

BOARD OF ZONING APPEALS MEETING AGENDA

Thursday, November 06, 2025 at 12:00 PM
City Hall, 415 Broad Street, Montgomery-Watterson Boardroom: Room 307

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

- I. CALL TO ORDER 12:00 P.M. NOON
- II. INTRODUCTION AND MEETING PROCEDURES
- III. PUBLIC HEARING
 - 1. Case: BZA25-0261- The owner of property located at 4512 Preston Drive, Control Map 047N, Group D, Parcel 03.00 requests a 114-foot deviation from rear yard to Sec 114-133(1) for the purpose of constructing a storage building in the side yard. The property is zoned R-1A, Residential District.

INTERESTED PARTIES:

Owner:

Tom Parker 4512 Preston Drive Kingsport, TN 37664

(423)418-4795

Representative: Tom Parker

2. Case: BZA25-0265- The owner of property located at 435 E. Main Street, Control Map 046P, Group F, Parcel 03.01 requests a 5-foot setback variance from the maximum yard requirements in Section 114-194(e)(2)a to allow for the construction of a 32-unit apartment building and two one-story commercial spaces. The property is zoned B-2, Central Business District.

INTERESTED PARTIES:

Owner:

Seth Kincaid 904 N. State of Franklin Road Johnson City, TN 37604

(423)767-5005

Representative: Clinton Roberts

3. Case BZA25-0266- The owner of property located at 381 Snapps Ferry Road, Control Map 119, Parcel 114.10 requests a 381-square-foot variance to Section 114-133(2) in order to exceed the maximum allowable square footage for an accessory structure to allow for the expansion of a detached garage and a new storage building. The property is zoned A-1, Agricultural District.

INTERESTED PARTIES:

Owner:

Donnie Horne 381 Snapps Ferry Road Kingsport, TN 37663 (423)620-3998

Representative: Donnie Horne

IV. BUSINESS

- **1.** Reschedule the January 2026 BZA meeting to the second Thursday, January 8, 2026, the scheduled first Thursday falls on New Year's Day.
- 2. Approval of the October 2, 2025 regular meeting minutes.

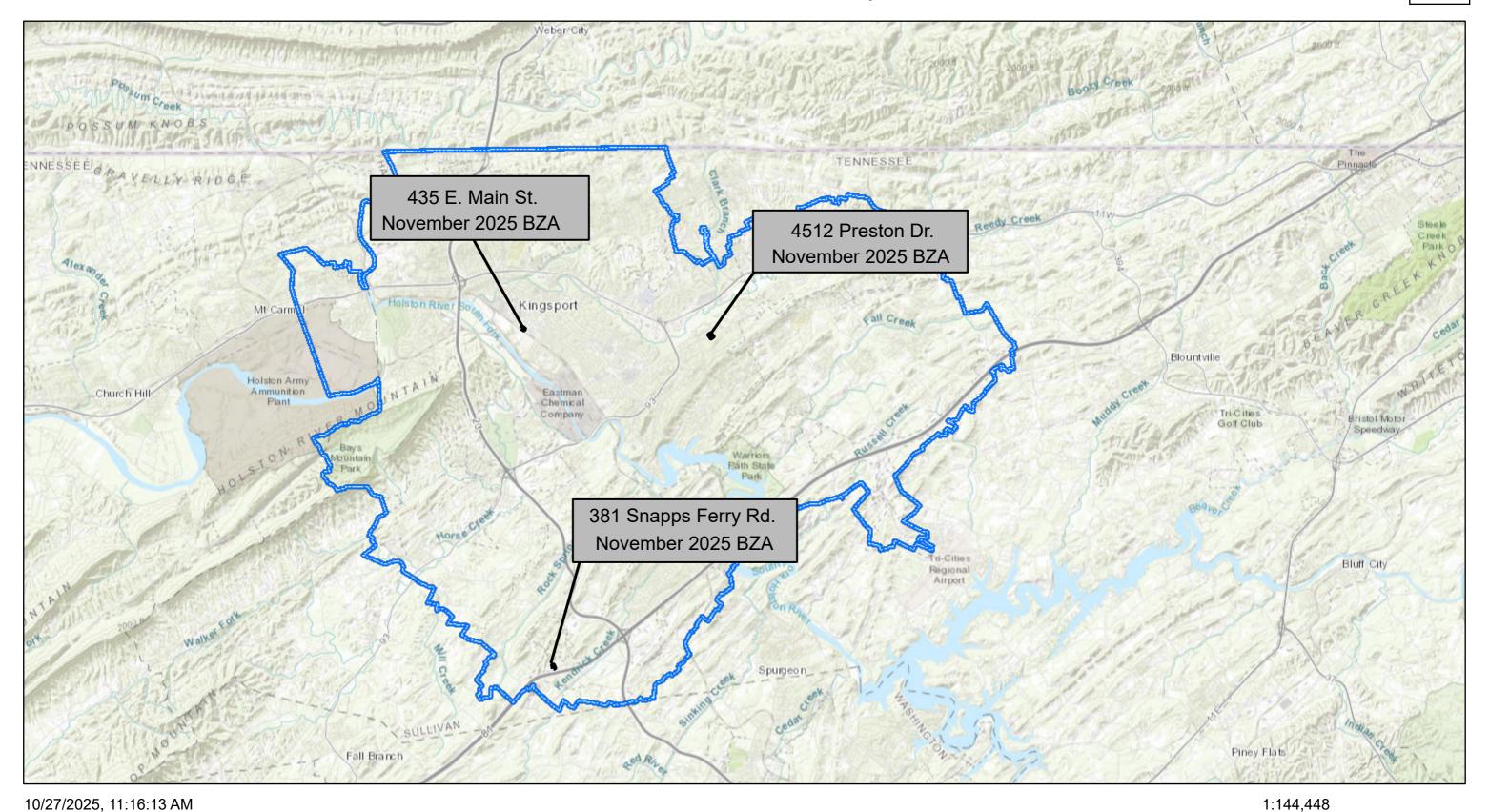
Stating for public record, the next application deadline is November 15, 2025 at noon, and meeting date (Thursday, December 4, 2025).

V. ADJUDICATION OF CASES

VI. PUBLIC COMMENT

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

VII. ADJOURN



Urban Growth Boundary

0 1.5 3 6 mi

Tennessee STS GIS, Esri, HERE, Garmin, USGS, NGA, EPA, USDA, NPS

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 <u>Thursday</u>, <u>November 6, 2025</u> will be conducted beginning at <u>NOON</u> in the <u>Kingsport City Hall</u>, <u>Montgomery-Watterson Boardroom</u>, 415 Broad Street, 3rd floor, <u>Kingsport</u>, <u>Tennessee</u>.

<u>Public Hearings</u>: The Kingsport Board of Zoning Appeals will conduct a Public Hearing during this meeting to consider the following cases:

Case: BZA25-0261—The owner of property located at 4512 Preston Drive, Control Map 047N, Group D, Parcel 03.00 requests a 114-foot deviation from rear yard to Sec 114-133(1) for the purpose of constructing a storage building in the side yard. The property is zoned R-1A, Residential District.

<u>Case: BZA25-0265– The owner of property located at 435 E. Main Street, Control Map 046P, Group F, Parcel 03.01</u> requests a 5-foot front setback variance from Section 114-194(e)(2)a to allow for the construction of a 32-unit apartment building and two one-story commercial spaces. The property is zoned B-2, Central Business District.

Case BZA25-0266— The owner of property located at 381 Snapps Ferry Road, Control Map 119, Parcel 114.10 requests a 381-square-foot variance to Section 114-133(2) in order to exceed the maximum allowable square footage for an accessory structure to allow for the expansion of a detached garage and a new storage building. The property is zoned A-1, Agricultural District.

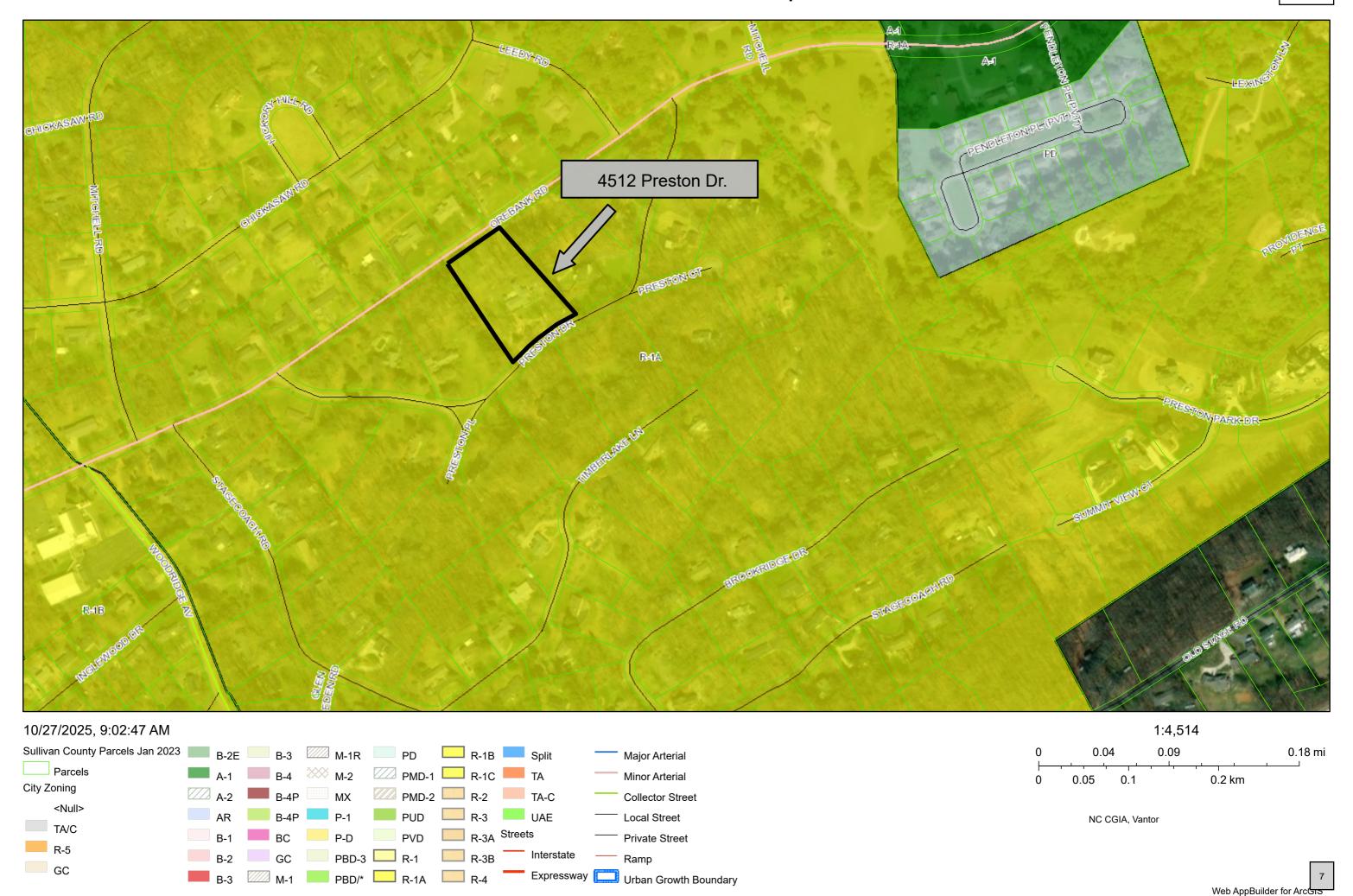
All interested persons are invited to attend this Public Hearing. Additional information concerning this case may be obtained by contacting City of Kingsport Planning Division staff, telephone (423) 229-9485.

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: 10/27/2025









TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: October 27, 2025

RE: 4512 Preston Drive

The Board is asked to consider the following request:

<u>Case: BZA25-0261– The owner of property located at 4512 Preston Drive, Control Map 047N, Group D, Parcel 03.00</u> requests a 114-foot deviation from rear yard to Sec 114-133(1) for the purpose of constructing a storage building in the side yard. The property is zoned R-1A, Residential District.

Code reference:

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

(2) Location. Except as provided in subsection (3) of this section, no accessory building shall be <mark>erected in any required front or side yard.</mark> 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.

Item III1. KINGSPORT TENNESSEE

APPLICATION

My Commission Expires

Board of Zoning Appeals

APPLICANT INFORMATION:		
Last Name Parker	First Tom	M.I. H Date 10/13/2025
Street Address 4512 Preston Drive	2	Apartment/Unit #
City Kingsport	State TN	ZIP 37664
Phone 423/418-4795	E-mail Address	
PROPERTY INFORMATION:		
Tax Map Information Tax map: 7NGroup: 7		
Street Address 45/2 Preston Dr. King	Sport TN 37664	Apartment/Unit #
Current Zone	Proposed Zone	
Current Use	Proposed Use	
REPRESENTATIVE INFORMATION:		
Last Name dame as above	First	M.I. Date
Street Address		Apartment/Unit #
City	State	ZIP
Phone	E-mail Address	
deviation from rear you	urd	
DISCLAIMER AND SIGNATURE		
By signing below I state that I have read and understand the meeting in which the Board of Zoning Appeals will review in described herein and that I am/we are appealing to the Board Signature:	ny application. I further state that I am/v	Date: 10-13-2035
a notary public for the State of	SCC STUMBIL	PYATAMA
County of SUITIUM	ST/ST/	TE / I

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.

Steep rocky entrance to back yard. Owners have had this replacements, with knee replacements coming in the near future.

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

We could not reliably access lawn care equipment and tools.

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.

the shed will match the home colors, it will be located approximately 100 feet from the road, down toward the base of the driveway, and is blocked from View by trees and By a rock wall.

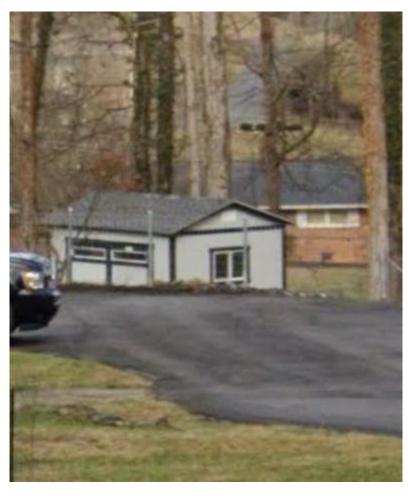
Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area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

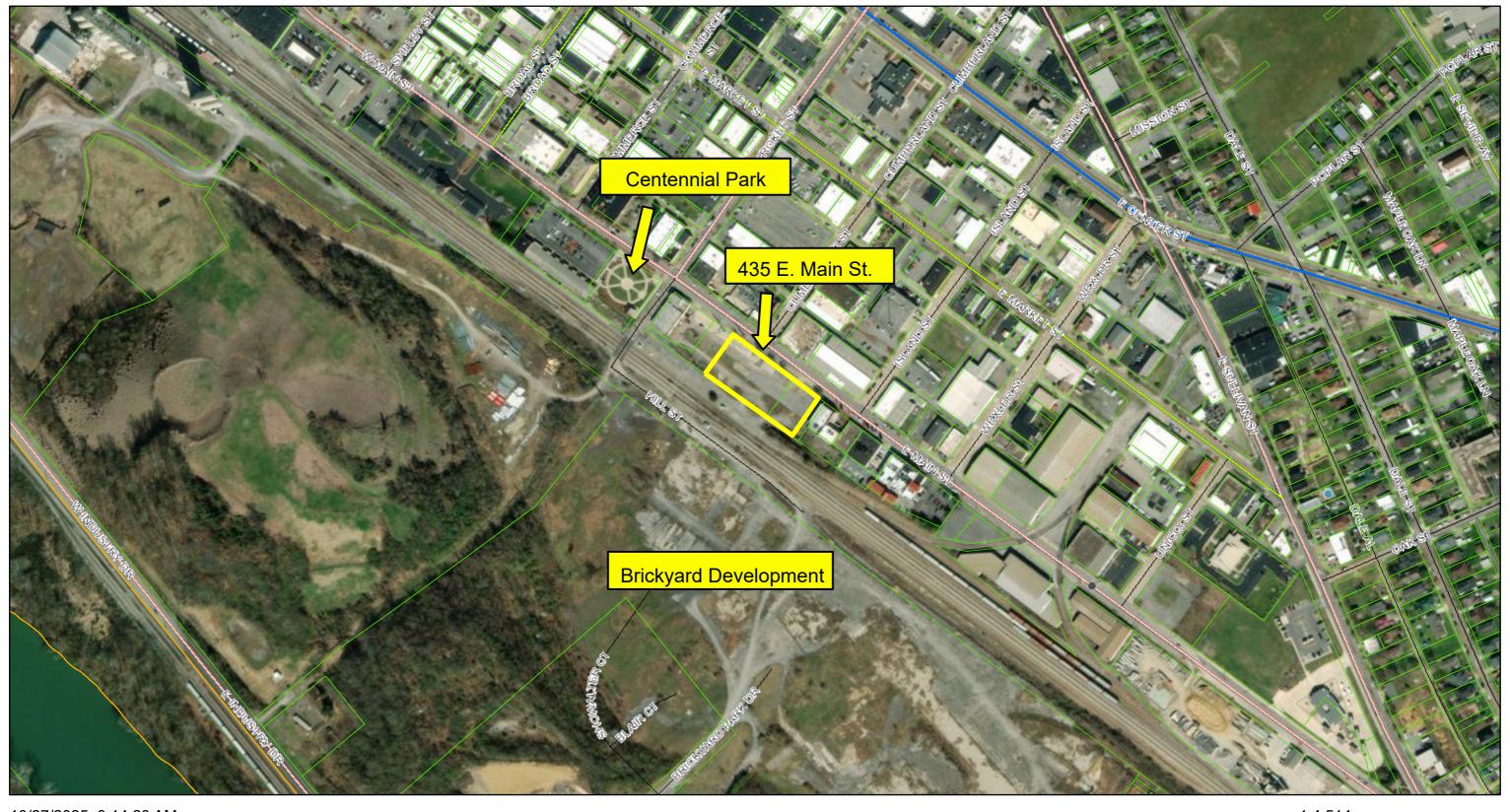
- 1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.
- 2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
- 3. Inability to put the property to its most profitable 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.

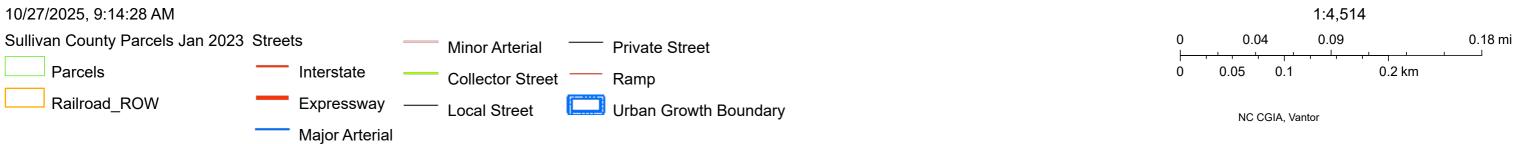


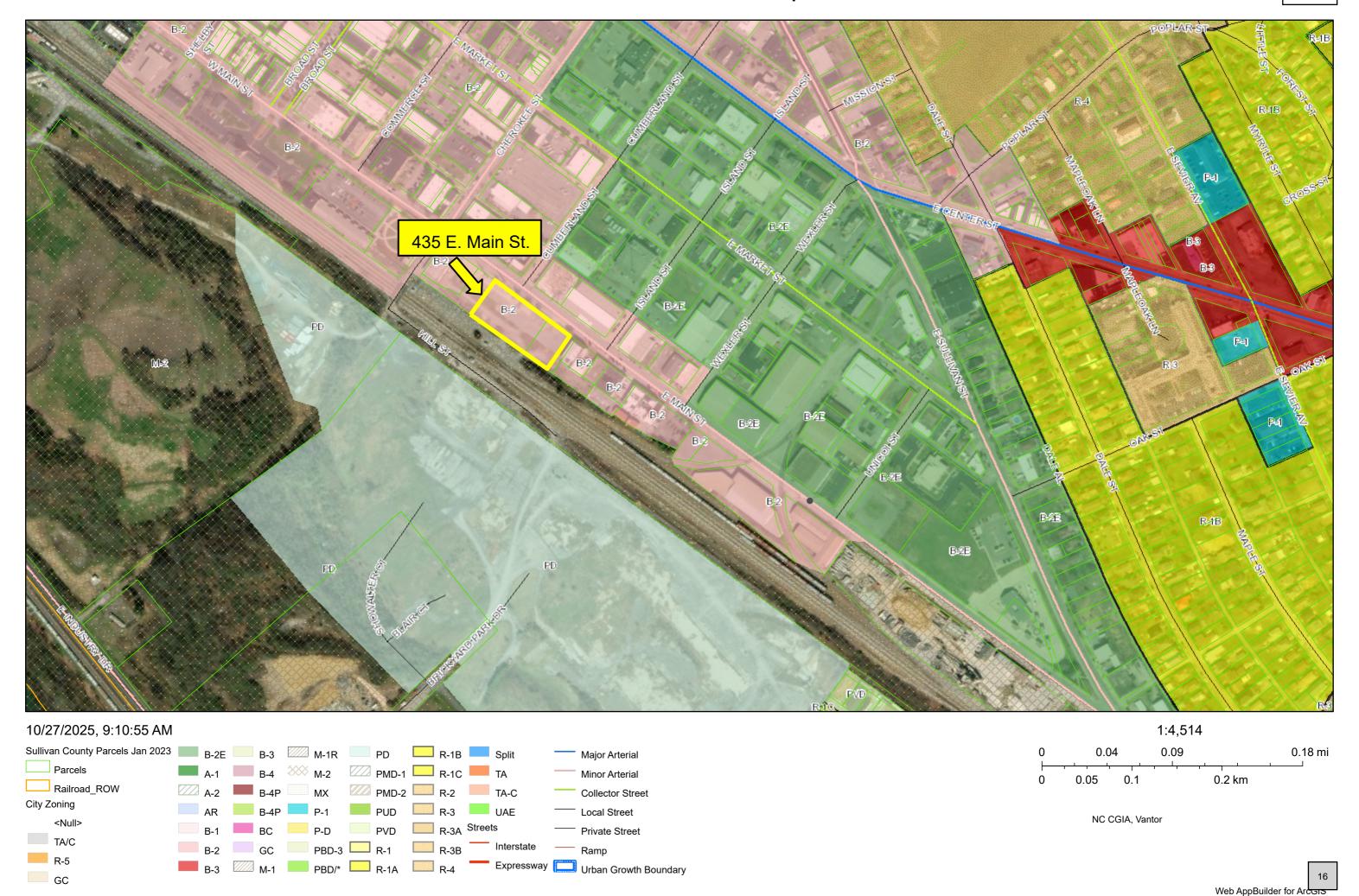




New storage shed to match the existing shed shown below.









TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: October 27, 2025

RE: 435 E. Main Street

The Board is asked to consider the following request:

<u>Case: BZA25-0265– The owner of property located at 435 E. Main Street, Control Map 046P, Group F, Parcel 03.01</u> requests a 5-foot setback variance from the maximum yard requirements in Section 114-194(e)(2)a to allow for the construction of a 32-unit apartment building and two one-story commercial spaces. The property is zoned B-2, Central Business District.

Code reference:

Sec. 114-194. - B-2, Central Business District

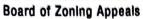
(e)Dimensional requirements. The minimum and maximum dimensional requirements for the B-2 district are as follows:

- (1) Minimum requirements. No requirements are applicable to this district.
- (2) Maximum permitted.

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

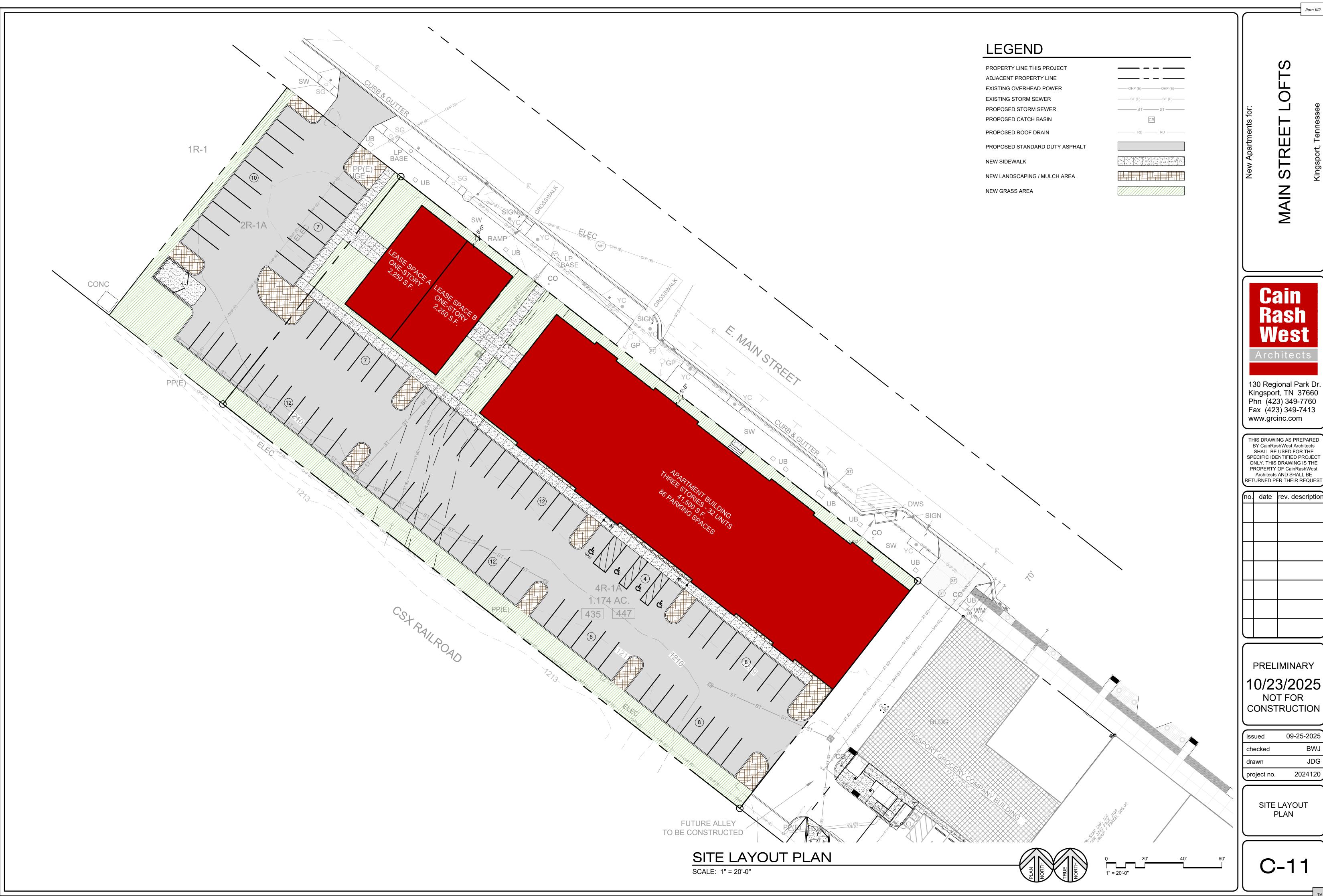
b. Building height. Building height shall not exceed 74 feet as measured from grade to the top of the roof structure, excluding parapet walls or cornices.

APPLICATION





APPLICANT INFORM	ATION:			Secretary and the second
Last Name Kincaid	The state of the s	First Seth	M.1.	Date 10/15/2025
Street Address 904 N State of Franklin Rd		Apartment/Uni	t #	
City Johnson City		State TN	ZIP 37604	
Phone (423) 767-50	005	E-mail Address		
PROPERTY INFORMA	ATION:		A Park	
Tax Map Information	Tax map: 046P Group: F	Parcel:003.1Lot:3R		
Street Address 435 E	Main Street	,	Apartment/Uni	t ≠
Current Zone B-2		Proposed Zone B-2		
Current Use VACAN		Proposed Use MULTI-FAMILY RESIDENTIAL		TAL
REPRESENTATIVE II	FORMATION:			
Last Name Roberts		First Clinton	M.I.D	Date 10/15/2025
Street Address 130 Regional Park Drive		Apartment/Unit #		
City Kingsport		State TN	zip 37660	
Phone (423) 723-1	542	E-mail Address		
REQUESTED ACTION	li .			
ground floor of the sidewalk level. T	ance regarding the setbate proposed apartment but he building entrance required to the building back 5'-0" from the	uilding is required to builtes steps and/or ram	e elevated roughly ps to provide acce	21" above the ss. We propose pulling
DISCLAIMER AND S	IGNATURE			
meeting in which the Bo	that I have read and understand the ard of Zoning Appeals will review n I am/we are appealing to the Board	ny application. I further state th	d have been informed as to nat I am/we are the sole :	o the location, date and time of the and legal owner(s) of the proper
Signature:			Date: 10 /	5/2025
Signed before me on a notary public for the County of	(-1		DELILAH CABRER/ NOTARY PUBLIC STATE OF COLORAI NOTARY ID# 202540123	00 83
Notary My Commission Expir	04/02/2029	<u> MY C</u>	OMMISSION EXPIRES APP	RIL 2, 2023



MAN Cain

Architects

130 Regional Park Dr. Kingsport, TN 37660 Phn (423) 349-7760 Fax (423) 349-7413 www.grcinc.com

THIS DRAWING AS PREPARED
BY CainRashWest Architects
SHALL BE USED FOR THE
SPECIFIC IDENTIFIED PROJECT
ONLY. THIS DRAWING IS THE
PROPERTY OF CainRashWest
Architects AND SHALL BE
RETURNED PER THEIR REQUEST

PRELIMINARY 10/23/2025 NOT FOR CONSTRUCTION

issued	09-25-2025
checked	BWJ
drawn	JDG
project no.	2024120

SITE LAYOUT PLAN

C-11

12) THIS SURVEY WAS DONE IN COMPLIANCE WITH THE CURRENT

13) THIS SURVEY IS SUBJECT TO ANY AND ALL SERVITUDES, COVENANTS,

EASEMENTS, OR RESTRICTIONS EITHER WRITTEN OR UNWRITTEN.

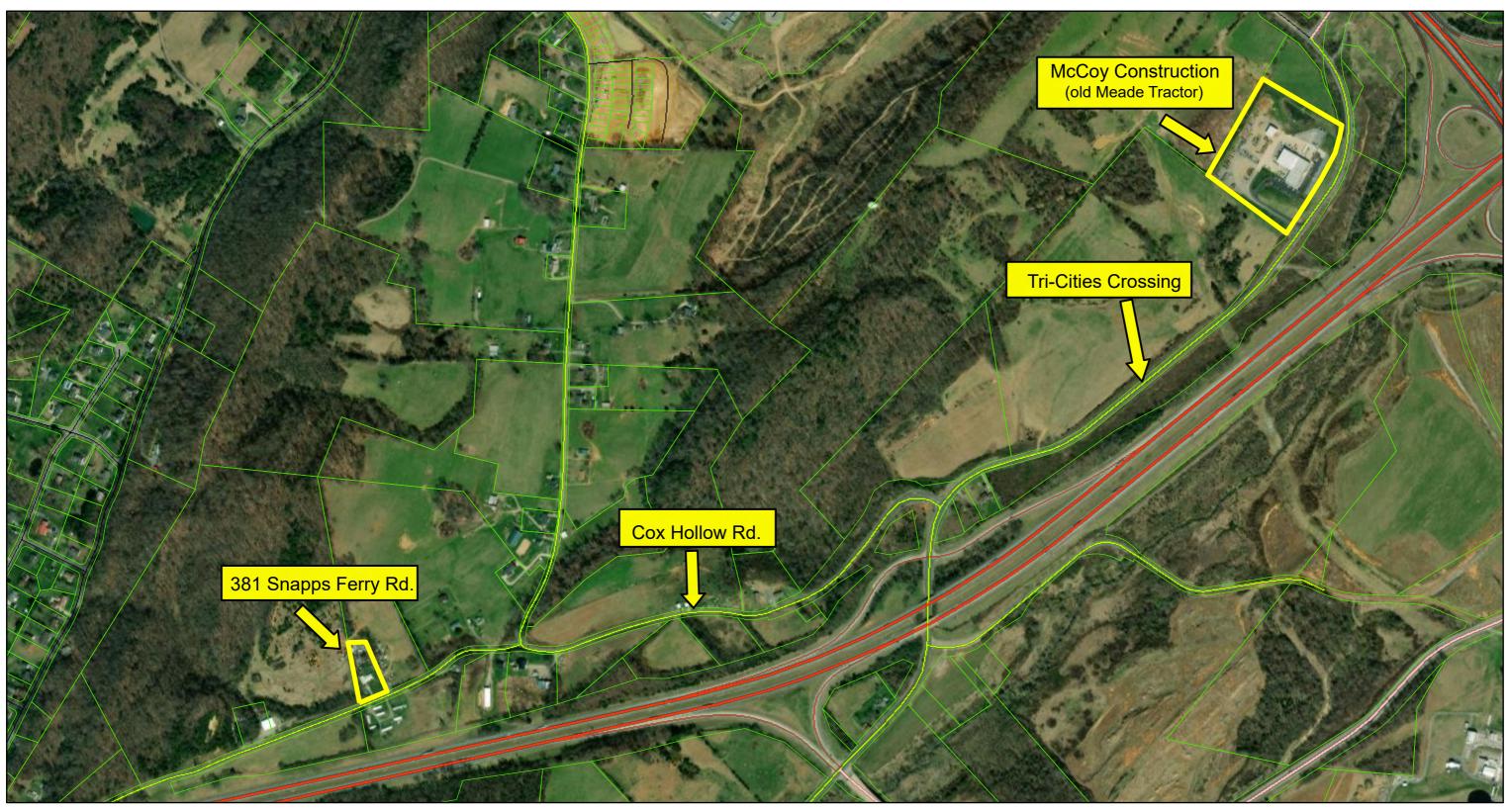
TENNESSEE MINIMUM STANDARDS OF PRACTICE.

ACAD FILE: 25-13852 KINCAID MAIN ST TOPO.DWG

30 15 0

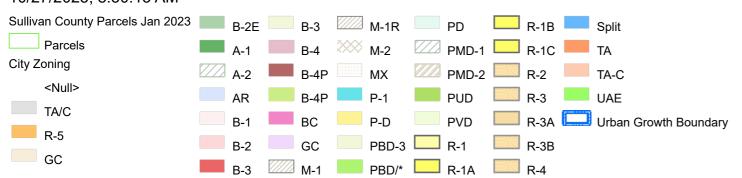
SCALE IN FEET

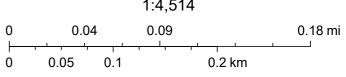












NC CGIA, Vantor



TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: October 27, 2025

RE: 381 Snapps Ferry Road

The Board is asked to consider the following request:

<u>Case BZA25-0266– The owner of property located at 381 Snapps Ferry Road, Control Map 119, Parcel 114.10</u> requests a 381-square-foot variance to Section 114-133(2) in order to exceed the maximum allowable square footage for an accessory structure to allow for the expansion of a detached garage and a new storage building. The property is zoned A-1, Agricultural District.

The property and adjoining auto salvage yard was annexed into the city in 2012. The existing accessory structures, totaling 1,266 square feet, were constructed prior to annexation.

Code reference:

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

(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 <mark>structure, or 1,100 square feet, whichever is greater.</mark> 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:

Signed before me on this

My Commission Expires

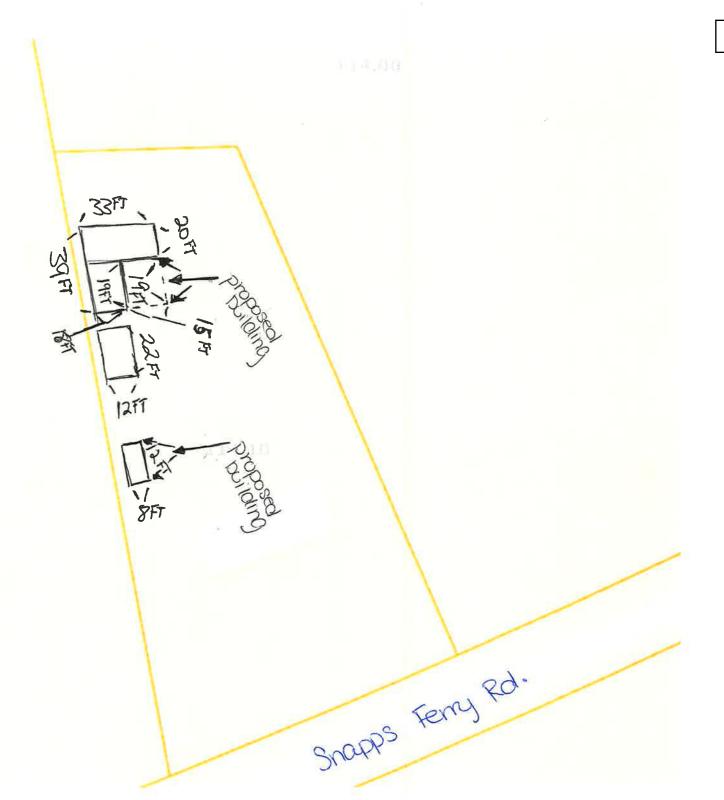
County of

Notary

a notary public for the State of

Last Name HOKNE	Firsty DONNIE	M.I. Date			
Street Address 381 SNADDS TRICKS	W.	Apartment/Unit #			
City KINQS PORT TENY	State TERN	ZIP 37663			
Phone 423-620-3998 PROPERTY INFORMATION:	E-mail Address				
Tax Map Information Tax map: 119 Group:	Parcel: 14 . 10ot:				
Street Address 381 Snapps Ferry Current Zone 'A-1	Rd; lingsport Proposed Zone WIZ	Apartment/Unit #			
Current Use ~	Proposed Use Pla				
REPRESENTATIVE INFORMATION:					
Last Name Some as above	First	M.I. Date			
Street Address		Apartment/Unit #			
City	State	ZIP			
Phone	E-mail Address				
REQUESTED ACTION:					
exceed accessory structure auctment by 381 sq ft.					
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 properties described herein and that I am/we are appealing to the Board of Zoning Appeals.					
Signature:		Date: 10/15/75			
S and a second		I			

STATE OF TENNESSEE NOTARY PUBLIC AND COUNTY OF TENNESSEE NOTARY PUBLIC



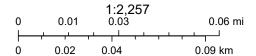


Date: October 27, 2025

County: SULLIVAN

Owner: HORNE DONNIE RAY ETUX Address: SNAPPS FERRY RD 381

Parcel ID: 119 114.10 Deeded Acreage: 1.29 Calculated Acreage: 0 Vexcel Imagery Date: 2023



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

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.





MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

October 2, 2025 Regular Meeting

Noon

Montgomery-Watterson Boardroom, City Hall

Members Present:
Calvin Clifton
Bill Sumner
Joe White
Josh Taylor

Members Absent: Hoyt Denton Wes Combs

Staff Present: Lori Pyatte Ken Weems Jessica McMurray <u>Visitors:</u> Lisa Walden

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

Chairman Bill 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:

<u>Case: BZA25-0246– The owner of property located at 1501 E. Stone Drive, Control Map 046L, Group L, Parcel 13.00</u> request a 99.98 square foot variance to Sec. 114-533(8)b to exceed the permitted wall sign allowance for Dutch Bros Coffee Shop. The property is zoned B-3, Highway-Oriented Business District.

Ms. Lisa Walden, representing Walden Signs, presented the request to the Board for additional wall signage for the Dutch Bros Coffee Shop. She explained the nature of the request, and the Board inquired whether the existing building on site would be demolished. Staff confirmed that, according to the development plans, the current structure would be removed and a new building constructed. The Board also asked if the establishment would operate solely as a drive-thru or include indoor seating. Staff noted that it would be drive-thru only.

Further discussion addressed whether the illuminated freestanding menu board should be included in the wall signage calculation. Staff clarified that freestanding menu boards should not be included; however, any menu board attached to the building wall should be counted toward the total wall signage allowance. The Board agreed that, for future reference, wall-mounted menu boards should be included in wall signage calculations.

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

BUSINESS:

Staff stated for record, the next application deadline is October 15, 2025 at noon, and meeting date Thursday, November 6, 2025 at noon.

The board reviewed the September 4, 2025 regular meeting minutes.

MOTION: made by Mr. Joe White, seconded by Vice-Chairman Clifton to approve the Kingsport Board of Zoning Appeals minutes for September 4, 2025.

VOTE: 4-0 to approve the minutes.

Adjudication of Cases:

<u>Case: BZA25-0246– The owner of property located at 1501 E. Stone Drive, Control Map 046L, Group L, Parcel 13.00</u> request a 99.98 square foot variance to Sec. 114-533(8)b to exceed the permitted wall sign allowance for Dutch Bros Coffee Shop. The property is zoned B-3, Highway-Oriented Business District.

The Board noted that menu boards attached to the building wall are considered wall signage, as they are affixed to the structure and count toward the total wall sign allowance. The Board also acknowledged that the primary hardship in this case stems from the building's location along a heavily trafficked area and its significant distance from the roadway.

MOTION: Made by Mr. Joe White and seconded by Mr. Josh Taylor to approve the request as presented.

VOTE: 4-0 to approve the request.

Jessica McMurray

Public Comment:

With no further business the meeting was adjourned at 12:21pm.

Respectfully Submitted,

Jessica McMurray

Development Coordinator