



## **SUBDIVISION INFORMATION (where applicable)**

**Subdivision Name:** Final Plat of Gary Joe Vaught Property  
**No. of Lots Proposed:** 2                      **No. of Lots Approved:** 2  
**Variances Requested:** Reduction of right-of-way dedication from 60 ft (30 ft from centerline) to 13.6 ft at the northeast corner of the parcel and 19.4 ft at the northwest corner of the parcel, as shown on 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 reduce the right-of-way distance from 50 ft (25 ft from centerline) to existing conditions as shown on the survey because the dedication would move the lot line too close to the existing house.

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 subdivide the parcel to create two lots out of one.
- 2) The existing property has a single-family house located fairly close to the property line. Dedication of the right-of-way would move the right-of-way line too close to the house (approximately 10 feet at the northeastern corner of the lot).
- 3) At the time this application was submitted, right-of-way dedication was required when at least one additional lot was created by the plat and the right-of-way width did not meet the minimum required for either a local road (50 ft) or for the width specified for that particular road in the Major Road Plan if the road is classified as a collector or arterial. Elkins Road is a local road, so a distance of 25 ft to the centerline of the road would be required. The distance to the centerline of Elkins Road ranges from 13.6 ft at the northeast corner of the parcel and 19.4 ft at the northwest corner of the parcel, so under the Subdivision Regulations, additional width would be required unless a variance is approved.
- 4) Since the time of this plat application, TN state law has changed regarding the dedication of land to a municipality. There must now be an "essential nexus" between the dedication requirement and the proposed plan. The variance would still be required for this plat because the law in place at the time of the application is the law that guides the proposal throughout the Planning Commission process. In applying the new state law to the proposed plat, staff finds this would not meet the essential nexus and would not be required. This is another reason supporting approval of the variance.

**Action:** Approved

**Meeting Date:** 7/14/2022

**Details of Action:**

**Summary of Action:** Approve the variance to reduce the right-of-way distance from 50 ft (25 ft from centerline) to existing conditions as shown on the survey because the dedication would move the lot line too close to the existing house.

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

**Date of Approval:** 7/14/2022

**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:**