

BOARD OF ZONING APPEALS

MINUTES

September 21, 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 September 21, 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. § 9-44-101, 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, Daniel Odle and Charlie Van Beke. Member Don Horton was absent.

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

APPROVAL OF MINUTES

Member Charlie Van Beke made a motion to approve the minutes from August 17, 2017. It was seconded by member Daniel Odle. The Board voted 4-0 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.

City staff received complaints regarding noise and a boat business operating on the property. The accessory building setback was found to be out of compliance during the inspection.

Paul Bush, the applicant, was present. The previous tenant built the garage and it would be too expensive to move it. He moved the boat inventory to another location and provided a business card to the Board members to show the new commercial address.

Member David Dupree made a motion to approve the request. It was not seconded. The motion failed.

Member Daniel Odle made a motion to deny the request because there was no hardship. It was seconded by member Charlie Van Beke. The Board voted 4-0 to **DENY** the request.

NEW BUSINESS

File: 9-A-17-VA
Applicant: Helen-Ross McNabb
Address: 3720 Middlebrook Pike
Zoning: R-2 (General Residential)

Parcel ID: 093MB003
3rd Council District

Variance Request:

Reduce the minimum required number of parking spaces from 20 to 11 per Article 5, Section 7.A.3.a.Table.

As per plan submitted to permit the construction of a multi-dwelling structure (10 units) in an R-2 District.

Arthur Seymour Jr. and Houston Smelcer, representing the applicant, were present. The hardship was the shape of the lot. There would be one employee on site, and the residents would be homeless veterans. They anticipated low parking demand because the residents typically did not own vehicles.

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

File: 9-B-17-VA
Applicant: Steve Abbott
Address: 524 Arrowhead Trail
Zoning: R-1 (Low Density Residential)

Parcel ID: 107NF024
2nd Council District

Variance Requests:

1. Reduce the minimum permitted side yard setback for a 2-story structure from 12 ft to 5.92 ft per Article 4, Section 2.1.1.E.2.a.
2. Reduce the minimum required rear yard setback from 25 ft to 14.5 ft per Article 4, Section 2.1.1.E.3.a.

As per plan submitted proposing to attach an existing detached garage to the existing residence in an R-1 District.

Scott Elder advised the Board that City staff received several calls regarding this variance from area residents. Some were only inquiries, others were objections.

Gerald Jenkins, representing the applicant, was present. He presented a drawing to the Board showing the addition connecting the garage to the house. It would not be visible from the road.

No one spoke in objection to the variance requests.

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

File: 9-C-17-VA **Parcel ID:** 094MF025
Applicant: Amy Cathey 6th Council District
Address: 913 Henley Street
Zoning: C-2/D-1 (Central Business/Downtown Design Overlay)

Variance Request:

Increase the maximum number of permitted detached ground signs from 2 to 5 per Article 8, Section 11.6.b.1.

As per plan submitted showing additional signage in a C-2/D-1 District.

Amy Cathey, the applicant, was present. The hardship was the 4 acre property, 4 front yards and 3 entrances in a high traffic area. It was a residential area when the church was built in 1931. The Board was reluctant to grant the variances as requested. The size of the property was a reasonable hardship to consider, but the church was a highly visible building, none of the signs were directional, and the request was excessive. The applicant asked to postpone so they could review their options.

Member David Dupree made a motion to postpone. It was seconded by member Charlie Van Beke. The Board voted 4-0 to **POSTPONE** the request to October 19, 2017.

File: 9-E-17-VA **Parcel ID:** 095AK019
Applicant: Civil & Environmental Consultants, Inc. 6th Council District
Address: 1010 E. Jackson Avenue
Zoning: I-3 (General Industrial)

Variance Request:

Reduce the minimum required width of a perimeter parkway from 10 ft to 0 ft on Kentucky Street per Article 5, Section 7.A.5.b.1.

As per submitted plan to permit the construction of a parking lot in an I-3 District.

Member Daniel Odle recused himself.

Joe Petre, representing the applicant, was present. The hardships were the shape of the lot, and it was a brownfield site. The variance had the support of the adjacent neighbor.

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.

File: 9-F-17-VA
Applicant: Schaad Brown
Address: 2209 N. Central Street
Zoning: C-3 (General Commercial)

Parcel ID: 081KA015-017
5th Council District

Variance Requests:

1. Reduce the minimum required number of parking spaces from 37 to 30 per Article 5, Section 7.A.3.a.Table.
2. Increase the maximum permitted driveway width from 30 ft. to 40 ft. per Article 5, Section 7.B.3.c.Table.

As per plan submitted to permit the construction of a new 7,490 sf Dollar General store in a C-3 District.

Arthur Seymour Jr., Tim Dunaway, and Jason Brown, representing the applicant, were present. The hardships were topography, and turn-around areas for trucks.

In opposition:

- Deborah Thomas, representing the Oakwood-Lincoln Park Neighborhood Association, stated that the applicant had no hardship. This was not an area for foot traffic, so more parking would be required. It would also increase truck traffic. The proposed store design did not fit the mixed use commercial district they envisioned for this section of N. Central Street. The size was also not appropriate for a minor residential area. It combined 5 lots, doubling the size of the previous business. The Oakwood-Lincoln Park Neighborhood Association had requested a neighborhood conservation overlay, but it was delayed by MPC until 2018. The overlay would protect properties like this from demolition. She asked the Board to deny the variances.
- Kim Trent stated that there was a 1945 historic building on site, and there were no unusual attributes to prevent it from being used for its intended purpose. It had been a commercial location for decades, and the driveway width had never impaired operations. There was no justification to grant a variance, and the requests should be denied.

In rebuttal, Arthur Seymour stated that the property use was permitted, and there was no overlay. The opposition did not show the variance requests were unjustified.

The Board requested proof of topography hardship. The photo of street frontage was insufficient. The applicant requested to postpone.

Member Charlie Van Beke made a motion to postpone. It was seconded by member Daniel Odle. The Board voted to 4-0 to **POSTPONE** the request to October 19, 2017.

File: 9-G-17-VA
Applicant: Schaad Brown
Address: 7407 Middlebrook Pike
Zoning: C-1 (Neighborhood Commercial)

Parcel ID: 106JD032
3rd Council District

Variance Requests:

1. Reduce the minimum required number of parking spaces from 37 to 32 per Article 5, Section 7.A.3.a.Table.
2. Increase the maximum permitted driveway width from 30 ft to 35 ft (Article 5, Section 7.B.3.c.Table).

As per plan submitted to permit the construction of a new 7,490 sf Dollar General store in a C-1 District.

Arthur Seymour Jr., Tim Dunaway, and Jason Brown, representing the applicant, were present. The hardships were topography, and turn-around areas for trucks.

Chairman Kristin Grove made a motion to approve item 1 and deny item 2. It was seconded by member Charlie Van Beke. The Board voted 2-2. Members David Dupree and Daniel Odle voted against the motion. The motion failed.

Member David Dupree made a motion to approve both requests. It was seconded by member Daniel Odle. The Board voted 2-2. Chairman Kristin Grove and member Charlie Van Beke voted against the motion. The motion failed.

Member David Dupree made a motion to postpone. It was seconded by member Daniel Odle. The Board voted 4-0 to **POSTPONE** the request to the October 19, 2017 meeting. The Board also requested proof of topography hardship.

File: 9-H-17-VA
Applicant: Schaad Brown
Address: 3812 Boyds Bridge Pike
Zoning: C-1 (Neighborhood Commercial)

Parcel ID: 083IE010
6th Council District

Variance Requests:

1. Reduce the minimum required number of parking spaces from 47 to 31 per Article 5, Section 7.A.3.a.Table.
2. Increase the maximum permitted driveway width from 30 ft to 40 ft per Article 5, Section 7.B.3.c.Table.
3. Increase the maximum permitted driveway curb cut length from 60 ft to 90 ft per Article 5, Section 7.B.3.c.Table.

As per plan submitted to permit construction of a new 9,435 sf Dollar General store in a C-1 District.

Arthur Seymour Jr., Tim Dunaway, and Jason Brown, representing the applicant, were present. The hardships were topography, and turn-around areas for trucks. Mr. Dunaway requested to postpone so he could provide proof of topography hardship.

Member David Dupree made a motion to postpone. It was seconded by member Charlie Van Beke. The Board voted 4-0 to **POSTPONE** the request to the October 19, 2017 meeting.

File: 9-I-17-VA
Applicant: Peter Hall
Address: 3822 Sutherland Avenue
Zoning: C-1(k) (Neighborhood Commercial)

Parcel ID: 107KF002
2nd Council District

Variance Requests:

1. Reduce the minimum required west side yard parking lot setback from 5 ft. to 0 ft. per Article 5, Section 7.A.2.c.
2. Reduce the minimum required rear yard parking lot setback from 5 ft. to 0 ft. per Article 5, Section 7.A.2.c.
3. Reduce the minimum number of required parking spaces from 26 to 20 per Article 5, Section 7.A.3.a.Table.

As per plan submitted to permit the construction of a new 2-story office building in a C-1(k) District.

Peter Hall, the applicant, was present. The hardship was the small lot. He could not confirm the building size. Scott Elder stated that the parking count was based on 6,400 sf submitted with the site plan. If the building were significantly larger, it would affect the parking requirement. Peter Ahrens stated that the variance could move forward based on the information submitted. Mr. Hall would have to comply with the site plan when applying for a building permit, or request additional variances.

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: 9-J-17-VA
Applicant: Matthew Dawson
Address: 341 Taliwa Drive
Zoning: R-1 (Low Density Residential)

Parcel ID: 109JB032
1st Council District

Variance Requests:

1. Reduce the minimum required east side yard setback from 5 ft to 0 ft per Article 4, Section 2.1.1.E.2.b.
2. Reduce the minimum required east side yard setback from 8 ft to 2.9 ft per Article 4, Section 2.1.1.E.2.b.
3. Reduce the minimum required west side yard setback from 5 ft to 2 ft per Article 4, Section 2.1.1.E.2.b.
4. Reduce the minimum required rear yard setback from 5 ft to 0 ft per Article 4, Section 2.1.1.E.3.b.

As per submitted plan to permit the platting of the property with an existing structure in an R-1 District.

Matthew Dawson, the applicant, was present. The hardship was existing conditions.

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: 9-K-17-VA
Applicant: Matthew Dawson
Address: 401 Taliwa Drive
Zoning: R-1 (Low Density Residential)

Parcel ID: 109JB031
1st Council District

Variance Request:

Reduce the minimum permitted west side yard setback from 8 ft to 4 ft per Article 4, Section 2.01.1.E.2.b.

As per submitted plan to permit the platting of the property with an existing structure in an R-1 District.

Matthew Dawson, the applicant, was present. The hardship was existing conditions.

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

OTHER BUSINESS

The next BZA meeting is October 19, 2017.

ADJOURNMENT

The meeting adjourned at 5:50 pm.