



## BOARD OF ZONING APPEALS

### MINUTES

May 16, 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 May 16, 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 and David Dupree.

Others in attendance were 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 Juliana LeClair, Board Secretary.

### MINUTES

Member Daniel Odle made a motion to approve the April 18, 2019 meeting minutes. It was seconded by member Charlie Van Beke. The Board voted 3-0 to **APPROVE**.

### SPECIAL ANNOUNCEMENT

Chairman Kristin Grove announced that the Board was short two Board members. There were three Board members present which meant that all members would have to of been unanimous on a vote. Chairman Kristin Grove asked if anyone would like to postpone their application to the June meeting. None of the applicants asked to postpone.

**OLD BUSINESS**

None

**NEW BUSINESS**

**File:** 05-A-19-VA  
**Applicant:** William McGhee  
**Address:** 4100 Apex  
**Zoning:** R-2 (General Residential) District

**Parcel ID:** 107EC012  
1<sup>st</sup> Council District

**Variance Request:**

1) Reduce the required front yard setback on Washburn Rd. from 25 ft. to 15 ft. (Article IV, Section 2.1.6.D.1.a)

As per plan submitted to build a new single family residence on a corner lot in the R-2 (General Residential) District.

Scott Elder advised it was a new single family proposed on a small lot of record, corner lot.

The applicant was not present. Member Daniel Odle made a motion to approve. It was seconded by member David Dupree. The Board voted 3-0 to **APPROVE**.

**File:** 05-B-19-VA  
**Applicant:** Dover Development Corporation  
**Address:** 719 Locust St.  
**Zoning:** C-2 (Central Business) / D-1 (Downtown Design Overlay) Districts

**Parcel ID:** 094MC01501  
6<sup>th</sup> Council District

**Variance Request:**

- 1) Reduce the minimum corner clearance for the southwest entrance from 150 feet to 36 feet (Article V Section 7.H.2.a. Table 5)
- 2) Reduce the minimum corner clearance for the southeast entrance from 100 feet to 51 feet (Article V Section 7.H.2.a. Table 5)

- 3) Increase the number of allowed compact parking spaces from twenty (20) percent of total number of parking spaces provided to twenty-two (22) percent (Article V Section 7.E.1.e)
- 4) Reduce the minimum drive aisle width for a two-way aisle with 60 degree parking from 26 feet to 11 feet (Article V Section 7.E.1.d Table 3)

As per plan submitted to renovate the Historic Supreme Court building to hotel use in the C-2 (Central Business) / D-1 (Downtown Design Overlay) Districts.

Scott Elder advised it was the old State Supreme Court Building and a new proposal for apartments/mixed use.

The applicant representative Brad Salsbury was present. Chairman Kristin Grove noted that a letter of support for the request was received from Dawn Michelle Foster, the Director of Redevelopment of the City of Knoxville.

Mr. Salsbury advised that the lowest compact car space had been removed to provide more room to turn around, pull in, do a turning movement then back out. The corner of Locust and Cumberland was the only spot to enter the below grade basement which was the reason driving the driveway distance variance. The interior had existing columns within the basement, there was room to park and it would be tight so it would need to be well lit and signed extremely well.

Chairman Kristin Grove made a motion to approve based on the site complications and the recommendation of the Office of Redevelopment. It was seconded by member Daniel Odle. The Board voted 3-0 to **APPROVE**.

<b>File:</b>	<b>05-C-19-VA</b>	<b>Parcel ID:</b> 094MC01501
<b>Applicant:</b>	Church & Henley Partners, LLC	6 <sup>th</sup> Council District
<b>Address:</b>	719 Locust St.	
<b>Zoning:</b>	C-2 (Central Business) / D-1 (Downtown Design Overlay) Districts	

**Variance Request:**

- 1) Reduce the minimum corner clearance for the northwest entrance from 150 feet to 66 feet (Article V Section 7.H.2.a. Table 5)
- 2) Reduce the minimum front yard building setback from 5 feet to 4.4 feet (Article IV Section 2.2.5.E.1)
- 3) Reduce the minimum drive aisle width for two-way aisles with 90 degree parking from 26 feet to 20.5 feet (Article V Section 7.E.1.d Table 3)

As per plan submitted to construct a 7 story garage and multi-family development in the C-2 (Central Business) / D-1 (Downtown Design Overlay) Districts.



Chairman Kristin Grove asked about the status of the one lot request. The applicant advised they had not completed it yet and had not applied yet. Scott Elder advised a building permit would not be issued until it was confirmed that the lot was complete.

Member David Dupree asked the applicant to explain what they meant by “building in stages”. The applicant advised there was a chance that they would take off the rear most portion of the building and just build the front 100x105 ft. area and contemplate a future 85x50 ft. expansion down the road depending on the tenants needs. Chairman Kristin Grove asked what the hardship would be and the applicant advised the shape of the lot.

Member Daniel Odle made a motion to approve based on the odd shape of the lot and on the condition of one-lot. It was seconded by member David Dupree who first asked if the nearby residences were occupied, the applicant was unsure. Member David Dupree asked if the residences had received notice of intent to build. Scott Elder advised a public notice had been published in the newspaper and a physical sign would’ve been posted on Louisville which was where the property fronted.

The Board voted 3-0 to **APPROVE**.

**File:** 05-F-19-VA  
**Applicant:** Tire Discounters  
**Address:** 2382 Old Callahan Dr.  
**Zoning:** C-3 (General Commercial) District

**Parcel ID:** 067LB007  
3<sup>rd</sup> Council District

**Variance Request:**

- 1) Increase the maximum square footage of attached signs allowed from 354 sq. ft. (10%) to 516 sq. ft. (15%) (Article 8, Section 11.6.a.2)
- 2) Increase the maximum height of a primary ground sign from 10 ft. to 20 ft. (Article 8, Section 11.6.c.table)

As per plan submitted to increase the visibility of a sign in the C-3 (General Commercial) District.

Scott Elder advised it was a new Tire Retailer on Old Callahan and that they were requesting to be allowed more wall signage. The section of the Code cited on the agenda referenced that they were allowed 10% of the primary wall frontage. Their primary entrance was on Old Callahan. That amount could be used on any elevation but the applicant was seeking to have that allowed area expanded and to raise a ground sign as well.

The applicant representative Todd Pool was present and advised there were hills in both directions going into the property, the ground sign wouldn't be visible from afar and it wouldn't do the retailer much good to have a small monument sign like they were allowed.

Joyce Feld with Scenic Knoxville spoke in Opposition to the variances requests stating there was no hardship, there were no issues with topography and the applicant was not being denied reasonable use of the property. Ms. Feld stated it was a large building with quite a bit of square footage to play with in terms of wall signs which could be broken up in anyway and put on any elevation and that the building was built on top of a slop coming up from Clinton Highway which gave the applicant an advantage.

Member Kristin Grove made a motion to deny based on understanding the visual of the site and what the sign ordinance was. It was seconded by member Daniel Odle. The Board voted 3-0 to **DENY**.

**File:** 05-G-19-VA  
**Applicant:** Sycamore Sign Service  
**Address:** 9352 Park W. Blvd.  
**Zoning:** PC-1 (Retail and Office Park) District

**Parcel ID:** 11901837  
2<sup>nd</sup> Council District

**Variance Request:**

**TYPE 1 SIGNS** - SIGN 17: 1) Increase the maximum overall height of an incidental sign on a large site from 6' to 13'2" (Article 8, Section 8.4.d.6)

2) Increase the maximum permitted sign area of an incidental sign on a large site from 16 square feet to 40 square feet (Article 8, Section 8.4.d.5)

SIGN 28: 3) Increase the maximum overall height of an incidental sign on a large site from 6' to 13'2" (Article 8, Section 8.d.6.)

4) Increase the maximum permitted sign area of an incidental sign on a large site from 16 square feet to 40 square feet (Article 8, Section 8.4.d.5)

SIGN 18: 5) Increase the maximum overall height of an incidental sign on a large site from 6' to 13'2" (Article 8, Section 8.d.6.)

6) Increase the maximum permitted sign area of an incidental sign on a large site from 16 square feet to 40 square feet (Article 8, Section 8.4.d.5)

SIGN 20: 7) Increase the maximum overall height of an incidental sign on a large site from 6' to 13'2" (Article 8, Section 8.d.6.)

8) Increase the maximum permitted sign area of an incidental sign on a large site from 16 square feet to 40 square feet (Article 8, Section 8.4.d.5)

**TYPE 2 SIGNS** - SIGN 19: 9) Increase the maximum overall height of a secondary sign from 8' to 12'11" (Article 8, Section 11.6.b.3)

10) Increase the maximum square footage of a secondary sign from 32 square feet to 68.72 square feet (Article 8, Section 11.6.b.3.)

**TYPE 3 SIGNS** - SIGN 22: 11) Increase the maximum overall height of an incidental sign on a large site from 6' to 6' 10 1/2" (Article 8, Section 8.4.d.6.)

12) Increase the maximum permitted sign area of an incidental sign on a large site from 16 square feet to 25 square feet (Article 8, Section 8.4.d.5.)

SIGN 27: 13) Increase the maximum overall height of an incidental sign on a large site from 6' to 6' 10 1/2" (Article 8, Section 8.4.d.6.)

14) Increase the maximum permitted sign area of an incidental sign on a large site from 16 square feet to 25 square feet (Article 8, Section 8.4.d.5.)

As per plan submitted to provide direction and signage at a hospital in the PC-1 (Retail and Office Park) District.

Scott Elder advised it was a complex site, Park West Hospital, part of the property was in the County and part of it was in the City. The request was to allow for mainly incidental signs on the large site which were provided for in the ordinance but the applicant was asking for slight variances to their size and height. Mr. Elder read from Article 8.4.a "The purpose for incidental signs on large sites is for occupant or occupants of a lot or parcel to convey on a permanent basis directions or information for the safety and convenience of visitors for the use or restriction of use of a lot or parcel."

The applicant representative Jason Draper was present and advised Park West was in the process of expanding their footprint, adding a new building for community use. Mr. Draper advised clear signage was important for way-finding due to guests, visitors and patients visiting in a time of turmoil and urgency. The 40 acre campus went from a fairly simple entry and exit way to a more complex campus with multiple parking lots, thus the needed additional signage. Mr. Draper advised the new signs were roughly the same size of the signs that were being replaced.

Joyce Feld with Scenic Knoxville was present and spoke in opposition. Ms. Feld felt that the Type 1 category signs did not need to be as tall as was being requested and that the footprint of the logo should be reduced on sign 19. Ms. Feld opposed sign 22 as well.

The applicant representative Brad Nicely was present and spoke in rebuttal to Ms. Feld's comments.

Member Daniel Odle asked if there would be any need for extra space for additional signs in the future or changes. Mr. Draper advised that at that time there were no additional plans added for the campus but that in theory, if they did add buildings they would need additional space for additional directional signage.

The applicant Julie Shelby Davis was present and advised that the majority of the signs were in a parking lot and if the signs were lowered it would limit the visibility if the parking lots were full.

Member David Dupree expressed concern about signage on the way out of the property and the issue of the signs possibly blocking exit visibility.

Mr. Nicely noted that there were setbacks on the signs (for example sign 18), which was behind a sidewalk so a vehicle could pull up and see around it. Exit direction information should be on the opposite side of that sign. Mr. Nicely stated the setbacks were considered on all of the signs.

Member Daniel Odle made a motion to approve. It was seconded by member David Dupree. Mr. Elder advised that there were minimum setbacks of 2 ft. The City would review that when the applicant applied for their permit so that the setback from the internal driveway or parking lot would be 2 ft.

Chairman Kristin Grove stated that on the Type 1 signs she did not disagree on height and that that was a valid hardship in that type of a campus. The campus plan showed almost every one of the signs other than the two on the road, were within parking lots. Chairman Kristin Grove noted that on sign 19 (the logo sign), the difference from the original sign was that they were trying to do two directional pieces, the logo and a main entrance directional and an emergency directional which could justify the increased size. Sign 22 was only a 10.5" request and there was no opposition on sign 27.

The Board voted 3-0 to **APPROVE**.

**File:** 05-H-19-VA  
**Applicant:** Tracey Diehl  
**Address:** 6745 Clinton Hwy.  
**Zoning:** C-4 (Highway and Arterial Commercial) District

**Parcel ID:** 06727319  
3<sup>rd</sup> Council District

**Variance Request:**

1) Increase the maximum permitted square footage of attached wall signs in a C-4 zone from (10%) 182 sq. ft. to 346 sq. ft. (19%) (Article 8, Section 11.6.a.2)



As per plan submitted to increase visibility of a sign in the C-4 (Highway and Arterial Commercial) District.

Scott Elder advised the application was regarding the allowance for attached wall signs based on 10% of the primary building frontage. The applicant was seeking to increase that amount.

The applicant Tracey Diehl was present representing 5 Below. Ms. Diehl advised the proposal was for an increase to wall sign area because of how the sign area was calculated. The letters themselves could exist without the backer panel. The backer panel was a blue backer panel which was part of the trademarked logo for 5 Below. It was determined that the sign area would be calculated by the outermost perimeter in the smallest rectangle method, therefore calculating the perimeter of the wall area of the sign and that would put them over the sign area. If they were to calculate the letters without the backer panel they would be at 176.71 where they were allowed to have 182 sq. ft of sign area. The sign area they would be allowed to have would actually fall within the area if the backer didn't count. Ms. Diehl also advised of a visibility hardship with an elevation that sat back over 800 ft. from Clinton Hwy. so the sign they were proposing for that elevation would be necessary for the sign to be visible through the parking lot all the way from the distance of Clinton Hwy.

Joyce Feld with Scenic Knoxville was present and spoke in opposition. Ms. Feld advised of no hardship as defined by the ordinance and that there was no denial of reasonable use of the property. Ms. Feld stated that the applicant had an advantage over other businesses in the mall that did not have a blank side wall at all. Most of the businesses were only identified by the sign on their primary elevation. Ms. Feld advised it was a large sign, perfectly visible for motorists and that the applicant had the option of using some of their allotted square footage to put a sign on the side wall if that was their choice.

Ms. Diehl spoke in rebuttal and stated the applicant's biggest concern was for people to be able to get to the store safely, without incident and be able to use both frontages so that they could enter from both elevations. Ms. Diehl advised it was a shopping center where the signage didn't detract from the community and where signs of the same size and nature were already in existence. Ms. Diehl advised they were not trying to create sign clutter. Putting a sign on the side of the building would create clutter and that was why the applicant changed it from the side to the back of the building during the process of application.

Chairman Kristin Grove confirmed that the signage would be on the monument sign on Clinton Hwy. and that with the allotted percentage of signage, it could be on the front and the back, just a smaller size. Chairman Kristin Grove stated that it was a big shopping center with multiple entrances off of Clinton Hwy. and that she struggled with an argument on safety.

Member Daniel Odle advised that everything about the shopping center was oriented toward Clinton Hwy., the front door faced Clinton Hwy and he had a hard time understanding the justification.

Chairman Kristin Grove pointed out that the background was applicable to anyone. Anyone's logo would have the same box drawn around it, that the applicant's blue was their logo and that the calculations were normal on that signage.

Member David Dupree advised that he did not see a visibility hardship and that most people would arrive from Clinton Hwy.

Chairman Kristin Grove made a motion to deny. It was seconded by member David Dupree. The Board voted 3-0 to **DENY**.

### **ADJOURNMENT**

The meeting adjourned at 5:01p.m.

### **OTHER BUSINESS**

The next BZA meeting is June 20, 2019.