



BOARD OF ZONING APPEALS MEETING AGENDA

Thursday, December 05, 2024 at 12:00 PM

City Hall, 415 Broad Street, Montgomery-Watterson Boardroom: 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: BZA24-0231 – The owner of property located at 2405 Memorial Blvd, Control Map 061E, Group H, Parcel 012.00, 010.00, 010.01** requests approval for a special exception to Sec 114-227 to establish an outdoor display area for commercial retail purposes. The property is zoned B-4P, Planned Business District.

INTERESTED PARTIES:

Owner:

RK Holdings, LLP

4216 Dewitt Avenue

Matton, IL 61938

(217)234-5130

Representative: William Gregory

- 2. Case: BZA24-0233 – The owner of property located at 1220 Catawba Street, Control Map 046N, Group A, Parcel 009.00** requests a 5.3-foot side yard variance from Section 114-182(e)(1)(d)1, the purpose of the request is to facilitate a home addition. The property is zoned R-1A, Residential District.

INTERESTED PARTIES:

Owner:

Arielle Sprinkle
1220 Catawba Street
Kingsport, TN 37660
(423)677-3741

Representative: Arielle Spinkle & Nakia Cyohers

- 3. Case: BZA24-0234 – The owner of property located at 201 Rosehaven Court, Control Map 092N, Group A, Parcel 038.70** requests a 12.09 foot rear yard variance to Sec 114-183(e)(1)e for the purpose of accommodating a home expansion. The property is zoned R-1B, Residential District.

INTERESTED PARTIES:

Owner:

James Taylor
201 Rosehaven Court
Kingsport, TN 37663
(865)335-9981

Representative: James Taylor

- 4. Case BZA24-0249 – The owner of property located at 2224 Sunningdale Road, Control Map 045P, Group A, Parcel 028.00** requests a 412 square foot variance to Sec. 114-133(2) to exceed the maximum square footage allowance for an accessory structure for the purpose of constructing a new detached garage. The property is zoned GC, Golf Course Community District.

INTERESTED PARTIES:

Owner:

Todd Harrison
2224 Sunningdale Road
Kingsport, TN 37660
(423) 817-8383

Representative: Todd Harrison

- 5. Case: BZA24-0258 – The owner of property located at 1657 Belmeade Drive, Control Map 046N, Group E, Parcel 017.00** requests a 3-inch side yard variance from Section 114-182(e)(1)(d)1 to facilitate a home addition, and a 27.4-foot rear yard deviation from Section 114-133(1) to allow for the construction of a detached garage in the side yard. The property is zoned R-1A, Residential District.

INTERESTED PARTIES:

Owner:

Billy Wheeler

1613 Belmeade Drive

Kingsport, TN 37664

(423) 276-6104

Representative: Mike Stone

- 6. Case: BZA24-0265 – The owner of property located at 3021 Cliffside Road, Control Map 077A, Group A, Parcel 015.00** requests a 638 square foot variance to Sec. 114-133(2) to exceed the maximum square footage allowance for an accessory structure to facilitate an addition to an existing detached garage. The property is zoned R-1A, Residential District.

INTERESTED PARTIES:

Owner:

Kenneth Walker

3021 Cliffside Road

Kingsport, TN 37664

(423) 765-6151

Representative: Kenneth Walker

- 7. Case: BZA24-0266 – The owner of property located at 1657 Granby Road, Control Map 029E, Group A, Parcel 023.00** requests a 130-foot deviation from rear yard to Sec 114-133(1) for the purpose of constructing a detached garage in the side yard. The property is zoned R-1B, Residential District.

INTERESTED PARTIES:

Owner:
Brian Burnham
1657 Granby Road
Kingsport, TN 37660
(725)212-1462

Representative: Brian Burnham

- 8. Case: BZA24-0273 – The owner of property located at 1664 East Stone Drive, Control Map 047I, Group A, Parcel 019.35** requests a 63.1 square foot variance to Section 114-533(8)b to exceed the permitted wall sign allowance for the installation of a new grocery "Pickup" wall sign. The property is zoned B-3, Highway-Oriented Business District.

INTERESTED PARTIES:

Owner:
Kroger
1664 E. Stone Drive
Kingsport, TN 37660

Representative: Chris Eleas

IV. BUSINESS

- 1.** Approval of the October 3, 2024 regular meeting minutes.

Stating for public record, the next application deadline is December 16, 2024 at noon, and meeting date (Thursday, January 2, 2025).

V. ADJUDICATION OF CASES

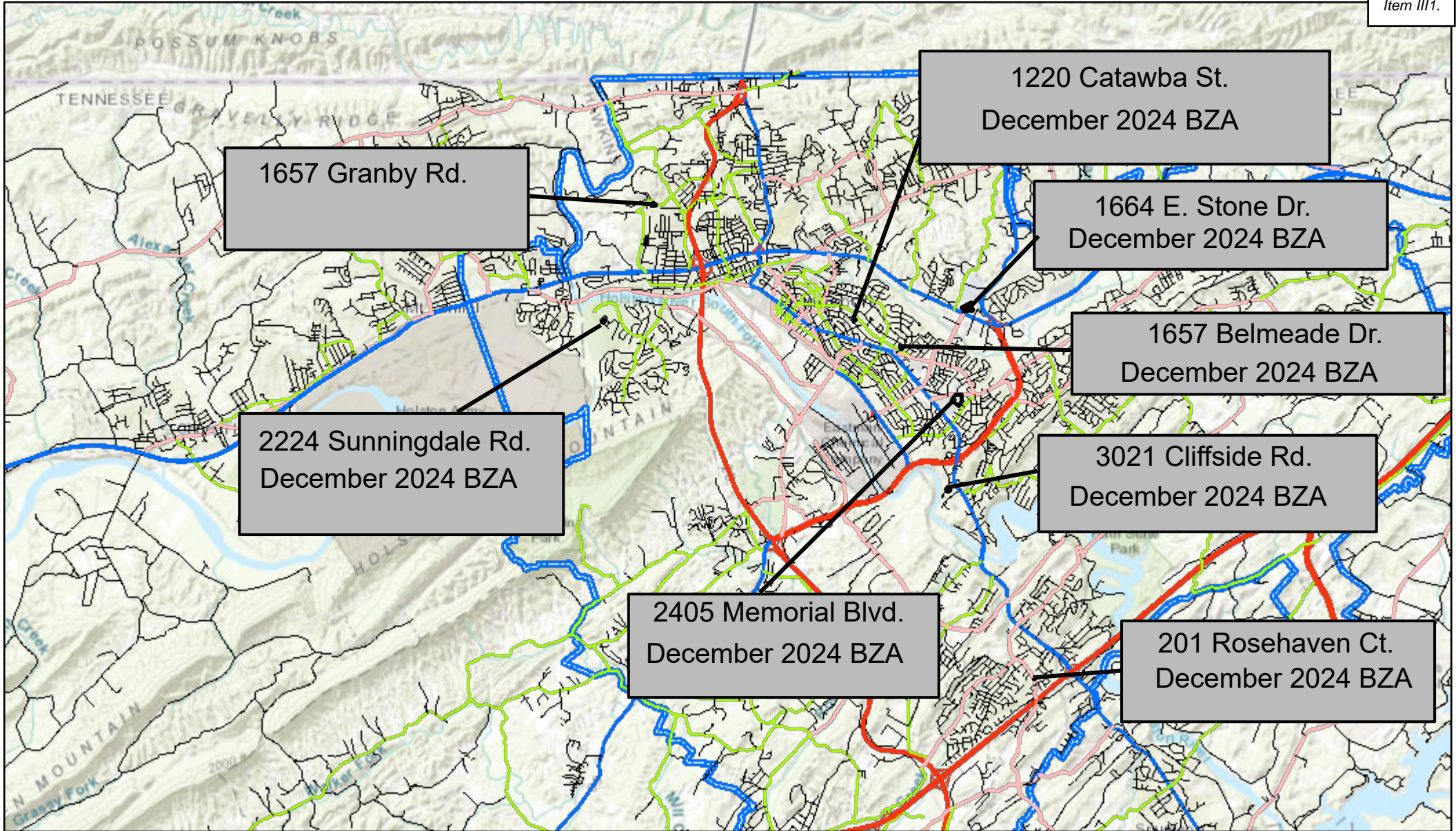
VI. PUBLIC COMMENT

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

Item III.1.



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, December 5, 2024 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: BZA24-0231 – The owner of property located at 2405 Memorial Boulevard, Control Map 061E, Group H, Parcel 012.00, 010.00, 010.01 requests approval for a special exception to Sec 114-227 to establish an outdoor display area for commercial retail purposes. The property is zoned B-4P, Planned Business District.

Case: BZA24-0233 – The owner of property located at 1220 Catawba Street, Control Map 046N, Group A, Parcel 009.00 requests a 5.3-foot side yard variance from Sec 114-182(e)(1)(d)1, the purpose of the request is to facilitate a home addition. The property is zoned R-1A, Residential District.

Case: BZA24-0234 – The owner of property located at 201 Rosehaven Court, Control Map 092N, Group A, Parcel 038.70 requests a 12.09-foot rear yard variance to Sec 114-183(e)(1)e for the purpose of accommodating a home expansion. The property is zoned R-1B, Residential District.

Case BZA24-0249– The owner of property located at 2224 Sunningdale Road, Control Map 045P, Group A, Parcel 028.00 requests a 412 square foot variance to Sec. 114-133(2) to exceed the maximum square footage allowance for an accessory structure for the purpose of constructing a new detached garage. The property is zoned GC, Golf Course Community District.

Case: BZA24-0258 – The owner of property located at 1657 Belmeade Drive, Control Map 046N, Group E, Parcel 017.00 requests a 3-foot side yard variance from Section 114-182(e)(1)(d)1 to facilitate a home addition, and a 27.4-foot rear yard deviation from Section 114-133(1) to allow for the construction of a detached garage in the side yard. The property is zoned R-1A, Residential District.

Case: BZA24-0265 – The owner of property located at 3021 Cliffside Road, Control Map 077A, Group A, Parcel 015.00 requests a 506 square foot variance to Sec. 114-133(2) to exceed the maximum square footage allowance for an accessory structure to facilitate an addition to an existing detached garage. The property is zoned R-1A, Residential District.

Case: BZA24-0266 – The owner of property located at 1657 Granby Road, Control Map 029E, Group A, Parcel 023.00 requests a requests a 130-foot deviation from rear yard to Sec 114-133(1) for the purpose of constructing a detached garage in the side yard. The property is zoned R-1B, Residential District.

Case: BZA24-0273 – The owner of property located at 1664 East Stone Drive, Control Map 047I, Group A, Parcel 019.35 requests a 63.1 square foot variance to Section 114-533(8)b to exceed the permitted wall sign allowance for the installation of a new grocery "Pickup" wall sign. 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) 229-9485.

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) 229-9485 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: 11/25/2024

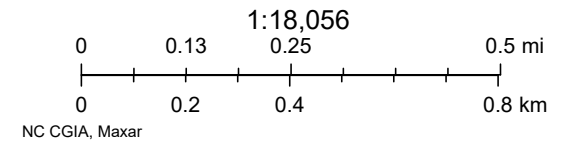
ArcGIS Web Map

Item III.1.



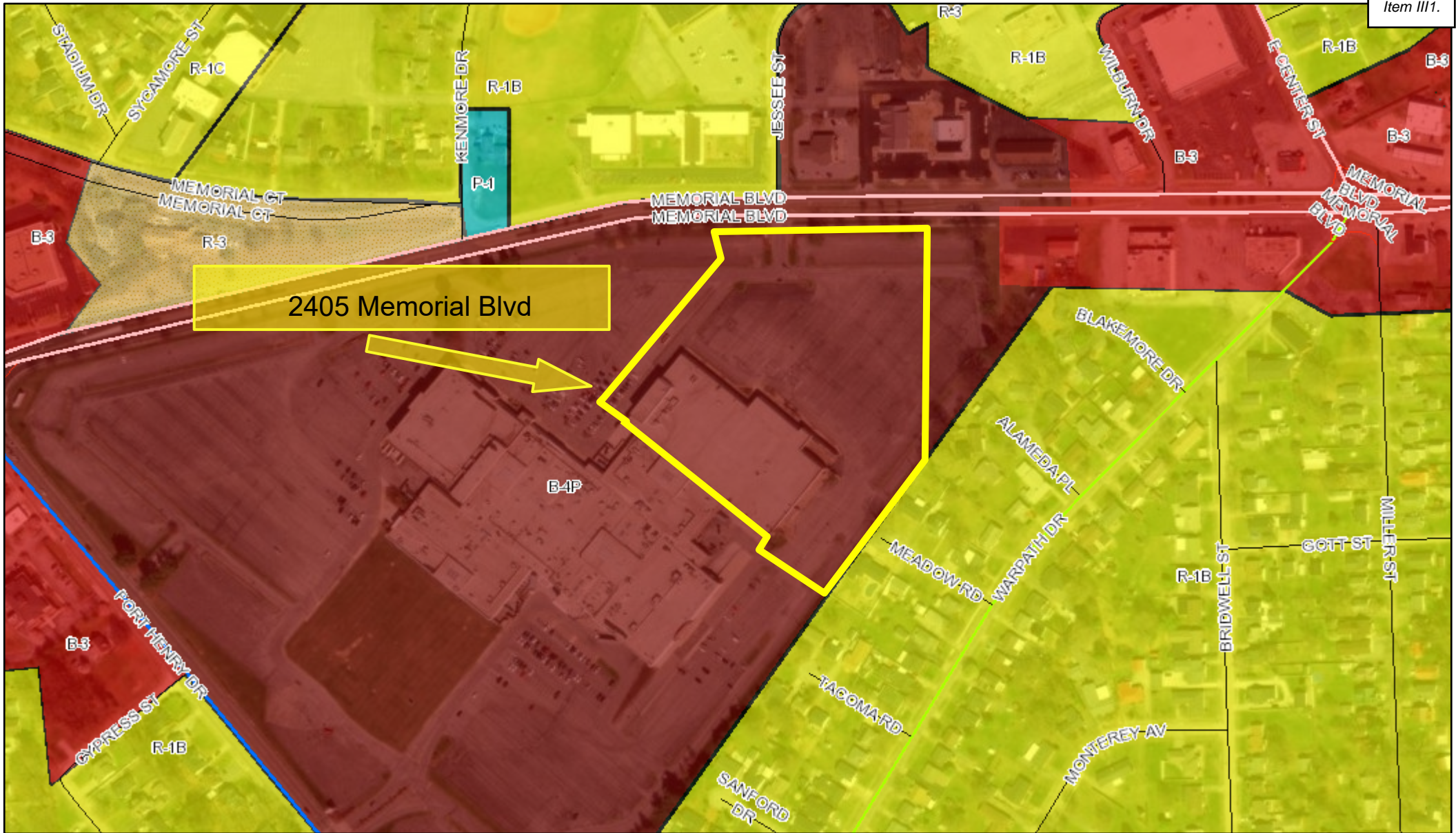
10/17/2024, 9:31:32 AM

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



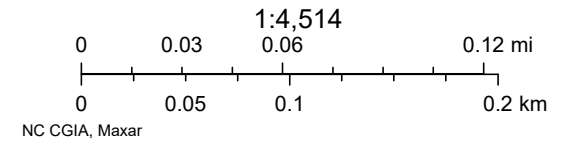
ArcGIS Web Map

Item III.1.



10/17/2024, 9:27:41 AM

City Zoning	A-1	B-3	M-1	PBD-3	PVD	R-3	TA-C	Minor Arterial
<Null>	A-2	B-4	M-1R	PBD/*	R-1	R-3A	UAE	Collector Street
T/C	AR	B-4P	M-2	PD	R-1A	R-3B	Streets	Local Street
R-5	B-1	B-4P	MX	PMD-1	R-1B	R-4	Interstate	Private Street
GC	B-2	BC	P-1	PMD-2	R-1C	Split	Expressway	Ramp
B-2E	B-3	GC	P-D	PUD	R-2	TA	Major Arterial	Urban Growth Boundary





TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: October 17, 2024

RE: 2405 Memorial Blvd.

The Board is asked to consider the following request:

Case: BZA24-0231 – The owner of property located at 2405 Memorial Blvd, Control Map 061E, Group H, Parcel 012.00, 010.00, 010.01 requests approval for a special exception to Sec. 114-227 to establish an outdoor display area for commercial retail purposes. The property is zoned B-4P, Planned Business District.

Code reference:

Sec. 114-227. - Special exceptions

Permitted only with approval of board of zoning appeals: Helistops; institution for human care; **open-air businesses** such as plant sales, lawn furniture, playground equipment, and garden supplies; minor automobile repair centers; and parking lots and structures.



APPLICATION
Board of Zoning Appeals

APPLICANT INFORMATION:

Last Name RK HOLDINGS, LLP	First	M.I.	Date
Street Address 4216 DEWITT AVENUE		Apartment/Unit #	
City MATTOON	State IL	ZIP 61938	
Phone 217-234-5130	E-mail Address bgregory@ruralking.com		

PROPERTY INFORMATION:

<i>Tax Map Information</i>	Tax map:	Group:	Parcel:	Lot: 061E H 012.00, 061E H 010.00 & 061E H 010.01
Street Address 2101 FORT HENRY DRIVE, KINGSPORT			Apartment/Unit #	
Current Zone B-4P		Proposed Zone B-4P		
Current Use VACANT		Proposed Use RURAL KING RETAIL STORE		

REPRESENTATIVE INFORMATION:

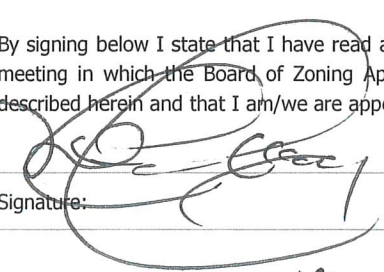
Last Name GREGORY	First WILLIAM	M.I. L	Date 10-3-2024
Street Address 4216 DEWITT AVENUE		Apartment/Unit #	
City MATTOON	State IL	ZIP 61938	
Phone 217-469-7224	E-mail Address bgregory@ruralking.com		

REQUESTED ACTION:

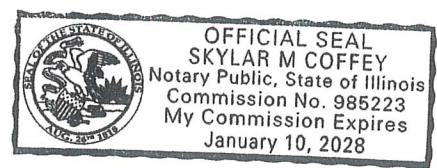
APPROVE OUTDOOR DISPLAY, STORAGE, BULLPEN AREAS, PROPANE STATION & USES AS STATED AND SET FORTH IN THE ATTACHMENTS.

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: 10-10-2024

Signed before me on this 10 day of October, 2024,
 a notary public for the State of Illinois
 County of Coles
 Notary Skylar M. Coffey
 My Commission Expires 1/10/28



1. What is the use, activities, hours of operation, numbers of anticipated customers and daily vehicles?

USE: Rural King Farm & Home Retail Store

ACTIVITIES: Retail store located within an existing shopping center. The store will operate within the confines of the building with outdoor storage and display of items being sold as shown on the Site Map submitted.

HOURS OF OPERATION: Daily from 7:00 a.m until 9:00 p.m..

ANITICIPATED NUMBER OF CUSTOMERS/VEHICLES: Estimates only of 600-900 customers per day, which would be 400-500 vehicles.

2. Are there accessible safe streets for anticipated traffic and adequate parking facilities on site?

The store is being opened in the old JC Penney location within the existing shopping center. Memorial Blvd and Fort Henry Drive are accessible and safe streets.

The site plan notes that 356 spaces would be required with approximately 710 spaces available.

3. Does the use and additions if any, fit with the neighborhood architecture aesthetics?

The store is making improvements to the existing building, but the overall construction of the building and shopping center will remain the same. The outdoor uses and displays will be maintained within the current parking areas of the store. Photos are attached from other stores showing the general setup of the outdoor displays. Each store is slightly different due to the individual setup of the stores themselves, but the overall theme is displayed within the photos. The displays will not disrupt the neighborhood architecture or aesthetics. The display will be in the mall area and the residential neighborhood is screened.

4. Will the use generate excessive noise, traffic, dust, etc.?

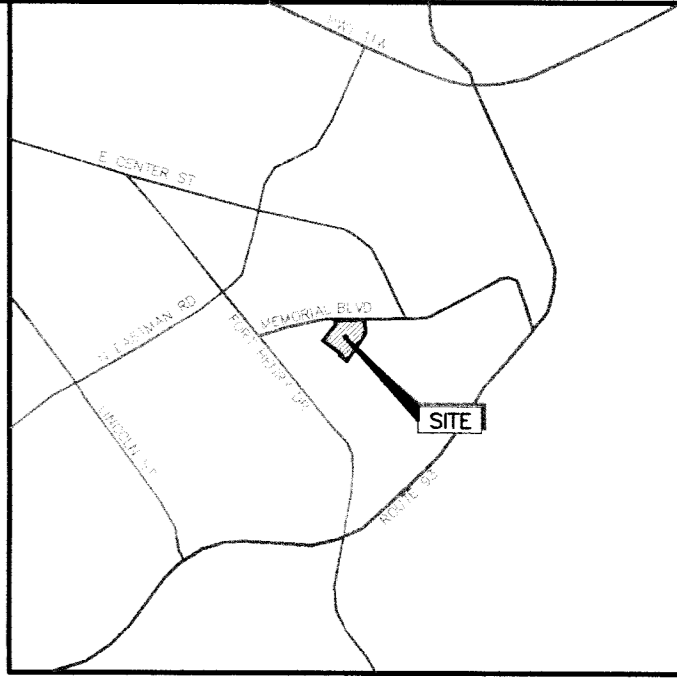
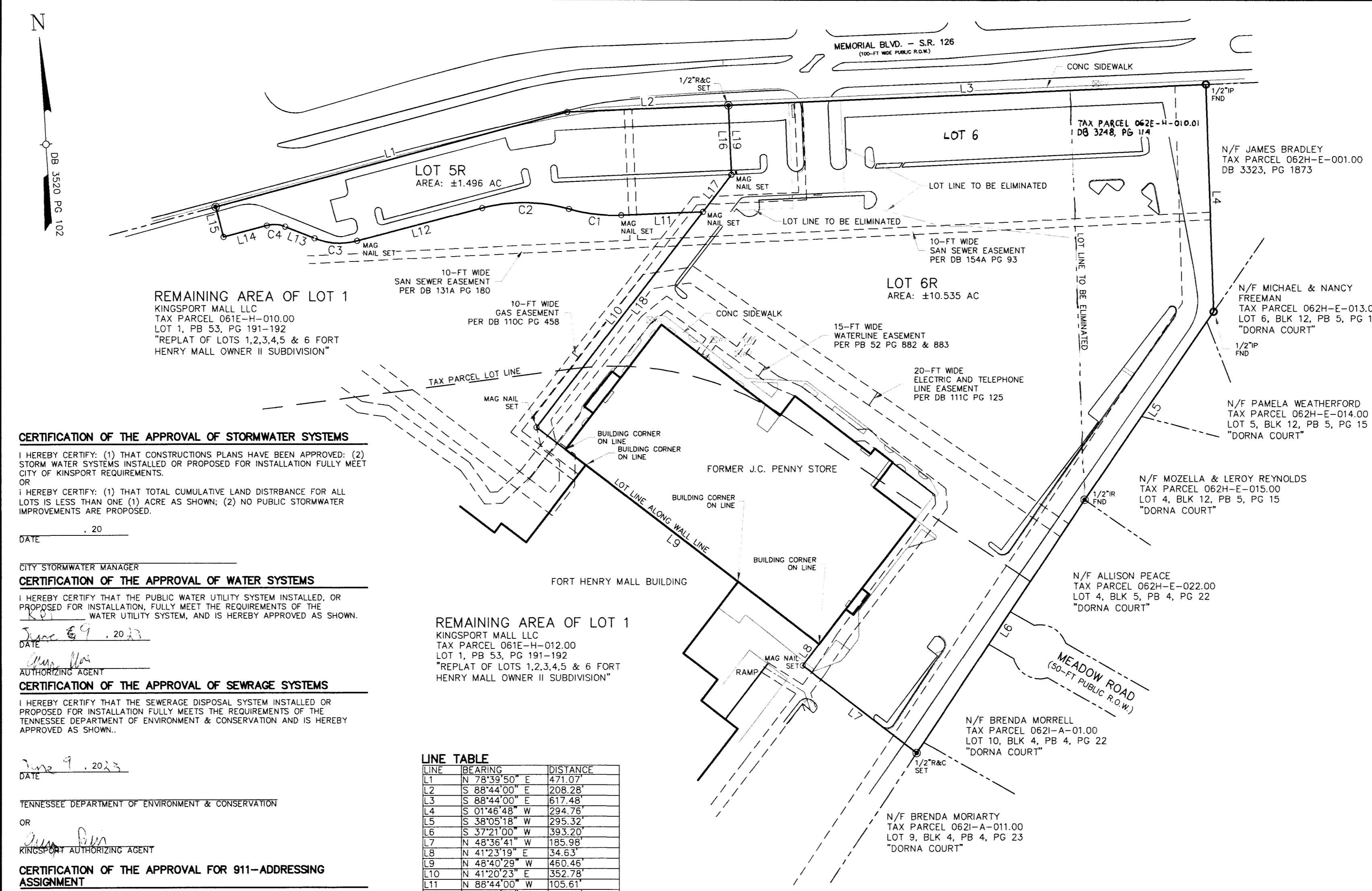
The store will not generate excessive noise, traffic and dust. Rural King operates many stores in similar shopping centers and the store does not generate more noise than the typical retail store selling farm and home supplies. Comparable stores would be Lowe's or Tractor Supply.

5. Is there proper fencing and screening to shield proposed use from existing neighborhood?

There is an existing fence between the shopping center and the residential neighborhood that runs along the entire length of the shopping center and not just the parcel owned by Rural King. Based on the construction and continued use of this fence, it is Rural King's understanding that the fencing/screening for the shopping center has been approved as sufficient for this purpose.

6. Are there any undesirable effects upon the neighborhood's physical or environmental conditions or any adverse impacts on the health, safety and welfare of the surrounding area?

There are no known adverse impacts to the safety and welfare of the surrounding area.



- GENERAL NOTES**
- THIS MAP IS BASED ON A FIELD SURVEY BY M. LACEY LAND SURVEYING, LLC COMPLETED ON 09/12/2022.
 - REFERENCES:
 - DEED: BOOK 3520 PAGE 102, BOOK 3248 PAGE 114
 - MAP ENTITLED "REPLAT OF LOTS 1,2,3,4,5 & 6 FORT HENRY MALL OWNER II SUBDIVISION" AS FILED IN THE SULLIVAN COUNTY REGISTER'S OFFICE ON 07/26/2010 IN PLAT BOOK 53, PAGES 191-192.
 - AREA OF SUBJECT PARCEL: ±10.535 ACRES.
 - PER THE NATIONAL FLOOD INSURANCE RATE MAP FOR THE CITY OF KINGSPORT, STATE OF TENNESSEE, MAP NUMBER 47163C00450, EFFECTIVE DATE OF 09/29/2006, THE SUBJECT PROPERTY FALLS WITHIN ZONE "X", WHICH IS NOT A SPECIAL FLOOD HAZARD AREA.
 - THE PROPERTY FALLS WITHIN THE CITY OF KINGSPORT "B-4P" ZONING DISTRICT. ALL SETBACKS SHALL CONFORM TO THE CURRENT ZONING REGULATIONS.
 - NEITHER THE CREATION, PUBLICATION, NOR RECORDING OF THIS PLAT SHALL NOT CREATE ANY RIGHTS IN ANY PERSON OR ENTITY NOR IN THE PUBLIC OR ANY GOVERNMENT OR GOVERNMENT AGENCY (INCLUDING NO EASEMENTS, BUILDING OR USE RESTRICTIONS, DEDICATIONS OR BUFFERS).
 - THE SUBJECT PROPERTY FALLS WITHIN THE "B-4P" ZONING DISTRICT. ALL SETBACKS AND USES SHALL CONFORM TO THE CURRENT ZONING REQUIREMENTS.

CERTIFICATION OF THE APPROVAL OF STORMWATER SYSTEMS

I HEREBY CERTIFY: (1) THAT CONSTRUCTION PLANS HAVE BEEN APPROVED; (2) STORM WATER SYSTEMS INSTALLED OR PROPOSED FOR INSTALLATION FULLY MEET CITY OF KINGSPORT REQUIREMENTS. OR
 I HEREBY CERTIFY: (1) THAT TOTAL CUMULATIVE LAND DISTURBANCE FOR ALL LOTS IS LESS THAN ONE (1) ACRE AS SHOWN; (2) NO PUBLIC STORMWATER IMPROVEMENTS ARE PROPOSED.

DATE: June 9, 2023
 CITY STORMWATER MANAGER: _____

CERTIFICATION OF THE APPROVAL OF WATER SYSTEMS

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

DATE: June 9, 2023
 AUTHORIZING AGENT: _____

CERTIFICATION OF THE APPROVAL OF SEWAGE 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.

DATE: June 9, 2023
 TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION: _____

CERTIFICATION OF THE APPROVAL FOR 911-ADDRESSING ASSIGNMENT

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

DATE: June 9, 2023
 CITY C.T.S. DIVISION OR SULLIVAN COUNTY DIRECTOR OF 911 ADDRESSING OR HIS/HER AUTHORIZED REPRESENTATIVE: _____

CERTIFICATION OF OWNERSHIP

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES. THERE ARE NO STREETS, ALLEYS, WALKS, PARKS, AND OPEN SPACES TO DEDICATE FOR PUBLIC OR PRIVATE USE.

DATE: 4/13/23
 OWNERS: Kingsport Mall, LLC, by Kingsport Mall, LLC, Managing Member

CERTIFICATION OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR KINGSPORT, 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 COUNTY REGISTRAR. IF REQUIRED, A SURETY BOND IN THE AMOUNT OF \$ _____ HAS BEEN POSTED WITH THE KINGSPORT REGIONAL PLANNING COMMISSION TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT.

DATE: 6/12/23
 SECRETARY OF THE KINGSPORT REGIONAL PLANNING COMMISSION: _____

REMAINING AREA OF LOT 1
 KINGSPOINT MALL LLC
 TAX PARCEL 061E-H-012.00
 LOT 1, PB 53, PG 191-192
 "REPLAT OF LOTS 1,2,3,4,5 & 6 FORT HENRY MALL OWNER II SUBDIVISION"

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 78°39'50" E	471.07'
L2	S 88°44'00" E	208.28'
L3	S 88°44'00" E	617.48'
L4	S 01°46'48" W	294.78'
L5	S 38°05'18" W	295.32'
L6	S 37°21'00" W	393.20'
L7	N 48°36'41" W	185.98'
L8	N 41°23'19" E	34.63'
L9	N 48°40'29" W	460.46'
L10	N 41°20'23" E	352.78'
L11	N 88°44'00" W	105.61'
L12	S 79°02'43" W	167.33'
L13	N 64°30'50" W	40.77'
L14	S 78°46'43" W	57.81'
L15	N 111°31'17" W	40.50'
L16	S 01°16'12" W	89.98'
L17	S 41°20'23" W	60.52'
L18	N 41°20'23" E	413.30'
L19	N 01°16'12" E	89.98'

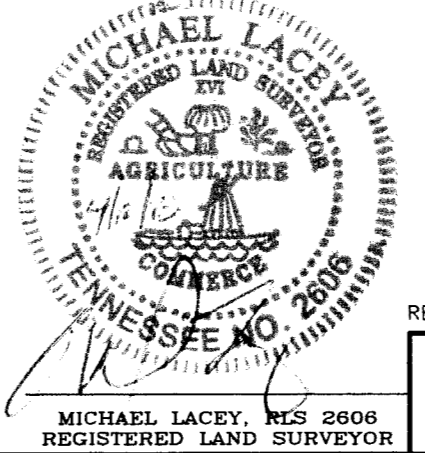
CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	212.00'	68.21'	N 79°30'57" W	67.92'
C2	212.00'	113.43'	N 85°37'36" W	112.08'
C3	88.00'	55.98'	N 82°43'54" W	55.04'
C4	38.00'	24.35'	N 82°51'54" W	23.93'

CERTIFICATION OF ACCURACY

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

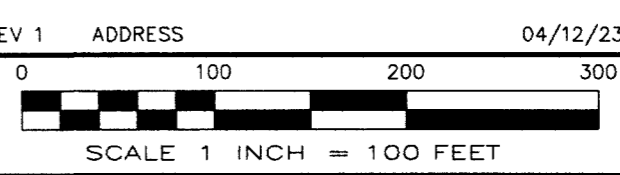
THIS PLAT IS BASED ON A CATEGORY 1 SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS BETTER THAN 1:10,000 AS SHOWN HEREON.



