

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: 8-F-09-UR
Application Filed: 6/29/2009
Applicant: JENNIFER TALLON

Related File Number:
Date of Revision:

PROPERTY INFORMATION

General Location: South and east side of Widow Newman Ln., north of Asheville Hwy.
Other Parcel Info.:
Tax ID Number: 62 23901 **Jurisdiction:** County
Size of Tract: 5.95 acres
Accessibility: Access is via Widow Newman Ln., a local street with a pavement width of 15' to 22' within a 40' wide right-of-way

GENERAL LAND USE INFORMATION

Existing Land Use: Detached dwelling
Surrounding Land Use:
Proposed Use: Dog kennel **Density:**
Sector Plan: East County **Sector Plan Designation:** LDR (Low density residential)
Growth Policy Plan: Planned Growth Area
Neighborhood Context: The site is located in the Newman Grove Subdivision which is made up of lots that are generally 5 acres in size or greater. The surrounding area is zoned A (Agricultural). The site is located approximately .33 miles north of Asheville Hwy.

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

Street:
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.:

MPC ACTION AND DISPOSITION

Planner In Charge: Dan Kelly

Staff Recomm. (Abbr.): APPROVE the request for a boarding kennel for up to forty dogs as shown on the development plan subject to 9 conditions

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Zoning Ordinance
2. Meeting all applicable requirements of the Knox County Health Dept.
3. Provide roofs over the outside kennel runs.
4. Installing a six foot high wood privacy fence around the entire kennel area.
5. Grooming services are to be limited to only those animals boarded on site.
6. All animals are to be brought indoors no later than 6:00PM and no animals to be permitted outside before 8:00 AM
7. Design and construct a parking lot that is located in close proximity to the kennel building. Strictly prohibit parking outside of the area designated for parking.
8. A revised site plan reflecting the conditions of approval must be submitted to MPC staff prior to commencing any construction as required by this approval
9. Meeting all conditions of approval within six months from the date of approval by the MPC

Comments: The applicant is requesting approval of a boarding kennel that will accommodate up to forty dogs. She states that in the beginning she will be able to board up to twenty dogs and within five years the business will grow to provide boarding for the 40 dogs as requested. The applicant will reside on the site with the kennel. The portion of the applicant's property where the Kennel will be constructed is heavily wooded. The site is located approximately one-third of a mile north of Asheville Hwy. Widow Newman Ln. is only 15' wide as it leaves Asheville Highway. It widens to 22' approximately 1300' north of Asheville Highway.

The Zoning Ordinance states that it is "necessary to give special consideration to certain uses because they are unique in nature, require large land areas, are potentially incompatible with the existing development, or because the effect of such uses cannot definitely be foreseen. The uses listed under the various zones as Uses Permitted on Review are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the zone. Therefore, these uses must be specially placed into the development pattern which exists at the time of arrival." With proper planning and management a dog kennel is the type of use than can be accommodated with little impact on the surrounding area. A kennel can also be a real nuisance to the adjoining property owners if provisions are not made to control noise, sanitation, security, lighting, operating hours and parking.

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

1. The proposed development will have minimal impact on local services since all required utilities are in place to serve this development.
2. The plan for the kennel as recommended by staff will decrease the negative impact by requiring fencing and maintenance of the existing woods to further decrease noise levels, by adding fencing to improve security, by better defining the permitted parking areas and by limiting the hours of operation.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. As recommended the proposed kennel will meet the requirements for approval in the A (Agricultural) Zone and all other relevant requirements of the Zoning Ordinance.

2. As recommended the proposed kennel is consistent with the general standards for uses permitted on review: The proposed development will be consistent with the adopted plans and policies of the General Plan and Sector Plan. The use will be in harmony with the general purpose and intent of the Zoning Ordinance. The use will be compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. .

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The East County Sector Plan identifies this property as being within a Low Density Residential area.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

Action: Approved **Meeting Date:** 8/13/2009

- Details of Action:**
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 9. Meeting all conditions of approval within six months from the date of approval by the MPC

Summary of Action: APPROVE the request for a boarding kennel for up to eighteen (18) dogs as shown on the development plan subject to 9 conditions as amended.

Date of Approval: 8/13/2009 **Date of Denial:** **Postponements:**

Date of Withdrawal: **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": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**