



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION  
USE ON REVIEW REPORT**

▶ **FILE #:** 4-A-08-UR

**AGENDA ITEM #:** 57

**AGENDA DATE:** 4/10/2008

▶ **APPLICANT:** LARRY V. BAILEY

**OWNER(S):** LARRY V. LAURA G. BAILEY TRUST

**TAX ID NUMBER:** 56 K D 003.01 & PART OF 002.01

**JURISDICTION:** County Commission District 6

▶ **LOCATION:** Southeast side of Spring St., southwest of Commerce Rd.

▶ **APPX. SIZE OF TRACT:** 25847 square feet

**SECTOR PLAN:** North County

**GROWTH POLICY PLAN:** Planned Growth Area

**ACCESSIBILITY:** Access is via a 25' access easement to Spring St., which is a local street with a 18' pavement width within a 45' right of way.

**UTILITIES:** Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

**WATERSHED:** Beaver Creek

▶ **ZONING:** RA (Low Density Residential)

▶ **EXISTING LAND USE:** Vacant

▶ **PROPOSED USE:** Duplex

**HISTORY OF ZONING:** None noted

**SURROUNDING LAND USE AND ZONING:** North: Residences / RA (Low Density Residential)

South: Railroad track / CA (General Business) & I (Industrial)

East: Residences, warehousing & Powell Elementary / RA (Low Density Residential) & CA (General Business)

West: Residences / RA (Low Density Residential)

**NEIGHBORHOOD CONTEXT:** This area has developed with low density residential uses under RA zoning to the north and commercial uses under CA zoning to the south and east of the site.

**STAFF RECOMMENDATION:**

▶ **APPROVE a duplex in the RA zoning district, subject to the following 5 conditions:**

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
3. Meeting all applicable requirements of the Knox County Health Department.
4. Providing 2 off-street parking spaces for each unit (4 total).
5. Installation of the proposed landscaping within six months of the issuance of occupancy permits for each unit.

With the conditions noted, this request meets the requirements for approval of a duplex in the RA zoning

district and all other criteria for approval of a use on review.

#### **COMMENTS:**

The applicant is proposing to construct a duplex on a parcel zoned RA (Low Density Residential). Under the RA zoning regulations, duplexes are a use permitted on review. The minimum lot size for a duplex in the RA zoning district is 12,000 square feet, and the subject parcel is approximately 25,000 square feet. Each unit will have access to Spring St. The Planning Commission has several criteria to follow when it comes to approval of a duplex in a low density residential area; one of which is that the development of the duplex will provide a desirable buffer between residential and non-residential uses. The proposed duplex will provide a buffer between the residential uses to the north of the site and commercial uses to the south along the railroad tracks.

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

1. The proposed duplex will have minimal impact on local services since all utilities are in place to serve this site.
2. This request will have minimal impact on schools and adjacent properties.

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

1. The proposed duplex 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 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.
2. The plan meets all of the requirements of the Knox County Zoning Ordinance.

#### **CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS**

1. The North County Sector Plan proposes low density residential uses for this site.
2. The current RA zoning of the property permits consideration of duplexes as a use on review.

**ESTIMATED TRAFFIC IMPACT:** 28 (average daily vehicle trips)

Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

**ESTIMATED STUDENT YIELD:** 0 (public and private school children, ages 5-18 years)

Schools affected by this proposal: Powell Elementary, Powell Middle, and Powell High.

- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- While most children will attend public schools, the estimate includes population that may be home-schooled, attend private schools at various stages of enrollment, or drop out of the public system.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.
- School capacities are subject to change by Knox County Schools through building additions, curriculum or scheduling changes, or amendments to attendance zone boundaries.

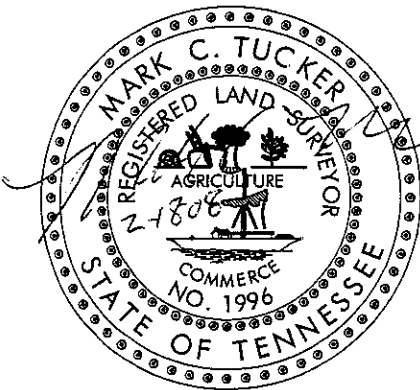
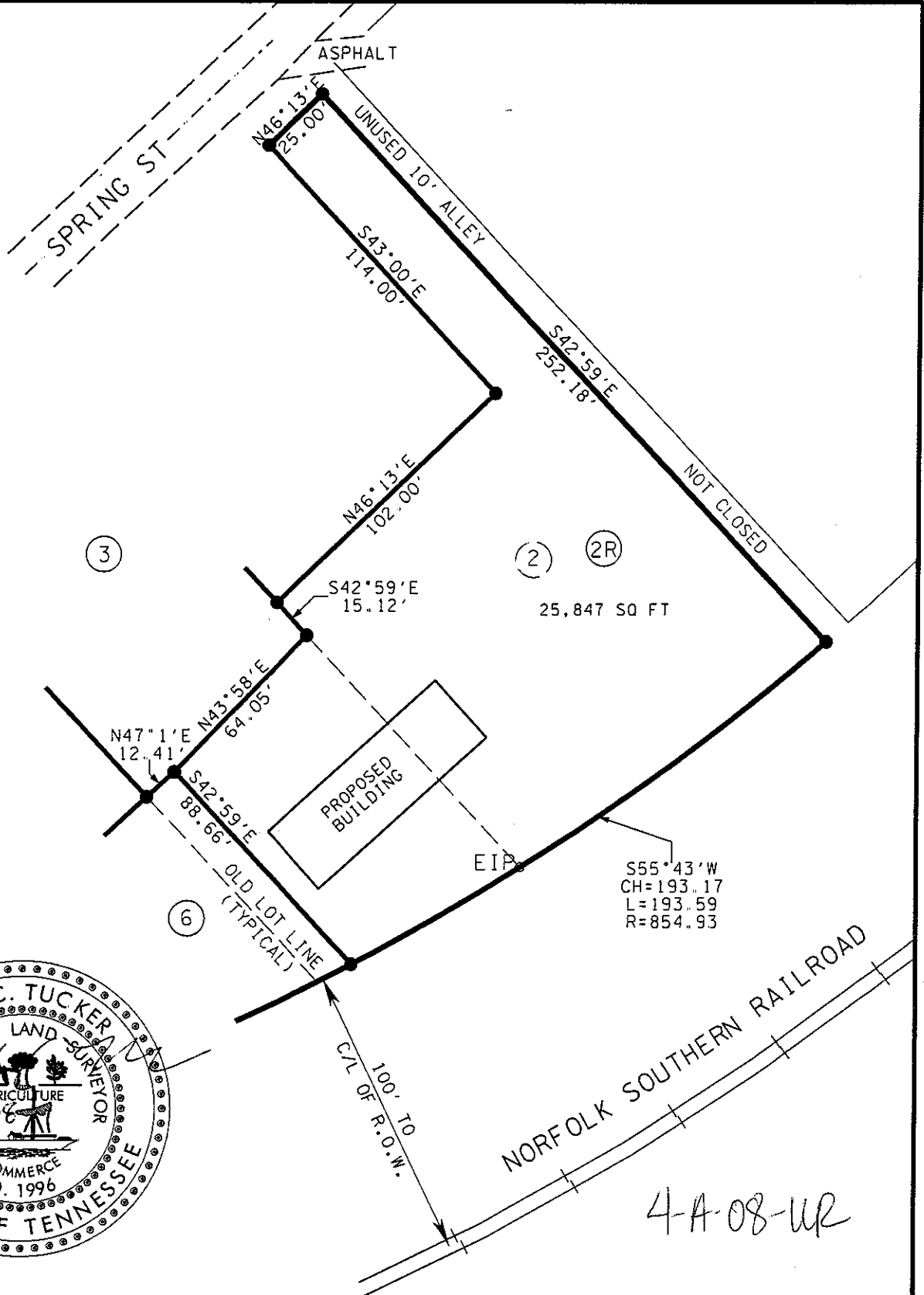
MPC's approval or denial of this request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.







MAGNETIC



THIS SURVEY IS NOT A GENERAL PROPERTY SURVEY AS DEFINED UNDER RULE 0820-3-07

OWNER:  
LARRY V & LAURA G BAILEY TRUST  
P O BOX 9  
POWELL, TN. 37849-0009  
PHONE: 865-947-9000

4-A-08-UR

 ROBERT G. CAMPBELL & ASSOC., L.P.

USE ON REVIEW EXHIBIT OF LOT 2R  
**RESUB OF LAURA G & LARRY V BAILEY PROPERTY**

SCALE:	DATE	DIST. NO. SIX	PROJ. NO.	PLAT INSTRUMENT NUMBER:
MPC: April 10, 2008	08-08	KNOX CO., TN	07104	2008-000000000

Agenda Item # 57

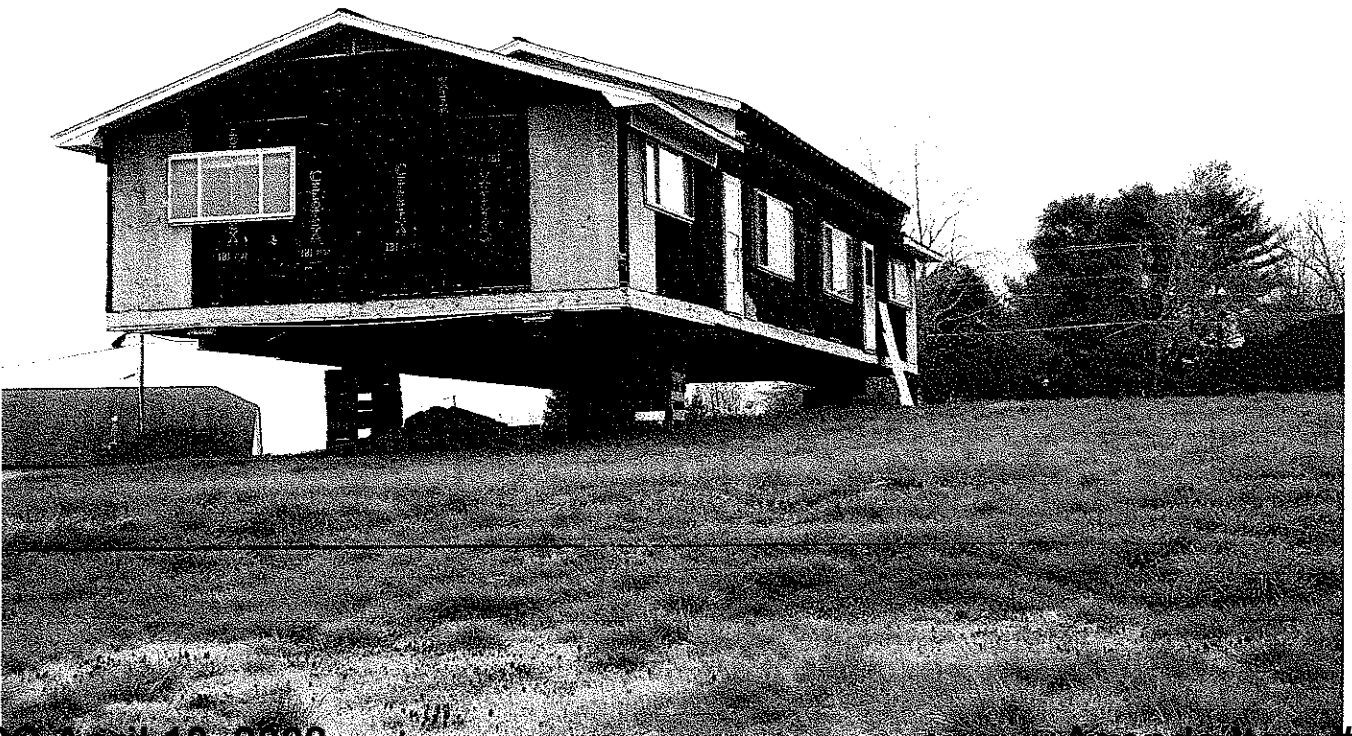


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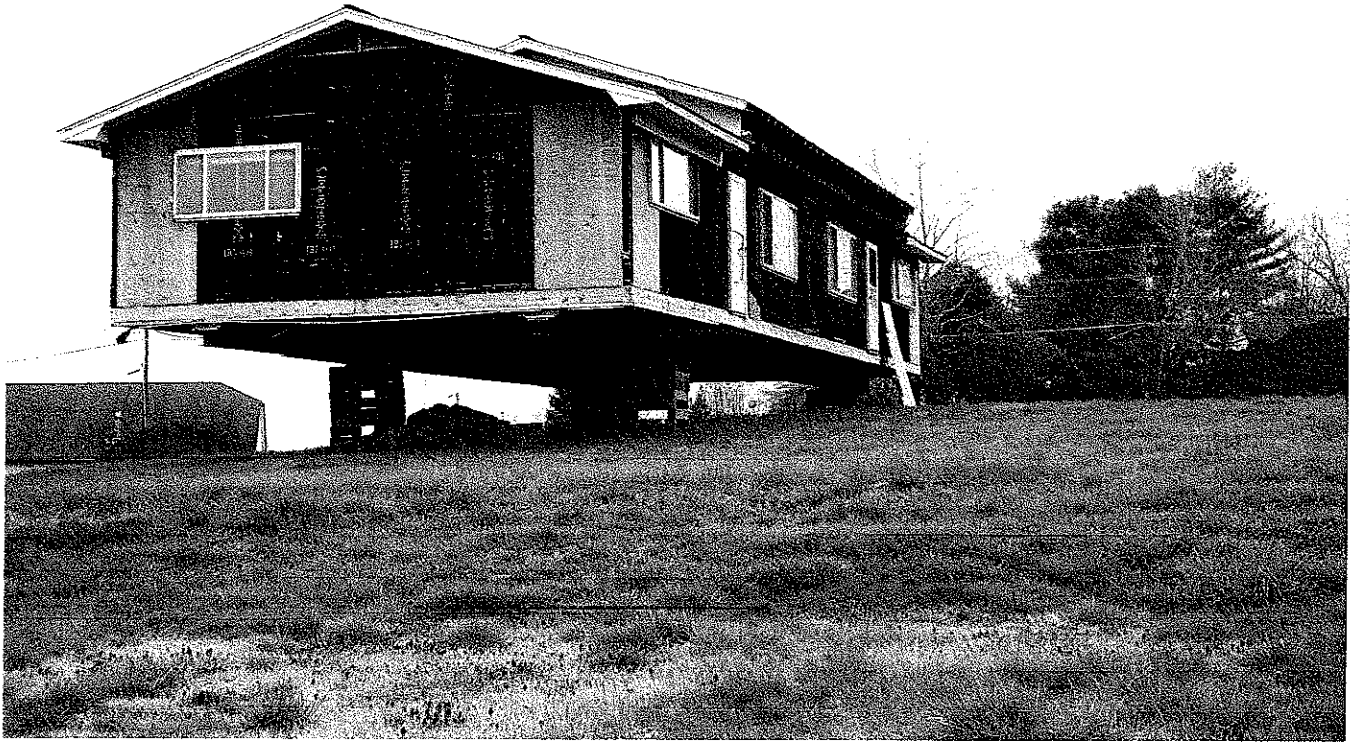




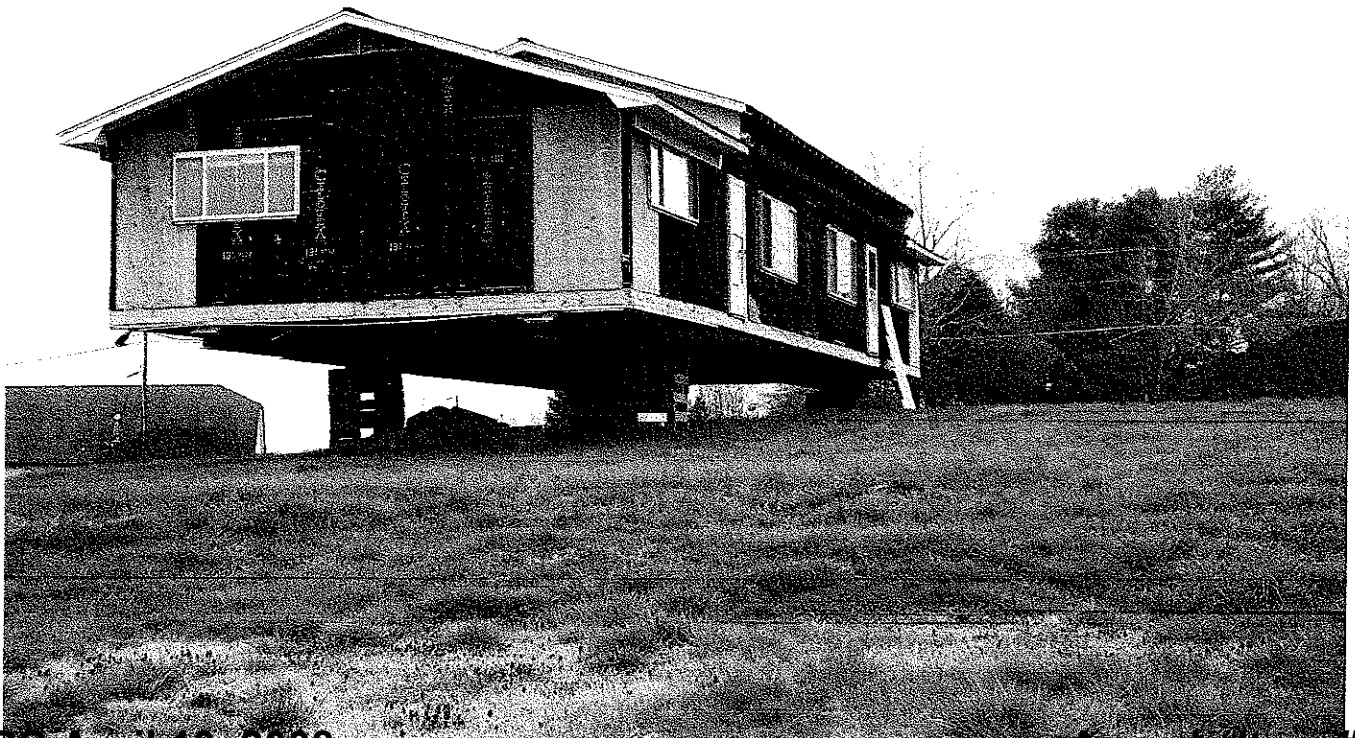
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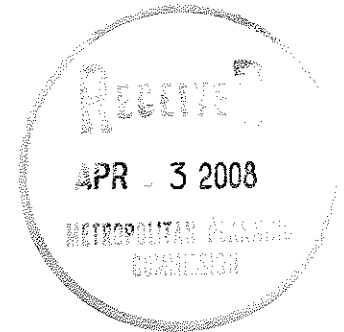
**From:** Sarah Powell  
**To:** Betty Jo Mahan  
**Date:** 4/3/2008 1:35:53 PM  
**Subject:** Fwd: comments on agenda item 4-A-08-UR April 10 meeting --Spring St. Powell, Tn.

>>> "Pat Grant" <[gran102@bellsouth.net](mailto:gran102@bellsouth.net)> 4/3/2008 1:22:24 PM >>>

I dropped out a package of info at your office this AM regarding the above item for the April 10 meeting. After leaving your office i stopped at Codes Administration where i received information that makes clear a misstatement in my cover letter. In the cover letter i stated that no codes citations had been issued to the salvage house on Spring St. in Powell. I based this statement on the response to telephone calls made to Codes Administration on at least three different occasions. After a personal meeting with Mr. Braden, i am now aware of two violation notices issued on this project. I believe that the inspector was misled by the Baileys into believing that the house was only there temporarily and that affected the way Codes has handled the matter. As evidenced by the plat obtained by the Baileys in Dec, 2007 they had no intentions of moving the house anywhere else. I have unfairly criticized Codes Administration . I wish my opposition to this whole project to be fair and factually accurate. Please attach this email to my package for presentation at the April 10 meeting. sincerely yours, Patrick Grant.

I am using the free version of SPAMfighter for private users.  
It has removed 519 spam emails to date.  
Paying users do not have this message in their emails.  
Try SPAMfighter for free now!

Metropolitan Planning Commission  
Suite 403 City/County Bldg.  
400 Main Street  
Knoxville, Tn 37902



Re: Objections and Comments Concerning Agenda Item 4-A-08-UR

Dear Sirs:

This request is another attempt by the Baileys to degrade this neighborhood for their own personal financial gain. Instead of spending 20-25 K to develop new lots of a desirable size in a new neighborhood, they have chosen to subdivide and resubdivide lots which have been in existence for eighty years in order to place salvage and undersize houses on them for rental purposes-houses which they don't maintain and which devalue a few stately and unique homes on the block. Some of these older homes are upwards of 100 years old and are structures which the owners have spent considerable sums of money updating and restoring and other older homes which would be likely candidates for restoring if the block remained stable in its values and appearance.

Spring street is the first block west of the main line of the Norfolk and Southern main line-a set of railroad tracks which sees 15 to 20 trains pass each twenty-four hour day. The decibel level on Spring Street which is 250-300 feet from the tracks is probably in excess of 100 decibels when these trains pass while the houses the Bailey s are proposing are barely 100 feet from the tracks. Who is going to want to live in such an environment, why maintain them if you have only a minimal investment in them, and what will they do to the rest of the neighborhood?

The Baileys first attempt at resubdivision or rezoning was four years ago, it was for about a dozen apartments and it was turned down because of a petition signed by nearly everyone in the neighborhood. This effort left a flag lot that was resubdivided off the back of lot 3-lot 3.01, and incidentally provided no sewer easement for lot 3. In December, 2007 they sneaked thru a further resubdivision of lot 3.01, 2, 2.01, and 1 and created yet another lot along the railroad tracks out of the back yards of lots 1, 2, 2.01. EACH of these four lots are EXACTLY 10,000 square feet and the effort further increased the size of lot 3.01 so that it would accommodate the house presently parked on it and which is the subject of this particular request. I say sneaked because no public notice was required other than a legal ad in the newspaper.

This only came to light on January 20,2008 when my son who lives at 1908 Spring Street received an address change notice because his house is next to the flag lot 3.01 which now had its own address.

Three months previous in October, 2007, a salvage house appeared on lot 3.01 -uprooted from either the Lovell or Emory road widening projects. Mrs. Sue Dagnan who lives at 1907 Spring Street and who promoted the petition four years ago immediately called the County Codes Department. They had no knowledge of the house and certainly had not issued any kinds of permits. They promised to visit the site.

Nothing more happened until the address change notice arrived. Mrs. Dagnan and I visited the MPC office and the Codes office around the end of January. Codes had never been back, had never issued any permits, and most importantly had never issued any violations, citations, stop work orders or anything. They, however, did promise to visit again. They incidentally CANT issue any building permits on the house because it is a nonconforming house as it is a duplex which is the subject of this request. Keep in mind the house has been sitting where it is at since October of last year.

We next visited with Mr. Dan Kelly in the MPC office who was very informative on the processes involving resubdivision and variances and seemed quite satisfied with his agency's handling of this whole matter. This all changed when we pointed out to him that there was a house already on the site with no permit, that this house was in fact a duplex in an RA zone, and far more importantly, lot 2 which had its

backyard surgically removed to help create the new lot contained a preexisting duplex which requires it to maintain a 12,000 square foot minimum. It is now only 10,000 square feet. He decided he would have to consult with the MPC attorney and would get back to us in a couple of weeks. If this 12,000 ft minimum had been met, it would be impossible to place a structure on the new lot anywhere because of its size and configuration. In its PRESENT configuration, the biggest structure that can be built is 20ft by 62ft. Yes, 20ft. Who wants that in their neighborhood?

His response to Mrs. Dagnan in a couple of weeks was that the plat as recorded was erroneous, a violation of the minimum lot sizes and that the Bailey's engineering firm would revise and resubmit it. Instead of doing that however, they filed for a usage variance on salvaged duplex. Mr. Kelley said it would be on the agenda on April 10, 2008, a notification sign would be posted in the neighborhood two weeks in advance, and nothing would or could be done in the meanwhile.

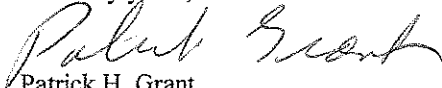
On March 17, 2008 a group of men appeared at the salvage duplex, Mrs Dagnan confronted them and they told her that they had permission from the County Engineering Dept. to set the house off its blocks. She called the County Engineering Dept and they told her they had no authority to permit any such thing. She called Codes Dept. No citations had been issued. On Thursday, March 20, 2008, a backhoe and a group of men reappeared, dug footers for the house, poured concrete in them, piled the excess dirt on the railroad's property and left. Mrs. Dagnan and I both called Codes Dept. The gentleman at Codes informed me that they did a lot of business with the Bailey's, that they were fine people and wouldn't do anything in violation of codes. Then he caught himself mid-character reference speech and promised to send someone out the next Monday as Friday was a holiday.

Throughout of this narrative there is a pattern of detached disinterest by Codes Dept and the MPC staff in the onsite activities. Let me give you a strong contrast in the conduct of the Codes Dept. in another matter. In March, 2007 my son and I were working on his house as it is one of those old stately house I earlier mentioned. It had a flat tar roof on part of it which leaked as they all do. We tore off the soffit and exposed the ceiling joists, placed two 2x6's in the exposed joists to try to figure a design to create a ridged roof that would drain. A building inspector pulled in the driveway with a "stop work order" already filled out, handed it to us at four o'clock on a Friday afternoon and told us to get a permit. Two boards and ten minutes and we had a stop work order. Next door and seven months later a 1700 square foot house appears and has remained there for five months with nothing happening.

Now, let me tell you why I think the difference. The Baileys are real estate agents/speculators, own at least 50 properties worth several million dollars and according to Mr. Kelley are both former members of your commission. I think that your staff has a corrupt and incestuous relationship with the Bailey's and probably this relationship extends to other slum landlords and members of the "rich and famous club" who know every detail of the zoning code and use it to their maximum financial advantage. I think this relationship also describes the Codes Dept's enforcement of their duties. It varies according to who you are and how much "pull and influence" you have.

I sincerely hope that if you have any honor and pride in your duties on the Commission you will turn this request down, make the Bailey's remove this illegal house, make the Bailey's withdraw their improper resubdivision and help maintain the neighborhood values of all the people who have lived here for years and years. I urge you to read section 6.50.06. It pretty well covers the situation.

Sincerely yours,

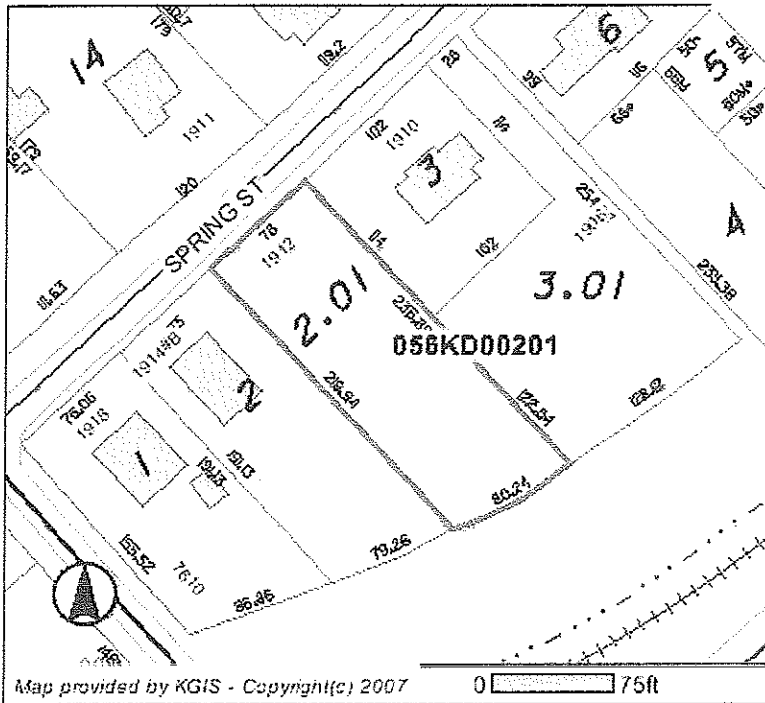


Patrick H. Grant  
155 County Rd 286  
Niota, Tn 37826  
423-337-3846

Addendums Attached

Bailey's lots before 12/07 replat -  
1, 2, 2.01, 3, 3.01

**1912 SPRING ST - Property M**



**Parcel Information** (last updated: 3/10/2008)

Location Address: 1912 SPRING ST  
 CLT Map: 056  
 Insert: K  
 Group: D  
 Condo Letter:  
 Parcel: 00201  
 Parcel ID: Q56KDQ0201  
 Parcel Type: NORMAL  
 District: E6  
 Ward:  
 Subdivision: LAURA G & LARRY V BAILEY  
 Recorded Acreage: 0.00  
 Calculated Acreage: 0.00  
 Recorded Plat: N-101 - B  
 Recorded Deed: 20030716 - 0006878  
 Deed Type: WARRANTY  
 Deed Date: 07/16/2003

**Address Information** (last updated: 3/10/2008)

Site Address: 1912 SPRING ST  
 POWELL - 37849  
 Address Type: RESIDENTIAL  
 Site Name:

**Owner Information** (last updated: 3/10/2008)

BAILEY LARRY V & LAURA G TRUST  
 723 CALLAHAN DR  
 KNOXVILLE, TN 37912

The owner information shown in this section does **not** necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365.

**Jurisdiction** (last updated: 1/5/2008)

County: KNOX COUNTY  
 City / Township:

**MPC Info** (last updated: 10/25/2006)

Census Tract: 61.01  
 Planning Sector: North County  
 1990 Traffic Zone: 197  
 2000 Traffic Zone: 197

Please contact Knox County Metropolitan Planning Commission (MPC) at (865) 215-2500 if you have questions.

**Political Districts** (last updated: 1/5/2008)

Voting Precinct: 73 Powell  
 Voting Location: Powell High School  
 2136 W EMORY RD  
 TN State House: 19 Harry Brooks  
 TN State Senate: 5 Randy McNally  
 County Commission: 6 Robert F. Rountree  
 Greg Lambert  
 City Council:  
 School Board: 7 Rex Stooksbury

Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

**School Zones** (last updated: 5/9/2007)

Elementary: POWELL ELEMENTARY  
 Middle: POWELL MIDDLE  
 High (2007): POWELL HIGH  
 High (2008): POWELL HIGH

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

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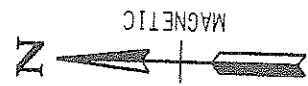
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NOTES:  
 1) EXISTING MONUMENTS AS SHOWN.  
 2) ALL OTHERS SET BY RCC&A.  
 3) EXISTING DRAINAGE AND OR UTILITY EASEMENT EXISTS INSIDE ALL LINES OR LOT LINES AND ROADS, 5' EACH SIDE OF INTERIOR LOT LINES.  
 4) A 15' UTILITY EASEMENT EXISTS, 7.5' EACH SIDE OF CENTERLINE OF SANITARY SEWER AS INSTALLED.

Bailey's lots after 12/07 replat. Lot 6 Created out of backyards of 1, 2, & 2.01. Lot 2.01 contains a duplex structure and is required to be 12,000 sq ft.

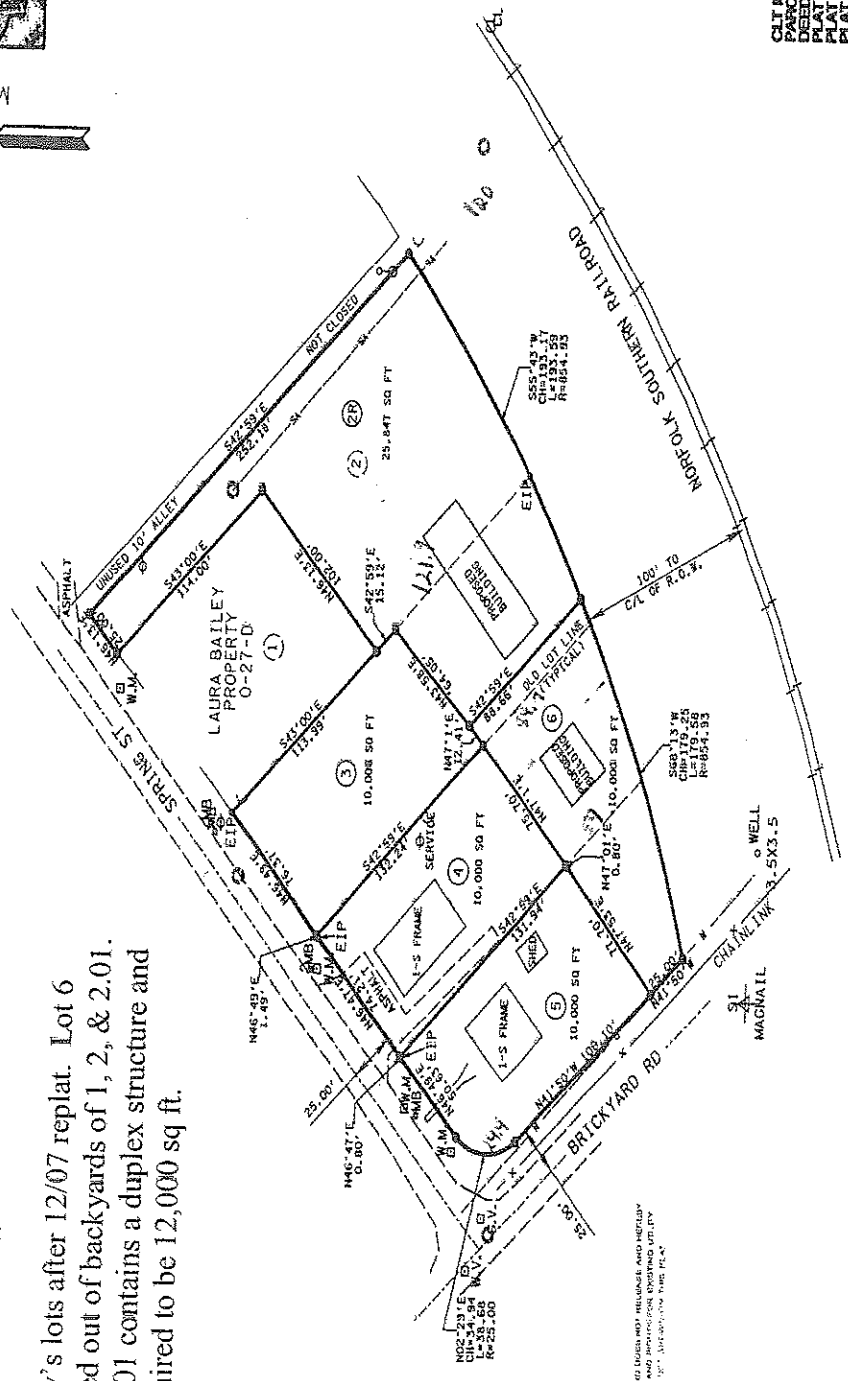
SHERRY MITT  
 REGISTER OF DEEDS  
 KNOX COUNTY

CERTIFICATE OF APPROVAL FOR RECORDING - FINAL PLAT  
 THIS IS TO CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREIN HAS BEEN FOUND TO COMPLY WITH ALL REQUIREMENTS OF THE PLAT ACT OF KNOXVILLE AND KNOX COUNTY AND WITH ALL EXISTING ORDINANCES OF KNOXVILLE AND KNOX COUNTY. ANY VARIANCES AND STIPULATIONS NOTED ON THIS PLAT ARE IN FULL COMPLIANCE WITH ALL APPLICABLE ORDINANCES AND METROPOLITAN PLANNING COMMISSION. ON THIS DATE, I HEREBY APPROVE FOR RECORDING IN THE OFFICE OF THE KNOX COUNTY REGISTER OF DEEDS.  
 DATED: 1-11-08



LEGEND

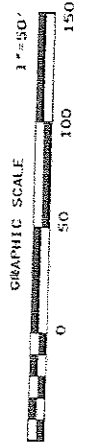
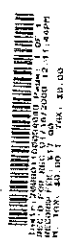
○	EXISTING IRON PIN
○	IRON PIN SET
○	GAS VALVE
○	WATER METER
○	MANHOLE
○	LIGHT POLE
1	SEIGN
W	WATER VALVE
W	FIRE HYDRANT
□	CATCH BASIN
□	PORE/TELEPHONE
□	MAIL BOX
○	BUNCH MARK



CLT MAP: CRK GROUP-D  
 PARCELS: 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 096, 097, 098, 099, 100  
 DEED INSTR: 200807160000078  
 PLAT REF: N-101-B  
 PLAT REF: N-101-C  
 PLAT REF: O-27-D  
 TOTAL NUMBER OF LOTS: 6  
 TOTAL ACRES: 1.51 AC.  
 ZONING: RA

SETBACKS:  
 FRONT: 35'  
 SIDE: 5' (SINGLE STORY)  
 REAR: 25'

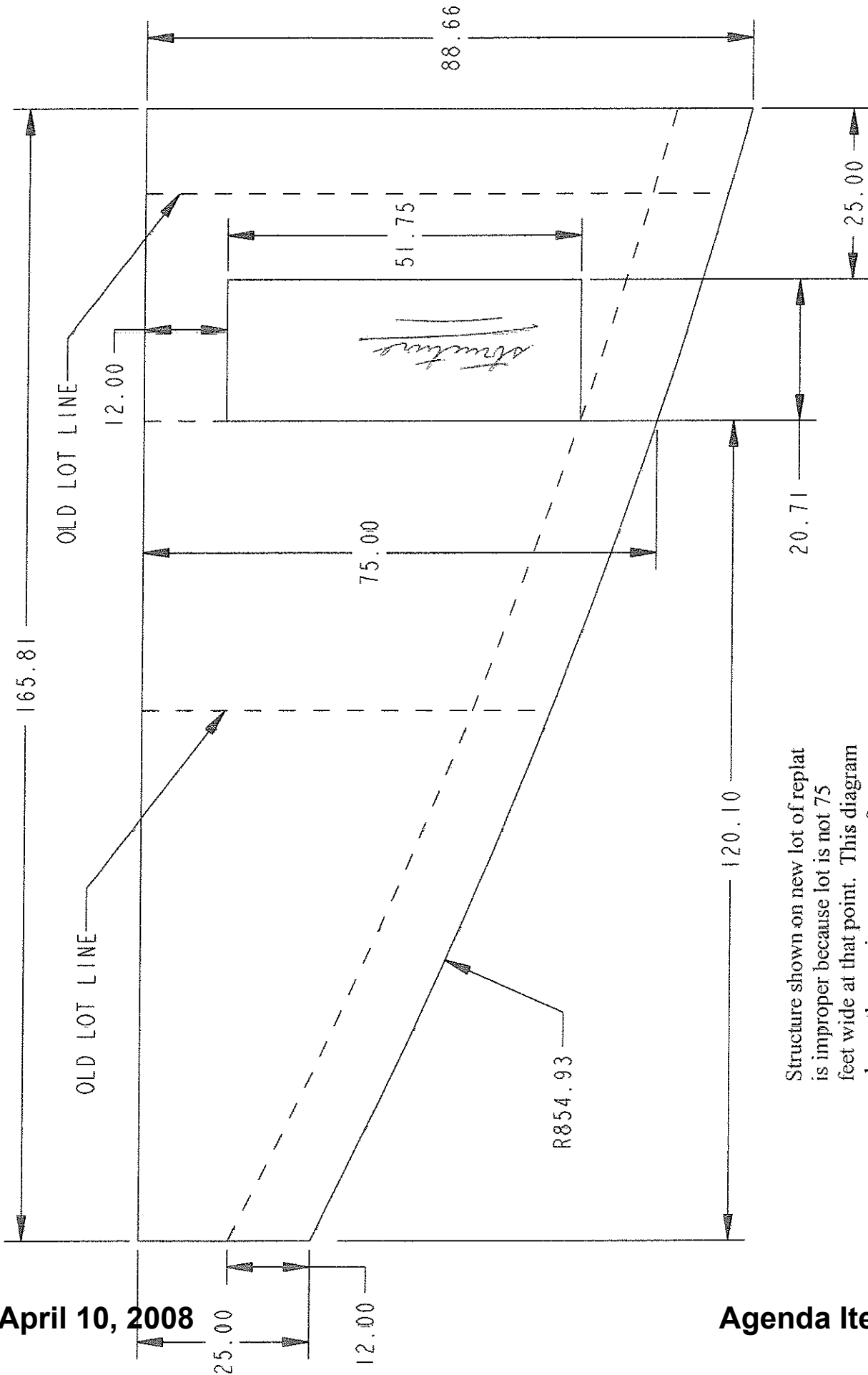
COUNTERSIGNED  
 JAN 16 2008  
 JAMES WHITEHEAD  
 KNOX COUNTY  
 PROPERTY ASSESSOR



12-SEE-07-F	
FINAL PLAT OF	
RESUB OF LAURA G & LARRY V BAILEY PROPERTY	
DIST NO. 001	SCALE 1"=80'
KNOX CO., TN	DRAWN BY DEB
SURVEYED BY	
ROBERT G. CAMPBELL & ASSOC., L.P.	
DATE 11-05-07	PROJECT NUMBER 07104
REvised 12-09-07	

ENGINEER  
 ROBERT G. CAMPBELL & ASSOC., L.P.  
 4100A HUNTER LN., #202  
 KNOXVILLE, TN 37922  
 PHONE: 615-947-5996

OWNER: V & LAURA G BAILEY TRUST  
 P.O. BOX 5  
 KNOXVILLE, TN 37922  
 PHONE: 615-947-5900



Structure shown on new lot of replat is improper because lot is not 75 feet wide at that point. This diagram shows the maximum square footage and placement of any structure on the new lot. It can be 8 ft longer if side set backs are 8 ft, but no wider.



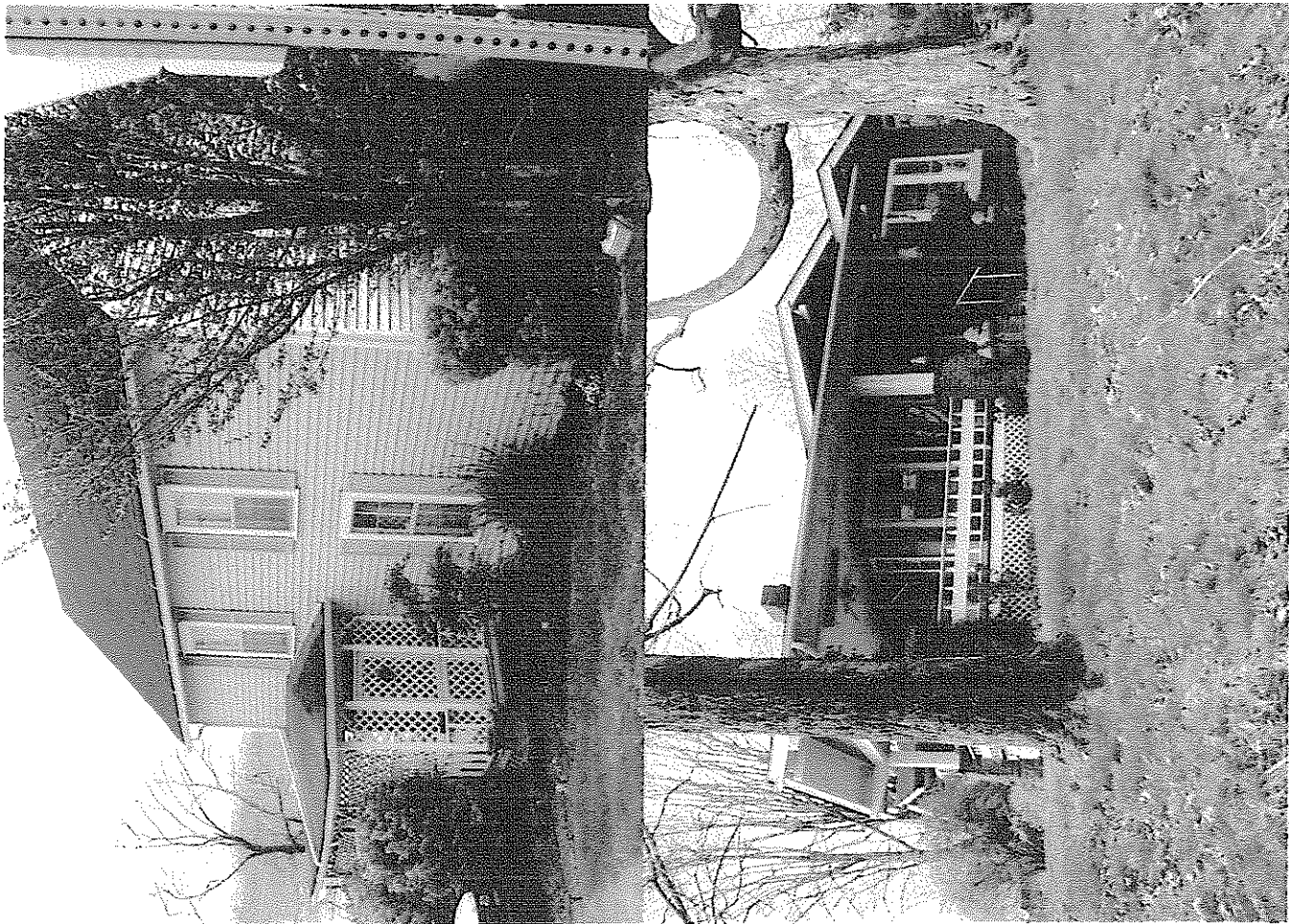
Houses at 1907 Spring Street &  
1901 Spring Street



Houses at 1904 Spring Street &  
1905 Spring Street

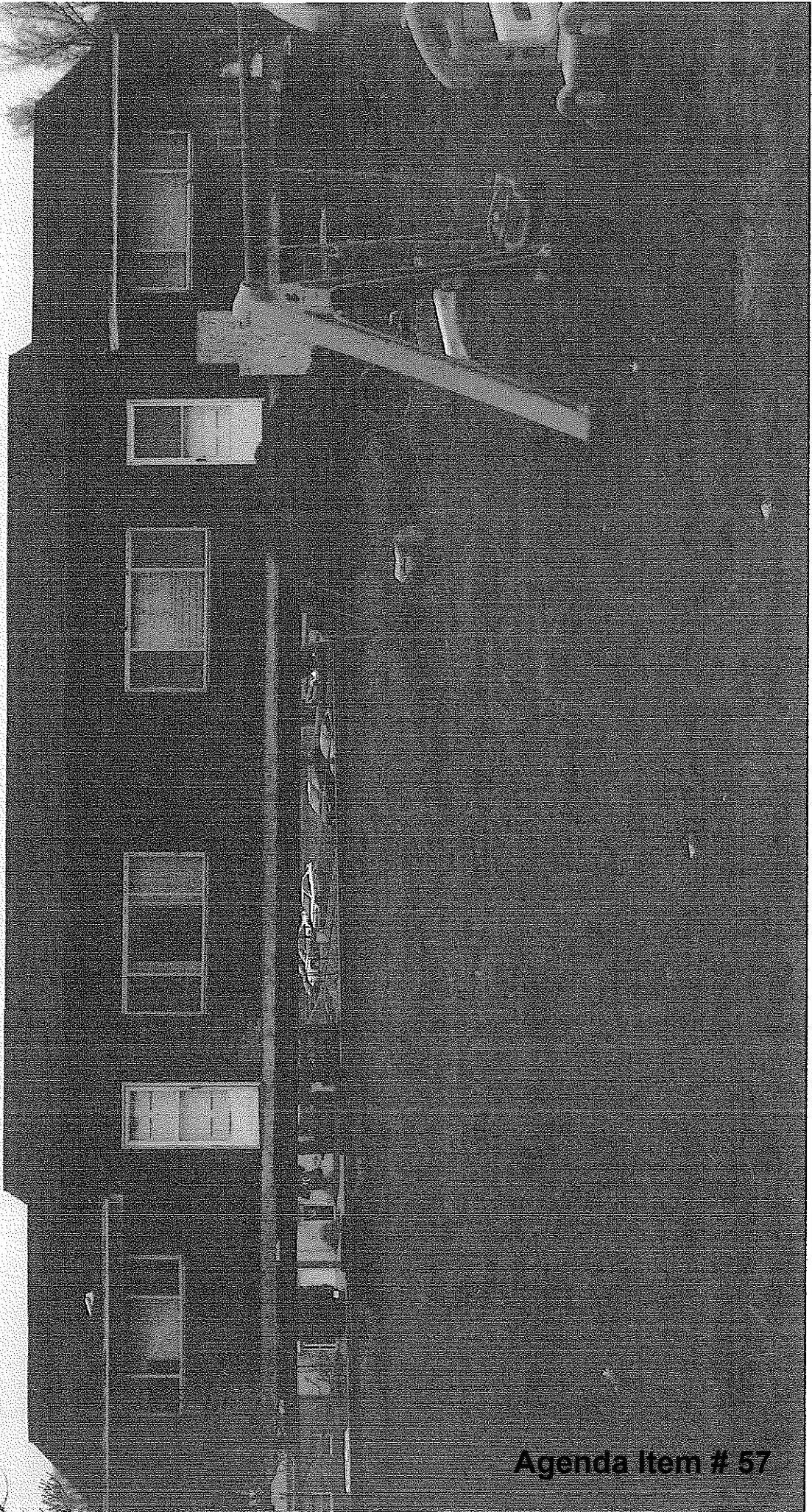


Houses at 1900 Spring Street &  
1725 Spring Street





Salvaged duplex at 1906 Spring Street  
Moved in during October 2007. No  
Permit. Footers dug and poured during  
March 2008.











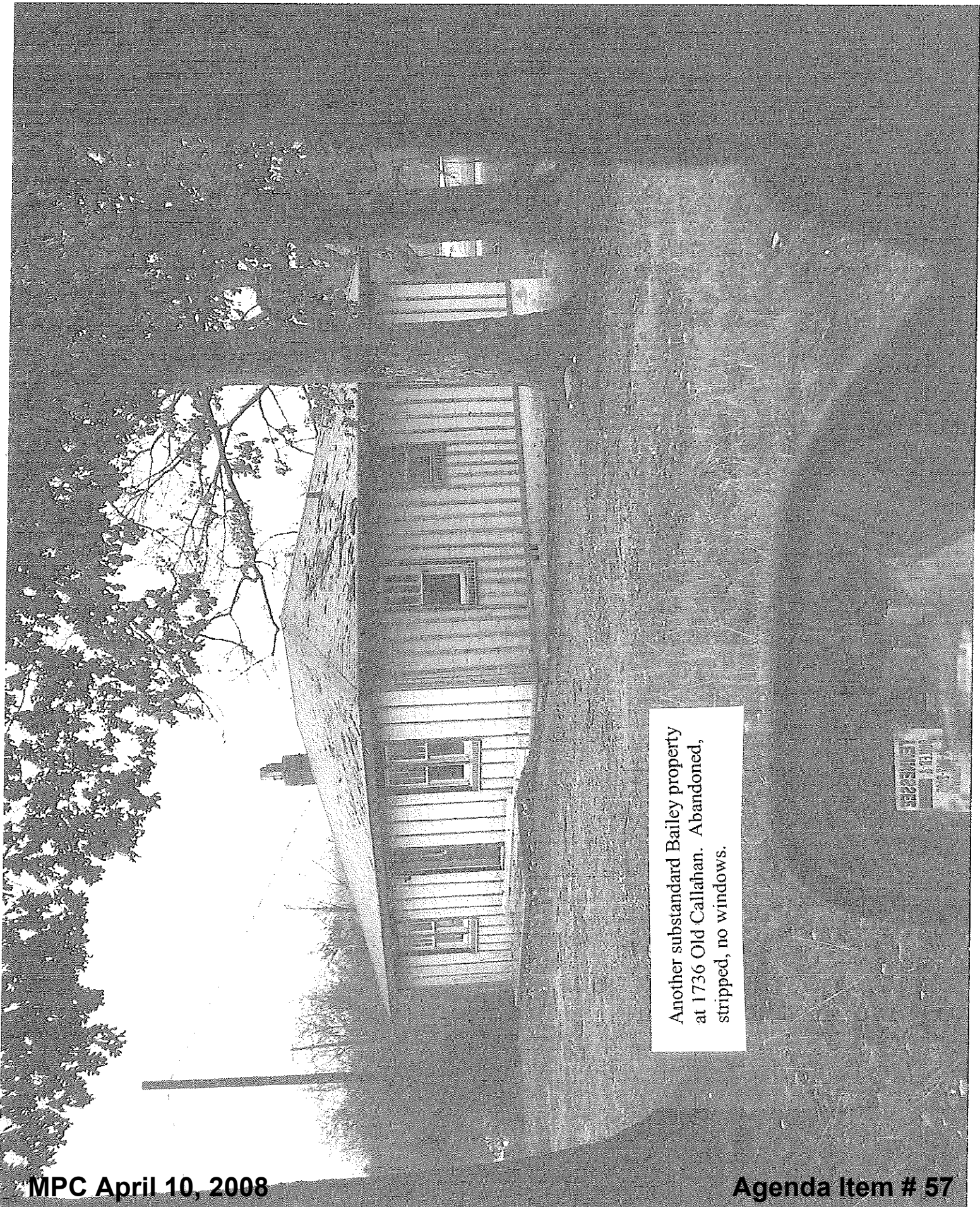


Bailey duplex at 1914A & 1914B  
Spring Street









Another substandard Bailey property  
at 1736 Old Callahan. Abandoned,  
stripped, no windows.