

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

June 5, 2025 Regular Meeting

Noon

Montgomery-Watterson Boardroom, City Hall

Members Present:

Bill Sumner
Tracey Cleek
Wes Combs
Joe White
Josh Taylor
Hoyt Denton
Calvin Clifton

Members Absent:

Staff Present:

Lori Pyatte
Ken Weems
Jessica McMurray

Visitors:

Ken Bates	Candice Hilton
Richard Banks	Will Hutchinson
Lilly Tupper	Bob Tupper

Chairman Bill Sumner called the meeting to order at 12:02pm.

Chairman Sumner explained the meeting procedures.

Ms. Lori Pyatte conducted the swearing in ceremony for those wishing to speak during the regular meeting. All visitors were sworn in.

Public Hearing:

Case: BZA25-0101 – The owner of the property located at 1383 Dewey Avenue, Control Map 062I, Group J, Parcel 025.00 requests a special exception to Section 114-183(c) to operate an educational group Monday through Friday. The property is zoned R-1B, Residential District.

Property owner William Hutchinson and representative Candice Hilton presented the case. Mr. Hutchinson explained that they are requesting a Special Exception to operate Hilton Horizons Academy on-site, Monday through Friday. He stated that the facility is currently a church building, and they are making this request to remain in compliance with local regulations and to obtain the appropriate approvals to use the space for more than just church services.

The Board asked whether church services are still being held at the location. Mr. Hutchinson confirmed that services currently take place on Sundays at 2:00 p.m., with an additional 10:00 a.m. service starting in the fall, as well as a Wednesday service.

The Board then requested more details about the educational component of the request. Ms. Hilton explained that Hilton Horizons Academy serves homeschool students and is operated by certified teachers. The academy offers tutoring and enrichment opportunities, including math assessments, art, foreign language, and STEM activities. She clarified that all students are enrolled through either a

homeschool program, the Tennessee Online Public School (TOPS), or a hybrid program through Sullivan County Schools.

In response to a question about the age range of students, Ms. Hilton stated the academy serves students in grades K–12. When asked about parking and student volume, Mr. Hutchinson noted that the site has approximately 65 parking spaces. Ms. Hilton added that they expect a maximum of 50 students per day, with staggered drop-off times to manage traffic flow.

Finally, the Board asked whether the Fire Marshal had approved the facility and if any building upgrades were required. Ms. Hilton confirmed that the Fire Marshal has approved the site, and Mr. Hutchinson stated that no upgrades to the building are currently planned.

Staff confirmed that no public comments or calls had been received regarding this item or any other items on the agenda.

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

Case: BZA25-0113 – The owners of properties located at 117 Virgil Avenue (Lot 12R), 121 Virgil Avenue (Lot 11R), 1211 Fairway Avenue (Lot 10R), 208 Glen Avenue (Lot 9R), 204 Glen Avenue (Lot 8R) and 200 Glen Avenue (Lot 7R) request approval for multiple variances. The purpose of the request is to replat six existing houses in order to obtain individual deeds for each property, placing each house on its own lot. The properties are zoned R-1B, Residential District. The specific variances requested are as follows: **117 Virgil Avenue (Lot 12R):** 2,200 sq ft lot size variance to Sec. 114-183(e)(1)a, 6.4-foot front yard variance to Sec. 114-183(e)(1)c, 1.2-foot rear yard variance to Sec. 114-183(e)(1)e. **121 Virgil Avenue (Lot 11R):** 2,720.18 sq ft lot size variance to Sec. 114-183(e)(1)a, 0.2-foot side yard variance to Sec. 114-183(e)(1)d, 7.9-foot front yard variance to Sec. 114-183(e)(1)c. **1211 Fairway Avenue (Lot 10R):** 2,523.8 sq ft lot size variance Sec. 114-183(e)(1)a, 5-foot front yard variance to Sec. 114-183(e)(1)c, 1.1-foot side yard variance to Sec. 114-183(e)(1)d, 1-foot accessory structure setback variance to Sec. 114-133(2). **208 Glen Avenue (Lot 9R):** 2,077.85 sq ft lot size variance Sec. 114-183(e)(1)a, 1-foot side yard variance (street side requires 12 ft) to Sec. 114-138(4)c, 2.1-foot front yard variance to Sec. 114-183(e)(1)c, 7.6-foot rear yard variance to Sec. 114-183(e)(1)e. **204 Glen Avenue (Lot 8R):** 2,593.77 sq ft lot size variance Sec. 114-183(e)(1)a, 10.1-foot front yard variance to Sec. 114-183(e)(1)c. **200 Glen Avenue (Lot 7R):** 1,069.68 sq ft lot size variance Sec. 114-183(e)(1)a, 16.7-foot front yard variance to Sec. 114-183(e)(1)c, 0.8-foot side yard variance to Sec. 114-183(e)(1)d.

Mr. Richard Banks, representing the property owner, presented the case to the Board. He explained that the owner is seeking to re-subdivide three existing lots to allow each of the six houses on the property to be placed on its own individual lot. This would allow for separate deeds, property tax accounts, insurance policies, and the potential sale of the homes as individual units.

The Board asked whether the houses are currently rental properties and if they are occupied. Mr. Banks confirmed that all six homes are rentals and are currently occupied.

The Board then asked if approval of the requested variances would allow the subdivision to proceed. Staff confirmed that it would. Staff clarified that without the variances, the subdivision would not comply with zoning regulations and therefore would not be feasible.

Staff explained that the primary challenge in subdividing the property lies with the home located on Fairway Avenue, which currently has a property line running through the center of the house. Creating a

legal lot for that home triggers setback and lot size variances for the adjacent properties located on Glen and Virgil Avenues.

The Board inquired whether granting the variances would impact utilities or rights-of-way. Staff responded that it would not. All appropriate departments have reviewed the proposal and confirmed that each structure is served by water and sewer, and that no changes to rights-of-way are necessary. Staff noted that from their perspective, this is essentially a zoning cleanup effort.

The Board asked what would happen if the variances were not approved. Staff confirmed that the property would remain as is—one large parcel containing multiple structures. They added that purchasing a parcel with multiple structures is typically complicated, as standard financing options are not designed for such arrangements.

Staff also explained that the hardship in this case stems from the fact that the structures were built in the 1920s and 1930s, long before modern zoning codes were established. At the time, land use regulations did not exist, so this request is an attempt to align historic development patterns with current zoning requirements.

The Board asked whether all six homes have access to a public street. Mr. Banks confirmed that each home has road frontage.

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

Case: BZA25-0127 – The owner of property located at 2003 N. Eastman Road Suite 210, Control Map 047P, Group A, Parcel 003.00 request a 45.62 square foot variance to Sec. 114-533(9)c to exceed the permitted wall sign allowance for the Eggs Up Grill restaurant. The property is zoned B-4P, Planned Business District.

Mr. Ken Bates presented the case to the Board. He explained that he is requesting a sign variance of approximately 45 square feet to allow for additional signage at the Eggs Up Grill located in East Stone Commons. Mr. Bates noted that this is his third Eggs Up Grill location in the Tri-Cities area.

He stated that the restaurant has limited visibility from Stone Drive and no visibility from Eastman Road, which creates a challenge in attracting customers. The proposed additional signage would be placed on the east side elevation of the building and would match the existing signage on the front façade.

Mr. Bates referenced the McAlister's Deli location in the same development, which has similar side elevation signage. Staff confirmed that the Board previously granted a variance for additional signage at McAlister's, as well as at the adjacent U-Haul location.

In response to a question from the Board, Mr. Bates confirmed that the signage will consist of non-illuminated channel letters.

The Board acknowledged that the hardship in this case is due to the site's location within the shopping center and its limited visibility from major roadways.

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

Case: BZA25-0132– The owner of property located at 2112 Eastwood Avenue, Control Map 061L, Group J, Parcel 019.00 requests special exception to Sec 114-183(c) for the purpose of operating an in-home childcare center. The property is zoned R-1B, Residential District.

Ms. Lilly Tupper, representing the property owner, presented the case to the Board. She explained that she is requesting a Special Exception to operate an in-home childcare center within a residential neighborhood. Ms. Tupper stated she plans to care for up to eight children and emphasized that the center would not create excessive noise. She also noted that a fence would be installed for safety.

Ms. Tupper reported that the property has on-site parking for seven vehicles, with space for an additional three cars along the street. She does not anticipate all children arriving at the same time and noted that some will be siblings arriving together in one vehicle.

The Board asked whether any neighbors had submitted comments or concerns. Staff confirmed that notification letters were sent to adjacent properties and those across the street, and a public notice sign was posted on May 30th. No calls or comments had been received. Ms. Tupper added that she had personally spoken with several neighbors, who were supportive and understood the nature of the request.

The Board stated that one of their primary concerns with in-home childcare centers is the potential for traffic-related complaints and safety issues due to increased vehicle activity. They inquired about staffing, and Ms. Tupper responded that the center would be operated by herself and one additional employee.

When asked about licensing, Ms. Tupper explained that she is currently working through the state licensing process but wants to ensure proper zoning approval before proceeding.

The Board asked if she was fixed on the number of eight children. Ms. Tupper responded that she is flexible and willing to work with the Board on that number if needed.

Board members acknowledged the local need for childcare services but expressed the importance of balancing that with neighborhood considerations. They asked staff to clarify the Special Exception process, and staff confirmed that, if approved, the use is allowed until it ceases or changes.

The Board also inquired about signage. Staff confirmed that, under current regulations, the business would be permitted to have one wall-mounted sign not exceeding two square feet.

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 16, 2024 at noon, and meeting date Thursday, July 3, 2025 at noon.

The board reviewed the May 1, 2025 regular meeting minutes.

MOTION: made by Mr. Joe White, seconded by Mr. Wes Combs, to approve the Kingsport Board of Zoning Appeals minutes for May 1, 2025.

VOTE: 7-0 to approve the minutes.

Adjudication of Cases:

Case: BZA25-0101 – The owner of the property located at 1383 Dewey Avenue, Control Map 062I, Group J, Parcel 025.00 requests a special exception to Section 114-183(c) to operate an educational group Monday through Friday. The property is zoned R-1B, Residential District.

The board acknowledged that the intent was clearly articulated, the planning was well-executed, and the facilities met the necessary standards.

MOTION: Made by Mr. Wes Combs and seconded by Mr. Joe White to approve the request as presented.

VOTE: 7-0 to approve the request.

Case: BZA25-0113 – The owners of properties located at 117 Virgil Avenue (Lot 12R), 121 Virgil Avenue (Lot 11R), 1211 Fairway Avenue (Lot 10R), 208 Glen Avenue (Lot 9R), 204 Glen Avenue (Lot 8R) and 200 Glen Avenue (Lot 7R) request approval for multiple variances. The purpose of the request is to replat six existing houses in order to obtain individual deeds for each property, placing each house on its own lot. The properties are zoned R-1B, Residential District. The specific variances requested are as follows: **117 Virgil Avenue (Lot 12R):** 2,200 sq ft lot size variance to Sec. 114-183(e)(1)a, 6.4-foot front yard variance to Sec. 114-183(e)(1)c, 1.2-foot rear yard variance to Sec. 114-183(e)(1)e. **121 Virgil Avenue (Lot 11R):** 2,720.18 sq ft lot size variance to Sec. 114-183(e)(1)a, 0.2-foot side yard variance to Sec. 114-183(e)(1)d, 7.9-foot front yard variance to Sec. 114-183(e)(1)c. **1211 Fairway Avenue (Lot 10R):** 2,523.8 sq ft lot size variance Sec. 114-183(e)(1)a, 5-foot front yard variance to Sec. 114-183(e)(1)c, 1.1-foot side yard variance to Sec. 114-183(e)(1)d, 1-foot accessory structure setback variance to Sec. 114-133(2). **208 Glen Avenue (Lot 9R):** 2,077.85 sq ft lot size variance Sec. 114-183(e)(1)a, 1-foot side yard variance (street side requires 12 ft) to Sec. 114-138(4)c, 2.1-foot front yard variance to Sec. 114-183(e)(1)c, 7.6-foot rear yard variance to Sec. 114-183(e)(1)e. **204 Glen Avenue (Lot 8R):** 2,593.77 sq ft lot size variance Sec. 114-183(e)(1)a, 10.1-foot front yard variance to Sec. 114-183(e)(1)c. **200 Glen Avenue (Lot 7R):** 1,069.68 sq ft lot size variance Sec. 114-183(e)(1)a, 16.7-foot front yard variance to Sec. 114-183(e)(1)c, 0.8-foot side yard variance to Sec. 114-183(e)(1)d.

The board commented that everything was in place except for the lot lines. The site has access and utilities; however, it lacks clearly defined lot lines. While the variances are significant, there is little that can be done to reduce them. The board noted that the hardship in this case stems from the fact that the structures were built before modern zoning codes were established.

MOTION: Made by Vice Chairman Calvin Clifton and seconded by Mr. Wes Combs to approve the request as presented.

VOTE: 7-0 to approve the request.

Case: BZA25-0127 – The owner of property located at 2003 N. Eastman Road Suite 210, Control Map 047P, Group A, Parcel 003.00 request a 45.62 square foot variance to Sec. 114-533(9)c to exceed the

permitted wall sign allowance for the Eggs Up Grill restaurant. The property is zoned B-4P, Planned Business District.

The board noted that the hardship stems from the distance from the street and the site's topography, and that additional signage would help improve visibility and identify the business.

MOTION: Made by Mr. Wes Combs and seconded by Ms. Tracy Cleek to approve the request as presented.

VOTE: 7-0 to approve the request.

Case: BZA25-0132– The owner of property located at 2112 Eastwood Avenue, Control Map 061L, Group J, Parcel 019.00 requests special exception to Sec 114-183(c) for the purpose of operating an in-home childcare center. The property is zoned R-1B, Residential District.

The board confirmed that notification letters were sent to all adjoining property owners, including those directly across the street. They noted that a concern with the site is its location on a through street. The board agreed that allowing eight children could generate excessive traffic. However, they also noted that the street is relatively wide and the property features a double driveway, which should provide adequate parking for the center. Ultimately, the board determined that limiting the number of children to six would be appropriate. They welcomed the property owner to return at a later date to request an increase, provided no complaints are received from neighboring residents.

MOTION: Made by Mr. Wes Combs and seconded by Vice Chairman Calvin Clifton to approve the request with a maximum of six children to minimize traffic and neighborhood disturbances, with the option to return for an increase if no complaints arise.

VOTE: 7-0 to approve the request.

Public Comment:

With no further business the meeting was adjourned at 12:50pm.

Respectfully Submitted,

Jessica McMurray

Jessica McMurray
Development Coordinator