

**CITY OF KNOXVILLE  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
JANUARY 21, 2016**

The **CITY OF KNOXVILLE BOARD OF ZONING APPEALS** considered the following petitions for variance of requirements of the Knoxville City Code, Appendix B, Zoning Regulations at their **January 21, 2016 meeting at 4:00 p.m. in the Small Assembly Room, City County Building, 400 Main Street, Knoxville, TN.**

*This meeting and all communications between the Board members is subject to the provisions of the Tennessee Open Meetings Act, Tenn. Code. Ann. § 8-44-101, et seq.*

**ROLL CALL**

Board Chairman Don Horton called the meeting to order at 4:00 p.m. Other Board members present were Kristin Grove and Daniel Odle. Board member Charlie Van Beke was absent.

Others in attendance were Peter Ahrens, Director of Plans Review and Inspections; Scott Elder, Zoning Chief; Mark Johnson, Engineering; Crista Cuccaro, Law Department; Angelia Rooks, Board Secretary; and Marc Payne, MPC.

**ELECTION OF THE CHAIRMAN**

Board member Kristin Groves made a motion to move the election of the Chairman for 2016 to the front of the agenda. It was seconded by Board member Daniel Odle. The Board voted 3-0 to **APPROVE** the motion.

Board member Daniel Odle made a motion to nominate Don Horton as Chairman for 2016. It was seconded by board member Kristin Grove. The Board voted 3-0 to **APPROVE** the motion.

**APPROVAL OF MINUTES**

Board member Kristin Grove made motion to approve the December 17, 2015 minutes. It was seconded by Board member Daniel Odle. The Board voted 3-0 to **APPROVE** the motion.

**OLD BUSINESS**

<b>File:</b>	<b>11-G-15-VA</b>	
<b>Applicant:</b>	<b>Metropolitan Airport Authority</b>	
<b>Address:</b>	<b>2701 Spence Place</b>	<b>Parcel ID: 095MC014</b>
<b>Zoning:</b>	<b>A-1 (General Agricultural) District</b>	
	<b>1<sup>st</sup> Council District</b>	

**Variance Request:**

Reduce the minimum required floor elevation from 832.2 ft. to 831.0 ft. above sea level per Flood Damage Prevention and Control Ordinance: Article 3, Section 12-52(2).

As per the submitted plan to permit the construction of an airplane hangar at Downtown Island Airport that will 1.2 ft. below the 500 year flood level in an A-1 (General Agricultural) District.

The staff received notice from the applicant to **WITHDRAW** the request.

**NEW BUSINESS**

**File:** 1-A-16-VA  
**Applicant:** Leon Barbosa  
**Address:** 322 Barrar Avenue  
**Zoning:** R-2 (General Residential) District  
1<sup>st</sup> Council District

**Parcel ID: 109KP006**

**Variance Request:**

Reduce the minimum required west side yard setback from 12 ft. to 5.8 ft. per Article 4 Section 2.1.6.D.2.a.

As per submitted plan to permit addition to an existing detached dwelling in an R-2 (General Residential) District.

The staff received notice from the applicant to **WITHDRAW** the request.

**File:** 1-B-16-VA  
**Applicant:** 908 Development Group  
**Address:** 2308 Forest Avenue  
**Zoning:** RP-3 (Planned Residential) District  
1<sup>st</sup> Council District

**Parcel ID: 094OD02001**

**Variance Requests:**

1. Reduce the minimum drive aisle width for two-way traffic with 90 degree parking from 26 ft. to 24 ft. near the pool per Article 5 Section 7.A.4.a.2.Table.
2. Reduce the minimum drive aisle width for two-way traffic with 90 degree parking from 26 ft. to 25 ft. in the alley per Article 5, Section 7.A.4.a.2.Table.

As per submitted plan to bring existing parking lot into conformance in an RP-3 (Planned Residential) District.

Mark Johnson, Engineering, stated that the parking lot was already completed. The variances requested are items that could not be corrected. Variance approval would bring the project into compliance.

The applicant was not present. Board member Kristin Grove made a motion to postpone hearing the request until the next meeting. It was seconded by Board member Daniel Odle. The Board voted 3-0 to **POSTPONE** hearing the request until the February 18, 2016 meeting.

**File:** 1-C-16-VA  
**Applicant:** JMB Investments  
**Address:** 1612 Elm Street  
**Zoning:** C-3 (General Commercial) District  
5<sup>th</sup> Council District

**Parcel ID: 081NQ009-01201**

**Variance Request:**

Reduce the minimum required southeast front yard setback from 25 ft. to 14 ft. per Article 4, Section 2.2.6.E.1.

As per submitted plan to permit construction of a commercial building in a C-3 (General Commercial) District.

Tim Dunaway, the applicant was present. The hardship was four front yard setbacks: Elm, Emerald, Oldham, and the south-bound off ramp of I-275. The building was a standard Dollar General proto-type.

In opposition, Kevin Murphy, a member of the Knox County Board of Zoning Appeals, was present. He stated that the request did not meet the legal requirements to justify a variance approval. The owners created the hardship when they re-platted the property, and they were aware of the setback requirements. A 44% decrease in the setback was excessive and there was no analysis or discussion to determine the minimum variance needed. The owners were not deprived of reasonable use of the property. There was also no representation present from a neighborhood association to determine if the request would be injurious to the community welfare.

In rebuttal, Mr. Dunaway stated that he did not know of the four front yard setbacks when he applied for a parking space variance at a previous meeting. It wasn't discovered until after the property was purchased. An informal inquiry was conducted to locate a neighborhood association, but none was found. A Dollar General store was beneficial to the community. Mr. Dunaway worked with the staff in Plans Review to determine the minimum setback required to make the project work.

Board member Daniel Odle asked the staff if four front yard setbacks were common. Scott Elder, Zoning Chief said it was not uncommon in older areas near the interstate. Mr. Odle said he would approve the request since there was no offense to any other boundary, neighbor, or regulation; there were trees limiting the view; and from a practical standpoint, there was no harm in letting the building overlap the setback by a few feet.

Board member Daniel Odle made a motion to approve the request. It was seconded by Board member Kristin Grove. The Board voted 3-0 to **APPROVE** the request.

**File:** 1-D-16-VA  
**Applicant:** Julie Shelby Davis  
**Address:** 2613 Adair Drive **Parcel ID: 058ND04502**  
**Zoning:** C-3 (General Commercial) District  
5<sup>th</sup> Council District

**Variance Request:**

Increase the maximum permitted size of wall signs from 47 sq. ft. to 61 sq. ft. per Article 8, Section 11.6.a.2.

As per submitted plan to permit additional square footage of wall signage in a C-3 (General Commercial) District.

Julie Shelby Davis, the applicant, was present. Her client, H&R Block, wanted to update their wall sign to match the sign on the front elevation. Uniform branding and signage was important to company standards, and required updating of older signs. It would also increase the store's visibility.

Board member Kristin Grove stated that the proposed sign would exceed the maximum square footage for wall signage allowed in the city's sign ordinance. She made a motion to deny the request. It was seconded by Board member Daniel Odle. The Board voted 3-0 to **DENY** the request.

**File:** 1-E-16-VA  
**Applicant:** Urban Engineering, Inc.  
**Address:** 1132 N. Sixth Avenue **Parcel ID: 082PC007**  
**Zoning:** C-2 (Central Business) District  
4<sup>th</sup> Council District

**Variance Request:**

Reduce the minimum permitted distance a driveway on the continuous leg of a “T” intersection can be located from the extended right-of-way of the non-continuous leg from 25 ft. to 0 ft. per Article 5, Section 7.B.2.b.

As per submitted plan to permit the rehabilitation of an existing building in a C-2 (Central Business District).

Chris Sharp, the applicant, was present. Placement of existing utility poles required relocation of the driveway. Mark Johnson, Engineering, stated that this was a low-volume intersection with no other conflicts.

Board member Kristin Grove made a motion to approve the request. It was seconded by Board member Daniel Odle. The Board voted 3-0 to **APPROVE** the request.

**File: 1-F-16-VA**  
**Applicant: Brian Pittman / McCarty, Holsaple, McCarty**  
**Address: 220 Carrick Street Parcel ID: 094KF015**  
**Zoning: O-1/H-1 (Office, Medical and Related Services / Historic Overlay) Districts**  
**6<sup>th</sup> Council District**

**Variance Request:**

Increase the maximum number of ground signs permitted from 1 sign to 2 signs per Article 8 Section 11.5.b.2.

As per submitted plan to permit an additional ground sign in an O-1/H-1 (Office, Medical and Related Services / Historic Overlay) Districts.

Brian Pittman, the applicant representing the Emerald Academy, was present. The school added a second entrance for student drop-off/pick-up. The request for a second ground sign was for safety and so parents and visitors will know where the new entrance was located. The total square footage of all signage would decrease because the current wall sign, added when the building was a Boys & Girls Club, will be removed as required by the sign ordinance. They could add a wall sign above the doors, but that would cover the historic “Moses School” sign carved in Tennessee marble. The school preferred to have two matching ground signs at each entrance instead of a wall sign.

Board members discussed directional signage and wall signs that may be approved by the HZC. They requested more site photos showing street approaches, dimensions and distances.

Board member Kristin Grove made a motion to postpone the request until the next meeting. It was seconded by Board member Daniel Odle. The Board voted 3-0 to **POSTPONE** the request until the February 18, 2016 meeting. The Board asked for on-site photos for clarification.

**File: 1-G-16-VA**  
**Applicant: Barge, Waggoner, Sumner and Cannon, Inc.**  
**Address: 2714 Chapman Hwy Parcel ID: 109HB007**  
**Zoning: C-4 (Highway and Arterial Commercial) District**  
**1<sup>st</sup> Council District**

**Variance Request:**

Increase the maximum permitted Chapman Hwy driveway width from 30 ft. to 36 ft. per Article 5, Section 7.B.3.c.Table.

As per submitted plan to permit construction of a new commercial building in a C-4 (Highway and Arterial Commercial) District.

Adam Hayes, the applicant, was present. The additional driveway width was for three lanes to make ingress and egress easier.

Board member Kristin Grove made a motion to approve the request. It was seconded by Board member Daniel Odle. The Board voted 3-0 to **APPROVE** the request.

**File:** 1-H-16-VA  
**Applicant:** Whitney Manahan / DeWhirst Properties  
**Address:** 205 W. Depot Avenue **Parcel ID: 094EF017**  
**Zoning:** C-2 (Central Business) District  
6<sup>th</sup> Council District

**Variance Requests:**

1. Reduce the minimum required Ogden Street front yard setback from 5 ft. to 0 ft. per Article 4 Section 2.2.5.E.1.)
2. Reduce the minimum required Depot Avenue front yard setback from 5 ft. to 0 ft. per Article 4 Section 2.2.5.E.1.

As per submitted plan to permit construction of a new mixed use building in a C-2 (Central Business District).

Board members heard items 1-H and 1-I together. Whitney Manahan, the applicant, was present. The buildings and variance requests for 1-H and 1-I were similar. The intent was to match the setbacks of existing buildings in the area. The previous building at 205 W Depot was destroyed by fire.

Mark Hines, representing the owners, was present. The parcels have adjacent buildings with zero lot lines; a neighbor on Ogden Street received a variance for a zero lot line; and when the property was one-lotted to change the zoning to C-2, the city asked for a 75 ft. radius and 15 ft. setback resulting in an 18% reduction of the usable lot size.

Board member Daniel Odle made a motion to approve the request. It was seconded by Board member Kristin Grove. The Board voted 3-0 to **APPROVE** the request.

**File:** 1-I-16-VA  
**Applicant:** Whitney Manahan / DeWhirst Properties  
**Address:** 310 Ogden Street **Parcel ID: 094EF01601**  
**Zoning:** C-2 (Central Business) District  
6<sup>th</sup> Council District

**Variance Requests:**

1. Reduce the minimum required Ogden Street front yard setback from 5 ft. to 0 ft. per Article 4 Section 2.2.5.E.1.
2. Reduce the minimum required Depot Avenue front yard setback from 5 ft. to 0 ft. per Article 4 Section 2.2.5.E.1.

As per submitted plan to permit construction of a new mixed use building in a C-2 (Central Business District).

Board members heard items 1-H and 1-I together. Board member Daniel Odle made a motion to approve the request. It was seconded by Board member Kristin Grove. The Board voted 3-0 to **APPROVE** the request.

**File:** 1-N-16-VA  
**Applicant:** Joseph Staats  
**Address:** 203 N. Seven Oaks Drive  
**Zoning:** SC-3 (Regional Shopping Center) District  
2<sup>nd</sup> Council District

**Parcel ID:** 132-02501

**Variance Requests:**

1. Reduce the minimum number of required parking spaces from 1,665 spaces to 1,010 spaces per Article 5 Section 7.A.3.a.Table.
2. Increase the maximum permitted lot coverage from 20% to 31.1 % per Article 4 Section 3.2.C.2.

As per submitted plan to permit construction of a new commercial building in an SC-3 (Regional Shopping Center) District.

The staff received notice from the applicant to **POSTPONE** the request until the February 18, 2016 meeting.

**File:** 1-O-16-VA  
**Applicant:** Abbey Fields, LLC  
**Address:** 300 E. Depot Avenue  
**Zoning:** I-2 (Restricted Manufacturing and Warehousing) District  
6<sup>th</sup> Council District

**Parcel ID:** 094EE012

**Variance Request:**

Reduce the minimum number of required parking spaces from 3 spaces to 0 spaces per Article 5 Section 7.A.3.c.

As per attached plan to permit development of a market garden and community garden in an I-2 (Restricted Manufacturing and Warehousing) District.

Brenna Wright, the owner, was present. Abbey Fields is a for-profit urban garden that sells produce to downtown restaurants and the community. Adding required parking spaces to this satellite location would take away from green space. Several hundred parking spaces are available a block away, and street parking on Depot Avenue provides seven spaces.

Board member Kristin Grove asked about ADA access in a community space. The staff noted that there is an accessible curb cut at the corner of Morgan and Depot Avenue that would accommodate ADA parking requirements.

Board member Kristin Grove made a motion to approve the request. It was seconded by Board member Daniel Odle. The Board voted 3-0 to **APPROVE** the request.

**File:** 1-P-16-VA  
**Applicant:** Biltmore Properties  
**Address:** 4315 Kingston Pike  
**Zoning:** C-6 (General Commercial Park) District  
2<sup>nd</sup> Council District

**Parcel ID:** 107LA019

**Variance Request:**

Reduce the minimum number of required parking spaces from 1,041 spaces to 738 spaces per Article 5 Section 7.A.3.a.Table.

As per submitted plan to permit construction of a new commercial building(s) in a C-6 (General Commercial Park) District.

Arthur Seymour, Jr., representing the applicant, was present. Western Plaza planned to add a 3-story building that would include a restaurant and office space with parking below. Available parking spaces have been reduced by the widening of Kingston Pike. The parking ratio would increase from 3.1 to 3.3 spaces per 1,000 sf.

Board member Daniel Odle stated that the site does not have a parking problem, but a perception problem. The front parking area appears full while the other parking area was used very little.

Board member Daniel Odle made a motion to approve the request. It was seconded by Board member Kristin Grove. The Board voted 3-0 to **APPROVE** the request.

**File:** 1-Q-16-VA  
**Applicant:** Kenneth Ellsworth  
**Address:** 151 E. Blount Avenue **Parcel ID: 109AA002**  
**Zoning:** FD-SW6 (South Waterfront) Form District  
1<sup>st</sup> Council District

**Variance Request:**

Increase the maximum permitted Henley Street front yard setback from 0 ft. to 132 ft. per South Waterfront Guidelines, Section 4.1.3.G.4.

As per submitted plan to permit construction of a new building(s) in the FD-SW6 (South Waterfront) Form District.

Kenneth Ellsworth, the applicant, was present. The request was more of a timing issue. The intent was to divide the property into several parcels: two for apartment buildings, and one for a public event space to be deeded to the City along with the Riverwalk and other public plazas. The Henley Street frontage was currently a front yard, but after the park is completed and deeded to the City, it will become a side yard and will be in compliance with the setback from the new property line.

Board member Kristin Grove made a motion to approve the request. It was seconded by Board member Daniel Odle. The Board voted 3-0 to **APPROVE** the request.

**File:** 1-R-16-VA  
**Applicant:** Sara Martin  
**Address:** 708 Morgan Street **Parcel ID: 094DJ031**  
**Zoning:** R-1A/H-1 (Low Density Residential / Historic Overlay) Districts  
4<sup>th</sup> Council District

**Variance Requests:**

1. Reduce the minimum number of required parking spaces from 6 spaces to 4 spaces per Article 5 Section 7.A.3.a.Table.
2. Reduce the minimum required drive aisle width for 90 degree parking off the alley from 26 ft. to 22 ft. per Article 5, Section 7.A.5.c.2.

As per submitted plan to permit a triplex dwelling unit in an R-1A/H-1 (Low Density Residential / Historic Overlay) District.

Carl Lansden, the owner, was present. When the property was purchased, it was a non-conforming 6-unit. He was changing it to a triplex and reducing parking from six spaces to four.

Board member Daniel Odle noted that street parking was available and made a motion to approve. It was seconded by Board member Kristin Grove. The Board voted 3-0 to **APPROVE** the request.

**OTHER BUSINESS**

Election of Board Chairman for 2016

The next BZA meeting is February 18, 2016.

**ADJOURNMENT**

The meeting was adjourned at 5:25 pm.

Respectively submitted,

*Angelia Rooks*  
Angelia Rooks, Board Secretary