

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: 8-E-02-UR **Related File Number:**
Application Filed: 7/8/2002 **Date of Revision:**
Applicant: EVERETTE IVEY
Owner:

PROPERTY INFORMATION

General Location: South side of Callaway Ave., west of Arthur St.
Other Parcel Info.:
Tax ID Number: 94 F H 33 **Jurisdiction:** City
Size of Tract: 6272 square feet
Accessibility: Access is via Callaway Av., a local street with a pavement width of 26' within a 45' right-of-way and an unnamed 9' wide alley.

GENERAL LAND USE INFORMATION

Existing Land Use: Single family dwelling
Surrounding Land Use:
Proposed Use: Home occupation for make up artist & reflexology **Density:**
Sector Plan: Central City **Sector Plan Designation:**
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: The site is located at the intersection of Douglas Av and Callaway St. Development in the area consists of single family dwellings, Helen Ross McNabb facilities and a small store.

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

Street: 1112 Callaway Ave
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: R-1A (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:

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: Dan Kelly

Staff Recomm. (Abbr.): DENY the request for a home occupation at this location because it does not meet the requirements of Article 5 Section 12 of the Knoxville Zoning Ordinance, as noted in the "comments" section below

Staff Recomm. (Full):

Comments: The applicant is proposing to establish a business at his residence. Services to be provided will include reflexology therapy, permanent makeup, and aesthetics. The applicant is proposing to construct a garage that will accommodate two vehicles and his office. The office will occupy 572 sq. ft. over the garage. The construction of the garage/office will require variances of the required front setback from 25' to 18' and the setback from 8' to 3'. The existing dwelling contains 1156 sq. ft. and it is located on a lot that contains only 6300 sq. ft. Due to the size of the lot, it is classified as a small lot of record because it does not meet today's minimum size requirements.

Due to the size of the existing dwelling and the proposed office addition, the area devoted to the home occupation will occupy more than 25% of the floor area. The zoning ordinance states that a home occupation be clearly incidental and subordinate to the residential use. The applicant is proposing an addition to his house at a future date which would bring the square footage in conformance with the requirements. Staff cannot rely on a future addition to ascertain conformity with the requirements. The zoning ordinance restricts change to the outside appearance of the dwelling to accommodate the home occupation. In this case, the applicant is proposing to build a separate building and attach it by a greenhouse to the main structure. Without the greenhouse connection, the garage/office would be an accessory building. Home occupations are not permitted to be conducted in accessory buildings. Additionally, loading and parking are shown to be partially provided on a public street. This is not permitted by the zoning ordinance. Staff believes the off street parking requirement can be met on the property making the street parking unnecessary.

Due to the number of deficiencies identified, staff cannot support the applicant's request for a home occupation at this location.

MPC Action: Denied

MPC Meeting Date: 10/10/2002

Details of MPC action:

Summary of MPC action: DENY the request for a home occupation at this location because it does not meet the requirements of Article 5 Section 12 of the Knoxville Zoning Ordinance, as noted in the "comments" section below

Date of MPC Approval:

Date of Denial: 10/10/2002

Postponements: 8/8/2002-9/12/2002

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:

Date of Legislative Appeal:

Amendments:

Effective Date of Ordinance: