



USE ON REVIEW REPORT

▶ **FILE #:** 7-D-19-UR

AGENDA ITEM #: 45

AGENDA DATE: 7/11/2019

▶ **APPLICANT:** DAMON FALCONNIER

OWNER(S): James Kish

TAX ID NUMBER: 104 M J 050

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 9976 Winding Hill Ln

▶ **LOCATION:** North end cul-de-sac Winding Hill Lane, east of Bob Kirby Road

▶ **APPX. SIZE OF TRACT:** 11432 square feet

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Winding Hill Ln., a local street with a 26' pavement width within a 50' right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

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

▶ **EXISTING LAND USE:** vacant

▶ **PROPOSED USE:** Reduce peripheral setback from 35' to 19'

HISTORY OF ZONING: The property was rezoned to PR (Planned Residential) by Knox County Commission on May 22, 2006.

SURROUNDING LAND USE AND ZONING: North: Vacant land and residence - A (Agricultural)

South: Residences - PR (Planned Residential)

East: Residences - PR (Planned Residential)

West: Vacant land and residence - A (Agricultural)

NEIGHBORHOOD CONTEXT: The site is located in an area that has developed under A (Agricultural) and PR (Planned Residential) zoning with low density subdivisions.

STAFF RECOMMENDATION:

▶ **APPROVE the reduction of the peripheral setback from 35' to 19' along the northwest property line as identified on the development plan, subject to 3 conditions.**

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
3. Meeting all requirements of the Knox County Department of Engineering and Public Works.

With the conditions noted, this plan meets the requirements for approval in the PR (Planned Residential) zone and the other criteria for approval of a use on review.

COMMENTS:

The applicant is requesting approval of a reduction in the peripheral setback (rear property line) in the Planned Residential (PR) zone from 35' to 19'. The applicant is proposing a covered porch and deck areas off of the back of the second story of the residence that will extend into the existing peripheral setback. The PR zoning allows the Planning Commission to reduce the peripheral setback down to a minimum of 15' when the adjoining property is zoned for residential use.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTIES AND THE COMMUNITY AS A WHOLE

1. The property that this lot backs up to is a wooded 4.68 tract that is split by A (Agricultural) and PR (Planned Residential) zoning. The area behind this lot is zoned A (Agricultural). The reduced peripheral setback along this property line should not have a negative impact on the adjoining wooded property.

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 peripheral setback reduction 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 Northwest 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: 15 (average daily vehicle trips)

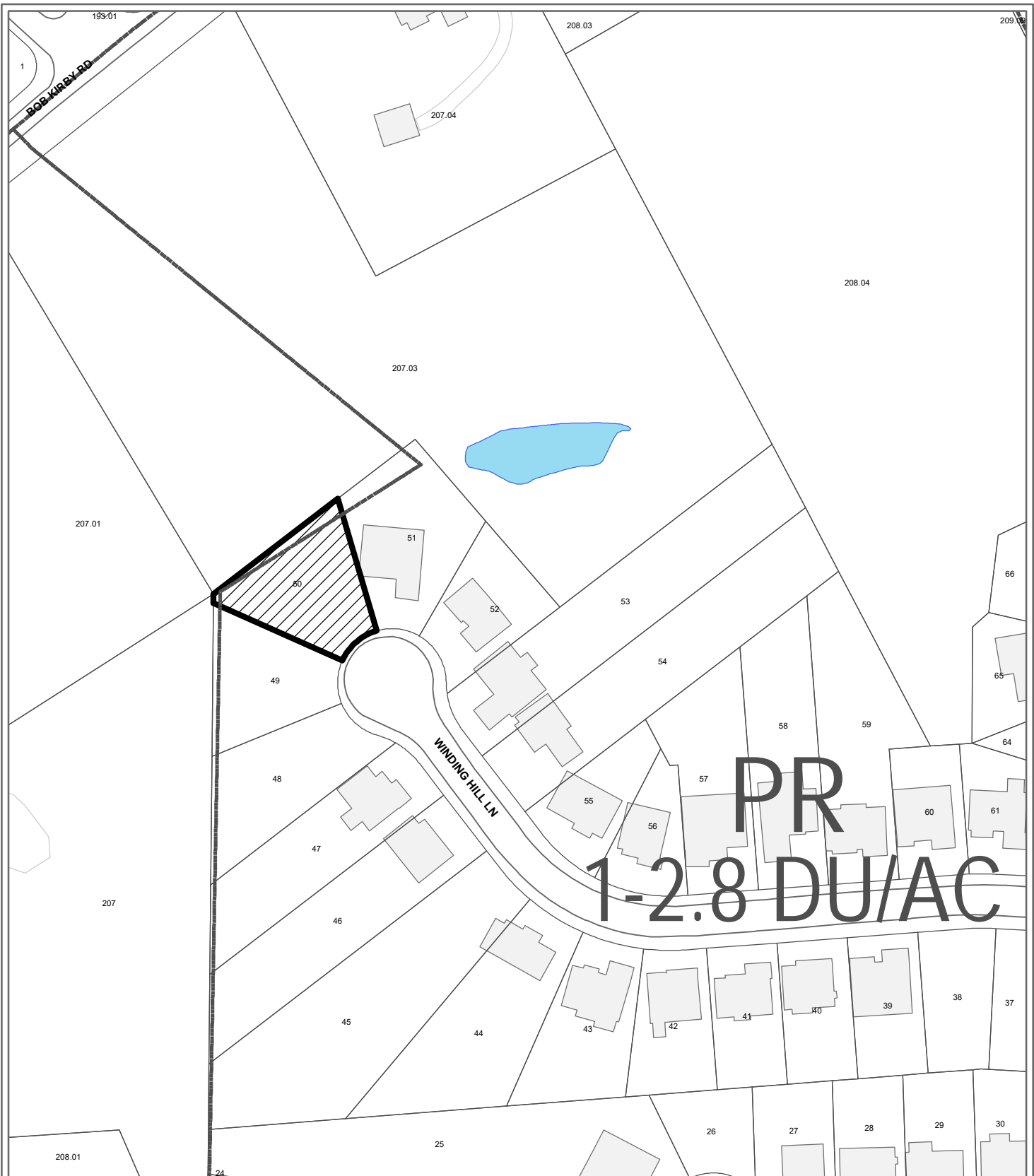
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: 0 (public school children, grades K-12)

Schools affected by this proposal: Cedar Bluff Elementary, Cedar Bluff Middle, and Hardin Valley Academy.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

The Planning Commission'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 a Planning Commission decision in the County.



PR
1-2.8 DU/AC

**7-D-19-UR
 USE ON REVIEW**



Reduce peripheral setback from 35' to 19' in PR (Planned Residential)

Petitioner: Falconnier, Damon

Map No: 104

Jurisdiction: County



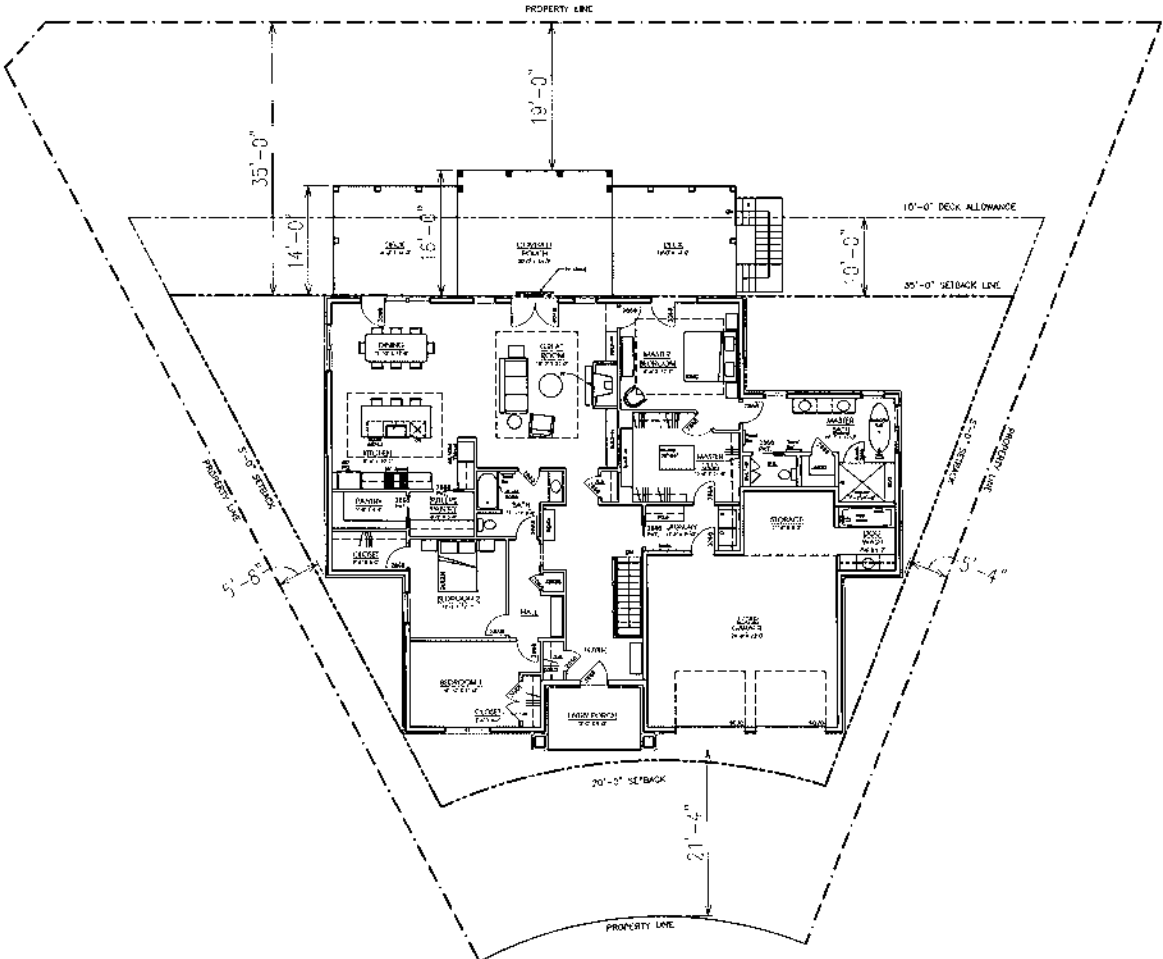
Original Print Date: 6/18/2019

Revised:

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

VARIANCE REQUESTS:

1. REDUCE THE REAR PERIPHERY SETBACK FROM 35'-0" WHEN ADJACENT TO AN "Ag" ZONE (5.13.06) TO 19'-0". THIS WOULD COMPLY WITH THE ZONING'S "DEFAULT" MINIMUM REAR SETBACK OF 15'-0" (5.13.09).

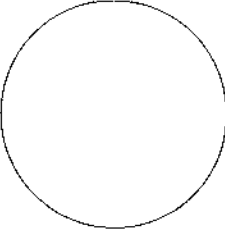


1 PRELIMINARY SITE PLAN
1/16" = 1'-0"

7-D-19-WR

FALCONNIER
DESIGN COMPANY

4622 Chambliss Avenue
Knoxville, TN 37919
Phone 865.584.7868
Fax 865.584.3139
faldesco@gmail.com
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SITE PLAN

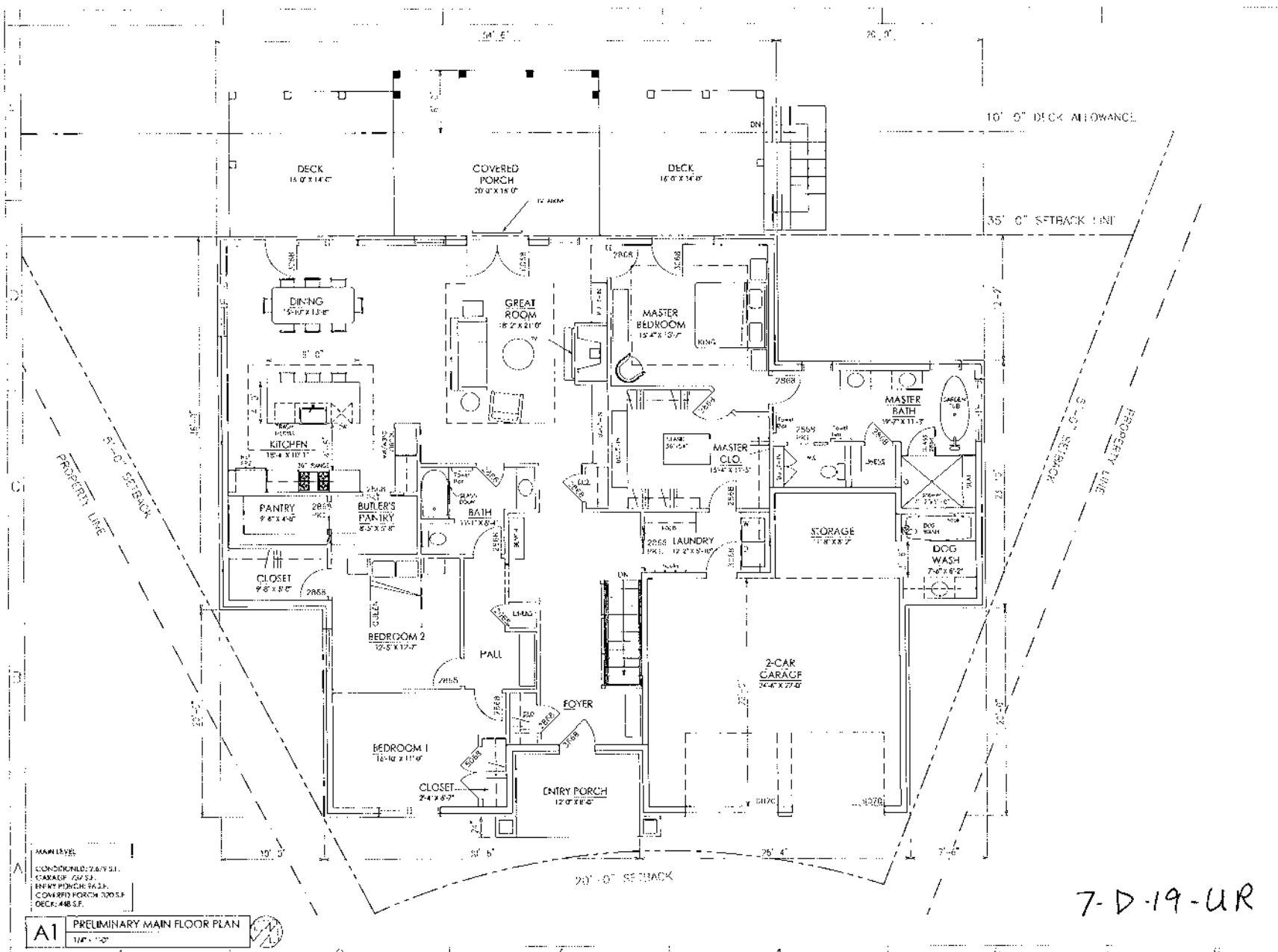
PROJECT:
KISH HOUSE

9976 WINDING HILL LANE
KNOXVILLE, TN 37931

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ISSUE DATE: 05/08/19
REVISED: ~
DRAWN BY: AG
CHECKED BY: DAF
CAD FILE: 2019_038

A1



FALCONNIER
DESIGN COMPANY
4477 Chamblis Avenue
Knoxville, TN 37919
Phone 865.584.7588
Fax 865.584.1129
falconniedesign@aol.com
© copyright 2017

PRELIMINARY
NOT FOR CONSTRUCTION
06/06/19

DESIGN APPROVAL
We hereby approve the design of the project as presented in the design plan. We warrant that during the design process we will maintain a professional standard of care and we will provide the design as presented. We warrant that the design will be completed within the agreed upon time and cost. We warrant that the design will be completed within the agreed upon time and cost.

DRAWN BY: JAS/DRP
CHECKED BY: CAF

KISH HOUSE

5276 WINDING HILL LANE,
KNOXVILLE, TN 37951

PRELIMINARY
FLOOR PLAN
MAIN LEVEL
OPTION D

AS INDICATED BY STORAGE TRAIL
DIMENSIONS AND OF OTHER INFORMATION
THAT ARE THE PROPERTY OF SCOTT &
FALCONNIER AND IS NOT BE PROVIDED
AS PART OF THIS PROJECT. OPTION D
IS NOT BE PROVIDED AS PART OF THIS
PROJECT. CHECK FOR ALL LOCAL ORDINANCES
AND WITH COUNTY AND STATE
AGENCIES. A PROFESSIONAL ENGINEER
WILL BE OBTAINED FOR THE DESIGN.

DRAWN BY: JAS/DRP
CHECKED BY: CAF

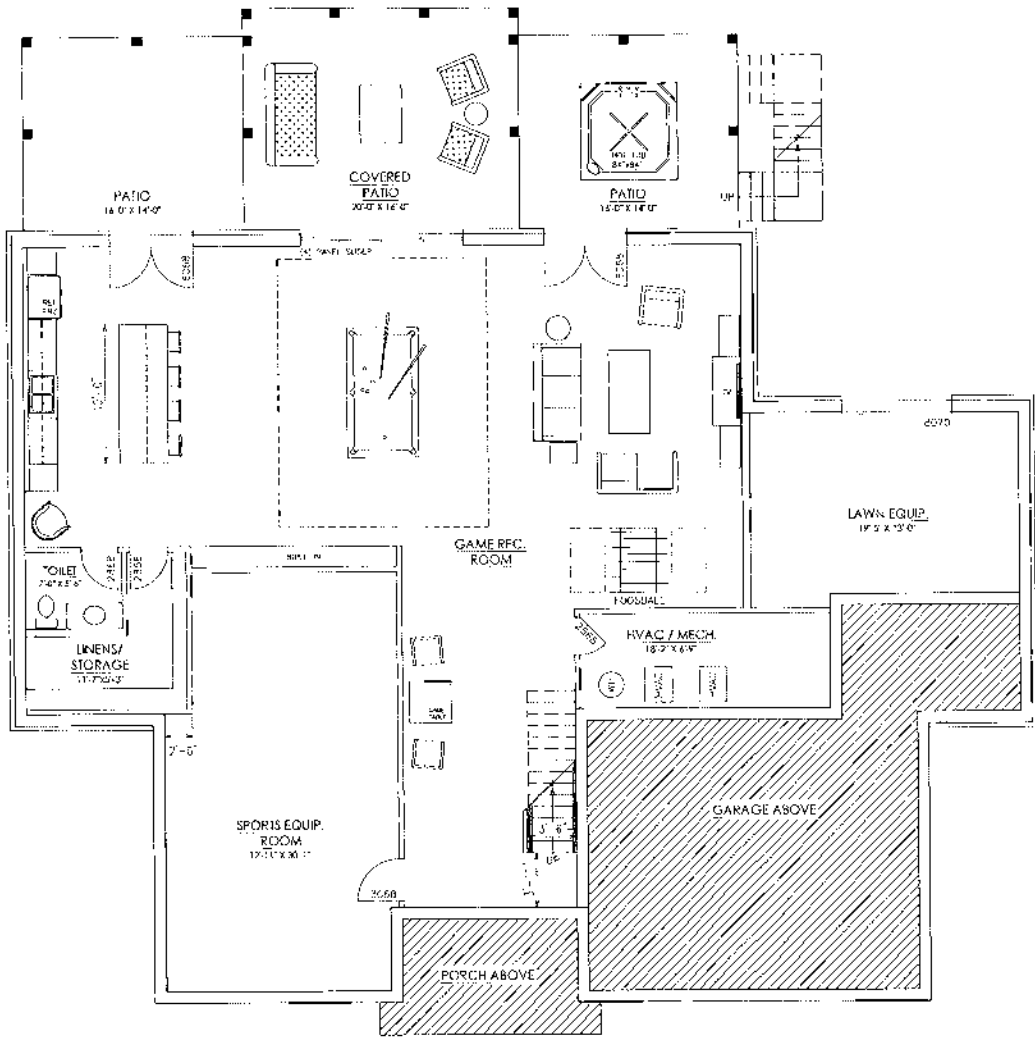
H.L.L. 7019-036

A-1d

MAIN LEVEL
CONDITIONS: 7/6/19 SET
GARAGE: 7/6/19
ENTRY PORCH: 7/6/19
COVERED PORCH: 7/6/19
DECK: 7/6/19

A1 PRELIMINARY MAIN FLOOR PLAN
1/4" = 1'-0"

7-D-19-UR



BASEMENT
 CONDITIONED: 2,474 S.F.
 UNCONDITIONED: 299 S.F.
 PARKS: 768 S.F.

A1 PRELIMINARY BASEMENT FLOOR PLAN
 1/4" = 1'-0"

7-D-19-UR

FALCONNIER
 DESIGN COMPANY
 4829 Chamblain Avenue
 Knoxville, TN 37919
 Phone: 865.586.3568
 Fax: 865.586.3100
 fdesign@falconnier.com
 © copyright 2019

PRELIMINARY
 NOT FOR CONSTRUCTION
 08/05/19

DESIGN APPROVAL
 We hereby approve the design of
 this project as presented in the
 attached drawings. It is understood
 that the drawings are preliminary
 and subject to change without
 notice. Any changes that affect
 the structural integrity of the
 project may require a separate
 design approval.

OWNER'S NAME (PRINT)
 OWNER'S SIGNATURE

KISH HOUSE
 9976 WINDING HILL LANE,
 KNOXVILLE, TN 37961

PRELIMINARY
 FLOOR PLAN
 BASEMENT
 OPTION D

AS INSTRUMENTED HEREBY, THESE
 DRAWINGS AND THE DESIGN REPRESENTED
 THEREON ARE THE PROPERTY OF FALCONNIER
 DESIGN COMPANY AND SHALL BE KEPT
 IN CONFIDENCE AND NOT TO BE REPRODUCED
 OR COPIED IN ANY MANNER WITHOUT
 THE WRITTEN CONSENT OF FALCONNIER
 DESIGN COMPANY. ANY VIOLATION
 OF THIS AGREEMENT SHALL BE
 SUBJECT TO LEGAL ACTION.

DRAWN BY: AC/ARK
 CHECKED BY: GAF
 ISSUED:
 REVISIONS:
 FILE: 2019-036

A-0d

Use on Review Development Plan

Name of Applicant: Damon Falconnier

Date Filed: 5-22-19 Meeting Date: July 11, 2019

Application Accepted by: Sherry Michienzi

Fee Amount: _____ File Number: Development Plan _____

Fee Amount: \$150⁰⁰ File Number: Use on Review 7-D-19-UR



PROPERTY INFORMATION

Address: 9976 Winding Hill Lane

General Location: NW end culdesac of Winding Hill Ln, E of Bob Kirby Rd

Tract Size: 11,432 sqft. No. of Units: Rd

Zoning District: PR 1-2.8 du fac

Existing Land Use: vacant

Planning Sector: Northwest County

Sector Plan Proposed Land Use Classification: HDR - single family residential

Growth Policy Plan Designation: Planned

Census Tract: 46.12 Growth Growth

Traffic Zone: 249

Parcel ID Number(s): 104mJ050

Jurisdiction: City Council _____ District

County Commission 6 District

PROPERTY OWNER/OPTION HOLDER

PLEASE PRINT

Name: JAMES KISH

Company: _____

Address: 1254 Davis Ridge Rd

City: Lenoir City State: TN Zip: 37711

Telephone: 865-621-6838

Fax: _____

E-mail: Kishi@hotmail.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: SAME AS BELOW

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Fax: _____

E-mail: _____

APPROVAL REQUESTED

Development Plan: Residential Non-Residential

Home Occupation (Specify Occupation)

reduce peripheral setback from 35' to 19' to build a home

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: Damon Falconnier

PLEASE PRINT

Name: DAMON A. FALCONNIER

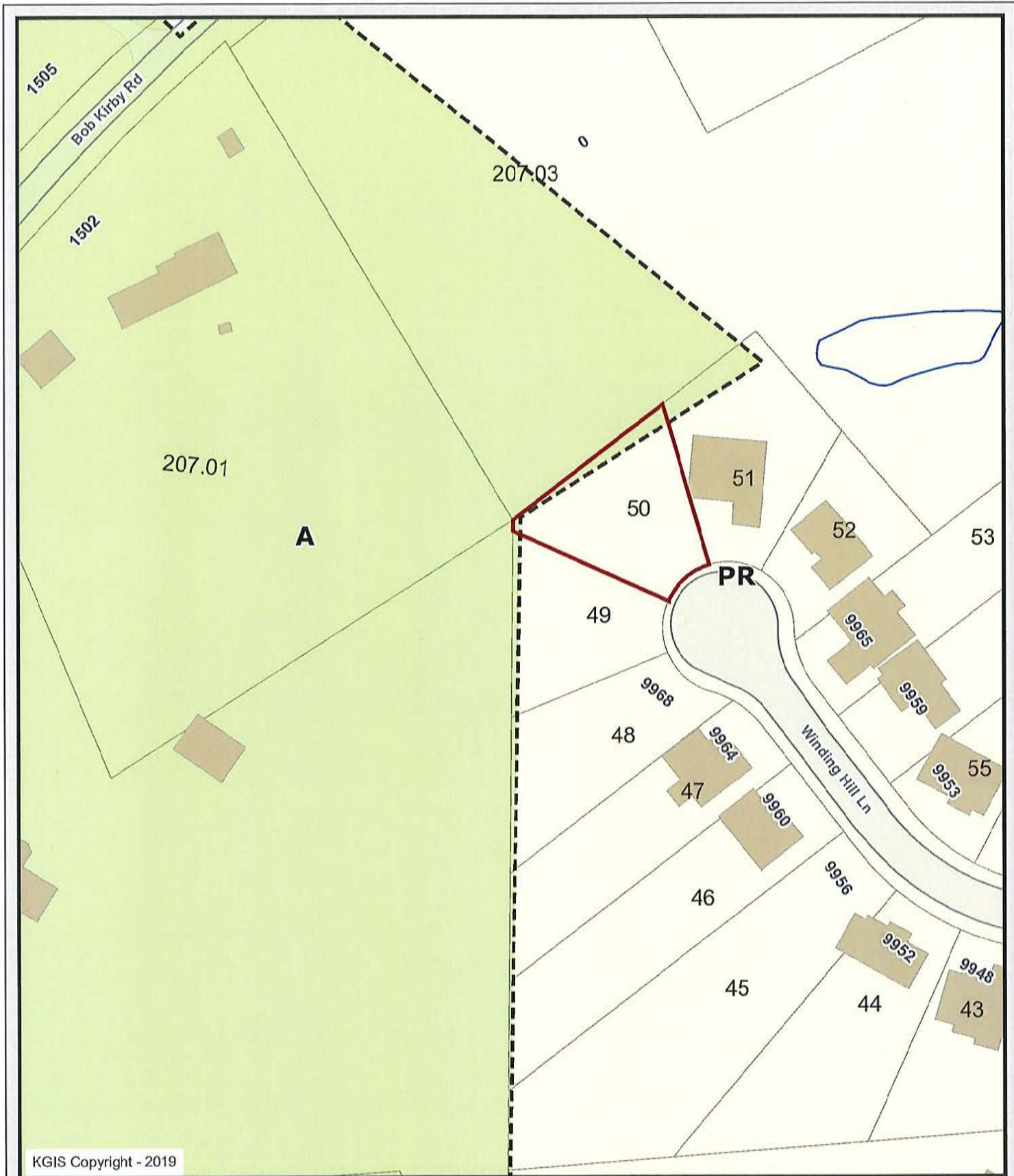
Company: FALCONNIER DESIGN CO.

Address: 4622 CHAMBLISS AVE

City: KNOXVILLE State: TN Zip: 37919

Telephone: 865-584-7868

E-mail: faldesco@gmail.com



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Letter Portrait

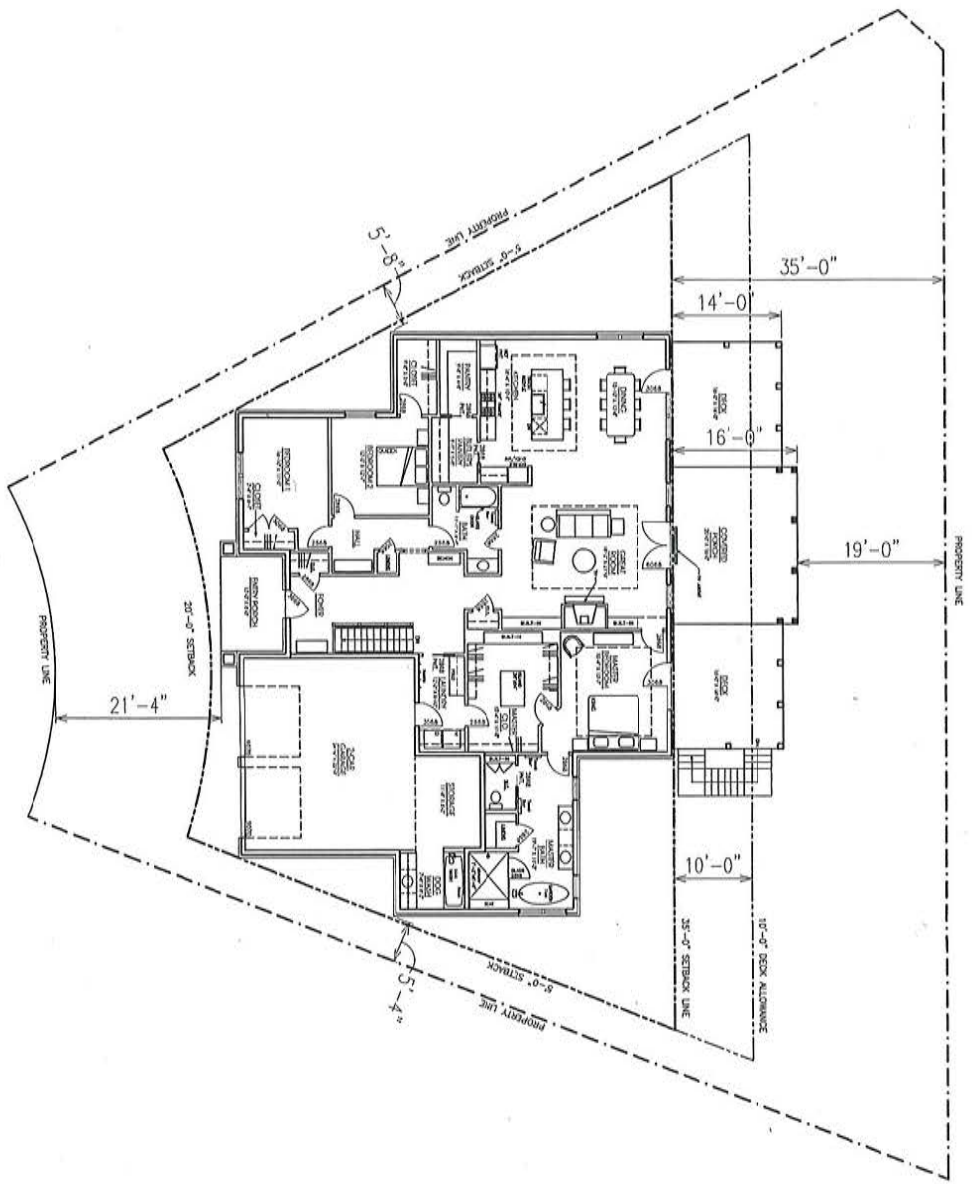
Knoxville - Knox County - KUB Geographic Information System




Printed: 5/22/2019 at 3:11:30 PM



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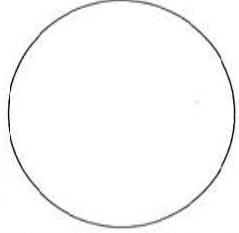


- VARIANCE REQUESTS:
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Phone 865.584.7868
Fax 865.584.3139
faldecoc@gmail.com
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SITE PLAN

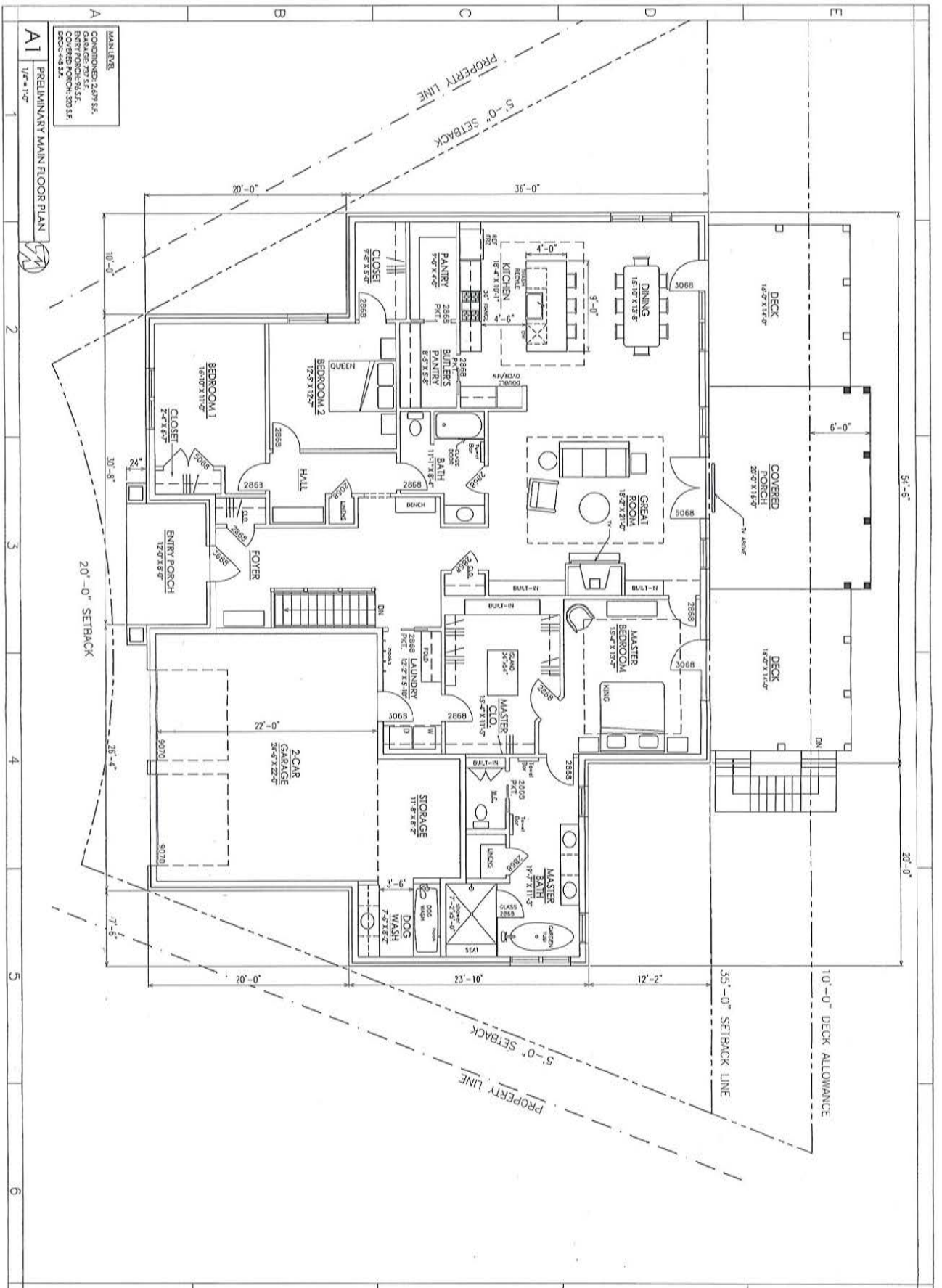
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KNOXVILLE, TN 37931

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ISSUE DATE: 05/08/19
REVISIONS:
DRAWN BY: AG
CHECKED BY: DAF
CADD FILE: 2019-038

A1



A1
PRELIMINARY MAIN FLOOR PLAN
1/8" = 1'-0"

MANAGER
CONVENTION: 2,879 S.F.
GARAGE: 200 S.F.
TOTAL: 3,079 S.F.
COVERED PORCH: 200 S.F.
DECK: 483 S.F.

A-1d

DESIGNER	AG/DRK
CHECKED BY	DAE
ISSUED	
REVISIONS	
DATE	2019-03-15

AT APPROXIMATE OF 2019, THIS FLOOR PLAN AND THE DESIGN REPRESENTATION IS FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION OR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS PLAN OR FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF THIS PLAN.

