



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) Forrest Kirkpatrick | Owner <input type="checkbox"/> | New Structure <input type="checkbox"/> |
| Street Address 214 W Magnolia Ave | Contractor <input type="checkbox"/> | Modification of Existing Structure <input type="checkbox"/> |
| City, State, Zip Knoxville, TN 37917 | Tenant <input type="checkbox"/> | Off Street Parking <input checked="" type="checkbox"/> |
| Phone Number (865) 603-4297 | Other <input checked="" type="checkbox"/> | Signage <input type="checkbox"/> |
| Applicant Email forrest@forkdesign.us | | Other <input type="checkbox"/> |

THIS IS A REQUEST FOR:

| | |
|------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Zoning Variance (Building Permit Denied) | <input type="checkbox"/> Extension of Non-Conforming Use/or Structure |
| <input type="checkbox"/> Appeal of Administrative Official's Decision | <input type="checkbox"/> Map Interpretation |

PROPERTY INFORMATION

Street Address 1547 Clinch Avenue City, State, Zip Knoxville, TN 37916

See KGIS.org for Parcel #094MJ017 City Council District # 1 and Zoning District CN, NC overlay

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.
 This project is an adaptation and change of occupancy to an existing building with a current B-Business Occupancy on both of two levels to a Mixed-Use Multi-Tenant building. The main level will change to a M-Mercantile Occupancy for use as a neighborhood market (Retail Goods Establishment), and the lower level will maintain a B-Business Occupancy for a leased tenant space. The parking lot on the north side of the property is noncompliant and is bordered with an 8' tall CMU site wall on the property lines with the adjacent properties.

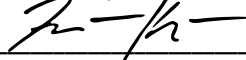
The total building area on both floors is 5,639 sf (Main Level = 3,752 sf; Lower Level = 1,887 sf). The parking requirements, including the 40% reduction for the CN zoning district, are 1.8 spaces minimum and 3.6 spaces maximum per 1,000 sf GFA, equalling a required minimum of 10 spaces and a maximum of 20 spaces. Accessory structures are required to be setback 5' from property lines.

Describe hardship conditions that apply to this variance.
 The existing parking lot is to be reconfigured for compliance, however the existing conditions are incapable of containing the minimum required parking spaces. The maximum number of compliant spaces the site can contain are (2) parallel spaces, (2) 90° spaces, and (1) van accessible 90° space. We are requesting that the required off-street parking be reduced from (10) to (5) spaces, as well as for a reduction in the setback of one accessory structure from 5' to 0' so that the dumpster enclosure can be permitted to connect to the existing site wall within the 5' easement.

