

BOARD OF ZONING APPEALS

MINUTES

November 16, 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 November 16, 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, Don Horton, Daniel Odle and Charlie Van Beke.

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

MINUTES

Member Charlie Van Beke made a motion to approve the minutes from October 19, 2017. It was seconded by member Daniel Odle. The Board voted 4-0 to **APPROVE** the motion. Member Don Horton abstained.

OLD BUSINESS

File: 10-D-17-VA
Applicant: MK/Jim McMichael Signs
Address: 1415 Old Weisgarber Road
Zoning: O-3 (Office Park)

Parcel ID: 106DA00822
3rd Council District

Variance Request:

Increase the maximum area for a wall sign from 24 sf to 63 sf per Article 8, Section 11.5.1., as per plan submitted to permit the installation of a new wall sign in an O-3 District.

Christopher Bolin, Ryan Unger, and Dave Goldman, representing Faculty Physicians, were present. The hardships were the campus size, building size, safety, accessibility, and visibility. About 75% of their patients were elderly and/or disabled. They've already had safety issues.

Each building on the campus had at least 3 entrances and averaged 4 stories with about 40,000 sf per floor. Foliage in the area restricted visibility. They would like the signs to match those on adjacent buildings. He stated that the variance would not hinder nor harm the scenery of the campus. They were active stewards of the community and the proposed signage should not be treated as a billboard. His primary concerns were safety and accessibility.

In opposition, Joyce Feld was present representing Scenic Knoxville. The applicant did not have a valid hardship. There were no visibility issues. The signs were on top of the buildings and easily seen over the trees. She was concerned that granting a variance would create a precedent by allowing increased signage in office districts. The existing, excessive signage on this campus was allowed by a previous variance under the old sign ordinance. The previous BZA Board was not as conscientious regarding the sign ordinance as the current Board.

Brandon Littlejohn confirmed that the allowable signage in an O-3 was 5% of the building façade, but the maximum area for any one sign was 24 sf. The lettering of the proposed sign was the same height as on other buildings, but longer. Scott Elder confirmed that the variance would only apply to this proposed sign. A new tenant wanting a new sign would not have the benefit of this variance.

Member Don Horton pointed out that the signs were on top of the building. If they were blocked by the trees, then a larger sign would not change that. It was not safe to drive while looking up at the buildings. Signage should be at street level. The applicant stated that the landlord was strict with signage, and they preferred to follow the lead of other tenants.

Member Daniel Odle noted that this was a large building on a large campus and he supported the request for a larger sign.

Chairman Kristin Grove made a motion to approve the request based on the on-site vegetation, and safety concerns. It was seconded by member Charlie Van Beke. The Board voted 4-1 to **APPROVE** the request. Member David Dupree voted against the motion.

NEW BUSINESS

File: 11-A-17-VA
Applicant: Oak Leaf Construction
Address: 1524 Jefferson Avenue
Zoning: I-3 (General Industrial)

Parcel ID: 082PE003
6th Council District

Variance Request:

1. Reduce the minimum required west side yard setback from 25 ft to 10 ft per Article 4, Section 2.3.2.E.3.
2. Reduce the minimum required rear yard setback on an alley from 25 ft to 5 ft per Article 4, Section 2.3.2.E.4.

As per plan submitted to permit the construction of a new metal building intended to be used as storage only in an I-3 District.

Scott Elder had advised the applicant that the site plan submitted was not suitable for a building permit. Parking and driveway issues should be addressed and reflected on a revised site plan. The City recommended postponing the request until the site plan was completed. The applicant chose to proceed with the variance request.

Ernie Owens, owner of the property, was present. The hardship was the lot size. The tenant required at least a 10,250 sf warehouse for storage. Without the variance, the tenant would have to find another site, and may have to relocate the business, too. The operation was quiet and would not attract more traffic. Granting a variance would not harm anyone or take anything away from the neighborhood.

Member Daniel Odle stated that there was no hardship to support a variance approval. Chairman Kristin Grove advised the applicant that he had not presented enough information for the Board to consider his request. The Board requested a completed site plan, and recommended postponing the variance to the next meeting. Mr. Owens agreed.

Member David Dupree made a motion to postpone to December. It was seconded by member Daniel Odle. The Board voted 5-0 to **POSTPONE** the request to the December 21, 2017 meeting. Peter Ahrens advised Mr. Owens to submit a completed site plan before the next meeting that showed parking, drive aisles, driveways, etc.; and to present a hardship to the Board to explain why he cannot build a smaller building on the site.

File: 11-B-17-VA
Applicant: Michael Brady, Inc.
Address: 4214 Greenway Drive
Zoning: I-3 (General Industrial)

Parcel ID: 059JB005
4th Council District

Variance Request:

Reduce the minimum required east side yard setback from 25 ft to 4 ft per Article 4, Section 2.3.2.E.3, as per plan submitted to record a final plat in an I-3 District.

Staff received a request from the applicant to **POSTPONE** to the December 21, 2017 meeting.

File: 11-C-17-VA
Applicant: Margaret Rodgers
Address: 3526 Kingston Pike
Zoning: R-1 (Low Density Residential)

Parcel ID: 108IC004
2nd Council District

Variance Request:

Increase the maximum permitted width of a driveway from 25 ft to 41 ft per Article 5, Section 7.H.3.a.Table, as per plan submitted to construct a new driveway for a detached dwelling to allow for a motor court in an R-1 District.

Chairman Kristin Grove recused.

Margaret Rodgers, the applicant, was present. The hardships were the existing conditions, topography, and a house built in 1923. She provided additional drawings. Moving the garage to the other side of the property was not feasible because of the property slope and the design

of the existing structure. The purpose of the wider driveway was to provide a turn-around area to back out of the proposed garage. There were at least 12 other properties on Kingston Pike with similar driveways, and a nearby neighbor had received a similar variance.

Peter Ahrens clarified that the code did not address “parking courts.” Considering the design and materials, he determined that “driveway width” was the simplest applicable term. Member Dupree stated that there was no hardship.

Member Daniel Odle made a motion to approve the request due to topography and existing conditions. It was seconded by member Don Horton. The Board voted 4-0 to **APPROVE** the request.

OTHER BUSINESS

Crista Cuccaro advised the Board of a training session scheduled on December 14, 2017.

The next BZA meeting is December 21, 2017.

ADJOURNMENT

The meeting adjourned at 5:15 pm.