

**CITY OF KNOXVILLE  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
FEBRUARY 18, 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 **February 18, 2016** meeting at 4:00 pm in the Small Assembly Room of the City County Building at 400 Main St, 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, Daniel Odle, Charlie Van Beke, and David Dupree.

Others in attendance were Peter Ahrens, Director of Plans Review and Inspections; Marty Clay, Chief Building Inspector; Scott Elder, Zoning Chief; Brandon Littlejohn, Zoning Inspector; Mark Johnson, Engineering; Lisa Hatfield, Law Department; Angelia Rooks, Board Secretary; and Dan Kelly, MPC.

**APPROVAL OF MINUTES**

Board member Kristin Grove made motion to approve the January 21, 2015 minutes. It was seconded by Board member Daniel Odle. The Board voted 3-0 to **APPROVE** the motion. Board members Charlie Van Beke and David Dupree abstained.

**OLD BUSINESS**

**File:** 1-B-16-VA  
**Applicant:** 908 Development Group  
**Address:** 2308 Forest Avenue **Parcel ID: 094OD02001**  
**Zoning:** RP-3 (Planned Residential) District  
1<sup>st</sup> Council District

**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.

The applicant was not present. Board member Kristin Grove made motion to postpone hearing the request. It was seconded by Board member Charlie Van Beke. The Board voted 5-0 to **POSTPONE** hearing the request until the March 17, 2016 meeting.

**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.

The applicant requested to postpone. Board member Charlie Van Beke made motion to postpone hearing the request. It was seconded by Board member Kristin Grove. The Board voted 5-0 to **POSTPONE** hearing the request until the March 17, 2016 meeting.

**File: 1-N-16-VA**  
**Applicant: Joseph Staats**  
**Address: 203 N. Seven Oaks Drive** **Parcel ID: 132-02501**  
**Zoning: SC-3 (Regional Shopping Center) District**  
**2<sup>nd</sup> Council District**

**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.

Board member Kristin Grove recused herself.

Colleen Riordan, representing the applicant, was present. Her client proposed constructing a free-standing restaurant in the existing parking lot of the Windsor Square Shopping Center to increase customer interest. The existing shopping center already exceeded maximum lot coverage requirements, and was not in compliance with minimum parking requirements, but there was low parking demand.

Board members agreed that the parking lot was always underused and the area needed more development. Board member Charlie Van Beke made a motion to approve the requests. It was seconded by Board member Daniel Odle. The Board voted 4-0 to **APPROVE** the requests. Board member Kristin Grove was recused.

**NEW BUSINESS**

**File: 2-B-16-VA**  
**Applicant: 835 North Central, LLC**  
**Address: 835 N. Central Avenue** **Parcel ID: 094DQ032**  
**Zoning: C-3 (General Commercial) District**  
**4<sup>th</sup> Council District**

**Variance Request:**

Reduce the minimum number of required parking spaces from 247 spaces to 0 spaces per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit reuse of an existing building as a multi-use facility including assembly occupancy in a C-3 (General Commercial) District.

Patrick King, representing the applicant, was present. The existing building covered the entire parcel, so they cannot comply with the minimum parking spaces required for retail and assembly use. They conducted a survey of street parking and estimated 499 spaces available within a ¼ mile radius. Part of the parcel was located across Pruitt Street, and they determined that it could accommodate 10 parking spaces. Mr. King stated that he has amended the variance request to reduce the minimum required spaces from 247 to 10. They also had a three-year lease agreement to use 15 parking spaces of a parking lot located across Central Avenue, owned by Scott Carpenter. Mr. King did not have a copy of the lease available for the Board to review.

Scott Elder, Zoning Chief, clarified that parking spaces located across major, arterial roads such as Central Avenue, did not count toward the minimum parking requirement. However, the parking spaces across Pruitt Street did apply toward the minimum requirement.

Board members agreed that this area of town was growing rapidly, and a lack of parking was a serious concern. Board member Daniel Odle made a motion to approve the request as amended. It was seconded by Board member Kristin Grove. The Board voted 5-0 to **APPROVE** the request as amended to reduce the minimum number of parking spaces from 247 to 10.

**File:** 2-C-16-VA  
**Applicant:** Bailey Sharp  
**Address:** 1239 Forest Brook Road **Parcel ID:** 134AC030  
**Zoning:** R-1 (Low Density Residential) District  
2<sup>nd</sup> Council District

**Variance Requests:**

Reduce the minimum required rear yard setback from 25 ft. to 16.5 ft. per Article 4, Section 2.1.1.E.3.a.

As per submitted plan to permit an addition to an existing detached dwelling in an R-1 (Low Density Residential) District.

Bailey Sharp, the applicant, was present. He presented an additional drawing to the Board. Topography, lot shape and outdated utility easements from the 1950's have restricted the development of this lot.

Board member Daniel Odle made a motion to approve the request. It was seconded by Board member Charlie Van Beke. The Board voted 5-0 to **APPROVE** the request.

**File:** 2-D-16-VA  
**Applicant:** Will Robinson  
**Address:** 2701 Sevier Avenue **Parcel ID:** 109BF041  
**Zoning:** R-2 (General Residential) District  
1<sup>st</sup> Council District

**Variance Request:**

Reduce the minimum required front yard setback from 25 ft. to 8.49 ft. per Article 4, Section 2.1.6.D.1.a.

As per submitted plan to permit construction of apartments in an R-2 (General Residential) District.

William Robinson, the applicant, was present. Also present was Paul Horn, representing the owner and general contractor. The previous structure was destroyed by fire. Topography and two front yards restricted compliance with the setback requirement. The new structure will closely match the existing footprint of the previous building. Moving the building further back would require extensive excavation, and eliminate a large portion of common area.

Board member Charlie Van Beke made a motion to approve the request. It was seconded by Board member Kristin Grove. The Board voted 4-0 to **APPROVE** the request. Board member David Dupree abstained.

**File:** 2-E-16-VA  
**Applicant:** Sanders Pace Architecture  
**Address:** 200 Jennings Avenue  
**Zoning:** C-3 (General Commercial) District  
6<sup>th</sup> Council District

**Parcel ID:** 094DP001

**Variance Request:**

Reduce the minimum number of required parking spaces from 55 spaces to 0 spaces per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit the adaptive reuse of an existing building in a C-3 (General Commercial) District, 6<sup>th</sup> Council District.

John Sanders, the applicant, was present. The Flour-Head Bakery will be located on the second level of an existing building, which has zero lot lines and no parking. They have not determined the use of the first level, but in their parking calculations, they were considering it a space for the sale and consumption of beverages/food. 3 spaces were available on-site for truck parking. On-street parking was available on Tyson. The parking lot at 814 Tyson was already leased by another company.

In opposition, Dick Coffey, the owner of Dixie Kitchen Distributors, was present. He submitted additional photos to the Board. The streets around his property were narrow and there was a high demand for on-street parking. He was concerned the bakery's customers would use his parking lot, and create more demand for on-street parking on Jennings Avenue, which would completely block delivery truck access to his building and force his business to close. If the City would install and enforce "no parking" signs at Jennings Avenue and Stone Street, and/or Broadway and Tyson Street, then the delivery trucks would have enough room to maneuver and access his building. He contacted Traffic Engineering, but has not received a response, yet. A long-term parking study by the City would not alleviate the immediate parking problems.

Board members agreed that parking was a serious concern. They asked the architect if the variance request could be postponed to give the city officials time to respond. Mr. Sanders said that would delay construction which was expected to begin in August.

Anne Wallace, Deputy Director of Redevelopment, was present. To address Mr. Coffey's concerns, she would coordinate a meeting with Traffic Engineering. There were safety issues on Tyson Street that would be addressed immediately. She would defer to Traffic Engineering to determine the best solutions. Long term, the City may need to adopt form-based codes for this area that would address the parking standards. The current plan was to provide on-street parking on Central through a streetscape project, but the City cannot provide a parking structure at this time.

Board members discussed the pinch points where trucks cannot get through, signage, policing, and whether the Board could resolve these problems through administrative means. There was precedent for approving the variance, and the authority to solve the parking issues lies with the City.

Peter Ahrens said he would also bring this to the attention of Jeffery Branham, Traffic Engineering Chief. Mr. Ahrens emphasized that it was a priority to help the City grow and redevelop, and he expected this to be addressed promptly.

Board member Kristin Grove made a motion to approve the request. It was seconded by Board member Daniel Odle. The Board voted 4-0 to **APPROVE** the request. Board member David Dupree abstained.

**File:** 2-F-16-VA  
**Applicant:** Sunday Tel  
**Address:** 1045 Maryville Pike **Parcel ID:** 122DE01701  
**Zoning:** C-1 / I-4 (Neighborhood Commercial / Heavy Industrial) Districts  
1<sup>st</sup> Council District

**Variance Requests:**

1. Reduce the minimum number of required parking spaces from 20 spaces to 17 spaces per Article 5, Section 7.A.3.a. Table.
2. Reduce the minimum required drive aisle width for parallel parking from 25 ft. to 24.75 ft. per Article 5, Section 7.A.4.a.2. Table.

As per submitted plan to permit conversion of an existing building for use as a restaurant in a C-1 / I-4 (Neighborhood Commercial / Heavy Industrial) District.

The staff received a request from the applicant to **POSTPONE** hearing the request until March 17, 2016.

**File:** 2-G-16-VA  
**Applicant:** Dile M. Brown  
**Address:** 5820 Clinton Hwy **Parcel ID:** 068KA001  
**Zoning:** C-4 (Highway and Arterial Commercial) District  
5<sup>th</sup> Council District

**Variance Request:**

Reduce the minimum required setback for a detached on premise sign from 10 ft. to 0 ft. per Article 8, Section 7.1.a.

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

Dile Brown, the applicant, was present. Since submitting this variance request, a surveyor has determined that the existing sign structure was 8 ft from the property line. Mr. Dile stated that he was amending his request to reduce the setback to 8 ft, instead of zero.

Board member Charlie Van Beke made a motion to approve the request as amended. It was seconded by Board member Kristin Grove. The Board voted 5-0 to **APPROVE** the request as amended to reduce the minimum setback for a detached sign from 10 ft to 8 ft.

**OTHER BUSINESS**

The next BZA meeting is March 17, 2016.

**ADJOURNMENT**

The meeting was adjourned at 5:21 pm.

Respectively submitted,

*Angelia Rooks*  
Angelia Rooks, Board Secretary