

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW

KNOXVILLE-KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

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File Number: 1-E-10-UR **Related File Number:**
Application Filed: 11/30/2009 **Date of Revision:**
Applicant: BEN GARLINGTON

PROPERTY INFORMATION

General Location: West side of Kenesaw Av., south of Talahi Dr.
Other Parcel Info.:
Tax ID Number: 122 A B 024 **Jurisdiction:** City
Size of Tract: 25000 square feet
Accessibility: Access is via Kenesaw Av., a local street with a pavement width of 18' within a 60' wide right-of-way

GENERAL LAND USE INFORMATION

Existing Land Use: Detached dwelling and accessory building
Surrounding Land Use:
Proposed Use: Accessory building containing 1000 sq. ft. **Density:**
Sector Plan: West City **Sector Plan Designation:** LDR (Low Density Residential)
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: The site is located in the vicinity of the apartments and commercial development that is located in the interior of the Sequoyah Hills neighborhood. Zoning in the area consists of R-1 and R-2 residential and C-1 commercial.

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

Street: 1119 Kenesaw Ave
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: Dan Kelly

Staff Recomm. (Abbr.): APPROVE the request for an accessory structure with an area of 1000 square feet subject to 2 conditions

Staff Recomm. (Full):
1. Meeting all other applicable requirements of the Knoxville Zoning Ordinance
2. Removing the electrical service for the stove or removing the bathroom from the structure

Comments: The applicant is requesting that MPC approve a use on review for an existing accessory building that has an area of 1,000 square feet. The Knoxville Zoning Ordinance allows accessory structures that contain up to 900 square feet as a permitted use in most residential zones. A building permit was issued for an accessory structure that would contain 750 square feet in 2005. The structure was built beyond the limits of the permit. Because the structure was built exceeding the limits permitted by the building permit, the City Building Inspections Dept. would not issue a certificate of final inspection until the owner got the issue resolved. Had the owner moved ahead at that time, he could have applied for a variance that would have legitimized the structure. That request would have been heard by the Knoxville Board of Zoning Appeals. No action was taken by the owner to rectify the situation. Since that time, the section of the Zoning Ordinance dealing with accessory structures has been amended, creating the need for this use on review. The owner of the property has since passed away, and the heirs are trying to get the property ready for sale. The final inspection for the accessory structure is needed in order to clear all concerns regarding the property.

In addition to building the structure beyond the size permitted, the owner built the structure in a manner that it can be considered as a dwelling. Two dwellings on a single lot in the R-1 (Low Density Residential) district are not permitted unless they are approved as a duplex. The dwellings on this site are not physically connected and cannot be considered for approval as a duplex. In order to completely legitimize this structure, the electrical service for the stove or the bathroom will have to be removed. When that happens it will no longer be considered as a separate dwelling unit.

EFFECT OF PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE

1. The proposed accessory structure will have minimal impact on local services since all utilities were already in place to serve this building.
2. Since the proposed accessory structure is located adjoining a large church, it will have minimal impact on the surrounding uses.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. The proposed accessory structure meets all of the requirements of Knoxville Zoning Ordinance pertaining to building setback, height and lot coverage. The bathroom or electrical service for the stove will have to be eliminated to resolve the issue of a second dwelling on the site.
2. The proposed accessory building is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The West City Sector Plan identifies the property for low density residential use. To permit an accessory structure at this location would not be inconsistent with the Sector Plan.

Action: Approved **Meeting Date:** 2/11/2010

Details of Action: 1. Meeting all other applicalbe requirements of the Knoxville Zoning Ordinance
2. Removing the electrical service for the stove or removing the bathroom from the structure

Summary of Action: APPROVE the request for an accessory structure with an area of 1000 square feet subject to 2 conditions

Date of Approval: 2/11/2010 **Date of Denial:** **Postponements:** 1/14/2010

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action:

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case:

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: