



AGENDA ITEM #: 38

MEMORANDUM

TO: Metropolitan Planning Commission
FROM: Dan Kelly, Development Services Manager
DATE: Thursday, December 05, 2013
SUBJECT: Metal smith to be considered as similar to an artist/sculptor and therefore a permitted home occupation
12-A-13-OB

STAFF RECOMMENDATION:

DENY this request for a metal smith as a home occupation

BACKGROUND:

The staff findings suggest that this request does not meet the conditions for operation of a home occupation as described in Article 4, Section 4.90 (Home Occupations) of the Knox County Zoning Ordinance and as such cannot be considered a home occupation.

This applicant currently does metal smith work from a building located at 1765 W. Governor John Sevier Hwy. He has told staff that his work consists of fabricating one of a kind architectural metal pieces and metal sculptures. The applicant is requesting that MPC deem the business a home occupation. This applicant has been in an ongoing discussion with the staff of the Knox County Code Administrating Department regarding his building and subsequently his business since 2010.

Prior to obtaining a building permit for a dwelling in 2010, this applicant inquired about obtaining a building permit for a commercial building so that he could operate his business at this location. After being told the property was zoned A (Agricultural) and that he could not operate his metal fabrication business at that location, he asked for and received a building permit for a detached dwelling for this site. The structure that was built is a 2000 sq. ft. prefabricated metal building that contains approximately 400 sq. ft. of living space and approximately 1600 sq. ft. of garage space. Shortly after completing the building, he began operating a metal fabrication shop from this location. This was brought to the Codes Dept. attention via complaints registered by area residents as early as April, 2011. Since that time the Codes Dept. has made a number of site visits and issued at least three N.O.V.s (Notice of Violation) to Mr. Ray for operating a business at this location that is not permitted by the Zoning Ordinance. In July of this year Mr. Ray was issued a citation for operating an illegal business. This matter has been reset a couple of times and it is currently scheduled for a hearing in January of 2014.

The Knox County Zoning Ordinance has a list of home occupations that may be allowed as permitted uses if the operation of the business is done in accordance with the standards identified in Article 4 Section 4.90.01. The Zoning Ordinance goes on to say that the MPC has the authority to "permit any other similar use" as a home occupation if they can meet the same standards. One occupation that is on the list of permitted home



