



# 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) Benjamin Mullins	Owner <input type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Street Address 550 West Main Street, Suite 500	Contractor <input type="checkbox"/>	Modification of Existing Structure <input type="checkbox"/>
City, State, Zip Knoxville, TN 37902	Tenant <input type="checkbox"/>	Off Street Parking <input type="checkbox"/>
Phone Number 865-546-9321	Other <input checked="" type="checkbox"/>	Signage <input type="checkbox"/>
Applicant Email bmullins@fmsllp.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 1931/1923 Forest Ave. City, State, Zip Knoxville, TN 37916  
 See [KGIS.org](http://KGIS.org) for Parcel # 094NB012 094NB013 City Council District # 1 and Zoning District RN-5

### 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.

New housing in Fort Sanders.

#### Variances Requested:

Reduction of the minimum side setback from 10' to 1' (to allow for the structure to rest on the interior side retaining wall even though the building will remain 5' from the property line).

Reduce the minimum corner side setback from 15' to 0' (to allow for the structure to rest on the interior side retaining wall even though the building will remain 5' from the property line).

Increase the maximum building coverage from 50% to 65% (to allow for the podium to extend to the edges of the parking. Actual building footprint only covers 45%)

Increase the maximum impervious area coverage from 60% to 75%. (To allow for accessible parking on main level with accessible route. Permeable paving will be used to minimize this amount)

To meet parking requirements, the parking for this development must be placed under the structure. In order to build a structure with parking below, a concrete podium is needed to support the building and creates conflicts drive aisles/spaces limiting location.

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

Lot size and steep slopes create the need to creatively address a way to meet required parking and accessible parking. The slope and parking requirements of the site lead to the structure having to suspend over the parking area with a concrete "podium" which counts toward lot coverage and setbacks without adding additional living square footage.

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

DATE 5-11-23

File #



**BOARD OF ZONING APPEALS APPLICATION**

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

Is a plat required?    Yes      No  

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

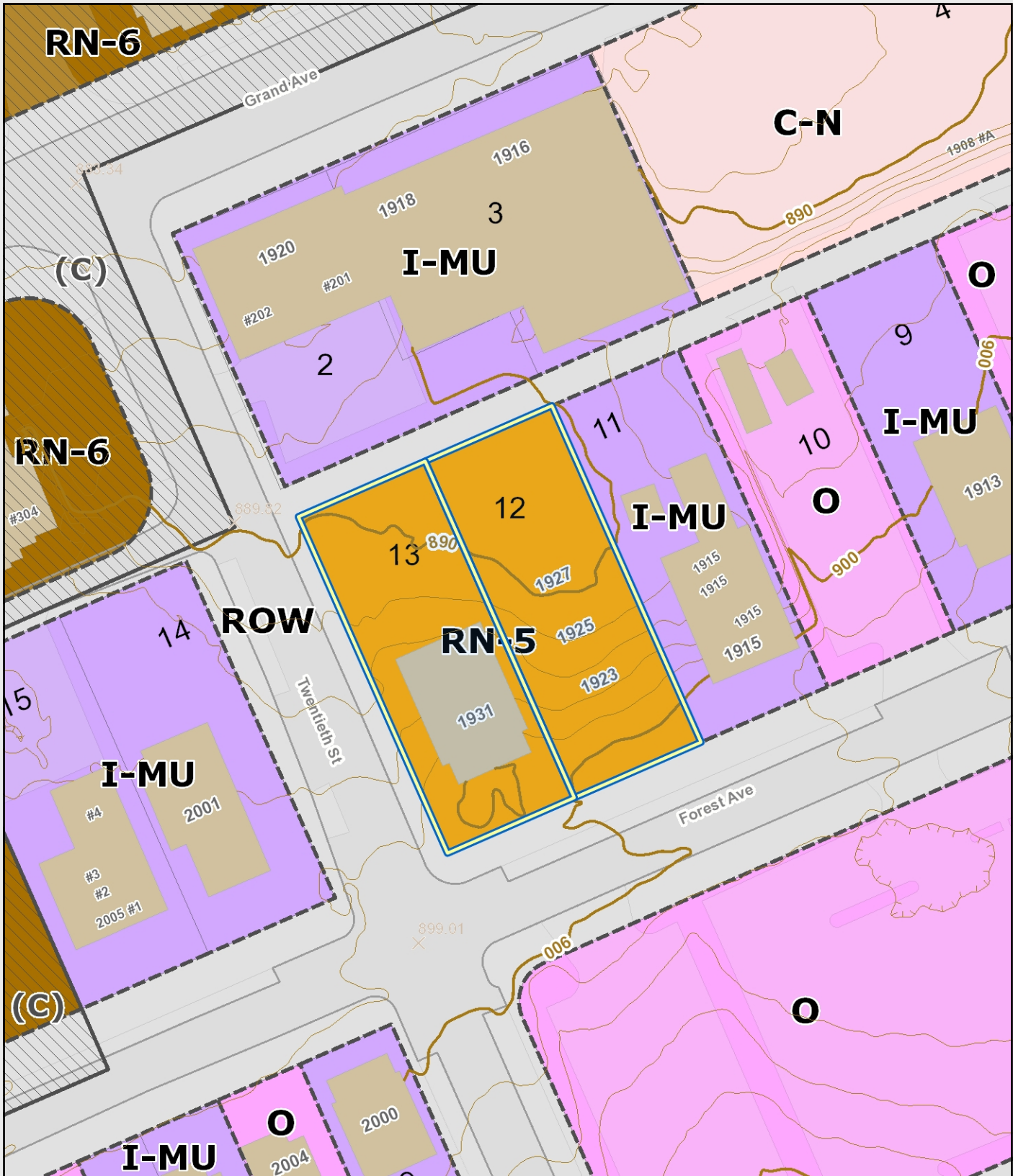
Large empty rectangular area for providing variance request details and ordinance citations.

**PROJECT INFORMATION**

Date Filed | Fee Amount

Council District | BZA Meeting Date

**PLANS REVIEWER** | **DATE**



1931/1923 FOREST AVE

6-F-23-VA

BENJAMIN MULLINS

0 25 50 100

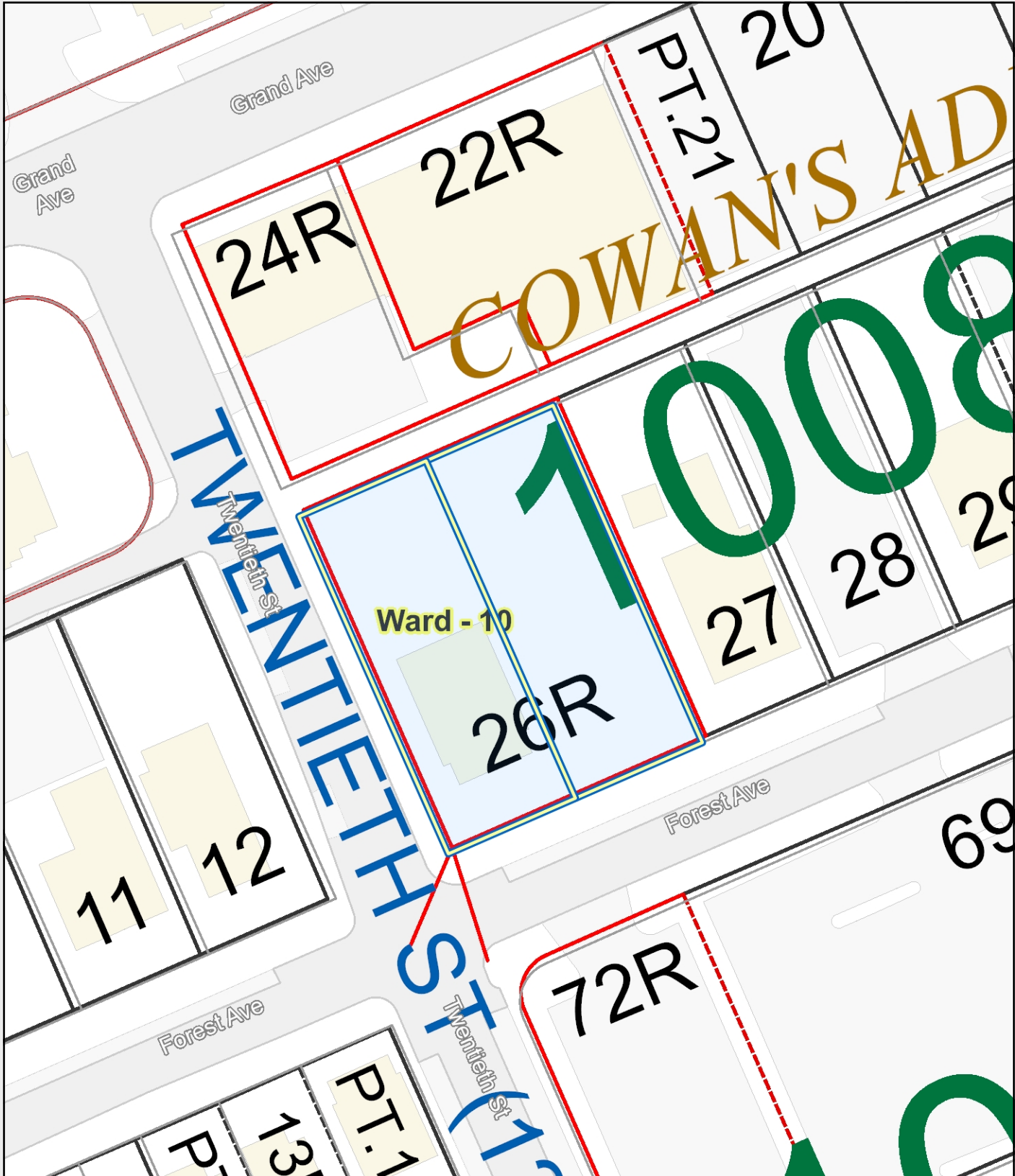


Feet

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1931/1923 FOREST AVE

6-F-23-VA

BENJAMIN MULLINS

0 25 50 100



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1931/1923 FOREST AVE

6-F-23-VA

BENJAMIN MULLINS

0 25 50 100

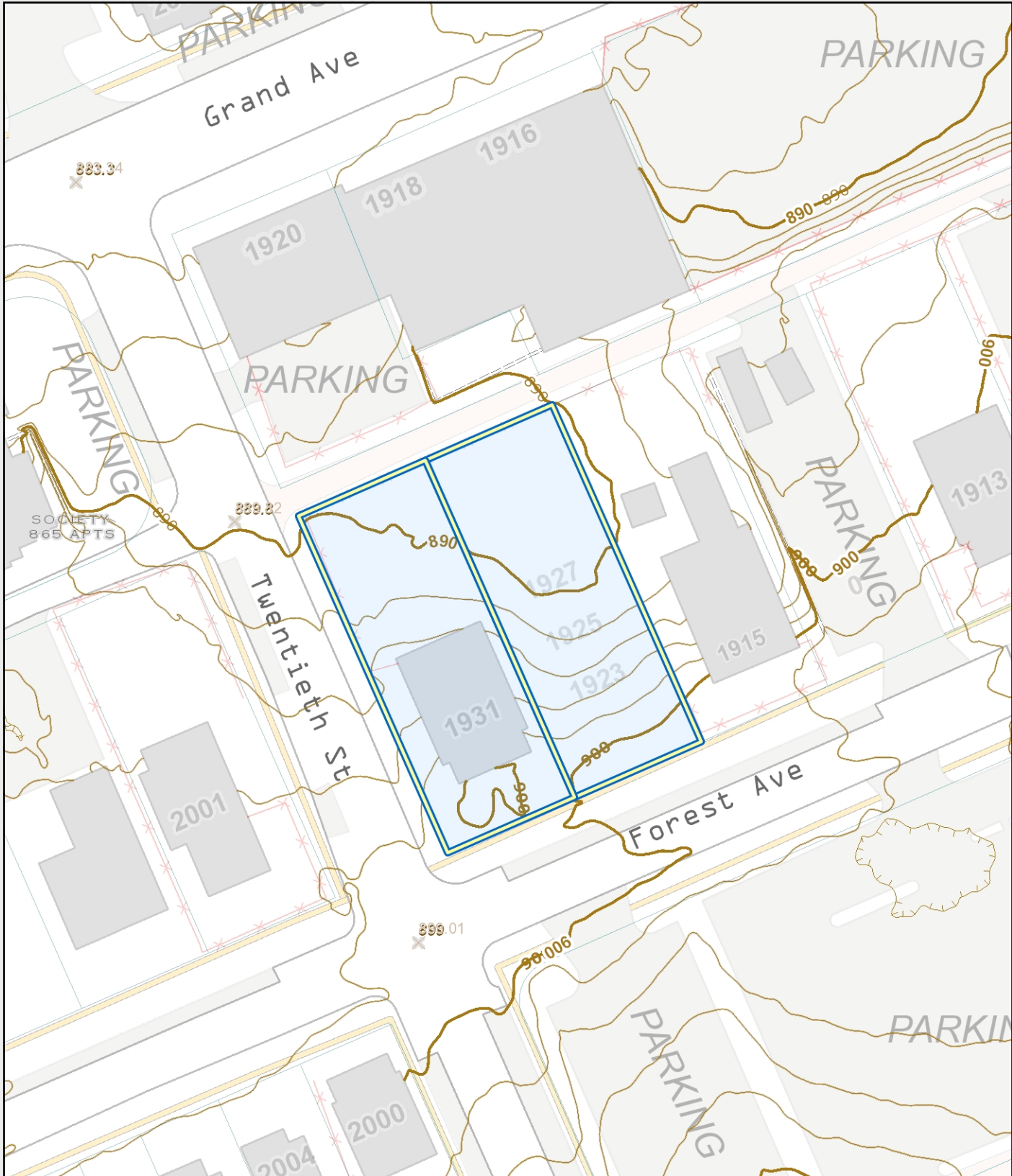


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**1931/1923 FOREST AVE**

6-F-23-VA

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ROBERT L. KAHN  
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MICHAEL W. EWELL  
JOHN M. LAWHORN  
JAMES E. WAGNER  
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MARY ELIZABETH MADDOX  
BENJAMIN C. MULLINS  
RICHARD T. SCRUGHAM, JR.  
MATTHEW A. GROSSMAN  
KEVIN A. DEAN  
SHARON H. KIM  
RICHARD E. GRAVES  
REBEKAH P. HARBIN  
MICHAEL A. C. LEE  
NIKOL D. PLUESS



*client-centric & committed to success*

Email: [bmullins@fmsllp.com](mailto:bmullins@fmsllp.com)

Direct Fax: 865-541-4609

June 12, 2023

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Knoxville, Tennessee  
37902

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ARTHUR G. SEYMOUR, JR.  
(1945 - 2019)

### **City of Knoxville Board of Zoning Appeals**

City County Building  
400 Main Street, Room 475  
Knoxville, TN 37902

cc via Email:  
[jscobee@knoxvilletn.gov](mailto:jscobee@knoxvilletn.gov)

Re: 6-F-23-VA

I represent Henson Development, LLC. At your upcoming June 20, 2023, meeting you will consider Henson Development's request for 4 variances necessary to provide the minimum off-street parking for this proposed multi-family student living structure at 1931 and 1932 Forest Ave. Attached to this letter are supplemental renderings that help illustrate the intended development in relation to the existing topography of the site. The intent of these four variances is not to increase allowable density or the number of units available to rent. If the property were flat, then these variances would not be necessary. If the property were flat we would not need to extend the structural podium to the retaining walls, thereby increasing the building coverage and extending the structure in to the setbacks and the configuration of the drive aisles in relation to the building could be modified.

The BZA information packet contains a topo-map that demonstrates there is an approximate 11-foot drop in elevation traveling south to north along Twentieth Street. This requires two-levels of parking to meet the required number of spaces and ADA accessible spaces. In order to construct a structure with parking below, a concrete podium is required for structural support, and since the podium supports cannot conflict with the parking lot spaces or drive aisles, the locations for the podiums are limited.

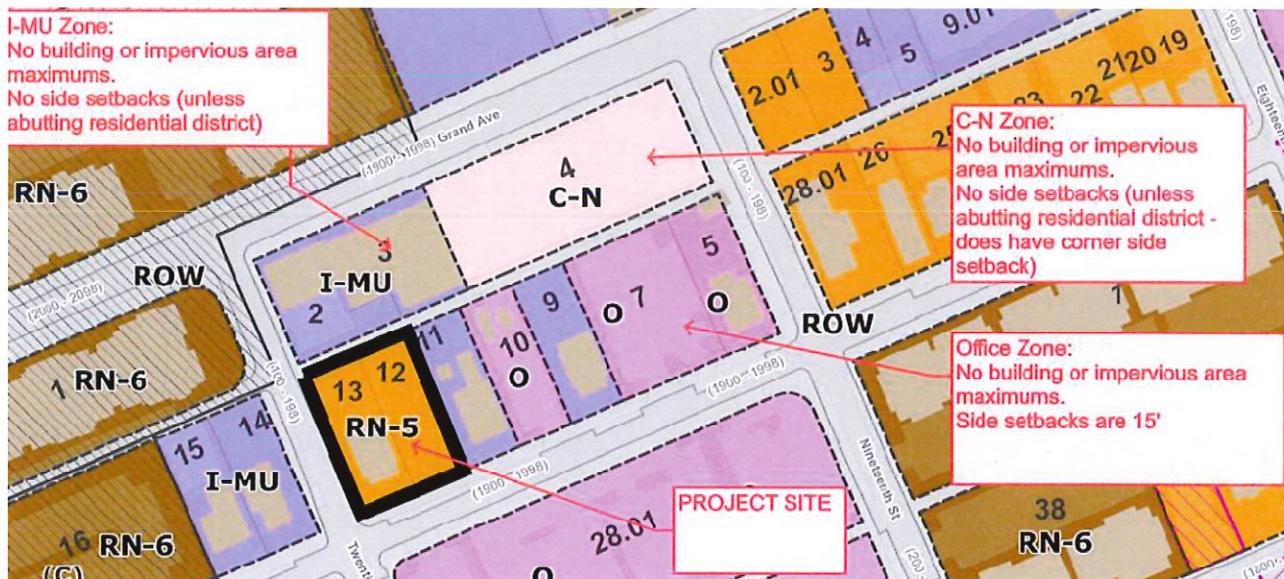
To allow for support of the podium, it needs to extend to the exterior of the parking; however, since it's a structural element it counts toward the zoning ordinance's allowances for both setbacks and lot coverage requirements even though it isn't part of the occupiable portion of the building.

Given the change of topography, the ability to construct the necessary parking is unreasonably constrained and prevents the owner from using the property as intended by the

zoning ordinance. The structure must be artificially extended to provide support for parking structures that would not otherwise be necessary. The intent is not to increase occupiable square footage and the variances for setbacks and impervious areas are for parking spaces only.

These requested variances are not being requested to allow a use otherwise excluded from the RN-5 zone, nor are they being requested because of a mere loss in value. Indeed, the engineering required for a two-level parking deck is more expensive than would be required if the property were not constrained by its existing topography. The request to accommodate the support structures necessary for parking is the minimum adjustment necessary to meet the intent and requirements of the zoning ordinance and would not be injurious to the public or contrary to the public interest.

This is demonstrated by the diagram, reproduced below, that is already included in the application packet. The properties immediately adjacent to the south, west, and east of the property are zoned I-MU which do not have a building or impervious area maximums. The I-MU zone also allows for residential development but does not have a side setback unless it abuts a residential district. The property to the north is zoned for Office use. The Office zone also allows for residential development but does not have building or impervious area maximums as does the RN-5 zone. The only other property on the same block as the proposed development is zoned CN (Neighborhood Commercial). C-N allows for residential development but is not constrained by the same building or impervious area maximums and does not have a side setback (unless abutting a residential district). Consequently, the residential development is consistent with allowable residential developments in the surrounding “non-residential” zones that have somewhat more flexibility in building coverage limits, impervious area limits, and side setback limits than the RN-5 zoning. Given the surrounding zones, the requested variances would not be inharmonious to other allowable developments in the area.



We will be prepared to address these items in more detail at the upcoming meeting, and we look forward to answering any questions you may have at that time.



Sincerely,

A handwritten signature in blue ink, appearing to read "Benjamin C. Mullins". The signature is fluid and cursive, with a long horizontal stroke at the end.

Benjamin C. Mullins  
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:avl  
Enc.

S:\WDOX\Clients\10093\000002\CORRESPO\02597893.DOCX





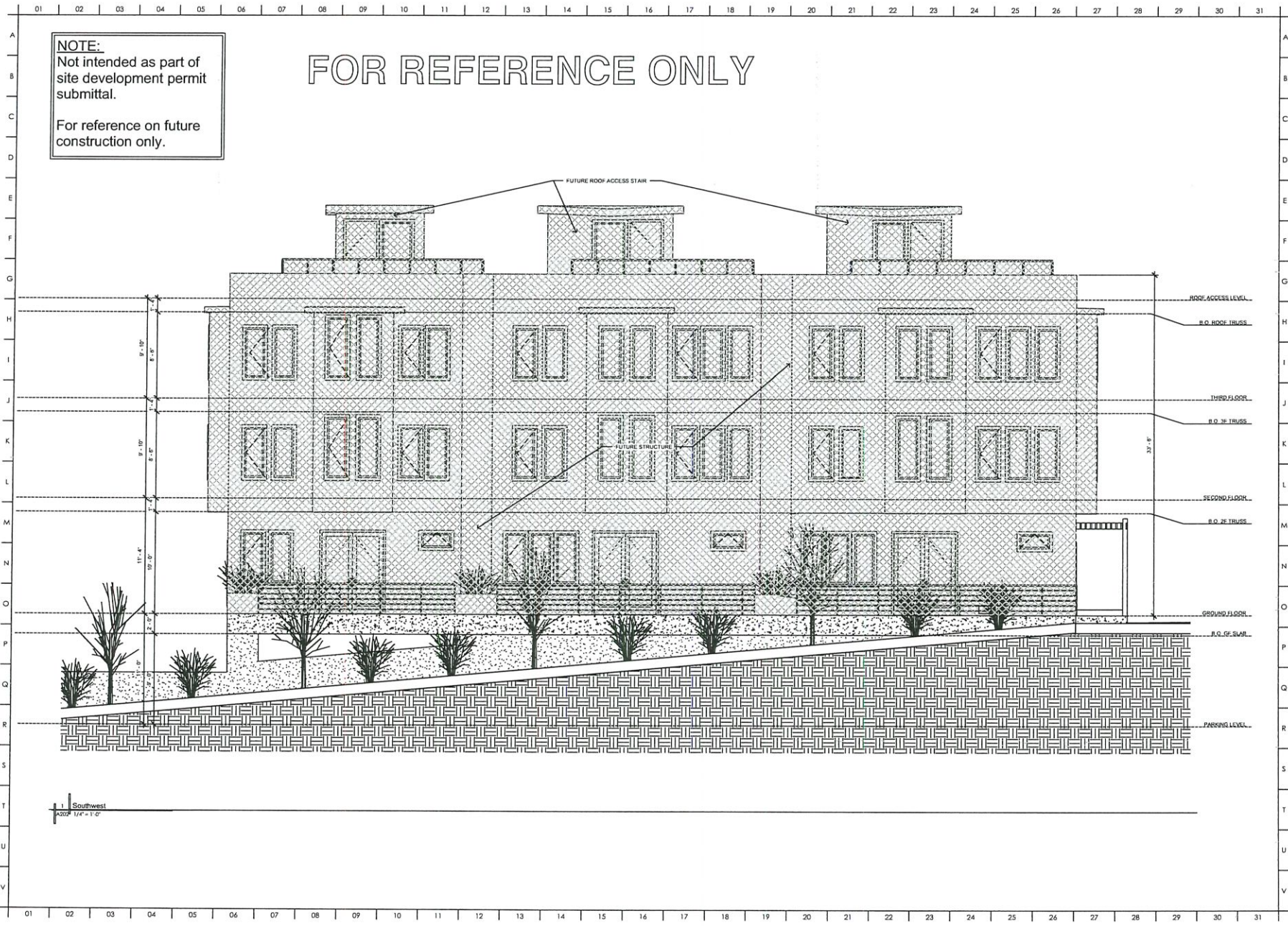




**NOTE:**  
 Not intended as part of  
 site development permit  
 submittal.

For reference on future  
 construction only.

FOR REFERENCE ONLY



REVISION	
No.	REVISION

**Project:**  
 Forest  
 Townhouses

**Number:** 221014

**Client:**  
 Joshua Henson

**Info:**

**Location:**  
 1923 Forest Avenue  
 Knoxville, TN 37916



**NOT FOR  
 CONSTRUCTION  
 - ARCH. STAMP  
 REQUIRED**

Mónica Raxacó

05/09/23

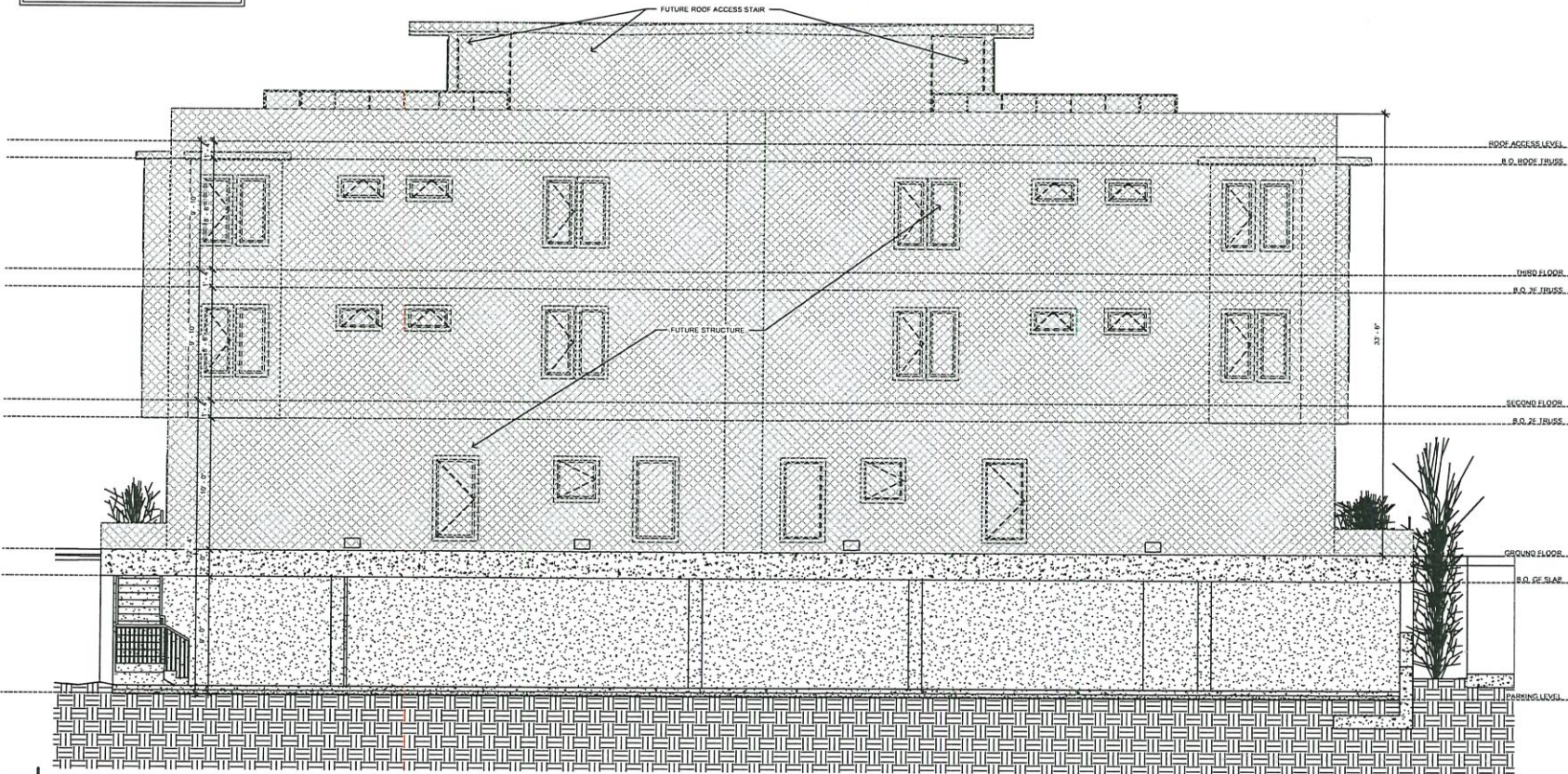
1/4" = 1'-0"

**SHEET**  
**A202**  
 20th Street  
 Elevation

**NOTE:**  
 Not intended as part of  
 site development permit  
 submittal.

For reference on future  
 construction only.

# FOR REFERENCE ONLY



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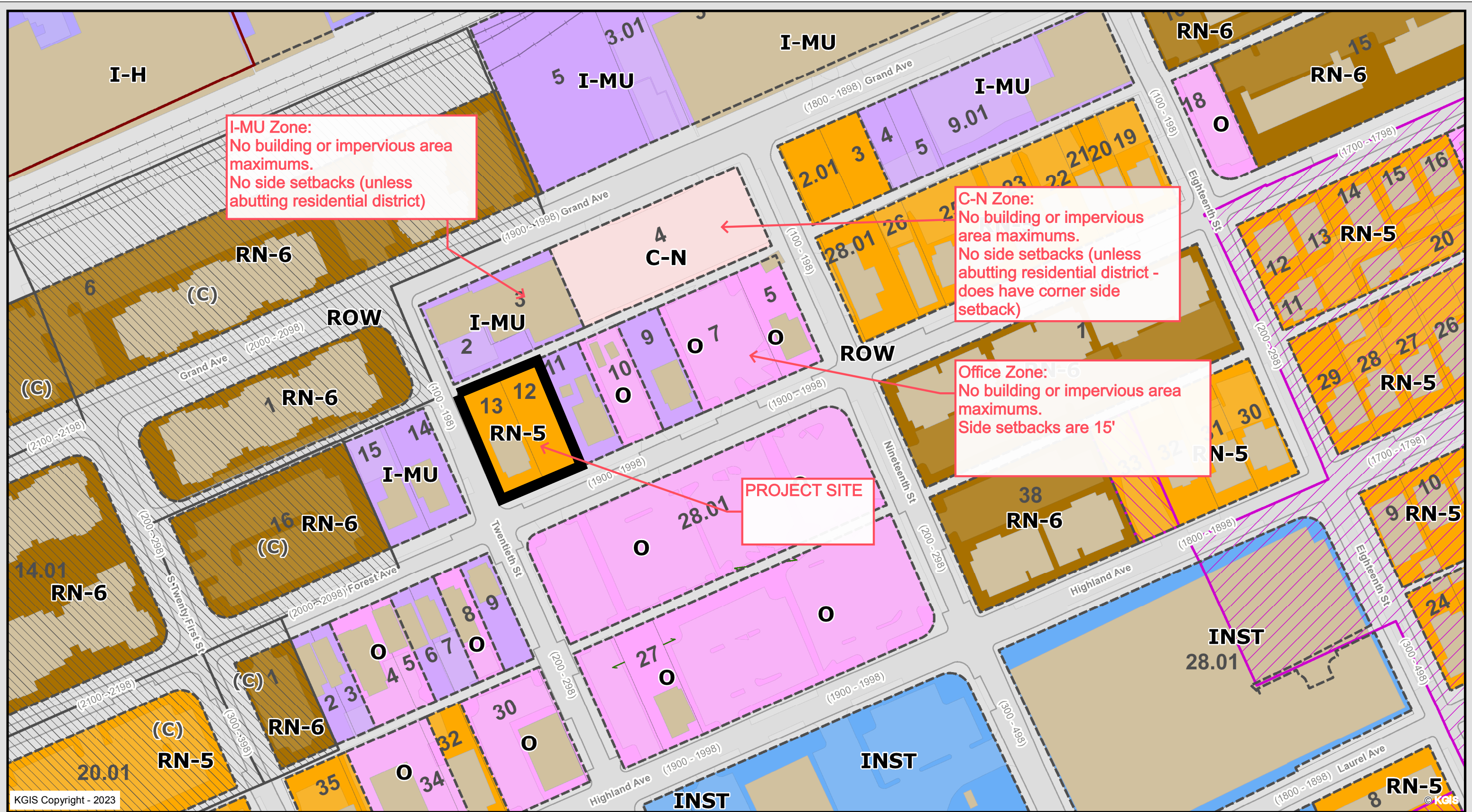
Mónica Raxicó

05/09/23

1/4" = 1'-0"

**SHEET  
 A203**

Alley Elevation



**I-MU Zone:**  
 No building or impervious area maximums.  
 No side setbacks (unless abutting residential district)

**C-N Zone:**  
 No building or impervious area maximums.  
 No side setbacks (unless abutting residential district - does have corner side setback)

**Office Zone:**  
 No building or impervious area maximums.  
 Side setbacks are 15'

**PROJECT SITE**

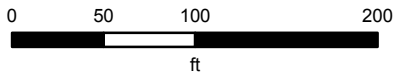
KGIS Copyright - 2023

Plot 1

Knoxville - Knox County - KUB Geographic Information System



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No.	REVISION

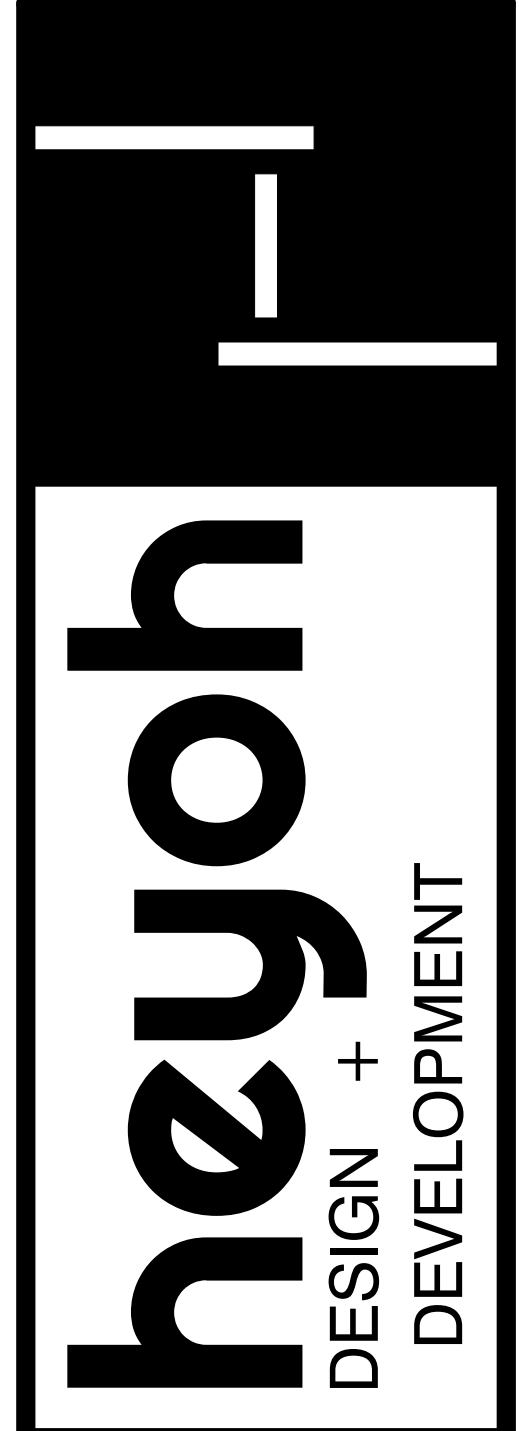
**Project:**  
Forest Townhouses

**Number:** 221014

**Client:**  
Joshua Henson

**Info:**

**Location:**  
1923 Forest Avenue  
Knoxville, TN 37916



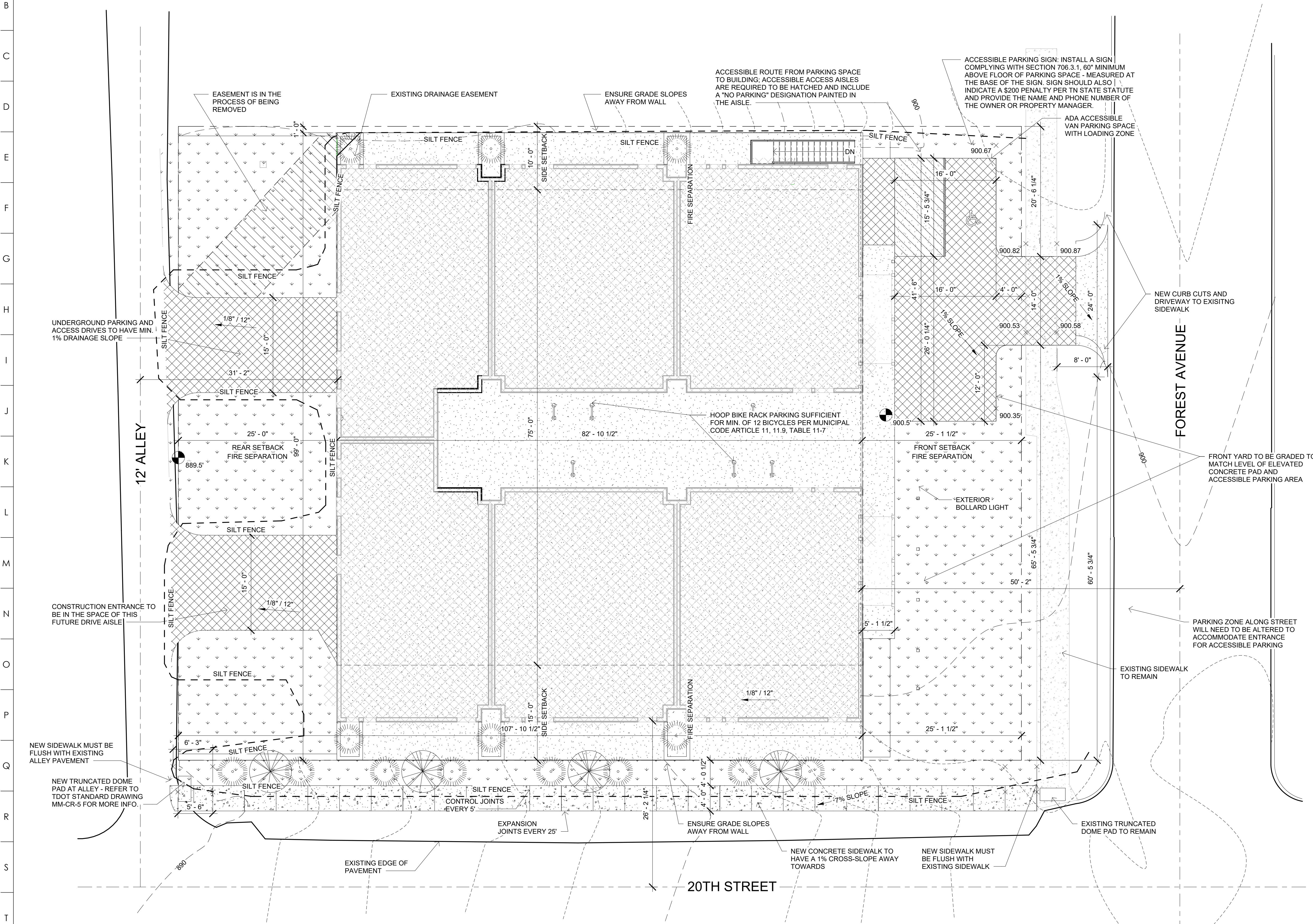
NOT FOR CONSTRUCTION - ARCH. STAMP REQUIRED

Mónica Raxcacó

05/09/23

1/8" = 1'-0"

SHEET  
G1.1  
New Site Plan



**NOTE:**

TO COMPLY WITH THE NECESSARY PARKING REQUIREMENTS OF ZONING CHAPTER 11, THE PARKING FOR THIS DEVELOPMENT MUST BE PLACED UNDER THE STRUCTURE. IN ORDER TO BUILD A STRUCTURE WITH PARKING BELOW, THE A CONCRETE PODIUM IS NEEDED TO SUPPORT THE BUILDING. SUPPORTS FOR THE PODIUM CANNOT CONFLICT WITH THE PARKING LOT DRIVE AISLES OR PARKING SPACES AND THEREFORE IS VERY LIMITED WITH WHERE IT CAN BE PLACED.

TO ALLOW FOR SUPPORT OF THE PODIUM, IT NEEDS TO EXTEND TO THE EXTERIOR OF THE PARKING, CREATING A CONFLICT WITH THE ZONE'S SETBACKS AND BUILDING COVERAGE ALLOWANCES. IN ADDITION, PLACEMENT OF AN ACCESSIBLE PARKING SPACE ON STREET LEVEL LEADS TO A CONFLICT WITH THE ZONE'S ALLOWED IMPERVIOUS AREA REQUIREMENT.

THE SECTOR PLAN DESIGNATION FOR THIS SITE DOES NOT ALLOW FOR A ZONING THAT WOULD NOT HAVE THESE SETBACK REQUIREMENTS EVEN THOUGH THE ADJACENT LOTS ARE ZONED I-MU WHICH WOULD NOT HAVE ANY OF THESE REQUIREMENTS.

THEREFORE, WE ARE REQUESTING THE FOLLOWING VARIANCES:

REDUCTION OF THE MINIMUM SIDE SETBACK FROM 10' TO 1' (TO ALLOW FOR THE STRUCTURE TO REST ON THE INTERIOR SIDE RETAINING WALL EVEN THOUGH THE BUILDING WILL REMAIN 5' FROM THE PROPERTY LINE).

REDUCE THE MINIMUM CORNER SIDE SETBACK FROM 15' TO 0' (TO ALLOW FOR THE STRUCTURE TO REST ON THE INTERIOR SIDE RETAINING WALL EVEN THOUGH THE BUILDING WILL REMAIN 5' FROM THE PROPERTY LINE).

INCREASE THE MAXIMUM BUILDING COVERAGE FROM 50% TO 65% (TO ALLOW FOR THE PODIUM TO EXTEND TO THE EDGES OF THE PARKING. ACTUAL BUILDING FOOTPRINT ONLY COVERS 45%)

INCREASE THE MAXIMUM IMPERVIOUS AREA COVERAGE FROM 60% TO .75% (TO ALLOW FOR ACCESSIBLE PARKING ON MAIN LEVEL WITH ACCESSIBLE ROUTE. PERMEABLE PAVING WILL BE USED TO MINIMIZE THIS AMOUNT)

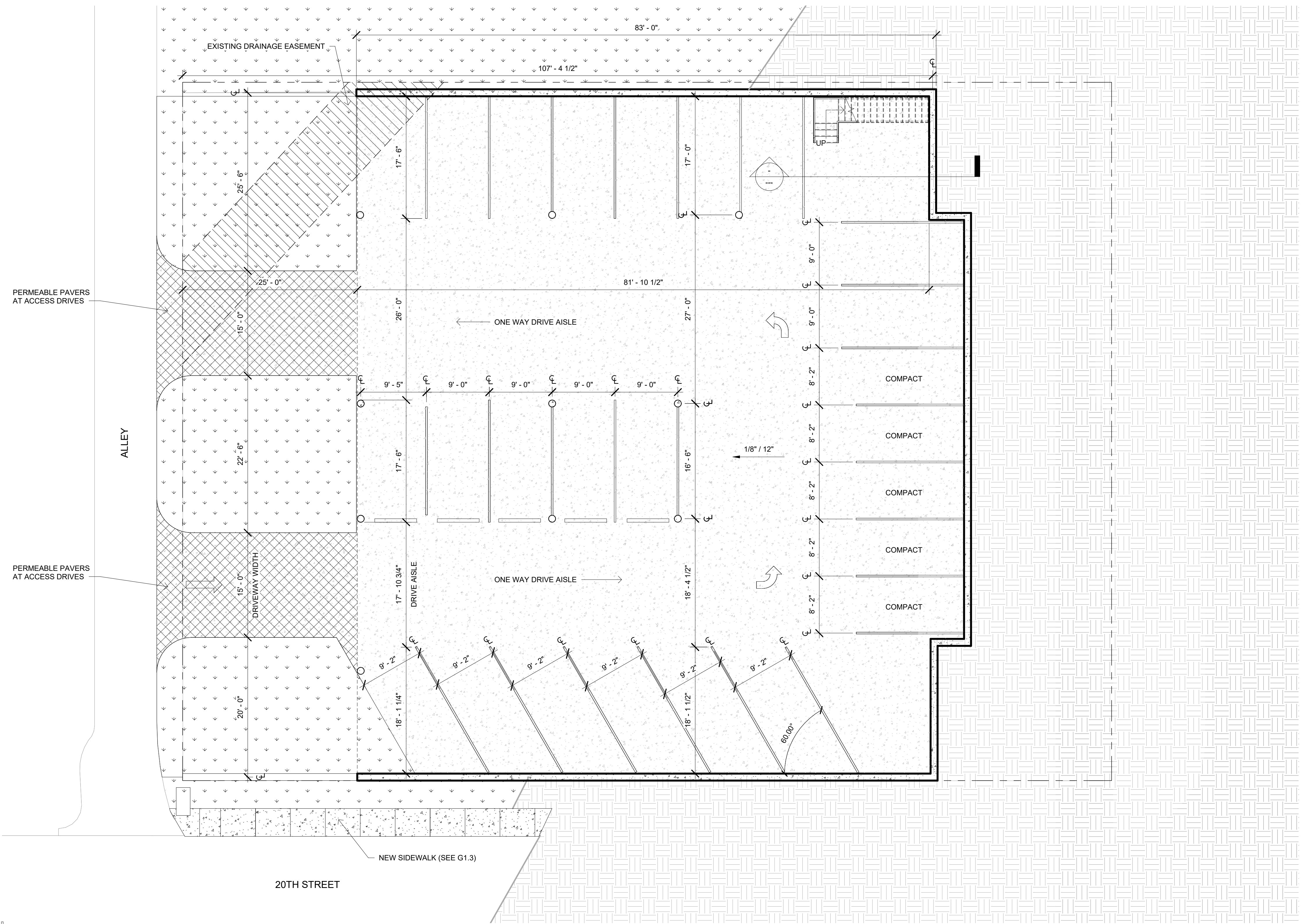
**GENERAL SITE NOTES:**

- PER CITY OF KNOXVILLE ZONING ORDINANCE, TABLE 12-2. NO BUFFER YARD IS REQUIRED ON THIS SITE.
- NEW ADA PARKING IN FRONT OF PROPERTY TO PROVIDE CONTINUOUS ACCESSIBLE ROUTE FROM PARKING TO BUILDING ENTRANCE.
- TEMPORARY SEEDING IS REQUIRED WHEN GRADING OPERATIONS ARE TEMPORARILY HALTED FOR OVER 14 DAYS AND ON SOIL STOCKPILES

1 SITE PLAN - PERMIT  
G1.1 1/8" = 1'-0"

**PARKING NOTES:**

- ALL PARKING SPACES SHALL BE IN ACCORDANCE WITH CITY OF KNOXVILLE ZONING CODE OF ORDINANCES
- ACCESSIBLE PARKING SPACE PROVIDED IN FRONT OF PROPERTY AT ELEVATION OF THE BUILDING ENTRANCE
- NUMBER OF PARKING SPACES AVAILABLE: \_\_\_\_\_
- NUMBER OF COMPACT PARKING SPACES AVAILABLE: \_\_\_\_\_



1 PARKING LEVEL - PERMIT  
G1.2 1/8" = 1'-0"

REVISION	
No.	REVISION

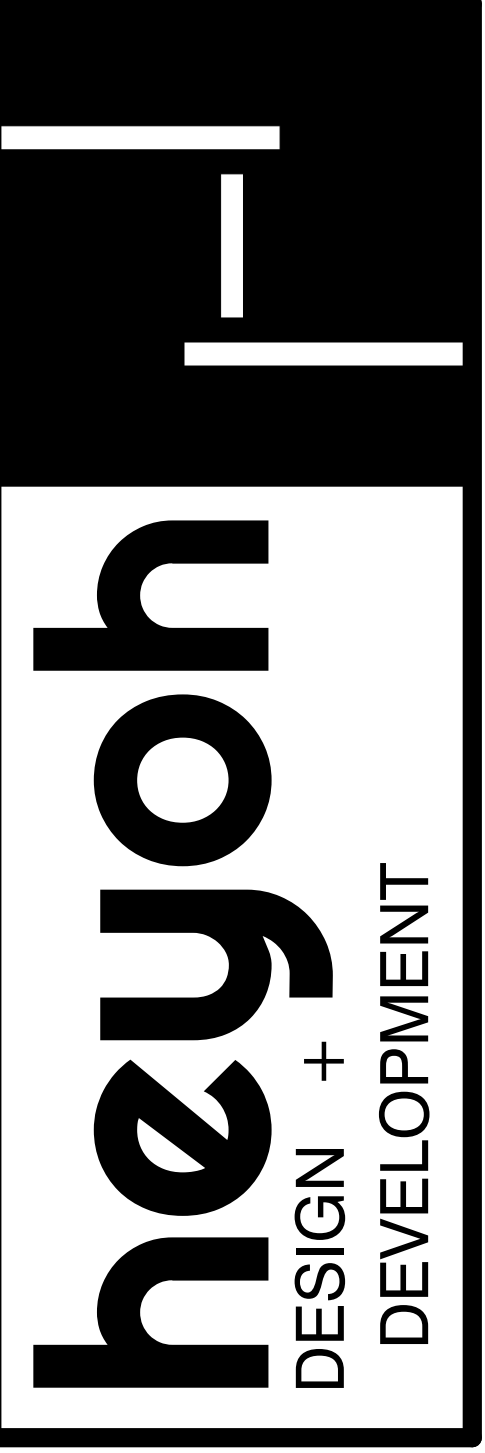
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REQUIRED

Mónica Raxcacó

05/09/23

1/8" = 1'-0"

SHEET  
**G1.2**  
Parking Level Plan



June 12, 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 5-E-23-VA, 6-A-23-VA, 6-B-23-VA, 6-C-23-VA, 6-D-23-VA, and 6-F-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

**From:** [Steve Borden](#)  
**To:** [Jennifer Scobee](#)  
**Subject:** RE: June Board of Zoning Appeals Applications - City of Knoxville  
**Date:** Monday, June 12, 2023 4:24:04 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Jennifer,

Please find the following responses to the referenced BZAs:

5-E-23-VA            5402 Rutledge Pk (postponed from May): Operations has no opposition to the changing of parking requirements specifically, but would remind that on-street parking along Rutledge Pike is not permitted.  
6-A-23-VA            236 W. Scott Ave: Operations has no comment.  
6-B-23-VA            321 Deaderick Ave: Operations has no comment.  
6-C-23-VA            519 Douglas Ave: Operations has no comment.  
6-D-23-VA            109 S. Broadway: Operations has no opposition to the requested modification of the build-to setback along Worlds Fair Park Drive. The Department would like to emphasize that no structure, appurtenance, or signage (at grade or over-hanging) shall be permitted to be constructed within the limits of State-Owned ROW.  
6-F-23-VA            1931 & 1923 Forest 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)

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**VARIANCE**  
6-F-2-4-H  
Knoxville BZA  
**PUBLIC HEARING**  
215-4244