

**CITY OF KNOXVILLE  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
December 17, 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 **December 17, 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 Don Horton called the meeting to order at 4:00 p.m. Board members present were Barbara Clark, Kristen Grove, Don Horton, Daniel Odle, and Charlie Van Beke.

Others in attendance were Peter Ahrens, Director of Plans Review and Inspections; 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**

November 19, 2015 minutes

Board member Charlie Van Beke made a motion to approve the October minutes. It was seconded by Board member Daniel Odle. The Board voted 3-0 to **APPROVE** the November 19, 2015 minutes. Board members Don Horton and Barbara Clark abstained.

**OLD BUSINESS**

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

**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 the submitted plan to permit an addition to an existing house in an R-1 (Low Density Residential) District.

Sharon Adams, the applicant, was present. The narrow shape of the corner lot requires a reduced setback and more lot coverage for the replacement and expansion of an existing garage, portico, sunroom and screened-in porch. The expansion added 900 sf of living space, which did not include the portico, garage or sunroom. She was willing to alter the building plans to help reduce lot coverage. Building up was not an option because it was cost prohibitive, required a greater setback, and it would not keep with the character of the house. She was also working with a civil engineer to address any drainage concerns.

Speaking in opposition:

- Jim Bletner, representing the Kingston Pike & Sequoyah Hills Association, was present. He did not object to reducing the setback on Taliluna Drive, but had concerns about the amount of lot coverage because of drainage issues. The Association recommended building up, but Ms. Adams claimed that would increase costs by \$25,000. He did not want the Board to set a precedent by approving an increase of lot coverage.
- Dennis Owen, nearby resident, was present. He stated that he has observed drainage issues on this property and many other neighbors also object to the increased lot coverage.

Mark Johnson, Engineering, stated that there are no formal complaints on record regarding drainage issues.

Board member Charlie Van Beke expressed concerns about the applicant's stated hardship that regulations prevent reasonable use of her property for "a family of her size." He stated that out-growing a house was a personal hardship, not one the Board is meant to consider. Ms. Adams replied that the narrow shape of the lot and "L" shape of the existing house had limited her expansion options.

Speaking in favor:

- Amanda Jackson Stoess, resident at 1503 Southgate Road, stated that she would be most affected by these additions because it was visible from her house. She felt this project would enhance the neighborhood.

Board member Kristin Grove stated that a corner lot is a common hardship, but the house size has always been the same, and could not be considered a hardship. She could support reducing the setback, but not increasing the lot coverage.

Board member Kristin Grove made a motion to approve the setback request. It was seconded by Board member Barbara Clark. The Board voted 5-0 to **APPROVE** the request to reduce the front yard setback on Taliluna Drive to 0 ft.

Board member Kristin Grove made a motion to deny the lot coverage request. It was seconded by Board member Charlie Van Beke. The Board voted 5-0 to **DENY** the request to increase lot coverage to 41%.

**File:** 11-D-15-VA  
**Applicant:** Byron Wood  
**Address:** 6909 Quail Drive **Parcel ID:** 120EB010  
**Zoning:** R-1 (Low Density Residential) District  
2<sup>nd</sup> 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 the submitted plan to permit the construction of an addition to an existing dwelling in an R-1 (Low Density Residential) District

Byron Wood, the application, was present. The addition changes the dwelling to a two-story structure which has 12 ft. setback requirements. The setback request was for where the existing structure sits, not where the addition will be built. The additional height of 6 ft. would not be noticeable from the street because of the steep slope of the lot. The house sits 30 ft above street level.

In opposition:

- Juanita Davis Braswell, representing the Dean Hill Alliance, was present. She stated that the two-story addition did not keep with the character of the neighborhood.

Tim Neal, representing the home owner, was present. He stated that the house is 75 ft. from the street. The addition will not be seen from the road. Mr. Neal, the Board members and staff discussed the roof lines and elevations of the existing structure and the addition.

Board member Daniel Odle made a motion to approve the request since it's an existing structure. The motion was seconded by Board member Charlie Van Beke. The Board voted 3-2 to **APPROVE** the request. Board members Barbara Clark and Charlie Van Beke voted against the motion.

**File:** 11-G-15-VA  
**Applicant:** Metropolitan Airport Authority  
**Address:** 2701 Spence Place **Parcel ID: 095MC014**  
**Zoning:** A-1 (General Agricultural) District  
1<sup>st</sup> 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 the submitted plan to permit the construction of an airplane hangar at Downtown Island Airport that will 1.2 ft. below the 500 year flood level in an A-1 (General Agricultural) District.

Board member Kristin Grove made a motion to postpone hearing the request until the January meeting. It was seconded by Board member Daniel Odle. The Board voted 4-0 to **POSTPONE** hearing the request until the January 21, 2016 meeting. Board member Charlie Van Beke recused himself.

**NEW BUSINESS**

**File:** 12-A-15-VA  
**Applicant:** Bill Docktor  
**Address:** 226 N. Peters Road **Parcel ID: 119-02925**  
**Zoning:** PC-2 (Retail and Distribution Park) District  
2<sup>nd</sup> Council District

**Variance Request:**

Increase the maximum sign area permitted for wall signs from 74 sq. ft. to 200 sq. ft. per Article 8, Section 11.6.a.2.

As per the submitted plan to permit signage for a new tenant in an existing building in a PC-2 (Retail and Distribution Park) District.

Bill Docktor, the applicant, was present. His client, Sherwin Williams, wants another wall sign to increase visibility from Cedar Bluff Road, like other tenants of the building.

Board Chairman Don Horton stated that the tenant maximized their allowable signage per the sign ordinance. He asked if their existing sign could be moved to a more visible location. Mr. Docktor said it could be moved, but the tenant wants an additional sign on the wall facing Cedar Bluff Road, as other tenants have.

Board member Kristin Grove stated that the other signs were there before the current sign ordinance was approved.

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

**File:** 12-B-15-VA  
**Applicant:** Gary Smith, Southeast Commercial LLC  
**Address:** 5760 Grove Drive  
**Zoning:** R-1 (Low Density Residential) District  
4<sup>th</sup> Council District

**Parcel ID:** 058CE002

**Variance Request:**

Increase the maximum permitted height of an accessory structure from 15 ft. to 20 ft. 4 in. per Article 4, Section 2.1.1.F.

As per the submitted plan to permit construction of a new accessory structure in an R-1 (Low Density Residential) District.

Gary Smith, the applicant, was present. He presented additional photos of the project to the Board showing examples of the type of garage he will build. Board member Kristin Grove asked the owners intent for use of the upper space. Mr. Smith said the owner planned to use it for storage. Access will be through a pull-down stair.

Board member Daniel Odle 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:** 12-D-15-VA  
**Applicant:** City of Knoxville  
**Address:** 3447 Reagan Avenue  
**Zoning:** R-2 (General Residential) District  
6<sup>th</sup> Council District

**Parcel ID:** 108AA034

**Variance Requests:**

1. Reduce the minimum required front yard setback from 25 ft. to 13 ft. per Article 4, Section 2.1.6.D.1.a.
2. Increase the maximum permitted encroachment for a porch into the required front yard setback from 6 ft. to 8 ft. per Article 5, Section 6.B.11.

As per the submitted plan to permit construction of a detached dwelling in an R-2 (General Residential) District.

Kortni Cook, City Community Development, was present to represent the home owner who was a participant in the owner-occupied rehab program. The cost to rehab the existing house is about the same as building a new house that meets the program's standards. The new house is larger, but will be in the same place as the old house.

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

**File:** 12-E-15-VA  
**Applicant:** Grace Covenant Church  
**Address:** 9956 Dutchtown Road  
**Zoning:** A-1 (General Agricultural) District  
2<sup>nd</sup> Council District

**Parcel ID:** 118-164

**Variance Request:**

Reduce the minimum number of required parking spaces from 108 spaces to 83 spaces per Article 5, Section 7.A.3.a.Table.

As per the submitted plan to permit the elimination of infrequently used parking in an A-1 (General Agricultural) District.

Alan Smith, the applicant, was present. The parking area across the street was damaged by heavy equipment. There is a low parking demand, members do not use that area for parking, and would prefer to make it a green space instead of paying for repairs. They plan to add additional parking to the other side of the building. He provided an additional drawing to the Board.

Board members and staff discussed the parking calculations. Board member Daniel Odle stated that the pavement was already damaged, not in use, and from a practical standpoint it would not accomplish anything to repave the area. He would be in favor of less asphalt and more green space. If parking demand grows, they can add more parking at that time. Mark Johnson stated that without this variance, the City would require them to repave the area so that it meets the minimum parking requirements. Peter Ahrens clarified that if there was a change of occupancy (per the building code, not just a change of tenant), then the staff would re-evaluate the parking calculations.

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:** 12-F-15-VA  
**Applicant:** Cannon & Cannon, Inc.  
**Address:** 515 Wellsley Park Road; 7310-7350 Antoinette Way Parcel ID: 120FB03607  
**Zoning:** RP-1 (Planned Residential) District  
2<sup>nd</sup> Council District

**Variance Request:**

Increase the maximum permitted driveway curb cut length from 60 ft. to 76 ft. per Article 5, Section 7.B.3.c. Table.

As per the submitted plan to construction of an attached residential development in an RP-1 (Planned Residential) District.

Alan Grissom, the applicant, was present. The median on Gleason Drive prohibits full access to the development. The required right-out only driveway, with an island, limits the maneuverable area of delivery vehicles. The wider curb cut would allow delivery vehicles more room to enter and exit.

In opposition:

- John May, resident in Phase 1 (Wellsley Manor Way), was present. He stated that when he bought his home, the developer/landlord did not inform him that there would be additional development or construction on the property. He claimed there was too much noise, and construction was creating drainage issues. He said there is no need for a variance and a 60 ft. curb cut is sufficient. The open curb is now 92 ft. He presented additional photos of the curb for the Board.

Board members stated that full development of the property would eliminate the noise and drainage issues. The construction manager may be creating temporary problems for residents, but that was not the matter before the Board.

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:** 12-G-15-VA  
**Applicant:** Wes Bradley  
**Address:** 1995 Henley Street Parcel ID: 109AA00301 and  
**Zoning:** FD-SW-6 (Form District – South Waterfront) Districts 109AA003

## 1<sup>st</sup> Council District

### Variance Requests:

1. Increase the maximum permitted front yard setback from 0 ft. to 16.1 ft.
2. Reduce the minimum required percentage of building frontage at the setback line from 50% to 0%.
3. Increase the maximum permitted side yard setback from 25 ft. to 97.4 ft.
4. Increase the maximum permitted lot area from 3 acres to 5.65 acres per South Waterfront Design Guidelines, Section 4.1.3.G.4.
5. Increase the maximum permitted on-site parking from 288 spaces to 482 spaces per South Waterfront Design Guidelines, Section 4.1.3.G.7.b.
6. Reduce the minimum required percentage of porous pavement from 65% to 0% per South Waterfront Design Guidelines, Section 4.1.3.G.7.c.
7. Increase the maximum permitted driveway width from 24 ft. to 28 ft. per South Waterfront Design Guidelines, Section 4.1.3.G.7.g.i.
8. Reduce the minimum permitted distance a driveway can be located across from a T-intersection from 25 ft. to 0 ft. per Article 5, Section 7.B.2.b.

As per the submitted plan to permit construction of a multi-dwelling structure in an FD-SW-6 (Form District – South Waterfront) District.

Scott Elder advised the Board that the second variance request was not needed and was withdrawn.

Mike Price, representing the applicant, was present. Topography and lot shape require several variances. The plan includes on-site parking, access to the Riverwalk and Fire Department turn-around access which is difficult to fit within the usable area. The average setback will be 50 ft. The lot area does not include the 1.5 acres below the 100-year flood line, leaving the remaining property about 1.2 acres over the maximum allowed in the SWF guidelines. They do not want to subdivide the property, since there is only one user. They expect high parking demand since this is a student housing project. Mr. Price presented a GEO Services letter to the Board that indicated this was a Brownfield site. He referenced a previous BZA variance granted to waive the requirement of 65% pervious pavers for an apartment building located nearby. The plan includes two detention basins lined with clay or plastic. They do not intend for the water to percolate through the soil, just some of the median, then drain from the clay layer.

Board Chairman Don Horton stated that there was only a very small amount of compliance with the intent of the pervious pavement requirement. He asked Mr. Price if they had considered alternatives for retention and other sustainable measures on site to meet this requirement. Mr. Price stated that the lot was currently paved, and there would be a decrease of impervious area with this project. They have not completed a down-stream analysis, but stated that detention was not required. Their plans go above current requirements.

Dawn Michelle Foster, City's Redevelopment Director, was present. She stated that the project is an element of the master plan for the development of this area, and meets the vision and the intent of the Form Based Code.

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

**File:** 12-I-15-VA  
**Applicant:** TMM Partnership  
**Address:** 9546 S. Northshore Drive **Parcel ID:** 154-11007  
**Zoning:** C-6 (General Commercial Park) District  
2<sup>nd</sup> Council District

**Variance Request:**

Reduce the minimum required front yard setback from 25 ft. to 5 ft. per Article 4, Section 2.2.9.D.2.a.

As per the submitted plan to permit a parking lot expansion in a C-6 (General Commercial Park) District.

Barry Byrd, the applicant, was present. Setback requirements for two front yards inhibit expansion of the parking lot to accommodate additional parking demand. Landscaping will include oak trees and crape myrtles, and will visually block the site from Pellissippi. The same variance request was granted for the Pilot store located adjacent to this property.

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

**OTHER BUSINESS**

The next BZA meeting is January 21, 2016.

**ADJOURNMENT**

The meeting was adjourned at 5:38 pm.