



BOARD OF ZONING APPEALS MEETING AGENDA

Thursday, April 04, 2024 at 12:00 PM

City Hall, 415 Broad Street, Montgomery-Watterson Boardroom

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

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

II. INTRODUCTION AND MEETING PROCEDURES

III. PUBLIC HEARING

- 1. Case: BZA24-0038 – The owner of property located at 1133 Bloomingdale Pike, Control Map 0300, Group B, Parcel 012.00** requests a 68.6 foot departure from rear yard variance to Sec 114-133(1) for the purpose of permitting a residential accessory structure. The property is zoned R-1B, Residential District.

INTERESTED PARTIES:

Owner: Richard Rex
1133 Bloomingdale Pike
Kingsport, TN 37660
423-440-1987

Representative: Marian Pullham

- 2. Case: BZA24-0044 – The owner of property located at 185 Rock Springs Road, Control Map 077, Parcel 045.01** requests a 8.1 foot front yard variance to Sec. 114-183(e)(1)c for the purpose of constructing a new single family home. The property is zoned R-1B, Residential District.

INTERESTED PARTIES:

Owner: John Rose
1017 Hill Road
Blountville, TN 37617
423-272-9163

Representative: John Rose

- 3. Case: BZA24-0045 – The owner of property located at 1004 Chippendale Road, Control Map 060G, Group E, Parcel 002.00** requests a 20 foot departure from rear yard variance to Sec 114-133(1) for the purpose of constructing a swimming pool and deck. The property is zoned R-1B, Residential District.

INTERESTED PARTIES:

Owner: Joshua Taylor
1004 Chippendale Road
Kingsport, TN 37660
276-492-3844

Representative: Joshua Taylor

- 4. Case: BZA24-0049 – The owner of property located at 1017 West Stone Drive, Control Map 045D, Group K, Parcel 003.10** requests a 28.1 foot planting strip boundary variance to Sec 114-600(4)a for the purpose of constructing a new Friendship Hyundai Car Dealership. The property is zoned B-3, Highway Oriented Business District.

INTERESTED PARTIES:

Owner: Chandrakant Patel
1101 N. Buffalo St
Erwin, TN 37650
423-340-6211

Representative: Steven Walters

IV. BUSINESS

1. Approval of the February 1, 2024 regular meeting minutes.

Stating for public record, the next application deadline is April 15, 2024 at noon, and meeting date (Thursday, May 2, 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

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, April 4, 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: BZA24-0038 – The owner of property located at 1133 Bloomingdale Pike, Control Map 030O, Group B, Parcel 012.00 requests a 68.6 foot departure from rear yard variance to Sec 114-133(1) for the purpose of permitting a residential accessory structure. The property is zoned R-1B, Residential District.

Case: BZA24-0044 – The owner of property located at 185 Rock Springs Road, Control Map 077, Parcel 045.01 requests a 8.1 foot front yard variance to Sec. 114-183(e)(1)c for the purpose of constructing a new single family home. The property is zoned R-1B, Residential District.

Case: BZA24-0045 – The owner of property located at 1004 Chippendale Road, Control Map 060G, Group E, Parcel 002.00 requests a 20 foot departure from rear yard variance Sec 114-133(1) for the purpose of constructing a swimming pool and deck. The property is zoned R-1B, Residential District.

Case: BZA24-0049 – The owner of property located at 1017 West Stone Drive, Control Map 045D, Group K, Parcel 003.10 requests a 28.1 foot planting strip boundary variance to Sec 114-600(4)a for the purpose of constructing a new Friendship Hyundai Car Dealership. The property is zoned B-3, Highway Oriented Business District.

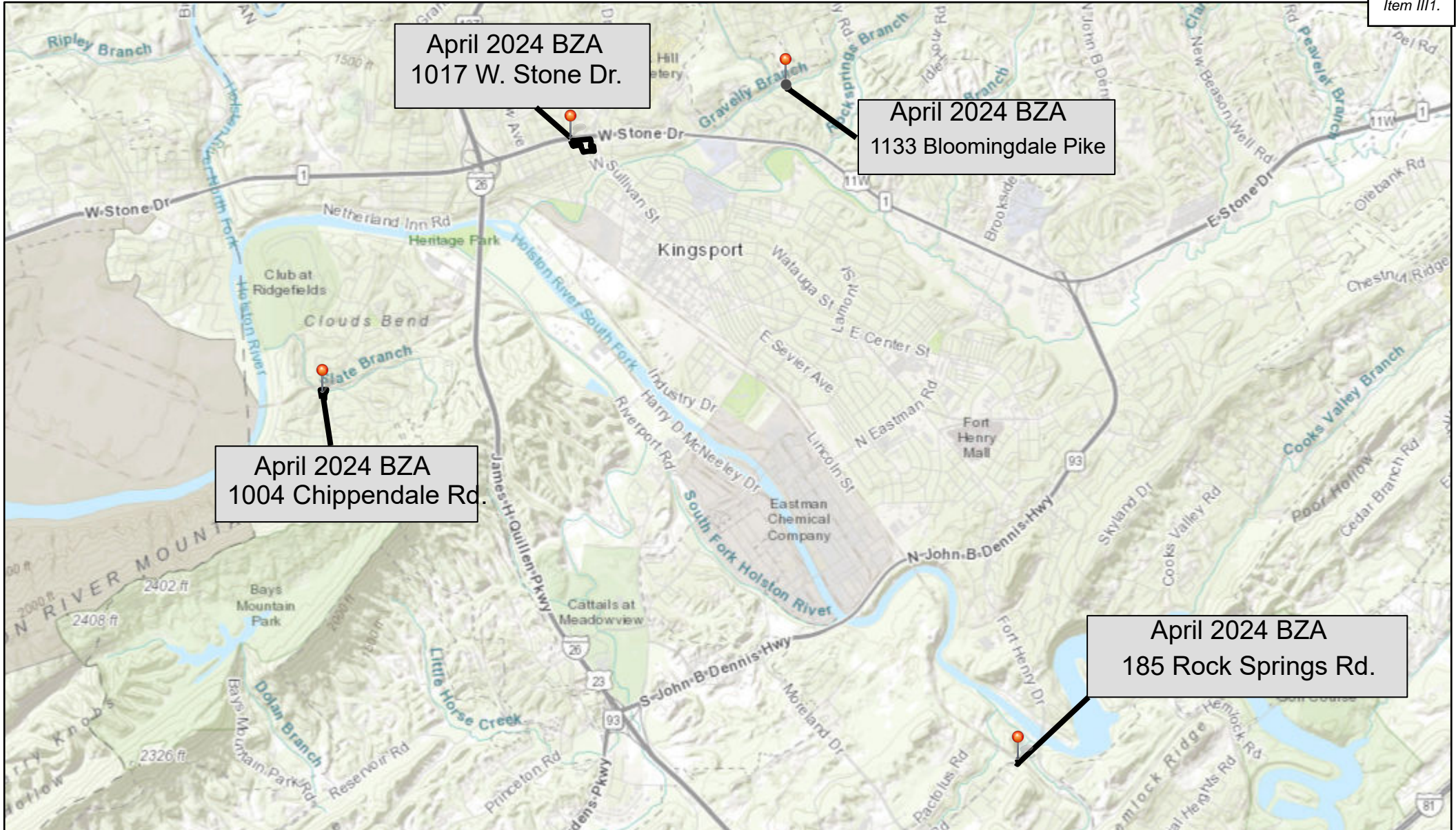
All interested persons are invited to attend this Public Hearing. Additional information concerning this case may be obtained by contacting City of Kingsport Planning Division staff, telephone (423) 229-9485.

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

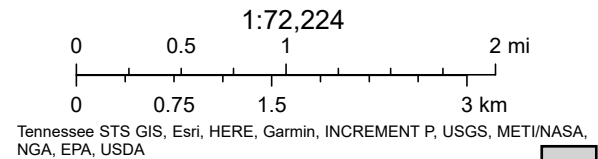
CITY OF KINGSPORT
Angie Marshall, City Clerk
PIT: 3/25/2024

ArcGIS Web Map

Item III.1.



3/25/2024, 11:02:02 AM





TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: March 11, 2024

RE: 1133 Bloomingdale Pike

The Board is asked to consider the following request:

Case: BZA24-0038 – The owner of property located at 1133 Bloomingdale Pike, Control Map 0300, Group B, Parcel 012.00 requests a 68.6 foot rear yard deviation from Sec 114-133(1) for the purpose of permitting a residential accessory structure. The property is zoned R-1B, Residential District.

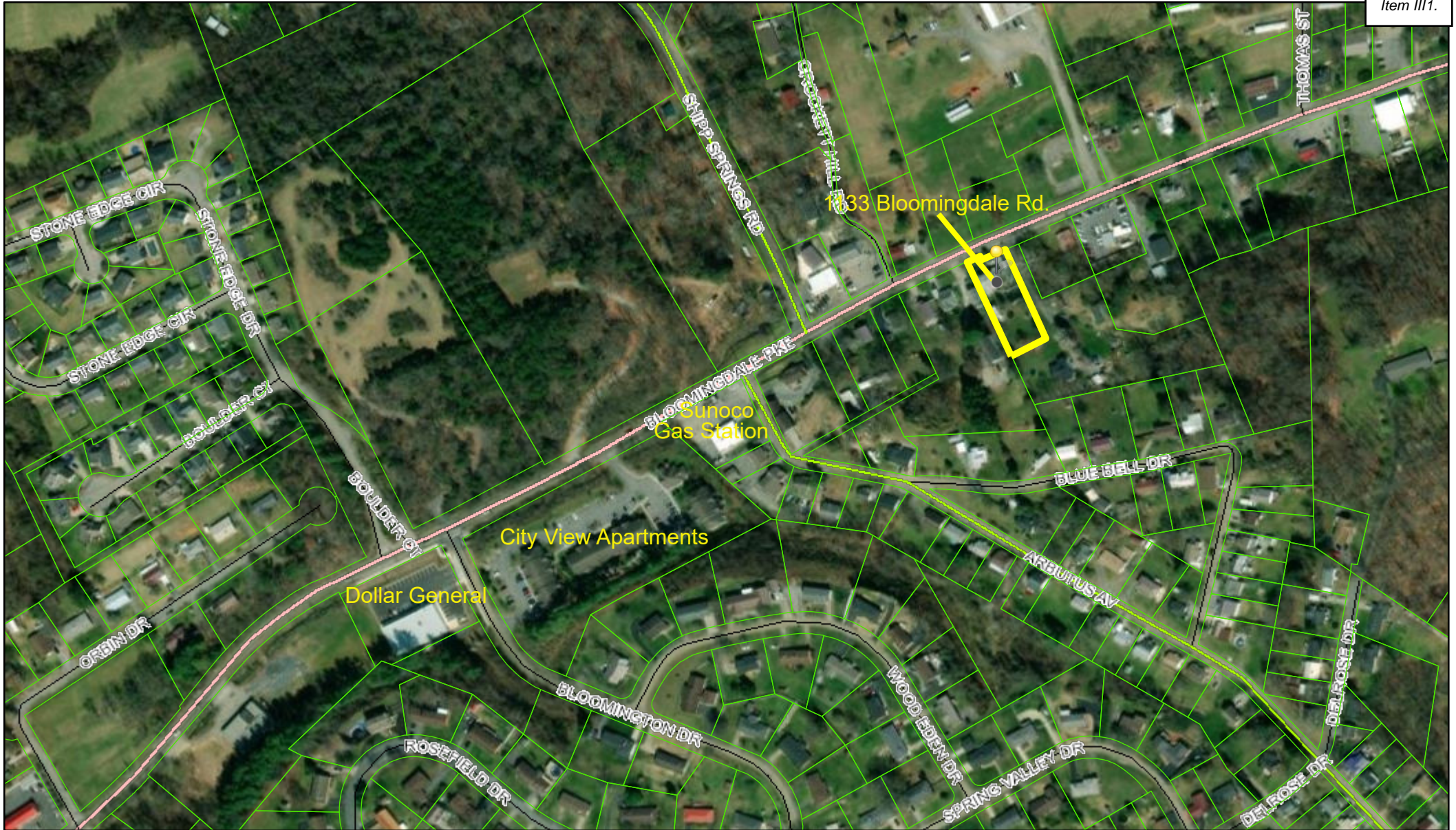
Code reference:

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

(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.

ArcGIS Web Map

Item III.1.



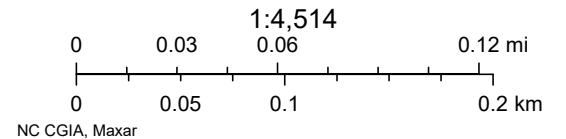
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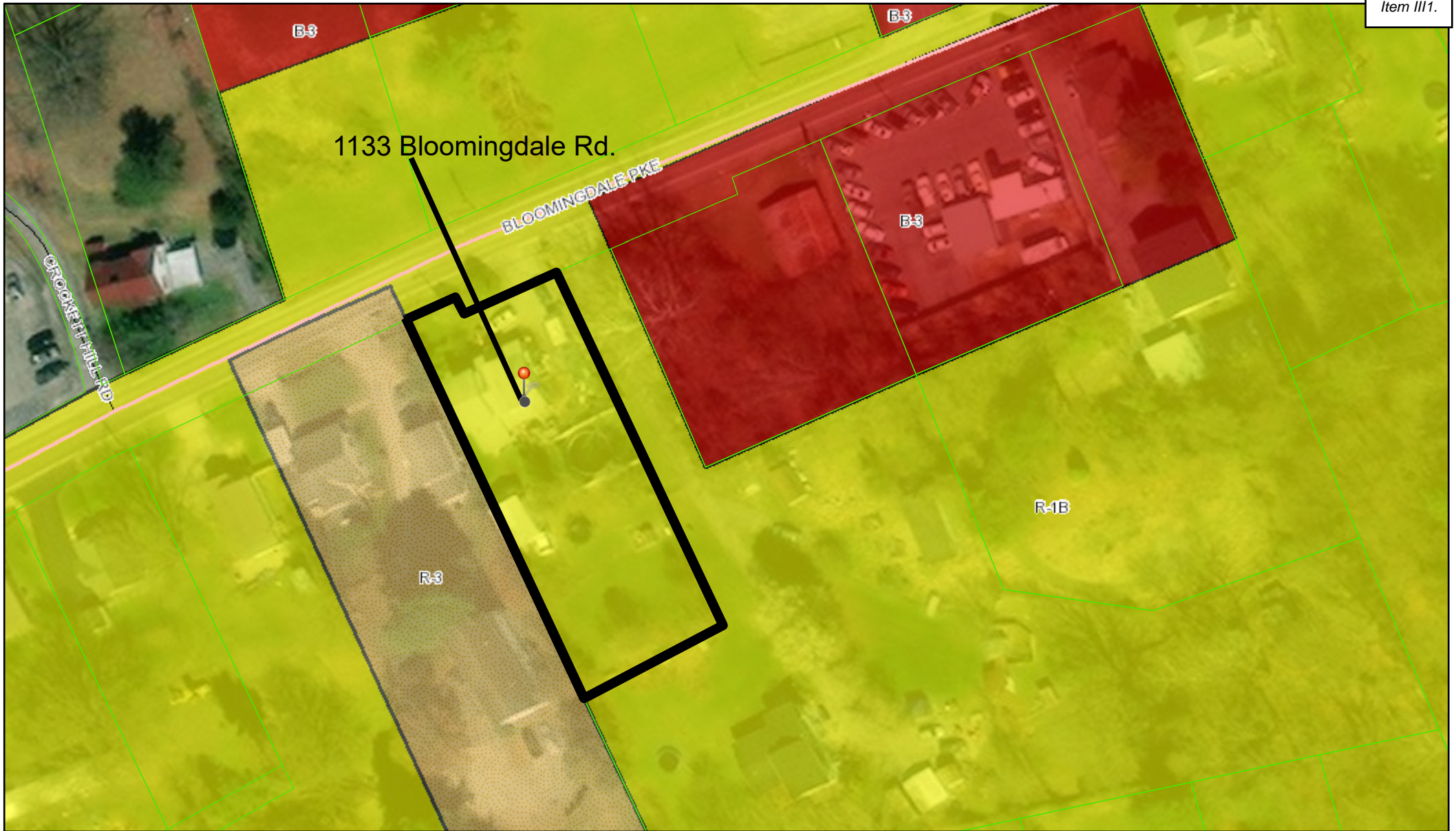
Sullivan County Parcels Jan 2023 Streets

- Parcels
- Urban Growth Boundary

- Interstate
- Expressway

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





3/11/2024, 10:01:36 AM

Sullivan County Parcels Jan 2023

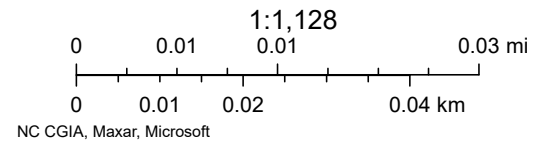
Parcels

City Zoning

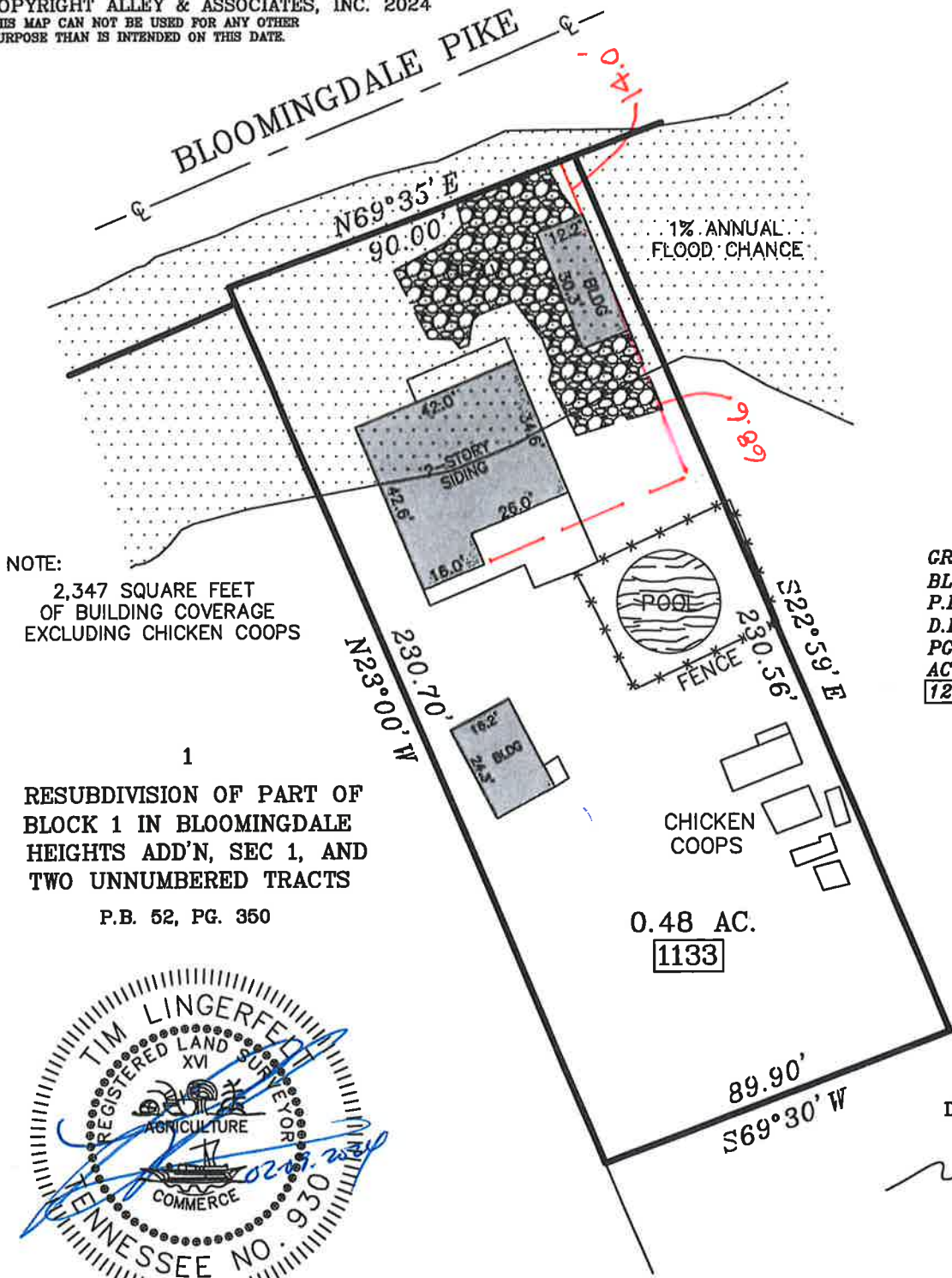
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TAC

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



© COPYRIGHT ALLEY & ASSOCIATES, INC. 2024
THIS MAP CAN NOT BE USED FOR ANY OTHER
PURPOSE THAN IS INTENDED ON THIS DATE.



NOTE:
2,347 SQUARE FEET
OF BUILDING COVERAGE
EXCLUDING CHICKEN COOPS

LEGEND

GRAV	GRAVEL
BLDG	BUILDING
P.B.	PLAT BOOK
D.B.	DEED BOOK
PG.	PAGE
AC	ACRES
123	911 ADDRESS

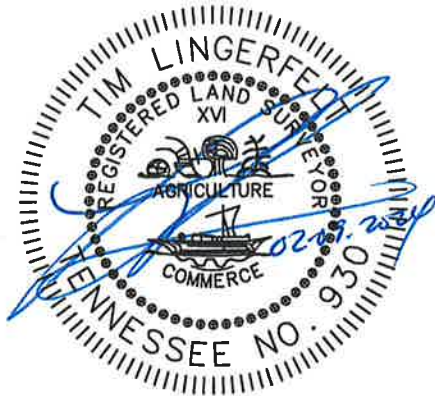
1
RESUBDIVISION OF PART OF
BLOCK 1 IN BLOOMINGDALE
HEIGHTS ADD'N, SEC 1, AND
TWO UNNUMBERED TRACTS

P.B. 52, PG. 350

0.48 AC.

1133

HARRISON
D.B. 387C, PG. 10



NOTES:

- 1) NORTH BASED ON REFERENCED DEED.
- 2) SETBACKS TO CONFORM TO CURRENT ZONING DESIGNATION.
- 3) THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD INSURANCE ADMINISTRATION BOUNDARY MAP 47163C0035D EFFECTIVE DATE SEPTEMBER 29, 2007 AND FOUND THAT THE ABOVE PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN.
- 4) BOUNDARY INFORMATION SHOWN IS BASED ON REFERENCED DEED AND DOES NOT REPRESENT A CURRENT BOUNDARY SURVEY.

MAP OF: 0.48 ACRES

OWNER: RICHARD W. REX

CIVIL DISTRICT: 11TH COUNTY: SULLIVAN

STATE: TENNESSEE TAX MAP 0300 "B" PARCEL 012.00

SCALE: 1 INCH = 40' DATE: FEBRUARY 9, 2024

REFERENCE: DEED BOOK 3343, PAGE 2444

23-13211

FB/PG: N/A

FOR: OWNER

ALLEY & ASSOCIATES, INC.

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

I am requesting a Variance of 68.6 feet in order to keep our prebuilt Yard Building Garage in order to move my building to the Distance it needs to be would cause financial hardship on me I would have to take my 25 foot pool down and move it to the top of the hill in my back yard Cost to prep the new location spot would range between \$3,000 up to \$10,000 depending on if they hit rock. To prep the new location for the building to be in compliance would cost up to \$20,00 depending on what problems they run into such as Rock or Tree Roots Per Long Construction Worker Gary Mowdy. Timber Land Barns company would charge \$1500 to move the building back. Quote on Pool moving is Per Southern Pools and their Contractor









TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: March 15, 2024

RE: 185 Rock Springs Road

The Board is asked to consider the following request:

Case: BZA24-0045 – The owner of property located at 185 Rock Springs Road, Control Map 077, Parcel 045.01 requests a 8.1 foot front yard variance to Sec. 114-183(e)(1)c 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.*

ArcGIS Web Map



3/25/2024, 8:41:30 AM

Sullivan County Parcels Jan 2023

Parcels

Streets

Interstate

Expressway

Major Arterial

Minor Arterial

Collector Street

Local Street

Private Street

Ramp

Urban Growth Boundary

1:9,028

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

NC CGIA, Maxar



3/25/2024, 8:28:15 AM

Sullivan County Parcels Jan 2023

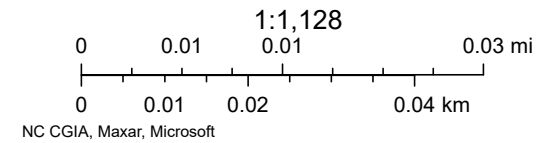
Parcels

City Zoning

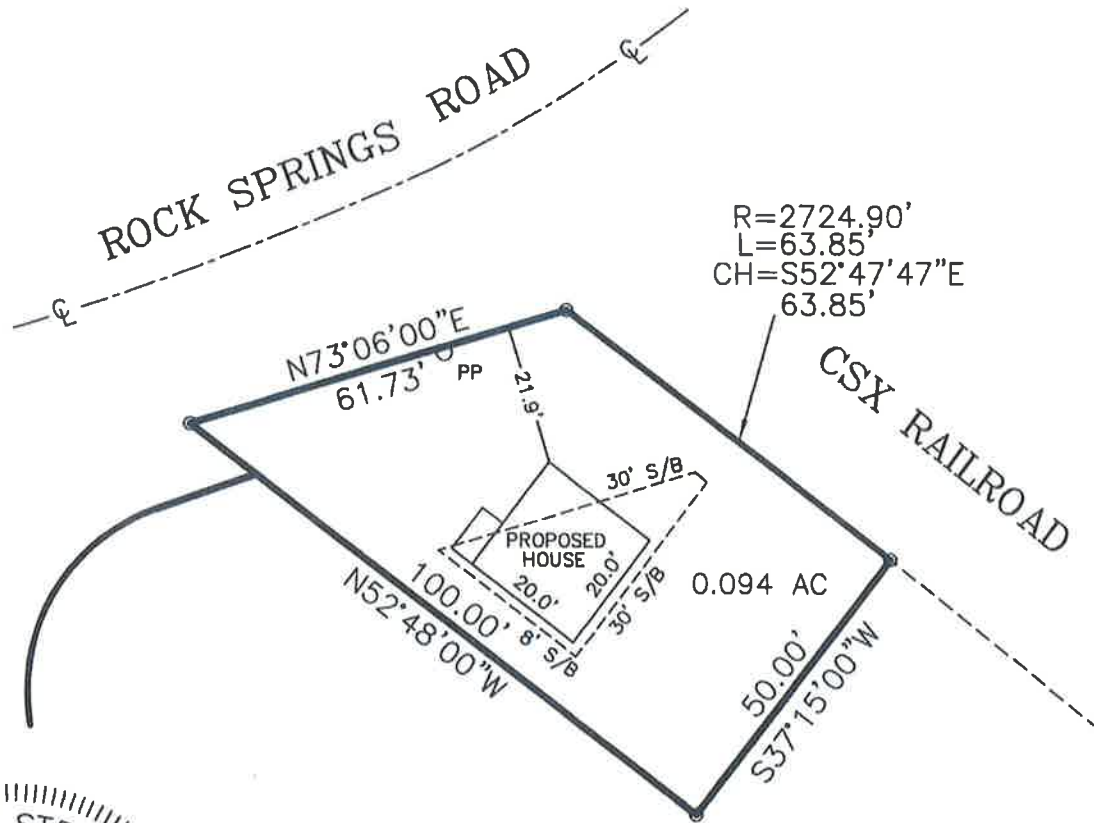
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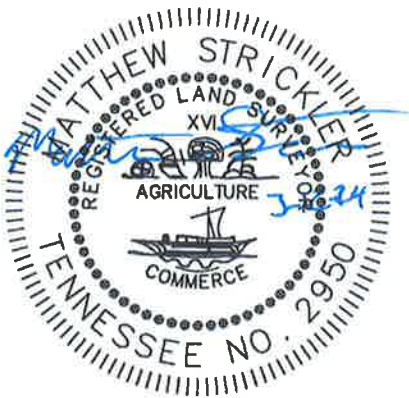
R-5	A-2	B-3	B-4P	M-1R	P-D	PMD-1
GC	AR	B-3	BC	M-2	PBD-3	PMD-2
B-2E	B-1	B-4	GC	MX	PBD/*	PUD
A-1	B-2	B-4P	M-1	P-1	PD	PVD



© COPYRIGHT ALLEY & ASSOCIATES, INC. 2024
THIS MAP CAN NOT BE USED FOR ANY OTHER
PURPOSE THAN IS INTENDED ON THIS DATE



1
WOODLEAF SUBDIVISION
P.B. 41, PG. 16



LEGEND

AC	ACRES
PG	PAGE
P.B.	PLAT BOOK
S/B	SETBACK
R=	RADIUS
L=	LENGTH
CH=	CHORD
PP	POWER POLE
℄	CENTERLINE

NOTES:

- 1) NORTH BASED ON PLAT BOOK 41, PAGE 16
- 2) SETBACKS TO CONFORM TO ZONING DESIGNATION
- 3) THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD INSURANCE ADMINISTRATION BOUNDARY MAP 47163CQ235D EFFECTIVE DATE SEPTEMBER 29, 2006 AND FOUND THAT THE ABOVE PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
- 4) I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE RATIO OF PRECISION IS BETTER THAN 1:10,000.
- 5) THIS SURVEY WAS DONE IN COMPLIANCE WITH THE CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE.
- 6) THIS SURVEY IS SUBJECT TO ANY AND ALL SERVITUDES, EASEMENTS COVENANTS, OR RESTRICTIONS EITHER WRITTEN OR UNWRITTEN.
- 7) 5/8" IRON RODS WITH ALLEY & ASSOCIATES CAP ON ALL CORNERS UNLESS OTHERWISE NOTED.
- 8) THE PURPOSE OF THIS PLAT IS FOR A FRONT SETBACK VARIANCE.

MAP OF: 0.094 ACRES

OWNER: AARON ROSE

CIVIL DISTRICT: 13TH COUNTY: SULLIVAN

STATE: TENNESSEE TAX MAP 77, PARCEL 45.01

SCALE: 1 INCH = 30' DATE: MARCH 4, 2024

REFERENCE: DEED BOOK 3595, PAGE 1340

24-13289 FB/PG: N/A

FOR: OWNER

ALLEY & ASSOCIATES, INC.

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

185 Rock Springs Road

Specific Hardship:

1. Lot shape prevents development without variance.

Specific Notes:

1. Variance will not affect property owner to the east because the property is owned by CSX Railroad.
2. City of Kingsport has owned the lot since 1976.
3. As recently as April 2012 the property had a structure on it (See Exhibit A).
4. A structure was on property prior to any homes built on Springleaf Court or Woodleaf Lane (See Exhibit B).
5. Until September 2020, all the lots on Springleaf Court have been owned by the same owner since 1988.
6. I would counter any argument made that a smaller home would affect resale or property values of adjoining lots.
 - a. Counter -
 - i. We have been in the hottest housing market since 2008 and these lots are still vacant.
 - ii. A structure (possibly a sanitary lift station - I have not been able to confirm - structure was served with 3 phase power) was on this parcel before the subdivision in the immediate vicinity were built. This did not deter development in this area.

Home Specifications:

1. Metal framing
2. Concrete Slab Foundation
3. Interior - Sheetrock wall covering
4. Exterior - Vinyl siding
5. Concrete or Asphalt Drive

185 Rock Springs Road

Exhibit A - April 2012 - Google Earth



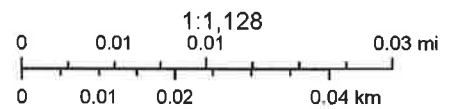
Exhibit B - March 1997 - Google Earth





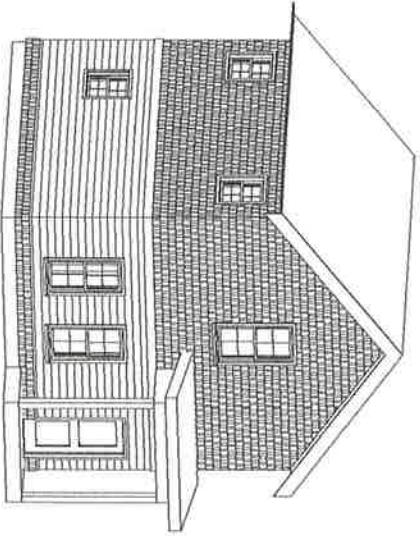
Date: March 13, 2024

County: Sullivan
 Owner: KINGSPORT CITY OF
 Address: ROCK SPRINGS RD 185
 Parcel Number: 077 045.01
 Deeded Acreage: 0
 Calculated Acreage: 0
 Date of TDOT Imagery: 2019
 Date of Vexcel Imagery: 2023



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

The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.



G100



www.jdmobile.com	
Consultant: Address: Phone: Email:	Address: Phone: Email:
Consultant: Address: Phone: Email:	Address: Phone: Email:
No. _____ Description _____ Date _____	
Client Name Project Name Cover	
Project Number _____ Owner _____ Drawn by _____ Checked by _____	Project Number _____ Issue Date _____ Author _____ Checker _____
G100	



TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: March 15, 2024

RE: 1004 Chippendale Road

The Board is asked to consider the following request:

Case: BZA24-0045 – The owner of property located at 1004 Chippendale Road, Control Map 060G, Group E, Parcel 002.00 requests a 20 foot rear yard deviation from Sec 114-133(1) for the purpose of constructing a swimming pool and deck. The property is zoned R-1B, Residential District.

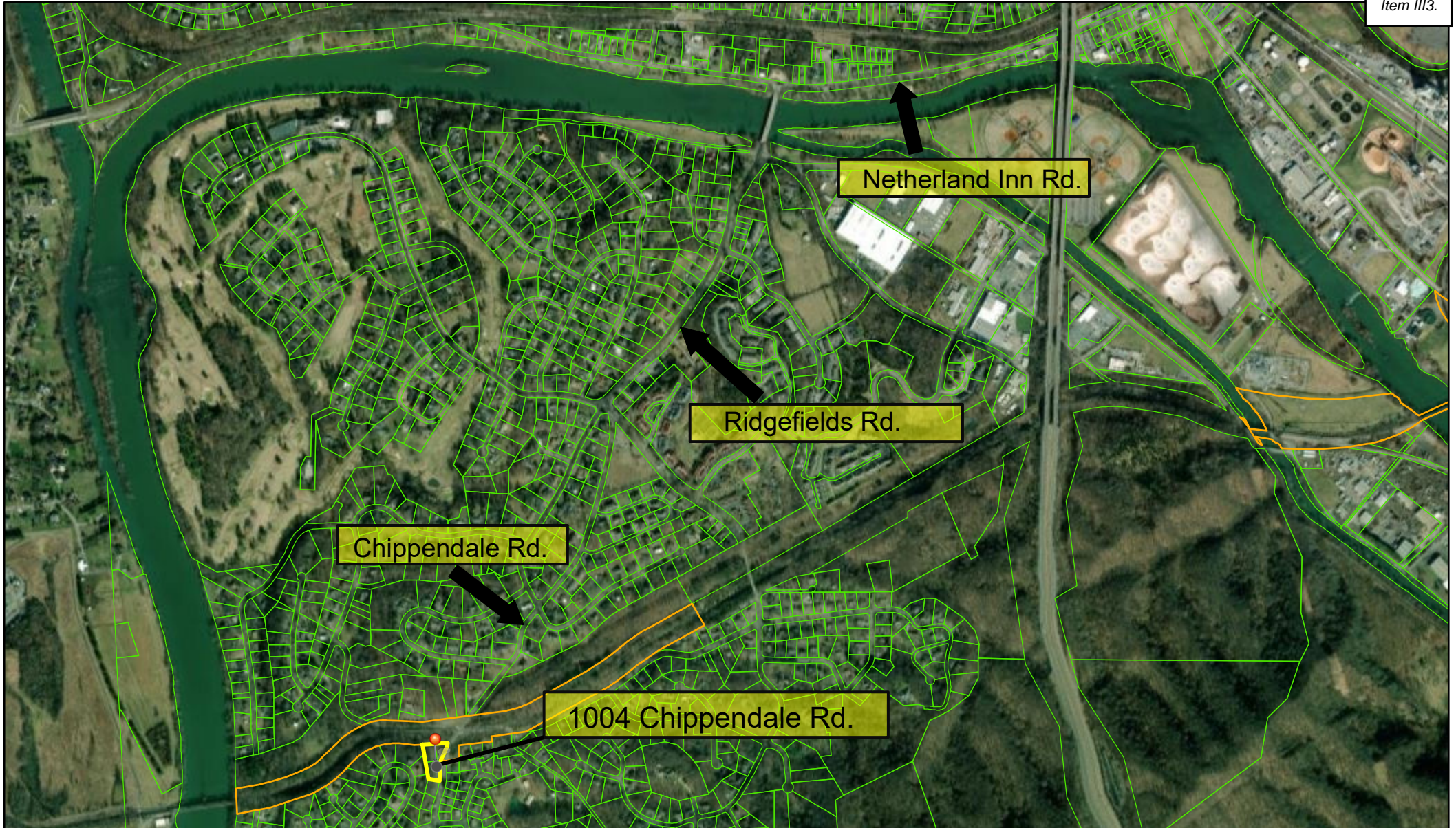
Code reference:

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

(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.

ArcGIS Web Map

Item III.3.



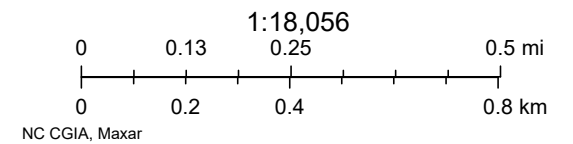
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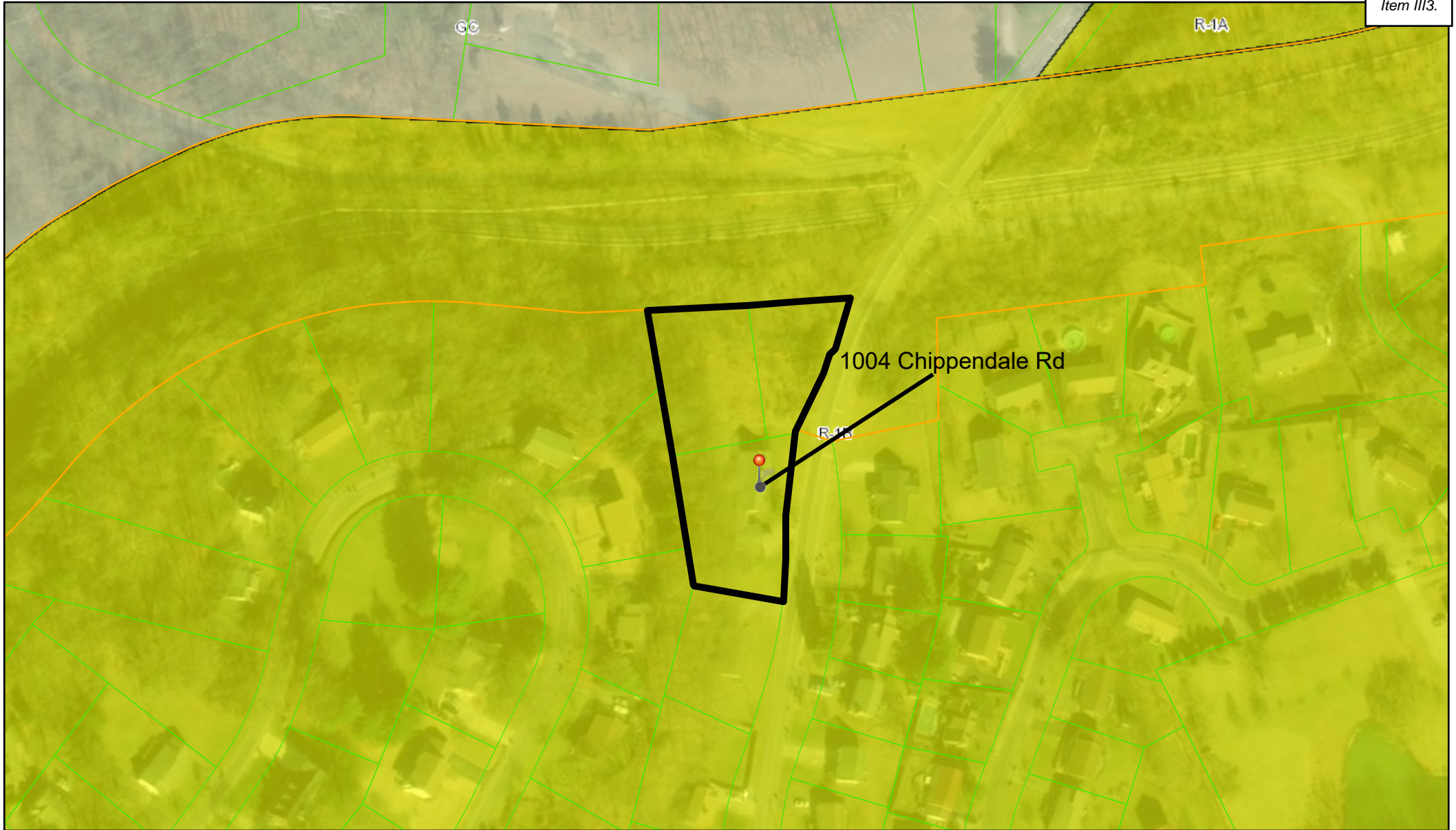
Sullivan County Parcels Jan 2023

Parcels

Railroad_ROW

Urban Growth Boundary





3/25/2024, 8:45:47 AM

Sullivan County Parcels Jan 2023

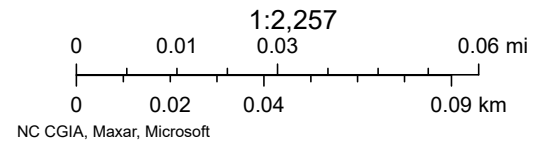
Parcels

Railroad_ROW

City Zoning

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



07°43'30" W	22.27'
11°52'20" W	61.73'
16°39'47" W	41.55'
23°49'51" W	16.33'

Item III.3.

BROADWAY INTERPLANT
RAILROAD
DB.-64A/PG.-211
TAX MAP 060G "B"
PARCEL 001.00

15' WIDE PUBLIC
SEWER EASEMENT

SEE DB.-1027C,
FOR EASEMENTS

WAYNE LITTLE
DB.-778C/PG.-153
TAX MAP 060G "E"
PARCEL 012.00

15' WIDE PUBLIC
SEWER EASEMENT

15' WIDE PUBLIC
WATER EASEMENT

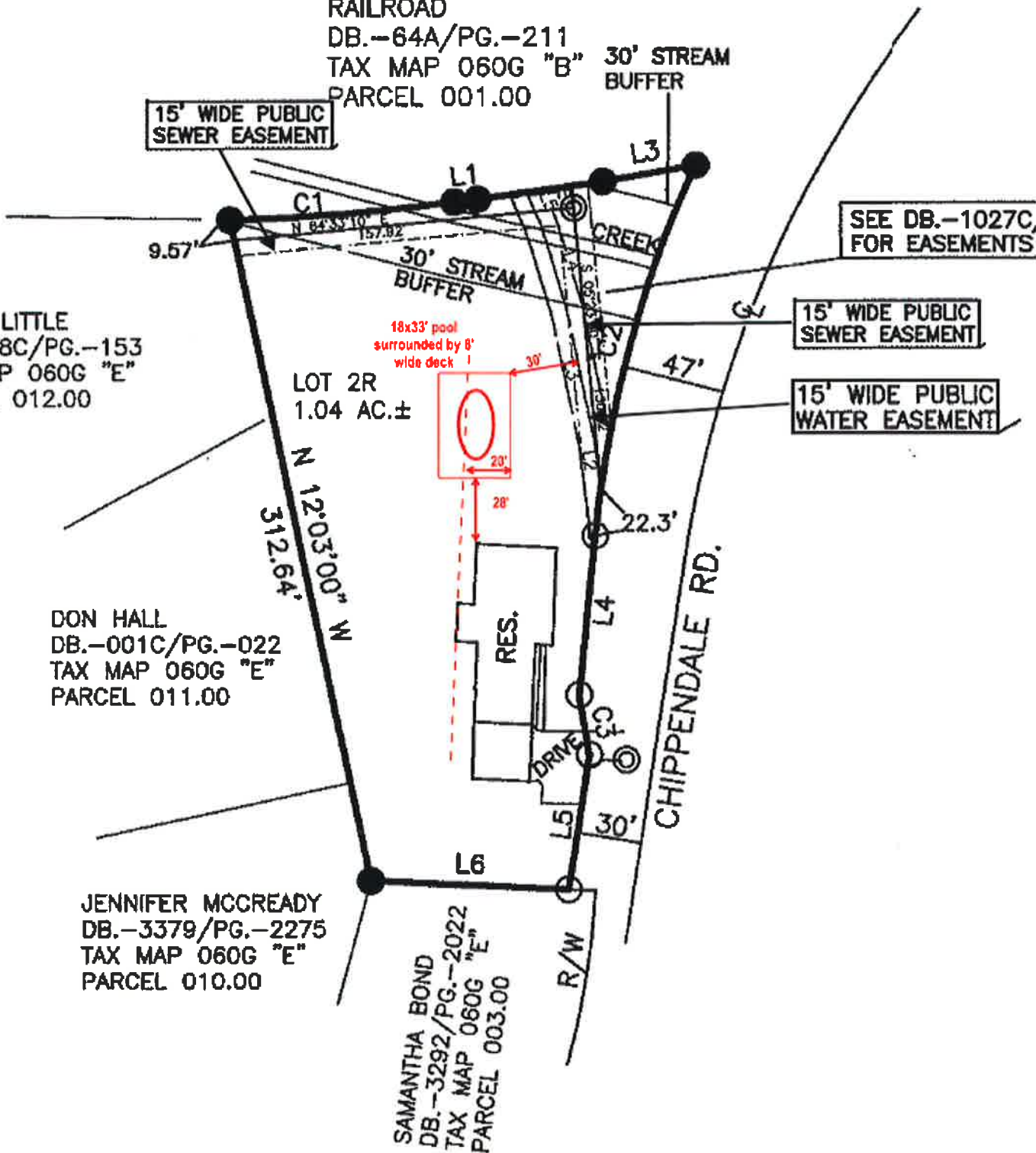
LOT 2R
1.04 AC.±

18x33' pool
surrounded by 8'
wide deck

DON HALL
DB.-001C/PG.-022
TAX MAP 060G "E"
PARCEL 011.00

JENNIFER MCCREADY
DB.-3379/PG.-2275
TAX MAP 060G "E"
PARCEL 010.00

SAMANTHA BOND
DB.-3292/PG.-2022
TAX MAP 060G "E"
PARCEL 003.00



Variance Worksheet – Finding of Facts

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

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

The topography of 1004 Chippendale Rd has narrow, flat front and side yards with a nearly vertical back yard. The back yard is approximately ten feet deep before reaching a retaining wall. This hardship is not generally shared with neighboring houses, who have back yards.

The purpose of this variance will allow an accessory structure (pool and deck) in the side yard of 1004 Chippendale Rd.

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

The strict application of this chapter would deprive the applicant of *all* reasonable use of the land. No accessory structures are allowed in the side yard, which would essentially remove all use of the land.

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

The topography of 1004 Chippendale Rd was not the result of the actions by the applicant. The layout of the land has not changed since the neighborhood was originally drawn and built.

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

This variance (pool and deck accessory structure) will not harm the public safety or alter the essential character of the neighborhood. The pool deck will be locked and monitored remotely for unauthorized access. Additionally, the deck will be stained dark brown or red to match existing fence colors and is hidden by trees/shrubs as you are entering the neighborhood and located in the back half of the side yard (further from the street). There are also multiple houses in the neighborhood with pools and yard barns in their side yard or have them in their rear yard but are viewable from the street.

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.

Item III.3.





Item III.3.

Google

Image capture: Nov 2023 © 2024 Google



TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: March 18, 2024

RE: 1017 West Stone Drive

The Board is asked to consider the following request:

Case: BZA24-0049 – The owner of property located at 1017 West Stone Drive, Control Map 045D, Group K, Parcel 003.10 requests a 28.1 foot planting strip boundary variance to Sec 114-600(4)a for the purpose of constructing a new Friendship Hyundai Car Dealership. The property is zoned B-3, Highway Oriented Business District.

Code reference:

Sec. 114-600. - Landscape requirements.

(4) Property adjoining a residential or agricultural zone.

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

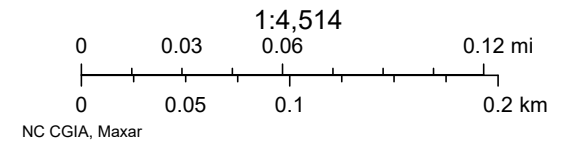


3/25/2024, 10:27:19 AM

Sullivan County Parcels Jan 2023

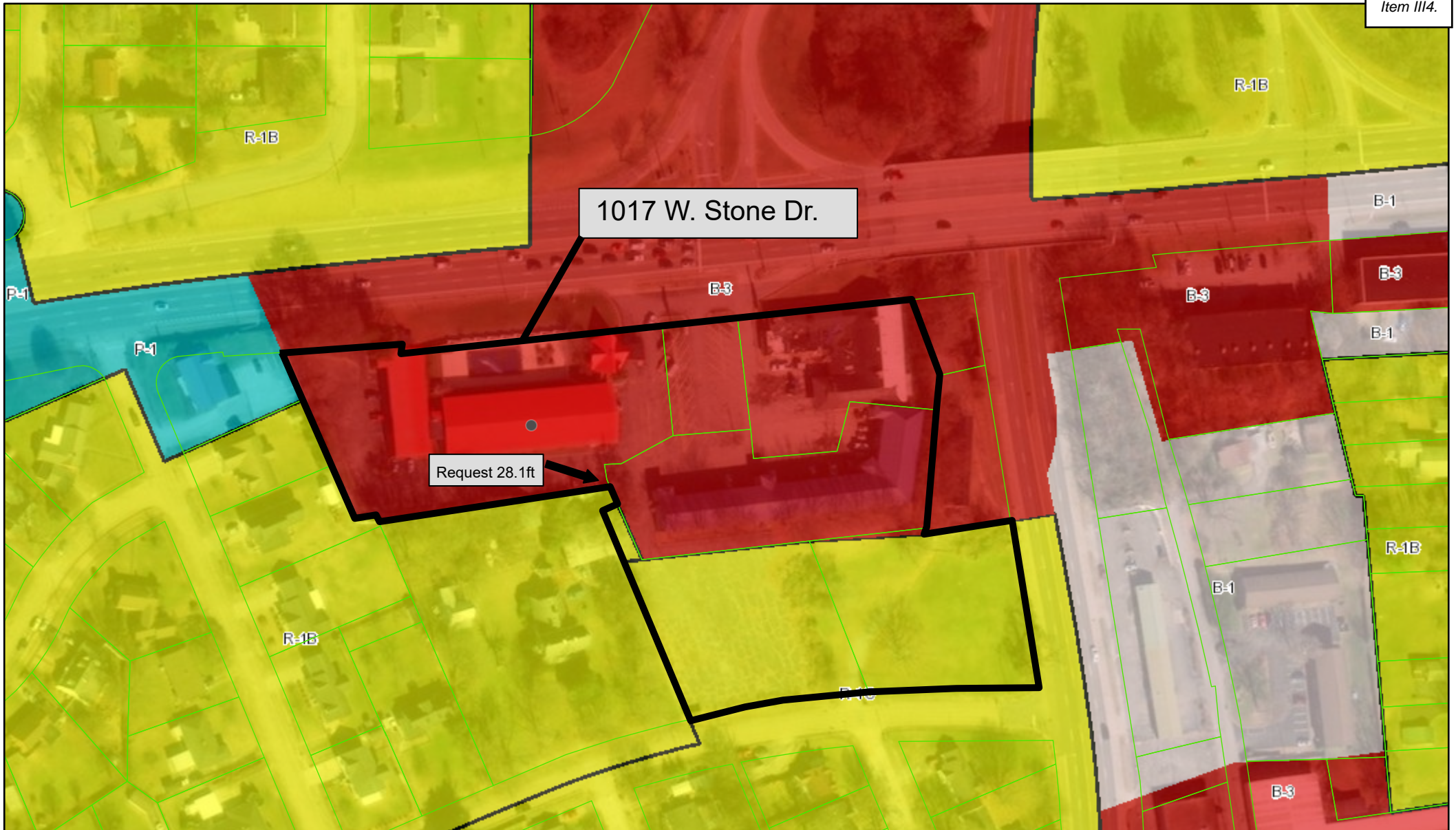
 Parcels

 Urban Growth Boundary



ArcGIS Web Map

Item III.4.



3/25/2024, 10:09:22 AM

Sullivan County Parcels Jan 2023

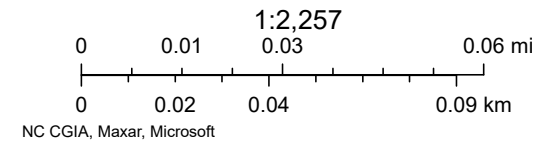
Parcels

City Zoning

<Null>

TAC

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



Variance Worksheet – Finding of Facts

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

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

The shape of the property is irregular. The portion of the property in which the variance is being requested narrows down significantly (approximately 70') to the remaining property located within the B-3 zoning.

The current use of the land has asphalt pavement all the way to the property line of the adjacent R-1B zoned property. This project will be removing some of the existing asphalt paving and thus creating more of a buffer than currently exists.

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

By following the strict application of this chapter, the project would require the loss of nearly ¼ of the Display Parking lot for new automobiles. This loss of use, would likely make the property undesirable for the new use as proposed.

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.

This project is proposing to reduce the encroachment of asphalt paving from the current B-3 zoned property toward the currently zoned R-1B 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.

All existing vegetation will remain in place along the property line. The project will install an 8' high wooden, opaque fence along the Southern boundary where the variance is being requested. The project is also proposing to remove a portion of the existing asphalt paving from abutting the adjacent property line and pulling it back to 2' off the property line at the narrowest point and increasing as heading West to a distance of 20.7' off the property line. The project will also install the necessary deciduous trees and shrubs along this newly installed buffer.

This project proposes to demolish the existing building of nearly 30' in height and replacing with a new automobile display lot. The proposed opaque fence will completely block the site of the new construction area versus the current view of the existing structure.

