

**CITY OF KNOXVILLE
BOARD OF ZONING APPEALS
MEETING MINUTES
February 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 **February 19, 2015, meeting at 4:00 p.m. in the Small Assembly Room, City/County Building, 400 Main Street, Knoxville, TN.**

CALL TO ORDER

Board Chairman Don Horton called the meeting to order at 4:00 p.m. Members present were: Don Horton; Kristin Grove; Barbara Clark; Charlie Van Beke; and Daniel Odle.

Others in attendance: Scott Elder, Zoning Chief; Mark Johnson, City Engineering; Crista Cuccaro, Law Department; Scott Brenneman, Sign Inspector; Melvin Wright, Plans Examiner; Debbie Brooks, Board Secretary; and Dan Kelly, Metropolitan Planning Commission (MPC).

APPROVAL OF MINUTES

Board member Charlie Van Beke made a motion to APPROVE the December 18, 2014 minutes and it was seconded by Board member Kristin Grove. **The Board voted 5-0 to APPROVE the December 18, 2014 minutes.**

Board member Charlie Van Beke made a motion to APPROVE the January 15, 2015 minutes and it was seconded by Board member Daniel Odle. **The Board voted 5-0 to APPROVE the January 15, 2015 minutes.**

OLD BUSINESS

File:	11-H-14-VA	
Applicant:	Earthadelic	
Address:	4217 Hiawatha Drive	Parcel ID: 107MC023
Zoning:	R-1 (Low Density Residential) District	
	2nd Council District	

Variance Request:

Reduce the minimum required northeast side yard setback from 5 feet to 2.5 feet per Article 4, Section 2.1.1.E.2.

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

Scott Elder, Zoning Chief, said Dr. Kinzy sent him an updated email in opposition.

Mike Martin, 4107 Meredith Road, said he was the senior representative for Earthadelic Landscapes and this company was performing the restoration of the home. Mr. Martin said at the last meeting the Board asked for some specificity about marking on the original plan to show the physical size of the variance they were requesting. Mr. Martin said also requested was some photographs of the existing deck prior to demolition and the new deck to verify it was the same size and he presented those to the Board. Board Chairman Don Horton said the Board had received photos of the old deck before it was removed and

also the new deck construction. Mr. Martin said he verified that the old deck existed for approximately 15 years but thought it was older than that. Mr. Martin said the new deck was exactly the same size. Mr. Martin said the requested variance was for the deck corner of less than four square feet. Mr. Martin said the old deck was terrible looking. Mr. Martin said Melvin Wright, Plans Examiner, did research to try to find an old variance for the deck but he could not find one. Mr. Martin said at Mr. Wright's request they took all of the necessary measurements on the property line. Mr. Martin said if they could have changed the configuration of the deck and made it fit with the swimming pool that had been there 35+ years they would have done that. Mr. Martin said the pool was very simple in design (Grecian) and cutting a corner off of the deck would absolutely make it look awful. Mr. Martin said he hoped the photographs helped the Board a lot and the photographs with the snow were taken today. Mr. Martin explained the blue line was approximately the property line on the site plan and the perforated line was an old fence line. Mr. Martin said the old chain-linked fence had been removed. Mr. Martin said the code compliance required a fence around the pool and that has been done and it aligns with the deck corner. Mr. Horton asked if all of the landscaping indicated on the plans was in place. Mr. Martin said yes with the exception of some plants (green dots on the plans) that would be moved. Ms. Clark asked Mr. Martin to point Dr. Kinzy's house on the photographs. Mr. Martin explained the photographs showed a ladder by Dr. Kinzy's house. Mr. Van Beke asked if the only reason this could not be compliant at this point was cutting off the 2-foot corner would be aesthetically not pleasing. Mr. Martin said that was true. Mr. Martin said that was an understatement because it would look horrible because of the lines. Mr. Martin said the home was built by a rather famous architect in a passive pattern. Mr. Martin said all of the lines on the entire estate as well as the home in order to be visual pleasing ran significant linear lines together. Mr. Martin said that would be the only 45-degree angle on the property. Mr. Martin said the home itself sat empty for five years. Mr. Martin said Ms. Shelton had done a wonderful job of renovating the entire estate and redoing the landscaping the way the original architect had it done. Mr. Martin said it was quite beautiful and he did not understand the adversity to a deck that existed for 20 years that was dilapidated to be replaced by something brand new. Mr. Martin said they followed Mr. Wright's request to be compliant. Mr. Horton asked if the new deck followed the footprint of the old deck. Mr. Martin said it was the exact same footprint. Ms. Clark said this was also somewhat an irregular-shaped lot. Mr. Martin said it was trapezoidal and Sequoyah Hills had some very strange shaped lots. Ms. Grove said it was Lot 44 and when Mr. Martin showed the photo with the silk fence there was a 10-foot easement there. Mr. Martin said between the two homes that was correct. Ms. Grove said the homes looked a lot closer than that. Mr. Martin said in the back corner there was primary drainage that was fed by springs. Mr. Martin said the primary drainage came down between the two properties and never stops. Mr. Martin said at the base of the driveways between the two of them was a storm sewer and the drainage flowed into the storm sewer. Mr. Martin said the back corner was pretty marshy (like a swamp).

No opposition was present at the meeting.

Board member Charlie Van Beke said he understood everything Mr. Martin said and knew they did a wonderful job. Mr. Van Beke said he did not know if this Board had the authority to approve anything based on aesthetics alone. Mr. Van Beke said the lot shape or the back marsh had nothing to do with the deck. Mr. Van Beke said those were all problems that existed apart from the deck placement. Mr. Van Beke said shaving the corner of the deck was certainly possible even though it created a 2-foot 45-degree angle instead of a 90-degree angle. Ms. Grove said the corner could be notched back and there were other options. Mr. Van Beke said as much as he would like to say yay he could not because he thought it would be beyond the Board's authority to do that based on purely aesthetics.

Board Chairman Don Horton asked for a motion. **Mr. Horton said the Board had not acted on this request (no motion was made) and therefore the request was DENIED.** Mr. Horton said Mr. Martin said he could appeal to City Council (filing with Metropolitan Planning Commission) if he wished.

File: 12-E-14-VA

Applicant: Batson, Himes, Norvell & Poe
Address: 2313 Amherst Road
Zoning: RP-1 (Planned Residential) District
3rd Council District

Parcel ID: 092-part of 092

Variance Requests:

1. Reduce the minimum required rear yard setback from 25 feet to 18.2 feet per Article 4, Section 3.1.D.2.
2. Reduce the minimum number of required parking spaces from 46 spaces to 32 spaces per Article 5, Section 7.A.3.a. Table.
3. Increase the maximum permitted wall sign size from 10 square feet to 69 square feet per Article 5, Section 10.C.6.

As per the submitted plan to permit the construction of a new commercial development in an RP-1 (Planned Residential) District.

Scott Elder, Zoning Chief, said this has gone through the MPC approval and also been appealed to City Council. Mr. Elder said MPC's decision has been upheld by City Council.

Arthur Seymour, Jr. 550 West Main Avenue, said Jason Brown, Gene Brown, and David Harbin (engineer) were present at the meeting. Mr. Seymour said Michael Schaad was part of the development team and weather had stranded him from attending the meeting. Mr. Seymour said this property was located at Amherst Road and Piney Grove Church Road. Mr. Seymour said the store was part of a commercial portion of the Seven Springs Subdivision. Mr. Seymour said this property was developed in the 1990s when it was outside the City of Knoxville. Mr. Seymour said the planned residential zone in Knox County allowed one acre of commercial use after 100 units were completed in the subdivision. Mr. Seymour said the subdivision has been built out (241 homes) so they actually had two acres. Mr. Seymour said this property has been reduced but this was some property that could be utilized for commercial purposes which may or may not be. Mr. Seymour said the commercial use of this property was approved by Metropolitan Planning Commission in 1996. Mr. Seymour said in 2001 by request of Mayor Victor Ashe the property was annexed into the City of Knoxville. Mr. Seymour said the rules for the commercial part changed a little bit. Mr. Seymour said on the back of the property was the main line for the CSX Railroad which ran from Knoxville, Tennessee to Corbin, Kentucky and on to Cincinnati, Ohio. Mr. Seymour said the main line had a 90-foot right-of-way and it was two tracks at this point. Mr. Seymour said the 90-foot right-of-way was not utilized. Mr. Seymour said the homes in the subdivision were actually above the grade of the store and faced into the subdivision. Mr. Seymour said there were fences along Amherst Road. Mr. Seymour said after the commercial part was laid out and before it was annexed, Knox County redid the interchange. Mr. Seymour said this resulted in taking the frontage off of Amherst Road and Piney Grove Church Road and reduced the size of this lot. Mr. Seymour said it was a Knox County road project. Mr. Harbin said this was done during the development of the subdivision.

Mr. Seymour said the proposal was place a Dollar General Store there. Mr. Seymour said the first request was to reduce the rear yard setback which was against the CSX railroad right-of-way from 25 feet to 18.2 feet. Mr. Seymour said the store needed to be pushed to the back some tractor-trailers could come in and service the store. Mr. Seymour said Dollar General Store would typically bring in a truck once a week and other vendors would have trucks coming in at other times. Mr. Seymour said there was one tractor-trailer that would be coming in. Mr. Seymour said Mr. Harbin had shown the turnaround maneuvers that the tractor-trailers would have to make on the drawings. Mr. Seymour said if the store was not pretty far back to the rear property line they could not have service from the tractor-trailers or they would have to stop on an external street. Mr. Seymour said they were asking that the rear setback be reduced a little over six feet.

Mr. Seymour said the second request was to reduce the parking spaces from 46 spaces to 32 spaces. Mr. Seymour said the frontage has been reduced by improved road work. Mr. Seymour said Dollar General Store has about 12-14 customers an hour during the peak traffic. Mr. Seymour said this was not a Walmart where you have huge traffic counts coming in. Mr. Seymour said this was a low-volume store as far as traffic in and out. Mr. Seymour said there was only one entrance and it would be off of Amherst Road.

Mr. Seymour said the third request was to increase the maximum permitted wall sign size from 10 square feet to 69 square feet. Board Chairman Don Horton asked if Dollar General Store owned the property before the Amherst Road improvements. Mr. Seymour said no. Mr. Seymour this was a lease situation and the Schaad Companies would lease it to Dollar General Store and they would not take title to it. Mr. Seymour presented a handout to the Board. Mr. Seymour said the top exhibit (5' x 40' sign) would be the signage that Dollar General Store would typically like on a store of this size (9100 square feet). Mr. Seymour said this store size was their smallest neighborhood store. Mr. Seymour said the Knox County ordinance would have allowed this signage prior to annexation. Mr. Seymour said the center exhibit showed 10 square feet which was what the City of Knoxville ordinance would allow. Mr. Seymour said the bottom exhibit showed the 3' x 23' signage that they were requesting. Mr. Seymour said because of locating the building in the back frankly with 10 square feet of signage all you could see was a little bit of yellow back there. Mr. Seymour said you would get no signage other than a wall sign and a directional sign. Mr. Seymour said a monument sign was not permitted in this zone. Mr. Seymour said because of the location the store was required to be in, the reduced lot size, and the ability to get the traffic in and out, they were asking for an increase in the sign square footage from 10 square feet to 69 square feet. Mr. Seymour said under the Knox County ordinance this variance would not have been necessary.

In opposition, Phillip Oakley, a resident and Board member of Seven Springs Association, said he had the opportunity to work with Dollar General Store in terms of the building and going in adjacent to the neighborhood. Mr. Oakley said one of the primary things they were interested in was keeping a low profile. Mr. Oakley said on this particular lot the Dollar General Store would be the only building there and by sheer dominance of the building what was on the sign would not necessitate a large sign that they were requesting. Mr. Oakley said he had no issues with the parking or the easement on the back. Mr. Oakley said Dollar General Store had worked very closely to accommodate the association on their appearance and the presentation at the major intersection. Mr. Oakley said the homeowner association would ask the Board to vote down and reconsider on a smaller sign keeping it what the City of Knoxville called for and proceed from there. Ms. Grove asked Mr. Oakley if he had seen those renderings. Mr. Oakley said he had not. Ms. Grove said she did not know if the sign sizes had been available to the neighborhood and if there had been any discussion. Mr. Oakley said, after reviewing the sign sizes, they would still ask for a small sign. Ms. Grove asked if Mr. Oakley understood there was no road signage. Mr. Oakley said that was great and when you are standing at the intersection the building would be a dominant landmark. Mr. Oakley said Dollar General Store has earned their right to be there but they would ask they minimize any commercial visibility from that prospective. Mr. Odle asked Mr. Oakley to define a small sign. Mr. Oakley said it was legal for the 10 square-foot sign versus the 69 square-foot sign. Mr. Horton said this building was looking at the corner and asked what street frontage the sign was calculated on. Scott Brenneman, Sign Inspector, said it was limited to 10 square feet and was not based street frontage, building size, or the elevation. Mr. Oakley said any people passing by (commercial traffic or local traffic) would clearly understand and know that was a Dollar General Store and what they represent there. Mr. Oakley said in terms of revenue and business, things of that nature should not be diminished at all. Mr. Van Beke asked Mr. Oakley if the 3' x 23' sign (at the bottom of the handout) would be acceptable by the homeowners' association. Mr. Oakley said that was the 69 square-foot sign. Mr. Oakley said they had offered landscaping which was fabulous and awnings on the front which would make a nice estate and appearance for the neighborhoods around there. Mr. Oakley said besides Seven Springs there were six other neighborhoods that would service the store. Mr. Oakley said it would be very respectful and they would do well. Ms. Grove asked Mr. Seymour if Dollar General Store would

go in with the allowed 10 square-foot sign. Mr. Seymour said they said no. Mr. Seymour said before this project started, Mr. Brown met with the Seven Springs neighborhood. Mr. Seymour said they did oppose it at MPC. Mr. Seymour said they did ask for additions to the landscaping, the front to be brick, a canopy over the front, etc. and Dollar General Store and Schaad Companies said that was fine. Mr. Seymour said they have upgraded this and was down to the point of the signage permitted in the city zone. Mr. Seymour said it was really not visible. Mr. Seymour said you could get 10 square feet per tenant and this was a 9,100 square-foot store. Mr. Seymour said if you had multiple tenants in there you could have multiple signs at 10 square feet. Mr. Seymour said Dollar General Store will be the sole tenant and this was what causes the problem here.

Board member Daniel Odle asked if Dollar General Store would accept anything less than 3' x 23' sign (69 square feet). Mr. Gene Brown said the sign on the bottom of the page was what Dollar General Store agreed to and this was less than their smallest sign. Mr. Brown said they would not take the 2' x 5' sign. Ms. Grove said this was not an illuminated sign and was that correct. Mr. Brown said yes. Mr. Seymour said Dollar General Store was not a 24-hour store. Mr. Seymour said typically they operated 12 hours a day (9:00 a.m. to 9:00 p.m.). Mr. Seymour said the sign would go off and you would have security lighting after the business closes each night. Mr. Seymour said the building was below the subdivision about 15 to 20 feet with a continuous fence along the back line and trees in front of the fence. Mr. Harbin said through the MPC approval they had agreed to put some pretty heavy-duty landscaping to screen their parking lot. Mr. Harbin said there was quite a bit of screening between them and the Seven Springs residents. Ms. Grove asked what the property was across the railroad. Mr. Seymour said it was an auto repair shop. Ms. Clark asked if this was still in Knox County the signage would be appropriate. Mr. Seymour said the signage (on the top of the page) would be permitted without a variance in Knox County. Mr. Seymour said the signage (in the middle of the page) was what was permitted under the Zoning Ordinance and the signage (at the bottom of the page) was what they were asking for.

Mr. Van Beke commented the application for Item 1 talked about periphery boundary (all around) and they were only talking about the rear yard setback. Mr. Seymour said the property had two front yards because it was at a corner. Mr. Seymour said they were talking about the rear yard setback along the train line. Ms. Grove said Mr. Oakley's paperwork said rear yard setback and theirs did not.

Board Chairman Don Horton said the three items would be voted on individually.

Board member Charlie Van Beke made a motion to APPROVE Item 1 (Reduce the rear-yard setback from 25 feet to 18.2 feet) and it was seconded by Board member Daniel Odle. **The Board voted 5-0 to APPROVE Item 1 (Reduce the rear-yard setback from 25 feet to 18.2 feet).**

Board member Barbara Clark made a motion to APPROVE Item 2 and it was seconded by Board member Kristin Grove. **The Board voted 5-0 to APPROVE Item 2.**

Board member Charlie Van Beke commented (in regards to Item 3) this was a neighborhood store. Mr. Van Beke said you did not need a big sign like you would somewhere else where people would be driving and notice the store or looking for a Dollar General Store. Mr. Van Beke said every single person going to the store would know where it is located because they are neighbors. Mr. Van Beke said this might influence the sign size and they did not really need that sign size.

Board member Daniel Odle made a motion to APPROVE Item 3 and it was seconded by Board member Barbara Clark. **The Board voted 5-0 to APPROVE Item 3.**

File: 1-B-15-VA
Applicant: Boys and Girls Club of the Tennessee Valley

Address: 407 Caswell Avenue
Zoning: R-2 (General Residential) District
4th Council District

Parcel ID: 081MT005

Variance Requests:

1. Reduce the minimum number of required parking spaces from 169 spaces to 145 spaces per Article 5, Section 7.A.3.a. Table.
2. Reduce the minimum required Baxter Avenue front yard setback from 35 feet to 25 feet per Article 4, Section 2.1.6.D.1.a.

As per the submitted plan to permit an addition to the existing club facilities in an R-2 (General Residential) District.

Rik Norris, an architect for Design Innovations Architects, 402 South Gay Street, said this was a great project. Mr. Norris said there was an existing Boys & Girls Club and four other buildings on the property. Mr. Norris said the property was bounded by six city streets. Mr. Norris said the project scope included basically removing three of the existing buildings and replacing buildings with new buildings. Mr. Norris said essentially the existing Boys & Girls Club would remain and was 19,000 square feet. Mr. Norris said the old school that the Boys & Girls Club used which contained the indoor swimming pool, basketball court, and some classroom spaces will be demolished. Mr. Norris said another single, standalone gymnasium building will also be demolished. Mr. Norris said a small house on a corner that was recently purchased by the Boys & Girls Club will be relocated. Mr. Norris said the project included essentially replacing the existing facilities that were going to be demolished with a new facilities (more modern, code compliant, and more attractive) building. Mr. Norris said the proposed building will be a combination of one story and two stories and have two indoor gymnasiums back to back and indoor swimming pool and activity space for the club. Mr. Norris said the second floor above the activities room will be for the corporate office for the club. Mr. Norris said the building will essentially be about 46,000 square feet. Mr. Norris said when they started on the design of this project, the hardship was: the topographic grade that they had to work with on the property which dropped 32 feet from its northeast corner to its southwest corner. Mr. Norris said they had a fairly significant program with a new building and parking that they were trying to fit in plus the amount of storm water detention facilities that would be required for this facility which currently did not have any because of the age of it. Mr. Norris said this new project will employ a detention facility for their storm water in the southwest corner (lowest corner of the site). Mr. Norris said with the combination of the topography, the storm water detention requirements, the six public street frontages which with the zoning would be a 35-foot setback, they were somewhat limited or constrained with what they needed to do to solve their programmatic needs. Mr. Norris said Item 1 was to reduce the required parking count to 145 spaces that they could get on site. Mr. Norris explained the drawings he brought with him. Mr. Horton asked how the parking spaces number was calculated. Mr. Norris said this was a multi-occupancy building by virtue of the club building space and it was calculated on an educational occupancy. Mr. Norris said the second floor office space was calculated on business occupancy. Mr. Norris said that was how they arrived at the total required per code number of parking spaces. Mr. Horton said a lot of children were brought by a bus to the Boys & Girls Club. Mr. Norris said a vast majority of children do arrive for afterschool hours via a bus and are dropped off to go into the buildings. Mr. Norris said the existing building will be used for the younger children (ages 6-10) and the new building will be used for the older children (ages 11-18). Mr. Norris said the children will share the gymnasium and the indoor swimming pool. Ms. Grove asked if it was their intent to queue the buses on this interior driveway. Mr. Norris said there was a sidewalk that runs along the eastern edge of both buildings. Mr. Norris said the buses will drop off right at the sidewalk.

Mr. Norris said Item 2 was the front-yard setback. Mr. Norris said only the northwestern corner of the swimming pool building which as planned was showing a 25-foot setback from the property line as opposed to the 35-foot setback that was required. Mr. Norris said another hardship that they

encountered on the project was after they did their geotechnical testing and drilling on the property they found some very poor soils. Mr. Norris said originally they had the buildings connected to save space and provide more outdoor space. Mr. Norris said based on the soil conditions, it was recommended and they agreed they needed to push the building away from the existing building by 30-40 feet. Mr. Norris said this allowed the building to not have adverse effect to the existing foundation of the existing building. Mr. Norris said this was a hardship they did not anticipate but they certainly encountered. Mr. Norris said this was part of the reason the corner of the swimming pool jutted into the setback by 10 feet.

No opposition was present at the meeting.

Board member Charlie Van Beke made a motion to APPROVE the two requests and it was seconded by Board Chairman Don Horton. **The Board voted 5-0 to APPROVE the two requests.** Mr. Horton said this motion was contingent upon an approval of the Use-On-Review from MPC.

Board member Charlie Van Beke made a motion to WITHDRAW the previous motion and it was seconded by Board member Daniel Odle. **The Board voted 5-0 to WITHDRAW the previous motion.**

Board member Charlie Van Beke made a motion to APPROVE the two requests as stated subject to the approval of the Use-On-Review from MPC and it was seconded by Board Chairman Don Horton. **The Board voted 5-0 to APPROVE the two requests subject to the approval of the Use-On-Review from MPC.**

File: 1-C-15-VA
Applicant: H. Frank Shanklin Jr.
Address: 2658 E. Magnolia Avenue **Parcel ID: 082KB006**
Zoning: C-3 (General Commercial) District
6th Council District

Variance Request:

Reduce the minimum number of required parking spaces from 32 spaces to 9 spaces per Article 5, Section 7.A.3.a. Table.

As per the submitted plan to permit the renovations to an existing commercial building in a C-3 (General Commercial) District.

Scott Elder, Zoning Chief, said the staff had no comments.

Frank Shanklin, 2658 East Magnolia Avenue, said he was basically landlocked and he was in a strip mall on Magnolia Avenue. Mr. Shanklin said the mall had enough parking spaces as a whole. Mr. Shanklin said he has been advised to get it down to nine parking spaces and that was what he was required to have. Mr. Shanklin said he was in a strip mall so he could not expand it to the left or the right. Mr. Horton asked if the total number of parking spaces they were looking at on the site plan were not being used. Mr. Shanklin said the only ones being used were the Flooring Store next to the facility and he owned the Flooring Store. Mr. Horton asked if Mr. Shanklin wanted to convert the building into a banquet hall. Mr. Shanklin said just that space. Mr. Horton asked if this space would primarily be used in the evenings. Mr. Shanklin said yes when it is rented out.

No opposition was present at the meeting.

Board member Barbara Clark asked if there would be other parking options other than these nine spaces. Mr. Shanklin said yes.

Board Chairman Don Horton made a motion to APPROVE the one request and it was seconded by Board member Daniel Odle. **The Board voted 5-0 to APPROVE the one request.**

File: 1-E-15-VA
Applicant: Anthony Capiello
Address: 5400 Kingston Pike Parcel ID: 107NJ001
Zoning: C-3 (General Commercial) District
2nd Council District

Variance Request:

Reduce the minimum required front yard setback on Homberg Drive from 25 feet to 0 feet per Article 4, Section 2.2.6.E.1.

As per the submitted plan to permit an addition to an existing non-conforming commercial building in a C-3 (General Commercial) District.

Scott Elder, Zoning Chief, said he had received word that the applicant would like to postpone this item and there was someone present to speak to that.

Michael Lewis, LandTech Engineering and Surveying, 8005 Fieldstone Road, said they would like to ask for the one request to be postponed to the March 19, 2015 meeting. Mr. Lewis said his client was forming up his plans that they had submitted earlier. Mr. Lewis said now the client was ready to move forward. Mr. Lewis said the staff had asked for some additional information and this will give them time to get what the staff needed.

Board member Charlie Van Beke made a motion to POSTPONE the one request until March 19, 2015 meeting and it was seconded by Board member Daniel Odle. **The Board voted 5-0 to POSTPONE the one request until the March 19, 2015 meeting.**

NEW BUSINESS

File: 2-A-15-VA
Applicant: Ron Burress
Address: 923 W. Oldham Avenue Parcel ID: 081OL010, 012, & pt. 01501
Zoning: R-2 (General Residential), C-1 (Neighborhood Commercial) & O-1 (Office, Medical and Related Services) Districts.
6th Council District

Variance Requests:

1. Reduce the minimum required Sunrise Street front yard setback from 35 feet to 20 feet per Article 4, Section 2.1.6.D.1.b.
2. Reduce the minimum required W. Oldham Avenue front yard setback from 35 feet to 25 feet per Article 4, Section 2.1.6.D.1.b.
3. Reduce the minimum number of required parking spaces from 60 spaces to 31 spaces per Article 5, Section 7.A.3.a.Table.

As per the submitted plan to permit the construction of a gymnasium as part of the existing church/school facilities in an R-2 (General Residential), C-1 (Neighborhood Commercial) & O-1 (Office, Medical and Related Services) Districts.

Scott Elder, Zoning Chief, said the staff had no comments.

Ron Burress, 909 West Oldham Avenue, said he was the pastor of Dayspring Baptist Church. Mr. Burress said they have a Christian school and plan on building a gymnasium which would be a metal building 60 feet long by 60 feet wide. Mr. Burress said it would help the neighborhood. Mr. Burress said it would be a private gymnasium and used once a day. Mr. Burress said it would make it more convenient for their children and it was in the inner city. Mr. Burress said he thought it was something that was needed. Mr. Burress said they did not have a lot of money but did have a desire to help the community. Mr. Burress said they started with a street corner and bought and remodeled the first building. Mr. Burress said they now had a school there that has trained champions and has taught principles and ethics that were worth something. Mr. Burress said they have trained the children to have pride and respect for their elders. Mr. Burress said the property was right at the Western Heights projects.

Board member Charlie Van Beke asked if there was sufficient parking there now to serve the sanctuary. Mr. Burress said yes they did. Board member Kristin Grove asked if most of the congregation walked to church. Mr. Burress said a lot of the congregation walked and sometimes they use a bus or van to pick up the people. Mr. Burress said the children in the neighborhood walk to school. Mr. Burress said they have improved the area by being there in the last 14 years. Mr. Burress said they built a new church from the ground up and paid for it as it went along. Mr. Burress said the church was built to code and the City of Knoxville was really kind to them and patient. Mr. Burress said church was debt-free and a lot of people from Tennessee and other states came in to town to help them build the church. Mr. Burress said today they had good work going on to train the children and this was what it was all about. Mr. Burress said they had tried other things like giveaways (clothes, food, etc.). Mr. Burress said they give the children the wisdom, understanding, and pride and respect for their neighborhood including where they live and this will last.

No opposition was present at the meeting.

Board Chairman Don Horton commented that the gymnasium was not used at the same time as the church and asked if this was correct. Mr. Burress said yes. Mr. Horton said the gymnasium was the neighborhood gymnasium and he assumed a lot of people walked to it. Mr. Burress said it was a private gymnasium for their school. Mr. Burress said the gymnasium would be open at most 1-1/2 hours a day, 5 days a week (Monday-Friday) and will not be opened at night or on weekends. Mr. Burress said they had been taking their children to the Emerald Youth gymnasium and as the school grew, it took a long time to take the children over and bring them back. Mr. Burress said with the gymnasium being close by, it makes it real convenient for them to work with the children and the children would not be traveling on the roads.

Board member Barbara Clark made a motion to APPROVE the three requests and it was seconded by Board member Kristin Grove. **The Board voted 5-0 to APPROVE the three requests.**

File: 2-B-15-VA
Applicant: Greg Sistrunk
Address: 3051 Kinzel Way Parcel ID: 060IA02301
Zoning: C-6 (General Commercial Park) District
4th Council District

Variance Request:

Reduce the minimum number of required parking spaces from 971 spaces to 861 spaces per Article 5, Section 7.A.3.a.Table.

As per the submitted plan to permit the construction of a fueling center in an existing parking lot in a C-6 (General Commercial Park) District.

Scott Elder, Zoning Chief, said the staff had no comments.

Greg Sistrunk, Greenberg Farrow, 1430 West Peachtree Street, Atlanta, Georgia, said they were representing Murphy Oil on this project. Mr. Sistrunk said they were essentially subdividing a piece of the existing parcel to build a fueling station. Mr. Sistrunk said the site plans were currently under review by City of Knoxville Engineering Department. Mr. Sistrunk said they have reduced the number of parking spaces on the existing Walmart parcel below the current code requirement of 4.5 spaces per thousand square feet. Mr. Sistrunk said the required parking spaces were 972 and they were removing 111 spaces for the development of a gas station. Mr. Sistrunk said the total remaining spaces on the Walmart parcel would be about 861 spaces. Mr. Sistrunk said this would be an 11% reduction. Mr. Sistrunk said the necessity of the request was due to the parking spaces below the minimum. Mr. Sistrunk commented the documentation in the agenda packet for the Board's review should be five pages of data. Mr. Sistrunk said in looking at the numbers and how they were gathered, the most important figure in the documents was the average peak period parking demand. Mr. Sistrunk said the highest limit shown was 3.8 vehicles per 1,000 square feet and they were still planning to be right at 4 spaces per 1,000 square feet. Mr. Sistrunk said they had placed the Murphy Oil fueling station at the front of the property so they were not removing the most convenient spaces. Mr. Sistrunk said they were still providing the circulation for vehicles coming down the parking aisles. Mr. Sistrunk said Mr. Stacy Grigsby, Walmart store manager, could attest to the parking requirements and how they saw parking on a daily basis if the Board requested it.

No opposition was present at the meeting.

Board Chairman Don Horton asked what happened with the perimeter of the property outside the property boundary on the site plan and how did the vehicles circulate. Mr. Sistrunk said Sheet C1 was a concept plan that was currently in review by City of Knoxville Engineering Department. Mr. Sistrunk said vehicles could access the gas station from any point. Mr. Sistrunk said they have created a landscape buffer around the fueling station so it would better circulate the vehicles. Mr. Sistrunk said they also have provided a parking access aisle around the store so the vehicles not wanting to stop at the gas station could continue to on to access and exit.

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

Board member Daniel Odle made a motion to WITHDRAW the previous motion and it was seconded by Board Chairman Don Horton. **The Board voted 5-0 to WITHDRAW the previous motion.**

Board member Daniel Odle made a motion to APPROVE the one request conditioned upon the approval of the Use-On-Review from MPC and it was seconded by Board Chairman Don Horton. **The Board voted 5-0 to APPROVE the one request conditioned upon the approval of the Use-On-Review from MPC.**

File: 2-C-15-VA
Applicant: Precision Crafters
Address: 743 Spring Park Way
Zoning: RP-1 (Planned Residential) District
4th Council District

Parcel ID: 071AL041

Variance Request:
WITHDRAWN – NOT APPLICABLE

File: 2-D-15-VA
Applicant: Precision Crafters
Address: 747 Spring Park Way
Zoning: RP-1 (Planned Residential) District
4th Council District

Parcel ID: 071AL012

Variance Request:
WITHDRAWN – NOT APPLICABLE

File: 2-E-15-VA
Applicant: Ortwein Sign
Address: 6650 Clinton Highway
Zoning: PC-1 (Retail and Office Park) District
3rd Council District

Parcel ID: 067LB002

Variance Request:

Increase the maximum sign allowance from 1 square feet of sign area per each 10 square feet of floor space to 1.4 square feet of sign area per each 10 square feet of floor space per Article 5, Section 10.E.13.

As per the submitted plan to permit the installation of a new sign package for the existing business in a PC-1 (Retail and Office Park) District.

Scott Elder, Zoning Chief, said the staff had no comments.

Jim Teal, Ortwein Sign Company, said he was representing the owner of Wendy's Restaurant. Mr. Teal said Wendy's had recently gone through a branding change which has necessitated the changes in all of their signage. Mr. Teal said the complete new branding package exceeded the limitations at this particular sight. Mr. Teal said they had been able to change out the sign faces in the pylon road sign and installed one of the lit-channel lettersets on the south elevation of the building. Mr. Teal said previously they had a lit-channel letterset on the west facing of the building as well. Mr. Teal said they were a couple of minor signs that went on the backside of the building that also constituted the additional group of signs that they were requesting. Mr. Teal said if there was concern with that, they would most importantly like to get the other set of channel letters on the west elevation. Mr. Teal said this was Item A on the site. Mr. Teal said the ones they had excluded today due to the size was Items A, C, D, E, and F. Mr. Teal said Items D, E, and F were on the back side of the building and faced the strip center back behind rather than facing the road. Mr. Teal said there was a Wendy's sign (Item E), a Quality Service That Doesn't Cut Corners Is Our Recipe sign (Item D), and a Thank You sign (Item F) that the applicants would like the Board to allow. Board Chairman Don Horton said he guessed this was Wendy's corporate signage and this was what you got. Mr. Teal said yes. Mr. Teal said he thought their signs were in good service. Mr. Teal said it was just the matter of the branding change and requiring the owners to make the change. Board member Daniel Odle asked Mr. Teal to define Fair Business Environment (which was written as a hardship on the application). Mr. Teal said the idea was that Wendy's was within a few 100 feet of their competitors. Mr. Teal said the zoning of the adjacent parcels allowed different sign square footage. Mr. Teal said the Wendy's parcel was zoned more restrictive of the smaller square footage per linear footage of the road front. Scott Brenneman, Sign Inspector, said their signs were based upon the square footage of the floor space in the building. Mr. Brenneman said McDonalds was in a zone that did it by the street frontage. Mr. Teal said it had to do with the zoning of one property versus another property in direct competition. Board member Charlie Van Beke asked about Item G that they were not changing the size of it but were changing the appearance of it. Mr. Teal said the plastic faces have been removed and replaced. Mr. Teal said the size was not a factor on Item G. Mr. Teal said Item A (channel-letter set) was the main sign on the restaurant. Mr. Teal said there were two main signs on the

front of the restaurant over the entrance (the combination of Items B and C). Mr. Teal said Item B was the lit-letter set and Item C was the verbiage of Quality Is Our Recipe which has been added to their brand. Mr. Teal said the rendering was considerably wider and increased the square footage of this specific sign. Mr. Teal said Item B was lit and Item C was not lit.

Board member Kristin Grove said the application was for the total package not just for one sign. Mr. Teal said they were requesting the entire package. Mr. Van Beke asked what the square footage was if they deleted Items D, E, and F. Mr. Teal said he did not have the answer but if they deleted Items D and F they would be adding about 32 square feet for Item A. Mr. Van Beke asked if Items D, E, and F were eliminated did the applicant still need a variance. Mr. Brenneman said currently the signs that have been permitted and have already been upgraded are the pylon sign along Clinton Highway (171-200 square feet) and one set of channel letters that faced Clinton Highway. Mr. Brenneman said they also had a large menu board that has been upgraded. Mr. Brenneman said the second set of channel letters and the tagline signs have not been installed and the variance request was for these items. Mr. Horton said on Item G the existing sign and the proposed sign were the same size and this was the road sign. Mr. Teal said Item G was as it was but has been refaced with plastic faces. Mr. Van Beke said what they had was gross square footage and if they wanted to delete anything he did not know how they would get there. Mr. Van Beke said he understood that Item G was the same size as it was before and it was included in the gross square footage. Mr. Teal said that was correct. Mr. Van Beke asked if they deleted Items D, E, and F (on the back side of the building) because these signs did not give any additional visibility for any practical purposes what would be left. Mr. Teal said then they would not need a variance. Mr. Odle said that would be about 110 square feet for Items D, E, and F combined. Mr. Odle said he was not certain why they would proceed because then they would not need a motion at all for a variance. Mr. Horton said he had been puzzling over the signs and what they served. Mr. Horton said Items D, E, and F were on the back side of the building and looked over the vast parking lot. Mr. Horton said these signs were for the patrons driving past the building and did not reach a long distance to bring people in. Mr. Odle asked if there was any precedence for a corporate resolution that would come into conflict with the local city zoning ordinance and was that a hardship. Mr. Van Beke said that was not a hardship. Mr. Odle said on the application it stated the basis for their hardship was corporate driven. Mr. Elder said he thought it was the logo and the appearance and not necessarily the size of the sign as with the previous variance (Dollar General Store). Mr. Elder said per the site it was the signage size and the square footage that were allowed. Mr. Elder said the mandate was that you use these images and the verbiage. Mr. Horton said the hardship was partly their zoning because they were in an area that everything around was zoned differently that allowed them to have bigger signs or more sign area. Mr. Van Beke asked Ms. Cuccaro if she had a copy of the Zoning Ordinance because he did not think any of these things constituted a hardship. Ms. Cuccaro read from Appendix B, Article 7, Section 2C (Standards for Variances):

In granting a variance, the Board shall ascertain that the following criteria are met:

- 1. Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography or siting) fully described in the findings of the Board, do not apply generally in the district.*
- 2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.*
- 3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance, there must be a deprivation of beneficial use of land.*
- 4. Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.*

- 5. The granting of any variance is in harmony with the general purposes and intent of this ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.*

No opposition was present at the meeting.

Mr. Horton asked if everyone would like to make a motion. Mr. Van Beke said if there was no motion, the applicants would have the option of deleting the (non-important) signs and they would then not need a variance. Mr. Horton said that was correct. Mr. Teal said it was his understanding that they had utilized the allowable square footage with the signs on the building. Mr. Brenneman said that was correct. Mr. Brenneman said the signs that Mr. Teal had right now on the property were legal and have been permitted were in the allowance. Mr. Brenneman said the additional signs that they wanted to put up would exceed the allowance. Mr. Teal said Items A and B were primary concerns of the owner and to the brand and he realized they exceeded the allowable square footage but he wanted to make that clear. Mr. Teal said if the variance was rejected they would not have the ability to put Items A and B on the building and would have to not do it or come up with a special sign to try and comply. Ms. Cuccaro said Mr. Brenneman had mentioned in the pre-agenda meeting that the applicant had 254 square feet of signage currently permitted and was allowed 268 square feet. Mr. Brenneman said the applicant had 254 square feet currently permitted and was allowed 257 square feet. Ms. Cuccaro said 3 square feet was the only amount that they could go. Mr. Van Beke asked if they could make a motion that based on this drawing they approve the application in so far as Items A, B, C, and G signs are included in the application. Ms. Cuccaro said that would be a smaller variance. Ms. Cuccaro said the Board would have the option to postpone and ask the applicant to resubmit with something that would be a lesser variance. Ms. Cuccaro said the Board would postpone the request to the next meeting and the applicant would submit the revised plans to the department. Mr. Teal said if there was a way to approve something like that today the owner would like to get the advertising in place as soon as possible. Ms. Cuccaro asked if the applicant's preference was to get something approved today or postpone the request until the next meeting date. Mr. Teal said he thought the direction this was going was great and the compromise was a nice option to which the owner would be please with that. Mr. Teal said the concern was the business was in operation now and the owner has lost the advertising on the side of the building. Ms. Grove said the business has been in operation and what was being asked for was above and beyond the signage they previously had. Mr. Teal said they previously had a sign on both of the frontages they were asking for. Mr. Brenneman said the original package was permitted by Knox County and was under different regulations. Mr. Brenneman said once the property was annexed into the City of Knoxville it was under different regulations. Mr. Brenneman said they did lose a set of channel letters that were on the west-facing elevation. Mr. Brenneman said he could not speak to what was on the rear of the building because he did not remember what was on the rear previously.

Board Chairman Don Horton made a motion to POSTPONE the one request until the March 19, 2015 meeting so the applicant could reconsider their signs and give the Board a new proposal to adjust their variance request. Mr. Teal said he suspected they would but would have to confirm that with the owner. Board member Charlie Van Beke seconded the motion. **The Board voted 5-0 to POSTPONE the one request until the March 19, 2015 meeting.**

File: 2-F-15-VA
Applicant: Matrix Holdings
Address: 302 Nash Road **Parcel ID: 0711F035**
Zoning: R-1A (Low Density Residential) District
6th Council District

Variance Requests:

1. Reduce the minimum required rear yard setback from 25 feet to 16 feet per Article 4, Section 2.1.2.D.3.
2. Reduce the minimum required front yard setback from 25 feet to 20 feet per Article 4, Section 2.1.2.D.1.a.

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

Scott Elder, Zoning Chief, said the staff had no comments.

Jessie Hurley, 1006 Henrietta Drive, said the hardship was the irregularity of the lot which caused the western part of the property to have exceptional narrowness. Mr. Hurley said due to this problem, they will have to push the home site back. Mr. Hurley said he met with Greg Anderson, Plans Examiner, to decide what the best option would be and this was what they came up with as far as the placement.

Board Chairman Don Horton said the house was 56 feet by 27 feet and the other square was the driveway. Mr. Hurley said that was correct. Mr. Horton said he understood there was a driveway easement. Mr. Hurley said there was a gravel driveway but he could not find the driveway easement. Mr. Hurley said with the location where they were putting the house, the driveway easement would not interfere with it either way.

Board member Kristin Grove said there were two separate homeowners and asked if there was no true agreement on crossing the property. Mr. Hurley said no easement that they could find. Mr. Hurley said it may be there because on some of the city maps it showed actually drawn in but on others it did not. Mr. Scott Elder, Zoning Chief, said there was a recorded plat showing the easement. Mr. Hurley said either way it did not involve what they were doing.

No opposition was present at the meeting.

Board member Barbara Clark made a motion to APPROVE the two requests and it was seconded by Board member Charlie Van Beke. **The Board voted 5-0 to APPROVE the two requests.**

File: 2-G-15-VA
Applicant: Target Stores
Address: 11100 Parkside Drive Parcel ID: 131-029.12
Zoning: C-3 (General Commercial) District
2nd Council District

Variance Request:

Reduce the minimum number of required parking spaces from 783 spaces to 565 spaces per Article 5, Section 7.A.3.a.Table.

As per the submitted plan to permit the subdivision of the existing parcel in a C-3 (General Commercial) District.

Board member Charlie Van Beke recused himself on this item.

Scott Elder, Zoning Chief, said he had received a telephone call this afternoon from an adjacent property owner but there was nothing said specifically.

Joshua Gulick, Kimley-Horn Associates, 205 Tenth Avenue South, Nashville, said he was representing Target Stores on the parking variance request based on the creation of two out lots along Parkside Drive.

Mr. Gulick said the total of the parking for the two out lots did equal the 565 spaces. Mr. Gulick said there was an option of creating one out lot and having a parking variance of 192 spaces instead of requesting the 300 spaces. Mr. Gulick said Target Stores has done many studies throughout the country on Super Targets and Targets and simply this store. Mr. Gulick said Target Stores has compared the eight busiest outlets against the cash sales at that hour and compared the parking numbers to the cash sales at each store at the 8th busiest hour. Mr. Gulick said at this store the required minimum parking was 2.76 spaces per 1000 square feet. Mr. Gulick said the store was currently at 5.1 spaces per 1000 square feet and the state requirement was 4.5 spaces per 1000 square feet. Mr. Gulick said Target Stores has requested that it be reduced to 3.24 spaces per 1000 square feet which would reduce the parking from 893 spaces to 565 spaces. Mr. Horton asked if 3.24 spaces were what the receipts were saying the store needed now. Mr. Gulick said the 8th busiest hour against the cash receipts showed a minimum parking of 2.70 and they were asking for 3.24 spaces. Mr. Gulick said the reason they thought this was so valid was because the parking needs for retail sales were changing as the environment changes. Mr. Gulick said people were no longer going to retail stores for all of their needs because they were shopping online. Mr. Gulick said the consistency for the development was also kind of apparent as you see these outlets being created and creating stores. Mr. Gulick said adding to that it was an option and alternative to make these commercial notes really worth where the people go for this commercial center. Mr. Gulick said bringing the people to this one location so they would not have to drive farther out to get these experiences. Mr. Gulick said creating the options close together was another valid option for this.

Board member Kristin Grove asked on the site plan provided if they calculated the out parcel parking based on it being retail. Mr. Gulick said they calculated it on being commercial because it could be a retail bank or a restaurant. Mr. Grove said the restaurant would be a higher count. Mr. Gulick said they calculated the out parcel to the west using bank parking. Mr. Gulick said they calculated the out parcel to the east using a restaurant or drive-thru parking. Mr. Gulick said there was no specific use that has been proposed for this site. Mr. Gulick said Target Stores was currently talking with several different options and no one has settled on anything. Mr. Gulick addressed the comment about the telephone call and said he spoke to Target Stores and they were not aware of the person's name or any affiliation. Mr. Gulick said Target Stores spoke to Walmart and the owners that they were in a shared access agreement with and there were no signs of opposition.

Board member Daniel Odle asked if the calculation only included the parking spaces within the property line. Mr. Gulick said it included the property line and the drive access to the south. Mr. Odle said that made sense because there was no qualification given to the fact that there was other parking all the way around as part of the evaluation. Mr. Gulick said these numbers did not calculate the opportunity for shared parking. Mr. Gulick said if there was overflow, these lots could be used for shared parking. Mr. Gulick said these lots would have to go through the Use-On-Review process and would have to be evaluated for the appropriated use for these spots. Mr. Gulick said there was a consistency with the development and the Use-On-Review would keep that consistency to the level the City of Knoxville required.

No opposition was present at the meeting.

Board member Daniel Odle made a motion to APPROVE the one request and it was seconded by Board Chairman Don Horton. **The Board voted 4-0 to APPROVE the one request.**

File: 2-H-15-VA
Applicant: Dan Cannon
Address: 146 Moss Grove Boulevard Parcel ID: 132-02713
Zoning: PC-1(k) (Retail and Office Park) District
2nd Council District

Variance Request:

Reduce the minimum number of required parking spaces from 315 spaces to 280 spaces per Article 5, Section 7.A.3.a.Table.

As per the submitted plan to permit the construction of a new commercial building in a PC-1(k) (Retail and Office Park) District.

Board member Charlie Van Beke returned to the Board members' table.

Board Chairman Don Horton said this item was being postponed.

Board member Kristin Grove made a motion to POSTPONE the one request and it was seconded by Board member Daniel Odle. **The Board voted 5-0 to POSTPONE the one request until the March 19, 2015 meeting.**

File:	2-I-15-VA	
Applicant:	Brian Ewers	
Address:	301 E. Baxter Avenue	Parcel ID: 081MD016
Zoning:	I-2 (Restricted Manufacturing and Warehousing) District	
	4th Council District	

Variance Requests:

1. Reduce the minimum required rear yard setback when adjacent to a residential zone from 50 feet to 10 feet per Article 4, Section 2.3.1.E.4.
2. Increase the maximum allowable lot coverage from 50% to 58% per Article 4, Section 2.3.1.E.5.
3. Reduce the minimum number of required parking spaces from 36 spaces to 32 spaces per Article 5, Section 7.A.3.a.Table.

As per the submitted plan to permit the construction of an addition to an existing commercial building in an I-2 (Restricted Manufacturing and Warehousing) District.

Melvin Wright, Plans Examiner, said the staff would like to request that any approval be conditioned upon a one-lot subdivision as a point of clarification.

Brian Ewers, Dollar & Ewers Architecture, 111 East Jackson Avenue, Suite 101, said they were requesting the rear yard setback to be reduced from 50 feet to 10 feet. Mr. Ewers said this building was located in the urban industrial park in between Broadway and Central Street. Mr. Ewers said the property was surrounded by residential properties. Mr. Ewers said the location of this property was across from the Boys & Girls Club that was discussed earlier in the meeting. Mr. Ewers said the 50-foot item was because of the residential property behind them (Love Residential Towers) that was zoned R-3 and owned by the City of Knoxville and operated by KCDC. Mr. Ewers said he read a letter from Alvin J. Nance (Executive Director of KCDC) that was presented to the Board. Mr. Ewers said KCDC also operated the property to the left that was zoned I-2. Mr. Ewers said the required 10-foot setback came from if they were butting up to another industrial parcel. Mr. Ewers said when working with Mr. Wright about the setback variance a couple of other issues came up. Mr. Ewers said one issue was a side-yard setback and there was a 5-foot overlap in an adjacent property on the back side. Mr. Ewers said this was zoned R-1A and the property owner expressed his support and he did not have any objections to the addition. Mr. Ewers said the building was purchased about 10 years ago for a warehouse for Broadway Carpets. Mr. Ewers said the second issue was the parking and currently they had 18 spaces. Mr. Ewers said the building was never really brought up to conforming with the parking standards when it was purchased. Mr. Ewers said it was not a change of use and just went from a warehouse to a

warehouse. Mr. Ewers said there were 18 spaces and they were a bit shy of that if they developed the rest of the parking area in the front. Mr. Ewers said 32 spaces were what they could fit on the site and 36 spaces was the requirement. Mr. Ewers said the 18 spaces pretty much fit their needs for the warehouse and they were not expecting to add on any more staff with the proposed expansion.

Board Chairman Don Horton asked if the proposed expansion was more of a warehouse. Mr. Ewers said it was strictly warehouse space. Mr. Ewers said the existing building was designed with the back wall of the building being an expansion wall (temporary wall) with metal panels that have rusted out. Mr. Ewers said the panels were an eyesore from the view of the back side.

Board member Charlie Van Beke asked where deliveries were made. Mr. Ewers said there was an existing loading dock on the left-hand side of the building and the front had large roll-up doors for a flatbed or short bed truck. Mr. Horton asked if that was a wall facing Hellerd Place. Mr. Ewers said that was a concrete retaining wall. Mr. Ewers said this building was about a 4-foot grade difference at the loading dock.

No opposition was present at the meeting.

Scott Elder, Zoning Chief, said the applicant had stated 18 spaces but the request was for 32 spaces. Mr. Ewers said right now they had 18 spaces. Mr. Ewers said with the warehouse expansion and to be the building up to current parking standards they would need 36 spaces. Mr. Ewers said in maxing out the available property of the parking lot they could fit 32 spaces on it. Mr. Ewers said the building was non-conforming with the side yard setbacks. Mr. Ewers said there was a storage building that has been tacked onto the back side of the building that was in violation of the current setback (50 feet). Mr. Ewers said this storage building would be coming off if they are able to receive a variance for the setback. Mr. Elder said he was just clarifying that Mr. Ewers was asking for the 32 spaces not the 18 spaces. Mr. Ewers said that was correct.

Mr. Horton said there was 3 feet written in on the side yard and asked if that was part of the one lot. Mr. Wright said the 3-foot setback was in the original application but was removed because they would be creating no additional non-conformity by one-lotting that. Mr. Wright said this would be in line with the current non-conforming so it would not require a variance. Mr. Wright said therefore it was removed out of the application.

Ms. Grove asked Mark Johnson, City Engineering, in increasing the allowable lot coverage did any consideration need to be taken for runoff and potential of pervious paving. Mr. Johnson said only if they were adding ½ acre of new pervious pavement. Ms. Grove said the applicants were under that.

Mr. Horton said he never knew this building was back there. Mr. Ewers said it was hidden back off of the road. Mr. Horton said this area was changing in usage and being redeveloped and asked if there were any long range plans suggesting the zoning or the uses would be changing in this area. Dan Kelly, MPC, said he thought this would be a mixed-use area for years to come and residential use would probably come back in the area in the future.

Ms. Grove said she appreciated the letter from KCDC because that was always a concern.

Mr. Odle said he was having a hard time understanding what the hardship was. Mr. Odle said he did not want to say no to this request. Mr. Van Beke also concerned said they just wanted to add more to the building and that was not a hardship.

Board Chairman Don Horton asked if anyone would like to make a motion. **Mr. Horton said no motion was made and therefore the request was NOT APPROVED by a “NO” vote.**

File: 2-J-15-VA
Applicant: Marion Environmental
Address: 1907 Gillespie Avenue
Zoning: I-3 (General Industrial) District
4th Council District

Parcel ID: 082HG01602

Variance Requests:

1. Reduce the minimum required front yard setback from Gillespie Avenue from 35 feet to 2 feet per Article 4, Section 2.3.2.E.2.
2. Reduce the minimum required front yard setback from Ninth Avenue from 25 feet to 2 feet per Article 4, Section 2.3.2.E.2.

As per the submitted plan to permit the erection of a screening fence in an I-3 (General Industrial) District.

Scott Elder, Zoning Chief, said there was a memo presented to the Board members that stated the City of Knoxville recommended any approvals be conditioned with the fact that no structures over 42 inches be built within the new established setback (35-foot setback in the I-3 zoning district).

Andy Whisler, McGill Associates, 2240 Sutherland Avenue, Suite 2, said he was representing Marion Environmental. Mr. Whisler said this was a pretty simple paving project. Mr. Whisler said the applicants were looking to pave a portion of an adjacent property to their existing office. Mr. Whisler said this portion would be used as work vehicle and equipment storage. Mr. Whisler said they had been approved for a previous variance on the same site to go ahead with the plan submission. Mr. Whisler said they came back because an odd issue had come up requiring, due to the use of the property, a 7-foot screened fence along the lot. Mr. Whisler said that was in conflict with a separate ordinance that required that on the property corner nothing impeded the vision over 42 inches. Mr. Whisler said that was the hardship to move the property setback line to 2 feet which would coincide with the screened fence (on the site plan) to be erected.

Board Chairman Don Horton asked if the screened fence was a chain-linked fence with a type of screening. Mr. Whisler said yes. Mr. Van Beke asked if the screened fence was an obstruction anyway. Mr. Elder said the applicants had indicated on the site plan that they were out of the visibility triangle and Mr. Whisler had mentioned this was an odd situation. Mr. Elder said this was the solution that they came up with. Mr. Elder said the other option was to get a variance for the height of the screened fence which was not practical and defeated the purpose. Mr. Elder said this was the solution to ask for these variances. Mr. Elder said this issue had been discussed with City of Knoxville Traffic Engineering and they accepted the solution.

No opposition was present at the meeting.

Board member Charlie Van Beke made a motion to APPROVE the two requests with the condition upon no structures being constructed within the varied area exceeding 42 inches. Board Chairman Don Horton seconded the motion. **The Board voted 5-0 to APPROVE the two requests with the condition upon no structures being constructed within the varied area exceeding 42 inches.**

File: 2-K-15-VA
Applicant: Patrick McInturff
Address: 1320 N. Broadway Street
Zoning: C-3 (General Commercial) District
4th Council District

Parcel ID: 081LL001

Variance Request:

Reduce the minimum number of required parking spaces from 50 spaces to 4 spaces per Article 5, Section 7.A.3.a.Table.

As per the submitted plan to permit the change of use in an existing commercial development in a C-3 (General Commercial) District.

Scott Elder, Zoning Chief, said the staff had no comments.

Patrick McInturff, 926 Gratz Street, said his hardship on the building was that he wanted to change the use to non-conforming. Mr. McInturff said it was a pre-existing, non-conforming building. Mr. McInturff said the building was finished in 1930 and it was currently recognized as mercantile. Mr. McInturff said he wanted to change the use to a bakery/ice cream shop/restaurant. Mr. McInturff said this created a parking requirement problem because he could not meet the parking space requirement. Board member Charlie Van Beke asked if people would have to walk to the new business and if there was any parking at all. Mr. McInturff said there was quite a bit of parking currently but it was not legal under the zoning requirements. Mr. McInturff said the people would have to cross a major thoroughfare (North Broadway) because there were several parking lots across Broadway. Mr. McInturff said the foot traffic had changed dramatically since the K-Brew Coffee Shop went in. Mr. McInturff said there was mostly homeless traffic until the coffee shop went into the building about 1-1/2 years ago. Mr. McInturff said now there was a lot of pedestrian traffic from the neighborhoods. Mr. McInturff said the property was sandwiched between Fourth and Gill and Old North Knoxville.

Board member Daniel Odle asked if Mr. McInturff had any formal arrangements with the neighboring property owners regarding the parking and the surrounding lots (permission to park). Mr. McInturff said the neighboring property owners had been very good to him. Mr. McInturff said he had talked to the funeral home. Mr. McInturff said they had some art gallery exhibits in the building on the first Fridays of the month a number of times and the funeral home has been very kind. Mr. McInturff said unless the funeral home had an event going on, they were perfectly okay with the use the parking lot. Mr. McInturff said in worst case scenario there was still other parking across Broadway in case the funeral home had an event. Mr. McInturff said there was a parking area behind the Fourth United Presbyterian Church directly across the street. Mr. McInturff said up Broadway there was an old gas station before the First Lutheran Church that was a parking lot now.

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

ADJOURNMENT

The meeting was adjourned at 6:15 p.m.

Respectively submitted,

Deborah Brooks, Board Secretary