File # 7-D-22-VA

CITY OF KNOXVILLE

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 Bret Maser	Owner ☐	New Structure ☐
Street Address 462 w Hillvale Turn	Contractor ☐	Modification of Existing Structure ☐
City, State, Zip Knoxville, TN, 37919	Tenant ☑	Off Street Parking ☐
Phone Number 407-739-6655	Other ☐	Signage ☐
Email concierge@mokemyday.com		Other ☐

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 713 S Seventeenth St — City, State, Zip Knoxville TN

See KGIS.org for Parcel # 108CD025 — City Council: 1 — and Zoning District CU-2

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.

City officials have determined that the use of the location is that of an automotive dealership.

I am appealing that determination as there are no actual transactions, or exchage of goods and services, that will occur at the physical location in question.

The use of the facility will be that of a retail establishment / online sales office / storage facility.

See attachment for further information.

Describe hardship conditions that apply to this variance.

I am unable to operate in the area of the city in which the product is best suited for and the best fit for the community it serves.

Zoning decision forces the search for alternate locations that make my business unprofitable and unable to open.

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** 06/02/2022

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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?** ☐

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

Appeal of the zoning administrator's determination that the proposed use by MOKE America Tennessee is not a vehicle dealership but a retail goods establishment and office and allowed in the CU-2 district. Per Article 16.12.A.3.a.

PROJECT INFORMATION

Date Filed 6/2/2022	Fee Amount $130
Council District 1	BZA Meeting Date 7/19/2022
PLANS REVIEWER Bryan Berry	**DATE** 6/14/2022

MOKE America
TENNESSEE

Appeal for Use of 713 S Seventeenth Street

Appeal Reason:

The property use, as described in this document, for 713 S Seventeenth St has been denied on the grounds that the activities perceived to be performed at the address in question are that of an automotive dealer which is incorrect. There will be no automotive transactions or exchange of goods and services in the property as it will be used only as a showroom / garage / storage location. Any automotive transactions related to my business occur online with goods shipped directly to the consumer. Therefore, I believe the property does not need to be zoned to accommodate an auto dealership but rather a normal retail store, art gallery, or storage warehouse.

For reference, the same use at a different location in the city of Knoxville, was originally approved in writing by Robert Clark in January (appendix A attached). About a week after that approval, Bryan Berry phoned to rescind the approval, and label my business as an "automotive dealership" out of lack of anything else to classify it as. While my business may in fact sell a small number of low speed vehicles, the use of the property, which I believe the zoning laws are meant to govern, has no physical auto dealership activity or transactions occurring within it.

The following document is meant to clarify any misconceptions and explain what my business model is about.

Further Clarifications

Picture an art studio that you visit, by appointment only, to view art and talk to the artist about and possibly purchasing embarking on a project together. Then, by commission only, the artist would bring your creation to life, over the course of 6-8 months, and deliver it directly to your home. No transaction ever took place in the studio, yet the studio must exist to bring the artist and collector together.

Now substitute the canvas or sculpture that you viewed in the example above, with a Moke.

In another example, imagine an on-line retailer of goods with a showroom for consumers to have the option to view products. No goods transfer ownership at the retail location, but the customer can verify and touch the product, then make the decision on whether or not to purchase. The salesperson in the

showroom is simply recording the specifications and placing an on-line order with the manufacturer for the product. The product is then delivered to the customers doorstep and not to the showroom.

These are the exact concepts we are talking about and how the space at 713 S Seventeenth street will be used. It will be used as a "Spec Lounge" only with NO goods exchanging hands between buyer and seller on the premises.

Now, let me get into some further details to help explain the product and further expand on elements of the business so there is no misconception about the use of the facility in question.

