



Observer Reporting Form

Feature Evaluated	Yes	No	Comments
Meeting started on time?	X		
All members present?	X		Also present was a recorder; Anita Cash, city zoning inspector; Dan Kelly, MPC; Tom Reynolds, city plans review; a representative from city engineering and one from the law department; and one other staff person whose name and function I did not hear.
Members attentive?	X		
Did members appear to have done their "homework?"	X		
Were members courteous to each other and the public?	X		Members spoke without waiting to be acknowledged by chair, but with only 5 members on the board this did not create a problem. Members were especially courteous to audience members, including one who was rather combative.
Agenda sent/posted 72 hours before?	X		Posted on City website and available on paper at the meeting.
Agenda items clearly described what was to be discussed?	X		Read by chair; explained by staff.
Adequate opportunity for public input?	X		
Was there an appearance that some action items were discussed in closed rather than open session?	X	X	No indication that members had deliberated before the meeting. However, at one point an applicant went up and conferred with a couple of members outside the hearing of the general public.
Was background information available to the public?		X	Unlike City Council or MPC, online agenda does not include files for each item.
Facilities adequate? (room size, lighting, ventilation, speakers audible, accessible to handicapped)	X		

Were any issues on the agenda relevant to LWV positions or programs? One agenda item concerned a variance for reduced parking at the proposed site of permanent supportive housing for the chronically homeless at Flenniken School. LWVKK recently adopted a position in favor of this housing, but with the condition that the needs of the surrounding neighborhoods should also be met. This variance was granted 3-2, but there was substantial concern about whether the parking would accommodate delivery trucks. Also concern over what could happen in the future – if this facility reverts to ordinary apartments the required parking would be needed but the variance would already be in place. This would most likely end up with substantial on street parking on extremely narrow streets.

Do you recommend League action on any of these issues? No, but continue to closely monitor all actions and issues associated with the TYP to end chronic homelessness.

Other Concerns: Variances are supposed to be granted only in cases of physical hardship that essentially makes complying with the zoning code impossible if the property is to be used. In some cases at this meeting the hardship was implicitly

discussed, but in no case were applicants explicitly asked what their hardship was. (See the city of Knoxville zoning code with respect to variances attached.)

Observer: Rachel Craig

Meeting: City of Knoxville Board of Zoning Appeals

Date: May 20, 2010

Please submit completed forms to Observer Corps Committee Chair

City of Knoxville Zoning Code

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.

Standards for variances. In granting a variance, the board shall ascertain that the following criteria are met:

1.

Variances shall 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 shall 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 ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land.

4.

Any variance granted under the provisions of this section shall 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 ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.