

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

### June 4, 2026 Regular Meeting

Noon

Montgomery-Watterson Boardroom, City Hall

#### Members Present:

Lora Barnett  
Bill Sumner  
Calvin Clifton  
Wes Combs  
Joe White  
Hoyt Denton

#### Members Absent:

Josh Taylor

#### Staff Present:

Angie Marshall  
Ken Weems  
Jessica McMurray  
Bart Rowlett  
Jessica Harmon  
Sam Cooper

#### Visitors:

|                   |                 |
|-------------------|-----------------|
| Faith Balthazar   | Joseph McMurray |
| Brandon D. Jessee | Angela Crawford |
| Kristie Ford      | Alicia Jessee   |
| David M. Jessee   | Joya Hilton     |
| Kenny Adams       | Glen Pauling    |
| Rita Pauling      | Sam Stapleton   |
| Regina Stapleton  | Melissa Justice |
| Kattie Casebolt   | Shawn Hunt      |
| Hunter Swiney     | Meaghan Swiney  |
| Janie Childress   | Richard Eshells |
| Justin Gonzales   |                 |

Chairman Bill Sumner called the meeting to order at 12:01pm.

Chairman Bill Sumner explained the meeting procedures.

Ms. Angie Marshall conducted the swearing in ceremony for those wishing to speak during the regular meeting. All visitors and the Planning Manager were sworn in.

#### **Public Hearing:**

**Case: BZA26-0121–The owner of property located at 4472 W. Stone Drive, Control Map 022, Parcel 036.06** requests an 8.67 square foot variance from Section 114-528(1)b to allow directional signage that exceeds the maximum permitted sign area. The property is zoned B-3, Highway-Oriented Business District.

Ms. Melissa Justice, representative for the property owner, presented the case to the Board. Ms. Justice stated that she represents the sign company hired by the property owner. She explained that the owner is requesting approval to install directional signage that exceeds the maximum size permitted by the ordinance. Specifically, the request is to install four directional signs, each exceeding the allowable size by 8.68 square feet.

Ms. Justice further explained that the intersection serving the new Jules Apartments is heavily congested, creating visibility challenges for motorists and visitors. She stated that the larger signs would improve wayfinding.

The Board inquired about the proposed sign locations. In response, Ms. Justice presented photographs identifying the location of each proposed sign.

Chairman Sumner, seeing no one wishing to speak further on the item, closed the public hearing.

**Case: BZA26-0123–The owner of property located at 1302 W. Sullivan Street, Control Map 045E, Group G, Parcel 028.00** requests a 9-inch variance in both side yards from Sec. 114-184(e)(1)d and Sec. 138(4)c to accommodate construction of single family home. The property is zoned R-1C, Residential District.

Mr. Justin Gonzales, representative for the property owner, presented the case to the Board. Mr. Gonzales stated that the owner is proposing to construct a cottage on the subject property. Due to the size of the lot and its corner location, the required setbacks limit the buildable area of the site. As a result, the applicant is requesting a 9-inch side yard setback variance on both sides of the property.

The Board inquired about the size of the proposed dwelling. Mr. Gonzales stated that the home would be approximately 980 square feet.

Chairman Sumner, seeing no one wishing to speak further on the item, closed the public hearing.

**Case: BZA26-0127–The owner of property located at 1800 Lynn Garden Drive, Control Map 012M, Group C, Parcel 004.00** requests a four-space parking reduction variance from Sec. 114-564(4)p to allow for the construction of Stateline Collision Center. The property is zoned B-3, Highway-Oriented Business District.

Ms. Kattie Casebolt presented the case to the Board. Ms. Casebolt stated that the property owner is proposing to construct a new auto collision repair facility adjacent to the existing business. Due to the topography of the site, the applicant is unable to meet the required parking standards and is requesting a variance to reduce the required parking by four spaces.

Ms. Casebolt explained that the proposed building will be approximately twice the size of the existing facility, allowing more vehicles to be stored indoors and reducing the need for the additional parking spaces.

The Board inquired whether the owner intended to continue operating the existing business. The owner stated that he plans to keep the current business in operation at this time but may consider other options for the property in the future.

Chairman Sumner, seeing no one wishing to speak further on the item, closed the public hearing.

**Case: BZA26-0129–The owner of property located at 1600 Arbor Place, Control Map 029D, Group D, Parcel 003.00** requests a 3,815.97 sq. ft. lot area reduction variance for Lot 16A and a 647.60 sq. ft. lot area variance for Lot 16B from Sec. 114-183(e)(1)a. The purpose of the request is to replat the property

containing two existing houses in order to create individual lots and deeds for each residence. The property is zoned R-1B, Residential District.

Mr. Joseph McMurray, property owner, presented the case to the Board. Mr. McMurray stated that he is seeking to subdivide a parcel containing two existing homes. In order to complete the subdivision, he is requesting a lot area variance, as the resulting parcels would not meet the minimum lot size requirements of the zoning ordinance.

Mr. McMurray explained that his intent is to sell the homes separately once the subdivision is completed. Approval of the variance would allow the property to be divided into two lots and create separate deeds for each residence.

Chairman Sumner, seeing no one wishing to speak further on the item, closed the public hearing.

**Case: BZA26-0125–The owner of property located at 2529 Russell Street, Control Map 091A, Group E, Parcel 011.00** requests administrative review of the legal nonconforming status at 225 Shady View Road.

Mr. Brandon Jessee, applicant, presented the case to the Board and stated that he was requesting an administrative review of the legal nonconforming status of the property located at 225 Shady View Road.

Mr. Jessee presented evidence submitted as part of his application, additional supplemental documentation, and several impact statements from nearby residents. He noted concerns related to truck traffic, including speeding vehicles, as well as the operation of heavy equipment during both daytime and nighttime hours.

Mr. Jessee presented supplemental documentation from TDEC, including compliance review records, permit cancellation documents, and related correspondence. He argued that the records demonstrate the site transitioned from a concrete manufacturing operation to a bulk masonry supply business selling rock, sand, and rebar. Mr. Jessee further stated that the property historically operated as East Tennessee Supply Company rather than a concrete plant and contended that concrete plant operations did not begin until approximately February 2026. Based on the evidence presented, he asserted that a concrete plant had not historically existed on the property and had never been properly permitted.

The Board inquired about when the property was annexed into the City and what business was operating on the site at that time. Staff responded that the property was annexed in 1991. Mr. Jessee stated that East Tennessee Masonry was operating on the property at the time of annexation. Vice-Chairman Clifton recalled the operation and stated that concrete was being manufactured on-site for the production of precast septic tanks.

Mr. Richard Eshells, Real Estate Manager representing SRM Concrete Plant, addressed the Board. He explained that the property was an active concrete batch plant when acquired by SRM in late 2025 and that the outdated facility is being replaced with a modern plant that complies with current environmental standards.

Mr. Eshells acknowledged concerns regarding noise and explained that ongoing construction and site improvements have required extended work hours. He noted that construction is approximately 90 percent complete and that noise associated with the improvements is expected to cease upon project completion. He also noted that a nine-foot privacy fence was installed in response to neighboring property owners' concerns to help reduce noise impacts.

Mr. Eshells presented a zoning letter confirming the concrete batch plant as a legal nonconforming use. In response to questions from the Board, he indicated normal operating hours would be 6:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 12:00 p.m. on Saturdays and the facility is expected to generate approximately 40 truck trips per day. Addressing concerns regarding speeding trucks, Mr. Eshells explained that SRM monitors vehicle activity through tracking systems and has received no reports of speeding by company drivers.

Mr. Ken Weems, AICP, Planning Manager and acting Zoning Administrator for the City of Kingsport, presented his defense of the administrative decision. Mr. Weems referenced Tennessee Code Annotated § 13-7-208(g)(4), explaining that a legal nonconforming use can only be considered abandoned if the property owner intentionally and voluntarily abandons the use. He noted that he found no records indicating that the property owner had intentionally or voluntarily abandoned the nonconforming use of the property.

Mr. Weems also presented a State of Tennessee NPDES permit issued on January 24, 2024 associated with the property. To which, Mr. Weems indicated further demonstrated the property owner's intent to not intentionally or voluntarily abandon the use.

Mr. Weems cited a previous Board case involving what he referred to as the "Lamar Billboard Case," in which the Board determined that the legal nonconforming use had not been abandoned because there was no evidence of intentional or voluntary abandonment by the property owner. As a result, the Board upheld the Planning Manager's decision to allow the continuation of the legal nonconforming use.

Chairman Sumner, seeing no one wishing to speak further on the item, closed the public hearing.

#### **BUSINESS:**

Staff stated for record, the next application deadline is June 15, 2026 at noon, and meeting date Thursday, July 2, 2026 at noon.

The board reviewed the May 7, 2026 regular meeting minutes.

**MOTION:** made by Mr. Wes Combs, seconded by Ms. Lora Barnett to approve the Kingsport Board of Zoning Appeals minutes for May 7, 2026.

**VOTE:** 6-0 to approve the minutes.

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

**Case: BZA26-0121–The owner of property located at 4472 W. Stone Drive, Control Map 022, Parcel 036.06** requests an 8.68 square foot variance from Section 114-528(1)b to allow directional signage that

exceeds the maximum permitted sign area. The property is zoned B-3, Highway-Oriented Business District.

The Board noted the property's irregular lot shape and the limited visibility of the entrance as the hardship supporting the request.

**MOTION:** Made by Ms. Lora Barnett and seconded by Mr. Wes Combs to approve the request for four directional signs, each with a variance of 8.68 square feet, as presented.

**VOTE:** 6-0 to approve the request.

**Case: BZA26-0123–The owner of property located at 1302 W. Sullivan Street, Control Map 045E, Group G, Parcel 028.00** requests a 9-inch variance in both side yards from Sec. 114-184(e)(1)d and Sec. 138(4)c to accommodate construction of single family home. The property is zoned R-1C, Residential District.

The Board found that the hardship is created by the property's corner-lot configuration, which requires greater setback distances than those imposed on adjacent properties.

**MOTION:** Made by Mr. Hoyt Denton and seconded by Mr. Joe White to approve the request as presented.

**VOTE:** 6-0 to approve the request.

**Case: BZA26-0127–The owner of property located at 1800 Lynn Garden Drive, Control Map 012M, Group C, Parcel 004.00** requests a four-space parking reduction variance from Sec. 114-564(4)p to allow for the construction of Stateline Collision Center. The property is zoned B-3, Highway-Oriented Business District.

The Board found that the hardship is created by the property's topography, changes in elevation, and irregular lot shape.

**MOTION:** Made by Mr. Calvin Clifton and seconded by Mr. Joe White to approve the request as presented.

**VOTE:** 6-0 to approve the request.

**Case: BZA26-0129–The owner of property located at 1600 Arbor Place, Control Map 029D, Group D, Parcel 003.00** requests a 3,815.97 sq. ft. lot area reduction variance for Lot 16A and a 647.60 sq. ft. lot area variance for Lot 16B from Sec. 114-183(e)(1)a. The purpose of the request is to replat the property containing two existing houses in order to create individual lots and deeds for each residence. The property is zoned R-1B, Residential District.

**MOTION:** Made by Mr. Hoyt Denton and seconded by Mr. Joe White to approve the request as presented.

**VOTE:** 6-0 to approve the request.

**Case: BZA26-0125–The owner of property located at 2529 Russell Street, Control Map 091A, Group E, Parcel 011.00** requests administrative review of the legal nonconforming status at 225 Shady View Road.

The Board considered all evidence presented and deemed the weight of the evidence was in favor of a finding of a prior legal non-conforming that had not been intentionally and voluntarily abandoned. The Board noted that the reinstatement of the State of Tennessee NPDES permit evidenced an intent to continue operations.

**MOTION:** Made by Mr. Calvin Clifton and seconded by Mr. Hoyt Denton to uphold staffs decision to allow the continuation of the legal nonconforming use.

**VOTE:** 6-0 to allow the continuation of the legal nonconforming use.

**Public Comment:**

With no further business, the meeting was adjourned at 1:28pm.

Respectfully Submitted,

*Jessica McMurray*

Jessica McMurray  
Development Coordinator