

# 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:** 9-B-01-UR  
**Application Filed:** 8/2/2001  
**Applicant:** DONALD EGAN  
**Owner:**

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

## PROPERTY INFORMATION

**General Location:** South side of Myrtlewood Dr., east side of Birchwood Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 93 C G 001 **Jurisdiction:** City  
**Size of Tract:** 16600 square feet  
**Accessibility:** Access is via Myrtlewood Dr., local street with a 19' pavement width within a 40' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Single-family residence  
**Surrounding Land Use:**  
**Proposed Use:** Interior/architectural design of hardwoods as a Home Occupation **Density:**  
**Sector Plan:** Central City **Sector Plan Designation:**  
**Growth Policy Plan:** Urban Growth Area (Inside City Limits)  
**Neighborhood Context:** This residence is located on the western edge of an established residential neighborhood that is bordered by I-640, Pleasant Ridge Rd. and the commercial development along Western Ave.

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

**Street:** 3100 Myrtlewood 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

## 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: TPB

Staff Recomm. (Abbr.): DENY the Use-on-Review request for an interior/architectural design of hardwoods business as a home occupation.

Staff Recomm. (Full): The volume of traffic generated by the business and the potential for additional employees to come to the site is not in keeping with required conditions for home occupations and the proposed use is not similar to other listed home occupations.

Comments: The owner of this house located at 3100 Myrtlewood Dr., is requesting approval to operate a design office as a home occupation. The applicant has been operating at this location for a few years without a Use-on-Review approval. The office space in this 1570 square foot house will take up 276 square feet, which is approximately 18% of the living space. This falls within the maximum limit of 25%. The applicant has stated that there will be one additional employee at the office (daughter of the applicant) that will not reside on the premises. The applicant provides custom design services to homebuilders on the use of hardwoods in flooring, stairwells and doorways. The majority of contacts with their clients is at the building sites. The wood ordered for their clients is stored at a warehouse facility located on Prosser Rd. The two existing storage buildings located on the property are not utilized for the business. There is no storage, cutting, staining or other production activity carried on at the house site. There will be no signage.

While the applicant has stated that their daughter is the only outside employee that comes to the office, residents in the neighborhood have stated that the son makes frequent visits to the house on a daily basis. The son works out of the warehouse facility on Prosser Rd. and meets with clients on job sites. Section 5.12.A.1 of the Zoning Ordinance only allows one person other than members of the family residing on the premises to work at the home. Visits by the son and any other employee would be a violation of this provision. The residents in the neighborhood have also stated that at different times of the day, a number of vehicles are parked in the driveway and on the street and frequent deliveries are made to the house. Section 5.12.A.6 states that "No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be off the street and other than in the required front yard". It appears that the volume of traffic generated by this business is not in keeping with this provisions.

While a number of conditions can be placed on the proposed business for compliance with the required provisions, Staff feels that it would be difficult to monitor and has the potential of being a code enforcement problem. This business is more in line with a contractor type business than it is with the home occupations listed in Section 5.12.B.

MPC Action: Approved as Modified MPC Meeting Date: 9/13/2001

Details of MPC action: APPROVE the Use-on-Review request for an interior/architectural design of hardwoods business as a home occupation subject to the following condition:

- 1. Adherence to all stipulations included in the "Affidavit of Applicant" and site and floor plan submitted by the applicant.

Summary of MPC action: APPROVE the Use-on-Review request for an interior/architectural design of hardwoods business as a home occupation subject to adherence to all stipulations included in the "Affidavit of Applicant" and site and floor plan submitted by the applicant.

Date of MPC Approval: 9/13/2001 Date of Denial: Postponements:

Date of Withdrawal: Withdrawn prior to publication?:  Action Appealed?: 9/25/2001

## **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** City Council

**Date of Legislative Action:** 10/30/2001

**Ordinance Number:**

**Disposition of Case:** Denied (Appeal approved)

**If "Other":**

**Amendments:**

Appeal approved. Use on Review denied

**Date of Legislative Appeal:**

**Date of Legislative Action, Second Reading:**

**Other Ordinance Number References:**

**Disposition of Case, Second Reading:**

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**