

KINGSPORT BOARD OF ZONING APPEALS AGENDA  
REGULAR MEETING: December 7, 2017  
Development Services Building – Bob Clear Conference Room

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

**PUBLIC HEARING:**

**Case: 17-701-00016 – Property located at 9960 Airport Parkway, Control Map 078, Parcel 095.50** requests a 35 foot height variance and a 253.5 square foot size variance for a new freestanding sign to Sec 114-533(8)a(2 ,4). The property is zoned B-3, Highway Oriented Business District.

***INTERESTED PARTIES:***

Owner: Harry Stowers  
9960 Airport Parkway  
Kingsport, TN 37663  
(865) 250-4119

Representative: Marcy Walker

**BUSINESS:**

**Approval of the October 5, 2017 driving tour and regular meeting minutes.**

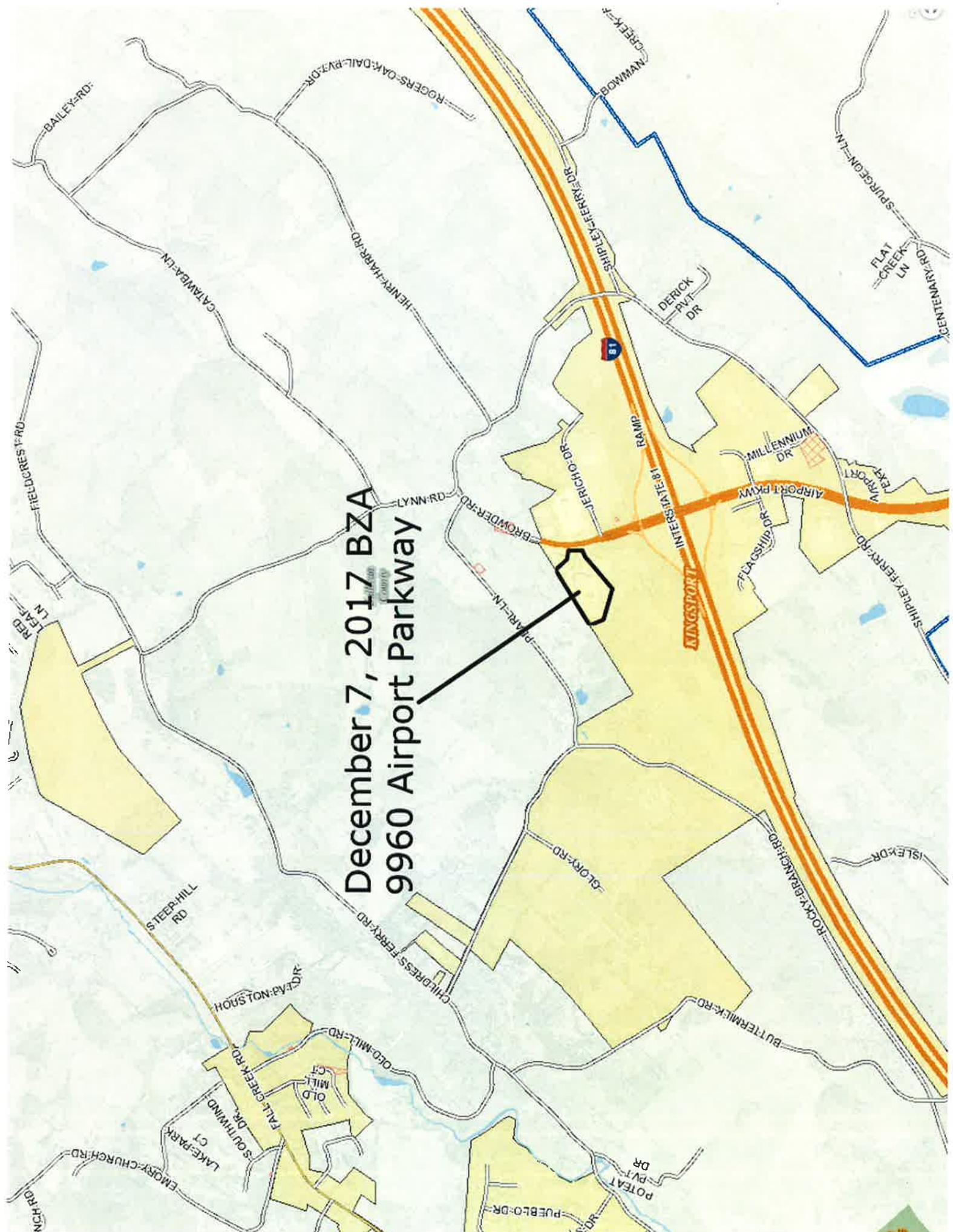
**Staff Reports: Chairman and Vice Chairman terms & recognition; review of holiday lunch time and place; training hours review**

**Stating for public record, the next application deadline is December 15, 2017 at noon, and meeting date (Thursday, January 4, 2017).**

**ADJUDICATION OF CASES:**

**ADJOURNMENT:**

December 7, 2017 BZA  
9960 Airport Parkway



MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: November 16, 2017

RE: 9960 Airport Parkway

The Board is asked to consider the following request:

**Case: 17-701-00016 – Property located at 9960 Airport Parkway, Control Map 078, Parcel 095.50** requests a 35 foot height variance and a 253.5 square foot size variance for a new freestanding sign to Sec 114-533(8)a(2 ,4). The property is zoned B-3, Highway Oriented Business District.

The Board last took action in this vicinity during their July 3, 2014 meeting. The property in question was 9965 Airport Parkway. The request was as follows:

**Case: 14-701-00005 – Property located at 9965 Airport Parkway, Control Map 078, Parcel 098.00** Requests a sign size dimensional variance of 70' height and 199.46 sq. ft. to [Sect. 114-533(8)a(2 & 4)] in order to construct a freestanding sign at this location. The code requires a 30' maximum sign height and 100 sq. ft. maximum sign size. The property is zoned B-3, Highway Oriented Business District.

The Board granted the variance for 9965 Airport Parkway as presented above. The Board's rationale was based upon the lot configuration hardship that made it difficult to identify the interstate-reliant business from the interstate.





R-1B

B-8

B-8

B-8

B-8

B-8

T-1C

T-2C

B-8

A-1

Sullivan  
County

PEARL LN

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387

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397

200

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 7, 2017 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 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: 17-701-00016 – Property located at 9960 Airport Parkway, Control Map 078, Parcel 095.50** requests a 35 foot height variance and a 253.5 square foot size variance for a new freestanding sign to Sec 114-533(8)a(2,4). 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.

City of Kingsport, Tennessee  
Jim Deming, City Recorder  
PIT: 11/27/17

S. Morris Hadden  
William C. Bovender  
William C. Argabrite  
Jimmie Carpenter Miller  
Mark S. Dessauer  
Gregory K. Haden  
Michael L. Forrester  
Stephen M. Darden  
Edward J. Webb, Jr.  
James N. L. Humphreys  
Suzanne Sweet Cook  
Michael S. Lattier  
Scott T. Powers

**Respond to:**  
Kingsport Office  
Marcy E. Walker  
423-378-8818  
mwalker@hdsdlaw.com

# HUNTER · SMITH · DAVIS

SINCE 1916

LLP

**Kingsport Office**  
1212 North Eastman Road  
P.O. Box 3740  
Kingsport, TN 37664  
Phone (423) 378-8800  
Fax (423) 378-8801

**Johnson City Office**  
100 Med Tech Parkway  
Suite 110  
Johnson City, TN 37604  
Phone (423) 283-6300  
Fax (423) 283-6301

Leslie Tentler Ridings  
Christopher D. Owens  
Chad W. Whitfield  
Jason A. Creech  
Meredith Bates Humbert  
Joseph B. Harvey  
Rachel Ralston Mancl  
Caroline Ross Williams  
Marcy E. Walker  
Karen L. Kane  
Teresa Mahan Lesnak \*  
Michael A. Eastridge \*  
Jeannette Smith Tysinger\*

*\*Of Counsel*

[www.hdsdlaw.com](http://www.hdsdlaw.com)

November 13, 2017  
VIA HAND DELIVERY

City of Kingsport  
201 West Market Street  
2<sup>nd</sup> Floor  
Kingsport, Tennessee 37660

Attention: Ken Weems, Zoning Administrator

Re: Application- Board of Zoning Appeals  
Sign Variance for property located at 9960 Airport Parkway, Kingsport, TN.  
("Property")

Dear Ken-

Attached please find the following:

- 1) Application from Airport Limited Partnership JW (Stowers) to obtain a sign variance on the above referenced Property. Please note that there are currently two (2) signs located on the Property and if this variance is granted, Stowers will remove both signs and replace them with the one 65' sign;
- 2) Attached to this application is a schematic of the proposed sign and a photo showing the current location of the two (2) signs;
- 3) Justification for the permitting of the requested Sign variance; and
- 4) Check from Stowers Machinery Corporation in the amount of \$50.00.

I believe this is everything you need to have us placed on the December 7, 2017 agenda for the Board of Zoning Appeals, however, if you need any additional information, please do not hesitate to contact me.

As always, I appreciate your help with this matter.

Very truly yours,

**HUNTER, SMITH & DAVIS, LLP**

A handwritten signature in blue ink, appearing to read "Marcy E. Walker", is written over a printed name.

Marcy E. Walker

cc: Harry W. Stowers, Jr.  
Enclosures

**APPLICATION**  
Board of Zoning Appeals



**APPLICANT INFORMATION:**

Last Name                      Stowers                      First                      Harry                      M.I.                      W.                      Date                      *Nov 7, 2017*  
Street Address                      9960 Airport Parkway                      Apartment/Unit #  
City                      Kingsport                      State                      TN                      ZIP                      37663  
Phone                      (865) 250-4119                      E-mail Address                      wstowers@stowerscat.com

**PROPERTY INFORMATION:**

*Tax Map Information*                      Tax map: 078                      Group:                      Parcel: 095.50                      Lot:  
Street Address                      9960 Airport Parkway                      Apartment/Unit #  
Current Zone                      B-3                      Proposed Zone                      SAME  
Current Use                      Full                      service                      rental                      Proposed Use                      SAME  
                    of                      heavy                      equipment

**REPRESENTATIVE INFORMATION:**

Last Name                      Walker                      First                      Marcy                      M.I.                      Date  
Street Address                      Hunter, Smith & Davis, LLP  
                    1212 N. Eastman Rd                      Apartment/Unit #  
City                      Kingsport                      State                      TN                      ZIP                      37664  
Phone                      (423) 378-8818                      E-mail Address                      mwalker@hdsdlaw.com

**REQUESTED ACTION:**

**Sign Variance Code requires a 30' maximum sign height and 100 square feet maximum sign size. Request is for a sign 65' in height with 353.50 sq. feet sign size. The variance would be for an additional 35' in height and 253.50 square feet sign size. Currently there are two (2) signs located on the Property, a monument sign and a free-standing sign. We propose to remove both existing signs and replace with one (1) free-standing sign to be located in the same place as the existing free-standing sign. A schematic of the requested free-standing sign is attached as Exhibit A.**

**DISCLAIMER AND SIGNATURE**

*Harry W. Stowers, Jr.*

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.

**Airport Limited Partnership JW**

Signature: By:

Date:

Signed before me on this 7<sup>th</sup> day of November, 2017

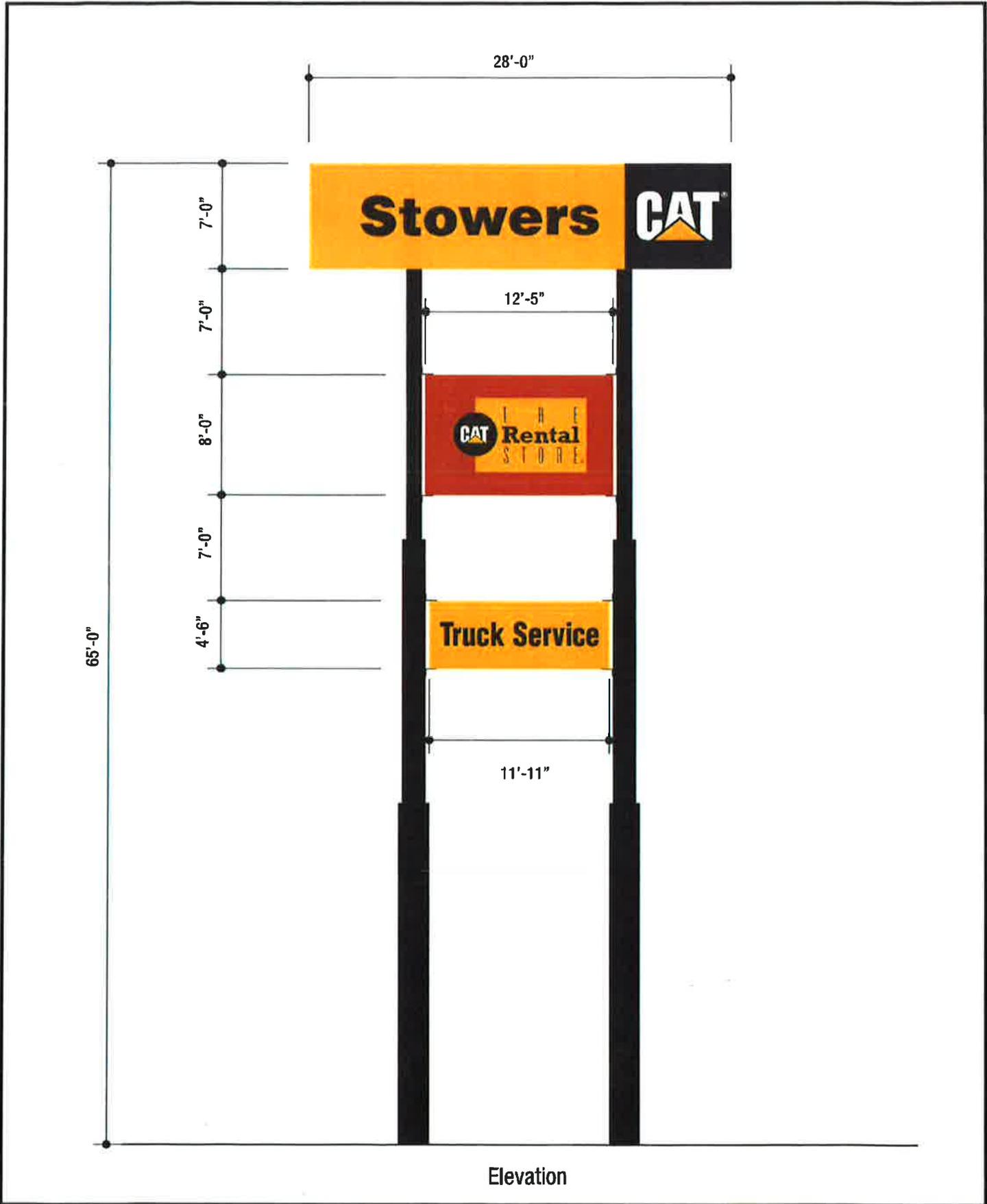
a notary public for the State of Tennessee

County of Knox

Notary Mary Lynn Householder

My Commission Expires 05-05-19





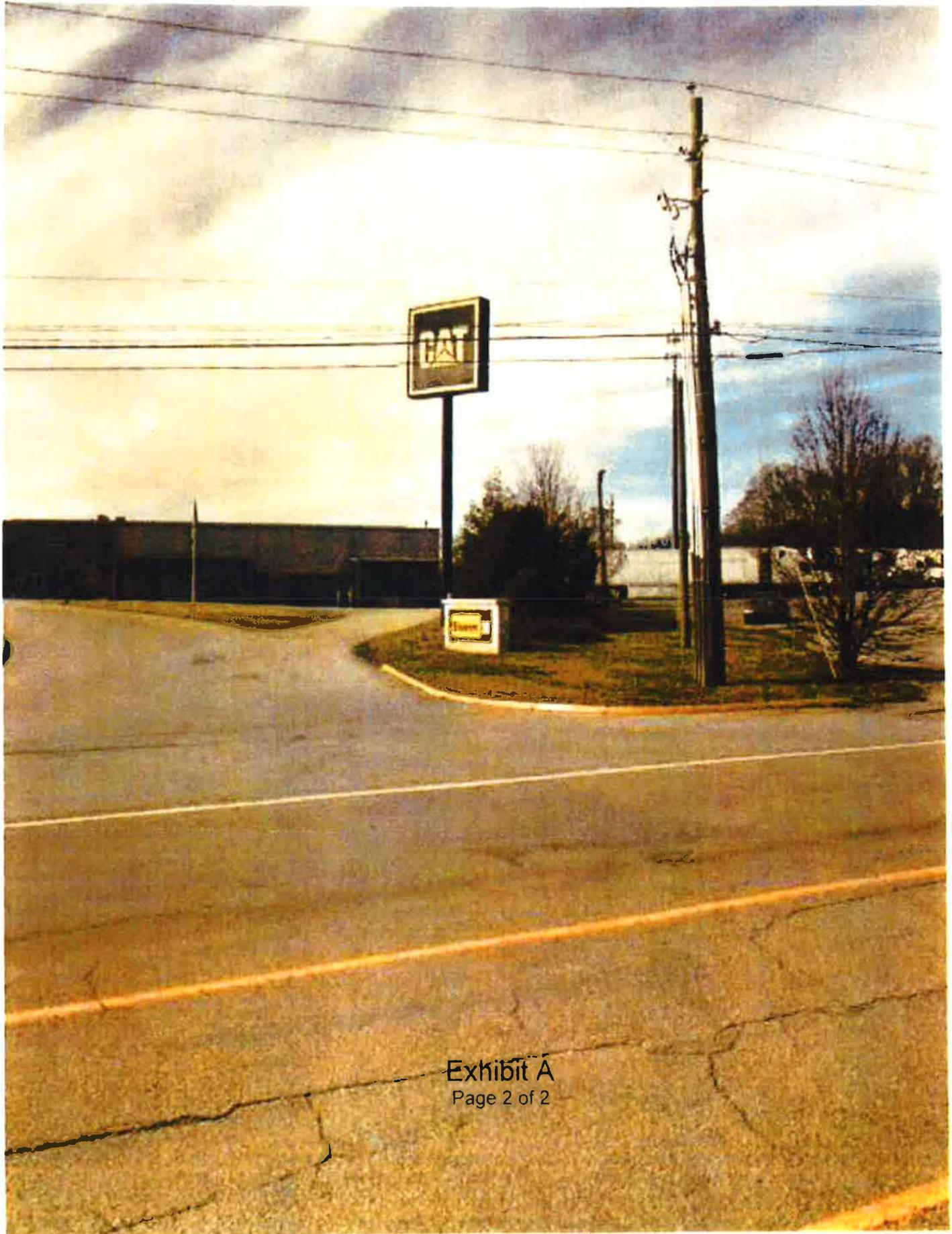


Exhibit A  
Page 2 of 2

Application for sign variance from Stowers Machinery Corporation

Property: 9960 Airport Parkway, Kingsport, Tennessee

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

A few years ago, Stowers spent several million dollars to expand this truck shop and now offers a significant rental operation of heavy equipment. The rental operation has substantially increased business with contract haulers and customers who have a hard time locating this business from the Interstate. For safety reasons, drivers of large trucks need time to maneuver, and the earlier they can see the sign, the sooner they can prepare to exit the Interstate thus avoiding last minute navigational changes. Currently, our sign is 30' in height, with trees on neighboring property blocking a clear view from the Interstate. By increasing the height of our sign to 65', truckers will be able to see the sign from an adequate distance which would, in turn, give them sufficient time to safely maneuver their truck to exit from the Interstate.

Since existing businesses along Airport Parkway also have taller free-standing signs, the grant of this variance does not alter the essential character of the neighborhood.

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

**October 5, 2017**

10:30 a.m.

Members Present:

Leland Leonard  
Frank Oglesby

Members Absent:

Bill Sumner  
Anita Campbell  
Ashok Gala

Staff Present:

Ken Weems, AICP

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At 10:30 a.m., the BZA departed the Development Services Building, 201 W. Market St. to conduct a driving tour of the property located at 902 Broad Street and 212 E. Sullivan St. No official action was taken.

The driving tour concluded at 11:25 a.m.

Respectfully Submitted,

Ken Weems, AICP  
Zoning Administrator

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

### October 5, 2017, Regular Meeting

Noon

Bob Clear Conference Room, 1<sup>st</sup> floor of the Development Services Building

Members Present:

Leland Leonard, Chairman

Frank Oglesby

Bill Sumner

Ashok Gala

Members Absent

Anita Campbell

Staff Present:

Ken Weems, AICP

Page Jeffers

Visitors:

Mark Freeman

Denise Hensley

Paul Schodowski

John Vachon

Rebecca Wagner

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Chairman Leonard called the meeting to order.

Chairman Leonard 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: 17-701-00015 – Property located at 2671 N. John B. Dennis Highway, Control Map 310, Group A, Parcel 008.00** requests a 5 foot setback variance for a new freestanding sign to Sec 114-530(7). The property is zoned B-4P, Planned Shopping Center District.

Ms. Hensley presented the case to the Board. Ms. Hensley stated that the parcel configuration for the property shows the property at a disadvantage for signage, since this particular parcel contained much more right-of-way width in the front than surrounding parcels have. Ms. Hensley stated that due to the uneven right-of-way, that the owner is requesting freestanding sign setback relief of 5 feet, which will move the sign to the border of the front property line. Mr. Schodowski spoke next in support of the item. Mr. Schodowski requested permission to locate the freestanding sign inside N. John B. Dennis Hwy right-of-way. Chairman Leonard explained to Mr. Schodowski that the Board does not have authority to grant the location of a sign in the right-of-way.

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

**Case: 17-701-00014 – Property located at 902 Broad Street and E. Ravine Rd, Control Map 46G, Group F, Parcels 014.00 and 013.00 and Control Map 46J, Group D, Parcel 030.00**

requests a special exception for a pharmacy use to Sec 114-191(c)6 and approval for commercial parking in a residential zone to Sec 114-563(4). 902 Broad Street is zoned P-1, Professional Offices District. E. Ravine Road (Control Map 46J, Group D, Parcel 030.00) is zoned R-4, Medium Density Apartment District.

Mr. Mark Freeman presented the case to the Board. Mr. Freeman stated that the special exception is needed to relocate Marcum's Pharmacy to their new Broad Street location. Mr. Freeman stated that he is assisting with the new layout for the building, which is currently used as apartments. Next, Mr. Freeman stated that part two of their request will be commercial parking along E. Ravine Rd. for the future pharmacy use. Staff confirmed that the parcel along E. Ravine Rd. was within 500 feet of the 902 Broad St., which is an appropriate distance to count parking for the pharmacy use. Mr. Freeman noted that the parking would initially be for employee use, with the parking being used in the future for any other medical offices that may be proposed to locate within the existing building at 902 Broad St.

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

Next, Chairman Leonard called for the approval of the September 7, 2017 driving tour and regular meeting minutes. On a motion by Mr. Sumner, seconded by Mr. Oglesby, the Board approved the September 7, 2017 driving tour minutes. On a motion by Mr. Sumner, seconded by Mr. Oglesby, the Board approved the September 7, 2017 regular meeting minutes.

Chairman Leonard recognized staff to present a report for review and comment. Staff outlined the report, which is a zoning text amendment slated for action by the Kingsport Regional Planning Commission during their October 2017 regular meeting. Staff stated that the proposed amendment is the result of an application received by Mr. John Vachon. Staff stated that the proposal would add outdoor storage and sale of architectural salvage as a special exception in the B-2, Central Business District zone. Staff noted that the text amendment would require the activity to take place on a parcel that contains an existing building, require screening as approved by the BZA, require lighting spillover mitigation, and require materials that are mechanical in nature to be stored inside the existing building. The Board reviewed the proposed ordinance. Bill Sumner commented that the B-2 zone could be the right place for this if it brings people downtown and fosters community engagement. Vice Chairman Oglesby stated that the architectural salvage would be more appropriately stored off-site, in a nearby manufacturing zone. The Vice Chairman added that it would take a lot of screening to make it work, which may be out of character for downtown. Chairman Leonard stated that the proposal would be a detriment to the downtown area as it would be difficult to deny anyone else the same use if the proposal was ever passed.

The Board stated, for the record, that the next submittal deadline is October 16, 2017 at noon for the November 2, 2017 regular meeting.

**Adjudication of Cases:**

**Case: 17-701-00015 – Property located at 2671 N. John B. Dennis Highway, Control Map 31O, Group A, Parcel 008.00**

Chairman Leonard acknowledged the hardship of the parcel, with the front property line being much further back than the other same-zoned parcels adjacent to the site.

MOTION: made by Mr. Sumner, seconded by Mr. Oglesby, to grant the 5 foot setback variance as requested

VOTE: 3-0 to approve the request.

PROOF PRESENTED:

1. 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. *This parcel contains a much deeper front yard as compared to adjacent parcels of the same zone.*
2. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land. *The strict application of this chapter would deny the owners of a reasonable use of their property.*
3. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter. *The existing property configuration is not a result of the applicant.*
4. Reasons that the variance will preserve not harm the public safety and welfare and will not alter the essential character of the neighborhood. *The variance will preserve the essential character of the neighborhood by allowing signage that will more closely line up with future adjacent commercial property signs.*

**Case: 17-701-00014 – Property located at 902 Broad Street and E. Ravine Rd, Control Map 46G, Group F, Parcels 014.00 and 013.00 and Control Map 46J, Group D, Parcel 030.00**

Chairman Leonard stated that the proposed pharmacy use would be a good fit for the old building.

MOTION: made by Mr. Gala, seconded by Mr. Oglesby, to grant the required special exception for medical office use in a P-1 district.

VOTE: 3-0 to approve the request.

Chairman Leonard stated that a separate motion and vote was required to grant the commercial parking in a residential zone for the parcel along E. Ravine Rd.

MOTION: made by Mr. Oglesby, seconded by Mr. Gala, to grant approval for commercial parking in a residential zone to the property along E Ravine Rd. identified as Map 46J, Group D, Parcel 030.00.

VOTE: 3-0 to approve the request.

With no further business the meeting was adjourned at 12:49 p.m.

Respectfully Submitted,

Ken Weems, AICP  
Zoning Administrator