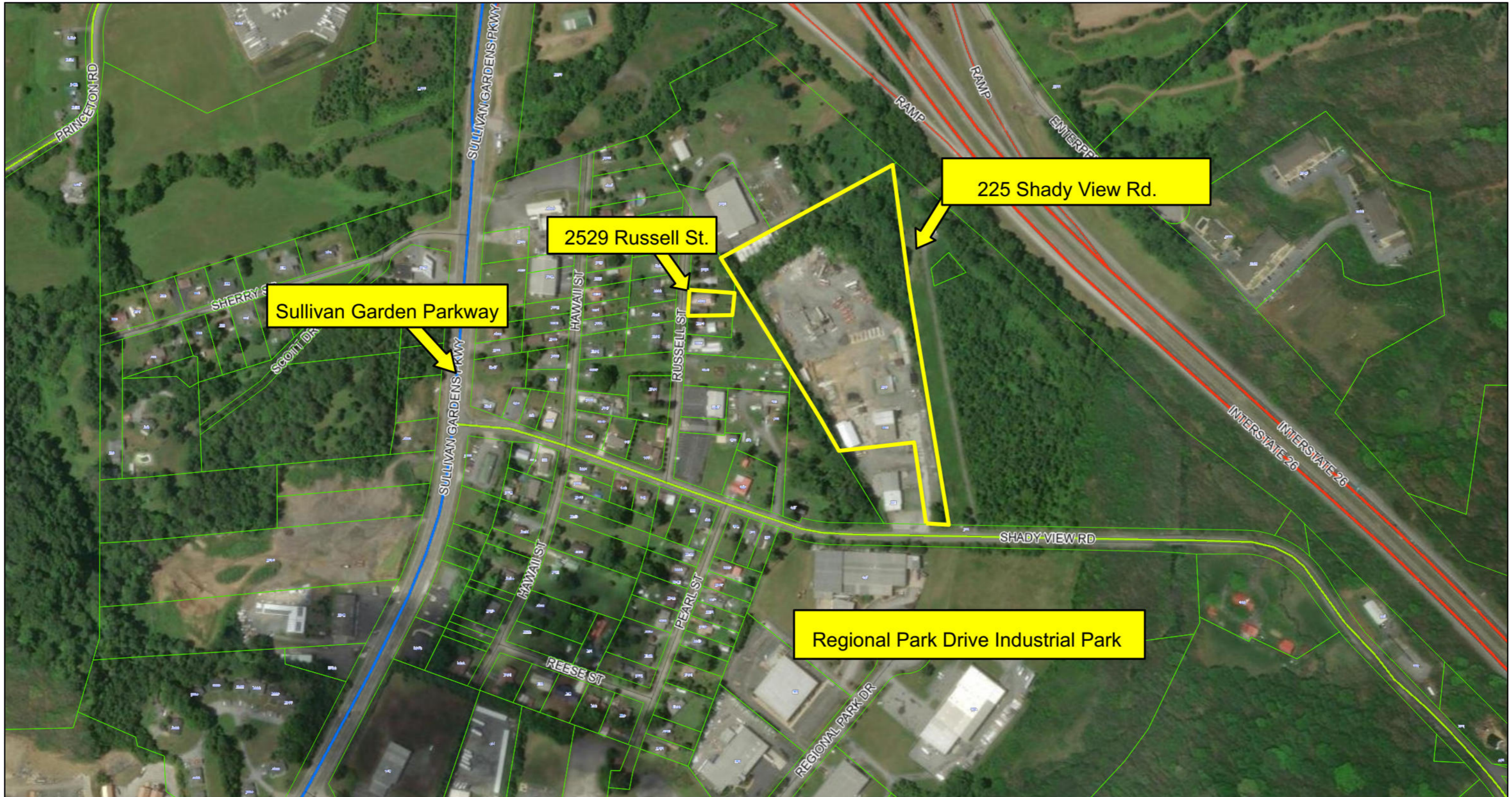


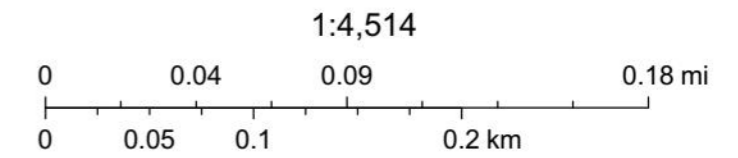
ArcGIS Web Map



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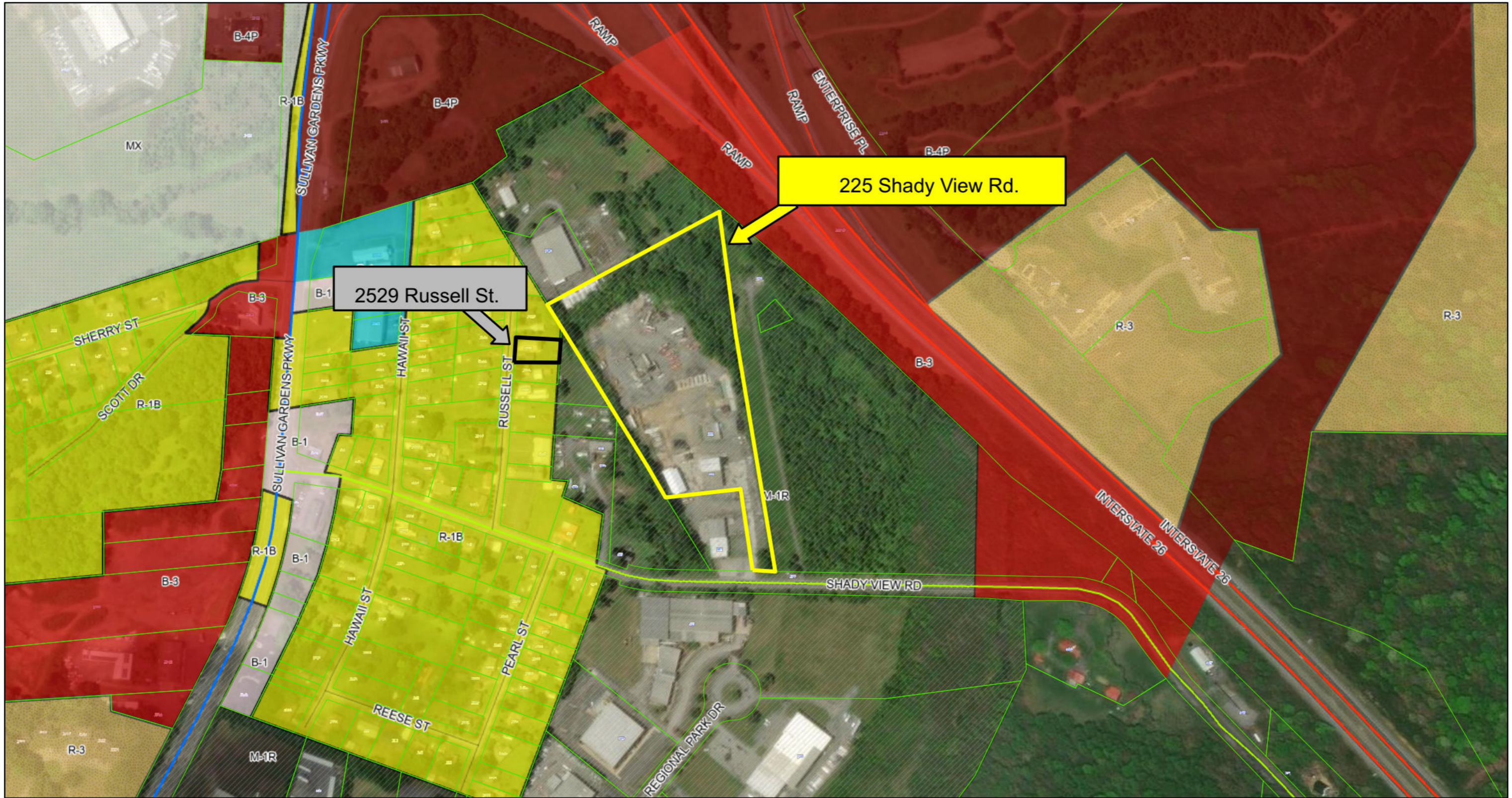
Sullivan County Parcels Jan 2023 Streets

- | | | |
|-----------------------|-----------------|--------------|
| Parcels | Interstate | Local Street |
| Urban Growth Boundary | Major Arterial | Ramp |
| Collector Street | Kpt 911 Address | |



NC Collaboratory at UNCCH, Vantor

ArcGIS Web Map



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Sullivan County Parcels Jan 2023

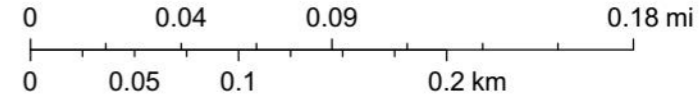
Parcels

City Zoning

B-1

- B-3
- P-1
- Urban Growth Boundary
- Collector Street
- B-4P
- R-1A
- Streets
- M-1R
- R-1B
- Interstate
- MX
- R-3
- Major Arterial
- Local Street
- Ramp
- Kpt 911 Address

1:4,514



NC Collaboratory at UNCCH, Vantor



TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: May 26, 2026

RE: 225 Shady View Road

The Board is asked to consider the following 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.

Sec. 114-8. - Nonconforming uses.

Under this chapter, nonconforming uses shall be governed by the following:

(1)Conditions for continuation. Any building or use existing on June 16, 1981, or whenever a district is changed by an amendment may be continued, subject to subsections (3) and (4) of this section, even though such building or use does not conform to this chapter.

(2)Extension of uses. No building or land containing a nonconforming use shall be extended unless such extension shall conform with the sections of this chapter for the district in which it is located; provided, however, that a nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to June 16, 1981.

(3)Damage or deterioration. Any nonconforming structure damaged by fire, flood, wind or other act of God or man, including dilapidation, to the extent of more than 50 percent of the assessed value, as established from time to time by the appropriate county property assessor, shall not be reconstructed. However, any structure suffering such degree of damage or dilapidation may be reconstructed and the nonconforming use permitted to continue if the reconstruction is completed within 12 months of the date of such damage or finding of dilapidation. All reconstruction authorized by this subsection shall be accomplished in conformity with the applicable provisions of the building code, as set forth in chapter 22, and the applicable sections of this chapter in force immediately preceding the date of the zoning change by which the structure or its use became nonconforming.

(4)Discontinuance. When a nonconforming use of any building or land has ceased for a period of one year, it shall not be reestablished or changed to any use not in conformity with this chapter without the written approval of the board of zoning appeals.



Case No. 102026-0125
Date Filed May 15 2026

APPLICATION FOR BOARD OF ZONING APPEALS

To be completed by applicant:

Property Owner			Representative		
Name:	Brandon Jessee		Name:	Brandon Jessee	
Address:	2529 Russell St. Kingsport, TN 37660		Address:	2529 Russell St. Kingsport, TN 37660	
City	State	Zip	City	State	Zip
Telephone:	[REDACTED]		Telephone:	[REDACTED]	
Email:	[REDACTED]		Email:	[REDACTED]	

Information regarding the property site:

Street Address: 225 Shadyview Rd.
 Tax Map: 091 Group: _____ Parcel: 038.00 Lot: _____
 Current Zoning: M1-R Current Use: M-2 Heavy Industry

Requested action:

- Variance
- Special Exception
- Administrative Review
- Called Meeting

Request:

Administrative review of Legal non-Conforming status at 225 Shadyview Rd.

By signing below, I confirm and understand the conditions of this application. I have been informed of the date, time, and location of the Board of Zoning Appeals meeting. I am/we are the sole and legal owner(s) of the property listed in this application. I am/we are submitting this appeal to the Board of Zoning Appeals.

[Signature]
Signature of Property Owner

5/15/26
Date

Signed before me on this 15th day of May, 2026
 a notary public for the State of Tennessee
 County of Sullivan

Notary Signature [Signature]
 My Commission Expires 11-21-2026



BOARD OF ZONING APPEALS (BZA)

Administrative Appeal Application

City of Kingsport, Tennessee

1. APPELLANT & PROPERTY INFORMATION

APPELLANT NAME	Brandon Jessee
SUBJECT PROPERTY ADDRESS	225 Shady View Road, Kingsport, TN
MAILING ADDRESS	2529 Russell St, Kingsport, TN 37660
CURRENT ZONING	M-1R (Restricted Mix Use District)
PHONE & EMAIL	[REDACTED]
TAX MAP / PARCEL	Control Map: 091 Parcel: 038.00

2. NATURE OF APPEAL

Appeal of Administrative Decision/Enforcement

Decision Being Appealed: Administrative determination allowing an M-2 Heavy Industrial concrete batching operation to exist in an M-1R Restricted Mixed Use District. This appeal challenges the determination on three critical fronts:

- 1. Lack of Baseline Status:** Per 1993 Sullivan County annexation records (Exhibit A), no concrete batching infrastructure existed to establish legal non-conforming status.
- 2. Legal Termination & Statutory Abandonment:** Any permitted use was legally terminated through abandonment exceeding **12 months (Kingsport Code § 114-8)** and **30 months (T.C.A. § 13-7-208)**, supported by TDEC and Corporate records (Exhibits C & D).
- 3. Lack of Evidentiary Basis:** As documented in the **City's formal records response (Exhibit F)**, the City admitted *no records exist* to support continuous operation, rendering the permit arbitrary and void.

3. BASIS FOR APPEAL (FACTS & LEGAL CITATIONS)

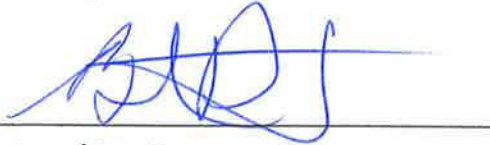
- **A. Termination of Nonconforming Use:** Evidence proves a lapse of 44 months of operation, far exceeding the 12-month local and 30-month state thresholds.
- **B. Administrative Error & Record of Absence:** Exhibit F confirms the City has no records to justify current use. Under Tennessee law, the burden of proof for continuity rests with the property operator.
- **C. Illegal Expansion & Intensification:** 1993 records show zero batching equipment. The current M-2 operation is an illegal intensification beyond the annexation baseline.
- **D. Community Impact:** Supported by 10 signed impact statements regarding residential equity, safety, and health in the Vernon Heights Community.

4. EVIDENCE CHECKLIST (ATTACHED EXHIBITS)

- **Exhibit A:** 1993 Sullivan County Property Records (Annexation Baseline)
- **Exhibit B:** 1997-2012 Satellite Sequence (Documentation of Lack of Infrastructure)
- **Exhibit C:** TN Secretary of State Business Records (2020)
- **Exhibit D:** TDEC Administrative Termination & Witness Testimony
- **Exhibit E:** Neighborhood Impact Portfolio (10 Signed Statements - Vernon Heights)
- **Exhibit F:** Public Records Request Response (City of Kingsport)
- **Exhibit G:** Statutory Basis for Revocation (Copy of § 114-8 and T.C.A. § 13-7-208)

5. AUTHORIZATION & SIGNATURE

I hereby certify that the information contained in this application and its attachments is true and correct to the best of my knowledge.



Signature of Appellant



Date

Printed Name: Brandon Jessee

Submitted to the Kingsport Board of Zoning Appeals - May 2026



Russell St

Russell St

Shady View Rd

Shady View Rd



4

Horns Creek

24.00

25.00

29.00

30.00

31.00

20.10

19.00

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18.00

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11.00

12.00

11.00

3.00

9.00

1.00

38.00

37.10

37.00

EVIDENCE SUMMARY: ADMINISTRATIVE APPEAL

Property: 225 Shady View Road | Parcel ID: 091 038.00

Appellant: Brandon Jessee

The following documentation proves the permanent loss of non-conforming status through statutory abandonment and physical non-existence of infrastructure. Any claim of industrial manufacturing rights is void ab initio.

EXHIBIT A: 1993 PROPERTY RECORD CARD (ANNEXATION BASELINE)

FACT: At the time of annexation into the City of Kingsport, the site was a Retail/Wholesale Masonry Supply facility.

LEGAL IMPACT: Documentation proves there was zero concrete batching equipment present at the baseline. Under Kingsport City Code § 114-8, the current heavy industrial batching plant is an illegal establishment of use, as any prior non-conforming manufacturing rights (if they existed) were terminated by a period of discontinuance exceeding 12 months.

EXHIBIT B: SATELLITE IMAGERY SEQUENCE (1997-2012)

FACT: High-resolution aerial photographs from 1997, 2007, and 2012 show a complete absence of the industrial batching tower, silos, and infrastructure required for the current operation.

LEGAL IMPACT: This evidence proves that for 15+ years, there was no concrete batching equipment on site. Because the facility did not exist during this critical window, any claim of a continuous non-conforming use is VOID AB INITIO (void from the beginning). The use was never legally established under city jurisdiction.

EXHIBIT C: TN SECRETARY OF STATE BUSINESS RECORDS (2020)

FACT: Kingsport Concrete LLC was Administratively Dissolved on October 6, 2020.

LEGAL IMPACT: The legal entity authorized to conduct the business ceased to exist. Combined with TDEC records, this establishes an overt act of abandonment exceeding the 30-month limit set by T.C.A. § 13-7-208.

EXHIBIT D: TDEC ADMINISTRATIVE TERMINATION & WITNESS TESTIMONY

FACT: The Tennessee Department of Environment and Conservation officially terminated the site's industrial operational status as 'Inactive/Terminated'. Furthermore, employees of East Tennessee Masonry and the property owner at the time confirmed that the illegal batch plant had not been in operation for several years.

LEGAL IMPACT: Provides government-verified and eye-witness confirmation of discontinuance. This testimonial evidence directly refutes any claim of continuous operation and confirms the site failed to maintain its non-conforming status under both state and local law.

EXHIBIT E: NEIGHBORHOOD IMPACT PORTFOLIO (VERNON HEIGHTS)

FACT: 10 signed impact statements from surrounding residential property owners documenting the negative environmental and structural impacts of the illegal intensification.

LEGAL IMPACT: Demonstrates the direct harm caused to the residential community by the zoning violation.

EXHIBIT F: PUBLIC RECORDS REQUEST RESPONSE (CITY OF KINGSPORT)

FACT: In response to a formal request for documents establishing a determination of continuous operation, the City stated: "**No such records exist.**"

LEGAL IMPACT: Confirms a lack of administrative evidence to support the current non-conforming status. Under Tennessee law, the burden of proof for continuity rests with the property operator.

EXHIBIT G: STATUTORY BASIS FOR REVOCATION

FACT: Full text of Kingsport Code § 114-8 and T.C.A. § 13-7-208.

LEGAL IMPACT: Mandates that a non-conforming use discontinued for 12 months (local) or 30 months (state) shall thereafter conform to current zoning regulations.

Testimony from property ownership and local employees, combined with state and city records, establishes a definitive period of discontinuance that terminates all grandfathered rights.

Evidence Brief for the Kingsport Board of Zoning Appeals - June 4, 2026

STATE OF TENNESSEE REAL ESTATE APPRAISAL CARD

COMMERCIAL ***

PROPERTY ADDRESS: 257 TENN MASONRY SUPPLY, COVINGTON, TN 37743

APPRaisal YEAR: 1992

APPRaisal DATE: 01/20/92

APPRaisal VALUE: 4.00

APPRaisal VALUE RECAP: 4.00

AGE	DEPR RATE	FUNC ECON	COND	REPL COST NEW	DEPR REPL COST
4	5	0	95	72960	5400
EX FEAT/SPEC BLDG DESCRIPTION					
100	12.16	12.16	4800	58368	
200	12.16	24.32	600	14592	
TOTAL AREAS					
BASE = 0					

LAND APPRAISAL	BY	SSD	WARD	EDD	PLAN	OTHER	MARKET VALUE	AREA CODE
06/10/83	01							000
GENERAL PARCEL DATA								
GENSUS TRACT	BLOCK	BLK	SEC	AREA	OPTIONAL			
2110	0	3						
GENERAL CARD DATA								
BLDG APPRAISAL	BY	SOURCE	NO. SHEET	NO. OF SHEETS	NO. OF UNITS	NO. OF COND.	NO. OF BLDG.	NO. OF COND.
06/10/83	01	AG	1	1	1	1	1	0
ADDITIONAL DATA								
ADJ UNIT LAND PRICE	3360.00	UNIT LAND PRICE	4200.00	COND. FACTOR	100	DEPTH FACTOR	80	TOTAL CALCULATED EX. FEAT./SPEC. BLDG. VALUE
COMMERCIAL 10								
LAND USE CODES								
1. 51.2. 3. 4. LAND TOTAL								
51.2. 3. 4. LAND TOTAL								

APPROVE!



45

Nov

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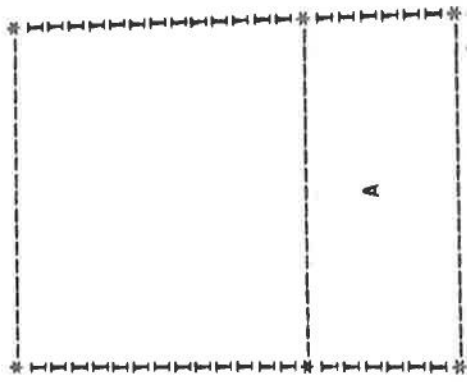
44

45

STATE OF TENNESSEE REAL ESTATE APPRAISAL CARD

TAX YEAR 13 091 091 038-00 001
 COUNTY OF SULLIVAN
 DATE OF APPRaisal 01/20/92
 DATE PRINTED 01/24/92
 CARDS IN PARCEL 2 OF 2
 APPRAISED VALUE RECAP
 TMP 110100
 LAND APPR 13400
 TOTAL APPR 123500
 ASSESSMENT 49400
 PROP TYPE 08 40%
 BASE-50*40*50*40
 A-DFA-20*50

TOTAL LAND UNITS DEED 4.00
 CALC 4.00



PG RL LT
 PG BL LI
 SUBREV 1
 SUBREV 2
 SUBREV 3
 DIMENSIONS
 MF 1.00
 PWF 1.00
 RMS 1
 PF 1.00
 BRF 1.0000

PROPERTY ADDRESS
 OWNERS NAME AND MAILING ADDRESS
 EAST TOWN BARNARY SUPPLY
 GREENSBORO TN 37743

AGE	NO. UNITS	SHAPE	SIZE	ADJ. SQ. FT. RATE	AREA	REPL. COST	DEPR. REPL. COST
2	4	0	20	0	77	53000	3000
EX FEAT/SPEC BLDG. DESCRIPTION	%	SIZE	UNIT PRICE	EFF. YR. BUILT	NO. OF STORIES	ANNUAL DEPR. RATE	PERCENT COND.

EX. FEAT./SPEC. BLDG. APPR. DATE	APPR. BY	TOTAL CALCULATED EX. FEAT./SPEC. BLDG. VALUE

LAND DESCRIPTION	DESC. CODE	SIZE DIMENSION	APPR. BY	UNIT PRICE	UNIT LAND PRICE	ADJ. UNIT LAND PRICE	MARKET LAND VALUE	USE COND. FACTOR	LAND USE UNIT PRICE	USE LAND VALUE

GENERAL PARCEL DATA									
LAND APPRAISAL	BY	SSD	WARD	EDD	PLAN	OTHER	MOPT	MODEL	AREA CODE
GENERAL CARD DATA									
BLDG. APPRAISAL	BY	SOURCE	NO. UNITS	PERMIT NO.	ROAD NO.	TRACT	AREA	OPTIONAL	ZONING
06/10/83	01	A6	1	11111					0



2829 Russell Street

East TN Masonry Supply Storage

225 Shady View Rd

Legend

- 225 Shady View Rd
- East TN Masonry Supply Stora

March 1997
NO BATCH PLANT EQUIPME

Google Earth
U.S. Geological Survey

200 ft





2222 Russell Street

East TN Masonry Supply Storage

225 Shady View Rd

Legend

- 225 Shady View Rd
- East TN Masonry Supply Storage

January 2007

NO BATCH PLANT EQUIPMENT

© 2006 Google Earth

200 ft





- Legend**
- 225 Shady View Rd
 - East TN Masonry Supply Storage

April 2012
 NO BATCH PLANT EQUIPMENT

200 ft



Google Earth

9 Russell Street

225 Shady View Rd

East TN Masonry Supply Storage

KINGSPORT CONCRETE, LLC

Entity Type: Limited Liability Company (LLC)

Formed in: TENNESSEE

Term of Duration: Perpetual

Managed By: Manager Managed

Series LLC: No

Number of Members: 6 or less

Status: Inactive - Dissolved (Administrative)

Control Number: 000696703

Initial Filing Date: 10/11/2012 7:00:00 AM

Fiscal Ending Month: December

AR Due Date: 04/01/2020

Obligated Member Entity: No

Registered Agent

WAYNE DEERE

225 SHADY VIEW RD

KINGSPORT, TN 37660

Principal Office Address

225 SHADY VIEW RD

KINGSPORT, TN 37660-7452

Mailing Address

225 SHADY VIEW RD

KINGSPORT, TN 37660-7452

AR Standing: Delinquent

RA Standing: Good

Other Standing: Good

Revenue Standing: Good

History (14)

Type	Date	Tracking Number	Change History
Dissolution/Revocation - Administrative for Kingsport Concrete, LLC	10/6/2020 1:40:21 AM	B0932-1230	<ul style="list-style-type: none">Filing Status changed from: Active to: Inactive - Dissolved (Administrative)Inactive Date changed from: No Value to: 10/06/2020
Notice of Determination for Kingsport Concrete, LLC	8/1/2020 1:40:36 AM	B0900-0222	
System Amendment for Kingsport Concrete, LLC	4/14/2020 1:40:34 AM		
2018 Annual Report for Kingsport Concrete, LLC	3/29/2019 8:36:18 AM	B0682-5178	
2017 Annual Report for Kingsport Concrete, LLC	3/30/2018 2:48:36 PM	B0525-8697	
2016 Annual Report for Kingsport Concrete, LLC	3/30/2017 1:58:33 PM	B0373-5718	
2015 Annual Report for Kingsport Concrete, LLC	3/31/2016 10:07:11 AM	B0228-0575	



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
Johnson City Environmental Field Office
2305 Silverdale Road
Johnson City, TN 37601
Phone 423-854-5400 Statewide 1-888-891-8332 Fax 423-854-5401

To: Vojin Janjic, Manager, Water-Based Systems

From: Brianne Begley, Environmental Scientist, JCEFO

Date: February 17, 2023

Subject: Kingsport Concrete, LLC notes and site observations – request for administrative termination of permit TNG110410

NPDES permit TNG110410 was not properly terminated before the site became inactive. The division issued a Notice of Violation (NOV) in March 2020 and scheduled a Compliance Review Meeting (CRM) with the owner in April 2020. JCEFO staff provided Notice of Termination (NOT) paperwork to the owner but it is unclear whether it was submitted. TDEC staff made multiple attempts to contact the permittee by email and phone, but have received no response.

On February 15, 2023, Ms. Brianne Begley of the JCEFO performed a site visit to 225 Shady View Lane in Kingsport, TN to determine the operational status of Kingsport Concrete, LLC. The former concrete plant was inactive at the time of observation. The roadside signage and signs on two buildings read "East TN Supply" and "East TN Masonry." East TN Masonry employees stated that Kingsport Concrete, LLC had not been in operation for several years and the property was now owned by Mr. Steve Arnold. During a phone call with Mr. Arnold on February 15, 2023, he confirmed that he purchased the property from Mr. Wayne Deere in either 2020 or 2021 and the Kingsport Concrete plant had not been in operation for several years.

Photos below document that the concrete plant is inactive and is now being used to store landscaping rock and sand associated with East TN Supply



NEIGHBOR IMPACT STATEMENT - ZONING / INDUSTRIAL ACTIVITY

Name:

Donald of Lori Holt

Address:

145 Shady view rd.

Contact (optional):

Date:

4/19/26

OBSERVED ACTIVITY

Describe observed activity:

see attached

Approx. start date:

couple of months

Frequency of activity:

DAILY

Time of day observed:

All Hours!

IMPACTS

Noise:

see attached

Dust / environmental:

Traffic / safety:

Impact on property use:

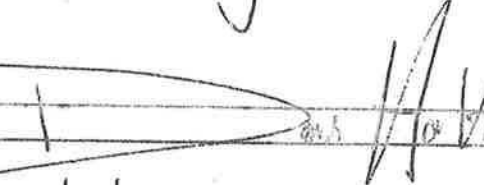
CHANGES OVER TIME

Observed changes:

Getting worse

CERTIFICATION

Signature:



Date:

4/19/26

I have lived in this neighborhood my entire life, I grew up in the two-story house on the corner of Hawaii st. and shady view rd. (Alaska Ave) and met my wife in high school and decided once I was married I would come back to this neighborhood and start a family, which i did back in the early 90's because it was so peaceful and the neighborhood is exactly where i wanted my future kids to be able to play and grow up. I have been a very proud resident for over 30 years and i have to say this is the first time that i can actually say it has gone downhill. I have witnessed children almost being hit by the speeding trucks and I because i live near the curve before the concrete plant i must constantly hear the loud breaking and it has become more of an aggravation than anything. I have been woken up several times late at night because we do go to bed early at our age. I would have never imagined something like this would be placed in a residential area. There is a neighboring industrial park that doesn't make this kind of noise. I just wish the business owners or developers would have to stay in this neighborhood for a few days and experience what we must. Then maybe they would have a better understanding of why this is NOT the place for a business like this. I am a business owner and understand that it has created jobs and benefits the tri cities area, but also as a business owner i would NEVER be this disrespectful to even consider placing a PLANT in a residential area. Also, have they even considered what kind of damage these trucks are going to do to our roads? Or how about the amount of road dust that is being pushed from these large trucks. This is completely unacceptable. I was woken up around 2 or 3 am not too long ago because i thought someone was breaking into my garage...all i heard was loud boom noises and it sounded so close. I had no idea they were allowed to operate at that time of night. Also, i understand that people need concrete on the weekends as well, but it's not enough to deal with this crap through the week.... There goes my relaxing weekends spent in the yard or in my garage with my family. I have to keep my front door shut because it feels like every 30 min to an hour one of those trucks are speeding by and causes my dog to go crazy. I remember when this used to just be county and when it was annexed to be city limits; everyone thinks this 2-lane RESIDENTIAL road is a highway. So now we pay city and county taxes and now adding this type of business. Has anyone else considered the fact that homeowners' property taxes can increase because this new business raises property values all around it!? This business is going to ruin one of the few good neighborhoods we have left, because now this area will become more desirable to even more businesses. Something has to be done; this is so disrespectful and really shows how much the owners care about how they have affected their neighbors! NOT!

NEIGHBOR IMPACT STATEMENT – ZONING / INDUSTRIAL ACTIVITY

Name: Heather Callahan

Address: 137 Shady View Rd.

Contact (optional):

Date: 4/25/24

OBSERVED ACTIVITY

Describe observed activity: loud trucks constantly up and down the road, Driving too fast + All hours of the day + NIGHT! - about a month or more....

Approx. start date: about a month or more....

Frequency of activity: DAILY!! Even weekends!!

Time of day observed: All hours, even 2am!! STUPID

IMPACTS

Noise: Loud Trucks, loud beam sounds!!

Dust / environmental:

Traffic / safety: Speeding + not paying attention

Impact on property use: Can't even enjoy being outside in the evenings with my dogs....

CHANGES OVER TIME

Observed changes: Getting worse!

CERTIFICATION

Signature: Heather Callahan

Date: 4/25/24

more observed activity:

There are loud noises all hours of the night, loud booming noises after 2am! This is a very small neighborhood. I have also seen truck drivers pulling onto Shady view speeding and almost hit my niece!! They do not pay attention! There is NO reason this type of business should be allowed this close to a residential area! I used to love sitting on my porch after a long days work, now I cant even enjoy a quiet evening... truck after truck!!!

I am 40 years old and have lived here since 1997! There has never been a louder ~~area~~ business! and There is a glass plant in the INDUSTRIAL park next to us! Even they arent this disrespectful ~~across~~ A neighborhood I have grew up in and loved and chose to stay my adult life is now being taken over by businesses like this..... heartbreaking. A few weeks ago I kept hearing what sounded like echoing gunshots..... Nope Just your LOUD ASS TRUCKS!!! Disrespectful!!

I the resident Sam & Regina Stapleton at 2537 Russell Street have lived here 31 yrs. At that time the only business behind us was East Tenn. Masonary

As of Feb. 2nd 2026 when SMR came in it has been loud racket starting at 2:30 am or 3:00 am with beating & banging plus beeping from their trucks. We have to get up at 5 and the other at 6 to go to work ourselves and this is uncalled for.

Dust being stirred up all day over the concrete trucks and the plant going all day.

City came in 23 yrs ago double our taxes and has never done anything our road needs paving pot holes every where and they allow this business to come in with no kind of notice or anything. Sam & Regina Stapleton
11.12.2026

April 27, 2026

To Whom It May Concern,

I moved to Vernon Heights in 2009 to get out of a trailer park to feel safe and have a yard for our dogs. My Family lives in the same area and it was nice to be closer and visit. My brother even mows my yard every week for me so my yard is nice and doesn't look trashy. We like to sit outside and enjoy pretty weather and talking with neighbors while they enjoyed their yard and animals as well.

Now I get woken up in the wee hours of the night with sounds that sound like my house is being broken in and causing me extreme anxiety, panic attacks and loss of sleep. I work for a living and sleep is important for me to function, it's not like its a once in a blue moon kind of thing its all the time! That's not even talking about the big trucks going in and out of there all the time. They are huge, loud and stink up the air. Then there's all the dust too.

So now, NO porch sitting, the noise is too loud and if my dogs were still alive they would be on medication to calm them down because this kind of loudness would have sent them into total meltdowns.

It's such a shame to let a company move into a quiet family neighborhood. There are other places for this kind of company to be. It's not right. This seems like somebody did something illegal to let this happen.

My once quiet and safe neighborhood is now a loud industrial park. I feel this has diminished my property value of my home, now if I wanted to sell. NO ONE will want to buy my home, unless they also want it to make it more like this company has done.

Angela D. Crawford
2524 Russell Street
Kingsport, TN 37660
Cell# 423-384-0366

When we moved here, Vernon Heights was more than just a place to live; it was a close-knit neighborhood where everyone looked out for one another. The streets were safe, the air was clean, and the sense of community was palpable. It was a place where memories were made, and families began, a stark contrast to the challenges the neighborhood faces today due to SRM concrete. The introduction of SRM Concrete into the Vernon Heights neighborhood has regrettably disrupted the community's tranquility and economic stability. The persistent odors emitted during the concrete production process have created an unpleasant living environment for myself and other residents, impacting mine and the other residents' quality of life. The constant noise from heavy machinery and truck traffic has disrupted the peace, leading to increased stress and discomfort among residents. Furthermore, the presence of SRM Concrete has negatively impacted property values in Vernon Heights, causing financial strain for homeowners who have seen their investments diminish due to the undesirable presence of the industrial facility. A final concern is the release of respirable crystalline silica (RCS) during concrete production. Inhaling these tiny particles can lead to serious, irreversible lung diseases such as silicosis, COPD, and lung cancer, and the high pH of RCS can also cause harmful skin burns and dermatitis.

Benjamin Fields and Joshua Williams
2516 Russell St
Kingsport, TN, 37660

04/25/26

NEIGHBOR IMPACT STATEMENT – ZONING / INDUSTRIAL ACTIVITY

Name:

Kristie Ford

Address:

2533 Russell St Kingsport Tn 37640

Contact (optional):

yes

Date:

4/27/2020

OBSERVED ACTIVITY

Describe observed activity:

increase noise, especially at night, speeding on roads, dust

Approx. start date:

2/2020

Frequency of activity:

Everyday - Everynight

Time of day observed:

All day; Extreme noise seems to be starting around 1am and continues all night. I even hear it when getting ready to leave for work.

IMPACTS

Noise:

wakes both me and my child up; I have a full time job and my child is in school.

Dust / environmental:

unable to leave windows open due to dust; increase sickness in my child due to dust causing sinus infections.

Traffic / safety:

unable to feel safe taking neighborhood walk due to high speed of workers on the road when driving, myself as well as others have yelled for them to slow down.

Impact on property use:

can't leave windows open to enjoy spring time due to noise and dust

CHANGES OVER TIME

Observed changes:

the noise has progressively gotten worse, the sounds wake both myself and child up, making it difficult for him to go back to sleep because he is scared. The dust has caused my child to

CERTIFICATION

Signature:

Kristie Ford

Date:

4/27/2020

be increasingly sick with a cough and runny nose which turns into sinus infections.

NEIGHBOR IMPACT STATEMENT - ZONING / INDUSTRIAL ACTIVITY

Name:

HUNTER G. SWINEY

Address:

2528 RUSSELL ST, KINGSPORT, TN 37660

Contact (optional):

Date:

04/27/2022

OBSERVED ACTIVITY

Describe observed activity:

MACHINES / INDUSTRIAL EQUIPMENT OPERATING IN NEIGHBORHOOD - BANGING, VIBRATIONS, VERY LOUD

Approx. start date:

SINCE WE MOVED HERE - JANUARY 2022

Frequency of activity:

EVERYDAY BEGINNING AROUND 3AM

Time of day observed:

ALL DAY - VERY NOTICEABLE IN EARLY MORNINGS

IMPACTS

Noise:

VERY LOUD - DISTURBS SLEEP

Dust / environmental:

CONCRETE DUST EXHAUSTED IN NEIGHBORHOOD

Traffic / safety:

N/A

Impact on property use:

ALL THE NOISE & RUMBLING IMPACTS EVERY DAY.

CHANGES OVER TIME

Observed changes:

NO CHANGES - CONSISTENT OPERATIONS

CERTIFICATION

Signature:



Date:

04/27/2022

Name:

Dalton and Faith, Babthaur

Address:

2536 Russell Street, Kingsport, TN 37660

Contact (optional):

N/A

Date:

9/26/20

OBSERVED ACTIVITY

Describe observed activity:

Loud, disruptive, and the lame grinder is in clear sight to our home. We did find a rock

Approx. start date:

lodged in a shingle across from location

Frequency of activity:

Daily

Time of day observed:

All hours / randomly

IMPACTS

Noise:

Noise disturbs husband who works night shift, and tries to sleep during the day. Also will shake pictures and walls when active.

Dust / environmental:

Traffic / safety:

Concern for child and animal long-term safety. The drivers speed heavily on the road, with no mind for people/other cars.

Impact on property use:

Unsure of safety: from dusts, to be outside. Effects sleep of family, and leisure in the house from noise and shaking

CHANGES OVER TIME

Observed changes:

Noise level - going up over time.

CERTIFICATION

Signature:

[Handwritten Signature]

Date:

9/26/20

Kenneth Adams
148 Shady View Rd

I have lived at 148 Shady View Rd. for 62 years and have lived in the Vernon Heights community all of my life. At no point in time has there ever been a concrete batch plant at 225 Shady View Rd. There may have been an attempt at some point but nothing that ever stayed for more than a few months and nothing on the scale that this facility is at.

Beginning in February, the daily noise and disruption that has been brought to this community is nothing less than a full scale construction zone. Speeding Concrete trucks kicking up dust and debris throughout the day. The loud blaring alarms from dump trucks and loaders Starting as early as 2 a.m. and continuing throughout the day and into the evening at times. Dump trucks slamming their beds at all hours when delivering material. Loaders banging and dragging their buckets bring disruption to my ability to enjoy my home and the peace that should come with it

This disruption has interfered with my ability to sit on my front porch and enjoy the peace and quiet of the outdoors and my community. There has been nothing good that has come from this and I am ashamed to know that the city played such a part in it. There are no ordinances or codes that would help reduce the noise and disruption and several of our neighbors have been informed that the city can and will do nothing about the issues that the concrete plant has caused.

Ken Adams

KENNY ADAMS

Joe and Joyce Hilton
2544 Russell St
Kingsport, TN 37660

April 27, 2026

This statement is in regards to the SRM cement plant that was recently opened for operation in our Vernon Heights neighborhood. I do not mind them sharing our neighborhood but I do believe they need to follow noise ordinance that should be established in a residential neighborhood.

"We shape the built environment of the City of Kingsport by promoting the goals and vision of its citizens through quality planning & development without sacrificing excellence in quality of life."

The above I am sure you are aware is the mission statement of Kingsport City Planning Department. The response I got from Melanie Baker when I called to complain about SRM starting the business at 3 am. The beeping trucks and the slamming of a nopper should not be in anyone's back yard at 3 am. I was told by Melanie that they can start work any time they want to as there is no noise ordinance in place. They are zones just like Eastman and Dornier. Eastman and Dornier are not boarding anyone's back yard. They are residential believing that in a residential neighborhood. So does that mean I can have an outdoor party with a band that 3:00 am? She also told me I should have checked the zoning before we bought our home. Well this house was bought by my husband's family in 1958 and it was considered Sullivan County at that time. That comment was not only inappropriate but extremely unprofessional. I am a CEO of a medical company and if any of my employees treated a patient that way, they would no longer work for me. As far as I am considered Kingsport City disrespected my husband's family home when they annexed this neighborhood into the city. Maybe you all should have seen houses and families before you decided to rezone.

I am all for the growth of Kingsport and you cannot do that without industry. I don't think a business should be allowed to start making noise before 7 am or run business on a Sunday morning when Vernon Heights Baptist Church is holding service. If our alarms are set on Monday morning at 5:00 am why should we have to be awake at 3:00 am? Remember we all pay our tax's too.

We have put a lot of money remodeling our home. We don't have to live here but chose to live here. All of us here on Russell Street have worked hard for the last 20 years to turn this neighborhood into a great residential street to be family friendly once again. We are proud of the neighborhood with all the upgrades we are doing to making it a safe and a desirable street to live on. We now have kids playing in the street people walking and jogging using the undesirable that used to occupy this street. We are asking for respect and for you to stand by your mission statement.

Thank you for your time

Joyce Hilton

PUBLIC RECORD REQUEST RESPONSE FORM B

Brandon Jessee, brandondjessee@gmail.com
Requestor's Name and Contact Information

5/14/26
Date

In response to your records request received on 5/13/26 this office is taking the action(s)¹ indicated below:

The public record(s) responsive to your request will be made available for inspection:
Location: _____
Date & Time: _____

Copies of public record(s) responsive to your request are:
 Attached
 Available for pickup at the following location: _____
 Being delivered via:
 USPS First-Class Mail Electronically Other: _____

Your request is **partially** denied on the following grounds:
 Your request was not sufficiently detailed to enable identification of the specific requested record(s).
 You need to provide additional information to identify the requested record(s).
 No such record(s) exists or this office does not maintain record(s) responsive to your request.
 No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.
 You are not a Tennessee citizen.
 You have not paid the estimated copying/production fees.
 The following state, federal, or other applicable law prohibits disclosure of the requested records:

It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:
 It has not yet been determined that records responsive to your request exist; or
 The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is _____.

If you have any additional questions regarding your record request, please contact the undersigned.

Sincerely,

Angie Marshall, MMC
City Clerk/Deputy City Recorder
City of Kingsport
415 Broad Street
Kingsport, Tennessee 37660
423-229-9384 (phone)
423-224-2832 (fax)
AngieMarshall@KingsportTN.gov

¹ If all requested records do not have the same response, so indicate

EXHIBIT G: STATUTORY BASIS FOR REVOCATION

Evidence of Abandonment and Discontinuation of Nonconforming Use

1. Kingsport City Code § 114-8 (The "12-Month" Rule)

Sec. 114-8(4):

"When a nonconforming use of land or a nonconforming use of a part or all of a structure is **discontinued for a period of one year (12 months)**, then the land or building or other structure shall thereafter be used only for a conforming use. **Intent to resume active operations shall not affect the foregoing provision.**"

Legal Application:

The City Code mandates that rights to a nonconforming use are lost after 12 months of discontinuation. With documented evidence of a 44-month gap, the use is legally terminated. Per the ordinance, any stated "intent" to reopen is legally irrelevant once the 12-month threshold is crossed.

2. Tennessee Code Annotated § 13-7-208 (The "30-Month" Rule)

T.C.A. § 13-7-208(g):

"Except as provided in subsection (l), subsections (b)-(d) shall not apply if an industrial, commercial, or other business establishment **ceases to operate for a period of thirty (30) continuous months** and the industrial, commercial, or other business use of the property did not conform with the land use."

T.C.A. § 13-7-208(c):

"...establishments in operation and permitted at the time of zoning change shall be allowed to expand operations... which involve an **actual continuance** of the activities of the industry."

Legal Application:

State law provides a maximum 30-month protection window. The Subject Property ceased industrial operations for 44 months, exceeding the State limit by 14 months. Furthermore, the property failed to maintain an "actual continuance" of manufacturing activities during the period of TDEC-certified inactivity.

3. Burden of Proof & Case Law

Custom Land Development, Inc. v. Town of Coopertown (Tenn. Ct. App. 2004):

Tennessee courts have established that the **burden of proof** to demonstrate that a nonconforming use is lawful and has been continuous rests solely on the **property owner/operator**, not the local residents or the municipality.

Prepared for the Kingsport Board of Zoning Appeals Hearing - June 4, 2026