



BOARD OF ZONING APPEALS

MINUTES

Re-Scheduled Meeting October 29, 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 Re-scheduled October 29, 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.

SPECIAL BUSINESS

In the absence of Chairman Kristin Grove, member Charlie Van Beke made a motion to elect member Don Horton as the substitute Chairman. It was seconded by member David Dupree. The Board voted 3-0 to **APPROVE**.

CALL TO ORDER

Substitute Chairman Don Horton called the meeting to order at 4:01p.m.

ROLL CALL

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

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 Juliana LeClair, Board Secretary.

MINUTES

Member Charlie Van Beke made a motion to approve the September 19, 2019 meeting Minutes. It was seconded by member David Dupree. The Board voted 3-0 to **APPROVE**.

OLD BUSINESS

None

NEW BUSINESS

File: 10-A-19-VA
Applicant: Mt. Calvary Baptist Church
Address: 1914 Saxton Ave. & 1807 Dandridge Ave.

Parcel ID: 095BL038/095BL058
6th Council District

Zoning: R-1 (Low-Density Residential) District

Variance Request:

- 1) Decrease the minimum depth of the setback between a parking lot and ROW from 25' to 9' for 101' of parking fronting Saxton Ave (Article V, Section 7.C.2)
- 2) Decrease the minimum perimeter screening area between a parking lot and ROW from 10' to 9' for 101' of parking fronting Saxton Ave (Article V, Section 7.J.2.c.2)
- 3) Decrease the minimum depth of the setback between a parking lot and ROW from 25' to 0.5' for 70' of parking fronting Saxton Ave (Article V, Section 7.C.2)
- 4) Decrease the minimum width of a perimeter screening area between a parking lot and ROW from 10' to 0.5' for 70' of parking fronting Saxton Ave (Article V, Section 7.J.2.c.2)
- 5) Decrease the minimum number of evergreen and/or deciduous trees between a parking lot and ROW for 70' of parking fronting Saxton Ave from 2 to zero (Article V, Section 7.J.2.c.2)
- 6) Decrease the minimum number of shrubs between a parking lot and ROW for 70' of parking fronting Saxton Ave from 7 to zero (Article V, Section 7.J.2.c.2)
- 7) Decrease the minimum depth of a side or rear yard setback for a parking lot from 10' to 2' for 115' (Article V, Section 7.C.4.d)
- 8) Decrease the minimum width of a perimeter screening area between a parking lot and a residential zone from 10' to 2' for 115' of the parking lot (Article V, Section 7.J.2.c.1)
- 9) Decrease the minimum depth of a side or rear yard setback for a parking lot from 10' to 3' for 57' (Article V, Section 7.C.4.d)

10) Decrease the minimum width of a perimeter screening area between a parking lot and a residential zone from 10' to 3' for 57' of the parking lot (Article V, Section 7.J.2.c.1)

11) Decrease the minimum required bicycle parking from 12 to 0 (Article V, Section 7.I.1. Table 8)

As per plan submitted to build a parking lot attached to an existing parking facility in the R-1 (Low Density Residential District).

Applicant representative Sheila Walton was present and advised that the Mt. Calvary church had purchased 1914 Saxton Ave. in order to expand the parking for the church. The lot at 1914 Saxton was adjacent to the existing church parking lot so when it was completed it would be one continuous parking lot with 32 spaces. Ms. Walton stated the hardship was that they did not have enough parking spaces and the church members had to park on both sides of Dandridge as a result, then walk across the street. Ms. Walton advised the church was on top of a hill and there was no other available space for parking expansion.

Joyce Feld of Scenic Knoxville was present and spoke in opposition out of concern for the landscaping variances and the reduction of the buffer zones between the parking lot and the residential areas to the degree requested. Ms. Feld offered several suggestions for alternatives to the variance requests.

Ms. Walton advised that the residents on the Dandridge side had asked the church to install a fence rather than landscaping to avoid people walking through their yards.

Member David Dupree asked if it was possible to open up the back of the parking lot off of Saxton. Ms. Walton advised that the church had polled the neighbors on Saxton and the neighbors did not want an entry on Saxton Ave.

Member Don Horton confirmed that it was angled parking one-way direction with the minimum size. He confirmed that the new parking lot would be at the higher elevation and they would not have a retaining wall because it was not needed.

Two of the church's neighbors spoke in support of the project and confirmed that the church had consulted with them on the changes.

Member David Dupree made a motion to approve. It was seconded by member Don Horton. The Board voted 3-0 to **APPROVE**.

File: 10-B-19-VA
Applicant: Raising A Voice
Address: 1209 E. Magnolia Ave.

Parcel ID: 095AC019
6th Council District

Zoning: C-3 (General Commercial) District

Variance Request:

1) Reduce the required parking for mixed use occupancy from 10 to 0 (Article V, Section 7.D.1. Table 1)

As per plan submitted to save two 100-plus year old oak trees to the rear of an existing building in the C-3 (General Commercial District).

Peter Ahrens advised the request was down to zero based on the impact that it would have on the trees. In discussing that impact with an urban forester the City agreed that any sort of disturbance back there would negatively impact the trees.

Applicant Katie Boggs was present and advised they were requesting zero parking spots because there were side streets for parking and there were two open City lots nearby. Between the small lot size and critical root zone of the trees there wasn't room to create parking without disturbing something that was already there when they purchased the lot. Mrs. Boggs advised the back entrance would be ADA accessible as well.

Member Charlie Van Beke made a motion to approve. It was seconded by member Don Horton. The Board voted 3-0 to **APPROVE**.

File: 10-C-19-VA
Applicant: Joseph DaMommio
Address: 1812 Prosser Rd.

Parcel ID: 070ND005
4th Council District

Zoning: I-2 (Restricted Manufacturing and Warehousing) District

Variance Request:

1) Reduce the front yard setback in an I-2 zone for a commercial building addition from 25' to 14.99' (Article 4, Section 2.3.1.E.2.)

As per plan submitted to build an addition to an existing building in the I-2 (Restricted Manufacturing and Warehousing District).

Applicant representative Will Robinson was present and advised the property had several topography issues and was also irregularly shaped. The area to the rear of the property had to be dedicated to storm water detention.

Member Charlie Van Beke confirmed that the requested setback would only affect one corner of the building. Mr. Robinson advised they would not lose any parking as a part of the project and required parking was already present.

Member David Dupree made a motion to approve. It was seconded by member Charlie Van Beke. The Board voted 3-0 to **APPROVE**.

File:	10-D-19-VA	Parcel ID: 094MG012,094MG011,
Applicant:	The 9 Group (Shailesh Patel)	094MG010, 094MG008
Address:	1100/1104/1110/1114 Clinch Ave.	094MG007
Zoning:	O-1 (Office, Medical and Related Services) District	1 st Council District

Variance Request:

- 1) Reduce the required front yard setback in an O-1 zone on Twelfth St. from 25' to 0' (Article IV, Section 2.2.1.D.1.)
- 2) Reduce the required front yard setback in an O-1 zone on Clinch Ave. from 25' to 0' (Article IV, Section 2.2.1.D.1.)
- 3) Reduce the required front yard setback in an O-1 zone on Eleventh St. from 25' to 0' (Article IV, Section 2.2.1.D.1.)
- 4) Reduce the required side yard setback in an O-1 zone along the existing alley from 15' to 0' (Article IV, Section 2.2.1.D.2.)
- 5) Increase the required maximum lot coverage in an O-1 zone from 35% to 95% (Article IV, Section 2.2.1.D.5.b.)
- 6) Increase the height maximum in an O-1 zone from 45' to 85' (Article IV, Section 2.2.1.E.2.)
- 7) Reduce the required parking for a hotel from 1 space per lodging unit to .95 space per lodging unit (Article V, Section 7.D.1. Table1)
- 8) Reduce the minimum distance between a driveway and the intersecting street from 50' to 28' (Article V, Section 7.H.2.a. Table 5)

As per plan submitted to build a new hotel and parking garage in the O-1 (Office, Medical and Related Services) District.

Peter Ahrens noted that the City recognized the existing parking issues in the Fort Sanders area and the City did not support an increase in those issues. Mr. Ahrens also referenced a letter of opposition that had been provided to the Board for review prior to the meeting.

Applicant representative Ben Mullins was present and requested a postponement to the November 21 meeting.

Member David Dupree made a motion to postpone. It was seconded by member Charlie Van Beke. The Board voted 3-0 to **POSTPONE**.

File: 10-E-19-VA
Applicant: Justin Vaughn
Address: 2430 Jefferson Ave.

Parcel ID: 082JQ010
6th Council District

Zoning: R-1A (Low Density Residential) District

Variance Request:

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

As per plan submitted to create parking spaces for a new single family dwelling in the R-1A (Low Density Residential) District.

Applicant Justin Vaughn was present and advised he was not aware of the changes in the neighborhood and upon submitting the plans he was disapproved because primary parking needed to come off the street. The hardship was that there was an 18" existing retaining wall as well as a sewer and gas line running in that area where parking was proposed to be. The intent of the variance request was to make the two parking spaces off the alley the main parking for the property.

Member David Dupree noted that there always seemed to be available street parking on both sides of Jefferson. Mr. Vaughn advised that as a result of City re-zoning requirements, he had to have off-street parking for the new construction.

Peter Ahrens advised that any new dwelling was required to provide two off-street parking spaces but the existing dwellings were grandfathered in and were not required to provide off-street parking. Mr. Ahrens advised it was either the variance of allowing it to go off of the alley or reduce the required parking from two down to zero. From the City's perspective the lesser of the two would be to allow the parking off of the alley.

Mr. Vaughn advised there was a 14% slope in the front yard alone from the front of the house to the retaining wall and it increased toward the back of the structure.

Member Charlie Van Beke made a motion to approve. It was seconded by member David Dupree. The Board voted 3-0 to **APPROVE**.

ADJOURNMENT

The meeting adjourned at 4:41p.m.

OTHER BUSINESS

The next BZA meeting is November 21, 2019.