

BOARD OF ZONING APPEALS

MINUTES

April 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 April 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 4:00p.m.

ROLL CALL

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

Others in attendance were Peter Ahrens, 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 David Dupree made a motion to approve the March 26, 2019 re-scheduled meeting minutes. It was seconded by member Charlie Van Beke. The Board voted 5-0 to **APPROVE**.

OLD BUSINESS

None

NEW BUSINESS

File: 04-A-19-VA
Applicant: Land Development Solutions
Address: 3039 Alcoa Hwy.
Zoning: C-3 (General Commercial) District

Parcel ID: 122PD017
1st Council District

Variance Request:

Parking Lot - Right-of-Way 1) Reduce the minimum setback for parking lots with common frontage in the same block with residentially zoned property and located on roads with less than 4 existing travel lanes from 25 feet to 0 feet from the street line (property line) for 44.7 feet of the frontage (Article V Section 7.C.2)

2) Reduce the minimum depth of the setback of a parking lot, measured from the edge of the parking lot to all rights-of-way from 6 feet to 0 feet for 44.7 feet of the frontage (Article V Section 7.C.3)

3) Reduce the minimum width of the perimeter screening area measured from the edge of the parking lot to all rights-of-way from 6 feet to 0 feet for 44.7 feet of the frontage (Article V Section 7.J.2.c.2)

4) Reduce the minimum setback for parking lots with common frontage in the same block with residentially zoned property and located on roads with less than 4 existing travel lanes from 25 feet to 6 feet from the street line (property line) (Article V Section 7.C.2)

5) Reduce the minimum number of deciduous or evergreen trees required between a parking lot and right-of-way from 8 trees to 0 trees (Article V Section 7.J.2.c.2)

6) Reduce the minimum number of shrubs required between a parking lot and right-of-way from 28 shrubs to 0 shrubs (Article V Section 7.J.2.c.2).

Parking Lot - Side/Rear Yard 7) Reduce the minimum parking lot setback for commercial zoning districts abutting residential zoning districts from 15 feet to 14.8 feet for 13 feet (Article V Section 7.C.4.b)

8) Reduce the minimum number of evergreen trees required between a parking lot and residential zone from 2 trees to 0 trees (Article V Section 7.J.2.c.1)

9) Reduce the minimum number of deciduous trees required between a parking lot and residential zone from 2 trees to 0 trees (Article V Section 7.J.2.c.1)

10) Reduce the minimum number of shrubs required between a parking lot and a residential zone from 7 to 0 (Article V Section 7.J.2.c.1)

As per plan submitted for an addition to the Voluntary Veterinary Clinic and a parking lot addition in the C-3 (General Commercial) District.

Peter Ahrens advised the City evaluated the functionality and layout of the parking lot with no objection as to how it flowed. Mr. Ahrens stated there were landscaping requirements and the City hadn't seen a hardship as far as if there was space for landscaping and the City felt it should be provided.

Applicant Rusty Baksa was present and advised variances 1, 3 and 4 were related to parking lot setback variance. The goal was to build a parking lot on the Alcoa Hwy. side and if they didn't get the variance they wouldn't be able to build any additional parking at all and it would actually take off two or three of the existing spaces. Mr. Baksa advised the project met the requirement for re-development and because the project increased the value of the property by more than 50%, it kicked them into re-development.

Gene Burr with Scenic Knoxville was present and spoke in opposition to the variance requests. Mr. Burr expressed a desire for the Board to require as much landscaping as possible so that landscaping done in the public right-of-way would have a good companion on the commercial properties.

Member David Dupree asked for an explanation of the landscaping plan. Architect Damon Falconnier was present and provided a supplemental document to be added to the application. Mr. Falconnier advised they were still putting the six trees that were required and a continuous screening along the north border that was 5ft. wide, planting 13 cypress trees at 5ft. apart.

Chairman Kristin Grove made a suggestion that the Board review the variances one by one.

Member Daniel Odle asked Scott Elder if Re-Code would affect the situation moving forward. Mr. Elder and Mr. Ahrens advised it would not.

Mr. Falconnier submitted supplemental pictures of the west side showing a section of trees between the property line and the adjacent houses. Member Don Horton asked if the trees were on the clinic's property and Mr. Falconnier advised they were not.

Chairman Kristin Grove made a motion to approve variance #1. It was seconded by member Daniel Odle. The Board voted 5-0 to **APPROVE** variance #1.

Chairman Kristin Grove made a motion to deny variance #2. It was seconded by member Daniel Odle. The Board voted 5-0 to **DENY** variance #2.

Chairman Kristin Grove made a motion to deny variance #3. It was seconded by member Charlie Van Beke. The Board voted 5-0 to **DENY** variance #3.

Chairman Kristin Grove made a motion to approve variance #4. It was seconded by member Charlie Van Beke. The Board voted 5-0 to **APPROVE** variance #4.

Chairman Kristin Grove made a motion to deny variance #5. It was seconded by member David Dupree. The Board voted 5-0 to **DENY** variance #5.

Chairman Kristin Grove made a motion to deny variance #6. It was seconded by member Charlie Van Beke. The Board voted 5-0 to **DENY** variance #6.

Chairman Kristin Grove made a motion to approve variance #7. It was seconded by member Charlie Van Beke. The Board voted 5-0 to **APPROVE** variance #7.

Chairman Kristin Grove made a motion to deny variance #8. It was seconded by Don Horton. Chairman Kristin Grove and member Don Horton voted in favor of denial. Members Daniel Odle, Charlie Van Beke and David Dupree voted to oppose denial. The motion died. Member David Dupree made a motion to approve variance #8. It was seconded by member Daniel Odle. Members David Dupree, Daniel Odle and Charlie Van Beke voted to approve. Chairman Kristin Grove and member Don Horton were opposed. The Board voted 3-2 to **APPROVE** variance #8.

Chairman Kristin Grove made a motion to deny variance #9. The motion died due to lack of a second. Member David Dupree made a motion to approve variance #9. It was seconded by Daniel Odle. Members Charlie Van Beke, David Dupree and Daniel Odle voted to approve. Members Kristin Grove and Don Horton were opposed. The Board voted 3-2 to **APPROVE** variance #9.

Member David Dupree made a motion to deny variance #10. It was seconded by Chairman Kristin Grove. Members Kristin Grove, David Dupree, Don Horton and Charlie Van Beke voted to deny. Member Daniel Odle was opposed. The Board voted 4-1 to **DENY** variance #10.

File: 04-D-19-VA
Applicant: Marcus & Heather Blakemore
Address: 513 Carta Rd.
Zoning: EN-1 (Established Neighborhood) District

Parcel ID: 0711C004
6th Council District

Variance Request:

- 1) Reduce the minimum required front yard from 40 feet as determined by Planning Staff, to 25.17 feet (Article 4, Section 2.1.4.E. Table)
- 2) Reduce the minimum required interior side yard from 10 feet as determined by Planning Staff, to 3.09 feet (Article 4, Section 2.1.4.E. Table)

As per plan submitted to permit a new attached garage in the EN-1 (Established Neighborhood) District.

Peter Ahrens recommended postponement to address the requests through policy decisions that would be more appropriate. Member David Dupree made a motion to postpone. It was seconded by Member Don Horton. The Board voted 5-0 to **POSTPONE**.

ADJOURNMENT

The meeting adjourned at 4:35p.m.

OTHER BUSINESS

The next BZA meeting is May 16, 2019.