

KINGSPORT BOARD OF ZONING APPEALS AGENDA  
REGULAR MEETING: May 5, 2016  
Development Services Building – Bob Clear Conference Room

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

**PUBLIC HEARING:**

**Case: 16-701-00003 – Property located at 1605 West Stone Drive and 1607 West Stone Drive, Control Map 45E, Parcels 001.00 and 002.00** requests a 10 foot rear yard variance to Sec 114-195(f)1(e) necessary to accommodate a new commercial building. The code requires a 30 foot rear yard. A 21 foot planting strip boundary variance to Sec 114-600(4)a necessary to accommodate a new commercial building and drive isle. The code requires a 30 foot planting strip boundary. A 10 foot planting strip variance along West Stone Drive to Sec 114-600(d)2 necessary to accommodate a new parking area. The code requires a 10 foot planting strip. A 10 foot planting strip variance along Riverside Avenue to Sec 114-600(d)2 necessary to accommodate a new parking area. The code requires a 10 foot planting strip. The property is zoned B-3, Highway Oriented Business District.

***INTERESTED PARTIES:***

Owner: Phil Pierce  
255 Alpine Trail  
Kingsport, TN 37660  
(423) 767-5144

Representative: Phil Pierce

**Case: 16-701-00004 – Property located at 1205 North Wilcox Drive, Control Map 61C, Parcel 061.00** requests a special exception to Sec 114-191(c)1 necessary to accommodate a veterinary clinic. The property is zoned P-1, Professional Offices District.

***INTERESTED PARTIES:***

Owner: Kenneth Carver  
1203 N. Wilcox Dr.  
Kingsport, TN 37660  
(423) 956-7010

Representative: Antje Roark

**Case: 16-701-00005 – Property located at 1064 East Stone Drive, Control Map 46E, Parcel 007.00** requests a 19.43 foot rear yard variance to Sec 114-195(f)1(e) necessary to accommodate an existing

commercial building. The code requires a 30 foot rear yard. The property is zoned B-3, Highway Oriented Business District.

***INTERESTED PARTIES:***

Owner: Peter Cooke  
4300 TBC Way  
Palm Beach Gardens, FL  
(561) 383-3000

Representative: David Graves

**Case: 16-701-00006 – Property located at 2400 North John B. Dennis Highway, Control Map 47, Parcel 011.30** requests a special exception to Sec 114-191(c)6 necessary to accommodate a prosthetic & orthotic business. The property is zoned P-1, Professional Offices District.

***INTERESTED PARTIES:***

Owner: J. Mark Properties, LLC  
4104 Sullivan Gardens Parkway  
Kingsport, TN 37660  
(423) 349-4436

Representative: Dwayne Powell

**BUSINESS:**

**Conduct 2016 Officer Elections**

**Approval of the February 4, 2016 driving tour and regular meeting minutes.**

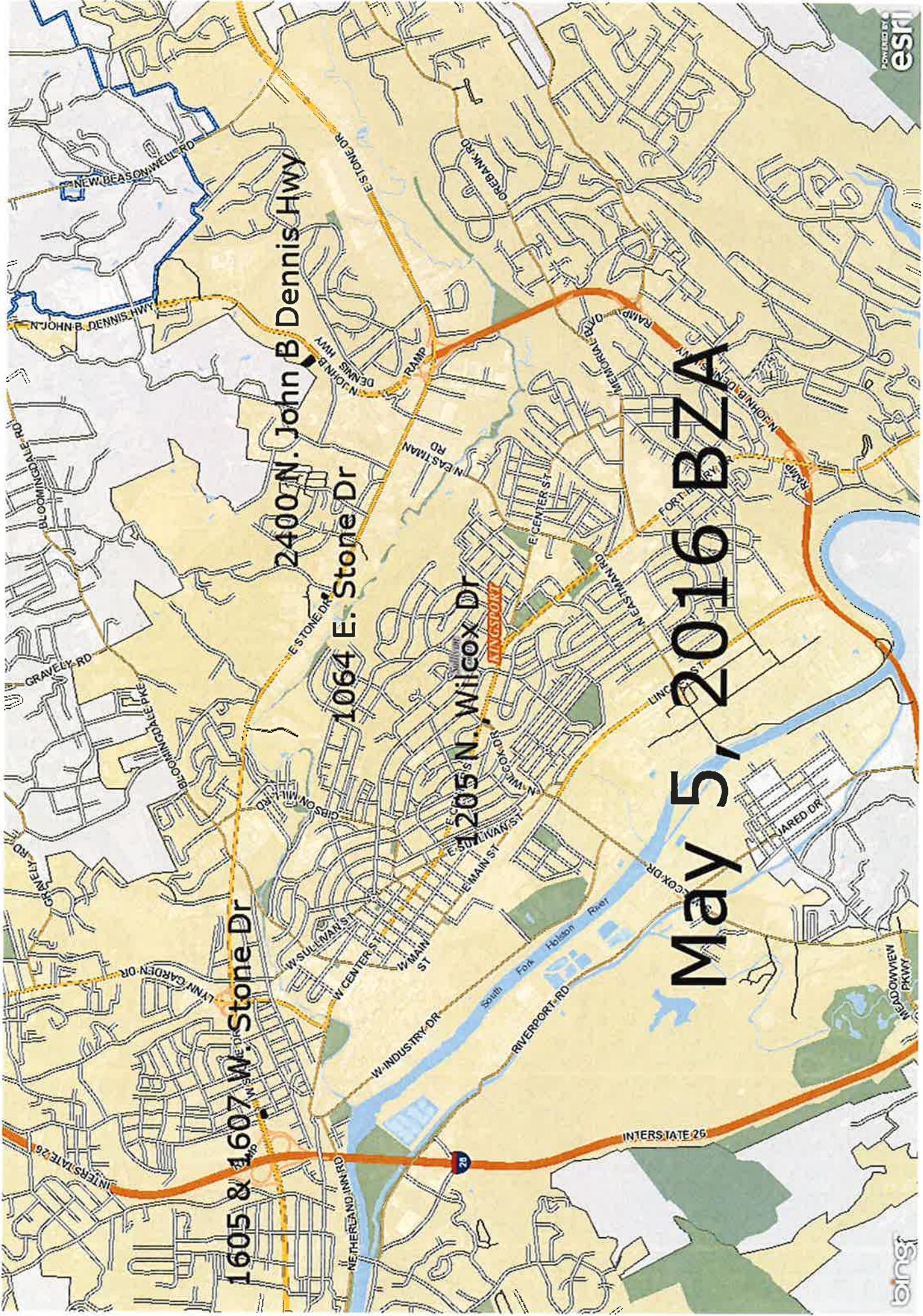
**Stating for public record, the next application deadline is May 16, 2016 at noon, and meeting date (Thursday, June 2, 2016).**

**Staff Reports: none**

**ADJUDICATION OF CASES:**

**ADJOURNMENT:**

May 5, 2016 BZA



MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: April 21, 2016

RE: 1605 & 1607 West Stone Drive

The Board is asked to consider the following request:

**Case: 16-701-00003 – Property located at 1605 West Stone Drive and 1607 West Stone Drive, Control Map 45E, Parcels 001.00 and 002.00 requests a 10 foot rear yard variance to Sec 114-195(f)1(e) necessary to accommodate a new commercial building. The code requires a 30 foot rear yard. A 21 foot planting strip boundary variance to Sec 114-600(4)a necessary to accommodate a new commercial building and drive isle. The code requires a 30 foot planting strip boundary. A 10 foot planting strip variance along West Stone Drive to Sec 114-600(d)2 necessary to accommodate a new parking area. The code requires a 10 foot planting strip. A 10 foot planting strip variance along Riverside Avenue to Sec 114-600(d)2 necessary to accommodate a new parking area. The code requires a 10 foot planting strip. The property is zoned B-3, Highway Oriented Business District.**

This site recently went through a rezoning from R-1C to B-3 for a portion of the redevelopment site. The B-3 zone will be effective April 30, 2016. The applicant is the current owner of the A-1 Hitch Center, currently located across Plantation Road from both 1605 and 1607 West Stone Drive. The applicant/owner plans to raze the existing commercial building that contains the mower repair shop and Catch 22 business, as well as the existing single family home. The owner plans to relocate the A-1 Hitch business into a new commercial building as proposed.



Zoned B-3 City

FAIRVIEWWAY

Zoned R-15 City

STONEGATE RD

STONEGATE RD

Zoned B-3 City

RIVERSIDEAV

KINGSPORT

STONEGATE RD

Zoned B-10 City

Zoned R-10 City

PLANTATION RD

Sullivan Community

A

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, May 5, 2016 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: 16-701-00003 – Property located at 1605 West Stone Drive and 1607 West Stone Drive, Control Map 45E, Parcels 001.00 and 002.00** requests a 10 foot rear yard variance to Sec 114-195(f)1(e) necessary to accommodate a new commercial building. The code requires a 30 foot rear yard. A 21 foot planting strip boundary variance to Sec 114-600(4)a necessary to accommodate a new commercial building and drive isle. The code requires a 30 foot planting strip boundary. A 10 foot planting strip variance along West Stone Drive to Sec 114-600(d)2 necessary to accommodate a new parking area. The code requires a 10 foot planting strip. A 10 foot planting strip variance along Riverside Avenue to Sec 114-600(d)2 necessary to accommodate a new parking area. The code requires a 10 foot planting strip. 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 Demming, City Recorder  
PIT 4/24/16

**APPLICATION**  
Board of Zoning Appeals



**APPLICANT INFORMATION:**

Last Name	PIERCE	First	Phil	M.I.	J	Date	4-13-16	
Street Address	255 ALPINE TRAIL			Apartment/Unit #				
City	Kingsport	State	TN	ZIP	37660			
Phone	423-767-5144		E-mail Address					hitchpro@outlook.com

**PROPERTY INFORMATION:**

Tax Map Information	Tax map:	Group:	Parcel:	Lot:				
Street Address	1605 + 1607 WEST STONE DR.			Apartment/Unit #				
Current Zone	B-3	Proposed Zone	B-3					
Current Use	BUSINESS		Proposed Use					BUSINESS

**REPRESENTATIVE INFORMATION:**

Last Name	SAME AS APPLICANT		First	M.I.	Date		
Street Address				Apartment/Unit #			
City			State	ZIP			
Phone			E-mail Address				

**REQUESTED ACTION:**

1. 10' REAR YARD SETBACK
2. 81' REAR YARD PLANTING STRIP
3. 10' WEST STONE DR. PLANTING STRIP
4. 10' RIVERSIDE AVE. PLANTING STRIP

**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: Phil Pierce Date: 4-13-16

Signed before me on this 13<sup>th</sup> day of April, 2016

a notary public for the State of Tennessee

County of at large

Notary Page Jeffers

My Commission Expires 8/24/16



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.

DUE TO SMALL LOT SIZE WE DO NOT HAVE MUCH SPACE AVAILABLE

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

WE DO TRAILER REPAIRS + NEED AS MUCH SPACE AS POSSIBLE FOR CUSTOMERS TO ACCESS INTO AND OUT OF OUR BUSINESS

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.

ALL CURRENT CONDITIONS WERE PRESENT WHEN I PURCHASED THE PROPERTY.

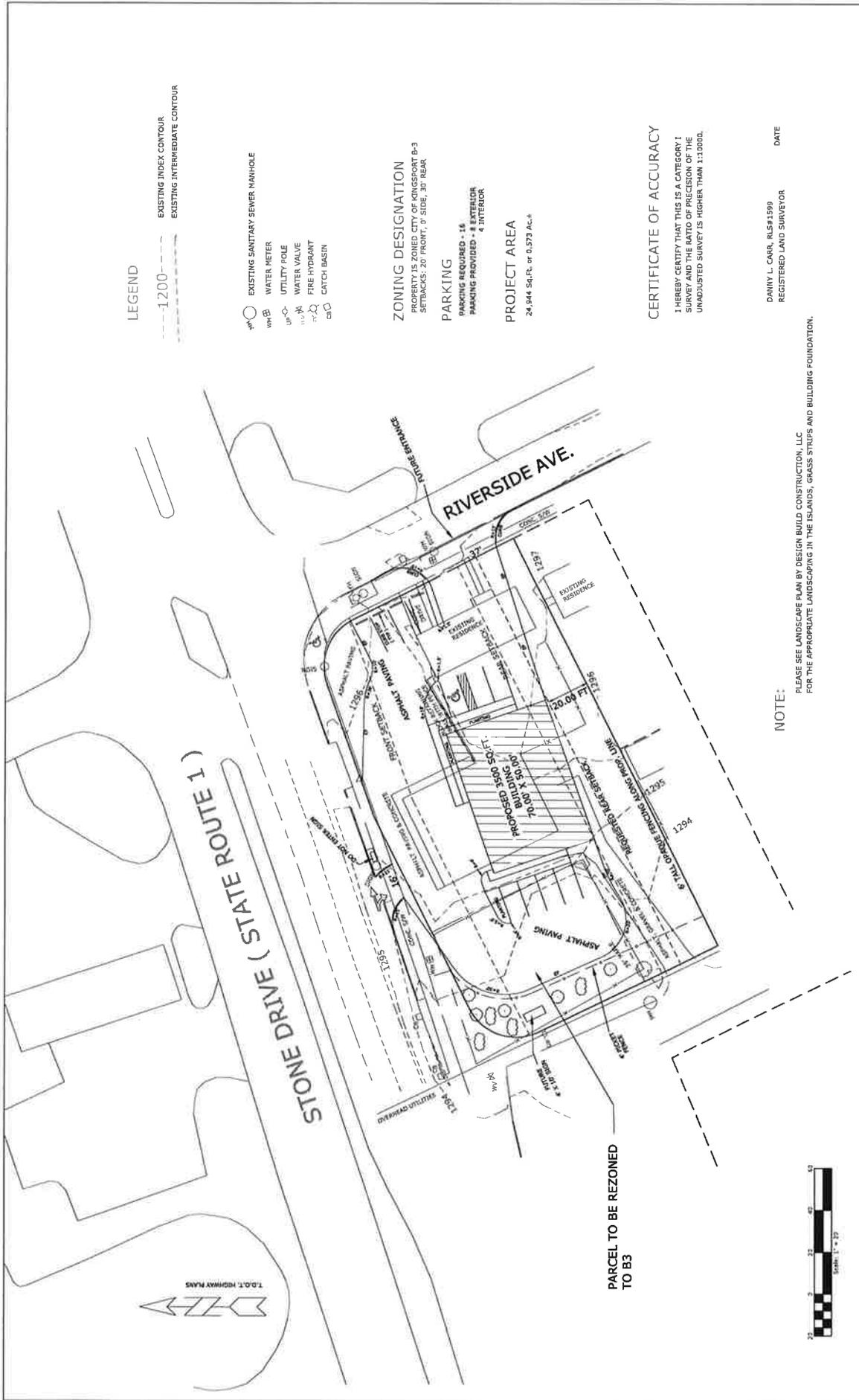
d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

My Current Plan will Allow us to conduct  
SAFE ACCESS ON + OFF OUR PROPERTY.

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.



**LEGEND**

---1200--- EXISTING INDEX CONTOUR  
 - - - - - EXISTING INTERMEDIATE CONTOUR

- EXISTING SANITARY SEWER MANHOLE
- ⊕ WATER METER
- ⊕ UTILITY POLE
- ⊕ WATER VALVE
- ⊕ FIRE HYDRANT
- ⊕ CATCH BASIN

**ZONING DESIGNATION**  
 PROPERTY IS ZONED CITY OF KINGSFORD B-3  
 SETBACKS: 20' FRONT, 0' SIDE, 30' REAR

**PARKING**  
 PARKING REQUIRED - 16  
 PARKING PROVIDED - 8 EXTERIOR  
 4 INTERIOR

**PROJECT AREA**  
 24,844 Sq.Ft. or 0.573 Ac.\*

**CERTIFICATE OF ACCURACY**

I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS HIGHER THAN 1:1,000.

DANNY L. CARR, RLS#1599  
 REGISTERED LAND SURVEYOR  
 DATE

**NOTE:**

PLEASE SEE LANDSCAPE PLAN BY DESIGN BUILD CONSTRUCTION, LLC FOR THE APPROPRIATE LANDSCAPING IN THE ISLANDS, GRASS STRIPS AND BUILDING FOUNDATION.

REMARKS: 4-4 - ROAD DISTANCE FROM STATE ROUTE 1-W, CLUMP PLANTATION  
 ROAD DISTANCE DIMENSIONED BUILDING

DESIGN BY: APPROVED BY:  
 DATE: MARCH 15, 2018  
 DATE: NO. 2018  
 DATE: NO. 2018  
 SCALE: 1" = 20'

**WA WILSON ASSOCIATES, PC**  
 Registered Professional Surveyors  
 806 E. JACKSON BLVD., SUITE 7  
 JONESBOROUGH, TENNESSEE 37659  
 OFFICE FAX: 423-753-5400  
 EMAIL: d.carr@wilsonpc.com

**ZONING DEVELOPMENT PLAN FOR  
 LOTS 8, 9 & PART OF LOT 10  
 WEST VIEW PARK ADDITION  
 11th CIVIL DISTRICT KINGSFORD, TN.**



MEMORANDUM

TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: April 21, 2016

RE: 1205 North Wilcox Drive

The Board is asked to consider the following request:

**Case: 16-701-00004 – Property located at 1205 North Wilcox Drive, Control Map 61C, Parcel 061.00 requests a special exception to Sec 114-191(c)1 necessary to accommodate a veterinary clinic. The property is zoned P-1, Professional Offices District.**



CATAWBI

SUMMERS ST

Zoned R-1B City

Zoned P-1 City

Zoned P-1 City

Zoned P-1 City

Zoned P-1 City

WASHIST

FOREVER ST

MORNINGSIDE CIR

KINGSFORD

N WILCOX DR

VALLEY ST

CHERRY ST

GARDEN DR

County

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REGULAR MEETING  
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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 Demming, City Recorder  
PIT 4/24/16

**APPLICATION**  
Board of Zoning Appeals



**APPLICANT INFORMATION:**

Last Name CARVER First KENNETH M.I. \_\_\_\_\_ Date 4-14-16  
Street Address 1203 N. Wilcox Drive Apartment/Unit # \_\_\_\_\_  
City Kingsport State TN ZIP 37660  
Phone 423.956.7010 E-mail Address KENSANDY@JUNO.COM

**PROPERTY INFORMATION:**

Tax Map Information Tax map: 061C Group: A Parcel: 061.00 pt: \_\_\_\_\_  
Street Address 1205 N. Wilcox Drive Apartment/Unit # \_\_\_\_\_  
Current Zone P-1 Proposed Zone P-1 SPECIAL EXCEPTION  
Current Use VACANT DENTAL Proposed Use VETERINARY CLINIC

**REPRESENTATIVE INFORMATION:**

Last Name ROARK First ANTJE M.I. \_\_\_\_\_ Date 4-14-16  
Street Address P.O. Box 7121 Apartment/Unit # \_\_\_\_\_  
City KINGSFORT State TN ZIP 37664  
Phone 423.341.7968 E-mail Address MPCPT@CHARTER.NET

**REQUESTED ACTION:**

SPECIAL EXCEPTION BE GRANTED TO ALLOW A VETERINARY CLINIC TO OPERATE IN A P-1 DESIGNATED 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: Kenneth Carver

Date: 4/14/16

Signed before me on this 14TH day of April, 2016  
a notary public for the State of Tennessee  
County of Sullivan

Notary Ashley M Alley



1. A veterinary clinic will be located in the existing building. The business will be open Monday through Friday. The hours will be 8:00 AM – 7:00 PM on Monday and 8:00 AM – 5:30 PM for the remainder of the week. It will be by appointment and approximately 20 customers will be seen per day. Vehicle traffic will be approximately 20 vehicles per day.
2. The business is located at the intersection of two, four lane roadways. The business parking lot will accommodate 14 vehicles at a time. There will not be any issues with safe ingress or egress to the property and the parking lot will handle the volume of traffic the business will generate. The traffic should be comparable to what was generated by the previous tenant.
3. The businesses surrounding the proposed location are medical/dental in nature. The exterior architecture aesthetics of the building will not be changed.
4. The new business will not generate addition noise, traffic or have an adverse impact to the area.
5. There will be no changes made to the existing hedges or fences surrounding the property.
6. The proposed use of the property will not have any undesirable effect to the neighborhood's physical or environmental conditions which will affect the health, safety and welfare of the surrounding area.

*Michael Roark*

04 / 13 / 16



MEMORANDUM

TO: KINGSPOINT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: April 21, 2016

RE: 1064 East Stone Drive

The Board is asked to consider the following request:

**Case: 16-701-00005 – Property located at 1064 East Stone Drive, Control Map 46E, Parcel 007.00 requests a 19.43 foot rear yard variance to Sec 114-195(f)1(e) necessary to accommodate an existing commercial building. The code requires a 30 foot rear yard. The property is zoned B-3, Highway Oriented Business District.**



Zone R-1B CITY

WATERMAN RD (PVT)

Zone KINGSFORD 3-1-CITY

ESTONE DR

1064

1710

106 E HOUR RD

Zone R-1A CITY

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City of Kingsport, Tennessee  
Jim Demming, City Recorder  
PIT 4/24/16

**APPLICATION**  
Board of Zoning Appeals



**APPLICANT INFORMATION:**

NAME: **MIDAS REALTY CORPORATION** ATTN: **Peter Cooke** Date **4/13/16**  
Street Address: **4300 TBC WAY** Apartment/Unit #  
City: **PALM BEACH GARDENS** State: **FLORIDA** ZIP: **33410**  
Phone: **561-383-3000** E-mail Address: [PCooke@midas.com](mailto:PCooke@midas.com)

**PROPERTY INFORMATION:**

Tax Map Information Tax map: **46E-A** Group: Parcel: 7.00 Lot:  
Street Address: **1064 EAST STONE DRIVE** **KINGSPORT, TN**  
Current Zone: **B-3** Proposed Zone: **NO CHANGE**  
Current Use **COMMERCIAL/RETAIL** Proposed Use **NO CHANGE**

**REPRESENTATIVE INFORMATION:**

Last Name: **SO VENTURES I, LLC** ATTN: **DAVID GRAVES** Date  
Street Address: **270 S. LIMESTONE** Apartment/Unit #  
City: **LEXINGTON** State: **KY** ZIP **40508**  
Phone **859-368-0203** E-mail Address [dgraves@cyppropertygroup.com](mailto:dgraves@cyppropertygroup.com)

**REQUESTED ACTION:**

**This is a request for a setback variance for an existing structure. As seen on the attached survey, there is a pre-existing encroachment over the 30' Setback, believed to be from building construction around 1987. This building was a Midas building but is currently vacant. There is a proposed redevelopment that will greatly improve the appearance of the property. The redevelopment will NOT increase the footprint of the existing structure. This is NOT a request for zone change or use. This is a request for a legal nonconforming variance to approve the setback encroachment. Attached is a copy of (1) the above-referenced survey, (2) a demolition and new work elevations proposal for the proposed redevelopment, and (3) a draft new site landscaping plan for the proposed redevelopment.**

**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: *4/13/16*

Signed before me on this 13 day of April, 202016, a notary public for the State of Florida,

County of Palm Beach

Notary *[Handwritten Signature]*

My Commission Expires 3-3-2017



**THERESA M. GRANT**  
MY COMMISSION # EE 879804  
EXPIRES: March 3, 2017  
Bonded Thru Budget Notary Services

**FLOOD CERTIFICATION**

THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL ADMINISTRATION FLOOD HAZARD BOUNDARY MAPS AND FOUND THAT THIS AREA IS NOT IN A SPECIAL FLOOD HAZARD AREA.

**RECORDING DATA**

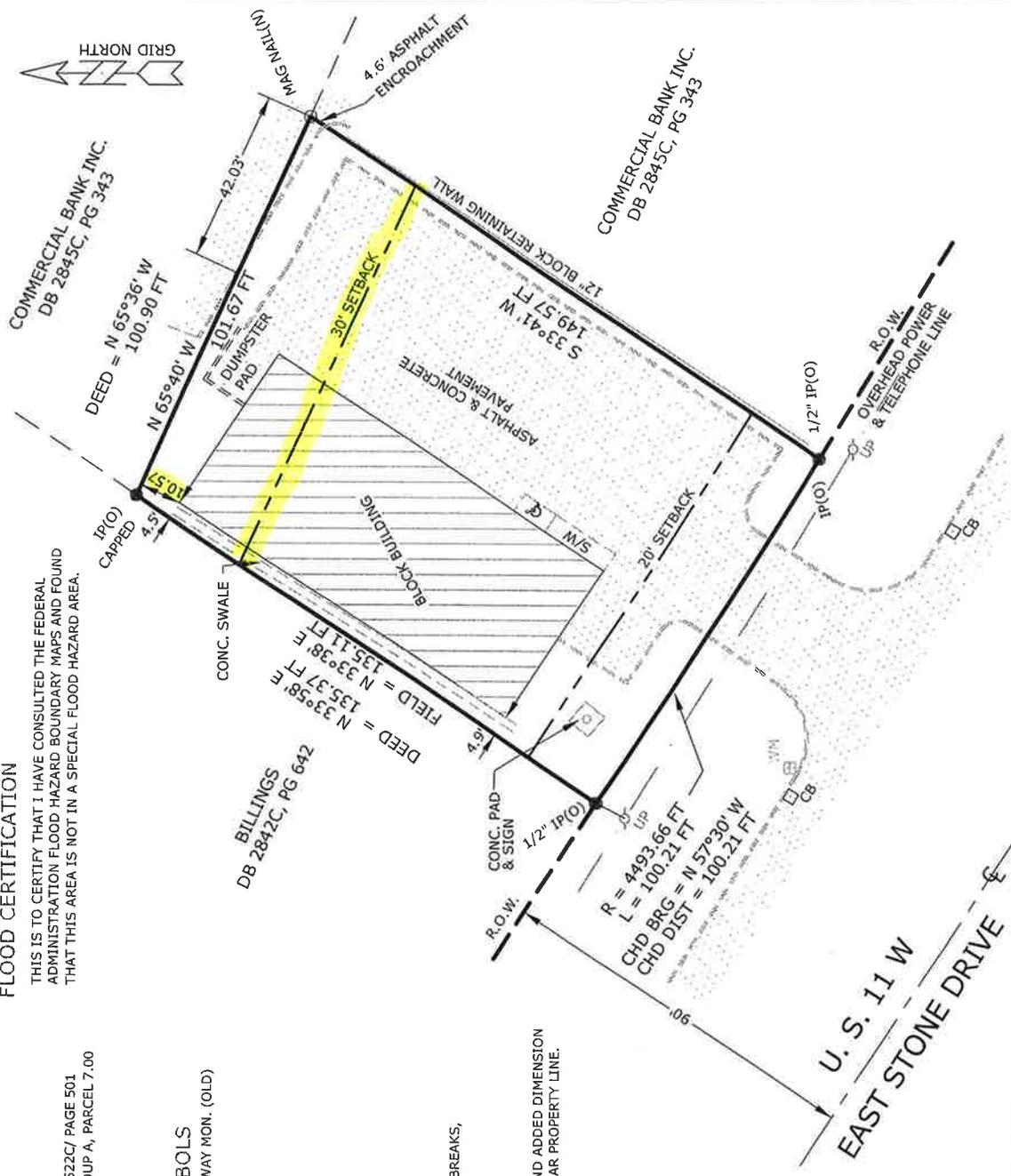
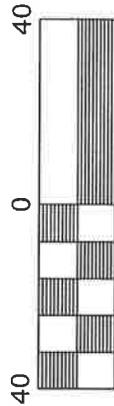
PROPERTY RECORDED AT DEED BOOK 522C/ PAGE 501 AND IS SHOWN ON TAX MAP 46E, GROUP A, PARCEL 7.00  
 AREA = 14,243 SQ.FT.

**ABBREVIATIONS AND SYMBOLS**

- CON MON(O) - CONCRETE HIGHWAY MON. (OLD)
- DB= DEED BOOK
- 1/2" IRON PIN OLD
- 1/2" IRON PIN SET
- OVERHEAD UTILITY LINES
- PG= PAGE
- R.O.W. = RIGHT OF WAY
- SANITARY SEWER LINE
- UNSURVEYED ADJOINERS LINES
- UP= UTILITY POLE
- WM WATER METER
- CB CATCH BASIN
- IRON PINS ON ALL CORNERS & BREAKS, EXCEPT AS SHOWN.

**REVISION**

4-11-16: REVISED SETBACKS AND ADDED DIMENSION FROM REAR OF BUILDING TO REAR PROPERTY LINE.



SCALE: 1" = 40'  
 DATE: MARCH 3, 2016  
 DWG.: J:\43016\43016.DWG  
 APPROVED BY: DLC

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

**SURVEY OF MIDAS REALTY CORPORATION PROPERTY ( 1064 E. STONE DRIVE, KINGSPORT ) 11th CIVIL DISTRICT SULLIVAN COUNTY, TENNESSEE**

I HEREBY CERTIFY THAT THIS IS A CATEGORY II SURVEY AND THAT THE RATIO OF PRECISION FOR THE UNADJUSTED SURVEY IS HIGHER THAN 1:7500.

**FLOOD CERTIFICATION**

THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL ADMINISTRATION FLOOD HAZARD BOUNDARY MAPS AND FOUND THAT THIS AREA IS NOT IN A SPECIAL FLOOD HAZARD AREA.

**RECORDING DATA**

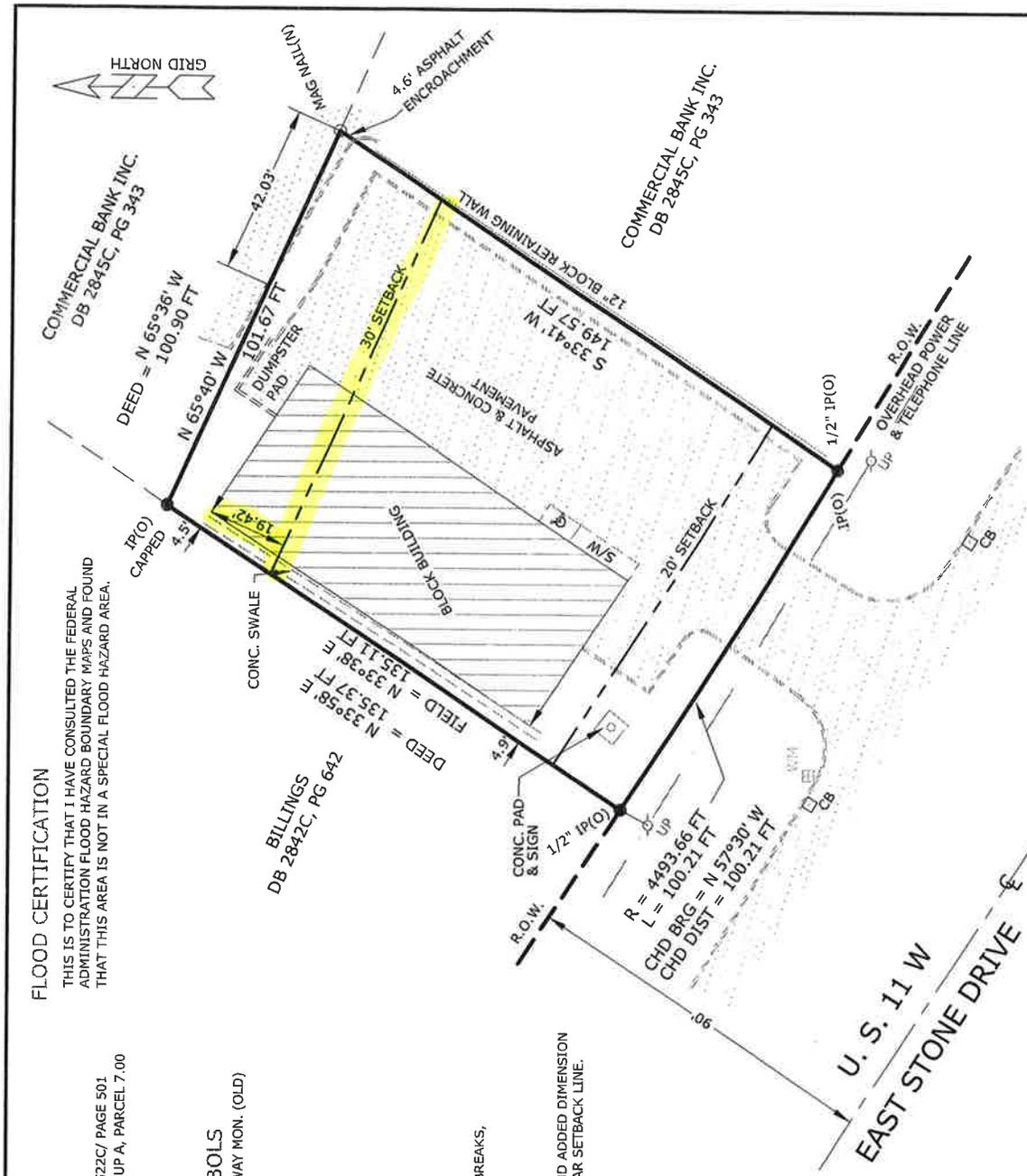
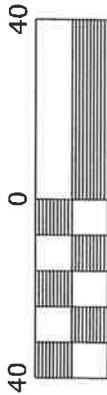
PROPERTY RECORDED AT DEED BOOK 522C/ PAGE 501 AND IS SHOWN ON TAX MAP 46E, GROUP A, PARCEL 7.00  
 AREA = 14,243 SQ.FT.

**ABBREVIATIONS AND SYMBOLS**

- CON MON(O) - CONCRETE HIGHWAY MON. (OLD)
- DB= DEED BOOK
- 1/2" IRON PIN OLD
- 1/2" IRON PIN SET
- OVERHEAD UTILITY LINES
- PG= PAGE
- R.O.W. = RIGHT OF WAY
- SANITARY SEWER LINE
- UNSURVEYED ADJOINERS LINES
- UP= UTILITY POLE
- WM WATER METER
- CB CATCH BASIN
- IRON PINS ON ALL CORNERS & BREAKS, EXCEPT AS SHOWN.

**REVISION**

4-11-16: REVISED SETBACKS AND ADDED DIMENSION FROM REAR OF BUILDING TO REAR SETBACK LINE.



**WILSON & ASSOCIATES, P.C.**  
 Engineering/Surveying/Environmental  
 806 E. JACKSON BLVD., SUITE 7  
 JONESBOROUGH, TENNESSEE 37659  
 OFFICE\ FAX: 423-753-5400  
 EMAIL: dcarr@wilsonpc.com

**WILSON & ASSOCIATES, P.C.**  
 SURVEY OF MIDAS REALTY CORPORATION PROPERTY ( 1064 E. STONE DRIVE, KINGSFORT ) 11th CIVIL DISTRICT SULLIVAN COUNTY, TENNESSEE

PREPARED BY:  
 DATE: MARCH 3, 2016  
 DWG.: J:\43016\43016.DWG  
 APPROVED BY: DLC

I HEREBY CERTIFY THAT THIS IS A CATEGORY II SURVEY AND THAT THE RATIO OF PRECISION FOR THE UNADJUSTED SURVEY IS HIGHER THAN 1:7500.

DEMOLITION AND NEW WORK BUILDING ELEVATIONS

PROJECT TITLE  
1064 E. Stone Rd. Kingsport TN

GRAVES  
ARCHITECTS & PLANNERS

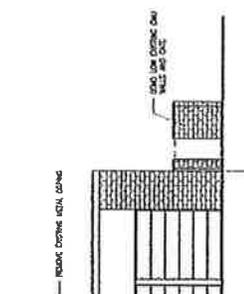
STEVEN R. GRAVES  
AIA  
NCARB

ELEVATION GENERAL NOTES:  
01. GENERAL BUILDING SHALL BE DEMOLISHED AND RECONSTRUCTED AS SHOWN.  
02. DEMOLITION SHALL BE ACCORDING TO THE DEMOLITION SPECIFICATIONS AND THE NATIONAL SAFETY COUNCIL'S (NSC) DEMOLITION SAFETY CODE.  
03. ALL STRUCTURAL MEMBERS AND THEIR CONNECTIONS SHALL BE DEMOLISHED AND RECONSTRUCTED AS SHOWN.  
04. ALL STRUCTURAL MEMBERS SHALL BE DEMOLISHED AND RECONSTRUCTED AS SHOWN.  
05. ALL STRUCTURAL MEMBERS SHALL BE DEMOLISHED AND RECONSTRUCTED AS SHOWN.  
06. ALL STRUCTURAL MEMBERS SHALL BE DEMOLISHED AND RECONSTRUCTED AS SHOWN.  
07. ALL STRUCTURAL MEMBERS SHALL BE DEMOLISHED AND RECONSTRUCTED AS SHOWN.  
08. ALL STRUCTURAL MEMBERS SHALL BE DEMOLISHED AND RECONSTRUCTED AS SHOWN.  
09. ALL STRUCTURAL MEMBERS SHALL BE DEMOLISHED AND RECONSTRUCTED AS SHOWN.  
10. ALL STRUCTURAL MEMBERS SHALL BE DEMOLISHED AND RECONSTRUCTED AS SHOWN.

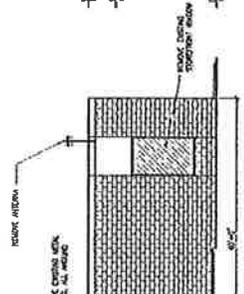
ELEVATION KEY NOTES  
01. DEMOLITION SHALL BE ACCORDING TO THE DEMOLITION SPECIFICATIONS AND THE NATIONAL SAFETY COUNCIL'S (NSC) DEMOLITION SAFETY CODE.  
02. ALL STRUCTURAL MEMBERS SHALL BE DEMOLISHED AND RECONSTRUCTED AS SHOWN.  
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09. ALL STRUCTURAL MEMBERS SHALL BE DEMOLISHED AND RECONSTRUCTED AS SHOWN.  
10. ALL STRUCTURAL MEMBERS SHALL BE DEMOLISHED AND RECONSTRUCTED AS SHOWN.

MATERIAL SPECIFICATIONS  
01. WALL COURSE 1  
02. WALL COURSE 2  
03. WALL COURSE 3  
04. WALL COURSE 4  
05. WALL COURSE 5  
06. WALL COURSE 6  
07. WALL COURSE 7  
08. WALL COURSE 8  
09. WALL COURSE 9  
10. WALL COURSE 10

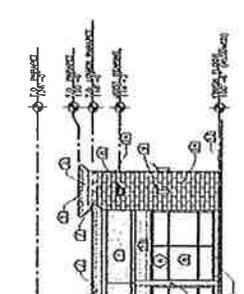
LEGEND  
01. 1/2" DIA. (VERTICAL)  
02. 1/2" DIA. (HORIZONTAL)  
03. 1/2" DIA. (DIAGONAL)  
04. 1/2" DIA. (CIRCULAR)  
05. 1/2" DIA. (SQUARE)  
06. 1/2" DIA. (RECTANGLE)  
07. 1/2" DIA. (TRIANGLE)  
08. 1/2" DIA. (HEXAGON)  
09. 1/2" DIA. (OCTAGON)  
10. 1/2" DIA. (POLYGON)



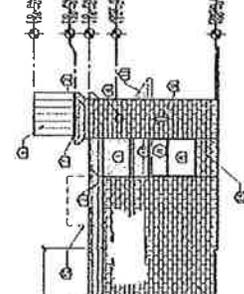
1 DEMOLITION ELEVATION



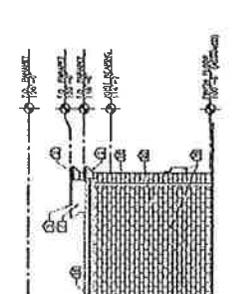
2 DEMOLITION ELEVATION



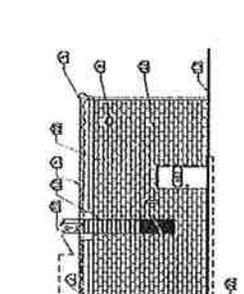
3 NEW WORK ELEVATION



4 NEW WORK ELEVATION



5 NEW WORK ELEVATION



6 NEW WORK ELEVATION

STEVEN R.  
GRAVES  
AIA  
NCARB  
License Pending

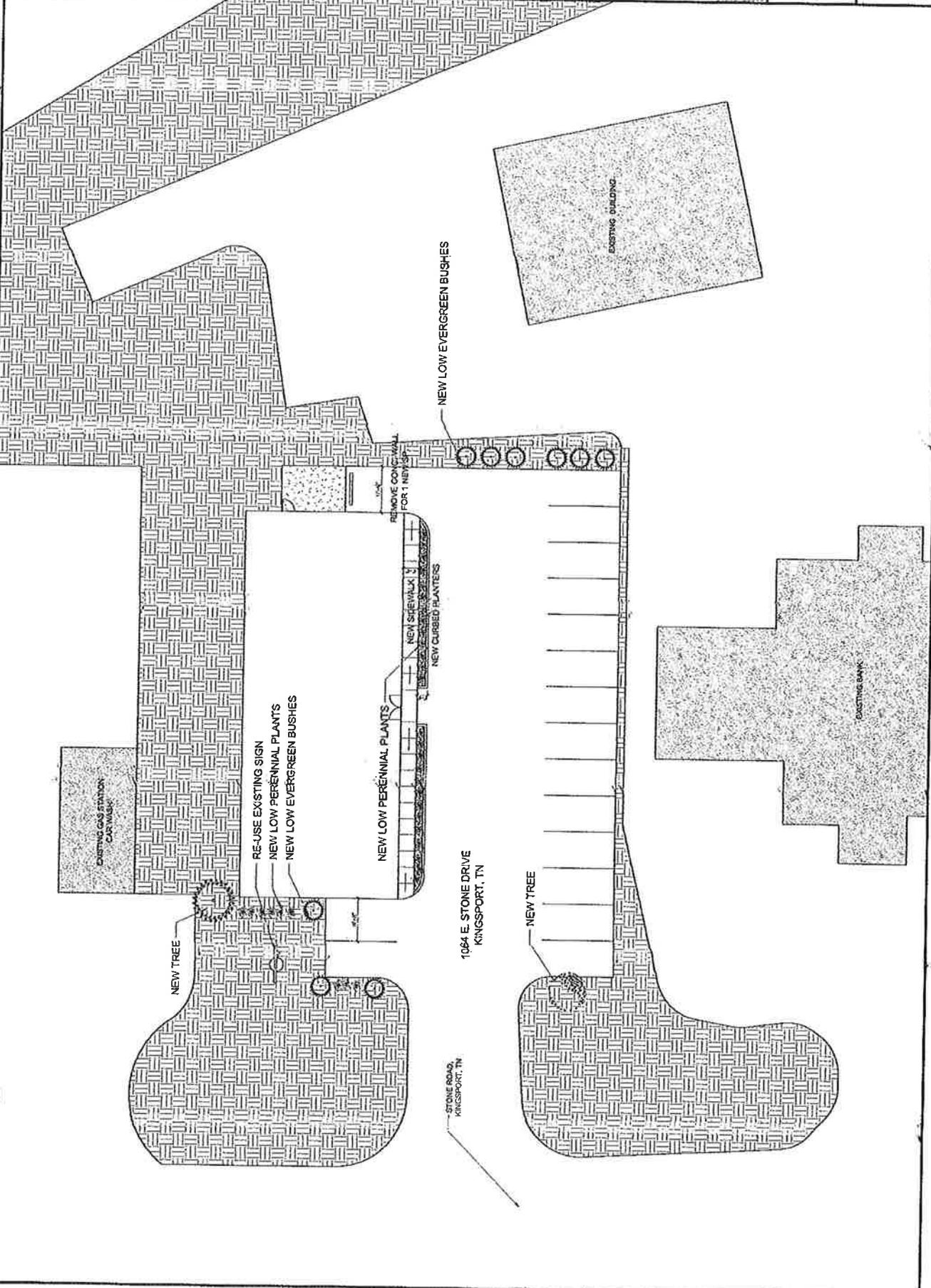
GRAVES  
ARCHITECTS & PLANNERS

© Graves 2014  
1064 E. Stone Rd.  
Kingsport, TN 37602  
423.246.1111  
www.gravesarchitects.com

SITE LANDSCAPE PLAN  
PROJECT TITLE  
1064 E. Stone Rd. Kingsport TN

DATE: 01.20.14  
SHEET NO. 1  
SHEET TOTAL 1

L1.0



MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: April 21, 2016

RE: 2400 North John B Dennis Highway

The Board is asked to consider the following request:

**Case: 16-701-00006 – Property located at 2400 North John B. Dennis Highway, Control Map 47, Parcel 011.30 requests a special exception to Sec 114-191(c)6 necessary to accommodate a prosthetic & orthotic business. The property is zoned P-1, Professional Offices District.**

The applicant plans to locate a prosthetic and orthotic business in the existing building. A special exception for a medical office use requires findings of fact as described in the P-1 section of the City of Kingsport zoning (copied below):

(6)

Medical or dental offices, clinics provided that upon findings of fact that all of the following criteria are met:

a.

The use will not be located within 1,000 feet of a public or private school, day care facility, park, any area devoted to public recreation activity or a residential dwelling. Measurements shall be made in a straight line on the city zoning map from the nearest property line of the lot on which the facility is situated to the nearest property line of any of the uses set forth in this subsection;

b.

The use will be designed, located, and proposed to be operated so that the health, safety and welfare will be protected;

c.

The use will not be detrimental to and will not injure, damage or adversely affect the use, value or enjoyment of the properties in the surrounding neighborhood;

d.

The use will not have an adverse impact on land use compatibility;

e.

The use will not materially or adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed use;

f.

Adequate public facilities are available to accommodate the use;

g.

The traffic generated by the use will be safely accommodated along major streets without traversing minor streets;

h.

The use will maintain appropriate traffic patterns and parking as to not strain existing facilities with substantial increases in traffic and projected trip generations;

i.

The use will conform to all applicable provisions of the district and will not require any variances.



Zoned  
P-1 City

Zoned  
R-1B City

Zoned  
B-4P  
City

KINGSFORT

N JOHN DENNIS HWY

2401

2400

Sullivan  
County  
Energy

Zoned  
P-1 City

Sullivan  
County  
Zoned  
P-1 City

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, May 5, 2016 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: 16-701-00006 – Property located at 2400 North John B. Dennis Highway, Control Map 47, Parcel 011.30** requests a special exception to Sec 114-191(c)6 necessary to accommodate a prosthetic & orthotic business. The property is zoned P-1, Professional Offices 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 Demming, City Recorder  
PIT 4/24/16

**APPLICATION**  
Board of Zoning Appeals



**APPLICANT INFORMATION:**

Last Name J. Mark Properties, LLC First \_\_\_\_\_ M.I. \_\_\_\_\_ Date 4-15-16  
Street Address 4104 Sullivan GARDENS DR Apartment/Unit # \_\_\_\_\_  
City Kingsport State TN ZIP 37660  
Phone 423.349.4436 E-mail Address JMarkCo@AOL.com

**PROPERTY INFORMATION:**

Tax Map Information Tax map: 047 Group: \_\_\_\_\_ Parcel: 01130 lot: \_\_\_\_\_  
Street Address John B DENNIS Hwy N. 2400 Apartment/Unit # 1 + #2  
Current Zone P1 Proposed Zone Special Exception  
Current Use Empty Proposed Use Office Prosthetics & Orthotics

**REPRESENTATIVE INFORMATION:**

Last Name Powell First Dwayne M.I. \_\_\_\_\_ Date 4/15/16  
Street Address 115 W. New Street Apartment/Unit # \_\_\_\_\_  
City Kingsport State TN ZIP 37660  
Phone 423-863-4514 E-mail Address dwaynepowellre@hotmail.com

**REQUESTED ACTION:**

SPECIAL Exception For Appalachian Prosthetic & Orthotic Services Inc..

**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: John M. Ker Mgr.

Date: 4-15-16

Signed before me on this 15 day of April, 2016

a notary public for the State of Tennessee

County of Sullivan

Notary Shirley B. Warren

My Commission Expires 9-29-19



## 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? *Shower*
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? *Yes*
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 15<sup>th</sup> of the month prior to the month the item is to be heard by the Board of Zoning Appeals.**

A Variance request to the Zoning Code is another type of case decided by the BZA. The Board is empowered to grant a variance when compliance to a zoning requirement results in difficulties or undue hardships to the applicant.

**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

Thursday, April 14, 2016

# Property Report

2400 N John B Dennis Hwy, Kingsport, TN 37660-4862  
Sullivan County, TN parcel# 047 011.30

## Property Report

**Location**  
**Property Address** 2400 N John B Dennis Hwy  
Kingsport, TN 37660-4862

**Subdivision**  
**County** Sullivan County, TN

**Current Owner**  
**Name** J Mark Properties Llc  
**Mailing Address** 4104 Sullivan Gardens Dr  
Kingsport, TN 37660-7738



**Property Summary**  
**Property Type** Commercial  
**Land Use**  
**Improvement Type** Office-Medical  
**Square Feet** 7187 sf

**General Parcel Information**  
**Parcel/Tax ID** 047 011.30  
**Special Int** 000  
**Alternate Parcel ID**  
**Land Map** 047  
**District/Ward** 11  
**2010 Census Trct/Blk** 421/3  
**Assessor Roll Year** 2014

## Sales History through 03/31/2016

Date	Amount	Buyer/Owners	Buyer/Owners 2	Instrument	Quality	Book/Page or Document#
09/08/2009	\$475,000	J Mark Properties Llc		Accepted Warranty Deed Sale	Completely Qualified	2814C/91
09/23/1994	\$245,000	Freeman Burl Mark		Accepted Warranty Deed Sale	Completely Qualified	1022C/38
09/06/1994						1022C/35
06/27/1994						1022C/31
03/10/1993		Adams Jackie D				898C/466
12/30/1992						886C/479
10/12/1992						894C/261
04/06/1987	\$65,000	Cox J M Jr & Jackie D Adams		Non-Qualfd Warranty Deed Sale	Completely Qualified	556C/738

## Tax Assessment

Appraisals	Amount	Taxes	Amount	Jurisdiction	Rate
<b>Assessment Year</b>	2014	<b>Tax Year</b>	2014		
<b>Appraised Land</b>	\$200,000	<b>City Taxes</b>	\$5,182.45	Kingsport	2.07
<b>Appraised Improvements</b>	\$425,900	<b>County Taxes</b>	\$5,771.80	Sullivan	2.3054
<b>Total Tax Appraisal</b>	<b>\$625,900</b>	<b>Total Taxes</b>	<b>\$10,954.25</b>		
<b>Total Assessment</b>	<b>\$250,360</b>	<b>Exempt Amount</b>			
		<b>Exempt Reason</b>			

### Mortgage History

Date	Loan Amount	Borrower	Lender	Book/Page or Document#	Assignments/ Releases
9/6/2006	\$50,000	Freeman Burl Mark Freeman Denise R	First Community Bank Of Bedford	2446C/551	R
9/6/2006	\$443,652	Freeman Burl Mark Freeman Denise R	First Community Bank Of Bedford	2472C/663	
9/6/2006	\$50,000	Freeman Burl Mark Freeman Denise R	First Community Bank Of Bedford	2472C/671	
9/6/2006	\$443,652	Freeman Burl Mark Freeman Denise R	First Community Bank	2446C/558	
5/6/2004	\$50,000	Freeman Burl M Freeman Denise R	First Tennessee Bank	2110C/445	R

### Property Characteristics: Building

Building #	Type	Condition	Sq Feet	Year Built	Effective Year	BRs	Baths	Rooms	Stories	Units
1	Office-Medical	Sound	7187	1987	1988				1	1

Building Square Feet (Living Space)			Building Square Feet (Other)		
First Story (Base)			7187	Open Porch (unfinished)	
				288	

Construction	
Quality	Average
Shape	Rectangular Design
Partitions	1
Common Wall	None
Foundation	Spread Footing
Floor System	Slab On Grade
Exterior Wall	Prefinished Metal
Structural Framing	Masonry Pil/Stl.
Fireplace	
Roof Framing	Steel Truss & Purlins
Roof Cover Deck	Corrugated Metal
Cabinet Millwork	Average
Floor Finish	Carpet
Interior Finish	Drywall
Air Conditioning	
Heat Type	Heat & Cooling Pkg.
Bathroom Tile	None
Plumbing Fixtures	7

Other	
Occupancy	Occupied
Building Data Source	Owner

### Property Characteristics: Extra Features

Feature	Size or Description	Year Built	Condition
Ch Lk Fnc		1987	Average
Slab	6X12	1987	Average
Asph Pav		2005	Average
Oh Door	10X10	1987	Average

### Property Characteristics: Lot

Land Use	Lot Dimensions
Block/Lot	Lot Square Feet
Latitude/Longitude	Acreage
36.554114°/-82.509558°	43,560
	1.00

### Property Characteristics: Utilities/Area

Gas Source	Road Type
Electric Source	Topography
Water Source	District Trend
Sewer Source	Special School District 1
Zoning Code	Special School District 2
Owner Type	
Private	St Highway
	Level
	Improving
	0
	0

### Legal Description

Subdivision	Plat Book/Page
Block/Lot	Description
District/Ward	
11	

### Flood Zone Information

Zone Code	Flood Risk	BFE	Description	FIRM Panel ID	Panel Eff. Date
X	Minimal		Area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level.	47163C0045D	09/29/2006

**Zone Source: FEMA DFIRM Data**

Thursday, April 14, 2016

2400 N John B Dennis Hwy, Kingsport, TN 37660-4862  
Sullivan County, TN parcel# 047 011.30

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Information Deemed Reliable But Not Guaranteed.  
Contact Us at (800) 374-7488 ext 3 for Help.



Map for Parcel Address: 2400 N John B Dennis Hwy Kingsport, TN 37660-4862, Parcel ID: 047 011.30

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

**February 4, 2016**

10:30 a.m.

Members Present:

Frank Oglesby, Vice Chairman  
Bill Sumner

Members Absent

Leland Leonard, Chairman  
Bob Winstead, Jr.  
Sharon Duncan

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 1300 Lynn Garden Drive, 1308 Lynn Garden Drive, and 201 Glen Avenue. No official action was taken.

The driving tour concluded at 11:50 a.m.

Respectfully Submitted,

Ken Weems, AICP  
Zoning Administrator

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

### February 4, 2016, Regular Meeting

Noon

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

#### Members Present:

Frank Oglesby, Vice Chairman

Bill Sumner

Bob Winstead, Jr.

#### Members Absent

Leland Leonard, Chairman

Sharon Duncan

#### Staff Present:

Ken Weems, AICP

Page Jeffers

#### Visitors:

Ashok Gala

Teddy McClain

Jeff Berry

Thom Crosby

---

Vice Chairman Oglesby called the meeting to order.

Vice Chairman Oglesby explained the meeting procedures.

Ms. Page Jeffers conducted the swearing in ceremony for those wishing to speak during the regular meeting. Mr. Berry and Mr. McClain were sworn in.

#### **Public Hearing:**

**Case: 16-701-00001 – Property located at 944 Mitchell Road, Control Map 119, Parcel 054.01** requests a 6 foot side yard variance to Sec 114-181(e)1(d) necessary to accommodate an attached garage. The code requires a 20 foot side yard. The property is zoned A-1, Agricultural District.

Mr. Teddy McClain presented the case to the Board. Mr. McClain stated the need to expand the home by adding a garage on the side yard side of the home. Mr. McClain presented the current conditions to the Board, as shown on the survey of the property. Mr. McClain stated that the existing property conditions were present upon purchase of the property. Additionally, Mr. McClain noted that the presence of the septic system field lines made it difficult to build the addition in a location other than proposed.

**Case: 16-701-00002 – Property located at 1300 Lynn Garden Drive, 1308 Lynn Garden Drive, and 201 Glen Avenue, Control Map 029E, Group H, Parcels 007.00 and 008.00** requests a 20 foot front yard variance to Sec 114-195(f)1(c) to accommodate a new car wash on parcel 7. The code requires a 20 foot front yard; a 4.9 foot front yard variance to Sec 114-195(f)1(c) to accommodate a new restaurant on parcel 8. The code requires a 20 foot front yard; a 30 foot planting strip boundary variance to Sec 114-600(4)a to accommodate a new carwash on parcel 7 (rear yard). The code requires a 30 foot planting strip; a 30 foot planting

strip boundary variance to Sec 114-600(4)a to accommodate a new restaurant on parcel 8 (rear yard). The code requires a 30 foot planting strip; a 10 foot planting strip variance to Sec 114-600(d)2 to accommodate a new carwash on parcel 7 (front yard). The code requires a 10 foot planting strip; an 10 foot planting strip variance to Sec 114-600(d)2 to accommodate a new restaurant on parcel 8 (front yard). The code requires a 10 foot planting strip; an 8.7 foot planting strip variance to Sec 114-600(d)2 to accommodate a new restaurant on parcel 8 (side yard). The code requires a 10 foot planting strip; a parking space reduction variance of 6 spaces to Sec 114-564(4)d to accommodate a new car wash on parcel 7. The code requires a total of 20 parking spaces. The property is zoned B-3, Highway Oriented Business District.

Mr. Jeff Berry presented the case to the Board. Mr. Berry described the existing conditions of the property, which contains both a carwash and a tire store. Mr. Berry stated that the variance request consisted of both reconfiguring the existing carwash and adding a restaurant use on the parcel that contains Glen Avenue frontage. Vice Chairman Oglesby asked if this is the absolute design for both pieces of property. Mr. Berry answered that the request is the only way he would be able to fit both uses. The Vice Chairman asked how long the applicant had owned the property. Mr. Berry answered that he has owned the property for 3.5 years and that his family had owned the property since 1951. Mr. Berry stated that he would first have to get his financing secured prior to redeveloping the proposed restaurant use. The Vice Chairman asked where the proposed shared parking would be located before the restaurant use and its associated shared parking would be available. Mr. Berry stated that all of his employees are dropped off for the business day, so parking is not needed for his employees. Mr. Sumner noted that the tire storage building would have to come down prior to restaurant use time frame in order to establish the prescribed amount of parking for the carwash use. Mr. Berry stated that he did not have plans to demolish the tire storage building until the restaurant use began, but he would look into tearing it down if the variance hinged on such. The Vice Chairman asked where people would park for the tire store. Mr. Berry stated that it was unusual for many cars to be at the business. The Vice Chairman stated that he was concerned about the timing of the restaurant, which depends on financing, in the context of available parking. Mr. Berry stated that he was concerned about the timing of the redevelopment based upon aesthetics of his current building based upon feedback from several people. Mr. Berry stated that he will not redevelop the carwash without knowing that a variance is granted to make the restaurant use possible. Mr. Berry stated that he is 95% sure that the proposed variances would not change in the future. Mr. Berry did state that he would be ok with getting a variance to allow the carwash project to move forward and that he could bring the restaurant proposal back at a later date with more formalized plans. The Vice Chairman asked about all the piled up wood and tires currently on the property. Mr. Berry stated that he is waiting to sell the used tires to a company that chips them for mulch. Mr. Berry stated that he will burn all the wood currently on the property and that he plans to not store the wood on-site in the future. Mr. Sumner stated that the Board would like to see what the proposed buildings would look like. Mr. Sumner and the Vice Chairman both stated that this would help the Board to visualize the end result of the granted variances. Mr. Berry stated that he works with architects all the time and that he could find one to create renderings of what the overall project would look like once completed. Mr. Sumner noted that timing is imperative to granting the variance, since the shared parking aspect of the overall plans hinged on the restaurant development. Mr. Sumner noted that a more detailed submittal was needed to make an informed decision on the item, especially since the redevelopment of the restaurant impacted the parking situation with the carwash. Mr. Berry stated that he was concerned about being locked into a timeframe since the restaurant proposal depended on financials. Mr. Berry stated that he almost wanted to propose a different entrance for the carwash if it were to be considered for variances alone without restaurant variances being granted. Mr. Sumner stated that his primary concern is adequate parking and access to the

redevelopment. Mr. Berry stated that he understands the Board's concerns and that he wanted to come back to a future meeting with a more detailed proposal and a reconfigured access for the carwash off Lynn Garden Drive. The Vice Chairman asked for any comments from the audience. Mr. Crosby stated that he would love to see the property improved and is here to see what is going on. Mr. Crosby said that he had heard a Taco Bell was looking to go on that site and that he called the Taco Bell people, who stated the site is too small.

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

Conducting the business meeting, the Vice Chairman called for the approval of the minutes. On a motion by Bill Sumner, seconded by Bob Winstead Jr., the minutes on of the December 3, 2015 driving tour and regular meeting were approved unanimously.

The Board stated, for the record that the next Board of Zoning Appeals application deadline is February 15, 2016 at noon with a meeting date of March 3, 2016.

### **Adjudication of Cases:**

#### **Case: 16-701-00001 – Property located at 944 Mitchell Road, Control Map 119, Parcel 054.01**

Vice Chairman Oglesby asked for any comments from the Board.

**MOTION:** made by Bill Sumner, seconded by Bob Winstead, Jr. to grant the side yard variance as requested

**VOTE:** 3-0 to approve the request as presented due to home and lot configuration.

### **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 existing home and lot configuration make it difficult to add a modern garage onto the existing home.*
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 eliminate a modern day amenity enjoyed by many of the surrounding properties*
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 lot disposition is not a result of actions 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 producing a garage addition similar to adjacent properties.*

**Case: 16-701-00002 – Property located at 1300 Lynn Garden Drive, 1308 Lynn Garden Drive, and 201 Glen Avenue, Control Map 029E, Group H, Parcels 007.00 and 008.00**

Vice Chairman Oglesby asked for input from the Board.

**MOTION:** made by Bill Sumner, seconded by Bob Winstead, Jr. to postpone a decision until more information is presented.

**VOTE:** 3-0 to approve the motion.

With no further business the meeting was adjourned at 12:54 p.m.

Respectfully Submitted,

Ken Weems, AICP  
Zoning Administrator