

BOARD OF ZONING APPEALS

MINUTES August 17, 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 August 17, 2017, meeting at 4:00 pm in the Main 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.

CALL TO ORDER

Board Chairman Kristin Grove called the meeting to order at 4:00 pm.

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; Crista Cuccaro, Staff Attorney; Scott Elder, Zoning Chief; Mark Johnson, Engineering; Dan Kelly, MPC Deputy Director; and Angelia Rooks, Board Secretary.

APPROVAL OF MINUTES

Member David Dupree made a motion to approve the minutes from the July 20, 2017 meeting. It was seconded by member Don Horton. The Board voted 5-0 to **APPROVE** the motion.

OLD BUSINESS

File: 7-C-17-VA
Applicant: Paul Bush
Address: 3308 Forestdale Avenue
Zoning: R-1A (Low Density Residential)

Parcel ID: 070JA006
4th Council District

Variance Request:

Reduce the minimum required side yard setback for an accessory building from 5 ft. to 30 in. per Article 4, Section 2.1.2.D.2.b.

As per submitted plan to permit an accessory building in an R-1A District.

Scott Elder noted that the structure was built without permits, and the staff received calls from area residents opposed to the variance.

The applicant was not present. Member Charlie Van Beke made a motion to postpone the request to the next meeting. It was seconded by member Daniel Odle. The Board voted 5-0 to **POSTPONE** the request to the September 21, 2017 meeting.

File: 7-H-17-VA **Parcel ID:** 081MH013
Applicant: Sara Martin 4th Council District
Address: 1019 Eleanor Street
Zoning: R-1A / H-1 (Low Density Residential / Historic Overlay)

Variance Requests:

1. Reduce the minimum required rear yard setback from 5 ft to 0 ft per Article 4, Section 2.1.2.D.3.b.
2. Reduce the minimum required side yard setback from 5 ft to 0 ft per Article 4, Section 2.1.2.D.2.b.
3. Increase the maximum permitted lot coverage from 30% to 37% per Article 4, Section 2.1.2.D.6.
4. Increase the maximum required height for an accessory structure from 15 ft to 18 ft 4 in. per Article 4, Section 2.1.2.F.

As per submitted plan to permit a detached garage in an R-1A / H-1 District.

Sara Martin, the applicant, was present. Reduced rear and side yard setbacks were not needed, and she withdrew items 1 and 2. The hardship for the remaining variances was the small lot.

Scott Elder clarified that Ms. Martin had added the 4th variance since the original application was submitted, but the application had not been revised. The public notice and agenda were published correctly. The Board should reference those documents instead of the application.

Member Daniel Odle made a motion to approve requests 3 (lot coverage) and 4 (accessory structure height). It was seconded by member Don Horton. The Board voted 5-0 to **APPROVE** requests 3 and 4.

NEW BUSINESS

File: 8-A-17-VA **Parcel ID:** 093PA003
Applicant: Dynamis, Inc 3rd Council District
Address: 3707 Henson Road
Zoning: I-3 (General Industrial)

Variance Request:

Reduce the minimum required southeast side yard setback from 25 ft to 7 ft per Article 4, Section 2.3.2.E.3.

As per submitted plan to permit the re-platting of the lot in an I-3 District.

Scott Elder commented that this was a platting issue for an existing building.

Fred Campbell, the architect for the project, was present. The hardships were the existing conditions and the existing building.

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

File: 8-B-17-VA
Applicant: Teri Cade-Hill
Address: 3906 Martin Luther King, Jr. Avenue
Zoning: C-3 (General Commercial)

Parcel ID: 082DC002
6nd Council District

Variance Request:

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

As per submitted plan to permit the redevelopment of the property in a C-3 District.

Files 8-B, 8-C and 8-D were presented together and voted upon separately. Peter Ahrens commented that the uses at this point were unknown. The owner was pursuing the greatest variances to expedite tenant occupancy and reduce hardships. Regardless of the use, some level of variance would be required at each site.

Teri Cade-Hill the applicant was present. The hardships for each property were the existing conditions and the existing buildings.

Member Charlie Van Beke pointed out that parking was never available for these buildings and made a motion to approve the request. It was seconded by member David Dupree. The Board voted 5-0 to **APPROVE** the request.

File: 8-C-17-VA
Applicant: Teri Cade-Hill
Address: 3930 Martin Luther King, Jr. Avenue
Zoning: C-3 (General Commercial)

Parcel ID: 082DC010
6th Council District

Variance Request:

Reduce the minimum number of required parking spaces for a restaurant from 45 spaces to 0 spaces per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit the redevelopment of the property in a C-3 District.

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

File: 8-D-17-VA
Applicant: Teri Cade-Hill
Address: 3900 & 3902 Martin Luther King, Jr. Avenue
Zoning: C-3 (General Commercial)

Parcel ID: 082DC001
6th Council District

Variance Request:

Reduce the minimum number of required parking spaces for a restaurant from 69 spaces to 0 spaces per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit the redevelopment of the property in a C-3 District.

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

File: 8-E-17-VA
Applicant: Mark and Shelley Quinn
Address: 2201 Fairmont Blvd
Zoning: R-1 (Low Density Residential)

Parcel ID: 069LG030
4th Council District

Variance Request:

Reduce the minimum required Clearview Street front yard setback from 25 ft to 7 ft per Article 4, Section 2.1.1.E.1.a.

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

Shelley Quinn, the applicant, was present. The hardship was the small lot. She presented plans of the house to the Board. The 7 ft setback was consistent with the area.

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

File: 8-F-17-VA
Applicant: Elmington Capital
Address: 2712 E. Martin Mill Pike
Zoning: RP-2 (Planned Residential)

Parcel ID: 109AK00202
1st Council District

Variance Requests:

1. Reduce the minimum required periphery boundary setback from 29 ft to 15 ft per Article 4, Section 3.1.D.2.
2. Reduce the minimum number of required parking spaces from 236 spaces to 186 spaces per Article 5, Section 7.A.3.a.Table.

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

John Shepard, Annette Hommel, and Arthur Seymour, Jr., representing the applicant, were present. The hardship was the shape of the lot and topography. The structure will have 172 units/270 beds. The new parking ordinance, if passed, would negate the need for a parking variance; and the area had bus service available.

Dan Kelly reminded the Board that there's no guarantee that the parking ordinance would be passed.

Member Charlie Van Beke stated that the size of the lot was too small for this project. Mr. Kelly clarified that the project's proximity to downtown, the availability of mass transit and other factors were considered during the rezoning process. This was a workforce housing project, and it was expected that residents would rely more on mass transit than individual vehicles.

Member David Dupree made a motion to approve the requests. It was seconded by member Don Horton. The Board voted 5-0 to **APPROVE** the requests.

File: 8-G-17-VA **Parcel ID:** 094MD017
Applicant: Joshua Wright, Wright Makers LLC 6th Council District
Address: 608 W. Hill Avenue
Zoning: C-2 / D-1 (Central Business / Downtown Design Overlay)

Variance Requests:

1. Reduce the minimum required driveway width from 20 ft to 10 ft for 2 driveways per Article 5, Section 7.B.3.c.Table.
2. Reduce the minimum required parking module width for structured parking with 90 degree parking on both sides of the aisle from 60 ft to 59.5 ft per Article 5, Section 7.A.4.a.3.d.1. Table.
3. Increase the maximum number of driveways permitted for a lot with 60 ft of frontage from 1 driveway to 2 driveways per Article 5, Section 7.B.1.b.Table.

As per submitted plan to permit the construction of a 6-level attached residential development in a C-2 / D-1 District.

Josh Wright, the applicant, was present. The hardship was the narrow lot and no alley. It was approved by the Downtown Design Review Board.

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

File: 8-H-17-VA **Parcel ID:** 109FB016
Applicant: Kathie A. Weaver 1st Council District
Address: 3207 South Haven Road
Zoning: C-1 (Neighborhood Commercial)

Variance Request:

Reduce the minimum required south side yard setback from 12 ft to 6.7 ft per Article 4, Section 2.2.4.D.2.b.

As per submitted plan to permit the combined commercial and residential use of an existing building in a C-1 District.

Len Johnson, representing the applicant, was present. The hardship was the existing conditions. The applicant had applied for a UOR.

Member Charlie Van Beke made a motion to approve the request with the condition of UOR approval. It was seconded by member Don Horton. The Board voted 5-0 to **APPROVE** the request **with the CONDITION** of UOR approval by MPC.

File: 8-I-17-VA
Applicant: Kear Investments
Address: 7709 Red Bay Way
Zoning: RP-1 (Planned Residential)

Parcel ID: 133FG021
2nd Council District

Variance Request:

Reduce the minimum required periphery boundary setback from 25 ft to 16 ft per Article 4, Section 3.1.D.2.

As per submitted plan to permit the enclosure of a porch in an RP-1 District.

Jeff Kear, the applicant, was present. His client wanted to increase her living space by enclosing the 20'x9' patio area. There were other enclosed patios in the neighborhood.

Member Daniel Odle stated that this was a small lot, there were other enclosed patios, and this would cause no harm to anyone. He made a motion to approve the request. It was seconded by member Charlie Van Beke. The Board voted 3-1 to **APPROVE** the request. Chairman Kristin Grove voted against the motion because the applicant did not prove a hardship. Member David Dupree abstained.

OTHER BUSINESS

The next BZA meeting is September 21, 2017.

ADJOURNMENT

The meeting adjourned at 4:40 pm.