

CASE SUMMARY

APPLICATION TYPE: SUBDIVISION

FINAL PLAT



File Number: 4-SD-24-F Related File Number:
Application Filed: 2/27/2024 Date of Revision:
Applicant: BENJAMIN MOORMAN

PROPERTY INFORMATION

General Location: Southwest of Strawberry Plains Pike, at end of Brogdon Place Way
Other Parcel Info.:
Tax ID Number: 83 014 03, 014 05 Jurisdiction: County
Size of Tract: 5.472 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: Planned Growth Area
Neighborhood Context:

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

Street: 2115 Brogdon Place Way
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: Final Plat of Subdivision of The Brogdon Place Properties
No. of Lots Proposed: 3 **No. of Lots Approved:** 3
Variances Requested: Allow the creation of one additional lot on a previously approved joint permanent easement (JPE) without requiring the JPE to the meet the applicable requirements of Section 3.03.E.
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 to allow the creation of one additional lot on a previously approved joint permanent easement (JPE) without requiring the JPE to the meet the applicable requirements of Section 3.03.E, based on the following evidence of hardship.

1. The subject parcels and the existing JPE are the result of a Last Will and Testament referenced on the face of the survey. The additional lot being created is for a family member, as stated by the applicant.
2. The properties maintain no direct road frontage and are currently served by an existing JPE and network of driveways within the same. Only the family properties are served by this network of driveways, and the situation is unique to these properties.
3. The request is not based on a desire for financial gain since the plat's sole purpose is to allow for the construction of a new home by another family member of the estate, as stated by the applicant.
4. The granting of the variation will not be detrimental to the public safety or injurious to other properties in the neighborhood. Knox County Engineering & Public Works department supports this variance for only one additional lot. Any further creation of additional lots will require the JPE to the meet the applicable requirements of Section 3.03.E.

Approve the request to create three lots in the A (Agriculture) zone (resulting in total 7 lots being served by the existing JPE), subject to one condition.

Staff Recomm. (Full): 1. Any further creation of additional lots to be served by the existing JPE will require the JPE to meet the applicable requirements of Section 3.03.E of the Subdivision Regulations (Private right-of-way standards).

Comments: This plat subdivides two parcels (083 01403 and 01405) into 3 lots, resulting in total 7 lots being served by the existing JPE, named Brogdon Place Way.

BACKGROUND:

The entirety of these 20.37-acre properties were inherited by Richel C Brogdon and his wife Louise Brogdon in 1984 by a warranty deed (Book 1825 Page 730). Mr. and Mrs. Brogdon handed over the ownership of these properties among their family members by two warranty deeds in 1985 and 1990 (Book 1852 Page 613 and Book 2008 Page 641 respectively) and a subsequent Last Will and Testament in 1995 (Book 146 Page 639, Exhibit B). The JPE was created by a 1990 instrument (Book 2008 Page 639). Although further transfer of ownership and modifications to three of the above-mentioned legal documents occurred at a later time, all of these properties are currently owned by family members. The applicant stated that the subject parcels are owned by a father and son, who want to create an additional lot for another family member.

VARIANCE:

Section 3.03.F of the Subdivision Regulations (Previously Approved Joint Permanent Easement) states that additional lots may be created on a previously approved JPE if the subdivision meets the applicable requirements of Section 3.03.E (Private Right-of-way). Furthermore, Section 3.03.E states that a private right-of-way serving six or more lots shall meet the same design and construction standards as a public street. Therefore, this plat requests to create one additional lot without improving the existing JPE to the more stringent public street standards.

A private right-of-way serving six or more lots requires a right-of-way width of 50', which the existing JPE meets. However, the JPE will likely not meet the additional requirements of a private right-of-way (such as wider pavement width, grade, sight distance, horizontal and vertical curves). The Knox County Engineering & Public Works department supports this variance despite the existing JPE not meeting all

the standards of a private right-of-way.

Action: Approved

Meeting Date: 4/11/2024

Details of Action:

Summary of Action:

Approve the variance to allow the creation of one additional lot on a previously approved joint permanent easement (JPE) without requiring the JPE to meet the applicable requirements of Section 3.03.E, based on the following evidence of hardship.

1. The subject parcels and the existing JPE are the result of a Last Will and Testament referenced on the face of the survey. The additional lot being created is for a family member, as stated by the applicant.
2. The properties maintain no direct road frontage and are currently served by an existing JPE and network of driveways within the same. Only the family properties are served by this network of driveways, and the situation is unique to these properties.
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Approve the request to create three lots in the A (Agriculture) zone (resulting in total 7 lots being served by the existing JPE), subject to one condition.

Date of Approval: 4/11/2024

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: