



SUBDIVISION REPORT - CONCEPT/DEVELOPMENT PLAN

▶ **FILE #:** 12-SE-23-C
12-E-23-DP

AGENDA ITEM #: 32
AGENDA DATE: 12/14/2023

▶ **SUBDIVISION:** BOTEZAT PROPERTY - MILLERTOWN PIKE

▶ **APPLICANT/DEVELOPER:** ALEXANDER BOTEZAT

OWNER(S): Alexander Botezat

TAX IDENTIFICATION: 60 021,020,022,023

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 5701 MILLERTOWN PIKE (5703, 5707, 5709 MILLERTOWN PIKE)

▶ **LOCATION:** North side of Millertown Pike, west of Mary Emily Ln.

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

WATERSHED: Love Creek

▶ **APPROXIMATE ACREAGE:** 44.87 acres

▶ **ZONING:** PR(k) (Planned Residential) up to 2.75 du/ac

▶ **EXISTING LAND USE:** Rural Residential, Agriculture/Forestry/Vacant Land, Single Family Residential

▶ **PROPOSED USE:** Detached residential subdivision

SURROUNDING LAND USE AND ZONING:
North: Agriculture/forestry/vacant land - A (Agricultural), PR (Planned Residential) up to 4 du/ac
South: Agriculture/forestry/vacant land - RB (General Residential)
East: Agriculture/forestry/vacant land, rural residential - A (Agricultural), RA (Low Density Residential), RB (General Residential), PR (Planned Residential)
West: Agriculture/forestry/vacant land, public/quasi public land - A (Agricultural)

▶ **NUMBER OF LOTS:** 89

SURVEYOR/ENGINEER: David Harbin Batson Himes Norvell & Poe

ACCESSIBILITY: Access is via Millertown Pike, a minor arterial with a 20-ft pavement width within a 50-ft of right-of-way.

▶ **SUBDIVISION VARIANCES REQUIRED:** VARIANCES
None

ALTERNATIVE DESIGN STANDARDS REQUIRING PLANNING COMMISSION APPROVAL

1) Reduce the minimum horizontal curve radius from 250 ft to 150 ft on Road 'B' at STA 17+00.

ALTERNATIVE DESIGN STANDARDS REQUIRING ENGINEERING

APPROVAL (PLANNING COMMISSION APPROVAL NOT REQUIRED)

- 1) Increase the maximum road grade at an intersection from 1% to 3% on Road 'B' from STA 0+13 to 3+00
- 2) Increase the maximum road grade at an intersection from 1% to 2% on Road 'C' from STA 0+13 to 1+50
- 3) Increase the maximum road grade at an intersection from 1% to 2% on Road 'D' from STA 0+13 to 3+06
- 4) Increase the maximum road grade at an intersection from 1% to 2% on Road 'G' from STA 0+13 to 0+50
- 5) Increase the maximum road grade at an intersection from 1% to 2% on Road 'G' from STA 1+50 to 1+85

STAFF RECOMMENDATION:

- ▶ Postpone the concept plan application until the January 11, 2024 Planning Commission meeting as requested by the applicant.

- ▶ Postpone the development plan application until the January 11, 2024 Planning Commission meeting as requested by the applicant.

COMMENTS:

This subdivision is for 89 detached residential house lots on 44.87 acres. The TIS recommends construction of a separate left-turn lane on Millertown Pike for entering vehicles at the proposed entrance.

ESTIMATED TRAFFIC IMPACT: A traffic impact study was prepared by the applicant. The findings of that study were used in formulating the recommendations of this staff report.

ESTIMATED STUDENT YIELD: 38 (public school children, grades K-12)

Schools affected by this proposal: Ritta Elementary, Holston Middle, and Gibbs High.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

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

The Planning Commission's approval or denial of this development plan request is final, unless the action is appealed either to the Board of Zoning Appeals or to a court of competent jurisdiction within thirty (30) days of the decision being appealed (Knox County, Tennessee Code of Ordinances, Appendix A, Zoning, 6.50.08).



Request to Postpone • Table • Withdraw

Botezat Property - Millertown Pike

12/6/23

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

Dec 14, 2023

Scheduled Meeting Date

12
12-SE-23-C/-E-23-DP

File Number(s)

POSTPONE

POSTPONE: All applications are eligible for postponement if the request is received in writing and paid for by noon on Thursday the week prior to the Planning Commission meeting. All requests must be acted upon by the Planning Commission, except new applications which are eligible for one 30-day automatic postponement. If payment is not received by the deadline, the item will be tabled.

SELECT ONE: 30 days 60 days 90 days

Postpone the above application(s) until the January 11, 2024 Planning Commission Meeting.

WITHDRAW

WITHDRAW: Applications may be withdrawn automatically if the request is received in writing no later than 3:30pm on Thursday the week prior to the Planning Commission meeting. Requests made after this deadline must be acted on by the Planning Commission. Applicants are eligible for a refund only if a written request for withdrawal is received no later than close of business 2 business days after the application submittal deadline and the request is approved by the Executive Director or Planning Services Manager.

TABLE

**The refund check will be mailed to the original payee.*

TABLE: Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled. There is no fee to table or untable an item.

AUTHORIZATION

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

David Harbin

Applicant Signature

Please Print

588-6472

harbin@bhn-p.com

Phone Number

Email

STAFF ONLY

Michael Reynolds

Staff Signature

Please Print

Date Paid

No Fee

Eligible for Fee Refund? Yes No

Amount:

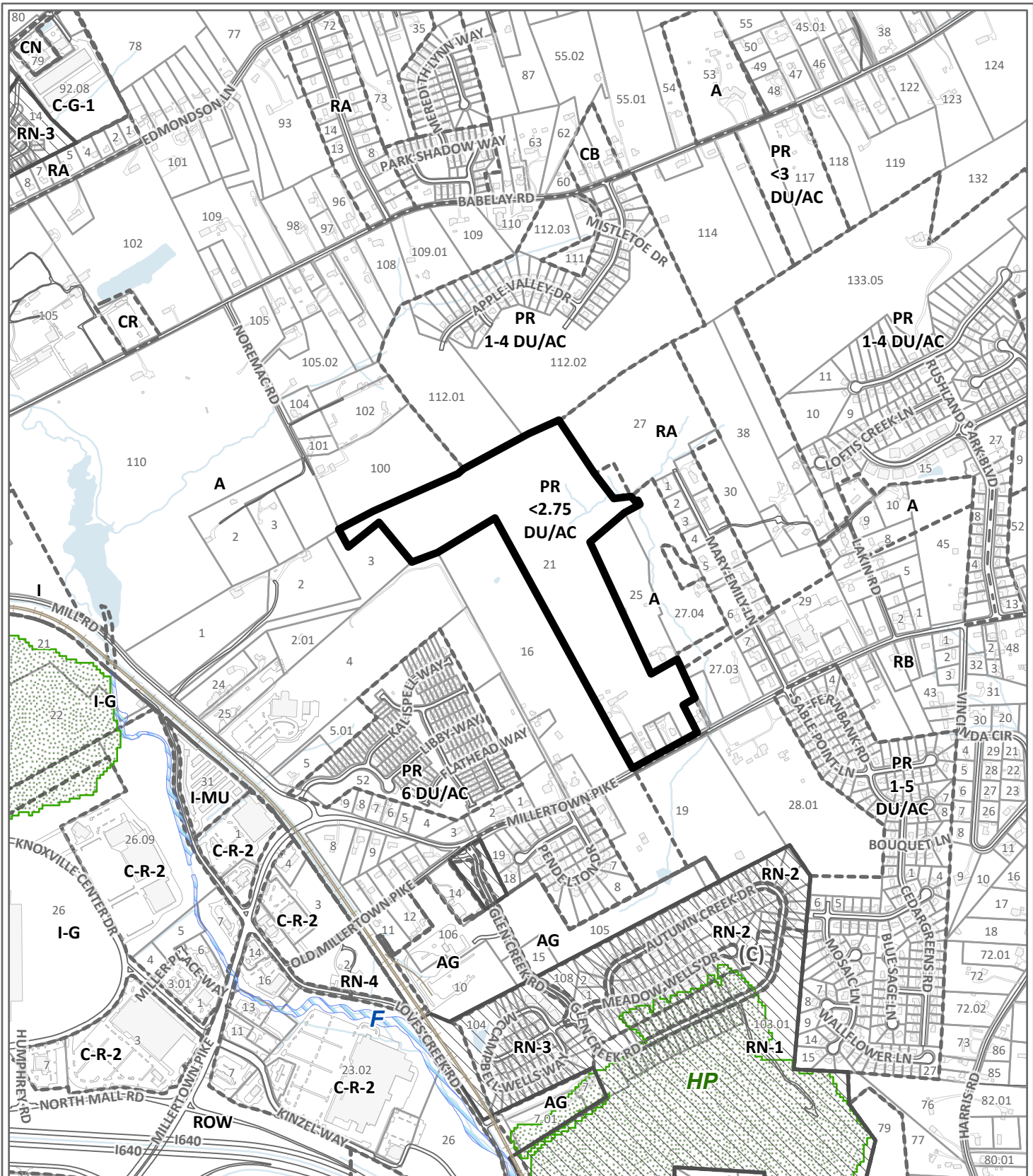
Approved by:

Date:

Payee Name

Payee Phone

Payee Address



CONCEPT PLAN / DEVELOPMENT PLAN

12-SE-23-C / 12-E-23-DP

Petitioner: Alexander Botezat



Detached residential subdivision in PR(k) (Planned Residential) up to 2.75 du/ac

Original Print Date: 11/6/2023

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Map No: 60

Jurisdiction: County

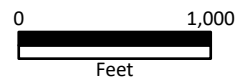
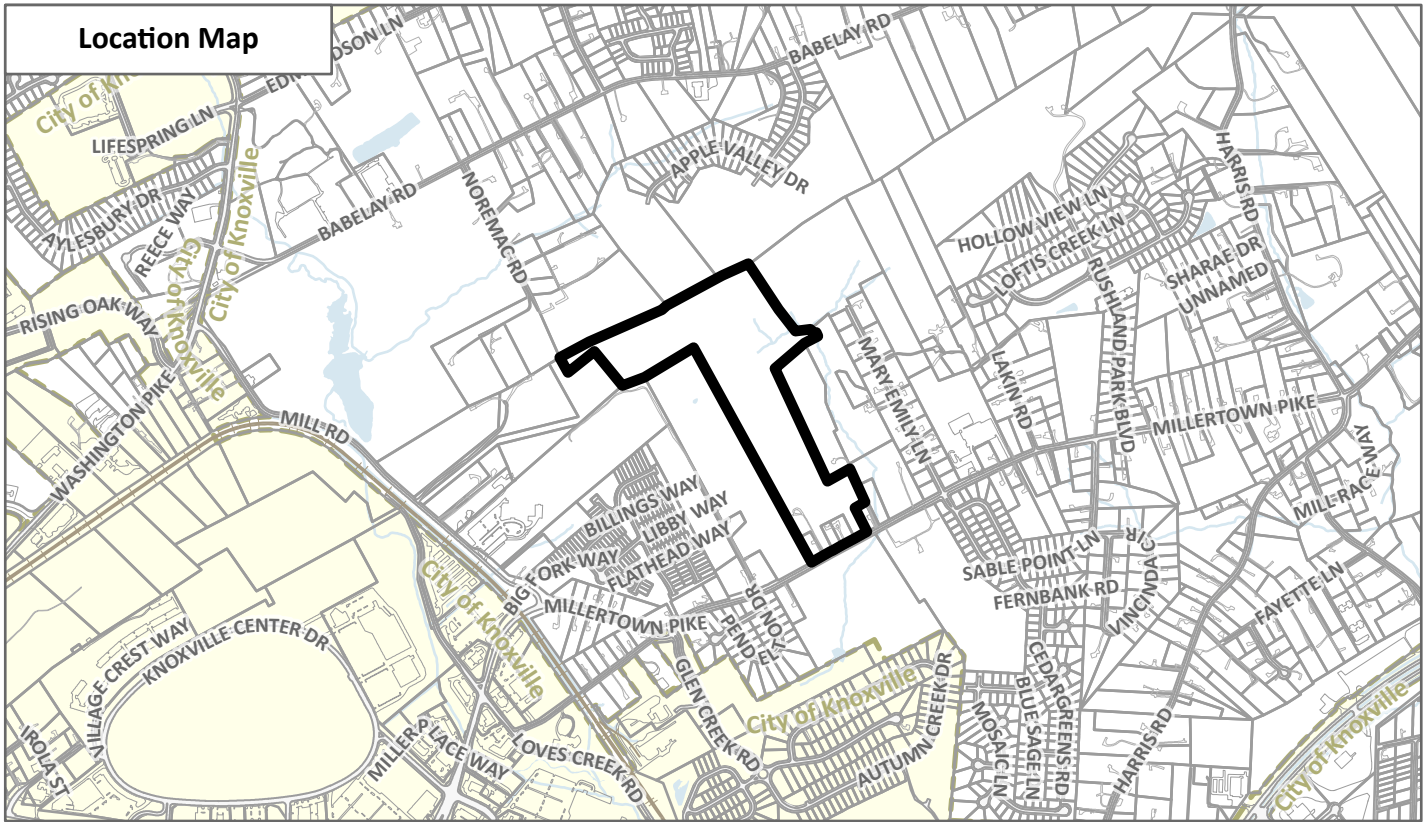
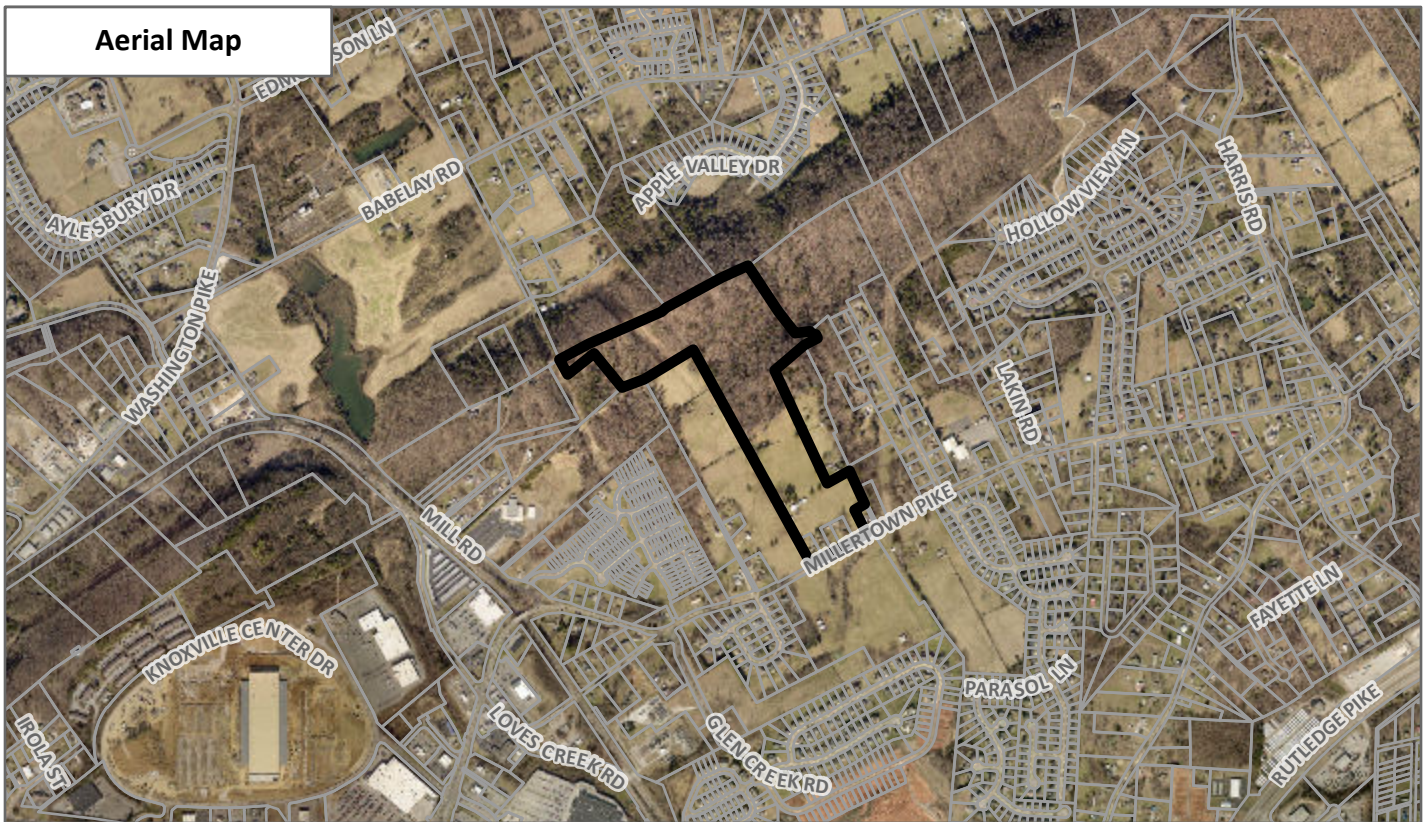


Exhibit A. Contextual Images

Location Map



Aerial Map

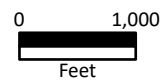


CONTEXTUAL MAPS 1

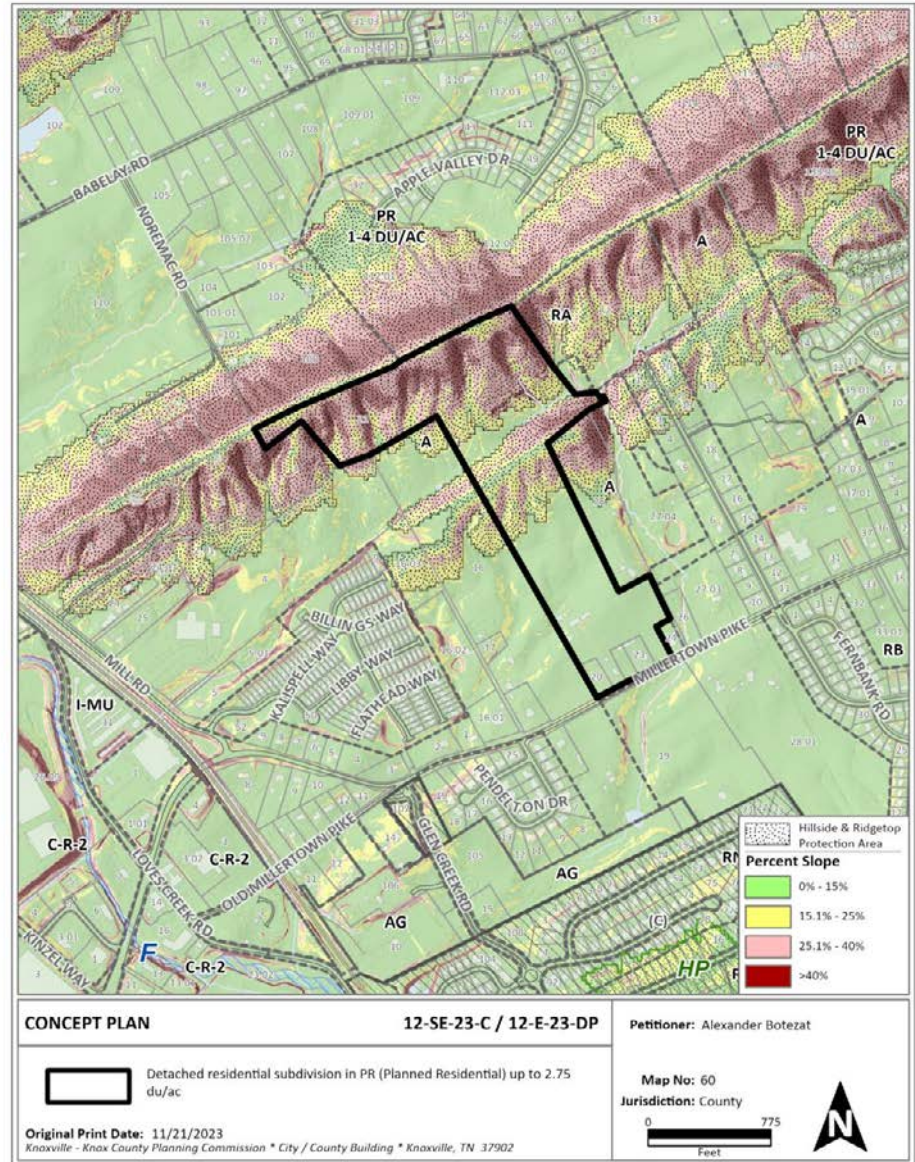
12-E-23-DP / 12-SE-23-C

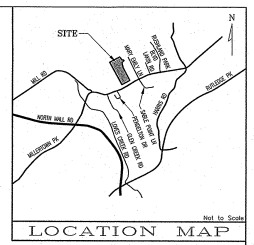
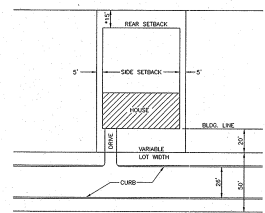
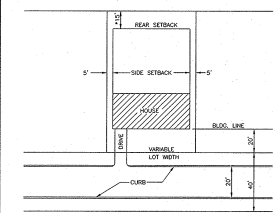
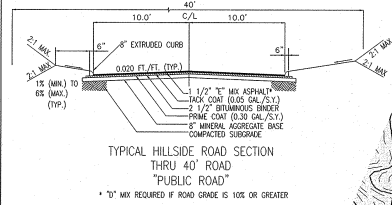
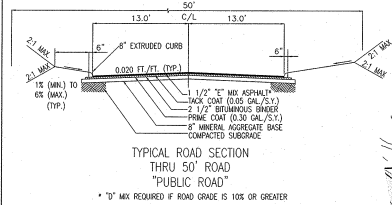
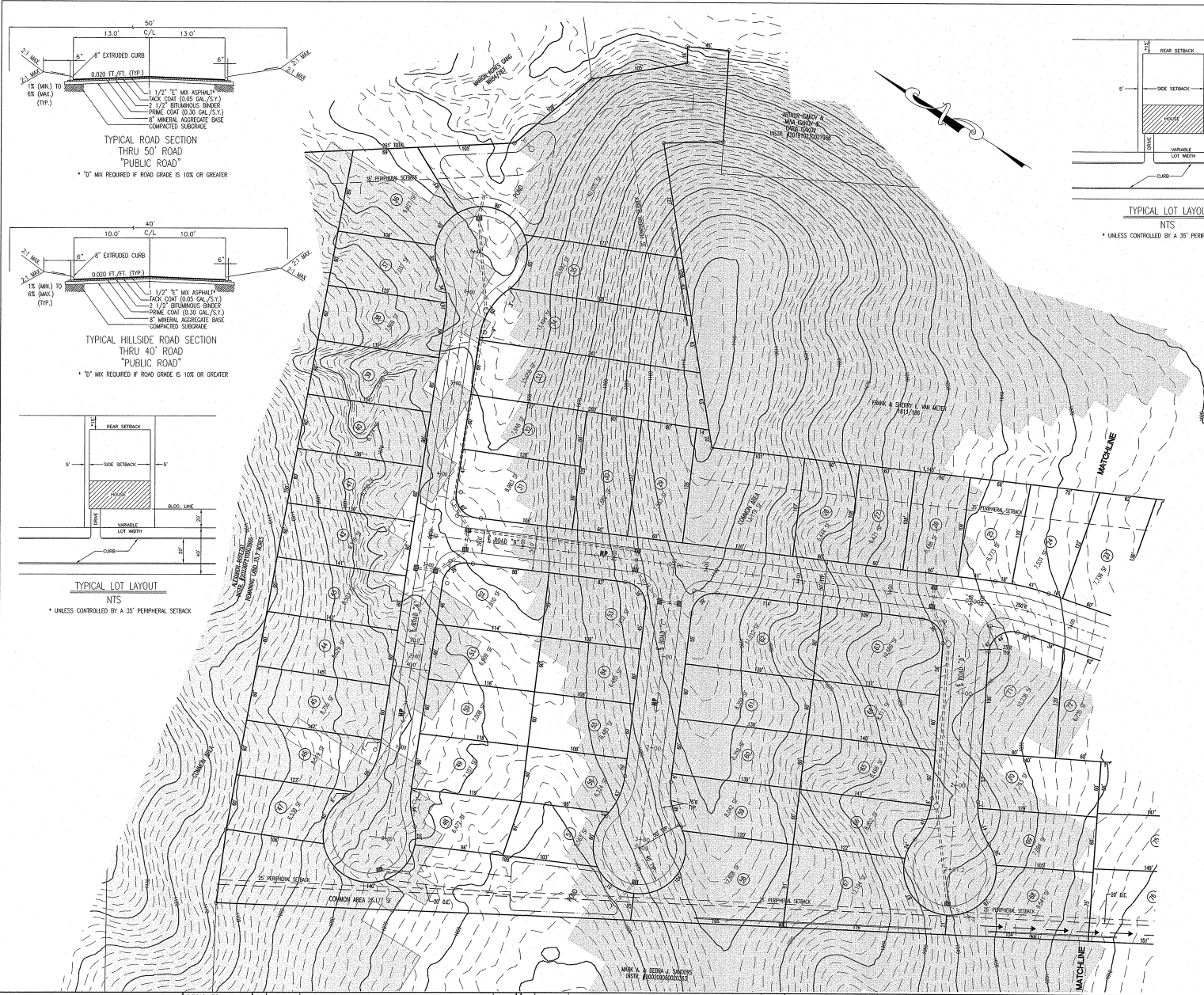


Case boundary

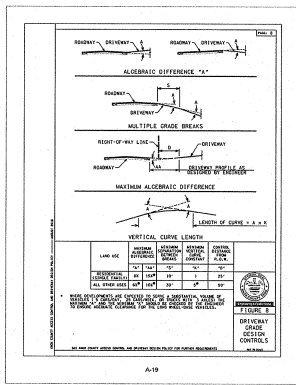


CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	45.0		
Non-Hillside	17.5	N/A	
0-15% Slope	2.1	100%	2.1
15-25% Slope	7.5	50%	3.8
25-40% Slope	11.2	20%	2.2
Greater than 40% Slope	6.7	10%	0.7
Ridgetops			
Hillside Protection (HP) Area	27.5	Recommended disturbance budget within HP Area (acres)	8.8
		Percent of HP Area	31.9%





- NOTES:
1. ALL DIMENSIONS ARE SCALED AND SUBJECT TO CHANGE ON THE FINAL PLAN.
 2. A 10' DRAINAGE UTILITY AND CONSTRUCTION EASEMENT EXISTS INSIDE ALL EXTERIOR LOT LINES AND ROAD LINES, 5' EACH SIDE OF INTERIOR ROAD LINES.
 3. A 15' UTILITY EASEMENT EXISTS 7.5' EACH SIDE OF CENTERLINE OF SANITARY SEWER AS NOTED.
 4. THIS PROPERTY CONTAINS APPROXIMATELY 44.87 ACRES SUBDIVIDED INTO 91 SINGLE FAMILY LOTS AND 5 COMMON AREA LOTS.
 5. THE PROPERTY IS ZONED PD @ 2.75 DU/AC.
 6. ALL ROAD PROFILES ARE BASED ON LEAN CONTOURS.
 7. UTILITIES: WATER: KNOXVILLE UTILITIES BOARD; SEWER: KNOXVILLE UTILITIES BOARD; ELECTRIC: KNOXVILLE UTILITIES BOARD; GAS: KNOXVILLE UTILITIES BOARD; TELEPHONE: AT&T.
 8. GEOTECHNICAL ENGINEER SHALL CERTIFY THE SLOPE STABILITY ON ALL FILL SLOPES.
 9. BUILDING SETBACKS ARE AS FOLLOWS: FRONT: 20'; REAR: 15'; A 35' PERIPHERAL SETBACK SUPERCEDES ALL OTHER SETBACKS. SEE MAP FOR LOCATIONS.
 10. EXISTING UTILITY LOCATIONS SHOWN HEREIN ARE APPROXIMATE AND ARE BASED ON AVAILABLE INFORMATION. CONTRACTOR IS RESPONSIBLE TO FIELD LOCATE ALL UTILITIES, BOTH HORIZONTALLY AND VERTICALLY PRIOR TO CONSTRUCTION.
 11. ALTERNATE DESIGN STANDARDS APPROVED BY KNOX COUNTY ENGINEERING ARE AS FOLLOWS:
 - a) ROADWAY GRADE AT INTERSECTION FROM 15 TO 23, STA. 0+13 TO STA. 0+40, ROAD "D"
 - b) ROADWAY GRADE AT INTERSECTION FROM 15 TO 23, STA. 0+13 TO STA. 1+50, ROAD "C"
 - c) ROADWAY GRADE AT INTERSECTION FROM 15 TO 23, STA. 0+13 TO STA. 1+40, ROAD "D"
 - d) ROADWAY GRADE AT INTERSECTION FROM 15 TO 23, STA. 0+13 TO STA. 0+50, ROAD "C"
 - e) ROADWAY GRADE AT INTERSECTION FROM 15 TO 23, STA. 1+40 TO STA. 1+50, ROAD "C"
 12. ALTERNATE DESIGN STANDARDS APPROVED BY KNOX COUNTY PLANNING ARE AS FOLLOWS:
 - a) ROAD "B" HORIZONTAL CURVE RADIUS FROM 250' TO 150' STA. 17+00.
 - b) VEHICULAR ACCESS FOR ALL IS LIMITED TO INTERNAL ROAD SYSTEM, EXCEPT LOT 88.
 - c) HILLSIDE DEVELOPMENT STANDARDS OF 40' OF RIGHT-OF-WAY AND 20' OF PAVEMENT WIDTH IS REQUESTED FOR ROAD "C".
 - d) GRADING WITHIN THE HILLSIDE PROTECTION AREA IS AS FOLLOWS: SOUTHERN PORTION 5.23 ACRES; NORTHERN PORTION 3.57 ACRES.



CERTIFICATION OF CONCEPT PLAN BY REGISTERED ENGINEER:
 I HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER, LICENSED TO PRACTICE ENGINEERING UNDER THE JURE OF THE STATE OF TENNESSEE. I HAVE EXAMINED THE PLANS AND SPECIFICATIONS AND TO THE BEST OF MY KNOWLEDGE, TO ALL APPLICABLE PROVISIONS OF THE ANNOUUNCEMENT CONTRACT DOCUMENTS, I HAVE FOUND THEM TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE TENNESSEE ENGINEERING BOARD AND THE TENNESSEE BOARD OF PROFESSIONAL ENGINEERS. I HAVE ALSO REVIEWED THE PLANS AND SPECIFICATIONS AND FOUND THEM TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE TENNESSEE ENGINEERING BOARD AND THE TENNESSEE BOARD OF PROFESSIONAL ENGINEERS.
 PROFESSIONAL ENGINEER: [Signature]
 TENNESSEE LICENSE NO. 11245 DATE: 11/30/23



Revised: 11/30/2023
 12-SE-23-C
 12-E-23-DP
 OWNER/DEVELOPER
 ALEXANDR BOTEZAT
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 (865) 313-5695

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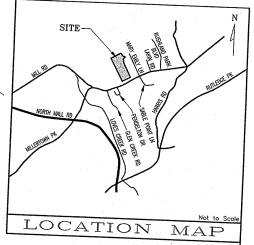
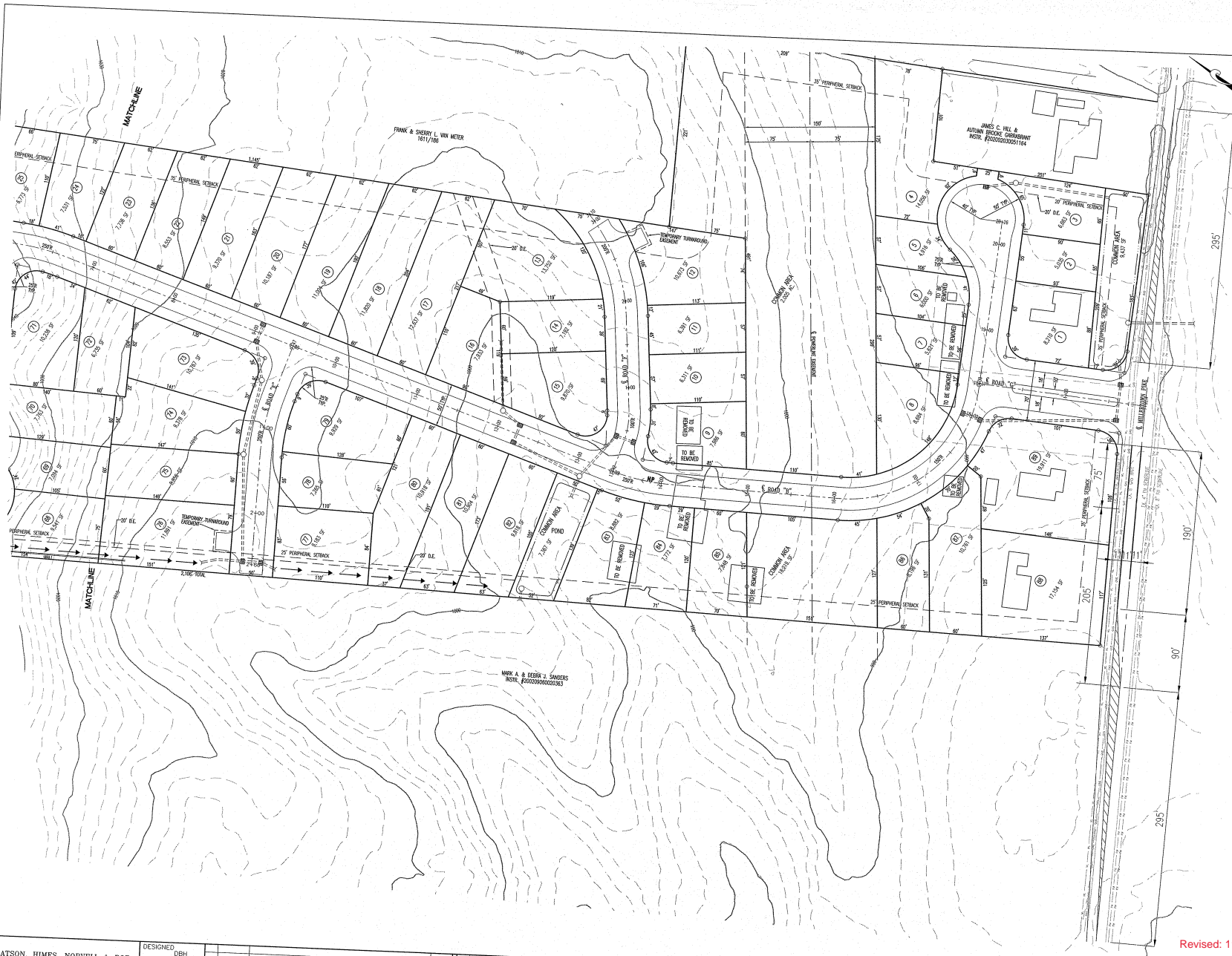
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		11/30/23							

SCALE
 HORIZONTAL: 1"=50'
 VERTICAL: 2" INTERVAL
 DATE
 10/03/23

DEED REFERENCE: INSTR. #202307210003665
 1"=50'

CONCEPT PLAN FOR
 BOTEZAT PROPERTY-MILLERTOWN PIKE
 TAX MAP 60 PARCELS 20, 21, 22 & 23
 6TH CIVIL DISTRICT, KNOX COUNTY, TENNESSEE

25500-SP1
 SHEET 1 OF 6 SHEET(S)
 O:\25500\25500-C.DWG



CERTIFICATION OF CONCEPT PLAN BY REGISTERED ENGINEER
 I, HENRY GOSBY, being that I am a REGISTERED ENGINEER, LICENSED TO PRACTICE ENGINEERING UNDER THE LAWS OF THE STATE OF TENNESSEE, I DO HEREBY CERTIFY THAT THE PLAN AND ACCOMPANYING DRAWINGS, DOCUMENTS AND STATEMENTS CONTAINED TO THE BEST OF MY KNOWLEDGE, BELIEF AND FAITHFUL OPINION, COMPLY WITH THE REQUIREMENTS OF THE TENNESSEE PROFESSIONAL ENGINEERING ACT AND THE RULES AND REGULATIONS THEREUNDER, EXCEPT AS INDICATED OTHERWISE AND DESCRIBED IN A REPORT FILED WITH THE TENNESSEE ENGINEERING BOARD.
 HENRY GOSBY
 PROFESSIONAL ENGINEER
 TENNESSEE LICENSE NO. 101245 exp. 11/30/23

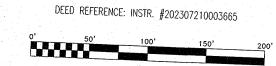


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DESIGNED	DBH	DATE	REVISION	APPR.	NO.	DATE	REVISION	APPR.
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CHECKED	DBH	11/30/23	PLANNING COMMENTS					

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 DATE
 11/30/23



DEED REFERENCE: INSTR. #202307210003665

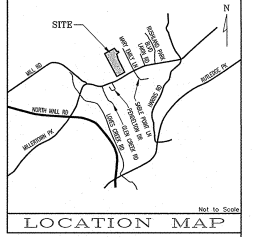
CONCEPT PLAN FOR
 BOTEZAT PROPERTY-MILLERTOWN PIKE
 TAX MAP 50 PARCELS 20, 21, 22 & 23
 6TH CIVIL DISTRICT

25500-SP2
 SHEET 2

NOTE:
THREE DAYS PRIOR TO ANY EARTHWORK
OR CONSTRUCTION CONTRACTOR MUST
CONTACT:
TENNESSEE ONE-CALL
1-800-351-1111
RECORD AND SAVE YOUR CONFIRMATION
NUMBER.

NOTE:
CONTRACTOR TO NOTIFY ENGINEER
BEFORE START OF CONSTRUCTION

NOTE:
CONTRACTOR IS RESPONSIBLE FOR
ALL TRENCH SAFETY.
CONTRACTOR SHALL SHORE AND
BRACE ALL OPEN CUT TRENCHES AS
REQUIRED BY STATE AND FEDERAL
LAWS AND LOCAL ORDINANCES; TO
CONFORM WITH RECOMMENDATIONS
SET FORTH IN ACC. MANUAL OF
ACCIDENT PREVENTION IN
CONSTRUCTION; TO PROTECT LIFE,
PROPERTY, OR WORK; TO AVOID
EXCESSIVELY WIDE CUTS IN
UNSTABLE MATERIAL.
OSHA RULES SHALL BE ABIDED BY.



12-SE-23-C / 12-E-23-DP
Revised: 11/30/2023

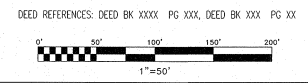


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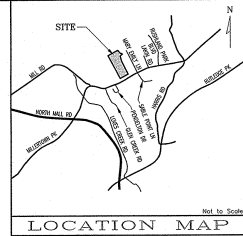
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SCALE
HORIZONTAL: 1" = 50'
VERTICAL: 2" INTERVAL
DATE
11/28/23



GRADING & DRAINAGE PLAN FOR
BOTEZAT PROPERTY - MILLERTOWN PIKE
TAX MAP 60 PARCELS 20, 21, 22 & 23
6TH CIVIL DISTRICT, KNOX COUNTY, TENNESSEE

25500-GP1
SHEET 5 OF 6 SHEET(S)
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12-SE-23-C / 12-E-23-DP
 Revised: 11/30/2023

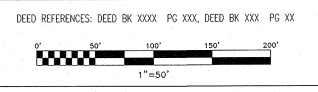


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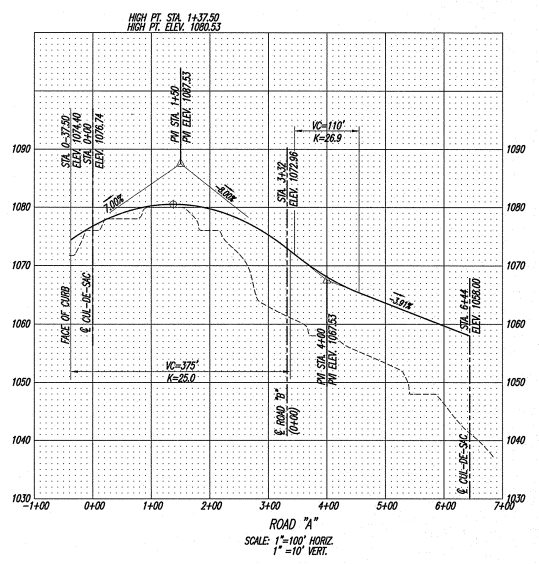
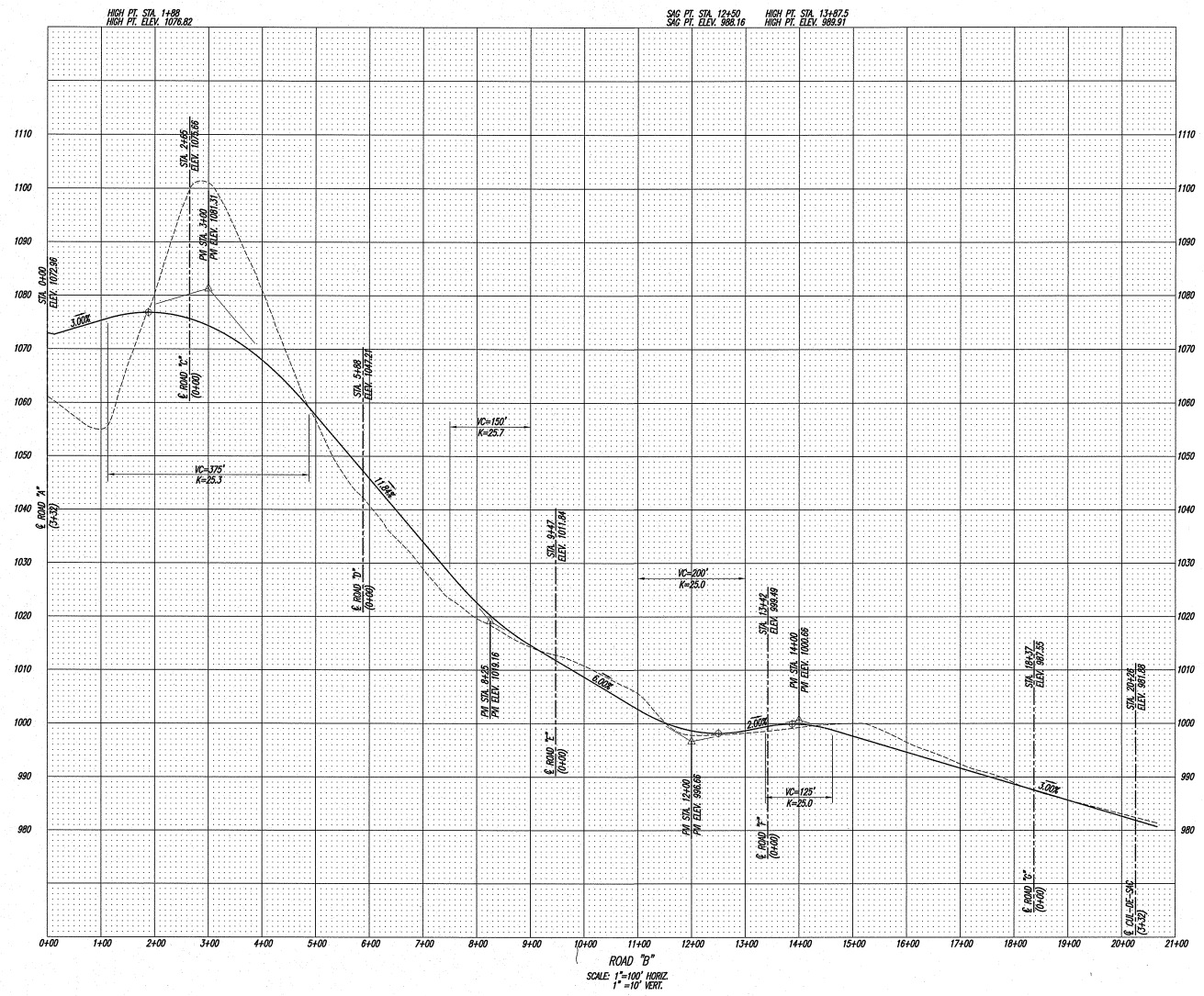
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SCALE
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 DATE
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GRADING & DRAINAGE PLAN FOR
 BOTEZAT PROPERTY-MILLERTOWN PIKE
 TAX MAP 60 PARCELS 20, 21, 22 & 23
 6TH CIVIL DISTRICT, KNOX COUNTY, TENNESSEE

25500-GP2
 SHEET 6 OF 6 SHEET(S)
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12-SE-23-C / 12-E-23-DP
 Revised: 11/30/2023

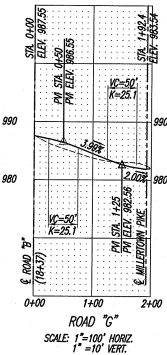
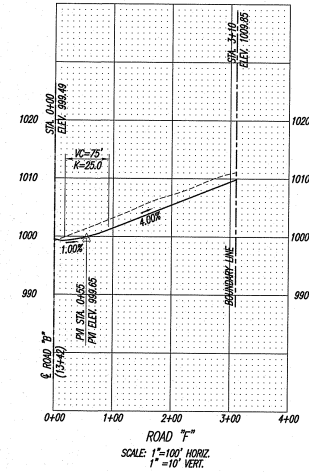
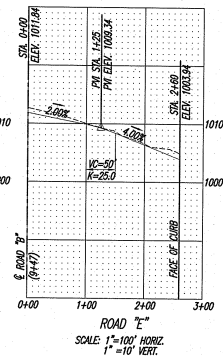
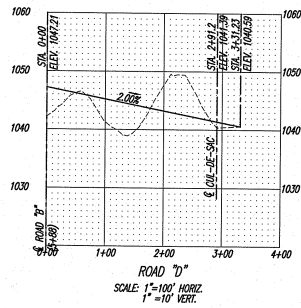
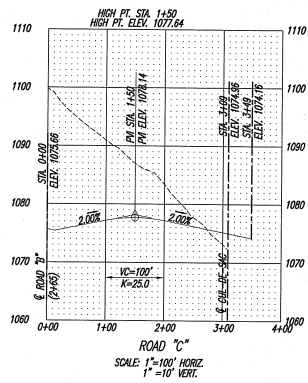
BATSON HIMES NORWELL & POE
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 PHONE: (865) 588-6472
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 email: bhnp@bhn-p.com

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CHECKED	DBH								
NO.	DATE	PLANNING COMMENTS	REVISION	APPR.	NO.	DATE	REVISION	APPR.	
1	11/30/23								

DATE
11/28/23

ROAD PROFILE FOR
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 TAX MAP 60 PARCELS 20, 21, 22 & 23
 6TH CIVIL DISTRICT, KNOX COUNTY, TENNESSEE

25500-RP1
 SHEET 3 OF 6 SHEET(S)
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12-SE-23-C / 12-E-23-CP
 Revised: 11/30/2023



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DATE
11/28/23

ROAD PROFILE FOR
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25500-RP2
 SHEET 4 OF 6 SHEET(S)
 0\25500\25500-C.DWG



Development Request

DEVELOPMENT

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

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - Sector Plan
 - One Year Plan
- Rezoning

Alexander Botezat

Applicant Name

Affiliation

10/31/2023

Date Filed

12/14/2023

Meeting Date (if applicable)

12-SE-23-C / 12-E-23-DP

File Number(s)

CORRESPONDENCE

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

David Harbin Batson Himes Norvell & Poe

Name / Company

4334 Papermill Dr Knoxville TN 37909

Address

865-588-6472 / harbin@bhn-p.com

Phone / Email

CURRENT PROPERTY INFO

Alexander Botezat

Owner Name (if different)

4317 Ball Rd Knoxville TN

Owner Address

865-313-5695

Owner Phone / Email

5701 MILLERTOWN PIKE / 5703, 5707, 5709 MILLERTOWN PIKE

Property Address

60 021,020,022,023

Parcel ID

Part of Parcel (Y/N)?

45.04 acres

Tract Size

Knoxville Utilities Board

Sewer Provider

Northeast Knox Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

North side of Millertown Pike, west of Mary Emily Ln.

General Location

City **Commission District 8 PR (Planned Residential) up to 2.75 du/ac**

Rural Residential, Agriculture/Forestry/Vacant Land, Single Family Residential

County District

Zoning District

Existing Land Use

Northeast County

Planning Sector

LDR (Low Density Residential), HP (Hillside Protection)

Sector Plan Land Use Classification

Urban Growth Area (Outside City Limit)

Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input checked="" type="checkbox"/> Development Plan <input type="checkbox"/> Planned Development <input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-residential	
Home Occupation (specify) _____	
Other (specify) _____	

SUBDIVISION REQUEST

Botezat Property - Millertown Pike	Related Rezoning File Number
Proposed Subdivision Name	
Unit / Phase Number	91 Total Number of Lots Created
Additional Information	
<input checked="" type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input type="checkbox"/> Zoning Change	Proposed Zoning	Pending Plat File Number
<input type="checkbox"/> Plan Amendment		
Proposed Plan Designation(s)		
Proposed Density (units/acre) Previous Zoning Requests		
Additional Information		

STAFF USE ONLY

PLAT TYPE

Staff Review Planning Commission

ATTACHMENTS

Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS

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

Fee 1	Total
\$3,200.00	
Fee 2	
Fee 3	

AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Applicant Signature	Alexander Botezat Please Print	10/31/2023 Date
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Phone / Email		
Property Owner Signature	Alexander Botezat Please Print	10/31/2023 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

Applicant Name Alexander Botecat Affiliation Owner

Date Filed 10/30/23 Meeting Date (if applicable) 12/14/23 File Number(s)

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

Name David Harbin Company Batson Homes

Address 4334 Papermill Dr. City Knoxville State TN ZIP 37909

Phone 588-6472 Email harbin@khn-p.com

CURRENT PROPERTY INFO

Property Owner Name (if different) Alexander Botecat Property Owner Address 4317 Ball Rd Property Owner Phone 313-5695

Property Address 5703 Hillertown Pk Parcel ID 60/20, 21, 22, 23

Sewer Provider KUB Water Provider KVB Septic (Y/N) N

STAFF USE ONLY

General Location _____ Tract Size _____

City County District _____ Zoning District _____ Existing Land Use _____

DEVELOPMENT REQUEST

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

Related City Permit Number(s)

Home Occupation (specify) _____

Other (specify) _____

SUBDIVISION REQUEST

Proposed Subdivision Name

Related Rezoning File Number

Unit / Phase Number
 Combine Parcels
 Divide Parcel

Total Number of Lots Created

Other (specify) _____

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	Total
Fee 2	
Fee 3	

AUTHORIZATION

- I declare under penalty of perjury the foregoing is true and correct:
 1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

Applicant Signature *David Harbin*

Please Print *David Harbin*

Date *10/23/23*

Phone Number *588-6472*

Email *harbin@bhn-p.com*

Property Owner Signature *[Signature]*

Please Print

Date Paid

VARIANCES

The Planning Commission may reduce or otherwise vary the requirements of the Subdivision Regulations when it finds the hardship criteria are met. In granting such variances, the Planning Commission may attach and require whatever conditions it feels are necessary to secure the basic objectives of the varied regulations. Any variance granted by the Planning Commission shall be noted in its official minutes along with the justification for granting the variance (Subdivision Regulations, Section 1.05).

Hardship conditions to be met:

1. **Conditions Required.** Where the Planning Commission finds that extraordinary hardships or particular difficulties may result from the strict compliance with these regulations, they may grant, by way of application, variations to the Subdivision Regulations, subject to specified conditions, so that substantial justice may be done and the public interest secured, provided that such variations shall not have the effect of nullifying the intent and purpose of these regulations or the comprehensive plan.
2. **Evidence of Hardship Required.** The Planning Commission shall not grant variations to the Subdivision Regulations unless they make findings based upon the evidence presented to them in each specific case that:
 - a. Because of the particular surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were adhered to.
 - b. The conditions upon which the request for a variation is based is unique to the property for which the variation is sought and is not applicable, generally, to other property, and has not been created by any person having an interest in the property.
 - c. The purpose of the variation is not based exclusively upon a desire for financial gain.
 - d. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

Variances Requested:

For each variance requested, identify the hardship that would result, as distinguished from a mere inconvenience, if the strict letter of the regulations was adhered to.

1. Variance requested:

Horizontal curve radius on Rd "B" at sta 17+00 from 250' to 150'

Identify the hardship that would result for each of the above criteria as noted in item 2 above:

- a. Shape of property lends itself to the smaller radius
- b. Request was not created by the owner.
- c. Request is not for a financial reason
- d. DOT design allows a 100'R for low volume residential roads

Engineering supports the variance requested (to be completed during review process): YES NO

Engineering Comments: _____

2. Variance requested:

Identify the hardship that would result for each of the above criteria as noted in item 2 above:

a. _____

b. _____

c. _____

d. _____

Engineering supports the variance requested (to be completed during review process): YES NO

Engineering Comments: _____

3. Variance requested:

Identify the hardship that would result for each of the above criteria as noted in item 2 above:

a. _____

b. _____

c. _____

d. _____

Engineering supports the variance requested (to be completed during review process): YES NO

Engineering Comments: _____

4. Variance requested:

Identify the hardship that would result for each of the above criteria as noted in item 2 above:

a. _____

b. _____

c. _____

d. _____

Engineering supports the variance requested (to be completed during review process): YES NO

Engineering Comments: _____

5. Variance requested:

Identify the hardship that would result for each of the above criteria as noted in item 2 above:

- a. _____
- b. _____
- c. _____
- d. _____

Engineering supports the variance requested (to be completed during review process): YES NO

Engineering Comments: _____

6. Variance requested:

Identify the hardship that would result for each of the above criteria as noted in item 2 above:

- a. _____
- b. _____
- c. _____
- d. _____

Engineering supports the variance requested (to be completed during review process): YES NO

Engineering Comments: _____

By signing this form, I certify that the criteria for a variance have been met for each request, and that any and all requests needed to meet the Subdivision 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.

David Harbin
Signature

David Harbin
Printed Name

10/25/23
Date

ALTERNATIVE DESIGN STANDARDS

The minimum design and performance standards shall apply to all subdivisions unless an alternative design standard is permitted within Article 3 Section 3.01.D. as identified below or as permitted through Article 4 Alternative Design Standards and Required Improvements (Subdivision Regulations, 3.01.D).

Alternative Design Standards Requested:

For each alternative design standard requested, identify the hardship that would result, as distinguished from a mere inconvenience, if the strict letter of the regulations was adhered to.

1. Alternative design standard requested: Road grade at an intersection from 1% to 3%
Sta 0+13 to Sta 3+00 Road "B"

Approval required by: Planning Commission Engineering

Engineering supports the variance requested (to be completed during review process): YES NO

Engineering Comments: _____

2. Alternative design standard requested: Road grade at an intersection from 1% to 2%
Sta 0+13 to Sta 4+50, Road "C"

Approval required by: Planning Commission Engineering

Engineering supports the variance requested (to be completed during review process): YES NO

Engineering Comments: _____

3. Alternative design standard requested: Road grade at an intersection from 1% to 2%
Sta 0+13 to Sta 3+06, Road "D"

Approval required by: Planning Commission Engineering

Engineering supports the variance requested (to be completed during review process): YES NO

Engineering Comments: _____

4. Alternative design standard requested: Road grade at an intersection from 1% to 2%
sta 0+13 to sta 0+50, Rd "G"

Approval required by: Planning Commission Engineering

Engineering supports the variance requested (to be completed during review process): YES NO

Engineering Comments: _____

5. Alternative design standard requested: Road Grade at an intersection from 1% to 2%
sta 1+50 to sta 1+85, Road "G"

Approval required by: Planning Commission Engineering

Engineering supports the variance requested (to be completed during review process): YES NO

Engineering Comments: _____

By signing this form, I certify that the criteria for a variance have been met for each request, and that any and all requests needed to meet the Subdivision 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

Printed Name

Date

