

File #

4-L-20-VA



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: Julie DuPree dba DuPree Homes	Owner <input checked="" type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Street Address: 1919 Chiswick Road	Contractor <input checked="" type="checkbox"/>	Modification of Existing Structure <input type="checkbox"/>
City, State, Zip: Knoxville, TN 37922	Tenant <input type="checkbox"/>	Off Street Parking <input type="checkbox"/>
Phone Number: 865-310-2471	Other <input type="checkbox"/>	Signage <input type="checkbox"/>
Email: juliedupree@bellsouth.net		Other: Setback Variance <input type="checkbox"/>

THIS IS A REQUEST FOR:

- | | |
|--|---|
| <input checked="" 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 : 1108 Pineola Lane City, State, Zip: Knoxville, TN
 See KGIS.org for Parcel #: 1210A00501 and Zoning District: District 6

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.

Would like to have front setback changed to 25' which was the prior zoning (R-1) before the Recode which changed it to (RN-1) which is a front setback of 10' +/- average block face which would put this property ~ 72' front setback.

Glossary of Attachments:

Appeal letter, List of Hardships, Site Development Permits, KGIS Topographical Maps (3 pages) KGIS maps of Pineola Lane with setbacks of applicable properties noted, Site Plans at 25' and 72' front setback, Site Photos showing grade and staking at 72' proposed setback.

Describe hardship conditions that apply to this variance.

Please see attached hardship letter with descriptions.

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

3/16/20

File #4-L-20-VA



CITY OF KNOXVILLE

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):

Reduce the minimum required front setback from +/- 10 feet of the average of blockface, which is 82 feet from 72 feet to 26 feet for a single family dwelling in a RN-1 district. (Article 4.3.A Table 4-1).

REVISED

PROJECT INFORMATION

Date Filed 3-16-2020

Fee Amount \$250

Council District 2

BZA Meeting Date 4-16-2020

PLANS REVIEWER Bryan Berry

DATE 3/27/2020



I purchased two lots at 1104 and 1108 Pineola Lane November 1st. 2019. The certified plat the seller gave me issued on 6/26/19 has part of the property as RP-1 and R-1. Setbacks listed on certified plat are as follows: Front-25' Side-5' Rear 15'

I got a grading permit on 11/20/2019 that states the zone as R-1 so I had no reason to believe the setbacks were different then listed on my certified plat.

I tried to pull a building permit on 12/10/19 and was told since one of the lots was partially zoned RP-1 and R-1, I would need to get a variance or I could wait till 1/1/20 when the new zoning went into effect and not worry about getting a variance. I waited thinking that was the practical thing to do rather than file a variance. I had **no** idea the front setbacks would be changing with the new recode.

I prepared the lot and house seat for a 30' front setback so it was to my surprise to find out on 3/9/20 that with the new zoning my homes needed to be at a minimum 72' setback to meet the new code.

With a 72' setback it would require me to remove most of the barrier trees between my property and The Westlands condos, install a large retaining wall, and would not provide a much of a back yard to the home.

Residents in The Westlands have raised concern with how close the homes will be to them and I have shown them the distance based on a 30' setback so I anticipate some residents being very unhappy that the homes would be 42' closer then shown and the barrier trees would be gone with a retaining wall in place.

The lots are narrow (83.33' and 85.21') which led me to plan designs I have already had designed and engineered with courtyard entries which lengthens the depth of the homes to approx. 81'.

U-L-20-VA

Hardships:

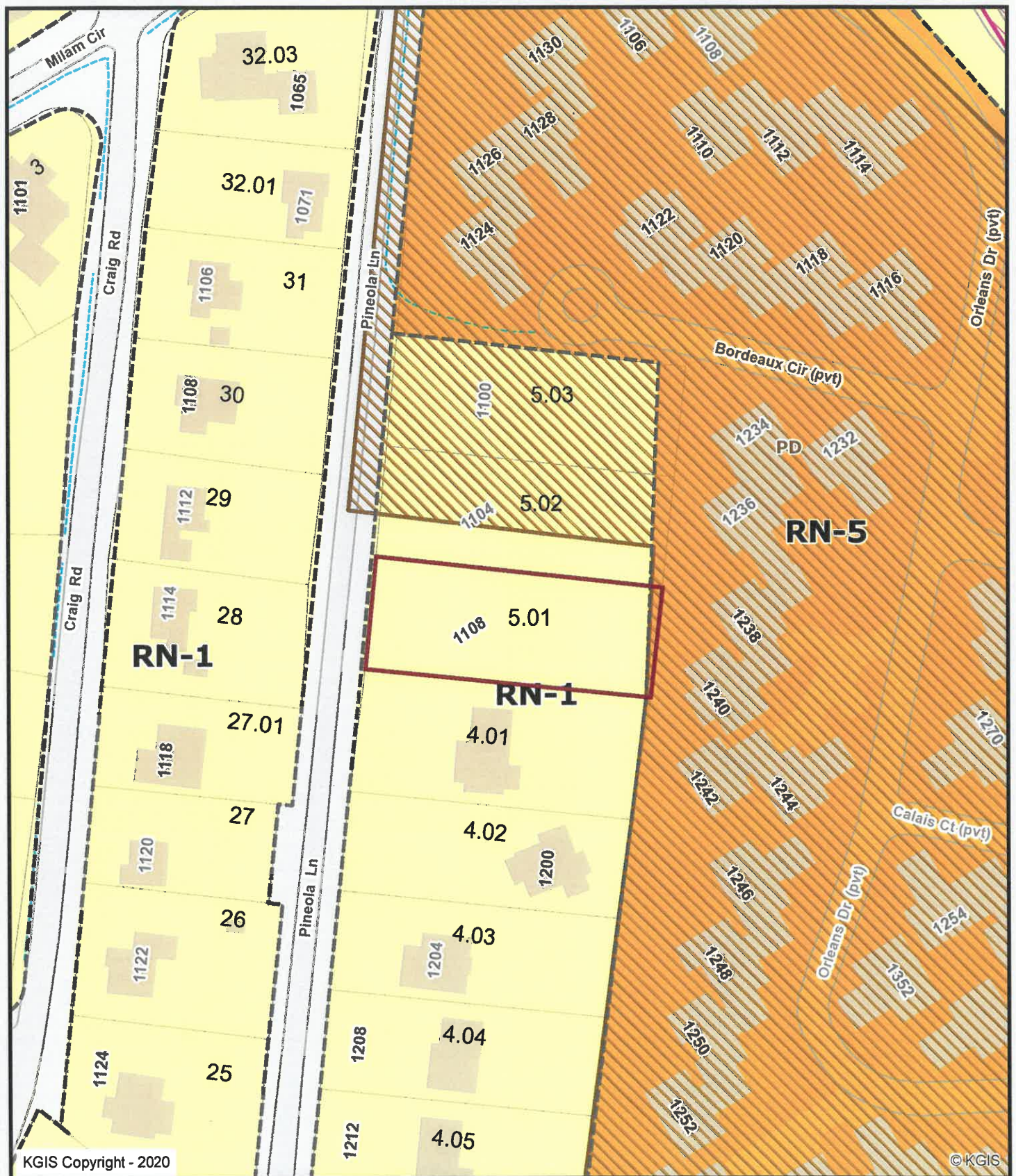
- After approval of grading permit, house seat has already been prepared per site plan with a 30' setback. Moving this currently will incur overages in cost and time.
- Moving home back will increase foundation height and possibly exceed current zoning regulations on roof height.
- Slope of the land declines greatly on the lots where existing homes are. (see topography map)
- 72' setback will require the removal of all mature trees on the back of the lot due to root damage from installation of retention walls which will remove all buffer between homes and The Westland Condos. Neighborhood representative has already voiced concern about leaving barrier trees.
- Concern for the condo residents about having retention walls in place of the barrier trees.
- Retention walls will change current drainage structure of property for rainwater and shed onto neighboring lots that sit at a lower elevation possibly causing water issues. (see pictures)
- 72' there would be extensive amount of engineered retention walls due to the slope of the lot. This will greatly increase project timeline, scope, and budget (approx. \$106,000.00).
- As is at 30' we have ~20' back yard, this move will bar any possibility of outdoor living space and greatly reduce marketability of homes especially families with children who want a back yard for play.
- Due to width of lot, courtyard home is necessary which increases overall home depth.

Positives:

- No drainwater issues
- There are homes on the other side of Pineola and across the street on Milam Circle that are setback 18' to 25' (see attached maps)
- Greatly increase property value on Pineola Lane
- Beautiful homes designed to fit well into current surroundings.
- Tax dollars
- Courtyard driveway extends back beyond front projection of home allowing no cars to be parked near street.

The Westlands Condo residents keep mature trees separating the property.

4-2-20-VA



1108 Pineola Lane

4-L-20-VA

Julie DuPree dba DuPree Homes

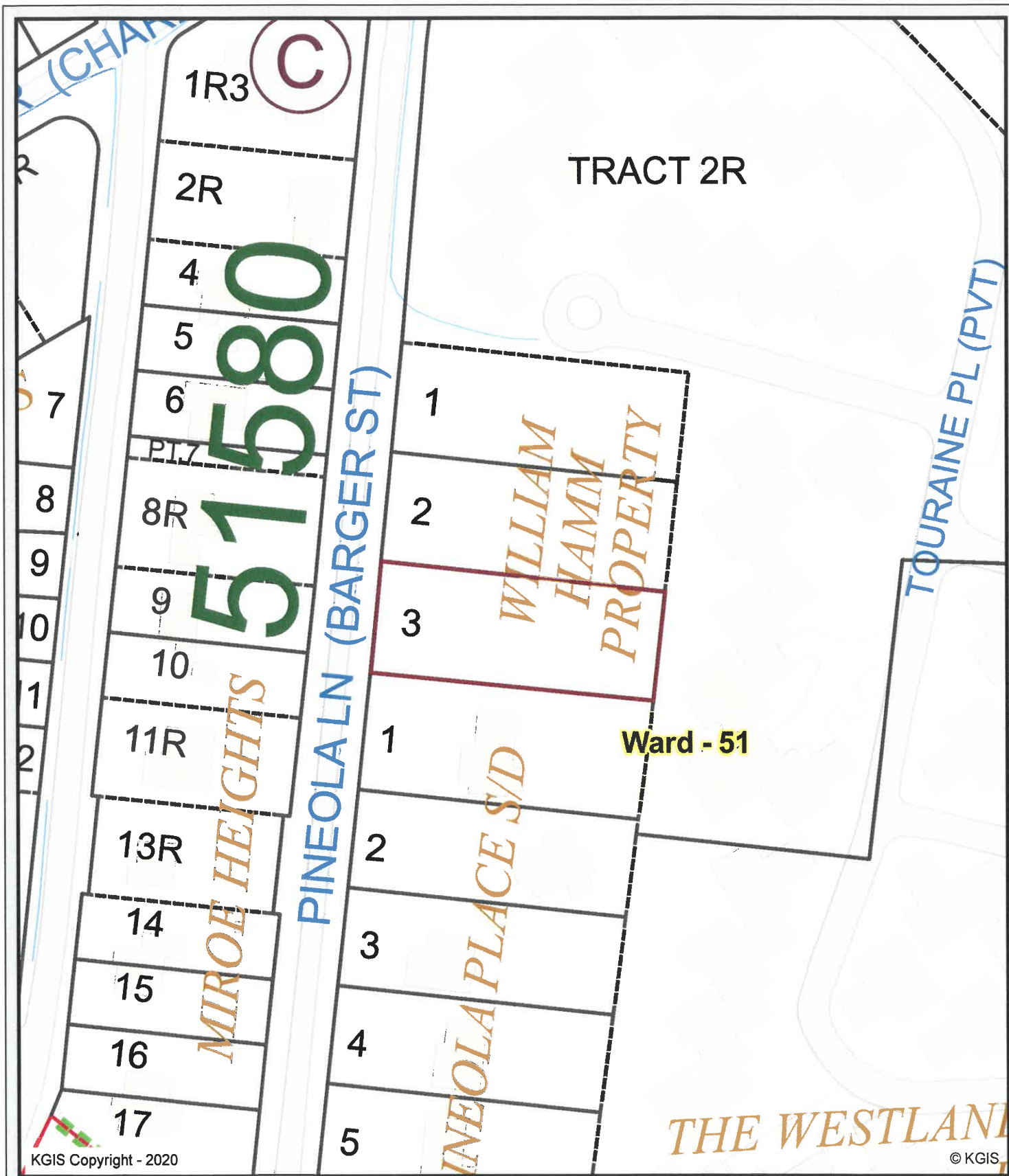
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1108 Pineola Lane

4-L-20-VA

Julie DuPree dba DuPree Homes

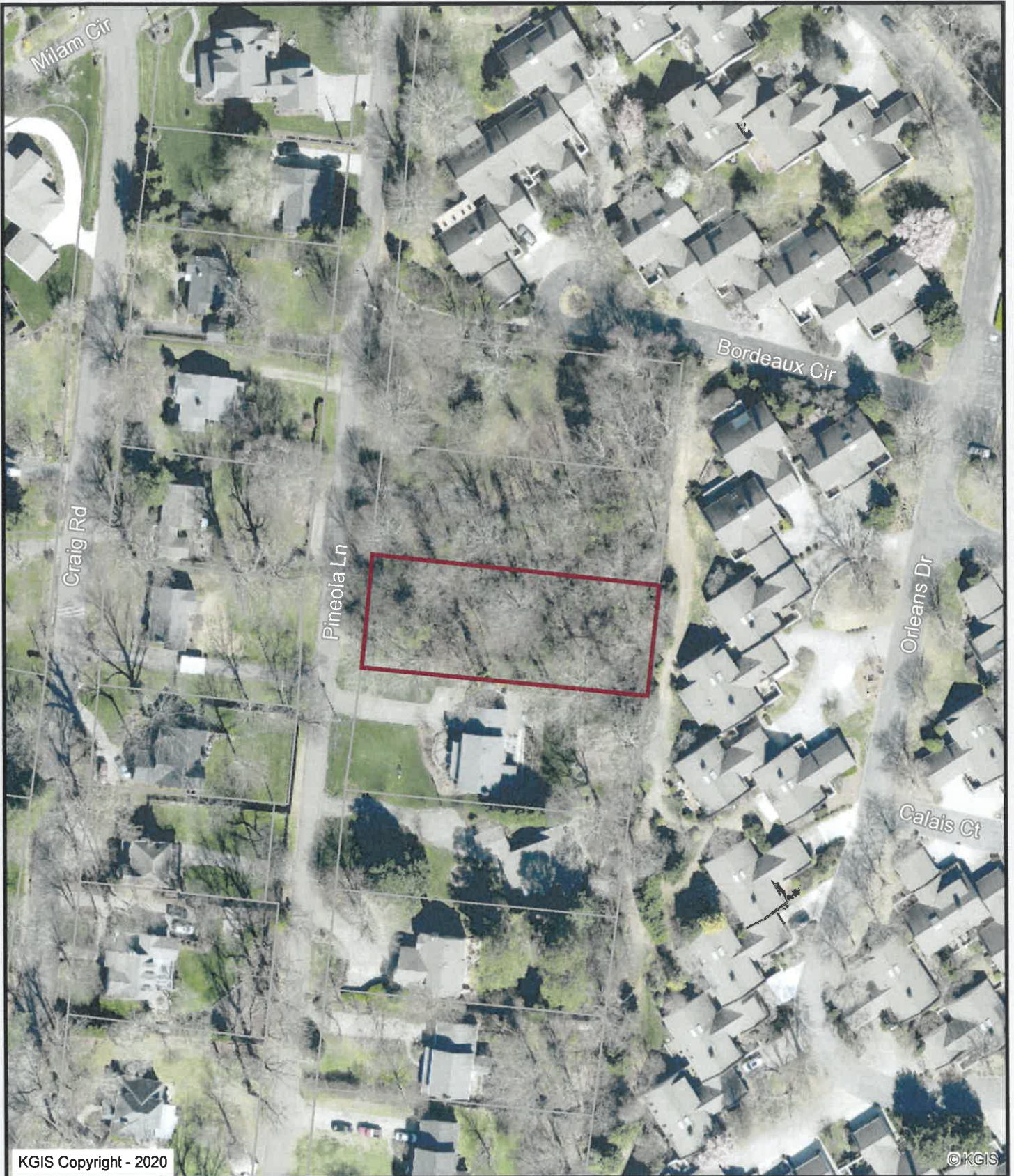
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1108 Pineola Lane

4-L-20-VA

Julie DuPree dba DuPree Homes

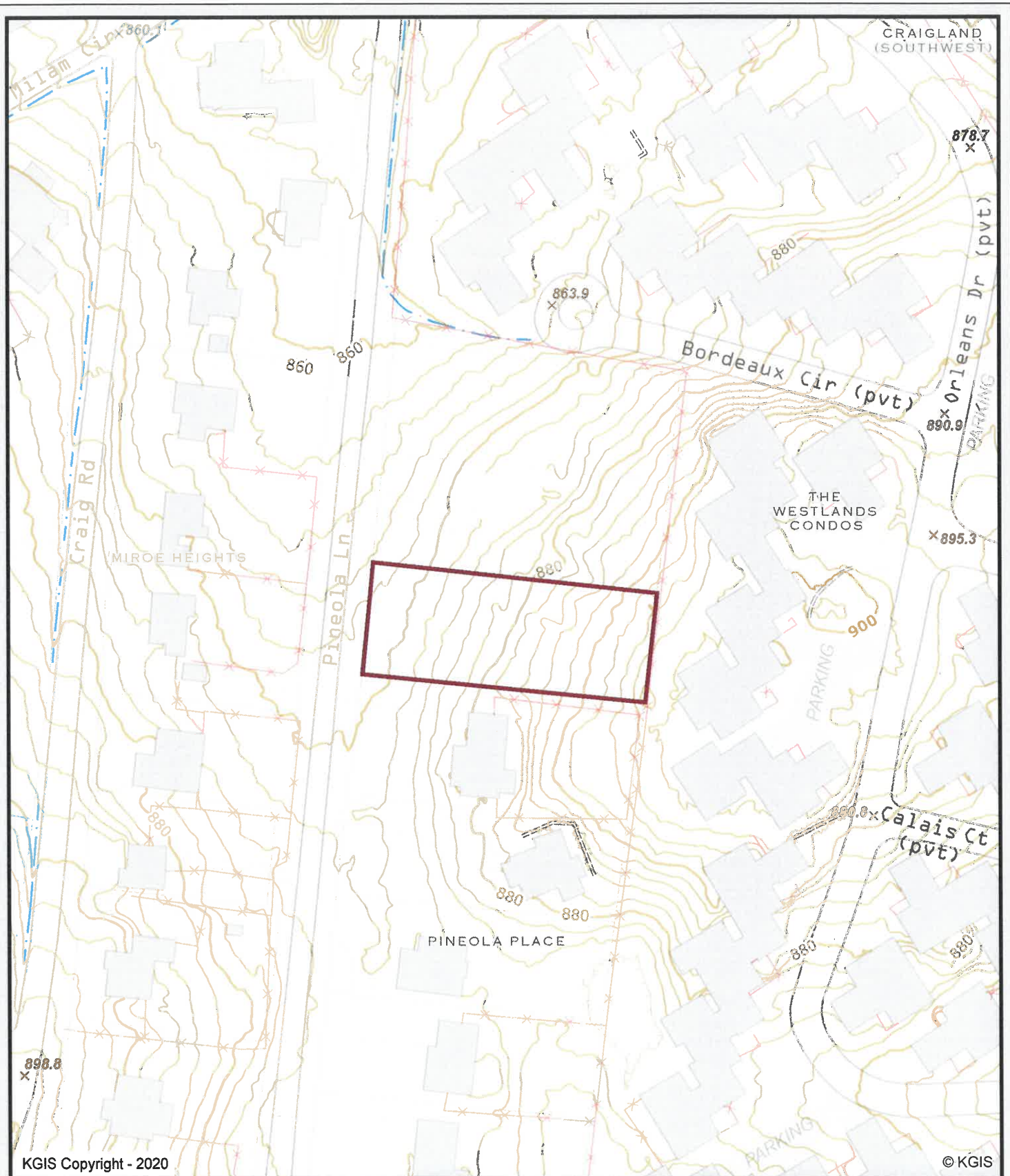
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1108 Pineola Lane

4-L-20-VA

Julie DuPree dba DuPree Homes

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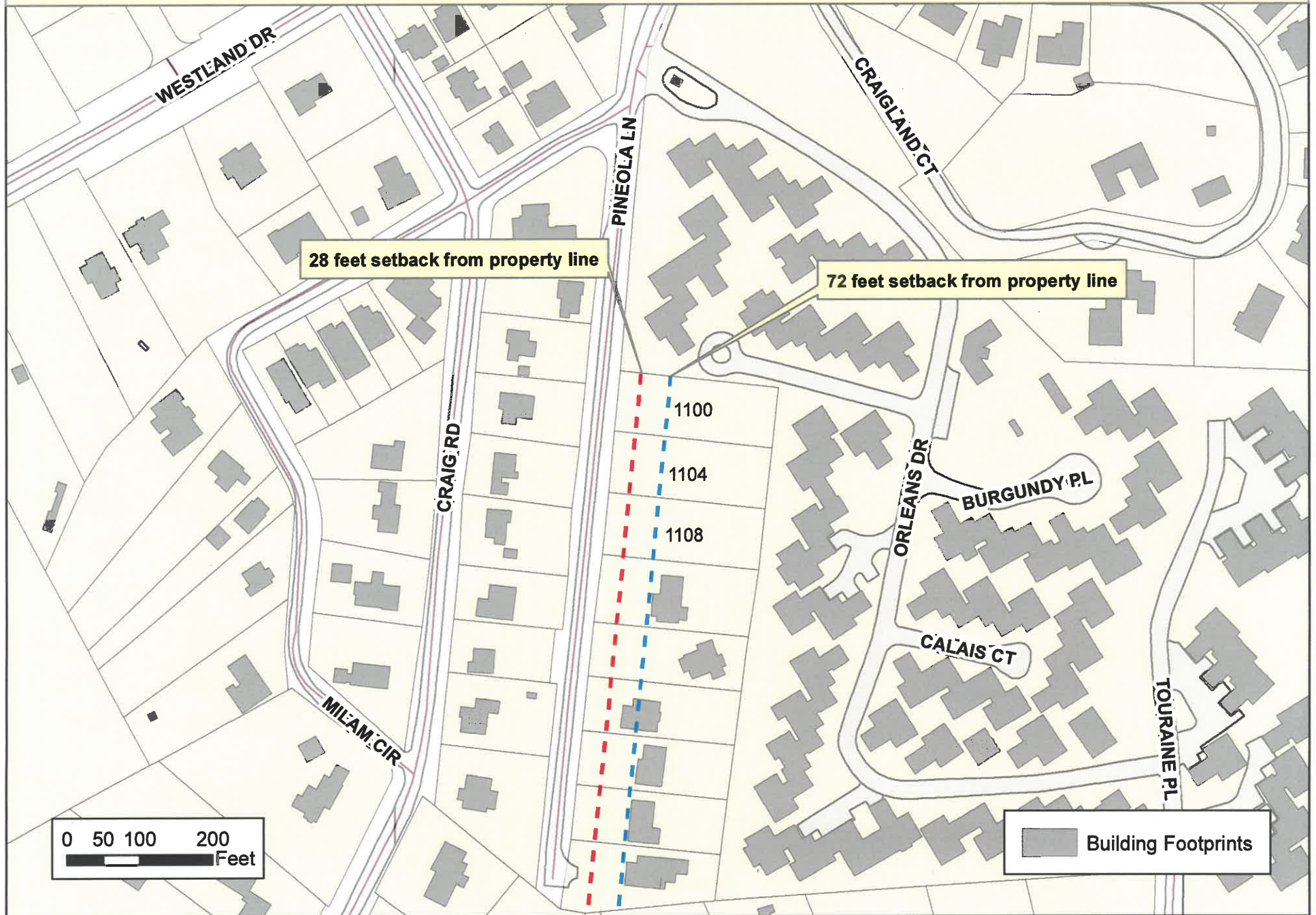


