

▶ **FILE #:** 10-B-09-RZ **AGENDA ITEM #:** 38
 POSTPONEMENT(S): 10/8/09 **AGENDA DATE:** 11/12/2009
 ▶ **APPLICANT:** DANIEL C. TYRRELL
 OWNER(S): TYRRELL DANIEL C

TAX ID NUMBER: 39 089
 JURISDICTION: County Commission District 7
 ▶ **LOCATION:** Southwest side Bob Varner Rd., northwest of Brown Gap Rd.
 ▶ **APPX. SIZE OF TRACT:** 2 acres
 SECTOR PLAN: North County
 GROWTH POLICY PLAN: Planned Growth Area
 ACCESSIBILITY: Access is via Bob Varner Ln., a local street with 20' of pavement width within 45' of right of way.
 UTILITIES: Water Source: Hallsdale-Powell Utility District
 Sewer Source: Hallsdale-Powell Utility District
 WATERSHED: Beaver Creek

▶ **PRESENT ZONING:** A (Agricultural)
 ▶ **ZONING REQUESTED:** RA (Low Density Residential)
 ▶ **EXISTING LAND USE:** Vacant land
 ▶ **PROPOSED USE:** Subdivide into 4 residential lots
 EXTENSION OF ZONE: No
 HISTORY OF ZONING: None noted
 SURROUNDING LAND USE AND ZONING: North: House / A (Agricultural)
 South: House / A (Agricultural)
 East: Bob Varner Ln. - Houses / PR (Planned Residential) @ 1-5 du/ac
 West: Adrian Burnett Elementary School / A (Agricultural)
 NEIGHBORHOOD CONTEXT: This area is developed with rural to low density residential uses under A, RA and PR zoning. Adrian Burnett Elementary School is located directly west of the property.

STAFF RECOMMENDATION:

▶ **RECOMMEND that County Commission APPROVE RA (Low Density Residential) zoning.**
 RA zoning allows compatible uses with the surrounding development and zoning pattern and is consistent with the sector plan proposal for the site.

COMMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:
 1. RA zoning is compatible with the scale and intensity of the surrounding development and zoning pattern in the area.
 2. There is a residential subdivision to the east of the site, across Bob Varner Ln., developed under PR zoning. Adrian Burnett Elementary School is located behind the site to the west. Some RA zoning is located to

the north on the opposite side of Bob Varner Ln.

3. The proposed RA zoning is consistent with the North County Sector Plan proposal for the site.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. RA zoning provides for residential areas with low population densities. These areas are intended to be defined and protected from encroachment of uses not performing a function necessary to the residential environment.
2. Based on the above description, this site is appropriate for RA zoning.
3. The RA zone allows detached residential development with a minimum lot size of 10,000 sq. ft.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. The impact to the street system will be minimal.
3. The proposed zoning is compatible with surrounding development and the impact should be minimal.
4. The applicant intends to subdivide this parcel into 4 lots for detached residential dwellings, as shown on the attached plat submitted with this application. If connected to sanitary sewer, the RA zone requires lots be a minimum of 10,000 sq. ft. in area, consistent with the proposed plat.

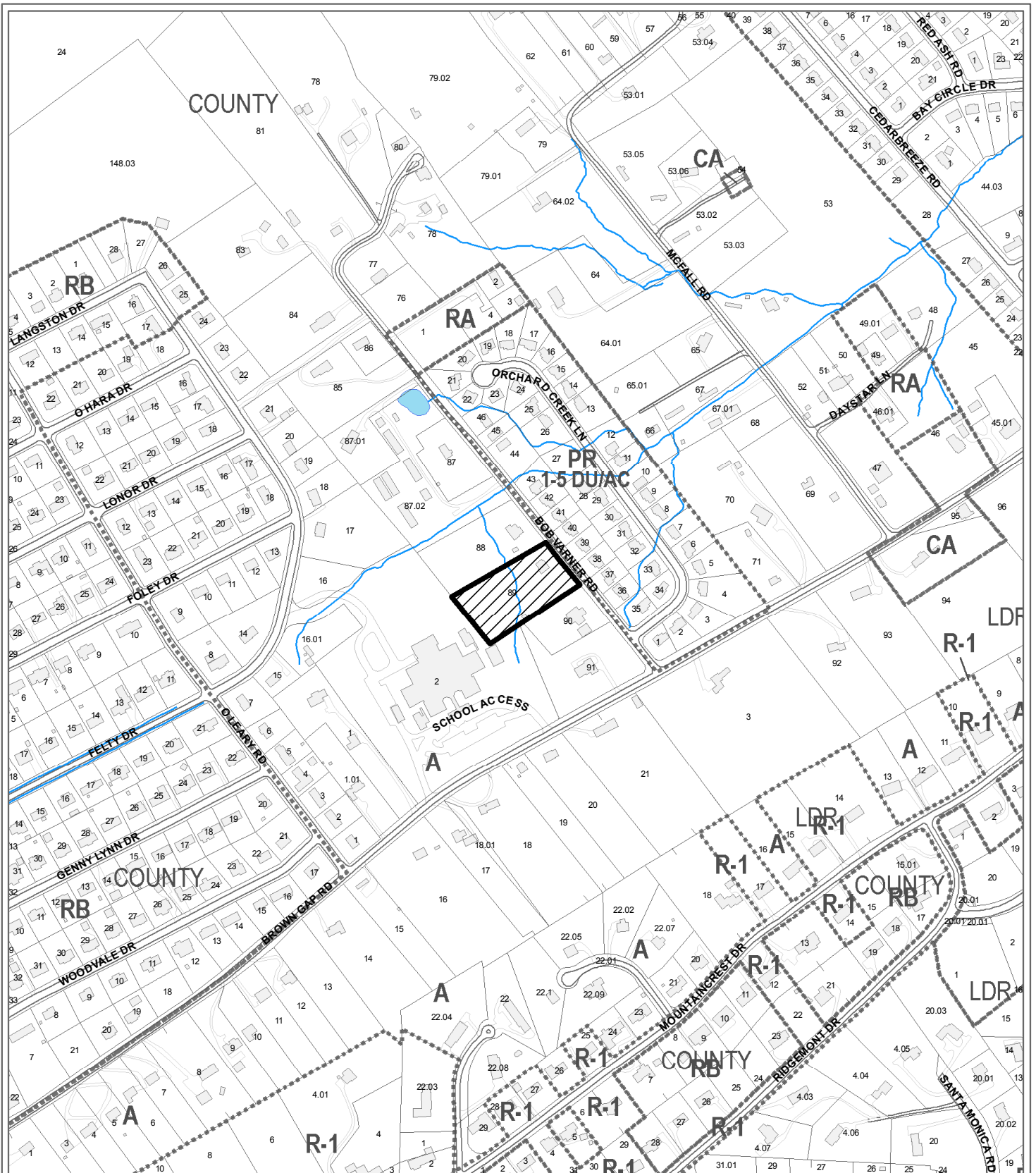
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The North County Sector Plan proposes low density residential use for the site, consistent with the requested RA zoning.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of this request may lead to future requests for RA zoning on surrounding properties zoned Agricultural, which is consistent with the sector plan proposal for low density residential uses in the area.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 11/16/2009. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



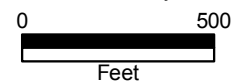
**10-B-09-RZ
REZONING**

From: A (Agricultural)
To: RA (Low Density Residential)



Petitioner: Tyrrell, Daniel C.

Map No: 39
Jurisdiction: County



Original Print Date: 9/22/2009
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Certificate of Ownership and General Dedication
 I, W. DANIEL G. TYRELL, the undersigned owner(s) of the property shown herein, hereby adopt this as my own plan of subdivision and dedicate the streets as shown to the public use forever and hereby certify that if any lot or tract of land is ever sold, conveyed, or otherwise transferred, the same shall be subject to the same restrictions and dedications as are shown on this plat.
 Signature: Daniel G. Tyrell

any district in which the land being subdivided is located shall be made and is shown on the zoning map of the Metropolitan Commission as follows:
 Name: _____
 Date: _____
 By: _____

This is to certify that all property taxes and assessments due on this property have been paid.
 City Tax Clerk: Signed: _____ Date: 7-28-09
 Knox County Trustee: Signed: _____ Date: 7-28-09

In the City of Knoxville and Several Areas of Knox County

This is to certify that the subdivision shown herein is approved subject to the installation of sanitary sewers and treatment facilities, and that such installation shall be in accordance with state and local regulations.
 Date: 8-20-09
 Knox County Health Department: DeWitt (Seal)

Addressing Department Certification

I, the undersigned, hereby certify that the subdivision name and all street names conform to the Knoxville-Knox County Street Naming and Addressing Ordinance, the Administrative Rules of the Planning Commission, and these regulations.
 Signed: _____
 Date: _____

Certification of Final Plat - Construction Complete

I hereby certify that I am a registered land surveyor licensed to practice surveying under the laws of the State of Tennessee. I further certify that this plan meets all applicable provisions of the Knoxville-Knox County Subdivision Regulations except as has been described and justified in a report filed with the Metropolitan Planning Commission or for variances for which application has been filed. The indicated monuments were in place on the date of recording.
 Registered Land Surveyor: Daniel G. Tyrell
 Tennessee Certificate No: 10600
 Date: 8-20-09

I hereby certify that this is a correct and true copy and the rates of precision of the unadorned survey were 10:000
 Registered Land Surveyor: Daniel G. Tyrell
 Tennessee Certificate No: 10600
 Date: 8-20-09

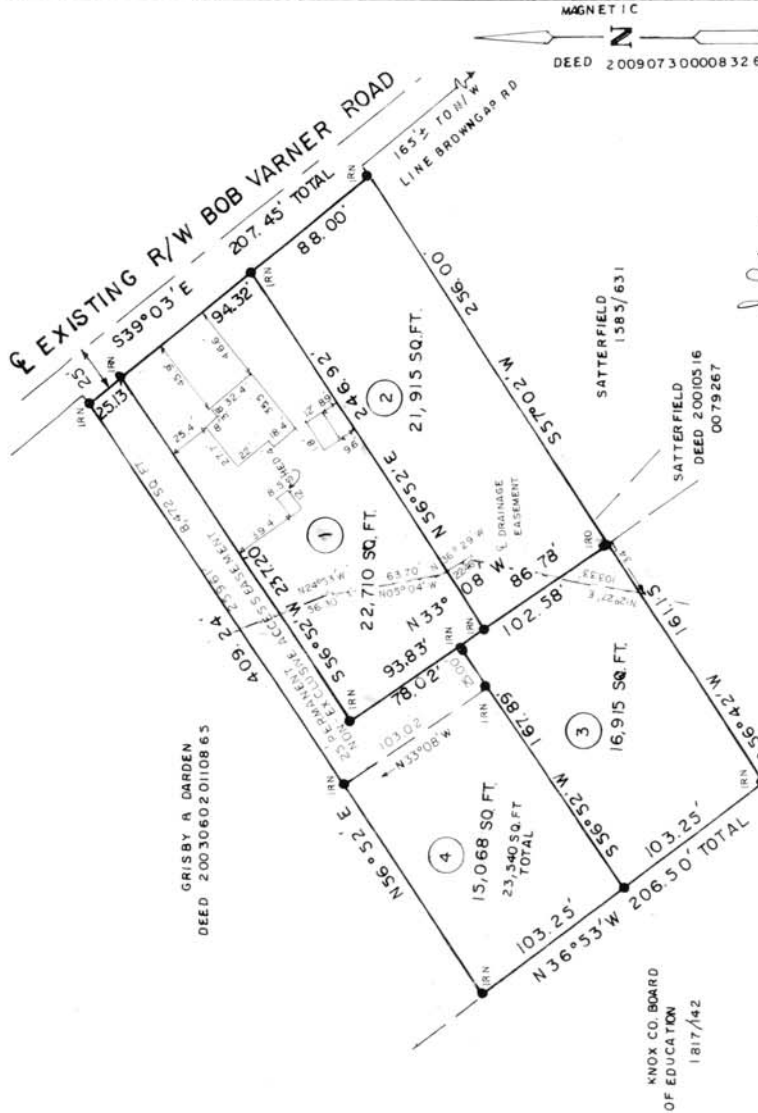
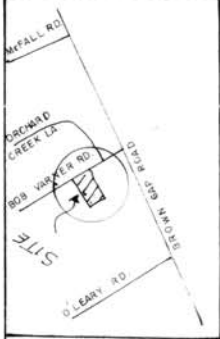
Certification of Approval for Recording - Final Plat

This is to certify that the subdivision plat shown herein has been found to comply with the Subdivision Regulations of Knoxville and Knox County and with existing official plans, with the exception of the noted variances noted on this plat and in the report filed with the Metropolitan Planning Commission on the day of _____, 20____, and that the record plat is hereby approved for recording in the office of the Knox County Register of Deeds.
 Signed: _____
 Date: _____

10-SC-09-F

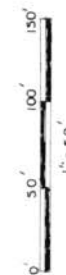
- NOTES:**
- 1) IRON RODS ON ALL CORNERS.
 - 2) DEED 20090730000 8326.
 - 3) UTILITY & DRAINAGE EASEMENT 5' EACH SIDE ALL INTERIOR LOT LINES, 10' INSIDE ALL EXTERIOR LOT LINES AND ROAD R/W.
 - 4) FOUR LOTS, 85,080 SQ. FT.

