



## BOARD OF ZONING APPEALS MEETING AGENDA

Thursday, June 05, 2025 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: BZA25-0101 – The owner of the property located at 1383 Dewey Avenue, Control Map 062I, Group J, Parcel 025.00** requests a special exception to Section 114-183(c) to operate an educational group Monday through Friday. The property is zoned R-1B, Residential District.

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

Owner:

William Hutchinson

1383 Dewey Avenue

Kingsport, TN 37664

(423)226-5155

Representative: William Hutchinson

- 2. Case: BZA25-0113 – The owners of properties located at 117 Virgil Avenue (Lot 12R), 121 Virgil Avenue (Lot 11R), 1211 Fairway Avenue (Lot 10R), 208 Glen Avenue (Lot 9R), 204 Glen Avenue (Lot 8R) and 200 Glen Avenue (Lot 7R)** request approval for multiple variances. The purpose of the request is to replat six existing houses in order to obtain individual deeds for each property, placing each house on its own lot. The properties are zoned R-1B, Residential District. The specific variances requested are as follows: **117 Virgil**

**Avenue (Lot 12R):** 2,200 sq ft lot size variance to Sec. 114-183(e)(1)a, 6.4-foot front yard variance to Sec. 114-183(e)(1)c, 1.2-foot rear yard variance to Sec. 114-183(e)(1)e. **121 Virgil Avenue (Lot 11R):** 2,720.18 sq ft lot size variance to Sec. 114-183(e)(1)a, 0.2-foot side yard variance to Sec. 114-183(e)(1)d, 7.9-foot front yard variance to Sec. 114-183(e)(1)c. **1211 Fairway Avenue (Lot 10R):** 2,523.8 sq ft lot size variance Sec. 114-183(e)(1)a, 5-foot front yard variance to Sec. 114-183(e)(1)c, 1.1-foot side yard variance to Sec. 114-183(e)(1)d, 1-foot accessory structure setback variance to Sec. 114-133(2). **208 Glen Avenue (Lot 9R):** 2,077.85 sq ft lot size variance Sec. 114-183(e)(1)a, 1-foot side yard variance (street side requires 12 ft) to Sec. 114-138(4)c, 2.1-foot front yard variance to Sec. 114-183(e)(1)c, 7.6-foot rear yard variance to Sec. 114-183(e)(1)e. **204 Glen Avenue (Lot 8R):** 2,593.77 sq ft lot size variance Sec. 114-183(e)(1)a, 10.1-foot front yard variance to Sec. 114-183(e)(1)c. **200 Glen Avenue (Lot 7R):** 1,069.68 sq ft lot size variance Sec. 114-183(e)(1)a, 16.7-foot front yard variance to Sec. 114-183(e)(1)c, 0.8-foot side yard variance to Sec. 114-183(e)(1)d.

***INTERESTED PARTIES:***

Owner:

Front Street Ventures

2 Mishaupan Place

Bayville, NY 11709

(516)274-8997

Representative: Richard Banks

- 3. Case: BZA25-0127 – The owner of property located at 2003 N. Eastman Road Suite 210, Control Map 047P, Group A, Parcel 003.00** request a 45.62 square foot variance to Sec. 114-533(9)c to exceed the permitted wall sign allowance for the Eggs Up Grill restaurant. The property is zoned B-4P, Planned Business District.

***INTERESTED PARTIES:***

Owner:

Kenneth Bates

160 Stanley Road

Johnson City, TN 37615

(423)276-6997

Representative: Kenneth Bates

- 4. Case: BZA25-0132– The owner of property located at 2112 Eastwood Avenue, Control Map 061L, Group J, Parcel 019.00** requests special exception to Sec 114-183(c) for the purpose of operating an in-home childcare center. The property is zoned R-1B, Residential District.

***INTERESTED PARTIES:***

Owner:

Bob Tupper

1600 hunter Lane

Kingsport, TN 37664

(423)817-2800

Representative: Lily Tupper

**IV. BUSINESS**

- 1.** Approval of the May 1, 2025 regular meeting minutes.

Stating for public record, the next application deadline is June 16, 2025 at noon, and meeting date (Thursday, July 3, 2025).

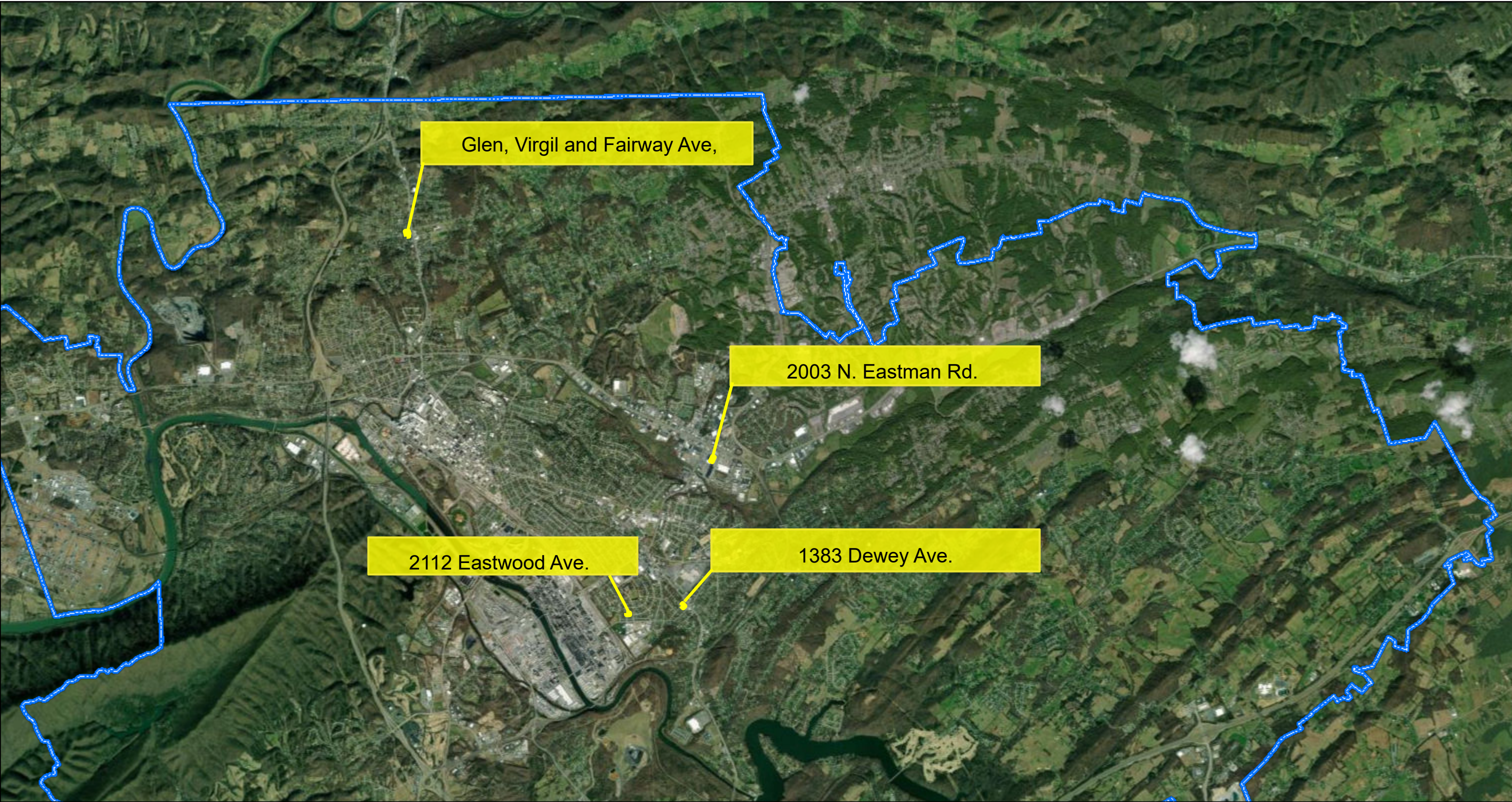
**V. ADJUDICATION OF CASES**

**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.

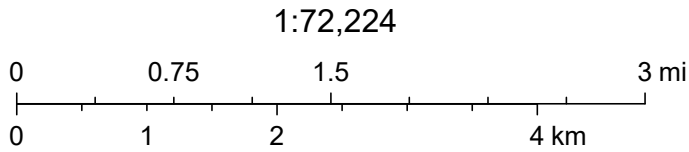
**VII. ADJOURN**





5/27/2025, 9:06:36 AM

 Urban Growth Boundary



NC CGIA, Earthstar Geographics



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, June 5, 2025 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: BZA25-0101 – The owner of the property located at 1383 Dewey Avenue, Control Map 062I, Group J, Parcel 025.00** requests a special exception to Section 114-183(c) to operate an educational group Monday through Friday. The property is zoned R-1B, Residential District.

**Case: BZA25-0113 – The owners of properties located at 117 Virgil Avenue (Lot 12R), 121 Virgil Avenue (Lot 11R), 1211 Fairway Avenue (Lot 10R), 208 Glen Avenue (Lot 9R), 204 Glen Avenue (Lot 8R) and 200 Glen Avenue (Lot 7R)** request approval for multiple variances. The purpose of the request is to replat six existing houses in order to obtain individual deeds for each property, placing each house on its own lot. The properties are zoned R-1B, Residential District. The specific variances requested are as follows: **117 Virgil Avenue (Lot 12R):** 2,200 sq ft lot size variance to Sec. 114-183(e)(1)a, 6.4-foot front yard variance to Sec. 114-183(e)(1)c, 1.2-foot rear yard variance to Sec. 114-183(e)(1)e. **121 Virgil Avenue (Lot 11R):** 2,720.18 sq ft lot size variance to Sec. 114-183(e)(1)a, 0.2-foot side yard variance to Sec. 114-183(e)(1)d, 7.9-foot front yard variance to Sec. 114-183(e)(1)c. **1211 Fairway Avenue (Lot 10R):** 2,523.8 sq ft lot size variance Sec. 114-183(e)(1)a, 5-foot front yard variance to Sec. 114-183(e)(1)c, 1.1-foot side yard variance to Sec. 114-183(e)(1)d, 1-foot accessory structure setback variance to Sec. 114-133(2). **208 Glen Avenue (Lot 9R):** 2,077.85 sq ft lot size variance Sec. 114-183(e)(1)a, 1-foot side yard variance (street side requires 12 ft) to Sec. 114-138(4)c, 2.1-foot front yard variance to Sec. 114-183(e)(1)c, 7.6-foot rear yard variance to Sec. 114-183(e)(1)e. **204 Glen Avenue (Lot 8R):** 2,593.77 sq ft lot size variance Sec. 114-183(e)(1)a, 10.1-foot front yard variance to Sec. 114-183(e)(1)c. **200 Glen Avenue (Lot 7R):** 1,069.68 sq ft lot size variance Sec. 114-183(e)(1)a, 16.7-foot front yard variance to Sec. 114-183(e)(1)c, 0.8-foot side yard variance to Sec. 114-183(e)(1)d.

**Case: BZA25-0127 – The owner of property located at 2003 N. Eastman Road Suite 210, Control Map 047P, Group A, Parcel 003.00** request a 45.62 square foot variance to Sec. 114-533(9)c to exceed the permitted wall sign allowance for the Eggs Up Grill restaurant. The property is zoned B-4P, Planned Business District.

**Case: BZA25-0132– The owner of property located at 2112 Eastwood Avenue, Control Map 061L, Group J, Parcel 019.00** requests special exception to Sec 114-183(c) for the purpose of operating an in-home childcare center. 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: 5/26/2025





5/7/2025, 1:57:37 PM

Sullivan County Parcels Jan 2023

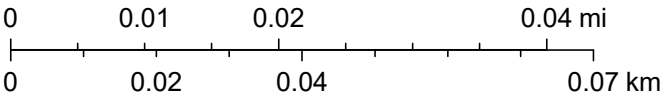
Parcels

Streets

Interstate

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

1:1,128

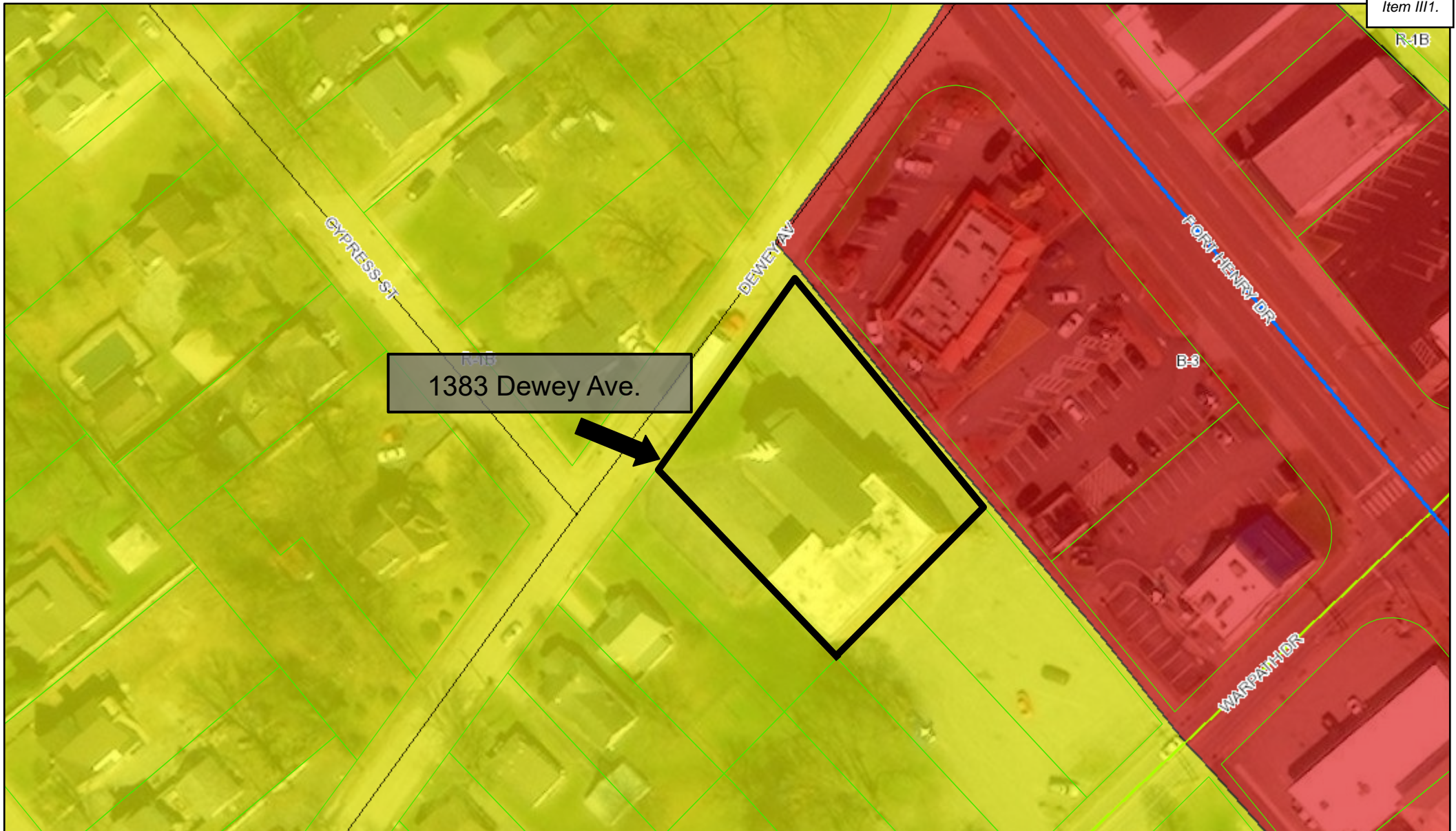


NC CGIA, Maxar, Microsoft



# ArcGIS Web Map

Item III1.



5/7/2025, 1:54:14 PM

Sullivan County Parcels Jan 2023

City Zoning

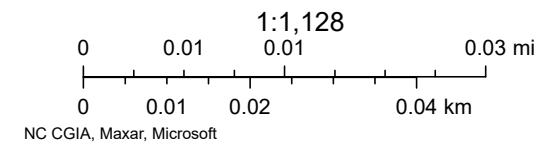
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TA/C

R-5

GC

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



7

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: May 7, 2025

RE: 1383 Dewey Street

The Board is asked to consider the following request:

**Case: BZA25-0101 – The owner of the property located at 1383 Dewey Avenue, Control Map 062I, Group J, Parcel 025.00** requests a special exception to Section 114-183(c) to operate an educational group Monday through Friday. 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 Hutchinson	First William	M.I. A	Date 4/22/2025
Street Address 1383 Dewey Ave		Apartment/Unit #	
City Kingsport	State TN	ZIP 37664	
Phone 4232265155	E-mail Address will@thecity.cc		

**PROPERTY INFORMATION:**

Tax Map Information	Tax map:	Group:	Parcel:	Lot:
Street Address 1383 Dewey Ave				Apartment/Unit #
Current Zone Residential		Proposed Zone C5		
Current Use Church		Proposed Use Church/Education		

**REPRESENTATIVE INFORMATION:**

Last Name William	First Hutchinson	M.I. A	Date 4/22/2025
Street Address 2601 E Center Street		Apartment/Unit #	
City Kingsport	State TN	ZIP 37664	
Phone 4232265155	E-mail Address will@thecity.cc		

**REQUESTED ACTION:**

Requesting a special exemption to allow for educational group to use the facility weekdays.

**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: William Hutchinson

Date: 4/22/25

Signed before me on this 22nd day of April, 2025,

a notary public for the State of Tennessee

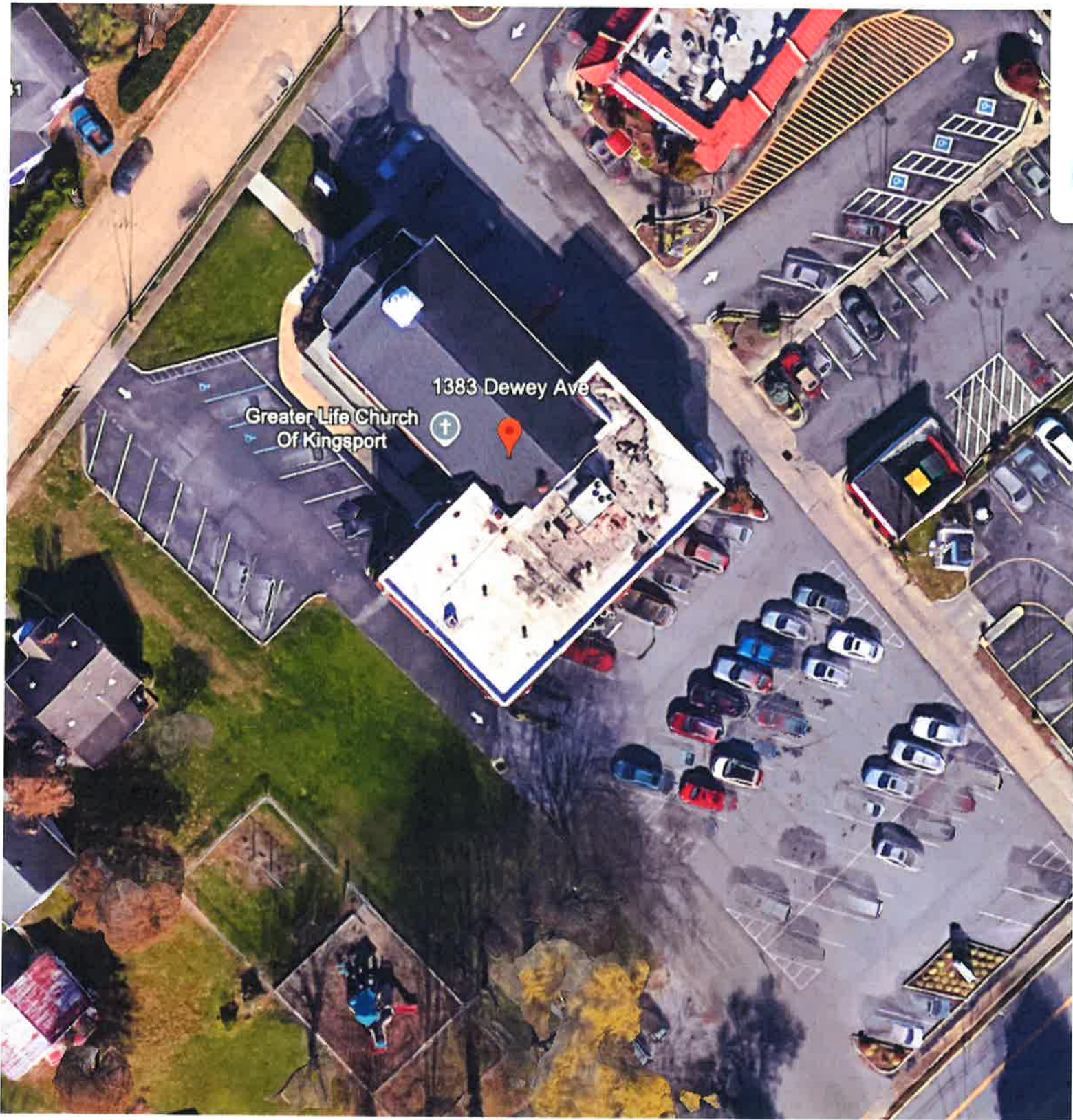
County of Sullivan

Notary Steven Scott McDavid

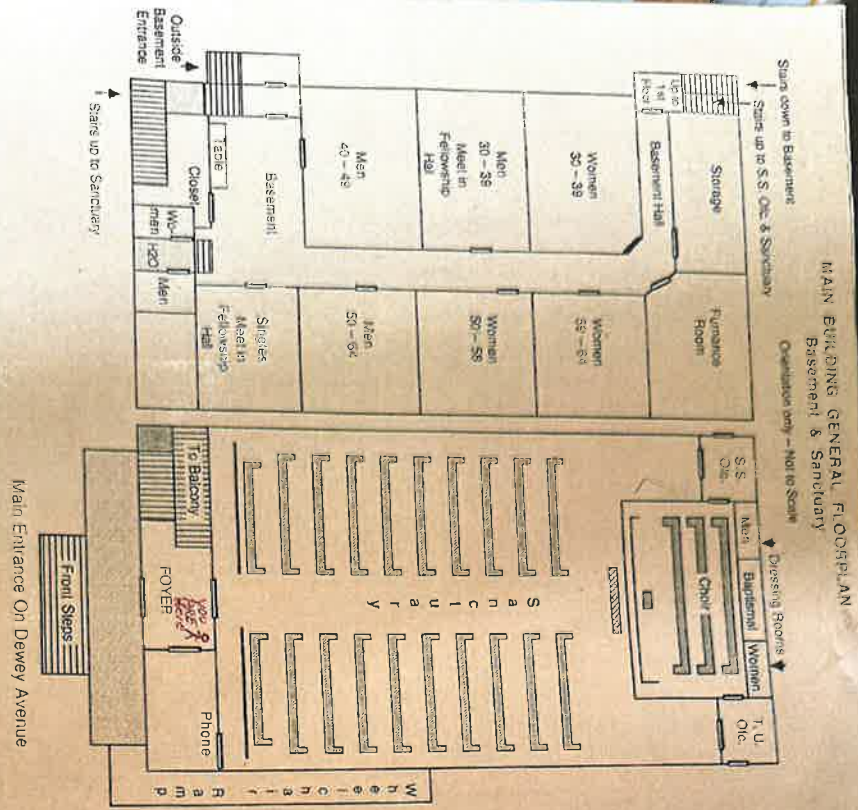
My Commission Expires 02/27/2027

















few back to the  
where they are &  
beat 1" lower than  
the.

## QUANTITY

QUANTITY	DESCRIPTION
46	PEW ENDS 603
42	INTERMEDIATE SUPPORTS 71
42	JOINTS, MARKED <i>Offset</i> <i>2 1/2" back</i>
531	LIN. FT. PEW BODY 410-JM
54	BROOKINGS NO. 32
0	FOURFACERS NO. 53
60	LIN. FT. PEW HOLDERS NO. 27
	COT. LINERS 200PACK NO.
	COT. LINERS 400PACK NO.
	PAVING BLOCKS NO.
	LIN. FT. KNEELERS
	LIN. FT. FRONT SCREEN

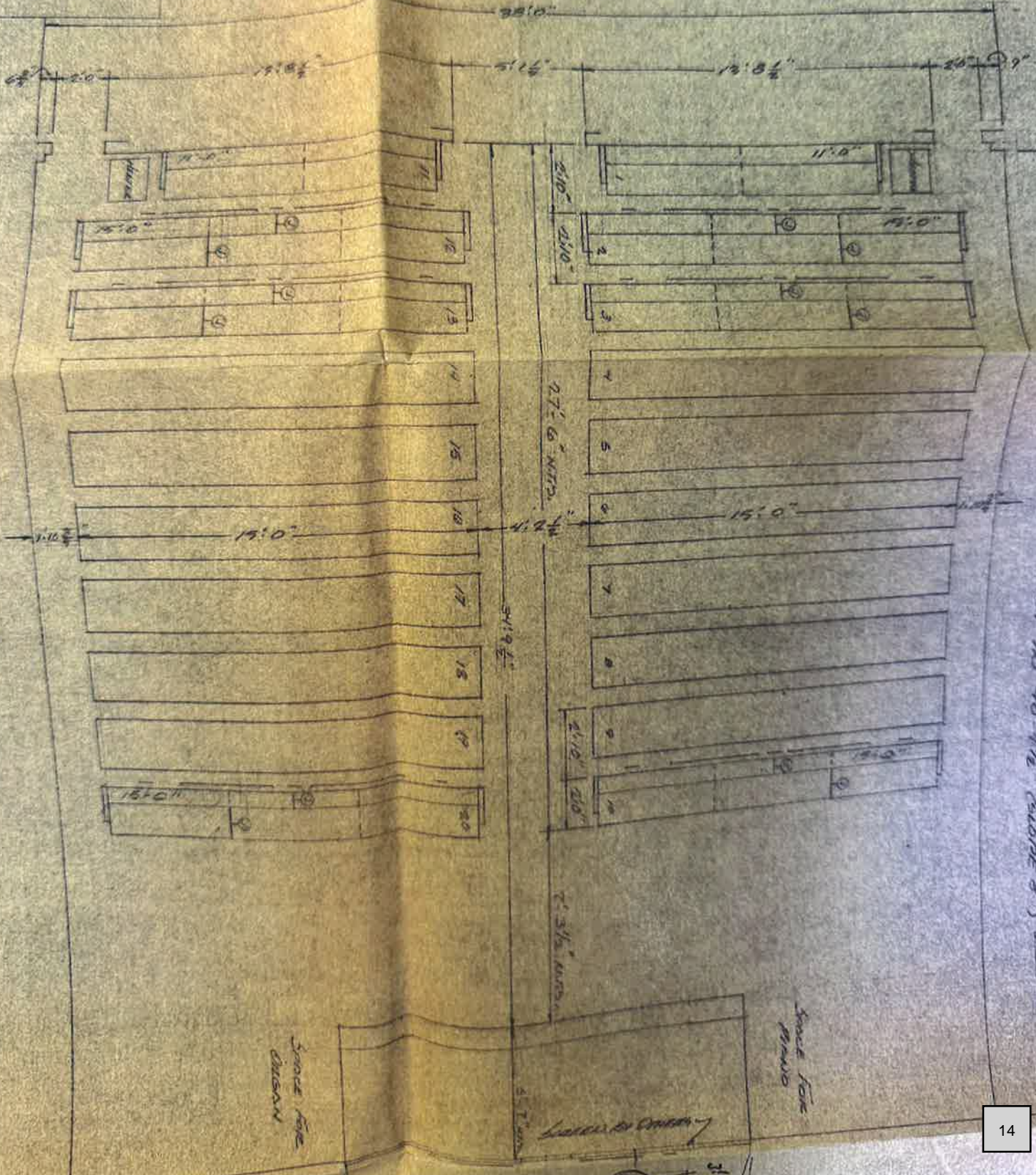
FLOOR INFILTRATION			
WIND	QUICKSET	DILER	INFLUO
0		<i>Lowest</i>	0
0		<i>lowest</i>	0

APPROVED  
By *M. S. Parker II*  
Title *Chem. Eng. & Electric. Eng.* 10-22-14

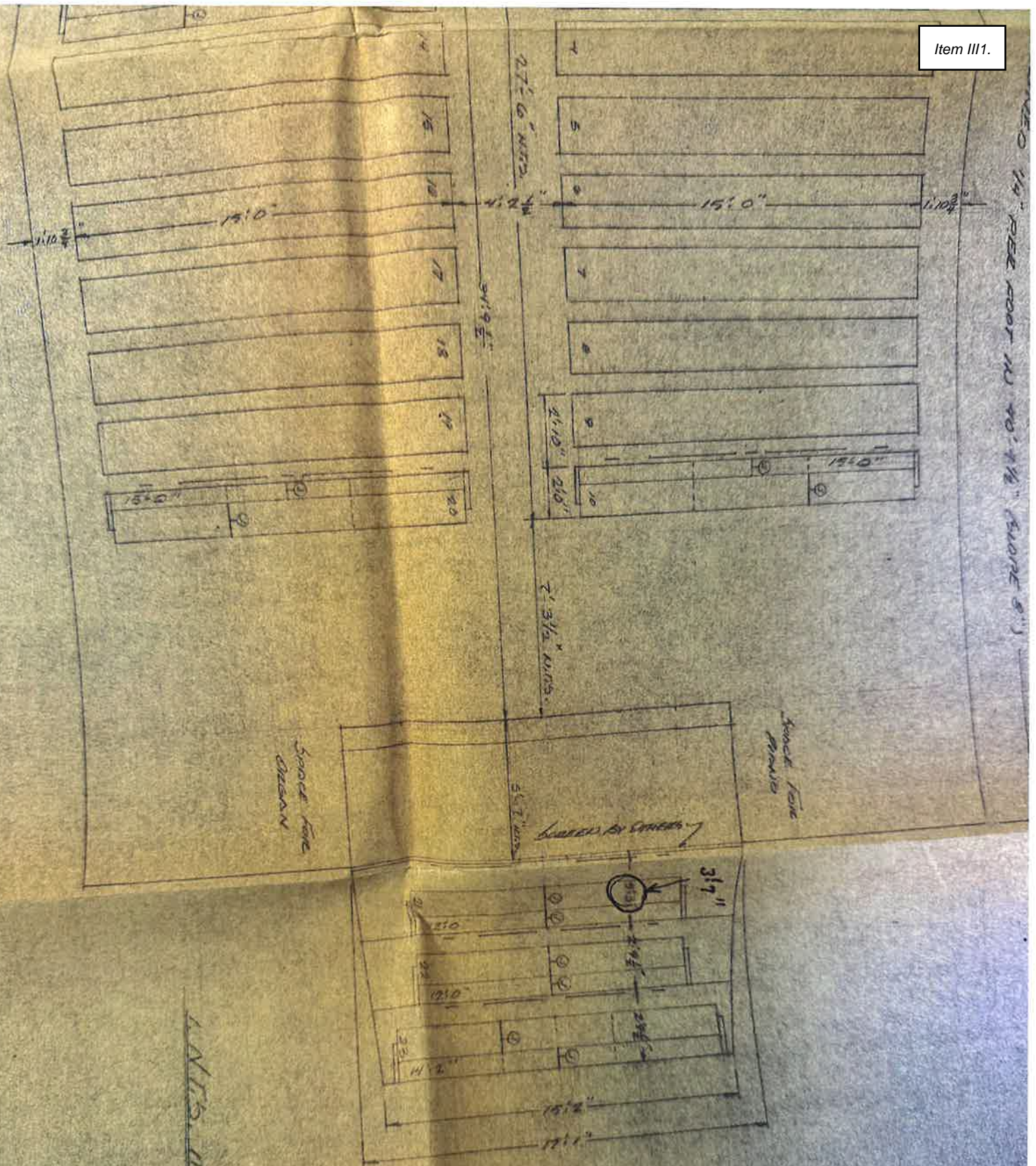


NOTE  
New back to the 1"  
wider than Dec. &  
heat 1" lower than  
Dec.

## EQUIPMENT SUMMARY





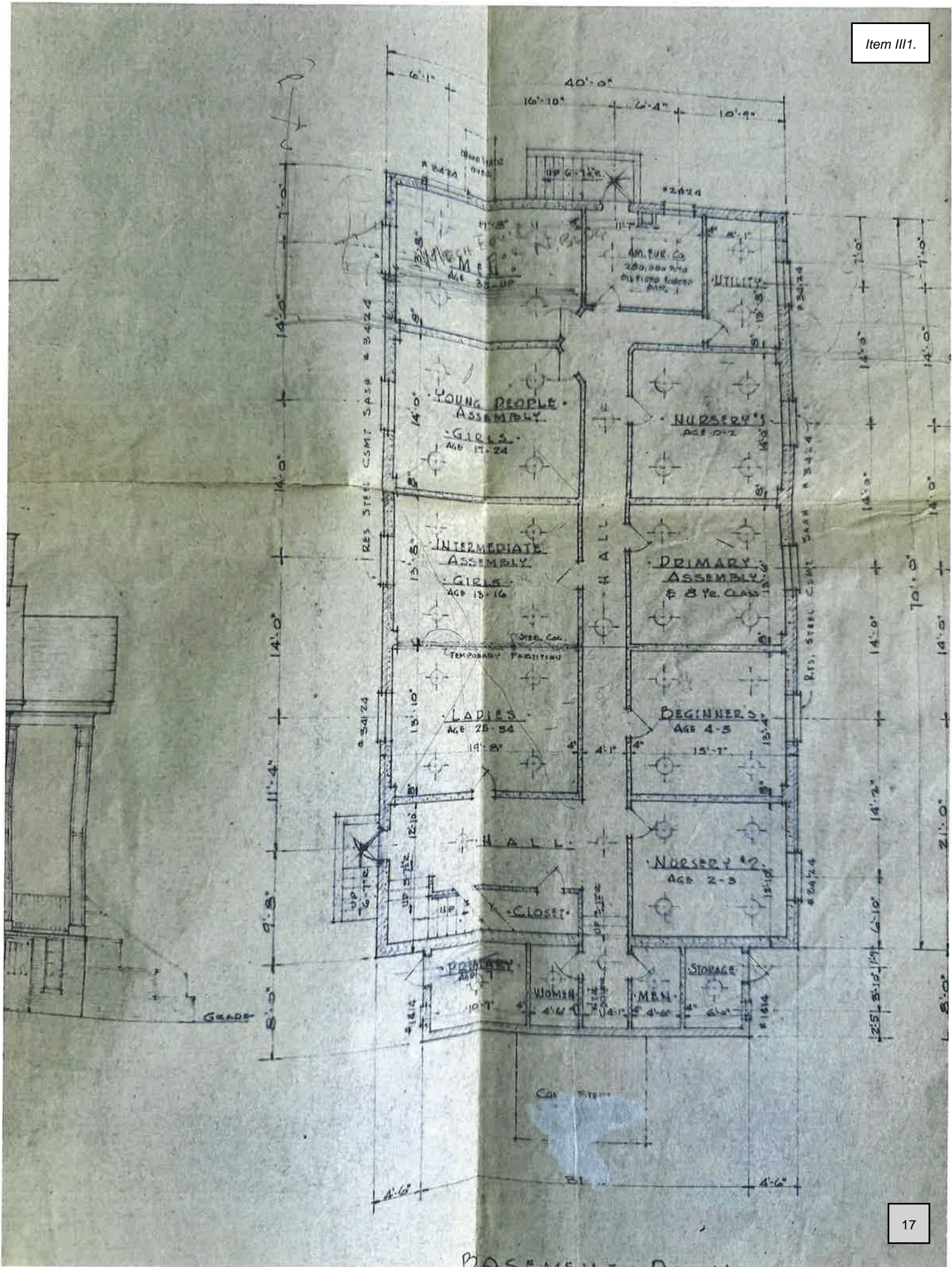


NOTE  
L.N.T. MEANS NOT TO

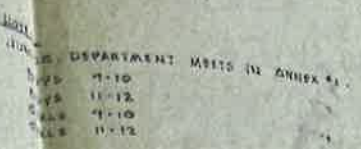












SCALE 8" = 1' 0"

4" BRICK ON 10" BLOCK - EXT WALLS  
8" CINDERBLOCK - INT. PARTITIONS  
WOOD PL JOIST PARTITIONS - MAIN PL  
STEEL ROOF TRS - WOOD C.D. & RAFTERS  
PLASTER W/ FINISH  
- "GLOBE" AND CHIMNEYS

HARD B. SIMP. SHEET 1

**SWEAT**

上

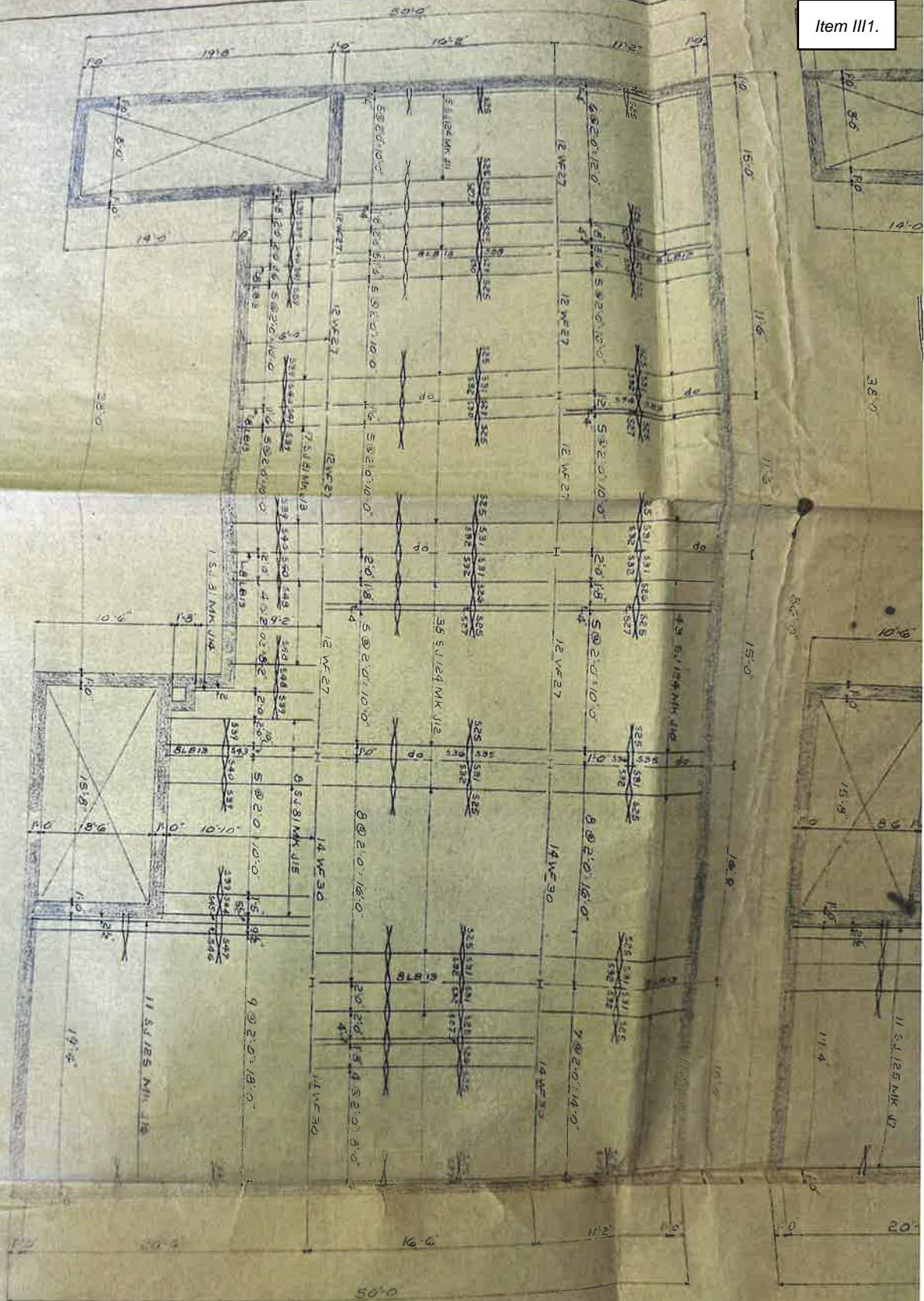
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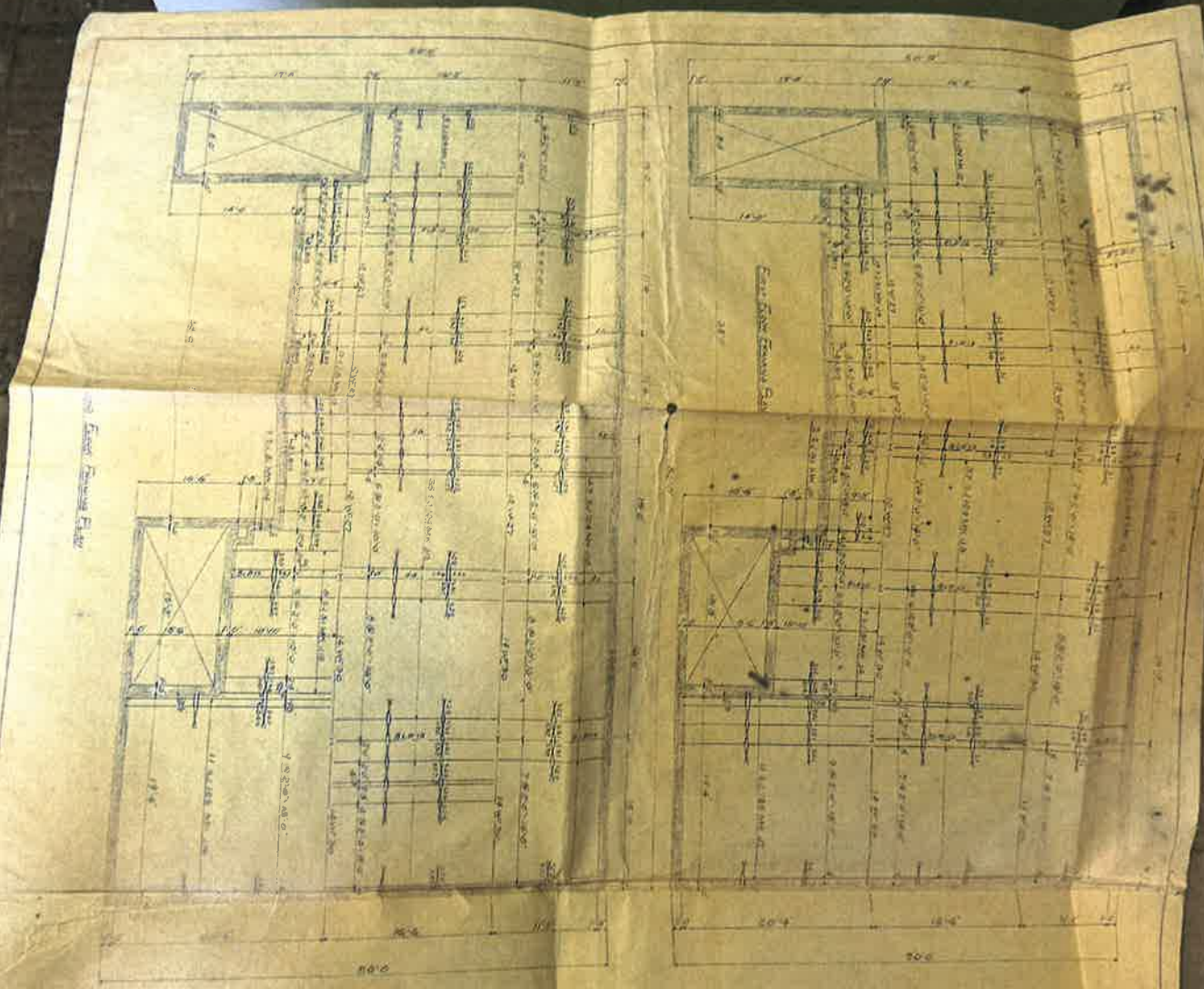




SOIL FLOOR FRAMING PLAN







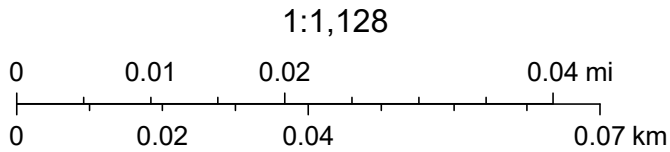




5/7/2025, 1:27:00 PM

Sullivan County Parcels Jan 2023

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



NC CGIA, Maxar, Microsoft







TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: May 6, 2025

RE: 117 Virgil Avenue, 121 Virgil Avenue, 1211 Fairway Avenue, 208 Glen Avenue, 204 Glen Avenue and 200 Glen Avenue

The Board is asked to consider the following request:

**Case: BZA25-0113 – The owners of properties located at 117 Virgil Avenue (Lot 12R), 121 Virgil Avenue (Lot 11R), 1211 Fairway Avenue (Lot 10R), 208 Glen Avenue (Lot 9R), 204 Glen Avenue (Lot 8R) and 200 Glen Avenue (Lot 7R)** request approval for multiple variances. The purpose of the request is to replat six existing houses in order to obtain individual deeds for each property, placing each house on its own lot. The properties are zoned R-1B, Residential District.

The specific variances requested are as follows:

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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.*

**Sec. 114-138. - Yards.**

*(4) Side yards. The following shall apply to side yards:*

- c. Corner lot. On a corner lot in any residential zone, the required least width of a side yard along the side street shall be at least 50 percent greater than the side yard required for that zone.*

**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 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 Front Street Ventures First LLC M.I. \_\_\_\_\_ Date 5/5/25  
 Street Address 2 Mishoupan Place Apartment/Unit # NA  
 City Bayville State N.Y. ZIP 11709  
 Phone 516-279-8997 E-mail Address realtimari5@gmail.com

## PROPERTY INFORMATION:

Tax Map Information Tax map: 029E Group: H Parcel: 017.00 Lot: \_\_\_\_\_  
 Street Address 200, 204, 208 Glen Ave. 1211 Fairway Ave Apartment/Unit # NA  
117, 121, Virgil Ave  
 Current Zone \_\_\_\_\_ Proposed Zone \_\_\_\_\_  
 Current Use Single family rental houses Proposed Use Same as current

## REPRESENTATIVE INFORMATION:

Last Name Banks First Richard M.I. C. Date 04/30/25  
 Street Address 508 Princeton Rd Apartment/Unit # Suite 106  
 City Johnson City State TN ZIP 37601  
 Phone (423) 282-1050 E-mail Address rbanks@netretn.com

## REQUESTED ACTION:

Replat 6 houses in order to get individual deeds for resale, and also just to get each house on its own lot.

## 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: Richard C Banks Date: 5/2/2025

Signed before me on this 2nd day of may, 2025  
 a notary public for the State of Tennessee  
 County of Washington

Notary Bueford T. Fletcher  
 My Commission Expires may 25, 2027





## 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.

- Six houses on one tract of land making it impossible to get individual deeds and sell them one at a time.
- They would also have individual tax cards making it better for the city as well.

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

Until it is changed she would only be able to sell all 6 houses at once.

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

They were like this when her late husband bought them. Now he has passed and she wants to sell some of them.



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 only change will be the new lot lines outlining each individual lot.  
With them separated there is the possibility of someone buying a very affordable starter home.*

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.

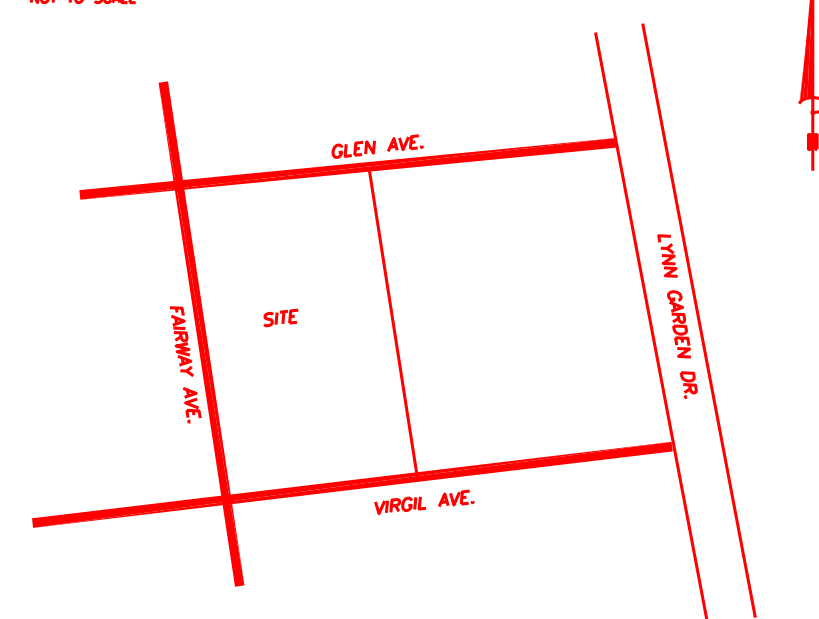
Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

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.



(SEE NOTE #6)

LOCATION MAP  
NOT TO SCALE



	LOT NUMBER	ADDRESS
6430.32 SQ FT	LOT - 7R -	200 GLEN AVE
4906.23 SQ FT	LOT - 8R -	204 GLEN AVE
5422.15 SQ FT	LOT - 9R -	208 GLEN AVE
4976.20 SQ FT	LOT - 10R -	1211 FAIRWAY AVE
4779.82 SQ FT	LOT - 11R -	121 VIRGIL AVE
5300.00 SQ FT	LOT - 12R -	117 VIRGIL AVE

OWNERS: FRONT STREET VENTURE INC  
2 MISHAUPAN PLACE  
BAYVILLE NY. 11709

LOCAL CONTACT  
RICHARD BANKS - C- 423-791-2426  
NORTH EAST TN. REAL ESTATE  
RBANKS @ NETRETN .COM

#### CERTIFICATE OF ACCURACY

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

DATE \_\_\_\_\_ 20\_\_\_\_

I HEREBY CERTIFY THAT THIS IS A CATEGORY \_\_\_\_\_ SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:\_\_\_\_\_ AS SHOWN HEREON.

SURVEYOR \_\_\_\_\_ TN. REG. NO. \_\_\_\_\_

#### CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, ESTABLISH THE BUILDING LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR OR PRIVATE USE AS NOTED.

DATE \_\_\_\_\_ 20\_\_\_\_

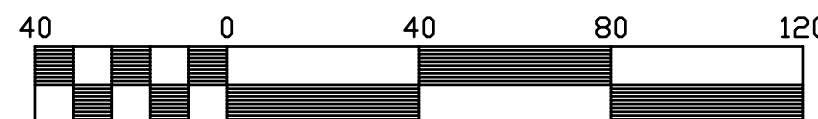
OWNER \_\_\_\_\_ 20\_\_\_\_

OWNER \_\_\_\_\_ 20\_\_\_\_

#### LEGEND

- IRON PIN (OLD)
- IRON PIN (NEW)
- POINT
- ⊕ POWER POLE
- ⊗ LIGHT POLE
- ⊕ BENCH MARK
- ⊕ CATCH BASIN
- ⊕ SEWER MANHOLE
- ⊕ WATER VALVE
- ⊕ WATER METER
- ⊕ FIRE HYDRANT

— P — P — P — POWER LINE (OVERHEAD)  
— V — V — V — WATER LINE



Scale: 1" = 40'

NUMBER	DIRECTION	DISTANCE
L1	N 17°41'30" W	33.01'
L2	S 17°50'15" E	16.99'
L3	N 17°41'30" W	50.00'

I HEREBY CERTIFY THAT THIS IS A CATEGORY \_\_\_\_\_ SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:\_\_\_\_\_ AS SHOWN HEREON. AND IS DONE IN COMPLIANCE WITH THE TENNESSEE MINIMUM STANDARDS OF PRACTICE.

STEVEN G. CROSS, R.L.S. 1429 DATE \_\_\_\_\_

#### NOTES

- THIS SURVEY IS BASED UPON EXISTING MONUMENTS AND EVIDENCE WHICH WERE FOUND IN THE FIELD AS OF THIS DATE.
- NO TITLE INFORMATION WAS FURNISHED TO THIS SURVEYOR.
- THIS SURVEY IS SUBJECT TO ANY EASEMENTS THAT MAY AFFECT SUBJECT PROPERTY, WHETHER OF RECORD OR IMPLIED.
- LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES SHOWN ARE APPROXIMATE AND THOSE SHOWN ARE NOT NECESSARILY ALL OF THE EXISTING UTILITIES AND UNDERGROUND STRUCTURES. IT IS THE CONTRACTORS RESPONSIBILITY TO DETERMINE THE EXISTENCE AND EXACT LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES.
- TITLE SOURCE: DEED BOOK 3465, PAGE 1368  
TAX MAP: 29E -H- , PARCELS 17.00, 25.00 & 26.00
- NORTH IS BASED ON GPS GEODETIC AVERAGE
- BUILDING SETBACKS TO CONFORM WITH ZONING.  
R1B ZONE- FRONT= 30' REAR= 30' SIDE= 8
- SEE PANEL NO. 47163C0030D DATED 9-29-06 FLOOD ZONE- X
- HOMES SHOWN ARE OER TAX ROLL -1-S-FRAME  
OTHER STRUCTURES SHOWN ARE VARIOUS SHEDS

LYNN GARDENS SUBDIVISION  
BLOCK- 3  
PB. 1 PG. 19

**CROSS LAND  
SURVEYING & PLANNING**  
1608 EDMONT AVE.

BRISTOL, TENNESSEE  
(423) 764-0229  
EMAIL: CROSSLS @ BTES.TV

BRISTOL, TENNESSEE  
(423) 764-1667  
FAX: (423) 764-1972

REVISED: 4-28-25  
DATE: 4-16-25  
FILE: LYNNGARDEN-REPLAT

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR KINGSPORT, TENNESSEE, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE \_\_\_\_\_ REGISTER.  
IF REQUIRED, A SURETY BOND IN THE AMOUNT OF \$ \_\_\_\_\_ HAS BEEN POSTED WITH THE KINGSPORT REGIONAL PLANNING COMMISSION TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT.

DATE \_\_\_\_\_ 20\_\_\_\_  
SECRETARY \_\_\_\_\_  
KINGSPORT MUNICIPAL/ REGIONAL PLANNING COMMISSION

#### CERTIFICATION OF THE APPROVAL FOR 911-ADDRESSING ASSIGNMENT

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

DATE \_\_\_\_\_ 20\_\_\_\_

CITY C.I.S. DIVISION OR SULLIVAN COUNTY DIRECTOR OF 911 ADDRESSING OR HIS/HER AUTHORIZED REPRESENTATIVE

#### CERTIFICATION OF THE APPROVAL OF STREETS

I HEREBY CERTIFY: (1) THAT STREETS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO THE SPECIFICATIONS OR, (2) ADEQUATE RIGHTS-OF-WAY DEDICATION UPON AN EXISTING PUBLIC ROAD SHALL SERVE THESE LOTS AS PROPOSED.

DATE \_\_\_\_\_ 20\_\_\_\_

CITY ENGINEER OR COUNTY ROAD COMMISSIONER

#### CERTIFICATE OF APPROVAL OF PUBLIC WATER SYSTEM

I HEREBY CERTIFY THAT THE PUBLIC WATER UTILITY SYSTEM INSTALLED OR PROPOSED FOR INSTALLATION FULLY MEETS THE REQUIREMENTS OF THE TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION AND IS HEREBY APPROVED AS SHOWN.

DATE \_\_\_\_\_ 20\_\_\_\_

AUTHORIZING AGENT \_\_\_\_\_

#### CERTIFICATION OF THE APPROVAL OF SEWERAGE SYSTEM

I HEREBY CERTIFY THAT THE SEWERAGE DISPOSAL SYSTEM INSTALLED OR PROPOSED FOR INSTALLATION FULLY MEETS THE REQUIREMENTS OF THE TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION AND IS HEREBY APPROVED AS SHOWN.

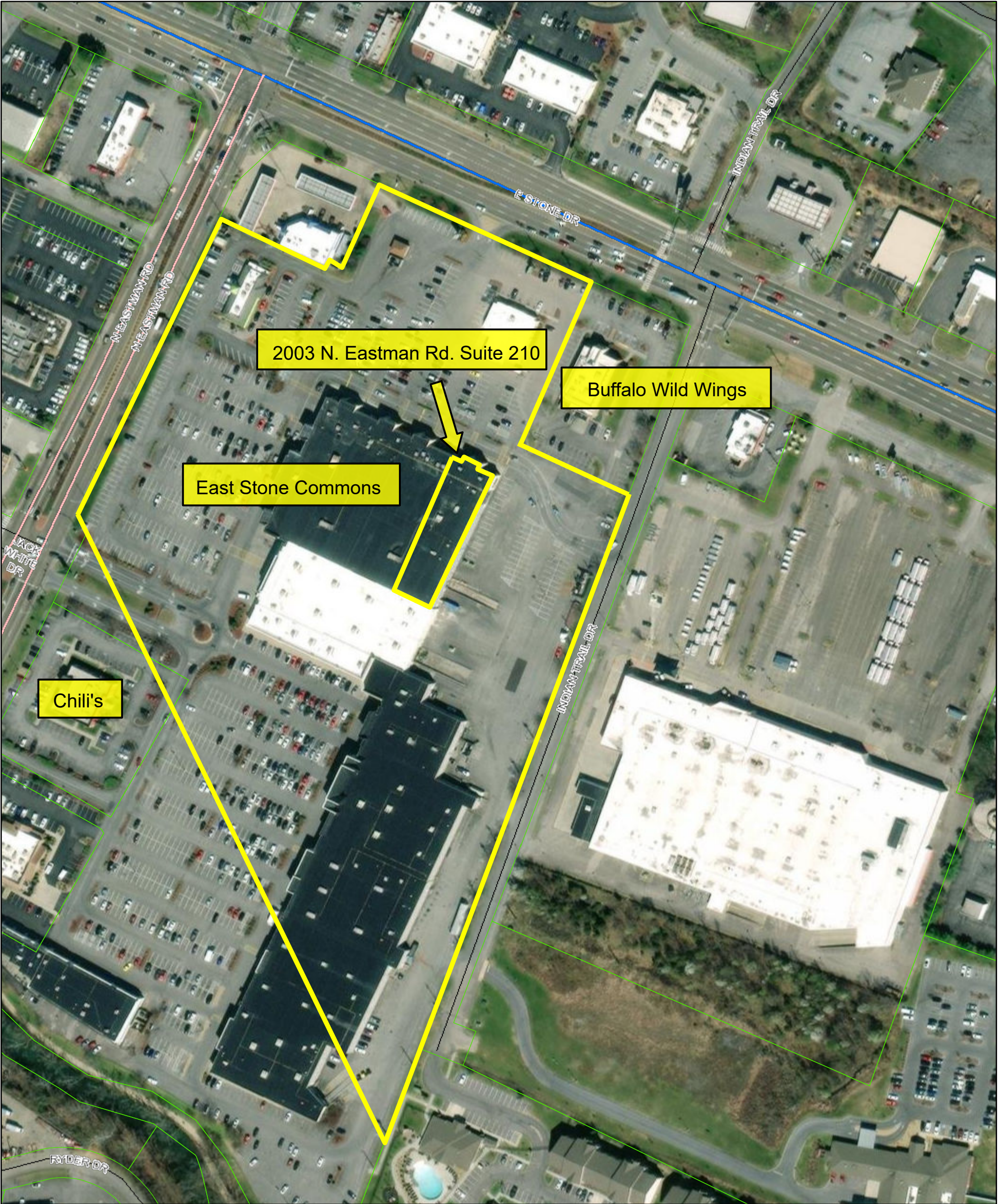
DATE \_\_\_\_\_ 20\_\_\_\_

TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION

OR \_\_\_\_\_

KINGSPORT AUTHORIZING AGENT \_\_\_\_\_





5/12/2025, 3:19:32 PM

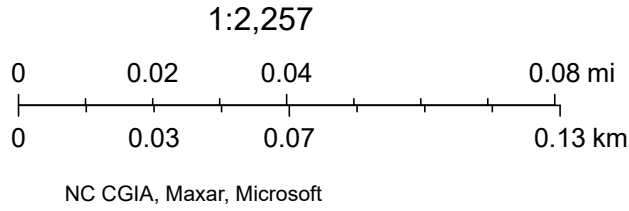
Sullivan County Parcels Jan 2023

Parcels

Streets

- Interstate
- Expressway

- Major Arterial
- Minor Arterial
- Collector Street
- Local Street
- Private Street
- Ramp
- Urban Growth Boundary
- Demolition Liens







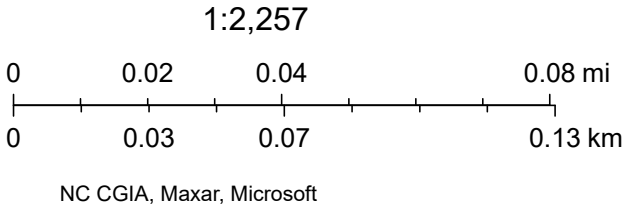
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Sullivan County Parcels Jan 2023

- Parcels
- City Zoning
- <Null>
  - TA/C
  - R-5
  - GC
  - B-2E
  - A-1
  - A-2

- |      |       |       |       |
|------|-------|-------|-------|
| AR   | M-1   | PMD-2 | R-3B  |
| B-1  | M-1R  | PUD   | R-4   |
| B-2  | M-2   | PVD   | Split |
| B-3  | MX    | R-1   | TA    |
| B-3  | P-1   | R-1A  | TA-C  |
| B-4  | P-D   | R-1B  | UAE   |
| B-4P | PBD-3 | R-1C  |       |
| B-4P | PBD/* | R-2   |       |
| BC   | PD    | R-3   |       |
| GC   | PMD-1 | R-3A  |       |
- Streets
- Interstate
  - Expressway
  - Major Arterial

- Minor Arterial
- Collector Street
- Local Street
- Private Street
- Ramp
- Urban Growth Boundary
- Demolition Liens





TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: May 15, 2025

RE: 2003 N. Eastman Road Suite 210

The Board is asked to consider the following request:

**Case: BZA25-0127 – The owner of property located at 2003 N. Eastman Road Suite 210, Control Map 047P, Group A, Parcel 003.00** request a 45.62 square foot variance to Sec. 114-533(9)c to exceed the permitted wall sign allowance for the Eggs Up Grill restaurant. The property is zoned B-4P, Planned Business District.

*Code reference:*

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

*(9) Planned Shopping Center District (B-4P).*

*c. If the building ground coverage of a business is 30,000 square feet or more, the maximum wall sign area permitted is 300 square feet. If the building ground coverage of a business is 8,000 square feet or less, the maximum wall sign area permitted is 80 square feet. In all other situations, the area of wall signs shall not exceed one percent of the building ground coverage of a business.*





# APPLICATION

Board of Zoning Appeals

## APPLICANT INFORMATION:

Last Name	BATES	First	KENNETH	M.I.	W	Date	5/12/2023
Street Address	160 STANLEY RD.			Apartment/Unit #			
City	JOHNSON CITY			State	TN		
Phone	423-276-6997			ZIP	37615		
E-mail Address				Ken@batesfamilyrest.com			

## PROPERTY INFORMATION:

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

## REPRESENTATIVE INFORMATION:

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

## REQUESTED ACTION:

INCREASE SIGNAGE OF EGGS UP GRILL TO IMPROVE VISIBILITY AND  
MATCH MCALISTER'S IN SHOPPING CENTER FRONT 82.08 SQFT  
LEFT SIDE 43.54 SQFT

## DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

Signature:

*Kenneth W Bates*

Date:

*5/12/2023*

Signed before me on this 15th day of May, 2023

a notary public for the State of Tennessee

County of Sullivan

Notary Lori L. Pyatte

My Commission Expires 11-21-2026





### Variance Worksheet – Finding of Facts

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

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

LOCATION IS LOCATED BEHIND REGIONS BRAWIC AND  
BUFFALO WILD KING. NO VISIBILITY FROM STATE DRIVE.  
LEFT SIGNAGE WOULD BE VISIBLE FROM OLD Kmart  
SIGN. NEEDED TO GOVERNANCE TRAFFIC.

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



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

EGGS UP SIGNAGE WILL PROVIDE BALANCE TO THE OVERALL LOOK OF THE CENTER. I.E. MCAULISTENS SIGNAGE ON FRONT AND SIDE. WE WISH TO HAVE THE SAME TO PROVIDE BALANCE.

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.

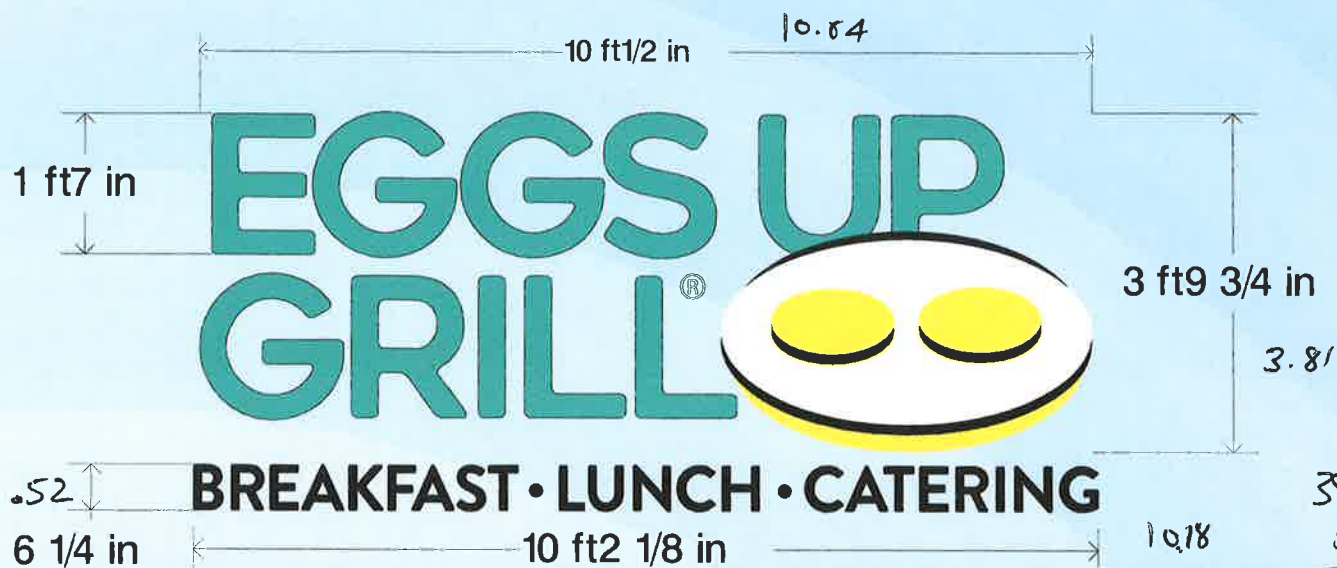
Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

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.









38.25

5.29

43.54





FRONT (20).

APPROX 18' X 5.5 = 100 SQ FT

Item III3.

McALISTER'S  
• DELI •

100  
+ 90  
190 SQ FT



~~F20~~

SIZE (REV)

APPROX.

18' 5'

90' S&PT

Item III3.

McALISTER'S  
• DELI •







5/20/2025, 9:38:54 AM

Sullivan County Parcels Jan 2023

- Streets
- Expressway

Major Arterial

Minor Arterial

Collector Street

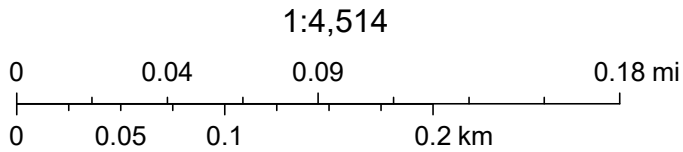
Interstate

Local Street

Private Street

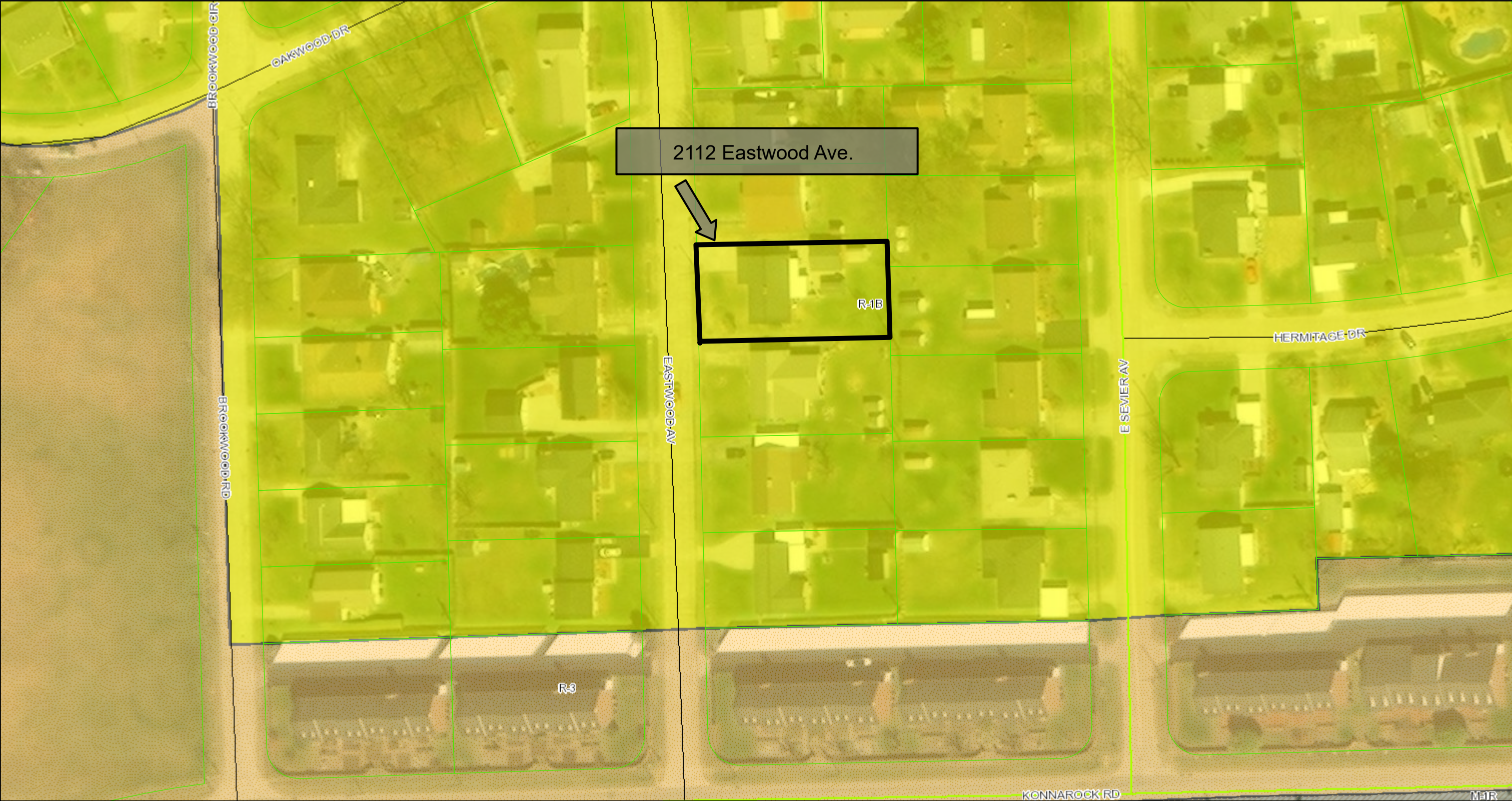
Ramp

Urban Growth Boundary



NC CGIA, Maxar





5/20/2025, 9:45:38 AM

Sullivan County Parcels Jan 2023

Parcels

City Zoning

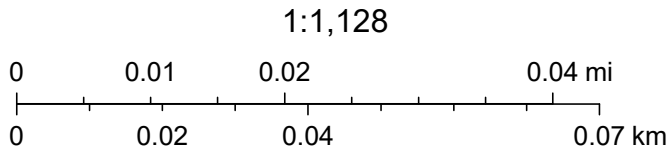
<Null>

TA/C

R-5

GC

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



NC CGIA, Maxar, Microsoft



TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: May 20, 2025

RE: 2112 Eastwood Avenue

The Board is asked to consider the following request:

**Case: BZA25-0132– The owner of property located at 2112 Eastwood Avenue, Control Map 061L, Group J, Parcel 019.00** requests special exception to Sec 114-183(c) for the purpose of opening an in-home childcare center. 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 Tupper First Bob M.I. L Date 5-14-25  
 Street Address 1600 Hunter Ln Apartment/Unit #  
 City Kingsport State TN ZIP 37664  
 Phone 423-817-2800 E-mail Address mdbob1102@

## PROPERTY INFORMATION:

Tax Map Information Tax map: 061L Group: J Parcel: 19 Lot:  
 Street Address 2112 Eastwood Ave Apartment/Unit #  
 Current Zone R-1B Proposed Zone N/A  
 Current Use Proposed Use family child care center

## REPRESENTATIVE INFORMATION:

Last Name Tupper First Lily M.I. A Date 5-14-25  
 Street Address 1600 Hunter Ln Apartment/Unit #  
 City Kingsport State TN ZIP 37664  
 Phone 423-999-0617 E-mail Address lilybutterfly429@gmail.com

## REQUESTED ACTION:

Special exception approval to Section 114-182 (C)2 (daycare)

## 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: Bob L. Tupper

Date: 5/16/25

Signed before me on this 16th day of May, 2025  
 a notary public for the State of Tennessee  
 County of Sullivan

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





2112 Eastwood Ave.

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 purposed 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?  
hours of operation will be 7am-5pm,  
use is family in-home daycare. Max 8 kids  
daily. 8 vehicles Max at drop-off + pick-up.
2. Are there accessible safe streets for anticipated traffic and adequate parking facilities on site?  
yes! 7 parking spots in driveway. 3  
on street.
3. Does the use and additions if any, fit with the neighborhood architecture aesthetics?  
yes! The only addition needed will be  
a fence in the back yard!
4. Will the use generate excessive noise, traffic, dust, etc.?  
no! The only traffic, will be at drop-off +  
pick-up. It will be minimal + will not block  
anyones driveway / roadway.
5. Is there proper fencing and screening to shield proposed use from existing neighborhood?  
not yet, wanted to do appeal first.



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! the only addition will be a fence.**  
~~no~~ **no impacts on health, safety, or welfare of surrounding area.**

**\*\* 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.**



driveway

10ft 10in

58ft  
2in

10ft 6in

33ft

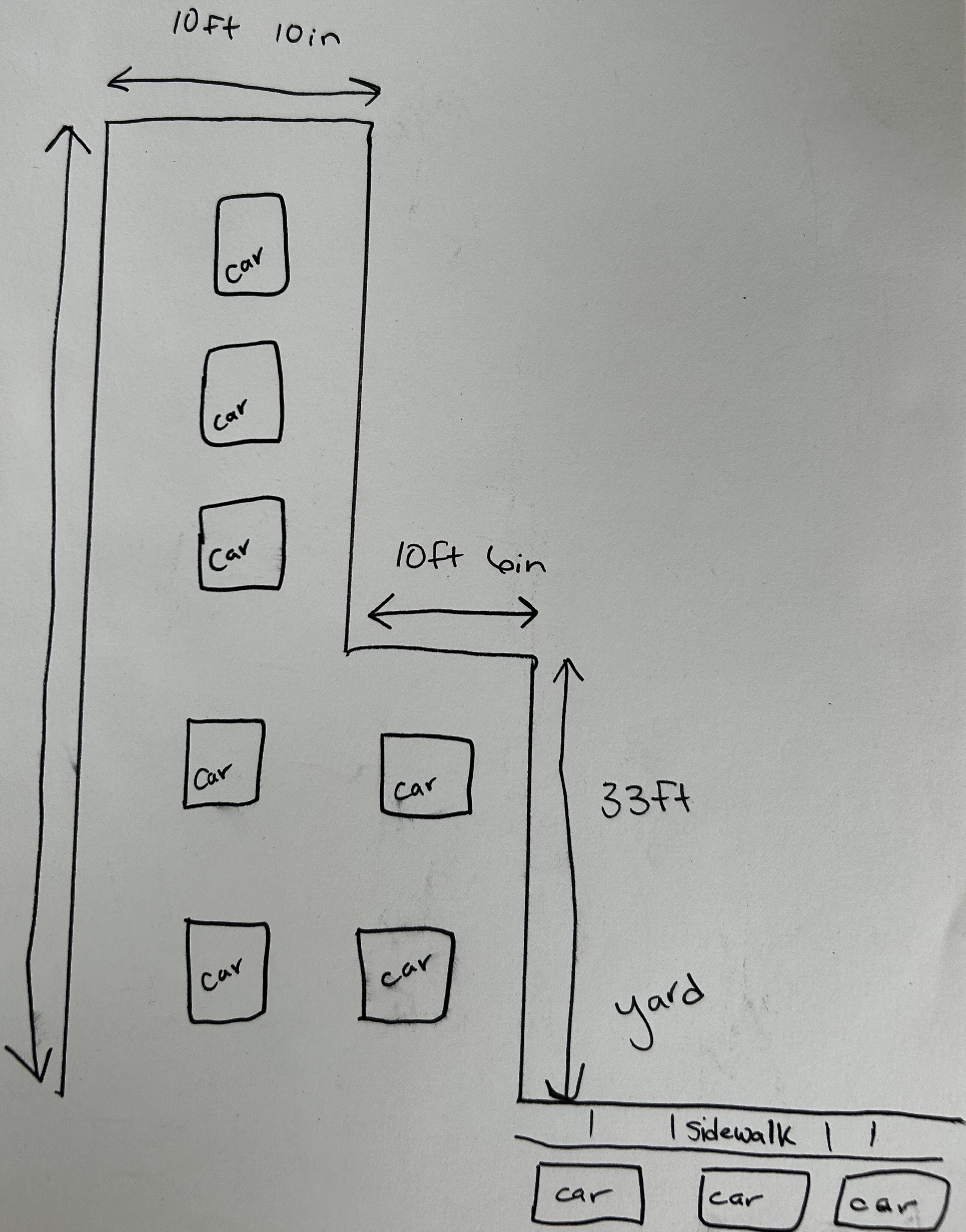
yard

Sidewalk

car

car

car









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

### May 1, Regular Meeting

Noon

Montgomery-Watterson Boardroom, City Hall

#### Members Present:

Bill Sumner  
Tracey Cleek  
Wes Combs  
Joe White  
Josh Taylor

#### Members Absent:

Calvin Clifton  
Hoyt Denton

#### Staff Present:

Lori Pyatte  
Ken Weems  
Jessica McMurray

#### Visitors:

Mike Stone  
Leland Leonard

Chairman Bill Sumner called the meeting to order at 12:03pm.

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: BZA25-0100– The owner of property located at 1005 Yadkin Street, Control Map 046N, Group L, Parcel 023.00** requests approval for a variance to allow a 12-foot 4-inch front porch projection, exceeding the maximum permitted 8-foot projection as outlined in Sec. 114-140(1). The variance is sought to accommodate the extension of an existing front porch. The property is zoned R-1B, Residential District.

Architect Mike Stone represented the applicant and presented the case to the board. He explained that the applicant is remodeling an existing apartment building and seeks to enlarge the front porch. The current structure already encroaches into the required 30-foot front yard setback. Mr. Stone is requesting approval to extend the porch an additional 12 feet 4 inches beyond the permitted 8-foot porch projection.

Staff also confirmed that no public comments or calls had been received.

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

### **BUSINESS:**

Staff presented recommended revisions to the Board of Zoning Appeals By-Laws. The board engaged in a brief discussion of the proposed changes.



**MOTION:** made by Mr. Joe White, seconded by Mr. Wes Combs, to approve the Kingsport Board of Zoning Appeals By-Law Revisions.

**VOTE:** 5-0 to approve the Board of Zoning Appeals By-Laws.

Staff stated for record, the next application deadline is May 15, 2024 at noon, and meeting date Thursday, June 5, 2025 at noon.

The board reviewed the April 3, 2025 regular meeting minutes.

**MOTION:** made by Mr. Joe White, seconded by Mr. Wes Combs, to approve the Kingsport Board of Zoning Appeals minutes for April 3, 2025.

**VOTE:** 5-0 to approve the minutes.

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

**Case: BZA25-0100– The owner of property located at 1005 Yadkin Street, Control Map 046N, Group L, Parcel 023.00** requests approval for a variance to allow a 12-foot 4-inch front porch projection, exceeding the maximum permitted 8-foot projection as outlined in Sec. 114-140(1). The variance is sought to accommodate the extension of an existing front porch. The property is zoned R-1B, Residential District.

Chairman Sumner asked if there were any further comments or discussion. There were none.

**MOTION:** Made by Mr. Wes Combs and seconded by Ms. Tracey Cleek to approve the request as presented.

**VOTE:** 5-0 to approve the request.

#### **Public Comment:**

Mr. Leland Leonard, a resident and the HOA President of the Arbor Terrace community, introduced himself to the board. He expressed concerns regarding the adjacent parcel located at 1128 Saratoga Road, where the board previously approved a Special Exception for an Electric Vehicle Supply Equipment (EVSE) training center.

Mr. Leonard reported receiving complaints from residents about 18-wheelers and box trucks traveling through the Arbor Terrace neighborhood to access the property. He referenced a prior Special Exception use for a spa, during which the board had required access from the Arbor Terrace side of the property to be gated and limited strictly to emergency vehicles. Mr. Leonard attended the meeting to confirm whether that restriction was still in effect.

Staff clarified that under the current zoning guidelines, a Special Exception is defined as an infrequent but potentially beneficial land use that requires individualized regulation based on location and operation. As such, with each new use granted under a Special Exception, prior conditions do not automatically carry over.



The board held a brief discussion and requested that staff further investigate the matter and provide an update at the next meeting.

With no further business the meeting was adjourned at 12:38pm.

Respectfully Submitted,

*Jessica McMurray*

Jessica McMurray  
Development Coordinator