

**CITY OF KNOXVILLE
BOARD OF ZONING APPEALS
MEETING MINUTES
May 21, 2015**

The **CITY OF KNOXVILLE BOARD OF ZONING APPEALS** considered the following petitions for variance of requirements of the Knoxville City Code, Appendix B, and Zoning Regulations at their **May 21, 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.

CALL TO ORDER

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

Others in attendance: Peter Ahrens, Plans Review and Inspections Director; Scott Elder, Zoning Chief; Mark Johnson, City Engineering; Douglas Gordon, Law Department; Angelia Rooks and Debbie Brooks, Board Secretaries; and Dan Kelly, Metropolitan Planning Commission (MPC).

APPROVAL OF MINUTES

Board member Barbara Clark made a motion to APPROVE the April 16, 2015 minutes and it was seconded by Board member Kristin Grove. **The Board voted 4-0 to APPROVE the April 16, 2015 minutes.**

OLD BUSINESS

File: 4-B-15-VA
Applicant: James S. Cook
Address: 1215 Snowdon Drive Parcel ID: 058IC011
Zoning: R-1 (Low Density Residential) District
5th Council District

Variance Request:

Reduce the minimum required Woodslope Circle front yard setback from 25 ft. to 0 ft. per Article 4, Section 2.1.1.E.1.a. & Article 5, Section 6.D.11.

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

James Cook, applicant, was present. He proposed modifying the accessory building by tearing down the addition, and rebuilding it on the other side.

Speaking in opposition: Reneé Wheeler, resident at 1221 Snowdon Drive; and Susan Baker, resident at 1217 Snowdon Drive.

- Ms. Wheeler described the accessory building as a plywood structure set on cinder blocks with a flat roof. She asked the Board to deny this request.
- Ms. Baker stated that she would like for the building to blend in with the neighborhood aesthetics.

Board member Daniel Odle asked the board to postpone the request for one more month so Mr. Cook will have time to get a survey that shows the correct property and setback lines.

Board member Barbara Clark asked Mr. Cook to also get a contractor's opinion about moving the building.

Board Chairman Don Horton made a motion to POSTPONE hearing the request and it was seconded by Board member Kristin Grove. **The Board voted 4-0 to POSTPONE hearing the request until the June 18, 2015 meeting.**

File: 4-C-15-VA
Applicant: Chris Morris
Address: 407 Caswell Avenue Parcel ID: 081MT005
Zoning: R-2 (General Residential) District
4th Council District

Variance Requests:

1. Reduce the minimum required setback on Stewart Street for a community tennis court that is not open to the public from 25 ft. to 13 ft. per Article 5, Section 16.D.2.
2. Reduce the minimum required setback on Cullen Place for a community tennis court that is not open to the public from 25 ft. to 17 ft. per Article 5, Section 16.D.2.
3. Increase the maximum permitted driveway width from 30 ft. to 40 ft. at the Irwin Street entrance per Article 5, Section 7.B.3.c. Table.
4. Reduce the minimum permitted distance a driveway can be constructed adjacent to a street right-of-way line from 25 ft. to 23 ft. on Irwin Street per Article 5, Section 7.B.2.a.

As per submitted plan to permit the construction of a tennis court at the Boys and Girls Club of Knoxville in an R-2 (General Residential) District.

Rick Norris, architect representing the property owner, was present.

No opposition was present.

Board Chairman Don Horton made a motion to APPROVE all four requests and it was seconded by Board member Barbara Clark. **The Board voted 4-0 to APPROVE all four requests.**

NEW BUSINESS

File: 5-A-15-VA
Applicant: Kelly Headden
Address: 426 East Hillvale Turn Parcel ID: 108IC052
Zoning: R-1 (Low Density Residential) District
2nd Council District

Variance Request:

Reduce the minimum required south side yard setback for a two-story house from 12 ft. to 8 ft. per Article 4, Section 2.1.1.E.2.a.

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

Kelly Headden, applicant, was present.

No opposition was present.

Speaking in favor of the request was Jim Bletner, resident at 3819 Glenfield Drive, representing the Kingston Pike Sequoyah Hills Home Owners Association.

Board member Kristen Grove made a motion to APPROVE the request, and it was seconded by Board member Daniel Odle. **The Board voted 4-0 to APPROVE the request.**

File: 5-B-15-VA
Applicant: David Harbin
Address: 2737 Clay Top Lane **Parcel ID: 080HA00301**
Zoning: RP-1 (Planned Residential) District
3rd Council District

Variance Requests:

1. Reduce the minimum required number of lots in a subdivision in order to permit a monument sign from 26 lots to 11 lots per Article 5, Section 10.C.3.
2. Reduce the minimum required setback from Pleasant Ridge Road setback from 12.5 ft. to 10.0 ft. per Article 5, Section 10.C.3.

As per the submitted plan to permit the construction of subdivision identification sign in an RP-1 (Planned Residential) District, 3rd Council District.

David Harbin, applicant, said the subdivision sign would add value for the future residents. He asked for a 2.5 ft. variance so the sign would not be so close to the home on the lot. The edge of the proposed sign would be 45 ft. from the center line of Pleasant Ridge Road. Board Chairman Don Horton had concerns that the sign would be too large in relation to the neighborhood. Scott Elder, Zoning Chief, said there are no concerns from City Engineering regarding visibility, and there are no restrictions on how close the sign can be built to a home. Board Member Daniel Odle asked if there were any similar subdivision signs in the area. David Harbin said he did not know. Daniel Odle asked the staff about the size restrictions of signs for larger subdivisions. Scott Elder said the normal size limitations are 36 s.f. in area, and 6 ft. in height. Daniel Odle said that the total area of the proposed sign is approximately 57 s.f., which is larger than the size restrictions for larger subdivisions. Scott Elder said that only the sign area that will read "Clay Ridge" is measured, and not the whole monument; there are no limitations on monument size.

No opposition was present.

Board member Kristen Grove made a motion to APPROVE the requests, and it was seconded by Board member Barbara Clark. **The Board voted 2-0 to approve the requests. Two Board members abstained from the vote. There was not a majority of three votes for approval; therefore the requests were NOT APPROVED.** Board Chairman Don Horton said they may appeal to City Council within 15 days.

File: 5-C-15-VA
Applicant: SWB Holdings, LLC
Address: 708 E. Depot Avenue **Parcel ID: 095AL012**
Zoning: I-2 (Restricted Manufacturing and Warehousing) District
6th Council District

Variance Requests:

1. Reduce the minimum required front yard setback from 19 ft. to 0 ft. per Article 4, Section 2.3.1.E.2. and Article 5, Section 6.B.11.

2. Reduce the minimum required west side yard setback from 10 feet to 1 foot per Article 4, Section 2.3.1.E.3.

As per the submitted plan to permit the additions to an existing building in an I-2 (Restricted Manufacturing and Warehousing) District, 6th Council District.

Peter Ahrens, Plans Review and Inspections Director, commented that there is an error on the first request. The front yard setback should be 23 ft. instead of 19 ft. This is not considered a substantive change. The submitted site plan is accurate.

Adam Palmer, applicant, was present.

No opposition was present.

Board member Daniel Odle made a motion to APPROVE the requests with one condition: to limit future structure height to 42 inches within 0 to 10 feet of the front yard setback. The motion was seconded by Board member Kristen Grove. **The Board voted 4-0 to APPROVE the requests with one condition to limit future structure height to 42 inches within 0 to 10 feet of the front yard setback.**

File: 5-D-15-VA
Applicant: Falconnier Design Company
Address: 211 Harriet Tubman Street **Parcel ID: 095AH023**
Zoning: C-6 (General Commercial Park) District
6th Council District

Variance Requests:

1. Reduce the minimum required building area for a child daycare center with 74 students from 2,590 sq. ft. to 2540 sq. ft. per Article 5, Section 3.F.4.b.
2. Reduce the minimum required fenced play area for a child daycare center with 74 students from 9,400 sq. ft. to 4,557 sq. ft. per Article 5, Section 3.F.4.c.
3. Reduce the minimum required setback for the fenced play area from 35 ft. to 0 ft. per Article 5, Section 3.F.4.c.
4. Reduce the minimum required number of parking spaces for the church from 186 spaces to 179 spaces per Article 5, Section 7.A.3.a. Table.

As per the submitted plan to permit a child daycare center in an existing church in a C-6 (General Commercial Park) District, 6th Council District.

Damon Falconnier, applicant, was present.

No opposition was present.

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

File: 5-E-15-VA
Applicant: Ben Kershaw
Address: 937 N. Broadway **Parcel ID: 081MS004**
Zoning: C-3 (General Commercial) District
4th Council District

Variance Request:

Reduce the minimum required number of parking spaces from 38 spaces to 5 spaces per Article 5, Section 7.A.3.a. Table.

As per the submitted plan to permit the occupancy of a drinking establishment in an existing multi-tenant, mixed use building in a C-3 (General Commercial) District, 4th Council District.

Ben Kershaw, the applicant, and Damon Falconnier, representing the applicant, were present.

Speaking in opposition were: Garry Tener, representing Broadway Carpets at 930 N. Broadway; Daniel Sanders, resident at 714 Haynes Place; and Holly Renfro representing Knoxville Optical at 941 N. Broadway.

- Garry Tener stated that there are not enough parking spaces for this type of establishment. He was concerned that the applicant's customers will end up parking in the Broadway Carpets parking lot located across the street, and will be a detriment to his property.
- Daniel Sanders stated that there is not enough parking for this type of establishment, and suggested the owners find a use for the property that will require less parking. He asked the Board to deny the request.
- Holly Renfro stated that she did not give permission to the applicant to use her parking area. She believes the site is not a good venue for the type of establishment the applicants want to open.

Board Chairman Don Horton and Peter Ahrens, Plans Review and Inspections Director, recommended postponing the request to give the applicants time to get a minimum 5-year parking lease agreement with a neighboring property owner. This would eliminate the need for a variance request.

Board member Daniel Odle made a motion to POSTPONE hearing the requests and it was seconded by Board Chairman Don Horton. **The Board voted 4-0 to POSTPONE hearing the requests until the June 18, 2015 meeting.**

File: 5-F-15-VA
Applicant: Collegiate Development Group
Address: 1915 Cumberland Avenue Parcel ID: 108CD042
Zoning: FD-CU-2 (Form District – Cumberland Avenue-2)
1st Council District

Variance Requests:

1. Reduce the minimum number of required parking spaces for a residential use from 240 spaces to 158 spaces per Article 4, Section CU4.2.6.B.2. Table.
2. Reduce the minimum required parking stall width for Class "B" parking from 8.5 ft. to 8.0 ft. per Article 5, Section 7.A.4.b.
3. Reduce the minimum required parking module width in a parking garage with 90-degree parking on both sides of the aisle from 60 ft. wide to 54 ft. wide per Article 5, Section 7.A.4.d.1. Table.
4. Reduce the minimum required parking module width in a parking garage with 90-degree parking on one side of the aisle from 44 ft. wide to 38 ft. wide per Article 5, Section 7.A.4.d.1. Table.
5. Reduce the minimum distance a driveway can be located from the non-continuous leg's right-of-way of a "T" intersection from 25 ft. to 0 ft. per Article 5, Section 7.B.2.b.

As per the submitted plan to permit the construction of a mixed use (commercial/residential) building in the FD-CU-2 (Form District – Cumberland Avenue – 2), 1st Council District.

Peter Ahrens commented that guest parking was overlooked, and the first variance request should read "from 258 spaces to 158 spaces." This is not considered a substantive change.

The Plans Review & Inspection Department received a change in the unit breakdown, which is a substantive change to the parking requirements. Peter Ahrens recommended a postponement to give the staff time to review.

Doug Gordon, Law Department, recommended postponement because the new unit breakdown essentially changed the character of the request, which is different from what was stated in the public notice.

Arthur Seymour, Jr., and Brandt Stiles, representing the applicant, were present.

Speaking in opposition: Ann Wallace, representing Office of Redevelopment for the City of Knoxville; and Jim Bletner, resident at 3819 Glenfield Drive.

- Ms. Wallace stated that the proposed request does not meet the intent of Form Based Code with regards to parking. The Fort Sanders neighborhood and Cumberland Avenue Corridor District has a significant shortage of public parking. The City is considering the purchase of property to build a public parking garage to meet parking demands in the area. She asked the Board to look at the net effect of these projects on the overall district.
- Jim Bletner stated that there is a significant shortage of parking in this area.

Board Chairman Don Horton pointed out that the City is sometimes in favor of reduced parking for some projects in the Cumberland area, and requested the City to present their arguments against this project if the request is postponed. He also asked the City to be more consistent in their parking assessments.

Board member Kristen Groves made a motion to POSTPONE hearing the requests and it was seconded by Board member Barbara Clark. **The Board voted 4-0 to POSTPONE hearing the requests until the June 18, 2015 meeting.**

File: 5-G-15-VA
Applicant: Collegiate Development Group
Address: 1830 Cumberland Avenue Parcel ID: 108CE004
Zoning: FD-CU-2 (Form District – Cumberland Avenue-2),
1st Council District

Variance Requests:

1. Reduce the minimum number of required parking spaces for a residential use from 325 spaces to 225 spaces per Article 4, Section CU 4.2.6.B.2. Table.
2. Reduce the minimum required parking stall width for Class “B” parking from 8.5 ft. to 8.0 ft. per Article 5, Section 7.A.4.b.
3. Reduce the minimum required parking module width in a parking garage with 90-degree parking on both sides of the aisle from 60 ft. wide to 54 ft. wide per Article 5, Section 7.A.4.d.1. Table.
4. Reduce the minimum required parking module width in a parking garage with 90-degree parking on one side of the aisle from 44 ft. wide to 38 ft. wide per Article 5, Section 7.A.4.d.1. Table.

As per the submitted plan to permit the construction of a mixed use (commercial/residential) building in the FD-CU-2 (Form District – Cumberland Avenue – 2), 1st Council District.

Arthur Seymour, Jr., and Brandt Stiles, representing the applicant, were present.

Speaking in opposition: Ann Wallace, representing Office of Redevelopment for the City of Knoxville; and Jim Bletner, resident at 3819 Glenfield Drive.

- Ms. Wallace stated that the proposed request does not meet the intent of Form Based Code with regards to parking. The Fort Sanders neighborhood and Cumberland Avenue Corridor District has a significant shortage of public parking. The City is considering the purchase of property to build a

public parking garage to meet parking demands in the area. She asked the Board to look at the net effect of these projects on the overall district.

- Jim Bletner stated that there is a significant shortage of parking in this area.

Board Chairman Don Horton pointed out that the City is sometimes in favor of reduced parking for some projects in the Cumberland area, and requested the City to present their arguments against this project if the request is postponed. He also asked the City to be more consistent in their parking assessments.

Board member Kristen Groves made a motion to POSTPONE hearing the requests and it was seconded by Board member Barbara Clark. **The Board voted 4-0 to POSTPONE hearing the requests until the June 18, 2015 meeting.**

File: 5-I-15-VA
Applicant: Chad Boetger
Address: 4208 Holston Hills Road **Parcel ID: 083GC003**
Zoning: EN-1 (Established Neighborhood) District
6th Council District

Variance Request:

Increase the maximum allowed front yard setback from 215.75 ft. to 233.5 ft. per Article 4, Section 2.1.4.E. Table.

As per the submitted plan to permit the construction of a detached dwelling in an EN-1 (Established Neighborhood) District, 6th Council District.

Chad Boetger, applicant, was present.

No opposition was present.

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

ADJOURNMENT

The meeting was adjourned at 5:59 p.m.

Respectively submitted,

Angelia Rooks, Board Secretary