

▶ **FILE #:** 9-SK-06-F

AGENDA ITEM #: 54

AGENDA DATE: 9/14/2006

▶ **SUBDIVISION:** MOUNTAIN GATE, RESUB. OF PART OF LOT 1

▶ **APPLICANT/DEVELOPER:** RONALD F & ANNE K. YATTEAU

OWNER(S): RONALD F. AND ANNE K YATTEAU

TAX IDENTIFICATION: 15 H A 001

JURISDICTION: County Commission District 8

▶ **LOCATION:** North side of House Mountain Way, east of Corryton Road

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Rural Area

▶ **APPROXIMATE ACREAGE:** 20.581 acres

▶ **NUMBER OF LOTS:** 2

▶ **ZONING:** A (Agricultural)

SURVEYOR/ENGINEER: Lynch Surveys, LLC

▶ **VARIANCES REQUIRED:**

1. To add an additional lot to an existing JPE without improving JPE to Knox County road standards.
2. To allow JPE surface to be gravel instead of pavement.
3. To leave remainder of Lot 1 without the benefit of a survey.

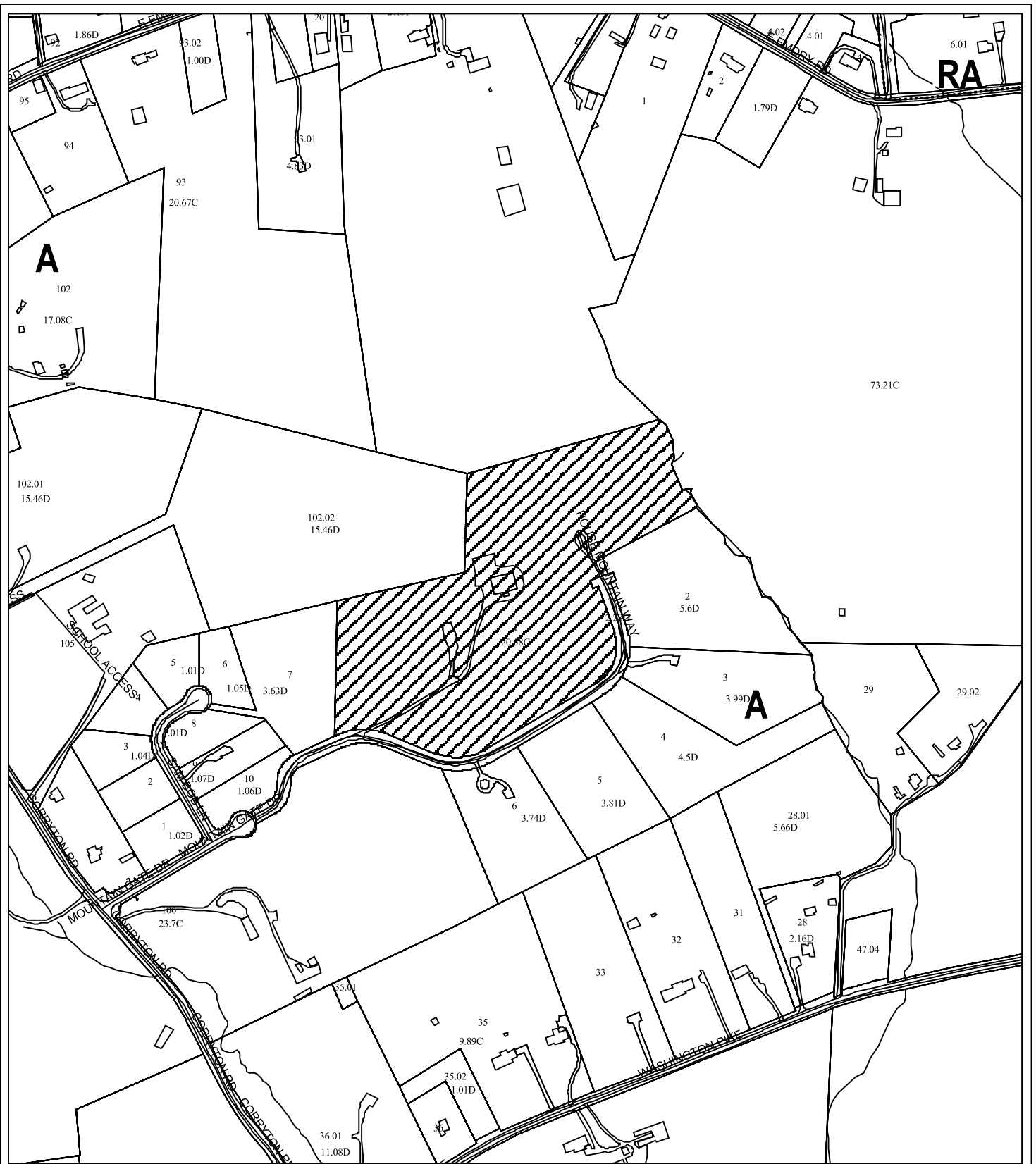
STAFF RECOMMENDATION:

▶ **Approve Variances 1 - 3
 APPROVE Final Plat**

COMMENTS:

Staff is recommending approval of the Variances 1-3 and the Final Plat. Staff has received opposition to the variances and the plat and have included in the agenda package all documentation received.

MPC's approval or denial of this request is final, unless the action is appealed to . The date of the appeal hearing will depend on when the appeal application is filed.




**9-SK-06-F
FINAL SUBDIVISION PLAT**

Subdivision: Ronald F & Anne K. Yatteau

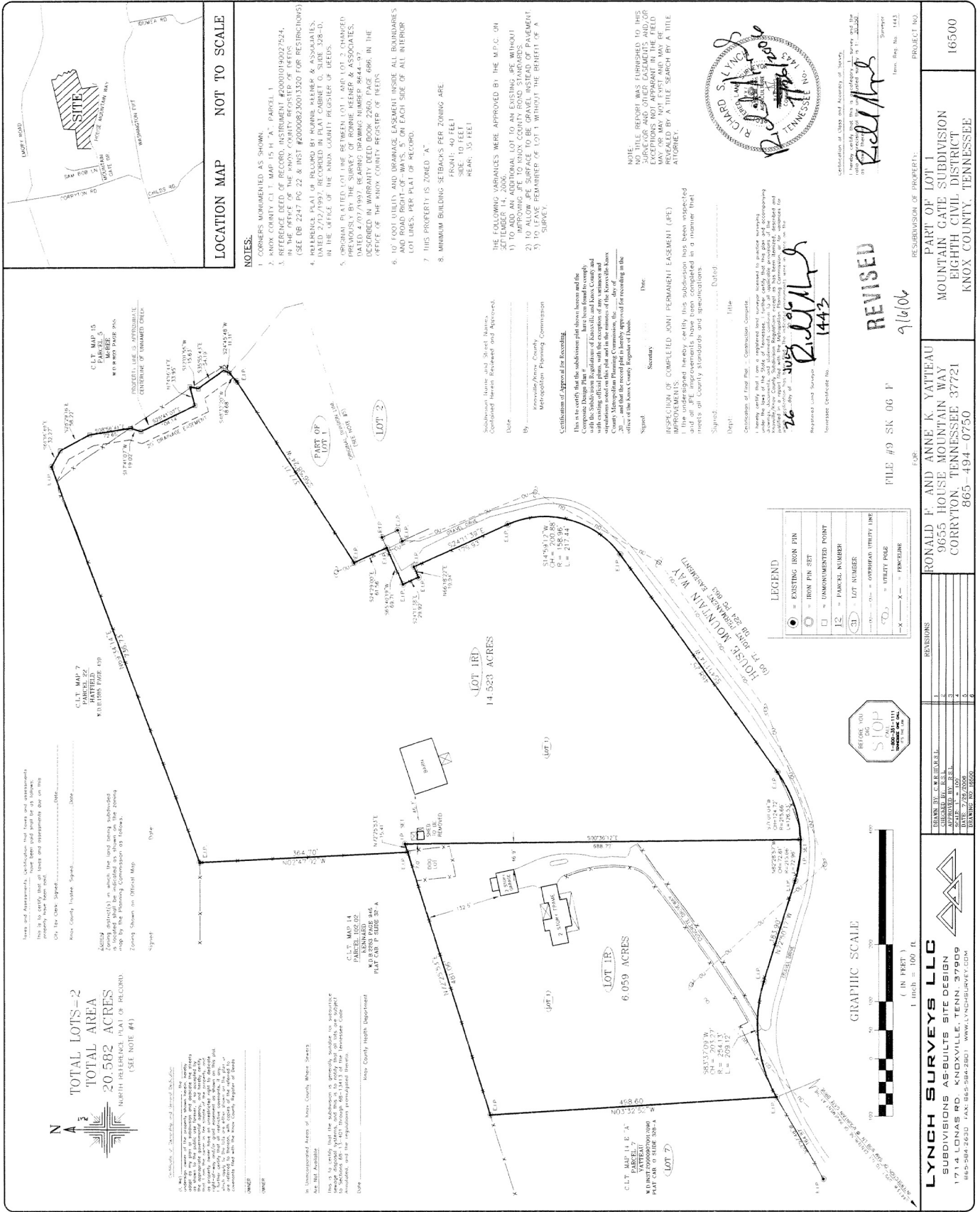
Map No: 15

Jurisdiction: County

 Final Plat for: Mountain Gate, Resub. Of Part of Lot 1

Original Print Date: 08/28/06 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





**TOTAL LOTS-2
TOTAL AREA
20.582 ACRES**
(SEE NOTE #1)
NORTH REFERENCE DATUM OF RECORD

CLT MAP 14 'A'
PARCEL 7
W DIST 000000000000
PART CAN G SUB E 288-4
PLOT 7

CLT MAP 14 'A'
PARCEL 7
W DIST 000000000000
PART CAN G SUB E 288-4
PLOT 7

CLT MAP 14 'A'
PARCEL 7
W DIST 000000000000
PART CAN G SUB E 288-4
PLOT 7

CLT MAP 14
PARCEL 7
W DIST 000000000000
PART CAN G SUB E 288-4
PLOT 7

CLT MAP 7
PARCEL 7
W DIST 000000000000
PART CAN G SUB E 288-4
PLOT 7

CLT MAP 15
PARCEL 5
W DIST 000000000000
PART CAN G SUB E 288-4
PLOT 5

Iron and Measurements...
have been found for all lots.

AGENCY...
is hereby notified that this subdivision plat has been...
and all improvements have been completed in a manner that...
meets all County standards and specifications.

Signet

OWNED

W Unincorporated Areas of Knox County, Where Streets...
Are Well Available.

This is to certify that the subdivision is generally...
and the regulations promulgated thereon.

Knox County Health Department

Subdivisor Name and Street Name,
Containing therein Township and Approval.

Date

By: Knoxville/Arroyo County
Metropolitan Planning Commission

Certification of Approval for Recording

This is to certify that the subdivision plat shown hereon and the...
with the State Board of Equalization of Revenue, and Knox County, and...
with existing official plans, with the exception of any variance and...
County Metropolitan Planning Commission, on the...
and that the record plat is hereby approved for recording in the...
office of the Knox County Register of Deeds.

Signet

Source(s)

Title

RESPECIFICATION OF COMPLETED JOINT PERMANENT EASEMENT (JPE)

These matters hereby certify this subdivision plat has been...
and all JPE improvements have been completed in a manner that...
meets all County standards and specifications.

Signet

Registered Land Surveyor
1443

Investment Certificate No. 1443

Registration Date

City of Knoxville

State of Tennessee

Knox County

Professional Seal of Surveyor
1443

Registered Professional Seal

FILE #9 SK 06 P

9/6/06

REVISOR OF PROPERTY

PROJECT NO.

16500

PART OF LOT 1
MOUNTAIN GATE SUBDIVISION
EIGHTH CIVIL DISTRICT
KNOX COUNTY, TENNESSEE

RONALD F. AND ANNE K. YATTEAU
9655 HOUSE MOUNTAIN WAY
CORYTON, TENNESSEE 37721
865-494-0750

REVISIONS

1

2

3

4

5

6



Certification of State and Authority of Survey

I hereby certify that this is a copy of the...
and that it is a true and correct copy of the...
as recorded in the...
Book No. 1443

Surveyor

File No. 1443

REVISED

9/6/06

REVISOR OF PROPERTY

PROJECT NO.

16500

PART OF LOT 1
MOUNTAIN GATE SUBDIVISION
EIGHTH CIVIL DISTRICT
KNOX COUNTY, TENNESSEE

RONALD F. AND ANNE K. YATTEAU
9655 HOUSE MOUNTAIN WAY
CORYTON, TENNESSEE 37721
865-494-0750

REVISIONS

1

2

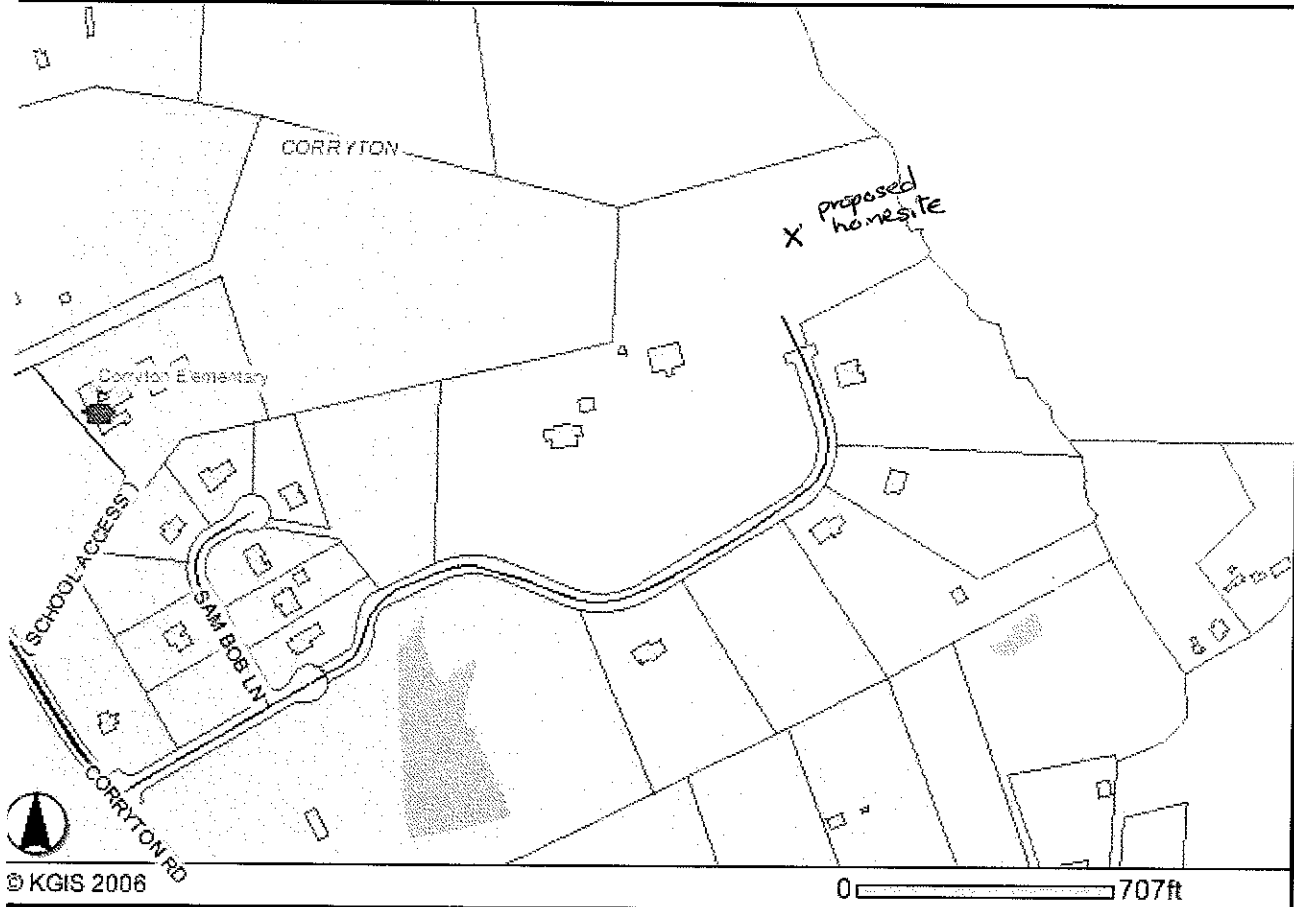
3

4

5

6

KGIS - Knoxville, Knox County, K.U.B. Geographic Information System



Legend

- | | | | |
|--|---------------------|--|--|
| | Grade School | | Water Bodies |
| | Intermediate School | | Farragut Greenways |
| | Middle School | | Greenways |
| | High School | | City Park |
| | Local Roads | | County Park |
| | PAPER | | Golf Course |
| | CLOSED | | SR-475 Recommended Alignment Footprint label |
| | Other | | SR-475 Recommended Alignment Footprints |
| | Collectors | | Subdivisions |
| | Arterials | | Knoxville City Boundary |
| | Expressways | | Farragut Boundary |
| | Interstate Shield | | Knox County Boundary |
| | Neighborhoods | | |
| | Railroads | | |
| | Buildings | | |
| | Parcels | | |

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Dr. and Mrs. Ronald Yatteau
965 5 House Mountain Way
Corryton, TN 37721
865-494-0750

9-5K-06-F

September 8, 2006

RE: File 9-5K-06-F

Dear Commissioner:

REQUEST:

At the September 14th MPC meeting we will be requesting a one lot subdivision of our 20 acre farm property in the Mountain Gate Subdivision of Corryton, Tennessee. Mountain Gate is a very rural subdivision east off of Washington Pike near the Grainger County line. We are requesting a variance to add one home on the present gravel joint permanent easement. We need to do this because of a family medical hardship. We have a disabled grandchild that will be coming back to live near us with her parents.

MEDICAL AND FAMILY NEED:

Our daughter, Kim, has had a child born with osteogenesis imperfecta or "brittle bone disease". This is a rare disease in children where their bones break constantly with even the slightest effort to do daily tasks. Little Megan is three now and still cannot walk without a walker and help. She has an intravenous port in her chest and has to spend three days every couple of months in the hospital receiving a new IV drug which hopefully will give her bones some strength. My daughter and her husband have literally lived a nightmare with this disease. They have spent all of their time over the last three years struggling to balance careers and care for a second child and home while having to be constantly in hospitals with their handicapped daughter Megan. My daughter, in spite of all of this, has just finished her psychiatry residency in Philadelphia where they presently live. Kim's husband's parents have been living in the Philadelphia area and until now served as some support for them. However, this past year Kim's husband John's mother who is only 55, was diagnosed with a brain tumor and has one year to live. His father has severe heart disease and probably will not live long as well. Kim and John help care for them as well. My daughter has found it very stressful and difficult to have no family support. As you might see they wish to be closer to home so we can be of some help and support when needed. John and Kim wish to be able to live at and possibly purchase the farm but they cannot afford to purchase it all at once. We need to subdivide it so they can afford to buy one part of it now and possibly the rest of it in a year or two. This would enable them to take over the family farm and be close to us for the support and help they need. They could then access little Megan's progress or lack thereof over the next year or so to see if she may ever walk. If not, they would be able to build a one floor home on the

second lot of the subdivided farm that would be designed specifically for their handicapped child. They would also have room for John's parent when the tragic but inevitable death of the other parent occurs in the coming months.

BACKGROUND AND POSSIBLE OPPOSITION:

We purchased our farm property six years ago. At that time we made our purchase contingent on being granted the right to subdivide the property in the future by restriction amendment. In that restriction amendment we agreed not to subdivide into any lots smaller than the smallest lot in the subdivision so as to protect the original subdivision "type". We did not wish to ever do anything that would change the overall scheme of the neighborhood. We made subdividing a contingency in our purchase contract with the developers anticipating either a retirement sized home for ourselves someday or a home for one of our children if the need ever arose. Unfortunately for us, a dire need has indeed arisen.

(We only mention this since subsequent to our purchase newer homeowners have formed a homeowners' association and adopted a new set of restrictions. Since we did not agree to change, we are governed by our original restrictions granted to us with our deed by law. It is possible that any opposition we might have may stem from this former legal disagreement and not the present MPC matter.)

PROPOSED PLANS:

At this time, it would be our intention to divide the property so the main house and carriage house will be left with six acres. The barn and remainder of the farm will be the other lot of 14.5 acres and a building site. The entrance to this home would be through our gates at the end of the JPE. A home would only be built there if it became necessary to do so for any reason. For our daughter and her husband, the cost of paving and curbs would be prohibitive. The medical costs for little Megan have been exorbitant and that takes all of their extra monies.

The present JPE is in reality servicing only four homes at present. Our farm is at the very beginning and uses very little of the easement. Only four other homes exist on the JPE. There is a fifth lot that has been for sale for six years. The proposed home site is out of view of the present homeowners and would not interfere with the look of the subdivision in any way. The divided lots would still be larger than any other lots in the subdivision therefore preserving the overall scheme of the neighborhood. The increase in traffic on the JPE would be minimal. John and Kim are young and have just started careers and cannot afford to pave the JPE. If we have to pave the road we would have to subdivide further and build three or four homes to try cover the cost of this very expensive paving. This would put homes both in the back pasture area and in the center across from existing homes. This is not something our neighbors would want. It would not be a solution to our family needs nor would it benefit the neighborhood. We do not wish to do this. We wish only the one lot subdivision with the variance to build the one additional home if needed for any reason.

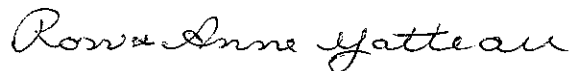
CONCLUSION:

We are asking approval for a variance to add one home shown on your enclosed subdivision map without making any changes to the present gravel easement due to the above described medical family hardship. The impact of this request has no negative impact at all on the neighborhood. In fact, it will have a positive impact on property values.

We hope you will lend your support to our request for this variance. We will be present at the meeting to answer any questions you may have

Thank you for your kind consideration of this request.

Respectfully Submitted,



Ron and Anne Yatteau

Attached for your review, please find:

1. Plat of proposed one lot subdivide and proposed home site of any home that would be built.
2. Aerial photo of our farm and subdivision showing present easement use and proposed new home site.
3. Controlling restrictions and amendment to subdivide
4. Little Megan's medical diagnosis from the Johns Hopkins Kennedy Krieger Institute

Reasons to Grant Variance

Will allow our family to be together and be able to have a flexible and future plan of caring for our disabled child and ailing parents

One new home may be built (according to restrictions) that is out of the way and does not interfere with any homeowner's views or property enjoyment

Subdivided lots still larger than any other lots in neighborhood and therefore conform to overall subdivision scheme

No change in present easement (some homeowners have built close to lot line and widening the easement may take from their front yards)

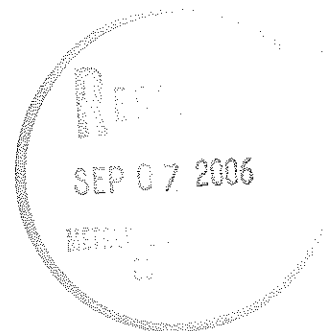
Increased property values from sale of part of farm both for appraisal and sale purposes

Increased monetary support for maintenance of easement for neighborhood



September 6, 2006

(9-SK-06-F)



Dear MPC,

It has come to the attention of the Mountain Gate Homeowners Association that a neighbor, Dr. and Mrs. Ronald Yatteau owning property at 9655 House Mountain Way Corryton, TN 37721 will be requesting variances regarding their property in Mountain Gate Subdivision. These variances may include building setbacks, subdividing, and possible material changes in the subdivision's joint permanent easement. The Mountain Gate Subdivision has recorded restrictions regarding such issues and we object to her requests to the MPC as well as her request for any variances.

Dr. and Mrs. Ronald Yatteau's request for variances regarding the joint permanent easement would be solely for their financial gain and shift an undue financial burden to the adjoining property owners. The land the easement is on is owned and governed by the Mountain Gate Homeowner's Association and the application to the MPC is an attempt to override the rights and responsibilities of the owners of the land. Again, the entire Mountain Gate Homeowners Association objects to the Yatteau's application and we ask that the commission reject their request.

Sincerely,

Russell Qualls

Russell Qualls

Mountain Gate Homeowners Association President