CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



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File Number: 6-A-16-UR **Related File Number: Application Filed:** 4/21/2016 Date of Revision: **RANDALL & DEBRA MOORE Applicant:**

PROPERTY INFORMATION

Southwest side of Pedigo Rd., Southeast side of Cherish Grace Way **General Location: Other Parcel Info.:** Tax ID Number: 47 B H 001 Jurisdiction: County 22411 square feet Size of Tract: Accessibility: Access is via Pedigo Rd., a major collector street with a 20' pavement width within a 40' right-of-way, and Cherish Grace Way, a private street with 26' pavement width within a 40' joint permanent easement.

GENERAL LAND USE INFORMATION

Existing Land Use:	Single Family Residential		
Surrounding Land Use:			
Proposed Use:	Reduction of periphery boundary setback from 35' to 15' on NW and Density: SE sides.		
Sector Plan:	North County Sector Plan Designation: LDR (Low Density Residential)		
Growth Policy Plan:	Planned Growth Area		
Neighborhood Context:	The surrounding area is developed residential uses of varying density under the A, RA, and PR zones. There are a few businesses south of the property Pedigo Rd. and E. Emory Rd. intersection, which is a short distance to Brickey McCloud Elementary to the east and the I-75 interchange to the west.		

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

Street:

1118 Cherish Grace Way

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

ZONING INFORMATION (where applicable)

Current Zoning: Former Zoning:

Requested Zoning:

Previous Requests:

Extension of Zone:

Property rezoned Planned Residential in 2005, from Agricultural **History of Zoning:**

PR (Planned Residential) 1-3 DU/AC

PLAN INFORMATION (where applicable)

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:	Mike Reynolds			
Staff Recomm. (Abbr.):	APPROVE the request to reduce the peripheral setback from 35' to 15' for the southeastern and northwestern property line of Lot 1, Shiloh Gardens Subdivision, subject to 1 condition.			
Staff Recomm. (Full):	1) Meeting all applicable requirements of the Knox County Zoning Ordinance.			
	With the condition noted, this plan meets the requirements for approval in the PR Zone and the other criteria for approval of a use on review.			
Comments:	The applicant is proposing to reduce the peripheral setback in the Planned Residential (PR) zone from 35' to 15' on the southeastern and northwestern property line. An existing pergola structure was constructed within the peripheral setback, 16.4' from the rear property line, as shown in the attached survey. In addition, the applicant proposes to construct a pool that is 21' from the rear property line, which would also encroach upon the 35' peripheral setback if the reduction is not approved.			
	The subject property is much wider than it is deep, with ample space on the property to locate the pergola and pool outside of the peripheral setback and other setbacks. However, the rear yard of the subject property is adjacent to the side yard of neighboring house, and side yard setbacks in residential districts are typically less than 15'. In addition, the portion of the adjacent house closest to the proposed pool and existing pergola is the rear of the attached garage. There is also an established evergreen landscape screen on the subject property along the rear property line.			
	 EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTIES AND THE COMMUNITY AS A WHOLE 1. The vegetative screen along with rear property line will not be disturbed. 2. The combined setbacks, orientation of the neighboring house and existing landscape screening provide adequate separation of structures for safety and privacy. 			
	 CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE 1. The proposal meets all requirements of the PR zoning as well as the general criteria for approval of a use on review. 2. The existing pergola and proposed pool as shown on the site plan is consistent with the following general standards for uses permitted on review: The proposal 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 significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas. No surrounding land uses will pose a hazard or create and unsuitable environment for the proposed use. 			
	CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS 1. The North County Sector Plan proposes 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: 6/9/2016			
Details of Action:	1) Meeting all applicable requirements of the Knox County Zoning Ordinance.			
	With the condition noted, this plan meets the requirements for approval in the PR Zone and the other criteria for approval of a use on review.			

Summary of Action:	APPROVE the request to reduce the peripheral setback from 35' to 15' for the southeastern and northwestern property line of Lot 1, Shiloh Gardens Subdivision, subject to 1 condition.			
Date of Approval:	6/9/2016	Date of Denial:	Postponements:	
Date of Withdrawal:		Withdrawn prior to publication?: Action Appealed?:		
	LEGI	SLATIVE 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:			
f "Other":	If "Other":			
Amendments: Ai		Amendmen	Amendments:	

Date of Legislative Appeal:

Effective Date of Ordinance: