

File # _____

CITY OF KNOXVILLE **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 | Owner <input type="checkbox"/> | New Structure <input type="checkbox"/> |
| Street Address | Contractor <input type="checkbox"/> | Modification of Existing Structure <input type="checkbox"/> |
| City, State, Zip | Tenant <input type="checkbox"/> | Off Street Parking <input type="checkbox"/> |
| Phone Number | Other <input type="checkbox"/> | Signage <input type="checkbox"/> |
| Email | | Other <input 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 type="checkbox"/> Appeal of Administrative Official's Decision | <input type="checkbox"/> Map Interpretation |

PROPERTY INFORMATION

| | |
|---------------------------------|---------------------------|
| Street Address _____ | City, State, Zip _____ |
| See KGIS.org for Parcel # _____ | 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.

[Large empty text box for describing the project and why variances are needed.]

Describe hardship conditions that apply to this variance.

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 _____

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):

PROJECT INFORMATION

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



Design Innovation

ARCHITECTS + INTERIORS + PLANNING

Project Name: Davison Bakery
Project No: 21096

File No.: I01

Date: 2022-02-09
Re: Knoxville Board of Zoning Appeals
Memo By: Patrick Core - DIA

Project Information

Square Footage - existing 2784 s.f. No additions proposed.
Previous use - Professional Services (taxes and CPA services)
Proposed use - Eating and Drinking Establishment

- 1. The proposed project is to convert an existing building into a bakery. The current zoning (C-N) does not allow for this use (City of Knoxville Zoning, Article 9.2 Use Matrix). The use will be considered an Eating and Drinking Establishment. There will be an application for Special Use to Knoxville Knox County Planning for the March meeting.
2. It is anticipated that the renovation will exceed 50% of the assessed or appraised value.
3. The owner and architect have met with the COK at a Presubmittal Conference. Minutes attached. There has also been follow up correspondence with COK Engineering.
4. Three variances are requested from Knoxville BZA:
a. Reduce the required rear parking setback from 20' to 5'. This is the existing condition, but the parking lot will be repaved and restriped. Existing parking lot at northwest side of property abuts a residential zone, RA - Low Density Residential Zone (County Zoning). Lot to the west is Industrial (County).

11.3 - LOCATION AND SETBACKS

.C. An interior side or rear setback is required in parking lots, as measured from the edge of parking lot to the lot line, as follows. Required site landscape per Article 12 may be located in this setback
Office or commercial districts abutting agricultural or residential districts: 20 feet

b. Reduce the required number of parking spaces from 13 to 9.

Knoxville Zoning Ordinance, Appendix B - Zoning Code, Article 11 - Off Street Parking
Table 11-2 Required Off Street Parking
Use : Eating and Drinking Establishment
Minimum: No drive-through: 8 per 1,000 sf GFA
2,784 gross square feet
(2,784 / 1000) x 8 = 22.272
Rounded down per 11.4-A.2 = 22 spaces required, minimum
40% reduction per 11.4-B.2 for C-N zone = 8.8 spaces
Rounded up per 11.4-A.2 = 9 spaces (reduction)
Total = 22 minus 9 = 13 spaces minimum

c. Reduce the required length of curb cut from 25' to 24'-3". This is the existing condition, and the goal is to reduce the amount of work within the ROW. Large truck traffic (UPS box truck) is anticipated to be once a day, maximum.

- d. **Reduce the required rear setback from 30 to 5'.** This is the existing condition, and no new additions are planned at the rear of the building. With average lot width of 60', this obviously puts an unnecessary burden upon the owner.
5. These proposed improvements made to the property will add value to the City and increase code conformance.
- a. Removing approximately 2759 s.f. of existing impervious area, reducing stormwater runoff.
 - b. This parking area is currently in the ROW. Removing it is also in accordance with COK Engineering's direction.
 - c. The west driveway on Greenway will be removed. This will bring the Greenway frontage into compliance with Table 11-4: Maximum Number of Driveways for Lot Frontages. Existing Frontage on Greenway is 306'.

From Knoxville, Tennessee Code of Ordinances, Article 16.3:

E. Standards

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.*
The existing ROW is very large, limiting the usable site to between 68' to 50' wide. The existing building occupies 26' of this usable area.
- 2. *Variances will not be granted to allow a use otherwise excluded from the particular district in which requested.*
A special use application will be filed with Knoxville Knox County Planning for a eating and drinking establishment in a C-N zone.
- 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.*
The existing condition of the ROW width is an encumbrance to meeting the letter of the Zoning Code. The beneficial use of land has been diminished by the large ROW.
- 4. *Any variance granted under the provisions of this section must be the minimum adjustment necessary for the reasonable use of the land.*
Effort has been taken in the planning stages to meet zoning code.
- 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.*
See item #5 above for the proposed improvements for the general benefit of the public.

F. Requirements for the Granting of a Variance

Before the board shall have the authority to grant a variance, the person claiming the variance has the burden of showing:

- 1. *That the granting of the permit will not be contrary to the public interest.*
These variances would not pose any problem to the general public.
- 2. *That the literal enforcement of the ordinance will result in unnecessary hardship.*
See comment on item E.1 above
- 3. *That by granting the permit contrary to the provisions of the Ordinance, the spirit of the Ordinance will be observed.*
Article 1, Section 1.2 Purpose lists the purpose of the Code is to promote health, safety and welfare, promote orderly development, promote economic development, and eliminate non-conformities. These requests are in line with this statement.
- 4. *That by granting the permit, substantial justice will be done.*
Agreed

End of Memo
Attachments:

- Proposed site plan
- Meeting Minutes from preliminary meeting with City of Knoxville Building, Zoning, and Engineering

ec: Dan Davison



Design Innovation

ARCHITECTS + INTERIORS + PLANNING

MEETING MINUTES

Project Name: **Davison Bakery**
Project No: **21096**

File No.: F05

Date / Time: 2022-01-11 / 11am
Location: City County Building
Purpose: Presubmittal meeting
Attending: Peter Ahrens – City of Knoxville, Plans Review and Building Inspections
Scott Elder – City of Knoxville, Zoning
Adam Kohntopp – City of Knoxville, Engineering
Jim Tente – City of Knoxville, Plans Review and Building Inspections
Dan Davison
Patrick Core – DIA
Minutes By: Patrick Core – DIA

If there are any corrections or additions to this document, please notify this office within five (5) business days of receipt. If there are no changes made, this document will become final and permanent record of this project.

Items in italics occurred after the meeting.

Discussion Items:

General / Zoning

1. Peter led a discussion regarding the building use and zoning. After discussion it was determined that an eating and drinking establishment would be allowed in the C-N zone as a special use (use on review).
2. The property was viewed on KGIS, and it was noted the surrounding area did not appear to be the uses that usually surround a C-N zone (industrial to the west, potential 4 lane road to the south, big-box retail to the east, 4 houses to the north). C-N zones are typically a buffer at larger residential neighborhoods, often near schools. The intersection of Washington Pike and Whittle Springs was mentioned.
3. Dan mentioned that Craft-Industrial use seemed to fit his business model best, and that would be the long-term goal.
4. Peter said that there was a very large ROW for this property, since TDOT apparently bought property during a road project in the 1990s. He said that Dan and Patrick should develop a site plan and investigate a variance (or several variances).
5. One of the parcels that Dan owns is in Knox County. Peter said they may have an interest in the project, but they usually follow Knoxville if most of the property is within the City (like this project). He said he would reach out to Knox County.
6. Patrick said that C-N has certain requirements for exterior materials. Scott said that applies to additions and not to existing buildings. Patrick said that the siding and roof may be replaced.

Engineering / Parking

7. There was discussion regarding the substantial improvement threshold. Adam mentioned that there are three standards (Plans Review, Engineering, and Zoning).
8. Adam indicated that some items are exempt from the substantial improvement for Engineering, but Peter indicated that there are not any regarding the building.
9. Patrick asked Adam if there were any stormwater concerns. Adam said he did not have any because the lot size is so small.
10. Adam mentioned that a SPAP will be required (Special Pollution Abatement Permit). Patrick said that he was familiar with this process.
11. Patrick mentioned that he has been in touch with KUB regarding grease control.
12. For an eating and drinking establishment, 22 parking spaces and 4 bike parking spaces would be required.

13. Adam suggested a pass-through type of vehicular circulation where one-way traffic enters off Greenway and exits on New Beverly Church Road, and to maximize parking.
14. Adam said that if the 50% threshold is surpassed, then the existing parking within the ROW would have to be removed.
15. Adam mentioned that sidewalks may be required but there is a waiver form that can be submitted.

Building

16. Patrick mentioned the following regarding the building:
 - a. Existing building – former accountant office
 - b. Wood-framed building – Type VB construction
 - c. 2,782 s.f. existing, no additions proposed
 - d. Exterior porch and accessible ramp will be added
 - e. Detached garage and carport – no work proposed
17. Patrick said that this would not be a change of occupancy but would be a Level 3 Alteration >50% of floor area changed per IEBC. The existing use is B, and the proposed use would be A-2 with less than 50 occupants. Jim agreed.
18. Patrick said that the structural engineering consultant had asked regarding the live load for a new use. Patrick and Jim looked at IBC table 1607. The structural consultant should evaluate the spaces for their new uses per this table.
19. Jim mentioned that Section 907 of the IEBC will apply for energy conservation. Alterations shall comply with the IECC as they relate to new construction only.
20. Jim mentioned at IEBC Section 805 will apply for egress. The area to the right of the plan would be considered a space with one exit since it is not allowed to exit through storage (IBC Table 1006.2.1). The travel distance is limited to 75', and it appeared would work as drawn. Patrick will verify.

~~1/17/22~~

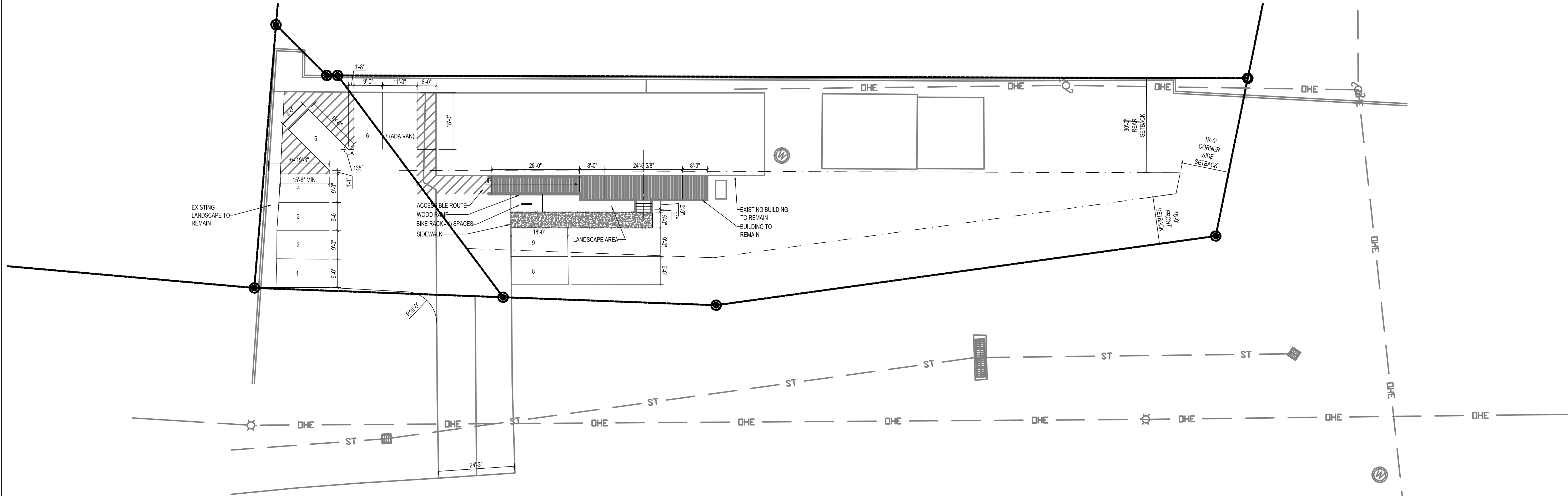
~~It is now proposed that the lot be rezoned from C-N to C-G-1 or I-MU.~~

~~Industrial – Craft use is permitted within these zones and fits the Owner's long term goals better than eating and drinking establishment. The building will be a mixed use, non-separated occupancy (B and F-1).~~

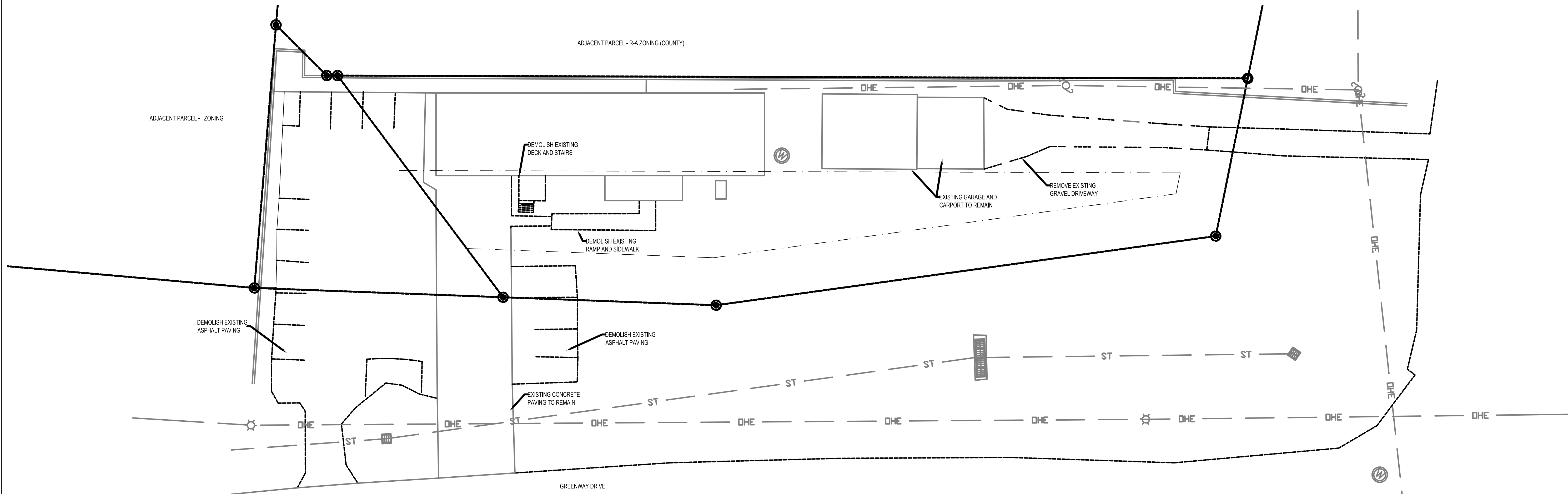
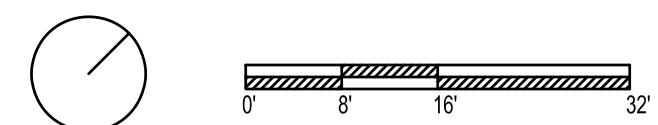
~~**Q-Industrial – Craft**~~

- ~~1. Craft industrial uses are limited to a maximum gross square footage of 8,000 square feet.~~
- ~~2. Outside storage or display is prohibited. All business, servicing, processing, and storage uses must be located within the structure.~~
- ~~3. All craft industrial facilities are subject to the environmental performance standards of [Section 10.5](#).~~

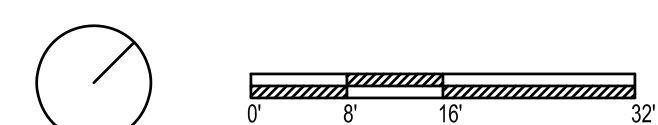
End of Agenda

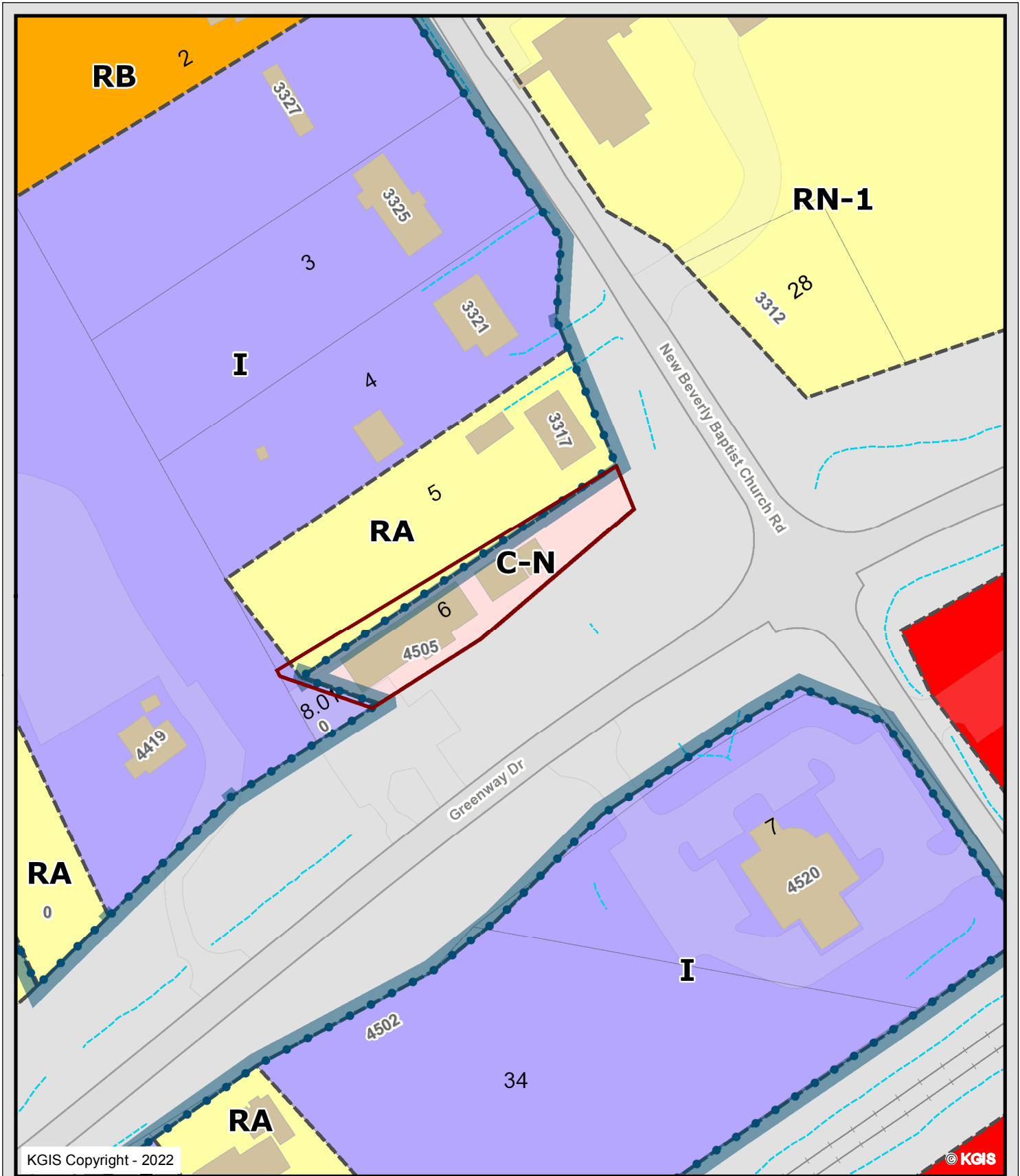


PROPOSED SITE PLAN



EXISTING / DEMOLITION SITE PLAN





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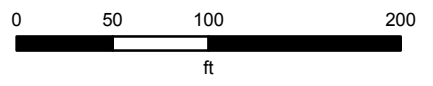
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3-C-22-VA
PATRICK CORE

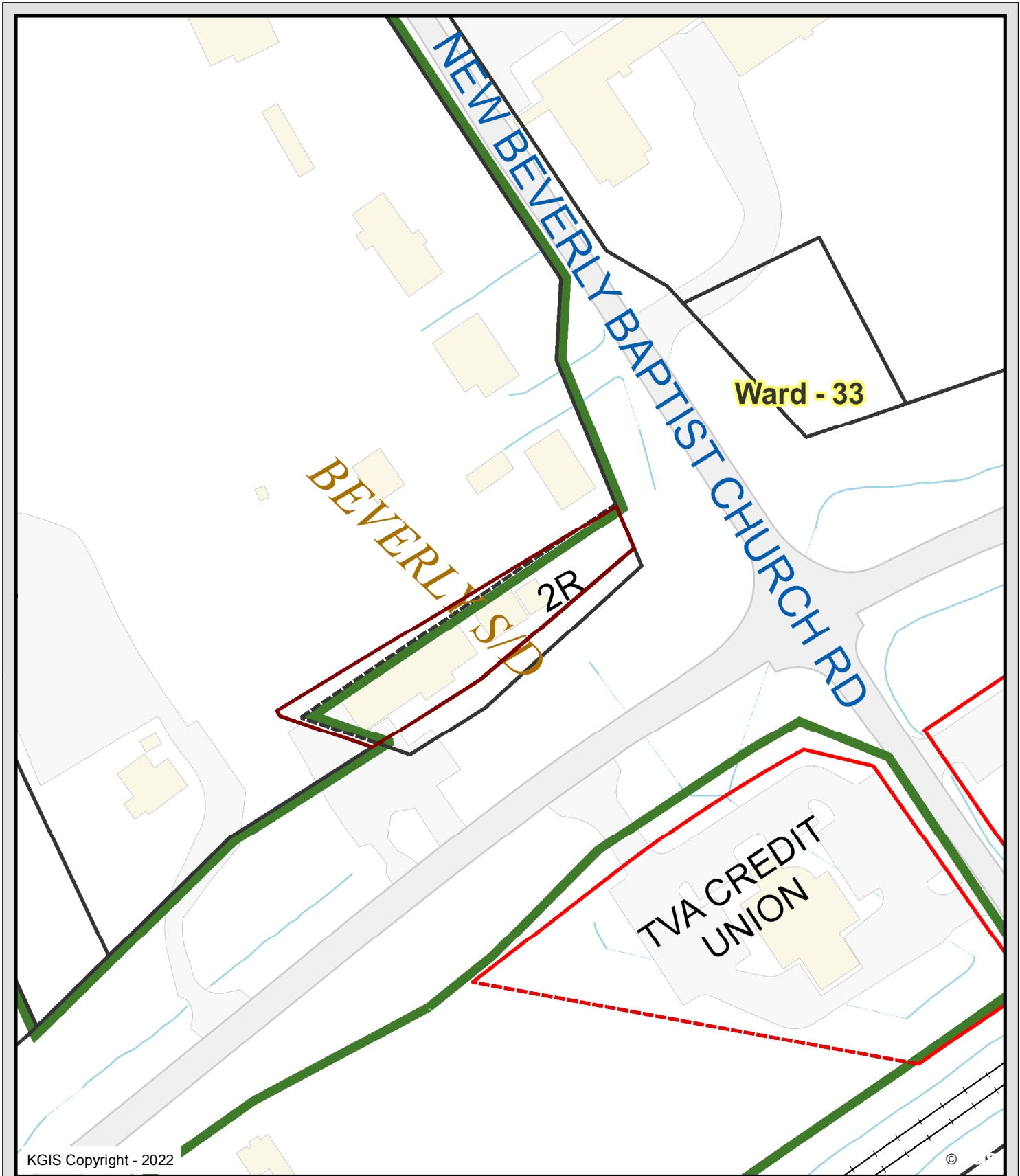
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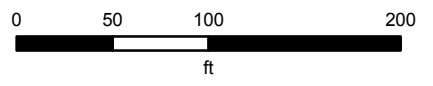
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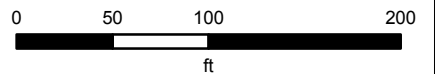
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PATRICK CORE

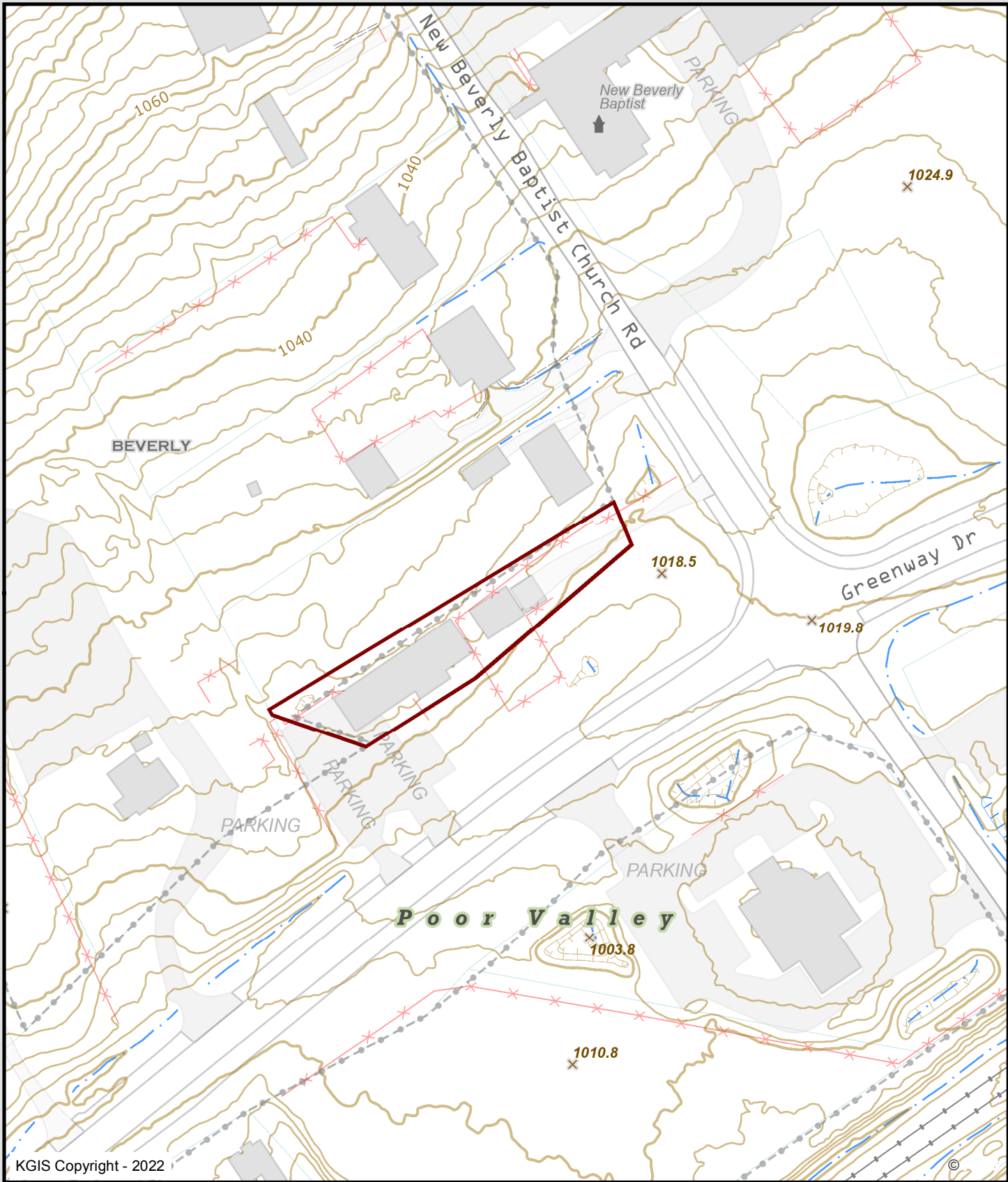
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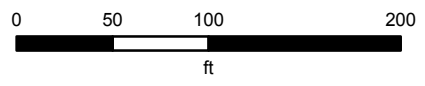
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PATRICK CORE

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