LOCATION MAP N.T.S.



MAGNETIC
 DEED 200907300008326

Handwritten note: 10-11-09
 Varner & Tyrell



OWNEE:
 DANIEL TYRELL
 932 SHADY TREE LANE
 KNOXVILLE, TN 37922
 PHONE: 694-9700

VARNER ESTATES

6TH DISTRICT, KNOX CO., TENN.
 DATE: 7-28-09 D.M.G. NO: 09051
 C. L.T. 039, PARCEL 089

File No.

Ms. Betty Jo Mahan
Knoxville Metropolitan Planning Commission
City County Building
Knoxville Tn 37902

RE: 10-B-09-RZ
Rezoning of 2 acres sw side of Bob Varner Rd, northwest of Brown Gap Rd.

Dear Ms. Mahan;

Please include the additional information on the enclosed PDF file in the submission for rezoning of the above referenced property. This information includes maps, zoning regulations and photos that support our request. Please feel free to contact me with any questions

Sincerely

Dan Tyrrell
694-9700 office
680-2211 cell
670-9585 home

Photograph Addendum/Homes in area

Borrower/Client				
Property Address 6421 Bob Varner				
City	Knoxville	County	State	Tn Zip Code 37918
Client				



CARTER RD



CARTER RD



CARTER RD

Photograph Addendum/Homes in area.

Borrower/Client				
Property Address 6421 Bob Varner				
City	Knoxville	County	State	Tn Zip Code 37918
Client				



BROWN GAP



BROWN GAP



6548 Bob Varner
Zoned A
Allowable on Agriculture Zoning

Photograph Addendum

Borrower/Client				
Property Address 6421 Bob Varner				
City	Knoxville	County	State	Tn Zip Code 37918
Client				



**6520 Varner Rd
Zoned RA**

Allowable on proposed zoning/ no difference



**6510 Bob Varner
NOTICE CAR UP ON JACKS**

**Site built home on Bob Varner in fair condition
Notice the 4 cars in driveway with one up on jacks being worked on.**

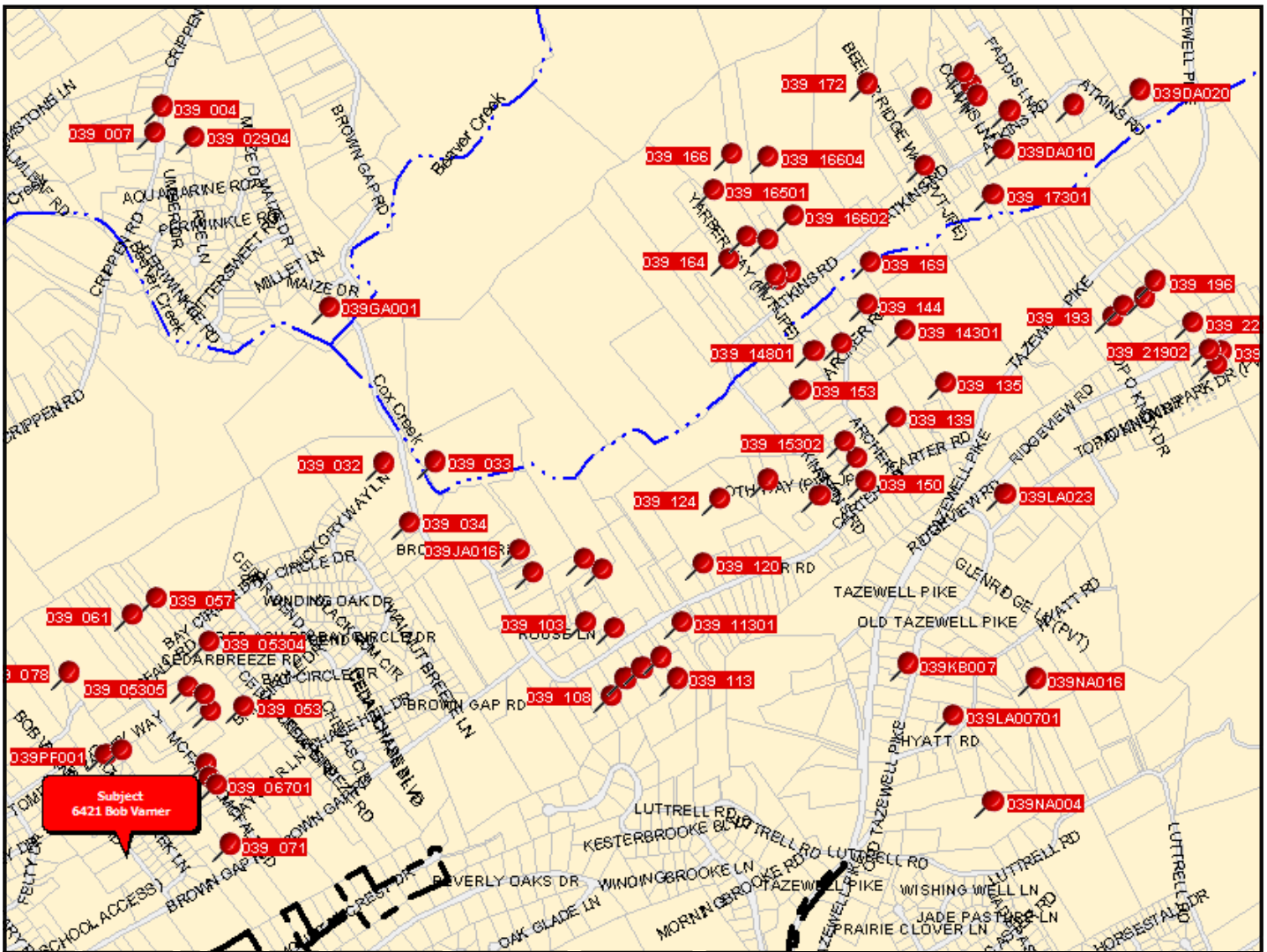


**6509 Bob Varner
Site built single family in poor condition.
Notice the junk around the house and general lack of ownership pride.**

Manufactured Houses in CLT MAP 039

Borrower/Client				
Property Address 6421 Bob Varner				
City	Knoxville	County	State Tn	Zip Code 37918
Client				

87 manufactured homes exist in Knox County Property Map 039. This map illustrates the subject location in proximity to existing manufactured housing



agriculture zoning

A ZONE

5.22 AGRICULTURAL ZONES

- 5.22.02 USES PERMITTED. In any Agricultural Zone, no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this resolution, except for one or more of the following uses:
- A. Single-family and two-family dwellings.
 - B. Churches, schools, libraries and museums.
 - C. Farming, including all types of agriculture and horticulture; commercial dairies; rabbit, goat and other animal or fish and minnow raising farms; egg-producing ranches and farms devoted to the hatching, raising, fattening and butchering of chickens, pigeons, turkeys and other poultry; and hog and other feeding for commercial purposes.
 - D. Garage apartments.
 - E. Mobile homes, but not mobile home parks.
 - F. Portable sawmills.
 - G. Roadside stands.
 - H. Signs not over four square feet in area advertising the sale of farm products produced on the premises.
 - I. Public utilities, such as transmission lines, substations, railroad yard, lines and stations, bus loading or waiting platforms, dams, water treatment plants, including water filtration and storage facilities, temporary work camps or other governmental agency uses and buildings, temporary contractors' camps and buildings on public works projects, and other similar public service uses and buildings, and also such other buildings and structures, including fire stations, as are used by utility and sanitary districts in the performing of the services in which they are authorized to engage.
 - J. Uses customarily incidental to any of the above uses when situated in the same dwelling, including home occupations such as the office of a physician, surgeon, dentist, musician, artist, or beautician, provided no name plate exceeding two square feet in area shall be permitted in any agricultural zone.

Card #3601

RA (Low Density Residential)**RA ZONE**

5.11 LOW DENSITY RESIDENTIAL (RA)

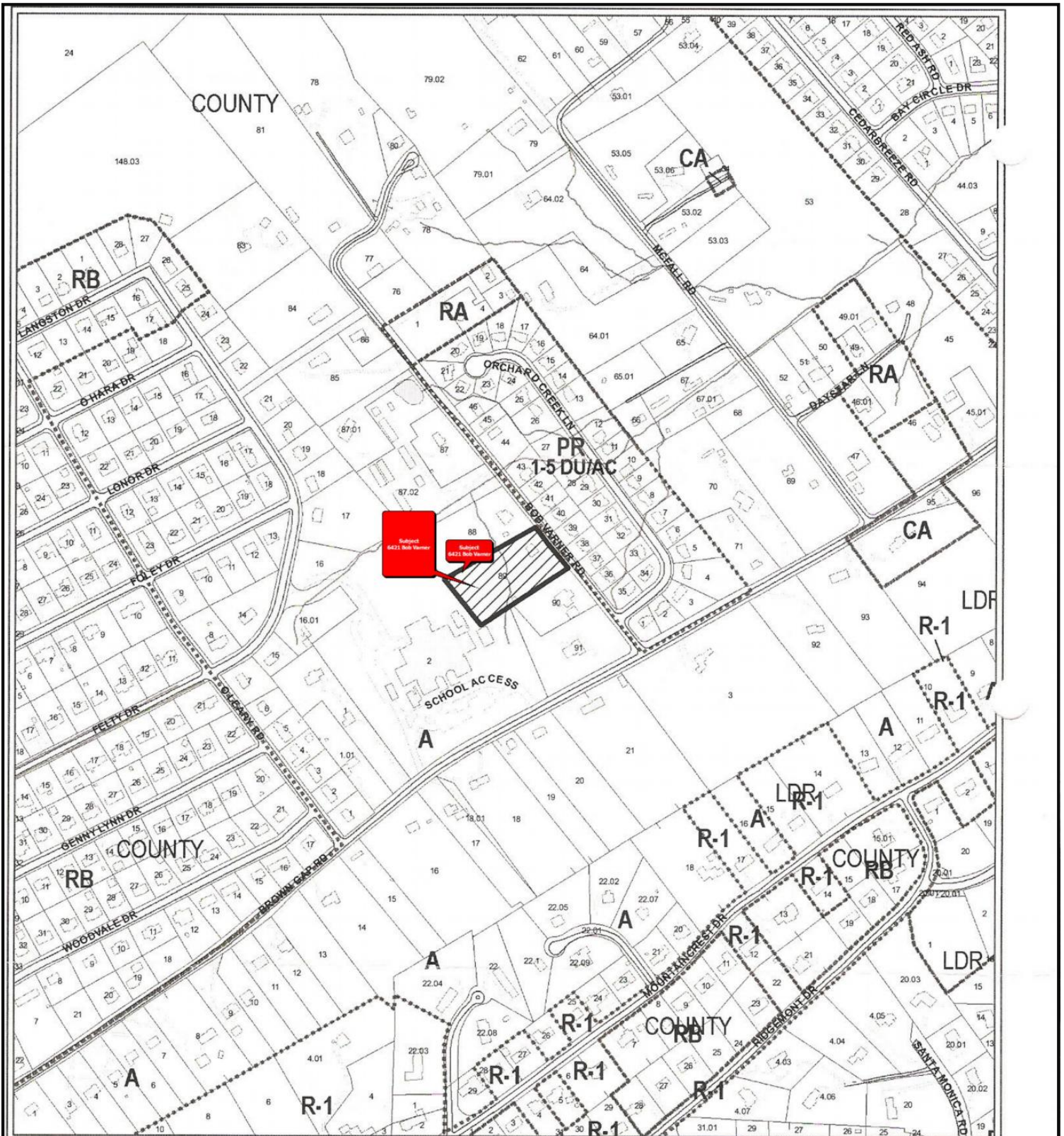
5.11.01 GENERAL DESCRIPTION

This residential zone provides for single-family residential areas with low population densities. These areas are intended to be defined and protected from encroachment of uses not performing a function necessary to the residential environment.

5.11.02 USES PERMITTED. In any Residential A Zone no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this resolution, except for one or more of the following uses:

- A. Single-family dwellings.
- B. Accessory buildings.
- C. Churches, schools, libraries, and museums.
- D. (Deleted August 17, 1971)
- E. Gardening and horticulture.
- F. Mobile Homes.
- G. Golf courses, golf ranges, public or private, public parks and playgrounds; swimming pools, tennis courts, and country clubs, none of which shall be used for commercial purposes.
- H. Public utilities, such as transmission lines, substations, railroad lines, bus loading or waiting platforms, dams, water treatment plants, including water filtration and storage facilities, fire stations, and other similar public service uses and buildings, and also such other buildings and structures, as are used by utility and sanitary districts in the performing of the services in which they are authorized to engage.

RA Zoning in Neighborhood



10-B-09-RZ REZONING

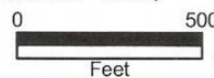
From: A (Agricultural)
 To: RA (Low Density Residential)



Original Print Date: 9/22/2009 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Tyrrell, Daniel C.

Map No: 39
 Jurisdiction: County



MPC October 8, 2009

Agenda Item No. 32

Orchard Creek Sales past year (Average sales price \$113,133)

Courthouse Retrieval System - Knox County, TN - Knoxville Assoc. of REALTORS®

Next 30

Rec/Num	Owner's Name	Parcel ID -- Owners Zip	Mailing Address -- Property Address	Subdivision/Lot -- Census Tract	Improvement Type -- Land Use	Square Feet -- Acres	Last Sold -- Price
1/6	FRYE JENNIFER LEANN --	039PE008 -- 37918	6438 ORCHARD CREEK LN -- 6438 ORCHARD CREEK LN	ORCHARD CREEK S/D 8 -- 62.03	RES RANCH -- 1 FAMILY	1144 --	5/28/2009 -- 121000
2/6	TORRES DAVID -- TORRES BREANNA D	039PE025 -- 37918	6505 ORCHARD CREEK LN -- 6505 ORCHARD CREEK LN	ORCHARD CREEK S/D 25 -- 62.03	RES RANCH -- 1 FAMILY	1281 --	6/30/2009 -- 126000
3/6	HUMPHREY JASON --	039PE034 -- 37920	1602 BERRY RD -- 6409 ORCHARD CREEK LN	ORCHARD CREEK S/D 34 -- 62.03	RES RANCH -- 1 FAMILY	1048 --	12/23/2008 -- 109900
4/6	OVERTON CONSTANCE L --	039PE035 -- 37918	6401 ORCHARD CREEK LN -- 6401 ORCHARD CREEK LN	ORCHARD CREEK S/D 35 -- 62.03	RES RANCH -- 1 FAMILY	1136 --	3/10/2009 -- 115000
5/6	LAWSON LORI L --	039PE036 -- 37918	6412 BOB VARNER RD -- 6412 BOB VARNER RD	ORCHARD CREEK S/D 36 -- 62.03	RES RANCH -- 1 FAMILY	1048 --	12/12/2008 -- 119900
6/6	WHITSON VERONICA G --	039PE043 -- 37918	6440 BOB VARNER RD -- 6440 BOB VARNER RD	ORCHARD CREEK S/D 43 -- 62.03	RES RANCH -- 1 FAMILY	1092 --	1/15/2009 -- 87000

Statistics							
Total	Acreage	Square Feet	Last Sale Price	Appraised Value	Improved Value	Assessment	Taxes
Average	0.00	6,749	678,800	595,900	523,900	148,975	4,007
		1,125	113,133	99,317	87,317	24,829	668

Next 30

Information Deemed Reliable, but Not Guaranteed
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Typical Land/Home Sales Prices (\$122,075)

OMB NO. 2502-0265

A. U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT SETTLEMENT STATEMENT	B. TYPE OF LOAN:				
	1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> FmHA	3. <input checked="" type="checkbox"/> CONV. UNINS.	4. <input type="checkbox"/> VA	5. <input type="checkbox"/> CONV. INS.
	6. FILE NUMBER: 06-477-A-MOORE			7. LOAN NUMBER:	
	8. MORTGAGE INS CASE NUMBER:				

C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "[POC]" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.
 1.0 3/98 (06-477-A-MOORE.PFD/06-477-A-MOORE/16)

D. NAME AND ADDRESS OF BORROWER: Kevin Moore Lot 5 Rolling Woods Lane Corryton, TN 37721	E. NAME AND ADDRESS OF SELLER: Daniel Tyrrell and Patricia Tyrrell	F. NAME AND ADDRESS OF LENDER: Vanderbilt Mortgage and Finance, Inc. PO Box 9800 Maryville, TN 37802
--	--	--

G. PROPERTY LOCATION: Lot 5 Rolling Woods Lane Corryton, TN 37721 Knox County, Tennessee	H. SETTLEMENT AGENT: 20-1779652 Pyramid Title, Inc. PLACE OF SETTLEMENT 200 Midlake Drive, Ste B Knoxville, Tennessee 37918	I. SETTLEMENT DATE: September 6, 2006
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J. SUMMARY OF BORROWER'S TRANSACTION	
100. GROSS AMOUNT DUE FROM BORROWER:	
101. Contract Sales Price	19,900.00
102. Personal Property	
103. Settlement Charges to Borrower (Line 1400)	11,755.74
104. Land Improvements to Country Squire Homes	6,420.00
105. HOME PURCHASE PRICE to Country Squire Homes	84,000.00
<i>Adjustments For Items Paid By Seller in advance</i>	
106. City/Town Taxes to	
107. County Taxes to	
108. Assessments to	
109.	
110.	
111.	
112.	
120. GROSS AMOUNT DUE FROM BORROWER	122,075.74
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:	
201. Deposit or earnest money	500.00
202. Principal Amount of New Loan(s)	115,865.74
203. Existing loan(s) taken subject to	
204. Deposit on House	5,710.00
205.	
206.	
207.	
208.	
209.	
<i>Adjustments For Items Unpaid By Seller</i>	
210. City/Town Taxes to	
211. County Taxes to	
212. Assessments to	
213.	
214.	
215.	
216.	
217.	
218.	
219.	
220. TOTAL PAID BY/FOR BORROWER	122,075.74
300. CASH AT SETTLEMENT FROM/TO BORROWER:	
301. Gross Amount Due From Borrower (Line 120)	122,075.74
302. Less Amount Paid By/For Borrower (Line 220)	(122,075.74)
303. CASH (FROM) (TO) BORROWER	0.00

K. SUMMARY OF SELLER'S TRANSACTION	
400. GROSS AMOUNT DUE TO SELLER:	
401. Contract Sales Price	19,900.00
402. Personal Property	
403.	
404.	
405.	
<i>Adjustments For Items Paid By Seller in advance</i>	
406. City/Town Taxes to	
407. County Taxes to	
408. Assessments to	
409.	
410.	
411.	
412.	
420. GROSS AMOUNT DUE TO SELLER	19,900.00
500. REDUCTIONS IN AMOUNT DUE TO SELLER:	
501. Excess Deposit (See Instructions)	
502. Settlement Charges to Seller (Line 1400)	1,272.00
503. Existing loan(s) taken subject to	
504. Payoff of first Mortgage	
505. Payoff of second Mortgage	
506. Deposit retained by broker	500.00
507.	
508.	
509.	
<i>Adjustments For Items Unpaid By Seller</i>	
510. City/Town Taxes to	
511. County Taxes to	
512. Assessments to	
513.	
514.	
515.	
516.	
517.	
518.	
519.	
520. TOTAL REDUCTION AMOUNT DUE SELLER	1,772.00
600. CASH AT SETTLEMENT TO/FROM SELLER:	
601. Gross Amount Due To Seller (Line 420)	19,900.00
602. Less Reductions Due Seller (Line 520)	(1,772.00)
603. CASH (X TO) (FROM) SELLER	18,128.00

By signing page 2 of this statement, the signatories acknowledge receipt of a completed copy of page 1 of this two page statement.
 Substitute Form 1099-S:
 SELLER'S TAX ID SOLICITATION: THE INFORMATION IN BLOCKS E, G, H, I AND ON LINES 401, 406, 407 and 408 IS IMPORTANT TAX INFORMATION AND IS BEING FURNISHED TO THE INTERNAL REVENUE SERVICE. IF YOU ARE REQUIRED TO FILE A RETURN, A NEGLIGENCE PENALTY OR OTHER SANCTION MAY BE IMPOSED ON YOU IF THIS ITEM IS REQUIRED TO BE REPORTED AND THE IRS DETERMINES THAT IT HAS NOT BEEN REPORTED. YOU ARE REQUIRED BY LAW TO PROVIDE THE SETTLEMENT AGENT WITH YOUR CORRECT TAXPAYER IDENTIFICATION NUMBER. IF YOU DO NOT PROVIDE THE SETTLEMENT AGENT WITH YOUR CORRECT TAXPAYER IDENTIFICATION NUMBER, YOU MAY BE SUBJECT TO CIVIL OR CRIMINAL PENALTIES IMPOSED BY LAW.
 For sales or exchanges of certain real estate, the person responsible for closing a real estate transaction must report the real estate proceeds to the Internal Revenue Service and must furnish this statement to you. To determine if you have to report the sale or exchange of your main home on your tax return, see the 2006 Schedule D (Form 1040) instructions. If the real estate was not your main home, report the transaction on Form 4797, Sales of Business Property, Form 6252, Installment Sale Income, and/or Schedule D (Form 1040), Capital Gains and Losses. You may have to recapture (pay back) all or part of a Federal mortgage subsidy if all the following apply: a) You received a loan provided from the proceeds of a qualified mortgage bond or you received a mortgage credit certificate; b) Your original mortgage loan was provided after 1990, and; c) You sold or disposed of your home at a gain during the first 9 years after you received the Federal mortgage subsidy. This will increase your tax. See Form 8828, Recapture of Federal Mortgage Subsidy, and Pub. 523, Selling Your Home.
 If you have already paid the real estate tax for the period that includes the sale date, subtract the amounts on Lines 406, 407 & 408 from the amount already paid to determine your deductible real estate tax. But if you have