

**CITY OF KNOXVILLE  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
June 18, 2015**

The **CITY OF KNOXVILLE BOARD OF ZONING APPEALS** considered the following petitions for variance of requirements of the Knoxville City Code, Appendix B, Zoning Regulations at their **June 18, 2015, meeting at 4:00 p.m. in the Small Assembly Room, City/County Building, 400 Main Street, Knoxville, TN.**

**This meeting and all communications between the Board members is subject to the provisions of the Tennessee Open Meetings Act, Tenn. Code. Ann. § 8-44-101, et seq.**

**CALL TO ORDER**

Board Chairman Don Horton called the meeting to order at 4:05 p.m.

Members present were: Don Horton; Kristen Grove; and Daniel Odle. Charlie Van Beke and Barbara Clark were absent.

Others in attendance: Peter Ahrens, Plans Review and Inspections Director; Scott Elder, Zoning Chief; Mark Johnson, City Engineering; Crista Cuccaro, Law Department; Angelia Rooks, Board Secretary; and Tom Brechko, Metropolitan Planning Commission (MPC).

**APPROVAL OF MINUTES**

Board member Daniel Odle made a motion to APPROVE the May 21, 2015 minutes and it was seconded by Board member Kristin Grove. **The Board voted 3-0 to APPROVE the May 21, 2015 minutes.**

**OLD BUSINESS**

**File: 4-B-15-VA**  
**Applicant: James S. Cook**  
**Address: 1215 Snowdon Drive Parcel ID: 058IC011**  
**Zoning: R-1 (Low Density Residential) District**  
**5<sup>th</sup> Council District**

**Variance Request:**

Reduce the minimum required Woodslope Circle front yard setback from 25 ft. to 0 ft. per Article 4, Section 2.1.1.E.1.a. & Article 5, Section 6.D.11.

As per the submitted plan to permit construction of an accessory building in an R-1 (Low Density Residential) District, 5<sup>th</sup> Council District.

The Board received a request from the applicant to postpone until the July 16<sup>th</sup> meeting.

Board member Daniel Odle made a motion to POSTPONE hearing the request and it was seconded by Board member Kristin Grove. **The Board voted 3-0 to POSTPONE hearing the request until the July 16, 2015 meeting.**

**File: 5-E-15-VA**  
**Applicant: Ben Kershaw**  
**Address: 937 N. Broadway Parcel ID: 081MS004**

**Zoning: C-3 (General Commercial) District  
4<sup>th</sup> Council District**

**Variance Request:**

Reduce the minimum required number of parking spaces from 38 spaces to 5 spaces per Article 5, Section 7.A.3.a.Table.

As per the submitted plan to permit the occupancy of a drinking establishment in an existing multi-tenant, mixed use building in a C-3 (General Commercial) District, 4<sup>th</sup> Council District.

The Board received a request from the applicant to postpone until the July 16<sup>th</sup> meeting.

Board member Kristin Grove made a motion to POSTPONE hearing the request and it was seconded by Board member Daniel Odle. **The Board voted 3-0 to POSTPONE hearing the request until the July 16, 2015 meeting.**

**File: 5-F-15-VA**  
**Applicant: Collegiate Development Group**  
**Address: 1915 Cumberland Avenue** **Parcel ID: 108CD042**  
**Zoning: FD-CU-2 (Form District – Cumberland Avenue-2)**  
**1<sup>st</sup> Council District**

**Variance Requests:**

1. Reduce the minimum number of required parking spaces for a residential use from 270 spaces to 152 spaces per Article 4, Section CU4.2.6.B.2. Table.
2. Reduce the minimum required parking stall width for Class “B” parking from 8.5 ft. to 8.0 ft. per Article 5, Section 7.A.4.b.
3. Reduce the minimum required parking module width in a parking garage with 90-degree parking on both sides of the aisle from 60 ft. wide to 54 ft. wide per Article 5, Section 7.A.4.d.1.Table.
4. Reduce the minimum required parking module width in a parking garage with 90-degree parking on one side of the aisle from 44 ft. wide to 38 ft. wide per Article 5, Section 7.A.4.d.1.Table.
5. Reduce the minimum distance a driveway can be located from the non-continuous leg’s right-of-way of a “T” intersection from 25 ft. to 0 ft. per Article 5, Section 7.B.2.b.

As per the submitted plan to permit the construction of a mixed use (commercial/residential) building in the FD-CU-2 (Form District – Cumberland Avenue – 2), 1<sup>st</sup> Council District.

Arthur Seymour, Jr., representing the applicant, was present. The application has been withdrawn.

**File: 5-G-15-VA**  
**Applicant: Collegiate Development Group**  
**Address: 1830 Cumberland Avenue** **Parcel ID: 108CE004**  
**Zoning: FD-CU-2 (Form District – Cumberland Avenue-2),**  
**1<sup>st</sup> Council District**

**Variance Requests:**

1. Reduce the minimum number of required parking spaces for a residential use from 359 spaces to 228 spaces per Article 4, Section CU 4.2.6.B.2. Table.
2. Reduce the minimum required parking stall width for Class “B” parking from 8.5 ft. to 8.0 ft. per Article 5, Section 7.A.4.b.
3. Reduce the minimum required parking module width in a parking garage with 90-degree parking on both sides of the aisle from 60 ft. wide to 54 ft. wide per Article 5, Section 7.A.4.d.1.Table.

4. Reduce the minimum required parking module width in a parking garage with 90-degree parking on one side of the aisle from 44 ft. wide to 38 ft. wide per Article 5, Section 7.A.4.d.1.Table.

As per the submitted plan to permit the construction of a mixed use (commercial/residential) building in the FD-CU-2 (Form District – Cumberland Avenue – 2), 1<sup>st</sup> Council District.

Arthur Seymour, Jr., representing the applicant, was present. The application has been withdrawn.

### **NEW BUSINESS**

**File:** 6-A-15-VA  
**Applicant:** Laurence Eaton  
**Address:** 242 E. Anderson Avenue **Parcel ID: 081MC004**  
**Zoning:** R-1A (Low Density Residential) District  
4<sup>th</sup> Council District

#### **Variance Request:**

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

As per submitted plan to permit the primary access for a dwelling to be from an alley in an R-1A (Low Density Residential) District, 4<sup>th</sup> Council District.

Lindsay Heath, property owner, was present.

No opposition was present.

Board Chairman Don Horton made a motion to APPROVE the request and it was seconded by Board member Kristin Grove. **The Board voted 3-0 to APPROVE the request.**

**File:** 6-B-15-VA  
**Applicant:** Sean Alsobrooks / Makers Donuts  
**Address:** 800 & 804 Tyson Street **Parcel ID: 094DP019**  
**Zoning:** C-3 (General Commercial) District  
6<sup>th</sup> Council District

#### **Variance Request:**

Reduce the minimum number of required parking spaces from 28 spaces to 0 spaces per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit reuse of the existing 2,712 sq. ft. building in a C-3 (General Commercial) District, 6<sup>th</sup> Council District.

Sean Alsobrooks, applicant, was present. The applicant stated that there is no parking area available on the property. They intend to use on-street parking. Their seating capacity is 12 seats. Operating hours will be 7 am to noon, Thursday – Sunday.

No opposition was present.

Board member Daniel Odle made a motion to APPROVE the request and it was seconded by Board member Kristin Grove. **The Board voted 3-0 to APPROVE the request.**

**File:** 6-C-15-VA  
**Applicant:** Aaron Dickerson  
**Address:** 5839 Washington Pike  
**Zoning:** C-3 (General Commercial) District  
4<sup>th</sup> Council District

**Parcel ID:** 049-09201

**Variance Request:**

Reduce the minimum number of required parking spaces from 46 spaces to 30 spaces as per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit construction of a Dollar General Store in a C-3 (General Commercial) District, 4<sup>th</sup> Council District.

Aaron Dickerson, applicant, was present. The applicant stated that there are a number of issues with the property that require a parking reduction: TVA easement, creek buffer, and front right-of-way. The building will be 9,100 sf. Dollar General approved a minimum of 30 spaces for this size building. The applicant intends to comply with any landscaping ordinances.

Tom Brechko, MPC, stated that the North City Sector Plan was last updated in 2007. It identifies this property as neighborhood commercial, surrounded by low-density residential.

Mark Johnson, City Engineering, stated that there are no issues with the location of the driveway in relation to its distance from Murphy Road.

No opposition was present.

Kevin Murphy, County Board of Zoning Appeals, was present to support the request. He hoped it would not create unintended off-site parking consequences, but said that it was a benefit to the community. He asked the Board to consider the impact from the Washington Pike Widening Project and the National Register nomination for Murphy Springs Farm.

Board member Daniel Odle made a motion to APPROVE the request and it was seconded by Board Chairman Don Horton. **The Board voted 3-0 to APPROVE the request.**

**File:** 6-D-15-VA  
**Applicant:** Debbie Oyler  
**Address:** 311 E. Scott Avenue  
**Zoning:** R-1A / H-1 (Low Density Residential / Historic Overlay) District  
4<sup>th</sup> Council District

**Parcel ID:** 081LR026

**Variance Requests:**

1. Reduce the minimum required lot width at the front building line from 75 ft. to 69 ft. per Article 4 Section 2.1.2.D.4.a.
2. Reduce the minimum required northeast side yard setback for a one story accessory building from 5 ft. to 4.1 ft. per Article 4 Sec. 2.1.2.D.2.b.

As per submitted plan to permit recording of a plat of a substandard parcel in a R-1A / H-1 (Low Density Residential / Historic Overlay) District, 4<sup>th</sup> Council District

Debbie Oyler, applicant, was present. The applicant stated that she did not know that her property was made up of two lots, with the center property line dividing her house. A new garage was built on the smaller lot, in the same location as the previous garage that was destroyed in 2011 and removed. The

applicant initially built the new garage without getting a building permit. When she later applied for a permit, the lot issue was discovered.

Scott Elder, Zoning Chief, requested that the Board condition their approval on filing a Certificate of Appropriateness. The applicant said it was already filed and approved by the Historic Zoning Commission.

Board member Kristin Grove asked the staff if any prior approvals should be attached. Crista Cuccaro, Law Department, said they should be in the record.

No opposition was present.

Board member Kristin Grove made a motion to APPROVE the requests with the condition that the Board receive a copy of the Certificate of Appropriateness from the Historic Zoning Commission. The motion was seconded by Board member Daniel Odle. **The Board voted 3-0 to APPROVE the requests with the condition that the Board receive a copy of the Certificate of Appropriateness from the Historic Zoning Commission.**

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

**Variance Requests:**

1. Reduce the minimum parkway width between the parking lot and the right-of-way line from 10 ft. to 0 ft. per Article 5, Section 7.A.5.b.1.
2. Reduce the minimum required terminal island width from 5 ft. to 2.97 ft. per Article 5, Section 7.A.5.b.3.
3. Reduce the minimum number of required parking spaces from 78 spaces to 57 spaces per Article 5, Section 7.A.3.a.Table.
4. Reduce the minimum required drive aisle width for 90 degree parking from 26 ft. to 24 ft. per Article 5, Section 7.A.4.a.2.Table.

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

Mark Johnson, City Engineering, stated that the site plan has not been fully reviewed.

Arthur Seymour, Jr., representing the applicant, was present. He stated that the lot's irregular shape and easements require a reduction in parking spaces. Because of common ownership, additional parking is available between this property and the intersection of Kingston Pike and Homberg.

No opposition was present.

Board Chairman Don Horton asked about losing the buffering between the parking lot and the street. Christopher Lambert, Capiello Real Estate Group, stated that the owner will consider options to expand landscaping, lighting, and increase the green area between parking and the street.

Board member Kristin Groves said it appears the size of the building is too large for the lot. She asked how the restaurant will be serviced, and if there are any development plans that reduce the building's square footage.

James Lewis, civil engineer representing the applicant, said there will be a sidewalk at the rear of the building where there will be a dumpster pad located on the south east corner. He has not worked on any layouts that reduce the building size. He confirmed that there is another variance request that was not included on the application to reduce the front yard setback from 25 to 21 feet.

Board member Daniel Odle asked Mark Johnson about the TDOT review process. Mark said that the TDOT issues permits for access to any new development on a state route. Because the drive aisle runs very close to, and parallel with Kingston Pike, there may be issues with traffic turning off Kingston Pike. TDOT may require a right-in-right-out driveway. The plans are first submitted to the city and our recommendations are added. It's then submitted to TDOT for review. When TDOT issues the permit, then the city will issue a permit.

Board member Daniel Odle made a motion to POSTPONE until the next meeting to give the staff time to review, and add all variance requests to the application. The motion was seconded by Board member Kristin Grove. **The Board voted 3-0 to POSTPONE hearing the requests until the July 16, 2015 meeting.**

**File: 6-F-15-VA**  
**Applicant: City of Knoxville**  
**Address: 1101 Phillips Avenue**  
**Zoning: SW-4 (South Waterfront) District**  
**1<sup>st</sup> Council District**

**Parcel ID: 095OB01603 &  
095OB01604**

**Variance Requests:**

1. Reduce the minimum required distance on the continuous leg of a "T" intersection can be located from the extended right-of-way of the non-continuous leg from 25 ft. to 0 ft. per Article 5, Section 7.B.2.b.
2. Increase the maximum permitted width of a one-way driveway from 10 ft. to 18 ft. per Article 4, Section 4.1.3.7.g.
3. Decrease the minimum required percentage of porous pavement from 65% to 0% per Article 4, Section 4.1.3.7.c.

As per submitted plan to permit the development of a public park in a SW-4 (South Waterfront) District, 1<sup>st</sup> Council District.

Dawn Michelle Foster, Deputy Director of Redevelopment representing the applicant, was present. She stated that the parking lot driveway will need to be 18 feet wide to accommodate vehicles with trailers. The south access point (at the "T" intersection) cannot be shifted any further north. The site is a former Brown Field site, it has been cleaned, and there is a Brown Field agreement in place.

No opposition was present. The staff received an email in opposition from Patricia Berrier, 807 Phillips Avenue. It was added to the record.

Lori Ann Goerlich, Greenways Coordinator, stated that she recommended an 18 foot driveway width because large groups visiting the boat launch may arrive with large trailers carrying several canoes or kayaks, and will need a wider turning radius. The recommendation was based on parking and driveway dimensions at existing public parks (outside of Knoxville) with boat launches and trailer parking stalls.

Harold Cannon, engineering consultant representing Cannon & Cannon, Inc., 8550 Kingston Pike, was present in support of the request. He stated that the driveway width of 10 feet was too narrow and should be 18 feet as requested.

Board member Kristin Grove made a motion to APPROVE the requests and it was seconded by Board member Daniel Odle. **The Board voted 3-0 to APPROVE the requests.**

**File:** 6-G-15-VA  
**Applicant:** Matthew Hatfield  
**Address:** 915 Luttrell Street **Parcel ID:** 081MN008  
**Zoning:** R-1A / H-1 (Low Density Residential / Historic Overlay) District  
4<sup>th</sup> Council District

**Variance Requests:**

1. Reduce the minimum required rear yard setback for an accessory building from 5 ft. to 1 ft. per Article 4, Section 2.1.2.D.3.b.
2. Increase the maximum permitted lot coverage for principal and accessory buildings from 30% to 33 % per Article 4, Section 2.1.2.D.6.a.

As per submitted plan to permit construction of a carport in an R-1A / H-1 (Low Density Residential / Historic Overlay) District, 4<sup>th</sup> Council District.

John King, representing the applicant, was present.

Scott Elder, Zoning Chief, stated that the Historic Zoning Commission has approved the design and issued a Certificate of Appropriateness.

No opposition was present.

Board member Daniel Odle made a motion to APPROVE the requests and it was seconded by Board member Kristin Grove. **The Board voted 3-0 to APPROVE the requests.**

**File:** 6-H-15-VA  
**Applicant:** John L. Sanders  
**Address:** 100 S. Broadway **Parcel ID:** 094EJ048  
**Zoning:** C-2 / D-1 (Central Business District / Downtown Design Overlay) District  
6<sup>th</sup> Council District

**Variance Request:**

Reduce the minimum required Broadway front yard setback from 5 ft. to 0 ft. per Article 4, Section 2.2.5.E.1.

As per submitted site plan to permit renovations and an addition to an existing commercial building in a C-2/D-1 (Central Business District / Downtown Design Overlay) District, 6<sup>th</sup> Council District.

John L. Sanders, applicant, was present. He stated that he plans to add a brewery/pub under the canopy of the current structure, which would require new footings. The new footings for the brew-house would extend into the current setback.

Board Chairman Don Horton asked if footings could be wider or shorter. The applicant said that would adversely affect parking.

Board member Kristin Grove asked about the wall structure. The applicant said the wall will be solid with no windows, and will provide protection for the beer garden/outdoor dining area.

No opposition was present.

Board member Daniel Odle made a motion to APPROVE the request and it was seconded by Board member Kristin Grove. **The Board voted 3-0 to APPROVE the request.**

**OTHER BUSINESS**

The next BZA meeting is July 16, 2015.

**ADJOURNMENT**

The meeting was adjourned at 5:15 p.m.

Respectively submitted,

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Angelia Rooks, Board Secretary