

▶ **FILE #:** 1-E-10-UR **AGENDA ITEM #** 41

POSTPONEMENT(S): 1/14/2010 **AGENDA DATE:** 2/11/2010

▶ **APPLICANT:** **BEN GARLINGTON**

OWNER(S): ESTATE OF W. CONWAY GARLINGTON

TAX ID NUMBER: 122 A B 024

JURISDICTION: City Council District 2

▶ **LOCATION:** **West side of Kenesaw Av., south of Talahi Dr.**

▶ **APPX. SIZE OF TRACT:** **25000 square feet**

SECTOR PLAN: West City

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

ACCESSIBILITY: Access is via Kenesaw Av., a local street with a pavement width of 18' within a 60' wide right-of-way

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: knnoxv

WATERSHED: Tennessee River

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

▶ **EXISTING LAND USE:** **Detached dwelling and accessory building**

▶ **PROPOSED USE:** **Accessory building containing 1000 sq. ft.**

HISTORY OF ZONING: None noted

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

South: Church / R-1 residential

East: Apartments / R-2 residential

West: Detached dwellings / R-1 residential

NEIGHBORHOOD CONTEXT: The site is located in the vicinity of the apartments and commercial development that is located in the interior of the Sequoyah Hills neighborhood. Zoning in the area consists of R-1 and R-2 residential and C-1 commercial.

STAFF RECOMMENDATION:

▶ **APPROVE the request for an accessory structure with an area of 1000 square feet subject to 2 conditions**

1. Meeting all other applicable requirements of the Knoxville Zoning Ordinance
2. Removing the electrical service for the stove or removing the bathroom from the structure

COMMENTS:

The applicant is requesting that MPC approve a use on review for an existing accessory building that has an area of 1,000 square feet. The Knoxville Zoning Ordinance allows accessory structures that contain up to

900 square feet as a permitted use in most residential zones. A building permit was issued for an accessory structure that would contain 750 square feet in 2005. The structure was built beyond the limits of the permit. Because the structure was built exceeding the limits permitted by the building permit, the City Building Inspections Dept. would not issue a certificate of final inspection until the owner got the issue resolved. Had the owner moved ahead at that time, he could have applied for a variance that would have legitimized the structure. That request would have been heard by the Knoxville Board of Zoning Appeals. No action was taken by the owner to rectify the situation. Since that time, the section of the Zoning Ordinance dealing with accessory structures has been amended, creating the need for this use on review. The owner of the property has since passed away, and the heirs are trying to get the property ready for sale. The final inspection for the accessory structure is needed in order to clear all concerns regarding the property.

In addition to building the structure beyond the size permitted, the owner built the structure in a manner that it can be considered as a dwelling. Two dwellings on a single lot in the R-1 (Low Density Residential) district are not permitted unless they are approved as a duplex. The dwellings on this site are not physically connected and cannot be considered for approval as a duplex. In order to completely legitimize this structure, the electrical service for the stove or the bathroom will have to be removed. When that happens it will no longer be considered as a separate dwelling unit.

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

1. The proposed accessory structure will have minimal impact on local services since all utilities were already in place to serve this building.
2. Since the proposed accessory structure is located adjoining a large church, it will have minimal impact on the surrounding uses.

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

1. The proposed accessory structure meets all of the requirements of Knoxville Zoning Ordinance pertaining to building setback, height and lot coverage. The bathroom or electrical service for the stove will have to be eliminated to resolve the issue of a second dwelling on the site.
2. The proposed accessory building 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 additional traffic through residential areas.

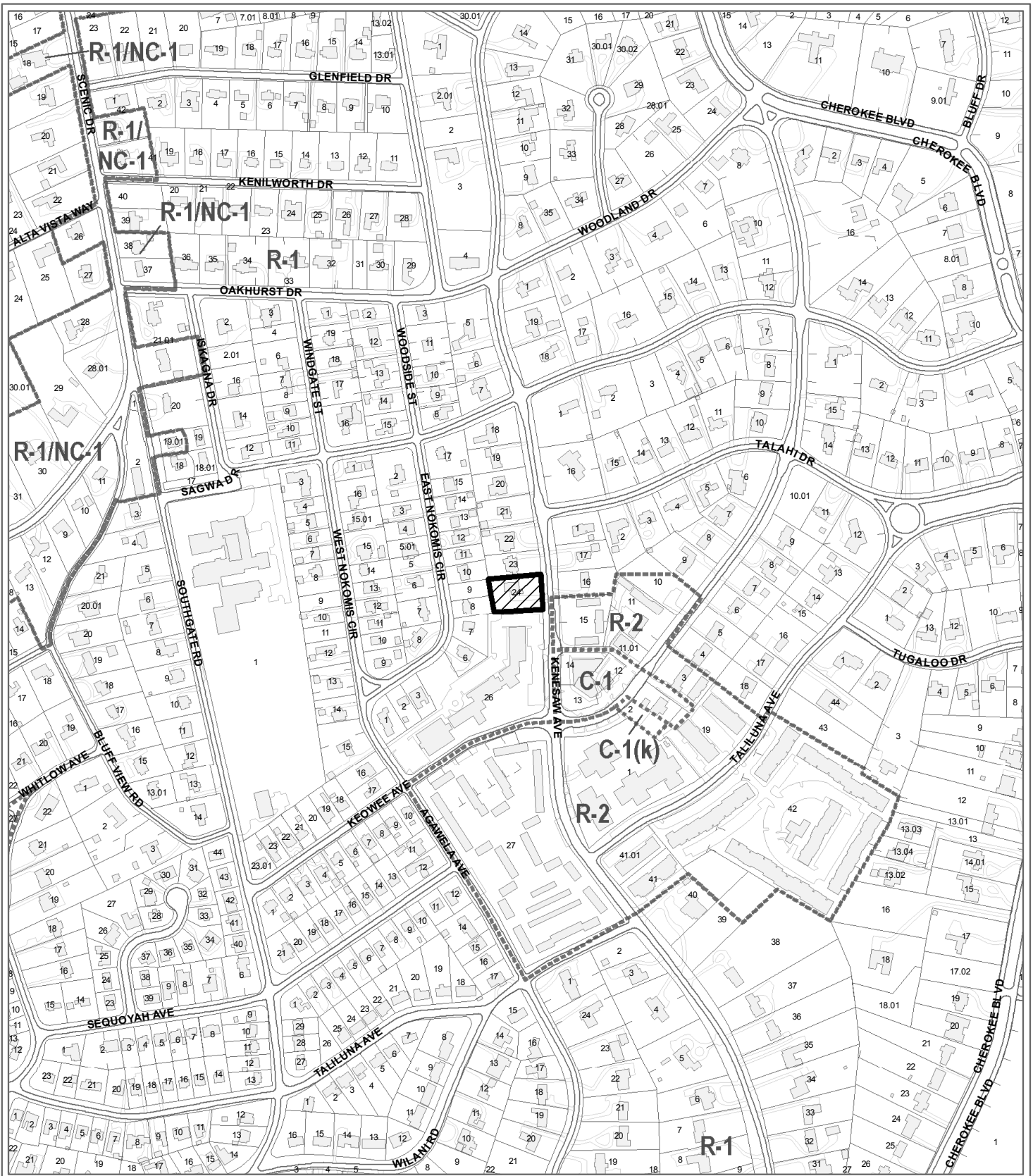
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The West City Sector Plan identifies the property for low density residential use. To permit an accessory structure at this location would not be inconsistent with the Sector Plan.

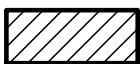
ESTIMATED TRAFFIC IMPACT: Not calculated.

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.



**1-E-10-UR
USE ON REVIEW**



Accessory building containing 1000 sq. ft. in R-1 (Low Density Residential)

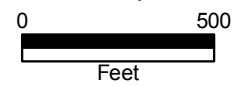
Petitioner: Garlington, Ben

Map No: 122

Jurisdiction: City

Original Print Date: 12/28/2009
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

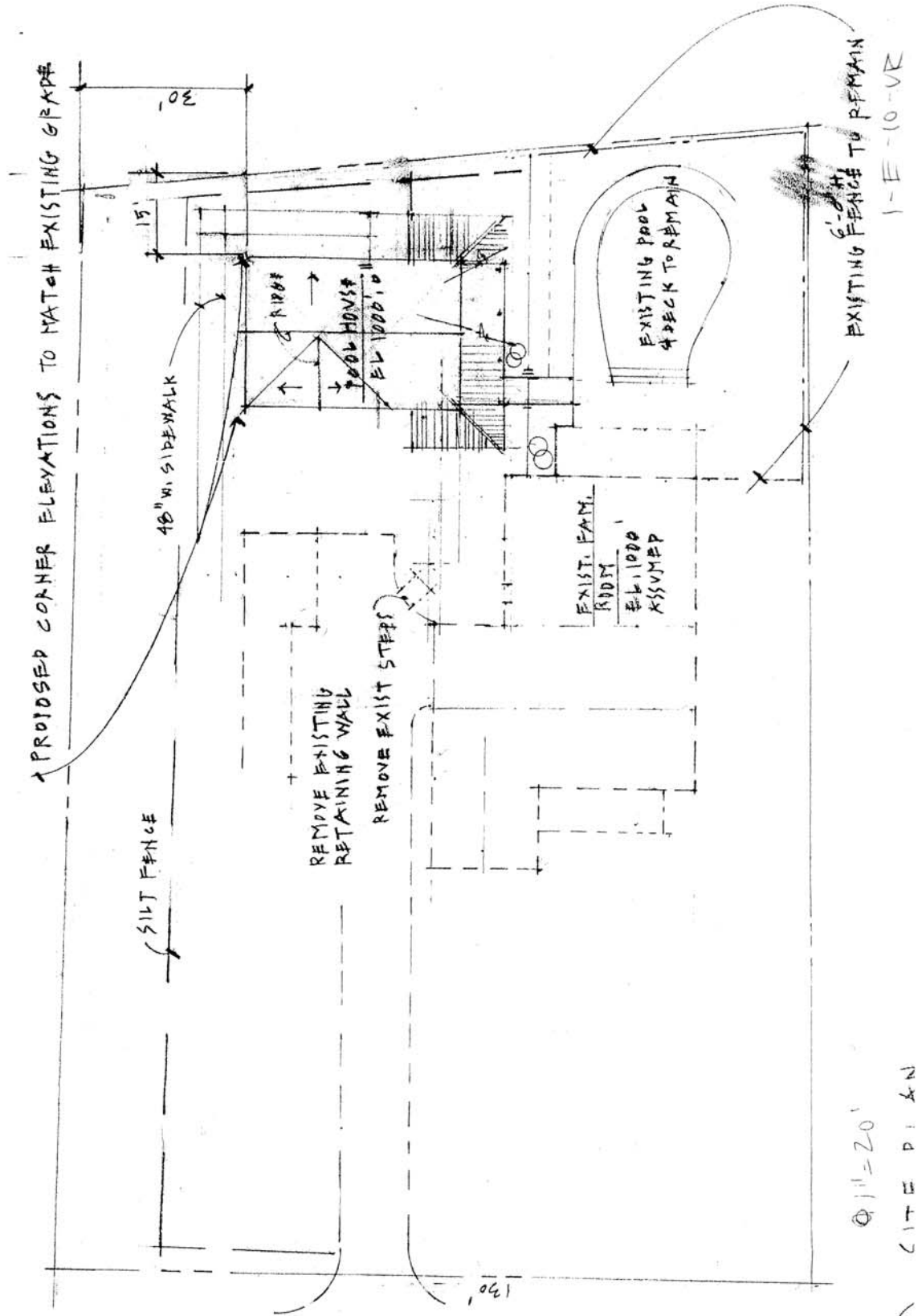
Revised:





1119

ADDRESS: 1119 KENESAW AVENUE 37919
 ZONING: R-1
 CUMPLI: 122
 PARCEL: 024
 CONSTRUCTION: TYPE VI, BRICK VENEER
 AREA: 1000 SF



1" = 20'
 C I T E D I A N