

**CITY OF KNOXVILLE**  
**BOARD OF ZONING APPEALS**  
**MEETING MINUTES**  
**August 18, 2016**

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 **August 18, 2016** 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 Don Horton called the meeting to order at 4:00 pm. Other Board members present were Daniel Odle, Kristin Grove and Charlie Van Beke. Member David Dupree arrived at 4:20 pm.

Others in attendance were Peter Ahrens, Director of Building Inspections; Crista Cuccaro, Law Department; Scott Elder, Zoning Chief; Mark Johnson, Engineering; Angelia Rooks, Board Secretary; and Dan Kelly, MPC.

**APPROVAL OF MINUTES**

Board member Kristin Grove made a motion to approve the July 21, 2016 minutes. It was seconded by Board member Charlie Van Beke. The Board voted 4-0 to **APPROVE** the minutes for July 21, 2016.

**OLD BUSINESS**

<b>File:</b>	<b>6-A-16-VA</b>	<b>Parcel ID: 093EE035</b>
<b>Applicant:</b>	<b>Chris Mershon</b>	
<b>Address:</b>	<b>2706 Piedmont Street</b>	
<b>Zoning:</b>	<b>R-1A (Low Density Residential) District</b>	
	<b>3<sup>rd</sup> Council District</b>	

**Variance Requests:**

1. Increase the maximum permitted driveway width from 25 ft. to 40 ft. per Article 5, Section 7.B.3.a.Table.
2. Reduce the minimum required Canna Avenue front yard setback from 25 ft. to 9 ft. per Article 4, Section 2.1.2.D.1.a.

As per submitted plan to permit the construction of accessory buildings and driveway expansion in an R-1A District.

Barbara and Chris Mershon, the applicants, were present. They proposed installing a fence on the Canna Avenue front yard to reduce the current driveway width. A gate would be installed in the fence allowing vehicle access into the yard from the driveway.

Mr. Elder explained that the City ordinances did not allow parking in the front yard. Even with the proposed fencing, and approval of the setback variance, the paved area was still considered the front yard, and the City would enforce the parking restrictions. He illustrated the front yard area from an aerial photograph. He clarified that corner lots have two front yards, which did not change by installing fences. However, there were no ordinance restrictions for parking in the rear yard. He suggested accessing the rear yard from the alley for parking.

Mrs. Mershon said her hardship was parking space. They have five children of legal driving age, and without the wider driveway, they would have to park in the street. She said that was a safety concern.

In opposition, David Massey, the Director for the Office of Neighborhoods, was present. He stated that if the neighborhood were organized, they would have representation present to oppose these variances. This was an affordable, single-family neighborhood. In his experience, neighbors oppose this type of activity and paving because it threatens the ambiance and integrity of the neighborhood. He asked the Board to consider the unpleasantness of living near a house where the entire yard was paved. There was also a business operating from the house, and the paving may be related to customer traffic. He reminded the Board that the applicants have repeatedly violated City ordinances. Mr. Elder added that the staff did receive a complaint call from a neighbor, which brought these violations to the City's attention.

In rebuttal, Mrs. Mershon stated that they did not know of the City ordinances at the time, and immediately took corrective action when they were notified of the violations.

Board member Charlie Van Beke stated that the applicants did not meet the hardship standards for a variance.

Board member Daniel Odle agreed and made a motion to deny the requests. It was seconded by Board member Charlie Van Beke. The Board voted 4-0 to **DENY** the requests.

Board member David Dupree arrived at the meeting at 4:20 pm.

<b>File:</b>	<b>6-G-16-VA</b>	<b>Parcel ID:</b>	<b>121GJ001, -002,</b>
<b>Applicant:</b>	<b>John Wisinger</b>		<b>-003, and -004</b>
<b>Address:</b>	<b>5656 Lyons View Pike</b>		
<b>Zoning:</b>	<b>R-1 (Low Density Residential) District</b>		
	<b>2<sup>nd</sup> Council District</b>		

**Variance Requests:**

1. Increase the maximum permitted wall height from 42 in. to 114 in. (9'6") on parcels 121GJ001, 002, 003, & 004 per Article 5, Section 6.C.2.
2. Increase the maximum permitted curb cut length from 40 ft. to 104.5 ft. per Article 5, Section 7.B.3.a.Table.
3. Increase the maximum permitted driveway width from 25 ft. to 41.25 ft. per Article 5, Section 7.B.3.a.Table.

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

Board member Charlie Van Beke recused himself.

John Wisinger, the applicant, was present. The increased wall height was to match the adjoining walls on adjacent properties, to reduce traffic noise, and increase privacy. The increased curb cut was for symmetry and safety. The increased driveway width would allow more space to maneuver vehicles, which is required because of the topography and garage locations. He presented additional photos of the property.

Board member Kristin Grove was concerned about the excessive length of the curb cut. She would have liked to see that reduced. The amount of paving in the driveway could have been reduced also. The existing asphalt at the entry was sufficient. There was no reason to grant a variance just to change the materials from asphalt to pavers.

Board Chairman Don Horton, stated that the width of the driveway in front of the house was excessive for just backing out of a garage and turning. Only the last driveway would require extra depth.

In opposition, Gene Overholt was present. His concern was an access road from the south east side of the property. It was a gravel road in poor condition. He did not want it to become an entryway. When the development was reviewed by MPC, the neighborhood was not made aware of the project, and did not have an opportunity for input or to express their concerns. Chairman Horton stated that the Board understood the concern, but it did not pertain to the variance requests.

Board members suggested that the applicant postpone the request and consider changing the design to show a shorter curb cut and reduced driveway width. The applicant agreed.

Board member Kristin Grove made a motion to postpone the requests to the next meeting. It was seconded by Board member Daniel Odle. The Board voted 4-0 to **POSTPONE** the requests to the September 15, 2016 meeting.

## **NEW BUSINESS**

**File:** 8-A-16-VA **Parcel ID:** 121DK025  
**Applicant:** Bruce Bankhead  
**Address:** 4221 Whitlow Avenue  
**Zoning:** R-1 (Low Density Residential) District  
2<sup>nd</sup> Council District

### **Variance Request:**

Reduce the minimum required west side yard setback from 12 ft. to 3 ft. 9.5 in. per Article 4, Section 2.1.1.E.2.a.

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

Greg Huddy, the owner, was present. The hardship was the shape of the lot. Compliance with the setback requirement was in conflict with the neighborhood streetscape. He presented two letters from neighbors in support of the variance.

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

**File:** 8-B-16-VA **Parcel ID:** 094ED006  
**Applicant:** Aaron Pennington  
**Address:** 516 Williams Street  
**Zoning:** C-3 (General Commercial) District  
6<sup>th</sup> Council District

### **Variance Request:**

Reduce the minimum number of required parking spaces from 33 to 0 spaces per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit interior renovations in a commercial building in a C-3 District.

Aaron Pennington, the applicant, and Mark Hines, the owner, were present. The building had two tenants, and they were adding a third tenant. The existing parking area had room for 15 spaces, but the ward line separated it from the building, making it two parcels. On-street parking was available in addition to public parking under the interstate overpass.

Board member Kristin Grove made a motion to approve the request. It was seconded by Board member Charlie Van Beke. The Board voted 4-1 to **APPROVE** the request. Board member David Dupree voted against the motion.

**File:** 8-C-16-VA  
**Applicant:** Benchmark Associates  
**Address:** 802/804 W. Hill Avenue  
**Zoning:** R-3 (High Density Residential) District  
6<sup>th</sup> Council District

**Parcel ID:** 094ME021

**Variance Requests:**

1. Reduce the required front setback from 25 ft. to 12.9 ft. (Lot 2R1) per Article 5, Section 3.C.3.a.
2. Reduce the required side yard setback from 12 ft. to 10.7 ft. on westerly lot line. (Lot 2R1) per Article 5, Section 3.C.3.b.
3. Reduce the required rear yard setback from 25 ft. to 18.3 ft. (Lot 2R1) per Article 5, Section 3.C.3.c.
4. Reduce the required side yard setback from 12 ft. to 10.2 ft. (Lot 2R2) per Article 5, Section 3.C.3.b.
5. Reduce the required rear yard setback from 25 ft. to 6.4 ft. (Lot 2R2) per Article 5, Section 3.C.3.c.
6. Reduce the required front yard setback from 25 ft. to 22.8 ft. (Lot 2R2) per Article 5, Section 3.C.3.a.
7. Reduce off-street parking from 2 to 0 spaces (Lot 2R2) per Article 5, Section 7.A.1.a.
8. Reduce off-street parking from 2 to 0 spaces (Lot 2R1) per Article 5, Section 7.A.1.a.
9. Reduce the minimum required development area from 3 acres to 6,304 sq. ft. (Lots 2R1 & 2R2) per Article 5, Section 3.C.1.

As per submitted plan to permit the subdivision of a building containing 2 attached dwellings so that each dwelling will be on a lot to be on its own lot in an R-3 District.

Benny Moorman, the applicant, was present. The variances were needed to subdivide the property. These were existing conditions. The existing buildings did not change; the use did not change; and there was no impact to the adjacent properties.

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

**File:** 8-D-16-VA  
**Applicant:** Jimmy Ryan, Johnson Architecture  
**Address:** 2023 Lake Avenue  
**Zoning:** FD-CU-1 (Form District – Cumberland Avenue)  
1<sup>st</sup> Council District

**Parcel ID:** 108CH018

**Variance Request:**

Increase the maximum permitted building height from 120 ft. / 10 stories to 120 ft. / 12 stories per Article 4, Section 4.2.3.A.3.

As per submitted plan to permit the construction of a multi-dwelling structure in an FD-CU-1 District.

Board member Kristin Grove recused herself.

Arthur Seymour, Jr. and Mr. Darrel Johnson, representing the applicant, were present.

Board member Charlie Van Beke made a motion to approve the request. It was seconded by Board member Daniel Odle. The Board voted 4-0 to **APPROVE** the request.

**OTHER BUSINESS**

The next BZA meeting is September 15, 2016.

**ADJOURNMENT**

The meeting adjourned at 4:55 pm.