

**CITY OF KNOXVILLE
BOARD OF ZONING APPEALS
MEETING MINUTES
September 15, 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 **September 15, 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 pm. Other Board members present were Daniel Odle, Kristin Grove and David Dupree. Board member Charlie Van Beke was absent.

Others in attendance were Peter Ahrens, Director of Building Inspections; Scott Elder, Zoning Chief; Lisa Hatfield, Law Department; Mark Johnson, Engineering; Dan Kelly, MPC; Brandon Littlejohn, Zoning Inspector; and Angelia Rooks, Board Secretary.

APPROVAL OF MINUTES

Board member Kristin Grove made a motion to approve the August 18, 2016 meeting minutes. It was seconded by Board member Daniel Odle. The Board voted 4-0 to **APPROVE** the minutes.

OLD BUSINESS

File:	6-G-16-VA	Parcel ID: 121GJ001, -002,
Applicant:	John Wisinger	-003, and -004
Address:	5656 Lyons View Pike	
Zoning:	R-1 (Low Density Residential) District	
	2nd Council District	

Variance Requests:

1. Increase the maximum permitted wall height from 42 in. to 114 in. (9'6") on parcels 121GJ001, 002, 003, & 004 per Article 5, Section 6.C.2.
2. Increase the maximum permitted curb cut length from 40 ft. to 104.5 ft. per Article 5, Section 7.B.3.a.Table.
3. Increase the maximum branch type turn-around area from 200 sq. ft. to 700 sq. ft. per Article 5, Section 7.A.2.j.iii.

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

Scott Elder, Zoning Chief, clarified that the applicant withdrew the curb cut variance and amended the driveway variance to 420 sf as per the submitted plans. The application was not revised to match, but it was a lesser variance, and could be heard. The staff also received several calls and emails in opposition.

Scott Boruff, the owner, was present. The plans were revised since the August meeting. The wall height was reduced to 5 ft., with a maximum height of 6' 10" at the gate columns. The purpose of the wall was for a sound-barrier, safety, and aesthetics of the neighborhood. Almost every house on the street had a wall. Because of the topography, the top of the wall should be level with the road, and not block the view. The highest point would be at the entry gate.

In opposition, Caesar Stair was present. He objected to the height of the wall, and did not want any wall built above the floor of Lyons View Pike because it would block the view. The drawings submitted by the applicant showed a massive wall and massive gate. Board members pointed out that the drawings did not reflect the grade, and the wall as drawn would be level with the street, except for the columns and gate. Mr. Stair would not have an objection if the Board could assure everyone that the wall height would not be above the road. There was already a huge wall along Lyons View Pike that everyone objected to. It was a scenic route that offers beautiful views of the river and mountains. Residents in the area considered themselves stewards of the property for the public. It was important to protect the view, and a wall would not be aesthetically pleasing.

Board member David Dupree stated that the road was not aesthetically pleasing anyway. It was narrow and uneven with rough, gravel edges. A wall would block vehicles from leaving the road and crashing through someone's yard. It would be a safety benefit for the community. He asked if there would be a move to cut down the trees, too, because they blocked the view and were higher than the proposed wall.

In opposition, Joyce Feld of Scenic Knoxville was present. She asked what the applicant claimed as a hardship. Board member Odle answered that the slope of the property could be considered a hardship. He also stated that a wall would protect the house from traffic accidents. Board members explained that the columns of the wall would be a maximum of 9 ft 6 inches, and the wall would vary between 5 ft and 6 ft 10 inches. Ms. Feld asked if there had been a study to determine how high the wall should be to protect the home from traffic accidents. Board member Kristin Grove stated the Board would ask for additional information from the applicant. Ms. Feld agreed with Mr. Stair that the view from Lyons View Pike was beautiful and should be protected.

The Board asked Mr. Boruff to provide cross-sections and drawings to clarify the height of the wall in relation to the road; and revise the application to reflect the correct measurements.

Board member Kristin Grove made a motion to postpone hearing the requests until the October meeting. It was seconded by Board member Daniel Odle. The Board voted 4-0 to **POSTPONE** the request until the October 20, 2016 meeting.

File: 7-C-16-VA
Applicant: John Browder
Address: 204 Gore Road
Zoning: C-6 (General Commercial Park) District
2nd Council District

Parcel ID: 121BD038 & 039

Variance Request:

Reduce the minimum required front yard setback on Gore Road from 25 ft. to 10 ft. per Article 4, Section 2.2.9.D.2.a.

As per submitted plan to permit construction of office/warehouse buildings in a C-6 District.

Mark Johnson, Engineering, advised the Board that the applicant was to provide a site distance analysis in order to form their recommendation. Engineering has not received the report.

Mark Matlock, the developer, was present. He was not aware that the surveyor had not submitted the report, yet, and apologized for the delay.

Board member Kristin Grove made a motion to postpone hearing the requests until the October meeting. It was seconded by Board member Daniel Odle. The Board voted 4-0 to **POSTPONE** the request until the October 20, 2016 meeting.

NEW BUSINESS

File: 9-A-16-VA
Applicant: James Cook
Address: 1215 Snowdon Drive
Zoning: R-1 (Low Density Residential) District
5th Council District

Parcel ID: 058IC011

Variance Request:

Reduce the minimum required front yard setback for an accessory building from 25 ft. to 8 ft. 10 inches per Article 4, Section 2.1.1.E.1.a.

As per submitted plan to permit an accessory building to encroach into the required front setback in an R-1 District.

Mr. Elder explained that Mr. Cook submitted a similar application in 2015 that was denied by the Board. Since then, Mr. Cook had modified the accessory structure to lessen the variance request. This was a different request from the 2015 application. In addition, the staff received a call from a neighbor in favor of the variance.

James Cook and his representative, Pat Looper, were present. Mr. Looper discussed the photos submitted with the application. The hardship was the steep slope of the yard. Mr. Cook shortened the building and modified the façade to match the house. He presented a letter from a neighbor in favor of the variance.

In support of the variance, John Letsinger was present. He stated that it was a very steep slope. There was only one house behind Mr. Cook's, which was well below street level. Since Mr. Cook made the building look better, Mr. Letsinger didn't believe anyone would have a problem with the building.

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

File: 9-B-16-VA
Applicant: Stewart Anderson
Address: 4647 Newcom Avenue
Zoning: O-1 (Office, Medical and Related Services) District
2nd Council District

Parcel ID: 107KE021

Variance Request:

Reduce the minimum required rear yard setback from 30 ft. to 5 ft. per Article 4, Section 2.2.1.D.3.

As per submitted plan to permit an addition to a building in an O-1 District.

The staff received a written request from the applicant to **WITHDRAW** the request.

File: 9-C-16-VA
Applicant: Arthur Seymour, Jr.
Address: 2932 Alcoa Hwy
Zoning: C-3 (General Commercial) District
1st Council District

Parcel ID: 1220J00202

Variance Request:

Increase the maximum permitted height of a primary detached ground sign from 20 ft. to 40 ft. per Article 8, Section 11.6.c.Table.

As per attached plan to permit reconstruction of a ground sign in a C-3 District.

The staff received a written request to **POSTPONE** hearing the request until the October 20, 2016 meeting.

File: 9-D-16-VA **Parcel ID:** 094EF02501
Applicant: Design Innovation Architects
Address: 319 W Depot Avenue
Zoning: C-2 / D-1 (Central Business District / Downtown Design Overlay) Districts
6th Council District

Variance Request:

1. Reduce the minimum required length of street frontage required for two driveways from 150 ft. to 105.97 ft. per Article 5, Section 7.B.1.b.Table.
2. Reduce the minimum required width for a one-way driveway from 20 ft. to 16 ft. per Article 5, Section 7.B.3.c.Table.

As per submitted plan to permit construction of a mixed use development in a C-2 / D-1 District.

Board member Daniel Odle recused himself.

Scott Elder advised the Board that an updated drawing was submitted before the meeting. He verified that all Board members had received a copy.

Faris Eid, the applicant, was present. The property was separate from the current Regis development. There were two existing curb cuts with an underground transformer in-between, and a KUB easement. The project includes repaving, adding a sidewalk and landscaping. The size and alignment of the existing driveways were not conducive to the project design or dumpster access. The variances were required to get the most efficient parking layout.

Board member Kristin Grove 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: 9-E-16-VA **Parcel ID:** 132-02813
Applicant: Main Event
Address: 9049 Kingston Pike
Zoning: PC-1 (Retail and Office Park) District
2nd Council District

Variance Requests:

1. Reduce the minimum number of required parking spaces from 417 spaces to 368 spaces per Article 5, Section 7.A.3.a.Table.
2. Increase the maximum permitted wall signage size from 795 sq. ft. to 860 sq. ft. per Article 8, Section 11.6.a.2.

As per submitted plan to permit construction of a commercial building in a PC-1 District.

Adam Smith, the applicant, was present. (9623 Moss Haven Dr., Dallas TX 75231). They adjusted the placement of the building to minimize construction costs because of soil studies that show the potential for sink holes. The parking lot was redesigned to provide the maximum number of spaces possible. The signage hardship was the distance between the building and the road. The variance was needed to increase visibility. The size of the signage was already reduced in comparison to the signs they used in similar projects in other cities, and was only an 8% variance from the City code. Other jurisdictions had allowed small deviations from the code within 5 – 10%.

In opposition, Joyce Feld from Scenic Knoxville was present. She supported the variance request to reduce required parking spaces, but opposed the request for increased in signage. There was no hardship.

In opposition, Terry Faulkner from the Bearden Council was present. The Council represented 5 neighborhoods adjacent to the Bearden commercial area. She agreed with Ms. Feld's comments.

Brandon Littlejohn, Zoning Inspector, confirmed that the City used the box method to calculate a sign's square footage. The sign area was calculated as a whole; not separately for each word.

Board member Daniel Odle made a motion to approve the request for item 1 (parking). It was seconded by Board member Kristin Grove. The Board voted 4-0 to **APPROVE** the request for item 1 (parking).

Board member Daniel Odle made a motion to deny the request for item 2 (signage). It was seconded by Board member Kristin Grove. The Board voted 3-1 to **DENY** the request for item 2 (signage). Board member David Dupree voted against the motion.

File: 9-F-16-VA
Applicant: Cliff Shadwell, Habitat for Humanity
Address: 3429 Lansing Avenue
Zoning: R-1 (Low Density Residential) District
6th Council District

Parcel ID: 082DQ010

Variance Request:

Reduce the minimum required lot width from 75 ft. to 50 ft. at the front building line per Article 4, Section 2.1.1.E.4.a.

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

Scott Elder stated that the staff provided the Board with a copy of the deed dated 1942.

Cliff Shadwell, the applicant, was present. The ward map shows no lot lines for this block, and the purpose of the variance was to establish lot lines for this parcel which was created in 1942. The lot is narrow, and the previous house was removed. The footprint of the new house will meet in-fill standards.

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

File: 9-G-16-VA
Applicant: Michael Brady Inc.
Address: 5616 Merchants Center Blvd.
Zoning: C-3 (General Commercial) District
5th Council District

Parcel ID: 068KC00202

Variance Request:

Increase the maximum permitted building height from 45 ft. to 70 ft. per Article 4, Section 2.2.6.F.

As per submitted plan to permit construction of a hotel in a C-3 District.

John Patterson, the applicant, was present. The hardship is the topography. Because the property slopes downhill, the first floor of the existing building is 19 ft lower than the first floor of the existing hotel on the adjacent property, which is 66 ft tall at its highest point. If the variance were approved, the hotel next door would still appear to be higher because it was on higher ground.

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

File: 9-H-16-VA
Applicant: Collegiate Development Group
Address: 1830 Cumberland Avenue
Zoning: FD-CU-1 (Form District – Cumberland Avenue Corridor)
1st Council District

Parcel ID: 108CE004-006,
019-021

Variance Request:

Reduce the minimum required depth of canopies from 6 ft. to 4 ft. per Article 4, Section 4.2.4.E.1.

As per submitted plan to permit installation of four canopies that will extend into the public right-of-way on a new mixed use building in the FD-CU-1 & FD-CU-2 District.

Peter Ahrens confirmed with Anne Wallace (Office of Redevelopment) that the 6 ft canopy requirement would interfere with the proposed street lighting in that area.

Arthur Seymour, Jr., representing the applicant, was present. The entrances will be recessed so that the canopy will be 6 ft deep, but only 4 ft from the edge of the building.

Because of the conflict with the canopy requirement and the streetscape, Board member Daniel Odle made a motion to approve the request. It was seconded by Board member Kristin Grove. The Board voted 4-0 to **APPROVE** the request.

OTHER BUSINESS

The next BZA meeting is October 20, 2016.

ADJOURNMENT

The meeting adjourned at 5:07 pm.

Respectively submitted,

Angelia Rooks