

File # (office use only)

3-D-23-VA



# 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 (Individual not company) David Arning, Dominion Development Group	Owner <input checked="" type="checkbox"/>	New Structure <input type="checkbox"/>
Street Address 3834 Sutherland Ave	Contractor <input type="checkbox"/>	Modification of Existing Structure <input checked="" type="checkbox"/>
City, State, Zip Knoxville, TN 37919	Tenant <input type="checkbox"/>	Off Street Parking <input checked="" type="checkbox"/>
Phone Number 865-225-6506	Other <input type="checkbox"/>	Signage <input type="checkbox"/>
Applicant Email DavidA@DominionDG.com		Other <input type="checkbox"/>

### 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 1113 & 1115 Phillips Ave	City, State, Zip Knoxville, TN 37920
See <a href="http://KGIS.org">KGIS.org</a> for Parcel # 095OB012 & City Council District # 1	and Zoning District South City (SW-4)
095OB01601	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.

Applicant proposes redevelopment of an existing 8,000SF structure and related site improvements, landscaping, and parking at 1113 & 1115 Phillips Avenue for use as a restaurant and brewery. Zoning variances are required because a small portion of the existing building is located within the 500-year floodplain and parking restrictions under the current zoning would not support the proposed use.

#### Requested variances:

- Variance to Chapter 12, requesting that the 100-year flood elevation be used as the base flood for redevelopment of the property and that improvements be permitted at two feet (2') above the 100-year elevation for the existing structure and ancillary equipment.
- Variance increasing the maximum parking permitted in the SW-4 zoning district from 3 spaces per 1,000SF to not more than 11 spaces per 1,000 SF.

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

Please see attached.

Site plans and any other relevant information associated with the hardship must accompany this application.

### 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 David R. Arning

Digitally signed by David R. Arning  
D:NC-US, E=DavidA@DominionDG.com, O=Dominion Development Group,  
LL OU=Vice President of Development, CN=David R. Arning  
Date: 2023.02.09 08:14:43-0500

DATE 2/9/2023

**INCOMPLETE APPLICATIONS WILL BE RETURNED FOR RESUBMISSION. ALL INFORMATION IS REQUIRED.**

rev 1/23

File #



**BOARD OF ZONING APPEALS APPLICATION**

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

Is a plat required?    Yes     No

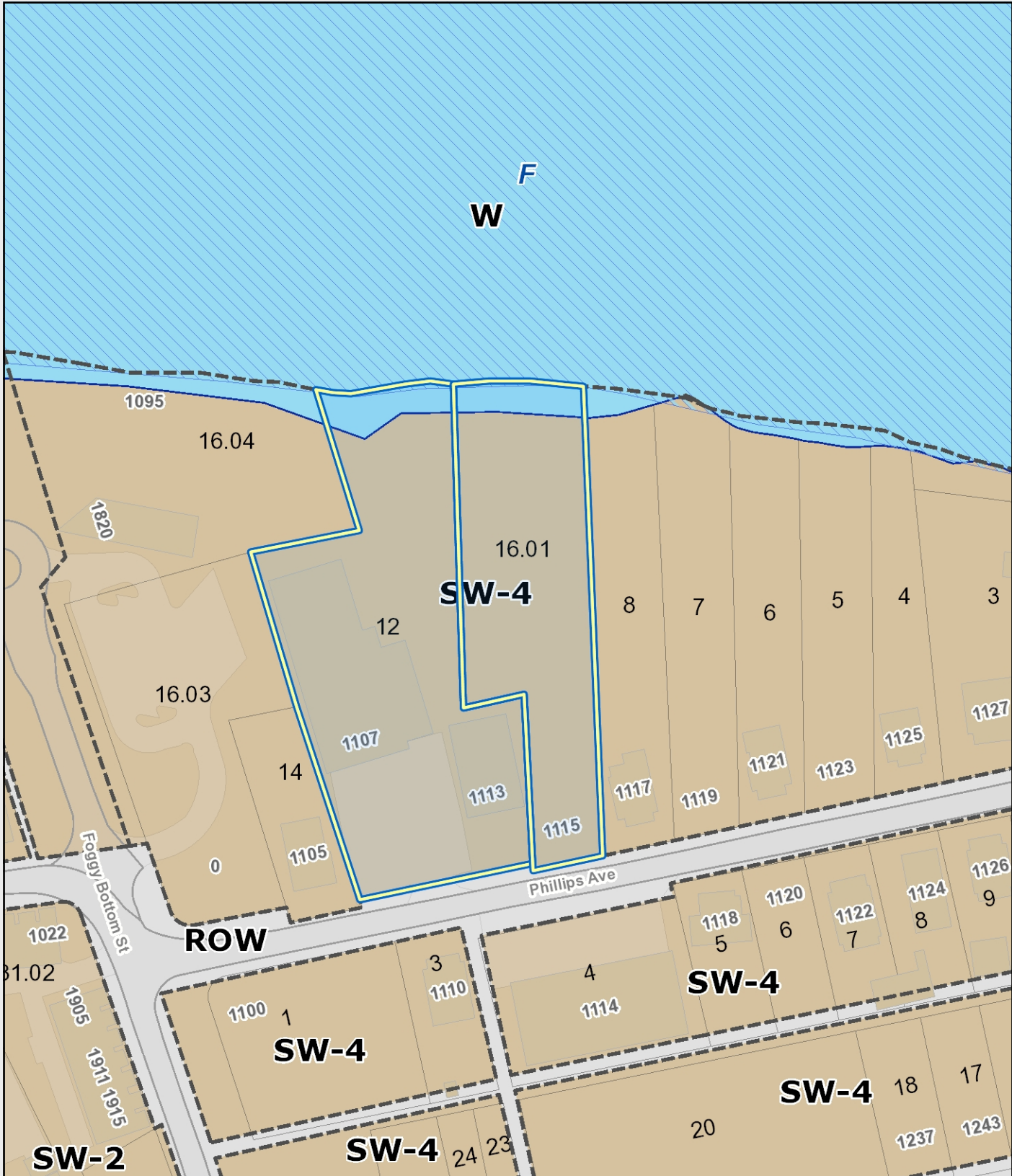
Small Lot of record?

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

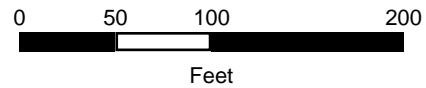
*(This area is intentionally left blank for the applicant to provide variance request details and ordinance citations.)*

**PROJECT INFORMATION**

Date Filed	Fee Amount
Council District	BZA Meeting Date
<b>PLANS REVIEWER</b>	<b>DATE</b>



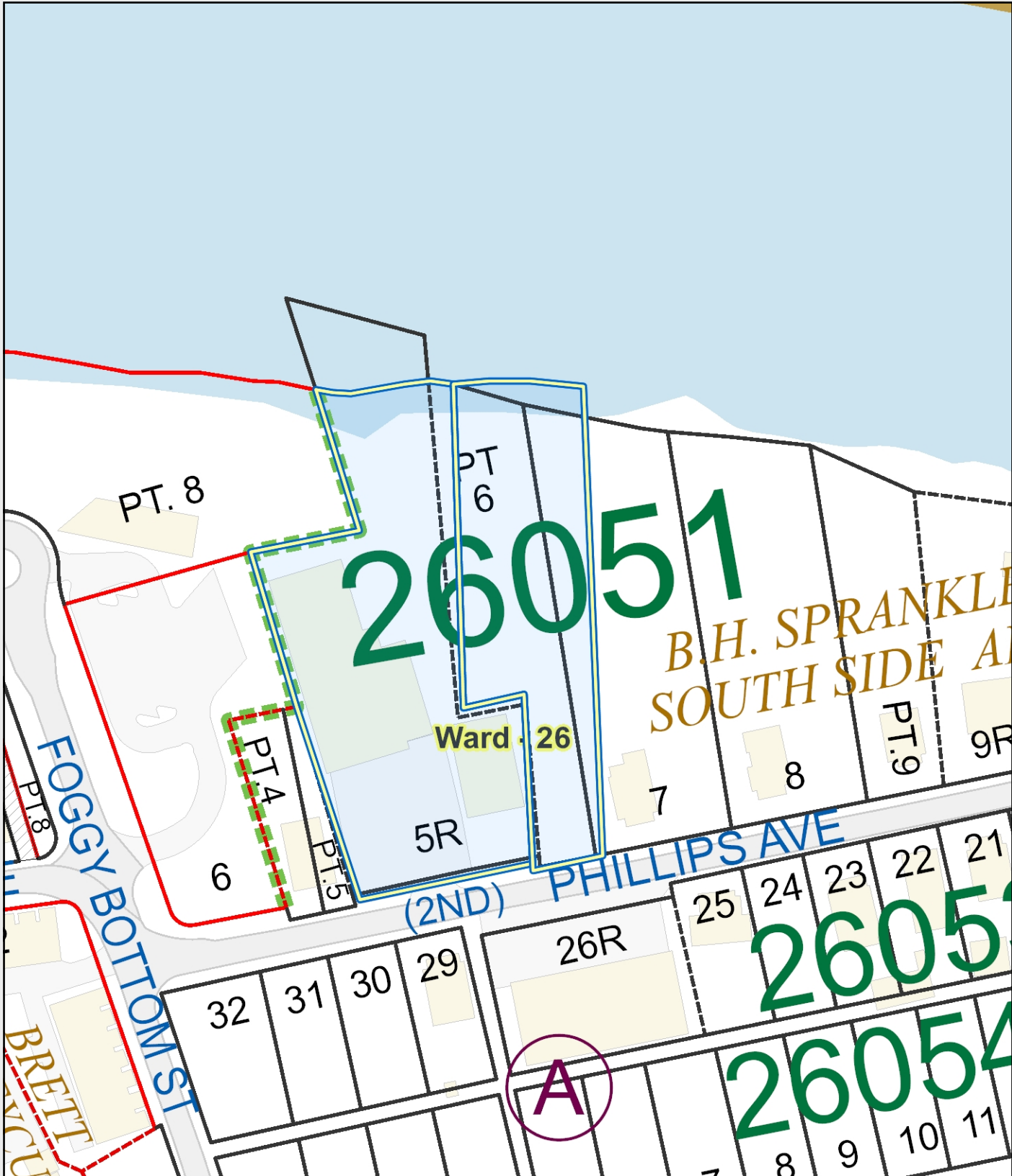
3-D-23-VA  
 1113 & 1115 PHILLIPS AVE  
 DAVID ARNING



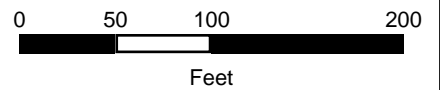
KGIS makes no representation or warranty as to the accuracy of this map and its information, nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

© KGIS 2023

Printed: 2/9/2023 10:18:56 AM



3-D-23-VA  
 1113 & 1115 PHILLIPS AVE  
 DAVID ARNING



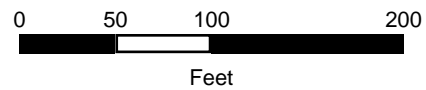
KGIS makes no representation or warranty as to the accuracy of this map and its information, nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

© KGIS 2023

Printed: 2/9/2023 10:19:28 AM



**3-D-23-VA**  
**1113 & 1115 PHILLIPS AVE**  
DAVID ARNING



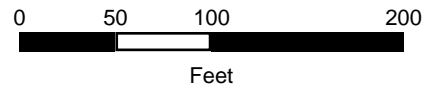
KGIS makes no representation or warranty as to the accuracy of this map and its information, nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

© KGIS 2023

Printed: 2/9/2023 10:20:06 AM



**3-D-23-VA**  
**1113 & 1115 PHILLIPS AVE**  
 DAVID ARNING



KGIS makes no representation or warranty as to the accuracy of this map and its information, nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

© KGIS 2023

Printed: 2/9/2023 10:17:15 AM

**BOARD OF ZONING APPEALS APPLICATION**

**DESCRIPTION OF APPEAL**

**Description of Hardship Conditions**

**1113 & 1115 Phillips Ave**

**Dominion Development Group**

1. The subject property faces a hardship due to existing conditions unique to the property: specifically, the 500-year flood plain elevation to which the City currently regulates runs through the northeast portion of the existing structure.

Applicant intends to revitalize a blighted property with an adaptive reuse of the existing structure that would be in keeping with the scale, materials, and character of the South Waterfront district while supporting the goal of activating the waterfront. The renovation and investment will exceed the "50% of value" threshold thus requiring the project to satisfy floodplain regulations intended for new construction. The existing structure was built in the late 1960s/1970s, prior to the City regulating to the 500-year floodplain. According to City of Knoxville staff, there are no historical records of flooding on the property since the building was constructed. The requested variance is the minimum required. It would satisfy the intent of the ordinance to comply with National Flood Insurance Program requirements and would not create any new or additional flood risk or otherwise negatively impact the area.

Applying the 500-year floodplain elevation to the existing building would create an unreasonable hardship that would prevent the reasonable use of the property. Applicant therefore requests a variance to allow the existing structure to remain in place and be permitted for redevelopment at two feet (2') above the 100-year floodplain.

2. The subject property is entitled as of right for commercial use, including as a restaurant and brewery; however, the current parking requirements present a hardship in that they don't allow for sufficient parking to adequately support such uses.

The parking requirements within the SW-4 were established to encourage walkable uses for properties and the proposed project would continue to encourage local and pedestrian patronage; however, the 3 parking spaces per 1,000 SF maximum would significantly limit the viable uses of the property and potentially the quality of tenant as well. Access to and the ratio of parking spaces to the number of seats in the restaurant/brewery is one of the primary considerations in site selection. The operator identified for the project has developed six different concepts encompassing nearly 50 locations across the southeast. Typically, a 75% ratio of parking spaces to seats yields adequate accessibility for our customers and employees. Customers will usually come from a 3-mile radius, while employees travel from 10-15 miles. The current concept for this location has 150 "permanent" seats indoor with additional "seasonal" seating capacity outdoor yet to be determined, but likely able to accommodate another 100+/- customers. This seasonal seating, however, would rely primarily on pedestrian, bike, river, and ride-share traffic. Typical required parking would yield 112 spaces, but the applicable code would only permit 24 (8,000 SF / 1,000 SF x 3 spaces = 24). By contrast, the City's standard parking code for eating and drinking establishments provides for a

minimum of 8 spaces per 1,000SF and a maximum of 16 spaces per 1,000SF. Recognizing the unique character of the South Waterfront district and existing public parking and multi-modal transit opportunities, Applicant has requested only 83 parking spaces (less than 11 per 1,000SF) as a reasonable compromise that provides minimum parking necessary for staff and patrons.

Without sufficient on-site parking, virtually all vehicular traffic would instead be required to use limited parking at Suttree Landing Park and along Phillips Avenue. Phillips is a relatively narrow residential street without curbing and on-street parking would be limited and challenging (this section of Phillips Avenue is not currently identified on the City's website as available for public parking and the main section of Phillips Avenue has already been restricted to residential permit-holders due to limited parking and resident concerns).

The South Waterfront Vision plan documents the need for 450 off-street parking spaces and 790 on-street spaces in the Sevier Avenue corridor; currently, City maps identify only 175 public on-street spaces in the immediate area and private establishments with off-street parking are extremely limited. The parking area would be constructed with pervious surfaces and feature existing and new trees, landscape screening, and pedestrian-scale lighting.

Applicant's goal in providing dedicated on-site parking is to provide a viable new venue that will attract local and regional visitors while further activating the South Waterfront district. The modest increase in on-site parking would benefit the entire Sevier Avenue district by relieving some of the current parking constraints. Further, it would provide additional parking options for patrons of not only the on-site restaurant and brewery but also other merchants and venues within walking distance. Without reasonable relief for the maximum allowed parking, the property would not be able to support the expected employees and patrons required for the proposed restaurant and brewery. In light of this hardship, Applicant requests a variance to the parking requirement to allow up to 11 parking spaces per 1,000 SF.



MBI COMPANIES INC.  
299 N. WEISGARBER ROAD  
KNOXVILLE, TN 37919

PHONE: (865) 584-0999  
FAX: (865) 584-5213  
WEB: mbicompanies.com



Know what's below.  
Call before you dig.  
In Tennessee call 811 or 1-800-351-1111

**OWNER: 1**  
Dominion Langford LLC  
3822 Southern Ave  
Knoxville, TN 37919  
Parcel 012

**OWNER: 2**  
River View Properties INC  
1624 Riverside Drive  
Knoxville, TN 37915-3208  
Parcel 1601

COPYRIGHT © MBI COMPANIES INC.

BOUNDARY & TOPOGRAPHIC SURVEY OF:  
**LOTS 5R AND PART OF 6  
OF B.H. SPRANKLE SOUTH  
SIDE ADDITION TO KNOXVILLE**  
1113-1115 PHILLIPS AVENUE  
KNOXVILLE, TN

Knox County, Tn  
City of Knoxville, Tn

Tax Parcel Id:  
Map 095-0-B Parcel 012 & 1601  
Deed Ref(s): Inst #201912130040510  
Inst #201612130037599

Plat Ref.(s): Inst #199010300051747  
Inst #200906090081215

Crew Chief: B. Satterfield

Drawn By: L. Phillips

Appvd. By: W. Lovin

Field date: 2-24-22

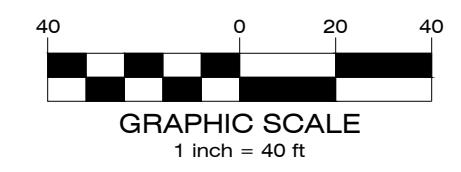
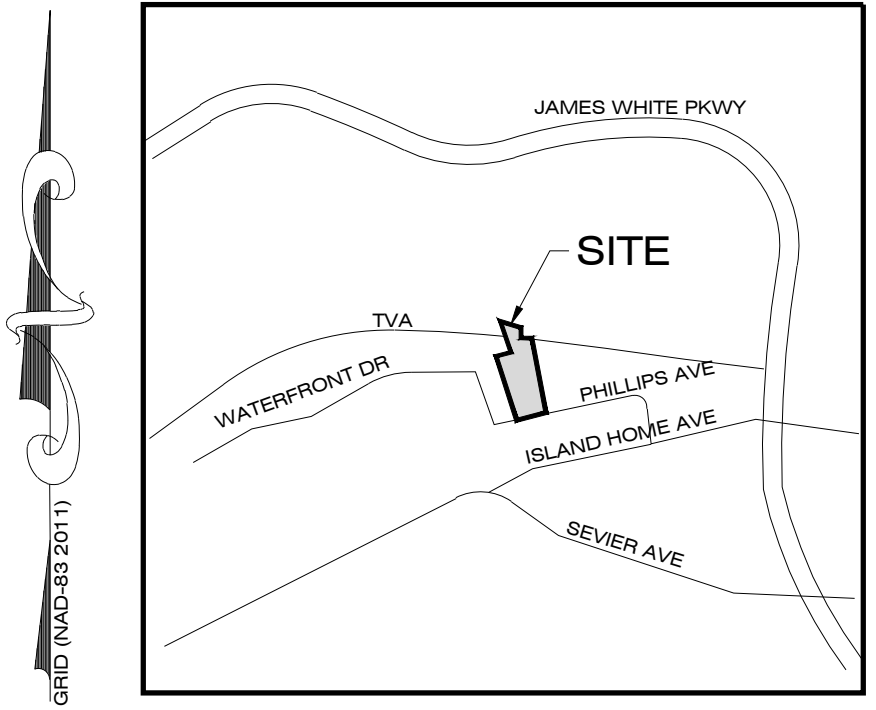
Drawing date: 3-3-22

Last Revision:

Scale: 1" = 40'

Job No. 220297

SHEET NO.:



### GENERAL NOTES

- G1 Verify exact size, depth and location of all underground utilities prior to construction.
- G2 Property subject to all applicable easements, setback and restrictions of record.
- G3 Verify current zoning with appropriate government planning agency prior to any site design and/or construction.
- G4 This survey plat does not warrant title.
- G5 Horizontal coordinates are on TN State Grid (NAD83-2011), with elevations on NAVD88. Distances have not been reduced to grid.
- G6 By graphic plotting, this property lies in Zone X and AE on FEMA Panel # 47093C0284F, which bears an effective date of 5-2-07, and is in a special flood hazard area.
- G7 TVA flowage easement up to 820 contour.

### UTILITY INFORMATION

ELECTRIC SERVICE	WATER SERVICE	SEWER SERVICE
Knoxville Utilities Board 4505 Middlebrook Pike Knoxville, TN 37921 Phone: 865-524-2911	Knoxville Utilities Board 4505 Middlebrook Pike Knoxville, TN 37921 Phone: 865-524-2911	Knoxville Utilities Board 4505 Middlebrook Pike Knoxville, TN 37921 Phone: 865-524-2911
GAS SERVICE	TELEPHONE SERVICE	CABLE SERVICE
Knoxville Utilities Board 4505 Middlebrook Pike Knoxville, TN 37921 Phone: 865-524-2911	AT&T 9733 Parkside Drive Knoxville, TN 37922 Phone: 865-539-2956	Xfinity 5720 Asheville Hwy Knoxville, TN 37924 Phone: 800-266-2278

- U1 Utility information as shown on this survey is represented by a combination of available maps and features evident during the field survey only.
- U2 Verify exact size, depth and location of all underground utilities prior to design and / or construction.
- U3 Notify Tennessee One-Call System, Inc. for underground utility location before you dig.

### ZONING INFORMATION

- Z1 Property is zoned SW-4
- Z2 Verify full zoning regulations by contacting:
- Z3 KNOXVILLE-KNOX COUNTY PLANNING  
Suite 403, City/County Building  
400 Main Street  
Knoxville, Tennessee 37902  
Phone (865) 215-2500  
contact@knoxplanning.org

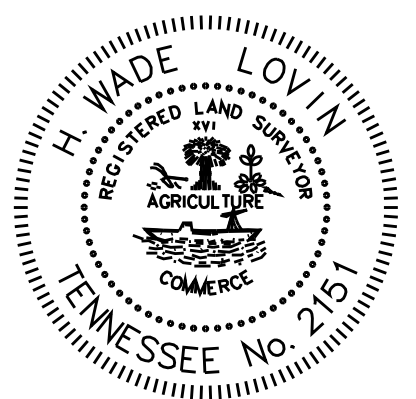
### SURVEYOR'S CERTIFICATION

**CERTIFICATE OF ACCURACY**  
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. No title opinion was furnished to this surveyor and easements shown and/or not apparent in the field may or may not be discovered by a title search by a title attorney.

I hereby certify that 90% of the contours / spot elevations shown hereon are within 1/2 (one-half) of the contour interval as shown hereon.

A portion of the subject property was surveyed with RTK GPS observations using survey grade GPS receivers and conforms to redundancy and accuracy required to comply with rules set forth by Tennessee Board for Land Surveyors and Tennessee Code Annotated chapter 62.

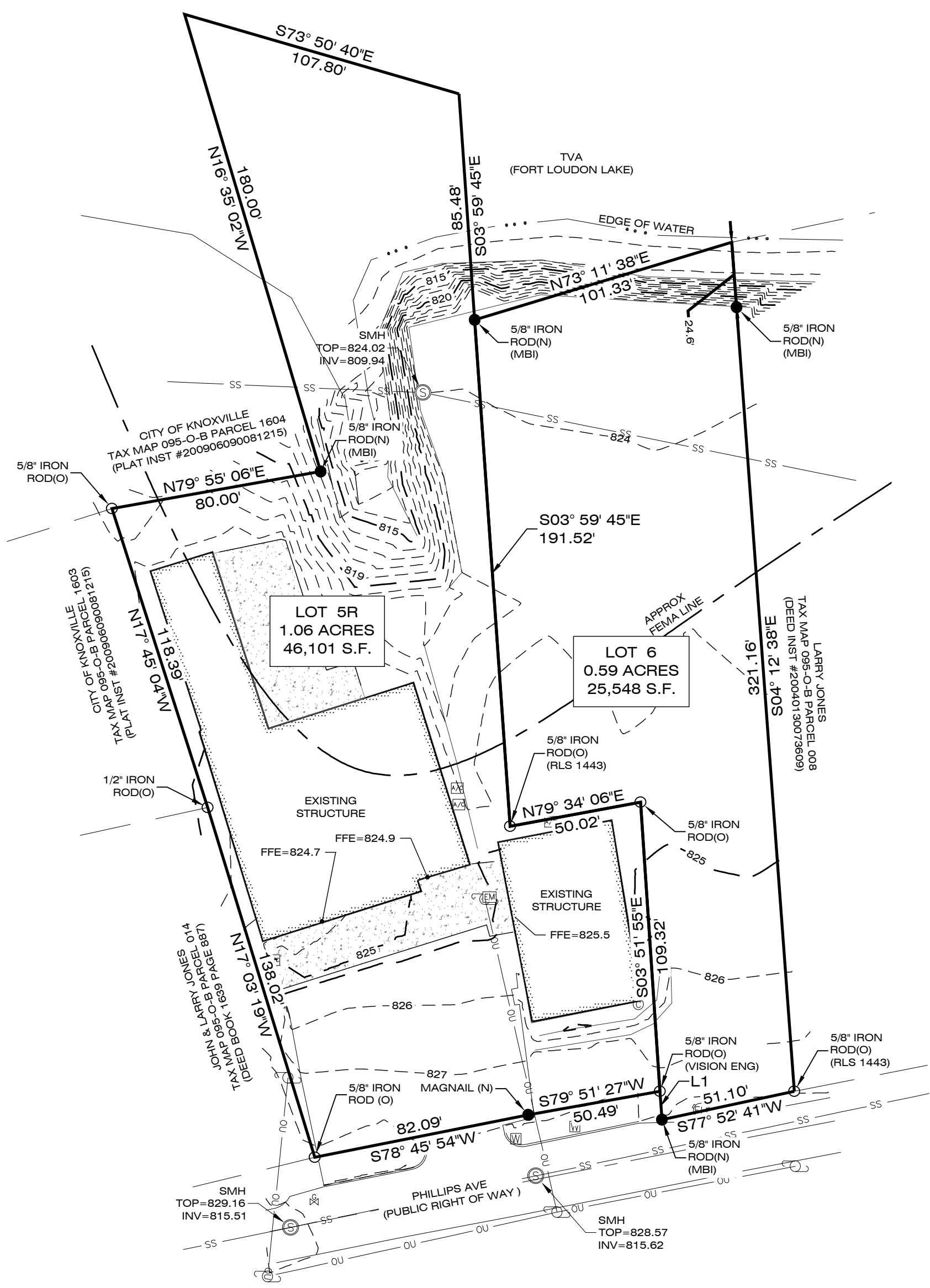
H. Wade Lovin, TN RLS #2151 Date

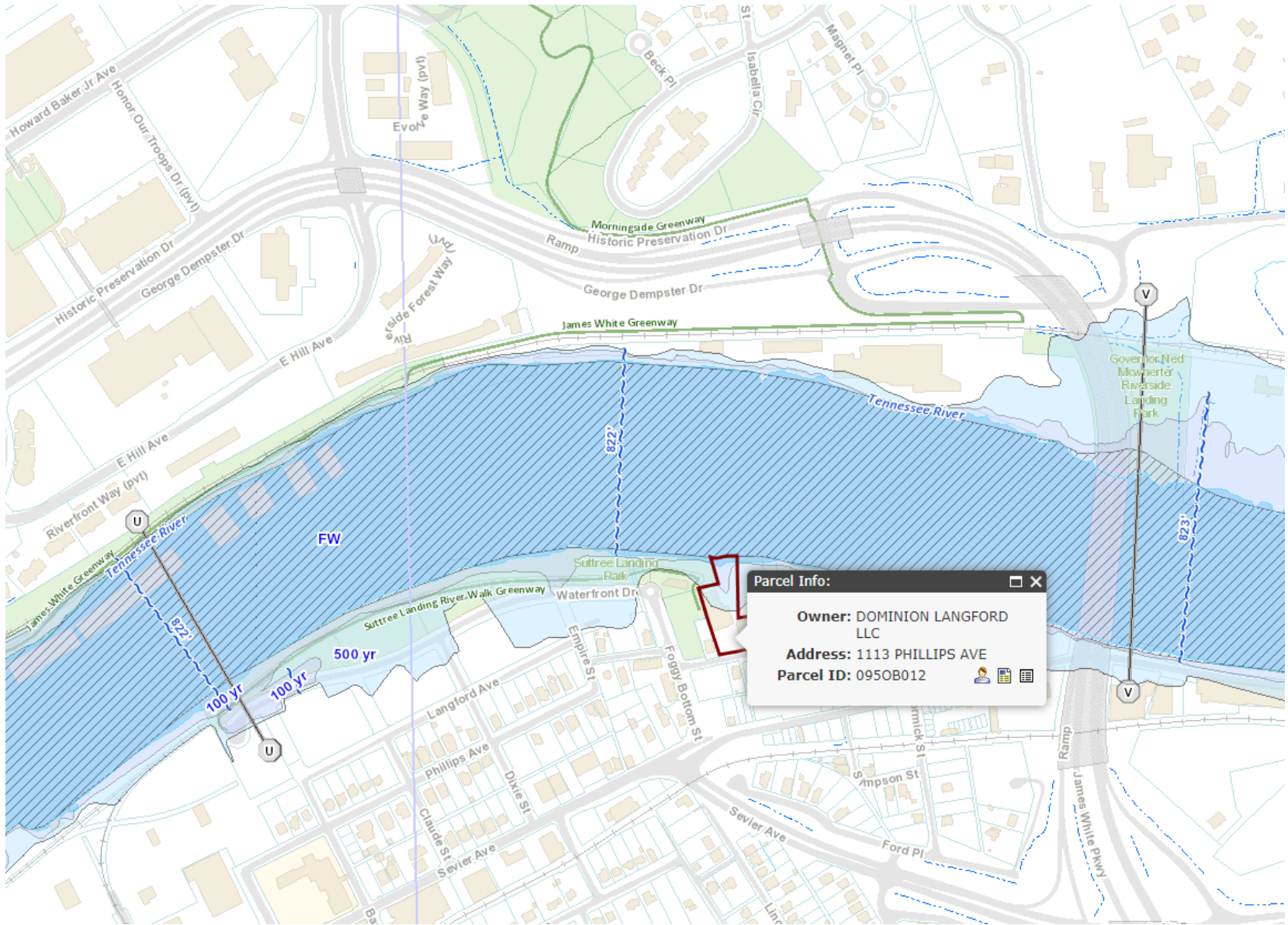


### Legend

- xx (O) - monument (old)
- xx (N) - monument (new)
- ◻ A/C - air conditioner unit
- ◻ EM - electric meter
- - utility pole
- ou — ou — overhead utility line
- - sanitary sewer manhole
- - clean out
- ss — ss — sanitary sewer line
- ⊗ - water valve
- ⊕ - fire hydrant
- ⊗ - gas valve
- ◻ - concrete

LINE	LENGTH	BEARING
L1	10.68	N03°51'55"W



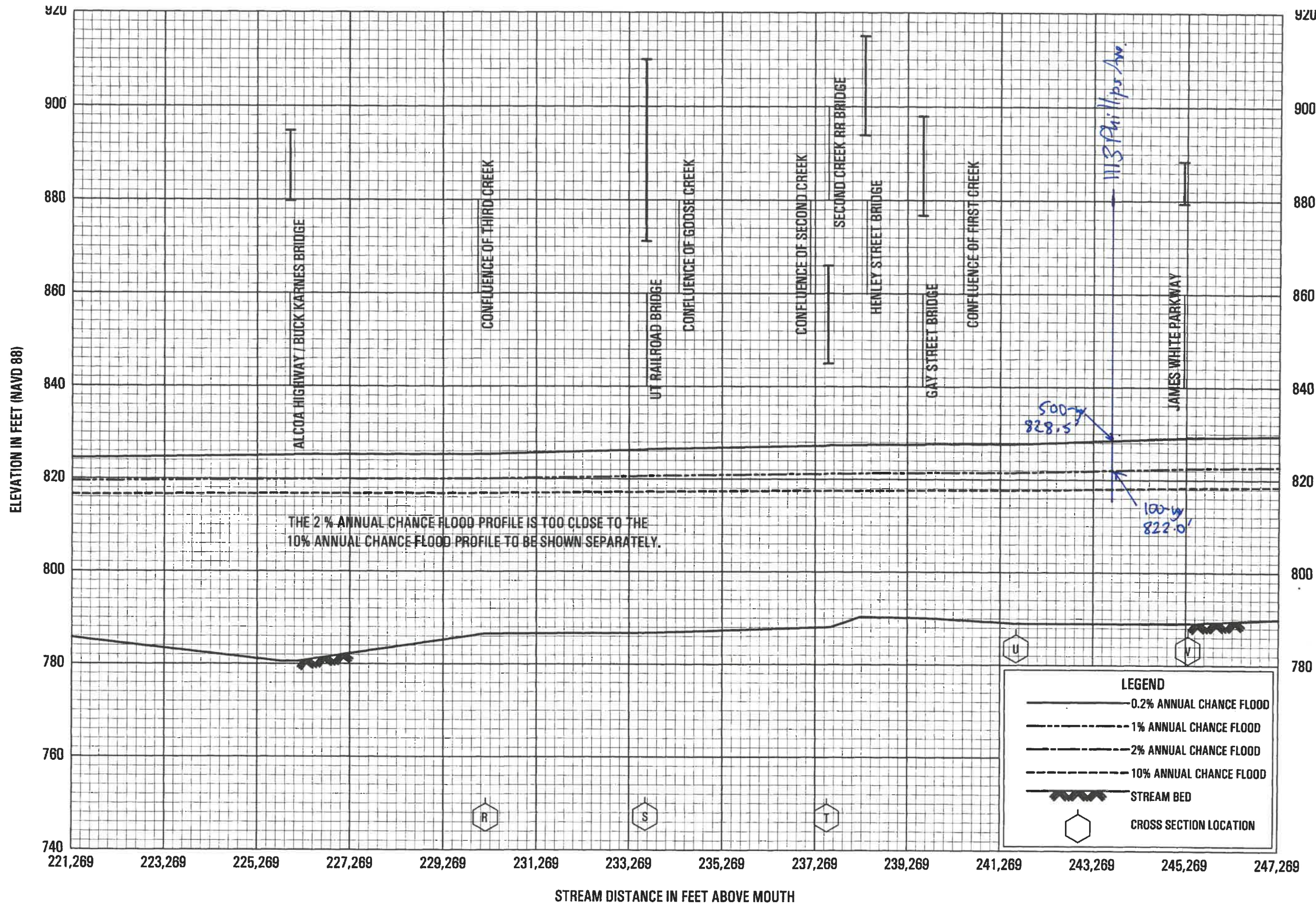


**Parcel Info:**

**Owner:** DOMINION LANGFORD LLC

**Address:** 1113 PHILLIPS AVE

**Parcel ID:** 0950B012



**FLOOD PROFILES**

TENNESSEE RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

KNOX COUNTY, TN

AND INCORPORATED AREAS

Seal  
 © DKLEVY PLLC, 2022 - ALL RIGHTS RESERVED  
 NO PART OF THIS DOCUMENT MAY BE REPRODUCED WITHOUT THE AUTHORIZED CONSENT OF DKLEVY PLLC.



Drawing Set

CONCEPT

Project Information

PHILLIPS AVE. RESTAURANT  
 DOMINION DEVELOPMENT GROUP  
 1113 PHILLIPS AVE. KNOXVILLE, TN 37920

Code Information

Fire Protection Systems:

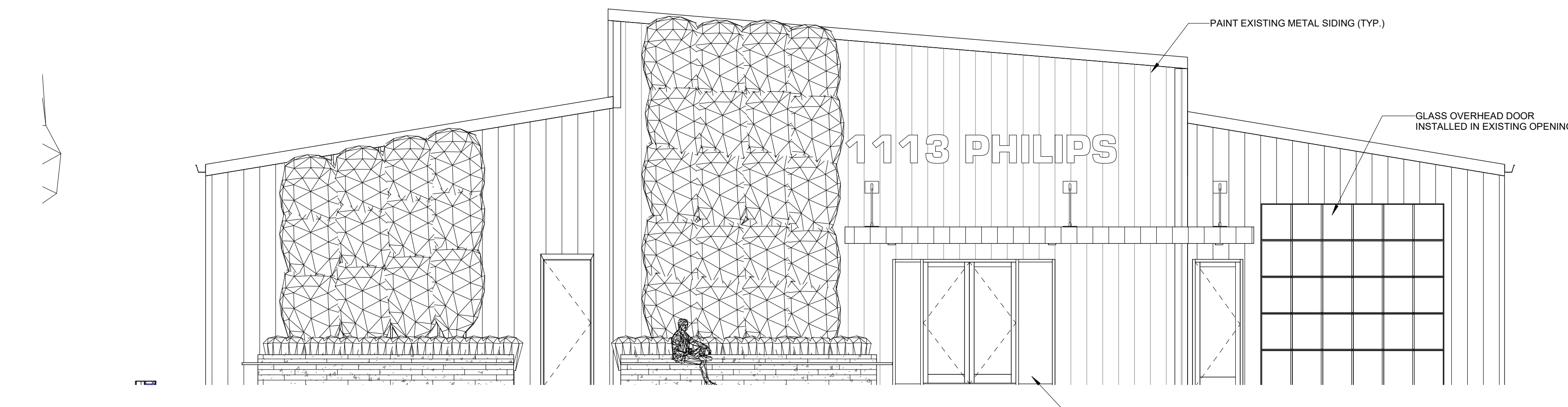
Drawing Information

Revisions		
No.	Description	Date

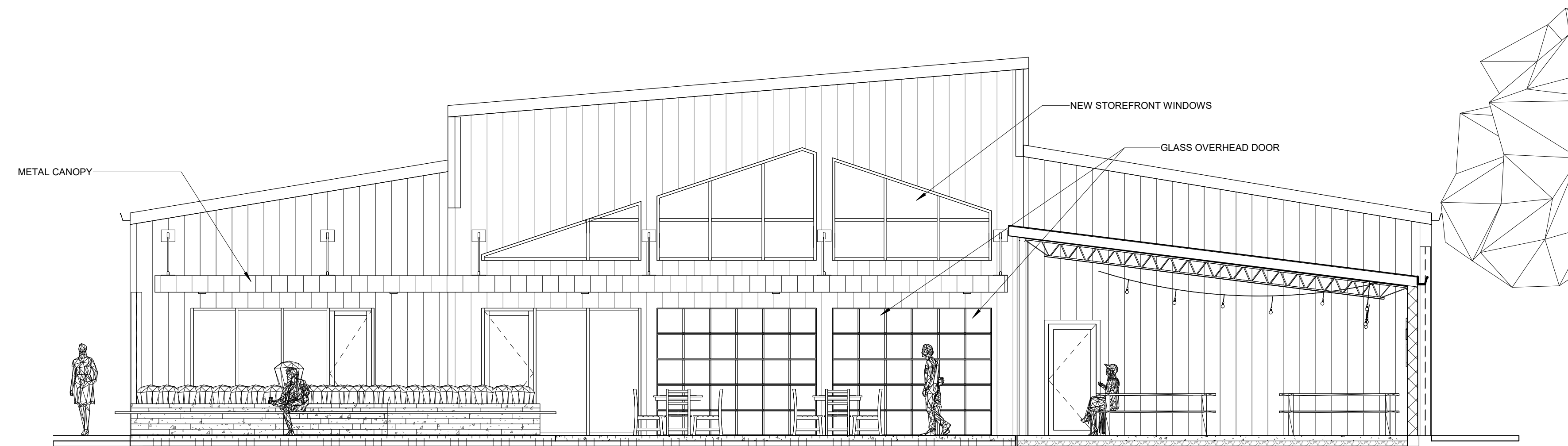
Project Number 22150  
 Issue Date 02.08.2023  
 Drawn By EMG  
 Checked By DML  
 Scale 1/16" = 1'-0"  
 ARCH SITE PLAN - CONCEPT 1

1 SITE PLAN - CONCEPT  
 1/16" = 1'-0"

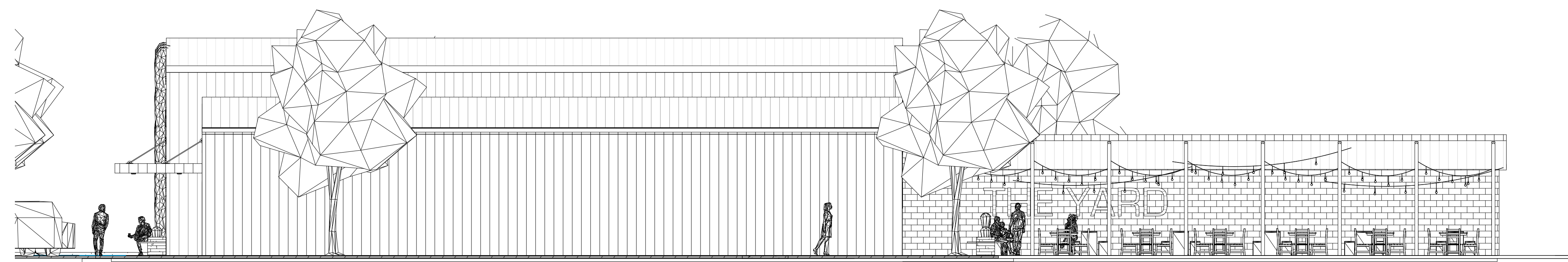
Seal  
 © DKLEVY PLLC, 2022 - ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED WITHOUT THE AUTHORIZED CONSENT OF DKLEVY PLLC.



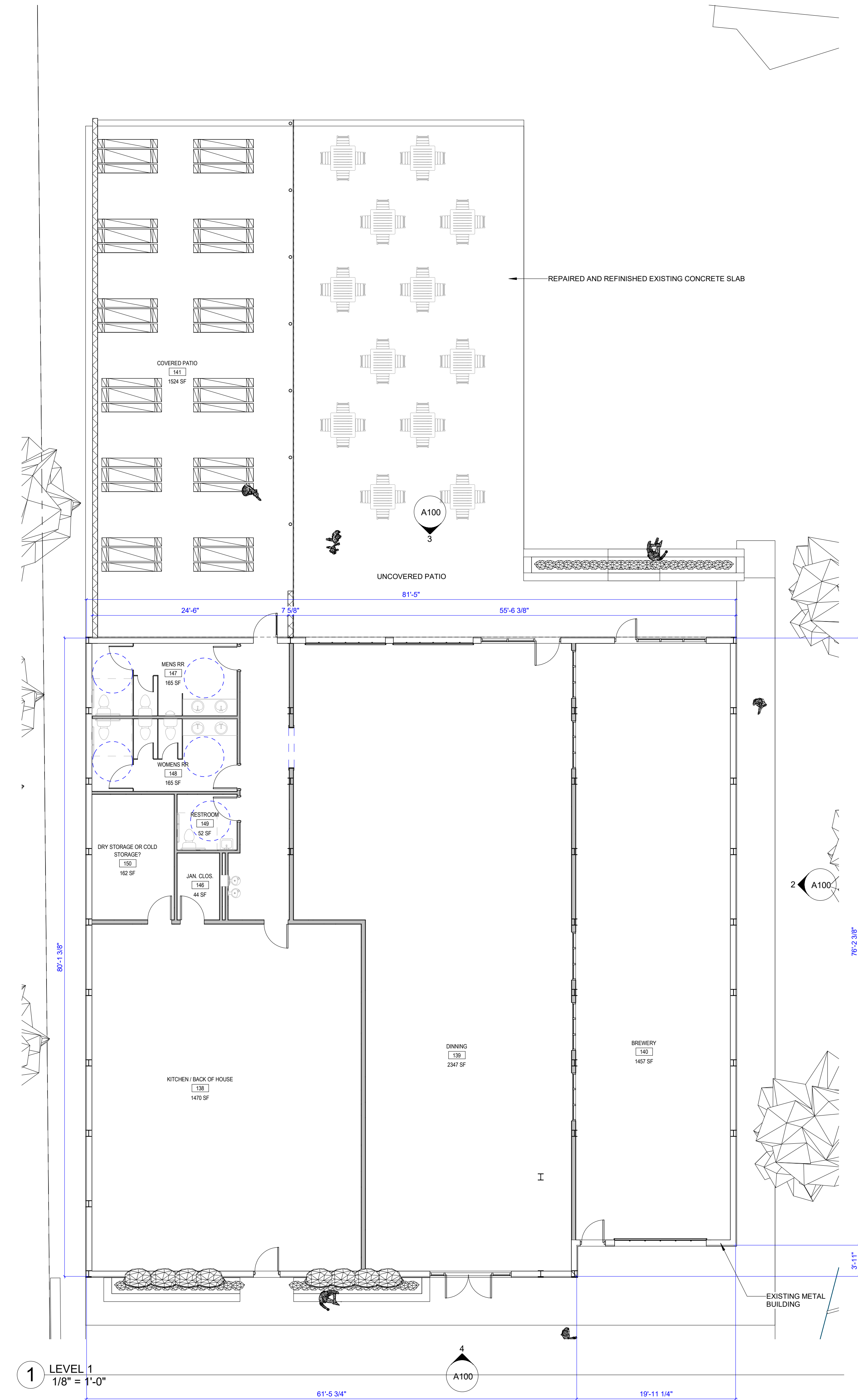
4 SOUTH ELEVATION  
 3/16" = 1'-0"



3 NORTH ELEVATION  
 3/16" = 1'-0"



2 EAST ELEVATION  
 1/8" = 1'-0"



1 LEVEL 1  
 1/8" = 1'-0"

Drawing Set

CONCEPT

Project Information

PHILLIPS AVE. RESTAURANT  
 DOMINION DEVELOPMENT GROUP  
 1113 PHILIPS AVE. KNOXVILLE, TN 37920

Code Information

Fire Protection Systems:

Drawing Information

Revisions		
No.	Description	Date

Project Number 22150  
 Issue Date 02.08.2023  
 Drawn By Author  
 Checked By DML  
 Scale As indicated

FLOOR PLANS & ELEVATIONS

Seal  
 © DKLEVY PLLC, 2022 - ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED WITHOUT THE AUTHORIZED CONSENT OF DKLEVY PLLC.



EXTERIOR RENDERING OF THE FRONT ENTRANCE



EXTERIOR RENDERING OF THE BACK PATIO

# DOMINION DEVELOPMENT GROUP

Drawing Set

CONCEPT

Project Information

PHILLIPS AVE. RESTAURANT  
 DOMINION DEVELOPMENT GROUP  
 1113 PHILIPS AVE. KNOXVILLE, TN  
 37920

Code Information

Fire Protection Systems:

Drawing Information

Revisions		
No.	Description	Date

Project Number 22150

Issue Date 02.08.2023

Drawn By Author

Checked By DML

Scale

RENDERINGS

## Re: Historic flood records?

Adam Kohntopp <AKohntopp@knoxvilletn.gov>

Tue 10/18/2022 10:16 AM

To: Clive Sorhaindo <csorhaindo@smeinc.com>

Clive,

I don't see anything. FYI, our non-permit records are generated by citizens' complaints and only go back to the 90s. There are a lot of records about the lot being overgrown with inoperable vehicles.

Sincerely,  
Adam Thomas Kohntopp, PE  
City of Knoxville Stormwater Engineer  
(865) 215-3145

---

**From:** Clive Sorhaindo <csorhaindo@smeinc.com>  
**Sent:** Tuesday, October 18, 2022 9:57 AM  
**To:** Adam Kohntopp <AKohntopp@knoxvilletn.gov>  
**Subject:** Historic flood records?

Good morning Adam,

Is it possible to find out whether a property in the City has been historically flooded? We're looking at a property at 1113 Phillips Ave and wanted to know if there's a record of it being flooded in the recent past. Is there someone else at the City I should ask?

Thanks,

Clive

---

### Clive Sorhaindo, PE, CFM

Group Leader / Senior Engineer



S&ME  
6515 Nightingale Lane  
Knoxville, TN 37909 [map](#)  
O: 865.934.6023  
D: 865.415.3450  
M: 423.557.9296  
[www.smeinc.com](http://www.smeinc.com)  
[LinkedIn](#) | [Twitter](#) | [Facebook](#)

This electronic message is subject to the terms of use set forth at [www.smeinc.com/email](http://www.smeinc.com/email). If you received this message in error please advise the sender by reply and delete this electronic message and any attachments. Please consider the environment before printing this email.

**From:** [Steve Borden](#)  
**To:** [Jennifer Scobee](#)  
**Subject:** RE: March BZA Applications  
**Date:** Monday, March 6, 2023 11:40:44 AM  
**Attachments:** [image001.png](#)

---

Jennifer,

Please see our comments below.

3-A-23-VA 6800 Deane Hill Dr.: Operations has no comment.  
3-B-23-VA 5450 Millertown Pk: Operations has no comment.  
3-C-23-VA 206 Cedar Ln: Operations has no comment.  
3-D-23-VA 1113 & 1115 Phillips Ave: Operations has no comment.  
3-E-23-VA 0 Division St: Operations has no comment.  
3-F-23-VA 416 Cherokee Blvd: Operations has no comment.  
3-G-23-VA 2439 E. Magnolia Ave: Operations has no comment.  
3-H-23-VA 2424 Washington Ave: Operations has no comment.

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](mailto:Steve.Borden@tn.gov)  
[tn.gov/tdot](http://tn.gov/tdot)

---





March 8, 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 3-A-23-VA, 3-B-23-VA, 3-C-23-VA, 3-D-23-VA, 3-E-23-VA, 3-F-23-VA, 3-G-23-VA, and 3-H-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.

If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,

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

Christian Wiberley, P.E.  
Engineering

CGW

**From:** [ashley anderson](#)  
**To:** [Jennifer Scobee](#)  
**Subject:** Property Development Concerns for 1113 and 1115 Phillips Avenue  
**Date:** Sunday, March 19, 2023 9:47:26 PM

---

Hello,

I hope this email finds you well. I was writing to express my concerns about the property development on Phillips Avenue. I live on this street, and I am concerned about turning the old Union Printers building into a brewery. If built the brewery would be right in my front porch view as I am across the street. My family and I love sitting on my front porch when the weather is nice. I think it would be an eye sore honestly. I also have young children that love to go outside and play, and I am concerned of the amount of traffic that the development would bring onto my quiet street. Also, when I think of a brewery I think of loud music, sitting outside, which is nice, but not on a residential street where people call it home. I wonder would this place of business have respect for others homes around them when playing music outside. Probably not, because they are there to be successful and run a business. This property will be right up next to peoples homes and yards. My grandmother lives on this street also and she has the prettiest house on the whole street. She has lived there for over 20 years, as some of the residents on this street. She loves being outside in the warmer weather, working in her garden and yard. The new development would be literally right up next to her house. I am concerned she would not get the privacy that she has now, and to be able to go outside and enjoy. Especially if you add this brewery, and bring noise to the street that will probably never stop until closing time. This is a quiet, nice residential place to live. I honestly love it! So, I am in high hopes that this development does not go through. It would make enjoying your home a lot less possible. I would like to thank you for taking the time to read my email, and listening to my concerns. Have a great day!

Thank you,

Ashley Anderson  
Sent from my iPhone

**From:** [Brady Watson](#)  
**To:** [Jennifer Scobee](#)  
**Subject:** 1113 & 1115 Phillips Ave  
**Date:** Thursday, March 16, 2023 2:20:18 PM

---

Dear Ms. Scobee,

I am writing to submit a public comment regarding the development at 1113 & 1115 Phillips Ave in South Knoxville.

I am writing as a concerned resident of South Knoxville to express my opposition to the variance request for the proposed property development at 1113 & 1115 Phillips Ave. While I understand the potential need for additional parking, I believe that the reasons provided do not justify the adverse environmental impacts this development could cause. I also believe that land along the south waterfront should be used for as much housing as possible, not more parking, and that the city should make more investments in public transit to lessen the need for parking. That said, I realize that is outside the scope of this matter.

In this case, the developer's request to increase parking availability does not represent a genuine hardship. Parking is of course necessary for a housing development, but it is not a reason to grant a variance in this case. Ultimately, It is the responsibility of developers and city staff to prioritize and then implement sustainable solutions that balance the needs of the community and protect our environment.

Water pollution from a parking lot of this size is also a concern of mine. Pollutants like oil and debris from cars often accumulate in parking lots, and those pollutants often wind up in nearby water sources when it rains. This is especially concerning given the river that is directly adjacent to the property.

The additional parking lot will likely lead to an increase in the urban heat island effect in the neighborhood, one of my primary concerns. This development could increase local temperatures, making our community less comfortable, more dangerous for vulnerable residents, and potentially increasing energy consumption during the hotter months.

Given these concerns, I urge the BZA to reject this variance request and explore other solutions. These could include promoting public transportation as I mentioned, carpooling, or investing in more environmentally friendly parking structures that incorporate more eco-friendly infrastructure and permeable surfaces to mitigate heat and water pollution issues.

Thank you for taking the time to consider my concerns.

Sincerely,

Brady Watson

229 Haywood Ave. Knoxville, TN 37920

**From:** [Casey Field](#)  
**To:** [Jennifer Scobee](#)  
**Subject:** Opposition to Request #2- Dominion's Request to Exceed Surface Parking Limitations  
**Date:** Sunday, March 19, 2023 6:19:59 PM

---

Dear Ms. Scobee,

As an interested resident of the South Waterfront, I am writing in opposition to the developer Dominion's request to exceed the limitations on surface parking at their planned development in the Old Sevier neighborhood. This issue is to be discussed at the Tuesday meeting, and I would like for this letter to be available for all relevant persons ahead of the vote.

On this issue, the BZA does not have the authority to grant the variance requested by Dominion. In order to grant a variance, the BZA needs to establish that the developer has shown the variance is necessitated by a hardship arising from the unique constraints due to size, shape, or topography of the parcel. In this case, there is no such hardship.

Further, the developer was aware of the variance limitation under the zoning code when it purchased the property. Allowing this developer to avoid the restriction set by the zoning code by which others have abided puts the other businesses in the district at a competitive disadvantage. Further, to grant an unauthorized hardship variance like this would set bad precedent.

For these reasons, I suggest that BZA cannot grant the requested variance.

Please follow the zoning code, as written, and deny Dominion's request to exceed the limitations on surface parking at their planned Old Sevier development.

Thank you.

Sincerely,

Casey Field  
Island Home Park

**From:** [DAVID DREWS](#)  
**To:** [Jennifer Scobee](#)  
**Subject:** Dominion Properties request for a zoning variance at 1113 and 1115 Phillips Ave.  
**Date:** Friday, March 17, 2023 2:23:15 PM

---

Dear Ms. Scobee,

I have read Dominion Development Group's request for a parking space variance at 1113 and 1115 Phillips Avenue. The developer has requested a code variance in order to increase the number of parking lot spaces they can develop at this site and has cited suffering a hardship under the current limit.

The existing code requirement of 24 parking spaces--3 per 1000 sqft.--was established with public input, and, in part, to create and preserve pedestrian-friendly districts. The Sevier Avenue--Island Home Park corridor is one of center-city Knoxville's most clearly pedestrian neighborhoods.

Each additional parking lot space granted beyond 24 would only contradict the city of Knoxville's clearly defined mission--in code and otherwise--to protect the character of its predominantly residential districts.

Based on the above and several other code parameters, the Board of Zoning Appeals should reject Dominion Development Group's request for a parking lot variance at 1113 and 1115 Phillips Avenue.

Thank you for your time and your service to our city.

Sincerely,

David N. Drews  
2238 Spence Place  
Knoxville, TN  
37920  
Island Home Park

**From:** [gregleton@comcast.net](mailto:gregleton@comcast.net)  
**To:** [Jennifer Scobee](#)  
**Subject:** 1113 and 1115 Phillips Ave Variance request  
**Date:** Friday, March 17, 2023 7:26:00 PM

---

Ms. Scobee,

I am writing express my concerns and opposition to the requested variance.

1. I do not see how under the rules that the owner has a hardship.
2. Increasing the number of parking places will obviously mean the destruction of many trees with potential destruction of river bank and degraded air quality.
3. The 100 year flood plain rules must be obeyed since with climate change flooding has become more common. I have flood plain property that was under 4 feet of water during the last flood of 2018. Flooding a parking lot which would have oil residue from cars is totally unacceptable.
4. While the owner can put what they want on the property if they follow the zoning regulations putting a large restaurant next to a public park is not beneficial to the park or neighborhood.
5. There are other uses for the property that could obviously be viable with 24 parking spaces.
6. Knoxville needs more residences not more breweries.
7. Allowing this enlarged parking area means the opportunity for decreased use of public transit and Knoxville's air quality goes down while congestion on an already crowded Sevier avenue will go up.
8. Other restaurants in the area abide by the parking space rules. Granting this variance amounts to the city giving special favors to this developer. I can imagine legal challenges from other restaurant owners.

Greg Congleton  
2101 Spence Pl  
Knoxville, TN 37920

**From:** [J Arthur](#)  
**To:** [Jennifer Scobee](#)  
**Subject:** RE BZA case 3 3D23VA Dominion  
**Date:** Thursday, March 16, 2023 3:17:41 PM

---

Dear Ms. Scobee,

As a resident and business owner in Old Sevier, I oppose a hardship variance for the development at 1113 & 1115. I do not believe there is a legitimate hardship, only a desire to overbuild the site.

A few years ago, the BZA approved hardship variances for the same developer at the Suttree Landing site. These variances did not meet the criteria for hardship by a long-shot -- not one of the 5 requirements was met. The variance was so egregious in its error that our neighborhood group hired a lawyer and appealed to the City Council, who unanimously rebuked the BZA and overturned their decision. It was a very public smack-down on the front page of the News Sentinel. We do not want to go through that exercise again, which was costly in both time and money. If these variances go through, the requests will never cease, making a mockery of our public planning.

Therefore, I encourage the new BZA to enforce the hardship criteria this time. This is the job of the BZA.

Big expanses of surface parking are not what the community wants in the South Waterfront form-based code area. Aubrey's Restaurant asked for this and was denied -- they did not push the issue once the community had made their wishes clear. It would not be fair to approve a suburban-scale parking lot for Dominion when other businesses have adhered to the code.

Furthermore, because this development sits so near the source of human drinking water, the BZA should be extra cautious in approving *anything* outside of the code. We do not need extra parking lot oils seeping into the Tennessee River.

Thank you.

Jenny Arthur  
705 Phillips Ave SE, Knoxville, TN 37920



**From:** [Jessica Rodocker](#)  
**To:** [Jennifer Scobee](#)  
**Subject:** File 3-D-23-VA, 1113 & 1115 Phillips Ave  
**Date:** Saturday, March 18, 2023 11:24:32 AM

---

Dear Ms. Scobee and Members of the Board of Zoning Appeals,  
I live in Island Home Park near the property where Dominion Development Group is requesting a variance to increase the number of allowed parking spots from 24 to 83, almost 3.5 times the allowed number. I patronize all the food and drink establishments in this SW district, and am not anti-development as a general rule. However, we must adhere to the legal process outlined in the law, granting variances only when a true hardship exists. The stated hardship in this case is that "the 3 parking spaces per 1,000 SF maximum would significantly limit the viable uses of the property and potentially the quality of tenant as well." I disagree fundamentally with the premise of this statement because other eating/drinking establishments have fared well in the district while adhering to the code, but more fundamentally than that, **that you will possibly not get your top choice of tenant is not a hardship.**

To grant a variance in this case with regard to parking is inappropriate because there is nothing unique about the size/shape/topography of this lot, no other property owner has more than what the code allows, the applicants will have many uses still available to them without the extra parking (including a restaurant/brewery), and the granting of this variance will greatly diverge from the stated intent of the code (which the applicant cites): to encourage walkable uses and local and pedestrian patronage. Additionally, the removal of the mature trees and grass on the lot for this extra parking, as well as the parking lot itself, will contribute to water pollution, air pollution, and will increase the heat island effect, problems not just for adjacent neighbors but for those of us further away as well.

The Board of Zoning Appeals is, in accordance with the law, here to determine narrowly whether a variance should be granted by determining whether an applicant has a true hardship. For a member of BZA to determine how to vote based on what the member thinks about a matter of policy amounts to judicial legislation. Massive amounts of public input went into this zoning code, and City Council voted to adopt it. If updates are needed, the same process needs to happen again and we can deal with any issues in a comprehensive manner, not through one-offs such as this. To circumvent the process rules through granting variances with no hardship is a violation of the law and public trust.

Thank you so much for your service to our city and for your consideration,

Jessica Rodocker  
2140 Island Home Blvd.  
Knoxville, TN 37920  
865-386-3311

**From:** [joni morabito](#)  
**To:** [Jennifer Scobee](#)  
**Subject:** Phillips Avenue reasoning variance  
**Date:** Sunday, March 19, 2023 3:52:22 PM

---

Recently, at an Island Home Park Neighborhood Association board meeting, Dominion made a presentation promoting a new restaurant at 1113 Phillips in South Knoxville. They had acquired the property and were promoting a new restaurant/brewery venture. The plan showed a parking lot of a little more than 20 parking places. I understand that they have now requested considerably more parking spaces that would necessitate removal of large old-growth trees.

That canopy of trees provides nesting for bald eagles, osprey, and hawks. Trees that large are impactful in purifying air strategically located along the airport's flight path, water filtration and cleansing, and moderating temperatures. Additional parking places have the opposite effect.

I would hope the committee studying Dominion's proposal would adhere to established rules and guidelines. In this instance, much of the restaurant's business will come from the many apartments that are overwhelming Suttree Landing Park so their tenants can easily access the new restaurant by walking or biking. Our South Knoxville community is proactive in using alternative means of transportation and are not deterred from frequenting an establishment based on the size of their parking lot.

Thank you for your consideration.

Respectfully,  
Joni Morabito  
2300 Spence Place  
Knoxville, TN 37920  
865-243-6965

**From:** [Lindsey Jaremko](#)  
**To:** [Jennifer Scobee](#)  
**Subject:** 1113 and 1115 Philips Ave, S. Knoxville  
**Date:** Wednesday, March 15, 2023 4:36:05 PM

---

Dear Ms. Scobee,

I am writing in hopes of submitting a public comment regarding the development at 1113 & 1115 Philips Ave in S. Knoxville. If this isn't the proper place to lodge a public comment, please let me know the appropriate place to do so.

I am writing as a concerned resident of South Knoxville to express my opposition to the variance request for the proposed property development at 1113 & 1115 Philips Ave in S. Knoxville. While I understand the potential need for additional parking, I believe that the reasons provided do not justify the adverse environmental impacts this development could cause.

**Firstly, it is important to note that the desire to increase parking availability does not constitute a genuine hardship. It is the responsibility of developers and the city to prioritize and implement sustainable solutions that balance the needs of the community without compromising our environment.**

One of my primary concerns with the proposed parking lot is the potential increase in heat due to the vast amount of concrete that would be required. As an urban heat island effect is a well-documented phenomenon, this development could exacerbate local temperatures, making our community less comfortable and potentially increasing energy consumption during the hotter months.

Additionally, the construction of a parking lot of this size raises concerns about water pollution. Parking lots are notorious for accumulating oil, debris, and other pollutants from vehicles. These pollutants can then be washed into nearby water sources during rain events, posing a significant threat to the local ecosystems and the river which is directly adjacent to the property.

Considering the environmental implications of this development, I urge the BZA to reject this variance request and explore alternative solutions. These could include promoting public transportation, carpooling, or investing in more environmentally friendly parking structures that incorporate green infrastructure and permeable surfaces to mitigate heat and water pollution issues.

Thank you for taking the time to consider my concerns.

Sincerely,  
Lindsey Jaremko

1750 Hillwood Dr, Knoxville, TN 37920

**From:** [Nancy Roberson](#)  
**To:** [Jennifer Scobee](#)  
**Subject:** Dominion Variances  
**Date:** Monday, March 20, 2023 8:37:36 AM

---

I am writing in opposition to the two variances requested by Dominion Developers for property next to Sutree Park. Building in a flood plain is just plain stupid. And Dominion is always asking for parking variances. I live across from Dominion Development, River's Edge Apartments, on Island Home Ave. There is constant illegal parking at this site plus all on street parking is used by the tenants at tax payer expense.

No to this development.

Nancy Roberson  
1823 Island Home Ave

**From:** [Patti](#)  
**To:** [Jennifer Scobee](#)  
**Cc:** [Tommy Smith](#)  
**Subject:** 1113 & 1115 Phillips BZA case 3 3-D-23-VA  
**Date:** Saturday, March 18, 2023 2:08:01 AM

---

To the Board of Zoning Appeals:

These requests for a variance do not meet the the hardships defined by the variance requirements and do not result in a practical difficulty or unnecessary hardship to deprive an owner of the reasonable used of their land. There are no obstacles preventing the owner from using the property as the zoning ordinance intended.

1. This variance does not include 1107 Phillips Ave which is the old Union Printers Shop. The maps included show 3 separate parcels (1107, 1113, 1115). Then on some maps 1107 and 1113 are in the same parcel. This variance is not a hardship pertaining to the 500 year floodplain. The city built the pavilion at Suttree park which is lower than the 1113 and 1115 addresses mentioned in the Description of Appeal, Description of Hardship Conditions, 1113 & 1115 Phillips Ave. The Suttree Park pavilion was built lower to the river than 1107 Phillips Ave. (Which is not included in this variance). So there is no hardship here for Number 1 pertaining to the existing structure at 1113 Phillips Ave. or the lot at 1115 Phillips Ave.. There are buildings being built at this time that are within the 500 year floodplain at the park by the same developer. Nothing is stopping them.

2. Once again parking is not a hardship. The FBC was written so that less parking would be needed as people will walk, bike, scooter, use motorized water transport to the new boat slips shown in one of the drawings in this application. And Knox Beer Buses. I don't see how the quality of tenant makes for a hardship if more parking is not allowed. A tenant would and should appreciate the lower limit of exhaust fumes their patrons will breathe into their lungs with fewer cars next to their indoor and outdoor seating area. 1107 Phillips has parking which as state above, is not included in this request. 1113 has some parking already. People will use the parking lot at Suttree Park.

Other business have abided by the code. The section of Phillips mentioned in this appeal are single family homes that have permits and are not in close proximity to 1113 & 1115 Phillips Ave. Foggy Bottom flats was overbuilt for the size lot it is on, with very narrow garages that their tenants can't easily use. Most trucks can't fit in the garages so they park in the street and block the cross streets. Poor design and overbuilt.

The City Council has actually approved eateries and beer joints to have fewer than required parking in some cases, and in other cases approved zero parking for these businesses. There is no hardship at keeping to the code requirement of 1000 sq ft x 3 = 24 spaces. That is more parking than a number of food and beer places have in the city of Knoxville.

There is Knox Rags that has parking which is not used in the evening. I would approach the owner for shared parking in the evening. But make sure the packing area is picked up before morning. This is not a hardship for the restaurant to be successful.

I raise concerns for the resident that live next to this proposal. Is there or will there be a proper buffer? Right now there are dense trees. Will cars be parked so as the light from headlamps will face the restaurant and not the residential homes? Will this parking really be for patrons. Or the boat slip traffic. As the Suttree ramp is only for NON-Motorized kayaks and canoes. The diagrams do not show where the dumpsters will be located. Hopefully on the other side of the restaurant not the residential homes.

This plan should have gone through an Alternative Level III process and not sent directly to BZA or as an Administrative deviation.

Variations should be for minor changes to the code ie. building a fence slightly taller than the code but not major increases in parking spaces that will change, add pollution, light invasion and noise putting a burden on those residents that live next door or across the street.

Thank you,  
Patricia Berrier

807 Phillips Ave.  
Knoxville, TN 37920

Sent from my iPad

**From:** [Borsari, Clare S](#)  
**To:** [Jennifer Scobee](#)  
**Subject:** 1113 and 1115 Phillips Ave  
**Date:** Monday, March 20, 2023 10:23:25 AM

---

I am writing to express my opposition to a variance which is being requested at 1113 and 1115 Phillips Avenue for a large increase in allowable parking. My reasoning is as follows:

- Applicants still have reasonable use of their property without increased allowed parking
- Variance is not being requested to alleviate unique constraints due to size, shape, or topography of parcel
- This zoning was an existing condition when current owners acquired the property
- Other businesses are thriving without increased parking
- One business having considerably more parking puts other businesses in the district at a competitive disadvantage
- Granting the variance is not in harmony with the code, which was put in place to create a pedestrian-friendly district
- More parking is coming with the Sevier Avenue streetscape, and plentiful free public parking is not utilized at all under the James White Parkway bridge
- Burden should not be on developers to alleviate public parking concerns; this should be addressed comprehensively through zoning, not variances

Thank you,  
Clare Borsari

**From:** [Stewart Smith](#)  
**To:** [Jennifer Scobee](#)  
**Subject:** Phillips Ave  
**Date:** Monday, March 20, 2023 1:04:41 PM

---

Dear Ms. Scobee,

I am in serious opposition to the requested variance for the property located at 1113 and 1115 Phillips Ave. As I understand this property was purchased with the full knowledge of the required maximum parking for this property. Many member of this community were engaged in the process known as Recode Knoxville often after working a full day. These requirements were developed in part to maintain the unique outdoor oriented environment of South Knoxville's Urban Wilderness.

Other business are currently operating profitably within the current code. There are available parking at the street level, beneath the JW Bridge as well as the 24 provided in the code. The choices that are made now will set the tone for this community for years to come. West Knoxville business are oriented toward traditional driver oriented businesses for those who prefer to have on site parking. This community is oriented toward pedestrian/biking modes of transportation. We do not want or need the additional traffic that comes with driver-oriented business.

I ride my bike often in this area and am a frequent patron of businesses on the South Waterfront

Finally, I wish to thank the members of this committee for their service to our community and hope that you will consider the desires of our community and deny this requested variance.

Respectfully  
Stewart Smith  
2201 Spence Place



**From:** [Bill Hahnemann](#)  
**To:** [Jennifer Scobee](#)  
**Subject:** Dominion - Phillips Ave. Variance  
**Date:** Monday, March 20, 2023 4:40:25 PM

---

Dear Ms. Scobee,

As a resident of Island Home Park Neighborhood it is hard for me to be against additional parking spaces amidst the explosion of new, high density developments we are currently experiencing on this side of the river. Yet if we don't speak up about BZA's low threshold for awarding these "hardship" variances to developers the current code is, in effect, relegated to nothing more than a set of suggestions for the developers to creatively manipulate to suit the particular needs of their project. For this reason I herein voice my concern as a private individual to BZA about their habitual circumvention of the strict intent of the Code through their seeming ever present willingness to award variances that are not in step with the vision for the controlled and structured growth embodied in the Code.

Sincerely,

William Hahnemann

Sent from my iPad

**VARIANCE**  
*3-D-23-VA*  
Knoxville BZA  
PUBLIC HEARING  
215-4244

