



# Memorandum

**TO:** Knoxville-Knox County Planning Commission  
**FROM:** Samiul Haque, Planner  
**DATE:** February 5, 2026  
**SUBJECT:** Appeal of an administrative determination for a Middle Housing application  
**FILE #:** 2-D-26-0B; Agenda Item #16

### SUMMARY OF RECOMMENDATION

Staff recommends that the Planning Commission evaluate this application based on its specific merits regarding Middle Housing. The Planning Commission should discuss whether the structure is a neighborhood-scale housing form that is compatible with existing housing in the surrounding area, whether it is similar in footprint, height, and setbacks with the existing neighborhood, and whether it will not be injurious to the neighborhood or public welfare.

Each application is reviewed on its own merits separately. Land use decisions are considered on a case-by-case basis, and they are not fully bound by precedent. Boards are free to make different decisions even on similar projects, as no two pieces of land are exactly the same. If the Planning Commission makes a different decision on a similar application, the Planning Commission should provide reasoning as to why the decision differs.

### BACKGROUND

This request is an appeal of a Planning staff determination for a Middle Housing application for a proposed 8-unit structure at 1216 Callaway Avenue (KnoxPlans project # IRC-NEW-25-0546). The subject property is located in the Mechanicsville neighborhood and currently accommodates a one-story single-family dwelling. The property is zoned RN-4 and is in the Traditional Neighborhood Residential land use classification. It has a lot size of 10,114 sq ft and a lot width of 75 ft.

This segment of Callaway Street comprises 18 single-story dwelling units and a 2-story duplex at the corner of Callaway Street and University Avenue, all of which are rectangular in shape, consistent with a typical house form. Other residential structures are modest in size, as small as approximately 900 sq ft. There are many nonconforming lots on this block regarding lot width, so the structures are likewise very narrow, with some as narrow as 15 ft. and 20 ft. in width.



**PLANNING STAFF REVIEW OF MIDDLE HOUSING REQUEST**

The site plans propose an asymmetric, U-shaped, 2.5-story structure featuring eight dwelling units separated by party walls/shared side walls. The proposed structure has a footprint encompassing approximately 3,370 sq ft (including porches), and a building area of approximately 5,012 sq ft (excluding porches).

**Staff Findings**

Per the Introductory statement of Article 4.6, *“Middle housing types are residential structures containing more than one unit, **with building footprints and overall scales comparable to single-family houses.**” And, “The standards in this Article are intended to promote **the development of neighborhood-scale housing forms which are compatible with existing housing in the surrounding area.**”*

- Staff do not find the form or scale to be compatible with existing housing in the area.
- On a 75-ft wide lot, the code allows up to a 2.5-story multiplex with a maximum footprint of 5,200 sq ft and/or a maximum floor area of 13,000 sq ft, excluding any porches or patios, but given that the code calls for housing forms at neighborhood scale **compatible with existing housing in the surrounding area**, the scale of the housing form should be scaled appropriately to other residential structures on the street. In a neighborhood predominantly consisting of larger residential structures, the maximum size of the structures allowed by the code would be more appropriate.
- The proposed structure is nearly 4 times the size of any other residential structure on the block face. The average floor area per residential structure of the block face is approximately 1,523 sq ft, including porches, compared to over 6,000 sq ft for the proposed structure. The average footprint of the 19 residential structures on both sides of the block face is approximately 1,422 sq ft. The proposed structure is approximately 3,370 sq ft, resulting in a footprint that is more than 2.3 times the size of the existing houses. The scale is even more outsized when looking at only the structures on the same side of the street.

Considering the factors above, staff found the application contradicted several sections of the zoning ordinance and shared the following review comments with the applicant:

*The project as presented does not meet the intent of Middle Housing Standards and contradicts the following sections of the Zoning Ordinance.*

1. *Promote the development of neighborhood-scale housing forms which are compatible with existing housing in the surrounding area.” (Article 4.6 - Middle Housing Standards, Article 4.6.E.1 - Middle Housing Design Standards)*

2. *Generate new Middle Housing buildings that are similar in footprint, height, and setbacks with the existing neighborhood.” (Middle Housing Design Standards, Article 4.6.E.4)*
3. *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.” (Administrative Variations, Variances, and Appeals, Article 4.6.G)*

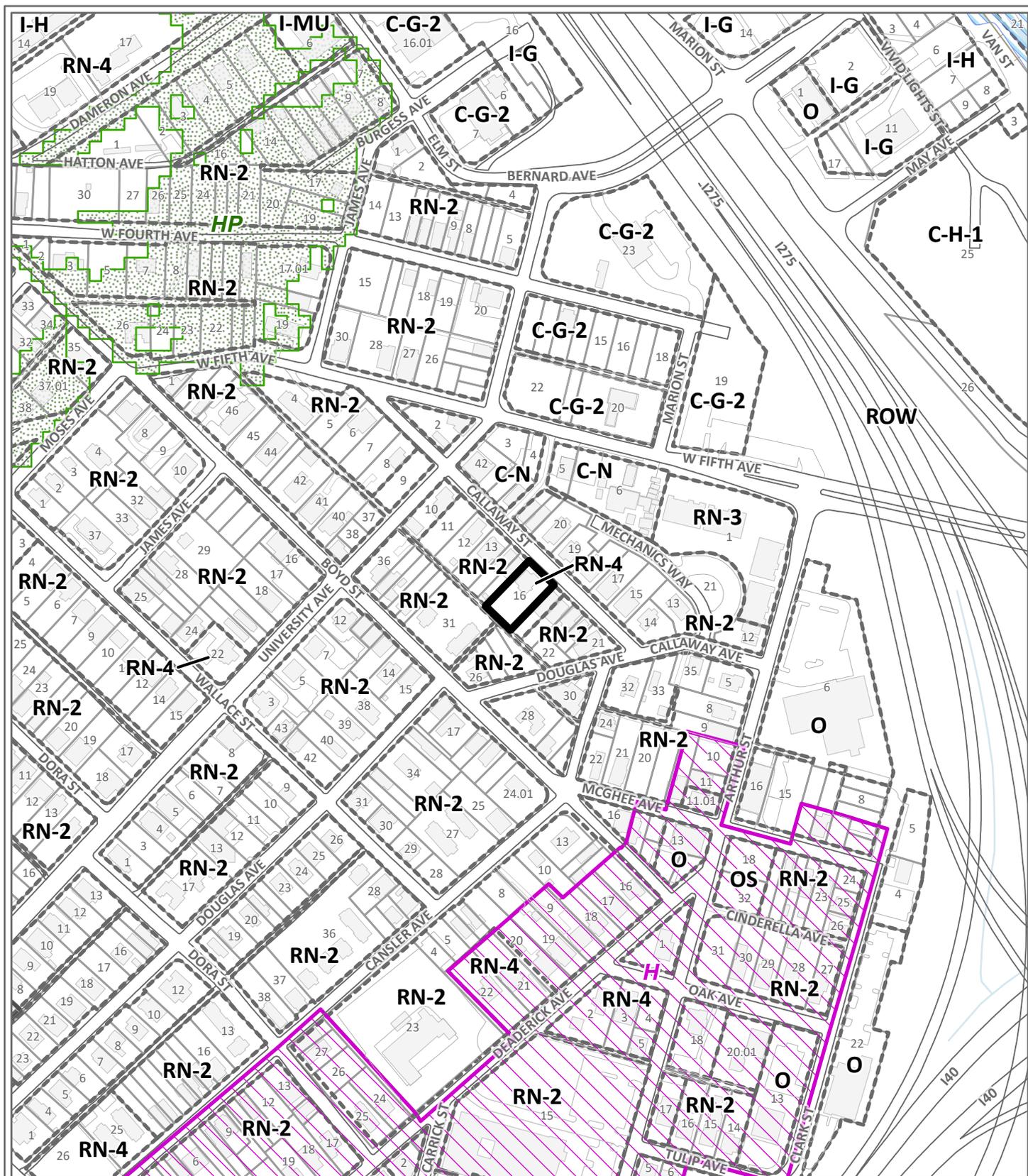
*The application generates a housing form that does not meet the intent of the Multiplex (small) type, which is to create neighborhood-scale, multi-unit buildings compatible with the existing neighborhood. The large, asymmetrical, U-shaped design with a continuous, 2.5-story mass fails to create the incremental scale transition between single-family homes and larger multifamily structures. It is not a neighborhood-scale housing form found in the surrounding or broader TDR area. Please revise the plans to meet Article 4.6. Alternatively, you could develop the property under the base RN-4 district standards (Article 4.3) or Cottage Court standards (Article 4.7).*

Staff review comments and applicant responses are provided in Exhibit D. The project is currently in "pending" status.

#### **STANDARD OF REVIEW**

The application was submitted prior to the recent amendments to the City of Knoxville Zoning Code, Article 4.6, Middle Housing, which amended the appeal body to the Design Review Board, and is therefore subject to the previous zoning ordinance requirements, in which Middle Housing appeals were heard by the Knoxville-Knox County Planning Commission.

In accordance with Article 16.12.A.4.b under the applicable code, the Planning Commission must evaluate the application based upon the evidence presented at the public hearing. The Commission may affirm, modify, impose restrictions, or overrule the Planning staff determination.



**OTHER BUSINESS**

**2-D-26-OB**

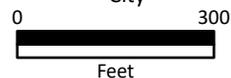
**Petitioner:** R. Bentley Marlow



Purpose of Request: Appeal of an administrative determination for a Middle Housing application.

**Map No:** 94

**Jurisdiction:** City



**Original Print Date:** 2/6/2026

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



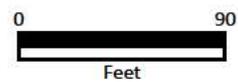
# Exhibit A. Contextual Images



**AERIAL MAP**



Case boundary



**Exhibit B. Street Views of this section of Callaway Street**

The same side of the street as the subject property, beginning at the corner of University Ave and Callaway St



1234 Callaway St (left, above) is blurred and not available for public view



**Exhibit B. Street Views of this section of Callaway Street**



The houses immediately adjacent to the subject property on the northwest side



The houses immediately adjacent to the subject property on the southeast side

**Exhibit B. Street Views of this section of Callaway Street**



The end of the block

Across the street from the subject property, beginning at the corner of Callaway Street and Douglas Avenue/Callaway Avenue



**Exhibit B. Street Views of this section of Callaway Street**



**Exhibit B. Street Views of this section of Callaway Street**



**Exhibit C. Bird's Eye Views of Block**

Bird's Eye View Looking South



Subject property outlined in blue (house to be removed)

**Exhibit C. Bird's Eye Views of Block**

Bird's Eye View Looking West



Subject property outlined in blue (house to be removed)

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

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

Street Name Change  Other: Middle Housing Denial

**Decision By:**  Planning Staff  Planning Commission  Other: \_\_\_\_\_  Date of Decision: \_\_\_\_\_

**Jurisdiction:**  City <sup>6</sup> \_\_\_\_\_ Council District  County \_\_\_\_\_ Commission District \_\_\_\_\_

**IRC-NEW-25-0546**

**R. Bentley Marlow**

Original File Number Being Appealed

Original Applicant Name

**1216 Callaway LLC, a subseries of Marlow Properties, LLC**

**094FQ016**

Name of Owner of Subject Property

Parcel Number of Subject Property

**Denial of Middle Housing Approval**

Decision Being Appealed

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

Arbitrary and Capricious denial by Staff. This design--namely shared walls with no common entry--was approved by Planning Commission on 14 August 2025, Agenda Item 30, Vote 10-1. That appeal dealt with the definition of MULTIPLEX and determined that this design--shared walls and no common entry--to comply. Additionally, at that hearing Planning Staff, including Director Brooks, made the argument about intent HOWEVER Planning Commission rejected that argument 10-1. Planning Staff is attempting to relitigate already decided designs.

## PETITIONER INFORMATION

**R. Bentley Marlow 13 January 2026**



Name of Petitioner

Signature of Petitioner

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

**Owner and General Contractor**

All correspondence should be sent to:	<b>R. Bentley Marlow</b>	<b>865-607-4357</b>	[REDACTED]	
	Name (Print)	Phone	Email	
<b>322 Douglas Avenue</b>	<b>Knoxville</b>	<b>TN</b>	<b>37921-4813</b>	
Address	City	State	ZIP	

## STAFF USE ONLY

<i>Shelley Gray</i> <b>Shelley Gray</b>	<b>\$250.00</b>	<b>1/13/2026</b>
Application Accepted by Planning Staff Member	Appeal Fee Amount	Date Appeal Received

Payment received: 1/15/2026, Sg

## APPEAL MEETING INFORMATION

City Council - 6 p.m. _____	County Commission - 5 p.m. _____	Knoxville-Knox County Planning Commission - 1:30 p.m. _____
Month   Date   Year	Month   Date   Year	Month   Date   Year

**02/12/2026**

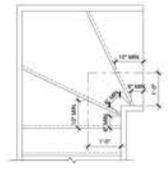




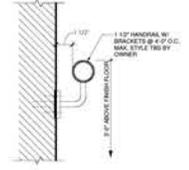
**STAIR AND MINIMAL CODE COMPLIANCE NOTE**

ALL INTERIOR AND EXTERIOR RESIDENTIAL STAIR CONSTRUCTION SHALL COMPLY WITH THE INTERNATIONAL RESIDENTIAL CODE (IRC) AS FOLLOWS:

- 1. STAIRWAY HEADROOM**  
MINIMUM VERTICAL HEADROOM CLEARANCE SHALL BE 6'8" (81 INCHES), MEASURED VERTICALLY FROM THE FINISH FLOOR OF THE LANDING PLATFORM ABOVE.
- 2. TREAD DEPTH AND RISE HEIGHT**  
MINIMUM RISE HEIGHT: 7 1/2 INCHES  
MINIMUM TREAD DEPTH: 10 INCHES  
OPENINGS ARE PERMITTED PROVIDED THE OPENING DOES NOT ALLOW THE PASSAGE OF A 4" SPHERE.  
THE GREATEST RISE HEIGHT OR TREAD DEPTH VARIATION WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED 3/8 INCH.
- 3. WINDER TREADS**  
WINDER TREADS ARE PERMITTED, PROVIDED THE TREAD DEPTH IS NOT LESS THAN 10 INCHES AT A POINT 12 INCHES FROM THE NARROW EDGE.  
THE MINIMUM TREAD DEPTH AT ANY POINT SHALL NOT BE LESS THAN 8 INCHES.  
WINDER TREADS SHALL BE ARRANGED TO PROVIDE A CONSISTENT AND CONTINUOUS WALKING SURFACE.
- 4. HANDRAILS**  
HANDRAILS ARE REQUIRED ON AT LEAST ONE SIDE OF STAIRWAYS WITH FOUR OR MORE RISES.  
HEIGHT SHALL BE 34 TO 38 INCHES ABOVE THE nosing OF THE TREADS.  
HANDRAILS SHALL BE CONTINUOUS FOR THE FULL LENGTH OF THE FLIGHT AND SHALL TERMINATE INTO A WALL, NEWEL POST, OR SAFETY TERMINAL.  
CLEARANCE BETWEEN THE HANDRAIL AND ADJACENT WALL SHALL BE A MINIMUM OF 1 1/2 INCHES.  
HANDRAIL TYPE AND SIZE SHALL CONFORM TO IBC SECTION 1011.7.3.3 (TYPE FOR PROFILES).



**1 WINDER TREAD DETAIL**  
3/4" = 1'-0"



**2 HANDRAIL DETAIL**  
3/4" = 1'-0"

**NOTE:**  
TELELOCATE ATTIC ACCESS MATCH FOR APPLIANCES IN ATTIC.



**2 SECOND FLOOR PLAN**  
1/4" = 1'-0"



**1 MAIN FLOOR PLAN**  
1/4" = 1'-0"

**WALL LEGEND**

- 2x4 WOOD STUDS @ 16" O.C. WITH R-20 BATT INSULATION
- 1/2" GYP BOARD EXTERIOR SIDE
- WEATHER BARRIER & BOND EXTERIOR SIDE (SEE EXTERIOR ELEVATIONS)
- 2x4 WOOD STUDS @ 16" O.C.
- 1/2" GYP BOARD INTERIOR SIDE
- 2" CMU FOUNDATION WALL
- 2x4H SEPARATION 2x4 WALL - 1/2" GYP BOARD INTERIOR SIDE
- 1x6H EXTERIOR 2x4 WALL - 1/2" GYP BOARD INTERIOR SIDE

**WINDOW LEGEND:**

- SH SINGLE HUNG
- S SLIDING

**FLOOR PLAN NOTES:**

**TYPICAL BLOCKING NOTE:**  
PROVIDE WOOD BLOCKING IN THE WALLS AS REQUIRED TO SUPPORT & ATTACH ALL WALL HANGING ITEMS SUCH AS CABINETS, BRACKETS, SHED PANELS, GRAB BARS, ETC. THE BLOCKING & ITS ATTACHMENTS SHALL CARRY THE MAXIMUM WEIGHT. VERIFY WITH MANUFACTURER.

**TYPICAL GLAZING NOTE:**  
GLAZING IN PLAN BEING SHOWN FREE OR OPTIMIZED PANEL THAT MEETS ALL OF THE FOLLOWING CONDITIONS SHALL BE CONSIDERED TO BE A HAZARDOUS LOCATION:

- THE EXPOSED AREA OF AN INDIVIDUAL PANEL IS LARGER THAN 9 SQUARE FEET
- THE BOTTOM EDGE OF THE GLAZING IS LESS THAN 36 INCHES ABOVE THE FLOOR
- THE TOP EDGE OF THE GLAZING IS MORE THAN 36 INCHES ABOVE THE FLOOR
- ONE CORNER HINGED OR SLIDING AND WITHIN 36 INCHES, MEASURED HORIZONTALLY AND IN A STRAIGHT LINE, OF THE GLAZING

SEE ROOM 2 GLAZING IN WINDOWS FOR EXCEPTIONS (E.G. SECONDARY GLAZING).

**PLAN NOTE:**  
CABINETRY AND FURNITURE IS SHOWN FOR PLANNING PURPOSES ONLY. CONTRACTOR TO COORDINATE WITH OWNER.

ALL EXTERIOR DOORS TO BE REINFORCED AND APPROPRIATE WEATHERSTRIP.

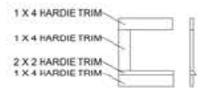
**TYPICAL DECKS PATIOS & PORCHES:**  
DECKS, PATIOS & PORCHES TO BE 1" BELOW ADJACENT FINISHED FLOOR. PROVIDE FLOORING AT ALL FLOOR TRANSITIONS AT DECK, PATIO, & PORCHES.

IF THE FINISHED FLOOR HEIGHT OF THE DECK IS 3" OR ABOVE GRADE, STAIRS AND WALKING TO GRADE MUST BE ACCESS WALKING TO BE 30" WIDE WITH A MINIMUM OF 2" TOP AND BOTTOM RAILS WITH 2" PICKETS BRACKETS NO MORE THAN 3" BY 4" APART. SURFACES TO BE SLOPED AWAY FROM STRUCTURE @ 1% PITCH.

- EXTERIOR ELEVATION KEYNOTES**
- 1 PAINT COAT ON EXPOSED WALL, PER OWNER
  - 2 PAINT COAT ON EXPOSED CEILING, PER OWNER
  - 3 1/2" X 4" HARDIE TRIM ON ALL EXPOSED INTERIOR SURFACES
  - 4 FINISHED BATTER TRIM, NOT SHOWN
  - 5 METAL SHUTTERS TO SUBMIT, NOT SHOWN
  - 6 SHOWN ARCHITECTURAL MATERIAL, COLOR & STYLE TO BE CHosen
  - 7 RE-SHEATH

**EXTERIOR ELEVATION NOTES**

APPROXIMATE ELEVATION AND TYPICAL GENERAL CONTRACTOR TO MARK WITH LINE AND STRUCTURE, TO BE CLAMPED TO CLAMP LOCATION PER PERIODICITY AND ANY OTHER REQUIREMENTS PER TO BE CALLED FOR.

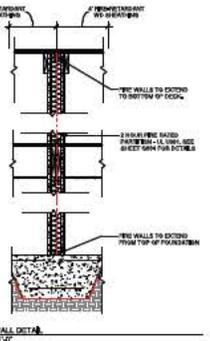


**ARTICULATED WINDOW AND DOOR TRIM DETAIL**

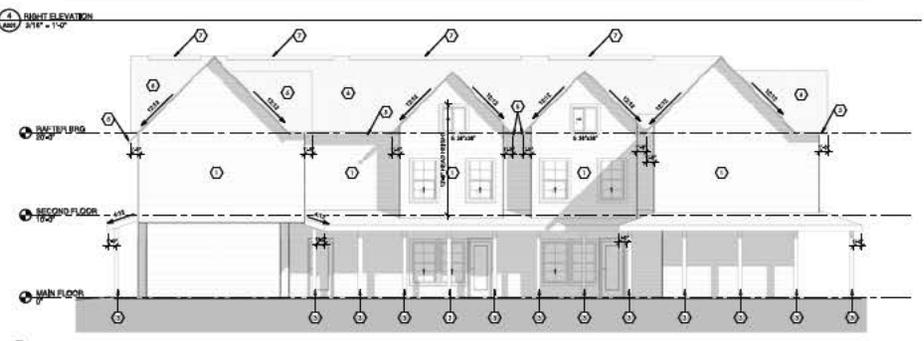
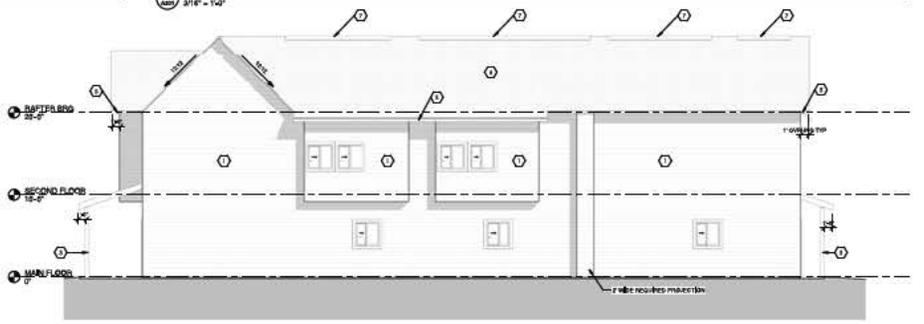
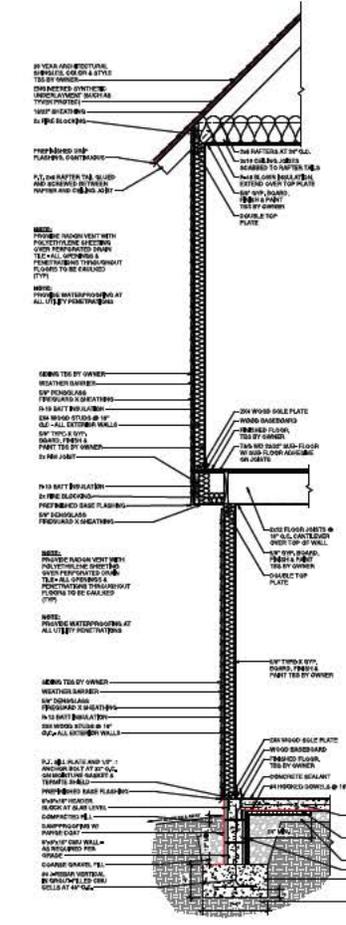
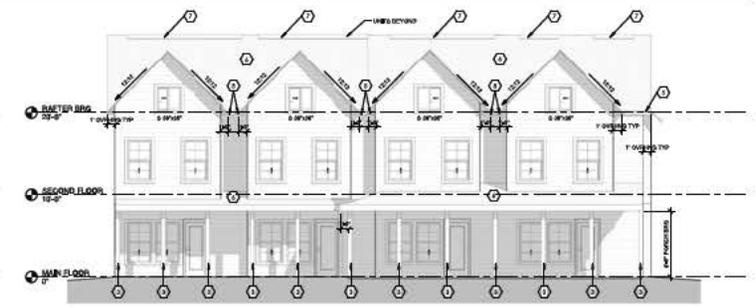
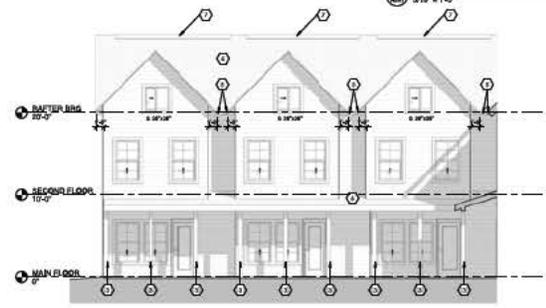
**DESIGN ELEMENTS:**  
 4.5' X 4.5' ROOF: ARTICULATED, 2 PITCHES WITH 2 PITCHES (DIRECTION VISIBLE FROM THE FRONT).  
 4.5' X 4.5' DEEP PORCH SPANNING THE ENTIRE WIDTH OF BUILDING.  
 8' GAVE OVERHANDS 10".  
 1/2" PROFILES WITH FEATURE IF COVERED PORCH.  
 V.S. ARTICULATED WINDOW AND DOOR TRIM.  
 4.5' X 4.5' ONE UNIT FACES THE STREET.

**TRANSPARENCY CALCULATION:**  
 FRONT FACADE: 87% SOFT  
 TRANSPARENCY: 14% SOFT  
 21.5% TRANSPARENCY PROVIDED

**NOTE:**  
 ALL WINDOW HEAD HEIGHTS ARE 6'-4" AFF. LAND.



**1/2" WALL DETAIL**



# Exhibit D. KnoxPlans Review Comments



## CITY OF KNOXVILLE ELECTRONIC DOCUMENT REVIEW

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Project:

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**Reviews**

**IRC-NEW-25-0546:** Dwelling - Townhouse, \$700000 , 1216 Callaway MULTIPLEX

**Dept:**  ▼

**Status:**  ▼

**Response:**  ▼

**Search:**

**Type:**  ▼

**Cycle:**  ▼

**Time:**  ▼

[Refresh](#)

# Exhibit D. KnoxPlans Review Comments

	Ref.# 32	Planning Review	Samiul Haque	8/6/25 1:40 PM	Cycle 1	<i>Type your response here.</i>
	Unresolved	PLANNING -- Article 4.6.A (Middle Housing Types): The building is described as a multiplex. The application does not propose units that are arranged side-by-side and/or stacked with a shared entry on the ground floor, with building footprint and overall scale comparable to single-family houses, and does not meet the intent of the definition of multiplex. The building features eight units with individual entrances, with the units separated by party walls/shared side walls, which partially meet the definition of a DwellingTownhouse per article 2.3.				
	Comment					
		<p><i>Reviewer Response: Samiul Haque - 10/8/25 3:05 PM</i> Revised plans not submitted.</p> <hr/> <p><i>Responded by: MARLOW BUILDERS - 9/30/25 12:14 PM</i> This design--namely shared walls with no common entry--was approved by Planning Commission on 14 August 2025, Agenda Item 30, Vote 10-1. That appeal dealt with the definition of MULTIPLEX and determined that this design--shared walls and no common entry--to comply. Accordingly, no further appeal is necessary. Additionally, at that hearing Planning Staff, including Director Brooks, made the argument about intent HOWEVER Planning Commission rejected that argument 10-1. Planning Staff is attempting to relitigate already decided designs.</p> <hr/> <p><i>Reviewer Response: Samiul Haque - 9/12/25 4:10 PM</i> The project as presented does not meet the intent of Middle Housing Standards and contradicts the following sections of the Zoning Ordinance.</p> <p>-- "promote the development of neighborhood-scale housing forms which are compatible with existing housing in the surrounding area." (Article 4.6 - Middle Housing Standards, Article 4.6.E.1 - Middle Housing Design Standards)          -- "generate new Middle Housing buildings that are similar in footprint, height, and setbacks with the existing neighborhood." (Middle Housing Design Standards, Article 4.6.E.4)          -- "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." (Administrative Variations, Variances, and Appeals, Article 4.6.G)</p> <p>The application generates a housing form that does not meet the intent of the Multiplex (small) type, which is to create neighborhood-scale, multi-unit buildings compatible with the existing neighborhood. The large, asymmetrical, U-shaped design with a continuous, 2.5-story mass fails to create the incremental scale transition between single-family homes and larger multifamily structures. It is not a neighborhood-scale housing form found in the surrounding or broader TDR area.</p> <p>Please revise the plans to meet Article 4.6. Alternatively, you could develop the property under the base RN-4 district standards (Article 4.3) or Cottage Court standards (Article 4.7).</p> <hr/> <p><i>Responded by: MARLOW BUILDERS - 9/3/25 8:42 PM</i> The definition of a multiplex does not require units to be stacked; nor does it require a shared entrance. This design complies with the building width and depth for a MULTIPLEX as specified in Art. 4.6. Planning Commission determined this design met the requirements of Art. 4.6 as a MULTIPLEX upon appeal of similarly designed structure located next door at 1214 Callaway Street, file number 8-B-25-OB, Agenda Item 30, heard by Planning Commission on 14 August 2025; vote approving this design as MULTIPLEX 10-1. See <a href="https://www.youtube.com/watch?v=nI2UodcbZEo&amp;list=PLHG8_5NdPaHaPC8FQ_0UBHKx3g1VzxBFc">https://www.youtube.com/watch?v=nI2UodcbZEo&amp;list=PLHG8_5NdPaHaPC8FQ_0UBHKx3g1VzxBFc</a></p>				
	Ref.# 33	Planning Review	Samiul Haque	8/6/25 1:41 PM	Cycle 1	<i>No response required.</i>
	Info Only	PLANNING -- Article 4.6.B (Uses), Article 4.6.C (Dimensional Standards - lot width): A multiplex is a permitted use in the RN-4 district, and the lot width of 75' meets the minimum lot width requirement for a lot with alley access.				
	Comment					
	Ref.# 34	Planning Review	Samiul Haque	8/6/25 1:42 PM	Cycle 1	<i>No response required.</i>
	Info Only	PLANNING -- Article 4.6.D (Parking Standards): The application includes no parking spaces. No spaces are required as the property is within a quarter mile of a transit route.				
	Comment					
	Ref.# 35	Planning Review	Samiul Haque	8/6/25 1:42 PM	Cycle 1	
	Resolved	QUESTION FOR ZONING: The second-story projections on the northern side (right elevation) encroach into the required 5' side setback. Am I right to assume these will not be allowed per Article 10.4?				

# Exhibit D. KnoxPlans Review Comments

	Comment	will not be allowed per Article 10.4?	
		<i>Reviewer Response: Samiul Haque - 9/12/25 12:57 AM</i> The revised plan submitted on 9.3.2025 meets the required side setbacks.	

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