



## BOARD OF ZONING APPEALS MEETING AGENDA

Thursday, October 03, 2024 at 12:00 PM

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

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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: 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.

#### ***INTERESTED PARTIES:***

Owner:

Scottie Burkhaltes

1216 Radcliff Ave.

Kingsport, TN 37664

(864)561-5700

Representative: Laura Mitchell

- 2. 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.

***INTERESTED PARTIES:***

Owner:

Grace Pointe Fellowship  
130 VFW Road  
Kingsport, TN 37663  
(423)426-3524

Representative: John Rose

- 3. 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.

***INTERESTED PARTIES:***

Owner:

Jacob Harris  
368 Old Kinkead Road  
Kingsport, TN 37660  
(423)863-4894

Representative: Amy Harris

- 4. 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.

***INTERESTED PARTIES:***

Owner:

Krystal Rivera  
1021 Timberidge Trail  
Kingsport, TN 37660  
(951)741-2551

Representative: Krystal Rivera

- 5. 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.

***INTERESTED PARTIES:***

Owner:

Harless Homes and Holding, LLC

132 Forest Lane

Blountville, TN 37617

423-791-0095

Representative: Cecilia Harless

- 6. 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.

***INTERESTED PARTIES:***

Owner:

Tommy Watts

418 Roller Street

Kingsport, TN 37660

423-534-2848

Representative: Tommy Watts

**IV. BUSINESS**

- 1. Approval of the September 5, 2024 regular meeting minutes.**

**Stating for public record, the next application deadline is October 15, 2024 at noon, and meeting date (Thursday, November 7, 2024).**

**V. ADJUDICATION OF CASES**

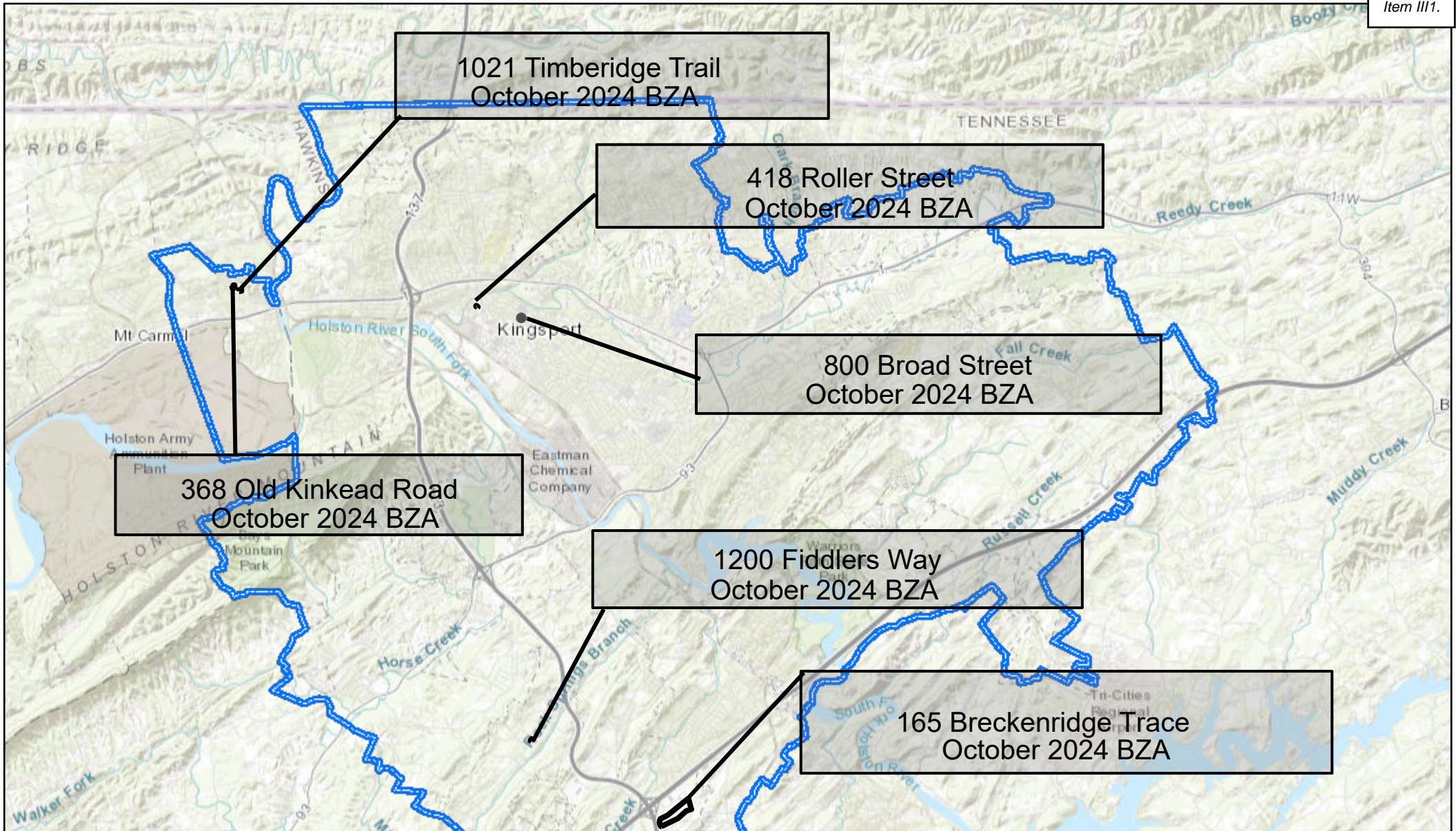
## **VI. PUBLIC COMMENT**

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**

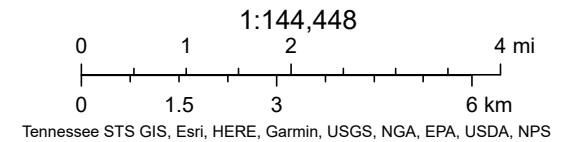
# ArcGIS Web Map

Item III.1.



9/24/2024, 11:04:34 AM

 Urban Growth Boundary



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, October 3, 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: BZA24-0196– 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.

**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.

**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.

**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.

**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.

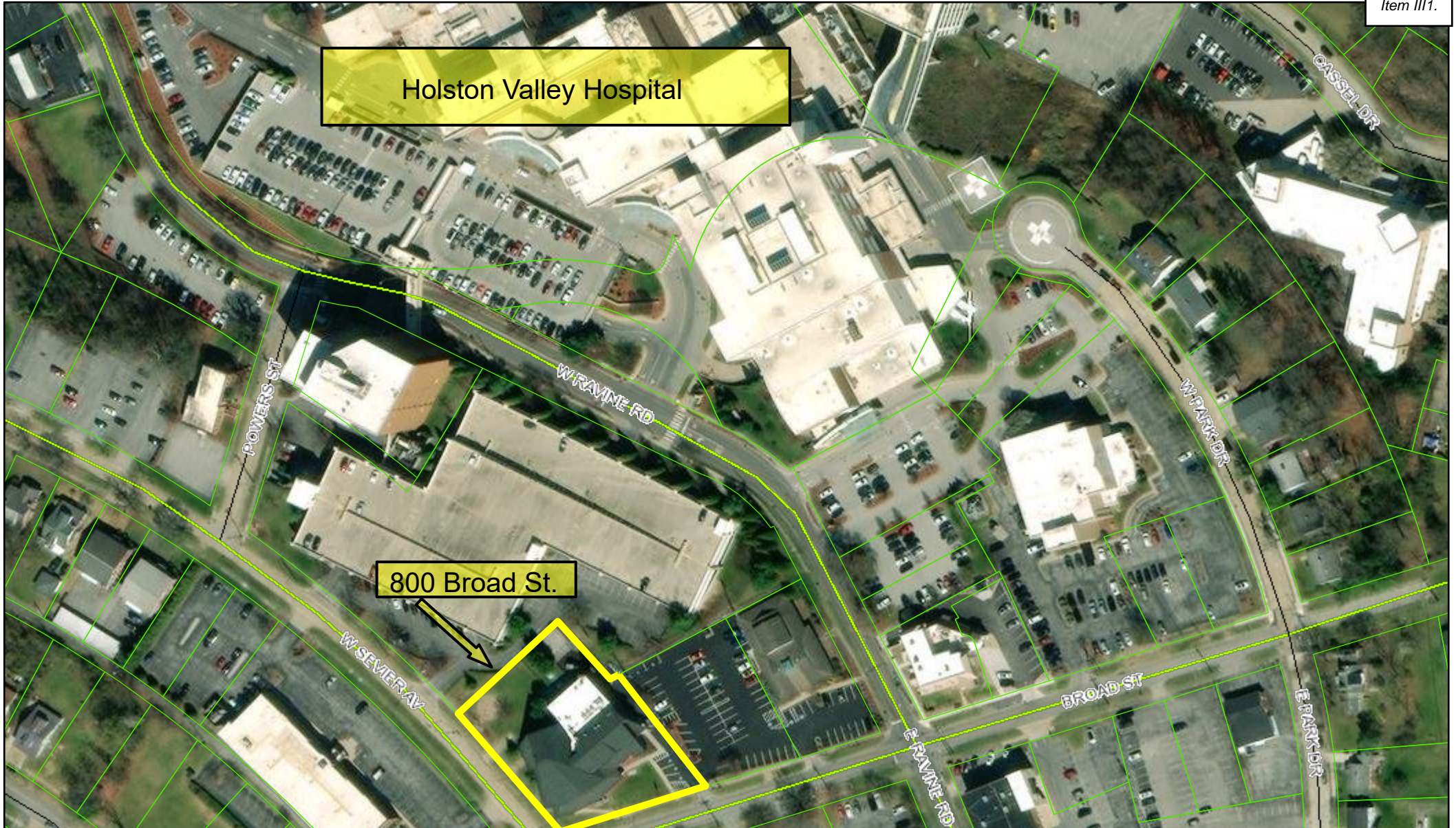
All interested persons are invited to attend this Public Hearing. Additional information concerning this case may be obtained by contacting City of Kingsport Planning Division staff, telephone (423) 229-9485.

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: 9/23/2024

# ArcGIS Web Map

Item III.1.



9/23/2024, 1:39:12 PM

Sullivan County Parcels Jan 2023

Parcels

Streets

Interstate

Expressway

Major Arterial

Minor Arterial

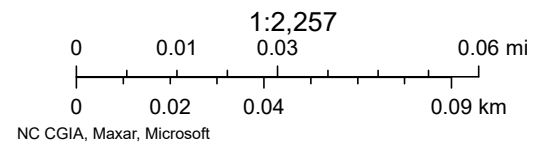
Collector Street

Local Street

Private Street

Ramp

Urban Growth Boundary



# ArcGIS Web Map

Item III.1.



9/23/2024, 1:36:39 PM

Sullivan County Parcels Jan 2023

Parcels

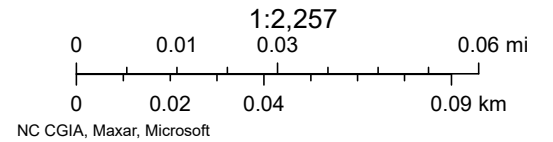
City Zoning

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TA/C

R-5

GC	B-2	BC	P-1	PMD-2	R-1C	Split
B-2E	B-3	GC	P-D	PUD	R-2	TA
A-1	B-3	M-1	PBD-3	PVD	R-3	TA-C
A-2	B-4	M-1R	PBD/*	R-1	R-3A	UAE
AR	B-4P	M-2	PD	R-1A	R-3B	Urban Growth Boundary
B-1	B-4P	MX	PMD-1	R-1B	R-4	







TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: September 20, 2024

RE: Case BZA24-0196, 800 Broad Street

The Board is asked to consider the following request:

**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.

Sections 114-535 and 114-536 of the City’s zoning ordinance address the appropriate zones for freestanding signs that contain electronic message board components. Neither of the two code sections address the P-1 zone as eligible for an electronic message board component for their freestanding sign allowance. Excerpts from the two above referenced code sections are shown below to demonstrate staff’s decision to deny the electronic message board component for the proposed freestanding sign reconfiguration:

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

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

*Sec. 114-536. - Electronic message board signs for public schools and churches.*

*Electronic message board signs are allowed in any residential district for public schools and churches as follows:*

The full Sections of Sec 114-535 and Sec 114-536 are contained in this report for full context.

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

Item III.1.

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

- (1) Only one freestanding electronic message board to convey information by words, letters, or still pictures shall be permitted for each development, provided that at least one parcel within the development has a minimum frontage of 150 feet and the electronic message board sign is mounted along the parcel front.
- (2) The electronic message board must be a part of the primary freestanding sign and must not exceed 50 percent of the total sign square footage permitted in the underlying zoning district.
- (3) The maximum height of the sign is as permitted in the zoning district.
- (4) Electronic message boards located within a Conservation or Gateway District shall conform to the Design Guidelines for that district.
- (5) Electronic message boards shall include an automatic dimmer. The maximum allowable brightness of an electronic message board shall not exceed 4,000 nits during the hours between sunrise and sunset and 1,000 Nits after sunset and before sunrise.
- (6) Electronic message board shall not interfere with traffic signal devices as determined by the city traffic engineer.
- (7) Electronic message boards shall not be used for off-premises advertising.
- (8) Signage shall be limited to text, images and still pictures only. Video or animation of any type is prohibited. Animated signs are prohibited.
- (9) Scrolling or flashing text shall be prohibited.
- (10) Any display on an electronic message board shall be for a minimum of five seconds in duration. Any message change shall be completed within one second, shall be simultaneous, and fixed in place for a minimum five seconds.
- (11) Electronic message boards shall not be allowed in any historic district as designated by the city.

(Code 1998, § 114-571; Ord. No. 5065, § IV, 11-5-2002; Ord. No. 5097, § II, 4-1-2003; Ord. No. 5616, § II, 11-6-2007; Ord. No. 6475, § III, 4-21-2015; Ord. No. 6980, § I, 12-21-2021)

Sec. 114-536. - Electronic message board signs for public schools and churches.

Electronic message board signs are allowed in any residential district for public schools and churches as follows:

- (1) Only one freestanding electronic message board to convey information by words, letters, or still pictures shall be permitted for each institution provided that at least one parcel within the development has a minimum road frontage of 150 feet located on a minor arterial or above as classified by the adopted Major Street and Road Plan and the electronic message board sign is located along that road.
- (2) The electronic message board must be a part of the primary freestanding sign with a maximum size of 50 square feet per side. The electronic message board portion of the freestanding sign must not exceed 50 percent of the total freestanding sign.
- (3) The maximum height of the sign is as permitted in the underlying zoning district.
- (4) Electronic message boards shall include an automatic dimmer. The maximum allowable brightness of an electronic message board shall not exceed 4,000 nits during the hours between sunrise and sunset and 1,000 Nits after sunset and before sunrise.
- (5) Hours of operation for electronic message boards located within a residential zone are from sunrise to 10:00 p.m. and must be turned off completely by 10:00 p.m. each night.
- (6) Electronic message boards shall not interfere with traffic signal devices as determined by the city traffic engineer.
- (7) Electronic message boards shall not be used for off-premises advertising.

(8) Signage shall be limited to text, images and still pictures only. Video or animation of any type is prohibited. Animated signs are prohibited.

(9) Scrolling or flashing text shall be prohibited.

(10) Any display on an electronic message board shall be for a minimum of five seconds in duration. Any message change shall be completed within one second, shall be s Item III1. s,  
and fixed in place for a minimum five seconds.

(11) Electronic message boards shall not be allowed in any historic district as designated by the city.

(Ord. No. 6360, § I, 11-19-2013)

# APPLICATION

Board of Zoning Appeals



### APPLICANT INFORMATION:

Last Name Burkhalter First Scottie M.I. J. Date 09-04-2024  
 Street Address 1216 Radcliffe Ave. Apartment/Unit #  
 City Kingsport State TN ZIP 37664  
 Phone 864-561-5700 E-mail Address httcpastorkpt@gmail.com

### PROPERTY INFORMATION:

Tax Map Information Tax map 046G Group: F Parcel: 17 Lot: 6 & 7  
 Street Address 800 Broad St. Apartment/Unit #  
 Current Zone P-1 Proposed Zone  
 Current Use Church Proposed Use

### REPRESENTATIVE INFORMATION:

Last Name Mitchell First Laura M.I. Date 09-04-2024  
 Street Address 6949 Lone Star Rd Apartment/Unit #  
 City Kingsport State TN ZIP 37660  
 Phone 732-245-1164 E-mail Address Laura.Mitchell1TN@gmail.com

### REQUESTED ACTION:

Case of administrative review to allow a 2'x8' electronic message board to be integrated existing sign

### 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: Leshly Burkhalter

Date: 09-04-2024

Signed before me on this 4th day of September 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

*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. **As a Church we want to be proactive in reaching out to the community to let them know when we have a Vacation Bible School, a healing service, a community event or other information. Our current signage makes this difficult as the lower portion of the sign must be scraped off and then new vinyl letters added which is not easy. The other area businesses do not have changing information as a Church does.**

b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land. **Basically, the lack of a changeable sign makes it difficult to communicate with the community about changes we have going on. There are several other Churches in the area that do have electronic signs, so we thought this would not be an issue, but it seems we have a slightly different zoning in our area. That said, the lots across the street are vacant and used occasionally for parking. So, the sign should not have adverse impacts on our neighbors and will look better than the yard signs we typically employ.**

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. **Without the electronic sign, we have in the past, printed up yard signs, posted banners and used other means of communication. While we can continue with this it hinders timely communications. Compared to other offices in our immediate area, as a Church we are unique in having changing information we want to get the word out to the community.**

d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood. **We actually plan to keep most of our current sign. Please see the attached write up of what we propose. We will be no taller or wider as we plan to remove the tan message area at the bottom of our existing sign and insert a 2' x 6' electronic sign that in lower part of our existing sign. We are taking care to preserve the look and feel of the existing Church sign and cross we have now use. By having this we will no longer need to print up disposable yard signs we currently post for VBS, or like when we broadcasted our services during COVID.**

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.

## Holy Trinity Lutheran Church Sign Upgrade for 800 Broad Street

I was asked to investigate a Church Sign update that would involve a programmable LED sign at the bottom, that would look better and be less maintenance than printing and placing special banners.

I investigated possible options from four vendors and below is a mockup of what the new sign will look like.

An inset sign that would fit between the main posts of our existing sign. I propose we widen the faces to 12" to accommodate the space needed for the LED insert. The inset digital sign size would be about 2' tall and 6' long. Costs run from \$12,500 to \$14,900.



The sign will be low to the ground with the top being 3.5-4.5' off the grass, varying with the slope. We plan to repaint and keep the top wooden portion of the sign so overall look will be very similar to what we have.

In discussions with Property and Pastor we think the inset sign would be the most appropriate for our Church. The variation in costs is mostly due to resolution. Pixel size runs from 6 mm to 20 mm. An example of a 20 mm sign is DB high school on Ft Henry Dr.

Assuming we need a minimum of 5 lines of text and 25 characters/line, we will need a higher 10 mm resolution sign or better. And a 6 mm will look much better from the sidewalk and accommodate graphics better so this is our current plan.

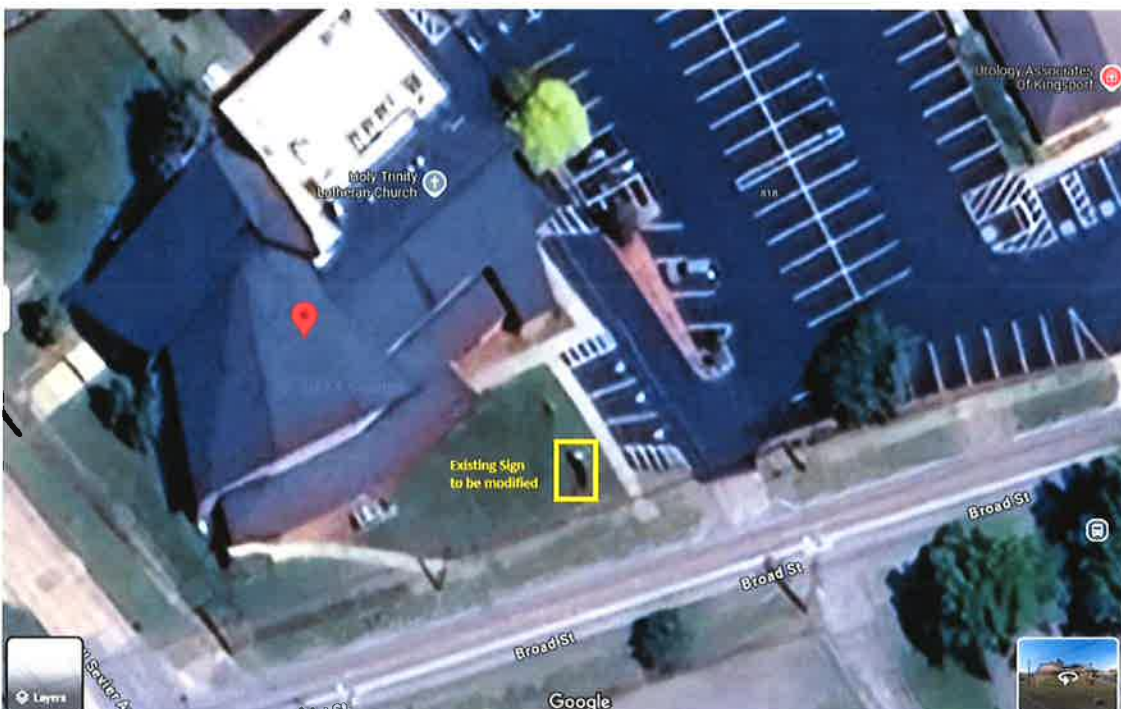
I would propose a \$14,900 6mm sign from Focus Digital. This is triple the resolution of what one would see at DB HS. The higher resolution not only allows us to put in more text (12 lines x 57 characters) but it will look far better from the sidewalk. One downside is the double-sided sign is 12" thick so frame will be redone. This is mostly a good thing as the current posts have a lot of age on them and will need replacing soon. So, with the new posts the LED portion will be flush with the current sign. We would program via a web-based app and the sign should run off our existing Wi-Fi system.

For some current pictures please see reverse side.

A picture of the Church with existing signage. The new electronic sign will replace the tan lower section that currently lists our pastor and out service times. We will likely have slow changing slides one of which will show the same information. But then a slide or two about upcoming programs people can participate in.



Here is an overhead view of the property we were asked to provide.





# ArcGIS Web Map

Item III.2.



9/23/2024, 2:05:18 PM

Sullivan County Parcels Jan 2023

Parcels

Streets

Interstate

Expressway

Major Arterial

Minor Arterial

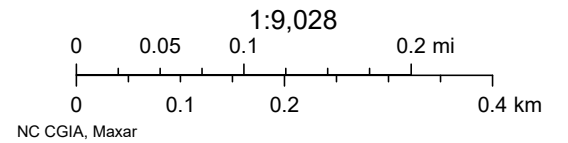
Collector Street

Local Street

Private Street

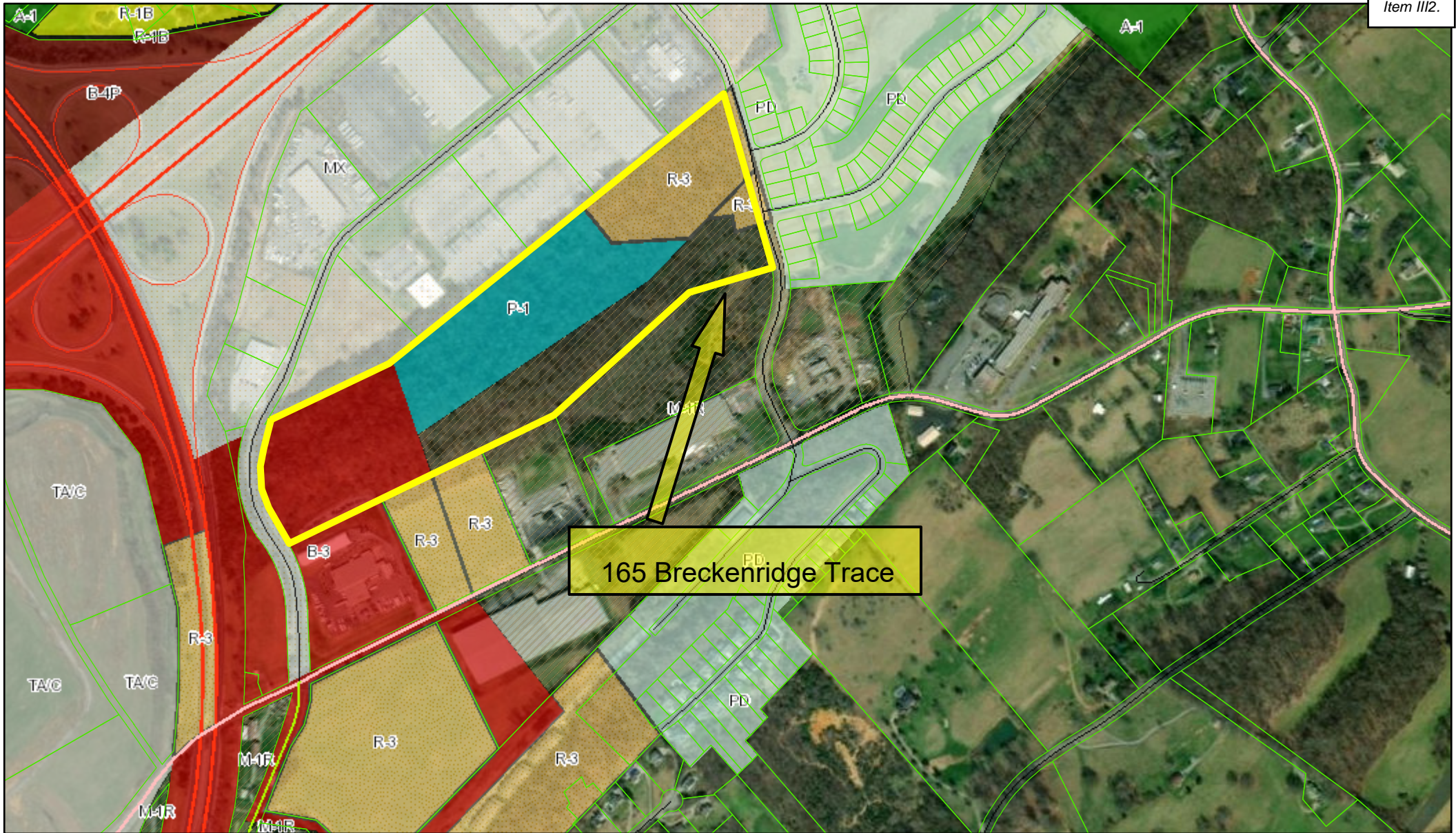
Ramp

Urban Growth Boundary



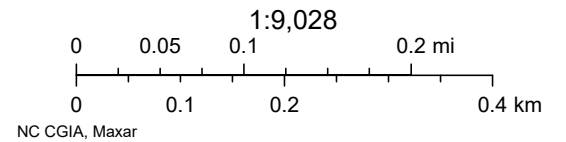
# ArcGIS Web Map

Item III.2.



9/23/2024, 2:00:44 PM

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	R-3B	Private Street
R-5	B-2	GC	PBD-3	R-1	R-3B	R-3B	Street
GC	B-3	M-1	PBD/*	R-1A	R-4	Interstate	Ramp
						Expressway	Urban Growth Boundary





TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: September 20, 2024

RE: Case BZA24-0203, 165 Breckenridge Trace

The Board is asked to consider the following 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.

The requested action portion of the application for administrative review states: “Allow a church to be constructed in a M-1R zone. The zoning text for the M-1R zone is neither permitted by special exception nor prohibited by the zoning text (Section 114-198).”

Staff denied the church use in an M-1R due to a church not being a listed as a principal use in the M-1R zoning code. Staff instead outlined the process for rezoning the M-1R zoned property to ultimately accommodate a church use.

To defend staff’s decision to deny the proposed church use in an M-1R zone, staff draws attention to the definition of principal use as copied below from the zoning definitions text found in Sec 114-1:

*Use, principal, **means the main use of land or a structure**, as distinguished from a secondary, or accessory, use.*

Staff agrees that a church use is not permitted in an M-1R zone as a special exception or listed as a prohibited use, but finds these facts irrelevant to the case. A church use would need to be listed as a principal use in the M-1R zone to start without the need for a rezoning.

**Sec. 114-197. M-1, Light Manufacturing District.**

- (a) *Intent.* The M-1, Light Manufacturing District is intended for industrial, manufacturing and other uses generally having a lower intensity of smoke, noise, odor, heat, vibrations, light, waste generation and similar characteristics than for M-2 districts.
- (b) *Principal uses.* All principal uses shall meet all local, state and federal requirements for control of air, water and noise pollution. Every use shall be conducted in a completely enclosed building, except for outdoor storage which shall be enclosed by a wall or fence at least six feet high. Principal uses permitted in the M-1 district are as follows:
- (1) Manufacturing, compounding, assembling, processing, packaging or similar treatment of articles of merchandise from the following previously prepared materials: bone, canvas, cellophane, cellulose, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious and semiprecious metals, stones, rubber, sheet metal excluding large stampings, shell, textiles, tobacco, wax, wire, wood excluding sawmills and planing mills, and yarn.
  - (2) Manufacturing, compounding, assembling, processing, packaging or similar treatment of such products as: bakery goods, billboards, candy, ceramics, cosmetics, drafting instruments, electrical parts, appliances, electronic instruments, food products, meat, meat packaging, ice cream, medical and dental instruments, musical instruments, pharmaceuticals, pottery, china or figurines, radios, record players, rubber and metal stamps, rubber products, scientific instruments and equipment, shoes, television receivers, toiletries, soaps and detergents, toys and watches and clocks.
  - (3) Other industrial and manufacturing such as auto parts rebuilding, battery manufacturing; nondairy and nonfood product bottling plants; box and crate assembly; building materials sales; rental and storage yards; bag, carpet and rug cleaning and dyeing; cabinet shops; canneries; caterers; cooperages; crematories; dextrine and starch manufacturing; enameling, lacquering and japanning; felt manufacturing; electric foundry; furniture manufacturing; inflammable underground liquid storage; iron works (ornamental); laboratories (experimental, film or testing); lumber sales and lumberyard; nut and bolt manufacturing and wire drawing; parcel delivery stations; phonograph record manufacturing; public utility service yard; radium extraction; railway or truck terminal; stone monument works; tool manufacturing; vehicle storage yard; welding, other metal working shops, wholesaling, warehousing; breweries, craft breweries, wineries, distilleries.
  - (4) Communication facilities.
- (c) *Accessory uses.* Accessory uses which are accessory, incidental and subordinate to principal uses are permitted in the M-1 district as follows: on-site dwelling unit for caretaker; office, recreation and food service for employees; and incidental retailing of products manufactured on site.
- (d) *Special exceptions.* Special exceptions are permitted only with the approval of the board of zoning appeals and are allowed in the M-1 district as follows:
- (1) Public utilities and public service uses and structures.
  - (2) Indoor recreational facilities such as tennis courts, racquet ball courts, gymnasiums, offices, etc.
- (e) *Prohibited uses.* Uses prohibited in the M-1 district are as follows:
- (1) Residential, business as principal uses.
  - (2) All uses in the M-2 district not included in the M-1 district.
  - (3) Auto wrecking yard and junkyard.

- (f) *Dimensional requirements.* The minimum and maximum dimensional requirements for the M-1 district are as follows:
- (1) *Minimum requirements.*
    - a. Lot area, not applicable.
    - b. Lot frontage, not applicable.
    - c. Front yard, 20 feet.
    - d. Each side yard, not applicable.
    - e. Rear yard, not applicable.
    - f. Usable open space, not applicable.
  - (2) *Maximum permitted.*
    - a. Lot coverage, 85 percent.
    - b. Building height, not applicable.
- (g) *Signs.* See article IV of this chapter for sign provisions.
- (h) *Parking.* See article VI of this chapter for parking and loading provisions.
- (Code 1981, app. A, art. IV, § 9; Code 1998, § 114-206; Ord. No. 4018, § IV(26), 3-21-1995; Ord. No. 4276, § I, 9-3-1996; Ord. No. 6388, § V, 4-1-2014)

### **Sec. 114-198. M-1R, Light Manufacturing Restricted District.**

- (a) *Intent.* The M-1R, Light Manufacturing Restricted District is the same as the M-1 district, except that provisions are greater for light and air and for physical appearance.
- (b) *Principal uses.* Principal uses permitted in the M-1R district are the same as for the M-1 district.
- (c) *Accessory uses.* Accessory uses which are accessory, incidental and subordinate to principal uses are permitted in the M-1R district the same as for the M-1 district.
- (d) *Special exceptions.* Special exceptions are permitted only with the approval of the board of zoning appeals and are allowed in the M-1R district the same as for the M-1 district.
- (e) *Prohibited uses.* Uses prohibited in the M-1R district are the same as for the M-1 district.
- (f) *Dimensional requirements.* The minimum and maximum dimensional requirements for the M-1R district are as follows:
  - (1) *Minimum requirements.*
    - a. Lot area, not applicable.
    - b. Lot frontage, not applicable.
    - c. Front yard, 50 feet.
    - d. Each side yard, 15 feet.
    - e. Rear yard, 25 feet.
    - f. Usable open space, not applicable.
  - (2) *Maximum permitted.*

- 
- a. Lot coverage, 80 percent.
  - b. Building height, not applicable.

Note. A minimum of 20 feet of the required front yard shall be landscaped with grass, trees and shrubs. Landscaping must be accomplished prior to any occupancy and use of the property.

(g) *Signs*. See article IV of this chapter for sign provisions.

(h) *Parking*. See article VI of this chapter for parking and loading provisions.

(Code 1981, app. A, art. IV, § 9; Code 1998, § 114-207; Ord. No. 4018, § IV(27), 3-21-1995; Ord. No. 4276, § I, 9-3-1996)

# APPLICATION

Board of Zoning Appeals



### APPLICANT INFORMATION:

Last Name	Grace Pointe Fellowship	First		M.I.		Date	
Street Address	130 VFW Road			Apartment/Unit #			
City	Kingsport	State	TN	ZIP	37663		
Phone	423-426-3524	E-mail Address	Jhnrose8@gmail.com				

### PROPERTY INFORMATION:

Tax Map Information	Tax map: 120	Group:	Parcel: 003.55	Lot:		
Street Address	165 Breckenridge Trace			Apartment/Unit #		
Current Zone	M-1R	Proposed Zone	M-1R			
Current Use	vacant		Proposed Use	Church		

### REPRESENTATIVE INFORMATION:

Last Name	Rose	First	John	M.I.		Date	9-6-24
Street Address	1017 Hill Road			Apartment/Unit #			
City	Blountville	State	TN	ZIP	37617		
Phone	423-426-3524	E-mail Address	Jhnrose8@gmail.com				

### REQUESTED ACTION:

**Allow a church to be constructed in a M-1R zone. The zoning text for the M-1R zone is neither permitted by special exception nor prohibited by the zoning text (Section 114-198).**

### 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: John Rose Date: 9-12-24

Signed before me on this 12<sup>th</sup> day of SEPT, 2024,  
a notary public for the State of TENNESSEE  
County of SULLIVAN.

Notary [Signature]



# ArcGIS Web Map

Item III.3.



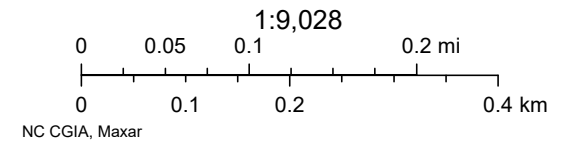
9/23/2024, 10:47:41 AM

Sullivan County Parcels Jan 2023 Hawkins County Parcels 2023 Jan

Parcels

Parcels

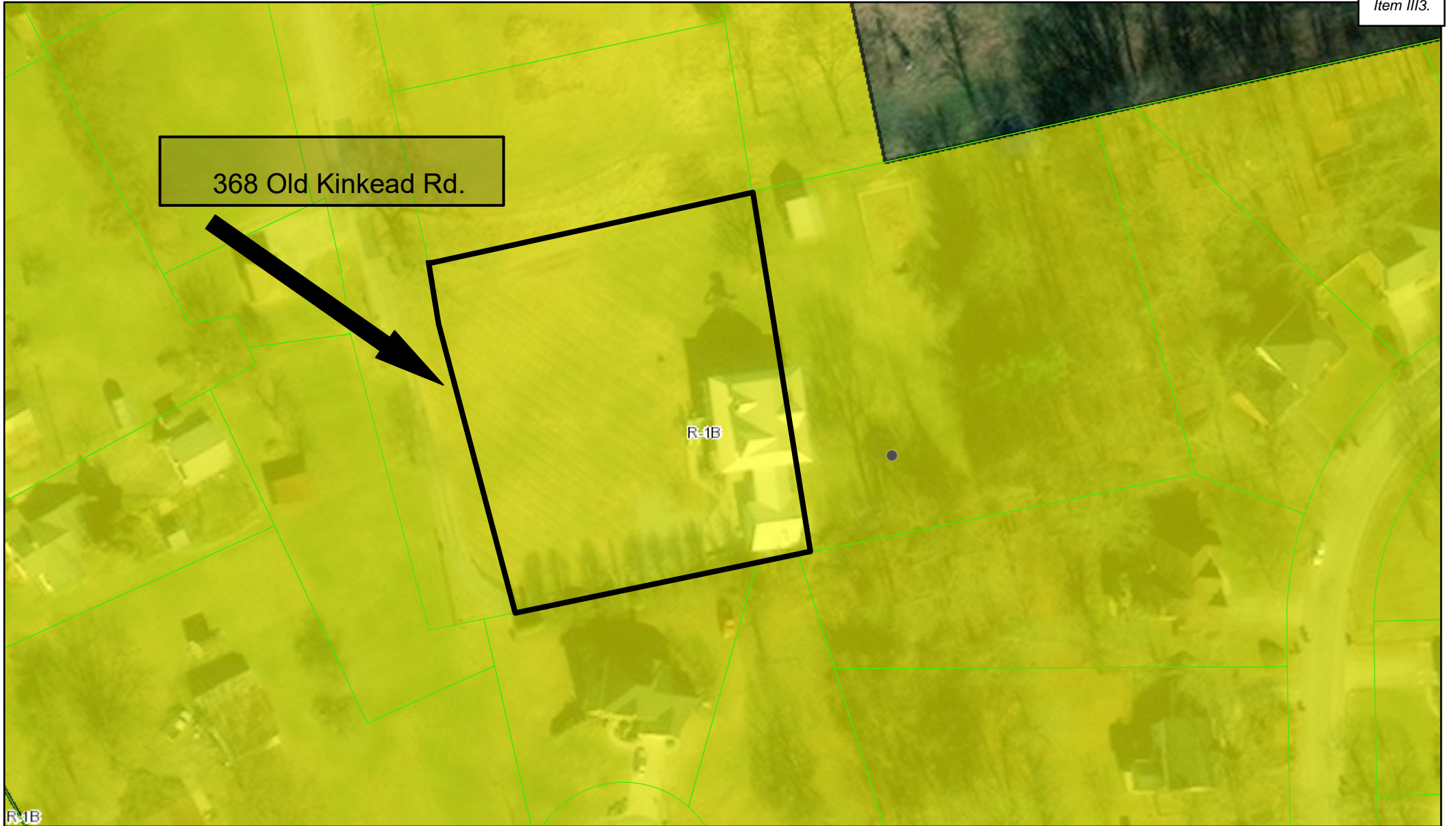
Urban Growth Boundary





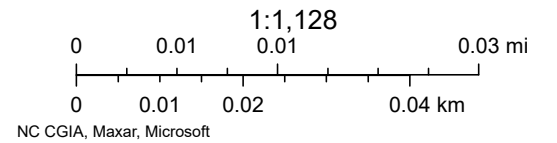
# ArcGIS Web Map

Item III.3.



9/23/2024, 10:38:01 AM

Hawkins County Parcels 2023 Jan	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
TA/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: KINGSPORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: September 23, 2024

RE: 368 Old Kinkead Road

The Board is asked to consider the following request:

**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.

*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 <b>Harris</b>	First <b>Jacob</b>	M.I. <b>M</b>	Date <b>9/13/24</b>
Street Address <b>368 Old Kinkead Rd</b>		Apartment/Unit #	
City <b>Kingsport</b>	State <b>TN</b>	ZIP <b>37660</b>	
Phone <b>423-863-4894</b>	E-mail Address <b>jmh_roadrunner@yahoo.com</b>		

### PROPERTY INFORMATION:

Tax Map Information	Tax map: <b>022E</b> Group: <b>A</b> Parcel: <sup>007.00</sup> 007.01 Lot: <b>26 &amp; PO26</b>
Street Address <b>368 Old Kinkead Rd</b>	Apartment/Unit #
Current Zone <b>Residential</b>	Proposed Zone
Current Use <b>Residential</b>	Proposed Use

### REPRESENTATIVE INFORMATION:

Last Name <del>Same as applicant</del> <b>Harris</b>	First <b>Amy</b>	M.I. <b>R</b>	Date <b>9/13/24</b>
Street Address <b>368 Old Kinkead Rd</b>		Apartment/Unit #	
City <b>Kingsport</b>	State <b>TN</b>	ZIP <b>37660</b>	
Phone <b>423-863-4895</b>	E-mail Address <b>arh_dixie@yahoo.com</b>		

### REQUESTED ACTION:

**Departure from rear yard, variance of 34ft.**

### 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: **9/13/24**

Signed before me on this 13th day of September, 2024,  
 a notary public for the State of Tennessee  
 County of Sullivan

Notary Amy Denise Ward  
 My Commission Expires 7/26/2028



## 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.

We would like to locate a parking pavilion beside our house that will provide access from our circle driveway. The location selected is most advantageous from a topography perspective but also aesthetically given the nature of our home. The pavilion will provide offset and balance to the current garage on the other side of the house. This location ties in best to our driveway and also minimizes the excavation needed. There is not a good way for this structure to be placed elsewhere and function as a parking pavilion. We feel that the pavilion will add to our property aesthetically and should contribute to overall value. Location elsewhere would not have the same effect on overall value and would not provide the same proximity to the house. Given the amount of property we have available on that side of the house, there will be no impact for neighbors, and we believe that the structure will improve our property value and that of the neighborhood.

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

Location of the pavilion in the rear yard would not provide appropriate proximity to our house and would require us to build additional driveway. As a parking pavilion, the appropriate location provides reasonable access to our front door which would not be available from the rear yard. As previously mentioned, this location requires minimal excavation which would change dramatically if moved to the rear yard. Also, location elsewhere would not have the same overall accretive effect on the property value. Our rear yard also has an existing outbuilding and a garden area that limits available space.

over →

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.

Conditions are not any result of actions we have taken with the property.

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 project will improve the overall aesthetics and provide additional functionality/parking which will increase the overall value of our property and the surrounding neighborhood. As mentioned, given the land available, the location in no way impacts the safety or welfare of others individually or the neighborhood as a whole.

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.

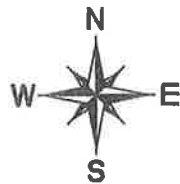
Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

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.

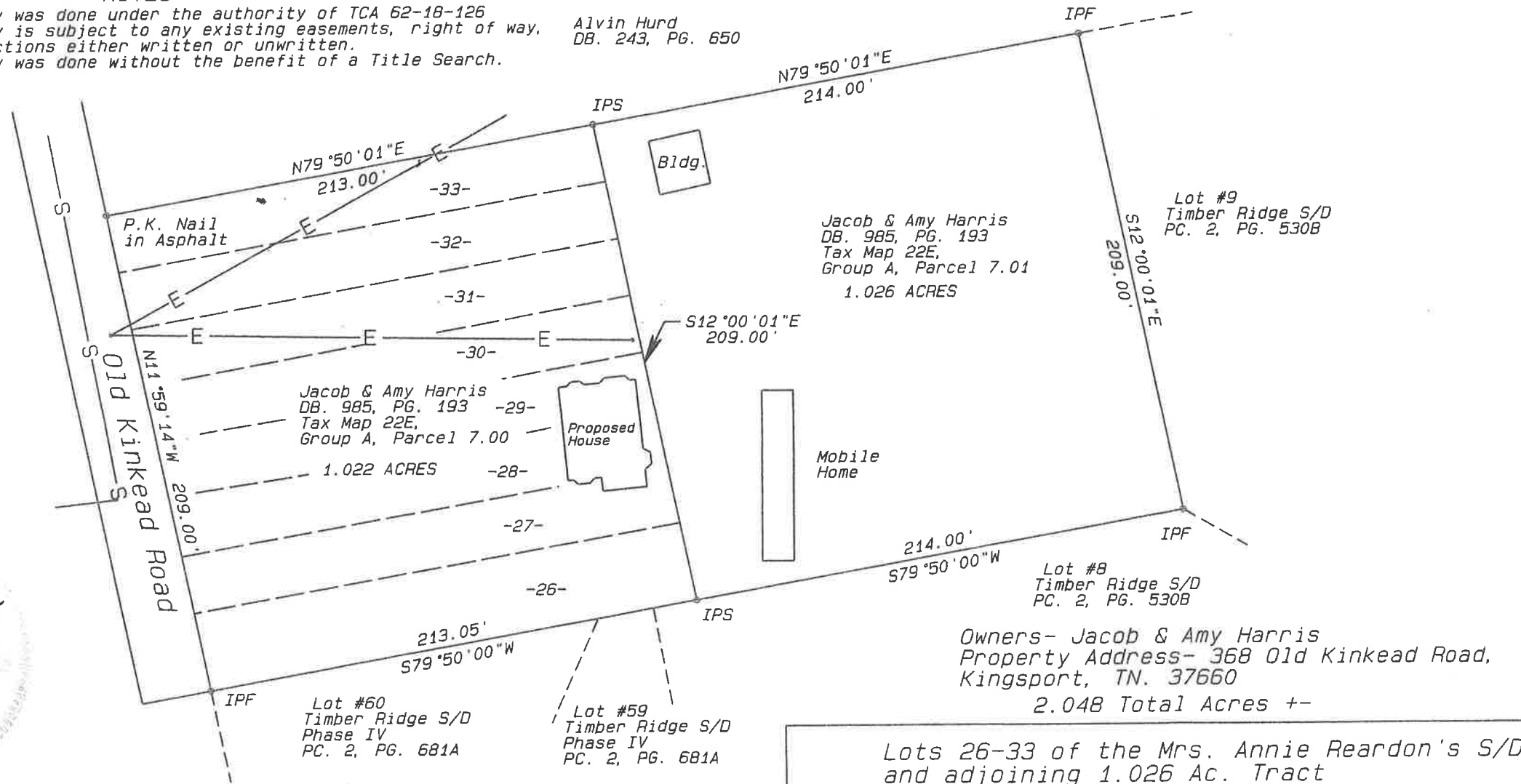
NOTES

-This survey was done under the authority of TCA 62-18-126  
-This survey is subject to any existing easements, right of way, and restrictions either written or unwritten.  
-This survey was done without the benefit of a Title Search.

Alvin Hurd  
DB. 243, PG. 650

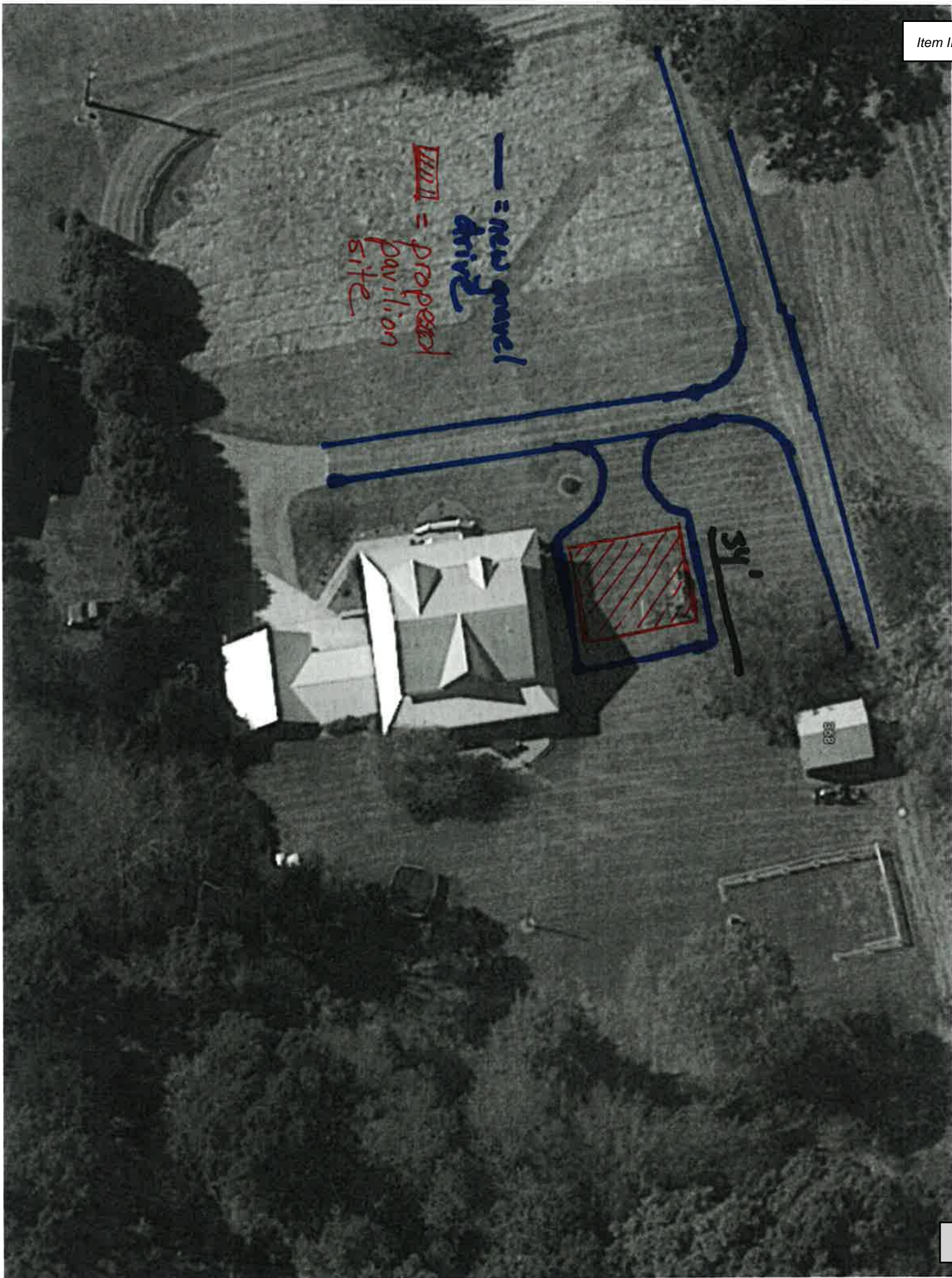


PC. 1,  
PG. 147A



Jonathan Wayne Willis  
(Land Surveyor #2385)  
170 Lakeview Lane  
Gray, TN. 37615  
(423) 202-8667

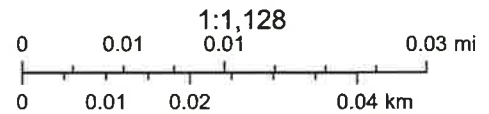
Lots 26-33 of the Mrs. Annie Reardon's S/D and adjoining 1.026 Ac. Tract		
SCALE: 1" = 60'	APPROVED BY:	DRAWN BY J.W.
DATE: 4/20/2010	Willis Land Surveying	REVISED
Located in the 7th Civil District of Hawkins County, TN.		
Tax Map 022E, Group A, Parcels 007.00 & 007.01 DB. 985, Parcel 193, PC. 1, PG. 147A	DRAWING NUMBER 4-20-124-10	





Date: September 13, 2024

County: Hawkins  
 Owner: HARRIS JACOB M & AMY R  
 Address: OLD KINKEAD RD  
 Parcel Number: 022E A 007.01  
 Deeded Acreage: 0  
 Calculated Acreage: 1



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



## Construction

- 40' x 24' Parking Pavilion
- Poured concrete floor, perimeter footer for posts initially with potential for walling in future if desired
- Treated 6x6 posts
- Hip style roof with metal to match house
- White Paint

## Examples of similar construction







# ArcGIS Web Map

Item III.4.



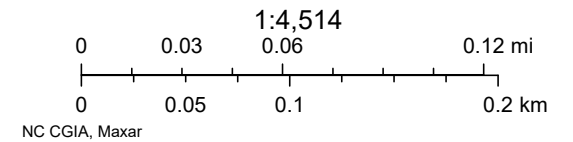
9/23/2024, 10:22:00 AM

Sullivan County Parcels Jan 2023 Hawkins County Parcels 2023 Jan

Parcels

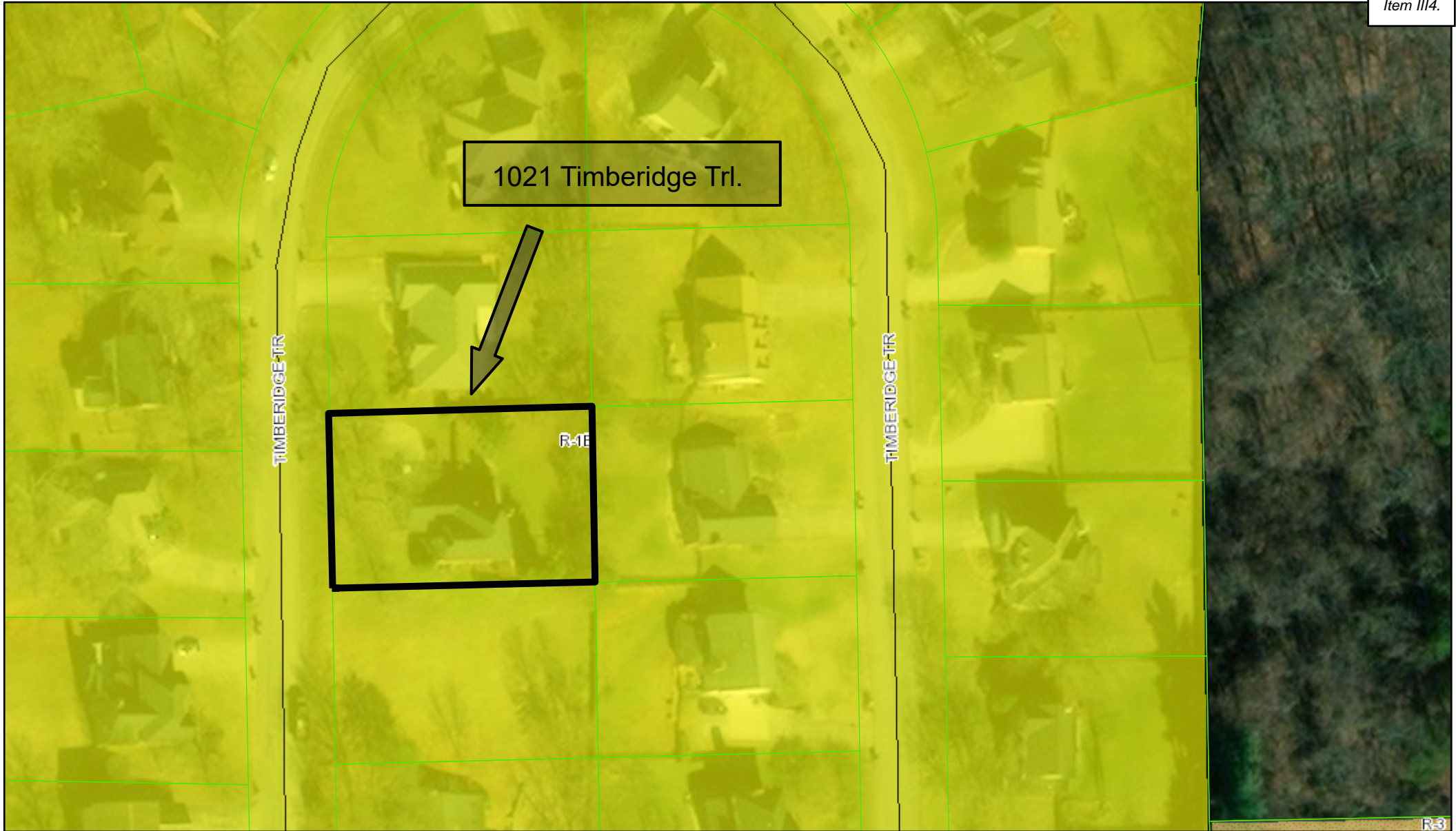
Parcels

Urban Growth Boundary



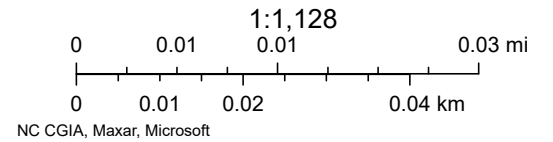
# ArcGIS Web Map

Item III.4.



9/23/2024, 10:04:05 AM

Hawkins County Parcels 2023 Jan	B-2E	B-3	M-1R	PD	R-1B	Split	Major Arterial
City Zoning	A-1	B-4	M-2	PMD-1	R-1C	TA	Minor Arterial
<Null>	A-2	B-4P	MX	PMD-2	R-2	TA-C	Collector Street
TA/C	AR	B-4P	P-1	PUD	R-3	UAE	Local Street
R-5	B-1	BC	P-D	PVD	R-3A	Streets	Private Street
GC	B-2	GC	PBD-3	R-1	R-3B	Interstate	Ramp
	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: September 23, 2024

RE: 1021 Timberidge Trail

The Board is asked to consider the following 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.

*Code reference:*

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

(c)Special exceptions. Special exceptions are permitted only with the approval of the board of zoning appeals and are allowed in the R-1B district the same as for R-1A districts.

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

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

- (1) Cemeteries and other burial grounds.
- (2) Day care nurseries.
- (3) Country clubs and golf courses.
- (4) Churches and other places of worship.
- (5) Schools and colleges for academic instruction.
- (6) On-site subdivision sales offices while sales are underway.



# APPLICATION

Board of Zoning Appeals

### APPLICANT INFORMATION:

Last Name Rivera First Krystal M.I. S Date 09/14/24  
 Street Address 1021 Timberidge Trl Apartment/Unit #  
 City Kingsport State TN ZIP 37660  
 Phone 951 741 2551 E-mail Address K-hvera@k@yahoo.com

### PROPERTY INFORMATION:

Tax Map Information Tax map: Group: Parcel: Lot:  
 Street Address 1021 Timberidge Trl Apartment/Unit #  
 Current Zone R-1-B Proposed Zone N/A  
 Current Use Single Family Proposed Use N/A

### REPRESENTATIVE INFORMATION:

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

### REQUESTED ACTION:

Special Exception for in home child care

### 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: K Rivera Date: 09/14/24

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

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



Board of Zoning Appeals Criteria and Application Requirements

The BZA utilizes the following Criteria in their decisions:

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

**Application Requirements of the Petitioner for a Special Exception:**

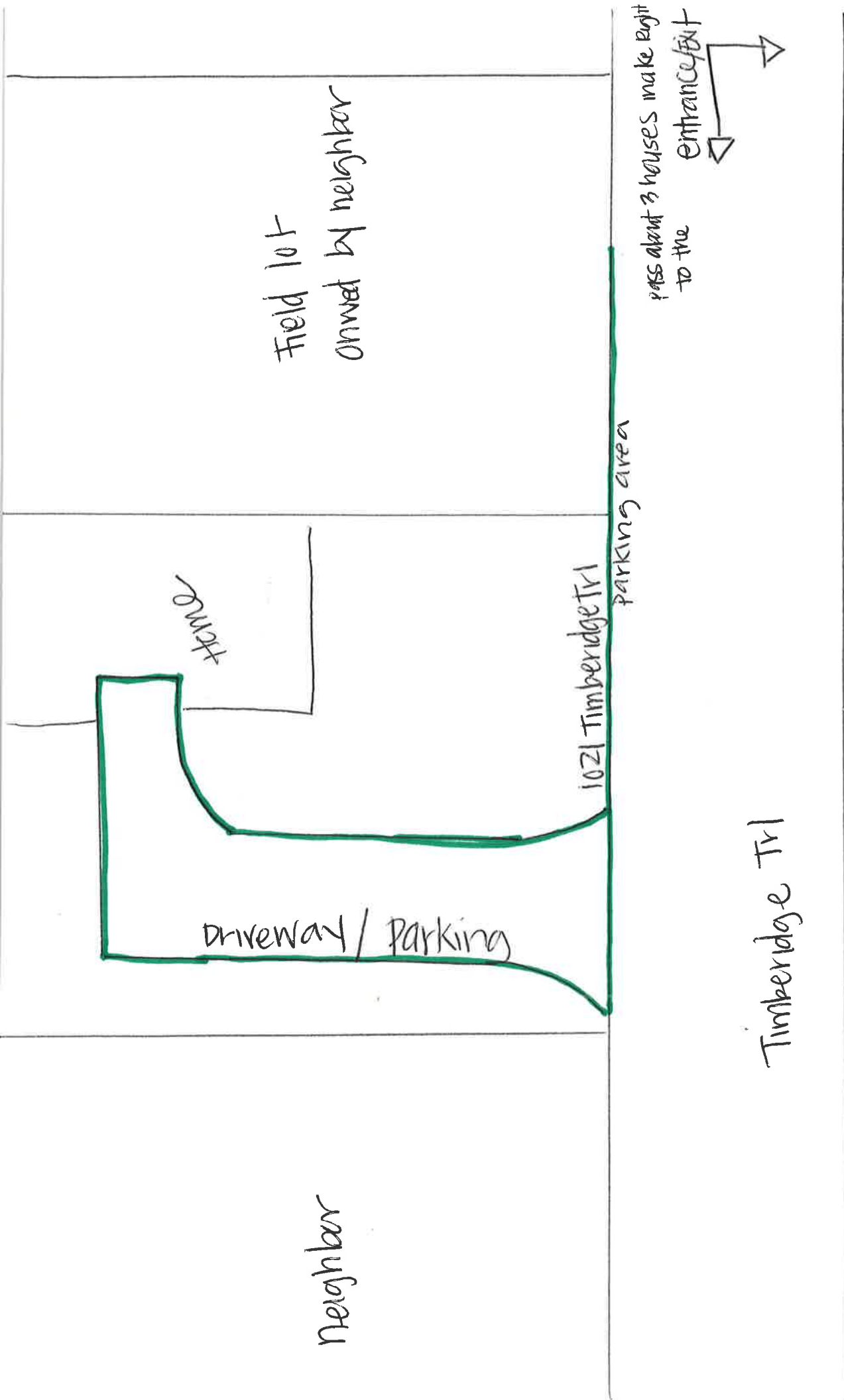
- 1. Completed Application
- 2. Provide staff with a drawing/plan of the proposed building with dimensions, parking lots, existing and proposed driveway, required green space and traffic circulation patterns.

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

- 1. What is the use, activities, hours of operation, numbers of anticipated customers and daily vehicles? *Childcare 10:30 - 6:00 Working with staff on number of children*
- 2. Are there accessible safe streets for anticipated traffic and adequate parking facilities on site? *yes N/A*
- 3. Does the use and additions if any, fit with the neighborhood architecture aesthetics? *NO Backyard Fenced*
- 4. Will the use generate excessive noise, traffic, dust, etc.? *NO*
- 5. Is there proper fencing and screening to shield proposed use from existing neighborhood? *Back Yard Fenced*
- 6. Are there any undesirable effect upon the neighborhood's physical or environmental conditions or any adverse impacts on the health, safety and welfare of the surrounding area? *NO*

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





Neighbor

Horse

Driveway / Parking

1021 Timberidge Trl

parking area

Field lot  
owned by neighbor

Timberidge Trl

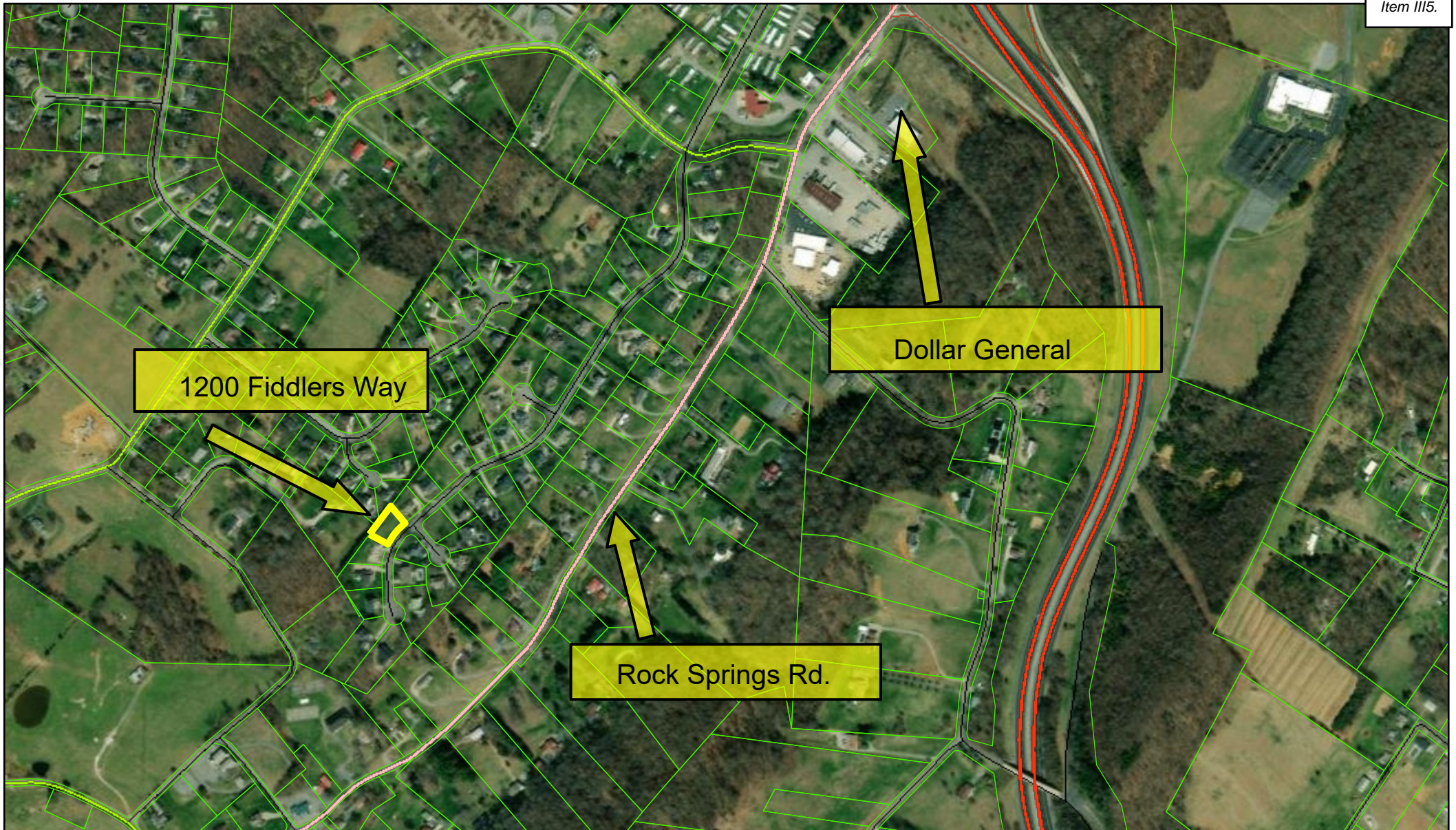
pass about 3 houses make right  
to the

entrance bit



# ArcGIS Web Map

Item III.5.



9/23/2024, 9:49:45 AM

Sullivan County Parcels Jan 2023

Parcels

Streets

Interstate

Expressway

Major Arterial

Minor Arterial

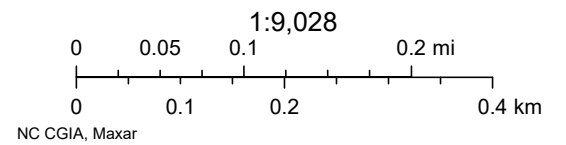
Collector Street

Local Street

Private Street

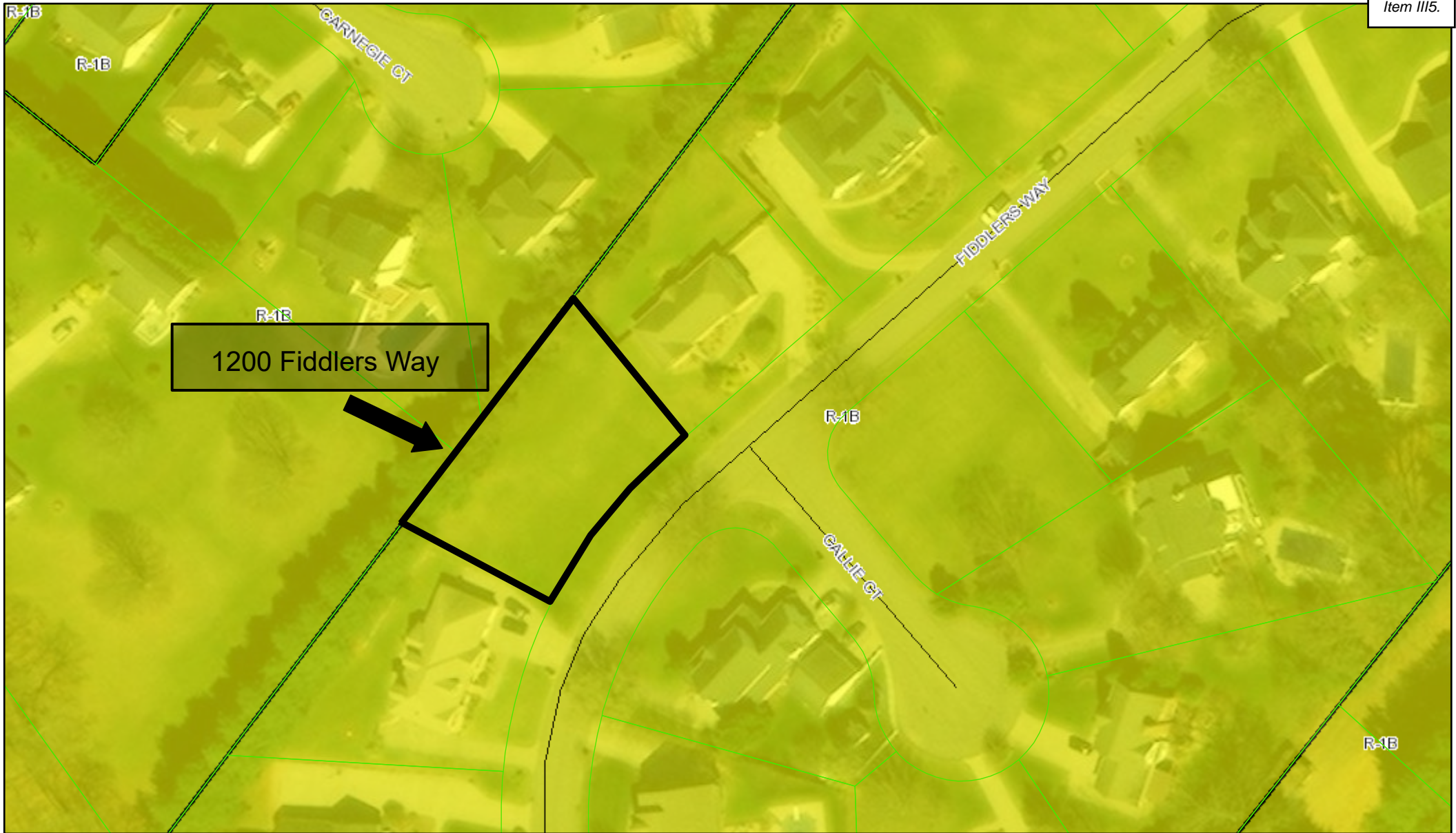
Ramp

Urban Growth Boundary



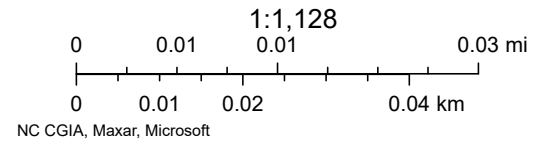
# ArcGIS Web Map

Item III.5.



9/23/2024, 9:43:34 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: September 23, 2024

RE: 1200 Fiddlers Way

The Board is asked to consider the following request:

**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.

*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	Harless Homes and Holdings LLC	First		M.I.		Date	
Street Address	132 Forest Lane S.			Apartment/Unit #			
City	Blountville	State	TN	ZIP	37617		
Phone	423-791-0095	E-mail Address	ccmilhorn@gmail.com				

**PROPERTY INFORMATION:**

Tax Map Information	Tax map:	Group:	Parcel:	Lot:	
Street Address	1200 Fiddlers Way Kingsport, TN 37664			Apartment/Unit #	
Current Zone	R1B	Proposed Zone			
Current Use	Proposed Use				

**REPRESENTATIVE INFORMATION:**

Last Name	Harless	First	Cecilia	M.I.	R	Date	9/16/24
Street Address	132 Forest Lane S.			Apartment/Unit #			
City	Blountville	State	TN	ZIP	37617		
Phone	423-791-0095	E-mail Address	ccmilhorn@gmail.com				

**REQUESTED ACTION:**  
 front and rear yard variances. Surveyor is working on dimers.  
 Approx 10' front and back.

**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: Cecilia Harless Date: 9/16/24

Signed before me on this 16th day of September, 2024  
 a notary public for the State of Tennessee  
 County of Sullivan

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



**CITY PLANNING OFFICE**

## 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.

Lot is long and narrow compared to adjoining lots. Adjoining lots and neighboring lots are 20'-40' deeper

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

Based on lot depth, 30' setbacks can not be met while keeping with size restrictions of the home in the subdivision

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.

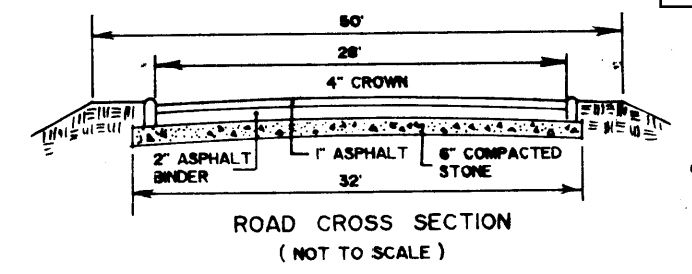
If variance isn't granted, any home built on this lot would be out of character for the neighborhood.

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.

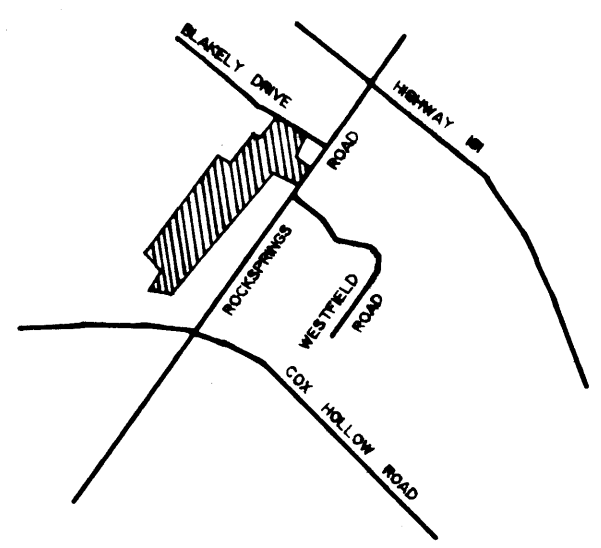
Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

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.

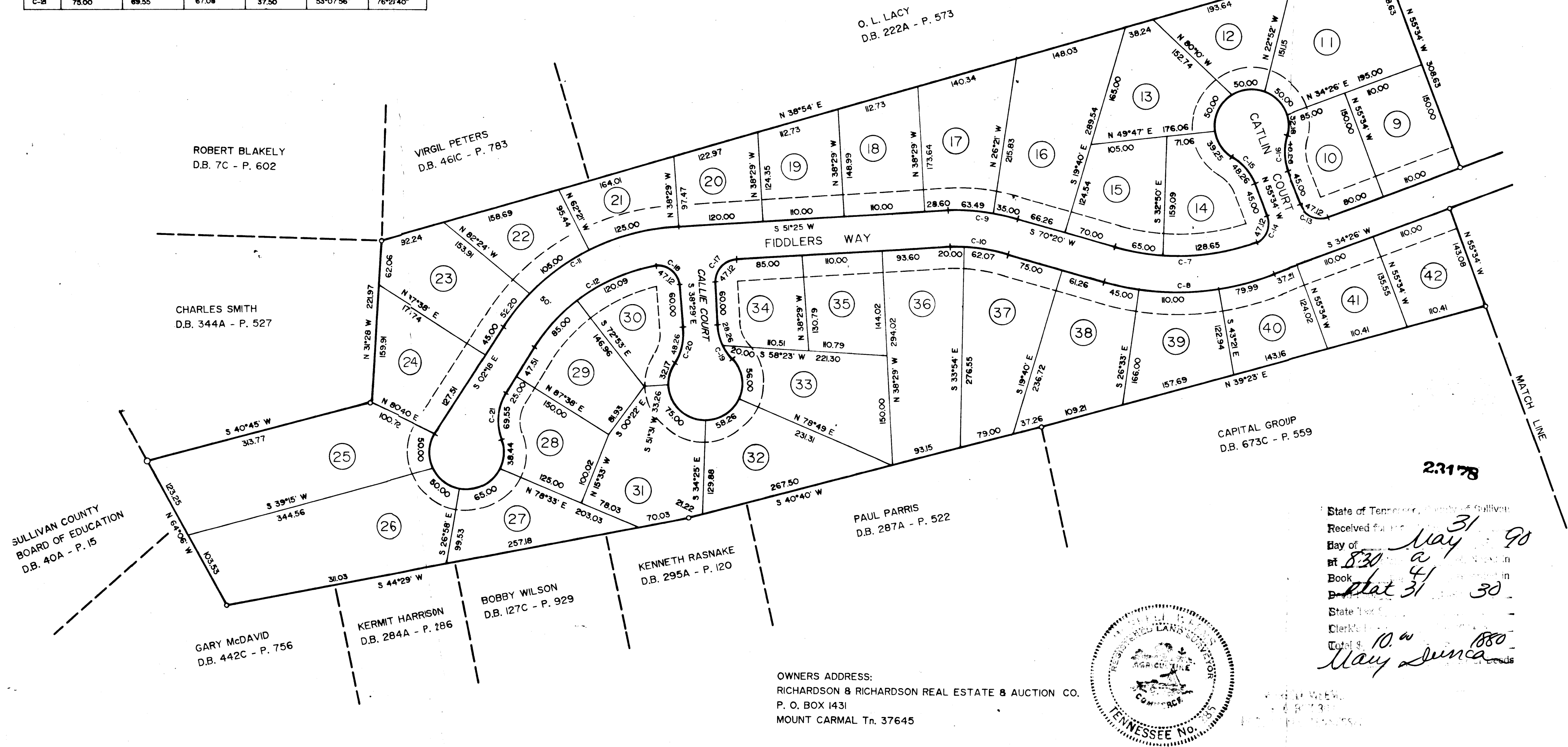
NO.	RADIUS	LENGTH	CHORD	TANGENT	DELTA	DEGREE
C-7	325.00	203.66	200.34	105.30	35°54'12"	17°37'46"
C-8	375.00	234.99	231.16	121.50	35°54'12"	15°16'44"
C-9	300.00	98.48	98.05	49.69	18°48'36"	19°05'55"
C-10	250.00	82.07	81.71	41.41	18°48'36"	22°55'06"
C-11	300.00	282.20	271.91	152.51	53°53'43"	19°05'55"
C-12	250.00	235.16	226.58	127.09	53°53'43"	22°55'06"
C-13	30.00	47.12	42.43	30.00	90°00'00"	190°59'09"
C-14	30.00	47.12	42.43	30.00	90°00'00"	190°59'09"
C-15	75.00	48.26	47.43	25.00	36°52'05"	76°23'40"
C-16	75.00	48.26	47.43	25.00	36°52'05"	76°23'40"
C-17	30.00	47.12	42.43	30.00	90°00'00"	190°59'09"
C-18	30.00	47.12	42.43	30.00	90°00'00"	190°59'09"
C-19	75.00	48.26	47.43	25.00	36°52'05"	76°23'40"
C-20	75.00	48.26	47.43	25.00	36°52'05"	76°23'40"
C-21	75.00	69.55	67.08	37.50	53°07'56"	76°23'40"



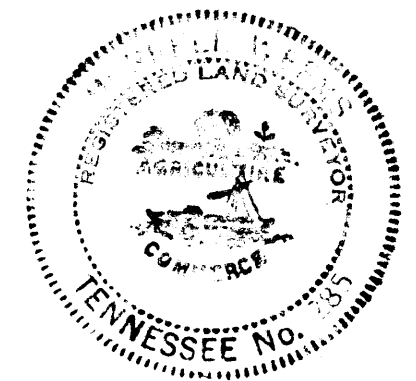
W-229



LOCATION MAP



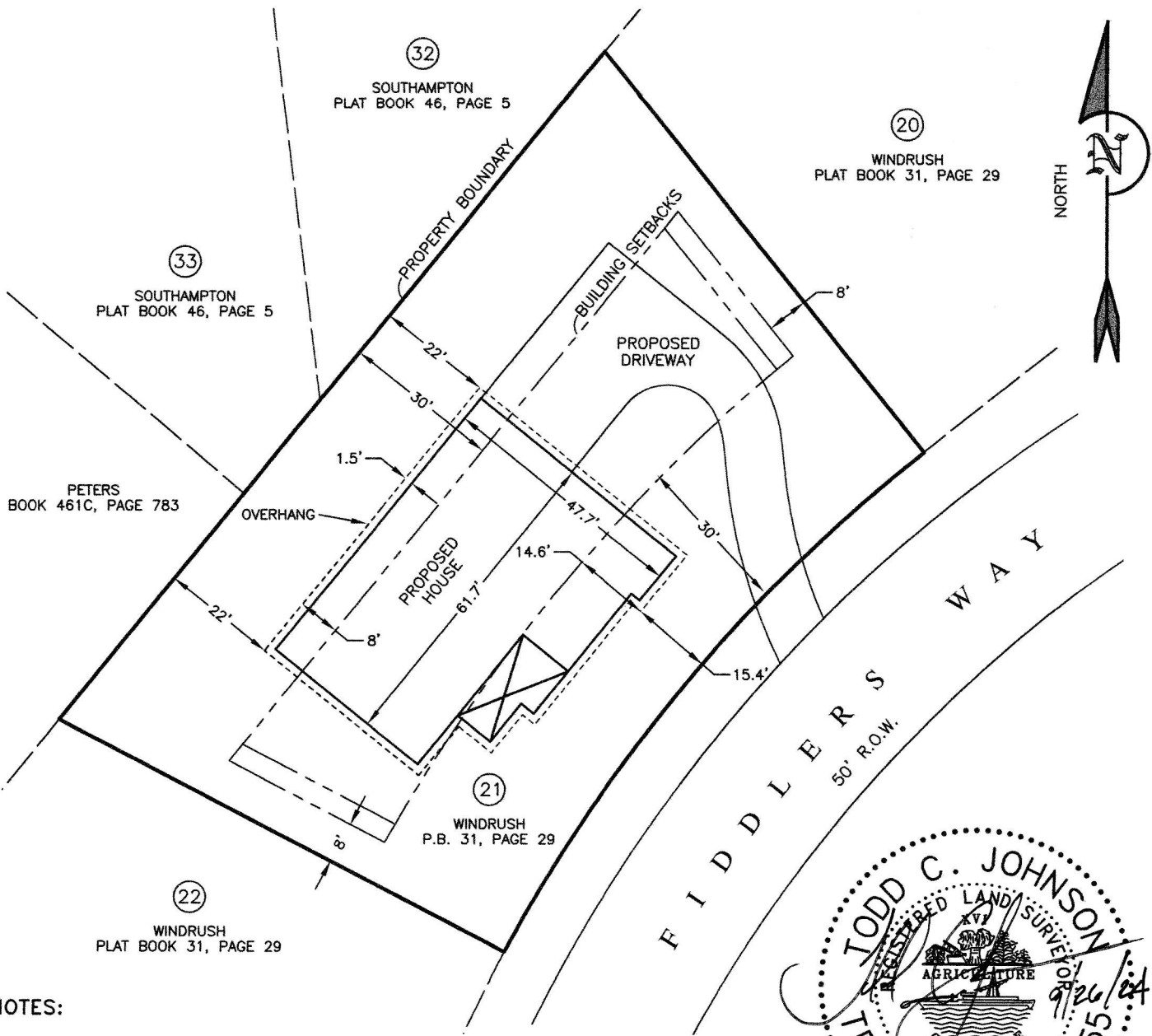
State of Tennessee, County of Sullivan  
 Received for me 31  
 Day of May 1990  
 at 8:30 a.m.  
 Book 41  
 Page 31 30  
 State Tax 10.00  
 Clerk May June 1880



OWNERS ADDRESS:  
 RICHARDSON & RICHARDSON REAL ESTATE & AUCTION CO.  
 P. O. BOX 1431  
 MOUNT CARMAL Tn. 37645

<p><b>CERTIFICATE OF OWNERSHIP AND DEDICATION</b></p> <p>(I/WE) HEREBY CERTIFY THAT I AM/(WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I/(WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY/(OUR) FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.</p> <p>5-30-90  <i>[Signature]</i>          SURVEYOR</p>	<p><b>CERTIFICATE OF ACCURACY</b></p> <p>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.</p> <p>5-30-90  <i>[Signature]</i>          SURVEYOR</p>	<p><b>CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES</b></p> <p>I HEREBY CERTIFY: (1) THAT STREETS, UTILITIES AND MONUMENTS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO CITY SPECIFICATIONS OR (2) THAT A SECURITY BOND IN THE AMOUNT OF \$_____ HAS BEEN POSTED WITH THE PLANNING COMMISSION TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT.</p> <p>5-30-90  <i>[Signature]</i>          CITY ENGINEER OR COUNTY ROAD COMM.</p>	<p><b>CERTIFICATION OF THE APPROVAL OF WATER AND SEWERAGE SYSTEM</b></p> <p>I HEREBY CERTIFY THAT THE WATER SUPPLY AND/OR SEWERAGE DISPOSAL UTILITY SYSTEM OR SYSTEMS INSTALLED, OR PROPOSED FOR INSTALLATION, FULLY MEET THE REQUIREMENTS OF THE TENNESSEE HEALTH DEPARTMENT AND ARE HEREBY APPROVED AS SHOWN.</p> <p>5-30-90  <i>[Signature]</i>          CITY OR COUNTY HEALTH OFFICER OR AUTHORIZED REPRESENTATIVE</p>	<p><b>CERTIFICATE OF APPROVAL OR RECORDING</b></p> <p>I HEREBY CERTIFY THAT THE SUBDIVISION PLAN SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR KINGSPORT TENNESSEE, WITH THE EXCEPTION OF SUCH VARIATIONS, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND THAT THIS PLAN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE SULLIVAN COUNTY REGISTER.</p> <p>5-30-90  <i>[Signature]</i>          SECRETARY, REGIONAL PLANNING COMMISSION</p>	<p><b>WINDRUSH REGIONAL PLANNING COMMISSION</b></p> <p>TOTAL ACRES <u>29.72 ±</u> TOTAL LOTS <u>57</u>          ACRES NEW ROAD <u>3.67 ±</u> MILES NEW ROAD <u>0.61 ±</u>          OWNER: <u>JAMES RICHARDSON ETAL</u> CIVIL DISTRICT <u>13th</u>          SURVEYOR: <u>MURRELL WEEMS</u> CLOSURE ERROR <u>1/10,150</u>          SCALE: 1" = 100'</p>
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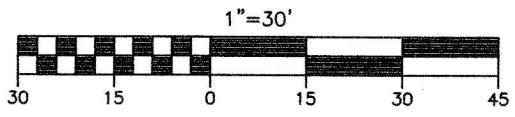
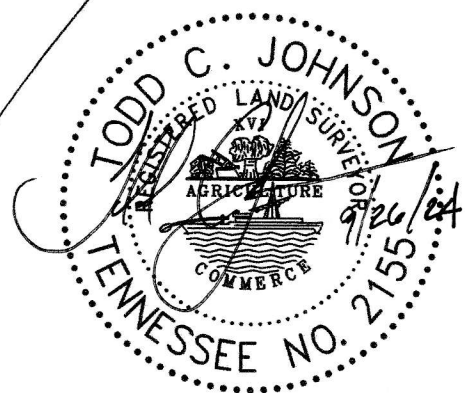
**NOTES:**

BUILDER: HARLESS HOMES, PH: (423) 791-2873.

R-1B ZONE SETBACKS  
 FRONT 30'  
 SIDE 8'  
 REAR 30'

12' SIDE SETBACKS PER DEED RESTRICTIONS.

TAX MAP 105B, GROUP C, PARCEL 021.00.  
 OWNER REFERENCE: TRAVIS AND EMILY PATE; BK 3506, P. 2225.



TODD C. JOHNSON, RLS  
 P.O. BOX 5574  
 JOHNSON CITY, TN 37602  
 PHONE: (423) 943-9223  
 EMAIL: TJOHNSONRLS@COMCAST.NET

MAP OF  
**PROPOSED HOUSE LOCATION**  
**1200 FIDDLERS WAY**  
**KINGSPORT, TENNESSEE**

SCALE 1"=30'  
 DATE 9/26/24  
 CIVIL DISTRICT 13th  
 COUNTY SULLIVAN  
 STATE TENNESSEE  
 FILE 1705-1R



# 1200 FIDDLERS WAY

ONE STORY, ON SLAB

ADDRESS:  
**1200 FIDDLERS WAY**

BUILT FOR:

1st LIVING AREA: 1,921 sf  
GARAGE: 496 sf  
COVERED PORCHES: 188 sf

PRELIM SET: 9/23/24

**A01**  
COVER S 50

# SPEC HOME

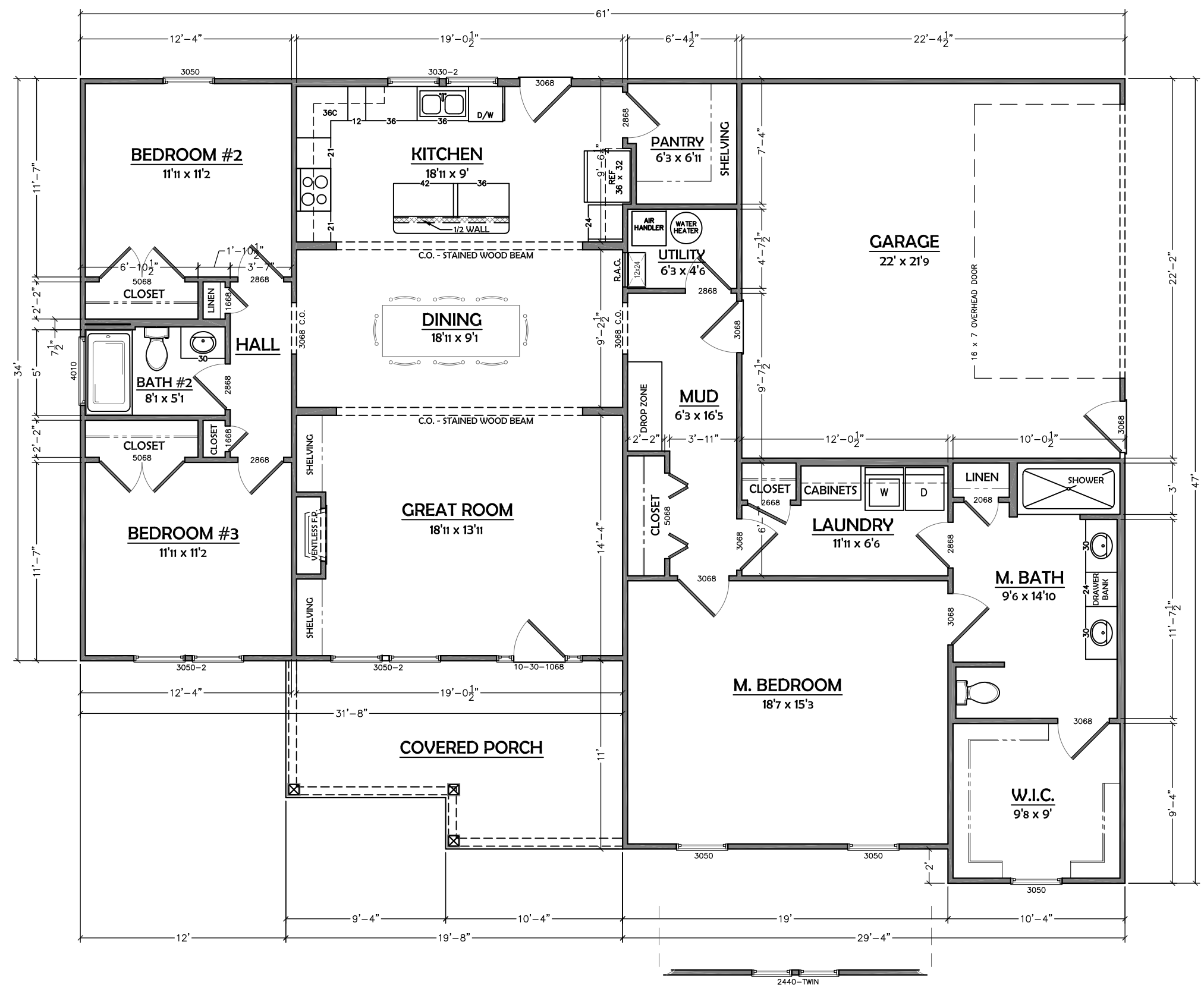
PLANS ARE © COPYRIGHT 2024 BCDS, LLC  
AND MAY NOT BE COPIED OR REDISTRIBUTED  
WITHOUT WRITTEN CONSENT OF THE  
DESIGNER. VALID THIS PROJECT ONLY.

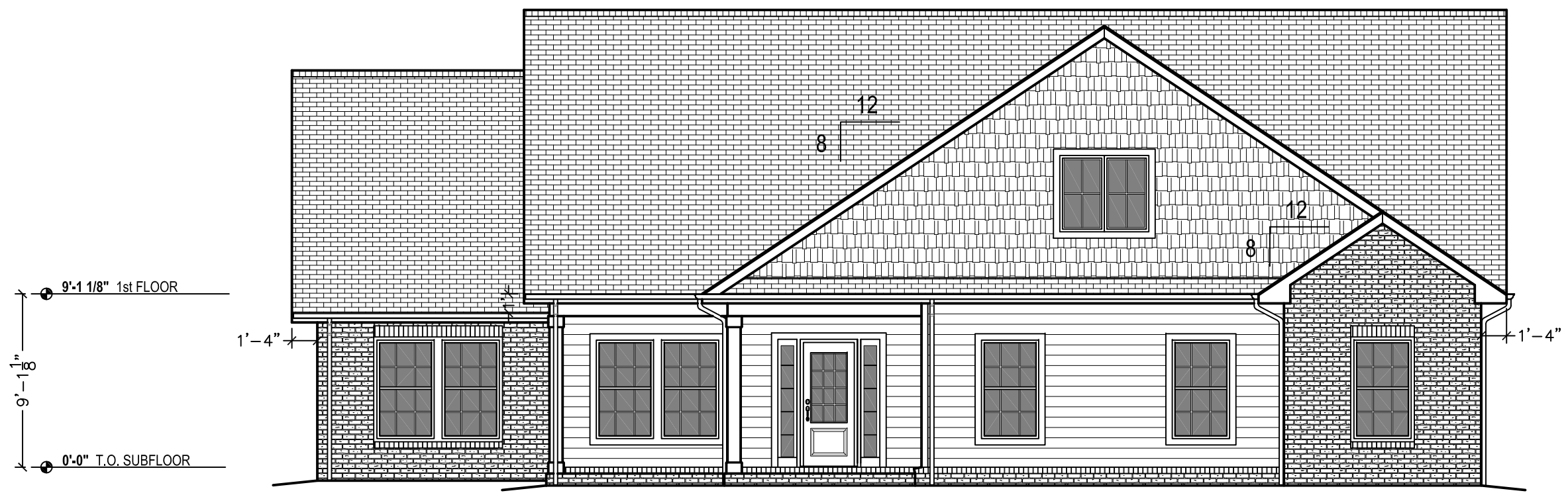
ADDRESS:  
**1200 FIDDLERS WAY**

BUILT FOR:

1st LIVING AREA: 1,921 sf  
GARAGE: 496 sf  
COVERED PORCHES: 188 sf

PRELIM SET: 9/23/24

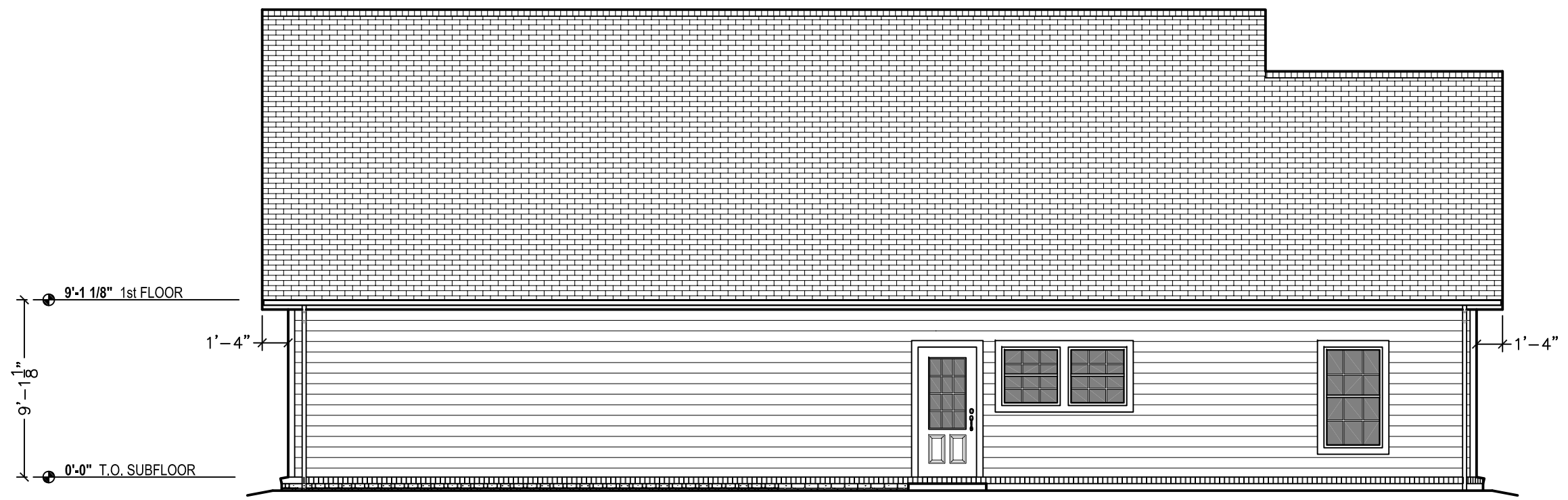




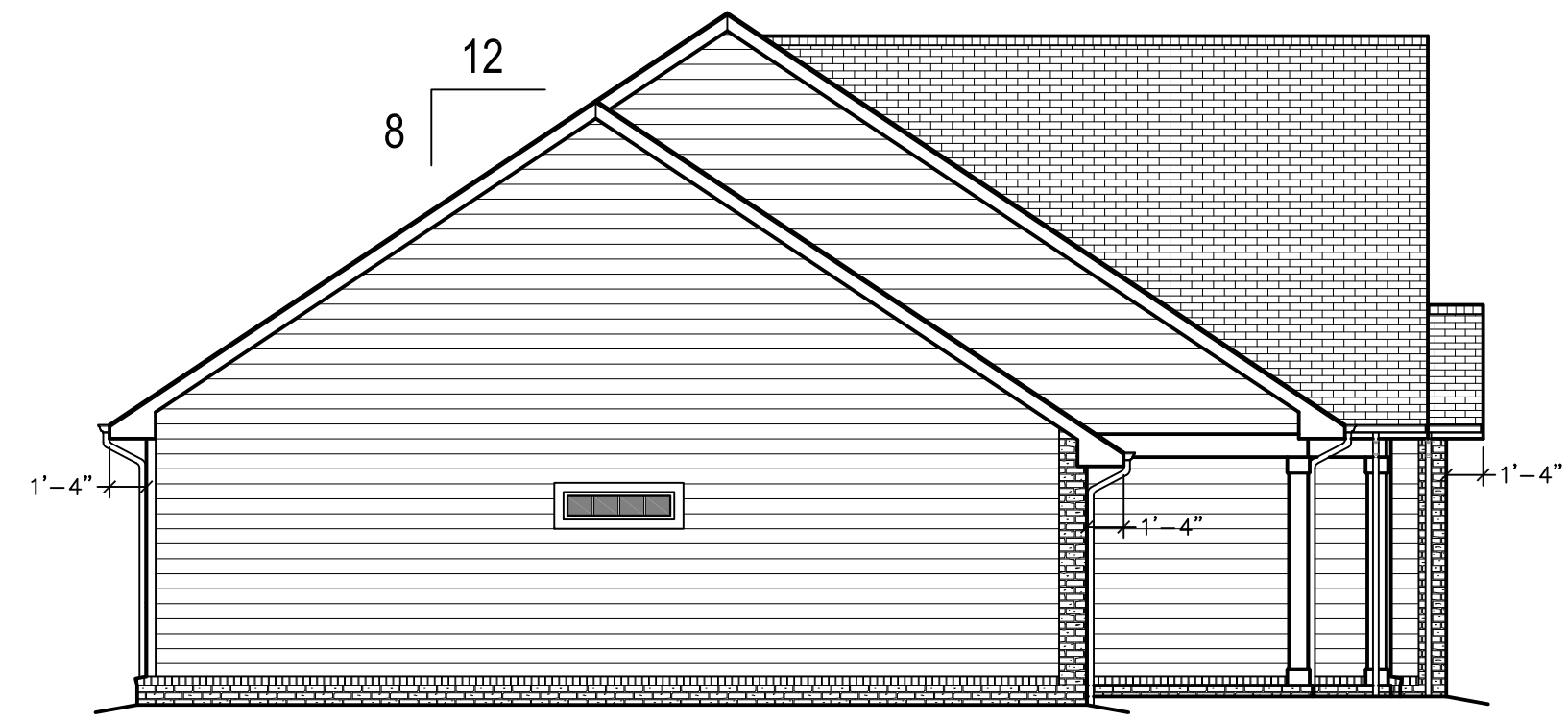
**FRONT ELEVATION**



**RIGHT ELEVATION**



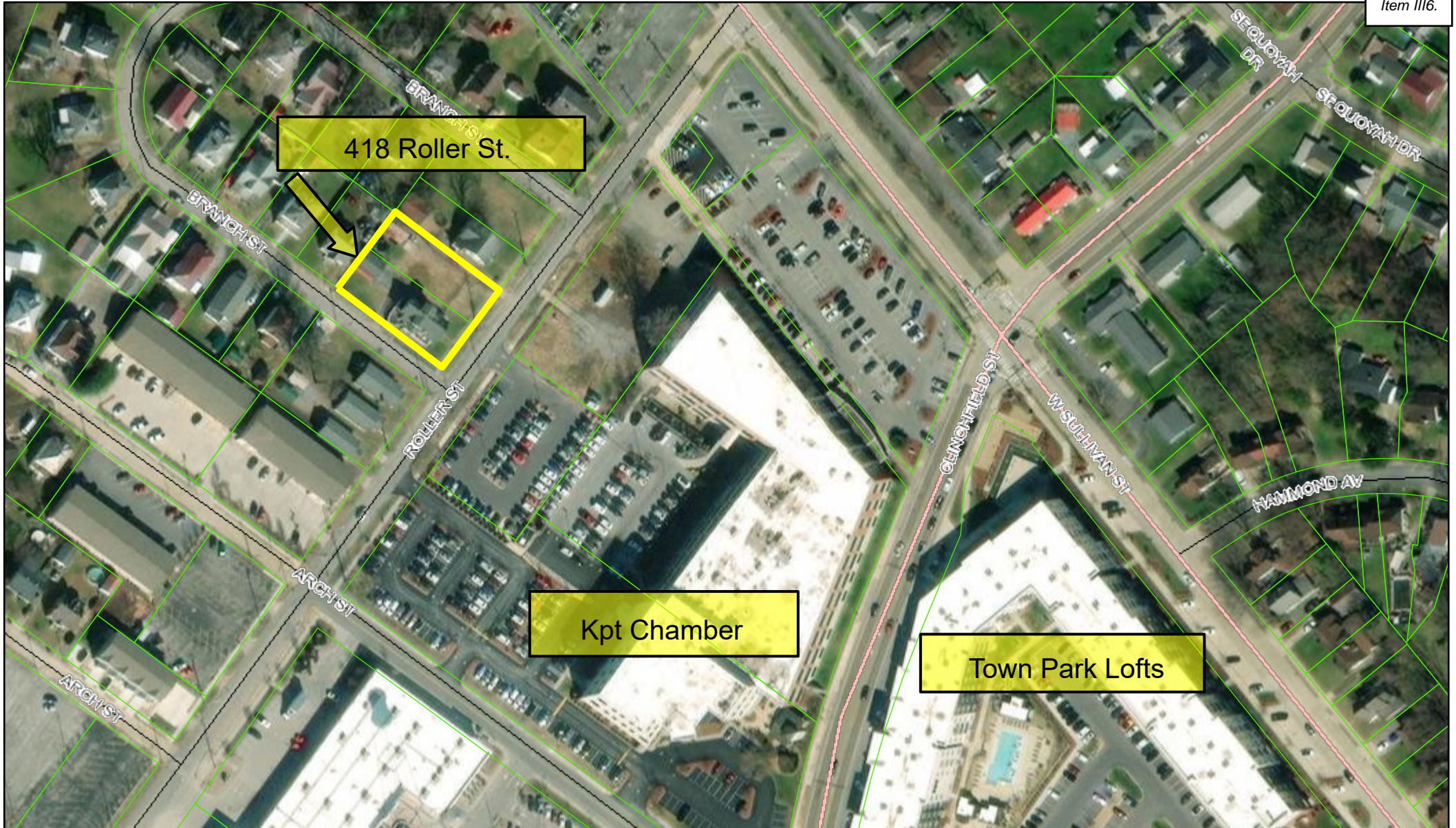
**REAR ELEVATION**



**LEFT ELEVATION**

# ArcGIS Web Map

Item III.6.



9/23/2024, 9:02:21 AM

Sullivan County Parcels Jan 2023

Parcels

Streets

Interstate

Expressway

Major Arterial

Minor Arterial

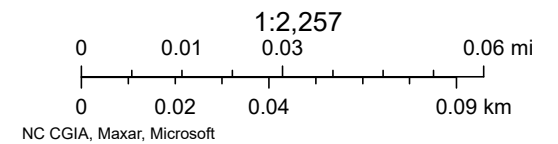
Collector Street

Local Street

Private Street

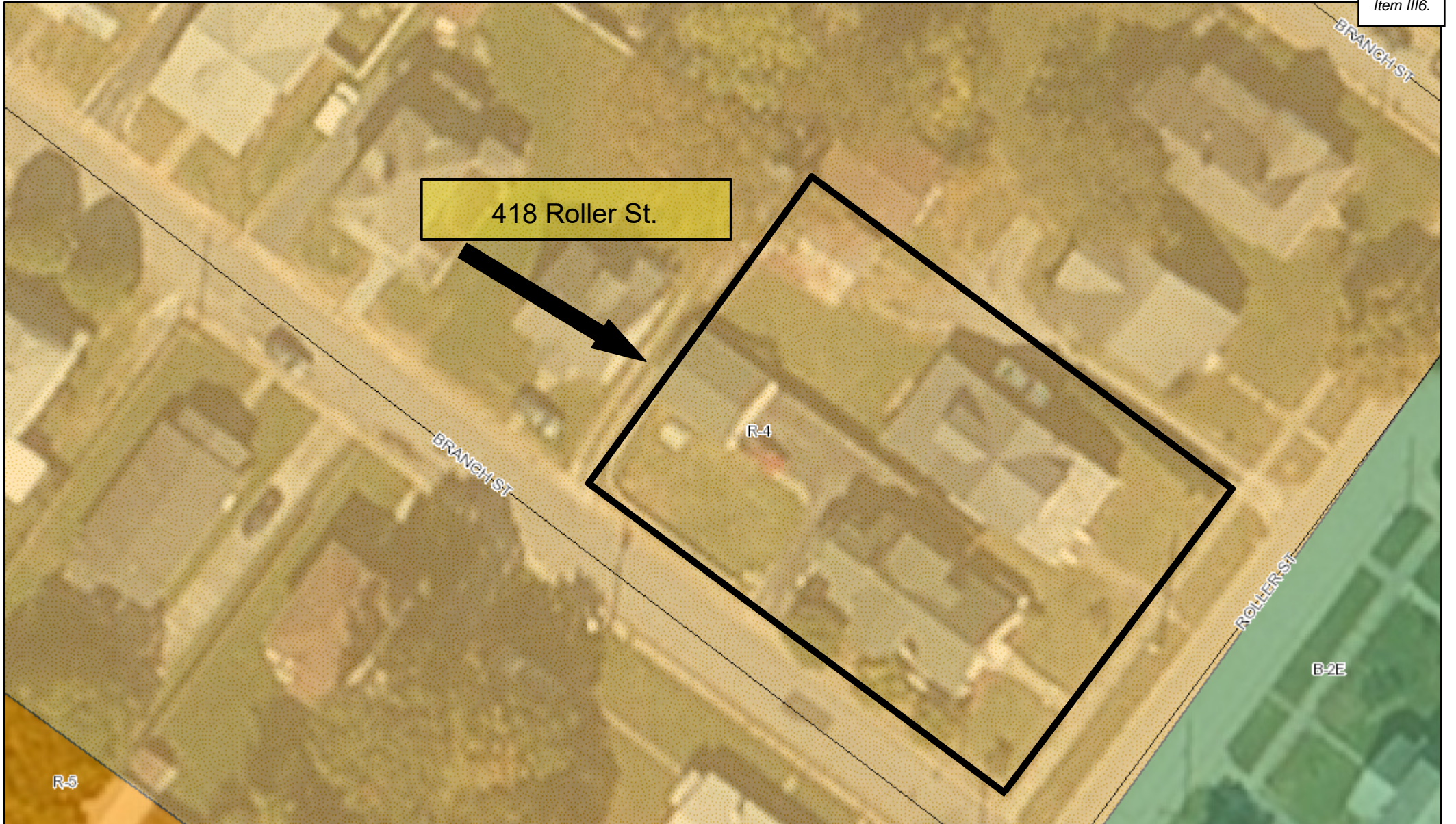
Ramp

Urban Growth Boundary



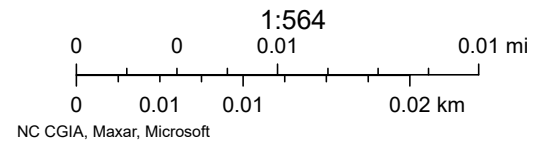
# ArcGIS Web Map

Item III.6.



9/23/2024, 8:57:27 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: KINGSFORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: September 23, 2024

RE: 418 Roller Street

The Board is asked to consider the following 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 building separation variance (right and left side) 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.

*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.



# APPLICATION

Board of Zoning Appeals



### APPLICANT INFORMATION:

Last Name WATTS First TOMMY M.I. L Date 9/20/24  
 Street Address 418 ROLLER ST. Apartment/Unit # \_\_\_\_\_  
 City KPT State TN. ZIP 37660  
 Phone 423.534.2848 E-mail Address KINGSPORT DOOR WATTS @ CENTURY LINK . NET

### PROPERTY INFORMATION:

Tax Map Information Tax map: \_\_\_\_\_ Group: \_\_\_\_\_ Parcel: \_\_\_\_\_ Lot: \_\_\_\_\_  
 Street Address 418 ROLLER ST. Apartment/Unit # \_\_\_\_\_  
 Current Zone \_\_\_\_\_ Proposed Zone \_\_\_\_\_  
 Current Use RES. Proposed Use \_\_\_\_\_

### REPRESENTATIVE INFORMATION:

Last Name WATTS First TOMMY M.I. L. Date \_\_\_\_\_  
 Street Address 418 ROLLER ST. Apartment/Unit # \_\_\_\_\_  
 City KPT. State TN. ZIP 37660  
 Phone 423.534.2848 E-mail Address KINGSPORT DOOR WATTS @ CENTURY LINK.net

### REQUESTED ACTION:

WANTING TO BUILD GARAGE AND ADD 746 SQ FT. JOB. DIST. BETWEEN BUILDING 12" BOTH SIDES

### 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]

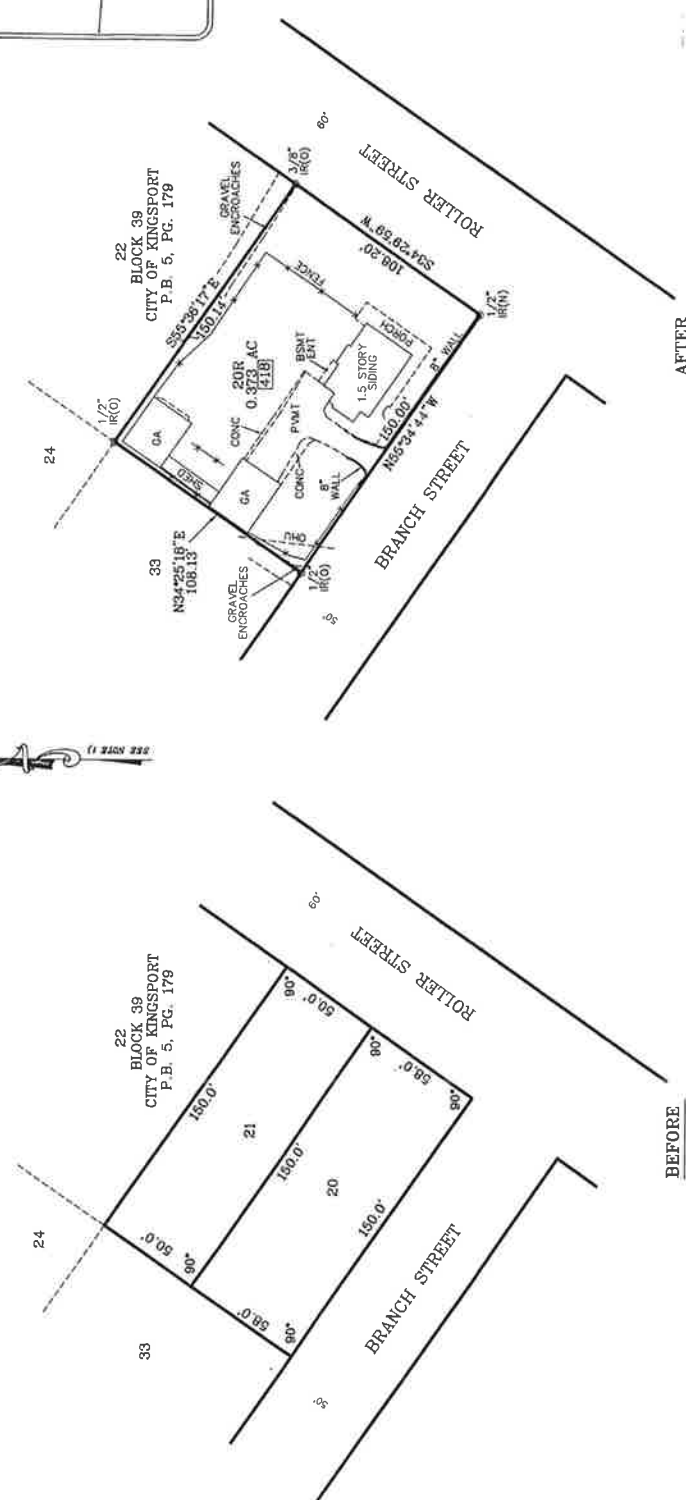
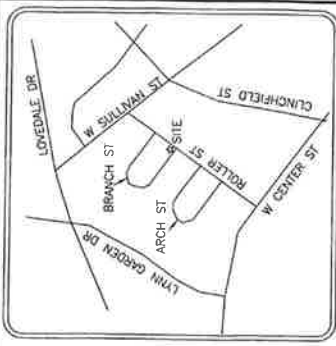
Date: 9-19-2024

Signed before me on this 19 day of Sept, 2024,  
 a notary public for the State of Tennessee  
 County of Sullivan

Notary [Handwritten Signature]  
 My Commission Expires 11-23-24



© COPYRIGHT ALLEY & ASSOCIATES, INC. 2024



**LEGEND**

- IR(O) IRON ROD, NEW
- IR(O) IRON ROD, OLD
- P.B. PLAT BOOK
- PC PLAT CORNER
- CG CONCRETE GRAVEL
- BSMT BASEMENT
- ENT ENTRANCE
- DHU OVERHEAD UTILITY
- P/PAV Pavement
- AC ACRES
- N.T.S. NOT TO SCALE
- [ ] 911 ADDRESS

Slide A-1761

Doc #:	12-00	Project No.:	4015547
Rev. #:	0.00	Date:	9/11/2024 12:32 PM
Client:	0.00	Owner:	0.00
Scale:	2.00	Sheet:	0.00
Total:	11.00	Page:	0.00

**ALLEY & ASSOCIATES, INC.**  
 SURVEYORS  
 422 E. MARKET STREET, KINGSPORT, TENNESSEE 37680  
 TELEPHONE (423) 392-8896  
 E-MAIL: mdrichie@alleyassociates.com

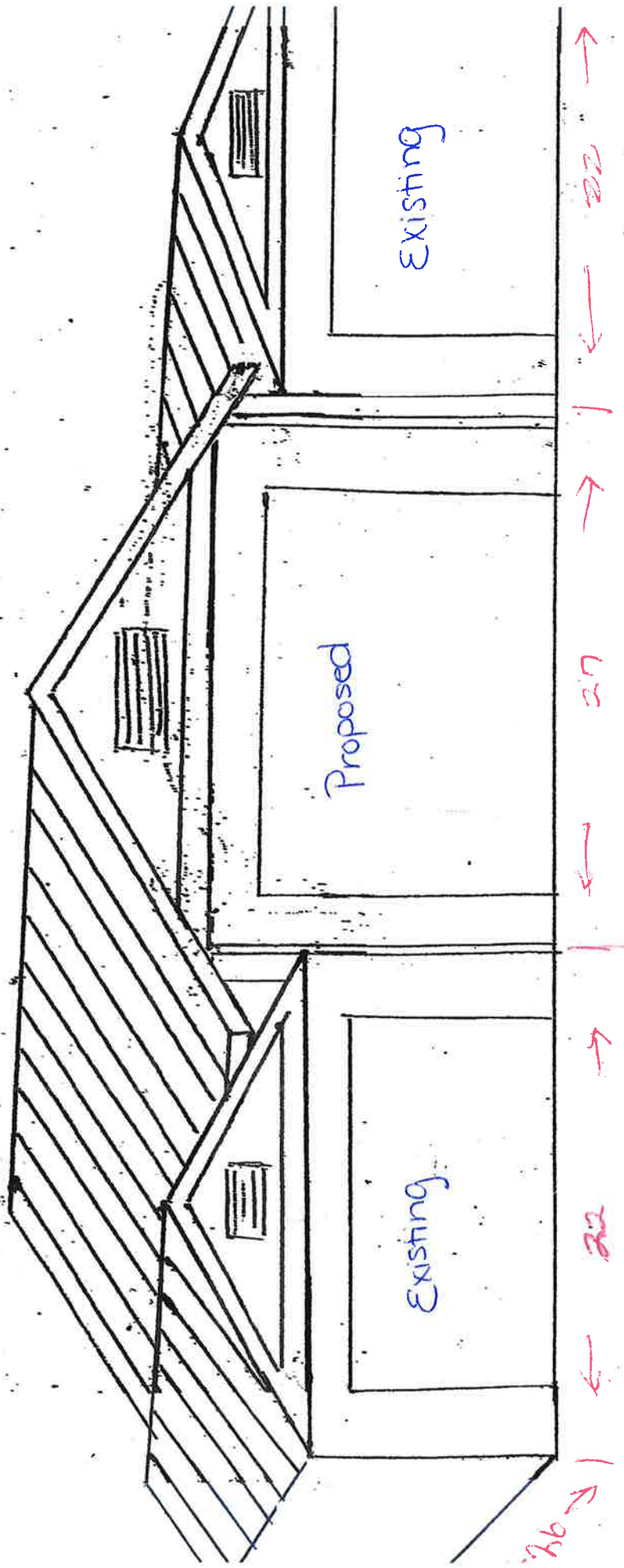


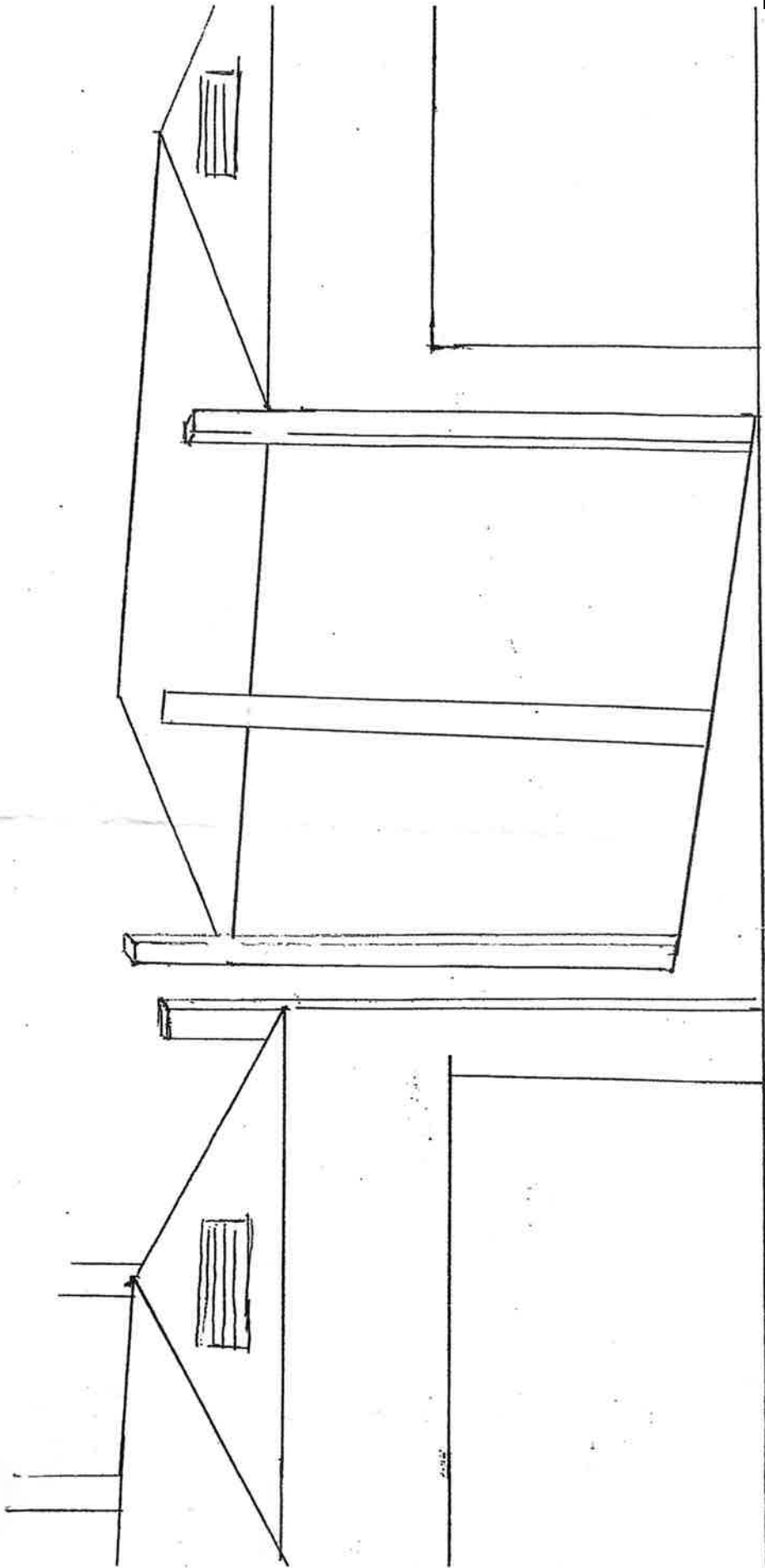
- NOTES:**
- NORTH BASED ON TENNESSEE STATE PLANE COORDINATES 4100.
  - PROPERTY IS ZONED R-3.
  - THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD INSURANCE ADMINISTRATION BOUNDARY MAP 47165C00400 EFFECTIVE DATE SEPTEMBER 28, 2005 AND FOUND THAT THE ABOVE PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA. JOB NO. 24-13512
  - ACAD FILE 24-13512 WATSDWG
  - FIELD INFORMATION ELECTRONIC DATA COLLECTED
  - TAX MAP 046H "A" PARCELS 12 & 13
  - DEED REFERENCE: D.B. 1480C, PG. 279 & D.B. 3287, PG. 1709
  - PRIOR PLAT REFERENCE: P.B. 5, PG. 179
  - I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE RATIO OF THIS SURVEY TO THE CURRENT SURVEY OF THE PROPERTY IS AS FOLLOWS: I HEREBY CERTIFY THAT THIS SURVEY COMPLES WITH THE CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE.

