

CASE SUMMARY

APPLICATION TYPE: SUBDIVISION

FINAL PLAT



File Number: 2-SC-23-F

Related File Number:

Application Filed: 12/30/2022

Date of Revision:

Applicant: EDDY GARRETT

PROPERTY INFORMATION

General Location: Northeast side of N. East End Rd, south of Andrew Johnson Hwy

Other Parcel Info.:

Tax ID Number: 53 104.04

Jurisdiction: County

Size of Tract: 9.05 acres

Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use:

Surrounding Land Use:

Proposed Use:

Density:

Sector Plan: East County

Sector Plan Designation:

Growth Policy Plan: Rural Area

Neighborhood Context:

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 1306 N. East End Rd.

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)

Former Zoning:

Requested Zoning:

Previous Requests:

Extension of Zone:

History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name: The Resubdivision of the Tracy and Janet Hayes Property

No. of Lots Proposed: 2 **No. of Lots Approved:** 2

Variances Requested: 1) Allow the remainder of the adjacent property to the northwest to be left without the benefit of a survey.

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Michelle Portier

Staff Recomm. (Abbr.): Approve the variance to allow the remainder of the adjacent property to the northwest to be left without the benefit of a survey because the adjacent property is under separate ownership and the applicant does not have the authority to have the property surveyed.

Approve the subdivision plat because it is otherwise in compliance with the Subdivision Regulations.

Staff Recomm. (Full):

Comments:

- 1) The purpose of this plat is to create two lots out of the subject property, which was last platted in 1978. That plat (Exhibit A) included the adjacent property to the northwest.
- 2) The Subdivision Regulations require for all of the parent tract being subdivided to be shown on the plat. If a new subdivision is created that does not include all of the parent tract, the remaining land still needs to be included on the plat except in cases where the remainder is over 5 acres in size (Section 2.13.A).
- 3) However, there is an exception to this rule. If the remainder is less than 5 acres and is under separate ownership as deeded before the adoption of the Subdivision Regulations on July 8, 1971 (Section 2.13.B), then it does not have to be shown on the plat.
- 4) In this case, the remainder property was deeded prior to July 8, 1971; however, the property was then platted in 1978, which negated the earlier deed. Therefore, a variance is needed to leave the remaining land without the benefit of a survey.
- 5) The remainder is under separate ownership from the subject platted property, but is under the same ownership as the property to the northeast of the subject platted property. Therefore, KGIS shows these lots as one parcel for tax purposes.
- 6) Since the land area of both the remainder and the adjacent northeast parcel exceeds 5 acres, Planning supports the request to leave it without the benefit of a survey.

Action: Approved **Meeting Date:** 2/9/2023

Details of Action:

Summary of Action: Approve the variance to allow the remainder of the adjacent property to the northwest to be left without the benefit of a survey because the adjacent property is under separate ownership and the applicant does not have the authority to have the property surveyed.

Approve the subdivision plat because it is otherwise in compliance with the Subdivision Regulations.

Date of Approval: 2/9/2023

Date of Denial:

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: ☐ **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Chancery Court

Date of Legislative Action:

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case:

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: