



**BOARD OF ZONING APPEALS**

**MEETING MINUTES**

**May 18, 2017**

The City of Knoxville **Board of Zoning Appeals** considered the following petitions for variance of requirements of the Knoxville City Code, Appendix B, Zoning Regulations at their May 18, 2017, meeting at 4:00 pm in the Small 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. § 8-44-101, et seq.*

**ROLL CALL**

Board Chairman Kristin Grove called the meeting to order at 4:00 pm. Other members present were Daniel Odle, David Dupree, and Don Horton. Member Charlie Van Beke was absent.

**APPROVAL OF MINUTES**

Member Daniel Odle made a motion to approve the minutes for April 20, 2017. It was seconded by member David Dupree. The Board voted 3-0 to **APPROVE** the minutes. Member Don Horton abstained.

**OLD BUSINESS**

**File:** 2-B-17-VA  
**Applicant:** Reagan Design and Construction  
**Address:** 902 N. Central Street  
**Zoning:** C-3 (General Commercial) District  
4<sup>th</sup> Council District

**Parcel ID:** 081MU009

**Variance Request:**

Reduce the minimum required number of parking spaces from 4 spaces to 0 spaces per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit development of two dwelling units on the second floor of an existing commercial building in a C-3 District.

The applicant was not present. Member David Dupree made a motion to postpone until June. It was seconded by member Don Horton. The Board voted 4-0 to **POSTPONE** the request until the June 15, 2017, meeting.

**File:** 4-E-17-VA  
**Applicant:** Mac Tobler  
**Address:** 3100, 3102 & 3102, Unit A, Forestdale Avenue  
**Zoning:** RP-1 (Planned Residential) District  
4<sup>th</sup> Council District

**Parcel ID:** 070JJ009,  
010, and 011

**Variance Request:**

Reduce the minimum required peripheral boundary setback from 25 ft. to 6.12 ft. for proposed lot #1; from 25 ft. to 12.34 ft. for proposed lot #2; from 25 ft. to 6.07 ft. for proposed lot #3; and from 25 ft. to 6.09 ft. for proposed lot #4 per Article 4, Section 3.1.D.2.

As per submitted plan to permit the construction of four detached dwellings in an RP-1 District.

The applicant was not present. Member Don Horton made a motion to postpone until June. It was seconded by member Daniel Odle. The Board voted 4-0 to **POSTPONE** the request until the June 15, 2017, meeting.

**NEW BUSINESS**

<b>File:</b>	<b>5-A-17-VA</b>	<b>Parcel ID:</b> 082HK027
<b>Applicant:</b>	Alejandro Badillo-Estudillo	
<b>Address:</b>	1600 N. Fourth Avenue	
<b>Zoning:</b>	R-1A (Low Density Residential) District 4 <sup>th</sup> Council District	

**Variance Request:**

Reduce the minimum required floor elevation from 902.8 ft. (one foot above the 500 year flood level) to 902.19 ft. per Flood Damage Prevention Ordinance, Article 3, Section 12-52(1).

As per submitted plan to permit the construction of a detached dwelling in an R-1A District.

Alejandro Badillo-Estudillo and Dennis Clark were present. The house was constructed 6 inches below the minimum required elevation due to a construction or survey error. The mistake was not discovered until the final inspection, and the Certificate of Occupancy was denied. Raising the dwelling would undermine the structure, and it could not be re-anchored as securely. The house was 54 inches above the ground.

Mark Johnson, City Engineering, explained that the City is a member of the Community Rating System (CRS), which was available to cities participating in the National Flood Program. The CRS evaluated a city's ordinances and enforcement, then assigned a rating score between 1 and 10 (1 being the best rating). The rating determined the premium discount for flood insurance available to the community. Variances and the reasons used to approve variances were also factors in the rating. The City had implemented new procedures to prevent this type of oversight from occurring again.

Board members noted that this was an error in construction, which was not discovered until the final inspection, and the City had new procedures in place. Approval of this variance would not establish a precedent.

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

**File:** 5-B-17-VA  
**Applicant:** A. A. Metler  
**Address:** 1300 Dutch Valley Drive  
**Zoning:** C-6 (General Commercial Park) District  
5<sup>th</sup> Council District

**Parcel ID:** 069JC02403

**Variance Requests:**

1. Reduce the minimum required rear yard setback from 20 ft. to 5 ft. per Article 4, Section 2.2.9.D.2.c.
2. Reduce the minimum required side yard setback from 30 ft. to 20 ft. per Article 4, Section 2.2.9.D.2.b.

As per submitted plan to permit the subdivision of the property in a C-6 District. Richard Lemay, representing the applicant, was present. The hardship was sub-dividing a lot with existing buildings.

Scott Elder, Zoning Chief, clarified for the record that the BZA notice was published with the rear and side yard variance requests transposed. The agenda was printed correctly.

Chairman Kristin Grove made motion to approve the requests, noting the publication error. It was seconded by member Don Horton. The Board voted 4-0 to **APPROVE** the requests.

**File:** 5-C-17-VA  
**Applicant:** Design Innovations Architects  
**Address:** 333 W. Depot Avenue  
**Zoning:** C-2/D-1 (Central Business / Downtown Design Overlay) District  
6<sup>th</sup> Council District

**Parcel ID:** 094EF02101

**Variance Request:**

Reduce the minimum required parking stall width for 90 degree parking from 9 ft. wide to 8 ft. 10 in. wide per Article 5, Section 7.A.4.a.2.Table.

As per submitted plan to permit the construction of a mixed use building and parking garage in a C-2 / D-1 District.

The staff received notification from the applicant to withdraw this request.

**File:** 5-D-17-VA  
**Applicant:** Kent Leemis  
**Address:** 3701 Henson Road  
**Zoning:** I-3 (General Industrial) District  
3<sup>rd</sup> Council District

**Parcel ID:** 093PA004

**Variance Request:**

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

As per submitted plan to permit the construction of an office/warehouse building in an I-3 District.

Fred Campbell, representing the applicant, was present. The hardship was the widening of Henson Road and the TVA right-of-way.

Member Daniel Horton made a motion to approve the request. It was seconded by member Don Horton. The Board voted 3-0 to **APPROVE** the request. Member David Dupree abstained.

**File:** 5-E-17-VA

**Parcel ID:** 107OE025

**Applicant:** Hatcher-Hill Properties

**Address:** 5209 Kingston Pike

**Zoning:** C-3 (General Commercial) District  
2<sup>nd</sup> Council District

**Variance Request:**

Reduce the minimum required number of parking spaces from 15 spaces to 4 spaces per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit the construction of a retail commercial building in a C-3 District

Mary Katherine Wormsley, representing the applicant, was present. The hardship was the small lot. The intended use was a mercantile. They also own the adjacent properties that can be used for additional parking. They claimed to have a parking agreement with Goodwill, but there is no recorded lease on file.

Member David Dupree made a motion to approve the request. It was seconded by member Don Horton. The Board voted 4-0 to **APPROVE** the request.

**OTHER BUSINESS**

Dan Kelly, Deputy Director of MPC, addressed the Board. MPC planned to discontinue posting courtesy signage. It wasn't cost effective. They plan to provide signage to applicants to post on the property. New signs will be color-coded for each Board for easier identification.

The next BZA meeting is June 15, 2017.

**ADJOURNMENT**

The meeting adjourned at 4:40 pm.