

**BOARD OF ZONING APPEALS APPLICATION**

Please reach out to a City of Knoxville Zoning Examiner about your project before submitting a variance application.

APPLICANT INFORMATION	APPLICANT IS:	THIS PROPOSAL PERTAINS TO:
Name (Individual not company)	Owner <input type="checkbox"/>	New Structure <input type="checkbox"/>
Street Address	Contractor <input type="checkbox"/>	Modification of Existing Structure <input type="checkbox"/>
City, State, Zip	Tenant <input type="checkbox"/>	Off Street Parking <input type="checkbox"/>
Phone Number	Other <input type="checkbox"/>	Signage <input type="checkbox"/>
Applicant Email		Other <input type="checkbox"/>

THIS IS A REQUEST FOR:

- | | |
|---|---|
| <input type="checkbox"/> Zoning Variance (Building Permit Denied) | <input type="checkbox"/> Extension of Non-Conforming Use/or Structure |
| <input type="checkbox"/> Appeal of Administrative Official's Decision | <input type="checkbox"/> Map Interpretation |

PROPERTY INFORMATION

Street Address	City, State, Zip
See KGIS.org for Parcel #	City Council District # <input checked="" type="checkbox"/> 4 and Zoning District

VARIANCE REQUIREMENTS**City of Knoxville Zoning Ordinance Article 16, Section 16.3**

The City of Knoxville Board of Zoning Appeals shall have the power and authority to grant variances from terms of this ordinance according to the procedure and under the restrictions set out in this section.

The purpose of the variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property as the zoning ordinance intended.

DESCRIPTION OF APPEAL

Describe your project and why you need variances.

Describe hardship conditions that apply to this variance.

Site plans and any other relevant information associated with the hardship must accompany this application.

APPLICANT AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request and that all owners have been notified of this request in writing.

APPLICANT'S SIGNATURE *Jeffrey Encher* DATE _____

File #



BOARD OF ZONING APPEALS APPLICATION

*****OFFICE USE ONLY*****

Is a plat required? Yes No

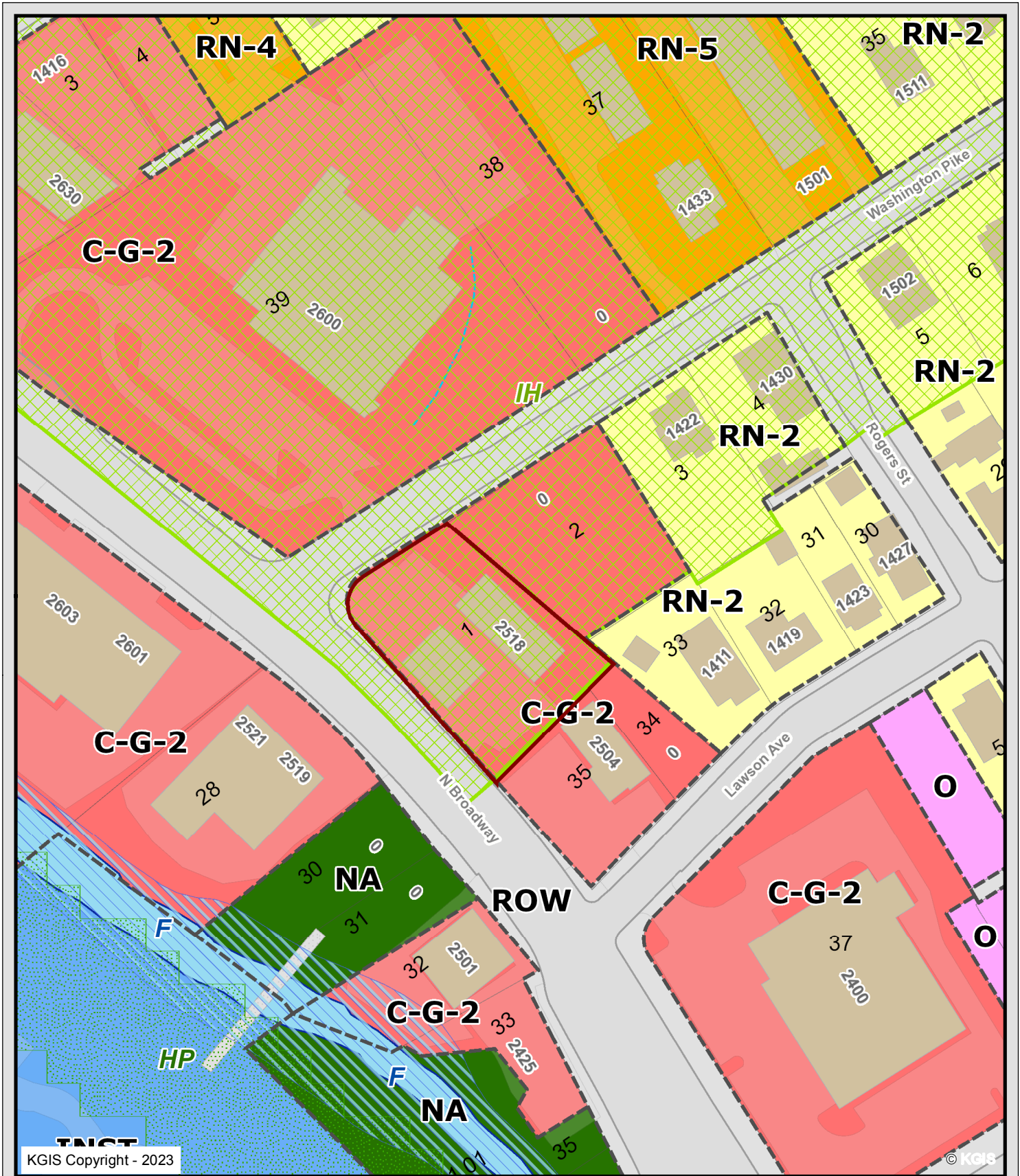
Small Lot of record?

VARIANCE REQUEST(S) WITH ORDINANCE CITATION(S):

(This area is currently blank for variance requests and ordinance citations.)

PROJECT INFORMATION

Date Filed	Fee Amount
Council District	BZA Meeting Date
PLANS REVIEWER	DATE



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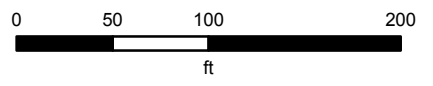
2518 N. BROADWAY

2-D-23-VA
JEFF LONCHOR

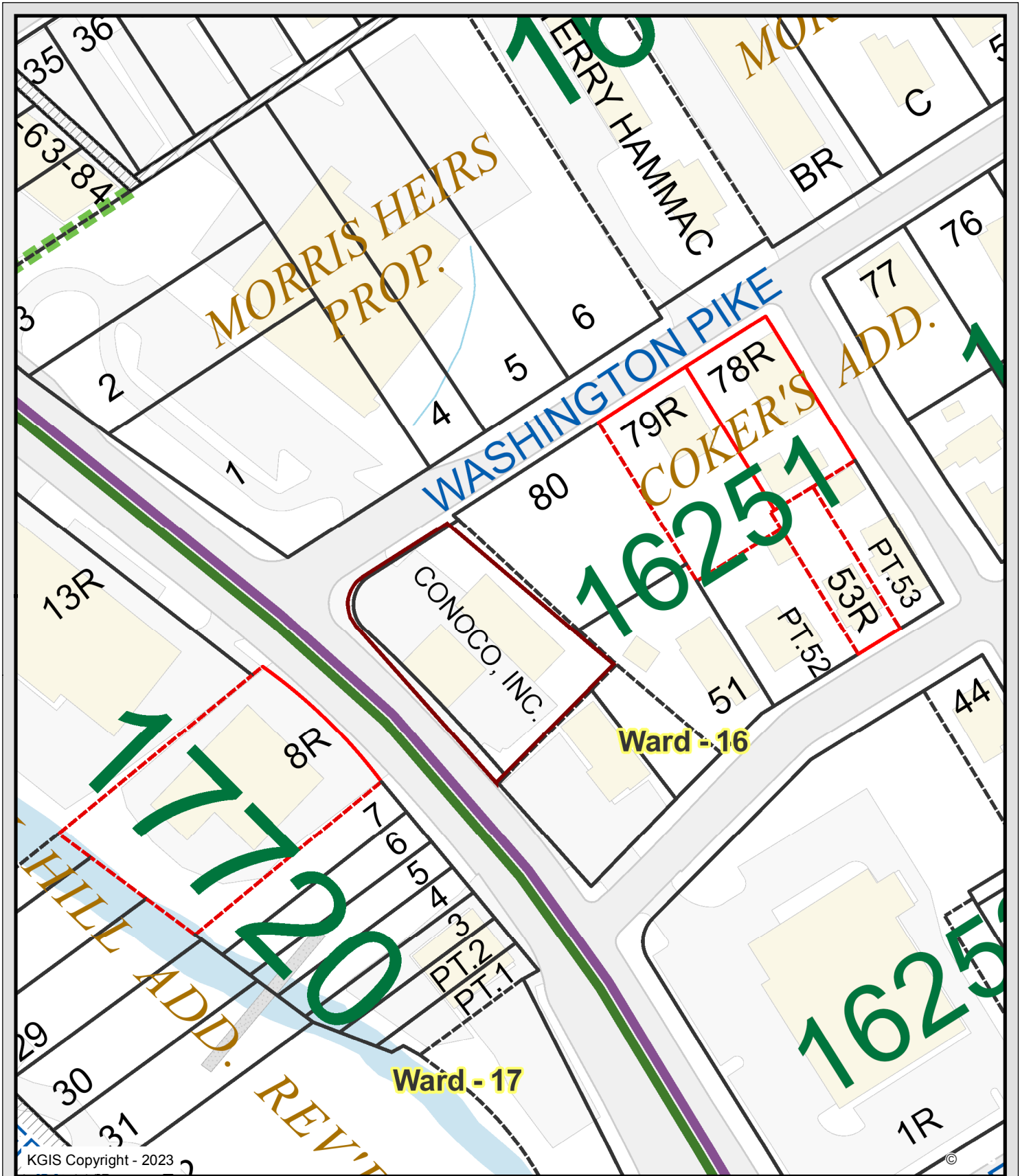
Knoxville - Knox County - KUB Geographic Information System



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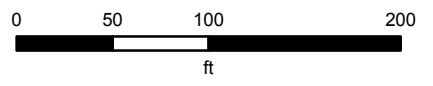
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2518 N. BROADWAY

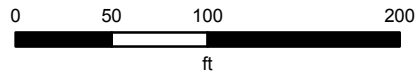
2-D-23-VA

JEFF LONCHOR

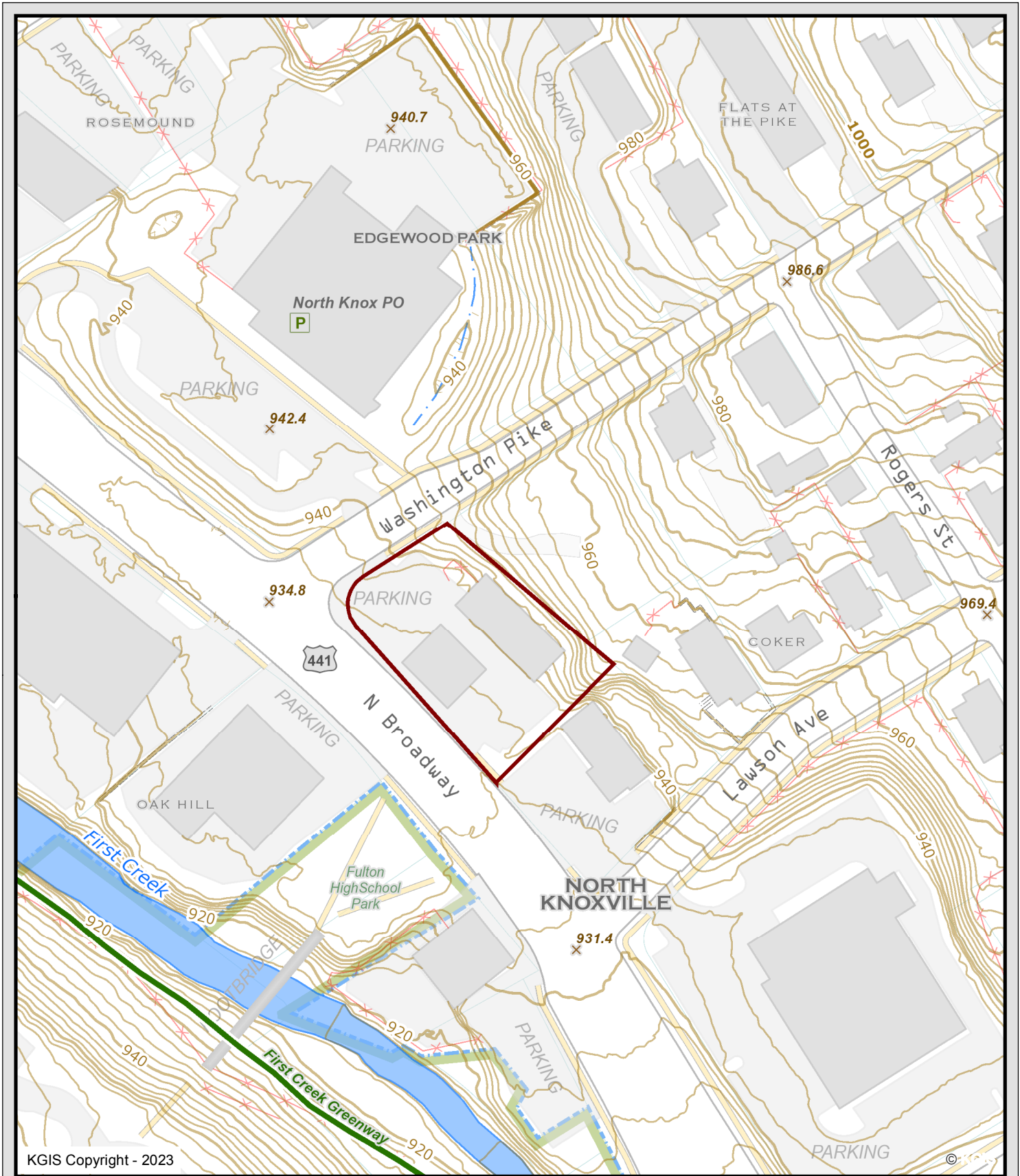
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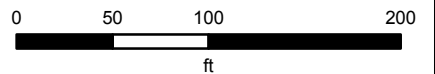
2518 N. BROADWAY

2-D-23-VA
JEFF LONCHOR

Knoxville - Knox County - KUB Geographic Information System



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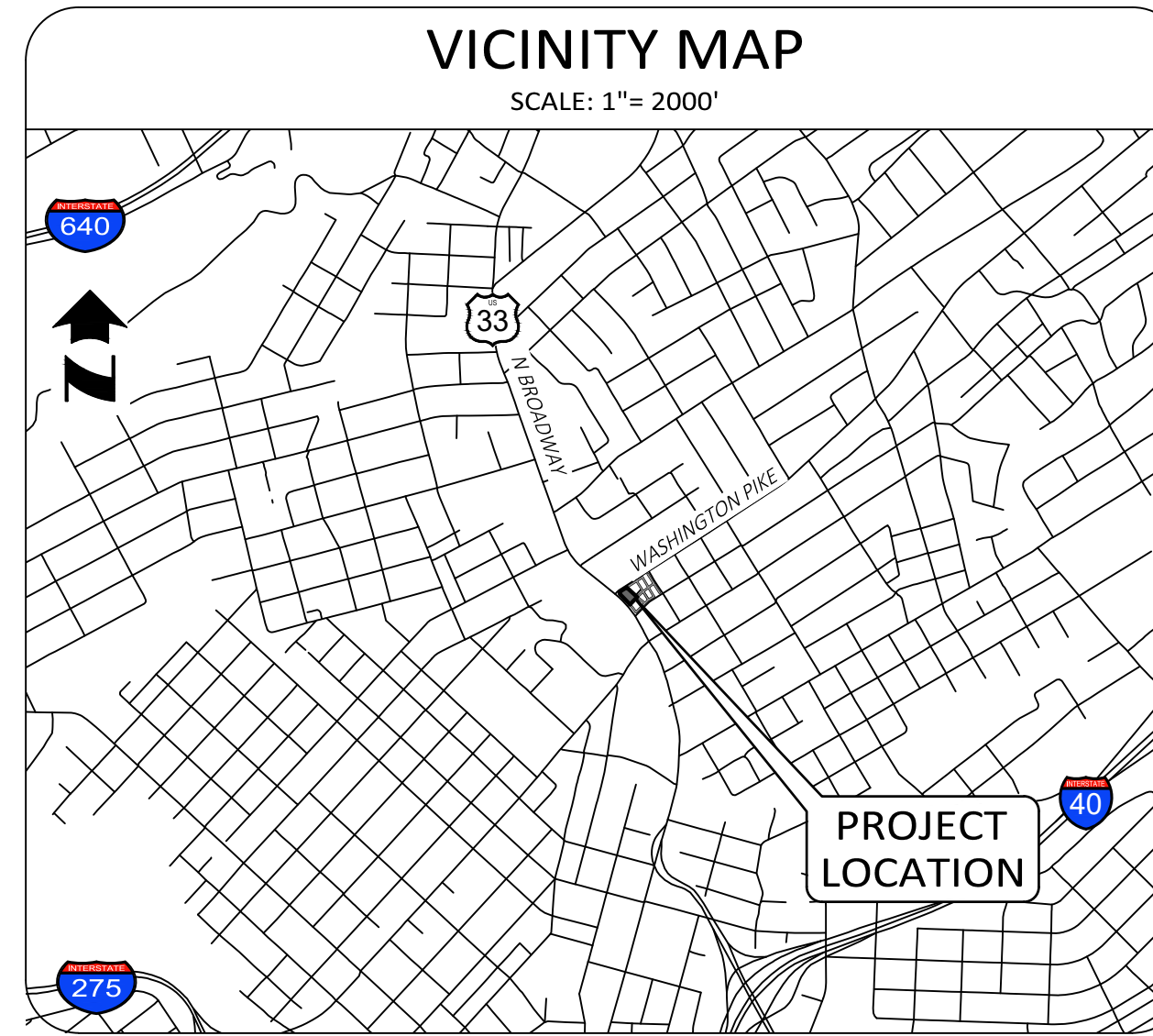
KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS ,WITH ALL FAULTS, and assumes all responsibility for the use thereof, and futher covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

File No. 211954A Commitment date: October 5, 2021 at 8:00 AM

**SCHEDULE B, PART II
Exceptions**

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

- 8. Covenants for Permanent Maintenance of Stormwater Facilities made by Pilot Corporation, a Tennessee corporation, dated October 2, 2006, filed for record as Instrument No. 200610030029200 in the Knox County Register of Deeds Office. *SURVEYOR'S NOTE: Covenants are pertinent to the subject property with the stated address (2518 North Broadway) being the current address of the subject property and is not graphically plottable.*
- 9. Covenants for Permanent Maintenance of Stormwater Facilities made by Pilot Corporation, a Tennessee Corporation, dated October 11, 2006, filed for record as Instrument No. 200610130032579 in the Knox County Register of Deeds Office. *SURVEYOR'S NOTE: Language contained in covenants is the same as or similar to that of language of Exception 8, is pertinent to the subject property, and is not graphically plottable.*
- 10. Declaration of Permanent Easement for Water Quality Facilities made by Pilot Corporation, dated November 2, 2006, filed for record as Instrument No. 200611090040251 in the Knox County Register of Deeds Office. *SURVEYOR'S NOTE: Easement is pertinent to the subject property and is located along the right of way of Broadway. Easement also references ordinance Instr. No. 200610030029200 (Exception No. 8). Depicted hereon.*
- 11. Matters depicted and disclosed by plat filed for record in Plat Cabinet M, Slide 129-A in the Knox County Register of Deeds Office. *SURVEYOR'S NOTE: Plat is pertinent to and describes the subject property as that property described in Title Commitment. Depicted hereon.*



SUBJECT PROPERTY DESCRIPTION - from Title Commitment No. 211954A/SEF

SITUATED in District No. Two (2) of Knox County, Tennessee, within the 16th Ward of the City of Knoxville, Tennessee, being a parcel or tract of land situated at the intersection of the northeast right of way of Broadway and the southwest right of way of Washington Pike, and being all of the property described and set forth in Plat Cabinet M, Slide 129-A in the Knox County Register of Deeds Office, and being more particularly described as follows:

BEGINNING at an iron pin in the northeast right of way of Broadway, said iron pin being 35 feet from the center of same and corner to property of Keck as set forth in Warranty Deed Book 1615, page 346 in the Knox County Register of Deeds Office; thence from said beginning iron pin, and along the right of way of Broadway, as the same curves to the left, said curve having a radius of 1,275 feet a tangent of 77.61 feet a chord call of North 41 deg. 59 min. West, a chord distance of 154.94 feet to an iron pin in a curve; thence along a curve as the same curves to the right, said curve having a radius of 25 feet a tangent of 32.67 feet a chord call of North 7 deg. 07 min. East, a chord distance of 39.71 feet to an iron pin in the southeast right of way of Washington Pike; thence along the right of way of said pike, North 59 deg. 42 min. East, 80.57 feet to an iron pin, corner to property of Godfrey as set forth in Warranty Deed Book 991, page 395; thence leaving the right of way of the pike, and along the boundary of Godfrey, South 45 deg. 14 min. 35 sec. East, 162.62 feet to an iron pin, corner to property of Ramsey as set forth in Warranty Deed Book 1654, page 754, and Monday as set forth in Warranty Deed Book 1343, page 681; thence along the boundary of Monday, and then Keck as set forth in Warranty Deed Book 1615, page 346, South 46 deg. 55 min. West, 118.14 feet to an iron pin in the northeast right of way of Broadway, the PLACE OF BEGINNING, containing .44 acre, more or less, according to the survey of Stanley E. Hinds, Surveyor, dated May 8, 1991, Drawing No. 9105205.

BEING the same property conveyed to Pilot Corporation, a Tennessee corporation, by Quit Claim Deed from Conoco Phillips Company, successor by merger to Conoco Inc., dated September 15, 2006, filed for record as Instrument No. 200609190025267 in the Knox County Register of Deeds Office.

REFERENCE DOCUMENTS:

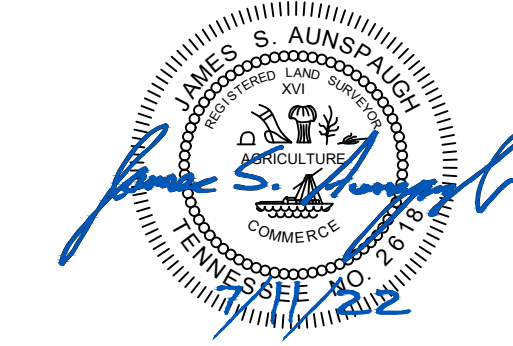
1. 1112 Properties, LLC, Parcel 081DG035, Dated March 31, 2006, Instrument No. 200604060083876
2. Eugene Monday, Jr, Parcel 081DG034, Book 1343, Page 681 (Note: not provided nor reviewed)
3. Ernest F. Randolph, JR, Parcel 081DG033, Dated January 22, 2019, Instrument No. 201901220043859
4. Cokers Addition Copied by J.C. Thomas C.E., Dated February 22, 1912, Plat cabinet "A" Slide 131A.
5. Pilot Store #119 Survey by Richard S. Lynch RPLS# 1443, Dated March 26, 2007
6. Plat cabinet "A" Slide 281-c (Map 9 Pg 8) (Note: not provided nor reviewed)
7. Title Commitment No. 211954A/SEF

GENERAL NOTES:

- **Basis of Bearing:** Grid North, Tennessee State Plane Coordinate System (4100), NAD 83 (2011) (Epoch:2010.0000), based on RT Kinematic GNSS Observations derived from Leica SmartNet COR station TNKV, having published values of: Latitude N35°54'39.37382"; Longitude W84°06'36.65242".
 - **Vertical Datum:** NAVD88 (Geoid 18). Orthometric heights and contours are derived from Terrestrial and RT Kinematic GNSS Observations based on a SmartNet Processed COR station TNKV, solution having an ellipsoid height of 269.1468 m and computed orthometric height of 883.03 feet.
 - **Survey Category:** This is a Category 1 Survey, That the ratio of precision of the unadjusted survey does not exceed 1:10,000 and is in compliance with the Tennessee Minimum Standards Of Practice.
 - **GPS Used:** Spectra SP80 multiple frequency (L1, L2, L5)
 - **Contour intervals:** are one-foot, as depicted hereon.
 - **Flood Information:** Based upon review of NFIP FIRM, Knox County, Tennessee, and Incorporated Areas, Map Number 47093C0281G Map Effective: August 5, 2013, and by graphic plotting only, the subject property lies within: Zone X-Other Areas, areas determined to be outside the 0.2% annual chance floodplain. Surveyor assumes no liability for the correctness of cited map. Flood statement does not cover localized flooding.
 - **Access to Public Right-Of-Way:** The West side of the subject property abuts to N Broadway (State Hwy 71), the North side of the subject property abuts Washington Pike. Access to the road is subject to city/county/state regulations.
 - **Proximity of known Churches and Schools:** According to an online search of Google Maps, Hope Fellowship, 2909 N Broadway, is located approximately 1,360 feet Northwest of the subject property; Washington Pike Church, 1700 Washington Pike, is located approximately 1,040 feet Northeast of the subject property; Christ Embassy Tennessee, 2035 N Broadway, is located approximately 1,330 feet South of the subject property; Bethany Baptist Church, 908 Bluff Ave, is located approximately 1,905 feet Southeast of the subject property; Connect Church, 1026 Kenyon St., is located approximately 2,775 feet South of the subject property; Fourth Presbyterian Church, 1323 N Broadway, is located approximately 3,490 feet South of the subject property; Living Waters Full Gospel Church, 1303 N Broadway, is located approximately 3,745 feet South of the subject property; First Lutheran Church and School, 1207 N Broadway, is located approximately 4,050 feet South of the subject property; St. James Episcopal Church, 1101 N Broadway, is located approximately 4,720 feet South of the subject property; Fulton High School, 2509 N Broadway, is located approximately 570 feet Southwest of the subject property; Christenberry Elementary & Junior High School, 927-931 Oglewood Ave, is located approximately 2,320 feet Southwest of the subject property; Belle Morris Elementary School, 2308 Washington Pike, is located approximately 2,740 feet Northeast of the subject property; Slavic Gospel Church, 1928 Fairmont Blvd, is located approximately 3,460 feet North of the subject property;
 - **Cemetery:** No Cemeteries were pointed out to the Surveyor at the time of the field work.
 - **Water Features:** All water features shown hereon, if any.
 - **Wells:** No wells were presented to the surveyor at the time of the field work.
 - **City Sidewalks:** There are City sidewalks on the Subject Property along the East side of N Broadway (State Hwy 71), and Along the South side of Washington Pike.
 - **Curbing:** Curbing along the East side of N Broadway (State Hwy 71) and South side of Washington Pike are standard concrete curbs as depicted hereon.
 - **Total Area:** The gross area of the subject property is ± 19,345 sq.ft / ± 0.45 acres.
 - **Zoning:** No Zoning letter was provided to the surveyor. Surveyor researched and Per the City of Knoxville, Tennessee Online Planning & Land use web site, the subject property is Zoned C-G-2, General Commercial District. Surveyor does not guarantee this statement, owners should contact City for exact Zoning information. Adjoining Property Zones Shown on sheet 2 of 2.
- Building Setbacks:
- | | |
|--------------|---------------------|
| FRONT: | 0-20' Build to Zone |
| SIDE: | 0' |
| CORNER SIDE: | 0-10' Build to Zone |
| REAR: | 0' |
- Surveyor did not observe any evidence of recent earth moving work, building construction, or building additions in the process of conducting the field work.
 - Reference documents reviewed and considered as a part of this survey are noted hereon. Surveyor has not made an independent search for any easements or other encumbrances or facts. Other documents, rights, or facts, may exist and affect this Subject Property.
 - Utilities Crossing Subject Property without an easement provided in the Title Insurance Commitment B2 may be subject to unrecorded document or other agreement not known or supplied to the Surveyor.
 - Subsurface or environmental conditions were not examined or considered as a part of this survey, except for underground storm pipes, sanitary sewer pipes, and as marked by the Tennessee One-Call System and observed at the time of the field survey. Existing utilities shown hereon were located by reasonable visual observed surface improvements and the painted markings per the Tennessee 811 Utility Locate System; Ticket Number 213482062 Date: December 14, 2021 unless noted otherwise. Actual locations of utilities shown, or the existence of additional subsurface improvements not shown hereon, should be verified before any excavations. Locations or existence of surface or subsurface improvements may differ from those shown hereon. Heights or Depths not shown on this survey are not known.
 - Last Date of Field Survey: January 20, 2022.

To Casey's Marketing Company, Fidelity National Title Insurance Company, and Tennessee Valley Title Insurance Co:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-5, 6(a), 6(b), 7(a), 7(b1), 8, 9, 11(a), 13, 15, 16, 18-20 of Table A thereof. The field work was completed on January 20, 2022.



James S. Aunspaugh
James S. Aunspaugh, TN.R.P.L.S. 2618
Date: July 11, 2022

Utility Company Contacts:

- MCI
- ATT/D - (270) 791 - 2182
- Knoxville Utilities Board
- Knoxville Traffic Engineering & Signal Shop
- MasTec Inc.

*Unless otherwise noted, No Contact Information was provided to the Surveyor.

Drawing Name: M:\3\DRG\CSA-95 46212 2518 N Broadway Knoxville, TN\Draw\ALTA SURVEY.dwg Last Modified: Jul 11, 2022 - 1:20pm Plotted on: Jul 11, 2022 - 1:23pm by eh487

Revision	By	Date

5704 EUPER LANE, SUITE 200 • FORT SMITH, AR 72903 • 479.452.1933 • HALFF.COM

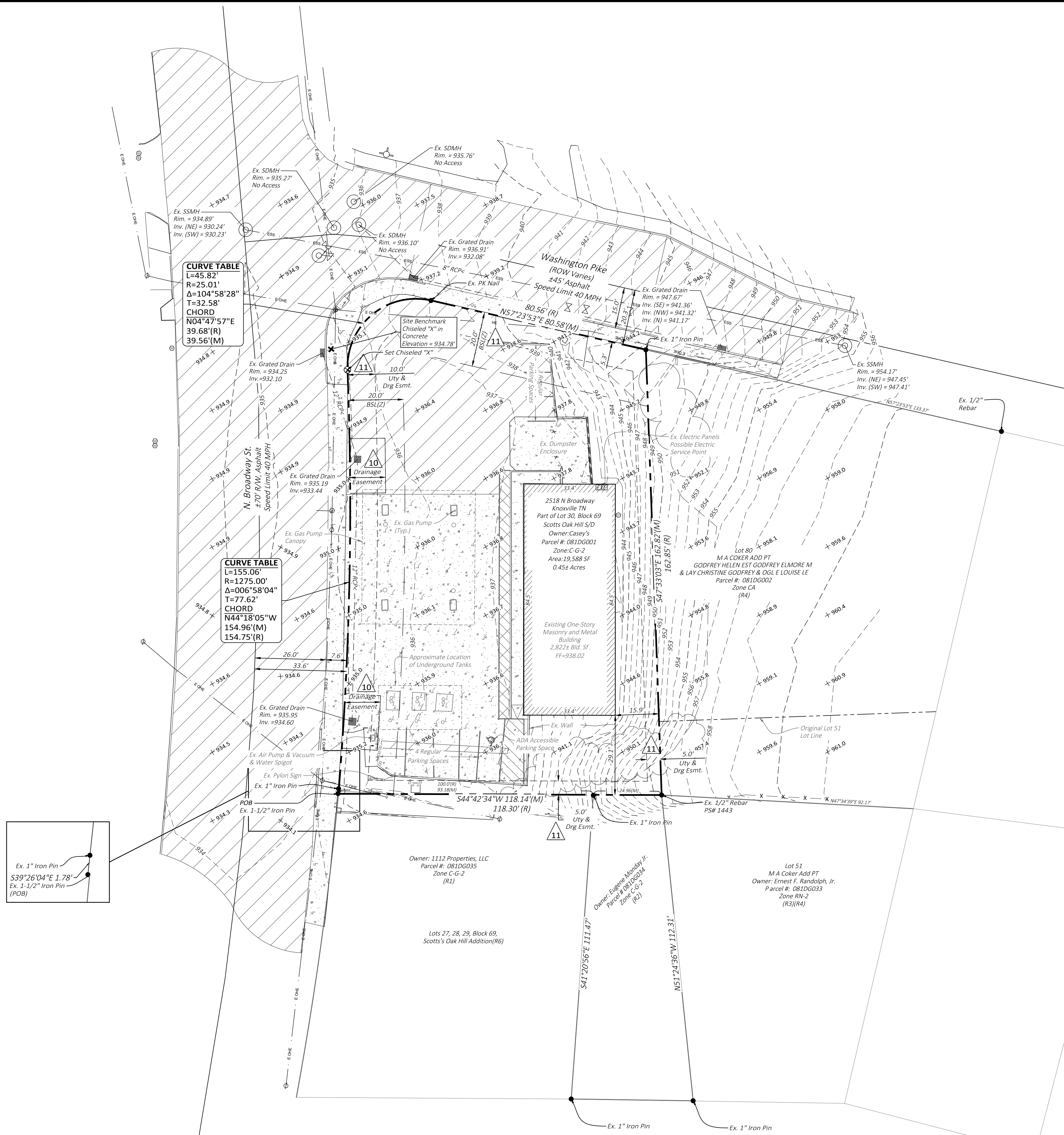
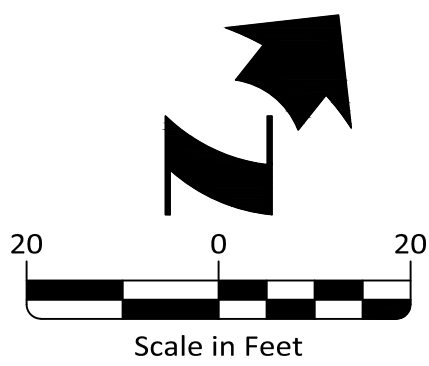
Drawn By: PWH	Vertical Scale: -
Approved By: JSA	Horizontal Scale: 1"=20'
Date: 07.11.22	Plotting Scale: 1
Project No.: CSA-95	Drawing Name: ALTA SURVEY

ALTA/NSPS Land Title Survey
2518 N Broadway,
Knoxville, TN, 37934
Casey's Store # 4212

Prepared For: Casey's Marketing Company

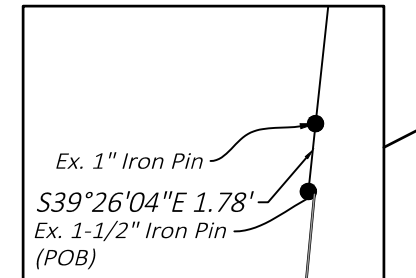
PART OF LOT 30, BLOCK 69
SCOTTS OAK HILL S/D
WARD 16, DISTRICT 2
KNOXVILLE, KNOX COUNTY, TENNESSEE
Knoxville, Knox County, Tennessee

Sheet No:
C1.1
Sheet 1 of 2



CURVE TABLE
 L=45.82'
 R=25.01'
 Δ=104°58'28"
 T=32.58'
 CHORD
 N04°47'57"E
 39.68'(R)
 39.56'(M)

CURVE TABLE
 L=155.06'
 R=1275.00'
 Δ=006°58'04"
 T=77.62'
 CHORD
 N44°18'05"W
 154.96'(M)
 154.75'(R)



LEGEND	
	Ex. Boundary Line
	Ex. Adjacent Boundary Line
	Ex. Right of Way Line
	Ex. Road Centerline
	Ex. Easement Line
	Ex. Building
	Ex. Asphalt
	Ex. Concrete
	Ex. Water Line
	Ex. Sanitary Sewer Line
	Ex. Gas Line
	Ex. Telephone Line
	Ex. Overhead Electric Line
	Ex. Fiber Optic Line
	Ex. Storm Drain Pipe
	Ex. Fence Line
	Ex. Ditch Line
	Ex. Contours
	Measure Bearing and Distance
	Record Bearing and Distance
	Zoning
	Reference Number
	Tank Lid
	Bollard
	Spot Elevation
	Ex. Rebar / Iron Pipe
	Ex. Nail
	Set Chiseled "X"
	Ex. Chiseled "X"
	Ex. Monument
	Calculated Point
	Set Mag Nail w/ TN RPLS 2618 Washer
	Set 1/2" Rebar w/ TN RPLS 2618 Cap
	Ex. Television Pedestal
	Ex. Water Meter
	Ex. Fire Hydrant
	Ex. Sewer Manhole
	Ex. Sewer Clean-Out
	Ex. Gas Meter
	Ex. Telephone Pedestal
	Ex. Fiber Optic Pedestal
	Ex. Electric Pedestal
	Ex. Power Pole
	Ex. Power Pole w/ Guy Wire
	Ex. Light Pole
	Ex. Light Pole W/ Pedestal
	Ex. Electric Transformer
	Ex. Mailbox
	Ex. Sign
	Ex. Vault Box
	Ex. Tree
	Title Commitment Schedule B2 Item
	TIC
	Title Insurance Commitment

See page 1 of 2 for Title Insurance Commitment description, Notes, Seal and Signature.

Drawing Name: M:\3DPROJ\CSA-95 46212 2518 N. Broadway Knoxville, TN\Draw\ALTA SURVEY.dwg Last Modified: Jul 11, 2022 - 1:20pm Plotted on: Jul 11, 2022 - 1:26pm Plotted on: Jul 11, 2022 - 1:26pm by gk487

Revision	By	Date

5704 EUPER LANE, SUITE 200 • FORT SMITH, AR 72903 • 479.452.1933 • HALFF.COM

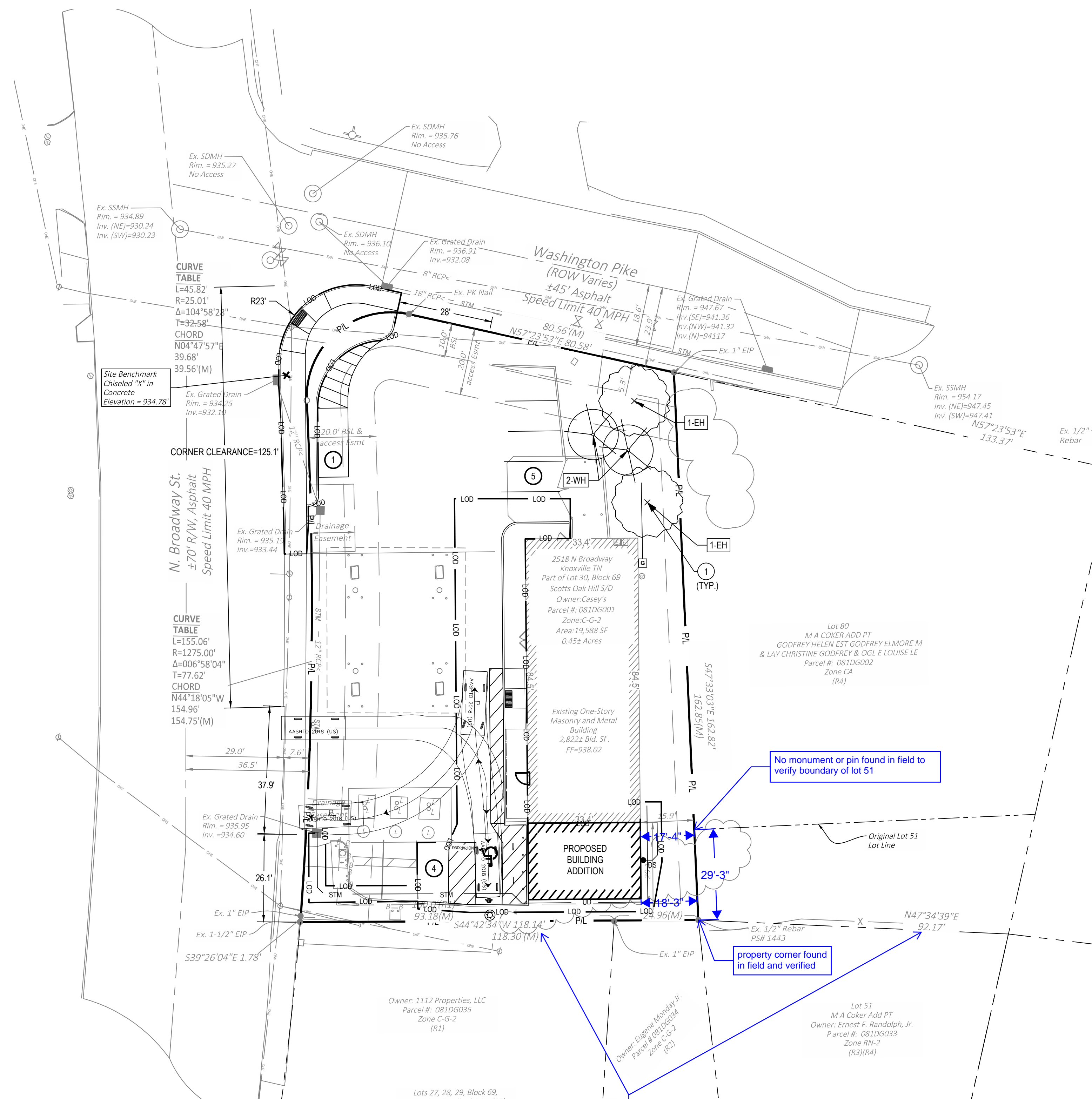
Drawn By: PWH	Vertical Scale: -
Approved By: JSA	Horizontal Scale: 1"=20'
Date: 07.11.22	Plotting Scale: 1
Project No: CSA-95	Drawing Name: ALTA SURVEY

ALTA/NSPS Land Title Survey
 2518 N Broadway,
 Knoxville, TN, 37934
 Casey's Store # 4212
 Prepared For: Casey's Marketing Company

PART OF LOT 30, BLOCK 69
 SCOTTS OAK HILL S/D
 WARD 16, DISTRICT 2
 KNOXVILLE, KNOX COUNTY, TENNESSEE
 Knoxville, Knox County, Tennessee

Sheet No:
C1.2
 Sheet 2 of 2

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PARKING CALCULATIONS
 REQUIRED PARKING = 10 SPACES

CALCULATION: 4 PER 1,000 SF GFA = 4 x (3,581 SF / 1,000 SF) = 14.3 SPACES

KAT ROUTE ON BROADWAY STREET ALLOWS A 30% REDUCTION PER 11.4 B.3
 = 14.3 SPACES x 30% = 4.29 SPACE REDUCTION
 = 14.3 SPACES - 4.29 REDUCTION = 10 SPACES REQUIRED

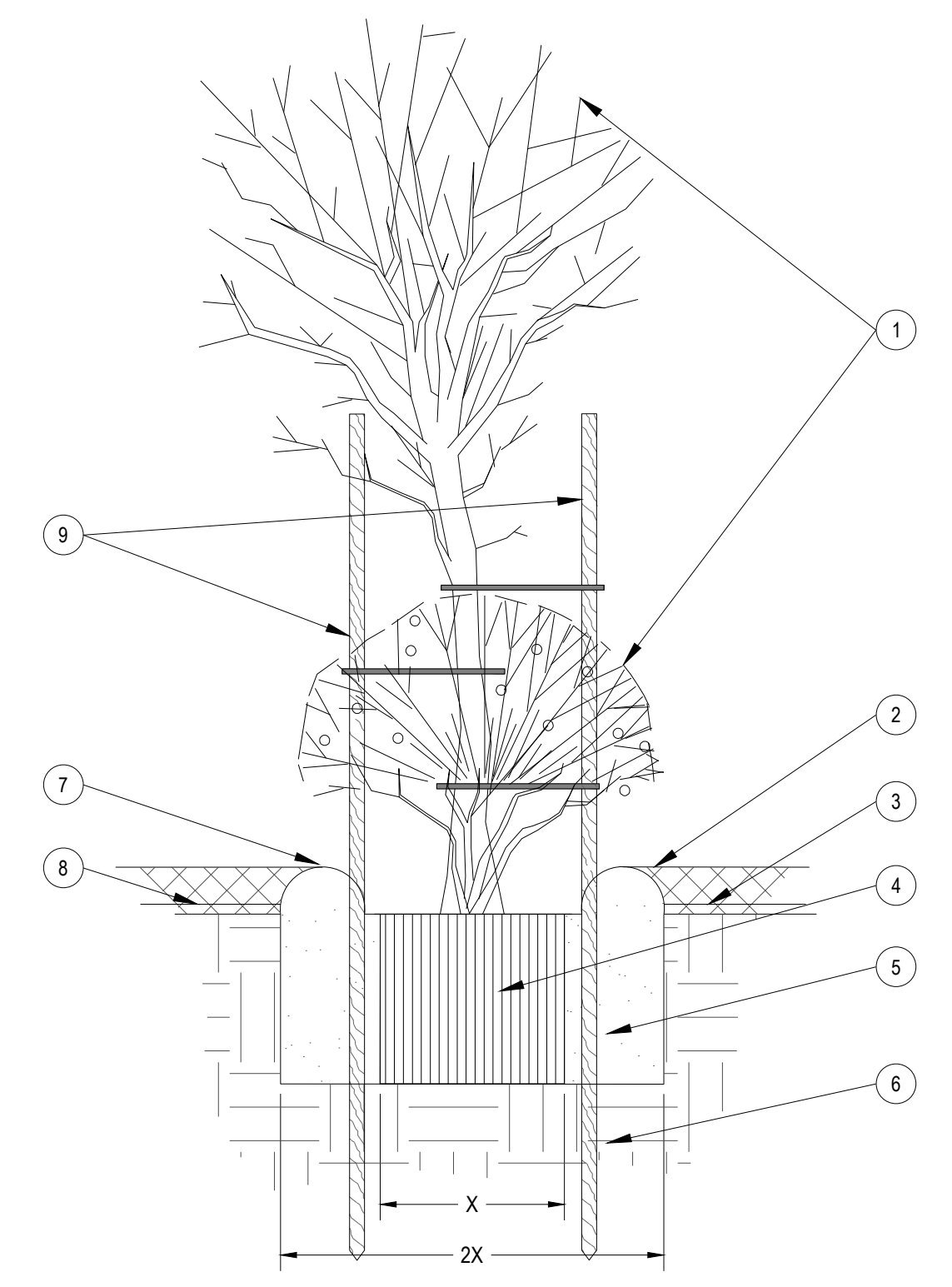
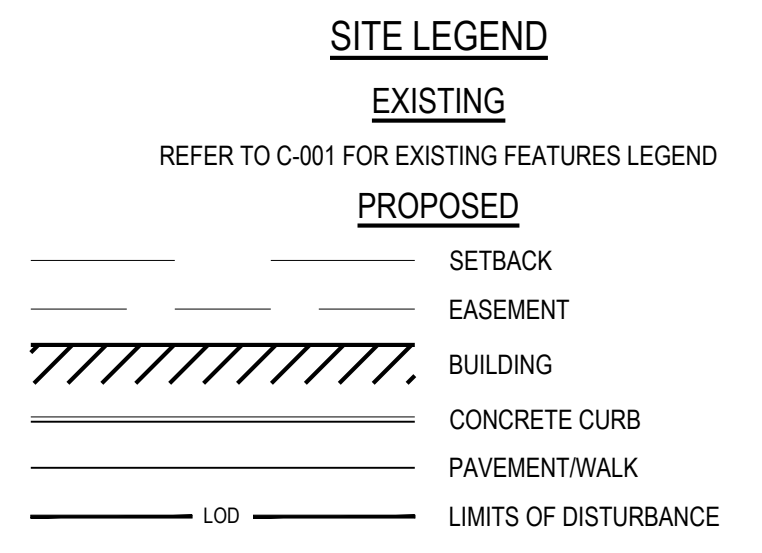
PROPOSED PARKING = 10 SPACES

TRAFFIC NOTES:

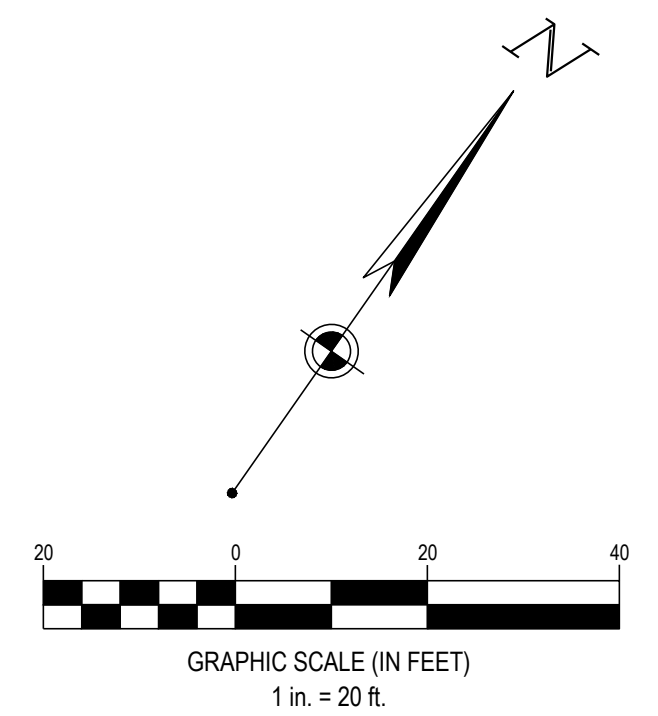
- ALL DRIVEWAYS MEET TDOT INTERSECTION SIGHT DISTANCE STANDARDS.
- AADT = 16,786 (2021)
- ALL PAVEMENT MARKINGS WITHIN THE RIGHT-OF-WAY SHALL BE THERMOPLASTIC.
- THERE WILL BE NO INCREASE IN THE Q60 RUNOFF FROM THE DEVELOPMENT ONTO TDOT RIGHT-OF-WAY.

STORMWATER CONDITIONS

SITE CONDITION	PERVIOUS AREA (SQ. FT.)	IMPERVIOUS AREA (SQ. FT.)	Q 50 (CFS)
EXISTING	4,863	14,725	2.44
PROPOSED	4,712	14,876	2.44



- 1 PLANT/TREE INSTALLATION
 NOT TO SCALE



BENCHMARKS

ELEVATION*	DESCRIPTION
BM #1	SEE NOTE
	SEE NOTE

* VERTICAL DATUM:
 NOTE: REFER TO ALTA SURVEY, SHEET C-1.1 & C-1.2, FOR BENCHMARK LOCATIONS



TOTAL SITE AREA	0.45 AC		
LANDSCAPING REQUIREMENTS			
TYPE	REQUIRED	PER ACRE	PROPOSED
SITE LANDSCAPING	8 TREES	0.45 AC. / 1 AC. = 0.45 0.45 x 8 = 3.6 TREES	4 TREES*

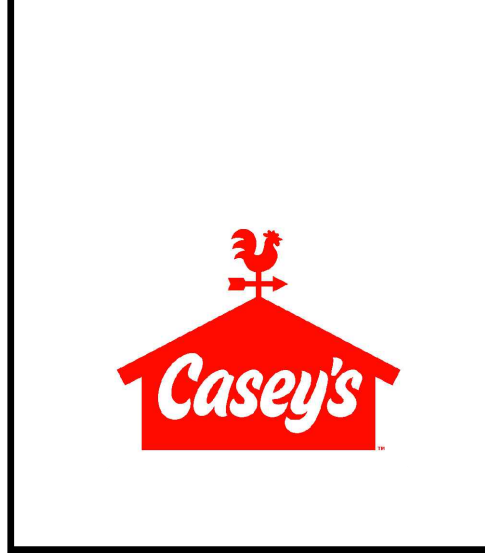
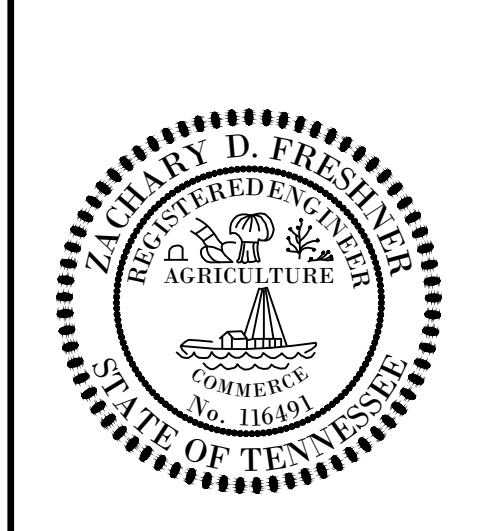
* ONE-HALF OF THE REQUIRED TREES SHALL BE CAPABLE OF ATTAINING A HEIGHT OF 50 FEET OR MORE AT MATURITY.

PLANT SCHEDULE

SYM.	QTY.	PLANT NAME	INSTALLATION SIZE	MATURE HT/SPD	SPACING
WH	2	WITCHHAZEL - HAMAMELIS VIRGINIANA	2" CAL. B/B	15'/15'	SEE PLAN
EH	2	EUROPEAN HORNBEAM - CARPINUS BETULUS	2" CAL. B/B	50'/30'	SEE PLAN



NO.	DATE	REVISION DESCRIPTION



CASEY'S GENERAL STORES
STORE #4212
 2518 N BROADWAY
 KNOXVILLE, TN 37934

OVERALL SITE PLAN

ISSUE: FOR PERMIT
 DATE: 08.16.2022

JOB NO.: 759810
 DESIGN: JAG
 DRAWN: JAG
 CHECKED: REH

SHEET NO.
C-101

Casey's

FUTURE HOME OF
Casey's
PIZZA

VARIANCE
2-D-23-VA
Knoxville BZA
PUBLIC HEARING
215-4244




Thu 2/16/2023 7:51 AM

Steve Borden <Steve.Borden@tn.gov>

RE: February 2023 BZA Meeting Applications

To Jennifer Scobee

 Follow up. Start by Thursday, February 16, 2023. Due by Thursday, February 16, 2023.
You replied to this message on 2/16/2023 9:41 AM.

[Phish Alert](#) [Bing Maps](#)

+ Get more apps

Jennifer,

Please find the following comments from Operations for the referenced BZA February Applications:

- 1-E-23-VA 1315 Forest Ave: Operations has no comment
- 2-A-23-VA 0 Holston Hills Rd: Operations has no comment
- 2-B-23-VA 215 Bearden Pl: Proposed changes appear to be on Irwin St and should not impact N. Broadway (SR 33, SR 71, US 441). If construction activities related to this application should require work along N. Broadway within State owned ROW, a work specific permit would be required.
- 2-C-23-VA 314 Lovell Rd: It appears that this sign and the proposed modifications to it fall outside of Lovell Rd (SR 131) ROW and should not impact the operation of SR 131. If the execution of sign replacement requires work on State owned ROW or lane closures on SR 131, work specific permits will be required.
- 2-D-23-VA 2518 N. Broadway: Operations has no comment regarding the setbacks at the location of the proposed building.

If you have further questions regarding any of these applications, please let me know.

Thank you,



Steven M. Borden, P.E. | Director/Assistant Chief Engineer
TDOT – Region 1
7345 Region Lane
Knoxville, TN 37914
(865) 594-2400
Steve.Borden@tn.gov
tn.gov/tdot



February 21, 2023

Mr. Bryan Berry, Deputy Director
Board of Zoning Appeals
Room 475, City-County Building
P. O. Box 1631
Knoxville, Tennessee 37901

Dear Mr. Berry:

Re: Variance Requests 2-A-23-VA, 2-B-23-VA, 2-C-23-VA, 2-D-23-VA, and 1-E-23-VA

We have reviewed our records and, as far as we have been able to determine, KUB has no existing utility facilities located within the variance areas and we have no objection to the requested variances. However, KUB does not release and hereby retains all easements and rights for existing facilities, whether or not identified in our research.

If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Wiberley". The signature is written in a cursive style.

Christian Wiberley, P.E.
Engineering

CGW