

REZONING REPORT

► **FILE #:** 8-E-24-RZ

AGENDA ITEM #: 12

AGENDA DATE: 8/8/2024

► **APPLICANT:** R. BENTLEY MARLOW

OWNER(S): 1216 Callaway LLC

TAX ID NUMBER: 94 F Q 017

[View map on KGIS](#)

JURISDICTION: City Council District 6

STREET ADDRESS: 1214 CALLAWAY ST

► **LOCATION:** Southwest side of Callaway St, southeast of University Ave

► **APPX. SIZE OF TRACT:** 4,046 square feet

SECTOR PLAN: Central City

GROWTH POLICY PLAN: N/A (Within City Limits)

ACCESSIBILITY: Access is via Callaway Street, a local street with a 29-ft pavement width within a 40-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

FIRE DISTRICT: Knoxville Fire Department

WATERSHED: Second Creek

► **PRESENT ZONING:** RN-2 (Single-Family Residential Neighborhood)

► **ZONING REQUESTED:** RN-4 (General Residential Neighborhood)

► **EXISTING LAND USE:** Single Family Residential

EXTENSION OF ZONE: Yes, this is a minor extension of the RN-4 zoning district from the northwest.

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Single-family residential - RN-2 (Single-Family Residential Neighborhood)

South: Single-family residential - RN-2 (Single-Family Residential Neighborhood)

East: Single-family residential - RN-2 (Single-Family Residential Neighborhood)

West: Single-family residential - RN-4 (General Residential Neighborhood)

NEIGHBORHOOD CONTEXT: This area of the Mechanicsville neighborhood is comprised of single-family and multifamily homes.

STAFF RECOMMENDATION:

► **Deny the RN-4 (General Residential Neighborhood) district because the property does not meet the intent of the RN-4 district.**

COMMENTS:

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.E, ALL OF THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS:

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. There have been no significant changes in this area of the Mechanicsville neighborhood that warrant consideration of the proposed rezoning from the RN-2 (Single-Family Residential Neighborhood) to the RN-4 (General Residential Neighborhood) district on Callaway Street. The only notable change in the local built environment is a property facing University Avenue at the end of the subject property's block that was renovated under the C-N (Neighborhood Commercial) zoning district and marketed as a multifamily rental property by the applicant.
2. In 2023, a rezoning from RN-2 to RN-4 was approved per staff recommendation at 1216 Callaway Street adjacent to the subject property (7-H-23-RZ). However, there are several aspects of that property that differ from this case. The adjacent property is more than double in size and width than the subject property. With an area of 10,114 sq ft and a width of 75 ft, it meets the dimensional standards for a variety of housing forms under the RN-4 district. By contrast, the subject property has an area of 4,046 sq ft and a width of 30 ft, which does not meet the dimensional standards for any of the dwelling forms. The subject lot is considered a 'Nonconforming Lot of Record' per Article 17.3 of the zoning ordinance, and this permits development that does not meet the minimum lot size and/or width standards. However, it is not the recommendation of staff that nonconforming development potential be increased with a more intensive rezoning.
3. One major policy change that occurred within the past year is a zoning ordinance amendment to include Middle Housing standards, which permit a wider range of house-scale multifamily development for properties within the TDR (Traditional Neighborhood Residential) land use classification. The subject property is in a TDR area, and the Board of Zoning Appeals (BZA) recently approved the applicant's variance request to increase the allowed building depth from 50 ft to 65 ft to permit the conversion of the lot's existing single-family house into a 'side-by-side' duplex (running from the front to the rear of the lot) under the Middle Housing standards (see Exhibit B).

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The intent of the RN-4 district is to accommodate mixed medium density residential development. Single-family and duplex dwellings are permitted by right, and townhouse and low-rise multifamily dwellings are allowed with staff-level or special use approval, depending on the number of units. The RN-4 District is intended to be applied to neighborhoods that are characterized by such mixed residential development, or that have been identified as areas where such development would be suitable in the future.
2. While the Mechanicsville neighborhood does have a mix of residential forms, the previously described constraints with the subject property's size would typically prohibit the range of dwellings intended by the RN-4 district. Under the Middle Housing standards, a key difference between the current and requested zoning district is that a large townhouse or multiplex development can be considered with RN-4 zoning. Pursuing a different Middle Housing development under RN-4 would again require BZA variances for building depth and potentially setbacks as well. Considering these circumstances, rezoning this property could permit development that is grossly more intensive than what is intended for a lot this size.
3. Another significant distinction between the RN-2 and RN-4 district is that RN-4 permits more than one primary use per Article 9.1.D. While staff consider all potential uses in a rezoning case instead of specific development proposals, it is noteworthy that the applicant is already inquiring about building a second duplex in the rear of this lot under RN-4 zoning. Again, staff do not recommend a rezoning that will increase nonconforming development potential as this would be a manipulation of the zoning ordinance.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. Mechanicsville is one of the oldest neighborhoods in the City of Knoxville, and the subject property is part of an area that is included in the National Register of Historic Places. Since 2016, the applicant has purchased most of the lots on the subject property's block. Continuing to upzone these lots could lead to development that diminishes the character of the neighborhood's Victorian and early 20th century shotgun houses, and potentially risks this historic designation.

ADEQUATE PUBLIC FACILITIES ARE AVAILABLE INCLUDING, BUT NOT LIMITED TO, SCHOOLS, PARKS, POLICE AND FIRE PROTECTION, ROADS, SANITARY SEWERS, AND WATER LINES, OR ARE REASONABLY CAPABLE OF BEING PROVIDED PRIOR TO THE DEVELOPMENT OF THE SUBJECT PROPERTY IF THE AMENDMENT WERE ADOPTED:

1. This property is in an urbanized area with adequate utility infrastructure and public facilities to accommodate future development. However, it is noteworthy that off-street parking is a challenge with how these lots were originally developed, and most residents park on the street. An ongoing trend of increasing residential zoning intensity without addressing off-street parking could contribute to a shortage of street parking.

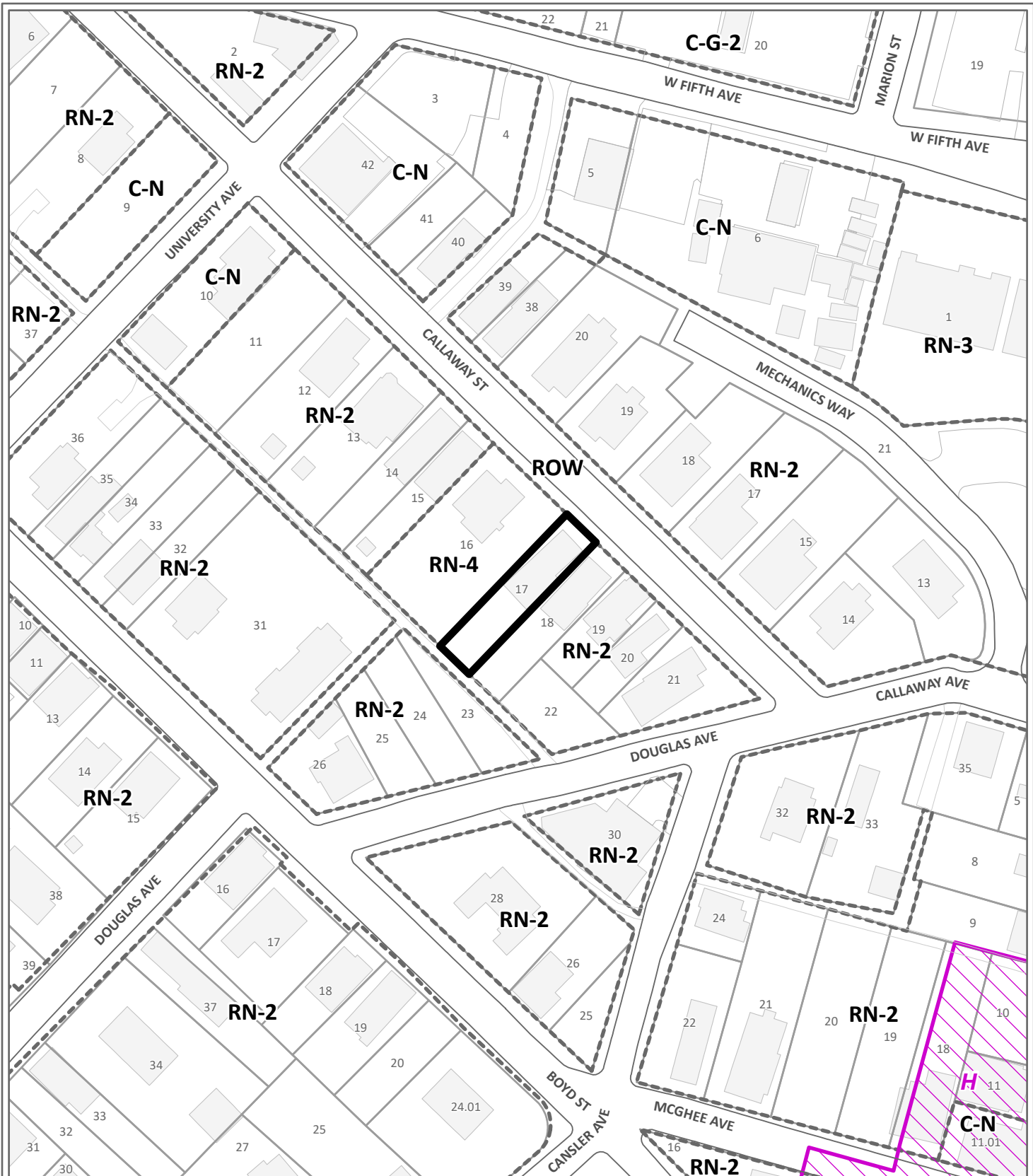
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Maynard Elementary, Bearden Middle, and Fulton High.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

If approved, this item will be forwarded to Knoxville City Council for action on 9/3/2024 and 9/17/2024. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



REZONING

8-E-24-RZ



From: RN-2 (Single-Family Residential Neighborhood)

To: RN-4 (General Residential Neighborhood)

Original Print Date: 7/10/2024

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: R. Bentley Marlow

Map No: 94

Jurisdiction: City

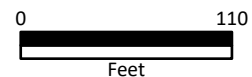
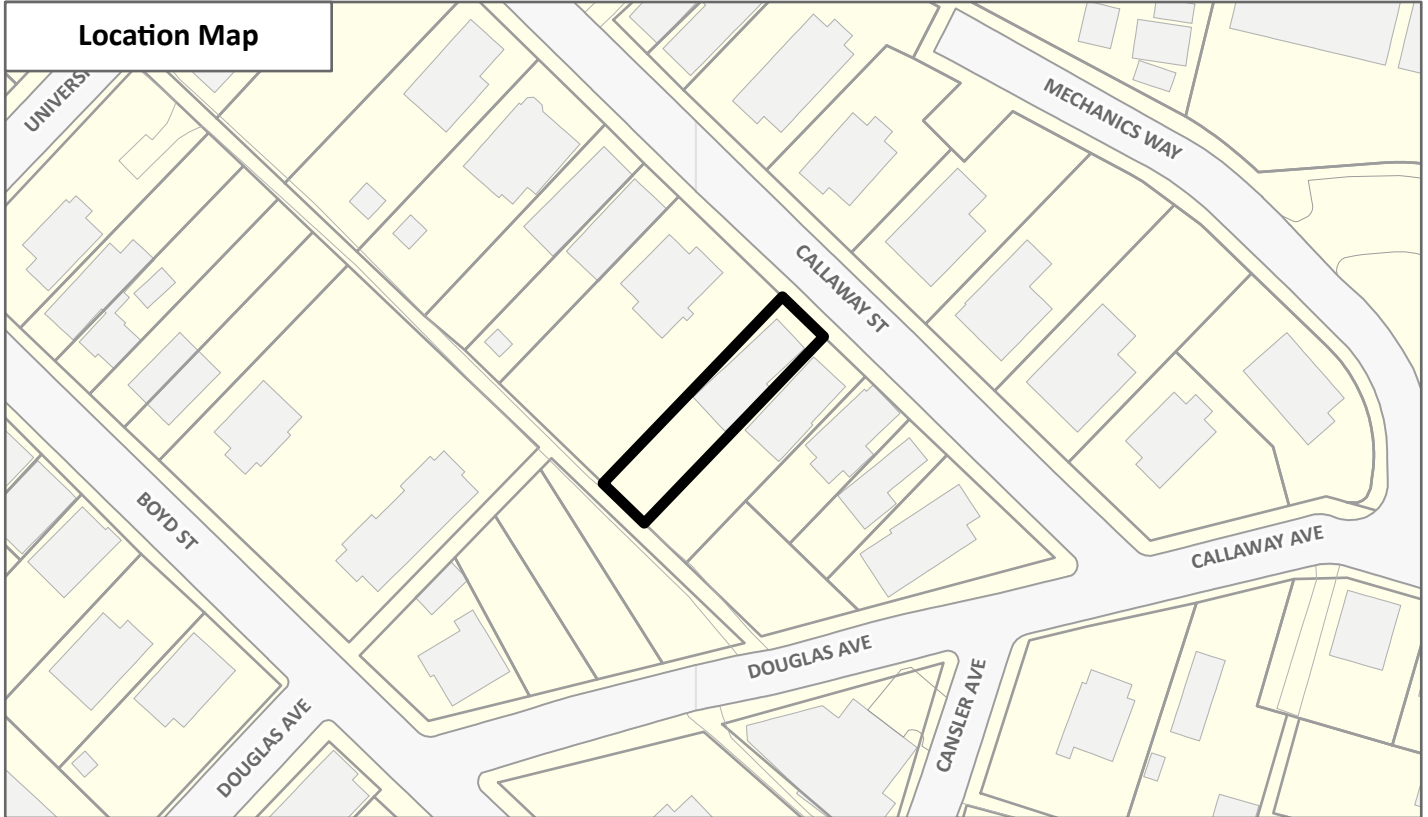


Exhibit A. Contextual Images

Location Map



Aerial Map

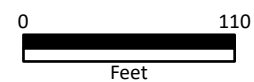


CONTEXTUAL MAPS 1

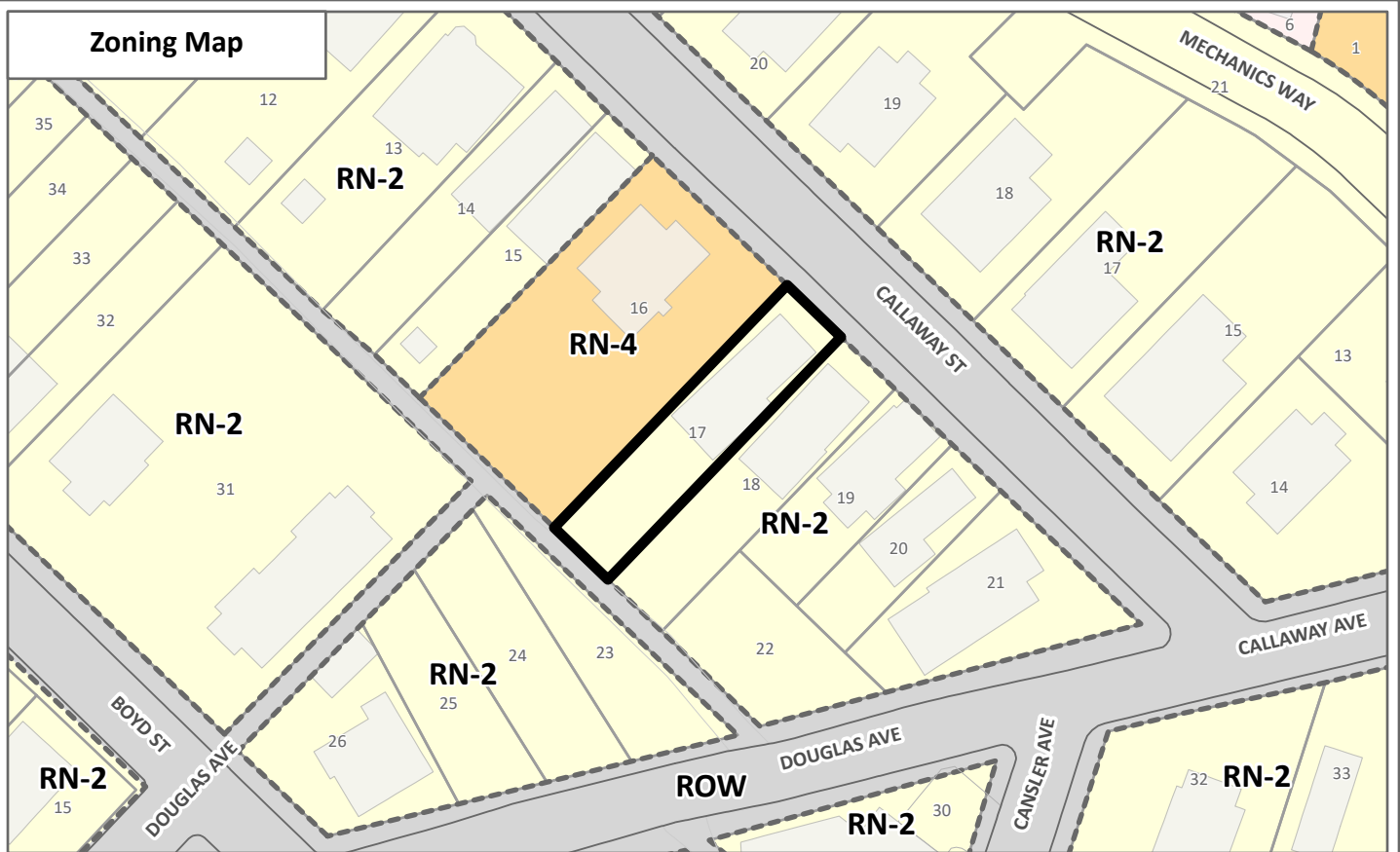
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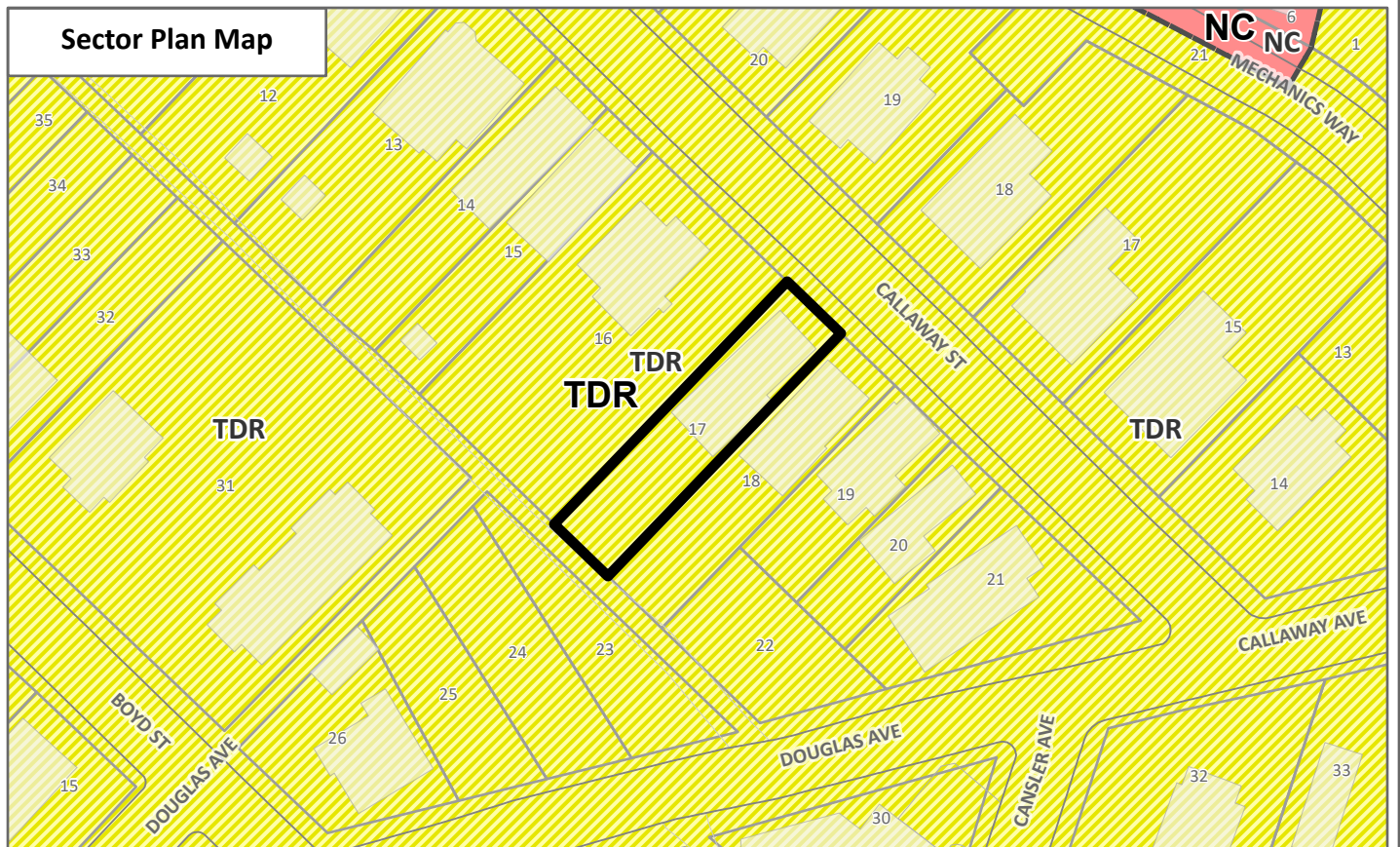
Case boundary



Zoning Map



Sector Plan Map

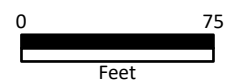


CONTEXTUAL MAPS 2

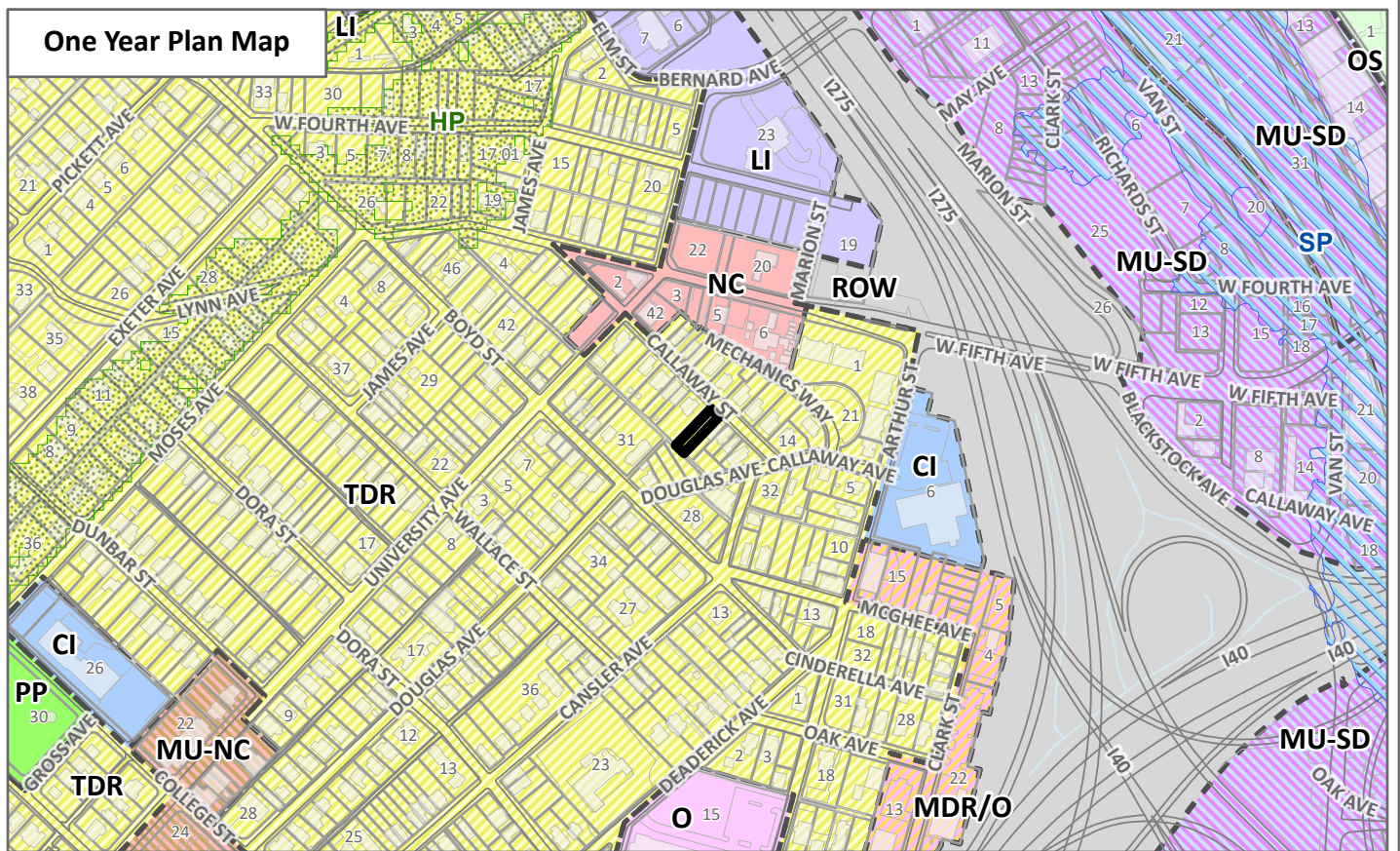
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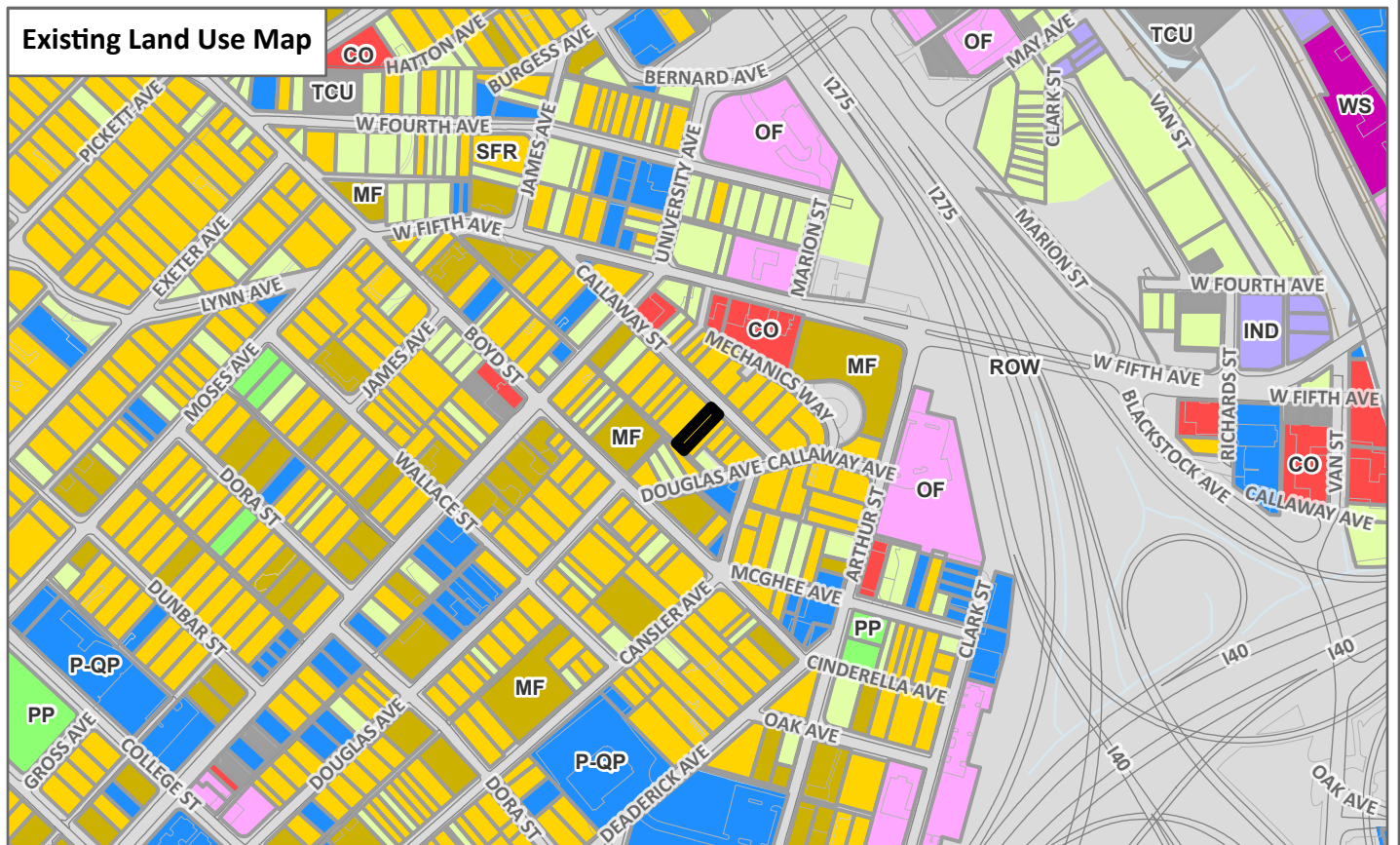
Case boundary



One Year Plan Map



Existing Land Use Map



CONTEXTUAL MAPS 3

8-E-24-RZ



Case boundary



Exhibit B: Board of Zoning Appeals Request and Approval

7F rev

File #

BZA-24-0044



CITY OF KNOXVILLE

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

Name R. Bentley Marlow

Street Address 322 Douglas Avenue

City, State, Zip Knoxville, Tennessee 37921-4813

Phone Number (865) 607-4357

Email rbentleymarlow@gmail.com

APPLICANT IS:

Owner ☒

Contractor ☒

Tenant ☐

Other ☐

THIS PROPOSAL PERTAINS TO:

New Structure ☒

Modification of Existing Structure ☐

Off Street Parking ☐

Signage ☐

Other ☐

THIS IS A REQUEST FOR:

☒ Zoning Variance (Building Permit Denied)

☒ Appeal of Administrative Official's Decision

☐ Extension of Non-Conforming Use/or Structure

☐ Map Interpretation

PROPERTY INFORMATION

Street Address 1214 Callaway St

See KGIS.org for Parcel # 094FQ017

City, State, Zip Knoxville, Tennessee

and Zoning District RN2

City Council: 6

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.

REVISED Variance Request:

1. Enlarge the maximum building depth for a duplex from 50' to 65' (18.18% increase) due to the deep/narrow lot. MMH Art. 4.6.C Table 4-4.

Describe hardship conditions that apply to this variance.

Parcel is nonconforming lot of record (Art. 17.3) aka small lot of record. Aprox 30 feet x 135 feet. 4,046 sq ft. Located within the TDR. With Alley Access.

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 28 March 2024



Middle Housing Request

☒ NEW CONSTRUCTION ☐ CONVERSION

R. Bentley Marlow

Applicant

14 May 2024

4 April 2024

Date Filed

Pre-Application Meeting Date

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

R. Bentley Marlow

Marlow Builders, Inc. / Marlow Properties, LLC

Name

Company

322 Douglas Avenue

Knoxville

TN

37921-4813

Address

City

State

Zip

(865) 607-4357

rbentleymarlow@gmail.com

Phone

Email

CURRENT PROPERTY INFO

1214 Callaway LLC

322 Douglas Avenue

(865) 607-4357

Owner Name (if different from applicant)

Owner Address

Owner Phone

1214 Callaway St

094FQ017

Property Address

Parcel ID

TDR

RN2

Land Use Classification (see sector plan maps)

Zoning

DETAILS OF REQUEST

MIDDLE HOUSING TYPE (4.6.A)

☒ Duplex (side-by-side)

☐ Townhouse (small: 3-4 units)

☐ Multiplex

☐ Duplex (stacked)

Number of Units: _____

Number of Units: _____

☐ Triplex

☐ Townhouse (large: 5-8 units)

☐ Fourplex

Number of Units: _____

STAFF USE ONLY

BUILDING ELEMENTS (4.6.C)

Lot Width (ft.): 30 Building Width (ft.): 22 Building Depth (ft.): 65 Height (stories): 1

CONVERSIONS ONLY (4.6.F)

Existing Building Type: ☐ Single-Family House ☐ Duplex ☐ Other: _____

New Type: _____

☐ Interior Renovation

☐ Addition

Footprint Width (ft.): _____ Footprint Depth (ft.): _____ Height (stories): _____

PARKING (4.6.D)

Number of Spaces Provided: 0

Fee 1	Fee 2	Fee 3	Total
500.00			

AUTHORIZATION

☒ I declare under penalty of perjury the foregoing is true and correct.

1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

SUPPORTING DOCUMENTATION ENCLOSED

CHECKLIST



R. Bentley Marlow

14 May 2024

Applicant Signature

Please Print

Date

(865) 607-4357

rbentleymarlow@gmail.com

Phone Number

Email



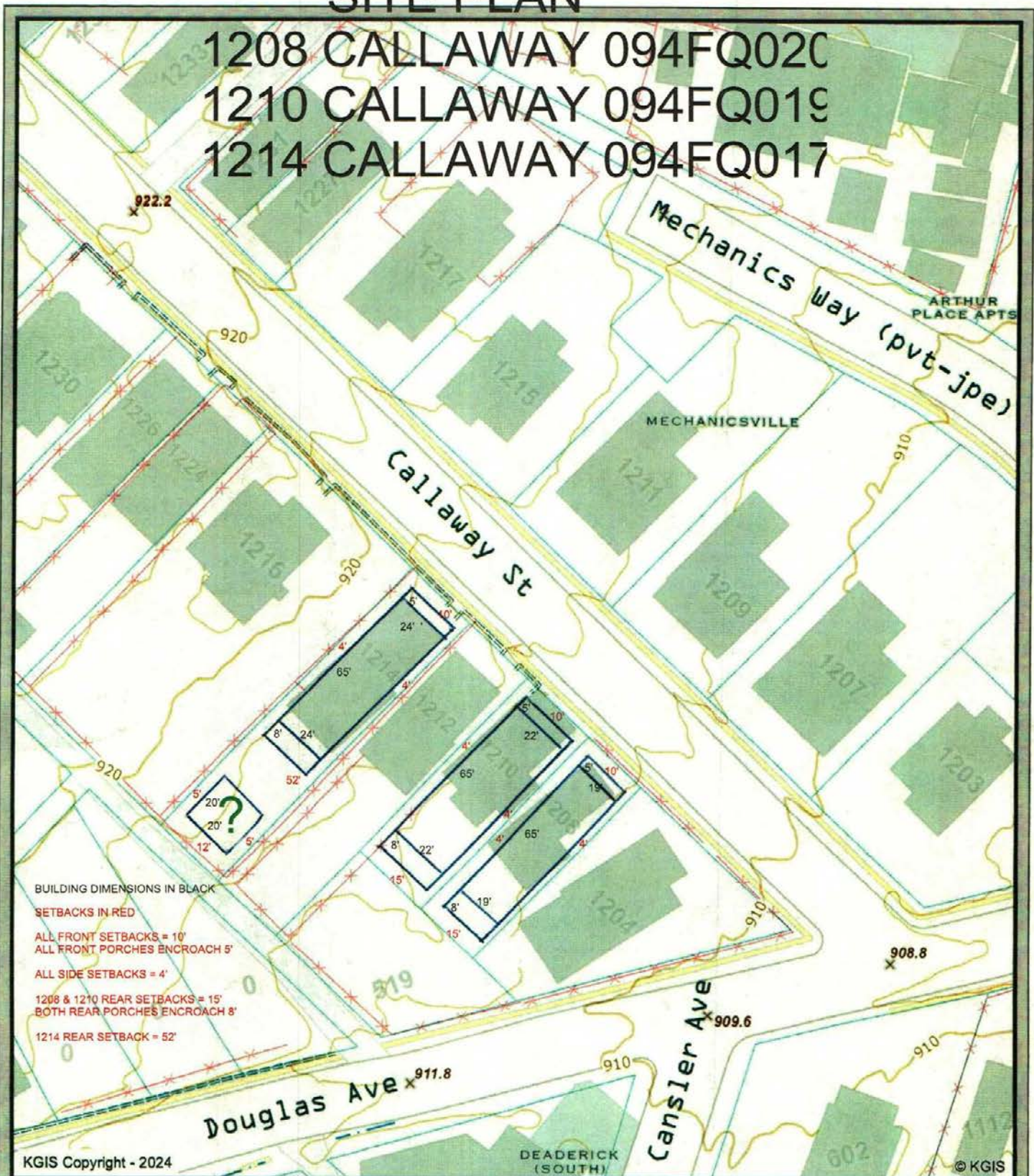
R. Bentley Marlow

Please Print

Date Paid

SITE PLAN

1208 CALLAWAY 094FQ02C
1210 CALLAWAY 094FQ01E
1214 CALLAWAY 094FQ017



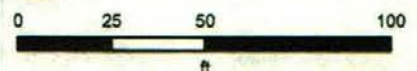
CALLAWAY PROJECTS TOPO MAP

Knoxville - Knox County - KUB Geographic Information System

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Printed: 5/10/2024 at 8:16:31 PM



City of Knoxville, Tennessee

Board of Zoning Appeals

Decision

Application filed for variance of requirements of the City of Knoxville Zoning Ordinance was considered by the Board of Zoning Appeals at the public hearing on:

Public Hearing Date 07/16/2024

Held in Small Assembly Room of the City/County Building, 400 Main St, Knoxville

BZA-24-0044 R. BENTLEY MARLOW 1214 CALLAWAY

1 -----

Variance Increase the maximum allowed building depth for a duplex (side-by-side) from 55ft to 65ft per Article 4.6.C, Table 4-4.

Approved or Denied Approved

Vote 3-1

Motion Made By D. ODLE

Seconded Motion B. SALSBUry

Yes Voters ODLE, SALSBUry, URREA

No Voters BOULER

Appeal to City Council:

Appeal to Chancery Court:

***Conditions of Approval**

1. Approved variances are limited to the variance request(s) as shown on the site plan submitted to the Board of Zoning Appeals

2. A building permit may be issued on

08/01/2024

if no appeal is filed with MPC within fifteen (15) days after the BZA meeting.



Development Request

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use
☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☒ Rezoning
☐ Plan Amendment
☐ Sector Plan
☐ City OYP / County Comp Plan

R. Bentley Marlow

Applicant Name

Affiliation

6/13/2024

Date Filed

8/8/2024

Meeting Date (if applicable)

8-E-24-RZ

File Number(s)

CORRESPONDENCE

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

R. Bentley Marlow Marlow Builders, Inc. / Marlow Properties, LLC

Name / Company

322 Douglas Ave Knoxville TN 37921

Address

865-607-4357 / rbentleymarlow@gmail.com

Phone / Email

CURRENT PROPERTY INFO

1216 Callaway LLC

Owner Name (if different)

322 Douglas Ave Knoxville TN 37921

Owner Address

865-607-4357

Owner Phone / Email

1214 CALLAWAY ST

Property Address

94 F Q 017

Parcel ID

4046 square feet

Tract Size

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

STAFF USE ONLY

West side of Callaway St, south of University Ave

General Location

☒ City

Council District 6

RN-2 (Single-Family Residential Neighborhood)

Single Family Residential

☐ County District

Zoning District

Existing Land Use

TDR (Traditional Neighborhood Residential)

Land Use (City)/Place Type (County)

Growth Policy Plan Designation

DEVELOPMENT REQUEST

- ☐ Development Plan ☐ Planned Development ☐ Use on Review / Special Use
☐ Hillside Protection COA ☐ Residential ☐ Non-residential

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name

Related Rezoning File Number

Unit / Phase Number

Total Number of Lots Created

Additional Information

- ☐ Attachments / Additional Requirements

ZONING REQUEST

- ☒ Zoning Change **RN-4 (General Residential Neighborhood)**
Proposed Zoning

Pending Plat File Number

- ☐ Plan Amendment Proposed Plan Designation(s)

Proposed Density (units/acre) Previous Rezoning Requests

Additional Information

STAFF USE ONLY

PLAT TYPE

- ☐ Staff Review ☐ Planning Commission

ATTACHMENTS

- ☐ Property Owners / Option Holders ☐ Variance Request
☐ Amendment Request (Comprehensive Plan)

ADDITIONAL REQUIREMENTS

- ☐ Use on Review / Special Use (Concept Plan)
☐ Traffic Impact Study
☐ COA Checklist (Hillside Protection)

Fee 1

\$650.00

Total

Fee 2

Fee 3

AUTHORIZATION

- ☐ I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

R. Bentley Marlow

6/13/2024

Applicant Signature

Please Print

Date

Phone / Email

1216 Callaway LLC

6/13/2024

Property Owner Signature

Please Print

Date



Development Request

DEVELOPMENT

- ☐ Development Plan
- ☐ Planned Development
- ☐ Use on Review / Special Use
- ☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
- ☐ Final Plat

ZONING

- ☐ Plan Amendment
 - ☐ SP
 - ☐ PA
- ☒ Rezoning

R. Bentley Marlow

Owner

Applicant Name

Affiliation

12 June 2024

8 August 2024

Date Filed

Meeting Date (if applicable)

File Number(s)

8-E-24-RZ

CORRESPONDENCE

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

- ☒ Applicant
- ☐ Property Owner
- ☐ Option Holder
- ☐ Project Surveyor
- ☐ Engineer
- ☐ Architect/Landscape Architect

R. Bentley Marlow

Marlow Builders, Inc. / Marlow Properties, LLC

Name

Company

322 Douglas Avenue

Knoxville

Tennessee

37921-4813

Address

City

State

ZIP

(865) 607-4357

rbentleymarlow@gmail.com

Phone

Email

CURRENT PROPERTY INFO

1214 Callaway LLC

322 Douglas Avenue

(865) 607-4357

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

1214 Callaway Street

094FQ017

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

West side of Callaway St, south of University Ave

4,046 sf ~~2,867 sf / .066 acres~~

General Location

Tract Size

☒ City ☐ County

6

RN2

~~TDR~~ SFR

District

Zoning District

Existing Land Use

Planning Sector

Land Use / Place Type
CITY COUNTY

Growth Policy Plan Designation

DEVELOPMENT REQUEST

- ☐ Development Plan ☐ Use on Review / Special Use ☐ Hillside Protection COA
☐ Residential ☐ Non-Residential

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name

Unit / Phase Number ☐ Combine Parcels ☐ Divide Parcel

Total Number of Lots Created

☐ Other (specify) _____

☐ Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST

☒ Zoning Change **RN4**
Proposed Zoning

☐ Plan Amendment Change
Proposed Plan Designation(s)

Pending Plat File Number

Proposed Density (units/acre)

Previous Rezoning Requests

☐ Other (specify) _____

STAFF USE ONLY

PLAT TYPE

☐ Staff Review ☒ Planning Commission

ATTACHMENTS

☒ Property Owners / Option Holders ☐ Variance Request
☐ Amendment Request (*Comprehensive Plan*)

ADDITIONAL REQUIREMENTS

☐ Use on Review / Special Use (*Concept Plan*)
☐ Traffic Impact Study
☐ COA Checklist (*Hillside Protection*)

Fee 1

Total

Fee 2

Fee 3

AUTHORIZATION

☒ I declare under penalty of perjury the foregoing is true and correct:

1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent



Applicant Signature

R. Bentley Marlow

Please Print

12 June 2024

Date

(865) 607-4357

Phone Number

rbentleymarlow@gmail.com

Email



Property Owner Signature

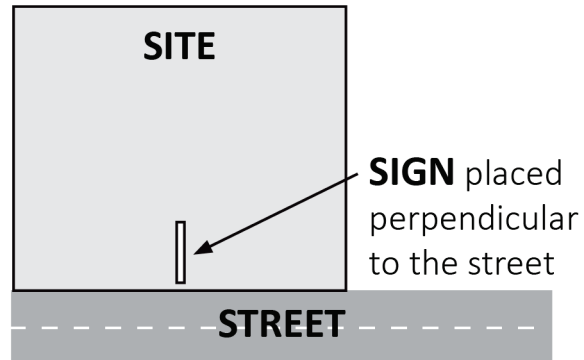
R. Bentley Marlow

Please Print

06/13/2024, SG

Date Paid

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

_____ **07/26/2024** _____ and _____ **08/09/2024** _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: R. Bentley Marlow

Date: 06/13/2024

File Number: 8-E-24-RZ



Sign posted by Staff



Sign posted by Applicant