

File #



BOARD OF ZONING APPEALS APPLICATION

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

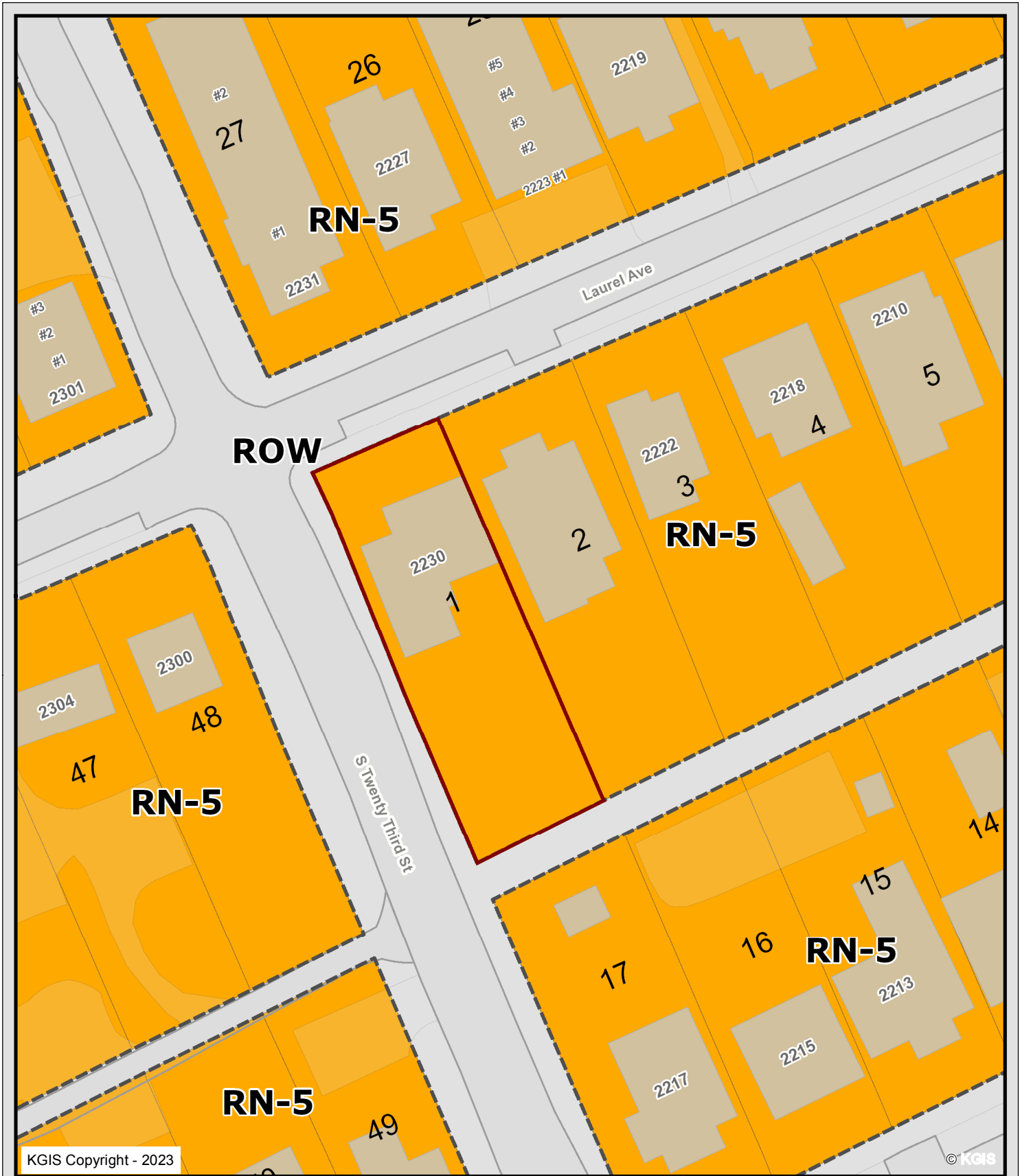
Is a plat required? Yes No

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

Large empty rectangular area for providing variance request details and ordinance citations.

PROJECT INFORMATION

Date Filed	Fee Amount
Council District	BZA Meeting Date
PLANS REVIEWER	DATE



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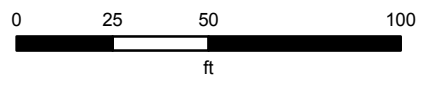
2230 LAUREL AVE

11-B-23-VA
JOHN HOLMES

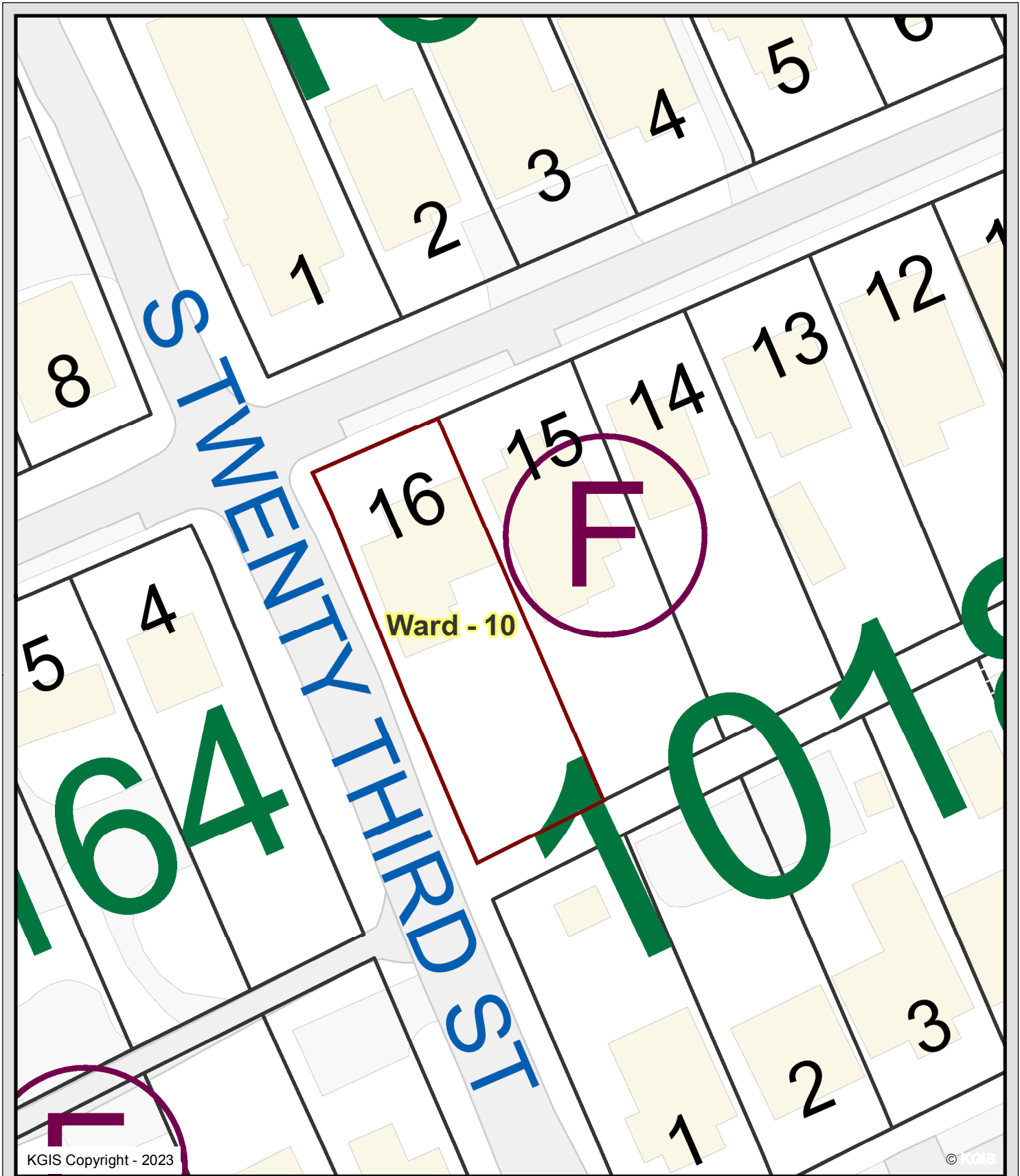
Knoxville - Knox County - KUB Geographic Information System



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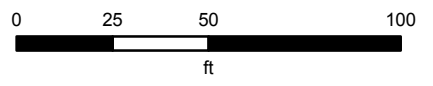
2230 LAUREL AVE

11-B-23-VA
JOHN HOLMES

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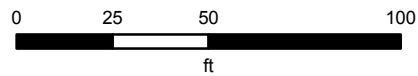
2230 LAUREL AVE

11-B-23-VA
JOHN HOLMES

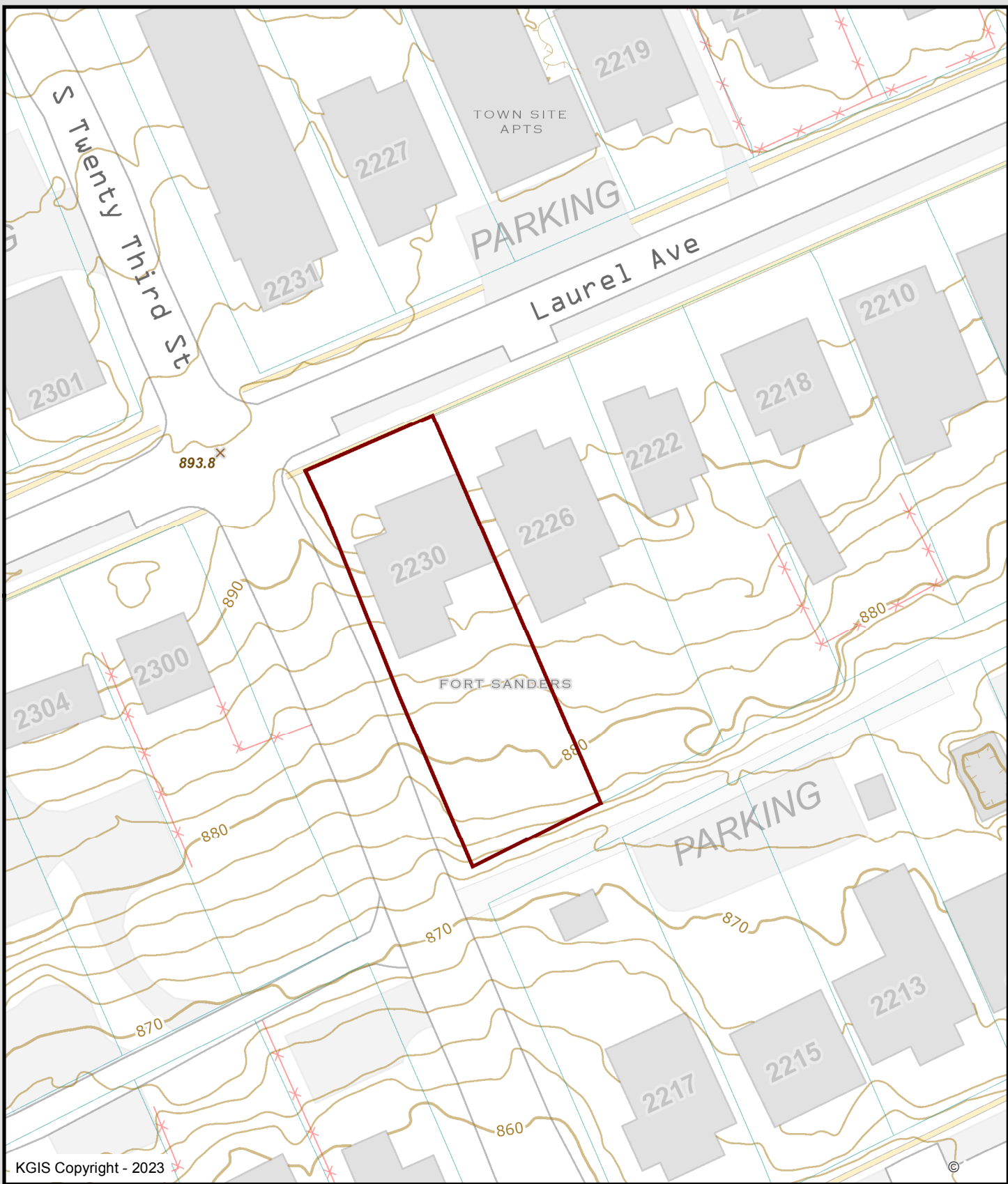
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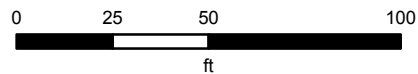
2230 LAUREL AVE

11-B-23-VA
JOHN HOLMES

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THIS SURVEY WAS PREPARED USING A COMBINATION OF RTK GNSS AND CONVENTIONAL TOTAL STATION DATA COLLECTION.

- 1) GNSS RECEIVER: CARLSON BRx7 BASE/ROVER REFERENCED TO NAD83 STATE PLANE COORDINATES USING THE TDOT CORS NETWORK
- 2) TOTAL STATION: TOPCON GPT-8205A
- 3) VERTICAL DATUM: NAVD88 / GEOID2018



● = FOUND MONUMENT

◆ = 1/2" IRON PIN SET

○ = CALCULATED POINT

MBL = MINIMUM BUILDING LINE

U&D EASE. = UTILITY & DRAINAGE EASEMENT

WD = WOOD DECK

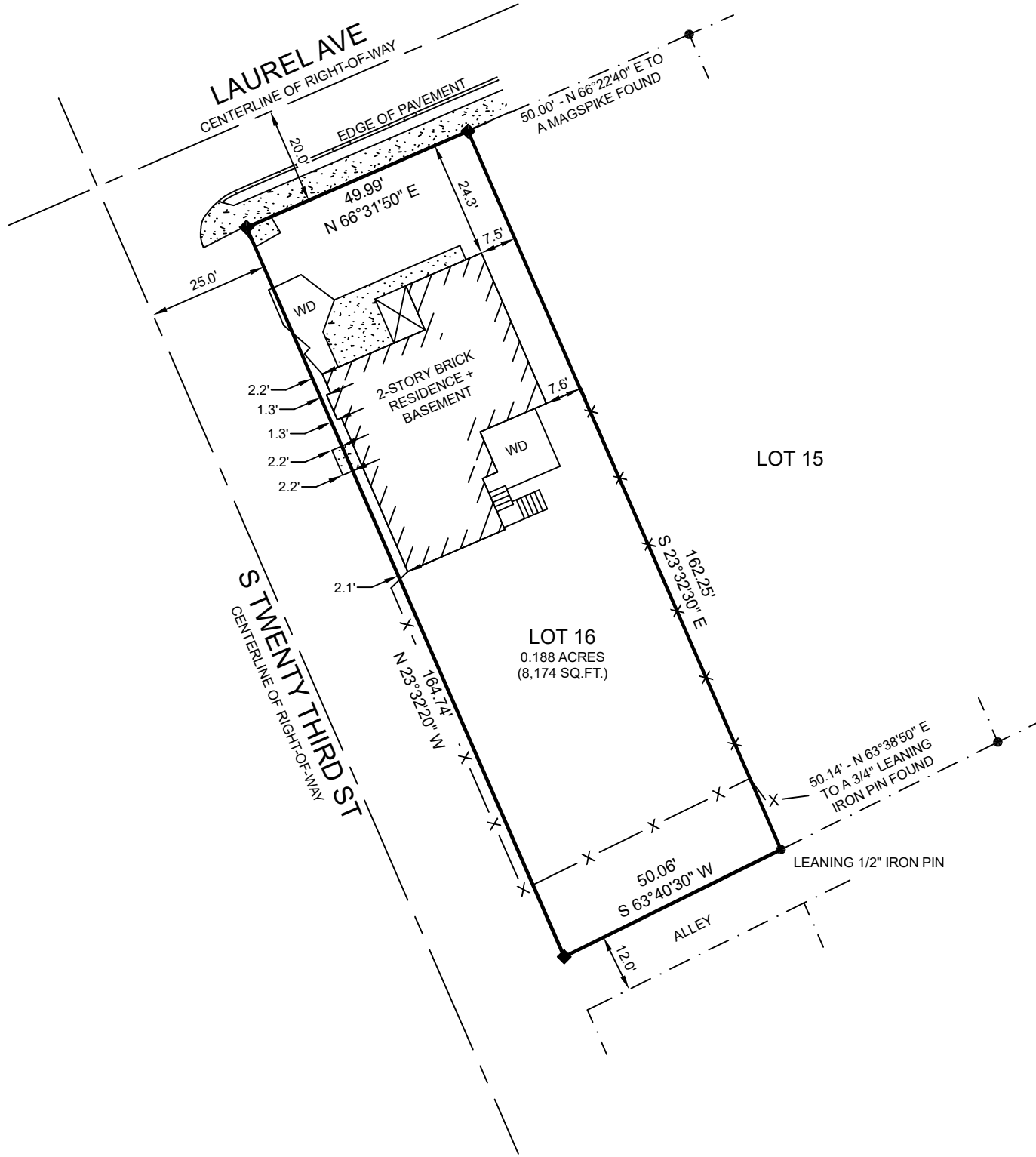
BOUNDARY LINE

NON-SURVEYED PROPERTY LINE

CENTERLINE OF ROAD

FENCING

— X — X — X —

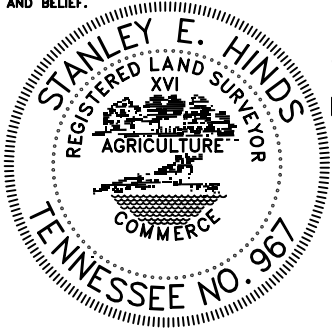


CERTIFICATION OF CATEGORY AND ACCURACY OF SURVEY

I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 AS SHOWN HEREON

SURVEYOR: STANLEY E. HINDS
TN REG. NO. 967

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN MADE USING THE LATEST RECORDED DEED AND OTHER DOCUMENTS FURNISHED BY THE ATTORNEY AND THAT THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN THOSE SHOWN AND THAT THE SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



SURVEY FOR JOHN HOLMES

DIST. 4 WARD 10 CITY OF KNOXVILLE COUNTY KNOX

ADDRESS 2230 LAUREL AVE

LOT NO. 16 BLOCK F UNIT _____

S/D FORT SANDERS ADDITION

INSTR. WD 199512290043303
PLAT 192106290000000

SCALE 1" = 30' DATE 03/06 2023

JOB NO. 2302011 ORDERED BY: INDEP.

HINDS SURVEYING CO.

3555 WINDY J FARMS DR. LOUISVILLE, TN 37777

865-588-9799 TNSURVEY@GMAIL.COM

WWW.HINDSSURVEYING.COM

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John Holmes <jholmes6@gmail.com>

1401 forest

Peter Ahrens <pahrens@knoxvilletn.gov>

Mon, Aug 14, 2023 at 4:35 PM

To: John Holmes <jholmes6@gmail.com>, "Benjamin C. Mullins (bmullins@fmsllp.com)" <bmullins@fmsllp.com>

Cc: Bryan Berry <BBerry@knoxvilletn.gov>, Christina Magrans <cmagrans@knoxvilletn.gov>

John & Ben,

If a project increases the bedroom count and results in more than 4 bedrooms per dwelling unit in Fort Sanders, the project will not be reviewed as single family, duplex, or townhouses. The project will also not be reviewed under the IRC for building code purposes.

Peter Ahrens

Director of Plans Review & Building Inspections

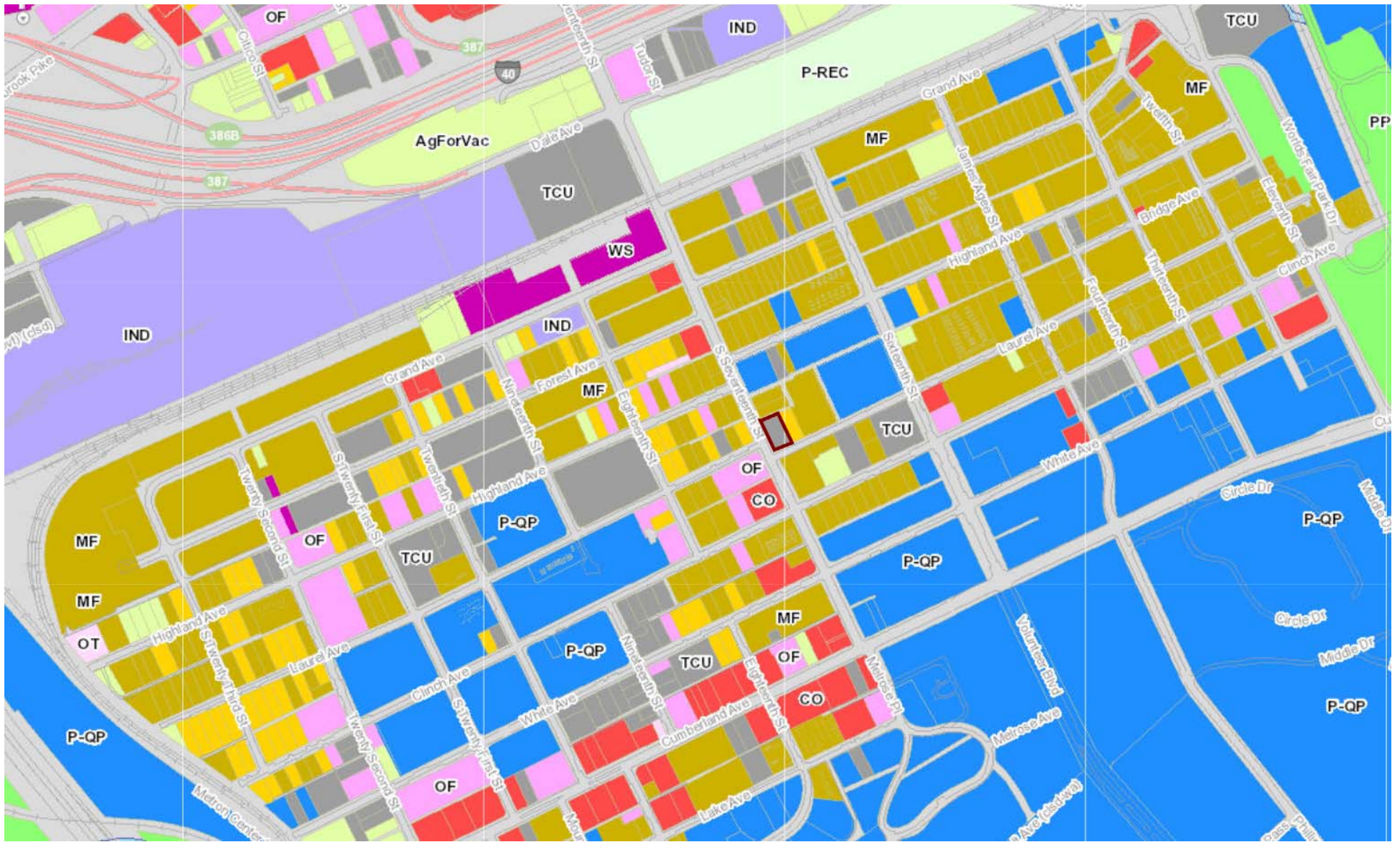
City of Knoxville

400 W. Main Street, Suite 475

Knoxville, TN 37902

Office: 865-215-3938

[Quoted text hidden]

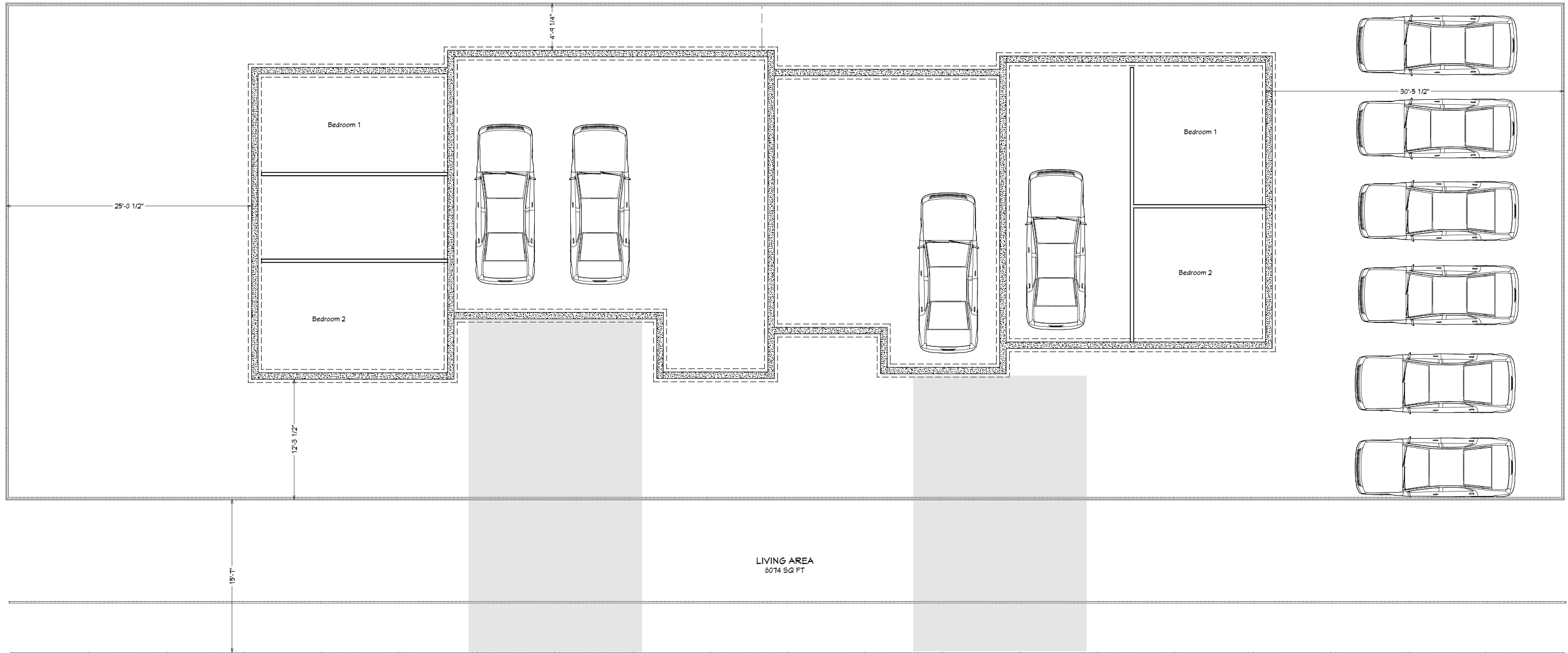


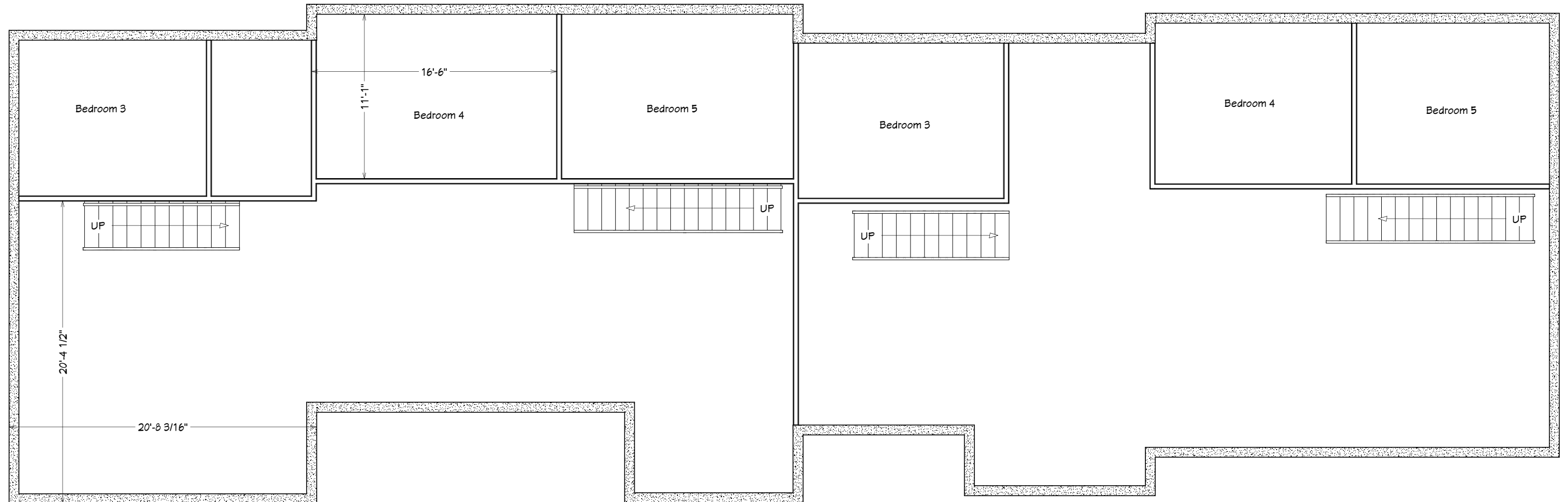
Dark Yellow indicates MF designation, 90% of which are 50' or smaller lots, all of which would now be illegal



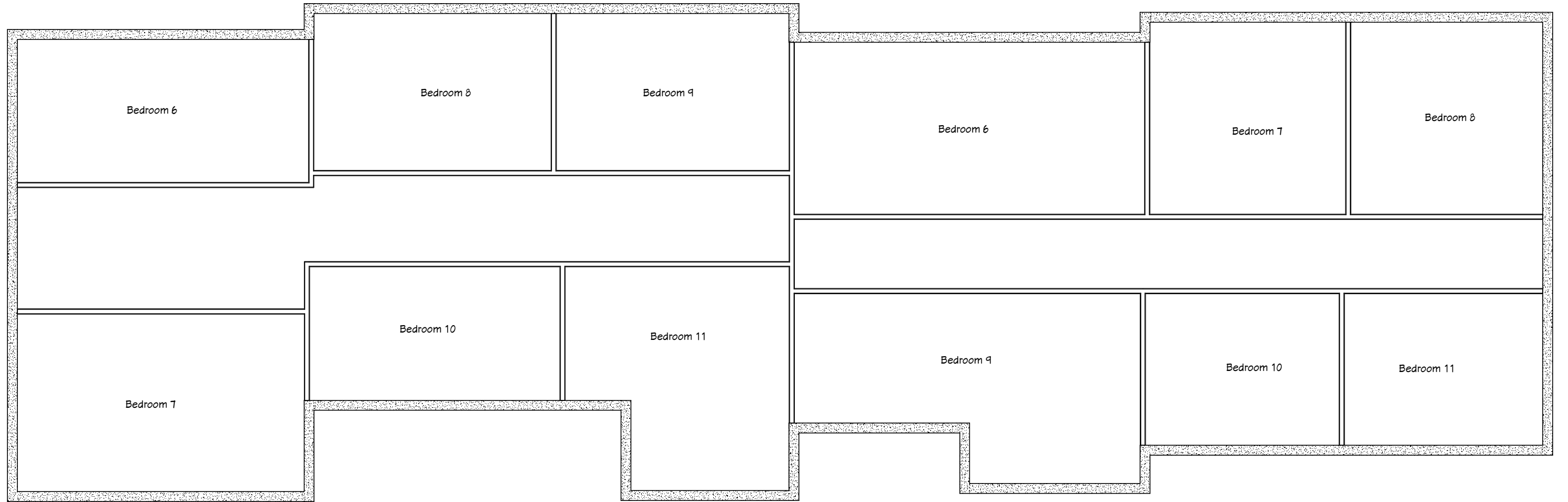
2230 Laurel Ave
2 Town-homes
No Variances Required

22 Bedrooms
Parking Required - 10
Parking Provided - 10





LIVING AREA
3134 SQ FT



LIVING AREA
3134 SQ FT

Department director has determined that a building in Ft Sanders with more than 4 bedrooms per unit shall be classified as “independent living facility”. See attached email.

Zoning Code Definitions:

Independent Living Facility. A residential development which typically includes common areas for meals and socializing and may offer convenience services, but does not provide health care or assistance with activities of daily living. Units may include cooking facilities. Independent living facilities are subject to the dimensional and design standards for a multi-family dwelling in the district in which they are located. When a district permits dwellings above the ground floor, independent living facilities may also be developed and designed as such, subject to the design standards of the district for the structure.

Dwelling Unit. A structure, or portion thereof, designed or used exclusively for human habitation, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

2.1 RULES OF INTERPRETATION

The terms in the text of this Code are interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and future tenses, and the future tense includes the present.
- C. Any gender includes all genders.
- D. The terms “must,” “shall,” and “will” are mandatory, while the word “may” is permissive.
- E. The terms “must not,” “will not,” “shall not,” “cannot,” and “may not” are prohibiting.
- F. Whenever a defined word or term appears in the text of this Code, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage.

Common knowledge is that Independent living facilities are transitional facilities for elderly people prior to full care nursing homes. The definition notes that these facilities include common socializing areas and may offer services but not healthcare. The definition of provided services supports a transitional type living arrangement prior to the need for assisted living situations. Knox High near downtown is a typical example of this type of facility.

Units are also not required to provide cooking facilities, however, all dwelling units must provide permanent cooking facilities.

Previous zoning allowed 5BR per unit, however this was specifically removed during RECODE and replaced with the occupancy standard below, which is being met.

City Council specifically removed this limit during recode:

Sec. 21. - Residential occupancy standards.

Residential dwelling units may be occupied by a family, a "functional family" consistent with the criteria established by this ordinance, or any one (1) of the following groups or persons, where one (1) or more of whom is not **related** by blood, marriage, adoption, or guardianship, including foster children:

- (1) A number of persons in accordance with the provisions of T.C.A. 13-24-102;
- (2) Two (2) persons and any of their children by blood, marriage, guardianship, including foster children, or adoption;
- (3) Up to three (3) persons in the A-1, R-1, R-1A, R-1E, R-1EN, TND-1 zone districts and in houses, attached houses, and duplexes within SW-1 and any RP zone district and any other zone district that allows residential uses;
- (4) Up to four persons in condominium multi-dwelling structures within any R-1EN, R-2, R-3, R-4, TC-1, SW-1 through SW-7 or RP zone districts and any other zone district that allows residential uses, according to the following schedule
 - a. Up to two (2) people in one- or two-bedroom dwelling units;
 - b. Up to three (3) people in a three-bedroom dwelling unit; and
 - c. Up to four (4) people in a four- or more bedroom dwelling unit; or
- (5) Up to five (5) persons in the R-2, R-3, or R-4 zone districts and in multi-dwelling structures or developments (except condominium multi-dwelling structures) within any SW-1 through SW-7, TC-1 or RP zone district and any other zone district that allows residential uses.

