

File #

4-G-21-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: Logan Higgins	Owner <input type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Street Address: 133 S Gay St	Contractor <input type="checkbox"/>	Modification of Existing Structure <input type="checkbox"/>
City, State, Zip: Knoxville, TN, 37902	Tenant <input type="checkbox"/>	Off Street Parking <input type="checkbox"/>
Phone Number: 423.502.4210	Other <input checked="" type="checkbox"/>	Signage <input type="checkbox"/>
Email: LoganAHiggins@gmail.com		Other: <input type="checkbox"/>

THIS IS A REQUEST FOR:

- Zoning Variance (Building Permit Denied)
- Appeal of Administrative Official's Decision
- Extension of Non-Conforming Use/or Structure
- Map Interpretation

PROPERTY INFORMATION

Street Address : 315 and 317 E Fourth Ave - Addressed for duplexes	City, State, Zip: Knoxville, TN
See KGIS.org for Parcel #: 094DJ028	and Zoning District: Rn-3

VARIANCE REQUIREMENTS

City of Knoxville Zoning Ordinance Article 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

In this neighborhood, there is a transition from downtown commercial buildings to traditional, single family houses. That transition is broken up by a number of blighted properties, this project attempts to remedy three of these blighted properties. This application is for one of the three.

The overall project goal is to do three duplex buildings that look similar to the town-homes seen throughout the neighborhood as a solution to the blighted lots. More information about the project and decision to take this approach are included in the attached packet.

The variance request will be to waive the zoning requirement of 7,500 sf min. for 2F down to 5,150 sf to allow 2F structures on this site. Along with this, a few other variances are required. We request a variance on the lot coverage percentage from 35% to 49.6%. 50% coverage is allowed in this zoning for TH, and the average of the neighborhood is closer to 50% coverage. We request a variance for the maximum allowed impervious area from 45% to 62%. 60% is allowed for town-homes in this neighborhood and the average area in the neighborhood is around 50%. This will cover the building, parking and new sidewalks. Because this property is addressed to Fourth Ave, the building will face Fourth and follow the average of block face for its front setbacks. There is a setback issue with the rear setback which would be a side setback on the adjacent lots. To remedy this, we request a variance on the rear setback from 25' to 5' (5' would be the same as a side setback.) Finally, like most of the houses in the neighborhood, we request a variance on the required off-street parking from 2/du to 1/du.

Describe hardship conditions that apply to this variance.

This zoning was placed over an area where the lots are unusually small compared to lots even just a few streets over. This creates a number of physical hardships for use.

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.

REVISED

APPLICANT'S SIGNATURE

DATE Revised 4.21.21

File # 4-G-21-VA



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. Reduce the minimum required lot size for a two-family dwelling from 7,500 s.f. to 5,150 s.f. Per Article 4, Section 4.3. Table 4-1.
2. Increase the maximum permitted building coverage from 35% to 50%. Per Article 4, Section 4.3. Table 4-1.
3. Increase the maximum permitted impervious surface coverage from 45% to 62%. Per Article 4, Section 4.3. Table 4-1.
4. Reduce the minimum required front yard setback from 10 feet to 4 feet. Per Article 4, Section 4.3. Table 4-1.
5. Reduce the minimum required rear yard setback from 25 feet to 5 feet. Per Article 4, Section 4.3. Table 4-1.
6. Reduce the minimum number of required parking spaces for a duplex from 4 spaces to 2 spaces. Per Article 11, Section 11.4. Table 11-2.

