

**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
 USE ON REVIEW REPORT**

▶ **FILE #:** 6-A-16-UR

AGENDA ITEM #: 34

AGENDA DATE: 6/9/2016

▶ **APPLICANT:** **RANDALL & DEBRA MOORE**

OWNER(S): Randall & Debra Moore

TAX ID NUMBER: 47 B H 001

[View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS: 1118 Cherish Grace Way

▶ **LOCATION:** **Southwest side of Pedigo Rd., Southeast side of Cherish Grace Way**

▶ **APPX. SIZE OF TRACT:** **22411 square feet**

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Pedigo Rd., a major collector street with a 20' pavement width within a 40' right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **ZONING:** **PR (Planned Residential) 1-3 DU/AC**

▶ **EXISTING LAND USE:** **Single Family Residential**

▶ **PROPOSED USE:** **Reduction of periphery boundary setback from 35' to 15' on NW and SE sides.**

HISTORY OF ZONING: Property rezoned Planned Residential in 2005, from Agricultural

SURROUNDING LAND USE AND ZONING: North: Residences / A (Agricultural)

South: Residences / A (Agricultural)

East: Residences / A (Agricultural)

West: Residences / RA (Low Density Residential)

NEIGHBORHOOD CONTEXT:

STAFF RECOMMENDATION:

▶ **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.**

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 an unsuitable environment for the proposed use.

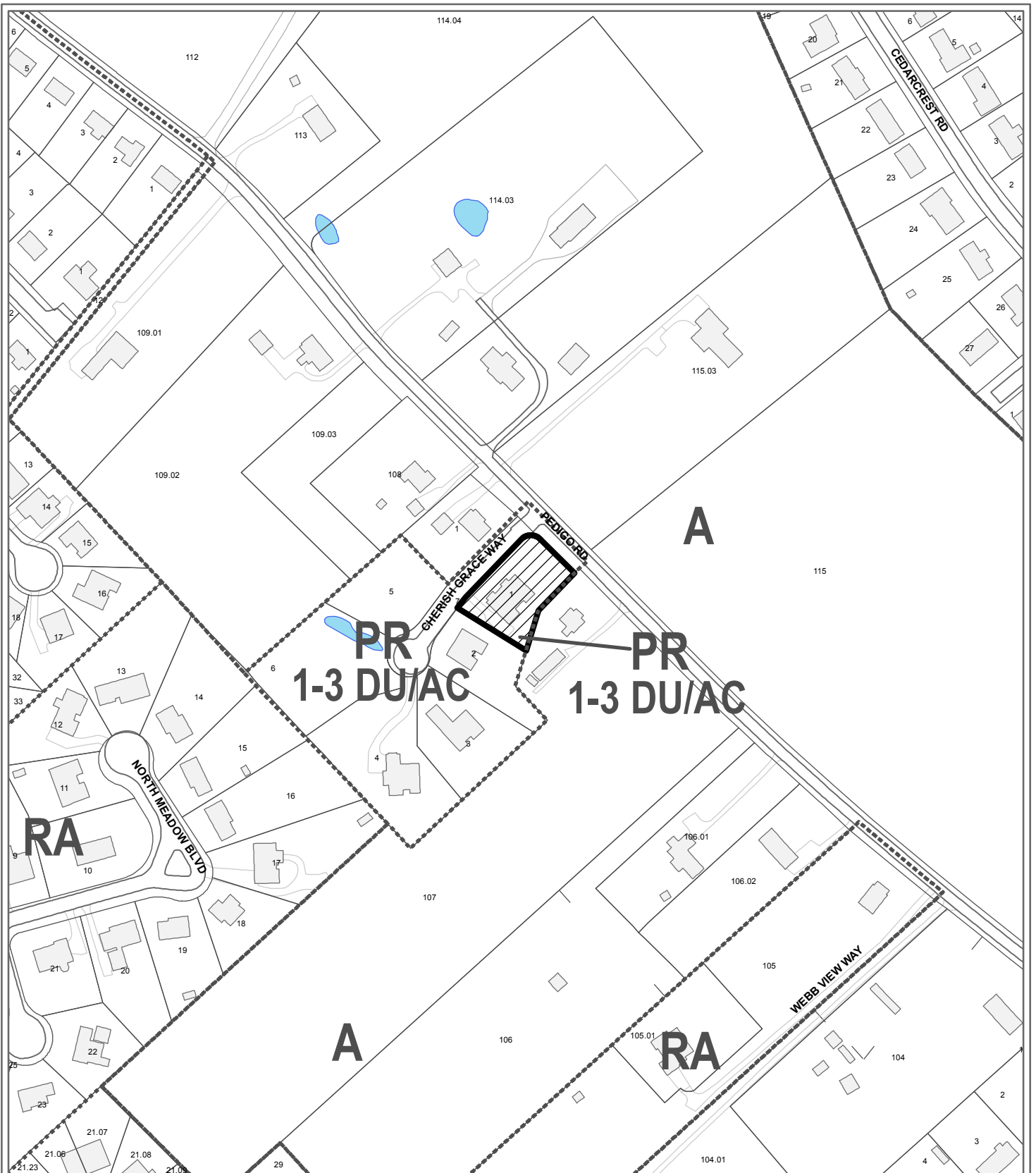
CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

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.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**6-A-16-UR
USE ON REVIEW**

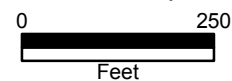


Reduction of periphery boundary setback from 35' to 15' on NW and SE sides. in PR (Planned Residential) 1-3 DU/AC

Petitioner: Moore, Randall & Debra

Map No: 47

Jurisdiction: County



Original Print Date: 5/16/2016

Revised:

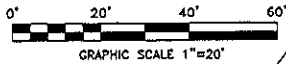
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

THIS SURVEY IS SUBMITTED FOR THE SOLE AND EXCLUSIVE USE OF THE CLIENT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE PRIOR WRITTEN CONSENT OF GARY L. ROTH, JR. TN. RLS, NO. 2051.

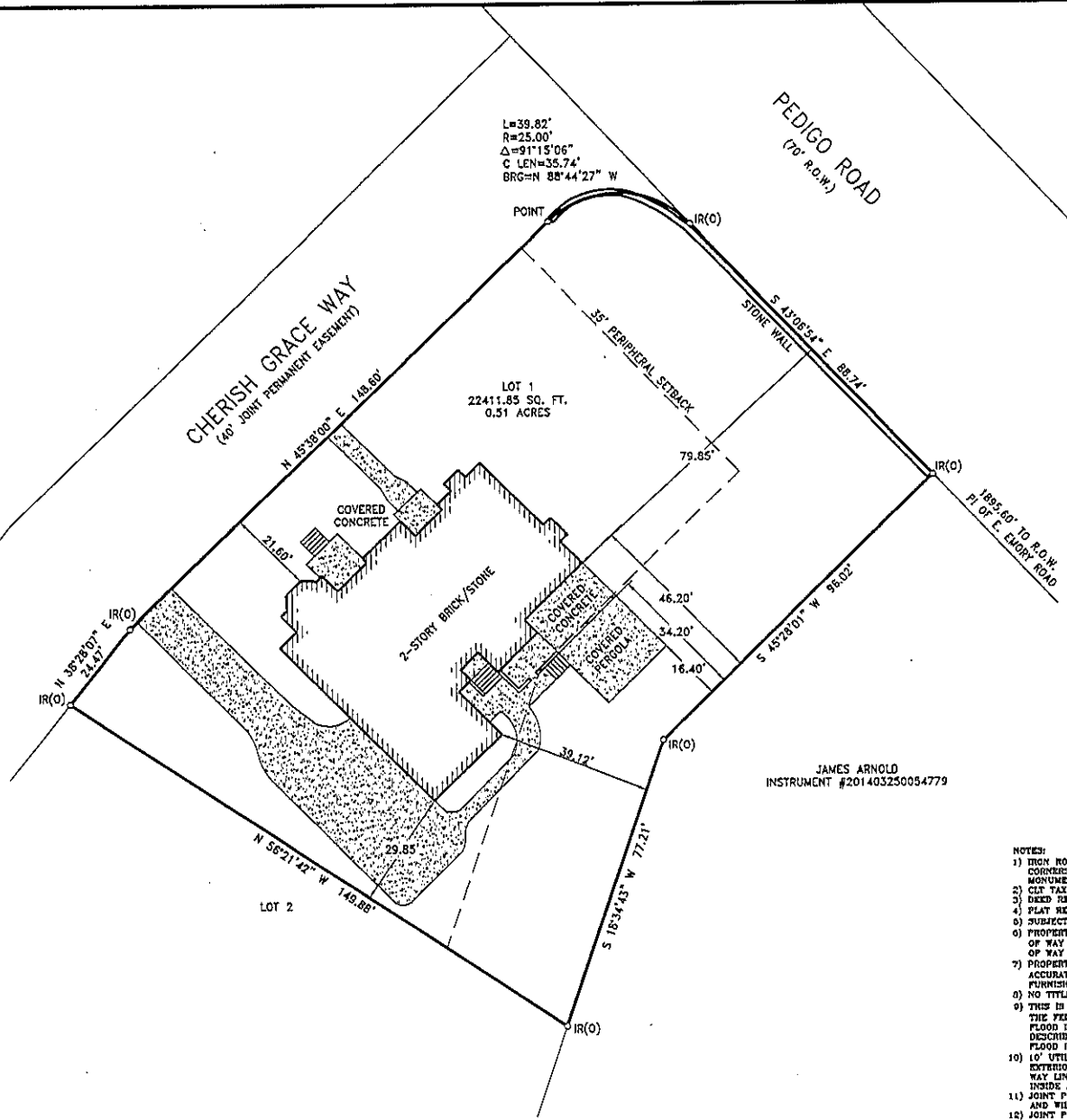


Call Before You Dig! 1-800-381-1111
UTILITIES SHOWN WERE LOCATED FROM ACTUAL FIELD SURVEYS. UTILITY LOCATIONS SHOWN ARE APPROXIMATE AND NOT TO BE DEPENDENT UPON ANY OTHER RECORDS. ANY UTILITIES NOT SHOWN MAY BE LOCATED AT ANY LOCATION. UTILITY DATA SHOWN ARE NOT TO BE DEPENDENT UPON ANY OTHER RECORDS. ANY UTILITIES NOT SHOWN MAY BE LOCATED AT ANY LOCATION. UTILITY DATA SHOWN ARE NOT TO BE DEPENDENT UPON ANY OTHER RECORDS. ANY UTILITIES NOT SHOWN MAY BE LOCATED AT ANY LOCATION.

BEARINGS BASED ON INSTRUMENT #200801020050775



LEGEND	
[Pattern]	CONCRETE
[Pattern]	IRON ROD OLD
[Pattern]	IRON ROD NEW
[Pattern]	IRON PIPE OLD



JAMES ARNOLD
INSTRUMENT #201403250054779

- NOTES:
- 1) IRON RODS WITH CAPS SET AT ALL CORNERS NOT RECOVERED UNLESS OTHER MONUMENTATION IS NOTED ON DRAWING.
 - 2) CITY TAX MAP 0478, GROUP H, PARCEL 001.00.
 - 3) DEED REFERENCE INSTRUMENT #010081000018750.
 - 4) PLAT REFERENCE INSTRUMENT #200801020050775.
 - 5) SUBJECT PROPERTY IS ZONED PUL.
 - 6) PROPERTY SUBJECT TO EASEMENTS, RIGHTS OF WAY OR CLAIMS OF EASEMENTS OR RIGHTS OF WAY NOT SHOWN BY THE PUBLIC RECORDS.
 - 7) PROPERTY SUBJECT TO ANY FINDINGS OF AN ACCURATE TITLE SEARCH. NO TITLE REPORT WAS FURNISHED TO SURVEYOR PRIOR TO SURVEY.
 - 8) NO TITLE OPINION IS EXPRESSED OR IMPLIED.
 - 9) THIS IS TO CERTIFY THAT I HAVE EXAMINED THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP AND FOUND THE DESCRIBED NOT TO BE LOCATED IN A SPECIAL FLOOD HAZARD AREA.
 - 10) 10' UTILITY AND DRAINAGE EASEMENTS INSIDE ALL EXTERIOR BOUNDARY LINES AND ROAD RIGHT-OF-WAY LINES. 5' UTILITY AND DRAINAGE EASEMENTS INSIDE ALL INTERIOR LOT LINES.
 - 11) JOINT PERMANENT EASEMENT IS NOT A PUBLIC ROAD AND WILL NOT BE MAINTAINED BY KNOX COUNTY.
 - 12) JOINT PERMANENT EASEMENT WILL ALSO FUNCTION AS A UTILITY EASEMENT.
 - 13) DECLARATION OF PERMANENT EASEMENT AND MAINTENANCE AGREEMENT RECORDED IN INSTRUMENT #200801020050775.
 - 14) SURVEY UPDATED APRIL 10, 2016, TO SHOW ADDITIONAL IMPROVEMENTS.



Surveyors Certification:
I hereby certify that this is a Category 1 Survey and the ratio of precision of the unadjusted survey exceeds 1:10,000 as shown hereon. This survey has been prepared in accordance with the standards of precision of land surveys in the State of Tennessee.

BUILDING SETBACK REQUIREMENTS:
FRONT: 20'
SIDE: 6' (ADDITIONAL 2' EACH STORY ABOVE FIRST)
REAR: 10' (1-STORY), 20' (2-STORY), 24' (3-STORY)
UNLESS CONTROLLED BY 30' PERIPHERAL SETBACK

Gary L. Roth, Jr. TN. RLS#2051

PROJECT NO.	16-068
FILENAME	16-068.DWG
SHEET NO.	1 OF 1
DRAWN BY:	CLR
DATE OF FIELD SURVEY:	7/5/06
SCALE:	1" = 20'
DATE:	4/10/16

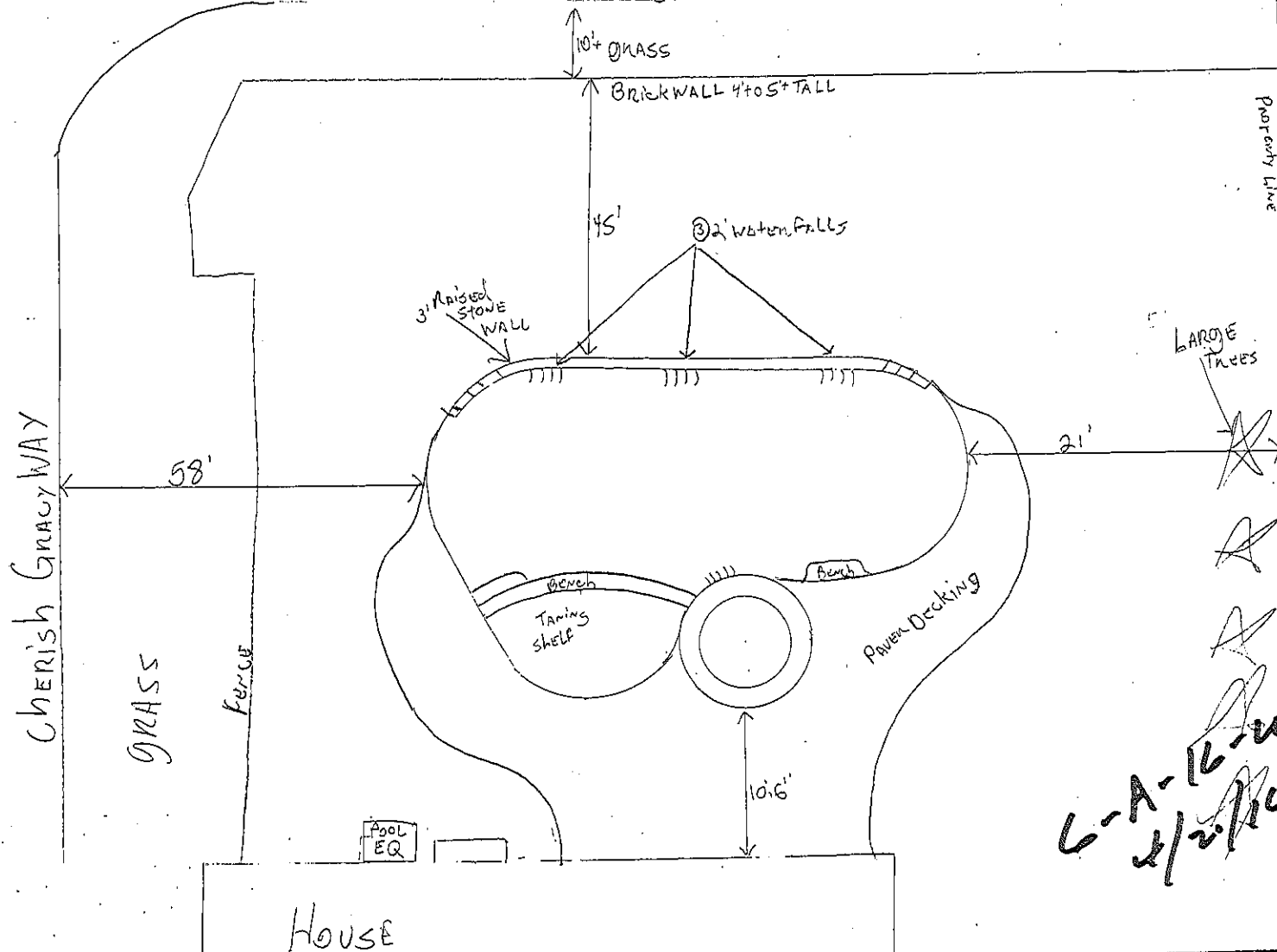
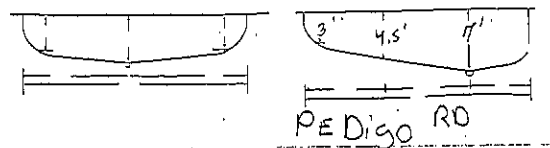
SURVEY FOR:
SHILOH GARDENS S/D
LOT 1
1118 CHERISH GRACE WAY
6TH CIVIL DISTRICT OF KNOX COUNTY, TENNESSEE
WITHOUT THE CORPORATE LIMITS OF THE CITY OF KNOXVILLE

OWNER: RANDALL AND DEBRA MOORE
1118 CHERISH GRACE WAY
KNOXVILLE, TN. 37934

ROTH LAND SURVEYING
Gary L. Roth, Jr. RLS
6718 Kern Road
Knoxville, TN. 37918
PH: (865) 689-8186
FAX: (865) 687-3231

NOTE:
 Pool area to be fenced per local code.
 Gates to be self-closing and self-latching.
 Wet down GUNITE twice daily for seven days.

ABLE Gunite Pools



GENERAL POOL SPECIFICATIONS			
MAXIMUM LENGTH	40	AREA SQUARE FOOTAGE	415
MAXIMUM WIDTH	25	PERIMETER	108
POOL CAPACITY	28,000	DEPTH	3 to 7
EXCAVATION		DECKING	
Access	Front	Rear	Type
Bob Cat	Shuttle	Dig	Color
Remove Dirt			Expansion Joints
Remove Stump(s)			Footings
Remove Fence			Mastic
Replace Fence			Drains
Remove Concrete		S.F.	
STEEL		EQUIPMENT	
Expansive Soil Stool Pattern		Filter Type	Size
		Pump	HP 2 SP 1 SP
		SmartBox	Yes No
		AquaMagic	Yes No
		SmartLight	Yes No
		500 W Light	Yes No
		SmartVac	Yes No
		Energy Vac	Yes No
		Heater	BTU Nat Pro
		Board	
		Slide	
		Sheer Descont	Size
PLUMBING		PLASTER	
Filter Run	Fig		
Return Lines			
Backwash Line	P Trap		
Gas Line	Fig		
ELECTRICAL		SPA	
Run By	Fig		
GUNITE		Color	
Love Seat			
Swim Out			
Ext. 2nd Stop			
Rbb	in. X PL		
Rbb	in. X PL		
COPING		Type	
Type		Paver	
TILE		Type	
Type		Spa Dam	
Accent Tile			
BUYER			
*Approve above specifications			Initials
*Approve equipment location			
*Understand that decking shown is for illustration purposes only and understand that they are to receive _____ square-feet of dock.			
Signature		Date	
Prepared Especially For:			
RANDY Moore			
Street 1118 Cherish Gracy Way			
City KNOXVILLE Zip 37938			
Home Phone		Work Phone	
Designer		Job No.	
Lot		Block Tract	

G-A-16-20
 4/2/16

6-A-16-UR

Pergola constructed within peripheral setback

