

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 (Individual not company) Jennifer Podhajsky o/b/o Yee-Haw Brewing LLC	Owner <input type="checkbox"/>	New Structure <input type="checkbox"/>
Street Address 923 N. Central Avenue	Contractor <input type="checkbox"/>	Modification of Existing Structure <input type="checkbox"/>
City, State, Zip Knoxville, TN 37917	Tenant <input checked="" type="checkbox"/>	Off Street Parking <input checked="" type="checkbox"/>
Phone Number (717) 602-6992	Other <input type="checkbox"/>	Signage <input type="checkbox"/>
Applicant Email jennifer@yeehawbrewing.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 130 & 134 Bearden Place City, State, Zip Knoxville, TN 37917
 See KGIS.org for Parcel # 094DC003 & 094DC004 City Council District # 4 and Zoning District CG2

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.

SMJT, LLC ("SMJT") owns property at 130 Bearden Place and 134 Bearden Place (collectively, the "Premises") as well as 745 N. Broadway (the "Brewery"), Knoxville. Yee-Haw Brewing, LLC ("Yee-Haw") leases those properties from SMJT, and each entity shares common ownership. Yee-Haw manufactures beer and wine and operates a restaurant at the Brewery. Yee-Haw intends to store and sell beer/wine manufactured at the Brewery at the Premises, as well as Yee-Haw merchandise. These goods will be stored for on-premises consumption at the Brewery, and for retail sale at the Premises. The Premises is generally contiguous to the Brewery, and they are only separated by a small side street - Irwin Street. Because retail sales will occur on the Premises, its use will be "Retail Goods Establishment" - a permitted use in the CG2 Zoning District. There are parking requirements for this use that the Premises cannot meet, and therefore Yee-Haw requires a variance from those requirements.

Describe hardship conditions that apply to this variance.

See Attached Exhibit A.

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

3/14/2024

File #



BOARD OF ZONING APPEALS APPLICATION

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

Is a plat required? Yes No

VARIANCE REQUEST(S) WITH ORDINANCE CITATION(S):

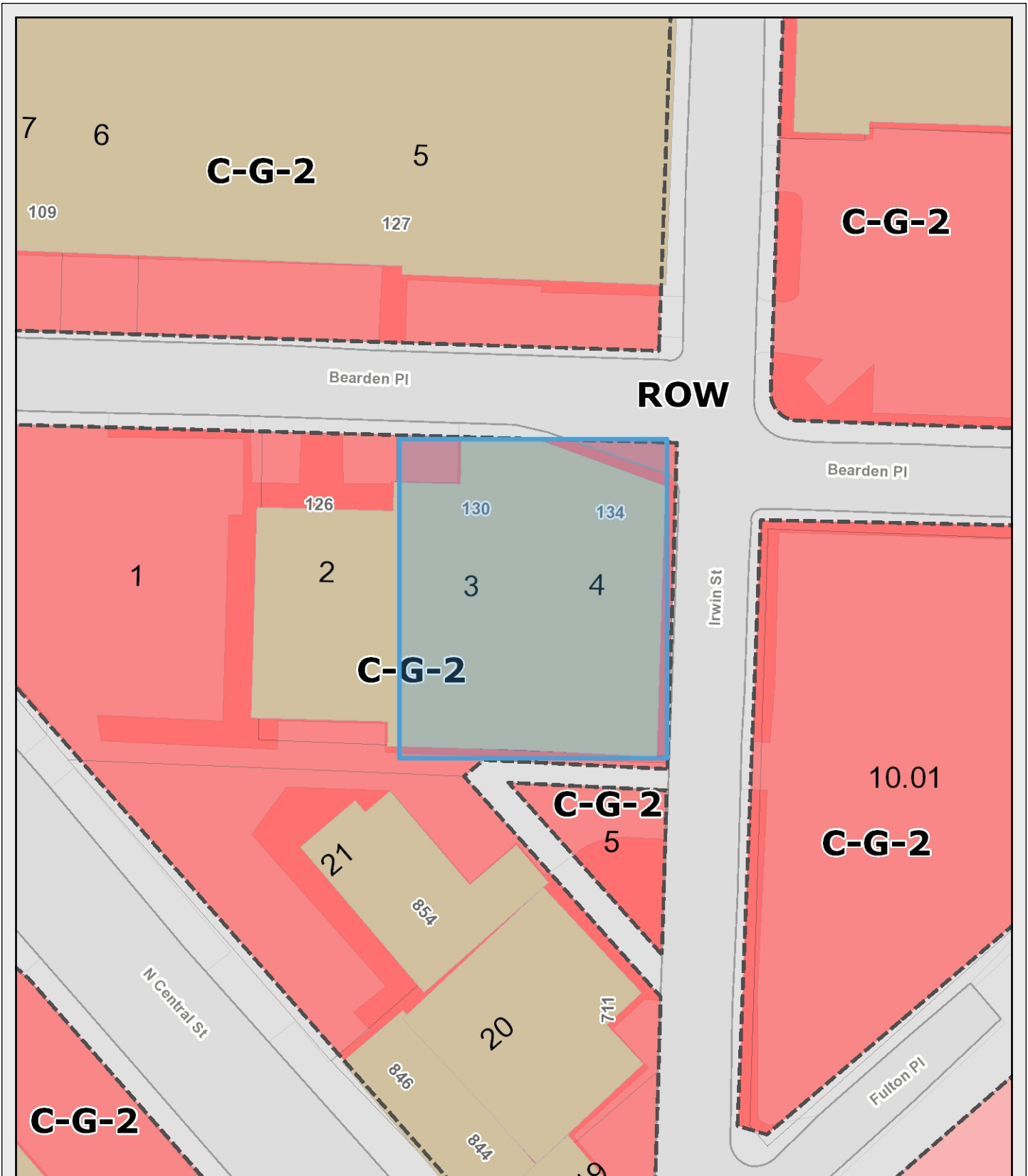
Large empty rectangular area for providing variance request details and ordinance citations.

