sullivan St
Kingsport TN 37660

Produced by:
TruSteel Buildings



Rental OFFICE Building



Monday, May 15, 2023

LOCATION

Property Address 630 W Sullivan St
Kingsport, TN 37660-3650

Subdivision Rogers & Fuller Prop

County Sullivan County, TN

PROPERTY SUMMARY

Property Type Commercial

Land Use Commercial

Improvement Type

Square Feet

GENERAL PARCEL INFORMATION

Parcel ID/Tax ID 046H B 003.00

Special Int 000

Alternate Parcel ID

Land Map 046H

District/Ward 11

2020 Census Trct/Blk 406/3

Assessor Roll Year 2022



CURRENT OWNER

Name Taylor Paula M Whitney Paul Taylor

Mailing Address 2364 Pendragon Rd
Kingsport, TN 37660-2937

SCHOOL ZONE INFORMATION

Jackson Elementary School 0.2 mi
Elementary: K to 5 Distance

Sevier Middle School 1.3 mi
Middle: 6 to 8 Distance

Dobyns - Bennett High School 2.5 mi
High: 9 to 12 Distance

SALES HISTORY THROUGH 04/28/2023

Date	Amount	Buyer/Owners	Seller	Instrument	No. Parcels	Book/Page Or Document#
4/22/2009		Taylor Paula M & Whitney Paul Taylor				2765C/22
11/9/1979	\$80,000					228C/170
4/18/1951						123A/138

TAX ASSESSMENT

Appraisal	Amount	Assessment	Amount	Jurisdiction	Rate
Appraisal Year	2022	Assessment Year	2022	Kingsport	1.9983
Appraised Land	\$43,900	Assessed Land		Sullivan	2.4062
Appraised Improvements	\$4,700	Assessed Improvements			
Total Tax Appraisal	\$48,600	Total Assessment	\$19,440		
		Exempt Amount			
		Exempt Reason			

TAXES

Tax Year	City Taxes	County Taxes	Total Taxes
2022	\$388.47	\$467.77	\$856.23
2021	\$365.14	\$467.77	\$832.91
2020	\$767.92	\$956.00	\$1,723.92

Item III1.

Year	Assessed Value	Market Value	Market Value
2019	\$767.92	\$956.04	\$1,723.96
2018	\$734.70	\$948.60	\$1,683.30
2017	\$734.70	\$948.60	\$1,683.30
2016	\$822.20	\$1,022.95	\$1,845.15
2014	\$822.20	\$915.70	\$1,737.90
2013	\$770.57	\$915.70	\$1,686.27

MORTGAGE HISTORY

No mortgages were found for this parcel.

PROPERTY CHARACTERISTICS: BUILDING

No Buildings were found for this parcel.

PROPERTY CHARACTERISTICS: EXTRA FEATURES

Feature	Size or Description	Year Built	Condition
Asphalt Paving	25000	1997	AVERAGE

PROPERTY CHARACTERISTICS: LOT

Land Use	Commercial	Lot Dimensions	184M X 169.5 IRR
Block/Lot	/Pt2	Lot Square Feet	
Latitude/Longitude	36.556664°/-82.565217°	Acreage	

Type	Land Use	Units	Tax Assessor Value
Commercial		56X100	\$12,430
Commercial		105X202	\$31,500

PROPERTY CHARACTERISTICS: UTILITIES/AREA

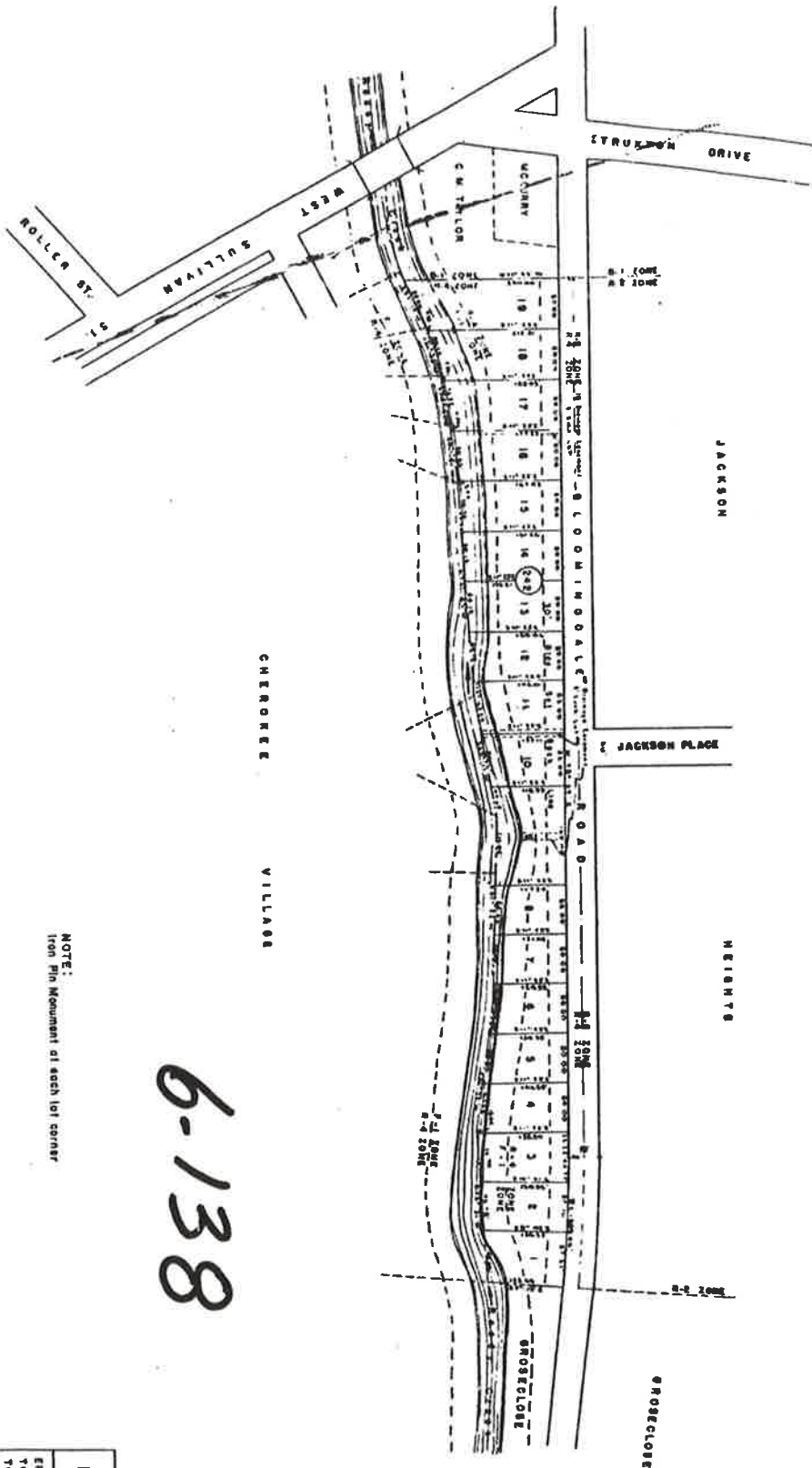
Gas Source	Public - Natural Gas	Road Type	Curb/Gutter Paved
Electric Source	Public	Topography	Level
Water Source	Public	District Trend	Stable
Sewer Source	Public	Special School District 1	
Zoning Code	B 1	Special School District 2	
Owner Type			

LEGAL DESCRIPTION

Subdivision	Rogers & Fuller Prop	Plat Book/Page	6/138
Block/Lot	/Pt2	District/Ward	11
Description	Pt Tr 2		

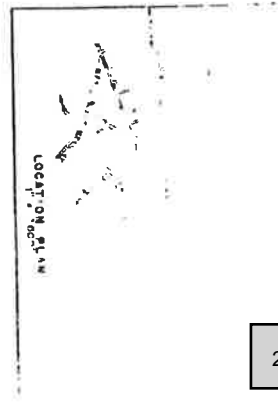
FEMA FLOOD ZONES

Zone Code	Flood Risk	BFE	Description	FIRM Panel ID	FIRM Panel Eff. Date
AE	High		Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.	47163C0040D	09/29/2006



NOTE:
Iron Pin Monument at each lot corner

6-138



1. I hereby certify that I am the duly qualified and licensed Surveyor for the State of Tennessee and that I have personally examined the above described plat and find that the same is correct and conforms to the provisions of the laws of the State of Tennessee relating to the recording of such plats and that I have no objection to the same being recorded in the public records of the County of Sevier, Tennessee.

Witness my hand and the seal of my office this 15th day of June, 1967.

James H. ...

CERTIFICATE OF OWNERSHIP AND DESIGNATION

I, the undersigned, do hereby certify that I am the owner of the above described property and that I have designated the above described property as being subject to the provisions of the laws of the State of Tennessee relating to the recording of such plats and that I have no objection to the same being recorded in the public records of the County of Sevier, Tennessee.

Witness my hand and the seal of my office this 15th day of June, 1967.

James H. ...

CERTIFICATE OF ACCURACY

I hereby certify that the plat shown and described herein is a true and correct survey to the boundary lines of the above described property and that the same is correct and conforms to the provisions of the laws of the State of Tennessee relating to the recording of such plats and that I have no objection to the same being recorded in the public records of the County of Sevier, Tennessee.

Witness my hand and the seal of my office this 15th day of June, 1967.

James H. ...

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the above described plat shows the correct and true location of the boundary lines of the above described property and that the same is correct and conforms to the provisions of the laws of the State of Tennessee relating to the recording of such plats and that I have no objection to the same being recorded in the public records of the County of Sevier, Tennessee.

Witness my hand and the seal of my office this 15th day of June, 1967.

Allen J. ...

SUBDIVISION PLAN	
ROGERS & FULLER PROPERTY	
KINGSPORT, TENNESSEE	
ERROR OF CLOSURE	1/4893
TOTAL NUMBER LOTS	19
TOTAL ACRES	5.28
TOTAL ACRES NEW	2.495
CIVIL DISTRICT	11
SURVEYOR KING ENGINEERING CO., K/1987-1987	
OWNERS ROGERS & FULLER	
P.C. NO.	0875

Property Report for Parcel/Tax ID 046H B 003.00

Monday, May 15, 2023



CURRENT OWNER

TO: KINGSPOINT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: July 19, 2023

RE: 1221 Lynn Garden Drive

The Board is asked to consider the following request:

Case: 23-0239– The owner of property located at 1221 Lynn Garden Drive, Control Map 030H, Group D, Parcel 040.00 requests a 10 foot planting strip boundary variance to Sec 114-600(4)a and a parking reduction variance to Sec 114-564(4)q from 63 parking spaces to 36 spaces for the purpose of constructing a new Dollar General. The property is zoned B-3, Highway Oriented Business District.

Code reference:

Sec. 114-600. - Landscape requirements.

(4) *Property adjoining a residential or agricultural zone.*

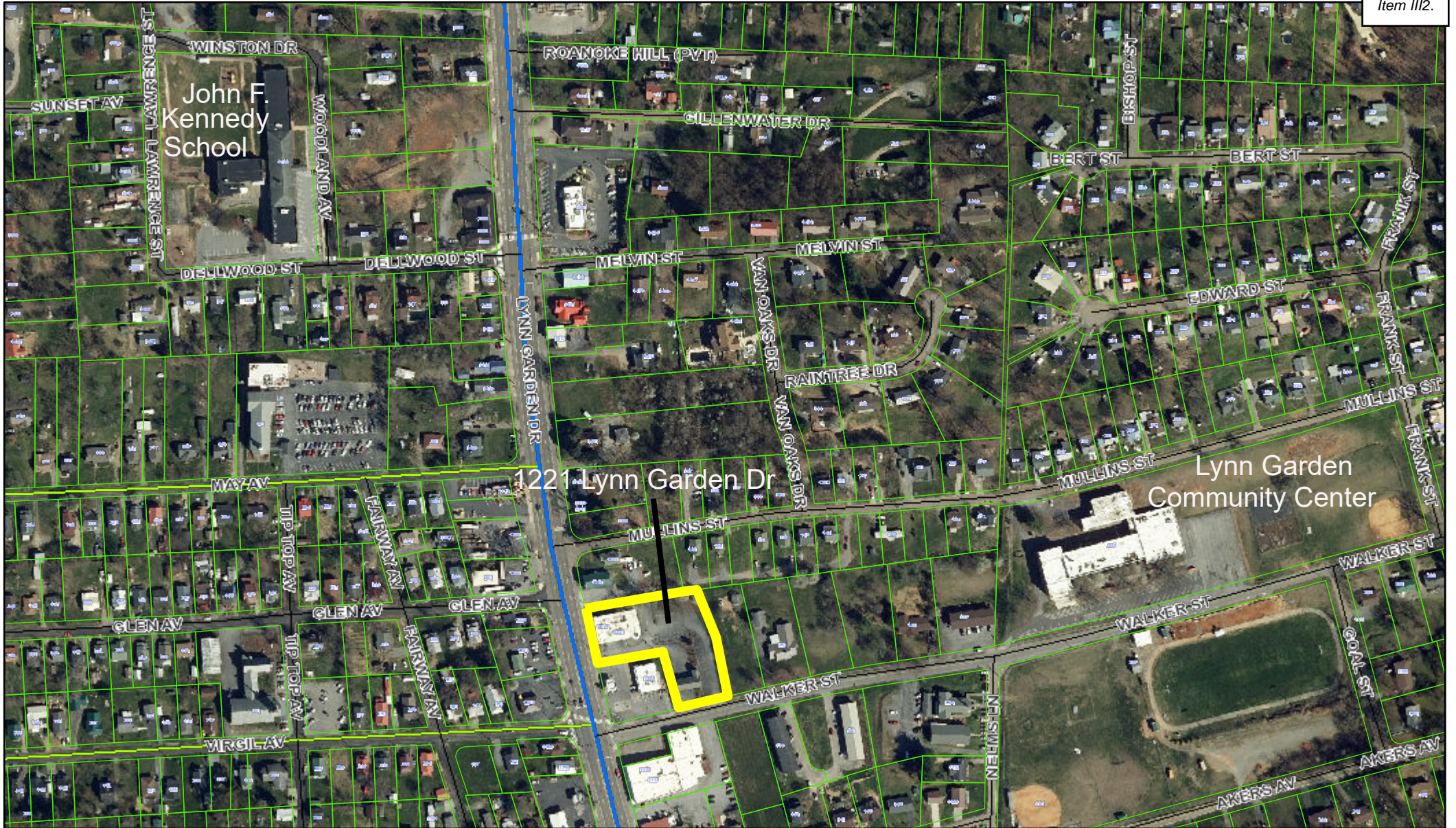
a. A planting strip boundary shall be placed between the property and a residential or agricultural zone or public parks or the greenbelt pathways. The planting strip shall have a minimum width equal to the abutting setback requirement of the more restrictive zone; in the absence of a setback requirement, the minimum width shall be 30 feet. The planting zone shall contain one large-maturing deciduous tree for each 50 linear feet of boundary and for any fraction of additional footage over 25 linear feet. The remainder of the planting area shall be landscaped with ground cover, shrubs or other landscape materials specified in [section 114-601](#). However, this shall not apply to any part of the subject property line that abuts a public right-of-way, which is at least 40 feet in width and open to public use.

