

KINGSPORT BOARD OF ZONING APPEALS AGENDA  
REGULAR MEETING: December 3, 2020  
Council Room, City Hall

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

**PUBLIC HEARING:**

**Case: 20-701-00019 – Property located at 833 Forest Street, Control Map 046O, Group E, Parcel 056.00** requests approval to construct a metal carport on the property, which does not currently contain a principal structure. The property is zoned R-1B, Residential District.

***INTERESTED PARTIES:***

Owner: Richard Brown  
813 Yadkin Street  
Kingsport, TN 37660  
423.276.6648

Representative: Richard Brown

**Case: 20-701-00020 – Property located at 1437 Fairidge Drive, Control Map 046K, Group H, Parcel 020.00** requests a 50 foot departure from rear yard variance to Sec 114-133(1) for the purpose of constructing a swimming pool in the side yard. The property is zoned R-1A, Residential District.

***INTERESTED PARTIES:***

Owner: Jody Head  
1437 Fairidge Drive  
Kingsport, TN 37664  
423.963.9100

Representative: Jody Head

**Case: 20-701-00021 – Property located at 2227 Fort Henry Drive, Control Map 61E, Group H, Parcel 011.00** requests a 21 foot variance to Sec 114-230(c) for the purpose of placing a freestanding sign in the required periphery yard. The property is zoned B-4P, Planned Business District.

***INTERESTED PARTIES:***

Owner: K.D. Moore  
1550 Hwy 126  
Bristol, TN 37620  
423.383.4007

Representative: Chris Wright

**Case: 20-701-00022 – Property located at 3301 E Stone Drive, Control Map 032, Parcel 082.00** requests a six space reduction of required parking to Sec 114-564(4)q for the purpose of constructing a new retail sales establishment. The property is being rezoned to 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 October 1, 2020 regular meeting minutes.**

**Stating for public record, the next application deadline is December 15, 2020 at noon, and meeting date (Thursday, January 7, 2021).**

**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, December 3, 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: 20-701-00019 – Property located at 833 Forest Street, Control Map 046O, Group E, Parcel 056.00** requests approval to construct a metal carport on the property, which does not currently contain a principal structure. The property is zoned R-1B, Residential District.

**Case: 20-701-00020 – Property located at 1437 Fairidge Drive, Control Map 046K, Group H, Parcel 020.00** requests a 50 foot departure from rear yard variance to Sec 114-133(1) for the purpose of constructing a swimming pool in the side yard. The property is zoned R-1A, Residential District.

**Case: 20-701-00021 – Property located at 2227 Fort Henry Drive, Control Map 61E, Group H, Parcel 011.00** requests a 21 foot variance to Sec 114-230(c) for the purpose of placing a freestanding sign in the required periphery yard. The property is zoned B-4P, Planned Business District.

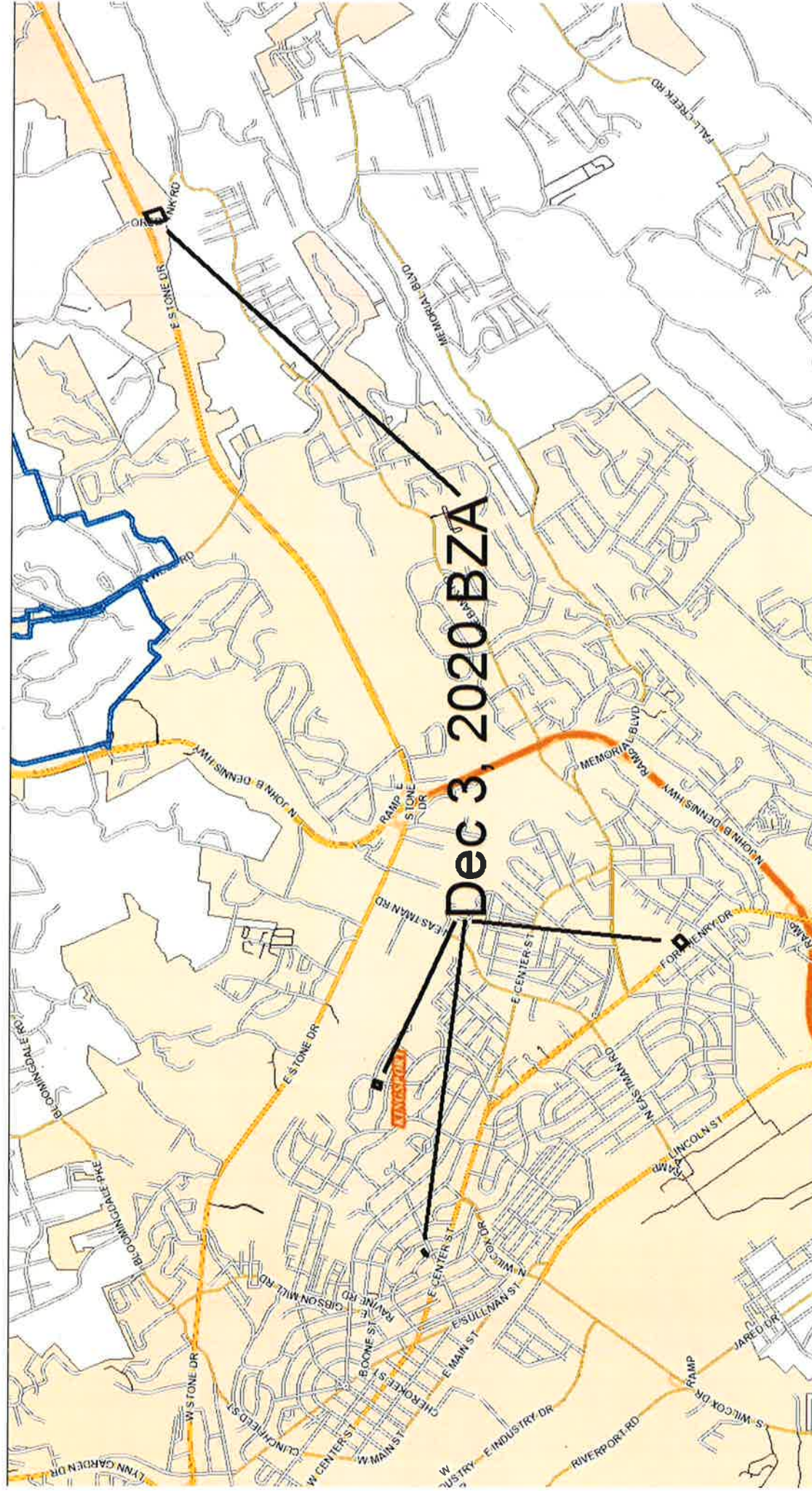
**Case: 20-701-00022 – Property located at 3301 E Stone Drive, Control Map 032, Parcel 082.00** requests a six space reduction of required parking to Sec 114-564(4)q for the purpose of constructing a new retail sales establishment. The property is being rezoned to B-3, Highway Oriented Business District.

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: 11/23/2020

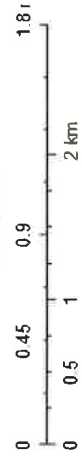
## ArcGIS Web Map



19/2020, 10:37:11 AM

Urban Growth Boundary

1:36.112







TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: November 19, 2020

RE: 833 Forest Street

The Board is asked to consider the following request:

**Case: 20-701-00019 – Property located at 833 Forest Street, Control Map 046O, Group E, Parcel 056.00** requests approval to construct a metal carport on the property, which does not currently contain a principal structure. The property is zoned R-1B, Residential District.

This request is a form of administrative review that was generated after zoning approval was denied to erect a metal carport on the subject property. Structures such as carports are considered accessory to a principal use and can only be constructed after the principal structure is built. The principal use in an R-1B district is a single family home.

Note: The property currently contains an existing single car garage that was originally built to serve a single family home that used to be on the property. The home that used to be on the property was destroyed by fire several years ago.

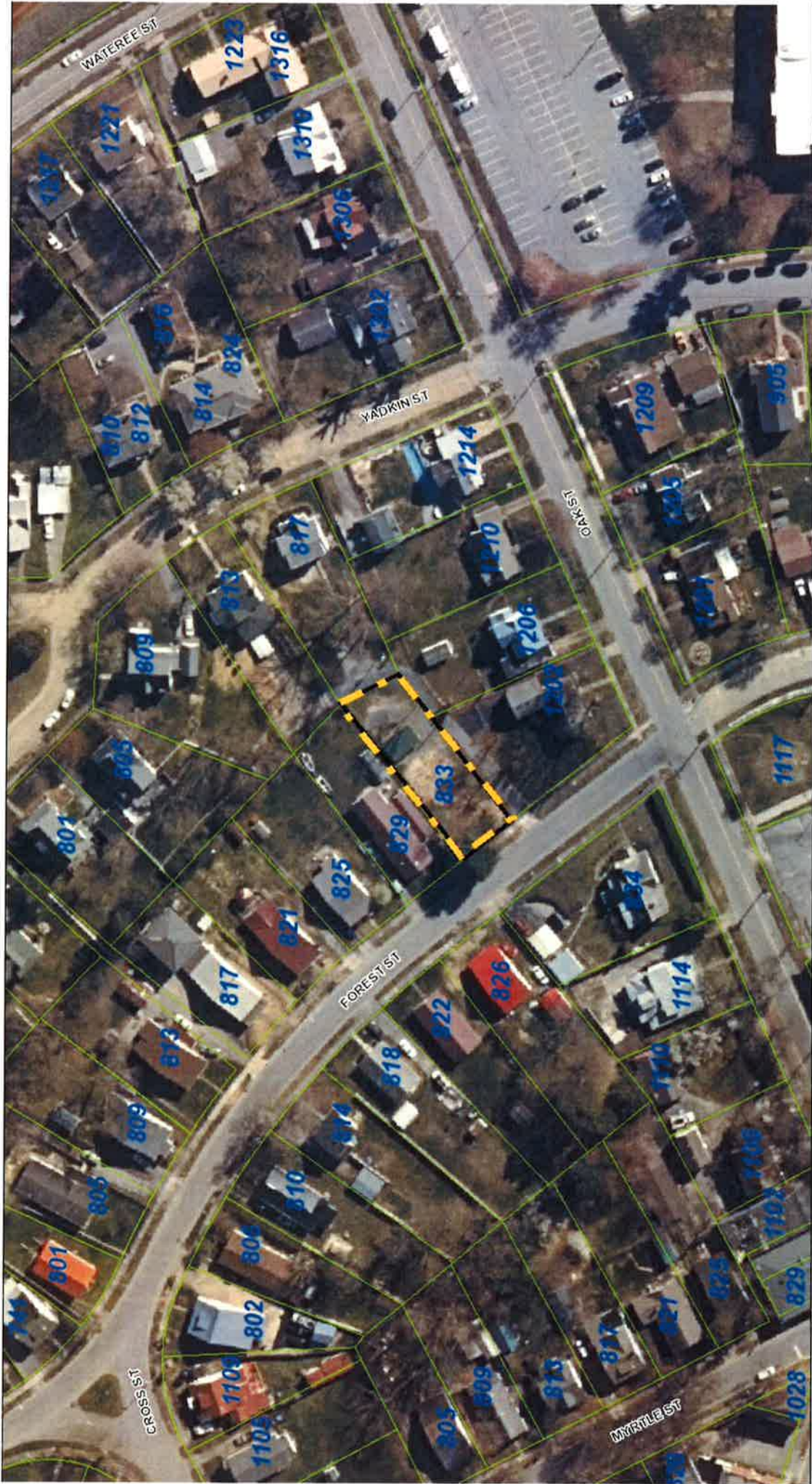
The standards for accessory structure, by code definition found in Sec 114-1, are copied below:

*Structure means anything built or constructed, the use of which may require permanent location on the ground or attachment to something having permanent location on the ground and includes the term "building". The term "structure" is further defined as follows:*



*(1) Accessory structure means a detached structure, the use of which is incidental and subordinate to that of the principal structure on the same lot and is constructed after the principal structure. See also "Use".*

*(2) Principal Structure means a structure in which the primary use of the property is conducted. The principal structure must be erected prior to the construction of an accessory structure.*

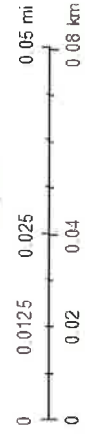
# ArcGIS Web Map



19/2020 10:39:39 AM

- | Kpt 911 Address      | River   | Street_ROW  | Railroad_ROW  |
|----------------------|---|---|---|
| livan County Parcels |  |  |  |
| Lake_Pond            |  |  |  |
| Parcel_Conflict      |  |  |  |
| Parcels              |  |  |  |
| Railroad_ROW         |  |  |  |

1:1 128







**APPLICATION**  
Board of Zoning Appeals



**APPLICANT INFORMATION:**

Last Name: Brown First: Richard M.I.: E Date: 11/3/2020  
Street Address: 813 Yarkin Street Apartment/Unit #  
City: Kingsport State: TN ZIP: 37660  
Phone: 423-276-6648 E-mail Address: richardbrown67@yahoo.com

**PROPERTY INFORMATION:**

Tax Map Information Location ID 2009; Parcel ID: 046OE0560000011046O082380  
Street Address: 833 Forest Street Apartment/Unit #  
Current Zone: Residential 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:**

Request special permission to construct two-car metal carport, 22'x20'x8' on the rear-most portion of the property, even though the property does not have a primary structure at this time. Rationale and photos attached.

**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 E. Brown

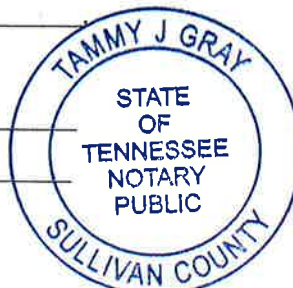
Date: 11/3/2020

Signed before me on this 3<sup>rd</sup> day of November, 2020,

a notary public for the State of Tennessee

County of Sullivan

Notary Tammy J. Gray  
My Commission Expires June 2, 2024





833 Forest Street proposal. Richard Brown, 11/3/2020. 423-276-6648. richardbrown67@yahoo.com

I request special permission to construct 22'x20x8 metal carport on the rearmost portion of the lot at 833 Forest Street. The initial building permit application was not approved because there is currently no primary home or structure on the lot.

I reside at 813 Yadkin Street. The back entrance of 813 Yadkin connects to 833 Forest by a shared driveway that all members of my family use daily for all of our vehicular travel. I would like to build the carport at 833 Forest Street for our daily use while we live at 813 Yadkin Street and for the enhancement of 833 Forest Street in the event that we either build a primary residence there or sell the property.

The original primary structure on 833 Forest Street was damaged by fire and was removed several years ago. The lot was in neglected and unsafe condition for several years. No one was maintaining the lot or the shared driveway that I depend on for daily travel and access to my home. I bought 833 Forest Street as a secondary property in order to improve it over time for personal use and enjoyment, for the benefit of the neighborhood, for the ability to maintain and protect the shared driveway that connects to our existing residence, and to have an option to build a new 1-level, low maintenance home for retirement.

I have plans for significant upgrades to all aspects of 833 Forest Street as finances allow over time. To date I have invested in a professionally installed full underground drainage system that connects to the city storm drain system, large amounts of tree and brush removal, new roofing, paint, and doors for an existing 1-car garage, and periodic gravel maintenance on the shared driveway. I keep the yard mowed, trimmed, and clear of debris year-round.

The proposed carport will not change the street view of 833 Forest Street. It will be installed behind an existing, recently refurbished 1-car concrete garage building on the property. The carport will have hunter green roofing material that will match the new roof on the existing garage, and will be complementary to the green roof on my main home at 813 Yadkin Street. The portion of 833 Forest Street that is appropriate for a primary home will remain completely vacant and ready for building.



Blue oval = proposed area for carport on rearmost portion of 833 Forest Street, behind existing 1-car garage.  
 Red circle = main portion of 833 Forest St, will remain vacant for eventual construction of a primary structure.  
 Yellow box = our main residence at 813 Yadkin St., connected by a shared driveway to 833 Forest Street, which we use daily for all vehicular travel to and from our home.



Rearmost portion of 833 Forest Street. The proposed carport will cover the area where these cars are parked.





The proposed carport will cover the approximate area of the shadow in this picture.



The street view of 833 Forest Street will be unchanged with the addition of a carport on the back side of this existing structure. The main portion of land suitable for a primary structure will be unchanged. My residence, 813 Yadkin Street, is shown on the upper left.





This is a display sample of the type of structure I would like to install. I will specify all green trim to match the existing structure.



TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: November 19, 2020

RE: 1437 Fairridge Drive

The Board is asked to consider the following request:

**Case: 20-701-00020 – Property located at 1437 Fairridge Drive, Control Map 046K, Group H, Parcel 020.00** requests a 50 foot departure from rear yard variance to Sec 114-133(1) for the purpose of constructing a swimming pool in the side yard. The property is zoned R-1A, Residential District.

This request encompasses the furthest extent of pool construction, including the apron, which will reach maximum side yard penetration (from the rear yard) of 50 feet.



# ArcGIS Web Map



19/2020 10:54:33 AM

Kpt 911 Address

## San County Parcels

Lake Pond

[illegible][illegible]

Parcels

Railroad\_ROW

Railroad ROW

Driver

61

☐

Urban

Railroad ROW

Diver

...

MON-12A11C

Urban Growth Boundary

0.025 0.1

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

5  
3





# APPLICATION

Board of Zoning Appeals



## APPLICANT INFORMATION:

Last Name <b>Head</b>	First <b>Jody</b>	M.I. <b>L</b>	Date <b>11/12/2020</b>
Street Address <b>1437 Fairidge Dr</b>		Apartment/Unit #	
City <b>Kingsport</b>	State <b>TN</b>	ZIP	
Phone <b>423-963-9100</b>	E-mail Address <b>JodyLHead@gmail.com</b>		

## PROPERTY INFORMATION:

Tax Map Information	Tax map: <b>046K</b>	Group: <b>H</b>	Parcel: <b>020.00</b>	Lot: <b>000</b>
Street Address <b>1437 Fairidge Dr</b>		Apartment/Unit #		
Current Zone	Proposed Zone			
Current Use	Proposed Use			

## REPRESENTATIVE INFORMATION:

Last Name <b>Same as above</b>	First	M.I.	Date
Street Address		Apartment/Unit #	
City	State	ZIP	
Phone	E-mail Address		

## REQUESTED ACTION:

**50 feet variance of backyard**

## 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: **13 Nov 2020**

Signed before me on this **13<sup>th</sup>** day of **Nov**, 20 **20**

a notary public for the State of **TN**

County of **Sullivan**

Notary **Traci R. Gibson**

My Commission Expires **7-20-2024**



## 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.

1. Insufficient area in backyard to install pool due to corner lot.

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.

1. Pool placement (side yard) will be comparable to surrounding neighbors pool placement.

2. Fence will be comparable to surrounding neighborhood fences.



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:

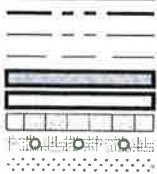
1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.
2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
3. Inability to put the property to its most profitable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

# PROPERTY DATA

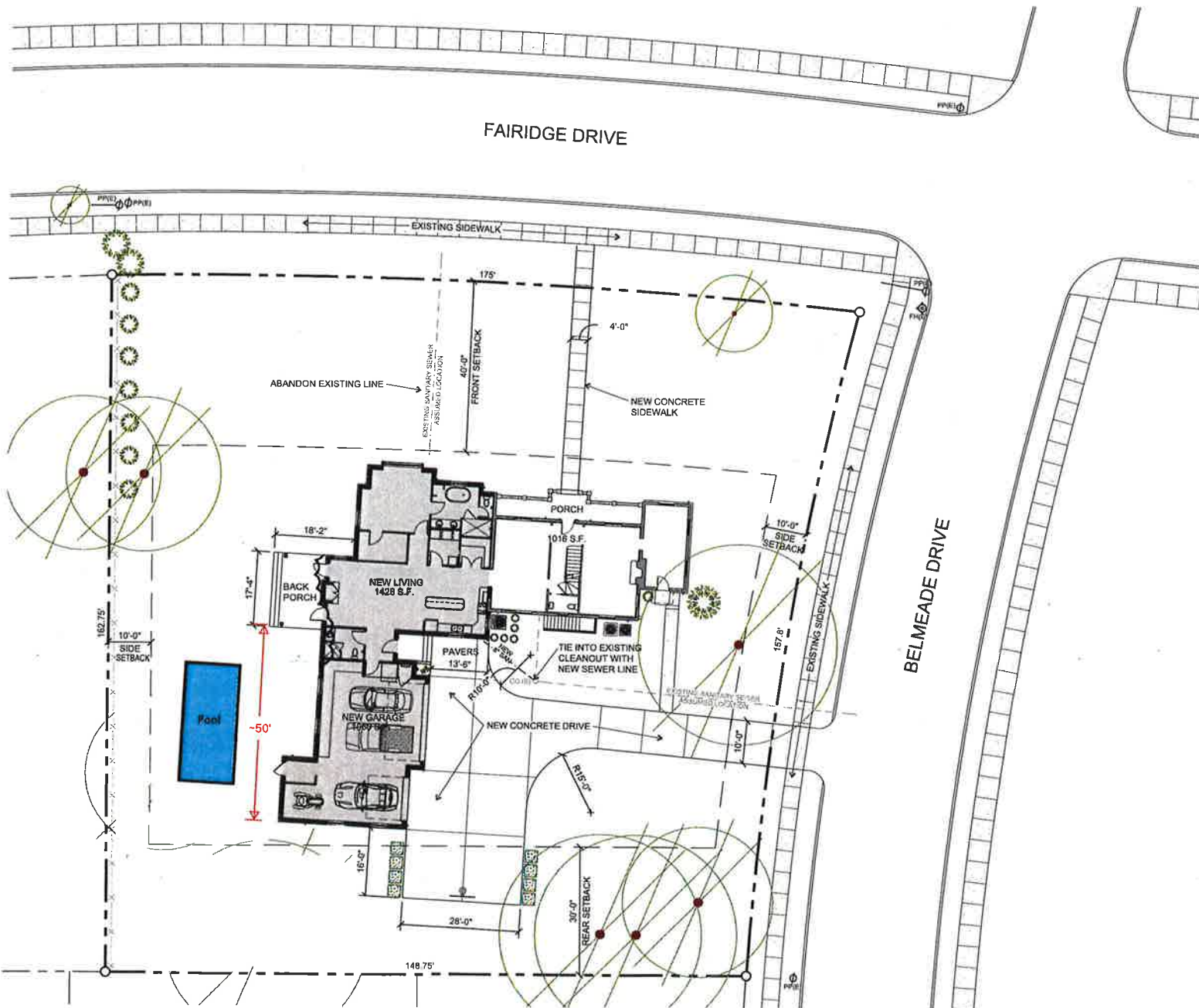
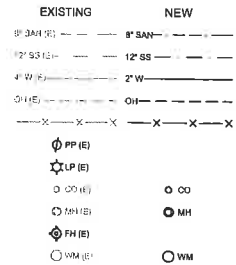
ADDRESS - 1437 FAIRIDGE DRIVE  
SULLIVAN COUNTY - PARCEL: 046K H 020.00  
FAIR ACRES SUBDIVISION, PLAT BOOK 3, PLAT PAGE 237, BLOCK J, LOT 1  
AREA - 0.59 ACRES  
PUBLIC WATER, PUBLIC SEWER, PUBLIC GAS, ELECTRICITY; AEP  
ZONED R-1A

# LEGEND

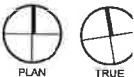
PROPERTY LINE (THIS PROJECT)  
PROPERTY LINE (OTHER)  
SETBACK / EASEMENT  
PROPOSED ADDITION  
EXISTING STRUCTURE  
SIDEWALK  
NEW LANDSCAPING / MULCH AREA  
NEW GRASS AREA



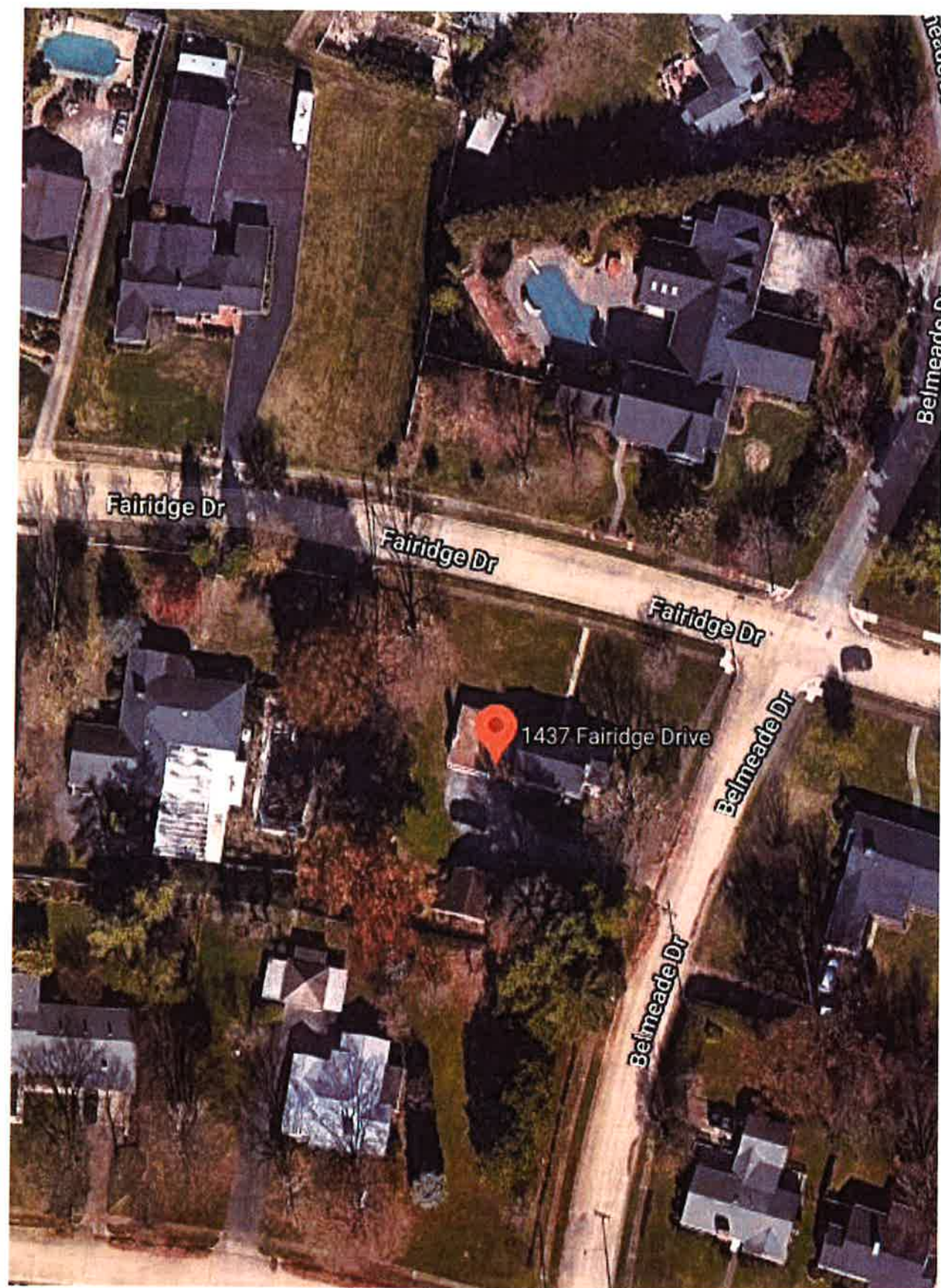
SANITARY SEWER  
STORM SEWER  
WATER LINE  
OVERHEAD POWER / COMM.  
CHAIN LINK FENCE  
POWER POLE  
LIGHT POLE  
CLEAN OUT  
MAN HOLE  
FIRE HYDRANT  
WATER METER



SITE LAYOUT PLAN





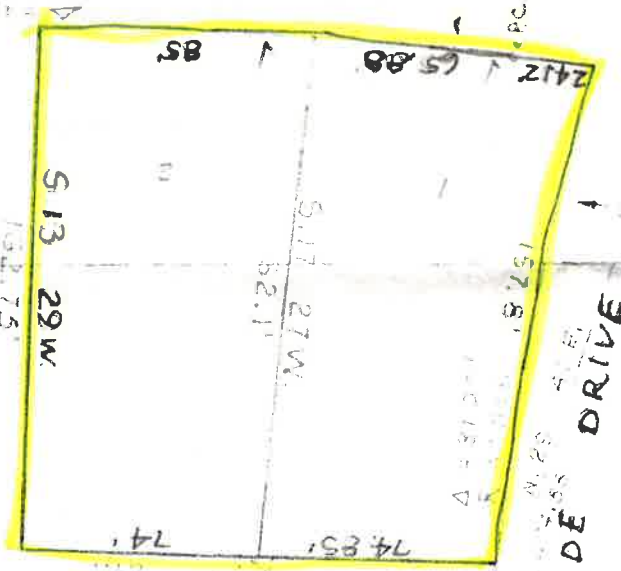




154

66.44  
20.12  
46.32  
17.45  
15.43  
33

CON. M. 12.65  
33.91  
TAY. N. 72° 14' W. 84.44  
CON. M. 7 N. 85° 38' W. 12.65  
FAIRIDGE



BELMEADE DRIVE

K



TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: November 19, 2020

RE: 2227 Fort Henry Drive

The Board is asked to consider the following request:

**Case: 20-701-00021 – Property located at 2227 Fort Henry Drive, Control Map 61E, Group H, Parcel 011.00** requests a 21 foot variance to Sec 114-230(c) for the purpose of placing a freestanding sign in the required periphery yard. The property is zoned B-4P, Planned Business District.

Approval of this request will allow the requested freestanding sign for this parcel to be located roughly as close to the property line bordering Fort Henry Drive as the Fort Henry Mall freestanding sign is. The Fort Henry Mall sign is approximately 11 feet away from the Fort Henry Drive right-of-way.











**APPLICATION**  
Board of Zoning Appeals



**APPLICANT INFORMATION:**

Last Name Moore	First K.D.	M.I.	Date 10/13/20
Street Address 1550 Hwy 126		Apartment/Unit #	
City Bristol	State Tn.	ZIP 37620	
Phone 423-383-4007	E-mail Address kd@kbmcp.com		

**PROPERTY INFORMATION:**

Tax Map Information	Tax map: 61E	Group: H	Parcel: 11:00	Lot: Deed Ref: 1389C, Page 746
Street Address 2227 Fort Henry Drive		Apartment/Unit #		
Current Zone B4P	Proposed Zone B4P			
Current Use Commercial	Proposed Use Commercial			

**REPRESENTATIVE INFORMATION:**

Last Name Wright	First: Chris	M.I. L.	Date 10/13/20
Street Address 1550 Hwy 126		Apartment/Unit #	
City Bristol	State Tn.	ZIP 37620	
Phone 423-9689164	E-mail Address chris@truelinellc.com		

**REQUESTED ACTION:**

**To request a variance in the front yard 30ft set back. We would like to change the location of the city approved pylon sign**

**Location from where it is shown currently and move it to the middle of the lot in the front 30ft set back. Our request is to Encroach from the back of the 30 ft front setback approximately 21ft to the front edge of the proposed pylon sign.**

**(See exhibits)**

**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: 11-13-2020

Signed before me on this 13 day of November, 2020,

a notary public for the State of Tennessee

County of Carter

Notary Teresa L. Keska

My Commission Expires 1-8-2022



## 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.

**We request this variance to move our pylon sign into the 30ft front set back so it can be closer to Fort Henry Drive and be seen sooner by the oncoming traffic. The adjacent properties building frontage to the east and their close proximity to the roadway stand to impede the oncoming traffic line of sight to our pylon sign. By the time the pylon sign would be seen, they are likely to have already passed our entrance.**

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

**Due to the design with traffic flows and operations of these 3- minute carwashes, the most important component for success is the daily traffic counts. The daily traffic counts drives the business and because the 30ft front set back in this B4P Zone could limit oncoming traffic visibility of the pylon sign location, the business will definitely be affected by passer byes.**

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.

**In our opinion, the proposed pylon sign variance would not harm the public safety or welfare or alter the character of the neighborhood, because we are making an improvement to what is currently there now. The new sign will be more cosmetically appealing and will actually be farther away from the public**



roadway and sidewalk than the existing sign is now. The existing sign is very close to the sidewalk as well as the overhead power lines. Our variance location would be farther away from the overhead power lines helping to reduce potential public safety risks.


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.

[illegible]





CONSTRUCTION COMPANY, LLC  
 1200 HIGHWAY 126 BRISTOL, TN 37620  
 423-966-5321  
 www.treeline.com



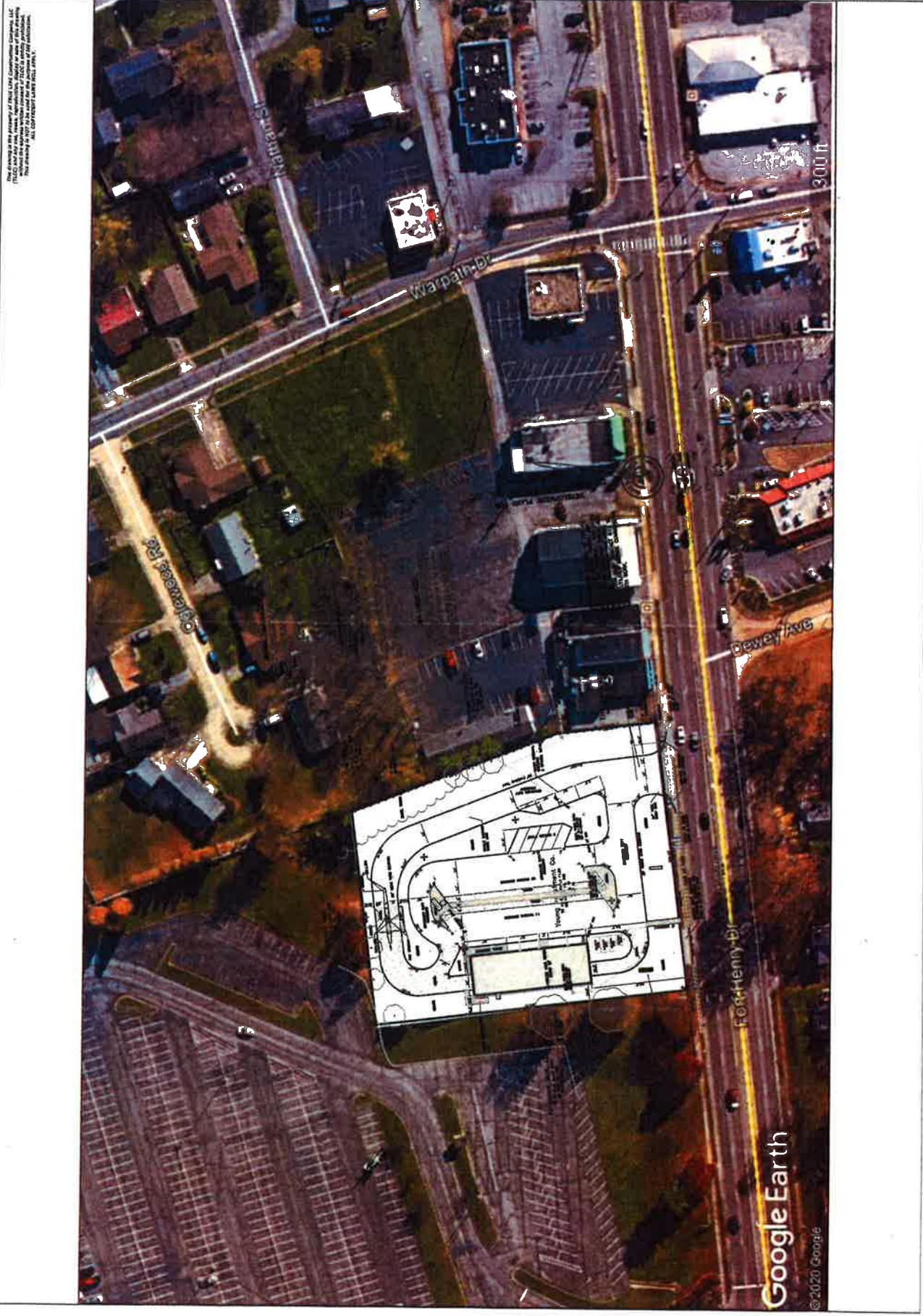
KBM commercial properties  
 1500 HIGHWAY 126 BRISTOL, TN 37620  
 423-966-5321  
 KMAKING COMPANY

A NEW DEVELOPMENT FOR:  
 TRUSHINE 4  
 FORT HENRY DRIVE  
 KINGSFORD, TN

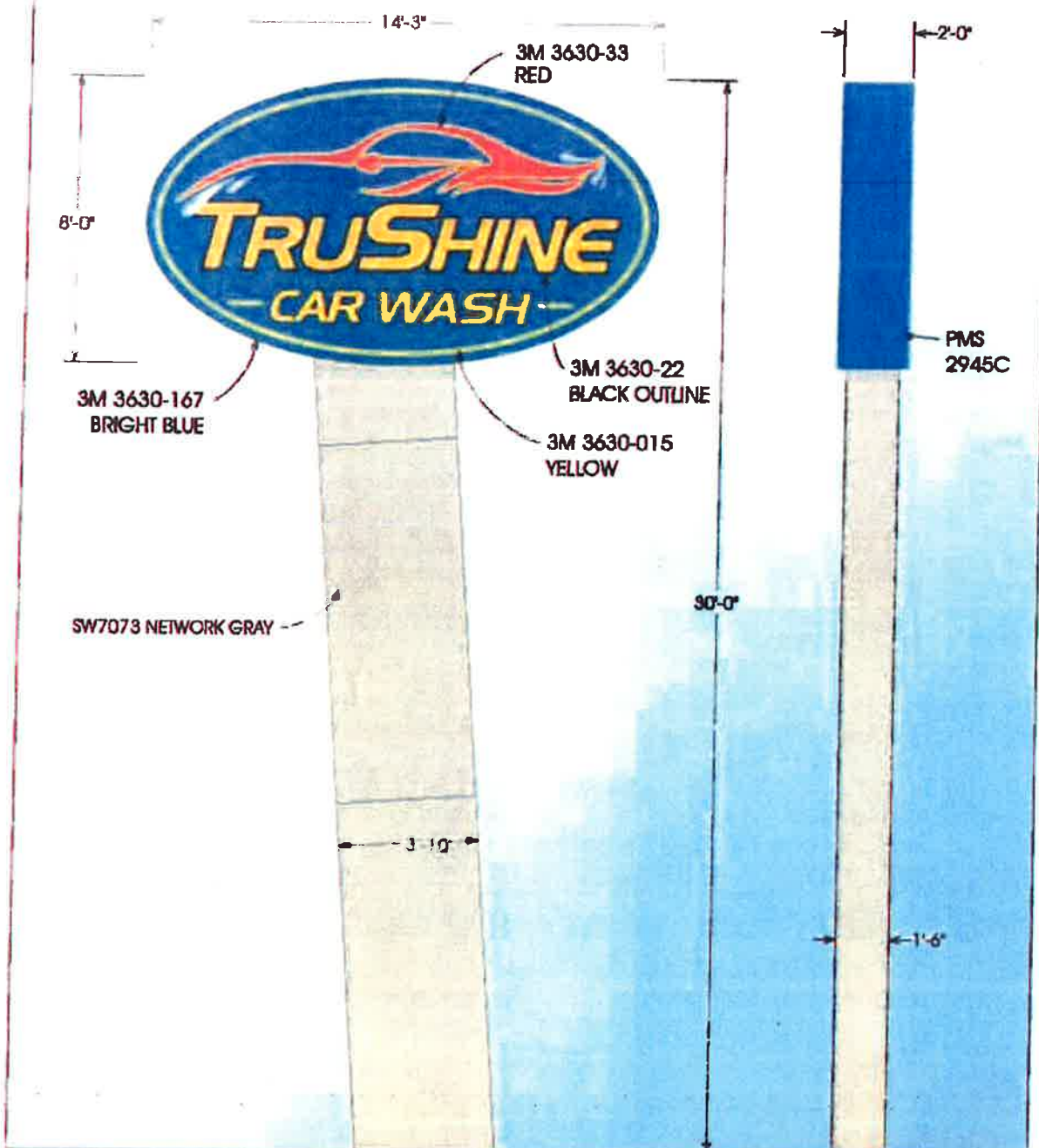
NO.	DATE	REVISIONS

Project Number: 1900-021  
 Date: 10/13/2020  
 Drawn By: [blank]  
 Checked By: [blank]  
 Scale: 1" = 100'

MK 1.0  
 Scale







**SPECIFICATIONS:**

1 - 8'-0" X 14'-3" DOUBLE SIDED INTERNALLY I.E.D. ILLUMINATED SIGN WITH FLEX FACES AND VINYL GRAPHICS.  
1 - 3'-10" WIDE SLANTED POLE COVER.

**COLORS:**

PMS 2945C (BLUE CABINET)  
SHERWIN WILLIAMS 7073 NETWORK GRAY (POLE COVER)