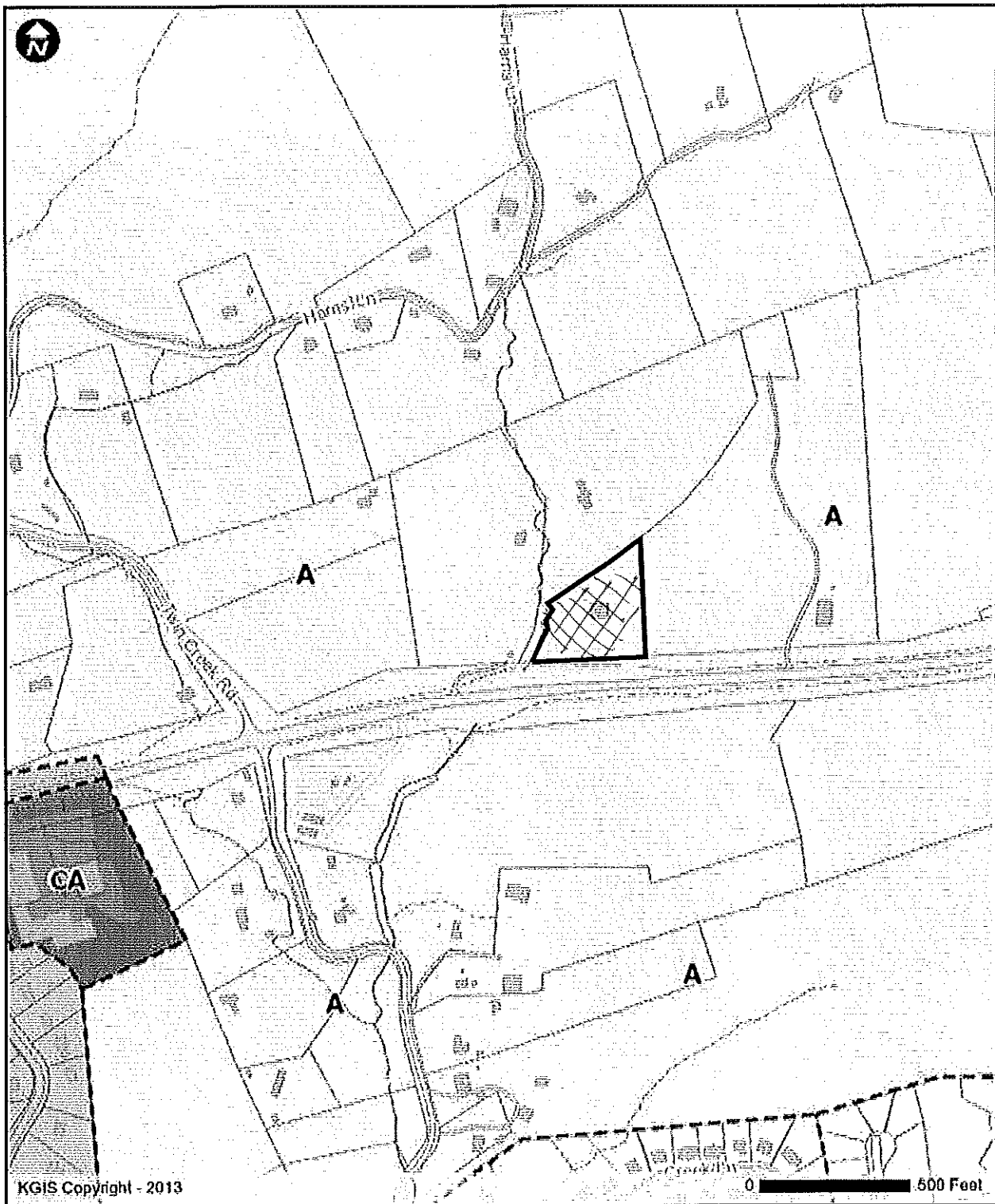
AGENDA ITEM #: 38

occupations is that of an artist, sculptor or craftsperson. Mr. Ray is asking that MPC consider his business similar to that of an artist/sculptor because his work at this location is limited to one of a kind metal sculptors and architectural pieces.

In order to be considered a legitimate home occupation the Zoning Ordinance contains a number of conditions that must be met. The general purpose of these conditions is to insure that a home occupation be operated at a scale that will not be a nuisance to the surrounding neighbors. Many businesses start as home occupations and by virtue of their own success outgrow the standards of a home occupation and ultimately have to move to a commercially zoned location. It appears that Mr. Ray's business does not comply with some of the standards for operation of a home occupation.

The Knox County Code Administration Dept. staff has stated that Mr. Ray has an employee(s) that are not household members and they do not live on the site. There is no evidence to even suggest that Mr. Ray lives on the site as required by the zoning regulations. He does state that the business is conducted in a dwelling but he does not state that it is his primary place of residence. By way of photographs supplied to MPC staff by the Knox County Codes Administration Dept., it appears that the greatest portion of the garage area is devoted to the business. The Knox County Zoning Ordinance limits the space the home occupation may occupy in a dwelling to 25% or less of the floor area. The garage area contains approximately 1600 sq. ft. Based on the photographs it would appear that the business is occupying well over 60% of the total building area. There are vehicles on the site that have signs advertizing the business. The entire site has been graded and graveled to provide for parking and vehicle storage. Mr. Ray's online advertisement states that the business consists of selling and installing all types of fencing and decking that is not produced on site.

Metal smithing requires the use of welding and black smithing equipment which can pose a significant fire hazard. Additionally, the noise produced by this activity would be beyond what would be typically be associated with a residence. Due to the fact that the Zoning Ordinance requires that all home occupations be conducted in the primary dwelling, staff believes that because of the hazards associated with the business, metal smithing should not be permitted as a home occupation. Doing metal work as a hobby may be acceptable, but production of metal pieces on a commercial basis would be beyond the intent of what would be considered an approvable home occupation as described in the Knox County Zoning Ordinance.



KGIS Copyright - 2013

0 500 Feet

Troy Ray

1765 W. Governor John Sevier Hwy.
136 -11202

KGIS - 606 Main St - Suite 150 - Knoxville, TN 37902 - www.kgis.org

Printed: 10/30/2013 at 12:49 PM

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Troy Ray
1765 W. Gov. John Sewer

← 50' →

↑ 5' ↓
welding

← 40' →

Garage door

Vehicle garage
Storage

Door

Garage
door

Bath

Kitchen

← 10' →

Living
Bed

Door

↑ 40' ↓

12-A-13-01

12-A-13-OB



Mr. Roy Braden
Department Head,
Knox County Department of Code Administration

Re: Request for approval of use of property as Home Occupation
1765 W. Governor John Sevier Highway, Knoxville, TN 37920
CLT #136-112.02

Dear Mr. Braden:

Please consider this correspondence as my written application for approval by the Knox County Department of Code Administration and Inspection for use of the above referenced property as a permissible Home Occupation under Knox County Zoning Ordinance 4.90.02(A).

My occupation is as a metal smith and it would be my intention to utilize a limited portion of the enclosed floor area of the dwelling unit on my property for purposes of cutting, shaping and welding metal sculptures including ornamental doors, gates, fencing, interior and exterior railing, interior and exterior light fixtures, lamp posts, mailboxes, mailbox stands, flower boxes, fire bowls, and miscellaneous lawn decor. Each piece would be a commissioned design and would be crafted to meet the exact specifications for the intended installation. These pieces would be designed, cut, bent and formed on the subject property, transported off-site for powder coating and/or painting at my finishing studio, and then transported from my finishing studio to the installation site.

I am attaching hereto photographs of several examples of my creations which I believe clearly demonstrate their uniqueness. I think that in examining the photographs you will find that these pieces contain artistic form, detail and craftsmanship which are otherwise unavailable in similar type items in the retail marketplace. In hoping of your finding of the artistic value of my trade, I would respectfully request that you approve of my occupation as a metal smith as a permissible Home Occupation within Knox County Zoning Ordinance 4.90.02(A).

Respectfully submitted,

Troy Ray

Telephone: (865) 579-5144
Email: topfueltroy@live.com

LOGIN

YOU ARE HERE: Property Lookup > Property Details

Go Back Recent Sales Property Report

GIS Maps Map Aerial Topo FEMA

GENERAL INFORMATION

RAY TROY WORLEY JACQUELINE 6807 CHAPMAN HWY KNOXVILLE TN 37920	Property ID	136 11202
	Alternate ID	172018
	Address	1765 W GOVERNOR JOHN SEVIER HWY
	Property Class	434 FAB-METAL
	Neighborhood	1503 SOUTH-DOYLE COMM 03
	Deed Acres	2.1200

VALUE HISTORY

Year	2013	2012	2011	2010	2009
Reason	Reappraisal - Countywide	Assessor - Non-Prorate Constr	Assessor - Admin Chg (data)		
Land Val	\$84,800	\$84,800	\$84,800	\$84,800	\$84,800
Imp Val	\$129,200	\$99,800	\$52,300	\$0	\$0
Total Appr	\$214,000	\$184,600	\$137,100	\$84,800	\$84,800
Land Use	\$0	\$0	\$0	\$84,800	\$84,800
Imp Assd	\$129,200	\$99,800	\$52,300	\$0	\$0

SALES HISTORY

Book	Page	Date	Owner	Grantee	Deed	Type	Vacant Land	Sale Price
200706	001003	6/1/2007	BARILLARO JAMES R, JAMES R III & MIC	RAY TROY WORLEY JACQUELINE	WD	A - Ac	Yes	\$80,000
*****	*****	9/3/2002 12:00:10 AM	BARILLARO JAMES R, JAMES R III & MIC	BARILLARO JAMES R, JAMES R III & MIC	WD	A - Ac	Yes	\$0

EXTENSION DETAILS

C01

Office Building

GENOFF	Office Building	1	400	400	400
SERVGAR	Service Garage	1	1,600	0	0

Total Area: 2,000 400 400

Address: 1765 W GOVERNOR JOHN SEVIER HWY
 Grade: Fair
 Year Built: 2011
 Value: \$125,100

IMPROVEMENTS

Code	Description	Year	Building	Length	Width	Units	Unit Type	Value
OVHDDRRU	Overhead Door - Rollup	2011	C01	10	10	100	SF	\$4,100

LAND DETAILS

Primary Use	Land Type	Acres	Eff. Frontage	Eff. Depth	Appr. Value
	AC-UNDEVELPD	2.12	0	0	\$4,800

LEGAL DESCRIPTION

Line	Description
0	SubdivisionName JAMES BARILLARO PROPERTY MapPlatB 20070522 MapPlatP 0095307

12-A-13-08



Leader in Custom Wrought Iron Work since 1996.

Welcome to Dixon Fabrication

We have just acquired a major fence company which services Knox and all surrounding counties.

We now supply and install chain link, wrought iron, aluminum, wood (privacy) and vinyl fencing.

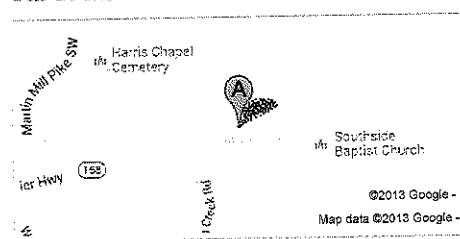
We also have a green line of bamboo fencing and decking materials, which are very attractive and durable.

Please contact us for a free quote.

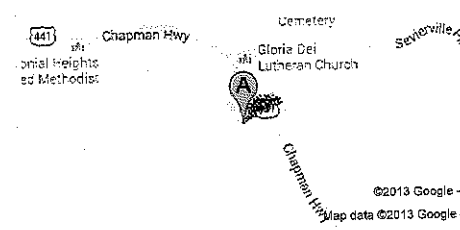
On these pages you will see examples of our craftsmanship. We do any type of residential and commercial project. Our work runs the gamut from standard styles to more elaborate designs. The majority of what you will see on these pages has been designed by us. We design and fabricate anything from handrails, standard and spiral staircases, fencing, gates, custom doors and windows, security bars, etc. If it's metal, we can do it. You can provide us with your own design or maybe you have a general idea.... We can work with you to make it happen. Troy has collaborated with builders, architects and homeowners to design the ironwork to enhance the style of the project. He also works with owners of older buildings in need of rehabilitating to meet code or to be more esthetically pleasing. Our work has been in the "Parade of Homes" tours, which have won numerous times and highlighted in various publications.



Our Locations



Dixon Fabrication
1765 W. John Sevier Hwy
Knoxville, TN
37920
865-579-5144



Dixon Fabrication
6807 Chapman Hwy
Knoxville, TN
37920
865-579-5144

12-A-13-0B

KNOX COUNTY CODE ADMINISTRATION

865.215.2325

Inspection Summary Report

1/16/13

Sched	Completed	Type of Action	Inspection Type	Comments
01/07/2013	01/07/13 00:00	Zoning Inspection Tony Devaughn	Blighted Property	



Comments:

ITEM NUMBER: 13-7129Z
INSPECTION TYPE: ZONING BLIGHTED PROP



Comments:

ITEM NUMBER: 13-7129Z
INSPECTION TYPE: ZONING BLIGHTED PROP



Comments:

ITEM NUMBER: 13-7129Z
INSPECTION TYPE: ZONING BLIGHTED PROP

1/16/13

Inspection Summary Report



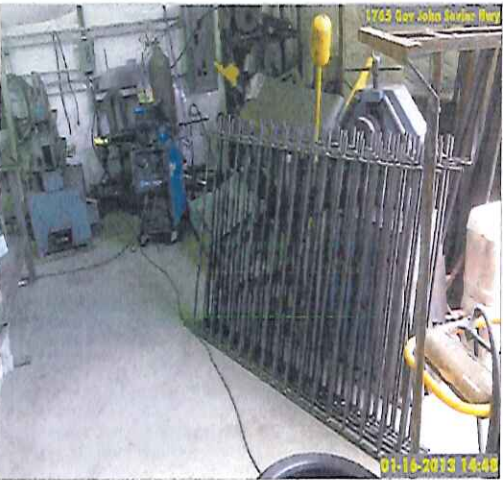
Comments:

ITEM NUMBER: 13-7129Z
INSPECTION TYPE: ZONING BLIGHTED PROP



Comments:

ITEM NUMBER: 13-7129Z
INSPECTION TYPE: ZONING BLIGHTED PROP



Comments:

ITEM NUMBER: 13-7129Z
INSPECTION TYPE: ZONING BLIGHTED PROP

KNOX COUNTY CODE ADMINISTRATION

865.215.2325

Inspection Summary Report

1/14/13



Comments:

ITEM NUMBER: 13-7129Z

INSPECTION TYPE: ZONING BLIGHTED PROP

KNOX COUNTY CODE ADMINISTRATION

865.215.2325

Inspection Summary Report

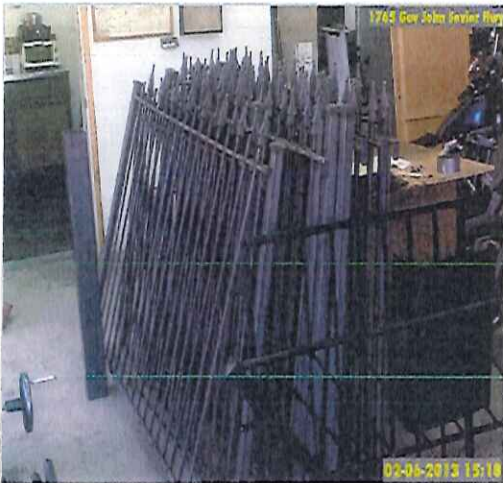
2/4/13

02/07/2013 02/07/13 Recheck Date Home Occupation
09:13 Tony Devaughn



Comments:

ITEM NUMBER: 12-6799Z
INSPECTION TYPE: ZONING HOME OCCU



Comments:

ITEM NUMBER: 12-6799Z
INSPECTION TYPE: ZONING HOME OCCU



Comments:

ITEM NUMBER: 12-6799Z
INSPECTION TYPE: ZONING HOME OCCU

KNOX COUNTY CODE ADMINISTRATION

865.215.2325

Inspection Summary Report

2/6/13



Comments:

ITEM NUMBER: 12-6799Z

INSPECTION TYPE: ZONING HOME OCCU

KNOX COUNTY CODE ADMINISTRATION

865.215.2325

Inspection Summary Report

4/24/13

Sched	Completed	Type of Action	Inspection Type	Comments
04/24/2013	04/24/13 00:00	Zoning Inspection Tony Devaughn	Dirty Lot	



Comments:
ITEM NUMBER: 13-7863Z
INSPECTION TYPE: ZONING DIRTY LOT



Comments:
ITEM NUMBER: 13-7863Z
INSPECTION TYPE: ZONING DIRTY LOT



Comments:
ITEM NUMBER: 13-7863Z
INSPECTION TYPE: ZONING DIRTY LOT

Inspection Summary Report

4/24/13



Comments:
ITEM NUMBER: 13-7863Z
INSPECTION TYPE: ZONING DIRTY LOT



Comments:
ITEM NUMBER: 13-7863Z
INSPECTION TYPE: ZONING DIRTY LOT



Comments:
ITEM NUMBER: 13-7863Z
INSPECTION TYPE: ZONING DIRTY LOT

KNOX COUNTY CODE ADMINISTRATION

865.215.2325

Inspection Summary Report

4/24/13



Comments:
ITEM NUMBER: 13-7863Z
INSPECTION TYPE: ZONING DIRTY LOT



Comments:
ITEM NUMBER: 13-7863Z
INSPECTION TYPE: ZONING DIRTY LOT



Comments:
ITEM NUMBER: 13-7863Z
INSPECTION TYPE: ZONING DIRTY LOT

1/11/13

1785 Gov John Sevier Hwy



01-11-2013 11:22



1785 Gov John Sevier Hwy

01-11-2013 11:21

1/11/13

1765 Gov John Sevier Hwy



01-11-2013 11:09

1765 Gov John Sevier Hwy



01-11-2013 11:09

1/11/13

1765 Gov John Sevier Hwy



01-11-2013 11:23

1765 Gov John Sevier Hwy



01-11-2013 11:24



Fwd: Item 38 on the MPC agenda for Dec is Dixon Machine

1 message

Mark Donaldson <mark.donaldson@knoxmpc.org> Mon, Dec 2, 2013 at 8:18 AM
To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Michael Brusseau <Mike.Brusseau@knoxmpc.org>, Dan Kelly <Dan.Kelly@knoxmpc.org>, Buz Johnson <Buz.Johnson@knoxmpc.org>

----- Forwarded message -----

From: <pkpasc@comcast.net>
Date: Sat, Nov 30, 2013 at 1:12 PM
Subject: RE: Item 38 on the MPC agenda for Dec is Dixon Machine
To: mark donaldson <mark.donaldson@knoxmpc.org>, buz johnson <buz.johnson@knoxmpc.org>

Mark and Buz, as residents of South Knoxville with a concern about the "Businesses" on Gov. John Sevier Hwy, we are requesting that you deny the proposal to allow Dixon Machinery to be considered a home business. We don't know how strongly we need to protest this change, but it must not be done. This owner has thumbed his nose at every attempt to bring him into compliance with current zoning regulations, and we consider this just one more of his tactics to bypass the current zoning for his property. He should be required to follow the same laws as the rest of us, which includes cleaning up his property to meet current codes.

Please take the community into consideration as you make your recommendation.

Regards,
Don and Pat Paschal
7234 Settlers Path Lane
Knoxville TN 37920
[865-609-7300](tel:865-609-7300)



Fwd: dixon machine

1 message

Mark Donaldson <mark.donaldson@knoxmpc.org> Mon, Dec 2, 2013 at 11:51 AM
To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Buz Johnson <Buz.Johnson@knoxmpc.org>, Michael Brusseau <Mike.Brusseau@knoxmpc.org>, Dan Kelly <Dan.Kelly@knoxmpc.org>

----- Forwarded message -----

From: **Krahwinkel, D J DR** <djk@utk.edu>
Date: Mon, Dec 2, 2013 at 11:36 AM
Subject: dixon machine
To: "mark.donaldson@knoxmpc.org" <mark.donaldson@knoxmpc.org>

Dixon Machine is a commercial business operating in a agriculture zone. It needs to be stopped. DJKrahwinkel

November 16, 2012

Mayor Tim Burchett
Suite 615 - City County Building
400 Main Street
Knoxville TN 37902

Subject: "Healing House" No Longer

Dear Mayor Burchett;

In September, 2005, shortly before my husband died, my son Chris, then 35 years old, was diagnosed with terminal cancer. Chris lived in Knoxville. My husband and I, in Durham, NC. When my husband died, I began spending as much time in Knoxville as I could, first in hotels, then an apartment, then in 2007 I found a dream home for Chris and me, on Governor John Sevier Highway. Set among tall trees, on this Scenic Highway, with large windows for enjoying Nature. Chris loved to spend his days on a chaise overlooking the spring-fed creek, watching the changing trees and wild birds. It seemed to strengthen him and on good days he would plant a bulb or pull a weed, reveling in the beauty and sound of the creek. One day he remarked, "this is a 'Healing House.'" Indeed, he had outlived the 6 months' sentence he had been given upon diagnosis. But eventually, cancer won, and my only child died in January 2010.

Some time during these torturous months, bulldozers began chewing up the hill across the creek and trees were felled. Massive amounts of dirt choked the pristine creek. A blue metal building appeared. This seemed incomprehensible, the site being zoned Agriculture/Residential! Yet the process continued even as I appealed the matter to county and state powers. Soon an even larger metal building, with two garage doors large enough for semi trucks, was added.

Today, the view from my home is of a site littered with cars, RV, boat and trailer, vans, commercial signage, sample fences and centered with metal buildings. Sadly, there are now 3 or more such sites within 4 miles along this highway, disturbing the former tranquility, choking ponds and streams, and jarring the eye. Will no one prevent or shut down such flagrant violations, or must home owners pay the price, literally and figuratively?

Sincerely yours,

Carolyn Jones
1827 W Governor John Sevier Hwy
Knoxville, TN 37920

The screenshot displays the KGIS Maps website interface. At the top left, the logo reads "KGIS Maps a Kgis website". Below the logo are navigation tabs: "Intro", "Maps", "Results", and "Help". A "Standard Maps" section contains radio button options for "Standard Map" and "Aerial". A "Historical Aerials" section lists years: "2009 Aerial", "2008 Aerial", "2007 Aerial" (which is selected), "2003 Aerial", and "1935 Aerial". Further down are sections for "Planning and Zoning Maps", "Political District Maps", "School District Maps", and "Other Maps".

The main map area shows an aerial view of a wooded area. A red dot is placed on a road labeled "1785 W GOVERNOR JOHN SEVIER HWY". Other roads visible include "Harris Ln" and "Twin Creek Rd". A scale bar in the bottom right of the map indicates 0 to 400 feet. The top right corner of the map area contains the text "Disclaimer - © KGIS 2012 - E2590104, N575294".

At the top of the interface, there is a search bar with "Search By:" and "Enter Address:" labels. To the right of the search bar are buttons for "Search", "Advanced", "Launch", and "Other". A "Disclaimer" link is also present.

KGIS Maps
a Kgis website

Intro Maps Results Help

Standard Maps

- Standard Map
- Aerial

Historical Aerials

- 2009 Aerial
- 2008 Aerial
- 2007 Aerial
- 2003 Aerial
- 1935 Aerial

Planning and Zoning Maps

Political District Maps

School District Maps

Other Maps

Search By: Address Parcel Owner Place Other
 Enter Address: Search Advanced
 Launch

Harris Ln
 Twin Creek Rd
 W Governor John Sevier Hwy
 1798 W GOVERNOR JOHN SEVIER HWY

0 400 Feet

KGIS
Disclaimer

Disclaimer - © KGIS 2012 - E2590275, N575290

Fwd: Dixon Property

1 message

Mark Donaldson <mark.donaldson@knoxmpc.org>

Tue, Dec 3, 2013 at 1:37 PM

To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Buz Johnson <Buz.Johnson@knoxmpc.org>

----- Forwarded message -----

From: **Carolyn Jones** <cfbsuj@yahoo.com>

Date: Tue, Dec 3, 2013 at 12:08 PM

Subject: Dixon Property

To: "mark.donaldson@knoxmpc.org" <mark.donaldson@knoxmpc.org>

Cc: "dan.kelly@knoxmpc.org" <dan.kelly@knoxmpc.org>

Gentlemen:

If it looks like a duck...and quacks like a duck...it's a DUCK!

I am the nearest resident to Dixon Metal. Until recently they had commercial signage out front by the road ("Scenic Highway.) I have lived here since July 2007 and watched and listened to the evolution of the grounds across the creek being developed into a full-blown commercial business operation. Activity takes up in the morning and ceases in the evenings, Monday through Friday. Quite often I hear the the sound of the very tall garage door being opened in the morning. There has never been the slightest indication of anyone residing over there despite the zoning as agricultural/residential. Most evenings, the gate is closed and appears to be locked.

I have repeatedly contacted various public officials about this matter, to no avail. And I have been to meetings of Knox County Commissioners about this.

Attached is a letter I wrote to Mayor Burchett last fall. He kindly responded that he would have his assistant look into the matter. Please read my letter.

I am also attaching some old satellite images of the property as well as the first such property that tried (and succeeded) to pretend to be a residence when all other evidence proves it is a commercial enterprise.

Please stop this from moving forward.

Thank you,
Carolyn Jones





Fwd: ITEM 38 AGENDA

1 message

Mark Donaldson <mark.donaldson@knoxmpc.org> Mon, Dec 2, 2013 at 8:17 AM
To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Buz Johnson <Buz.Johnson@knoxmpc.org>, Michael Brusseau <Mike.Brusseau@knoxmpc.org>, Dan Kelly <Dan.Kelly@knoxmpc.org>

----- Forwarded message -----

From: **Carson Dailey** <carsondailey@hotmail.com>
Date: Sat, Nov 30, 2013 at 11:00 AM
Subject: ITEM 38 AGENDA
To: mark donaldson <mark.donaldson@knoxmpc.org>, laura cole <cole5137@bellsouth.net>

Dear Members of the MPC,

Please vote to deny item 38 on your agenda from ag use only to a home business use in this zone. Dixon Machine is a commercial welding door and fence company that moved from Chapman Highway to Gov. John Sevier to avoid city taxes, and to bypass the city and county zoning codes . Dixon Machine has been cited many times and taken to court for violations of the county zoning. This is not a home type business Dixon built a metal building that has a very small style apartment (residential permit) to try to get around zoning after he was denied a commercial permit.

Vote no and keep all other commercial business from trying to avoid zoning regulations like Dixon machine.

Carson Dailey
660-0019 Cell

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