

ArcGIS Web Map



9/23/2024, 2:05:18 PM

Sullivan County Parcels Jan 2023

Parcels

Streets

Interstate

Expressway

Major Arterial

Minor Arterial

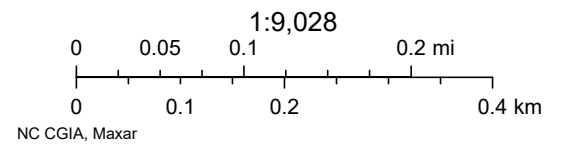
Collector Street

Local Street

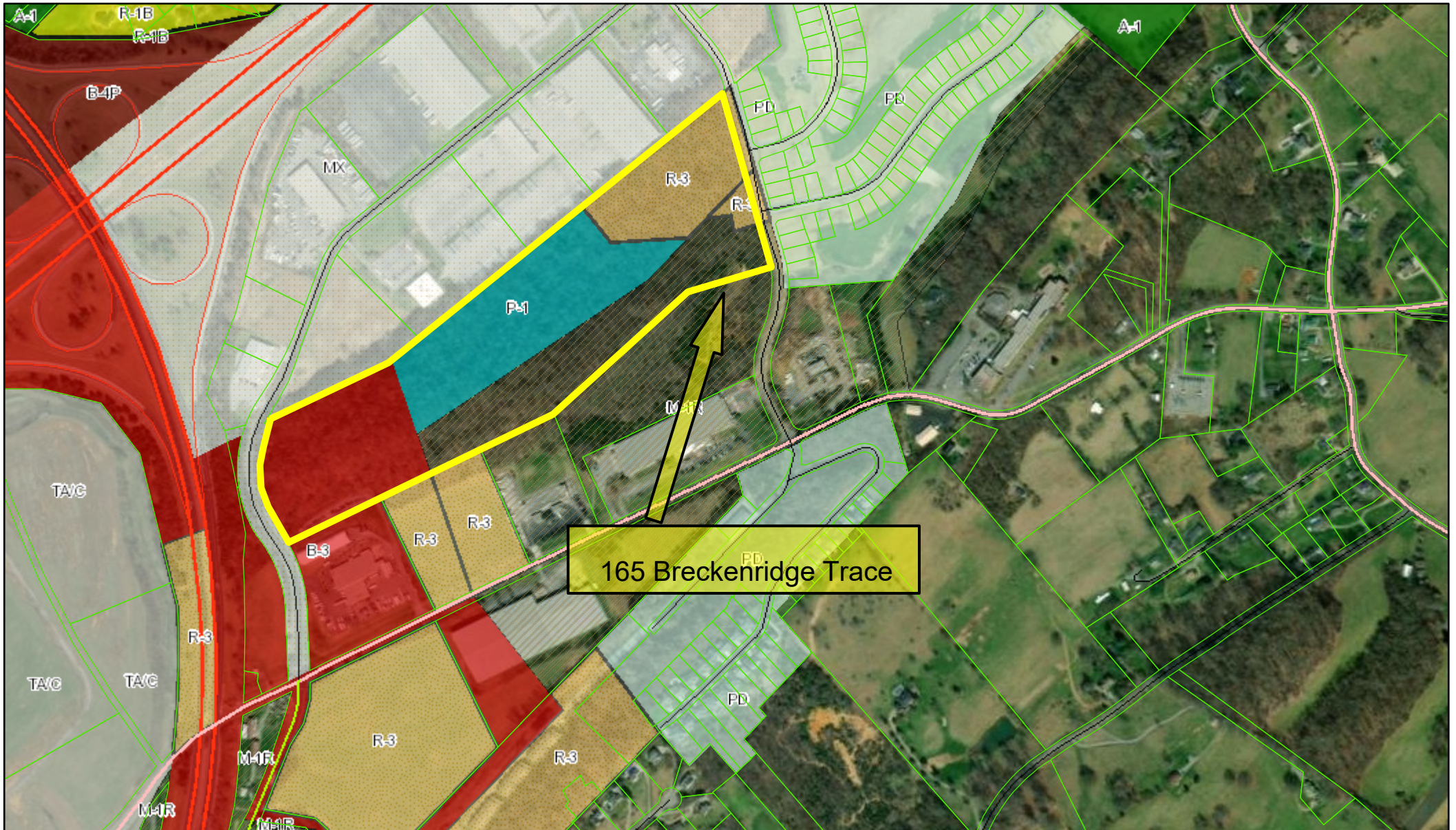
Private Street

Ramp

Urban Growth Boundary

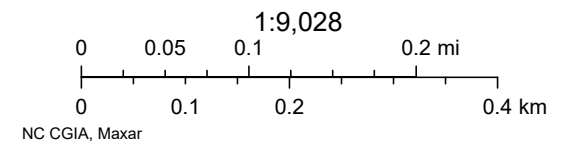


ArcGIS Web Map



9/23/2024, 2:00:44 PM

Sullivan County Parcels Jan 2023	B-2E	B-3	M-1R	PD	R-1B	Split	Major Arterial
Parcels	A-1	B-4	M-2	PMD-1	R-1C	TA	Minor Arterial
City Zoning	A-2	B-4P	MX	PMD-2	R-2	TA-C	Collector Street
<Null>	AR	B-4P	P-1	PUD	R-3	UAE	Local Street
TA/C	B-1	BC	P-D	PVD	R-3A	R-3B	Private Street
R-5	B-2	GC	PBD-3	R-1	R-3B	R-4	Interstate
GC	B-3	M-1	PBD/*	R-1A	R-4	Expressway	Ramp
							Urban Growth Boundary





TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: September 20, 2024

RE: Case BZA24-0203, 165 Breckenridge Trace

The Board is asked to consider the following request:

Case: BZA24-0203 – The owner of property located at 165 Breckenridge Trace, Control Map 120, Parcel 003.55 requests administrative review of Sec 114-198 to allow a new church to be constructed in the industrial zone. The property is zoned M-1R, Light Manufacturing Restricted District.

The requested action portion of the application for administrative review states: “Allow a church to be constructed in a M-1R zone. The zoning text for the M-1R zone is neither permitted by special exception nor prohibited by the zoning text (Section 114-198).”

Staff denied the church use in an M-1R due to a church not being a listed as a principal use in the M-1R zoning code. Staff instead outlined the process for rezoning the M-1R zoned property to ultimately accommodate a church use.

To defend staff’s decision to deny the proposed church use in an M-1R zone, staff draws attention to the definition of principal use as copied below from the zoning definitions text found in Sec 114-1:

*Use, principal, **means the main use of land or a structure**, as distinguished from a secondary, or accessory, use.*

Staff agrees that a church use is not permitted in an M-1R zone as a special exception or listed as a prohibited use, but finds these facts irrelevant to the case. A church use would need to be listed as a principal use in the M-1R zone to start without the need for a rezoning.

Sec. 114-197. M-1, Light Manufacturing District.

- (a) *Intent.* The M-1, Light Manufacturing District is intended for industrial, manufacturing and other uses generally having a lower intensity of smoke, noise, odor, heat, vibrations, light, waste generation and similar characteristics than for M-2 districts.
- (b) *Principal uses.* All principal uses shall meet all local, state and federal requirements for control of air, water and noise pollution. Every use shall be conducted in a completely enclosed building, except for outdoor storage which shall be enclosed by a wall or fence at least six feet high. Principal uses permitted in the M-1 district are as follows:
- (1) Manufacturing, compounding, assembling, processing, packaging or similar treatment of articles of merchandise from the following previously prepared materials: bone, canvas, cellophane, cellulose, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious and semiprecious metals, stones, rubber, sheet metal excluding large stampings, shell, textiles, tobacco, wax, wire, wood excluding sawmills and planing mills, and yarn.
 - (2) Manufacturing, compounding, assembling, processing, packaging or similar treatment of such products as: bakery goods, billboards, candy, ceramics, cosmetics, drafting instruments, electrical parts, appliances, electronic instruments, food products, meat, meat packaging, ice cream, medical and dental instruments, musical instruments, pharmaceuticals, pottery, china or figurines, radios, record players, rubber and metal stamps, rubber products, scientific instruments and equipment, shoes, television receivers, toiletries, soaps and detergents, toys and watches and clocks.
 - (3) Other industrial and manufacturing such as auto parts rebuilding, battery manufacturing; nondairy and nonfood product bottling plants; box and crate assembly; building materials sales; rental and storage yards; bag, carpet and rug cleaning and dyeing; cabinet shops; canneries; caterers; cooperages; crematories; dextrine and starch manufacturing; enameling, lacquering and japanning; felt manufacturing; electric foundry; furniture manufacturing; inflammable underground liquid storage; iron works (ornamental); laboratories (experimental, film or testing); lumber sales and lumberyard; nut and bolt manufacturing and wire drawing; parcel delivery stations; phonograph record manufacturing; public utility service yard; radium extraction; railway or truck terminal; stone monument works; tool manufacturing; vehicle storage yard; welding, other metal working shops, wholesaling, warehousing; breweries, craft breweries, wineries, distilleries.
 - (4) Communication facilities.
- (c) *Accessory uses.* Accessory uses which are accessory, incidental and subordinate to principal uses are permitted in the M-1 district as follows: on-site dwelling unit for caretaker; office, recreation and food service for employees; and incidental retailing of products manufactured on site.
- (d) *Special exceptions.* Special exceptions are permitted only with the approval of the board of zoning appeals and are allowed in the M-1 district as follows:
- (1) Public utilities and public service uses and structures.
 - (2) Indoor recreational facilities such as tennis courts, racquet ball courts, gymnasiums, offices, etc.
- (e) *Prohibited uses.* Uses prohibited in the M-1 district are as follows:
- (1) Residential, business as principal uses.
 - (2) All uses in the M-2 district not included in the M-1 district.
 - (3) Auto wrecking yard and junkyard.

(f) *Dimensional requirements.* The minimum and maximum dimensional requirements for the M-1 district are as follows:

(1) *Minimum requirements.*

- a. Lot area, not applicable.
- b. Lot frontage, not applicable.
- c. Front yard, 20 feet.
- d. Each side yard, not applicable.
- e. Rear yard, not applicable.
- f. Usable open space, not applicable.

(2) *Maximum permitted.*

- a. Lot coverage, 85 percent.
- b. Building height, not applicable.

(g) *Signs.* See article IV of this chapter for sign provisions.

(h) *Parking.* See article VI of this chapter for parking and loading provisions.

(Code 1981, app. A, art. IV, § 9; Code 1998, § 114-206; Ord. No. 4018, § IV(26), 3-21-1995; Ord. No. 4276, § I, 9-3-1996; Ord. No. 6388, § V, 4-1-2014)

Sec. 114-198. M-1R, Light Manufacturing Restricted District.

(a) *Intent.* The M-1R, Light Manufacturing Restricted District is the same as the M-1 district, except that provisions are greater for light and air and for physical appearance.

(b) *Principal uses.* Principal uses permitted in the M-1R district are the same as for the M-1 district.

(c) *Accessory uses.* Accessory uses which are accessory, incidental and subordinate to principal uses are permitted in the M-1R district the same as for the M-1 district.

(d) *Special exceptions.* Special exceptions are permitted only with the approval of the board of zoning appeals and are allowed in the M-1R district the same as for the M-1 district.

(e) *Prohibited uses.* Uses prohibited in the M-1R district are the same as for the M-1 district.

(f) *Dimensional requirements.* The minimum and maximum dimensional requirements for the M-1R district are as follows:

(1) *Minimum requirements.*

- a. Lot area, not applicable.
- b. Lot frontage, not applicable.
- c. Front yard, 50 feet.
- d. Each side yard, 15 feet.
- e. Rear yard, 25 feet.
- f. Usable open space, not applicable.

(2) *Maximum permitted.*

-
- a. Lot coverage, 80 percent.
 - b. Building height, not applicable.

Note. A minimum of 20 feet of the required front yard shall be landscaped with grass, trees and shrubs. Landscaping must be accomplished prior to any occupancy and use of the property.

(g) *Signs*. See article IV of this chapter for sign provisions.

(h) *Parking*. See article VI of this chapter for parking and loading provisions.

(Code 1981, app. A, art. IV, § 9; Code 1998, § 114-207; Ord. No. 4018, § IV(27), 3-21-1995; Ord. No. 4276, § I, 9-3-1996)

APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name	Grace Pointe Fellowship	First		M.I.		Date	
Street Address	130 VFW Road			Apartment/Unit #			
City	Kingsport	State	TN	ZIP	37663		
Phone	423-426-3524	E-mail Address	Jhnrose8@gmail.com				

PROPERTY INFORMATION:

Tax Map Information	Tax map: 120	Group:	Parcel: 003.55	Lot:		
Street Address	165 Breckenridge Trace			Apartment/Unit #		
Current Zone	M-1R	Proposed Zone	M-1R			
Current Use	vacant		Proposed Use	Church		

REPRESENTATIVE INFORMATION:

Last Name	Rose	First	John	M.I.		Date	9-6-24
Street Address	1017 Hill Road			Apartment/Unit #			
City	Blountville	State	TN	ZIP	37617		
Phone	423-426-3524	E-mail Address	Jhnrose8@gmail.com				

REQUESTED ACTION:

Allow a church to be constructed in a M-1R zone. The zoning text for the M-1R zone is neither permitted by special exception nor prohibited by the zoning text (Section 114-198).

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: John Rose Date: 9-12-24

Signed before me on this 12th day of SEPT, 2024,
a notary public for the State of TENNESSEE
County of SULLIVAN.

Notary [Signature]

