

CASE SUMMARY

APPLICATION TYPE: SUBDIVISION

FINAL PLAT



File Number: 3-SB-24-F Related File Number:
Application Filed: 5/21/2023 Date of Revision:
Applicant: MICHAEL MESSINA

PROPERTY INFORMATION

General Location: East side of Richmond Ave, east of Mcteer St
Other Parcel Info.:
Tax ID Number: 94 H C 01001 Jurisdiction: City
Size of Tract: 13557 square feet
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use:
Surrounding Land Use:
Proposed Use: Density:
Planning Sector: Central City Plan Designation:
Growth Policy Plan: N/A (Within City Limits)
Neighborhood Context:

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

Street: 0 Richmond Ave.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RN-2 (Single-Family 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: Lot 190 & 191 of Overbrook Addition, Resubdivision of a portion of lot 22 of Richmond Heights
No. of Lots Proposed: 2 **No. of Lots Approved:** 2
Variances Requested: A variance requesting the subdivision plat be accepted without surveying the remainder of the original tract.
S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Whitney Warner

Staff Recomm. (Abbr.): Approve the variance for plat approval without the benefit of a survey of Lot 22 of Richmond Heights (now parcel ID 094HC010 or 2082 Joseph Schofield St), based on the following evidence of hardship.

1. The adjacent lot to the east (parcel 094HC010, or 2082 Joseph Schofield St) is under separate ownership from the subject property of this plat. Lot 22 of Richmond Heights was subdivided by deed in 1980, and this plat proposes to create a lot of record for the subject property. To include the adjacent parcel on the plat, the property owner would have to survey property that does not belong to them.
2. Since Lot 22 is comprised of 2 parcels (094HC010 and 094HC01001) under separate ownership, the property owner would have to survey property that does not belong to them should the variance not be approved.
3. It is not for financial reasons that the variance is being requested. The adjacent owner may not agree to have their property platted.
4. 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. This lot already exists by deed.

Approve the final plat for two lots in the RN-2 district.

Staff Recomm. (Full):

Comments:

BACKGROUND:

Lot 22 Richmond Heights was platted in 1920 (Instrument #192005220000001). This lot is located on City Block #23286, as shown on the KGIS ward map. In 1980, this lot was subdivided into two parcels by deed (deed 198010160015946), but the lots were never recorded on a plat. The two parcels (094HC01001 and 094HC01001) are now under different ownership.

This final plat request intends to further subdivide the vacant subject parcel (094HC01001) into two lots, meeting the dimensional standards of the RN-2 district. This requires approval by the Planning Commission since a variance is requested as part of the application (Exhibit B).

VARIANCE:

Section 2.13 of the Subdivision Regulations describes that 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).

In this case, the entirety of Lot 22 is much less than 5 acres (approximately 19,154 sf) and the deed of the subject parcel was constructed after the adoption date in 1979 (deed 198010160015946). Therefore, a variance is required to approve the plat without surveying the remaining portion of Lot 22.

Action: Approved

Meeting Date: 7/11/2024

Details of Action:

Summary of Action: Approve the variance for plat approval without the benefit of a survey of Lot 22 of Richmond Heights (now parcel ID 094HC010 or 2082 Joseph Schofield St), based on the following evidence of hardship.

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Approve the final plat for two lots in the RN-2 district.

Date of Approval:

7/11/2024

Date of Denial:

Postponements:

3/7/2024,
4/11/2024,
5/9/2024, 6/13/2024

Date of Withdrawal:

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Knoxville-Knox County Planning Commission

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: