

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

▶ **FILE #:** 9-A-09-UR **AGENDA ITEM #:** 44
 POSTPONEMENT(S): 9/10/2009-10/8/2009 **AGENDA DATE:** 11/12/2009

▶ **APPLICANT:** RONALD L. MORTON
 OWNER(S): RON MORTON

TAX ID NUMBER: 134 B A 011
 JURISDICTION: City Council District 2
 ▶ **LOCATION:** South side of S. Northshore Dr., west side of Duncan Rd.
 ▶ **APPX. SIZE OF TRACT:** 32000 square feet
 SECTOR PLAN: Southwest County
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ACCESSIBILITY: Access is via Duncan Rd., a collector street with a pavement width of 19' to 20' within a 40' wide right-of-way.
 UTILITIES: Water Source: Knoxville Utilities Board
 Sewer Source: Knoxville Utilities Board
 WATERSHED: Fourth Creek / Fort Loudon Lake

▶ **ZONING:** R-1 (Low Density Residential)
 ▶ **EXISTING LAND USE:** Office
 ▶ **PROPOSED USE:** Home occupation for internet marketing concern

HISTORY OF ZONING: None noted
 SURROUNDING LAND USE AND ZONING: North: Detached dwellings / R-1 residential
 South: Detached dwellings / R-1 residential & RB residential
 East: Detached dwellings / R-1 residential & RB residential
 West: Detached dwellings / R-1 residential
 NEIGHBORHOOD CONTEXT: The site is located the intersection of Duncan Rd. and S. Northshore Dr. It is surrounded by detached dwellings in an area that is zoned R-1 or RB residential

STAFF RECOMMENDATION:

▶ **DENY the request because the applicant does not live at this location and the number of employees exceeds that permitted by the Zoning Ordinance**

COMMENTS:

The applicant has requested consideration of a home occupation for an internet marketing company. The applicant has been operating the business at this location for some time. After receiving a complaint from a citizen, the City Building Inspections Department informed the applicant that he would need to seek approval of a use on review for a home occupation or seek rezoning of the property. Since he has filed the application

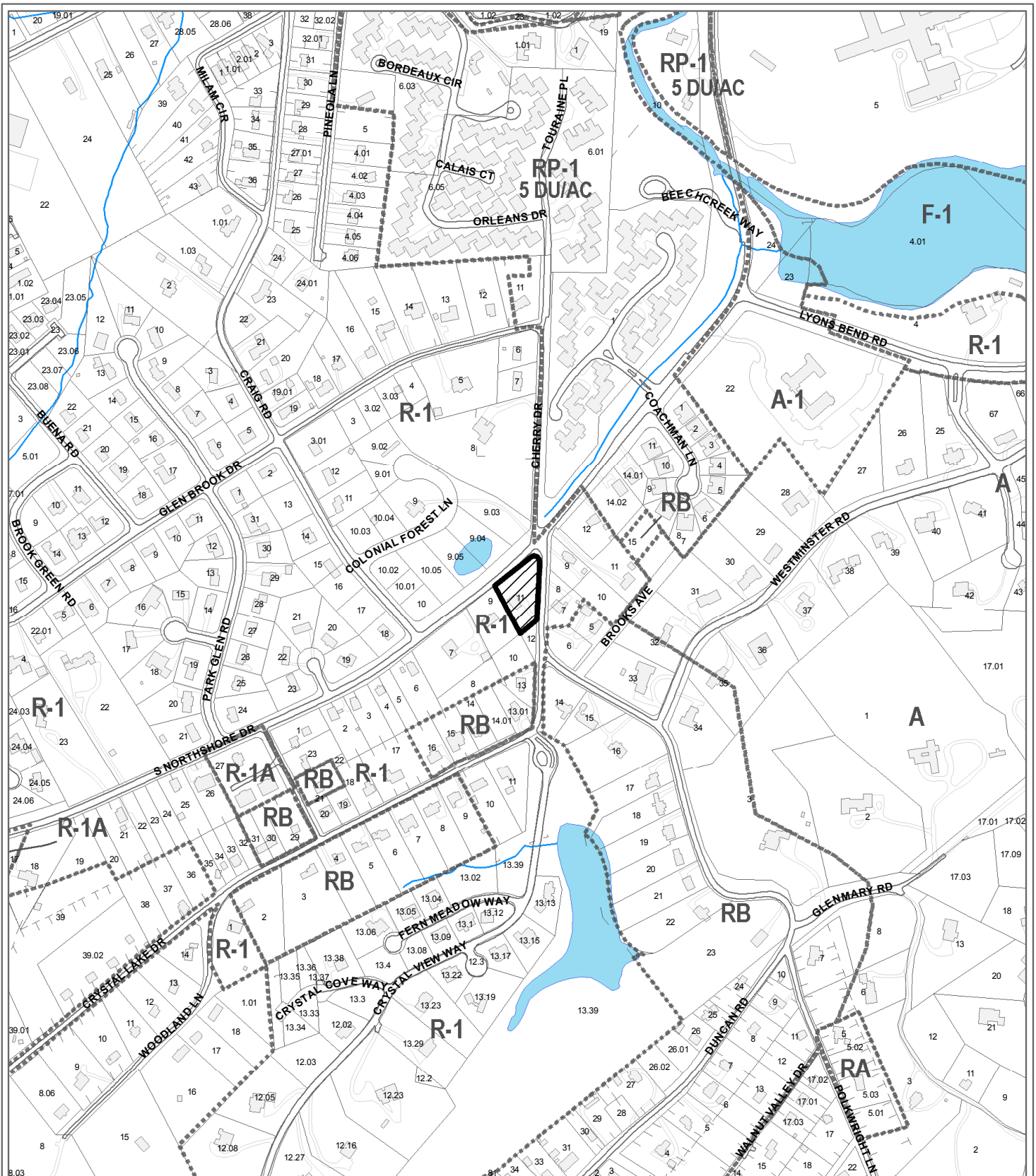
staff has come to the conclusion that no one is living in the home at this time. Mr. Morton has stated that his family consists of himself and his wife and their three children. The site plan as presented shows the subject property to be a one bedroom dwelling. Additionally, Knox County tax records indicate that the property tax bills are sent to another residence located on Aldenwood Dr. As further evidence that no one is living in the dwelling, staff has noted that there are a number of vehicles parked at this locating during business hours and none during the night or early morning. The regulations also require that not more than one individual not living in the home be employed in the business. The staff visited the site and was greeted by two employees that stated that they did not live in the dwelling nor were they related to the applicant.

At last months MPC meeting, staff stated that they would recommend the request be denied unless sufficient supporting evidence is submitted that shows the request meets the requirements for a home occupation as contained in the Knoxville Zoning Ordinance. Since that time, staff has not received any further information from the applicant or his attorney.

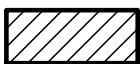
ESTIMATED TRAFFIC IMPACT: Not calculated.

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.



**9-A-09-UR
USE ON REVIEW**



Home occupation for internet marketing in R-1 (Low Density Residential)

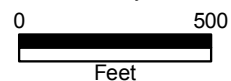
Original Print Date: 8/24/2009
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Morton, Ronald L.

Map No: 134

Jurisdiction: City



9-A-09-UR - supplement

ARTHUR G. SEYMOUR JR
 FRANCIS A. CAIN
 ROBERT L. KAHN
 REGGIE E. KEATON
 DONALD D. HOWELL
 DEBRA L. FULTON
 MICHAEL W. EWELL
 IMOGENE A. KING
 JOHN M. LAWHORN
 JAMES E. WAGNER
 BEVERLY D. NELMS
 MARY ELIZABETH MADDOX
 BENJAMIN C. MULLINS
 RICHARD T. SCRUGHAM, JR.
 MATTHEW A. GROSSMAN
 SHARON POTTER
 KEVIN A. DEAN

LAW OFFICES
FRANTZ, MCCONNELL & SEYMOUR LLP
 ESTABLISHED 1992

650 W. MAIN STREET
 SUITE 600
 P O Box 39
 KNOXVILLE TENNESSEE 37901
 TELEPHONE: 865-546-9321
 FACSIMILE: 865-637-5249
 WEB SITE: WWW.FMSLLP.COM

Email: ajseymour@fmsllp.com
 Direct Fax: 865-541-4612

August 26, 2009



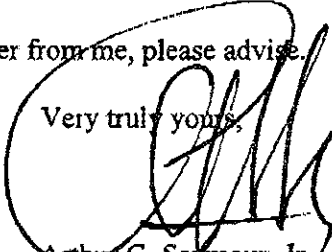
Mr. Dan Kelly
Metropolitan Planning Commission
 Suite 403 City County Building
 400 Main Street
 Knoxville, TN 37902

Re: Ronald L. Morton
 File Number: 9-A-09-UR

Dear Dan:

Enclosed is Ron Morton's Site Plan and Narrative about his home occupation.

If you need anything further from me, please advise.

Very truly yours,


Arthur G. Seymour, Jr.
 FRANTZ, MCCONNELL & SEYMOUR, LLP

AGSJ:alh
 Enc.

cc: Mr. Ron Morton (via email only)

S:\WDOX\CLIENTS\5225\0000001\CORRESPOND\00519231.DOC

Written Narrative of Home Occupation

I own a company called Trendsetters Media I am an Internet marketing consultant doing all of my business on line. My wife and I work in the business together. We have three children with our oldest interning with me this semester as he finishes up his degree at Pellissippi as a graphic artist. We do not have a need for signage and do not create additional traffic. We wish to get approved for home occupation. We are a non-retail trade and have no tangible stock, and have no branded company vehicles.

1. No more than one (1) person other than members of the household residing on the premises will be engaged in such occupation.
2. The use of the home for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the home shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the home or premises, nor outdoor storage of anything, or other visible evidence of the conduct of such home occupation.
4. No home occupation shall be conducted in the residence.
5. There shall be no sales in connection with the home occupation other than sales of services.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
7. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal.

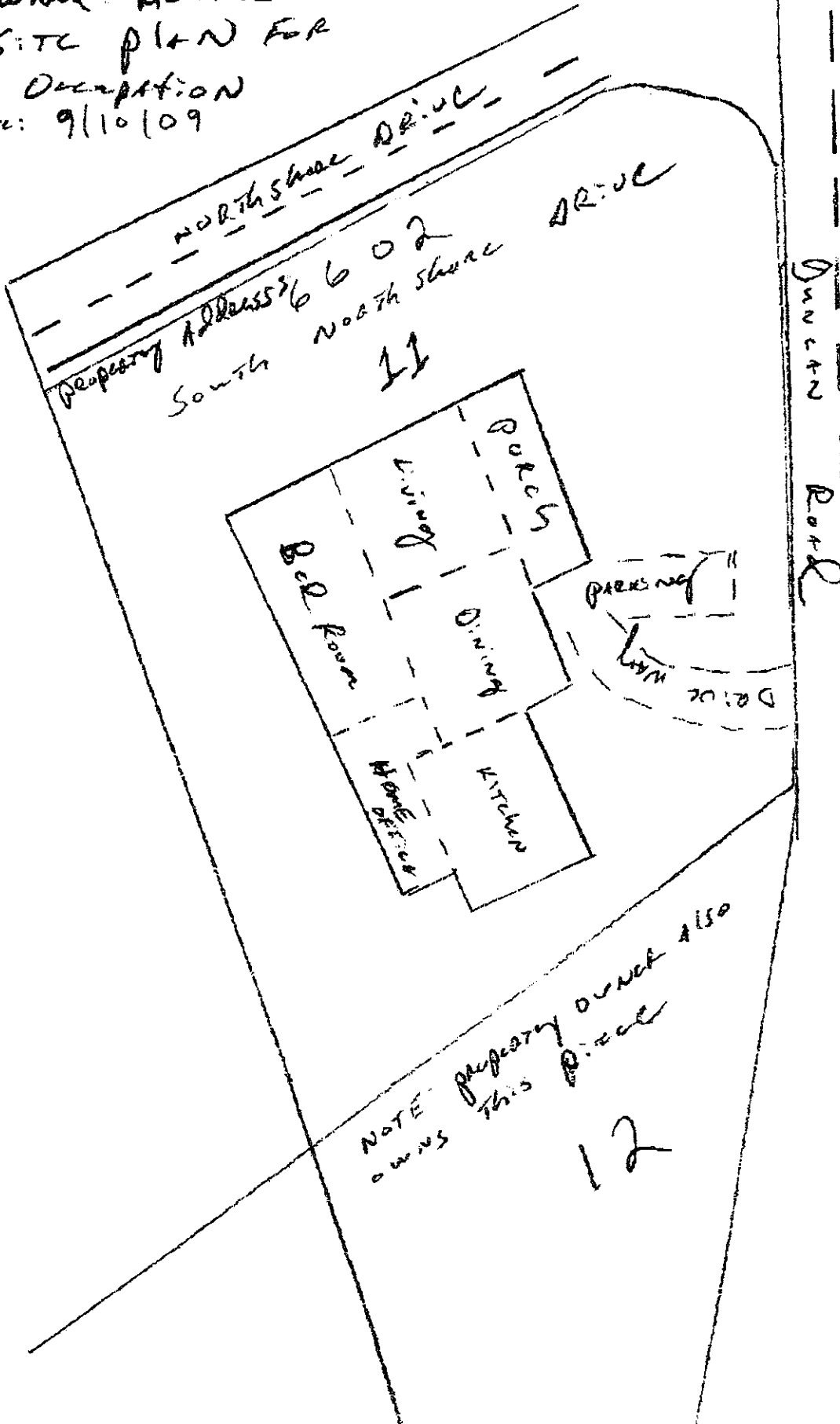
S:\WDOX\CLIENTS\5225\0000001\MEMOS\00518854.DOC

OWNER: BONNIE MORRISON

SITE PLAN FOR

TIME OCCUPATION

Meeting Date: 9/10/09



From: susie seymour <susieseymour@hotmail.com>
To: <bettyjo.mahan@knoxmpc.com>, <bettyjo.mahan@knoxmpc.org>
Date: 9/2/2009 7:40:47 PM
Subject: Use on Review 9-A-09-UR (Ronald L. Morton) Item #42

Dear MPC:

I oppose the proposed zoning change for the property at 6602 Northshore Drive, located just outside our Beech Grove Springs subdivision.

It is the MPC Use on Review item #42: file number 9-A-09-UR (Ronald L. Morton), South side of S. Northshore Dr., west side of Duncan Rd. Proposed use: Home occupation for internet marketing in R-1 (Low Density Residential) District. Council District 2.

Currently, there are no other businesses located in our neighborhood. I am concerned that changing the zoning designation of this residential home will set a precedent for our peaceful community, rapidly turning many houses into businesses.

This zoning change may lead to a loss in property values, something we cannot afford especially in this economic climate.

Further, it's apparent that this house has already been used as a business for some time, possibly a year or more. I drive by this location numerous times during the day/night, and frequently see 5 or more cars parked in the driveway/front yard during the day, yet not one car is present in the evening or overnight.

With so many vacant Bearden and Rocky Hill store fronts within close proximity to 6602 Northshore Drive , I see no reason to create a business district in our residential community. I implore you, please do not allow this to happen to our neighborhood.

Thank you,

Susie Seymour
6713 Fern Meadow Way
Knoxville, TN 37919
(865) 584-6885

With Windows Live, you can organize, edit, and share your photos.
<http://www.windowlive.com/Desktop/PhotoGallery>

From: "Herbert Slatery" <hslatery@bellsouth.net>
To: <bettyjo.mahan@knoxmpc.org>
Date: 9/2/2009 10:10:46 PM
Subject: MPC Use On Review

Re: Ronald L. Morton Item #42 on Agenda for 09/10/09 Proposed Use: Home occupation for internet marketing in R-1 (low density residential) District. Council District 2.

We are homeowners at 6822 Crystal View Way in the neighborhood of Northshore Drive, Duncan Road and Crystal Lake Drive. We are very opposed to changing Mr. Morton's property from R-1 to "home occupation for internet marketing in a R-1 district."

Sincerely,
Mr. and Mrs. Herbert H. Slatery III
6822 Crystal View Way
37919

From: <eysals@comcast.net>
To: <bettyjo.mahan@knoxmpc.org>
Date: 9/2/2009 2:32:14 PM
Subject: item #42 on agenda 9/10/09

I am*emailing to oppose item # 42 on the agenda for 9/10/09. The proposed use: home occupation for internet marketing in R-1 District council district 2. We would like this property to stay

a residence and not be considered a business.

Thank you,

Elizabeth Salsbery

From: "Joe Petre" <jpetre@conversionprop.com>
To: <bettyjo.mahan@knoxmpc.org>
Date: 9/2/2009 9:44:15 PM
Subject: Item #42 on Agenda for 09/10/09 MPC Agenda

Regarding Applicant Ronald L. Morton Applicant
Proposed Use: Home occupation for internet marketing in R-1 District

To Whom it may concern:

I am a resident of Beech Grove Springs subdivision which is less than 50 yards from the applicants property. My home address is 6818 Crystal View Way, Knoxville, TN. The applicant wishes to run a business out of the house at the corner of Northshore Drive and Duncan Rd. I would like to express my opposition to the approval of this use. This is definitely in the middle of an area that is exclusively residential neighborhoods. As a commercial real estate broker by profession, I can testify that there is absolutely no reason why this use should be approved in this area. There is a multitude of vacant commercial office and retail space within 1-3 miles of this particular location within properly zoned office parks and retail centers. Literally tens of thousands of square feet are available in that radius. Vacancy is high, rental rates are low. Neighborhoods in general and certainly those surrounding this location, should be preserved. I cannot fathom of a single reason that this use should be approved, and I am usually a strong advocate for commercial uses. However, in this particular case, the only reason I can imagine is that the business has been operating there without the appropriate zoning for some time, and they do not want to move. If that is the case, the use should be disapproved. If that is not the case, there is no reason for approval and it should be disapproved. Again, if there was a commercially viable rational for this location, I would not be in opposition. There is no such rational. That is both my personal and professional opinion. Thank you for your consideration.
Sincerely,

Joe E. Petre
President
Conversion Properties, Inc.

Senior Advisor
Sperry Van Ness/R. M. Moore, LLC

4713 Papermill Drive, Suite 300
Knoxville, TN 37909
865-246-1332 CPI
865-531-6400 SVN / RMM

From: "Stephen A. McSween" <SAM@emadlaw.com>
To: <bettyjo.mahan@knoxmpc.org>
Date: 9/3/2009 9:12:45 AM
Subject: Ronald L. Morton Item # 42 on Agenda for 09/10/09

Proposed Use: Home occupation for internet marketing in R-1 (low density residential) District. Council District 2.

I live in the Crystal Lake Subdivision near the subject property. My concern is that nothing be approved which would jeopardize the R-1 zoning for houses along Northshore in this area. Therefore, I am asking that the Board require strict proof that the requirements of Section 12(A)(1) and (2) have been met before considering this request. For a home office in R-1, Section 12(A)(1) requires that the property be used principally for a dwelling and (2) prohibits more than one non-resident from coming to the property for business purposes.

Thank you.

Stephen A. McSween

Egerton, McAfee, Armistead & Davis, P.C.

900 S. Gay Street

Suite 1400, Riverview Tower

P.O. Box 2047

Knoxville, TN 37901

(865) 546-0500

(865) 525-5293 Fax

CONFIDENTIALITY NOTICE: This e-mail transmission and any document, files or previous e-mail messages attached to it, are confidential and are protected by the attorney-client privilege and/or work product doctrine. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of any of the information contained in, or attached to this e-mail

From: Betty Jo Mahan
To: Dan Kelly
Subject: Use on Review Re: Ronald L. Morton

From: Lawson, Byron
Sent: Wednesday, September 02, 2009 2:01 PM
To: 'bettyjomahan@knoxmpc.org'
Subject: Use on Review Re: Ronald L. Morton

This email is to publicly oppose the request by Mr. Ronald L. Morton to allow him to run an internet business at the house he owns on the southwest corner of Duncan Road and Northshore Drive. Per item # 42 on the preliminary agenda for the September 10th, 2009 meeting, Mr. Morton has proposed change in the use of this dwelling from residential to home occupation for internet marketing.

I live at 6709 Fern Meadow Way, Knoxville, TN 37919 in Beech Grove Springs sub-division and pass by this dwelling every time I leave and return to my house. This property is only about ¼ mile from my house. It is my contention that the owner (I assume it is Mr. Morton) of this property bought this property about a year or so ago and fixed up the small house and yard. However, instead of living in this house, he began running a business out of this house without the prior proper zoning approval. Ever since he acquired this house, there has almost always been 3 or 4 cars in the driveway during the day and no cars in the driveway at night. Furthermore, whenever there are no employees at the house, blinds cover every window in the house so no one can see inside the house. It has been obvious to me that someone was running a business out of the house.

It is my understanding from a conversation I had with Mr. Buz Johnson at the MPC that if the MPC approves this request that (1) the owner must live in the house (2) the home owner can have no more than one employee, and (3) that no more than 25% of the house can be allocated to the business and this is a very small house. I contend that the owner has already violated these 3 conditions without seeking MPC approval and do not believe (1) he is going to live in this small house (2) only have 1 employee, and (3) only use 25% of the house to run his business. Otherwise, he would have made this request to the MPC when he purchased the property.

I am opposed to this request by Mr. Morton because I believe it can have a negative effect on property values and it would set a precedent that might allow others in the area to make similar requests to run businesses out of their houses. This area is very much a residential part of Knoxville and I don't want businesses to encroach on our neighborhoods. Businesses may bring additional traffic, create safety concerns with so many children in the area, and possibly allow other people to have home businesses that would cause visual eyesores, i.e. landscaping companies, car repair companies, small construction companies that store equipment and materials outside, etc. Again, all of these issues may have a negative impact on property values. I very much want this area to stay strictly residential and feel that the owner of this house is now asking for forgiveness instead of permission instead of asking for permission a year or so ago before he began working out of this house.

Thank you for your consideration of my thoughts and opinions regarding this "use on review"

issue.

Byron Lawson

Wm. Byron Lawson

Vice President

Morgan Keegan & Company, Inc.

11400 Parkside Drive, Suite 200

Knoxville, TN 37934

(865) 777-5856

(800) 598-5880

Fax: (865) 777-5888

email: byron.lawson@morgankeegan.com

Morgan Keegan & Company Inc. DOES NOT ACCEPT ORDERS AND/OR INSTRUCTIONS REGARDING YOUR ACCOUNT BY E-MAIL. Transactional details do not supersede normal trade confirmations or statements.

The information contained in this transmission is privileged and confidential. It is intended for the use of the individual or entity named above. The information contained herein is based on sources we believe reliable but is not considered all-inclusive.

Opinions are our current opinions only and are subject to change without notice. Offerings are subject to prior sale and/or change in price. Prices, quotes, rates and yields are subject to change without notice. Morgan Keegan & Company Inc., member FINRA and SIPC, is a registered broker-dealer subsidiary of Regions Financial

Corporation. Investments are NOT FDIC INSURED, NOT BANK GUARANTEED and MAY LOSE VALUE. Morgan Keegan & Company Inc. reserves the right to

monitor all electronic correspondence.

<http://www.morgankeegan.com>

From: Carra Eggers <bikercarra@gmail.com>
To: <bettyjo.mahan@knoxmpc.com>, <bettyjo.mahan@knoxmpc.org>
Date: 9/2/2009 9:07:31 PM
Subject: Item # 42 on Agenda for 09/10/09

I am writing this email to voice my opposition to the rezoning request to allow a home occupation in a residential area. The area at and around the Northshore/Duncan Road is reasonably safe and quite residential area occupied by many families with children. It is a great place to live and raise a family. These are some of the qualities which caused me to purchase my home in Beech Grove Springs in March of 2009. The area also seems to hold it's market values better than many other areas of the city.

Encroaching upon this residential area with business interests detracts from the aforementioned qualities of the neighborhood. It is not for a lack of existing areas zoned for business activity that Mr. Morton seeks a zoning variance. A quick drive down Northshore and Kingston Pike will show numerous vacant spaces available. As a resident of Beech Groove Springs, I'd like to voice my opposition to this request for a variance in zoning.

Carra Witt Eggers
6706 Fern Meadow Way
Knoxville TN 37919
865-621-3094

From: Lynn Charles <lscharlestn@yahoo.com>
To: <bettyjo.mahan@knoxmpc.org>
Date: 9/2/2009 9:44:15 PM
Subject: MPC use on review of house on Northshore

Dear Madam,

I live near the house on 6602 Northshore that is under review for MPC Use.

It is #42, file #9-A-09-UR.

I am opposed to it being used for business purposes.

There are plenty of empty stores in nearby strip malls.

Lynn Charles

From: <smbani7@comcast.net>
To: <bettyjo.mahan@knoxmpc.org>
Date: 9/2/2009 9:44:45 PM
Subject: Use on Review 9-A-09-UR (Ronald L. Morton) Item #42

Dear MPC,

I am a resident of Beech Grove Springs subdivision. I oppose the zoning change proposed for the property at 6602 Northshore Drive. It is the MPC Use on Review item #42: file number 9-A-09-UR (Ronald L. Morton), South side of S. Northshore Dr., west side of Duncan Rd. Proposed use: Home occupation for internet marketing in R-1 (Low Density Residential) District. Council District 2. There are no other businesses located in our neighborhood. I am concerned that changing the zoning designation of this residential home will set a precedent for our peaceful community, rapidly turning many houses into businesses. This zoning change may lead to a loss in property values, something we cannot afford especially in this economic climate.

It seems that this home has been used for some time for business as there are several cars there during the day and none at night. There are so many places that are vacant to rent in business complexes that it seems crazy to make a residential home a business. Please keep this from happening.

Thank you for your consideration of this matter.

Sandi Banister
6705 Crystal Cove Way
Knoxville, TN 37919
865-584-4104