



BOARD OF ZONING APPEALS

MINUTES

July 18, 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 July 18, 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 4:03p.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; 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 Don Horton made a motion to approve the June 20, 2019 meeting minutes. It was seconded by member Daniel Odle. The Board voted 4-0 to **APPROVE**.

OLD BUSINESS

None

NEW BUSINESS

File: 07-A-19-VA
Applicant: Long Sisters, LLC
Address: 2804/2806 Painter Ave.
Zoning: R-2 (General Residential) District

Parcel ID: 108BE014
2nd Council District

Variance Request:

- 1) Increase the maximum number of driveways for a duplex with less than 150 feet of frontage from 1 driveway to 2 driveways (Article V Section 7.H.1.a. Table 4)
- 2) Reduce the minimum driveway separation from 18' to 8' (Article V Section 7.H.2.c.)

As per plan submitted to construct a new two family townhouse style condominium dwelling in the R-2 (General Residential) District.

DeAnn Bogus advised City staff did not support the variance as requested. They felt there was a lesser variance that could be obtained. The applicant was proposing two 18'x18' concrete parking pads with an 8' separation between the two pads. City Engineering approved one concrete driveway 10' wide by 74' in length. The City proposed for a lesser variance, two 10'x35' driveways on the east and west sides with adequate separation distance which would eliminate variance #2.

Applicant Chris Bush was present and advised this was not a single family. It was two condos so a single car wide driveway would be awkward and impractical for two different tenants. Mr. Bush advised there were several other complexes in the area with a similar setup.

Member Don Horton confirmed with the applicant that the cars would be backing into Painter Ave. The applicant advised the current zoning didn't allow parking, it required the driveways to come off the main road. The applicant advised the lot had a 20 ft. elevation from front to back. Member Don Horton asked if it was acceptable traffic wise to have the vehicles backing out into Painter Ave. Peter Ahrens advised that a typical dwelling, whether it a single family or a duplex, has a driveway, versus when you have multi-family structures that's when you transition into a parking lot. In a residential neighborhood scenario with single families and duplexes, there's an assumption that there's coordination between the tenants.

Member David Dupree asked if there was parking available on the street. The applicant advised there was no available street parking. The applicant advised the original house was torn down and this would be new construction.

Chairman Kristin Grove acknowledged the concern of the 8' being the only separation between the two parking areas. The City's recommendation would give more like 40' in between to do the driveways down the side. Based on that, Chairman Grove recommended the Board vote on number 1 and number 2 separately. Member Daniel Odle asked the applicant to explain why it was impractical from a building standpoint, considering the topography, to split the driveways and do them one on each side of the lot. The applicant advised the current zoning requires parking to be behind the structure so the topography was the hardship for that specifically. For the second, regarding a single wide driveway, the applicant advised it just wasn't practical.

The applicant advised the units were already sold and the buyers were students with plans for roommates, there would be 4 occupants total.

Chairman Kristin Grove asked the applicant if he would entertain the opportunity to work with the City further on the plan and postpone the variance request to the next month. The applicant agreed to postpone.

Chairman Kristin Grove made a motion to postpone to the August BZA meeting. It was seconded by member Daniel Odle. The Board voted 4-0 to **POSTPONE**.

File: 07-B-19-VA
Applicant: The Blueprint Group, LLC.
Address: 141 Pruett Pl.
Zoning: C-3 (General Commercial) District

Parcel ID: 094DQ01201
4th Council District

Variance Request:

1) Reduce the minimum drive aisle width from 26 feet to 24 feet (Article V Section 7.E.1.d. Table 3)

As per plan submitted to construct an off-site parking lot in the C-3 (General Commercial) District.

DeAnn Bogus advised the project was required to provide a 10' wide perimeter screening area between the parking lot and right of way. The requested variance prioritized the landscape over the drive aisle width. If the drive aisle width were to remain 26' they would have to get a variance for the landscape perimeter screening area. Joshua Frerichs advised, from an Engineering point of view, they had seen a variance to that degree before and did not have any safety concerns.

The applicant representative Will Robinson was present and advised the hardship was four front yards: Pruett, Tyson, Bernard and the alley. In order to get cars on the parking lot they were asking for a variance on the drive width and given the landscape buffer, something had to give. Mr. Robinson advised it was going to be dedicated parking for a close-by business, not a public or retail center parking lot.

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

File: 07-C-19-VA
Applicant: U.S. Cellular
Address: 7412 Kingston Pike
Zoning: C-4 (Highway and Arterial Commercial) District

Parcel ID: 120FB004
2nd Council District

Variance Request:

1) Increase the maximum square footage allowed for attached signs in a C-4 zone from 105.36 square feet to 202.35 square feet (Article 8, Section 11.6.a.2.)

As per plan submitted to install new attached signs in the C-4 (Highway and Arterial Commercial) District.

The applicant representative Benjamin Mullins was present on behalf of U.S. Cellular. Mr. Mullins advised the lot was a flat area, the lot wasn't particularly large and the building wasn't particularly wide, which in a C-4 zone restricted the 10% of the square footage for the attached signs that would be allowed. Because Kingston Pike was a federally designated highway, they were allowed to have a 165 sq. ft. 20 ft. detached sign and with that particular lot in its location would be unnecessary. Mr. Mullins advised the variance request had been written so that the variance for the attached signs would only apply if the restriction was on the detached sign as well. An affidavit from the owner of the property was submitted in a letter to the Board where the owners agreed that as long as they were allowed to have the increased attached signs, they would waive any arguments as to increasing the signs later. Mr. Mullins advised that the issue was hardship and the hardship was that the detached sign was unnecessary for the property.

Kevin Murphy with Scenic Knoxville was present to speak in opposition. He advised the property did not have a distinguishing feature and did not have anything that would provide grounds for the justification of a variance.

Joyce Feld with Scenic Knoxville was present to speak in opposition. She advised that if a new tenant were to come in to the space they could increase the size of the ground sign and would then have oversized wall signs as well as a 20 ft. ground sign.

Chairman Kristin Grove advised it was a very visible site, she did not see a hardship and it would put the Board in an awkward position going forward with additional applicants who would want the same opportunity. Chairman Kristin Grove made a motion to deny. It was seconded by member Don Horton. Members Kristin Grove, Don Horton and Daniel Odle voted to deny. Member David Dupree abstained. The Board voted 3-1 to **DENY**.

File: 07-E-19-VA
Applicant: Sycamore Sign Service, LLP
Address: 9352 Park W. Blvd.
Zoning: PC-1 (Retail and Office Park) District

Parcel ID: 11901837
2nd Council District

Variance Request:

1) Reduce the minimum required setback for a detached sign in the PC-1 zone from 15' from edge of pavement to 10' (Article 8, Section 7.1.a.)

As per plan submitted to construct a new hospital monument sign in the PC-1 (Retail and Office Park) District.

DeAnn Bogus advised from the site plan submitted, Article 8, Section 7.1.a dictated the monument sign would have to be located 15 ft. from the edge of pavement. The monument sign would utilize the existing retaining wall and the retaining wall was 2 ft. from the property line.

The applicant representative Jason Draper was present and advised it was the front entrance to the hospital. It was short of the 15 ft. variance but their argument was that it was sitting on top of a retaining wall which would not create any additional safety issues. Mr. Draper advised it was private property before and they did grant the City right-of-way through the road as part of the construction progress and that's what set it up to require a variance.

Chairman Kristin Grove noted on the site plan that there would be parking behind the retaining wall so even if the request was denied the sign would have to be placed behind the retaining wall on a pedestal in the middle of a parking lot. Chairman Kristin Grove noted that the sign was not placed at the shortest distance of measurement. If the sign was placed up further in the curve they would have a shorter distance and the concern was if the 10ft. variance would be enough or would it end being 8.

Applicant representative Julie Shelby-Davis was present and advised she was confident that 10' was the number based on their research and direction from City staff.

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

File: 07-F-19-VA
Applicant: Jonathan Addington
Address: 406 Avenue C
Zoning: R-1 (Low Density Residential) District

Parcel ID: 123HK001
1st Council District

Variance Request:

1) Reduce the minimum required front yard setback on Neel St. from 25' to 15' (Article 4, Section 2.1.1.E.1.a.)

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

DeAnn Bogus advised it was a small lot of record, the Code didn't provide relief for corner lot front yard setbacks.

The applicant Jonathan Addington was present and advised the lot in question was a typical lot but the setbacks were on the front and the side so it was considered two fronts. According to Zoning a structure couldn't be built there but the lot also didn't allow a singlewide trailer or a tiny house. It was a useless piece of property until the setbacks were adjusted.

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

ADJOURNMENT

The meeting adjourned at 4:36p.m.

OTHER BUSINESS

The next BZA meeting is August 15, 2019.