

SPECIAL USE REPORT

► **FILE #:** 1-C-22-SU

AGENDA ITEM #: 34

AGENDA DATE: 1/13/2022

► **APPLICANT:** JOHN D. THOMAS & BARBARA THOMAS

OWNER(S): John & Barbara Thomas

TAX ID NUMBER: 143 D E 06901

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 557 Cumberland Ridge Dr.

► **LOCATION:** Southwest end of Cumberland Ridge Drive, southwest of Fox Cove Road

► **APPX. SIZE OF TRACT:** 32039 square feet

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: N/A

ACCESSIBILITY: Access is via Cumberland Ridge Dr, a local street with 26ft of pavement width within 50ft of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Sinking Creek

► **ZONING:** RN-1 (Single-Family Residential Neighborhood) (c) & HP (Hillside Protection)

► **EXISTING LAND USE:** SFR (Single Family Residential)

► **PROPOSED USE:** Peripheral setback reduction

HISTORY OF ZONING: The property was rezoned from zoned from A-1 to RP-1 in 2003 (1-I-03-RZ)

SURROUNDING LAND USE AND ZONING: North: Single family residential -- RN-1 (Single-Family Residential Neighborhood) (C)

South: Single family residential -- RA (Low Density Residential)

East: Single family residential -- RN-1 (Single-Family Residential Neighborhood) (C)

West: Vacant land -- RN-1 (Single-Family Residential Neighborhood) (C)

NEIGHBORHOOD CONTEXT: The subject property is located at the end of a neighborhood street and adjacent to the peripheral boundary of the development. The property is located in the Fox Cove subdivision which is located off of Fox Road.

STAFF RECOMMENDATION:

► **Approve the request to reduce the peripheral setback from 25 feet to 18 feet, subject to 1 condition.**

1. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.

With the condition noted, this plan meets the requirements of the former RP-1 (Planned Residential) zone, the

previously approved development plan, and the criteria for approval of a special use for modifications to previously planned districts per Article 1.4.G.

COMMENTS:

This proposal to reduce the peripheral setback is to allow an inground pool to the rear of the house and in a location that is relatively flat. The west side of the house has significant slopes that would make installing a pool very difficult. There are existing trees along the rear property line that can be retained and provide screening to the adjacent property. If the rear property line was not designated with a peripheral setback, the pool could be located 5 feet from the rear property line since it is considered an accessory structure.

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2.)

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.

a. The One Year Plan and Southwest County Sector Plan designations for this site are LDR (Low Density Residential).

b. The proposed residential pool is consistent with these plans.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.

a. The former RP-1 was intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, education, and cultural facilities which are integrated with the total project by unified architectural and open space treatment.

b. The placement of the pool to the rear of the house is appropriate for this residential setting.

c. The proposed setback of 18 feet is adequate to maintain a buffer to the property to the south.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

a. The proposed residential pool is consistent with the character of the neighborhood.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.

a. The inground pool located to the rear of the house will not significantly injure the value of adjacent property or detract from the immediate environment.

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

a. The proposed residential pool will not draw additional traffic through residential streets.

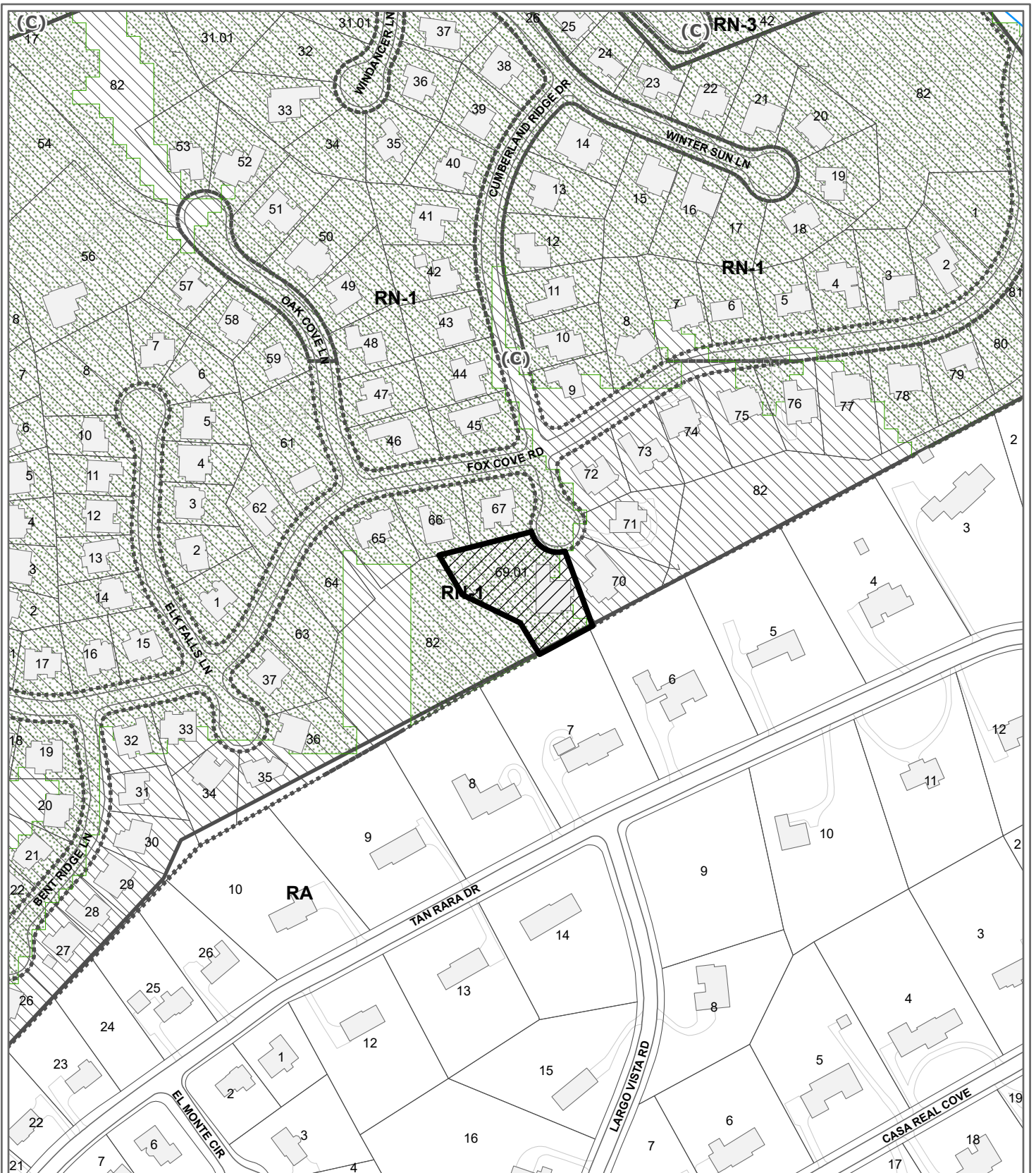
6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

a. There are no known uses immediately surrounding the subject site that will pose a potential hazard or undesirable environment for the proposed use.

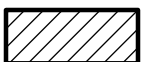
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



**1-C-22-SU
SPECIAL USE**



Peripheral setback reduction in RN-1 (Single-Family Residential Neighborhood) (c) & HP (Hillside Protection)

Original Print Date: 12/2/2021
Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Thomas & Barbara Thomas,
John D.

Map No: 143

Jurisdiction: City

0 250
Feet



1-C-22-SU
11/22/2021

CITY OF KNOXVILLE DEPARTMENT OF ENGINEERING APPROVED
<i>Linda Pierucci</i> 10/15/2021
<small>Adequate erosion and sediment controls must be used and maintained by the contractor during construction until final site stabilization has been achieved. Additional measures may be required by the Field Inspector. Refer to the City of Knoxville BMP Manual and the Tennessee Erosion and Sediment Control Handbook as needed for additional information regarding controls and maintenance.</small>

50.00'

Proposed New Line

16'

Proposed Pool

Patio

83.30' Ex.Lot Line

2,454 Sq.Ft.
0.056 Ac.

18'

Subd. Boundary

46 349-M2

NOTES:

- CLT MAP 143-D, GROUP E, PARCELS 069.01 & PART OF 082. THE REMAINDER OF PARCEL 143DE082 EXCEEDS FIVE (5) ACRES AND IS EXEMPT FROM SURVEY.
- NO. OF LOTS - 2 (1 LOT & 1 COMMON AREA LOT).
- AREA SUBDIVIDED - 2,596 AC. (113,083 SQ. FT.).
- IRON PINS AT ALL CORNERS; ALL PINS ARE FOUND UNLESS NOTED SET ("S").
- THE REQUIRED UTILITY & DRAINAGE EASEMENT SHALL BE TEN (10') IN WIDTH INSIDE ALL EXTERIOR LOT LINES ADJOINING STREETS AND PRIVATE RIGHTS-OF-WAY (INCLUDING LOT PERMANENT EASEMENTS). EASEMENTS OF FIVE (5) FEET IN WIDTH SHALL BE PROVIDED ALONG BOTH SIDES OF ALL INTERIOR LOT LINES AND ON THE INSIDE OF ALL OTHER EXTERIOR LOT LINES. THESE EASEMENTS ARE NOT REQUIRED ALONG SPECIFIC LOT LINES FOR PROPERTY THAT IS ZONED TO ALLOW LESS THAN A FIVE (5) FOOT BUILDING SETBACK AND SHALL BE CLEARLY NOTED ON THE FINAL PLAT.
- THIS PROPERTY IS ZONED RN-1.
- 7.5' UTILITY EASEMENT EACH SIDE OF WATER AND SANITARY SEWER LINES AS INSTALLED.
- BUILDING SETBACKS: FRONT - 25' SIDE - 5' REAR - 15' PERIPHERAL - 25'
- PROPERTY RECORDING DATA - Instru. No. 20070709 0002500 (DEED) Instru. No. 20140813 0070508 (DEED) Instru. No. 20040105-0066713 (DEED) Instru. No. 20060111-0059119 (ORIGINAL PLAT) Instru. No. 20141231-0035701 (PLAT CREATING)

10. BEARINGS ARE BASED ON NAD83(2011). GRID NORTH IS BASED ON A BEARING OF N 54°19'27" W FROM CITY CONTROL PT. #0070 TO #0071. DISTANCES HAVE NOT BEEN REDUCED TO GRID.

11. THE PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING THE STORMWATER FACILITIES AS REQUIRED PER THE STORM WATER MAINTENANCE AGREEMENT RECORDED IN KNOX COUNTY REGISTER OF DEEDS OFFICE AS INSTRUMENT #20040212 0076987.

12. FOR APPROVED SUBDIVISION VARIANCES AND CONDITIONS OF APPROVAL OF THE CONCEPT PLAN AND USE-ON-REVIEW, REFER TO THE METROPOLITAN PLANNING COMMISSION'S FILES 7-SH-03-C, 9-SC-03-C & 10-SE-05-C & 7-K-03-UR & 9-F-03-UR. COVENANTS RECORDED IN KNOX COUNTY REGISTER OF DEEDS OFFICE AS INSTRUMENT #20060117-0060494.

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 Anna Hall

Date 9-15-2021

Certificate of Ownership and General Dedication

I, we, the undersigned owner(s) of the property shown herein, hereby adopt this as (myour) 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.

Owner(s) Printed Name: John Proctor Signature(s): [Signature]

Notary Public Seal: [Seal]

Date: 9/15/21

State of Tennessee, County of Knox

on this 15 day of Sept, 2021

before me personally appeared John Proctor known to me to be the person described in, and who executed, the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Witness my hand and notarial seal, this the day and year above.

Notary Public Seal: [Seal]

My Commission expires 4-6-24

State of Tennessee, County of Knox

on this 15 day of Sept, 2021

before me personally appeared Barbara S. Thomas known to me to be the person described in, and who executed, the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Witness my hand and notarial seal, this the day and year above.

Notary Public Seal: [Seal]

My Commission expires 4-6-24

State of Tennessee, County of Knox

on this 15 day of Sept, 2021

before me personally appeared John Proctor known to me to be the person described in, and who executed, the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Witness my hand and notarial seal, this the day and year above.

Notary Public Seal: [Seal]

My Commission expires 4-6-24

Certificate of Category and Accuracy of Survey

I hereby certify that this survey was prepared in compliance with the current edition of the Rules of Tennessee State Board of Examiners for Land Surveyors-Standards of Practice.

Registered Land Surveyor Jim Sullivan

Tennessee Certificate No. 1308

Date: 9/03/21

Certificate of Final Plat - All Indicated Markers, Monuments and Benchmarks Set

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 plat and accompanying drawings, documents, and statements conform, to the best of my knowledge, to all applicable provisions of the Knoxville/Knox County Subdivision Regulations except as has been amended, described and justified in a report filed with the Planning Commission, or for variances which have been approved as identified on the final plat. All indicated markers and monuments, benchmarks and property monuments were in place on the day of 09/03/21.

Registered Land Surveyor Jim Sullivan

Tennessee Certificate No. 1308

Date: 9/03/21

Taxes and Assessments

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

City Tax Clerk: Signed Anna Dyer Date 09/13/21

Knox County Trustee: Signed [Signature] Date 09/14/2021

City - 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 all boundary/lot lines eliminated by this plat.

The following parties do not release any rights that may have accrued for their use and benefit where there are existing facilities within the previously established easement, whether or not shown on this plat. Any relocation of existing facilities will be made at the property owner's expense. If the facilities are relocated, the easement rights will be released.

City of Knoxville (Department of Engineering)

Signed W. Harold Cadden, Jr. Date 9/15/2021

Water (First Utility District)

Signed Edwin Daxton Date 09/10/21

Sewer (First Utility District)

Signed Edwin Daxton Date 09/10/21

Gas (Knoxville Utilities Board)

Signed [Signature] Date 09/08/2021

Electric (Utility)

Signed Andrew McDaniel Date 9/13/2021

Telephone (AT&T)

Signed James Atkins - AT&T TN Date 9/07/2021

Cable Television (Comcast)

Signed Jimmy Gardner Date 9/07/2021

Owner Certification on Release of Easement

I, we, the undersigned owner(s) of the property shown herein that easement rights for any existing facilities are not being and it is our responsibility to verify with the above parties if there are any existing facilities along the lot lines being eliminated by this plat before digging or constructing any building or structure.

Owner(s) Printed Name: John Proctor

Signature(s): [Signature]

Date: 9/15/21

Owner Certification for Public Sewer and Water Service

I, we, the undersigned owner(s) of the property shown herein understand that it is our responsibility to verify with the Utility Provider the availability of public sewer and water systems in the vicinity of the lot(s) and to pay for the installation of the required connections.

Owner(s) Printed Name: John Proctor

Signature(s): [Signature]

Date: 9/15/21

First UD of Knox Co.

Utility Provider Edwin Daxton Date 09/10/21

Authorized Signature for Utility [Signature] Date 09/10/21

Certification of Approval of Public Sanitary Sewer System-Minor Subdivision

This is to certify that the subdivision shown herein is approved subject to the installation of a public sanitary sewer system, and that such installation shall be in accordance with state and local regulations.

First UD of Knox Co.

Utility Provider Edwin Daxton Date 09/10/21

Authorized Signature for Utility [Signature] Date 09/10/21

LEGEND

- Road centerline
- Property Line
- o ER Existing iron rod with size noted
- o NR New iron rod with size noted

Zoning

Zoning Shown On Official Map RN-1

Date: 9-15-21

By: Emily Mills

COUNTERSIGNED
KNOX COUNTY PROPERTY ASSESSOR

SEP 15 2021

BY: JOHN S. THEAU

Fox Creek S/D-Unit 1
Instr. #20060111 0059119

Nick McBride
Register of Deeds
Knox County

Knox County, TN
REC'D FOR REC 9/15/2021 2:47 PM
RECORD FEE: \$17.00
N. TAX: \$0.00 T. TAX: \$0.00
202109150822312

Fox Creek S/D-Unit 1
Instr. #20060111 0059119

City Control
Mon. 0071

City Control
Mon. 0071

1-C-22-SU
11/22/2021

City of Knoxville Department of Engineering

The Knoxville Department of Engineering hereby approves this plat on this the

15th Day of September, 2021

W. Harold Cadden, Jr.

Engineering Director

Planning Staff Certification of Approval for Recording - Final Plat

This is to certify that the subdivision plat shown herein has been found to comply with the Subdivisions Regulations of Knoxville and Knox County and with existing official plans, with the exception of any variances and waivers noted on this plat, and that the record plat is hereby approved for recording in the office of the Knoxville/Knox County Register of Deeds. Pursuant to Section 13-3-405 of Tennessee Code, Annotated, the approval of this plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the City of Knoxville or Knox County of the dedication of any street or other ground shown on the plat.

Signed: Angie Brooks Date: 9-15-21

Graphic Scale In Feet

50' 0 50' 100'

FILE NO. 8-B-21

RE-SUBDIVISION

LOT 131R & COMMON AREA
FOX CREEK SUBDIVISION-UNIT 1

CLT MAP 143-D, GROUP E, PARCELS 069.01 & PART OF 082

DISTRICT 6 - KNOX CO., TENN.

WARD 47, BLOCK 46349 - KNOXVILLE, TENN.

SCALE: 1"=50' JULY 29, 2021

AUG. 30, 2021

Surveyor:

Jim Sullivan

2543 Creekstone Circle

Maryville, TN. 37804

Ph. (865) 406-7324

Owner:

John D. & Barbara S. Thomas

557 Cumberland Ridge Drive

Knoxville, TN. 37922

Ph. (865) 604-7788

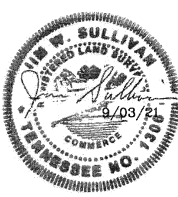
Owner:

S & E Properties LLC

405 Montbrook Lane

Knoxville, TN. 37919

Ph. (865) 691-1169



Signature(s): [Signature]

Date: 9/15/21



Development Request

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☒ Use on Review / Special Use
☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☐ SP ☐ OYP
☐ Rezoning

JOHN D. THOMAS & BARBARA THOMAS
Applicant Name

Affiliation

11/22/21
Date Filed

Jan 13, 2022
Meeting Date (if applicable)

File Number(s)

1-C-22-SU

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- ☒ Applicant ☐ Owner ☐ Option Holder ☐ Project Surveyor ☐ Engineer ☐ Architect/Landscape Architect

JOHN & BARBARA THOMAS
Name

Company

557 Cumberland Ridge Drive Knoxville TN 37922
Address City State ZIP

665-679-7998
Phone

jt.thomas@ubs.com
Email

CURRENT PROPERTY INFO

Owner Name (if different)

Owner Address

Owner Phone

557 Cumberland Ridge Drive
Property Address

143DE 06901
Parcel ID

First Utility Dist.
Sewer Provider

First Utility Dist
Water Provider

N
Septic (Y/N)

STAFF USE ONLY

Southwest end of Cumberland Ridge Dr.
Southwest of Fox Cove Rd
General Location

32,039 sqft.
Tract Size

☒ City ☐ County 2nd District BN-1 EHP (c) Zoning District Ag For Vac & SFR Existing Land Use

Southwest City
Planning Sector

LDREHP
Sector Plan Land Use Classification

N/A
Growth Policy Plan Designation

DEVELOPMENT REQUEST

- ☐ Development Plan ☒ Use on Review / Special Use ☐ Hillside Protection COA
☒ Residential ☐ Non-Residential

Related City Permit Number(s)

Home Occupation (specify) _____

Other (specify) Reduce peripheral setback from 25' to 18'**SUBDIVISION REQUEST**

Related Rezoning File Number

Proposed Subdivision Name _____

Unit / Phase Number ☐ Combine Parcels ☐ Divide Parcel _____
Total Number of Lots Created _____

☐ Other (specify) _____☐ Attachments / Additional Requirements _____**ZONING REQUEST**

Pending Plat File Number

☐ Zoning Change _____
Proposed Zoning _____

☐ Plan Amendment Change _____
Proposed Plan Designation(s) _____

Proposed Density (units/acre) _____

Previous Rezoning Requests _____

☐ Other (specify) _____**STAFF USE ONLY****PLAT TYPE**

- ☐ Staff Review ☐ Planning Commission

ATTACHMENTS

- ☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

- ☐ Design Plan Certification (Final Plat)
☐ Use on Review / Special Use (Concept Plan)
☐ Traffic Impact Study
☐ COA Checklist (Hillside Protection)

Fee 1

Total

Fee 2

Fee 3

\$450.00

AUTHORIZATION

By signing below, I certify I am the property owner or the owners authorized representative.

John D Thomas
Applicant Signature

John D. Thomas
Please Print

11/22/21
Date

865-679-7998
Phone Number

JT. Thomas @ uhs.com
Email

Sherry Michienzi
Staff Signature

Sherry Michienzi
Please Print

Date

