

CASE SUMMARY

APPLICATION TYPE: SUBDIVISION

FINAL PLAT



File Number: 11-SF-24-F Related File Number:
Application Filed: 9/25/2024 Date of Revision:
Applicant: LEAH METCALF

PROPERTY INFORMATION

General Location: West side of Citrus St., east of Greenfield Ln.
Other Parcel Info.:
Tax ID Number: 82 A D 002 Jurisdiction: City
Size of Tract: 10431 square feet
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use:
Surrounding Land Use:
Proposed Use: Density:
Planning Sector: East City Plan Designation: MDR (Medium Density Residential), HP (Hillside Protection)
Growth Policy Plan: N/A (Within City Limits)
Neighborhood Context:

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

Street: 2117 Citrus St.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RN-4 (General Residential Neighborhood), HP (Hillside Protection Overlay)
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: Resubdivision of Lots 7 & 8 of W.M. McNeely Addition (formerly known as Final Plat of Replat of a Portion of Lot 7 of W. M. McNeely Addition)
No. of Lots Proposed: 1 **No. of Lots Approved:** 1
Variances Requested: A variance requesting the subdivision plat be accepted without surveying the remainder of Lot 7.
S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Frankie Ramos

Staff Recomm. (Abbr.): Approve the variance for plat approval without the benefit of a survey for the remaining portions of Lot 7, based on the following evidence of hardship.

Staff Recomm. (Full): 1.Lot 7 of the W.M. McNeely Addition subdivision was subdivided into 2 parcels by deed in 1993 (Instrument #199307090041476). However, the resultant parcels were never recorded on a plat. The purpose of this plat is to create a lot of record for the subject property, thereby leaving the remaining portions under different ownership. Requiring both parcels to be platted would require the property owner to plat property that does not belong to them.
2.The current property owner gained ownership of a portion Lot 7 (Parcel ID 082AD002) in 2023 by a deed with a property description dating back to 1993 (Instrument # 199307090041476). To include Lot 7 in its entirety on the subject plat (Parcels 082AD002 and part of 082AD00301of the original plat), the property owner would have to survey property that does not belong to them should the variance not be approved.
3.Granted this variance is not expected to have any adverse effect on public safety, health, or welfare. Any development of the lot would be subject to all applicable requirements of the City of Knoxville Zoning Ordinance and the City of Knoxville Engineering department.

Approve the final plat for one lot in the RN-4 district.

Comments:

BACKGROUND:

Lot 7 of the W.M. McNeely Addition subdivision was platted in 1956 (Instrument 195601060000001). This lot was subdivided into two parcels (Parcels 082AD002 and 082AD00301). This subdivision was never recorded on a plat and each of these parcels are currently under separate ownership.

The purpose of the final plat is to establish a lot of record along the current deed boundary of the property (Parcel ID 082AD002). This requires approval by the Planning Commission since a variance is requested as part of the application.

VARIANCE:

Section 2.13 of the Subdivision Regulations (Area to be Surveyed) states when a tract of land or parcel is subdivided into two or more lots, all resulting lots shall be surveyed and included on the plat except in the following two cases:

- i. When the remaining portion of the property is five acres or greater in area [Section 2.13.A].
- ii. When the submitted plat includes a portion of a lot from a previously recorded plat and the balance of the lot is under separate ownership, and the lot was transferred by deed prior to adoption of the Knoxville-Knox County Minimum Subdivision Regulations (July 8, 1971) [Section 2.13.B].

In this case, the entirety of former Lot 7 is much less than 5 acres, approximately 12,555.7 square feet, and the deed boundary was constructed after the subdivision regulations went into affect. Therefore, a variance is required to approve the final plat without surveying the remaining portion of Lot 7.

Action: Approved

Meeting Date: 11/14/2024

Details of Action:

Summary of Action: Approve the variance for plat approval without the benefit of a survey for the remaining portions of Lot 7, based on the following evidence of hardship.

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

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: