



# APPEAL OF DECISION

(Please Note: Original application and staff report are made a part of this application.)

New File # 12-B-24-OB

Type:  One Year Plan Amendment  Sector Plan Amendment  Rezoning  Variance  
 Street Name Change  Right-of-Way Closure  
 Certificate of Appropriateness  Other: MISSING MIDDLE DENIAL

Decision by:  Planning Staff  Planning Commission  Other: \_\_\_\_\_ Date of Decision: 20 Nov 24  
Jurisdiction:  City 6th Council District  County \_\_\_\_\_ Commission District

Original Applicant Name: R. Bentley Marlow Original File Number: 10-E-24-MH  
Name of Owner of Subject Property: 1214 Callaway LLC, subsidiary of Marlow Properties, LLC  
Description of Subject Property (Include city block and parcel number or lot number): 09084 094FQ017

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

### DECISION BEING APPEALED

Denial of Middle Housing Standards.

### REASON FOR THE APPEAL

Attach additional pages, if necessary. See the attached.

Art. 2.4.O.2.b defines 'Front Setback' as "a front setback is the MINIMUM distance per the zoning district that a principle building must be located from the front lot line." The site plan submitted complies with Art. 4.6.C.3.a "Front SETBACKS for Middle Housing" as the proposed new structure is setback approx. 95' feet from the front lot line, which complies with the requirement of "in no case less than 10 feet." Moreover, the original primary structure, (Front Setback 13'6") whose conversion to a Middle Housing Duplex has been approved, satisfies the Front SETBACK for this parcel.

### PETITIONER INFORMATION

Name of Petitioner: R. Bentley Marlow  
Petitioner's Interest in the Matter (Include a description of affected property owned by Petitioner): Owner.

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

Signature:

All correspondence should be sent to: Name (Print): R. Bentley Marlow

322 Douglas Avenue Knoxville TN 37921  
Street Address City State Zip

Phone: 865-607-4357 Fax: \_\_\_\_\_ E-mail: rbentleymarlow@gmail.com

### For Planning Staff Use Only

Application Accepted by Planning Staff Member: Lindsay Crockett (Sgray)  
Appeal Fee Amount: \$250.00 Date Appeal Received: 11/21/2024

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

<input type="checkbox"/> City Council - 6 p.m. _____ Month • Date • Year	<input type="checkbox"/> County Commission - 7 p.m. _____ Month • Date • Year	<input type="checkbox"/> City BZA - 4 p.m. _____ Month • Date • Year	<input checked="" type="checkbox"/> Planning Commission - 1:30 p.m. <u>12/12/2024</u> _____ Month • Date • Year
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**Property Address:** 1214 Callaway St

**Parcel ID:** 094FQ017

**Zoning District:** RN-4

**Owner:** R. Bentley Marlow

**Applicant:** R. Bentley Marlow

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**Project Type:** New construction

**Middle Housing Type:** New rear duplex (stacked)

**Brief Description:** Construction of new stacked 22' by 24' stacked duplex with internal garage at the rear of the property, behind the existing structure.

**Additional Notes:** N/A

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**Action:**

The project as presented in the attached application does not meet the applicable standards per Knoxville City Code, Appendix B, Zoning Code, Article 4.6. The second primary structure does not meet the required front setback (Article 4.6.C.3), required interior side setbacks (Table 4-4), nor the intent of the Middle Housing Standards (Article 4.6: "intended to promote the development of neighborhood-scale housing forms which are compatible with existing housing in the surrounding area;" Article 4.6.E.4: "to generate new Middle Housing buildings that are similar in footprint, height, and setbacks with the existing neighborhood.")

**Certified By:** Lindsay Crockett

**Date Certified:** November 20, 2024

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## Middle Housing Staff Review

**TO:** R. Bentley Marlow, Contractor  
**FROM:** Planning Staff  
**DATE:** November 20, 2024  
**SUBJECT:** Middle Housing Review – 10-E-24-MH (3<sup>rd</sup> revision)  
**ADDRESS:** 1214 Callaway St (Parcel ID 094FQ017)

Staff's revised determination is based on revisions submitted on November 19, 2024 and dated November 18, 2024.

### STAFF DETERMINATION:

Approve the conversion of a single-family house to a new duplex (side by side) because the conversion meets the applicable standards per the Knoxville City Code, Appendix B, Zoning Code. Article 4.6.F.

Deny the request to build a second, new duplex located at the rear of the property because it does not meet the following applicable standards per the Knoxville City Code, Appendix B, Zoning Code. Article 4.6:

- The proposed front setback (shown as 94.58') does not meet the zoning standard in Article 4.6.c.3.a: *"front setbacks for middle housing types shall be the average of the blockface, plus or minus five feet, in no case less than 10'.*
- Administrative variations for the requested administrative variations on interior side setbacks per Article 4.6.G require the closure of the existing utility & drainage easements and approval from the Department of Engineering. This approval has not been granted.
- The proposed structure is an additional duplex set at the rear of the property and does not meet the intent of the Middle Housing "to promote the development of neighborhood-scale housing forms which are compatible with existing housing in the surrounding area."
  - There are no other 1- or 2-unit residential structures constructed along the alley. Residential structures were not constructed fronting the alleys in this street's historic pattern of development (see Sanborn Fire Insurance Map from 1917).
  - The narrow lots typically feature a single primary structures.
  - A second multi-unit building recessed behind the primary structure is not compatible with the surrounding area or the intent of the Middle Housing standards.

## PROJECT OVERVIEW:

- The property is zoned RN-4 within the TDR land use area. The property is 30' wide with an alley. The proposed lot does not meet the minimal lot width for a duplex in Table 4-4 of Article 4.6; however, Article 17.3.B allows for development of a non-conforming lot of record, which "must meet all applicable dimensional and design regulations of the district in which it is located," with the exception of lot width.
- The application includes the conversion of a single-family house to a duplex, and the construction of a new duplex in the rear of the lot. This results in four new dwelling units on a 30' wide property.

### Conversion – single -family to side-by-side duplex

- The proposed conversion of a single-family house to a duplex in the RN-4 zone complies with Table 4-3.
- The conversion includes an addition of interior space via enclosing the existing side porch. The proposed addition complies with the dimensional standards in Section 4.6.C and Table 4-4.

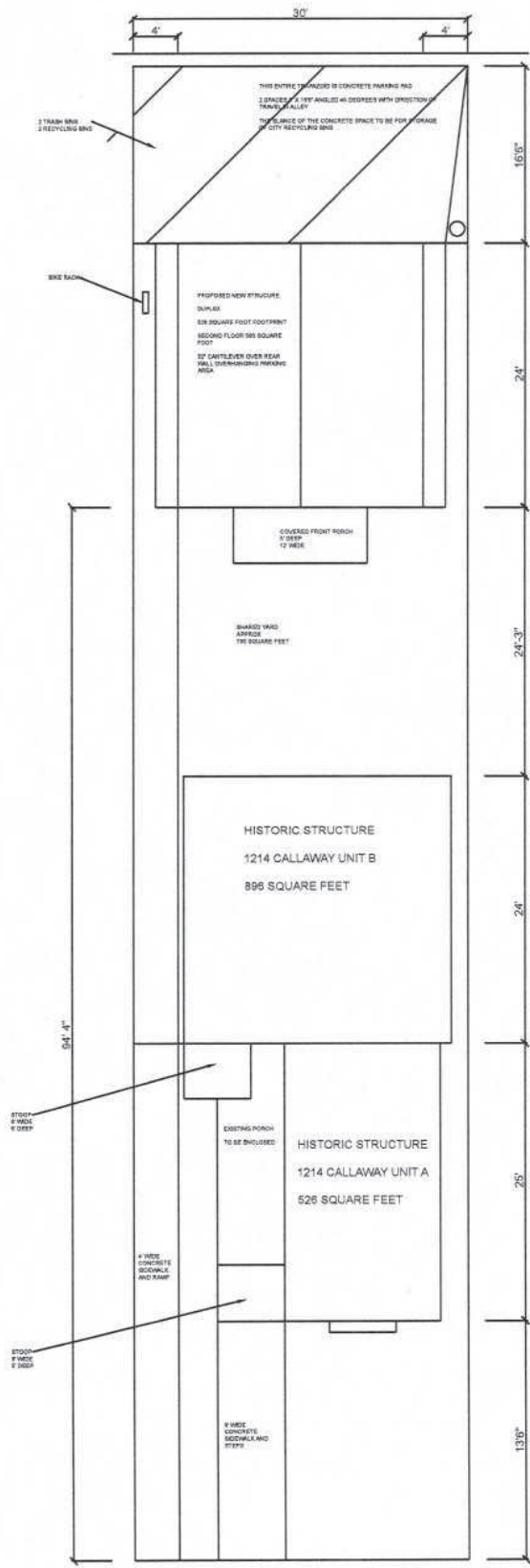
### New primary structure – duplex (stacked)

- The proposed new duplex is 22' wide by 24' deep, meeting the maximum building width and depth requirements.
- The proposed duplex is two stories tall and meets the maximum height requirement. The building will be taller than the existing one-story house on the property.
- The proposed duplex does not meet the front setback requirement of Article 4.6.C.3, which states "front setbacks shall be the average of the blockface, plus or minus five feet, in no case less than 10 feet."
- The proposed duplex does not meet the 5' minimum interior side setbacks and requests two administrative variations of 20% on each side setback, reducing both side setbacks to 4'. The building meets the 15' minimum rear setback requirement.
- The duplex is oriented with the front elevation facing the rear of the existing building, with ground level entrances oriented towards the street but obscured by the existing building.
- The roofline is steep, with a 12/12 pitch. The drawings dated 11/18/24 have been revised to accurately depict the roofline.
- To satisfy Article 4.6.E.4.c, the project includes: one stoop, 24" eave overhangs and articulated window and door trim, including window sills (projecting sills shown on separate profile but not indicated on elevation drawings), and requests an administrative variation to incorporate exposed rafter tails and triangular brackets as an additional design element.
- The application includes two administrative variations requests for interior side setbacks, reducing each by 20% to 4 feet.
  - Per City Engineering, Utility and Drainage Easements are dedicated on the plat and would conflict with the proposed structure. Those easements would need to be closed where structures would overlap.



- As the property is within 0.25 miles from a transit route, no parking spaces are required. Requirements for angle of spaces and drive aisle widths may affect placement of the proposed new building. Additional revisions may be required by City Engineering if the applicant provides parking on the property.
- Any ground-mounted mechanical equipment will need to meet **Article 10.3.T**.
- Floor plans will be required to ensure meeting minimum separation requirements from garage area to bedrooms and meeting minimum living space requirements in building and zoning codes.





# SITE PLAN

1214 CALLAWAY AVENUE  
 scale: 1/16" = 1'0"

11/18/2024  
 MARLOW BUILDERS  
 RMU

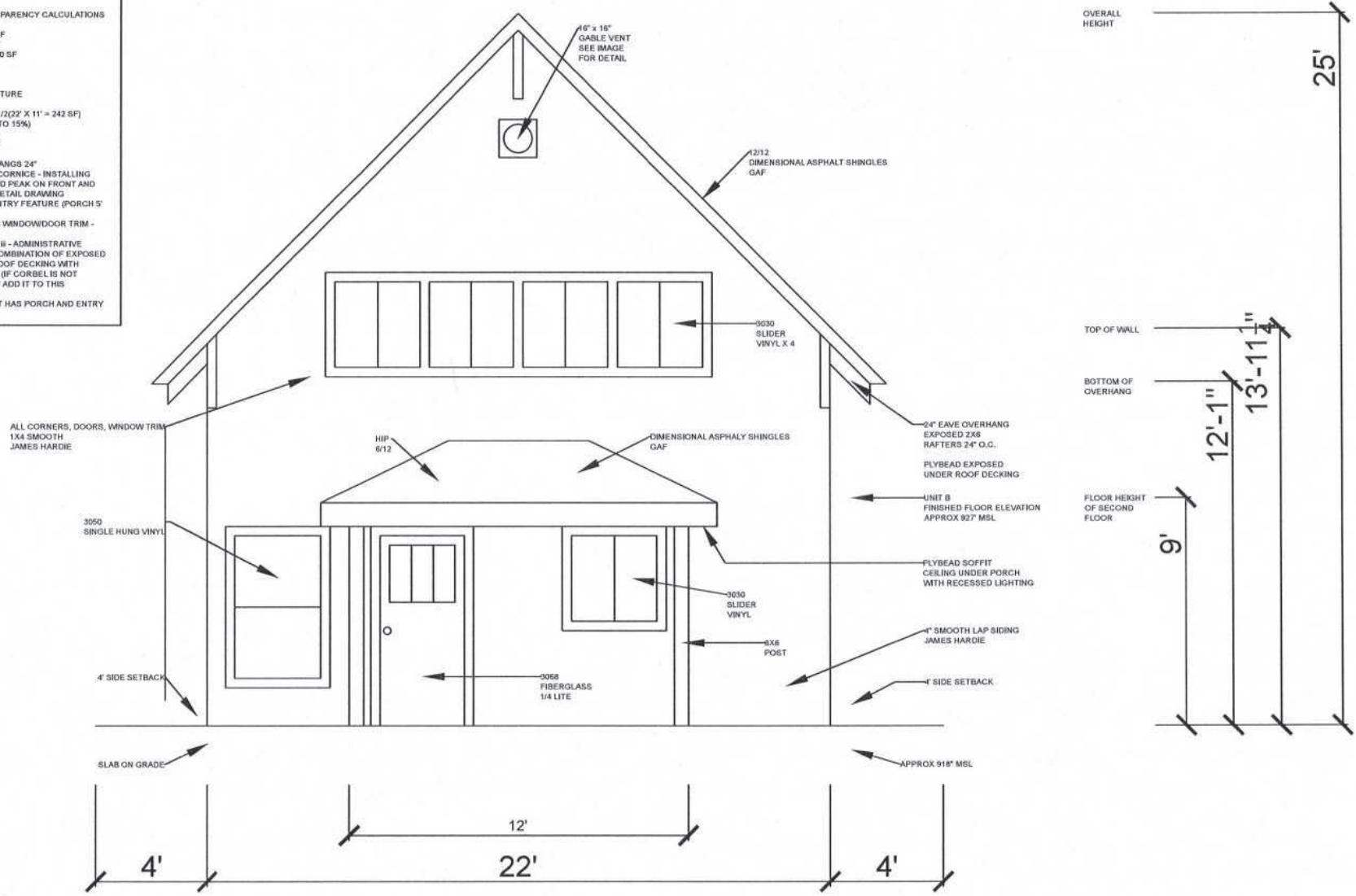


NOTES:  
 MM TYPE: STACKED DUPLEX  
 ART. 46E - MISSING HOUSING DESIGN STANDARDS  
 4.6.E.1 - CHECK  
 4.6.E.2 - N/A  
 4.6.3.E.3 / ART. 9.3.J TRANSPARENCY CALCULATIONS

(5) 3030 WINDOWS = 45.0 SF  
 (1) 3050 WINDOW = 16.0 SF  
 (1) 1/4 LITE 3068 DOOR = 3.0 SF  
 TOTAL = 63 SF

FRONT FACADE OF STRUCTURE  
 429 SF (22'X14' = 308 SF + 1/2(22' X 11' = 242 SF)  
 63/429 = 14.68% (ROUNDS TO 15%)

4.6.E.3 - ROOF 12/12 PITCH  
 4.6.E.4.B - N/A  
 4.6.E.4.C.ii - EAVES OVERHANGS 24"  
 4.6.E.4.C.iii - DECORATIVE CORNICE - INSTALLING CORBELS AT CORNERS AND PEAK ON FRONT AND REAR ELEVATIONS - SEE DETAIL DRAWING  
 4.6.E.4.C.v - PROJECTING ENTRY FEATURE (PORCH 5' DEEP AND 12' WIDE)  
 4.6.E.4.C.vi - ARTICULATED WINDOW/DOOR TRIM - SEE DETAIL DRAWING  
 4.6.E.4.C.pursuant 4.6.G.1.A.ii - ADMINISTRATIVE VARIANCE TO ACCEPT A COMBINATION OF EXPOSED RAFTER TAILS/PLYBEAD ROOF DECKING WITH DECORATIVE GABLE VENT (IF CORBEL IS NOT ACCEPTABLE ALONE THEN ADD IT TO THIS COLLECTION)  
 4.6.E.5 - DOWNSTAIRS UNIT HAS PORCH AND ENTRY FACING STREET.

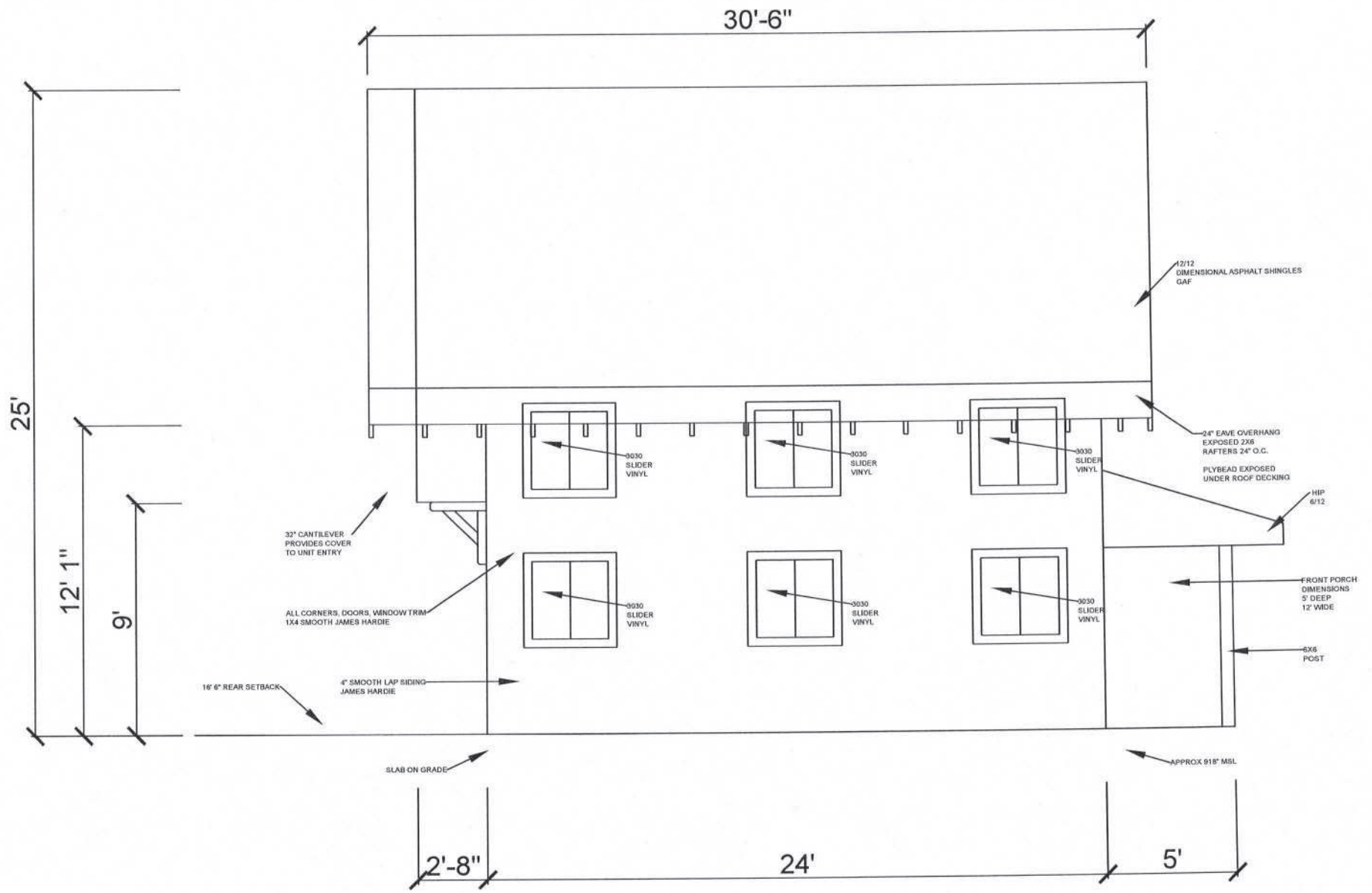


# FRONT ELEVATION

1214 CALLAWAY AVENUE

scale: 3/16 = 1'0"

11/18/2024  
 MARLOW BUILDERS  
 RMU



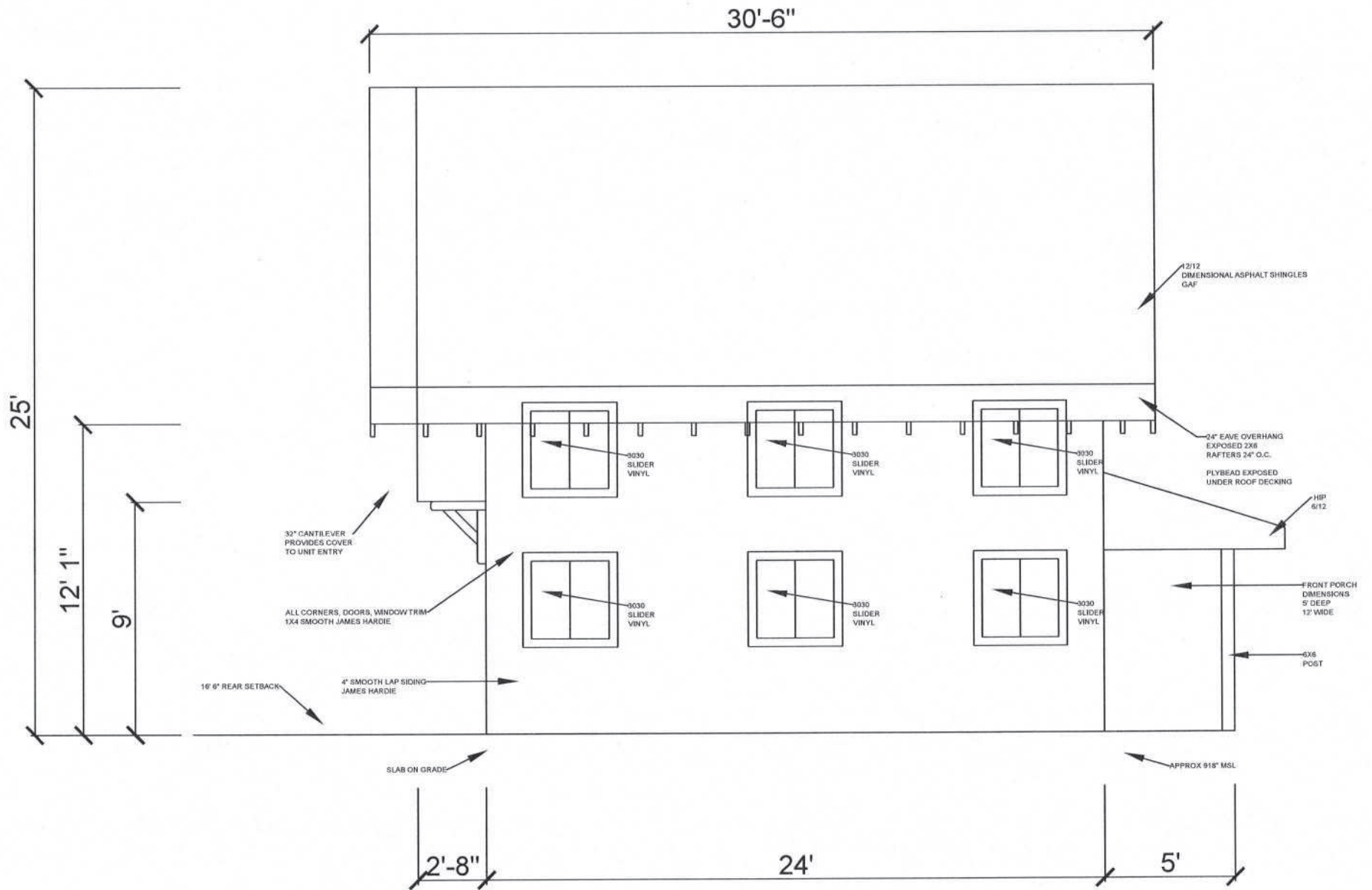
**LEFT ELEVATION**

1214 CALLAWAY AVENUE

scale: 3/16 = 1'0"

11/18/2024  
MARLOW BUILDERS  
RMU



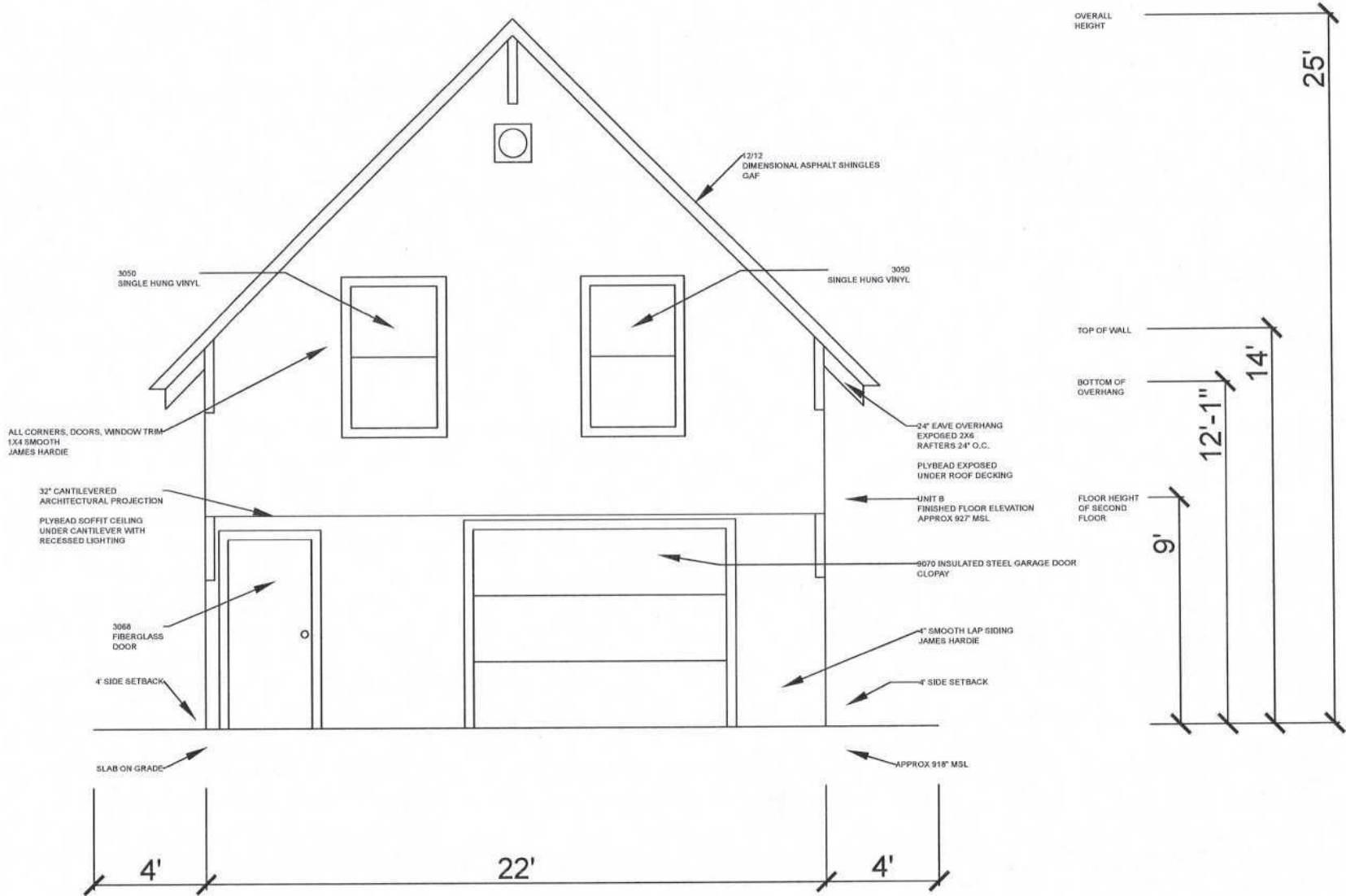


## RIGHT ELEVATION

1214 CALLAWAY AVENUE

scale: 3/16 = 1'0"

11/18/2024  
MARLOW BUILDERS  
RMU



## REAR ELEVATION

1214 CALLAWAY AVENUE

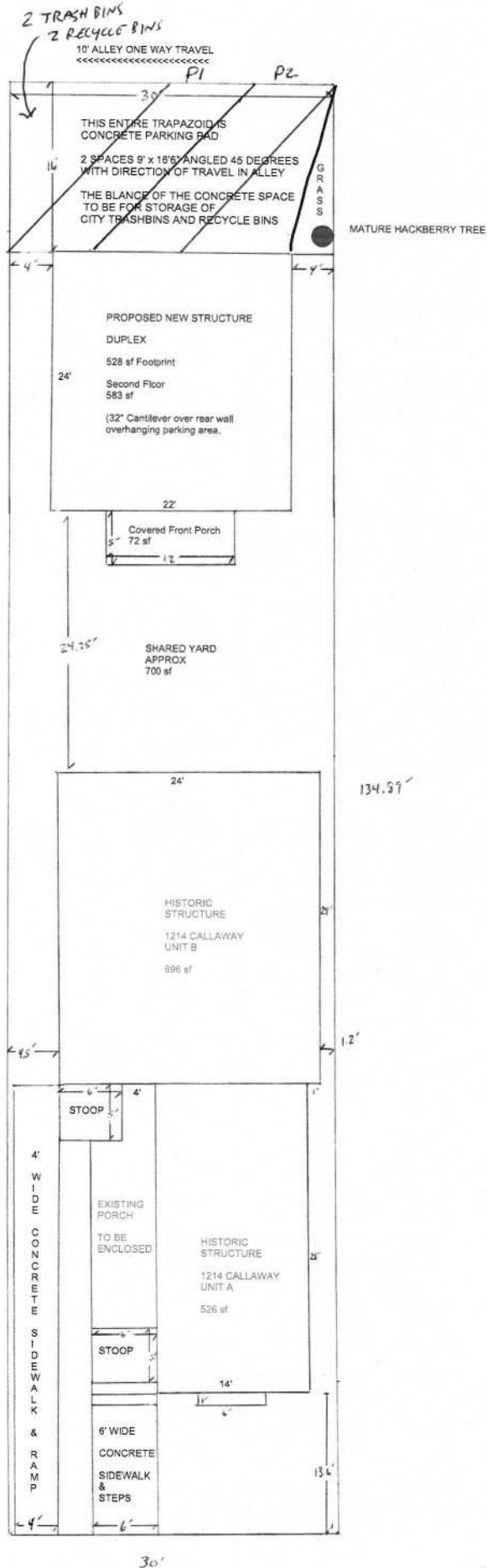
scale: 3/16" = 1'0"

11/18/2024  
MARLOW BUILDERS  
RMU

SITE PLAN  
REVISED 10 OCTOBER 2024

PARKING AREA COMMENTS  
& SCALE DENOTED  
REVISED

448 sf  
Concrete parking  
pad.



SCALE  
1/4" = 2'

1214 CALLAWAY  
094FQ017

September 2024

EXISTING HOUSE - SIDE ADDITION

12/12  
DIMENSIONAL ASPHALT SHINGLES  
GAF

6/12  
DIMENSIONAL ASPHALT SHINGLES  
GAF

PORCH CEILING PLYBEAD  
WITH RECESSED LED LIGHTING  
  
SOFFITS  
PLYBEAD

ORIGINAL WOOD ORNIMENTATION  
& DETAILS TO BE REUSED

PORCH CEILING PLYBEAD  
WITH RECESSED LED LIGHTING

3020  
SLIDER  
VINYL

3030  
SLIDER  
VINYL

ORIGINAL WOOD ORNIMENTATION  
& DETAILS TO BE REUSE

ORIGINAL  
1/2  
POST

3068  
FIBERGLASS  
1/4 LITE

UNIT B ENTRY  
PORCH 6' x 5'  
30 sf

ALL CORNERS, DOORS,  
WINDOWS TRIM  
1x4 SMOOTH JAMES HARDIE

UNIT A ENTRY  
PORCH 6' x 5'  
30 sf

4" SMOOTH LAP SIDING  
JAMES HARDIE

5'

16'

5'

22'

14'

10'

3'

CONCRETE  
STEPS

NEW CONCRETE STEPS

5' WIDE

APPROX  
918' MSL

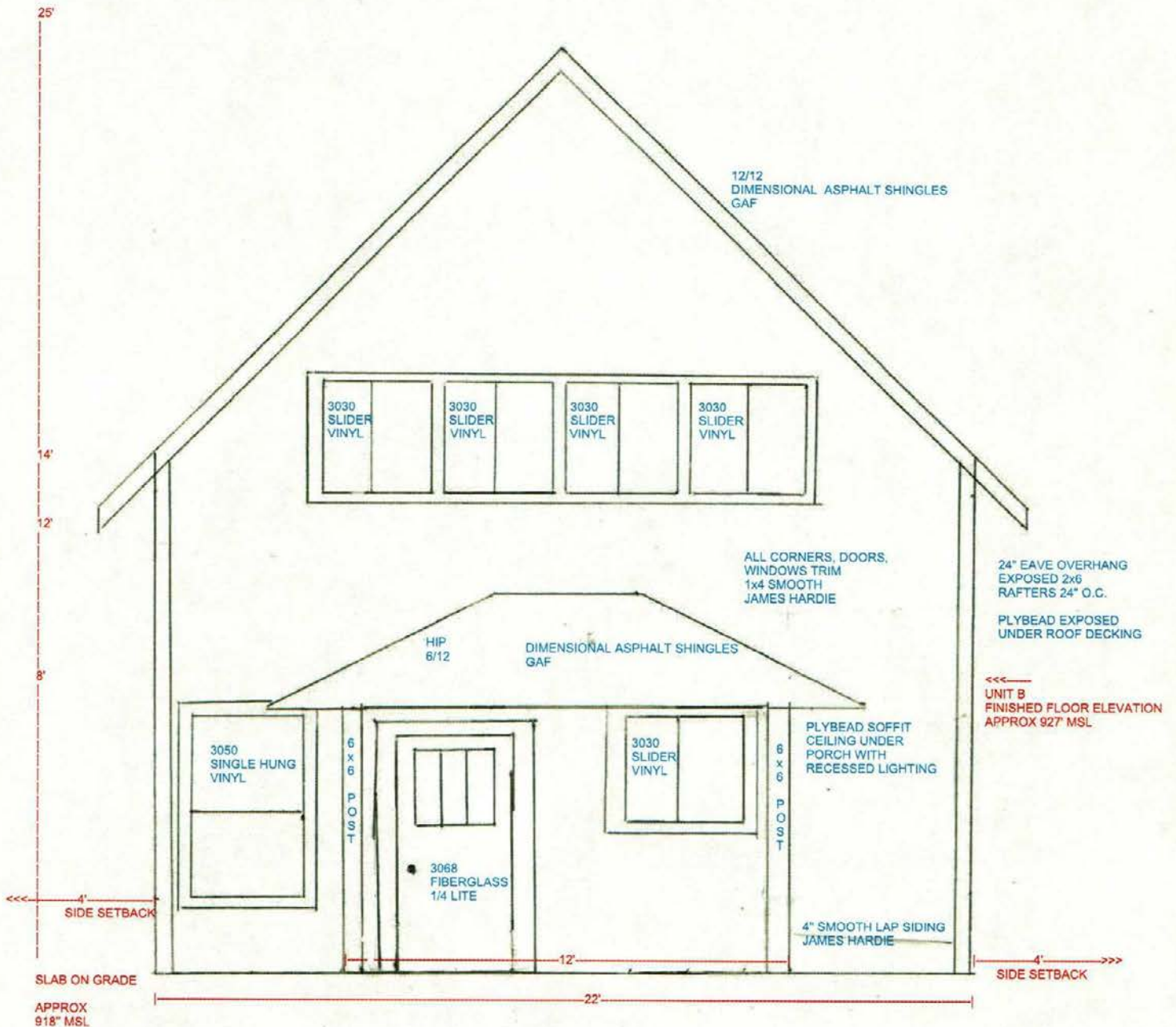
NEW CONCRETE SIDEWALK TO CONNECT UNIT B ENTRY STEPS TO CITY SIDEWALK - LOW SHRUBS TO BE PLANTED BETWEEN SIDEWALK AND FOUNDATION

(c) 2024 Marlow Properties, LLC



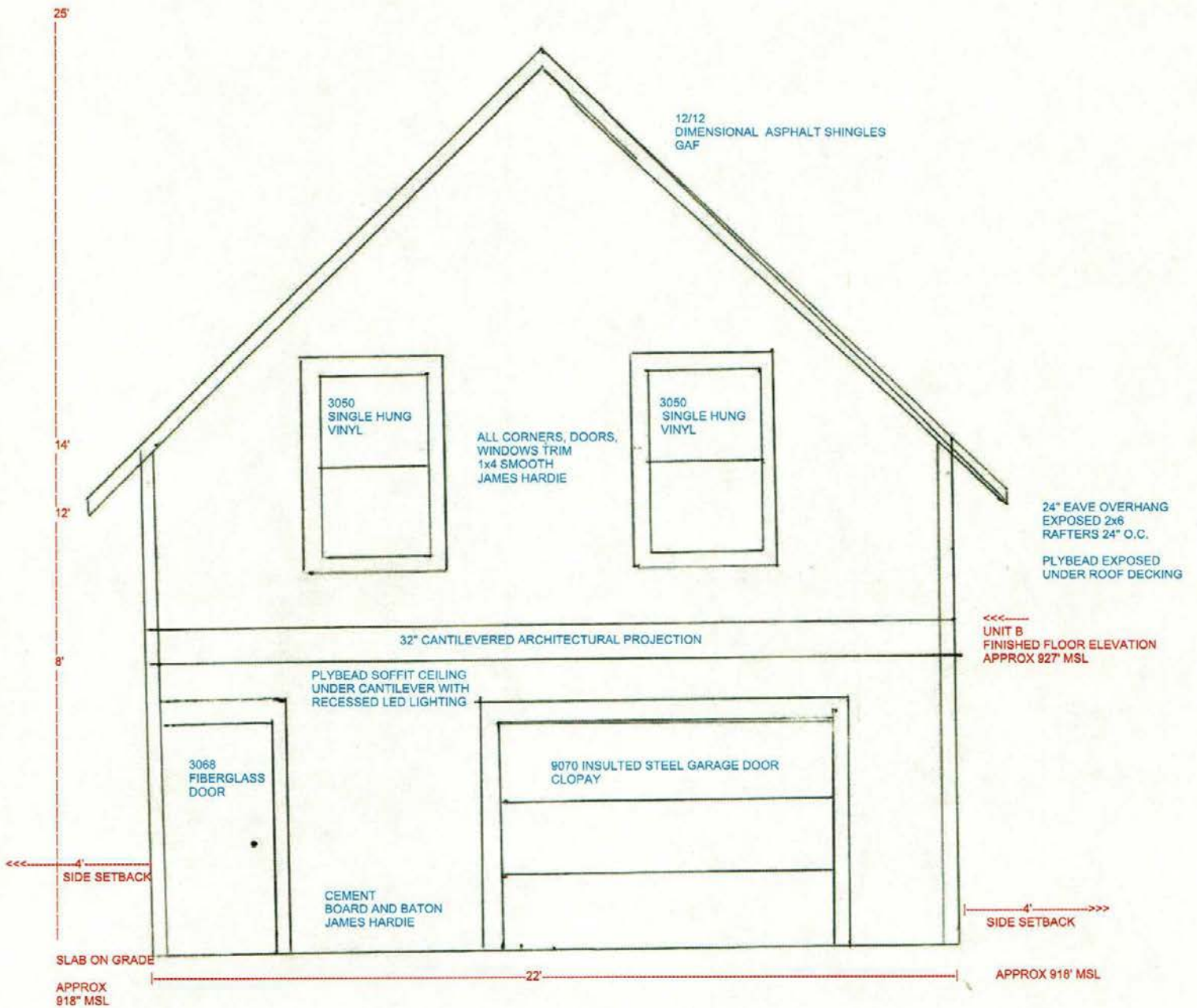
1214 CALLAWAY  
094FQ017  
NEW STRUCTURE FRONT ELEVATION  
(FACING CALLAWAY AVENUE)

4 August 2024



1214 CALLAWAY  
094FQ017  
NEW STRUCTURE REAR ELEVATION

4 August 2024





REAR ACCESS

ARCHITECTURAL ASPHALT SHINGLES  
GAF

RIGHT SIDE ELEVATION

FRONT SETBACK

3030 SLIDER VINYL

3030 SLIDER VINYL

24" EAVE OVERHANG  
EXPOSED 2x6  
RAFTERS 24" O.C.  
PLYBEAD EXPOSED  
UNDER ROOF DECKING

3030 SLIDER VINYL

32" CANTILEVER  
PROVIDES COVER  
TO UNIT ENTRY

3030 SLIDER VINYL

3030 SLIDER VINYL

3030 SLIDER VINYL

ALL CORNERS, DOORS, WINDOWS TRIM 1x4 SMOOTH JAMES HARDIE

4" SMOOTH LAP SIDING  
JAMES HARDIE

FRONT PORCH  
DIMENSIONS  
5' DEEP  
12' WIDE

6 x 6 POST

25'  
15'

4 August 2024

SLAB ON GRADE  
APPROX 918' MSL

16' REAR SETBACK

APPROX 918' MSL

32'

24'

5'

1214 CALLAWAY  
094FQ017  
NEW STRUCTURE SIDE ELEVATION

FF  
STREE

EXPOSED

FRONT PORCH  
DIMENSIONS  
5' DEEP  
12' WIDE

HIP  
6/12

4" SMOOTH LAP SIDING  
JAMES HARDIE

3030  
SLIDDER  
VINYL

3030  
SLIDER  
VINYL

3030  
SLIDER  
VINYL

3030  
SLIDER  
VINYL

ALL CORNERS, DOORS, WINDOWS TRIM 1x4 SMOOTH JAMES HARDIE

ARCHITICURAL ASPHALT SHINGLES  
GAF

LEFT SIDE ELEVATION

24" EAVE OVERHANG  
EXPOSED 2x6 RAFTERS 24" O.C.  
PLYBEAD EXPOSED  
UNDER ROOF DECKING

32" CANITLEVER  
PROVIDES COVER  
TO UNIT ENTRY

16' REAR SETBACK

SLAB ON GRADE

SLAB ON GRADE  
APPROX 918' MSL

F  
ALLEY

APPROX 918' MSL

5'

24'

32'

25'

15'

9'