

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

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www.knoxmpc.org

File Number: 8-D-02-UR **Related File Number:**
Application Filed: 7/8/2002 **Date of Revision:**
Applicant: SADDLEBROOK, INC.
Owner:

PROPERTY INFORMATION

General Location: North side of Wineberry Rd., west of Cider Ln.
Other Parcel Info.:
Tax ID Number: 37 J B 027 **Jurisdiction:** County
Size of Tract: 16522 square feet
Accessibility: Access is via Wineberry Rd., a local street with a 26' pavement width within a 50' right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Residence under construction
Surrounding Land Use:
Proposed Use: Residence with reduction of side yard setback from 5' to 3' **Density:**
Sector Plan: North County **Sector Plan Designation:**
Growth Policy Plan: Planned Growth Area
Neighborhood Context: The site is located near the back of a subdivision that was plated approximately five years ago.

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

Street: 1451 Wineberry Rd
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: None noted

PLAN INFORMATION (where applicable)

Current Plan Category:
Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

Surveyor:

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: Tom Brechko

Staff Recomm. (Abbr.): DENY the request to reduce the side yard setback for this lot in Teague's Grove Subdivision from 5' to 3' as shown on the development plan.

Staff Recomm. (Full): Staff's recommendation of denial is based on the fact that the applicant owns the adjoining lot and can correct the setback problem by adjusting the lot line between the two lots.

Comments: The applicant is requesting relief for lot 27 of Teague's Grove Subdivision from the 5' side yard requirement established at the time the development plan was approved for this project. The applicant surveyor has told staff that in the process of preparing the foundation survey, he found that the iron pin located at the southeast corner of the property was in error. This error resulted in the house being placed on the lot in a non-conforming manner (3.4' from property line). (See attached letter from the surveyor.) The County's One and Two Family Dwelling Code allows exterior walls to be located down to three feet from a property line without having to provide a one-hour fire-resistive rating for the exterior wall.

Since the applicant owns the adjoining lot, it is Staff's position that the setback problem can be corrected by shifting the lot line between the two parcels. The applicant has indicated that relocating the lot line between the two parcels will create a problem with the house plan proposed for the adjoining lot. (See attached letter from the applicant.) Staff suggests that the applicant look at alternative house plans for the adjoining lot.

A letter has been sent to MPC Staff from the Teague's Grove Homeowner's Association recommending that the Planning Commission require the applicant to adjust the common property line between the two lots and maintain the 5' setback requirement. A copy of the letter will be provided to the Planning Commission when received.

MPC Action: Denied (Withdrawn)

MPC Meeting Date: 8/8/2002

Details of MPC action:

Summary of MPC action:

Date of MPC Approval:

Date of Denial:

Postponements:

Date of Withdrawal: 8/8/2002

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: