

File #

2-6-19-VA



# BOARD OF ZONING APPEALS APPLICATION

## APPLICANT INFORMATION

Name 1410 Boyd LLC  
 Street Address 322 Douglas Avenue  
 City, State, Zip Knoxville, Tennessee 37921-4813  
 Phone Number 865-607-4357  
 Email marlowpropertyllc@gmail.com

## APPLICANT IS:

Owner ☒  
 Contractor ☒  
 Tenant ☐  
 Other ☐

## THIS PROPOSAL PERTAINS TO:

New Structure ☒  
 Modification of Existing Structure ☒  
 Off Street Parking ☐  
 Signage ☐  
 Other ☐

## 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 1410 Boyd Street  
 City, State, Zip Knoxville, Tennessee 37921-4813  
 Parcel # (see KGIS.org) 094FP018  
 Zoning District (see KGIS.org) R1A

## 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.

General Repairs began on the house, built circa 1915-1920. Part of the plans were to remove a previously enclosed front porch that protruded from the front of the original house approximately 6' to within 4' of the front property line/edge of sidewalk; remove a porch that was later added to the original house that protruded approximately 8' to within 2' of the front property line/edge of sidewalk; remove the enclosure around the original front porch; and then repair and rehabilitate the original house, including the later added addition in the rear. The house would be reduced in sq. footage to approximately 980 down from 1,140.

During construction it was determined the house's original pier and timber construction was in poor shape and it was best to replace with a continuous footer and foundation along the exterior walls and re-frame to 2012 IRC. We proceeded with this plan without modifying our previous building permit until on 18 January when a stop work order was issued. At this point in time we were in the process of pouring the footers along the original exterior of the house. The building inspector that delivered the stop work order conducted an informal footer inspection and permitted us to pour the footers so the concrete didn't go to waste and further instructed to file a site plan and updated scope of work to plans and review.

During the meeting with plans and review department on 22 January it was discovered the original house straddled two old lots. A survey has been requested and the two old lots shall be combined, however, the front set back requires a variance. The original house for the past 100 years sat approximately 10' from the front property line; and our new footer is in the same location as the original house (the original roof is still suspended above).

### Describe hardship conditions that apply to this variance.

This project began as a general repair that became more involved. The budget has now more than doubled; this property is pledged collateral in the amount of \$150,000, payments to commence in June 2019. The added costs of the survey and re-platting plus the costs of this variance request continue to add to the financial hardships associated with this project. We had already begun pouring the footers under the original roof line, which we have suspended above these new footers in the same position relative to the front lot setback it has existed in since it was originally constructed approximately 100 years ago. We pride ourselves in our renovations and restorations of older homes through out the Mechanicsville neighborhood—having fully restored over a dozen homes within 3 blocks of this parcel keeping their original footprints and historic charm. We wish to keep this house on the original footprint (and have voluntarily eliminated approximately 160 sq feet of non-original footprint along the front setback to make the house appear the way it did when originally constructed from the street view. Further, due to the approximate 4' tall retaining wall along the front property line should this house be pushed back to modern setbacks it would appear out of character and place. The house next door (1412 Boyd), one of my fully remodeled homes, sits approximately 12' from the front of the road; and my house on the corner (1418 Boyd) sits within 6' of the front line along Boyd Street; and within 4' feet of the line along Douglas Avenue. These are the only original homes remaining along this block as the house.

## 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 22 January 2019

## **2-G-19-VA: 1410 Boyd Street Hardship Entry per Applicant:**

This project began as a general repair that became more involved. The budget has now more than doubled; this property is pledged collateral in the amount of \$150,000, payments to commence in June 2019. The added costs of the survey and re-platting plus the costs of this variance request continue to add to the financial hardships associated with this project. We had already begun pouring the footers under the original roof line, which we have suspended above these new footers in the same position relative to the front lot setback it has existed in since it was originally constructed approximately 100 years ago. We pride ourselves in our renovations and restorations of older homes through out the Mechanicsville neighborhood--having fully restored over a dozen homes within 3 blocks of this parcel keeping their original footprints and historic charm. We wish to keep this house on the original footprint (and have voluntarily eliminated approximately 160 sq feet of non-original footprint along the front setback to make the house appear the way it did when originally constructed from the street view. Further, due to the approximate 4' tall retaining wall along the front property line should this house be pushed back to modern setbacks it would appear out of character and place. The house next door (1412 Boyd), one of my fully remodeled homes, sits approximately 12' from the front of the road; and my house on the corner (1418 Boyd) sits within 6' of the front line along Boyd Street; and within 4' feet of the line along Douglas Avenue. These are the only original homes remaining along this block as the house.

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CITY OF KNOXVILLE

## BOARD OF ZONING APPEALS APPLICATION

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

Is a plat required?

Yes



No



Small lot of record/substandard lot



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

Reduce front yard setback from 25' to 8.5' per Article 4, Section 2.1.2.D.1.a.

Reduce required parking spaces from 2 to 0 per Article 5, Section 7.D.1 Table 1 as per submitted plans to construct a new detached house.

REVISED

## PROJECT INFORMATION

Date Filed 01/22/2019

Fee Amount \$250

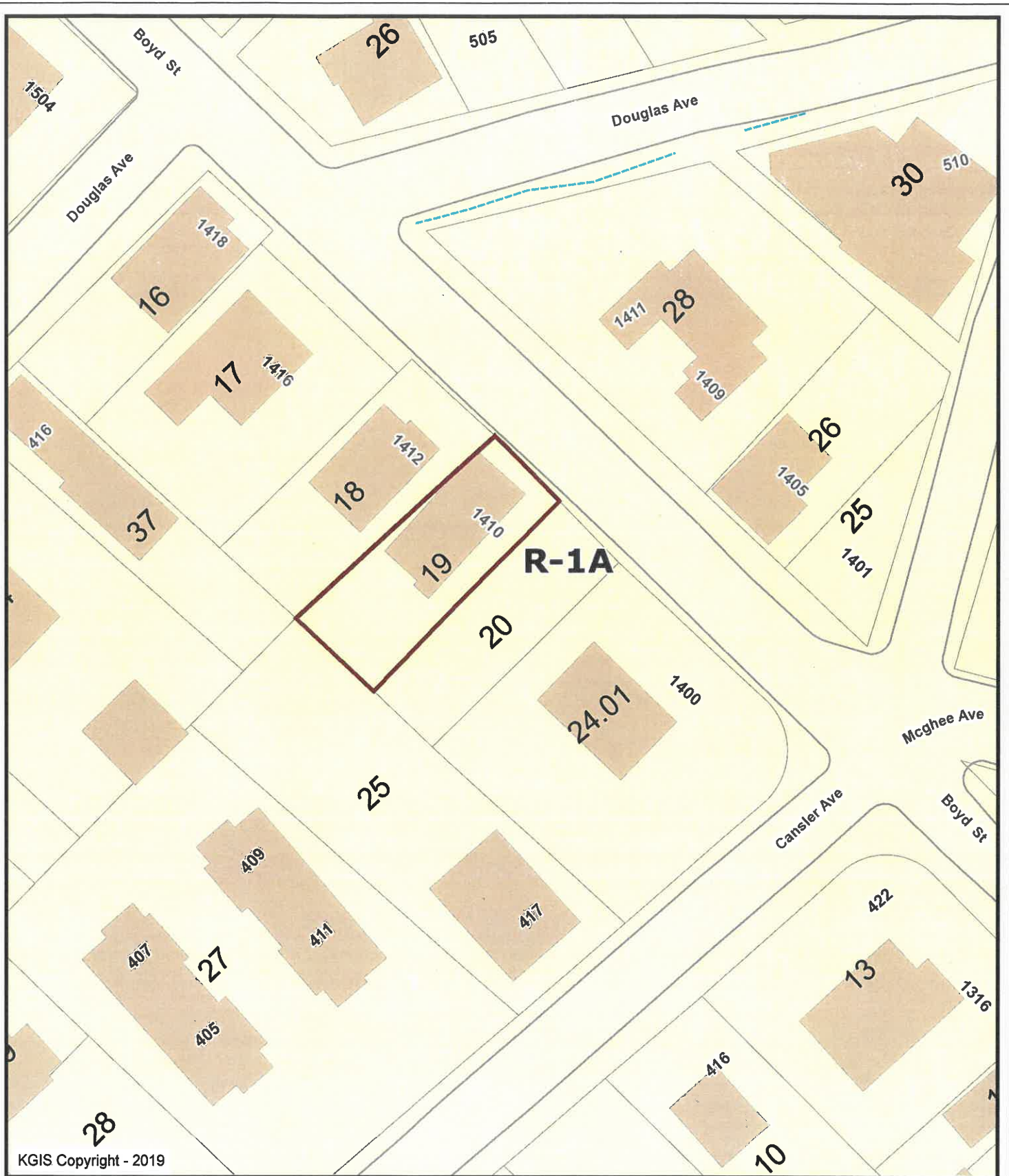
PA 1/23/19 \$250 JH CR

Council District 6

BZA Meeting Date 02/21/2019

PLANS REVIEWER Lori Hearl - (Scott Elder revised 2-28-19)

DATE 01/22/2019



**2-G-19-VA**

1410 Boyd St.

1410 Boyd LLC

**Knoxville - Knox County - KUB Geographic Information System**



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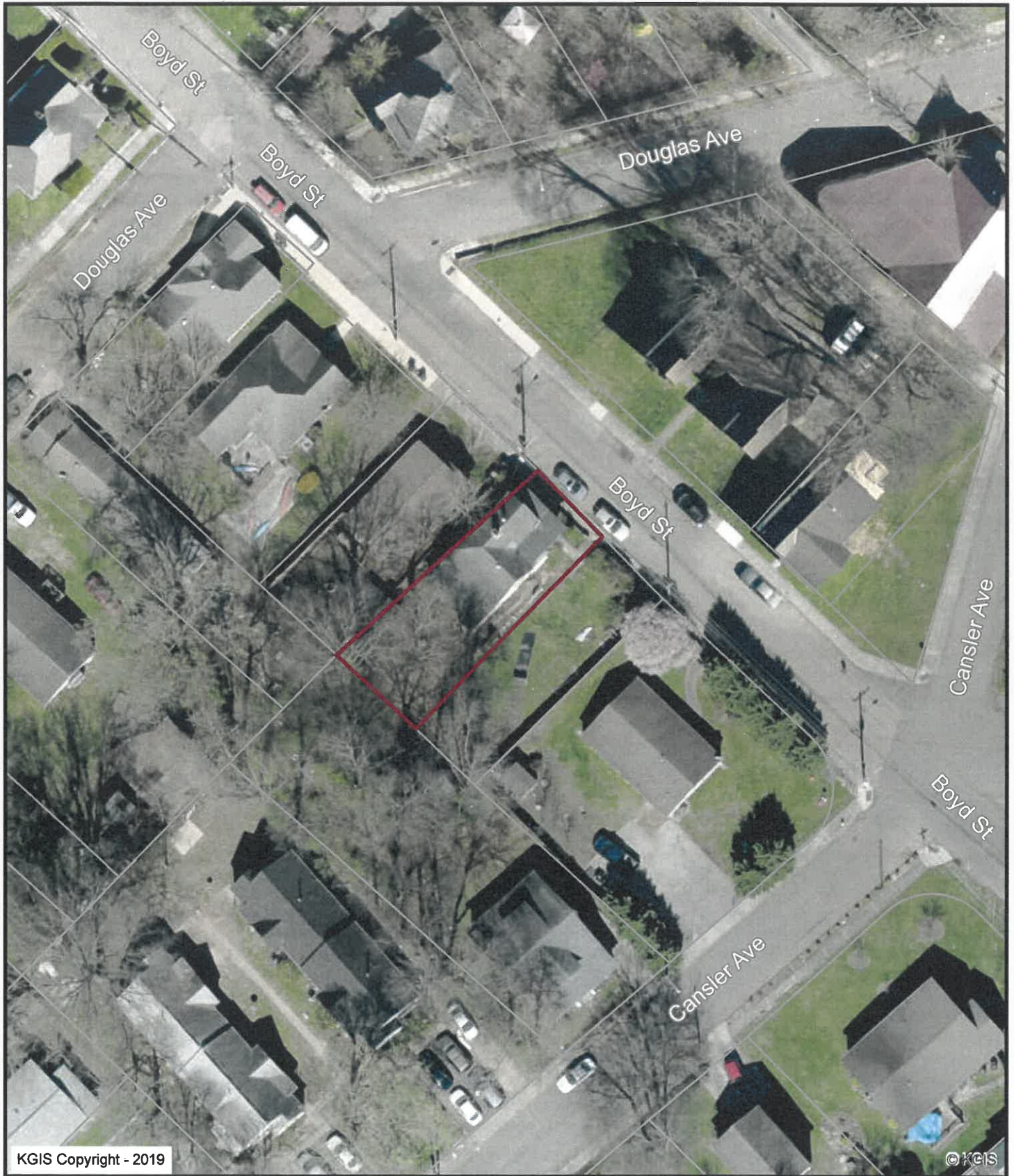


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**2-G-19-VA**

1410 Boyd St.

1410 Boyd LLC

**Knoxville - Knox County - KUB Geographic Information System**

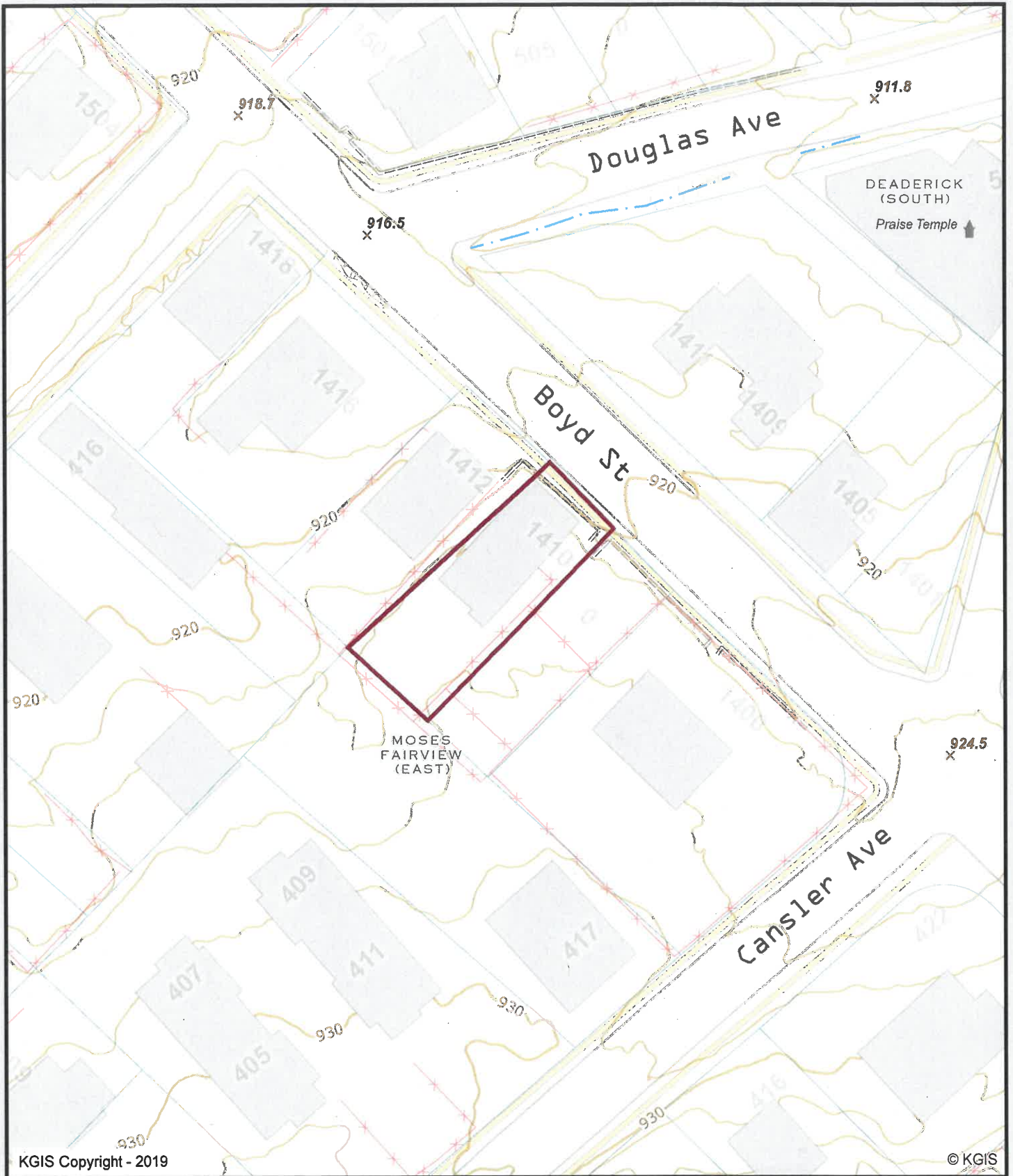


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**2-G-19-VA**

1410 Boyd, LLC.

1410 Boyd St.

**Knoxville - Knox County - KUB Geographic Information System**



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2-6-19-VA



## Juliana LeClair

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**From:** Steve Borden <Steve.Borden@tn.gov>  
**Sent:** Thursday, February 07, 2019 3:54 PM  
**To:** Juliana LeClair  
**Subject:** RE: City of Knoxville - February BZA Applications

Please find TDOT District 18 responses below:

2A19VA – No Comment  
2B19VA – No Comment  
2C19VA – No Comment  
2D19VA – No Comment  
2E19VA – No Comment  
2F19VA – No Comment  
**2G19VA** – No Comment  
2H19VA – No Comment



**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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**From:** Juliana LeClair [<mailto:JLeClair@knoxvilletn.gov>]  
**Sent:** Wednesday, February 6, 2019 1:08 PM  
**To:** Steve Borden  
**Subject:** City of Knoxville - February BZA Applications

Hello,

Please see the attached applications for your review. If we could have the responses by the end of the day on Friday, 2/15 it would be appreciated.

Thank you!

Juliana LeClair - Principal Secretary  
Plans Review & Inspections Department  
City of Knoxville - City County Building  
400 Main St., Room 475  
Knoxville, TN. 37902  
Phone: (865) 215-2988  
[jleclair@knoxvilletn.gov](mailto:jleclair@knoxvilletn.gov)



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February 15, 2019

Mr. Scott Elder  
Board of Zoning Appeals  
Room 505, City-County Building  
P. O. Box 1631  
Knoxville, Tennessee 37901

Dear Mr. Elder:

**Re: Variance Requests 2-A-19-VA through 2-H-19-VA**

2-6

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,



Christian G. Wiberley  
Engineering

CGW



**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: **R. BENTLEY MARLOW**

Owner(s) Printed Name: \_\_\_\_\_

Signature(s): \_\_\_\_\_

Signature(s): \_\_\_\_\_

Date: \_\_\_\_\_

In the City of Knoxville, all final plats shall include the following notary certification stamp that relates to and shall be located under the owner(s) certification stamp: State of \_\_\_\_\_ County of \_\_\_\_\_ On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, 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.

Written: \_\_\_\_\_ Notary My Commission expires: \_\_\_\_\_ Seal

**Zoning.**

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: \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_

**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: \_\_\_\_\_

Date: \_\_\_\_\_

**Certification that taxes and assessments have been paid shall be as follows:**

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

City Tax Clerk: Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Knox Co. Trustee: Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**City of Knoxville Department of Engineering The Knoxville Department of Engineering hereby approves this plat on**

this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_

Engineering Director

**In the City of Knoxville and Sewered Areas of Knox County.**

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: \_\_\_\_\_

Date: \_\_\_\_\_

**Certification of Category and Accuracy of Survey.**

I hereby certify that this is a Category \_\_\_\_\_ survey and the ratio of precision of the unadjusted survey is not less than 1:\_\_\_\_\_, as shown hereon and that said survey was prepared in compliance with the current edition of the Rules of the Tennessee State Board of Examiners for Land Surveyors - Standards of Practice.

Registered Land Surveyor: \_\_\_\_\_ Tennessee License No. \_\_\_\_\_ Date: \_\_\_\_\_

**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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Registered Land Surveyor: \_\_\_\_\_ Tennessee License No. \_\_\_\_\_ Date: \_\_\_\_\_

THIS IS TO CERTIFY THAT THIS SURVEY WAS DONE (USING GPS) AND THAT THE FOLLOWING INFORMATION WAS USED TO DO SO.

TRACY WIDNER, TNS, RLS 2115  
TYPE OF SURVEY: RTK  
POSITIONAL ACCURACY: N-10MM+1:0.8PPM  
DATE OF SURVEY: 1-24-19  
DATUM/EPOCH: NAD83-NO TRANS  
PUBLISHED FIXED CONTROL USED: TDOT CORS  
GEOID MODEL: 2012AUG  
COMBINED GRID FACTOR: N/A



**NOTES :**

1. SUBJECT TO EASEMENTS OR RIGHT -OF-WAYS, OR CLAIMS OF EASEMENTS OR RIGHT-OF-WAYS, NOT SHOWN BY THE PUBLIC RECORDS.
2. EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON, THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL.
3. PROPERTY ZONED R-1A. PROPERTY IS SUBJECT TO ANY AND ALL RESTRICTIONS, CONDITIONS, PLANNING COMMISSION REGULATIONS, ZONING ORDINANCES, RIGHTS-OF-WAY, EASEMENTS, AND BUILDING SETBACK REQUIREMENTS, IF ANY, AFFECTING SAID PROPERTY. ONLY THOSE FEATURES CLEARLY EVIDENT UPON THE SURFACE OF THE GROUND AND/OR NOTED IN THE DEED REFERENCED HEREON ARE SHOWN.
4. UTILITY AND DRAINAGE EASEMENT SHALL BE TEN (10) FEET IN WIDTH INSIDE ALL EXTERIOR LOT LINES ADJOINING STREETS AND PRIVATE RIGHTS-OF-WAYS (INCLUDING JOINT PERMANENT EASEMENTS) AND FIVE (5) FEET IN WIDTH SHALL BE PROVIDED ALONG BOTH SIDES OF ALL INTERIOR LINE LINES AND ON INSIDE OF ALL OTHER EXTERIOR LOT LINES, (EXCEPT UNDER EXISTING BUILDINGS).
5. 4 LOTS CONTAINING 13,874 SQ.FT. 0.318 ACRES.
6. REFERENCE : DEED INSTR. 201701100043286  
DEED INSTR. 201701100043285  
DEED INSTR. 201701100043289  
DEED INSTR. 201701100043290  
MAP BK. 5, PG. 174 - MAP CAB. A, SLIDE 140B
7. CATEGORY " I " SURVEY; RATIO OF PRECISION 1:10,000.

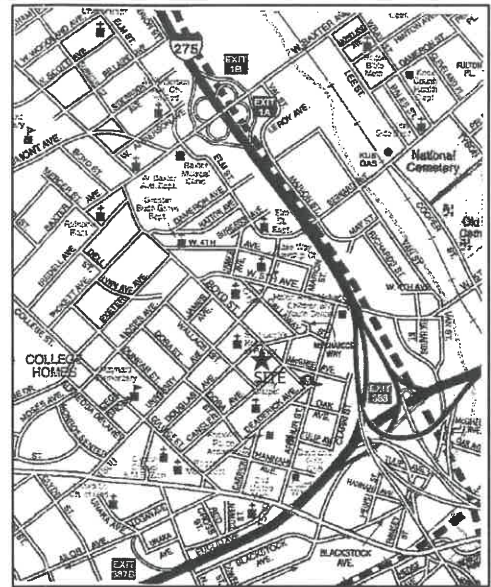


BEARINGS SHOWN ON PLAT HAVE BEEN BASED ON A BEARING OF N 46°54'25" E 485.59' (GRID) BETWEEN CITY MON.NO. 0720 TO CITY MON.NO. 0719

**VARIANCES APPROVED BY BOARD OF ZONING**

**LOT 81R :**

- VARIANCE OF REQUIRED RADIUS AT THE INTERSECTION OF DOUGLAS AVENUE AND BOYD STREET OF 25' TO 0'
  - VARIANCE OF REQUIRED R.O.W. SETBACK FROM 25' TO 20' ON BOYD STREET
  - VARIANCE OF REQUIRED R.O.W. SETBACK FROM 25' TO 20' ON DOUGLAS AVENUE
- LOT 84R1, LOT 84R2, & LOT 84R3
- VARIANCE OF REQUIRED R.O.W. SETBACK FROM 25' TO 20' ON BOYD STREET



LOCATION MAP (N.T.S.)

OWNER:  
1408 BOYD LLC  
1410 BOYD LLC  
1412 BOYD LLC  
1418 BOYD LLC  
SUBSIDIARY OF MARLOW PROPERTIES LLC  
OWNER - R. BENTLEY MARLOW  
322 DOUGLAS STREET  
KNOXVILLE, TN 37921  
PHONE: 865-607-4357

**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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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: \_\_\_\_\_

Date: \_\_\_\_\_

**FINAL PLAT**

LOTS 81R, 84R1, 84R2 and 84R3  
RESUBD. OF PART OF LOT 82 and PART OF LOT 84  
AND  
PART OF LOT 81 and PART OF LOT 83  
FAIRVIEW JOHN L. MOSES ADDITION TO  
THE CITY OF KNOXVILLE, TENN.

DISTRICT 1 KNOX CO., TN

WARD 9, CITY OF KNOXVILLE, TN

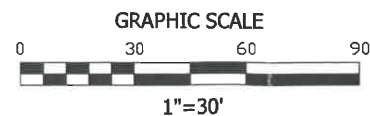
CITY BLOCK 09164

TAX MAP 094F GROUP P, PARCELS 016,018,019 & 020

DATE: JAN. 24, 2019

"THE APPROVAL OF THIS PLAT DOES NOT INCREASE ANY ZONING NON-CONFORMITIES FOR THE EXISTING STRUCTURES ON THE PROPERTY NOR DOES IT CHANGE THE NONCONFORMING STATUS OF THE EXISTING STRUCTURES. DOCUMENTATION AS TO THE LEGAL STATUS OF THE STRUCTURES OR VARIANCES FROM THE BOARD OF ZONING APPEALS MAY BE REQUIRED AT SOME LATER DATE FOR PERMIT APPLICATIONS OR OTHER DEVELOPMENT APPROVALS."

- LEGEND
- △ NON-MONUMENT POINT
  - ⊙ EXISTING IRON PIN
  - ⊙ SET IRON PIN
  - ⊙ MANHOLE



T.M.W. LAND SURVEYING INC.  
P.O. BOX 18358  
KNOXVILLE, TN 37928  
PHONE: 865-689-4303

tmwlandsurveying@comcast.net

DRAWING NO. 19-008

2-6-19-VA