

BOARD OF ZONING APPEALS

MINUTES August 16, 2018

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 August 16, 2018, 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. § 9-44-101, et seq.

CALL TO ORDER

Board Chairman Kristin Grove called the meeting to order at 4:02p.m.

ROLL CALL

Board members present were David Dupree, Kristin Grove, Don Horton, Daniel Odle and Charlie Van Beke.

Others in attendance were Peter Ahrens, Building Official; Scott Elder, Zoning Chief; Crista Cuccaro, Staff Attorney; Mike Brusseau, MPC Senior Planner; Joshua Frerichs, Stormwater Engineering and Juliana LeClair, Board Secretary.

MINUTES

Member Daniel Odle made a motion to approve the July 19, 2018 minutes. It was seconded by member Charlie Van Beke. The Board voted 5-0 to **APPROVE**.

OLD BUSINESS

File:	5-J-18-VA	Parcel ID: 094JH025
Applicant:	Jim Stratton	6 th Council District
Address:	1931 Middlebrook Pike	
Zoning:	I-2/C-3 (Restricted Manufacturing & Warehousing / General Commercial) District	

Variance Request:

- 1) Reduce the required setback for open storage of materials and equipment from 25ft. to 10ft. on the Western Ave. frontage (Article 4, Section 2.2.6.B.21.a. and Article 4, Section 2.2.6.E.1)
- 2) Reduce the required setback for open storage of materials and equipment from 25ft. to 10ft. on the northeast permanent access easement from 25ft. to 10ft. (Article 4, Section 2.2.6.B.21.a and Article 4, Section 2.2.6.E.1)

- 3) Reduce the required setback for open storage of materials and equipment from 25ft. to 10ft. on the Bruce Ave. frontage (Article 4, Section 2.2.6.B.21.a and Article 4, Section 2.2.6.E.1)
- 4) Increase the maximum permitted height of a screening fence from 42in. to 6 ft. (Article 5, Section 6.C.2.)

As per plan submitted proposing to combine two properties into one property in the I-2 (Restricted Manufacturing & Warehousing) and C3 (General Commercial) Districts.

Scott Elder advised the plat was submitted and MPC had made comments; applicant was waiting for corrections to come back. Applicant was not present. Member Kristin Grove made a motion to postpone to the September 20th meeting. It was seconded by member David Dupree. The Board voted 5-0 to **POSTPONE**.

File: 7-I-18-VA
Applicant: Arthur Seymour
Address: 619 Women's Basketball Hall of Fame Drive
Zoning: O-1 (Office, Medical and Related Services) District

Parcel ID: 095IH00101
6th Council District

Variance Request:

- 1) Decrease the front yard setback off Women's Basketball Hall of Fame Dr. from 25' to 10' (Article 4, Section 2.2.1.D.1)
- 2) Decrease the front yard setback off James White Parkway from 25' to 11'-2" (Article 4, Section 2.2.1.D.1)
- 3) Decrease the east side yard setback from 15' to 5' (Article 4, Section 2.2.1.D.2)
- 4) Increase maximum lot coverage from 35% to 52% (Article 4, Section 2.2.1.D.5.b)
- 5) Decrease the minimum required parking from 17 to 8 (Article 5, Section 7.D.1.Table 1)

As per plan submitted proposing construction of a new indoor storage facility in the O-1 (Office, Medical and Related Services) District.

Peter Ahrens suggested postponement. Applicant still needed to provide details and was not present. Member David Dupree made a motion to postpone to the September 20th meeting. It was seconded by member Don Horton. The Board voted 5-0 to **POSTPONE**.

File: 7-K-18-VA
Applicant: Houston Smelcer
Address: 2704 Mineral Springs Ave.
Zoning: O-1 (Office, Medical and Related Services) District

Parcel ID: 069EB01502
4th Council District

Variance Request:

Reduce the number of required parking spaces from 60 to 45 spaces (Article 5, Section 7.D.1.Table1)

As per plan submitted for a new multi-family structure in the O-1 (Office, Medical and Related Services) District.

Postponement was requested prior to the August meeting. Crista Cuccaro advised a motion was required because the postponement was not requested far enough in advance of the meeting. Member Charlie Van Beke made a motion to postpone to the September 20th meeting. It was seconded by member David Dupree. The Board voted 5-0 to **POSTPONE**.

File: 7-M-18-VA
Applicant: Elizabeth Eason Architecture
Address: 7621 Kingston Pike
Zoning: C-3 (General Commercial) District

Parcel ID: 120GB010
2nd Council District

Variance Request:

- 1) Increase the maximum height of a secondary detached ground sign from 8' to 62' (Article 8, Section 11.6.b.3)
- 2) Increase the maximum area of a secondary detached ground sign from 32 Sqft to 200 sqft (Article 8, Section 11.6.b.3)
- 3) Decrease the setback of a detached sign from 10' to 0' (Article 8, Section 7.1.a)

As per plan submitted proposing the remodeling of the existing pole and foundation of hotel sign in the C-3 (General Commercial) District.

Postponement was requested prior to the August meeting. Crista Cuccaro advised a motion was required. Member Don Horton made a motion to postpone to the September 20th meeting. It was seconded by member Charlie Van Beke. The Board voted 5-0 to **POSTPONE**.

NEW BUSINESS

File: 8-A-18-VA
Applicant: Edie Gilboy
Address: 3312 Kenilworth Ln.
Zoning: R-1 (Low Density Residential) District

Parcel ID: 070JD028
4th Council District

Variance Request:

Increase the allowable number of driveways for properties with less than 150 ft. of frontage from 1 to 2 (Article V, Section 7.H.1.a Table 4)

As per plan submitted to construct new driveway in the R-1 (Low Density Residential) District.

Peter Ahrens advised the lot was appropriate for a circular driveway and multiple entrances to the right of way were approved in a circular driveway manner.

Applicant Bill Snyder was present. Applicant advised the street was a steep slope and the driveway was at the bottom of the slope. Residents had to walk up nine stone steps to get to a concrete porch and then walk 20 feet across the porch to get to the front door. The request was to add a driveway entering at the high end of the lot and to have a pad in the front yard next to the front door which would provide ease of entry for residents who used the aid of walkers.

Member David Dupree asked Peter Ahrens for clarification. Peter Ahrens advised the lot size is appropriate for a circular drive but the topography of the lot prohibits the connection of the two because of the topography of the slope. A car would bottom out with a circular drive. Applicant is requesting the two legs of a circular drive without the connection in the middle.

Member Daniel Odle made a motion to approve based on the topography and that the request was reasonable for the use of the front door. It was seconded by member Charlie Van Beke. The Board voted 5-0 to **APPROVE**.

File: 8-B-18-VA
Applicant: Creed Cox
Address: 214 Sequoyah Gardens Way
Zoning: R-1 (Low Density Residential) District

Parcel ID: 107LA025
2nd Council District

Variance Request:

- 1) Reduce side yard setback for a two story home in an R-1 zone from 12' to 5' (Article 4, Section 2.1.1.E.2.a)
- 2) Reduce side yard setback for a two story home in an R-1 zone from 12' to 9'-1" (Article 4, Section 2.1.1.E.2.a)
- 3) Reduce the minimum lot width at the front building line from 75' to 71' (Article 4, Section 2.1.1.E.4.a)

As per plan submitted to construct a new, two story single family home in the R-1 (Low Density Residential) District.

Scott Elder advised the plat was recorded with incorrect setbacks and the actual setbacks for the subdivision were the R-1 base setbacks.

Applicant Creed Cox was present and advised that the owner's architect drew the house based on the signed off plat on record. Applicant requested change of setbacks because many of the existing houses in the subdivision didn't meet the setback. Applicant clarified that the house was single story, not a two story dwelling. Ceiling height code would not approve a room so the upper space would be for storage. Plans had been drawn up and home owner's association approved the plans.

Board asked for clarification given that the application stated a two story home. Applicant provided a copy of the plans for staff to review. Peter Ahrens made a determination that it was a one story residence and member Kristin Grove clarified that the variance could be lessened from 8' to 5' instead of 12' as it was written. Crista Cuccaro confirmed that was correct.

Member Kristin Grove made a motion to approve variance request #1 with the condition that it was from 8' to 5', to eliminate variance request #2 because it was not needed and approve variance request #3 as written. It was seconded by member David Dupree. Peter Ahrens requested a pause in the motion, read from the code and confirmed that variance request #2 was still needed. Member Kristin Grove amended her motion and member David Dupree withdrew his second. Member Kristin Grove made a new motion to approve variance request #1 with the understanding that it was from 8' to 5' and to approve variance requests #2 and #3 as written. It was seconded by member David Dupree. The Board voted 5-0 to **APPROVE**.

File: 8-C-18-VA
Applicant: Gerry Moll
Address: 816 Gratz St.
Zoning: R-1 (Low Density Residential) / H-1 (Historical Overlay) Districts

Parcel ID: 081MN022
4th Council District

Variance Request:

- 1) Increase lot coverage from 30% to 32.63% (Article 4, Section 2.1.1.E.6.a)
- 2) Decrease rear yard setback of a detached accessory structure from 5' to 3.5' (Article 4, Section 2.1.1.E.3.b)

As per plan submitted to add an accessory structure to rear of property in the R-1 (Low Density Residential) / H-1 (Historical Overlay) Districts.

Applicant Gerry Moll was present and advised he was seeking the variance because the lots at 4th & Gill were narrow and small. Member Kristin Grove asked Joshua Frerichs to speak to the rear set back request. Joshua Frerichs advised the 3.5' would not affect the ability to construct a driveway. Applicant advised the structure would not house a vehicle and would only be used for storage. Peter Ahrens advised that the city would look at the structure as a garage, would confirm that it would not be used inappropriately based on the zoning district and would require a driveway to be built. Member Charlie Van Beke asked if the structure could be moved back on the property. The applicant advised it could be moved back but he would lose space on the already small lot. Member Charlie Van Beke questioned the presence of a hardship if the structure could be moved back on the property.

Member Kristin Grove made a motion to approve variance request #1 and to deny variance request #2. It was seconded by member Charlie Van Beke. The Board voted 5-0 to **APPROVE**.

File: 8-D-18-VA **Parcel ID:** 094DE009
Applicant: Teresa Mathews 4th Council District
Address: 703 Luttrell St.
Zoning: R-1A (Low Density Residential) / H-1 (Historical Overlay) Districts

Variance Request:

Increase the lot coverage from 30% to 53% (Article 4, Section 2.1.2.D.6.a)

As per plan submitted to restore a historic home back to its original footprint in the R-1A (Low Density Residential) / H-1 (Historical Overlay) Districts.

Scott Elder advised it was an historic structure which had been to the historic zoning commission and received some level of approval there.

Applicant Teresa Mathews was present and advised she was building an addition which had been on the original floor plan of the home but was removed in the 1990's.

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

File: 8-E-18-VA **Parcel ID:** 081GA006
Applicant: Bill Petty 5th Council District
Address: 121 Chickamauga Ave.
Zoning: I-3 (General Industrial) District

Variance Request:

- 1) Reduce required front yard setback for the commercial building fronting on Chickamauga Ave from 35' to 12.5' (Article 4, Section 2.3.2.E.2)
- 2) Reduce required side yard setback for the commercial building fronting on Chickamauga Ave. from 25' to 9.9' (Article 4, Section 2.3.2.E.3)
- 3) Reduce required side yard setback for the larger commercial building on SW edge of lot from 25' to 0' (Article 4, Section 2.3.2.E.3)
- 4) Reduce required side yard setback for the smaller commercial building on the SW edge of the lot from 25' to 0' (Article 4, Section 2.3.2.E.3)
- 5) Reduce the required side yard setback for the covered storage building on the SW edge of the lot from 25' to 0' (Article 4, Section 2.3.2.E.3)

As per plan submitted to construct a new warehouse building for existing business and to record final plat of property in the I-3 (General Industrial) District, 5th Council District.

Scott Elder advised the applicant planned to put an accessory addition on a warehouse in an existing business. The requested variances were for existing conditions, seeking to approve the request to record the plat.

Applicant Bill Petty was present. Owner purchased additional property in order to build the additional warehouse which was badly needed to continue conducting business.

Member Charlie Van Beke made a motion to approve. It was seconded by member Don Horton. The Board voted 5-0 to **APPROVE**.

File: 8-F-18-VA
Applicant: Michael Brady, Inc.
Address: 5511 Kingston Pike
Zoning: C-3 (General Commercial) District

Parcel ID: 107OF010
2nd Council District

Variance Request:

- 1) Reduce the minimum distance between the driveway accessing Sutherland Ave and Westwood Rd from 200 ft to 165.43 ft (Article V Section 7.H.2.a Table 5)
- 2) Reduce the minimum distance between the driveway accessing Kingston Pike and Westwood Rd from 200 ft to 152.57 ft (Article V Section 7.H.2.a Table 5).
- 3) Reduce the minimum depth of the setback of a parking lot to the Sutherland Ave right-of-way from 10 ft to 0 ft (Article V Section 7.C.3)
- 4) Reduce the minimum width of a perimeter screening area between the parking lot and the Sutherland Ave right-of-way from 10 ft to 0 ft (Article V Section 7.J.2.c.2)
- 5) Reduce the minimum depth of the setback of a parking lot to the Westwood Rd right-of-way from 10 ft to 5.27 ft (Article V Section 7.C.3)
- 6) Reduce the minimum width of a perimeter screening area between the parking lot and the Westwood Rd right-of-way from 10 ft to 4.41 ft (Article V Section 7.J.2.c.2)

As per plan submitted to construct a two-story bank in the C-3 (General Commercial) District.

Scott Elder advised the structure was a new, two-story bank proposed in Bearden. The applicant planned to utilize some of the existing access points in the parking.

Applicant Alicia McAuley was present and advised the building was odd in that it had three fronts which posed a bit of a challenge. An entrance had been closed on Sutherland which created narrowness in the back and contributed to the need for the variance request. Member Kristin Grove asked for the status of the TDOT application. Applicant produced an email from TDOT and member Kristin Grove asked Joshua Frerichs to review. Member Daniel Odle clarified which entrance had been closed and confirmed that an existing nook of landscaping would remain. Member David Dupree confirmed that there would still be three street entrances in addition to the one that was closed. Joshua Frerichs confirmed that the TDOT email didn't mention anything about the location of the driveways and that according to the TDOT email there wouldn't be a conflict with the current variances as submitted. Peter Ahrens advised that

if the variances were approved and it was discovered that TDOT had an issue, the request would come back before The Board. Member Kristin Grove made a motion to approve based on discussions. It was seconded by member Daniel Odle. The Board voted 5-0 to **APPROVE**.

File: 8-G-18-VA **Parcel ID:** 094LC018
Applicant: Sycamore Sign Service 6th Council District
Address: 520 W. Summit Hill Dr.
Zoning: C-2 (Central Business) / D-1 (Downtown Design Overlay) Districts

Variance Request:

- 1) Reduce the Setback of a detached ground sign on Locust St. from 10' to 2'-0 ¾" (Article 8, Section 7.1.a)
- 2) Reduce the setback of a detached ground sign on Summer Place from 10' to 3'-1 ¾" (Article 8, Section 7.1.a)

As per plan submitted to add two ground signs to the property in the C-2 (Central Business) and D-1 (Downtown Design Overlay) Districts.

Peter Ahrens advised it was a built structure that was already impeding within the sign setback. Applicant was proposing to install ground signs. Engineering confirmed that it would not inhibit the site triangles in that intersection.

Applicant Brad Nicely was present and advised that obtaining the required setbacks wasn't possible. The plan was to push small directional signs as far back to the foundation as possible and also add landscaping which would improve the look of the area at the same time.

Member Kristin Grove confirmed with staff that the signs were allowed within the allowable amount of signage, they just didn't meet the setback requirements. Member Charlie Van Beke made a motion to approve. It was seconded by member Don Horton. Member Daniel Odle opposed. Member David Dupree abstained. The Board voted 3-2 to **APPROVE**.

File: 8-H-18-VA **Parcel ID:** 094NC027/094NC028
Applicant: JMS Investments/City Lights, LLC 1st Council District
Address: 1829 & 1833 Forest Ave.
Zoning: I-2 (Restricted Manufacturing and Warehousing) District

Variance Request:

- 1) Decrease required number of parking spaces from 7 down to 3 (Article 5, Section 7.D.1 Table 1)

2) Decrease minimum aisle width for 60 degree parking from 18' down to 15' (Article 5, Section 7.E.d.Table3) and (Article 5, Section 7.G.1.b)

As per plan submitted to convert a commercial building with no onsite parking currently situated on two lots into a 10 unit apartment building in the I-2 (Restricted Manufacturing and Warehousing) District.

Scott Elder advised the structure was previously a commercial building. Applicant requested re-zoning to a residential district to convert into residential structure. Property was short on parking and existing parking on 19th was in a right-of-way and couldn't be used.

Applicant Sean Suddes was present. Upon purchase of the property the applicant discovered that the existing 10 parking spots on the side of building were not included in the property purchase. Per Engineering and MPC, three parking spaces were the maximum number that could fit on the property. Empty portion of the property had elevation and width issues which would restrict parking options. MPC would not approve a drive in that portion of the property due to road traffic and safety concerns.

Member Kristin Grove confirmed with staff that regardless of property use, the same parking issue would exist. Applicant advised that they were also purchasing the two grass lots behind the commercial building but did not have current plans for development other than to improve the appearance of that corner property. Member Kristin Grove made a motion to approve based on staff comments that the request would be in front of The Board no matter what the use and that the applicant had worked through MPC and Engineering to try to accommodate the maximum amount of parking on the property. It was seconded by member Charlie Van Beke. The Board voted 5-0 to **APPROVE**.

OTHER BUSINESS

The next BZA meeting is September 20, 2018.

ADJOURNMENT

The meeting adjourned at 4:45pm.