



BOARD OF ZONING APPEALS

MINUTES

June 20, 2019

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 20, 2019 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. § 9-44-101, et seq.

CALL TO ORDER

Chairman Kristin Grove called the meeting to order at 4:00p.m.

ROLL CALL

Board members present were Kristin Grove, Daniel Odle, David Dupree and Don Horton.

Others in attendance were Peter Ahrens, Building Official, DeAnn Bogus, Building Official; Scott Elder, Zoning Chief; Christina Magrans: Staff Attorney, Lisa Hatfield, Staff Attorney; Joshua Frerichs, Stormwater Engineering; Amy Brooks, Knoxville-Knox County Planning Services Manager and Cheri Burke, fill in for Board Secretary.

MINUTES

Member David Dupree made a motion to approve the May 16, 2019 meeting minutes. It was seconded by member Daniel Odle. Member Don Horton abstained. The Board voted 3-0 to **APPROVE**.

OLD BUSINESS

None

NEW BUSINESS

File: 06-A-19-VA
Applicant: David C. Kerns
Address: 2451 Washington Ave.
Zoning: R-1A (Low Density Residential) District

Parcel ID: 082JE028
6th Council District

Variance Request:

1) Reduce the minimum required front yard setback on Lemon St. from 25' to 16' 4" (Article 4, Section 2.1.2.D.1.a)

As per plan submitted to construct a single family residence in the R-1A (Low Density Residential) District.

Applicant David Kerns was present and advised it was a small lot of record with an odd shape.

Member Don Horton made a motion to approve. It was seconded by member Daniel Odle. The Board voted 4-0 to **APPROVE**.

File: 06-C-19-VA
Applicant: Archie Powell
Address: 204 Kingwood Rd.
Zoning: R-1A (Low Density Residential) District

Parcel ID: 058FG04101
2nd Council District

Variance Request:

1) Request to allow an alley to be the primary means of vehicular egress and ingress in an R-1A zone (Article 5, Section 6.D.9)

As per plan submitted to construct a single family residence in the R-1A (Low Density Residential) District.

Applicant representative Travis Powell was present and advised that all of the houses in the neighborhood had a sidewalk and steps in the front yard with rear entrance driveways.

Member Daniel Odle noted that it was a smaller lot and everything in the neighborhood came off of the alley so the request would be fitting with what was already in existence. Chairman Kristin Grove noted a topographical constraint in the front of the house.

Member Daniel Odle made a motion to approve. It was seconded by member Don Horton. The Board voted 4-0 to **APPROVE**.

File:	06-D-19-VA	Parcel ID: 108MA02401
Applicant:	Sanders Pace Architecture	1 st Council District
Address:	1000 Cherokee Trail	
Zoning:	RP-1 (Planned Residential) and R-1 (Low-Density Residential) Districts	

Variance Request:

1) Reduce the front yard setback for a monument sign from 10' to 2'2" (Article 8, Section 7.1.a)

As per plan submitted to construct new signage in the RP-1 (Planned Residential) and R-1 (Low-Density Residential) Districts.

Applicant representative Michael Davis was present and advised it was at Highground Park which was a private park open to the public with consistent branding across multiple sites. The sign was located at the entry but the way the park was designed originally put the stone wall within where they could have signage on either side of the entry. Since it was a dry stacked stone wall it wasn't designed to be drilled for signage to be mounted. They wanted to keep the stone wall as the most prominent feature and the signage would sit below it without drilling into the stone wall.

Chairman Kristin Grove noted that the visuals provided a good illustration of the existing condition and noted that the stone wall was the constraining factor. The signage was placed on the side that had the most room, was not a visual barrier and was placed close to the stone wall.

Chairman Kristin Grove made a motion to approve. It was seconded by member Daniel Odle. The Board voted 4-0 to **APPROVE**.

File: 06-E-19-VA
Applicant: Sycamore Sign Service
Address: 2223 Cumberland Ave.
Zoning: FD (Form Based) and CU-2 (Cumberland Ave.) Districts

Parcel ID: 108CC03301
1st Council District

Variance Request:

1) Increase the maximum height of a wall sign in a FD-CU-2 zone from 18' to 24'6" (Article 4, Section 4.2.8.D.1)

As per plan submitted to elevate signage in the FD (Form Based) and CU-2 (Cumberland Ave.) Districts.

DeAnn Bogus stated that the sign height was measured to the bottom of the sign and it was in the Cumberland Form District.

Applicant representative Julie Shelly Davis was present and advised the variance was being requested because of the slope of the sidewalk, there was no other place for the sign to go.

Member Daniel Odle asked what the feature was under the sign. Scott Elder advised it was a screening for the parking garage. Member Daniel Odle asked for confirmation that that section had to remain open and Chairman Kristin Grove advised it had to remain open for air flow circulation.

Member David Dupree asked for clarification on the application where it mentioned hindering obtaining building permits. Peter Ahrens advised it was hindering getting the permit for the sign. A sign permit is a type of building permit.

Based on everything that had been reviewed with the elevation change and the topography of the lot, member Daniel Odle made a motion to approve. It was seconded by David Dupree. The Board voted 4-0 to **APPROVE**.

File: 06-F-19-VA
Applicant: Lloyd Owens
Address: 2400 Washington Ave.
Zoning: R-1A (Low Density Residential) District

Parcel ID: 082JR001
6th Council District

Variance Request:

1) Reduce the minimum required front yard setback on Spruce St. from 25' to 13' (Article 4, Section 2.1.2.D.1.a)

2) Request to allow an alley to be the primary means of vehicular egress and ingress in an R-1A zone (Article 5, Section 6.D.9)

As per plan submitted to construct a single family residence in the R-1A (Low Density Residential) District.

DeAnn Bogus advised it was a small lot of record. There were provisions in the code to reduce side yard setbacks for small lots of record but no provisions to reduce corner lot front yards.

Applicant Lloyd Owens was present and advised that he bought the lot from the City as part of the infill program. It was only 50 ft. wide with 2 corner setbacks. The house had an existing back alley driveway, same as all of the other houses in the neighborhood. Chairman Kristin Grove noted that it was typical on that block for everyone to access from the alley. Chairman Kristin Grove made a motion to approve based on the fact that it was another small lot of record and it was typical to the surrounding neighborhood. Chairman Kristin Grove made a motion to approve. It was seconded by member Daniel Odle. The Board voted 4-0 to **APPROVE**.

File: 06-G-19-VA
Applicant: Urban Engineering
Address: 209 S. Central St.
Zoning: C-2 (Central Business) District

Parcel ID: 094EH01401
6th Council District

Variance Request:

1) Reduce the minimum required front yard setback from 5' to 0 (Article 4, Section 2.2.5.E.1)

As per plan submitted to construct an addition to an existing building in the C-2 (Central Business) District.

DeAnn Bogus advised it was a re-platting of the property.

Applicant Chris Sharp was present and advised they were adding on to a building and it was a small lot.

Member Daniel Odle asked for confirmation that the variance would allow the applicant to meet current law. Peter Ahrens confirmed that as a re-plat any non-conformities needed to be utilized.

Member Daniel Odle made a motion to approve. It was seconded by member Don Horton. The Board voted 4-0 to **APPROVE**.

File: 06-H-19-VA
Applicant: Greg Terry
Address: 3701 Terrace View Dr.
Zoning: R-1 (Low Density Residential) District

Parcel ID: 048MF001
4th Council District

Variance Request:

1) Reduce the minimum required side yard setback from 8' to 0 (Article 4, Section 2.1.1.E.2.b)

As per plan submitted to construct a new detached carport in the R-1 (Low Density Residential) District.

DeAnn Bogus advised it was a side yard setback. The applicant was requesting from 8' to 0. Staff didn't see a hardship because the proposed detached carport could be shifted.

Applicant Greg Terry was present and advised it was his personal property and that he had a current permit in place for a detached carport that was turned parallel with the rear property line. Although it was a relatively large piece of property, the position of the front yard setback was established by the plane of the house not the actual front yard setback for zoning, it pushed the carport in front of that line. The existing driveway was original to the house which was built in 1923 and the applicant was trying to maintain the architectural character of the house.

Chairman Kristin Grove asked the applicant if he would be opposed to shifting it over so that there would be some buffer on the backline. The applicant advised there was a telephone pole and utility easement in the back so part of the approach in maintaining the driveway access in the back area was to not build anything in front of it so as not to restrict access to utilities.

Member Daniel Odle noted that it was an oddly shaped lot, but also a large lot. The applicant advised that when he first designed it he went to the City to ask for a variance for an extension of it in the front yard and he was told by the City that based on current zoning language there would not be an exception to an extension in the front yard.

Chairman Kristin Grove noted that it seemed that there was a lot of room and that the project could be done on the other side. The applicant advised that the other side was maintained as a part of the landscaped esthetic of the neighborhood and was part of the beauty of the neighborhood.

Chairman Kristin Grove acknowledged the beauty and the value of the property but did not feel that a true legal hardship had been explained. The issues described were all esthetic not legal hardships.

Member Don Horton stated that the reason for the setback was to protect the neighbors. The applicant advised that he talked with the neighbor all the time and that he was aware and knew what was going on.

Member David Dupree made a motion to deny. It was seconded by Chairman Kristin Grove. The Board voted 4-0 to deny. The applicant asked if there was any opportunity to agree on some amount that wasn't the full 8'. Chairman Kristin Grove asked the legal staff for direction since the Board had already voted. Christina Magrans asked the applicant what type of reduction he was proposing. The applicant proposed 8' to 4'. Ms. Magrans acknowledged that the Board had denied 8' to 0' and that the Board could hear a lesser and that they had the duty to make sure it was the minimum adjustment necessary and that it would be within the Board's purview if they wanted to take that up.

Chairman Kristin Grove asked the applicant what his absolute minimum would be and the applicant advised his absolute minimum would be 4'.

Chairman Kristin Grove made a motion to reduce the minimum side yard setback from 8' to 4'. It was seconded by member Don Horton. Member Daniel Odle was opposed and member David Dupree abstained. Peter Ahrens advised the motion failed and Christina Magrans advised the Board had to have a vote of 3 to be able to act. Chairman Kristin Grove advised the applicant could appeal to City Council within 15 days or submit a new application.

The applicant asked if he could go to 5' and advised that there were not any solid walls as a part of it, just architectural columns.

Chairman Kristin Grove made a motion to reduce the minimum required side yard setback from 8' to 5'.

Peter Ahrens advised that a previous decision made by the BZA as part of the justification being the maturity of trees, was overturned at Council. Council in that decision didn't recognize the maturity of trees to be a legitimate hardship.

Member David Dupree seconded the motion. Members Kristin Grove, David Dupree and Don Horton voted in favor. Member Daniel Odle was opposed. The Board voted 3-1 to **APPROVE**.

ADJOURNMENT

The meeting adjourned at 4:55p.m.

OTHER BUSINESS

The next BZA meeting is July 18, 2019.