



# SUBDIVISION REPORT - FINAL PLAT

► **FILE #:** 7-SD-22-F

**AGENDA ITEM #:** 46

**AGENDA DATE:** 7/14/2022

► **SUBDIVISION:** RESUBDIVISION OF WHITE'S PARK PLACE ADDITION, LOTS 30, 31, AND PART OF 32

► **APPLICANT/DEVELOPER:** MARTIN FIGURA / FIGURA LAND SURVEYING

OWNER(S): Subtext Living

TAX IDENTIFICATION: 108 C H 011, 012, 013, & 014

[View map on KGIS](#)

JURISDICTION: City Council District 1

STREET ADDRESS: 1905 1909, 1911, & 1915

► **LOCATION:** North side of Lake Avenue, bounded by Montcastle Street and Nineteenth Street

SECTOR PLAN: Central City

GROWTH POLICY PLAN: N/A (within City limits)

WATERSHED: Third Creek

► **APPROXIMATE ACREAGE:** 29,414 square feet

► **NUMBER OF LOTS:** 1

► **ZONING:** CU-1 (Cumberland Avenue)

SURVEYOR/ENGINEER: Martin Figura - Figura Land Surveying

► **VARIANCES REQUIRED:**

- 1) Reduce the utility and drainage easement under the proposed wall/structure from 10 ft to 0 ft along Lake Avenue.
- 2) Reduce the utility and drainage easement under the proposed wall/structure from 10 ft to 0 ft along Mountcastle Street.
- 3) Reduce the utility and drainage easement under the proposed building from 10 ft to 5 ft along the alley.
- 4) Reduce the utility and drainage easement under the proposed building along lot line "L5" from 5 ft to 4.3 ft.
- 5) Reduce the utility and drainage easement under the proposed building along lot line "L7" from 5 ft to 4.3 ft.

## STAFF RECOMMENDATION:

► Approve the variance to reduce the utility and drainage easements as described because the Subdivision Regulations allow some flexibility regarding U&D easements and the utility has no issues with the elimination of the U&D easements as described.

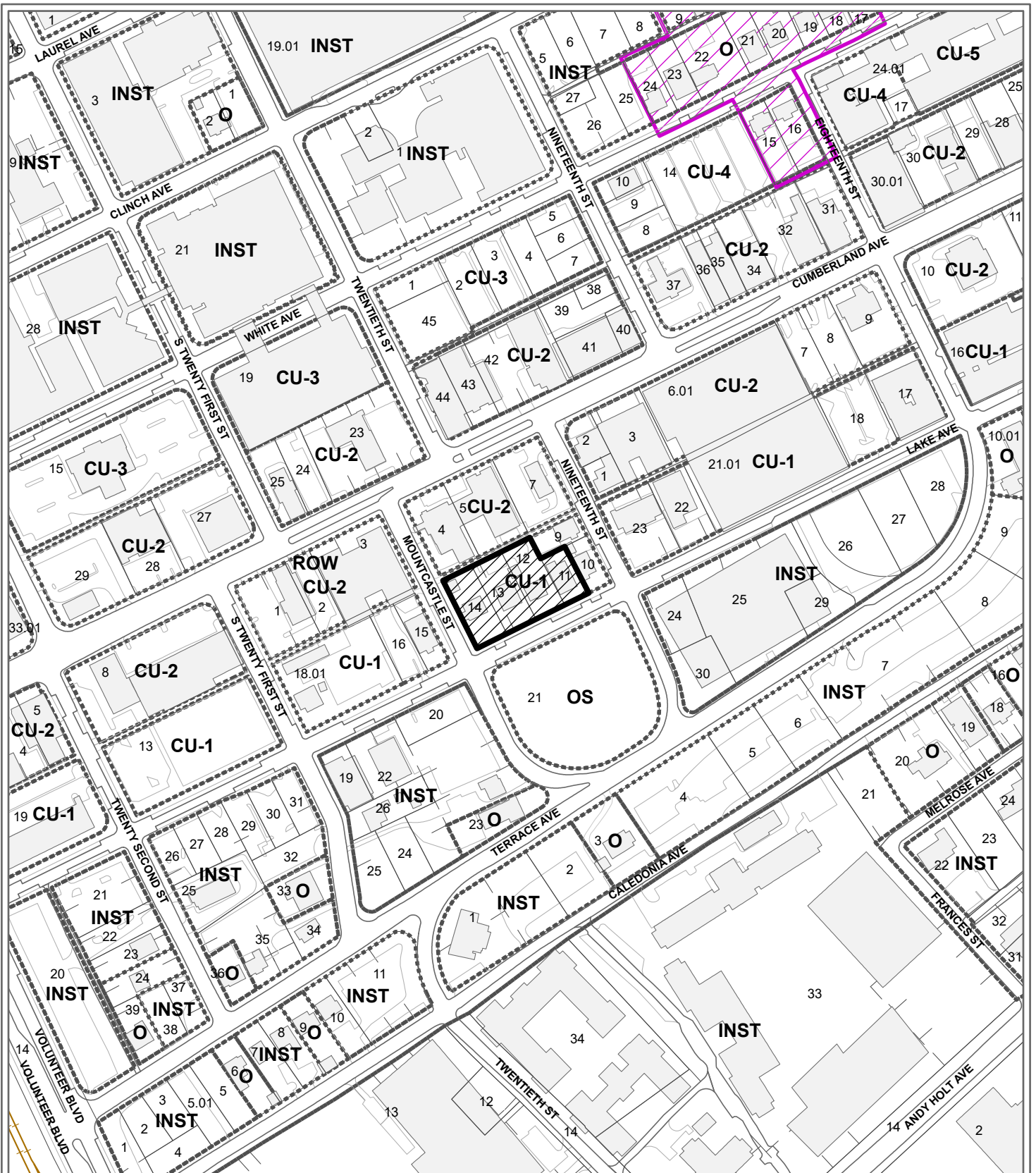
Approve the subdivision plat because it is in compliance with the subdivision regulations.

## COMMENTS:

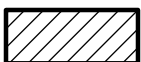
1) The purpose of this plat is to combine four existing parcels into one lot, create new 20-ft water quality easements, and abandon existing utility and drainage (U&D) easements.

- 2) Variances are needed to reduce or eliminate the U&D easements for proposed structures. The City of Knoxville's Engineering Department can issue waivers for utility and drainage easements, but only for existing structures, which is not the case with the proposed plat. The U&D easements would be retained along lot lines unless described otherwise in the variance request and approved by the Planning Commission.
- 3) The property is zoned CU-1, which requires a minimum front setback of 5 feet (applies to both the Lake Avenue and Mountcastle Street frontages), a 5' rear setback along the alley, and a 0-ft or 5-ft minimum interior side setback along the eastern lot line. This just means that a building may be built to the lot line, but if it's not, then a minimum 5-ft setback would apply.
- 4) The Subdivision Regulations recognize when zones have setbacks smaller than the typical U&D easements and allow a reduction or elimination in U&D easement area in those situations where buildings are proposed within the U&D easement areas but meet the zoning requirements.
- 5) The existing buildings and other structures would be removed with the approval of this plat and a new building constructed. See Exhibit A for the location of the proposed structure where the U&D easements would be waived if approved. The proposed building is set back farther from the lot lines than the U&D easement, but other structures, such as sidewalks and stairs, are proposed that provide access to the building and foster connectivity. Staff finds this meets the intent of the Subdivision Regulations regarding possible U&D reductions.
- 6) KUB has no issues with allowing the reduction of the U&D easements as described.
- 7) Since the Subdivision Regulations allow some flexibility regarding U&D easements, and the utility has no issues with the elimination of the U&D easements as described, Planning staff supports the variance requests.

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-SD-22-F**  
**FINAL SUBDIVISION PLAT**



Final Plat For: Resubdivision of White's Park Place Addition, Lots 30, 31, and part of 32

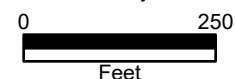
Original Print Date: 6/8/2022  
 Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Revised:

Petitioner: Figura, Martin

Map No: 108

Jurisdiction: City



UNDER CERTIFICATION ON RELEASE OF EXEMPTED

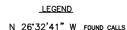
5. Will the undersigned owner(s) of the property herein hereby  
warranted that no person(s) for any reason building are not  
being released and is not responsible to verify any facts  
and that there are no persons building only on the same  
structure by the past before filing or conducting any building  
or structure.

Owner(s) Printed Name \_\_\_\_\_  
Signature(s) \_\_\_\_\_  
Date \_\_\_\_\_

CERTIFICATION OF NO RECORDED EASEMENTS

This is to certify that there are no known recorded easements or other  
interests in the land(s) being released on the subdivision plat.

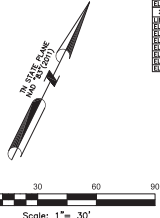
Notarized Date for Release \_\_\_\_\_  
Notarized Signature No. 102 \_\_\_\_\_  
Date 06/20/2022 \_\_\_\_\_



20' WATER QUALITY EASEMENT "A" CALLS					
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
LINE 1	N 63°50'41" E	5.50'	LINE 10	S 63°50'41" E	5.50'
LINE 2	N 63°50'22" E	5.89'	LINE 11	S 63°50'22" E	5.89'
LINE 3	N 63°50'03" E	6.28'	LINE 12	S 63°50'03" E	6.28'
LINE 4	N 63°49'44" E	6.67'	LINE 13	S 63°49'44" E	6.67'
LINE 5	N 63°49'25" E	7.06'	LINE 14	S 63°49'25" E	7.06'
LINE 6	N 63°49'06" E	7.45'	LINE 15	S 63°49'06" E	7.45'
LINE 7	N 63°48'47" E	7.84'	LINE 16	S 63°48'47" E	7.84'
LINE 8	N 63°48'28" E	8.23'	LINE 17	S 63°48'28" E	8.23'
LINE 9	N 63°48'09" E	8.62'	LINE 18	S 63°48'09" E	8.62'
			LINE 19	S 63°47'50" E	1.46'

20' WATER QUALITY EASEMENT "B" CALLS					
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
LINE 1	N 63°50'41" W	20.00'	LINE 10	S 63°50'41" E	20.00'
LINE 2	N 63°50'22" W	5.77'	LINE 11	S 63°50'22" E	15.84'
LINE 3	N 63°50'03" W	11.54'	LINE 12	S 63°50'03" E	4.18'
LINE 4	N 63°49'44" W	4.18'	LINE 13	S 63°49'44" E	7.75'
LINE 5	N 63°49'25" W	7.75'			

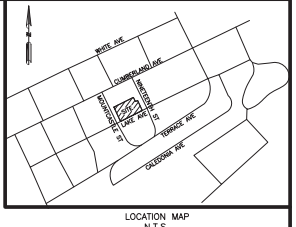
20' WATER QUALITY EASEMENT "C" CALLS					
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
LINE 1	N 63°50'41" W	16.80'	LINE 10	S 63°50'41" E	0.34'
LINE 2	N 63°50'22" W	0.34'	LINE 11	S 63°50'22" E	5.43'
LINE 3	N 63°50'03" W	5.43'	LINE 12	S 63°50'03" E	18.24'
LINE 4	N 63°49'44" W	18.24'	LINE 13	S 63°49'44" E	1.46'
LINE 5	N 63°49'25" W	1.46'			



7-SD-22-F  
6.28.22

VARIANCES APPROVED JULY 14, 2022

- 1) TO REDUCE THE UTILITY AND DRAINAGE EASEMENT, UNDER THE PROPOSED WALL, FROM 5' TO 0' ALONG THE LAKE AVE.
- 2) TO REDUCE THE UTILITY AND DRAINAGE EASEMENT, UNDER THE PROPOSED WALL, FROM 5' TO 0' ALONG THE MONTGOMERY ST.
- 3) TO REDUCE THE UTILITY AND DRAINAGE EASEMENT, UNDER THE PROPOSED STAIRWAY, ALONG THE LINE ANNOTED AS "L5" FROM 5' TO 0'.
- 4) TO REDUCE THE UTILITY AND DRAINAGE EASEMENT, UNDER THE PROPOSED STAIRWAY, ALONG THE LINE ANNOTED AS "L4" FROM 5' TO 0'.



CALL BEFORE YOU DIG! 1-800-351-1111

UTILITIES SHOWN WERE LOCATED FROM ACTUAL FIELD EVIDENCE, EXISTING UTILITY AGENCY RECORDS AND ANY OTHER AVAILABLE EVIDENCE. OTHER UTILITIES MAY EXIST AND NOT BE SHOWN OR VARY FROM WHERE SHOWN. NO GUARANTEE IS EXPRESSED OR IMPLIED AS TO THE ACTUAL LOCATION OF ANY UTILITIES SHOWN, WHICH ARE NOT VISIBLE FROM THE SURFACE.

GENERAL NOTES

- 1) PROPERTIES LIES IN THE NAME OF: VERNE KNOXVILLE LAKE, LLC  
WHICH IS OF RECORD AS INSTRUMENT 02: 00000000000000000000
- 2) BORN PIN CORNER MARKERS AT ALL LOT CORNERS, UNLESS DESIGNATED OTHERWISE.
- 3) PROPERTY IS CURRENTLY ZONED "RD-1" (CAMBERLAND AVENUE DISTRICT 1) REGARDING THE FOLLOWING SETBACKS:  
FRONT—5'  
SIDE—5' AND STREET—5'  
SIDE—INTERIOR—OR 5'  
REAR—10' TO 15' ALLEY  
MINIMUM BUILDING HEIGHT: 12'0" TO STORES  
MINIMUM BUILDING HEIGHT: 24'2" STORES
- 4) UTILITIES SHOWN WERE LOCATED FROM ACTUAL FIELD EVIDENCE, EXISTING UTILITY AGENCY RECORDS AND ANY OTHER AVAILABLE EVIDENCE. OTHER UTILITIES MAY EXIST AND NOT BE SHOWN OR BORN FROM INFERE SHOWN. NO GUARANTEE IS EXPRESSED OR IMPLIED AS TO THE ACTUAL LOCATION OF ANY UTILITIES SHOWN, WHICH ARE NOT VISIBLE FROM THE SURFACE.
- 5) UTILITY AND DRAINAGE EASEMENTS SHALL BE TEN (10) FEET IN WIDTH INSIDE ALL EXTERIOR LOT LINES, AND PRIVATE RIGHTS-OF-WAY (INCLUDING ZONED PERMANENT EASEMENTS), EASEMENTS OF FIVE (5) FEET IN WIDTH SHALL BE EXTERIOR TO THE LOT LINES, AND ALL LOT LINES AND ON THE INSIDE OF ALL OTHER EXTERIOR LOT LINES, EXCEPT AS SPECIFIED BY VARIANCES SHOWN HEREON. THESE EASEMENTS ARE NOT REQUIRED ALONG ANY ADJACENT LOT LINES FOR PROPERTY THAT IS ZONED TO ALLOW LESS THAN A FIVE (5) FOOT BUILDING SETBACK.
- 6) RECORD NUMBER REFERENCES THE TENNESSEE STATE PLAT GRID.
- 7) "ORD NORTH NAD 83 (2011)" IS BASED ON BEARING OF S 63° 35' 07" E BETWEEN CITY CONTROL MONUMENTS #1001 AND 1598. DISTANCES HAVE NOT BEEN REDUCED TO GRID DISTANCES.
- 8) THIS SURVEY INDICATES A PROPERTY BOUNDARY ENCHANCEMENT. IT HAS NOT BEEN ASSUMED THAT PLAT RECORDS OR RECORDS OWNERS ARE RESPONSIBLE FOR RESOLVING PROPERTY BOUNDARY CONFLICTS.
- 9) TOTAL NUMBERS OF LOTS = 1, TOTAL ACRES = 0.675 AC. (28,414.00 SQ. FT.)
- 10) THE PURPOSE OF THIS PLAT IS TO COMBINE FOUR EXISTING PARCELS INTO ONE LOT, TO CREATE 20' WATER QUALITY EASEMENTS, AND TO ABANDON EXISTING CURB EASEMENTS.
- 11) THE REMAINDER OF LOT 32 WAS DEEDED PRIOR TO THE ADOPTION OF THE SUBDIVISION REGULATIONS ON JULY 6, 1971. VARIANCE IS NOT REQUIRED PER SUBDIVISION REGULATIONS RULE 50.0-2-01.
- 12) THE PROPERTY OWNER(S) IS (ARE) RESPONSIBLE FOR MAINTAINING SUBDIVISION FACILITIES ON THIS INSTRUMENT. SEE COVENANTS DOCUMENT RECORDED WITH THE REGISTER OF DEEDS AS INSTRUMENT NO. \_\_\_\_\_

PLANNING COMMISSION FILE # 7-SD-22-F

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**FIGURA LAND SURVEYING**

MARTIN FIGURA R.L.S. # 2379  
1300 COLLIER RIDGE LN  
POWELL, TN 37849  
Ph: (865) 765-7599  
-mail: mfigura@figuralandsurvey.com



Michelle Portier <michelle.portier@knoxplanning.org>

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## Utility comments on reduction of the U&D easements - plat 7-SD-22-F

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**NSV Plats Mailbox** <nsvplats@kub.org>

Wed, Jul 6, 2022 at 3:47 PM

To: Michelle Portier <michelle.portier@knoxplanning.org>, NSV Plats Mailbox <nsvplats@kub.org>

Yes, KUB is good with the reduction in the U/D easements. We've already begun coordinating utility relocations with this developer as well as having most of them designed to this date. Thanks, Michelle!

---

**From:** Michelle Portier <michelle.portier@knoxplanning.org>

**Sent:** Tuesday, July 5, 2022 4:46 PM

**To:** NSV Plats Mailbox <nsvplats@kub.org>

**Subject:** Utility comments on reduction of the U&D easements - plat 7-SD-22-F

● Warning: External Sender -Please use caution when opening files, clicking links, or providing data.

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# 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

MARTIN FIGURA

Applicant Name

05/31/2022

Date Filed

07/14/2022

Meeting Date (if applicable)

Affiliation

File Number(s)

7-SD-22-F

## CORRESPONDENCE

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

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

MARTIN FIGURA

FIGURA LAND SURVEYING

Name

Company

1300 COLLIER RIDGE LN

POWELL

TN

37849

Address

City

State

ZIP

(865) 765-7599

mfigura@figuralandsurvey.com

Phone

Email

## CURRENT PROPERTY INFO

Subtext Living (SALE PENDING)

(314) 530-9582

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

1905, 1909, 1911 & 1915 Lake Ave

108C H 011, 012, 013 & 014.

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

N of Lake Ave, bounded by Mountcastle St & Nineteenth St.

General Location

29,414 ft<sup>2</sup>

Tract Size

☒ City ☐ County

\$ 9

District

CU-1

Zoning District

MF, P-QP

Existing Land Use

Central city

Planning Sector

MU-UC Cumberland

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**

TO COMBINE FOUR PARCELS INTO ONE LOT

Resub of Lots 30, 31, p/o 32  
Whites Park Place Addn

Related Rezoning File Number \_\_\_\_\_

Proposed Subdivision Name \_\_\_\_\_

1

Unit / Phase Number \_\_\_\_\_

☒ Combine Parcels☐ Divide Parcel

Total Number of Lots Created \_\_\_\_\_

☐ Other (specify) \_\_\_\_\_

FINAL PLAT - RESUBDIVISION OF LOTS 30, 31 AND PART OF 32, WHITES PARK PLACE ADDITION

☐ Attachments / Additional Requirements \_\_\_\_\_**ZONING REQUEST**☐ Zoning Change

Proposed Zoning \_\_\_\_\_

Pending Plat File Number \_\_\_\_\_

☐ Plan Amendment Change

Proposed Plan Designation(s) \_\_\_\_\_

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

0201 | 200

Fee 2

0207 | 250

Fee 3

Total

\$450

**AUTHORIZATION**

Martin Figura

Applicant Signature

MARTIN FIGURA

Please Print

05/31/2022

Date

(865) 765-7599

Phone Number

mfigura@figuralandsurvey.com

Email

Property Owner Signature

5/31/22 EK

Please Print

Date

swm / 5-31-3022

# VARIANCES/ALTERNATIVE DESIGN STANDARDS REQUESTED



1. TO REDUCE THE UTILITY AND DRAINAGE EASEMENT, UNDER THE PROPOSED WALL/STRUCTURE, FROM 10' TO 0' ALONG THE LAKE AVE.

Justify request by indicating hardship: \_\_\_\_\_

2. TO REDUCE THE UTILITY AND DRAINAGE EASEMENT, UNDER THE PROPOSED WALL/STRUCTURE, FROM 10' TO 0' ALONG THE MOUNTCASTLE ST.

Justify request by indicating hardship: \_\_\_\_\_

3. TO REDUCE THE UTILITY AND DRAINAGE EASEMENT, UNDER THE PROPOSED BUILDING, FROM 10' TO 5.0', ALONG THE ALLEY.

Justify request by indicating hardship: \_\_\_\_\_

4. TO REDUCE THE UTILITY AND DRAINAGE EASEMENT, UNDER THE PROPOSED BUILDING, ALONG THE LINE ANOTATED AS "L5", FROM 5' TO 4.3'.

Justify request by indicating hardship: \_\_\_\_\_

5. TO REDUCE THE UTILITY AND DRAINAGE EASEMENT, UNDER THE PROPOSED BUILDING, ALONG THE LINE ANOTATED AS "L7", FROM 5' TO 4.3'.

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

05/31/2022

Date