

File # 3-6-21-VA



# BOARD OF ZONING APPEALS APPLICATION

Click on Meeting Schedule, Deadlines and Fees for information on submitting an application to be heard at a monthly Board meeting.

APPLICANT INFORMATION	APPLICANT IS:	THIS PROPOSAL PERTAINS TO:
Name <u>Chuck Grant</u>	Owner <input type="checkbox"/>	New Structure <input type="checkbox"/>
Street Address <u>299 N. Weisgarber Rd.</u>	Contractor <input type="checkbox"/>	Modification of Existing Structure <input checked="" type="checkbox"/>
City, State, Zip <u>Knoxville, Tn 37919</u>	Tenant <input type="checkbox"/>	Off Street Parking <input type="checkbox"/>
Phone Number <u>(865) 584 - 0999</u>	Other <input checked="" type="checkbox"/>	Signage <input type="checkbox"/>
Email <u>chuckg@mbicompanies.com</u>		Other <input 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 7128 Kingston Pike City, State, Zip Knoxville, TN 37919  
 See KGIS.org for Parcel # 120EA00101 and Zoning District

**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.

Renovation of the existing building with an addition of a cooler. The side of the building we are looking to add the cooler has a setback of 12'. The building sits 15' off the property line. The cooler would extend into the setback requirement approximately 5' for a total cooler depth of 8' - 0". We have looked in the zoning code and have determined the cooler could act as an accessory building which has a setback requirement of 5' but would require one to exit the building to then enter the cooler. This is one of the hardships we have stated below.

We are applying for this variance because this is the most appropriate location for the cooler addition and would be in the same location if we constructed it as an accessory building. There are also several hardships in the following provided documents in addition to below which assist in our case.

Describe hardship conditions that apply to this variance.

It would pose a risk to staff and product safety and security to have to walk out of the store to access this cooler. It would also negatively affect the restaurants efficiency and work flow as both doors would need to remain locked 24/7. It would be difficult to locate the cooler off the back of the store due to topography and the grease interceptor location.

**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 2/15/2021

File # 3-G-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):**

1. Reduce the minimum required interior side setback from 10 feet to 7.3 feet, to construct an addition to an existing building. (Article 5, Section 5.3. Table 5-1)

**PROJECT INFORMATION**

Date Filed 2-15-21

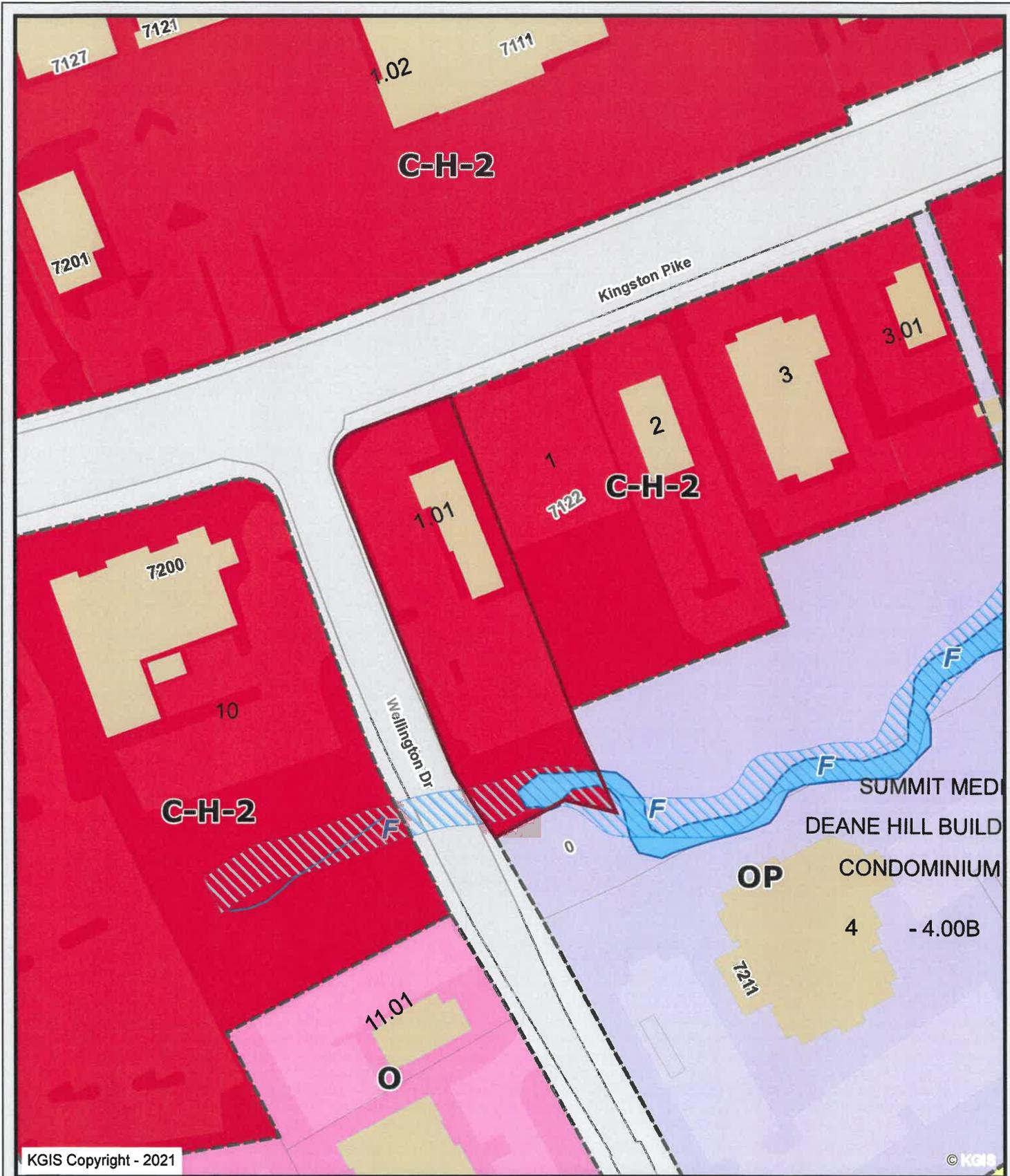
Fee Amount \$250.00

Council District 2nd

BZA Meeting Date 3-16-21

PLANS REVIEWER Scott Elder

DATE 2-16-21



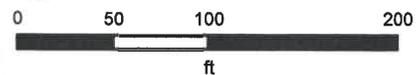
7128 Kingston Pike

3-G-21-VA  
Chuck Grant

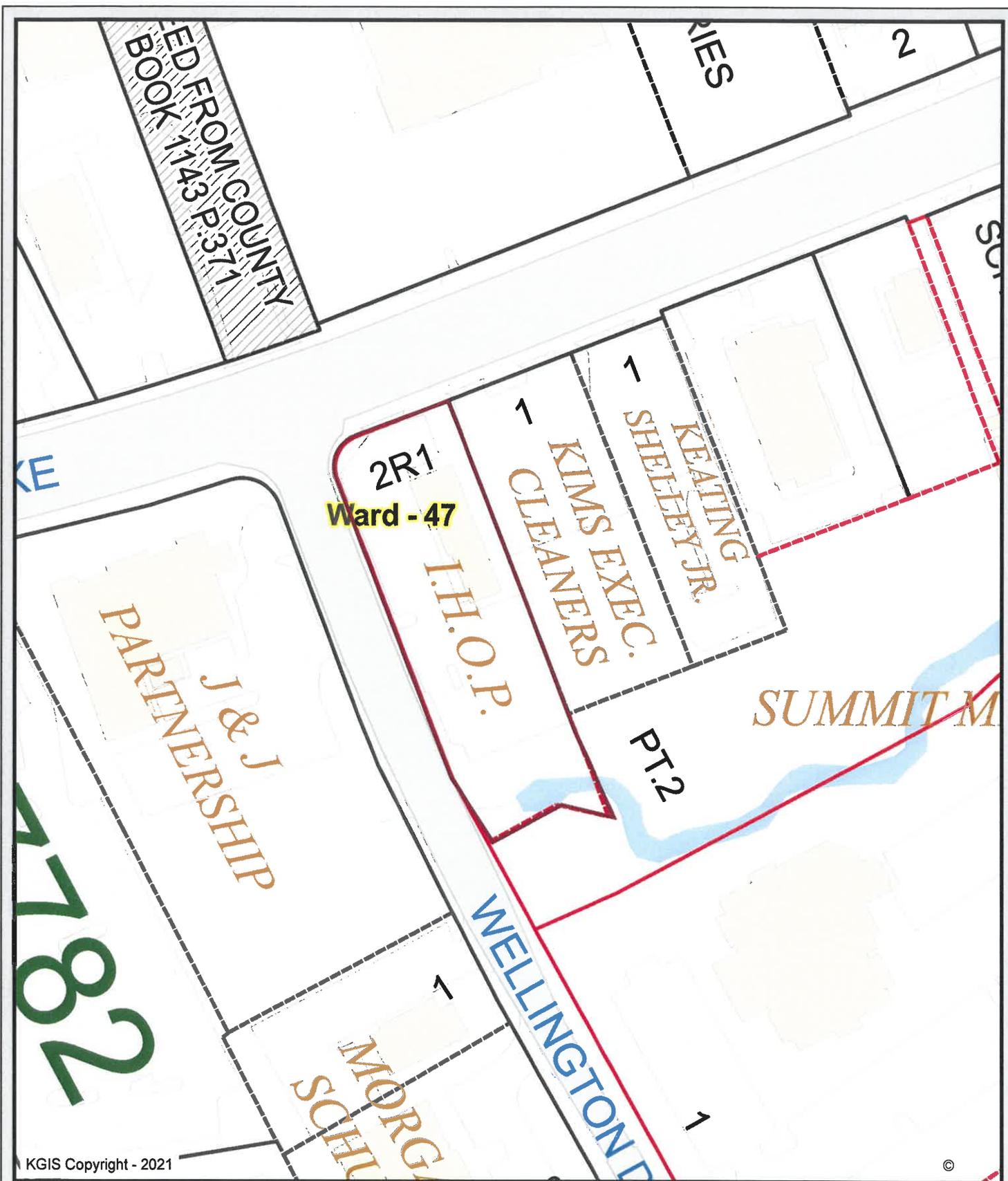
Knoxville - Knox County - KUB Geographic Information System



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7128 Kingston Pike

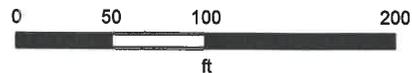
3-G-21-VA

Chuck Grant

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## 7128 Kingston Pike

3-G-21-VA

Chuck Grant

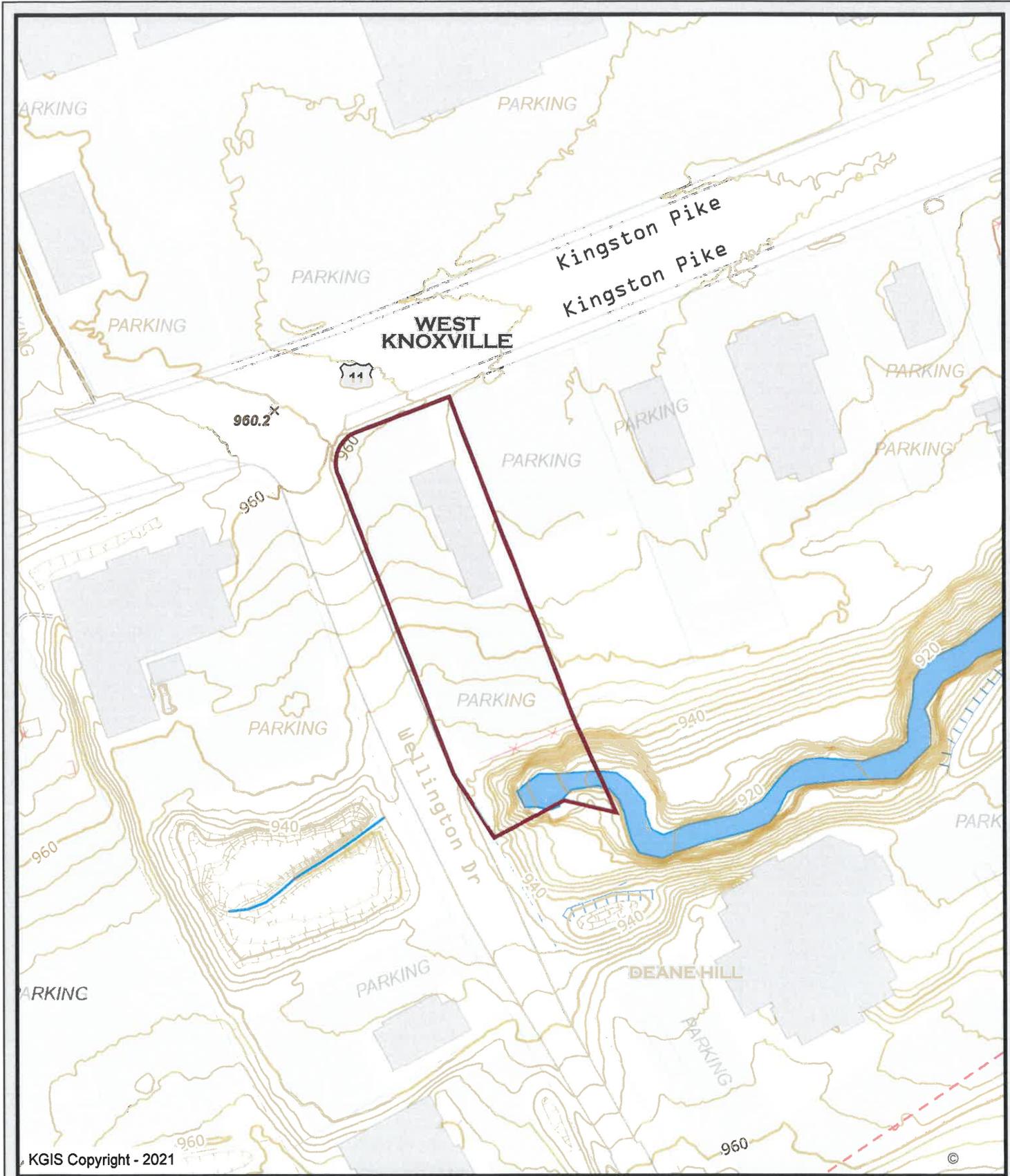
**Knoxville - Knox County - KUB Geographic Information System**



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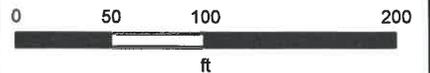
### 7128 Kingston Pike

3-G-21-VA  
Chuck Grant

#### Knoxville - Knox County - KUB Geographic Information System

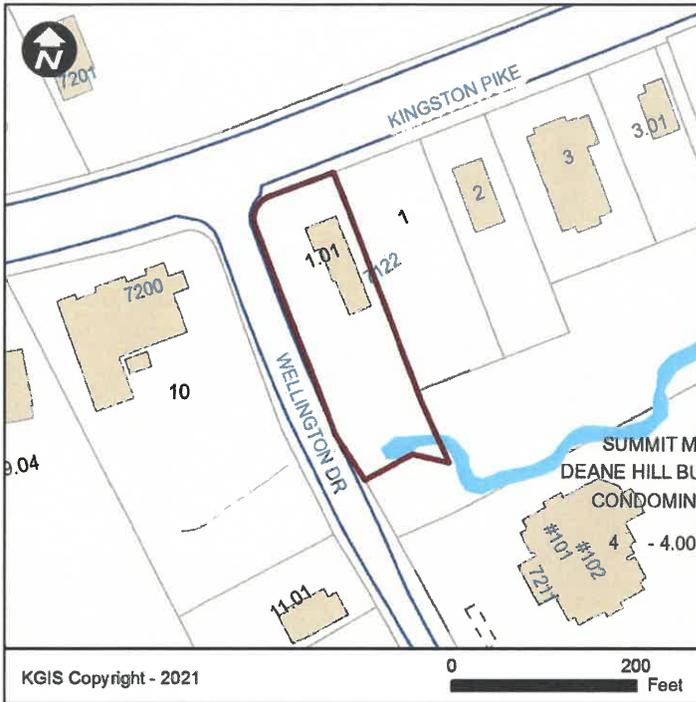


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## Parcel 120EA00101 - Property Map and Details Report



### Property Information

Parcel ID:	120EA00101
Location Address:	7128 KINGSTON PIKE
CLT Map:	120
Insert:	E
Group:	A
Condo Letter:	
Parcel:	1.01
Parcel Type:	NORMAL
District:	
Ward:	47
City Block:	47704
Subdivision:	RESUB OF LOT 2 SUMMIT MEDICAL GROUP
Rec. Acreage:	0
Calc. Acreage:	0
Recorded Plat:	20000829 - 0014435
Recorded Deed:	20020730 - 0008360
Deed Type:	Deed:Special Wa
Deed Date:	7/30/2002

### Address Information

Site Address: 7128 KINGSTON PIKE  
KNOXVILLE - 37919

Address Type: BUSINESS

Site Name: IHOP RESTAURANT

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

### Owner Information

CLAMORE LLC  
7128 KINGSTON PIKE  
KNOXVILLE, TN 37919

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

### Knoxville-Knox Co. Planning Information

Census Tract: 44.04  
Planning Sector: West City

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

### Political Districts

Voting Precinct:	47	
Voting Location:		Bearden High School 8352 KINGSTON PIKE
TN State House:	18	Martin Daniel
TN State Senate:	7	Richard Briggs
County Commission:	4	Kyle Ward Larsen Jay Justin Biggs
City Council:	2	Andrew Roberto Lynne Fugate Janet Testerman Amelia Parker
School Board:	4	Virginia Babb

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

### School Zones

Elementary:	BEARDEN ELEMENTARY
Intermediate:	
Middle:	BEARDEN MIDDLE
High:	WEST HIGH

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

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37802-8401  
P.O. BOX 4878  
MARYVILLE, TENNESSEE  
37802-4878  
PHONE: VOL-984-3905  
FAX: VOL-981-2815  
www.sterling-us.com

LOT 2R-1  
BOUNDARY & TOPOGRAPHIC SURVEY  
**INTERNATIONAL HOUSE  
OF PANCAKES**  
CLAMORE, L.L.C.  
KNOX COUNTY, TN.

REVISIONS	DATE	BY



SHEET **TS**

DESIGNED: **KAS**  
DRAWN: **CMR**  
CHECKED: **CMR**  
DATE: **11/3/15**  
SCALE: **1" = 20'**  
DRAWING: **6129-TS**  
PROJECT NO: **SEI#6129**

BENCHMARK  
City of Knoxville  
Control Station 0180  
Elev=968.19' NAVD83

**SURVEYOR'S NOTES:**

- See the plot of record, Instrument #200008290014435 as recorded in the Knox County Register of Deeds office for an additional notes and/or restrictions.
- Topographic Survey taken on a random basis using an electronic total station. 1 foot Contour Interval shown. Elevations shown hereon are based on the North American Vertical Datum of 1988.
- No Instruments of Record reflecting easements, rights of way, and/or ownership were furnished to the Surveyor, except as shown hereon. The Surveyor has made no attempt to access the public records for any easements. Subject to any easements, regulations or restrictions in effect at the time of this survey. No title opinion is expressed or implied.
- Information pertaining to underground utilities is based on field locations and measurements supplemented with existing utility maps provided by others. Actual location of all underground utilities should be verified through Tennessee 1 Call (1-800-351-1111) or the utility provider.
- This property lies in multiple zoning districts that have varying requirements. Contact the City of Knoxville Plans Review Office (865-213-2988) concerning requirements and restrictions.
- Located in Flood Zone "X" and Zone "AE" (R34) per Flood Insurance Rate Map 4703JC02676 in Community Number 475434 dated August 5, 2013.

**LEGEND:**

- TSSP TRAFFIC SIGNAL SUPPORT POLE
- ER EXISTING IRON ROD
- NR NEW IRON ROD
- A= ARC LENGTH
- R= RADIUS
- D= CENTRAL ANGLE (DELTA)
- C= CHORD BEARING
- C= CHORD LENGTH
- Ac. ACRES
- SF SQUARE FEET
- WDB WARRANTY DEED BOOK
- PD PAGE
- OAD AREA DRAIN
- OB BOLLARD (POST)
- CB CATCH BASIN
- C CENTERLINE
- CS SEWER CLEANOUT
- FM FIRE HYDRANT
- GM GAS METER
- POLE GUY ANCHOR
- GW GAS WALK
- HP HANDICAP PARKING
- EM MANHOLE (EXISTING)
- EM-T MANHOLE (STORM SEWER)
- EM-T MANHOLE (TELEPHONE)
- LP LIGHT POLE (LP)
- PP POWER POLE (PP)
- SIGN (POST)
- SPOT HEIGHT
- TEMPORARY BENCHMARK
- TRAFIC SIGNAL BOX
- WATER VALVE
- BOUNDARY LINE
- ROAD RIGHT-OF-WAY LINE
- EASEMENT LINE
- BUILDING SETBACK LINE
- ROAD CENTERLINE
- CONCRETE CURB
- PARKING/LANE STRIPES (EXISTING)
- DUCTILE IRON PIPE (DIP)
- FENCE LINE
- ELECTRIC LINE (OVERHEAD)
- GAS LINE
- WATER LINE (EXISTING)
- PVC PIPE LINE
- SEWER LINE (EXISTING)
- SHRUB LINE
- EXISTING INTERMEDIATE CONTOUR
- EXISTING INDEX CONTOUR

**OWNER:**  
DAVID RELLER  
CLAMORE, LLC  
P.O. BOX 51506  
KNOXVILLE, TN 37950  
865-384-2584  
1 LOT ±0.73 AC.  
CITY BLOCK 47704, 47TH WARD  
CITY OF KNOXVILLE

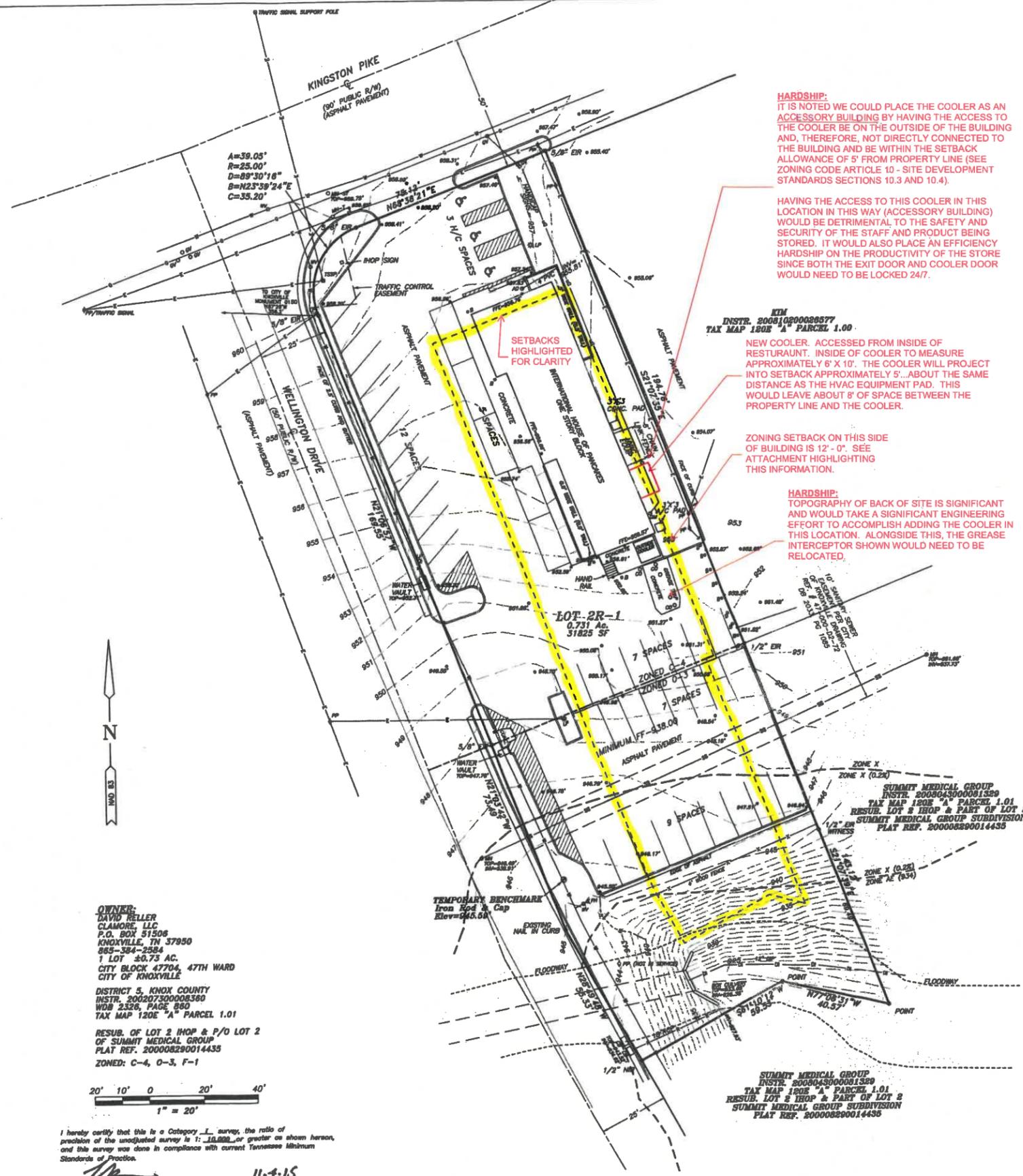
DISTRICT 5, KNOX COUNTY  
INSTR. 200207300008360  
WDB 2328, PAGE 880  
TAX MAP 120E "A" PARCEL 1.01

RESUB. OF LOT 2 IHOP & P/O LOT 2  
OF SUMMIT MEDICAL GROUP  
PLAT REF. 200008290014435  
ZONED: C-4, O-3, F-1



I hereby certify that this is a Category I survey, the ratio of precision of the unadjusted survey is 1:10,000, or greater as shown hereon, and this survey was done in compliance with current Tennessee Minimum Standards of Practice.

*[Signature]* 11-4-15  
Tennessee R.L.S. # 1928 Date



**HARDSHIP:**  
IT IS NOTED WE COULD PLACE THE COOLER AS AN ACCESSORY BUILDING BY HAVING THE ACCESS TO THE COOLER BE ON THE OUTSIDE OF THE BUILDING AND, THEREFORE, NOT DIRECTLY CONNECTED TO THE BUILDING AND BE WITHIN THE SETBACK ALLOWANCE OF 5' FROM PROPERTY LINE (SEE ZONING CODE ARTICLE 10 - SITE DEVELOPMENT STANDARDS SECTIONS 10.3 AND 10.4).

HAVING THE ACCESS TO THIS COOLER IN THIS LOCATION IN THIS WAY (ACCESSORY BUILDING) WOULD BE DETRIMENTAL TO THE SAFETY AND SECURITY OF THE STAFF AND PRODUCT BEING STORED. IT WOULD ALSO PLACE AN EFFICIENCY HARDSHIP ON THE PRODUCTIVITY OF THE STORE SINCE BOTH THE EXIT DOOR AND COOLER DOOR WOULD NEED TO BE LOCKED 24/7.

EDM  
INSTR. 200810900028577  
TAX MAP 120E "A" PARCEL 1.00

NEW COOLER, ACCESSED FROM INSIDE OF RESTAURANT. INSIDE OF COOLER TO MEASURE APPROXIMATELY 6' X 10'. THE COOLER WILL PROJECT INTO SETBACK APPROXIMATELY 5'. ABOUT THE SAME DISTANCE AS THE HVAC EQUIPMENT PAD. THIS WOULD LEAVE ABOUT 8' OF SPACE BETWEEN THE PROPERTY LINE AND THE COOLER.

ZONING SETBACK ON THIS SIDE OF BUILDING IS 12'-0". SEE ATTACHMENT HIGHLIGHTING THIS INFORMATION.

**HARDSHIP:**  
TOPOGRAPHY OF BACK OF SITE IS SIGNIFICANT AND WOULD TAKE A SIGNIFICANT ENGINEERING EFFORT TO ACCOMPLISH ADDING THE COOLER IN THIS LOCATION. ALONGSIDE THIS, THE GREASE INTERCEPTOR SHOWN WOULD NEED TO BE RELOCATED.

Certification of Ownership and General Dedication  
 (I, We) **FORTRESS Corp & Associates** the undersigned owner of the property shown herein, hereby adopt this as my plan of subdivision and dedicate the streets as shown to the public use forever and hereby certify that I am the owner in fee simple of the property and as property owner have an unrestricted right to dedicate right-of-way and/or grant easement as shown on this plan. I further certify that all restrictive covenants, if any, which apply to the lots are either shown on the plan or are referred to thereon, with copies of the referred to covenants filed with the Knox County Register of Deeds.

Signature  
*David C. Reller*  
 Signature

STATE OF TENNESSEE, COUNTY OF KNOX  
 On this 18 day of August, 2000, before me personally appeared David C. Reller to me known (or proved to me on the basis of satisfactory evidence) to be the person (or persons described in) and who executed the foregoing instrument, and acknowledged that he (or she or they) executed the same as his (or her or their) free act and deed.



Signature  
*David C. Reller*  
 Signature  
 Commission Expires: June 23, 2001

STATE OF TENNESSEE, COUNTY OF KNOX  
 On this 18 day of August, 2000, before me personally appeared David C. Reller



to me known (or proved to me on the basis of satisfactory evidence) to be the person (or persons described in) and who executed the foregoing instrument, and acknowledged that he (or she or they) executed the same as his (or her or their) free act and deed.

Signature  
*David C. Reller*  
 Signature  
 Commission Expires: June 23, 2001

Subdivision Name and Street Names contained herein reviewed and approved.  
 Date: 8-18-2000  
 By: Shirley J. Mase  
 Knoxville Knox County Metropolitan Planning Commission

This is to certify that all property taxes and assessments due on this property have been paid.  
 Signed: Shirley J. Mase Date: 08-18-00  
 City Court Clerk  
 Signed: Mark E. Jones Date: 8/18/00  
 Knox County Trustee

I hereby certify that the foregoing is a true copy and that said document was approved by the Dept. of Engineering of the City of Knoxville on the 18 day of August, 2000.  
Samuel L. Parrell, Jr.  
 Director, Dept. of Engineering

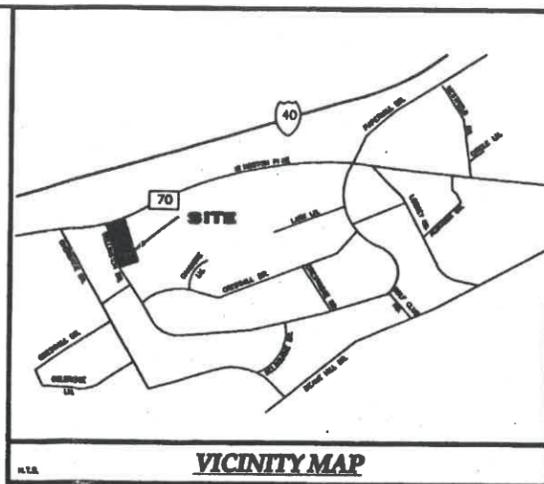
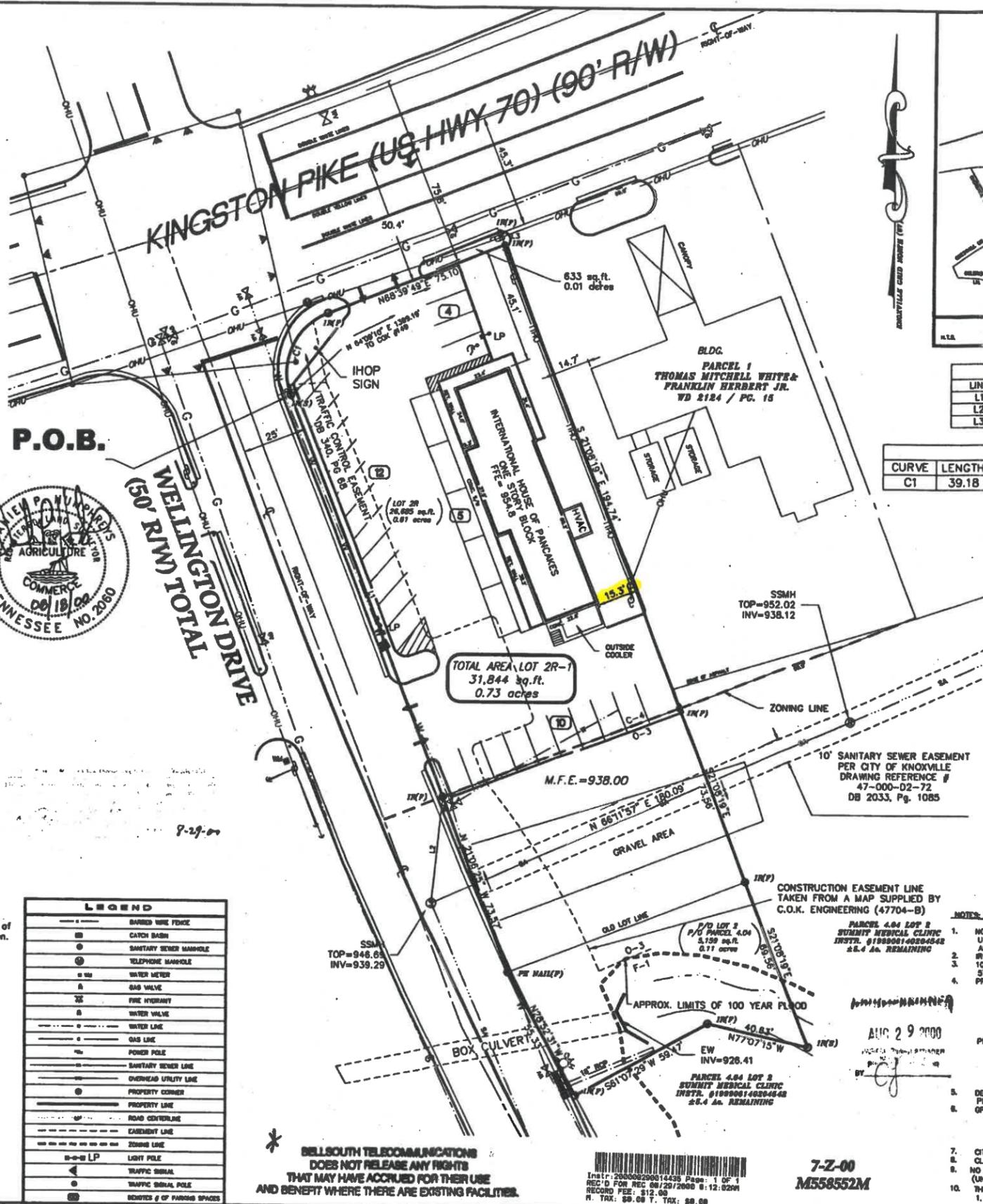
This is to certify that the subdivision shown hereon is approved subject to the installation of sanitary sewers and treatment facilities and that such installation shall be in accordance with state and local regulations.  
 Date: 8-18-00 Mark E. Jones (SB)  
 Knox County Health Dept.

I hereby certify that this is a category 1 survey and the ratio of precision of the undisturbed survey is 1:10,000, as shown hereon.  
Daniel P. Humphreys 8/18/00  
 DANIEL P. HUMPHREYS R.L.S. DATE  
 Tenn. Reg. No. 2080

Certification of Final Plat - Construction Complete  
 I hereby certify that I am a surveyor licensed to do surveying under the laws of the State of Tennessee. I further certify that this plan and accompanying drawings, documents, and statements conform to all applicable provisions of the Knoxville/Knox County Subdivision Regulations except as has been itemized, described and justified in a report filed with the Metropolitan Planning Commission, or for variances for which application has been filed. The indicated monuments were in place on the 17th day of July, 2000.  
Daniel P. Humphreys  
 Surveyor

Tennessee Certificate No. 2060

47704-H



LINE	LENGTH	BEARING
L1	169.48	N21°08'19"W
L2	42.03	S05°52'38"W
L3	5.00	S21°08'19"E

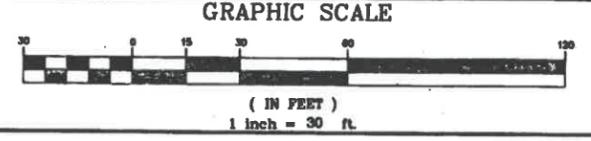
CURVE	LENGTH	RADIUS	DELTA	BEARING	DISTANCE
C1	39.18	25.00	89°48'08"	N23°45'45"E	35.29

Zoning - Zoning district(s) in which the land being subdivided is located shall be indicated as shown on the zoning map by the Planning Commission as follows:  
 Zoning Shown on Official Map C-4 R O-3  
 Date 8-18-00 By Mark E. Jones

City - Release of Easements. Except as noted or shown on this plot, the following parties hereby consent to the release of all rights that may have accrued for their use and benefit in the utility and drainage easements along the original lot lines eliminated by this map, on the condition that new utility and drainage easements are provided along the new property lines.  
 City of Knoxville Dept of Engineering Samuel L. Parrell, Jr.  
 Knoxville Utilities Board (Waste and Wastewater) Edward E. Johnson 8-18-00  
 Knoxville Utilities Board (Gas) Edward E. Johnson 8-18-00  
 Knoxville Utilities Board (Electric) Edward E. Johnson 8-18-00  
 Bell South DCW 8-18-00  
 Cable Television AT T 8-18-00

NOTES:  
 1. NOTIFY TENNESSEE ONE-CALL SYSTEM AT 1-800-351-1111 AND INDIVIDUAL UTILITY AUTHORITY BEFORE ANY EXCAVATION FOR EXACT LOCATION OF ALL UNDERGROUND UTILITIES.  
 2. IRON RODS AT ALL CORNERS UNLESS OTHERWISE NOTED.  
 3. 10' UTILITY AND DRAINAGE EASEMENT INSIDE ALL EXTERIOR LINES.  
 4. 5' UTILITY AND DRAINAGE EASEMENT INSIDE ALL INTERIOR LOT LINES.  
 5. PROPERTY IS ZONED - C-4 HIGHWAY AND ARTERIAL COMMERCIAL DISTRICT  
 FRONT YARD - 50 FEET FROM AN ARTERIAL STREET  
 FRONT YARD - 35 FEET ALL OTHER CASES  
 SIDE YARD - 50' WHEN ADJACENT TO RESIDENTIAL DISTRICT  
 12 FEET IN ALL OTHER CASES  
 REAR YARD - 50 FEET WHEN ADJACENT TO RESIDENTIAL DISTRICT  
 REAR YARD - 30 FEET SERVICED FROM REAR, 10 FEET ALL OTHERS  
 PROPERTY IS ZONED - O-3 OFFICE, MEDICAL, AND RELATED SERVICE DISTRICT WITH AN F-1 BUFFER  
 FRONT YARD - 25 FEET  
 SIDE YARD - 20' WHERE ADJACENT TO RESIDENTIAL DISTRICT  
 15 FEET IN ALL OTHER CASES  
 REAR YARD - 30 FEET ON ONE STORY  
 6. DEEDS REFERENCE: D.B. 2326, Pg. 660, D.B. 2303, Pg. 328  
 PLAT REFERENCE: INSTR. #19990814204542 & #200005180033303  
 GPS MONUMENTS OF REFERENCE (1997):  
 STATION NAME: 148-A STATION NAME: 148  
 N = 588,096.71 N = 587,913.32  
 E = 2,554,645.87 E = 2,553,863.88  
 ELEV. 918.48 ELEV. 945.40  
 7. CITY BLOCK: 47704, 4700 WARD WITHIN THE CITY OF KNOXVILLE  
 8. CLT MAP 120-E GROUP A PARCEL 1.01, PART OF PARCEL 4.04  
 9. NO BUILDING OR FILLING IN FLOODWAY (UNLESS APPROVED BY KNOXVILLE CITY ENGINEERING)  
 10. THE FOLLOWING VARIANCE WAS GRANTED BY MPC ON 05/11/2000  
 1. FROM A 75' TURNING RADIUS TO A 25' TURNING RADIUS ON THE CORNER OF KINGSTON PIKE AND WELLINGTON DRIVE.

LEGEND	
	BARBED WIRE FENCE
	CATCH BASIN
	SANITARY SEWER MANHOLE
	TELEPHONE MANHOLE
	WATER METER
	GAS VALVE
	FIRE HYDRANT
	WATER VALVE
	WATER LINE
	GAS LINE
	POWER POLE
	SANITARY SEWER LINE
	OVERHEAD UTILITY LINE
	PROPERTY CORNER
	PROPERTY LINE
	ROAD CENTERLINE
	EASEMENT LINE
	ZONING LINE
	LP POLE
	TRAFFIC SIGNAL
	TRAFFIC SIGNAL POLE
	WIDENED P OF PARKING SPACES



Re-subdivision of Lot 2R  
**IHOP & PIO LOT 2 OF SUMMIT MEDICAL GROUP**  
 7128 Kingston Pike & Wellington Drive  
 City of Knoxville, Knox County, Tennessee  
 City Block 67704

Owner Lot 2R  
**Clamore LLC % David Reller**  
 332 Lynn Drive  
 Sevierville, TN 37862  
 (865) 588-8331 / (865) 654-8824

Owner Lot 2  
**FORTRESS CORPORATION**  
 7211 WELLINGTON DRIVE  
 Knoxville, TN 37919  
 (865) 588-8005

REVISIONS		
NO.	DATE	COMMENTS
1	03/25/2000	ISSUED FOR PERMITS
2	08/18/00	REVISED PER L.P.C. AND C.A.C. COMMENTS
3	08/18/00	REVISED PER L.P.C.

47704-H

47704-H