

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

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

PUBLIC HEARING:

Case: 17-701-00013 – Property located at 445 Parker Drive, Control Map 290, Group A, Parcel 028.50 requests a special exception in order to construct a fellowship hall to Sec 114-183(c). The property is zoned R-1B, Residential District.

INTERESTED PARTIES:

Owner: Dan Moneyhun
734 Midfield Dr.
Kingsport, TN 37665
(423) 335-5988

Representative: Dan Moneyhun

Case: 17-701-00011 – Property located at 2101 Fort Henry Drive, Control Map 61E, Group H, Parcels 009.00, 010.00 and 012.00 requests a 37 square foot freestanding sign variance to Sec 114-533(9)b(2) for a new pylon sign; a 210 square foot freestanding sign variance to Sec 114-533(9)b(2) for an electronic message board sign; a 12.8 square foot variance to Sec 117-535(2) for an electronic message board that is over 50% of the total sign square footage of the sign; a 430 foot variance to Sec 114-533(9)b for a freestanding sign that is 430 feet from a main entrance; a variance to Sec 114-533(9)b(1) to permit a third freestanding sign for the center; a total of three individual 43.2 square foot variances to Sec 114-528(1)b to permit directional signage inside the premises; a total of four individual 17 square foot variances to Sec 114-528(1)b to permit directional signage onto the premises. The property is zoned B-4P, Planned Shopping Center District.

INTERESTED PARTIES:

Owner: Kingsport Mall, LLC
1190 Interstate Parkway
Augusta, GA 30909
(706) 833-2069

Representative: Rob Johnson

BUSINESS:

Approval of the August 3, 2017 driving tour and regular meeting minutes.

Stating for public record, the next application deadline is September 15, 2017 at noon, and meeting date (Thursday, October 5, 2017).

Staff Reports: none

ADJUDICATION OF CASES:

ADJOURNMENT:

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: August 18, 2017

RE: 445 Parker Drive

The Board is asked to consider the following request:

Case: 17-701-00013 – Property located at 445 Parker Drive, Control Map 290, Group A, Parcel 028.50 requests a special exception in order to construct a fellowship hall to Sec 114-183(c). The property is zoned R-1B, Residential District.



KINGSPOINT

PARKER DR.

GRANBY RD.

St. Marys County

1635

1595

17237

17231

17477

18724

17261

437

1439

1559

1478

1370

1427

99

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, September 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: 17-701-00013 – Property located at 445 Parker Drive, Control Map 290, Group A, Parcel 028.50 requests a special exception in order to construct a fellowship hall to Sec 114-183(c). The property is zoned R-1B, Residential District.

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

City of Kingsport, Tennessee
Jim Deming, City Recorder
P1T: 8/28/17

APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name	Moneyhun	First	Don	M.I.	C	Date	7-26-17
Street Address	734 Midfield Dr.			Apartment/Unit #			
City	Kingsport	State	TN	ZIP	37665		
Phone	423-335-5988		E-mail Address	DMoneyhun@charter.net			

PROPERTY INFORMATION:

Tax Map Information	Tax map: 290	Group: A	Parcel: 28.50	Lot:			
Street Address	437 437 Parker Dr.			Apartment/Unit #	N/A		
Current Zone	R-1B		Proposed Zone	no change			
Current Use	vacant		Proposed Use	fellowship hall			

REPRESENTATIVE INFORMATION:

Last Name	Same as Above		First			M.I.		
Street Address				Apartment/Unit #				
City			State			ZIP		
Phone				E-mail Address				

REQUESTED ACTION:

Fellowship hall use in an R-1B zone

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.

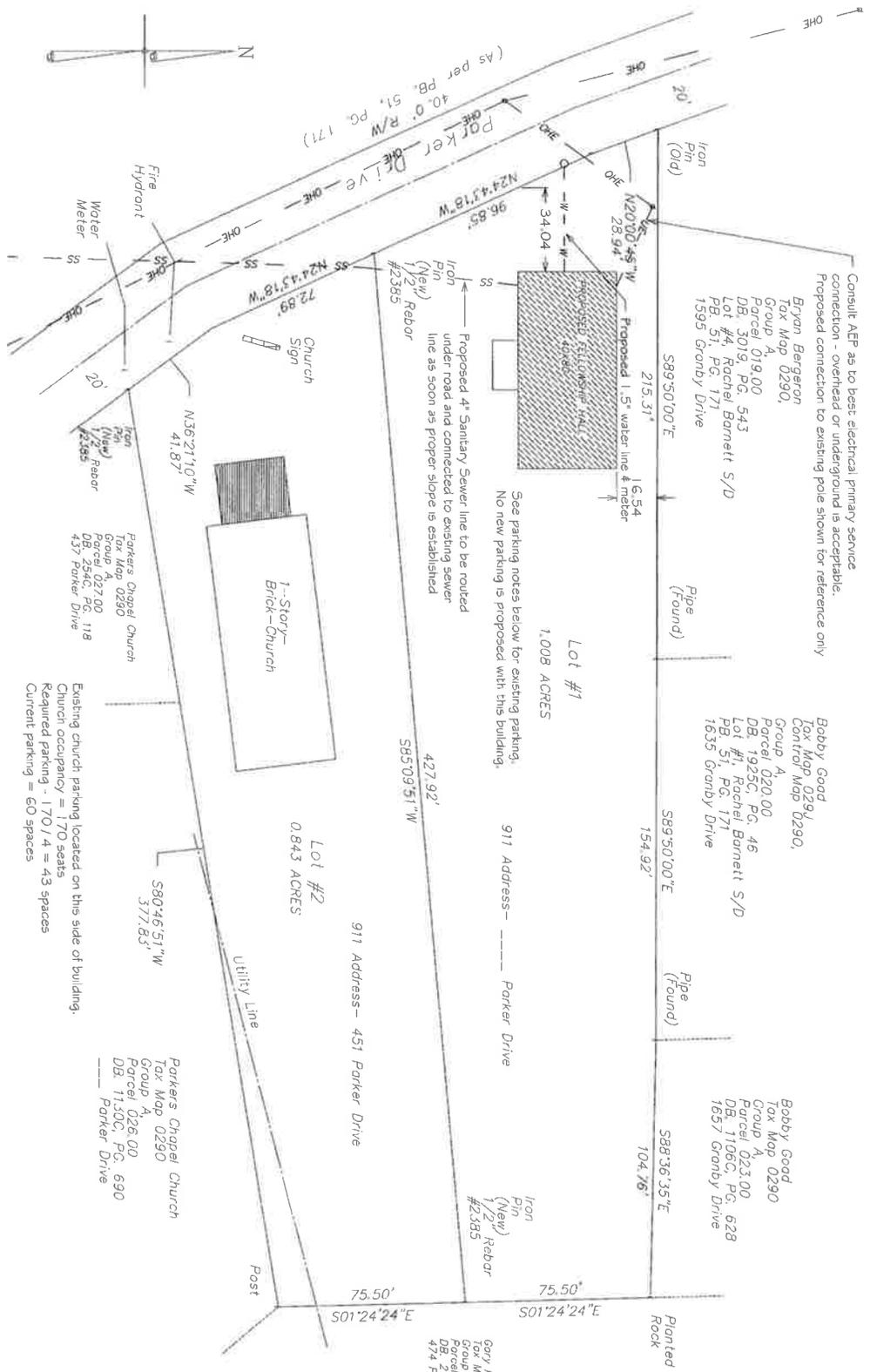
Signature: [Handwritten Signature] Date: 7/27/17

Signed before me on this 27th day of July, 2017.
 a notary public for the State of Tennessee
 County of at large

Notary Page M. Jeffers
 My Commission Expires May 23, 2020



- Legend
- W- Water Line
 - SS- Sanitary Sewer
 - OHE- Overhead Electric
 - UE- Underground Electric



Consult AEP as to best electrical primary service connection - overhead or underground is acceptable. Proposed connection to existing pole shown for reference only.

Bryan Bergeron
Tax Map 0290,
Group A,
Parcel 019.00
DB, 3019, PG. 543
Lot #4, Rachel Barnett S/D
PB, 51, PG. 171
1595 Granby Drive

Bobby Good
Tax Map 0291,
Control Map 0290,
Group A,
Parcel 020.00
DB, 1925C, PG. 46
Lot #1, Rachel Barnett S/D
PB, 51, PG. 171
1635 Granby Drive

Bobby Good
Tax Map 0290
Group A,
Parcel 023.00
DB, 1106C, PG. 628
1657 Granby Drive

Gary Kluge
Tax Map 0290
Group A,
Parcel 026.00
DB, 1130C, PG. 270
474 Parker Drive

Existing church parking located on the side of building.
Church occupancy = 170 seats
Required parking = 170 / 4 = 43 spaces
Current parking = 60 spaces

C-1

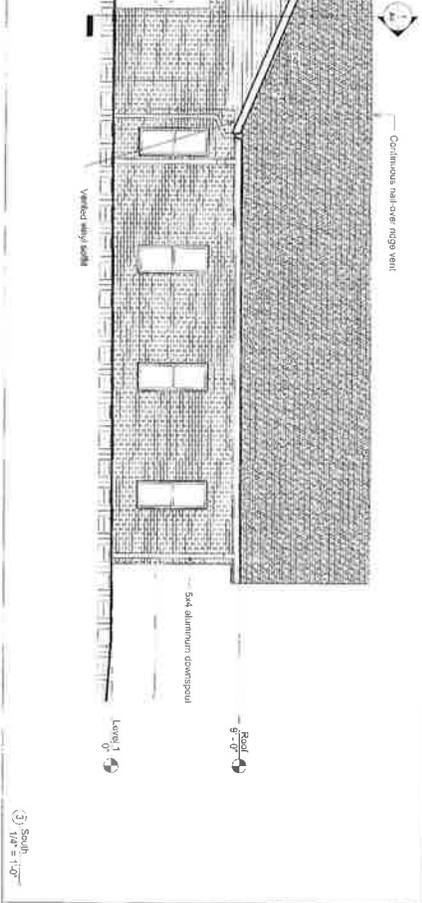
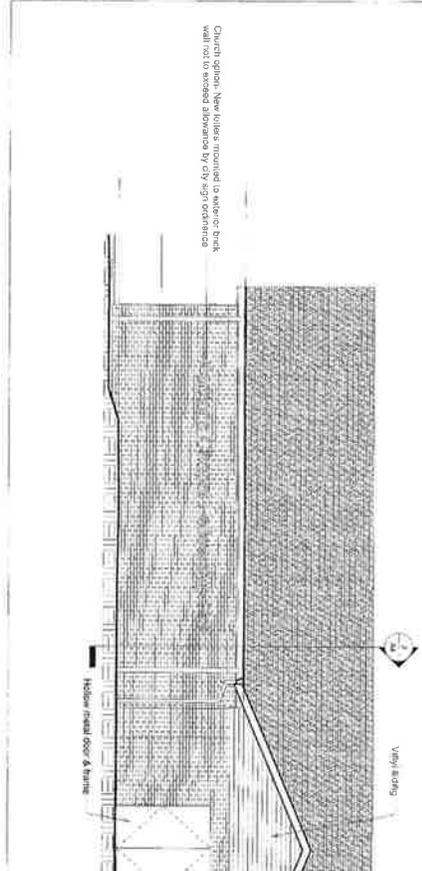
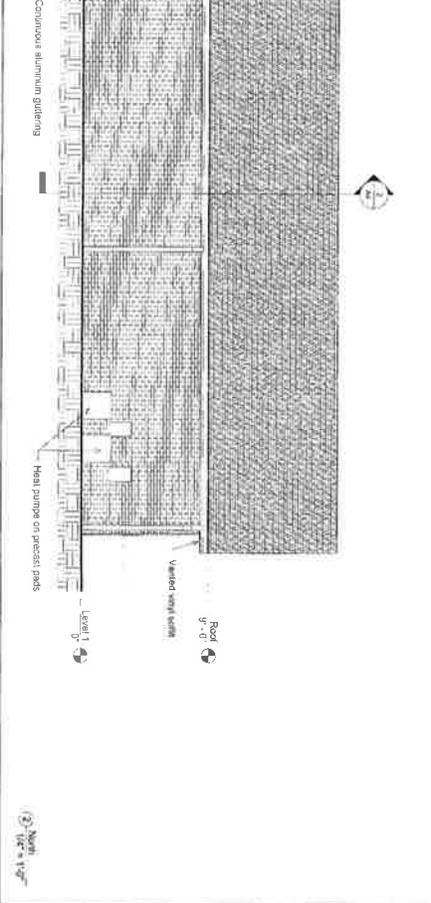
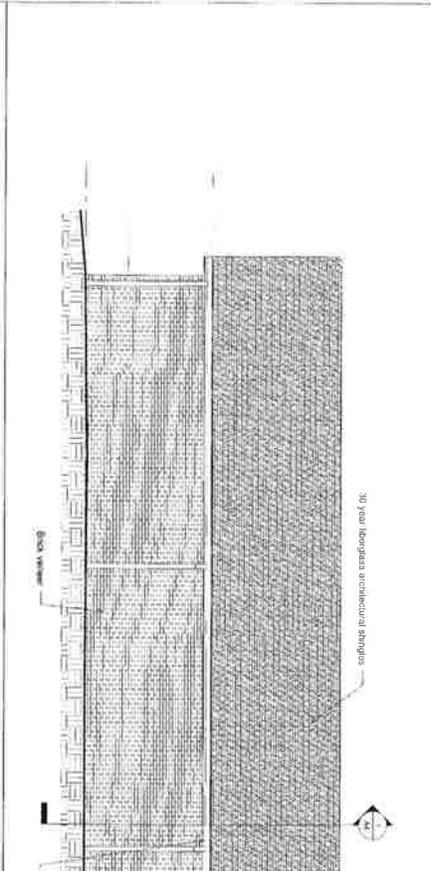
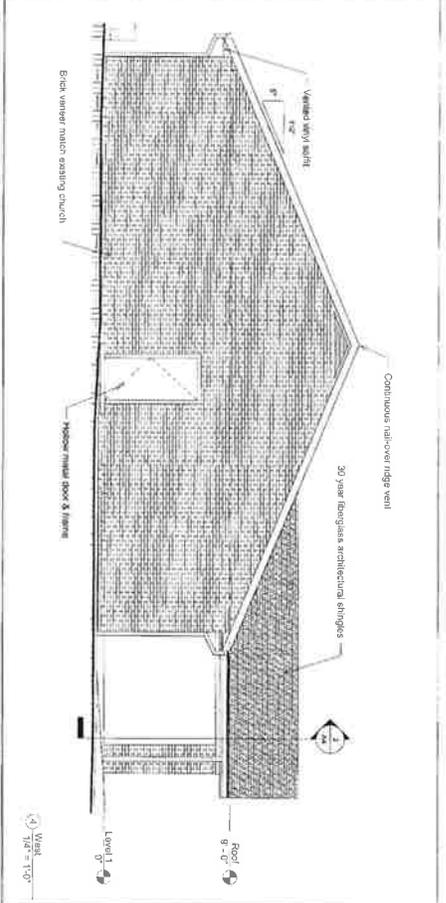
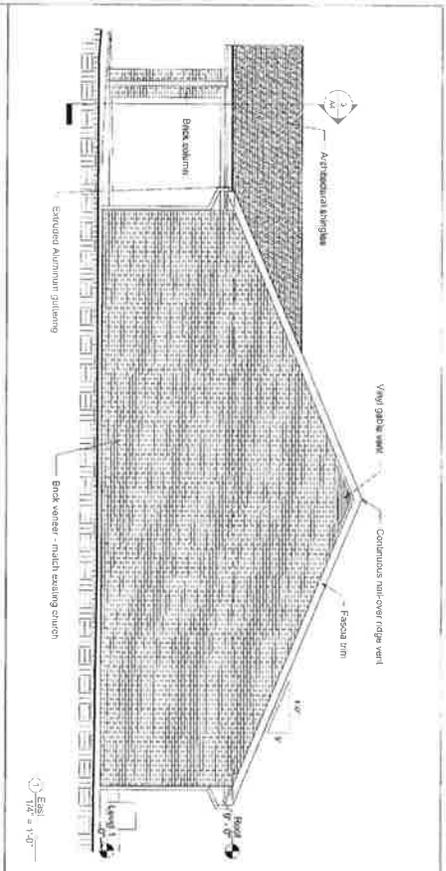
NO.	DATE	DESCRIPTION	BY

NO.	DATE	DESCRIPTION	BY

PROJECT: PARKER'S CHAPEL CHURCH KINGSPORT, TENNESSEE



DESIGN BUILD CONSTRUCTION, LLC
354 Shadowtown Road, Suite 200
Blountville, TN 37617
Phone: (423) 279-0540 www.dbcnstl.com



DESIGN BUILD CONSTRUCTION, LLC
 444 West Center Street
 Kingsport, Tennessee 37660
 Phone: (423)765-9517 www.dbcnslc.com

CONSTRUCTION, LLC

No.	Description	Date

Parker's Chapel Baptist Church
New Fellowship hall

Exterior Elevations

Project Number: 19-030
 Date: Issue Date
 Drawn By: Author
 Checked By: Checker

Scale: As Indicated

A2

Direct option: New tiles around a exterior brick window to match stone by dry sign contractor

Board of Zoning Appeals Criteria and Application Requirements

The BZA utilizes the following Criteria in their decisions:

A Special Exception (conditional use) is an infrequent but desirable land use, which must be individually regulated for location and mode of operation due to its nature. The BZA will balance the public need for the specific use with possible adverse impacts upon the surrounding area if the special exception is granted.

Application Requirements of the Petitioner for a Special Exception:

1. Completed Application
2. Provide staff with a drawing/plan of the proposed building with dimensions, parking lots, existing and proposed driveway, required green space and traffic circulation patterns.

When applying for a special exception keep in mind the following and be prepared to answer:

1. What is the use, activities, hours of operation, numbers of anticipated customers and daily vehicles?
2. Are there accessible safe streets for anticipated traffic and adequate parking facilities on site?
yes
3. Does the use and additions if any, fit with the neighborhood architecture aesthetics?
yes
4. Will the use generate excessive noise, traffic, dust, etc.?
NO
5. Is there proper fencing and screening to shield proposed use from existing neighborhood?
6. Are there any undesirable effect upon the neighborhood's physical or environmental conditions or any adverse impacts on the health, safety and welfare of the surrounding area?
NO

**** All requested material must accompany a completed application form before it will be accepted by staff and placed on the Board of Zoning Appeals agenda. All application packets along with a \$50.00 processing fee must be turned into the Kingsport Planning Office before NOON on the 15th of the month prior to the month the item is to be heard by the Board of Zoning Appeals.**

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: August 18, 2017

RE: 2101 Fort Henry Drive

The Board is asked to consider the following request:

Case: 17-701-00011 – Property located at 2101 Fort Henry Drive, Control Map 61E, Group H, Parcels 009.00, 010.00 and 012.00 requests a 37 square foot freestanding sign variance to Sec 114-533(9)b(2) for a new pylon sign; a 210 square foot freestanding sign variance to Sec 114-533(9)b(2) for an electronic message board sign; a 12.8 square foot variance to Sec 117-535(2) for an electronic message board that is over 50% of the total sign square footage of the sign; a 430 foot variance to Sec 114-533(9)b for a freestanding sign that is 430 feet from a main entrance; a variance to Sec 114-533(9)b(1) to permit a third freestanding sign for the center; a total of three individual 43.2 square foot variances to Sec 114-528(1)b to permit directional signage inside the premises; a total of four individual 17 square foot variances to Sec 114-528(1)b to permit directional signage onto the premises. The property is zoned B-4P, Planned Shopping Center District.

The above listed variances are necessary to permit the Fort Henry Mall freestanding sign package as submitted. The two existing freestanding signs are to be removed. The Fort Henry Mall property was granted a 208 square foot variance for their current freestanding sign along Fort Henry Drive on December 5, 2002. Please find the minutes from the December 5, 2002 BZA meeting attached, with pertinent portions highlighted.

Please find the B-4P freestanding sign allowances below:

Sec 114-533(9)b:

Freestanding signs are permitted at major access points provided:

1. There are no more than two signs per center with a minimum separation of 250 feet from one sign's side to the other sign's side;
2. One square foot of sign area per one linear foot of road frontage, up to 200 square feet of sign area per side, with a maximum of 400 square feet of total sign area for all sides;
3. Lots with multiple street frontages, including corner lots, use street frontage on which sign is mounted in computing sign area; and
4. Maximum height of freestanding sign shall be 35 feet.

In addition to the B-4P district freestanding sign regulations, both the electronic message board regulations and directional signage regulations are involved with this case too. Electronic message boards are allowed in B-4P zones, yet they may only consist of 50% of the total freestanding sign proposed. Directional signage is allowed in all zoning districts and does not require a permit, however directional signs have a maximum size of 2 square feet.

MINUTES
MUNICIPAL BOARD OF ZONING APPEALS
December 5, 2002

MEMBERS PRESENT: Leland Leonard
John Caldwell
Al Crymble
Jack Compton

STAFF PRESENT: Robert Nemeth, Planner

VISITORS: Kevin Harmon
Bill Huffman
Paul Nottingham
Fred Brooks
J Mackey Casey
Bob Viers
Rick Henderson
Audrey and Mark Erwin
Dorthea Williams
Dineen West

Leland Leonard called the Regular Meeting to order at 7:00 p.m., and he summarized how the meeting would proceed.

Cases During Public Hearing:

TABLED CASE NO. 02-1101: The Fire Escape (Christian teen center), located at 1433 East Center Street (61C-C-1), requested to be tabled until sign agreement was made between the adjoining pharmacy, and property owner. The Board noted that they were not permitted to grant a second free-standing sign, as requested by the Fire Escape. The Board requested that the Planning Division refund the \$50 application fee, and let the two tenants split the application fee when filing a new sign variance request.

CASE NO. 02-1201: Paul Nottingham requested an 8-foot northern and 12-foot eastern periphery yard variance at 117 Chippendale Square (Sullivan County tax map 60B-E-26.75) in order construct a rear addition to his house in a PD, Planned Development District under the Kingsport Code of Ordinances, Section 114-357 (d). The PD zoning district required structures to be a minimum 30-feet from the nearest periphery boundary. Mr. Nottingham proposed a rear addition that architecturally blended in with the house located 22-feet from his northern property line, and 18-feet from his eastern property line. The survey showed a brick wall lining both of these property lines. Mr. Nottingham noted that the lot was located on the street curve, he owned the western adjacent lot, and that the city park was on the other side of the brick wall, thus minimizing the impact upon the neighborhood.

CASE NO. 02-1202: Med-ex Regional Laboratories requested a 20-foot planting strip boundary variance along the western property lines of lots 8 and 9 for vehicle driving aisle and parking purposes at 129 Regional Park Drive (Sullivan County tax map 91A-B-15, 16) in the M-1R, Light Industrial Zoning District under the Kingsport Code of Ordinances, Section 114-648 (4). The Med-ex property adjoined the Vernon Heights residential zone, and it was required to have a 30-foot planting strip buffer. Dineen West summarized the two meetings with property owners adjoining the Med-ex property. They were concerned about an existing drainage ditch, which collected water during the summer and bred mosquitoes. Ms. West proposed excavating, reshaping, and maintaining a grassed swale along the western property line of lot 8, and removing the existing drainage and culvert along the western property line of lot 9, and replacing it with a paved drainage way. The adjoining property owners wanted the money that was to install a wooden fence instead to be used for improving the drainage ditch as proposed. There was no opposition from the audience.

CASE NO. 02-1203: Audrey Erwin requested a 10-foot eastern sideyard variance in order to construct a new garage roof, which will connect the existing garage with the house at 3309 Watterson Street (Sullivan County tax map 22E-D-15) in an R-2, Two-family Residential District. The R-2 zone required a 10-foot sideyard setback for the primary structure (house). There was an existing detached garage less than 1 foot from the eastern property line. Ms. Erwin would like to remodel her existing garage. She would also like to construct a new garage roof, which will blend in architecturally and be attached to the house. If the garage were attached to the house, it would become the primary structure. Therefore, Ms. Erwin requested a 10-foot eastern sideyard variance. She stated that the eastern property owner did not object. Ms. Erwin stated that she intended to gutter and pipe drainage out to the road with up to 2 downspouts keeping water off her neighbor. The Board noted the letter of support from the eastern property owner.

CASE NO. 02-1204: Eastman Credit Union requested a northern 11-foot, and southern 24-foot front yard setback variances from a proposed public street, and reducing its loading space requirements to a total of 5 at 1900 Meadowview Parkway (Sullivan County tax map 71, parcel 1, tax map 76, part of parcel 6.90) in a BC, Business Conference Zoning District under the Kingsport Code of Ordinances, Section 114-252 (d) (1), and 114-606 (1) (6). The BC zone required that front yard building setbacks from public streets are a minimum 30-feet. Eastman proposed an ATM, and drive-up canopies in this area. Eastman also requests 5 loading spaces to serve the two buildings. Rick Henderson noted the topography near the front property line, which pushed the ATM closer to the proposed public road.

CASE NO. 02-1205: Marquee Cinemas requested a 208-square foot free-standing sign variance at 2101 Ft. Henry Drive (Sullivan County tax map 61E-H-9) in a B-4P, Planned Business District. Newly-opened Marquee Cinemas in the Fort Henry Mall sought to advertise its 8 movie screens with a possible ninth screen. They requested adding signage to the existing free-standing sign adjacent to Ft. Henry Drive. The proposed free-standing sign measurements (taken from outside the beams) was 17-feet across, and 24-

feet down for a total of 408 square feet. B-4P zones were permitted 2 free-standing signs measuring a maximum of 200-square feet each. Kevin Harmon stated that more movies were run than the number of screens. He noted that the leases of other mall tenants prevented them from more signage.

CASE NO. 02-1206: Billy Collins requested a 5-foot front yard setback variance for lot 23 at the end of Sundown Drive in the Palomino Acres Subdivision Phase III (Sullivan County tax map 62E-"D"-14) in the R-1B, Single-family Residential District. The R-1B zone required a 30-foot front yard setback. Mr. Collins, of Colonial Development, sought to construct a residence 25-feet from the front property line. Bill Huffington, surveyor, described the difficult rear topography.

CASE NO. 02-1207: Fred Brooks requested a variance to all landscaping requirements for lot 9 adjacent to Wilcox Court (Sullivan County tax map 61, parcel 12.05) in a M-1, Industrial District under the Kingsport Code of Ordinances, Article VI. The BZA recently granted a special exception for the existing building on lot 9 for the use as a gymnastics school. Mr. Brooks proposed adding a second building as a pizza warehouse freighting company. TDEC had informed the Kingsport Planning Division that lot 9 must be capped with asphalt due to contamination underground. Mr. Brooks spoke for the case.

Business of the Board:

On a motion by Jack Compton, seconded by John Caldwell, the Board voted unanimously, 4-0, to table the November 7, 2002 BZA minutes until their next regular scheduled meeting in January.

The Board stated for the public record that the next BZA application deadline would be noon, Monday December 23, the newspaper legal notice publication date would be Monday December 30, and that the next BZA meeting would be Thursday January 9, 2003.

The Board discussed the Kingsport Board of Mayor and Aldermen request that electronic message boards be a special exception in B-3, General Business Districts reviewed by the Kingsport Board of Zoning Appeals. The BZA voted unanimously, 4-0, to recommend to the Kingsport Planning Commission their support for the proposal.

Decisions of the Board:

TABLED CASE NO. 02-1101:

The Board requested that the Fire Escape application fee be returned, and that when a new sign application was submitted with a variance that the Board could consider that the two tenants could split the costs.

CASE NO. 02-1201: The Board discussed the irregular lot shape, adjoining city park, brick wall buffer, and that the applicant owned the adjacent western property. On a motion by John Caldwell, seconded by Jack Compton, the Board voted unanimously, 4-0:

CASE NO. 02-1201: Paul Nottingham requested an 8-foot northern and 12-foot eastern periphery yard variance at 117 Chippendale Square (Sullivan County tax map 60B-E-26.75) in order construct a rear addition to his house in a PD, Planned Development District BE AND IS HEREBY GRANTED under the Kingsport Code of Ordinances, Section 114-357 (d).

CASE NO. 02-1202: On a motion by John Caldwell, seconded by Jack Compton, the Board voted unanimously, 4-0:

CASE NO. 02-1202: Med-ex Regional Laboratories requested a 20-foot planting strip boundary variance along the western property lines of lots 8 and 9 for vehicle driving aisle and parking purposes at 129 Regional Park Drive (Sullivan County tax map 91A-B-15, 16) in the M-1R, Light Industrial Zoning District BE AND IS HEREBY GRANTED under the Kingsport Code of Ordinances, Section 114-648 (4) PROVIDED that the existing drainage ditch along the western property line of lot 8 was excavated, reshaped, and maintained as a grassed swale, and the existing drainage ditch, and culvert along the western property line of lot 9 be removed, and replaced with a paved drainage way.

CASE NO. 02-1203: On a motion by Jack Compton, seconded by Al Crymble, the Board voted unanimously, 4-0:

CASE NO. 02-1203: Audrey Erwin requested a 10-foot eastern sideyard variance in order to construct a new garage roof, which will connect the existing garage with the house at 3309 Watterson Street (Sullivan County tax map 22E-D-15) in an R-2, Two-family Residential District BE AND IS HEREBY GRANTED under the Kingsport Code of Ordinances, Section 114-194 (e) (1) (d) PROVIDED water run off from the roof is routed towards the street (and not onto the eastern adjacent property).

CASE NO. 02-1204: On a motion by Al Crymble, seconded by John Caldwell, the Board voted unanimously, 4-0:

CASE NO. 02-1204: Eastman Credit Union requested a northern 11-foot, and southern 24-foot front yard setback variances from a proposed public street, and reducing its loading space requirements to a total of 5 at 1900 Meadowview Parkway (Sullivan County tax map 71, parcel 1, tax map 76, part of parcel 6.90) in a BC, Business Conference Zoning District BE AND IS HEREBY GRANTED under the Kingsport Code of Ordinances, Section 114-252 (d) (1), and 114-606 (1) (6).

CASE NO. 02-1205: The Board discussed the minimal impact upon the area with the addition filling in the gap on the existing sign, and the mall lease restrictions concerning additional signs. On a motion by John Caldwell, seconded by Al Crymble, the Board voted unanimously, 4-0:

CASE NO. 02-1205: Marquee Cinemas requested a 208-square foot free-standing sign variance at 2101 Ft. Henry Drive (Sullivan County tax map 61E-H-9) in a B-4P, Planned Business District BE AND IS HEREBY GRANTED under the Kingsport Code of Ordinances, Section 114-569 (9) (b) (2).

CASE NO. 02-1206: The Board discussed its location at the end of the cul-de-sac, and how other adjoining houses would not align with it. On a motion by Jack Compton, seconded by Al Crymble, the Board voted unanimously, 4-0:

CASE NO. 02-1206: Billy Collins requested a 5-foot front yard setback variance for lot 23 at the end of Sundown Drive in the Palomino Acres Subdivision Phase III (Sullivan County tax map 62E-"D"-14) in the R-1B, Single-family Residential District BE AND IS HEREBY GRANTED under the Kingsport Code of Ordinances, Section 114-192 (e) (1) (c).

CASE NO. 02-1207: The Board noted the EPA cap requirement, and the concern that roots might penetrate the asphalt over time.

CASE NO. 02-1207: Fred Brooks requested a variance to all landscaping requirements for lot 9 adjacent to Wilcox Court (Sullivan County tax map 61, parcel 12.05) in a M-1, Industrial District BE AND IS HEREBY GRANTED under the Kingsport Code of Ordinances, Article VI



Robert Nemeth, Planner



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, September 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: 17-701-00011 – Property located at 2101 Fort Henry Drive, Control Map 61E, Group H, Parcels 009.00, 010.00 and 012.00 requests a 37 square foot freestanding sign variance to Sec 114-533(9)b(2) for a new pylon sign; a 210 square foot freestanding sign variance to Sec 114-533(9)b(2) for an electronic message board sign; a 12.8 square foot variance to Sec 117-535(2) for an electronic message board that is over 50% of the total sign square footage of the sign; a 430 foot variance to Sec 114-533(9)b for a freestanding sign that is 430 feet from a main entrance; a variance to Sec 114-533(9)b(1) to permit a third freestanding sign for the center; a total of three individual 43.2 square foot variances to Sec 114-528(1)b to permit directional signage inside the premises; a total of four individual 17 square foot variances to Sec 114-528(1)b to permit directional signage onto the premises. The property is zoned B-4P, Planned Shopping Center 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
P1T: 8/28/17

APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name Kingsport Mall, LLC	First	M.I.	Date 7/10/17
Street Address 1190 Interstate Parkway	Apartment/Unit #		
City Augusta	State GA	ZIP 30909	
Phone 706-833-2069	E-mail Address rjohnson@hullpg.com		

PROPERTY INFORMATION:

Tax Map Information	Tax map:	Group:	Parcel:	Lot:
Street Address 2101 Fort Henry Dr. Kingsport, TN 37664	Apartment/Unit #			
Current Zone	B-4P	Proposed Zone	B-4P	
Current Use	commercial	Proposed Use	commercial	

REPRESENTATIVE INFORMATION:

Last Name Johnson	First Rob	M.I.	Date 8/15/17
Street Address 1190 Interstate Parkway	Apartment/Unit #		
City Augusta	State GA	ZIP 30909	
Phone 706-833-2069	E-mail Address rjohnson@hullpg.com		

REQUESTED ACTION:

See attached Summary

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: _____

Signed before me on this _____ day of _____, 20____,
a notary public for the State of _____
County of _____

Notary _____
My Commission Expires _____

CITY PLANNING OFFICE

Received Date:

Received By:

Application Fee Paid:

Board of Zoning Appeals Meeting Date:

Section of Applicable Code:

Building/Zoning Administrator Signature:

Date:

Completed Site Plans Received:

Previous requests or file numbers:

Signature of
City Planner:

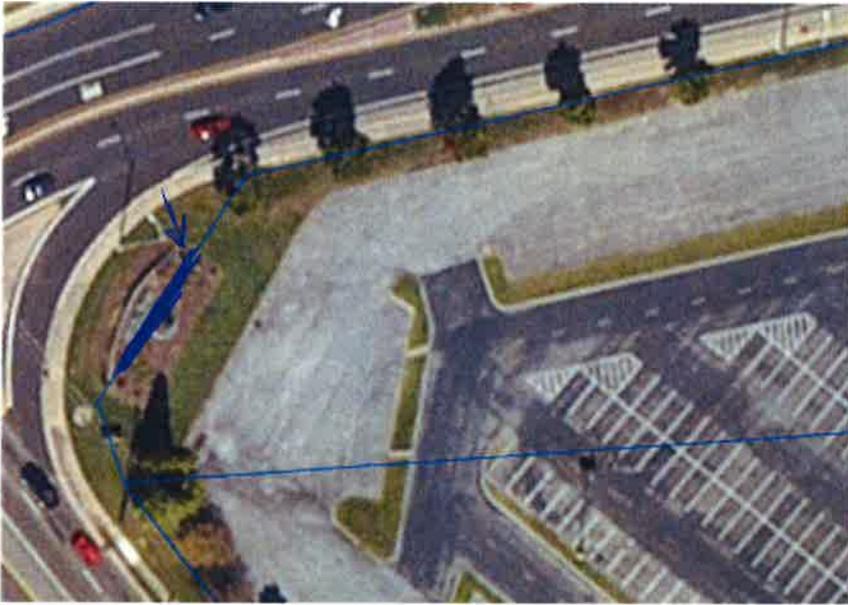
Date:

Variance Request Summary

The mall is a unique property and unlike traditional shopping centers as the mall and tenants signage is critical to not only change the identity and perception for the potential customers but also to advertise and guide customers/potential customers to the property to assist the interior tenants increasing their sales. The current signage conditions are dated and weathered signaling a down market and poorly run property. In addition the current locations, which are away from the Right of Way with no view corridor block the visibility of these pre-existing signs from the potential customers/passers-by and therefore the Tenants may lose sales that otherwise could be gained with good signage. The Owner desires to continue to break the perception of this being a blighted property by continuing the improvements on the interior and re-branding of the center with first class signage on the exterior as has begun with the addition of NCG Theaters and Dunham's Sports....Signage and curb appeal are critical to the turn around of this property by changing the perception of customers and tenants alike. Please find below and attached a summary and renderings of the proposed signage. The electronic message center is key to having a medium through which our interior tenants can use to advertise their merchandise and sales as they are at a disadvantage to strip center tenants. Therefore, we are proposing the attached signage plan which will require approval as follows:

Pylon Sign- The existing pylon sign was approved via a variance request at 408 sf. The proposed pylon includes 136 SF of panels with an ID section (Fort Henry Mall) of 14 sf totaling 149.05 SF of signage. With the architectural background the square footage is 237 sf. Also, the current pylon sign does not allow for visibility from Fort Henry Drive therefore to provide the visibility needed the sign is being relocated as shown on the attached site plan. Placement shall be in accordance with the ordinance 5' back from the property line.

Electronic Message Center Board- We are proposing to modify the existing FORT HENRY MALL sign at the corner of Memorial and Fort Henry Drive with the ID and Electronic Message Board for displaying static images as shown on the attached plans. The overall square footage of the structure including the stone background is 410.2 sf with the ID portion of the sign measuring 25.38 sf and the Electronic Message Board measuring 211.64 sf. The size is based on our experience at other properties for obtaining clear and legible visibility. As noted above the ability for the tenants to advertise on the exterior of the property is essential to their business and competing with traditional strip center tenants. The sign is positioned at the corner in the location of an existing sign in lieu of at an entrance for maximum visibility and to minimize the need for large signage at each entrance. Therefore, we are requesting approval of 1) increase in sf from 200 sf to 410.2 sf (37.02 sf of actual signage area); 2) the electronic message board section slightly larger than 50% of the overall area; 3) Location of the sign being placed at the corner where existing signage is located (approx. 430' from nearest intersection). 4) placement of the Electronic Message Center Board on top of the existing wall just behind the existing sign that is located on the property line- See image below:



Monument Sign- We are proposing a third smaller sign located at the entrance drive off of Memorial measuring 72.8 sf including architectural backgrounds (13.937 sf of signage) with the placement of the sign on the property line.

Directional Signs- We are proposing 3 non-internally illuminated directional signs at 45.2 sf each including the background (22.36 of sign area each) to communicate with customers the locations of the various tenants as in an enclosed shopping mall all available shopping opportunities cannot be seen from one location as in most strip centers.

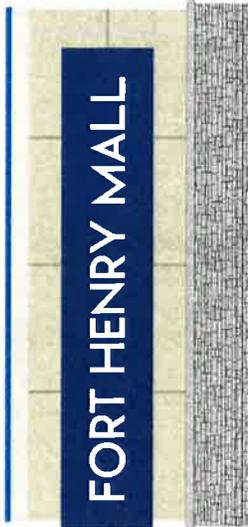
Welcome Signs- We are proposing 4 non-internally illuminated Welcome Signs at 19 sf each including the background- increase of 17 sf each.

FORT HENRY MALL | Proposed Signage Map

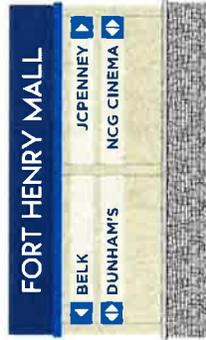
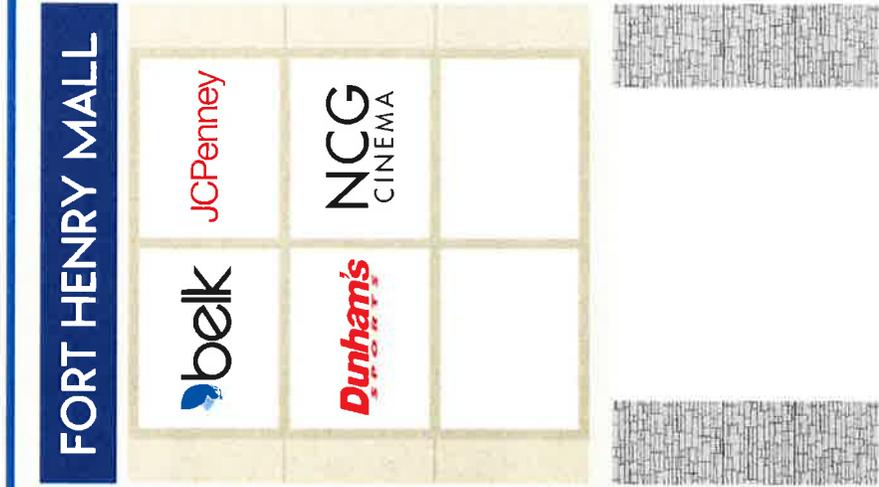




▲ READERBOARD



▲ MONUMENT SIGN

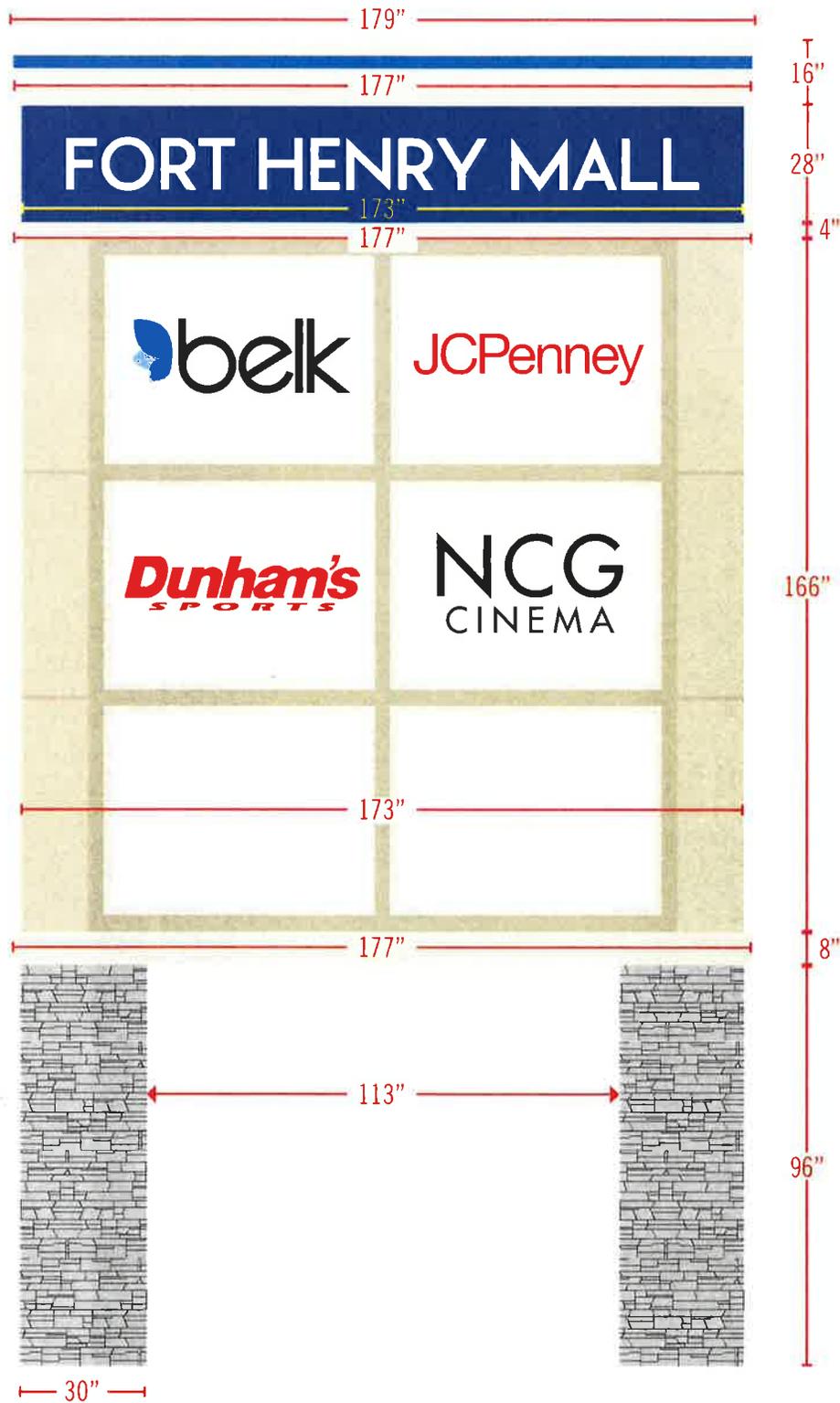


▲ DIRECTIONAL SIGNS



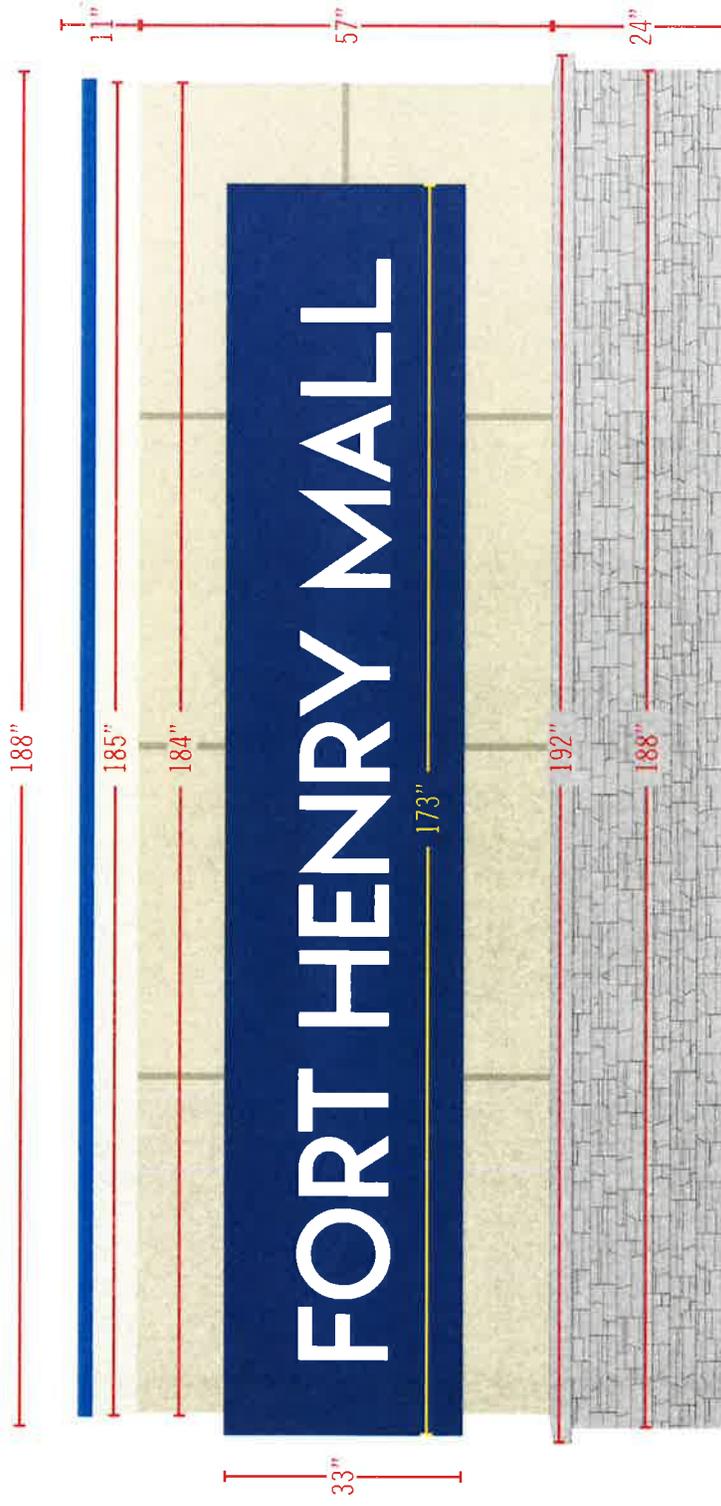
▲ WELCOME SIGNS

FORT HENRY MALL | Pylon Sign



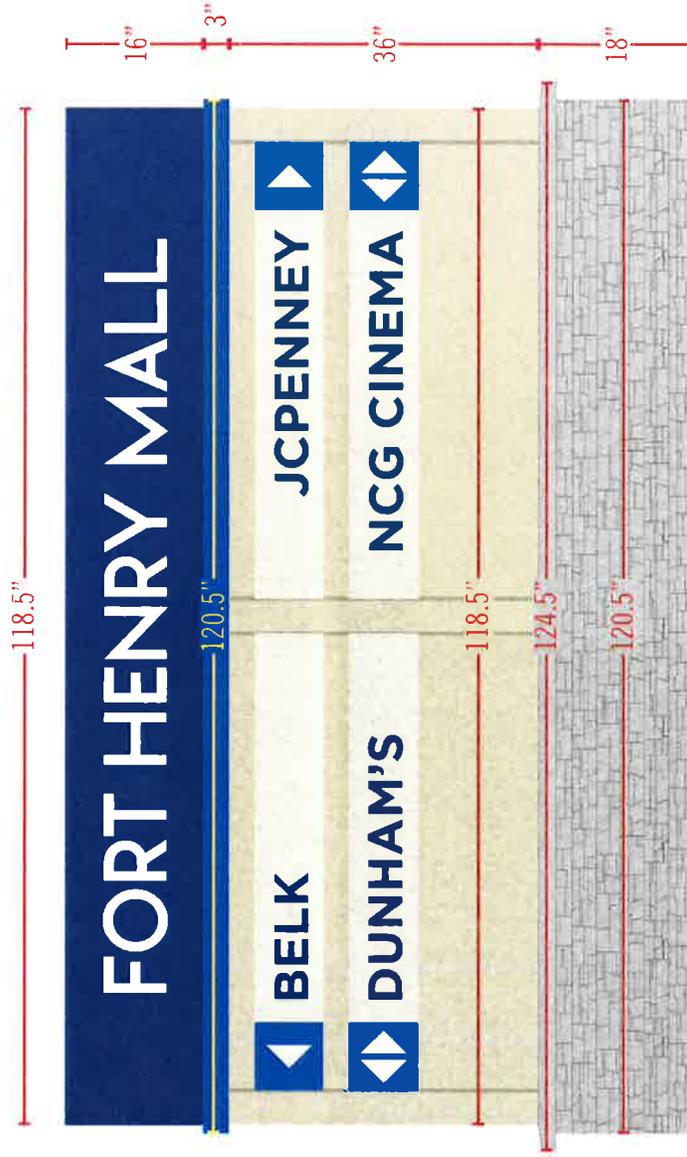
***Overall dimensions are 14'11"(w) x 26'6"(h)**

FORT HENRY MALL | Monument Sign



**Overall dimensions are 16'(w) x 7'8"(h)*

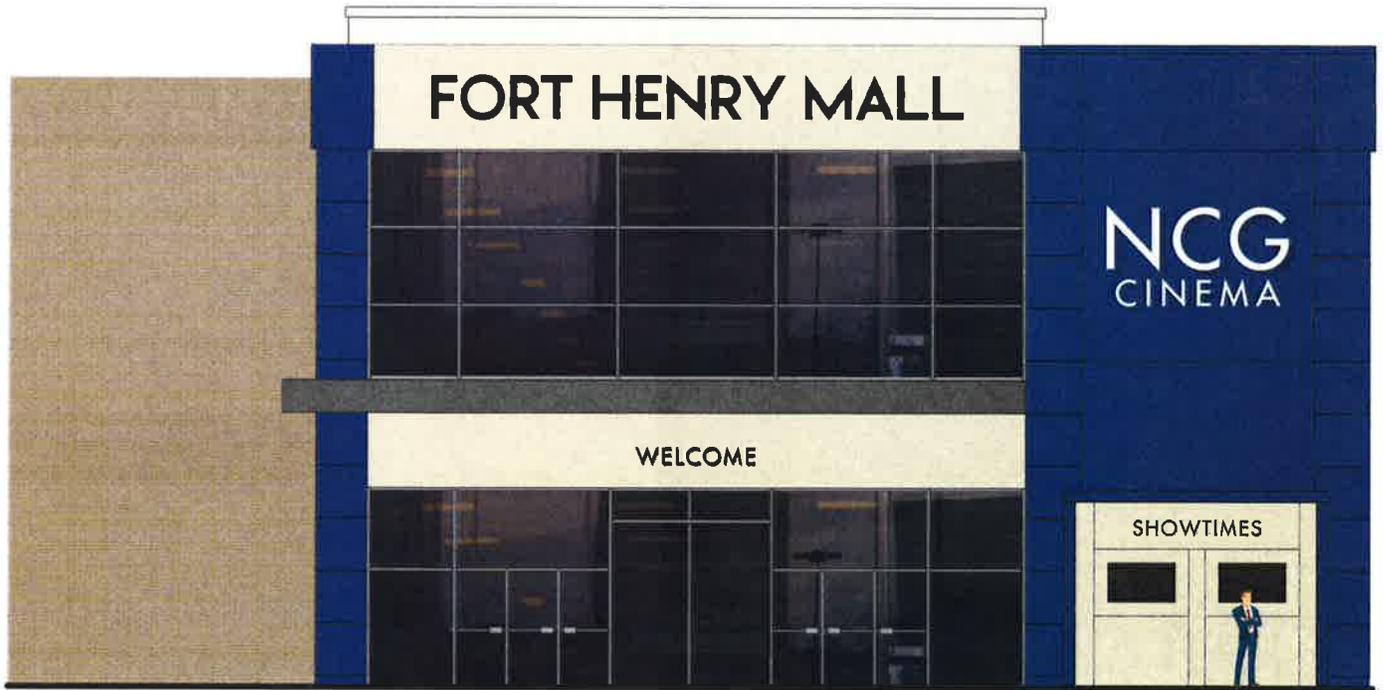
FORT HENRY MALL | Directional Signs (x 3)



**Overall dimensions are 10'4.5"(w) x 6'1"(h)*



****Overall dimensions are 6'(w) x 4'(h)***



"FORT HENRY MALL" letters to be 33'4"(w) x 34"(h)



"FORT HENRY MALL" letters to be 26'4"(w) x 27"(h)

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

August 3, 2017

10:30 a.m.

Members Present:

Leland Leonard
Anita Campbell
Frank Oglesby

Members Absent:

Bill Sumner
Ashok Gala

Staff Present:

Ken Weems, AICP

At 10:30 a.m., the BZA departed the Development Services Building, 201 W. Market St. to conduct a driving tour of the property located at 513 Rogan St., 2101 Fort Henry Dr., and 3830 Bonita St. No official action was taken.

The driving tour concluded at 11:20 a.m.

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

August 3, 2017, Regular Meeting

Noon

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

Members Present:

Leland Leonard, Chairman
Anita Campbell
Frank Oglesby

Members Absent

Bill Sumner
Ashok Gala

Staff Present:

Ken Weems, AICP
Page Jeffers

Visitors:

John Mulherin
David Kiser
Wayne Gentry
David Castle
Dan Moneyhun
Cameron Brown

Chairman Leonard called the meeting to order.

Chairman Leonard explained the meeting procedures.

Ms. Alison Fields conducted the swearing in ceremony for those wishing to speak during the regular meeting. John Mulherin, David Kiser, Wayne Gentry, David Castle, and Cameron Brown were sworn in.

Public Hearing:

Case: 17-701-00010 – Property located at 513 Rogan Street, Control Map 45F, Group C, Parcel 033.00 requests a 4.5 foot side yard variance in order to construct a home addition to Sec 114-183(e)1(d). The property is zoned R-1B, Residential District.

Mr. David Kiser presented the case to the Board. Mr. Kiser stated that he wanted to complete the already constructed home addition quickly due to his wife's terminal illness. Mr. Kiser further stated that he was building as close to his property line as the home across the street from him. Chairman Leonard stated that the home addition was performed without a permit. Chairman Leonard further stated that if the proposed variance was denied, that the applicant would have to remove the home addition. Frank Oglesby stated that the contractor should have known better than to perform work without a permit. Chairman Leonard stated that he was concerned that work was still being done on the addition in the absence of a permit.

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

Case: 17-701-00011 – Property located at 2101 Fort Henry Drive, Control Map 61E, Group H, Parcel 012.00 requests a 77.66 square foot wall sign variance to Sec 114-533(9)c. The property is zoned B-4P, Planned Shopping Center District.

Mr. John Mulherin presented the case to the Board. Mr. Mulherin stated that he also represents the Hull Property Group and gave a short summary of how his business purchases mall properties across the nation and tries to turn them around to being profitable once again. Mr. Mulherin stated that Dunham Sports is one of his tenants and that the Fort Henry Mall is undergoing a 4.5 million dollar renovation. Mr. Mulherin stated that Mr. Cameron Brown, of Dunham's Sports, is present in the event that any questions arise that need his input. Mr. Mulherin stated that the hardship for Dunham's Sports is that their storefront does not face a public street and that the side of the Dunham's store that does front a public street is 775 feet away from Fort Henry Drive. Chairman Leonard asked how many people would look over at the mall when they are driving 45 miles per hour down Fort Henry Drive. Mr. Mulherin stated that he himself would look over. Chairman Leonard asked why the non-street side wall sign for Dunham's couldn't be reduced. Mr. Mulherin stated that this is their prototypical signage and also the signage has already been ordered.

Chairman Leonard opened the public hearing. Mr. Wayne Gentry spoke in favor of the item. Mr. Gentry stated that the red light on Fort Henry Drive would afford motorists the opportunity to look at the mall and see the signage. Chairman Leonard asked Mr. Gentry for the sign industry standard for sign sizes being viewed from 775 feet away. Mr. Gentry stated that he did not know what the industry standard from that distance was. Seeing no one else wishing to speak, Chairman Leonard closed the public hearing.

Case: 17-701-00012 – Property located at 3830 Bonita Drive, Control Map 62G, Group F, Parcel 022.00 requests a special exception in order to construct a church fellowship hall to Sec 114-187(c). The property is zoned R-4, Medium Density Apartment District.

Mr. David Castle presented the case to the Board. Mr. Castle stated that he needs a special exception in order to construct a church fellowship hall on the property.

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

Next, Chairman Leonard called for the approval of the June 8, 2017 driving tour and regular meeting minutes. On a motion by Mr. Oglesby, seconded by Ms. Campbell, the Board approved the June 8, 2017 driving tour minutes. On a motion by Mr. Oglesby, seconded by Ms. Campbell, the Board approved the June 8, 2017 regular meeting minutes.

The Board stated, for the record, that the next submittal deadline is August 15, 2017 at noon for the September 7, 2017 regular meeting.

Adjudication of Cases:

Case: 17-701-00010 – Property located at 513 Rogan Street, Control Map 45F, Group C, Parcel 033.00

Chairman Leonard stated that he thought it would be a hardship on the property owner to force removal of the home addition. Frank Oglesby stated that he does not like granting forgiveness, but that the addition did look nice. Ms. Campbell stated that the addition does look nice.

MOTION: made by Mr. Oglesby, seconded by Ms. Campbell, to grant the 4.5 foot side yard 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. *The location of the home and former uncovered deck is located close to the southern property line. This characteristic, in general, is only shared by the single family home located across Rogan Street from the subject property.*
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 prior to construction of the home addition 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 a home addition that is similar in nature to the non-conforming home site across Rogan Street from the subject property.*

Case: 17-701-00011 – Property located at 2101 Fort Henry Drive, Control Map 61E, Group H, Parcel 012.00

Chairman Leonard restated the wall sign variance request and further stated that the City has a decent sign ordinance. Chairman Leonard further stated that specifications exist for sign visibility in the context of distance from the viewer, but the sign installer is unaware of what that distance is. Frank Oglesby stated that the wall sign would be situated a long distance from Fort Henry Drive. Anita Campbell confirmed that both proposed wall signs were of the same size. Frank Oglesby stated that it would be nice for the variance to be sought prior to the sign being ordered. Chairman Leonard stated that this sign variance would set a precedent if granted.

MOTION: made by Ms. Campbell, seconded by Mr. Oglesby, to grant the required 74.68 sq ft wall sign 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. *The commercial building on this parcel is very far from a public street, with the potential to be further from a public street than any other commercial building in the City.*
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 on the building consistent with existing and former signage on the building.*

Case: 17-701-00012 – Property located at 3830 Bonita Drive, Control Map 62G, Group F, Parcel 022.00

MOTION: made by Mr. Oglesby, seconded by Ms. Campbell, to grant the special exception as proposed.

VOTE: 3-0 to approve the request.

With no further business the meeting was adjourned at 12:28 p.m.

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator