

KINGSPORT BOARD OF ZONING APPEALS AGENDA  
REGULAR MEETING: October 1, 2020  
Council Room, City Hall

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

**PUBLIC HEARING:**

**Case: 20-701-00017 – Property located 1733 Virginia Avenue and 1737 Virginia Avenue, Control Map 62A, Parcels 030.00 and 029.50** requests a 15.1 foot front yard setback for 1733 Virginia Avenue and a 9.5 foot front yard setback for 1737 Virginia Avenue to Sec 114-183(e)1(c) for the purpose of building a new single family home on each parcel. The property is zoned R-1B, Residential District.

***INTERESTED PARTIES:***

Owner: Theodore Palaske  
1204 Bermuda Drive  
Kingsport, TN 37660  
423.863.0573

Representative: John Rose

**Case: 20-701-00018 – Property located at 1015 Bloomingdale Pike, Control Map 046B, Group C, Parcel 002.00** requests a four space reduction of required parking to Sec 114-564(4)q; a rear yard variance of 15 feet to Sec 114-195(f)1(e); and a planting strip boundary reduction of 15 feet to Sec 114-600(4)a for the purpose of constructing a new retail sales establishment. The property is zoned B-3, Highway Oriented Business District.

***INTERESTED PARTIES:***

Owner's agent: David Blackburn  
310 Enterprise Drive  
Oxford, MS 38655  
662.513.4194

Representative: Benjamin Berry

**BUSINESS:**

**Approval of the September 3, 2020 regular meeting minutes.**

**Stating for public record, the next application deadline is October 15, 2020 at noon, and meeting date (Thursday, November 5, 2020).**

**ADJUDICATION OF CASES:**

**ADJOURNMENT:**

REGULAR MEETING  
& PUBLIC HEARING  
Kingsport Board of Zoning Appeals

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that an open and public meeting of the Kingsport Board of Zoning Appeals scheduled for Thursday, October 1, 2020 will be conducted beginning at NOON in the Kingsport City Hall Council Room, 225 W. Center Street, Kingsport, Tennessee.

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

**Case: 20-701-00017 – Property located 1733 Virginia Avenue and 1737 Virginia Avenue, Control Map 62A, Parcels 030.00 and 029.50** requests a 15.1 foot front yard setback for 1733 Virginia Avenue and a 9.5 foot front yard setback for 1737 Virginia Avenue to Sec 114-183(e)1(c) for the purpose of building a new single family home on each parcel. The property is zoned R-1B, Residential District.

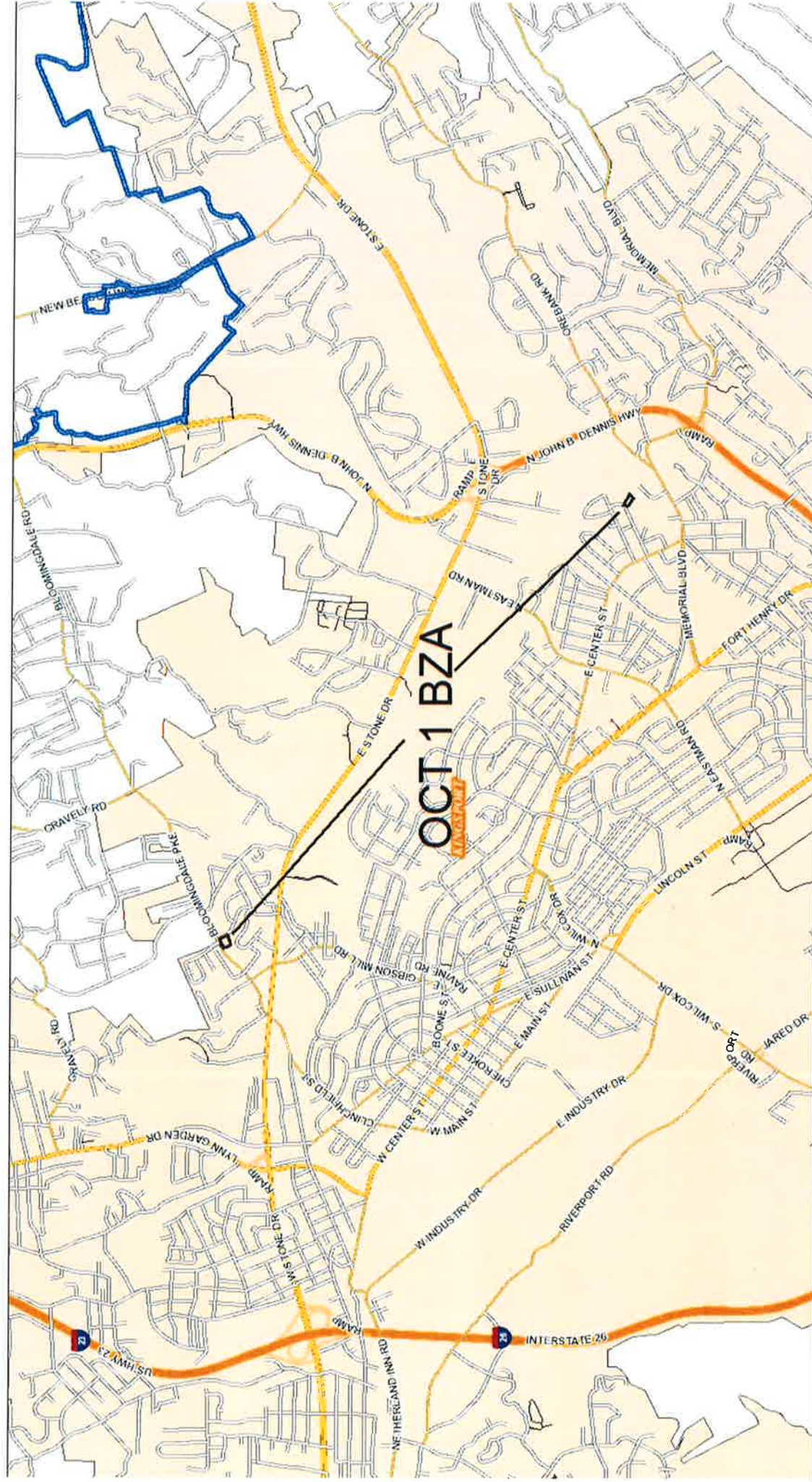
**Case: 20-701-00018 – Property located at 1015 Bloomingdale Pike, Control Map 046B, Group C, Parcel 002.00** requests a four space reduction of required parking to Sec 114-564(4)q; a rear yard variance of 15 feet to Sec 114-195(f)1(e); and a planting strip boundary reduction of 15 feet to Sec 114-600(4)a for the purpose of constructing a new retail sales establishment. 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](mailto:ADAContact@KingsportTN.gov) at least 72 hours in advance. Copies of any documents used are available in accessible formats upon request.

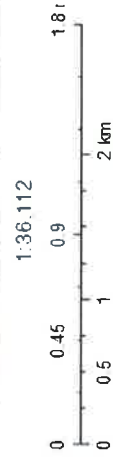
CITY OF KINGSPORT  
Angie Marshall, City Clerk  
PIT: 9/23/2020

## ArcGIS Web Map



2/2020, 2:07:59 PM

Urban Growth Boundary





TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: September 22, 2020

RE: 1733 and 1737 Virginia Avenue

The Board is asked to consider the following request:

**Case: 20-701-00017 – Property located 1733 Virginia Avenue and 1737 Virginia Avenue, Control Map 62A, Parcels 030.00 and 029.50** requests a 15.1 foot front yard setback for 1733 Virginia Avenue and a 9.5 foot front yard setback for 1737 Virginia Avenue to Sec 114-183(e)1(c) for the purpose of building a new single family home on each parcel. The property is zoned R-1B, Residential District.

The section referenced above is as follows:

(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.

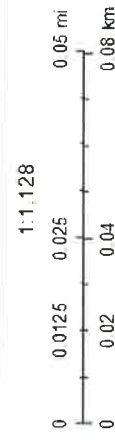


# ArcGIS Web Map



2/2020, 2:25:46 PM

- Kpt 911 Address
- livan 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
- Urban Growth Boundary





# ArcGIS Web Map



**APPLICATION**

Board of Zoning Appeals

**APPLICANT INFORMATION:**

Last Name	Palaske	First	Theodore	M.I.	M	Date	9-13-2020
Street Address	1204 Bermuda Dr.					Apartment/Unit #	
City	Kingsport	State	TN	ZIP	37660		
Phone	423-863-0573		E-mail Address	dxcybx966@yahoo.com			

**PROPERTY INFORMATION:**

Tax Map Information	Tax map: 062A	Group:	Parcel: 29.5 30.7	Lot:	36 & 37		
Street Address	1733 & 1737 Virginia Ave.					Apartment/Unit #	
Current Zone	R-3		Proposed Zone	R-3			
Current Use	Single Family		Proposed Use	Single Family			

**REPRESENTATIVE INFORMATION:**

Last Name	Rose	First	John	M.I.	P	Date	9-14-2020
Street Address	1017 Hill Road					Apartment/Unit #	
City	Blountville	State	TN	ZIP	37617		
Phone	(423) 579-2449		E-mail Address	johnrose8@gmail.com			

**REQUESTED ACTION:**

Approve 20' setbacks in lieu of the standard 30' for 1737 Virginia Ave. Approve 14' setbacks for 1733 Virginia Ave.

**DISCLAIMER AND SIGNATURE**

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

Signature:

Date: 9-14-2020

Signed before me on this 14<sup>th</sup> day of Sept., 2020  
 a notary public for the State of Tennessee  
 County of Sullivan

Notary Mark E. Ford

My Commission Expires 12/20/23

CITY PLANNING OFFICE





## Variance Worksheet – Finding of Facts

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

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

See attached = S/A

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

S/A

- 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.

S/A

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

S/A

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.

## Variance Worksheet

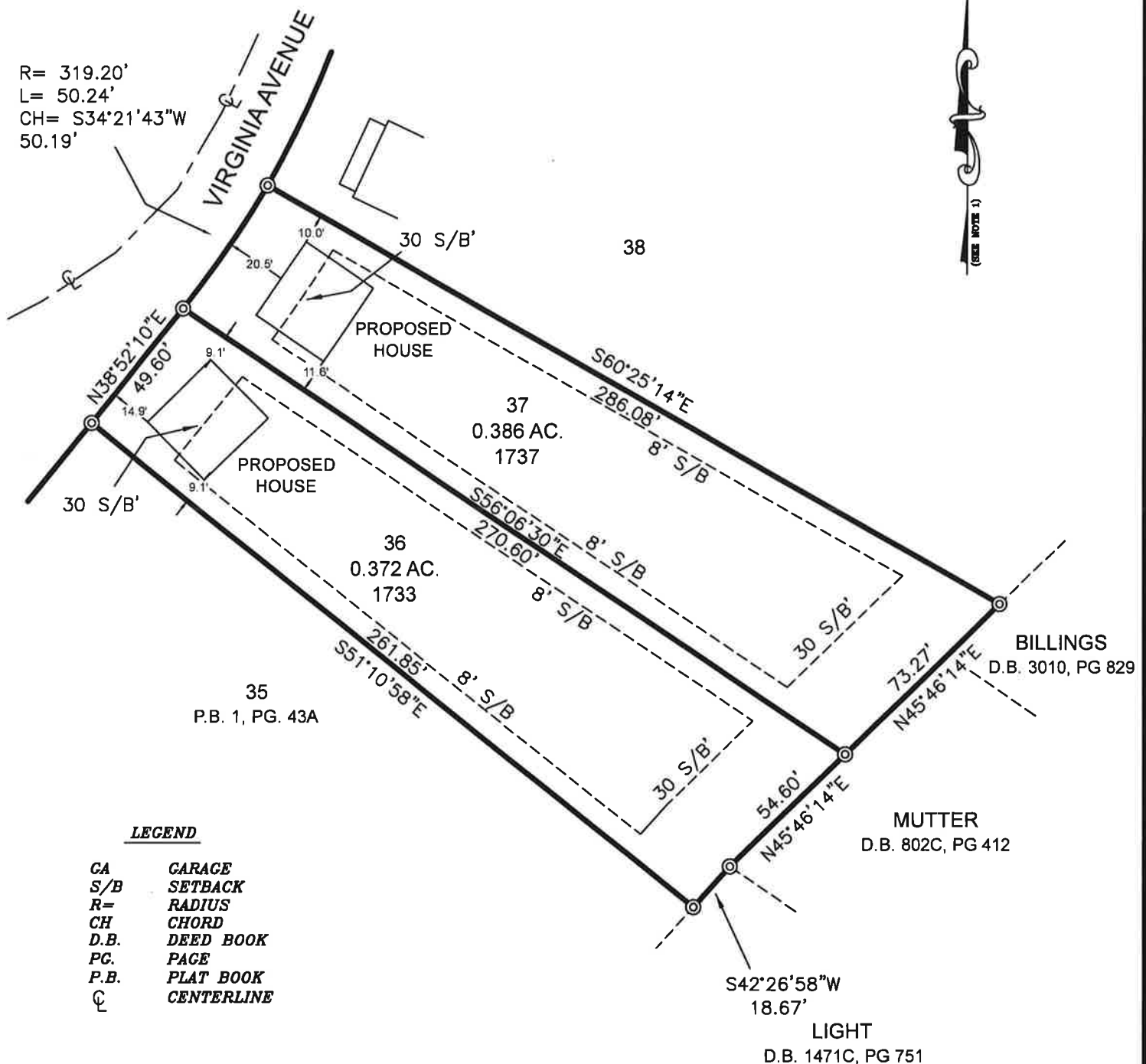
### 1733 & 1737 Virginia Avenue

- a. ROW is not consistent width in front of properties. The original ROW was for Oakwood street that was never built.
- b. The original intent of the developer was 20' setbacks. The lots were laid out to accommodate the 20' setback. The land behind these parcels is very steep and the 20' setback would allow for a small back yard. I have attached the original restrictions dated July 12, 1936.
- c. Normally some of this problem could be eliminated if the city would vacate the excessive unused ROW. However, because of the restrictions placed on the property in 1936, the original Oakwood Street ROW is legally binding and no structure can be built with in 20' of the original ROW line.
- d. This variance will preserve the original intent of the subdivision and will allow homes to be built in reference to the ROW that matches most homes in the. Immediate vicinity. I have attached plats/plans that show how the ROW is laid out in reference to the existing homes in the area and the proposed homes.

Alley & Associates have place stakes on the lots showing the proposed house location as referenced in attached documents.



R= 319.20'  
L= 50.24'  
CH= S34°21'43"W  
50.19'



**ALLEY & ASSOCIATES, INC.**

243 E Market Street  
Kingsport, Tennessee 37660  
E-mail:bsauceman@alleyassociates.com

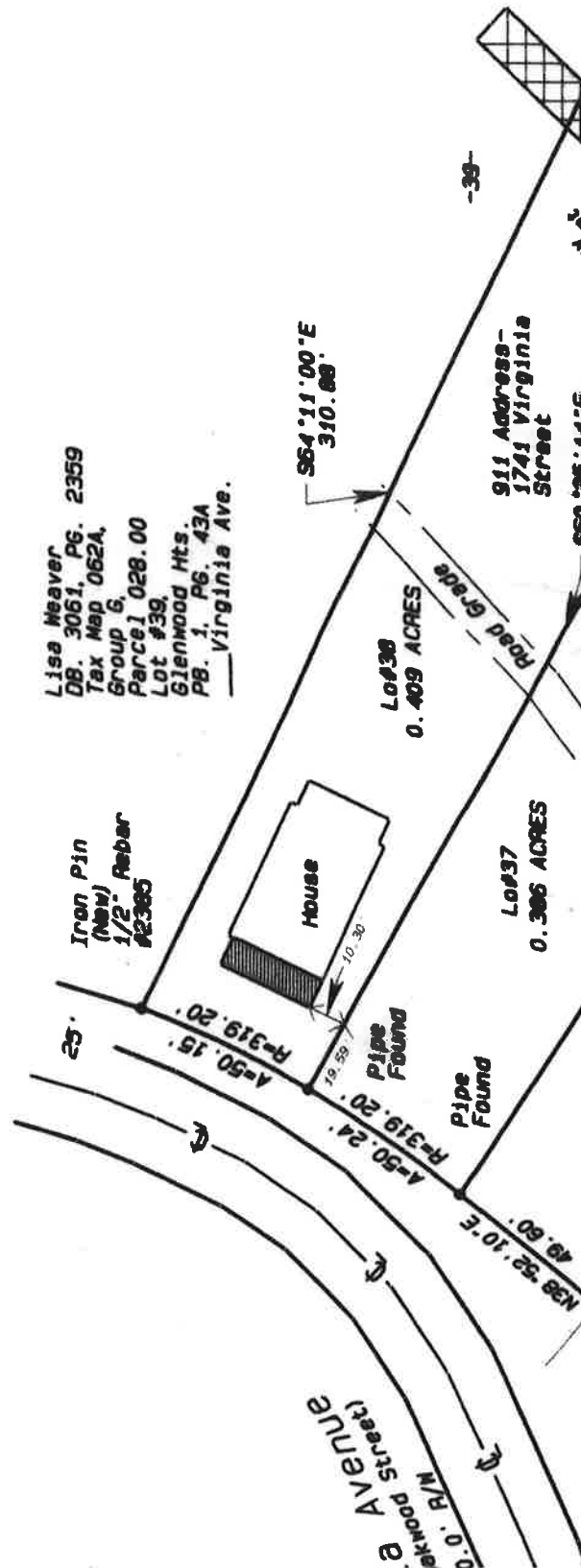
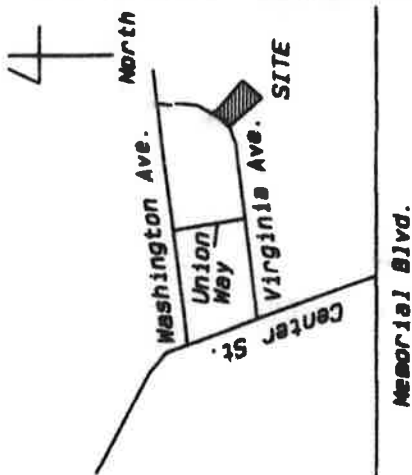


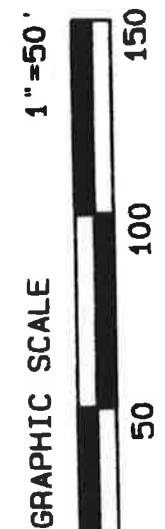
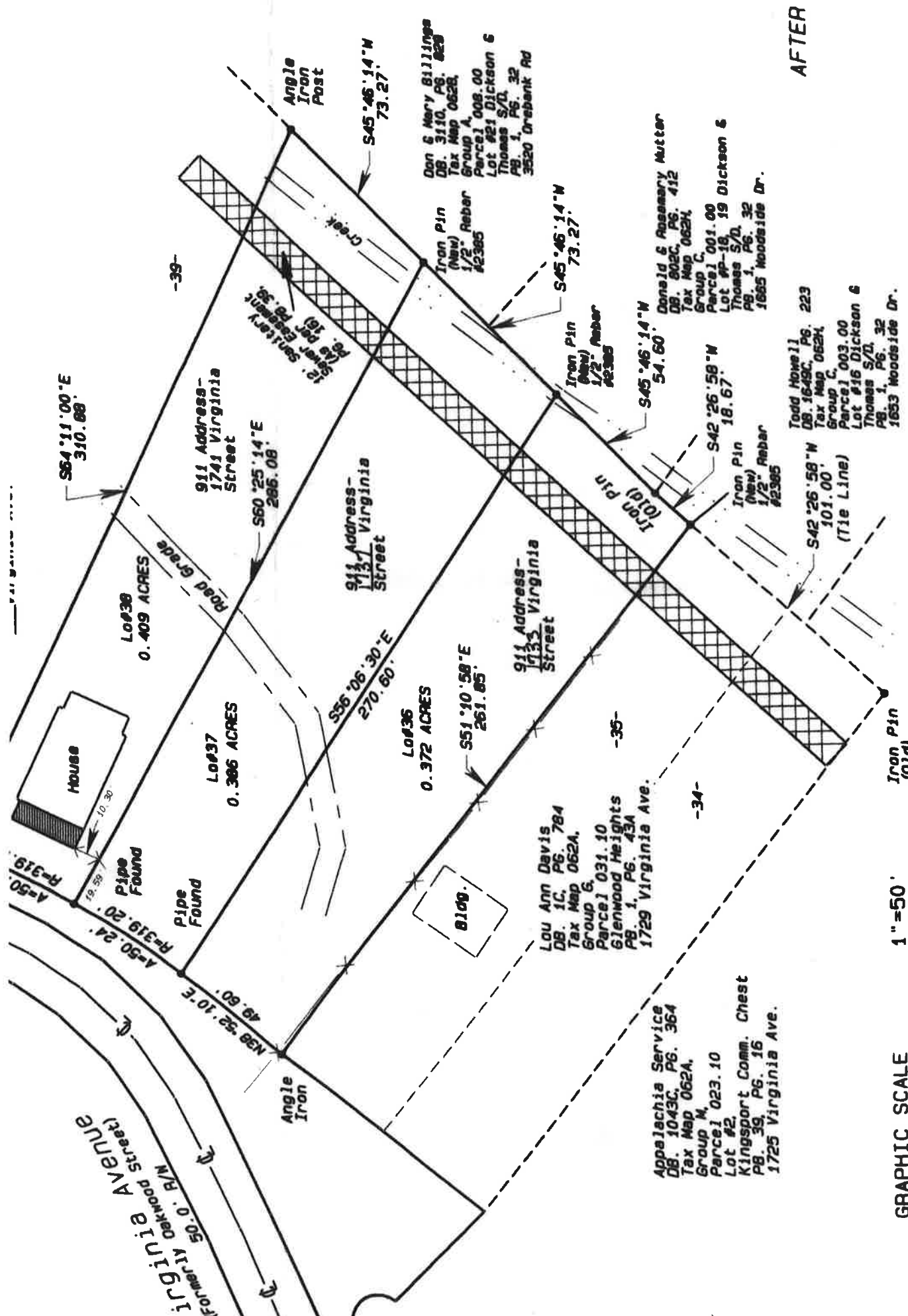
REC FEE	15.00
DP FEE	2.00
ARC FEE	0.00
TOTAL	17.00

STATE OF TENNESSEE, SULLIVAN COUNTY  
**SHEENA R TINSLEY**  
REGISTER OF DEEDS

(N. T. S.)

### LOCATION MAP





AFTER

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



above written.

R. R. Good

Lelia Good

STATE OF TENNESSEE:

COUNTY OF SULLIVAN:

Personally appeared before me, W. H. Bowlin, a Notary Public, in and for the State and County aforesaid, R. R. Good and wife Lelia Good, the within named bargainors, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purposes therein contained.

Witness my hand and official seal at Kingsport, Sullivan County, Tennessee, this the 15th day of February 1935.

W. H. BOWLIN)  
NOTARY PUBLIC)  
SULLIVAN COUNTY, TENN.) My commission expires January 11, 1938.

W. H. Bowlin, Notary Public.

Received and registered the foregoing instrument and certificate thereto Feb. 15, 1935 at 1-15 P.M.

Charles C. Cress Register.

S. C. MINNICH & WIFE

TO

T. W. BARNETT

---ooo---  
THIS DEED, made and entered into this the 28th day of May, 1934,  
by and between S. C. Minnich and wife, Edith S. Minnich, parties  
of the first part, and T. W. Barnett, party of the second part.

WITNESSETH:

That for and in consideration of the sum of Two Hundred Fifty (\$250.00) Dollars, cash in hand paid, receipt of which is hereby acknowledged, the parties of the first part have this day bargained and sold and do hereby grant and convey unto the party of the second part, his heirs and assigns, with covenants of general warranty of title, the following described lot or parcel of land, situate, lying and being in the Eleventh Civil District of Sullivan County, Tennessee, described as follows:

BEGINNING at a point on the southerly boundary line of Oakwood Street, corner for Lots 36 and 37, in Block 4; thence from said point and running along the boundary line between Lots 36 and 37 S. 51 deg. 25 min. E 274 feet to a point on the boundary line between S. C. Minnich and the Dickson and Thomas Addition, corner for Lots 36 and 37; thence from said point and along the boundary line between S. C. Minnich and Dickson and Thomas Addition in a northwesterly direction 49.59 feet to a point on said boundary line, corner for Lots 35 and 36; thence from said point and along the boundary line between Lots 35 and 36 N. 51 deg. 20 min. W. 267.9 feet to a point on the southerly boundary line of Oakwood Street, corner for Lots 35 and 36; thence from said point and along the southerly boundary line of Oakwood Street 49.59 feet to the point of BEGINNING, and being Lot No. 36 in Block No. 4, of Glenwood Heights Addition to Kingsport, Tennessee, as shown upon map marked, "Revised Map of Glenwood Heights Addition to Kingsport, Tennessee, April 19, 1930, Scale 1"=60 feet, Hugh M. Alley, Surveyor" which map is of record and filed in the Register's office of Sullivan County, Tennessee, in Plat Book 1, page 43, to which reference is hereby made for a more complete description of said property.

TO HAVE AND TO HOLD unto the party of the second part, his heirs and assigns, forever.

The parties of the first part covenant with the party of the second part that they are lawfully seized and possessed of said property; have good right, lawful power and authority to transfer and convey the same; that said property is free and unencumbered and they have done no act to encumber the same, and they warrant generally the title to said property and will defend the same against the lawful claims of all persons whomsoever.

This deed is made upon the express condition that the property hereby conveyed

23A pg 7

shall not be rented, leased or conveyed to, or occupied or inhabited by or in any way assigned to the use or enjoyment of negroes, mulattoes or persons having any negro blood, except as domestic or household servants of the owner or occupant.

The party of the second part, for himself, his heirs and assigns, covenants and agrees that the land hereby conveyed shall be used exclusively for dwelling purposes, that only one dwelling house shall be erected or maintained upon the lot hereby conveyed; that such dwelling house shall cost not less than Twenty-five Hundred (\$2500.00) Dollars; that such dwelling house shall be located not less than twenty (20) feet from Oakwood Street, and that any and all claims, demands or causes of action for damages now or hereafter resulting from the establishment or change of grade line or lines for the streets, alleys and ways binding upon said property and in the territory thereof are hereby waived.

OLD ROW

The parties of the first part reserve the permanent right, for themselves, their heirs and assigns, to lay, construct, maintain and operate sewer pipes, water pipes, gas pipes, telephone lines, wires and cables; electric light and power transmission lines, wires and cables; to construct and maintain all fixtures, make all excavations and do all other work that the parties of the first part, their heirs and assigns, may consider necessary in exercising said rights upon a strip of land three (3) feet in width, extending across the rear of said property, adjoining and running the entire length of said line, and the further permanent right to enter upon the said land at any time for the purpose of exercising said rights; and the party of the second part, for himself, his heirs and assigns, covenants that the rights reserved by this paragraph shall not be interfered with.

It is a part of the consideration of this conveyance, and the grantee herein for himself, his heirs and assigns, hereby expressly assumes payment of all taxes assessable against said property for the year 1934.

All covenants, conditions and agreements as herein set forth shall be construed as covenants running with the land.

Witness the following signatures and seals this the day and year first above written,

S. C. Minnich (SEAL)

Edith S. Minnich (SEAL)



STATE OF TENNESSEE,  
SUIJIVAN COUNTY:

Personally appeared before me, T. R. Bandy, a Notary Public in and for the State and County aforesaid, S. C. Minnich and wife, Edith S. Minnich, the within named bargainors, with whom I am personally acquainted, who acknowledged that they executed the foregoing instrument for the purposes therein contained.

And Edith S. Minnich, wife of the said S. C. Minnich, having appeared before me privately and apart from her said husband, the said Edith S. Minnich acknowledged the execution of the foregoing instrument to have been done by her freely, voluntarily and understandingly, without compulsion or constraint from her said husband and for the purposes therein expressed.

Given under my hand and official seal this the 28th day of May, 1934.

T. R. BANDY  
NOTARY PUBLIC  
SUIJIVAN COUNTY, TENN.) My commission expires July 12, 1936.

T. R. Bandy,

Received and registered the foregoing instrument and certificate thereto Feb. 15, 1935 at  
3 P. M.

*Levi C. Bandy* Register.

23A pg 8

L. F. LEEPER & WIFE ET AL

TO

T. N. BARNETT

THIS DEED made and entered into by and between L. F. Leeper and wife, Sallie M. Leeper, and Ed Leeper and Charles Leeper, parties of the first part, and T. N. Barnett, party of the second part, at Kingsport, Tennessee, on February 4, 1935.

WITNESSETH

FOR AND IN CONSIDERATION of the sum of Two Hundred Five (\$205.00) Dollars, cash in hand paid, receipt of which is hereby acknowledged, parties of the first part have this day bargained and sold and do hereby bargain, sell, transfer and convey unto party of the second part, his heirs and assigns, with covenants of general warranty of title, all that certain lot or parcel of land situate and being in the 13th Civil District of Sullivan County, Tennessee, and being more particularly described as follows:

BEING Lots 23 and 24, in Long Island Gardens, in the 13th Civil District of Sullivan County, Tennessee, as shown by map of Leeper Sub-Division, said property facing Southeast on River Street, being two lots fifty feet by one hundred feet each, forming a square of one hundred feet each way, and being a part of the land purchased from John B. Hall by L. F. Leeper, Ed Leeper and Charles Leeper.

TO HAVE AND TO HOLD said property unto party of the second part, his heirs and assigns, forever in fee simple absolute.

WITNESS the signatures of the parties of the first part on the date and at the place above written.

L. F. Leeper

Sallie M. Leeper

Chas. Leeper

Ed Leeper.



STATE OF TENNESSEE:

COUNTY OF SULLIVAN:

Personally appeared before me, E. Lynn Minter, a Notary Public in and for the State and County aforesaid, the within named bargainors, L. F. Leeper, Ed Leeper and Charles Leeper, with whom I am personally acquainted, and who acknowledged the execution of the within instrument for the purposes therein contained.

And Sallie M. Leeper, wife of the said L. F. Leeper, having appeared before me privately and apart from her husband, the said Sallie M. Leeper acknowledged the execution of the within instrument to have been done by her freely, voluntarily and understandingly, without compulsion or constraint from her said husband, and for the purposes therein expressed.

Witness my hand and official seal in Sullivan County, Tennessee, on this 4 day February, 1935.

E. Lynn Minter, Notary Public.

E. LYNN MINTER)  
NOTARY PUBLIC)

(SULLIVAN COUNTY, TENN.) My commission expires Oct. 15, 1938.

Received and received and registered the foregoing instrument and certificate thereto Feb. 15, 1935 at 3 P. M.

*Paul C. Crow* Register.

---00c---

I. M. FULLER & WIFE ET AL

TO

T. J. PALMER

THIS DEED, made and entered into this the 8th day of February, 1932, by and between I. M. Fuller and his wife, Elizabeth Fuller, and O. S. Hawk and his wife, Ethel Hawk, parties of the first part, and T. J. Palmer, party of the second part;

WITNESSETH:

That for and in consideration of the sum of One (\$1.00) Dollar, cash in hand paid,





TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: September 22, 2020

RE: 1015 Bloomingdale Pike

The Board is asked to consider the following request:

**Case: 20-701-00018 – Property located at 1015 Bloomingdale Pike, Control Map 046B, Group C, Parcel 002.00** requests a four space reduction of required parking to Sec 114-564(4)q; a rear yard variance of 15 feet to Sec 114-195(f)1(e); and a planting strip boundary reduction of 15 feet to Sec 114-600(4)a for the purpose of constructing a new retail sales establishment. The property is zoned B-3, Highway Oriented Business District.

The sections referenced above are as follows:

*(f) Design standards; dimensional requirements.*

*(1) Minimum requirements.*

a. Lot area, 10,000 square feet.

b. Lot frontage, 50 feet.

c. Front yard, 20 feet.

d. Each side yard, not applicable.

e. Rear yard, 30 feet.

f. Usable open space, not applicable.

q. Retail sales establishment except furniture or carpet store: one space per 200 square feet of net floor area for the first 1,000 square feet, plus six spaces per each additional 1,000 square feet.

*(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.

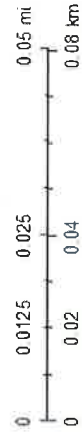
# ArcGIS Web Map



2/2020 2:12:48 PM

- Kot 911 Address
- livan County Parcels
- Lake\_Pond
- Parcel\_Conflict
- Parcels
- Railroad\_ROW
- River
- Street\_ROW
- Hawkins County Parcels
- Lake\_Pond
- Parcel\_Conflict
- Parcels
- Railroad\_ROW
- Railroad\_ROW
- River
- Street\_ROW
- Urban Growth Boundary

1:1 128







## APPLICATION

Board of Zoning Appeals



### APPLICANT INFORMATION:

Last Name Blackburn First David M.I. Date 09/08/2020  
Street Address 310 Enterprise Drive Apartment/Unit #  
City Oxford State MS ZIP 38655  
Phone 662-513-4194 E-mail Address

### PROPERTY INFORMATION:

Tax Map Information Tax map: 046B Group: C Parcel: 002.00 Lot:  
Street Address 1015 Bloomingdale Pike Apartment/Unit #  
Current Zone B-3 Proposed Zone N/A  
Current Use Undeveloped Proposed Use Commercial/Retail

### REPRESENTATIVE INFORMATION:

Last Name Berry First Benjamin M.I. M Date 09/08/2020  
Street Address 3555 Keith Street NW, Suite 109 Apartment/Unit #  
City Cleveland State TN ZIP 37312  
Phone 423-790-5880 E-mail Address ben@berryengineers.com

### REQUESTED ACTION:

A request is being made for a variance for the number of parking spaces, rear building setback, and residential buffer requirement. A request for parking variance is being made because the depth of the site and extreme slope in the rear of the site makes it difficult to obtain 42 spaces required. It is being requested that we only provide 38 spaces. This is beneficial due to the decrease in stormwater runoff volume and because Dollar General has done extensive research suggesting that 30 spots meet the demand for their customers. A request for the reduction of the rear building setback and residential buffer is being made as well. It is being requested that both of these requirements be reduced to 15'. The short depth of this site limits the ability to obtain these requirements in the southwest portion of this site. Also to be noted, the adjacent property is wooded and the nearest home is 95' from the property line. A 6' fence and a row of evergreen trees will be provided along with 1 tree per 50'.

