

File # 9-C-21-VA



BOARD OF ZONING APPEALS APPLICATION

APPLICANT INFORMATION	APPLICANT IS:	THIS PROPOSAL PERTAINS TO:
Name Taylor D. Forrester o/b/o Dogtopia	Owner <input type="checkbox"/>	New Structure <input type="checkbox"/>
Street Address 1111 N. Northshore Dr. Ste. S-700	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 type="checkbox"/>
Phone Number 865-584-4040	Other <input checked="" type="checkbox"/>	Signage <input type="checkbox"/>
Email tforrester@lrwlaw.com		Other use of property <input checked="" type="checkbox"/>

THIS IS A REQUEST FOR:

- | | |
|--|---|
| <input type="checkbox"/> Zoning Variance (Building Permit Denied) | <input type="checkbox"/> Extension of Non-Conforming Use/or Structure |
| <input checked="" type="checkbox"/> Appeal of Administrative Official's Decision | <input type="checkbox"/> Map Interpretation |

PROPERTY INFORMATION

Street Address 5213 Homberg Drive

City, State, Zip Knoxville, TN 37919

Parcel # (see KGIS.org) 107NJ011

Zoning District (see KGIS.org) C-G-3

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.

See Addendum attached hereto

Describe hardship conditions that apply to this variance.

See Addendum attached hereto

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 Taylor D. Forrester

Digitally signed by Taylor D. Forrester
DN: cn=Taylor D. Forrester, o=APPLICANT, ou=Knoxville, c=US, email=tforrester@lrwlaw.com
Reason: I agree to the terms set forth by the placement of my signature in this document.
Date: 2021.08.12 11:40:00-0500

DATE 8/12/2021

File #



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):

(This area is intentionally left blank for the applicant to provide variance request details and ordinance citations.)

PROJECT INFORMATION

Date Filed	Fee Amount
Council District	BZA Meeting Date
PLANS REVIEWER	DATE

ADDENDUM

Dogtopia is a dog care facility that provides dog daycare along with additional services such as basic grooming and training, limited retail and supplemental boarding (overnight boarding). Dogtopia emphasizes dog daycare as its primary revenue driver (65-70%). Its locations are typically in busy commercial area and shopping centers, as opposed to traditional kennel set-ups that gravitate towards warehouse/industrial areas.

Appeal the code interpretation of the Zoning Administrator that determined Dogtopia's request to provide supplemental overnight boarding at the subject property to be a Kennel and not a permitted use in the C-G-3 zoning district. Dogtopia avers that its proposed use should be classified as an Animal Care Facility—Small Animal, which is a permitted use in the C-G-3 zone.

Article 2, Section 2.3 of the Zoning Ordinance for the City of Knoxville ("Ordinance") defines the following four animal care related terms: (1) Animal Breeder; (2) Animal Care Facility—Large Animal; (3) Animal Care Facility—Small Animal; and (4) Kennel. The proposed use does not involve the breeding of animals or involve the care for large animals (horse, cattle).

Dogtopia submits that its proposed use at the property should be classified as an Animal Care Facility—Small Animal which is defined as:

[a]n establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming facilities, animal training centers and clubs, and facilities where animals are boarded during the day. Animal care facilities do not include animal breeders or kennels.

Whereas the Ordinance defines a Kennel as "[a]ny lot or premises on which five (5) or more dogs, more than six (6) months of age, are kept."

Dogtopia's facility will consist of three separate indoor playrooms that the dogs will be divided into based on size, temperament and age. Boarding dogs come exclusively from the daycare dog pool, as all boarding dogs participate in daily daycare. All boarding dogs will remain indoors and will not have access to any outdoor area.

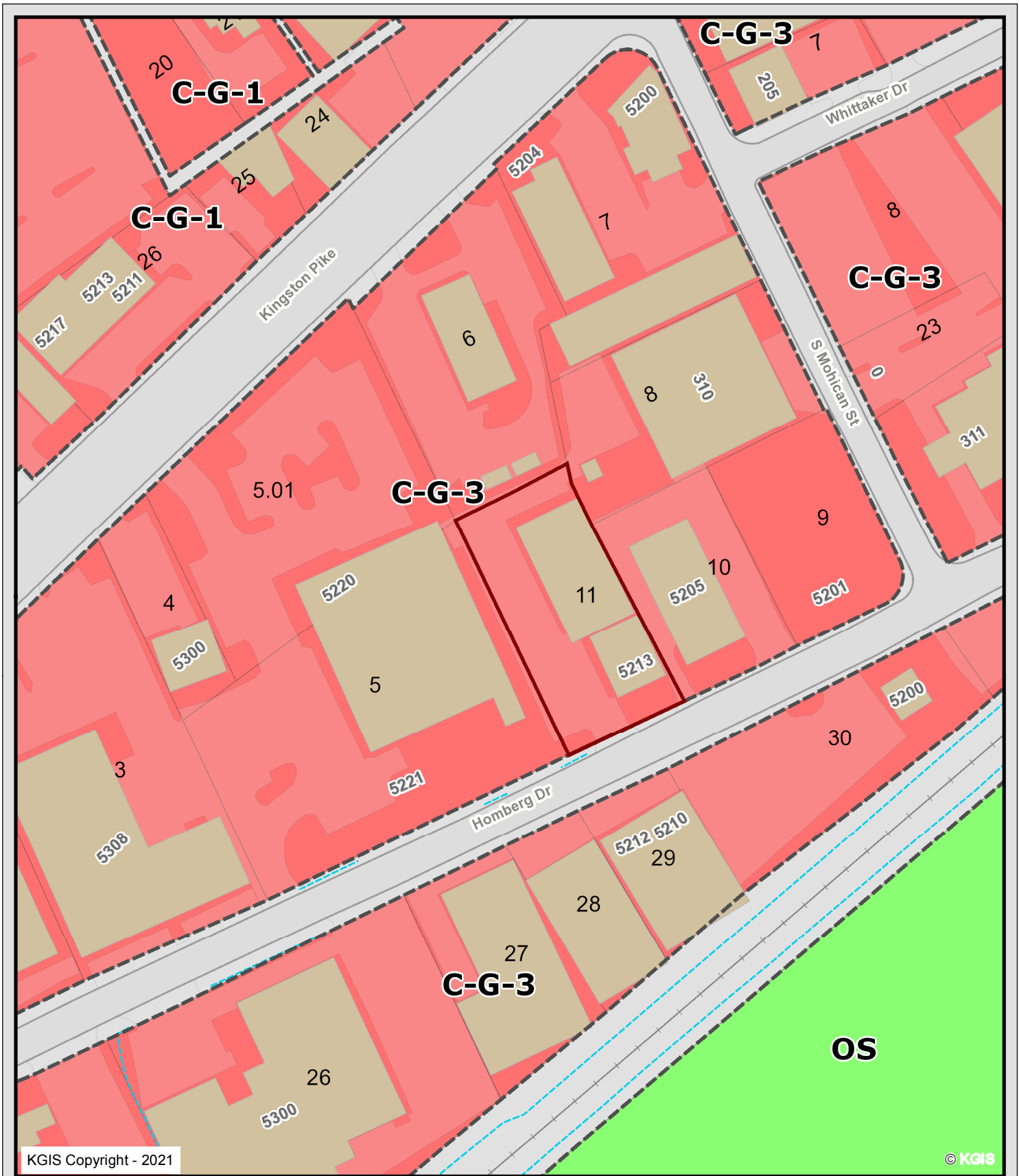
When applying the principal use standards set forth in Article 9, Section 9.3, Dogtopia's proposed use at property is permitted in the C-G-3 Zoning District as an Animal Care Facility—Small Animal.

Dogtopia avers that its proposed use is in no way similar to a Kennel. Kennels are only permitted by right in the AG Zoning District. Kennels are listed as special uses in the C-H; C-R and I-MU Zoning Districts. Based on the above Dogtopia represents a business model that is completely different from commercial kennels, which generally only provide overnight boarding services. Whereas Dogtopia only permits overnight boarding in conjunction with dog daycare.

There are similar establishments currently operating in the City of Knoxville. A couple of these in close proximity and within the same Council District are:

- (i) PetSafe located at 6400 Kingston Pike, Knoxville, TN 37919 (Bearden Hill) with C-G-1 zoning; and
- (ii) Hilltop Dog Hotel at 7654 S. Northshore Drive, Knoxville, TN 37919 (Rocky Hill) with C-G-2 zoning.

Most veterinary clinics in the City of Knoxville also provide boarding services for pet owners while the are out of town. In fact, the Knoxville Animal Clinic which is located across the street at 5312 Homberg Drive provides overnight boarding services for pet owners while they are out of town.



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5213 Homberg Dr

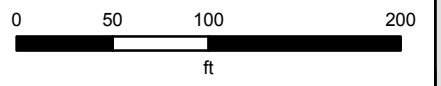
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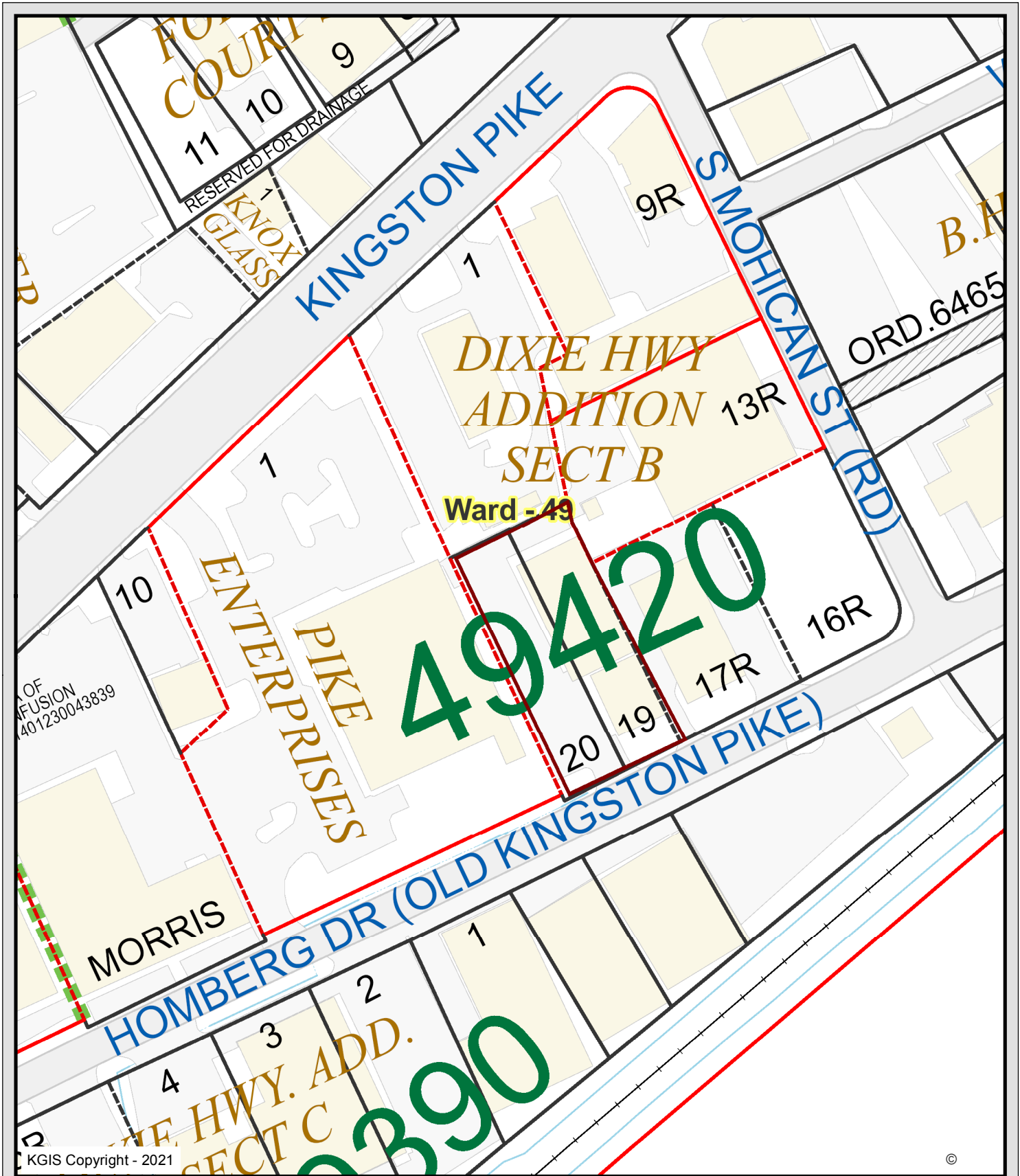
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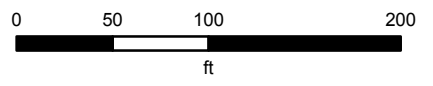
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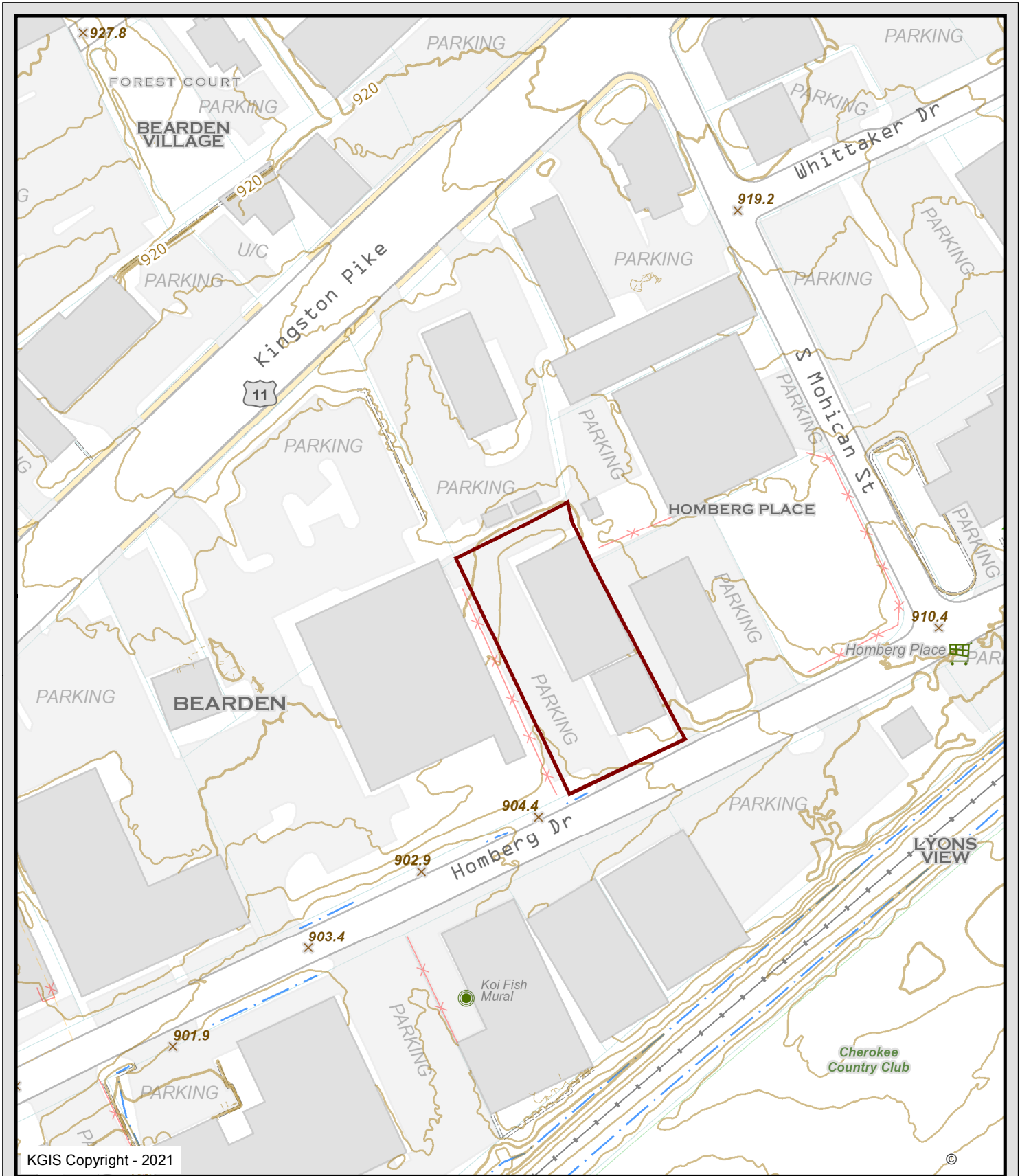
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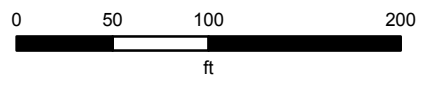
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Jennifer Forte

From: Cheri Burke
Sent: Friday, September 10, 2021 10:30 AM
To: Jennifer Forte
Subject: Fw: BZA September applications

From: Steve Borden <Steve.Borden@tn.gov>
Sent: Wednesday, September 8, 2021 3:47 PM
To: Cheri Burke <cmburke@knoxvilletn.gov>
Subject: RE: BZA September applications

Please find the following responses from TDOT District 18 to the September BZA applications:

9A21VA: 3903 Whedbee Dr – Operations has No Comment
9B21VA: 4410 Western Ave - Increasing sign height from 20' to 25'. Setbacks seem to be met. – Operations has No Comment
9C21VA: 5213 Homberg Dr – Operations has No Comment
9D21VA: 945 Dameron Ave– Operations has No Comment
9E21VA: 3841 Woodhill Pl– Operations has No Comment



Steven M. Borden, P.E. | Director/Assistant Chief Engineer
TDOT – Region 1
7345 Region Lane
Knoxville, TN 37914
(865) 594-2400
Steve.Borden@tn.gov
tn.gov/tdot

From: Cheri Burke <cmburke@knoxvilletn.gov>
Sent: Tuesday, September 7, 2021 10:44 AM
To: Steve Borden <Steve.Borden@tn.gov>
Subject: [EXTERNAL] BZA September applications

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

Good morning Steve,

Please have your staff review the applications located [at this link](#) and provide your response by 9/13/21.

a

September 14, 2021

Mr. Scott Elder
Board of Zoning Appeals
Room 475, City-County Building
P. O. Box 1631
Knoxville, Tennessee 37901

Dear Mr. Elder:

Re: Variance Requests 9-A-21-VA, 9-B-21-VA, 9-C-21-VA, 9-D-21-VA, and 9-E-21-VA

We have reviewed our records and, as far as we have been able to determine, KUB has no existing utility facilities located within the variance areas and we have no objection to the requested variances. However, KUB does not release and hereby retains all easements and rights for existing facilities, whether or not identified in our research.

If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,



Christian Wiberley, P.E.
Engineering

CGW