



TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Jessica McMurray, Development Coordinator

DATE: April 23, 2024

RE: 100 Netherland Inn Road

The Board is asked to consider the following request:

Case: BZA24-0067 – The owner of property located at 100 Netherland Inn Road, Control Map 022, Parcel 077.00 requests an 81 square foot variance to Sec 114-533(3)a for the purpose of exceeding maximum size requirements for signage for an existing nursing home facility. The property is zoned R-3, Low Density Apartment District.

Code reference:

Sec. 114-533. - On-premises signs.

(3) Multifamily Residential Districts (R-2, R-3 and R-4).

a. Signs are permitted the same as for single-family residential districts.

(2) Single-Family Residential Districts (R-1A, R-1B and R-1C).

a. Home occupations conducted in a dwelling are permitted one sign, provided:

- 1. The area of one side of the sign does not exceed three square feet; and*
- 2. The sign shall not be illuminated by any means.*

ArcGIS Web Map



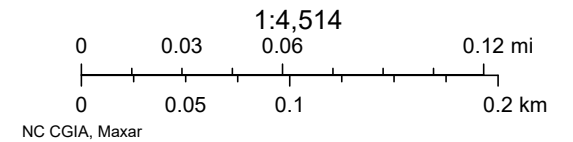
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Sullivan County Parcels Jan 2023 Hawkins County Parcels 2023 Jan

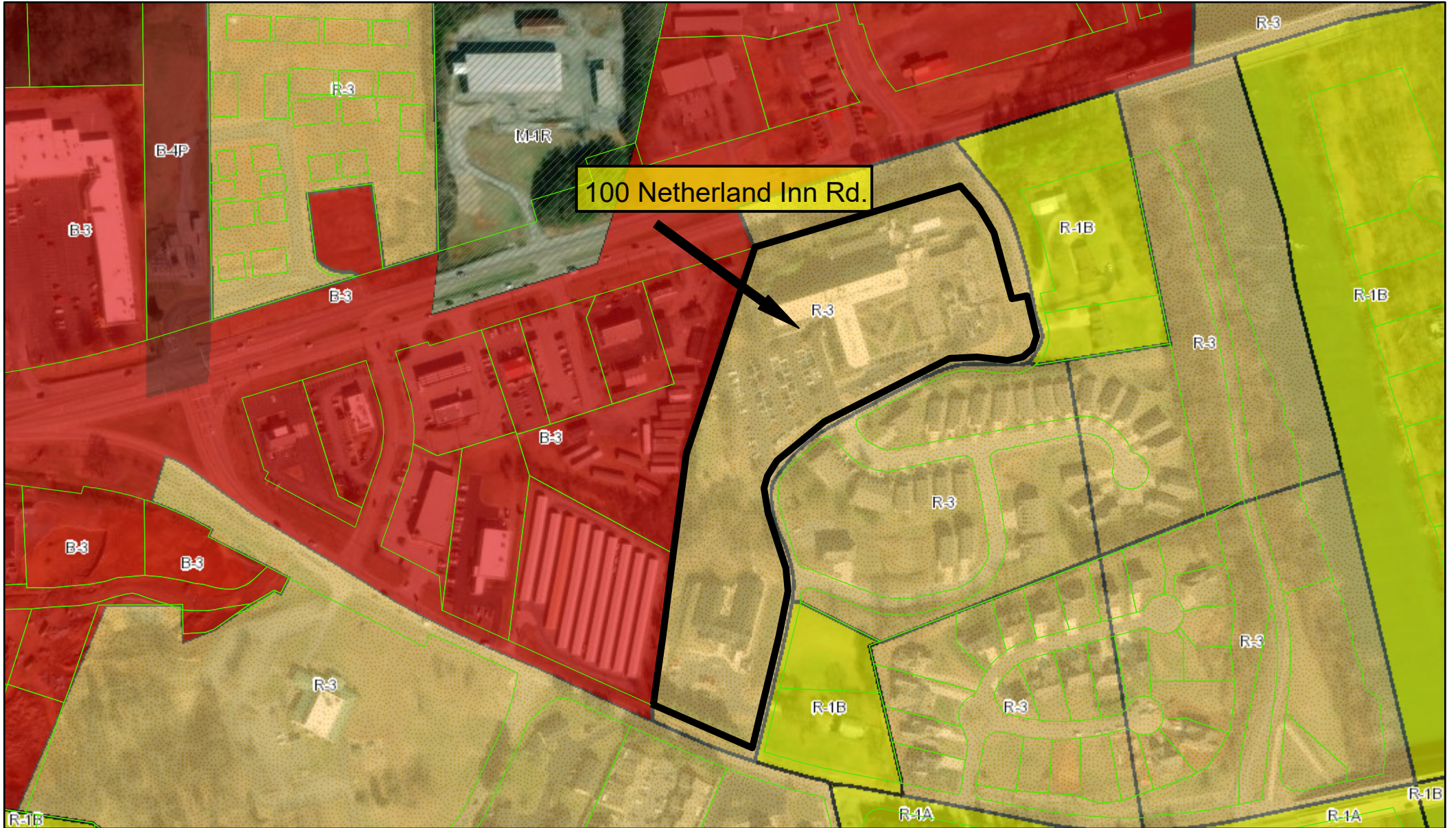
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Urban Growth Boundary

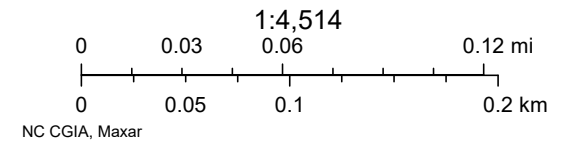


ArcGIS Web Map



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Sullivan County Parcels Jan 2023	City Zoning	GC	AR	B-3	BC	M-2	PBD-3
Hawkins County Parcels 2023 Jan	<Null>	B-2E	B-1	B-4	GC	MX	PBD/*
	T/A/C	A-1	B-2	B-4P	M-1	P-1	PD
	R-5	A-2	B-3	B-4P	M-1R	P-D	PMD-1



APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name Waters of Kingsport	First	M.I.	Date 4-15-24
Street Address 100 Netherland Lane		Apartment/Unit #	
City Kingsport	State TN	ZIP 37660	
Phone 423-245-8967	E-mail Address administrator@watersofkingsport.com		

PROPERTY INFORMATION:

Tax Map Information Tax map: 022 Group: Parcel: 077.0 Lot:

Street Address	100 Netherland Inn Road, Kingsport, TN 37660	Apartment/Unit #
Current Zone	R-3	Proposed Zone
Current Use	Nursing Home	Proposed Use

REPRESENTATIVE INFORMATION:

Last Name Justice	First Melissa	M.I. M	Date 04/15/2024
Street Address 2918 Creekmore Drive,		Apartment/Unit #	
City Johnson City	State TN	ZIP 37601	
Phone 423-282-6221	E-mail Address mjustice@snydersigns.com		

REQUESTED ACTION:

Requesting a variance for 81 sq. ft. of additional wall sign area for purposes of providing identification for a nursing home.

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: Ella Daugherty Date: 4-16-24

Signed before me on this 16th day of April, 2024
a notary public for the State of Tennessee
County of Washington

Notary Suzanne M. Cloyd
My Commission Expires January 30, 2028



Variance Worksheet – Finding of Facts

Variances. Except as provided herein to hear and decide applications for variance from the terms of this chapter, because of exceptional narrowness, shallowness or shape of a specific piece of property which on June 16, 1981, was a lot of record or where, **because of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property**, the strict application of this chapter would result in peculiar and exceptional practical difficulties to exception or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before any variance is granted, the board must find all of the following, which shall be recorded, along with any imposed conditions or restrictions, in minutes and records and issued in written form to the applicant to constitute proof of the variance:

a. The specific conditions in detail which are unique to the applicant's land. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

The subject property is a skilled nursing facility housing many residents. This is not like other residential homes in the area. This facility often has ambulances that need to transport patients/residents to and from the property. For this reason, proper identification is necessary.

b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.

The subject property currently zoned R-3, which only allows 3 sq. foot of wall signage (the same as single-family residential districts). This facility houses many residents, and residents who require some sort of nursing care. Therefore 3 sq. ft. of wall signage is not sufficient to properly identify the nature of this facility.

c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.

The unique condition is not the result of any action that the applicant as taken.

d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

The subject property sits off the main road. The signs are not oversized. The proposed signs do **not** illuminate. These are subtle in color. The sole purpose of these signs are to identify the property so that patients, visitors, and emergency vehicles can identify the entrance to the skilled nursing facility.

Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area or density above the maximum permitted by the zoning district; allowing a use other than those specifically authorized by this chapter in the applicable zoning district; or from the denial of a zoning permit when such denial is due to the fact that such lot has no frontage on a public street unless such lot was a lot of record on June 16, 1981.

Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.

2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.

3. Inability to put the property to its most profitable use DOES NOT constitute a "hardship".

4. Mere inconvenience to the applicant is not sufficient grounds for determining a "hardship". In granting a variance the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance.

The Waters of Kingsport LLC

100 Netherland Inn Road
Kingsport, TN 37660 United States

Project No.: **240448-01**

Sales Rep.: **Melissa Justice**

Designer: **JLG**

Date: **03/19/24**

Revisions

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Customer Approval: _____ Date: _____

Landlord Approval: _____ Date: _____

Printed Landlord's Name: _____

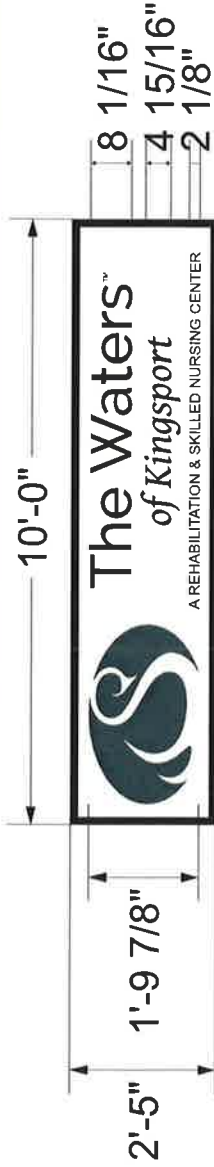
Landlord's Phone Number: _____



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Scale: **1/4" = 1'** Page: **1 of 3**



Scale **1/2" = 1'0"**

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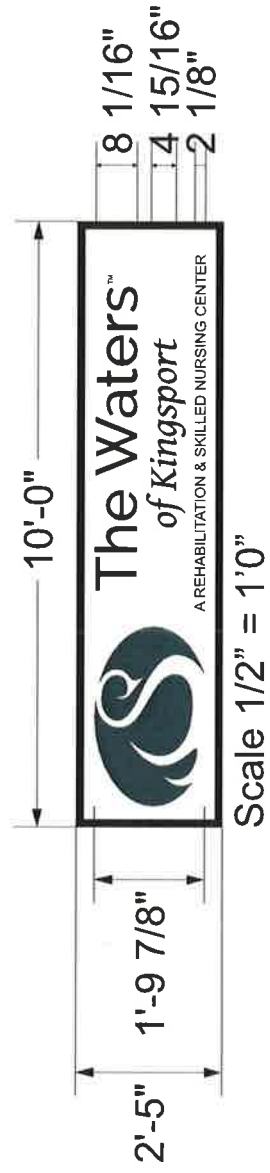
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