

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: 4-B-04-UR **Related File Number:**
Application Filed: 3/3/2004 **Date of Revision:**
Applicant: WON JEEYEON COLLINS
Owner:

PROPERTY INFORMATION

General Location: South side Livingston Dr., west side Montvue Rd.
Other Parcel Info.:
Tax ID Number: 120 J D 007 **Jurisdiction:** City
Size of Tract: 15105 square feet
Accessibility: Access is via Livingston Dr., a local street with 50' of right of way and 26' of pavement width.

GENERAL LAND USE INFORMATION

Existing Land Use: Single family dwelling
Surrounding Land Use:
Proposed Use: Single family dwelling with beauty/hair salon **Density:**
Sector Plan: West City **Sector Plan Designation:** Low Density Residential
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: This property is located within a single family residential neighborhood, zoned R-1. To the east, across Montvue Rd. is West Town Mall, as well as high density residential and office uses, zoned SC-3 and R-3.

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

Street: 7900 Livingston Dr
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: R-1 (Single Family Residential)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: None noted for this property. MPC denied a nail salon home occupation request on Gleason Dr. to the northwest of this site on 9/12/02 (9-I-02-UR).

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

Surveyor:

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: Michael Brusseau

Staff Recomm. (Abbr.): APPROVE the beauty/hair salon as a home occupation in the R-1 zoning district, subject to 8 conditions:

- Staff Recomm. (Full):
1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
 2. Meeting all applicable requirements of the Knoxville Department of Engineering.
 3. Installing all landscaping as described in the attached materials, within six months of the opening of the home occupation.
 4. Adhering to all attached plans and stipulations, as submitted by the applicant for purposes of this review.
 5. Business hours shall be restricted to Monday through Friday, between the hours of 8:00am to 5:00pm and Saturday between the hours of 8:00am and 12:00pm.
 6. No more than two customer vehicles may be parked on-site at any one time.
 7. No persons, other than the applicant/homeowner will be allowed to work at the home occupation.
 8. 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 requesting approval of a beauty/hair salon as a home occupation. Home occupations are listed as a use permitted on review in the R-1 zoning district and beauty shops may be permitted as home occupations. The applicant lives at the house and is proposing to convert part of the indoor living area for use as a beauty/hair salon. The salon will use 266 square feet of the 2,035 square foot house, which is about 13% of the total floor area of the house, well under the allowable floor area. The applicant is the only person who will work on the premises and no signage is proposed.

MPC denied a nail salon home occupation request in the R-1 zone northwest of this site in September 2002 after hearing from heavy neighborhood opposition. MPC staff had recommended approval of that request, which met all home occupation requirements for approval. There is also neighborhood opposition to this request.

This item was recommended for denial at the April 8 meeting because the applicant was proposing a change to the outside appearance of the house, which does not meet home occupation requirements for approval. MPC voted to postpone the request to the May 13 meeting. The applicant has since submitted revised plans to staff, which no longer propose the change to the outside appearance of the house, and meet the requirements for home occupation approval.

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

1. The request will not place any additional demand on schools and streets. Public water and sewer utilities are in place to serve the site.
2. The subject property is located on the edge of the neighborhood, adjacent to a major arterial street, so the request should not generate added traffic through residential streets.
3. The applicant has recently had trees removed from the front yard prior to the site visit by staff, but is proposing replacement of those trees as part of this proposal. The proposed use does not contain any aspects which will change the look of the subject property to look like anything other than a single family dwelling, like the rest of the neighborhood.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING

ORDINANCE

1. The proposed home occupation is consistent with the following general standards for uses permitted on review: The proposal 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 substantial additional traffic through residential areas if most customers come directly from Montvue Rd. to the property.

2. As proposed by the applicant, the home occupation meets all of the requirements of the attached Article 5, Section 12 of the Knoxville Zoning Ordinance, which provides standards for approval of a home occupation.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The City of Knoxville One Year Plan and the West City Sector Plan propose low density residential uses for the subject property.

MPC's approval or denial of this request is final, unless the action is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.

MPC Action: Denied (Withdrawn) **MPC Meeting Date:** 5/13/2004

Details of MPC action: WITHDRAW, at the request of the applicant.

Summary of MPC action:

Date of MPC Approval: **Date of Denial:** **Postponements:** 4/8/2004

Date of Withdrawal: 5/13/2004 **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: