

**CITY OF KNOXVILLE  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
May 19, 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 **May 19, 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 member Daniel Odle chaired the meeting in Chairman Don Horton's absence. He called the meeting to order at 4:00 pm. Other Board members present were David Dupree, Kristin Grove, and Charlie Van Beke.

Others in attendance were Peter Ahrens, Director of Building Inspections; DeAnn Bogus, Deputy Director of Building Inspections; Doug Gordon, Law Department; Scott Elder, Zoning Chief; Brandon Littlejohn, Zoning Inspector; Mark Johnson, Engineering; Curtis Williams, Engineering; Marty Clay, Chief Building Inspector; Angelia Rooks, Board Secretary; and Dan Kelly, MPC.

**APPROVAL OF MINUTES**

Board member Kristin Grove made a motion to approve the April minutes. It was seconded by Board member Charlie Van Beke. The Board voted 4-0 to **APPROVE** the April 21, 2016 minutes.

The staff received a request from Guy Wentiez to move his application (5-E-16-VA) to the front of the New Business agenda due to a scheduling conflict. Board member Kristin Grove 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 to move 5-E-16-VA to the front of the New Business agenda.

**OLD BUSINESS**

**File:** 4-N-16-VA **Parcel ID: 121CO1501**  
**Applicant:** Charles Atkins  
**Address:** 6400 Sherwood Drive  
**Zoning:** EN-2 (Established Neighborhood) District  
2<sup>nd</sup> Council District

**Variance Requests:**

1. Reduce the minimum required front yard setback from 79.45 ft to 40 ft per Article 4, Section 2.1.4.E.Table.
2. Reduce the minimum required rear yard setback from 25 ft to 10.3 ft per Article 4, Section 2.1.4.E.Table.

As per submitted plan to permit construction of a detached dwelling on a substandard lot of record in an EN-2 District.

Jason Murphy, representing the owner and contractor, was present. The property was zoned R-1 when it was acquired and subdivided for the purpose of development. After the area was rezoned EN-2, they assumed this property was "grandfathered" as R-1 and the proposed 4200 sf dwelling was designed to comply with R-1 zoning. The hardship was the EN-2 rezoning, which changed the setback requirements and made the lot impossible to develop. A smaller front yard setback was consistent with other homes

on Sherwood Drive, which have setbacks significantly smaller than 79.45 ft. To comply with EN-2 requirements on this lot, the house would be extremely small and would be out of character for the neighborhood. Since the last Board meeting the variance requests were revised to address the concerns of the neighbors. They also submitted applications for similar variances on the adjacent lots as the Board requested at the last meeting. However, because there were no construction plans in place, they withdrew those applications.

Doug Gordon, Law Department, confirmed that this property was within EN-2 zoning. Although the definition of “non-conforming status” was unclear, he disagreed with Mr. Murphy that R-1 zoning applied. He stated that this was a textbook example of a hardship required for a variance.

Dan Kelly, MPC, clarified that “non-conforming status” was in reference to the lot size. The minimum lot size in an EN-2 zone was 22,000 sf; and 7,500 sf in an R-1 zone. This lot and the adjacent lots range between 14,000 and 19,000 sf.

In opposition:

- Victor Tyler was present. He provided a written statement to the Board members. He requested that the 40 ft setback also apply to the adjacent lots, and that houses built on these lots also face Sherwood Drive. He said there was concern among neighbors whether or not the lot had a buyer. The applicant already indicated that they did not have a contract, yet. Board member Kristin Grove advised that the Board was not considering variances on the adjacent lots at this time; only the lot at 6400 Sherwood Drive.
- Karen Kalec was present. She provided a written statement to the Board on May 18<sup>th</sup>. She stated this lot had been for sale for 10 years with no interested buyers. The neighbors were concerned that the rear of the proposed house would face Sherwood Drive. A similar mini-subdivision on Water Wheel Way was designed so that the house on the corner lot would face Sherwood Drive, but was actually built facing Water Wheel Way. She said when neighbors do not respect the zoning requirements, nobody wins. She asked the Board to consider the best interests of the neighborhood as a whole. Board member Kristin Grove asked Ms. Kalec if a 40 ft setback was acceptable. She responded that a larger setback and smaller house would be preferable, but the most critical issues were to have the house facing Sherwood Drive, and the front setback no less than 40 ft.

In rebuttal, Mr. Murphy stated that there had been multiple offers for these lots, but these variance issues had complicated the sale. There was also a 40-page set of covenants and restrictions in place to govern the construction and maintenance of the houses.

Scott Elder, Zoning Chief, clarified that one of the requirements in the EN-2 zoning was for the front façade of the house to face the street on which it’s addressed. So there could not be a rear façade facing Sherwood Drive if the house is addressed on Sherwood Drive.

Board member Charlie Van Beke stated that all parties seem to agree, and made a motion to approve the requests. It was seconded by Board member David Dupree. The Board voted 4-0 to **APPROVE** the requests.

## **NEW BUSINESS**

<b>File:</b>	<b>5-E-16-VA</b>	<b>Parcel ID: 082OK001</b>
<b>Applicant:</b>	<b>Knoxville’s Community Development Corporation</b>	
<b>Address:</b>	<b>407 S. Olive Street</b>	
<b>Zoning:</b>	<b>R-2 (General Residential) District</b>	
	<b>6<sup>th</sup> Council District</b>	

### **Variance Requests:**

1. Reduce the minimum required S. Olive Street front yard setback from 25 ft to 18 ft per Article 4, Section 2.1.6.D.1.a.

2. Reduce the minimum required Kenner Avenue front yard setback from 25 ft to 14 ft per Article 4, Section 2.1.6.D.1.a

As per submitted plan to permit the construction of an apartment development in an R-2 District.

Board member Kristin Grove recused herself.

Guy Wantiez, the applicant, was present. This was the second phase of a multi-phase redevelopment of the Walter P. Taylor housing project. The size of the property prevented compliance with building the minimum required number of units. They were also reducing the size of the buildings to two stories. They were trying to place the buildings as close to the road as possible to prevent parking on the front, giving the area a more "neighborhood" feel. S. Olive Street will be widened, which would increase the right-of-way on the property. Kenner Road will be extended to S. Olive Street, and on-street parking will be provided for future-phases for public space.

Board member Charlie Van Beke made a motion to approve the requests. It was seconded by Board member David Dupree. The Board voted 3-0 to **APPROVE** the requests.

**File:** 5-B-16-VA **Parcel ID:** 0820J022  
**Applicant:** Ken Block  
**Address:** 2329 Wilson Avenue  
**Zoning:** R-1 (Low Density Residential) District  
6<sup>th</sup> Council District

**Variance Requests:**

1. Reduce the minimum required Parham Street front yard setback from 25 ft to 10 ft per Article 4, Section 2.1.1.E.1.a.
2. Reduce the minimum required Wilson Avenue front yard setback from 25 ft to 15 ft per Article 4, Section 2.1.1.E.1.a.

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

Ken Block, the applicant, was present. The size of the lot prohibits compliance with the setbacks. The variance request was to align the in-fill house with existing houses.

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

**File:** 5-C-16-VA **Parcel ID:** 109KD00203  
**Applicant:** Brian Hann  
**Address:** 3701 Sevierville Pike  
**Zoning:** C-1 (Neighborhood Commercial) District  
1<sup>st</sup> Council District

**Variance Request:**

Reduce the minimum number of required parking spaces from 33 spaces to 22 spaces per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit reuse of an existing building as a restaurant in a C-1 District.

Scott Elder stated that the applicant received a previous parking variance, but the use had changed. A Use-On-Review for the restaurant was required, and the re-platting of the three lots.

Brian Hann, the applicant, was present. The previous variance was for general business use. They now have a restaurant tenant and required an additional variance. The platting was completed. They

planned to provide 10 on-street parking spaces, including a sidewalk and landscaping. These 10 spaces do not count toward the minimum requirement.

Board member Kristin Grove made a motion to approve the request with conditions of Use-On-Review approval, and a recorded plat. It was seconded by Board member Charlie Van Beke. The Board voted 4-0 to **APPROVE** the request **WITH TWO CONDITIONS**: Use-On-Review approval for a restaurant through MPC, and a recorded plat.

**File:** 5-D-16-VA  
**Applicant:** Fulgham, MacIndoe & Associates, Inc.  
**Address:** 2700 Middlebrook Pike  
**Zoning:** C-6 (General Commercial Park) District  
3<sup>rd</sup> Council District

**Parcel ID:** 094IF020

**Variance Requests:**

1. Reduce the required distance a driveway on the continuous leg of a “T” intersection must 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.
2. Increase the maximum permitted width for a driveway serving an office use from 30 ft to 33 ft per Article 5, Section 7.B.3.c. Table.
3. Reduce the minimum required front yard setback from 25 ft to 11 ft per Article 4, Section 2.2.9.D.2.a.

As per submitted plan to permit reconstruction of an existing parking lot in a C-6 District.

Arron Gray, the applicant, was present. This was a redevelopment project for an existing office building. They were trying to bring the building into compliance with current building and zoning codes. Two of the variances were for existing issues they could not correct. The wider driveway was needed to accommodate a third lane for left-turn exits from a 400-space existing parking lot. Board member Daniel Odle commented that the requests seem reasonable.

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

**File:** 5-F-16-VA  
**Applicant:** Chris Malone  
**Address:** 6226 Clinton Hwy  
**Zoning:** C-4 (Highway and Arterial Commercial) District  
5<sup>th</sup> Council District

**Parcel ID:** 068IC015

**Variance Request:**

Reduce the minimum required front yard setback for a primary ground sign from 10 ft to 0 ft per Article 8, Section 7.1.a.

As per attached plan to permit reuse of an existing sign support structure in a C-4 District.

*Odle: Next up is 5-F-16-VA, 6226 Clinton Highway. Any staff comments?*

*Elder: No comments.*

*Malone: Chris Malone, Foxhollow Goodson Group, 102 Chaho Road, Knoxville Tennessee, 37934. We just recently... I want to point out to you, you read it right, but the agenda doesn't read it right. I don't know if that matters or not about the address 'cause it is 6226 and not 2662.*

*Odle: Gotcha. Thank you.*

*Grove: Oh, yeah.*

Malone: *Everything went to the right address and all the signs were posted appropriately, but I just wanted to point that out before we get started talking about it...just to make sure...*

Grove: *We'll get that in the record.*

Odle: *Thank you very much.*

Malone: *We recently just completed a significant renovation to the property there that used to be the old Knoxville Auto Parts there on Clinton Highway. And the item that I'm before you guys today on is related to the sign. We're working to adaptably reuse the existing sign that was there, utilizing the existing structure, and of course, changing, as you guys have in your documentation there, the appearance and the aesthetics to make it something that is, you know, complementary to the new design that we created on that property. And upon working on that sign, you know, we discovered that under the recently adopted, I think the year before last, the recently adopted signage ordinances put the setback further than what it was and now we're...we'd be encroaching in that...utilizing existing structure. So this proposed design complies with every other requirement of the signage ordinance with the exception of this setback. And so we're requesting that you guys would consider allowing us a variance on that setback. Right now, the actual... will probably be around 4 to 5 feet, and not the zero that we're requesting, but since we don't know exactly where it is, we went ahead and requested the full distance.*

Odle: *Thank you. Okay, questions at this time? All right, is there any opposition here to this? All right, no opposition.*

Van Beke: *This is going to be a great improvement.*

Odle: *I think so. And, to me, this falls under the same guidelines as we have already approved some smaller variances for, and it's keeping the spirit of the existing sign ordinance, as it is, but allowing for the unique circumstances of this particular sign.*

Board member David Dupree 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:** 5-G-16-VA **Parcel ID:** 093PA004  
**Applicant:** W. Fred Campbell  
**Address:** 3701 Henson Road  
**Zoning:** I-3 (General Industrial) District  
3<sup>rd</sup> Council District

**Variance Request:**

Reduce the minimum required north side yard setback from 25 ft to 12 ft 6 inches per Article 4, Section 2.3.2.E.3.

As per submitted plan to permit construction of an office/warehouse in an I-3 District.

The applicant was not present. Board member Kristin Grove made a motion to postpone the request to the June 16, 2016 Board meeting. It was seconded by Board member Daniel Odle. Board member Charlie Van Beke commented that they could take action without the applicant present since all the information they needed was in the file. The TVA power line restricted the use of the lot. The Board voted 1-2 on the motion to postpone the request. Board members Daniel Odle and Charlie Van Beke voted against the motion. Board member David Dupree abstained. The motion failed.

Board member Charlie Van Beke made a motion to approve the request. It was seconded by Board member David Dupree. The Board voted 3-1 to **APPROVE** the request. Board member Kristin Grove voted against the motion.

**File:** 5-H-16-VA  
**Applicant:** John Roegge  
**Address:** 234 E. Emory Road  
**Zoning:** PC-1 (Retail and Office Park) District  
5<sup>th</sup> Council District

**Parcel ID:** 057-00702

**Variance Requests:**

1. Increase the maximum permitted height of a detached primary ground sign from 10 ft to 25 ft per Article 8, Section 11.6.c.Table.
2. Increase the maximum permitted sign area of a detached primary ground sign from 100 sf to 205 sf per Article 8, Section 11.6.d.Table.

As per submitted plan to permit construction of a new sign in a PC-1 District.

*Odle: Okay. Next up 5-H-16-VA, 234 East Emory Road. I like the address.*

*Garrett: Good afternoon. Kendra Garrett, 125 Hillside Drive, Greenville South Carolina, 29607.*

*Odle: Say your name, again...real quick.*

*Garrett: Kendra Garrett. I apologize; John Roegge couldn't be here today. He has health issues.*

*Odle: Okay. So you're here in what capacity? Just so...*

*Garrett: In lieu of John Roegge on behalf of Kroger.*

*Odle: And I need to ask, real quick, if there any staff comments.*

*Elder: No comments.*

*Odle: Thank you. Go ahead, Kendra. Thank you.*

*Garrett: So as most of you know, this development started in 2012. The property was rezoned in 2013. And it has been under construction; plans being reviewed; power; water; sewer, those kinds of things. The Build is now ready to go. When this plot of land was developed, or as the plans were passed, the sign ordinance was extremely generous; 50 feet tall; 250 square feet, I believe, of signage as far as a free-standing sign is concerned. Now the ordinance has recently changed. Unfortunately, Kroger, somewhere along the way, was not aware that that was going to take place so quickly. They did not get their sign permits applied for. They are asking for a variance to go with a 25 feet tall monument sign; custom masonry; custom brick; decorative topper. It is not just for Kroger. It will house the Kroger grocery store, the fuel center gas station, and 4 tenants. There is the main grocery store and 2 out-parcels all on this piece of land. No other tenant will be requesting signage...free-standing signage. So this is going to take care of everything. No concessions were made in the sign ordinance for large parcels of land. The sign ordinance is basically for free-standing buildings, so to speak, that are about 2 to 3 acres large. This is an 18.89 acre large area. So in order to give sufficient signage of visibility and just so it will look well with the lot, we are asking that you grant the increase in both height and size.*

*Odle: Okay. Questions? Any opposition here? I need to ask for opposition. Thank you.*

*Murphy: Good afternoon. I'm Kevin Murphy, 4508 Murphy Road. I'm here representing the Board of Scenic Knoxville. Scenic Knoxville is opposed to the granting of this variance. The sign ordinance process was started in late 2011, early 2012. It's been a very active process for the people that are involved in developing property in Knoxville. There's been many, many articles on it. There's been a lot of notification on this. To say that City Council thoroughly considered this would be a bit of an understatement. There were a number of meetings of the Sign Task Force and then of City Council. And City Council clearly deliberated about what would happen with existing signs and what would happen with developments. There's all sorts of provisions in there for abandoned signs and all this. So there was no provision put in by Council, so there's been deliberation on this*

one, and City Council made a clear statement not to put in a grandfather provision or something like that. In addition, I did not hear anything that falls underneath any kind of a definition of a hardship as outlined by Tennessee code and City ordinance that authorize the granting of a variance. So without evidence of a hardship, Scenic Knoxville respectfully asks you to deny this request.

Odle: Thank you. Sure Kendra.

Garrett: As a direct rebuttal to the hardship, the land does sit, according to FEMA, in a flood zone. So in order to allow the electrical in the signs to not be damaged should there be a flood in that area, 2 feet is the limit, the minimum height... So the base of the sign is 2 feet. Well, if you take that out of 10, you're looking at 8 feet of space for 6 tenants. So that's where the hardship's coming in.

Odle: Help me understand that. So the floodplain...

Garrett: So it sits in the floodplain, and FEMA says that there's a 2 feet minimum clearance for external power. So the sign is going to be powered by external power. There will be a separate power junction box conduit that will have to sit up 2 feet. Now that's not a law, but that's what it says so that it won't be damaged is that 2 feet line. If you look on the plans that were submitted...it is... site-note 4...the tract of land... is in special flood zone... hazard zone marked by FEMA on the map.

Odle: So how does the electrical on the sign affect the height of the sign?

Garrett: Well, it does affect the height of the sign and in order for us to be able to take that space away for advertisement. I mean, to try to comply, so that Kroger's not replacing a sign with, you know, say it did flood. You know, so we want to bring that up to that 2 feet, so that's... There's a brick base of 2 feet. So...2 feet 3 inches to be exact.

Grove: I'm not sure I've ever seen a sign all the way in the ground.

Odle: I'm looking for that note. Where is that note?

Garrett: I mean, we understand the new ordinance was passed to try to cut down the clutter and beautify the area, but on that same road, you're looking at pole signs that are 10 plus years old, dilapidated, there's no concession made for the way that they look, they're not landscaped, they don't match the buildings...I mean, so...

Grove: And if they're ever changed, they will be modified, which will improve your property values as well.

Garrett: Right.

Odle: Still not sure I understand how the electrical itself is affecting the sign height. So...

Garrett: It only affects the visible space. Obviously, the electrical has to go...it can't be housed inside the brick base. We want to house it above that 2 feet. So, that's, you know...

Odle: What electrical is actually going to be housed? What's going to be there other than just a junction box? How's that...What electrical...

Garrett: Well, each sign box contains its own separate circuit. So you're looking at 120 volts per item.

Odle: Okay. So there's a junction box that sits on the sign itself?

Garrett: The junction box usually is hidden in the base, but above that 2 foot area when we're in floodplains.

Odle: Okay.

Van Beke: Are we still in the floodplain even with all the fill that's been put out there?

Garrett: Correct.

Elder: *Mr. Chairman, just a point... She mentioned that's what housed other tenants and out-parcels, and no other signs would be...I don't want to put words in your mouth. So you say that this sign would represent other out-parcels as well?*

Garrett: *This sign is going to represent the whole portion of land including the 2 out-parcels. So it's going to house the grocery store, the gas station, and 4 tenants; 2 of those tenants will be the stand-alone out-parcels.*

Elder: *Okay. I don't believe there's a master sign plan, so the sign would have to be... Any businesses that are represented on that sign would have to be on that parcel. It could not be separate out-parcels. Now, I assume, I've been to these Krogers, and they have Starbucks and the other things that are within the Kroger, but if they're separate parcels, this sign could not represent those other businesses unless a master sign plan was part of that and I don't believe there's a plan in place according to MPC. So, just want a point of clarification.*

Garrett: Sure.

Littlejohn: *One other note: those out-parcels would be able to get a sign, if they were to apply for a sign, they'd get their own, anyway.*

Garrett: That's...

Grove: *Exactly. I think based on this discussion.... Please, go ahead.*

Garrett: *That's not how we understood it. It is deeded as one portion of land. So, from how the code reads, they would only be one...allowed only one free-standing sign for the entire 18.89 acres of land. No matter what's developed there. That's the way that the code is reading.*

Grove: He's...

Ahrens: *When you said "out-parcel," to the building world that means you separate out a separate parcel of land as a different lot.*

Garrett: *They're calling their additional buildings on the lot "out-parcels." They will be on the same deeded portion of land.*

Ahrens: *So there's no...It's still going to be 18 point something...*

Garrett: Correct.

Ahrens: ...acres....

Garrett: Correct.

Ahrens: ...with the other...

Garrett: Correct.

Ahrens: ...structures? So, you'd have three structures or more on one parcel?

Garrett: Correct.

Grove: *Well, I would make a motion to deny this based on upholding the current signage ordinance.*

Dupree: *I have a question. I'm looking at the plans. I just wanted to be sure where you're talking about putting that sign.*

Garrett: *May I come over there and...*

Dupree: *Sure.*

Garrett: *Well, here it is.*

Dupree: *Oh, sure.*

Van Beke: *Speak loudly, now. So the...*

Garrett: *If you look at the upper left portion of the site plan that you received, it does say "Kroger monument sign" by sign contractor well beyond the setbacks, as well.*

Odle: *Hey, Scott, just so I'm...and Brandon, so I'm clear. There's no master sign...What does that do for them if they were to submit a master sign plan for the property?*

Elder: *They would submit that to MPC for consideration. You could actually have different... differently owned parcels within that development.*

Odle: *Okay.*

Elder: *I'm trying to think of one...maybe the Kroger's at Cedar Bluff. There are several that are...front Kingston Pike and Cedar Bluff that may not be part of the Kroger property, but they all function as one development. So, a master sign plan allows two large signs on the road that can represent all of them on there if it goes through that approval. We're not aware of any such application for these. So, if it's not part of this 18 acres that's shown on here, and it looks like there's a couple lots carved out on Emory Road, those would have an opportunity for their own signs, but not part of this sign.*

Odle: *"Not part of this sign."*

Elder: *Correct. Now if they wanted to get all together, I think the master sign plan could be applied for, and they could have a larger sign...*

Odle: *So that would allow for a larger sign if there was a master sign plan? Then what...Than what they'd be allowed...for right now...without a master sign plan?*

Elder: *Well, without the master sign plan, they just got the 10 ft. 10 ft and the 10% of the frontage of the building, right.*

Odle: *Yes. Okay.*

Dupree: *So...Let me just ask a couple more questions, I think. The sign that you're proposing, that's not going to be visible from the interstate, right?*

Garrett: *It is not.*

Dupree: *It's just going to be visible, pretty much, for Emory Road traffic.*

Garrett: *Correct. It didn't behoove us either way as far as size to put it on one side or the other. We chose the side that made the most sense for the flow of the parking lot.*

Dupree: *Okay. And was there a plan for a sign on the side of the building, as well, or something?*

Garrett: *No sir.*

Dupree: *Okay.*

Odle: *Peter? Were you going to...?'*

Ahrens: *Just to clarify... If you look at the site plan submitted, in the site analysis it does show the Kroger tract area as 16.56 acres; out-parcel one is .87 acres; out-parcel two is 1.5 acres. In discussing with Engineering, it appears that this site plan identifies 3 separate parcels.*

Grove: *Thank you.*

Odle: *If this application were denied today, is there anything preventing them going back and getting a master sign plan, and coming back, or going forward with that, or discussing...?*

Grove: *No.*

Odle: *There's nothing that would get in their way to do that?*

Elder: *No. Right.*

Grove: *Just another application.*

Odle: *Correct.*

Dupree: *I would second that motion.*

Grove: *Thank you.*

Dupree: *I would just...*

Odle: *I wasn't making one, but we'll...*

Grove: *I made one earlier. There's a motion on the floor.*

Dupree: *It was just kind of hanging out there...But I would second that motion...*

Odle: *Is that what you're seconding? I'm sorry. Kristin's motion?*

Dupree: *Yeah, Kristin's motion. I just want to add that... This is only going to be visible from the Emory Road traffic. I don't see a reason to vary it since it's not going to be a hardship trying to... You're not trying to attract interstate traffic and let them know Kroger is there, so...*

Odle: *Right. And that necessarily wouldn't even be a hardship... I'm not sure the visibility would be a hardship we could approve under...in of itself. This request does act in contrary to the, so far, actions that we've... We had given a few small sign variances under that new ordinance.*

Garrett: *Correct.*

Odle: *Every other one that's of this size, we've sent back to City Council so far. And I would also be in favor of going that direction simply because, if nothing else, of the size of it, and this would alter the character of that entire...*

Garrett: *Sure.*

Odle: *...intent of that ordinance, I would think. So... Mr. Kelly, did you want to say something real quick?*

Kelly: *Dan Kelly, MPC staff. I don't think they've had master sign plan approved. And, I don't know that for a fact.*

Grove: *Okay.*

Kelly: *So I'm wondering whether it might be better to postpone this matter, then we can determine if, well...I hate to say they haven't had a master sign plan...*

Elder: *Does the applicant know if they've applied for a master sign plan?*

Garrett: *We have not.*

Odle: *So, that kind of answers the question, I guess.*

Garrett: *We're more than willing to re...*

Odle: *Sure. Sure. We have a first and a second on the floor. And I call for a vote. All in favor?*

All board Members: *Aye.*

Odle: *The motion passes. Thank you.*

Grove: *No.*

Van Beke: *Yeah. The motion passes.*

Grove: *It was denied.*

Odle: *Oh. Denied. Sorry.*

Van Beke: *No. The motion passes...*

Grove: *Sorry.*

Dupree: *The motion passes, but...*

Grove: *...but the variance is denied. But we would suggest that you follow up with the...yeah.*

Garrett: *Absolutely. Thank you.*

Odle: *And please do. Thank you.*

Board member Kristin Grove made a motion to deny the requests. It was seconded by Board member David Dupree. The Board voted 4-0 to **DENY** the requests. Board members encouraged Ms. Garrett to submit a master sign plan to MPC.

### **OTHER BUSINESS**

The next BZA meeting is June 16, 2016.

### **ADJOURNMENT**

The meeting adjourned at 5:10 pm.

Respectively submitted,

*Angelia Rooks*  
Angelia Rooks, Board Secretary