

**CITY OF KNOXVILLE
BOARD OF ZONING APPEALS
MEETING MINUTES
November 19, 2015**

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 19, 2015, meeting at 4:00 p.m. in the Small Assembly Room, City County Building, 400 Main Street, 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 Daniel Odle called the meeting to order at 4:00 p.m. Board members present were Kristen Grove, Daniel Odle, and Charlie Van Beke. Board members Don Horton and Barbara Clark were absent.

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

APPROVAL OF MINUTES

Board member Charlie Van Beke made a motion to approve the October minutes. It was seconded by Board member Kristin Grove. The Board voted 3-0 to **APPROVE** the October 15, 2015 minutes.

OLD BUSINESS

File: 10-C-15-VA
Applicant: Dile M. Brown
Address: 5800 Clinton Hwy **Parcel ID: 068KA06801**
Zoning: C-4 (Highway and Arterial Commercial) District
5th Council District

Variance Requests:

1. Increase the maximum number of permitted primary signs from 1 sign to 2 signs per Article 8, Section 11.6.b.1.
2. Increase the maximum permitted ground sign height for sign #1 from 20 ft. to 34 ft. per Article 8, Section 11.6.c.Table.
3. Increase the maximum permitted ground sign height for sign #2 from 20 ft. to 32 ft. per Article 8, Section 11.6.c.Table.
4. Increase the maximum permitted sign area for sign #2 from 165 sq. ft. to 201 sq. ft. per Article 8, Section 11.6.d.Table.

As per submitted plan to permit relocation of signs on the site in a C-4 (Highway and Arterial Commercial) District, 5th Council District.

Thane Johnson, representing the applicant, was present. After remodeling the site, they need two primary signs to represent several different brands. They have applied through MPC to subdivide the property so they can have 3 sign structures. when it's approved. He asked for the BZA variance first so they can begin installation sooner. Cutting the existing sign structures down to the new maximum height would be expensive, and taller sign structures were necessary to keep the sign

panels above the dealership's front window, and to avoid lighting "wash-out" from a nearby parking lamp. Mr. Johnson presented additional photos for the Board showing how the actual area of sign 2 was calculated at 130 sf, instead of using the "box" method.

In opposition:

- Joyce Feld, representing Scenic Knoxville, was present. She stated that they are not entitled to more than one primary sign, per the sign ordinance, and they already have several wall signs. She asked the Board to deny the requests. She also asked for clarification of the ordinance regarding the subdivision of the property and number of signs allowed. Mr. Johnson stated that these were existing signs; reducing the height of existing poles would be expensive; and most of the visual clutter on Clinton Highway was created by the large volume of utility lines. He was willing to discuss alternatives. Scott Elder, Zoning Chief, stated that the ordinance allows 2 signs per lot, not per business.
- Jim Bletner stated that the request to MPC to divide the property was ambiguous. He asked for clarification of the sign ordinance and the purpose of subdividing the lot. He did not want to see exceptions to the sign ordinance creating precedents for future requests. Mr. Johnson explained that there were two primary buildings for two separate businesses.

Board members expressed concerns about using the Board for expediency, when there are more appropriate avenues available to reach the same goal. Items 2 and 3 conflict with the purpose of the sign ordinance, but items 1 and 4 were more practical requests because of the subdivision of the property and the actual square footage of an existing sign.

Mr. Johnson presented photos showing alternative sign heights. Ms. Cuccaro, Law Department, confirmed that these were lesser variance requests than what was published, and therefore, could be considered by the Board.

Board member Kristin Grove made a motion to approve requests 1 and 4; and to deny requests 2 and 3. It was seconded by Board member Charlie Van Beke. The Board voted 3-0 to **APPROVE** requests 1 and 4; and to **DENY** requests 2 and 3.

File: 10-E-15-VA
Applicant: Sharon Adams
Address: 1421 Southgate Road **Parcel ID:** 121DH013
Zoning: R-1 (Low Density Residential) District
2nd Council District

Variance Requests:

1. Reduce the minimum required Taliluna Drive front yard setback from 25 ft. to 0 ft. per Article 4, Section 2.1.1.E.1.a.
2. Increase the maximum permitted lot coverage for principal and accessory buildings from 30% to 41% per Article 4, Section 2.1.E.6.a.

As per submitted plan to permit an addition to an existing house in an R-1 (Low Density Residential) District, 2nd Council District.

Sharon Adams, the applicant, was present. She asked the Board to postpone until December.

Board member Daniel Odle made a motion to postpone to the next meeting. It was seconded by Board member Kristin Grove. The Board voted 3-0 to **POSTPONE** hearing the request until the December 17, 2015 meeting.

NEW BUSINESS

File: 11-A-15-VA
Applicant: JMB Investments, LLC
Address: 1612 Elm Street
Zoning: C-3 (General Commercial) District
5th Council District
Parcel ID: 081NQ009-011,
01101, 012,
& 01201

Variance Requests:

1. Reduce the minimum number of required parking spaces from 46 spaces to 30 spaces per Article 5, Section 7.A.3.a.Table.
2. Increase the maximum permitted driveway width from 30 ft. to 35 ft. per Article 5, Section 7.B.3.c.Table.

As per submitted plan to the permit development of a retail business in a C-3 (General Commercial District), 5th Council District

Tim Dunaway, the applicant, was present. The topography of the lot does not allow for compliance with the minimum parking space requirement. His client, Dollar General, did not anticipate a high parking demand. A wider driveway width was necessary for delivery truck turn-around.

Board member Charlie Van Beke made a motion to approve the request. It was seconded by Board member Kristin Grove. The Board voted 3-0 to **APPROVE** the request.

File: 11-B-15-VA
Applicant: Oak Valley Construction Co., Inc.
Address: 227 E. Anderson Avenue
Zoning: R-1A (Low Density Residential) District
4th Council District
Parcel ID: 081MA026

Variance Request:

Permit an alley to serve as primary means of vehicular access for a dwelling per Article 5, Section 6.D.9.

As per submitted plan to permit access from an alley for a new detached dwelling in an R-1A (Low Density Residential) District.

Jason Varney, the property owner, was present. The topography prevented front driveways. Nearly every house in the neighborhood uses the alley for parking.

Board member Kristin Grove made a motion to approve the request. It was seconded by Board member Charlie Van Beke. The Board voted 3-0 to **APPROVE** the request.

File: 11-C-15-VA
Applicant: Julian Burke
Address: 6215 Enterprise Drive
Zoning: I-3 (General Industrial) District
3rd Council District
Parcel ID: 016CC02010

Variance Requests:

1. Reduce the minimum required southeast front yard setback from 35 ft. to 10 ft. per Article 4, Section 2.3.2.E.2.
2. Reduce the minimum required southwest front yard setback from 35 ft. to 30 ft. per Article 4, Section 2.3.2.E.2.

3. Reduce the minimum required north side rear yard setback from 25 ft. to 5 ft. per Article 4, Section 2.3.2.E.4.

As per submitted plan to permit the replacement of a fire damaged building in an I-3 (General Industrial) District.

Julian Burke, the applicant, was present. The shape of the lot prevents maximum usage.

Board member Daniel Odle made a motion to approve the requests. It was seconded by Board member Charlie Van Beke. The Board voted 3-0 to **APPROVE** the requests.

Scott Elder, Zoning Chief, advised Mr. Burke that he could apply for a building permit after the 15 day appeal period.

File: 11-D-15-VA
Applicant: Byron Wood
Address: 6909 Quail Drive **Parcel ID: 120EB010**
Zoning: R-1 (Low Density Residential) District
2nd Council District

Variance Request:

Reduce the minimum required west side yard setback from 12 ft. to 10.33 ft. per Article 4, Section 2.1.1.E.2.a.

As per submitted plan to permit the construction of an addition to an existing dwelling in an R-1 (Low Density Residential) District.

The applicant was not present.

In opposition:

- Juanita Davis Braswell, President of the Dean Hill Alliance, was present. She asked the Board to deny the request because all the homes in the area were single story, and a second story home would be too conspicuous. The owners could relocate if their home was too small. If the addition is allowed, they may operate a business from the home. Board member Charlie Van Beke asked if the home addition would be visible from the street. Ms. Braswell replied that it would not be visible, but would be conspicuous.

Board member Kristin Grove explained that the variance request was not for the addition, it was just for the setback change after the addition was built. The house was already located within the side yard setback and would not be extended or changed. Board members showed the submitted plans to Ms. Braswell so she could see the location of the addition. Ms. Braswell was still concerned that the addition would allow the owner to operate a business in the home. Board member Charlie Van Beke stated that the addition was not the issue before the Board.

Board member Kristin Grove wanted to have the elevation information for further review. She made a motion to postpone until the December meeting. It was seconded by Board member Charlie Van Beke. The Board voted 3-0 to **POSTPONE** hearing the request to the December 17, 2015 meeting.

File: 11-E-15-VA
Applicant: Lawrence Eaton
Address: 209 E. Anderson Avenue **Parcel ID: 081MA030**
Zoning: R-1A (Low Density Residential) District
4th Council District

Variance Request:

Permit an alley to serve as primary means of vehicular access for a dwelling per Article 5, Section 6.D.9.

As per submitted plan to permit access from an alley for a new detached dwelling in an R-1A (Low Density Residential) District.

Andy Williams, representing the applicant, was present. The topography prevented front driveways. Nearly every house in the neighborhood uses the alley for parking.

Board member Kristin Grove made a motion to approve the request. It was seconded by Board member Daniel Odle. The Board voted 3-0 to **APPROVE** the request.

File: 11-F-15-VA
Applicant: Church Street United Methodist Church
Address: 714 W. Hill Avenue **Parcel ID: 094ME029**
Zoning: R-3 / D-1 (High Density Residential / Downtown Design Overlay) Districts
6th Council District

Variance Request:

Reduce the minimum required distance from a driveway to an adjacent right-of-way line on a corner lot from 25 ft. to 20 ft. per Article 5, Section 7.B.2.a.

As per submitted plan to permit modifications to an existing parking lot in an R-3 / D-1 (High Density Residential / Downtown Design Overlay) Districts.

Harold Cannon, representing the applicant, was present. Mr. Cannon presented an updated site plan that did not affect the variance, but was the most recent version. The Church planned to flatten the parking lot and bring it into ADA compliance. Topography prevented relocation of the driveway.

Board member Charlie Van Beke made a motion to approve the request conditioned on the approval of the Downtown Design Review Board. It was seconded by Board member Kristin Grove. The Board voted 3-0 to **APPROVE** the request **CONDITIONED** on the approval of the Downtown Design Review Board.

File: 11-G-15-VA
Applicant: Metropolitan Airport Authority
Address: 2701 Spence Place **Parcel ID: 095MC014**
Zoning: A-1 (General Agricultural) District
1st Council District

Variance Request:

Reduce the minimum required floor elevation from 832.2 ft. to 831.0 ft. above sea level per Flood Damage Prevention and Control Ordinance: Article 3, Section 12-52(2).

As per submitted plan to permit the construction of an airplane hangar at Downtown Island Airport that will be 1.2 ft. below the 500 year flood level in an A-1 (General Agricultural) District

The staff received a request to **POSTPONE** this request until the December 17, 2015 meeting.

OTHER BUSINESS

The next BZA meeting is December 17, 2015.

ADJOURNMENT

The meeting was adjourned at 5:58 p.m.

Respectively submitted,

Angelia Rooks, Board Secretary