

BOARD OF ZONING APPEALS
MEETING MINUTES
November 17, 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 **October 20, 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

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

Others in attendance were Peter Ahrens, Director of Plans Review and Inspections; DeAnn Bogus, Deputy Director; Scott Elder, Zoning Chief; Crista Cuccaro, Law Department; Mark Johnson, Engineering; Mike Reynolds, MPC; Brandon Littlejohn, Zoning Inspector; and Angelia Rooks, Board Secretary.

APPROVAL OF MINUTES

Board member David Dupree made a motion to approve the October 20, 2016 minutes. It was seconded by Board member Daniel Odle. The Board voted 4-0 to **APPROVE** the minutes.

OLD BUSINESS

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

Variance Request:

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.

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

Board member Charlie Van Beke recused himself.

John Wisinger, the applicant was present. He amended the variance request for a maximum wall height of 7 ft. 6 in. It would be installed 3.5 feet from the property line. The six columns at the gate were the tallest portion, the remaining columns were 5.5 feet, and the wall itself would be a maximum of 5 feet for the entire length of the property. The gate was also moved further from the road from 28 feet to 35 feet. Mark Johnson confirmed that the plans submitted still required a review by Engineering.

In opposition, Tom Ford was present. He acknowledged that the applicant had lowered the wall height on the drawings, and he did not have any objections to the revised request.

Board member Daniel Odle made a motion to approve the request as amended. It was seconded by Board member David Dupree. The Board voted 3-0 to **APPROVE** the request **AS AMENDED**, with only the 6 columns at the gate at a maximum height of 7 feet 6 inches, a wall height of 5 feet, and otherwise per the revised drawings.

File: 9-C-16-VA
Applicant: Arthur Seymour, Jr.
Address: 2932 Alcoa Hwy
Zoning: C-3 (General Commercial) District
1st Council District

Parcel ID: 122OJ00202

Variance Requests:

1. Increase the maximum permitted height of a primary detached ground sign on a scenic highway from 6 ft. to 40 ft. per Article 8, Section 11.6.e.2.
2. Increase the maximum area of a primary detached ground sign on a scenic highway from 36 sq. ft. to 145 sq. ft. per Article 8, Section 11.6.e.2.

As per submitted plan to permit reconstruction of a ground sign in a C-3 District.

Arthur Seymour, Jr., the applicant, was present. The hardship was the condemnation of the property by TDOT as a part of the project to widen the highway. The previous tenant business closed in March 2016, and the original sign was removed by a TDOT contractor in June 2016. The owner would like to reinstall the same sign structure for the new tenant. The only change would be the sign panel. The designation of *Scenic Highway* had no impact regarding on-premise signage. It just regulated the height of structures and prohibits bill boards. The sign contractor paid for plans and ordered materials before he was told the sign permit application could not be approved as submitted. The owner should be able to reinstall the sign as it was since it was TDOT's decision to remove the sign. Bob Monday, the property owner, stated that the sign was ready to install and asked the Board to approve the variance.

In opposition, Joyce Feld of Scenic Knoxville was present. City Council approved additional signage restrictions for *Scenic Highways*. On-premise signage was limited to a 6 ft monument sign of 36 sf, and a sign attached to a building was limited to 5% of the square footage of the primary façade. There were no visibility issues or hardships to merit the granting of a variance. She asked the Board to deny the request.

In rebuttal, Mr. Seymour stated that the tenant was in competition with other business on the highway, and they were entitled to reinstall the same sign since it was TDOT that removed it.

Board member Charlie Van Beke stated that any economic hardships would have been considered in the condemnation process. The only other hardship given was the location of the property in the City and not the County. Board member Daniel Odle agreed and made a motion to deny the request. It was seconded by Board member Charlie Van Beke. The Board voted 3-1 to **DENY** the request. Board member David Dupree voted against the motion.

File: 10-F-16-VA
Applicant: WP General Partnership
Address: 4315 Kingston Pike
Zoning: C-6 (General Commercial Park) District
2nd Council District

Parcel ID: 107LA019

Variance Request:

Reduce the minimum required number of parking spaces from 1022 spaces to 670 spaces per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit redevelopment of and existing shopping center in a C-6 District

Staff received a request from the applicant to postpone the request to the next meeting. Board member Daniel Odle made a motion to postpone the request to the December meeting. It was seconded by Board member David Dupree. The Board voted 4-0 to **POSTPONE** the request.

