

KINGSPORT BOARD OF ZONING APPEALS AGENDA
REGULAR MEETING: February 6, 2020
Development Services Building – Bob Clear Conference Room

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

PUBLIC HEARING:

Case: 19-701-00036 – Property located at the intersection of Dale Street and Poplar Street, Control Map 0460, Group B, Parcel 002.00, requests reestablishment of a nonconforming use of a car dealership/ sales lot. The property is zoned B-2, Central Business District.

INTERESTED PARTIES:

Owner: Peggy Harless
1789 Jared Drive
Kingsport, TN 37660
423.429.5899

Representative: Payton Carter

BUSINESS:

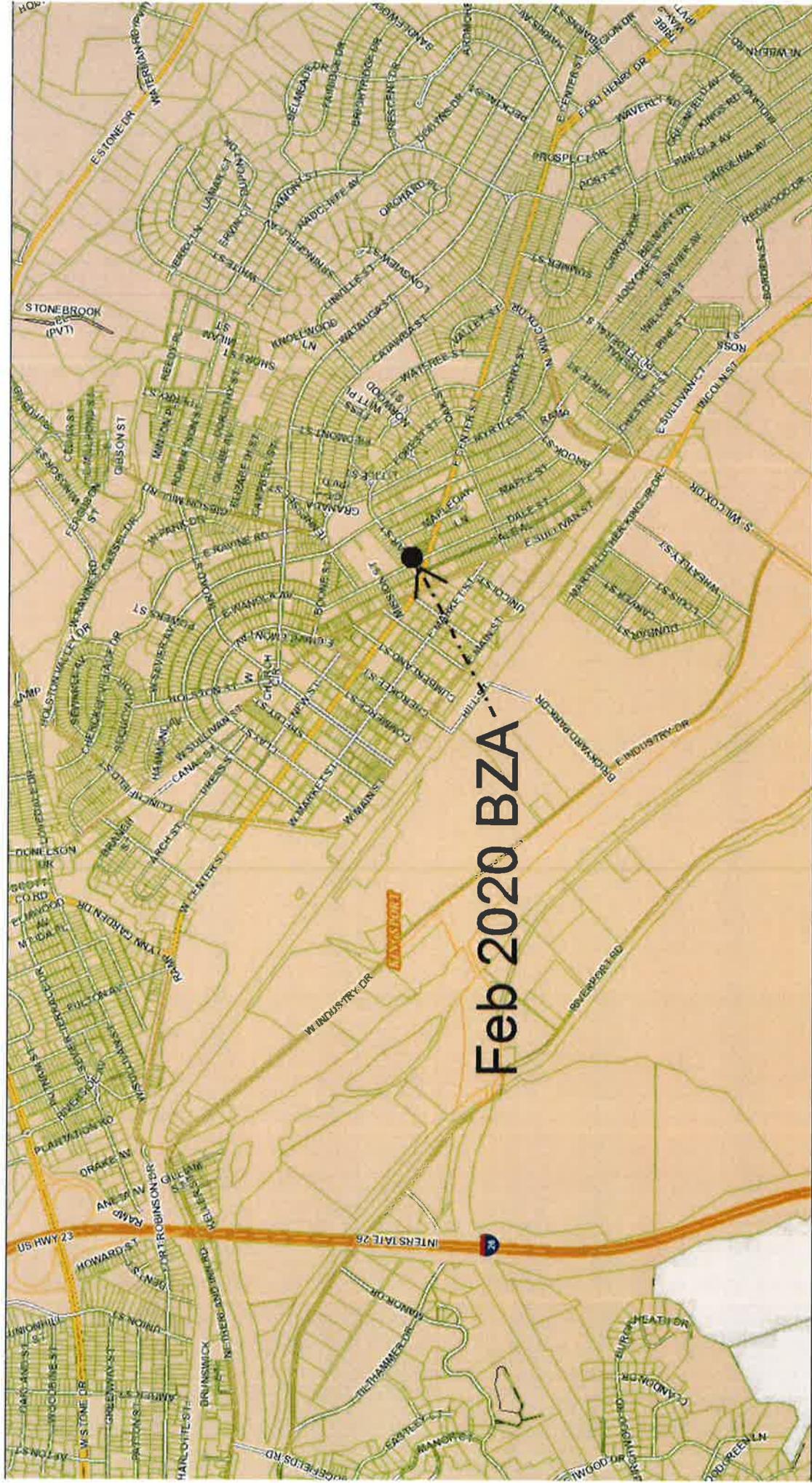
Approval of the January 9, 2020 driving tour and regular meeting minutes.

