

REZONING REPORT

▶ **FILE #:** 8-J-23-RZ

AGENDA ITEM #: 27

AGENDA DATE: 8/10/2023

▶ **APPLICANT:** SAMUEL HARWARD

OWNER(S): Samuel Harward

TAX ID NUMBER: 76 J B 002.01

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 8117 RIVER DR

▶ **LOCATION:** North side of River Dr at Burchfield Dr

▶ **APPX. SIZE OF TRACT:** 0.76 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via River Dr, a local street with a 15-ft pavement width within 51-ft of right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Clinch River

▶ **PRESENT ZONING:** RAE (Exclusive Residential)

▶ **ZONING REQUESTED:** RA (Low Density Residential)

▶ **EXISTING LAND USE:** Single Family Residential

▶ EXTENSION OF ZONE: No, it is not an extension.

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Water - RAE (Exclusive Residential)

South: Single family residential - RAE (Exclusive Residential)

East: Water - RAE (Exclusive Residential)

West: Single family residential - RAE (Exclusive Residential)

NEIGHBORHOOD CONTEXT: This property is in a single family residential subdivision on the eastside of Oak Ridge Hwy along the Clinch River.

STAFF RECOMMENDATION:

▶ **Deny the RA (Low Density Residential) zone because it is inconsistent within the surrounding development.**

COMMENTS:

PURSUANT TO THE KNOX COUNTY ZONING ORDINANCE, ARTICLE 16.30.01, THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE COUNTY GENERALLY:

1. This property is within the Burchfield Heights subdivision zoned RAE. There have been no RA rezonings in the area in recent years to warrant a change.
2. The only RA zoning within the subdivision is a church at the end of the block. It has access to Oak Ridge Hwy and is on a much larger lot than the single family residences within the subdivision.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The RA zone provides for residential areas with low population densities.
2. In the RA zone, the minimum lot size for a lot with a single family dwelling is 20,000 sq-ft if sewer is not provided. RA zone allows duplexes and garage apartments on the same lot as a house, with Use on Review approval by the Planning Commission. Built at maximum capacity, this 33,163 sq ft lot could be developed with up to 1 additional unit or 2.63 du/ac.
3. This lot could accommodate 2 units and be consistent with the standards of the RA zone. However, the zone would not be consistent with the surrounding area.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. The property has access to a local street. River Rd is approximately 20-ft, which meets public road standards.
2. This site has some constraints, but they do not preclude development. 0.30 acres of the parcel are within the HP (Hillside Protection) overlay. The slope analysis identifies a minimal disturbance limit of 0.15 acres within the HP area.
3. The property is entirely in the FEMA 100 yr flood zone. Any new structure would have to be built at elevation 800.0. Most of the lot is above the elevation without fill.
4. The lot sizes allowed in RA are similar to those in the existing neighborhood, so the subject property would likely be developed with lot sizes and low-density residential uses already in the area.

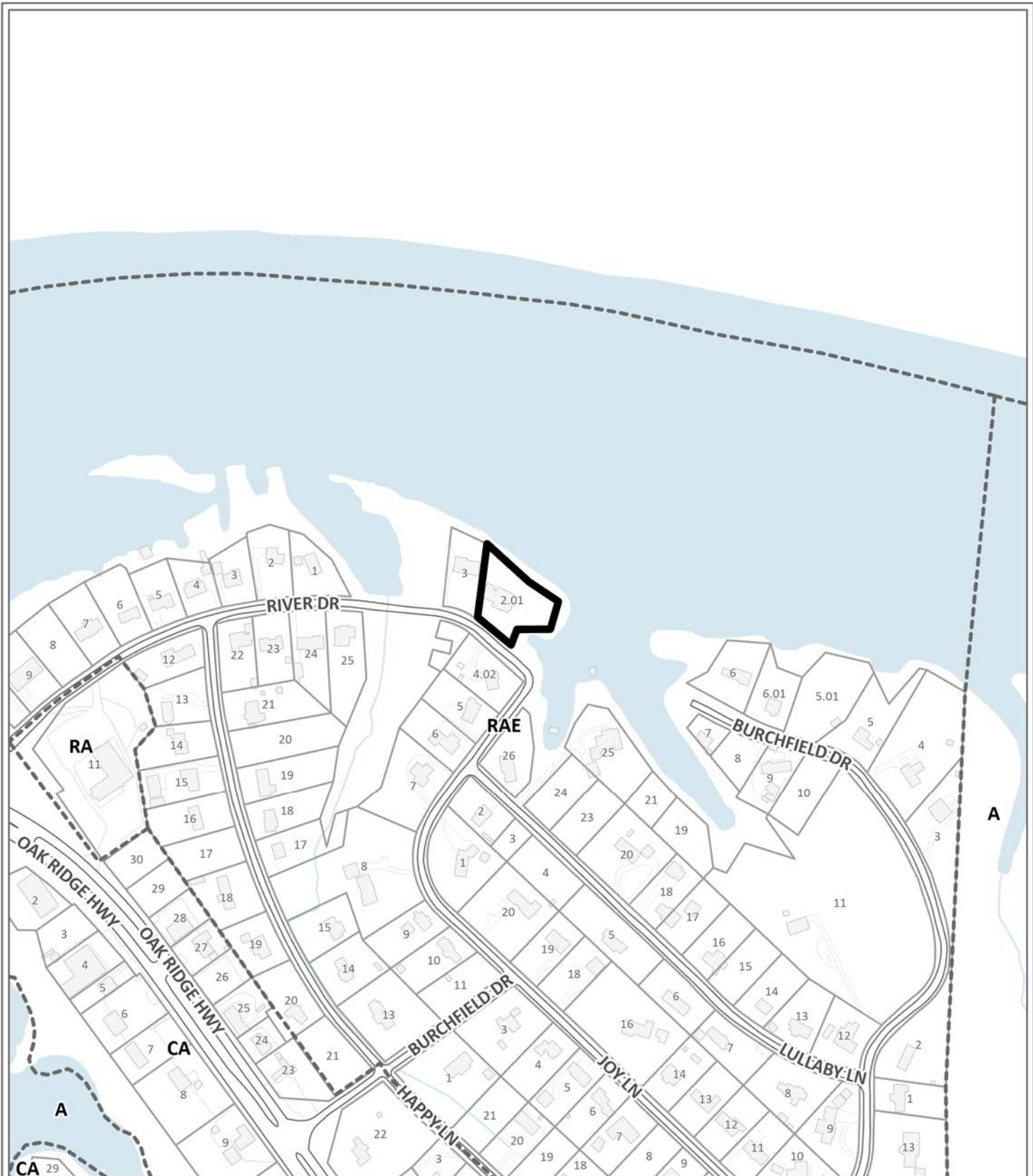
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The proposed RA district is consistent with the Northwest County Sector Plan Low Density Residential land use designation, which recommends low density residential up to 5 du/ac.
2. This property is located in the Planned Growth Area of the Growth Policy Plan where RA can be considered.
3. The proposed rezoning to RA aligns with Section 9.3 of the General Plan, which ensures that the context of new development, including scale and compatibility, does not impact existing neighborhoods and communities.
4. The requested zoning district at this location is not in conflict with any other adopted plans.
5. Despite the fact that the request does is aligned with adopted plans, Planning does not recommend approval since it is out of character with the area and does not meet all the criteria for a rezoning.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 9/25/2023. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



REZONING

8-J-23-RZ

Petitioner: Samuel Harward



From: RAE (Exclusive Residential)

To: RA (Low Density Residential)

Map No: 76

Jurisdiction: County

Original Print Date: 7/18/2023

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

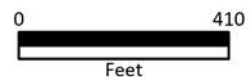


Exhibit A. Contextual Images

Location Map



Aerial Map

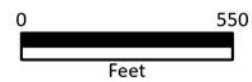


CONTEXTUAL MAPS 1

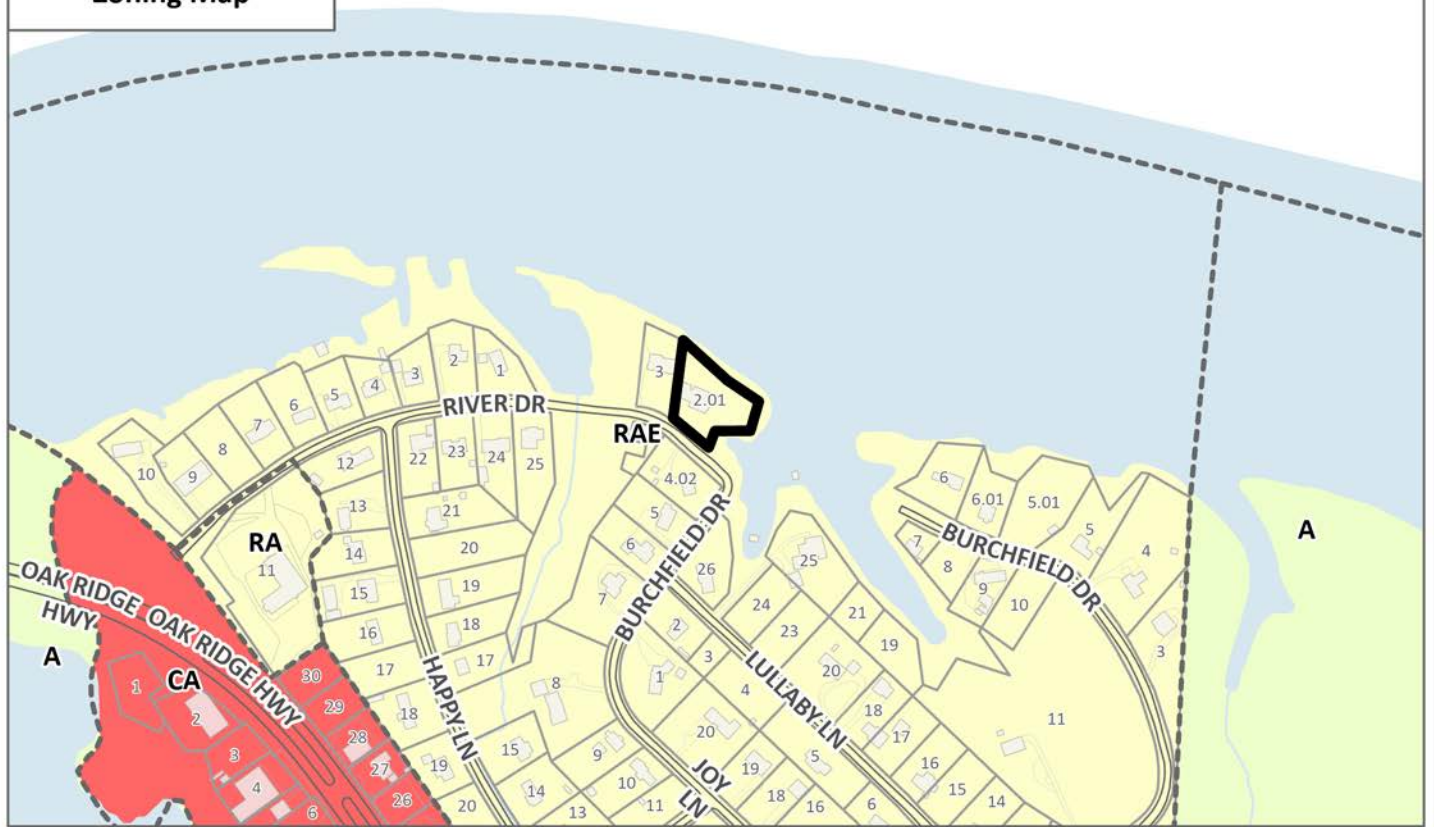
8-J-23-RZ



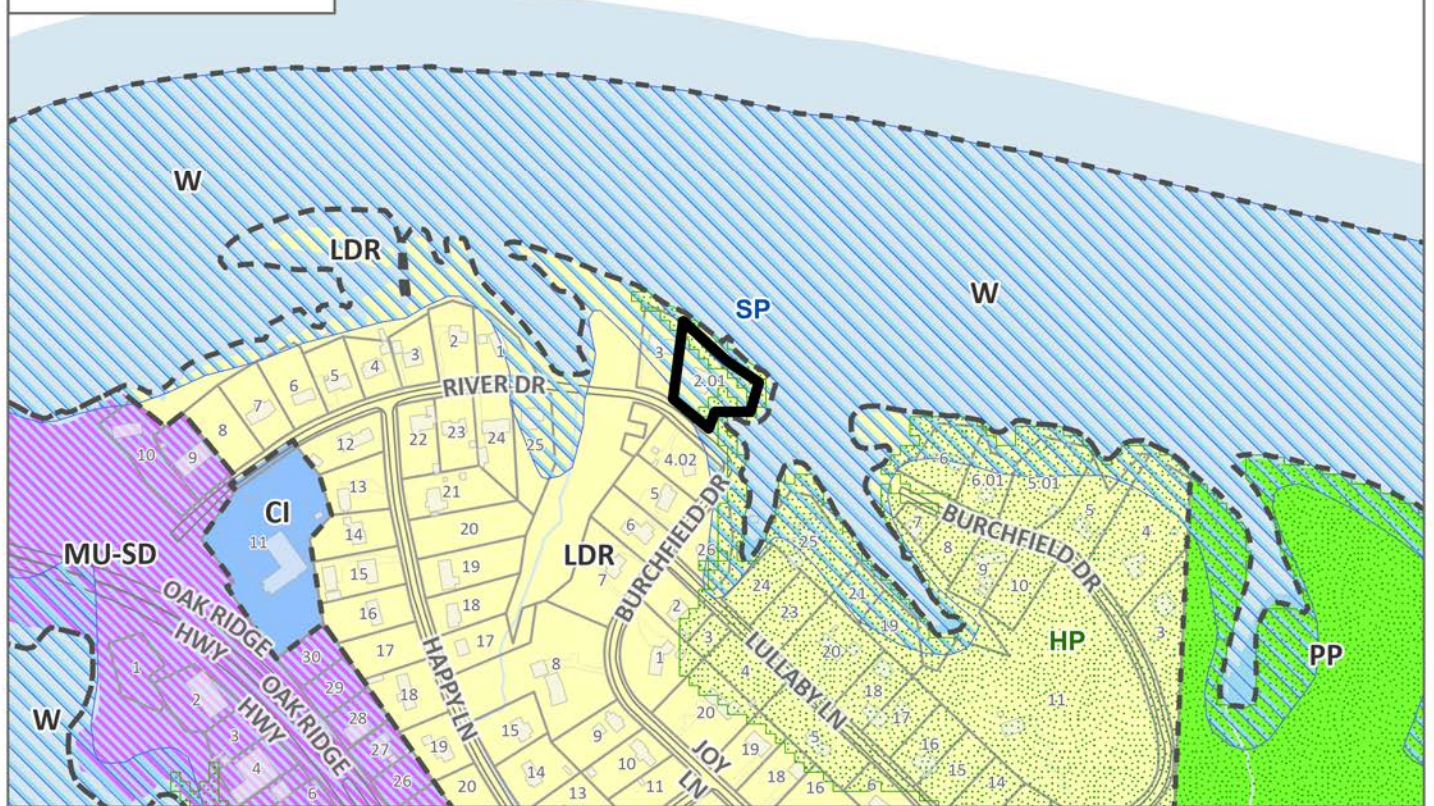
Case boundary



Zoning Map



Sector Plan Map

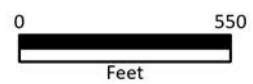


CONTEXTUAL MAPS 2

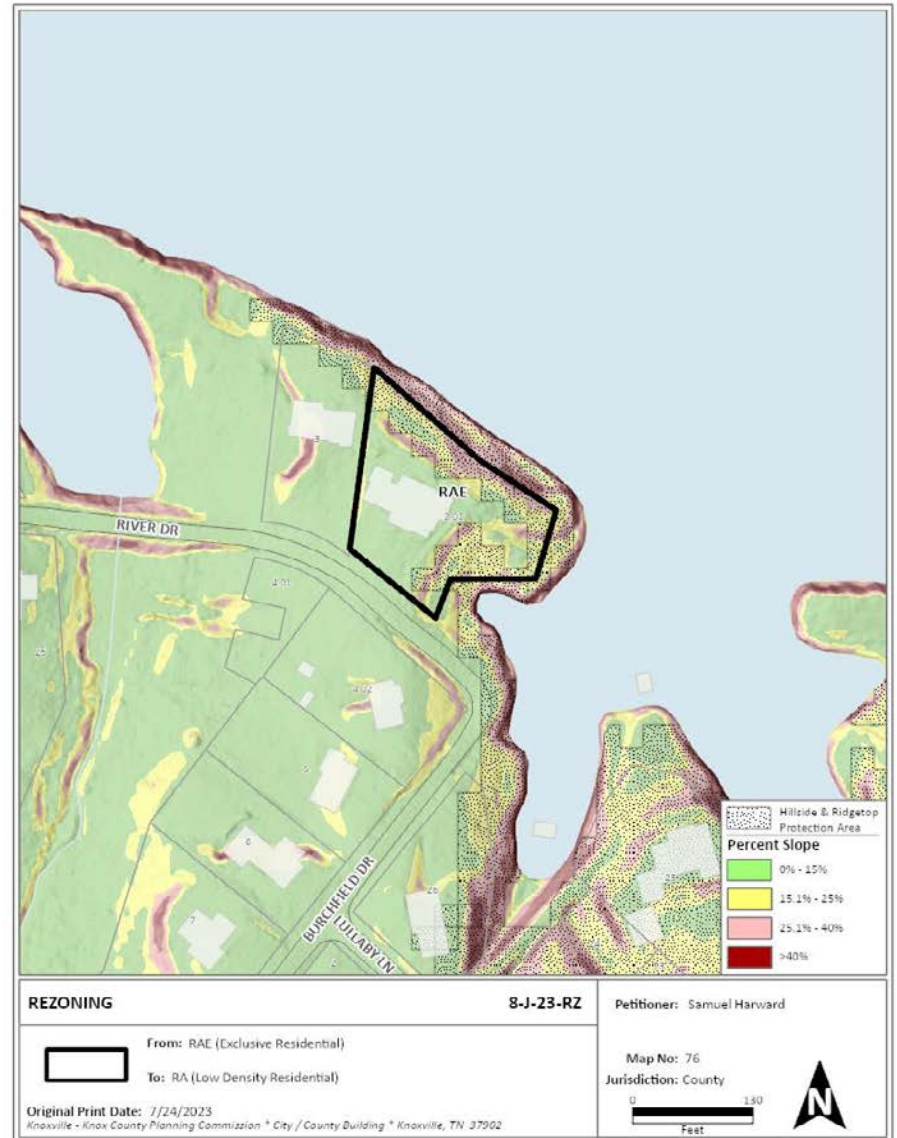
8-J-23-RZ



Case boundary



CATEGORY	SQFT	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Sqft)	DISTURBANCE AREA (Acres)
Total Area of Site	32,648	0.75			
Non-Hillside	19,411	0.45	N/A		
0-15% Slope	2,343	0.05	100%	2,343	0.05
15-25% Slope	6,562	0.15	50%	3,281	0.08
25-40% Slope	4,150	0.10	20%	830	0.02
Greater than 40% Slope	182	0.00	10%	18	0.0004
Ridgetops					
Hillside Protection (HP) Area	13,237	0.30	Recommended disturbance budget within HP Area	6,472	0.15
			Percent of HP Area	0.49	





Development Request

DEVELOPMENT

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

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - Sector Plan
 - One Year Plan
- Rezoning

Samuel Harward

Applicant Name

Affiliation

6/27/2023

Date Filed

8/10/2023

Meeting Date (if applicable)

8-J-23-RZ

File Number(s)

CORRESPONDENCE

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

Samuel Harward

Name / Company

8117 River Dr Oak Rdg Oak Ridge TN 37830

Address

919-389-6077 / sdharwar@hotmail.com

Phone / Email

CURRENT PROPERTY INFO

Samuel Harward

Owner Name (if different)

8117 River Dr Oak Rdg Oak Ridge TN 37830

Owner Address

919-389-6077 / sdharwar@hot

Owner Phone / Email

8117 RIVER DR

Property Address

76 J B 002.01

Parcel ID

0.76 acres

Tract Size

Part of Parcel (Y/N)?

West Knox Utility District

Sewer Provider

West Knox Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

North side of River Dr and Burchfield Dr

General Location

City

Commission District 6

RAE (Exclusive Residential)

Single Family Residential

County District

Zoning District

Existing Land Use

Northwest County

Planning Sector

LDR (Low Density Residential), HP (Hillside Protection), S

Sector Plan Land Use Classification

Planned Growth Area

Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Planned Development <input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-residential	
Home Occupation (specify) _____	
Other (specify) _____	

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Total Number of Lots Created	
Additional Information	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change RA (Low Density Residential)	Pending Plat File Number
Proposed Zoning	
<input type="checkbox"/> Plan Amendment	Proposed Plan Designation(s)
Proposed Density (units/acre) Previous Zoning Requests	
Additional Information	

STAFF USE ONLY

PLAT TYPE <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	Fee 1	Total
ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request	\$650.00	
ADDITIONAL REQUIREMENTS <input type="checkbox"/> COA Checklist (Hillside Protection) <input type="checkbox"/> Design Plan Certification (Final Plat) <input type="checkbox"/> Site Plan (Development Request) <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> Use on Review / Special Use (Concept Plan)	Fee 2	
	Fee 3	

AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Applicant Signature	Samuel Harward Please Print	6/27/2023 Date
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Property Owner Signature	Samuel Harward Please Print	6/27/2023 Date
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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

Samuel Harward

Applicant Name		Affiliation
06/26/2023	09/14/2023	File Number(s)
Date Filed	Meeting Date (if applicable)	

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

Samuel Harward		N/A	
Name		Company	
8117 River Drive		Oak Ridge	TN 37830
Address		City	State ZIP
919-389-6077		sdharwar@hotmail.com	
Phone		Email	

CURRENT PROPERTY INFO

Property Owner Name (if different)	Property Owner Address	Property Owner Phone
8117/8119 River Drive, Oak Ridge, TN 37830	076JB00201	same
Property Address	Parcel ID	
septic	WKUD	Y
Sewer Provider	Water Provider	Septic (Y/N)

STAFF USE ONLY

General Location		Tract Size
<input type="checkbox"/> City <input checked="" type="checkbox"/> County W6		
District	Zoning District	Existing Land Use
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) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

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

Other (specify) _____

Attachments / Additional Requirements _____

Related Rezoning File Number

ZONING REQUEST

Zoning Change **RA**
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
Fee 2	
Fee 3	

AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct:

1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent


Applicant Signature

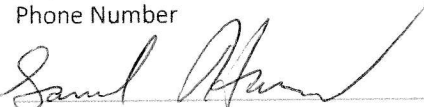
Samuel Harward
Please Print

6/26/2023
Date

919-389-6077

Phone Number

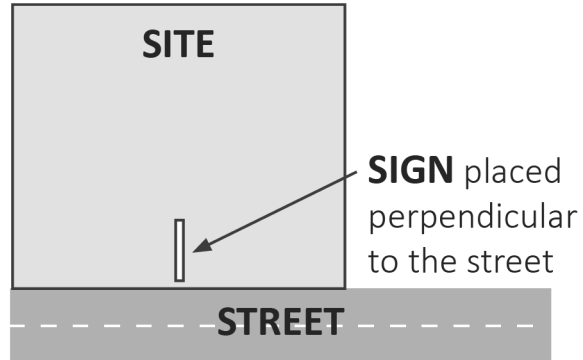
sdharwar@hotmail.com
Email


Property Owner Signature

Samuel Harward
Please Print

6/26/2023
Date Paid

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:

_____ **July 28, 2023** _____ and _____ **August 11, 2023** _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Samuel Harward

Date: 6/28/2023

File Number: 8-J-23-RZ

- Sign posted by Staff
- Sign posted by Applicant