



# 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 <i>Randall Jason Barnes</i>	Owner <input checked="" type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Street Address <i>802 Lovell Road</i>	Contractor <input type="checkbox"/>	Modification of Existing Structure <input type="checkbox"/>
City, State, Zip <i>Knoxville, TN 37932</i>	Tenant <input type="checkbox"/>	Off Street Parking <input type="checkbox"/>
Phone Number <i>865-599-3515</i>	Other <input type="checkbox"/>	Signage <input type="checkbox"/>
Email <i>barnes4315@yahoo.com</i>		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 *4341 Apex Drive* City, State, Zip *Knoxville, TN 37919*  
 See KGIS.org for Parcel # *107FF02003* and Zoning District **RN-1, HP**

### 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.  
*Constructing a 2 bedroom/2 bath home. Current Apex Drive setback is 91' & requesting a variance to 60' setback due to the topography hardship that this lot presents. I changed the address to Apex Drive from Hollywood Road which has a 25' setback, so it would not be as steep a grade and to alleviate traffic from an already busy Hollywood road. The lot drops nearly 37' from Apex to Hollywood. Allowing the 60' setback will still provide for a useful backyard for the homeowner, while remaining in-line with the existing home @ 800 Hollywood. Moving the home back to 91' setback would require a basement & leave the home with no backyard for the family. A 2-story or basement home would also not fit the neighboring homes & be an outlying home or eye sore. This variance concession would allow the best possible/reasonable use of the land while maintaining continuity within the neighborhood.*


Describe hardship conditions that apply to this variance.

- Topography drops nearly 37' from Apex to Hollywood
- Traffic Flow on Hollywood already busy
- Using the 91' setback from Apex would put the back of home closer to Hollywood & out of place

**RECEIVED**  
 MAR 09 2022  
 BY: \_\_\_\_\_  
 TIME: 11:45AM

### 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 *2/3/22*

File #



**BOARD OF ZONING APPEALS APPLICATION**

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

Is a plat required?    Yes     No

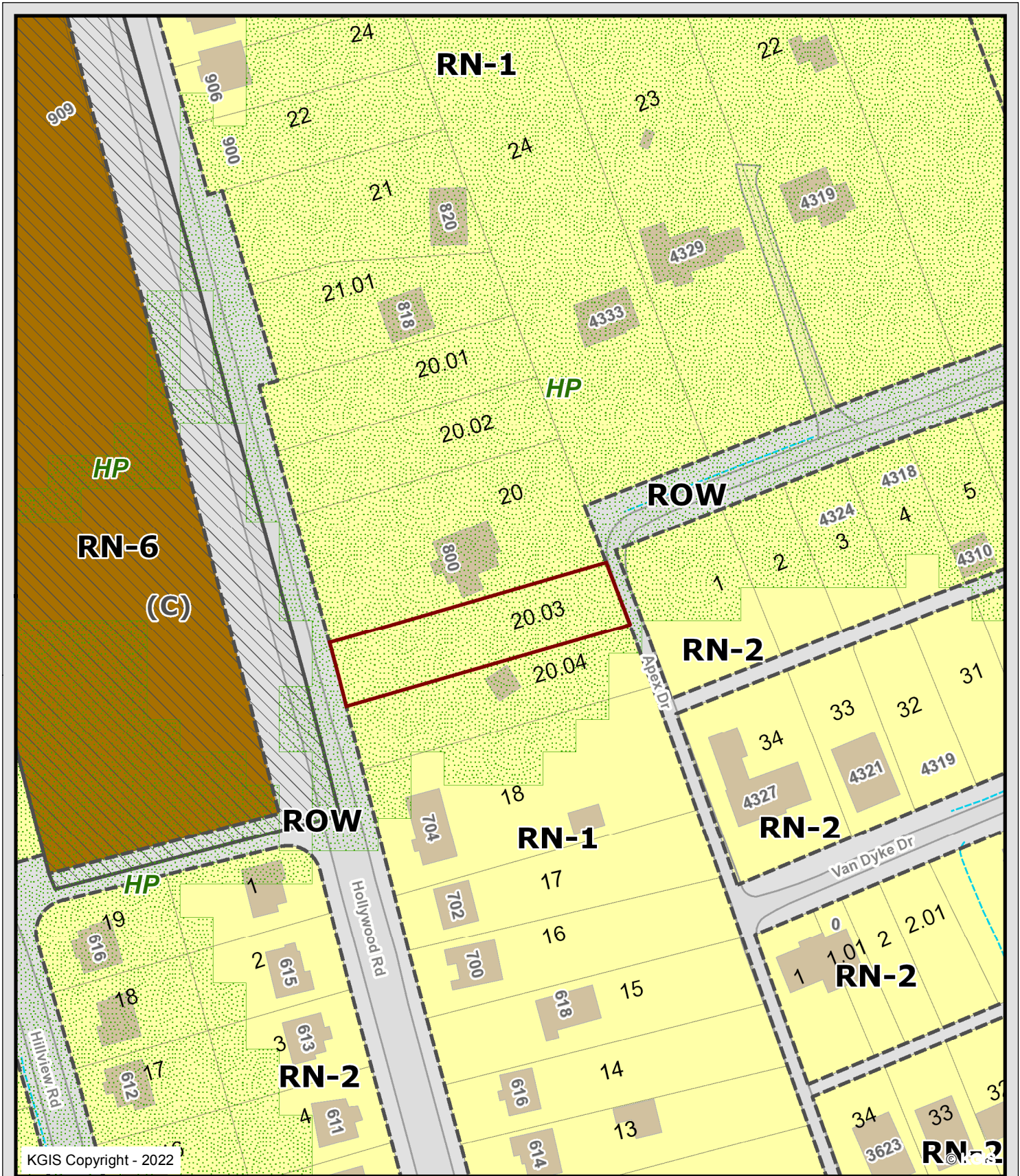
Small Lot of record?

**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
<b>PLANS REVIEWER</b>	<b>DATE</b>



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### 4341 APEX DRIVE

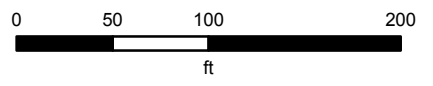
4-G-22-VA

RANDAL JASON BARNES

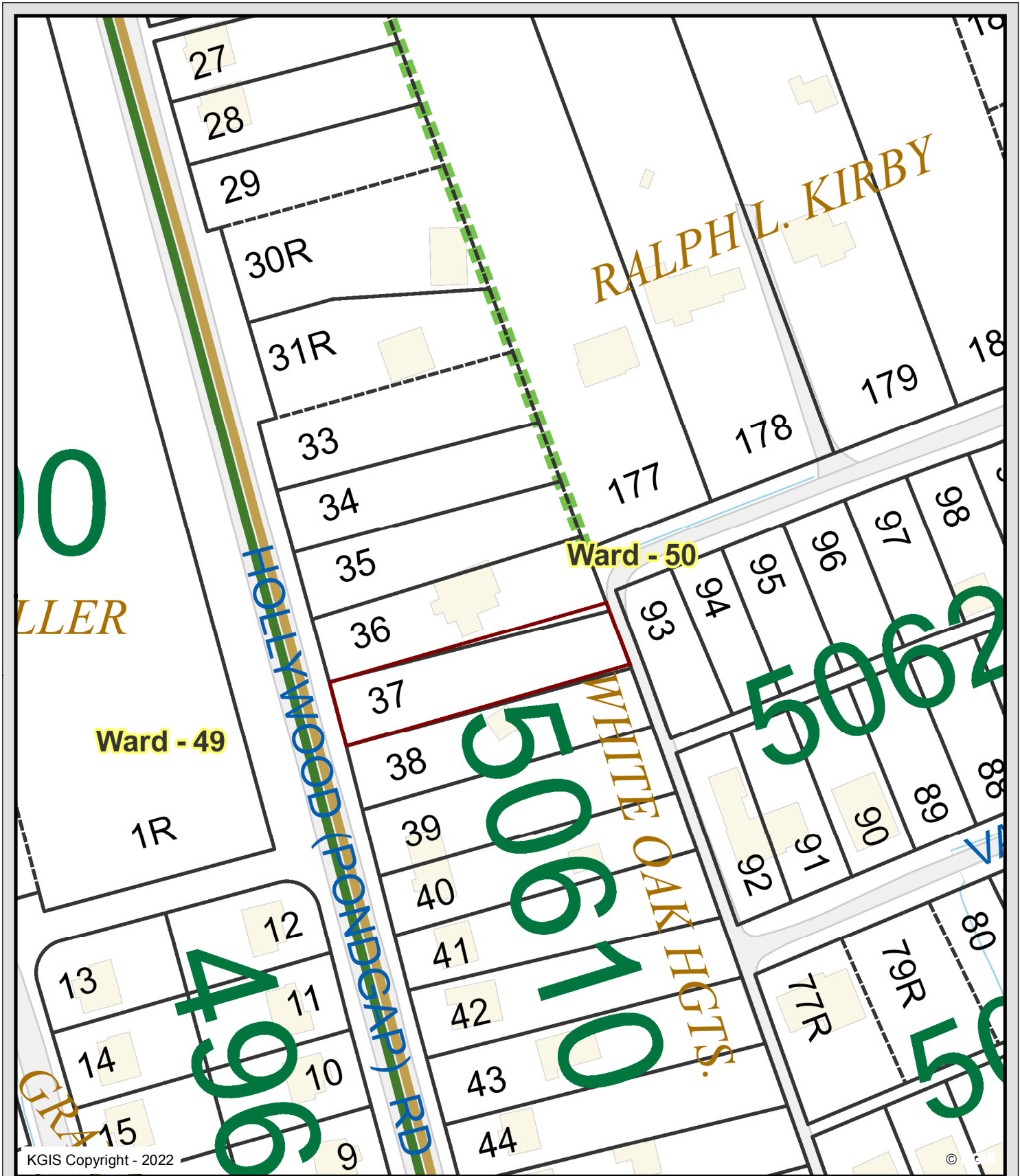
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4341 APEX DRIVE

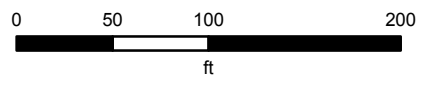
4-G-22-VA

RANDALL JASON BARNES

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# 4341 APEX DRIVE

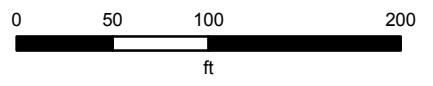
4-G-22-VA

RANDALL JASON BARNES

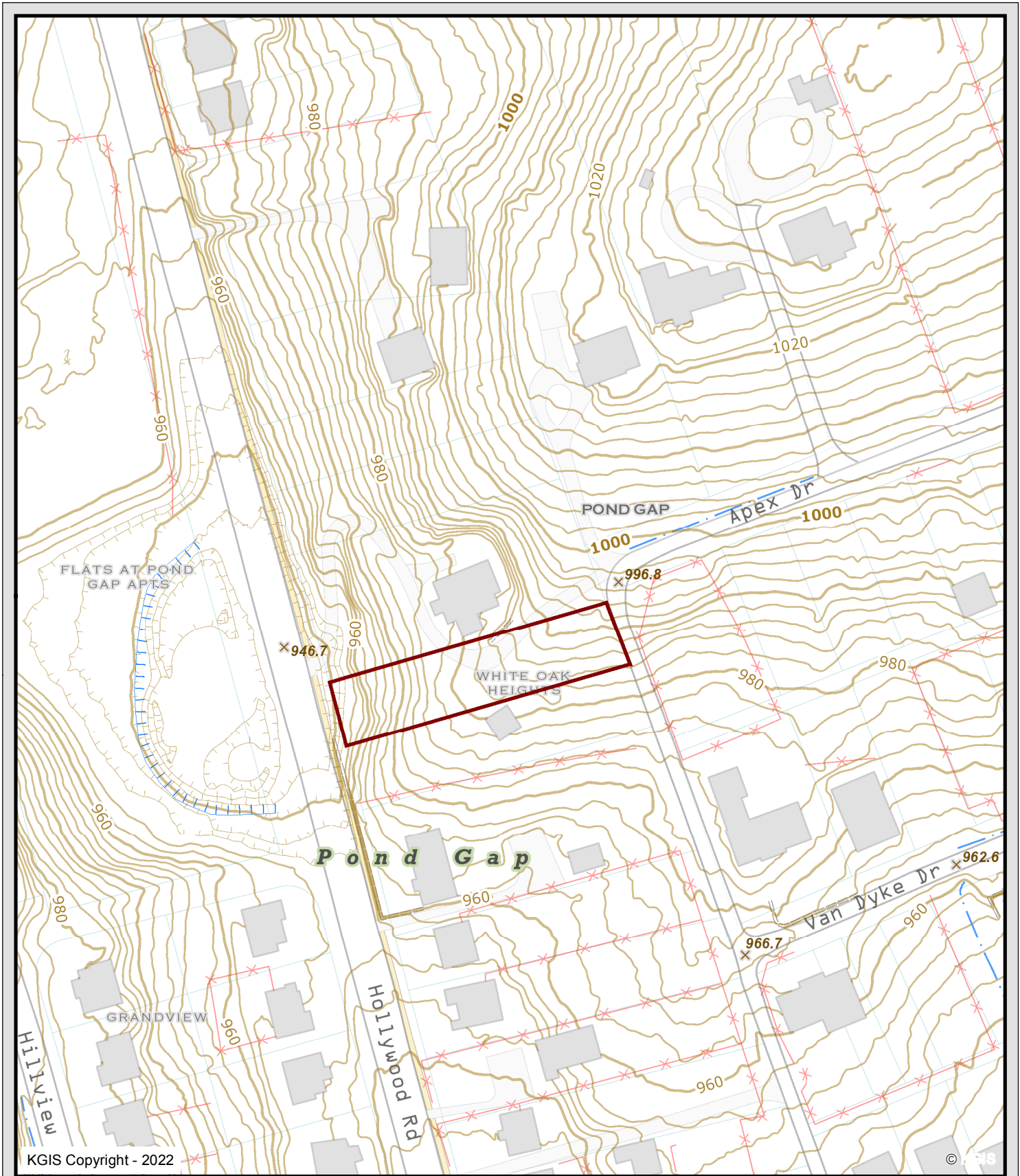
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### 4341 APEX DRIVE

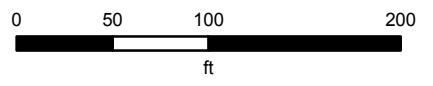
4-G-22-VA

RANDALL JASON BARNES

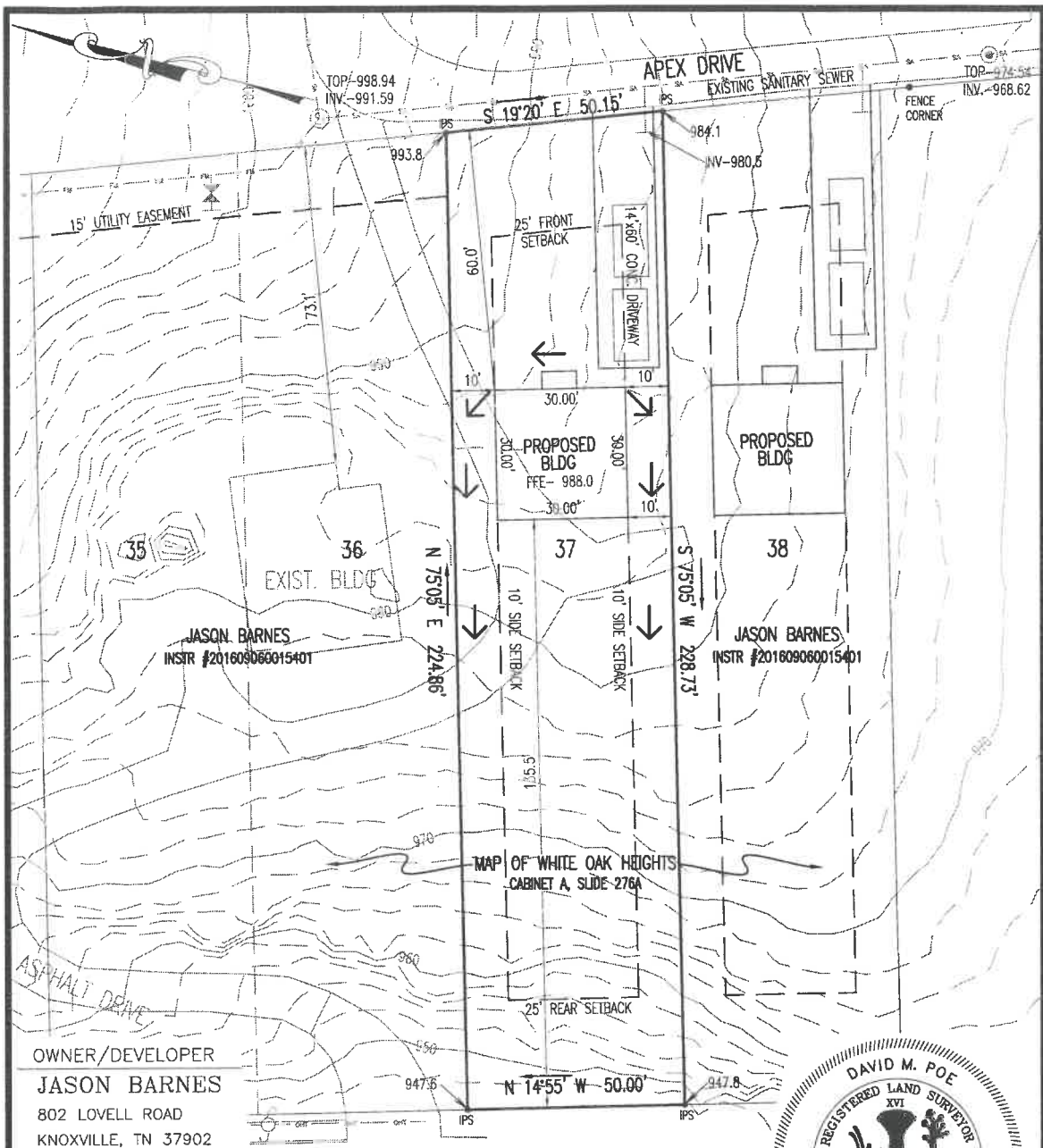
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OWNER/DEVELOPER  
**JASON BARNES**  
 802 LOVELL ROAD  
 KNOXVILLE, TN 37902

HOLLYWOOD ROAD



SCALE: 1"=30'

NOTES:

- IRON PINS FOUND (IPF) SHOWN ON MAP. ALL OTHER CORNERS SET BY BHN&P, BY THIS SURVEY, UNLESS OTHERWISE NOTED.
- THIS PROPERTY IS ZONED RN-1.

**BATSON, HIMES, NORVELL & POE**  
 REGISTERED ENGINEERS & LAND SURVEYORS  
 4334 PAPERMILL DRIVE  
 KNOXVILLE, TENNESSEE 37909  
 PHONE (865) 588-6472  
 FAX (865) 588-6473  
 email@bhn-p.com



CERTIFICATE OF THE ACCURACY OF SURVEY

SURVEY ACCURACY SHALL MEET THE REQUIREMENTS OF THE CURRENT EDITION OF THE RULES OF TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS - STANDARDS OF PRACTICE. I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED IN COMPLIANCE WITH THE CURRENT EDITION OF THE RULES OF TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS - STANDARDS OF PRACTICE.

REGISTERED LAND SURVEYOR

TENNESSEE LICENSE NO. \_\_\_\_\_ DATE: \_\_\_\_\_



**PLOT PLAN FOR LOT 37, MAP OF WHITE OAK HEIGHTS**

TAX MAP NO. 107-FF, PARCEL 020.03, WARD No. 50,  
 CITY OF KNOXVILLE, DISTRICT NO. 5, KNOX COUNTY, CITY BLOCK 50610

ADDRESS 4341 APEX DRIVE, KNOXVILLE, TN 37919

REFERENCE DEED: INSTR. #201609060015401  
 REFERENCE PLAT: CABINET A, SLIDE 276A

SCALE 1"=30'

DATE 11/16/2021

ORDERED BY \_\_\_\_\_

**R21-1486**

DWG NO. 25326-L0T37

## Board of Zoning Appeals – City Staff Comments

Tuesday, April 19th, 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

#### **4-A-22-VA**

Location: 305 West Vine Avenue

Staff Comments: The proposed project is to construct a seven story, 125-unit residential apartment complex along West Vine Avenue. The parcel is zoned DK-G and has a build to zone of 0 to 5 feet where the building is to be located. The proposed building is proposed to be setback approximately 28 feet and 5 inches at the furthest point from the front property line. The DK-G district design standards require a ground floor minimum transparency of 30% on the front façade facing West Vine Avenue. The applicant is proposing to decrease this to 22.98% along the P2 floor. The design standards also require the building façade abutting West Vine Avenue to incorporate building entries no less than one every 50 feet. The applicant is proposing increase this to 148 feet since the units will not be accessed externally from West Vine Avenue.

The variance requests are:

1. Increase the maximum permitted build-to-zone distance from 5 feet to 28 feet 5 inches. Per Article 5, Section 5.5.B. Table 5-3.



2. Reduce the minimum required ground floor transparency percentage from 30% to 22.98%. Per Article 5, Section 5.5.C. Table 5-4.
3. Increase the maximum distance permitted between building entries from 50 feet to 148 feet. Per Article 5, Section 5.5.C. Table 5-4.

#### **4-B-22-VA**

Location: 6603 Stone Mill Drive

Staff Comments: The parcel is zoned EN with a minimum rear setback of 25 feet. In 2011, the prior owner was issued a stop work order with regard to the addition being built beyond the setback and told to seek a variance. A variance was never filed and the addition was completed illegally. The current property owner is requesting approval to reduce the rear setback on the existing addition on the house from 25 feet to 9.54 feet.

The variance request is:

Decrease the minimum rear setback from 25 feet to 9.54 feet in the EN district. Per Article 4.3; Table 4-1.

#### **4-F-22-VA**

Location: 4345 Apex Drive

Staff Comments: The parcel is a through lot with frontage on Apex Drive and Hollywood Road. It is zoned RN-1, where the front setback is an average blockface of the existing residential structures along the same side of Apex Drive. The average front setback along Apex Drive is 91 feet. The applicant is proposing to reduce the average front setback from 91 feet to 63.9 feet to construct a single-family residence that is addressed and fronts on Apex Drive.

The variance request is:

Reduce the front setback from 91 feet to 63.9 feet for development of a single-family residence. Per Article 4.3; Table 4-1.

#### **4-G-22-VA**

Location: 4341 Apex Drive

Staff Comments: The parcel is a through lot with frontage on Apex Drive and Hollywood Road. It is zoned RN-1, where the front setback is an average blockface of the existing residential structures along the same side of Apex Drive. The average front setback along Apex Drive is 91 feet. The applicant is proposing to reduce the average front setback from 91 feet to 60 feet to construct a single-family residence that is addressed and fronts on Apex Drive.

The variance requests are:

Reduce the front setback from 91 feet to 60 feet for development of a single-family residence. Per Article 4.3; Table 4-1.

**4-H-22-VA**

Location: 407 Saint Paul Street / 316 West Blount Avenue

Staff Comments: The parcel is located in the South Waterfront Form Based Code and zoned SW-6. The applicant is proposing 28 townhomes and requesting variances from the following requirements in the SW-6 district.

The variance requests are:

1. Decrease the minimum building height requirement from 40 feet to 34 feet for development of townhomes. Per Article 7.1.3.G.4.
2. Decrease the ground level minimum transparent glass on the principal frontage from a minimum of 70% to 40% for development of townhomes. Per Article 7.1.3.G.6.
3. Decrease the openings above the first story on the principal frontage from a minimum of 25% to 20% for the development of townhomes. Per Article 7.1.3.G.6.

**From:** [Steve Borden](#)  
**To:** [Jennifer Scobee](#)  
**Subject:** RE: April BZA applications  
**Date:** Monday, April 11, 2022 11:07:28 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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Please find the following responses from TDOT District 18 Operations for the April BZA applications:

[4-A-22-VA: 305 West Vine Ave](#) – Operations has no comment. Property not adjacent to ROW. Appeals have no notable impact to ROW.

[4-B-22-VA: 6603 Stone Mill Dr](#) - Operations has no comment. Property not adjacent to ROW. Appeals have no notable impact to ROW.

[4-C-22-VA: 2810 Painter Ave](#) – Operations has no comment. Property not adjacent to ROW. Appeals have no notable impact to ROW.

[4-E-22-VA:1537 Forest Ave](#) - Operations has no comment. Property not adjacent to ROW. Appeals have no notable impact to ROW.

[4-F-22-VA: 4345 Apex Dr](#) - Operations has no comment. Property not adjacent to ROW. Appeals have no notable impact to ROW.

[4-G-22-VA: 4341 Apex Dr](#)- Operations has no comment. Property not adjacent to ROW. Appeals have no notable impact to ROW.

[4-H-22-VA:407 Saint Paul St/316 W Blount Ave](#)-

- Property not adjacent to ROW. Appeals do not directly impact to ROW, however the addition of homes would likely increase utilization of an unsignalized intersection with SR-71. Property is one block off of US441 SR-71 just southeast of the Henley St. Bridge. A signalized intersection controls the access to SR-71 at the W. Blount Ave intersection. However, the Department has concerns about the added traffic to St. Paul Street. The Department requests that a traffic study be conducted that illustrates how additional trips generated by this development impacts the signalized intersection at SR-71 and W. Blount Ave. and associated queueing.
- Drainage should not be of concern as the Roadway is higher in elevation and natural drainage for the area moving away from ROW.



**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](mailto:Steve.Borden@tn.gov)  
[tn.gov/tdot](http://tn.gov/tdot)



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April 12, 2022

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 4-B-22-VA, 4-F-22-VA, 4-G-22-VA, and 4-H-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', is written over the typed name.

Christian Wiberley, P.E.  
Engineering

CGW