Sketch Number: 01 01

Drawn By: RTF

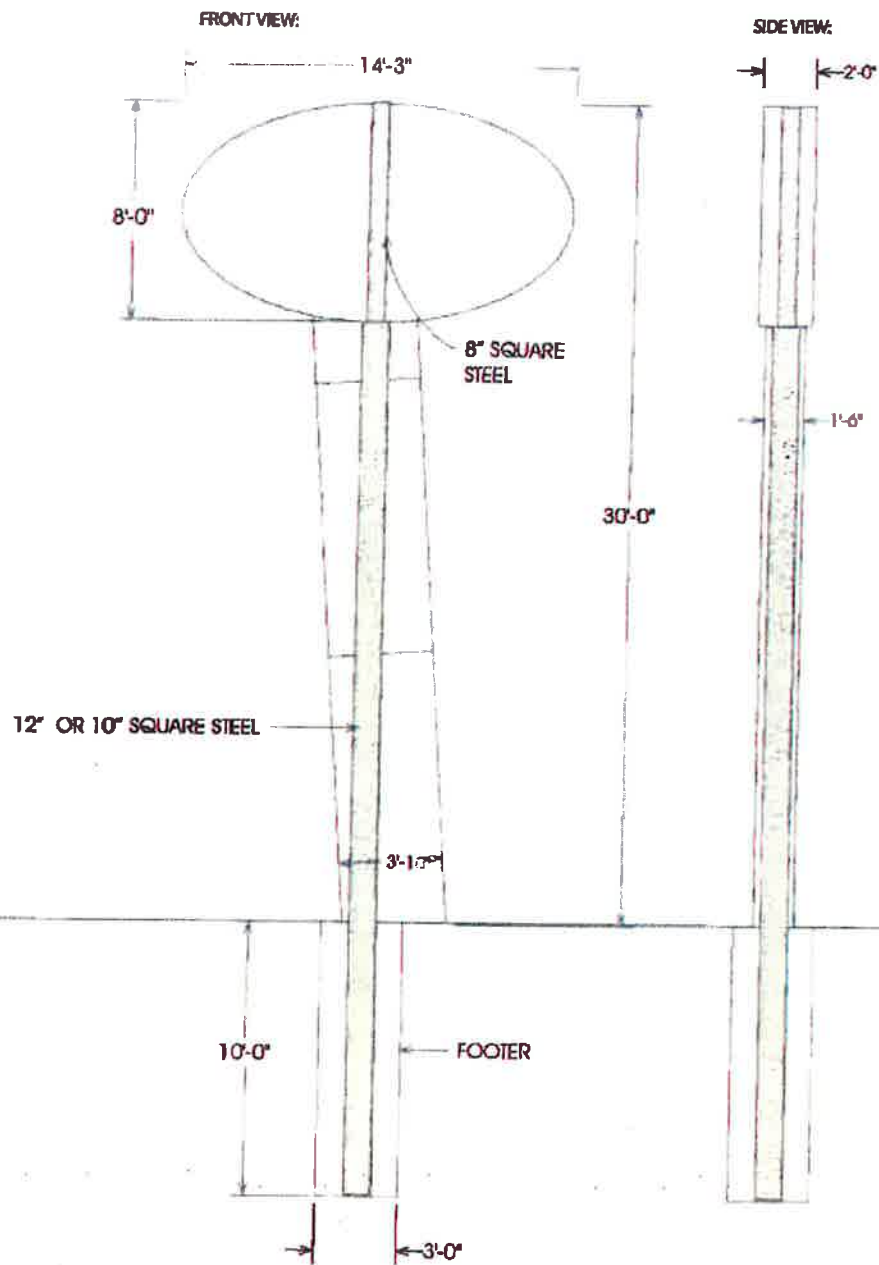
Scale: 3/8"=1'

Date: 7-17-19

PO Box 16938 - Bristol, VA - 24209 - 276.669.0811 - 800.736.6380 - Sales@BristolSign.com - www.BristolSign.com



All artwork and drawings are property of Bristol Sign Company, Inc. Do not reproduce without written consent from Bristol Sign Company. Artwork can be purchased separately for arranged price. Actual layout and design may vary according to production procedures.

**SPECIFICATIONS:**

- 1 - 8" SQUARE STEEL
- 1 - 12" SQUARE STEEL
- 1 - 3' WIDE X 10' HIGH AUGERED FOOTER.

Sketch Number: 01 01 FOOTER Drawn By: RIF

Scale: 1/4"=1'

Date: 9-25-19

PO Box 16938 - Bristol, VA - 24209 - 276.669.0811 - 800.736.6180 - Sales@BristolSign.com - www.BristolSign.com

**bristol sign**

All artwork and drawings are property of Bristol Sign Company, Inc. Do not reproduce without written consent from Bristol Sign Company. Artwork can be purchased separately for arranged price. Actual layout and design may vary according to production procedures.





TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: November 19, 2020

RE: 3301 E Stone Drive

The Board is asked to consider the following request:

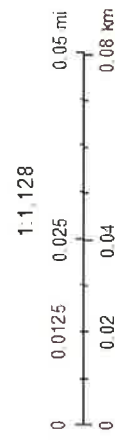
**Case: 20-701-00022 – Property located at 3301 E Stone Drive, Control Map 032, Parcel 082.00** requests a six space reduction of required parking to Sec 114-564(4)q for the purpose of constructing a new retail sales establishment. The property is being rezoned to B-3, Highway Oriented Business District.

# ArcGIS Web Map



19/2020, 11:00:38 AM

- ☐ Kpt 911 Address
- ☐ River
- ☐ Street\_ROW
- ☐ Urban Growth Boundary
- ☐ Lake\_Pond
- ☐ Parcel\_Conflict
- ☐ Parcels
- ☐ Railroad\_ROW
- ☐ River
- ☐ Street\_ROW
- ☐ Urban Growth Boundary
- ☐ Lake\_Pond
- ☐ Parcel\_Conflict
- ☐ Parcels
- ☐ Railroad\_ROW









## APPLICATION

Board of Zoning Appeals



### APPLICANT INFORMATION:

Last Name Blackburn First David M.I. Date 11/03/2020  
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: 032 Group: Parcel: 082.00 Lot:  
Street Address 3301 East Stone Drive Apartment/Unit #  
Current Zone M-1R Proposed Zone B-3  
Current Use Truck Parking Lot Proposed Use Dollar General

### 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 for parking variance is being made because the width of the site and flood zone on the site makes it difficult to obtain 42 spaces required. It is being requested that we only provide 36 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

### 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: [Signature]

Date: 11/05/2020

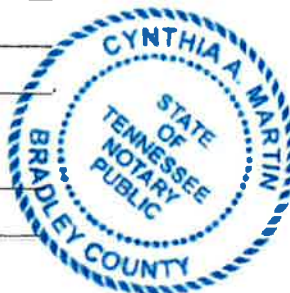
Signed before me on this 5th day of November, 2020

a notary public for the State of TN

County of Bradley

Notary [Signature]

My Commission Expires 12-23-20





## 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.

**A large portion of this property, in the rear, lies within a floodway, pushing it towards the front of the site, and limiting the building area on this project. The width of this site, also, limits the amount of parking that can be provided.**

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

**To accommodate the required 42 parking spaces, would require more land to be developed in the floodway, creating greater impacts to the floodway.**

- 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.

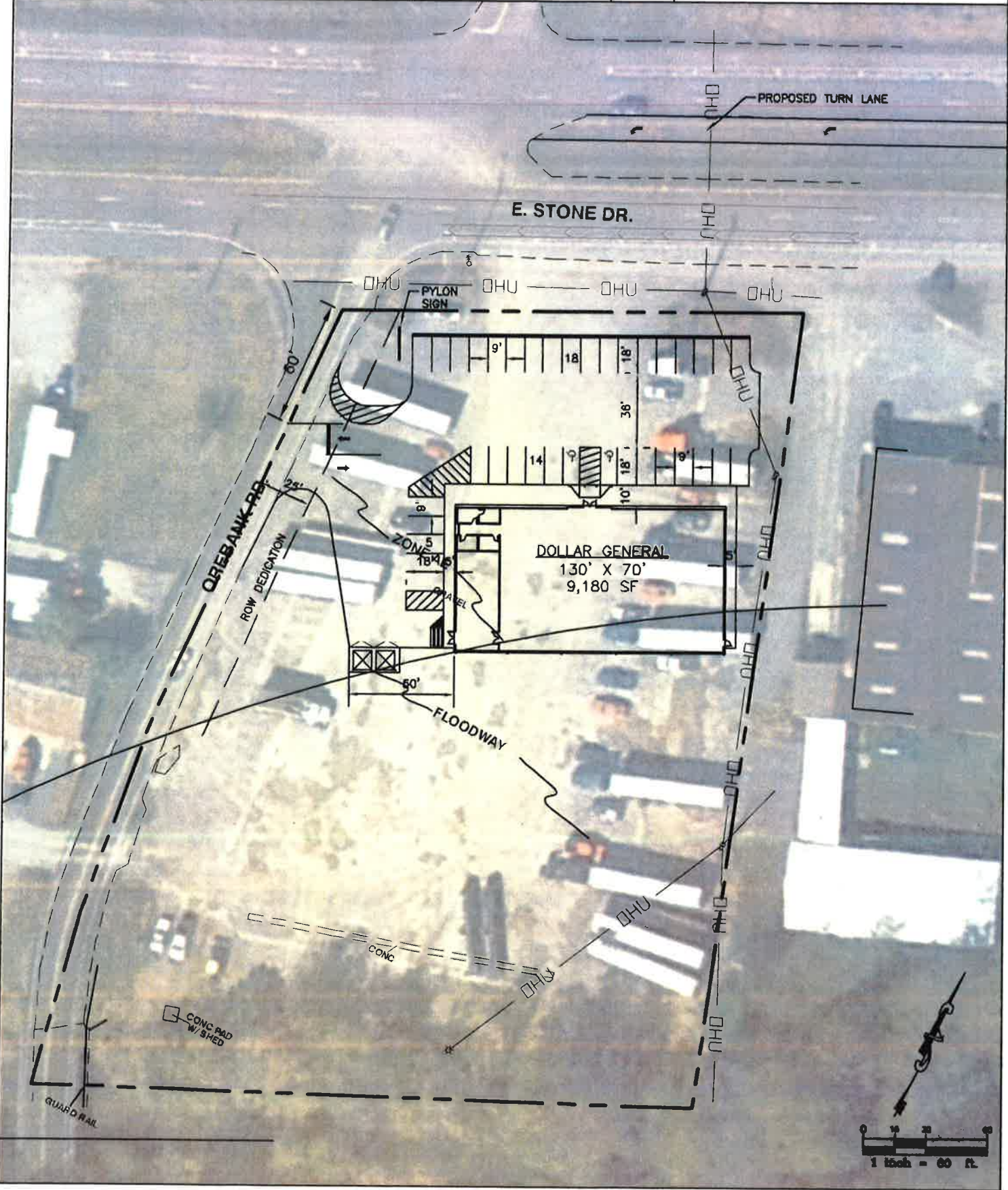
**By allowing a variance to 36 spaces would limit impacts within the floodway, and decrease the stormwater runoff volume created by the additional spaces. Also, it worth noting that Dollar General has done extensive research suggesting that 30 spots meet the demand for their customers.**

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.

<b>PRELIMINARY SITE PLAN</b>		CITY, STATE - STREET: <b>KINGSPORT, TN</b> 3301 EAST STONE DRIVE		<b>DOLLAR GENERAL</b>	
PROTOTYPE:      DG 9100 - D	DEVELOPER		DESIGNER		DATE:
BLDG/SALES SF:      9,100 / 7,302	COMPANY:      DG HOLDINGS, LLC	COMPANY:      BERRY ENGINEERS	08/13/20		
ACREAGE:      ±2.39	NAME:      DARYL THORNTON	NAME:			
PARKING SPACES:      37	PHONE #:      662-513-4194 EXT 25	PHONE #:      423-790-5880			





# PRELIMINARY SITE PLAN

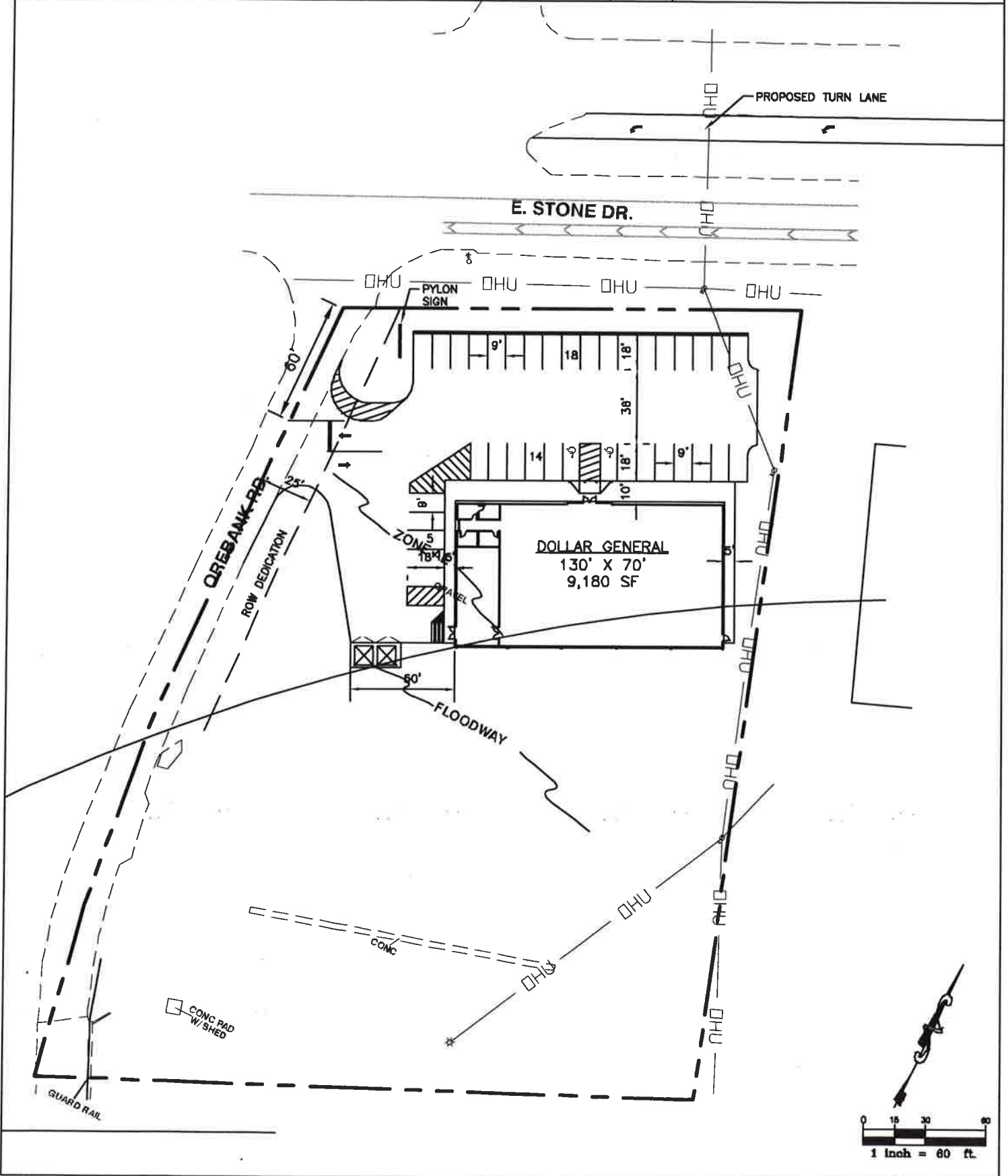
CITY, STATE - STREET:

KINGSPORT, TN

3301 EAST STONE DRIVE

PROTOTYPE:	DG 9100 - D	DEVELOPER	DESIGNER	DATE:
BLDG/SALES SF:	9,100 / 7,302	COMPANY: DG HOLDINGS, LLC	COMPANY: BERRY ENGINEERS	08/13/20
ACREAGE:	±2.39	NAME: DARYL THORNTON	NAME:	
PARKING SPACES:	37	PHONE #: 862-513-4194 EXT 25	PHONE #: 423-790-5880	

**DOLLAR GENERAL**



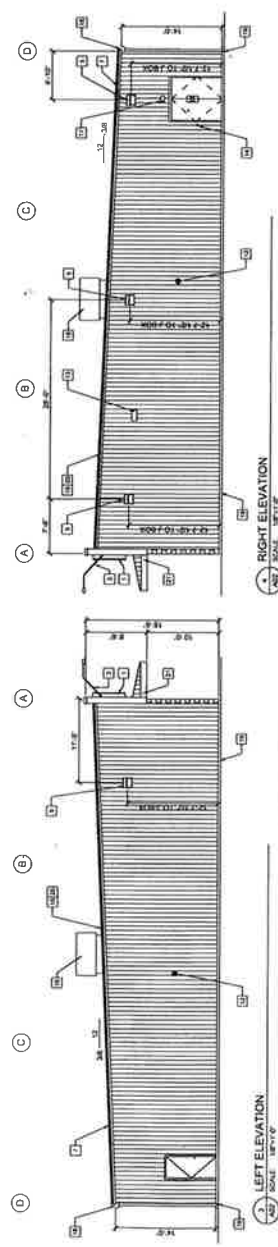
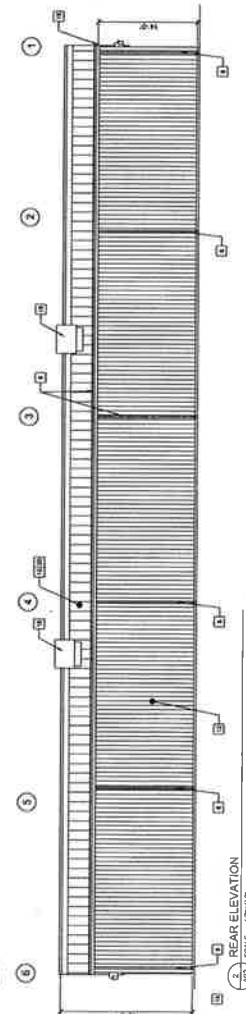
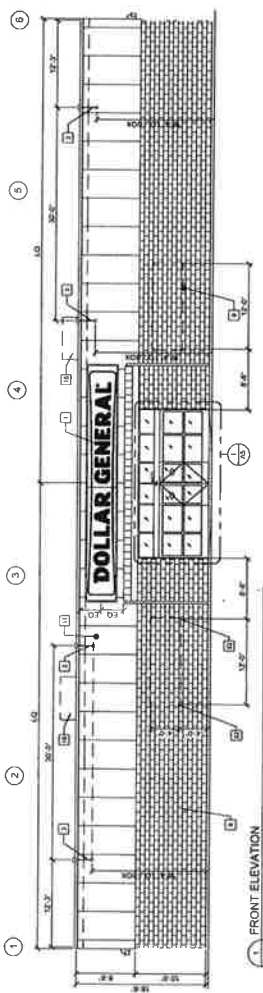
PROTOTYPE CRITERIA SET PLAN  
70'-0"x130'-0" 9,100 SF PROTOTYPE "D"

CITY-STATE

150000

PROJECT NO. 15-0004 PROJECT NAME: 15-0004		15-0004-0001 (01) 15-0004-0001	15-0004-0002 (02) 15-0004-0002	15-0004-0003 (03) 15-0004-0003	15-0004-0004 (04) 15-0004-0004	15-0004-0005 (05) 15-0004-0005	15-0004-0006 (06) 15-0004-0006	15-0004-0007 (07) 15-0004-0007	15-0004-0008 (08) 15-0004-0008	15-0004-0009 (09) 15-0004-0009	15-0004-0010 (10) 15-0004-0010	15-0004-0011 (11) 15-0004-0011	15-0004-0012 (12) 15-0004-0012	15-0004-0013 (13) 15-0004-0013	15-0004-0014 (14) 15-0004-0014	15-0004-0015 (15) 15-0004-0015	15-0004-0016 (16) 15-0004-0016	15-0004-0017 (17) 15-0004-0017	15-0004-0018 (18) 15-0004-0018	15-0004-0019 (19) 15-0004-0019	15-0004-0020 (20) 15-0004-0020	15-0004-0021 (21) 15-0004-0021	15-0004-0022 (22) 15-0004-0022	15-0004-0023 (23) 15-0004-0023	15-0004-0024 (24) 15-0004-0024	15-0004-0025 (25) 15-0004-0025	15-0004-0026 (26) 15-0004-0026	15-0004-0027 (27) 15-0004-0027	15-0004-0028 (28) 15-0004-0028	15-0004-0029 (29) 15-0004-0029	15-0004-0030 (30) 15-0004-0030	15-0004-0031 (31) 15-0004-0031	15-0004-0032 (32) 15-0004-0032	15-0004-0033 (33) 15-0004-0033	15-0004-0034 (34) 15-0004-0034	15-0004-0035 (35) 15-0004-0035	15-0004-0036 (36) 15-0004-0036	15-0004-0037 (37) 15-0004-0037	15-0004-0038 (38) 15-0004-0038	15-0004-0039 (39) 15-0004-0039	15-0004-0040 (40) 15-0004-0040	15-0004-0041 (41) 15-0004-0041	15-0004-0042 (42) 15-0004-0042	15-0004-0043 (43) 15-0004-0043	15-0004-0044 (44) 15-0004-0044	15-0004-0045 (45) 15-0004-0045	15-0004-0046 (46) 15-0004-0046	15-0004-0047 (47) 15-0004-0047	15-0004-0048 (48) 15-0004-0048	15-0004-0049 (49) 15-0004-0049	15-0004-0050 (50) 15-0004-0050	15-0004-0051 (51) 15-0004-0051	15-0004-0052 (52) 15-0004-0052	15-0004-0053 (53) 15-0004-0053	15-0004-0054 (54) 15-0004-0054	15-0004-0055 (55) 15-0004-0055	15-0004-0056 (56) 15-0004-0056	15-0004-0057 (57) 15-0004-0057	15-0004-0058 (58) 15-0004-0058	15-0004-0059 (59) 15-0004-0059	15-0004-0060 (60) 15-0004-0060	15-0004-0061 (61) 15-0004-0061	15-0004-0062 (62) 15-0004-0062	15-0004-0063 (63) 15-0004-0063	15-0004-0064 (64) 15-0004-0064	15-0004-0065 (65) 15-0004-0065	15-0004-0066 (66) 15-0004-0066	15-0004-0067 (67) 15-0004-0067	15-0004-0068 (68) 15-0004-0068	15-0004-0069 (69) 15-0004-0069	15-0004-0070 (70) 15-0004-0070	15-0004-0071 (71) 15-0004-0071	15-0004-0072 (72) 15-0004-0072	15-0004-0073 (73) 15-0004-0073	15-0004-0074 (74) 15-0004-0074	15-0004-0075 (75) 15-0004-0075	15-0004-0076 (76) 15-0004-0076	15-0004-0077 (77) 15-0004-0077	15-0004-0078 (78) 15-0004-0078	15-0004-0079 (79) 15-0004-0079	15-0004-0080 (80) 15-0004-0080	15-0004-0081 (81) 15-0004-0081	15-0004-0082 (82) 15-0004-0082	15-0004-0083 (83) 15-0004-0083	15-0004-0084 (84) 15-0004-0084	15-0004-0085 (85) 15-0004-0085	15-0004-0086 (86) 15-0004-0086	15-0004-0087 (87) 15-0004-0087	15-0004-0088 (88) 15-0004-0088	15-0004-0089 (89) 15-0004-0089	15-0004-0090 (90) 15-0004-0090	15-0004-0091 (91) 15-0004-0091	15-0004-0092 (92) 15-0004-0092         </
--	--	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	--

E. NATIONAL ACCOUNT AND CONTACT INFORMATION SUBJECT TO CHANGE



**DESIGNER NOTE:**  
IF ADDITIONAL SCREENING IS REQUIRED FOR  
ROOF MOUNTED EQUIPMENT PER LOCAL  
CODES, CONTACT DOLLAR GENERAL FOR  
APPROVAL.

[illegible]



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

### October 1, 2020, Regular Meeting

Noon  
City Hall Council Room

Members Present:

Calvin Clifton  
Joe White  
Tracey Cleek  
Jeff Little

Members Absent:

Bill Sumner

Staff Present:

Ken Weems, AICP  
Alison Fields

Visitors:

Chris Berry  
Lou Ann Davis  
John Rose

Vice Chairman Clifton called the meeting to order.

Vice Chairman Clifton 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 affirmation, 4-0.

Vice Chairman Clifton 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: 20-701-00017 – 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.

Mr. John Rose presented the case to the Board. Mr. Rose stated that the property is deed restricted to mandate a 20 foot front setback. Additionally, Mr. Rose stated that the rear yards for both properties are steep and that he wanted to provide as much rear yard as possible for the single family homes that would be built on the two respective lots. Mr. Rose also stated that the right-of-way of Virginia Avenue that serves both lots is abnormally wide and further impacts the depth of the front yard in comparison to adjacent lots.

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

**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.

Mr. Chris Berry presented the case to the Board. Mr. Berry stated that the Dollar General Company is well aware of its own parking needs due to its experience with its targeted clientele. Mr. Berry further stated that the store cannot be brought closer to Bloomingdale Pike due to the stream that exists along the front of the property. Further, Mr. Berry commented that the property is further encumbered by the steep slope contained in the rear of the property.

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

The Vice Chairman opened the business portion of the meeting. Mr. Little made a motion to approve the regular meeting minutes from the September 3, 2020 meeting. Ms. Cleek seconded the motion. The motion passed by roll call vote, 4-0. Next, the Board stated for public record that the next application deadline is October 15, 2020 at noon for the meeting date of November 5, 2020.

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

##### **Case: 20-701-00017 – Property located 1733 Virginia Avenue and 1737 Virginia Avenue, Control Map 62A, Parcels 030.00 and 029.50**

Vice Chairman Clifton stated that the bluff in the rear of the property and the abnormally wide right-of-way in the front of the property were hardships.

MOTION: made by Mr. Little, seconded by Mr. White, to grant 15.1 foot front yard setback for 1733 Virginia Avenue and a 9.5 foot front yard setback for 1737 Virginia Avenue.

VOTE: 4-0 by roll call vote to approve the request.

##### **Case: 20-701-00018 – Property located at 1015 Bloomingdale Pike, Control Map 046B, Group C, Parcel 002.00**

The Board collectively acknowledged the unique disposition of the lot in regard to the existing stream, shape, and incline for the rear of the parcel.

MOTION: made by Mr. Little, seconded by Ms. Cleek, to grant the four space reduction of required parking; a rear yard variance of 15 feet; a planting strip boundary reduction of 15 feet; and 12 foot departure from rear yard variance for the dumpster location.

VOTE: 4-0 by roll call vote to approve the request.

With no further business the meeting was adjourned at 12:30 p.m.

Respectfully Submitted,

Ken Weems, AICP  
Planning Manager