# **CASE SUMMARY**

## APPLICATION TYPE: SUBDIVISION

#### **FINAL PLAT**



Application Filed: 2/15/2023 Date of Revision:

Applicant: LUCKY CLARK



#### PROPERTY INFORMATION

General Location: Southeast guadrant of Old State Rd and Pelham Rd

Other Parcel Info.:

Tax ID Number: 71 | F 028 Jurisdiction: City

Size of Tract: 17793 square feet

Accessibility:

#### GENERAL LAND USE INFORMATION

**Existing Land Use:** 

**Surrounding Land Use:** 

Proposed Use: Density:

Sector Plan: East City Sector Plan Designation:

Growth Policy Plan: N/A (Within City Limits)

**Neighborhood Context:** 

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

Street: 155 Old State 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:** 

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#### SUBDIVISION INFORMATION (where applicable)

**Subdivision Name:** Resubdivision of Pelham Park, Lots 32 and 20 (part of)

No. of Lots Proposed: 3 No. of Lots Approved: 3

Variances Requested: 1) Allow the remainder of the adjacent property to the southwest 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 southwest to be left without

the benefit of a survey because it 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 three new lots out of the subject property, which was last platted

as part of the Pelham Park neighborhood in 1910. That plat (see Exhibit A) created Lots 32 and 20. Lot 32 and a sliver of Lot 20 were combined by deed in March 1976, omitting the rest of lot 20. The

proposed plat includes the deeded property.

2) The Subdivision Regulations require all of the parent tract being subdivided to be included on the

plat, with 2 exceptions:

a. In cases where the remainder of the property is over 5 acres in size (Section 2.13.A).

b. Or, 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.

3) In this case, the remainder property is less than 5 acres and was not deeded prior to July 8, 1971.

Therefore, a variance is needed to leave the remaining land without the benefit of a survey.

4) Planning supports the variance request since, 1) the proposed subdivision meets the Subdivision Regulation requirements, 2) the remainder of the property that is not included on the plat (the remnant of Lot 20) is under separate ownership from the subject platted property and the applicant does not

have the authority to have that property surveyed.

Action: Approved Meeting Date: 4/13/2023

**Details of Action:** 

**Summary of Action:** Approve the variance to allow the remainder of the adjacent property to the southwest to be left without

the benefit of a survey because it 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: 4/13/2023 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":

Amendments: Amendments:

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**Effective Date of Ordinance:** 

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