

**BOARD OF ZONING APPEALS**  
**MEETING MINUTES**  
**October 20, 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 **October 20, 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, David Dupree and Charlie Van Beke.

Others in attendance were DeAnn Bogus, Deputy Director; Scott Elder, Zoning Chief; Crista Cuccaro, Law Department; Mark Johnson, Engineering; Mike Reynolds, MPC; Brandon Littlejohn, Zoning Inspector; and Angelia Rooks, Board Secretary.

**APPROVAL OF MINUTES**

Board member Kristin Grove made a motion to approve the September 15, 2016 meeting minutes. It was seconded by Board member Daniel Odle. The Board voted 4-0 to **APPROVE** the minutes. Board member Charlie Van Beke abstained.

**OLD BUSINESS**

Board Chairman Don Horton asked if any applicants would like to postpone their requests to the November 17, 2016 meeting. Applicants for file numbers **9-C-16-VA**, **10-K-16-VA**, and **10-J-16-VA** requested postponement.

**File:** **9-C-16-VA** **Parcel ID:** 1220J00202  
**Applicant:** Arthur Seymour, Jr.  
**Address:** 2932 Alcoa Hwy  
**Zoning:** C-3 (General Commercial) District  
1<sup>st</sup> Council District

**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 submitted plan to permit reconstruction of a ground sign in a C-3 District.

Arthur Seymour, Jr. was present. He stated that the City had requested a postponement to the November meeting to address an issue with the public notice.

Board member Kristin Grove made a motion to postpone the request to the next meeting. It was seconded by Board member David Dupree. The Board voted 5-0 to **POSTPONE** the request to the November 17, 2016 meeting.

**File:** 10-K-16-VA  
**Applicant:** Urban Engineering, Inc.  
**Address:** 2201 Sutherland Avenue  
**Zoning:** O-1 (Office, Medical and Related Services) District  
6<sup>th</sup> Council District

**Parcel ID:** 094OE016

**Variance Requests:**

1. Reduce the minimum required Sutherland Avenue front yard setback from 25 ft. to 5 ft. per Article 4, Section 2.2.1.D.1.
2. Reduce the minimum required Concord Street front yard setback from 25 ft. to 5 ft. per Article 4, Section 2.2.1.D.1.
3. Reduce the minimum required southwest side yard setback from 12 ft. to 9 ft. per Article 4, Section 2.2.1.D.2.
4. Reduce the minimum required rear yard setback from 25 ft. to 7 ft. per Article 4, Section 2.2.1.D.3.
5. Increase the maximum permitted lot coverage from 30% to 42% per Article 4, Section 2.2.1.D.5.a.

As per submitted plan to permit construction of an attached housing development in an O-1 District.

Chris Sharp of Urban Engineering was present. He requested a postponement to the November meeting.

Board member Kristin Grove made a motion to postpone the requests to the next meeting. It was seconded by Board member Charlie Van Beke. The Board voted 5-0 to **POSTPONE** the requests to the November 17, 2016 meeting.

**File:** 10-J-16-VA  
**Applicant:** Robert Campbell & Associates  
**Address:** 4829 Maple Sunset Way  
**Zoning:** R-2 (General Residential) District  
5<sup>th</sup> Council District

**Parcel ID:** 069HC01601

**Variance Request:**

Reduce the minimum required drive aisle width for 90 degree parking from 26 ft. to 14 ft. per Article 5, Section 7.A.4.a.2.Table.

As per submitted plan to address an as built parking lot not on the original plans in an R-2 District.

Garrett Tucker of Robert Campbell & Associates was present. He requested a postponement to the November meeting.

Board member Kristin Grove made a motion to postpone the request to the next meeting. It was seconded by Board member David Dupree. The Board voted 5-0 to **POSTPONE** the request to the November 17, 2016 meeting.

**File:** 6-G-16-VA  
**Applicant:** John Wisinger  
**Address:** 5656 Lyons View Pike  
**Zoning:** R-1 (Low Density Residential) District

**Parcel ID:** 121GJ001, -002,  
-003, and -004

**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 branch type turn-around from 200 sq. ft. to 420 sq. ft. per Article 5, Section 7.A.2.j.iii.

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

**Board member Charlie Van Beke recused himself.**

John Wisinger, the applicant, was present. He presented additional drawings and photos to the Board to show the wall height in relation to the road elevation.

In opposition, Caesar Stair was present. He said the applicant could move the wall 5 feet further away from the road than proposed in the photos. From the east side of the property to the west side, the slope rises to meet the road. The wall would be 5 feet above the street level on the west side of the property in addition to the columns and higher wall sections that were not represented by the photos. The photos presented by the applicant represented only the lowest point of the proposed wall location. Lyons View Pike was a scenic route and should be preserved. In addition, the distance between the proposed driveway and gate, about 28 feet, was too short to handle vehicle access to multiple houses. Two cars, or a typical delivery truck would not be able to pull completely into the driveway without blocking traffic and creating a safety hazard. He would like to see additional drawings that show a lower wall further from the road, and a longer driveway. He asked the Board to deny the request.

In rebuttal, Mr. Wisinger said moving the wall further downhill defeated the purpose of having a wall. He was willing to adjust the distance between the driveway and gate. The wall would enhance the use of the property and keep it in character with the adjacent properties which also have privacy walls. It was also a safety feature and sound barrier, specifically for lot 1 which was closer to the road.

In opposition, Mary English was present. She supported everything Mr. Stair said and added that this section of Lyons View Pike was a designated scenic view road. No government agency could take any action to take away the scenic or historic qualities. She asked the Board to deny the request.

Board member Daniel Odle stated that the additional drawings presented did not accomplish the spirit of what members asked for at the previous meeting. Board member Kristin Grove stated that she would support the first variance (turnaround area) and postponing the second variance (wall height) to the November meeting. Neighbors were uncomfortable with the proposed wall height and the photos submitted did not show how the wall height would affect the view across the entire length of the property. Board members asked the applicant to consider the neighbor's concerns and provide the Board with more accurate information.

Board member Kristin Grove made a motion to postpone item 1 (wall height) to the next meeting. It was seconded by Board member Daniel Odle. The Board voted 4-0 to **POSTPONE item 1** to the November 17, 2016 meeting.

Board member David Dupree made a motion to approve item 2 (driveway turn-around area). It was seconded by Board member Kristin Grove. The Board voted 4-0 to **APPROVE item 2**.

**File:** 7-C-16-VA  
**Applicant:** John Browder  
**Address:** 204 Gore Road  
**Zoning:** C-6 (General Commercial Park) 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 Matlock, the applicant, was present. They submitted a site distance study as requested. He stated that the lot conditions (the size, railroad and creek location) limited development of the site. The larger trucks and angled parking required more room to drive around the buildings.

In opposition, Mary English was present. She stated that the variance would affect the integrity of the residential community and potentially create safety concerns because Gore Road was used by local children walking to school. It would eliminate many mature trees and interfere with plans for Greenway Corridor C. The applicant bought the property knowing its limitations. The variances were contrary to the public interest. She asked the Board to deny the request.

Board member Charlie Van Beke made a motion to deny the request. It was seconded by Board member Kristin Grove. The Board voted 3-2 to **DENY** the request. Board members Daniel Odle and David Dupree voted against the motion.

**NEW BUSINESS**

**File:** 10-A-16-VA **Parcel ID:** 094EJ009  
**Applicant:** Knox Whiskey Works  
**Address:** 516 W. Jackson Avenue  
**Zoning:** C-2 / D-1 (Central Business District / Downtown Design Overlay) Districts  
6<sup>th</sup> Council District

**Variance Request:**

Increase the maximum area of permitted wall signs from 66 sq. ft. to 204 sq. ft. per Article 8, Section 11.6.a.2.

As per submitted plan to permit increased size of wall signs in C-2 / D-1 Districts.

The Downtown Design Review Board has approved the design of the proposed signage, but did not have authority to approve a variance from the size restrictions of the City's sign ordinance.

Robin Easter, the applicant, was present. They submitted two sign packages for consideration. One was smaller and complied with the sign ordinance, the other was larger and preferred by the applicant and the Downtown Design Review Board. There was also an existing blade sign located between the garage door and the main entrance, which was included in the sign area calculations per Brandon Littlejohn.

In opposition, Kevin Murphy representing Scenic Knoxville, was present. The applicant had not presented a hardship. The sign could be appropriate for the area, but it was not within a historic overlay district and was not subject to special consideration. His concern was that an approval would set a precedent.

In rebuttal, Ms. Easter stated that there was already a precedent because there were many large painted signs all over the area. The hardship was visibility. They were in a blighted area and wanted to attract more traffic from Broadway.

Board member Daniel Odle pointed out that the side of the building could be seen from Broadway. Board member Kristin Grove agreed and stated that signage on the side of the building would be the most effective. She suggested eliminating the garage door sign to increase the area of the wall sign.

Board member David Dupree made a motion to deny the request. It was seconded by Board member Kristin Grove. The Board voted 4-1 to **DENY** the request. Board member Charlie Van Beke voted against the motion.

**File:** [10-B-16-VA](#) **Parcel ID:** 069MB018  
**Applicant:** William Naill  
**Address:** 1903 Fairmont Blvd.  
**Zoning:** R-1 / NC-1 (Low Density Residential / Neighborhood Conservation) Districts  
4<sup>th</sup> Council District

**Variance Request:**

Reduce the minimum required interior side yard setback from 8 ft. to 3 ft. 5 in. per Article 4, Section 2.1.1.E.2.a.

As per submitted plan to permit addition of an attached carport in an R-1 / NC-1 Districts.

Scott Elder explained that the structure was already built. The variance was needed for compliance. The Historic Zoning Commission has issued a Certificate of Appropriateness.

William Naill, the applicant, was present. He built a carport on the same footprint of the original garage.

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

**File:** [10-C-16-VA](#) **Parcel ID:** 083BG008  
**Applicant:** PHG Energy dba Aries Energy  
**Address:** 4801 Westover Terrace  
**Zoning:** EN-1 (Established Neighborhood) District  
4<sup>th</sup> Council District

**Variance Request:**

Reduce the minimum required front setback for an accessory structure from 50 ft. to 17 ft. per Article 4, Section 2.1.4.E.Table.

As per submitted plan to permit installation of solar array panels in an EN-1 District.

Scott Elder stated that the Director of Sustainability issued a letter in support of the variance.

Jonathan Nicolosi, the applicant, was present. He presented additional photos and signatures of neighbors in support of this request. Property conditions (shade trees) prevented a roof mount of the solar array panels. The only suitable area on the property to place the ground mounts was 17 ft. from the property line.

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

**File:** [10-D-16-VA](#) **Parcel ID:** 094EJ048

**Applicant:** David Wedekind  
**Address:** 100 S. Broadway  
**Zoning:** C-2 / D-1 (Central Business District / Downtown Design Overlay) Districts  
6<sup>th</sup> Council District

**Variance Request:**

Reduce the minimum required parking stall depth for 90 degree parking from 15.5 ft. to 15.3 ft. per Article 5, Section 7.A.4.a.2.Table.

As per submitted plan to permit parking spaces as built in a C-2 / D-1 Districts.

Will Robinson, representing the applicant, was presented. He presented additional information for the Board. Hardships included the size, shape and topography of the lot, two front yards and additions to an existing structure.

Mark Johnson stated that the as built drawing the parking dimensions were found to be insufficient.

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

**File:** **10-E-16-VA**  
**Applicant:** One Life Church  
**Address:** 2900 Knoxville Center Drive  
**Zoning:** SC-3 (Regional Shopping Center) District  
4<sup>th</sup> Council District

**Parcel ID:** 059-02608

**Variance Request:**

Reduce the minimum required number of parking spaces from 168 to 110 spaces per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit conversion of existing building into a church in an SC-3 District.

Rodney Arnold, the applicant, was present. He submitted a letter to the Board outlining the request.

Board member Kristin Grove made a motion to approve the request. It was seconded by Board member Daniel Odle. The Board voted 5-0 to **APPROVE** the request.

**File:** **10-F-16-VA**  
**Applicant:** WP General Partnership  
**Address:** 4315 Kingston Pike  
**Zoning:** C-6 (General Commercial Park) District  
2<sup>nd</sup> Council District

**Parcel ID:** 107LA019

**Variance Requests:**

1. Reduce the minimum required number of parking spaces from 1022 to 670 spaces per Article 5, Section 7.A.3.a.Table.
2. Reduce the minimum required west side yard setback from 20 ft. to 8.9 ft. per Article 4, Section 2.2.9.D.2.b.
3. Reduce the minimum required east side yard setback from 60 ft. to 10 ft. per Article 4, Section 2.2.9.D.2.b.
4. Reduce the minimum required width of the curbed and landscaped terminal islands at the end of the parking rows from 5 ft. to 0 ft. per Article 5, Section 7.A.5.b.3.

5. Reduce the minimum required front yard setback from 25 ft. to 10 ft. per Article 4, Section 2.2.9.D.2.a.
6. Increase the maximum permitted distance between interior parkways from 200 ft. to 245 ft. per Article 5, Section 7.A.5.b.2.

As per submitted plan to permit redevelopment of an existing shopping center in a C-6 District.

Scott Elder stated that the applicant provided parking counts, but the staff requested floor plans and other items to confirm the parking counts. This information had not been received, and the parking count could not be verified.

Arthur Seymour, Jr., representing the applicant, asked the Board to postpone item 1 (parking) to the November meeting, to allow time to submit and review the requested documentation. The applicant was trying to update the shopping center, which included the relocation of the Fresh Market and increasing turn-around areas for delivery trucks. The hardships included topography, the widening of Kingston Pike, and existing buildings. He submitted additional photos. The applicant amended variance request item 3 (east side yard setback) to read "from 60 feet to 11 feet and 8 inches."

Board members and the applicant discussed the site plan and item 5 (front yard setback). The concern was if the variance were granted, then the restaurant patio could later become part of the building space. The applicant stated that plans had not been drawn for the patio, yet, and could be postponed to the December BZA meeting.

Board member Kristin Grove made a motion to postpone item 1 (parking) to the next meeting. It was seconded by Board member Daniel Odle. The Board voted 5-0 to **POSTPONE item 1** to the November 17, 2016 meeting.

Board member Kristin Grove made a motion to approve item 2. It was seconded by Board member Daniel Odle. The Board voted 5-0 to **APPROVE item 2**.

Board member Kristin Grove made a motion to approve item 3 as amended. It was seconded by Board member David Dupree. The Board voted 5-0 to **APPROVE AS AMENDED item 3** to 11 feet 8 inches.

Board member Kristin Grove made a motion to approve item 4. It was seconded by Board member Daniel Odle. The Board voted 5-0 to **APPROVE item 4**.

Board member Kristin Grove made a motion to postpone item 5 to the December meeting. It was seconded by Board member Daniel Odle. The Board voted 5-0 to **POSTPONE item 5** to the December 15, 2016 meeting.

Board member Kristin Grove made a motion to approve item 6. It was seconded by Board member Charlie Van Beke. The Board voted 5-0 to **APPROVE item 6**.

**File:** 10-G-16-VA  
**Applicant:** Brett Honeycutt  
**Address:** 109 W. Anderson Avenue  
**Zoning:** C-3 (General Commercial) District  
4<sup>th</sup> Council District

**Parcel ID:** 081NH01201

**Variance Request:**

Reduce the minimum required number of parking spaces from 33 to 0 spaces per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit reuse of a commercial building in a C-3 District.

Brett Honeycutt, the applicant, was present. The existing building with zero lot lines prohibited compliance with the parking requirement.

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

**File:** [10-H-16-VA](#)  
**Applicant:** Jonathan Miller Architects  
**Address:** 6811 Sherwood Drive  
**Zoning:** EN-2 (Established Neighborhood) District  
2<sup>nd</sup> Council District

**Parcel ID:** 121IA03001

**Variance Request:**

Increase the required average build to line from 125 ft. to 200 ft. per Article 4, Section 2.1.4.E.Table.

As per submitted plan to permit the construction of a detached dwelling in an EN-2 District.

Briana Burdorf, the applicant, was present. The house construction would be in the same location and footprint of the original house, which required a setback variance. Topography prohibits compliance with the setback requirement.

Scott Elder stated that the staff received calls from the neighborhood association in support of the variance.

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

**File:** [10-M-16-VA](#)  
**Applicant:** Knoxville Habitat for Humanity  
**Address:** 3630 Dance Avenue  
**Zoning:** R-2 (General Residential) District  
6<sup>th</sup> Council District

**Parcel ID:** 107DD001

**Variance Request:**

Reduce the minimum required Frank Street front yard setback from 25 ft. to 5 ft. per Article 4, Section 2.1.6.D.1.a.

As per submitted plan to permit construction of a detached dwelling in an R-2 District.

Cliff Shadwell, the applicant, was present. The lot was a substandard, corner lot. The size prohibited compliance with setback requirements.

Board member Kristin Grove made a motion to approve the request. It was seconded by Board member Daniel Odle. The Board voted 5-0 to **APPROVE** the request.

**File:** [10-N-16-VA](#)  
**Applicant:** James J. Phillips  
**Address:** 660 N. Gallaher View Road  
**Zoning:** C-3(k) / F-1 (General Commercial / Floodway) Districts  
2<sup>nd</sup> Council District

**Parcel ID:** 119DD00601

**Variance Request:**



Reduce the minimum required offset of a driveway on the continuous leg of a “T-intersection” from the width of the non-continuous leg right-of-way plus 25 ft. to 0 ft. per Article 5, Section 7.B.2.b.

As per submitted plan to permit the development of a commercial use in a C-3(k) / F-1 Districts.

Brant Barry of Site Incorporated was present. The floodplain limited development of the property and location of the driveway.

In opposition, Dave Dennis was present. He stated that area traffic was already complicated and congested by the nearby Walmart, the intersection at Walker Springs Road, and a school bus stop. The proposed driveway would create additional safety concerns.

Board member Kristin Grove made a motion to approve the request with the condition of Use-on-Review approval. It was seconded by Board member Daniel Odle. The Board voted 5-0 to **APPROVE** the request with the **CONDITION** of Use-on-Review approval.

### **OTHER BUSINESS**

The next BZA meeting is November 17, 2016.

### **ADJOURNMENT**

The meeting adjourned at 5:44 pm.

Respectively submitted,

*Angelia Rooks*  
Angelia Rooks  
Board Secretary