What is Moke

- A Moke (US version) is a fully electric, street legal, low speed vehicle (LSV) that has a maximum speed of 25 MPH.
- The Moke is street legal on all roads 35 MPH or less
- Each Moke has a VIN similar to a car, and is registered and insured in the same manner as a normal automobile
- For reference a Moke is 5'H x 7.5'W x 11'L and 2000 lbs vs a golf cart at 6'H x 5'W x 8'L and 1100lbs vs a Honda Civic 4.5'H x 6'W x 15'L and 3000 lbs

Order / Delivery Process

Since you cannot ride a Moke on roads with posted speeds above 35 MPH, a traditional delivery of the vehicle is impossible, therefore all MOKE's are delivered to the customer at an address of their choice. 75% of the deliveries are direct from the manufacturer.

Facility Use / Function / Hours / Employees

The facility will hold, at max, 3 Mokes and serve as a showroom ONLY for viewing of product.

There will be NO goods that transfer from buyer to seller at the facility. As explained prior, each Moke is delivered to the customers designated address.

The facility will be open by appointment only for customers to view and talk about the product. Since the goal is to sell 12-18 per year in the greater Knoxville / Nashville / North GA market, there will be very little volume of visits to the showroom. Likely 3-4 customer visits per MONTH.

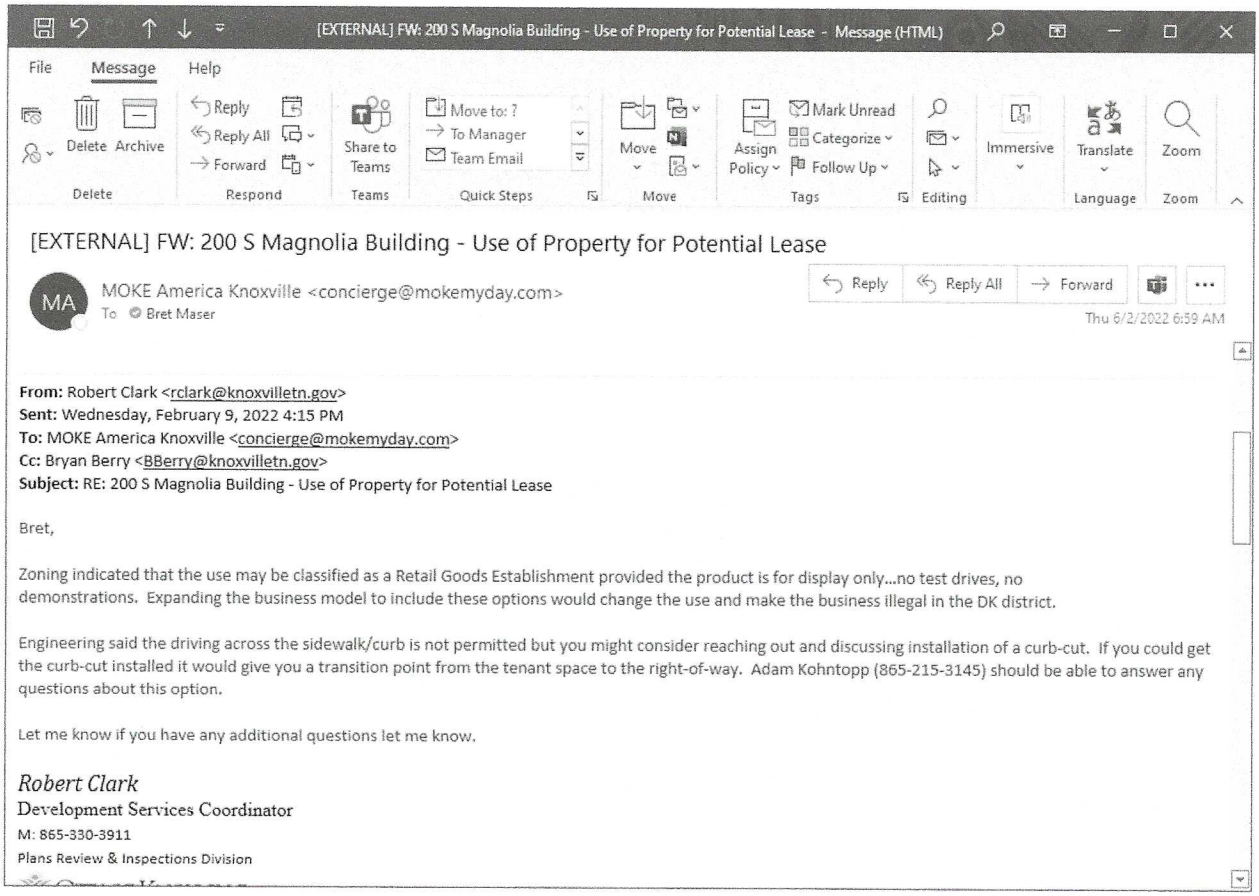
Corporate Rentals

The rental portion of our website (www.Mokemyday.com) references the ability for corporate rentals. There will be no rental activity conducted out of the facility as the rentals are delivered to the point of use and not driven or fulfilled from the facility.

Fit into Knoxville / Electrify the downtown corridor / Can't start without a footprint

The downtown corridor of Knoxville is perfectly suited for this product as the Cumberland / Gay St / Old City areas all have posted speed limits of 35 MPH or less. Anyone living on the UT Campus or in the downtown area, can use this product as a daily driver vs. their normal automobile. And, having more electric vehicles in the city will promote an element of enhancing the city's transition to a green environment. For these reasons, I am embarking on this project, and I believe it is truly a GOOD story for the city of Knoxville.

Appendix A



[EXTERNAL] FW: 200 S Magnolia Building - Use of Property for Potential Lease - Message (HTML)

File Message Help

Delete Archive Reply Reply All Forward Share to Teams Move to: ? To Manager Team Email Move Assign Policy Mark Unread Categorize Follow Up Immersive Translate Zoom

Delete Respond Teams Quick Steps Move Tags Editing Language Zoom

[EXTERNAL] FW: 200 S Magnolia Building - Use of Property for Potential Lease

MA MOKE America Knoxville <concierge@mokemyday.com>
To Bret Maser

Reply Reply All Forward

Thu 6/2/2022 6:59 AM

From: Robert Clark <rclark@knoxvilletn.gov>
Sent: Wednesday, February 9, 2022 4:15 PM
To: MOKE America Knoxville <concierge@mokemyday.com>
Cc: Bryan Berry <BBerry@knoxvilletn.gov>
Subject: RE: 200 S Magnolia Building - Use of Property for Potential Lease

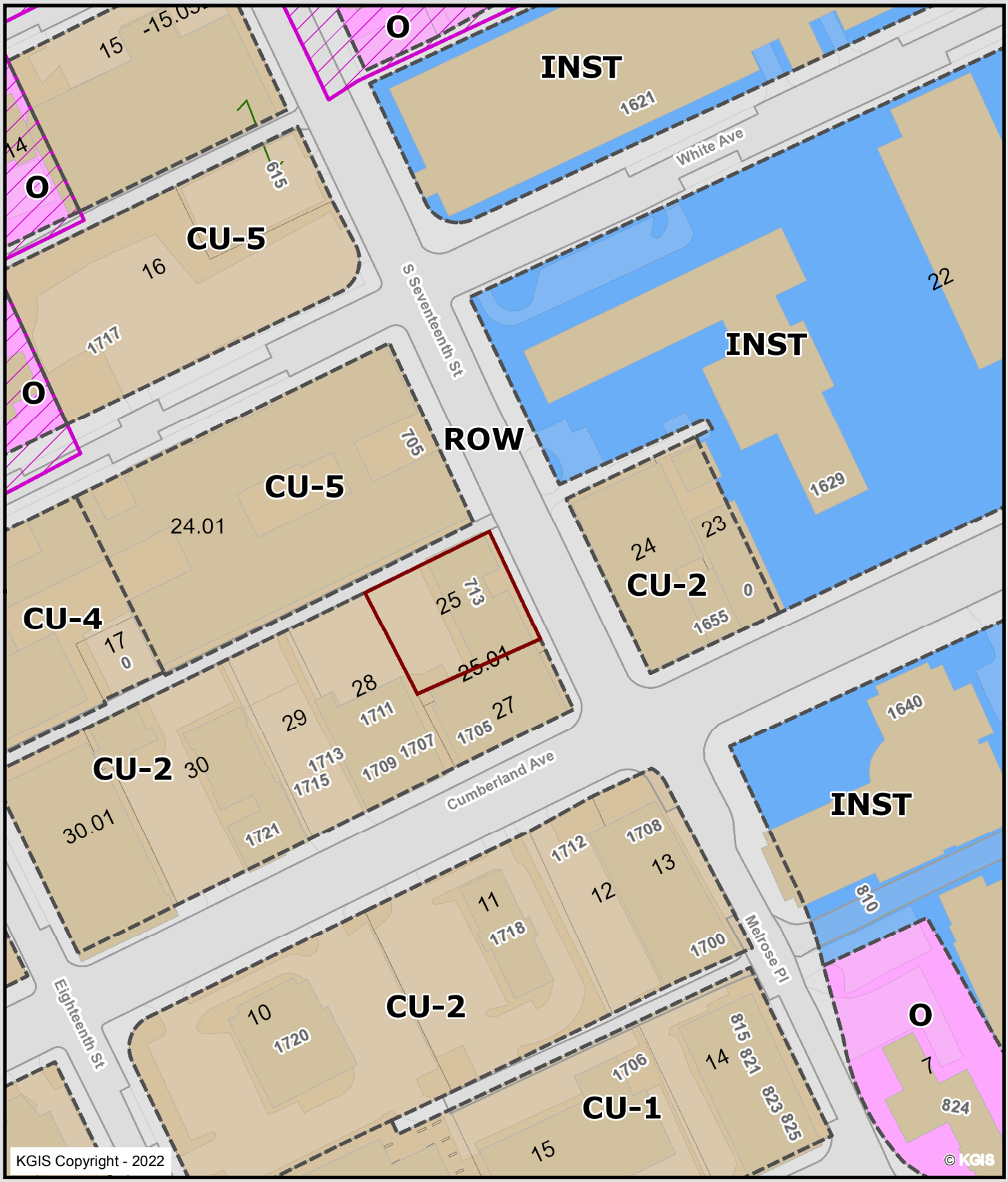
Bret,

Zoning indicated that the use may be classified as a Retail Goods Establishment provided the product is for display only...no test drives, no demonstrations. Expanding the business model to include these options would change the use and make the business illegal in the DK district.

Engineering said the driving across the sidewalk/curb is not permitted but you might consider reaching out and discussing installation of a curb-cut. If you could get the curb-cut installed it would give you a transition point from the tenant space to the right-of-way. Adam Kohntopp (865-215-3145) should be able to answer any questions about this option.

Let me know if you have any additional questions let me know.

Robert Clark
Development Services Coordinator
M: 865-330-3911
Plans Review & Inspections Division



713 S SEVENTEENTH ST

7-D-22-VA

BRET MASER

Knoxville - Knox County - KUB Geographic Information System

Printed: 6/2/2022 at 11:15:44 AM

0 50 100 200

ft

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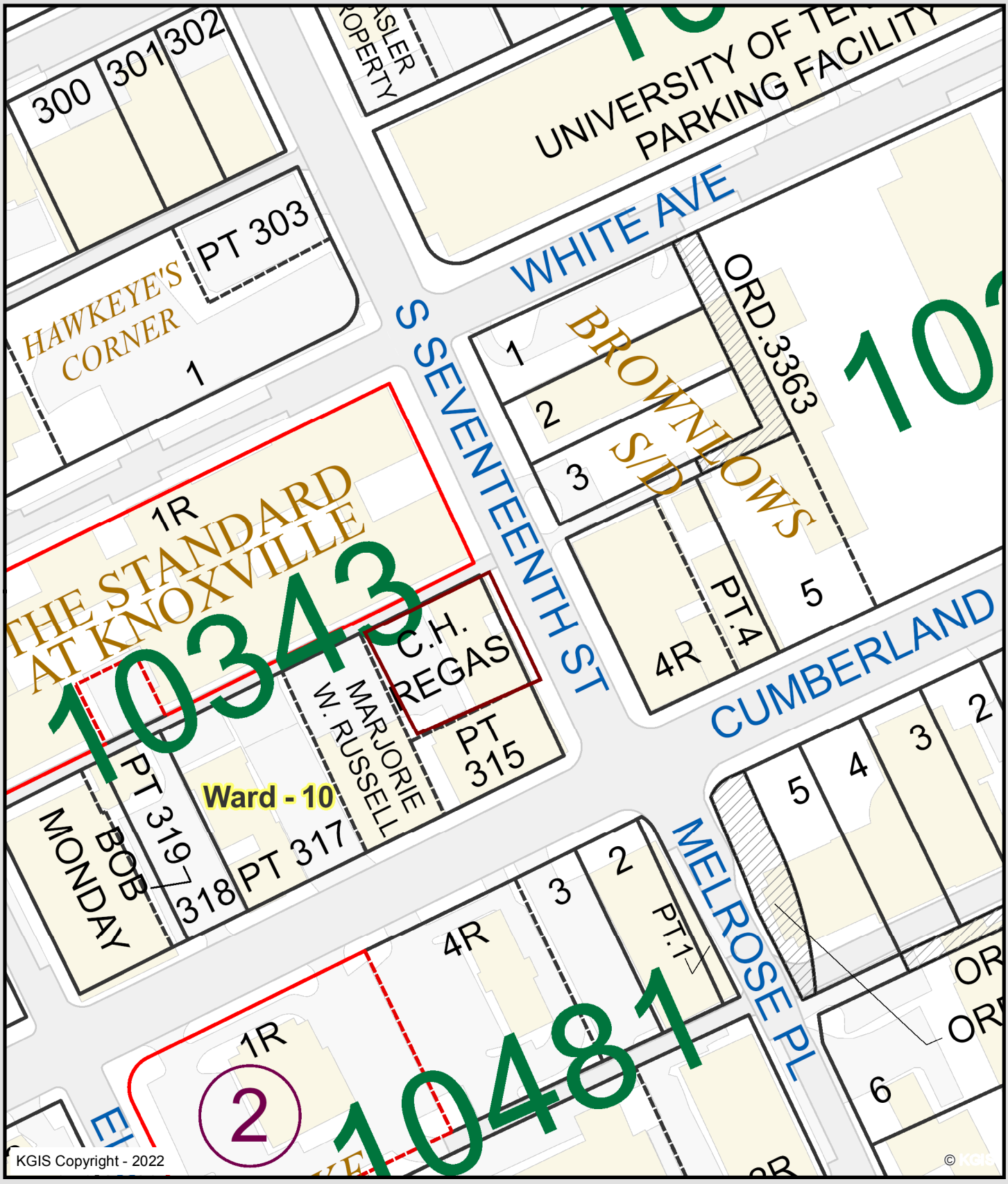

713 S SEVENTEENTH ST

7-D-22-VA

BRET MASER

Knoxville - Knox County - KUB Geographic Information System

Printed: 6/2/2022 at 11:16:22 AM

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713 S SEVENTEENTH ST

7-D-22-VA

BRET MASER

Knoxville - Knox County - KUB Geographic Information System

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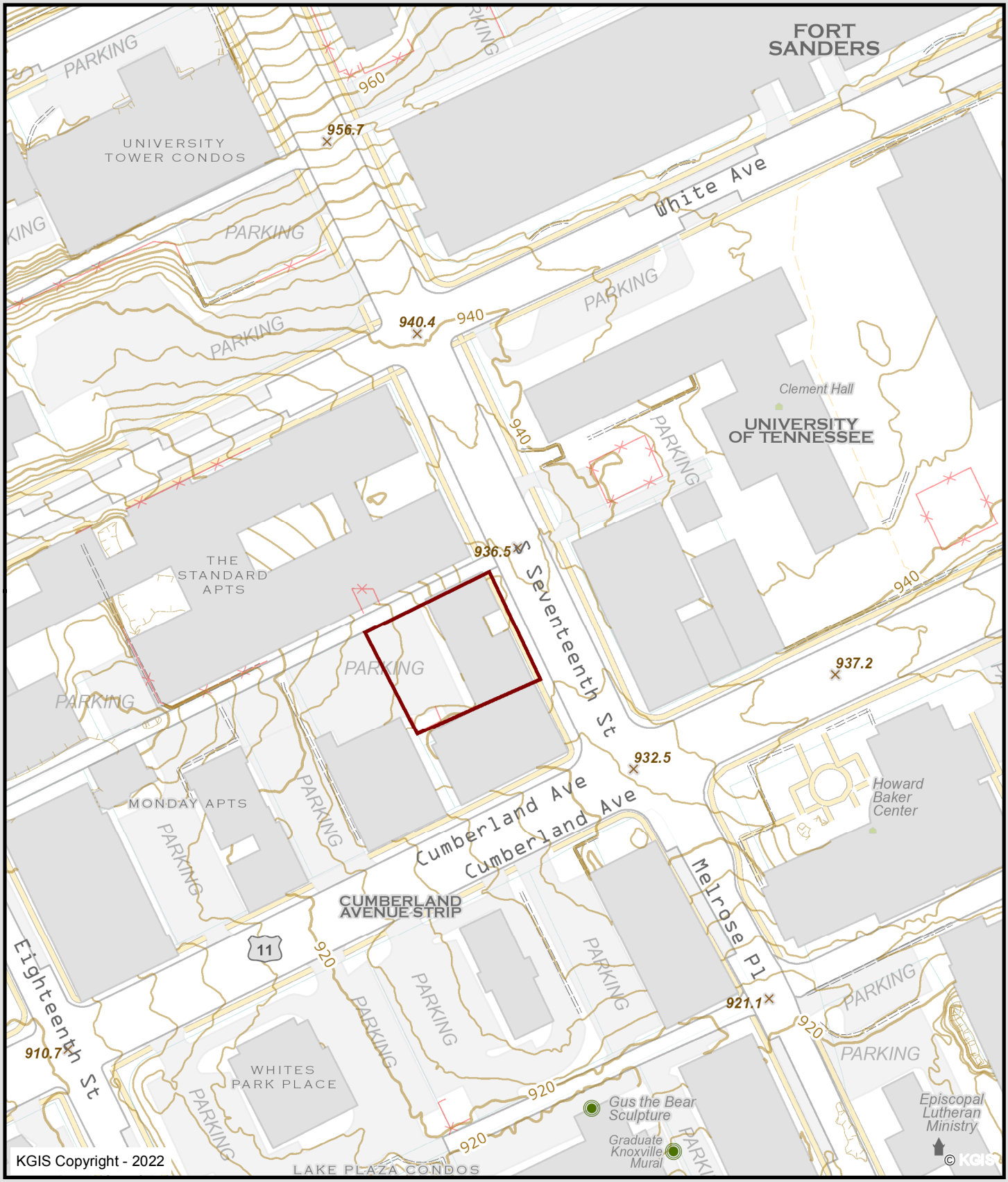

713 S SEVENTEENTH ST

7-D-22-VA

BRET MASER

Knoxville - Knox County - KUB Geographic Information System

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