



SPECIAL USE REPORT

▶ **FILE #:** 7-A-22-SU

AGENDA ITEM #: 40

AGENDA DATE: 7/14/2022

▶ **APPLICANT:** DAVID CHEBAN

OWNER(S): David Cheban

TAX ID NUMBER: 92 K A 00601

[View map on KGIS](#)

JURISDICTION: City Council District 3

STREET ADDRESS: 0 Cain Rd.

▶ **LOCATION:** Northwest side of Cain Rd, northwest of intersection of Everhart Ln., west of intersection with Cecil Johnson Rd.

▶ **APPX. SIZE OF TRACT:** 0.5 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: N/A

ACCESSIBILITY: Access is via Cain Rd, a local road with 17 ft of pavement width within 45 ft of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **ZONING:** RN-2 (Single-Family Residential Neighborhood)

▶ **EXISTING LAND USE:** Single family residential

▶ **PROPOSED USE:** Two-family dwelling

DENSITY PROPOSED: 4 du/ac

HISTORY OF ZONING: The property was rezoned from AG (General Agricultural) to RN-2 (Single-Family Residential Neighborhood) in November 2021 (10-B-21-RZ)

SURROUNDING LAND USE AND ZONING: North: Single family residential -- RN-2 (Single-Family Residential Neighborhood)

South: Agriculture/forestry/vacant, Single family residential -- AG (General Agricultural), RN-2 (Single-Family Residential Neighborhood)

East: Agriculture/forestry/vacant, Single family residential -- AG (General Agricultural), RN-2 (Single-Family Residential Neighborhood)

West: Rural residential -- AG (General Agricultural)

NEIGHBORHOOD CONTEXT: This area has a mix of residential and rural residential uses on small and large sized lots.

STAFF RECOMMENDATION:

▶ **Approve the request for a two-family dwelling in the RN-2 zone, subject to 2 conditions.**

- 1) Meeting all other applicable requirements of the City of Knoxville Engineering Department.
- 2) Meeting all other applicable requirements of the City of Knoxville Zoning Ordinance, including but not limited to the principal use standards for two-family dwellings (Article 9.3.J), the off-street parking standards (Article

11), and the maximum impervious surface standard (Article 4.3, Table 4-1).

With the conditions noted, this plan meets the requirements for approval in the RN-2 District and the criteria for approval of a special use.

COMMENTS:

The applicant is requesting approval for new two-family dwelling on a 22,279 sqft lot in the RN-2 zone. The proposal appears to be close to 40% maximum impervious coverage allowed in the RN-2 zone. This needs to be verified during permitting.

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

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

A. The One Year Plan and Sector Plan designation for this parcel is LDR (Low Density Residential), which allows up to 6 du/ac. This proposal is 4 du/ac.

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

A. The RN-2 zone is intended to accommodate low density single-family residential development on relatively small lots with smaller setbacks within the City of Knoxville. Two-family dwellings may also be allowed by special use approval.

B. The RN-2 zone requires a minimum lot size of 10,000 sq-ft for two-family dwellings. The subject property is 22,279 sqft.

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. There are no other two-family dwellings in this area, however, the number of dwellings per acre is similar to other developments.

B. The proposed structure is two-stories tall with parking to the rear. The houses along Cain Road are predominantly one-story and the houses in the adjacent subdivision to the rear have a mix of one- and two-story houses. Because the new structure will not be located adjacent to other houses along Cain Road and is partially obscured because of its location behind another house, the proposed two-story structure will not be alter to the character of the street. The subject lot was recently subdivided from the house lot in front of it.

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 proposed two-family dwelling is considered a low-density residential use and is compatible with other low density residential uses.

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

A. The proposed residential use will draw similar traffic as any other residential use in the area. The lot is large enough for two or more single family lots, which would draw the same amount or more traffic than the proposed use.

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 poses a potential hazard or undesirable environment for the proposed use.

ESTIMATED TRAFFIC IMPACT: 28 (average daily vehicle trips)

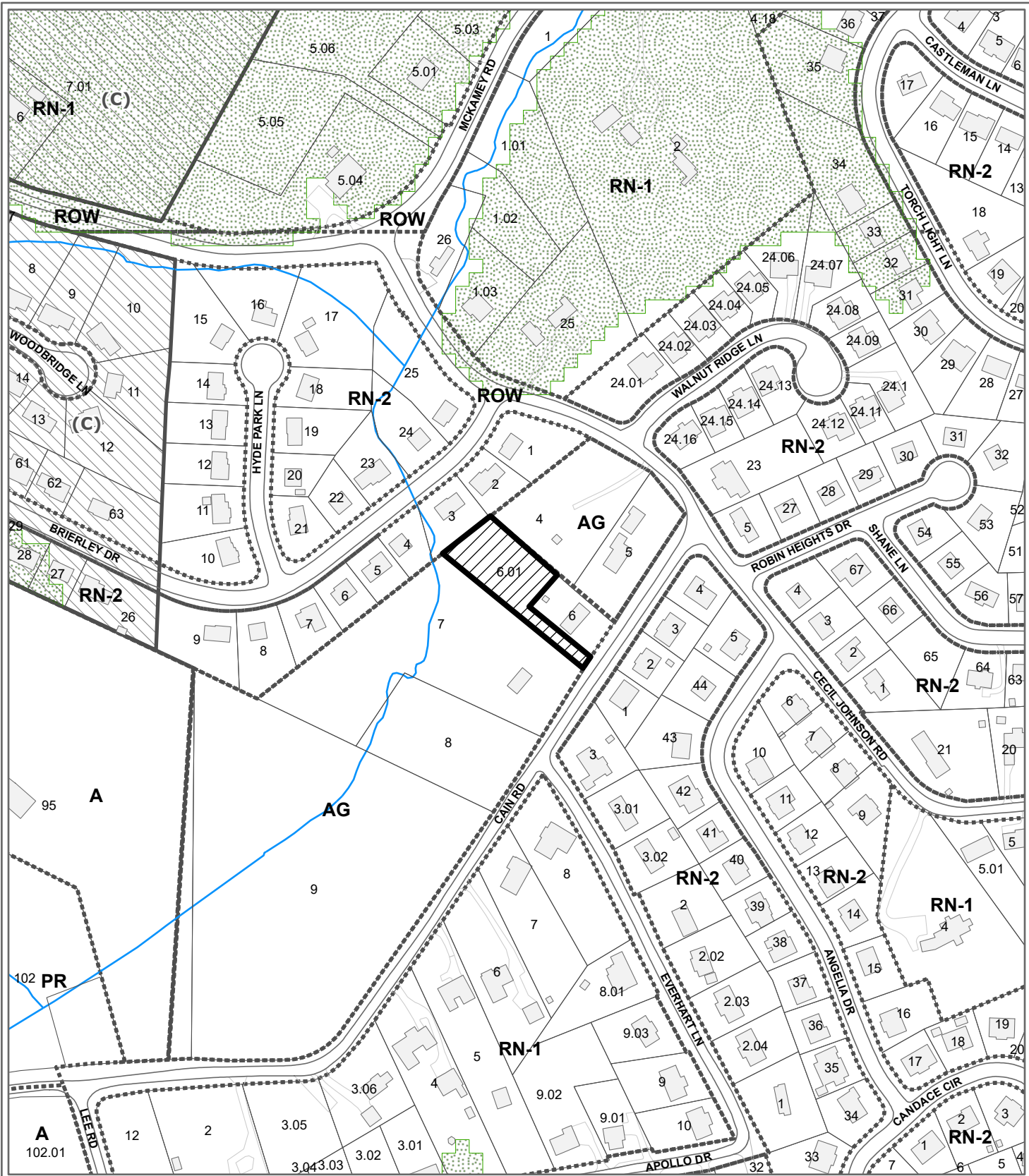
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: Amherst Elementary, Northwest Middle, and Karns High.

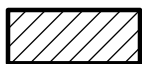
- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries 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 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.



**7-A-22-SU
SPECIAL USE**

Petitioner: Cheban, David



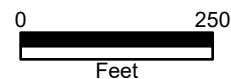
DUPLEX in RN-2 (Single-Family Residential Neighborhood)

Original Print Date: 6/8/2022
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Map No: 92

Jurisdiction: City

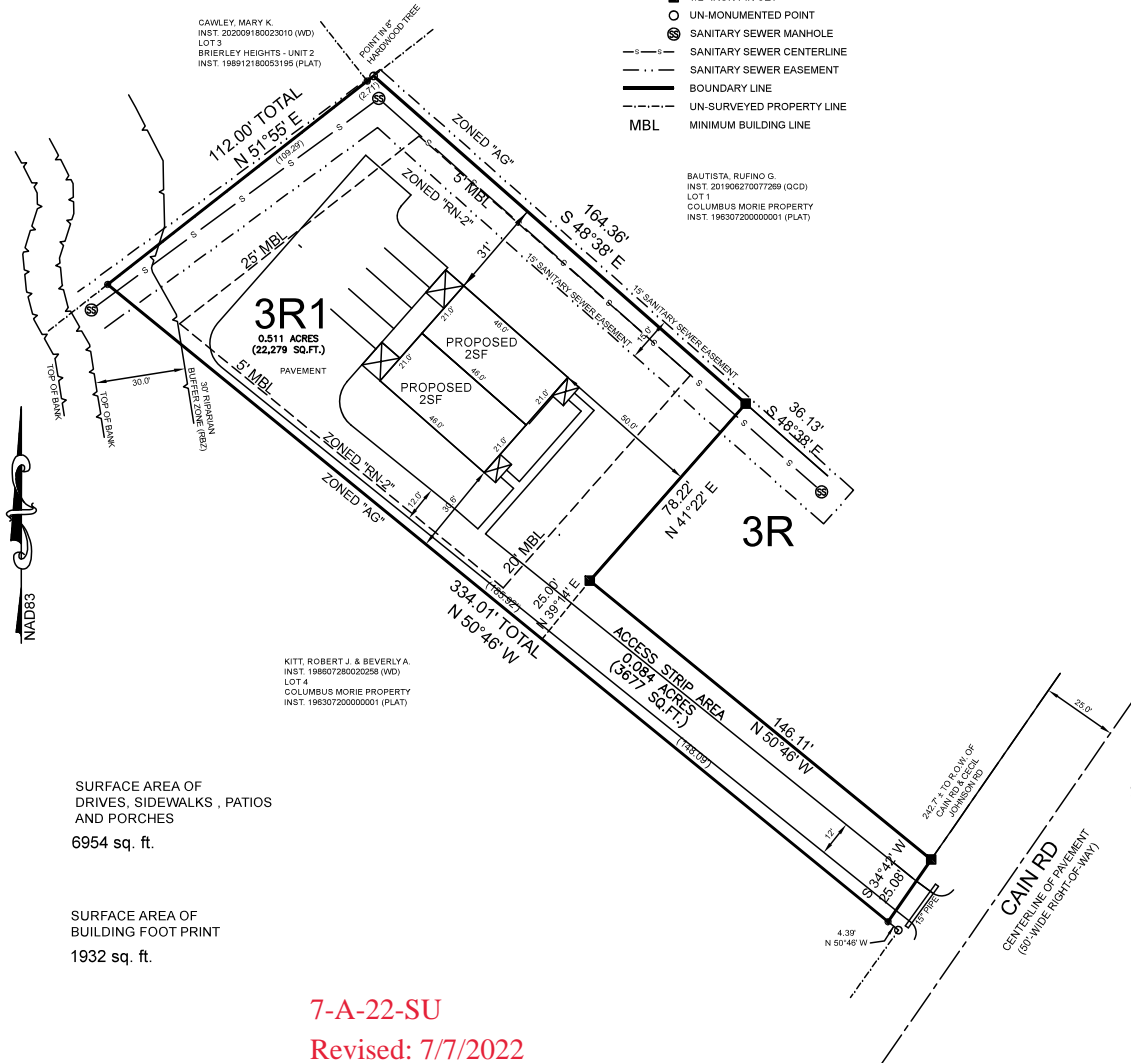


PLOT PLAN

LEGEND

- 1/2" IRON PIN FOUND
- 1/2" IRON PIN SET
- UN-MONUMENTED POINT
- ⊙ SANITARY SEWER MANHOLE
- SANITARY SEWER CENTERLINE
- - - - - SANITARY SEWER EASEMENT
- — — — — BOUNDARY LINE
- - - - - UN-SURVEYED PROPERTY LINE
- — — — — MBL MINIMUM BUILDING LINE

BAUTISTA, RUFINO G.
 INST. 201906270077269 (CCD)
 LOT 1
 COLUMBUS MORIE PROPERTY
 INST. 196307200000001 (PLAT)



1. IRON PIN AT EACH CORNER
 2. REQUIRED EASEMENTS SHALL BE TEN (10) FEET IN WIDTH INSIDE ALL EXTERIOR LOT LINES ADJOINING STREETS AND PRIVATE RIGHTS-OF-WAY (INCLUDING JOINT 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.
 3. 15' SANITARY SEWER EASEMENT, 7.5' EACH SIDE OF SANITARY SEWER AS INSTALLED.
 4. ZONED RN-2 : SETBACKS ARE PER ZONING (REZONED FROM 'AG' TO 'RN-2' BY CITY COUNCIL ON 11/30/2021)
- THE MINIMUM SIDE SETBACK IS 5', BUT NO LESS THAN 15' COMBINED.



SURFACE AREA OF
 DRIVES, SIDEWALKS, PATIOS
 AND PORCHES
 6954 sq. ft.

SURFACE AREA OF
 BUILDING FOOT PRINT
 1932 sq. ft.

7-A-22-SU
 Revised: 7/7/2022

SURVEY FOR CHEBAN
 DIST. 5 WARD 44 CITY OF KNOXVILLE COUNTY KNOX
 ADDRESS CAIN ROAD
 LOT NO. 3R1 BLOCK _____ UNIT _____
 S/D RESUBDIVISION OF LOT 3, COLUMBUS MORIE PROPERTY
 INSTR. 202203040068470 SCALE 1"= 50' DATE 5-1 2022
 JOB NO. 2103018B ORDERED BY: DC

HINDS SURVEYING CO.

3555 WINDY J FARMS DR. LOUISVILLE, TN 37777
 865- 588-9799 TNSURVEY@GMAIL.COM
 WWW.HINDSSURVEYING.COM

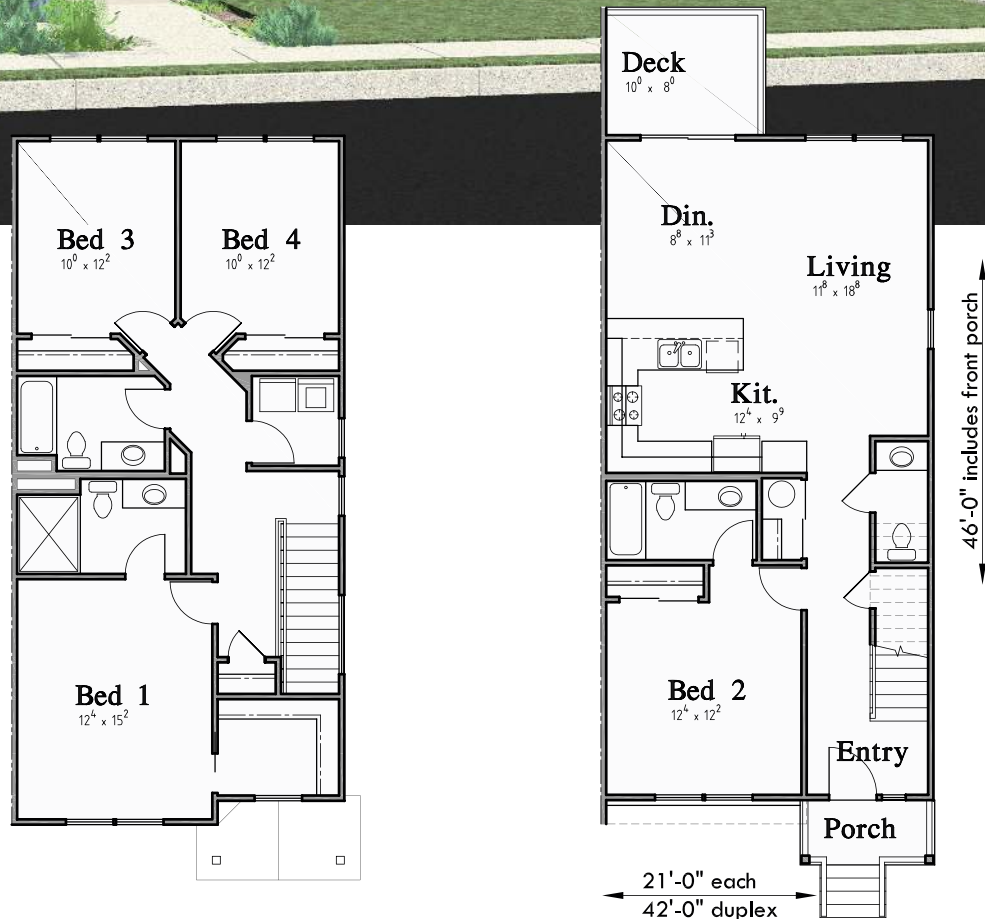
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PLAN #D-660

MAIN FLR. 882 SQ. FT.

UPPER FLR. 857 SQ. FT.

TOTAL 1739 SQ. FT.





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

David Cheban

Applicant Name

Affiliation

5-23-2022

July 14, 2022

File Number(s)

Date Filed

Meeting Date (if applicable)

7-A-22-SU

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

David Cheban

Probuilt Homes LLC

Name

Company

5331 Cain Road

Knoxville

TN

37921

Address

City

State

ZIP

865-816-4099

probuilt8@gmail.com

Phone

Email

CURRENT PROPERTY INFO

Same

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

0 Cain Road

092KA00601

Property Address

Parcel ID

KUB

KUB

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

Northwest side of Cain Rd., northwest of intersection of Everhart Ln., west of intersection with Cecil Johnson Rd.

.5 acres (apprx)

General Location

Tract Size

City County

3rd
District

RN-2
Zoning District

SFR
Existing Land Use

Northwest County
Planning Sector

LDR
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
 Home Occupation (specify) **Residential / duplex**

Related City Permit Number(s)

Other (specify)

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name

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

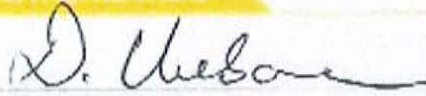
- Property Owners / Option Holders
 Variance Request

ADDITIONAL REQUIREMENTS

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

Fee 1	Total
0402	450.00
Fee 2	
Fee 3	
	\$450.00

AUTHORIZATION


 Applicant Signature

David Cheban

05-23-2022

Please Print

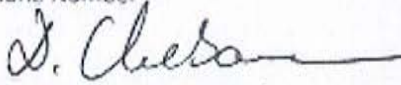
Date

865-816-4099

probuilt8@gmail.com

Phone Number

Email


 Property Owner Signature

David Cheban

05-23-2022

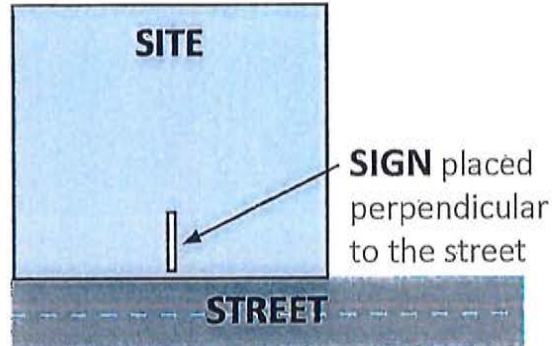
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Date

 5/23/2022

5/24/2022 swm

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:

June 29, 2022 and July 15, 2022
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: David Cheban

Date: 5/23/2022

File Number: 7-A-22-SU

- Sign posted by Staff
- Sign posted by Applicant