PROJECT INFORMATION

Date Filed | Fee Amount

Council District | BZA Meeting Date

PLANS REVIEWER | **DATE**



130 & 134 BEARDEN PL

4-L-24-VA

JENNIFER PODHAJSKY

0 25 50 100

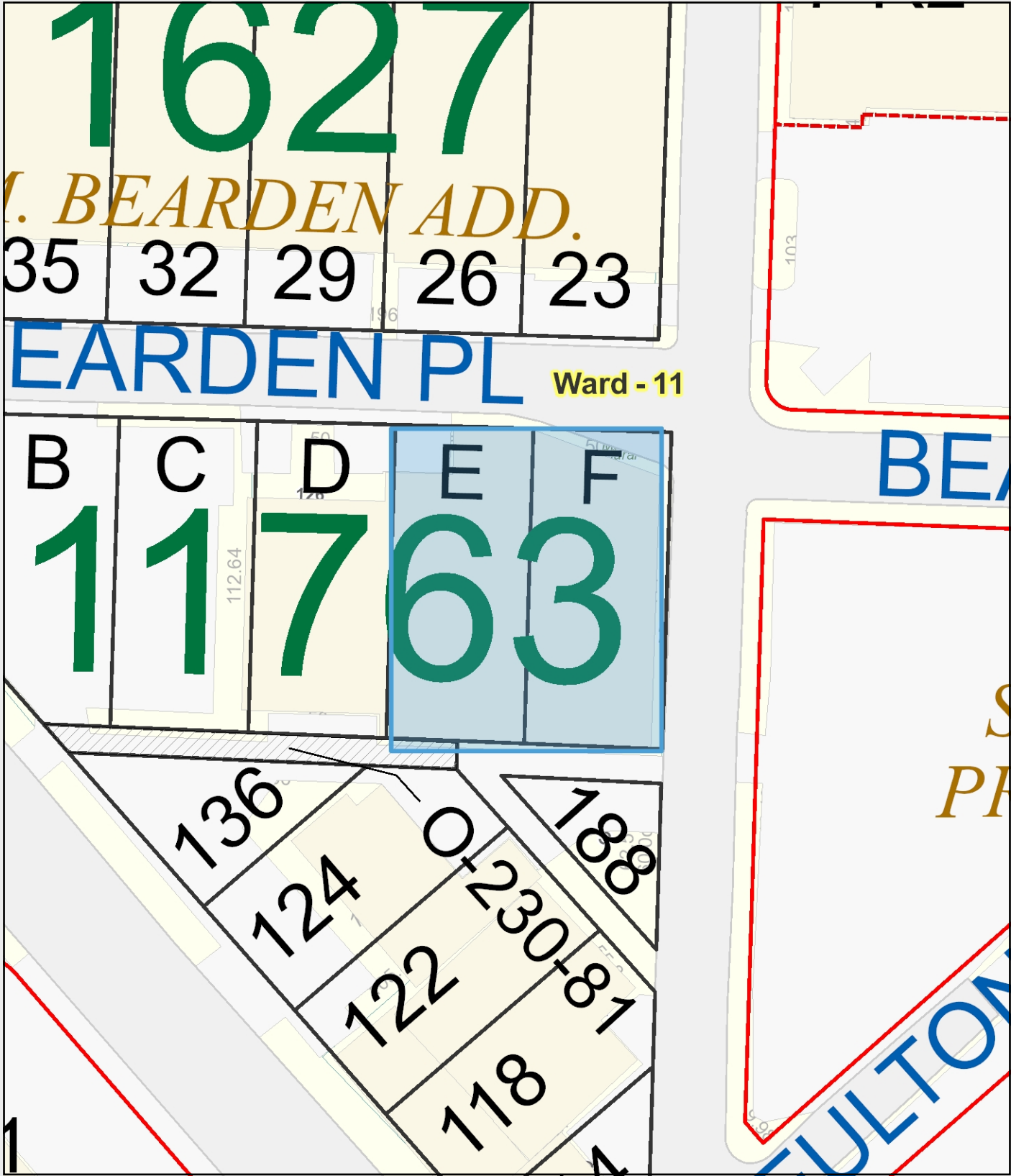


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Ward - 11



130 & 134 BEARDEN PL

4-L-24-VA

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130 & 134 BEARDEN PL

4-L-24-VA

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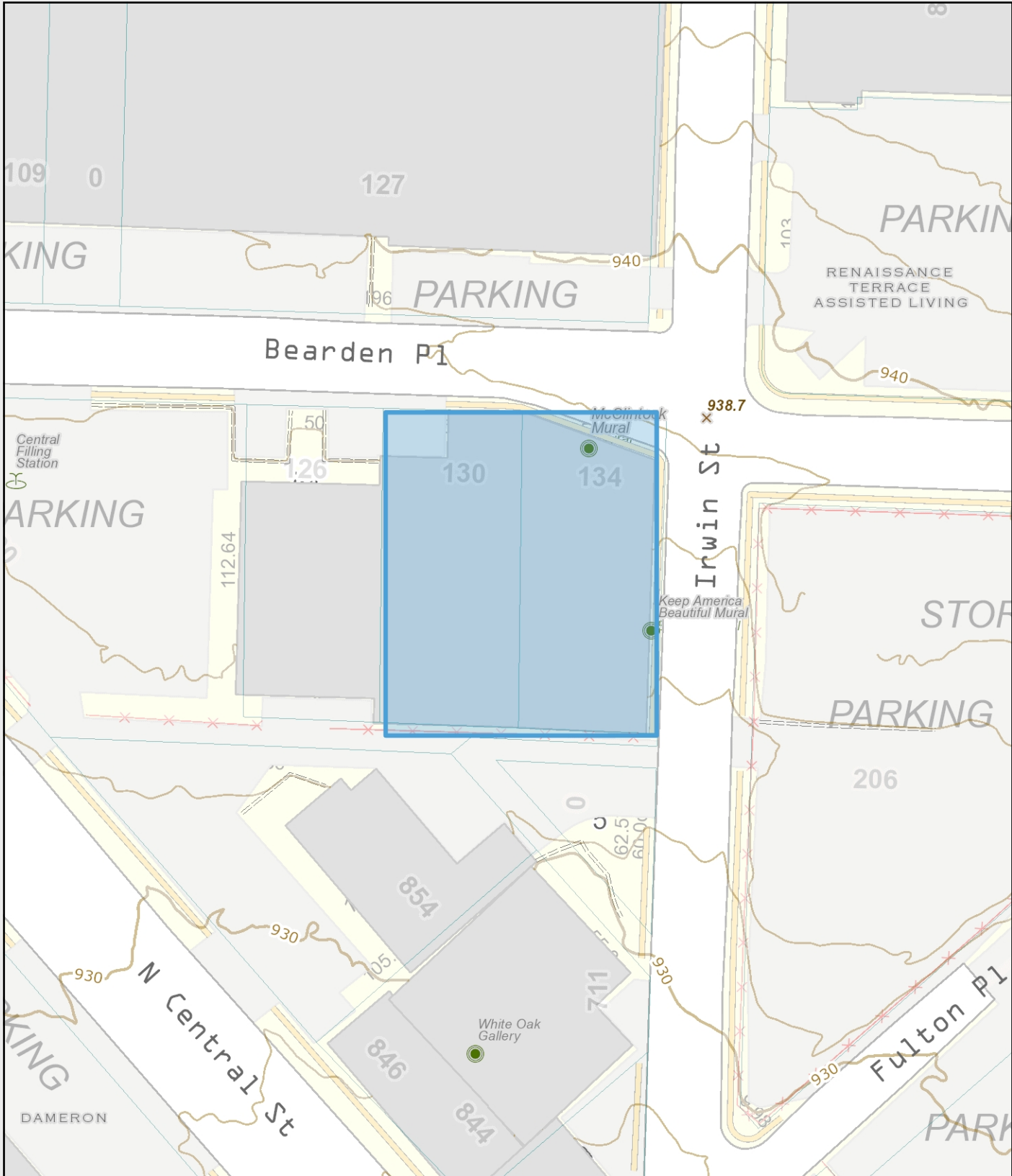


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130 & 134 BEARDEN PL

4-L-24-VA

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EXHIBIT A TO YEE-HAW BREWING, LLC VARIANCE APPLICATION

Description of hardship conditions that apply to this variance

Yee-Haw Brewing, LLC (“Yee-Haw”) currently holds a City of Knoxville Beer Permit and it successfully operates its brewery operations at 745 N. Broadway, Knoxville, Tennessee 37917 (the “Brewery”). To ensure sufficient supply, Yee-Haw intends to store beer inventory and conduct retail sales at 130 and 134 Bearden Place, Knoxville, Tennessee 37917 (the “Premises”), which is generally contiguous to the Brewery, being separated only by a small side street – Irwin Street. Therefore, the Premises’ use under the City of Knoxville Zoning Ordinance (the “Zoning Ordinance”) will be “Retail Goods Establishment,” which is a permitted use in the CG2 Zoning District.

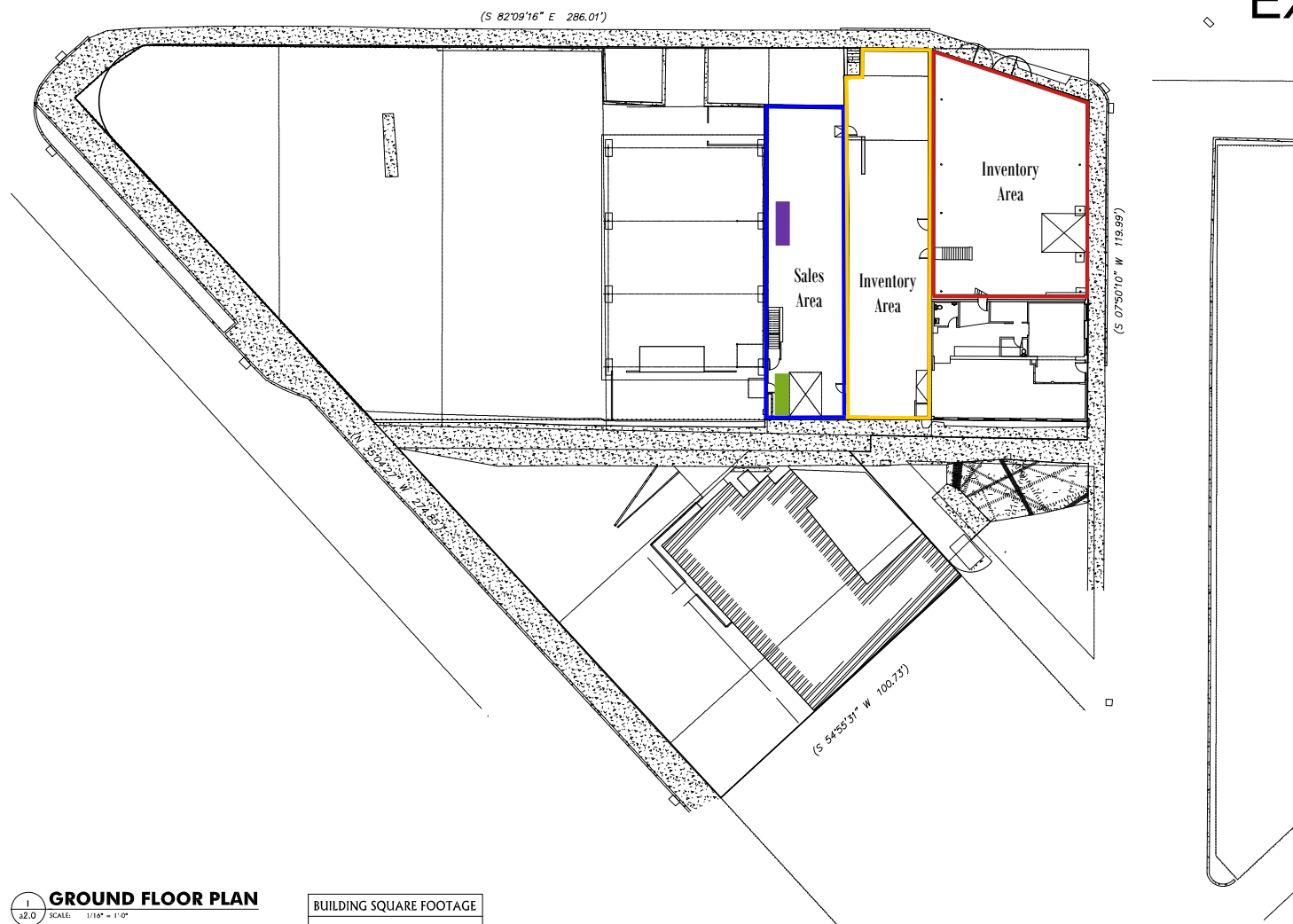
In short, the Premises has no available parking on either parcel, and therefore cannot meet the required off-street parking and accessible parking spaces set forth in Article 11, Section 11.4 of the Zoning Ordinance. Specifically, it cannot meet the accessible parking requirements, as accessible parking cannot be shared under a shared parking plan with the Brewery. *See* Article 11, Section 11.8.H. Therefore, Yee-Haw seeks a variance from the parking requirements set forth in Article 11, Section 11.4, and requests that parking for the Premises be set at 0.

As shown on the site plan attached as Exhibit 1, the Premises consists of two parcels, and three distinct areas that equal approximately 10,507 square feet. The portion of the Premises highlighted in blue is 2,436 square feet and is where the retail sales will occur. This is the only area where the public will be allowed, and the remainder of the area will be used for storing inventory. Under Article 11, Section 11.4 of the Zoning Ordinance, the off-street parking requirements for “Retail Goods Establishments” is 3 per 1,000 sf GFA. Therefore, based on the square footage of the Premises, the required off-street parking is 31.5 spaces, and 2 accessible parking spaces. However, when performing this calculation with only the area where retail sales will occur (2,436 sf), the required off-street parking is 7 spaces, and 1 accessible parking space. Article 11, Section 11.4.B. provides exemptions and flexibility in the parking requirements. One exemption is applicable to the Premises. Namely, Section 11.B.3, which allows for a 30% reduction from the minimum required off-street parking if the development is located within one-fourth of a mile of a Knoxville Area Transit (“KAT”) route. The Premises meets this definition, as both the Central Street KAT Route and the Broadway Kat Route are well within one-fourth of a mile of the Premises. *See Exhibits 2 & 3*, respectively. Applying this flexibility to the larger square footage calculation, the required parking is reduced to 22 off-street parking spaces and 1 accessible parking space, and when applying it to the smaller square footage calculation, the required parking is reduced to 5 off-street parking spaces and 1 accessible parking space. Thus, even when applying this flexibility, a variance is still needed.

In closing, because the Premises has no parking available to it on either parcel, it cannot meet the required off-street parking and accessible parking spaces under any calculation. Indeed, given this hardship, there is virtually no use SMJT or Yee-Haw could utilize the Premises for as it is currently zoned and meet the requirements of Article 11, Section 11.4, as most, if not all, of the uses set forth in Article 11, Section 11.4 have minimum parking requirements. Because the Premises is zoned CG2, clearly the zoning map intends for the Premises to be used in some commercially viable and allowable way. However, because of its parking limitations, a strict application of the Zoning Ordinance would prevent the Premises from being used in *any* commercially viable or allowable way under the Zoning Ordinance. This presents a unique hardship to the Premises, and SMJT is entitled to use its property as the Zoning Ordinance intended. *See* City of Knoxville BZA Variance Application (A variance is appropriate where strict application of the zoning ordinance requirements “would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of the land. The variance should be used only where necessary to overcome some obstacle which is preventing an owner from using his property as the zoning ordinance intended.”) Therefore, because of this hardship, in conjunction with the parking exemptions and flexibility provided in Section 11.4.B, numerous public parking lots in the immediate vicinity of the Premises, as well as other considerations and hardships that are unique to the Premises, a variance from the parking requirements is warranted.

For photographs showing the outside of the Premises, *see* Collective Exhibit 4.

EXHIBIT 1



1
32.0
GROUND FLOOR PLAN
SCALE: 1/16" = 1'-0"

BUILDING SQUARE FOOTAGE	
Total Square Footage:	10,308 SF
Area Per Building:	3,382 SF
Order Prep Area:	4,499 SF
Sales Counter:	2,426 SF
Inventory Area:	

Central Filling Station

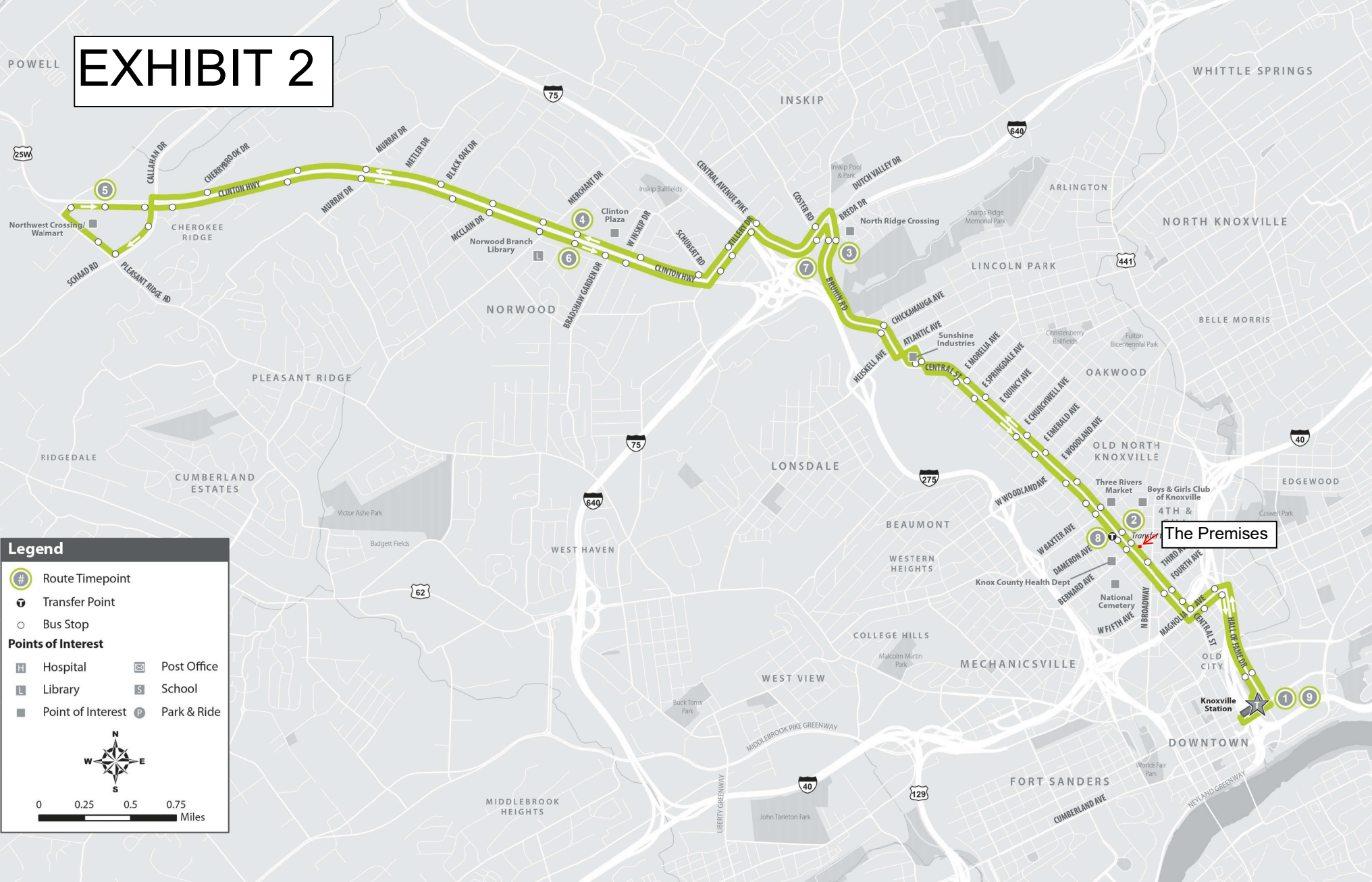
900 N. Central St.

Knoxville, TN

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EXHIBIT 2



Legend

- # Route Timepoint
- T Transfer Point
- O Bus Stop

Points of Interest

H Hospital	PO Post Office
L Library	S School
■ Point of Interest	P Park & Ride

0 0.25 0.5 0.75 Miles

The Premises

Knoxville Station

EXHIBIT 3

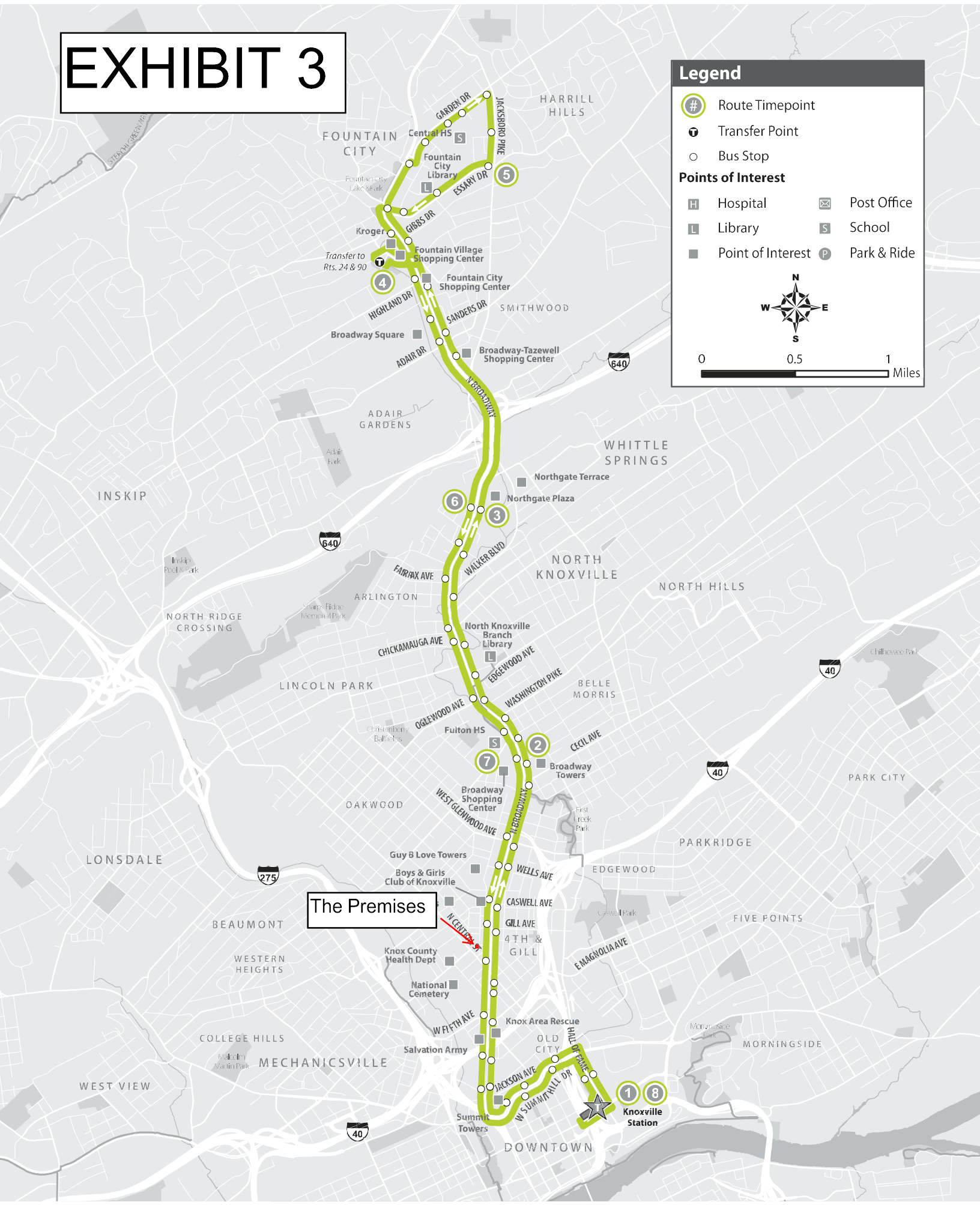
Legend

- Route Timepoint
- Transfer Point
- Bus Stop

Points of Interest

Hospital	Post Office
Library	School
Point of Interest	Park & Ride

0 0.5 1 Miles



The Premises

COLLECTIVE EXHIBIT 4







Old North Knoxville
in ST NE
700



NO PARKING
ANYTIME

BIG
DOOR COOL
MOUNTAIN







