

File #

3-1-19-VA

**BOARD OF ZONING APPEALS APPLICATION****APPLICANT INFORMATION**

Name Brian Ewers
Street Address 111 East Jackson Ave. Suite 101
City, State, Zip Knoxville, TN 37915
Phone Number 865-546-9374
Email bewers@dollar-ewers.com

APPLICANT IS:

Owner ☐
Contractor ☐
Tenant ☐
Other ☒

THIS PROPOSAL PERTAINS TO:

New Structure ☒
Modification of Existing Structure ☐
Off Street Parking ☐
Signage ☐
Other ☐

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 2304 West Blount Avenue
City, State, Zip Knoxville, TN 37920
Parcel # (see KGIS.org) 108EB021
Zoning District (see KGIS.org) SW-1

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.

New Construction of a Single Family Residence - 5,887 SF Interior Conditioned space & 1,492 SF Exterior Unconditioned space, 34'-6" Height/2.5 Stories.

South Waterfront Design Review has defined the Residence as a 3 Story structure and exceeds the 2.5 Story height restriction for SW-1 and has Disapproved the design submitted to the Review Board.

Describe hardship conditions that apply to this variance.

Requesting an Appeal of the Review Board's interpretation of a 2.5 Story structure. Request review of definition and review of the submitted design as complying with the intent of the height restriction as a 2.5 Story structure.

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

2/25/2019

File #

3-I-19-VA



CITY OF KNOXVILLE

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 the determination of the Building Official that the proposed dwelling is a three-story building.
Per Article 4, Section 4.1.3.B.4.

REVISED

PROJECT INFORMATION

Date Filed 02-25-19

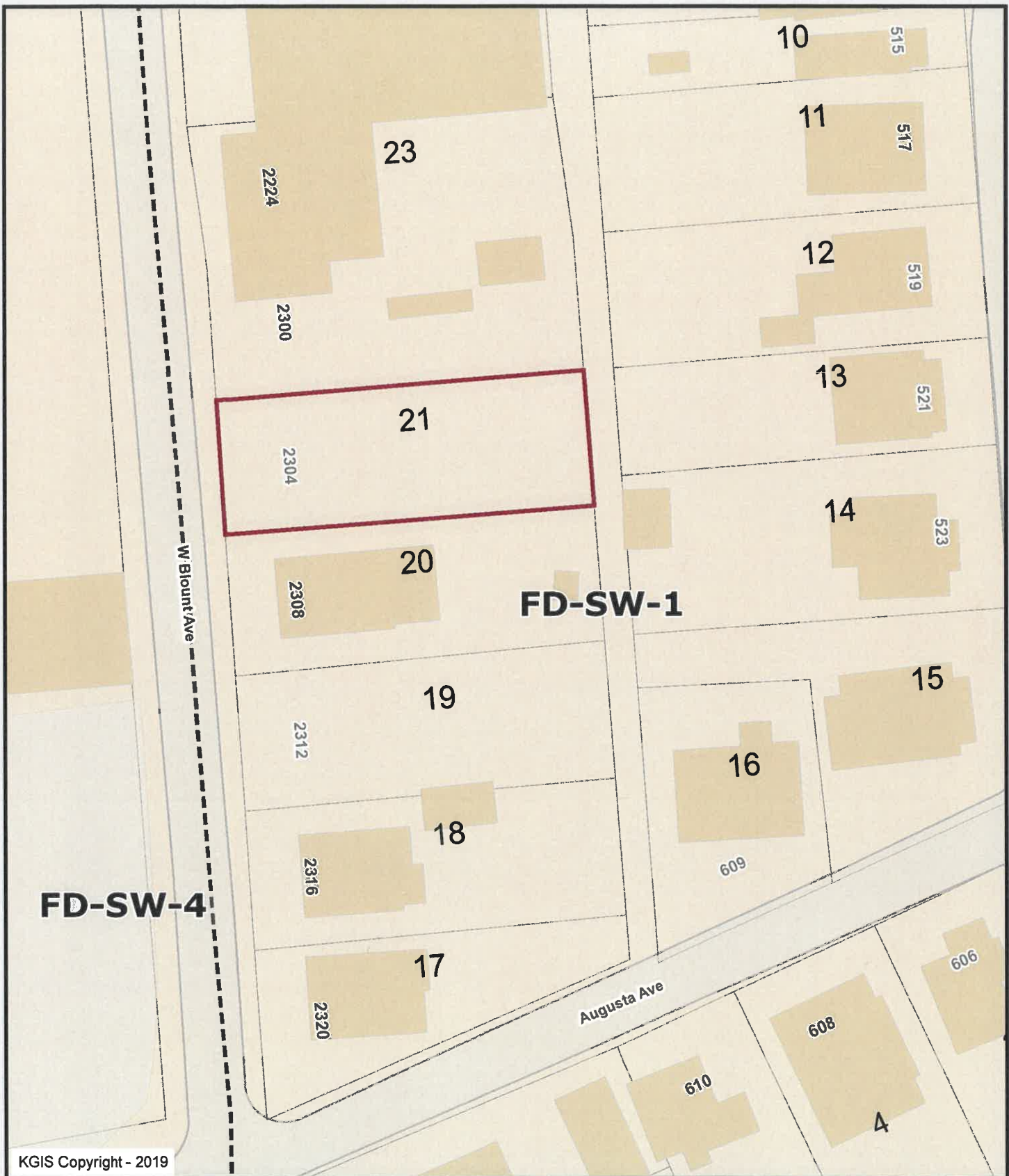
Fee Amount 500.00

Council District 1st

BZA Meeting Date 03-21--19

PLANS REVIEWER Scott Elder

DATE 2-26-19



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2304 W. Blount Ave.

Brian Ewers
3-1-19-VA

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Brian Ewers
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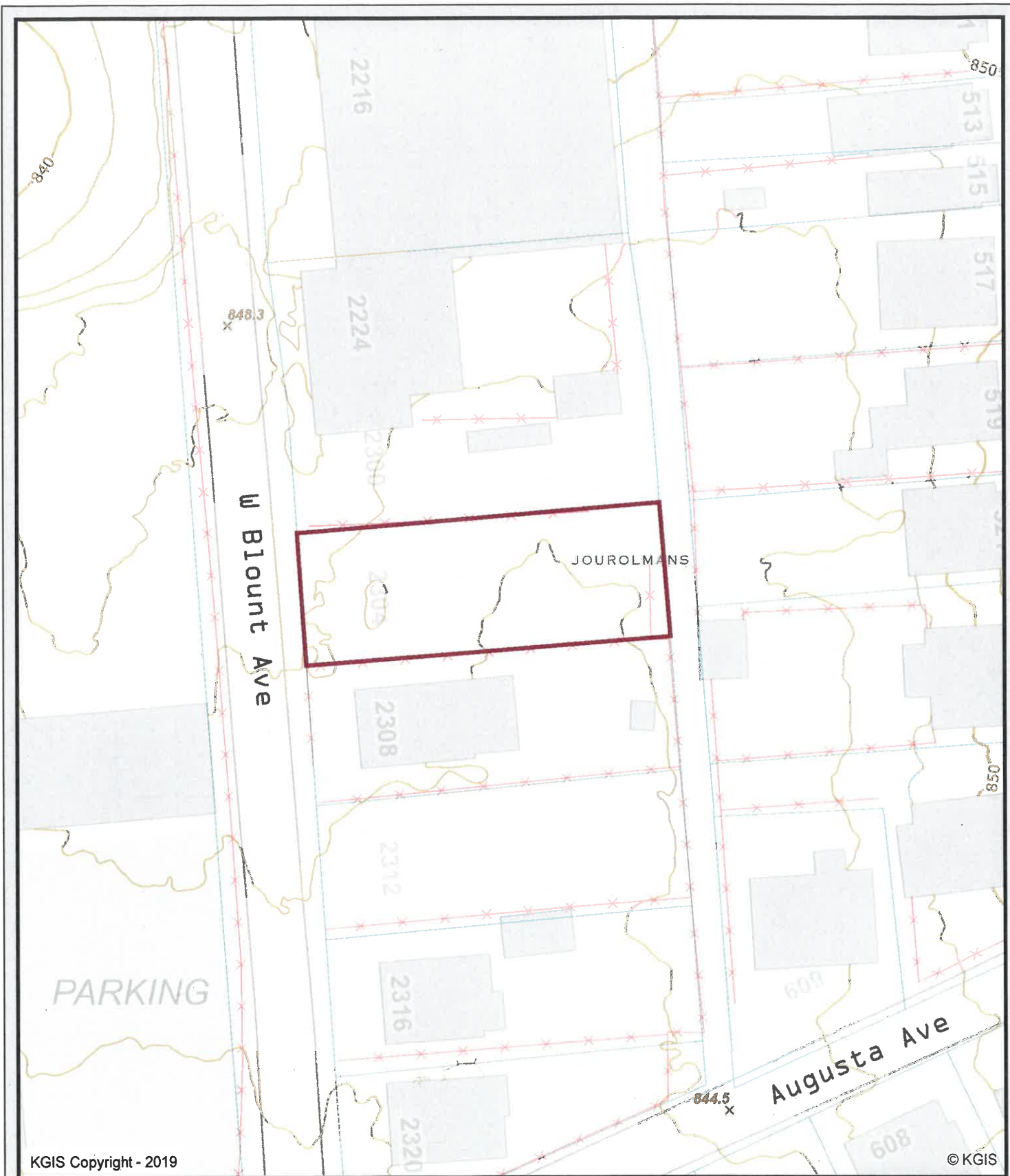
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Brian Ewers
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February 25, 2019

Scott Elder – Zoning Chief
Peter Ahrens – Plans Review & Inspections Director
City of Knoxville
Plans Review & Inspections
400 Main Street – Suite 475
Knoxville, TN 37902

Re: South Waterfront Design Review Response – Purdue Residence
2304 West Blount Avenue – Knoxville, TN 37915
Project No.: 218160

Dear Mr. Elder & Mr. Ahrens,

In response to the South Waterfront Design Review comment regarding exceeding the permitted maximum height for SW-1 Zoning, the design guideline is a max. height of 35' and/or 2.5 stories, the submitted design for the Purdue Residence complies with the 35' max. height requirement (34'-6" max. height) and we have designed the Roof Deck Level as a ½ story for a total of 2 ½ stories.

Please reference the attached Roof Deck Floor Plan for the Purdue Residence, the shaded floor area is 590 SF of interior enclosed conditioned space. The area of the Second story below is 2,100 SF of floor area, the area of the enclosed roof deck area is less than 50% of the floor below. The area of the open roof deck is 1,075 Sf and 278 SF of the open roof deck is dedicated to mechanical equipment.

Based on this square footage analysis, I am requesting that the area of the roof deck level qualify as a ½ story and in compliance with the design intent of the SW Design Guidelines height restrictions. I would also mention that when we reviewed the proposed ReCode Knoxville guidelines, the requirement for a 2 ½ story max. is not mentioned, just the 35' max. height restriction.

We have reviewed the 2018 IRC and the current Knoxville Zoning regulations for a definition of a ½ story and have not found one and upon further discussion with both of you, you have confirmed that a written definition does not exist in the IRC nor the current Knoxville Zoning regulations.

In the absence of a definition, I have searched for a definition and found an Executive Summary written by the Zoning Administrator of the City of Denver, Colorado. The summary states " The Rule of Measurement (ROM) for building height states where a half story is permitted, the space shall meet the definition of a Habitable Story and the gross floor area of the half story shall be no greater than 75% of the floor below. However, this ROM is used only to clarify what constitutes a half-story in a building for the purposes of measuring building height only and should not be referenced or used to calculate the allowed Maximum Floor Area inside the half story."

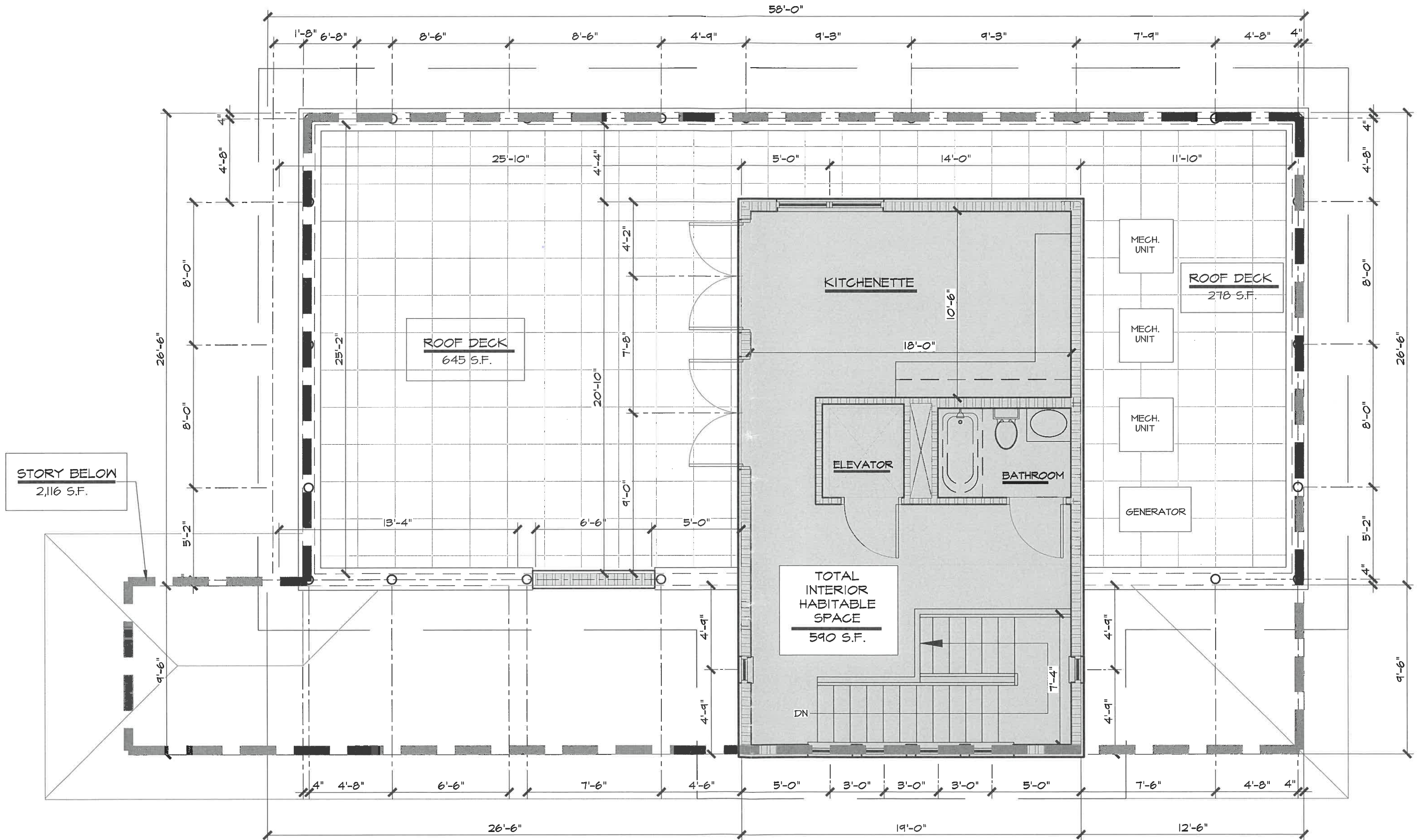
The definition of a Habitable Story mentioned above is a story with enough interior habitable room with a net floor-to-ceiling distance of 7 feet - 6 inches over half of the room and constitutes an interior habitable room as defined in the building code. It is important to note that the definitions applied to interior habitable rooms and spaces only and there is no mention of exterior spaces in the determination of what figures into the calculation of a ½ story.

Please let me know if you need any additional information or if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian K. Ewers', is written over a light blue horizontal line.

Brian K. Ewers, AIA, LEED AP
President



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