

# CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



**File Number:** 1-F-22-UR                      **Related File Number:**  
**Application Filed:** 11/30/2021              **Date of Revision:**  
**Applicant:** WESLEY HICKS

## PROPERTY INFORMATION

**General Location:** North side of Gibbs Road, west of Clapps Chapel Road  
**Other Parcel Info.:**  
**Tax ID Number:** 21 087.03                      **Jurisdiction:** County  
**Size of Tract:** 1 acres  
**Accessibility:** Access is via Gibbs Rd, a local street with 15 ft of pavement within 45 ft of right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land (under construction)  
**Surrounding Land Use:**  
**Proposed Use:** Indoor storage                      **Density:**  
**Sector Plan:** Northeast County              **Sector Plan Designation:** AG (Agricultural)  
**Growth Policy Plan:** Rural Area  
**Neighborhood Context:** This area is developed with agricultural, single-family, and rural residential uses developed in the A and RA zone. East Emory Road is to the south.

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

**Street:** 7506 Gibbs Rd.  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)  
**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.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge:

Mike Reynolds

Staff Recomm. (Abbr.):

Postpone the request until the March 10, 2022 Planning Commission meeting as recommended by staff.

Staff Recomm. (Full):

Staff is recommending a 30-day postponement to allow the applicant time to determine if they would like to proceed with this request.

Comments:

This proposal is for indoor storage on an A (Agricultural) zoned property. There are no other primary uses on the site, such as a residence, so the storage of personal items in a structure must be approved as an indoor storage use, which would then be the primary use of the site. The applicant submitted a plan of operations for how he intends to use the indoor storage building.

The recently constructed building (see Exhibit C) was built too close to the rear lot line. The property owner applied for a variance to allow the structure to remain where it is located and on December 15, 2021 the Knox County Board of Zoning Appeals denied the request. The applicant has not been in contact with Planning staff to state how he would like to proceed with this application, which is why staff is recommending a 30-day postponement to allow more time for the applicant to respond. If there is no response before the February Planning Commission meeting, staff will recommend denying the request since the current plan cannot be utilized.

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The indoor storage use is not defined in the Knox County Zoning Ordinance which has led to confusion as to how indoor storage is to be used and enforced. The indoor storage use does require use on review approval by the Planning Commission and an operating plan submitted by the applicant will have to be approved and additional conditions could be applied by the Planning Commission.

In 1993, Knox County was involved in a lawsuit as to the interpretation of the indoor storage use and the judicial determination is presented in Exhibit A. In summary, indoor storage is defined as the permanent storage of goods, and "use on review" proceedings are necessary to further delineate his rights. During the use on review, the Planning Commission approval limited the items being stored to personal property and items related to the property owner's business; all items are to be stored on a long-term basis and not moved in and out more than once per week; the property shall not be used as an office, base of operation for the applicant's business or a congregating site for employees; and no materials, vehicles, or equipment shall be stored outside (12-A-93-UR -- see Exhibit B).

Action:

Withdrawn

Meeting Date: 2/10/2022

Details of Action:

Withdrawn

Summary of Action:

Withdrawn

Date of Approval:

Date of Denial:

Postponements: 1/13/2022

Date of Withdrawal:

3/9/2023

Withdrawn prior to publication?:  Action Appealed?:

**LEGISLATIVE ACTION AND DISPOSITION**

Legislative Body:

Knox County Board of Zoning Appeals

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":**

**Amendments:**

**Date of Legislative Appeal:**

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**