

**Type:** ☐ Plan Amendment ☐ Rezoning ☐ Certificate of Appropriateness

☐ Street Name Change ☒ Other: Middle Housing

**New File # 8-C-25-OB**

**Decision By:** ☒ Planning Staff ☐ Planning Commission ☐ Other: \_\_\_\_\_ ☐ Date of Decision: 27 June 2025

**Jurisdiction:** ☒ City 6 Council District ☐ County \_\_\_\_\_ Commission District \_\_\_\_\_

**R. Bentley Marlow**

**6-B-25-MH**

Applicant Name

Original File Number

**R. Bentley Marlow**

**094FV027**

Name of Owner of Subject Property

Parcel Number of Subject Property

**Denial of Middle Housing**

Decision Being Appealed

Reason for the Appeal:  
(Attach additional pages,  
if necessary.)

Arbitrary and Capricious See First Review Comments -- the requested revisions were made -- application meets all requirements of Middle Housing Article 4.6 as enacted.

## PETITIONER INFORMATION

**R. Bentley Marlow**


Name of Petitioner

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

**Owner and Builder (Note I do not see a space to sign this form -- consider this form signed.)**

All correspondence should be sent to:	<b>R. Bentley Marlow</b>	<b>865-607-4357</b>	<b>rbentleymarlow@gmail.com</b>
	Name (Print)	Phone	Email
<b>322 Douglas Avenue</b>	<b>Knoxville</b>	<b>TN</b>	<b>37921</b>
Address	City	State	ZIP

## STAFF USE ONLY

	<b>\$250.00 / pd. 07/01/2025, SG</b>	<b>06/29/2025</b>
Application Accepted by Planning Staff Member	Appeal Fee Amount	Date Appeal Received

## APPEAL MEETING INFORMATION

**Planning Commission - 1:3- pm August 14, 2025**

City Council - 6 p.m. <u>n/a</u>	County Commission - 7 p.m. <u>n/a</u>	City BZA - 4 p.m. <u>n/a</u>
Month   Date   Year	Month   Date   Year	Month   Date   Year

**Property Address:** 1403 Moses Ave

**Parcel ID:** 094FV027

**Zoning District:** RN-2/HP

**Owner:** R. Bentley Marlow

**Applicant:** R. Bentley Marlow

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**Project Type:** New construction

**Middle Housing Type:** New townhouse (small)

**Brief Description:** Construction of a 2-story, three-unit townhouse building with three units facing the side elevation.

**Additional Notes:** Project described in application as triplex. Lot to receive new construction is a 25' wide non-conforming lot of record. Application also requested an administrative variation, reducing interior side setbacks to 4'.

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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 building does not meet the design standards for townhouses (Article 4.6.E.5.c), and does not meet 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;" Article 4.6.G: "the intent of Article 4.6 is to allow middle Housing types which are in harmony with the surrounding neighborhood and will not be injurious to it or the public welfare.")

**Certified By:** Lindsay Lanois

**Date Certified:** June 27, 2025

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## Middle Housing Staff Review

**TO:** R. Bentley Marlow, Property Owner  
**FROM:** Lindsay Lanois, Principal Planner  
**DATE:** June 27, 2025  
**SUBJECT:** Middle Housing Review – 6-B-25-MH  
**ADDRESS:** 1403 Moses Ave (Parcel ID 094FV027)

### STAFF DETERMINATION:

Deny the request for a three-unit townhouse because the project does not meet the following applicable standards per the Knoxville city Code, Appendix B, Zoning Code, Article 4.6:

- The building is described as a “triplex,” which is defined in Article 4.6 as “a structure up to three stories, containing three dwelling units typically stacked on top of each other, in locations where there is a transition from a commercial corridor and/or higher intensity area into single-family neighborhoods. Within neighborhoods, away from transition areas adjacent to corridors, a 2.5 story triplex may feature other configurations to accommodate three units.” The application does not propose units that are stacked on top of each other and does not meet the intent of the definition of triplex.
  - The building instead features three units oriented perpendicular to the street with the units separated by party walls/shared side walls, which meets the definition of a *Dwelling—Townhouse* per Article 2.3 and partially meets the definition of *Townhouse (small)* per Article 4.6.A (definitions below for comparison).
    - Article 2.3 – General Definitions, Dwelling--Townhouse: “a structure consisting of three or more dwelling units, the interior of which is configured in a manner such that the dwelling units are separated by a party wall. A townhouse is designed so that each unit has a separate exterior entrance and yard area.”
    - Article 4.6.A – Townhouse (small): “a medium-sized structure up to two stories with up to four attached units, featuring shared side walls between units. The narrow side of the unit faces the street, with an entry oriented towards the street, and the larger side attached side along the depth of the lot.”
- The proposed design does not meet the zoning standard in Article 4.6.E.5.c, “townhouses shall not be oriented perpendicular to ther street. The narrow side of townhouse units must face the street.”

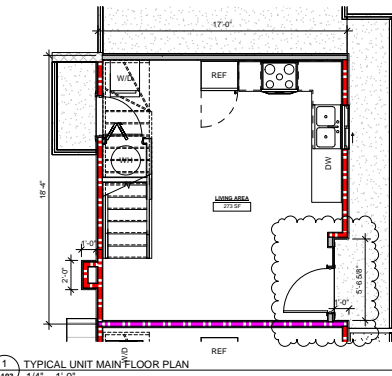
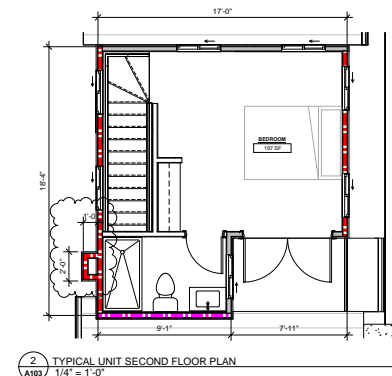
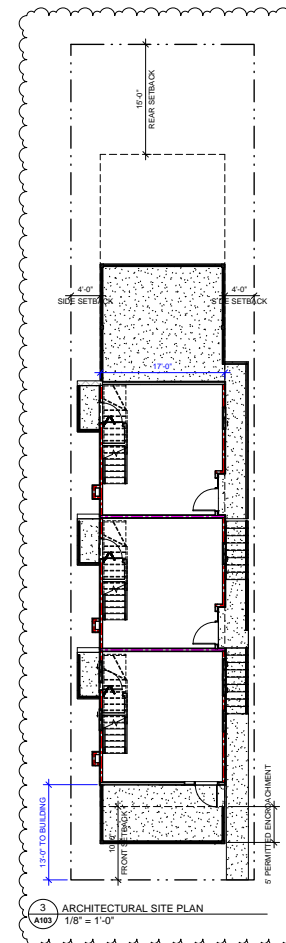
- The proposed building features three units oriented perpendicular to the street, fronting the side elevation.
- The proposed tiered, 2-story per unit, 3-unit townhouse does not meet the intent of Middle Housing standards “to promote the development of neighborhood-scale housing forms which are compatible with existing housing in the surrounding area” (Article 4.6). The building is not “similar in footprint, height, and setbacks with the existing neighborhood” (Article 4.6.E.4). This is also stated in Article 4.6.G as “the intent of Article 4.6 is to allow Middle Housing types which are in harmony with the surrounding neighborhood and will not be injurious to it or the public welfare.”
  - The building is tiered, with two stories per unit, featuring three units on an extremely narrow lot.

### **ADDITIONAL COMMENTS:**

- The property is zoned RN-2/HP within the TDR land use area. The lot frontage on Moses Avenue is 25’ wide with an alley. The proposed lot does not meet the minimum lot width for a triplex (or any Middle Housing Type) in Table 4-4 of Article 4.6. The application uses Article 17.3.B to allow development of a non-conforming lot of record, which “must meet all applicable dimensional and design requirements of the district in which it is located,” with the exception of lot width.
- The application requests an administrative variation, reducing the required 5’ interior side setback to 4’.



FLOOR PLAN NOTES:		WINDOW LEGEND:	WALL LEGEND:
<p><b>TYPICAL BLOCKING NOTE:</b></p> <p>PROVIDE WOOD BLOCKING IN THE WALLS AS REQUIRED TO SUPPORT &amp; ATTACH ALL WALL HUNG ITEMS SUCH AS CHIMNEYS, BRACKETS, HANGERS, GRAB BARS, ETC. THE BLOCKING &amp; ATTACHMENTS SHALL CARRY THE MINIMUM WEIGHT, VERIFY WITH MANUFACTURER.</p> <p><b>TYPICAL WINDOW NOTE:</b></p> <p>GLAZING IN AN INDIV. WALL FIXED OR OPERABLE PANEL THAT MEETS ALL OF THE FOLLOWING CONDITIONS SHALL BE CONSIDERED TO BE A HAZARDOUS LOCATION:</p> <ul style="list-style-type: none"> <li>• THE EXPOSED AREA OF AN INDIVIDUAL PANEL IS LARGER THAN 9 SQUARE FEET</li> <li>• THE BOTTOM EDGE OF THE GLAZING IS LESS THAN 18 INCHES ABOVE THE FLOOR</li> <li>• THE TOP EDGE OF THE GLAZING IS MORE THAN 36 INCHES ABOVE THE FLOOR</li> <li>• ONE OR MORE WALKING SURFACES ARE WITHIN 36 INCHES, MEASURED HORIZONTALLY AND IN A STRAIGHT LINE, OF THE GLAZING</li> </ul> <p>SEE R308.4.3 GLAZING IN WINDOWS FOR EXCEPTIONS (E.G. DECORATIVE GLAZING)</p>	<p><b>PLAN NOTE:</b></p> <p>CABINETRY AND FURNITURE IS SHOWN FOR PLANNING PURPOSES ONLY. CONTRACTOR TO COORDINATE WITH OWNER.</p> <p>ALL EXTERIOR DOORS TO BE INSULATED, AND HAVE WEATHER STRIPPING AND APPROPRIATE THRESHOLD.</p> <p><b>TYPICAL DECKS, PATIOS &amp; PORCHES:</b></p> <p>DECKS, PATIOS &amp; PORCHES TO BE 1/2" BELOW ADJACENT FINISHED FLOOR. PROVIDE GLAZING AT ALL FLOOR TRANSITIONS AT DECK, PATIOS, &amp; PORCHES</p> <p>IF THE FINISHED FLOOR HEIGHT OF THE DECK IS 30" ABOVE GRADE, STAIRS AND RAILINGS TO GRADE MUST BE ADDED. RAILINGS TO BE 36" TALL WITH A MINIMUM OF 4" TOP AND BOTTOM RAILS WITH 2" PICKETS SPACED AT NO MORE THAN 3" IS.</p> <p>IF THE FINISHED FLOOR IS TO BE SLOPED AWAY FROM STRUCTURE @ 1/8" PER FOOT.</p>	<p>F FIXED</p> <p>SH SINGLE HUNG</p> <p>DH DOUBLE HUNG</p> <p>C CASEMENT</p> <p>T TRANSOM</p> <p>EG EGRESS</p>	<p>2x4 WOOD STUDS @ 16" O.C. WITH R-20 BATT INSULATION.</p> <p>1/2" GYP BOARD INTERIOR SIDE</p> <p>1/2" PL WOOD SHEATHING, TYNEX WEATHER BARRIER &amp; SIDING EXTERIOR SIDE (SEE EXTERIOR ELEVATIONS)</p> <p>2x4 WOOD STUDS @ 16" O.C.</p> <p>1/2" GYP BOARD BOTH SIDES</p> <p>8" CMU FOUNDATION WALL</p> <p>2 HR. SEPARATION 2x4 WALL - UL - U305</p> <p>1 HR. EXTERIOR 2x4 WALL - GP-EFWW-02</p> <p>IMPERVIOUS SURFACES TO BE SLOPED AWAY FROM STRUCTURE @ 1/8" PER FOOT.</p>



**TRANSPARENCY CALCULATIONS:**  
FRONT FACADE: 251 SQFT  
TRANSPARENCY: 56 SQFT  
22.3% TRANSPARENCY PROVIDED

1 X 4 HARDIE TRIM

1 X 4 HARDIE TRIM

2 X 2 HARDIE TRIM

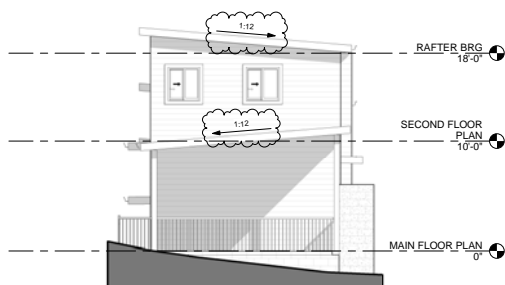
1 X 4 HARDIE TRIM

EXTERIOR ELEVATION NOTES

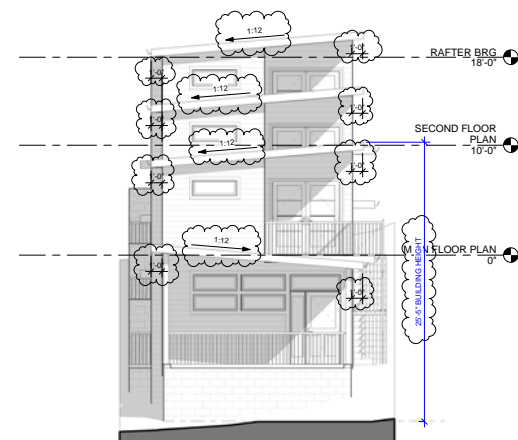
APPROXIMATE SITE LOCATION AND TOPOGRAPHY. GENERAL CONTRACTOR TO WORK WITH CIVIL AND STRUCTURAL TEAM TO CLARIFY HOME LOCATION ON PROPOSED SITE AND ANY RETAINING REQUIREMENTS. CONFIRM ANY BUILDING ADJUSTMENTS WITH ARCHITECT BASED ON LOCATION WITH N SETBACK REQUIREMENTS AND ANY CITY, CODE OR SEPTIC REQUIREMENTS PRIOR TO SUBMISSION.

**DESIGN ELEMENTS:**  
 4.6.E.4.A.III ROOF: ARTICULATED; 2 PITCHES WITH 2 RIDGEL LINE DIRECTIONS  
 VIS BLE FROM THE FRONT;  
 4.6.E.4.B. (MASONRY FENCE DIVIDING PATIOS ON ONE SIDE; CANTILEVERED  
 OVERHANGS AND CONCRETE STAIRS ON THE OTHER SIDE)  
 4.6.E.4.C. 8' DEEP PORCH SPANNING THE ENTIRE WIDTH OF BUILDING; 11' EAVE  
 OVERHANGS 12"; V. PROJECT NO ENTRY FEATURE 8' COVERED PORCH; VII.  
 ARTICULATED WINDOW AND DOOR TRIM  
 4.6.E.5 ONE UNIT FACES THE STREET;

5 ARTICULATED WINDOW & DOOR TRIM DETAIL  
A201 NTS



3 REAR ELEVATION  
A201  $3/16" = 1'-0"$



4 FRONT ELEVATION  
A201  $3/16" = 1'-0"$



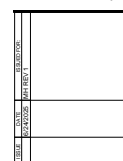
2 LEFT ELEVATION  
A201  $\frac{3}{16}'' = 1'-0''$



1 RIGHT ELEVATION  
A201  $3/16" = 1'-0"$



**MOSES AVE TRIPLEX**  
**NEW RESIDENTIAL CONSTRUCTION**  
1403 Moses Ave, Knoxville, Tennessee 37921



DRAWN BY: MB

EXTERIOR  
ELEVATIONS

A201

PROJECT : 25068

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