



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

▶ **FILE #:** 2-C-08-UR

**AGENDA ITEM #:** 79

**AGENDA DATE:** 2/14/2008

▶ **APPLICANT:** JOHN WERNER

OWNER(S): JOHN WERNER

TAX ID NUMBER: 120 E G 016

JURISDICTION: City Council District 2

▶ **LOCATION:** Northwest side of Delbourne Dr., south of Wellington Dr.

▶ **APPX. SIZE OF TRACT:** 24000 square feet

SECTOR PLAN: West City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Delbourne Dr., a local street with a pavement width of 26' within a 50' wide right-of-way

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

▶ **ZONING:** R-1 (Low Density Residential)

▶ **EXISTING LAND USE:** Detached dwelling

▶ **PROPOSED USE:** Business service consultant

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Detached residence / R-1 residential

South: Detached residence / R-1 residential

East: Detached residence / R-1 residential

West: Detached residence / R-1 residential

NEIGHBORHOOD CONTEXT: The site is located on Delbourne Dr., a local street with a pavement width of 26' within a 50' wide right-of-way. The site is located within Deane Hill subdivision.

**STAFF RECOMMENDATION:**

▶ **APPROVE the office of a business service consultant as a home occupation in the R-1 zoning district, subject to 6 conditions:**

1. Meeting all applicable requirements of the Knoxville Department of Engineering.
2. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
3. Adhering to all attached plans and stipulations, as submitted by the applicant for purposes of this review.
4. No additional business signage may be placed anywhere on the subject property.
5. No more than one customer vehicles may be parked on the site at any one time.
6. No other persons shall work at the business other than the owner/resident of the home and one employee.

With the conditions noted above, this request meets all requirements for approval of a home occupation in the

R-1 zoning district, as well as other criteria for approval of a use on review.

**COMMENTS:**

The applicant is requesting approval of a business service consultant's office as a home occupation. Home occupations are listed as a use permitted on review in the R-1 zoning district and based on the applicant's description of the proposed business it may be permitted as home occupations. The applicant obtained a City Business License on September 16, 2007 for this home office. He was recently cited by the City of Knoxville Building Inspection Bureau for operation of a business in the residential zone without MPC use on review approval of a home occupation. He is seeking that approval now.

**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 the impact on streets is minimal. The business will not draw additional traffic to this site. Public water and sewer utilities are available to serve the site.
2. The request should not have a significant impact on adjacent properties because no changes to the property are being proposed.

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

1. The proposed home occupation is consistent with the general standards for uses permitted on review: The proposed development 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 significant additional traffic through residential areas.
2. As proposed by the applicant, the proposal is consistent with the specific requirements of the attached Article 5, Section 12 of the Knoxville Zoning Ordinance, concerning home occupations.

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

1. Both the City of Knoxville One Year Plan and the West City Sector Plan propose low density residential uses for this site, consistent with the R-1 zoning of the subject property.

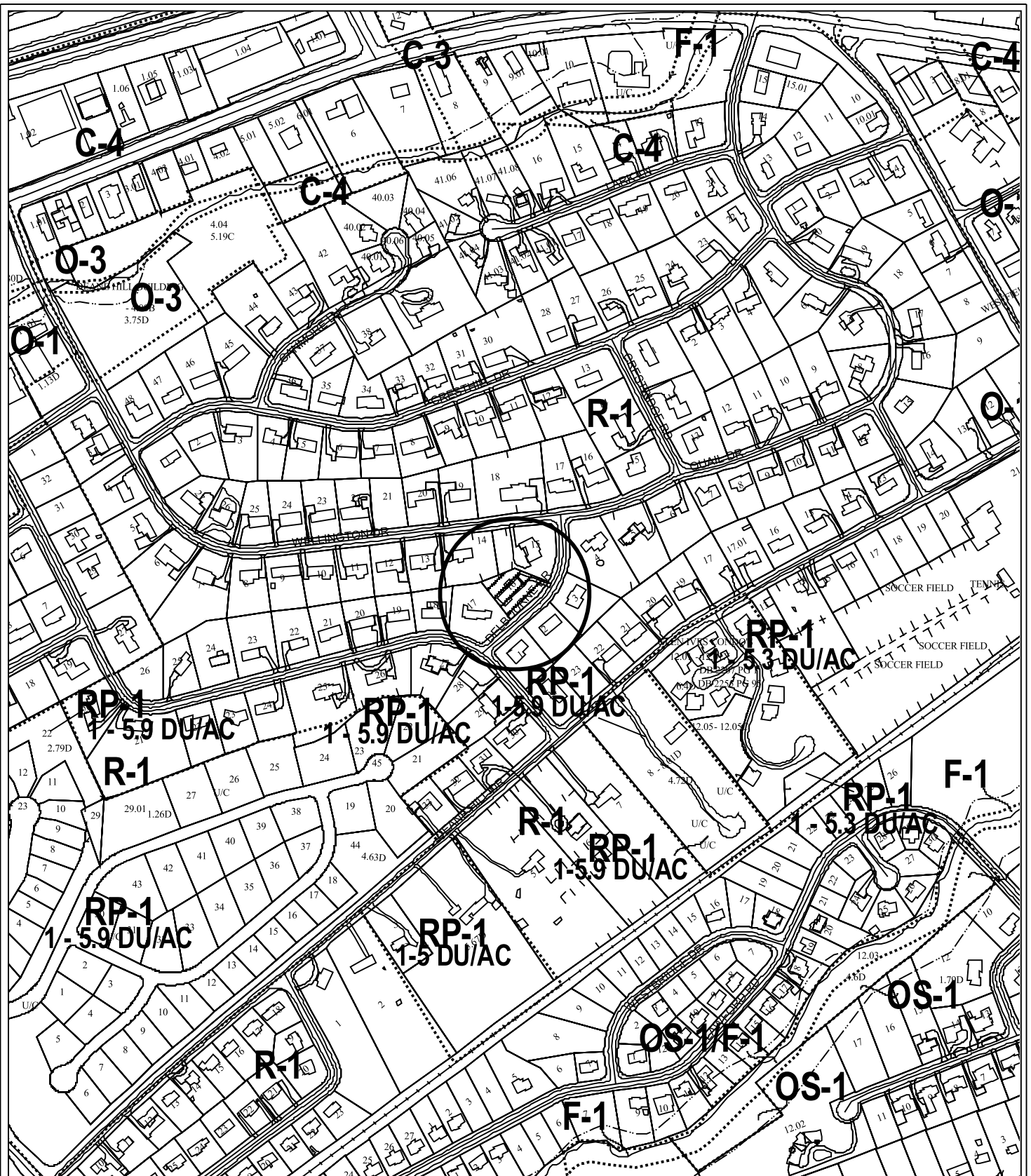
**ESTIMATED TRAFFIC IMPACT:** Not calculated.

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

Schools affected by this proposal: , , and .

- 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 Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



2-C-08-UR  
 USE ON REVIEW



Business service consultant in R-1 (Low Density Residential)

Original Print Date: 01/28/08 Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

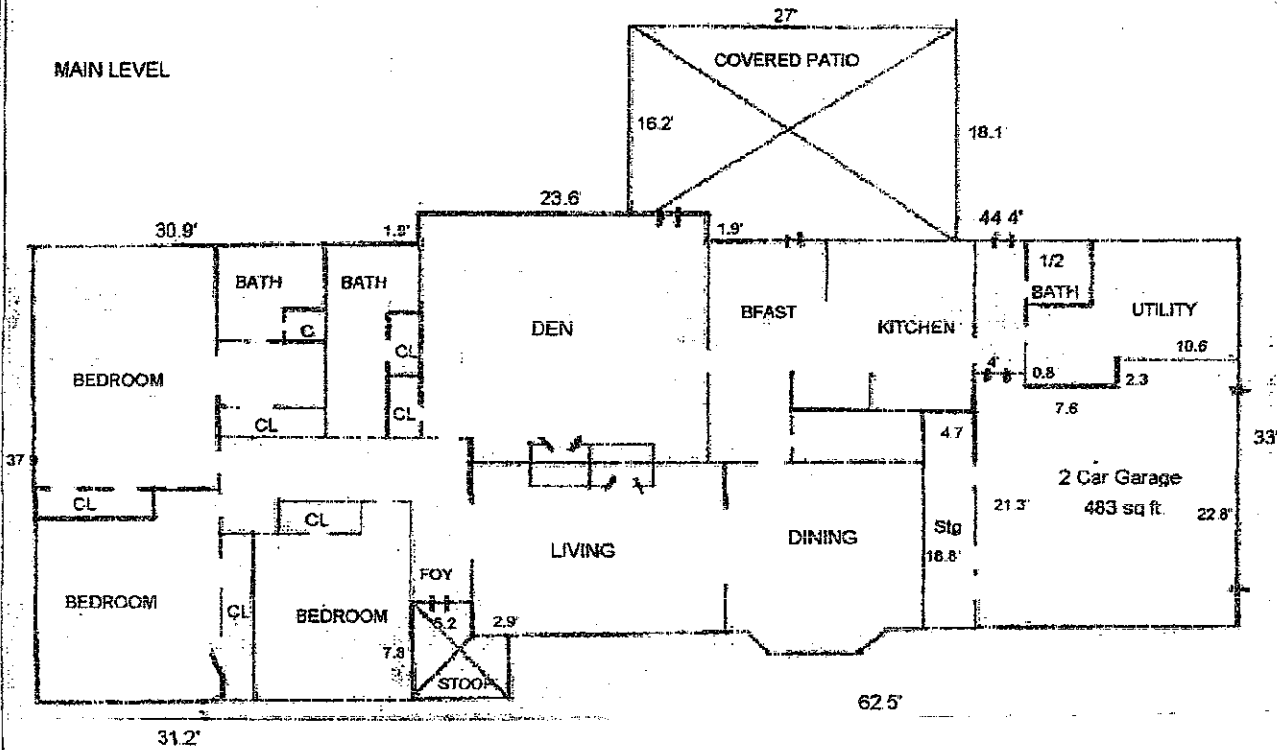
Petitioner: John Werner

Map No: 120

Jurisdiction: City



MAIN LEVEL



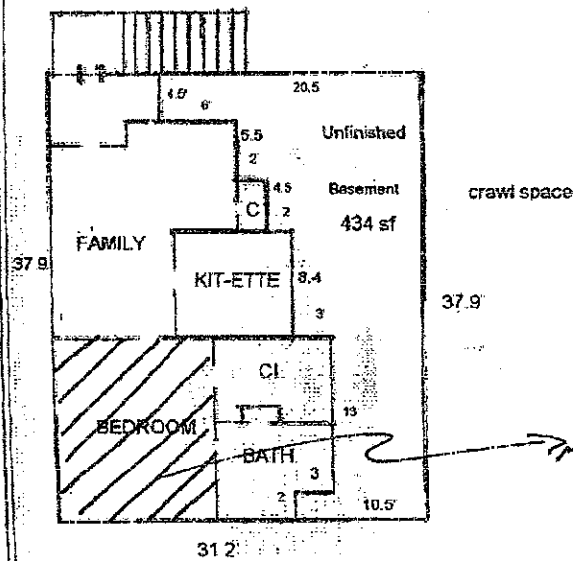
MAIN LEVEL AREA

$31.2 \times 37.9 = 1182.48$   
 $23.6 \times 1.9 = 44.84$   
 $40.7 \times 33 = 1343.1$   
 LESS:  $5.2 \times 2.9 = (-15.08)$   
 IRR \* IRR = 12.35  
 $16.4 \times 12.5 = 205$   
 LESS:  $4 \times 0.8 = (-3.2)$   
 $4.8 \times 1.7 = 8.16$   
 $10.6 \times 10.2 = 108.12$   


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 2,886 sq. ft.

BASEMENT LEVEL



FINISHED BASEMENT AREA

$20.7 \times 23.4 = 484.38$   
 $3 \times 13 = 39$   
 $2 \times 4.5 = 9$   
 $16.7 \times 10 = 167$   
 $10.7 \times 4.5 = 48.15$   


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 748 sq. ft.

→ 310 sq. ft.

January 10, 2008

7105 Delbourne Drive  
Knoxville, TN 37919

Mr. Dan Kelly  
MPC  
400 Main Street Suite 403  
Knoxville, TN 37902

Mr. Kelly,

I am a business consultant and maintain an office in my home. In response to a request regarding my home office and compliance with applicable zoning ordinances, I offer the following establishing my compliance with Article 5, Section 12 of the Knoxville Zoning Ordinances:

1. I am the only person residing on the premises which is engaged in any occupation.
2. I provide business consulting services for my clients. The core of my work is to provide advice or services to clients regarding their business. I always go to their business site. I have had this study in my home for over 5 years and will continue to share it with my wife and children for civic and school work.
3. My use of my home for my consulting business is clearly incidental and subordinate to its use for residential purposes by my family and not more than twenty-five percent of the floor area of the home is used in the conduct of my consulting business.
4. There has not been, nor will there be, any change in the outside appearance of the building or premises, outdoor storage of anything, or any other visible evidence of my consulting business.
5. I am not conducting business in any accessory building.
6. There are no sales in connection with my consulting business other than sales of services produced on the premises.
7. No traffic has been or will be generated by my consulting business in greater volumes than would normally be expected in a residential neighborhood.
8. No equipment or process has been or will be used in my consulting business which increases noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. Further, no equipment or process has been or will be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.

Sincerely,

John J. Werner, II

**Dan Kelly - For inclusion in Feb. 8th MPC packets, please**

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**From:** "Sandra Butler" <sandyb446@comcast.net>  
**To:** <dan.kelly@knoxmpc.org>  
**Date:** 2/6/2008 10:41 AM  
**Subject:** For inclusion in Feb. 8th MPC packets, please

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Mr. Kelly –

Please include our letter to support to use on review for John Werner due to be heard on February 14<sup>th</sup>.

Dear MPC Members:

We are John and Sandra Butler of 7109 Delbourne Drive, next door neighbors of John Werner.

We support Mr. Werner's application because we do not feel his request, if granted, will have any impact on us or our neighborhood because his activities will be non-invasive.

Therefore, we strongly urge you to approve John Werner's request.

Sincerely,

Sandra and John Butler

**Dan Kelly - John Werner's Home Office Use on Review**

**From:** <mccown13@comcast.net>  
**To:** <dan.kelly@knoxmpc.org>  
**Date:** 2/5/2008 5:19 PM  
**Subject:** John Werner's Home Office Use on Review

*2-C-08-42*

Mr. Kelly:

Our property (7100 Wellington Drive in the name of Patricia Cowan) adjoins John Werner's on two sides. Across his back yard (to the north) and alongside his driveway (to the east). None of John's neighbors have greater or closer proximity.

Until this current situation arose, we were not even aware that John was working from a home office. I am retired, home most of the time through the work week, and have never observed "visiting" cars in John's driveway. Indeed, most of the time it would appear that no one is home during the day.

Whatever use John makes of his home office, it most certainly does not pose a problem or issue of any type.

Best Regards,  
 Don McCown  
 Cell 388-8614  
 Home 584-1212

Dan Kelly - John Werner's home office

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**From:** Marisa Stone <marisatstone@yahoo.com>  
**To:** <dan.kelly@knoxmpc.org>  
**Date:** 2/5/2008 9:55:35 PM  
**Subject:** John Werner's home office

*2-C-08-42*

Dear Mr. Kelly,

I happily live three doors down from the Werner's home, but on Cheshire Drive. I don't have a problem in the world with John Werner having a home office for his consulting business. Please give him the go ahead to continue providing for his family from his home. Thank you.

Sincerely,

Marisa Stone  
 7112 Cheshire Drive  
 865-558-9239