File: 10-J-16-VA

Parcel ID: 069HC01601

Applicant: Robert Campbell & Associates

Address: 4829 Maple Sunset Way

Zoning: R-2 (General Residential) District
5th Council District

Variance Request:

Reduce the minimum required drive aisle width for 90 degree parking from 26 ft. to 14 ft. per Article 5, Section 7.A.4.a.2.Table.

As per submitted plan to address an as built parking lot not on the original plans in an R-2 District.

Garrett Tucker, the applicant, was present. The parking lot was added to meet zoning requirements, but the size, slope and topography issues prohibited compliance with the drive aisle width requirement. After redesigning the parking layout, they amended the variance to reduce the drive aisle width to 17.5 feet.

Board member David Dupree made a motion to approve the request as amended. It was seconded by Board member Kristin Grove. The Board voted 4-0 to **APPROVE** the request **AS AMENDED** to 17.5 feet.

File: 10-K-16-VA

Parcel ID: 094OE016

Applicant: Urban Engineering, Inc.

Address: 2201 Sutherland Avenue

Zoning: O-1 (Office, Medical and Related Services) District
6th Council District

Variance Requests:

1. Reduce the minimum required Sutherland Avenue front yard setback from 25 ft. to 5 ft. per Article 4, Section 2.2.1.D.1.
2. Reduce the minimum required Concord Street front yard setback from 25 ft. to 5 ft. per Article 4, Section 2.2.1.D.1.
3. Reduce the minimum required southwest side yard setback from 12 ft. to 9 ft. per Article 4, Section 2.2.1.D.2.
4. Reduce the minimum required rear yard setback from 25 ft. to 5 ft. per Article 4, Section 2.2.1.D.3.
5. Increase the maximum permitted lot coverage from 30% to 43% per Article 4, Section 2.2.1.D.5.a.
6. Reduce the minimum required usable open space from 9,600 sq. ft. to 5,250 sq. ft. per Article 4, Section 2.1.6.E.

As per submitted plan to permit construction of an attached housing development in an O-1 District.

Chris Sharp, the applicant was present. The size and shape of the lot prohibited development and compliance with setback requirements. Tim Hill, the property owner, stated that the area was in dire need

of investment and redevelopment, and the topography was challenging. Ken Harrigan, the building contractor, stated that the plan included widening the alley to improve access.

In opposition, Richard Cadmus, said there was no hardship for granting the variances. If approved, the variances would decrease the value of his property. He owned the adjacent vacant lots, which were for sale. He claimed 4 acres were available for development, and neighbors would prefer a larger development project instead of several smaller ones. Denying these requests would allow for a larger development project, and cause the blight in the area to correct itself. These variance requests only benefitted Mr. Hill, and not the owners of adjacent properties. Variances were not meant to pick winners and losers, just to correct small problems. The only access to this property was from the alley, and would have a negative effect on the neighborhood. He stated that there was a conflict in the zoning code. The code specifically prohibited multi-dwelling structures in an O-1 district, but the Use-On-Review was for an R-2 district. He stated this was a truck route in a C-6 district, and it was meant for projects such as a large hotel and nice restaurant, not small shops. Too many variances would create more issues that would require more variances to correct. He asked the Board to put a stop to it to do what they were charged with doing.

In rebuttal, the applicant stated that Mr. Cadmus had previously said he would not oppose the variance requests if the applicant would buy his property. He clarified that the alley would widen from 12 feet to 22 feet, and was supported by Engineering.

In opposition, Lonnie Miller, stated that the alley-only access was insufficient. He provided an additional photo. The only turn-around area would be on Mr. Cadmus' property.

Board member Daniel Odle stated that there were hardships, such as topography, size, slope and two front yards. However, this was a development driven request. Board member Kristin Grove noted that the previous variance on this property was approved for a 42-unit development, and now they were requesting a smaller development. Mr. Ahrens clarified that the previous variance only applied to the 42-unit plan that was submitted at the time of approval. Since this was a different development plan, the previous variance did not apply.

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

NEW BUSINESS

File: [11-A-16-VA](#) **Parcel ID:** 123BD02301
Applicant: Sycamore Sign Service
Address: 4603 Chapman Hwy
Zoning: C-4 (Highway and Arterial Commercial) District
1st Council District

Variance Requests:

1. Increase the maximum permitted height of a primary detached ground sign from 20 ft. to 30 ft. per Article 8, Section 11.6.c.Table.
2. Increase the maximum permitted area of a primary detached ground sign from 165 sq. ft. to 201.2 sq. ft. per Article 8, Section 11.6.d.Table.
3. Decrease the minimum street frontage for a changeable price sign from 250 ft to 166 ft per Article 8, Section 8.7.a.

As per submitted plan to permit a primary ground sign in a C-4 District.

The current sign structure could be updated without any variance, but they wanted to bring it closer into compliance with the sign ordinance. The proposed sign was smaller and shorter than the existing sign.

In opposition, Joyce Feld of Scenic Knoxville was present. The proposed sign was not much smaller than the existing sign; the property did not qualify for a changeable price sign; and they did not have a hardship.

In rebuttal, the applicant stated that the proposed sign was much smaller, more attractive, and would be closer to compliance with the sign ordinance than the existing sign.

Board member Daniel Odle stated that it was more attractive, but they did not have a hardship. He made a motion to deny the requests. It was seconded by Board member David Dupree. The Board voted 4-0 to **DENY** the requests.

File: 11-B-16-VA
Applicant: David R. Mixon
Address: 3550 Pleasant Ridge Road
Zoning: C-6 (General Commercial Park) District
3rd Council District

Parcel ID: 093DC006

Variance Requests:

1. Increase the maximum permitted height of a wall or fence in the front yard from 3.5 ft. to 8 ft. per Article 5, Section 6.C.2.
2. Increase the maximum permitted area of a secondary detached ground sign from 32 sq. ft. to 171 sq. ft. per Article 8, Section 11.6.b.3.
3. Increase the maximum permitted height of a secondary detached ground sign from 8 ft. to 10 ft. per Article 8, Section 11.6.b.3.

As per submitted plan to permit construction of a brick wall/fence in a C-6 District.

David Mixon and Ed King, the applicants, were present. Additional photos were presented with a revised signage proposal. Scott Elder confirmed that the revision did not affect the variance request. The hardship was security. The fence also added value to the community which needed more investment and development. The fence height would only be about 5 ft 8 in. The highest points would be the columns. Other fences in the neighborhood were 6 feet in height.

In opposition, Kevin Murphy was present. The applicant did not have a valid hardship for a larger sign.

In rebuttal, Mr. King stated that the increased sign height was in relation to the height of the fence.

Board member Daniel Odle stated that there was no hardship. Board member Charlie Van Beke made a motion to deny the requests. It was seconded by Board member Daniel Odle. The Board voted 4-0 to **DENY** the requests.

File: 11-C-16-VA
Applicant: Sanders Pace Architecture
Address: 2419 N. Central Street
Zoning: C-3 (General Commercial) District
5th Council District

Parcel ID: 081KA003

Variance Request:

Reduce the minimum number of required parking spaces from 17 spaces to 0 spaces per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit reuse of a vacant commercial building in a C-3 District.

Johns Sanders, the applicant, was present. The hardship was the size of the lot, which prohibited compliance with the parking requirements.

Board member Charlie Van Beke stated that parking was an issue in this area and made a motion to approve the request. It was seconded by Board member Daniel Odle. The Board voted 4-0 to **APPROVE** the request.

File: 11-D-16-VA
Applicant: Batson, Himes, Norvell & Poe
Address: 2745 Jersey Avenue
Zoning: R-2 (General Residential) District
2nd Council District

Parcel ID: 108BE024

Variance Requests:

1. Reduce the minimum required front yard setback for parking in a multi-family development from 10 ft. to 2 ft. per Article 5, Section 7.A.2.f.
2. Reduce the minimum required parking stall depth for 90 degree parking to a curb from 15.5 ft. to 13.5 ft. per Article 5 Section 7.A.4.a.2.Table.

As per submitted plan to permit development of additional multi-family dwellings in an R-2 District.

Scott Elder commented that the staff received a call in opposition to this request.

David Harbin, the applicant, was present. Topography prohibited compliance with the setback and parking stall depth requirements. The proposed plan would eliminate the need for additional grading and a wall at the property line.

Board member Daniel Odle made a motion to approve the requests. It was seconded by Board member Kristin Grove. The Board voted 3-1 to **APPROVE** the requests. Board member Charlie Van Beke voted against the motion.

File: 11-E-16-VA
Applicant: Roy Payne
Address: 725 Deery Street
Zoning: R-1A / H-1 (Low Density Residential / Historic Overlay) Districts
4th Council District

Parcel ID: 094DJ021

Variance Requests:

1. Increase the maximum permitted lot coverage from 30% to 40.6% per Article 4, Section 2.1.2.D.6.
2. Reduce the minimum required side yard setback for an accessory structure from 8 ft. to 2 ft. per Article 4, Section 2.1.2.D.2.b.
3. Reduce the minimum required rear yard setback for an accessory structure from 5 ft. to 2.5 ft. per Article 4, Section 2.1.2.D.3.b.

As per submitted plan to permit the construction of accessory structures in an R-1A / H-1 District.

Scott Elder stated that the Historic Zoning Commission approved a Certificate of Appropriateness.

Dorothy Payne, the applicant, was present. The property was a small lot of record that prohibited compliance with the lot coverage and setback requirements. Board member Kristin Grove was concerned that 2 accessory structures may be out of character for the area. Mrs. Payne stated that the HZC had the

same concern, but found seven properties in the Fourth and Gill district that had two accessory buildings, and they deemed it appropriate.

Board member Daniel Odle stated that the small lot was a hardship and made a motion to approve the requests. It was seconded by Board member Charlie Van Beke. The Board voted 3-1 to **APPROVE** the requests. Board member David Dupree voted against the motion.

File: [11-G-16-VA](#) **Parcel ID:** 108CE006.01
Applicant: CCSHP Knoxville LLC & 021.01
Address: 1830 Cumberland Avenue
Zoning: FD-CU-1 & CU-2 (Form District – Cumberland Avenue) District
1st Council District

Variance Requests:

1. Reduction of the minimum required parking module width in a parking garage with 90 degree parking on one side of the aisle from 44 ft. to 38 ft. 4 in. per Article 5, Section 7.A.4.d.1.Table.
2. Reduction of the minimum required parking module width in a parking garage with 90 degree parking on both sides of the aisle from 60 ft. to 55 ft. 4 in. per Article 5, Section 7.A.4.d.1.Table.

As per submitted plan to permit construction of a multi-story mixed use building in a FD-CU-1 & CU-2 district.

Arthur Seymour, Jr., representing the applicant, was present. Engineering reviews determined that these variances were required to proceed with construction. Mark Johnson clarified that this only affected 5.6% of the total parking spaces.

Board member Daniel Odle made a motion to approve the requests. It was seconded by Board member David Dupree. The Board voted 4-0 to **APPROVE** the requests.

File: [11-H-16-VA](#) **Parcel ID:** 071MC022
Applicant: Knoxville Utilities Board
Address: 0 Holston Hills Road
Zoning: EN-1 (Established Neighborhood) District
4th Council District

Variance Request:

Reduce the minimum floor elevation from one foot above the 500-year flood elevation (841.5 ft.) to one foot above the 100-year flood elevation (830 ft.) per Flood Protection and Control Ordinance: Article 3, Section 12-52 (2.)

As per submitted plan to permit improvements to the wastewater collection system in an EN-1 District.

Crista Cuccaro explained that files 12-H through 12-S were from the same applicant, for similar circumstances and would be heard as one. The Board would vote on each address separately.

David McGinley, Floodplain Coordinator, was present. The variances were part of a master plan for KUB upgrades. The City supported these variances, which were different from other flood elevation variances for the following reasons:

- The KUB plant was built in the 1950's, before the City joined the National Flood Insurance Program in 1971.
- They were on the Tennessee River, which was dam controlled.
- The variances were required for KUB to continue providing services.

Arthur Seymour, Jr., representing the applicant, was present. These facility upgrades were at the same level as Fort Loudon Lake. Harold Cannon said the requests were consistent with the Tennessee Department of Environment and Conservation requirements.

Board member Charlie Van Beke confirmed that all the KUB variance requests were all on the river front; were non-habitable structures; and were all for the exact same thing. Crista Cuccaro clarified that the explanation for the variances would also be the same and apply to each application.

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.

File: [11-I-16-VA](#) **Parcel ID:** 108LA01501
Applicant: Knoxville Utilities Board
Address: 0 Scottish Pike
Zoning: FD-SW-1 (Form District - South Waterfront) District
1st Council District

Variance Request:

Reduce the minimum floor elevation from one foot above the 500-year flood elevation (827.2 ft.) to one foot above the 100-year flood elevation (821.6 ft.) per Flood Protection and Control Ordinance: Article 3, Section 12-52 (2.)

As per submitted plan to permit improvements to the wastewater collection system in an FD-SW-1 District.

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.

File: [11-J-16-VA](#) **Parcel ID:** 108ID016
Applicant: Knoxville Utilities Board
Address: 617 Cheowa Circle
Zoning: R-1 (Low Density Residential) District
2nd Council District

Variance Request:

Reduce the minimum floor elevation from one foot above the 500-year flood elevation (825.4 ft.) to one foot above the 100-year flood elevation (820.6 ft.) per Flood Protection and Control Ordinance: Article 3, Section 12-52 (2.)

As per submitted plan to permit improvements to the wastewater collection and treatment system in an R-1 District.

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.

File: [11-K-16-VA](#) **Parcel ID:** 095PC010
Applicant: Knoxville Utilities Board
Address: 1701 Jones Street
Zoning: FD-SW-7 (Form District - South Waterfront) District
1st Council District

Variance Request:

Reduce the minimum floor elevation from one foot above the 500-year flood elevation (828.6 ft.) to one foot above the 100-year flood elevation (822.4 ft.) per Flood Protection and Control Ordinance: Article 3, Section 12-52 (2.)

As per submitted plan to permit improvements to the wastewater collection and treatment system in an FD-SW-7 District.

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.

File: [11-L-16-VA](#)
Applicant: Knoxville Utilities Board
Address: 2000 Riverside Drive
Zoning: I-4 (Heavy Industrial) District
6th Council District

Parcel ID: 095FD001

Variance Request:

Reduce the minimum floor elevation from one foot above the 500-year flood elevation (830.8 ft.) to one foot above the 100-year flood elevation (824.0 ft.) per Flood Protection and Control Ordinance: Article 3, Section 12-52 (2.)

As per submitted plan to permit improvements to the wastewater collection and treatment system in an I-4 District.

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.

File: [11-M-16-VA](#)
Applicant: Knoxville Utilities Board
Address: 2100 Neyland Drive
Zoning: I-4 (Heavy Industrial) District
2nd Council District

Parcel ID: 108FB014

Variance Request:

Reduce the minimum floor elevation from one foot above the 500-year flood elevation (826.6 ft.) to one foot above the 100-year flood elevation (821.2 ft.) per Flood Protection and Control Ordinance: Article 3, Section 12-52 (2.)

As per submitted plan to permit improvements to the wastewater collection and treatment system in an I-4 District.

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.

File: [11-N-16-VA](#)
Applicant: Knoxville Utilities Board
Address: 2907 Ginnbrooke Lane
Zoning: RP-1 (Planned Residential) District
1st Council District

Parcel ID: 122PD01804

Variance Request:

Reduce the minimum floor elevation from one foot above the 500-year flood elevation (822.8 ft.) to one foot above the 100-year flood elevation (819.0 ft.) per Flood Protection and Control Ordinance: Article 3, Section 12-52 (2.)

As per submitted plan to permit improvements to the wastewater collection and treatment system in an RP-1 District.

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.

File: 11-O-16-VA
Applicant: Knoxville Utilities Board
Address: 3516 Ginn Road
Zoning: OS-2 (Open Space) District
1st Council District

Parcel ID: 135-009

Variance Request:

Reduce the minimum floor elevation from one foot above the 500-year flood elevation (822.8 ft.) to one foot above the 100-year flood elevation (819.0 ft.) per Flood Protection and Control Ordinance: Article 3, Section 12-52 (2.)

As per submitted plan to permit improvements to the wastewater collection and treatment system in an OS-2 District.

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.

File: 11-P-16-VA
Applicant: Knoxville Utilities Board
Address: 4800 Riverplace Drive
Zoning: R-1 (Low Density Residential) District
4th Council District

Parcel ID: 083FA02102

Variance Request:

Reduce the minimum floor elevation from one foot above the 500-year flood elevation (833.0 ft.) to one foot above the 100-year flood elevation (828.2 ft.) per Flood Protection and Control Ordinance: Article 3, Section 12-52 (2.)

As per submitted plan to permit improvements to the wastewater collection and treatment system in an R-1 District.

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.

File: 11-Q-16-VA
Applicant: Knoxville Utilities Board
Address: 5072 S National Drive
Zoning: I-3 (General Industrial) District
1st Council District

Parcel ID: 110-02611

Variance Request:

Reduce the minimum floor elevation from one foot above the 500-year flood elevation (836.4 ft.) to one foot above the 100-year flood elevation (828.6 ft.) per Flood Protection and Control Ordinance: Article 3, Section 12-52 (2.)

As per submitted plan to permit improvements to the wastewater collection and treatment system in an I-3 District.

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.

File: 11-R-16-VA
Applicant: Knoxville Utilities Board
Address: 5772 Sandis Lane
Zoning: R-1 (Low Density Residential) District
4th Council District

Parcel ID: 071EB002

Variance Request:

Reduce the minimum floor elevation from one foot above the 500-year flood elevation (837.6 ft.) to one foot above the 100-year flood elevation (831.7 ft.) per Flood Protection and Control Ordinance: Article 3, Section 12-52 (2.)

As per submitted plan to permit improvements to the wastewater collection and treatment system in an R-1 District.

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.

File: 11-S-16-VA
Applicant: Knoxville Utilities Board
Address: 5810 Lyons View Pike
Zoning: R-1 / F-1 (Low Density Residential / Floodway) Districts
2nd Council District

Parcel ID: 121CA00901

Variance Request:

Reduce the minimum floor elevation from one foot above the 500-year flood elevation (823.8 ft.) to one foot above the 100-year flood elevation (819.4 ft.) per Flood Protection and Control Ordinance: Article 3, Section 12-52 (2.)

As per submitted plan to permit improvements to the wastewater collection and treatment system in R-1 / F-1 Districts.

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.

File: 11-T-16-VA
Applicant: Ross/Fowler
Address: 1328 Legacy Cove Way
Zoning: RP-1 (Planned Residential) District
2nd Council District

Parcel ID: 133LD001

Variance Request:

Increase the maximum permitted height for a fence or wall located in the required front yard setback from 42 in. to 7 ft. 8.5 in. per Article 5, Section 6.C.2.

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

David Craig and Hunter Purdell of Johnson and Galleon, representing the owner/developer were present. The hardship was privacy. Without the variance, the homeowner would not have the maximum use and enjoyment of the property. Other developments in the area have similar privacy fences.

Crista Cuccaro clarified that the ordinance does not refer to the maximum enjoyment of the property as a standard for a hardship. The standard calls for a reduction in the reasonable use of the land.

Board members pointed out that Northshore was a scenic highway, and there was no hardship. Board member David Dupree made a motion to deny the request. It was seconded by Board member Kristin Grove. The Board voted 4-0 to **DENY** the request.

File: 11-U-16-VA
Applicant: Michael Kropilak
Address: 4312 Shawnee Lane
Zoning: R-1 (Low Density Residential) District
2nd Council District

Parcel ID: 107MC005

Variance Request:

Increase the maximum permitted accessory building coverage with use on review approval from 1,100 sq. ft. to 2,200 sq. ft. per Article 5, Section 4.C.Table.

As per submitted plan to permit an addition to an existing accessory building in an R-1 District.

Board member Kristin Grove recused herself. Board member Charlie Van Beke made a motion to nominate Daniel Odle as the interim Chair. It was seconded by Board member Kristin Grove. The Board voted 4-0 to **APPROVE** the motion.

Davis Salis, representing the applicant, was present. Topography was the hardship. The addition would not be seen from the street. They surveyed the neighbors, and no one had any issues with the addition. A copy of the letter was submitted for the record.

In support of the request, Jim Bletner representing the Kingston Pike Sequoyah Hills Association, was present. He stated that the applicant’s hardship was the topography, and this was a reasonable request.

Board member Charlie Van Beke made a motion to approve the request. It was seconded by Board member David Dupree. The Board voted 3-0 to **APPROVE** the request.

File: 11-V-16-VA
Applicant: Knoxville Montessori School
Address: 4301 Kingston Pike
Zoning: R-1 (Low Density Residential) District
2nd Council District

Parcel ID: 107LA017

Variance Request:

Reduce the minimum required east side yard setback from 35 ft. to 25 ft. per Article 4, Section 2.1.1.E.2.c.

As per submitted plan to permit expansion of the school in an R-1 District.

Scott Elder stated that the variance was required because of the change of occupancy. The setback for a school is greater than it would be for a residence.

Elizabeth Easton, the architect, was present. The size of the lot prohibited development of the property within the setback requirements. It would reduce the buildable area. Charlie Biggs, Director of the school, stated they would keep the existing house. Granting the variance would allow the expansion of the existing building in the back where it would not affect the look of the building. The neighbors were supportive of the request.

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

File: 11-W-16-VA **Parcel ID:** 081LK004
Applicant: Open Door Architecture / Sara Martin
Address: 1210 Luttrell Street
Zoning: R-1A / H-1 (Low Density Residential / Historic Overlay) Districts
4th Council District

Variance Requests:

1. Reduce the minimum required lot width at the front building line from 75 ft. to 50 ft. per Article 4, Section 2.1.2.4.a.
2. Increase the maximum permitted lot coverage from 30% to 35% per Article 4, Section 2.1.2.6.a.

As per submitted plan to permit platting of an existing substandard parcel in R-1A / H-1 Districts.

Sara Martin, the applicant, was present. The hardship was the small lot, which prohibited the addition of the garage within the lot coverage requirements. Accessory structures were typical for the area. There was no deed of record, so it was platted for the first time.

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

File: 11-X-16-VA **Parcel ID:** 109AA017
Applicant: City of Knoxville
Address: 2011 Kay Street
Zoning: FD-SW-6 (Form District – South Waterfront) District
1st Council District

Variance Requests:

1. Reduce the minimum required parking garage module width for 90 degree parking on both sides of the aisle from 60 ft. to 54 ft. per Article 5, Section 7.A.4.d.1.Table.
2. Reduce the minimum cross aisle width for two-way traffic from 26 ft. to 17 ft. per Article 5, Section 7.A.4.d.2.
3. Reduce the minimum driveway width from 20 ft. to 11.5 ft. per Article 5, Section 7.B.3.c.Table.

As per submitted plan to reconfigure an existing parking garage and surface parking lot in an FD-SW-6 District.

DeAnn Bogus, representing the City of Knoxville, was present. This was an existing parking garage with existing conditions. It served the Regal building and Riverwalk Apartments. The City asked the developer

to restripe the parking spaces to bring it into closer compliance. This would minimize the variance and maximize the safety of the facility. Mark Johnson said the garage layout was reconfigured to maximize safety and the number of spaces. Existing conditions, such as drive aisle width, required a variance to bring it into compliance.

Board member Kristin Grove made a motion to approve the requests. It was seconded by Board member David Dupree. The Board voted 4-0 to **APPROVE** the requests.

OTHER BUSINESS

Crista Cuccaro will coordinate training sessions for Board members before the end of the year.

The next BZA meeting is December 15, 2016.

ADJOURNMENT

The meeting adjourned at 6:15 pm.

Respectively submitted,

Angelia Rooks
Angelia Rooks, Board Secretary