



## BOARD OF ZONING APPEALS

### MINUTES

August 16, 2022

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 August 16, 2022 meeting at 4:00 pm in the Small Assembly Room, City County Building, 400 Main Street, Knoxville, TN, and via the Zoom online meeting format.

*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.*

**An audio recording of the full BZA meeting can be accessed by clicking [here](#) or by visiting [www.knoxvilletn.gov](http://www.knoxvilletn.gov)**

### CALL TO ORDER

Chairman Daniel Odle called the meeting to order at 4:00 p.m.

### ROLL CALL

Board members present were Chairman Daniel Odle, Vice-Chairman Grant Rosenberg, members Christina Boulter, Eboni James and Amy Sherrill. Please note that member Eboni James departed the meeting at 5:15 p.m.

Others in attendance were Peter Ahrens, Building Official; Bryan Berry, Building Official; Joshua Frerichs; Stormwater Engineering; Mike Reynolds, Knoxville-Knox County Planning; Alyson Dyer, City Attorney; Katie McGonigal, City Law Clerk, Jennifer Scobee, Board Secretary.

### MINUTES

July 19, 2022 meeting

Vice-Chairman Grant Rosenberg made a motion to approve the July 19, 2022 minutes. It was seconded by member Amy Sherrill. The Board voted 5-0 to **APPROVE**.

## **NEW BUSINESS**

**FILE:** 7-G-22-VA  
**APPLICANT:** Joshua Wright  
**ADDRESS:** 2425 Anita Dr  
**ZONING:** RN-4 (Single Family Residential) Zoning District

**PARCEL ID:** 095OD00603  
1<sup>ST</sup> COUNCIL DISTRICT

### **VARIANCE REQUEST:**

1. Increase the maximum building height from 45 feet to 66 feet for a multi-family dwelling in the RN-4 district. Per Article 4.3; Table 4-1.
2. Increase the maximum lot area from 40,000 square feet to 258,311 square feet for a multi-family dwelling in the RN-4 district. Per Article 4.3; Table 4-1.

Per plan submitted to construct a multi-family dwelling in the RN-4 (General Residential Neighborhood) Zoning District, 1<sup>st</sup> Council District.

Applicant Joshua Wright spoke in favor of the application. There was no opposition present.

Chairman Daniel Odle made a motion to approve. It was seconded by member Eboni James. The Board voted 5-0 to **APPROVE**.

**FILE:** 8-A-22-VA  
**APPLICANT:** Rick Collins  
**ADDRESS:** 1909 Nickerson Ave  
**ZONING:** RN-2 (Single Family Residential) Zoning District

**PARCEL ID:** 069MD045  
4<sup>th</sup> COUNCIL DISTRICT

### **VARIANCE REQUEST:**

1. Increase the maximum building coverage from 30% to 31.3% for construction of an enclosed porch in the RN-2 district. Per Article 4.3; Table 4-1.
2. Increase the maximum impervious surface coverage from 40% to 49.5% for construction of an enclosed porch in the RN-2 district. Per Article 4.3; Table 4-1.

Per plan submitted to replace deck and add a roof to deck in the RN-2 (Single-Family Residential Neighborhood) Zoning District, 4<sup>th</sup> Council District.

Applicant Rick Collins spoke in favor of the application. There was no opposition present.

Vice-Chairman Grant Rosenberg made a motion to approve. It was seconded by member Christina Boulter. The Board voted 5-0 to **APPROVE**.

**FILE:** ~~8-B-22-VA~~ **PARCEL ID:** 081LQ030  
**APPLICANT:** Jason Stark **4<sup>th</sup> COUNCIL DISTRICT**  
**ADDRESS:** 307 E. Oklahoma Ave  
**ZONING:** RN-2 H (Single Family Residential) Zoning District

**VARIANCE REQUEST:**

~~Decrease the minimum lot area from 10,000 square feet to 8,238 square feet to permit a two-family dwelling in RN-2 district. Per Article 4.3; Table 4-1.~~

~~Per plan submitted to renovate a two-family dwelling in the RN-2 (Single Family Residential Neighborhood) Zoning District, 4<sup>th</sup> Council District.~~

This application was removed from the agenda and was not heard.

**FILE:** **8-C-22-VA** **PARCEL ID:** 058DM010  
**APPLICANT:** William Dohm **4<sup>th</sup> COUNCIL DISTRICT**  
**ADDRESS:** 3221 Garden Dr  
**ZONING:** RN-1 (Single Family Residential) Zoning District

**VARIANCE REQUEST:**

1. Decrease the minimum interior side setback from 10 feet to 3.4 feet for a nonresidential use in the RN-1 district. Per Article 4.3; Table 4-1.
2. Decrease the driveway width from 20 feet to 10 feet for a nonresidential use in the RN-1 district. Per Article 11.7.C; Table 11-6.
3. Decrease the minimum lot area for nonresidential from 20,000 square feet to 12,692 square feet for an educational facility - primary or secondary use in the RN-1 district. Per Article 4.3; Table 4-1.

Per plan submitted to change the use from single family to educational in the RN-1 (Single Family Residential) Zoning District, 4<sup>th</sup> Council District.

There was no one present to speak to this application.

Chairman Daniel Odle made a motion to move the application to the end of the agenda. It was seconded by Vice-Chairman Grant Rosenberg. The Board voted 5-0 to move to the end of the agenda.

Vice-Chairman Grant Rosenberg made a motion to postpone this application to the September 20, 2022 meeting as no one was present. It was seconded by Chairman Daniel Odle. The Board voted 4-0 to postpone this application to the September meeting.

**FILE:** 8-D-22-VA  
**APPLICANT:** Calvin David O'Dell  
**ADDRESS:** 333 Macedonia Ln  
**ZONING:** RN-1(Single Family Residential) Zoning District

**PARCEL ID:** 07ID007  
6<sup>th</sup> COUNCIL DISTRICT

**VARIANCE REQUEST:**

Decrease the minimum interior side setback from 5 feet to 0 feet for an attached carport. Per Article 10.3.A.5.

Per plan submitted to allow storage building to remain on the previous carport footprint in the RN-1 (Single Family Residential) Zoning District, 6<sup>th</sup> Council District.

Applicant Calvin O'Dell and his son Todd O'Dell spoke in favor of the application. There was no opposition present.

Chairman Daniel Odle made a motion to approve. It was seconded by Vice-Chairman Grant Rosenberg. The Board voted 5-0 to **APPROVE**.

**FILE:** 8-E-22-VA  
**APPLICANT:** Glenn Richters  
**ADDRESS:** 2150 N. Central St  
**ZONING:** C-G-2 (General Commercial) Zoning District

**PARCEL ID:** 081KB001, 081KB002  
5<sup>th</sup> COUNCIL DISTRICT

**VARIANCE REQUEST:**

Decrease the minimum number of required parking spaces for industrial craft use from 29 parking spaces to 20 parking spaces. Per Article 11.4; Table 11-2.

Per plan submitted to for an industrial craft use in the C-G-2 (General Commercial) Zoning District, 5<sup>th</sup> Council District.

Applicant Glenn Richters spoke in favor of the application. There was no opposition present.

Please note that Board Member Amy Sherrill recused herself from this vote.

Vice-Chairman Grant Rosenberg made a motion to approve. It was seconded by member Eboni James. The Board voted 4-0 to **APPROVE**.

**FILE:** 8-F-22-VA  
**APPLICANT:** David Rosser  
**ADDRESS:** 4051 Sutherland Ave  
**ZONING:** RN-1 (Single Family Residential) Zoning District

**PARCEL ID:** 107KJ020  
2<sup>nd</sup> COUNCIL DISTRICT

**VARIANCE REQUEST:**

Reduce the front setback from 44 to 32 feet for a single-family dwelling addition in the RN-1 district. Per Article 4.3; Table 4-1.

Per plan submitted to build an addition in the RN-1 (Single Family Residential) Zoning District, 2<sup>nd</sup> Council District.

Applicant David Rosser spoke in favor of the application. There was no opposition present.

Vice-Chairman Grant Rosenberg made a motion to approve. It was seconded by Chairman Daniel Odle. The Board voted 5-0 to **APPROVE**.

**FILE:** 8-G-22-VA  
**APPLICANT:** Lara Sievers, Bluemont Property LLC  
**ADDRESS:** 6115 Asheville Hwy  
**ZONING:** C-H-2 (Highway Commercial) Zoning District

**PARCEL ID:** 07100101  
4<sup>th</sup> COUNCIL DISTRICT

**VARIANCE REQUEST:**

Request to increase the maximum allowance for attached signage from 39.1 square feet to 149.1 square feet for a drive-through establishment in the C-H-2 district. Per Article 13.9.F.1.b.

Per plan submitted to install sign graphics on building for drive thru in the C-H-2 (Highway Commercial) Zoning District, 4<sup>th</sup> Council District.

Jonathan Sisco was on ZOOM and spoke in favor of the application. Joyce Feld, President of Scenic Knoxville was present and spoke in opposition of the application.

Member Christina Boulter made a motion to deny. It was seconded by member Eboni James. Vice-Chairman Grant Rosenberg voted to approve. The Board voted 4-1 to **DENY**.

**FILE:** 8-H-22-VA  
**APPLICANT:** Rusty Baska  
**ADDRESS:** 720 Burgess Ave & 0 Teddy Ave  
**ZONING:** I-G (General Industrial) Zoning District

**PARCEL ID:** 094CJ016, 094CJ020  
6<sup>th</sup> COUNCIL DISTRICT

**VARIANCE REQUEST:**

1. Decrease the front setback from 25 feet to 10 feet for a storage facility outdoor use in the I-G district. Per Article 6.3; Table 6-1.
2. Decrease the parking/driveway lane that must be provided adjacent to all buildings when the buildings open only to one side of the lane from 26-feet to 18-feet for a storage facility outdoor use in the I-G district. Per Article 9.3.AA.3.
3. Decrease the parking/driveway lane that must be provided adjacent to all building when the buildings open to both sides of the lane from 30-feet to 24.84 feet for a storage facility outdoor use in the I-G district. Per Article 9.3.AA.3.

Per plan submitted to build a self-storage facility in the I-G (General Industrial) Zoning District, 6<sup>th</sup> Council District.

Applicant Rusty Baska and Andy Shafer spoke in favor of the application. There was no opposition present.

Vice-Chairman Grant Rosenberg made a motion to approve. It was seconded by member Christina Boulter. Member Amy Sherrill voted to deny. The Board voted 4-1 to **APPROVE**.

<b>FILE:</b>	<b>8-I-22-VA</b>	<b>PARCEL ID:</b> 108CD040, 108CD041
<b>APPLICANT:</b>	Ben Mullins	108CD042, 108CD043, 108CD044
<b>ADDRESS:</b>	1901, 1905, 1915, 1931, 1937 Cumberland Ave	108CD006, 108CD007, 108CD038
	705, 709, 711, 713 Nineteenth St	108CD039, 108CD001, 108CD045
	700, 702 Twentieth St	108CD005, 108CD004, 108CD003
	1902, 1908, 1912, 1916 White Ave	108CD002
<b>ZONING:</b>	CU-2, CU-3 (Cumberland Avenue) Zoning District	

**VARIANCE REQUEST:** 1<sup>st</sup> COUNCIL DISTRICT

1. Increase the maximum building height and stories from 90 feet and 8 stories to 115 feet and 10 stories for a multi-family dwelling in the CU-2 district. Per Article 7.2.3.B.3.A.
2. Decrease the 10 foot setback in building mass above the minimum 2nd story to the 1st story for a multi-family dwelling in the CU-2 district. Per Article 7.2.3.B.3.C.
3. Decrease the distance a driveway from 20th Street must be located a minimum of 100 feet from Cumberland Avenue to 92 feet 5 inches for a multi-family dwelling in the CU-2 district. Per Article 11.7.B; Table 11-5.
4. Increase the maximum building height and stories from 90 feet and 8 stories to 105 feet and 10 stories for a structured parking garage in the CU-3 district. Per Article 7.2.3.C.3.A.
5. Increase the maximum building height an accessory structure can exceed the building height from 10 feet to 16 feet 6 inches for an elevator and stairway access for a structured parking garage in the CU-3 district. Per Article 7.0.3.I.3.
6. Increase the maximum entrance spacing along a primary street from 100 feet to 340 feet for a structured parking garage in the CU-3 district. Per Article 7.2.3.C.4.A.
7. Decrease the distance a driveway from 19th Street must be located a minimum of 50 feet from White Avenue to 38 feet 7 inches for a structured parking garage in the CU-3 district. Per Article 11.7.B; Table 11-5.
8. Decrease the distance a driveway from 20th Street must be located a minimum of 50 feet from White Avenue to 40 feet 3 inches for a structured parking garage in the CU-3 district. Per Article 11.7.B; Table 11-5.

Per plan submitted to build mixed-use housing in the CU-2 and CU-3 (Cumberland Avenue) Zoning Districts, 1<sup>st</sup> Council District.

Applicant Ben Mullins was present via ZOOM, Richard Graves, Jared Schenk and Doug Tichenor spoke in favor of the application. Steven Cook, President of University Towers Homeowner Association was present and spoke in opposition of the application.

Chairman Daniel Odle made a motion to discuss 8I22VA, 8J22VA, 8K22VA and 8L22VA together. Vice-Chairman Grant Rosenberg seconded it. The Board voted 5-0 to discuss these applications together.

Please note that Board Member Eboni James left the meeting at 5:15 p.m. prior to the vote.

Vice-Chairman Grant Rosenberg made a motion to approve. It was seconded by Chairman Daniel Odle. Member Amy Sherrill voted to deny. The Board voted 3-1 to **APPROVE**.

**FILE:** 8-J-22-VA  
**APPLICANT:** Ben Mullins  
**ADDRESS:** 2001, 2017 Cumberland Ave  
**ZONING:** CU-2 (Cumberland Avenue) Zoning District

**PARCEL ID:** 108CC023, 108CC024  
1<sup>st</sup> COUNCIL DISTRICT

**VARIANCE REQUEST:**

1. Increase the maximum building height and stories from 90 feet and 8 stories to 115 feet and 10 stories for a multi-family dwelling in the CU-2 district. Per Article 7.2.3.B.3.A.
2. Increase the maximum building height an accessory structure can exceed the building height from 10 feet to 15 feet for a multi-family dwelling in the CU-3 district. Per Article 7.0.3.I.3.
3. Increase the primary street build to zone from 0 to 10 feet to 0 to 17 feet for a multi-family dwelling in the CU-2 district. Per Article 7.2.3.B.2.A.
4. Decrease the minimum setback from 10 feet to 0 feet for ground level parking along the rear of the property for a multi-family dwelling in the CU-2 district. Per Article 7.2.3.B.2.H.

Per plan submitted to build mixed-use housing in the CU-2 (Cumberland Avenue) Zoning District, 1<sup>st</sup> Council District.

Applicant Ben Mullins was present via ZOOM, Richard Graves, Jared Schenk and Doug Tichnor spoke in favor of the application. There was no opposition to this application.

Please note that Board Member Eboni James left the meeting at 5:15 p.m. prior to the vote.

Chairman Daniel Odle made a motion to approve. It was seconded by Vice-Chairman Grant Rosenberg. Member Amy Sherrill voted to deny. The Board voted 3-1 to **APPROVE**.

**FILE:** 8-K-22-VA  
**APPLICANT:** Ben Mullins  
**ADDRESS:** 2109, 2121 Cumberland Ave  
**ZONING:** CU-2 (Cumberland Avenue) Zoning District

**PARCEL ID:** 108CC027, 108CC028  
1<sup>st</sup> COUNCIL DISTRICT

**VARIANCE REQUEST:**

Decrease the minimum upper story height, floor to ceiling from 9 feet to 8 feet 8 inches for a multi-family dwelling in the CU-2 district. Per Article 7.2.3.B.3.E.

Per plan submitted to build mixed-use housing in the CU-2 (Cumberland Avenue) Zoning District, 1<sup>st</sup> Council District.



Applicant Ben Mullins was present via ZOOM, Richard Graves, Jared Schenk and Doug Tichnor spoke in favor of the application. There was no opposition present for this application.

Please note that Board Member Eboni James left the meeting at 5:15 p.m. prior to the vote.

Vice-Chairman Grant Rosenberg made a motion to approve. It was seconded by Chairman Daniel Odle. The Board voted 4-0 to **APPROVE**.

<b>FILE:</b>	<b>8-L-22-VA</b>	<b>PARCEL ID:</b> 108CH007, 108CH005
<b>APPLICANT:</b>	Ben Mullins	108CH004, 108CH009, 108CH010
<b>ADDRESS:</b>	1900, 1912, 2000 Cumberland Ave 817 Nineteenth St 1901 Lake Ave	1 <sup>st</sup> COUNCIL DISTRICT
<b>ZONING:</b>	CU-1, CU-2 (Cumberland Avenue) Zoning District	

**VARIANCE REQUEST:**

1. Decrease the minimum upper story height, floor to ceiling from 9 feet to 8 feet 8 inches for a multi-family dwelling in the CU-2 district. Per Article 7.2.3.B.3.E.
2. Decrease the minimum upper story height, floor to ceiling from 9 feet to 8 feet 8 inches for a multi-family dwelling in the CU-1 district. Per Article 7.2.3.A.3.H.

Per plan submitted to build mixed-use housing in the CU-1 and CU-2 (Cumberland Avenue) Zoning Districts, 1<sup>st</sup> Council District.

Applicant Ben Mullins was present via ZOOM, Richard Graves, Jared Schenk and Doug Tichnor spoke in favor of the application. There was no opposition to this application.

Please note that Board Member Eboni James left the meeting at 5:15 p.m. prior to the vote.

Member Christina Bouler made a motion to approve. It was seconded by Chairman Daniel Odle. The Board voted 4-0 to **APPROVE**.

**OTHER BUSINESS**

The next BZA meeting will be held on September 20, 2022 in the Small Assembly Room.

**ADJOURNMENT**

Chairman Daniel Odle adjourned the meeting at 5:57 p.m.