

# CASE SUMMARY

## APPLICATION TYPE: USE ON REVIEW



**File Number:** 6-A-25-UR  
**Application Filed:** 4/16/2025  
**Applicant:** JEREMIAH COTTLE

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

### PROPERTY INFORMATION

**General Location:** East side of East Gallaher Ferry Rd, south of Joneva Rd  
**Other Parcel Info.:**  
**Tax ID Number:** 116 06710 **Jurisdiction:** County  
**Size of Tract:** 26.21 acres  
**Accessibility:** Access would be via East Gallaher Ferry Rd, a major collector with a pavement width of 17 ft within a right-of-way which varies from 40 ft to 60 ft.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Agriculture/Forestry/Vacant Land  
**Surrounding Land Use:**  
**Proposed Use:** Dog boarding facility **Density:**  
**Planning Sector:** Northwest County **Plan Designation:** SR (Suburban Residential), HP (Hillside Ridgetop Protection)  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** This area is characterized by single family residential dwellings on small suburban lots and by large, cleared agricultural lots.

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

**Street:** 2418 EAST GALLAHER FERRY RD  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** None noted.

### 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:

Samiul Haque

Staff Recomm. (Abbr.):

Deny the request for a dog boarding facility in the A (Agricultural) zone because the request does not meet the criteria for use-on-review approval and it will adversely impact surrounding residential properties.

Staff Recomm. (Full):

Comments:

This request is for a dog boarding facility on a 26.40-acre farm that currently accommodates two kennel structures for up to 32 dogs. These structures are installed on the northeastern corner of the subject property. The northernmost kennels (labeled as 'K2' on the site plan) can hold up to 20 dogs and the southernmost kennels (labeled as 'K1') can hold up to 12 dogs. There are separate runs with doors for each individual dog; they have controlled access outdoors. Each structure has separate fenced areas for outdoor activities that are connected to individual runs. There is also a detached circular fenced area which is used as an additional play/exercise space.

Upon receiving noise complaints from nearby residents, Knox County Codes Administration and Enforcement Department issued a notice of violation for this business in March 2025 because the kennels were built without any permits.

### 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 ADOPTED PLANS AND POLICIES, INCLUDING THE COMPREHENSIVE PLAN OF KNOX COUNTY.

A. The property is designated as the SR (Suburban Residential) place type in the Comprehensive Plan, with the HP (Hillside Protection) designation. This SR place type description states that it is for primarily single family residential development with lot sizes generally less than one acre, though a range of lot sizes may be included. The proposed use is not consistent with this description and the noise associated with the use could have adverse impacts on surrounding residential property owners. Commercial uses are not listed as either a primary or secondary use within the land use mix of this place type, indicating they are not permitted.

B. Comprehensive Plan Implementation Policy 2, to ensure that development is sensitive to existing community character, is not met by this proposal. The dog kennels, which are likely to create a significant noise nuisance, are not sensitive to the existing Forest Mill subdivision to the north and the proposed Haven at Hardin Valley subdivision to the east (6-SB-25-C, 6-C-25-DP). The structures are located along the edge of the subject property next to residential lots although there is ample space elsewhere within the large site. Additionally, the structures as proposed offer no sound attenuation. An outdoor component for this number of dogs is likely to generate a lot of noise. Vegetative buffers would provide visual relief but would provide little sound attenuation.

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

A. The A zone is intended to provide for a wide range of agricultural and related uses as well as residential uses with low population densities and other compatible uses which generally require large areas or open spaces. The proposed dog kennels are permitted via the Use on Review process.

B. While dog kennels are a use permitted on review in the A zone, there are no supplementary standards for commercial dog kennels. For context, the CA (General Business) and CB (Business and Manufacturing) zones require a minimum setback of 100 ft and have provisions for a landscape screen when a commercial kennel adjoins a residential, office, or commercial zone (Article 4.99). These zones generally allow more intensive uses than those of the A zone. Therefore, while 100 ft is the distance established in the ordinance for this use, a longer distance may be more appropriate considering the

more bucolic quality of large properties in the A zone and the less intensive uses allowed in the zone. C. It is not clear if the existing kennels meet the 35-ft side yard and rear yard requirements of the A zone. While the site plan notes there is 76.7 ft of distance from the northern property line and 37.2 ft of distance from the eastern property line, photos of the existing structures appear to show shorter distances (exhibit B).

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

A. The subject property is surrounded by subdivisions with single family detached houses that are either existing or under construction. While some of these property owners may have dogs that spend time outdoors, it would be 1 or 2 dogs at a time sporadically spread through the area, which would be a lesser degree of noise than what would be generated by 32 dogs on one property, even if they are spread between a kennel and outdoor area. Multiple dogs will be outside at a time.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC CONGESTION OR OTHER IMPACTS WHICH MAY DETRACT FROM THE IMMEDIATE ENVIRONMENT.

A. The dog boarding facility is located at the edge of the subject property without clear provisions for noise control.

B. The landscape plan notes that approximately 300 arborvitae trees have been planted along the northern property line at a center-to-center distance of 3 ft. These plants are 2-3 ft in height currently. However, vegetation alone does not provide adequate sound attenuation due to sound traveling through the leaves, as reported in the white paper "Focus on Acoustics: Trees as Sound Barriers" regarding the efficacy of using trees to attenuate sound [1]. It found that, "On average, 100 feet of dense pine trees will only provide an additional 5 dB of noise reduction. So, while there is a helpful advantage to such natural barriers, it often requires a lot of real estate for it to be an effective solution." This is echoed by The Noise Guidebook, which provides detailed information on sound attenuation methods [2]. On p. 24, the report says, "If a barrier is constructed of a material with a surface weight density greater than 4lb/sq ft and there are no openings through the barrier, transmitted sound will usually be negligible." Spaces between leaves are openings in the barrier. Elsewhere, the report says berms can be effective at buffering sound, depending on the height of the berm (in relation to the end point where sound is measured). In general, the closer together the trees are planted, the deeper the tree belt, and the denser the foliage, the more sound attenuation is provided. It is doubtful that the typical Type A Landscape Screen would be adequate to provide a noticeable drop in decibel level.

C. The applicant also has mentioned the use of non-invasive radio frequency to calm dogs. However, the efficacy of this approach has not been verified, and it is not known how many devices would be needed or if multiple devices have adverse effects on animals.

D. Materials such as concrete floor, brick wall, and soundproof drywall can help with sound insulation between indoors and outdoors while acoustic panel, fabric wall covering, and hanging baffles can absorb sound and reduce reverberation inside structures. The dog kennels as well as the outdoor exercise areas do not include any sound proofing materials to minimize noise nuisance.

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

A. The property is located at the end of a gated community along E. Gallaher Ferry Road, where seven properties share a narrow driveway. The driveway generally accommodates only one vehicle at a time, except at designated widened shoulder areas that allow vehicles to pass. However, staff has no concerns regarding potential traffic impacts on this driveway as the business is already in operation and no objections related to traffic have been received.

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 in the area that could be a potential hazard or create an undesirable environment for the proposed use.

Reference:

[1] Thorburn Associates. (n.d.). Focus on Acoustics: Trees as Sound Barriers. <https://ta-inc.com/focus-on-acoustics-trees-as-sound-barriers/>

[2] U.S. Department of Housing and Urban Development. Environmental Planning Division. (1985). The Noise Guidebook: A Reference Document for Implementing the Department of Housing and Urban Development's Noise Policy. Washington, D.C.

**Action:** Denied

**Meeting Date:** 7/10/2025

**Details of Action:**

**Summary of Action:**

Deny the request for a dog boarding facility in the A (Agricultural) zone because the request does not meet the criteria for use-on-review approval and it will adversely impact surrounding residential

properties.

Date of Approval:

Date of Denial: 7/10/2025

Postponements: 6/12/2025

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: