



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) Robert Sweet, McBride Dale Clarion	Owner <input type="checkbox"/>	New Structure <input type="checkbox"/>
Street Address 5721 Dragon Way, Suite 300	Contractor <input type="checkbox"/>	Modification of Existing Structure <input type="checkbox"/>
City, State, Zip Cincinnati, OH 45227	Tenant <input type="checkbox"/>	Off Street Parking <input type="checkbox"/>
Phone Number 513-441-7747	Other <input checked="" type="checkbox"/>	Signage <input checked="" type="checkbox"/>
Applicant Email rsweet@mcbridedale.com		Other <input type="checkbox"/>

THIS IS A REQUEST FOR:

- Zoning Variance (Building Permit Denied)
 Extension of Non-Conforming Use/or Structure
 Appeal of Administrative Official's Decision
 Map Interpretation

PROPERTY INFORMATION

Street Address 1415 Third Creek Road	City, State, Zip Knoxville, TN 37921
See KGIS.org for Parcel # 093OA021	City Council District # 2 and Zoning District "IG"

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.

Casey's has a contract to lease 2.0 acres of property at 1415 Third Creek Road. Casey's is requesting the following variances from Section 13.9F of the City of Knoxville Zoning Ordinance:

- Article 13.9.F.3 / Table 13-2 - To allow an increase in height of the primary detached sign from 10' to 25'.
- Article 13.9.F.2.c - To allow an increase in height of the secondary detached sign from 8' to 25'.
- Article 13.6.F.G.1 - To reduce the minimum width requirement of a parcel to allow Changeable Price Signs from 250' to 217'.
- Article 13.9.F.3 / Table 13-3 - To allow an increase in the area of the primary detached sign from 100 square feet to 114 square feet.
- Article 13.9.F.2.c - To allow an increase in the area of the secondary detached sign from 32 square feet to 114 square feet.

Please see the attached project description and justification statement for additional information.

Describe hardship conditions that apply to this variance.

The variances are requested due to the unique frontage arrangement of Middlebrook Pike and proposed topography changes to final grading of the site.

Please see the attached project description and justification statement for additional information.

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

DATE 5-26-2023 (rev. 6-28-23)

File #



BOARD OF ZONING APPEALS APPLICATION

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

Is a plat required? Yes No

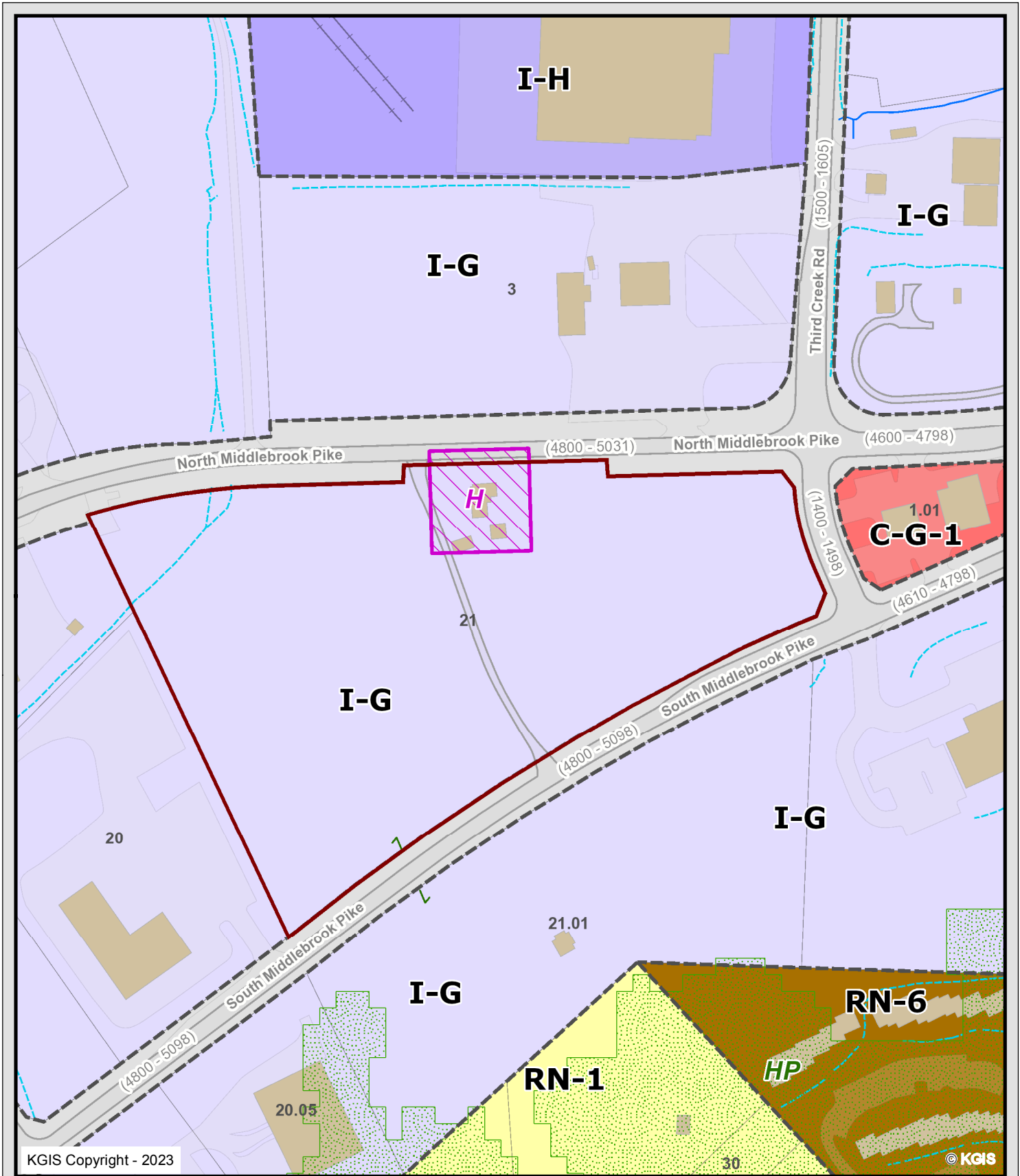
VARIANCE REQUEST(S) WITH ORDINANCE CITATION(S):

(This area is intentionally left blank for the applicant to provide variance request details.)

PROJECT INFORMATION

Date Filed	Fee Amount
Council District	BZA Meeting Date

PLANS REVIEWER _____ **DATE** _____



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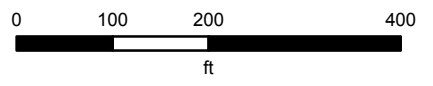
1415 THIRD CREEK RD

7-C-23-VA
ROBERT SWEET

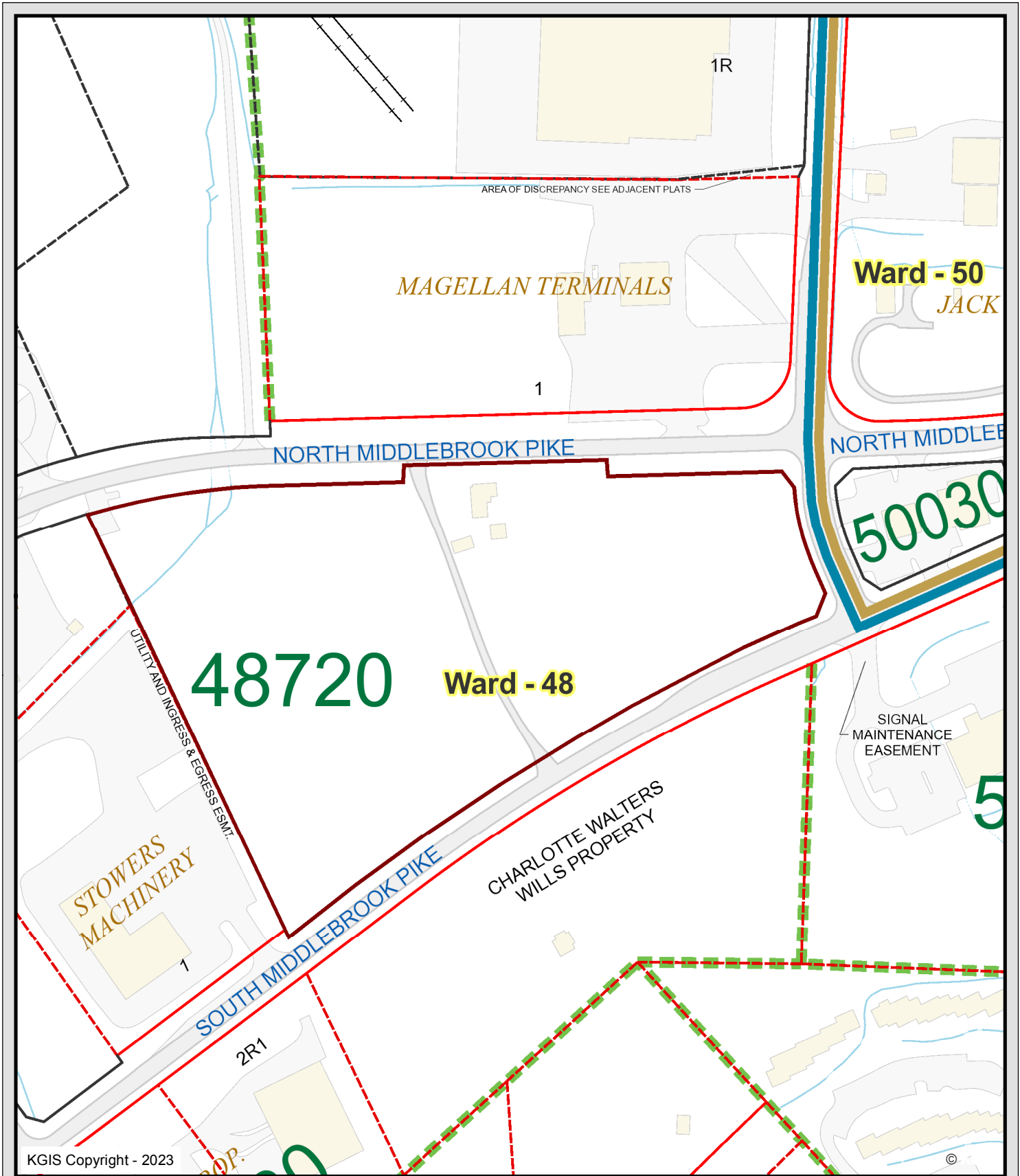
Knoxville - Knox County - KUB Geographic Information System



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1415 THIRD CREEK RD

7-C-23-VA

ROBERT SWEET

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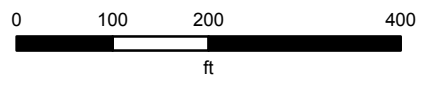
1415 THIRD CREEK RD

7-C-23-VA
ROBERT SWEET

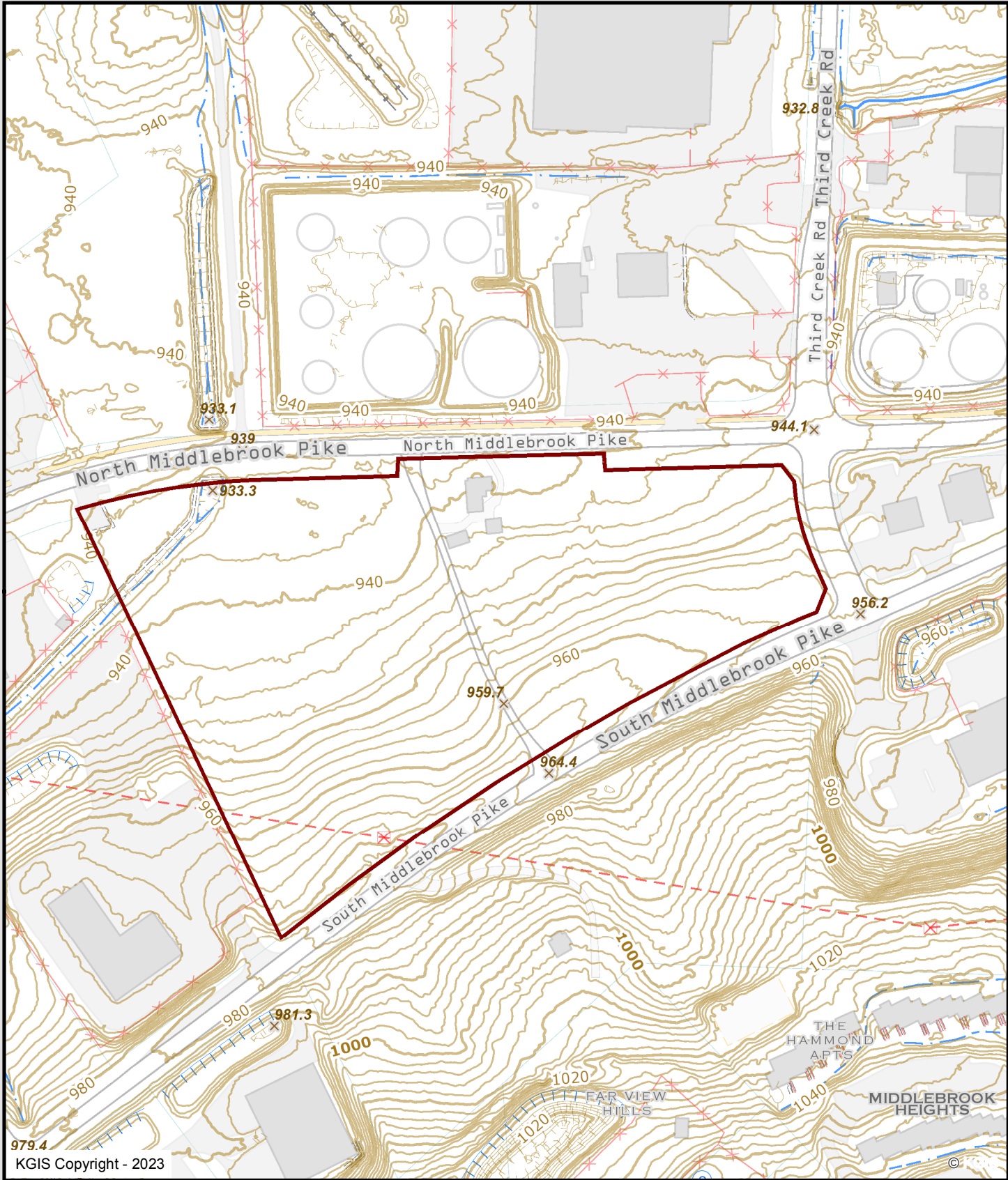
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1415 THIRD CREEK RD

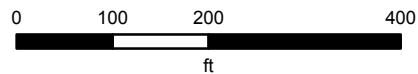
7-C-23-VA

ROBERT SWEET

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June 28, 2023

Board of Zoning Appeals
City of Knoxville
Building Inspections Department
400 Main Street, Ste. 475
Knoxville, Tennessee 37902

Via Email / Digital Submittal

RE: Casey's – 1415 Third Creek Road – Sign Variances

Dear Knoxville Board of Zoning Appeals Members:

On behalf of Casey's General Stores, I am transmitting this letter and enclosed materials requesting signage variances associated with a proposed Casey's convenience store and fuel sales facility located at 1415 Third Creek Road, Knoxville, Tennessee. Casey's has contract to lease 2-acres of property from the owners of the parent parcel (4810 North Middlebrook Pike), for the development of a 4,750+/- square foot convenience store and a 3,100+/- square foot automobile fueling canopy over five (5) double-sided dispensers.

The subject property is zoned "IG" General Industrial District. Casey's is requesting approval of the following variances related to signage:

- Variance from Article "13.9.F.3 / Table 13-2" – To allow an increase in the height of the primary freestanding sign from 10' to 25'.
- Variance from Article "13.9.F.2.c" – To allow an increase in the height of the secondary freestanding sign from 8' to 25'.
- Variance from Article "13.6.G.1" – To reduce the minimum width requirement of a parcel to allow Changeable Price Signs from 250' to 217'.
- Variance from Article "13.9.F.3 / Table 13-3" – To allow an increase in area of the preliminary detached sign from 100 square feet to 114 square feet.
- Variance from Article "13.9.F.2.c" – To allow an increase in area of the secondary detached sign from 32 square feet to 114 square feet.

To initiate the request, I am transmitting the following materials:

- A completed and signed Board of Zoning Appeals Application;
- A Project Description and Variance Justification Statement;
- A Site Plan; and
- Freestanding Sign Detail.

Please review the enclosed materials and contact me immediately if additional information is needed. Per correspondence with Mike Robinson on Friday, June 16, 2023, we updated our application and materials with additional information related to our request.

It is our understanding that upon receipt and review of the submittal materials, the fee for the requests will be determined. Once available, please send the invoice for fee payment to my attention.

Our team looks forward to presenting our request to the Board of Zoning Appeals on July 18, 2023.

Sincerely,



Robert C. Sweet
CC: File
MDC #4814

Casey's #4318
Project Description & Signage Variance Justification Statement
1415 Third Creek Road, Knoxville, Tennessee

Introduction

Casey's has a contract to lease 2.0+/- acres of property at 1415 Third Creek Road, Knoxville, Tennessee. The property is zoned "IG" General Industrial Zoning District within the City of Knoxville zoning jurisdiction. Casey's proposes to develop the subject property with a convenience store and fuel sales facility. As part of the project, Casey's is requesting variances related to the proposed driveway location, number of required parking spaces, and proposed freestanding signage.

Project Description

Casey's proposes to develop a 4,750+/- square foot convenience store and 3,100+/- square foot fueling canopy over five (5) double-sided dispensers. A total of sixteen (16) parking spaces are proposed. Driveway access to the property consists of a 35' left-in/right-out driveway along South Middlebrook Pike and two (2) - 35' wide full access driveways along 3rd Creek Road. The driveways proposed along 3rd Creek Road are designed to align with the access points provided for the existing Weigel's on the east side of 3rd Creek Road. The development has a retaining wall along the North Middlebrook Pike property line, and along a portion of the western property line.

The proposed convenience store is a flat roofed structure, approximately 22 feet tall, and constructed of Redstone antique brick. Stone columns are provided on the four corners of the building and the two corners of the building's primary entry. The entry feature projects roughly 4 feet from the plane of the front façade. An ACM panel system and glazing providing views into the store is proposed along the primary elevation. The main entrance to the convenience store is on the eastern elevation facing 3rd Creek Road. Service entrances are proposed on the northern and southern elevations of the building. Enhancement of the primary elevation is completed with the use of decorative lighting fixtures on the building walls and lighting fixtures flush mounted into the soffit of the convenience store. Mechanical units for the convenience store are installed on the roof. A flat roofed metal canopy is proposed. A dumpster enclosure is proposed on the northern side of the building and utilizes design elements from the proposed convenience store.

The property is landscaped with a variety of trees, shrubs, and ground covers to meet code and enhance the development. A total of 25 trees and 104 shrubs are provided throughout the site. Within areas that are not paved or built on, sod and ground cover are provided. Areas behind the store and within the detention basin are seeded.

Variance Requests

Casey's is requesting the following variances from the City of Knoxville Zoning Code to allow the development to be constructed as proposed:

- **Variance from Article "13.9.F.3 / Table 13-2"** – To allow an increase in the height of the primary freestanding sign from 10' to 25'.

- **Variance from Article “13.9.F.2.c”** – To allow an increase in the height of the secondary freestanding sign from 8’ to 25’.
- **Variance from Article “13.6.G.1”** – To reduce the minimum width requirement of a parcel to allow Changeable Price Signs from 250’ to 217’.
- **Variance from Article “13.9.F.3 / Table 13-3”** – To allow an increase in area of the preliminary detached sign from 100 square feet to 114 square feet.
- **Variance from Article “13.9.F.2.c”** – To allow an increase in area of the secondary detached sign from 32 square feet to 114 square feet.

Casey’s is requesting variances to allow two full size freestanding signs for the proposed facility. One sign is located near the corner of 3rd Creek Road and North Middlebrook Pike and the other sign is located near the corner of 3rd Creek Road and South Middlebrook Pike. Both freestanding signs are 25’ tall and 114+/- square feet in area. The proposed signs have three digital price panels, non-illuminated product tag, and the traditional Casey’s logo with a weathervane.

The zoning code restricts digital changeable price panels to properties which have at least 250’ of street frontage on the street where the property is addressed. The proposed site has about 217’ of frontage along Third Creek Road, measured in a straight line. Both signs have a digital price panel on them for the advertisement of fuel sales. The proposed use is unique since they are in the business of selling fueling products. Clear advertisement of fuel prices are needed to ensure customers can see the fuel price an adequate distance from the site. The better site distance a customer has to see the fuel prices the more time the customer has to make a decision on utilizing the facility.

Due to the uniqueness of the divided highway location with traffic moving in one direction on each side of the site, two signs (one advertising in either direction) are needed to provide adequate visibility to potential customers in the corridor. The use of 25’ sign and larger sign area is necessary to provide customers with a clear line of vision to the fuel price panels provided on the sign near the intersection of 3rd Creek Road and South Middlebrook Pike. Existing vegetation and projection of the roadway along South Middlebrook Pike impacts the customers visibility of the sign. The additional height and area allows customers traveling along South Middlebrook to differentiate in fuel service offerings in the area, as neighboring Weigel’s appears to have a sign of similar size and height. Motor fuel is unique in that the public expects to be able to see the price of the product before entering the property. Lack of sufficient signage can lead to safety issues with vehicles slowing to read small signage or making sudden traffic movements onto the property.

A similar situation occurs on the north side of the site along North Middlebrook Road. Due to grading of the site, the sign must be placed at a lower elevation than the rest of the site. Due to the elevation of where the proposed sign will be placed, visibility heading westbound along North Middlebrook Pike is severely restricted. The additional sign height and area provides adequate visibility to potential customers and provides a competitive balance for the neighboring facilities. Motor fuel is unique in that the public expects to be able to see the price of the product before entering the property. Lack of sufficient signage can lead to safety issues with vehicles slowing to read small signage or making sudden movements onto the property.

The requested sign variances for the proposed Casey's will not be detrimental to the surrounding area as it is surrounded by similar or more intense uses. The uniqueness of the roadway design, the type of use proposed, and existing and final grading creates a unique condition. Granting the requested variances will provide the minimum relief necessary to allow the development to be successful. We believe the requested variances result in a safe site for potential customers to utilize when traveling along Middlebrook Pike. The proposed development will have a positive impact on the area and provides another fueling option and employee support business in the corridor.

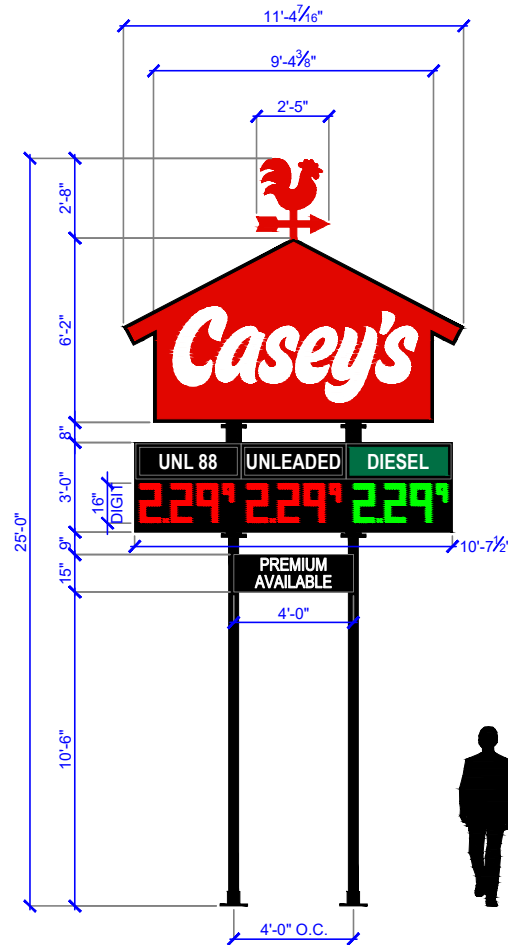
We look forward to discussing the project with the Board of Zoning Appeals and respectfully request approval of the preceding Variances.

Pylon Sign (3 Product)

SIGN 6

Sign #	Sign	Type	Location	Illumination	Dimensions				
					Height	Width	Bottom	Top	Area Ft ²
6	Weathervane	Freestanding	Street	N/A	2' 8"	2' 5"	22' 4"	25' 0"	2.93
	House Logo	Freestanding	Street	Internal	6' 2"	11' 4-7/16"	16' 2"	22' 4"	47.66
	Price Sign	Freestanding	Street	Internal	3' 0"	10' 7-1/2"	12' 6"	15' 6"	31.86
	Product Tag	Freestanding	Street	N/A	1' 3"	4' 0"	10' 6"	11' 9"	5
								Total	87.45

**QTY. 2 SIGNS
ON SITE**



PRICER NOTES:

- 16" RED AND GREEN LED
- ZIP TRACK COMMODITIES, INTERCHANGEABLE
- DIESEL ON THE RIGHT, BOTH SIDES

OTHER NOTES

- CABINETS ARE BLACK IN COLOR
- STRUCTURES ARE BLACK IN COLOR

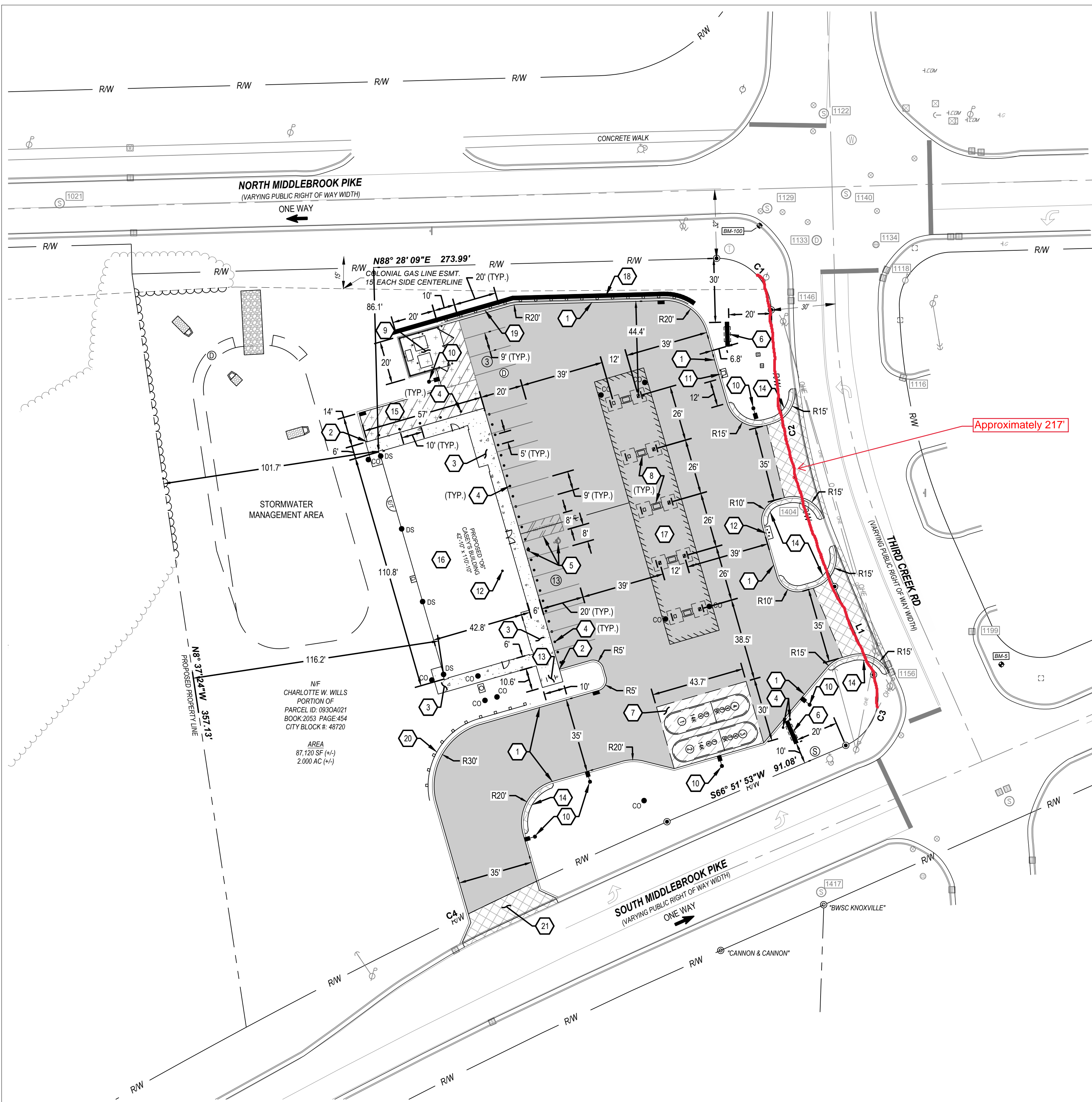


**PYLON PRICE SIGN
3 PRODUCT**

DRAWN BY:
J. CLARK

DATE:
08-01-22

W:\PROJECTS\CASEY\15176756_Knoxville TN (3rd Creek)\03-CIVIL\PLAN_CONSTRUCTION\760756_C-101-SITE.dwg - 3/13/2023 - Brandon Dattilo



CODED NOTES:

1. PROPOSED INTEGRAL CURB. SEE DETAIL 2 ON SHEET C-601.
2. CURB TAPER. SEE DETAIL ON SHEET C-606.
3. PROPOSED SIDEWALK. SEE DETAIL 1 ON SHEET C-601.
4. CASEY'S TYPICAL BOLLARD. SEE DETAIL 1 ON SHEET C-601.
5. CONTRACTOR TO CONSTRUCT ADA PARKING SPACE PER DETAILS 3 & 4 ON SHEET C-602 AND ACCORDING TO ALL LOCAL, STATE AND FEDERAL REGULATIONS.
6. CASEY'S PYLON SIGN, PER SIGNAGE PLAN.
7. PROPOSED FUEL TANK AREA CONCRETE PAD. SEE DETAIL 2 ON SHEET C-601 AND DETAILS 2 & 5 ON SHEET C-602.
8. PROPOSED GAS TAPERED FUEL ISLAND. SEE DETAIL 1 ON SHEET C-602.
9. PROPOSED 20' X 20' DUMPSTER ENCLOSURE AND PAD. SEE ARCHITECTURAL PLANS FOR DETAILS.
10. PROPOSED SITE LIGHT POLE AND FOUNDATION. SEE DETAIL 9 ON C-602 FOR DETAILS.
11. AIR COMPRESSOR BOX. SEE DETAIL 6 ON SHEET C-601.
12. EMERGENCY SHUTOFF FOR GASOLINE DISPENSERS. ALL DISPENSERS FALL WITHIN A 100-FOOT RADIUS OF SHUTOFF. SEE DETAIL 7 ON SHEET C-601.
13. PROPOSED BIKE RACK SHALL BE PROCURED AND INSTALLED BY CONTRACTOR. EQUIVALENT HEAVY DUTY INVERTED U STYLE, BLACK IN COLOR AND SURFACE-MOUNTED. SEE DETAIL ON SHEET C-606.
14. PROPOSED LANDSCAPE PROTECTOR. SEE DETAIL 4 ON SHEET C-601.
15. PROPOSED 14' X 57' LOADING ZONE.
16. PROPOSED 4,750 SF BUILDING. REFER TO ARCHITECTURAL PLANS FOR DETAILS.
17. PROPOSED 24' X 128', 5 DISPENSER AUTO FUEL CANOPY. REFER TO ARCHITECTURAL PLANS FOR DETAILS.
18. INSTALL APPROXIMATELY 150 LINEAR FEET OF REDI-ROCK RETAINING WALL AND SAFETY RAIL. WALL TO BE DESIGNED BY OTHERS. SEE TYPICAL DETAIL ON SHEET C-605.
19. PROPOSED 120 LINEAR FEET OF GUARDRAIL. SEE DETAILS ON SHEET C-605.
20. PROPOSED 77 LINEAR FEET OF GUARDRAIL. SEE DETAILS ON SHEET C-605.
21. PROPOSED DRIVEWAY PER TDOT STANDARD DETAIL RP-D-15. SEE DETAIL ON SHEET C-606.

SITE LEGEND

REFER TO C-001 FOR EXISTING FEATURES LEGEND

EXISTING

PROPOSED

- PROPOSED STANDARD DUTY CONCRETE PAVEMENT. SEE DETAIL 2 ON SHEET C-601
- PROPOSED FUEL TANK CONCRETE PAVEMENT. SEE DETAIL 2 ON SHEET C-601 AND DETAIL 2 ON SHEET C-602
- PROPOSED HEAVY DUTY NON-REINFORCED CONCRETE PAVEMENT. SEE DETAIL 2 ON SHEET C-601
- PROPOSED APPROACH CONCRETE PAVEMENT. SEE DETAIL 2 ON SHEET C-601
- PROPOSED CONCRETE SIDEWALK. SEE DETAIL 1 ON SHEET C-601

BUILDING

CANOPY

CONCRETE CURB

PAVEMENT/WALK

RETAINING WALL

GUARDRAIL

PARKING SPACE COUNT

STORM MANHOLE

SANITARY MANHOLE

CURB INLET

CLEANOUT

DOWN SPOUT

LIGHT POLE

BOLLARD



CASEY'S #4318

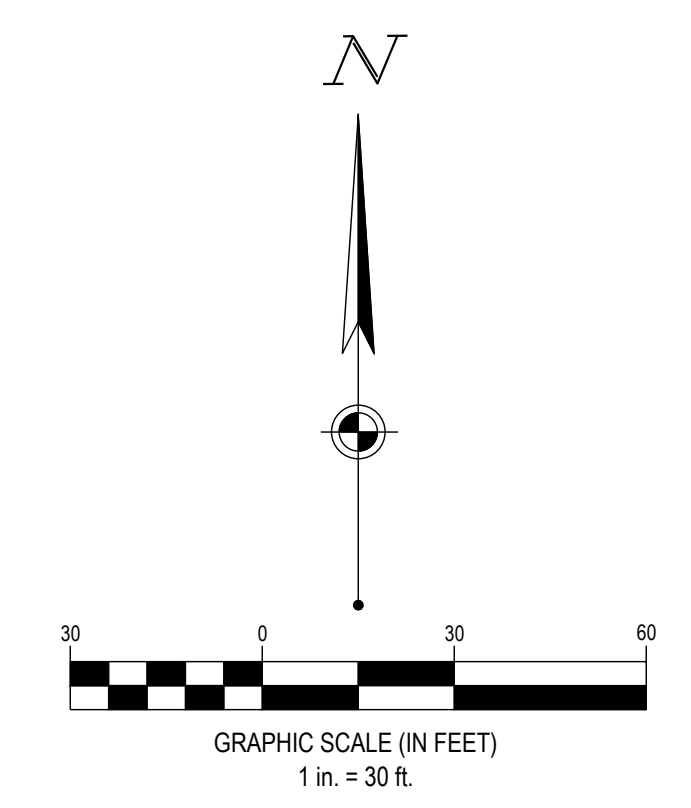
KNOXVILLE, TN

(3RD CREEK)

4810 NORTH MIDDLEBROOK PIKE
KNOXVILLE, TN 37921

Revisions / Submissions		
ID	Description	Date

Project Number: 760756
 Scale: 1" = 30'
 Drawn By: BTB
 Checked By: RAP
 Date: 03/13/2023
 Issue: FOR PERMIT



BENCHMARKS				
	ELEVATION*	EASTING**	NORTHING**	DESCRIPTION
BM-100	944.69	2562561.438	598709.066	CONTROL STATION 0969 - CITY OF KNOXVILLE
BM-5	955.96	2562674.739	598503.387	IRON PIN WITH CAP

* VERTICAL DATUM: (NAVD 88)
 ** HORIZONTAL DATUM: (NAD 83) TN GRID NORTH
 NOTE: REFER TO ALTA SURVEY, SHEET C-003, FOR BENCHMARK LOCATIONS

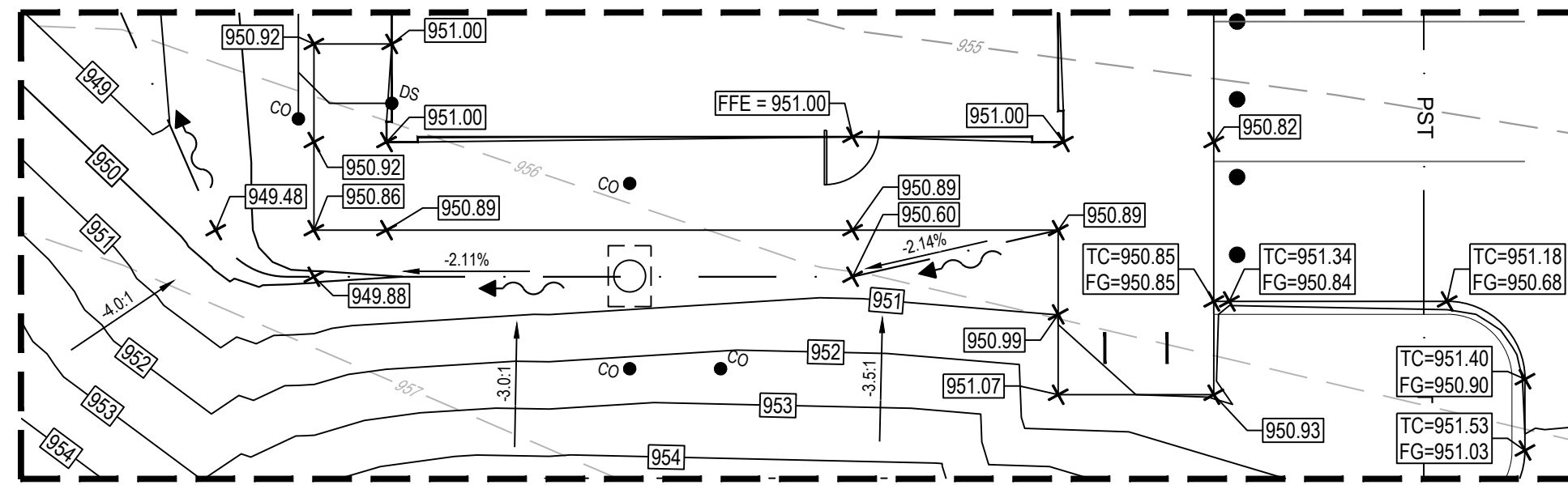


SEVENTY-TWO (72) HOURS BEFORE DIGGING IS TO COMMENCE, THE CONTRACTORS SHALL NOTIFY THE FOLLOWING AGENCIES: TENNESSEE UTILITIES PROTECTION SERVICE AT 811 OR 800-351-1111 AND ALL OTHER AGENCIES WHICH MIGHT HAVE UNDERGROUND UTILITIES INVOLVING THIS PROJECT AND ARE NONMEMBERS OF STATE UTILITIES PROTECTION SERVICE

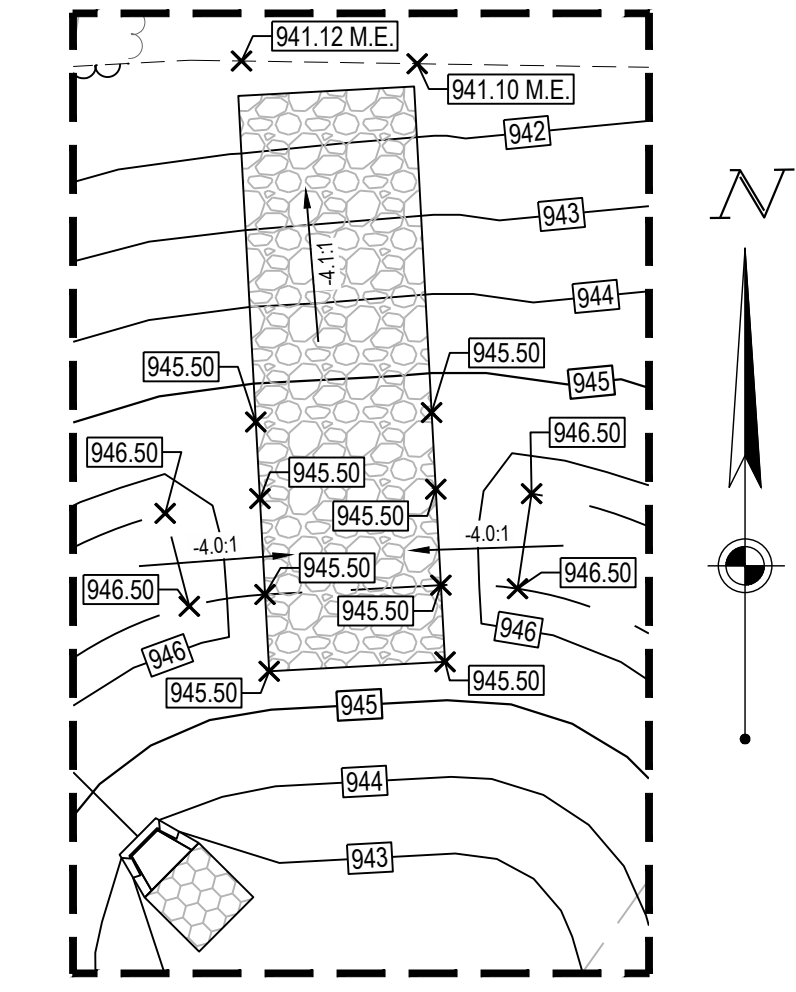
Drawing Title:
SITE PLAN

C-101

W:\PROJECTS\CASEY\151670758_Knoxville TN (3rd Creek)\03-CIVIL\PLAN_CONSTRUCTION\7670758_C-201-GRAD.dwg - 3/13/2023 - Brandon Dantliss



ENLARGED PLAN
SCALE: 1" = 10'



ENLARGED PLAN: EMERGENCY SPILLWAY
SCALE: 1" = 10'

Basin Spillway Calculations

(Q100) Estimated 100-yr Flow = 11.45 cfs

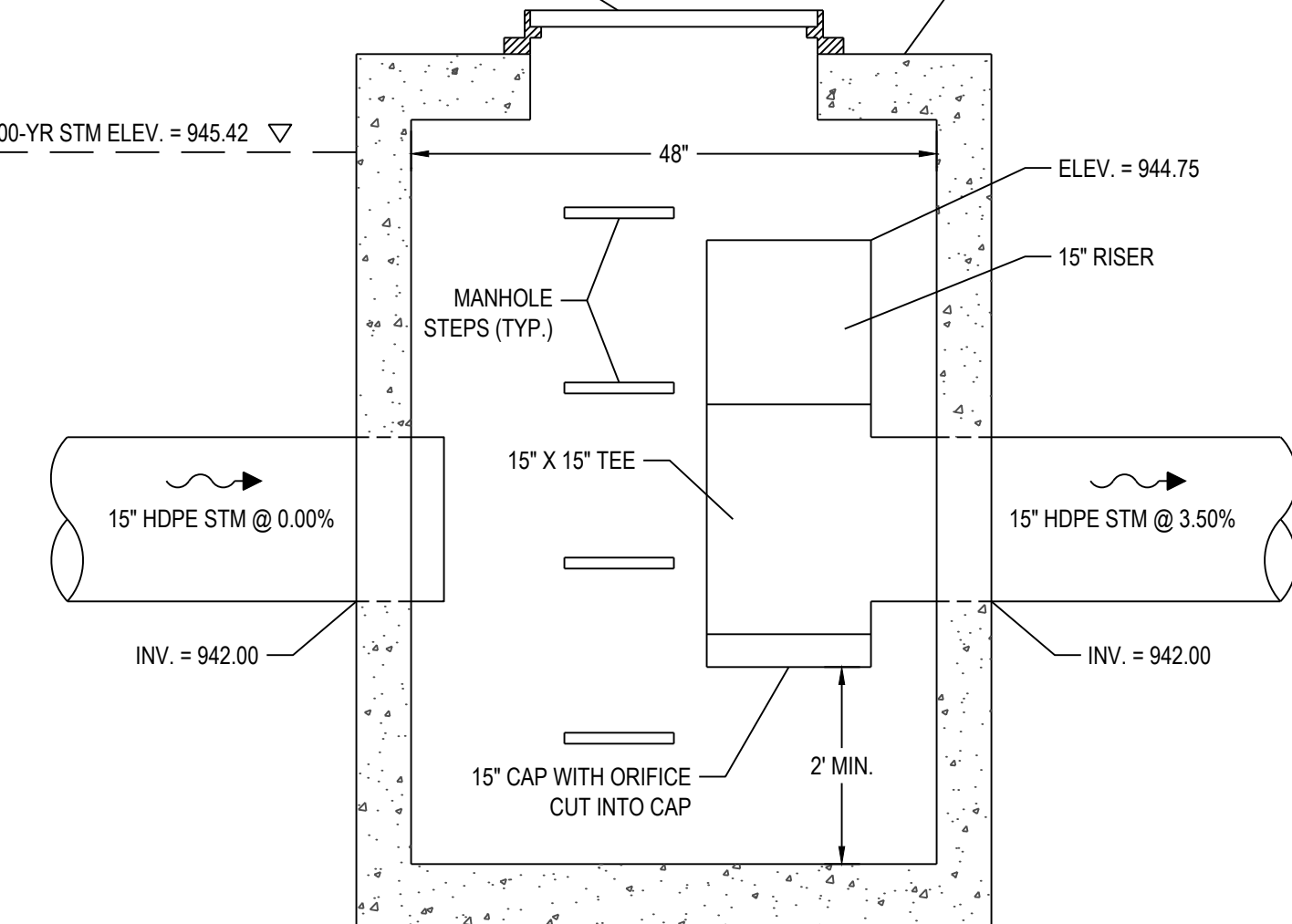
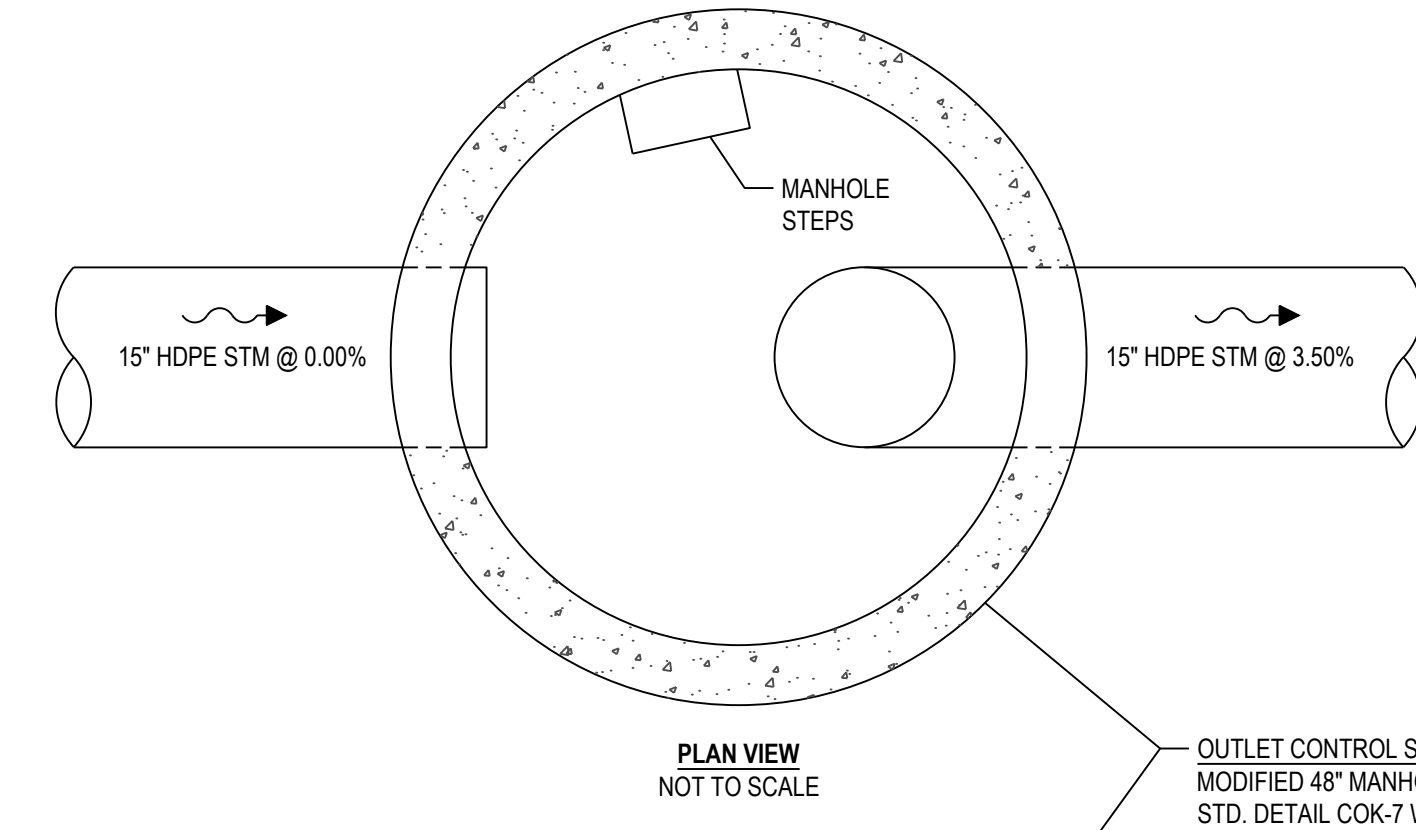
(Qs) Spillway Capacity = $C_w \cdot L \cdot (h^{3/2})$

Spillway Coefficient, $C_w = 2.90$

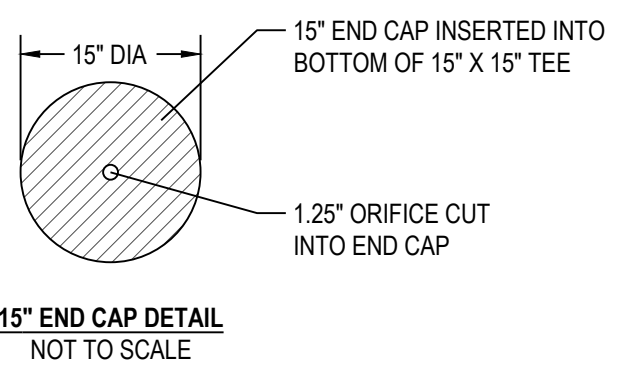
Bottom Width, $L = 9.00$ ft

Height, $h = 1.00$ ft

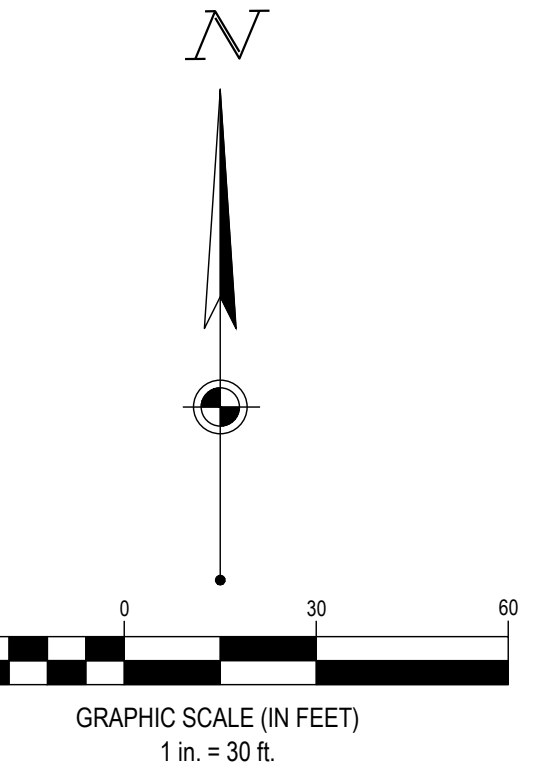
$Q_s = 26.10$ cfs



OUTLET CONTROL STRUCTURE (#2)
NOT TO SCALE



15\"/>



GRADING LEGEND

- REFER TO C-001 FOR EXISTING FEATURES LEGEND
- EXISTING**
- BUILDING
 - CANOPY
 - SEE ENLARGED PLAN, THIS SHEET
 - MAJOR CONTOUR
 - MINOR CONTOUR
 - GRADE BREAK
 - FLOW LINE
 - STRUCTURE NUMBER
 - STORM MANHOLE
 - CURB INLET
 - CLEANOUT
 - DOWNSPOUT
 - FINISHED GRADE ELEVATION
 - RIM ELEVATION
 - TOP OF CURB ELEVATION
FINISHED GRADE ELEVATION
 - TOP OF WALL ELEVATION
BOTTOM OF WALL ELEVATION
 - TOP OF PAVEMENT ELEVATION
TOP OF FOOTING ELEVATION
 - MATCH EXISTING ELEVATION
 - SLOPE ARROW
 - FLOOD ROUTE

GEOTECHNICAL NOTE:

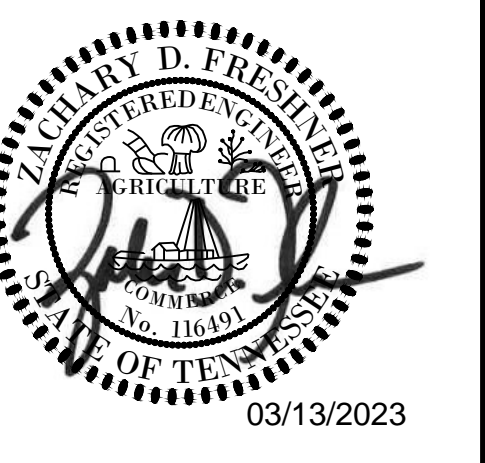
A MINIMUM OF THE UPPER 36 INCHES OF SUBGRADE SOILS BELOW THE FLOOR AND CANOPY SLABS SHALL BE AN APPROVED LOW VOLUME CHANGE (LVC) MATERIAL CONSISTING OF LEAN CLAYS OR CLAYEY SAND. REFER TO THE GEOTECHNICAL ENGINEERING REPORT PROVIDED BY TERRACON FOR FULL DETAILS.

BENCHMARKS

	ELEVATION*	EASTING**	NORTHING**	DESCRIPTION
BM-100	944.69	2562561.438	598709.066	CONTROL STATION 0969 - CITY OF KNOXVILLE
BM-5	955.96	2562674.739	598503.387	IRON PIN WITH CAP

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CASEY'S #4318
KNOXVILLE, TN
(3RD CREEK)
4810 NORTH MIDDLEBROOK PIKE
KNOXVILLE, TN 37921

Revisions / Submissions

ID	Description	Date

Project Number: 760758
Scale: 1" = 30'
Drawn By: BTD
Checked By: RAP
Date: 03/13/2023
Issue: FOR PERMIT

Drawing Title:
GRADING PLAN

C-201