CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



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File Number:1-C-10-URApplication Filed:11/25/2009Applicant:DAVID PERKINS

Related File Number: Date of Revision:

PROPERTY INFORMATION

| General Location: | East side of Mellen Ave., just south of Eutaw Place. | | | | |
|---------------------|--|--------------------|--|--|--|
| Other Parcel Info.: | | | | | |
| Tax ID Number: | 107 M A 03201 | Jurisdiction: City | | | |
| Size of Tract: | 21901 square feet | | | | |
| Accessibility: | Access is via Mellen Ave., a local street with a 19' pavement width within a 40' right-of-way. | | | | |

GENERAL LAND USE INFORMATION

| Existing Land Use: | Residence | | |
|-----------------------|--|-----------------------------------|--|
| Surrounding Land Use: | | | |
| Proposed Use: | Home occupation for a music teacher and performer; telemarketing of Density: performances, appearances and other services | | |
| Sector Plan: | West City | Sector Plan Designation: LDR & HP | |
| Growth Policy Plan: | Urban Growth Area (Inside City Limits) | | |
| Neighborhood Context: | The proposed home occupation is located within an established detached residential neighborhood. | | |

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

516 Mellen Ave

Street: Location:

Proposed Street Name:

Department-Utility Report:

Reason:

ZONING INFORMATION (where applicable)

Current Zoning: R-1 (Low Density Residential)

Former Zoning:

Requested Zoning:

Previous Requests:

Extension of Zone:

History of Zoning: None noted

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

| MPC ACTION AND DISPOSITION | | | | | | |
|----------------------------|--|--|--|--|--|--|
| Planner In Charge: | Tom Brechko | | | | | |
| Staff Recomm. (Abbr.): | APPROVE the home occupation for a music teacher, marketing for musical performances and appearances and marketing for the referral service for Family Building, LLC, subject to 7 conditions | | | | | |
| Staff Recomm. (Full): | Meeting all applicable requirements of the Knoxville Zoning Ordinance. Teaching/musical instruction is limited to only one student on site at any given time and the instruction shall occur within the residence. There shall be no performances on site that are related in any way to the home occupations. Marketing (internet, telephone or mail) for musical performances and appearances shall be conducted within the residence and only one client shall be allowed on site at any given time. Marketing (internet, telephone or mail) for Family Building, LLC referral service shall be conducted within the residence or mail) for Family Building, LLC referral service shall be conducted within the residence with no visitation by clients. No person, other than the applicant/resident, may work at the home occupation. No retail sales of any products may take place at the home occupation. With the conditions noted above, this request meets all requirements for approval of a home occupation in the R-1 zoning district, as well as other criteria for approval of a use on review. | | | | | |
| Comments: | The applicant is proposing to utilize his residence at 516 Mellen Ave. for home occupations that include: 1. Music teacher and performer, and 2. Telemarketing of performances, appearances and other services. The residence is located on a 0.502 acre (21901 square feet) lot that is zoned R-1 (Low Density Residential) which allows consideration of home occupations as a use permitted on review. On April 18, 2006, this property was subdivided into two lots with the residence being located on the rear lot (CLT # 107MA03201) with a 25' access easement out to Mellen Ave., and an undeveloped lot (CLT # 107MA032) of 20,635 square feet having frontage along Mellen Ave. The use on review application for the home occupation is only for the lot with the residence. | | | | | |
| | On November 20, 2009 a citation was issued to the applicant for using his "home for home occupation of business (music and arts school etc.) without a use on review)". In the materials attached to this request are references to web sites that include activities that are not permitted as a home occupation. The majority if not all of these sites were created prior to the citation. The applicant has been advised that these web sites must be revised to come into compliance with any approved home occupation. Failure to do so would be considered a violation of the use on review approval. One example is "David's Place" that is marketing performances and events to be held at the residence. As presented by the applicant, the proposed marketing (internet, telephone or mail) for the referral service, Family Building, LLC does not require any clients to come to the residence. | | | | | |
| | LLC is a referral service to provide clients with access to surrogate mothers and gamete (egg and sperm) donors. All procedures related to this service are conducted off site at medical facilities. EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE | | | | | |
| | The proposed home occupation will have minimal impact on local services since all utilities are in place to serve this site. The request will not place any additional demand on schools and will have a minimal impact on street traffic. The proposed home occupation will have minimal impact on the residential neighborhood if operated within the recommended conditions outlined above. | | | | | |
| | CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE | | | | | |

| | requirements for the R-1 zoning di use on review. 2. With the recommended condition general standard for uses permittee policies of the General Plan and the and intent of the Zoning Ordinance where it is proposed. The use will | the recommended conditions, the proposed home occupations are consistent with all ments for the R-1 zoning district, as well as other criteria for approval of a home occupation as a review. In the recommended conditions, the proposed home occupations are consistent with the following I standard for uses permitted on review: The proposal is consistent with the adopted plans and of the General Plan and the One Year Plan. The use in is harmony with the general purpose ent of the Zoning Ordinance. The use is compatible with the character of the neighborhood t is proposed. The use will not significantly injure the value of adjacent property. The use will w substantial additional traffic through residential areas. | | | | | |
|------------------------------------|--|---|-------------------------|--------------------|--|--|--|
| | CONFORMITY OF THE PROPOS | ONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS | | | | | |
| | The West City Sector Plan and The R-1 (Low Density Residential) a use on review. The site is located within the Un Policy Plan map. | zoning of the property per | nits consideration of h | ome occupations as | | | |
| Action: | Approved as Modified | | Meeting Date: | 1/14/2010 | | | |
| Details of Action: | Meeting all applicable requirements of the Knoxville Zoning Ordinance. Teaching/musical instruction is limited to only one student on site at any given time and the instruction shall occur within the residence. There shall be no performances on site that are related in any way to the home occupations. No person, other than the applicant/resident, may work at the home occupation. | | | | | | |
| | | ove, this request meets all requirements for approval of a home occupation well as other criteria for approval of a use on review. | | | | | |
| Summary of Action: | APPROVE the home occupation fe | or a music teacher subject | to 4 conditions | | | | |
| Date of Approval: | 1/14/2010 Date of Deni | al: | Postponements: | | | | |
| Date of Withdrawal: | Withdrawn p | prior to publication?: | Action Appealed?: | 1/27/2010 | | | |
| LEGISLATIVE ACTION AND DISPOSITION | | | | | | | |
| Legislative Body: | Knoxville City Council | | | | | | |
| Date of Legislative Action: | 2/23/2010 | Date of Legislative Acti | on, Second Reading: | : 3/9/2010 | | | |
| Ordinance Number: | | Other Ordinance Numb | er References: | | | | |
| Disposition of Case: | Postponed | Disposition of Case, Se | cond Reading: | Denied | | | |
| If "Other": | | If "Other": | | | | | |

Amendments:

Appeal Failed - NO Motion

Effective Date of Ordinance:

Amendments:

Date of Legislative Appeal: