

File # 10-B-22-VA



BOARD OF ZONING APPEALS APPLICATION

Please reach out to a City of Knoxville Zoning Examiner about your project before submitting a variance application

APPLICANT INFORMATION	APPLICANT IS:	THIS PROPOSAL PERTAINS TO:
Name Northshore Construction LLC David Drozhzhin	Owner <input checked="" type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Street Address 7017 Hartwinn Ln	Contractor <input checked="" type="checkbox"/>	Modification of Existing Structure <input type="checkbox"/>
City, State, Zip Knoxville, Tn 37918	Tenant <input type="checkbox"/>	Off Street Parking <input type="checkbox"/>
Phone Number (865)200-9251	Other <input type="checkbox"/>	Signage <input type="checkbox"/>
Email david@daviddro.com		Other <input type="checkbox"/>

THIS IS A REQUEST FOR:

- Zoning Variance (Building Permit Denied)
- Appeal of Administrative Official's Decision
- Extension of Non-Conforming Use/or Structure
- Map Interpretation

PROPERTY INFORMATION

Street Address 5858 Lucerne Lane City, State, Zip Knoxville, Tn, 37921
 See KGIS.org for Parcel # 092MB01603 City Council District # 3 and Zoning District RN-1

VARIANCE REQUIREMENTS

City of Knoxville Zoning Ordinance Article 16, Section 16.3

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.

Reduce Minimum Front Setback from 56 feet to 25 feet.

Describe hardship conditions that apply to this variance.

Because the front setback is a minimum of 56 feet, a house will not fit on the lot. If we were to put the house facing Jackson road, the front setback would be 75 feet and a house would not fit either. It is impossible to build on this lot unless a variance is granted.

Site plans and any other relevant information associated with the hardship must accompany this application.

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 Aug 26, 2022

File #



BOARD OF ZONING APPEALS APPLICATION

*******OFFICE USE ONLY*******

Is a plat required? Yes No

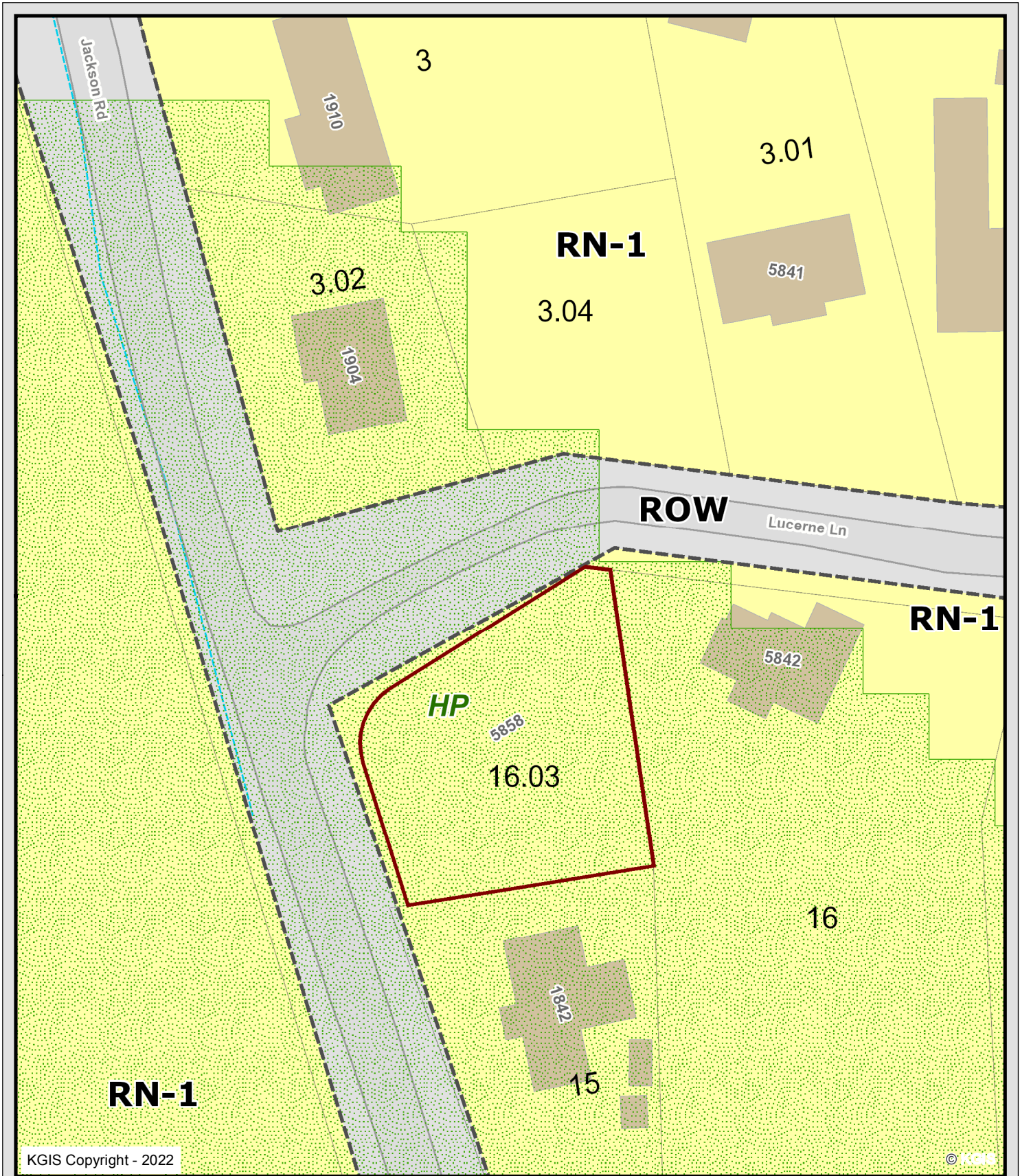
Small Lot of record?

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



5858 LUCERNE LN

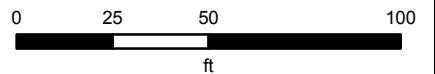
10-B-22-VA

DAVID DROZHIN

Knoxville - Knox County - KUB Geographic Information System



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*PROPERTY OF
JOHN L. BALL*

Ward - 44

LUC

1

2

*PRISCILA'S
PLACE*

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5858 LUCERNE LN

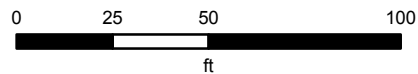
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5858 LUCERNE LN

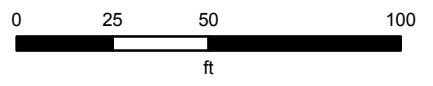
10-B-22-VA

DAVID DROZHIN

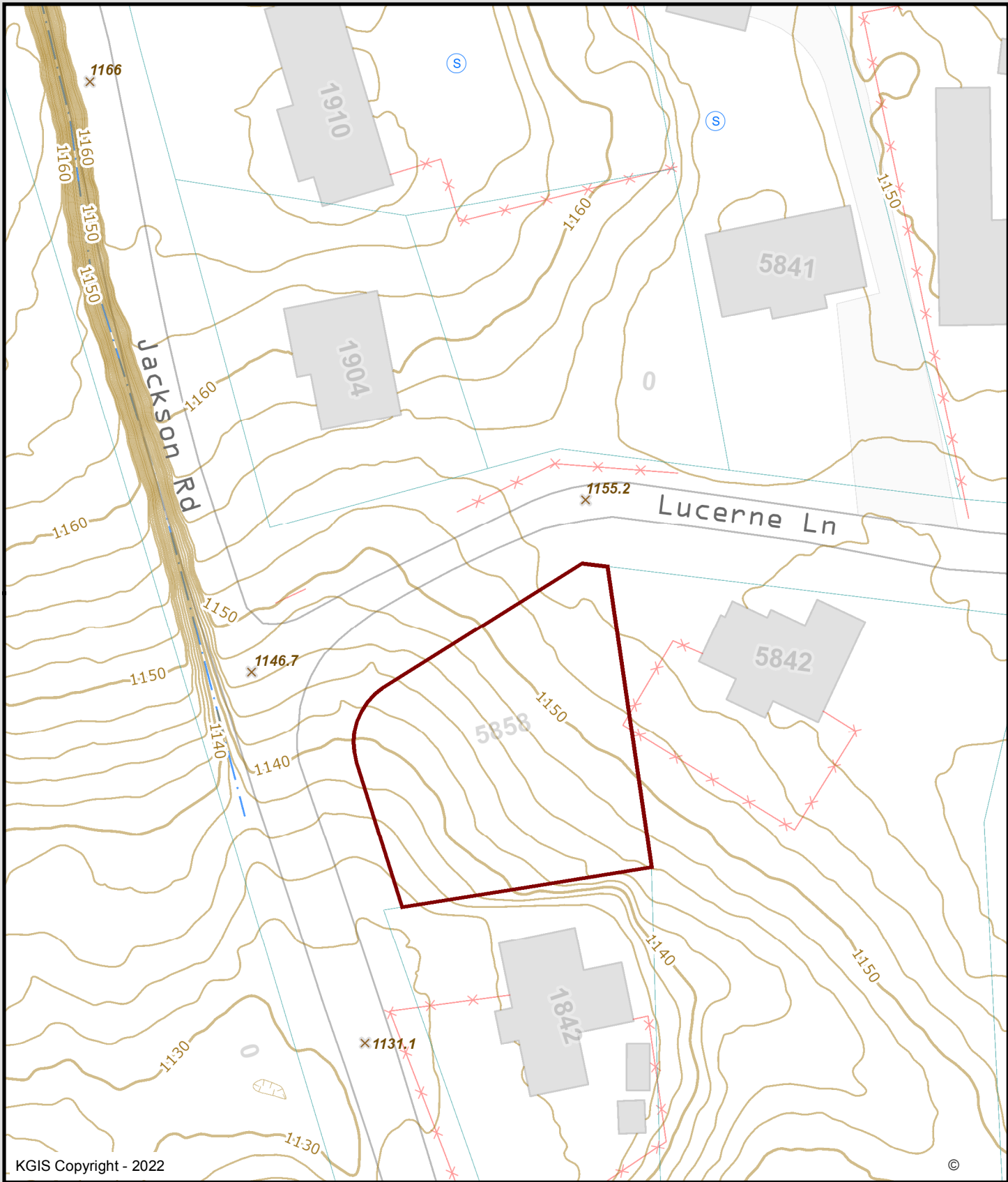
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5858 LUCERNE LN

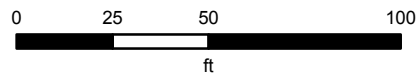
10-B-22-VA

DAVID DROZHZIN

Knoxville - Knox County - KUB Geographic Information System



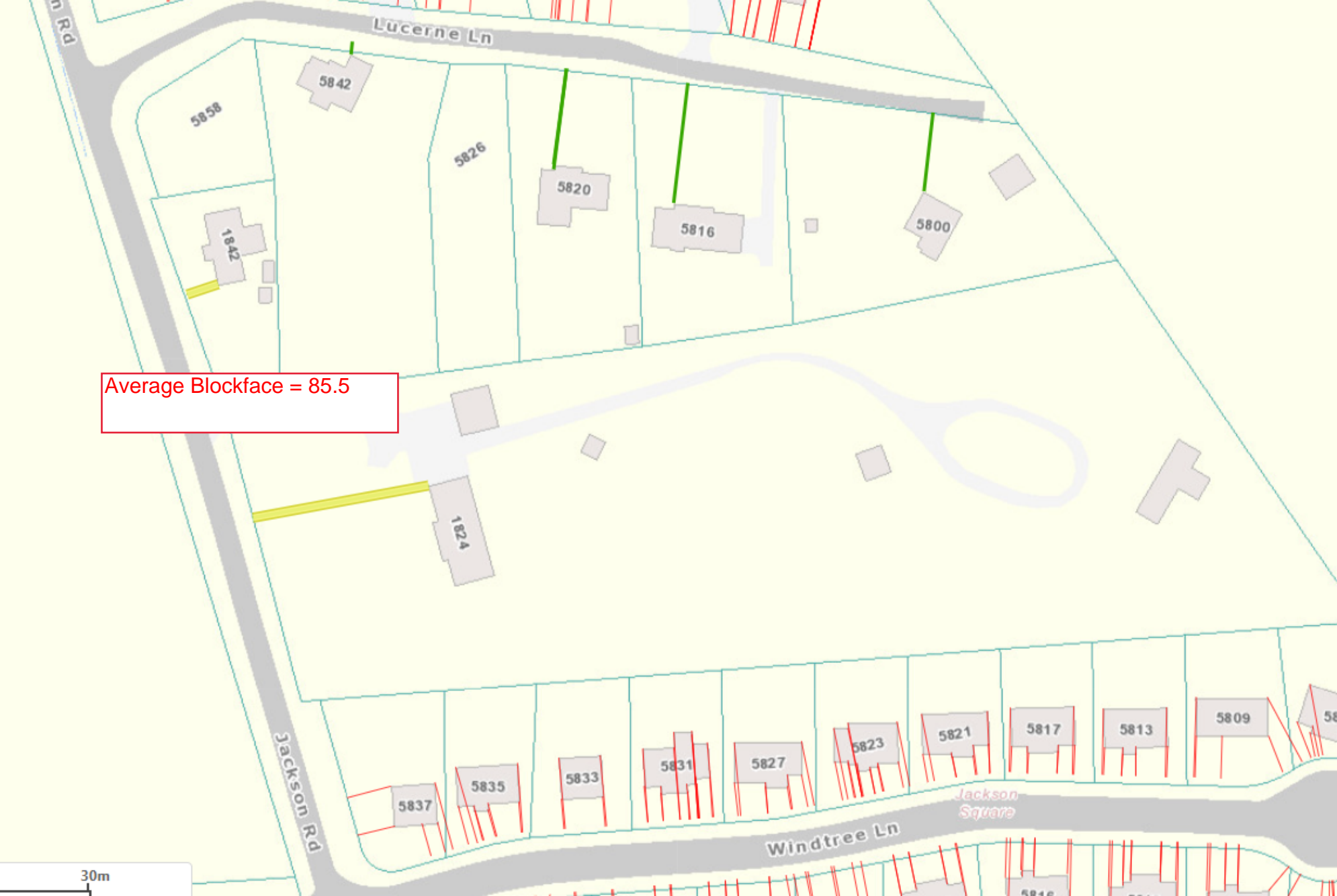
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Lucerne Average Blockface = 66.4'



Average Blockface = 85.5

30m

EROSION CONTROL NOTES:

1. PRIOR TO ANY WORK, CONTRACTOR SHALL STRIP SITE OF ALL VEGETATION AND TOPSOIL IN AREAS OF OPERATION.
2. THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE THROUGHOUT THE SITE AND USE ALL MEANS NECESSARY TO PREVENT SEDIMENT FROM EXITING THE SITE.
3. STAKED HAY BALES OR SILT FENCE SHALL BE PLACED PRECEDING ALL CULVERT INLETS OR OTHER DRAINAGE DITCHES BEFORE RUNOFF EXITS THE PROJECT OR ENTERS A SWALE AND AT OTHER LOCATIONS DESIGNATED BY THE ARCHITECT.
4. ALL DISTURBED AREAS, IF ANY, ARE TO BE MULCHED AND SEEDED AS SOON AS POSSIBLE.
5. ALL PERTINENT ORDINANCES OF CITY OF KNOXVILLE AND KNOX COUNTY SHALL BE FOLLOWED.
6. FINAL GRADING SHALL BE AS SUCH TO DRAIN SURFACE WATER AWAY FROM THE FOUNDATION WALLS. GRADES SHALL FALL NOT FEWER THAN 6 INCHES WITHIN THE FIRST 10 FEET.

PROJECT NAME: HOUSE SITE PLAN
 OWNER'S NAME & ADDRESS
 RAINIER SERVICES
 7017 HARTWINN LN
 KNOXVILLE, TN 37918

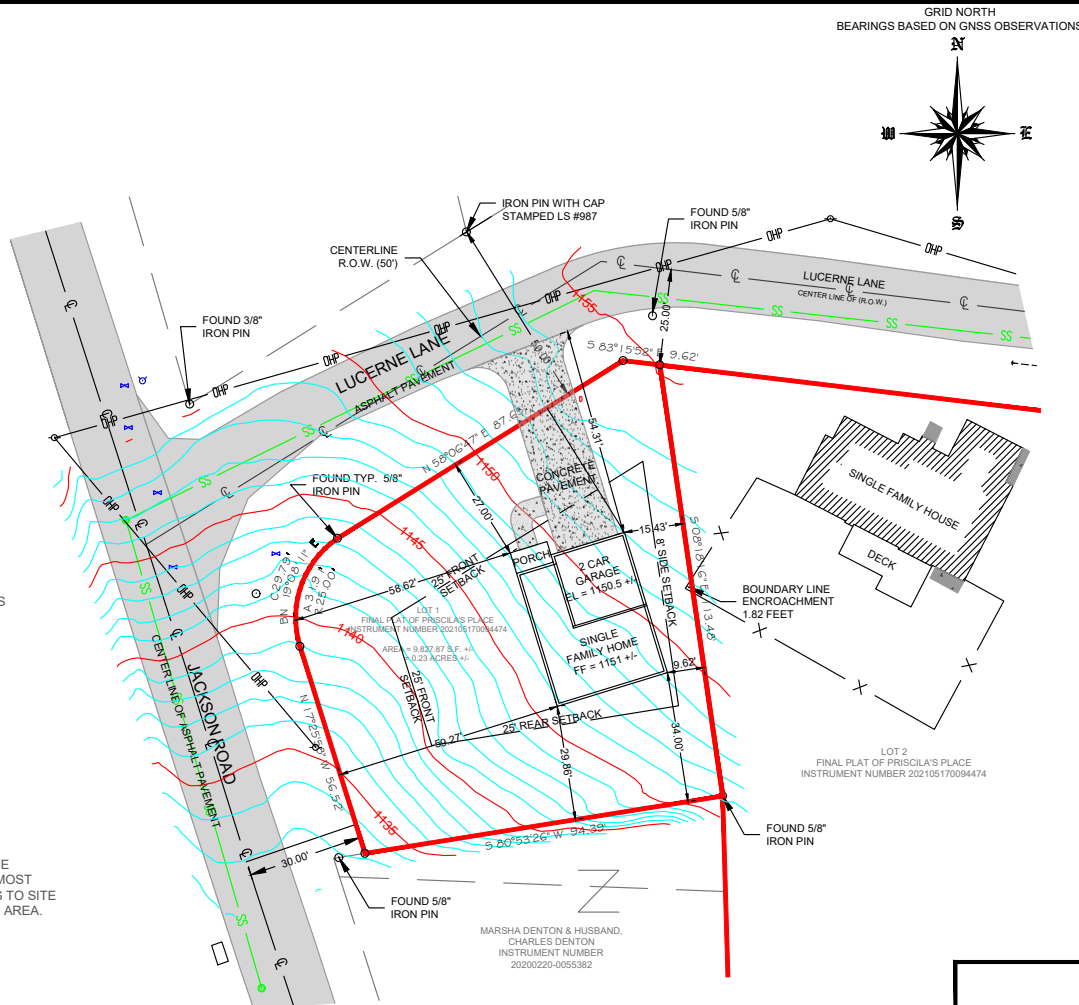
ZONING: RN-1

SITE AREA = 9,827.87 S.F. +/-
 DISTURBED AREA = 1,855.9 S.F. +/-
 IMPERVIOUS AREA COVERAGE = 19%

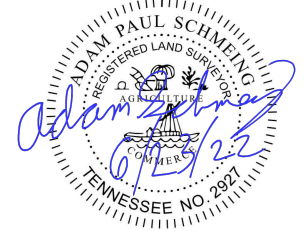
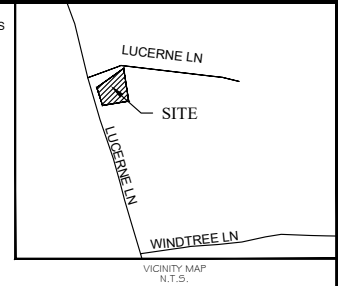
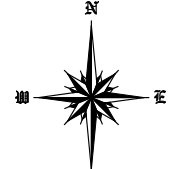
SET BACKS:
 FRONT = 25 FT.
 SIDE = 8 FT.
 REAR = 25 FT.

SITE PLAN NOTES:

1. ELEVATIONS SHOWN ARE FOR GUIDANCE ONLY OWNER/ CONTRACTOR MAY USE MOST APPROPRIATE ELEVATIONS ACCORDING TO SITE CONDITIONS AND TOPOGRAPHY OF THE AREA.



GRID NORTH
 BEARINGS BASED ON GNSS OBSERVATIONS



MARSHA DENTON & HUSBAND,
 CHARLES DENTON
 INSTRUMENT NUMBER
 20200220-0055382



HOUSE SITE PLAN RAINIER SERVICES 5858 LUCERNE LN CITY BLOCK 44700, WARD 44 CITY OF KNOXVILLE, KNOX COUNTY, TENNESSEE	
RAINIER SERVICES 7017 HARTWINN LN KNOXVILLE, TN 3718	
ADAM SCHEMEING LAND SURVEYING SURVEYING THE PAST FOR A BETTER FUTURE 6619 CROSSGATE DRIVE KNOXVILLE, TN 37912 859.321.2601	
SCALE: 1" = 30'	DATE: 06/23/2022 22122

From: [Steve Borden](#)
To: [Jennifer Scobee](#)
Subject: RE: October 2022 BZA application packets
Date: Friday, October 7, 2022 11:49:21 AM
Attachments: [image002.png](#)

Jennifer,

Please see our responses below.

9-C-22-VA 7727 Kingston Pk: It appears that this application does not include any encroachments on State owned ROW. The Department would like to emphasize that no encroachments are permitted – including, but not limited to, overhead signs or building awnings. Additionally, any proposed work that requires construction on ROW or impacting ROW will require an approved grading on ROW application.

9-D-22-VA 451 W. Blount Ave: Operations has no comment

10-A-22-VA 3934 Alma Ave: Operations has no comment

10-B-22-VA 5858 Lucerne Ln: Operations has no comment

10-C-22-VA 2323 E. Glenwood Ave: Operations has no comment

10-D-22-VA 2113 Sunny Ln: Operations has no comment

10-E-22-VA 4208 Garden Dr: Operations has no comment

Steve,



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



October 10, 2022

Mr. Bryan Berry, Deputy Director
Board of Zoning Appeals
Room 475, City-County Building
P. O. Box 1631
Knoxville, Tennessee 37901

Dear Mr. Berry:

**Re: Variance Requests 9-G-22-VA, 10-A-22-VA, 10-B-22-VA, 10-C-22-VA, 10-D-22-VA,
and 10-E-22-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,

A handwritten signature in black ink, appearing to read "C. Wiberley". The signature is written in a cursive style.

Christian Wiberley, P.E.
Engineering

CGW

Board of Zoning Appeals – City Staff Comments

Tuesday, October 18, 2022

Variance Findings (Article 16.3.E):

The Board of Zoning Appeals may authorize a variance from the strict application of this Code so as to relieve such difficulties or hardship only in accordance with all of the following criteria:

- 1. Variances will be granted only where special circumstances or conditions (such as exceptional narrowness, topography or siting) fully described in the findings of the Board, do not apply generally in the district.*
- 2. Variances will not be granted to allow a use otherwise excluded from the particular district in which requested.*
- 3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this Code would deprive the applicant of any reasonable use of his/her land. Mere loss in value does not justify a variance; there must be a deprivation of beneficial use of land.*
- 4. Any variance granted under the provisions of this section must be the minimum adjustment necessary for the reasonable use of the land.*
- 5. The granting of any variance is in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the General Plan for development*

Meeting Agenda

9-C-22-VA

Location: 7727 Kingston Pike

Staff Comments: The applicant is proposing to construct a five-story, 330-unit multi-family apartment complex with parking garage. The parcel is zoned C-H-2 and has a minimum front setback of 20 feet along Kingston Pike.

The most recent development configuration was of three outbuildings as shown in the 2015 aerial from KGIS in the packet. Two of the three buildings were demolished in 2016.

The proposed size and footprint of the building creates the hardship on the parcel. Moving the building back an additional 10 feet to meet the minimum front setback along Kingston Pike does not deprive the applicant of beneficial use of the land. The parcel has no topographical issues.

KUB also noted an overhead electric utility easement of 25 feet on each side of the centerline of the electric line, 50 feet total width.

The variance request is:

Decrease the minimum front setback from 20 feet to 10 feet for a multi-family dwelling in the C-H-2 district. Per Article 5.3.A; Table 5-1.

9-G-22-VA

Location: 451 West Blount Avenue

Staff Comments: This is an appeal of the zoning administrator's determination to utilize the Level II Development Plan Review compliance path for projects if six variances are required. The applicant asserts that Article 7, Section 7.0.2.F.8.c "Unlisted Standards" - Any request for relief from a required standard, other than those listed above, must be reviewed by the City of Knoxville Board of Zoning Appeals does not apply if a proposed project requires 6 or more variances, and must follow the Level III Alternative Compliance Review path.

The following is an overview for determining what level of review is required for form based code projects. There are three possible levels that apply. They are as follows:

- Level 1 application (Zoning Clearance Review) applies to all houses and duplexes within the Form Districts and requires approval from the Zoning Administrator only.
- Level 2 application (Development Plan Review) is for all multi-dwelling, mixed use and nonresidential structures within the Form Districts. This requires a recommendation from the Administrative Review Committee and approval from the Zoning Administrator.
- Level 3 application (Alternative Compliance Review) is for innovative, high quality developments that would not otherwise be allowed under a strict interpretation of the Form District regulations but nevertheless comply with the intent of the applicable Form District and Plan. The Alternative Compliance Review mechanism is also intended to provide a process for requests by applicants for reconstruction or expansion of nonconforming structures in which nonconforming uses operate. This requires a recommendation from the Administrative Review Committee and the Zoning Administrator with approval from the Knoxville Knox County Planning Commission.

A Level 3 Alternative Compliance Review applies to any development that does not meet the requirements of Level I Zoning Clearance Review, Level II Development Plan Review, or Variances per Article 7.0.2.G.3.

10-A-22-VA

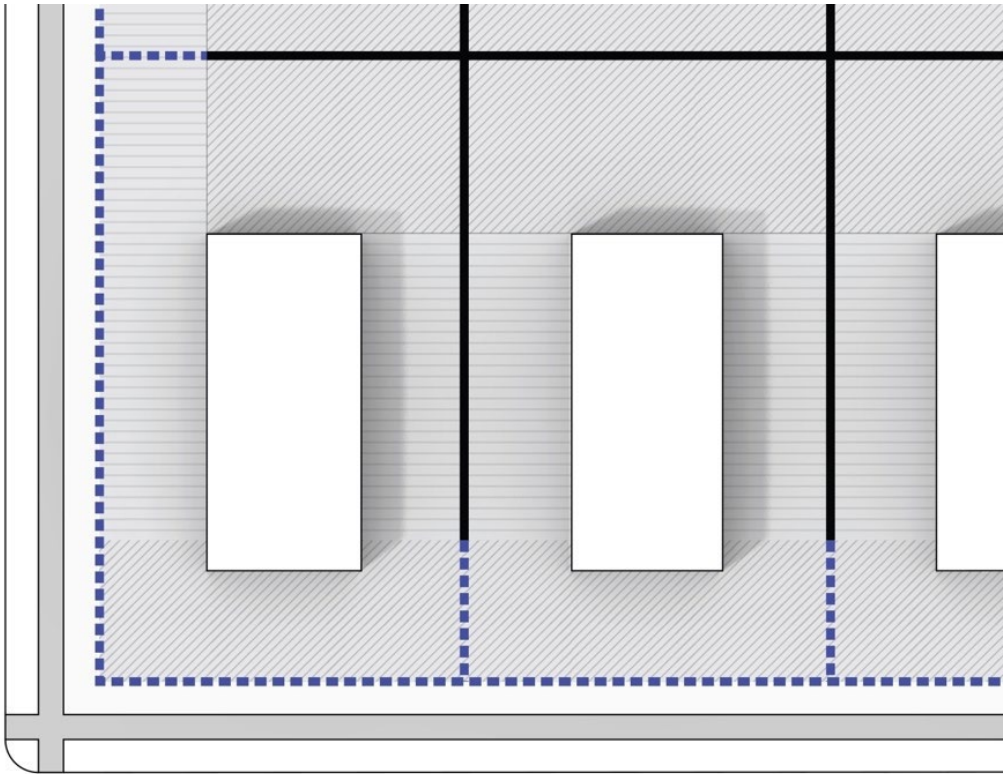
Location: 3934 Alma Avenue

Staff Comments: The applicant installed a six foot high privacy fence along the driveway to shield the property from viewing her neighbor's property. A 42 inch high solid fence is permitted, starting five feet back from the front building line forward to the front property line. The height of the fence must be reduced to 42 inches.

Possible alternatives in the front yard would be landscaping along property line/driveway or a solid fence up to 42 inches and then on top fencing with more than 50% regularly distributed openings as seen in the illustrative image provided in the packet.

The variance requests is:

Increase the permitted height of a solid fence from five feet behind the front building line forward to the front lot line from 42 inches to 72 inches. Per Article 10.3.L.1.a.



Residential Districts

■ ■ ■ ■ ■ 42" maximum fence/wall height restriction

10-B-22-VA

Location: 5858 Lucerne Lane

Staff Comments: The parcel is located in an RN-1 zoning district and the minimum front setback is +/- 10' of the average blockface (average setback of the houses along the same side of street). The average setback of houses along Lucerne Lane is 66' (less 10' would be a minimum of 56' front setback).

The variance request is:

Decrease the average blockface front setback from 56.4 feet to 32 feet for a new single-family dwelling in the RN-1 district. Per Article 4.3; Table 4-1.

10-C-22-VA

Location: 2323 E. Glenwood Avenue

Staff Comments:

The parcel needs to be platted and recorded as a legal lot of record. The parcel is zoned RN-2 and requires a minimum lot width of 50 feet. The existing lot width is only 40 feet.

Pending further context (asked for original deed) from applicant, the following was found in our records.

1. The property owner deeded land to neighboring properties sometime around 1972 when he died.
2. There was a house on this lot prior to 2003 in the same lot configuration.

The variance request is:

Decrease the minimum lot width from 50 feet to 40 feet on an existing lot for a new single-family dwelling in the RN-2 district. Per Article 4.3; Table 4-1.

10-D-22-VA

Location: 2113 Sunny Lane

Staff Comments:

Applicant subdivided lot 3 into lots 3R and 3R1 and is proposing to build a house upon 3R1. The rear setback in an RN-1 zoning district should be 25' and applicant has requested 21.1'. Minimum front setback is 38.8' based on the average blockface and the applicant has requested a 25' setback.

The variance request is:

Variance 1: Decrease the rear setback from 25' to 21.1' for a new single-family residence in an RN-1 zoning district. Per Article 4.3; Table 4-1.

Variance 2: Decrease the front setback from a minimum of 38.8' to 25' for a new single-family residence in a RN-1 zoning district. Per Article 4.3; Table 4-1 .

10-E-22-VA

Location: 4208 Garden Drive

Staff Comments:

The setback requirements for a carport are 5 feet from interior side lot line. The column supports for the carport would be located on the driveway and obstruct parking vehicles. The applicant is requesting to reduce the interior side setback to 0 feet and place structures on the lot line.

The variance requests is:

Decrease the interior side setback for an accessory structure from five feet to zero feet to permit an attached carport. Per Article 10.3.A.5.