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 12/28/2023

File #



BOARD OF ZONING APPEALS APPLICATION

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

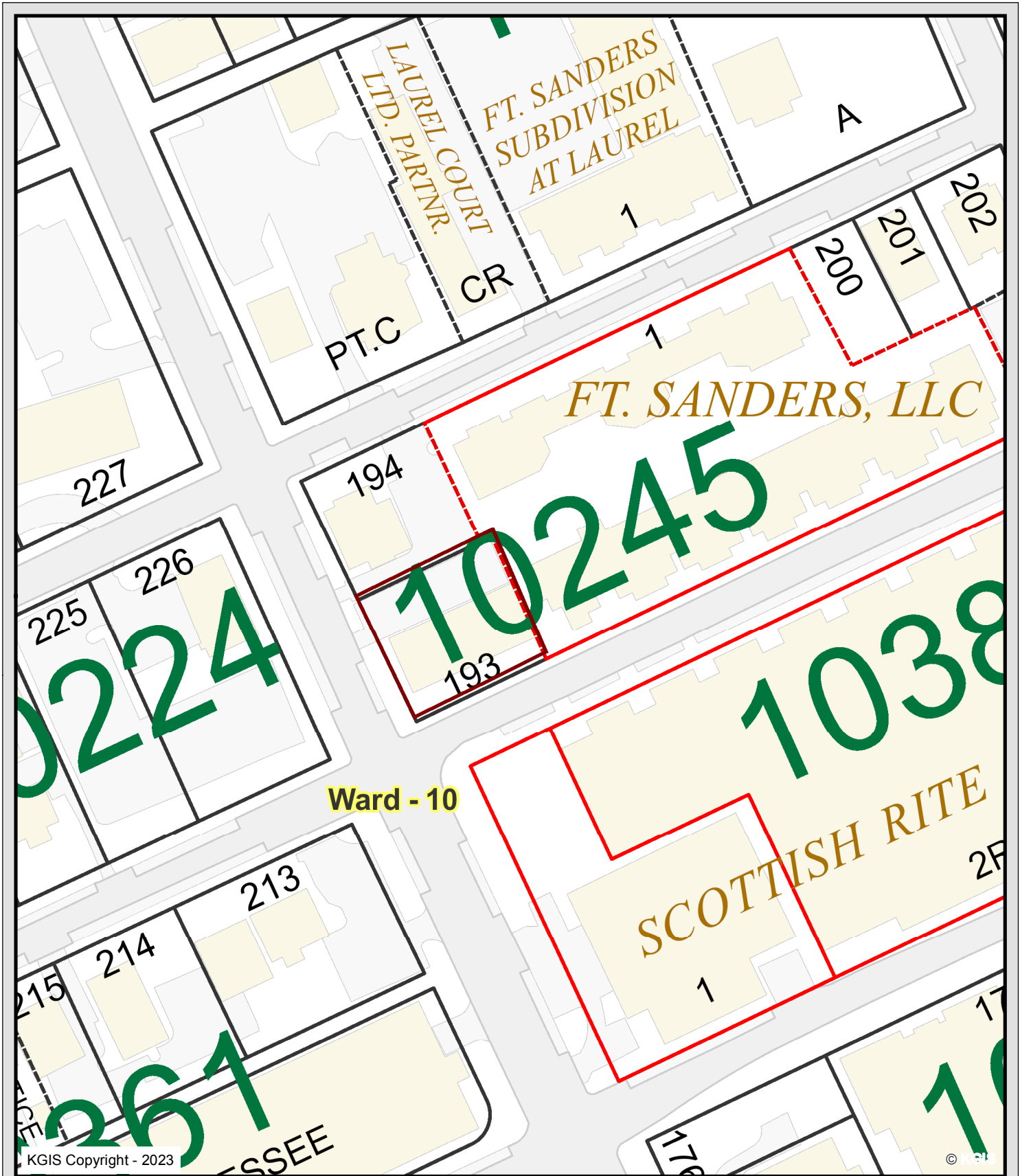
Is a plat required? Yes No

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 |
| PLANS REVIEWER | DATE |



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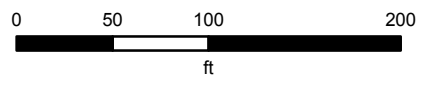
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1547 CLINCH AVE
 1-F-24-VA
 FORREST KIRKPATRICK

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1547 CLINCH AVE

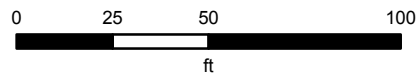
1-F-24-VA

FORREST KIRKPATRICK

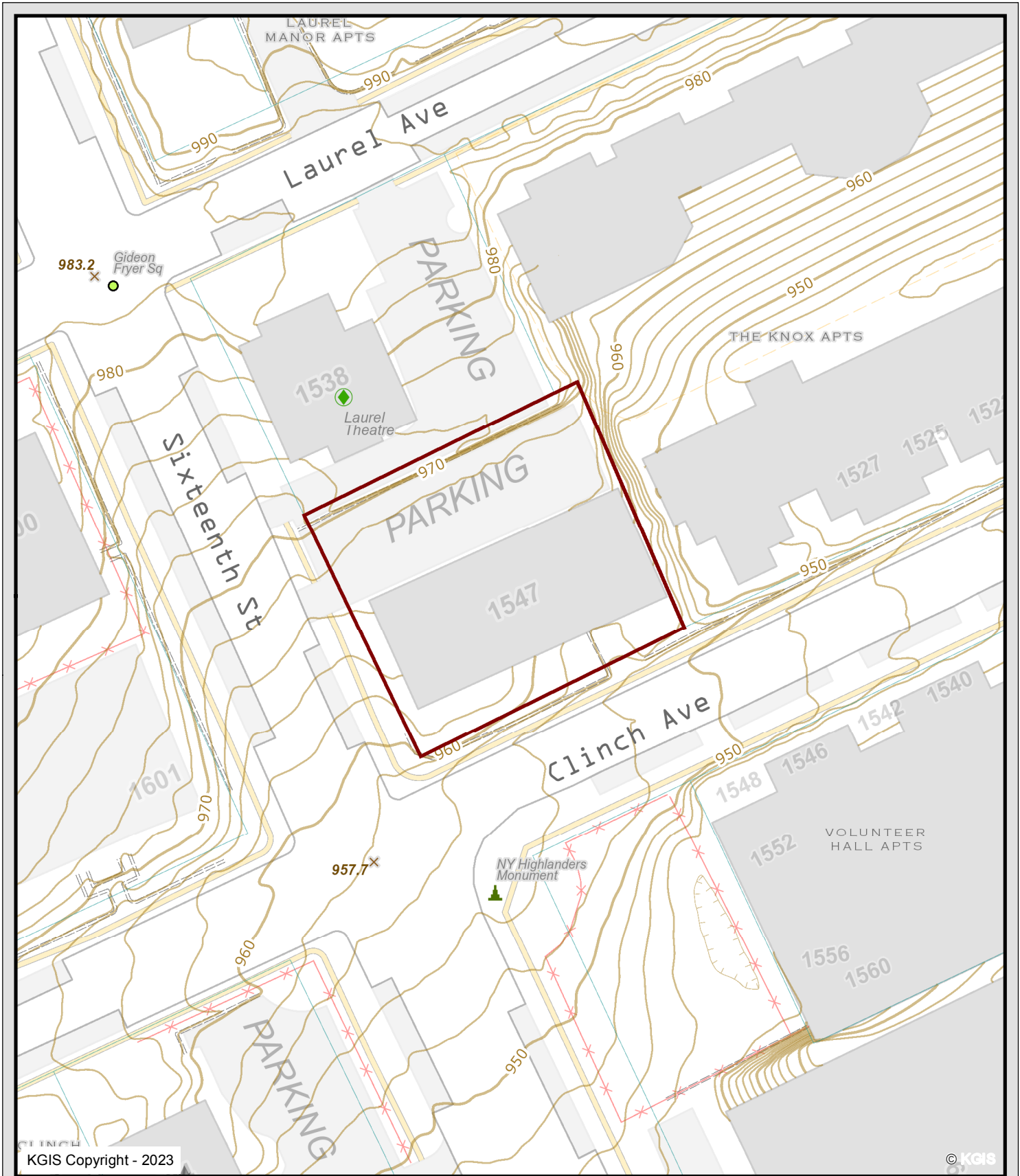
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1547 CLINCH AVE

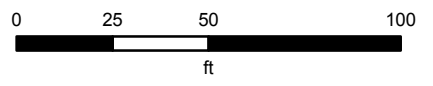
1-F-24-VA

FORREST KIRKPATRICK

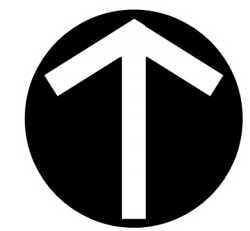
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NORTH
(SEE NOTE 1)



SURVEYOR'S NOTES

- GRID NORTH IS BASED ON TNB3(2011) STATE PLANE COORDINATE SYSTEM. ALL ELEVATIONS SHOWN ARE BASED ON NAVD83 DATUM.
- CONTOUR INTERVALS SHOWN HEREON ARE AT ONE FOOT INTERVALS.
- FIELD WORK COMPLETED ON 12/04/2023.
- AREA WAS DETERMINED BY COORDINATE COMPUTATIONS.
- PROPERTY INFORMATION
 - OWNER: FSI INVESTMENTS, LLC
 - ADDRESS: 1547 CLINCH AVENUE, KNOXVILLE, TENNESSEE
 - PARCEL I.D.: 094MJ017
 - DEED INSTRUMENT NUMBER: 202310170019909
- PROPERTY DATA SHOWN HEREON IS BASED ON INFORMATION RECORDED AT THE KNOX COUNTY REGISTER OF DEEDS OFFICE IN KNOXVILLE, TENNESSEE.
- SUBJECT PROPERTY IS SUBJECT TO THE CONSTRUCTION NAIL EASEMENT AGREEMENT AS RECORDED IN INSTRUMENT NUMBER 201706050073962.
- CURRENT ZONING FOR PROPERTY IS NEIGHBORHOOD COMMERCIAL "C-N" DISTRICT. ALL SETBACK AND RESTRICTIONS FOR THIS ZONE ARE APPLICABLE.
 - FRONT SETBACK = 15'
 - INTERIOR SIDE SETBACK = 20'
 - CORNER SIDE SETBACK = 15'
 - REAR SETBACK = 30'
- PER FEMA FIRM MAP 47093C0283G WITH AN EFFECTIVE DATE OF MAY 2, 2007 THE PROPERTY LIES WITHIN "ZONE X" WHICH HAS BEEN DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- SUBJECT PROPERTY MAY CONTAIN RESTRICTIONS, COVENANTS, AND OR EASEMENTS NOT SHOWN, FOUND OR PROVIDED TO SURVEYOR AT TIME OF SURVEY. NO TITLE COMMITMENT AND/OR TITLE REPORT PROVIDED TO SURVEYOR AT TIME OF SURVEY.
- UTILITY INFORMATION TAKEN FROM FIELD OBSERVATIONS OF ABOVE-GROUND LOCATIONS ONLY. UTILITY LOCATIONS SHOULD BE CONSIDERED APPROXIMATE AND VERIFIED BEFORE ANY EXCAVATION TAKES PLACE.
- GPS SURVEY DATA:
 - TYPE OF GPS SURVEY: REAL-TIME KINEMATIC
 - POSITIONAL ACCURACY: 0.01 FEET
 - DATE OF SURVEY: DECEMBER 4, 2023
 - PUBLISHED FIXED CONTROL USED: TN15 - KNOXVILLE, TENNESSEE
 - DATUM/EPOCH: NAD83(2011) / 2010.00
 - GEOID MODEL: GEOID 18
 - COMBINED SCALE FACTOR = 0.9999100972

JUBILEE COMMUNITY ARTS, INC.
PARCEL ID: 094MJ001
DEED INST. NO. 199109060031843

KRE UP III CLINCH OWNER, LLC
PARCEL ID: 094MJ005
DEED INST. NO. 202204290081187
PLAT INST. NO. 201410150021453

FSI INVESTMENTS, LLC
PARCEL I.D.: 094MJ017
11172 SQ. FT.
0.256 ACRES

EXISTING LEGEND:

| | | | |
|--|----------------------------|--|------------------------------|
| | PROPERTY LINE | | CURB INLET |
| | ADJOINING PROPERTY LINE | | SANITARY SEWER CLEANOUT |
| | MAJOR CONTOUR LINE | | GAS METER |
| | MINOR CONTOUR LINE | | ELECTRIC MANHOLE |
| | EXISTING IRON FENCE | | UNKNOWN UTILITY PULLBOX |
| | EXISTING STORM SEWER LINE | | TRAFFIC SIGNAL CABINET |
| | EXISTING OVERHEAD ELECTRIC | | TRAFFIC POLE |
| | PARKING STRIPE | | POWER POLE |
| | HAND RAIL | | LIGHT POLE |
| | BENCHMARK | | CONCRETE BOLLARD |
| | FOUND IRON REBAR *AS NOTED | | HANDICAP PARKING STALL |
| | FOUND CHISELED "X" | | SIGN |
| | CALCULATED POINT | | TREE |
| | SET CHISELED "X" | | SPOT ELEVATION (FEET) |
| | WATER VALVE | | TOP OF WALL ELEVATION (FEET) |
| | DRAINAGE MANHOLE | | ASPHALT |
| | AREA STORM DRAIN | | CONCRETE |
| | | | SIDEWALK/WALKWAY |



CONTOUR INTERVALS = 1'

CERTIFICATION OF THE ACCURACY OF THE SURVEY:


I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS NOT LESS THAN 1:10,000 AS SHOWN HEREON AND THAT SAID SURVEY WAS PREPARED IN COMPLIANCE WITH THE CURRENT EDITION OF THE RULES OF THE TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS STANDARDS OF PRACTICE.



DAVID D. MULLINS, RLS #33338
DATE 12/06/2023

TBM = 956.54
3/8" REBAR & CAP
"CEC SURVEY"

P:\330-001\337-001-Survey\Draw\337-005 Boundary & Topographic Survey.dwg (12/06/2023 2:41 PM) - (mmmp) - LP: 12/06/2023 2:41 PM



Civil & Environmental Consultants, Inc.
2704 Cherokee Farm Way · Suite 101 · Knoxville, TN 37920
Ph: 865.977.9997 · Fax: 865.977.9919
www.cecinc.com

BOUNDARY & TOPOGRAPHIC SURVEY FOR
1547 CLINCH AVENUE
PARCEL ID: 094MJ017

SITUATED WITHIN:
4th CIVIL DISTRICT OF KNOX COUNTY, TENNESSEE

LYING WITHIN:
10th WARD, CITY BLOCK 10245
THE CITY OF KNOXVILLE, TENNESSEE

| | | |
|----------------------|-------------------|--------------------------|
| DRAWN BY: CLM | CHECKED BY: DRAFT | APPROVED BY: DRAFT |
| DATE: NOVEMBER, 2023 | DWG SCALE: 1"=10' | PROJECT NO: 337-095.SV01 |

HOLSTON CONSTRUCTION SERVICES, LLC
1719 6th AVENUE
KNOXVILLE, TENNESSEE
+1 (865) 567-5340

DRAWING NO.:
SV01
SHEET 1 OF 1

Notes

- (E1) Existing site wall
- (E2) Existing 2-story building
- (1) Dumpster, pad & gated enclosure
- (2) Parallel parking space & 25' wide aisle
- (3) 90° parking space & 26' wide aisle
- (4) Van accessible parking space & 5' aisle
- (5) (4) Bicycle parking spaces



Zoning: City of Knoxville Zoning Ordinance

Parcel Zoning: CN, NC Overlay
 Parcel ID: Parcel #094MJ017

Permitted Uses: Retail Goods Establishment
 [partial list]

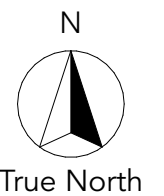
Building Setbacks:
 Street Lot Line 0'
 Interior Side @ Residential 20'
 Corner Side 15'
 Rear 30'

Minimum Build-To Percentage: None
 Maximum Building Height: 45'
 Parking spaces: Min. 1.8 per 1,000 sf GFA
 10, 1 Accessible
 Max. 3.6 per 1,000 sf GFA
 20, 2 Accessible

Bicycle parking: 4 spaces
 Off-Street Loading: None

| | Required | Provided |
|-----------------------------|------------------------------------------------------------------------------------------------|------------------------|
| Street Lot Line | 0' | Existing |
| Interior Side @ Residential | 20' | Existing |
| Corner Side | 15' | Existing |
| Rear | 30' | Existing |
| Minimum Build-To Percentage | None | |
| Maximum Building Height | 45' | Existing, 10' |
| Parking spaces | Min. 1.8 per 1,000 sf GFA 10, 1 Accessible Max. 3.6 per 1,000 sf GFA 20, 2 Accessible | 5 spaces, 1 Accessible |
| Bicycle parking | 4 spaces | 4 spaces |
| Off-Street Loading | None | None |

Site Plan
 Scale: 1" = 20'



Holston Construction // Change of Occupancy: B to M // 1547 Clinch Avenue Knoxville TN 37916

Z.01
 Zoning Variance Request



Rear of building from parking lot



Parking lot and site wall from roof



Parking lot from 16th Street



January 8, 2024

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 1-B-24-VA, 1-C-24-VA, 1-D-24-VA, 1-E-24-VA, 1-F-24-VA, and 1-G-24-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

Jennifer Scobee

From: Steve Borden <Steve.Borden@tn.gov>
Sent: Monday, January 8, 2024 11:24 AM
To: Jennifer Scobee
Subject: RE: 1-16-24 BZA Applications

Jennifer,

In reviewing the BZA applications, no impacts to State owned property or streets have been identified. District 18 has no objection to these requests.

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



VARIANCE
1-17-2018
Knoxville 624
PUBLIC HEARING
(865) 215-4244

