

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 5-C-21-UR **Related File Number:**
Application Filed: 3/29/2021 **Date of Revision:**
Applicant: JEFFREY & DARSEY WATTS

PROPERTY INFORMATION

General Location: At the terminus of Joey Lane, east of Old Andersonville Pike
Other Parcel Info.:
Tax ID Number: 28 004 & 00401 **Jurisdiction:** County
Size of Tract: 4.162 acres
Accessibility: Access is via Joey Lane, a local street with 10.8 feet of pavement width within 50 feet of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant Land
Surrounding Land Use:
Proposed Use: Detached residential subdivision **Density:** 1.2 du/ac
Sector Plan: North County **Sector Plan Designation:** LDR (Low Density Residential) / HP (Hillside Prote)
Growth Policy Plan: Rural Area
Neighborhood Context: The area is primarily a mix of large lot, rural residential and single family residential lots and is characterized by forested steep slopes.

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

Street: 8326 & 8328 Joey Lane
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PR (Planned Residential)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: The property was rezoned from A (Agricultural) to PR (Planned Residential) < 2 du/ac in 2020 (10-C-20-RZ).

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.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge:

Mike Reynolds

Staff Recomm. (Abbr.):

APPROVE the development plan for up to 5 detached dwelling units on individual lots and reduction of the peripheral setback as outlined in condition #5, subject to 6 conditions.

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
2. Meeting all applicable requirements of the Knox County Health Department.
3. Meeting all applicable requirements of the Knox County Zoning Ordinance.
4. If any of the depressions on the site are determined to be sinkholes, building construction proposed within the 50' buffer area around the designated sinkholes/depressions (including the depressions), a geotechnical report must be prepared by a registered engineer to determine soil stability and that report must be submitted to the Knox County Department of Engineering and Public Works for consideration. Any construction in these areas is subject to approval by the County following review of the report. Engineered footings must be designed for these areas. For those lots that do not have a building site outside of the 50' buffer, approval by Knox County will be required prior to final plat approval. The sinkholes/depressions and 50' buffer shall be designated on the final plat even if they are approved to be filled.
5. Reduction of the peripheral setback from 35-FT to 15-FT for 1-story accessory structures only on Lots 1-4 and to 15-FT for the primary structure on Lot 5. The primary structures on Lots 1-4 must meet the 35-FT peripheral setback.
6. Providing a turnaround at the terminus of the private right-of-way per the requirements of Knox County Engineering and Public Works and the Knox County Fire Prevention Bureau.

With the conditions noted above, this request meets the requirements of the PR zone and the criteria for approval of a use on review.

Comments:

The applicant is proposing to subdivide this 4.162-acre tract into 5 detached residential lots at a density of 1.2 du/ac. The property was rezoned from A (Agricultural) to PR (Planned Residential) up to 2 du/ac in November 2020 (10-C-20-RZ). Access to the site via a private right-of-way that connects the terminus of Joey Lane. The applicant has also submitted a final plat that is on this same agenda (5-SB-21-F) which has a subdivision variance to reduce the private right-of-way width from 40-FT to 25-FT where the property is only 25-FT wide (approximately 137-FT in length). The private right-of-way will widen out to 40-FT for the remaining length.

The applicant requests a reduction of the peripheral setback on Lots 1-4 to 15-FT to allow the construction of 1-story accessory structures only, not the primary structure. The reason for this is to provide flexibility in locating the accessory structures on the property. In most residential zones, accessory structures are only required to have a 5 to 8-FT setback from side and rear property lines. The request to reduce the peripheral setback on Lot 5 is due to the potential sinkhole on the property and providing flexibility in locating the house on the lot. The flattest portion of the lot is in the southwest corner and this is where the applicant hopes to put a home in the future. The residential properties to the south are substantially lower in elevation than the subject property so the reduced setback should have less impact than if they were at the same elevation.

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

A. The North County Sector Plan recommends LDR (Low Density Residential) uses for this site with a maximum of 5 du/ac, however, the property is within the Rural Area on the Growth Policy Plan which limits the density to a maximum of 2 du/ac. The property was rezoned to PR up to 2 du/ac in 2020 (10-

C-20-RZ) and the proposed subdivision has a density of 1.2 du/ac.

B. The property has 3.76 of the 4.162 total acres within the hillside protection (HP) area and approximately 2.6 of the 3.76 acres within the HP area can be disturbed according to the recommendations of the Hillside and Ridgetop Protection Plan (see the attached Slope Analysis). The proposed lots range in size from .593 acres to 1.152 acres which should allow for houses to be located on the lots without having to grade a large portion of the property.

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

A. The PR (Planned Residential) zone is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment. Each planned unit development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the planning commission by review of the development plans.

B. The proposed subdivision will have detached residential lot sizes that are comparable to others that have access to Joey Lane.

C. The PR (Planned Residential) zoning for this site allows up to 2 du/ac and the proposed subdivision has a density of 1.2 du/ac.

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 single-family detached subdivision has a similar character as other residential subdivisions in this area.

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

A. The proposed residential subdivision is compatible with the surrounding residential uses and will not significantly impact the value of adjacent properties.

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

A. The development is at the terminus of Joey Lane and will not draw additional traffic through a residential area.

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. The property has a potential sinkhole. The concept plan has identified these features and provided the required buffers.

B. There are no other known uses in the area that could be a potential hazard or create an undesirable environment for the proposed residential use.

Action: Approved

Meeting Date: 5/13/2021

Details of Action:

Summary of Action: APPROVE the development plan for up to 5 detached dwelling units on individual lots and reduction of the peripheral setback as outlined in condition #5, subject to 6 conditions.

Date of Approval: 5/13/2021

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: