

There are a few statements on the STAFF RECOMMENDATION section of both the Duplex request and the Home Occupation request that are not accurate or true.

1.) You state in the Comment section of the Duplex Request, second paragraph starting at the top of the second page: “This request for a conversion to a duplex is a result of a citation being issued to the applicant on November 20, 2009 for using his “single family residence in an R-1 zone as a boarding house or renting rooms to several individuals (more than 3).” “

A.) *There was no citation issued.*

B.) *There was a Zoning Notice of Violation issued on November 19, 2009. The following day, November 20, 2009 I appeared at the Office of Building Inspections and Code Enforcement and was instructed by Melvin Wright, Plans Examiner that Use on Review would correct the violation mentioned. There is a strong difference between these two categories.*

2.) You state in the Comment section of the Home Occupation Request, third paragraph: On November 20, 2009 a citation was issued to the applicant for using his “home for home occupation of business without a Use on Review.” Again you state: “The majority if not all of these sites were created prior to the citation.”

C.) *There was no citation issued.*

D.) *There was a Zoning Notice of Violation issued on November 19, 2009. The following day, November 20, 2009, I appeared at the Office of Building Inspections and Code Enforcement and was instructed by Melvin Wright, Plans Examiner that Use on Review would correct the violation mentioned. There is a strong difference between these two categories.*

Request for Use On Review

I need your help. This has become a desperate situation for me and the people who depend upon me for housing and survival. The major points are listed below

- 1.) Housing- Unbeknowingly, I have been violating the zoning ordinance by using my residence as a boarding house. Some of the people living with me live rent free. I have shared my home, done business and never had any of these issues for decades. For two years there have been no problems with my neighbors. WBIR did a feature piece on my renting rooms at my present location several months ago. That is viewable on my website at <http://www.partymusicshows.com/housetoshare>. This clearly shows a pattern of behavior and acceptance.
- 2.) Home/business- This is my livelihood. I do a very worthwhile wonderful service for the community coordinated from my office desk. My ability to survive depends upon my ability to continue to provide the same services. I have done this same thing in many previous locations continually for the last twenty five years. I have been providing both home presentations and shows throughout East Tennessee and internationally, music and artistic services at this location for the last two years. Neighbors have been over at the house enjoying the same activities. Some of the venue includes outdoor presentation. I have always been respectful of my neighbors.
- 3.) Home improvements- I have improved my home and the second property in front of it to accommodate my boarders as well as my teaching and presentation ability. I have allocated my entire life savings to create a magnificent environment. After conversation with inspectors and other agents of both the engineering office and planning and zoning, I had permits to do improvements at both of my properties.

If I cannot find a way to continue the teaching and presentation service as well as providing a home for tenants, my tenants and myself will incur terrible damages. I would lose my home. Hundreds or thousands of people around East Tennessee would not have the opportunity to participate in the unique experience which I have already provided since moving here.

Surely there must be an amicable solution to the issues raised by the citation so that we can all enjoy a peaceful existence.

Sincerely,

David Perkins

512 and 516 Mellen Avenue

Knoxville, Tennessee 37919

865-525-5846

perkinsmusic@bellsouth.net

Supporting Information for Use on Review

512 and 516 Mellen Avenue

Knoxville, Tn. 37919

There is significant benefit to the community associated with performances I have done and desire to continue presenting.

I have already been in contact with vocal ensembles, dance troupes, musical groups, other musical centers, religious leaders, schools, assisted living centers, churches, nursing homes, hospitals, teachers in several fields related to the arts, home schooling organizations and others and they have expressed interest in interacting with me.

As a substitute teacher for Knox School District, I have seen and operate within the requested paradigm of, "Now stand in line, be quiet and don't touch that."

My approach to teaching and presenting music is very different in that I encourage students and participants of all ages to freely play a wide range of instruments from around the world including many Biblically mentioned instruments.

Music can play a far more important role in influencing the behavior and attitude of the local citizenry if they are actively involved in participating. The positive influence of community bonding through directed music circle and drum circle has been well documented.

I have done dozens of shows throughout East Tennessee at schools, assisted living facilities, religious centers, public places and private parties which clearly had the participants bonding and experiencing a feeling of freedom and release through celebration involving music, musical instruments and other rejoicing that they commented to me they had never before seen or witnessed.

I have performed over ten thousand hours of shows to live audiences, television, radio, print media, video, film and other formats solo and in ensembles on several instruments and other forms of entertainment. Audiences have ranged from one in hospital bed to ten thousand in amphitheater setting to a million in the viewing audience. Many countries on several continents. Hundreds of photographs, tv clips and other media is available.

I have shared the stage with prime ministers, presidents, generals, religious leaders, jugglers, musicians, beauty queens, dying victims of terrorist attacks and regular people. While living in Jerusalem, Israel for twenty years I had the opportunity of teaching many religious leaders who would attend the Feast of Tabernacles gathering from countries around the world how to play the shofar, the Biblical rams horn trumpet.

The current economic situation strains the resources of individuals, organizations, municipal programs and other government sources of support and assistance. I am providing living accommodations to several people who may otherwise fall between the cracks of maintaining a productive life. Currently, I am permitting a

couple living on SSI with the wife in severely bad health requiring continual medical attention by her caretaker husband as well as other medical facilities to live downstairs. She gets meals delivered by the charity Meals on Wheels, oxygen delivered to help her breathe and other medical issues. He helps around the property in exchange for living arrangements. They have no operating vehicle. Transportation to medical appointments and hospital are provided by CAC transport when required. They were previously living in a motor home too far from facilities to permit access to all the services they currently require to probably allow the survival of the wife. There is a divorced man with joint custody of a child who attends the local Sequoya Hills Elementary School who has a room. This facilitates him to be able to parent his child. His financial situation is weak and he may otherwise not be able to maintain a healthy role as father. A dance instructor with students in several cities and well accustomed to arranging performances is interested in working with me as well as live at the residence. Another room is occupied by a building contractor.

Moving to Knoxville in October 2007, I have spent my life savings and all accumulated assets to purchase and do the extensive repairs on the properties as well as prepare them for teaching use. At tremendous expense, I upgraded the three tiered seating arrangement which had served the paved badminton court from 50 years ago on the property into a magnificent seating area as well as doing an enormous amount of other landscaping on both properties.

I maintain a home office for business activities and occasionally meet with clients. I teach music and other topics at the house and elsewhere to individuals and groups.

I would like your assistance to enable me to continue my business activities. I would lose the house without the rent from the rooms.

Thank you for your assistance.

Sincerely,

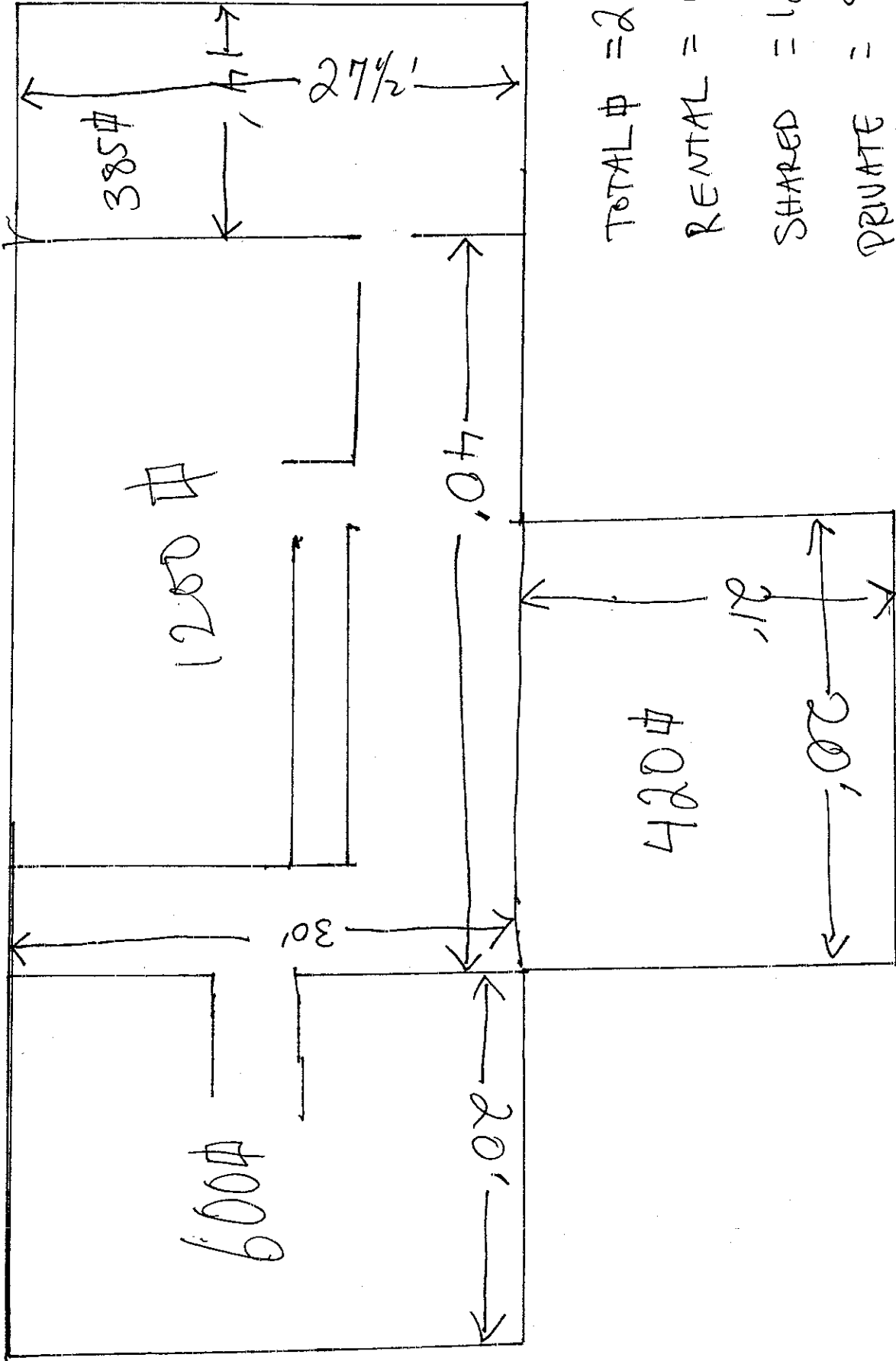
David Perkins

865-525-5846

<http://www.myspace.com/david39splace>

<http://www.partymusicshows.com/>

<http://www.partymusicshows.com/housetoshare/>



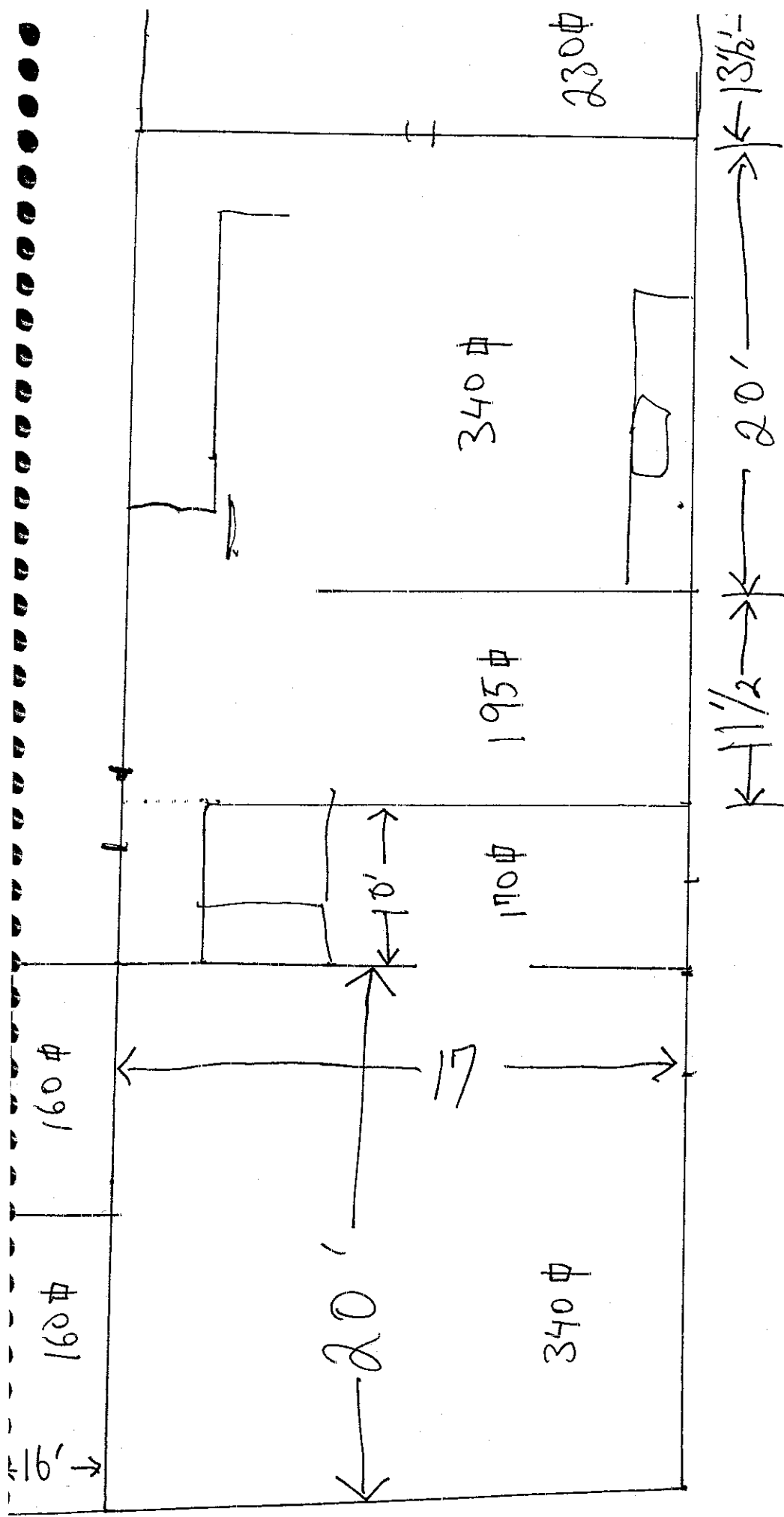
TOTAL Φ = 2605

RENTAL = 600

SHARED = 1200

PRIVATE = 805

UPSTAIRS



TOTAL = 1595
 RENTAL = 1595
 SHARED = 0
 PRIVATE = 0

DOWNSTAIRS

From: "David Perkins" <perkinsmusic@bellsouth.net>
To: <BettyJo.Mahan@KnoxMPC.org>
Date: 1/8/2010 3:40:58 PM
Subject: Removal of website listings and changes to text

Hello Betty Jo and MPC,
As requested by your office, I have removed or requested to have removed from the following websites any mention of events at my house:

- 1.) MySpace.com
- 2.) superpages.com and all related sites
- 3.) knoxvilletennessee.com
- 4.) americantowns.com
- 5.) knoxnews.com
- 6.) knoxville.com
- 7.) billsbill.com
- 8.) metropulse.com
- 9.) Caryville City Guide
- 10.) upcoming.yahoo.com

Any other sites which carry these sites information will follow in their removal of information. It can take a few days.

Website pages related to my Family Building, L.L.C. activities have been edited to clarify that there will be no medical activity taking place at my location.

I hope that this satisfies the complaints which you mentioned that you have received from concerned citizens related to assumptions on their part.

Thank you very much.

Sincerely,

David Perkins

CC: <perkinsmusic@bellsouth.net>

Information in Support of Request for Home Occupation Permit

At least three immediate neighbors, one behind me, one on my north side, as well as across the street two doors down have engaged and/or currently engage in home occupations and have been doing so for decades. Architecture, photography, interior design, construction, business, fairground equipment, physical therapy, music lessons, day trading.

There are many more residents of Sequoya Hills down my street and around a corner or three who conduct business from their homes. The chairman of the Kingston Pike-Sequoya Hills Homeowners Association agreed with that statement in a conversation we had, a partial transcription of which has been submitted to you.

Some of my neighbors have provided me with information relating to home occupations which have been going on in the neighborhood for the last fifty years. Transcripts of those conversations have been provided to you.

The MPC issued a Home Occupation permit in R-1 single family residence three corners, a distance of nine hundred feet from my house, for freeze drying vegetables and fruits on 8/10/1995. (File number 8-C-95-UR).

The MPC issued a Home Occupation permit in R-1 single family residence, for a home beauty salon one mile from my house on 4/13/06 (File number 2-A-06-UR)

The MPC issued a Home Occupation permit in R-1 single family residence, for piano lessons 1.4 miles from my home on 10/5/2006 (File number 10-C-06-UR)

Postal workers from the post office which handles Sequoyah Hills informed me that hundreds of residents get business mail at their residences.

There are other people in Sequoya Hills engaged in Home Occupations related to musical instrument instruction, service and sales. That information has been submitted to you. There are more examples available.

I asked at the office of the Metropolitan Planning Commission several months ago after obtaining a business license, regarding applying for a permit for a home occupation. Your officer told me that even though many people engage in home occupations from a home office, they do not have permits to do so. He recommended that I not apply for the permit, as it is such a difficult procedure to receive one, but rather to go ahead and engage in my home occupation from a room which I had set aside as an office.

This clearly demonstrates a pattern of behavior and acceptance by the immediate neighbors, the other residents of Sequoya Hills and even your own office.

There have been no problems nor complaints associated with that local neighborhood behavior for many years.

Marketing performances and other business services through internet, phone and fax from my office in the house along with teaching are the issues of this request. This neither increases traffic to my house nor changes the appearance. This is crucial to allow me to continue to engage in my livelihood.