



BOARD OF ZONING APPEALS APPLICATION

APPLICANT INFORMATION	APPLICANT IS:	THIS PROPOSAL PERTAINS TO:
Name Benjamin C. Mullins o/b/o Villas Student Housing	Owner <input type="checkbox"/>	New Structure <input checked="" 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 type="checkbox"/>
Email bmullins@fmsllp.com		Other Height, Setback <input checked="" type="checkbox"/>

THIS IS A REQUEST FOR:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Zoning Variance (Building Permit Denied) | <input type="checkbox"/> Extension of Non-Conforming Use/or Structure |
| <input type="checkbox"/> Appeal of Administrative Official's Decision | <input type="checkbox"/> Map Interpretation |

PROPERTY INFORMATION

Street Address **1717 White Ave.**

City, State, Zip **Knoxville TN 37916**

Parcel # (see KGIS.org) **094NJ016**

Zoning District (see KGIS.org) **CU-5**

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.

Applicant seeks to construct a multi-family student housing development on the Property consistent with the Form Based Code. Due to site constraints and soil conditions, the applicant needs two variances in order to meet the minimum parking under Sec. 7.2.6.B of the Zoning Ordinance.

Specifically, variances are needed from the following code provisions:

Sec. 7.2.C.5.b. and Sec. 7.2.3.E.3.A. to increase the maximum height of 8 stories/90 feet to 14 stories/150 feet.

Sec. 7.2.3.E.1.F reducing the minimum Rear Alley Building Setback from 5' to 0' for the above-ground parking structure.

Describe hardship conditions that apply to this variance.

The lot has significant topographical constraints. Along White Ave. the average elevation is 934.5' but along the rear alley at the property line, the average elevation is 948.5'. Additionally, the lot configuration is irregular with a significant portion of the block between 17th and the rear alley (approximately 6,335 sq. ft) belonging to the University Tower Condos to the north. Finally, the soil conditions limit the depth of below grade parking which can be achieved. Preliminary geotechnical analysis indicates greater depth of subsurface excavation would encounter both increased moisture content while the strength and consistency of the soil decreases. This creates more than an economic consideration. Potential deleterious impacts to both the community and the neighborhood increase with increased depth of excavation.

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 January 13, 2022

File #



BOARD OF ZONING APPEALS APPLICATION

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

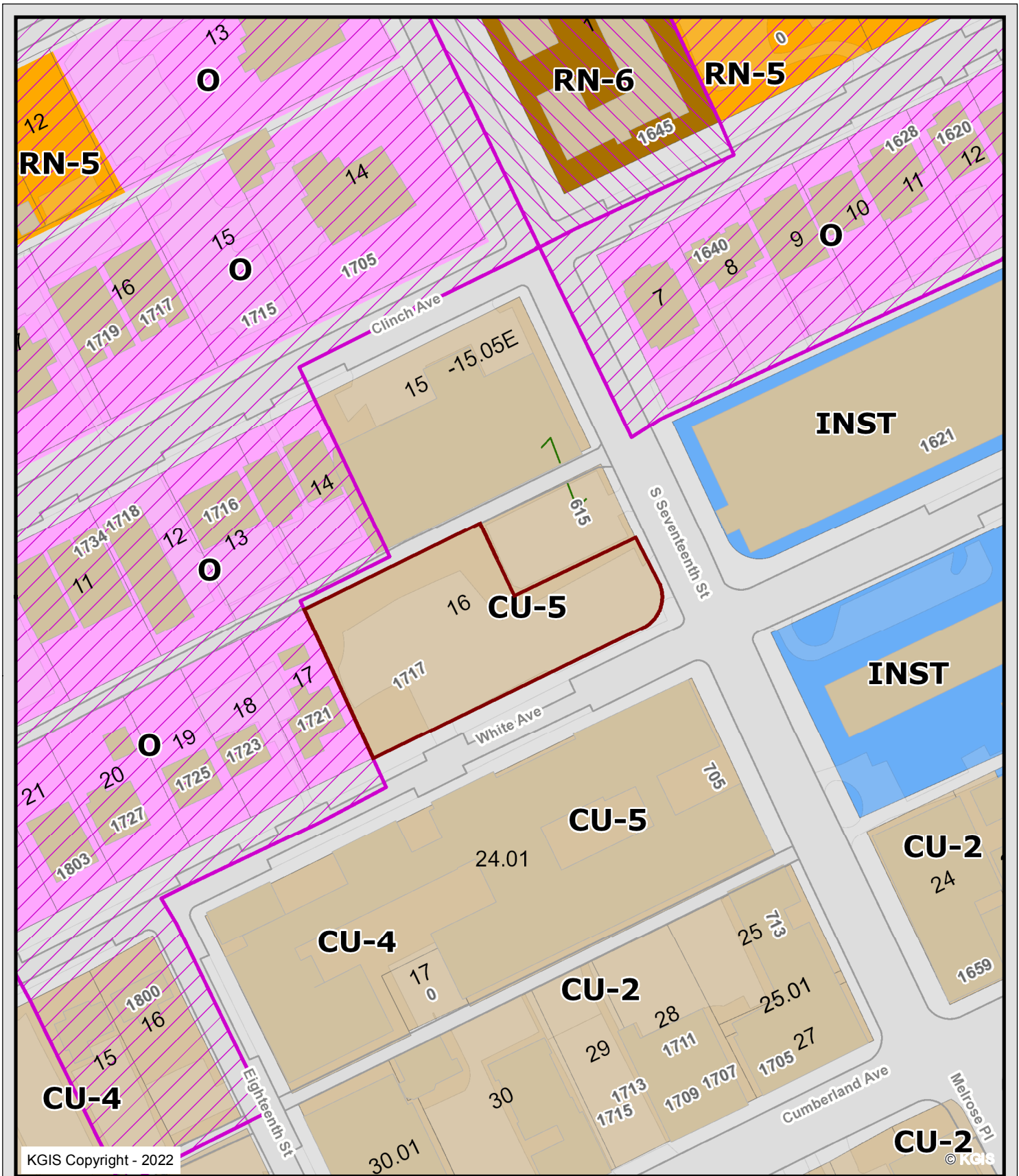
Is a plat required? Yes No

Small Lot of record?

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

PROJECT INFORMATION

Date Filed	Fee Amount
Council District	BZA Meeting Date
PLANS REVIEWER	DATE



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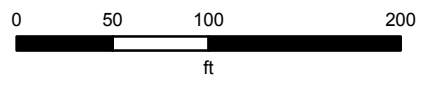
1717 WHITE AVENUE

2-B-22-VA
BEN MULLINS

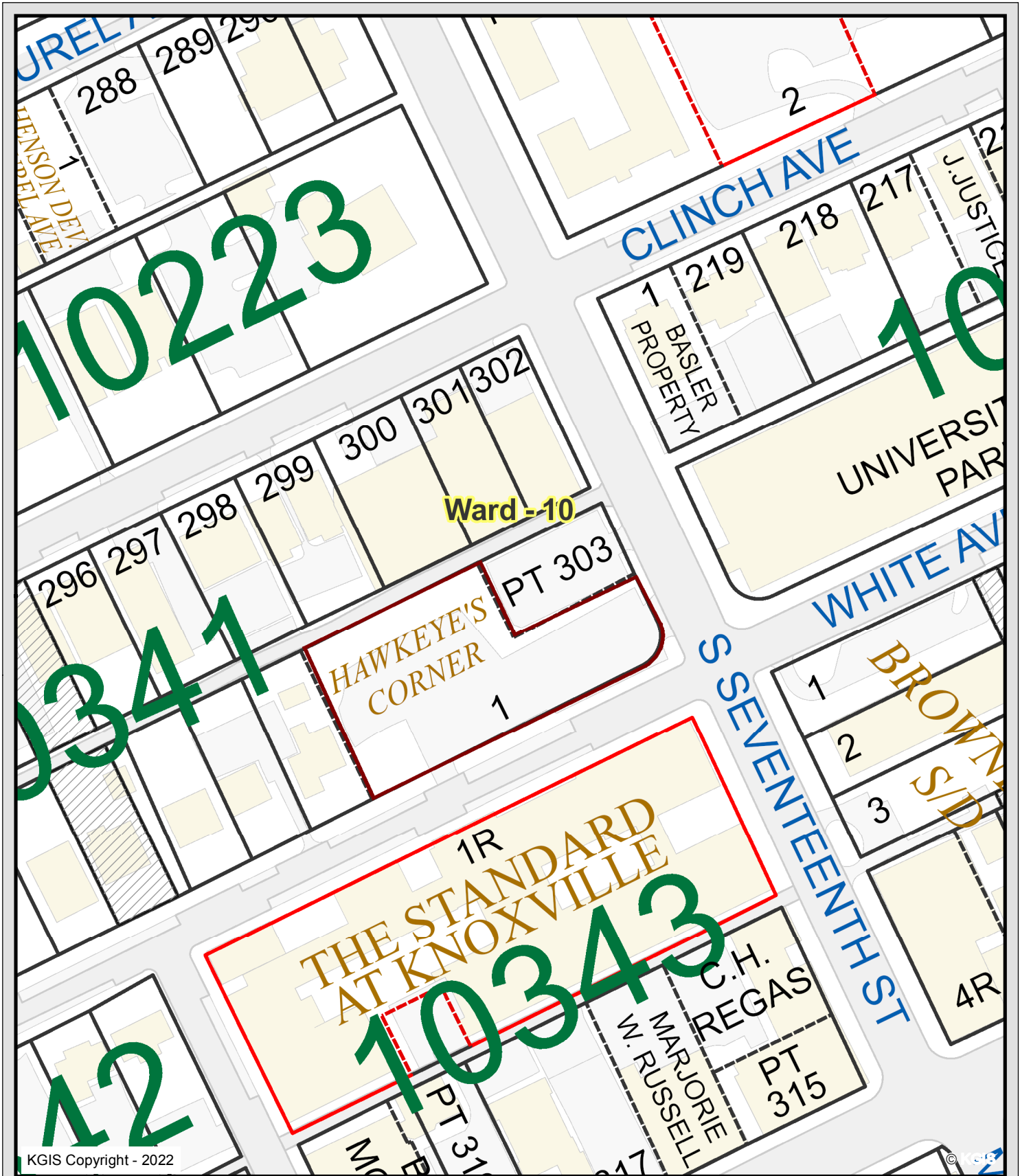
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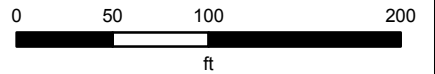
1717 WHITE AVENUE

2-B-22-VA
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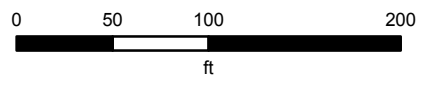
1717 WHITE AVENUE

2-B-22-VA
BEN MULLINS

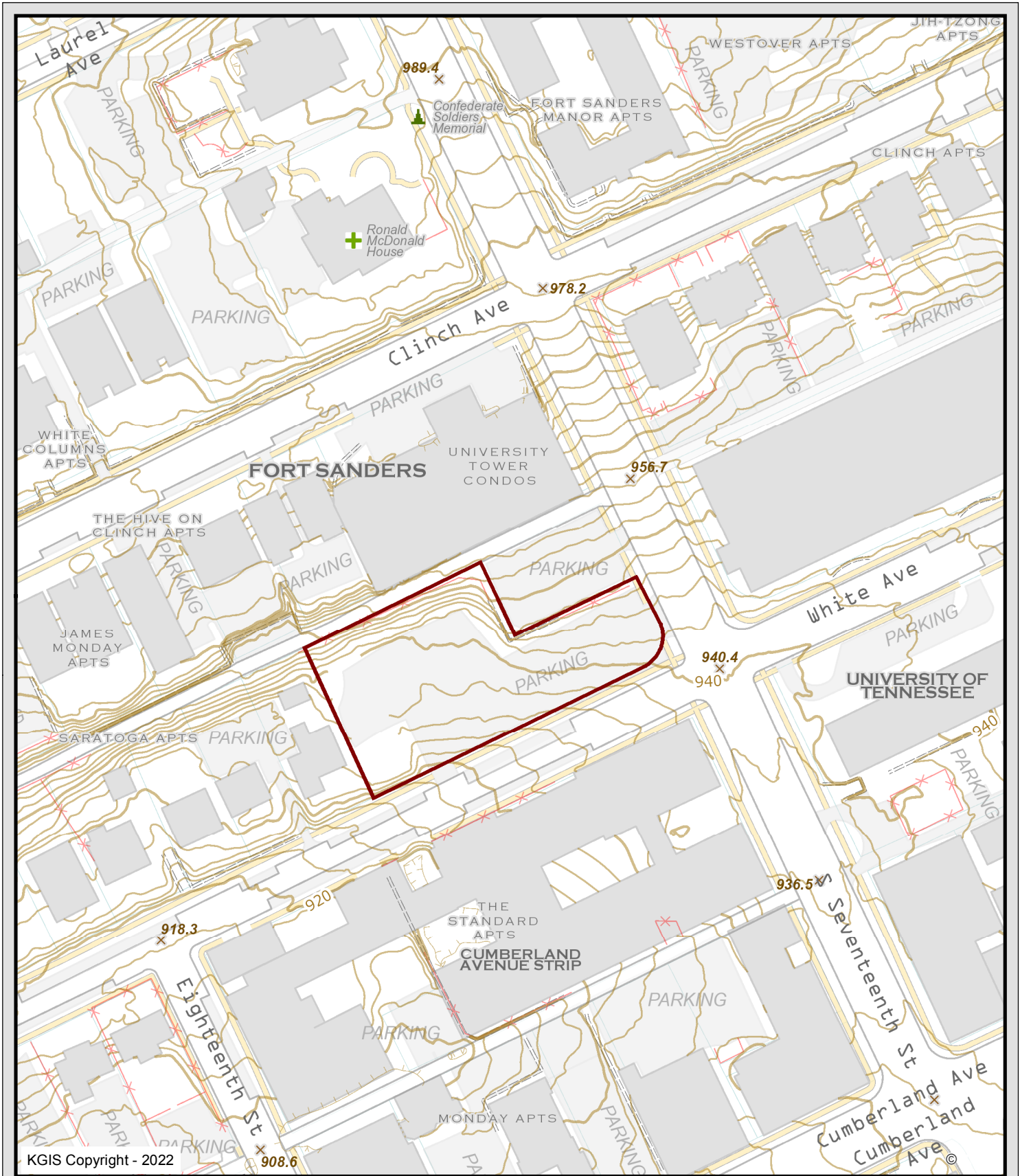
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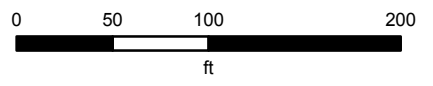
1717 WHITE AVENUE

2-B-22-VA
BEN MULLINS

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REBEKAH P. HARBIN



client-centric & committed to success

Email: bmullins@fmsllp.com
Direct Fax: 865-541-4609

550 W. Main Street
Suite 500
Knoxville, Tennessee
37902

phone 865.546.9321
fax 865.637.5249
web fmsllp.com

ARTHUR G. SEYMOUR, JR.
(1945 - 2019)

of counsel
JASON T. MURPHY

February 11, 2022

City of Knoxville Board of Zoning Appeals
City County Building
400 Main Street, Room 475
Knoxville, TN 37902

Via e-mail only:
jscobee@knoxvilletn.gov

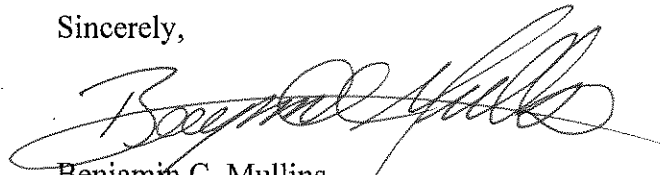
Re: File No. 2-B-22-VA
1717 White Ave.

Dear BZA Members:

Please find enclosed additional documentation related to a more recent geotechnical analysis of the subsurface soils on the property, which limits our ability to go any further subterranean on the property. We have also included additional height-to-parking ratio exhibits demonstrating our inability to meet the minimum parking requirements of the CU-5 zone until we reach the 150' height. We had previously provided diagrams for 90' (the maximum height allowed in the CU-5 zone absent a variance) and 150' (our current variances request). As these additional diagrams demonstrate, because of the soil conditions, topography, and lot size/lot configuration limitations, we are unable to meet the minimum parking requirements without our requested height and setback variances.

We will be prepared to address these items in more detail at the upcoming meeting, and we look forward to answering any questions you may have at that time.

Sincerely,



Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:erl
Enc.



February 7, 2022

Aycock Construction, Inc.
1300 E. FM 2410
Harker Heights, TX 76548

ATTENTION: Mr. Brad Aycock
brad@aycockconstruction.com

Subject: **Summary Geotechnical Findings
Proposed Housing Development
17th Street and White Avenue**
Knoxville, Tennessee
GEO Services Project 21-22008

Dear Mr. Aycock:

It is our understanding that you are evaluating a development located in Knoxville, Tennessee. The subject site is generally located in the northwest quadrant of the intersection of White Avenue and Seventeenth Street. The project is to include the construction of a multi-story residential structure with below-grade parking. GEO Services has performed a geotechnical exploration of the site for the proposed development. To assist in the planning of the project, we have been requested to provide a brief overview of the subsurface conditions and potential geotechnical challenges that should be considered.

The project is still in the planning phase and detailed information regarding the type of construction has not yet been developed. We do understand that the structure will incorporate between 8 and 13 above grade levels with 2 to 4 below grade parking levels. Existing site grades slope downward from an alley between Clinch and White Avenue in the north down to White Avenue in the south with an estimated topographic relief of about 30 feet across the site.

The borings of the geotechnical exploration encountered fill soils to depths of 6 to 17 feet below the existing ground surface which were underlain by very stiff to very soft residual soils. The depth to bedrock at the site was variable and ranged from about 31 to 76 feet below the existing ground surface. Groundwater was encountered at depths ranging from about 9 to 76 feet.

The proposed structure will be heavily loaded and considering the materials encountered in the soil test borings, deep foundation support of the building is recommended.

Given the site topographic relief, it is likely that significant earthwork cuts and excavation shoring will be required, particularly if the project is to include multiple levels of below grade parking. The following should be considered with respect to deeper excavations at this site:

- The upper zones of residual soils were typically stiff, or better, consistency with the firm to very soft soil present at greater depths. Deeper excavations will expose these soft materials which

could present challenges to excavation stability, where present. Shallower excavations would have less potential for encountering these materials.

- Groundwater was typically encountered at depths of more than about 25 feet. The deeper the excavation, the greater the potential for encountering groundwater and the requirement for dewatering. We note that dewatering can be challenging and lead to undesirable effects away from the immediate construction area including settlement and sinkhole formation.
- If encountered, rock boulders, pinnacles or competent bedrock will require hammering for removal, which could result in unwarranted vibrations to the neighboring infrastructure (e.g., building, roads, utilities, etc.). The greater the depth of excavation, the greater the potential for encountering these materials.
- Potential negative impacts to neighboring existing construction, utilities, roadways and sidewalks will also increase the greater the amount of excavation required. The complexity of the design and construction and extent of the shoring systems, as well as the potential impacts to the existing private and community features, will be lessened if the depth of the proposed excavations can be decreased.

Given the negative impacts associated with deeper excavations at this site, we recommend that the project design attempt to limit below-grade construction to the extent possible.

It has been a pleasure to have been of service to you on this project. If you have any questions, please feel free to contact us.

Sincerely,
GEOServices, LLC

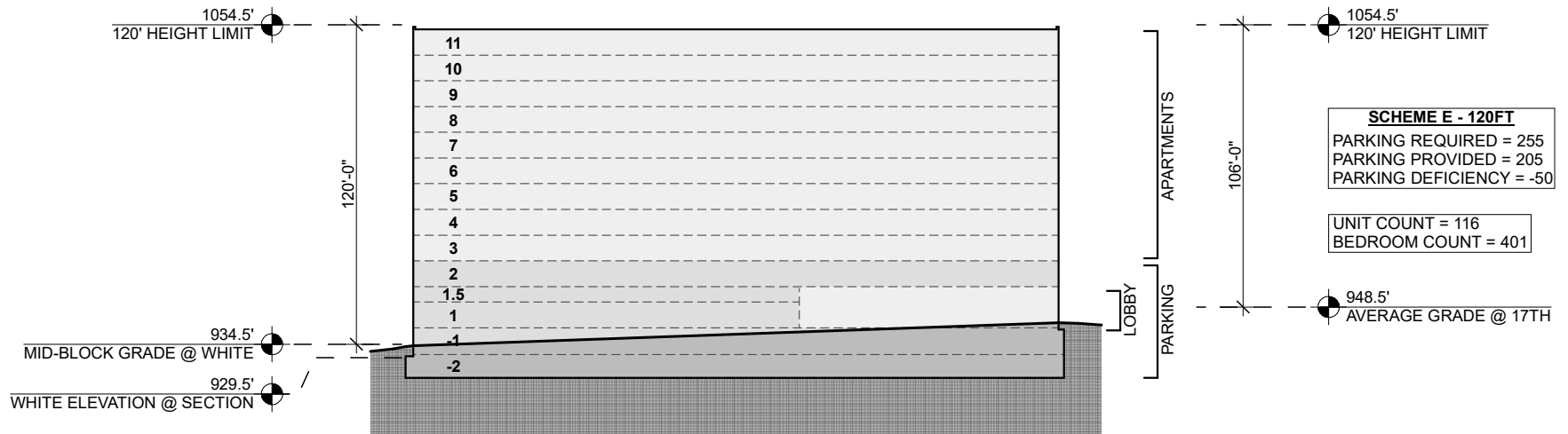
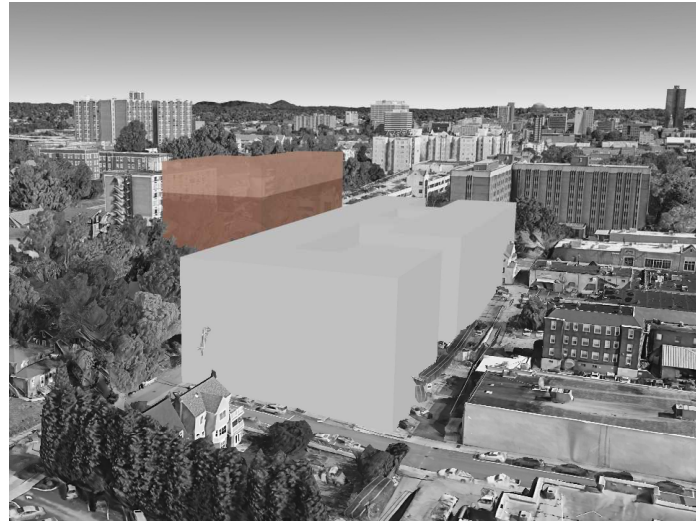


Matthew B. Haston, P.E.
Senior Geotechnical Engineer



T. Brian Williamson, P.E.
Geotechnical Department Manager

HEIGHT: 120'



SECTION ALONG WHITE AVE.

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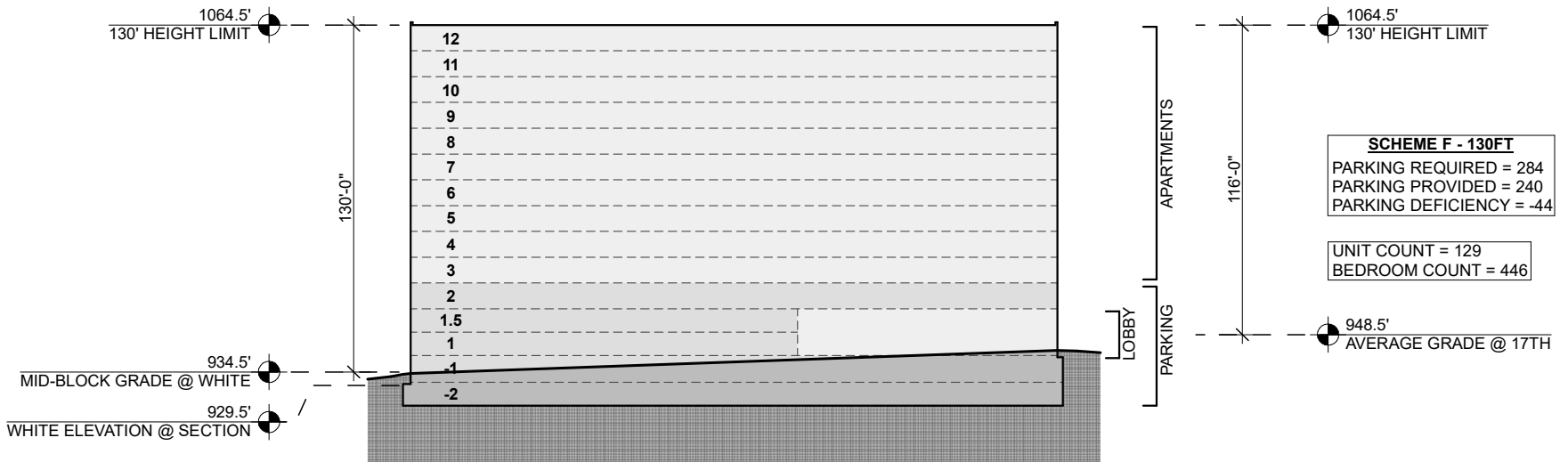
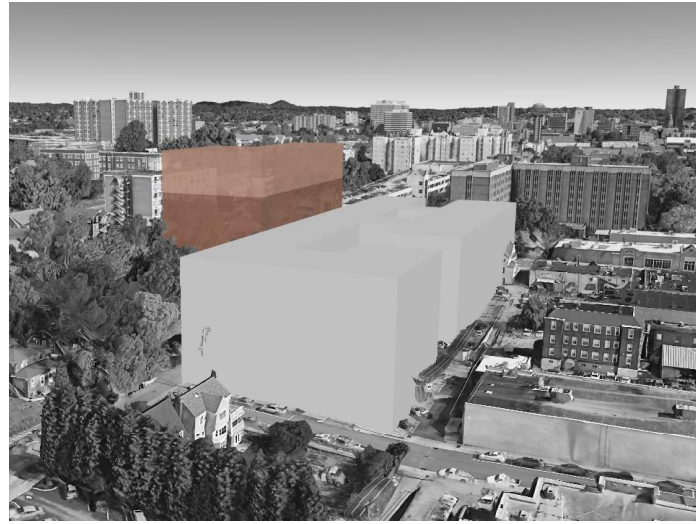
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1717 WHITE AVENUE STUDENT HOUSING

KNOXVILLE, TN

1/7/2022

HEIGHT: 130'



SECTION ALONG WHITE AVE.

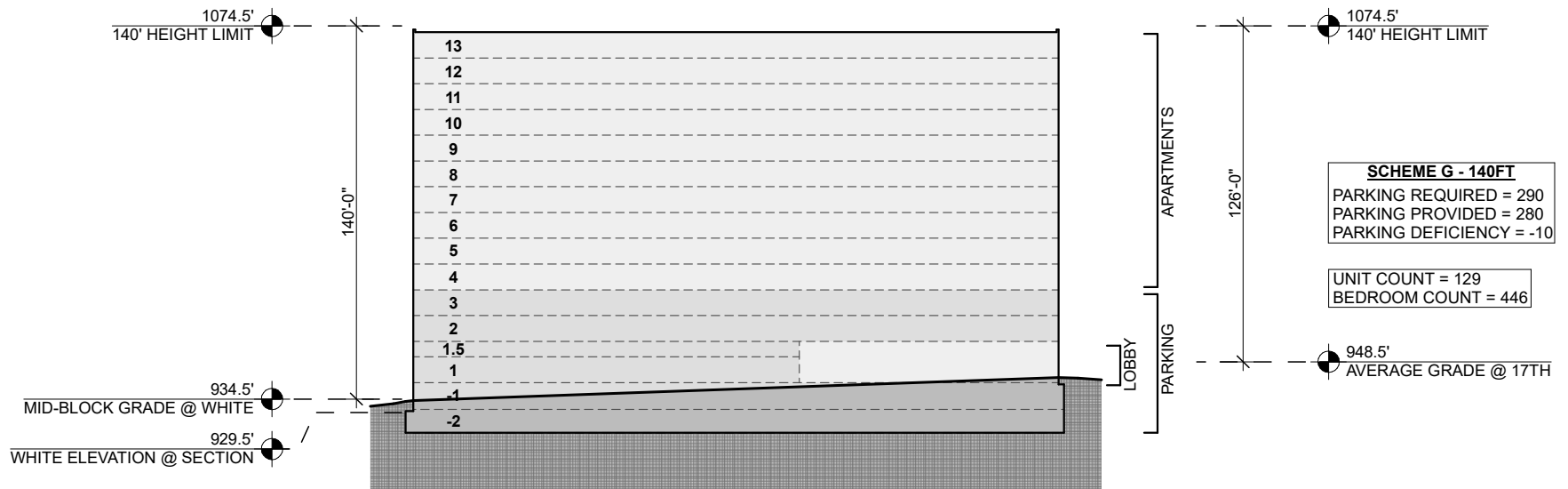
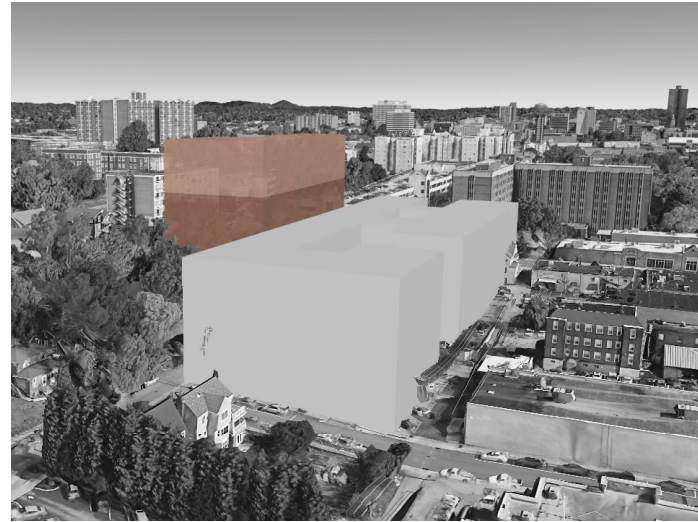
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1717 WHITE AVENUE STUDENT HOUSING

KNOXVILLE, TN
1/7/2022

HEIGHT: 140'



SECTION ALONG WHITE AVE.

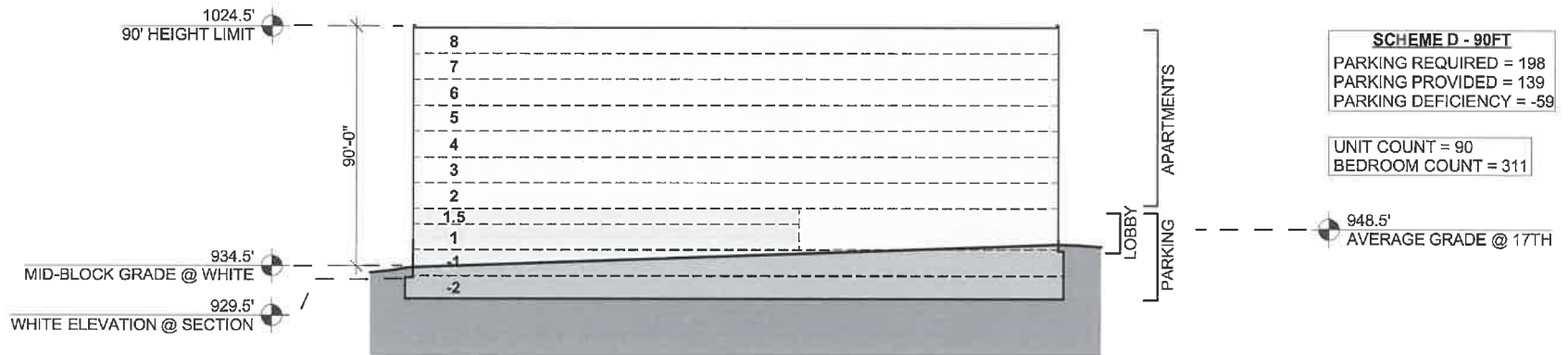
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1717 WHITE AVENUE STUDENT HOUSING

KNOXVILLE, TN
1/7/2022

HEIGHT: 90'



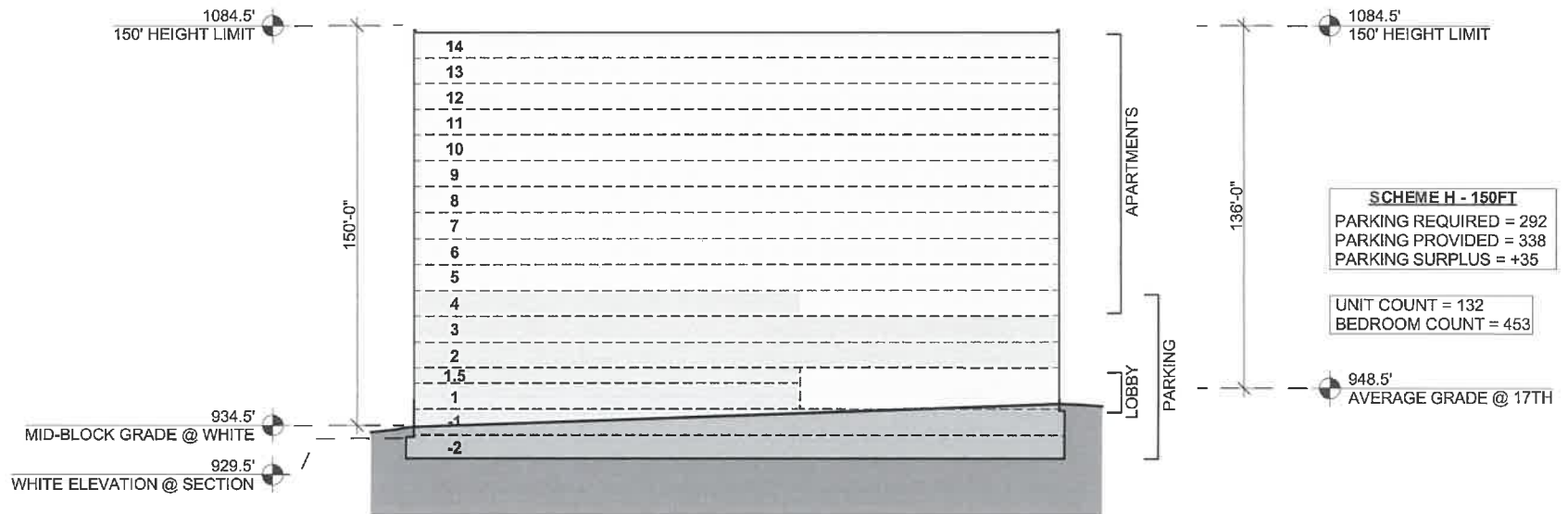
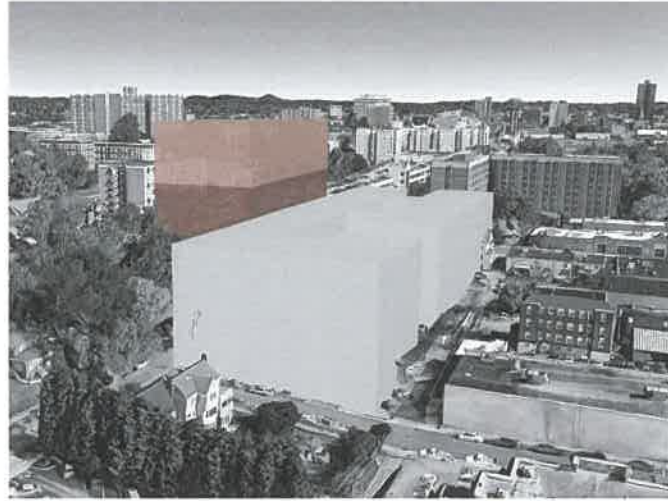
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1717 WHITE AVENUE STUDENT HOUSING
 KNOXVILLE, TN
 1/11/2022

HEIGHT: 150'



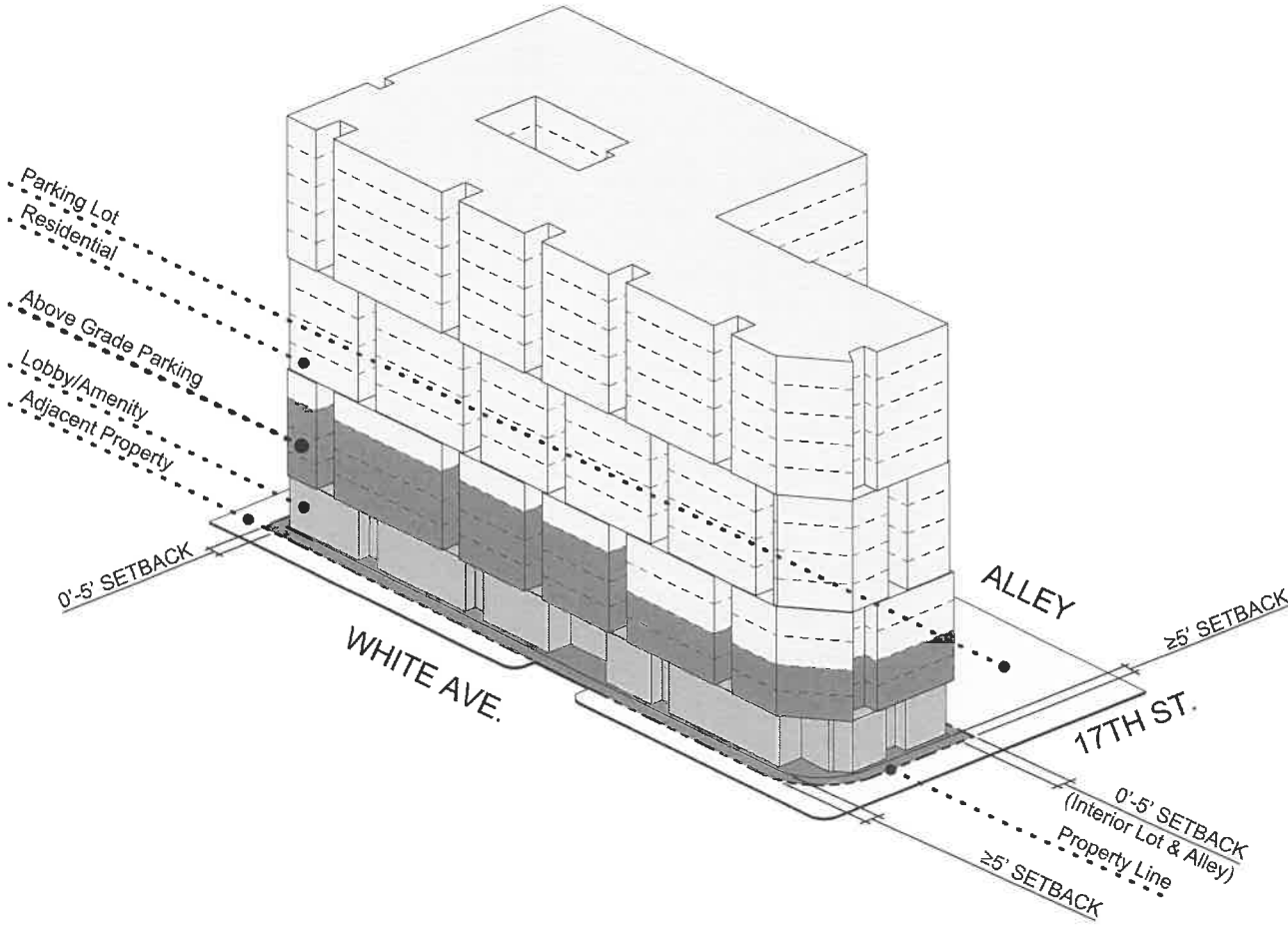
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1717 WHITE AVENUE STUDENT HOUSING
 KNOXVILLE, TN
 1/11/2022

HEIGHT: 150'

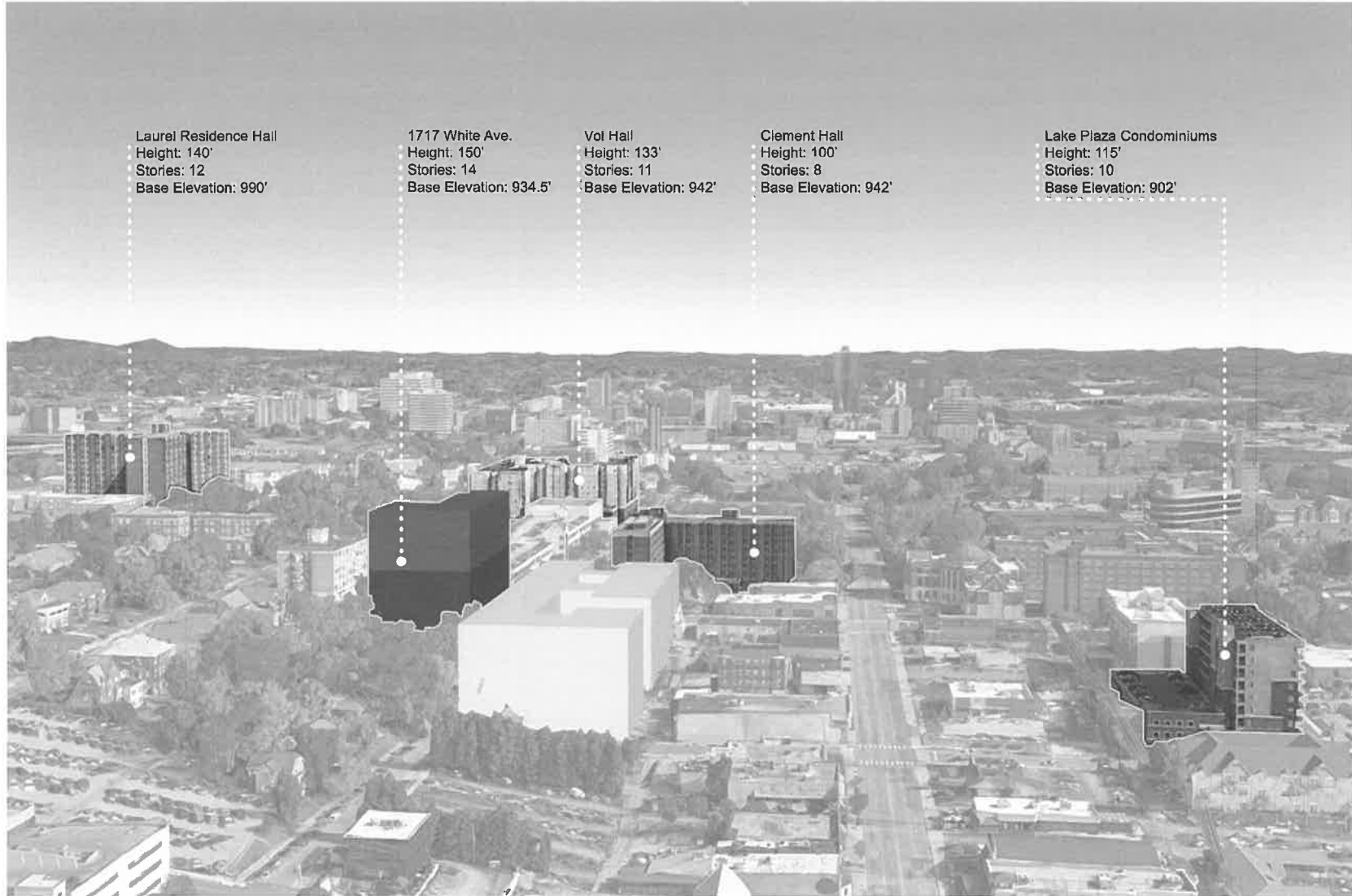


SETBACKS

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1717 WHITE AVENUE STUDENT HOUSING
KNOXVILLE, TN
1/11/2022



PRECEDENTS

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1717 WHITE AVENUE STUDENT HOUSING
 KNOXVILLE, TN
 1/11/2022

HEIGHT: 150'



VIEW FROM 17TH & WHITE AVE.

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1717 WHITE AVENUE STUDENT HOUSING
KNOXVILLE, TN
1/11/2022

Board of Zoning Appeals – City Staff Comments

Tuesday, February 15th, 2022 Meeting Agenda

Variance Findings (Article 16.3.E):

The Board of Zoning Appeals may authorize a variance from the strict application of this Code so as to relieve such difficulties or hardship only in accordance with all of the following criteria:

- 1. Variances will be granted only where special circumstances or conditions (such as exceptional narrowness, topography or siting) fully described in the findings of the Board, do not apply generally in the district.*
- 2. Variances will not be granted to allow a use otherwise excluded from the particular district in which requested.*
- 3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this Code would deprive the applicant of any reasonable use of his/her land. Mere loss in value does not justify a variance; there must be a deprivation of beneficial use of land.*
- 4. Any variance granted under the provisions of this section must be the minimum adjustment necessary for the reasonable use of the land.*
- 5. The granting of any variance is in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the General Plan for development*

2-A-22-VA

Location: 4111 Barbara Drive

Staff Comments: This project consists of a main level building addition to an existing single-family dwelling. The applicant is seeking to reduce the required interior side setback to accommodate the new structure. The additions will include an expanded interior living area and a driveway extension leading to a new garage.

The variance request is:

Reduce the required interior side setback for an addition to a single family residence in an RN-1 zone from 8 feet to 5 feet. (Article 4.3.Table 4-1.)

2-B-22-VA

Location: 1717 White Avenue

Staff Comments: This project is a new 132 unit student housing development to be located at the corner of 17th Street and White Avenue (the old Hawkeye's property). The building is proposed to be 14 stories and 150 feet tall. The building will include an underground parking structure and on-site amenities for it's residents. The applicant is seeking variances to increase the permitted height of the building from 8 stories and 90 feet, to 14 stories and 150 feet. They are also seeking to reduce the required rear alley building setback from 5 feet to 0 feet.

The variance requests are:

1. Increase the maximum building height of 8 stories and 90 feet to 14 stories and 150 feet. Per Article 7, Section 7.2.3.E.3.
2. Reduce the minimum rear alley building setback from 5 feet to 0 feet. Per Article 7, Section 7.2.3.E.1.

February 9, 2022

Dear Mr. Elder,

It is our understanding that you have received a request for a zoning variance pertaining to the proposed construction of a 14-story residence tower on the corner of 17th Avenue and White Street. This parcel is currently being used as a privately owned parking lot.

As president of the University Tower Homeowner Association, I was made aware of this request only today (February 9, 2022). When I called Jennifer Scobee this morning about the short notice, she said a sign of some sort should have already been posted on the parking lot in question. Our building manager Francis Soletto, who is also a licensed contractor, examined the lot today as closely as seem warranted, and could not find a sign other than the current one that specifies parking fees. I personally walked past this lot last Thursday and Friday and did not see a sign, although at the time I had no reason to even look for one.

I am writing you this letter to state the opposition to this variance from our Board of Directors for the reasons enumerated below:

1. It is our understanding that variances are supposed to only be granted based on a hardship. The basis cited by the developer of the hardship is to add more bedrooms. The developer could build an 8-story structure as allowed without a variance. Not being able to add density above the limit is not a hardship.
2. Regarding their request for an allowance of zero setback rather than the current five feet, excavation for the proposed building would be only 15 feet away from the face of the parking garage and foundation for University Tower, located at 1700 Clinch Avenue. This is within the zone of soil compaction and could affect our foundation. The appeal itself cites poor soil conditions, which makes a much larger tower even more risky. Also, the rule of thumb for adjacent excavation separation is anything that falls within a 45-degree slope of a structure could impact an existing building so even without the setback variance, we are potentially going to have stability issues to deal with that could affect the safety and property value of our building.
3. The proposed 14-story height may violate FCC requirements regarding the cell antennas mounted on the roof of our building per the bullets below:
 - a. Blocking of cell tower signals: Most cell tower tenants on the roof of our building (Verizon, AT&T, US Cellular, T-Mobile) have just added 5G equipment. These radio signals are much more easily attenuated by structures.

b. Distance from live antennas: Residential apartments need to be a set distance away from energized cell antennas. The setback from our building could be in violation but, due to the short notification we are still researching this concern.

c. Possible blocking of broadcast TV signals.

4. Safe ingress and egress from the building and parking garage are significant concerns, both during construction and longer term. The latter issue relates to restricting vehicle turning clearances from the parking garage due to the zero setback in the alley. We have had car damage in the past from vehicles parked illegally on the existing alley setback. (I can attest that this happened several times during the construction of The Standard on the other side of White Avenue.)

Sincerely yours,

Steven Cook

President, University Tower Homeowner Association

1700 Clinch Avenue

Knoxville, TN 37916

Cc: Melanie Davis

Attorney of Record

Kizer & Black, Attorneys, PLLC

Joachim (Joe) Grass
1700 Clinch Avenue, Unit 521
Knoxville, TN 37916
February 10, 2022

To Whom It May Concern:

As an owner of a condo unit at University Tower, I am writing to express my opposition to variance request 2-B-22-VA for 1717 White Avenue. My opposition is based on multiple factors:

1. Fire hazard / access to alleyway for rescue vehicles
I assume the 5' clearance requirement for alleyways exists for a reason, one of them I imagine being sufficient access and working space for first responders and fire fighters. I can see that such a requirement could be waived if sufficient space exists on the other side. This, however, is not given in this situation as the parking garage of University Towers directly borders the other side of the alley.
The potential threat to residents of both buildings could result in significant loss of life.
2. Variances are only to be granted based on a hardship, this request is based on increasing living space.
3. Excavation for the proposed building is within fifteen feet of University Tower's parking garage. This poses a threat to the foundation of the University Tower building.
4. As can be seen in the proposed plan, a 14-story structure would significantly over tower the entire surrounding area. I can hardly imagine that this is in the interest of the neighborhood.

Obviously, a growing student body requires additional housing in the area. It is hard for me to imagine though that this is the only possible way to achieve this goal.

I would like to voice my opposition and ask the City of Knoxville Board of Zoning Appeals to deny this variance request.

Respectfully,

Joachim (Joe) Grass

David and Roberta Larkins
1700 Clinch Avenue, Unit 311
Knoxville, TN 37916
February 9, 2022

To Whom It May Concern:

As owners at University Tower, we are writing to express our opposition to variance request 2-B-22-VA for 1717 White Avenue. Please note the following reasons for our strong opposition to this variance request:

1. Variances are only to be granted based on a hardship. Adding more bedrooms is not a hardship, nor is expanding from eight stories to fourteen stories for a new building.
2. Excavation for the proposed building is within fifteen feet of University Tower's parking garage. This is within the zone of soil compaction and could negatively affect the foundation of University Tower.
3. If the zero setback for the alley is approved, there will be significant challenges for safe ingress and egress for the University Tower parking garage – both during construction and long-term.
4. Zero setback for the alley may result in emergency vehicles not being able to effectively access University Tower or the new structure. It is concerning to consider that lives may be lost because of a fire or medical emergency and the approved zoning prevents effective and efficient response of Knoxville's First Responders.
5. The proposed eight to fourteen story variance may violate FCC requirements for cell antennas. University Tower has cell antennas on our roof providing income to our Homeowners Association to care for our fifty-six-year-old building. The construction of a fourteen-story building may block cell tower signals and eliminate this beneficial relationship between University Tower and T-Mobile, DISH, and US Cellular. Should the HOA lose this income it may result in financial hardship for unit owners because of increased monthly assessments.

As parents of two full time University of Tennessee students, we understand that the University is growing and more housing, close to campus, is desperately needed. Our hope is that the growth in housing will be done lawfully and safely – especially with respect to existing buildings and property owners.

We would like to reiterate our strong opposition to variance request 2-B-22-VA and ask that the City of Knoxville Board of Zoning Appeals deny this variance request.

Respectfully,

David and Roberta Larkins

Louis and Mary Nell Veazey
1700 Clinch Ave., Unit 201
Knoxville, TN 37916
February 10, 2022

To Whom It May Concern:

We are condo owners at University Towers, We would like to voice our displeasure of approving a variance request 2-B-22-VA for 1717 White Avenue. We would like to express the reasons for our opposing this variance request to greatly increase the height of the building next door and to reduce setbacks around the perimeter of this apartment complex.

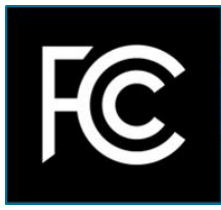
- A. Our building is over 56 years old and has a fragile foundation and parking deck. Our swimming pool is located above the parking deck and our six story building could easily be damaged by blasting and heavy construction equipment digging the foundation immediately next door. Im sure that your committee remembers the consequences of a condo collapse and loss of life in Miami less than two years ago.
- B. The setback request was designed for safety in mind. There will only be a very narrow alley to exit and enter the parking garage. It is currently used by garbage trucks, tow trucks and needless to say it would severely limit fire trucks and or other emergency vehicles coming to either building. We are opposed to a zero property setback along the street as this will reduce the amount of automobiles colliding with a new structure or residents.
- C. University Towers has many cell phone antennas on our six story roof. There are many documented scientific medical studies of the potential cancer hazards of RF radiation. This would apply to any residents of a structure that is located nearby at or above our roof. The Federal Communications Commission has updated many rules, regulations and guidelines concerning the hazards of human exposure to radio frequency fields. The potential lawsuits and legal exposure of allowing student housing to be built directly at or above the beams of dangerous radiation could be enormous. That is exactly why this building next door should not exceed the original height requirement of eight stories or 90 feet that it was zoned for years ago. The City of Knoxville Zoning Appeals Board should require an environmental impact engineering study on the dangers of RF radiation exposure before any approval is made to allow this structure to increase its height.
- D. A 14 story building will block the sunlight and severely diminish the view from our condo that faces that direction or those that sunbathe or swim in our pool. It will also reduce the value of our investment in real estate.

*Attached are areal photos of the cell phone towers on top of University Towers that are not seen from the street level and a Consumer Guide titled Human Exposure to Radio Frequency Fields: Guidelines for Cellular Antenna Sites from the Federal Communications Commission

Thank you for your due diligence for the welfare of your Knoxville residents, tax payers and University students.

Sincerely,

Louis & Mary Nell Veazey
mnveazey@comcast.net



Human Exposure to Radio Frequency Fields: Guidelines for Cellular Antenna Sites

Primary antennas for transmitting wireless telephone service, including cellular and Personal Communications Service (PCS), are usually located outdoors on towers, water tanks and other elevated structures like rooftops and sides of buildings. The combination of antenna towers and associated electronic equipment is referred to as a “cellular or PCS cell site” or “base station.” Cellular or PCS cell site towers are typically 50-200 feet high. Antennas are usually arranged in groups of three, with one antenna in each group used to transmit signals to mobile units, and the other two antennas used to receive signals from mobile units.

At a cell site, the total radio frequency (RF) power that can be transmitted from each transmitting antenna depends on the number of radio channels (transmitters) that have been authorized by the Federal Communications Commission (FCC) and the power of each transmitter. Although the FCC permits an effective radiated power (ERP) of up to 500 watts per channel (depending on the tower height), the majority of cellular or PCS cell sites in urban and suburban areas operate at an ERP of 100 watts per channel or less.

An ERP of 100 watts corresponds to an actual radiated power of 5-10 watts, depending on the type of antenna used. In urban areas, cell sites commonly emit an ERP of 10 watts per channel or less. For PCS cell sites, even lower ERPs are typical. As with all forms of electromagnetic energy, the power density from a cellular or PCS transmitter rapidly decreases as distance from the antenna increases.

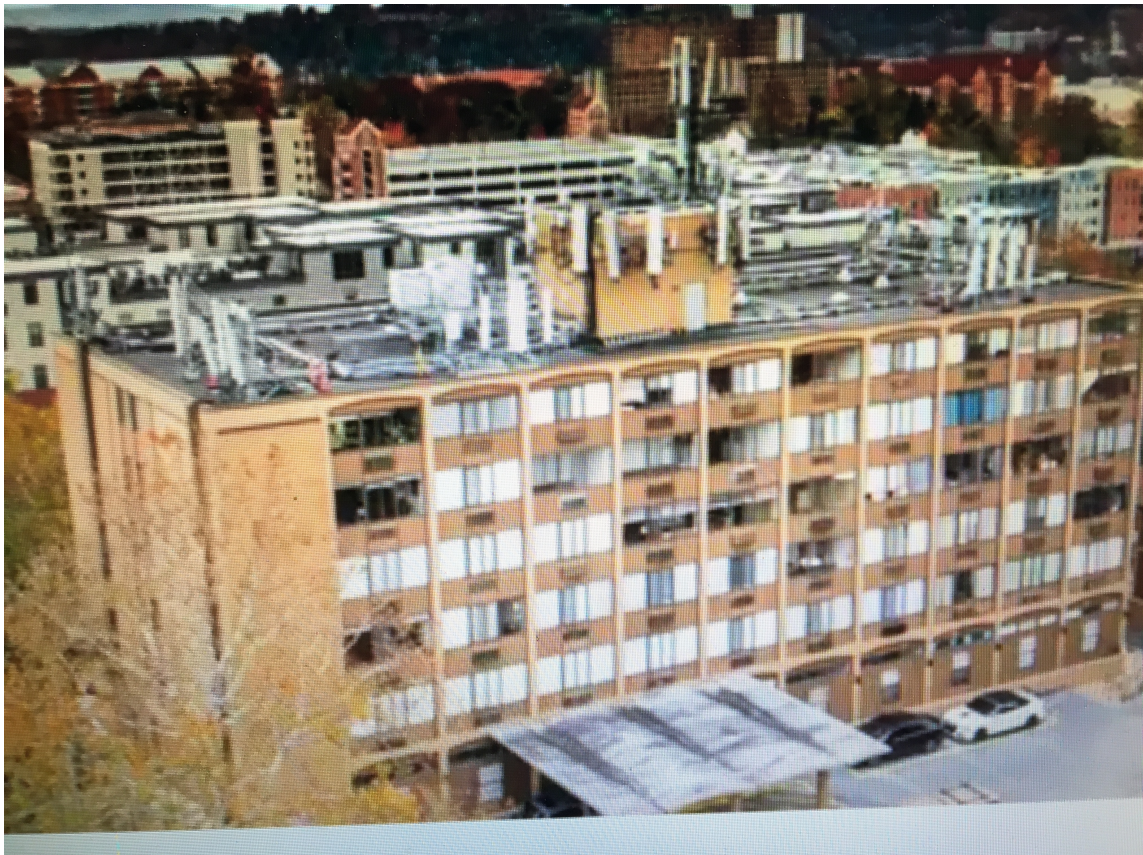
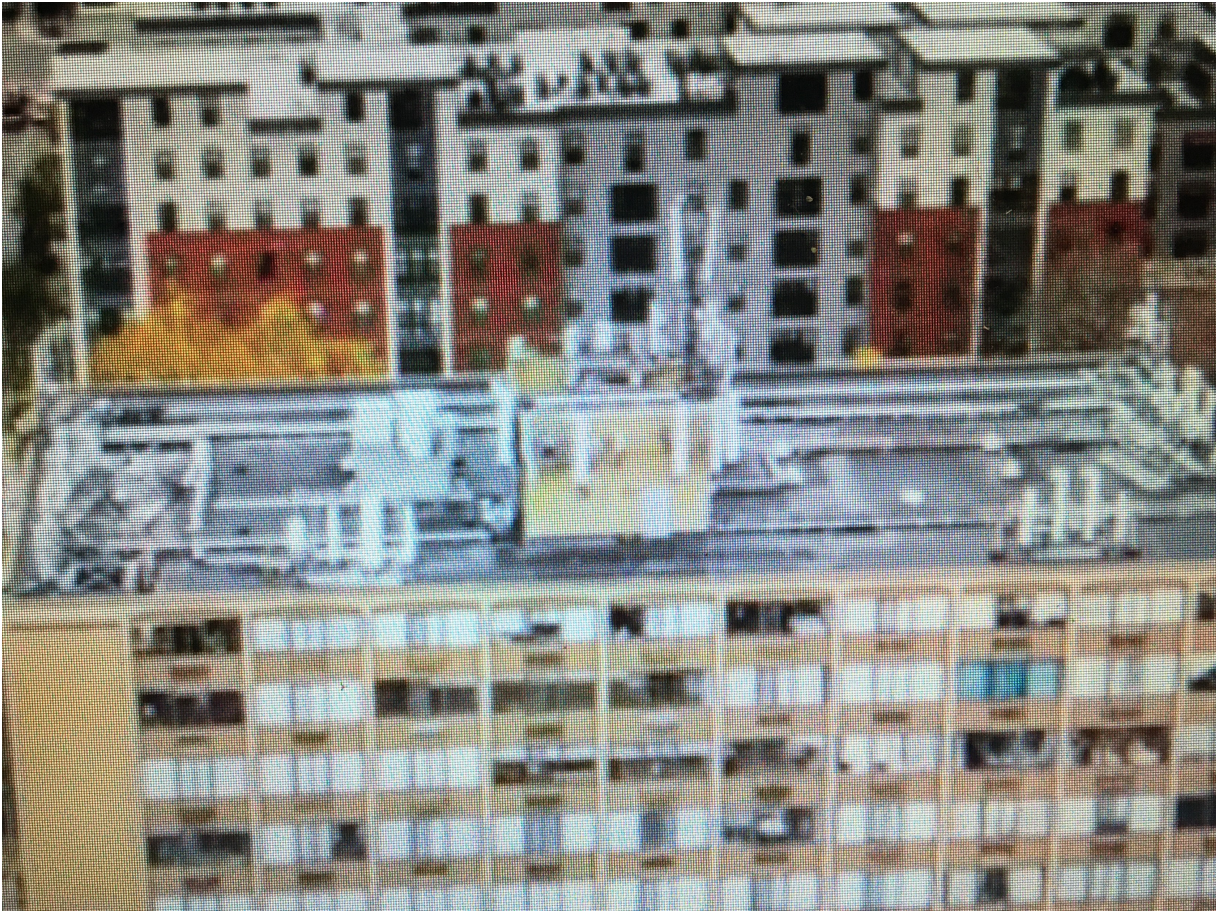
Consequently, normal ground-level exposure is much less than the exposure that might be encountered if one were very close to the antenna and in its main transmitted beam. Measurements made near typical cellular and PCS cell sites have shown that ground-level power densities are well below the exposure limits recommended by RF/microwave safety standards used by the FCC.

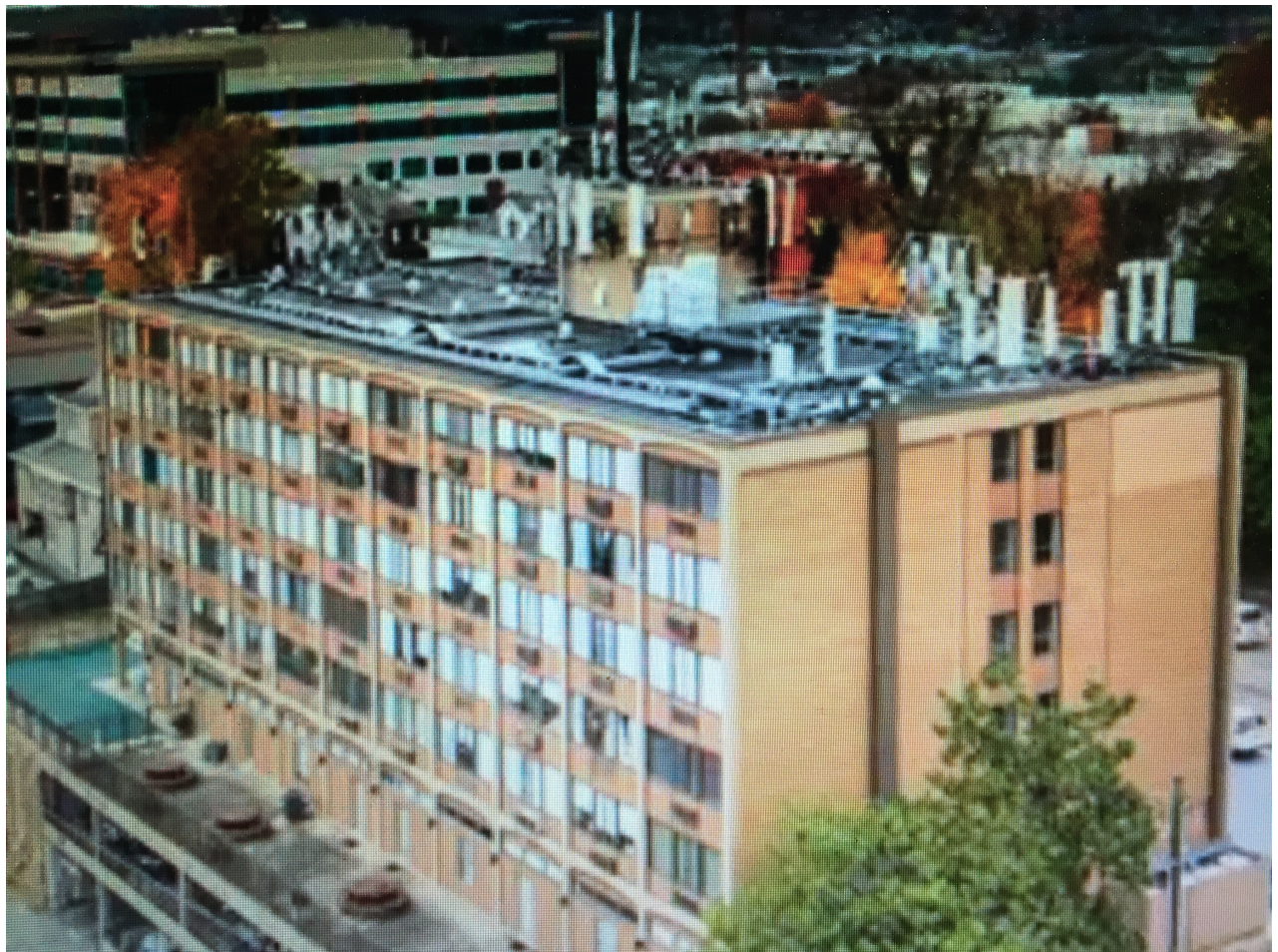
Guidelines

In 1996, the FCC adopted updated guidelines for evaluating human exposure to RF fields from fixed transmitting antennas such as those used for cellular and PCS cell sites. The FCC’s guidelines are identical to those recommended by the National Council on Radiation Protection and Measurements (NCRP), a non-profit corporation chartered by Congress to develop information and recommendations concerning radiation protection. The FCC’s guidelines also resemble the 1992 guidelines recommended by the Institute of Electrical and Electronics Engineers (IEEE), a non-profit technical and professional engineering society, and endorsed by the American National Standards Institute (ANSI), a nonprofit, privately-funded membership organization that coordinates development of voluntary national standards in the United States.

In the case of cellular and PCS cell site transmitters, the FCC’s RF exposure guidelines recommend a maximum permissible exposure level to the general public of approximately 580 microwatts per square centimeter. This limit is many times greater than RF levels typically found near the base of cellular or PCS cell site towers or in the vicinity of other, lower-powered cell site transmitters. Calculations corresponding to a “worst-case” situation (all transmitters operating simultaneously and continuously at the maximum licensed power) show that, in order to be exposed to RF levels near the FCC’s guidelines, an individual would essentially have to remain in the main transmitting beam and within a









From: [Steve Borden](#)
To: [Jennifer Scobee](#)
Cc: [Cheri Burke](#)
Subject: RE: BZA February Applications
Date: Monday, February 7, 2022 11:37:44 AM
Attachments: [image002.png](#)
[image003.png](#)

Please find the following responses from TDOT District 18 Operations for the February BZA applications:

A-22-VA: 4111 Barbara Dr: **No comment**
2-B-22-VA: 1717 White Ave: **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

From: Jennifer Scobee <jscobee@knoxvilletn.gov>
Sent: Monday, January 31, 2022 9:42 AM
To: Steve Borden <Steve.Borden@tn.gov>
Cc: Cheri Burke <cmburke@knoxvilletn.gov>
Subject: [EXTERNAL] BZA February Applications

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

Please have your staff review the following applications (located [at this link](#)) and provide your response by 2/7/22.

[2-A-22-VA: 4111 Barbara Dr](#)
[2-B-22-VA: 1717 White Ave](#)

Thank you!

a

February 8, 2022

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

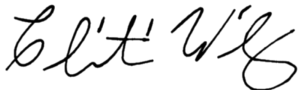
Dear Mr. Elder:

Re: Variance Requests 2-A-22-VA and 2-B-22-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