Stating for public record, the next application deadline is February 17, 2020 at noon, and meeting date (Thursday, March 5, 2020).

ADJUDICATION OF CASES:

ADJOURNMENT:

ArcGIS Web Map



Feb 2020 BZA



4/2020, 2:20:05 PM

- Ivan County Parcels
- Lake_Pond
- Parcel_Conflict
- Parcels
- Railroad_ROW
- River
- Street_ROW
- Hawkins County Parcels
- Lake_Pond
- Parcel_Conflict
- Parcels
- Railroad_ROW
- River
- Street_ROW



TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: January 24, 2020

RE: Property located at the intersection of Dale Street and Poplar Street, Control Map 0460, Group B, Parcel 002.00

The Board is asked to consider the following request:

Case: 19-701-00036 – Property located at the intersection of Dale Street and Poplar Street, Control Map 0460, Group B, Parcel 002.00, requests reestablishment of a nonconforming use of a car dealership/ sales lot. The property is zoned B-2, Central Business District.

In April of 2015, a zoning text amendment was approved that delisted automobile sales from the list of principal uses in the B-2, Central Business District Zone. The owner/applicant of the above described property is applying to reinstate a car dealership/ sales lot land use that once occurred, to some extent on the subject property. A letter is contained in the submittal from a local attorney that was personally familiar with the former car sales conducted on the site. The use is described as part of a pawn shop operation, with vehicle sales being conducted on the property approximately from the 1960's through the 1980's.

According to Sec 114-8, Nonconforming uses (4):

Discontinuance. When a nonconforming use of any building or land has ceased for a period of one year, it shall not be reestablished or changed to any use not in conformity with this chapter without the written approval of the board of zoning appeals.

The proposal does not contain a building. Only a parking lot designed to the B-2 standard for parking lots is proposed. The lot is currently vacant.

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, February 6, 2020 will be conducted beginning at NOON in the Bob Clear Conference Room, on the first floor of the Development Services Building, 201 West Market Street, Kingsport, Tennessee.

A tour of the property up for consideration will be conducted starting at 10:30a.m. prior to the meeting.

Public Hearing: The Kingsport Board of Zoning Appeals will conduct a Public Hearing during this meeting to consider the following case:

Case: 19-701-00036 – Property located at the intersection of Dale Street and Poplar Street, Control Map 046O, Group B, Parcel 002.00, requests reestablishment of a nonconforming use of a car dealership/ sales lot. The property is zoned B-2, Central Business District.

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

City of Kingsport, Tennessee
Sidney Cox, City Recorder
P1T: 1/27/20

APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name Harless First Peggy M.I. L Date _____
 Street Address 1789 Jared Drive Apartment/Unit # N/A
 City Kingsport State TN ZIP 37660
 Phone 423-963-2806 E-mail Address Peggylynharless@yahoo.com

PROPERTY INFORMATION:

Tax Map Information Tax map: 460 Group: B Parcel: 2 Lot: 1
 Street Address Popular Street Apartment/Unit # _____
 Current Zone B-2 Proposed Zone no change
 Current Use vacant lot Proposed Use car dealership

REPRESENTATIVE INFORMATION:

Last Name Carter First Payton M.I. B Date _____
 Street Address 4257 Sullivan Gardens Dr. Apartment/Unit # _____
 City Kingsport State TN ZIP 37660
 Phone 423-429-5899 E-mail Address payton-blake@icloud.com

REQUESTED ACTION:

Reestablishment of the now conforming use of a car dealership/sales 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: Peggy Harless

Date: 1-15-2020

Signed before me on this 15th day of January, 2020
 a notary public for the State of Tennessee
 County of Sullivan

Notary Alison Katie Fields
 My Commission Expires 5-31-22



Spivey, King & Spivey, LLP

ATTORNEYS AT LAW

142 Cherokee Street

Kingsport, Tennessee 37660

Richard A. Spivey
Matthew A. Spivey
J. Matthew King

Telephone: 423/245-4185
Fax Number: 423/245-3362

Lindsay K. Earhart, Associate

August 28, 2019

Kenneth Weems, AICP
Zoning Coordinator
225 W. Center Street
Kingsport, TN 37660

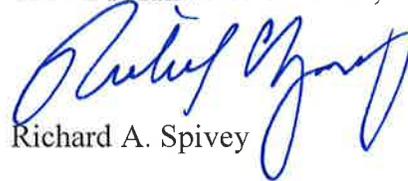
Dear Mr. Weems:

I knew George Harless for almost 40 years. I am personally aware that the building located at the intersection of Poplar Street and Dale Street was used as a pawn shop and was operated for many years. The pawn shop dealt in vehicles and other valuables. The vehicle sales took place on the lot approximately from the 1960's through the 1980's. Mr. Harless ran this business for a number of years.

If you have any questions, please feel free to contact me.

Yours very truly,

SPIVEY, KING & SPIVEY, LLP



Richard A. Spivey

RAS/ma

ArcGIS Web Map



2/2020, 2:48:04 PM

Legend:

- Kpt 911 Address
- Ivan County Parcels
- Lake_Pond
- Parcel_Conflict
- Parcels
- Railroad_ROW
- River
- Street_ROW
- Hawkins County Parcels
- Lake_Pond
- Parcel_Conflict
- Parcels
- Railroad_ROW
- River
- Street_ROW
- City Zoning
- <Null>
- TAC

Zoning Codes:

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

Scale: 1:1,128

0 0.0125 0.025 0.05 mi
0 0.02 0.04 0.08 km



VICINITY MAP

- NOTES:**
1. STRIPPED TOPSOIL TO BE USED ON SITE WHERE PRACTICAL.
 2. REMAINERS TO BE REMOVED FROM SITE AT OWNER'S DIRECTION.
 3. UNITS OF CONSTRUCTION TO BE BACK EDGES.
 4. UNITS OF CONSTRUCTION TO BE PROPOSED NEW FENCE ON SOUTHERN SIDE.
 5. AREA OF PROJECT IS 9,281 SQUARE FEET.
 6. POTENTIAL FOR 17 PARKING SPACES.
 7. INTERIOR PARKING AREA = 4,744 SQUARE FEET.
 8. AREA OF INTERIOR PLANTINGS REQUIRED = 6344 SQUARE FEET.
 9. PLANTINGS TO BE PLANTED IN ACCORDANCE WITH CITY OF KINGSPORT REQUIREMENTS.
 10. PLANTINGS TO CONFORM TO CITY OF KINGSPORT REQUIREMENTS.
 11. THE PLANTED BUFFER SHALL BE PLANTED WITH A MINIMUM OF ONE CANOPY TREE AND SIX SHRUBS PER 27 FEET OF STREET FRONTAGE. TREES ARE NOT REQUIRED TO BE SCREENED.

- CANDY TREE (DECIDUOUS)
- SHRUB

SURVYOR'S CERTIFICATE



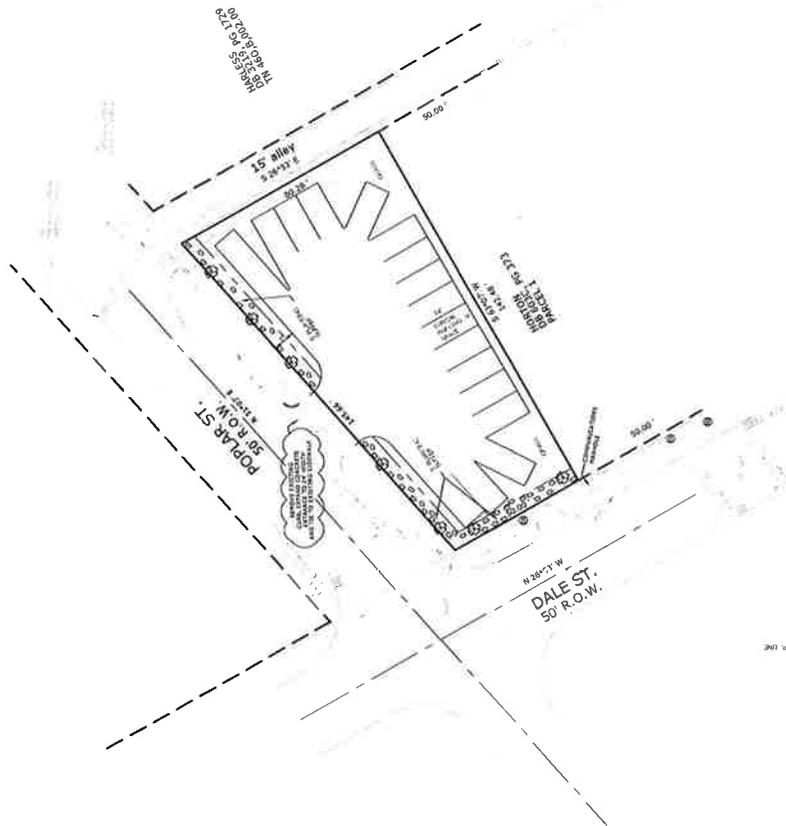
DANNY L. CARR, R.L.S.P. 1539
REGISTERED LAND SURVEYOR

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE SURVEY AS PREPARED BY THE SURVEYOR.

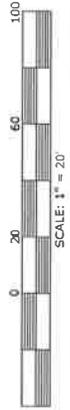
DATE: DECEMBER 5, 2019

FLOOD CERTIFICATION
THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD INSURANCE PROGRAM (FFIP) AND THE FLOOD HAZARD IDENTIFICATION MAP (FHIM) FOR THE SUBJECT PROPERTY. THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.

WVA WILSON & ASSOCIATES, P.C.
Environmental
806 E. JACKSON BLVD., SUITE 7
JONESBOROUGH, TENNESSEE 37659
OFFICE FAX: 423-753-5400
EMAIL: dan@wilsonpc.com



TYPICAL SECTION FOR ASPHALT PAVING
N.T.S.



**SITE PLAN FOR LOT 1, BLOCK 65
CITY OF KINGSPORT
11TH CIVIL DISTRICT, SULLIVAN COUNTY, TENNESSEE**

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

January 9, 2020

10:30 a.m.

Members Present:

Bill Sumner
Joe White
Calvin Clifton
Jeff Little
Tracey Cleek

Members Absent:

none

Staff Present:

Ken Weems, AICP

At 10:30 a.m., the BZA departed the Development Services Building, 201 W. Market St. to conduct a driving tour of property located at 2330 Fort Henry Drive and 1525 Pineola Avenue. No official action was taken.

The driving tour concluded at 11:30 a.m.

Respectfully Submitted,

Ken Weems, AICP
Planning Manager

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

January 9, 2020, Regular Meeting

Noon

Bob Clear Conference Room, 1st floor of the Development Services Building

Members Present:

Bill Sumner
Joe White
Calvin Clifton
Jeff Little
Tracey Cleek

Members Absent:

none

Staff Present:

Ken Weems, AICP
Page Jeffers

Visitors:

Kristin Lang
Ben Berry
Corey Hall
Sharyll Cupp
Mack Cupp

Chairman Sumner called the meeting to order.

Chairman Sumner explained the meeting procedures.

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

Public Hearing:

Case: 19-701-00033 – Property located at 1429 Rock Springs Road, Control Map 105, Parcel 098.00, requests an 83 square foot variance to Sec 114-230(b) and a 33 square foot variance to Sec 114-533(9)b(2) for the purpose of creating a new lot and erecting a new freestanding sign. The property is zoned B-4P, Planned Business District.

