



USE ON REVIEW REPORT

▶ **FILE #:** 1-F-22-UR

AGENDA ITEM #: 31

AGENDA DATE: 1/13/2022

▶ **APPLICANT:** WESLEY HICKS

OWNER(S): Wesley Hicks

TAX ID NUMBER: 21 087.03

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 7506 Gibbs Rd.

▶ **LOCATION:** North side of Gibbs Road, west of Clapps Chapel Road

▶ **APPX. SIZE OF TRACT:** 1 acres

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Access is via Gibbs Rd, a local street with 15 ft of pavement within 45 ft of right-of-way.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source:

WATERSHED: Beaver Creek

▶ **ZONING:** A (Agricultural)

▶ **EXISTING LAND USE:** Vacant land (under construction)

▶ **PROPOSED USE:** Indoor storage

HISTORY OF ZONING: None noted

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

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

East: Single family residential -- A (Agricultural)

West: Single family residential -- A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is developed with agricultural, single-family, and rural residential uses developed in the A and RA zone. East Emory Road is to the south.

STAFF RECOMMENDATION:

▶ **Postpone the request until the February 10, 2022 Planning Commission meeting as recommended by staff.**

Staff is recommending a 30-day postponement to allow the applicant time to determine if they would like to proceed with this request.

COMMENTS:

This proposal is for indoor storage on an A (Agricultural) zoned property. There are no other primary uses on the site, such as a residence, so the storage of personal items in a structure must be approved as an indoor

storage use, which would then be the primary use of the site. The applicant submitted a plan of operations for how he intends to use the indoor storage building.

The recently constructed building (see Exhibit C) was built too close to the rear lot line. The property owner applied for a variance to allow the structure to remain where it is located and on December 15, 2021 the Knox County Board of Zoning Appeals denied the request. The applicant has not been in contact with Planning staff to state how he would like to proceed with this application, which is why staff is recommending a 30-day postponement to allow more time for the applicant to respond. If there is no response before the February Planning Commission meeting, staff will recommend denying the request since the current plan cannot be utilized.

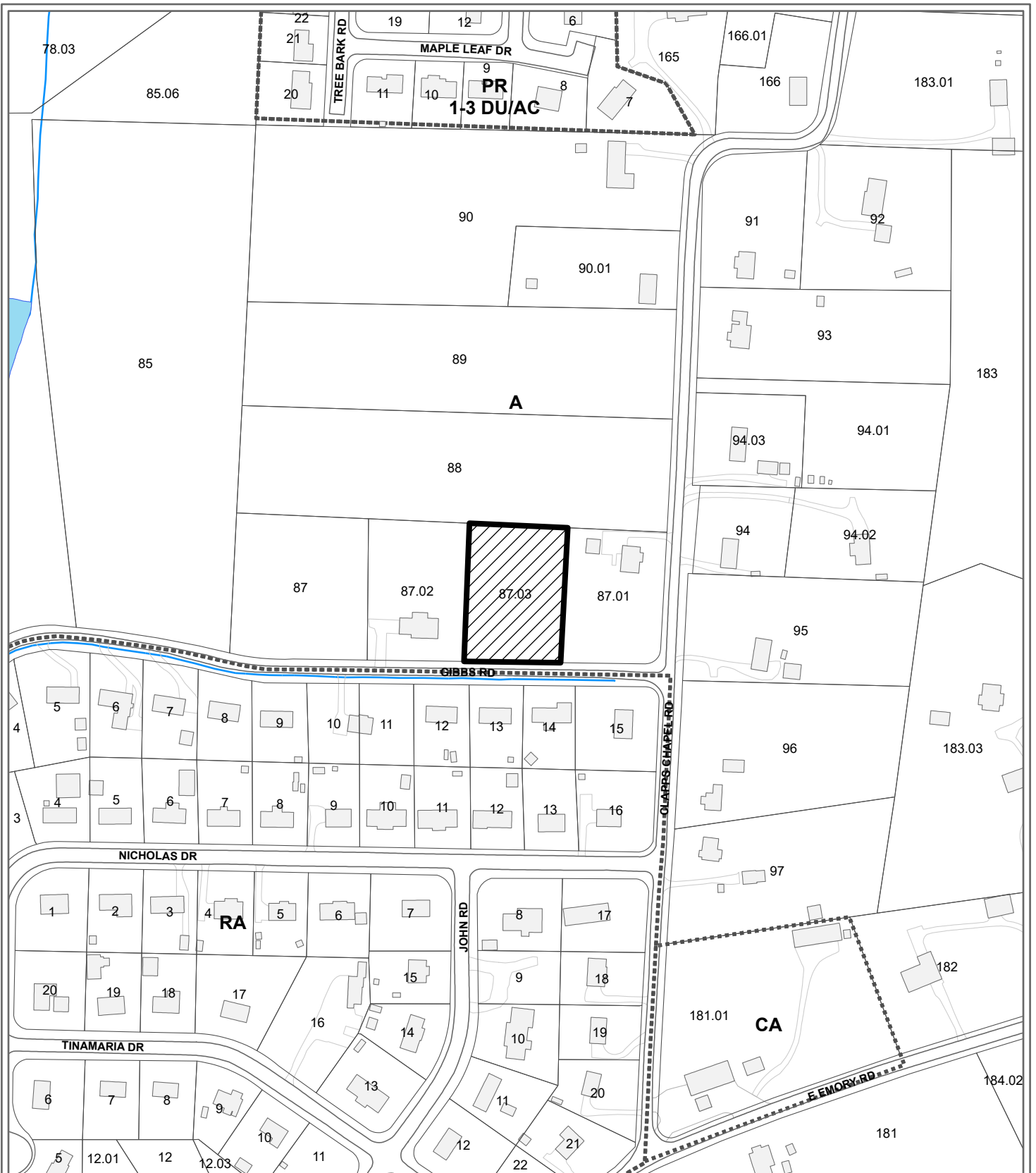
The indoor storage use is not defined in the Knox County Zoning Ordinance which has led to confusion as to how indoor storage is to be used and enforced. The indoor storage use does require use on review approval by the Planning Commission and an operating plan submitted by the applicant will have to be approved and additional conditions could be applied by the Planning Commission.

