

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

▶ **FILE #:** 10-E-17-UR

**AGENDA ITEM #:** 59

**AGENDA DATE:** 10/12/2017

▶ **APPLICANT:** KATHIE WEAVER

OWNER(S): Kathie A. Weaver

TAX ID NUMBER: 109 F B 016

[View map on KGIS](#)

JURISDICTION: City Council District 1

STREET ADDRESS: 3207 South Haven Rd

▶ **LOCATION:** West side South Haven Rd, south of Price Ave.

▶ **APPX. SIZE OF TRACT:** 9000 square feet

SECTOR PLAN: South City

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

ACCESSIBILITY: Access is via South Haven Rd, a minor collector with a 26' pavement width within a 70' right-of-way. The property can also be accessed via an alley with a 10' pavement width within a 12' right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Baker Creek

▶ **ZONING:** C-1 (Neighborhood Commercial)

▶ **EXISTING LAND USE:** Retail

▶ **PROPOSED USE:** Residence over commercial use

5 du/ac

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: House / C-1 (Neighborhood Commercial)

South: Mixed use office/commercial & residential / C-1 (Neighborhood Commercial)

East: Houses / C-1 (Neighborhood Commercial)

West: Houses / R-2 (General Residential)

NEIGHBORHOOD CONTEXT: This property is located in a neighborhood commercial area with commercial, office and residential uses in the C-1 zone. The surrounding residential neighborhood with single and multifamily residential uses in the R-1 and R-2 zones.

**STAFF RECOMMENDATION:**

▶ **APPROVE** the development plan for constructing 1 dwelling unit as a second story addition to the existing single story commercial building, subject to 4 conditions.

1. Meeting all other applicable requirements of the Knox County Health Department.
2. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
3. Meeting all applicable requirements of the Knoxville Department of Engineering, including but not limited to parking lot access and design.

4. Installation of an opaque fence and/or landscaping along the side lot lines adjacent to required parking and driveways that are located within the side and rear yards.

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

**COMMENTS:**

This proposal is to construct a residential addition as a second story to the existing one story commercial building. In the C-1 (Neighborhood Commercial) district, residential uses are a use permitted on review when in conjunction with another permitted use. This has been interpreted to mean that the person living in the dwelling unit has to work at the associated permitted use. In this case, the applicant owns the building and retail business, and plans to living in the dwelling. The applicant received a side setback variance in August from the board of zoning appeals to allow the residential addition to be setback the same as the existing building (8-H-17-VA).

The development plan shows 4 parking spaces provided to the rear of the building and 1 ADA accessible space in front. The current parking is located in the front of the building and requires vehicles to back up into the right-of-way, which is not allowed by the zoning ordinance. Since the addition of the residential use will be expanding the required parking, all of the parking now has to come into compliance with the zoning ordinance. If the planning commission approves the use-on-review, the applicant has the option of seeking a variance to reduce the parking to zero or some other number which is more beneficial to them. The proposed parking layout on the development plan will need to be modified because the proposed location for the ADA space does not appear large enough to meet the minimum standards and part of the rear parking lot is within the 30' stream buffer. However, staff's position is that the addition of a residential dwelling on this property is appropriate if the issues regarding parking can be resolved through the permit review process.

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

1. The proposal will have little impact on schools as the proposal only includes 1 dwelling unit.
2. Public water and sewer utilities are available to serve the development.
3. The construction of 1 residential dwelling unit on this commercial site will not negatively impact adjacent residential or commercial uses.

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

1. The proposed residential development 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, One Year 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 draw additional traffic through residential areas.
2. With the recommended conditions the proposal meets all relevant requirements of the C-1 zoning district, as well as other criteria for approval of a use-on-review.

**CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS**

1. The use is in conformity with the Sector Plan and One Year Plan for the area which propose NC (Neighborhood Commercial) uses.

**ESTIMATED TRAFFIC IMPACT:** 46 (average daily vehicle trips)

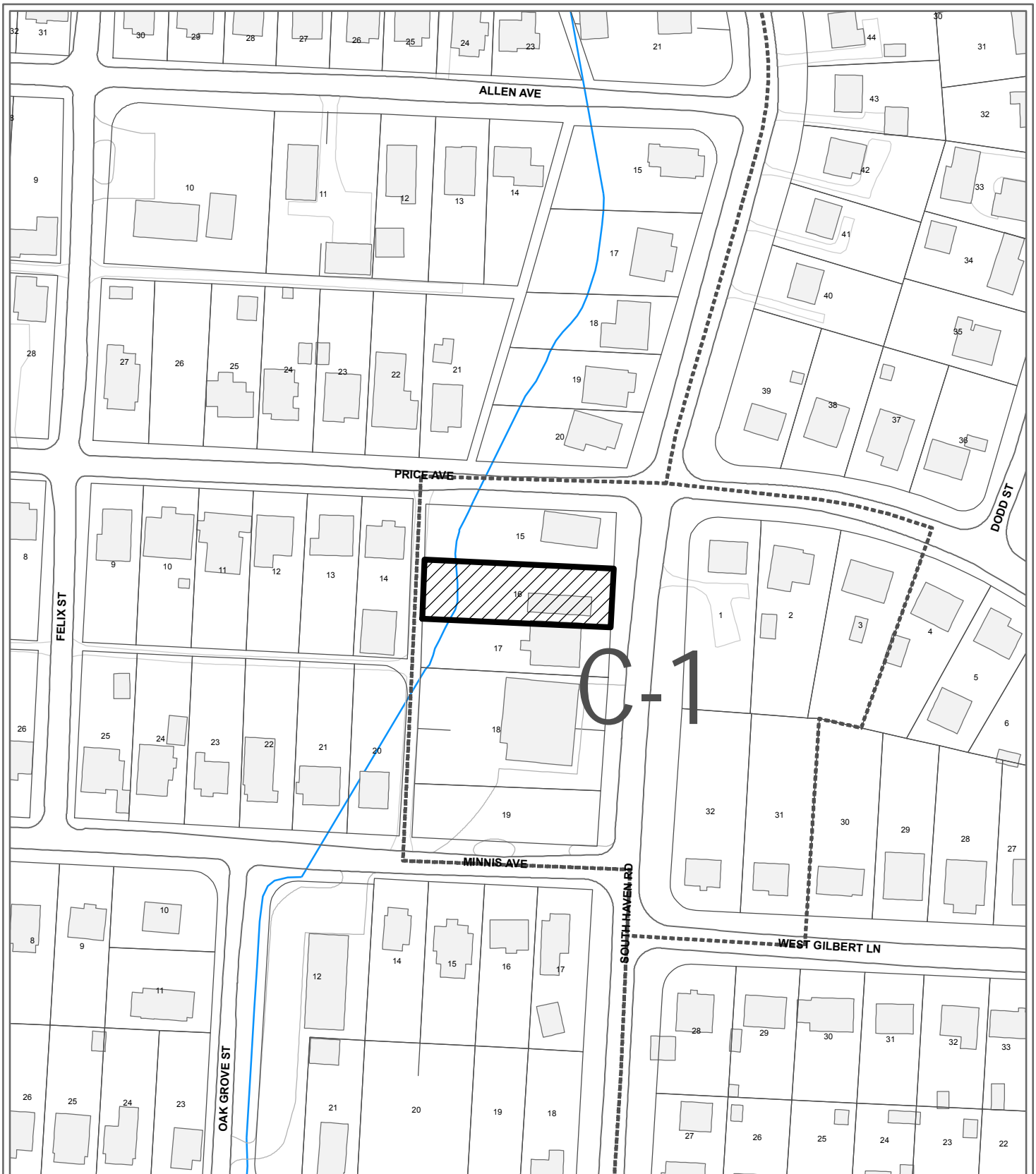
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

**ESTIMATED STUDENT YIELD:** 0 (public school children, ages 5-18 years)

Schools affected by this proposal: Dogwood Elementary, South Doyle Middle, and South Doyle High.

- School-age population (ages 5–18) is estimated by MPC using data from a variety of sources.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

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.



**10-E-17-UR  
USE ON REVIEW**



Residence over commercial use in C-1 (Neighborhood Commercial)

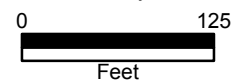
Original Print Date: 9/20/2017  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

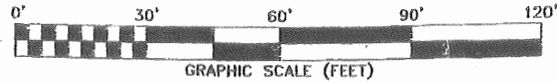
Revised:

Petitioner: Weaver, Kathie

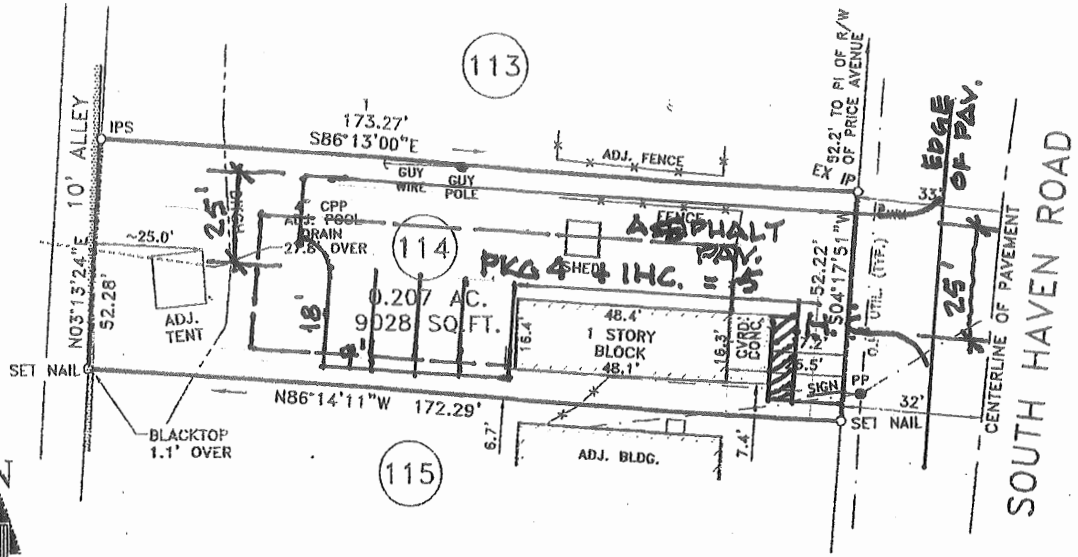
Map No: 109

Jurisdiction: City

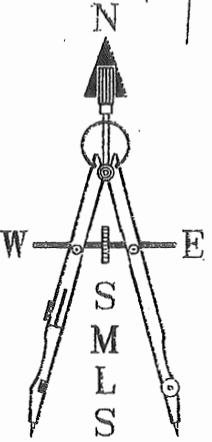




**NOTE:**  
 1.) THE UNDERGROUND UTILITIES SHOWN, IF ANY, HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES. VERIFY EXACT SIZE AND LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES WITH THE PROPER LOCAL AUTHORITIES BEFORE EXCAVATION OR CONSTRUCTION.



**NOTES:**  
 1.) SUBJECT TO EASEMENTS OR RIGHTS-OF-WAYS, OR CLAIMS OF EASEMENTS OR RIGHT-OF-WAYS, NOT SHOWN BY THE PUBLIC RECORDS.  
 2.) EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON, NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED THIS SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL.  
 3.) PROPERTY IS ZONED: "C-1" PROPERTY IS SUBJECT TO ANY AND ALL RESTRICTIONS, CONDITIONS, PLANNING COMMISSION REGULATIONS, ZONING ORDINANCES, RIGHTS-OF-WAY, EASEMENTS, AND BUILDING SETBACK REQUIREMENTS, IF ANY, AFFECTING SAID PROPERTY.



I DO HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THAT THE RATIO OF ERROR OF THE UNADJUSTED SURVEY IS NOT GREATER THAN 1 IN 10,000 AS SHOWN HEREON.

THIS IS TO CERTIFY THAT I HAVE EXAMINED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD MAP AND FOUND THE DESCRIBED NOT TO BE LOCATED IN A SPECIAL FLOOD HAZARD AREA.

THIS SURVEY IS SUBMITTED FOR THE SOLE AND EXCLUSIVE USE AND BENEFIT OF THE PERSON OR INSTITUTION NAMED ON THIS SURVEY. NO OTHER OR FURTHER USE MAY BE MADE OF THIS SURVEY WITHOUT PRIOR WRITTEN CONSENT OF HOWARD T. DAWSON R.L.S. NO. 1301.

**SURVEY FOR** TIMOTHY G. BYRNE  
**DISTRICT** 9 **COUNTY** KNOX **CITY** KNOXVILLE **WARD** 26 **STATE** TN  
**LOT NO.** 114 **BLOCK** \_\_\_\_\_ **IN** CRYSTAL SPRINGS ADDITION  
**ADDRESS** 3207 SOUTH HAVEN ROAD  
**MAP BOOK** 7 **PAGE** 2 **SCALE** 1"=30'  
**MAP C.B.** A **SLIDE** 213-D **DATE** 10-10-14  
**TAX MAP** 109F **GROUP** B **PARCEL** 016  
**WARRANTY DEED INST. NO.** 201311180031632  
**CENSUS TRACT NO.** \_\_\_\_\_ **DRAWN BY** MJD  
**BEARING BASE** RECORDED PLAT  
**MORTGAGE CO.** \_\_\_\_\_  
**TITLE CO.** \_\_\_\_\_

**SMLS**  
**SMOKY MOUNTAIN LAND SURVEYING CO., INC.**  
**HOWARD T. DAWSON**  
 R.L.S. #1301  
 P.O. BOX 9691  
 KNOXVILLE, TN 37940  
 PH: (865) 579-4075  
 FAX: (865) 579-4625  
 SMLS1301@BELLSOUTH.NET  
 SMLS DWG NO. 140151

10-E-17-UR

REVISED 9/29/2017

Use on Review Development Plan

Name of Applicant: KATHIE A. WEAVER

Date Filed: 8/28/2017 Meeting Date: 10/12/2017

Application Accepted by: Mike Reynolds

Fee Amount: File Number: Development Plan

Fee Amount: \$250.00 File Number: Use on Review 10-E-17-02



PROPERTY INFORMATION

Address: 3207 SOUTH HAVEN RD.

General Location: S. KNOXVILLE NEAR ISLAND HOME

Tract Size: 52' X 173' No. of Units: 1

Zoning District: COMM.

Existing Land Use: VACANT

Planning Sector: South City

Sector Plan Proposed Land Use Classification: NC

Growth Policy Plan Designation: Inside City

Census Tract: 22

Traffic Zone:

Parcel ID Number(s): 109 F B 016

Jurisdiction: City Council 9 District

PROPERTY OWNER/OPTION HOLDER

PLEASE PRINT Name: KATHIE A. WEAVER

Company:

Address: 124 GILBERT LANE

City: KNOXVILLE State: TN Zip: 37920

Telephone: 865-640-4154

Fax:

E-mail: k.weaver123@gmail.com

APPLICATION CORRESPONDENCE

PLEASE PRINT Name: Same as above

Company:

Address:

City: State: Zip:

Telephone:

Fax:

E-mail:

APPROVAL REQUESTED

Development Plan: Residential Non-Residential

Home Occupation (Specify Occupation)

Other (Be Specific) UOR for Residence over COMMERCIAL (C-1) USE.

APPLICATION AUTHORIZATION

Signature: Kathie Weaver

PLEASE PRINT Name: Kathie Weaver

Company: See Above

Address:

City: State: Zip:

Telephone:

E-mail: