

CASE SUMMARY

APPLICATION TYPE: SPECIAL USE



File Number: 2-B-24-SU **Related File Number:**
Application Filed: 12/8/2023 **Date of Revision:** 1/11/2024
Applicant: JOSE MARTINEZ

PROPERTY INFORMATION

General Location: East side of Jackson Rd, south side of Windtree Ln
Other Parcel Info.:
Tax ID Number: 92 M B 013 22 **Jurisdiction:** City
Size of Tract: 10890 square feet
Accessibility: Access is via Windtree Lane, a local road with a pavement width of 26 ft within a 50-ft right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Single Family Residential
Surrounding Land Use:
Proposed Use: Reduction of peripheral setback in the former RP-1 district from 25 ft to 19.5 ft **Density:**
Sector Plan: Northwest City **Sector Plan Designation:** MDR (Medium Density Residential), HP (Hillside Pr
Growth Policy Plan: N/A (Within City Limits)
Neighborhood Context: The area has a mix of residential and nonresidential uses along Jackson Road. The east side of Jackson Road is characterized by single family detached houses and multifamily developments, while the west side of the road includes commercial, industrial, and office uses.

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 5836 WINDTREE LN
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: None noted.

PLAN INFORMATION (where applicable)

Current Plan Category: MDR (Medium Density Residential), HP (Hillside Protection)

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge:

Samiul Haque

Staff Recomm. (Abbr.):

Approve the request for a reduction of the peripheral setback in the former RP-1 district from 25 ft to 19.5 ft for the subject property, subject to 4 conditions.

Staff Recomm. (Full):

- 1) Retain and maintain the existing vegetation to provide a buffer for the adjacent properties in the south.
- 1) Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.
- 2) Meeting all applicable requirements of the City of Knoxville Engineering Department.
- 3) Meeting all applicable requirements of the City of Knoxville Department of Plans Review and Inspections Department.

Comments:

The property is a part of the Jackson Square subdivision that was developed under the standards of the former RP-1 (Planned Residential) district. Between 1985-1988, the Planning Commission approved a Use on Review (1-A-85-UR) and a Concept Plan (2-SA-88-C) for this subdivision, which included a 25-ft peripheral setback requirement according to the old zoning ordinance. Per Article 1.4.G of the Knoxville Zoning Ordinance, all previously approved planned districts are still in effect and are subject to all plans, regulations, and/or conditions of their approval. Therefore, the 25-ft peripheral boundary applies and requires Planning Commission approval to reduce it.

The property owner wants to build a shaded deck attached to the rear of the existing house (Permitting application # IRC-ADD-23-0255, see exhibit B for site plan and architectural drawings). The proposed deck encroaches the peripheral setback beyond allowed exceptions. This request is to reduce the peripheral setback in the former RP-1 district from 25 ft to 19.5 ft, which will allow building the deck.

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2)

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.

A. The proposed setback reduction is not in conflict with any adopted plans, including the General Plan and the One Year Plan.

B. The General Plan's development policy 10.11 describes that a shallow setback may be appropriate for portions of planned developments that do not abut or face conventional suburban developments. The subject property meets this description as it abuts a duplex subdivision in the rear.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.

A. The former RP-1 district was intended to provide flexibility for different types of residential development. A deck was a permitted accessory structure for houses according to the previous zoning ordinance (Article V, Section 4.B.1 of the of the previous Knoxville Zoning Ordinance).

B. According to Article V, Section 6.B.11 of the former zoning ordinance, unenclosed porches (including roofed decks) can extend 6 ft into the required yard. Reduction of the peripheral setback to 19.5 ft will allow a deck to be built no closer than 13.5 ft to the rear lot line. The proposed site plan conforms to the zoning ordinance.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. The shaded deck that would be allowed by this setback reduction is consistent with the surrounding residential developments. Several other houses in this subdivision have attached decks in rear yards.

B. The size and height of the subject deck will be compatible with the existing house on this lot and other structures in the vicinity.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY

NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.

A. The proposed setback reduction or the subject deck is not anticipated to injure the value of any adjacent properties.

B. Retaining and maintaining the existing vegetation as a condition of this special use approval will ensure a buffer for the abutting duplex developments.

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

A. Approval of this request is not anticipated to draw any additional traffic.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses immediately surrounding the subject property that would pose a potential hazard or undesirable environment.

Action: Approved with Conditions **Meeting Date:** 2/8/2024

Details of Action:

Summary of Action: Approve the request for a reduction of the peripheral setback in the former RP-1 district from 25 ft to 19.5 ft for the subject property, subject to 4 conditions.

Date of Approval: 2/8/2024 **Date of Denial:** **Postponements:**

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Date of Legislative Action: **Date of Legislative Action, Second Reading:**

Ordinance Number: **Other Ordinance Number References:**

Disposition of Case: **Disposition of Case, Second Reading:**

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**