

File #

10-C-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: Trenton D. Smith	Owner <input checked="" type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Street Address: 708 E. Woodland Ave	Contractor <input type="checkbox"/>	Modification of Existing Structure <input type="checkbox"/>
City, State, Zip: Knoxville, TN 37917	Tenant <input type="checkbox"/>	Off Street Parking <input type="checkbox"/>
Phone Number: 8653851167	Other <input type="checkbox"/>	Signage <input type="checkbox"/>
Email: smithtdean@gmail.com		Other: <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 : 820 N. Third Avenue City, State, Zip: Knoxville, TN 37917  
 See KGIS.org for Parcel #: 081MK017 and Zoning District: RN-2

## 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.

We are requesting a variance for the rear setback of this property be waived from 25' to 10' in accordance with recommendations made by the historic Zoning Commission. Altering the setback requirement would allow for more continuity in the historic overlay. There is one existing building that fronts this right-of-way. The existing building is situated beyond the 25' rear set back as well. The alteration of this setback is a condition of approval from the Historic Zoning Commission.

Describe hardship conditions that apply to this variance.

The construction of the interstate has reduced the original dimensions of this property. Conditions set by the Historic Zoning Commission would require the amending of the setback requirement for construction of our proposed home.

## 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 Trenton Smith

Digitally signed by Trenton Smith  
 Date: 2020.09.17 14:05:32 -04'00'

DATE 09/17/20

File #

10-C-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):**

1. Decrease the minimum rear setback from 25 feet to 10 feet for the construction of a single-family dwelling in a RN-2 district (Article 4.3.A, Table 4-1).

**PROJECT INFORMATION**

Date Filed 9-21-2020

Fee Amount \$250

Council District 4

BZA Meeting Date 10-15-2020

PLANS REVIEWER Bryan Berry

DATE 9-22-2020





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820 N. Third Ave.

10-C-20-VA  
Trenton D. Smith

Knoxville - Knox County - KUB Geographic Information System

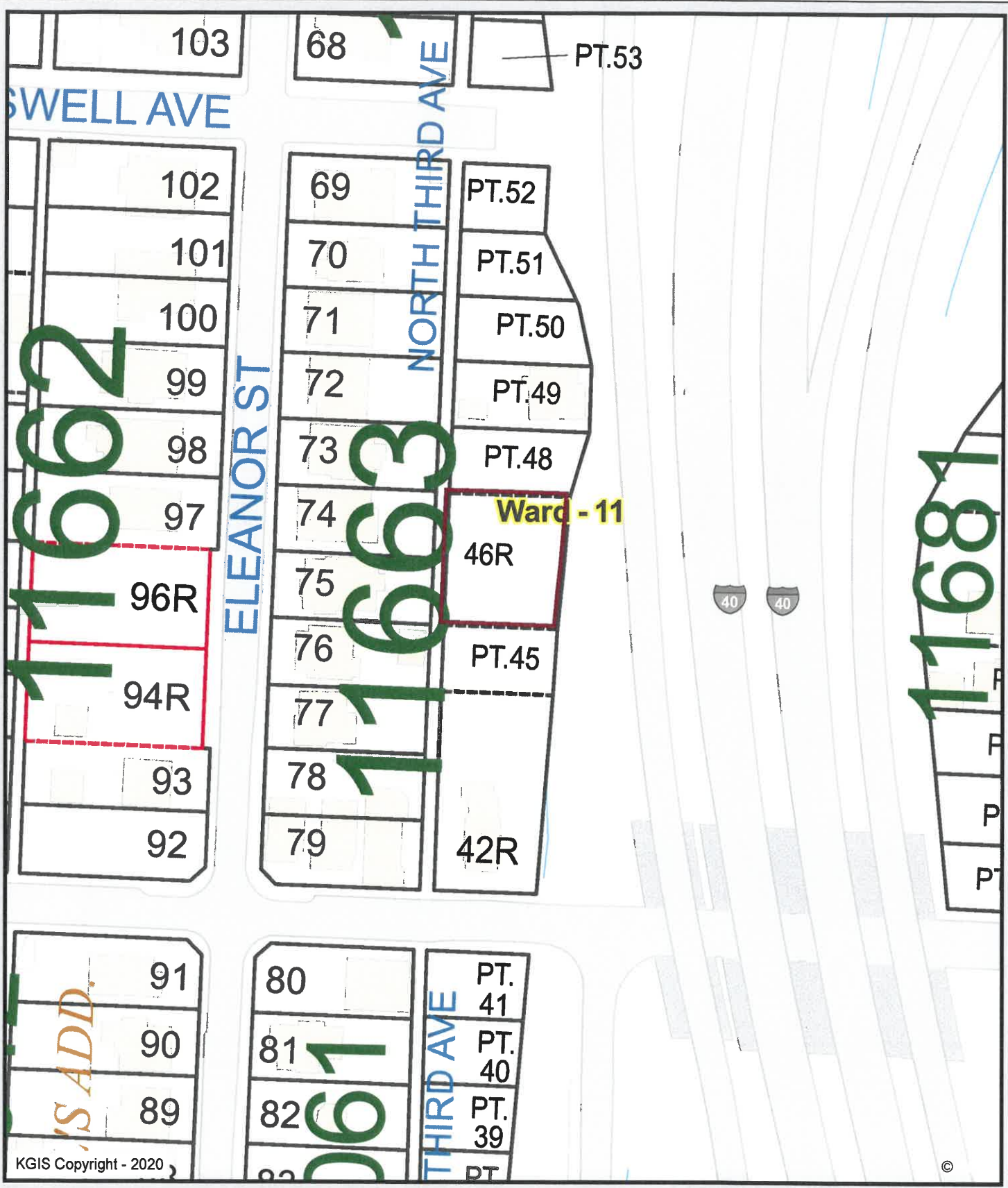


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820 N. Third Ave.

10-C-20-VA  
Trenton D. Smith

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820 N. Third Ave.

10-C-20-VA

Trenton D. Smith

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

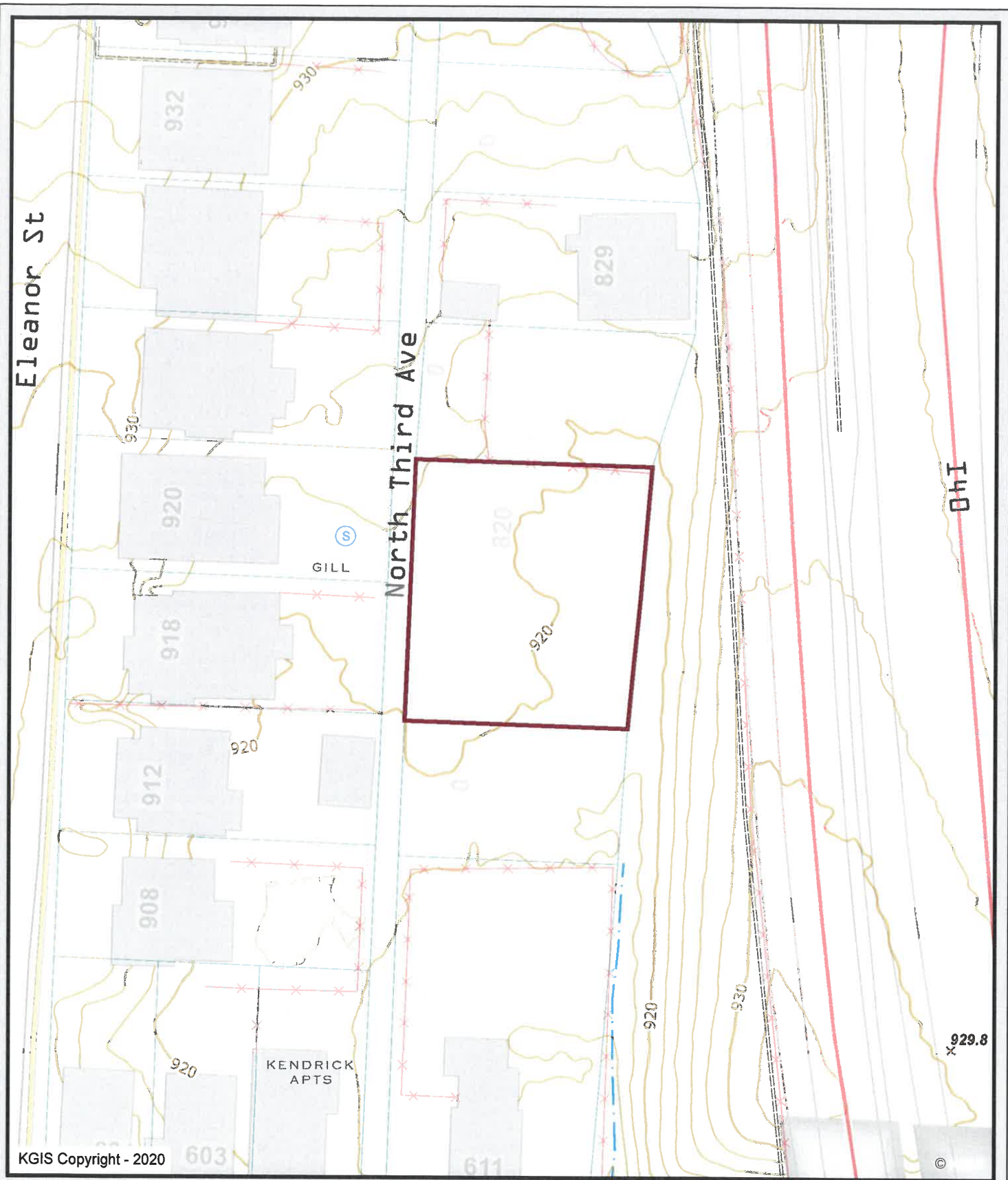


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820 N. Third Ave.

10-C-20-VA  
Trenton D. Smith

Knoxville - Knox County - KUB Geographic Information System



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**829 N. Third Avenue**  
Setback from existing structure



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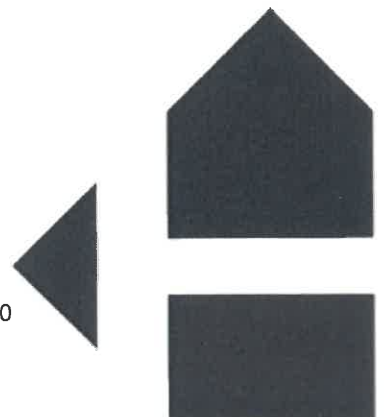
10-C-20-VA



**FROM:** Lindsay Crockett, Historic Preservation Planner  
**DATE:** September 18, 2020  
**SUBJECT:** Historic Zoning Commission, case no. 3-G-20-HZ  
**ADDRESS:** 820 N. 3rd Avenue

**COMMENTS:**

The proposed new construction at 820 N. 3rd Avenue was approved by the Knoxville Historic Zoning Commission at the August 20, 2020 meeting with the condition that the house's rear setback be reduced to approximately 10', so the house's façade would align with the one other extant historic house on the block. Relevant minutes from the meeting are attached.





2036 Jefferson Ave. / Parcel ID 82 J T 002 – Installation of solar panels (8-H-20-HZ)

**Discussion:** Lindsay Crockett reviewed the staff report and staff recommendation of approval.

David Grant, 2036 Jefferson Avenue, was present to discuss the application for review. Mr. Grant did not have anything to add to the Staff Report or recommendation.

David Nix, 2413 E. Fifth Avenue, Edgewood-Park City Neighborhood Representative, stated that the neighborhood did not have any concerns with the proposed solar panels since they are not visible from the street or a permanent addition.

Commissioner Blackburn asked the applicant if they have someone in mind for the installation of the solar panels or if they plan to install them himself. Mr. Grant stated that he plans to do most of the installation himself but does plan to get an electrician involved for final review. Lastly, Comm. Blackburn inquired about whether or not the solar panels will supplement or replace the power supply to this house. Mr. Grant answered by stating that the solar panels will subsidize his power supply by roughly a 1/3 to 1/2.

**Action:** *Comm. Swilley moved that the application submitted for 2036 Jefferson Avenue be approved as proposed per staff recommendation. The Motion was seconded by Comm. Mitchell.* A roll-call vote was taken. *The Motion carried unanimously.*

**Result:** Approved 7-0.

#### Fourth and Gill H

820 N. 3rd Ave. / Parcel ID 81 M K 017 - Construction of a new house (3-G-20-HZ)

**Discussion:** Lindsay Crockett reviewed the staff report and staff recommendation

Trenton Smith, 708 E. Woodland Avenue, was present to discuss the application for review. Mr. Smith briefly touched on some of the comments provided by staff and the Fourth and Gill neighborhood such as front and rear setbacks, the addition of a chimney, and the alternate side view showing the gable roof on the back as recommended by staff.

Melinda Whetsel, 1015 Luttrell Street, was present to discuss the application. Ms. Whetsel stated that the Fourth & Gill Neighborhood is opposed to this application because they do not feel that the proposed house is appropriate for the historic district. Mrs. Whetsel went on to explain specific guidelines that she feels are not being met with the construction of this new house. Ms. Whetsel noted that the proposed design does not meet either of the previously stated requirements and requests that the Commission deny the request in order to uphold the Historic Guidelines and support the Fourth and Gill Neighborhood.

Arin Streeter, 925 Eleanor Street, neighborhood liaison to the HZC, was present to discuss the application on behalf of the neighborhood. Mr. Streeter stated that there are many details involved on new construction applications and it can sometimes become overwhelming to review. Mr. Streeter went on to say that the main concern arising from this application is whether or not a house this scale is appropriate in this location. Lastly, Mr. Streeter shared specific elements of the Infill Construction section of the Guidelines that should be taken into consideration during the decision-making process.

Bob Whetsel, 1015 Luttrell Street, Fourth & Gill Neighborhood Representative, was present to discuss the application for review. Mr. Whetsel wanted to highlight one more concern which is the approval of this new construction would lead to creating a new development pattern on this alley, and potentially three more houses being building on this alley, facing the fences and backing up to the interstate which would result in crowding. Therefore, Mr. Whetsel is requesting that the Commission deny the request without prejudice and ask that the applicant return with a design that is more appropriate for this location.

Lisa Hatfield, City Law Department, was present to discuss the application. Ms. Hatfield wanted to clarify that this location is an alley, even though it's named a street. Ms. Hatfield explained that there are no engineering-related restrictions on houses having their primary right-of-way access from the alley. The engineering standards do not describe the only access being from an alley, but there is no black and white restriction on the sole access being from an alley. Whether such a unique construction itself is consistent with the neighborhood guidelines is the question before the Commission, but there is no restriction on building on this property related to right-of-way access.

***Action: Comm. Blackburn moved that the application submitted for 820 N. 3<sup>rd</sup> Avenue be denied without prejudice. The Motion failed due to a lack of a second motion.***

Commission Eid wanted to recognize 829 N. 3<sup>rd</sup> Drive as a remnant house that used to face N. Third Avenue before the interstate was widened and that the house appears to be set back roughly 35-40 ft. from the alley. Mr. Eid noted that there's also another house nearby at 611 Gill Avenue which sits roughly 15-20 ft. from the alley. Mr. Eid explained that both houses are two-story houses and they appear to be about the same height, width, and massing of the proposed residence. Mr. Eid proposed that the applicant move the house back to be more closely aligned with 829 N. 3<sup>rd</sup> Drive where an original structure would have been placed before the construction of the interstate.

Brief discussion ensued amongst Commissioners on the recent naming of the alley, and the difference in setback requirements between the original houses along the alley versus the newly proposed construction.

Trenton Smith wanted to touch base on the concern that the construction of this house would create a new development pattern along the alley. Mr. Smith pointed out that there are no other lots that sit along the alley that meet the requirements to build on. Therefore, that leaves only two lots that could be purchased and combined in order to make it acceptable to build on. One more additional house being built would not result in congestion along the street as mentioned by the Neighborhood. Mr. Smith finished by saying that he feels that good efforts have been made to work with the neighborhood organization, Planning Staff, Codes, and would like to see the project move forward.

Comm. Blackburn wanted to remind the Commission that if this new construction is approved, a significant precedent will be set and the Commissioners will be bound to approve additional potential houses along this street.

***Action: Comm. Eid began his motion by noting that for the application submitted for 820 N. 3<sup>rd</sup> Avenue, the application has unique situation, wherein if this property was facing a main street and the interstate had not taken this portion of the property, then the discussion would be different. Therefore, recognizing the unique situation of this property, that the design be approved with the following conditions: The rear setback of the house from the rear property line (interstate sound wall) be waived from 25 ft. to 10 ft. – the house would move roughly 15 ft. towards the interstate, putting it***

***a closer in alignment with the house at 829 N. 3<sup>rd</sup> Ave. Referring to the applicable design guidelines, Comm. Eid quoted, new construction “should be sensitive to the patterns already in the environment and should not destroy historic relationships in the neighborhood.” Comm. Eid feels that this would not be destroying historic relationships, as the property is unique and significantly away from the other main roads. In this scenario, the new pattern was created by the construction/widening of the interstate. Also, the size of the house and massing is similar to other houses in the area which contributes to its appropriateness. Lastly, Comm. Eid reiterated that the new construction will still be respectful of the current historic relationships, as it’s such a unique situation off of the neighborhood’s main streets. Comm. Eid explained that he would rather see a house developed on this property rather than the properties remaining vacant. The Motion was seconded by Comm. Mitchell.***

Lindsay Crockett clarified that the Commission does not have the capacity to waive the setbacks requirements, and that will require the applicant to seek a variance from the BZA.

**Comm. Eid reiterated that his motion is based on the 2<sup>nd</sup> Rear (East) Elevation Alternate design for the rear porch. The Seconded Motion was confirmed by Comm. Mitchell.**

Trenton Smith stated that he understands the Commission’s thought process behind the proposed motion. However, Mr. Smith explained that he is concerned with the variance process since he’s been thought the BZA process before and they emphasized that they’re looking to meet the setback requirements of the base zoning. Therefore, Mr. Smith is worried about repeating the process and getting shuffled from Commission to Commission with an end result of denial.

Christina Magrans, City of Knoxville Attorney, briefly summarized the BZA process and how the applicant would move forward if the proposed motion is approved.

Comm. Eid added a clarification point that the distance from the N. 3<sup>rd</sup> Avenue alley to the back of the houses at 918 and 920 Eleanor Street is roughly 40 ft, so with the move of the house further towards the interstate and away from the alley, the separation will end up being the same range of about 40 ft. Chair Carey explained that rear yards are traditionally larger than the front yards in the Fourth and Gill Neighborhood.

Trenton Smith questioned whether moving the house effects the visibility of the new construction within the neighborhood and if there’s a need for it.

Comm. Eid amended his motion to clarify that the motion is based on the applicant’s ability to obtain a variance on the reduction of the front set-back facing Interstate 40 from 25 ft. down to 10 ft. and moving the house accordingly by 15 ft. If the variance fails, the motion becomes void.

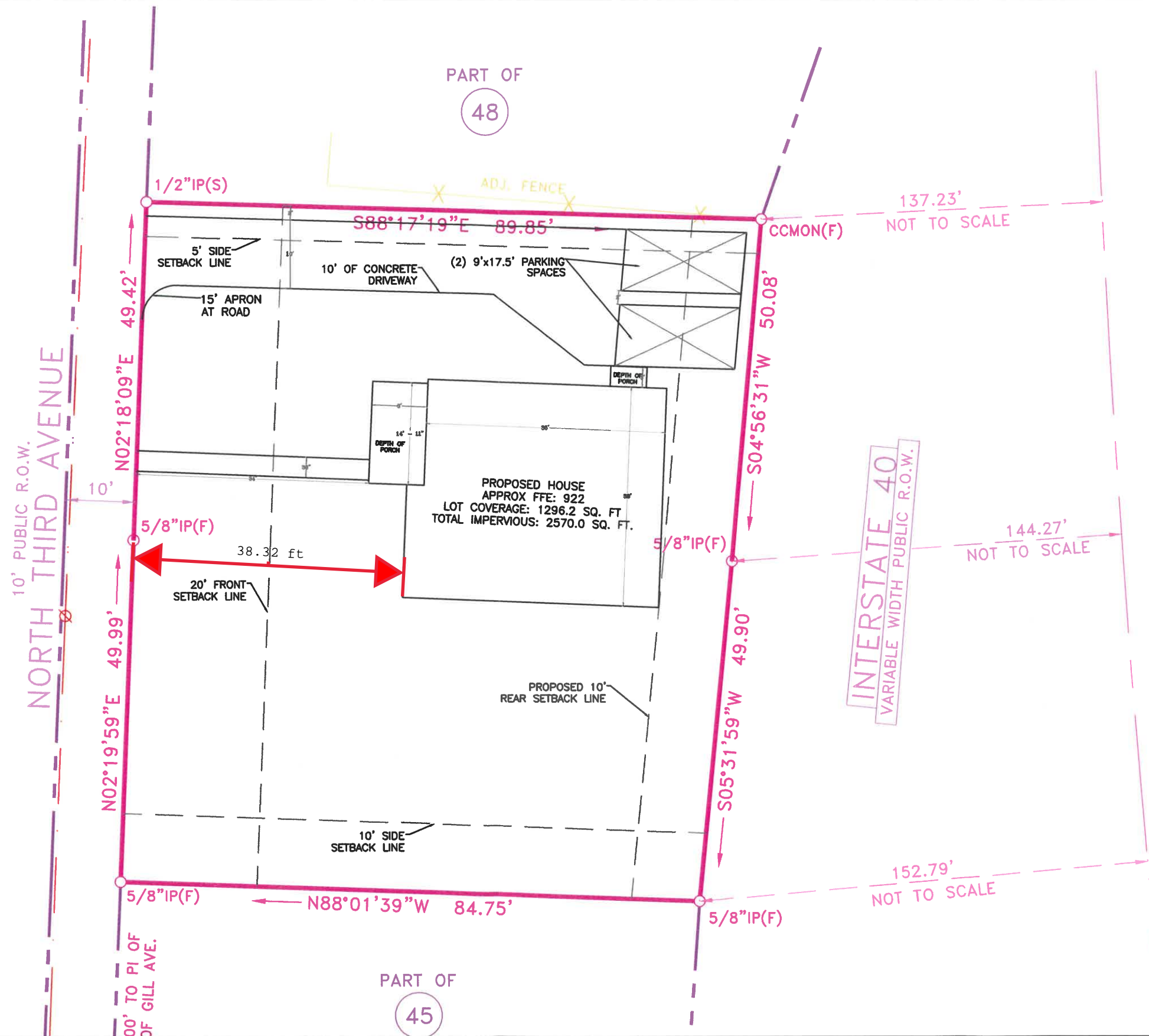
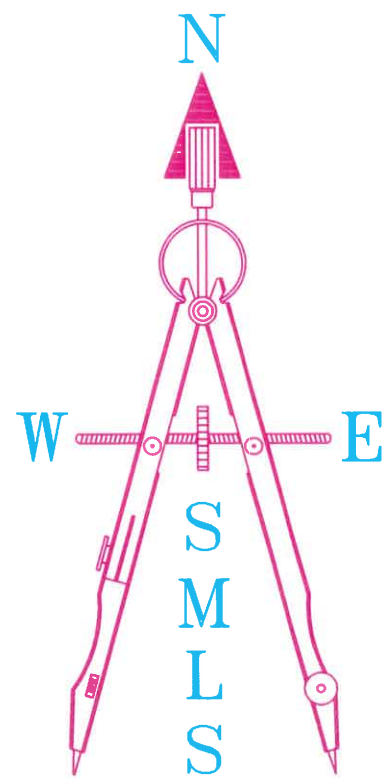
Lindsay Crockett explained that since Comm. Eid’s motion is contingent on BZA’s approval, the motion would become void and Mr. Smith would have to submit a new application to come back before the Historic Zoning Commission.

With a motion and second on the floor, a roll-call vote was taken. ***The Motion carried unanimously.***

**Result:** Approved 6-1 (Rick Blackburn No).

***The Historic Zoning Commission took a short break and returned at 10:15 a.m.***





SmithCo. Properties, L.L.C.

SITE PLAN  
SCALE: 1" = 16'  
LOT 17 N. THIRD AVENUE  
KNOXVILLE, TENNESSEE

PREPARED BY  
TDS  
DATED  
9/20/20