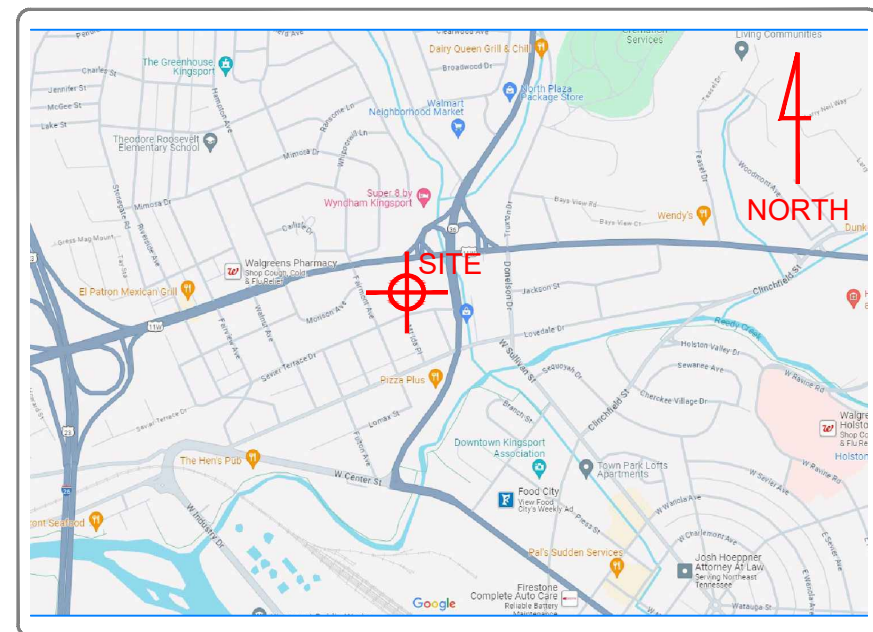
Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area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

1. PROPERTY ZONE: B-3 (HIGHWAY ORIENTED BUSINESS DISTRICT).
2. LOT AREA, THE MINIMUM LOT AREA SHALL BE 10,000 SQUARE FEET.
3. LOT FRONTAGE, 50 FEET.
4. BUILDING SETBACK, THE SETBACKS TO BE OBSERVED ARE:
 - a. FRONT YARD, 20 FEET.
 - b. SIDE YARD, NOT APPLICABLE.
 - c. REAR YARD, 30 FEET.
5. BUILDING HEIGHT, NOT APPLICABLE.
6. ALL PARKING AREAS MUST PROVIDE INTERIOR LANDSCAPING AS FOLLOWS: IN ADDITION TO ALL OTHER LANDSCAPING REQUIREMENTS, ALL PARKING AREAS SHALL CONTAIN A MINIMUM OF ONE TREE PER FIVE PARKING SPACES TO BE LOCATED IN THE INTERIOR PARKING LOT AREA.
7. THE SUM OF ALL LANDSCAPING CONTAINED WITHIN ANY ONE ZONING DEVELOPMENT PLAN SHALL BE A MINIMUM OF TEN PERCENT OF THE ENTIRE LAND AREA.
8. VEHICLE SALE, RENTAL AND SERVICE ESTABLISHMENT: ONE SPACE PER 500 SQUARE FEET OF ENCLOSED SALES/RENTAL FLOOR AREA, PLUS ONE SPACE PER 2,500 SQUARE FEET OF OPEN SALES/RENTAL DISPLAY LOT AREA, PLUS TWO SPACES PER SERVICE BAY, PLUS ONE SPACE PER EMPLOYEE, BUT NEVER LESS THAN FIVE SPACES.
9. SANITARY SEWER IS LOCATED ALONG THE WESTERN PROPERTY LINE (LYNN GARDEN DRIVE).
10. DOMESTIC WATER IS LOCATED ALONG THE NORTHERN PROPERTY LINE (W STONE DRIVE).



VICINITY MAP
NTS

SITE INFORMATION:

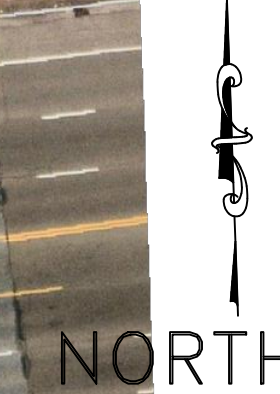
CURRENT OWNER:
SHUBHLAXMI LLC
C/O CHANDRAKANT P PATEL
1101 N BUFFALO STREET
ERWIN, TN 37650-4013

EXISTING SITE INFORMATION:
1017 W STONE DRIVE
5.38 AC. ± TOTAL
PARCELS 045D K 003.10
045D K 004.00
045D K 004.10
045D K 007.00
045D K 008.00
045D K 009.00
DEED 20121227-0042052

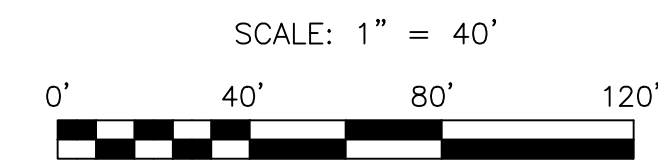
CURRENT ZONING:
B-3 - HWY ORIENTED BUSINESS
R-1C - RESIDENTIAL

Impervious Surfacing	
Existing:	3.67 AC±
Proposed:	3.81 AC±
Difference:	0.14 ADD

Parking Note:	
Display:	308
Customer:	29
Employee:	22
Service:	43
TOTAL:	402



CONCEPT SITE PLAN
NOT FOR CONSTRUCTION



REVISIONS		
NO.	DATE	DESCRIPTION

ACTIVE DESIGN PHASE
<input checked="" type="checkbox"/> CONCEPT DESIGN
<input type="checkbox"/> DESIGN DEVELOPMENT
<input type="checkbox"/> CONSTRUCTION BIDDING PHASE
<input type="checkbox"/> CONSTRUCTION DOCUMENTS
<input type="checkbox"/> CONSTRUCTION ADMINISTRATION

SEAL

ADS PROJ. No.:

PROJECT:
FRIENDSHIP HYUNDAI

1017 W Stone Drive
Kingsport, TN 37660

FOR:
FRIENDSHIP ENTERPRISES

1954 West State Street
Bristol, TN 37620
(423) 990-0100

APPALACHIA DESIGN SERVICES, INC.

245 Birch Street
Blountville, TN 37617
Phone: (423) 323-1206
Fax: (423) 323-1732

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DRAWING INFORMATION	
SCALE:	AS SHOWN
SCALE GUIDE:	
DWG ISSUED:	December 19, 2023
PROJ ADMIN:	JSF
DRAWN BY:	JSF
CHECKED BY:	JAS
DRAWING TITLE:	
LANDSCAPE VARIANCE PLAN	
DRAWING NO: C2.1	

Item III.4.



31



MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

February 1, 2024, Regular Meeting

Noon
Montgomery-Watterson Boardroom, City Hall

Members Present:

Bill Sumner
Calvin Clifton
Tracey Cleek
Joe White
Wes Combs

Members Absent:

Staff Present:

Lori Lane
Ken Weems
Jessica McMurray

Visitors:

Benjamin Jenkins

Mr. Bill Sumner called the meeting to order at 12:00p.

Mr. Bill Sumner explained the meeting procedures.

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

Public Hearing:

Case: BZA24-0007 – The owner of property located at 737 E Sevier Avenue, Control Map 0460, Group C, Parcel 024.10 requests approval for commercial parking in a residential zone to Sec 114-563(4). The property is zoned R-4, Medium Density Apartment District.

Mr. Benjamin Jenkins presented the case to the board. Mr. Jenkins stated the owner of Rural Health Clinic has requested approval for commercial parking in a residential zone. Mr. Jenkins explained the site was recently combined with an adjoining parcel in which the Rural Health office building is located. However, the residential zone is still in place on the portion of the site where owners wish to construct a new parking area. Mr. Jenkins further explained the need for request and new parking area was due to an increase in clients visiting the dental and medical clinic.

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

Adjudication of Cases:

Case: BZA24-0007 – The owner of property located at 737 E Sevier Avenue, Control Map 0460, Group C, Parcel 024.10 requests approval for commercial parking in a residential zone to Sec 114-563(4). The property is zoned R-4, Medium Density Apartment District.

MOTION: made by Mr. Joe White, seconded by Ms. Tracey Cleek, to approve the commercial parking area in a residential zone as requested.

VOTE: 5-0 to approve the request.

BUSINESS:

MOTION: made by Mr. Wes Combs, seconded by Mr. Joe White, to approve the Kingsport Board of Zoning Appeals minutes for January 4, 2024.

VOTE: 5-0 to approve the minutes.

With no further business the meeting was adjourned at 12:14 p.m.

Respectfully Submitted,

Jessica McMurray

Jessica McMurray
Development Coordinator