Slide A-1657
 06/12/2023 - 08:43:58 AM
 23009380
 1 PGS:AL-PLAT BATCH: 326614
 PLAT BOOK: P59
 PAGE: 17-17

REC FEE	15.00
DP FEE	2.00
ARC FEE	0.00
TOTAL	17.00

STATE OF TENNESSEE, SULLIVAN COUNTY
 SHEENA R TINSLEY
 REGISTER OF DEEDS



LEGEND

---	PROPERTY LINE
---	ADJOINING PROPERTY LINE
---	LOT LINE TO BE ELIMINATED
---	CENTER LINE
---	TAX PARCEL LINE
---	EASEMENT LINE
---	CURB LINE
---	EDGE OF CONCRETE
○	IRON PIPE FOUND
○	1/2" IRON ROD FOUND UNLESS NOTED
○	NAIL FOUND UNLESS NOTED

ABBREVIATIONS

CONC	CONCRETE	N/F	NOW OR FORMERLY
DB	DEED BOOK	R&C	ROD & PLASTIC CAP
FND	FOUND	PB	PLAT BOOK
IP	IRON PIPE	PG	PAGE
IR	IRON ROD		

KINGSPOINT REGIONAL PLANNING COMMISSION

RE-PLAT LOTS 1, 5 & 6

KINGSPOINT MALL, LLC, RESUBDIVISION
 2101 FORT HENRY DRIVE
 ELEVENTH CIVIL DISTRICT
 CITY OF KINGSPOINT
 SULLIVAN COUNTY, TENNESSEE

M. LACEY LAND SURVEYING, LLC
 PROFESSIONAL LAND SURVEYING SERVICES
 P.O. BOX 35, 7164 E. ANDREW JOHNSON HWY
 WHITESBURG, TN 37891
 PHONE: 423-235-5546
 WWW.MLACEYLANDSURVEYING.COM

Date	Project No.	Drawing No.	Rev
09/22/2022	12260122	SU-1	1

KEYNOTE DESCRIPTION

- (E) CONC. WALKWAY, TO REMAIN.
- (E) ACCESSIBLE PARKING STALL(S).
- (E) STANDARD PARKING STALL(S).
- (E) ACCESSIBLE ROUTE OF TRAVEL FROM ACCESSIBLE PARKING TO MAIN ENTRANCE.
- PROPERTY LINE.
- (E) TRANSFORMER TO REMAIN, PROTECT-IN-PLACE.
- (N) PROPANE TANK, *UNDER SEPARATE PERMIT. REFER TO DETAIL 2/A1.10.
- (E) TRUCK DOCK AREA.
- (N) OUTDOOR SALES DISPLAY. *UNDER SEPARATE PERMIT.

SITE PLAN KEYNOTES



RURAL KING
STORE NO.:
2101 FORT HENRY DRIVE
KINGSPORT, TN 37664

REV | DATE | DESCRIPTION

REV	DATE	DESCRIPTION

DRAWN BY: AGV

CHECKED BY: RK

ARCH. PROJECT NO.: RKR24004

SHEET NAME: OUTDOOR SEASONAL SALES AREA

SHEET NUMBER: A1.2

NOTE: NOT ALL SYMBOLS MAY BE APPLICABLE TO, AND USED, IN THIS DRAWING.

GENERAL NOTES

AREA OF DISPLAY

(E) LANDSCAPE (N) LANDSCAPE

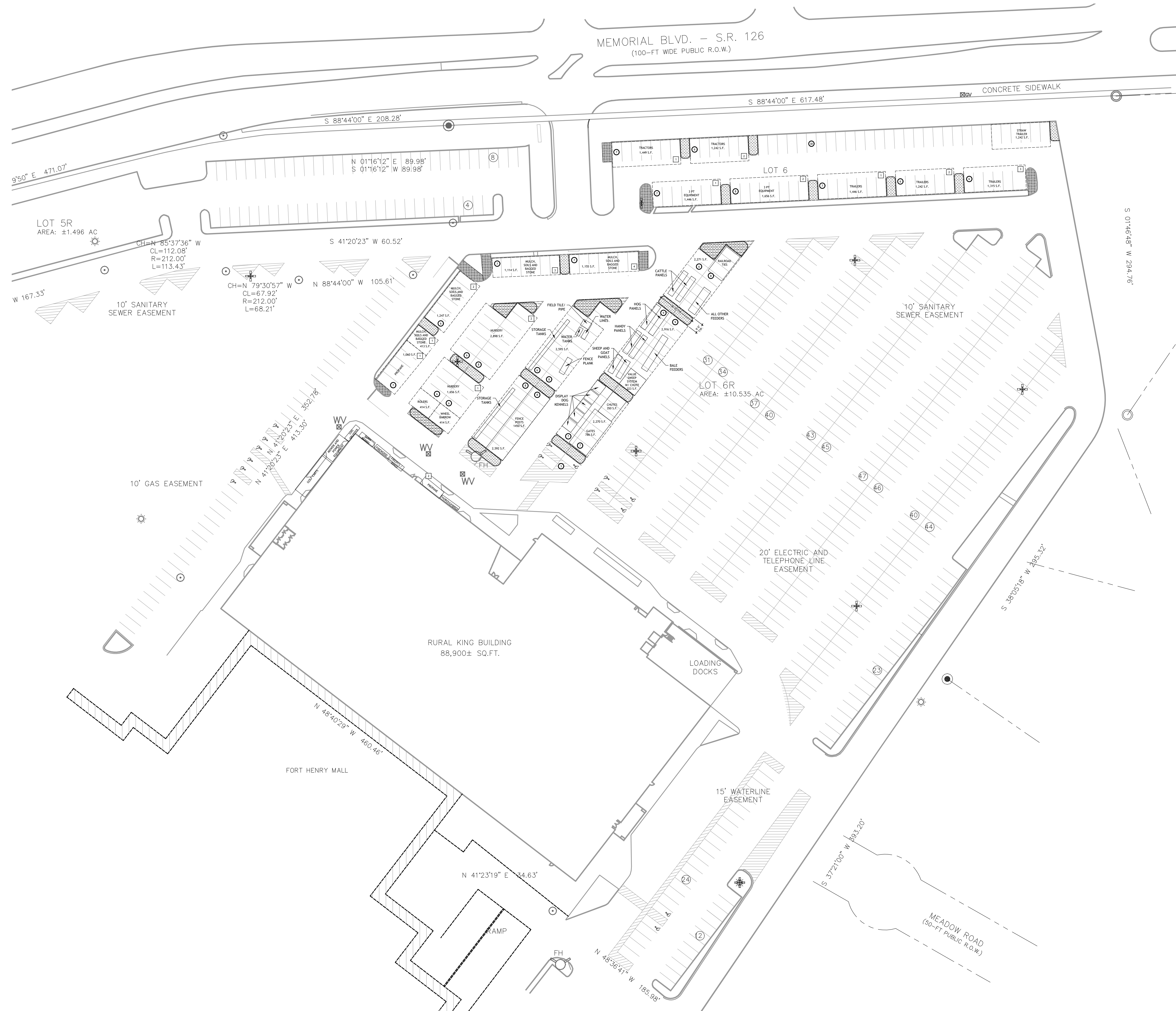
7 NUMBER OF PARKING STALLS IN A ROW

1 AREA DESIGNATION OF PRODUCT



1" = 40'

SYMBOLS LEGEND

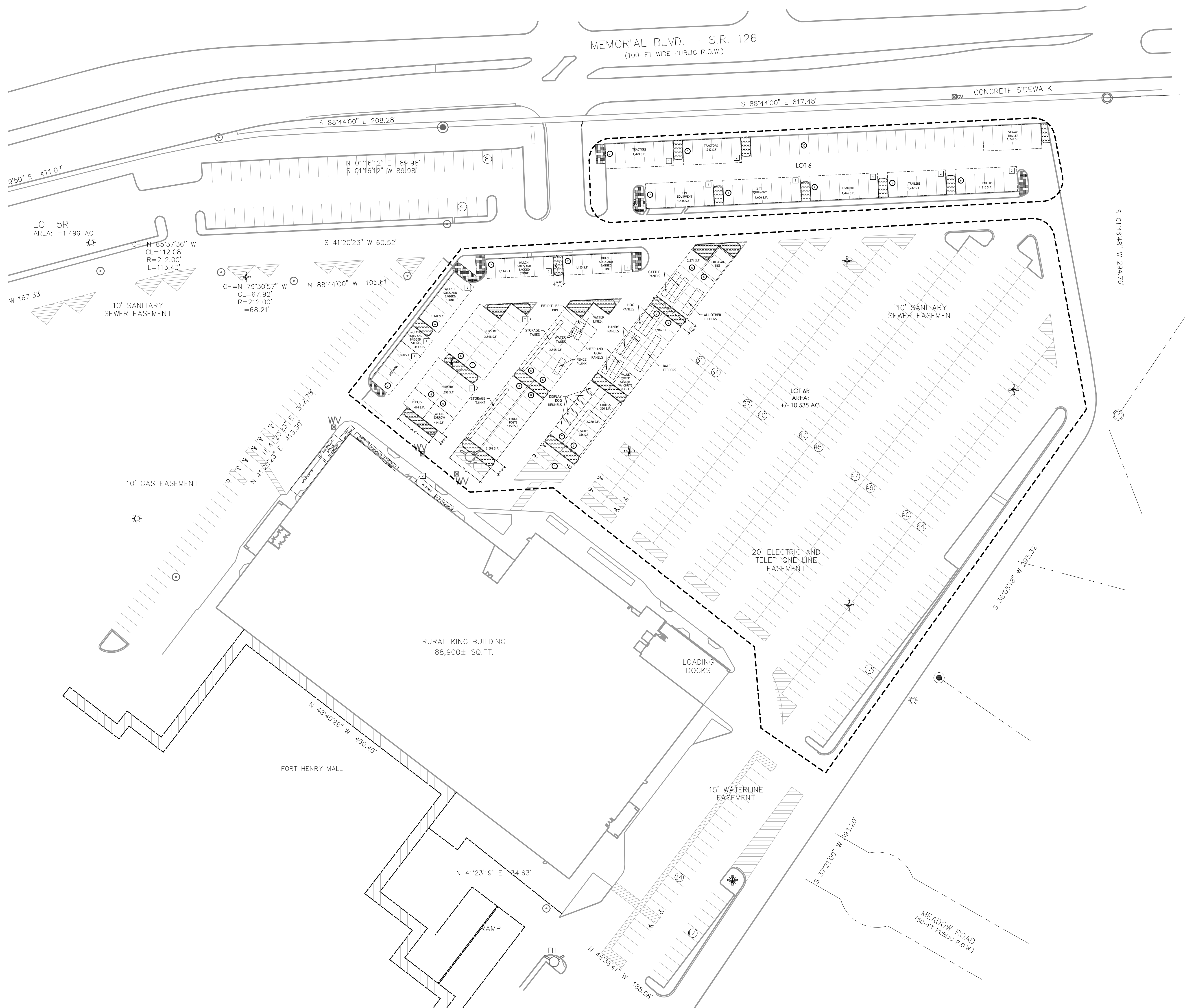


LANDSCAPE REQUIREMENTS:

- 1 - LANDSCAPE STRIPE PER 6,000 S.F.
 - 1 - LANDSCAPE ISLAND PER 900 S.F.
- TOTAL OUTDOOR SEASONAL DISPLAY AREA: 25,512 S.F.
- LANDSCAPE ISLAND REQUIRED 25,512 S.F. / 900 S.F. = 28.3 ISLANDS REQUIRED
LANDSCAPE ISLANDS PROVIDED 36
- NO SINGLE AREA MORE THAN 6,000 S.F.
- EXISTING LANDSCAPED WITHIN LOTS 6 AND 6R: 1,115 S.F.
LANDSCAPE AREA INCREASED TO: 4,023 S.F.

PARKING:

EXISTING PARKING:	
LOT 6	83 STALLS
LOT 6R	579 STALLS
TOTAL	662 STALLS
LOST PARKING	20 STALLS
NEW TOTAL	642 STALLS

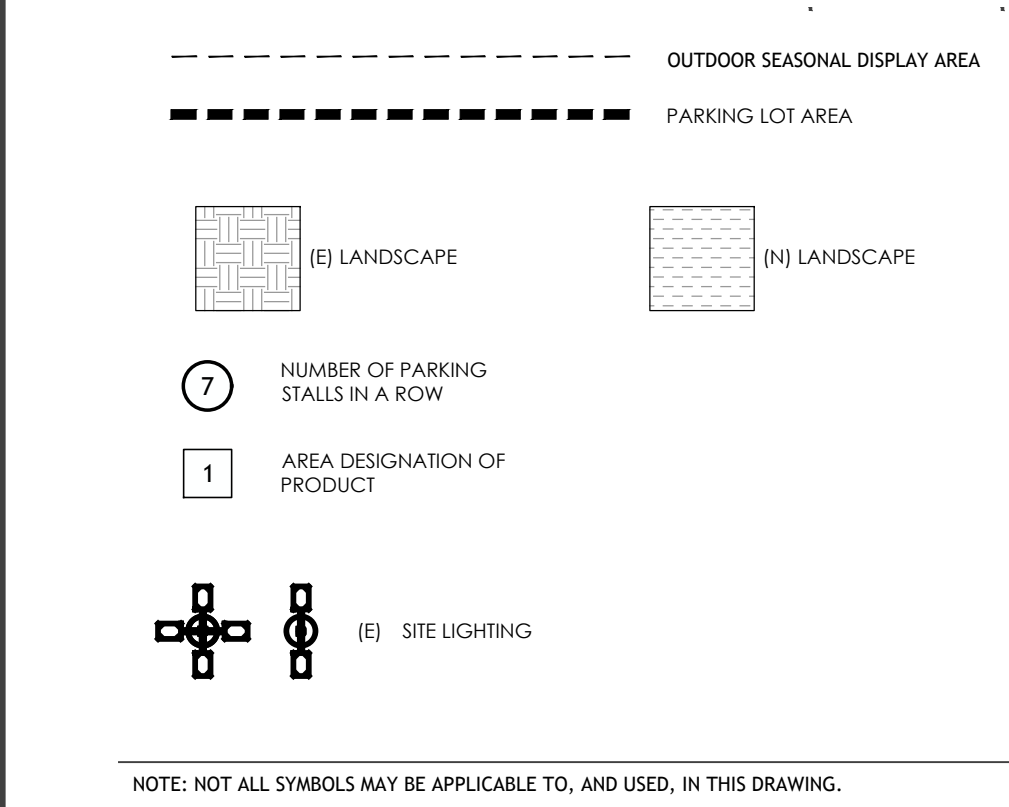


SITE PLAN KEYNOTES

OUTDOOR SEASONAL DISPLAY IN PARKING LOT 6 AND LOT 6R

- MULCH, SOILS, AND BAGGED STONE #1: 413 S.F.
 - MULCH, SOILS, AND BAGGED STONE #2: 1,247 S.F.
 - MULCH, SOILS, AND BAGGED STONE #3: 1,114 S.F.
 - MULCH, SOILS, AND BAGGED STONE #4: 1,155 S.F.
 - NURSERY #1: 1,656 S.F.
 - NURSERY #2: 2,898 S.F.
 - TRACTORS #1: 1,449 S.F.
 - TRACTORS #2: 1,242 S.F.
 - 3 PT EQUIPMENT #1: 1,446 S.F.
 - 3 PT EQUIPMENT #2: 1,242 S.F.
 - TRAILERS #1: 1,446 S.F.
 - TRAILERS #2: 1,242 S.F.
 - TRAILER #3: 1,315 S.F.
 - PROPANE TANK: 1,060 S.F.
 - ROLLERS: 414 S.F.
 - WHEEL BARROW: 414 S.F.
 - FENCE POSTS: 1450 S.F.
 - STORAGE TANKS: 342 S.F.
 - FENCE PLANK: 80 S.F.
 - FIELD TILE / PIPE: 66 S.F.
 - WATER TANKS: 32 S.F.
 - WATER LINES: 32 S.F.
 - DISPLAY DOG KENNELS: 500 S.F.
 - GATES: 786 S.F.
 - CHUTES: 350 S.F.
 - SHEEP AND GOAT PANELS: 182 S.F.
 - VALUE SWEEP SYSTEM W/ CHUTE: 323 S.F.
 - HANDY PANELS: 240 S.F.
 - HOG PANELS: 250 S.F.
 - BALE FEEDERS: 225 S.F.
 - CATTLE PANELS: 260 S.F.
 - ALL OTHER FEEDERS: 195 S.F.
 - RAILROAD TIES: 448 S.F.
- TOTAL DISPLAY AREA: 25,512 S.F.

GENERAL NOTES

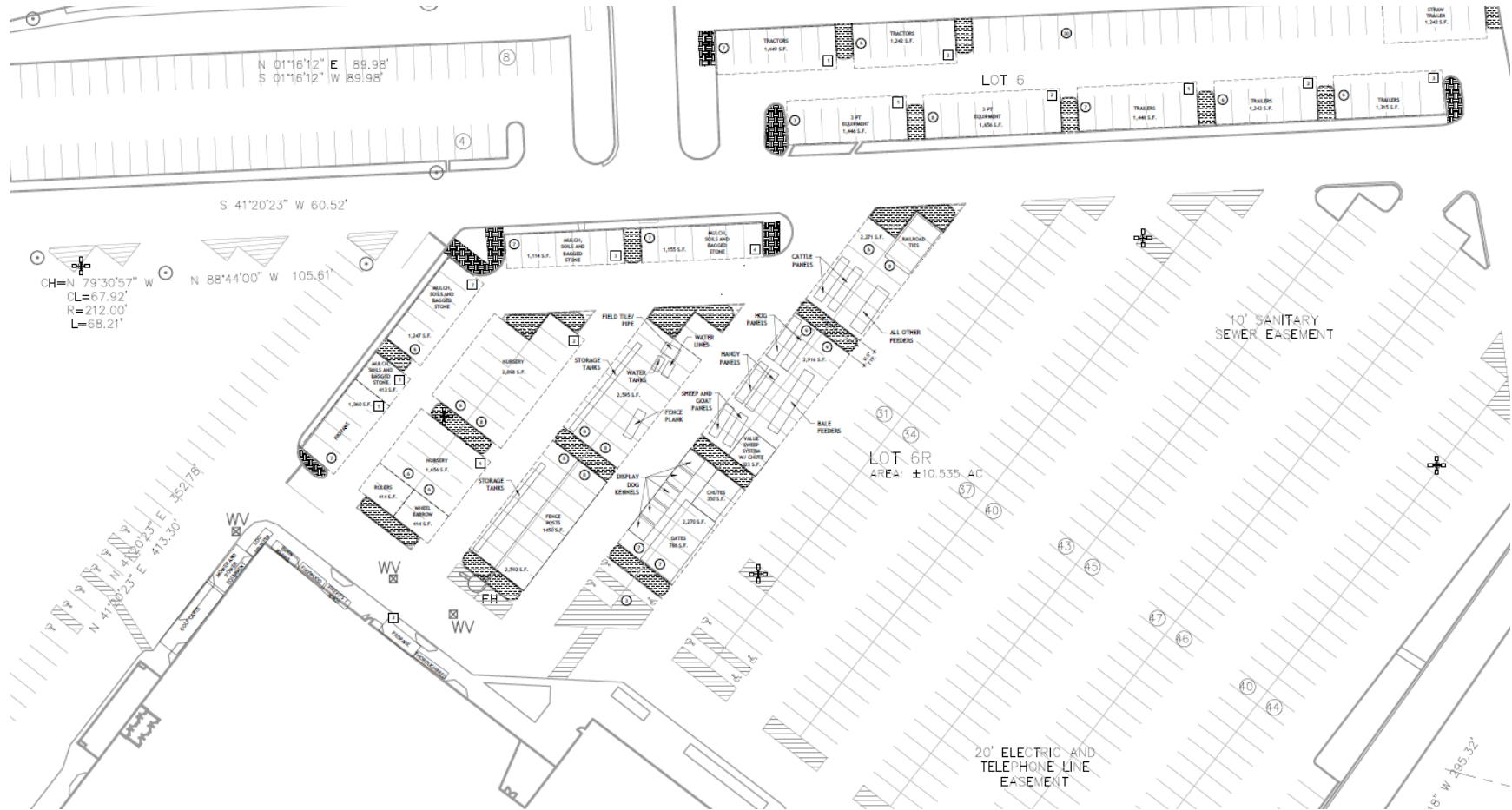


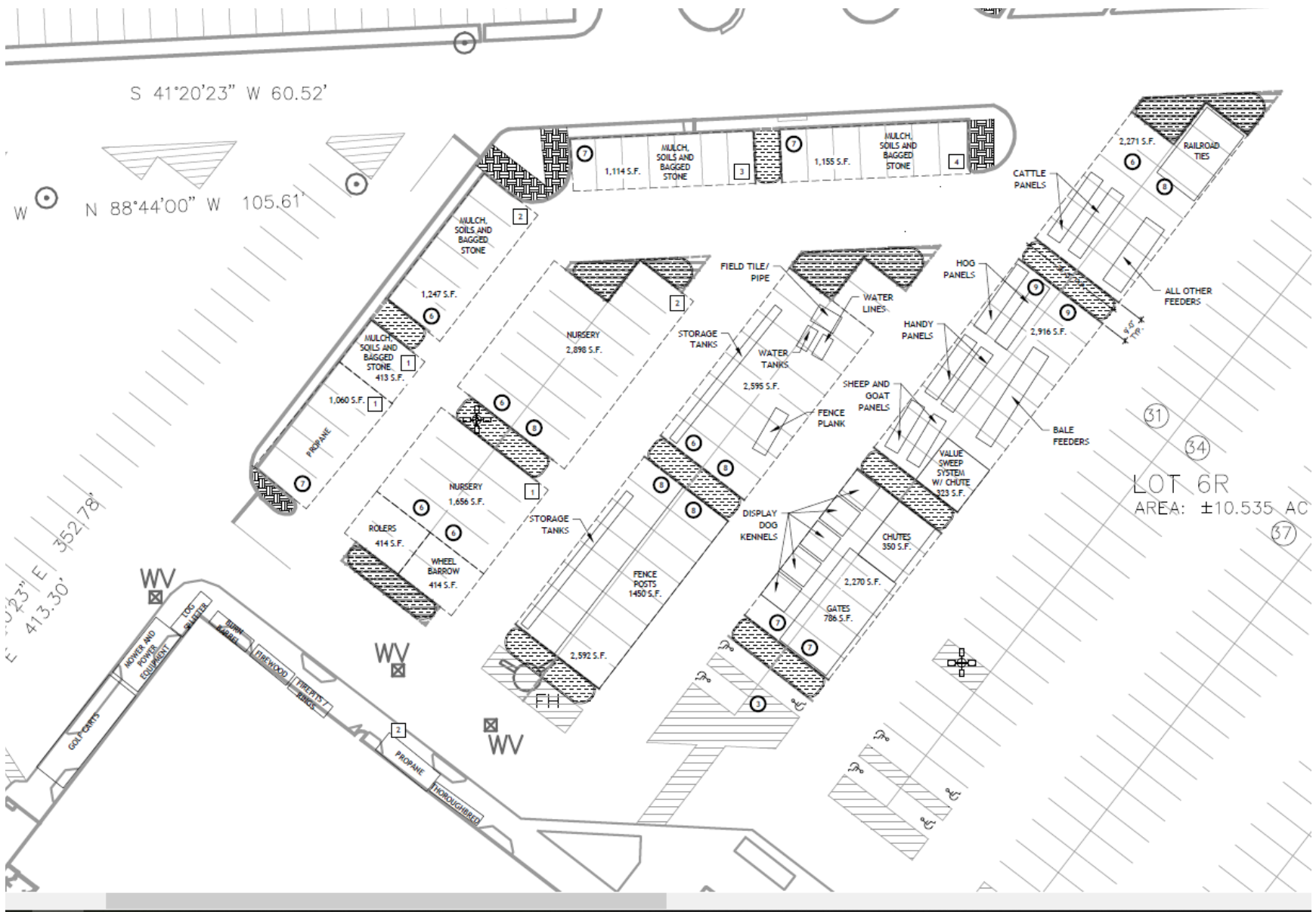
SYMBOLS LEGEND

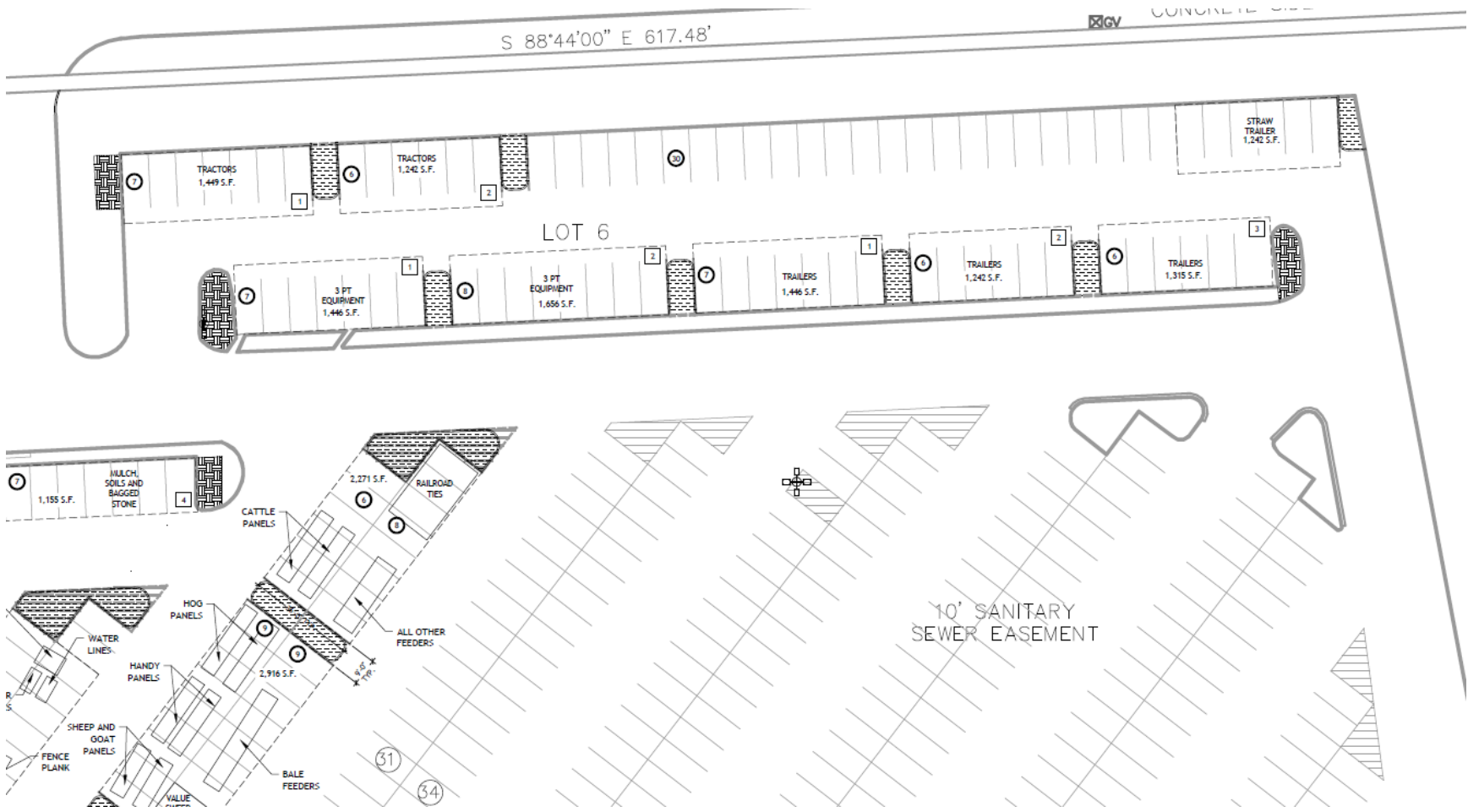
RURAL KING
STORE NO.:
2101 FORT HENRY DRIVE
KINGSPORT, TN 37664

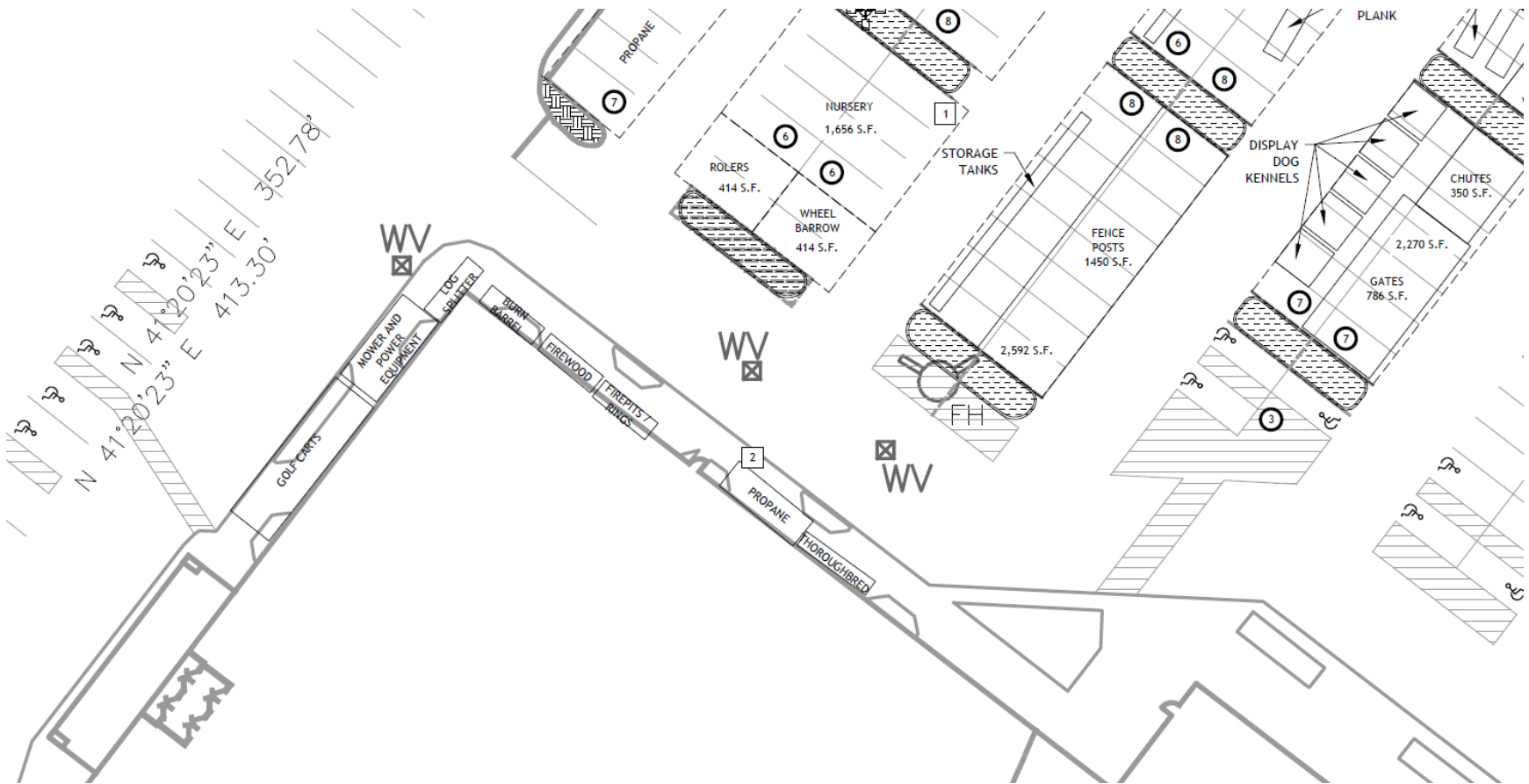
REV	DATE	DESCRIPTION

DRAWN BY: AGV
CHECKED BY: RK
ARCH. PROJECT NO.: RKR24004
SHEET NAME: OUTDOOR SEASONAL DISPLAY EXHIBIT
SHEET NUMBER:







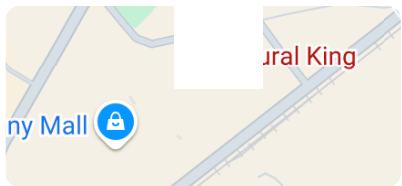


Google Street View

Dec 2023 [See more dates](#)



Image capture: Dec 2023 © 2024 Google



Google Street View

Dec 2023 [See more dates](#)



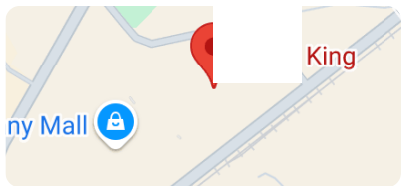
Image capture: Dec 2023 © 2024 Google



Google Street View
Dec 2023



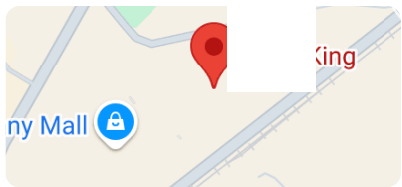
Image capture: Dec 2023 © 2024 Google



Google Street View
Dec 2023



Image capture: Dec 2023 © 2024 Google



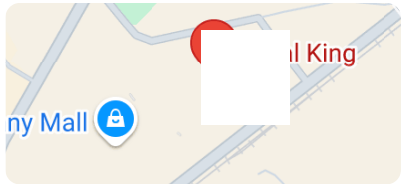
Google Street View

Dec 2023 [See more dates](#)



Google

Image capture: Dec 2023 © 2024 Google



ArcGIS Web Map

Item III.2.



10/16/2024, 1:44:13 PM

Sullivan County Parcels Jan 2023

Parcels

Streets

Interstate

Expressway

Major Arterial

Minor Arterial

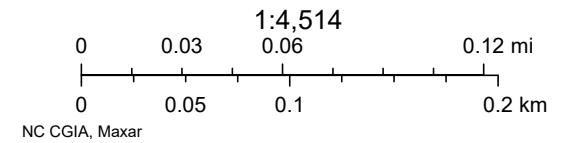
Collector Street

Local Street

Private Street

Ramp

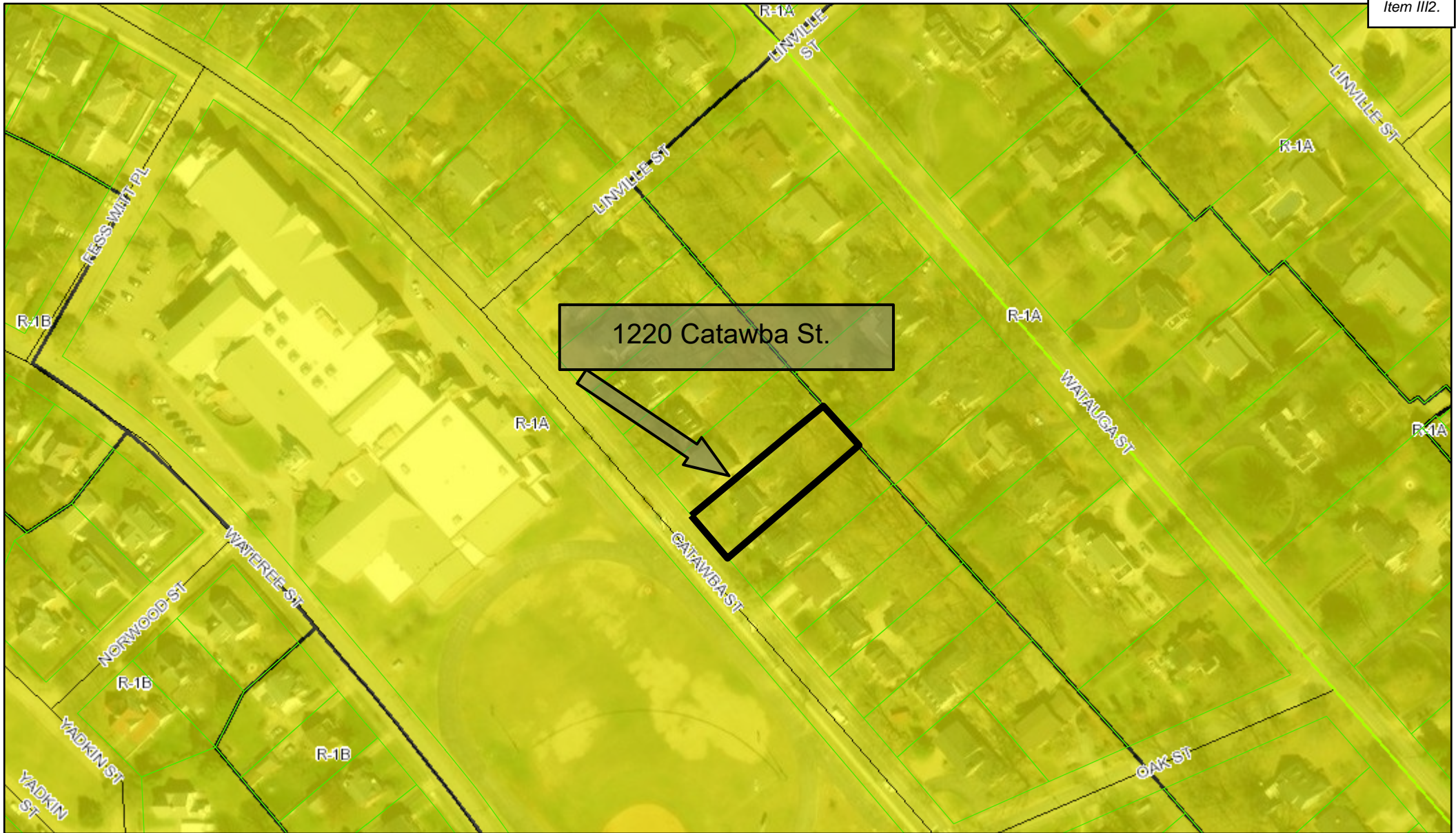
Urban Growth Boundary



26

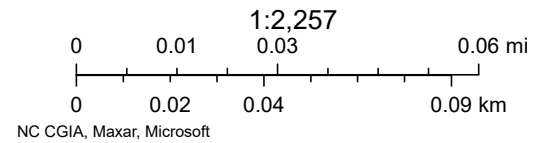
ArcGIS Web Map

Item III.2.



10/16/2024, 1:18:03 PM

Sullivan County Parcels Jan 2023	B-2E	B-3	M-1R	PD	R-1B	Split	
City Zoning	A-1	B-4	M-2	PMD-1	R-1C	TA	
<Null>	A-2	B-4P	MX	PMD-2	R-2	TA-C	
TA/C	AR	B-4P	P-1	PUD	R-3	UAE	
R-5	B-1	BC	P-D	PVD	R-3A		
GC	B-2	GC	PBD-3	R-1	R-3B		
	B-3	M-1	PBD/*	R-1A	R-4		
						Major Arterial	
						Interstate	Minor Arterial
						Expressway	Collector Street
						Urban Growth Boundary	Local Street
							Private Street
							Ramp





TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: October 17, 2024

RE: 1220 Catawba Street

The Board is asked to consider the following request:

Case: BZA24-0233 – The owner of property located at 1220 Catawba Street, Control Map 046N, Group A, Parcel 009.00 requests a 5.3-foot side yard variance from Section 114-182(e)(1)(d)1, the purpose of the request is to facilitate a home addition. The property is zoned R-1A, Residential District.

Code reference:

Sec. 114-182. - R-1A, Residential District.

(e)Dimensional requirements. The minimum and maximum dimensional requirements for the R-1A district are as follows:

(1)Minimum requirements.

- a. Lot area, 10,000 square feet.
- b. Lot frontage, 60 feet.
- c. Front yard, 40 feet.
- d. Each side yard:
 1. Ten feet for one or two stories;
 2. 15 feet for three stories;
 3. Plus 50 percent on the street side yard.
- e. Rear yard, 30 feet.
- f. Usable open space, not applicable.

APPLICATION

Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name Sprinkle First Arielle M.I. D Date _____
 Street Address 1220 Catawba St Apartment/Unit # _____
 City Kingsport State TN ZIP 37660
 Phone 423-677-3741 E-mail Address arielle.d.sprinkle@gmail.com

PROPERTY INFORMATION:

Tax Map Information Tax map: _____ Group: _____ Parcel: _____ Lot: _____
 Street Address 1220 Catawba St Apartment/Unit # _____
 Current Zone _____ Proposed Zone _____
 Current Use _____ Proposed Use _____

REPRESENTATIVE INFORMATION:

Last Name Sprinkle or Cyphers First Arielle or Nakia M.I. D Date _____
 Street Address 1220 Catawba St. Apartment/Unit # _____
 City Kingsport, TN State TN ZIP 37660
 Phone _____ E-mail Address arielle.d.sprinkle@gmail.com

REQUESTED ACTION:

5.3 ft side yard variance to construct an addition to my home

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: Arielle Sprinkle

Date: 10/14/24

Signed before me on this 14th day of October, 2024
 a notary public for the State of Tennessee
 County of Sullivan

Notary Lori L. Pyatte
 My Commission Expires 11-21-2026



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.

This is an older neighborhood and the lots/buildings are very close together.

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

Without this variance I cannot construct my addition

- 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.

No

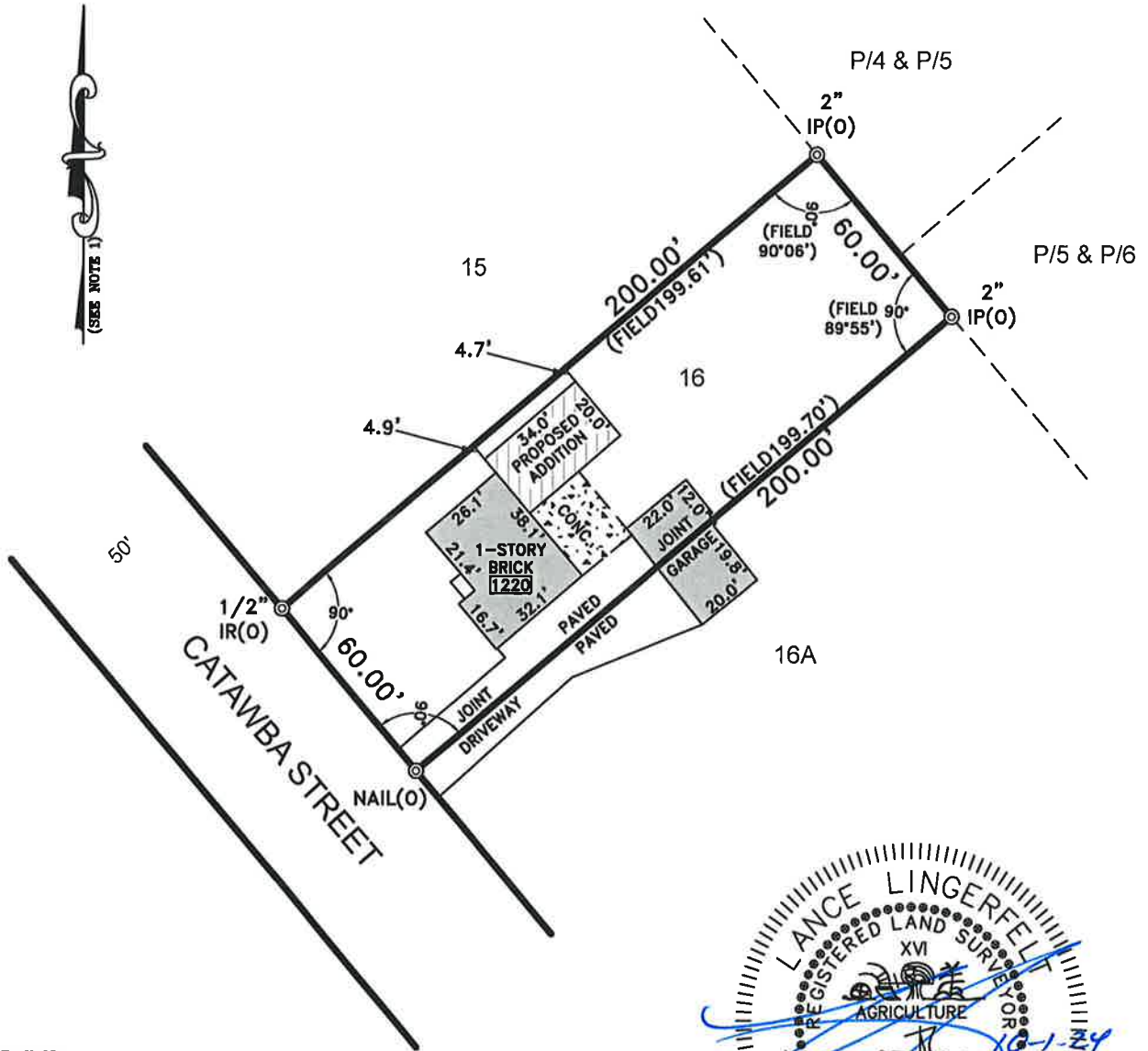
d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

This addition will ~~improve~~ ^{improve} the building and the area.

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.

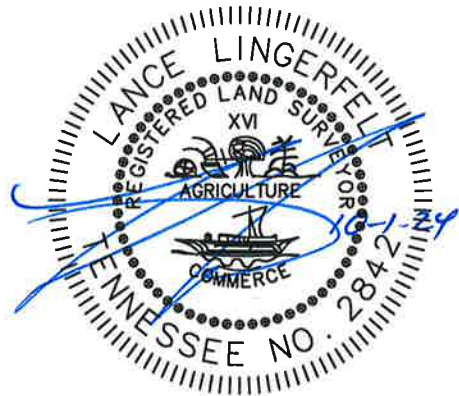
Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

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.



LEGEND

- IR(O) IRON ROD OLD
- IP(O) IRON PIPE OLD
- CONC. CONCRETE
- P/ PART OF
- 123 911 ADDRESS



NOTES:

- 1) NORTH BASED ON REFERENCED PLAT.
- 2) PROPERTY IS ZONED R-1A
 FRONT: 40'
 REAR: 30'
 SIDE: 10'
- 3) SETBACKS TO CONFORM TO ZONING DESIGNATION
 THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD INSURANCE ADMINISTRATION BOUNDARY MAP 47163C0045D EFFECTIVE DATE SEPTEMBER 29, 2006 AND FOUND THAT THE ABOVE PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
- 4) FIELD INFORMATION ELECTRONIC DATA COLLECTED
- 5) I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE RATIO OF PRECISION IS BETTER THAN 1:10,000.
- 6) THIS SURVEY WAS DONE IN COMPLIANCE WITH THE CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE.

MAP OF: LOT 16, BLOCK 120, CITY OF KINGSPORT

OWNER: ARIELLE SPRINKLE

CIVIL DISTRICT: 11TH COUNTY: SULLIVAN

STATE: TENNESSEE TAX MAP 046N "A" PARCEL 009.00

SCALE: 1 INCH = 50' DATE: OCTOBER 1, 2024

REFERENCE: PLAT BOOK 3, PAGE 100

24-13578 FB/PG: N/A

FOR: VARIANCE

ALLEY & ASSOCIATES, INC.

422 E Market Street
 Kingsport, Tennessee 37660
 E-mail: llingerfelt@alleyassociates.com









ArcGIS Web Map

Item III.3.



10/16/2024, 11:45:29 AM

Sullivan County Parcels Jan 2023

Parcels

Streets

Interstate

Expressway

Major Arterial

Minor Arterial

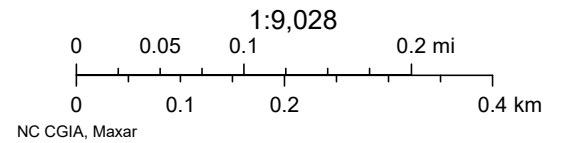
Collector Street

Local Street

Private Street

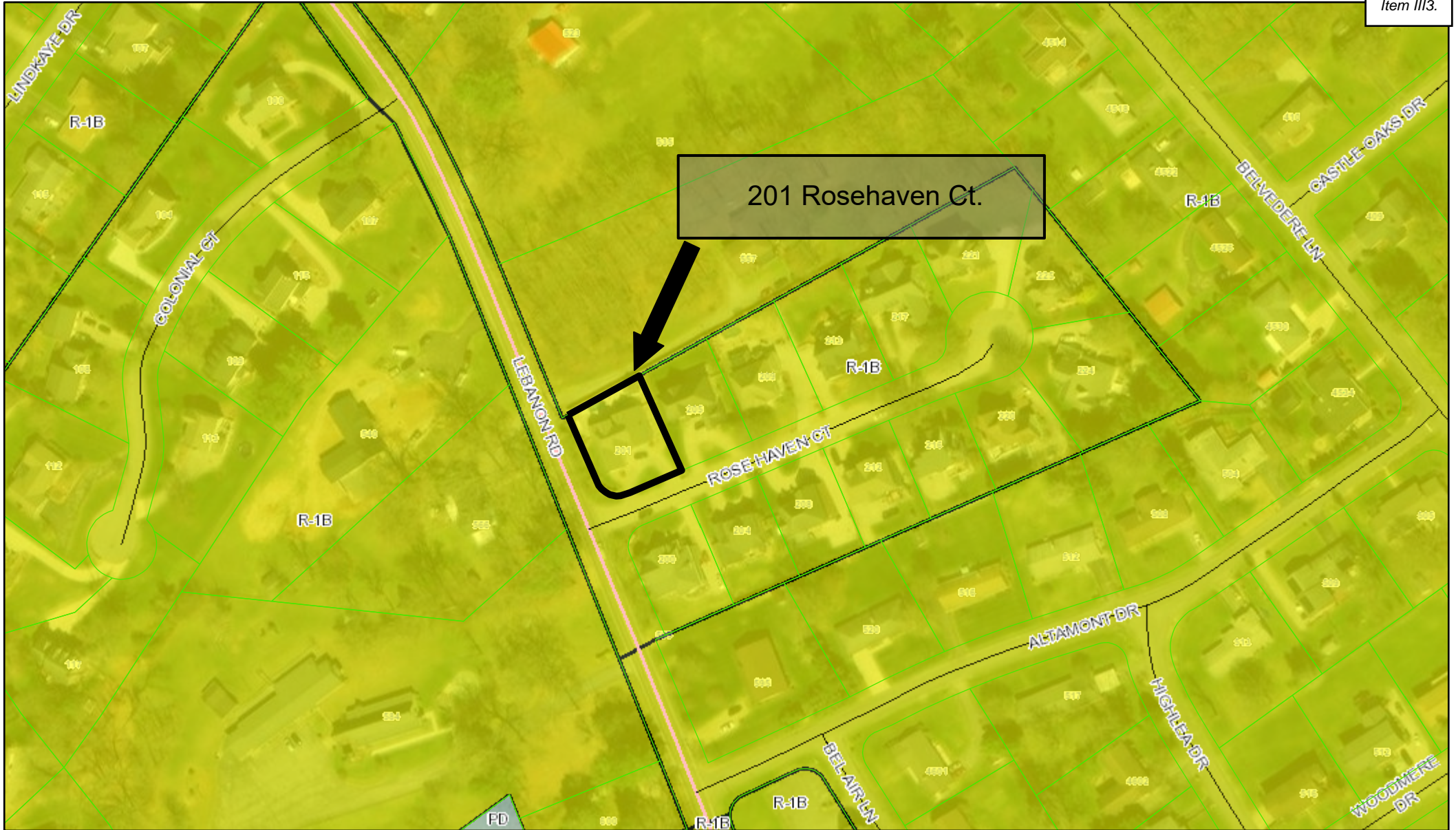
Ramp

Urban Growth Boundary



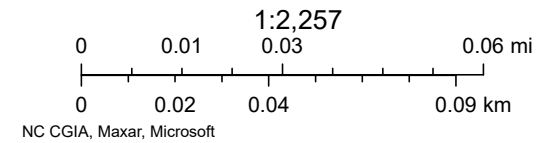
ArcGIS Web Map

Item III.3.



10/16/2024, 11:31:28 AM

Sullivan County Parcels Jan 2023	A-1	B-4	M-2	PMD-1	R-1C	TA	Minor Arterial
City Zoning	A-2	B-4P	MX	PMD-2	R-2	TA-C	Collector Street
<Null>	AR	B-4P	P-1	PUD	R-3	UAE	Local Street
T/A/C	B-1	BC	P-D	PVD	R-3A	Streets	Private Street
R-5	B-2	GC	PBD-3	R-1	R-3B	Interstate	Ramp
GC	B-3	M-1	PBD/*	R-1A	R-4	Expressway	Urban Growth Boundary
B-2E	B-3	M-1R	PD	R-1B	Split	Major Arterial	Kpt 911 Address





TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: October 17, 2024

RE: 201 Rosehaven Court

The Board is asked to consider the following request:

Case: BZA24-0234 – The owner of property located at 201 Rosehaven Court, Control Map 092N, Group A, Parcel 038.70 requests a 12.09 foot rear yard variance to Sec 114-183(e)(1)e for the purpose of accommodating a home expansion. The property is zoned R-1B, Residential District.

Code reference:

Sec. 114-183. - R-1B, Residential District

(e)Dimensional requirements. The minimum and maximum dimensional requirements for the R-1B district are as follows:

- (1)Minimum requirements.
 - a. Lot area, 7,500 square feet.
 - b. Lot frontage, 50 feet.
 - c. Front yard, 30 feet.
 - d. Each side yard, eight feet.
 - e. Rear yard, 30 feet.**
 - f. Usable open space, not applicable.

APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name <u>Taylor</u>	First <u>JAMES</u>	M.I. <u>R.</u>	Date <u>10-14-2024</u>
Street Address <u>201 ROSEHAVEN CT.</u>		Apartment/Unit #	
City <u>Kingsport</u>	State <u>TN</u>	ZIP <u>37663</u>	
Phone <u>865-335-9981</u>	E-mail Address <u>jrtaylor42750@A.H.NET</u>		

PROPERTY INFORMATION:

Tax Map Information	Tax map: <u>092N</u> Group: <u>A</u>	Parcel: <u>038.78</u> Lot:
Street Address <u>201 ROSEHAVEN CT.</u>		Apartment/Unit #
Current Zone	Proposed Zone	
Current Use	Proposed Use	

REPRESENTATIVE INFORMATION:

Last Name <u>JAMES AS OWNER</u>	First	M.I.	Date
Street Address		Apartment/Unit #	
City	State	ZIP	
Phone	E-mail Address		

REQUESTED ACTION:

VARIANCE TO CONSTRUCT A PORCH.
12.09 FOOT REAR YARD VARIANCE FOR THE PURPOSE
OF ACCOMMODATING A HOME EXPANSIONS.

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: [Signature] Date: October 14, 2024

Signed before me on this 14th day of October, 2024,
a notary public for the State of Tennessee
County of Sullivan

Notary Lori Pyatte
My Commission Expires 11-21-2026



Kingsport Board of Zoning Appeals

Request for Variance at 201 Rosehaven Ct. Kingsport, TN 37663

- a. The specific conditions in detail which are unique to the applicant's land. The back one third of our lot is concrete with a small swimming pool. There is no shade in the back yard and in the heat of the day it is difficult to enjoy our yard.
- b. Without the variance we are not able to add a porch that would provide relief from the sun in the heat of the day.
- c. We bought this house in May 2024 and these conditions were present when we purchased the house.
- d. The backyard has an 8 foot privacy fence across the back of our property. The proposed porch will add value to our house and will not harm or alter the essential character of the neighborhood. Because of the fencing it will hardly be visible.

TDOT

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	47.31	30.00	90°20'57"	N 69°51'08" W	42.56

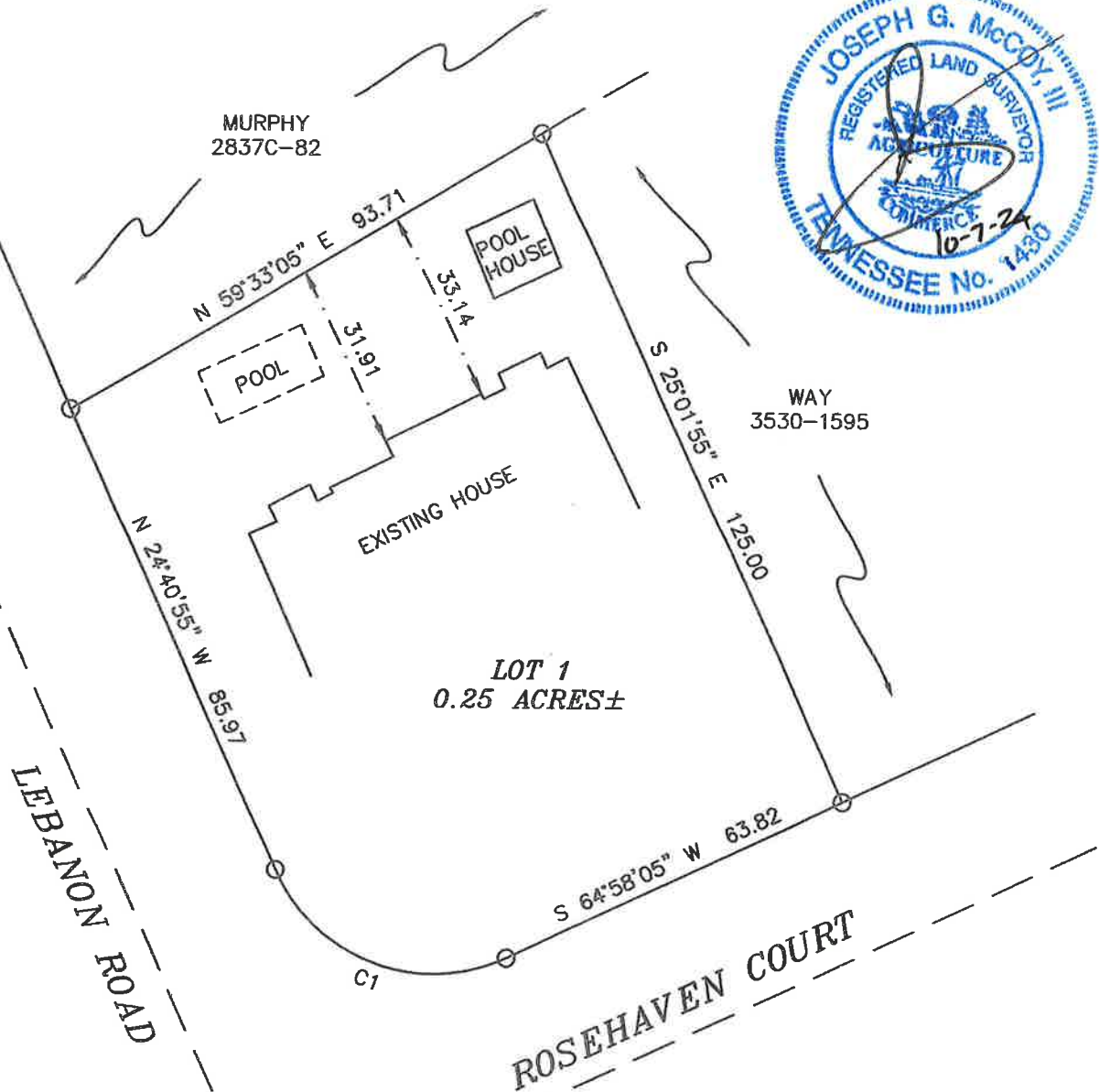
McCoy LAND SURVEYING
 806 E JACKSON BLVD STE 11
 JONESBOROUGH TENN. 37659
 PH- 423-753-9192

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS
 RECORDED AND/OR UNRECORDED.

I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THE RATIO OF
 PRECISION OF THE UNADJUSTED SURVEY IS 1-10000+ AS SHOWN HEREON AND
 COMPLIES WITH THE CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE.

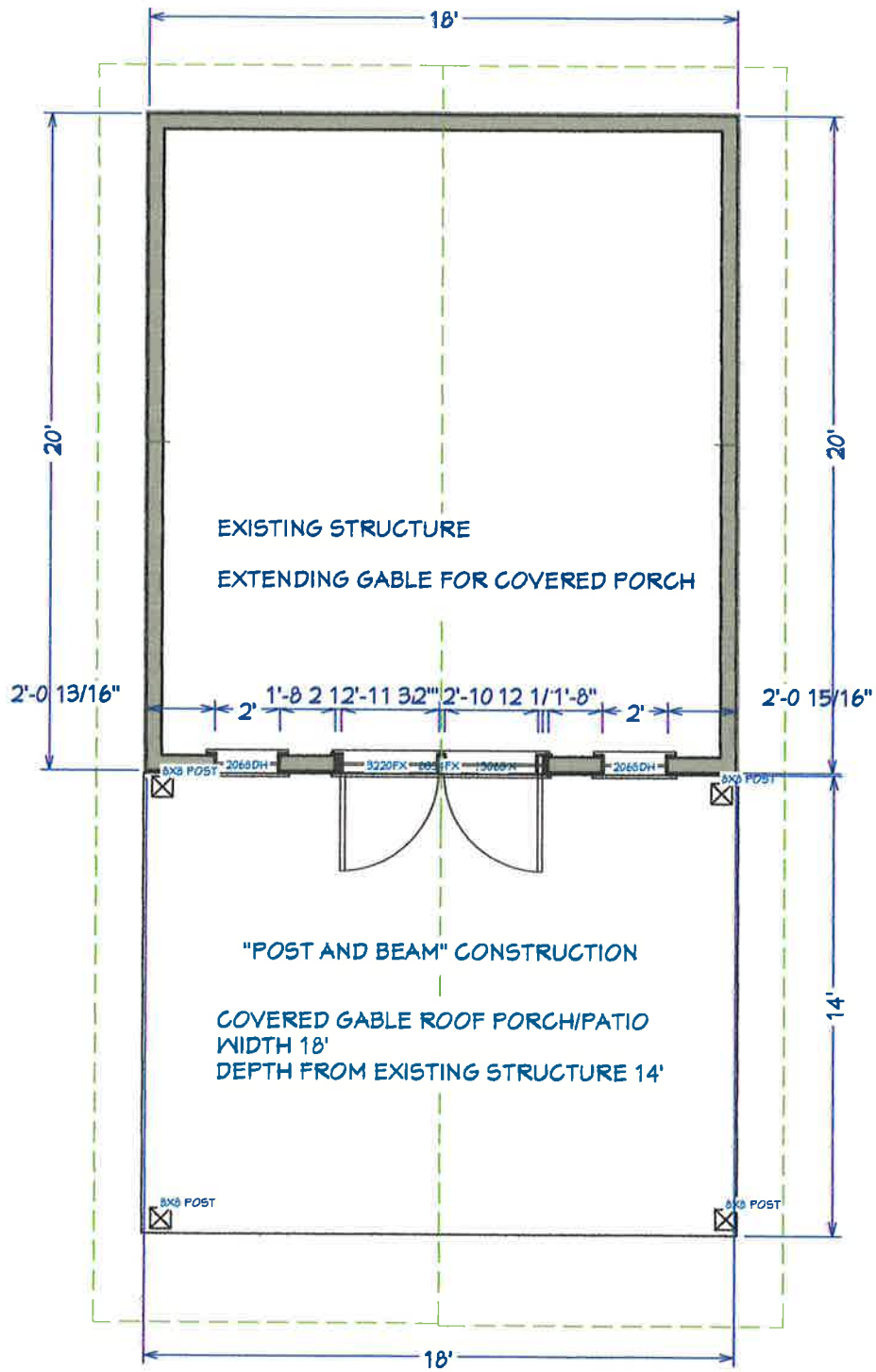
THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT.

UTILITIES WERE NOT LOCATED AS A PART OF THIS SURVEY.



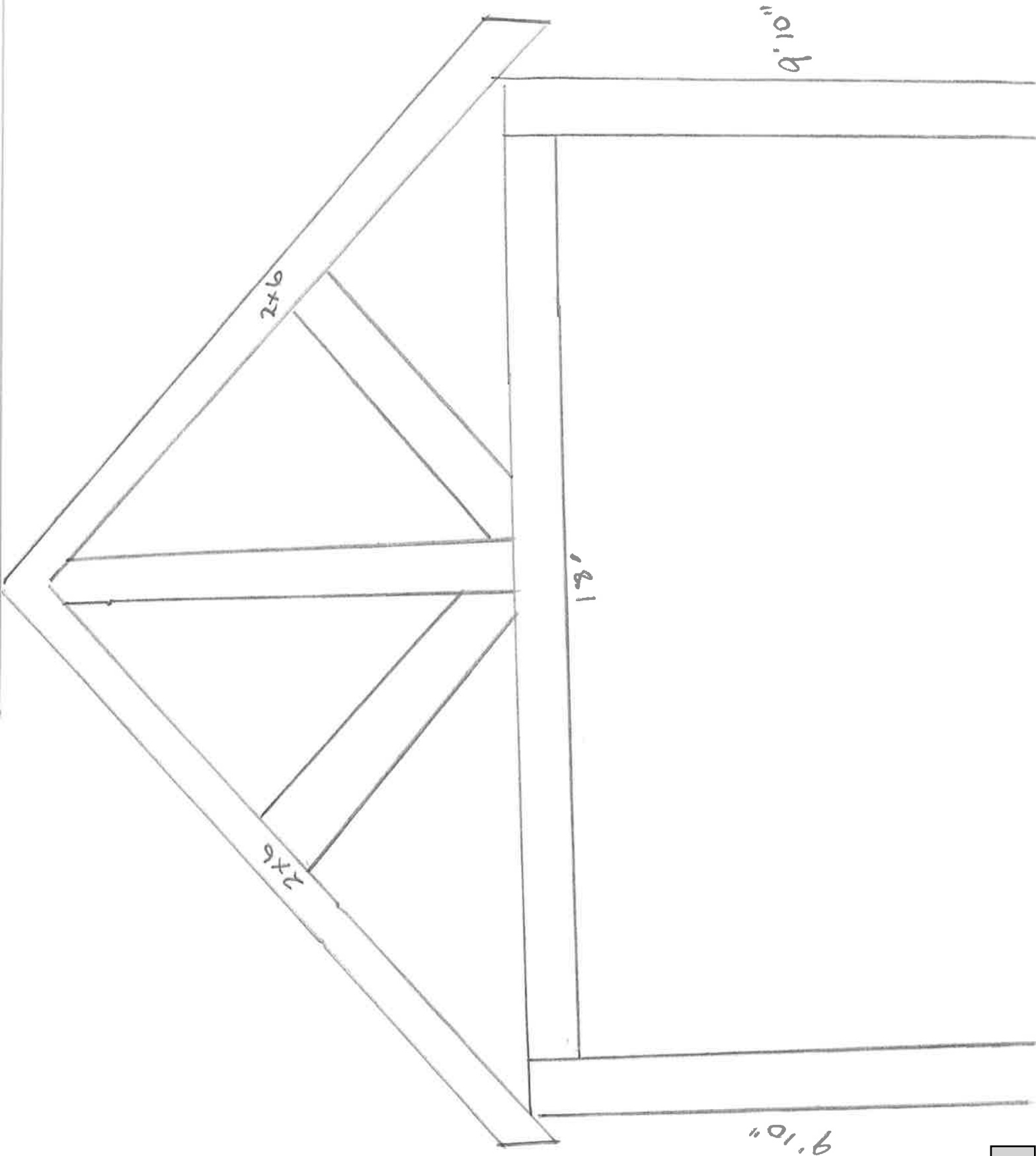
TAYLOR PROPERTY

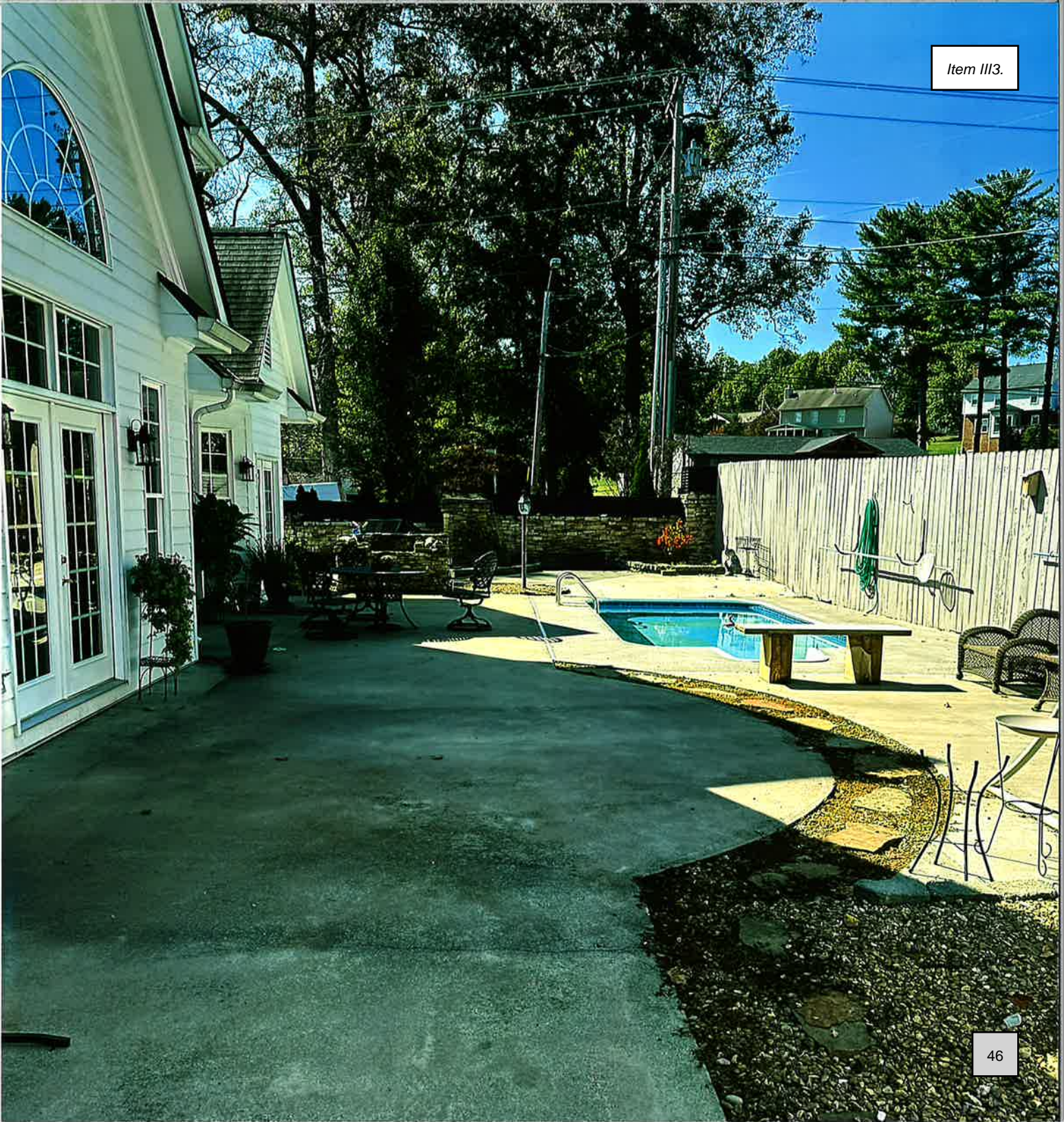
14TH CIVIL DISTRICT SULLIVAN COUNTY TENN
 SUBJECT PROPERTY TAX MAP: 092N GRP: A
 PARCEL: 038.70
 SUBJECT PROPERTY DEED REF: 3602-2090
 SCALE 1-30 DATE: 10/7/2024
 DRAWN BY TGM



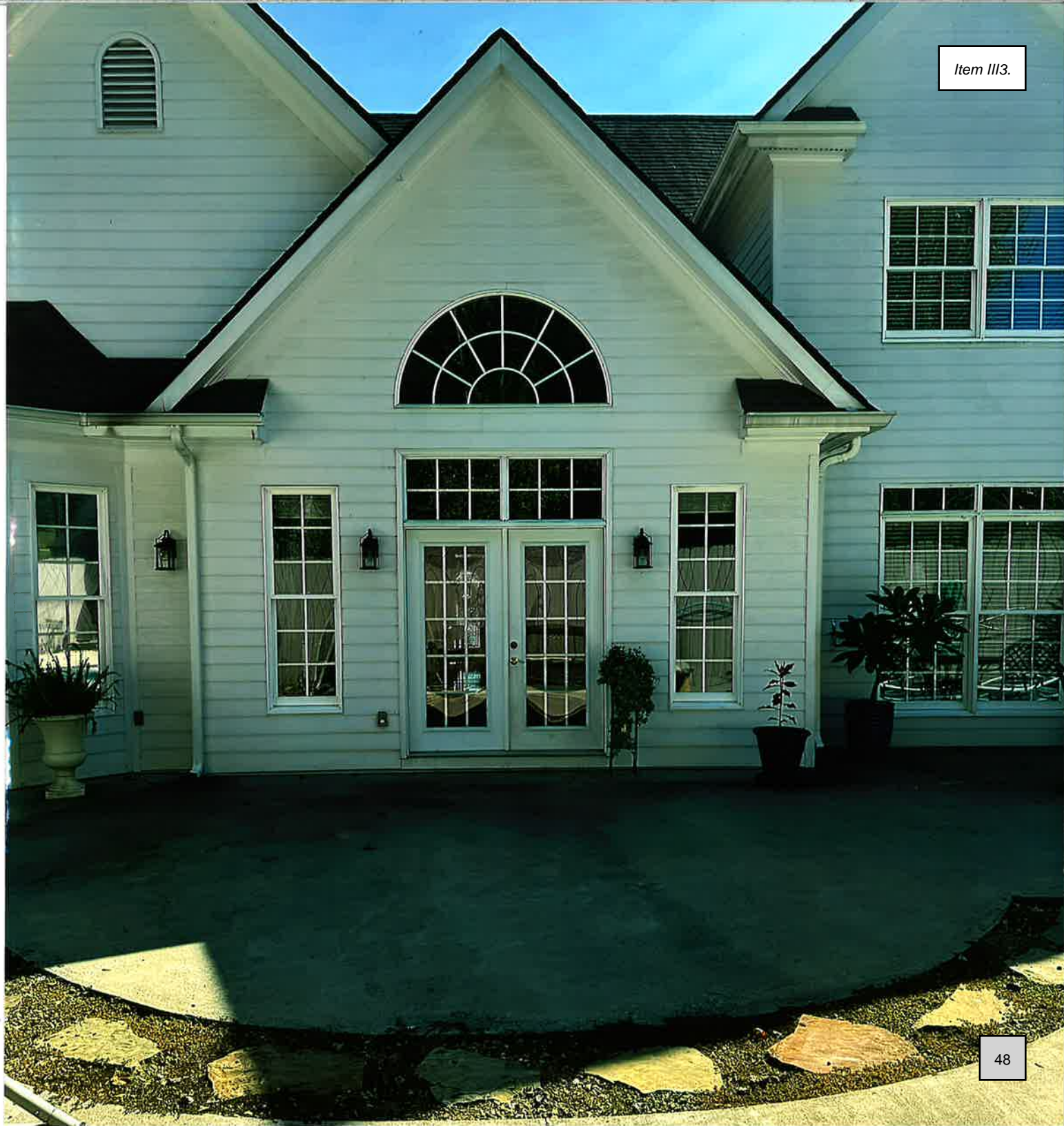
201 Rosehaven Court
Kingsport, TN 37663





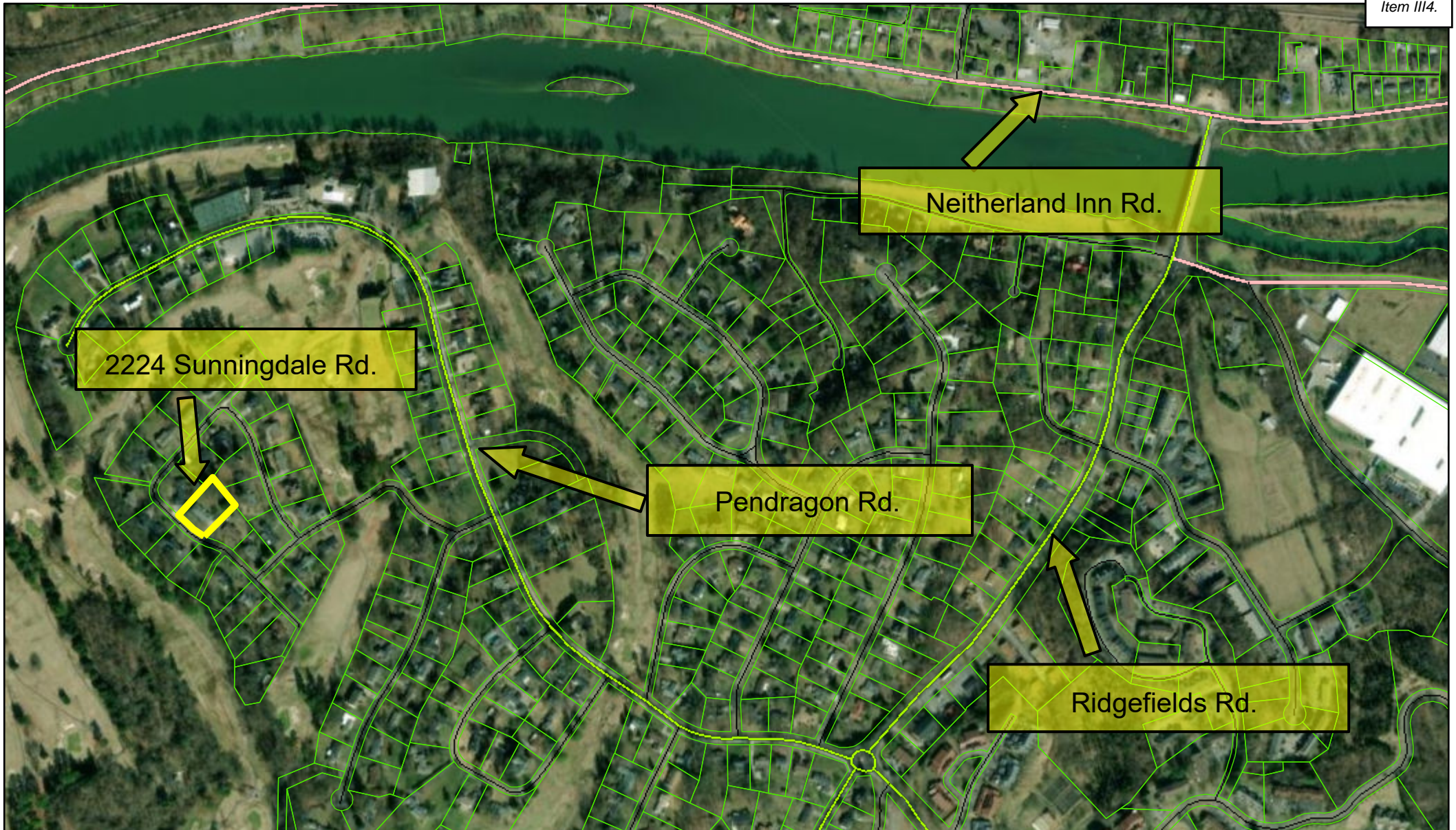






ArcGIS Web Map

Item III.4.



10/23/2024, 1:33:12 PM

Sullivan County Parcels Jan 2023

Parcels

Streets

Interstate

Expressway

Major Arterial

Minor Arterial

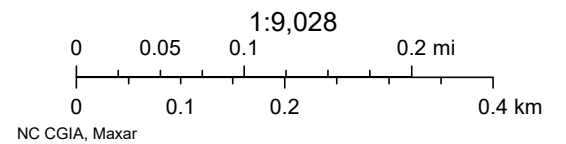
Collector Street

Local Street

Private Street

Ramp

Urban Growth Boundary



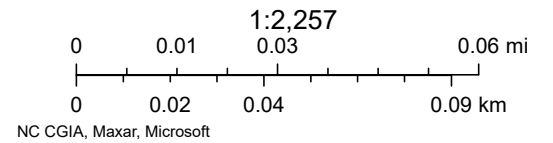
2224 Sunningdale Rd.



GC

10/23/2024, 1:19:16 PM

Sullivan County Parcels Jan 2023	GC	B-2	BC	P-1	PMD-2	R-1C	Split
Parcels	B-2E	B-3	GC	P-D	PUD	R-2	TA
City Zoning	A-1	B-3	M-1	PBD-3	PVD	R-3	TA-C
<Null>	A-2	B-4	M-1R	PBD/*	R-1	R-3A	UAE
T/A/C	AR	B-4P	M-2	PD	R-1A	R-3B	Urban Growth Boundary
R-5	B-1	B-4P	MX	PMD-1	R-1B	R-4	





TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: October 30, 2024

RE: 2224 Sunningdale Road

The Board is asked to consider the following request:

Case BZA24-0249– The owner of property located at 2224 Sunningdale Road, Control Map 045P, Group A, Parcel 028.00 requests a 412 square foot variance to Sec. 114-133(2) to exceed the maximum square footage allowance for an accessory structure for the purpose of constructing a new detached garage. The property is zoned GC, Golf Course Community District.

Code reference:

Sec. 114-133. - Accessory building location and height.

Under this chapter, the following shall apply to the location and height of accessory buildings:

- (2) Location. Except as provided in subsection (3) of this section, no accessory building shall be erected in any required front or side yard. Accessory residential structures shall be on the same lot as the principal residential structure. The floor area of accessory structures located upon any property zoned for residential use shall not exceed 30 percent of the floor area of the principal structure, or 1,100 square feet, whichever is greater. Lots that are two acres in size or larger may use the following calculation to determine accessory structure size: maximum of two percent of total parcel area but never more than 5,000 square feet. Accessory structures shall not exceed the height of the principal structure or 35 feet, whichever is less. Accessory structures shall be at least three feet from all lot lines and five feet from any other building on the same lot; provided, however, that where two adjoining property owners desire to build a double garage on the property line, one-half of which would be located on each property, they may secure a building permit to construct such garage by submitting written agreements signed by both parties concerned to the zoning administrator. The height of both the accessory structure and the principal structure shall be measured according to the provisions outlined in the current building code, as set forth in article III of [chapter 22](#). Swimming pools not covered by a permanent roof, tennis courts, pet enclosures not exceeding 100 square feet floor area, and satellite dish antennas shall not be subject to size or height restrictions in this section or included in calculating floor area.



APPLICATION

Board of Zoning Appeals

APPLICANT INFORMATION:

Last Name	<u>HARRISON</u>	First	<u>Todd</u>	M.I.	<u>14</u>	Date	
Street Address	<u>2774 Sunningdale Rd</u>			Apartment/Unit #			
City	<u>Kingsport</u>	State	<u>TN</u>	ZIP	<u>37620</u>		
Phone	<u>423-817-8383</u>			E-mail Address	<u>Todd.harrison4@kingsport.com</u>		

PROPERTY INFORMATION:

Tax Map Information	Tax map: <u>045P</u>	Group: <u>A</u>	Parcel: <u>28.000</u>	Lot: <u>7</u>	
Street Address	<u>2774 Sunningdale Rd Kingsport TN</u>			Apartment/Unit #	
Current Zone		Proposed Zone			
Current Use		Proposed Use			

REPRESENTATIVE INFORMATION:

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

REQUESTED ACTION:

inc increase accessory structure allotment by 412 sqft
exceed

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: [Signature] Date: 10.23, 2024

Signed before me on this 23rd day of October, 2024
a notary public for the State of Tennessee
County of Sullivan
Notary Lori L. Pyatte
My Commission Expires 11-21-2026



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.

I understand there is a 1100 sq. ft. limit but I have a transport size vehicle that I need to store. It would be better for everyone that it was out of view.

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

I need a certain size building to store my items out of view. The building will be behind the ~~other~~ house. I will follow all setbacks.

- 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. *NO*

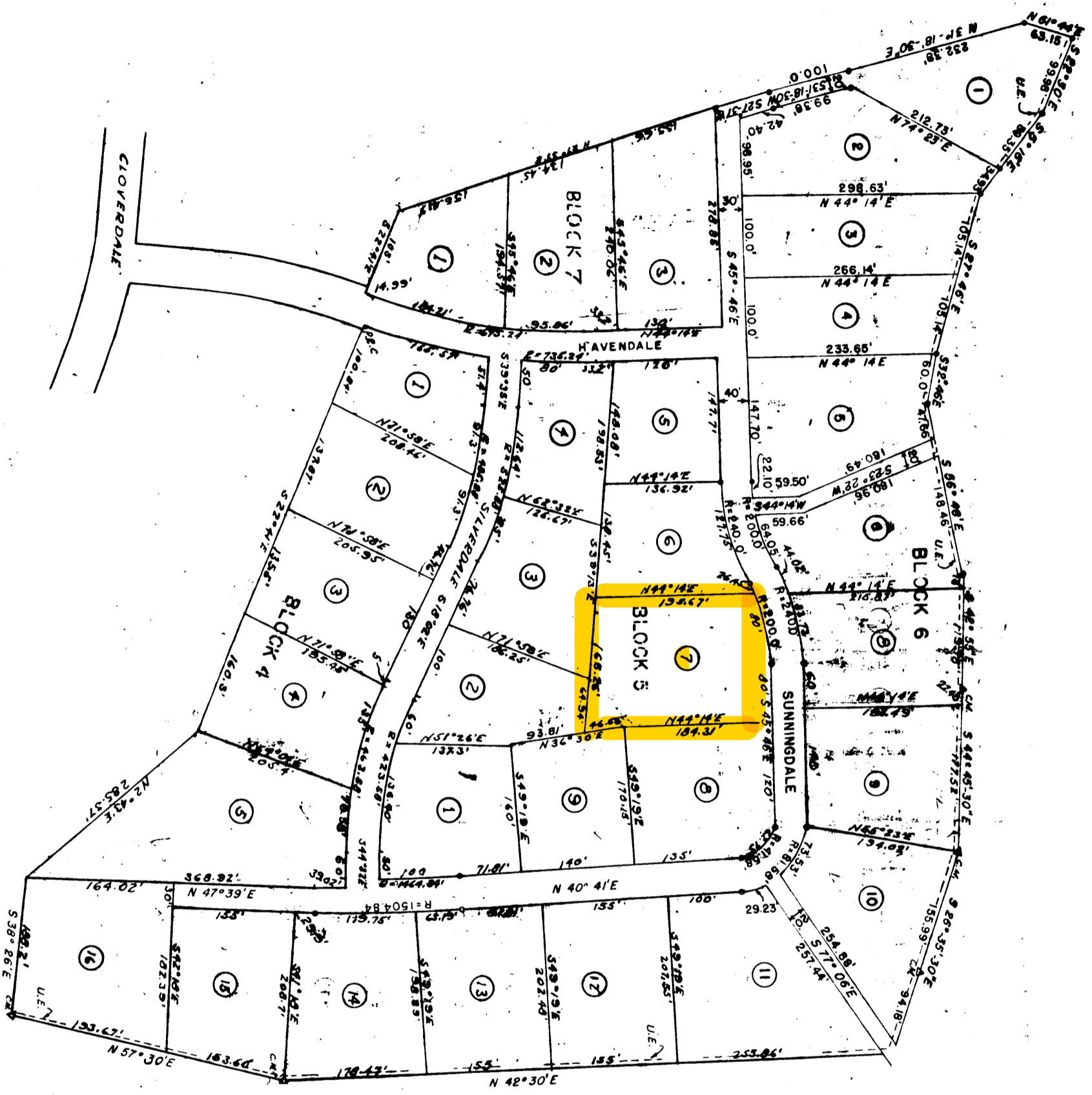
d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

*It will allow me to not park my vehicles in the front yard.
The Neighborhood Ordinance restriction does not allow Metal Buildings
so it will have Vinyl siding, this will not cause my property
to depreciate. I am asking for 412 sq ft increase to build
the size building that will allow me to get my vehicles &
trailers out of sight.*

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 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.

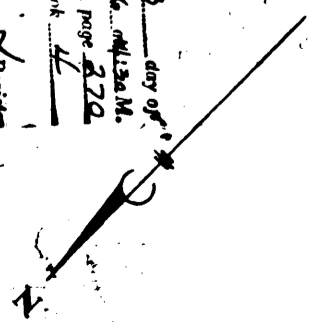


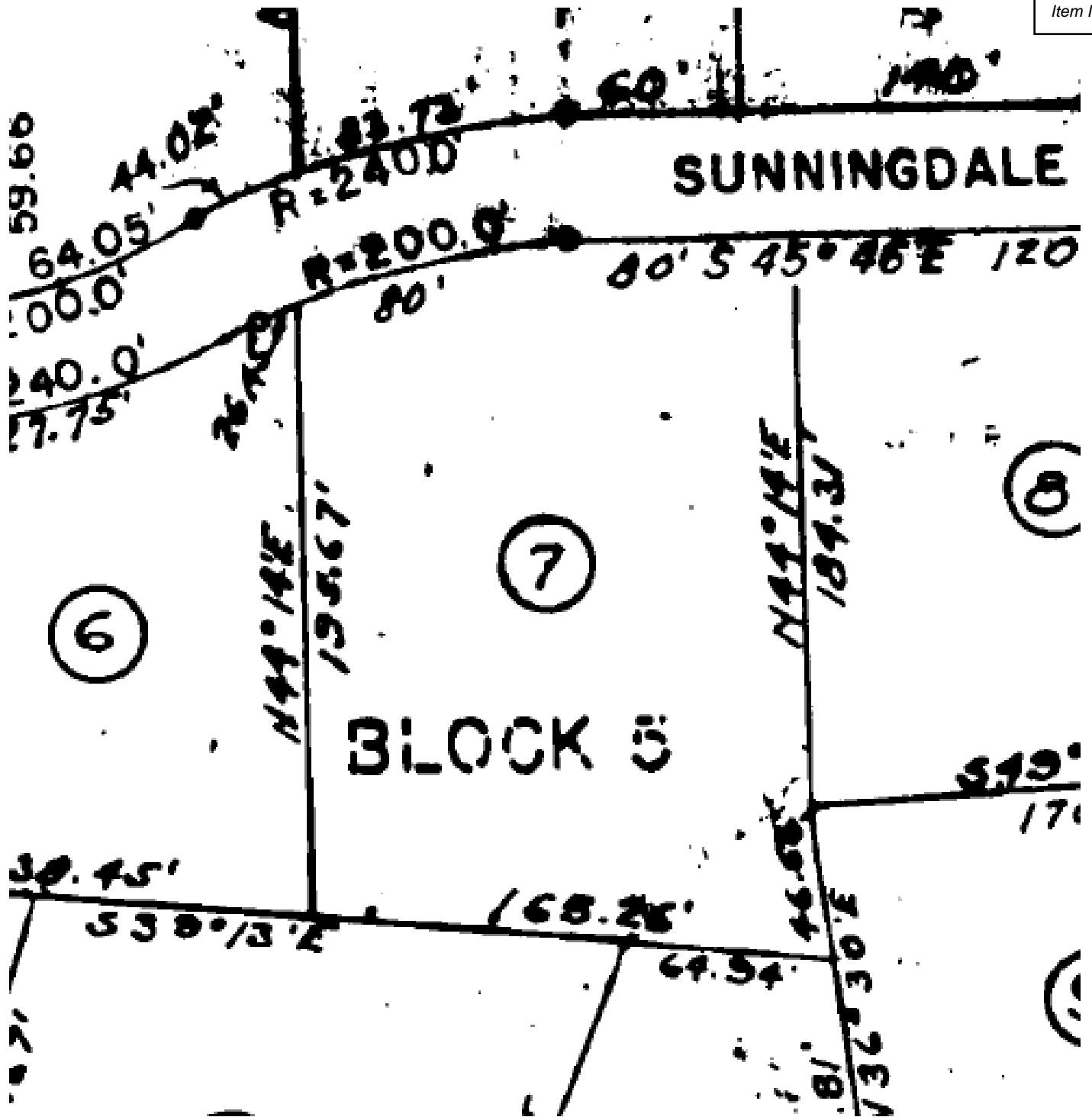
U.E. • UTILITY EASEMENT 5' OFF
 PROPERTY LINE
 C.M.A. • CONCRETE MONUMENT

4-3B

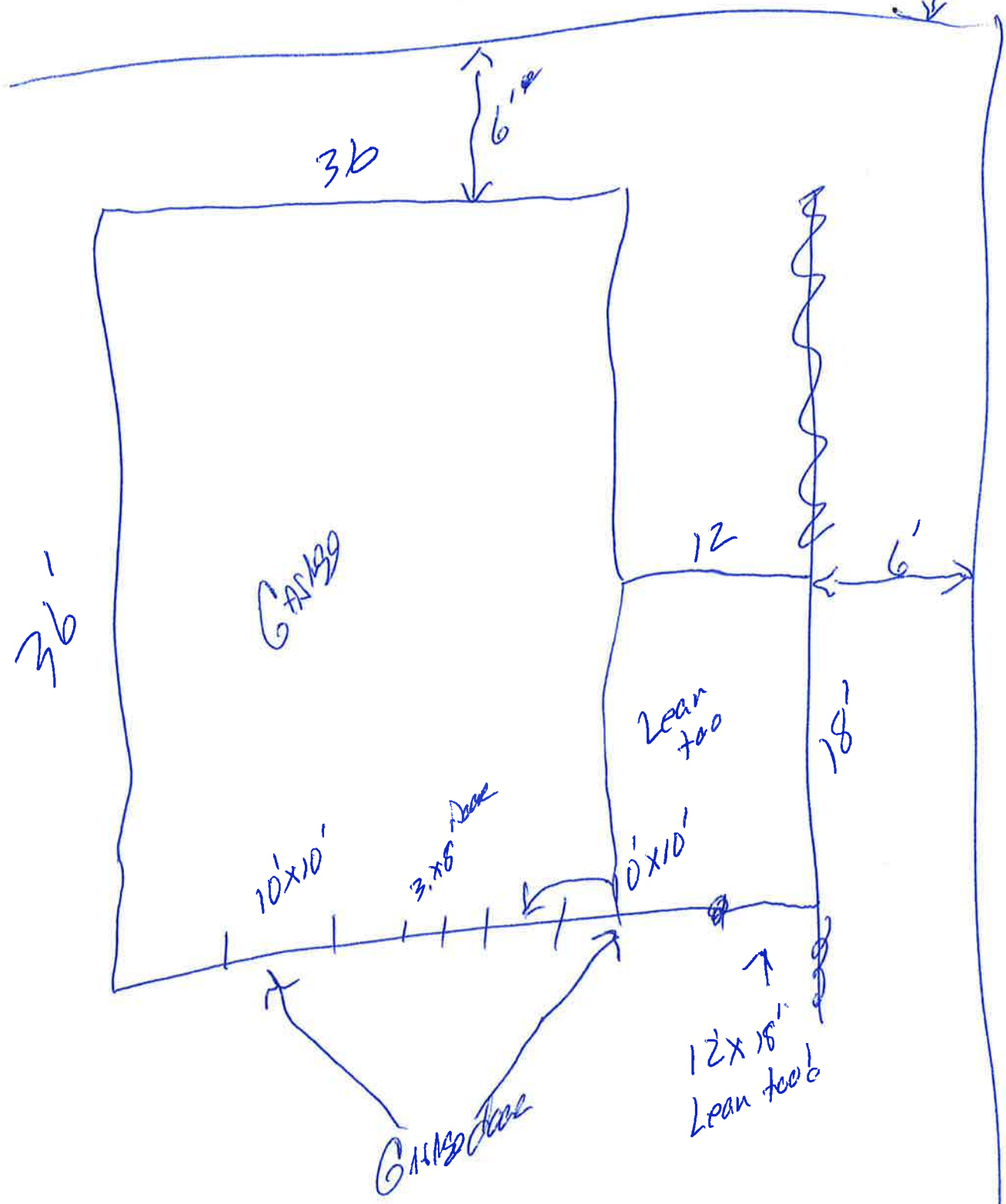
FILED FOR RECORD ON THE 3rd day of May, 1986, at 1:32 A.M.
 Noted in Note Book 17 page 270
 and recorded in P.K.A.T. Book 4
 page 3
Richard D. Register
 Sullivan Co., Tenn.

DRAWN BY: K.S.
 CHECKED BY: [Signature]
 DATE: MAY 24, 1949
 GENERAL PLAN OF RIDGEFIELDS
 OF
 KINGSFORD, TENNESSEE
 SCALE: 1" = 100.0'
 SURVEYED BY: [Signature]
 ENGINEER: [Signature]
 REGISTERED PROFESSIONAL ENGINEER
 ASHEVILLE, N.C.



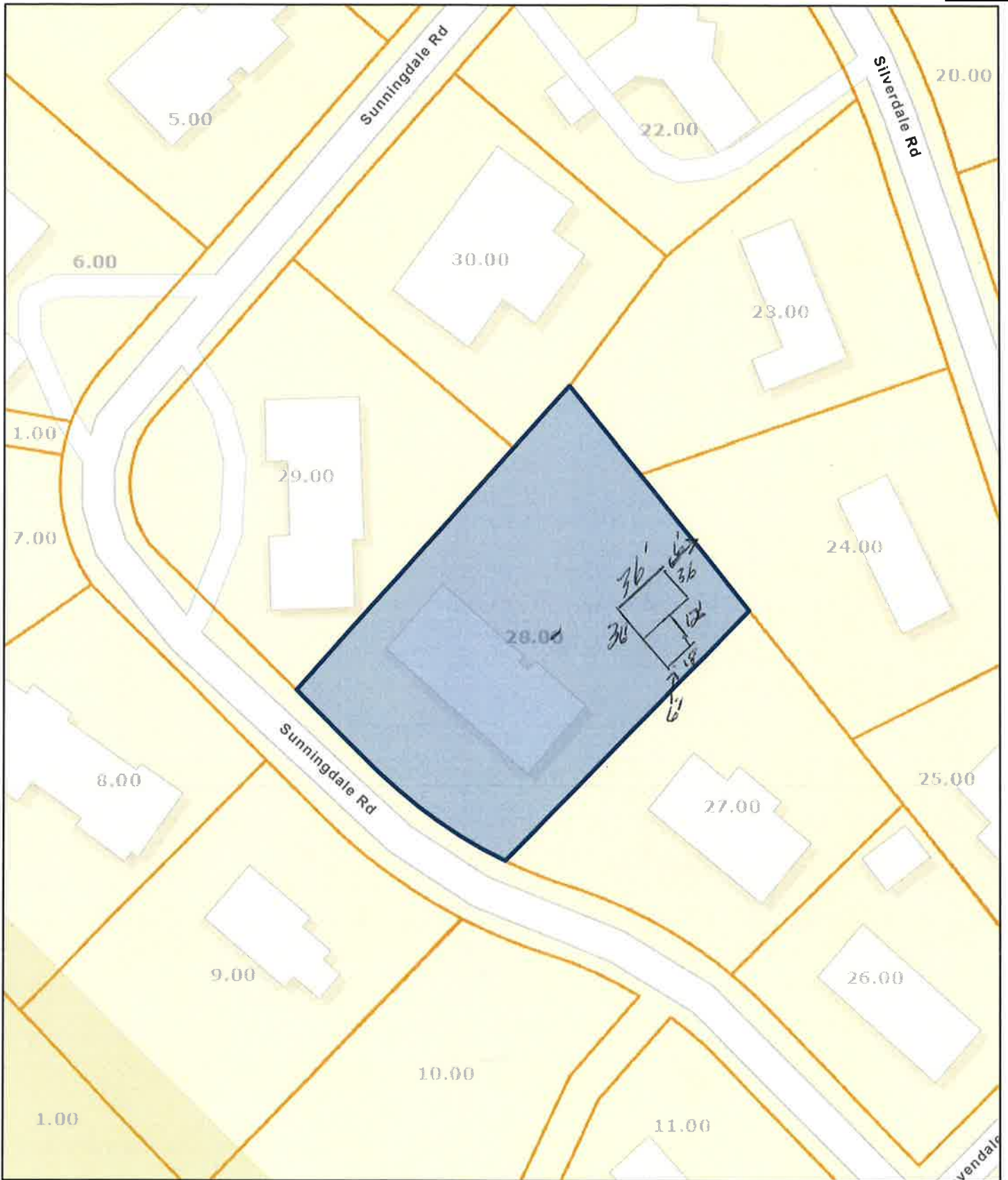


Property
Line



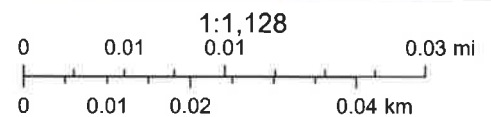
Sullivan County - Parcel: 045P A 028.00

Item III.4.



Date: October 23, 2024

County: Sullivan
Owner: HARRISON TODD HOWARD &
Address: SUNNINGDALE RD 2224
Parcel Number: 045P A 028.00
Deeded Acreage: 0
Calculated Acreage: 0.79



State of Tennessee, Comptroller of the Treasury, Division of Property Assessments (DPA), Esri Community Maps Contributors, Tennessee State GIS, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

View Job
"TODD HARRISON"



VIEW OPTIONS

Shell

Frame

Roof

Landscape

solver.azurewebsites.net



View Job
"TODD HARRISON"



VIEW OPTIONS

Shell

Frame

Roof

Landscape

🔒 solver.azurewebsites.net ↻



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"TODD HARRISON"



VIEW OPTIONS

Shell

Frame

Roof

Landscape

solver.azurewebsites.net

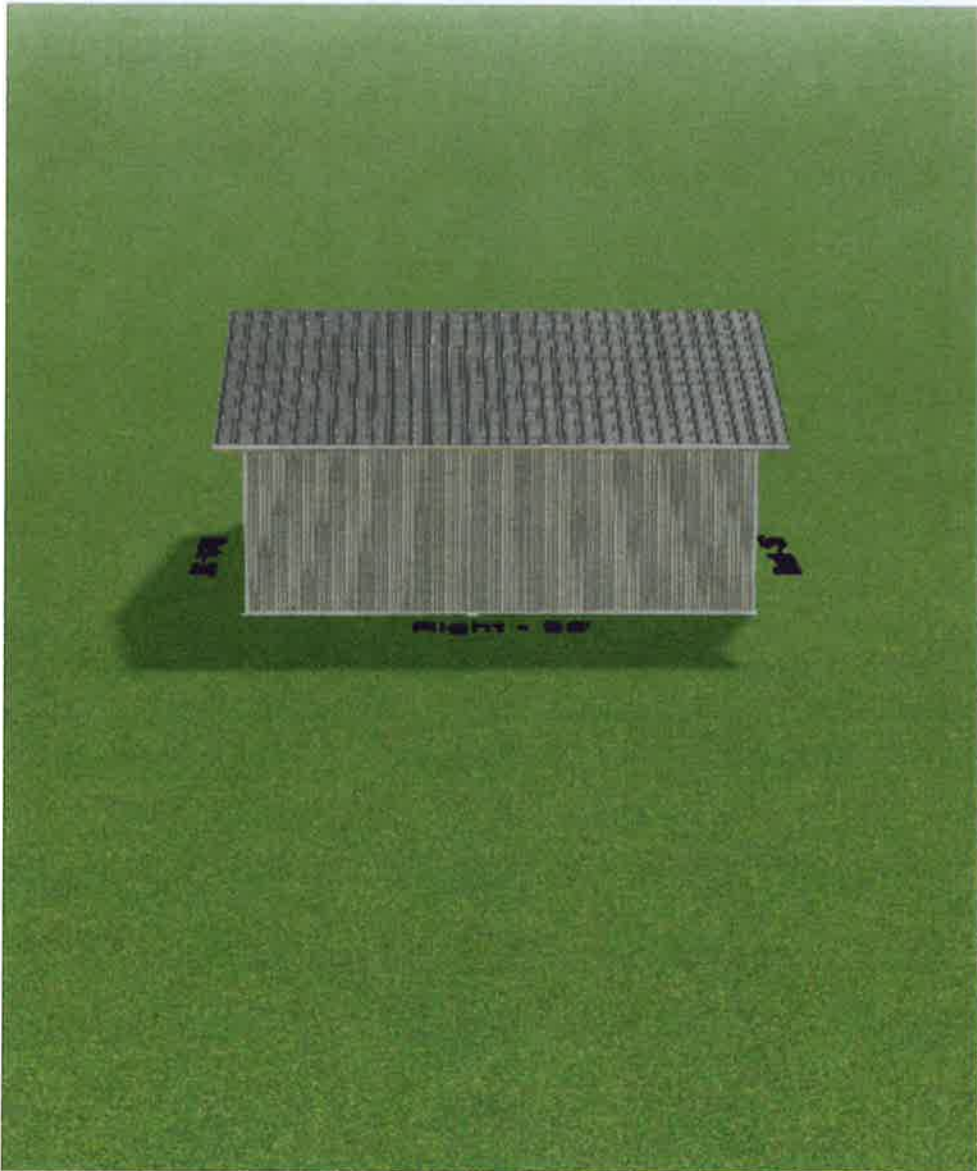


10:23

LTE

Item III.4.

View Job
"TODD HARRISON"



VIEW OPTIONS

Shell

Frame

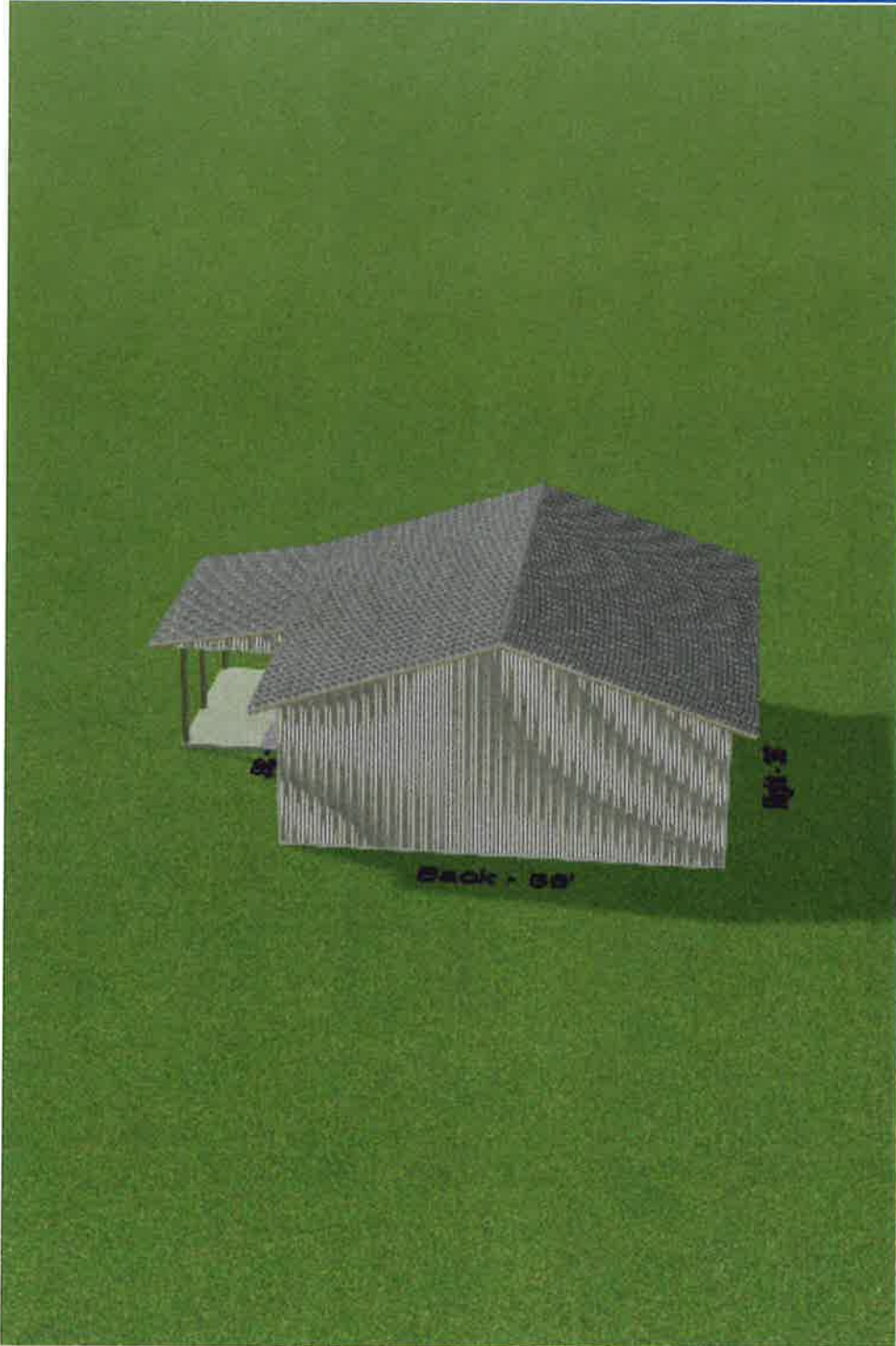
Roof

Landscape

solver.azurewebsites.net



View Job
"TODD HARRISON"



VIEW OPTIONS

Shell

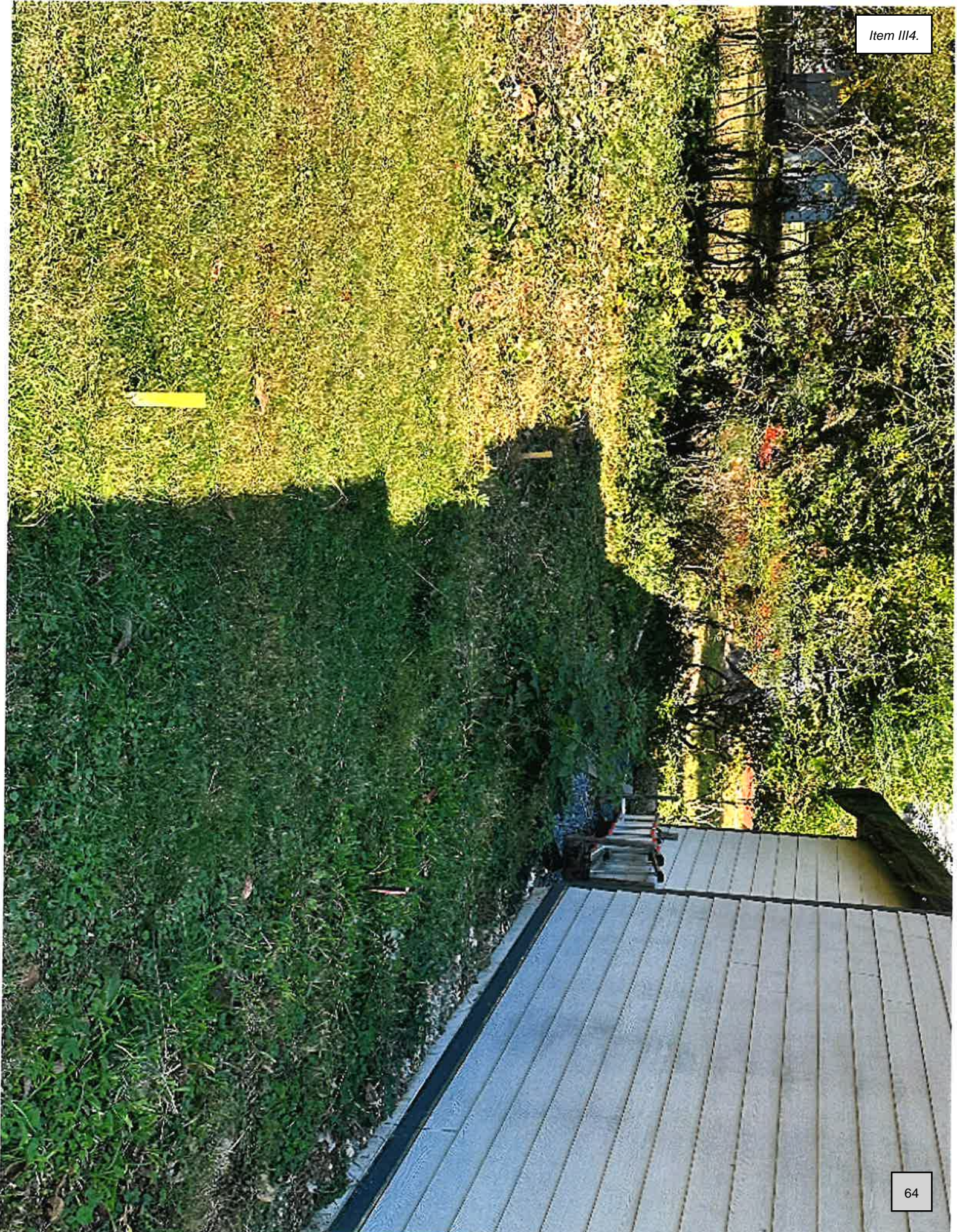
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Roof

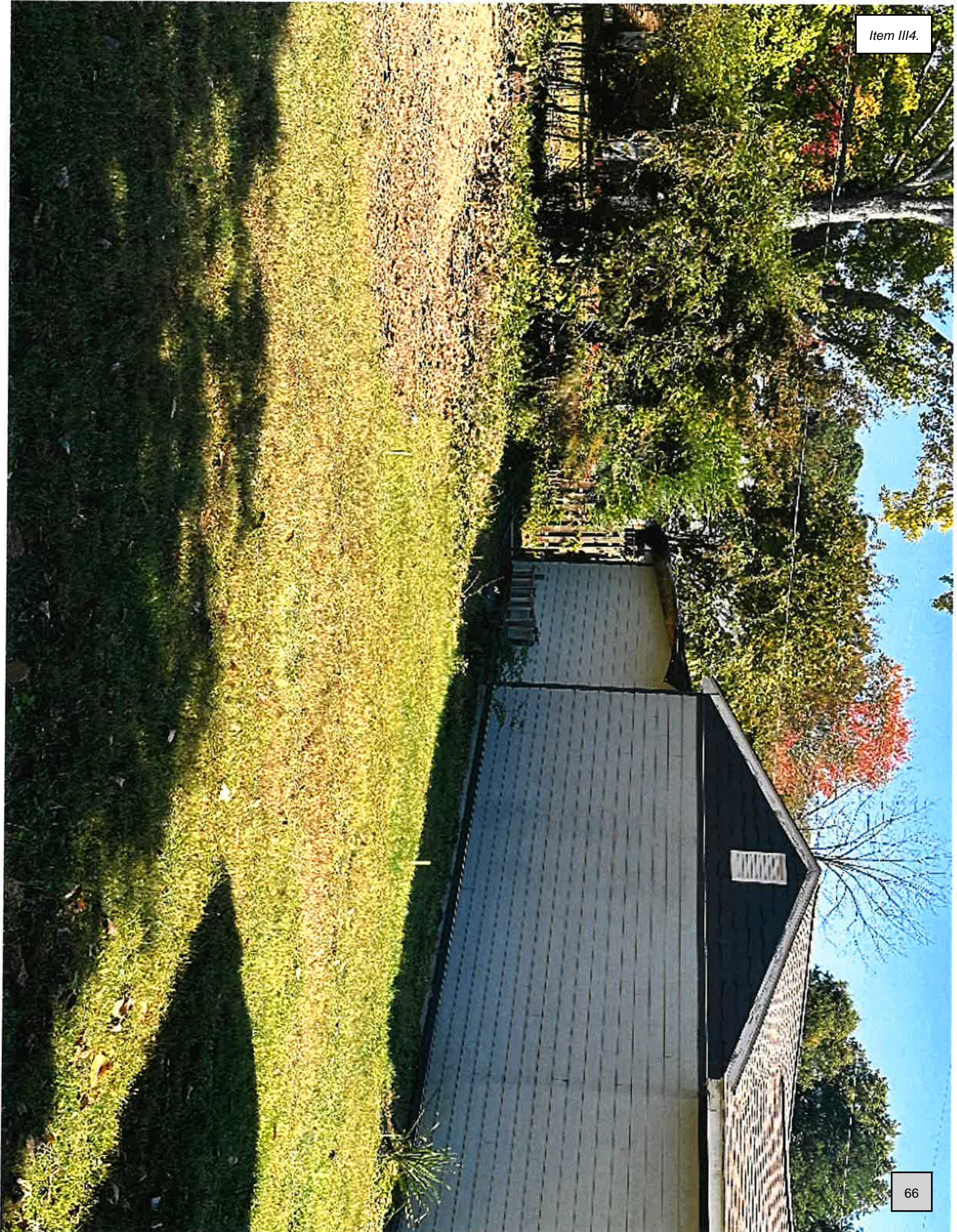
Landscape

solver.azurewebsites.net













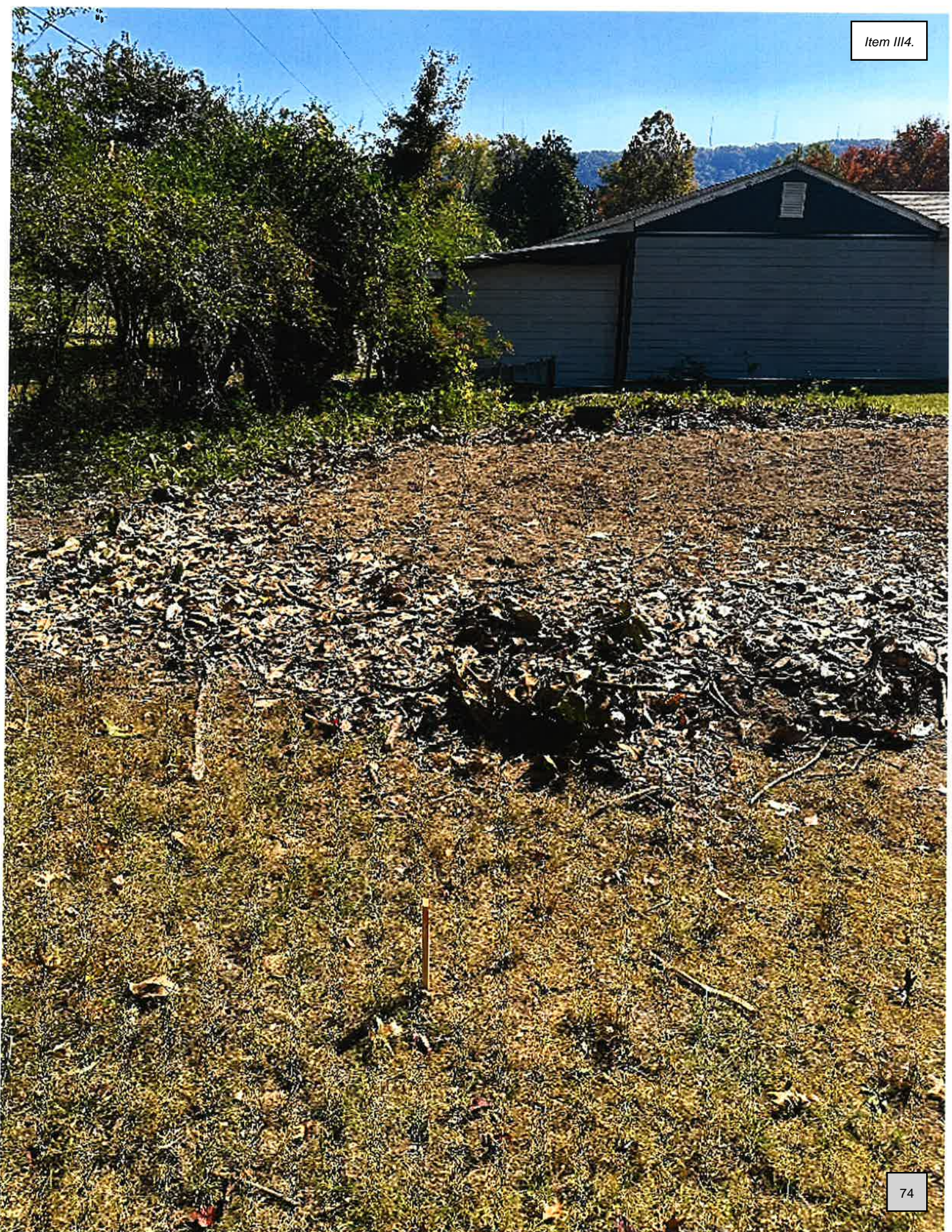




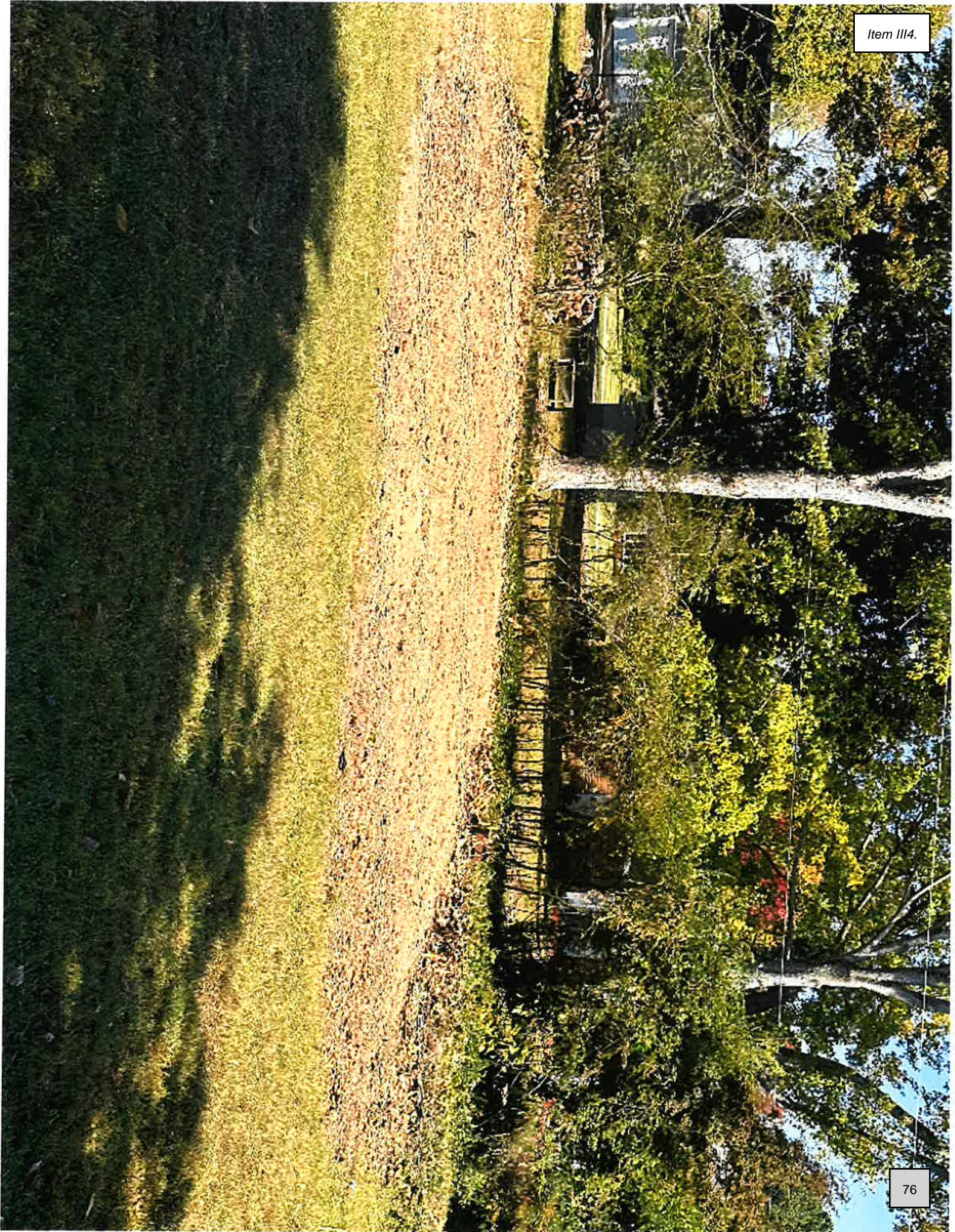






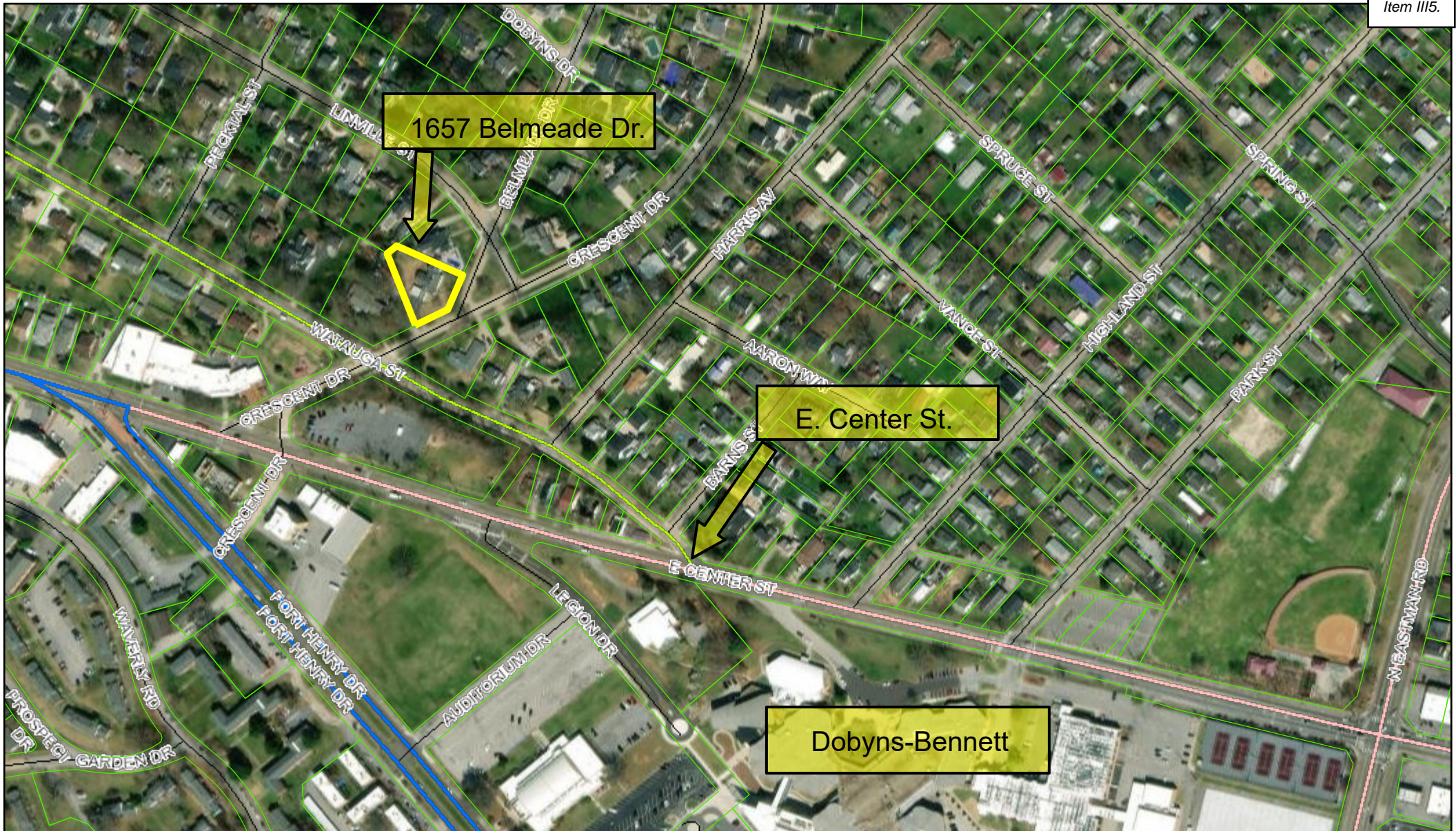






ArcGIS Web Map

Item III.5.



11/18/2024, 9:13:34 AM

Sullivan County Parcels Jan 2023

Parcels

Streets

Interstate

Expressway

Major Arterial

Minor Arterial

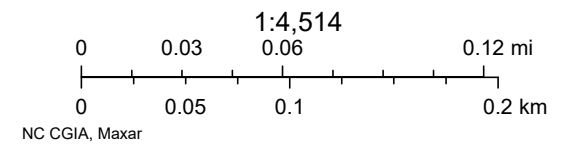
Collector Street

Local Street

Private Street

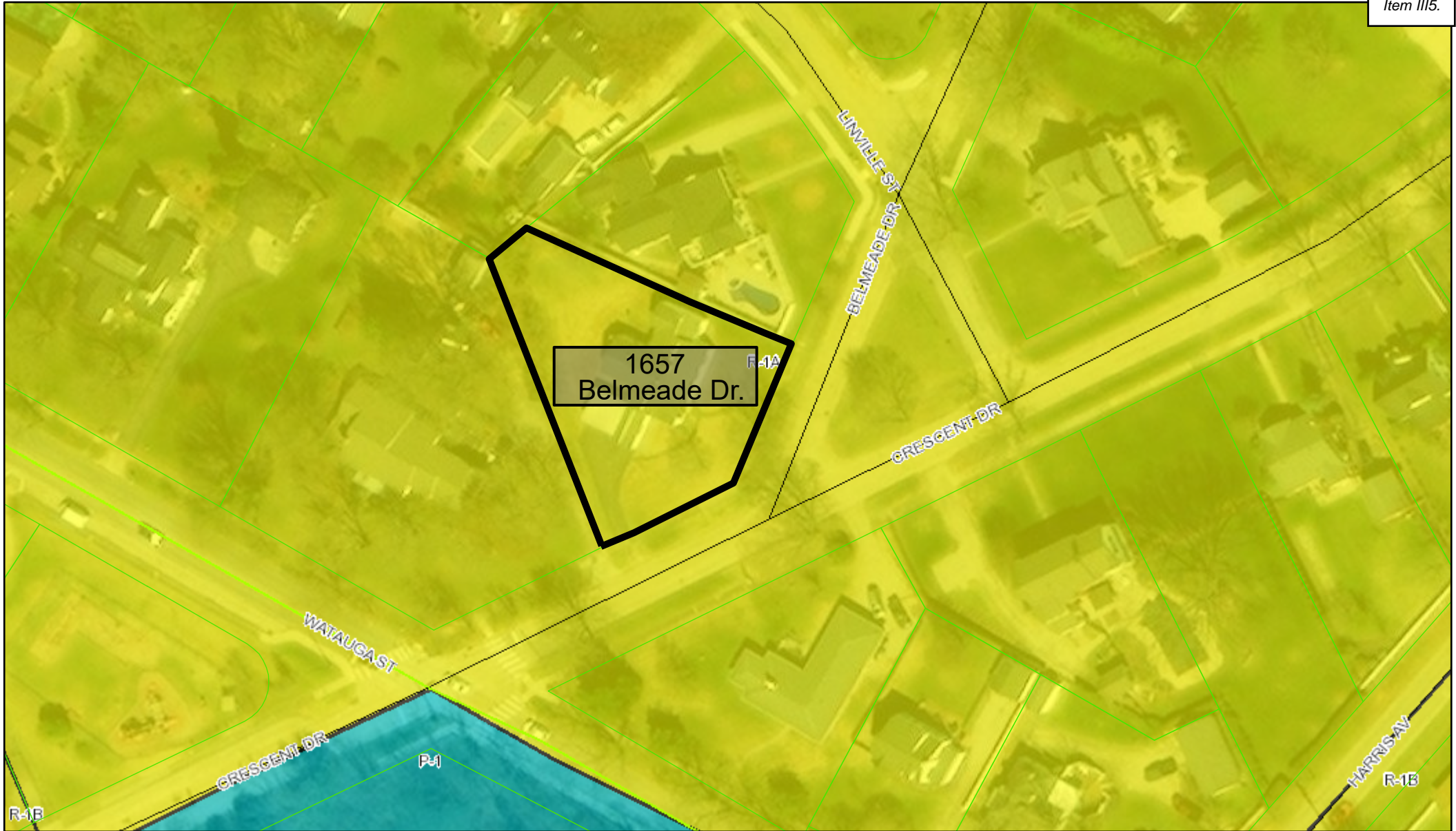
Ramp

Urban Growth Boundary



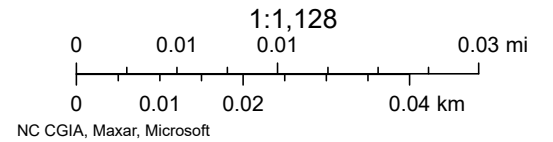
ArcGIS Web Map

Item III.5.



11/18/2024, 9:09:24 AM

Sullivan County Parcels Jan 2023	Collector Street	R-5	B-2	GC	PBD-3	R-1	R-3B
Parcels	Local Street	GC	B-3	M-1	PBD/*	R-1A	R-4
Streets	Private Street	B-2E	B-3	M-1R	PD	R-1B	Split
Interstate	Ramp	A-1	B-4	M-2	PMD-1	R-1C	TA
Expressway	City Zoning	A-2	B-4P	MX	PMD-2	R-2	TA-C
Major Arterial	<Null>	AR	B-4P	P-1	PUD	R-3	UAE
Minor Arterial	TAVC	B-1	BC	P-D	PVD	R-3A	Urban Growth Boundary



78

TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: November 18, 2024

RE: 1657 Belmeade Drive

The Board is asked to consider the following request:

Case: BZA24-0258 – The owner of property located at 1657 Belmeade Drive, Control Map 046N, Group E, Parcel 017.00 requests a 3-inch side yard variance from Section 114-182(e)(1)(d)1 to facilitate a home addition, and a 27.4-foot rear yard deviation from Section 114-133(1) to allow for the construction of a detached garage in the side yard. The property is zoned R-1A, Residential District.

Code reference:

Sec. 114-182. - R-1A, Residential District.

(e)Dimensional requirements. The minimum and maximum dimensional requirements for the R-1A district are as follows:

(1)Minimum requirements.

- a. Lot area, 10,000 square feet.
- b. Lot frontage, 60 feet.
- c. Front yard, 40 feet.
- d. Each side yard:
 1. Ten feet for one or two stories;
 2. 15 feet for three stories;
 3. Plus 50 percent on the street side yard.
- e. Rear yard, 30 feet.
- f. Usable open space, not applicable.

Sec. 114-133. - Accessory building location and height.

Under this chapter, the following shall apply to the location and height of accessory buildings:

- (1) *Yards.* No accessory building shall be erected in any required court or yard other than a rear yard with exceptions as provided in subsection (3) of this section.

APPLICATION

Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name	Wheeler	First	Billy	M.I.	M	Date	11/06/24
Street Address	1613 Belmeade Drive, Kingsport TN			Apartment/Unit #			
City	Kingsport	State	TN	ZIP	37664		
Phone	423-276-6104	E-mail Address	marshwheel@chartertn.net				

PROPERTY INFORMATION:

Tax Map Information Tax map: 046N Group: E Parcel: 017.00 Lot: 6

Street Address	1657 Belmeade Drive, Kingsport TN 37664	Apartment/Unit #	
Current Zone	R1-A	Proposed Zone	Same as before
Current Use	Residential	Proposed Use	Same as before

REPRESENTATIVE INFORMATION:

Last Name	Stone	First	Mike	M.I.	A	Date	11/3/24
Street Address	2141 Mocassin Street South			Apartment/Unit #			
City	Kingsport	State	TN	ZIP	37660		
Phone	423-418-3333	E-mail Address	mike@mikestonearchitect.com				

REQUESTED ACTION:

Item #1: A variance to allow a side setback encroachment of 3" to allow a rear 8ft long addition to align with the existing house.

Item #2: A departure from rear yard variance to allow the garage to reside in the side yard 27'-4". The existing lot is odd-shaped making this garage location the best place from an accessibility standpoint.

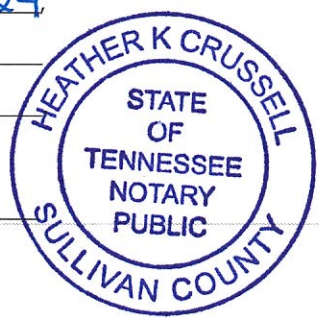
DISCLAIMER AND SIGNATURE

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: Billy M. Wheeler Date: 11/6/24

Signed before me on this 6th day of November, 2024,
a notary public for the State of Tennessee
County of Sullivan

Notary Heather K Crussell



My Commission Expires May 28, 2025

CITY PLANNING OFFICE

Received Date: _____ Received By: _____

Application Fee Paid: _____

Board of Zoning Appeals Meeting Date: _____

Section of Applicable Code: _____

Building/Zoning Administrator Signature: _____ Date: _____

Completed Site Plans Received: _____

Previous requests or file numbers: _____

Signature of City Planner: _____ Date: _____

Variance Worksheet – Finding of Facts

Variations. 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.

1) The existing building wall siding encroaches approximately 3” into the side setback, despite the foundation wall being right on the setback line per the survey in the location of the tie-in. The existing foundation wall steps out further .

2) Garage: This is a uniquely shaped lot that narrows considerably toward the rear, meaning a detached structure in the rear yard would require a very long driveway which would generate additional stormwater runoff and would require a longer walk from the garage to the house. Attaching the garage to the house would be impractical due to the existing rooflines.

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

1) It would require the house to have yet another step in the side of the house vs. an addition that is a continuation of the existing structure.

2) It would not allow the applicant to have a garage that is within a reasonable distance of the house from a functional standpoint.

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.

They are not. This house was built in 1947 and added onto in 1956.

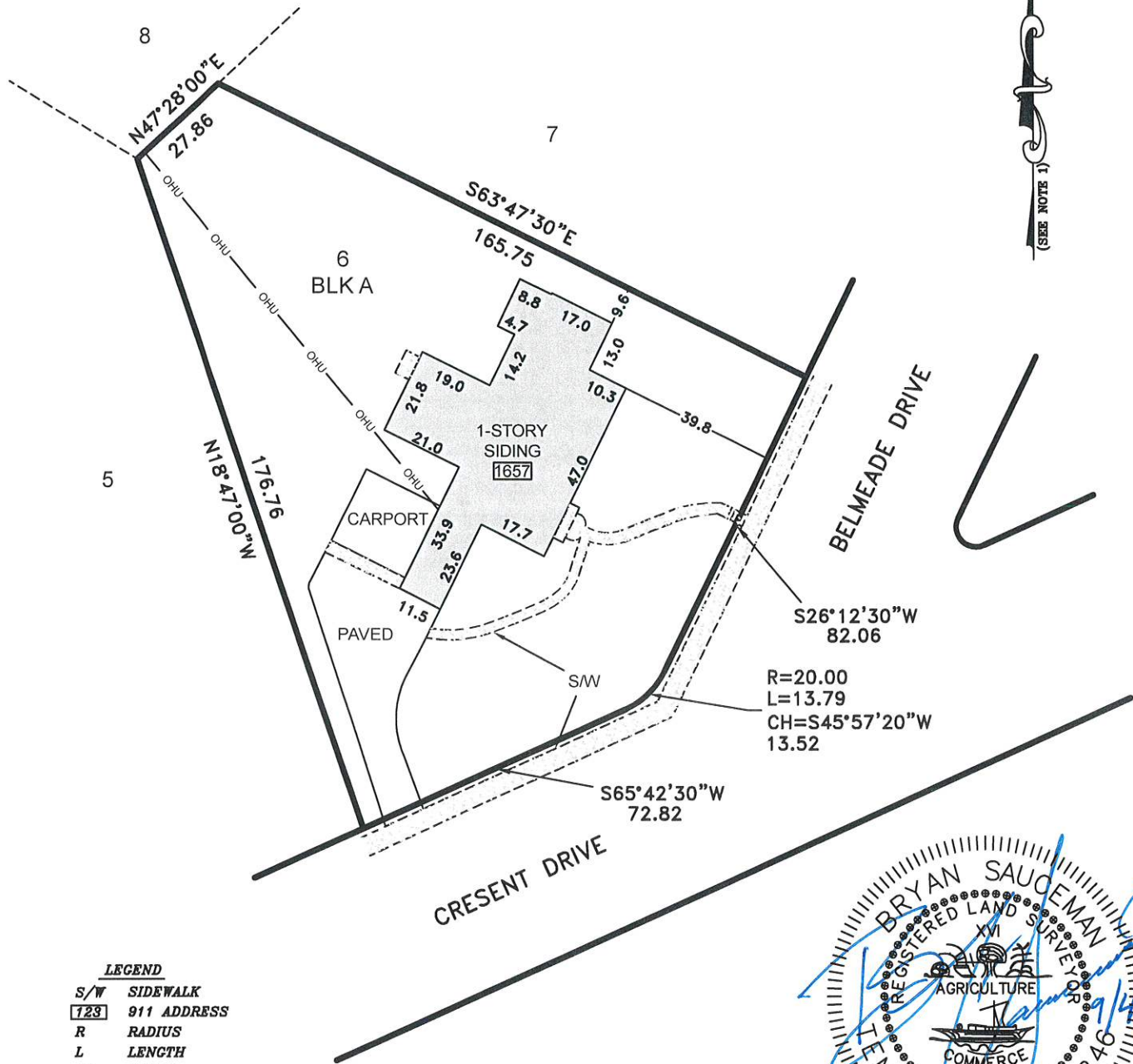
d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

The applicant is making a major improvement to this home that will add value to the neighborhood and while not common, other homes on Belmeade and other neighboring streets have garages that face the road in similar configurations. The most common existing scenario seems to be the detached garage in the rear, but most lots are more rectangular allowing the garage to sit in the rear with a straight driveway while this is not feasible due to the shape of this lot.

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.

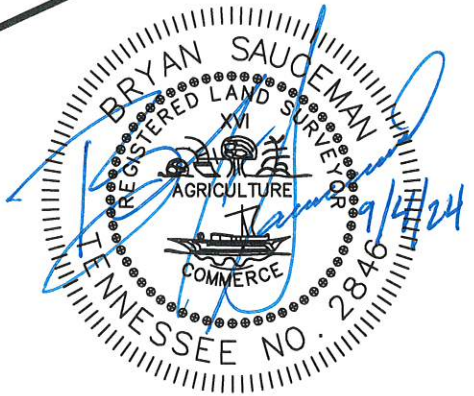
Hardship - There is no definition of a “hardship”. Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

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.



LEGEND

S/W	SIDEWALK
123	911 ADDRESS
R	RADIUS
L	LENGTH
CH	CHORD



NOTES:

- 1) NORTH BASED ON REFERENCED PLAT.
- 2) PROPERTY IS ZONED R-1A
- 3) SETBACKS TO CONFORM TO ZONING DESIGNATION
- 4) THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD INSURANCE ADMINISTRATION BOUNDARY MAP 47163C0045D EFFECTIVE DATE SEPTEMBER 29, 2006 AND FOUND THAT THE ABOVE PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
- 5) FIELD INFORMATION ELECTRONIC DATA COLLECTED
- 6) THIS PLAT IS TO SHOW IMPROVEMENTS ON THE PROPERTY FOR VARIANCE PURPOSES.
- 7) BOUNDARY INFORMATION SHOWN IS BASED ON THE CURRENT DEED AND DOES NOT REPRESENT A CURRENT BOUNDARY SURVEY.

MAP OF: LOT 6, BLOCK A, FAIRACRES ADDITION

OWNER: BILLY MARSHALL WHEELER, JR.

CIVIL DISTRICT: 11TH COUNTY: SULLIVAN

STATE: TENNESSEE TAX MAP 046M "E" PARCEL 017.00

SCALE: 1 INCH = 40' DATE: SEPTEMBER 4, 2024

REFERENCE: PLAT BOOK 1, PAGE 99

24-13524 FB/PG: N/A

FOR: OWNER

ALLEY & ASSOCIATES, INC.
 422 E Market Street
 Kingsport, Tennessee 37660
 E-mail:bsauceman@alleyassociates.com

LEGEND

- PROPERTY LINE (THIS PROJECT)
- PROPERTY LINE (OTHER)
- SETBACK / EASEMENT
- PROPOSED ADDITION
- EXISTING STRUCTURE
- EXISTING CONTOUR MINOR
- EXISTING CONTOUR MAJOR
- NEW CONTOUR MINOR
- NEW CONTOUR MAJOR
- EXISTING PAVEMENT
- NEW ASPHALT PAVEMENT

- SMALL TREE | SHRUB | LOW GROWTH

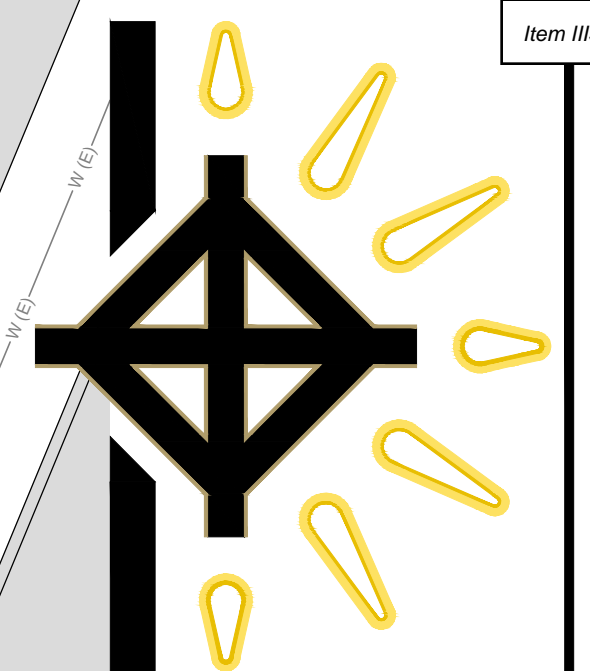
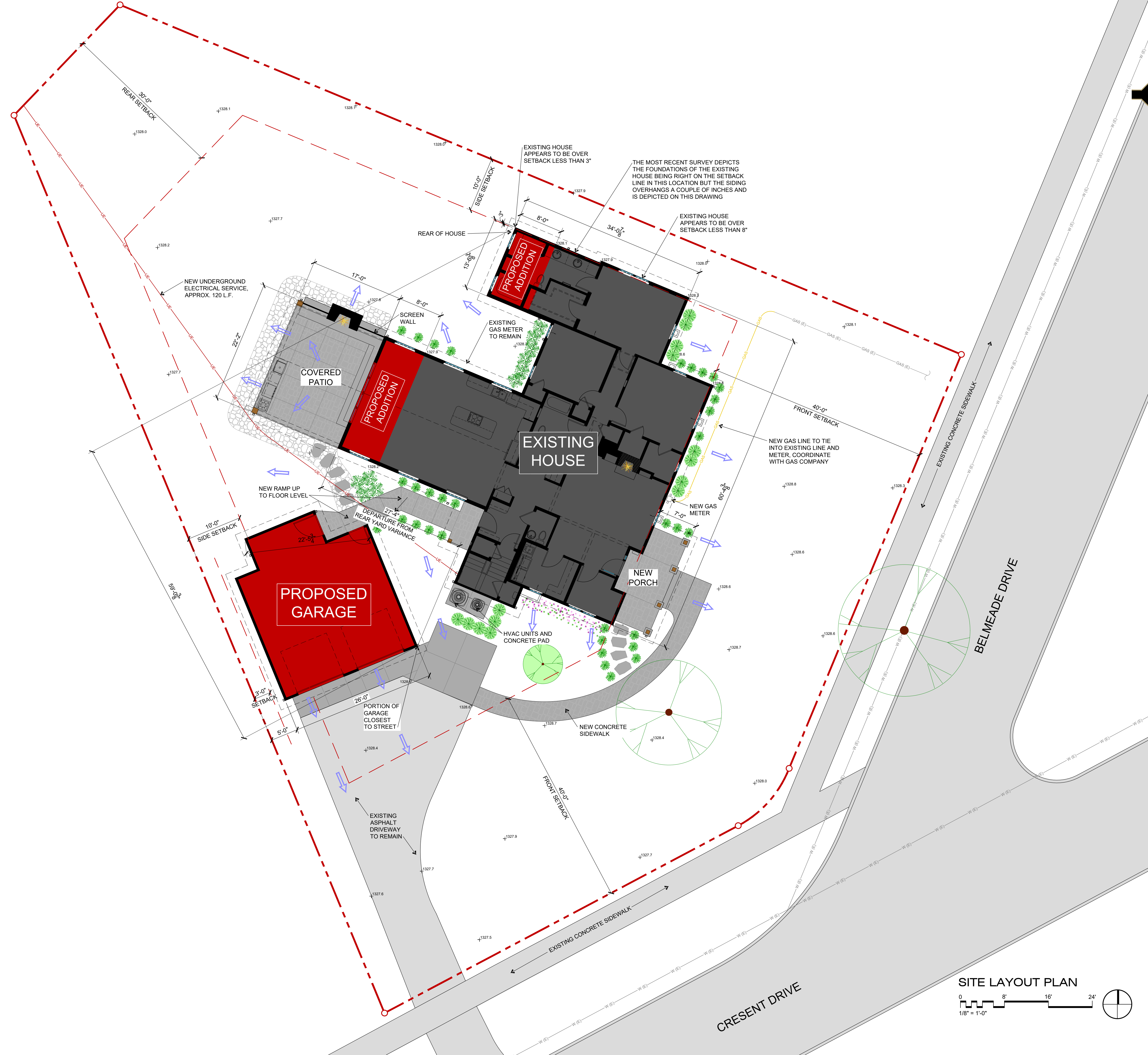
- | | |
|---|---|
| <ul style="list-style-type: none"> SANITARY SEWER STORM SEWER WATER LINE UNDERGROUND ELECTRICAL GAS LINE CHAIN LINK FENCE POWER POLE LIGHT POLE CLEAN OUT MAN HOLE GAS VALVE FIRE HYDRANT WATER METER DIRECTION OF SURFACE RUNOFF | <ul style="list-style-type: none"> EXISTING NEW |
|---|---|

SITE NOTES

1. THIS DRAWING WAS CREATED FOR REFERENCE FROM A SURVEY BY ALLEY & ASSOCIATES.
2. CONTRACTOR SHALL REFERENCE THE ORIGINAL BOUNDARY SURVEY PRIOR TO LAYOUT OF NEW HOME.
3. CONFIRM EXACT LOCATION OF EXISTING UNDERGROUND UTILITIES AND ROAD CURBS.

GRADING NOTES

1. FILL MATERIAL SHALL BE COMPACTED AND SHALL GAIN THE APPROVAL OF A GEOTECHNICAL ENGINEER PRIOR TO PLACING THE FOOTINGS OR SLAB.
2. PROVIDE POSITIVE DRAINAGE TO ALL LOW POINTS TO PREVENT PONDING OF SURFACE RUN-OFF.
3. IT SHALL BE THE CONTRACTORS' RESPONSIBILITY TO LEAVE THE SITE ADEQUATELY PROTECTED AGAINST EROSION, SEDIMENTATION, OR ANY DAMAGE TO ANY ADJACENT PROPERTY AT THE END OF EACH DAY'S WORK.
4. THE CONTRACTOR IS RESPONSIBLE FOR ADEQUATELY CLEANING EQUIPMENT PRIOR TO LEAVING CONSTRUCTION SITE, SO AS NOT TO TRACK MUD, ASPHALT, ETC., ONTO PUBLIC RIGHT-OF-WAY. THE CONTRACTOR IS RESPONSIBLE FOR ANY CLEAN-UP OPERATIONS ON ADJACENT PROPERTY OR PUBLIC RIGHT-OF-WAY DUE TO MUD, ASPHALT, ETC., THAT IS TRACKED FROM THE CONSTRUCTION SITE.
5. ALL STREETS, STORM SEWER PIPES, DROP INLETS, AND CURB INLETS SHALL BE CLEANED OF DEBRIS AND ERODED MATERIAL DURING THE FINAL STAGE OF CONSTRUCTION.



MIKE STONE ARCHITECT, P.C.
423.418.3333
mike@mikestonearchitect.com

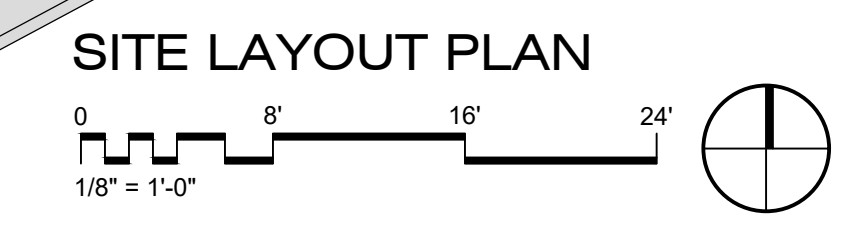
no.	date	revision	by

Additions and Renovations for:
Marshall Wheeler
1657 Belmeade Drive - Kingsport, TN 37664

REVIEW PRINT
11/4/2024
NOT FOR CONSTRUCTION

ISSUE DATE
DRAWN BY
DRAWING NAME
SITE LAYOUT PLAN

C1.1



ArcGIS Web Map

Item III.6.



11/18/2024, 9:05:03 AM

Sullivan County Parcels Jan 2023

Parcels

Streets

Interstate

Expressway

Major Arterial

Minor Arterial

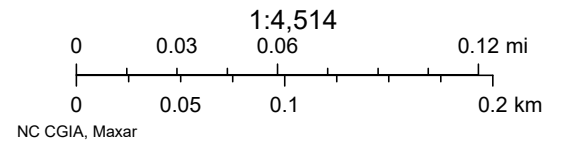
Collector Street

Local Street

Private Street

Ramp

Urban Growth Boundary



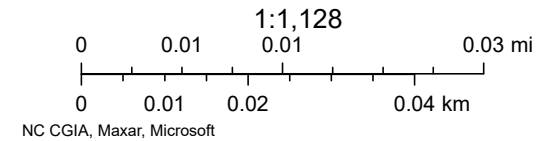
ArcGIS Web Map

Item III.6.



11/18/2024, 8:59:05 AM

Sullivan County Parcels Jan 2023	B-2E	B-3	M-1R	PD	R-1B	Split	Major Arterial
Parcels	A-1	B-4	M-2	PMD-1	R-1C	TA	Minor Arterial
City Zoning	A-2	B-4P	MX	PMD-2	R-2	TA-C	Collector Street
<Null>	AR	B-4P	P-1	PUD	R-3	UAE	Local Street
TA/C	B-1	BC	P-D	PVD	R-3A	Streets	Private Street
R-5	B-2	GC	PBD-3	R-1	R-3B	Interstate	Ramp
GC	B-3	M-1	PBD/*	R-1A	R-4	Expressway	Urban Growth Boundary



TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: November 18, 2024

RE: 3021 Cliffside Road

The Board is asked to consider the following request:

Case: BZA24-0265 – The owner of property located at 3021 Cliffside Road, Control Map 077A, Group A, Parcel 015.00 requests a 638 square foot variance to Sec. 114-133(2) to exceed the maximum square footage allowance for an accessory structure to facilitate an addition to an existing detached garage. The property is zoned R-1A, Residential District.

Code reference:

Sec. 114-133. - Accessory building location and height.

Under this chapter, the following shall apply to the location and height of accessory buildings:

- (2) Location. Except as provided in subsection (3) of this section, no accessory building shall be erected in any required front or side yard. Accessory residential structures shall be on the same lot as the principal residential structure. The floor area of accessory structures located upon any property zoned for residential use shall not exceed 30 percent of the floor area of the principal structure, or 1,100 square feet, whichever is greater. Lots that are two acres in size or larger may use the following calculation to determine accessory structure size: maximum of two percent of total parcel area but never more than 5,000 square feet. Accessory structures shall not exceed the height of the principal structure or 35 feet, whichever is less. Accessory structures shall be at least three feet from all lot lines and five feet from any other building on the same lot; provided, however, that where two adjoining property owners desire to build a double garage on the property line, one-half of which would be located on each property, they may secure a building permit to construct such garage by submitting written agreements signed by both parties concerned to the zoning administrator. The height of both the accessory structure and the principal structure shall be measured according to the provisions outlined in the current building code, as set forth in article III of [chapter 22](#). Swimming pools not covered by a permanent roof, tennis courts, pet enclosures not exceeding 100 square feet floor area, and satellite dish antennas shall not be subject to size or height restrictions in this section or included in calculating floor area.



APPLICATION
Board of Zoning Appeals

APPLICANT INFORMATION:

Last Name Walker First Kenneth M.I. A Date 11-11-24
Street Address 3021 Cliffside Road Apartment/Unit #
City Kingsport State TN ZIP 37664
Phone 423-765-6151 E-mail Address wken796@gmail.com

PROPERTY INFORMATION:

Tax map information Tax map: Group: Parcel: Lot:
Street Address 3021 Cliffside Road Apartment/Unit #
Current Zone R-1A 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:

Request to exceed accessory structure allowance.

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: Kenneth A Walker Date: 11-12-24

Signed before me on this 12th day of November 2024
a notary public for the State of Tennessee
County of Sullivan

Notary Lori L Pyatte
My Commission Expires 11-21-2026



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.
 - **Based on the presence of rock, this is the most logical location for the addition.**

- b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.
 - **Without the variance, I will not be able to make use of the land in a way that is beneficial to me.**

- 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 building is just as it was when the property was purchased.**

- 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 exterior of the addition will compliment the house and garage.**

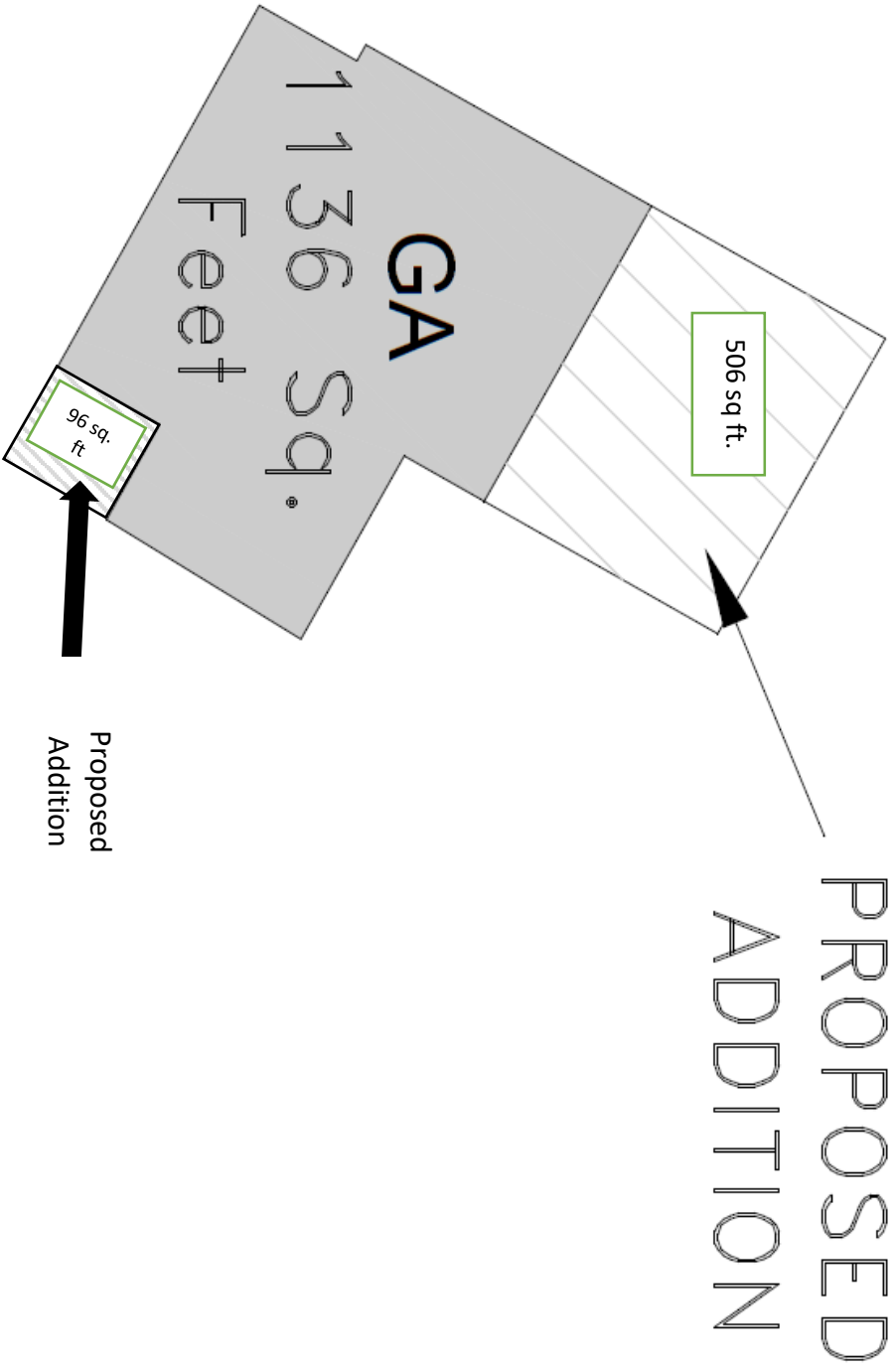
Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area 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.

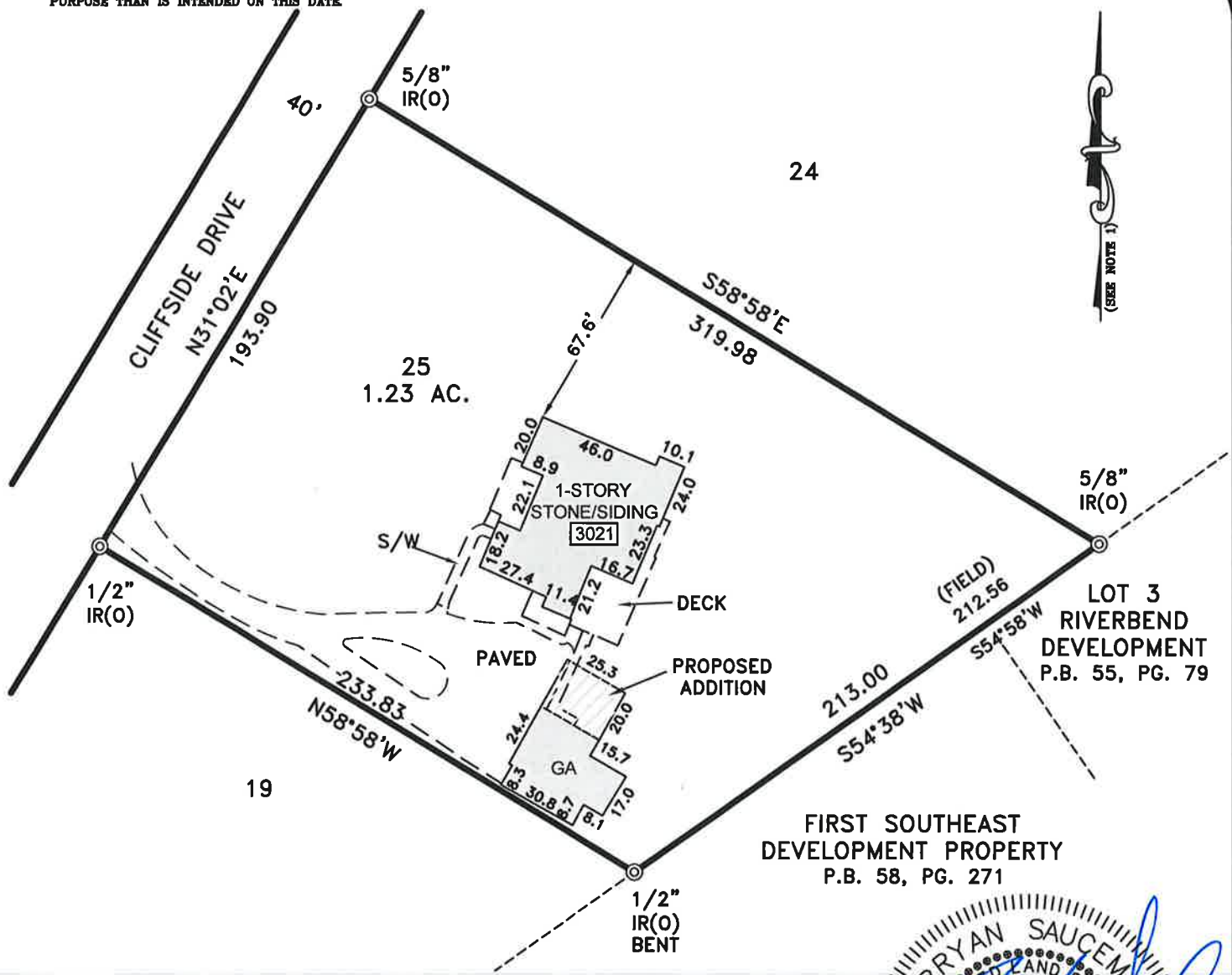
Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

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.

3021 Cliffside Road
* Not to Scale

Request: to exceed accessory structure allotment by 638 sq ft





LEGEND

- IR(O) IRON ROD OLD
- AC ACRES
- S/W SIDEWALK
- P.B. PLAT BOOK
- PG. PAGE
- 123 911 ADDRESS



NOTES:

- 1) NORTH BASED ON REFERENCED PLAT.
- 2) PROPERTY IS ZONED R-1A
 FRONT: 40'
 REAR: 30'
 SIDE: 10'
- 3) SETBACKS TO CONFORM TO ZONING DESIGNATION
 THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD INSURANCE ADMINISTRATION BOUNDARY MAP 47163C0065D EFFECTIVE DATE SEPTEMBER 29, 2008 AND FOUND THAT THE ABOVE PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
- 4) FIELD INFORMATION ELECTRONIC DATA COLLECTED
- 5) I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE RATIO OF PRECISION IS BETTER THAN 1:10,000.
- 6) THIS SURVEY WAS DONE IN COMPLIANCE WITH THE CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE.

MAP OF: LOT 25, CLIFFSIDE DEVELOPMENT

OWNER: KENNETH A. & DELLA M. WALKER
 CIVIL DISTRICT: 11TH COUNTY: SULLIVAN
 STATE: TENNESSEE TAX MAP 077A "A" PARCEL 015.00
 SCALE: 1 INCH = 60' DATE: OCTOBER 9, 2024
 REFERENCE: PLAT BOOK 4, PAGE 206A
24-13520 FB/PG: N/A
 FOR: OWNER

ALLEY & ASSOCIATES, INC.
 422 E Market Street
 Kingsport, Tennessee 37660
 E-mail: bsauceman@alleyassociates.com

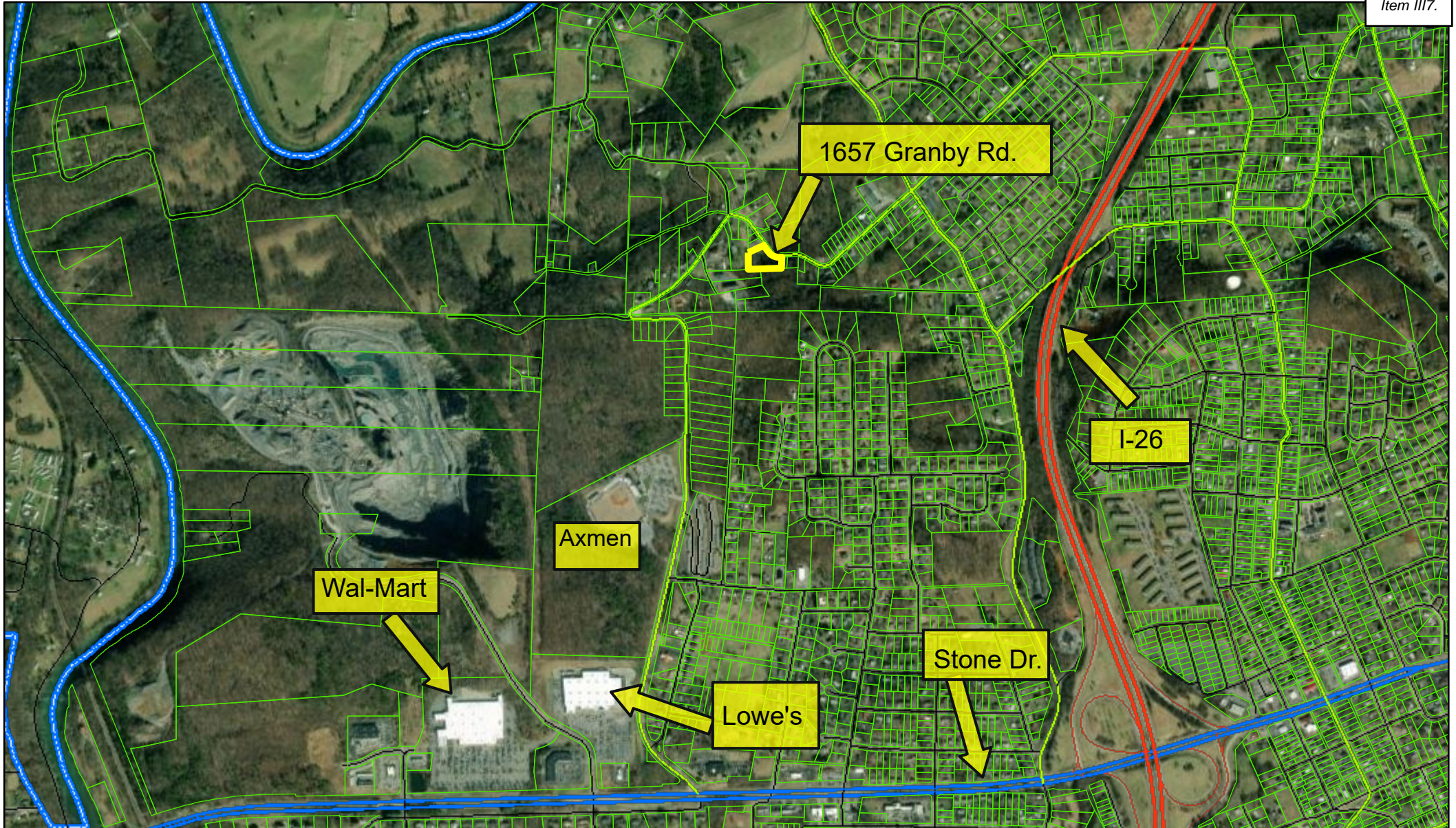


3021 Cliffside Road Garage Addition	
6 x 6 Posts (x10')	
2 x 6 x 10'	
2 x 4 x 8'	
Trusses	
Garage Door to match existing door, just smaller	
Walk Thru Door	
Plywood (grooved and painted to match house)	
Concrete floor	
Shingles to match house	
Guttering to match house	

Ken Walker

ArcGIS Web Map

Item III.7.



11/18/2024, 9:34:31 AM

Sullivan County Parcels Jan 2023

Parcels

Streets

Interstate

Expressway

Major Arterial

Minor Arterial

Collector Street

Local Street

Private Street

Ramp

Urban Growth Boundary

1:18,056

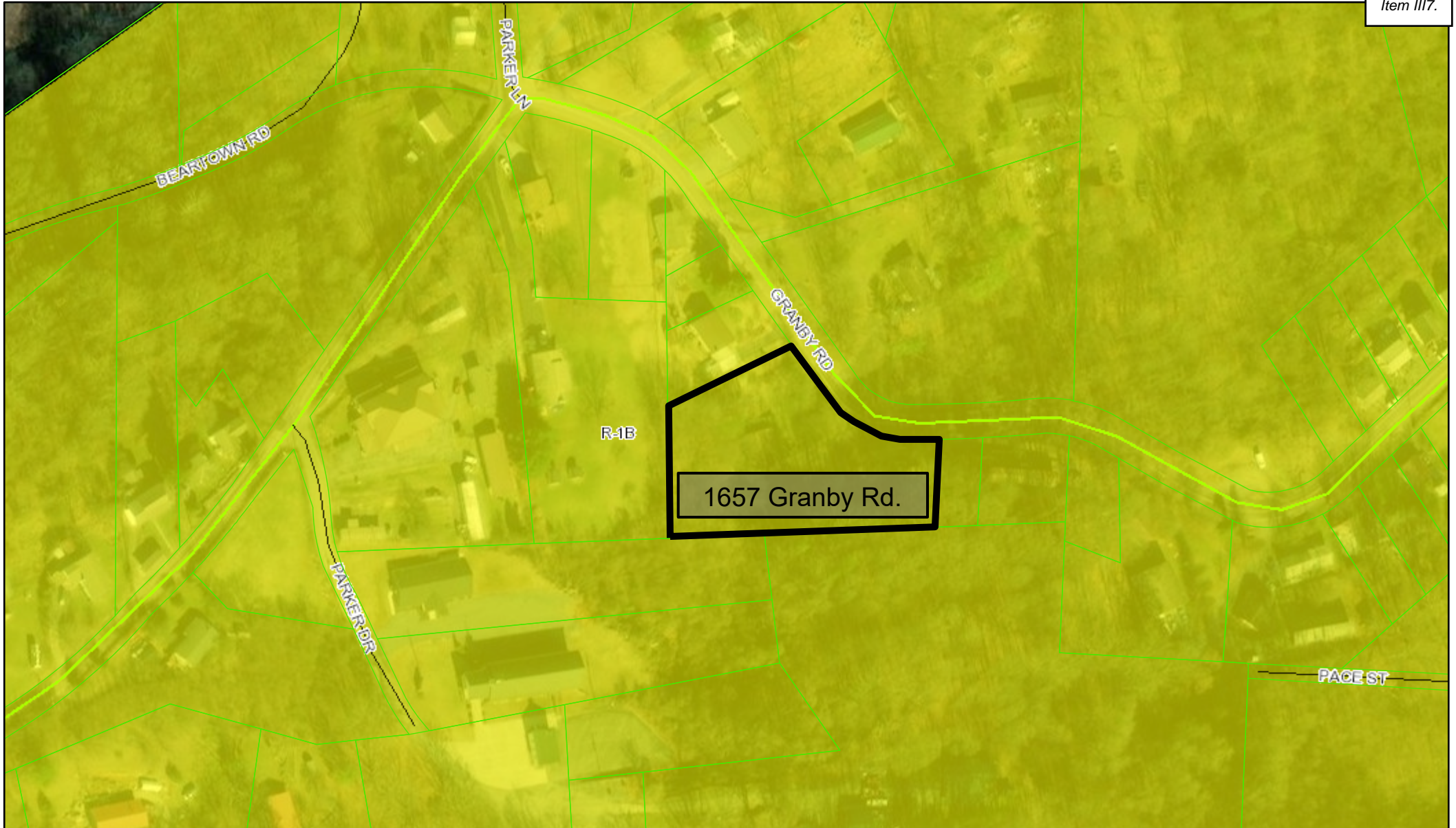
0 0.13 0.25 0.5 mi

0 0.2 0.4 0.8 km

NC CGIA, Maxar

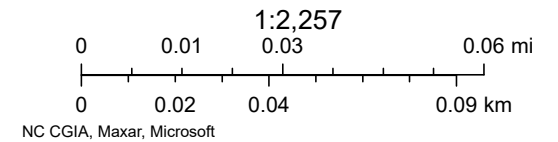
ArcGIS Web Map

Item III.7.



11/18/2024, 9:24:13 AM

Sullivan County Parcels Jan 2023	B-2E	B-3	M-1R	PD	R-1B	Split	Major Arterial
Parcels	A-1	B-4	M-2	PMD-1	R-1C	TA	Minor Arterial
City Zoning	A-2	B-4P	MX	PMD-2	R-2	TA-C	Collector Street
<Null>	AR	B-4P	P-1	PUD	R-3	UAE	Local Street
TA/C	B-1	BC	P-D	PVD	R-3A	Streets	Private Street
R-5	B-2	GC	PBD-3	R-1	R-3B	Interstate	Ramp
GC	B-3	M-1	PBD/*	R-1A	R-4	Expressway	Urban Growth Boundary





TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: November 18, 2024

RE: 1657 Granby Road

The Board is asked to consider the following request:

Case: BZA24-0266 – The owner of property located at 1657 Granby Road, Control Map 029E, Group A, Parcel 023.00 requests a 130 foot deviation from rear yard to Sec 114-133(1) for the purpose of constructing a detached garage in the side yard. The property is zoned R-1B, Residential District.

Code reference:

Sec. 114-133. - Accessory building location and height.

Under this chapter, the following shall apply to the location and height of accessory buildings:

- (1) *Yards.* No accessory building shall be erected in any required court or yard other than a rear yard with exceptions as provided in subsection (3) of this section.

APPLICATION

Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name	<u>BURNHAM</u>	First	<u>BRIAN</u>	M.I.	<u>E</u>	Date	
Street Address	<u>1657 GRANBY RD</u>			Apartment/Unit #			
City	<u>Kingsport</u>	State	<u>TN</u>	ZIP	<u>37660</u>		
Phone	E-mail Address						

PROPERTY INFORMATION:

Tax Map Information	Tax map: <u>0296</u>	Group: <u>A</u>	Parcel: <u>023</u>	Lot:	
Street Address	<u>1657 GRANBY RD</u>			Apartment/Unit #	
Current Zone	<u>Residential</u>	Proposed Zone	<u>Residential</u>		
Current Use	<u>Residential</u>	Proposed Use	<u>Residential</u>		

REPRESENTATIVE INFORMATION:

Last Name	<u>BURNHAM</u>	First	<u>BRIAN</u>	M.I.	<u>E</u>	Date	
Street Address	<u>1657 GRANBY RD</u>			Apartment/Unit #			
City	<u>Kingsport</u>	State	<u>TN</u>	ZIP	<u>37660</u>		
Phone	<u>725-212-1462</u>	E-mail Address	<u>blackpen@streetGlideGlide@gmail.com</u>				

REQUESTED ACTION:

DEVIATION FROM REAR YARD VARIANCE OF 130 FEET

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: 11-12-24

Signed before me on this 12th day of November 2024
 a notary public for the State of Tennessee
 County of Sullivan

Notary Lori L. Pyatte
 My Commission Expires 11-21-2026



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.

Topography is too steep Behind
House to Build

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

without Deviation can't construct Building

- 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.

NONE

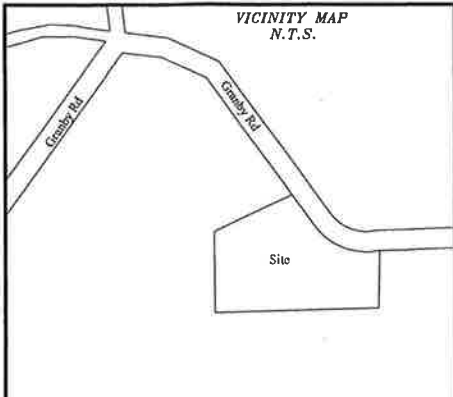
d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

*This will improve the neighborhood
& it will be used for equipment*

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.



CERTIFICATION OF THE APPROVAL OF STREETS

I HEREBY CERTIFY: (1) THAT STREETS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO THE SPECIFICATIONS OR, (2) ADEQUATE RIGHTS-OF-WAY DEDICATION UPON AN EXISTING PUBLIC ROAD SHALL SERVE THESE LOTS AS PROPOSED OR (3) PLAT HAS BEEN APPROVED WITH A PERFORMANCE GUARANTEE SET BY THE CITY OF KINGSPORT PLANNING COMMISSION

DATE: _____ 20____

CITY ENGINEER OR COUNTY ROAD COMMISSIONER

CERTIFICATION OF THE APPROVAL OF PUBLIC WATER SYSTEM

I HEREBY CERTIFY THAT THE PUBLIC WATER UTILITY SYSTEM PROPOSED, FOR INSTALLATION, FULLY MEETS THE REQUIREMENTS OF THE CITY OF KINGSPORT WATER UTILITY SYSTEM, AND IS AS SHOWN

DATE: 10/1 20 24

Alisa Delois
AUTHORIZING AGENT
AUTHORIZED REPRESENTATIVE

Legend

- denotes Rebar Found
- denotes Rebar Set
- ⊙ denotes Calculated Point Unless otherwise Noted
- denotes Highway Marker
- ▲ denotes Railroad Spike
- ⊕ denotes Water Meter

Notes

1. Deed Reference: DB 3572 - PG 216
2. TAX MAP: 0290 - A - 023.00
3. Property is currently zoned R-1B and will conform to all setbacks

Slide A-1769

Sheema Tinsley, Registrar
Sullivan County

Rec #	364896	Instrument #	24016932
Rec'd	15.00	Recorded	
State	0.00	10/2/2024 at 8:58 AM	
Clark	0.00	25 Plat	
Other	2.00	P59	
Total	17.00	PGS 464-464	

CERTIFICATION OF THE APPROVAL OF SEWERAGE SYSTEM

I HEREBY CERTIFY THAT THE SEWERAGE DISPOSAL SYSTEM INSTALLED, OR PROPOSED FOR INSTALLATION, FULLY MEET THE REQUIREMENTS OF THE CITY OF KINGSPORT TN, AND IS HEREBY APPROVED AS SHOWN.

DATE: 10/1 20 24

Alisa Delois
AUTHORIZING AGENT
AUTHORIZED REPRESENTATIVE



FLOOD CERTIFICATION

THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL ADMINISTRATION FLOOD HAZARD BOUNDARY MAPS AND FOUND THAT THE PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.

FIRM MAP#: 47163C0030D
SULLIVAN COUNTY, TENNESSEE AND INCORPORATED AREAS
EFFECTIVE DATE: 9/29/2006

CERTIFICATE OF APPROVAL FOR RECORDING CONFIRMATION BY PLANNING DIRECTOR

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR KINGSPORT CITY, 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 KINGSPORT CITY PLANNING COMMISSION TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT.

DATE: 10/1 20 24

CONFIRMED BY SECRETARY CITY KINGSPORT PLANNING DIRECTOR

SECRETARY OF THE CITY OF KINGSPORT

CERTIFICATE OF THE APPROVAL FOR 911-ADDRESSING ASSIGNMENT

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

DATE: October 1 20 24

Caroline Campbell
CITY CLERK DIVISION OR SULLIVAN COUNTY DIRECTOR OF 911 ADDRESSING OR HIS/HER AUTHORIZED REPRESENTATIVE

I hereby certify that this is a category 1 survey and the ratio of precision of the un-adjusted survey is 1-10,000+ as shown hereon.

0 30 60 90

BOUNDARY IS BASED ON A CURRENT FIELD SURVEY

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.

OWNER: *B. J. King* DATE: 9-30-24

OWNER: *B.* DATE: 9-30-24

OWNER: _____ 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 KINGSPORT CITY PLANNING COMMISSION AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON.

September 30th 20 24

James A. Robertson
SURVEYOR

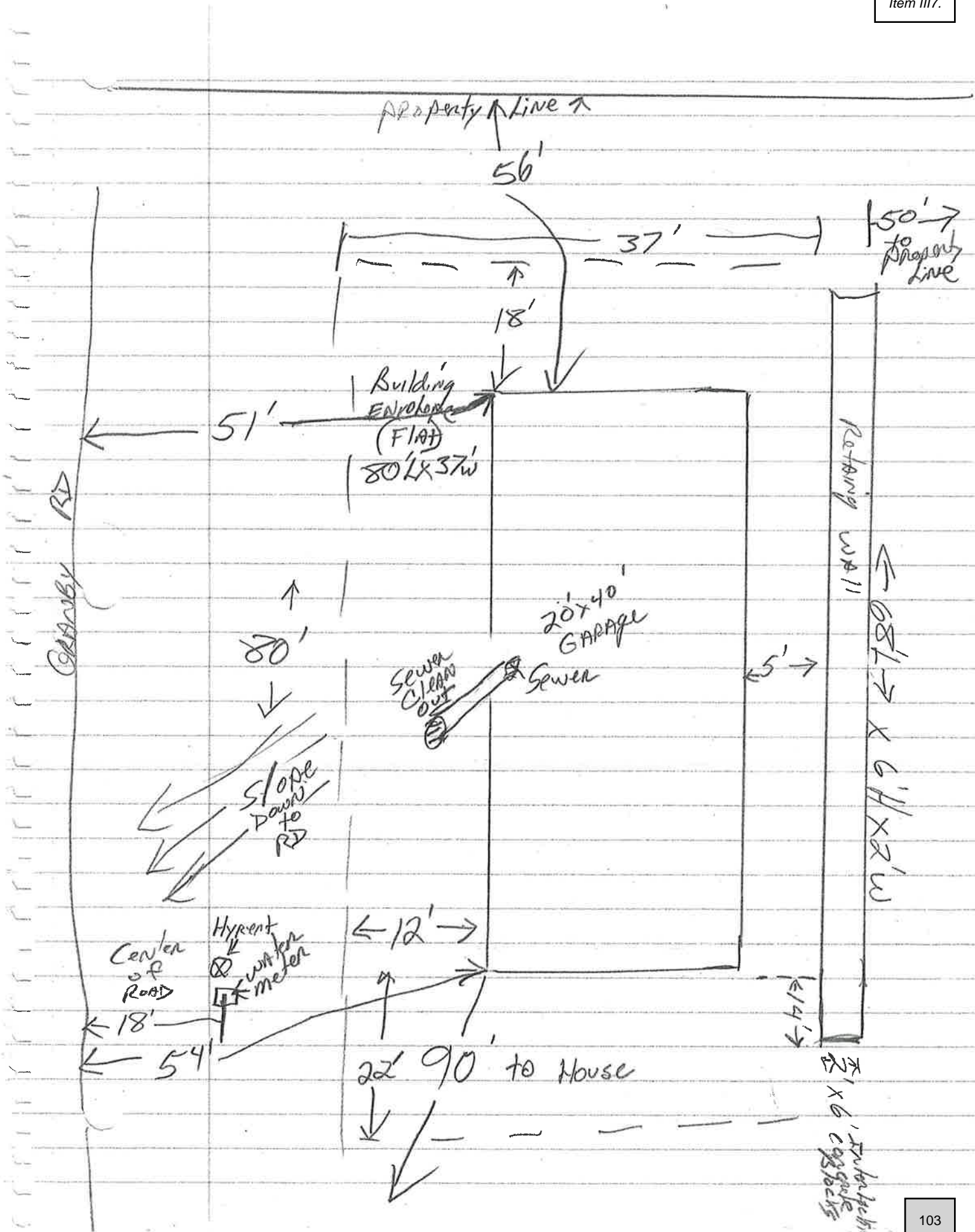
(OR)

I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS: 10,000

September 30th 883 TN REG. NO.

DATE: _____

COMBINATION FOR: BRIAN & LILIANA BURNHAM		
Date: 09-30-2024	File: burnham-b.DWG Drawn By: SWS	Scale: 1" = 30'
Twelfth (12th) Civil District Sullivan County		102
Culbertson Surveying P.O. Box 190, Nickelsville VA 24271 (276) 479-3093		8465

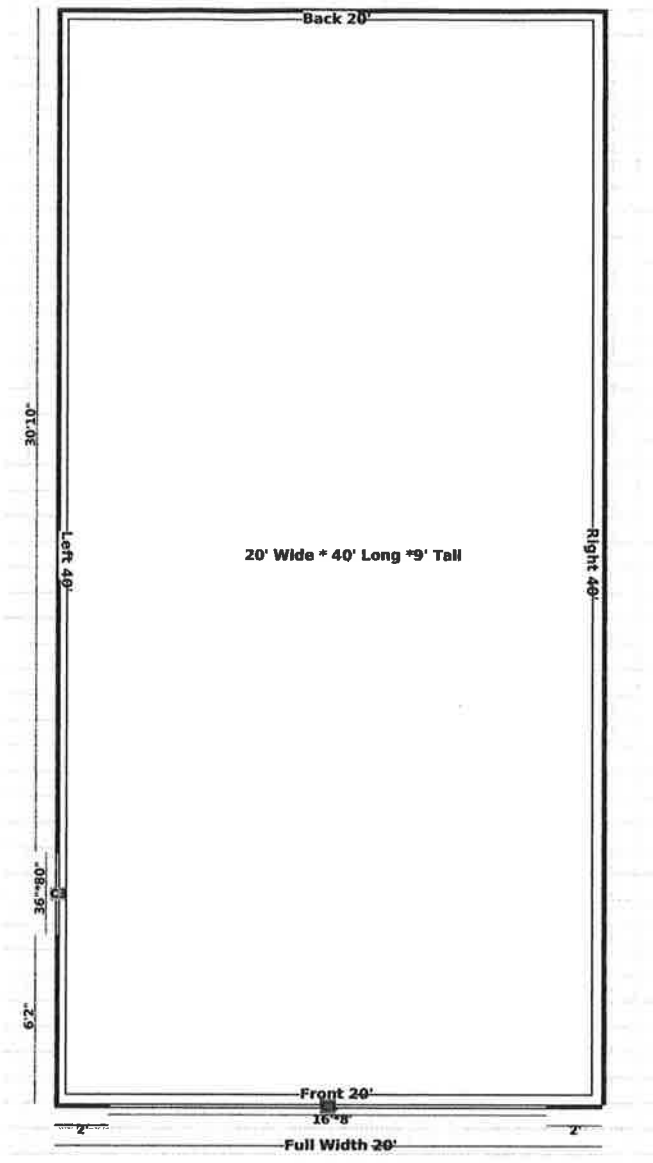






Full Width 20'

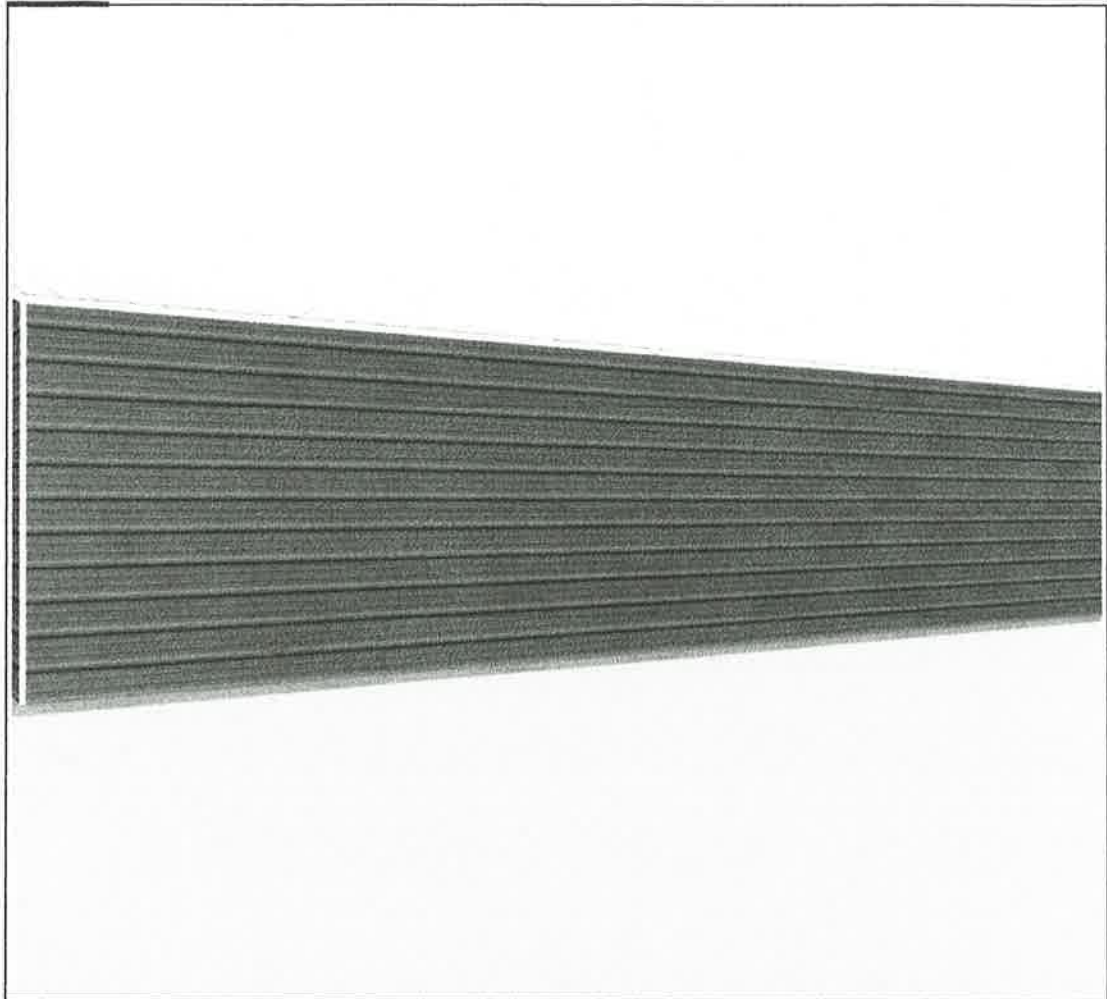
Item III7.



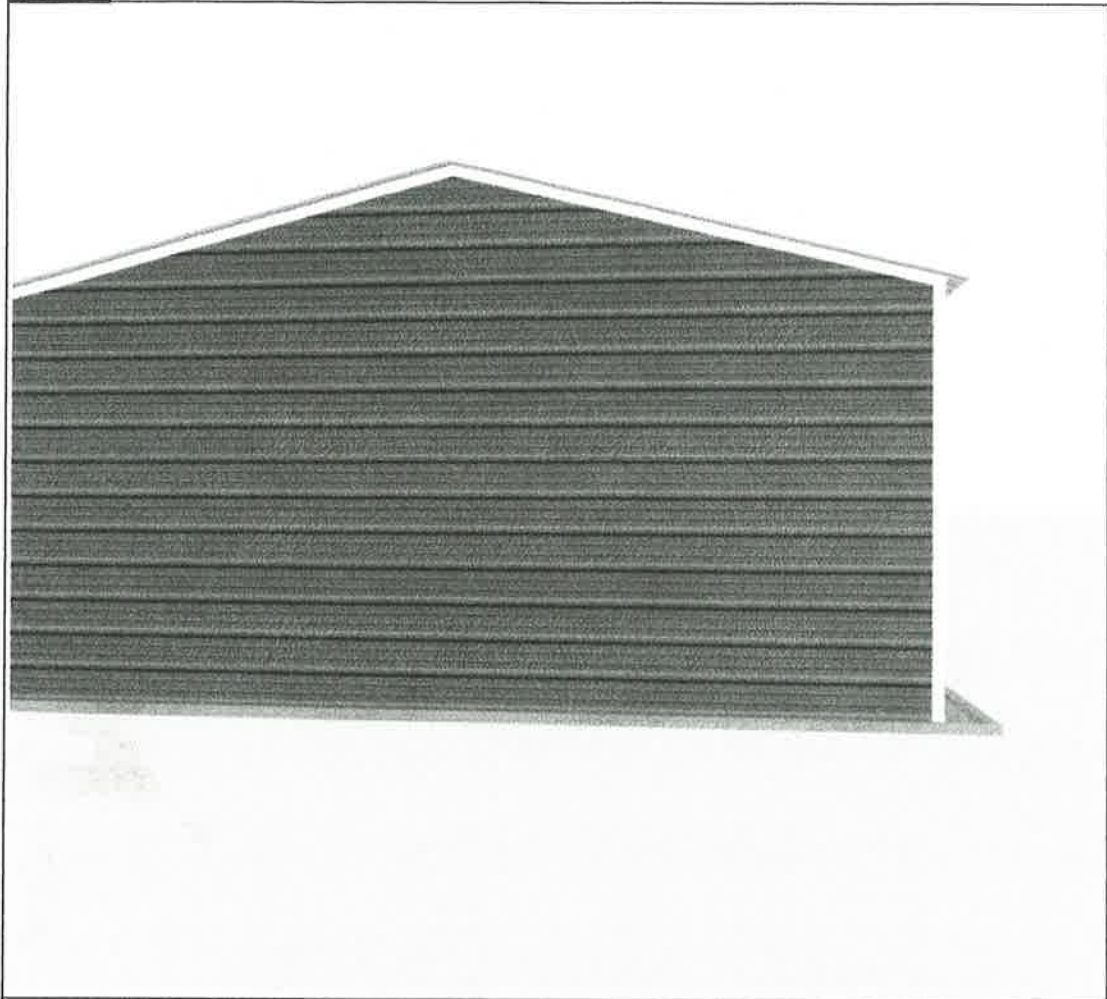
LEGENDS

Garage Door	Garage Door Frameout	Walk In Door	Walk In Door Frameout	Windows	Windows Frameout	Open Wall
Close Wall	Distance	Storage Length (Utility)	Cupola			

Item III7.



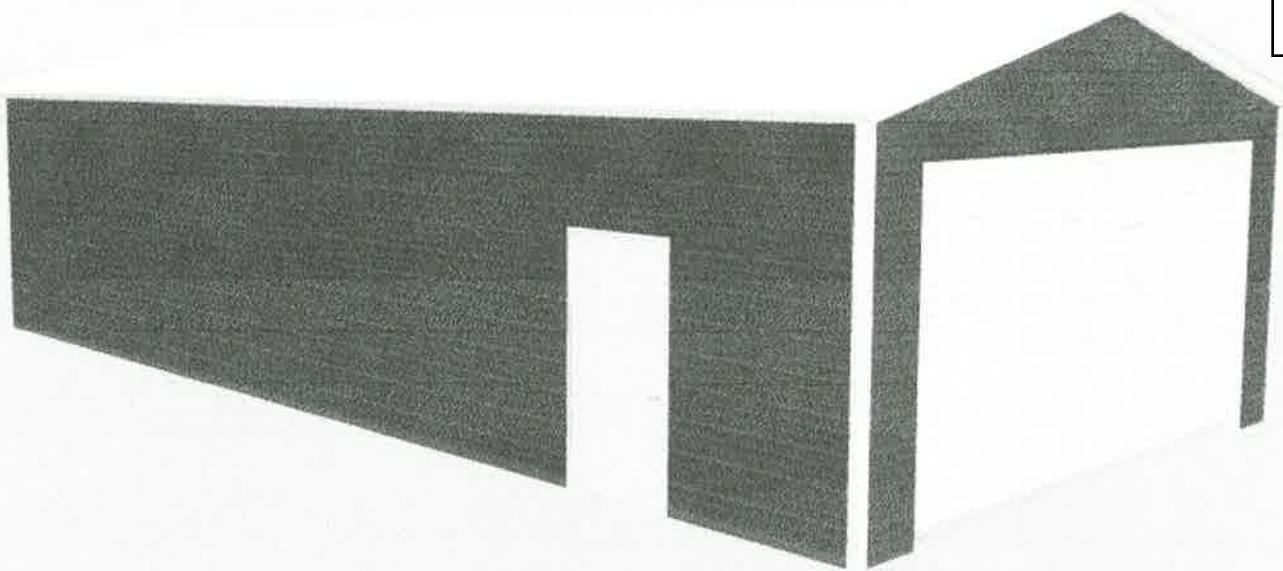
RIGHT



BACK



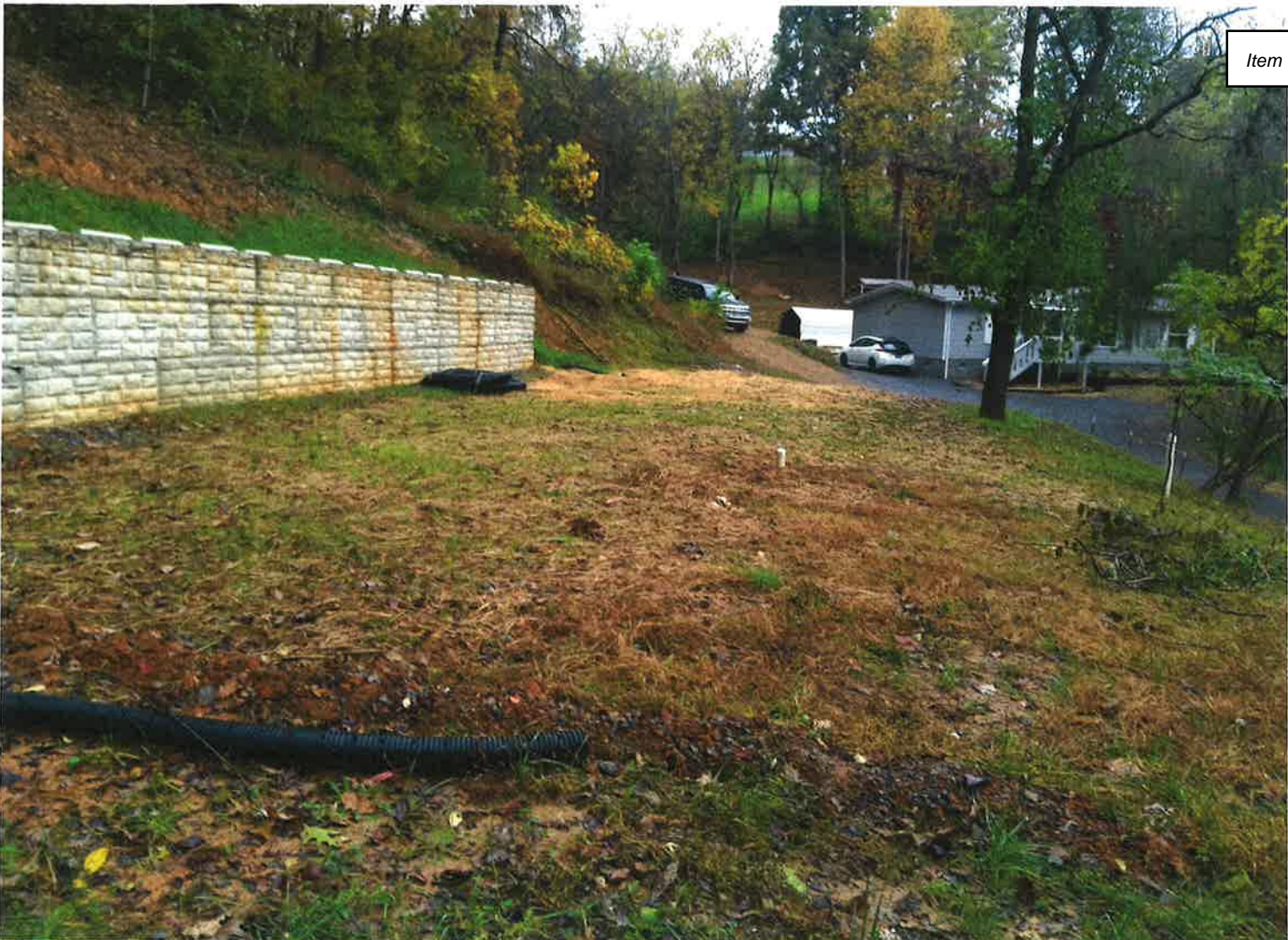
LEFT

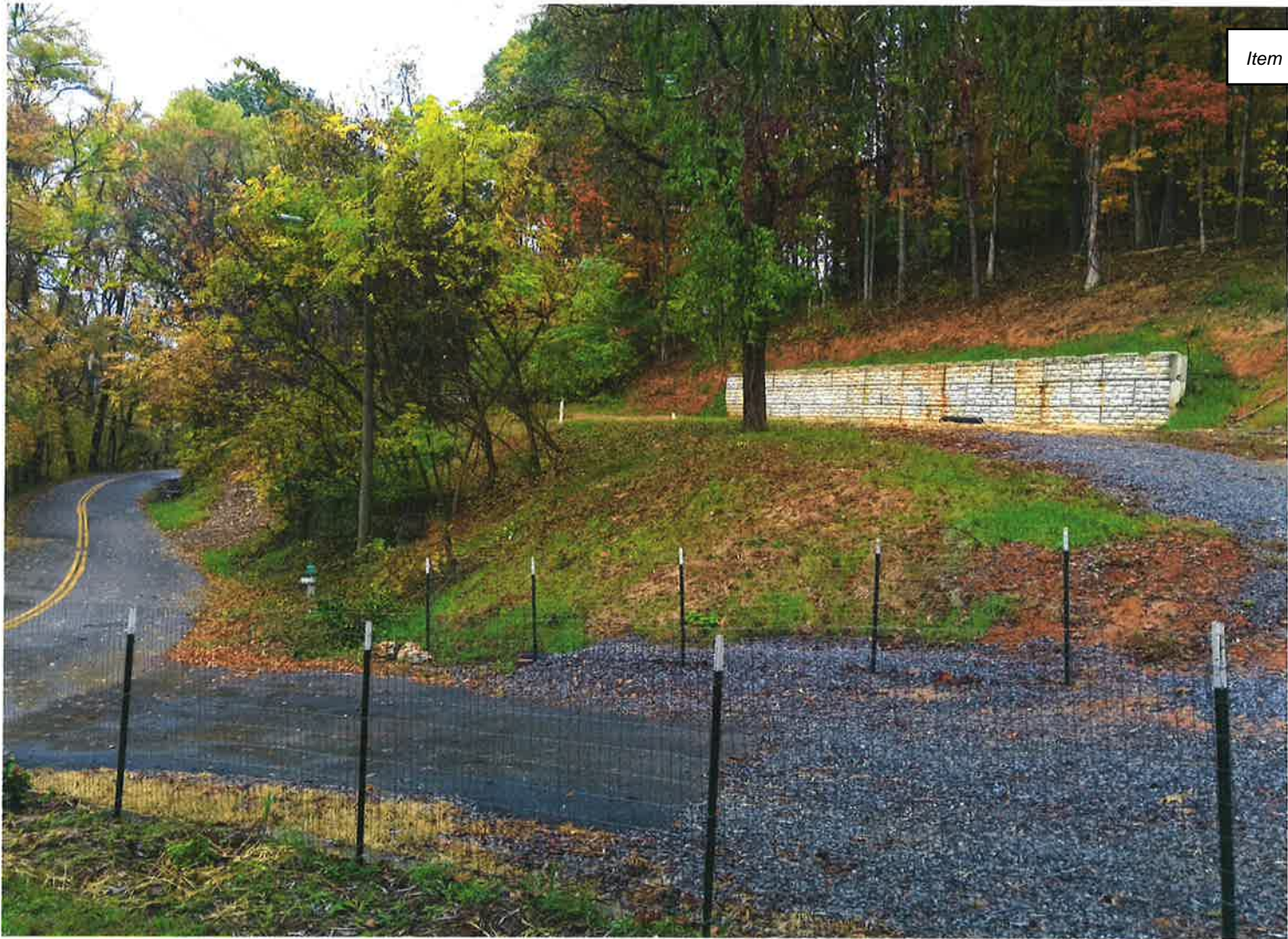


Standard
20' W x 40' L x 9' H



Black Lines = proposed Garage site 20'Wx40'L
white pipe = sewer





ArcGIS Web Map

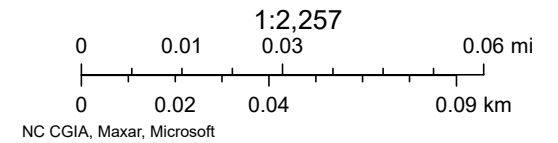
Item III.8.



1664 E. Stone Dr.

11/18/2024, 8:19:03 AM

Sullivan County Parcels Jan 2023	A-1	B-4	M-2	PMD-1	R-1C	TA	Minor Arterial
City Zoning	A-2	B-4P	MX	PMD-2	R-2	TA-C	Collector Street
	AR	B-4P	P-1	PUD	R-3	UAE	Local Street
	B-1	BC	P-D	PVD	R-3A	Streets	Private Street
	B-2	GC	PBD-3	R-1	R-3B	Interstate	Ramp
	B-3	M-1	PBD/*	R-1A	R-4	Expressway	Urban Growth Boundary
	B-3	M-1R	PD	R-1B	Split	Major Arterial	Kpt 911 Address
	B-2E						



115



TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: November 18, 2024

RE: 1664 E. Stone Drive

The Board is asked to consider the following request:

Case: BZA24-0273 – The owner of property located at 1664 East Stone Drive, Control Map 047I, Group A, Parcel 019.35 requests a 63.1 square foot variance to Section 114-533(8)b to exceed the permitted wall sign allowance for the installation of a new grocery "Pickup" wall sign. The property is zoned B-3, Highway-Oriented Business District.

Code reference:

Sec. 114-533. - On-premises signs.

(8)Highway Oriented Business District (B-3).

b. Single-tenant businesses and multitenant centers are permitted wall signs equivalent to one percent of the business's building ground coverage area up to 300 square feet of total signage. Businesses having less than 8,000 square feet of area may utilize up to 80 square feet of signage.

APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name	Kroger	First		M.I.		Date	11/12/24
Street Address	1664 East Stone Dr			Apartment/Unit #			
City	Kingsport	State	TN	ZIP	37660		
Phone		E-mail Address					

PROPERTY INFORMATION:

Tax Map Information	Tax map: 47 1	Group:	A	Parcel:	19.35	Lot:	
Street Address	1664 East Stone Dr			Apartment/Unit #			
Current Zone	B3	Proposed Zone					
Current Use	Retail	Proposed Use					

REPRESENTATIVE INFORMATION:

Last Name	Elas	First	Chris	M.I.	H	Date	11/12/24
Street Address	4623 Weaver Pike			Apartment/Unit #			
City	Bluff City	State	TN	ZIP	37618		
Phone	423-538-7425	E-mail Address	Eelasign4@aol.com				

REQUESTED ACTION:

Additional sign square footage to install non illuminated sign to read "PICKUP"

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: 11/14/2024

Signed before me on this 14th day of November, 2024
 a notary public for the State of Virginia
 County of Goochland
 Notary [Handwritten Signature]
 My Commission Expires 10/31/2026



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.

Visibility from the street. Additional advertisement would assist with the advancement of the Pick service for customers who may otherwise not be aware of the service.

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

The existing signs at the location have been grandfathered in from previous regulations and current guidelines do not allow for enough sign square footage on the building to be able to add additional advertisement for the newly added service, without reducing the existing signage at the property which would come at great cost to the property and further reducing the visibility from the road.

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.

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

Granting the variance would allow Krogers to better expand into their newly implemented service for their customers increasing sales for the Krogers and increasing ease of shopping experience for the end customer.

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.



QTY.	DESCRIPTION	SQ. FT.
1	PICKUP W/ CART LTR SET	63.1



KROGER #328
 1664 EAST STONE DRIVE
 KINGSPORT, TN

CUSTOMER APPROVAL:

DATE _____

REV	DATE	BY	REV	DATE	BY
Rev 01			Rev 04		
Rev 02			Rev 05		
Rev 03			Rev 06		



DRAWING NO:
1300580507.00
 06/19/2024
 S. HAWKE



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PROPOSED LOCATION



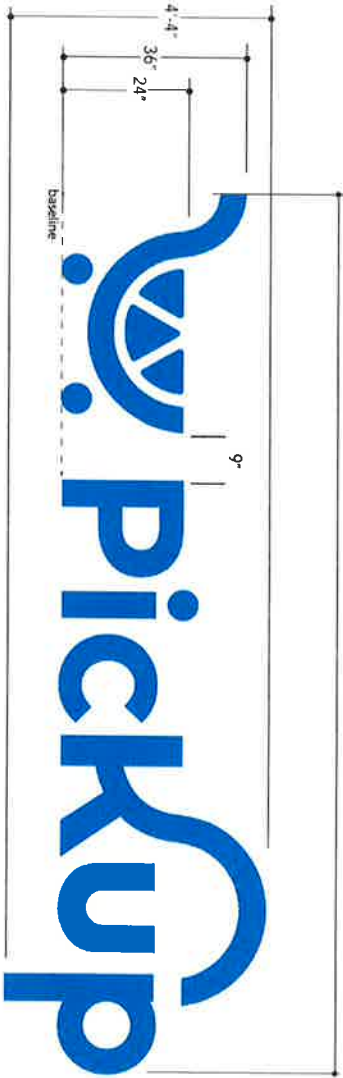
ARTWORK SHOWN FOR PRESENTATION PURPOSES ONLY. ACTUAL SIZE & PLACEMENT MAY VARY. SIZE OF EXISTING LETTER SET AND/OR AVAILABLE SPACE NOT KNOWN.

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	DATE: _____		Rev. #2	_____	_____	Rev. #5	_____	_____			Rev. #3	_____

KROGER #328
 1664 EAST STONE DRIVE
 KINGSPORT, TN

NON-ILLUMINATED LETTERS

14'-6 3/4"



SCALE: 1/2" = 1'-0"

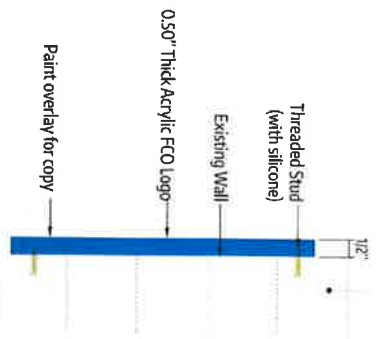
NON-ILLUMINATED LETTER SET
 FOR USE ON ALL NEW/EXISTING LIGHT COLOR SUBSTRATES.
 BANNER COLOR CHANNEL LETTERS SHOULD BE USED ONLY
 ON LIGHT OR SIMILAR HIGH-CONTRAST SUBSTRATES.



● ACRYLIC FCO LETTER SETS
 DECORATE TO MATCH:

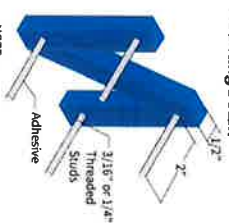


SPLIT FACE ARCH
 MASONRY BLOCK



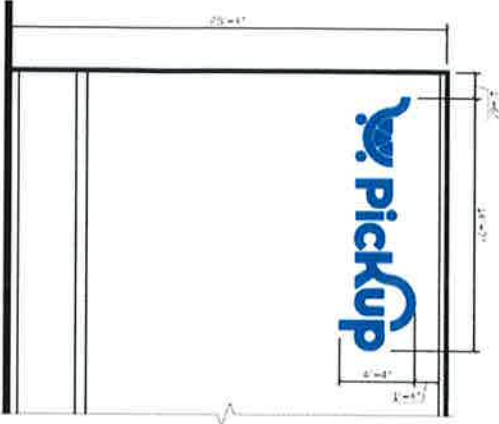
SECTION DETAIL VIEW:
 SCALE: NTS

Mounting Detail

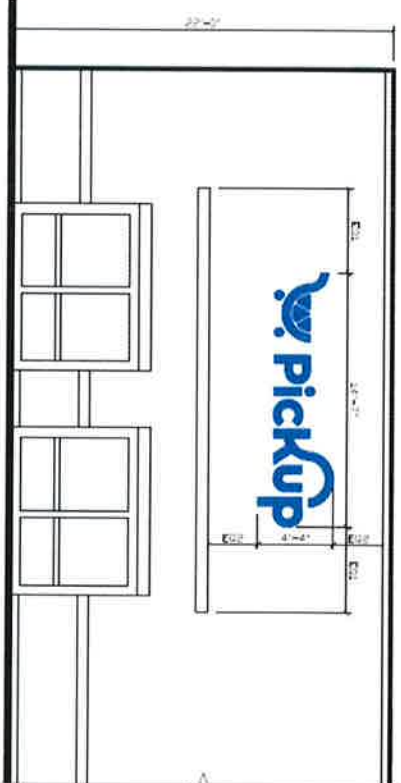


NOTE:
 Threaded studs with 2" minimum
 embedment and install with clear
 adhesive

SIDE FACADE
 LETTERS ABOVE CANOPY,
 CENTERED HORIZONTALLY OVER
 CANOPY/DOORS.
 CENTERED VERTICALLY BETWEEN
 TOP OF DOORS/CANOPY
 AND BOTTOM OF CORNICE/COPING



FRONT FACADE
 NO PHARMACY DRIVE THRU



63.1 SQ. FT.



THIS IS AN ORIGINAL, UNREPRODUCED DRAWING
 CONTRACT DOCUMENT WITH A PROTECTIVE SHEET FOR
 YOUR PROTECTION. IT IS NOT TO BE REPRODUCED,
 COPIED, OR OTHERWISE USED FOR ANY OTHER
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 THE OFFICE OF CUMMINS INSURANCE.

CUSTOMER APPROVAL:
 DATE: _____

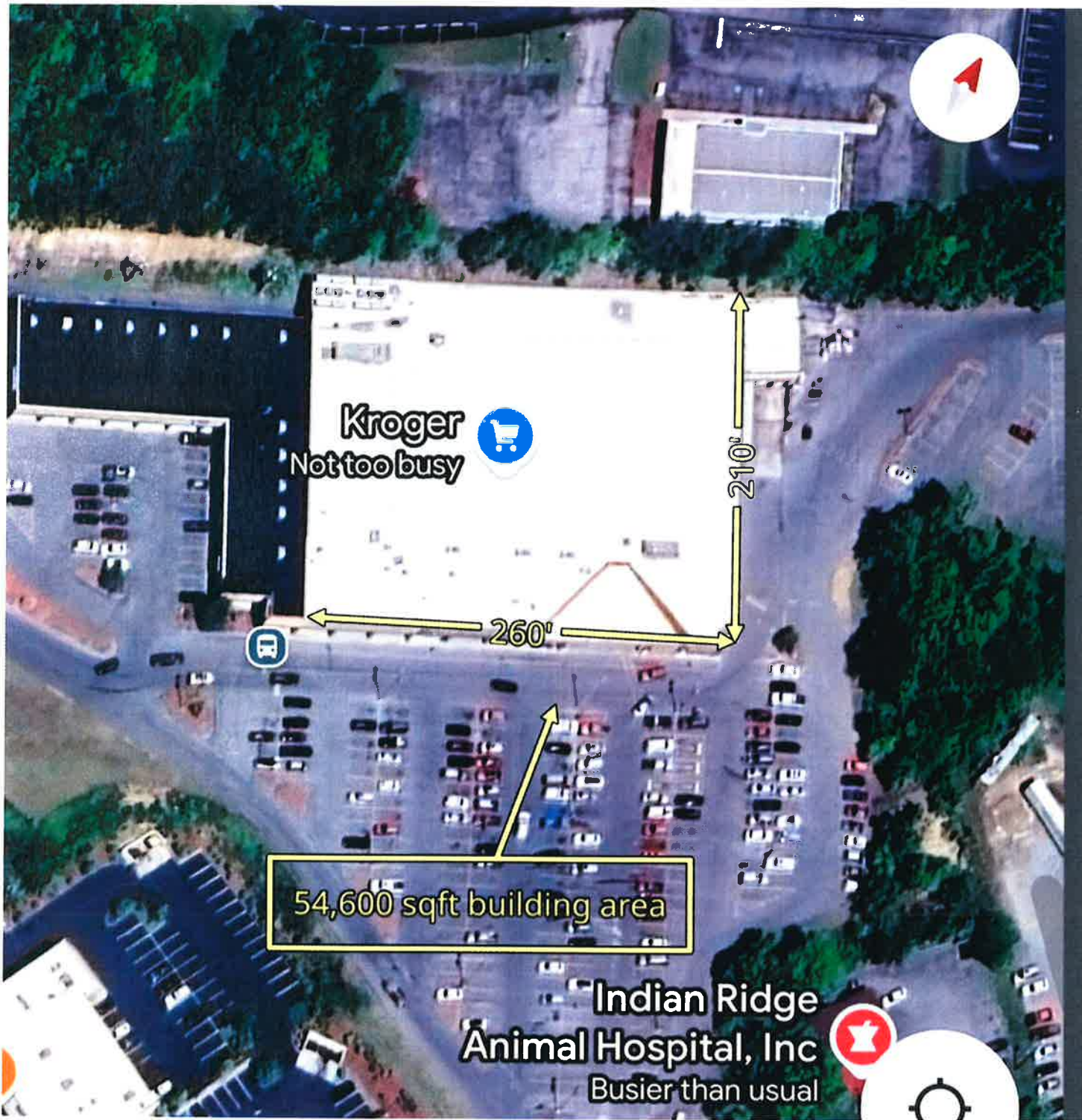
Rev. #1 _____ DATE _____ BY _____
 Rev. #2 _____ DATE _____ BY _____
 Rev. #3 _____ DATE _____ BY _____

Rev. #4 _____ DATE _____ BY _____
 Rev. #5 _____ DATE _____ BY _____
 Rev. #6 _____ DATE _____ BY _____



DRAWING NO:
 7699332377.03AS
 DATE: 6/27/2023
 S. Hawke

PART # 403-23-N-36-P-U-BL





92.9 sqft.



MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

October 3, 2024, Regular Meeting

Noon
Montgomery-Watterson Boardroom, City Hall

Members Present:

Bill Sumner
Calvin Clifton
Wes Combs

Members Absent:

Joe White
Tracey Cleek

Staff Present:

Lori Pyatte
Ken Weems
Jessica McMurray

Visitors:

Wade McClellan	William Brown
Laura Mitchel	Krystal Rivera
Cecilia Harless	Paul Warrick
William Cooper	Rev. Scottie Burkhalter
John Rose	Amy Harris
Tommy Watts	

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

Chairman 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: BZA24-0196– The owner of property located at 800 Broad Street, Control Map 046G, Group F, Parcel 017.00 requests administrative review of Sec 114-535 to allow a new electronic message board to be integrated into the existing sign. The property is zoned P-1, Professional Offices District.

Ms. Laura Mitchell, along with Rev. Scottie Burkhalter and Bill Cooper, presented their case to the board. Ms. Mitchell began by expressing gratitude for the opportunity to discuss their proposal for a small electronic sign at the church. She explained that this sign would greatly enhance their outreach efforts, enabling them to share real-time updates and important information with the community.

Ms. Mitchell noted that the church's current traditional signage lacks visibility and flexibility, often resulting in outdated messages. An electronic sign would not only lessen their reliance on printed materials but also create a consistent and professional appearance. Bill Cooper, the dedicated property chairman, has championed this initiative for many years, and they believe it aligns perfectly with their mission of community service.

She emphasized that the sign would be tastefully designed to complement the existing structure while being easily programmable for updates. Importantly, it could convey comforting messages during

challenging times and highlight various community events. The team is excited about the potential this sign holds for fostering communication and connection within the community.

Ms. Mitchell concluded by stating that with the board's support, they can bring this vision to fruition, enhancing the church's role as a welcoming and informative presence in the town. She thanked the board for considering their request.

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

Case: BZA24-0203 – The owner of property located at 165 Breckenridge Trace, Control Map 120, Parcel 003.55 requests administrative review of Sec 114-198 to allow a new church to be constructed in the industrial zone. The property is zoned M-1R, Light Manufacturing Restricted District.

Mr. John Rose, representative for Grace Pointe Fellowship Church, introduced himself and presented the church's case to the board. He expressed appreciation for the committee's consideration and began by outlining the church's zoning situation. Mr. Rose emphasized the complexities arising from the current zoning regulations, noting that the city's zoning ordinance neither permits nor prohibits a church from being built in their current M-1R zone. He pointed out that only three zoning districts within the city allow a church as a principal use: B-3, R-5, and B-4P.

Mr. Rose elaborated on the church's development plans, which include an indoor playground and other recreational facilities, all of which align with M-1R zoning allowances. He mentioned that they had commenced work under the assumption that their grading permit indicated compliance with zoning requirements. Mr. Rose articulated the church's financial commitment, highlighting a significant investment of \$300,000 to \$400,000 already spent on grading and preliminary work.

Although the staff recommended R-3 zoning, Mr. Rose stated that the church would prefer the B-3 designation, as part of their property is already classified as such. He expressed concerns about being required to return to the board for a variance if rezoned to R-3.

To support his argument, Mr. Rose cited recent developments in the area, highlighting properties that successfully transitioned from B-3 to R-3 abutting industrial zones, suggesting that similar pathways could be beneficial for the church. He urged the committee to consider these precedents and expressed that the decision to rezone their property should not force them into an undesired zoning category.

Mr. Rose emphasized that they never intended to enter a zoning conflict and that confusion surrounding their grading permit had placed them in a precarious position. He reflected on how, had they been aware of the zoning issues earlier, they might have chosen a different path.

Mr. Rose acknowledged he did not intend to challenge the staff's decision, believing he was merely seeking a variance. He noted that while he did not attend the pre-development meeting, his design team did.

Vice-Chairman Clifton asked if the church was the principal use. Mr. Rose confirmed. He emphasized the church's intent to be the principal use of the property and noted their building faces the Miller Parke subdivision.

Planning Manager Ken Weems stated that for church use to be allowed in the M-1R zone, it would need to be listed as a principal use in the M-1R zone. Manager Weems stated that the application correctly

identifies church use as not being listed as a special exception and not listed as a prohibited use in the M-1R code, but that these facts are irrelevant to the case.

The board sought clarification on the action at hand, with staff explaining that this case involved an administrative review to determine if the denial of the church in the M-1R zone was correct based on the zoning ordinance text. They emphasized that this was not a request for a variance or special exception. Chairman Sumner, reviewed principal uses in the M-1R zone and confirmed that church use was not listed a principal use.

Vice-Chairman Clifton inquired about the downside of rezoning to B-3, to which Mr. Rose responded that staff would only support R-3 and expressed concern about how the R-3 designation would affect the nearby industrial and commercial businesses.

Vice-Chairman Clifton confirmed that the property encompasses multiple zoning classifications, and staff recommended rezoning to R-3, similar to a recent R-3 rezoning on Breckenridge Trace. Staff explained that this recommendation was based on the large Miller Parke development across the street, highlighting past issues when B-3 zoning was placed adjacent to single-family residential areas.

Mr. Rose asked if the board had the authority to grant a variance even if the church was not listed as a principal use. The board clarified that they needed to determine who was correct regarding the zoning interpretation.

City Attorney Rowlett clarified that while the board could assess the interpretation of zoning classifications, discussions about alternative zoning avenues should be directed to other bodies. He reiterated that the board's role was not to alter the zoning but to interpret whether a church could be classified as a principal use or a special exception under the existing M-1R zoning.

Mr. Rowlett warned that if the board ruled in favor of the applicant, neighboring property owners could challenge the decision. Mr. Rose clarified that he did not wish to challenge the zoning administrator and was simply seeking alternatives, including a legal question about religious freedom use and whether the board could grant him the ability to build based on that. Chairman Sumner acknowledged the board's awareness of religious freedoms.

Mr. Rowlett contributed to the discussion by explaining the legal framework surrounding their request. He referenced both the Tennessee Religious Freedom Restoration Act and the federal Religious Land Use and Institutionalized Persons Act (RLUIPA), clarifying that for a burden on religious exercise to be deemed substantial, the religious entity must not cause any harm. Mr. Rowlett noted that the church's current zoning classification complicates their proposed activities and questioned if the church was aware of the zoning classifications before acquiring the property.

Mr. Rose confirmed the church was aware of the zoning classification when the property was purchased and that the church had not changed the zoning since then.

Vice-Chairman Clifton questioned why they could not simply rezone where the church is located. Staff commented that was the recommendation to the applicant. Mr. Rose expressed a preference for R-5 across the parcel.

Mr. Rose pointed out that the parcel is 45 acres and expressed doubts about the likelihood of the church utilizing the entire property. He mentioned that the church might consider returning for R-5 zoning in the future.

Mr. Rose expressed frustration at the possibility of being compelled to rezone to R-3, despite other zoning options aligning better with their intended use.

As the discussion concluded, Mr. Rose questioned why staff could not support other zoning options, particularly R-5. Mr. Rose noted the financial benefit of R-5 zoning, suggesting that if the church ever wished to sell the property for housing development, being locked into R-3 could be detrimental, as R-3 is not lucrative.

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

Case: BZA24-0204 – The owner of property located at 368 Old Kinkead Road, Control Map 022E, Group A, Parcel 007.00 requests a requests a 34 foot deviation from rear yard to Sec 114-133(1) for the purpose of constructing an accessory structure in the side yard. The property is zoned R-1B, Residential District.

Ms. Amy Harris, the property owner, presented her case to the board, requesting a rear yard deviation to construct a new parking pavilion. She noted that her property is somewhat secluded from neighbors and features a circular driveway. Ms. Harris explained that the pavilion would be better positioned if it could be placed in the side yard.

Chairman Sumner requested clarification from staff regarding the plat, which indicated additional structures on the parcel. Ms. Harris clarified that two of those structures had been removed, leaving only their home on the property.

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

Case: BZA24-0205 – The owner of property located at 1021 Timberidge Trail, Control Map 022E, Group F, Parcel 006.00 requests special exception to Sec 114-182(c)2 for the purpose of opening an in-home childcare facility. The property is zoned R-1B, Residential District.

Ms. Krystal Rivera presented her case to the board, requesting permission to establish an in-home childcare facility at her residence. Recently relocated from California, she has experience working with children and currently cares for her four children at home. She is committed to adhering to all regulations and ensuring compliance with local laws. Ms. Rivera has consulted with several neighbors she believes would be directly affected by her proposal.

Some neighbors expressed concerns about potential traffic and noise, though Ms. Rivera assured them that noise would be managed according to a schedule. She acknowledged that while she cannot control individual driving habits, there are no government subsidies available to safeguard her home and neighborhood, which primarily consists of blue-collar workers.

Chairman Sumner voiced his apprehensions about the proposal. Vice-Chairman Calvin pointed out that noise and traffic were significant concerns and inquired about the maximum number of children Ms. Rivera planned to care for. She explained that while the state would ultimately determine the limit, she anticipates accommodating no more than eight children.

The board is focused on assessing the impact on the neighborhood, particularly regarding the potential for increased enrollment. Ms. Rivera responded that if her business were to grow beyond capacity, she

would consider relocating. For now, she believes her home can effectively meet the community's childcare needs.

Chairman Sumner highlighted that residents seek tranquility in their neighborhoods, and the establishment of a business might disrupt that peace. He also raised concerns about the narrow roads in the area. In response, Ms. Rivera stated that parking would be available in her driveway, on the street, and in a neighboring vacant field. She noted that the facility's operating hours would be from 6 AM to 6 PM, but Chairman Sumner pointed out that this would result in approximately eight cars arriving during peak drop-off and pick-up times each day.

Wade McClellan spoke firmly against the proposal, highlighting that increased traffic would directly affect him, as many vehicles would be driving past his home. He pointed out that subdivision covenants explicitly prohibit business activities within residences, although the board acknowledged their inability to enforce HOA rules.

William Brown added his concerns, noting that there is plenty of vacant retail space better suited for this type of activity. He emphasized that the one-way in and one-way out traffic pattern in the area would be severely impacted. Allowing one home to operate a childcare business could set a troubling precedent for others to follow, potentially leading to a proliferation of similar enterprises.

Brown also raised alarms about pedestrians navigating the streets, especially given the absence of sidewalks. He worried that increased traffic would lead to vehicles frequently turning around in driveways, disrupting the peace and quality of life for residents. Overall, he argued that any rise in traffic would not only be detrimental but could significantly compromise the neighborhood's character and safety.

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

Case: BZA24-0206 – The owner of property located at 1200 Fiddlers Way, Control Map 061E, Group A, Parcel 006.00 requests a 13.2 foot front yard variance to Sec 114-183(e)(1)c and a 21.5 foot rear yard variance to Sec 114-183(e)(1)e for the purpose of constructing a new single-family home. The property is zoned R-1B, Residential District.

Cecilia Harless presented her case to the board, expressing her desire to build a single-family spec home on the property. She explained that she was unaware of the zoning and setback requirement of 30 feet. Compared to other lots in the neighborhood, this lot is 20 to 40 feet shallower. Although there is no homeowners' association (HOA), the subdivision restricts construction to a minimum of 1,800 square feet for a single-level home. The house plan she has selected is 1,900 square feet and aligns well with the character of the neighborhood. A smaller home or a different design would not complement the aesthetic of the surrounding properties. Without a variance, the proposed home would be unbuildable due to setback and subdivision restrictions.

The board confirmed the variance request.

Vice-Chairman Clifton, who resides in the neighborhood, stated he would abstain from the vote. He noted that the depth and grade of the lot posed challenges and that the neighborhood had anticipated

this situation for some time. Staff reported no calls of concern, aside from one inquiry from a neighbor wanting to know what was happening.

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

Case BZA24-0213 – The owner of property located at 418 Roller Street, Control Map 046H, Group A, Parcel 013.00 requests a 746 square foot variance to Sec. 114-133(2) to exceed the maximum square footage allowance for an accessory structure and a 4 foot variance to Sec. 114-133(2) for the purpose of locating the structure in the center of two existing accessory structures. The property is zoned R-4, Medium Density Apartment District.

Tommy Watts, the property owner, presented his case to the board, expressing his intention to construct a new storage garage between two existing garages. He clarified that the proposed use is residential. Mr. Watts is requesting a variance of 746 square feet to exceed the allowable size for accessory structures, as well as a 4-foot variance to position the new structure centrally between the two existing garages. He noted that he has spoken with his neighbor, who is supportive of the request.

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

BUSINESS:

Staff announced that BZA training will be available on November 8th from 9 AM to 12 PM at Meadowview Conference Center, with more details to follow.

Additionally, staff proposed rescheduling the Board of Zoning Appeals meeting originally set for November 7th to November 14th, as staff will be attending a conference from November 6th to 8th. The board agreed to this date change.

MOTION: made by Chairman Sumner, seconded by Mr. Combs, to approve the Kingsport Board of Zoning Appeals minutes for September 5, 2024.

VOTE: 3-0 to approve the minutes.

Adjudication of Cases:

Case: BZA24-0196– The owner of property located at 800 Broad Street, Control Map 046G, Group F, Parcel 017.00 requests administrative review of Sec 114-535 to allow a new electronic message board to be integrated into the existing sign. The property is zoned P-1, Professional Offices District.

The Board conducted a zoning interpretation and administrative review of Section 114-535 for the subject parcel to assess the integration of a new electronic message board into the existing sign in the P-1, Professional Office zone. The Board specified that the electronic message must be dimmed at night in accordance with code requirements.

MOTION: Made by Mr. Combs and seconded by Vice-Chairman Clifton to approve the integration of a new electronic message board into the existing sign in the P-1, Professional Office zone, with the condition that the message board be dimmed at night as required by code.

VOTE: 3-0 to approve the request.

Case: BZA24-0203 – The owner of property located at 165 Breckenridge Trace, Control Map 120, Parcel 003.55 requests administrative review of Sec 114-198 to allow a new church to be constructed in the industrial zone. The property is zoned M-1R, Light Manufacturing Restricted District.

After conducting a zoning interpretation and administrative review of Section 114-198 for the subject parcel, the board concluded that they agreed with the staff's assessment: according to zoning regulations, a church is not listed as a principle use in the M-1R zone.

MOTION: Made by Mr. Combs and seconded by Vice-Chairman Clifton to concur with the staff's rationale, agreeing with their assessment that, according to zoning regulations, a church is not listed as a principle use in the M-1R zone.

VOTE: 3-0 to concur with the staff's rationale that a church is not listed as a principle use in the M-1R zone.

Case: BZA24-0204 – The owner of property located at 368 Old Kinkead Road, Control Map 022E, Group A, Parcel 007.00 requests a requests a 34 foot deviation from rear yard to Sec 114-133(1) for the purpose of constructing an accessory structure in the side yard. The property is zoned R-1B, Residential District.

The board acknowledged that the parcel was large and somewhat secluded, with no further comments.

MOTION: made by Mr. Combs, seconded by Vice-Chairman Clifton, to approve a 34 foot deviation from rear yard as requested.

VOTE: 3-0 to approve the request.

Case: BZA24-0205 – The owner of property located at 1021 Timberidge Trail, Control Map 022E, Group F, Parcel 006.00 requests special exception to Sec 114-182(c)2 for the purpose of opening an in-home childcare facility. The property is zoned R-1B, Residential District.

Chairman Sumner acknowledged Ms. Rivera's intentions but expressed concern about the potential impact on the neighborhood. Vice-Chairman Clifton remarked that the overwhelming opposition from neighbors made it clear how the board should proceed, stating that the situation was not favorable for anyone involved.

MOTION: made by Mr. Combs, seconded by Vice-Chairman Clifton to deny the request, citing concerns regarding parking, traffic and neighborhood impact.

VOTE: 3-0 to deny the requested based on neighborhood impact.

Case: BZA24-0206 – The owner of property located at 1200 Fiddlers Way, Control Map 061E, Group A, Parcel 006.00 requests a 14.6 foot front yard variance to Sec 114-183(e)(1)c and an 8 foot rear yard variance to Sec 114-183(e)(1)e for the purpose of constructing a new single-family home. The property is zoned R-1B, Residential District.

The board acknowledged that the challenge arises from the lot's shallowness compared to other properties in the neighborhood. Vice-Chairman Clifton stated he would abstain.

MOTION: made by Mr. Combs, seconded by Chairman Sumner, to approve the 14.6 foot front yard variance and an 8 foot rear yard variance as requested.

VOTE: 2-0-1 to approve the request.

Case BZA24-0213 – The owner of property located at 418 Roller Street, Control Map 046H, Group A, Parcel 013.00 requests a 746 square foot variance to Sec. 114-133(2) to exceed the maximum square footage allowance for an accessory structure and a 4 foot variance to Sec. 114-133(2) for the purpose of locating the structure in the center of two existing accessory structures. The property is zoned R-4, Medium Density Apartment District.

Chairman Sumner asked if there was any further discussion; there was none.

MOTION: made by Vice-Chairman Clifton, seconded by Mr. Combs, to approve the 746 square foot variance to exceed the maximum square footage allowance for an accessory structure and a 4 foot building separation variance (right and left side) variance as requested.

VOTE: 3-0 to approve the request.

With no further business the meeting was adjourned at 1:30pm.

Respectfully Submitted,

Jessica McMurray

Jessica McMurray
Development Coordinator