
MEMORANDUM

Agenda Item: # 80

To: Planning Commission

From: Mark Donaldson, Executive Director

Date: May 1, 2008

RE: Appeal by Charles Ray Faubion of IH-1 Housing Design Review Committee decision to require the structure at 1333 Delaware Avenue have furnished floor elevation of 109' and roof pitch of 5:12

Staff Recommendation: The appeal by Ray Faubion should be denied.

In staff's opinion if the appeal was upheld, it would make implementing the guideline for other properties in Infill Housing Overlays difficult, since a new precedent would be set.

Background:

Ray Faubion was issued a Certificate of Appropriateness for a new house located at 1333 Delaware Avenue on February 5, 2008. On March 25, 2008, a Stop Work Order was placed on the building by the City Inspection Bureau because of a zoning ordinance violation, the inspector found that the roof pitch and foundation height differed from what was approved and issued on the Certificate of Appropriateness.

The roof pitch that was approved on the Certificate of Appropriateness was 9:12, but what was built was 4:12. It should be noted that the applicant's original application that was approved had both a 9:12 roof pitch (drawn) and a 5:12 (labeled). The plans also showed a hipped roof, but a gable roof system has been built. The other item listed in the Stop Work Order was the foundation height, approved for a finished floor elevation of 109 feet, but what was built was 110.7 feet, raising the foundation well above houses on the block is contrary to page 14 of the guidelines: "New foundations should be about the same height as the original houses in the neighborhood."

On March 26, 2008 at the regularly scheduled Infill Housing Design Review Committee the applicant and City Building Inspector asked if another application could be submitted. The committee agreed to review an alternative application that reflected the existing roof pitch and existing finished floor elevation and asked the applicant to provide a narrative of the mitigating measures that could make the house come closer to meeting the infill housing design guidelines. During this meeting, the applicant expressed the need for a rapid review and the committee agreed to hold a special meeting to review the new application.

On March 27, 2008 MPC staff and City staff sat down with the applicant to assist him in making a complete application. At this meeting staff worked with the applicant to ensure that the architectural building elevations and plot plan were matching what he had partially built or was planning on building. At the conclusion of the meeting, the applicant had complete architectural building elevations and complete plot plan, staff indicated the committee still needed to receive a description of the mitigating measures with respect to the foundation height. On April 4, 2008 the applicant submitted the second application with the description of mitigating measures.

On April 14, 2008 at a special called meeting the Infill Housing Design Review Committee approved the second application with three conditions: (1) finished floor elevation of 109 feet, (2) roof pitch of 5:12 and (3) all plans need to be drawn and labeled so, there are no contradictions in the application. Neighborhood representatives present and City Council Member Bob Becker were present at this meeting. During this meeting the committee discussed traditional pitches of house roofs within Lonsdale, noting a roof pitch of 5:12 and 9:12 are often found, but not 4:12. The committee felt that 4:12 roof pitch did not meet the guidelines, page 18: "New roofs should be designed to have similar pitch to original houses on the block." The committee also discussed that the finished floor elevation is higher than the surrounding houses and is inconsistent with the guideline, page 14: "New foundations should be about the same height as the original houses in the neighborhood." In addition, the committee asked if the East Tennessee Community Design Center would work with the applicant to see if the committee's conditions could be addressed by the applicant. The design center offered their services and the applicant worked with them. However, the applicant decided not to execute the conditions set by the committee and is appealing the April 14 decision.

KNOXVILLE-KNOX COUNTY
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 PLANNING
 COMMISSION
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 400 Main Street
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APPEAL OF DECISION

Original Application Name: Charles Ray Faulstich APR 21 2008
 (Please Note: Original application and staff report are made a part of this application)
 Type: One Year Plan Amendment Sector Plan Amendment Rezoning Variance
 Use on Review Street Name Change Right-of-Way Closure
 Administrative Official's Decision
 Date Heard by MPC BZA Admin Official: IN-1 Committee File No: 5-EP8-08
1333 Delaware
 Jurisdiction: City 5K Councilmanic District County _____ Commission District

STATEMENT OF DECISION OPPOSED:
Requirement that structure be lowered 24" and roof pitch could not be 4 and 12

STATEMENT OF PETITIONER'S INTEREST IN THE MATTER:

NAME OF PERSON APPEALING DECISION:
 Name: Charles Ray Faulstich Date Appeal Filed: 4/21/2008
 Interest: owner Appeal Fee Amount: _____
 (Applicant, Owner, Proponent, Opponent, Attorney, Other)

MEETING DATE OF APPEAL:

<input type="checkbox"/> City Council at 7:00 p.m.	<input type="checkbox"/> County Commission at 4:00 p.m.	<input checked="" type="checkbox"/> City BZA at 4:00 p.m.
_____	_____	<u>MPC Meeting</u> <u>5/8/2008</u>
Month • Date • Year	Month • Date • Year	Month • Date • Year

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Name: (Print) _____ Address _____ City _____ State _____ Zip _____ Phone _____ Fax _____

AUTHORIZATION OF APPLICATION:

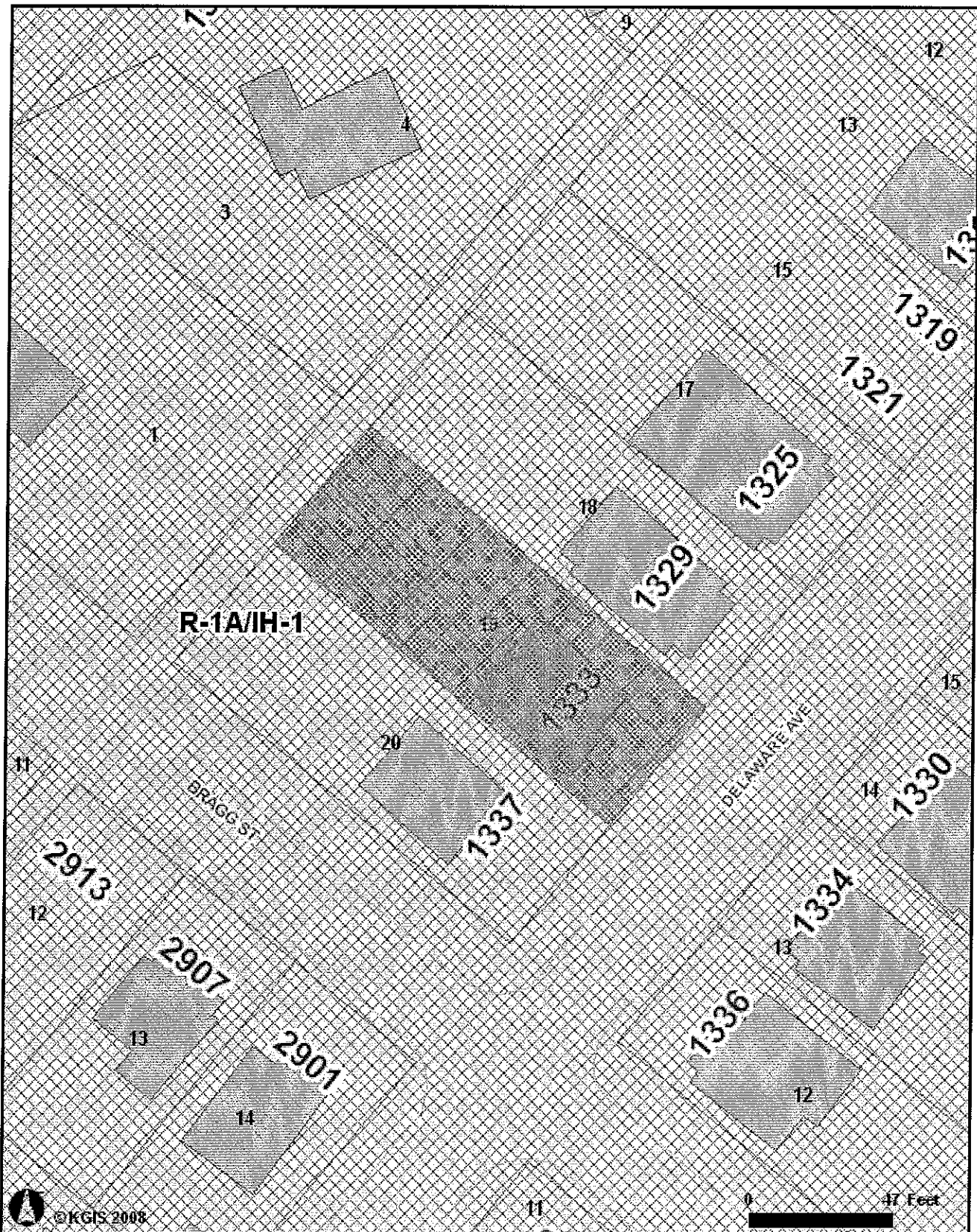
I hereby certify that I am the applicant or authorized representative for the above named appellant.

