

CASE SUMMARY

APPLICATION TYPE: SUBDIVISION

FINAL PLAT



File Number: 5-SA-26-F Related File Number:
Application Filed: 3/6/2026 Date of Revision:
Applicant: TRACY WIDNER

PROPERTY INFORMATION

General Location: South side of Greenwell Rd, east of Greenwell Dr
Other Parcel Info.:
Tax ID Number: 37 129 Jurisdiction: County
Size of Tract: 6.132 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Rural Residential
Surrounding Land Use:
Proposed Use: Density:
Planning Sector: North County Plan Designation: SR (Suburban Residential), HP (Hillside Ridgetop Protectio
Growth Policy Plan: Planned Growth Area
Neighborhood Context:

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

Street: 8421 GREENWELL 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: Final Plat of Diana McMillan Property
No. of Lots Proposed: 2 **No. of Lots Approved:** 2
Variances Requested: Allow a new 25 ft access easement to connect to the existing easement instead of a public street.
S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Spencer Schmutde

Staff Recomm. (Abbr.): Approve the variance to allow a new 25 ft access easement to connect to the existing easement instead of a public street based on the following evidence of hardship:

Staff Recomm. (Full): 1. Lot 1 has frontage on Greenwell Rd; however, the possible sinkhole and 50 ft buffer limits the access to property from the public street. Additionally, the location of the existing utility pole next to the driveway in the existing easement area would prevent the creation of a single improved 25 ft access easement extending from Greenwell Rd to Lot 2.

2. The creation of a single improved 25 ft access easement extending directly to the public street is prevented by the utility pole within the existing easement.

3. Granting of the variance would not be detrimental to the public safety, health or welfare of the public, nor would it be injurious to other properties in the neighborhood as the A zone allows two houses on the existing property by right. This plat serves to have one house on each lot to share the new 25 ft permanent private easement and maintenance of it.

Approve the final plat for two lots in the A district.

Comments: There is an existing easement and maintenance agreement for the current property and three adjoining properties using the existing gravel drive recorded in Instrument 201903250055697. The area of the easement is not defined in the agreement but it provides protected access and maintenance for the shared portion of the gravel drive. While the gravel drive does extend to the proposed location of Lot 2, the portion that does so falls onto private property not covered by the easement agreement. Replacing or overlaying the existing easement with a new 25 ft access easement over the gravel drive to provide Lot 2 with direct access to Greenwell Rd and comply with Section 3.03.A of Subdivision Regulations is not possible due to the location of a utility pole next to the drive.

VARIANCE FROM SUBDIVISION REGULATIONS, ARTICLE 3.03, ACCESS STANDARDS, SUBSECTION A:

All lots shall have either frontage on a public street in accordance with Article 3.03.B of these Regulations or approved access to a public street by ONE of the following:

- 1. Access to a public street by an approved private right-of-way;
- 2. Access to a public street by an approved private right-of-way;
- 3. Access to a public street by a previously approved joint permanent easement;
- 4. Access provided to a public street through some other legally binding document approved by the Planning Commission.

Such access shall provide a readily apparent physical means of traversable pedestrian and vehicular access from the lot(s) onto the street and shall meet the standards identified in Sections B-G.

In this case, Lot 2 will have access to a public street by utilizing two of the options: a new access easement and an existing access easement. Because the existing easement agreement is of undefined width and has a utility pole next to the driveway preventing the creation of a defined 25 ft access easement in this area, an additional access easement is necessary for Lot 2 to be accessible from Greenwell Rd.

Action: Approved

Meeting Date: 5/14/2026

Details of Action:

Summary of Action: Approve the variance to allow a new 25 ft access easement to connect to the existing easement instead of a public street based on the following evidence of hardship: 1. Lot 1 has frontage on Greenwell Rd; however, the possible sinkhole and 50 ft buffer limits the access to property from the public street. Additionally, the location of the existing utility pole next to the driveway in the existing easement area

would prevent the creation of a single improved 25 ft access easement extending from Greenwell Rd to Lot 2.

2. The creation of a single improved 25 ft access easement extending directly to the public street is prevented by the utility pole within the existing easement.

3. Granting of the variance would not be detrimental to the public safety, health or welfare of the public, nor would it be injurious to other properties in the neighborhood as the A zone allows two houses on the existing property by right. This plat serves to have one house on each lot to share the new 25 ft permanent private easement and maintenance of it.

Approve the final plat for two lots in the A district.

Date of Approval:

5/14/2026

Date of Denial:

Postponements:

Date of Withdrawal:

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Court of Competent Jurisdiction

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: