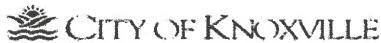


File #

5-2-21-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 DAVID R. MIXON	Owner <input type="checkbox"/>	New Structure <input type="checkbox"/>
Street Address 401 N. FOREST PARK BLD.	Contractor <input type="checkbox"/>	Modification of Existing Structure <input type="checkbox"/>
City, State, Zip KNOXVILLE, TN 37919	Tenant <input type="checkbox"/>	Off Street Parking <input checked="" type="checkbox"/>
Phone Number 865-584-6712	Other <input checked="" type="checkbox"/>	Signage <input type="checkbox"/>
Email drm@wystwynd.com		Other <input type="checkbox"/>

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 **800 N. BROADWAY** City, State, Zip **KNOXVILLE, TN 37917**
 See KGIS.org for Parcel # **094DD014** and Zoning District **C-G-2**

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.

WE ARE DOING A NEW TENANT FINISH OUT FOR THE BUILDING AT THE ADDRESS ABOVE, IN THE OLD "KYBRA" SPACE. THE USE OF THE BUILDING WILL BE OFFICE (1,785 SQ FT) AND INDUSTRIAL CRAFT (1,752 SQ FT) AND UNFINISHED ATTIC (1,238 SQ FT). THERE IS A BUS STOP ONE BLOCK AWAY AND WE CALCULATED THE NEED FOR 7 PARKING SPACES, INCLUDING ONE HC PARKING SPACE.

THERE IS NO AREA FOR PARKING AVAILABLE ON THIS LOT. THERE IS PLENTY OF STREET PARKING AVAILABLE ON ADJACENT STREETS. OUR REQUEST IS TO REDUCE THE REQUIRED PARKING TO ZERO.

Describe hardship conditions that apply to this variance.

THE PARCEL THAT THIS BUSINESS WILL BE USING HAS NO VACANT SPACE THAT CAN BE USED FOR PARKING. THE BUILDING OCCUPIES 3,537 SQ FT ON A 4,499 SQ FT LOT.

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 04-13-21

File # 5-Z-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):

Reduce the minimum required number of parking spaces for a craft industrial use from 7 spaces to 0 spaces. Per Article 11, Section 11.4. Table 11-2.

PROJECT INFORMATION

Date Filed 4-13-21

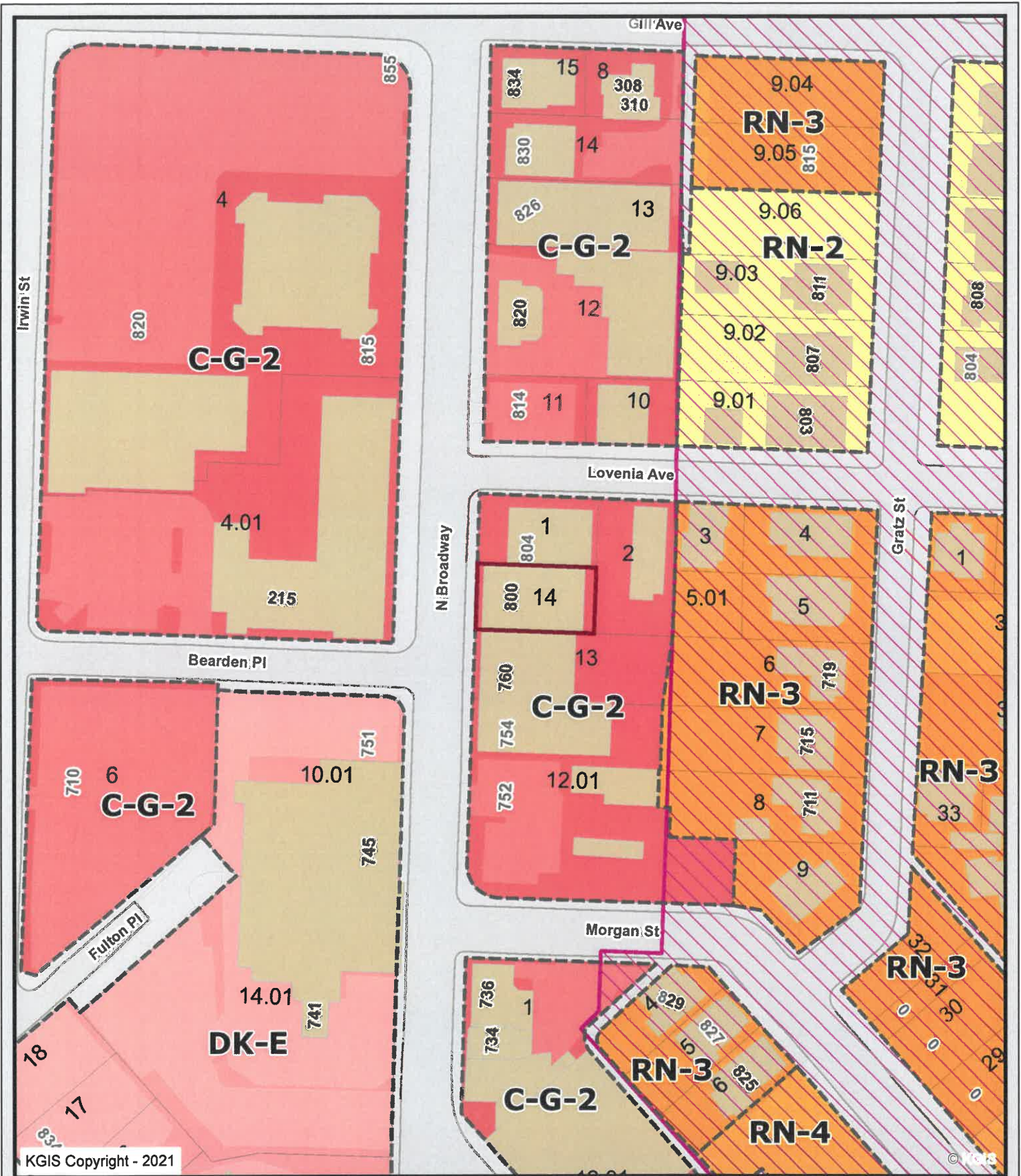
Fee Amount \$250.00

Council District 4th

BZA Meeting Date 5-18-21

PLANS REVIEWER Scott Elder

DATE 4-23-21



800 N. Broadway

5-Z-21-VA

David R. Mixon

Knoxville - Knox County - KUB Geographic Information System



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GILL AVE

11761

7R

RESUB. LOTS 3-18
W.M. BEARDEN ADD.

3R

Ward - 11

BEARDEN PL

11	17R4-1
12	17R4-2
13	17R4-3
14	17R3
15	17R2
16	17R1

FIRST ADD.
O-170-04
11684

22	A
23	B
24	C
1	D
PT. E	

GRATZ
O-226-93
11685
GRATZ PROP. EX. Y
GLASSCOCK PROPERTY
390

19	15R1
20	COMMERCIAL BANK, INC. PROPERTIES

188 146 152
FULTON PL
LYNCH & HUMPHREY ADD.
1R

MORGAN ST

355	389	386
353	387	384
	PT 385	382

Ward - 6

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800 N. Broadway

5-Z-21-VA

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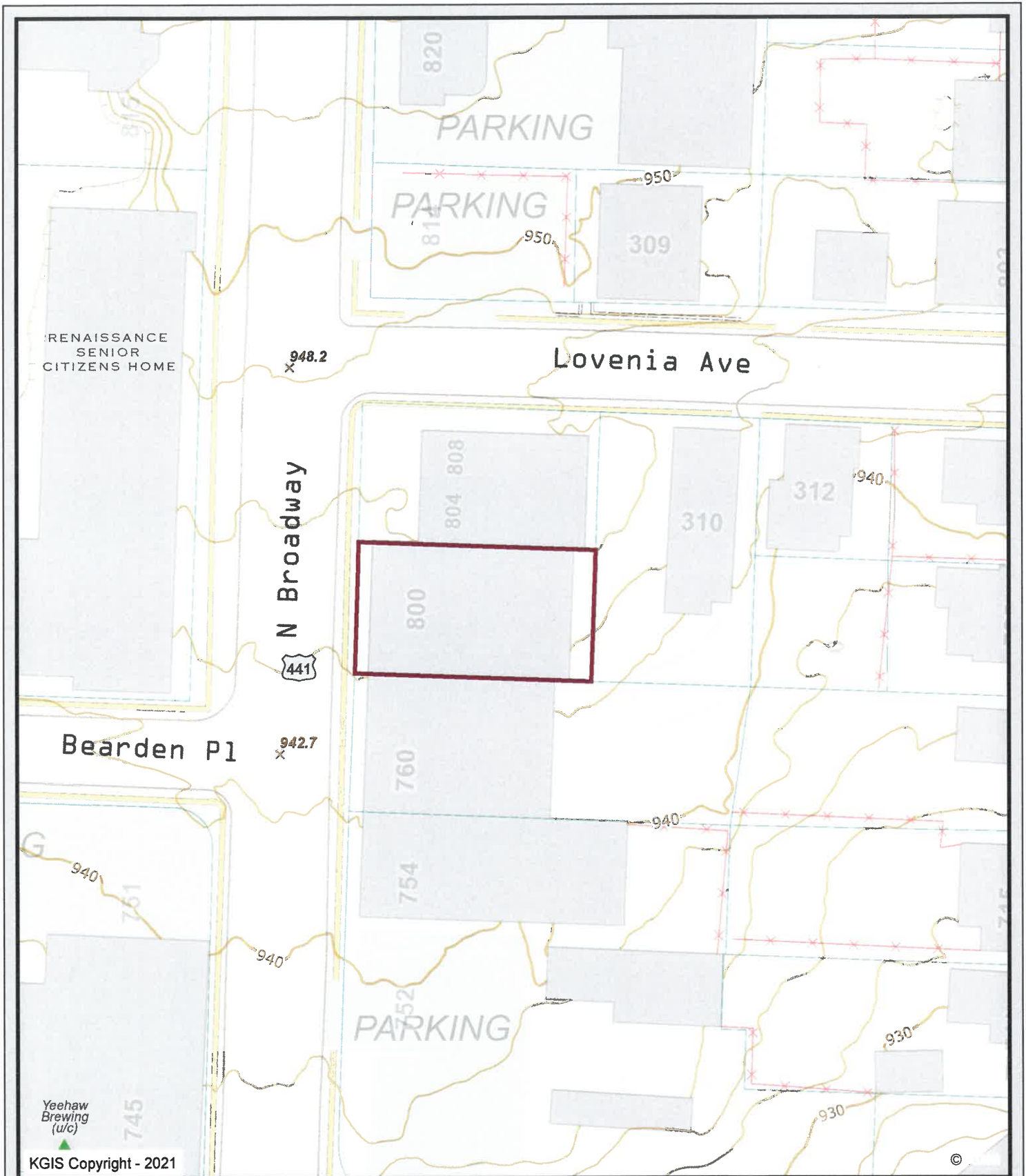
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800 N. Broadway

5-Z-21-VA

David R. Mixon

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RECORD LEGAL DESCRIPTION
 SITUATED IN District Three (3) of Knox County, Tennessee, within the Eleventh (11th) Ward of the City of Knoxville, Tennessee, being more fully described as follows:

TRACT I (CLT NO. 094DD-001.00) BEGINNING at the southeast corner of Broadway and Lovenia Street; thence running eastwardly with the south line of Lovenia Street, 90 feet to the line of property now or formerly belonging to E.W. Shepard; thence running southwardly with said Shepard's line, and parallel with Broadway, 50 feet to an iron pin; thence running westwardly, parallel with the south line of Lovenia Street, 90 feet to the east line of Broadway; thence running northerly along the east line of Broadway, 50 feet to the POINT OF BEGINNING.

TRACT II (CLT NO. 094DD-014.00) BEGINNING at an iron pin in the east line of North Broadway, said point of beginning being located 50 feet, more or less, in a southerly direction from the point of intersection of the east line of North Broadway with the south line of Lovenia Street; thence in a southerly direction along the east line of North Broadway, 50 feet to a point, corner to property now or formerly belonging to Hill; thence in an easterly direction, 90 feet to a point; thence in a northerly direction, 50 feet to a point; thence in a westerly direction, 90 feet, more or less, to a point in the east line of North Broadway, the POINT OF BEGINNING.

TRACTS I AND II BEING the same property conveyed to Allison L. Sexton, Robert E. Sexton, and Gina L. Leeds by Warranty Deed from SunTrust Bank, East Tennessee, N.A., dated February 27, 1998, filed for record in Warranty Book 227B, page 88 in the Knox County Register of Deeds Office.

AS SURVEYED LEGAL DESCRIPTION
 SITUATED IN THE 3RD CIVIL DISTRICT OF KNOX COUNTY, TENNESSEE WITHIN THE 11TH WARD OF THE CITY OF KNOXVILLE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1 - PARCEL ID: 094DD001 - BEGINNING AT A SET IRON PIN AT THE POINT OF INTERSECTION OF THE EASTERN RIGHT-OF-WAY OF N. BROADWAY AND THE SOUTHERN RIGHT-OF-WAY OF LOVENIA AVENUE. THENCE WITH THE SOUTHERN RIGHT-OF-WAY OF LOVENIA AVENUE SOUTH 88 DEG. 07 MIN. 46 SEC. EAST 90.00 FEET TO A SET IRON PIN AT A COMMON CORNER TO M.D. FORMS INC., PARCEL ID 094DD002 (DEED BK. 1960, PG. 422 AND DEED BK. 2204, PG. 343). THENCE WITH M.D. FORMS INC. SOUTH 01 DEG. 46 MIN. 19 SEC. WEST 49.92 FEET TO A SET IRON PIN AT A COMMON CORNER TO TRACT 2 - PARCEL ID 094DD014 DESCRIBED BELOW. THENCE WITH TRACT 2 NORTH 87 DEG. 58 MIN. 18 SEC. WEST 90.00 FEET TO A SET IRON PIN IN THE EASTERN RIGHT-OF-WAY OF N. BROADWAY. THENCE WITH SAID RIGHT-OF-WAY NORTH 01 DEG. 46 MIN. 18 SEC. EAST 49.67 FEET TO THE POINT OF BEGINNING. CONTAINING 0.10 ACRES (4482 SQ.FT.).

TRACT 2 - PARCEL ID: 094DD014 - BEGINNING AT A SET IRON PIN IN THE EASTERN RIGHT-OF-WAY OF N. BROADWAY. SAID PIN BEING LOCATED SOUTH 01 DEG. 46 MIN. 18 SEC. WEST 49.67 FEET FROM THE POINT OF INTERSECTION OF SAID RIGHT-OF-WAY AND THE SOUTHERN RIGHT-OF-WAY OF LOVENIA AVENUE. SAID PIN ALSO BEING A COMMON CORNER TO TRACT 1 - PARCEL ID: 094DD001 DESCRIBED ABOVE. THENCE WITH TRACT 1 SOUTH 87 DEG. 58 MIN. 18 SEC. EAST 90.00 FEET TO A SET IRON PIN IN THE LINE OF M.D. FORMS INC., PARCEL ID 094DD002 (DEED BK. 1960, PG. 422 AND DEED BK. 2204, PG. 343). THENCE WITH M.D. FORMS INC. SOUTH 01 DEG. 46 MIN. 19 SEC. WEST 49.92 FEET TO A SET IRON PIN IN THE LINE OF M.D. FORMS INC., PARCEL ID 094DD013 (DEED BK. 1960, PG. 422). THENCE WITH M.D. FORMS INC. NORTH 88 DEG. 03 MIN. 54 SEC. WEST 90.00 FEET TO A SET IRON PIN IN THE EASTERN RIGHT-OF-WAY OF N. BROADWAY. THENCE WITH SAID RIGHT-OF-WAY NORTH 01 DEG. 46 MIN. 18 SEC. EAST 50.07 FEET TO THE POINT OF BEGINNING. CONTAINING 0.40 ACRES (4499 SQ.FT.).

MISCELLANEOUS NOTES

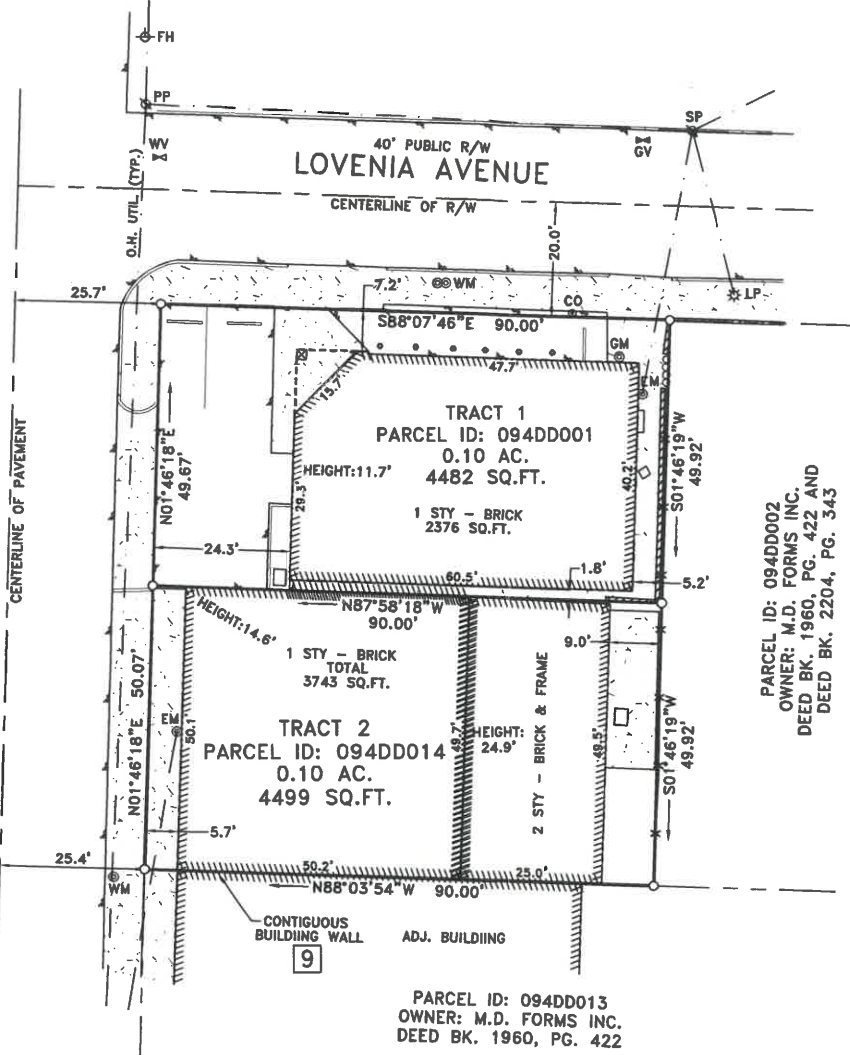
- ELEVATIONS, IF ANY, ARE BASED ON THE NAVD83 DATUM.
- AT THE TIME OF THIS SURVEY NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN THE RECENT MONTHS WAS FOUND.
- AT THE TIME OF THIS SURVEY THERE WERE NO CHANGES IN STREET RIGHT-OF-WAY LINES EITHER COMPLETED OR PROPOSED OR AVAILABLE FROM THE CONTROLLING JURISDICTION OR OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION.
- AT THE TIME OF THIS SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LAND FILL.
- THIS SURVEY WAS MADE WITH REFERENCES MADE TO TITLE COMMITMENT BY FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. 170229/SEF WITH AN EFFECTIVE DATE FEBRUARY 28, 2017 AT 8:00 AM.
- SUBJECT PROPERTY IS NOT LOCATED IN ANY AREA SUBJECT TO A MORATORIUM OR RATIONING OF WATER OR SEWER OR OTHER UTILITY SERVICE.
- SUBJECT PROPERTY IS NOT LOCATED WITHIN ANY SPECIAL DISTRICTS.
- SUBJECT TO EASEMENTS OR RIGHTS-OF-WAYS, OR CLAIMS OF EASEMENTS OR RIGHT-OF-WAYS, NOT SHOWN BY THE PUBLIC RECORDS.
- GRID NORTH IS BASED ON THE TDOT GNSS REFERENCE NETWORK.
- SUBJECT PROPERTY IS DESIGNATED AS:
 - KNOX COUNTY PARCEL ID'S: 094DD001 & 094DD014
 - PARTS OF LOTS 22 AND 23 OF UNRECORDED PLAT TITLED GRATZ FIRST ADDITION FILED UNDER MAP NO. B-2160 IN CITY OF KNOXVILLE TECHNICAL SERVICES DEPARTMENT.
- DEED REFERENCE: DEED BK. 227B, PG. 88
- 1/2" IRON PINS SET AT ALL CORNERS.

LEGEND OF SYMBOLS

- WM ⊙ WATER METER
- WV ⇨ WATER VALVE
- FH ⊕ FIRE HYDRANT
- CO ⊙ CLEAN OUT
- GM ⊙ GAS METER
- GV ⇨ GAS VALVE
- PP ⊙ POWER POLE
- LP ✨ LIGHT POLE
- SP ⊙ SERVICE POLE
- EM ⊙ ELECTRIC METER
- BOLLARD
- ▭ CONCRETE
- ▭ BLACKTOP



UTILITY NOTES
 NOTE: THE UNDERGROUND UTILITIES SHOWN, IF ANY, HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED.
 THE SURVEYOR HAS NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES. VERIFY EXACT SIZE AND LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES WITH THE PROPER LOCAL AUTHORITIES BEFORE EXCAVATION OR CONSTRUCTION.
 AT THE TIME OF THE SURVEY THE FOLLOWING UTILITIES WERE PRESENT AVAILABLE TO THE SUBJECT PROPERTY: SANITARY SEWER, WATER, GAS, ELECTRICITY, TELEPHONE AND CABLE TELEVISION



Surveyor's Certification
 To Tailwater Investments GP, a Tennessee General Partnership, and First American Title Insurance Company:
 This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6, 7a, 7c, 8, 9, 13, 14, 16, 17, and 18 of Table A thereof. The fieldwork was completed on 3-4-17.

Date of Plat or Map: 3-6-17
 Howard T. Dawson, RLS 1301

THIS IS TO CERTIFY THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR THE STATE OF TENNESSEE.

THIS IS TO CERTIFY THAT ON THE DATE SHOWN, I MADE AN ACCURATE SURVEY OF THE PREMISES SHOWN HEREON USING THE LATEST RECORDED DEED AND OTHER INFORMATION FURNISHED TO ME, THAT THERE ARE NO EASEMENTS, ENCROACHMENT OR PROJECTIONS EVIDENT OTHER THAN THOSE SHOWN.

I DO HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THAT THE RATIO OF ERROR OF THE UNADJUSTED SURVEY IS NOT GREATER THAN 1 IN 10,000 AS SHOWN HEREON.

FLOOD NOTE

THIS IS TO CERTIFY THAT I HAVE EXAMINED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD MAP AND FOUND THE DESCRIBED TO NOT BE LOCATED IN A SPECIAL FLOOD HAZARD AREA.
 FLOOD INFORMATION FOUND IN:
 HAMILTON COUNTY, TENNESSEE -
 FLOOD INSURANCE RATE MAP
 COMMUNITY PANEL NUMBER:
 470072 0341 G
 DATED: FEBRUARY 3, 2016
 MAP NO.: 47065C0341G

STATEMENT OF ACCESS
 SUBJECT PROPERTY HAS FRONTAGE ON AND DIRECT PHYSICAL ACCESS TO THE PUBLIC RIGHT-OF-WAYS OF N. BROADWAY AND LOVENIA AVENUE AS SHOWN HEREON.

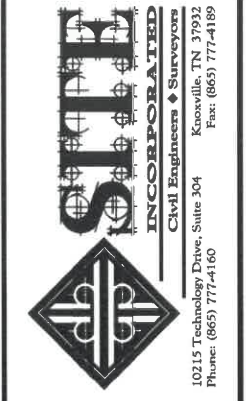
STATEMENT OF ENCROACHMENTS
 AT THE TIME OF THIS SURVEY NO OBSERVABLE EVIDENCE OF ANY ENCROACHMENTS WERE FOUND.

ZONING INFORMATION
 PROPERTY IS ZONED: "C-3" PER KNOX CO. G.I.S. DATA
 - NO ZONING LETTER/REPORT WAS SUPPLIED TO THE SURVEYOR

PARKING DETAIL
 3 REGULAR STRIPED SPACES

NOTES CORRESPONDING TO SCHEDULE B-2
 9 PARTY WALL RIGHTS.
 -MATTERS ARE PLOTTABLE AND ARE SHOWN HEREON.

NOTE:
 DATA COLLECTION AND DRAFTING SERVICES PROVIDED BY SMOKY MOUNTAIN LAND SURVEYING CO., INC.
 SMLS DWG NO 170033



ALTA/NSPS Land Title Survey for
Tailwater Investments GP
 N. Broadway and Lovenia Avenue
 Dist. 3, Knox Co., TN - 11th Ward, City of Knoxville
 Current Owner: Silidon I. Sexton, et al

NO.	DATE	REVISIONS

