

# BOARD OF ZONING APPEALS

**NAME OF APPLICANT** Perry Childress

**FILE NO.** 9-A-18-VA

**The applicant is:** ☒ Owner ☐ Tenant ☐ Contractor ☐ Other \_\_\_\_\_

**This is a request for:**

- ☒ Zoning Variance (Building Permit Denied) ☐ Extension of Non-Conforming Use  
☐ Appeal of Administrative Official's Decision ☐ Map Interpretation

**PROPERTY INFORMATION**

Street Address 212 Hialeah Drive		<input type="checkbox"/> Temporary <input checked="" type="checkbox"/> Official
Zoning District R-1A	Zoning Map Number 123	
Ward and Block 27/27137	Lot/Parcel 1/123BF016	

**This proposal pertains to:** ☐ New Structure ☒ Extension of Existing Structure ☐ Off-Street Parking  
☐ Signage ☐ Other \_\_\_\_\_

**Is a plat required?** ☐ Yes ☒ No

**DESCRIPTION OF PROPOSAL**

New owner wants to make the rear addition which was installed around 2016 legal. The setback is 18.4'

Describe specific ways in which this proposal fails to meet the requirements of the City of Knoxville Zoning Ordinance (please reference Section/Article of the Ordinance): Reduce rear yard setback from 25' to 18.4'  
as per City of Knoxville Zoning Ordinance Article 4, section 2.1.2.D.3.a.

**CITY OF KNOXVILLE BUILDING INSPECTOR**

Brandon Littlejohn

**DATE**

8-7-18

9-A-18-VA

# APPLICANT'S HARDSHIP

Which special circumstance(s) of the property do not apply generally in the zoning district?

☒ Size ☐ Elevation ☐ Slope ☐ Shape ☐ Soil ☐ Subsurface ☒ Other EXISTING CONDITION WHEN PURCHASED, LOT WAS NOT PLATTED PRIOR TO PURCHASE

What legal hardship(s) prevents any reasonable use of your land under the terms of the Zoning Ordinance?

CURRENT LOT OF RECORD HAS ORIGINAL HOUSE WHICH DID NOT MEET REAR SETBACK. ADDITIONAL PROPERTY NOT AVAILABLE.

I affirm that the hardship described above was not created by anyone having an ownership interest in the property since 1962. ☐ Yes ☒ No If answering no, explain: PREVIOUS OWNER ADDED

APPROX. 2' TO BACK OF HOUSE APPROX. 2016

Are the conditions on your property the result of other man-made changes (such as the relocation of a road or highway)? ☒ No ☐ Yes If answering yes, describe: \_\_\_\_\_

# APPLICANT'S AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of options on same, as listed below.

Signature: J. Perry Childress

Address to which all correspondence should be mailed regarding this application:

Name (Print)	Street Address	City	State	Zip	Telephone
J. PERRY CHILDRESS	1821 MARYVILLE PK	KNOX	TN	37920	(865) 803-2545

Names of all property owners or holders of option on same must be listed here:

Name (Print)	Street Address	City	State	Zip	Telephone

Date Filed:

Fee Paid: \$250.00 #842 8/7/18 js

Councilmanic District:

MPC Planning Sector:

General Location Description

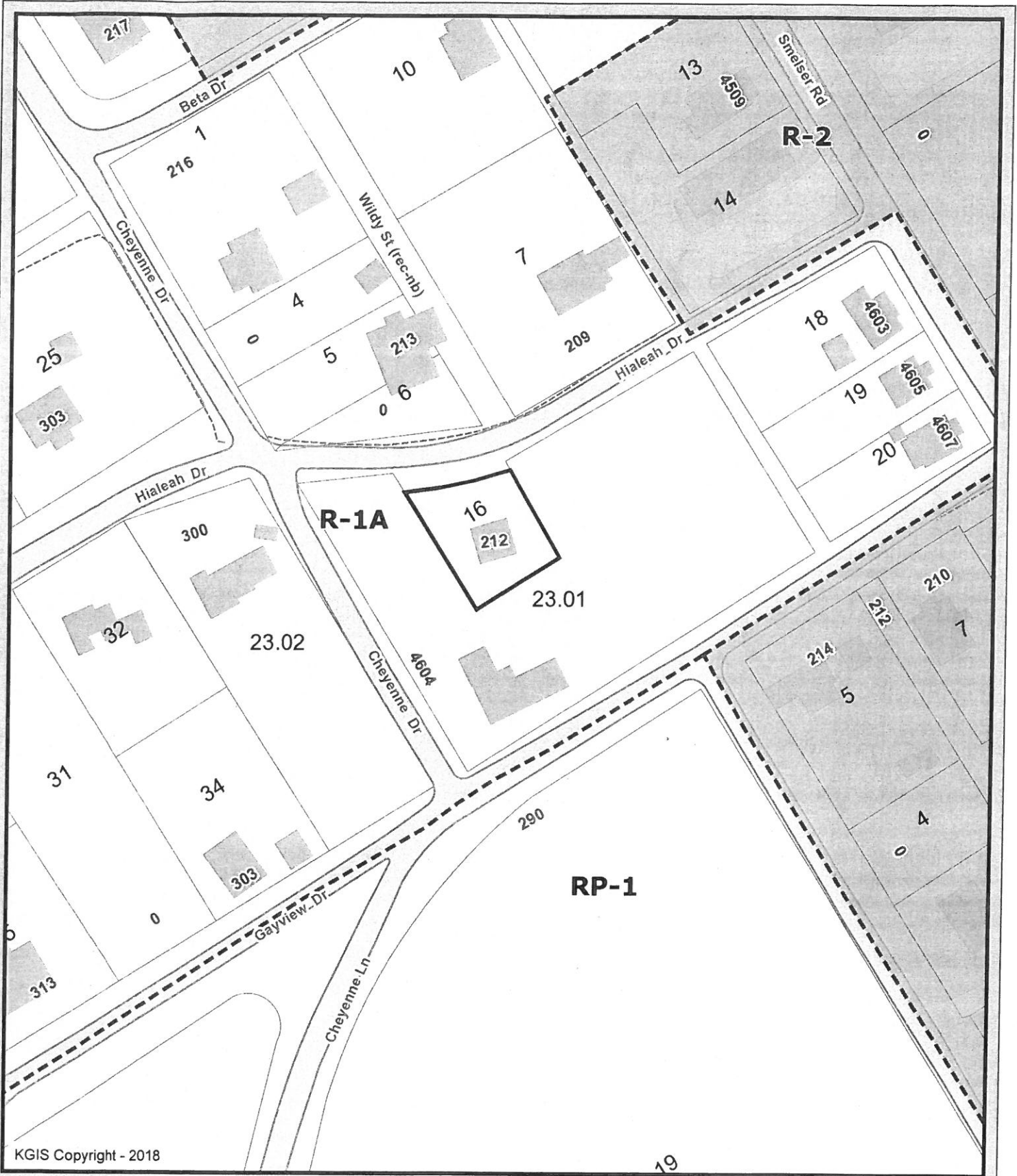
Size: Acres

Size: Sq. Ft.

**METROPOLITAN PLANNING COMMISSION**

**DATE**

8/7/18



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**Perry Childress**

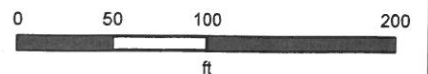
212 Hialeah Dr.

9-A-18-VA

**Knoxville - Knox County - KUB Geographic Information System**



Printed: 8/21/2018 at 9:18:32 AM



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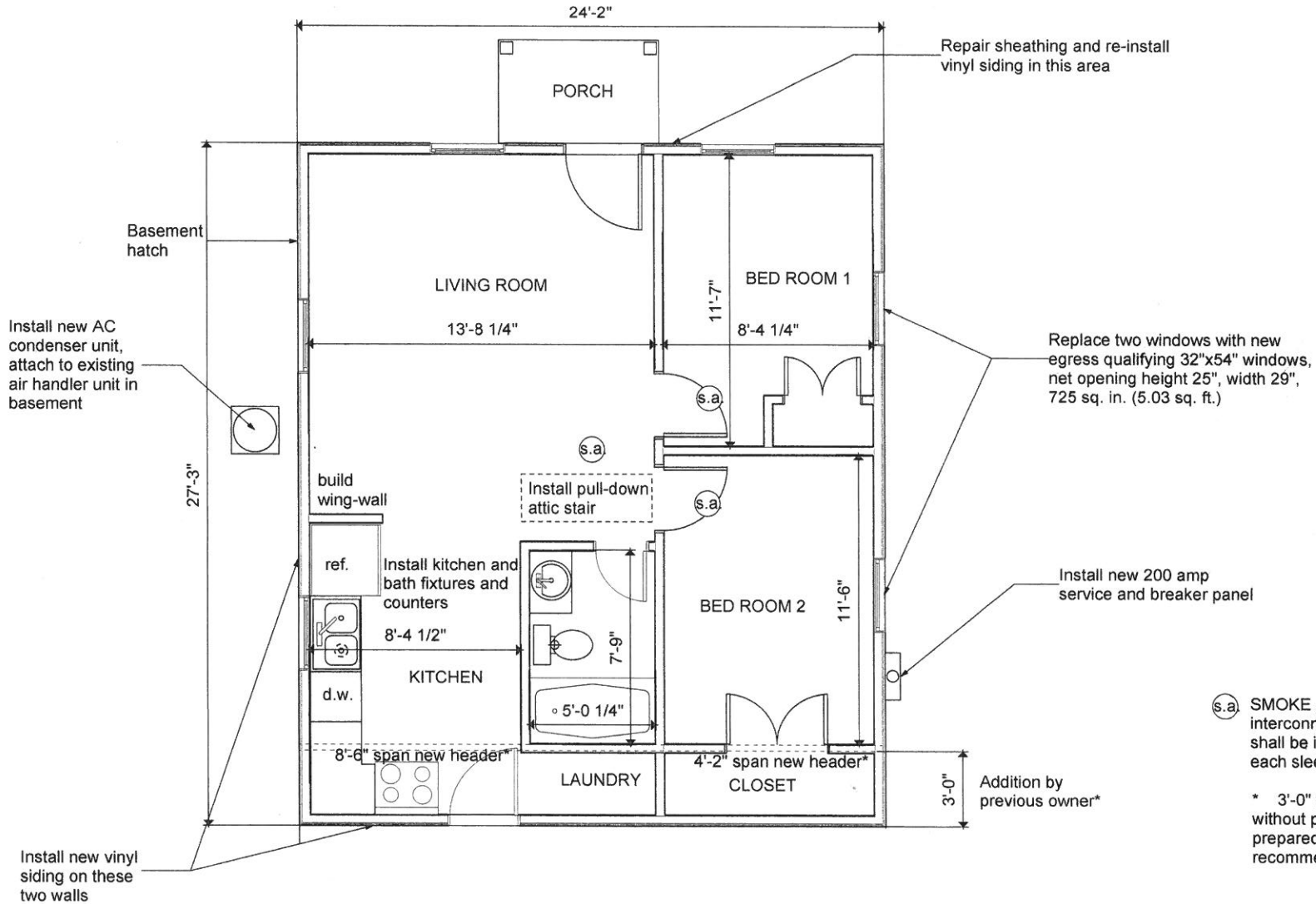








9-A-18-VF



#### NOTES:

- Install automatic sump pump in basement
- Install water heater in basement, elevate 16" above floor
- Existing interior wiring rough-in already inspected and "green-tagged" under previous owner
- Install new electrical devices and fixtures on already approved wiring rough-in
- Rough-in all plumbing supply and drain connections to existing service connections
- Insulate walls (R-13), ceiling (R-38), and floor (R-19)
- Drywall interior walls and ceiling, paint finish
- Install finished flooring throughout, type to be determined

(s.a.) SMOKE ALARMS: 110V, hardwired, interconnected battery back-up smoke detectors shall be installed in each sleeping room, outside each sleeping room in the immediate vicinity

\* 3'-0" addition built by previous owner without permit. Engineers report being prepared to certify structure or recommend remedial actions.

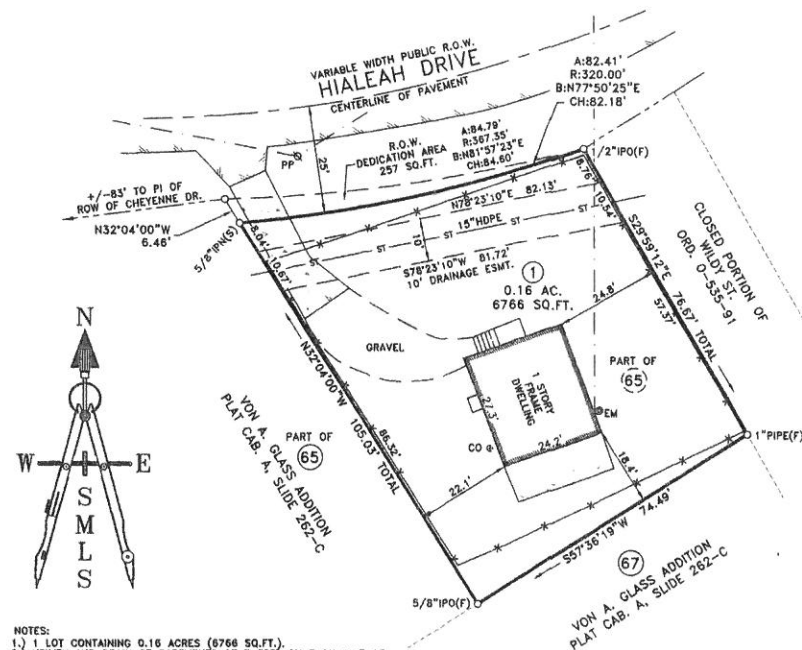
 **FLOOR PLAN**  
Scale 1/4" = 1'-0"

9-A-18-VA

27137-A

A-A-18-17

NOTE:  
1.) THE UNDERGROUND UTILITIES SHOWN, IF ANY, HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED.  
THE SURVEYOR HAS NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES. VERIFY EXACT SIZE AND LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES WITH THE PROPER LOCAL AUTHORITIES BEFORE EXCAVATION OR CONSTRUCTION.



- NOTES:
1. LOT CONTAINING 0.16 ACRES (6766 SQ. FT.).
  2. UTILITY AND DRAINAGE EASEMENTS OF 5 FEET ON EACH SIDE OF ALL INTERIOR LOT LINES, AND 5 FEET ALONG EXTERIOR BOUNDARY LINES, AND 10 FEET ALONG ALL LOT LINES ADJOINING STREETS AND PRIVATE RIGHTS-OF-WAY (INCLUDING JOINT PERMANENT EASEMENTS).
  3. PROPERTY IS ZONED: "R-1A".
  4. PROPERTY IS SUBJECT TO ANY AND ALL RESTRICTIONS, CONDITIONS, PLANNING COMMISSION REGULATIONS, ZONING ORDINANCES, RIGHTS-OF-WAY, EASEMENTS, AND BUILDING SETBACK REQUIREMENTS, IF ANY, AFFECTING SAID PROPERTY.
  5. SUBJECT TO EASEMENTS OR RIGHTS-OF-WAYS, OR CLAIMS OF EASEMENTS OR RIGHT-OF-WAYS, NOT SHOWN BY THE PUBLIC RECORDS.
  6. EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON, NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED THIS SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL.
  7. THIS SURVEY WAS PREPARED USING A COMBINATION OF TOTAL STATION AND R.T.K. G.P.S. DATA COLLECTION. G.P.S. RECEIVER INFO: SPECTRA SP80 - S/N 5425900072. G.P.S. DATA COLLECTED HAD A SOFTWARE GENERATED R.M.S. OF LESS THAN 0.1 FEET.
  8. GRID NORTH IS BASED ON THE 2007 GNSS REFERENCE NETWORK.
  9. PER CITY OF KNOXVILLE ZONING ORDINANCE ARTICLE 5 SECTION 6 IN ANY RESIDENTIAL DISTRICT, A HOUSE MAY BE RECONSTRUCTED BY DEED PROVIDED THE LOT IS LOCATED IN THE AREA WITHIN THE CITY BOUNDARY RESULTING FROM AN ANNEXATION IN 1917; IS DESCRIBED BY A DEED RECORDED PRIOR TO FEBRUARY 3, 1947; AND HAS REMAINED IN CONTACT WITH THE SAME BOUNDARY CONFIGURATION SINCE THE RECORDED DATE.
  10. SUBJECT PORTION OF LOT 65 HAS BEEN TRANSFERRED IN THIS CONFIGURATION SINCE AT LEAST NOVEMBER OF 1952 AS EVIDENCED IN DEED BK. 908, PAGE 141.

THE APPROVAL OF THIS PLAT DOES NOT INCREASE ANY ZONING NON-CONFORMITIES FOR THE EXISTING STRUCTURE ON THE PROPERTY NOR DOES IT CHANGE THE NONCONFORMING STATUS OF THE EXISTING STRUCTURES. DOCUMENTATION AS TO THE LEGAL STATUS OF THE STRUCTURES OR VARIANCES FROM THE BOARD OF ZONING APPEALS MAY BE REQUIRED AT SOME LATER DATE FOR PERMIT APPLICATIONS OR OTHER DEVELOPMENT APPROVALS.

COUNTERSIGNED  
KNOX COUNTY FACILITY ASSESSOR  
MAY 15 2018  
BY JOHN H. WHITEHEAD

#### LEGEND OF SYMBOLS

- WH ○ SANITARY MANHOLE
- CO ○ CLEAN OUT
- PP ○ POWER POLE
- EM ○ ELECTRIC METER
- OVERHEAD UTILITY LINES
- CONCRETE
- PAVEMENT
- IPO(F) IRON PIN - OLD (FOUND)
- IP(N) IRON PIN - NEW (SET)
- PROPERTY LINE
- N90°00'00"E SURVEYED BEARING AND DISTANCE
- FENCE
- ST — STORM DRAIN PIPE

#### Addressing Department Certification

I, the undersigned, hereby certify that the subdivision name and all street names conform to the Knoxville/Knox County Street Naming and Addressing Ordinance, the Administrative Rules of the Planning Commission, and these regulations.

Signed: [Signature] Date: 5/15/18

#### Certificate of Approval for Recording - Administrative Plat

This is to certify that the subdivision plat shown has been found to comply with the Subdivision Regulations of Knoxville and Knox County and with existing official plans, and this plat is hereby approved for recording in the office of the Knox County Register of Deeds.

Signed: [Signature] Date: 5/15/18

This is to certify that all property taxes and assessments due on this property have been paid.

Knox County Trustee: Signed: [Signature] Date: 5-15-18

City Tax Clerk: Signed: [Signature] Date: 5-15-18

#### City of Knoxville Department of Engineering

The Knoxville Department of Engineering hereby approves this plat on this the 15<sup>th</sup> day of May, 2018.

[Signature]  
Engineering Director

#### Certification of Final Plat-All Indicated Markers, Monuments and Benchmarks

I hereby certify that I am a registered land surveyor licensed to practice surveying under the laws of the State of Tennessee. I further certify that this plat and accompanying drawings, documents, and statements conform, to the best of my knowledge, to all applicable provisions of the Knoxville/Knox County Subdivision Regulations except as has been itemized, described and justified in a report filed with the Metropolitan Planning Commission, or for variances which have been approved as identified on the final plat. The indicated permanent reference markers and monuments, benchmarks and property monuments were in place on the 15 day of May, 2018.

Registered Land Surveyor: [Signature] Date: 5-11-18

Matthew J. Dawson, RLS 3050

#### Certification of Category and Accuracy of Survey

I hereby certify that this is a Category 1 survey and the ratio of precision of the undisturbed survey is not less than 1:10,000 as shown hereon and that said survey was prepared in compliance with the current edition of the Rules of Tennessee State Board of Examiners for Land Surveyors - Standards of Practice.

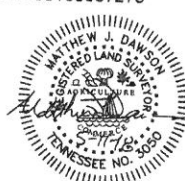
Registered Land Surveyor: [Signature] Date: 5-11-18

Matthew J. Dawson, RLS 3050

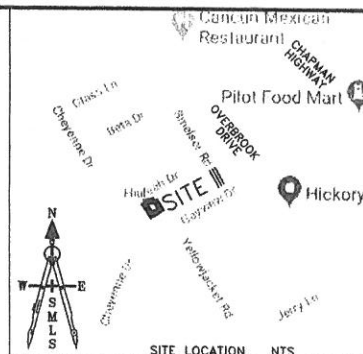
SHERRY WITT  
REGISTER OF DEEDS  
KNOX COUNTY

MPC FILE# 3-R-18

201805150067275



THIS IS TO CERTIFY THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR THE STATE OF TENNESSEE.



#### Certificate of Ownership and Dedication

(I, We), the undersigned owner(s) of the property shown herein, hereby adopt this as (my, our) plan of subdivision and dedicate the streets as shown to the public use forever and hereby certify that (I am, we are) the owner(s) in fee simple of the property, and as property owner(s) have an unrestricted right to dedicate right-of-way and/or grant easement as shown on this plat.

Owner(s)  
Printed Name: Margaret Childress Signature: [Signature]

Date: 5-11-18

#### Notary Certification

State of Tennessee County of Knox

On this 11<sup>th</sup> day of May, 2018

Before me personally appeared Margaret Childress and [Signature], known to me to be the persons described in, and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Witness my hand and notarial seal, this 11th day and year above.

Written: [Signature] Notary

My Commission expires My Commission Expires March 3, 2021



This is to certify that the subdivision shown hereon is approved subject to the installation of sanitary sewers and treatment facilities, and that such installation shall be in accordance with state and local regulations.

Knox County Health Department: [Signature] Date: 5-15-18

Zoning district(s) in which the land being subdivided is located shall be indicated as shown on the zoning map by the Planning Commission as follows:

Zoning Shown of Official Map: R-1A

By: [Signature] Date: 5/15/18

OWNER:  
PERRY & MARGARET CHILDRESS  
1821 MARYVILLE PIKE  
KNOXVILLE, TN 37920  
PH: (865)-803-2545

(RESUB. OF PART OF LOT 65, VON A. GLASS ADDITION)  
**FINAL PLAT OF THE PERRY & MARGARET CHILDRESS PROPERTY**

SURVEY FOR DISTRICT 9 COUNTY KNOX CITY KNOXVILLE WARD 27 STATE TN  
LOT NO. P.O. 65 BLOCK — IN VON A. GLASS ADDITION  
ADDRESS HIALEAH DR.  
PLAT REFERENCE CAB. A. SLIDE 262-C  
DEED REFERENCE 201710090022371  
TAX MAP 123B GROUP F PARCEL 016.00  
CITY BLOCK NO. 27137 SCALE 1"=20'  
DATE 03/18/2018 REVISION DATE —  
CENSUS TRACT NO. 34 DRAWN BY MJD  
BEARING BASE GRID NORTH

**SMS**  
SMOKY MOUNTAIN LAND SURVEYING CO., INC.  
MATTHEW J. DAWSON  
R.L.S. #3050  
P.O. BOX 9891  
KNOXVILLE, TN 37940  
PH: (865) 879-4076  
FAX: (865) 333-5768  
WWW.SMSURVEY.COM  
SMS DWG NO. 180018





9-A-18-V

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