

# CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



**File Number:** 3-A-23-UR                      **Related File Number:**  
**Application Filed:** 1/23/2023              **Date of Revision:**  
**Applicant:** DAVID CHEBAN

## PROPERTY INFORMATION

**General Location:** South side of Middlebrook Pike, south of Park Church Drive  
**Other Parcel Info.:**  
**Tax ID Number:** 105 K D 007,006,005                      **Jurisdiction:** County  
**Size of Tract:** 1.51 acres  
**Accessibility:** Access is via Middlebrook Pike, a four lane, median divided major arterial with an 80-ft pavement width within a 112-ft right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Agriculture/Forestry/Vacant Land  
**Surrounding Land Use:**  
**Proposed Use:** Duplexes on individual lots                      **Density:**  
**Sector Plan:** Northwest County              **Sector Plan Designation:** O (Office)  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** This is a residential area comprised of individual lots as well as subdivisions. Across Middlebrook Pike is a large church campus.

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

**Street:** 8900 MIDDLEBROOK PIKE  
**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:** None noted

## PLAN INFORMATION (where applicable)

**Current Plan Category:** O (Office)  
**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:

Jessie Hillman

Staff Recomm. (Abbr.):

Approve the use permitted on review for four duplexes on individual lots, subject to 4 conditions.

Staff Recomm. (Full):

- 1) Meeting all Tennessee Department of Transportation (TDOT) standards with regards to safe access to the subject property from Middlebrook Pike.
- 2) Meeting all applicable requirements of the Knox County Zoning Ordinance, including but not limited to 12-ft side yard setbacks for buildings exceeding 1 story.
- 3) Meeting all applicable requirements of the Knox County Department of Engineering and Public Works, including but not limited to adequate stormwater management design.

With the conditions noted above, this plan meets the requirements for approval of duplex development in the RA (Low Density Residential) zone, and the criteria for approval of a Use on Review.

Comments:

This proposal is for four duplexes on lots that will be subdivided into four lots in the RA zone with a shared driveway.

DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 – SECTION 2). The Planning Commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

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

A. The Northwest County Sector Plan assigns an O (Office) land use classification to these properties. The O classification allows consideration of the OB (Office, Medical and Related Services) zone, which permits duplex development.

B. The property is located within the Planned Growth Area of the Growth Policy Plan, where the intention is to encourage a reasonably compact pattern of development with a wide range of housing choices. The applicant's proposal for duplexes is consistent with the purpose of this area designation.

C. The subject parcels are the only undeveloped parcels in the immediate area, and there are occupied residences on three sides. The proposed duplexes at this location are consistent with the General Plan's development policy to develop infill housing on vacant lots which are compatible with neighboring residences.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE

A. The parcels are zoned RA, which is intended for low density residential development.

B. The site plan for four duplexes will comply with the required area regulations and intensity of use standards for duplexes in the RA zone.

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 proposed duplexes are 1.5 stories with sloped ceilings on the second floor, and garages in front. Each structure has a total floor area no greater than 1,836 square feet. These dimensions are compatible with the floor area and the 1 and 2-story range of surrounding residences.

B. The proposed development is consistent with the character of the surrounding residential area.

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

A. The development provides stormwater detention on site and connects to existing utilities. Plans will be reviewed by Knox County Stormwater Engineering for compliance with stormwater management standards at the time of permitting. This review process should protect downstream properties from undue stormwater runoff impacts.

B. In terms of housing form and density, the Crestwood Hills neighborhood behind the subject parcels contains several duplexes, and there are multifamily neighborhoods in close proximity to the east and

west on Middlebrook Pike.

5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.

A. The subject parcels have direct access to Middlebrook Pike, a major arterial street. The proposed development will not draw additional traffic into local, residential streets.

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. Access to Middlebrook Pike must conform with TDOT safety standards with regards to sight distance, separation from median openings, and driveway location.

B. There are no other environmental factors that should pose a risk to the proposed use.

**Action:** Approved with Conditions **Meeting Date:** 3/9/2023

**Details of Action:**

**Summary of Action:** Approve the use permitted on review for four duplexes on individual lots, subject to 4 conditions.

**Date of Approval:** 3/9/2023 **Date of Denial:** **Postponements:**

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

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knoxville 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:**