### 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: By m/bg

Date: 9-10-2020

Signed before me on this 10<sup>th</sup> day of September, 2020

a notary public for the State of Tennessee

County of Bradley

Notary Crystal Fox

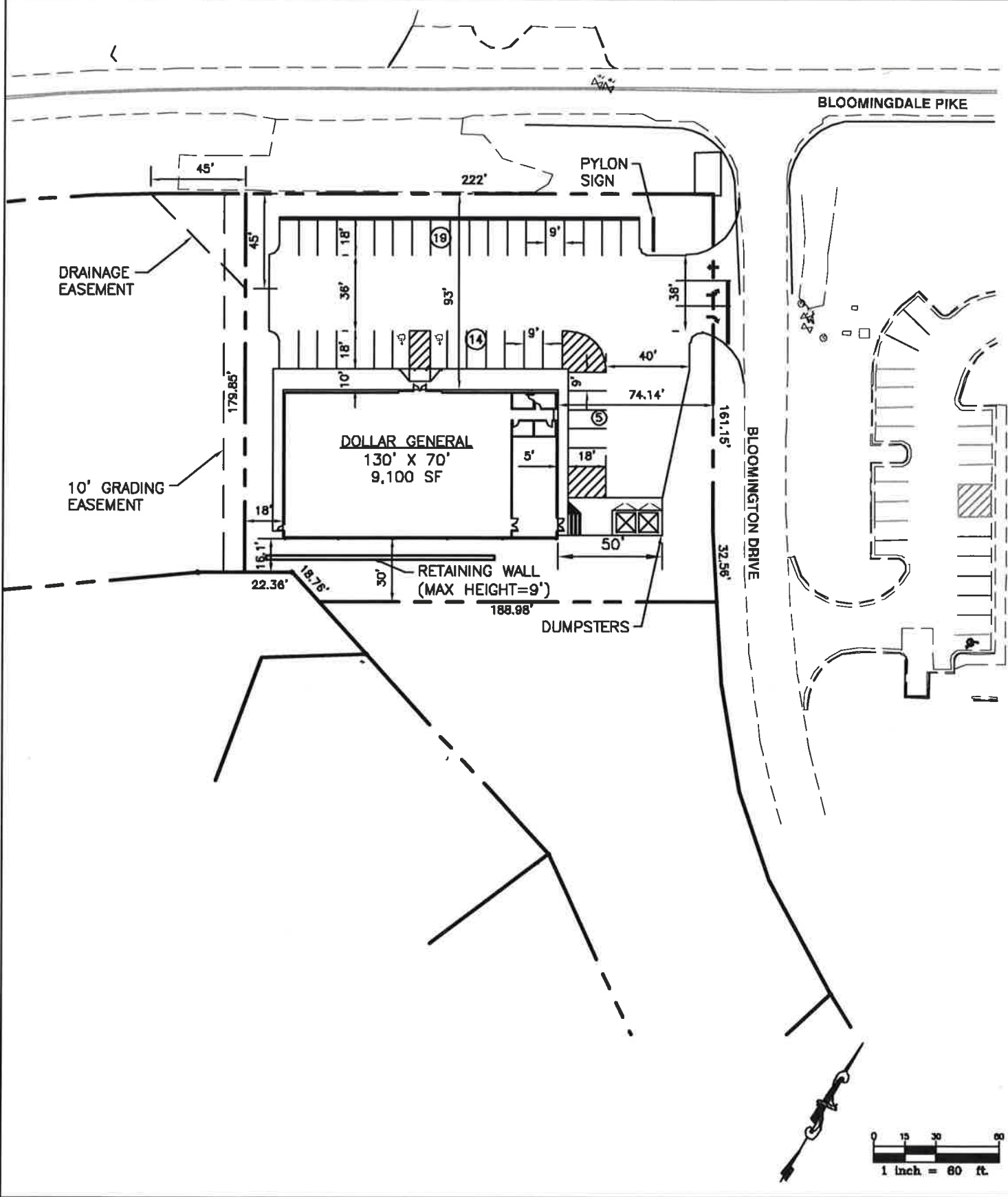
My Commission Expires March 9, 2022





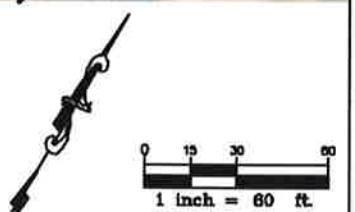
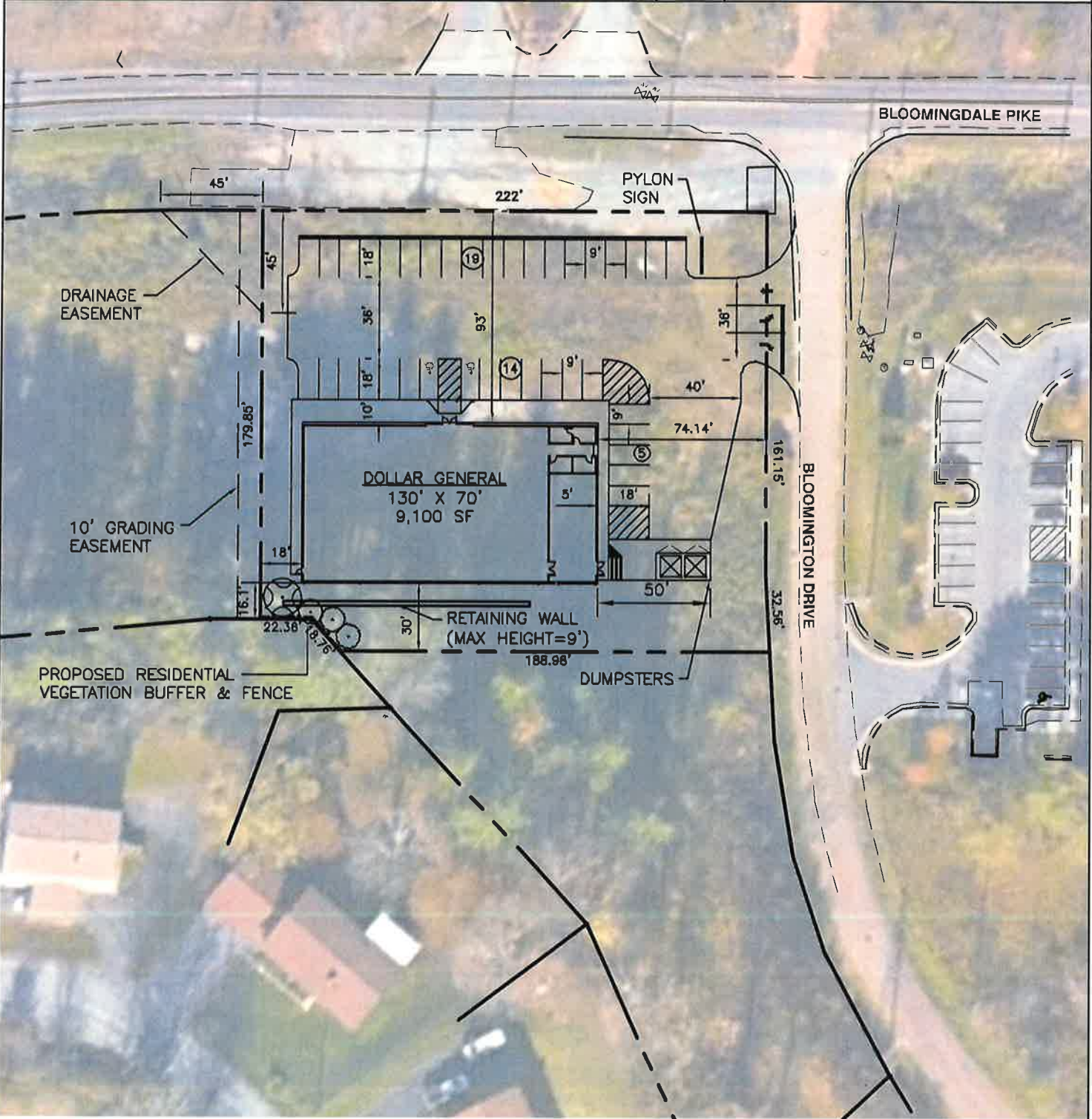
PRELIMINARY SITE PLAN		CITY, STATE - STREET: KINGSFORT, TN BLOOMINGDALE PIKE	
PROTOTYPE: DG 9100 -C	DEVELOPER	DESIGNER	DATE:
BLDG/SALES SF: 9,100 / 7,302	COMPANY: BLACKBURN CONST	COMPANY: BERRY ENGINEERS	09/15/20
ACREAGE: 0.98	NAME: DARYL THORNTON	NAME:	
PARKING SPACES: 38	PHONE #: 662-513-4194 EXT 25	PHONE #: 423-790-5880	

**DOLLAR GENERAL**



PRELIMINARY SITE PLAN		CITY, STATE - STREET: KINGSFORT, TN BLOOMINGDALE PIKE	
PROTOTYPE: DG 9100 -C	DEVELOPER	DESIGNER	DATE:
BLDG/SALES SF: 9,100 / 7,302	COMPANY: BLACKBURN CONST.	COMPANY: BERRY ENGINEERS	09/15/20
ACREAGE: 0.98	NAME: DARYL THORNTON	NAME:	
PARKING SPACES: 38	PHONE #: 662-513-4194 EXT 25	PHONE #: 423-790-5880	

**DOLLAR GENERAL**





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

### September 3, 2020, Regular Meeting

Noon

City Hall Council Room

#### Members Present:

Bill Sumner  
Joe White  
Calvin Clifton  
Jeff Little  
Tracey Cleek

#### Members Absent:

none

#### Staff Present:

Ken Weems, AICP  
Alison Fields

#### Visitors:

Sherry Trent	James Phillips
Don Royston	Matt Davis
Bobby Flowers	Linda Barrow
Keith E. Davis	Peggy Barnett
Renee Bates	Candi Harker
Lynn Bates	Renee Henderson
Lloyd W. Witt	Kelly Kelmar
Mary F. Stanford	

Chairman Sumner called the meeting to order.

Chairman Sumner stated: "A determination by the Board that meeting electronically and prohibiting the physical presence of the public at the meeting is necessary to protect public health, safety, and welfare, of all concerned in light of the COVID-19 virus." The Board affirmed this statement by roll call vote, 5-0.

Chairman Sumner explained the meeting procedures.

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

#### **Public Hearing:**

**Case: 20-701-00012 – Property located at 2133 Southcote Drive, Control Map 47H, Group B, Parcel 022.00** requests an 18 foot departure from the rear yard variance to Sec 114-133(1) for the purpose of constructing a treehouse in the side yard. The property is zoned R-1B, Residential District.

Mr. Keith Davis presented the case to the Board. Mr. Davis stated that his desire to construct a standalone child's treehouse around an existing mature tree in his side yard. Mr. Davis stated that his rear yard would not accommodate the treehouse due to the extreme slope of the rear yard. Staff noted that no calls had been received on the matter.

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



**Case: 20-701-00013 – Property located at 2225 Maxwell Avenue, Control Map 016D, Group N, Parcel 009.00** requests reestablishment of a nonconforming use to Sec 114-8(4) for the purpose of constructing a duplex on the property. The property is zoned R-1C, Residential District.

Ms. Sherry Trent presented the case to the Board. Ms. Trent stated that the requested reestablishment of the nonconforming use of multifamily for the parcel would allow her to construct a duplex on the property. Ms. Trent stated that a dilapidated multifamily structure was torn down on the property several years ago. Ms. Trent also identified a recent apartment project completed by Eastern Eight on the property adjacent to the request that fronts E. Center Street.

Chairman Sumner, seeing no one else wishing to speak, closed the public hearing. Later, Chairman Sumner reopened the public hearing after discovering that several visitors did not hear the initial opening of public comment for the item. Ms. Peggy Barnette stated that she did not want to see any more apartments in the area. Ms. Renee Henderson stated that the area has seen increasing crime as a result of the nearby apartments. Mr. Witt stated that a single home should be constructed on the property.

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

**Case: 20-701-00014 – Property located at 2301 Netherland Inn Road, Control Map 45J, Group B, Parcel 002.20** requests a 90 foot departure from the rear yard variance to Sec 114-133(1) for the purpose of constructing a garage in the front yard. The property is zoned PVD, Planned Village District.

Mr. Matt Davis presented the case to the Board. Mr. Davis stated that the historic zoning commission had already approved his request since it is located inside the Boatyard historic district. Mr. Davis stated that his home's front yard by zoning standards fronts Netherland Inn Road, however the functional front yard faces the river. Mr. Davis stated that his front yard is very small and has the greenbelt pathway going through it.

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

**Case: 20-701-00015 – Property located at 921 Broad Street, Control Map 046G, Group D, Parcel 018.00** requests a special exception to Sec 114-191(c)7 for the purpose of operating a rehabilitation center in the existing building. The property is zoned P-1, Professional Offices District.

Mr. Don Royston presented the case to the Board. Mr. Royston stated that the property would be used to service those in need with professional mental health services and that overnight accommodations would exist for those wishing to seek treatment at the proposed rehabilitation center. Mr. Royston stated that the property would be buffered by a proposed fence for screening and security purposes. Bobby Flowers stated that Erin Gray has agreed to help with the rehabilitation center and that the plan is to have a professional on staff either present or on call 24/7. Bill Sumner asked "Is this service provided elsewhere in the city?" Bobby Flowers stated "no." Calvin Clifton asked if the center will be used for emergency purposes. Don Royston stated that the police can bring individuals there after hours. Calvin Clifton asked staff if the police are aware of the proposal. Staff confirmed that the police are aware of the proposal and that they are ok with proposals such as this that have structure to them. Bill Sumner asked how the center would be funded. Don Royston stated that the project would be funded primarily

by churches. Jeff Little asked how the people at the center would be fed. Bobby Flowers stated that there were many places in the area that provide free meals. Bill Sumner asked for confirmation that licensed and professional caretakers would be on site after 5pm, to which no confirmation was provided. Renee Bates stated that she lives nearby and that there are already too many homeless people in the area. Ms. Bates stated that her number one concern is safety. Ms. Bates stated that there would be no way to control the people staying at the facility once they left the property. Kelly Kelmara stated that she lives close to the site and her major concern is also safety due to several recent home break-ins in her neighborhood. Ms. Kelmara noted that she has had several recent negative interactions with the homeless in her neighborhood and feels that opening a homeless shelter at this site would increase these experiences. Calvin Clifton asked "which zone can this go in?" Staff stated that the proposal would be considered a principal use in both the B-2 and B-2E zones.

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

**Case: 20-701-00016 – Property located at 610 Arch Street, Control Map 46H, Group J, Parcels 010.00, 011.00, and 011.10** requests a 10 foot variance to Sec 114-600(d)2 for the purpose of eliminating the parking lot landscaping strip requirement and an 8 foot variance to Sec 114-563(5) for the purpose of moving required new apartment building parking closer to Arch Street. The property is zoned R-4, Medium Density Apartment District.

Mr. James Phillips presented the case to the Board. Mr. Phillips stated that his lot is too small to accommodate an appropriately sized parking lot for the apartment use he has planned for the site. Mr. Phillips stated that he has already built the same apartment building nearby that he plans for this site, on a parcel that was slightly larger.

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 regular meeting minutes from the August 6, 2020 meeting. Mr. White seconded the motion. The motion passed, 5-0. Next, the Board stated for public record that the next application deadline is September 15, 2020 at noon for the meeting date of October 1, 2020.

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

**Case: 20-701-00012 – Property located at 2133 Southcote Drive, Control Map 47H, Group B, Parcel 022.00**

Chairman Sumner noted that the hardship for this item is steep topography in the rear of the parcel.

MOTION: made by Mr. Clifton, seconded by Mr. Little, to grant the 18 foot departure from the rear yard variance.

VOTE: 5-0 to approve the request.

**Case: 20-701-00013 – Property located at 2225 Maxwell Avenue, Control Map 016D, Group N, Parcel 009.00**

Mr. Clifton acknowledged the sentiment of the neighbors on the matter. Mr. White stated that he had a nearby listing in the past and that people were camping on the subject parcel.

MOTION: made by Mr. Clifton, seconded by Mr. Little, to deny the request.

VOTE: 4-1 to deny the request.

**Case: 20-701-00014 – Property located at 2301 Netherland Inn Road, Control Map 45J, Group B, Parcel 002.20**

The Board acknowledged the unique circumstances of the lot.

MOTION: made by Mr. Little, seconded by Ms. Cleek, to grant the 90 foot departure from the rear yard variance

VOTE: 5-0 to approve the request.

**Case: 20-701-00015 – Property located at 921 Broad Street, Control Map 046G, Group D, Parcel 018.00**

Mr. Clifton made a motion to discuss the item. The motion was seconded by Chairman Sumner. The motion passed unanimously, 5-0. Ms. Cleek stated that she has an issue with the overnight portion of the proposal and the accountability of the people coming and going. Chairman Sumner stated that he is unsure that this is the right place for such an establishment. Chairman Sumner stated that he has concerns about the longevity of the proposal due to funding. Calvin Clifton stated that he is troubled by having a rehabilitation center or homeless shelter next to a residential neighborhood. Chairman Sumner stated that foot traffic to and from the site is a concern.

MOTION: made by Mr. Clifton, seconded by Mr. Little, to deny the special exception.

VOTE: 5-0 to deny the special exception

**Case: 20-701-00016 – Property located at 610 Arch Street, Control Map 46H, Group J, Parcels 010.00, 011.00, and 011.10**

The Board acknowledged the hardship of the lot size.

MOTION: made by Mr. Little, seconded by Mr. White, to grant the 10 foot variance for the purpose of eliminating the parking lot landscaping strip requirement and an 8 foot variance for the purpose of moving required new apartment parking closer to Arch Street.

VOTE: 5-0 to approve the request.

With no further business the meeting was adjourned at 1:17 p.m.

Respectfully Submitted,

Ken Weems, AICP  
Planning Manager