

BOARD OF ZONING APPEALS

MINUTES April 19, 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 April 19, 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

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; Mike Brusseau, MPC Senior Planner; Scott Elder, Zoning Chief; Joshua Frerichs, Stormwater Engineering; Crista Cuccaro, Staff Attorney; and Angelia Rooks, Board Secretary.

MINUTES

Member Daniel Odle made a motion to approve the minutes from March 15, 2018. It was seconded by member Don Horton. The Board voted 5-0 to **APPROVE**.

OLD BUSINESS

File: 1-B-18-VA **Parcel ID:** 081NH004, 005, 008
Applicant: Knoxville Preservation & Development, LLC 4th Council District
Address: 1221 N Central Street
Zoning: C-3/I-2 (General Commercial / Restricted Manufacturing & Warehousing)

Variance Requests:

1. Reduce the minimum required front yard setback from 25 ft to 1 ft along N. Central Street per Article 4, Section 2.2.3.E.1.
2. Reduce the minimum required front yard setback from 25 ft to 0 ft along W. Oklahoma Avenue per Article 4, Section 2.2.3.E.1.
3. Reduce the minimum required screening area between the proposed parking lots and all rights-of-way from 6 ft to 0 ft per Article 5, Section 7.J.2.c.2.

4. Reduce the minimum required setback for a parking lot from 6 ft to 0 ft per Article 5, Section 7.C.3.
5. Reduce the minimum required area for a terminal island from 120 sq. ft to 0 sq. ft for 4 terminal islands per Article 5, Section 7.G.5.d.
6. Reduce the minimum distance between a driveway accessing an arterial street on a corner lot and a local intersecting street from 100 ft to 42 ft 10 inches per Article 5, Section 7.H.2.a.Table 5.
7. Reduce the minimum required parking spaces from 127 to 57 per Article 5, Section 7.Tables 1.31 and 1.46.

As per plan submitted to combine lots with existing non-conforming buildings in C-3/I-2 Districts.

Staff received a request from the applicant to postpone to the May meeting.

Member David Dupree made a motion to postpone to the May meeting. It was seconded by member Daniel Odle. The Board voted 5-0 to **POSTPONE** to the May 17, 2018 meeting.

File: 2-B-18-VA
Applicant: Creative Structures
Address: 2012 N. Broadway
Zoning: C-3 (General Commercial)

Parcel ID: 082HA021
 4th Council District

Variance Request:

Increase the maximum width of a driveway entrance from 30 ft to 40 ft per Article 5, Section 7.H.C.Table, as per plan submitted showing as-built condition of a driveway in a C-3 District.

Staff received a request by the applicant to postpone to the May meeting.

Member Daniel Odle made a motion to postpone to the May meeting. It was seconded by Chairman Kristin Grove. The Board voted 5-0 to **POSTPONE** to the May 17, 2018 meeting.

File: 3-E-18-VA
Applicant: Jessalyn Friske, Open Door Architecture
Address: 940 Eleanor Street
Zoning: R-1A/H-1 (Low Density Residential/Historic Overlay)

Parcel ID: 081MK013
 4th Council District

Variance Request:

Increase the maximum permitted lot coverage from 30% to 43% per Article 4, Section 2.1.2.D.6 as per plan submitted proposing construction of a rear covered porch addition to an existing home in an R-1A/H-1 District.

Tricia Roelofs, the owner, was present. The hardship was a small lot of record.

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

File: 3-H-18-VA
Applicant: Stockyard Lofts, LLC
Address: 215 Willow Avenue
Zoning: C-2/D-1 (Central Business / Downtown Design Overlay)

Parcel ID: 095HA002
6th Council District

Variance Requests:

1. Reduce the minimum aisle width for 90 degree parking from 26 ft to 24 ft per Article 5, Section 7.E.1.d.Table 3.
2. Reduce the minimum driveway width from 20 ft to 16 ft for service driveway off of Willow Avenue per Article 5, Section 7.H.3.c.Table 7.

As per plan submitted proposing new multi-family development in C-2/D-1 Districts.

Brad Salsbury, the applicant, was present. He withdrew item 1 (aisle width). Some parking spaces were changed from standard to compact to stay within compliance. The driveway was for services only, such as trash collection. The hardship was a utility pole obstruction.

Member Charlie Van Beke made a motion to approve item 2. It was seconded by member Don Horton. The Board voted 5-0 to **APPROVE** item 2 (driveway width).

NEW BUSINESS

File: 4-A-18-VA
Applicant: Mark Graham
Address: 2506 Johnston Street
Zoning: I-4 (Heavy Industrial)

Parcel ID: 081OC006
5th Council District

Variance Request:

Reduce the minimum required side yard setback from 50 ft to 24.5 ft per Article 4, Section 2.3.3.E.3., as per plan submitted proposing construction of a covered storage area in an I-4 District. It would not be visible from the street.

Mark Graham, the applicant, was present. The hardships were the existing equipment on the existing pad. This side yard was adjacent to the interstate.

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

File: 4-C-18-VA
Applicant: Matt Varney
Address: 4705 Ridgedale Road
Zoning: R-1 (Low Density Residential)

Parcel ID: 079KA02201
3rd Council District

Variance Request:

Reduce the minimum required rear yard setback from 25 ft to 20.5 ft per Article 4, Section 2.1.1.E.3.a., as per plan submitted proposing an addition to an existing detached dwelling in an R-1 District.

Peter Ahrens advised the Board that the property was zoned in the City and County districts. The house was within the City's jurisdiction. He confirmed that no permits were issued by the County for this project.

Matt Varney, the applicant, was present. He filed for a permit with the County and assumed it was approved. It was customary to begin work before confirming the permit was active. He was unaware that the house was in the City until he received a stop-work order. He had never seen a house divided between the City and County.

Crista Cuccaro clarified that the entire property was in the City. There may be an error with the zoning map, but it was not relevant to the purpose of the variance request.

Member Daniel Odle stated that it would not have a negative impact on adjacent properties; and the lot shape was narrow. He made a motion to approve. It was seconded by member Don Horton. The Board voted 5-0 to **APPROVE**.

File: 4-D-18-VA
Applicant: Evan Foster, Chick-Fil-A, Inc.
Address: 9638 Kingston Pike
Zoning: SC-2 (Community Shopping Center)

Parcel ID: 132-02107
2nd Council District

Variance Requests:

1. Reduce the minimum required front yard setback from 25 ft to 13.68 ft per Article 4, Section 3.2.C.1.a.
2. Increase the maximum distance an attached awning may project into a required yard from 3 ft to 7.91 ft per Article 5, Section 6.B.1.b.ii.3.

As per plan submitted to construct a new drive-thru restaurant in an SC-2 District.

Sean Hickman, the applicant, was present. They plan to move the building location further west for safety issues. Queuing began off-site and backed up into the right-of-way.

Chairman Kristin Grove made a motion to approve. It was seconded by member David Dupree. The Board voted 5-0 to **APPROVE**.

File: 4-E-18-VA
Applicant: Ann Sowards
Address: 1708 Boone Street
Zoning: I-3 (General Industrial)

Parcel ID: 082HD035
2nd Council District

Variance Request:

Reduce the minimum required side yard setback on the north property line from 25 ft to 11 ft per Article 4, Section 2.3.2.E.3., as per plan submitted proposing construction of a new detached dwelling in an I-3 District.

Peter Ahrens stated that a previous variance allowed the residence in this I-3 zone; and the City would allow the continued use.

The applicant was not present. Chairman Kristin Grove made a motion to postpone. It was seconded by member Daniel Odle. The Board voted 5-0 to **POSTPONE** to the May 17, 2018 meeting.

File: 4-F-18-VA
Applicant: Robert Campbell & Associates
Address: 2609 Woods-Smith Road
Zoning: R-1 (Low Density Residential)

Parcel ID: 079NA014
3rd Council District

Variance Requests:

1. Reduce the minimum required front yard setback from 25 ft to 18.1 ft per Article 4, Section 2.1.1.E.1.a.
2. Reduce the minimum required rear yard setback from 25 ft to 19.8 ft per Article 4, Section 2.1.1.E.3.a.

As per plan submitted proposing construction of a new detached dwelling in an R-1 District.

Scott Elder clarified that the proposal was to subdivide the property into two lots, and build a new house on each lot. Mike Brusseau stated that it was not platted, yet, but was on the MPC agenda for May 10, 2018. BZA file number 4-G-18-VA represented the temporary address for the second lot.

Garrett Tucker, the applicant, was present. The hardships were the narrow shape and the right-of-way. The existing structure was already demolished.

Member Daniel Odle made a motion to approve based on the narrow lot. It was seconded by member Don Horton. The Board voted 5-0 to **APPROVE**.

File: 4-G-18-VA
Applicant: Robert Campbell & Associates
Address: 2615 Woods-Smith Road
Zoning: R-1 (Low Density Residential)

Parcel ID: 079NA014
3rd Council District

Variance Requests:

1. Reduce the minimum required front yard setback from 25 ft to 18.1 ft per Article 4, Section 2.1.1.E.1.a.
2. Reduce the minimum required rear yard setback from 25 ft to 18.1 ft per Article 4, Section 2.1.1.E.3.a.

As per plan submitted proposing construction of a new detached dwelling in an R-1 District.

Garrett Tucker, the applicant, was present. The hardships were the narrow shape and the right-of-way.

Member Charlie Van Beke made a motion to approve based on the narrow lot. It was seconded by member David Dupree. The Board voted 5-0 to **APPROVE**.

File: 4-H-18-VA
Applicant: West Town Mall, LLC
Address: 7600 Kingston Pike
Zoning: SC-3 (Regional Shopping Center)

Parcel ID: 120KA00103
2nd Council District

Variance Requests:

1. Reduce the minimum drive aisle width for 90 degree parking from 26 ft to 25 ft per Article 5, Section 7.E.1.d.Table 3.
2. Reduce the minimum required number of divider medians from 1 median per every six parking rows to 0 medians per every six parking rows per Article 5, Section 7.G.5.c.

As per Area A on plan submitted proposing demolition of an existing building and construction of a new building, parking lot, and driveway adjustments at West Town Mall in an SC-3 District.

Joshua Frerichs stated that Engineering did not oppose because the intent of the divider medians was to direct traffic flow. The parking lot redesign with the addition of more islands addressed traffic flow issues in lieu of the medians.

Matt Sprinkle, the applicant, was present. They would like to maintain the existing parking lot dimensions.

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

File: 4-I-18-VA
Applicant: John L. Sanders, Sanders Pace Architecture
Address: 857 N. Central Street
Zoning: C-3 (General Commercial)

Parcel ID: 094DQ018
4th Council District

Variance Requests:

1. Reduce the minimum required perimeter screening area width next to the alley from 6 ft to 2 ft 9 inches per Article 5, Section 7.J.2.c.2.
2. Reduce the minimum required setback from the alley from 6 ft to 2 ft 9 inches per Article 5, Section 7.C.3.
3. Reduce the minimum number of required parking spaces from 80 to 36 per Article 5, Section 7.D.1.Table 1.
4. Increase the maximum allowable percentage of the total number of parking spaces that may be designed for compact spaces from 20% to 22% per Article 5, Section 7.E.1.e.

As per plan submitted proposing new development and renovation of an existing parking lot in a C-3 District.

John Sanders, the applicant, and Aaron Pennington were present. They hardship was the existing building (Brown Appliance Parts) with limited parking. The variances were required to maximize the available parking area. They would still meet landscaping requirements.

Scott Elder advised the Board that the parking calculations included the restaurant building.

Member Daniel Odle made a motion to approve. It was seconded by member Don Horton. The Board voted 5-0 to **APPROVE**.

File: 4-J-18-VA
Applicant: West Town S&S, LLC
Address: 216 Montvue Road
Zoning: SC-3 (Regional Shopping Center)

Parcel ID: 120KA013
2nd Council District

Variance Request:

Reduce the minimum drive aisle width for 90 degree parking from 26 ft to 25.4 ft per Article 5, Section 7.E.1.d.Table 3., as per Area A on plan submitted proposing demolition of an existing building and construction of a new building, parking lot, and driveway adjustments at West Town Mall in an SC-3 District.

Matt Sprinkle, the applicant, was present. They would like to maintain the existing parking lot dimensions.

Member David Dupree made a motion to approve. It was seconded by member Charlie Van Beke. The Board voted 5-0 to **APPROVE**.

OTHER BUSINESS

The next BZA meeting is May 17, 2018.

ADJOURNMENT

The meeting adjourned at 5:00 pm.