The zoning ordinance residential occupancy standard:

C. Residential Occupancy Standards

Minimum Space Requirement. It shall be unlawful for any person to occupy or let to another for occupancy any dwelling unit which does not contain at least 150 square feet of floor space for each occupant thereof, including at least 50 square feet of bedroom floor space for each occupant thereof. The floor space shall be calculated on the basis of total enclosed habitable space within the dwelling. No attached garage, basement, or cellar space shall be used for floor space under this section unless such space was lawfully improved and finished for occupancy in compliance with all applicable requirements of the city code as it existed at the time of the improvement. Accessory Structures, except those that are Accessory Dwelling Units (ADUs), shall not be used for occupancy.

Previously 5 Bedrooms were allowed in any dwelling unit, not 4. These sections were also specifically removed during recode. Many cities/states removed similar language due to legal issues with the fair housing act as they infringe on "protected" classes. It is illegal to discriminate against any person's "family status". To enforce a removed ordinance section is illegal.

Rezoning by Interpretation:

The application of this label is being used to prevent development and rehabilitation of homes by requiring greater than available lot widths. For Example, 90% of Fort Sanders lots are 50' wide whereas independent living requires 60'. Many, if not most all properties in the Fort have more than 4 bedrooms already. 90% of this neighborhood is now rendered nonconforming and illegal in which to build similar type housing. Required greater than 50' lot width would result in the demolition of the remaining parts

of Fort Sanders over the preservation of many 1930s era properties, particularly those to the west of 17th st. The scope of such an “interpretation” is so broad that it constitutes a rezoning, which would require an update the the zoning ordinance.

Per TCA 13-7-105, only county planning commission has the statutory authority to bring zoning resolutions to city council for approval. Such a radical change to a large number of properties is blatantly illegal.

Applicability to a single neighborhood is illegal and arbitrary:

There is nothing in the zoning code that allows for the determination of use based on the number of bedrooms.

There is also nothing in the code that allows for any type of determination based on a property being in Ft Sanders, or any specific neighborhood.

By the city interpretation/definition ANY residence could be classified as independent living, yet only some selectively are.

Unwritten rules are illegal and arbitrary:

The zoning code is meant to be literally interpreted. There is no documentation, no public notice, no city council approval, and no way for anyone to know about such regulations or bedroom limits.

Just a few months ago, it was perfectly acceptable to build more than 4BR per unit, however you would be required to build under the IBC instead of the IRC, which adds additional life safety requirement such as a sprinkler system. Suddenly now, its not. There have been no approved changes to the code since. No one is disputing that it must be built under the IBC. People should be able to clearly read to code and have clear and consistent rules.

Inconsistent Application of interpretation:

Another issue becomes how an unwritten rule is applied consistently and fairly. Noted below are several recent projects that do not follow this interpretation even in the same neighborhood. The result is that it appears certain people get special treatment. The cost differences for these interpretations are in the hundreds of thousands and for others outright denial of building permits.

1530 Highland – 6BR

1615 Clinch – 5BR

2202 Laurel – 8BR

1200 Laurel – 14BR

Definitions:

Health and Human services:

Independent Living Facility

Rental units in which services are not included as part of the rent, although services may be available on site and may be purchased by residents for an additional fee.

A facility (house, apartment, etc.) in which a child/youth is permitted to live or reside "independently" without a paid caretaker.

Searching for “independent living facility” in Knoxville and this is what comes up. All retirement homes.

2018 IPMC – International Property Maintenance Code

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5 MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room ^{a, b}	120	120	150
Dining room ^{a, b}	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.0929 m².

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

More than 6 occupants are allowed provided the minimum space is met.

2018 IBC Definition:

310.4 Residential Group R-3. P

Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

Buildings that do not contain more than two dwelling units

Care facilities that provide accommodations for five or fewer persons receiving care

Congregate living facilities (nontransient) with 16 or fewer occupants

IBC allows up to 16 occupants

Federal Law:

Housing Urban Department guidance based on the adoption of the “Keating memo”, which allows 2 persons per bedroom as a reasonable occupancy standard. This memo was adopted as policy in 1998.

[Home](#) > [Independent Living](#)

Independent Living in Knoxville

There are 16 Independent Living communities located within 25 miles of Knoxville, TN. The average cost of an Independent Living facility in this area is \$3,937. This is 5.6% lower than the state average cost of \$4,169. Below are our top-rated communities in the area, based on hundreds of thousands of reviews that we have analyzed.

Prices in this area range from a low of \$2,075 to a high of \$5,800.

Knoxville, TN is considered an urban area, though it does have some suburban pockets. The city has a diverse landscape with a mix of flat areas, hills, and mountains, since it lies at the foothills of the Great Smoky Mountains. This creates a beautiful natural backdrop with ample outdoor recreational opportunities.

In terms of amenities, Knoxville offers a range of options for residents and visitors. The city is known for its vibrant downtown area, which features a variety of restaurants, shops, entertainment venues, and cultural institutions. There are several shopping centers and malls throughout the city as well. Additionally, Knoxville is home to the University of Tennessee, which contributes to its lively and academic atmosphere.



different faiths.

Knoxville also has several reputable hospitals and healthcare facilities. The University of Tennessee Medical Center is the region's primary academic medical institution, providing comprehensive medical services and specialized care. Other notable hospitals in the area include the Parkwest Medical Center, Fort Sanders Regional Medical Center, and East Tennessee Children's Hospital.

In addition to these major healthcare facilities, Knoxville also has numerous clinics, urgent care centers, and specialized healthcare providers to cater to different medical needs of the community.

Overall, Knoxville, TN offers a mix of urban amenities and natural beauty, with a range of options for worship and access to quality healthcare facilities.

Sort and Filter

Showing **16** communities



101 East Fifth Ave, Knoxville, TN, 37917

Pet Friendly, Pool, Restaurant Style Dining, Outdoor Areas, Social Outings

\$4,004 Average monthly cost before discounts **\$\$\$** For this area ⓘ

8.4 Resident Review Score
Loved

Get Your Best Price

See Details

 Preferred Provider
Sources

Compare

● Independent Living

Echo Ridge

8458 Gleason Dr, Knoxville, TN, 37919

Pet Friendly, Pool, Activity Center, Restaurant Style Dining, Outdoor Areas

\$4,462 Average monthly cost before discounts **\$\$\$** For this area ⓘ

7.4 Resident Review Score
Loved

Get Your Best Price



- Independent Living

Park Place of Fountain City

5405 Colonial Cir, Knoxville, TN, 37918

\$3,886

Average monthly cost before discounts

\$\$\$ For this area ⓘ

Get Your Best Price

See Details



Prices

Compare

- Independent Living

Park Place of West Knoxville

10914 Kingson Pike, Knoxville, TN, 37934

\$3,937

Average monthly cost before discounts

\$\$\$ For this area ⓘ

Get Your Best Price

See Details



Prices

Compare

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Outdoor Areas, Activity Center, Clubs & Communities, Beauty & Barber

\$3,745 Average monthly cost before discounts **\$\$\$** For this area ⓘ

Get Your Best Price

See Details

Compare

 Preferred Provider Prices

● Assisted Living ● Independent Living ● Memory Care

River Oaks Place - Lenoir City

100 West 5th Avenue, Lenoir City, TN, 37771

Pet Friendly, Pool, Activity Center, Fitness Programs, Outdoor Areas

\$4,095 Average monthly cost before discounts **\$\$\$** For this area ⓘ

Get Your Best Price

See Details

Compare

 Preferred

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Outdoor Areas, Activity Center, Beauty & Barber, Housekeeping

\$2,744 Average monthly cost before discounts **\$\$\$** For this area ⓘ

Get Your Best Price

See Details

Compare

9.8
final resources

- Independent Living

Sherrill Hills

271 Moss Grove Blvd, Knoxville, TN, 37922

\$3,727 Average monthly cost before discounts **\$\$\$** For this area ⓘ

9.8 Resident Review Score
Most Loved

Get Your Best Price

See Details

Compare

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Pet Friendly, Pool, Activity Center, Clubs & Communities, Restaurant Style Dining


\$2,375 Average monthly cost before discounts **\$\$\$** For this area ⓘ

8.6 Resident Review Score
Most Loved

[Get Your Best Price](#)

[See Details](#)

7.8 Resident Review Score Compare

 final resources

● Assisted Living ● Independent Living ● Memory Care

Mountainbrook Assisted Living

700 Markhill Dr, Sevierville, TN, 37862

Pet Friendly, Activity Center, Beauty & Barber, Parking

\$2,697 Average monthly cost before discounts **\$\$\$** For this area ⓘ

7.8 Resident Review Score
Loved

[Get Your Best Price](#)

[See Details](#)

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FAIRVIEW WEST KNOXVILLE

770 Broome Rd NW, Knoxville, TN, 37909

\$3,741


Average monthly cost
before discounts

\$\$\$ For this area ⓘ

Get Your Best Price

See Details

Compare

 financial-Resources

- Independent Living

Parkview North Knoxville

975 E Emory Rd, Knoxville, TN, 37938

\$3,886


Average monthly cost
before discounts

\$\$\$ For this area ⓘ

Get Your Best Price

See Details

Compare

 financial-Resources

- Independent Living
- Assisted Living

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Get Your Best Price

See Details

Compare

 financial-Resources

- Assisted Living
- Independent Living

Darby House

249 E Broadway Blvd, Jefferson City, TN, 37760

Housekeeping, Pet Friendly, Pool, Nearby Shopping, Clubs & Communities

\$2,214


Average monthly cost before discounts

\$\$\$ For this area 

Get Your Best Price

See Details

Compare

 financial-Resources

- Assisted Living
- Independent Living

Signature Lifestyles of Jefferson City

129 Mossy Creek Dr, Jefferson City, TN, 37760


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Ok



See Details

Compare

 financial-Resources

- Assisted Living
- Independent Living

Sweetwater Living

245 Butler Drive, Sweetwater, TN, 37874

Pet Friendly, Activity Center, Parking

\$3,933

Average monthly cost
before discounts

\$\$\$ For this area ⓘ

Get Your Best Price

See Details





Retirement
Communities
Home Care

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JAMES E. WAGNER
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MARY ELIZABETH MADDOX
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MATTHEW A. GROSSMAN
KEVIN A. DEAN
SHARON H. KIM
RICHARD E. GRAVES
REBEKAH P. HARBIN
MICHAEL A. C. LEE
NIKOL D. PLUESS

FRANTZ FMS
MCCONNELL
SEYMOUR



LLP

established 1902

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Email: rgraves@fmsllp.com

Direct Fax: 865-541-4646

550 W. Main Street
Suite 500
Knoxville, Tennessee
37902

Phone 865.546.9321

Fax 865.637.5249

web fmsllp.com

ARTHUR G. SEYMOUR, JR.

(1945 - 2019)

November 16, 2023

**Via Email: bldginspections@knoxvilletn.gov;
iscobee@knoxvilletn.gov; and bberry@knoxvilletn.gov**

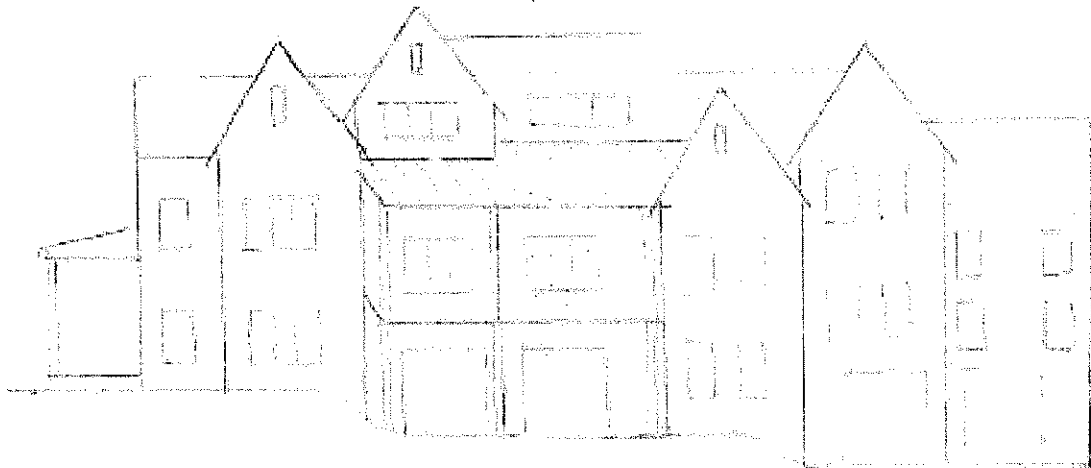
City of Knoxville
Board of Zoning Appeals
City-County Building
400 Main Street, Suite 505
Knoxville, TN 37902

Re: Application 11-B-23-VA

Dear Board of Zoning Appeals:

I represent applicant John Holmes (“Applicant”) in the above-referenced application. This application concerns two items: Zoning Ordinance interpretation appeal and a variance request. I write concerning the interpretation appeal.

Here, Applicant requested a use interpretation for a townhome dwelling project in Fort Sanders. The project involves the construction of a new 2-unit townhome dwelling at 2230 Laurel Avenue (the “Property”) in Fort Sanders:



The new structure consists of 2 townhomes with more than 4 bedrooms each. The Director of Plans and Inspections Peter Ahrens has authority to make initial interpretations under the Zoning Ordinance. Applicant sought a use interpretation for this project. Peter Ahrens offered the following interpretation:

If a project increased the bedroom count and results in more than 4 bedrooms per dwelling unit in Fort Sanders, the project will not be reviewed as single family, duplex, or townhouses. The project will also not be reviewed under the IRC for building code purposes.

(See use interpretation, Exhibit A).

Following this interpretation, Mr. Ahrens determined that the use would constitute a “Independent Living Facility.” Mr. Ahrens acknowledged that the Fort Sanders location of the project was the determinative factor. If the same structure was to be located in Sequoya Hills, for example, he would determine the use to be a Dwelling—townhome. **As a practical matter, the project would not be permissible under the applicable zoning codes if the structure is an “independent living facility” as opposed to a “townhome dwelling.”** As set forth below, the current “Independent Living Facility” interpretation must be set aside.

Initially, the definition of Dwelling-Townhome is a “A structure consisting of dwelling units separated by a party wall.” “Dwelling Unit,” is defined as “a structure, or portion thereof, designed or used exclusively for human habitation, including permanent provisions for living, sleeping, eating, cooking, and sanitation.” An “Independent Living Facility” is defined as:

A residential development which typically includes common areas for meals and socializing and may offer convenience services, but does not provide health care or assistance with activities of daily living. Units may include cooking facilities. Independent living facilities are subject to the dimensional and design standards for a multi-family dwelling in the district in which they are located. When a district permits dwellings above the ground floor, independent living facilities may also be developed and designed as such, subject to the design standards of the district for the structure.

Mr. Ahrens’ interpretation reasoning relies on the project’s location in Fort Sanders. As set forth below, this constitutes an arbitrary consideration that requires this Board to overturn such interpretation.

Zoning ordinance interpretations must follow the same rules as statutory interpretations. In both scenarios, the plain meaning prevails. Moreover, an interpretation must not be arbitrary. See *Whittemore v. Brentwood Planning Comm’n*, 835 S.W.2d 11, 16 (Tenn. Ct. App. 1992)

(noting that courts “will not hesitate to set an interpretation aside if it is arbitrary and capricious”). Here, Mr. Ahrens’ interpretation relies on multiple arbitrary distinctions. Specifically, he concluded that if the structure was built outside of Fort Sanders, then it would not constitute an “Independent Living Facility.” As the below decision shows, this location distinction is “patently arbitrary.”

Zoning ordinances must be interpreted so as to treat similarly situated parties equally. Any interpretation that fails to accomplish this is not only arbitrary, but also runs afoul of the Constitutional principle of equal protection. In *Northwestern College v. Arden Hills*, 281 N.W.2d 865, 867 (Minn. 1979), the City of Arden Hills denied a private college’s application to build a fine arts center in a residential zone despite having just granted another private college to expand its fine arts center in a residential zone. The City justified the denial of a fine arts center permit on the basis that it was “not a permitted use in a residential zone.” *Id.* The Court struck down this interpretation.

The Court held that the City’s interpretation was “patently arbitrary and that it denied [the applicant] equal protection of the laws.” *Id.* The Court noted the Constitutional principle that “[a] zoning ordinance must operate uniformly on those similarly situated.” *Id.* at 869. It then held that the discrimination between the treatment of two similar fine arts permit applications in residential zones was “not . . . justified by [the City], and it falls squarely within the rule . . . prohibiting the unequal treatment of similarly situated parties.” *Id.* As such, it was “constitutionally impermissible.”

Mr. Ahrens’ interpretation similarly fails to operate uniformly on similarly situated structures. As detailed above, he would conclude that the structure constitutes a townhome dwelling if it were located outside Fort Sanders. Thus, the same structure located in the same zone *outside* Fort Sanders would be a townhome dwelling, but it would be an independent living facility located *within* Fort Sanders. The distinction between location within and without Fort Sanders is arbitrary and should have no bearing on the interpretation of the structure here. Accordingly, this Board should conclude that the structure is a townhome dwelling.

Relatedly, Mr. Ahrens’ interpretation fails to operate uniformly even within Ft Sanders. The Applicant would note that recent multi-bedroom residential structures have been permitted at 1530 Highland (6 bedrooms), 1615 Clinch (5 bedrooms), 2202 Laurel (8 bedrooms), 1200 Laurel (14 bedrooms), 1915 Forest Ave (5 bedrooms), 1533 Forest (7 bedrooms), and 1800 Clinch (12 bedrooms), both before and after this interpretation. To Applicant’s knowledge, none of these structures were classified as independent living facilities, nor were they required to obtain variances as they have the same lot widths. In fact, many of them were permitted under the IRC and not the IBC which highlights even more inconsistency.

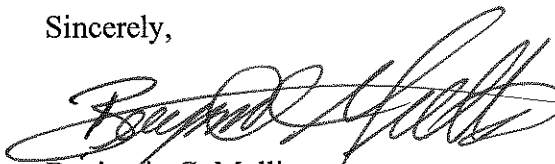
There are a host of other reasons why Mr. Ahrens’ interpretation is problematic. For example, the Zoning Ordinance provides neither a maximum bedroom limit for dwelling units nor provides that all residences in excess of a certain number of bedrooms constitute “independent living facilities.” In fact, bedroom limits were specifically removed during the

RECODE process and replaced with occupancy requirements based on the size of the dwelling unit per Section 4.2.C. Creating such a rule where none exists is arbitrary.

Lastly, it is notable that Mr. Ahrens' fixation on the Fort Sanders location almost certainly is a result of his expectation that the structure will house students. However, the actual occupant of the structure has no bearing on whether the structure is a townhome residence vs. an independent living facility. Mr. Ahrens' interpretation would have the practical effect of denying housing to occupants based on their familial status. Such discrimination is problematic and likely violative of the Fair Housing Act.

For the reasons set forth above, we ask that this Board determine that the structure constitutes a Dwelling—Townhome.

Sincerely,



Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

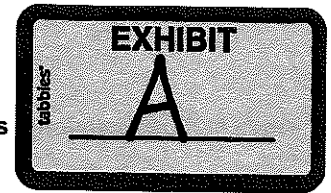
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John Holmes



1401 forest

Peter Ahrens <pahrens@knoxvilletn.gov>

Mon, Aug 14, 2023 at 4:35 PM

To: John Holmes <jholmes6@gmail.com>, "Benjamin C. Mullins (bmullins@fmsllp.com)" <bmullins@fmsllp.com>

Cc: Bryan Berry <BBerry@knoxvilletn.gov>, Christina Magrans <cmagrans@knoxvilletn.gov>

John & Ben,

If a project increases the bedroom count and results in more than 4 bedrooms per dwelling unit in Fort Sanders, the project will not be reviewed as single family, duplex, or townhouses. The project will also not be reviewed under the IRC for building code purposes.

Peter Ahrens

Director of Plans Review & Building Inspections

City of Knoxville

400 W. Main Street, Suite 475

Knoxville, TN 37902

Office: 865-215-3938

[Quoted text hidden]

From: [Steve Borden](#)
To: [Jennifer Scobee](#)
Subject: RE: November COK Board of Zoning Appeals Applications for Review
Date: Friday, November 3, 2023 1:35:38 PM
Attachments: [image002.png](#)
[image003.png](#)

Jennifer,

District 18 staff have reviewed the requested BZA's for November. In reviewing the applications, no impacts to State owned property or streets have been identified. District 18 has no objection to these requests. Please let us know if you need any additional information

Thank you,



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
tn.gov/tdot



November 6, 2023

Mr. Bryan Berry, Deputy Director
Board of Zoning Appeals
Room 475, City-County Building
P. O. Box 1631
Knoxville, Tennessee 37901

Dear Mr. Berry:

**Re: Variance Requests 11-A-23-VA, 11-B-23-VA, 11-C-23-VA, 11-D-23-VA, 11-F-23-VA,
and 11-G-23-VA**

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.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Wiberley".

Christian Wiberley, P.E.
Engineering

CGW

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VARIANCE
11-B-23-VA
Knoxville BZA
PUBLIC HEARING
(865) 215-4244

bush
heat