

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

▶ **FILE #:** 6-A-17-UR

AGENDA ITEM #: 48

AGENDA DATE: 6/8/2017

▶ **APPLICANT:** **CARDINAL BUILDERS LLC**

OWNER(S): Cardinal Builders

TAX ID NUMBER: 144 F C 029

[View map on KGIS](#)

JURISDICTION: County Commission District 5

STREET ADDRESS: 1206 Appaloosa Way

▶ **LOCATION:** **Northeast side of Appaloosa Way, southeast side of Palmino Way.**

▶ **APPX. SIZE OF TRACT:** **12006 square feet**

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Appaloosa Wy., a private joint permanent easement with a pavement width of 26' within a 40' wide right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Ten Mile Creek

▶ **ZONING:** **PR (Planned Residential)**

▶ **EXISTING LAND USE:** **House**

▶ **PROPOSED USE:** **Reduce rear setback from 15' to 7.75'.**

NA

HISTORY OF ZONING: The use on review and concept plan for the Polo Club Subdivision was approved in 2002

SURROUNDING LAND USE AND ZONING: North: Detached dwelling / PR residential

South: Detached dwelling / PR residential

East: Detached dwelling / PR residential

West: Detached dwelling / PR residential

NEIGHBORHOOD CONTEXT: This is a lot located in the Polo Club Subdivision. There are many other low density residential subdivisions in the area. Polo Club adjoins the A.L. Lotts Elementary School property. The predominant zoning found in the area is PR (Planned Residential).

STAFF RECOMMENDATION:

▶ **APPROVE the request to reduce the rear yard setback for this location (144FC029) from 15' to 7.75' as shown on the site plan subject to 1 condition**

1. Meeting all other applicable requirements of the Knox County Zoning Ordinance

COMMENTS:

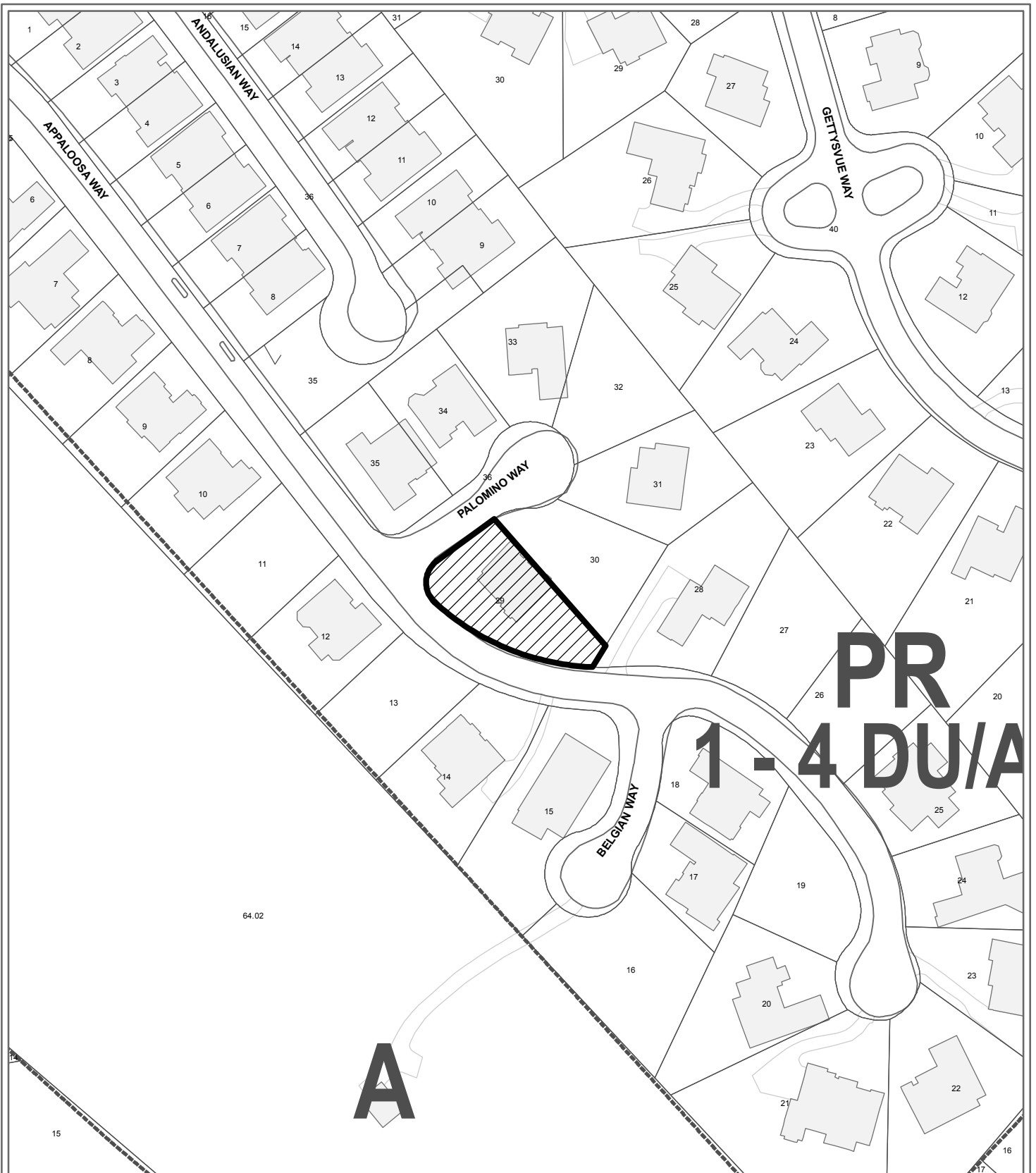
The applicant is requesting a reduction in the rear yard setback from the 15' as it was approved in 2002 (8-H-

02-UR) to 7.75'. The deck that was built on the rear of this applicant's dwelling encroaches on the neighboring lot. In order to address the issue the applicant has submitted an Administrative Plat (3-L-17) which will move the rear lot line enough to get all of the improvements on the lot with the house. However, it cannot be moved enough to make the deck conforming with the required rear yard setback and maintain Lot 30R as a viable building lot. MPC has the authority to establish and regulate building setbacks in the PR (Planned Residential) Zone. The request to reduce this rear setback to 7.75' will exceed the 5' wide minimum required side yard setback. In this particular case reducing the rear yard of the applicant's property will have little impact on the adjoining property because the footprint of any future construction on lot 30R can be adjusted to take into consideration this reduced rear yard.

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-17-UR
USE ON REVIEW**



Reduce rear setback from 15' to 7.75' in PR (Planned Residential)

Original Print Date: 5/17/2017 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Cardinal Builders LLC

Map No: 144

Jurisdiction: County



Certificate of Ownership and General Dedication

(I, We) _____

the undersigned owner(s) of the property shown herein, hereby adopt this as (my, our) plan of subdivision and dedicate the streets as shown to the public use forever and hereby certify that (I am, we are) the owner(s) in fee simple of the property, and as property owner(s) have an unrestricted right to dedicate right-of-way and/or grant easement as shown on this plat.

Signature(s) _____

Signature(s) _____

Signature(s) _____

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 and accompanying drawings, documents, and statements conform to all applicable provisions of the Knoxville/Knox County Subdivision Regulations except as has been itemized, 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 12th day of April, 2017.

Registered Land Surveyor: Steve W. Abbott

Tennessee Certificate No. 2829

Certification of Category and Accuracy of Survey

I hereby certify that this is a category I survey and the ratio of precision of the unadjusted survey is not less than 1:10,000.

Registered Land Surveyor: Steve W. Abbott

Tenn. Reg. No. 2829

In unincorporated areas of Knox County where sanitary sewers are not available

This is to certify that this subdivision is generally suitable for subsurface sewage disposal systems; and this is to notify that all lots are subject to Sections 68-13-401 thru 68-13-413 of the Tennessee Code, Annotated, and the regulations promulgated thereto.

Date: _____ Knox County Health Department

Zoning

Zoning district(s) in which the land being subdivided is located shall be indicated as shown on the zoning map by the Planning Commission as follows:

Zoning Shown on Official Map

Date: _____ By: _____

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: _____

Date: _____

Certificate of Approval for Recording - Administrative Plat

This is to certify that the subdivision plat shown has been found to comply with the Subdivision Regulations of Knoxville and Knox County and with existing official plans, and the record plat is hereby approved for recording in the office of the Knox County Register of Deeds.

Signed: _____ Date: _____

Certification that taxes and assessments have been paid shall be as follows:

This is to certify that all property taxes and assessments due on this property have been paid.

City Tax Clerk: Signed: _____ Date: _____

Knox County Trustee: Signed: _____ Date: _____

County - Release of Easements

Except as noted or shown on this plat, the following parties hereby consent to the release of all rights that may have accrued for their use and benefit in the utility and drainage easements along the original lot lines eliminated by this map, on the condition that new utility and drainage easements are provided along the new property lines.

Knox County Engineering Division Signed: _____ Date: _____

Water: Signed: _____ Date: _____

Power: Signed: _____ Date: _____

Sewer: Signed: _____ Date: _____

Gas Signed: _____ Date: _____

Telephone: Signed: _____ Date: _____

Cable TV: Signed: _____ Date: _____

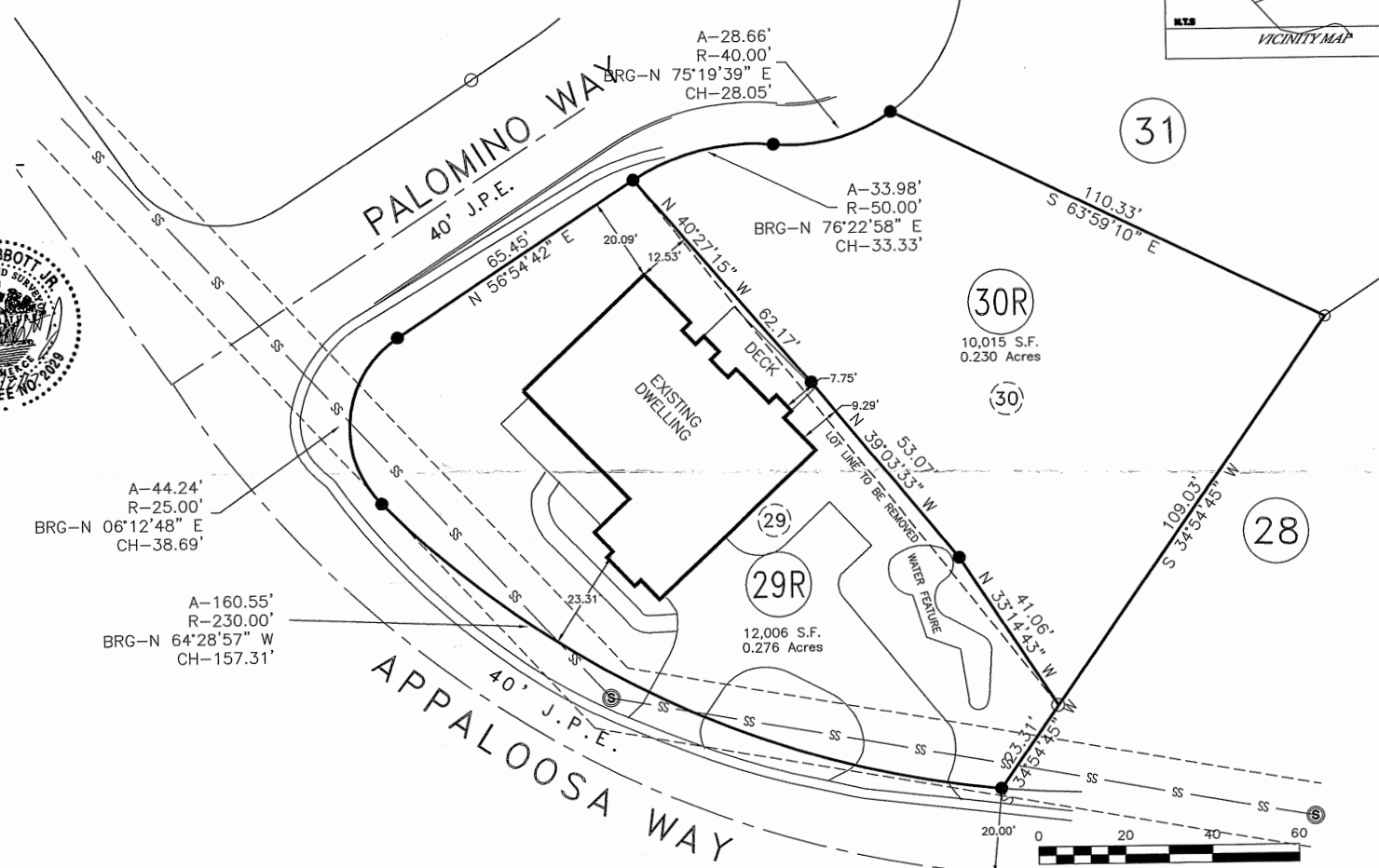
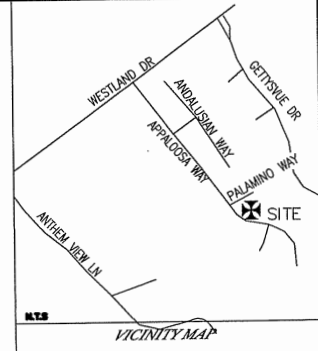
SYMBOL LEGEND

- IRON ROD FOUND
- IRON ROD SET
- ⊙ SANITARY MANHOLE
- OHU — OVERHEAD UTILITIES
- △ CALCULATED POINT
- ⊕ UNMONUMENTED POINT
- ⬇ BENCHMARK

NOTES:

1. PURPOSE OF THIS PLAT IS TO ADJUST LOT LINE TO RESOLVE DECK ENCROACHMENT.
2. IRON PINS AT ALL CORNERS, UNLESS OTHERWISE NOTED.
3. 10' UTILITY AND DRAINAGE EASEMENTS INSIDE ALL EXTERIOR BOUNDARY LINES AND ALONG ROAD RIGHTS-OF-WAY, 5' EACH SIDE ALL INTERIOR LOT LINES.
4. TOTAL NUMBER OF 2 LOTS, TOTAL AVERAGE 22,022 SQUARE FEET OR 0.506 ACRES.
5. PROPERTY IS ZONED PLANNED RESIDENTIAL (PR).
6. JOINT PERMANENT EASEMENT IS NOT A PUBLIC ROAD AND WILL NOT BE MAINTAINED BY KNOX COUNTY. DECLARATION OF MAINTENANCE AGREEMENT FOR THE J.P.E. IS SHOWN IN INSTRUMENT NUMBER 200302280076556 SHOWN ON FILE IN THE REGISTER'S OFFICE OF KNOX COUNTY, TENNESSEE.
7. A 12' UTILITY EASEMENT EXISTS, 7.5' EITHER SIDE OF WATER AND/OR SEWER LINES AS INSTALLED.

PLAT NORTH (INST. # 200302280076553)



MPC FILE#
6-A-17-UR

FINAL PLAT OF:
RESUBDIVISION OF POLO CLUB
LOTS 29 & 30

OWNER PARCEL 30
9208 PALOMINO WAY
CARDINAL BUILDERS LLC
P.O. BOX 23692
KNOXVILLE, TN 37933
PHONE: (865) 257-1315

OWNER PARCEL 29
RAYMOND A. & VICKIE L. ALBRIGHT
1206 APPALOOSA WAY
KNOXVILLE, TN 37922
PHONE: (865) 531-3970

SURVEYOR
STEVEN W. ABBOTT JR
LAND SURVEYOR
1109 E. WOODSHIRE DRIVE
KNOXVILLE, TN 37922
OFFICE: (865) 671-1149
EMAIL: SURVMAP@TDS.NET

DEED BOOK: INST.# 200907310008902 (PARCEL 29)
INST.# 201701180044565 (PARCEL 30)
TAX MAP: 144-F GROUP:C PARCEL: 029.00 & 030.00
DISTRICT: 6th
DATE: 03/21/17 PLAT REFERENCE: 200302280076553
SCALE: 1" = 20'
DRAWING NUMBER: POLOCLUB
DRAWN BY: SWA

MPC June 8, 2017

Agenda Item # 48

Use on Review Development Plan

Name of Applicant: Cardinal Builders LLC

Date Filed: 4/12/2017 Meeting Date: 6/8/2017

Application Accepted by: Marc Payne

Fee Amount: 7 File Number: Development Plan 7

Fee Amount: 450.00 File Number: Use on Review 6-A-17-UR



PROPERTY INFORMATION

Address: 1266 Appaloosa Way

General Location: N/2 Appaloosa Way E/2 Palmetto Way

Tract Size: 12,066 sq. Ft No. of Units: 1

Zoning District: PR 1-4 du/gc

Existing Land Use: Residence

Planning Sector: Southwest County

Sector Plan Proposed Land Use Classification: LDR

Growth Policy Plan Designation: Planned

Census Tract: 57.11

Traffic Zone: 232

Parcel ID Number(s): 144FC029

Jurisdiction: City Council _____ District County Commission 6th District

PROPERTY OWNER/OPTION HOLDER

PLEASE PRINT

Name: _____

Company: Cardinal Builders

Address: P.O. Box 23692

City: Knoxville State: TN Zip: 37933

Telephone: 865-257-1315

Fax: _____

E-mail: dantire3@yahoo.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: Steve Abbott

Company: Abbott Land Survey

Address: 1109 E. Woodshire Dr

City: Knoxville State: TN Zip: 37922

Telephone: 865-671-1149

Fax: _____

E-mail: survmap@tds.net

APPROVAL REQUESTED

Development Plan: Residential Non-Residential

Home Occupation (Specify Occupation) _____

Other (Be Specific) _____

APPLICATION AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.

Signature: Steve W. M. J.

PLEASE PRINT

Name: Steve Abbott

Company: Abbott Land Surveying LLC

Address: 1109 E. Woodshire Dr

City: Knoxville State: TN Zip: 37922

Telephone: 865-671-1149

E-mail: survmap@tds.net