

BOARD OF ZONING APPEALS

MINUTES

March 15, 2018

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 March 15, 2018, 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 4:05 pm.

ROLL CALL

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

Others in attendance were Peter Ahrens, Building Official; Mike Brusseau, MPC Senior Planner; Scott Elder, Zoning Chief; Joshua Frerichs, Stormwater Engineering; Brandon Littlejohn, Zoning Inspector; Crista Cuccaro, Staff Attorney; and Angelia Rooks, Board Secretary.

MINUTES

Member Charlie Van Beke made a motion to approve the minutes from February 15, 2018. It was seconded by member Daniel Odle. The Board voted 5-0 to **APPROVE**.

Member David Dupree made a motion to approve the minutes from March 1, 2018. It was seconded by member Daniel Odle. The Board voted 4-0 to **APPROVE**. Member Charlie Van Beke abstained.

OLD BUSINESS

File: 12-C-17-VA
Applicant: Kathie Weaver
Address: 3207 South Haven Road
Zoning: C-1 (Neighborhood Commercial)

Parcel ID: 109FB016
1st Council District

Variance Request:

Reduce the minimum required number of parking spaces from 4 to 2 per Article 5, Section 7.D.1. Table 1, as per plan submitted to permit the construction of a second story on an existing building in a C-1 District.

Kathy Weaver, the applicant, was present. The hardships were topography and lot size.

Member Charlie Van Beke made a motion to approve. It was seconded by member Daniel Odle. The Board voted 5-0 to **APPROVE**.

File:	1-B-18-VA	Parcel ID: 081NH004,
Applicant:	Knoxville Preservation & Development, LLC	081NH005, & 081NH008
Address:	1221 N. Central Street	4th Council District
Zoning:	C-3/I-2 (General Commercial/Restricted Manufacturing & Warehousing)	

Variance Requests:

1. Reduce the minimum required front yard building setback from 25 ft to 1 ft along N. Central Street per Article 4, Section 2.2.3.E.1.
2. Reduce the minimum required front yard building setback from 25 ft to 0 ft along W. Oklahoma Avenue per Article 4, Section 2.2.3.E.1.
3. Reduce the required perimeter screening area between the proposed parking lots and all Rights-of-Way from 6 ft to 0 ft per Article 5, Section 7.J.2.c.2.
4. Reduce the minimum required setback for a parking lot from 6 ft to 0 ft per Article 5, Section 7.C.3.
5. Reduce the minimum required area for a terminal island from 120 sf to 0 sf for 4 terminal islands per Article 5, Section 7.G.5.d.
6. Reduce the minimum distance between a driveway accessing an arterial street on a corner lot and a local intersecting street from 100 ft to 42 ft 10 inches per Article 5, Section 7.H.2.a.Table 5.
7. Reduce the required number of parking spaces from 127 to 57 per Article 5, Section 7.Table 1.31 & Table 1.51.

As per plan submitted to combine lots with existing non-conforming buildings in C-3/I-2 Districts.

Scott Elder advised the Board that a revised site-plan may be required.

Sara Martin, representing the applicant, was present. The hardships were existing conditions and buildings. The variances were required to bring the lot into compliance so they could proceed with the development plan. If item 5 was granted, they could add up to 2 more parking spaces.

Board members advised the applicant to revise the site-plan to reflect the new parking ordinance and resubmit. Ms. Martin agreed to postpone.

Chairman Kristin Grove made a motion to postpone to the next meeting. It was seconded by member Charlie Van Beke. The Board voted 5-0 to **POSTPONE** to the April 19, 2018 meeting.

NEW BUSINESS

File:	2-B-18-VA	Parcel ID: 082HA021
Applicant:	Creative Structures	4th Council District

Address: 2012 N Broadway
Zoning: C-3 (General Commercial)

Variance Request:

Increase the maximum width of a drive entrance from 30 ft to 40 ft per Article 5, Section 7.H.3.C.Table, as per plan submitted showing as-built condition of a driveway width in a C-3 District.

City staff received a request from the applicant to **POSTPONE** to the April 19, 2018 meeting.

File: **3-A-18-VA** **Parcel ID:** 068MD029
Applicant: Matthew Dawson, Smokey Mnt Land Surveying 5th Council District
Address: 314 Susong Drive
Zoning: R-2 (General Residential)

Variance Request:

Reduce the minimum lot width at the building line from 75 ft to 74 ft per Article 4, Section 2.1.6.D.4.a., as per plan submitted proposing a lot combination in an R-2 District.

City staff received a request from the applicant to **WITHDRAW** the request.

File: **3-B-18-VA** **Parcel ID:** 120EB009
Applicant: Nick McCook/Jill McCook/John McCook 2nd Council District
Address: 6905 Quail Drive
Zoning: R-1 (Low Density Residential)

Variance Request:

Increase the minimum required side yard setback for a detached accessory use from 5 ft to 2.5 ft per Article 4, Section 2.1.1.E.2.b., as per plan submitted proposing the addition of a detached carport in an R-1 District.

Nick Cook, the applicant, was present. The hardships were topography, slope, basement flooding, and requirement to allow KUB vehicle access to the rear yard. The project included grading, a retaining wall and a 2-car carport. Peter Ahrens presented a topography map to the Board.

Member Charlie Van Beke made a motion to approve. It was seconded by member Daniel Odle. The Board voted 5-0 to **APPROVE**.

File: **3-C-18-VA** **Parcel ID:** 120HB02201
Applicant: Image 360 2nd Council District
Address: 8351 East Walker Springs Lane
Zoning: O-1 (Office, Medical & Related Services)

Variance Requests:

1. Increase the total maximum area of attached wall signs from 351 sf to 440 sf per Article 8, Section 11.5.b.1.

2. Increase the maximum individual area of an attached wall sign from 24 sf to 94 sf per Article 8, Section 11.5.b.1.

As per plan submitted proposing new wall signage in an O-1 District.

Brandon Littlejohn advised the Board that a previous variance was granted in 2003 to increase signage to 351 sf. Another tenant has a 252 sf sign, leaving 99 sf of signage area available. The second variance was for a fourth sign.

Phil Blank, the applicant, was present. The hardships were the size of the building, visibility, and another tenant had the largest portion of signage allowance at 252 sf.

Chairman Kristin Grove stated that they could have one full-sized sign without a variance, and made a motion to deny. It was seconded by member Daniel Odle. The Board voted 5-0 to **DENY**.

File: 3-E-18-VA **Parcel ID:** 081MK013
Applicant: Jessalyn Friske, Open Door Architecture 4th Council District
Address: 940 Eleanor Street
Zoning: R-1A/H-1 (Low Density Residential/Historic Overlay)

Variance Request:

Increase the maximum permitted lot coverage from 30% to 43% per Article 4, Section 2.1.2.D.6., as per plan submitted proposing the construction of a rear covered porch addition to an existing home in an R-1A/H-1 District.

Chairman Kristin Grove made a motion to postpone to the next meeting. It was seconded by member Charlie Van Beke. The Board voted 5-0 to **POSTPONE** to the April 19, 2018 meeting.

File: 3-F-18-VA **Parcel ID:** 154-09406
Applicant: Flournoy Development 2nd Council District
Address: 1971 Willow Loop Way
Zoning: RP-2 (Planned Residential)

Variance Request:

Reduce the minimum drive aisle width for 90 degree parking from 26 ft to 24.3 ft per Article 5, Section 7.E.1.d.Table 3, as per plan submitted showing as-built condition of a parking lot in an RP-2 District.

Jason Hunt, the applicant, was present. The hardships were the slope, retaining wall, and existing conditions. The retaining wall does not encroach on the adjacent property.

Joshua Frerichs stated that the parking lot was still functional. Member Daniel Odle noted that it did not materially change anything for the adjacent neighbor.

Member Daniel Odle stated that the slope was a hardship that would have been considered if it were brought to the Board before it was built. He made a motion to approve. It was seconded by member Don Horton. The Board voted 5-0 to **APPROVE**.

File: 3-G-18-VA
Applicant: Corey Yeager, Tristar Builders
Address: 3748 Dellwood Drive
Zoning: R-1 (Low Density Residential)

Parcel ID: 108IC034
2nd Council District

Variance Request:

Increase the minimum required side yard setback for a detached accessory structure from 5 ft to 1 ft per Article 4, Section 2.1.1.E.2.b., as per plan submitted proposing the addition of a detached structure in an R-1 District.

Greg Impellizzeri, the owner, was present. He submitted additional photos for the Board to review. The hardships were lot shape, topography, a retaining wall, and a 1920's house.

Member Charlie Van Beke made a motion to approve based on topography and lot shape. It was seconded by member Don Horton. The Board voted 5-0 to **APPROVE**.

File: 3-H-18-VA
Applicant: Stockyard Lofts, LLC
Address: 215 Willow Avenue
Zoning: C-2/D-1 (Central Business / Downtown Design Overlay)

Parcel ID: 095HA002
6th Council District

Variance Requests:

1. Reduce the minimum parking space width from 9 ft to 8.4 ft for 27 spaces (21% of total) per Article 5, Section 7.E.1.d.Table 3.
2. Reduce the minimum aisle width for 90 degree parking from 26 ft to 24 ft per Article 5, Section 7.E.1.d.Table 3.
3. Reduce the minimum driveway width from 20 ft to 16 ft for service driveway off of Willow Avenue per Article 5, Section 7.H.3.c.Table 7.

As per plan submitted proposing a new multi-family development in C-2/D-1 Districts.

Peter Ahrens stated that the Fire Marshal does not support the requests. He recommended denying items 2 and 3. Joshua Frerichs stated that it was still functional.

Brad Salsbury and Daniel Smith, the applicants, were present. The aisle width was reduced after submission of plans to accommodate the parking space width. The hardships for item 1 were the columns in the parking garage.

Chairman Kristin Grove made a motion to approve item 1, and postpone items 2 and 3. It was seconded by member Daniel Odle. The Board voted 5-0 to **APPROVE item 1** (parking space width), and **POSTPONE items 2 and 3**.

OTHER BUSINESS

The next BZA meeting is April 19, 2018.

ADJOURNMENT

The meeting adjourned at 4:56 pm.