PROJECT INFORMATION

Date Filed 3-11-21

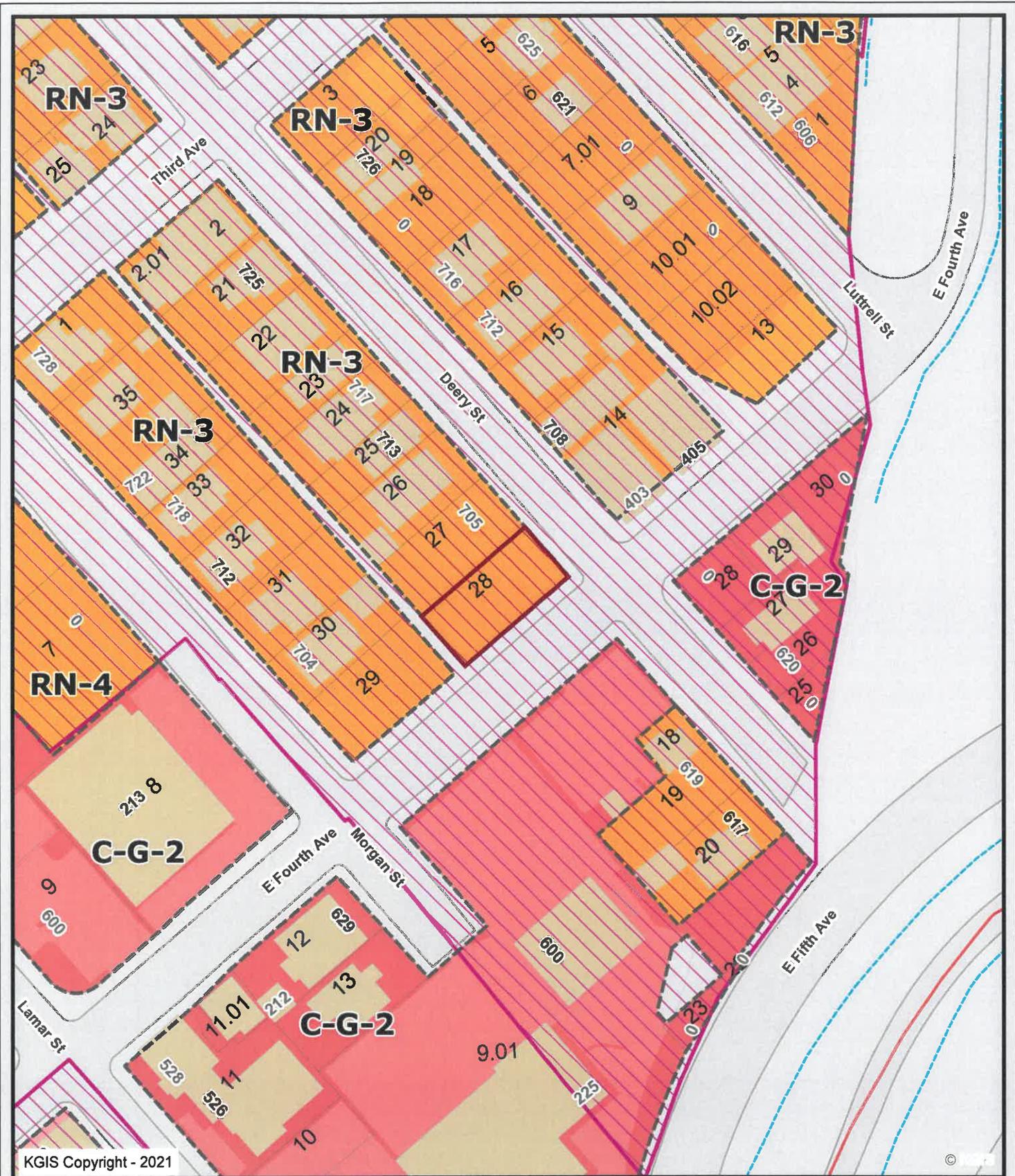
Fee Amount \$250.00

Council District 4th

BZA Meeting Date 4-20-21

PLANS REVIEWER Scott Elder

DATE 4-28-21 (Revised)



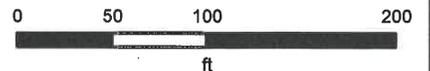
315 & 317 E. Fourth Ave.

4-G-21-VA
Logan Higgins

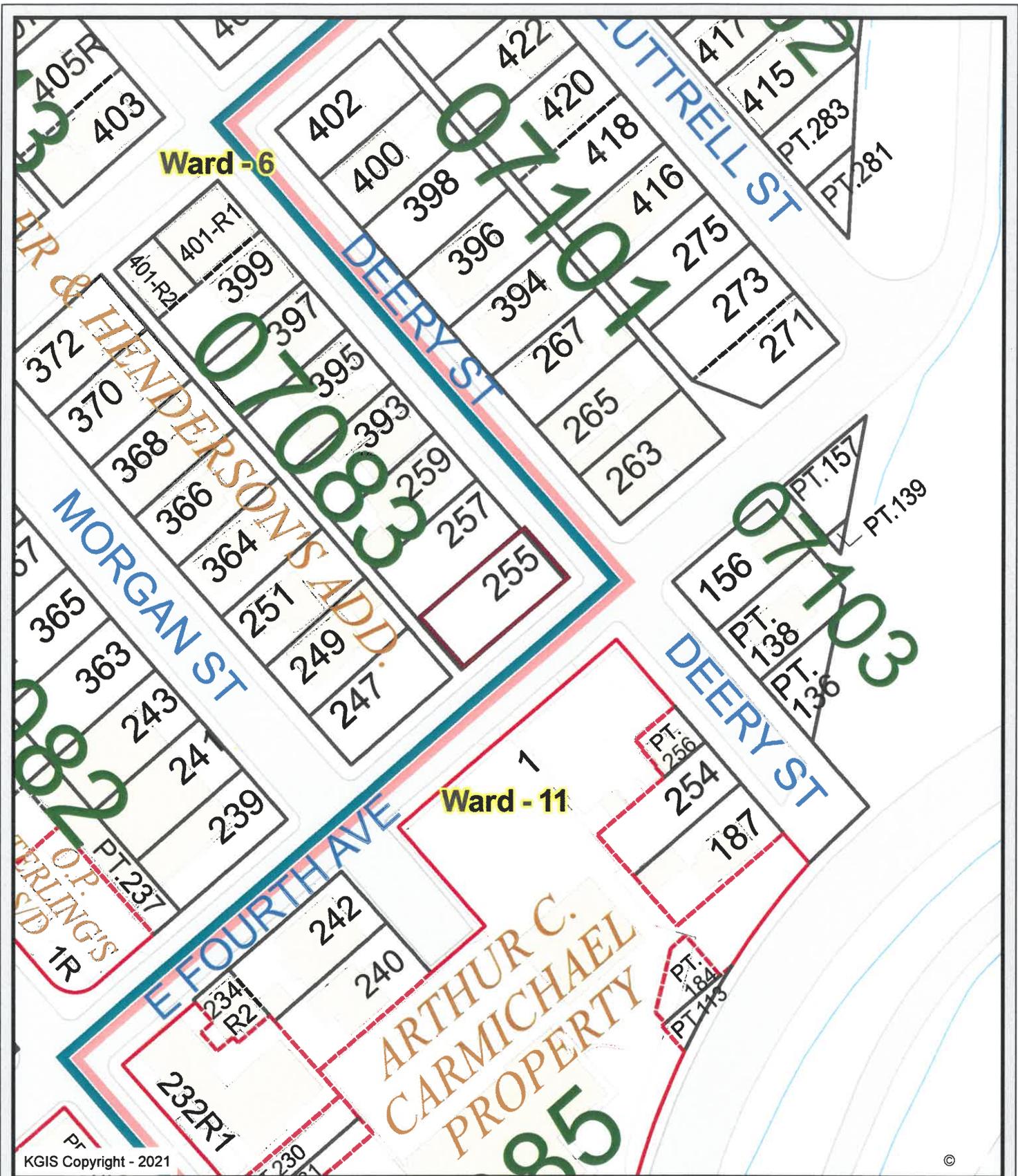
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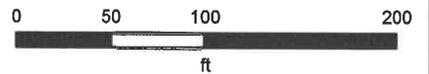
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315 & 317 E. Fourth Ave.

4-G-21-VA
Logan Higgins

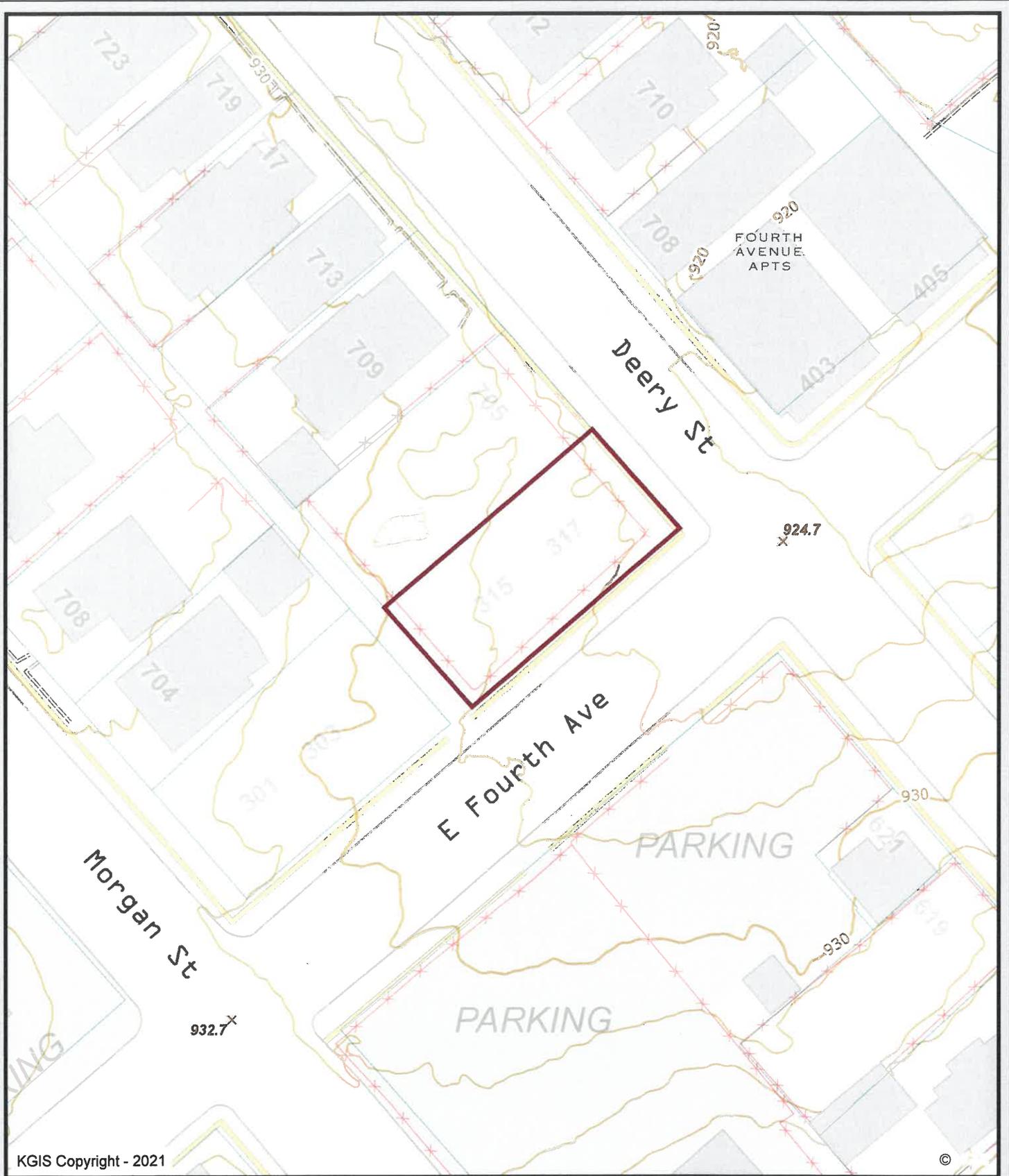
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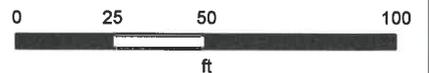
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Logan Higgins

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**VARIANCE REQUEST IN FOURTH
AND GILL
RN-3 ZONING**

OVERVIEW

This request includes three different lots that sit adjacent to one another.

On 301 & 305 Fourth Ave (same parcel, addressed for duplexes), we are requesting a variance for the minimum lot area required for two family homes, the maximum lot coverage allowed in RN-3 zoning, the required corner yard setback, the minimum rear setback, the maximum allowed impervious area, and required off street parking.

On 315 & 317 Fourth Ave (same parcel, addressed for duplexes), we are also requesting a variance for the minimum lot area required for two family homes, the maximum lot coverage allowed in RN-3 zoning, the minimum rear setback, the maximum allowed impervious area, and required off street parking.

On 705 Deery St, we are only requesting a variance for the minimum lot area required for two family homes, the maximum lot coverage allowed in RN-3 zoning, the maximum allowed impervious area, the minimum combined side setbacks, and required off street parking.

This packet will show the difficulties and hardships inflicted by unforeseen use of the zoning regulation on not just these properties but the entire neighborhood.

The zoning, RN-3 was meant to allow for higher density within a neighborhood, the ordinances that are preventing the highest and best use of these lots have good purpose in other places, but don't work in a neighborhood like this.

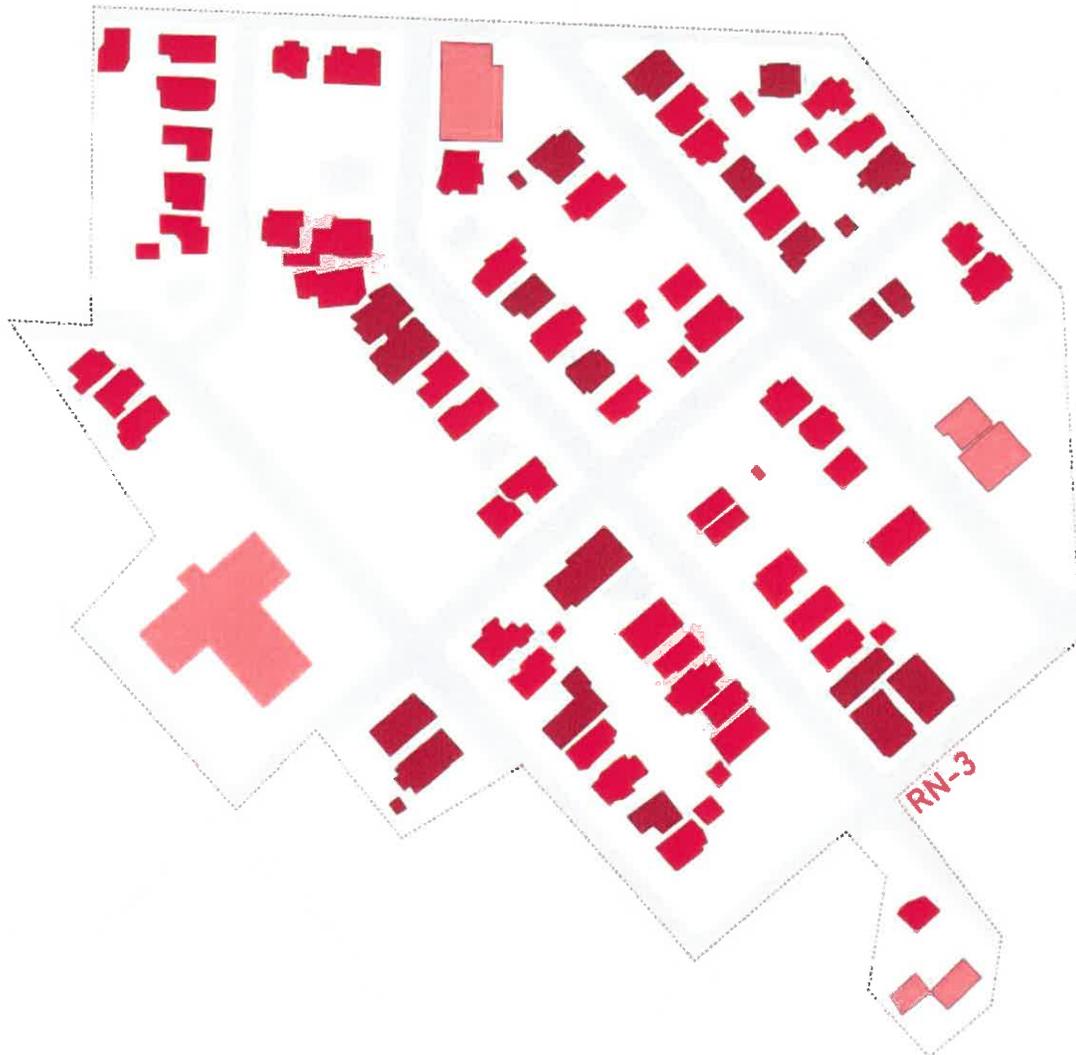
This neighborhood was built with none of those ordinances in mind and on lots that are much smaller than the average lot under this zoning. In fact, the lots we are requesting variances for are not outliers in the neighborhood, one is larger than most, but **under the current zoning, nearly every building in this neighborhood is illegal.**

This packet will show not only the above statement, but show instances of the other ordinances we are requesting a variance for, and how their existence goes against the very fabric of this neighborhood.

This occurrence is in a Historic Neighborhood and one of Knoxville's oldest Historic Neighborhoods. The City of Knoxville, the State of Tennessee, the National Parks Service, and the United States Federal Government all agree in the importance of Historic preservation, with emphases on both districts and individual structures. They all agree that when building in a historic district, every effort should be taken to preserve the fabric of that neighborhood. This doesn't mean by putting up faux materials to look old, this means matching patterns that contributed to the historic significance of the district.

The hardship we face is not a result of a topography, property easements, personal preference, or natural occurrence. This hardship is a result of a zoning code that completely goes against the historic fabric of this neighborhood, conflicting with city, state, and federal recommendations.

ILLEGAL BUILDINGS

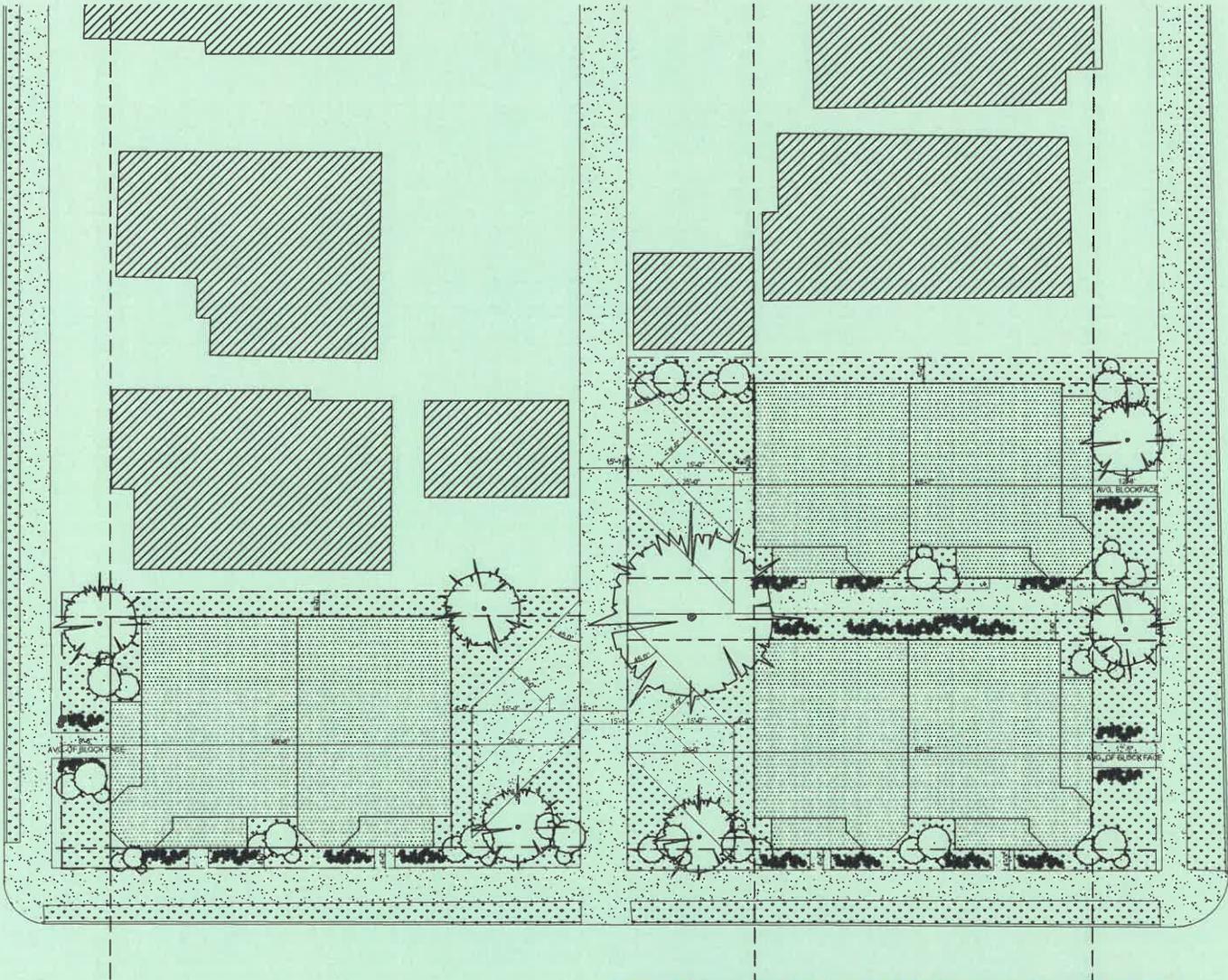


To further explain how this zoning code is in direct conflict with the entire neighborhood, we mapped out all of the houses and buildings that would not be allowed in the RN-3 zoning without a variance.

Only 7 % of the buildings in the zoning meet the basic requirements, and most of those have special circumstances such as double width lots.

- Two-family and multi-family residential buildings that exceed lot size/coverage ordinances
- Single-family residential buildings that exceed lot size/coverage ordinances
- Remaining buildings that do not meet setback ordinances
- Non-residential buildings that A) do not meet setback ordinances or B) exceed lot size/coverage ordinances

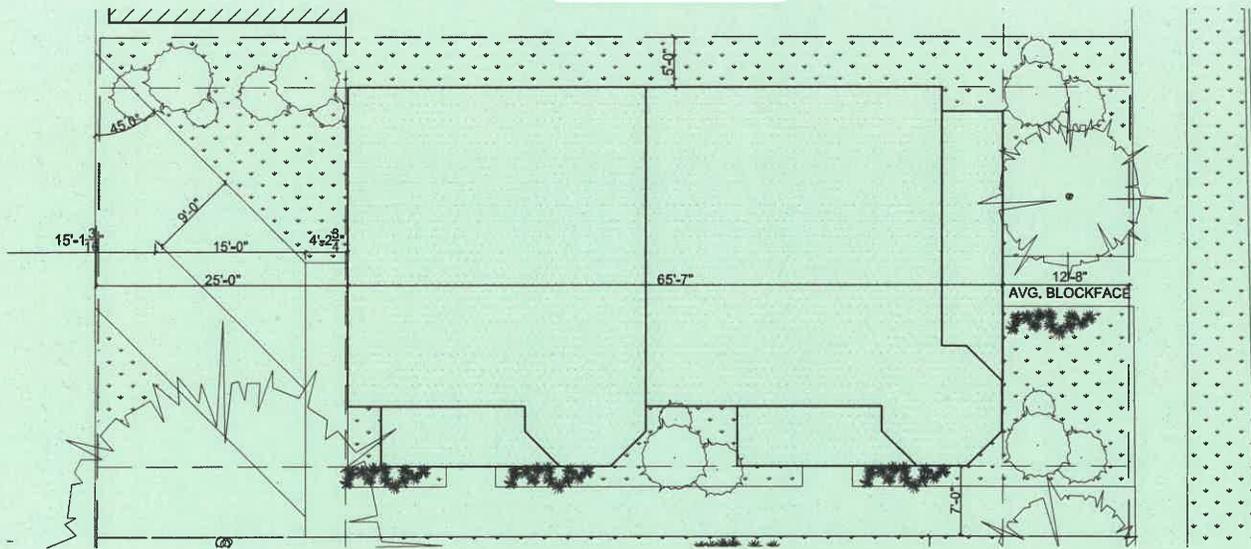
SITE PLANS OF PROPOSED



The site plan above shows the parallels between the proposed buildings. The designs mirror others in the neighborhood with proportions, porches, and bay windows. They address the street corners with double porches and corner bays. Although 705 Deery St isn't on a corner, it continues the new pattern and matched a similarly proportioned building directly in front of it on Deery. We also see the average blockface pattern being followed above.



SITE PLANS



705 DEERY ST

WHAT IS THE HARDSHIP HERE?

There is more to see below, but before we get to that, let's reiterate the hardships in written form, then address the conditions in diagram form.

In General:

- This zoning renders 93% of the neighborhood illegal without a variance.
- Local, state, and federal guidelines call for matching proportions and patterns of historic districts. The current zoning restricts that ability on multiple lots, ours included.

Hardship for Duplexes:

- These lots are smaller than average lots in the same zoning. This zoning was intended to allow for higher density in urban areas yet it restricts some of the most urban lots to the **lowest density**. By design, there should be higher density housing here, but the lots are small lots of record

Lot Coverage:

- In order to build homes of appropriate size

on lots this small, a variance is required, this is evident in the high number of single family homes in the neighborhood that cover 40+% of their lots.

Setbacks

- The rear setbacks are essential to build nearly anything here, a 25' setback on a 50' lot makes no sense.
- The one corner setback is to match the intent of the zoning code and allow for matching the avg. blockface

Impervious Area

- This counts the building and paving; with the required parking and sidewalks, each lot is over the max. allowed.

Parking

- Following the City of Knoxville's ordinances for the dimensions of parking design, only 2 spaces will be allowed per site.

DUPLEXES AND MORE



The request to allow for duplexes on this property is to help with the transition from commercial to single family while staying in sync with the neighborhood's pattern of multi-family and single family buildings inter-mixed.

This is encouraged by historic zoning guidelines and would be recommended by most planners but is not allowed under the existing zoning law. However, as we have already established, the existing zoning overlay places a hardship on the neighborhood that contradicts the neighborhood itself.

By doing two family, we can build in the style of townhouses seen throughout the neighborhood, and accomplish the recommended effect.

See Next page for more details.



An example of the pattern, these apartments sit directly next to the lots in question.

DUPLEXES AND MORE



The map above shows single family versus multifamily and duplexes. The darker the blue, the higher the number of units.

This is a neighborhood of mixed densities on lots the same size as ours, but the zoning directly conflicts with this.

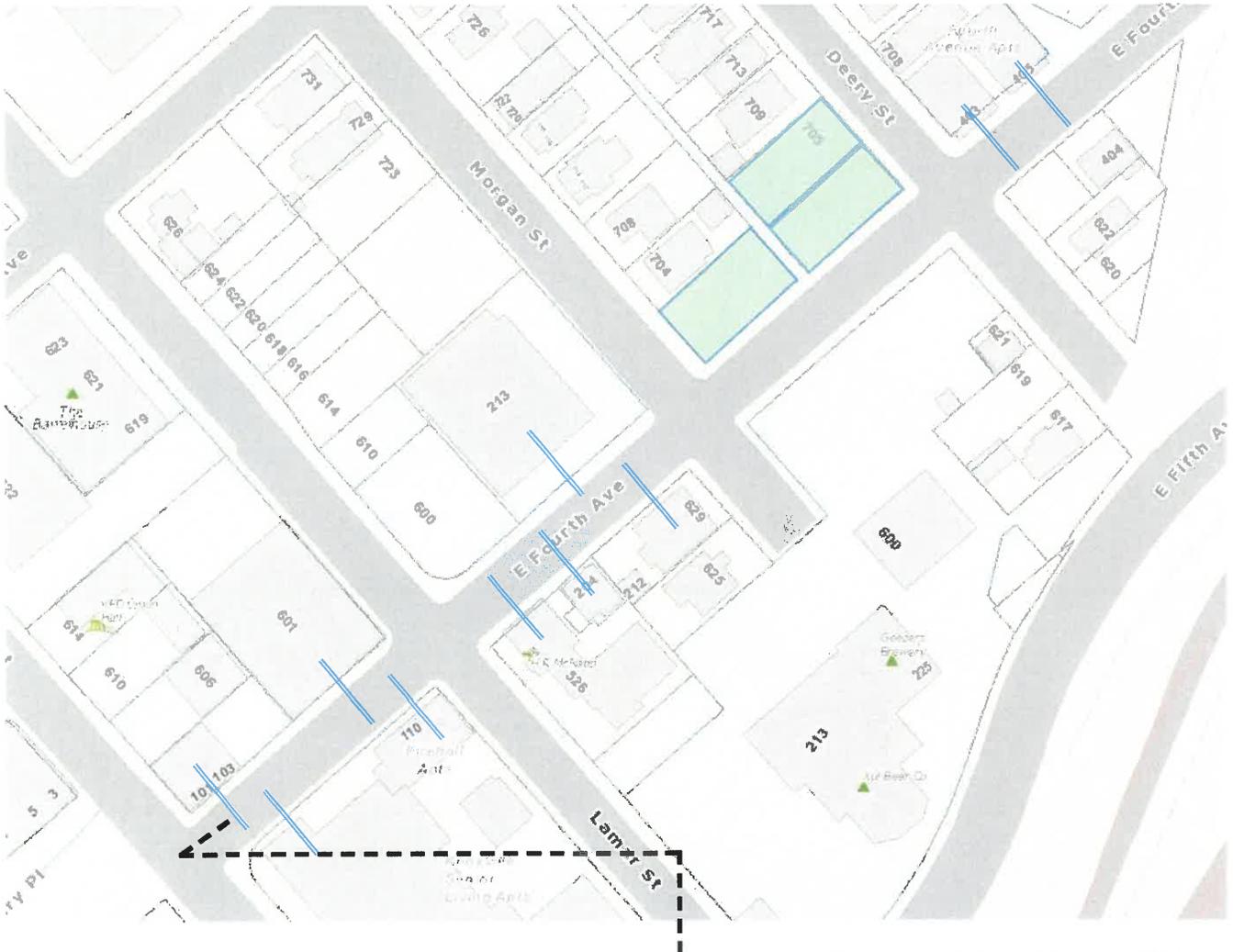
LOT COVERAGE



We requested the amount of lot coverage to change to allow for a structure that is more appropriately sized to those around it. Above, we look at different average lot coverages throughout the neighborhood. The av-

erage throughout the neighborhood is usually in the 40% but the blocks around our site are all 50-75%.

STREET PATTERNS



These buildings will continue the pattern of higher density buildings facing Fourth Ave and by matching the corner side setbacks will allow for the sidewalk patterns to match the majority of the buildings on Fourth.

It is essential to the neighborhood that these blighted lots be developed in a way that is appropriate and contributes to the historic fabric of the neighborhood.



CONCLUSION

The hardship placed with this zoning directly conflicts with the historic pattern and as a result conflicts with recommendations at local, state, and federal levels for historic infill construction.

This request is for the bare minimum changes needed to build appropriately in sync with the historic fabric of the neighborhood.

This is not a selfish request for personal gain, this is a thoughtful and deliberate planning of how to fix blight in a historically appropriate way that is restricted by a zoning that is not appropriate for the location.

The pictures here show similar buildings in the neighborhood, some of the buildings on Fourth Ave, and the street relationship on Deery St.



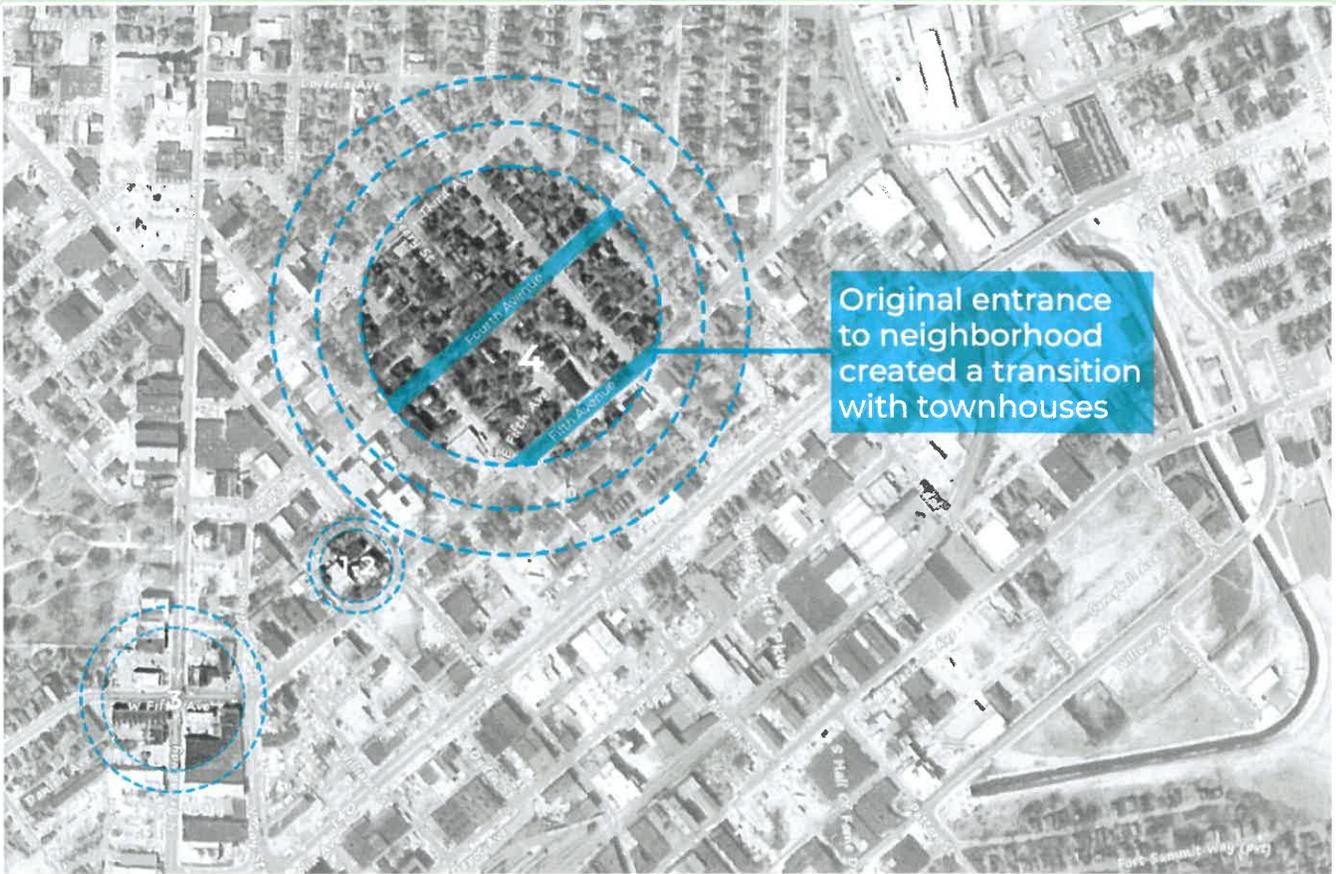






4TH & GILL TOWNHOUSES

1959 MAP



1. Historic 5th Avenue Townhouses



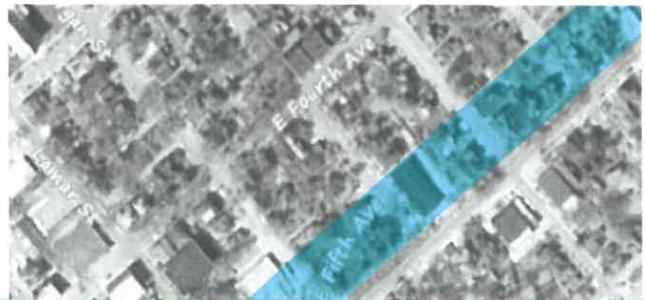
2. Historic N. Central Street Townhouses



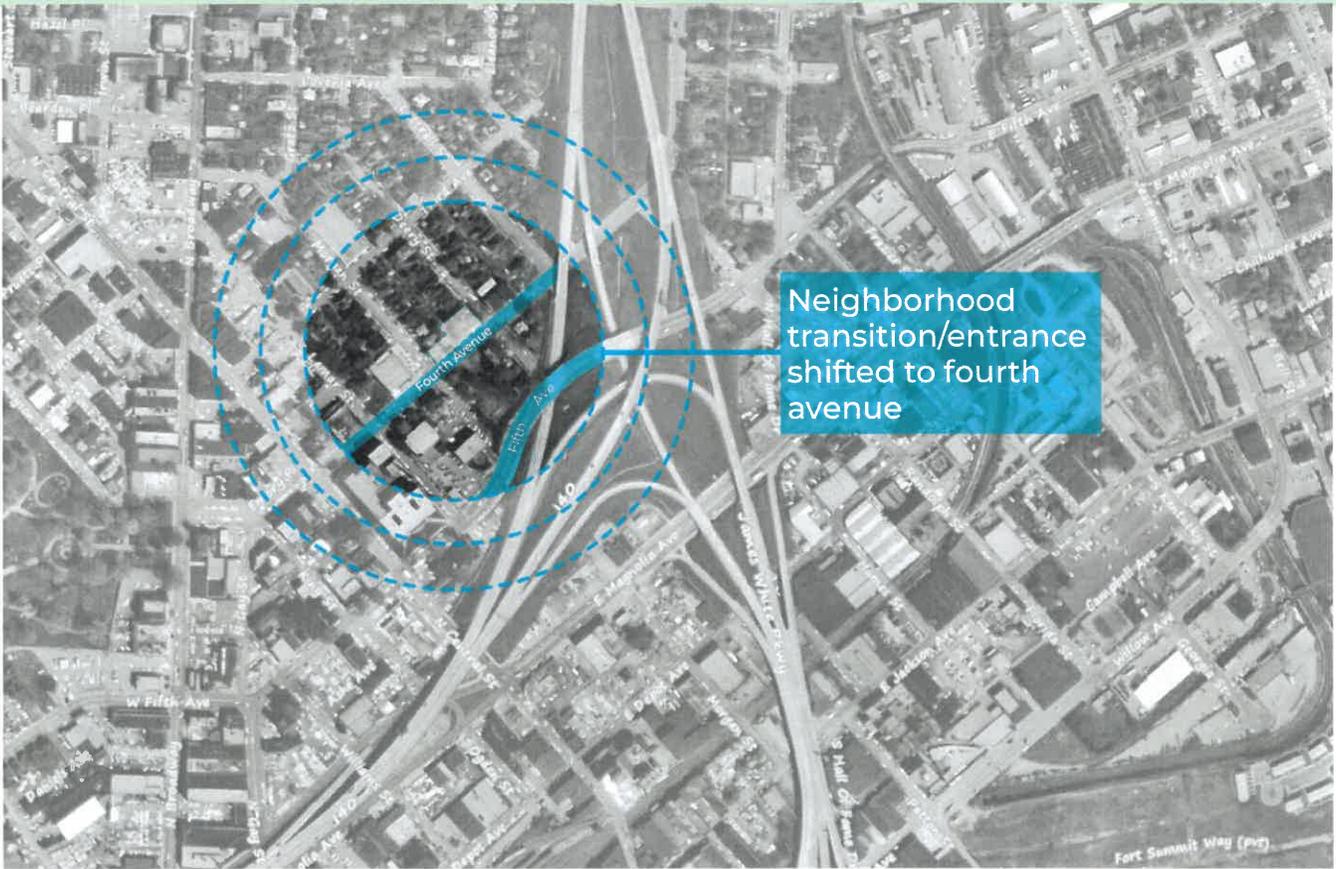
3. 5th Avenue Motel



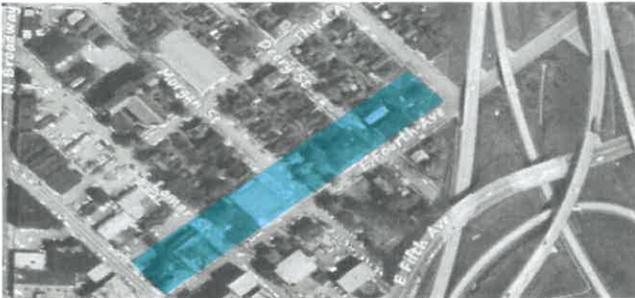
4. Original Entrance Along 5th Avenue



1969 MAP



New Entrance to Neighborhood at 4th Ave.



Other Buildings on 4th Ave.



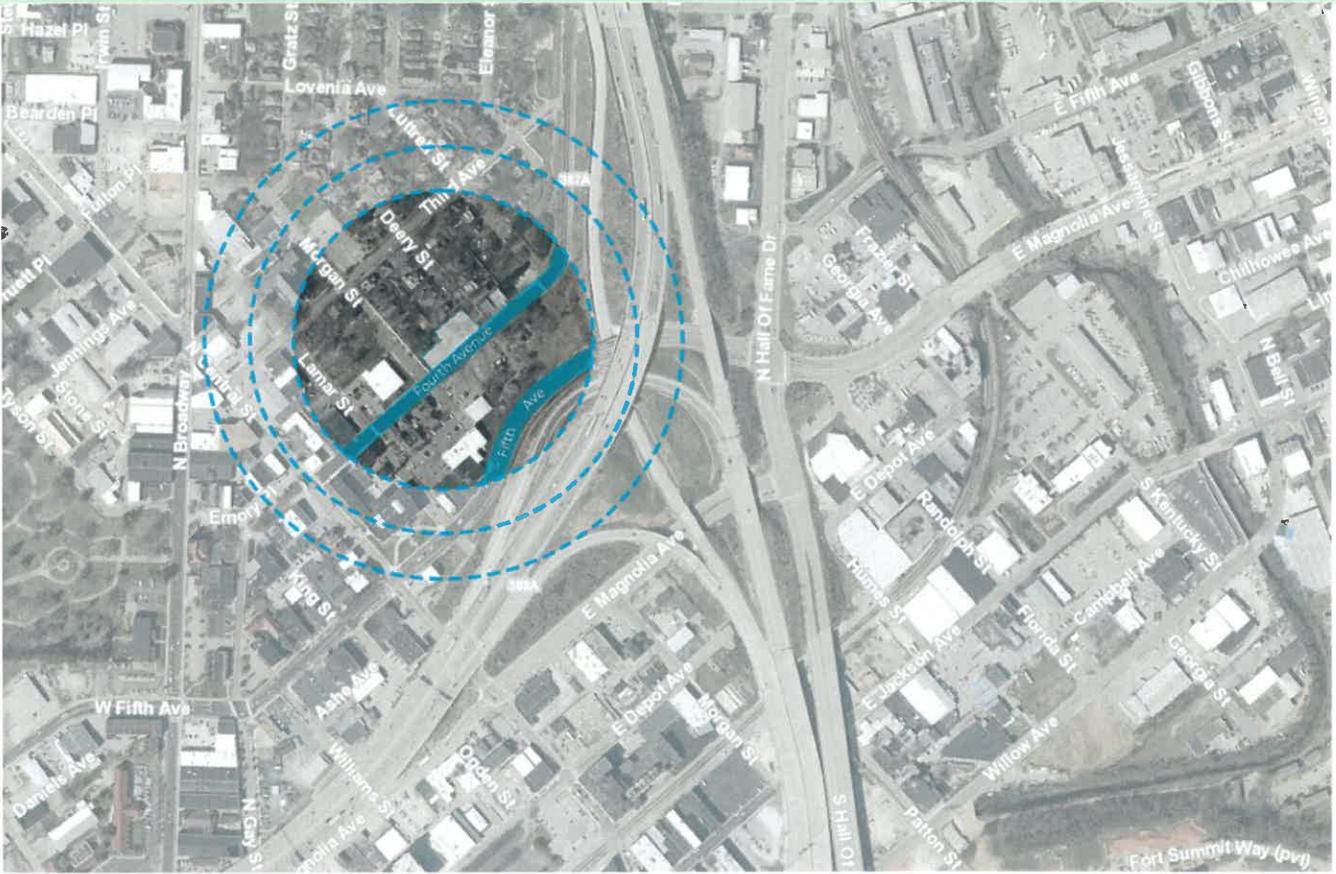
View from 5th Ave to Interstate



Existing Site on 4th Ave.



CURRENT MAP



Proposed 4th & Gill Townhouses



Proposed 4th & Gill Townhouses



Historic Knoxville High Renovation



Neighboring Building on 4th Ave.

