



TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: September 19, 2023

RE: 134 Cherokee Street

The Board is asked to consider the following request:

Case: BZA23-0305 – The owner of property located at 134 Cherokee Street, Control Map 046P, Group C, Parcel 036.00, requests a zoning interpretation/ administrative review of Sec 114-194(e)2(a). The property is zoned B-2, Central Business District.

Code reference:

(e)Dimensional requirements. The minimum and maximum dimensional requirements for the B-2 district are as follows:

(1)Minimum requirements. No requirements are applicable to this district.

(2)Maximum permitted.

a.Setbacks. Structures housing principal uses shall be built to the front property line for at least 75 percent of the building frontage. For structures on corner lots, both street frontages shall be considered front property lines for purposes of these requirements. Buildings must provide a primary building entry at the front property line.

b.Building height. Building height shall not exceed 74 feet as measured from grade to the top of the roof structure, excluding parapet walls or cornices.

The owner of 134 Cherokee Street, Mr. Travis Featherstone, has requested a zoning interpretation/ administrative review concerning a proposed structure to be erected at 134 Cherokee Street. The proposed land use for the site is a space to accommodate a food truck lot. In reviewing the proposal with Mr. Featherstone, a question has arisen as to whether the proposed structure for the site is a principal or accessory structure. The proposed structure will contain a restroom, supply storage area, and indoor seating. The structure supports the surrounding food truck spaces that surround it as shown on the submitted site plan (attached). The final determination of whether the proposed structure is housing a principal use or an accessory use has setback implications that can potentially modify building setbacks as described above in code section 114-194(e)2.

The concern of staff is that the proposed 900 sq ft structure itself, based upon size and configuration, will be utilized to contain principal uses in the future once the parcel is no longer used as a food truck lot. If the structure is used for principal uses in the future it could potentially disrupt the alignment of the buildings along Cherokee Street as the area slowly redevelops and conforms with the B-2 zoning code required maximum setbacks.

Initial discussion about the project with Mr. Featherstone addressed the need for a restroom and supply storage building. Staff was agreeable that a building designed strictly for restroom and nominal storage use is indeed accessory in nature. From initial discussion, the evolution of proposed addition of the indoor seating area to the proposed structure has brought forth the question at hand. For comprehensive context, the entirety of the B-2 code is also attached to this item.