Signature: Charles R Faulstich

Charles R FAULSTICH 3437 JOSEPH GARLAND LANE KNOXVILLE TENN 37931

Name: (Print) _____ Address _____ City _____ State _____ Zip _____ Phone _____ Fax _____

APPLICATION ACCEPTED BY: [Signature] MPC May 8, 2008 69266233/258 AND Agenda Item # 80



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KGIS Map

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Printed: Mon Apr 21 2008

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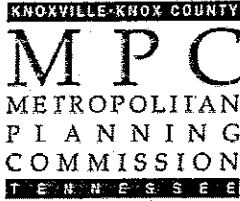
0  47ft

KGIS Map

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KNOXVILLE – KNOX COUNTY
METROPOLITAN PLANNING COMMISSION

APPLICATION FOR INFILL HOUSING
CERTIFICATE OF APPROPRIATENESS

Date 3-26-08

1. Location of Property: Address: 1333 Delaware

NOTE: Obtain a certified address from MPC before submitting your plans

Lot and Parcel Number: _____

Check nature of request:

- New primary structure: Site built Modular* Multi-sectional**
- Additions visible from the primary street
- Changes to porches visible from the primary street
- Driveways, parking pads, access point, garages or similar facilities

* Submit Manufacture, Distributor and Installer; ** Submit Home Dealer and Stabilizer

Project contact:

Name of Applicant: Ray Faurion

Street: 1333 Delaware Ave City: Knoxville

State: Tenn Zip: 37921 Daytime Telephone: 755-9010

Email: None Fax: _____

2. Owner:

Name of Owner: RAY FAURION

Organization (if applicable): _____

Street: 3437 Joseph Gate Lane City: Knoxville T

State: Tenn Zip: 37937 Daytime Telephone: 755-9010

Email: None Fax: _____

3. Documents:

- Proposed plot plan, submit 9 copies (see plot plan requirements)
- Proposed front and side elevations, submit 9 copies (see elevation requirements)
- Workmans Compensation Certificate (if required)

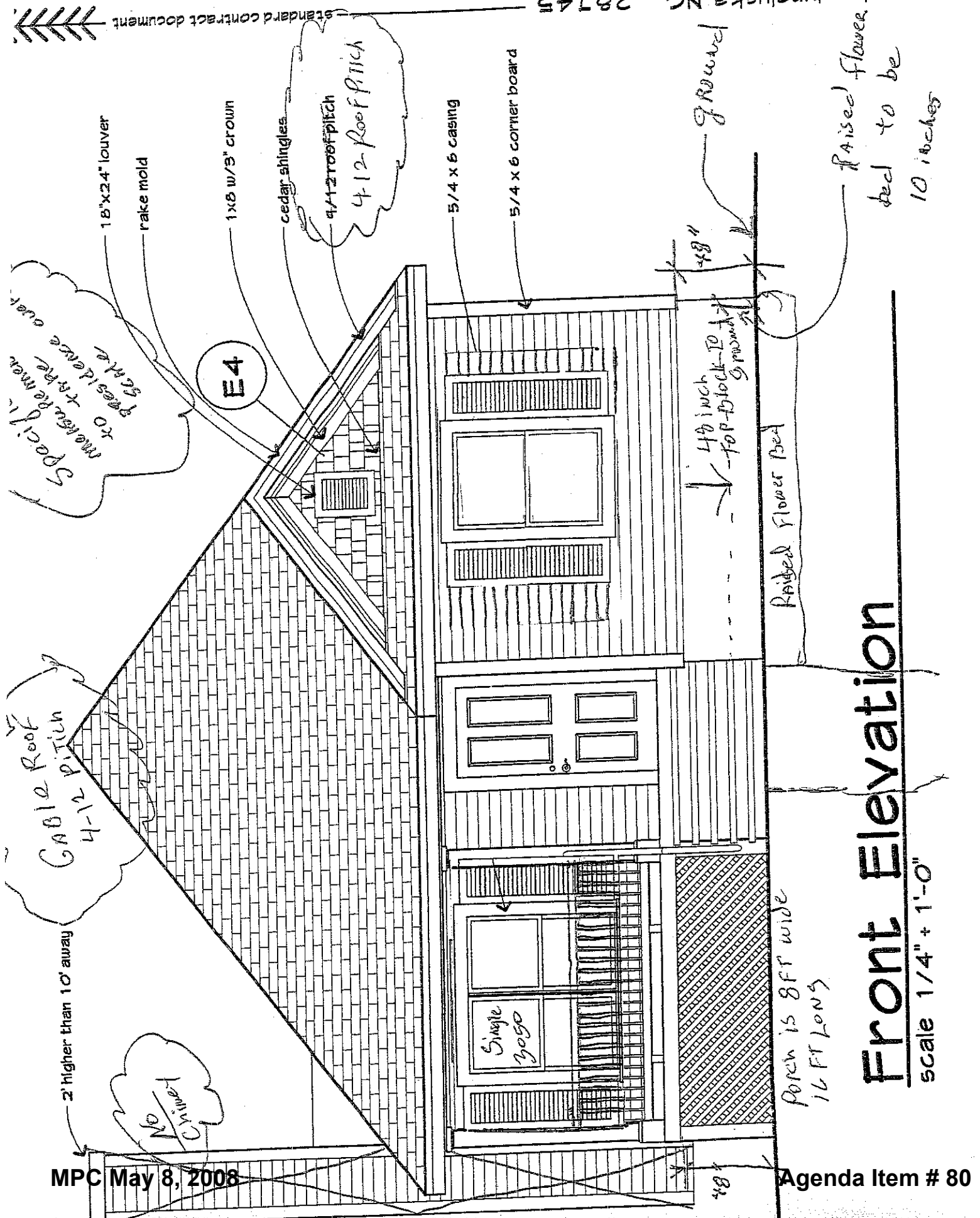
4. Signature of Applicant:

I hereby certify that this application is consistent with the principles found within the Heart of Knoxville Infill Housing Design Guidelines.

Signature: [Signature] Date: 3-26-08

MPC May 8, 2008

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Specific materials to be used over residence over schedule

Gable Roof 4-12 Pitch

2' higher than 10' away

E4

18" x 24" louver
rake mold
1x8 w/3" crown

cedar shingles
4-12 roof pitch

5/4 x 6 casing
5/4 x 6 corner board

48" for block to ground
48" ground

Raised flower bed

Porch is 8 FT wide
16 FT long

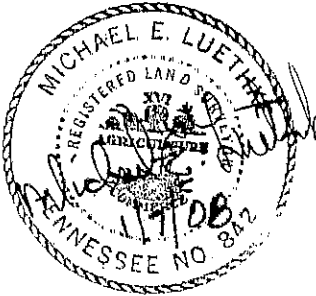
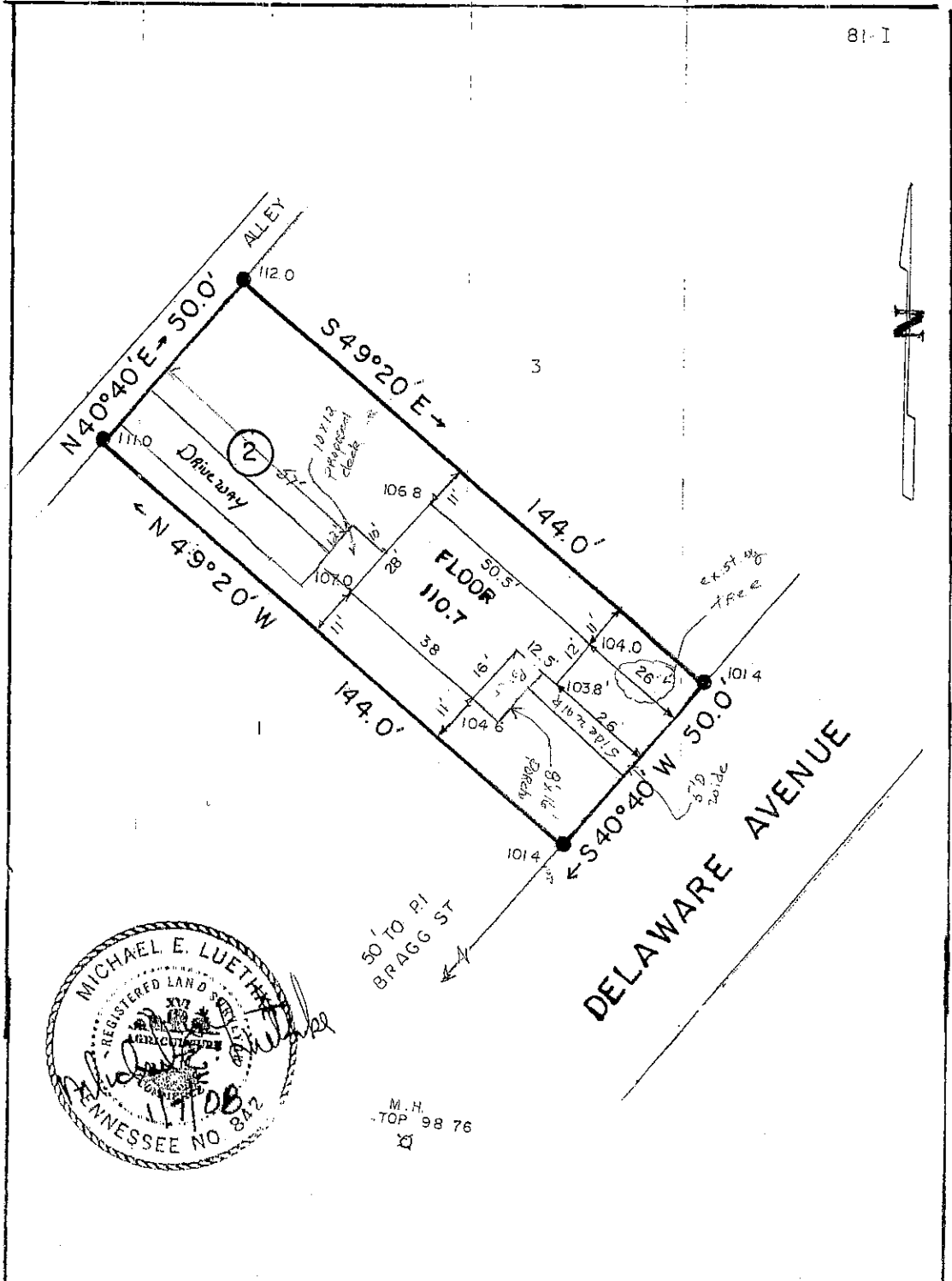
Raised flower bed to be 10 inches

Front Elevation
scale 1/4" = 1'-0"

Standard contract document

Lake Junaluska, NC 28745

X 160



M.H. TOP 98 76

RF

CONSTRUCTION

1333 DELAWARE AVENUE, LONSDALE LAND CO ADDITION, MAP 5, PG 183
 LOT 2, BLOCK "16"
 SCALE: 1" = 30', DATE: 1-07-08, DWG NO 08002
 CLT 0817, M, 019

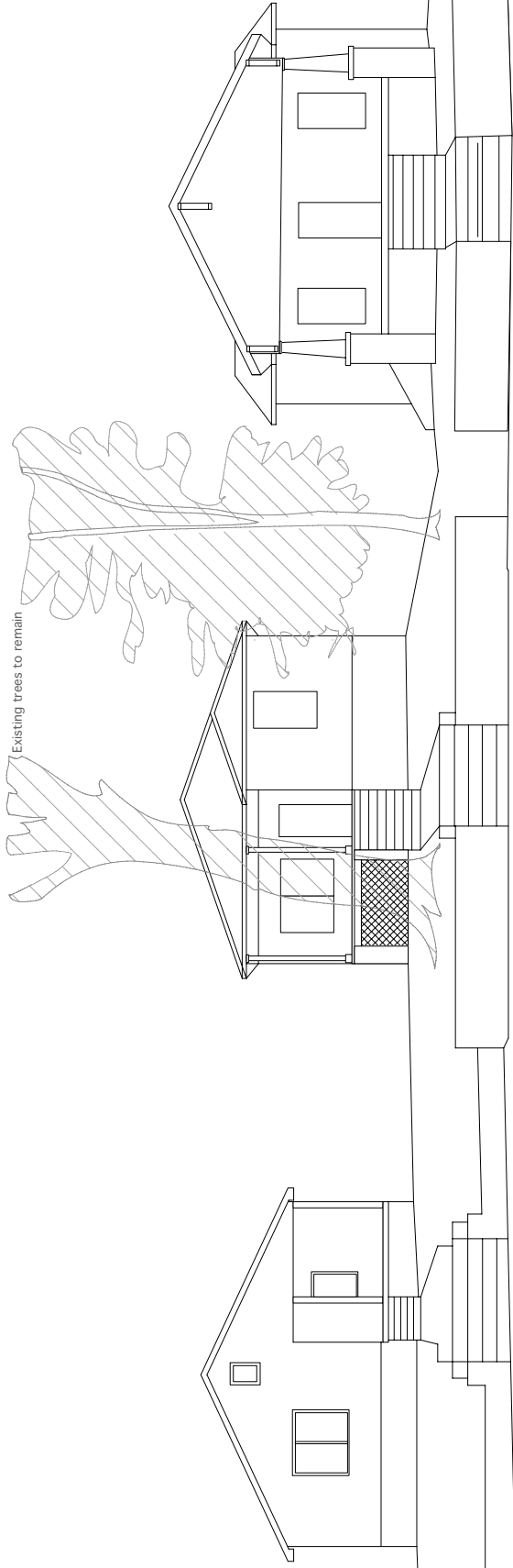
LUETHKE SURVEYING CO
 6538 VINTAGE DRIVE
 KNOXVILLE, TN 37921

Present Condition of House at 1333 Delaware Ave





OUR SUSTAINING MEMBERS					
FUNDING FOR THIS PROJECT IS PROVIDED BY THE CITY OF KNOXVILLE DEPARTMENT OF COMMUNITY DEVELOPMENT, COMMUNITY DEVELOPMENT BLOCK GRANT.			EAST TENNESSEE COMMUNITY DESIGN CENTER - 865-525-9945 - www.etcdc.org 1300 N. BROADWAY - KNOXVILLE TN 37917		
PROFESSIONAL ADVISOR: name name of firm: PROVAYTOR, J. Perry Childress ETDCDC INTERN: ETDCDC DIRECTOR: David Watson			1333 DELAWARE AVENUE ETDCDC Project #		
S C H E M A T I C P R E S E N T A T I O N D R A W I N G S - N O T F O R C O N S T R U C T I O N				STREET ELEVATION 1 of 1 Date: APRIL 22, 2008	



Existing trees to remain

Proposed new retaining wall and steps
(taller than existing, similar to neighboring house)

1337 Delaware Ave.

1333 Delaware Ave.

1329 Delaware Ave.

Add fill to front yard behind new front retaining wall,
cover exposed roots on large tree and pull fill up to house
foundation covering 2 courses of block.