In 1993, Knox County was involved in a lawsuit as to the interpretation of the indoor storage use and the judicial determination is presented in Exhibit A. In summary, indoor storage is defined as the permanent storage of goods, and "use on review" proceedings are necessary to further delineate his rights. During the use on review, the Planning Commission approval limited the items being stored to personal property and items related to the property owner's business; all items are to be stored on a long-term basis and not moved in and out more than once per week; the property shall not be used as an office, base of operation for the applicant's business or a congregating site for employees; and no materials, vehicles, or equipment shall be stored outside (12-A-93-UR -- see Exhibit B).

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 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.



**1-F-22-UR
USE ON REVIEW**



Indoor storage in A (Agricultural)

Petitioner: Hicks, Wesley

Map No: 21

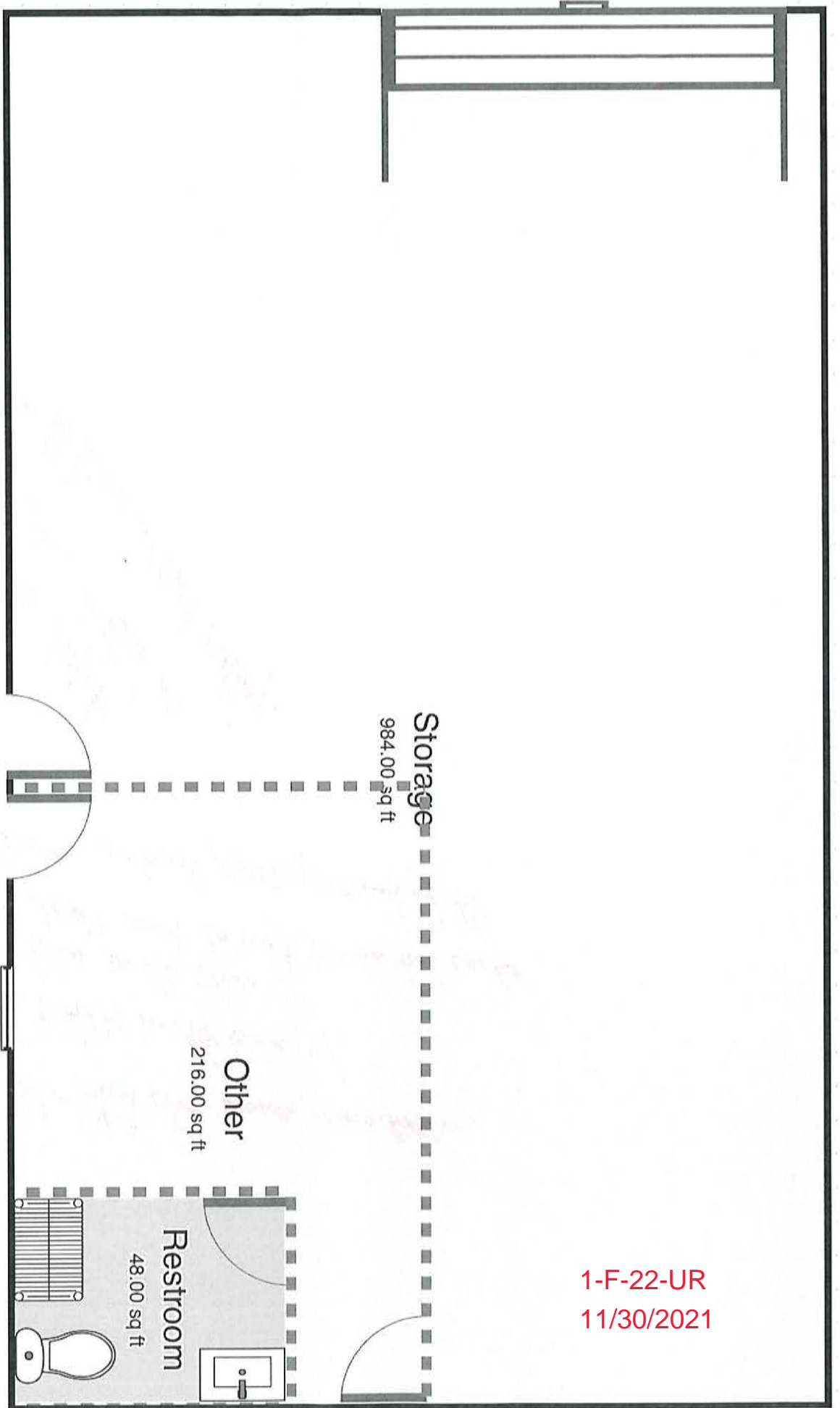
Jurisdiction: County



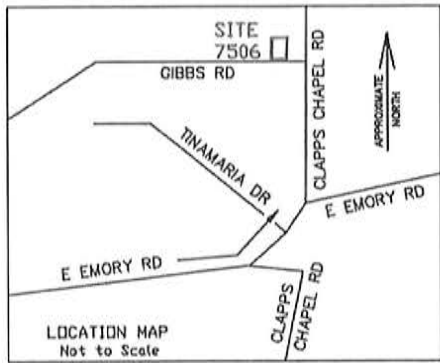
Original Print Date: 12/3/2021 Revised:
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902



1-F-22-UR
11/30/2021



1-F-22-UR
11/30/2021



HIGH INTENSITY SOIL MAP
 7506 GIBBS ROAD
 LOT 2-WILKERSON ALUM. MAT'LS INC., S/D
 PARCEL I.D.--TAX MAP 21 PARCEL 87.03
 KNOX COUNTY, TENNESSEE
 MADE FOR: WESLEY HICKS

THIS SOIL MAP IS TO EVALUATE THE SITE FOR A SUBSURFACE SEWAGE DISPOSAL SYSTEM ONLY.

COMPLETED BY:
 LAURENCE A ROCHAT, SOIL CONSULTANT
 LICENSED SOIL SCIENTIST # 11
 5932 THORNGROVE PIKE
 KNOXVILLE, TN. 37914
 865-249-6598 JOB NO: LAR05221

I, LAURENCE A. ROCHAT, AFFIRM THAT THIS SOIL MAP MEETS THE STANDARDS ESTABLISHED IN THE REGULATIONS TO GOVERN SUBSURFACE SEWAGE DISPOSAL, THE SOILS HANDBOOK, AND THE SOIL TAXONOMY. NO OTHER WARRANTIES ARE MADE OR IMPLIED.

SIGNATURE OF SOIL CONSULTANT DOES NOT CONSTITUTE APPROVAL OF THIS MAP BY THE DIVISION OF WATER RESOURCES.

GENERAL NOTES (SOIL CONSULTANT):

-BASE MAP IS KGIS AND IS SHOWN FOR REFERENCE ONLY. NO SURVEY MAP WAS PROVIDED AND NO PROPERTY LINES WERE MARKED.

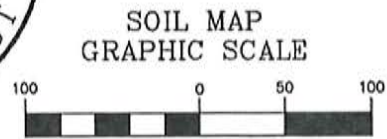
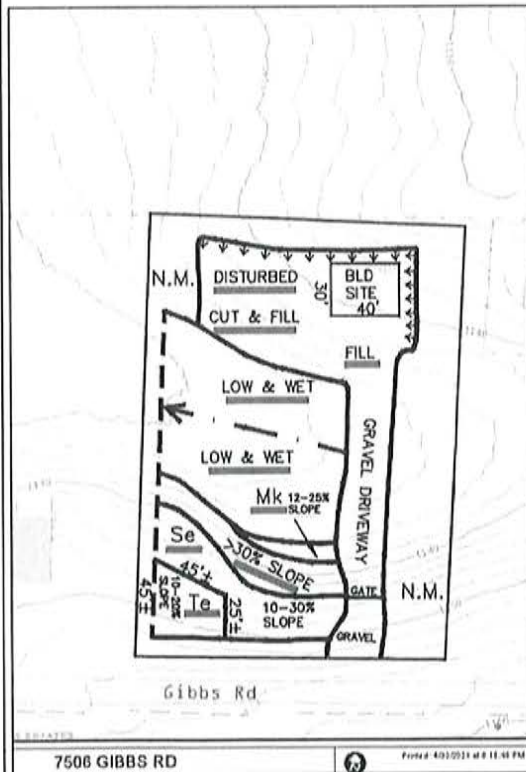
HIGH INTENSITY SOIL MAP COMPLETED BY:

Laurence A. Rochat DATE: 05/12/21
 LAURENCE A ROCHAT, SOIL SCIENTIST, LISC. #11

ANY CUTTING, FILLING OR COMPACTION WILL VOID THIS SOIL MAP.

SOIL CONSULTANT LEGEND:

<u>Mk</u> -Muskingum,
12-25% Slope
75 MPI @ 24"
>75 MPI 24"+
<u>Se</u> -Sequoia,
10-30% Slope
>75 MPI, Percable
<u>Te</u> -Tellico,
10-20% Slope
75 MPI 24"-26"
>75 MPI 27"-48"
NM - Not Mapped
Drain-25' Setback Unless Noted Otherwise
----->
Cutbank-25' Setback Unless Noted Otherwise
↓ ↓ ↓



(IN FEET)
 1 inch = 100 ft.
 (APPROXIMATE)

LAR05221

1-F-22-UR

11/30/2021

In regards to:

The property at 7506 Gibbs Road, Corryton TN 37721.

We will be using the property as indoor storage for personal and business purposes.

We will be storing items such as our materials, tools, job trailers(2), and Side by Side(off road atv).

We intend to visit the site approximately twice a week, and this is mainly to do a security check of the property to insure our belongings are safe. There will be no more traffic flow than you would see at a typical residential location such as a home.

My wife, Taylor Hicks, and I, Wesley Hicks, will be the only two who will have access to the property. We are the only key holders to the gate and building. This is not to say that a person/people will not be with us at the time of the "visit to the property".

Sincerely,

-Wesley Hicks

1-F-22-UR

11/30/2021

EXHIBIT A

L. SMITHERS, SUPERVISOR,
CODES ADMINISTRATION &
INSPECTION,

Plaintiff

VS.

No. 105547-1

ROY LEE DRAIN,

Defendant

MEMORANDUM

Mr. Drain owns a nine-acre tract on which he has constructed a 4500 square-foot storage building.

Knox County says that the use of this building violates its Zoning Regulations.

Mr. Drain's property is located at ^{Oak Ridge Hwy.} ~~3219 Vance Road~~, and is zoned Agricultural A. The building may be lawfully used for "Indoor Storage," but on Use and Review.

The proof well established that Mr. Drain owns a construction business. He has recently used the building for the storage of construction materials and construction equipment. Truck loads of lumber, plywood, insulation, etc. are moved in and out.

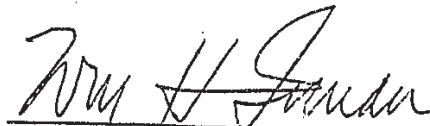
Knox County believes that "Indoor Storage" refers to items incidental to agricultural use only. The Court believes that this view is too restrictive, guide Section 5.22.02 allows "cemeteries, dog kennels, golf courses, indoor storage, livery stables, rifle ranges, etc. none of which appears to be related to agricultural use.

Some degree of commercial activity is clearly carried on by Mr. Drain on the subject premises. "Indoor storage" means the permanent storage of goods. The building may not be used, even incidentally, for commercial purposes; construction materials may not be moved in

EXHIBIT A

and out; tools and equipment may not be moved in and out on a regular bases in pursuit of a commercial enterprise. Stated differently, Mr. Drain cannot use this building, even partially, or temporarily, or incidentally, in his construction business. There has been no "use in review" proceeding, and this poses a difficulty for Mr. Drain; the MIC can futher delineate his rights.

The injunction is granted as sought.



CHANCELLOR, By Designation

METROPOLITAN PLANNING COMMISSION

REPORT OF ACTION

USE ON REVIEW

MEETING DATE: 12/9/93 ▶ FILE NO. 12-A-93-UR

▶ APPLICANT ROY LEE DRAIN

JURISDICTION: City__ Council District__ County_ X Commission District_ 6

▶ LOCATION: Northwest side Oak Ridge Hwy., northwest of Brisco Dr.

▶ APPX. SIZE OF TRACT: 2.02 acres

CLT MAP & PARCEL NO.: 90/parcel 19

SECTOR PLAN: Northwest County

ZONING: A Agricultural

EXISTING LAND USE: Garage building

▶ PROPOSED USE: Indoor storage

DENSITY PROPOSED: N/A

HISTORY OF ZONING: Petition was withdrawn for CA zoning (8-A-93-RZ).

SURROUNDING LAND USE & ZONING: This gently rolling site is surrounded by property zoned A Agricultural and F Floodway. Development consists of single-family housing on individual lots.

ACCESSIBILITY: Access is via Oak Ridge Hwy., an arterial street with 54' width and a 100' ROW.

UTILITIES: Water Source: West Knox Utility District 6"
Sewer Source: West Knox Utility District 8"

- ▶ **MPC DECISION:** APPROVE subject to the following conditions:
1. Uses shall be limited to permitted uses in the Agricultural Zone; indoor storage of personal property of the property owner and indoor storage of construction material, tools, commercial vehicles and equipment related to the property owner's business.
 2. Materials, tools, commercial vehicles and equipment shall be stored on a long-term basis and moved in or out infrequently. (Not more than once during any week.)
 3. Business use shall be limited to long-term storage as noted above. The property shall not be used as an office, base of operation for the applicant's business or a congregating site for the applicant's employees.
 4. All materials, equipment and commercial vehicles currently stored outside not in compliance with the *Knox County Zoning Ordinance* shall be moved indoors or removed from the property.

APPROVAL with the conditions above will permit the continued use of this garage without changing the character or unduly impacting the area through a zoning change.

EXHIBIT B

ROY LEE DRAIN
12-A-93-UR
Page 2
12/9/93

COMMENTS:

The applicant withdrew his appeal of denial of the CA zoning from County Commission consideration.

Current condition of the site with the recently constructed building and driveway.





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

Wesley Hicks

Property owner

Applicant Name

Affiliation

11/30/2021

1/13/2022

File Number(s)

Date Filed

Meeting Date (if applicable)

1-F-22-UR

CORRESPONDENCE

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

- Applicant
- Property Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Wesley Hicks

Name	Company		
2648 Honey Hill Rd	Knoxville	TN	37924
Address	City	State	ZIP
865-696-7346	whicks715@gmail.com		
Phone	Email		

CURRENT PROPERTY INFO

Same as above	2648 Honey Hill Rd	865-696-7346
Property Owner Name (if different)	Property Owner Address	Property Owner Phone
7506 Gibbs Road	021-087.03	
Property Address	Parcel ID	
None	Northeast Knox	Y
Sewer Provider	Water Provider	Septic (Y/N)

STAFF USE ONLY

North side of Gibbs Rd, west of Clapps Chapel Rd	1 acre
General Location	Tract Size
<input type="checkbox"/> City <input checked="" type="checkbox"/> County	Vacant land
8th District	Existing Land Use
A (Agricultural) Zoning District	Rural area
Northeast County	AG
Planning Sector	Sector Plan Land Use Classification
	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) Indoor storage

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name _____

Combine Parcels
 Divide Parcel
 Unit / Phase Number _____

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 \$450
0402		
Fee 2		
Fee 3		

AUTHORIZATION

Wesley Hicks
Applicant Signature

Wesley Hicks

11/30/2021

Please Print

Date

865-696-7346

whicks715@gmail.com

Phone Number

Email

Wesley Hicks

Wesley Hicks

Property Owner Signature

Please Print

MP

Date
Sum

NEW ADDRESS



Knoxville - Knox County Planning

City County Building
400 Main Street, Suite 403
Knoxville, TN 37902

P: (865) 215-2507 F: (865) 215-2237
Email: addressing@knoxplanning.org
Web: www.knoxplanning.org/addressing

APPLICANT INFORMATION

Applicant Name: Wesley Hicks	Company: Hicks Remodeling & Excavation
Primary Phone: 865.235.1172	Fax:
Secondary Phone:	Email: hicksremodelingandexcavation@gmail.com

SITE INFORMATION

ADDRESS INFORMATION

Address Use Type: BUSINESS	Site Name: HICKS REMODELING & EXCAVATION
-----------------------------------	---

PARCEL INFORMATION

Map Number: 21	Parcel Insert:	Parcel Group:	Parcel: 87.03	Full Parcel ID: 021 08703	Owner: CUNNINGHAM JERRY L & CAROLYN S
-----------------------	----------------	---------------	----------------------	----------------------------------	--

SUBDIVISION INFORMATION

Subdivision Name: WILKERSON ALUMINUM MATERIALS INC	Unit:	Phase:
Block: 0000 Lot: 0002	Site Plan: Submitted	

Comments:

OFFICIAL ADDRESS

Address Number: 7506	Street Name: GIBBS RD	Subaddress:
-----------------------------	------------------------------	-------------

Certified By: **Andrea Kupfer**
Phone: **(865) 215-3797** Certificate Date: **3/29/2021 10:56:17 AM** Certificate Number: **75822**

Planning reserves the right to modify an address as new information comes to our attention from E-911, site plan submissions, plat revisions, street name changes, field reviews, or other sources.

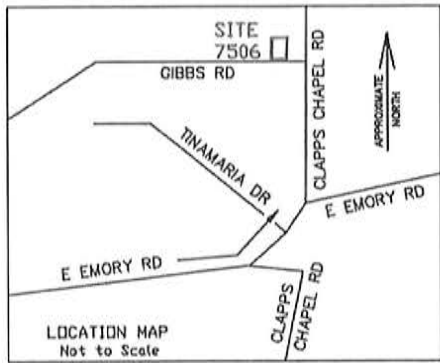
New address assignments can be used immediately. Zip codes are assigned by the U.S. Postal Service. Planning cannot certify the zip code or mailing city for an address.

Address numbers should be at least 4" in height and placed on both the structure and mailbox for emergency response and deliveries.

Owner or tenant is responsible for notifying all relevant parties including utility providers, Knox County Property Assessor, Knox County Clerk, DMV, and financial institutions.



Andrea Kupfer



HIGH INTENSITY SOIL MAP
 7506 GIBBS ROAD
 LOT 2-WILKERSON ALUM. MAT'LS INC., S/D
 PARCEL I.D.--TAX MAP 21 PARCEL 87.03
 KNOX COUNTY, TENNESSEE
 MADE FOR: WESLEY HICKS

COMPLETED BY:
 LAURENCE A ROCHAT, SOIL CONSULTANT
 LICENSED SOIL SCIENTIST # 11
 5932 THORNGROVE PIKE
 KNOXVILLE, TN. 37914
 865-249-6598 JOB NO: LAR05221

THIS SOIL MAP IS TO EVALUATE THE SITE FOR A
 SUBSURFACE SEWAGE DISPOSAL SYSTEM ONLY.

I, LAURENCE A. ROCHAT, AFFIRM THAT THIS SOIL MAP
 MEETS THE STANDARDS ESTABLISHED IN THE
 REGULATIONS TO GOVERN SUBSURFACE SEWAGE
 DISPOSAL, THE SOILS HANDBOOK, AND THE SOIL
 TAXONOMY. NO OTHER WARRANTIES ARE MADE OR
 IMPLIED.

SIGNATURE OF SOIL CONSULTANT DOES NOT CONSTITUTE
 APPROVAL OF THIS MAP BY THE DIVISION OF WATER
 RESOURCES.

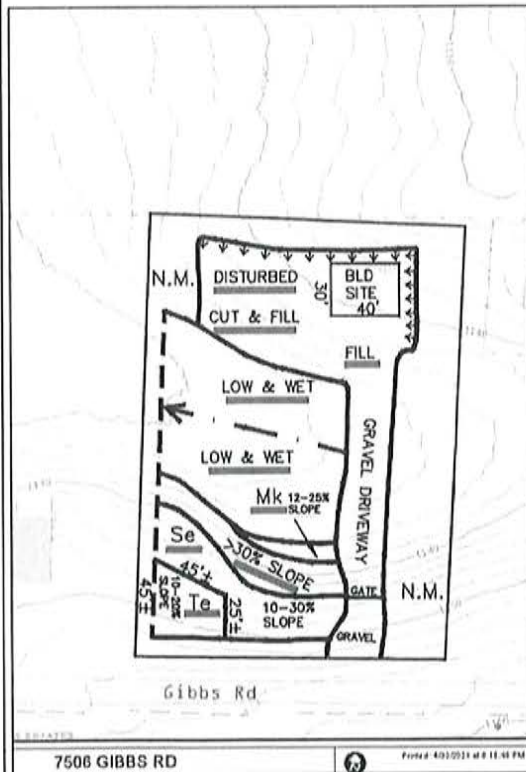
GENERAL NOTES (SOIL CONSULTANT):

-BASE MAP IS KGIS AND IS SHOWN FOR REFERENCE
 ONLY. NO SURVEY MAP WAS PROVIDED AND NO
 PROPERTY LINES WERE MARKED.

HIGH INTENSITY SOIL MAP COMPLETED BY:

Laurence A. Rochat DATE: 05/12/21
 LAURENCE A ROCHAT, SOIL SCIENTIST, LISC. #11

ANY CUTTING, FILLING OR COMPACTION
 WILL VOID THIS SOIL MAP.

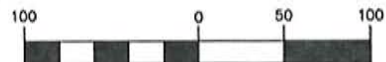


SOIL CONSULTANT
 LEGEND:

<u>Mk</u> -Muskingum,
12-25% Slope
75 MPI @ 24"
>75 MPI 24"+
<u>Se</u> -Sequoia,
10-30% Slope
>75 MPI, Percable
<u>Te</u> -Tellico,
10-20% Slope
75 MPI 24"-26"
>75 MPI 27"-48"
NM - Not Mapped
Drain-25' Setback Unless Noted Otherwise
----->
Cutbank-25' Setback Unless Noted Otherwise
↓ ↓ ↓



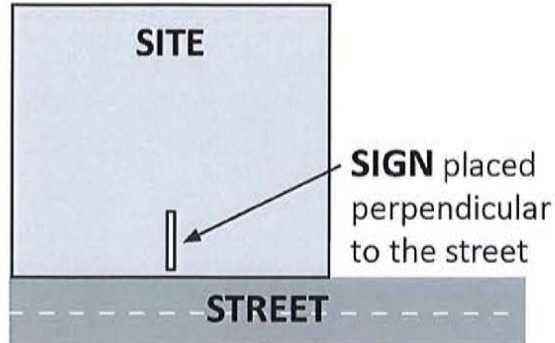
SOIL MAP
 GRAPHIC SCALE



(IN FEET)
 1 inch = 100 ft.
 (APPROXIMATE)

LAR05221

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, 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 **not less than 12 days prior to 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 not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

Dec 29, 2021 and Jan 14, 2021
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Wesley Hicks
 Date: 11/30/21
 File Number: 1-F-22-UR

Sign posted by Staff
 Sign posted by Applicant