

**CITY OF KNOXVILLE  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
July 16, 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 **July 16, 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; Crista Cuccaro, Law Department; Angelia Rooks, Board Secretary; Dan Kelly, MPC, and Gerald Green, MPC Director.

**APPROVAL OF MINUTES**

Board member Kristin Grove made a motion to APPROVE the June 18, 2015 minutes and it was seconded by Board member Daniel Odle. **The Board voted 3-0 to APPROVE the June 18, 2015 minutes.** Board member Barbara Clark abstained.

**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**  
**5<sup>th</sup> 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, 5<sup>th</sup> Council District.

James Cook, the applicant, was present. Larry Wright, general contractor for the applicant, was present. Mr. Wright proposed relocating the shed's "addition" to the other side so the shed will be 5.5 ft. from the property line, and 17 ft. within the setback. Moving the shed would cause accessibility problems because of the property's topography.

Peter Ahrens, Plans Review & Inspections Director, stated that the applicant will need to provide an updated site plan that accurately shows where he wants to place the shed.

No opposition was present.

Board member Daniel Odle stated that the applicant's request to modify the shed does not match the application before the Board.

Board members asked if the shed could be moved closer to the house, or aligned with the carport, or rotated 90 degrees. Mr. Wright said it could be done, but the topography would hinder access to the building, and require 9 ft. pillars to support the shed.

**Board members did not make a motion. The request was denied by a non-vote.** The applicant has the option to appeal to City Council, or submit a different application to the Board.

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

**The application was withdrawn.**

Board Chairman Don Horton made a motion to hear file 7-A-15-VA before file 6-E-15-VA, and then hear files 6-E-15-VA and 7-D-15-VA together because they concern the same property. It was seconded by Board member Daniel Odle. **The Board voted 4-0 to approve the motion.**

**File: 6-E-15-VA**  
**Applicant: People's Development Co., Inc.**  
**Address: 5316 Kingston Pike** **Parcel ID: 107NJ002**  
**Zoning: C-3 (General Commercial) District**  
**2<sup>nd</sup> Council District**

**Variance Requests:**

1. Reduce the minimum parkway width between the parking lot and the right-of-way of Homberg Drive from 10 ft. to 0 ft. per Article 5, Section 7.A.5.b.1.
2. Reduce the minimum parkway width between the parking lot and the right-of-way of Kingston Pike from 10 ft. to 5 ft. per Article 5, Section 7.A.5.b.1.
3. Reduce the minimum number of required parking spaces from 82 spaces for a retail center less than 15,000 sf to 52 spaces per Article 5, Section 7.A.3.a.Table.
4. Reduce the minimum required drive aisle width for 90 degree parking from 26 ft. to 24 ft. per Article 5, Section 7.A.4.a.2.Table.

As per submitted plan to permit construction of a new commercial development in a C-3 (General Commercial) District, 2<sup>nd</sup> Council District.

Arthur Seymour, Jr., representing the applicant, was present. Jay Lewis, civil engineer, and Chris Lambert were also present on behalf of the applicant.

Scott Elder, Zoning Chief, stated that the site plan did not match the request. The site plan for 6-E-15-VA shows a setback of 5.5 ft., and the request (item 2) was for 5 ft. It was a lesser variance and was not considered a substantive change, and therefore, could be heard by the Board.

Board Chairman Don Horton asked for an explanation of the 17.5 ft. parking spaces, and if there will be wheel stops. Jay Lewis said the 17.5 ft. parking space allows for bumper overhang, and wheel stops could be added to the site plan. Mark Johnson, City Engineering, stated that parking spaces can be 15.5 ft. long if there is a 2 ft. allowance for overhang. If the parking space is in front of a wall, fence, property line or another parking space, then it should be 17.5 ft. long.

Board member Daniel Odle asked if the 2<sup>nd</sup> variance request could be amended to 7 ft. by reducing the parking space depth to 15.5 ft. Jay Lewis said that would make the distance between the right-of-way line and the landscaping area 7 ft. wide.

Board Chairman Don Horton asked why there was a request to reduce parking spaces in an area with potentially high parking demand. Arthur Seymour stated that there is common ownership with neighboring properties, and they will submit 5-year lease agreements for parking.

No opposition was present.

Board member Daniel Odle made a motion to approve items 1, 3 and 4 as written, and item 2 amended to read "from 10 ft. to 7 ft." The motion was seconded by Board member Barbara Clark. **The Board voted 4-0 to APPROVE requests 1, 3 and 4 as written, and request 2 amended to read: "Reduce the minimum parkway width between the parking lot and the right-of-way of Kingston Pike from 10 ft. to 7 ft."**

### **NEW BUSINESS**

**File: 7-A-15-VA**  
**Applicant: Knoxville Habitat for Humanity**  
**Address: 3725 Speedway Circle Parcel ID: 082DC016**  
**Zoning: R-1 (Low Density Residential) District**  
**6<sup>th</sup> Council District**

#### **Variance Request:**

Permit an alley to serve as primary means of vehicular access for a dwelling per Article 5, Section 6.D.9.

As per submitted plan to permit the primary access from an alley for a new detached dwelling in an R-1 (Low Density Residential) District, 6<sup>th</sup> Council District.

Danny Mitchell, representing the applicant, was present.

No opposition was present.

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

**File: 7-D-15-VA**  
**Applicant: Peoples Development Company, Inc.**  
**Address: 5316 Kingston Pike Parcel ID: 107NJ002**  
**Zoning: C-3 (General Commercial) District**  
**2<sup>nd</sup> Council District**

**Variance Request:**

Reduce the minimum required front yard setback from 25 ft. to 23.63 ft. on Kingston Pike per Article 4, Section 2.2.6.E.1.

As per submitted plan to permit construction of a multi-use commercial building in a C-3 (General Commercial) District, 2<sup>nd</sup> Council District.

Arthur Seymour, Jr., representing the applicant, was present. Jay Lewis, civil engineer, and Chris Lambert were also present on behalf of the applicant.

Scott Elder, Zoning Chief, stated that the site plan did not match the request. The front yard setback should read 23.73 ft., instead of 23.63 ft. It was a lesser variance and was not considered a substantive change, and therefore, could be heard by the Board.

No opposition was present.

Board member Kristin Grove made a motion to approve the request amended to read “23.73 ft.” The motion was seconded by Board member Daniel Odle. **The Board voted 4-0 to APPROVE the request amended to read: “Reduce the minimum required front yard setback from 25 ft. to 23.73 ft. on Kingston Pike.”** Board Chairman Don Horton requested the applicant submit a corrected site plan during the permit process.

**File: 7-E-15-VA**  
**Applicant: Courtland Group**  
**Address: 317 Ogden Street**  
**Zoning: C-3 (General Commercial)**  
**6<sup>th</sup> Council District**

**Parcel ID: 094EF011**

**Variance Requests:**

1. Reduce the minimum required Ogden Street front yard setback from 25 ft. to 0 ft. per Article 4, Section 2.2.6.E.1.
2. Reduce the minimum required W. Magnolia Avenue front yard setback from 25 ft. to 0 ft. per Article 4, Section 2.2.6.E.1.
3. Increase the maximum permitted lot coverage from 75% to 77% per Article 4, Section 2.2.6.E.4.
4. Reduce the minimum number of required parking spaces from 44 spaces to 0 spaces per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit construction of a mixed use development in a C-3 (General Commercial) District, 6<sup>th</sup> Council District.

Scott Elder, Zoning Chief, received an email from the applicant to postpone hearing the requests pending a rezoning application.

**File: 7-F-15-VA**  
**Applicant: Ben Garlington, Architect**  
**Address: 708 Washburn Road**  
**Zoning: R-2 (General Residential) District**  
**6<sup>th</sup> Council District**

**Parcel ID: 107EE010**

**Variance Requests:**

1. Reduce the minimum number of required parking spaces from 40 spaces to 30 spaces per Article 5, Section 7.A.3.a.Table.

2. Reduce the minimum lot area required for a church from 30,000 sq. ft. to 20,473.2 sq. ft. per Article 4, Section 2.1.6.D.5.f.
3. Reduce the minimum drive aisle width for 90 degree parking from 26 ft. to 21 ft. per Article 5, Section 7.A.4.a.2.Table.
4. Reduce the required side yard setback from 5 ft. to 2 ft. per Article 5, Section 7.A.2.c.

As per submitted plan to permit reconstruction of a church in an R-2 (General Residential) District, 6<sup>th</sup> Council District.

Ben Garlington, the applicant, was present. The applicant is designing a new church building to replace one that was damaged and removed. The church is for the same congregation of about 60 members, no additional parking areas are available, and angled parking is not an option.

Scott Elder, Zoning Chief, stated that a use-on-review was required. MPC had not yet received a use-on-review application.

Mark Johnson, City Engineering, stated that the 21 ft. drive aisle may be tight, and he would like to see a turning template to determine if it would work.

Board members requested more parking studies. Street parking may be available.

No opposition was present.

The applicant stated that all the requests were contingent on use-on-review approval at MPC meeting in September.

Board Chairman Don Horton made a motion to postpone hearing the request until the August 20<sup>th</sup> meeting, and requested a detailed parking study. The motion was seconded by Board member Kristin Grove. **The Board voted 4-0 to POSTPONE the request until the August 20<sup>th</sup> BZA meeting.**

**File: 7-G-15-VA**  
**Applicant: Kim Kimmons, Holrob Investments, LLC**  
**Address: 1992 Pinnacle Pointe Way** **Parcel ID: 154EG003**  
**Zoning: C-6 (General Commercial Park) District**  
**2<sup>nd</sup> Council District**

**Variance Request:**

Reduce the minimum required S. Northshore Drive front yard setback from 25 ft. to 13 ft. per Article 4, Section 2.2.9.D.2.a.

As per submitted plan to permit construction of a multi-tenant commercial building in a C-6 (General Commercial Park) District, 2<sup>nd</sup> Council District.

Arthur Seymour, Jr., representing the applicant was present. There is a 20 ft. utility easement on the north side of the property, and the building cannot be moved further north to comply with the setback requirements.

Scott Elder, Zoning Chief, stated that the property is in a C-6 district and will require MPC staff approval.

No opposition was present.

Board member Kristin Grove made a motion to approve the request contingent on MPC C-6 zoning approval. The motion was seconded by Board Chairman Don Horton. **The Board voted 4-0 to APPROVE the request contingent on C-6 zoning approval by MPC.**

**File:** 7-H-15-VA  
**Applicant:** Michael Brady, Inc.  
**Address:** 5810 Middlebrook Pike **Parcel ID: 107HA009**  
**Zoning:** I-3 (General Industrial) District  
2<sup>nd</sup> Council District

**Variance Requests:**

1. Reduce the minimum required east side yard setback from 25 ft. to 8.96 ft. per Article 4, Section 2.3.2.E.3.
2. Reduce the minimum required west side yard setback from 25 ft. to 3 ft. per Article 4, Section 2.3.2.E.3.

As per submitted plan to permit construction of a storage/office building an I-3 (General Industrial) District, 2<sup>nd</sup> Council District.

Alicia McCawley and John Pattison, representing the applicant, were present. Ms. McCawley stated that 84 Lumber intends to build a storage facility on the lot, and the lot's narrow shape prevents compliance with setbacks. They have submitted a re-subdivision of the lot to MPC. The re-subdivision will match the submitted site plan.

No opposition was present.

Board Chairman Don Horton made a motion to approve the request contingent on subdivision approval. The motion was seconded by Board member Daniel Odle. **The Board voted 4-0 to APPROVE the requests contingent on subdivision approval by MPC.**

**File:** 7-J-15-VA  
**Applicant:** University of Tennessee Research Foundation  
**Address:** 1717 Alcoa Hwy **Parcel ID: 108-001**  
**Zoning:** BP-1 (Business and Technology Park) District  
1<sup>st</sup> Council District

**Variance Request:**

Reduce the minimum number of required parking spaces for the Labs/Office from 4 parking spaces per 1,000 sq. ft. to 2.5 parking spaces per 1,000 sq. ft. per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit reduced parking for the developing U.T. research park as approved by M.P.C. (12-A-14-UR) in a BP-1 (Business and Technology Park) District, 1<sup>st</sup> Council District.

Scott Elder, Zoning Chief, stated that this parking variance request is a condition of approval for the Metropolitan Planning Commission's Use on Review (12-A-14-UR). The staff received a memorandum from Thomas Brechko, MPC, clarifying that the intent of this parking variance request is to apply it only the research lab and professional office buildings, and not to any future development.

Arthur Seymour, Jr., and Cliff Hawks, representing the applicant, were present. Mr. Seymour stated that the applicant anticipates a connection with UT Transit System, and the property has existing pedestrian and bicycle access. The space will be used more for lab equipment than offices.

No opposition was present.

Board member Kristin Grove made a motion to approve the request, conditioned that it applies only to the Lab/Office space. The motion was seconded by Board member Barbara Clark. **The Board voted 4-0 to APPROVE the request, conditioned that it applies only to the research lab and professional office buildings and not to any future development.**

### **OTHER BUSINESS**

The next BZA meeting is August 20, 2015.

### **ADJOURNMENT**

The meeting was adjourned at 5:40 p.m.

Respectively submitted,

***Angelia Rooks***

Angelia Rooks, Board Secretary