



# SPECIAL USE REPORT

▶ **FILE #:** 6-A-22-SU

**AGENDA ITEM #:** 35

**AGENDA DATE:** 6/9/2022

▶ **APPLICANT:** DANIEL ASHER

OWNER(S): Daniel Asher

TAX ID NUMBER: 92 L H 023

[View map on KGIS](#)

JURISDICTION: City Council District 3

STREET ADDRESS: 5835 San Cristebal Ln.

▶ **LOCATION:** Northwest end of San Cristebal Lane, west of Montserrat Lane, east of Cecil Johnson Road

▶ **APPX. SIZE OF TRACT:** 1.3 acres

SECTOR PLAN: Northwest City

GROWTH POLICY PLAN: N/A

ACCESSIBILITY: Access is via San Cristebal Lane, a local street with a 24-ft pavement width within a 50-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **ZONING:** RN-1 (Single-Family Residential Neighborhood) (c)

▶ **EXISTING LAND USE:** SFR (Single-Family Residential)

▶ **PROPOSED USE:** Peripheral setback reduction from 25 ft. to 8 ft.

HISTORY OF ZONING: 1-H-85-RZ: R-1 (Single Family Residential District) to RP-1 (Planned Residential District) at 4 du/ac

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

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

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

West: Single family residential & rural residential - RN-1 (Single Family Residential Neighborhood)

NEIGHBORHOOD CONTEXT: The subject property is at the end of a cul-de-sac in a residential subdivision of detached single-family homes.

## STAFF RECOMMENDATION:

▶ **Approve the request to reduce the peripheral setback from 25-ft to 8-ft, subject to 2 conditions.**

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

With conditions noted above, this request meets the requirements of the current RN-1 zoning, the previously approved development plan, and the other criteria for approval of a special use for modifications to previously approved planned districts per Article 1.4.G.

**COMMENTS:**

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

The Planning Commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

**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 Sector Plan designations for this site are LDR (Low Density Residential), which recommends low density residential uses.

B. The proposal to reduce a residential peripheral setback to 8-ft is consistent with adopted plans and policies.

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

A. The former RP-1 zone had a default side setback of 25-ft, but it allowed the Planning Commission to consider other variations. The applicant is requesting approval to reduce the side setback from 25-ft to 8-ft to accommodate a new shed.

B. The zoning has since been updated to RN-1, which permits an interior side yard setback of 8-ft.

**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 proposal to reduce the side yard setback from 25-ft to 8-ft is for a development in the backyard that will not be highly visible to neighbors. It is anticipated to be compatible with the character of surrounding developments.

**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 proposal to reduce the side yard setback should not significantly injure the value of adjacent properties.

B. The applicant's side yard joins the rear property line of their neighbor. The neighbor's dwelling is located approximately 155-ft from this shared property line. A vegetative buffer of canopy trees serves as a natural barrier between the two properties and this is shown as being undisturbed on the site plan.

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

A. The proposal to reduce the peripheral setback will not contribute to an increase in traffic through residential areas.

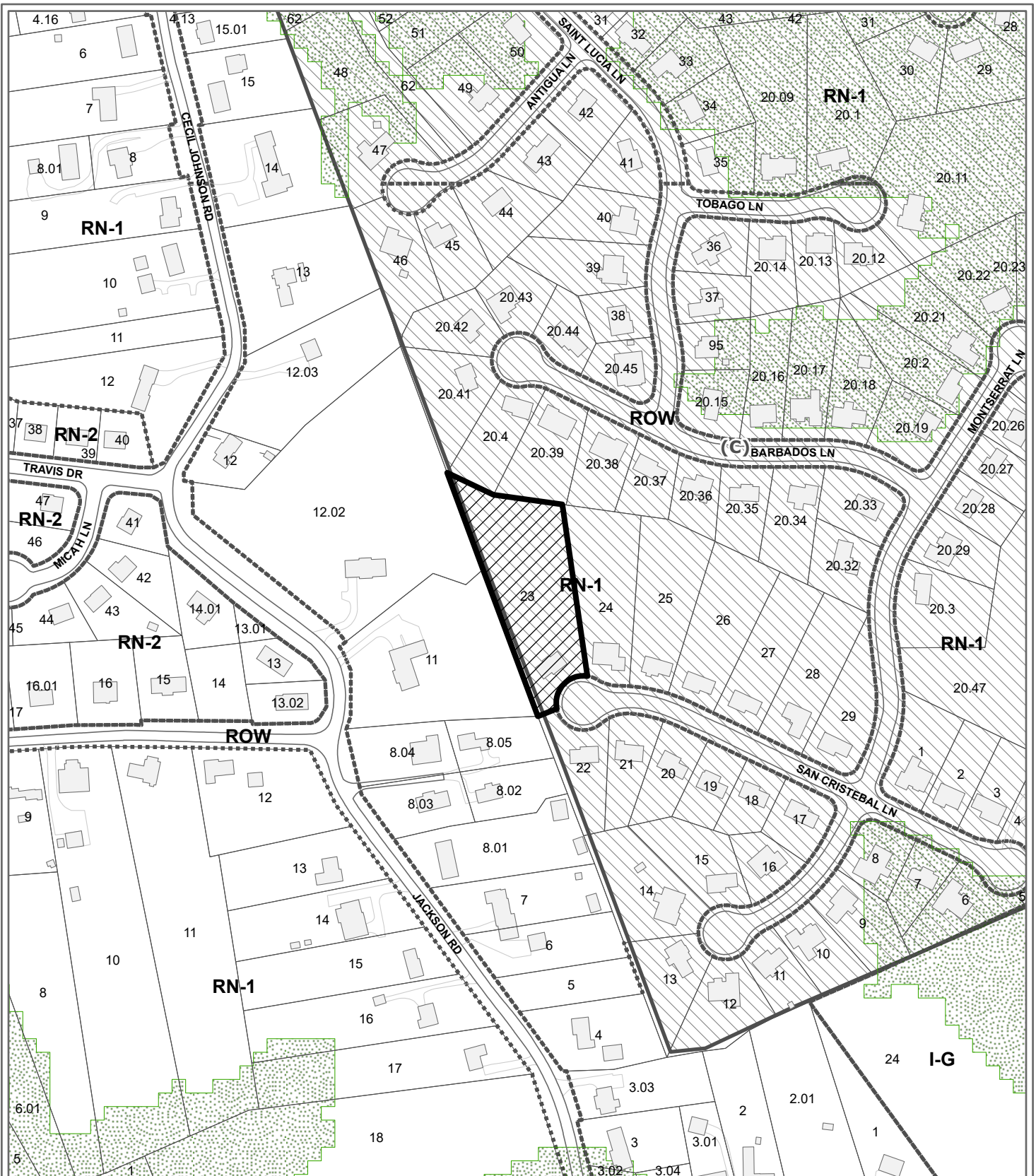
**6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.**

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for the proposed development.

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-Knox County Planning Commission. The date of the Knoxville-Knox County Planning Commission hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the City.



**6-A-22-SU  
SPECIAL USE**

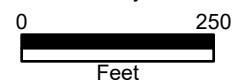


Peripheral setback reduction from 25 ft. to 8 ft. in RN-1 (Single-Family Residential Neighborhood) (c)

Petitioner: Asher, Daniel

Map No: 92

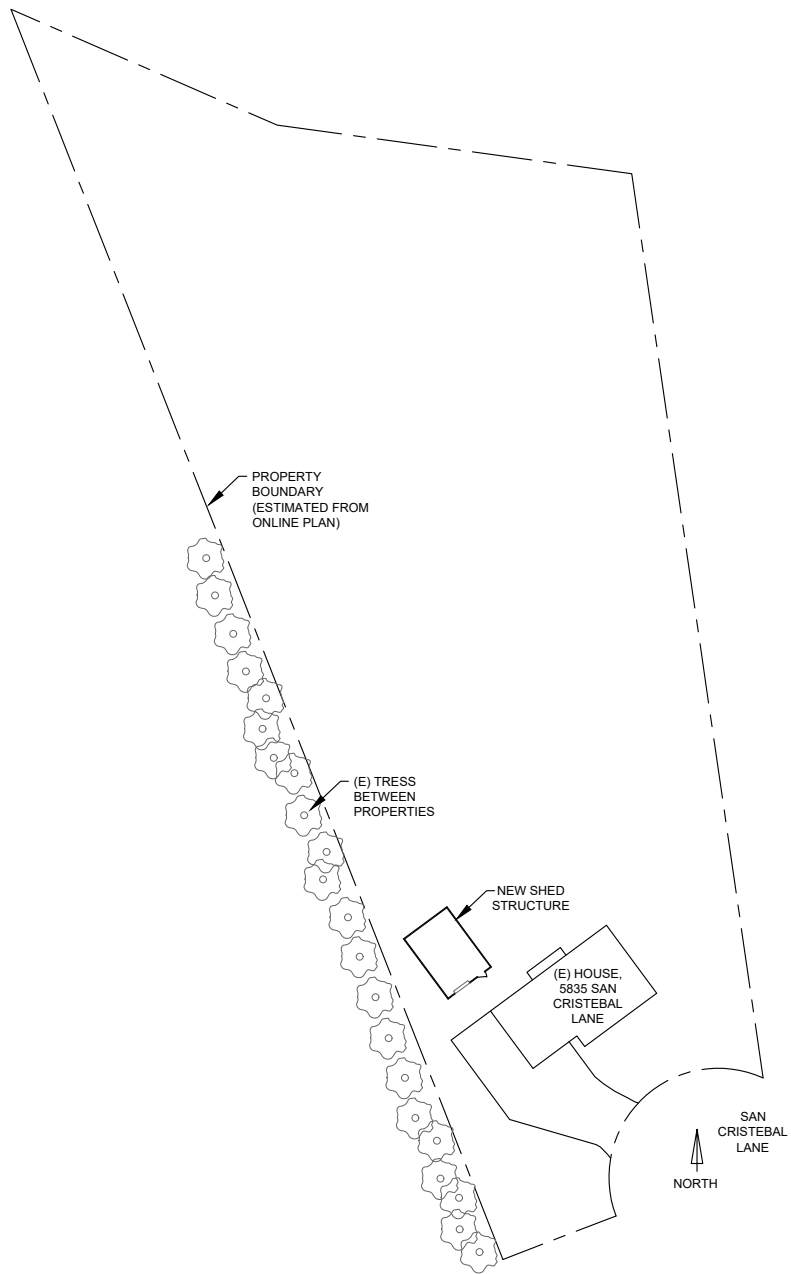
Jurisdiction: City



Original Print Date: 5/5/2022

Revised:

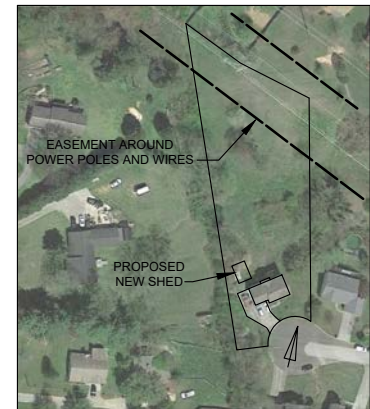
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902



PROPERTY BOUNDARY PLAN

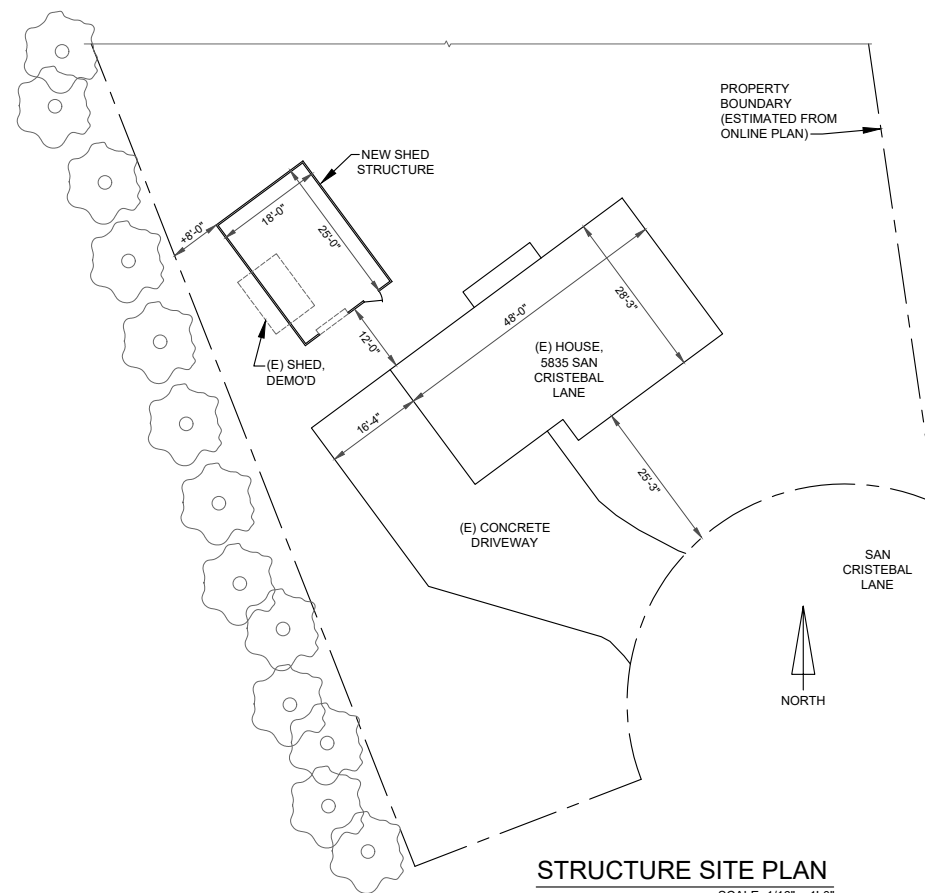
SCALE: 1/32" = 1'-0"

**6-A-22-SU**



EASEMENT PLAN

SCALE: NONE

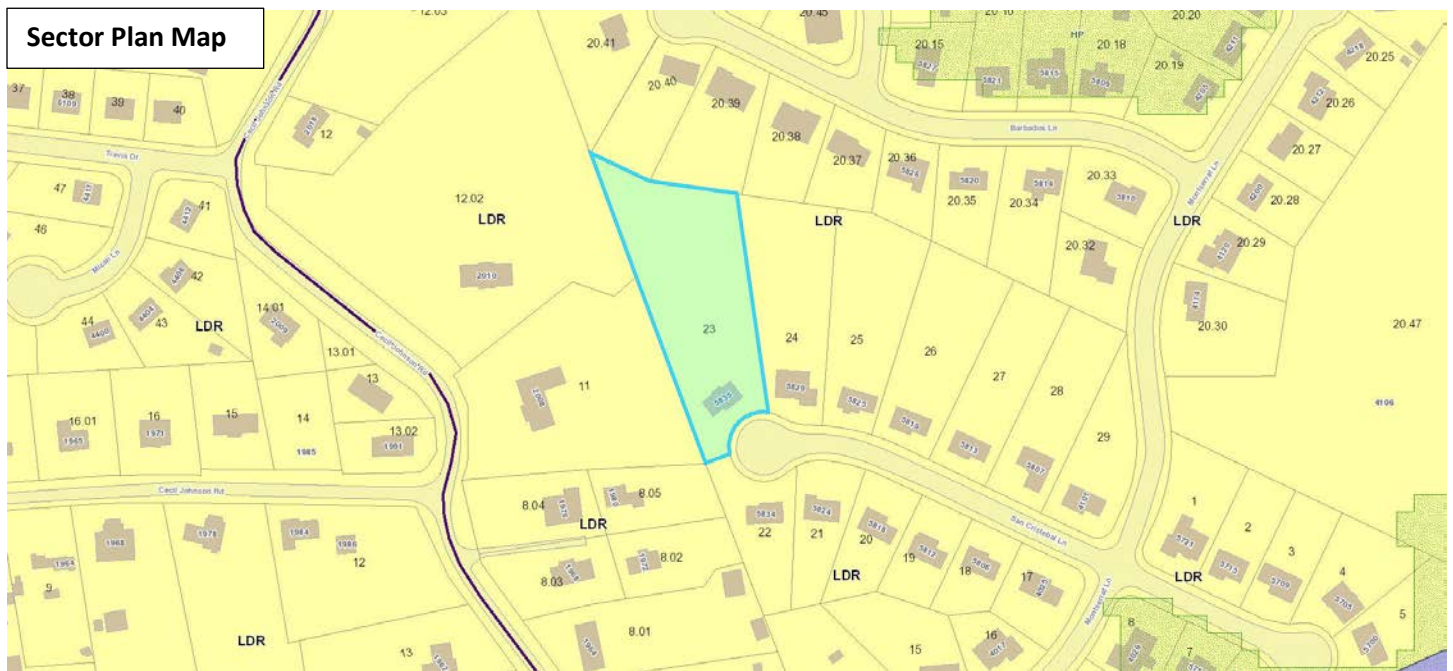
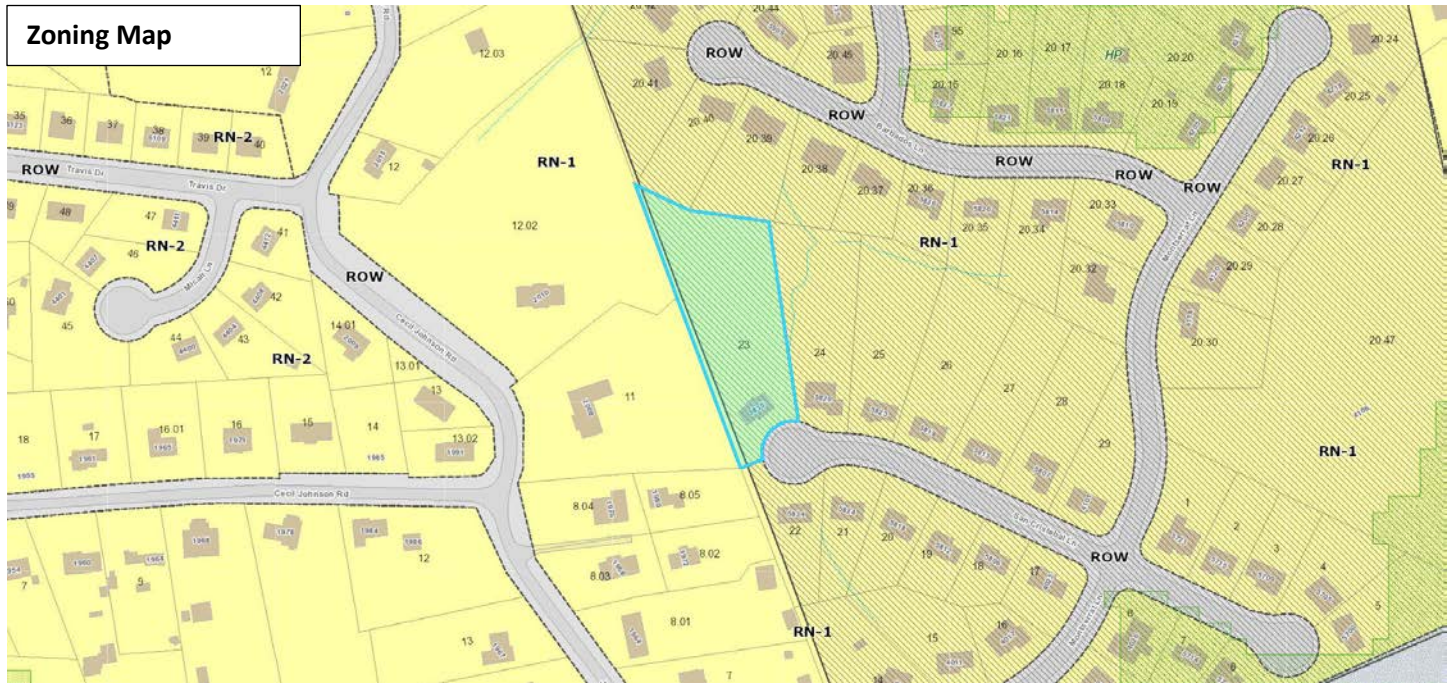


STRUCTURE SITE PLAN

SCALE: 1/16" = 1'-0"

DATE: 3/24/2022	ASHER STORAGE/SHED BLDG	SCALE: AS SHOWN
	5835 SAN CRISTEBAL LANE KNOXVILLE, CA 37921	1

# Exhibit A. 6-A-22-SU Contextual Images



# Exhibit A. 6-A-22-SU Contextual Images





# 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

Daniel Asher

Applicant Name

Affiliation

4/18/2022

Date Filed

June 9, 2022

Meeting Date (if applicable)

File Number(s)

6-A-22-SU

## CORRESPONDENCE

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

- Applicant
- Property Owner
- Lessor
- Loan Holder
- Project Surveyor
- Engineer
- Architect
- Landscape Architect

Daniel Asher

Name

Company

5835 San Cristebal Ln

Knoxville

TN

37921

Address

City

State

ZIP

916-502-6766

DAblastit@comcast.net

Phone

Email

## CURRENT PROPERTY INFO

Daniel Asher

5835 San Cristebal Ln

916-502-6766

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

5835 San Cristebal Ln, Knoxville, TN 37921

092L-H-023.00

Property Address

Parcel ID

KUB

KUB

N/A

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

Northwest end of San Cristebal Ln., west of Montserrat Ln.

1.3 acres

General Location

east of Cecil Johnson Rd.

Tract Size

City  County

3rd

RN-1 (c)

SFR

District

Zoning District

Existing Land Use

Northwest City

LDR

N/A

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

Home Occupation (specify) \_\_\_\_\_

Other (specify) **Peripheral setback reduction from 25 ft to 8 ft**

Related City Permit Number(s)

## SUBDIVISION REQUEST

Proposed Subdivision Name \_\_\_\_\_

Combine Parcels  
  Divide Parcel  
 Unit / Phase Number \_\_\_\_\_

Total Number of Lots Created \_\_\_\_\_

Other (specify) \_\_\_\_\_

Attachments / Additional Requirements

Related Rezoning File Number

## ZONING REQUEST

Zoning Change  
 Proposed Zoning \_\_\_\_\_

Plan Amendment Change  
 Proposed Plan Designation(s) \_\_\_\_\_

Proposed Density (units/acre) \_\_\_\_\_ Previous Rezoning Requests \_\_\_\_\_

Other (specify) \_\_\_\_\_

Pending Plat File Number

## 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
<b>0402</b>	<b>450.00</b>	
Fee 2		
Fee 3		
		<b>\$450.00</b>

## AUTHORIZATION

  
 Applicant Signature

Daniel Asher

Please Print

4/18/22

Date

916-502-6766

Phone Number

DAbblastit@comcast.net

Email

  
 Property Owner Signature

Daniel Asher

Please Print

4/18/22

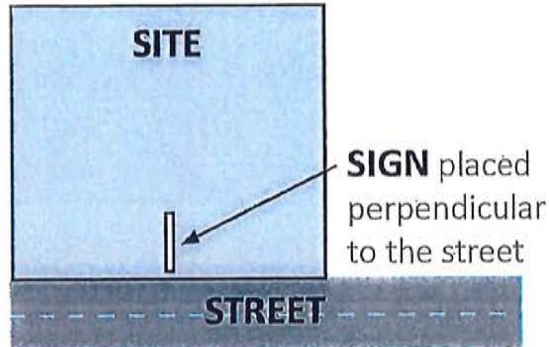
Date

 4/19/2022

4/19/2022 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:*

May 25th and June 10th  
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Daniel Asher  
 Date: 4/19/2020  
 File Number: 6A 22-SU

Sign posted by Staff  
 Sign posted by Applicant