



BOARD OF ZONING APPEALS
MEETING MINUTES
April 20, 2017

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 April 20, 2017, 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 Kristin Grove called the meeting to order at 4:00 pm. Other members present were Daniel Odle, David Dupree, and Charlie Van Beke. Member Don Horton was absent.

APPROVAL OF MINUTES

Member Charlie Van Beke made a motion to approve the minutes for March 16, 2017. It was seconded by member Daniel Odle. The Board voted 4-0 to **APPROVE** the minutes.

OLD BUSINESS

File: **3-D-17-VA** **Parcel ID:** 107NG021
Applicant: Reagan Bollig
Address: 565 Arrowhead Trail
Zoning: R-1 (Low Density Residential) District
2nd Council District

Variance Request:

Reduce the minimum required north side yard setback from 12 ft. to 5.5 ft. per Article 4, Section 2.1.1.E.2.a.

As per submitted plan to permit the addition of an attached carport in an R-1 district.

Reagan Bollig, the applicant, was present. The hardship was the lot shape and size. He discussed the proposed plans with his neighbor, but they were not able to settle their differences. The plans were not changed. The neighbor was not present.

Member Daniel Odle made a motion to approve the request because the lot was small and oddly shaped. It was seconded by Chairman Kristin Grove. The Board voted 4-0 to **APPROVE** the request.

NEW BUSINESS

File: 4-B-17-VA
Applicant: Hatcher-Hill Properties, LLC
Address: 2038 N. Broadway
Zoning: C-3 (General Commercial) District
4th Council District

Parcel ID: 082HA026

Variance Request:

Reduce the minimum required number of parking spaces from 32 spaces to 24 spaces per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit a change in occupancy in a C-3 District.

Tim Hill, the applicant, was present. The hardship was the lot size, shape, and topography.

Member Charlie Van Beke stated the project would be an improvement and made a motion to approve the request. It was seconded by member David Dupree. The Board voted 4-0 to **APPROVE** the request.

File: 4-C-17-VA
Applicant: Arthur Seymour, Jr.
Address: 3812 Boyd's Bridge Pike
Zoning: C-1 (Neighborhood Commercial) District
6th Council District

Parcel ID: 083IE010

Appeal the determination of the Chief Building Official that a Dollar General (retail establishment) is not a permitted use in a C-1 District per Article 4, Section 2.2.4.

Peter Ahrens submitted a memo explaining his reasons for denying the permit. Permitted uses in this district were singular, not grouped. *Dollar General* did not fit any of the permitted uses, which were intended to keep out large box stores. The denial was consistent with his duty to enforce code standards.

Arthur Seymour, Jr., representing the applicant, was present. He presented additional graphics mapping the location of other *Dollar General* stores, which were promoted as neighborhood stores. He compared them to card stores, dry good stores, and drug stores, such as CVS, which were allowed in this district, and also carried a wide array of merchandise. The only difference was the pharmacy.

In opposition:

- Sandra Korbelik, representing the Town Hall East Neighborhood Association, was present. She was not opposed to the *Dollar General*, but supported the Building Official's decision to uphold the intent of the ordinance.
- Sharon Davis, representing the Town Hall East Neighborhood Association, was present. She referred to the letter submitted to the Board from Town Hall East. Their support for the proposed development was contingent on the developer meeting several conditions listed in their letter.

In rebuttal, Mr. Seymour stated that they agreed to all but one or two of the conditions. He suggested those items could be worked out during the Use-On-Review process.

Board members noted that *Dollar General* was not comparable to CVS, which was a pharmacy by definition. It was clear in the ordinance that pharmacies were allowed. The intent of the restrictions was to permit only smaller, specialty stores. Grouping the uses together created a general retail use. *Dollar General* did not fit the definitions of pharmacy or drug store; it was general retail. Dictionary references were irrelevant because there was no ambiguity in the ordinance language.

Member Charlie Van Beke made a motion to deny the appeal. It was seconded by Chairman Kristin Grove. The Board voted 4-0 to **DENY** the appeal. Member David Dupree stated that his decision to deny was because the size was not encompassed in the ordinance.

File: 4-E-17-VA

Parcel ID: 070JJ009,

Applicant: Mac Tobler

010, and 011

Address: 3100, 3102 & 3102, Unit A, Forestdale Avenue

Zoning: RP-1 (Planned Residential) District
4th Council District

Variance Request:

Reduce the minimum required peripheral boundary setback from 25 ft. to 6.12 ft. for proposed lot #1; from 25 ft. to 12.34 ft. for proposed lot #2; from 25 ft. to 6.07 ft. for proposed lot #3; and from 25 ft. to 6.09 ft. for proposed lot #4 per Article 4, Section 3.1.D.2.

As per submitted plan to permit the construction of four detached dwellings in an RP-1 District.

The applicant was not present. Chairman Kristin Grove made a motion to postpone. It was seconded by member David Dupree. The Board voted 4-0 to **POSTPONE** hearing the request until the May 18, 2017 meeting.

File: 4-F-17-VA

Parcel ID: 082DL002

Applicant: Jervis Brown

Address: 3814 Martin Luther King Jr. Avenue

Zoning: C-3 (General Commercial) District
6th Council District

Variance Request:

Reduce the minimum required number of parking spaces from 7 spaces to 4 spaces per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit a change in occupancy in a C-3 District.

Jervis Brown, the applicant, was present. The hardship was the lot size and the existing structure. There was enough room for only 4 spaces from the alley. MPC planned to rezone it as a Renaissance area, which would eliminate parking requirements. He also had intentions

of expanding the building someday, and did not want to invest in parking spaces that would not be required after rezoning. Alley parking was not safe for clients arriving at night.

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

Mr. Brown requested a special-called BZA meeting for a variance to zero parking spaces, so he would be able to expand the building later. Board members advised him to wait to apply for another variance until he was ready to expand the building. The staff pointed out that the rezoning project was at least a year away, and it would not necessarily reduce parking to zero. The Board suggested a parking lease agreement with adjacent property owners for 4 spaces. Mr. Brown said he would pursue the lease agreement option.

File: 4-G-17-VA **Parcel ID:** 124IC00103
Applicant: Frayer Properties, LLC
Address: 6522 Chapman Hwy
Zoning: C-4 (Highway and Arterial Commercial) District
1st Council District

Variance Request:

Reduce the minimum required north side yard setback from 12 ft. to 0 ft. per Article 4, Section 2.2.7.E.3.

As per submitted plan to permit the subdivision of the property in a C-4 District.

Bob Lusby, the applicant, was present. The old Walmart portion would be split off and sold for use as a call center.

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

File: 4-H-17-VA **Parcel ID:** 121JC006
Applicant: Jason Lee
Address: 1007 Craigland Court
Zoning: R-1 (Low Density Residential) District
2nd Council District

Variance Requests:

1. Increase the maximum permitted lot coverage for principal residential and accessory buildings from 30% to 35.7% per Article 4, Section 2.1.1.E.6.a.
2. Reduce the minimum required rear yard setback from 25 ft. to 7.5 ft. per Article 4, Section 2.1.1.E.3.a.

As per submitted plan to permit the covering an existing open porch in an R-1 District.

Jason Lee, the applicant, was present. The hardship was the lot shape. The proposed project would have no impact on surroundings. He presented a letter of approval from the HOA.

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

File: 4-I-17-VA

Parcel ID: 109OG003

Applicant: Jamie Heiskell

Address: 4612 Bob White Road

Zoning: R-1 (Low Density Residential) District
1st Council District

Variance Request:

Increase the maximum permitted number of driveways for a residential lot with a frontage of 75 ft. to 149 ft. from 1 driveway to 2 driveways per Article 5, Section 7.B.1.a.Table.

As per submitted plan to permit the construction of a garage in an R-1 District.

Jamie Heiskell, the applicant, was present. The hardship was lot shape. The proposed garage would not fit anywhere else on the lot. He intended to keep the existing driveway.

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

OTHER BUSINESS

The next BZA meeting is May 18, 2017.

Crista Cuccaro advised the Board that there was a possibility of a Special-Called meeting for 4-F-17-VA between May 5th and May 18th.

ADJOURNMENT

The meeting adjourned at 5:05 pm.