Sec. 114-564. - Minimum required parking spaces.

(4) *Business and related uses.* Business and related uses shall be as follows:

- a. Automobile service station: two spaces per bay, plus one space per employee, but never less than five spaces.
- b. Bowling alley: four spaces per alley, plus one space per employee, plus such additional spaces as may be required in this section for affiliated uses such as restaurants.
- c. Business service and supply service establishment: one space per 300 square feet of gross floor area.
- d. Carwash: four stacking spaces per bay/stall plus one parking space per employee for self-service establishment.
- e. Convenience center: 5½ spaces for each 1,000 square feet of gross floor area or in proportion thereto.

- f. Eating establishment: one space per four seats plus one space per two employees where seating is at tables, or one space per two seats plus one space per two employees where seating is at the counter.
- g. Eating establishment, drive-in with no seating facilities: one parking space per 60 square feet of floor area; a minimum of four stacking spaces.
- h. Financial institution: one space per 500 square feet of net floor area.
- i. Financial institution with drive-in lanes: one parking space per 500 square feet of floor area; sufficient area for five stacking spaces if there is only one drive-in-lane, or three stacking spaces for the first drive-in lane and two stacking spaces for each additional lane.
- j. Furniture or carpet store: one space per 500 square feet of net floor area plus one space per each employee.
- k. Medical, dental practitioner's office: three spaces per practitioner plus one space for each employee.
- l. Office: four spaces per 1,000 square feet of net floor area plus one space per company vehicle.
- m. Outdoor sales/display area other than vehicle sale, rental and service establishment: one space per 500 square feet of open sales/display area plus one space per employee.
- n. Personal service establishment: one space per 200 square feet of gross floor area.
- o. Recreational facility other than theater, auditorium, stadium, bowling alley or swimming pool: one space per three seats or three persons based on the occupancy load plus one space per employee.
- p. Repair service establishment: one space per 200 square feet of gross floor area.
- q. Retail sales establishment except furniture or carpet store: one space per 200 square feet of net floor area for the first 1,000 square feet, plus six spaces per each additional 1,000 square feet.
- r. Shopping center, planned: Four parking spaces per 1,000 square feet of building ground coverage (BGC) for all shopping centers.
- s. Theater, auditorium or stadium: one space per four seats or similar vantage accommodation provided, plus one space per two employees.
- t. Vehicle sale, rental and service establishment: one space per 500 square feet of enclosed sales/rental floor area, plus one space per 2,500 square feet of open sales/rental display lot area, plus two spaces per service bay, plus one space per employee, but never less than five spaces.
- u. Wholesale trade establishment: one space per 1.5 employees, plus one space per company vehicle, but with a minimum of one space per 1,000 square feet of gross floor area.

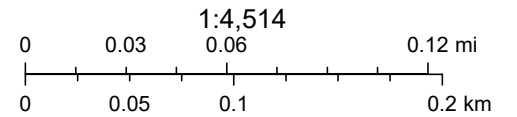


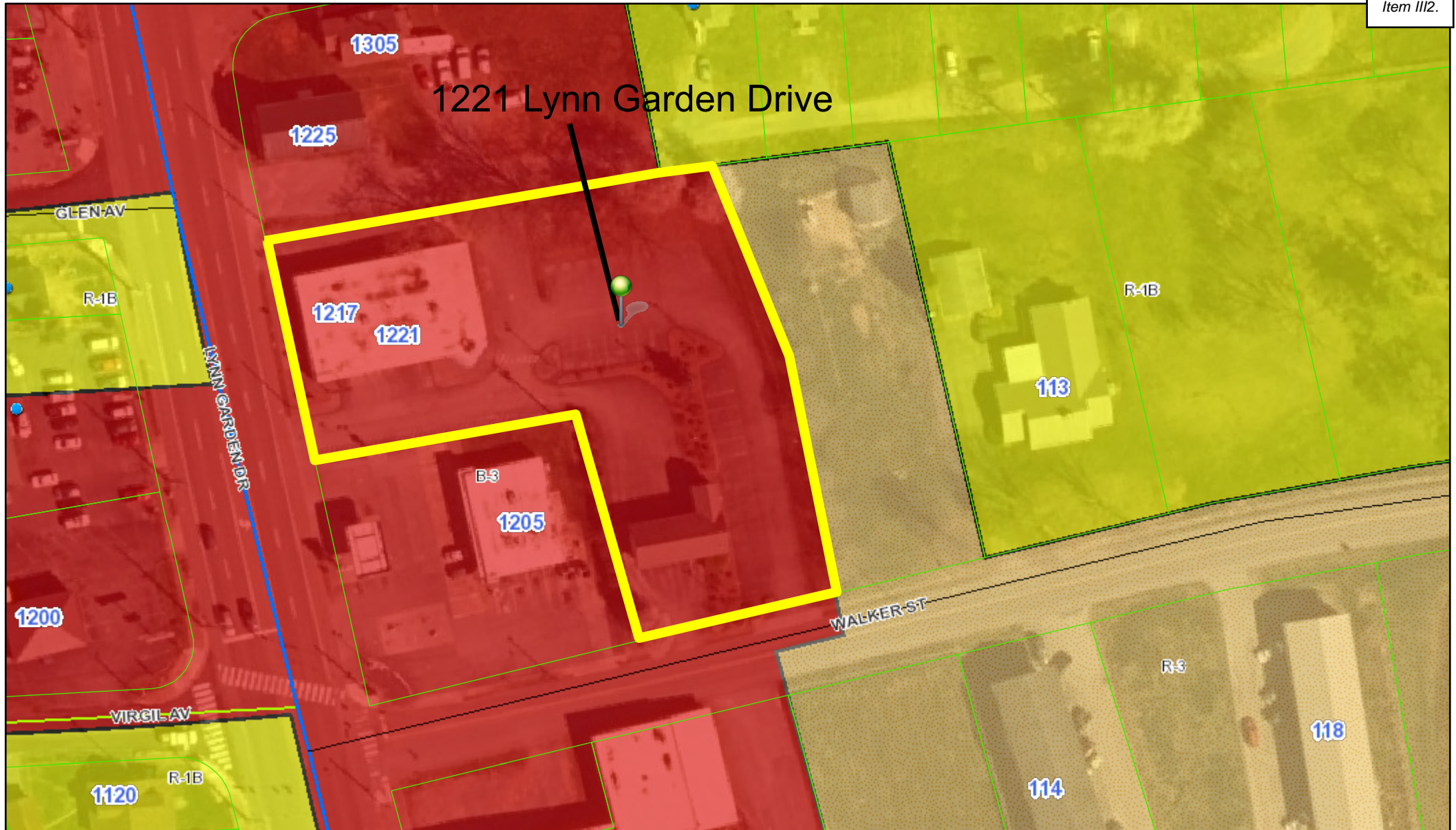
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Sullivan County Parcels Jan 2023 Streets

- Parcels
- Kpt 911 Address
- Urban Growth Boundary
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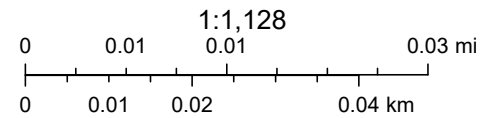


7/17/2023, 9:25:46 AM

Sullivan County Parcels Jan 2023

- Parcels
- Kpt 911 Address
- City Zoning
- <Null>

 TA/C	 A-1	 B-2	 B-4P	 M-1	 P-1	 PD
 R-5	 A-2	 B-3	 B-4P	 M-1R	 P-D	 PMD-1
 GC	 AR	 B-3	 BC	 M-2	 PBD-3	 PMD-2
 B-2E	 B-1	 B-4	 GC	 MX	 PBD/*	 PUD



APPLICATION

Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name	DG Holdings LLC	First		M.I.		Date	
Street Address	825 Sisk Ave, ste 200					Apartment/Unit #	
City	Oxford	State	MS	ZIP	38655		
Phone	662-513-4194	E-mail Address	<u>preeves@blackburngroup.net</u>				

PROPERTY INFORMATION:

Tax Map Information	Tax map: 030H	Group: D	Parcel: 040.00	Lot:	
Street Address	1221 Lynn Garden Dr			Apartment/Unit #	
Current Zone	B-3	Proposed Zone	N/A		
Current Use	Vacant/Old Bank	Proposed Use	Dollar General		

REPRESENTATIVE INFORMATION:

Last Name	Hunt	First	Chandler	M.I.		Date	
Street Address	63 Broad St NW					Apartment/Unit #	
City	Cleveland	State	TN	ZIP	37311		
Phone	423-790-5880	E-mail Address	<u>chandler@berryengineers.com</u>				

REQUESTED ACTION:

Parking Variance – It is requested that the required 63 parking spaces be reduced to 36 parking spaces

Buffer Variance – It is requested that the rear 30' landscape buffer that is due to the adjacent residential property be reduced to 20'.

(See attached variance worksheet & site plan for explanations)

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:

Date: 7/11/2023

Signed before me on this 11 day of July, 2023

a notary public for the State of Mississippi

County of Lafayette

Notary

My Commission Expires 92825



Agent Authorization Letter

Re: Future Dollar General located at 1221 Lynn Garden Dr, Kingsport, TN 37665

To Whom It May Concern:

John E. Haynes etal Trustees, the owner of the property, authorizes each of the persons and/or entities listed below ("Designated Agents") to act as the Owner's agent for purposes of applying for variances on said property, and all permitting and approval procedures required for project development.

Designated Agents:

Berry Engineers, LLC.

Blackburn Construction

DG Holdings, LLC.

Nettie L. Haynes
Leinda M. Haynes-Moore

John E. Haynes etal Trustees

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.

The shape of this lot prevents a typical layout and poses some challenges in trying to fit parking around the building while also allowing a path for delivery trucks to access the site.

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

The required parking spaces for this development are 63 parking spaces. The tenant has plenty of experience with their use and has shown that 35 spaces are adequate for this development. It is requested that the parking space requirement be reduced from 63 parking spaces to 36 parking spaces. Also, it is requested that the rear landscape buffer of 30' due to the adjacent residential property, be reduced to 20'. A 30' buffer reduces the area available for parking spaces and would reduce the number below what the tenant needs for operation. All planting requirements in the buffer are proposed to still be met.

- 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 applicant has not taken previous actions on this site.

- 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 development proposes to completely redevelop this site. In this process, the total impervious area will be reduced on site, the overall function and look of the site will be improved, and the rear landscape buffer that is adjacent to residential property will be increased from 0' to 20'.

