

CASE SUMMARY

APPLICATION TYPE: OTHER BUSINESS

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

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
F A X • 215 • 2068
w w w • k n o x m p c • o r g

File Number: 12-A-13-OB

Related File Number:

Application Filed: 10/28/2013

Date of Revision:

Applicant: TROY RAY

PROPERTY INFORMATION

General Location: North side of W. Governor John Sevier Hwy., east of Twin Creek Rd.

Other Parcel Info.:

Tax ID Number: 136 11202

Jurisdiction: County

Size of Tract: 2.12 acres

Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Residence / metal smith shop

Surrounding Land Use:

Proposed Use: Metal smith to be considered as similar to an artist/sculptor and therefore a permitted home occupation

Density:

Sector Plan: South County Sector Plan Designation: LDR (Low Density Residential) HP (Hillside Protecti

Growth Policy Plan: Planned Growth Area

Neighborhood Context:

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

Street: 1765 W Governor John Sevier Hwy

Location:

Proposed Street Name:

Department-Utility Report:

Reason: Metal smith to be considered as similar to an artist/sculptor and therefore a permitted home occupation

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)

Former Zoning:

Requested Zoning:

Previous Requests:

Extension of Zone:

History of Zoning:

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.: Metal smith to be considered as similar to an artist/sculptor and therefore a permitted home occupation

MPC ACTION AND DISPOSITION

Planner In Charge: Dan Kelly

Staff Recomm. (Abbr.): DENY this request for a metal smith as a home occupation

Staff Recomm. (Full): The staff findings suggest that this request does not meet the conditions for operation of a home occupation as described in Article 4, Section 4.90 (Home Occupations) of the Knox County Zoning Ordinance and as such cannot be considered a home occupation.

Comments: This applicant currently does metal smith work from a building located at 1765 W. Governor John Sevier Hwy. He has told staff that his work consists of fabricating one of a kind architectural metal pieces and metal sculptures. The applicant is requesting that MPC deem the business a home occupation. This applicant has been in an ongoing discussion with the staff of the Knox County Code Administrating Department regarding his building and subsequently his business since 2010.

Prior to obtaining a building permit for a dwelling in 2010, this applicant inquired about obtaining a building permit for a commercial building so that he could operate his business at this location. After being told the property was zoned A (Agricultural) and that he could not operate his metal fabrication business at that location, he asked for and received a building permit for a detached dwelling for this site. The structure that was built is a 2000 sq. ft. prefabricated metal building that contains approximately 400 sq. ft. of living space and approximately 1600 sq. ft. of garage space. Shortly after completing the building, he began operating a metal fabrication shop from this location. This was brought to the Codes Dept. attention via complaints registered by area residents as early as April, 2011. Since that time the Codes Dept. has made a number of site visits and issued at least three N.O.V.s (Notice of Violation) to Mr. Ray for operating a business at this location that is not permitted by the Zoning Ordinance. In July of this year Mr. Ray was issued a citation for operating an illegal business. This matter has been reset a couple of times and it is currently scheduled for a hearing in January of 2014.

The Knox County Zoning Ordinance has a list of home occupations that may be allowed as permitted uses if the operation of the business is done in accordance with the standards identified in Article 4 Section 4.90.01. The Zoning Ordinance goes on to say that the MPC has the authority to "permit any other similar use" as a home occupation if they can meet the same standards. One occupation that is on the list of permitted home occupations is that of an artist, sculptor or craftsman. Mr. Ray is asking that MPC consider his business similar to that of an artist/sculptor because his work at this location is limited to one of a kind metal sculptures and architectural pieces.

In order to be considered a legitimate home occupation the Zoning Ordinance contains a number of conditions that must be met. The general purpose of these conditions is to insure that a home occupation be operated at a scale that will not be a nuisance to the surrounding neighbors. Many businesses start as home occupations and by virtue of their own success outgrow the standards of a home occupation and ultimately have to move to a commercially zoned location. It appears that Mr. Ray's business does not comply with some of the standards for operation of a home occupation.

The Knox County Code Administration Dept. staff has stated that Mr. Ray has an employee(s) that are not household members and they do not live on the site. There is no evidence to even suggest that Mr. Ray lives on the site as required by the zoning regulations. He does state that the business is conducted in a dwelling but he does not state that it is his primary place of residence. By way of photographs supplied to MPC staff by the Knox County Codes Administration Dept., it appears that the greatest portion of the garage area is devoted to the business. The Knox County Zoning Ordinance limits the space the home occupation may occupy in a dwelling to 25% or less of the floor area. The garage area contains approximately 1600 sq. ft. Based on the photographs it would appear that the business is occupying well over 60% of the total building area. There are vehicles on the site that have signs advertizing the business. The entire site has been graded and graveled to provide for parking and vehicle storage. Mr. Ray's online advertisement states that the business consists of selling and

installing all types of fencing and decking that is not produced on site.

Metal smithing requires the use of welding and black smithing equipment which can pose a significant fire hazard. Additionally, the noise produced by this activity would be beyond what would be typically be associated with a residence. Due to the fact that the Zoning Ordinance requires that all home occupations be conducted in the primary dwelling, staff believes that because of the hazards associated with the business, metal smithing should not be permitted as a home occupation. Doing metal work as a hobby may be acceptable, but production of metal pieces on a commercial basis would be beyond the intent of what would be considered an approvable home occupation as described in the Knox County Zoning Ordinance.

Action: Denied

Meeting Date: 12/12/2013

Details of Action:

Summary of Action:

Date of Approval:

Date of Denial: 12/12/2013

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

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: