



**BOARD OF ZONING APPEALS
MINUTES
JUNE 6, 2019**

The regularly scheduled meeting of the Sevierville Board of Zoning Appeals was held at the Civic Center, 130 Gary Wade Blvd., Sevierville, Tennessee on Thursday, June 6, 2019 at 5:24 PM.

There were present and participating:

MEMBERS PRESENT

Lyle Overbay, Chairman
Jim Arwood, Vice Chairman
Vincent Snider, Secretary
Robbie Fox
Wayne Helton
Daryl Roberts
Austin Williams

MEMBERS ABSENT

None

STAFF PRESENT

Dustin Smith, Interim Development Director
Judi Forkner, Senior Planner
David Black, Building Official
J.C. Green, Fire Marshal

Chairman Overbay declared a quorum present and announced the meeting would proceed.

APPROVAL OF MINUTES

Mr. Snider made a motion, seconded by Mr. Roberts to approve the Minutes of the May 2, 2019 meeting. The motion passed with a unanimous vote.

OLD BUSINESS

None

NEW BUSINESS

CASE NUMBER 19-05 – KING DISTILLING CO., LLC, REQUESTS A DISTANCE VARIANCE FOR A DISTILLERY – 1970 WINFIELD DUNN PARKWAY (CITY).

Mr. Smith explained this company is proposing to convert the retail building on this site (the former location of Beehive) in a AC (C-4) District to a use that is defined as a ‘Small Distillery’ in the Zoning Ordinance in regards to the distilling activity and the maximum amount of alcohol product that will be on the site at any one time. The performance conditions for this use in this district provides that any principal or accessory building associated with a small distillery not be located closer than fifty feet (50’) from any property line. The current building has a large retail space and a much smaller storage area attached to the retail space at the rear of the building. The retail/distilling portion of the business and product storage is proposed to be confined to the larger portion of the building which is 52’ from the rear property line. However, the smaller storage area at the rear of the building is 38’ from the rear lot line.

Members reviewed the building plan noting that it is on an irregularly shaped lot and on the inside of a retaining wall that lays on this property near its rear lot line.

Action Taken

After discussion on the matter, Mr. Williams made a motion that, due to the irregular shape of the lot, and because it would present an undue hardship to the owner to remove this storage area, that a setback variance of 12’ from the rear lot line be granted for the storage area with the condition that no alcohol substances are to be stored within the storage area, as depicted on the plan accompanying this request. Mr. Snider seconded the motion which passed with Mr. Roberts abstaining.

CASE NUMBER 19-06 – PRIME TOWER DEVELOPMENT, LLC, REQUESTS A PRINCIPAL USE VARIANCE FOR A COMMUNICATIONS TOWER – 1337 OLD KNOXVILLE HIGHWAY (CITY).

Mr. Smith explained the applicant would like to place a 181’ cellular monopole on this property zoned AC (C-4). The site presently has a single-family home on it. The Zoning Ordinance states that a telecommunication tower and its related structures must be the only principal use on any lot. Since a cell tower cannot be considered as an accessory use to the principal use on the property zoned for residential or commercial use, it is considered as a principal use and therefore, cannot be placed upon a lot having an existing principal use.

Applicant, Mr. John Behnke of Prime Tower Development, spoke and presented some visual exhibits explaining why this site is suitable for the purpose of maintaining adequate service levels to customers of his client, Verizon. The property owner, Mr. Brian Delius was present and expressed that he is willing to lease an area on his lot for this purpose.

Members discussed the ordinance provisions and the Mr. Behnke's proposal, after which Mr. Behnke asked that his request be withdrawn without prejudice. He noted the Case 19-07 also related to the request in Case 19-06 and requested that item also be withdrawn without prejudice.

Action Taken

With no objection from members, the Chairman granted Mr. Behnke's request to withdraw Case Numbers 19-06 and 19-07 without prejudice.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:52 PM.

Lyle Overbay, Chairman

Vincent Snider, Secretary

Brooke Fradd, Recording Secretary