

# CASE SUMMARY

**APPLICATION TYPE: USE ON REVIEW**

KNOXVILLE · KNOX COUNTY

**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N

T E N N E S S E E

Suite 403 • City County Building  
4 0 0 M a i n S t r e e t  
Knoxville, Tennessee 37902  
8 6 5 • 2 1 5 • 2 5 0 0  
F A X • 2 1 5 • 2 0 6 8  
w w w • k n o x m p c • o r g

**File Number:** 2-C-12-UR  
**Application Filed:** 12/27/2011  
**Applicant:** JOHN MARK HURST

**Related File Number:**  
**Date of Revision:**

## PROPERTY INFORMATION

**General Location:** Northeast side of Howard Bennett Way, north of W. Emory Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 77 L E 003 **Jurisdiction:** County  
**Size of Tract:** 12022 square feet  
**Accessibility:** Access is via Howard Bennett Wy., a private joint permanent easement with a pavement width that varies between 10' to 12' within a right-of way that varies in width between 25' and 50'

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant lot  
**Surrounding Land Use:**  
**Proposed Use:** Duplex **Density:**  
**Sector Plan:** Northwest County **Sector Plan Designation:** LDR  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** This site is part of a five lot subdivision that was approved by MPC in 1997. Two duplexes have been built in this subdivision with the other lots still being vacant. This development is surrounded by detached dwellings that have been built in the A or RA zones.

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

**Street:** 7214 Howard Bennett Way  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** RA (Low Density Residential)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** The property was zoned RA (Low Density ) residential in 1996. Two duplexes have previously been approved in 1998 and 2003 via the use on review process

## PLAN INFORMATION (where applicable)

**Current Plan Category:**

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.:

**MPC ACTION AND DISPOSITION**

Planner In Charge: Dan Kelly

Staff Recomm. (Abbr.): APPROVE the request for a duplex at this location as shown on the site plan subject to 4 conditions

Staff Recomm. (Full):  
1. Prior to obtaining an occupancy permit, widen Howard Bennett Way to provide a minimum of a 20 foot wide all weather driving surface  
2. Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works  
3. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Dept.  
4. A revised site plan depicting the conditions of approval must be submitted to MPC staff for certification prior to obtaining a building permit

With the conditions noted, this plan meets the requirements for approval in the RA zone and the other requirements for approval of a use on review.

Comments: This applicant is proposing to build a duplex in the Howard Bennett Subdivision. When this five lot subdivision was approved, Mr. Bennett noted that it was his intention to construct a duplex on each lot. MPC has approved separate use on reviews in 1996 and 1998 that permitted the two existing duplexes in this development.

At the time the subdivision was approved, the joint permanent easement was required to have a 20 foot wide all weather driving surface. Initially this condition was met by providing a gravel roadway. Subsequently, pavement has been added that is only 10 to 12 feet wide. Grass and other vegetation has grown up in the remainder of the roadway. Under the supervision of the Knox County Dept. of Engineering and Public Works, this applicant will need to rehab this access to insure that it is capable of accommodating two-way traffic.

**EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTIES AND THE COMMUNITY AS A WHOLE**

1. Public water and sewer utilities are in place to serve this development.
2. The traffic impact of the proposed duplex will not be noticeable
3. The duplex is compatible with the scale and intensity with the surrounding development and zoning pattern.

**CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE**

1. With the recommended conditions, the proposed development is consistent with all requirements of the RA zoning district, as well as other criteria for approval of a use on review.
2. The proposed use is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The use will not draw substantial additional traffic through residential areas.

**CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS**

1. The Northwest County Sector Plan proposes LDR (Low Density Residential) use for this site.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

Action: Approved

Meeting Date: 2/9/2012

**Details of Action:**

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4. A revised site plan depicting the conditions of approval must be submitted to MPC staff for certification prior to obtaining a building permit

With the conditions noted, this plan meets the requirements for approval in the RA zone and the other requirements for approval of a use on review.

**Summary of Action:**

APPROVE the request for a duplex at this location as shown on the site plan subject to 4 conditions

**Date of Approval:**

2/9/2012

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

Withdrawn prior to publication?:  Action Appealed?:

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:**

Knox County Board of Zoning Appeals

**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:**