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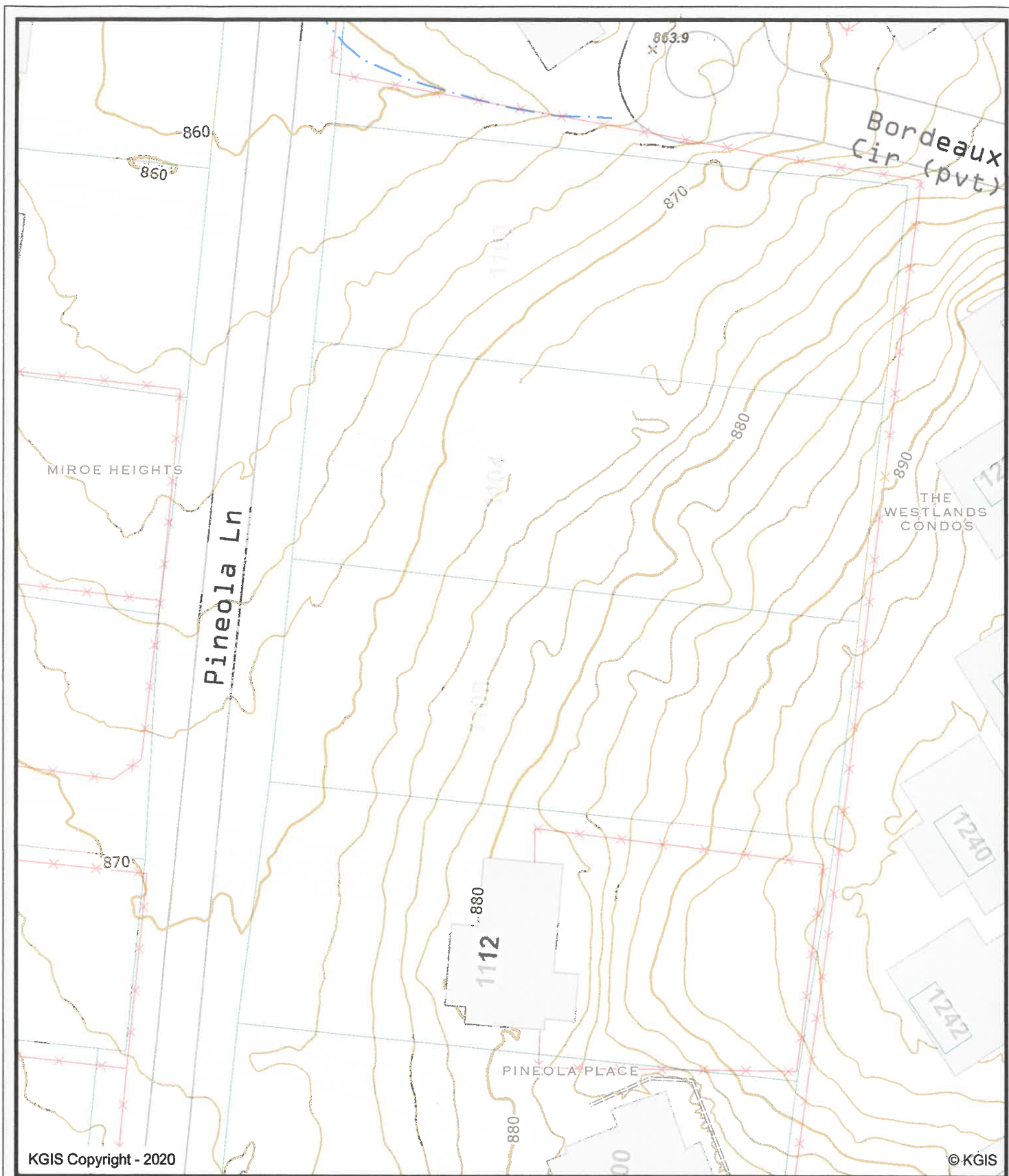


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PINEOLA LANE AND PROPOSED SETBACK



4-L-20-VA



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Letter Portrait

4-L-20-VA

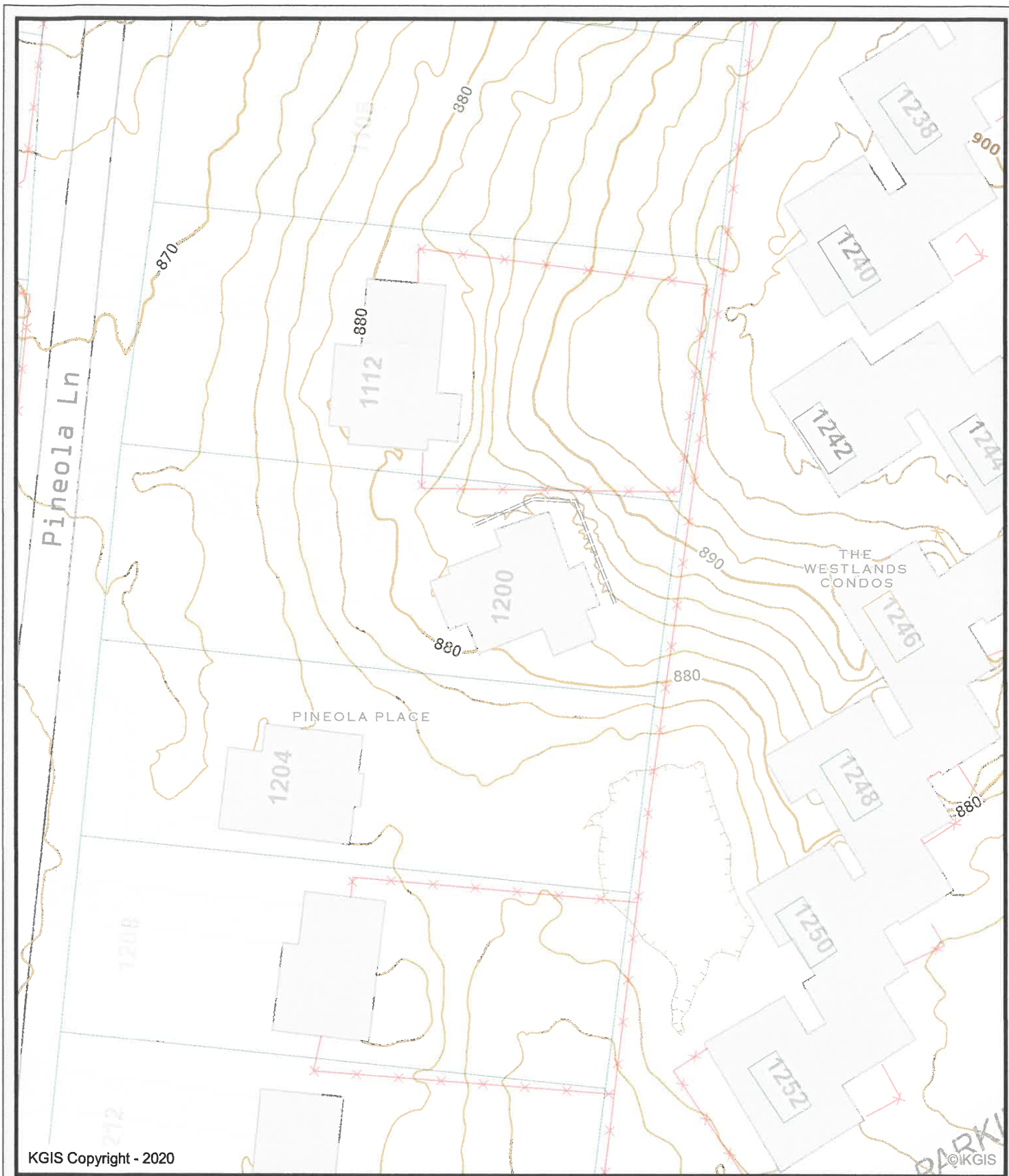
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Topo

4-2-20-VA

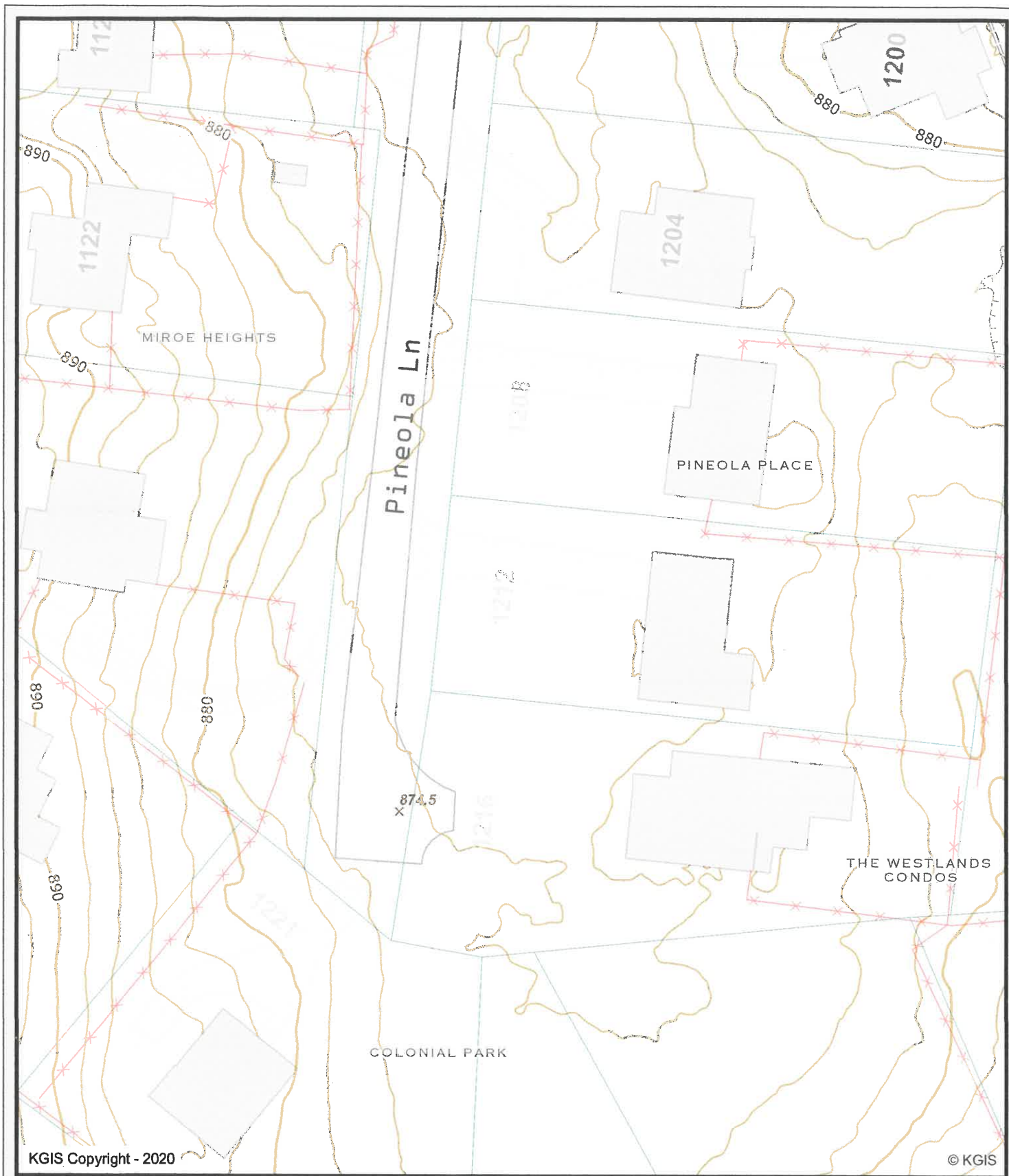
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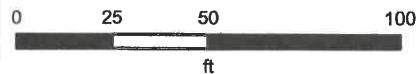
Topo

4-L-20-VA

Knoxville - Knox County - KUB Geographic Information System



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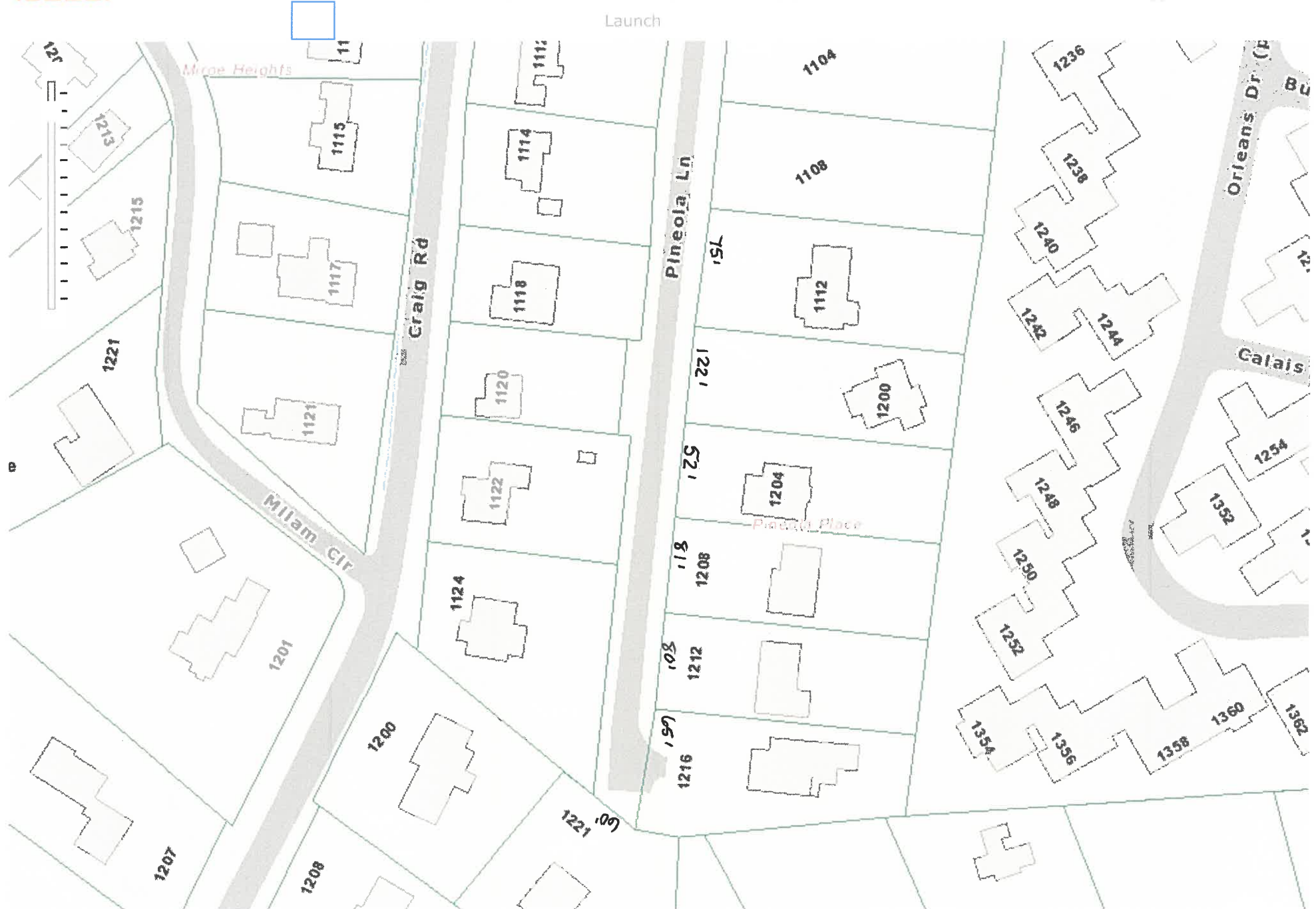


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Search By: Add

Enter Address: 1108 PINE





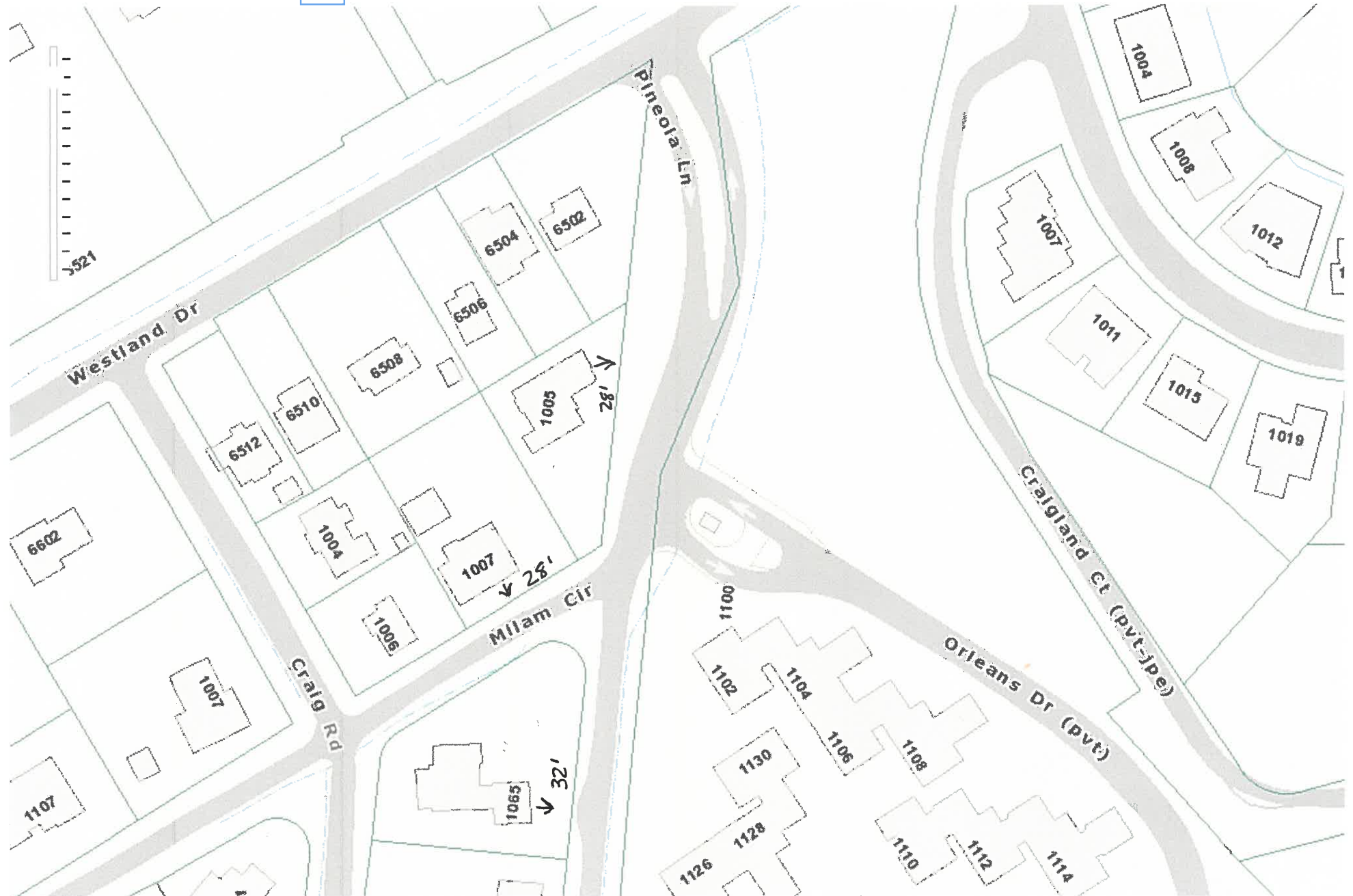
KGIS Maps
a Kgis website

Search By: **Add**

Enter Address: 1106 PINE



Launch

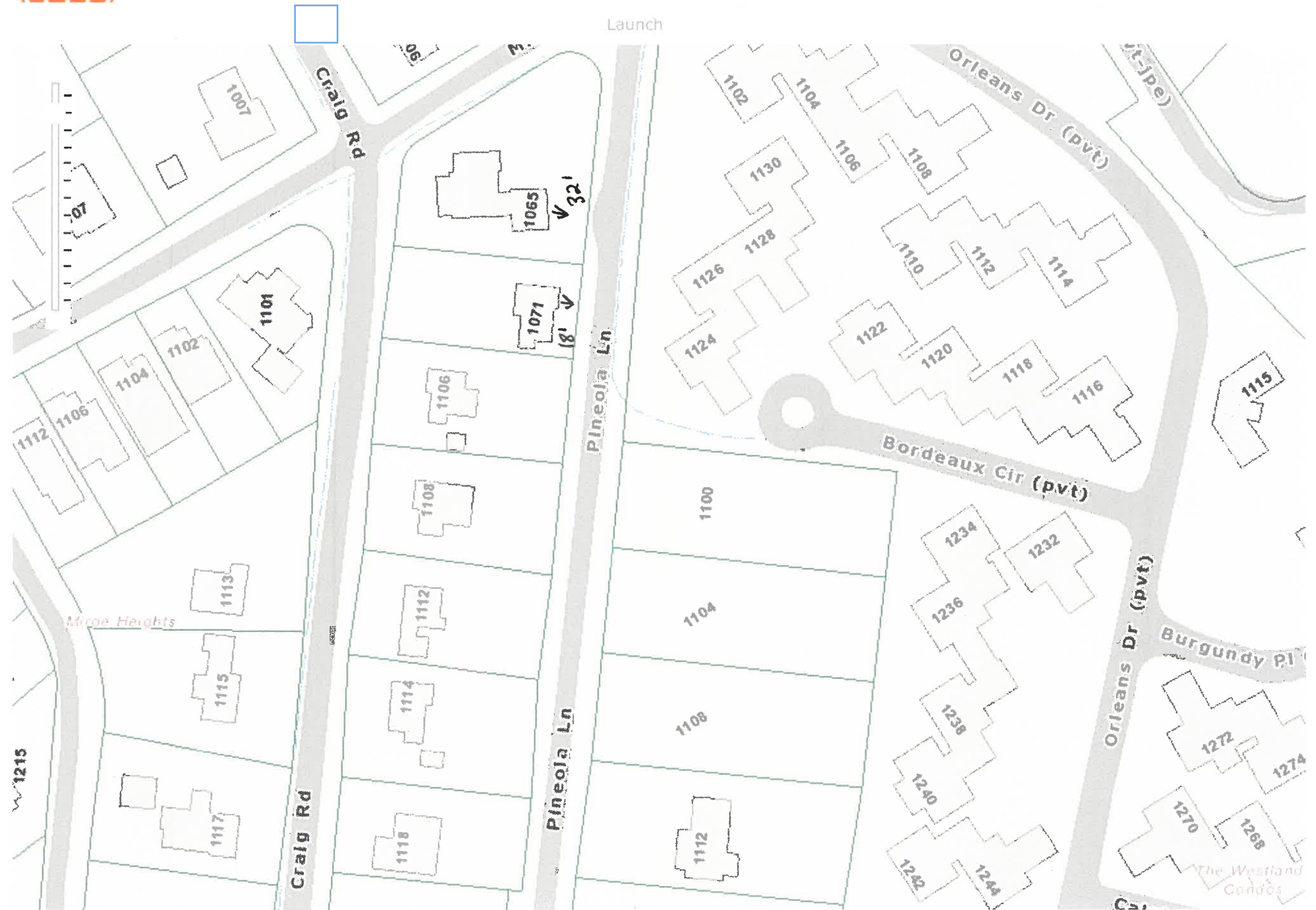




KGIS Maps
a Kgis website

Search By: Add

Enter Address: 1106 PINE





SITE DEVELOPMENT PERMIT

APPLICATION DATE: 11/20/2019

PERMIT NUMBER: DSD19-0480

REVIEWER: Linda Pierucci

TITLE: SFR-1108 PINEOLA LN

OWNER OR AGENT: HAMM WILLIAM MARK

PHONE NUMBER:

ADDRESS: 1225 ANSLEY WOOD WAY
KNOXVILLE TN 37923

CONTRACTOR NAME:

PHONE NUMBER:

ADDRESS:

CONTACT NAME: JULIE DUPREE

PHONE NUMBER: 310-2471

MAINTENANCE AGREEMENT: N

PERFORMANCE BOND AMOUNT: \$0.00

LOCATION OF WORK: 1108 PINEOLA LN /

WARD: 51 CITY BLOCK: 51600

ZONE: R-1 / /

CLT NUMBER: 1210A00501

REQUIREMENTS:

1. This permit does not constitute approval for entrance design, curbing, parking layout, building location and setbacks.
2. Adequately sized drainage swales must be maintained by contractor during and after construction along all appropriate property lines.
3. The property owner, developer and contractor agree to install, inspect and maintain adequate erosion and sediment controls ("controls") in accordance with the City of Knoxville's Best Management Practices and Land Development Manuals or as per the approved site plan before beginning any site development and during site development and construction. "Site development" includes physically altering the site, clearing vegetation, grading, and providing utilities and access. Controls shall not be removed until the site has been adequately stabilized to prevent erosion to the satisfaction of the City.
4. Earthen slopes may be no greater than 2 to 1 at any time. Construct final slopes per approved grading plan.
5. This permit expires one year from date of issue.
6. Additional requirements may be required by the field inspector at the time of construction or inspection.
7. Plans must be revised and approved in writing by the City of Knoxville, Department of Engineering prior to implementing changes in the field.
8. This permit does not constitute approval of utility installations and modifications which are obtained from utility owner.
9. Statewide TN One-Call Utility Location Service is 1-800-351-1111; allow three working days.

REMARKS:

RGER - ROUGH GRADING/ERSN/SED

APPROVALS

DRAINAGE DESIGN: _____ EROSION CONTROL: ARBORIST: _____

ZONING: _____ USE ON REVIEW: _____

I, THE UNDERSIGNED OWNER OR AGENT, CERTIFY THAT I HAVE AUTHORITY TO PERFORM THE WORK AUTHORIZED BY THIS PERMIT. I UNDERSTAND ALL OF THE REQUIREMENTS STATED ON THIS PERMIT AND ANY ATTACHED SITE PLANS AND/OR LETTERS. I ALSO UNDERSTAND THAT FAILURE TO COMPLY WITH THESE REQUIREMENTS MAY RESULT IN A CIVIL PENALTY BY THE CITY OF KNOXVILLE OF NOT LESS THAN FIFTY DOLLARS (\$50) OR NOT MORE THAN FIVE THOUSAND DOLLARS (\$5,000) PER DAY FOR EACH DAY OF VIOLATION. EACH DAY OF VIOLATION SHALL CONSTITUTE A SEPARATE VIOLATION.

SIGNATURE OF OWNER OR AGENT

PERMIT FEE: \$10.00

PAYMENT: _____

DATE: _____

PERMIT ISSUED BY

DATE: 11-20-19

RECEIVED BY: _____

4-L-20-VA



EXISTING
HOUSE SEAT
30' SETBACK

4-6-20-VA



↑ 72' Setback back
Corner Pin

11-6-20-VA



72' back corner Drainage concern for 1112 Pinedale

LI-L-20-VA



Certificate of Ownership and General Dedication.

I, We, the undersigned owner(s) of the property shown herein, hereby adopt this as (my, our) plan of subdivision and dedicate the streets as shown to the public use forever and hereby certify that I am, we are the owner(s) in fee simple of the property, and as property owner(s) have an unrestricted right to dedicate right-of-way and/or grant easement as shown on this plat.

Owner(s) Printed Name: WILLIAM MARK HAMM

Signature(s): [Signature]

Date: 6-26-19

State of TN, County of KNOX

On this 26 day of June, 2019

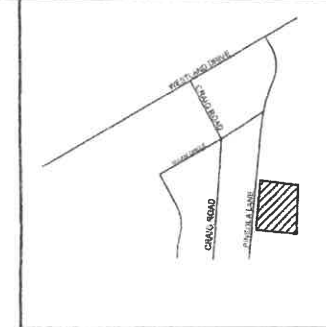
Before me personally appeared

WILLIAM MARK HAMM to me known to be the person described in, and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed. Witness my hand and notarial seal, this day and year above.

Notary's Signature & Seal

My commission expires 6-22-2021

THIS SURVEY WAS PREPARED USING A COMBINATION OF TOTAL STATION AND R.T.K. G.P.S. DATA COLLECTION.
G.P.S. RECEIVER INFO: SOKKIA MESA S/N 144387, TOPCON ANTENNA: PG-S1. TOTAL STATION: TOPCON GPT-8205A
VERTICAL DATUM IS NAVD83, GEOD12



Certification of Final Plat - All Indicated Markers, Monuments and Benchmarks Set.

I hereby certify that I am a registered land surveyor licensed to practice surveying under the laws of the State of Tennessee. I further certify that this plat and accompanying drawings, documents, and statements conform, to the best of my knowledge, to all applicable provisions of the Knoxville/Knox County Subdivision Regulations except as has been itemized, described and justified in a report filed with the Metropolitan Planning Commission, or for variances which have been approved as identified on the final plat. The indicated permanent reference markers and monuments, benchmarks and property monuments were in place on the 17 day of April, 2019.

Registered Land Surveyor: [Signature]

Tennessee License No. 767
Date: 4/17/19

Certification of Category and 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 is a Category 1 survey and the ratio of precision of the unadjusted survey is not less than 1/4000 as shown herein and that said 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: [Signature]

Tennessee License No. 963
Date: 4/17/19

Addressing Department Certification

I, the undersigned, hereby certify that the subdivision name and all street names conform to the Knoxville/Knox County Street Naming and Addressing Ordinance, the Administrative Rules of the Planning Commission, and these regulations.

Signed: [Signature]
Date: 6/21/19

Zoning district(s) in which the land being subdivided is located shall be indicated as shown on the zoning map by the Planning Commission as follows:

Zoning shown on Official Map: RP-1/R-1

Date: 6/21/19

By: [Signature]

This is to certify that all property taxes and assessments due on this property have been paid.

Knox County Trustee: Signed: [Signature]

Date: 6-21-19

City of Knoxville: Signed: [Signature]

Date: 6-21-19

This is to certify that the subdivision shown hereon is approved subject to the installation of sanitary sewers and treatment facilities, and that such installation shall be in accordance with state and local regulations.

Knox County Health Department: [Signature]

Date: 6-21-19

City of Knoxville Department of Engineering
The Knoxville Department of Engineering hereby approves this plat on this the 26th day of June, 2019
[Signature]
Engineering Director

Certification of Approval for Recording - Final Plat

This is to certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of Knoxville and Knox County and with existing official plans, with the exception of any variances and stipulations noted on this plat and in the minutes of the Knoxville-Knox County Metropolitan Planning Commission, on this the 26 day of June, 2019, and that the record plat is hereby approved for recording in the office of the Knox County Register of Deeds. Pursuant to Section 13-3-405 of Tennessee Code, Annotated, the approval of this plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the City of Knoxville or Knox County of the dedication of any street or other ground upon the plat.

Signed: [Signature]

Date: 6-21-19



370' TO EXTENDED
C/L OF MILAM CIRCLE

WESTLANDS HOMEOWNERS
1660 - 581

ZONED R-1
ZONED RP-1

PINEOLA LANE

C/L PAVEMENT

217.69'
S 83°44' E

1
18105 SQ. FT.
0.42 AC.

216.79'
S 83°44' E

2
18027 SQ. FT.
0.41 AC.

215.89'
S 83°44' E

3
18154 SQ. FT.
0.42 AC.

214.98'
N 84°14' W

AYO
201301020043438
PINEOLA PLACE
PC "N" 95-C

LOT 1

GRAPHIC SCALE



WILLIAM MARK HAMM
1225 ANSLEY WOOD WAY
KNOXVILLE, TN 37923
(865) 207-4516

JOB NO. 1904012

1. IRON PIN AT EACH CORNER.
2. 10' UTILITY AND DRAINAGE INSIDE ALL EXTERIOR LOT LINES ADJOINING STREETS AND PRIVATE RIGHTS-OF-WAY (INCLUDING JOINT PERMANENT EASEMENTS). EASEMENTS OF FIVE (5) FEET IN WIDTH SHALL BE PROVIDED ALONG BOTH SIDES OF ALL INTERIOR LOT LINES AND ON THE INSIDE OF ALL OTHER EXTERIOR LOT LINES.
3. 3 LOTS EQUALING 1.25 ACRES.
4. BUILDING SETBACKS
FRONT = 25'
SIDE = 5'
REAR = 15'
PERIPHERAL SETBACK 25'
5. SETBACKS ARE DEFAULTS PER ZONING. FINAL SETBACKS, BEFORE CONSTRUCTION, WILL BE SET BY USE ON REVIEW.

WESTLANDS HOMEOWNERS
1660 - 581

4-K-20-VA
4-L-20-VA

6-SC-19-F

FINAL PLAT OF THE
WILLIAM HAMM PROPERTY

DISTRICT 6 WARD 51 CITY BLOCK 51600 CITY OF KNOXVILLE
INSTR. 201904040058137 KNOX COUNTY
C.L.T. MAP 1210 A 005

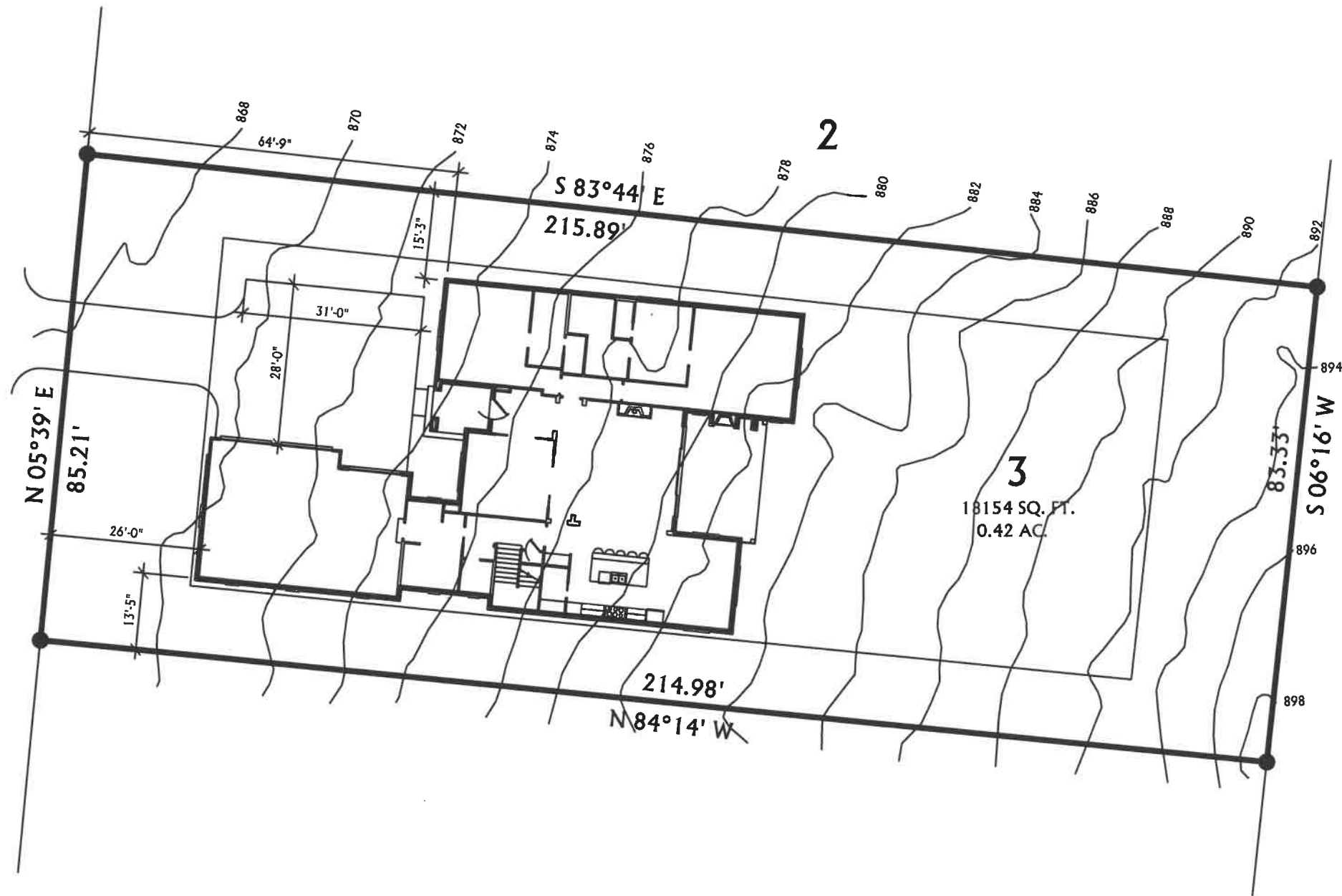
SCALE: 1"=30' DATE: 4/17/2019

HINDS SURVEYING CO.
3555 WINDY J FARMS DR. LOUISVILLE, TN 37777
PH. 588-9799 FAX. 233-3393
WWW.HINDSSURVEYING.COM

51600-62

INSTRUMENT
201906260076999

C/L PINEOLA LANE
PAVEMENT



U-L-20-VA