<b>RESUBDIVISION OF LOTS 20 &amp; 21</b>	
<b>BLOCK 39, CITY OF KINGSPORT</b>	
<b>KINGSPORT REGIONAL PLANNING COMMISSION</b>	
TOTAL ACRES: 0.2713	TOTAL LOTS: 1
ACRES NEW ROAD: 0	MILES NEW ROAD: 0
OWNER: WAITS	CIVIL DISTRICT: 11TH
SUBDIVISOR: ALLEY & ASSOCIATES, INC.	CLOSURE ERROR: 0.0000
SCALE: 1" = 40'	

<p><b>CERTIFICATE OF SHEDDING AND DRAINAGE</b></p> <p>I HEREBY CERTIFY THAT THE SHEETING HAS BEEN INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF KINGSPORT AND THE STATE OF TENNESSEE. I HEREBY CERTIFY THAT THE SHEETING HAS BEEN INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF KINGSPORT AND THE STATE OF TENNESSEE.</p> <p>DATE: 9/5/24          ENGINEER: [Signature]</p>	<p><b>CERTIFICATE OF APPROVAL OF STORMWATER SYSTEM</b></p> <p>I HEREBY CERTIFY THAT THE SEWERAGE SYSTEM, STORMWATER SYSTEM AND TRAILING FACILITY FULLY MEET THE REQUIREMENTS OF THE CITY OF KINGSPORT AND THE STATE OF TENNESSEE. I HEREBY CERTIFY THAT THE SEWERAGE SYSTEM, STORMWATER SYSTEM AND TRAILING FACILITY FULLY MEET THE REQUIREMENTS OF THE CITY OF KINGSPORT AND THE STATE OF TENNESSEE.</p> <p>DATE: 9/5/24          ENGINEER: [Signature]</p>	<p><b>CERTIFICATE OF APPROVAL OF PUBLIC-USE SYSTEM</b></p> <p>I HEREBY CERTIFY THAT THE ABOVE WATER SYSTEM DESCRIBED IN THE SUBDIVISION PLAT FULLY MEETS THE REQUIREMENTS OF THE CITY OF KINGSPORT AND THE STATE OF TENNESSEE. I HEREBY CERTIFY THAT THE ABOVE WATER SYSTEM DESCRIBED IN THE SUBDIVISION PLAT FULLY MEETS THE REQUIREMENTS OF THE CITY OF KINGSPORT AND THE STATE OF TENNESSEE.</p> <p>DATE: 9/5/24          ENGINEER: [Signature]</p>	<p><b>CERTIFICATE OF APPROVAL FOR RECEIVING</b></p> <p>I HEREBY CERTIFY THAT THE ABOVE PROPERTY FULLY MEETS THE REQUIREMENTS OF THE CITY OF KINGSPORT AND THE STATE OF TENNESSEE. I HEREBY CERTIFY THAT THE ABOVE PROPERTY FULLY MEETS THE REQUIREMENTS OF THE CITY OF KINGSPORT AND THE STATE OF TENNESSEE.</p> <p>DATE: 9/5/24          ENGINEER: [Signature]</p>
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## MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

### September 5, 2024, Regular Meeting

Noon

Montgomery-Watterson Boardroom, City Hall

Members Present:

Bill Sumner

Joe White

Tracey Cleek

Members Absent:

Calvin Clifton

Wes Combs

Staff Present:

Lori Pyatte

Ken Weems

Jessica McMurray

Visitors:

Marcy Walker

David Bernstein

Allison Wintez

Glenda Hurd

Drendall Hurd

Sherry Bingham

Lynn Tully

Melissa Gatton

Mark Freeman

Jianhui Zhou

Bob Bingham

Jacob Bingham

Chairman Bill Sumner called the meeting to order at 12:02pm.

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: BZA24-0152– The owner of property located at 354 Shadowtown Road, Control Map 064, Parcel 0138.00** requests special exception to Sec 114-195(c)41 for the purpose of storing vehicles in the existing parking lot and storing construction material outdoors in a designated area. The property is zoned B-3, Highway Oriented Business District.

Ms. Marcy Walker from Hunter Davis Law Firm, along with Mr. David Bernstein, the property owner, presented their case to the board. Ms. Walker explained that they are seeking a special exception for the storage of vehicles and construction materials. She highlighted photos of the property and the improvements made by the current owner. Ms. Walker noted that there is ample parking available on-site, and the owner intends to utilize this space for storing and parking commercial vehicles, such as vans and trucks, with individual spaces leased.

She referenced renderings provided by the owner, which included a fenced parking area and outdoor lighting. Chairman Sumner inquired about the storage of construction materials. Mr. Bernstein confirmed that these materials would be kept in a fenced area outside. He added that this storage space is necessary as they plan to rent portions of the interior for office use, potentially including office space for construction companies.

Staff reported that calls regarding drag racing and loitering had ceased, and they noted that the wall the owner plans to construct will serve as a good visual buffer. Staff also commented that no public comments were received.

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

**Case: BZA24-0154 – The owner of property located at 1843 Topsail Court, Control Map 077F, Group A, Parcel 032.52** requests a 38 foot deviation from rear yard to Sec 114-133(1) for the purpose of constructing a detached two-car garage in the side yard. The property is zoned PD, Planned Development District.

Mr. John Hoffman, the contractor, and Mr. Tim Lewis, the property owner, presented their case to the board. Mr. Hoffman stated that the property owner wishes to construct a two-car garage in the side yard of the property. He clarified that the garage would be entirely brick with a concrete driveway, situated on a double lot that has been combined into one parcel.

Chairman Sumner noted that a 38-foot variance is substantial and inquired about the reason for the request. He also questioned the garage's location relative to the neighbor's yard. Mr. Hoffman responded that the garage would be set back 10 feet from the property line, not the 5 feet indicated on the site plan. Chairman Sumner asked whether a 10-foot setback was required for the property. Staff explained that, since this is a Planned Development (PD) zone, the only setback requirement is a 30-foot peripheral yard around the entire development, which does not affect this lot.

Chairman Sumner mentioned the utility easement running down the center of the property and asked if this was the reason they could not attach the garage. Mr. Hoffman confirmed this was the case. Staff noted they had received one call from a neighbor expressing concern about the garage's proximity to her property line.

Ms. Stephanie Carr, property owner at 1851 Topsail Court, voiced her concerns about the garage's placement, stating it is located near the back corner of her property line. She expressed worries that the garage would negatively impact her home's property value and feared that granting exceptions for one property could lead to more requests. Chairman Sumner inquired if Ms. Carr had the opportunity to purchase the lot, to which she responded that Mr. Lewis had purchased it.

Mr. Drendall Hurd, property owner at 1842 Topsail Court across the street, also expressed concern about the garage encroaching on his property.

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

**Case: BZA24-0159 – The owner of property located at TBD E. Aesque Street, Control Map 030A, Group A, Parcel 032.00** requests a 5 foot front yard variance to Sec 114-183(e)(1)c and an 8 foot 6 inch rear yard variance to Sec 114-183(e)(1)e for the purpose of constructing a new single family modular home. The property is zoned R-1B, Residential District.

Mr. Jianhui Zhou introduced himself as the property owner and presented his case to the board. He requested a 5-foot variance for the front yard and an 8-foot, 6-inch variance for the rear yard, citing the irregular shape of the lot. Staff noted that they had received one phone call regarding the location of the home. Mr. Zhou mentioned that he had spoken with that neighbor and resolved the issue.

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

**Case: BZA24-0169 – The owner of property located at 1392 E. Center Street, Control Map 046N, Group K, Parcel 019.00** requests approval from the Board of Zoning Appeals to Sec. 114-8(4) to re-establish a non-conforming use of a duplex on the property. The property is zoned P-1, Professional Offices District.

Mr. David Machado, the property owner, presented his case to the board. He expressed his desire to convert the former duplex, which was most recently used as a chiropractor's office, back into a duplex. He noted that in 1955, the property operated as the Phippen Tourist Home, equipped with two power and two water meters. Chairman Sumner inquired about the reasons for its non-conformance. Staff explained that the property is located in a P-1 Professional Office District, which does not permit residential use. Staff noted they received a letter from a neighboring property expressing concerns about the request. The board reviewed this letter, and Mr. Machado addressed each concern raised.

Mr. Jacob Bingham, an employee of a nearby business, voiced concerns about a collapsed fence that he felt was unsightly. He questioned whether this was the only issue being addressed. Mr. Machado clarified that the fence had not collapsed on his side; it shares a boundary with the rear property, and the fallen section was on the neighbor's property. He mentioned that he had approached the neighbor and offered permission to straighten the fence. Additionally, Mr. Machado stated that the wood being added for stabilization will be painted gray weatherstone.

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

**Case: BZA24-0171 – The owner of property located at 1621 Newbern Road, Control Map 061E, Group A, Parcel 006.00** requests a 6 foot side yard variance to Sec 114-185(e)(1)d for the purpose of constructing a new wooden carport for an existing home. The property is zoned R-1B, Residential District.

Mr. Mark Freeman, the owner's representative, and Mr. DJ Burrell, the property owner, presented their case to the board. Mr. Freeman explained that the project began as a renovation in the rear of the home, but the property owners later decided they wanted to build a more attractive carport on the side. He noted that the lot is narrow, and the existing carport is currently within the side yard setback. The request today is for a 6-foot side yard variance to accommodate the construction of the new carport. Staff mentioned that they received only one inquiry from a neighbor, who had questions but no concerns about the project.

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

**Case: BZA24-0172** The applicant requests a zoning interpretation of Sec 114-194(d)3 the B-2, Central Business District and Sec 114-203(d)3 the B-2E, Central Business Edge District. The purpose of this request is to seek an interpretation of an animal boarding facility as a prohibited use in the B-2 and B-2E zones.

Mrs. April Carder presented her case to the board. Chairman Sumner inquired about the purpose of this administrative review. Staff explained that the boarding aspect of the code in the B-2 and B-2E zones, particularly regarding cats, is currently in question. Mrs. Carder expressed her and her husband's desire

to open a cat café that offers boarding and grooming services in downtown Kingsport. Before making a significant investment, they seek a determination on whether they can operate in the B-2 and B-2E zones. She pointed out that the ordinance mentions land-intensive uses but assured the board that cat boarding and care would take place entirely within the business premises. Staff noted that the standard in question has been in effect for about 7 or 8 years, primarily due to concerns about barking dogs disturbing nearby residents. Mrs. Carder emphasized that their facility would be exclusively for cats.

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

**Case: BZA24-0187– The owner of property located at 1720 Park Meadow Place, Control Map 076, Parcel 006.91** request is a special exception to Sec 114-382(1) for the purpose of constructing a new childcare facility. The property is zoned BC, Business Conference Center District.

Ms. Lynn Tully, the owner’s representative, presented the case to the board. She explained that the YMCA wishes to build a childcare center adjacent to their current location. The purpose of the request is to obtain a special exception in the BC, Business Conference Center zone. Ms. Tully noted that the project will be carried out in phases, ultimately accommodating a maximum of 180 children once completed. She emphasized that securing the necessary zoning is essential for obtaining grant funding they plan to apply for. Staff mentioned that, due to the site's location, this presentation is the first of three boards they will appear before, including the Planning Commission and Gateway.

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

#### **BUSINESS:**

Staff commented there will be BZA training available in November, dates and times will be provided.

**MOTION:** made by Mr. Joe White, seconded by Mr. Tracey Cleek, to approve the Kingsport Board of Zoning Appeals minutes for August 1, 2024.

**VOTE:** 3-0 to approve the minutes.

#### **Adjudication of Cases:**

**Case: BZA24-0152– The owner of property located at 354 Shadowtown Road, Control Map 064, Parcel 0138.00** requests special exception to Sec 114-195(c)41 for the purpose of storing vehicles in the existing parking lot and storing construction material outdoors in a designated area. The property is zoned B-3, Highway Oriented Business District.

Chairman Sumner asked if there was additional discussion. There was none.

**MOTION:** made by Ms. Tracey Cleek, seconded by Mr. White, to approve special exception for the purpose of storing vehicles in the existing parking lot and storing construction material outdoors in a designated area.

**VOTE:** 3-0 to approve the request.



**Case: BZA24-0154 – The owner of property located at 1843 Topsail Court, Control Map 077F, Group A, Parcel 032.52** requests a 38 foot deviation from rear yard to Sec 114-133(1) for the purpose of constructing a detached two-car garage in the side yard. The property is zoned PD, Planned Development District.

The board noted that the hardship stems from the utility easement located in the center of the property. They have modified the original plan to set the structure back 10 feet from the side property line instead of 5 feet. The board also inquired about the composite materials to be used. Mr. Lewis responded that the exterior will be brick, designed to match the existing home.

**MOTION:** Made by Ms. Cleek and seconded by Mr. White to approve the 38-foot rear yard deviation, contingent upon the detached garage being set back 10 feet from the side yard property line and the use of composite building materials that match the existing home.

**VOTE:** 3-0 to approve the request.

**Case: BZA24-0159 – The owner of property located at TBD E. Aesque Street, Control Map 030A, Group A, Parcel 032.00** requests a 5 foot front yard variance to Sec 114-183(e)(1)c and an 8 foot 6 inch rear yard variance to Sec 114-183(e)(1)e for the purpose of constructing a new single family modular home. The property is zoned R-1B, Residential District.

The board noted that it appeared the owner had addressed the neighbors' concerns, and they found the variance request reasonable given the irregular shape of the lot.

**MOTION:** made by Mr. White, seconded by Ms. Cleek, to approve variances as requested.

**VOTE:** 3-0 to approve the request.

**Case: BZA24-0169 – The owner of property located at 1392 E. Center Street, Control Map 046N, Group K, Parcel 019.00** requests approval from the Board of Zoning Appeals to Sec. 114-8(4) to re-establish a non-conforming use of a duplex on the property. The property is zoned P-1, Professional Offices District.

The board acknowledged that this corner has undergone significant changes over the years and recognized the ongoing need for housing.

**MOTION:** made by Mr. White, seconded by Ms. Cleek, to approve the non-conforming use.

**VOTE:** 3-0 to approve the requested.

**Case: BZA24-0171 – The owner of property located at 1621 Newbern Road, Control Map 061E, Group A, Parcel 006.00** requests a 6 foot side yard variance to Sec 114-185(e)(1)d for the purpose of constructing a new wooden carport for an existing home. The property is zoned R-1B, Residential District.

Chairman Sumner asked if there was additional discussion. There was none.

**MOTION:** made by Mr. White, seconded by Ms. Cleek, to approve 6 foot side yard variance.

**VOTE:** 3-0 to approve the requested.

**Case: BZA24-0172** The applicant requests a zoning interpretation of Sec 114-194(d)3 the B-2, Central Business District and Sec 114-203(d)3 the B-2E, Central Business Edge District. The purpose of this request is to seek an interpretation of an animal boarding facility as a prohibited use in the B-2 and B-2E zones.

The board discussed the intent of the current zoning code and concluded that a "feline-only" indoor boarding facility is not a prohibited use and is not considered land-intensive.

**MOTION:** made by Ms. Cleek, seconded by Mr. White, to allow a "feline only" indoor boarding facility in the B-2 and B-2E zones.

**VOTE:** 3-0 to approve the requested.

**Case: BZA24-0187– The owner of property located at 1720 Park Meadow Place, Control Map 076, Parcel 006.91** request is a special exception to Sec 114-382(1) for the purpose of constructing a new childcare facility. The property is zoned BC, Business Conference Center District.

Chairman Sumner asked if there was additional discussion. There was none.

**MOTION:** made by Mr. White, seconded by Ms. Cleek, to approve the special exception for a childcare center located in the BC, Business Conference District.

**VOTE:** 3-0 to approve the requested.

With no further business the meeting was adjourned at 1:02 pm.

Respectfully Submitted,

*Jessica McMurray*

Jessica McMurray  
Development Coordinator