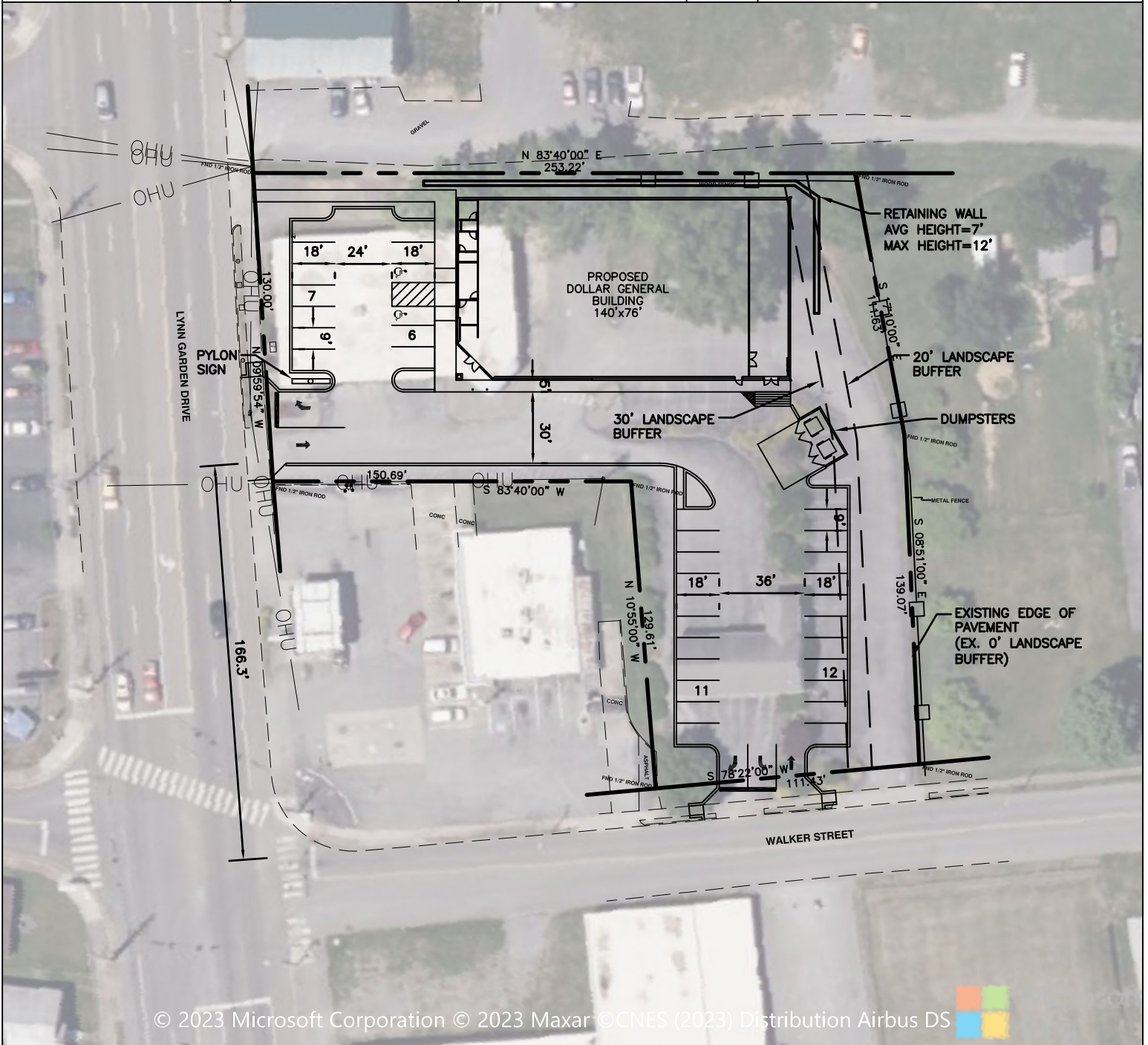
SITE PLAN

CITY, STATE - STREET: KINGSFORT, TN
LYNN GARDEN DRIVE

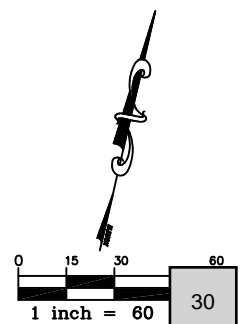
Item III.2.

PROTOTYPE:	DG 10640 - F	DEVELOPER	DESIGNER	DATE:
BLDG/SALES SF:	10,542 / 8,496	COMPANY: BLACKBURN CONST.	COMPANY: BERRY ENGINEERS	07/14/23
ACREAGE:	±1.15	NAME: DARYL THORNTON	NAME:	
PARKING SPACES:	36	PHONE #: 662-513-4194 EXT 25	PHONE #: 423-790-5880	

DOLLAR GENERAL



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MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

July 6, 2023, Regular Meeting

Noon
Montgomery-Watterson Boardroom, City Hall

Members Present:

Bill Sumner
Tracey Cleek
Joe White

Members Absent:

Wes Combs
Calvin Clifton

Staff Present:

Angie Marshall
Ken Weems
Jessica McMurray

Visitors:

Bill Weigel
Gary Hayes
Vincent Ha
Dallen "Travis" Dayley
Matthew Lee
Stewart Taylor
Danny Karst

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

Chairman Sumner explained the meeting procedures.

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

Public Hearing:

Case: 23-0202 – The owner of property located at 2810 E. Stone Drive, Control Map 047, Parcel 023.20 requests a 60.36 square foot variance to Sec 114-533(8)a(1)a and a 86.38 square foot variance to Sec 114-533(8)b. The purpose of the requests is to exceed maximum size requirements for both freestanding and wall signs for a new commercial building. The property is zoned B-3, Highway Oriented Business District.

Mr. Gary Hayes introduced himself and Mr. Bill Weigel to the Board. Mr. Hayes stated the requested freestanding and wall sign additions were needed due to the extreme distance of the building to E. Stone Drive. Mr. Hayes noted that a detention pond and TDOT right-of way also presented issues.

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

Case: 23-0206 – The owner of property located at 1789 N. Eastman Road, Control Map 047P, Group C, Parcel 057.50 requests a 27 foot 3.5 inch planting strip boundary variance to Sec 114-600(4)a for the

purpose of constructing a new commercial building. The property is zoned B-3, Highway Oriented Business District.

Mr. Vincent Ha introduced himself to the Board. Mr. Ha explained that a small portion of the parking lot in the planting strip boundary is the reason behind request and the majority of the planting strip boundary is not disturbed. Mr. Ha noted he is aware of the landscaping requirements in the planting strip boundary and will comply will those requirements.

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

Case: 23-0213 – The owner of property located at 4604 Matilda Place, Control Map 062E, Group C, Parcel 059.00 requests approval from the Board of Zoning Appeals to Sec 114-563(4) to park an ice cream truck (commercial vehicle) at the residence. The property is zoned R-1B, Residential District.

Mr. Dayley introduced himself to the Board. Mr. Dayley explained he is seeking approval to park an ice cream truck in his driveway. Mr. Dayley noted the truck was parked on the street for a short time but has since been moved in his driveway. Mr. Dayley stated the truck is not currently operational and no ice cream is being sold on or off the premises. He explained he intends to restore the truck this winter. Staff noted eight (8) phone calls had been received from neighbors not in favor of the request.

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

Case: 23-0219 – The owner of property located at 5011 Preston Park Dr, Control Map 047M, Group D, Parcel 027.00 requests a 20 foot front yard variance to Sec 114-182(e)(1)c for the purpose of constructing a new single-family home. The property is zoned R-1A, Residential District.

Mr. Matthew Lee presented the case to the Board. Mr. Lee stated that limestone embankment in the rear of the parcel is the reason behind the request. Mr. Lee stated he was able to move the home as close to the rear yard as possible, leaving approximately 10 feet for a backyard area. Mr. Lee explained that the lot has an approximate 10 foot rise before it levels out and for that reason he is building a one level 7,000 square foot ranch. Mr. Lee noted the subdivision restrictions require a minimum of 3,000 square foot on the first level. Staff noted that other property owners in the area have made the same request and that three (3) phone calls were received from neighbors all in favor of the request.

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

The Chairman opened the business meeting. A motion was made by Tracy Cleek, seconded by Joe White, to approve the minutes of the June 1, 2023 regular meeting. The motion was passed unanimously, 3-0. Staff stated for the record that the next application deadline is July 15, 2023 for the next regular meeting to be held on August 3, 2023.

Adjudication of Cases:

Case: 23-0202 – The owner of property located at 2810 E. Stone Drive, Control Map 047, Parcel 023.20

The Board acknowledged the hardship of the location of the subject parcel due to its extreme distance from the main road, detention pond and TDOT right-of way.

MOTION: made by Mr. White, seconded by Ms. Cleek, to grant the 60.36 square foot freestanding sign and 86.38 square foot wall sign variance as requested.

VOTE: 3-0 to approve the request.

Case: 23-0206 – The owner of property located at 1789 N. Eastman Road, Control Map 047P, Group C, Parcel 057.50

The Board acknowledged the hardship of the irregular lot shape of the subject parcel, noted the majority of planting strip boundary is not disturbed and the applicants intent to comply with all landscaping requirements for the planting strip boundary.

MOTION: made by Ms. Cleek, seconded by Mr. White, to grant the 27 foot 3.5 planting strip boundary variance as requested.

VOTE: 3-0 to approve the request.

Case: 23-0213 – The owner of property located at 4604 Matilda Place, Control Map 062E, Group C, Parcel 059.00

The Board acknowledged the applicant's intent to restore the truck and that it is currently parked in his driveway. The Board explained the applicant has the option of screening the truck so that is not visible to neighbors. The Board agreed a six (6) month compliance period is appropriate giving the applicant ample time to move or screen the truck from view. The Board noted if compliance is not met at the end of the six (6) month compliance period the truck must be removed from the property.

MOTION: made by Mr. White, seconded by Ms. Cleek, to deny the request but with a date of zoning compliance extended for 6 months.

VOTE: 3-0 to deny the request, with the date of compliance being January 6, 2024.

Case: 23-0219 – The owner of property located at 5011 Preston Park Dr, Control Map 047M, Group D, Parcel 027.00

The Board acknowledged the hardship of the limestone embankment in the rear of the subject parcel.

MOTION: made by Ms. Cleek, seconded by Mr. White, to grant the 20 foot front yard variance for the proposed 7,000 square foot one level single family home as requested.

VOTE: 3-0 to approve the request.

With no further business the meeting was adjourned at 1:10 p.m.

Respectfully Submitted,



Jessica McMurray
Development Coordinator