



# SPECIAL USE REPORT

▶ **FILE #:** 2-B-24-SU (REVISED)

**AGENDA ITEM #:** 16

**AGENDA DATE:** 2/8/2024

▶ **APPLICANT:** JOSE MARTINEZ

OWNER(S): Doug Gaittens

TAX ID NUMBER: 92 M B 013 22

[View map on KGIS](#)

JURISDICTION: City Council District 3

STREET ADDRESS: 5836 WINDTREE LN

▶ **LOCATION:** East side of Jackson Rd, south side of Windtree Ln

▶ **APPX. SIZE OF TRACT:** 10890 square feet

SECTOR PLAN: Northwest City

GROWTH POLICY PLAN: N/A (Within City Limits)

ACCESSIBILITY: Access is via Windtree Lane, a local road with a pavement width of 26 ft within a 50-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

▶ **ZONING:** RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

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

▶ **PROPOSED USE:** Reduction of peripheral setback in the former RP-1 district from 25 ft to 19.5 ft

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Single family residential - RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

South: Multifamily residential - RN-3 (C) (General Residential Neighborhood), HP (Hillside Protection Overlay)

East: Single family residential - RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

West: Industrial - I-MU (Industrial Mixed-Use), HP (Hillside Protection Overlay)

NEIGHBORHOOD CONTEXT: The area has a mix of residential and nonresidential uses along Jackson Road. The east side of Jackson Road is characterized by single family detached houses and multifamily developments, while the west side of the road includes commercial, industrial, and office uses.

## STAFF RECOMMENDATION:

▶ **Approve the request for a reduction of the peripheral setback in the former RP-1 district from 25 ft to**

**19.5 ft for the subject property, subject to 4 conditions.**

- 1) Retain and maintain the existing vegetation to provide a buffer for the adjacent properties in the south.
- 1) Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.
- 2) Meeting all applicable requirements of the City of Knoxville Engineering Department.
- 3) Meeting all applicable requirements of the City of Knoxville Department of Plans Review and Inspections Department.

**COMMENTS:**

The property is a part of the Jackson Square subdivision that was developed under the standards of the former RP-1 (Planned Residential) district. Between 1985-1988, the Planning Commission approved a Use on Review (1-A-85-UR) and a Concept Plan (2-SA-88-C) for this subdivision, which included a 25-ft peripheral setback requirement according to the old zoning ordinance. Per Article 1.4.G of the Knoxville Zoning Ordinance, all previously approved planned districts are still in effect and are subject to all plans, regulations, and/or conditions of their approval. Therefore, the 25-ft peripheral boundary applies and requires Planning Commission approval to reduce it.

The property owner wants to build a shaded deck attached to the rear of the existing house (Permitting application # IRC-ADD-23-0255, see exhibit B for site plan and architectural drawings). The proposed deck encroaches the peripheral setback beyond allowed exceptions. This request is to reduce the peripheral setback in the former RP-1 district from 25 ft to 19.5 ft, which will allow building the deck.

**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 proposed setback reduction is not in conflict with any adopted plans, including the General Plan and the One Year Plan.

B. The General Plan's development policy 10.11 describes that a shallow setback may be appropriate for portions of planned developments that do not abut or face conventional suburban developments. The subject property meets this description as it abuts a duplex subdivision in the rear.

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

A. The former RP-1 district was intended to provide flexibility for different types of residential development. A deck was a permitted accessory structure for houses according to the previous zoning ordinance (Article V, Section 4.B.1 of the of the previous Knoxville Zoning Ordinance).

B. According to Article V, Section 6.B.11 of the former zoning ordinance, unenclosed porches (including roofed decks) can extend 6 ft into the required yard. Reduction of the peripheral setback to 19.5 ft will allow a deck to be built no closer than 13.5 ft to the rear lot line. The proposed site plan conforms to the zoning ordinance.

**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 shaded deck that would be allowed by this setback reduction is consistent with the surrounding residential developments. Several other houses in this subdivision have attached decks in rear yards.

B. The size and height of the subject deck will be compatible with the existing house on this lot and other structures in the vicinity.

**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 setback reduction or the subject deck is not anticipated to injure the value of any adjacent properties.

B. Retaining and maintaining the existing vegetation as a condition of this special use approval will ensure a buffer for the abutting duplex developments.

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

A. Approval of this request is not anticipated to draw any additional traffic.

**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 property that would pose a potential hazard or undesirable environment.

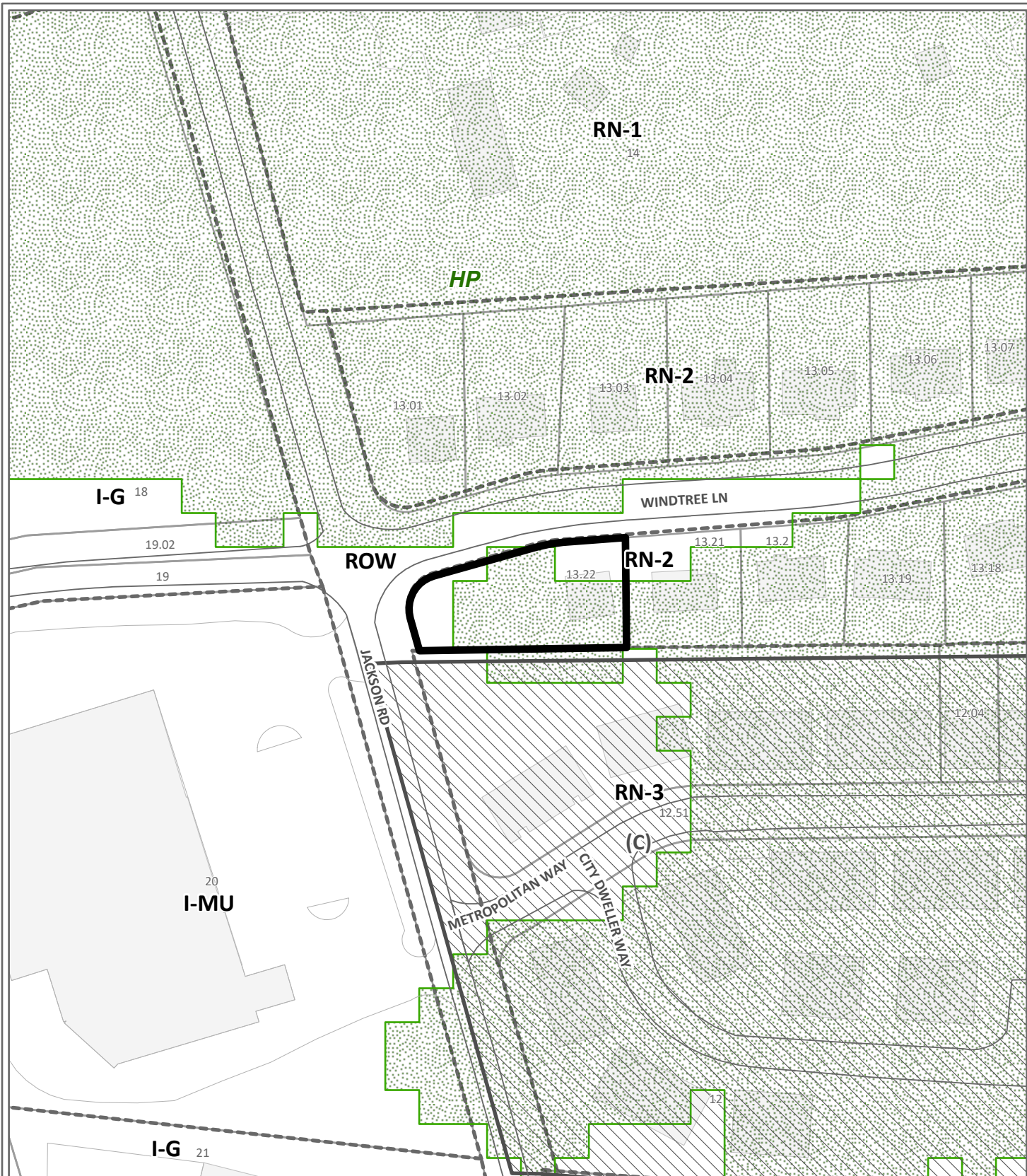
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Pond Gap Elementary, Northwest Middle, and West 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.



**SPECIAL USE**

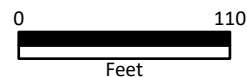
**2-B-24-SU**

**Petitioner:** Jose Martinez



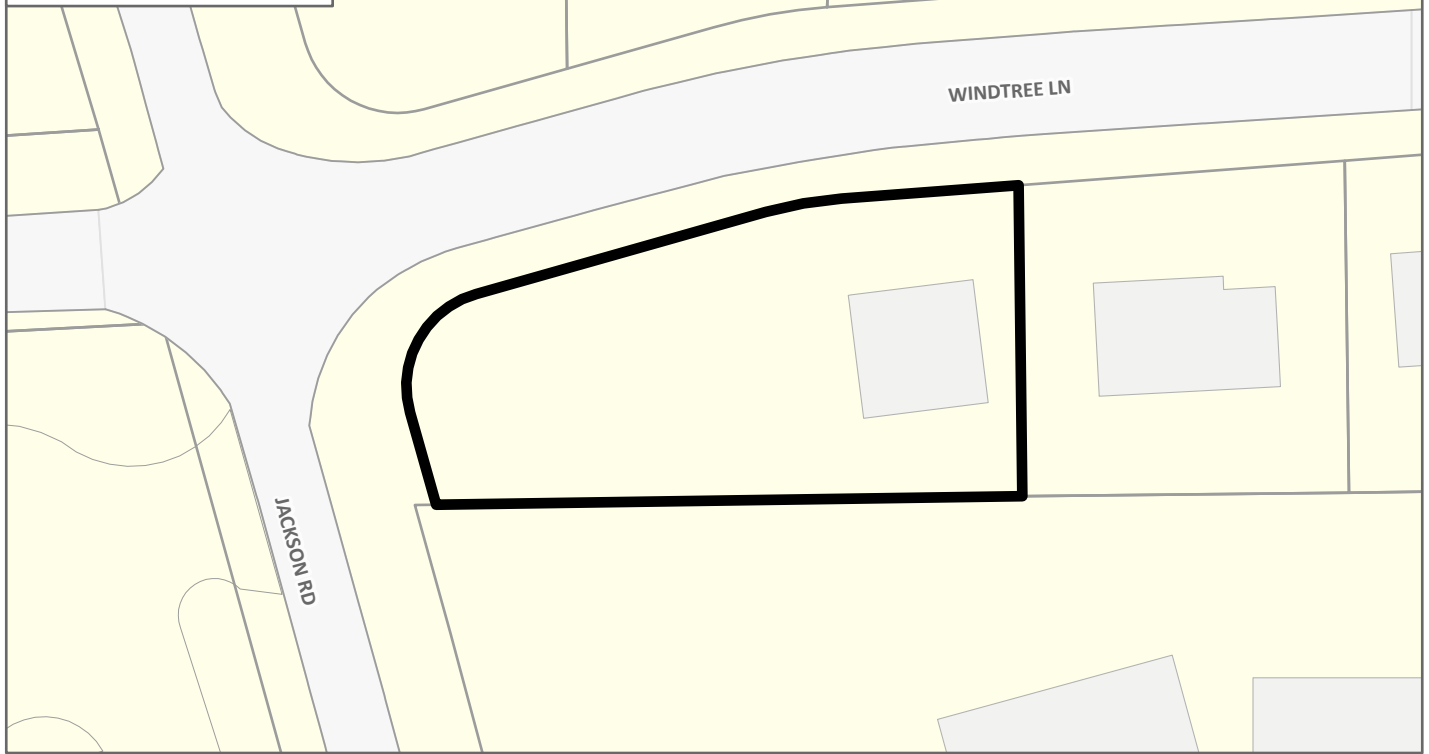
Peripheral setback reduction in RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

**Map No:** 92  
**Jurisdiction:** City



# Exhibit A. Contextual Images

Location Map



Aerial Map

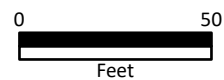


CONTEXTUAL MAPS 1

2-B-24-SU



Case boundary



CATEGORY	SQFT	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Sqft)	DISTURBANCE AREA (Acres)
<b>Total Area of Site</b>	<b>10,889.6</b>	<b>0.2</b>			
Non-Hillside	3,463.2	0.1	N/A		
0-15% Slope	2,676.5	0.1	100%	2,676.5	0.1
15-25% Slope	3,067.8	0.1	50%	1,533.9	0.0
25-40% Slope	1,507.1	0.0	20%	301.4	0.0
Greater than 40% Slope	175.0	0.0	10%	17.5	0.0
Ridgetops					
<b>Hillside Protection (HP) Area</b>	<b>7,426.4</b>	<b>0.2</b>	Recommended disturbance budget within HP Area	<b>4,529.3</b>	<b>0.1</b>
			Percent of HP Area	<b>61.0%</b>	



**DECK PROJECT**

DOUG AND SIERRA  
JOHNSON  
3036 WINDYBROOK LN,  
KNOXVILLE, TN 37921, USA

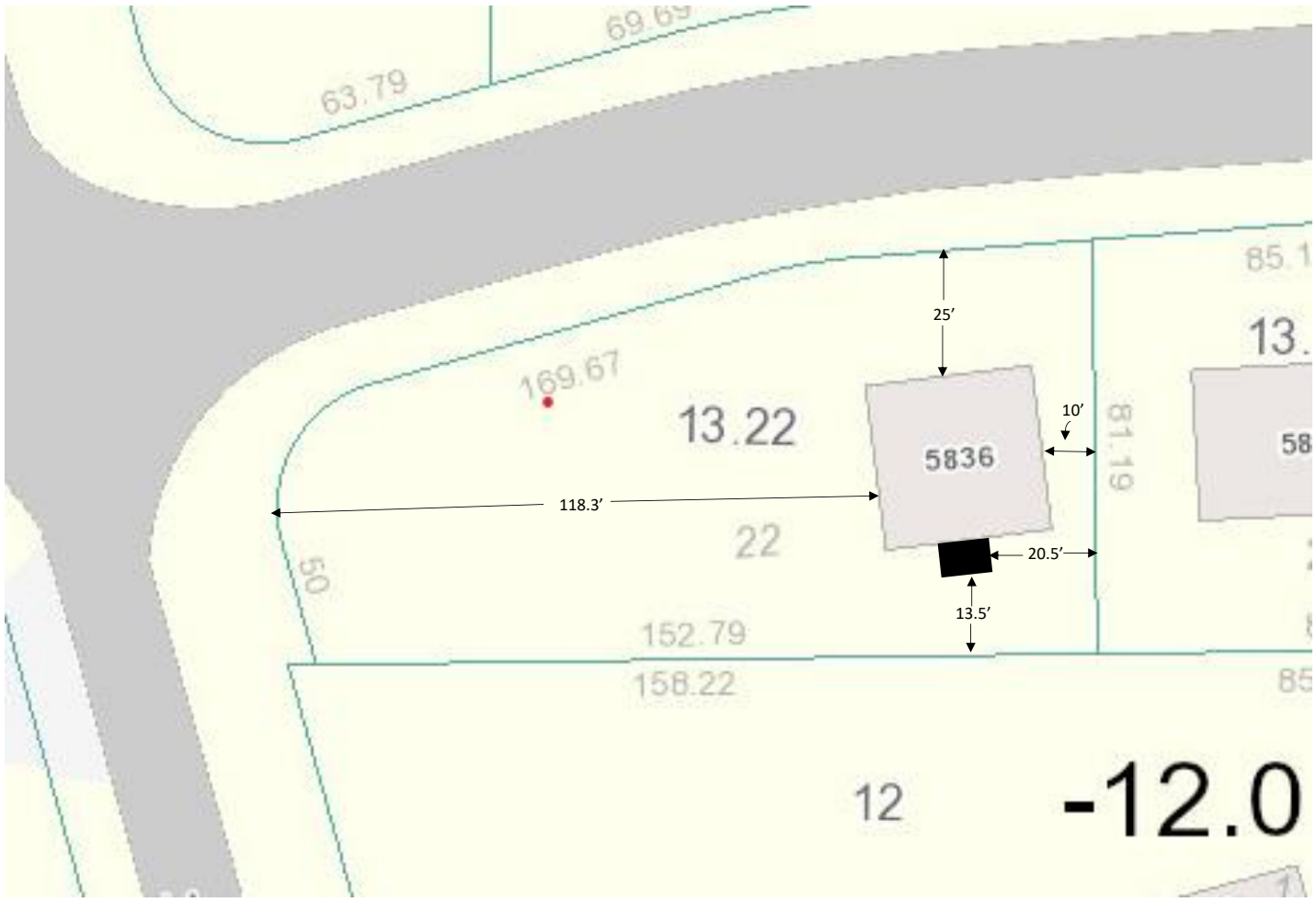
**SITE PLAN**

Revisions

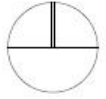
DATE	DESCRIPTION

Date: 09/23/2023  
Project Manager: ET

Sheet  
**A1**

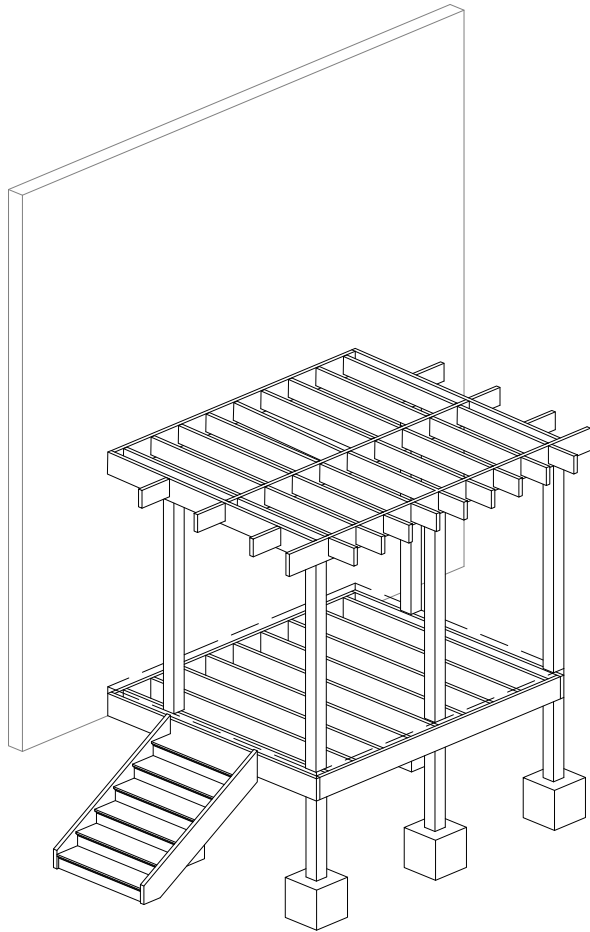


2-B-24-SU  
12/21/2024

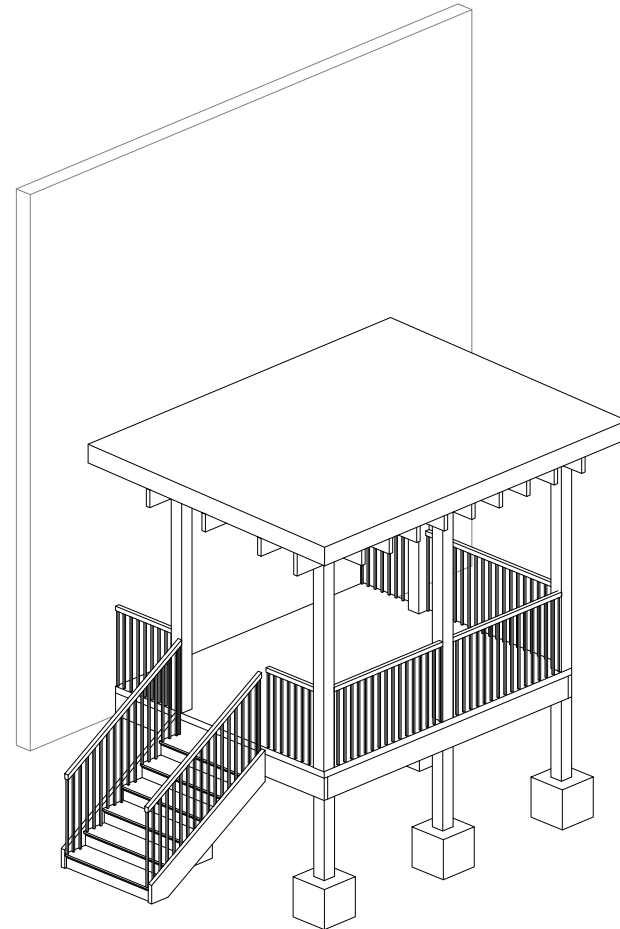








STRUCTURAL  
BIRDS EYE



BIRDS EYE

2-B-24-SU  
12/21/2024

**MTZ Builds**  
CONSTRUCTION & DECKING

PH: 865-240-7090  
www.mtzdesign.com  
sales@mtzdesign.com

**DECK  
PROJECT**

DOUG AND SIERRA  
JOHNSON  
8836 WINDTREE LN,  
KNOXVILLE, TN 37921, USA

BIRDS EYE

Revisions	
DATE	DESCRIPTION

Date: 09/23/2023  
Project Manager: EF

Sheet  
**A3**



# 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

**Jose Martinez**

Applicant Name

Affiliation

**12/8/2023**

Date Filed

**2/8/2024**

Meeting Date (if applicable)

**2-B-24-SU**

File Number(s)

## CORRESPONDENCE

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

**Jose Martinez MTZ Builds**

Name / Company

**1107 Lovell Rd Knoxville TN 37932**

Address

**865-353-8893 / office@mtzbuilds.com**

Phone / Email

## CURRENT PROPERTY INFO

**Doug Gaittens**

Owner Name (if different)

**5836 Windtree Ln Knoxville TN 37921**

Owner Address

**615-542-9738**

Owner Phone / Email

**5836 WINDTREE LN**

Property Address

**92 M B 013 22**

Parcel ID

Part of Parcel (Y/N)?

**10890 square feet**

Tract Size

**Knoxville Utilities Board**

Sewer Provider

**Knoxville Utilities Board**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**East side of Jackson Rd, south side of Windtree Ln**

General Location

City

**Council District 3**

**RN-2 (Single-Family Residential Neighborhood), HP  
(Hillside Protection Overlay)**

**Single Family Residential**

Count

District

Zoning District

Existing Land Use

**Northwest City**

Planning Sector

**MDR (Medium Density Residential), HP (Hillside Protecti**

Sector Plan Land Use Classification

**N/A (Within City Limits)**

Growth Policy Plan Designation

## DEVELOPMENT REQUEST

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

Related City Permit Number(s)  
**ARC-ADD-23-0255**

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

Other (specify) **Reduction of peripheral setback in the former RP-1 district from 25 ft to 19.5 f**

## SUBDIVISION REQUEST

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

Related Rezoning File Number

Unit / Phase Number \_\_\_\_\_

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

Additional Information \_\_\_\_\_

- Attachments / Additional Requirements

## ZONING REQUEST

- Zoning Change

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

Pending Plat File Number

- Plan

Amendment

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

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

Additional Information \_\_\_\_\_

## STAFF USE ONLY

### PLAT TYPE

- Staff Review    Planning Commission

### ATTACHMENTS

- Property Owners / Option Holders    Variance Request

### ADDITIONAL REQUIREMENTS

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

Fee 1

**\$450.00**

Fee 2

Fee 3

Total

## 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.

**Jose Martinez**

**12/8/2023**

Applicant Signature

Please Print

Date

Phone / Email \_\_\_\_\_

**Doug Gattens**

**12/8/2023**

Property Owner Signature

Please Print

Date



# 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

Jose Martinez

Applicant Name

12/6/23

Date Filed

February 8th

Meeting Date (if applicable)

Contractor

Affiliation

File Number(s)

2-B-24-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

Jose Martinez

Name

1107 Lovell Rd

Address

865-353-8893

Phone

MTZ Builds

Company

Knoxville

City

Tn

State

37932

ZIP

Office@mtzbuilds.com

Email

## CURRENT PROPERTY INFO

Doug Gaittens

Property Owner Name (if different)

5836 Windtree Ln, Knoxville, TN 37921

Property Address

KUB

Sewer Provider

5836 Windtree Ln, Knoxville, TN 37921

Property Owner Address

092MB01322

Parcel ID

KUB

Water Provider

(615) 542-9738

Property Owner Phone

N

Septic (Y/N)

## STAFF USE ONLY

General Location

Tract Size

City  County

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) **Reduction of peripheral setback in the former RP-1 district**

Other (specify) **-from 25ft to ~~13.5ft~~ 19.5 ft**

Related City Permit Number(s)

**IRC-ADD-23-025**

**5**

## 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

Proposed Zoning

Plan Amendment Change

Proposed Plan Designation(s)

Pending Plat File Number

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

Fee 2

Fee 3

Total

**\$450**

## 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**

*Jose Martinez*  
Applicant Signature

Jose Martinez

Please Print

12/6/23

Date

865-353-8893

Phone Number

Office@mtzbuilds.com

Email

*Doug Gaittens*

Doug Gaittens

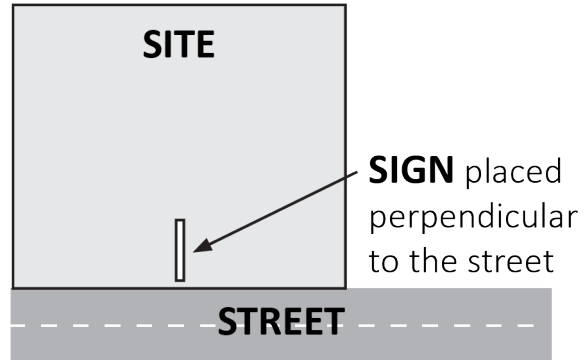
Please Print

12/6/23

Date Paid

**12/8/2023**

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:***

\_\_\_\_\_ and \_\_\_\_\_  
(applicant or staff to post sign) (applicant to remove sign)

**Applicant Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**File Number:** \_\_\_\_\_

- Sign posted by Staff  
 Sign posted by Applicant