# **CASE SUMMARY**

## APPLICATION TYPE: SUBDIVISION

#### **FINAL PLAT**



Application Filed: 7/12/2022 Date of Revision:

Applicant: NATHAN BIRDWELL



## PROPERTY INFORMATION

General Location: East side of N Gallaher View Rd, south and west of Mars Hill Rd

Other Parcel Info.:

Tax ID Number: 119 D D 00305 Jurisdiction: City

Size of Tract: 1.87 acres

Accessibility:

## GENERAL LAND USE INFORMATION

Existing Land Use: Agriculture/Forestry/Vacant Land

**Surrounding Land Use:** 

Proposed Use: Density:

Sector Plan: Northwest County Sector Plan Designation: LDR (Low Density Residential), HP (Hillside and Ri

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

**Neighborhood Context:** 

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

Street: 651 MARS HILL RD

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

#### **ZONING INFORMATION (where applicable)**

**Current Zoning:** RN-2 (Single-Family Residential Neighborhood), HP (Hillside and Ridgetop Protection Overlay)

Former Zoning:

Requested Zoning:

**Previous Requests:** 

**Extension of Zone:** 

**History of Zoning:** 

## PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential), HP (Hillside and Ridgetop Protection), STPA (Stream Protection Area)

**Requested Plan Category:** 

10/12/2022 11:58 AM Page 1 of 2

## SUBDIVISION INFORMATION (where applicable)

Subdivision Name: Resubdivision of Mars Ridge Subdivision

No. of Lots Proposed: 0 No. of Lots Approved: 1

Variances Requested: Reduce the utility and drainage easement from 10' to 5' along the proposed wall that will front N.

Gallaher View Road.

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 utility and drainage easement from 10 ft to 5 ft along the western

lot line because the Subdivision Regulations allow some flexibility for utility and drainage easements

and the utility company has no issues with the reduction.

Approve the subdivision plat because the plat is otherwise in compliance with the subdivision

regulations.

Staff Recomm. (Full):

Comments:

1) The purpose of this plat is to reduce the utility and drainage (U&D) easement at the western

property line from 10 ft to 5 ft.

2) The property has some site constraints and unique topography. To keep a structure out of the floodplains (both 100- and 500-year), the applicant needs to locate the building in the southern portion of the lot, which requires a retaining wall along the western property line. A reduction in the U&D

easement area is need to locate the retaining wall accordingly.

3) The City of Knoxville's Engineering Department can issue waivers for utility and drainage easements, but only for existing structures, which is not the case with the proposed plat. Variances are

needed to reduce or eliminate the U&D easements for proposed structures.
4) The U&D easements would be retained along the remaining lot lines.

5) KUB has no issues with allowing the reduction of the U&D easements as described.

6) Since the Subdivision Regulations allow some flexibility regarding U&D easements, and the utility company has no issues with the reduction of the U&D easement along the rear lot line, Planning staff

supports the variance request.

Action: Approved Meeting Date: 9/8/2022

**Details of Action:** 

Summary of Action: Approve the variance to reduce the utility and drainage easement from 10 ft to 5 ft along the western

lot line because the Subdivision Regulations allow some flexibility for utility and drainage easements

and the utility company has no issues with the reduction.

Approve the subdivision plat because the plat is otherwise in compliance with the subdivision

regulations.

Date of Approval: 9/8/2022 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":

Amendments: Amendments:

Date of Legislative Appeal: Effective Date of Ordinance:

10/12/2022 11:58 AM Page 2 of 2