

# 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

Suite 403 • City County Building  
400 Main Street  
Knoxville, Tennessee 37902  
865 • 215 • 2500  
F A X • 215 • 2068  
www.knoxmpc.org

**File Number:** 6-A-08-UR  
**Application Filed:** 4/28/2008  
**Applicant:** JOHN FAWAZ

**Related File Number:**  
**Date of Revision:**

## PROPERTY INFORMATION

**General Location:** Northwest side of Lyons View Pike, southwest side of Colony Way  
**Other Parcel Info.:**  
**Tax ID Number:** 107 N E 008 **Jurisdiction:** City  
**Size of Tract:** 19300 square feet  
**Accessibility:** Access is via Lyons View Pike, a minor arterial street with a 26' pavement width within a 50' right-of-way, and Colony Way, a minor collector street with a 20' pavement width within a 40' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Residence  
**Surrounding Land Use:**  
**Proposed Use:** Financial planning home occupation **Density:**  
**Sector Plan:** West City **Sector Plan Designation:** MY, O, MDR  
**Growth Policy Plan:** Urban Growth Area  
**Neighborhood Context:** This site is within a mixed use area of offices and residential uses that have developed under R-1, R-2 and O-1 zones. Commercial and office zoning and uses are found to the northeast and northwest. Residential development is found to the southwest, southeast and northeast.

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

**Street:** 4705 Lyons View Pike  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** R-2 (General Residential)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** A request for O-1 zoning was denied in 2005 (12-O-05-RZ).

## 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: Kelley Schlitz

Staff Recomm. (Abbr.): APPROVE the request for a financial planning office as a home occupation in the R-2 zoning district, subject to the following 7 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. No more than one person, other than members of the household residing on the premises, shall be engaged in the home occupation.
4. No retail sales of any products may take place at the home occupation.
5. Prior to final certification of the development plan by MPC, providing documentation that this is the applicant's primary residence.
6. There shall be no change to the outside appearance of the residence for such occupation.
7. Adhering to all attached plans and stipulations for operation of the home occupation, as submitted by the applicant for purposes of this review.

With the conditions noted above, this request meets all requirements for approval of a home occupation in the R-2 zoning district, as well as other criteria for approval of a use on review.

Comments: The applicant is requesting approval of a financial planning office as a home occupation at this residence on Lyons View Pike. Home occupations are considered as a use permitted on review in the R-2 zoning district, and professional offices may be permitted as home occupations. Staff has determined that a financial planning office is analogous to other acceptable professional offices that are listed in the Knoxville Zoning Ordinance (Art. 5, Sec. 12). The office will use 532 square feet in this 2,868 square foot house, which is approximately 18.5% of the total floor area of the house. The maximum area allowed for a home occupation is 25% of the total floor area. The applicant/resident and one other person will work at the office. According to the applicant, on-site activities involve answering phones and file keeping. Office hours will be from 9a.m. to 4p.m., Monday through Friday.

According to the Knoxville Zoning Ordinance it relates to home occupations, "the use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes". There has been concern raised about whether or not 4705 Lyons View Pike is in fact the applicant's primary residence. Staff's assumption is that this is the applicant's primary residence; however, prior to final development plan approval, the applicant will be required to provide documentation to MPC staff verifying that this address is his primary residence.

**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 will have a minimal impact on street traffic. The proposed use will generate very little traffic onto the property. Public water and sewer utilities are in place to serve the site.
2. The proposal will not allow more than 2 customers to be at the home occupation at any one time; however, according to the applicant, none of his clients will be coming to this location for services. All services will be provided over the phone or fax (see attached letter).
3. There are no changes to the outside appearance of the property, so the impact to surrounding properties should be minimal.
4. Colony Way properties have transitioned from residential to non-residential uses from the north over the years, and this proposal will continue that trend. The site is also in close proximity to commercial uses to the northeast along Old Kingston Pike and Kingston Pike. The proposed financial planning home occupation use of this property will serve as a transition between those commercial uses and primarily residential uses to the south and west.

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

1. The proposal is consistent with all requirements for the R-2 zoning district, as well as other criteria for approval of a home occupation as a use on review.
2. The proposed home occupation is consistent with the following general standard for uses permitted on review: The proposal is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use in is 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. The conditions of approval will ensure that the home occupation will still have a residential character since no outside changes to the structure are proposed.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The West City Sector Plan proposes medium density residential uses for the subject property, and the West City One Year Plan proposed mixed uses limited to office and medium density residential uses.
2. The current R-2 zoning of the property permits consideration of home occupations as a use on review.

**MPC Action:** Approved **MPC Meeting Date:** 6/12/2008

- Details of MPC action:**
1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
  2. Meeting all applicable requirements of the Knoxville Department of Engineering.
  3. No more that one person, other than members of the household residing on the premises, shall be engaged in the home occupation.
  4. No retail sales of any products may take place at the home occupation.
  5. Prior to final certification of the development plan by MPC, providing documentation that this is the applicant's primary residence.
  6. There shall be no change to the outside appearance of the residence for such occupation.
  7. Adhering to all attached plans and stipulations for operation of the home occupation, as submitted by the applicant for purposes of this review.

With the conditions noted above, this request meets all requirements for approval of a home occupation in the R-2 zoning district, as well as other criteria for approval of a use on review.

**Summary of MPC action:** APPROVE the request for a financial planning office as a home occupation in the R-2 zoning district, subject to the following 7 conditions:

**Date of MPC Approval:** 6/12/2008 **Date of Denial:** **Postponements:**  
**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:** 6/26/2008

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knoxville City Council  
**Date of Legislative Action:** 7/29/2008 **Date of Legislative Action, Second Reading:** 9/9/2008  
**Ordinance Number:** **Other Ordinance Number References:**  
**Disposition of Case:** Postponed **Disposition of Case, Second Reading:** denied (Appeal Upheld)  
**If "Other":** Postponed to 8/26, 9/9 **If "Other":** UOR Denied  
**Amendments:** **Amendments:**  
**Date of Legislative Appeal:** **Effective Date of Ordinance:**