



BOARD OF ZONING APPEALS

MINUTES

October 18, 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 October 18, 2018, 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 4:00p.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; Christina Magrans, Staff Attorney; Lisa Hatfield, Assistant City Attorney; Joshua Frerichs, Stormwater Engineering and Juliana LeClair, Board Secretary.

MINUTES

Member Daniel Odle made a motion to approve the September 20, 2018 minutes. It was seconded by member Charlie Van Beke. The Board voted 5-0 to **APPROVE**.

Member David Dupree made a motion to approve the October 8, 2018 Special Called Meeting minutes. It was seconded by member Don Horton. The Board voted 5-0 to **APPROVE**.

OLD BUSINESS

File: 7-F-18-VA
Applicant: Creative Structures
Address: 2012 N. Broadway
Zoning: C-3 (General Commercial) District

Parcel ID: 082HA021
4th Council District

Variance Request:

- 1) Reduce the minimum drive aisle width from 26 ft. to 24 ft. (Article V Section 7.E.1.d.Table 3)
- 2) Reduce the minimum parking space depth for 90 degree parking spaces from 17.5 ft. to 15 ft. (Article V section 7.E.1.d.Table 3)
- 3) Reduce the required number of parking spaces from 35 to 17 (Prior Ordinance – Article V Section 7.A.3.a Table)

As per plan submitted proposing construction of a new multi-tenant building in the C-3 (General Commercial) District, 4th Council District.

Applicant representative Arthur Seymour was present and requested a postponement. Member Kristin Grove made a motion to postpone to the November 15, 2018 meeting. It was seconded by member Charlie Van Beke. The Board voted 5-0 to **APPROVE**.

File:	7-I-18-VA	Parcel ID: 095IH00101
Applicant:	Arthur Seymour	6 th Council District
Address:	619 Women’s Basketball Hall of Fame Drive	
Zoning:	O-1 (Office, Medical and Related Services) 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.

Applicant representative Arthur Seymour was present and requested a postponement. Member Kristin Grove made a motion to postpone to the November 15, 2018 meeting. It was seconded by member Charlie Van Beke. The Board voted 5-0 to **APPROVE**.

NEW BUSINESS

File:	10-A-18-VA	Parcel ID: 095IG002
Applicant:	Nathan Honeycutt	6 th Council District
Address:	500 State St.	
Zoning:	C-2 (Central Business) / D-1 (Downtown Design Overlay) Districts	

Variance Request:

- 1) Reduce the minimum aisle width for 75 degree parking angles from 22.0 ft. to 20 ft. 9 in. (Article V Section 7.E.1.d. Table 3)
- 2) Decrease the minimum clearance for structure parking levels from 9.0 ft. to 7 ft. 4 in. (Article V Section 7.E.2.d)
- 3) Reduce the minimum driveway width for the driveway on State St. from 20.0 ft. to 16.0 ft. (Article V Section 7.H.3.c Table 7)
- 4) Reduce the minimum parking stall width from 9.0 ft. to 8.6 ft. (Article V Section 7.E.1.d Table 3)

As per plan submitted for the addition of (2) new parking levels to an existing parking structure to match existing structure in the C-2 (Central Business) / D-1 (Downtown Design Overlay) Districts.

Member Kristin Grove advised that she would preside over the application but was recused from voting.

Scott Elder advised this was another expansion to the garage and was the third addition to the structure.

Applicant Nathan Honeycutt was present and advised two additional levels were being added to the existing structure and that all of the variances being requested except one were identical to variances that had been requested and approved in the past. The new variance was to straighten the entry at State St. so that if and when State St. ever went to two-way there would be easy access and also providing a wider entry.

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

File: 10-B-18-VA
Applicant: Land Development Solutions
Address: 4101 Clinton Hwy.
Zoning: C-4 (Highway and Arterial Commercial) District

Parcel ID: 081AA001
5th Council District

Variance Request:

- 1) Decrease the required front yard setback from 50 ft. to 12 ft. (Article 4, Section 2.2.7.E.2.a)

As per plan submitted to construct a new vehicle display on the property of Lance Cunningham Ford in the C-4 (Highway and Arterial Commercial) District.

Applicant Rusty Baksa was present. Member Charlie Van Beke asked why the tower couldn't be located somewhere else on the property. The applicant advised it needed to be in that location for visibility purposes to make it an effective display. Member Kristin Grove asked if the display could be moved back to the first row of double stacked cars and still be perpendicular to the interstate but be behind the 50 ft. setback, at 39' it would be seen. The concern being that it

could set a precedent for the future where a four story office building could be built 12 ft. off the side which could introduce a safety concern.

Members Daniel Odle and David Dupree expressed concern that there was no real hardship. The applicant advised the property was tight on space.

Member Kristin Grove made a motion to deny. It was seconded by member Daniel Odle. The Board voted 5-0 to **DENY**.

File: 10-C-18-VA
Applicant: Wes Brown
Address: 2218 Spence Pl.
Zoning: R-1 (Low Density Residential) District

Parcel ID: 095MB003
1st Council District

Variance Request:

1) Increase the maximum permitted height of an accessory structure from 15 ft. to 18.2 ft. (Article 4, Section 2.1.1.F)

As per plan submitted to construct a new rear yard two-story accessory structure in the R-1 (Low Density Residential) District.

Scott Elder advised it was a proposed 2-bay garage with loft space above. Applicant representative Ruth Eshman was present and advised the detached garage would sit back further on the sloped lot so it wouldn't make too much of an impact.

Member Kristin Grove asked for an explanation of the hardship. The applicant representative advised that the applicant was called into an emergency at work and that she was there to represent in his absence and that she had not been privy to the application.

Member Kristin Grove suggested a postponement of the application so that further discussion could be had versus The Board making a vote. Member Kristin Grove made a motion to postpone to the November 15, 2018 meeting. It was seconded by member David Dupree. The Board voted 5-0 to **POSTPONE**.

File: 10-D-18-VA
Applicant: Luke Bolin
Address: 506 Rockingham Dr.
Zoning: R-1E (Low Density Exclusive Residential)

Parcel ID: 106MF015
2nd Council District

Variance Request:

1) Reduce the minimum required side yard setback for a detached accessory structure from 5ft. to 1 ft. (Article 4, Section 2.1.3.D.2.c)

As per plan submitted to construct a new, detached 2 bay garage with upper loft space in the R-1E (Low Density Exclusive Residential) District.

Peter Ahrens advised the proposal that was presented at 1ft. from the property line would create building issues and the applicant would not be able to construct what was presented because the building code would require a fire rated assembly from the foundation to the top of the roof and no openings, windows/doors, could be placed on the wall.

Applicant Lydia Bolin was present and advised their architect drew up alternate plans which included the wall without a window. A copy of the new plan was provided and added to the application package. The applicant advised the driveway runs along the left side of the house and in order to be within the 5ft. the garage would have to be put at the back of the house which would take up the whole backyard.

Member Don Horton asked if the applicant had anything from the neighbors documenting that they had discussed the plans. The applicant advised they had a conversation and the neighbor was not opposed. Member Kristin Grove expressed concern about the adjacency to the house next door, that the plans did not seem consistent with the rest of the neighborhood, that the height of the garage roof would be taller and that there was a lack of legal hardship.

Member Daniel Odle made a motion to deny. It was seconded by Member Kristin Grove. The Board voted 5-0 to **DENY**.

File: 10-E-18-VA
Applicant: Jason Rust
Address: 400 Merchant Dr.
Zoning: C-3 (General Commercial) District

Parcel ID: 068LA004
5th Council District

Variance Request:

1) Increase the maximum permitted square footage for attached signs from 107 sf. To 145 sf. (Article 8, Section 11.6.a.2)

As per plan submitted to install wall signs for new constructed restaurant in the C-3 (General Commercial) District.

Scott Elder advised this was new construction for a Wendy's restaurant.

Applicant Jason Rust was present and advised the request was to increase maximum allowed square footage or use both road frontages.

Member Daniel Odle asked for clarification of the hardship. The applicant advised it was a standard sign package and the desire was to maximize visibility. Member Kristin Grove stated that with the amount of signage included in the package, it seemed that something could be eliminated or reduced and still be just as successful.

Engineer Juan Carcache was present and advised there were certain prototypes but in order to reduce the size it would have to be a custom sign which would increase the cost. Member Kristin Grove advised cost was not a legal hardship.

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

ADJOURNMENT

The meeting adjourned at 4:38p.m.

OTHER BUSINESS

The next BZA meeting is on November 15, 2018.