



TO: KINGSPOINT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: July 19, 2023

RE: 1221 Lynn Garden Drive

The Board is asked to consider the following request:

Case: 23-0239– The owner of property located at 1221 Lynn Garden Drive, Control Map 030H, Group D, Parcel 040.00 requests a 10 foot planting strip boundary variance to Sec 114-600(4)a and a parking reduction variance to Sec 114-564(4)q from 63 parking spaces to 36 spaces for the purpose of constructing a new Dollar General. The property is zoned B-3, Highway Oriented Business District.

Code reference:

Sec. 114-600. - Landscape requirements.

(4) Property adjoining a residential or agricultural zone.

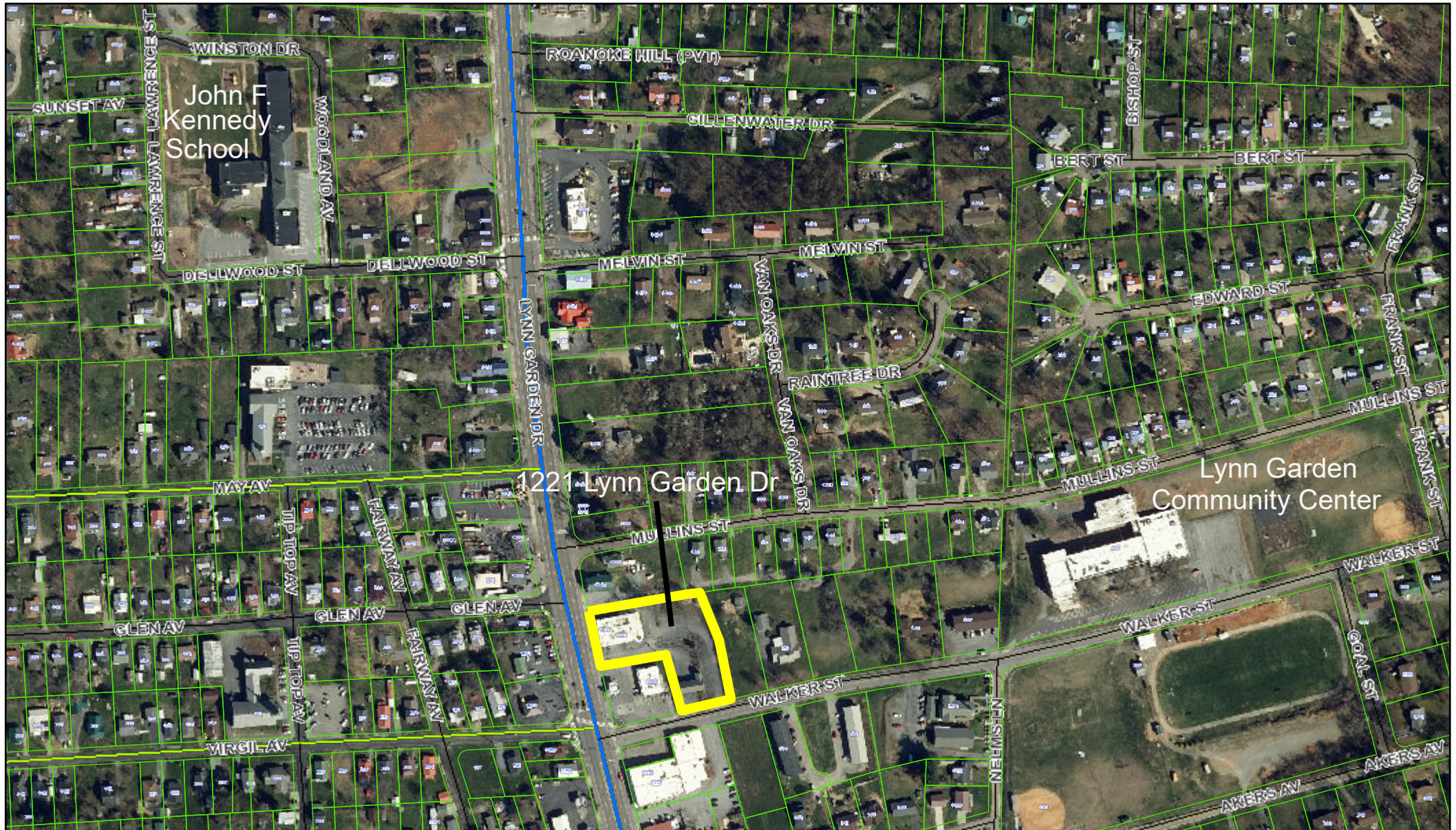
a. A planting strip boundary shall be placed between the property and a residential or agricultural zone or public parks or the greenbelt pathways. The planting strip shall have a minimum width equal to the abutting setback requirement of the more restrictive zone; in the absence of a setback requirement, the minimum width shall be 30 feet. The planting zone shall contain one large-maturing deciduous tree for each 50 linear feet of boundary and for any fraction of additional footage over 25 linear feet. The remainder of the planting area shall be landscaped with ground cover, shrubs or other landscape materials specified in [section 114-601](#). However, this shall not apply to any part of the subject property line that abuts a public right-of-way, which is at least 40 feet in width and open to public use.

Sec. 114-564. - Minimum required parking spaces.

(4) Business and related uses. Business and related uses shall be as follows:

- a. Automobile service station: two spaces per bay, plus one space per employee, but never less than five spaces.
- b. Bowling alley: four spaces per alley, plus one space per employee, plus such additional spaces as may be required in this section for affiliated uses such as restaurants.
- c. Business service and supply service establishment: one space per 300 square feet of gross floor area.
- d. Carwash: four stacking spaces per bay/stall plus one parking space per employee for self-service establishment.
- e. Convenience center: 5½ spaces for each 1,000 square feet of gross floor area or in proportion thereto.

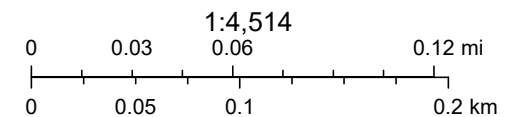
- f. Eating establishment: one space per four seats plus one space per two employees where seating is at tables, or one space per two seats plus one space per two employees where seating is at the counter.
- g. Eating establishment, drive-in with no seating facilities: one parking space per 60 square feet of floor area; a minimum of four stacking spaces.
- h. Financial institution: one space per 500 square feet of net floor area.
- i. Financial institution with drive-in lanes: one parking space per 500 square feet of floor area; sufficient area for five stacking spaces if there is only one drive-in-lane, or three stacking spaces for the first drive-in lane and two stacking spaces for each additional lane.
- j. Furniture or carpet store: one space per 500 square feet of net floor area plus one space per each employee.
- k. Medical, dental practitioner's office: three spaces per practitioner plus one space for each employee.
- l. Office: four spaces per 1,000 square feet of net floor area plus one space per company vehicle.
- m. Outdoor sales/display area other than vehicle sale, rental and service establishment: one space per 500 square feet of open sales/display area plus one space per employee.
- n. Personal service establishment: one space per 200 square feet of gross floor area.
- o. Recreational facility other than theater, auditorium, stadium, bowling alley or swimming pool: one space per three seats or three persons based on the occupancy load plus one space per employee.
- p. Repair service establishment: one space per 200 square feet of gross floor area.
- q. Retail sales establishment except furniture or carpet store: one space per 200 square feet of net floor area for the first 1,000 square feet, plus six spaces per each additional 1,000 square feet.
- r. Shopping center, planned: Four parking spaces per 1,000 square feet of building ground coverage (BGC) for all shopping centers.
- s. Theater, auditorium or stadium: one space per four seats or similar vantage accommodation provided, plus one space per two employees.
- t. Vehicle sale, rental and service establishment: one space per 500 square feet of enclosed sales/rental floor area, plus one space per 2,500 square feet of open sales/rental display lot area, plus two spaces per service bay, plus one space per employee, but never less than five spaces.
- u. Wholesale trade establishment: one space per 1.5 employees, plus one space per company vehicle, but with a minimum of one space per 1,000 square feet of gross floor area.



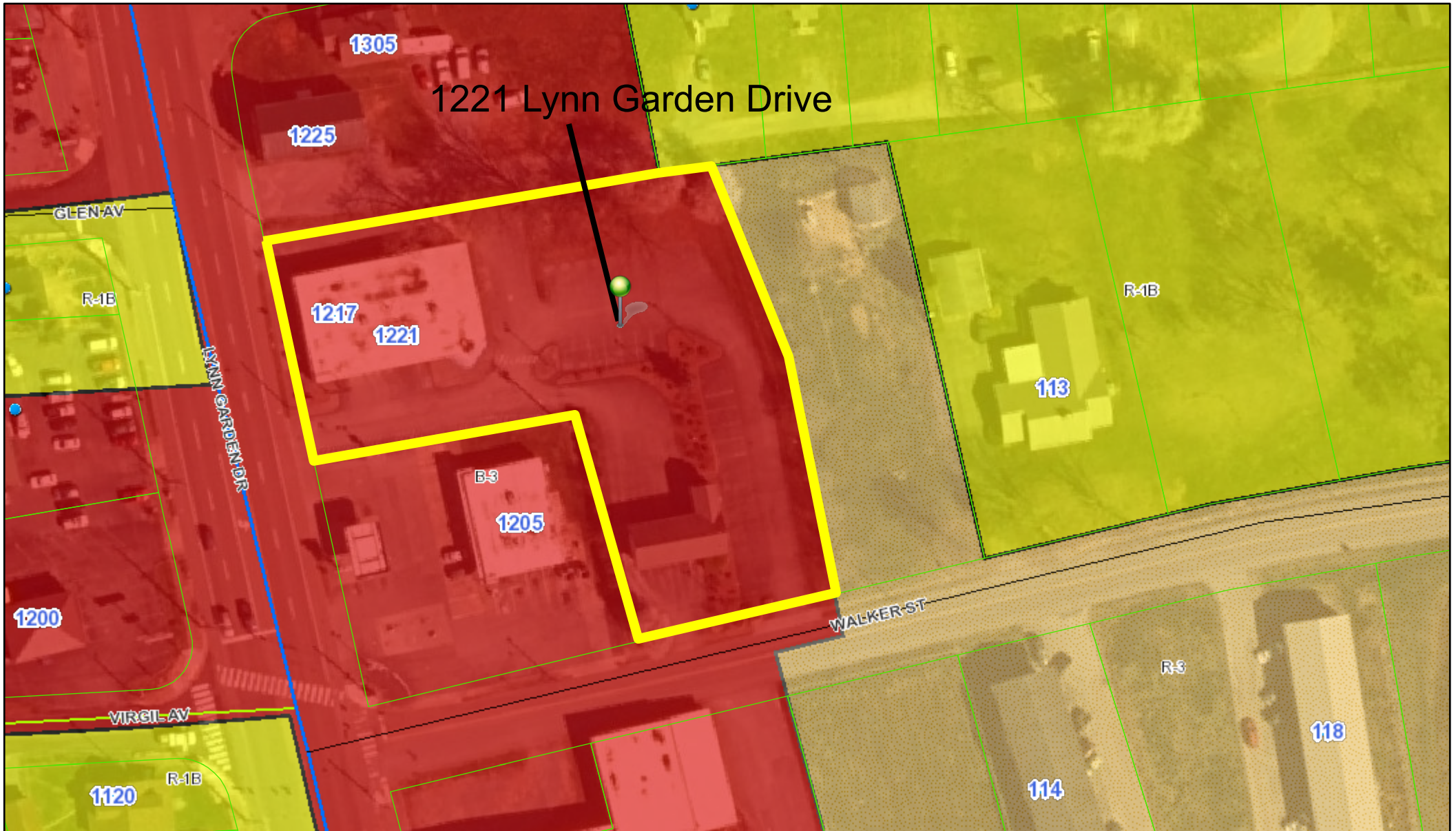
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Sullivan County Parcels Jan 2023 Streets

- Parcels
- Kpt 911 Address
- Urban Growth Boundary
- Interstate
- Expressway
- Major Arterial
- Collector Street
- Local Street
- Minor Arterial
- Private Street
- Ramp



1221 Lynn Garden Dr. - August 2023 BZA ArcGIS Web Map



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Sullivan County Parcels Jan 2023

