

Juliana LeClair

From: Benjamin C. Mullins <bmullins@fmsllp.com>
Sent: Wednesday, March 10, 2021 3:22 PM
To: Juliana LeClair; bldinspections@knoxvilletn.gov
Cc: Christina Magrans
Subject: Request to Postpone 3-H-21-VA

Ms. LeClair,

Pursuant to the Board of Zoning Appeals Administrative Rules and Procedures, Rule 11, I am requesting a postponement of 3-H-21-VA until the Board's April 20, 2021 meeting. Please let me know if you have any questions or need any additional information.

Benjamin C. Mullins *Attorney*



550 W. Main Street, Suite 500 | Knoxville, Tennessee 37902
phone: 865.546.9321 | fax: 865.637.5249 | email: bmullins@fmsllp.com



Notice: This electronic mail transmission may constitute an attorney-client communication that is privileged at law. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this electronic mail transmission in error, please delete it from your system without copying it and notify the sender by reply e-mail so that our address record can be corrected.

For additional information about Frantz, McConnell & Seymour, LLP, including a list of attorneys, please visit our website at www.fmsllp.com

File #

3-H-21-VA



BOARD OF ZONING APPEALS APPLICATION

APPLICANT INFORMATION	APPLICANT IS:	THIS PROPOSAL PERTAINS TO:
Name Benjamin C. Mullins o/b/o RCM Properties and Robert C & Brenda B McCallie Trust	Owner <input type="checkbox"/>	New Structure <input type="checkbox"/>
Street Address 550 West Main Street, Suite 500	Contractor <input type="checkbox"/>	Modification of Existing Structure <input type="checkbox"/>
City, State, Zip Knoxville, TN 37902	Tenant <input type="checkbox"/>	Off Street Parking <input type="checkbox"/>
Phone Number 865-546-9321	Other <input checked="" type="checkbox"/>	Signage <input checked="" type="checkbox"/>
Email bmullins@fmsllp.com		Other <input type="checkbox"/>

THIS IS A REQUEST FOR:

- Zoning Variance (Building Permit Denied)
 Extension of Non-Conforming Use/or Structure
 Appeal of Administrative Official's Decision
 Map Interpretation

PROPERTY INFORMATION

Street Address 4914 N. Broadway
 City, State, Zip Knoxville, TN 37918
 Parcel # (see KGIS.org) 058LJ03404
 Zoning District (see KGIS.org) C-G-2

VARIANCE REQUIREMENTS

City of Knoxville Zoning Ordinance Article 7, Section 2

The City of Knoxville Board of Zoning Appeals shall have the power and authority to grant variances from terms of this ordinance according to the procedure and under the restrictions set out in this section.

The purpose of the variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property as the zoning ordinance intended.

DESCRIPTION OF APPEAL

Describe your project and why you need variances.

This is an appeal from the denial of a Sign Permit (Attached as Exhibit A). Permit denied based on an interpretation from City Codes that although Section 13.9.F.2.a. allows up to two signs on a lot with frontage on two streets, the signs cannot be on the same street frontage. See E-mail inquiries attached as Exhibit B.

Section 13.9.F.2.a allows two signs on a lot because the lot has two street frontages (Rennoc and N. Broadway). The current "Autozone" sign present has frontage on N. Broadway. The application proposed to place a substantially smaller sign on Broadway that is in compliance with the allowed height and square footage dimensions of the current sign ordinance. (13.9.F.2.c). The sign ordinance does not expressly prohibit two signs on the same street frontage when multiple signs on a lot is allowed.

Additionally, and alternatively, there was a second pylon sign on the property that was recently removed. This proposed sign is to replace the prior grandfathered sign and is allowed under Tenn. Code. Ann. Section 13-7-208.

Describe hardship conditions that apply to this variance.

Applicant has lost one tenant because of the lack of signage on N. Broadway. Unable to secure additional Tenants because inadquate sigange.

APPLICANT AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request and that all owners have been notified of this request in writing.

APPLICANT'S SIGNATURE

DATE 2-15-21

File # 3-H-21-VA



BOARD OF ZONING APPEALS APPLICATION

*******OFFICE USE ONLY*******

Is a plat required? Yes No

Small Lot of record?

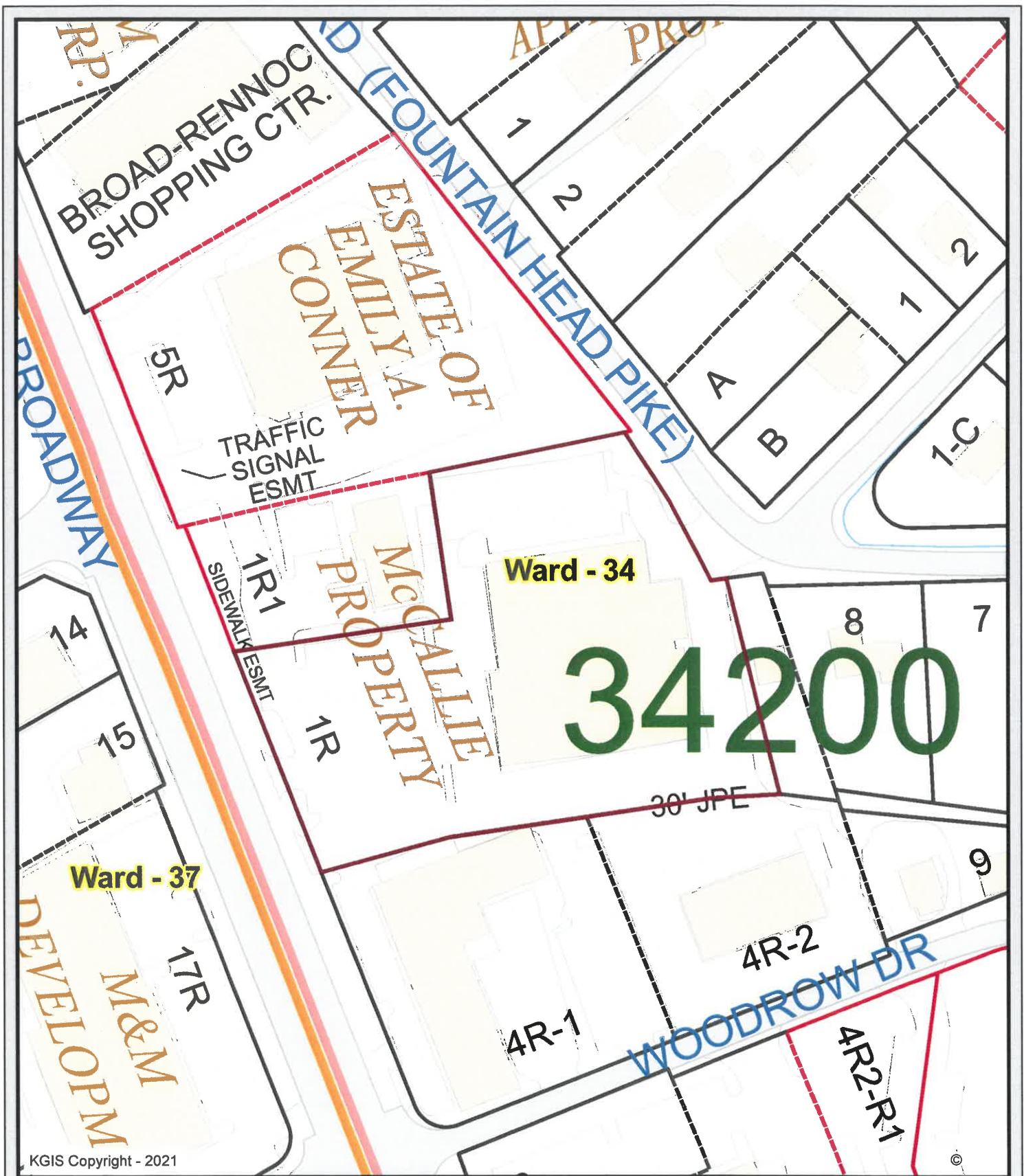
VARIANCE REQUEST(S) WITH ORDINANCE CITATION(S):

Appeal of the code interpretation made by the Zoning Administrator that the language stated in Article 13, Section 13.9.F.2.a. "One detached sign is allowed per street frontage" is the same as allowing only one detached sign to be permitted on the same street frontage.

REVISED

PROJECT INFORMATION

Date Filed 2-15-21	Fee Amount \$250.00
Council District 4	BZA Meeting Date 3-16-21
PLANS REVIEWER Scott Elder	DATE 2-25-21



4914 N. Broadway

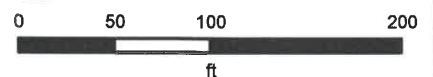
3-H-21-VA

Benjamin C. Mullins o/b/o RCM Properties and Robert C & Brenda B McCallie Trust

Knoxville - Knox County - KUB Geographic Information System



Printed: 2/15/2021 at 12:01:41 PM



KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.



4914 N. Broadway

3-H-21-VA

Benjamin C. Mullins o/b/o RCM Properties and Robert C & Brenda B McCallie Trust

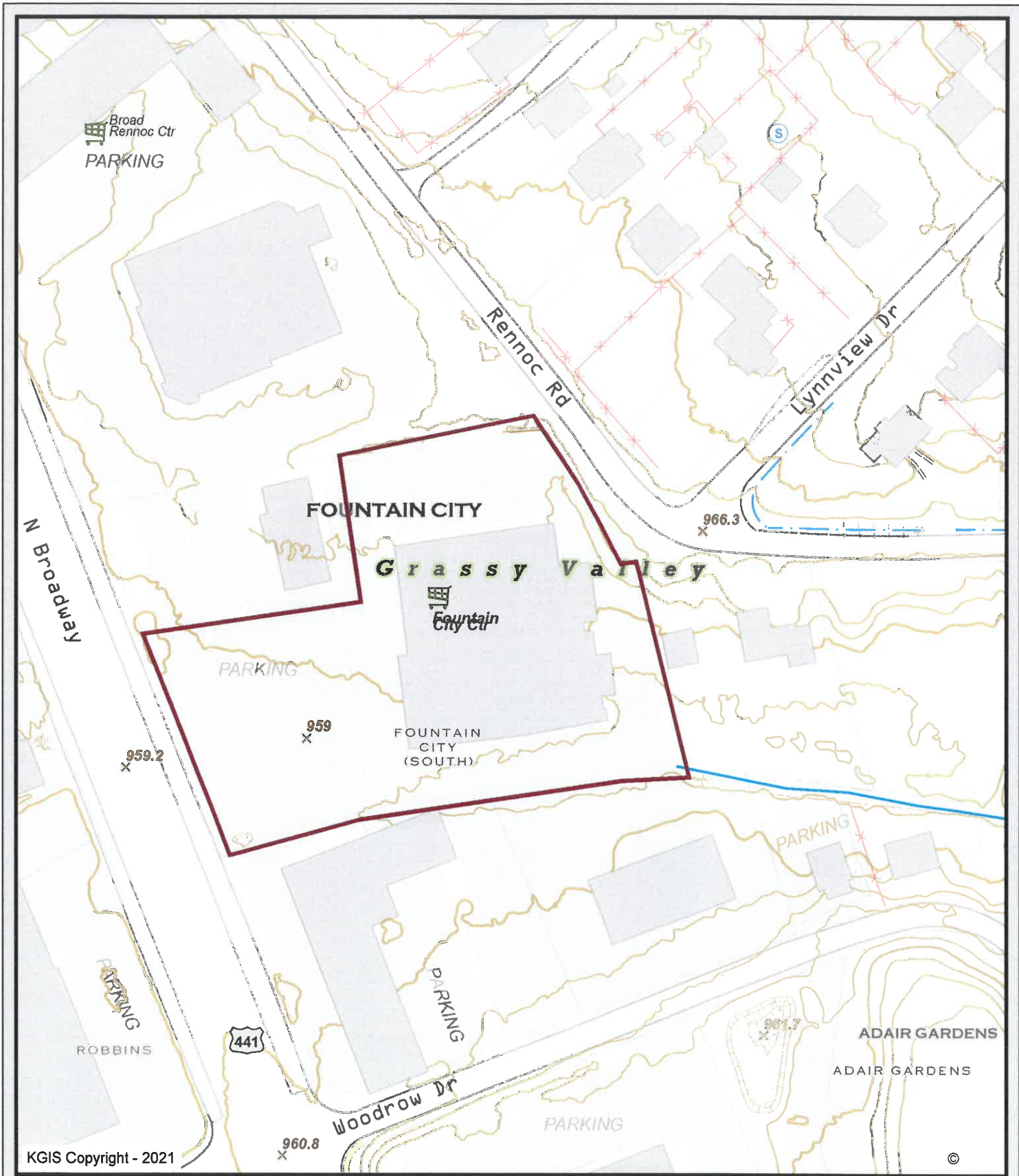
Knoxville - Knox County - KUB Geographic Information System



Printed: 2/15/2021 at 11:59:04 AM



KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and futher covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.



KGIS Copyright - 2021

4914 N. Broadway

3-H-21-VA

Benjamin C. Mullins o/b/o RCM Properties and Robert C & Brenda B McCallie Trust

Knoxville - Knox County - KUB Geographic Information System



Printed: 2/15/2021 at 11:59:21 AM



KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and futher covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

March 9, 2021

Mr. Scott Elder
Board of Zoning Appeals
Room 475, City-County Building
P. O. Box 1631
Knoxville, Tennessee 37901

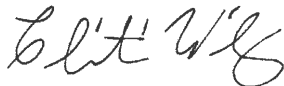
Dear Mr. Elder:

Re: Variance Requests 3-A-21-VA, 3-B-21-VA, 3-C-21-VA, 3-E-21-VA, 3-F-21-VA, 3-G-21-VA, 3-H-21-VA, 3-I-21-VA, and 3-J-21-VA

We have reviewed our records and, as far as we have been able to determine, KUB has no existing utility facilities located within the variance areas and we have no objection to the requested variances. However, KUB does not release and hereby retains all easements and rights for existing facilities, whether or not identified in our research.

If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,



Christian Wiberley, P.E.
Engineering

CGW

Please find the following responses for the March BZA Applications from District 18:

3A21VA: No comment
3B21VA: No comment
3C21VA: No comment
3D21VA: No comment
3E21VA: No comment
3F21VA: No comment
3G21VA: No comment
3H21VA: No comment
3I21VA: No comment
3J21VA: No comment



Steven M. Borden, P.E. | Director/Assistant Chief Engineer
TDOT – Region 1
7345 Region Lane
Knoxville, TN 37914
(865) 594-2400
Steve.Borden@tn.gov
tn.gov/tdot



CITY OF KNOXVILLE SIGN PERMIT APPLICATION

Plans Review & Inspections
City County Building
400 Main Street, Suite 475
Knoxville TN 37902

LOCATION		PROPERTY OWNER	
Business Name	<u>to be determined</u>	Owner Name	<u>ROBERT MCCALLIE</u>
Street Address	<u>4914 N. BROADWAY</u>	Street Address	<u>4715 A Middlebrook Lane</u>
City, State, Zip	<u>KNOXVILLE, TN. 37918</u>	City, State, Zip	<u>KNOXVILLE, TN. 37921</u>
Subdivision/Shopping Center		Phone Number	<u>865- 679- 1642</u>
CLT <u>58LJ 034</u>	Zoning District	Email Address	<u>BubMcCallie@TATEANDMCCALLIE.COM</u>

APPLICANT INFORMATION		APPLICANT IS:		CONTACT	
Name	<u>Robert McCallie</u>	Owner	<input type="checkbox"/>	Name	<u>Robert McCallie</u>
Street Address	<u>4715 A Middlebrook Lane</u>	Contractor	<input type="checkbox"/>	Primary Phone	<u>584- 3434</u>
City, State, Zip	<u>KNOXVILLE, TN. 37921</u>	Tenant	<input type="checkbox"/>	Secondary Phone	<u>679- 1642</u>
Phone Number	<u>865- 679- 1642</u>	Other	<input type="checkbox"/>	(describe):	

PROJECT INFORMATION

Description of Project: New Temporary Remodel Maintenance Other

Add pylon sign at street. EXISTING AUTOZONE SIGN TO REMAIN. SEE ATTACHED LETTER FROM AUTOZONE.

PROJECT VALUATION \$ 2500⁰⁰ (Includes materials, fabrication and installation costs)

NOTE	TEMPORARY SIGNS
If sign is to be illuminated or otherwise electrified DO NOT PROCEED with electrical work until electrical permit is obtained by a licensed electrical contractor per City of Knoxville Electrical Code Section 10.47.	Temporary Signs are restricted to one attached sign and one detached sign per business. Each sign shall not to exceed 48 s.f. in area. Temporary sign permits are valid for 15 days only.
Electrical Permit # _____	Display Date From: _____ To: _____

SIGN SCHEDULE

Sign Type (Ground, Wall, Banner, Etc.)	Size (Dimensions)		Sign Area Sq Ft	Height Ft	Illuminated Y/N	MPC Approval COA
	Height	x Length				
1 <u>Ground</u>	<u>3.2</u>	<u>x 10</u>	<u>32</u>	<u>8 FT.</u>	<u>YES</u>	
2		x				
3		x				
4		x				
5		x				
6		x				

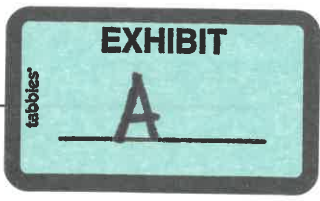
SIGN TOTALS	SETBACKS (GROUND SIGNS)	PRIMARY BLDG ELEVATION
_____ Sq Ft of Existing Signs	<u>25</u> Front	_____ Height of Primary Bldg Elevation
_____ Sq Ft of Proposed Signs	_____ Right	_____ Width of Primary Bldg Elevation
_____ Sq Ft of Total Signs	_____ Left	_____ Sq Ft of Primary Bldg Elevation
_____ Maximum Allowed	_____ Rear	
	_____ To Curb	

The applicant of this permit does hereby covenant and agree to comply with the ordinances of this jurisdiction pertaining to said building and site, and to construct the proposed signs in accordance with the plans and specifications submitted herewith, and certify that the information and statement given on this application, drawings, and specifications are to be the best of their knowledge, true and correct. It is understood and agreed by the applicant that any error, misstatement, or misrepresentation of the fact, either with or without intention on his part, such as might, if known cause a refusal of this application or any alternative or change in plans made without approval of the Sign Inspector subsequent to the issuance of the sign permit shall constitute sufficient grounds for revocation of such permit and the outdoor advertising device will be declared illegal.

THIS APPLICATION EXPIRES 6 MONTHS FROM DATE OF SUBMITTAL

- Fees must be paid at the time of submittal.
- Fees are calculated at \$75.00 base fee plus \$5.00 per \$1,000 or fraction thereof of total project valuation.
- **TWO (2) COMPLETE SETS OF PLANS AND SIGN DESIGN DETAIL MUST ACCOMPANY ALL APPLICATIONS.**

Robert M Callie
APPLICANT'S SIGNATURE



11/19/20
DATE

Fountain City Jewelers has moved from the center because we were unable to give them a sign at the street. In order to release the space, we have to provide a sign at the street. As you can see from the attached email, Autozone will not lower their sign from 25 feet to 20 Feet. Their sign has been there for 30 years and should be grandfathered. We need approval to add the sign shown on the attached drawing. It would be on a separate pole and not attached to the Autozone sign .If Autozone moves from the center, we would agree to lower the sign.

bobmccallie@tateandmccallie.com

From: McClanahan, Jeff <jeff.mcclanahan@autozone.com>
Sent: Wednesday, April 29, 2020 1:37 PM
To: 'bobmccallie@tateandmccallie.com'
Subject: RE: Scanned from a Xerox Multifunction Printer

Bob,

I apologize for just now getting back to you on this issue. Our Regional Manager has reviewed your request and is not willing to lower our sign by 5 feet. He has driven Broadway and said that a shorter sign would definitely hamper the visibility of it until you are basically right in front of the store.

We value our relationship and wish we could accommodate your request but we simply can't due to the negative impact.

I hope you and your family are safe and healthy.

Best Regards,

Jeff McClanahan
Senior Real Estate Portfolio Manager
Customer Satisfaction
AutoZone, Inc.
P.O. Box 2198, Dept. 8340
Memphis, TN 38101-2198
Direct Dial Phone 901-495-8974
Fax 901-495-8969
jeff.mcclanahan@autozone.com

New Store Development:
<http://www.autozonerealestate.com/>
Retail properties available for sale or lease at:
<http://www.autozoneexcessproperty.com/>

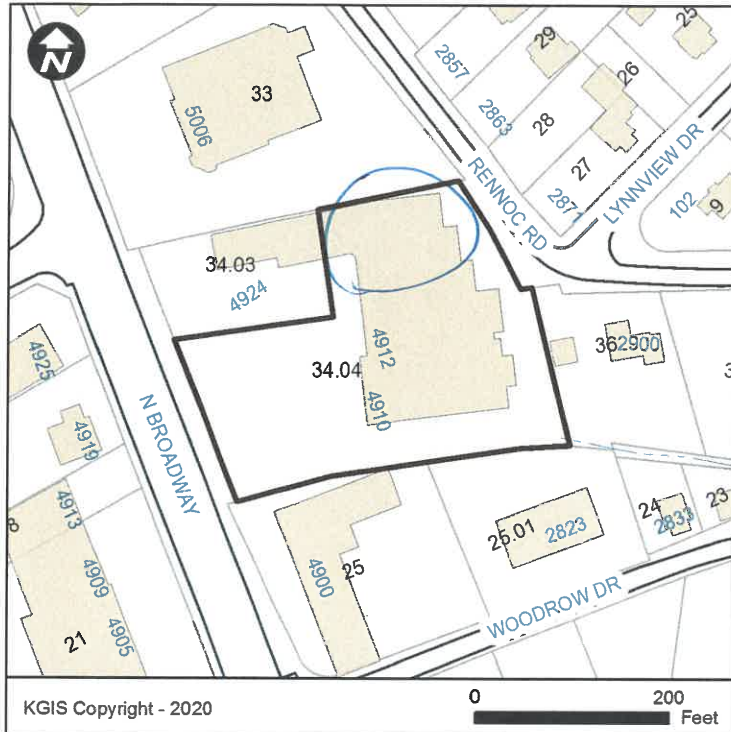
This communication does not reflect the intention of the sender to conduct a transaction or make any agreement by electronic means. Nothing contained in this message or in any attachment shall satisfy the requirements for a writing, and nothing contained herein shall constitute a contract or electronic signature under the Electronic Signatures in Global and National Commerce Act, any version of the Uniform Transactions Act or any other statute governing electronic transactions. The person sending you this email has no authority to legally bind AutoZone, Inc. and/or any of its affiliates. This email and any files transmitted with it are the property of AutoZone, Inc. or its subsidiaries or affiliates, are confidential, and are intended solely for the use of the person(s) or entity(ies) to whom this email is addressed.

From: McClanahan, Jeff
Sent: Monday, February 24, 2020 1:02 PM
To: 'bobmccallie@tateandmccallie.com' <bobmccallie@tateandmccallie.com>
Subject: RE: Scanned from a Xerox Multifunction Printer

Bob,

Our Regional Manager wants to take a close look at this. We will be in touch.

Best Regards,

Parcel 058LJ03404 - Property Map and Details Report**Property Information**

Parcel ID: 058LJ03404
 Location Address: 4910 N BROADWAY
 CLT Map: 58
 Insert: L
 Group: J
 Condo Letter:
 Parcel: 34.04
 Parcel Type:
 District:
 Ward: 34
 City Block: 34200
 Subdivision: MCCALLIE PROPERTY
 Rec. Acreage: 0
 Calc. Acreage:
 Recorded Plat: 20190611 - 0073349
 Recorded Deed: -
 Deed Type: :
 Deed Date:

Address Information

Site Address: 4910 N BROADWAY
 KNOXVILLE - 37918
 Address Type: BUSINESS
 Site Name: AUTOZONE

Owner Information

RCM PROPERTIES & ROBERT C & BRENDA B MCCALLIE TRUST
 PO BOX 51608
 KNOXVILLE, TN 37950

The owner information shown in this section does **not** necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365.

Jurisdiction Information

County: KNOX COUNTY
 City / Township: Knoxville

MPC Information

Census Tract: 42
 Planning Sector: North City

Please contact Knox County Metropolitan Planning Commission (MPC) at (865) 215-2500 if you have questions.

Political Districts

Voting Precinct: 34
 Voting Location: Fountain City Public Library
 5300 STANTON RD
 TN State House: 16 Bill Dunn
 TN State Senate: 7 Richard Briggs
 County Commission: 2 Michele Carringer
 (at large seat 10) Larsen Jay
 (at large seat 11) Justin Biggs
 City Council: 4 Lauren Rider
 (at large seat A) Lynne Fugate
 (at large seat B) Janet Testerman
 (at large seat C) Amelia Parker
 School Board: 2 Jennifer Owen

Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

School Zones

Elementary: FOUNTAIN CITY ELEMENTARY
 Intermediate:
 Middle: GRESHAM MIDDLE
 High: CENTRAL HIGH

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

Disclaimer: KGIS makes no representation or warranty as to the accuracy of this map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any damage, loss, or liability arising from any use of the map product. Independent verification of all information contained on this map should be obtained by any user.

Proprietary Info: The map products and databases on this Web Site have been copyrighted by the KGIS Policy Board. The KGIS Policy Board hereby reserves all rights thereto, and no portion of the products or databases on this Web Site may be reproduced in any form or by any means without the express written authorization of the KGIS Policy Board or its authorized agents.

Size: 3.5'x10'

Material: -

Quantity: 1

Comments: -

Work Order #: 24120BB

● Digital print

● Vinyl

○ Other

file location: 19/T/Tate and McCallie/24120BB/



8 FL

SCALE APPROX

ALLEN SIGN
SOUTH
865 573-3524
2408 CHAPMAN HWY.
FAX 579-0356

This is an original unpublished drawing created by Allen Sign Co. It is for your personal use only. It is not to be shown outside your organization, reproduced, copied, or exhibited without written consent of Allen Sign Co. Failure to obtain consent for use other than by Allen Sign Co. will result in a \$300 fine for the art.

Client: Tate and McCallie

Date: 5/9/19

Price: \$ TBD

Ph/Email: 865-679-1642 / bobmccallie@tateandmccallie.com

Drawn by: BJ Alumbaugh

Title: Sign Addition/Modification

Approved by: _____

FUTURE NEW TENANT

NOTE: The job will not proceed without a signed approval

Size: 3.5'x10'

Material: -

Quantity: 1

Comments: -

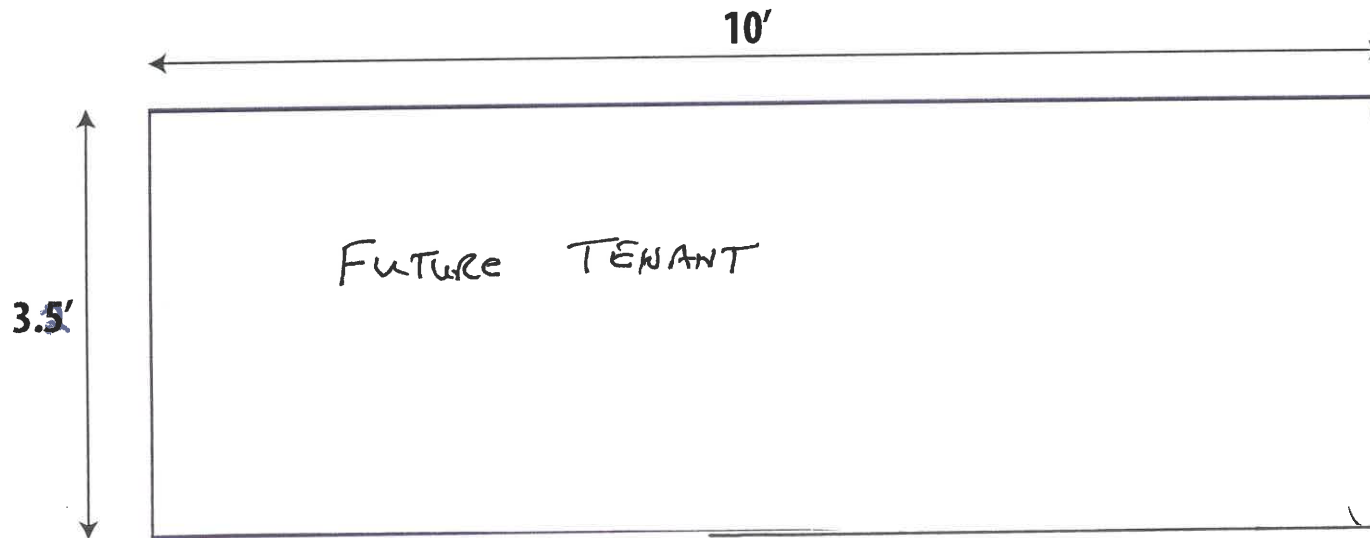
Work Order #: 24120BB

Digital print

Vinyl

Other

file location: 19/T/Tate and McCallie/24120BB/



ALLEN SIGN
SOUTH
866-573-3524
2408 CHAPMAN HWY.
FAX 579-0356

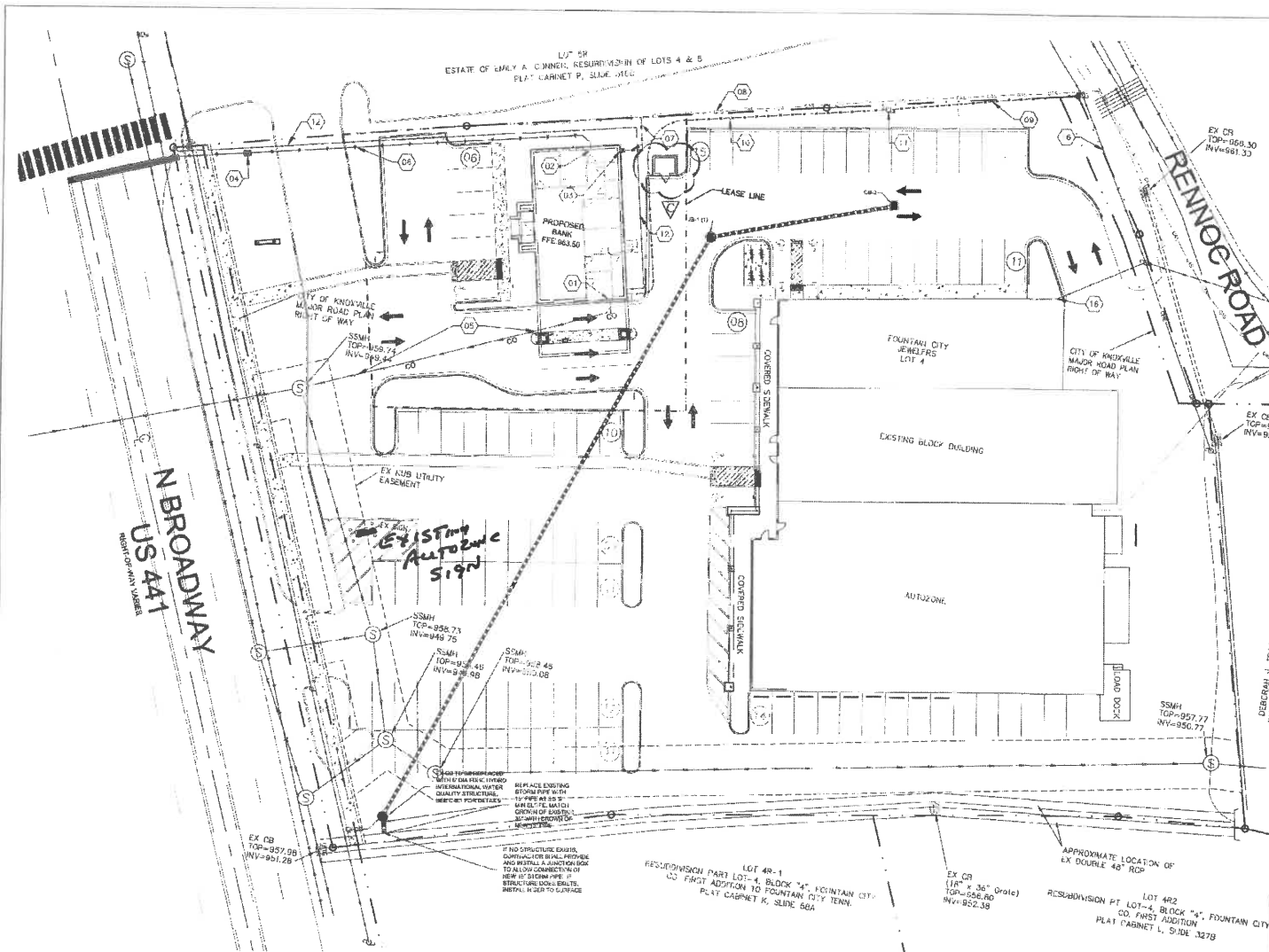
This is an original unpublished drawing created by Allen Sign Co. It is for your personal use only. It is not to be shown outside your organization, reproduced, copied, or exhibited without written consent of Allen Sign Co. Failure to obtain consent for use other than by Allen Sign Co. will result in a \$300 fine for the art.

Client: Tate and McCallie Date: 5/9/19 Price: \$ TBD

Ph/Email: 865-679-1642 / bobmccallie@tateandmccallie Drawn by: BJ Alumbaugh

Title: Jewelers Sign Addition/Modification Approved by: _____

NOTE: The job will not proceed without a signed approval



- UTILITY PLAN CONSTRUCTION NOTES**
- CONTRACTOR TO CONNECT TO 4" PVC BUILDING SANITARY SEWER LINE, (4.00 MIN. BELOW FF)
 - CONTRACTOR TO CONNECT TO 1" CU WATER SERVICE LINE AT THE BUILDING.
 - CONTRACTOR TO CONNECT TO 1" GAS LINE AT THE BUILDING.
 - CONTRACTOR TO COORDINATE WITH KNOXVILLE UTILITIES BOARD TO DETERMINE WHICH OF THE EXISTING WATER METERS TO USE. THIS PROJECT WILL REQUIRE A MINIMUM OF 2" WATER METER. CONTRACTOR TO PAY ALL FEES.
 - CONTRACTOR TO PROVIDE AND INSTALL 4" Ø PVC SANITARY SEWER SERVICE WITH THE APPROPRIATE CLEANOUTS TO THE KNOXVILLE UTILITIES BOARD SPECIFICATIONS. MINIMUM SLOPE SHALL BE 2.00 %.
 - CONTRACTOR SHALL PROVIDE AND INSTALL NEW 1" CU WATER SERVICE PER KNOXVILLE UTILITIES BOARD REQUIREMENTS. CONTRACTOR COORDINATE WITH KNOXVILLE UTILITIES BOARD AND PAY ALL FEES.
 - CONTRACTOR SHALL COORDINATE WITH KNOXVILLE UTILITIES BOARD THE INSTALLATION OF NEW GAS SERVICE LINE AND METER. CONTRACTOR TO PAY ALL FEES.
 - CONTRACTOR SHALL COORDINATE WITH KNOXVILLE UTILITIES BOARD TO LOWER THE EXISTING GAS LINE OR RELAY A NEW LINE.
 - CONTRACTOR TO INSTALL AND/OR COORDINATE ELECTRICAL SERVICE LINES FROM ELECTRICAL TRANSFORMER TO THE LOCATION WHERE THE LOCAL UTILITY BRINGS SERVICE WITH 2-4" Ø CONDUITS WITH 200LB PULL STRING FOR UNDERGROUND ELECTRICAL SECONDARY.
 - CONTRACTOR TO INSTALL ELECTRICAL SERVICE LINE FROM ELECTRICAL TRANSFORMER PAD TO BUILDING ELECTRICAL PANELS. CONTRACTOR SHALL EXTEND 3-2" Ø CONDUITS AS SHOWN WITH 200LB PULL STRING FOR UNDERGROUND ELECTRICAL SECONDARY.
 - KUB TO REPLACE EXISTING POLE WITH NEW POLE.
 - CONTRACTOR TO INSTALL (2) 2" PVC SCH 40 CONDUITS BURIED TO MIN. DEPTH OF 36" W/200 LB. PULL STRING AND CAPPED ON BOTH ENDS FOR COMMUNICATION SERVICES TO LOCATION WHERE LOCAL UTILITY BRINGS SERVICE.
 - CONTRACTOR SHALL CONNECT TO 4" Ø DOWNSPOUTS FROM BUILDING WITH 4" Ø PVC PIPING TO THE PROPOSED 8" COLLECTOR PIPING. MINIMUM SLOPE SHALL BE 2.00 % FOR 4" PVC PIPING.
 - CONTRACTOR SHALL PROVIDE AND INSTALL 8" Ø PVC COLLECTOR PIPING FOR DOWNSPOUTS, MIN SLOPE SHALL BE 0.80 %.
 - CONTRACTOR SHALL PROVIDE APPROPRIATE SIZED CLEANOUT FOR DOWNSPOUT COLLECTOR PIPING.
 - CONTRACTOR SHALL COORDINATE WITH AT&T TO CHANGE POINT OF CONNECTION TO EXISTING BUILDING. PRIOR TO DEMOLITION OF EXISTING BUILDING, CONTRACTOR SHALL INSTALL A "EYE BOLT" THRU THE EXISTING WALL TO REMAIN IN THE EAST CORNER OF FOUNDATION CITY. SEE SETBACK SPACE. EYE BOLT SHALL EXTEND ENTIRELY THRU EXISTING WALL AND THE APPROPRIATE SIZE WASHER & NUT TIGHTENED TO ANCHOR FIRM. CONTRACTOR SHALL COORDINATE LOCATION WITH AT&T REPRESENTATIVE (ROBERT KNIGHT) AT 866-688-5243.

NOTE:

- FOR ALL INFORMATION REGARDING ELECTRIC AND COMMUNICATION CONDUITS AND CONDUCTIONS FOR THIS PROJECT, SEE DRAWINGS ES-1.0 SITE ELECTRICAL PLAN IN THE ARCHITECTURAL PLANS.
- FOR STORM SYSTEM DETAILS, SEE DRAWINGS C4.0 AND C8.1.

UTILITIES:

WATER AND SEWER
 KNOXVILLE UTILITIES BOARD
 4428 WESTERN AVE
 KNOXVILLE, TN 37921
 CUSTOMER SERVICE 865-524-2911

ELECTRIC AND GAS
 KNOXVILLE UTILITIES BOARD
 4428 WESTERN AVE
 KNOXVILLE, TN 37921
 CUSTOMER SERVICE 865-524-2911

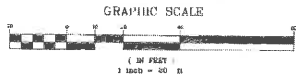
TELEPHONE
 AT&T BELL SOUTH
 9733 PARKSIDE DRIVE
 KNOXVILLE, TN 37922
 ROBERT KNIGHT 865-538-5243



1313 Kalmia Road
 Knoxville, TN 37909
 Phn: 865.566.0185
 Fax: 888.485.7005



SITE UTILITY PLAN
 Scale: 1" = 10'-0"



REV.	DESCRIPTION	BY	DATE
A	Revised per City Comments	MAB	06/25/2018
B	Revised per City Comments	THF	08/24/2018
C	Revised per City Comments	THF	09/27/2018
-			

TITLE:	SITE UTILITY PLAN	DRAWN BY:	THF	SHEET NO.:
LOCATION:	4924 N BROADWAY KNOXVILLE, TENNESSEE	CHECKED BY:	MAB	
	CIT Map 58, Insect L, Group 1, Panels 34, Block 34200	FILE NAME:	2163 - 6.0	
Owner:	Southeast Bank	JOB NUMBER:	2163	
		ISSUE DATE:	05/24/2018	

C6.0

SEE COVER SHEET FOR LEGEND.



Benjamin C. Mullins

To: Bryan Berry
Cc: Scott Elder; Peter Ahrens; Christina Magrans; Rebecca Johnson; Richard E. Graves
Subject: RE: Sign Application/variance

From: Bryan Berry <BBerry@knoxvilletn.gov>
Sent: Monday, February 15, 2021 9:39 AM
To: Benjamin C. Mullins <bmullins@fmsllp.com>
Cc: Scott Elder <selder@knoxvilletn.gov>; Peter Ahrens <pahrens@knoxvilletn.gov>; Christina Magrans <cmagrans@knoxvilletn.gov>; Rebecca Johnson <rjohnson@knoxvilletn.gov>; Richard E. Graves <RGraves@fmsllp.com>
Subject: RE: Sign Application/variance

Ben,

Article 13.9.F.2.a states, "One detached sign is allowed per street frontage, up to maximum of two per parcel or lot." There is an existing detached Auto Zone sign along Broadway. This counts for the one detached sign allowed on Broadway (per street frontage).

The applicant is requesting to erect an additional detached sign along Broadway. This would make two detached signs along the same street frontage and therefore does not meet the requirement above.

Thanks,

Bryan

Bryan Berry, AICP
Deputy Director of Zoning & Development Services
Plans Review & Building Inspections
City of Knoxville
400 W. Main Street, Suite 490H
Knoxville, TN 37902
Office: 865-215-2863



From: Benjamin C. Mullins <bmullins@fmsllp.com>
Sent: Monday, February 15, 2021 8:55 AM
To: Bryan Berry <BBerry@knoxvilletn.gov>
Cc: Scott Elder <selder@knoxvilletn.gov>; Peter Ahrens <pahrens@knoxvilletn.gov>; Christina Magrans <cmagrans@knoxvilletn.gov>; Rebecca Johnson <rjohnson@knoxvilletn.gov>; Richard E. Graves <RGraves@fmsllp.com>
Subject: RE: Sign Application/variance

Thank you Bryan, I will be happy to file for a variance, but I don't understand what the interpretation is that I am seeking a variance from. Is codes stating that we cannot build a second sign pursuant to and compliant with 13.9.F.2.c because there is a legally existing non-conforming sign on the premises? If that is so, what code section provides that authority or is the basis of the interpretation? Thank you for the clarification.

Ben

From: Bryan Berry <BBerry@knoxvilletn.gov>
Sent: Monday, February 15, 2021 8:44 AM
To: Benjamin C. Mullins <bmullins@fmsllp.com>
Cc: Scott Elder <selder@knoxvilletn.gov>; Peter Ahrens <pahrens@knoxvilletn.gov>; Christina Magrans <cmagrans@knoxvilletn.gov>; Rebecca Johnson <rjohnson@knoxvilletn.gov>
Subject: RE: Sign Application/variance

Ben,

You will need to file a BZA application appealing the interpretation on this section.

Thanks,

Bryan

Bryan Berry, AICP
Deputy Director of Zoning & Development Services
Plans Review & Building Inspections
City of Knoxville
400 W. Main Street, Suite 490H
Knoxville, TN 37902
Office: 865-215-2863

From: Benjamin C. Mullins <bmullins@fmsllp.com>
Sent: Friday, February 12, 2021 2:49 PM
To: Bryan Berry <BBerry@knoxvilletn.gov>
Cc: Scott Elder <selder@knoxvilletn.gov>; Peter Ahrens <pahrens@knoxvilletn.gov>; Christina Magrans <cmagrans@knoxvilletn.gov>; Rebecca Johnson <rjohnson@knoxvilletn.gov>
Subject: RE: Sign Application/variance

I think the proposal was for a second sign on the lot because of the two street frontages. The Autozone sign is legally pre-existing but the second separate sign would be constructed to the current sign ordinance standards. 13.9.F.2.a. allows two signs per lot if we have two street frontages and the second sign's dimensions are governed by 13.9.F.2.c. I thought this application complied with 13.9.F.2.c.

I don't see anything that prohibits us from building a second compliant sign just because we have a legally non-conforming sign on the property.

Ben

From: Bryan Berry <BBerry@knoxvilletn.gov>
Sent: Friday, February 12, 2021 2:41 PM
To: Benjamin C. Mullins <bmullins@fmsllp.com>
Cc: Scott Elder <selder@knoxvilletn.gov>; Peter Ahrens <pahrens@knoxvilletn.gov>; Christina Magrans <cmagrans@knoxvilletn.gov>; Rebecca Johnson <rjohnson@knoxvilletn.gov>
Subject: RE: Sign Application/variance

Yes you do. Is that what is being proposed?

From: Benjamin C. Mullins <bmullins@fmsllp.com>
Sent: Friday, February 12, 2021 2:39 PM
To: Bryan Berry <BBerry@knoxvilletn.gov>
Cc: Scott Elder <selder@knoxvilletn.gov>; Peter Ahrens <pahrens@knoxvilletn.gov>; Christina Magrans <cmagrans@knoxvilletn.gov>; Rebecca Johnson <rjohnson@knoxvilletn.gov>
Subject: RE: Sign Application/variance

Bryan,

Thank you for the explanation. Do we not qualify for two street frontages (Rennoc Rd.) at this location?

Ben

From: Bryan Berry <BBerry@knoxvilletn.gov>
Sent: Friday, February 12, 2021 2:35 PM
To: Benjamin C. Mullins <bmullins@fmsllp.com>
Cc: Scott Elder <selder@knoxvilletn.gov>; Peter Ahrens <pahrens@knoxvilletn.gov>; Christina Magrans <cmagrans@knoxvilletn.gov>; Rebecca Johnson <rjohnson@knoxvilletn.gov>
Subject: RE: Sign Application/variance

Ben,

The sign application is proposing to add a separate detached sign on a separate pole underneath the existing detached Auto Zone sign. Article 13.9.F.2.a allows for one detached sign per street frontage:

F. Commercial, Industrial, and Institutional Districts: C-N, C-G, C-H, C-R, DK, I-MU, I-RD, I-G, I-H, INST

1. In the commercial, industrial, and institutional districts, the following signs on a nonresidential parcel or lot are allowed, subject to the following requirements:
 - a. Development directory and project directional signs may be approved as part of a master sign plan.
 - b. Attached signs with a total allowed sign area equal to 10% of the wall area of the primary building elevation(s), and such signs shall not exceed 10% of the wall area of the building.
 - c. Detached signs in accordance with the standards described herein, except that standards specified for individual districts shall apply.
2. In the commercial, industrial, and institutional districts, the number of detached signs on a nonresidential parcel or lot are allowed, subject to the following requirements:
 - a. One detached sign is allowed per street frontage, up to a maximum of two per parcel or lot. For these purposes, an adjacent street frontage, even if there is no access to it.
 - b. The detached sign that is oriented to the street frontage on which the parcel is addressed is deemed primary and subject to the requirements of Section 13.9.F.2.a.
 - c. Any secondary detached sign on each lot is limited to a monument or column sign with a maximum sign area of 32 square feet.

The existing detached Auto Zone sign is also nonconforming with regards to height at 25 feet where current sign ordinance is a maximum of 20 feet.

Thanks,

Bryan

Bryan Berry, AICP
Deputy Director of Zoning & Development Services
Plans Review & Building Inspections
City of Knoxville
400 W. Main Street, Suite 490H
Knoxville, TN 37902
Office: 865-215-2863

From: Peter Ahrens <pahrens@knoxvilletn.gov>
Sent: Friday, February 12, 2021 11:59 AM
To: Bryan Berry <BBerry@knoxvilletn.gov>
Subject: FW: Sign Application/variance
Importance: High

Peter Ahrens
Director of Plans Review & Building Inspections
City of Knoxville
400 W. Main Street, Suite 475
Knoxville, TN 37902
Office: 865-215-3938

From: Benjamin C. Mullins <bmullins@fmsllp.com>
Sent: Friday, February 12, 2021 10:32 AM
To: Rebecca Johnson <rjohnson@knoxvilletn.gov>
Cc: Scott Elder <selder@knoxvilletn.gov>; Peter Ahrens <pahrens@knoxvilletn.gov>; Christina Magrans <cmagrans@knoxvilletn.gov>; Richard E. Graves <RGraves@fmsllp.com>
Subject: RE: Sign Application/variance
Importance: High

Ms. Johnson,

I believe the deadline to file for a variance and be on the March BZA agenda is Monday prior to noon. My client tells me this application was denied, but I do not have that denial in writing and I'm still unsure of the reasons that it was denied. Can you please let me know if we need a variance from this application and, if so, how it fails to meet the current code, prior to Monday's deadline?

Thank you very much for any direction you can offer.

Ben Mullins

From: Benjamin C. Mullins
Sent: Tuesday, February 9, 2021 1:06 PM
To: 'Rebecca Johnson' <rjohnson@knoxvilletn.gov>
Cc: 'Scott Elder' <selder@knoxvilletn.gov>; 'Peter Ahrens' <pahrens@knoxvilletn.gov>; 'Christina Magrans'

<cmagrans@knoxvilletn.gov>; Richard E. Graves <RGraves@fmsllp.com>

Subject: RE: Sign Application/variance

Ms. Johnson,

I'm sorry to check back with you on this potential variance application, but I was hoping to evaluate this for a potential variance (if it is required).

Thanks!

Ben

From: Benjamin C. Mullins

Sent: Wednesday, February 3, 2021 2:58 PM

To: Rebecca Johnson <rjohnson@knoxvilletn.gov>

Cc: Scott Elder <selder@knoxvilletn.gov>; Peter Ahrens <pahrens@knoxvilletn.gov>; Christina Magrans <cmagrans@knoxvilletn.gov>; Richard E. Graves <RGraves@fmsllp.com>

Subject: Sign Application/variance

Ms. Johnson,

I've been retained to file for a variance for this sign application which was denied. I don't have the rationale for denial in writing and I'm not sure I understand why this was denied. Can you cite me the provisions of the code that justify the denial so I can review and complete a variance application?

Thanks for your help!

Benjamin C. Mullins *Attorney*

550 W. Main Street, Suite 500 | Knoxville, Tennessee 37902

phone: 865.546.9321 | fax: 865.637.5249 | email: bmullins@fmsllp.com

Notice: This electronic mail transmission may constitute an attorney-client communication that is privileged at law. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this electronic mail transmission in error, please delete it from your system without copying it and notify the sender by reply e-mail so that our address record can be corrected.

For additional information about Frantz, McConnell & Seymour, LLP, including a list of attorneys, please visit our website at www.fmsllp.com