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**[MPC Comment] File Number 8-SA-15-F**

1 message

**Nathan Kelly** <nathan.j.kelly@gmail.com>

Mon, Aug 10, 2015 at 9:45 PM

Reply-To: Nathan.J.Kelly@gmail.com

To: commission@knoxmpc.org

Dear Commissioners,

I am writing to draw your attention to a case pending in your August 13 meeting, agenda item 24 file number 8-SA-15-F. I am requesting your support for a variance that would be required to approve a final plat of a subdivision involving the property on which I and my family reside. The variance requested is to reduce the required intersection radius to 0'. Below I explain a bit of background leading up to our request for the subdivision and variance and suggest several reasons to approve the variance that I hope Commission will find persuasive.

I reside at 125 W. Glenwood Ave. Together with our neighbors (Blair and Michelle Christian), my wife and I acquired an empty lot between our home at 125 W. Glenwood and the Christians' home at 119 W. Glenwood Ave. My primary goal in acquiring the empty lot was to increase the size of our lot (which has a very limited depth due to a previous subdivision that I think fails to conform with current requirements). After the birth of our daughter, we felt that having some additional green space for her to enjoy would be of benefit to us, and sharing the cost of acquiring the currently empty lot with our neighbors seemed to be a cost-effective way of moderately increasing the amount of property to which we have guaranteed use. A secondary goal was to ensure that the current empty lot would not be subject to future development. We elected to apply for a subdivision in order to legally and permanently divide the newly acquired empty lot between the two families involved, to bring the Christian lot into compliance with current lot width requirements (the existing lot is too narrow), and to unify each family's portion of the newly acquired lot with their existing property.

In applying for the subdivision, I requested a variance from the usual requirement that the right of way at an intersection of a new subdivision have a 25' corner radius. Given previous experience I felt there was a good chance that City Engineering would support the variance request given that the neighborhood is well established (our house is coming up on 100 years of age), infrastructure improvements are not likely necessary, and the existing intersection is quite large, particularly given the size and type of traffic that the intersection handles. I requested the variance primarily because one of my goals in acquiring the new property was to increase the amount of space guaranteed for our family's future use. Given our existing short lot depth it is all the more important to me to avoid giving up any right of way in addition to what is already present at the front portion of our lot fronting Glenwood.

Before suggesting some more specific reasons why I think MPC could reasonably support this variance request and approve the final plat as submitted, I want to say that I completely understand the desire and need for the city to take additional right of way when new subdivisions are submitted. In many cases it is clear that there will be future needs for infrastructure improvements such as adding sidewalks to ensure greater walkability and pedestrian safety or adding additional road width in areas where vehicle traffic is increasing due to additional new development and population shifts. And I understand City Engineering's general desire to deny variance requests relating to right of way if they foresee even the smallest possibility of needed infrastructure improvements. And, finally, I know that MPC staff cannot recommend approval of a variance that is not supported by City Engineering.

But in this case, I think Commission should support the requested variance. Below are several of my reasons for suggesting this conclusion:

1) In conversations with city staff, it seems likely that City Engineering would approve the requested variance were it not for the existence of a roundabout installed for traffic calming purposes within the last 10 years (and since we purchased our house). As I understand it, their concern is the existence of the roundabout. The additional right of way at the intersection generated by the radius requirement would provide for the unlikely future expansion of the intersection. The idea that the intersection would actually need to be widened strikes me as quite speculative. Widening the intersection, thereby making it even easier to traverse at high speeds, seems to contradict the

primary purpose of the traffic circle which is to calm traffic and reduce speeds. It seems an unfortunate use of taxpayer dollars to build a roundabout that is so large as to require additional expenses to expand the intersection in a way that undermines the initial purpose of the roundabout. In the unlikely event the city wanted to go down this path, I would argue that the subdivision regulations should not be used in this case to facilitate such a decision by transferring property rights from a private individual to the city.

2) My property would be the only lot of the four adjacent to the relevant intersection that would meet the intersection radius requirement. Therefore, I would be giving up more right of way than my nearest neighbors. While I realize this is a potential cost of seeking a subdivision (that would also be asked of my neighbors in the unlikely event that they were to seek a resubdivision), we are deriving no direct financial benefit from this subdivision and in no way will be contributing additional strain on infrastructure if the subdivision is approved. The goal of the subdivision is to protect the character of this historic, pedestrian-friendly neighborhood.

3) Development and population patterns around the requested subdivision are relatively stable, making the need for future road widening unlikely and the granting of additional right of way unnecessary in this case. As well, granting the variance request will not undermine the public interest that is represented by the subdivision regulations. That is, the general public will not be harmed or restricted in any tangible or substantial way by not acquiring the additional right of way typically required by the regulations.

4) The existing right of way on Glenwood Ave. is not currently fully utilized and extends at least a few feet past the existing sidewalk (which appears to me to exceed ADA width requirements as currently constructed). If the need to widen the intersection did present itself, some expansion of the intersection could be accomplished within the existing right of way, particularly if the sidewalk were made more narrow as part of the "improvement."

5) Our existing lot is already more shallow than neighboring properties, and giving up additional right of way at the front of the property further reduces the amount of property to which we have guaranteed future use.

In sum, I hope that Commission can approve the final plat as submitted, with the small variance approved. I sincerely appreciate you considering this case, small as it is within the overall scheme of things. I know each of you has a lot to think about with each meeting, and that truly engaging with a case such as this is tedious. Thank you very much for your time on this case and your service on the MPC.

Sincerely,

-Nate

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This message was directed to [commission@knoxmpc.org](mailto:commission@knoxmpc.org)