Ben Berry presented the case to the Board. Mr. Berry stated that the sole entrance to the property will have to be shared with a future tenant and that Dollar General is concerned about liability of their future driveway that would need to parallel the stream on the southern side. Mr. Berry noted that the existing stream confines the property to the sole entrance, otherwise the future neighboring tenant would have a typical parcel in addition to Dollar General, with road frontages as called for in the zoning code for a B-4P district.

Chairman Sumner, seeing no one else wishing to speak, closed the public hearing.

Case: 19-701-00034 – Property located at 2330 Fort Henry Drive, Control Map 062I, Group J Parcels 001.00, 002.00, and 003.00, requests a 30 foot landscape buffering variance to Sec 114-600(d)4(a) and an 80 foot variance for accessory structure location to Sec 114-133(2) for

the purpose of razing and rebuilding the existing restaurant. The property is zoned B-3, Highway Oriented Business District.

Ms. Kristin Lang presented the case to the Board. Ms. Lang noted that the restaurant, which was built in 1962, is planned to be razed and rebuilt for modernization purposes. Ms. Lang noted that the tight conditions of the involved parcels do not leave any room for the 30 foot landscape buffering requirement. Ms. Lang noted that a letter from the abutting church property shows that the church is supportive of the request. Next, Ms. Lang noted that the dumpster location cannot be situated in the rear yard of the property due to the tight conditions and no way of their garbage truck being able to access the enclosure. Subsequently, the enclosure location has been requested as a second variance.

Chairman Sumner, seeing no one else wishing to speak, closed the public hearing.

Case: 19-701-00035 – Property located at 1525 Pineola Avenue, Control Map 061F, Parcel 042.00, requests a 6.68 side yard to Sec 114-183(e)1(d) for the purpose of constructing an addition to the existing home. The property is zoned R-1B, Residential District

Corey Hall presented the case to the Board. Mr. Hall stated that he needs to add on to his existing home, but a portion of the addition will need to be built in the side yard due to the home already lying partially in the side yard.

Chairman Sumner, seeing no one else wishing to speak, closed the public hearing.

The Chairman opened the business portion of the meeting. Mr. Little made a motion to approve the driving tour and regular meeting minutes from the December 5, 2019 meeting. Mr. White seconded the motion. The motion passed, 5-0. Next, the Board stated for public record that the next application deadline is January 15, 2020 at noon for the meeting date of February 6, 2020.

Adjudication of Cases:

Case: 19-701-00033 – Property located at 1429 Rock Springs Road, Control Map 105, Parcel 098.00

The Board collectively acknowledged the hardship of the property being the shared driveway connection due to the stream location.

MOTION: made by Mr. Little, seconded by Mr. White, to grant the 83 square foot variance to Sec 114-230(b) and a 33 square foot variance to Sec 114-533(9)b(2) for the purpose of creating a new lot and erecting a new freestanding sign.

VOTE: 5-0 to approve the request.

Case: 19-701-00034 – Property located at 2330 Fort Henry Drive, Control Map 062I, Group J Parcels 001.00, 002.00, and 003.00

Chairman Sumner stated that the landscape buffering request is understandable due to the tight conditions of the lot. Mr. Little asked Ms. Lang if she would find it acceptable to come back to the Board at a future meeting after further analysis of where the dumpster enclosure can be

located. Ms. Lang agreed to conduct further analysis of the site to ensure the dumpster cannot be located in the rear yard of the property.

MOTION: made by Mr. White, seconded by Mr. Little, to grant the 30 foot landscape buffering variance to Sec 114-600(d)4(a) only.

VOTE: 5-0 to approve the request.

Case: 19-701-00035 – Property located at 1525 Pineola Avenue, Control Map 061F, Parcel 042.00

The Board acknowledged the unique challenges of dealing with a home that was built prior to modern zoning standards.

MOTION: made by Mr. White, seconded by Mr. Little, to grant the 6.68 side yard to Sec 114-183(e)1(d) for the purpose of constructing an addition to the existing home.

VOTE: 5-0 to approve the request.

With no further business the meeting was adjourned at 12:50 p.m.

Respectfully Submitted,

Ken Weems, AICP
Planning Manager