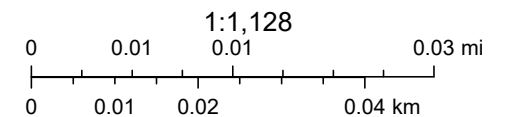
Parcels

Kpt 911 Address

City Zoning

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TA/C	A-1	B-2	B-4P	M-1	P-1	PD
R-5	A-2	B-3	B-4P	M-1R	P-D	PMD-1
GC	AR	B-3	BC	M-2	PBD-3	PMD-2
B-2E	B-1	B-4	GC	MX	PBD/*	PUD



APPLICATION

Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name **DG Holdings LLC** First M.I. Date
Street Address **825 Sisk Ave, ste 200** Apartment/Unit #
City **Oxford** State **MS** ZIP **38655**
Phone **662-513-4194** E-mail Address **preeves@blackburngroup.net**

PROPERTY INFORMATION:

Tax Map Information Tax map: **030H** Group: **D** Parcel: **040.00** Lot:
Street Address **1221 Lynn Garden Dr** Apartment/Unit #
Current Zone **B-3** Proposed Zone **N/A**
Current Use **Vacant/Old Bank** Proposed Use **Dollar General**

REPRESENTATIVE INFORMATION:

Last Name **Hunt** First **Chandler** M.I. Date
Street Address **63 Broad St NW** Apartment/Unit #
City **Cleveland** State **TN** ZIP **37311**
Phone **423-790-5880** E-mail Address **chandler@berryengineers.com**

REQUESTED ACTION:

Parking Variance – It is requested that the required 63 parking spaces be reduced to 36 parking spaces

Buffer Variance – It is requested that the rear 30' landscape buffer that is due to the adjacent residential property be reduced to 20'.

(See attached variance worksheet & site plan for explanations)

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:

7/11/2023

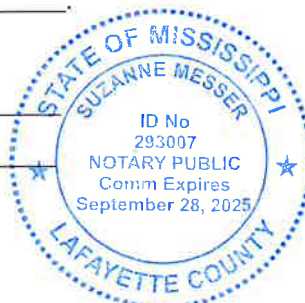
Signed before me on this 11 day of July, 2023

a notary public for the State of Mississippi

County of Lafayette

Notary Suzanne Messer

My Commission Expires 92825



Agent Authorization Letter

Re: Future Dollar General located at 1221 Lynn Garden Dr, Kingsport, TN 37665

To Whom It May Concern:

John E. Haynes etal Trustees, the owner of the property, authorizes each of the persons and/or entities listed below ("Designated Agents") to act as the Owner's agent for purposes of applying for variances on said property, and all permitting and approval procedures required for project development.

Designated Agents:

Berry Engineers, LLC.

Blackburn Construction

DG Holdings, LLC.

Nettie L. Haynes
Leinda M. Haynes-Moore

John E. Haynes etal Trustees

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.

The shape of this lot prevents a typical layout and poses some challenges in trying to fit parking around the building while also allowing a path for delivery trucks to access the site.

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

The required parking spaces for this development are 63 parking spaces. The tenant has plenty of experience with their use and has shown that 35 spaces are adequate for this development. It is requested that the parking space requirement be reduced from 63 parking spaces to 36 parking spaces. Also, it is requested that the rear landscape buffer of 30' due to the adjacent residential property, be reduced to 20'. A 30' buffer reduces the area available for parking spaces and would reduce the number below what the tenant needs for operation. All planting requirements in the buffer are proposed to still be met.

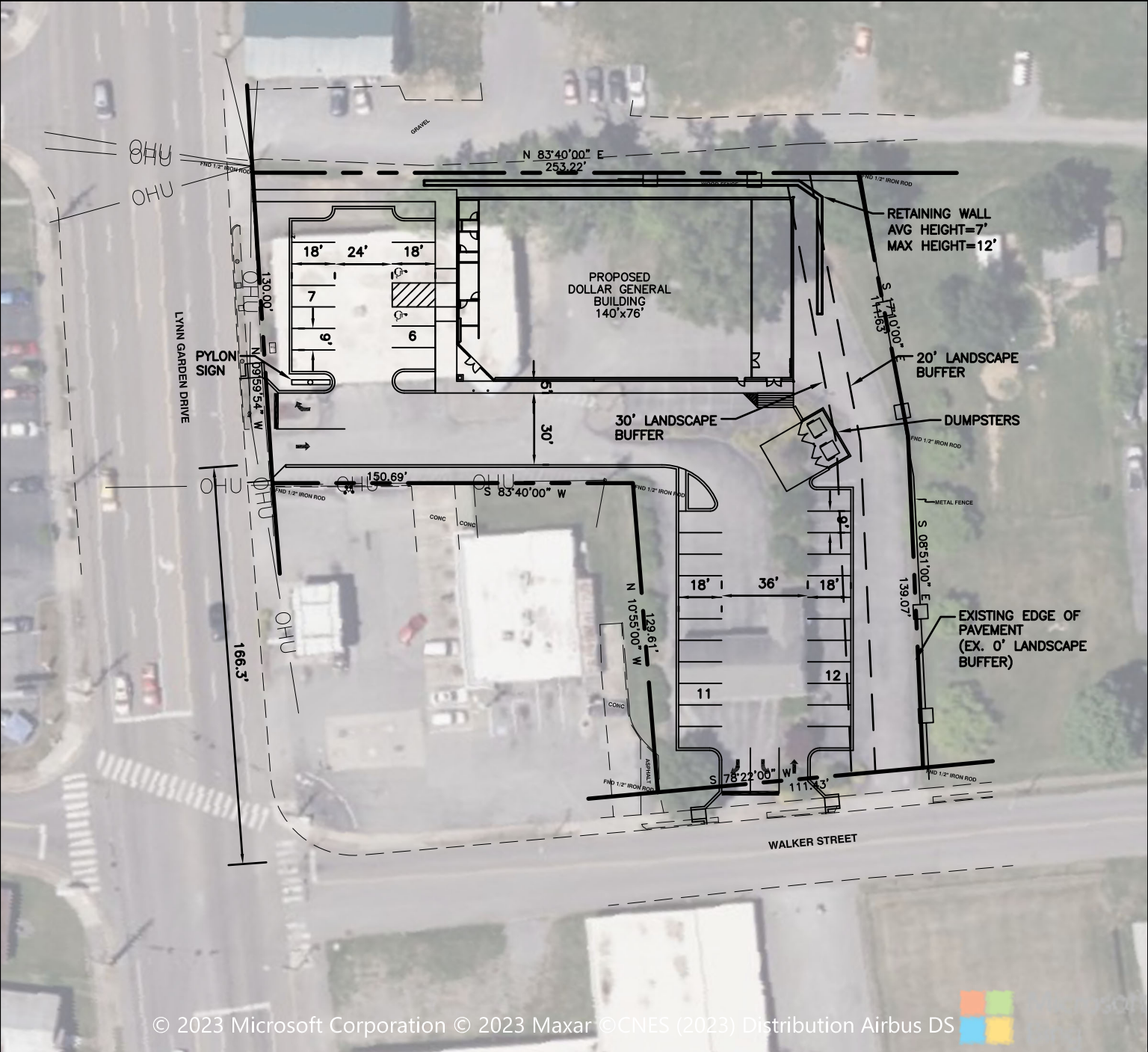
c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.

The applicant has not taken previous actions on this site.

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

This development proposes to completely redevelop this site. In this process, the total impervious area will be reduced on site, the overall function and look of the site will be improved, and the rear landscape buffer that is adjacent to residential property will be increased from 0' to 20'.

SITE PLAN		CITY, STATE - STREET: KINGSFORT, TN LYNN GARDEN DRIVE	
PROTOTYPE:	DG 10640 - F	DEVELOPER	DESIGNER
BLDG/SALES SF:	10,542 / 8,496	COMPANY: BLACKBURN CONST.	COMPANY: BERRY ENGINEERS
DATE:	07/14/23		
ACREAGE:	±1.15	NAME: DARYL THORNTON	NAME:
PARKING SPACES:	36	PHONE #: 662-513-4194 EXT 25	PHONE #: 423-790-5880



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