

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

▶ **FILE #:** 3-G-17-UR

AGENDA ITEM #: 54

AGENDA DATE: 3/9/2017

▶ **APPLICANT:** **BOB'S TRAILS, TREES, AND GARDENS ROBERT RICHARDS**

OWNER(S): Bob's Trails, Trees, and Gardens

TAX ID NUMBER: 121 B D 019

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 318 Layden Dr

▶ **LOCATION:** **North side Layden Dr., east of Grandview Dr.**

▶ **APPX. SIZE OF TRACT:** **0.6 acres**

SECTOR PLAN: West City

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

ACCESSIBILITY: Access is via Layden Dr., a local street with a pavement width of 15' within a 40' wide right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

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

▶ **EXISTING LAND USE:** **Detached house**

▶ **PROPOSED USE:** **Consulting business**

HISTORY OF ZONING: In 1996 the Lyons View neighborhood was rezoned from R-2 to R-1 (3-P-96-RZ).

SURROUNDING LAND USE AND ZONING: North: Detached house, Office building / R-1 (low density residential) and O-1 (office, medical, and related services)

South: Detached house, Condos / R-1 (low density residential) and R-2 (general residential)

East: Cherokee Country Club / R-2 (general residential)

West: Detached house / R-1 (low density residential)

NEIGHBORHOOD CONTEXT: The Lyons View neighborhood is located north of Lyons View Pike, east of S Northshore Drive and west of Cherokee Country Club. The residential neighborhood primarily consists of detached houses in the R-1 zone. There are also multi-dwelling condo buildings, offices, retail, and commercial enterprises developed in the R-2, O-1, C-3 and I-3 zones.

STAFF RECOMMENDATION:

▶ **APPROVE the applicant's request to operate a consulting business as a home occupation subject to 2 conditions.**

1. Meeting the requirements of Article 5, Section 12.E. of the Knoxville Zoning Ordinance, standards for a "home office".

2. Meeting all other applicable requirements of the Knoxville Zoning Ordinance.

With the conditions noted above, this request meets all requirements for approval in the R-1 zoning district, as well as other criteria for approval of a use on review.

COMMENTS:

The applicant owns and is the sole employee of a consulting business that he wishes to operate from his home. The business includes project management, grant administration, trail project development, trail design and route flagging, and technical assistance. The business will be primarily computer and phone based, and will meet clients off-site and does not anticipate clients visiting his residence. The applicant's home is a two bedroom house that is located at the eastern terminus of Layden Drive. The home based office will occupy approximately 36 sqft of the 841 sqft house, or approximately 4.3% of the floor area.

The function of the home occupation as presented by the applicant fits the standards of the "home office" use in Article 5, Section 12.E. (Home Occupations and Home Offices). A home office is "a space within a dwelling unit designed for and used to support an occupation of a person residing in the dwelling unit involving only written correspondence, telephones, computers, or other common office equipment." The home office standards require no customer, client or outside employees at the residence, no signage or visible evidence of the home office to the outside appearance of the residence or premises, no production or repair of products, no outdoor storage of material/product, and other standards that restrict the use so as to be compatible with a residential neighborhood setting.

There is currently only one zoning district that specifically references the "home office" use and that is the R-1E (low density exclusive residential) district, which allows home office uses by-right without use-on-review approval. Since no other residential zone district references a home office as a permitted use, it has been determined that when a "home occupation" is a use permitted on review in a residential zone that approval by the planning commission is required even if the proposed use meets the standards of a home office.

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

1. The proposed home occupation will have no impact on local services since utilities are available to serve this site.
2. The proposed home occupation, if restricted to the "home office" standards as recommended, is compatible with the surrounding neighborhood because it will not be seen nor will it create additional traffic.

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

1. With the recommended conditions, the proposed home occupation is consistent with all relevant requirements of the R-1 zoning, as well as other criteria for approval of a use on review.
2. With the recommended conditions, the use is consistent with the following general standards for uses permitted on review: The proposal 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 will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas since outside employees and clients visiting his residence.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The West City Sector Plan and Knoxville One Year Plan propose low density residential (LDR) uses for this site. The proposed development is consistent with the sector plan.
2. This site is located within the City of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: Not required.

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.