



# APPEAL OF DECISION

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

New File #12-C-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-J-24-MH

Name of Owner of Subject Property: 1216 Callaway LLC, subsidiary of Marlow Properties, LLC

Description of Subject Property (Include city block and parcel number or lot number): 09084 094FQ016

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 MINIMIUM 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:** 1216 Callaway St

**Parcel ID:** 094FQ016

**Zoning District:** RN-4

**Owner:** R. Bentley Marlow

**Applicant:** R. Bentley Marlow

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**Project Type:** New construction

**Middle Housing Type:** Three new rear duplexes (stacked)

**Brief Description:** Construction of three new two-story duplexes, measuring 18' by 24', with internal garages 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 submitted application does not meet the applicable standards per Knoxville City Code, Appendix B, Zoning Code, Article 4.6. The three new rear structures do 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-J-24-MH  
**ADDRESS:** 1216 Callaway St (Parcel ID 094FQ016)

Staff’s determination is based on revisions submitted on November 20, 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 three new duplexes located at the rear of the property because they do not meet the following applicable standards per the Knoxville City Code, Appendix B, Zoning Code. Article 4.6:

- The proposed front setback (shown as 94.35’) 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 proposal for three additional duplexes set at the rear of the property 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 multiple, 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 structure.

- Three multi-unit building recessed behind the primary structure is not compatible with the surrounding area and does not meet the intent of the Middle Housing standards.

## **PROJECT OVERVIEW:**

- The property is zoned RN-4 within the TDR land use area. The property is 75' wide with an alley.
- The application includes the conversion of a single-family house to a duplex, and the construction of three new two-story duplexes at the rear of the lot.

### **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 space via a new side porch. The rear roofline will be reconstructed within the existing footprint. The proposed addition complies with the dimensional standards in Section 4.6.C and Table 4-4.

### **New primary structures – three duplexes (stacked)**

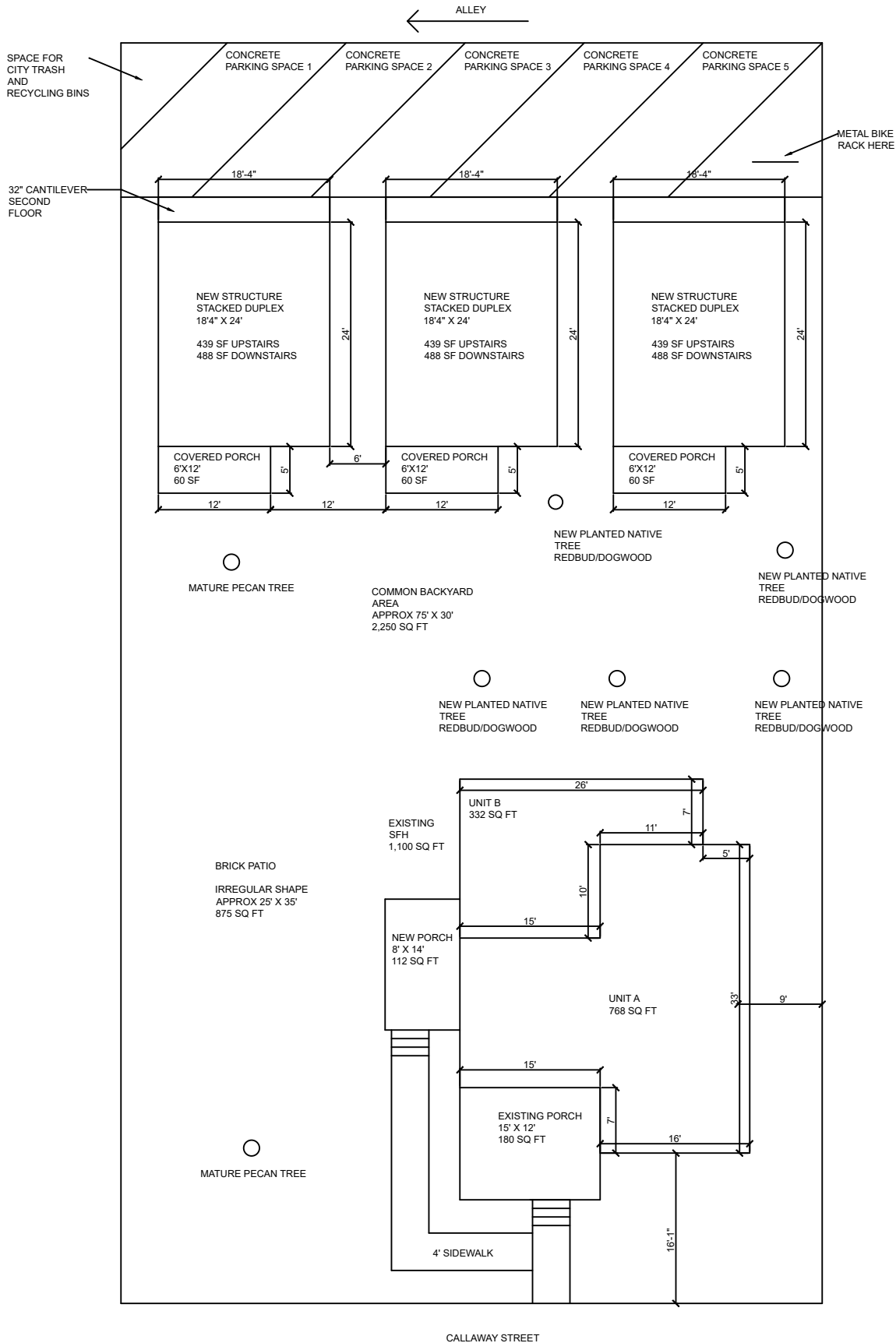
- Three new duplexes are proposed for the rear of the lot.
- The proposed duplexes are 18' wide by 24' deep, meeting the maximum building width and depth requirements.
- The proposed duplexes are two stories tall and meets the maximum height requirement. The buildings will be taller than the existing one-story house on the property.
- The proposed duplexes do 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 rightmost and leftmost buildings do 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 duplexes are oriented with the front elevation facing the rear of the existing house, with ground level entrances oriented towards the street but obscured by the existing house.
- 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 location 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 five parking spaces. 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.
- The application includes two administrative variations on 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.
- 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 project meeting minimum living space requirements in building and zoning codes.





# SITE PLAN

1216 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

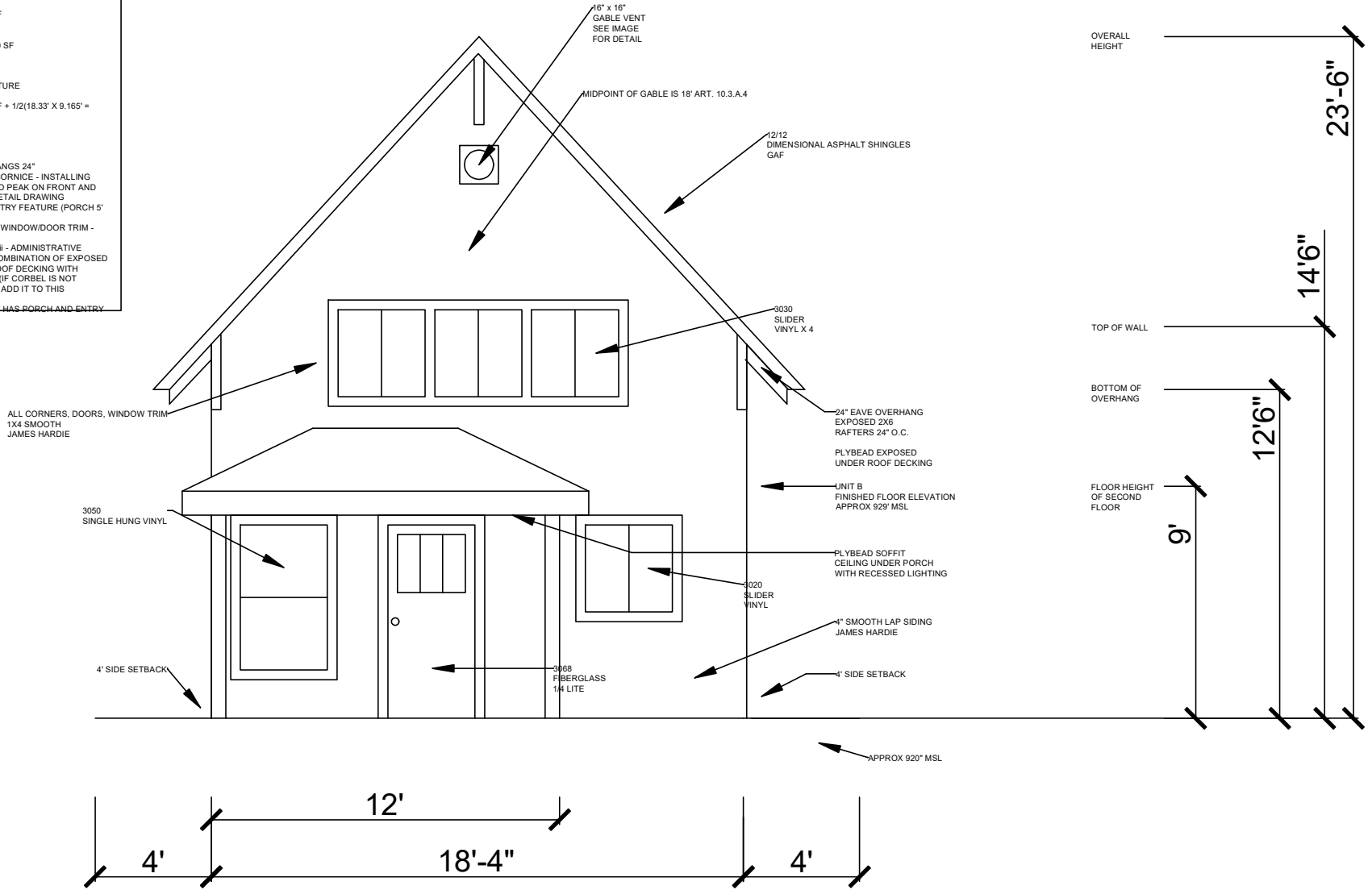
(3) 3030 WINDOWS = 27.0 SF  
 (1) 3020 WINDOW = 6.0 SF  
 (1) 3050 WINDOW = 16.0 SF  
 (1) 1/4 LITE 3068 DOOR = 3.0 SF

TOTAL = 51 SF

FRONT FACADE OF STRUCTURE

331 SF (18.33'X13.5' = 247 SF + 1/2(18.33' X 9.165' = 83.99 SF)  
 15.4%

4.6.E.ii - 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.C.v - PROJECTING ENTRY FEATURE (PORCH 5' DEEP AND 12' WIDE)  
 4.6.E.4.C.vii - ARTICULATED WINDOW/DOOR TRIM - SEE DETAIL DRAWING  
 4.6.E.4.C.pursuant 4.6.G.1.A.iii - 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.

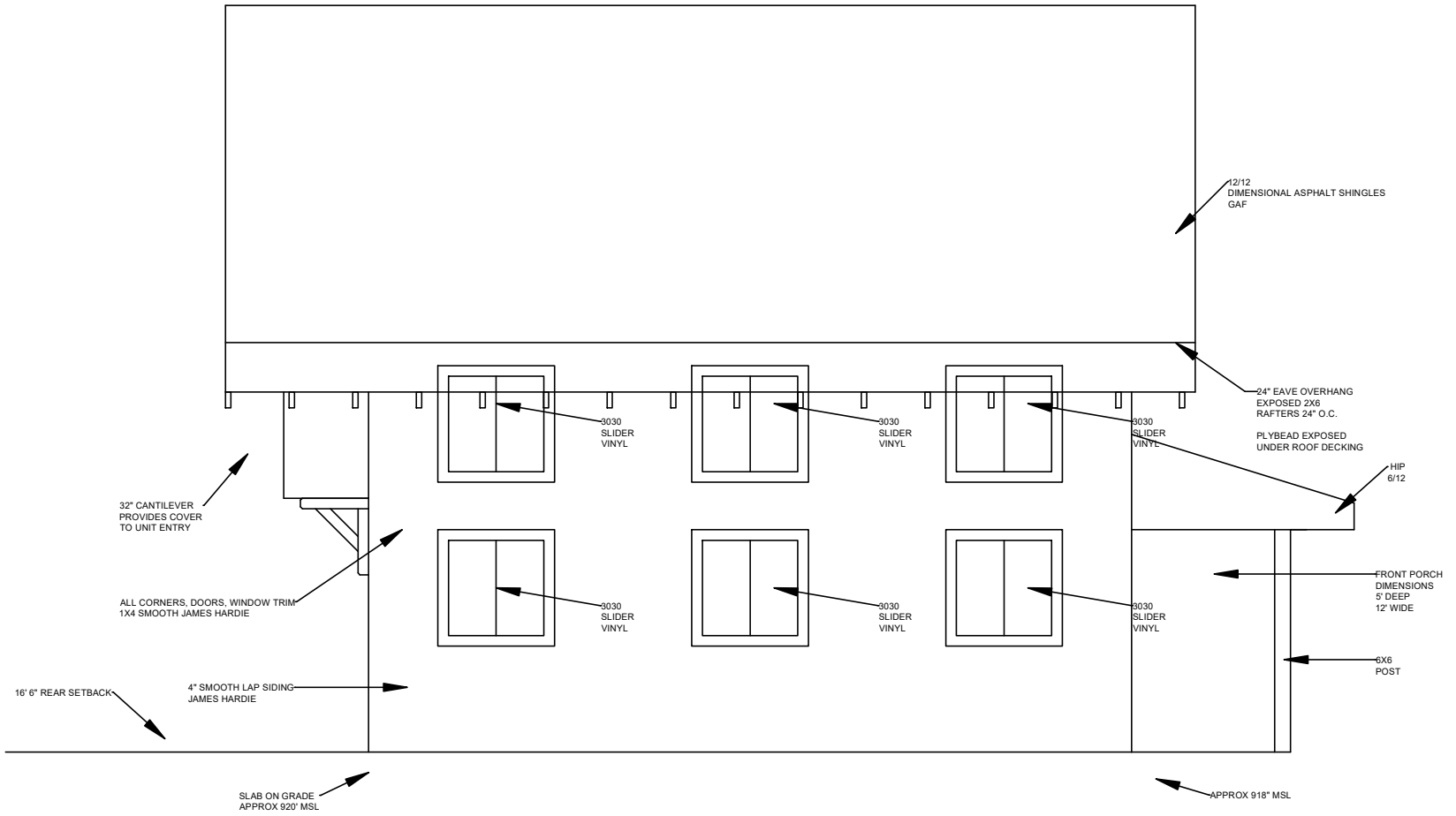
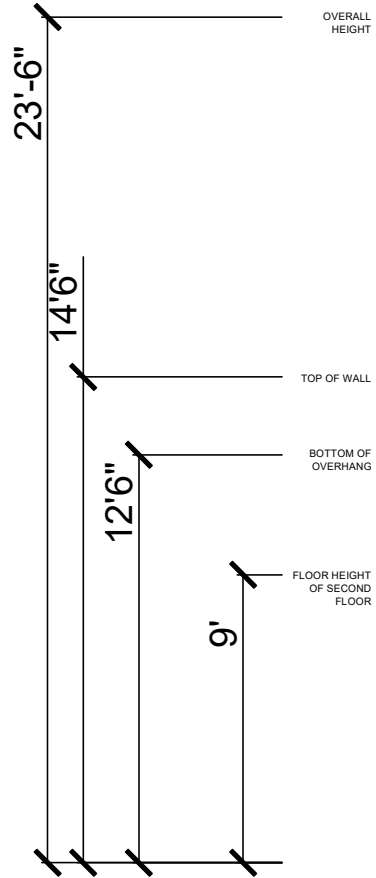


FRONT ELEVATION

1216 CALLAWAY AVENUE

scale: 3/16 = 1'0"

11/18/2024  
 MARLOW BUILDERS  
 RMU



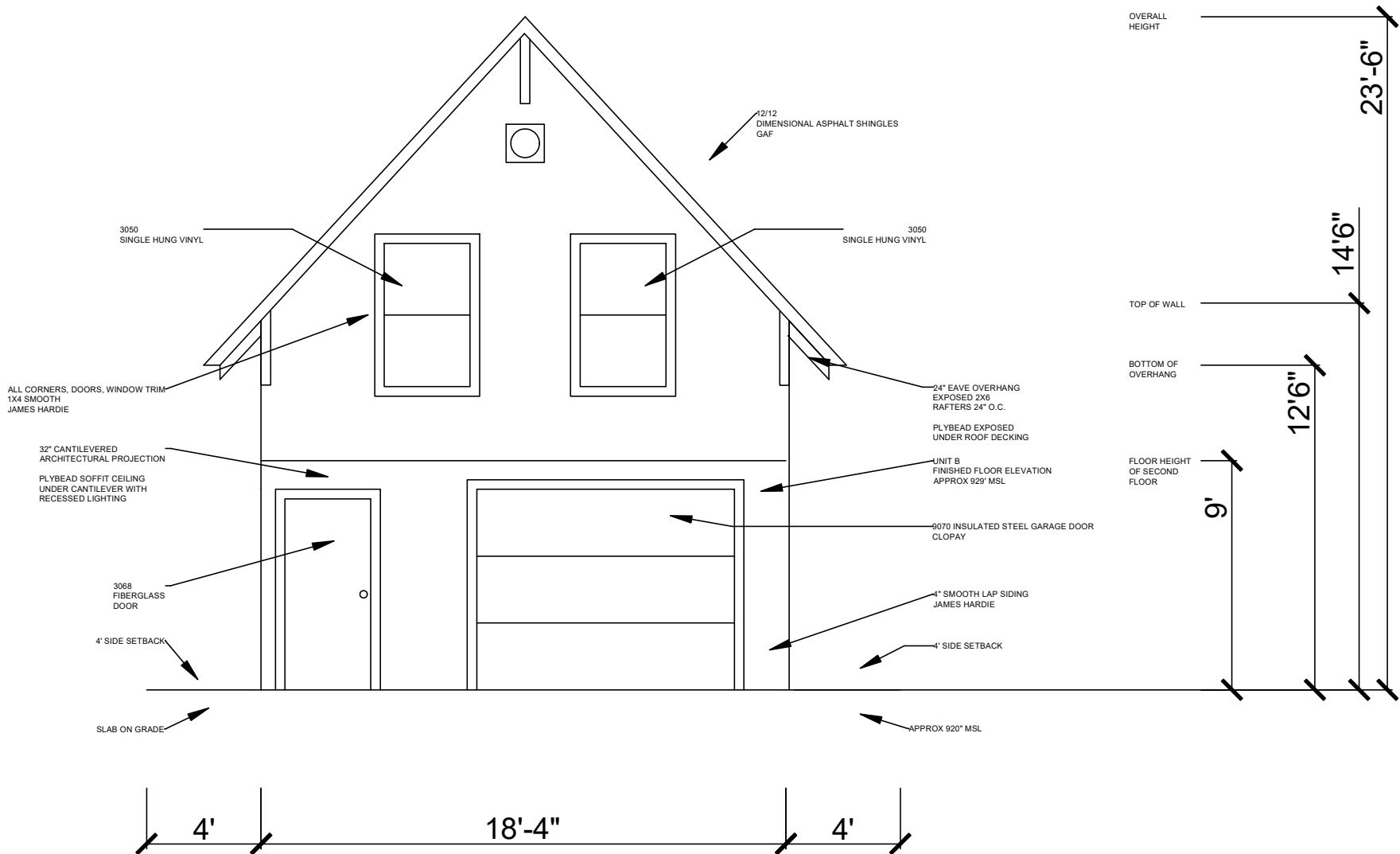
# LEFT ELEVATION

1216 CALLAWAY AVENUE

scale: 3/16 = 1'0"

11/18/2024  
MARLOW BUILDERS  
RMU



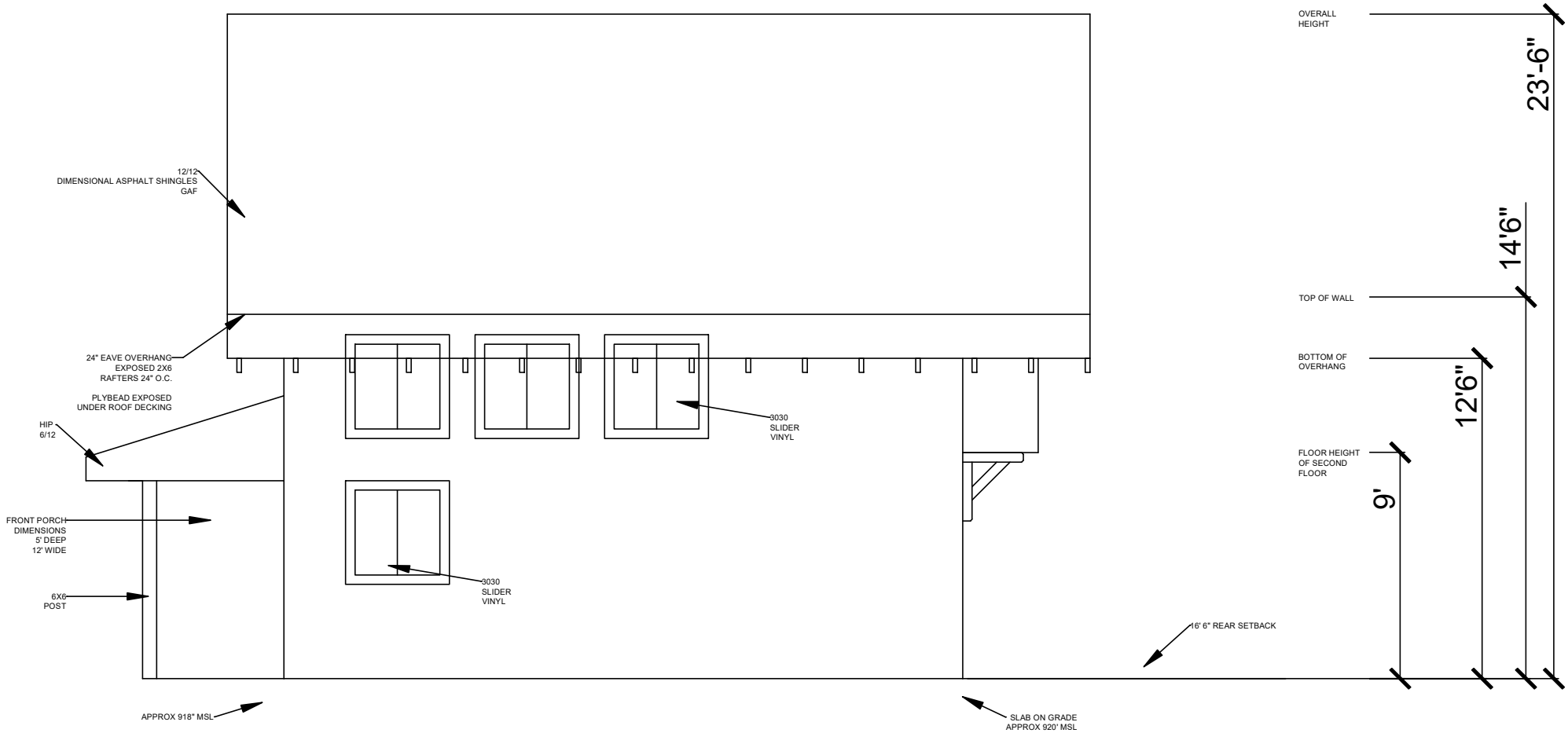


## REAR ELEVATION

1216 CALLAWAY AVENUE

scale: 3/16 = 1'0"

11/18/2024  
MARLOW BUILDERS  
RMU



# RIGHT ELEVATION

1216 CALLAWAY AVENUE

scale: 3/16 = 1'0"

11/18/2024  
MARLOW BUILDERS  
RMU

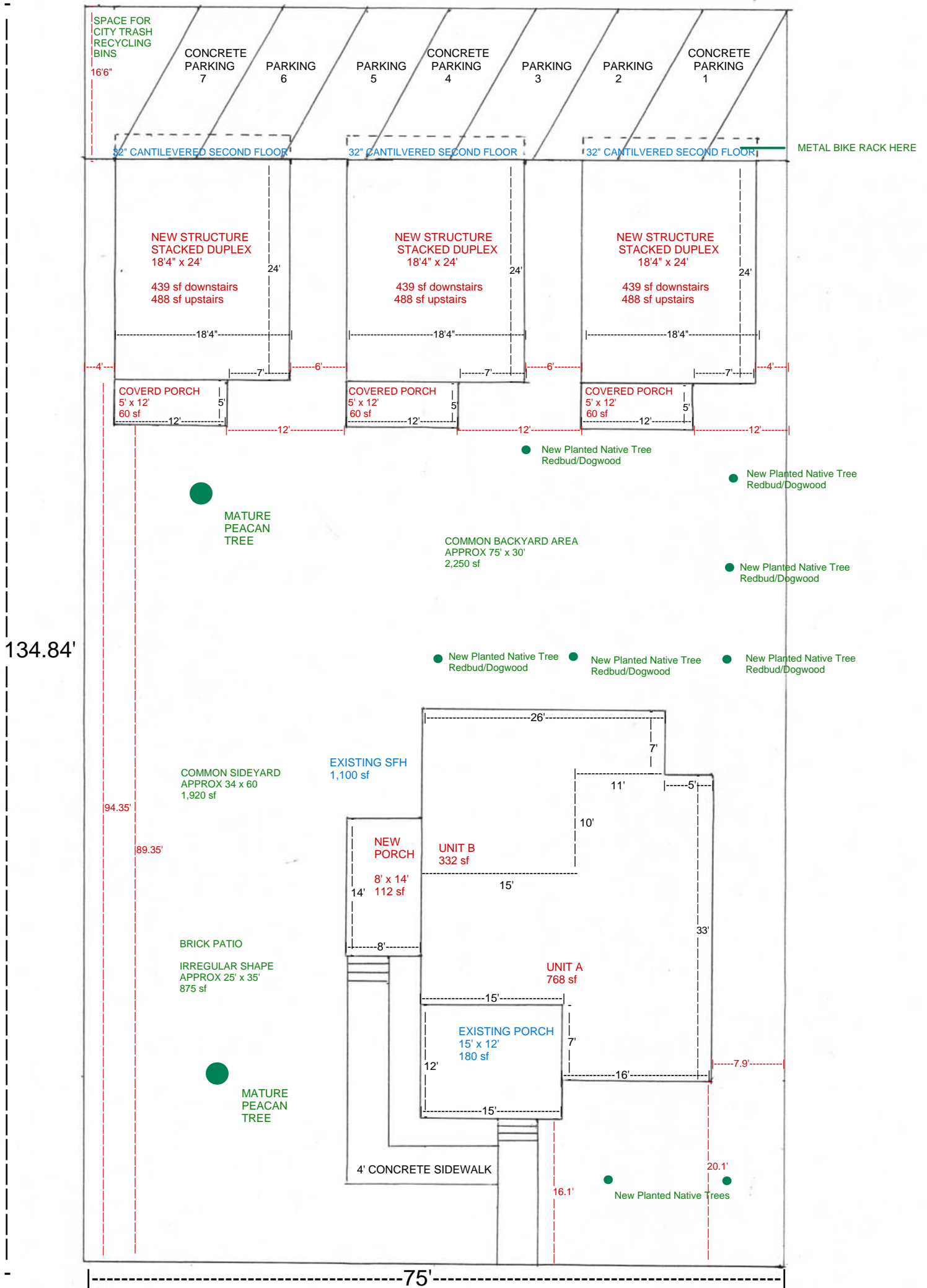
SITE PLAN

SCALE  
1cm = 5'

THIS ENTIRE SQUARE (75' x 16' = 1,200 sf) TO BE CONCRETE --  
AREAS NOT DEFINED AS PARKING SPACES WILL BE  
FOR STORAGE OF TRASH/RECYCLE BINS & A BIKE RACK.

ALL PARKING SPACES TO BE  
45 DEGREES WITH DIRECTION OF ALLEY TRAFFIC  
AND SIZED 9' WIDE x 16'6" DEEP  
DEVELOPER DOES NOT INTEND TO STRIPE PARKING AREA

ALLEY



CALLAWAY STREET

EXISTING STRUCTURE SIDE ELEVATION  
WITH COVERED PORCH SIDE ADDITION

Scale  
1/4" = 1'

4.6.F Middle Housing Conversion Standards

2. Conversions to Middle Housing types must comply with Table 4-3.

Parcel is within TDR and is zoned RN4. Accordingly pursuant to Table 4-3 Duplex Type is permitted; per Article 10.1.A this lot may have multiple principle structures.

3. Middle Housing Conversion Design Standards

a. Additions must comply with the dimensional standards in Section 4.6.C and Table 4-4.

Existing House is 31' wide and complies with Table 4-4. This side porch addition adds 8' to the overall width, however, 5' of which is a permitted encroachment and excluded from Art. 4.6.C width calculations) Art. 10.4 Table 10-1. Regardless of method of calculation the house with side porch addition conforms to Table 4-4. Existing front setback 20.1' and is the original house.

b. Additions to the front façade are not permitted. Additions may be made to the rear and side elevations where setbacks permit.

Porch and porch roof are additions to the side elevation

c. Additions may also be made to the roofline via an additional half story (the addition of dormers). Roofline additions shall be proportionally consistent with the existing house and shall not be so large as to dramatically alter scale of the original building mass.

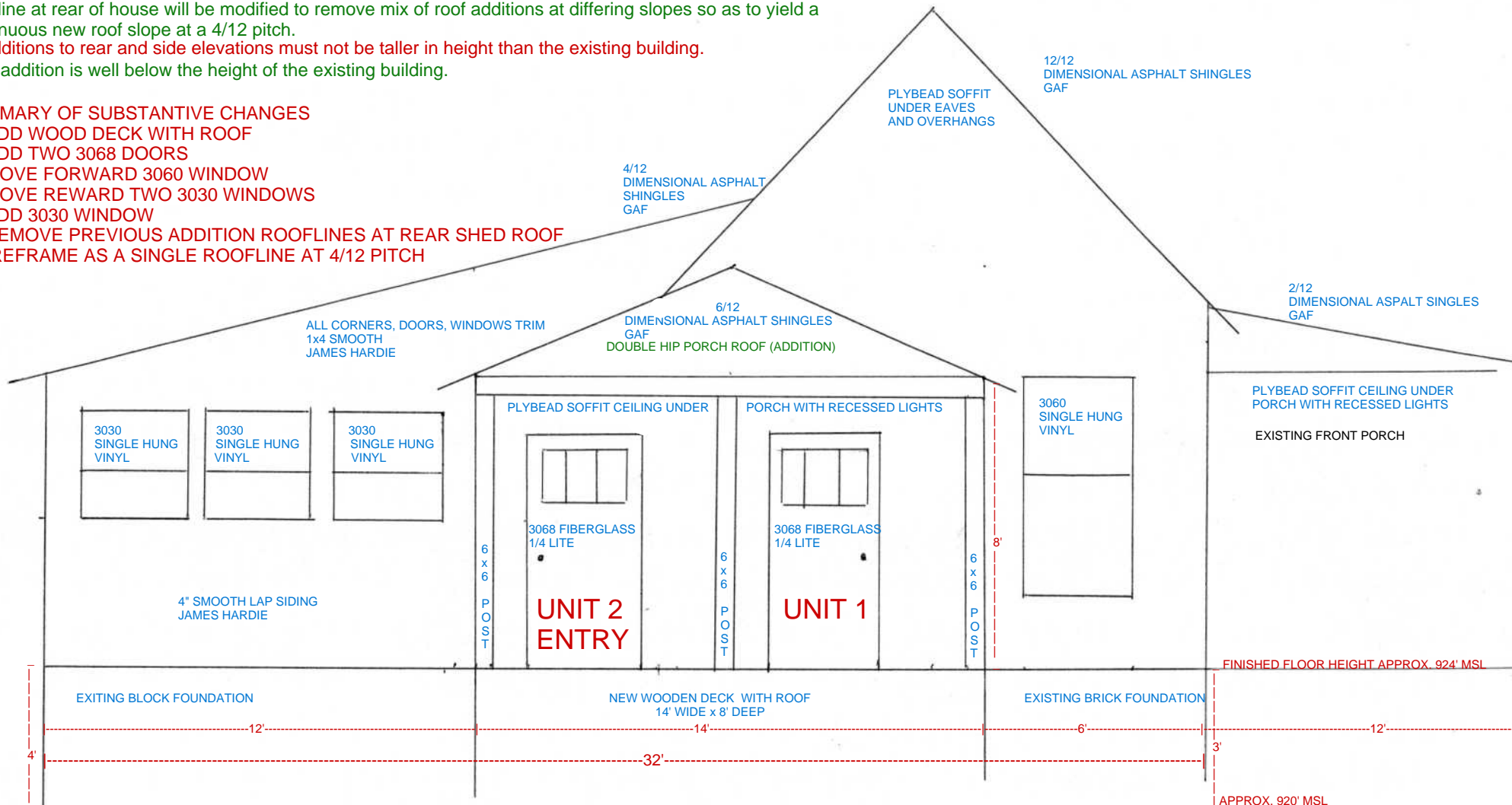
Roofline at rear of house will be modified to remove mix of roof additions at differing slopes so as to yield a continuous new roof slope at a 4/12 pitch.

d. Additions to rear and side elevations must not be taller in height than the existing building.

Side addition is well below the height of the existing building.

SUMMARY OF SUBSTANTIVE CHANGES

1. ADD WOOD DECK WITH ROOF
2. ADD TWO 3068 DOORS
3. MOVE FORWARD 3060 WINDOW
4. MOVE REWARD TWO 3030 WINDOWS
5. ADD 3030 WINDOW
6. REMOVE PREVIOUS ADDITION ROOFLINES AT REAR SHED ROOF TO REFRAME AS A SINGLE ROOFLINE AT 4/12 PITCH



APPROX.  
919' MSL

APPROX. 920' MSL

1216 CALLAWAY  
094FQ016

SIDE ELEVATION WITH ROOF

25 OCTOBER 2024

30'6"

25'

RIGHT SIDE ELEVATION

ARCHITECTURAL ASPHALT SHINGLES  
GAF

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

6 x 6  
POST

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

FRONT PORCH  
DIMENSIONS  
5' DEEP  
12' WIDE

16'  
REAR SETBACK

4" SMOOTH LAP SIDING  
JAMES HARDIE

SLAB ON GRADE  
APPROX. 920' MSL

32'

24'

5'

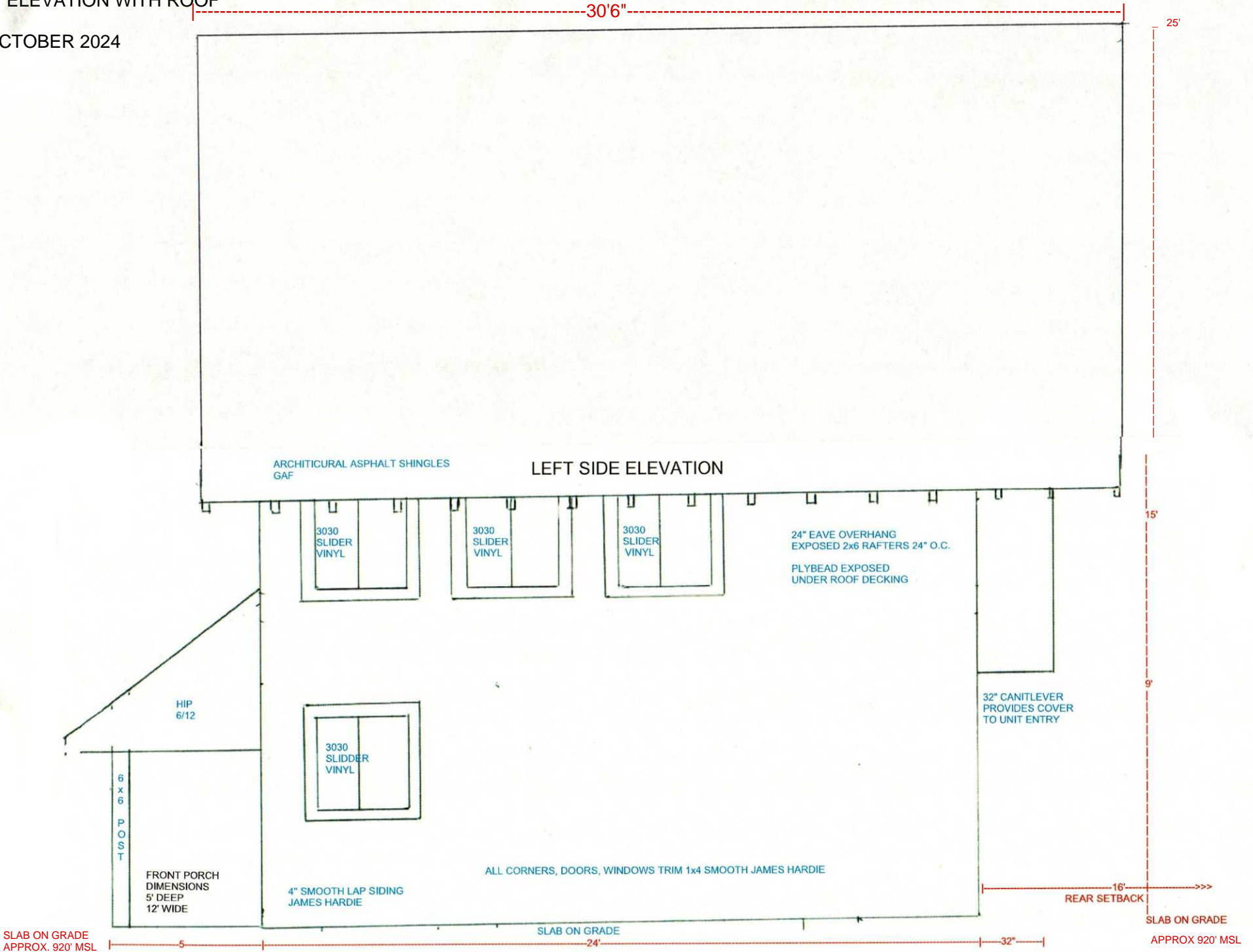
SLAB ON GRADE

APPROX 920' MSL

1216 CALLAWAY  
094FQ016

SIDE ELEVATION WITH ROOF

25 OCTOBER 2024





THREE NEW STRUCTURES - Front Elevation

STACKED DUPLEXES

Art. 4.6.E - Missing Housing Design Standards:

4.6.E.1 - Check.

4.6.E.4.ii - Roof 12/12 Pitch

4.6.E.2 - N/A

4.6.E.4.B - N/A

4.6.3.E.3 / Art. 9.3.J Transparency Calculations  
15.4%

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 separately submitted detail drawing

Building = 331.4 sf

Main building 18.33 x 13.5 = 247.45 sf

Gable 1/2 x (18.33 x 9.165) = 83.99

4.6.E.4.C.v - Projecting Entry Feature (Porch 5' deep x 12' wide)

4.6.E.4.C.vii - Articulated Window/Door Trim - see separately submitted detail drawing.

4.6.E.4.C.pursuant 4.6.G.1.A.iii

Administrative variance to count exposed rafter tails/plybead roof decking.

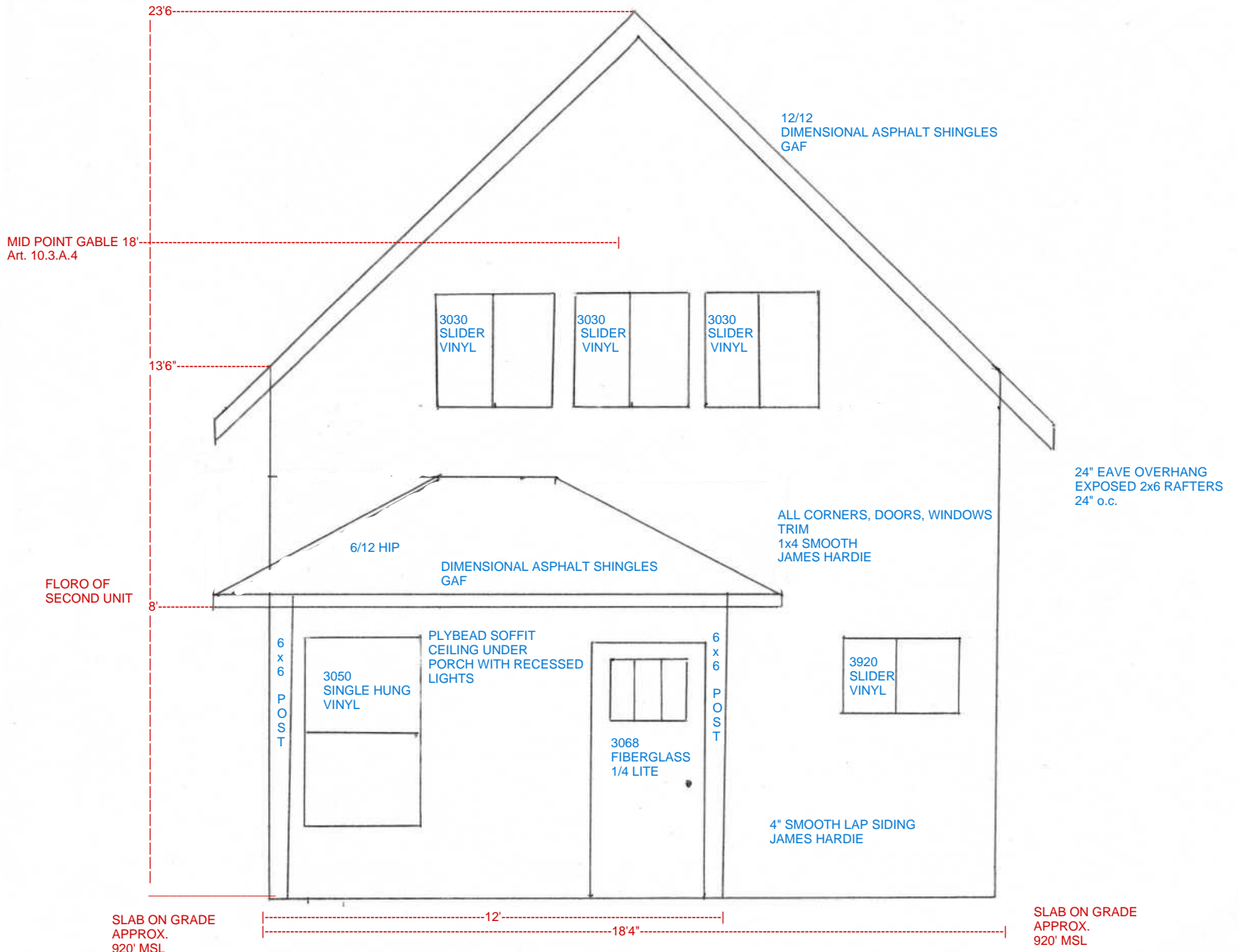
Glazing = 51 sf

4.6.E.5 - Downstairs unit has porch and entry facing street.

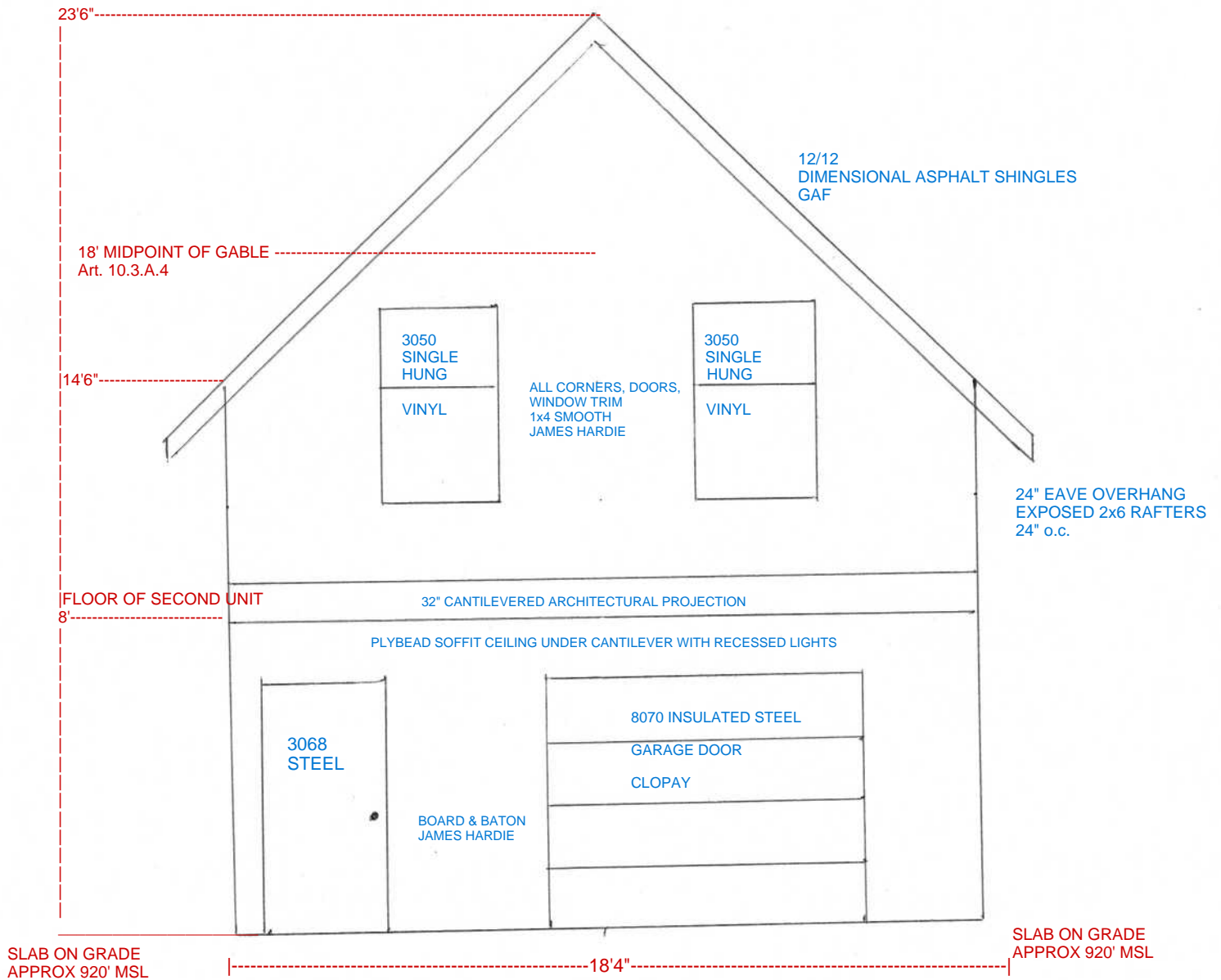
3030 x 3 = 27 sf

3050 x 1 = 15 sf

1/4 LITE 3068 Door = 3 sf



THREE NEW STRUCTURES - Rear Elevation  
STACKED DUPLEX

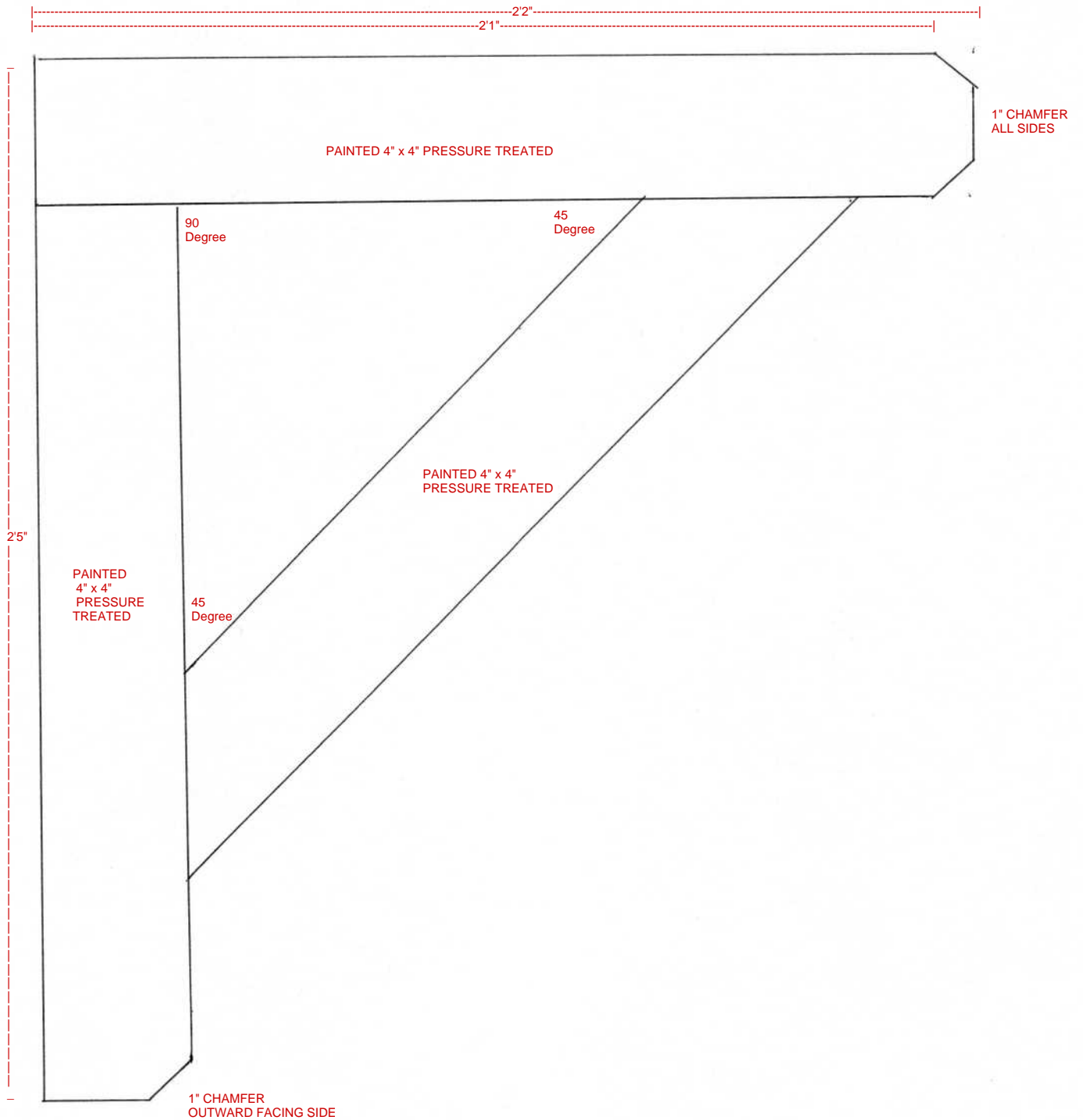




# CORBLE DETAIL

28 OCTOBER 2024

Placed at both corners and the peak of all gables supporting the 24" rake overhang



WINDOW TRIM DETAIL

SIDE PROFILE