PRELIMINARY FLOOR PLAN MAIN LEVEL OPTION D

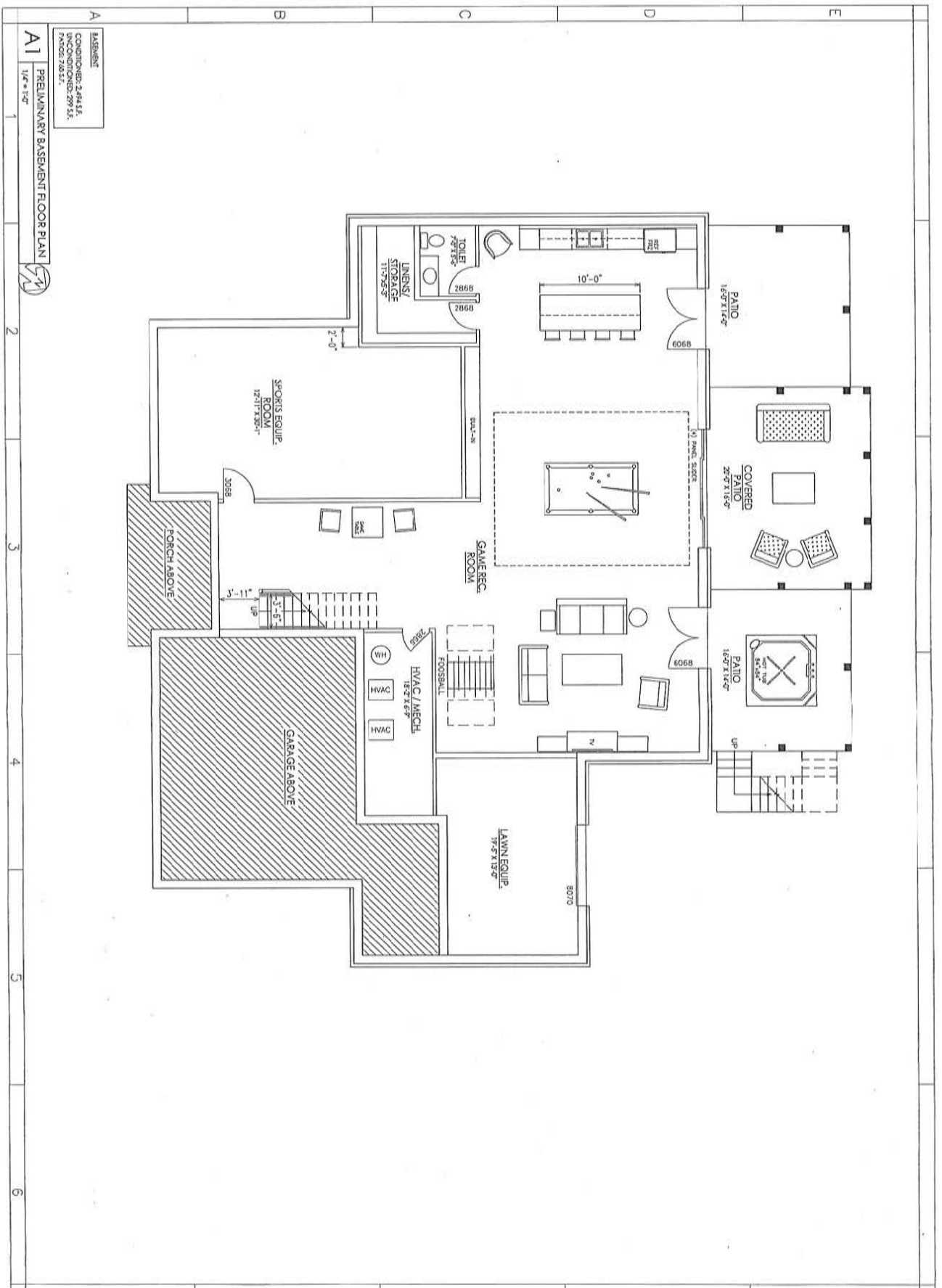
8975 WINDING HILL LANE
KNOXVILLE TN 37937

KISH HOUSE

DESIGN APPROVAL
I, the undersigned, hereby approve the design of the above described project and the design of the same as shown on the attached drawings. I understand that the design is preliminary and subject to change without notice. I understand that the design is not to be used for construction or any other purpose without the written consent of the architect. I understand that the architect assumes no liability for any errors or omissions in this plan or for any damage to persons or property caused by the use of this plan.

PRELIMINARY NOT FOR CONSTRUCTION

FALCONNIER DESIGN COMPANY
4422 Quince Orchard Road
Farmingdale, NY 11735
Tel: 631-253-1339
Fax: 631-253-1338
www.falconnier.com
© Falconnier 2019



BASEMENT
 CONDITIONED: 2484 S.F.
 UNCONDITIONED: 299 S.F.
 FINISHES: 743 S.F.

A1 PRELIMINARY BASEMENT FLOOR PLAN
 1/4" = 1'-0"

1 2 3 4 5 6

FALCONNIER
 DESIGN COMPANY
 4622 Quince Orchard Avenue
 Gaithersburg, MD 20878
 Phone: 301.281.1333
 Fax: 301.281.1334
 www.falconnier.com
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DESIGN APPROVAL
 I, the undersigned, being a duly licensed Professional Engineer in the State of Maryland, do hereby certify that the design shown on the above sheet is in accordance with the provisions of the Maryland Professional Engineering Act and the rules and regulations of the Board of Professional Engineers, and that I am a duly licensed Professional Engineer in the State of Maryland.

OWNER'S NAME (PRINT) _____
 OWNER'S SIGNATURE _____ DATE _____

KISH HOUSE
 8975 WINDING HILL LANE
 KNOWLEDGE, TN 38587

PRELIMINARY FLOOR PLAN BASEMENT OPTION D

ALL DIMENSIONS OF SPACES, WALLS, PARTITIONS, AND FINISHES SHALL BE AS SHOWN UNLESS OTHERWISE NOTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTING CONDITIONS AND FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

DRAWN BY:	AS/DBK
CHECKED BY:	DAE
ISSUED:	~
REVISION(S):	~
DATE:	2018-03-26

A-0d

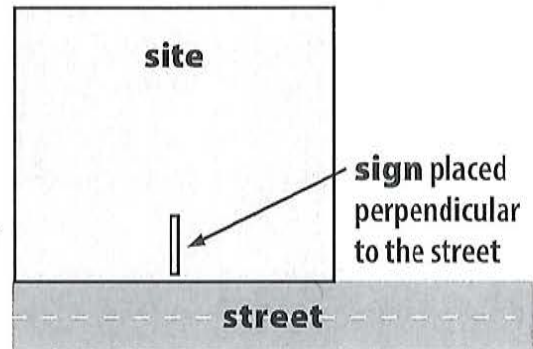
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted Administrative Rules and Procedures.

At the time of application, staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the Planning offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.



TIMING

The sign(s) must be posted 15 days before the scheduled Planning Commission public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next Planning Commission meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

June 26th (Wed) and July 12th (Fri)
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: 

Printed Name: Damon Falconier

Phone: 865-604-3973 Email: faldesco@gmail.com

Date: 5-22-19

File Number: 7-D-19-UR