

MEMORANDUM

TO: Knoxville-Knox County Planning Commission
FROM: Michelle Portier, Planner
DATE: March 12, 2020
SUBJECT: **3-C-20-OB:** Consideration of an appeal to the Infill Housing Review Committee decision regarding Infill Housing case 1-A-20-IH
CC: Gerald Green, Executive Director

STAFF RECOMMENDATION:

Deny the appeal and uphold the Infill Housing Design Review Committee decision to require access off the alley.

BACKGROUND

Staff recommends upholding the decision of the Infill Housing Design Review Committee's (IH Committee) decision to approve the applicant's request with several conditions attached to ensure it is in compliance with the **Heart of Knoxville Infill Housing Guidelines**. The applicant is appealing one of these conditions specifically, that driveway access be provided off of the alley at the rear of the property. Infill Housing Design Guidelines state that access should be from the alley in cases where there is an alley in functioning condition. The alley behind Mr. Fairchild's property is in working order and provides access to several of the residential properties that abut this alley. Of the developed residential properties on Connecticut Avenue abutting this alley, only 3 have driveway access from Connecticut Avenue. All properties with driveways on Connecticut Avenue (both sides of the street) predate the Infill Housing Design Guidelines (October, 2007) and are considered legal nonconforming.

HISTORY OF REQUEST

The applicant originally received approval to construct a new single-family house on this property in June 2008. The approved plans included driveway access off of Connecticut Avenue, which is not in compliance with IH Guidelines. The applicant came back to the Committee with the same plans in January, 2020 to revise his original request to change the window pane pattern and roofing materials. It was discovered during the course of the January meeting that the elevations were not accurate. The applicant referred to a door on the right elevation that did not exist. It was shown as a window on the plans, and another window shown on the elevation was not planned to be included on the built structure. Therefore, the previously approved building plans did not accurately depict how the applicant intended to build the structure with

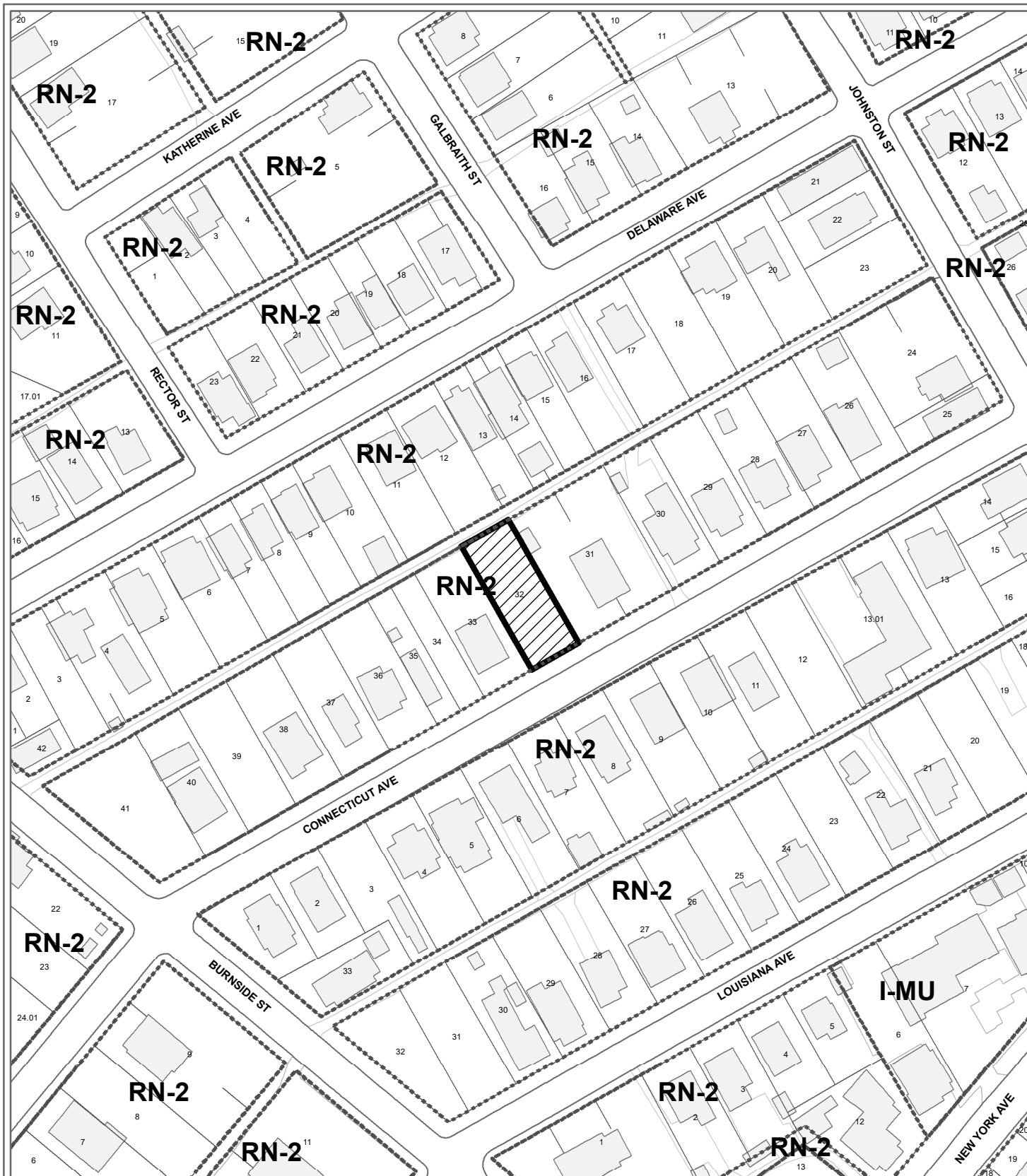
regard to the right elevation. Since building inspectors would require the structure to be built as drawn and as approved, the plans would require the Committee's approval for it to be built according to the applicant's stated wishes if he wanted to include the door and delete the window.

At the January meeting, the applicant stated his wish to withdraw his application. The Committee asked if the applicant would be allowed to pull building permits with the previously approved plans and build as drawn without any changes since the vesting rights had expired. The Committee voted to postpone the decision until the City Law Department could be consulted regarding vesting rights. In accordance with Tenn. Code Ann. 13-4-310, "for approval of a preliminary development plan that does not progress in stages or phases, the initial vesting period is three years" (see Exhibit E.2).

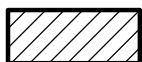
For the February meeting, the applicant submitted a new, different set of drawings since the original plans no longer met current building codes. The new plans showed the doors and windows as described in the applicant's verbal presentation at the January 2020 meeting; the site plan remained the same as the submittal from 2008 with access off of Connecticut Avenue. The Infill Housing Design Committee voted to approve his request subject to several conditions (see Exhibits A and B).

ATTACHMENTS

- **Exhibit A.** Packet from the February Infill Housing Design Committee meeting (staff report, site plan, building plans, application, and original COA from 2008)
- **Exhibit B.** Infill Housing Review Committee meeting minutes from February 6, 2020 meeting (see File No. 1-A-20-IH)
- **Exhibit C.** Section of Infill Housing Design Guidelines pertaining to driveway access (Section 3, Parking, Alleys, and Services)
- **Exhibit D.** Letter from Engineering regarding the condition of the alley
- **Exhibit E.** Relevant sections of Knoxville's Zoning Ordinance:
 - **Exhibit E.1.** Section 16.6: Infill Housing Review
 - **Exhibit E.2.** Section 15.3: Vesting
- **Exhibit F.** Diagram showing access conditions on Connecticut Avenue
- **Exhibit G.** Contextual Images



**3-C-20-OB
OTHER BUSINESS**



Purpose of Request: Appeal by Monty Fairchild of Infill Housing Design Review Committee's denial to allow driveway to be built in front of house [as originally approved 6-16-

Original Print Date: 2/19/2020 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Monty Fairchild

Map No: 999

Jurisdiction: Undefined

0 125
Feet





Planning

KNOXVILLE | KNOX COUNTY

RECEIVED

FEB 06 2020

Knoxville-Knox County
Planning

APPEAL OF DECISION

(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

☒ Certificate of Appropriateness ☐ Other: Infill Housing Review

Decision by: ☐ Planning ☐ BZA ☐ Other: _____ Date of Decision: 2-6-2020

Jurisdiction: ☒ City _____ Councilmanic District ☐ County _____ Commission District

Original Applicant Name: Monty Fairchild Original File Number: 1-A-20-IH

Name of Owner of Subject Property: same

Description of Subject Property (Include city block and parcel number or lot number): 1201 Connecticut Ave.
081IK032

☐ Zoning map of all property within 300 feet of the subject property is attached.

DECISION BEING APPEALED

Denial to allow driveway to be built in front of house as approved 6-16-08 because alley was not useable for parking and original existing driveway was in the front - so allowed

REASON FOR THE APPEAL

Attach additional pages, if necessary.

Applicant was not advised when approved that there was any time constraint / deadline in which he had to build when returned in Jan 2020 was given conflicting information about time constraint - treated as a new application when he had already been approved

PETITIONER INFORMATION

Name of Petitioner: Monty Fairchild

Petitioner's Interest in the Matter (Include a description of affected property owned by Petitioner):

owner - project being held up for months - costs in time & money as property is to be sold

Application Authorization: I hereby certify that I am the applicant/authorized representative for the above named petitioner.

Signature: Monty Fairchild

All correspondence should be sent to: Name (Print): Monty Fairchild

6815 Washington Pk Knoxville Tenn 37918
Street Address City State Zip

Phone: 865 740-6370 Fax: 865 219-0916 E-mail: _____

For Planning Staff Use Only

Application Accepted by Planning Staff Member: Sherry Michienzi

Appeal Fee Amount: \$200.00 Date Appeal Received: 2-6-2020

BODY WHO WILL HEAR THE APPEAL & MEETING DATE OF THE APPEAL

☐ City Council - 6 p.m.

☐ County Commission - 7 p.m.

☐ City BZA - 4 p.m.

☒ Planning Commission - 1:30 p.m.

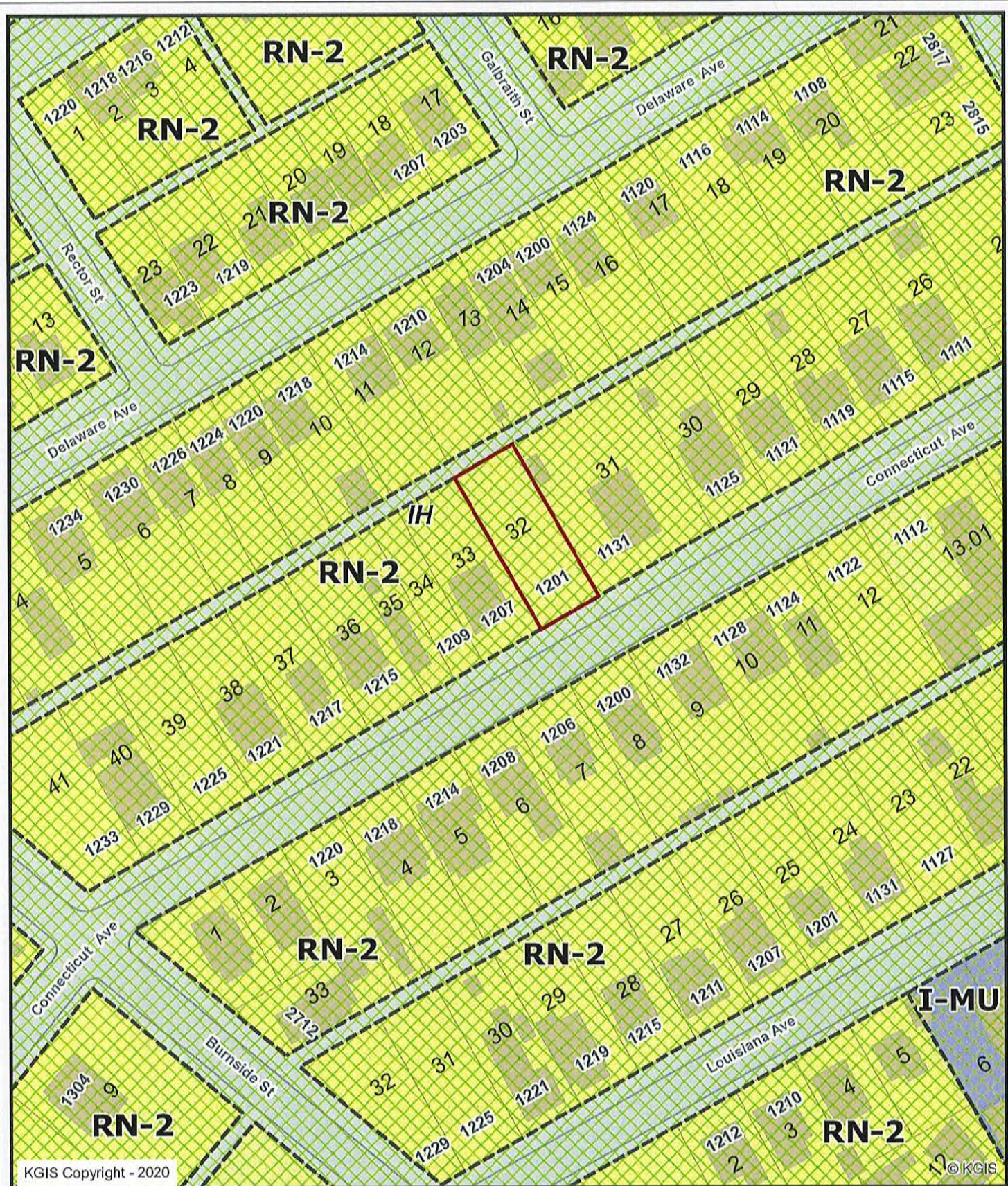
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March 12, 2020

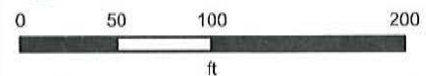


Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



Printed: 2/6/2020 at 9:57:37 AM



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Exhibit A. Packet for this application as provided to the Infill Housing Design Committee



Date: 2/6/2020

Applicant: Monty H. Fairchild

Address: 1201 Connecticut Ave.

District: Lonsdale

Zoning: RN-2 / IH-1

File Number: 1-A-20-IH

Infill Housing Overlay Staff Comments & Recommendations

RECOMMENDATION

Staff recommends approval of the project with the following conditions:

1. Access shall be from the alley on streets which have alleys (p. 7).
2. Parking pad and driveway material shall comply with the City's Engineering Department requirements.
 - a. Parking pad shall be 18 ft x 20 ft.
 - b. If using a gravel surface, a minimum of 10-15 ft of asphalt or concrete is required to be installed from the street to keep gravel off of the alley, and landscape timbers must be installed along both sides of the driveway and around the parking pad to contain the gravel.
3. One native tree should be planted in the rear yard (p. 16).
4. Insert 1 or 2 windows on the rear façade to meet the solid-to-void requirement of the guidelines (p. 10).
5. Utilize lap siding versus Dutch lap or horizontal panels to more closely resemble the exterior materials historically utilized in the neighborhood (p.13).
6. Utilize shake siding or horizontal lap siding beneath both front gables, since vertical siding is not allowed (p. 13).

COMMENTS

1. Previous approval was granted by the Infill Housing Committee for this site plan and house (with slight revisions made for this meeting) at 1201 Connecticut Avenue in 2008. However, that approval allowed some items that are not in compliance with the Infill Housing Guidelines.
2. While the Infill Housing Committee approvals do not have an expiration date per se, according to the City of Knoxville Zoning Ordinance, and Tennessee State Law, as referred to in the clip from the zoning ordinance below, the project's vesting rights have expired and the development must be reviewed as a new application.
3. The front yard and side yard setbacks are consistent with the adjacent houses and others found on this street.

4. Front yard planting is provided. A native tree should be planted in the rear yard, too, per the guidelines.
5. The driveway does not meet the infill guidelines and should be off of the alley since it is in good working condition.
 - a. Moving the driveway to the rear yard would allow the project to comply with both the Infill Design Guidelines' requirement for alley access (when available), and the City Engineering Department's requirements for a parking pad.
 - b. Driveway access off the street is somewhat consistent with the rest of the houses on the block. However, these are properties that predate the Infill Design Guidelines, and parking in front of houses is one of the conditions the guidelines attempt to mitigate over time by requiring parking and access to be off of alleys.
6. The front porch size and setback are in compliance with Infill Guidelines.
7. Scale, massing and foundation height are consistent with other houses on the block.
8. The other houses on the block feature a mix of window grid styles. This would be the only house with a 3-over-1 grid, but due to the mix of styles already present, and the absence of a true architectural style for the proposed house, the window style would not appear out of character.
9. The roof material and design are in compliance with the Committee's Guidelines.
10. Vertical siding is not allowed.

REFERENCE INFORMATION: CITY OF KNOXVILLE ZONING ORDINANCE REGARDING VESTING RIGHTS

City of Knoxville Zoning Ordinance, Article 15, Section 15.3 Vesting (relevant sections only):

In accordance with Tenn. Code Ann. § 13-4-310, the following provides for the vesting of developments through zoning applications.

A. Subject to item C, a vested property right must be established upon the City's approval of a preliminary development plan, a final development plan where no preliminary development plan is required by ordinance or regulation, or a building permit allowing construction of a building where there was no need for prior approval of a preliminary development plan for the property on which that building will be constructed. During the vesting period in item C, the City's development standards in effect on the date of said approval remain the development standards applicable to that property or building during the vesting period in item C.

B. A vested property right is established with respect to any property upon the appropriate department's:

- 1. Approval of a preliminary or final development plan for any of the following Districts: RP-1, RP-2, RP-3, SC- 1, SC-2, SC-3, PC-1, PC-2, BP-1, TND-1, or TC-1 Districts.*
- 2. Approval regarding a project in the I-1 District.*
- 3. Approval regarding a use on review.*
- 4. **Approval of a certificate of appropriateness, when required.***
- 5. Approval of a form district project.*
- 6. Issuance of a site development permit.*
- 7. Issuance of a written finding from the Director of Plans Review and Building Inspections that allowing a property right to remain vested is in the best interests of*

the community.

8. Any other approval or issuance specified in Tenn. Code Ann. § 13-4-310.

C. The applicable vesting periods are as follows:

1. For building permits...(n/a)

2. For approval of a preliminary development plan that does not progress in stages or phases, the initial vesting period is three years subject to the following:

a. The applicant must maintain all necessary permits during all vesting period(s) and any extension(s) in order to remain vested. During the initial vesting period, the applicant must obtain the City's approval of the final development plan and commence site preparation. If the applicant complies, then the vesting period will be extended an additional two years.

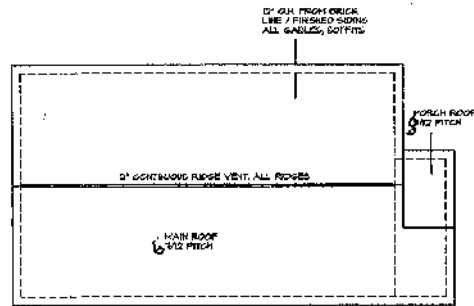
b. During the two year extension, the applicant must commence construction and, if commenced, the development standards in effect during the vesting period remain in effect until the City certifies final completion of the development or project.

c. **In no event will the total vesting period exceed ten years from the date of the approval of the preliminary development plan.** (emphasis added)

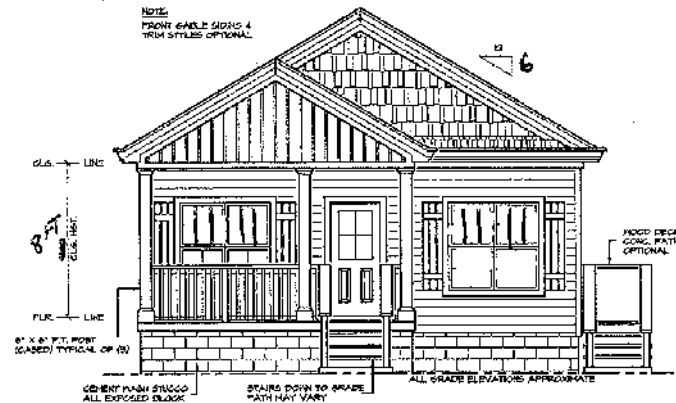
3. For approval of a preliminary development plan that progresses in two or more stages or phases...(n/a)

-

Monty Fanchiel
1201 Connecticut Ave

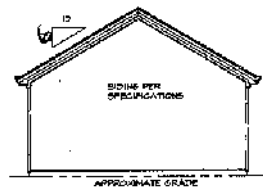


ROOF LAYOUT PLAN
SCALE: 1/8" = 1'-0"

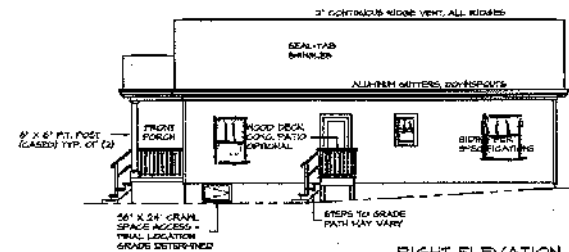


FRONT ELEVATION
SCALE: 1/4" = 1'-0"

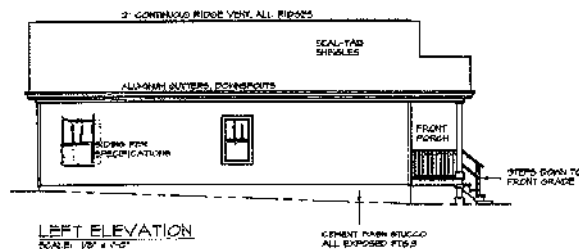
NOTE:
ALL WINDOW, DOOR, ACCESSORY & TRIM STYLES ARE
INDICATED FOR ILLUSTRATION ONLY AND ARE SUBJECT
TO APPROVAL/CHANGE BY GENERAL CONTRACTOR.
ALL ROOF GABLES SHALL CONFORM TO APPLICABLE
LOCAL / STATE / NATIONAL BUILDING CODES



REAR ELEVATION
SCALE: 1/8" = 1'-0"



RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



LEFT ELEVATION
SCALE: 1/8" = 1'-0"

NOTICE

THE DESIGNER OFFERS NO WARRANTY AS TO THE RELIABILITY OF THE DESIGN FOR ANY BUILDING SITE, NOR FOR THE ACCURACY OF OVERSIGHT OR SQUARE FOOTAGE CALCULATIONS AS CONSTRUCTED. ALL STRUCTURAL SPAN & LOAD CAPACITIES OF DIMENSIONED AND FINISHED COMPONENTS IS EXCLUDED. THE PLANS ARE DIAGNOSTIC ONLY AND ARE PROVIDED STRICTLY AS A GENERAL GUIDE TO CONSTRUCTION. THE DESIGNER DOES NOT GUARANTEE THE STRUCTURAL INTEGRITY OF FRAMING METHODS USED. THE USER IS RESPONSIBLE IN TOTAL FOR ALL PHASES OF THE CONSTRUCTION PROJECT. LOCAL/NEEDED BUILDING CODES AND AMENDMENTS SHALL SUPERSEDE.

Designed To 2018 IRC



EGRESS WINDOWS:

REQUIREMENTS MUST HAVE (1) WINDOW RATED FOR 20 MINUTE EGRESS FROM PROVIDES A CLEAR OPENING OF 5'0" TO 5'6" FT. (2) 80% MIN. CLEAR OPENING OF 4'4" MAX. SILL HEIGHT - MIN. NET CLEAR OPENING SHALL BE 20" FREE - MIN. NET 24"

NOTE:
WINDOWS LOCATED IN STAIRS, LANDINGS, BATHS & FOOT TRAFFIC AREAS WHERE THE SILL IS LESS THAN 18" FROM FINISHED FLOOR & WITH A SASH SIZE GREATER THAN 4'0" SQ. FT. SHALL RESIST 156 OF TEMPERED GLASS

NOTE:
WINDOWS & DOOR SIZES NOTED ON FLOOR PLANS ARE NOMINAL & ARE TO BE READ AS FEET & INCHES WITHIN 1/8" SET 1/8" INCHES NOT, (EX. 5'0" SQ. FT. = 5'-0" MIN. X 5'-0" MAX = DOUBLE HUNG)

NOTE:

ALL MAIN FLOOR WINDOWS & DOORS SHALL BE LOCATED IN A 6'-2" TO 6'-6" HEADERS HEIGHT UNLESS NOTED OTHERWISE

BLDG. VENTILATION:

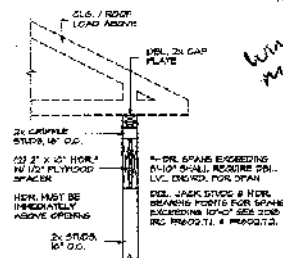
EXHAUST AIR (2008 IRC M502.4.1)

60 CFM BATH VENTS MUST BE 20 CFM MIN. - EXHAUST DIRECT TO THE EXTERIOR. BUILDING TOTAL MUST BE 60 CFM MIN.

SUPPLY AIR (2008 IRC M502.4.2)

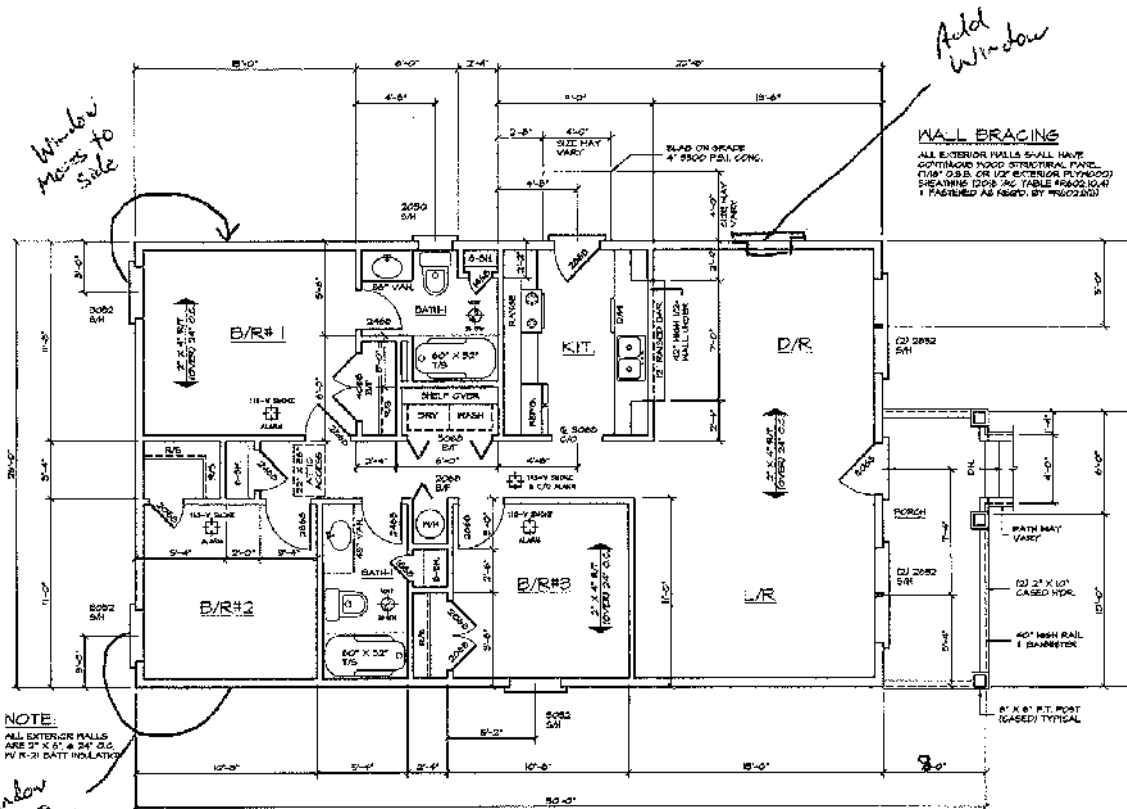
HVAC SYSTEM MUST PROVIDE 60 CFM MIN. FRESH AIR INTAKE TO RETURN AIR FLEET EQUAL TO CAPACITY OF BATH EXHAUST VENTING

MANUFACTURER, TYPE, MODEL NO. & SIZE OF ALL MECHANICAL HVAC, FRESH & WATER HEATER MUST BE ENTERED ON THE DESCRIPTION OF MATERIALS LIST - THE LAST SUBSET OF EACH BLUEPRINT SET.



WINDOW & DOOR HEADERS

SCALE: 3/8" = 1'-0" 310 & 311 INC. #1002.11 & 11



MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"

8'-0" FINISHED CEILING HEIGHT

144 SQ. FT. MAIN FLOOR LIVING AREA
48 SQ. FT. FRONT PORCH AREA

NOTE:

AREA CALCULATIONS ARE MEASURED FROM OUTSIDE FINISH LINES (EXCLUDING DOOR, OR WINDOW VENTING VERIFY CRATE BY ACTUAL CONSTRUCTION DIMENSIONS)

FRAMING DIMENSIONS:

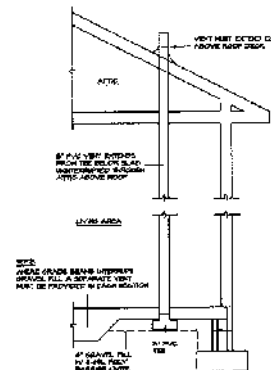
MILL & PARTIAL OR FRAMING DIMENSIONS ARE MEASURED FROM OUTSIDE FINISH LINE TO FACE OF EXTERIOR EXTERIOR WALLS UNLESS OTHERWISE - PLEASE OBSERVE DIMENSION LEADLINES VERY CAREFULLY

NOTICE

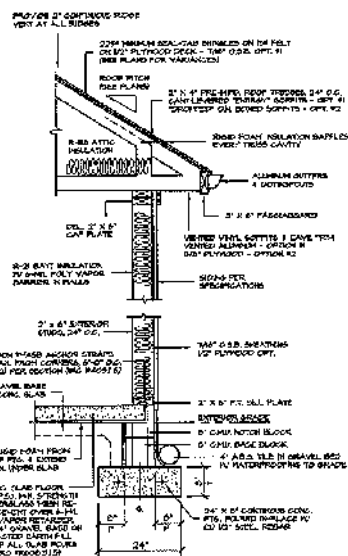
THE DRAWING OFFERS NO WARRANTY AS TO THE SUITABILITY OF THE DESIGN FOR ANY BUILDING SITE, NOR FOR THE ACCURACY OF DIMENSIONS OR SQUARE FOOTAGE CALCULATIONS AS CONSTRUCTED. ALL STRUCTURAL GRAP & LOAD CAPACITIES OF DIMENSIONS AND PREPARED COMPONENTS IS INCLUDED. THE PLANS ARE DESIGNED FOR GENERAL USE ONLY AND ARE DESIGNED STRICTLY AS A GENERAL GUIDE TO CONSTRUCTION. THE DRAWING OFFERS NO WARRANTY OF THE STRUCTURAL INTEGRITY OF FINISH MATERIALS USED. THE USER IS RESPONSIBLE FOR ALL PHASES OF THE CONSTRUCTION PROJECT. LOCAL-REVISED BUILDING CODES AND AMENDMENTS SHALL BE OBSERVED.

Designed To 2018 IRC

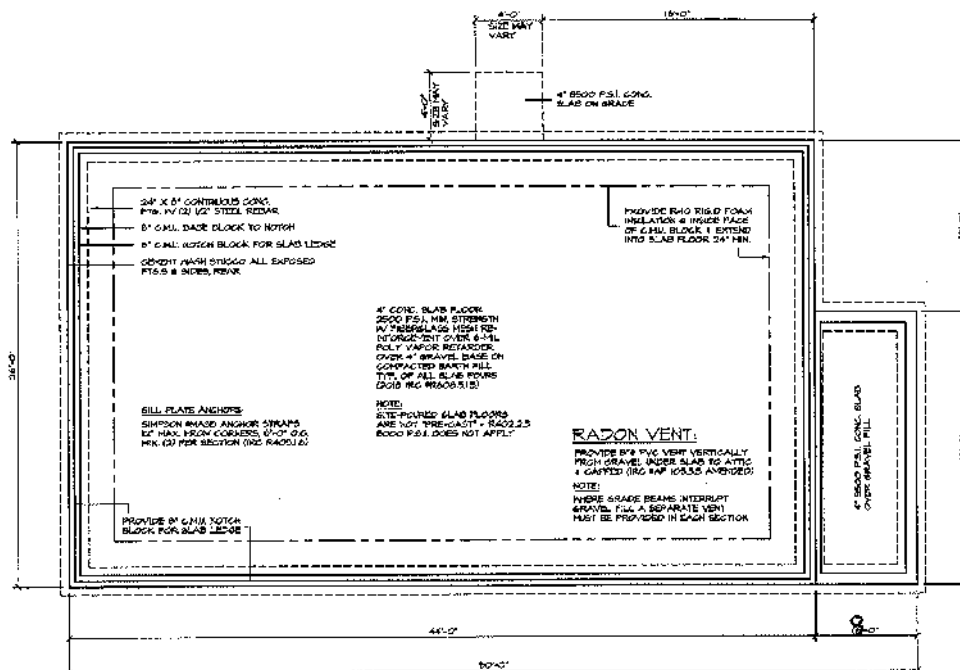
<p>2</p> <p>Sam R. Ensor</p> <p>RESIDENTIAL DRAFTING SERVICE</p> <p>1311 Greenwood Drive, Knoxville, TN 37938</p> <p>Telephone 865-947-8951</p>	<p>19-1203</p> <p>DATE: MAIN FLOOR PLAN</p> <p>BY: S.R.E.</p> <p>DATE: 01/01/2020</p>
	<p>PLAN NO.</p>



RADON VENTING DETAILS
NO SCALE 2018 IRC



TYPICAL WALL SECTION
NO SCALE 2018 IRC



NOTE:
EXTERIOR FOUNDATION WALLS BY EXPOSURE ABOVE GRADE OF 4'-0\"/>

CONC. SLAB FTG. PLAN
SCALE: 1/4\"/>

FTG. DIMENSIONS
ALL FOUNDATION DIMENSIONS ARE MEASURED FROM OUTSIDE EDGE OF GILL PLATES TO G. OF GIRDERS, WALLS, VENTS & OPENINGS UNLESS SHOWN OTHERWISE. - PLEASE OBSERVE IN-SITU ON LEADER - LEADER CAREFULLY.

PRE-MFD. TRUSSES
PRE-MFD. TRUSS COMPONENTS SHALL BE DESIGNED AND FABRICATED TO ACCOMMODATE ACTUAL ON-SITE MEASUREMENTS. THE MANUFACTURER SHALL MODIFY THE TRUSS SYSTEM AS NECESSARY.
ALL ENGINEERED TRUSS DOCUMENTS SHALL BE PROVIDED TO THE GENERAL CONTRACTOR AND SHALL BE ATTACHED TO THESE PLANS. THE MPFS SPECIFICATIONS SHALL SUPERSEDE THE GENERAL EXEMPTS INCLUDED IN THESE DRAWINGS.

PRE-MFD. COMPONENTS
THE MPFS MPFS & LOAD-BEARING CAPACITIES OF PRE-MFD. STRUCTURAL COMPONENTS SHALL BE ENGINEERED BY THE MANUFACTURER OR AUTHORIZED SUPPLIER & FABRICATED TO ACCOMMODATE ACTUAL ON-SITE MEASUREMENTS.
THE ENGINEERING SUPPLIER SHALL PROVIDE ALL NECESSARY DETAIL AND DOCUMENTS TO THE GENERAL CONTRACTOR & THESE DOCUMENTS SHALL BE ATTACHED TO THESE DRAWINGS.

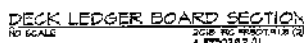
NOTICE
THE DRAWER OFFERS NO WARRANTY AS TO THE VALIDITY OF THE BASIS FOR ANY CLAIMS MADE FOR THE ACCURACY OF DIMENSIONS OR SQUARE FOOTAGE CALCULATIONS AS CONTRIBUTED. ALL DIMENSIONS GIVEN & LOAD CAPACITIES OF EXISTING AND PROPOSED COMPONENTS IS PROVIDED. THE PLANS ARE UNBARRICADED ONLY AND ARE DESIGNED STRICTLY AS A GENERAL GUIDE TO CONSTRUCTION. THE DRAWING EXEMPTS DO NOT GUARANTEE THE STRUCTURAL INTEGRITY OF PROPOSED STRUCTURES. THE USER'S RESPONSIBILITY IS TOTAL FOR ALL PHASES OF THE CONSTRUCTION PROJECT. LOCAL/STATE BUILDING CODES AND PRECEDENTS SHALL SUPERSEDE.

Designed To 2018 IRC

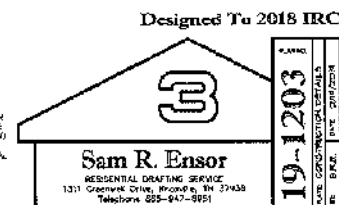
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Sam R. Ensor
RESIDENTIAL DRAFTING SERVICE
1311 Greenwood Drive, Knoxville, TN 37920
Telephone: 865-947-8891

19-1203	
PLAN: CONSTRUCTION DETAILS	DATE: 12/14/2018
BY: S. R. ENSOR	DATE: 12/14/2018



THE DESIGNER OFFERS NO WARRANTY AS TO THE SUITABILITY OF THE DESIGN FOR ANY BUILDING SITE, NOR FOR THE ACCURACY OF DIMENSIONS OR SQUARE FOOTAGE CALCULATIONS AS CONSTRUCTED. ALL STRUCTURAL, FRAM & LOAD CAPACITY OF ENGINEERED AND PREFABED COMPONENTS IS EXCLUDED. THE PLANS ARE DIAGNOSTIC ONLY AND ARE DESIGNED STRICTLY AS A GENERAL GUIDE TO CONSTRUCTION. THE DRAWING EXEMPTS DO NOT GUARANTEE THE STRUCTURAL INTEGRITY OF FRAMING METHODS USED INSIDE. THE WORK IS PERFORMED IN TOWNSHIP. FOR ALL PHASES OF THE CONSTRUCTION PROJECT. LOCAL PERMITS BUILDING CODES AND AMENDMENTS SHALL SUPERSEDE.





DESIGN REVIEW REQUEST

☒ DOWNTOWN DESIGN (DK)

☒ HISTORIC ZONING (H)

☒ INELL HOUSING (IH)

Monty H. Fairchild

Applicant

12/18/2019

Date Filed

1/2/2020

Meeting Date (if applicable)

1-A-20-IH

File Number(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

☒ Owner ☐ Contractor ☐ Engineer ☐ Architect/Landscape Architect

Monty H. Fairchild

Name

Company

6815 Washington Pike Knoxville TN 37918

Address

City

State

Zip

865 687-8178

Phone

Monty 740 @ Comcast.net

Email

CURRENT PROPERTY INFO

Owner Name (if different from applicant)

Owner Address

Owner Phone

1201 Connecticut Ave.

Property Address

081 I K 032

Parcel ID

Lonsdale

Neighborhood

R-1A/IH-1 (RH-2 after Jan 1 w/ IH overlay)

Zoning

AUTHORIZATION

Michelle Portier

Staff Signature

Michelle Portier

Please Print

12/10/2019

Date

Monty H. Fairchild

Applicant Signature

Monty H. Fairchild

Please Print

18 Dec 19

Date

REQUEST

DOWNTOWN DESIGN

Level 1:

- ☐ Signs ☐ Alteration of an existing building/structure

Level 2:

- ☐ Addition to an existing building/structure

Level 3:

- ☐ Construction of new building/structure ☐ Site design, parking, plazas, landscape

See required Downtown Design attachment for more details.

- ☐ Brief description of work: _____

HISTORIC ZONING

Level 1:

- ☐ Signs ☐ Routine repair of siding, windows, roof, or other features, in-kind; Installation of gutters, storm windows/doors

Level 2:

- ☐ Major repair, removal, or replacement of architectural elements or materials ☐ Additions and accessory structures

Level 3:

- ☐ Construction of a new primary building

Level 4:

- ☐ Relocation of a contributing structure ☐ Demolition of a contributing structure

See required Historic Zoning attachment for more details.

- ☐ Brief description of work: _____

INFILL HOUSING

Level 1:

- ☒ Driveways, parking pads, access point, garages or similar facilities ☐ Subdivisions ☐ Alteration of ~~plans~~ ^{previously approved plans}

Level 2:

- ☐ Additions visible from the primary street ☐ Changes to porches visible from the primary street

Level 3:

- ☐ New primary structure

- ☐ Site built ☐ Modular ☐ Multi-Sectional

See required Infill Housing attachment for more details.

- ☐ Brief description of work: Revised plans -- roof would be dimensional shingles (vs. 3-tab shingles approved) & windows would be 3-over-1 panes (vs. 6-over-1 panes approved.)

STAFF USE ONLY

ATTACHMENTS

- ☐ Downtown Design Checklist
☐ Historic Zoning Design Checklist
☒ Infill Housing Design Checklist

ADDITIONAL REQUIREMENTS

- ☐ Property Owners / Option Holders

Level 1: \$50 • Level 2: \$100 • Level 3: \$250 • Level 4: \$500

FEE 1:

50.00

FEE 2:

FEE 3:

TOTAL:

Knoxville/Knox County Metropolitan Planning Commission

**CERTIFICATE OF APPROPRIATENESS
 FOR INFILL HOUSING**

File No.: 6-13-08-IH

DEVELOPMENT PLAN REVIEW-MPC

A Certificate of Appropriateness is hereby granted for the following property by the Metropolitan Planning Commission:

PLAN APPROVED

MPC Staff

Date

Address of Property: 1201 Connecticut Ave

District:

Name of Owner: Monty Fairchild

Name of Applicant: Monty Fairchild

Description of Work:

ZONE IH-1

☐ SUBJECT TO BUILDING OFFICIAL RECEIPT OF:☐ Parking, access-Circulation Plan☐ Approved Drainage Plan☐ Advertising Sign Detail Plan☐ Building Design Detail Drawings☐ Minimum Floor Elevations☒ Other Conditions of Approval

(see notes)

see approved plans
for more data

Architectural Building Elevations - The proposed house will have 5/12 roof pitch, vinyl siding, and exposed foundation (as seen from Connecticut) with a minimum of 2' exposed foundation and a maximum of 4' exposed foundation. The finished floor elevation shall be 105.6'. The exposed foundation shall be treated with a stucco surface. The front porch is located to the left portion of the front facade and is 8' deep and 16' wide. The roof over the porch and structure has a gable, as seen from Connecticut Avenue. The front door and a window measuring 36" X 48" is on the portion of the house with the porch. On the right side of the front facade (non porch area) is a 72" X 48" window. The windows shall have a grill pattern on the top sash and no grills on the bottom.

Plot Plan - A driveway off the front shall be established and shall extend 20' behind the front habitable portion of the house. The side yard shall be adjusted to 8' on the non driveway side and 16' on the driveway side. The front yard setback shall be 25'. The finished floor elevation shall be 105.6 feet with a maximum of 4' of exposed foundation on the front of the house, facing Connecticut Avenue. A tree shall be planted in the front yard. A private walkway will extend from the front porch steps that face the street and will run straight to the property line.

All dimensions above are from the submitted application and included as part of the Certificate of Appropriateness. The applicant is expected to build according to these approved plans.

THIS CERTIFICATE IS NOT A BUILDING PERMIT

Approved by: Jeff Archer

Date: 6/16/2008

Please note, applicant must post yellow MPC Certificate of Appropriateness for Infill Housing sign until 7/1/2008. If MPC does not receive any appeals of the decision during that time, the applicant can proceed with obtaining permits.



INFILL HOUSING DESIGN REVIEW COMMITTEE

February

MEETING MINUTES

Meeting Date/Time:	February 6, 2020 at 9:00 a.m.
Meeting Location:	City County Building, Small Assembly Room
Committee Members Present:	Michelle Portier (non-voting), Scott Elder, DeAnn Bogus, Adam Kohntopp, Kortni Cook, Todd Kennedy, Lindsay Crockett, Gerald Green
Committee Members Absent:	Perry Childress, Mike Reynolds
Guests:	Monty Fairchild, Daniel Orr, Kevin Mellon, Bill Terry, Steve Hall, Christina Magrans
Recorder:	Michelle Portier

Meeting was called to order at 9:05 am.

Vote to approve January 2, 2020 meeting minutes

Action: A motion was made by Deanne Bogus to approve the January 2, 2020 meeting minutes. Lindsey Crockett seconded the motion and it passed 7-0.

1-A-20-IH 1201 Connecticut Avenue – new house and driveway; Monty Fairchild, applicant

Discussion: Ms. Portier informed the Committee that, though the request was originally approved in 2008, it should be reviewed as a new application since the vesting rights had expired. She briefly summarized the new building plans submitted with the original site plan, and stated the applicant's preference to provide a driveway in the front of the house off of the street versus in the rear of the house off of the alley. She read the conditions attached to staff's recommendation for approval.

Mr. Fairchild addressed the committee and stated his arguments. He acquiesced to most of the recommendations, but held firm in that he did not want to move the access to the rear of the house. He contested staff's comments regarding vesting rights and declared his belief that the old approval should stand. He contested the requirement for Dutch lap siding as well, citing houses built within the last 2 years on Johnston Street as a basis for utilizing that material installation method. He stated his belief that he was being held to a different standard if staff's recommendations were approved.

Committee member Lindsey Crockett answered by stating that lap siding is what the guidelines call for and is consistent with original housing built in that area. Gerald Green, Director of Knoxville-Knox County Planning stated that the current body is not responsible for the

enforcement of its decisions, nor is it responsible for past Committee decisions. He stated that inconsistent enforcement of the Infill Zone's guidelines is not justification to render a decision contrary to those guidelines.

Christina Magrans, attorney for the City of Knoxville, discussed the difference between the Infill Housing Committee application expiration and that of state law and reiterated that the vesting rights had expired. She explained vesting rights' expiration dates and agreed that the applicant's request should be reviewed as a new application. Director Green also agreed, and specified that the guidelines were very clear in stating that access should be off alleys when alleys are functional – that this was one of the issues the guidelines sought to redirect when they were first rewritten. He stated that the intent is to decrease the number of cars parked in the front yard, which is unsightly, and encouraged the Committee to hold to that requirement.

Committee Member Scott Elder noted the difference in porch depth from the original plans reviewed in January to the revised plans the Committee was reviewing this month and stated that the increased porch depth encroached further into the setback requirement of the underlying zone. He stated that the Committee could approve it to maintain consistency with other houses on the block, but the decreased setback should be part of the record.

Action: A motion was made by Gerald Green and seconded by Lindsey Crockett to approve the project in accordance with staff recommendations and noting the 8-foot porch depth encroachment into the setback area. The motion passed 7-0.

2-A-20-IH 1731 Nickerson Avenue – partial front porch enclosure; Daniel Orr, applicant

Discussion: Ms. Portier introduced the item, stating that the applicant had been unaware he needed a building permit and had begun work on the project before being issued a stop work order. She showed pictures of construction work in progress and of damage sustained to the ceiling inside the structure due to roof leaks.

Mr. Orr addressed the committee and stated his arguments. He briefly described the damage sustained to the structure, which had begun before he owned the house. He reported that much of the damage is structural and would require extensive work to fix. Orr further stated his intent to incorporate original design elements in his proposal and his belief that his remodel aligns with architectural character of the neighborhood. He noted other houses in the Folk Victorian style in the near vicinity.

Director Green thanked the applicant for trying to save the house and asked if he could have repaired it without changing the design. The applicant answered that none of the elements could be saved but needed replacement. He further detailed the damage to the porch, columns, roof, gutters, and other structural elements and reiterated that the front of the house needed an extensive remodel with some demolition of front façade and porch elements required.

Committee Member Elder noted the difference in setbacks with the addition of the front porch changing the beginning of the primary structure. He noted the Committee could approve that but should be aware that if approved, the structure could have a front porch addition in the future.

3

Alleys, parking, and services

Alleys should serve two significant purposes: (1) accommodation of such services as utilities and garbage collection, and (2) access to off-street parking including garages and parking pads. A large proportion of the “Heart of Knoxville” neighborhoods have alleys. Unfortunately, such standards as setbacks for garages, types of materials for parking pads and encouragement of alleys for off-street parking are lacking. With infill development, the use of alleys for parking is necessary.

Infill guidelines

- Parking should not be in front yards.
- Alley access should be used for garage or parking pad locations. On level ground, pea gravel or similar material may be used as a parking pad off alleys.
- On streets without alleys, garages, or parking pads should be at least 20 feet behind the front façade of the infill house.
- Garages which are perpendicular to the alley should be about 15 feet from the center line of the alley pavement, allowing a comfortable a turning radius for a driver to enter a garage.
- Alley-oriented parking pads, garbage collection points, and utility boxes should be screened with a combination of landscaping and fencing.
- On those streets which have alleys, driveways should not be permitted from the front of the house.

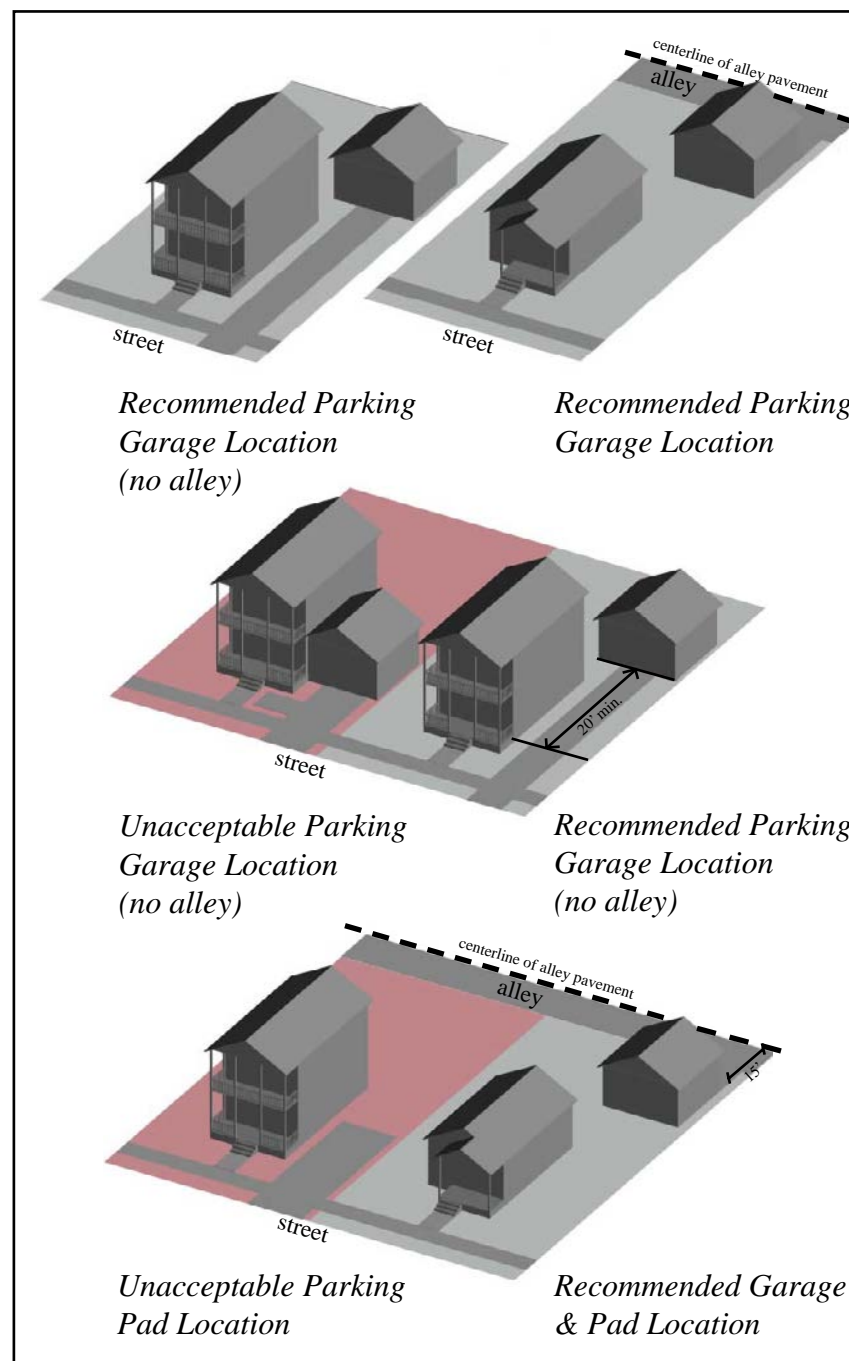


Exhibit D. Engineering Department Comments



Michelle Portier <michelle.portier@knoxplanning.org>

Letter from Engineering re: condition of alley to the north of Connecticut Avenue

Curtis Williams <cmwilliams@knoxvilletn.gov>
To: Michelle Portier <michelle.portier@knoxplanning.org>

Thu, Feb 27, 2020 at 4:07 PM

Knoxville Knox County Planning Staff,

The City of Knoxville Department of Engineering has evaluated the section of alley that is bound by Johnston Street to the east, Connecticut Avenue to the south, Burnside Street to the west, and Delaware Avenue to the north. The alley is paved and appears to be used by several of the adjacent properties as either primary or secondary access. Additionally, the alley is used for garbage collection. In general, the alley is in good condition. Please let me know if we can be of further assistance.

Curtis Williams

From: Michelle Portier [mailto:michelle.portier@knoxplanning.org]
Sent: Monday, February 24, 2020 3:49 PM
To: Curtis Williams <cmwilliams@knoxvilletn.gov>
Subject: Letter from Engineering re: condition of alley to the north of Connecticut Avenue

Curtis,

Can I get a letter from the Engineering Department relating to the condition of the alley behind 1201 Connecticut Avenue? We have an applicant for the Infill Housing Design Committee who is appealing the Committee's decision to require driveway access to be off of the alley. They approved his application, but that was one of the conditions.

I've attached the package from the meeting in case you need to review the proposal and decision. Let me know if you have any questions.

Thank you!

Michelle

--

Michelle Portier, AICP

Planner

865.215.3821

[Redacted]

[Quoted text hidden]

Exhibit E.1. City of Knoxville Zoning Ordinance, Infill Housing Review

16.6 INFILL HOUSING OVERLAY DISTRICT REVIEW

A. Purpose

Design review within the IH Overlay District. Review is intended to ensure conformity with the standards of the applicable design guidelines.

B. Initiation

No building permit will be issued for the following activities within an IH Overlay District without issuance of a certificate of appropriateness by the Infill Housing Review Committee:

1. New primary structure.
2. Additions visible from the primary street.
3. Changes to porches visible from the primary street.
4. Driveways, parking pads, access points, garages or similar facilities.

C. Authorization

All applications for certificates of appropriateness within an IH Overlay District will be reviewed by the Infill Housing Review Committee within 30 days. The Infill Housing Review Committee has the power to approve, approve with conditions, or deny a certificate of appropriateness.

D. Design Review Standards

Design review and approval of a certificate of appropriateness is required for any building permit or request for subdivision approval within the IH Overlay District. Review must be based on conformity with the standards of the applicable design guidelines, which are made a part of this Code amendment by reference.

1. The district is intended to foster compatible infill housing, which may have different open space, height, and off-street parking regulations than those found in the base district. Minimum lot sizes and setbacks may differ from those required by the base district in order to realize the principles associated with the guidelines. The Infill Housing Review Committee may vary the base district regulations by issuance of a certificate of appropriateness. The issuance of a certificate of appropriateness will relinquish any need for variances within the overlay district.
2. Lot sizes, front, side and rear setbacks, and off-street parking are to be in accordance with the principles of the applicable design guidelines.
3. An alley must serve as the primary means of ingress and egress for all dwelling units unless special site circumstances or conditions prohibit alley access, such as exceptional narrowness or topography.

E. Applications

An application for a certificate of appropriateness must include:

1. Front and side elevation drawings
2. Plot plan with address and CLT#
3. Elevation of corners
4. Finished floor elevation (approximate)
5. Setbacks
6. Driveway and sidewalks locations (proposed and existing)
7. Alley location if lot is adjacent to an alley
8. Applicable design guidelines checklist

F. Issuance of Building Permits

No building permit will be issued until after the appeal period expires. If an appeal is filed, no building permit will issue until the appeal is resolved.

G. Appeals

Anyone aggrieved by a final determination of the Infill Housing Review Committee may file an appeal in accordance with Section 16.12.

Infill Housing Overlay District Review

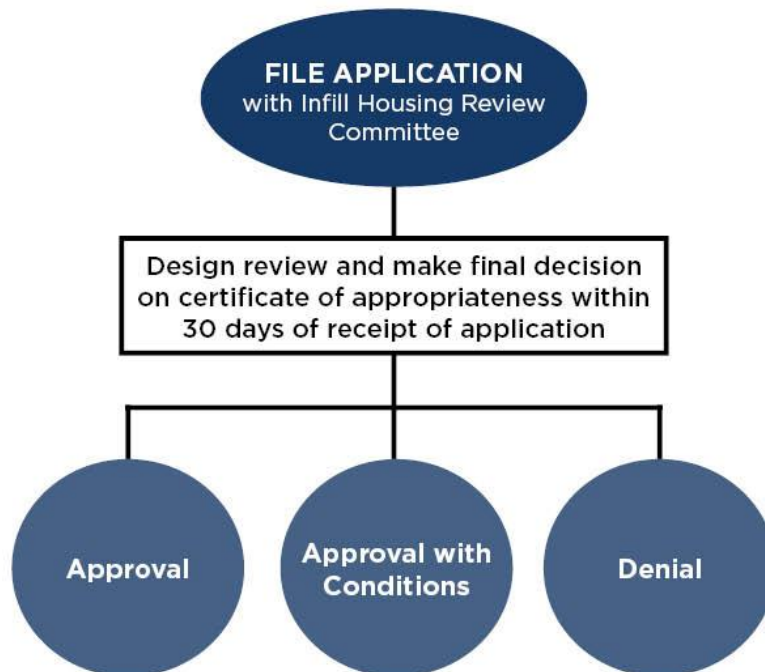


Exhibit E.2. City of Knoxville Zoning Ordinance, Vesting

15.3 VESTING

In accordance with Tenn. Code Ann. § 13-4-310, the following provides for the vesting of developments through zoning applications.

A. Subject to item C, a vested property right must be established upon the City's approval of a preliminary development plan, a final development plan where no preliminary development plan is required by ordinance or regulation, or a building permit allowing construction of a building where there was no need for prior approval of a preliminary development plan for the property on which that building will be constructed. During the vesting period in item C, the City's development standards in effect on the date of said approval remain the development standards applicable to that property or building during the vesting period in item C.

B. A vested property right is established with respect to any property upon the appropriate department's:

1. Approval of a preliminary or final development plan for any of the following Districts: RP-1, RP-2, RP-3, SC- 1, SC-2, SC-3, PC-1, PC-2, BP-1, TND-1, or TC-1 Districts.
2. Approval regarding a project in the I-1 District.
3. Approval regarding a use on review.
4. Approval of a certificate of appropriateness, when required.
5. Approval of a form district project.
6. Issuance of a site development permit.
7. Issuance of a written finding from the Director of Plans Review and Building Inspections that allowing a property right to remain vested is in the best interests of the community.
8. Any other approval or issuance specified in Tenn. Code Ann. § 13-4-310.

C. The applicable vesting periods are as follows:

1. For building permits allowing construction of a building where there was no need for prior approval of a preliminary development plan for the property on which that building will be constructed, the vesting period begins on the day the building permit is issued. The vesting period lasts through the expiration of the building permit and any renewals, unless the applicant has not pursued with reasonable diligence site development or construction.
2. For approval of a preliminary development plan that does not progress in stages or phases, the initial vesting period is three years subject to the following:
 - a. The applicant must maintain all necessary permits during all vesting period(s) and any extension(s) in order to remain vested. During the initial vesting period, the applicant must obtain the City's approval of the final development plan and commence site preparation. If the applicant complies, then the vesting period will be extended an additional two years.
 - b. During the two year extension, the applicant must commence construction and, if commenced, the development standards in effect during the vesting period remain in effect until the City certifies final completion of the development or project.
 - c. In no event will the total vesting period exceed ten years from the date of the approval of the preliminary development plan.
3. For approval of a preliminary development plan that progresses in two or more stages or phases, a separate vesting period as described in item C.2 applies to each section or phase subject to the following:
 - a. The applicant must maintain all necessary permits during all vesting period(s) and any extension(s) in order to remain vested. The development standards in effect on the date of the approval of the preliminary development plan describing the first stage or phase apply to all subsequent stages or phases.

b. If the applicant begins construction, the development standards in effect during the vesting period remain in effect until the City certifies final completion of the development or project.

c. In no event will the total vesting period for all stages or phases exceed 15 years.

D. In accordance with Tenn. Code Ann. § 13-4-310(f), the City may terminate the applicant's vested rights under the following circumstances.

1. If the City finds in writing that the applicant violated terms and conditions specified in the approved development plan or building permit, the applicant will receive notice and has 90 days from the date of notification to cure all violations.

2. If the City finds in writing that the applicant violated terms and conditions specified in a City ordinance or resolution, the applicant will receive notice and has 90 days from the date of notification to cure all violations.

3. If the City finds in writing that the applicant: 1) intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or the approval of a development plan; or 2) knowingly did not construct the development in accordance with the issued building permit, approved development plan, or approved amendment for the building permit or development plan. In such case, the applicant has no right to cure the violations.

4. If the City is required to enforce a state or federal law, regulation, rule, policy, corrective action, or other governance that precludes the development as contemplated in the approved development plan or building permit, the vested rights terminate unless within 90 days the applicant modifies the development plan or building permit in a way that brings the applicant into compliance with the new governance.

E. A vested right does not preclude the City's enforcement of any development standard in accordance with any circumstances described in Tenn. Code Ann. § 13-4-310(g).

F. In accordance with Tenn. Code Ann. § 13-4-310(h), any amendment to an approved development plan must first be approved by the City in order for the property rights to remain vested. The City may deny an amendment in accordance with Tenn. Code Ann. § 13-4-310(h) and, if such amendment is denied, the applicant may either proceed with no changes to the prior approved plan with the associated vested property right or, alternatively, may allow the vested property right to terminate and submit a new application in compliance with the development standards in effect at that time.

G. Unless specifically addressed herein, all other provisions of Tenn. Code Ann. § 13-4-310 are adopted and incorporated by reference.

H. Article 15.3 is controlling notwithstanding any other section of this Zoning Code.

Exhibit F. Parking Access Map

- Access from alley
- Driveway access from street*
- Neither, on-street parking only
- Both street and alley access
- Commercial or institutional use
- Vacant parcel

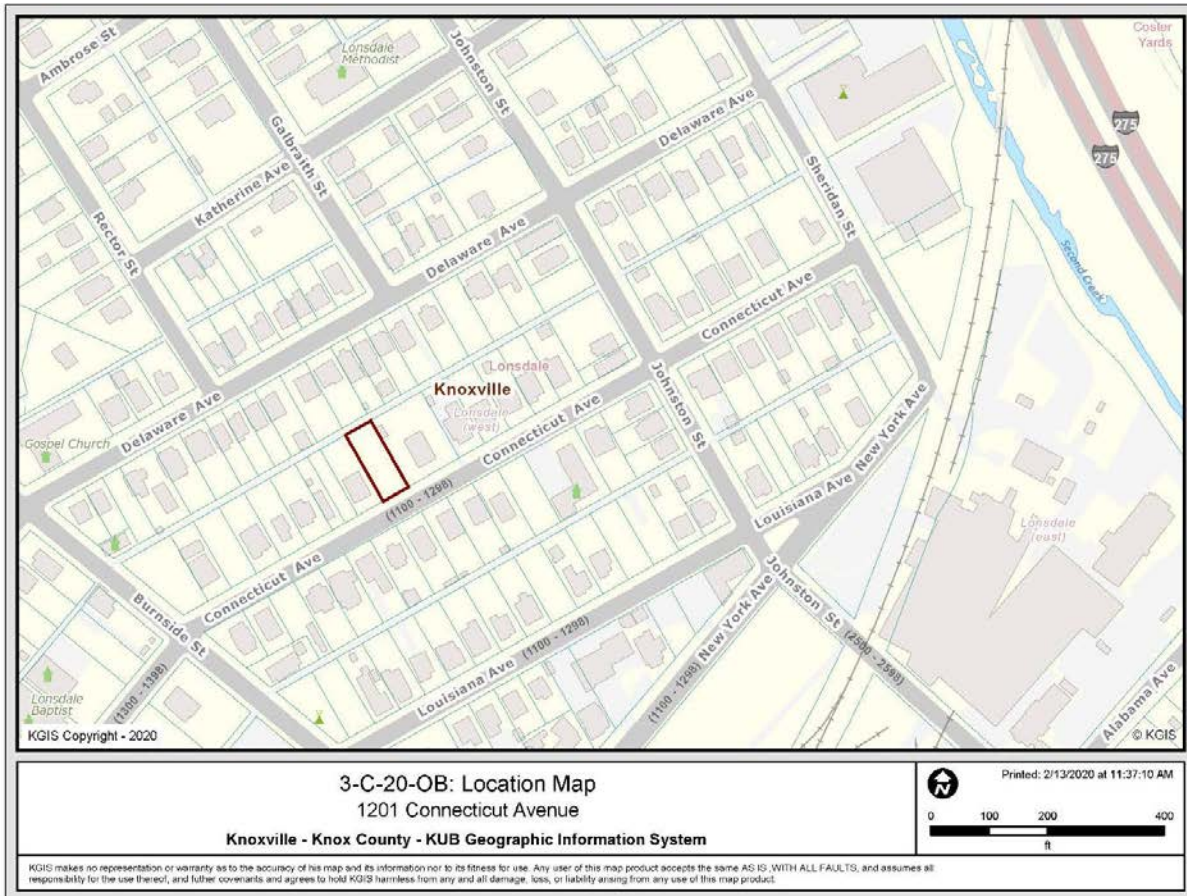
3 of 16 residential properties abutting this alley have driveway access from the street.



**Note: all properties with driveway access off of Connecticut Avenue predate the Infill Housing Guidelines*

3-C-20-OB

EXHIBIT G. Contextual Images



3-C-20-OB
EXHIBIT G. Contextual Images

Street view of alley behind 1201 Connecticut Avenue looking east.



Street view of alley behind 1201 Connecticut Avenue looking west.

