

▶ **FILE #:** 4-F-12-UR **AGENDA ITEM #:** 28
 POSTPONEMENT(S): 4/12/2012-5/10/2012 **AGENDA DATE:** 6/14/2012

▶ **APPLICANT:** HARRY WIERSEMA
 OWNER(S): Harry Weirsema

TAX ID NUMBER: 107 H E 005
 JURISDICTION: City Council District 2
 ▶ **LOCATION:** South side of Smoky Trl., south of Shenandoah Dr.
 ▶ **APPX. SIZE OF TRACT:** 18700 square feet
 SECTOR PLAN: Northwest City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ACCESSIBILITY: Access is via Smoky Trl., a local street with a pavement width of 26' within a 50' 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 dwelling
 ▶ **PROPOSED USE:** Professional office - lawyer

HISTORY OF ZONING: None noted
 SURROUNDING LAND USE AND ZONING: North: Detached dwelling / R-1 residential
 South: Detached dwellings / R-1 residential
 East: Detached dwellings / R-1 residential
 West: Detached dwellings / R-1 residential

NEIGHBORHOOD CONTEXT: The site is surrounded by detached dwellings and it is located within the interior of Timbercrest Subdivision.

STAFF RECOMMENDATION:

- ▶ **APPROVE the request for a home occupation for a dual law practice as requested, subject to the following 8 conditions**
1. Meeting all requirements of Article 5, Section 12 of the Knoxville Zoning Ordinance
 2. Provision of a total of 3 off-street parking spaces (2 for the dwelling and 1 for the business)
 3. No client meetings being conducted on the premises with the applicants or their employee
 4. This use on review for a home occupation shall terminate at the time these applicants have permanently vacated the premises. No other home occupation may be conducted at this location unless approved by MPC through the use on review process
 5. No signage will be permitted. Additionally, no advertizing may list 5420 Smoky Trail as the location of this law practice. A Post Office box will be used as the official address of this law practice
 6. Meeting all other applicable requirements of the Knoxville Zoning Ordinance

7. Meeting all applicable requirements of the Knoxville Engineering Dept.
8. Failure to adhere to these conditions of approval and all other applicable requirements of the Knoxville Zoning Ordinance will, after due process, result in revocation of the approval of this use on review for a home occupation

With the conditions noted, the request meets the requirements for approval in the R-1 zone and the other criteria for approval of a use on review

COMMENTS:

Mr. Weirsema is requesting approval of an attorneys office as a home occupation. Both he and his wife are attorneys, and they would like to locate their practice in their home. They state in the information provided with the application that they are wanting to operate a "retirement practice" at this location. They have agreed to a number of conditions which will lessen the impact of this law practice on the surrounding neighborhood. Staff believes that a law practice as described by the applicant will not have any negative impact on the surrounding neighborhood.

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

1. The proposal will have no impact on schools.
2. Public water and sewer utilities are available to serve the site
3. The property is located along a local street. No negative traffic impact is anticipated.
5. The applicant will be required to provide off-street parking for both the dwelling and the home occupation.

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

1. The proposed home occupation is consistent with the general standards for uses permitted on review: The proposed use 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 draw a minimal amount of additional traffic through this residential area.
2. The proposal meets all relevant requirements of the R-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 Northwest City Sector Plan and One Year plan for the area which proposes LDR (Low Density Residential)

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.