

▶ **FILE #:** 2-A-09-UR

**AGENDA ITEM #:** 55

**AGENDA DATE:** 2/12/2009

▶ **APPLICANT:** **GORDON & BARBARA KINTER**

OWNER(S): GORDON & BARBARA KINTER

TAX ID NUMBER: 94 B A 037

JURISDICTION: City Council District 5

▶ **LOCATION:** **Northwest side of Vermont Ave., southwest of Hooker St.**

▶ **APPX. SIZE OF TRACT:** **12000 square feet**

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via Vermont Ave., a local street with a 25' pavement width within a 50' right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

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

▶ **EXISTING LAND USE:** **Residence**

▶ **PROPOSED USE:** **An 840 square foot accessory building on a 12,000 square foot lot**

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Residences / R-1A (Low Density Residential)

South: Residences & church / R-1A (Low Density Residential)

East: Residences / R-1A (Low Density Residential)

West: Residences & park / R-1A (Low Density Residential) & R-2 (General Residential)

NEIGHBORHOOD CONTEXT: This property is located in an established residential area developed under R-1A and R-2 zoning.

**STAFF RECOMMENDATION:**

▶ **APPROVE the request for an 840 square foot accessory building, subject to the following 6 conditions:**

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Obtaining a building permit from the Knoxville Plans Review & Inspections Division.
3. Removing the two smaller outbuildings shown on the site plan within 60 days of the use-on-review approval by the Planning Commission of the 840 square foot accessory building.
4. Establishing a driveway off of Vermont Ave meeting all applicable requirements of the Knoxville Department of Engineering.
5. Meeting all other applicable requirements of the Knoxville Department of Engineering.
6. The 840 square foot building is accessory to the existing residence and can only be used for residential purposes.

With the conditions noted above, this request meets the requirements for approval of an accessory building in the R-1A zone and other criteria for a use-on-review.

**COMMENTS:**

The applicant is requesting approval of an 840 square foot accessory building (garage) located behind an existing residence on Vermont Ave. The garage was constructed without the required permits from the Knoxville Plans Review & Inspections Division. According to a recent amendment to the Knoxville Zoning Ordinance (Art.5.4, C), the maximum size for an accessory building in the various residential zoning districts is 750 square feet when the lot is 15,000 square feet in size or less. An accessory building up to 900 square feet in size may be considered through the use-on-review process. The applicant has a 12,000 square foot lot in the R-1A zoning district and is requesting that the Planning Commission approve an 840 square foot accessory building on this lot. The garage can only be used for uses determined to be accessory to the existing residence.

In addition to the new garage, there are currently two other out-buildings located behind the residence. A final plat recorded on November 26, 2008 identified that the two out-buildings are to be removed. This was required because the out-buildings are located within the standard utility and drainage easement that was established with the recording of the plat. The removal of the buildings is also a recommended condition of the use-on-review approval.

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

1. With the removal of the two smaller accessory structures the 840 square foot structure should have minimal impact on other properties in the area.
2. The proposal will have no impact on schools.
3. All utilities are available to serve the development.

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

1. The proposed 840 square foot accessory building, with the recommended conditions, 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 proposal will not significantly injure the value of adjacent property.
2. The proposal meets all relevant requirements of the R-1A zoning district and a use on review.

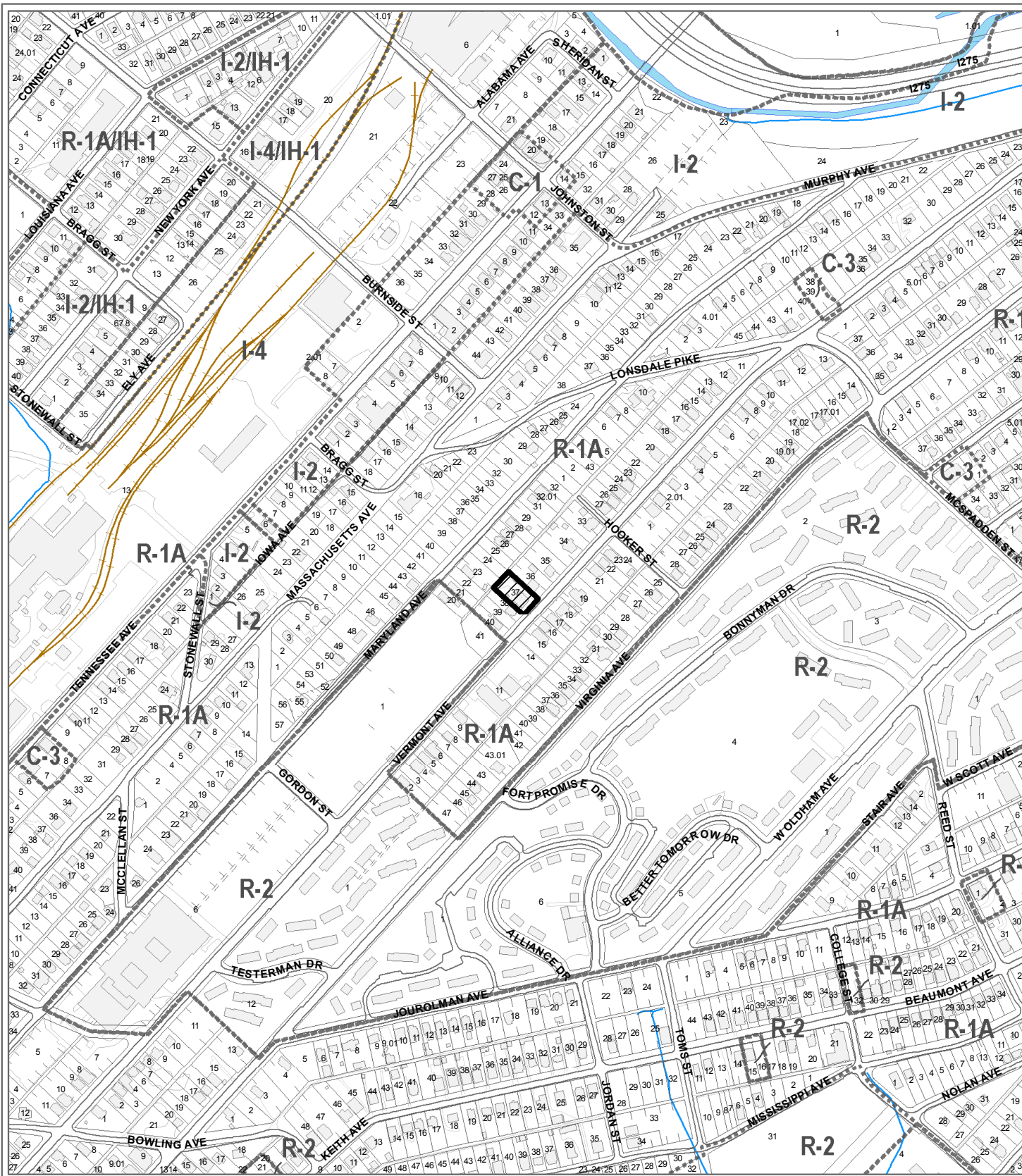
**CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS**

1. The Central City Sector Plan and One Year Plan propose low density residential uses for this site.
2. The site is located within the Urban Growth Area of the Knoxville-Knox County-Farragut Growth Policy Plan.

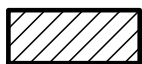
ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

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-A-09-UR  
USE ON REVIEW**



Construct an 840 sq. ft. accessory building on a 12,000 sq. Ft. lot in R-1A (Low Density Residential)

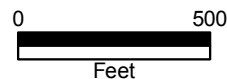
Original Print Date: 1/23/2009  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Revised:

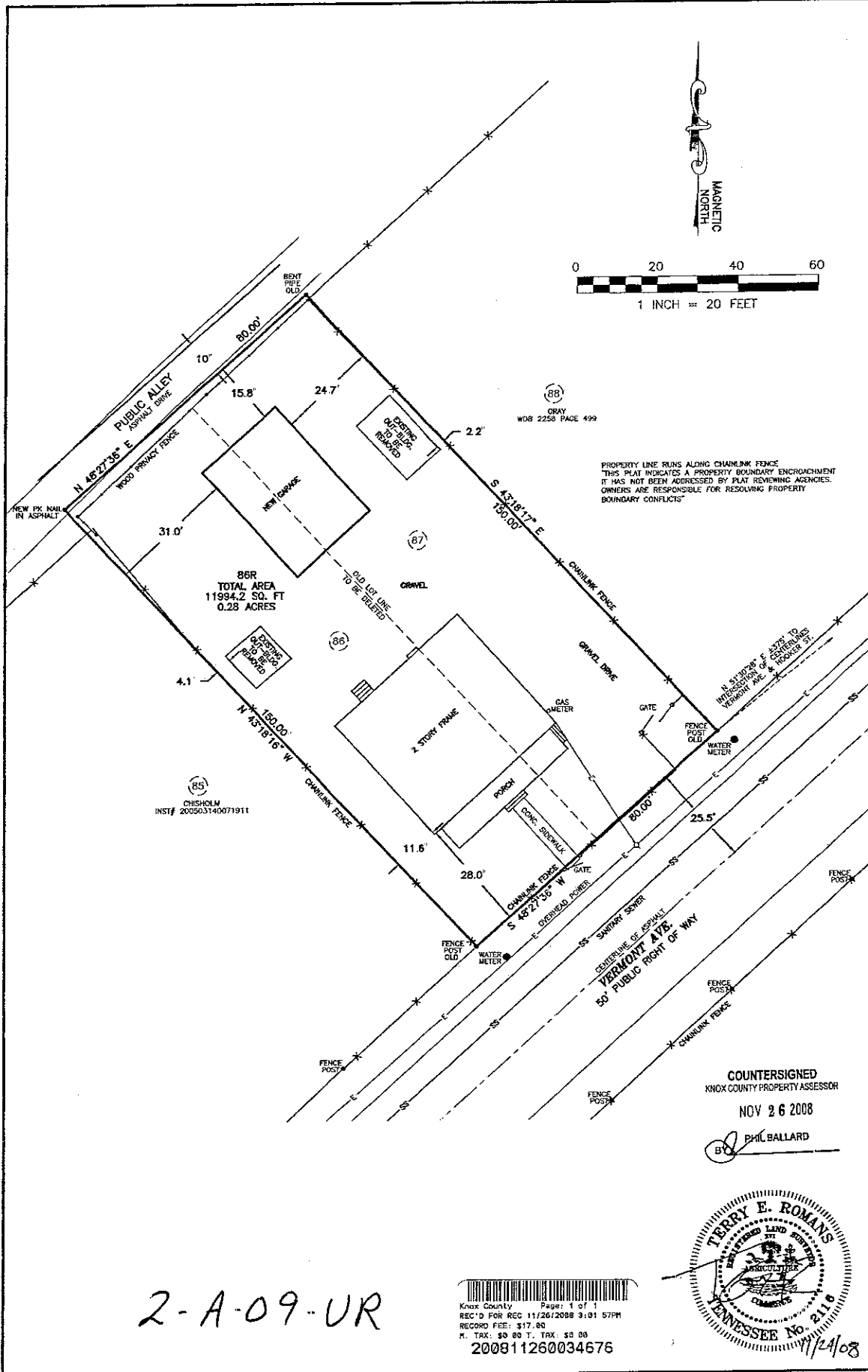
Petitioner: Kinter, Gordon & Barbara

Map No: 94

Jurisdiction: City

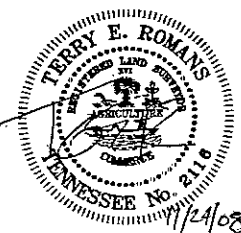


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Knnox County Page: 1 of 1  
 REC'd FOR REC 11/26/2008 3:01 57PM  
 RECORD FEE: \$17.00  
 M. TAX: \$0.00 T. TAX: \$0.00  
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COUNTERSIGNED  
 KNOX COUNTY PROPERTY ASSESSOR  
 NOV 26 2008  
 PHIL BALLARD

MPC File N

CERTIFICATE OF ACCU  
 I CERTIFY THAT THIS SURVEY M  
 REQUIREMENTS OF A CATEGORY  
 THE RATIO OF PRECISION OF T  
 MEASUREMENTS IS BETTER THAN

I FURTHER CERTIFY THAT THIS  
 UNDER MY DIRECT SUPERVISION  
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 TRUE AND CORRECT TO THE BE  
 INFORMATION, AND SOLICIT REL  
 11/11/08  
 THE MONUMENTS SHOWN WERE  
 TERRY E. ROMNS  
 Tenn. Reg. No. 2116  
 Date of survey 11/07/08