



## BOARD OF ZONING APPEALS MEETING AGENDA

Thursday, October 12, 2023 at 12:00 PM

City Hall, 415 Broad Street, Montgomery-Watterson Boardroom

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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 BZA23-0303 – The owner of property located at 4232 Rustic Way, Control Map 062F, Group E, Parcel 06.66** requests a 900 square foot variance to Sec. 114-133(2) for the purpose of constructing an accessory structure to store recreational vehicles. The request is to exceed the maximum square footage allowance for an accessory structure. The property is zoned R-1B, Residential District.

***INTERESTED PARTIES:***

Owner: Jason Pratt  
4232 Rustic Way  
Kingsport, TN 37664  
423.967.1063

Representative: Jason Pratt

- 2. Case: BZA23-0305 – The owner of property located at 134 Cherokee Street, Control Map 046P, Group C, Parcel 036.00,** requests a zoning interpretation/administrative review of Sec 114-194(e)2(a). The property is zoned B-2, Central Business District.

***INTERESTED PARTIES:***

Owner: Travis Featherstone  
4191 Skyland Drive  
Kingsport, TN 37664  
770.865.3259

Representative: Travis Featherstone

#### **IV. BUSINESS**

- 1.** Approval of the August 3, 2023 regular meeting minutes and August 9, 2023 called meeting minutes.

***Stating for public record, the next application deadline is October 15, 2023 at noon, and meeting date (Thursday, November 2, 2023).***

#### **V. ADJUDICATION OF CASES**

#### **VI. PUBLIC COMMENT**

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

#### **VII. ADJOURN**

REGULAR MEETING & PUBLIC HEARING  
Kingsport Board of Zoning Appeals

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large: The public meeting of the Kingsport Board of Zoning Appeals previously noticed as taking place on Thursday, October 5, 2023 and commencing at NOON, **WILL NOW BE HELD** on Thursday, October 12, 2023 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 BZA23-0303 – The owner of property located at 4232 Rustic Way, Control Map 062F, Group E, Parcel 06.66** requests a 900 square foot variance to Sec. 114-133(2) for the purpose of constructing an accessory structure to store recreational vehicles. The request is to exceed the maximum square footage allowance for an accessory structure. The property is zoned R-1B, Residential District.

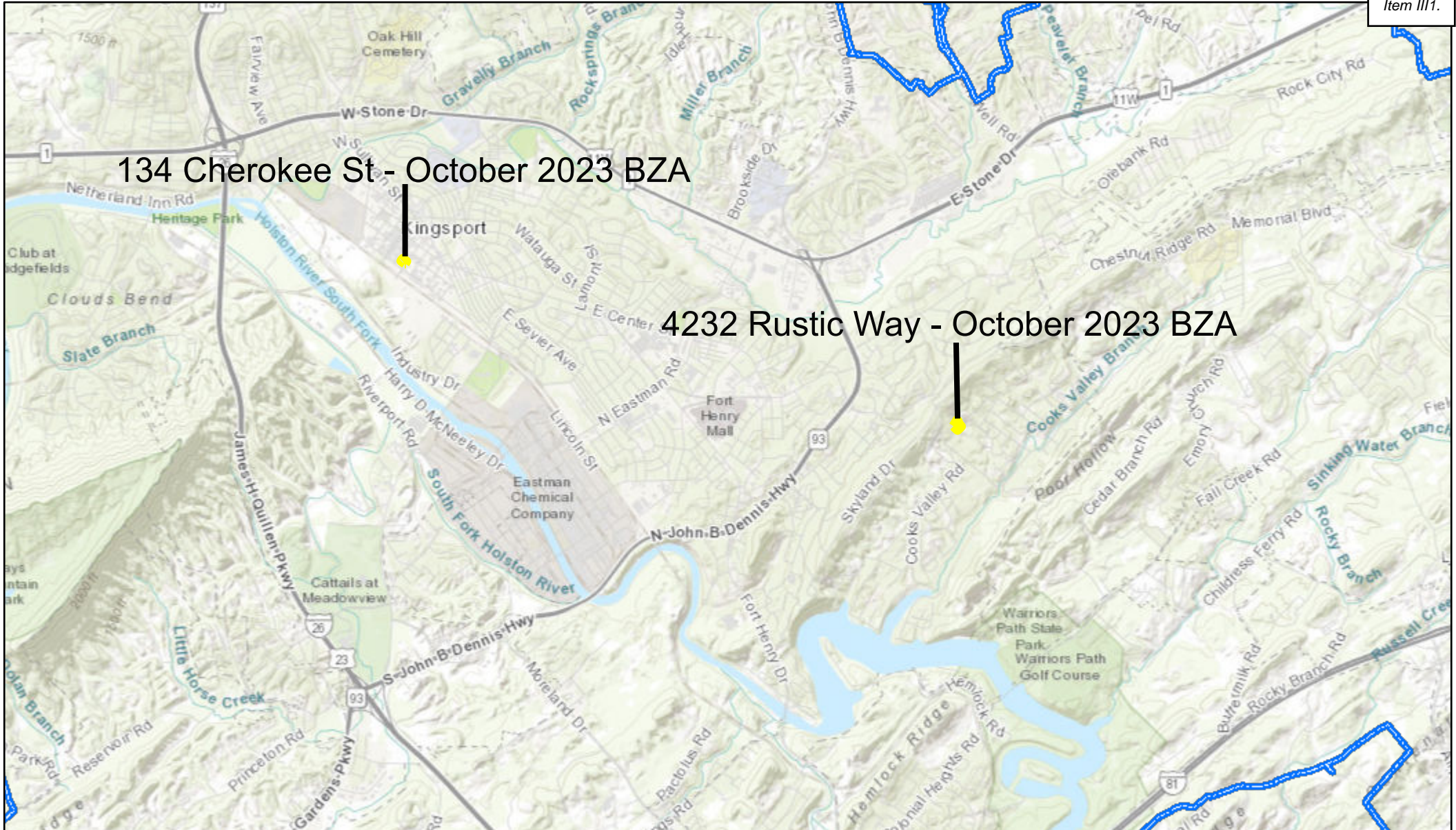
**Case: BZA23-0305 – The owner of property located at 134 Cherokee Street, Control Map 046P, Group C, Parcel 036.00,** requests a zoning interpretation/ administrative review of Sec 114-194(e)2(a). The property is zoned B-2, Central Business District.

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](mailto: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: 10/2/2023

Item III.1.



134 Cherokee St - October 2023 BZA

4232 Rustic Way - October 2023 BZA

9/19/2023, 9:17:18 AM

 Urban Growth Boundary

1:72,224

0 0.5 1 2 mi

0 0.75 1.5 3 km

Tennessee STS GIS, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, NGA, EPA, USDA



TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: September 19, 2023

RE: 4232 Rustic Way

The Board is asked to consider the following request:

**Case 23-0303 – The owner of property located at 4232 Rustic Way, Control Map 062F, Group E, Parcel 06.66** requests a 900 square foot variance to Sec. 114-133(2) for the purpose of constructing an accessory structure to store recreational vehicles. The request is to exceed the maximum square footage allowance for an accessory structure. 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.
- (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.
- (3) *Garage.* Where the average natural grade of a required yard is more than eight feet above or below the established street grade, a private garage may be erected within such yard, but not within five feet of any street right-of-way.

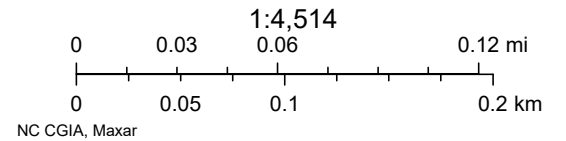




9/19/2023, 8:58:44 AM

Sullivan County Parcels Jan 2023 Streets

- Parcels
- Kpt 911 Address
- Urban Growth Boundary
- Interstate
- Expressway
- Major Arterial
- Minor Arterial
- Collector Street
- Local Street
- Private Street
- Ramp





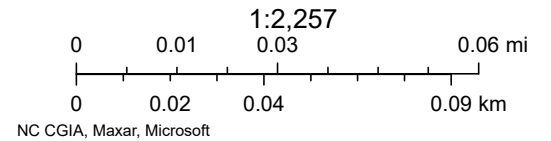


9/19/2023, 8:51:41 AM

Sullivan County Parcels Jan 2023

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

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<span style="background-color: #ffcc00; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> R-5	<span style="background: repeating-linear-gradient(-45deg, transparent, transparent 2px, #ccc 2px, #ccc 4px); border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> A-2	<span style="background-color: #f44336; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> B-3	<span style="background-color: #c8e6c9; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> B-4P	<span style="background: repeating-linear-gradient(-45deg, transparent, transparent 2px, #ccc 2px, #ccc 4px); border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> M-1R	<span style="background-color: #fff9c4; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> P-D	<span style="background: repeating-linear-gradient(45deg, transparent, transparent 2px, #ccc 2px, #ccc 4px); border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> PMD-1
<span style="background-color: #ffe0b2; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> GC	<span style="background-color: #bbdefb; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> AR	<span style="background-color: #e8f5e9; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> B-3	<span style="background-color: #f06292; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> BC	<span style="background: repeating-linear-gradient(90deg, transparent, transparent 2px, #ccc 2px, #ccc 4px); border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> M-2	<span style="background-color: #e8f5e9; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> PBD-3	<span style="background: repeating-linear-gradient(-45deg, transparent, transparent 2px, #ccc 2px, #ccc 4px); border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> PMD-2
<span style="background-color: #c8e6c9; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> B-2E	<span style="background-color: #ffe0b2; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> B-1	<span style="background-color: #d4edda; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> B-4	<span style="background-color: #e1bee7; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> GC	<span style="background: repeating-linear-gradient(90deg, transparent, transparent 2px, #ccc 2px, #ccc 4px); border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> MX	<span style="background-color: #c8e6c9; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> PBD/*	<span style="background-color: #c8e6c9; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> PUD



**APPLICATION**  
Board of Zoning Appeals



**APPLICANT INFORMATION:**

Last Name	PRATT	First	JASON	M.I.	M	Date	09/12/2023
Street Address	4232 RUSTIC WAY	Apartment/Unit #					
City	KINGSPORT	State	TN	ZIP	37664		
Phone	(423) 967-1063	E-mail Address	VOLKIM1@HOTMAIL.COM				

**PROPERTY INFORMATION:**

Tax Map Information	Tax map: 062F	Group: E	Parcel: 6.66	Lot: 9
Street Address	4232 RUSTIC WAY			Apartment/Unit #
Current Zone	R1B	Proposed Zone	R1B	
Current Use	VACANT	Proposed Use	ACCESSORY BUILDING	

**REPRESENTATIVE INFORMATION:**

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

**REQUESTED ACTION:**

I AM REQUESTING A VARIANCE FOR 900 ADDITIONAL SQ' TO BUILD AN ACCESSORY BUILDING

**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: 09/13/23

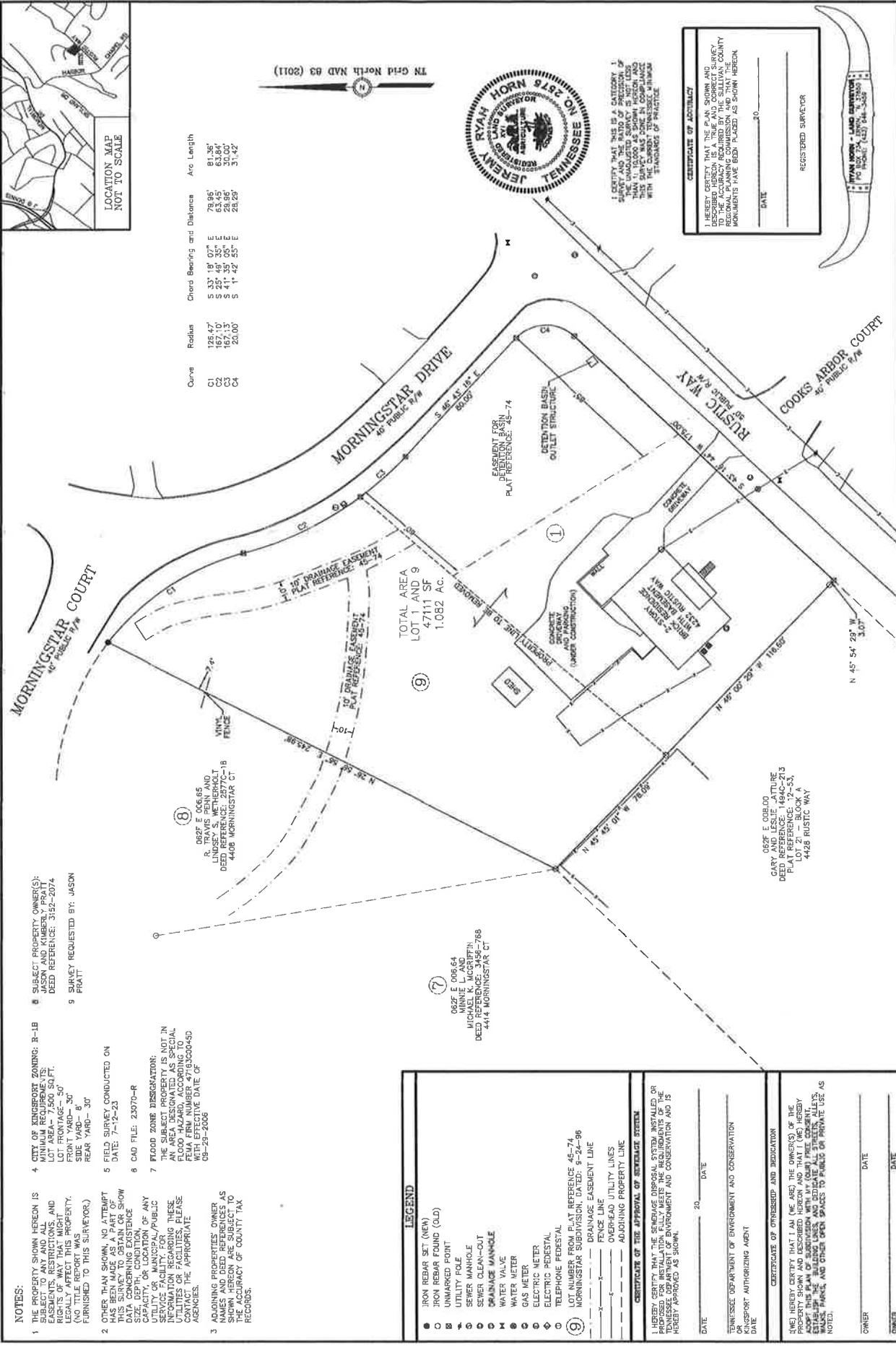
Signed before me on this 13 day of September 2023  
 a notary public for the State of Tennessee  
 County of Sullivan

Notary Lori Lane  
 My Commission Expires November 21 2026



CITY PLANNING OFFICE





**CERTIFICATE OF APPROVAL FOR RECORDING**

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO CONFORM WITH THE REQUIREMENTS OF THE SULLIVAN COUNTY REGISTER OF RECORDS AND THAT THE SULLIVAN COUNTY REGISTER OF RECORDS HAS BEEN ADVISED OF THE RECORDING OF THIS PLAT AND IS HEREBY APPROVED AS SHOWN.

DATE: \_\_\_\_\_

REGISTERED SURVEYOR

JERRY RYAN HORN - LAND SURVEYOR  
 1100 N. W. 10th St. - Room 101  
 JACKSON, MISSISSIPPI 39202

**CERTIFICATE OF APPROVAL FOR RECORDING**

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO CONFORM WITH THE REQUIREMENTS OF THE SULLIVAN COUNTY REGISTER OF RECORDS AND THAT THE SULLIVAN COUNTY REGISTER OF RECORDS HAS BEEN ADVISED OF THE RECORDING OF THIS PLAT AND IS HEREBY APPROVED AS SHOWN.

DATE: \_\_\_\_\_

SECRETARY OF THE CITY OF KINGSPORT PLANNING COMMISSION

**CERTIFICATE OF THE APPROVAL FOR PUBLIC WATER SYSTEM**

I HEREBY CERTIFY THAT THE PUBLIC WATER UTILITY SYSTEM OR SYSTEMS INSTALLED OR PROPOSED FOR INSTALLATION, FULLY MEET THE REQUIREMENTS OF THE SULLIVAN COUNTY REGISTER OF RECORDS AND IS HEREBY APPROVED AS SHOWN.

DATE: \_\_\_\_\_

LOCAL UTILITY DISTRICT PROVIDER OR HIS/HER AUTHORIZED REPRESENTATIVE

**CERTIFICATE OF THE APPROVAL FOR B1 ADDRESSING ASSIGNMENT**

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

DATE: \_\_\_\_\_

CITY CLERK, DIVISION OF SULLIVAN COUNTY DIRECTOR OF B1 ADDRESSING OR HIS/HER AUTHORIZED REPRESENTATIVE

**CERTIFICATE OF APPROVAL OF EASEMENT**

I HEREBY CERTIFY THAT THE STREETS HAVE BEEN LAYED OUT AND DESCRIBED HEREON AND THAT I (OR HEREBY AUTHORIZED AGENT) FULLY MEETS THE REQUIREMENTS OF THE SULLIVAN COUNTY REGISTER OF RECORDS AND THAT THE SULLIVAN COUNTY REGISTER OF RECORDS HAS BEEN ADVISED OF THE RECORDING OF THIS PLAT AND IS HEREBY APPROVED AS SHOWN.

DATE: \_\_\_\_\_

OWNER

DATE: \_\_\_\_\_

OWNER

DATE: \_\_\_\_\_

- NOTES:**
- 1 THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL RIGHTS OF WAY THAT MIGHT LEGALLY AFFECT THIS PROPERTY. (NO TITLE REPORT WAS FURNISHED TO THIS SURVEYOR).
  - 2 OTHER THAN SHOWN, NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO LOCATE OR SHOW DATA CONCERNING EXISTENCE SIZE, DEPTH, CONDITION OR ANY CAPACITY OR LOCATION OF ANY SERVICE FACILITY, FOR INFORMATION REGARDING THESE ITEMS, PLEASE CONTACT THE APPROPRIATE AGENCIES.
  - 3 ADJOINING PROPERTIES' OWNER NAMES AND DEED REFERENCES AS SHOWN HEREON ARE SUBJECT TO THE ACCURACY OF COUNTY TAX RECORDS.
  - 4 CITY OF KINGSPORT ZONING: R-1B  
 MINIMUM REQUIREMENTS:  
 LOT FRONTAGE - 50'  
 LOT WIDTH - 30'  
 FRONT YARD - 30'  
 SIDE YARD - 6'  
 REAR YARD - 30'  
 FIELD SURVEY CONDUCTED ON DATE: 7-12-23  
 CAD FILE: 23070-R  
**FLOOD ZONE DISREGARDATION:**  
 THE SUBJECT PROPERTY IS NOT IN AN AREA DESIGNATED AS SPECIAL FLOOD HAZARD ZONING ACCORDING TO THE EFFECTIVE DATE OF 09-29-2006
  - 5 SUBJECT PROPERTY OWNER(S): JASON AND KIMBERLY PRATT  
 DEED REFERENCE: 3152-2074  
 SURVEY REQUESTED BY: JASON PRATT
  - 6 R. TRAVIS PEHN AND LINDSEY WELLS, DEED REFERENCE 0528-2118, 4428 MORNINGSTAR CT
  - 7 0622 E. 006.64 MINNIE L. AND MICHAEL K. MCGRIFIN, DEED REFERENCE 4414 MORNINGSTAR CT
  - 8 0622 E. 006.65 R. TRAVIS PEHN AND LINDSEY WELLS, DEED REFERENCE 0528-2118, 4428 MORNINGSTAR CT
  - 9 TOTAL AREA LOT 1 AND 9 47111 SF 1.082 AC.

**LEGEND**

- IRON REBAR SET (NEW)
- IRON REBAR FOUND (OLD)
- UNMARKED POINT
- ⊙ UTILITY POLE
- ⊙ SEWER MANHOLE
- ⊙ SEWER CLEAN-OUT
- ⊙ DRAINAGE MANHOLE
- ⊙ WATER VALVE
- ⊙ WATER METER
- ⊙ GAS METER
- ⊙ ELECTRIC METER
- ⊙ TELEPHONE PEDestal
- ⑨ LOT NUMBER FROM PLAT REFERENCE 45-74 MORNINGSTAR SUBDIVISION, DATED: 9-24-96

**CERTIFICATE OF THE APPROVAL OF EASEMENT SYSTEM**

I HEREBY CERTIFY THAT THE EASEMENT SYSTEMS INSTALLED OR PROPOSED FOR INSTALLATION FULLY MEET THE REQUIREMENTS OF THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION AND IS HEREBY APPROVED AS SHOWN.

DATE: \_\_\_\_\_

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
 OR  
 SURVEYOR AUTHORIZING AGENT

**CERTIFICATE OF OBTAINMENT AND INDICATION**

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (OR HEREBY AUTHORIZED AGENT) FULLY MEETS THE REQUIREMENTS OF THE SULLIVAN COUNTY REGISTER OF RECORDS AND THAT THE SULLIVAN COUNTY REGISTER OF RECORDS HAS BEEN ADVISED OF THE RECORDING OF THIS PLAT AND IS HEREBY APPROVED AS SHOWN.

DATE: \_\_\_\_\_

OWNER

DATE: \_\_\_\_\_

**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.**

- We have an easement for a detention basin on our property adjacent to our living structure. The size of the basin is approximately 4,800 sq' and is located on lot #1 (see pictures for reference). The purpose of the detention basin is to collect Stormwater runoff from the community above grade from my location. The detention plays a valuable role in draining Stormwater, and for that reason I am not permitted to use that area for any construction and widen my driveway.
- There is an approximately 30+' drop off the side of our driveway to the bottom of the detention basin. Due to the close proximity of the easement to our home we were not able to turn our vehicles into our garage unless we did a 3 to 4 point turn. My pickup truck was not able to make the turn into our garage.



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

- If the variance is granted it would permit us to build a suitable size accessory structure to accommodate our vehicles, trailer, RV, and storage items so they would be out of sight and not be an “eyesore” to our neighbors.
- Currently we are only permitted to build a 900 sq’ accessory structure to meet the City of Kingsport’s 1100 sq’ maximum allowed. If we are allowed to build an 1800 sq’ bldg that would accommodate our storage request.

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

- The detention basin and the detention basin outlet structure was not the result of our actions. The basin is located on our property, but is maintained by the City of Kingsport.
- There is a cleanout drain located in the basin that the City of Kingsport sometimes has to service when the basin fills with water



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

- If we are permitted to build the structure it would be a very nice building and add to the character of our community v/s a smaller structure. Without the requested size we would have to park our Motorhome, Trailer, and Pickup truck outside. This could potentially be an "eyesore" to our neighbors.
- Before lot #9 was added to our current lot and cleared there were overhanging branches in the road as well as trash on the edge of the roadway. Now the lot has been cleared and really adds to the look of our community instead of being an overgrown wooded lot.

\*picture copied from google maps

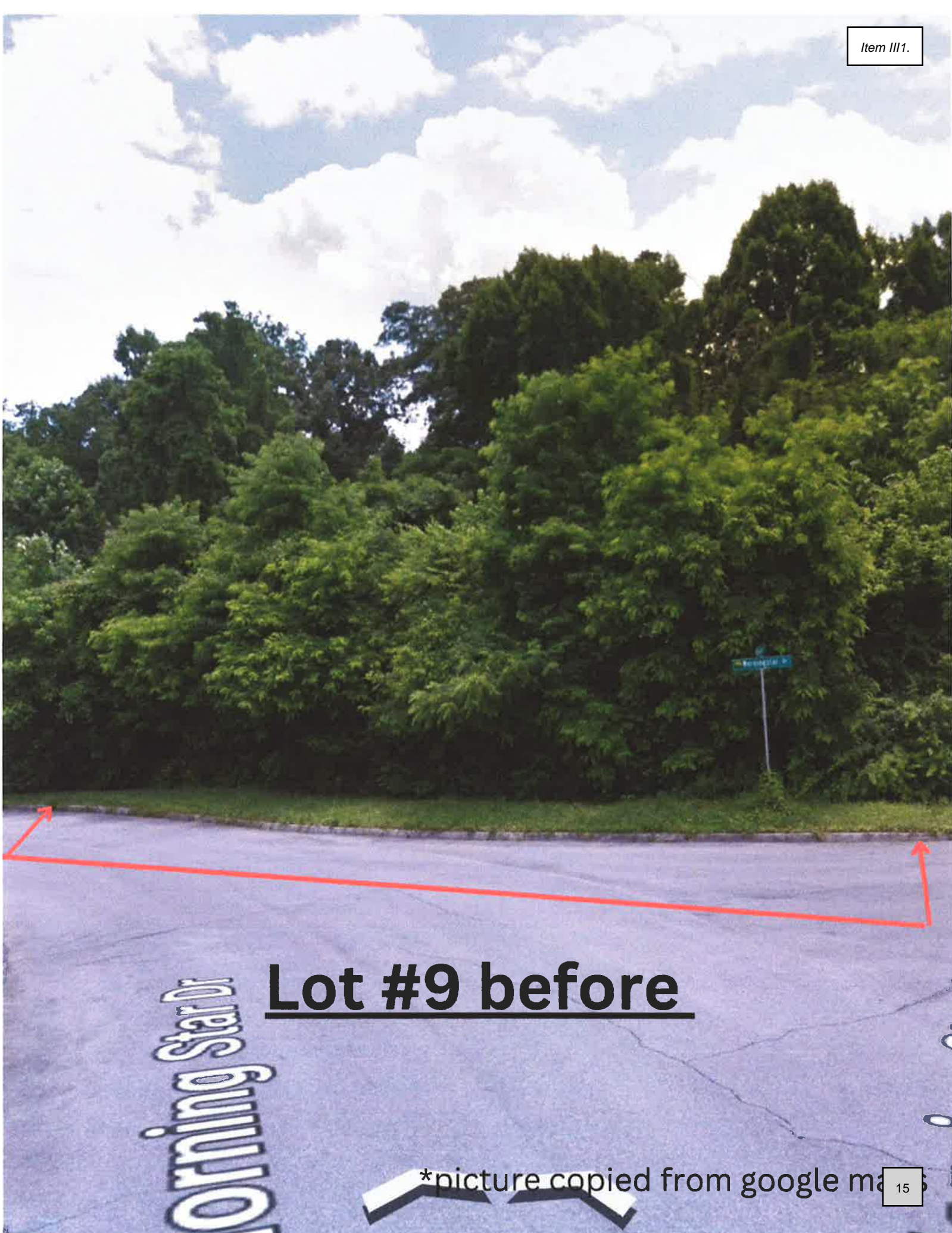
Item III.1.

Requested site for  
1800 sq' bldg

Lot #9 before

 4232 Rustic Way





**Lot #9 before**





Lot #9 before

Morning Star Dr

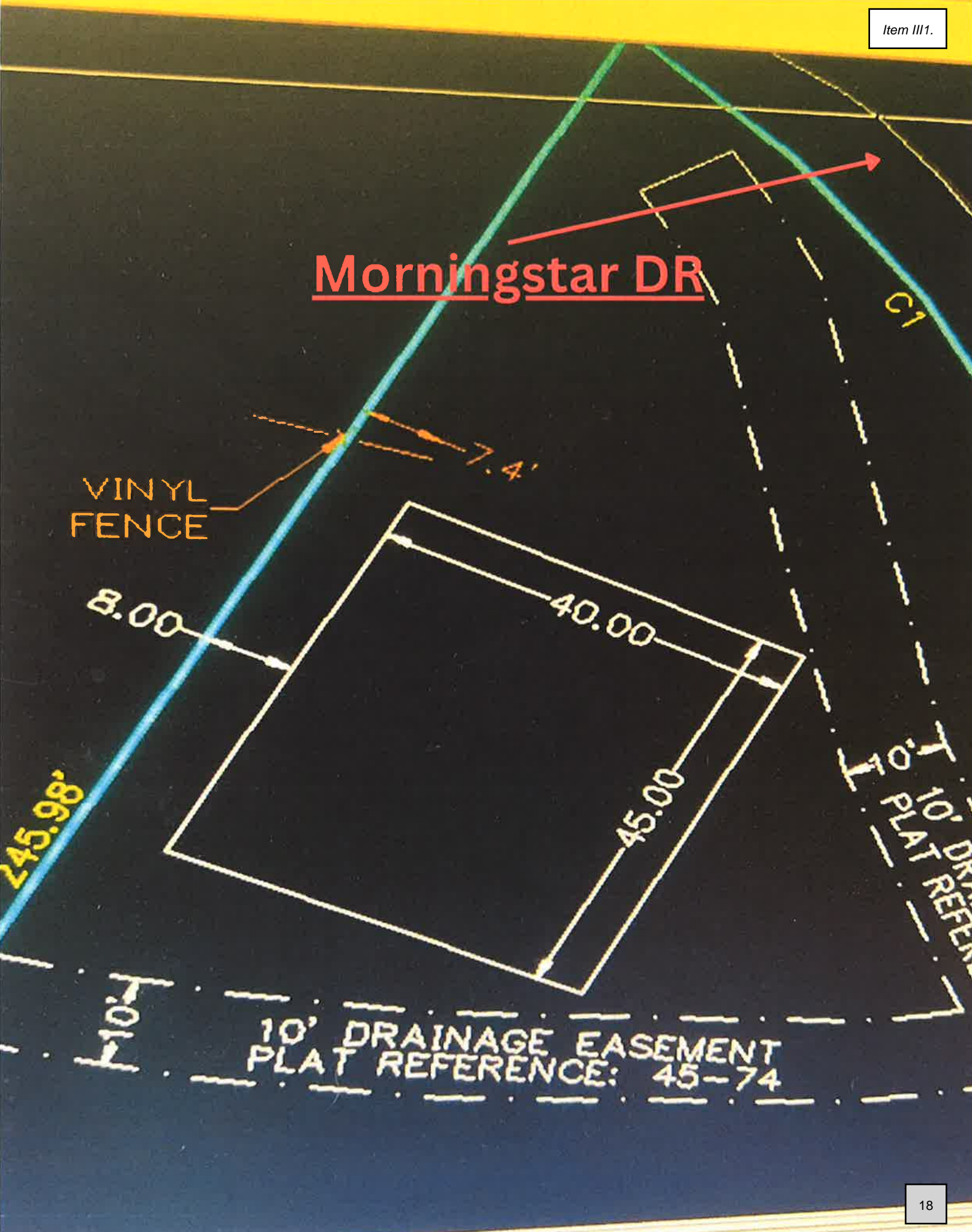




**Lot #9 after**



# Morningstar DR





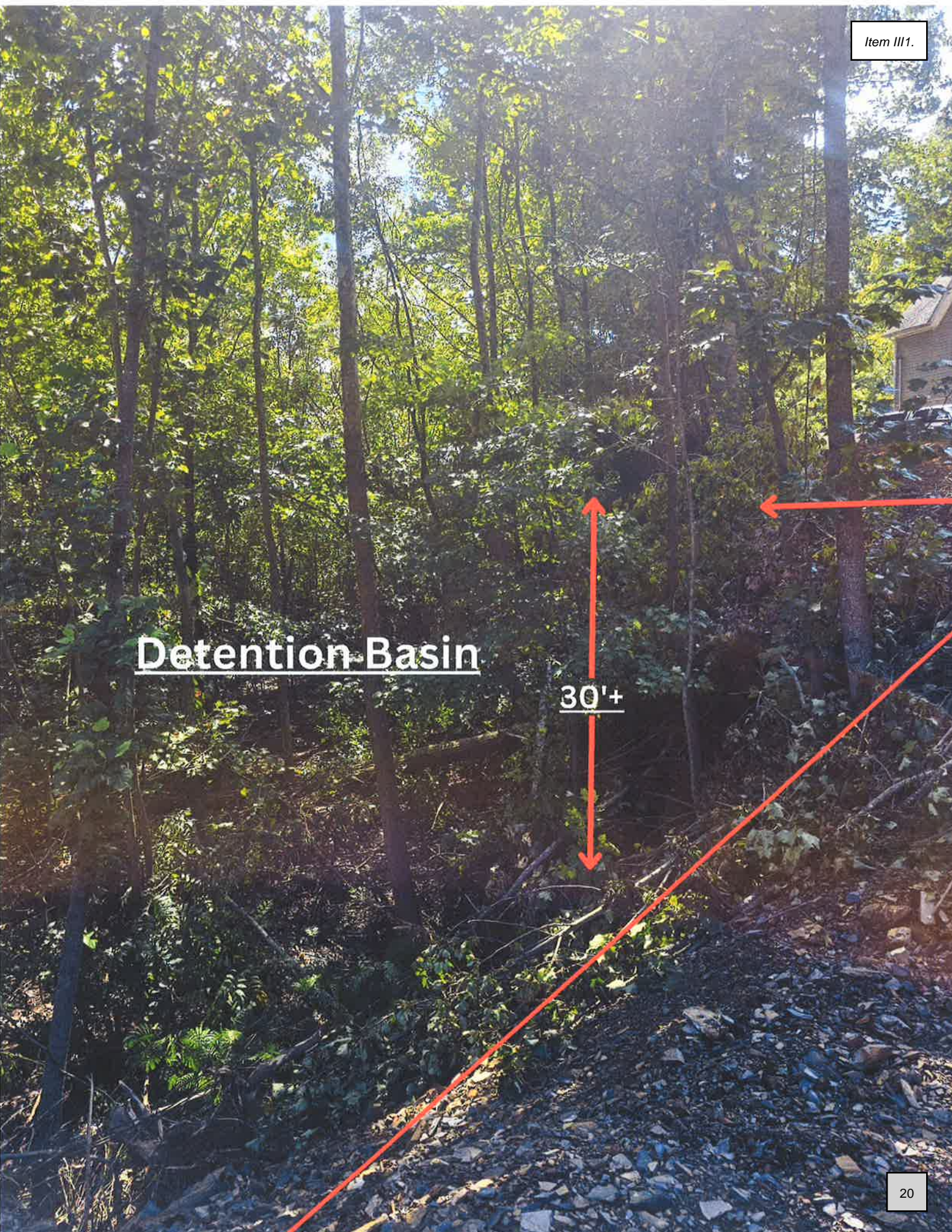


Detention Basin



Detention Basin

30'+







Detention Basin



\*picture copied from google maps



4232 Rustic Way

Detention Basin

approx 30' drop

60'

80'

85'

Morning Star Dr

Rustic Way





**Lot #9 after**





**Lot #9 after**







TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: September 19, 2023

RE: 134 Cherokee Street

The Board is asked to consider the following request:

**Case: BZA23-0305 – The owner of property located at 134 Cherokee Street, Control Map 046P, Group C, Parcel 036.00,** requests a zoning interpretation/ administrative review of Sec 114-194(e)2(a). The property is zoned B-2, Central Business District.

Code reference:

*(e)Dimensional requirements. The minimum and maximum dimensional requirements for the B-2 district are as follows:*

*(1)Minimum requirements. No requirements are applicable to this district.*

*(2)Maximum permitted.*

*a.Setbacks. Structures housing principal uses shall be built to the front property line for at least 75 percent of the building frontage. For structures on corner lots, both street frontages shall be considered front property lines for purposes of these requirements. Buildings must provide a primary building entry at the front property line.*

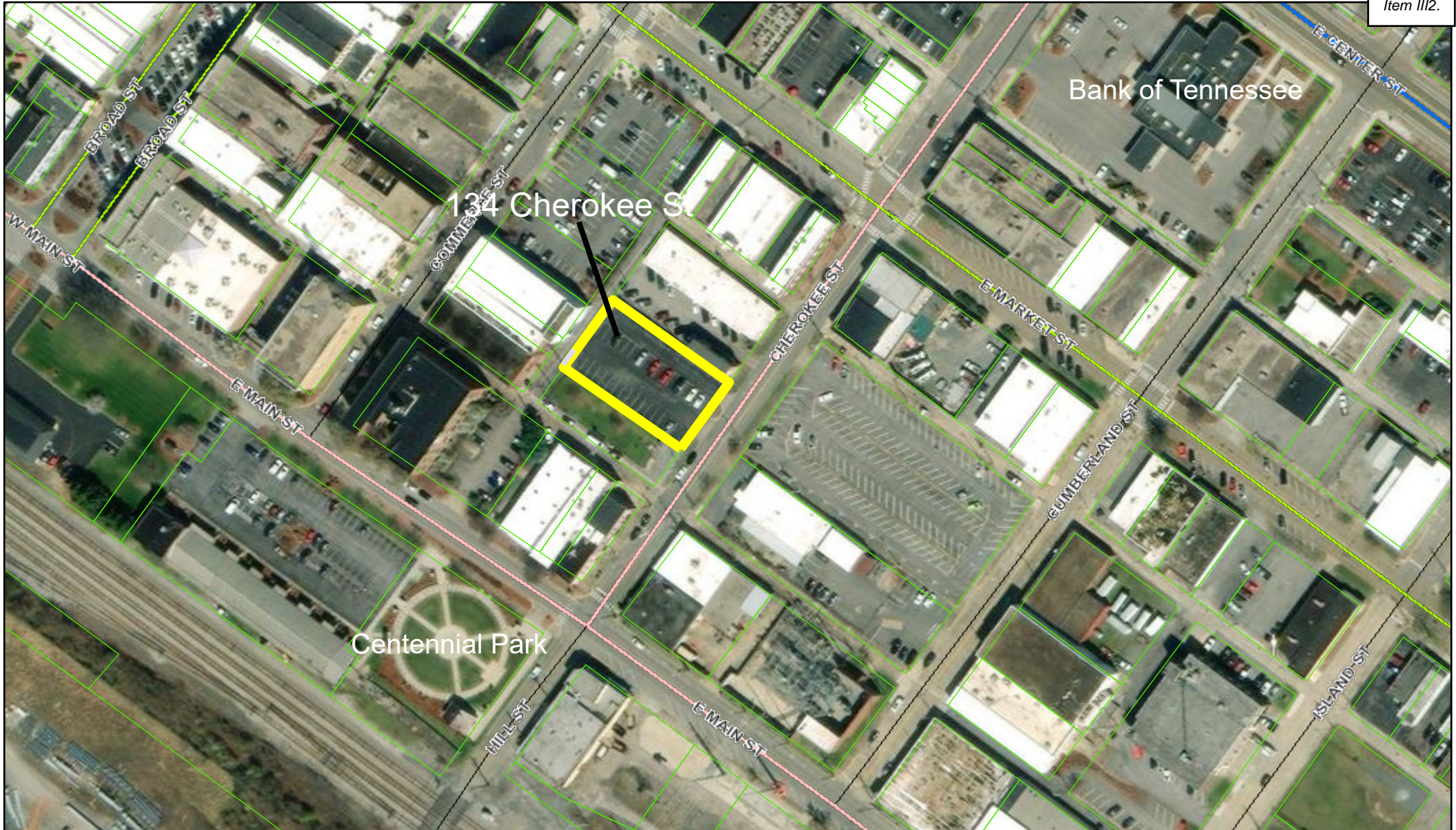
*b.Building height. Building height shall not exceed 74 feet as measured from grade to the top of the roof structure, excluding parapet walls or cornices.*

The owner of 134 Cherokee Street, Mr. Travis Featherstone, has requested a zoning interpretation/ administrative review concerning a proposed structure to be erected at 134 Cherokee Street. The proposed land use for the site is a space to accommodate a food truck lot. In reviewing the proposal with Mr. Featherstone, a question has arisen as to whether the proposed structure for the site is a principal or accessory structure. The proposed structure will contain a restroom, supply storage area, and indoor seating. The structure supports the surrounding food truck spaces that surround it as shown on the submitted site plan (attached). The final determination of whether the proposed structure is housing a principal use or an accessory use has setback implications that can potentially modify building setbacks as described above in code section 114-194(e)2.

The concern of staff is that the proposed 900 sq ft structure itself, based upon size and configuration, will be utilized to contain principal uses in the future once the parcel is no longer used as a food truck lot. If the structure is used for principal uses in the future it could potentially disrupt the alignment of the buildings along Cherokee Street as the area slowly redevelops and conforms with the B-2 zoning code required maximum setbacks.

Initial discussion about the project with Mr. Featherstone addressed the need for a restroom and supply storage building. Staff was agreeable that a building designed strictly for restroom and nominal storage use is indeed accessory in nature. From initial discussion, the evolution of proposed addition of the indoor seating area to the proposed structure has brought forth the question at hand. For comprehensive context, the entirety of the B-2 code is also attached to this item.





9/19/2023, 10:27:17 AM

Sullivan County Parcels Jan 2023

Parcels

Streets

Interstate

Expressway

Major Arterial

Minor Arterial

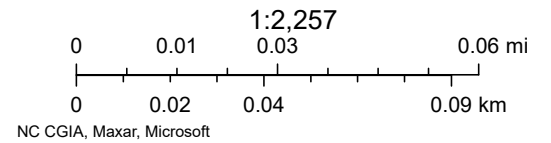
Collector Street

Local Street

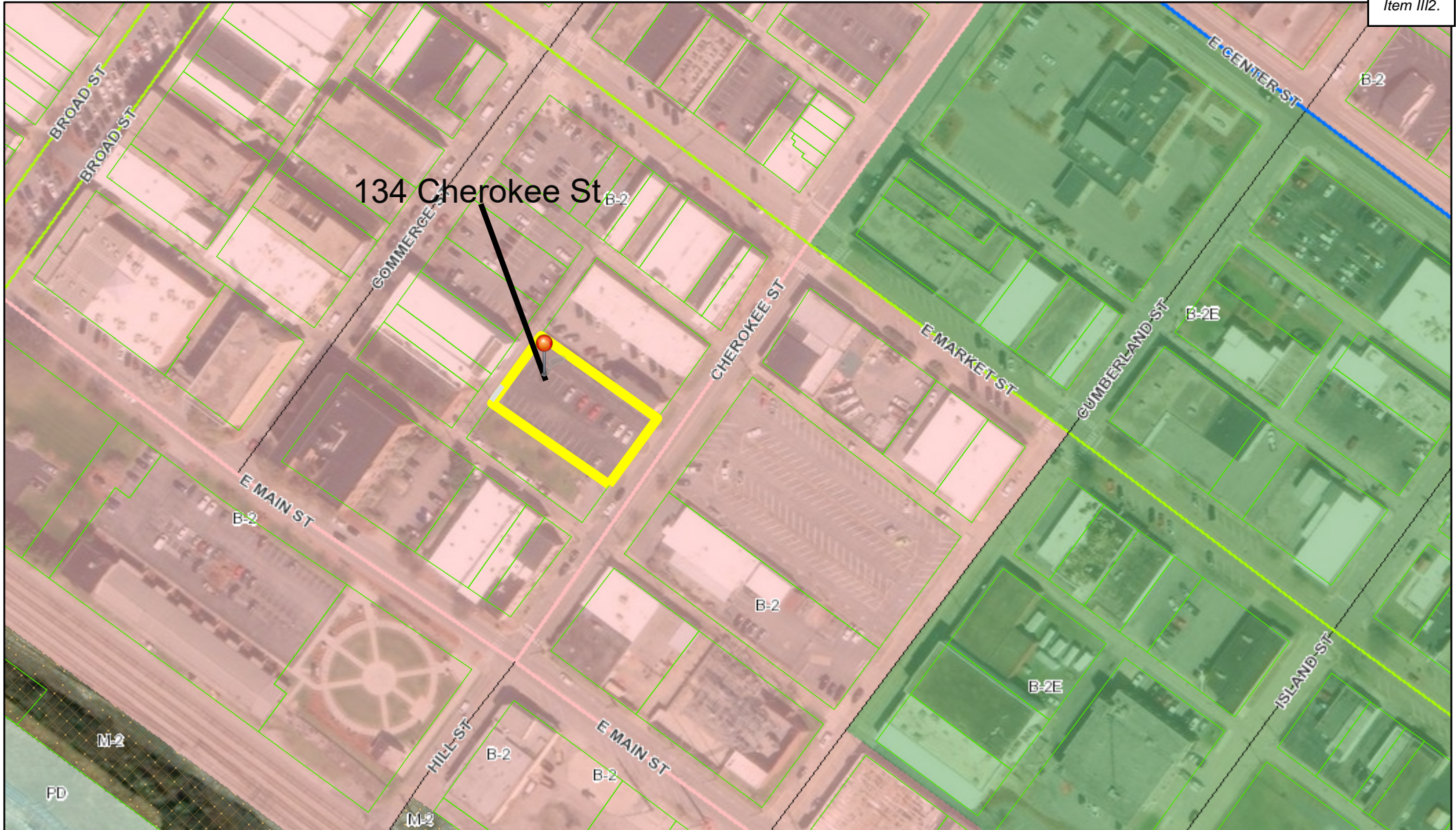
Private Street

Ramp

Urban Growth Boundary







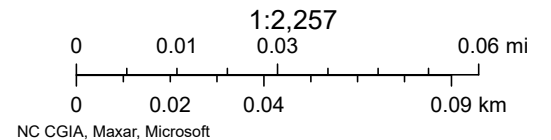
9/19/2023, 10:20:13 AM

Sullivan County Parcels Jan 2023

- Parcels
- Interstate
- Expressway

- Major Arterial
- Minor Arterial
- Collector Street
- Local Street
- Private Street
- Ramp
- City Zoning**
- <Null>

- |  |  |   |  |   |
|--|--|---|--|---|
| <span style="display: inline-block; width: 10px; height: 10px; background-color: lightgrey; border: 1px solid black; margin-right: 5px;"></span> T/A/C | <span style="display: inline-block; width: 10px; height: 10px; background-color: green; border: 1px solid black; margin-right: 5px;"></span> A-1   | <span style="display: inline-block; width: 10px; height: 10px; background-color: pink; border: 1px solid black; margin-right: 5px;"></span> B-2       | <span style="display: inline-block; width: 10px; height: 10px; background-color: brown; border: 1px solid black; margin-right: 5px;"></span> B-4P      | <span style="display: inline-block; width: 10px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></span> M-1   |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: orange; border: 1px solid black; margin-right: 5px;"></span> R-5      | <span style="display: inline-block; width: 10px; height: 10px; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></span> A-2 | <span style="display: inline-block; width: 10px; height: 10px; background-color: red; border: 1px solid black; margin-right: 5px;"></span> B-3        | <span style="display: inline-block; width: 10px; height: 10px; background-color: lightgreen; border: 1px solid black; margin-right: 5px;"></span> B-4P | <span style="display: inline-block; width: 10px; height: 10px; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></span> M-1R |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: lightyellow; border: 1px solid black; margin-right: 5px;"></span> GC  | <span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue; border: 1px solid black; margin-right: 5px;"></span> AR  | <span style="display: inline-block; width: 10px; height: 10px; background-color: lightgreen; border: 1px solid black; margin-right: 5px;"></span> B-3 | <span style="display: inline-block; width: 10px; height: 10px; background-color: magenta; border: 1px solid black; margin-right: 5px;"></span> BC      | <span style="display: inline-block; width: 10px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></span> M-2   |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: green; border: 1px solid black; margin-right: 5px;"></span> B-2E      | <span style="display: inline-block; width: 10px; height: 10px; background-color: pink; border: 1px solid black; margin-right: 5px;"></span> B-1  | <span style="display: inline-block; width: 10px; height: 10px; background-color: purple; border: 1px solid black; margin-right: 5px;"></span> B-4     | <span style="display: inline-block; width: 10px; height: 10px; background-color: lightpurple; border: 1px solid black; margin-right: 5px;"></span> GC  | <span style="display: inline-block; width: 10px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></span> MX    |





# APPLICATION

Board of Zoning Appeals



### APPLICANT INFORMATION:

Last Name Featherstone First Travis M.I. R Date 9/14/2023  
 Street Address 4191 Skyland Drive Apartment/Unit #  
 City Kingsport State TN ZIP 37664  
 Phone 770-865-3259 E-mail Address travis.thegraylinegroup@gmail.com

### PROPERTY INFORMATION:

Tax Map Information Tax map: 46P Group: C Parcel: 86 Lot: 39  
 Street Address 134 Cherokee Street Apartment/Unit #  
 Current Zone B-2 Proposed Zone No change  
 Current Use Parking Lot Proposed Use Food Truck Lot

### REPRESENTATIVE INFORMATION:

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

### REQUESTED ACTION:

**Zoning interpretation of whether the proposed structure is a principal structure or an accessory structure. The Board's interpretation determines where the structure must be located per the B-2 zone standards.**

### 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: Travis Featherstone Date: 9/14/2023

Signed before me on this 14 day of September 2023

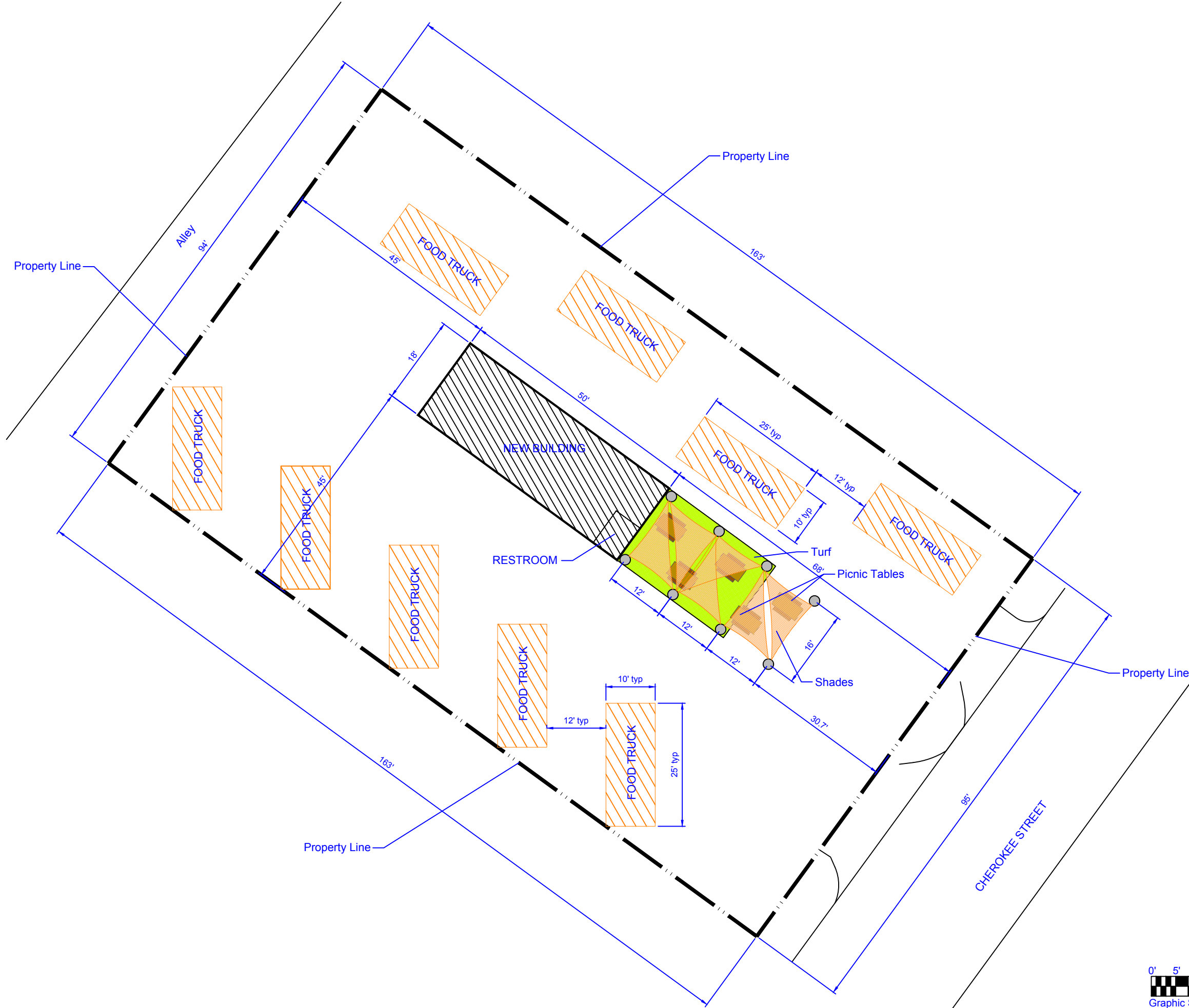
a notary public for the State of Tennessee

County of Sullivan

Notary Lori Lane  
November 21 2026

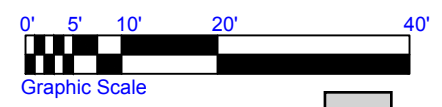






Parcel No. (APN)  
Land Use

082046P C 03600  
COMMERCIAL  
MISCELLANEOUS COMMERCIAL





- (a) *Principal uses.* Principal uses permitted in the B-2, Central Business District are as follows:
- (1) Establishments retailing goods and merchandise such as food, groceries, clothing, hardware, toiletries, furniture and furnishings, gasoline, meals, vehicles, boats, trailers, jewelry, appliances and similar items.
  - (2) Financial offices.
  - (3) Residential, except single-family detached dwellings.
  - (4) Establishments for the sale or provision of personal appearance or care, finance, clothing and goods repair, offices (including legal, insurance, and real estate offices), printing, parking, entertainment, recreation, hotels, motels, educational institutions, food and drink, brewpubs, craft breweries, distilleries, wineries, museums.
  - (5) On-premises and off-premises alcoholic beverage sales.
  - (6) Municipal and other government uses.
- (b) *Accessory uses.* Uses that are accessory, incidental and subordinate to principal uses are permitted in the B-2E district as follows: wholesaling, warehousing and light industry when accessory and incidental to a retailing or service activity. Storage is permitted when accessory and incidental to a residential use.
- (c) *Special exceptions.* Special exceptions are permitted only with the approval of the board of zoning appeals and are allowed in the B-2 district as follows: communication facilities and facilities with drive-throughs with a weekday peak hour volume of 30 vehicles or greater per 1000 square feet (per the 8<sup>th</sup> edition ITE Traffic Generation Manual), as measured for the entire site.
- (d) *Prohibited uses.* Uses prohibited in the B-2 district are as follows:
- (1) Land intensive uses, as opposed to people intensive uses, such as industry and manufacturing.
  - (2) Truck terminals and freight yards.
  - (3) Outdoor and land intensive recreation such as drive-in theaters, car dealerships, racetracks, scrap yards or junkyards, lumberyards, animal hospitals and boarding facilities, stockyards and flour mills, and ministorage facilities.
  - (4) Single-family detached dwellings.
- (e) *Dimensional requirements.* The minimum and maximum dimensional requirements for the B-2 district are as follows:
- (1) Minimum requirements. No requirements are applicable to this district.
  - (2) Maximum permitted.
    - a. Setbacks. Structures housing principal uses shall be built to the front property line for at least 75 percent of the building frontage. For structures on corner lots, both street frontages shall be considered front property lines for purposes of these requirements. Buildings must provide a primary building entry at the front property line.
    - b. Building height. Building height shall not exceed 74 feet as measured from grade to the top of the roof structure, excluding parapet walls or cornices.
- (f) *Design Requirements.*
- (1) Fenestration. The percentage of openings for glass fenestration on the first floor facing streets, excluding alleys, for office uses is required to be a minimum of 15 percent of the total façade area from finish floor line to finish floor line, and 30 percent for all other uses. Institutional uses, theatres and performance venues may reduce this requirement upon demonstrating that a hardship exists due to programming or structural uses that would preclude meeting the requirement.
  - (2) Cladding. Building materials for areas visible from streets, excluding alleys, may consist of one or more of the following: brick, architectural block, plate glass, and precast concrete panels. Accent materials may include stucco or EIFS, stone, wood, and architectural metal. The planning commission shall review requests for waivers of the building material requirements of this section. The planning commission in reviewing a request may consider the proposed building design and property conditions associated with the proposal and the character of adjacent properties in the area.
  - (3)



Concealed equipment. The following shall be located or screened so as not to be visible from any street, excluding alleys: air conditioning compressors, window and wall air conditioners, cooling towers, dumpsters, electrical and utility meters, irrigation and pool pumps, permanent barbecues, satellite antennae, utility appurtenances, mechanical rooftop equipment or ventilation apparatus.

- (4) Drive-throughs. Facilities with drive-throughs with a weekday peak hour volume of 30 vehicles or greater per 1000 square feet (per the 8<sup>th</sup> edition ITE Traffic Generation Manual), as measured for the entire site, are permitted only as special exceptions by the board of zoning appeals. Drive-throughs shall not be accessed from the following streets: Center Street, Main Street, Market Street, Broad Street, Sullivan Street, and Clinchfield Street. Facilities with drive-throughs with a weekday peak hour volume of 30 vehicles or less per 1000 square feet (per the 8<sup>th</sup> edition ITE Traffic Generation Manual), as measured for the entire site, should not take their access via Center Street, Main Street, Market Street, Broad Street, Sullivan Street, and Clinchfield Street if possible.
  - (5) Sidewalks and streetscapes. If a master plan containing sidewalk and/or streetscape recommendations has been adopted by the board of mayor and aldermen for an area, sidewalk or streetscape improvements proposed as part of new development or redevelopment shall comply with the recommendations.
- (g) *Signs.*
- (1) Freestanding Signs. Freestanding signs are permitted only for existing buildings with a setback from the front property line of ten feet or greater. Freestanding signs must be monument signs, not to exceed eight feet in height, including the sign base. Maximum sign square footage shall not exceed 50 square feet, with no more than 25 square feet per side. Sign bases should be constructed of brick, stone, or other durable materials.
  - (2) Wall Signs. Single-tenant businesses and multitenant centers are permitted wall signs equivalent to one percent of the business's building ground coverage area up to 100 square feet total signage. Businesses having less than 5,000 square feet area may utilize up to 50 square feet of signage.
  - (3) Murals and banners shall not be permitted in the B-2 district, except as approved by the board of mayor and aldermen.
  - (4) Electronic message boards are prohibited in the B-2 district.
  - (5) Blade Signs. Blade signs are encouraged and a blade sign not exceed six (6) square feet can be provided in addition to wall signage on any façade that has a sidewalk or entrance. One blade sign per exterior wall is permitted. A blade sign is an ornamental rod extending perpendicular from the building no more than six (6) linear feet with a hanging sign suspended from it at a 90 degree angle from building face and street right-of-way. Blade signs shall be placed a minimum of nine (9) feet above sidewalk level to the bottom of the blade sign. Text and graphics on either or both ends of an awning that are oriented perpendicular to the building face for pedestrian view and are no more than six (6) square feet may be provided in lieu of a blade sign.
- (h) *Parking.*
- (1) Non-residential uses. No parking is required for non-residential uses. Any parking lot with ten (10) or more spaces must meet the landscape requirements of Section 114-600(d). Parking lot landscaping requirements may be reduced if enhancements to sidewalks, streetscapes, or parking lot screening are proposed by the property owner.
  - (2) Residential uses. Residential uses in the B-2 zone of 12 units or less are not required to provide parking. New construction or renovation of an existing building that results in the construction of 13 or more residential units shall provide 1.5 spaces per unit, either:
    - a. Onsite.
    - b. Within 1250 feet of the development site through a written arrangement with the external site's property owner or lessee, a copy of which must be filed with the planning division and verified annually; this may include shared parking arrangements;
  - (3) Screening. Parking at grade must be located behind a building and screened from view by the building. If it is determined by the planning division that this requirement cannot be met, parking may be located to the side of the building. In no case excepting existing surface parking for existing buildings shall surface parking be located between the front of the building and the street. Surface parking adjacent to any street, excluding alleys, must be screened with a wrought iron style fence.



with a minimum height of four feet or a planted buffer at least five feet wide. Support piers for the fence must be constructed or other masonry materials; painted or natural concrete block is prohibited. The planted buffer shall be planted with a minimum of one canopy tree and six shrubs per 25 feet of street frontage. Reductions in screening requirements and buffer width may be requested due to site conditions, including limited space on site or screening being available through other means. Alleys are not required to be screened.

(Code 1981, app. A, art. IV, § 9; Code 1998, § 114-203; Ord. No. 4018, § IV(23), 3-21-1995; Ord. No. 4276, § I, 9-3-1996; Ord. No. 6569, § I, 6-7-2016; Ord. No. 6388, § III, 4-1-2014; Ord. No. 6547, § I, 2-16-2016; Ord. No. 6475, § I, 4-21-2015; Ord. No. 6961, § IV, 8-17-2021)



## MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

### August 3, 2023, Regular Meeting

Noon

Montgomery-Watterson Boardroom, City Hall

Members Present:

Bill Sumner  
Tracey Cleek  
Joe White  
Wes Combs  
Calvin Clifton

Members Absent:

Staff Present:

Angie Marshall  
Ken Weems  
Jessica McMurray

Visitors:

Chandler Hunt

Chairman Sumner called the meeting to order at 12:05p.

Chairman Sumner explained the meeting procedures.

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

### **Public Hearing:**

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

Mr. Ken Weems presented the case. Mr. Weems stated the applicant requests to re-establish use for 20 Mini Storage units on an existing concrete pad. Mr. Weems explained in the past storage units existed on the site but had burned down. He further explained the applicant requests a special exception use for an office space the applicant intends to use for an apartment rental office.

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

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

Mr. Hunt introduced himself to the Board. Mr. Hunt explained the irregular lot shape is the reason behind the request for a 10 foot planting strip boundary variance, a parking reduction variance of 27



spaces and a 1.49 foot rear yard variance. Mr. Hunt noted the irregular lot shape made it difficult to meet setbacks and parking requirements. He further explained other sites in the area were considered however due to harsh topography 1221 Lynn Garden Drive was the most viable.

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

**Adjudication of Cases:**

**Case 23-0238 – The owner of property located at 630 W. Sullivan Street, Control Map 046H, Group B, Parcel 003.00**

The Board acknowledged the hardship of the subject parcel due to its irregular lot shape and noted the redevelopment of the site will be a great improvement to the area.

MOTION: made by Mr. Clifton, seconded by Mr. Combs, to grant the request to re-establish a non-conforming use for 20 mini storage units and special exception for the purpose of commercial office space as requested.

VOTE: 5-0 to approve the request.

**Case: 23-0239– The owner of property located at 1221 Lynn Garden Drive, Control Map 030H, Group D, Parcel 040.00**

The Board acknowledged the hardship of the irregular lot shape of the subject parcel and noted the applicant had considered other sites in area.

MOTION: made by Mr. White, seconded by Ms. Cleek, to grant the 10 foot planting strip boundary variance, the 1.49 foot rear yard variance and a parking reduction variance as requested.

VOTE: 5-0 to approve the request.

With no further business the meeting was adjourned at 1:01 p.m.

Respectfully Submitted,

Jessica McMurray  
Development Coordinator



**MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)**

**August 9, 2023, Called Meeting**

10:00am  
Conference Room 226, City Hall

Members Present:

Bill Sumner  
Tracey Cleek  
Joe White  
Calvin Clifton

Members Absent:

Wes Combs

Staff Present:

Lori Lane  
Jessica McMurray

Visitors:

Brian Tate

Chairman Sumner called the meeting to order at 10:03a.

Chairman Sumner explained the meeting procedures.

Ms. Lori Lane conducted the swearing in ceremony for those wishing to speak during the called meeting. All visitors were sworn in.

**Public Hearing:**

**Case:23-0253– The owner of property located at 1 Tribe Way, Control Map 061D, Group J, Parcel 02.00**

requests a 115.8 square foot variance to Sec 114-536(2). The purpose of the request is to exceed maximum size requirements for a new electronic message board. The property is zoned R-4, Medium Density Apartment District.

Mr. Brian Tate introduced himself and presented the case. Mr. Tate stated the reason behind the request is a donation of funding for a new electronic message board. Mr. Tate explained the new electronic message board will replace the current outdated electronic message board. He further explained the need for the larger electronic message board was due to the school campus being the largest school campus within the city and surrounded by three major roadways.

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

**Adjudication of Cases:**

**Case:23-0253– The owner of property located at 1 Tribe Way, Control Map 061D, Group J, Parcel 02.00**

The Board acknowledged the hardship of the subject parcel due to its size and location and noted the increased size of the electronic message board could help improve traffic flow as drivers can clearly read the message without slowing down.



MOTION: made by Mr. White, seconded by Mr. Sumner, to grant the 115.8 square foot variance to exceed maximum size requirements for a new electronic message board as requested.

VOTE: 4-0 to approve the request.

With no further business the meeting was adjourned at 10:19am.

Respectfully Submitted,

Jessica McMurray  
Development Coordinator