

**CITY OF KNOXVILLE
BOARD OF ZONING APPEALS
MEETING MINUTES
MARCH 17, 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 **March 17, 2016** meeting at 4:00 pm in the Small Assembly Room, City County Building, 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 Building Inspections; DeAnn Bogus, Deputy Director of Building Inspections; Scott Elder, Zoning Chief; Brandon Littlejohn, Zoning Inspector; Mark Johnson, Engineering; Crista Cuccaro, Law Department; Angelia Rooks, Board Secretary; and Dan Kelly, MPC.

APPROVAL OF MINUTES

Board member Kristin Grove mad a motion to approve the February 18, 2016 minutes. It was seconded by Board member Charlie Van Beke. The Board voted 5-0 to **APPROVE** the minutes.

OLD BUSINESS

File: 1-B-16-VA
Applicant: 908 Development Group
Address: 2308 Forest Avenue **Parcel ID: 094OD02001**
Zoning: RP-3 (Planned Residential) District
1st 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 staff received a request from the applicant to postpone. Board member Kristin Grove made a motion to postpone the application to the April meeting. It was seconded by Board member Charlie Van Beke. The Board voted 5-0 to **POSTPONE** the application to the April 21, 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
6th 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 was not present. Board member Kristin Grove made a motion to postpone the application to the April meeting. It was seconded by Board member Charlie Van Beke. The Board voted 5-0 to **POSTPONE** the application to the April 21, 2016 meeting.

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
1st 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.

Sunday Tel, the applicant, and Grant Ashford, an architect, were present. Lot size, topography and a creek with a 60 ft buffer zone prohibited compliance with the parking requirements. Parking in front of the building was prohibited.

Board member Charlie Van Beke made a motion to approve the requests. It was seconded by Board member David Dupree. The Board voted 5-0 to **APPROVE** the requests.

NEW BUSINESS

File: 3-A-16-VA
Applicant: Ladies of Charity
Address: 120 W. Baxter Avenue Parcel ID: 081MW008
Zoning: C-3 (General Commercial) District
4th Council District

Variance Request:

Reduce the minimum required front yard setback from 25 ft. to 17 ft. 8 in. per Article 4, Section 2.2.6.E.1.

As per submitted plan to permit construction of an elevator enclosure in a C-3 (General Commercial) District.

Board member Kristin Grove was recused.

Joseph Staats, the architect representing the applicant, was present. Also present was Susan Unbehaun, Executive Director of Ladies of Charity. The elevator addition provided handicap accessibility to the upper floor. The existing building limited the location of the addition.

Board member Daniel Odle made a motion to approve the request. It was seconded by Board member Charlie Van Beke. The Board voted 4-0 to **APPROVE** the request.

File: 3-B-16-VA
Applicant: Danny Mitchell
Address: 313 Forestal Drive
Zoning: R-2 (General Residential) District
4th Council District

Parcel ID: 058MC001

Variance Requests:

Reduce the minimum required McCamey Road front yard setback from 25 ft. to 13.4 ft. per Article 4, Section 2.1.6.D.1.a.

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

Scott Elder, Zoning Chief, stated that McCamey Road was narrow and required an increased setback.

Danny Mitchell, representing Habitat for Humanity, was present. He presented additional photos for the Board to review. The narrow shape of the lot prohibits development. Their smallest standard house cannot comply with the setback requirement.

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

File: 3-C-16-VA
Applicant: Fulghum MacIndoe & Associates
Address: 206 E. Blount Avenue
Zoning: FD-SW-6 (Form District – South Waterfront) District
1st Council District

Parcel ID: 109AA01401

Variance Requests:

1. Increase the maximum permitted curb cut length from 60 ft. to 66.29 ft. per Article 5, Section 7.B.3.c.Table.
2. Increase the maximum driveway width from 24 ft. to 26 ft. per South Waterfront Guidelines, Section 4.1.3.G.7.g.i.

As per submitted plan to permit reconstruction of an existing driveway in a FD-SW-6 (Form District – South Waterfront) District.

Aaron Crenshaw, representing the applicant, was present. The streetscape design required a right-in-right-out driveway. The curvature of the road prohibited compliance with the maximum 60 ft curb cut. The drive aisle width of the existing parking lot met the City code requirement of 26 ft, but the South Waterfront Guidelines imposed a maximum width of 24 ft.

Board member Charlie Van Beke made a motion to approve the requests. It was seconded by Board member David Dupree. The Board voted 5-0 to **APPROVE** the requests.

File: 3-D-16-VA
Applicant: Pat Boles
Address: 8729 Kingston Pike
Zoning: C-4 (Highway and Arterial Commercial) District
2nd Council District

Parcel ID: 119-036

Variance Request:

Increase the maximum permitted wall sign display area on the West Kings Way frontage from 225 sq. ft. to 551 sq. ft. per Article 8, Section 11.6.a.2.

As per submitted plan to permit an increase of wall signage in a C-4 (Highway and Arterial Commercial) District.

Scott Elder clarified that the current sign code limited the maximum wall sign display area to 225 sq. ft. The applicant had 502 sq. ft. of existing signage on this property (grandfathered in based on the previous sign code), and was requesting an additional 49 sq. ft. of wall signage.

Pat Boles, the applicant, was present. He presented additional drawings of the proposed sign. His client, Grayson, did not have any signage facing West Kings Way. All of the existing signage faced Kingston Pike. The proposed sign would not be visible from Kingston Pike and was more of a vanity sign. Mr. Boles also stated that a competitor had signage facing West Kings Way.

In opposition, Joyce Feld of Scenic Knoxville was present. She stated that the applicant did not have a valid hardship to justify granting a variance. She asked the Board to deny the request.

In rebuttal, Mr. Boles stated that there is no customer entry from Kingston Pike. All customers must enter from West Kings Way. Name recognition was the most important issue.

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

File:	3-E-16-VA	
Applicant:	Jim Odle	
Address:	5121 Kingston Pike	Parcel ID: 107NA026
Zoning:	C-3 (General Commercial) District	
	2nd Council District	

Variance Request:

Reduce the minimum number of required off-street parking spaces from 19 spaces to 0 spaces per Article 5, Section 7.A.3.a. Table.

As per submitted plan to permit use of the existing building for an eating and drinking establishment in a C-3 (General Commercial) District.

Board member Daniel Odle was recused.

Arthur Seymour, Jr., representing the applicant, was present. He presented additional drawings for the Board to review. Customers of the wine bar could use the parking lot at the Shrimp Dock located across Kingston Pike, which has the same ownership. Valet parking would be available. Street-parking was also available on N. Mohican Street.

Jim Odle, the applicant, was present. It may be possible to add 4 spaces behind the building, but that may be within the City's right-of-way. The survey process has not been started. The small size of the property prohibited a van-accessible space. The parking area located on the east side of the property was owned by another party, and they could not secure a parking-lease agreement.

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.

File: 3-F-16-VA
Applicant: Brett Honeycutt
Address: 4125 McKinley Street
Zoning: C-3 (General Commercial) District
5th Council District

Parcel ID: 069LA013

Variance Request:

Reduce the minimum required front yard setback from 25 ft. to 15 ft. per Article 4, Section 2.2.6.E.1.

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

Brett Honeycutt, the applicant, was present. Topography required moving the building forward, and locating the parking area behind the building. They plan to build an 8 ft retaining wall at the back of the building, and a 4 ft retaining wall behind the parking area. They intend to have the property rezoned to C-6. Mr. Honeycutt stated that he would amend his request to reduce the minimum required front yard setback from 25 ft to 20 ft.

Scott Elder clarified that in a C-6 district, the front yard setback requirements would be the same; but no parking would be allowed in the front yard. Mr. Honeycutt said the two spaces in front would be moved to the back. Parking would be in compliance. Mr. Elder also pointed out that the R-2 district behind the property required a 60 ft buffer. Mr. Honeycutt was not aware of this requirement.

Board members agreed that the size of the building, more than topography, was creating the hardship. With the rezoning request still in progress and the 60 ft buffer requirement to consider, Mr. Honeycutt asked the Board to postpone until the April meeting.

Board member Daniel Odle made a motion to postpone the request to the April meeting. It was seconded by Board member Kristin Grove. The Board voted 5-0 to **POSTPONE** the request until the April 21, 2016 meeting.

File: 3-G-16-VA
Applicant: Dennis Anderson
Address: 2635 Carson Avenue
Zoning: R-1A (Low Density Residential) District
4th Council District

Parcel ID: 082BA022

Variance Request:

Increase the maximum permitted size of an accessory structure on a lot containing less than 15,000 sq. ft. from 900 sq. ft. to 912 sq. ft. per Article 5, Section 4.C.Table.

As per submitted plan to permit the construction of an accessory building in an R-1A (Low Density Residential) District.

Dennis Anderson, the applicant, was present. He was installing a garage, which was 12 sq. ft. larger than the maximum permitted size.

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

File: 3-H-16-VA
Applicant: W.P. General Partnership
Address: 4315 Kingston Pike
Zoning: C-6 (General Commercial Park) District
2nd Council District

Parcel ID: 107LA019

Variance Requests:

1. Reduce the minimum required side yard setback when abutting a residential district from 60 ft. to 36 ft. 6 in. per Article 4, Section 2.2.9.D.2.b.
2. Reduce the minimum required front yard setback from 25 ft. to 15 ft. 4.5 in. per Article 4, Section 2.2.9.D.2.a.

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

Arthur Seymour, Jr., representing the applicant, was present. He presented additional drawings for the Board to review. Topography and existing buildings prohibited compliance with the setback requirements.

Board member Kristin Grove made a motion to approve the requests. It was seconded by Board member Daniel Odle. The Board voted 5-0 to **APPROVE** the requests.

OTHER BUSINESS

The next BZA meeting is April 21, 2016.

ADJOURNMENT

The meeting was adjourned at 5:20 pm.

Respectively submitted,

Angelia Rooks
Angelia Rooks, Board Secretary