



SUBDIVISION REPORT - FINAL PLAT

► **FILE #:** 7-SA-22-F

AGENDA ITEM #: 43

AGENDA DATE: 7/14/2022

► **SUBDIVISION:** FINAL PLAT OF GARY JOE VAUGHT PROPERTY

► **APPLICANT/DEVELOPER:** H. WADE LOVIN / MBI PROPERTIES

OWNER(S): Gary Vaught

TAX IDENTIFICATION: 87 08601

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 2107 Elkins Rd. (Kodak, TN 37764)

► **LOCATION:** South of Elkins Rd., west of Smith School Rd.

SECTOR PLAN: East County

GROWTH POLICY PLAN: Rural Area

WATERSHED: Tuckahoe Creek

► **APPROXIMATE ACREAGE:** 5.14 acres

► **NUMBER OF LOTS:** 2

► **ZONING:** A (Agricultural)

SURVEYOR/ENGINEER: Wade Lovin

► **VARIANCES REQUIRED:** Reduction of right-of-way dedication from 60 ft (30 ft from centerline) to 13.6 ft at the northeast corner of the parcel and 19.4 ft at the northwest corner of the parcel, as shown on survey.

STAFF RECOMMENDATION:

- Approve the variance to reduce the right-of-way distance from 50 ft (25 ft from centerline) to existing conditions as shown on the survey because the dedication would move the lot line too close to the existing house.

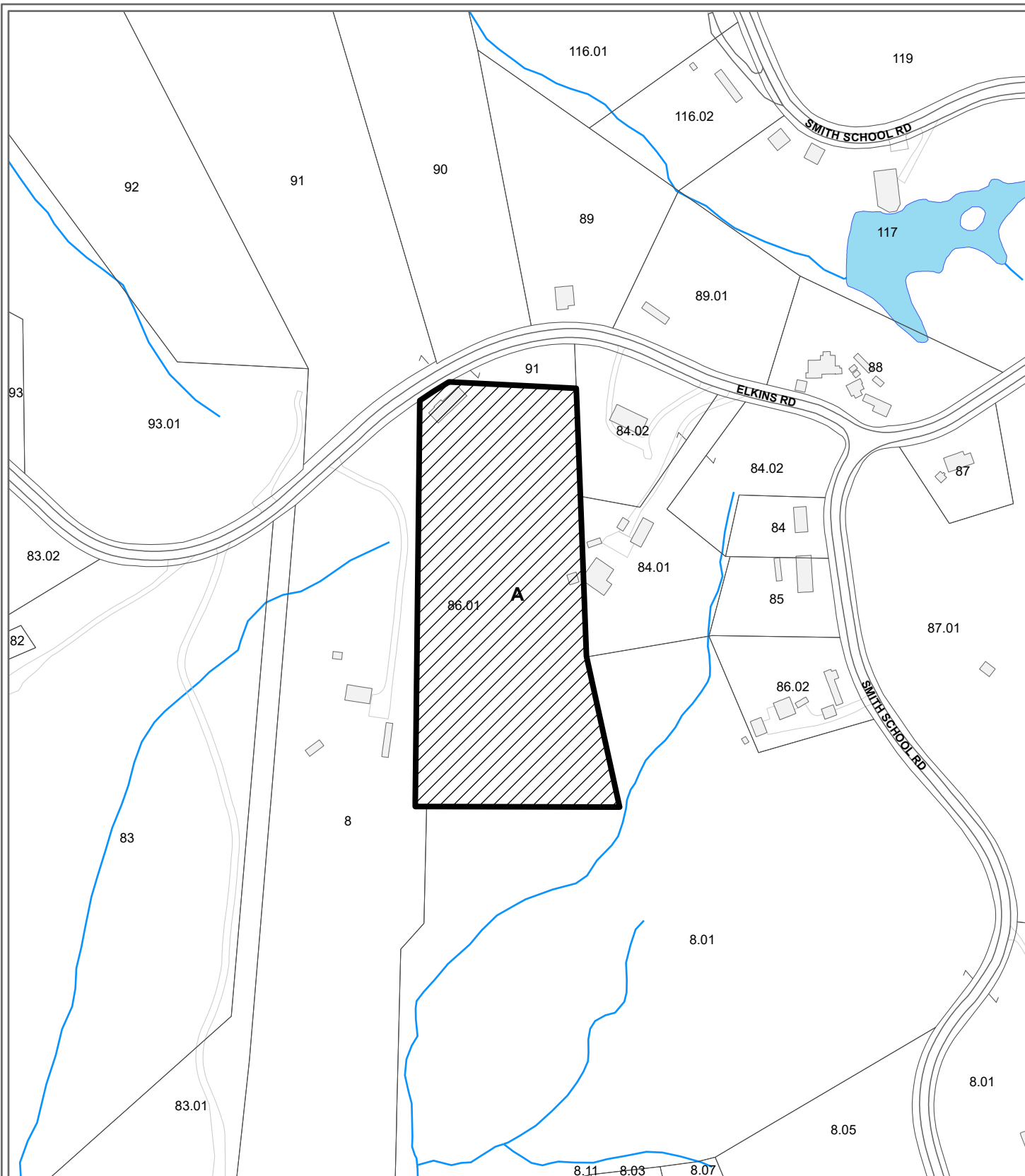
Approve the subdivision plat because it is otherwise in compliance with the subdivision regulations.

COMMENTS:

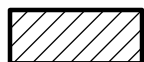
- 1) The purpose of this plat is to subdivide the parcel to create two lots out of one.
- 2) The existing property has a single-family house located fairly close to the property line. Dedication of the right-of-way would move the right-of-way line too close to the house (approximately 10 feet at the northeastern corner of the lot).
- 3) At the time this application was submitted, right-of-way dedication was required when at least one additional lot was created by the plat and the right-of-way width did not meet the minimum required for either a local road (50 ft) or for the width specified for that particular road in the Major Road Plan if the road is classified as a collector or arterial. Elkins Road is a local road, so a distance of 25 ft to the centerline of the road would be required. The distance to the centerline of Elkins Road ranges from 13.6 ft at the northeast corner of the parcel and 19.4 ft at the northwest corner of the parcel, so under the Subdivision Regulations, additional width would be required unless a variance is approved.

4) Since the time of this plat application, TN state law has changed regarding the dedication of land to a municipality. There must now be an "essential nexus" between the dedication requirement and the proposed plan. The variance would still be required for this plat because the law in place at the time of the application is the law that guides the proposal throughout the Planning Commission process. In applying the new state law to the proposed plat, staff finds this would not meet the essential nexus and would not be required. This is another reason supporting approval of the variance.

Knoxville-Knox County Planning Commission's approval or denial of this request is final, unless the action is appealed to Knox County Chancery Court. The date of the Knox County Chancery Court appeal hearing will depend on when the appeal application is filed.



7-SA-22-F
FINAL SUBDIVISION PLAT



Final Plat For: Gary Joe Vaught Property

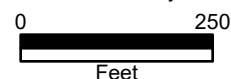
Original Print Date: 6/8/2022
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Lovin / MBI Properties, H. Wade

Map No: 87

Jurisdiction: County



THIS DOCUMENT IS THE PROPERTY OF MBI COMPANIES INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MBI COMPANIES INC.

Certificate of Approval of Subsurface Sewage Disposal

This is to certify that this subdivision is generally suitable for subsurface sewage disposal systems, and this is to notify that all lots are subject to Sections 65-73-401 thru 65-73-412 of the Tennessee Code, Annotated, and the regulations promulgated therefor.

Knox County Health Department _____ Date _____

Certificate of Approval of Public Water System - Minor Subdivision

This is to certify that the subdivision shown herein is approved subject to the installation of a public water system, and that such installation shall be in accordance with State and local regulations. It is the responsibility of the property owner to verify with the Utility Provider the suitability of water systems in the vicinity of the subject and to pay for the installation of the required connections.

Utility Provider _____

Authorized Signature for Utility _____ Date _____

Owner Certificate for Public Sewer and Water System - Minor Subdivision

I, the undersigned owner(s) of the property shown herein understand that it is our responsibility to verify with the Utility Provider the suitability of public sewer and water systems in the vicinity of the subject and to pay for the installation of the required connections.

Owner(s) Printed Name: Gary Joe Vaught

Signature(s): _____

Date: _____

Taxes and Assessments

This is to certify that all property taxes and assessments due on this property have been paid.

Knox County Treasurer: _____ Date: _____

Addressing Department Certification

I, the undersigned, hereby certify that the subdivision name and all street names conform to the Knoxville/Knox County Street Naming and Addressing Ordinance, the Administrative Rules of the Planning Commission, and these regulations.

Signat: _____

Date: _____

Knox County Department of Engineering and Public Works

The Knox County Department of Engineering and Public Works hereby approves this plat on the _____ day of _____, 20____.

Engineering Director: _____

Zoning Certification

Zoning Shown on Official Map _____

Date: _____

Planning Commission Certification of Approval for Recording - Final Plat

This is to certify that the subdivision plat shown herein has been found to comply with the Subdivision Regulations of Knoxville and Knox County and with existing official plans, with the exception of any variances and waivers noted on this plat and in the minutes of the Knoxville-Knox County Planning Commission on this _____ day of _____, 20____, and that the record plat is hereby approved for recording in the office of the Knox County Register of Deeds. Pursuant to Section 15-3-402 of Tennessee Code, Annotated, the approval of this plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the City of Knoxville or Knox County of the dedication of any street or other ground upon the plat.

Signat: _____

Certification of Final Plat - All Indicated Markers, Monuments and Benchmarks Set

I, the undersigned, being a registered land surveyor licensed to practice surveying under the laws of the State of Tennessee, I further certify that this plat and accompanying drawings, documents, and statements conform to the best of my knowledge, to all applicable provisions of the Knoxville/Knox County Subdivision Regulations except as herein amended, described and justified in a report filed with the Planning Commission, or for variances and waivers which have been approved as described on the final plat. The indicated permanent reference markers and monuments, benchmarks and property monuments were in place on this _____ day of _____, 20____.

Registered Land Surveyor

Tennessee License No. 2151

Date: _____

Certificates of Ownership and General Dedication

I, the undersigned owner(s) of the property shown herein, hereby adopt this as my (our) plan of subdivision and dedicate the streets as shown to the public use forever and hereby certify that I (am, we are) the owner(s) in fee simple of the property, and as property owner(s) have an unrestricted right to dedicate right-of-way and/or grant easement as shown on this plat.

Owner(s) Printed Name: Gary Joe Vaught

Signature(s): _____

Date: _____

Certificate of Exclusive Private Dedication of Easement

I, the undersigned owner(s) of tax map 87 parcel 081 shown herein, hereby adopt this as my (our) plan of subdivision and dedicate the easement as shown to the Exclusive Private use forever and hereby certify that I (am, we are) the owner(s) in fee simple of the property, and as property owner(s) have an unrestricted right to dedicate right-of-way and/or grant easement as shown on this plat.

Owner(s) Printed Name: Gary Joe Vaught

Signature(s): _____

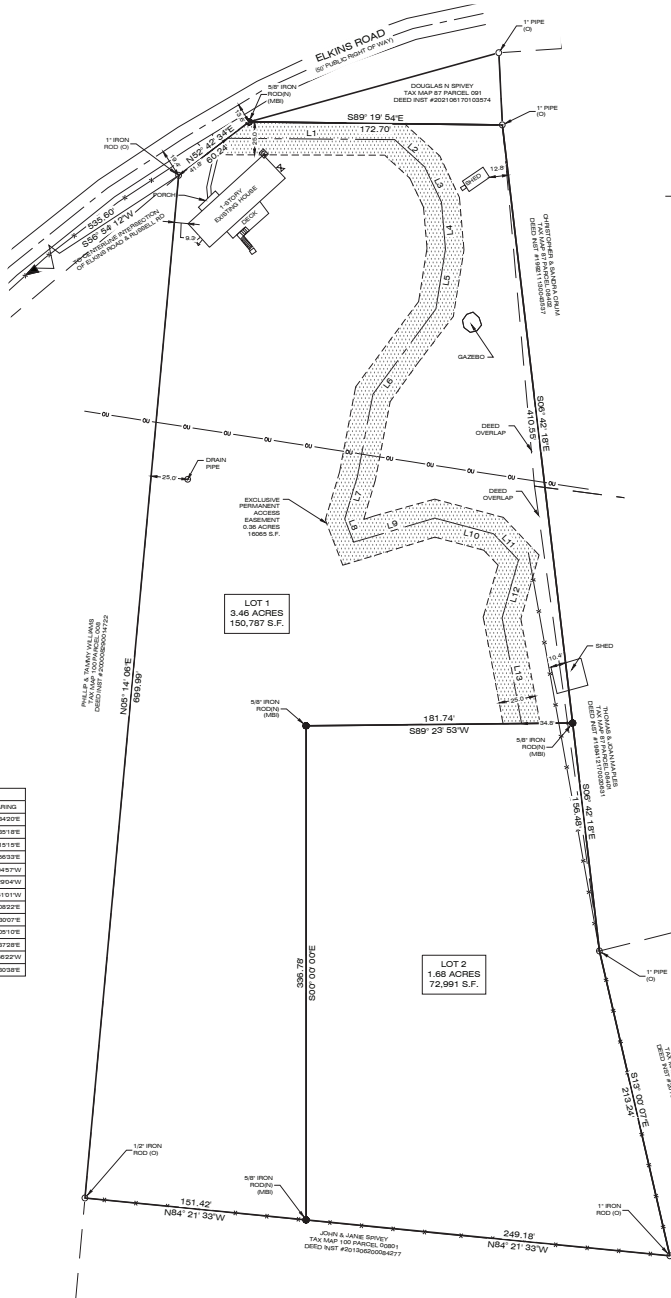
Date: _____

Owner(s) Printed Name: _____

Signature(s): _____

Date: _____

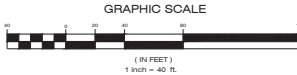
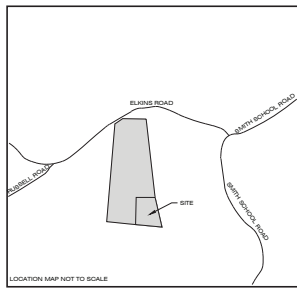
LINE	LENGTH	BEARING
L1	114.02	S89°42'00"E
L2	27.61	S47°38'18"E
L3	26.55	S25°15'15"E
L4	32.58	S04°48'25"E
L5	41.25	S39°54'57"W
L6	72.24	S39°29'45"W
L7	30.33	S16°41'01"W
L8	16.86	S21°09'22"E
L9	57.75	N72°30'00"E
L10	41.41	S79°05'10"E
L11	24.74	S43°37'28"E
L12	41.05	S19°56'22"W
L13	73.21	S10°30'38"E



WAIVER APPROVED BY CITY ENGINEERING

- (1) A waiver was granted by Knox County for a reduction in the established Utility and Drainage Easement from 25 feet to 5.3 feet on the western lot line of Lot 1.
- (2) A waiver was granted by Knox County for a reduction in the established Utility and Drainage Easement from 25 feet to 5.3 feet on the eastern lot line of Lot 1.

- legend**
- monument (old)
 - monument (new)
 - electric meter
 - overhead utility line
 - barbed wire fence



GENERAL NOTES

- (1) The purpose of this plat is to subdivide into two tracts.
- (2) Verify exact size, depth and location of all underground utilities prior to construction.
- (3) Property subject to all applicable easements, setback and restrictions of record.
- (4) Verify current zoning with appropriate government planning agency prior to any site design and/or construction.
- (5) This survey plat does not warrant title.
- (6) Horizontal coordinates are on TN State Grid (NAD83-2011), with elevations on NAVD83. Distances have not been reduced to grid.
- (7) By graphic plotting, this property lies in Zone X on FEMA Panel #47090C032F, which bears an effective date of 5/2007, and is not in a special flood hazard area.
- (8) The required utility and drainage easement shall be ten (10) feet in width inside all exterior lot lines adjoining streets and private rights-of-way (including Joint Permanent Easements). Easements of five (5) feet in width shall be provided along both sides of all interior lot lines and on the inside of all other exterior lot lines (except as modified by the subdivision waiver).
- (9) This survey indicates a possible property boundary encroachment. It has not been addressed by plat revising agencies. Owners are responsible for resolving property boundary conflicts.
- (10) This plat was previously submitted as file number: 2-U-22.
- (11) On July 14th 2022, a variance was granted by Knoxville/Knox County Planning Commission for a reduction in required right of way width from 30' to 15.60' from the centerline of Elkins Rd.
- (12) Sight distance on the intersection public road meets the Subdivision Regulations, Section 3.04(a)(5).
- (13) The approval of this plat does not increase any zoning non-conformities for the existing structures on the property nor does it change the non-conforming status of the existing structures. Documentation as to the legal status of the structures or variances from the Board of Zoning Appeals may be required at some time later for permit applications or other development approvals.
- (14) A request for approval of a 16,086 square foot Exclusive Access Easement providing legal access for Lot 2 to Elkins Road has been submitted to Knox County Land Surveyor for approval.
- (15) Total Lots = 2
- (16) Total Area = 5.14 acres / 223,779 S.F. (Does not include easement area)

UTILITY INFORMATION

- (1) Utility information as shown on this survey is represented by a combination of available maps and features evident during the field survey only.
- (2) Verify exact size, depth and location of all underground utilities prior to design and/or construction.
- (3) Notify Tennessee One-Call System, Inc. for underground utility location before you dig.

ZONING INFORMATION

- (1) Property is zoned A Agriculture.
- (2) Verify full zoning regulations by contacting:
- (3) KNOXVILLE-KNOX COUNTY PLANNING
Suite 405, City/County Building
400 Main Street
Knoxville, Tennessee 37902
Phone (865) 215-2500
contact@knoxplanning.org

PRELIMINARY NOT FOR CONSTRUCTION, RECORD PURPOSES, OR IMPLEMENTATION

SURVEYOR'S CERTIFICATION

Certification of Category and Accuracy of Survey

- I hereby certify that this is a Category 1 survey and the ratio of precision of the unaudited survey is not less than 1 : 10,000 as shown hereon.
- I hereby certify that this survey was prepared in compliance with the current edition of the Rules of Tennessee State Board of Examiners for Land Surveyors - Standards of Practice.

A portion of the subject property was surveyed with RTK GPS observations using survey grade GPS receivers and conforms to redundancy and accuracy required to comply with rules set forth by Tennessee State Board of Land Surveyors and Tennessee Code Annotated chapter 62.

Registered Land Surveyor: H. Wade Lott

Tennessee License No. 2151

Date: _____



MBI

MBI COMPANIES INC.
299 N. WESGARDER ROAD
KNOXVILLE, TN 37913
PHONE: (865) 584-5000
FAX: (865) 584-5213
WEB: www.mbi-inc.com

817
Know what's below.
Call before you dig.
In Tennessee call 811 or 1-800-251-1111

OWNER
GARY JOE VAUGHT
2107 ELKINS ROAD
KODAK, TN
37844
865-300-4864

OWNER
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2107 ELKINS ROAD
KODAK, TN
37844
865-300-4864

FINAL PLAT OF

Knox County, TN
Civil District: S8

See Record 6:
Map 87 Parcel 081
Deed Plat for #15840420011511

Plat Ref (s):

Crew Chief: B. Satterfield
Drawn By: L. Phillips
Appvd By: W. Lott

Field date: 11-16-21
Drawing date: 1-5-22
Last Revision: 6-13-22

Scale: 1" = 40'

Job No: 210845

SHEET NO:

1 OF 1

VARIANCES/ALTERNATIVE DESIGN STANDARDS REQUESTED



1. Reduction of right of way distance as stated in Major Road Plan of 60' (30' from centerline) to existing conditions as shown on survey.

Justify request by indicating hardship: The subject property has preexisting nonconformities to current Knox County development standards. The institution of right of way dedication to meet the minimum of 30' from centerline will place the existing development on the property within seven feet of the public right of way.

2. _____

Justify request by indicating hardship: _____

3. _____

Justify request by indicating hardship: _____

4. _____

Justify request by indicating hardship: _____

5. _____

Justify request by indicating hardship: _____

6. _____

Justify request by indicating hardship: _____

7. _____

Justify request by indicating hardship: _____

I certify that any and all requests needed to meet regulations are requested above, or are attached. I understand and agree that no additional variances can be acted upon by the legislative body upon appeal and none will be requested.

Signature

Date



Development Request

DEVELOPMENT

- ☐ Development Plan
- ☐ Planned Development
- ☐ Use on Review / Special Use
- ☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
- ☒ Final Plat

ZONING

- ☐ Plan Amendment
 - ☐ SP
 - ☐ OYP
- ☐ Rezoning

H Wade Lovin

Applicant Name

Affiliation

5/18/22

7/14/2022

Date Filed

Meeting Date (if applicable)

File Number(s)

7-SA-22-F
(formerly 2-U-22)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- ☐ Applicant
- ☐ Owner
- ☐ Option Holder
- ☒ Project Surveyor
- ☐ Engineer
- ☐ Architect/Landscape Architect

Wade Lovin

MBI Companies

Name

Company

299 N Weisgarber Rd

Knoxville

TN

37919

Address

City

State

ZIP

865-584-0999

wadel@mbicompanies.com

Phone

Email

CURRENT PROPERTY INFO

Gary Joe Vaught

2107 Elkins Road Kodak, TN 37764

Owner Name (if different)

Owner Address

Owner Phone

2107 Elkins Road Kodak, TN 37764

Map 087 Parcel 086.01

Property Address

Parcel ID

KUB

KUB

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

S of Elkins Rd, W of Smith School Rd

5.14 acres

General Location

Tract Size

8

A

RR

☐ City ☒ County

District

Zoning District

Existing Land Use

East County

Ag. HP

Rural Area

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST

- ☐ Development Plan ☐ Use on Review / Special Use ☐ Hillside Protection COA
☐ Residential ☐ Non-Residential

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Vaught Property

Proposed Subdivision Name

2

Unit / Phase Number ☐ Combine Parcels ☐ Divide Parcel

Total Number of Lots Created

☒ Other (specify)

This plat, File #2-U-22, requires variance for right-of-way dedication.

☐ Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST

☐ Zoning Change

Proposed Zoning

☐ Plan Amendment Change

Proposed Plan Designation(s)

Pending Plat File Number

Proposed Density (units/acre)

Previous Rezoning Requests

☐ Other (specify) _____

STAFF USE ONLY

PLAT TYPE

☐ Staff Review ☒ Planning Commission

ATTACHMENTS

☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

- ☐ Design Plan Certification (*Final Plat*)
☐ Use on Review / Special Use (*Concept Plan*)
☐ Traffic Impact Study
☐ COA Checklist (*Hillside Protection*)

Fee 1

0207

\$250

Fee 2

Fee 3

Total

\$250
(rest of
fee paid
2/14)

AUTHORIZATION

By signing below, I certify I am the property owner, applicant or the owners authorized representative.

H. Wade Lovin

Digitally signed by H. Wade Lovin

H Wade Lovin

Applicant Signature

Please Print

Date

865-584-0999

wadel@mbicompanies.com

Phone Number

Email

Erin Kelbly

swm 5/20/2022

Staff Signature

Please Print

Date