

CASE SUMMARY

APPLICATION TYPE: SUBDIVISION

FINAL PLAT



File Number: 3-SC-24-F Related File Number:
Application Filed: 2/16/2024 Date of Revision:
Applicant: ETHAN I. PHILLIPS

PROPERTY INFORMATION

General Location: Northwest quadrant of the intersection of Sapphire Road and Apex Drive
Other Parcel Info.:
Tax ID Number: 107 F B 015 Jurisdiction: City
Size of Tract: 12103 square feet
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use:
Surrounding Land Use:
Proposed Use: Density:
Sector Plan: West City Sector Plan Designation:
Growth Policy Plan: N/A (Within City Limits)
Neighborhood Context:

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

Street: 0 Sapphire Rd.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection) Overlay
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: Resubdivision of a Portion of Lots 184A & 185A of B.H. Sprankle's 2nd Addition to West Knoxville
No. of Lots Proposed: 2 **No. of Lots Approved:** 2
Variences Requested: Request for plat approval without the benefit of a survey for the remaining portions of lots 184A and 185 A (variance from Section 2.13 of the Subdivision Regulations).
S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Samiul Haque

Staff Recomm. (Abbr.): Approve the variance for plat approval without the benefit of a survey for the remaining portions of lots 184A and 185A, based on the following evidence of hardship.

1. Lots 184A and 185A have been divided into three properties by deed, but never recorded on a plat. This plat is for only one owner of the three properties, where the remaining portions are under different ownership. Requiring these two lots to be platted would require the property owner to plat properties that does not belong them.
2. The variance request is unique to this property. The current property owner gained ownership of this property in 2021 by a deed description dating from 1979; however, part of Lots 184A and 185A was conveyed by deed in 1965. So, a portion of the subject property was conveyed by deed prior to the adoption of the subdivision regulations.
3. This variance request is not intended exclusively for desire of financial gain. It is uncertain if the owners of the other two properties would agree to plat these lots together, as stated by the applicant.
4. Granting this variance is not expected to have any adverse effect on public safety, health, or welfare. Any developments on these lots would be subject to all applicable requirements of the City of Knoxville Zoning Ordinance and the City of Knoxville Engineering department during the permitting phase.

Approve the final plat for two lots in the RN-2 district.

Staff Recomm. (Full):

Comments:

BACKGROUND:

Lots 184A and 185A of B.H. Sparankle's 2nd Addition to West Knoxville were platted in 1943 (Instrument 194307150000000). These two lots are located on City Block #50630, as shown on the KGIS ward map. At a later time, these lots were subdivided into three properties by deed, but they were never recorded on a plat. Each of the three parcels (107FB014, 107FB015, and 107FB01601) is under different ownership now.

This final plat proposes to subdivide the vacant subject parcel (107FB015) into two lots, meeting the dimensional standards of the RN-2 district. This requires approval by the Planning Commission since a variance is requested as part of the application.

VARIANCE:

Section 2.13 of the Subdivision Regulations (Area to be Surveyed) states that when a tract of land or parcel is subdivided into two or more lots, all resulting lots shall be surveyed and included on the plat except in the following two cases:

- i. When the remaining portion of the property is five acres or greater in area [Section 2.13.A].
- ii. When the submitted plat includes a portion of a lot from a previously recorded plat and the balance of the lot is under separate ownership, and the lot was transferred by deed prior to adoption of the Knoxville-Knox County Minimum Subdivision Regulations (July 8, 1971) [Section 2.13.B].

In this case, the entirety of lots 184A and 185A is less than 1 acre (approximately 38,450 sf) and the deed of the subject parcel was constructed after the adoption date (in 1979, WB1669 PG816). Therefore, a variance is required to accept the plat without surveying the remaining portions of lots 184A and 185A. It is to be noted that part of Lots 184A and 185A was conveyed by deed in 1965 (WB1304 PG507), prior to the adoption of the subdivision regulations. Staff recommends approval of the requested variance, as described above. The City of Knoxville Technical Services has reviewed the plat and is supportive of the variance as well, as indicated on the variance request form.

Action: Approved

Meeting Date: 3/7/2024

Details of Action:

Summary of Action:

Approve the variance for plat approval without the benefit of a survey for the remaining portions of lots 184A and 185A, based on the following evidence of hardship.

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Date of Approval: 3/7/2024

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: