



BOARD OF ZONING APPEALS

MINUTES

December 17, 2020 Meeting

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 December 17, 2020 meeting at 4:00 pm 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 via the below link:

[Knoxville.tn.gov/BZA Audio Minutes](https://knoxville.tn.gov/BZA-Audio-Minutes)

CALL TO ORDER

Chairman Daniel Odle called the meeting to order at 4:04pm.

ROLL CALL

Board members present were Daniel Odle, David Dupree, Christina Boulter, Grant Rosenberg and Don Horton.

Others in attendance were Peter Ahrens, Building Official; Bryan Berry, Building Official; Joshua Frerichs, Stormwater Engineering; Christina Magrans, City Attorney; Amy Brooks, Knoxville-Knox County Planning Services Manager and Juliana LeClair, Board Secretary.

SPECIAL MOTIONS

Member David Dupree made a motion to “confirm that conducting today’s meeting by electronic means is necessary to protect the public health, safety and welfare of Tennesseans in light of the COVID-19 outbreak”. It was seconded by member Don Horton. The Board voted 5-0 to **APPROVE**.

MINUTES

Member Don Horton made a motion to approve the Minutes from the November 19, 2020 meeting. It was seconded by Chairman Daniel Odle. The Board voted 4-0 to **APPROVE**. Chairman Daniel Odle abstained, as he was not present at the November meeting.

NEW BUSINESS

File: 11-A-20-VA
Applicant: Middlebrook Farm, LLC & Fiser, Inc.
Address: 4281 Middlebrook Farm Lane
Zoning: I-H (Heavy Industrial) Zoning District

Parcel ID: 093KB00202
6th Council District

Variance Request:

- 1) Increase the maximum total height for freestanding cut off luminaire in a nonresidential district from 20 feet to 37 feet (Article 10.2.B.5)
- 2) Increase the maximum cut off angle of a freestanding luminaire from 75 degrees to 90 degrees (Article 10.2.B.3)

Per plan submitted to construct two office/warehouse buildings in the I-H (Heavy Industrial) Zoning District.

Applicant representative Larry Headla was present and spoke to the application.

Kevin Murphy with Scenic Knoxville was present and spoke in opposition to the application.

Chairman Daniel Odle made a motion to approve. It was seconded by member Grant Rosenberg.

The Board voted 5-0 to **APPROVE**.

File: 12-A-20-VA
Applicant: Damon A. Falconnier, NCARB
Address: 4605 Central Ave. Pike
Zoning: O (Office) Zoning District

Parcel ID: 068LC01801
5th Council District

Variance Request:

Increase the maximum height for a detached accessory structure from 18 feet to 45 feet for a freestanding work of art in the shape of a cross bearing no advertising (Article 10.3.A.4)

Per plan submitted to construct a detached accessory structure in the O (Office) Zoning District.

Applicant Damon A. Falconnier was present and spoke to the application.

Joyce Feld with Scenic Knoxville was present and spoke in opposition to the application.

Member Grant Rosenberg made a motion to deny. It was seconded by member Don Horton.

The Board voted 5-0 to **DENY**.

File: 12-B-20-VA
Applicant: Emerald Youth Foundation
Address: 1740 Texas Ave.
Zoning: OS (Parks and Open Space) Zoning District

Parcel ID: 081PN03403
5th Council District

Variance Request:

1) Increase the sign area for a detached sign in the OS (Open Space) district from a maximum of nine square feet to 77.7 square feet (Article 13.9.A.3)

2) Increase the sign height for a detached sign in the OS (Open Space) district from a maximum of eight feet to 10 feet (Article 13.9.A.3)

Per plan submitted to erect a detached sign in the OS (Parks and Open Space) Zoning District.

Applicant representative George Ewart was present and spoke to the application.

Kevin Murphy with Scenic Knoxville was present and spoke in opposition to the application.

Member Grant Rosenberg made a motion to approve. It was seconded by member Don Horton.

The Board voted 4-1 to **APPROVE**.

File: 12-C-20-VA **Parcel ID:** 121PD035
Applicant: Curt and Thelen Wright 2nd Council District
Address: 1200 Forest Brook Rd.
Zoning: RN-1 (Single-Family Residential Neighborhood) Zoning District

Variance Request:

Increase the maximum building coverage for a single accessory structure, based on a lot area of more than 15,000 square feet, but less than acre, from 900 square feet to 979 square feet for a covered porch, carport and storage structure (Article 10.3.A.6)

Per plan submitted to construct a new covered parking structure with unconditioned storage to the rear of the structure and above the covered parking in the RN-1 (Single-Family Residential Neighborhood) Zoning District.

Applicant representative Holly Williams was present and spoke to the application.

Member Don Horton made a motion to approve. It was seconded by member Christina Boulter.

The Board voted 5-0 to **APPROVE**.

File: 12-D-20-VA **Parcel ID:** 094CN018
Applicant: Joshua Schmitt 6th Council District
Address: 1243 Iredell Ave.
Zoning: RN-2 (Single-Family Residential Neighborhood) Zoning District

Variance Request:

Increase the maximum percentage a detached accessory dwelling unit can be of the primary dwelling floor area from 40% to 50% for conversion of an existing detached garage into an accessory dwelling unit (Article 10.3.B.9). Gross floor area of the proposed accessory dwelling is 474 square feet and gross floor area of the primary dwelling is 948 square feet.

Per plan submitted to convert a detached garage to an ADU in the RN-2 (Single-Family Residential Neighborhood) Zoning District.

Applicant Joshua Schmitt was present and spoke to the application.

Member David Dupree made a motion to approve. It was seconded by member Don Horton.

The Board voted 5-0 to **APPROVE**.

File: 12-E-20-VA
Applicant: Amy Sherrill – Benefield Richters
Address: 611 E. Depot Ave.
Zoning: I-MU (Industrial Mixed-Use) Zoning District

Parcel ID: 095AM008
6th Council District

Variance Request:

- 1) Increase the maximum number of driveways for a lot frontage less than 150 feet from one to two (Article 11.7.A.1; Table 11-7)
- 2) Decrease the minimum number of required parking spaces for an eating and drinking establishment from 24 to 7 (Article 11.4.A.4; Table 11-2)
- 3) Decrease the minimum distance between a driveway and intersecting street from 50 feet to 29 feet (Article 11.7.B; Table 11-8)

Per plan submitted to redevelop an existing building as a restaurant in the I-MU (Industrial Mixed-Use) Zoning District.

Applicant Amy Sherrill was present and spoke to the application.

Member Grant Rosenberg made a motion to eliminate variances #1 and #3 and to approve variance #2 with the revision of 24-7 parking spaces to 24-3 parking spaces. That motion was not seconded. Chairman Daniel Odle made a motion to approve as previously stated. It was seconded by member Christina Boulter.

The Board voted 3-2 to **APPROVE** with revision.

File: 12-G-20-VA

Applicant: Ana Barrientos

Address: 2308 E. Fifth Ave.

Zoning: RN-2 (Single-Family Residential Neighborhood) Zoning District

Parcel ID: 082OD004

6th Council District

Variance Request:

- 1) Reduce the minimum distance a detached accessory dwelling unit must be setback from a rear property line of 10 feet to 5 feet 5 inches (Article 10.3.B.7)
- 2) Reduce the required number of off-street parking spaces required for an accessory dwelling unit from one to zero (Article 10.3.B.11)
- 3) Increase the maximum percentage an accessory dwelling unit can be of the primary dwelling floor area from 40% to 67% for the conversion of an existing detached accessory structure into an accessory dwelling unit (Article 10.3.B.9)

Per plan submitted to turn an existing building into an ADU in the RN-2 (Single-Family Residential Neighborhood) Zoning District.

Applicant representative Tom Adams was present and spoke to the application.

Applicant representative Kenny Riffey was present and spoke to the application.

Member Grant Rosenberg made a motion to approve variances #1 and #3 and to deny variance #2. It was seconded by member Don Horton.

The Board voted 5-0 to **APPROVE** with revision.

File: 12-H-20-VA

Applicant: McCarty Holsaple McCarty

Address: 1650 Huron St. / 1617 Saint Mary St.

Zoning: INST (Institutional) Zoning District

Parcel ID: 081EH01601, 081EH01602

5th Council District

Variance Request:

Reduce the minimum drive aisle width for two-way access from 26 feet to 25 feet 6 inches in an existing parking garage for plans submitted under the old City of Knoxville Zoning Ordinance (Article 5.7.E; Table 3)

Per plan submitted to renovate a parking garage that is part of an existing facility in the INST (Institutional) Zoning District.

Applicant representative Laura Bush was present and spoke to the application.

Member Grant Rosenberg made a motion to approve. It was seconded by member David Dupree.

The Board voted 5-0 to **APPROVE**.

File:	12-I-20-VA	Parcel ID: 081LS016
Applicant:	Lauren Rider	4 th Council District
Address:	227 E. Oklahoma Ave.	
Zoning:	RN-2 (Single-Family Residential Neighborhood) Zoning District	

Variance Request:

Reduce the minimum interior side setbacks combined from a minimum of 15 feet to 10 feet for placement of a single-family dwelling on a lot in the RN-2 district (Article 4.3.A; Table 4-1)

Per plan submitted to move a single family residence in the RN-2 (Single-Family Residential Neighborhood) Zoning District.

Applicant Lauren Rider was present and spoke to the application.

Member Grant Rosenberg made a motion to approve. It was seconded by member David Dupree.

The Board voted 5-0 to **APPROVE**.

File:	12-J-20-VA	Parcel ID: 094MG021
Applicant:	Ken Padgett	1 st Council District
Address:	1109 White Ave.	
Zoning:	O (Office) Zoning District	

Variance Request:

Increase the maximum sign area of an individual wall sign in a O zone from 24 square feet in area to 117.67 square feet in area (Article 13.9.E.2.a)

Per plan submitted to add a blade sign to the side of a building in the O (Office) Zoning District.

Applicant Ken Padgett was present and spoke to the application.

Applicant representative Sean Hondorf was present and spoke to the application.

Kevin Murphy with Scenic Knoxville was present and spoke in opposition.

Member Grant Rosenberg made a motion to approve the variance request on the condition that the applicant permanently relinquish the variances regarding wall signs and monument signs which were previously granted in application 4M03VA and 6L07VA. It was seconded by Chairman Daniel Odle.

The Board voted 5-0 to **APPROVE** with condition.

File: 12-K-20-VA
Applicant: Seth Schweitzer
Address: 2600 / 2620 Middlebrook Pike
Zoning: I-H (Heavy Industrial) Zoning District

Parcel ID: 094IF02001
3rd Council District

Variance Request:

Permit the erection of an additional building for an existing, non-conforming use of Vehicle Repair/Service in the I-H district (Article 17.1.A)

Per plan submitted to expand the square footage of a building in the I-H (Heavy Industrial) Zoning District.

Applicant Seth Schweitzer was present and spoke to the application.

Applicant representative Richard Jacobs was present and spoke to the application.

Applicant representative Steve Fultz was present and spoke to the application.

Member Grant Rosenberg made a motion to approve given that it was pre-existing, non-conforming and given that supporting documentation would be included with the original application package. It was seconded by member David Dupree.

The Board voted 5-0 to **APPROVE**.

File:	12-L-20-VA	Parcel ID: 094FB014
Applicant:	R. Bentley Marlow	6 th Council District
Address:	1802 Boyd St.	
Zoning:	RN-2 (Single-Family Residential Neighborhood) Zoning District	

Variance Request:

- 1) Decrease the minimum front setback from 20 feet to 8.5 feet to enclose an existing front porch of a single family residence in an RN-2 district (Article 4.3.A, Table 4-1)
- 2) Decrease the minimum interior side setback from 5 feet to 0 feet for a porch addition to the southeastern side of a single family residence in an RN-2 district (Article 4.3.A, Table 4-1)
- 3) Decrease the minimum interior side setbacks from 15 feet combined to 5 feet combined for a single family residence in an RN-2 district (Article 4.3.A, Table 4-1)
- 4) Increase the maximum building coverage from 30% to 42% for a single family residence in an RN-2 district (Article 4.3.A, Table 4-1)
- 5) Increase the maximum impervious coverage from 40% to 44% for a single family residence in an RN-2 district (Article 4.3.A, Table 4-1)

Per plan submitted to enlarge a single family residence in the RN-2 (Single-Family Residential Neighborhood) Zoning District.

Applicant Bentley Marlow was present and spoke to the application.

Member Grant Rosenberg made a motion to approve. It was seconded by member Don Horton.

The Board voted 5-0 to **APPROVE**.

File:	12-M-20-VA	Parcel ID: 081NB034
Applicant:	Hudson Materials Company	5 th Council District

Address: 405 West Oldham Ave.
Zoning: I-MU (Industrial Mixed-Use) Zoning District

Variance Request:

Permit an existing nonconforming Industrial – Heavy use (liquid asphalt emulsification) to alter existing structures by removing seven storage tanks and add two new storage tanks in an Industrial Mixed Use district (Article 17.1.A)

Per plan submitted to upgrade an industrial facility in the I-MU (Industrial Mixed-Use) Zoning District.

Applicant representative Garrett Guiles was present and spoke to the application.

Member Grant Rosenberg made a motion to approve. It was seconded by member David Dupree.

The Board voted 5-0 to **APPROVE**.

File: 12-N-20-VA
Applicant: Michael David Rasnake
Address: 2203 Sevier Ave.
Zoning: RN-2 (Single-Family Neighborhood) Zoning District

Parcel ID: 095OG01401
1st Council District

Variance Request:

Increase the limited height for a privacy fence in the front build to line of 42 inches to six foot along Valley Avenue and Dover Street for a single-family residential building in a RN-2 district (Article 10.3.L.1.a)

Per plan submitted to construct a privacy fence on a residence in the RN-2 (Single-Family Neighborhood) Zoning District.

Applicant Michael David Rasnake was present and spoke to the application.

Member Grant Rosenberg made a motion to approve. It was seconded by member Don Horton.

The Board voted 4-1 to **APPROVE**.