CASE SUMMARY

APPLICATION TYPE: SUBDIVISION

FINAL PLAT



Application Filed: 9/16/2024 **Date of Revision:**

Applicant: THOMAS DAHL



PROPERTY INFORMATION

General Location: Northwest side of Millertown Pike, west of Legg Lane

Other Parcel Info.:

Tax ID Number: 51 017 Jurisdiction: County

Size of Tract: 10.83 acres

Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Agriculture/Forestry/Vacant Land

Surrounding Land Use:

Proposed Use: Density:

Planning Sector: Northeast County Plan Designation: RC (Rural Conservation), HP (Hillside Ridgetop Protection)

Growth Policy Plan: Rural Area

Neighborhood Context:

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

Street: 8011 MILLERTOWN PIKE

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: N/A

Requested Plan Category:

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SUBDIVISION INFORMATION (where applicable)

Subdivision Name: Resubdivision of Part of the Plat of the Property of Jerry Wood Jr.

No. of Lots Proposed: 2 No. of Lots Approved: 2

Variances Requested: Reduce the required access easement width from 25 ft to 10 ft.

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Spencer Schmudde

Staff Recomm. (Abbr.): Approve the request to reduce the required access easement width from 25 ft. to 10 ft. due to

surrounding conditions and because the plat does not add additional dwellings to utilize the easement...

Staff Recomm. (Full):

1. There is an existing structure located 14 ft from the property line, which keeps the applicant from widening the easement, since access easements are to be kept clear and traversable.

2. The existing 10 ft. right-of-way was established in 1969; requiring it to be widened would impact owners not associated with this subdivision plat.

3. Approval of this variance will not be detrimental to public safety, health, or welfare because no new dwellings will be added to the proposed lot. The easement already serves the existing residences.

Approve the final plat to create one additional lot and an exempt tract in the A district because, with the approval of the variance, the plat meets the standards of the Subdivision Regulations.

Comments: BACKGROUND:

The subject property is accessed via an existing, paved, 10-ft right-of-way (Instrument#196912050020633) that currently serves four lots containing four existing dwellings and a cemetery. The purpose of the final plat is to subdivide one of these parcels, which currently contains two houses, so that each house would be on its own lot. The remainder of the parcel is over 5 acres and is shown as an exempt tract consistent with Section 2.11 of the Subdivision Regulations.

The Subdivision Regulations require an easement to be improved to current standards when a new lot is created off an existing easement. Section 3.03.C.4 of the Subdivision Regulations requires access easements to have a minimum width of 25 ft. Additionally, access easements should be kept clear and traversable. In this case, there is an existing carport located 14.3 ft from the property line, so expanding the width of the easement width would require removal of the carport. The applicant has requested a variance to leave the existing right-of-way easement at its 10-ft width while creating a new parcel off the easement.

VARIANCES:

Section 1.05.A of the Subdivision Regulations states that the Planning Commission may reduce or otherwise vary the requirements of the Regulations when a hardship would occur as a result of strict enforcement of the Regulations.

The Knox County Department of Engineering and Public Works has requested a note on the plat stating that prior to the construction of any additional dwellings on Lot 1 or the Exempt Tract, the existing 10 ft right-of-way surface must be to 18 ft. With the placement of this note on the plat, the Knox County Department of Engineering and Public Works supports the variance request.

Planning finds the property meets the hardship criteria and recommends approval of the variance.

Action: Approved Meeting Date: 11/14/2024

Details of Action:

Summary of Action: Approve the request to reduce the required access easement width from 25 ft. to 10 ft. due to

surrounding conditions and because the plat does not add additional dwellings to utilize the easement...

Date of Approval: 11/14/2024 Date of Denial: Postponements:

Date of Withdrawal: Withdrawn prior to publication?: ☐ Action Appealed?:

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Court of Competent Jurisdiction

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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:

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