



SUBDIVISION REPORT - FINAL PLAT

► **FILE #:** 2-SC-23-F

AGENDA ITEM #: 30

AGENDA DATE: 2/9/2023

► **SUBDIVISION:** THE RESUBDIVISION OF THE TRACY AND JANET HAYES PROPERTY

► **APPLICANT/DEVELOPER:** EDDY GARRETT

OWNER(S): Tracy & Janet Hayes

TAX IDENTIFICATION: 53 104.04

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 1306 N. East End Rd.

► **LOCATION:** Northeast side of N. East End Rd, south of Andrew Johnson Hwy

SECTOR PLAN: East County

GROWTH POLICY PLAN: Rural Area

► **APPROXIMATE ACREAGE:** 9.05 acres

► **NUMBER OF LOTS:** 2

► **ZONING:** A (Agricultural)

SURVEYOR/ENGINEER: Eddy R. Garrett; Garrett and Associates

► **VARIANCES REQUIRED:** 1) Allow the remainder of the adjacent property to the northwest to be left without the benefit of a survey.

STAFF RECOMMENDATION:

► Approve the variance to allow the remainder of the adjacent property to the northwest to be left without the benefit of a survey because the adjacent property is under separate ownership and the applicant does not have the authority to have the property surveyed.

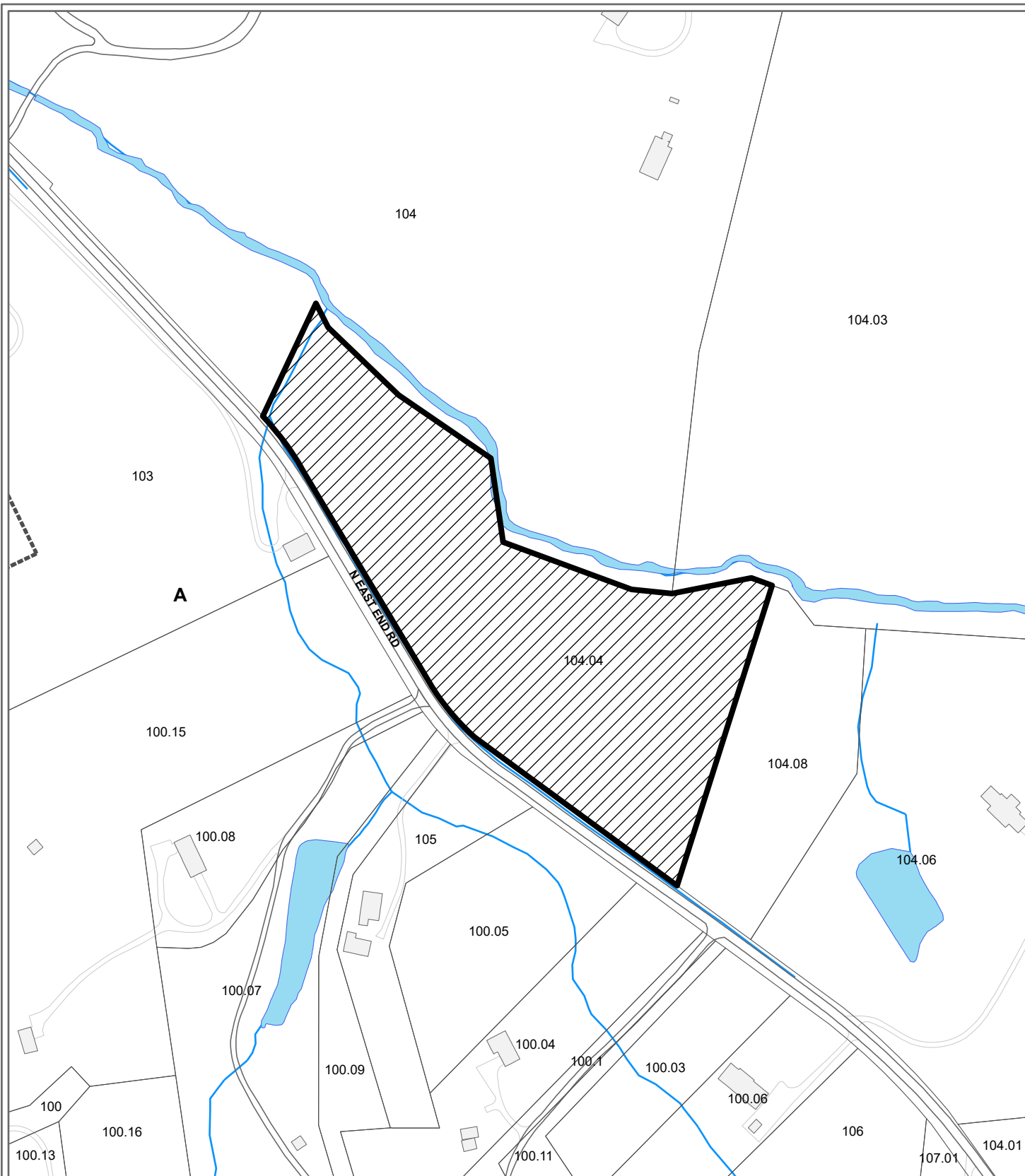
Approve the subdivision plat because it is otherwise in compliance with the Subdivision Regulations.

COMMENTS:

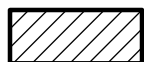
- 1) The purpose of this plat is to create two lots out of the subject property, which was last platted in 1978. That plat (Exhibit A) included the adjacent property to the northwest.
- 2) The Subdivision Regulations require for all of the parent tract being subdivided to be shown on the plat. If a new subdivision is created that does not include all of the parent tract, the remaining land still needs to be included on the plat except in cases where the remainder is over 5 acres in size (Section 2.13.A).
- 3) However, there is an exception to this rule. If the remainder is less than 5 acres and is under separate ownership as deeded before the adoption of the Subdivision Regulations on July 8, 1971 (Section 2.13.B), then it does not have to be shown on the plat.
- 4) In this case, the remainder property was deeded prior to July 8, 1971; however, the property was then platted in 1978, which negated the earlier deed. Therefore, a variance is needed to leave the remaining land without the benefit of a survey.
- 5) The remainder is under separate ownership from the subject platted property, but is under the same ownership as the property to the northeast of the subject platted property. Therefore, KGIS shows these lots as one parcel for tax purposes.

6) Since the land area of both the remainder and the adjacent northeast parcel exceeds 5 acres, Planning supports the request to leave it without the benefit of a survey.

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.



2-SC-23-F
FINAL SUBDIVISION PLAT



RESUBDIVISION OF THE TRACY AND JANET HAYES PROPERTY

Original Print Date: 1/18/2023
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Garrett, Eddy

Map No: 53
Jurisdiction: County



COUNTY OWNERSHIP/DEDICATION

KNOX COUNTY OWNERSHIP AND GENERAL DEDICATION
VME, THE UNDERSIGNED OWNER(S) OF THE PROPERTY SHOWN
HEREIN, HEREBY ADOPT THIS AS A CITY, COUNTY 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 SAMPLE 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) TYPE OUT NAME: TRACY MAC HAYES

SIGNATURE(S):

OWNER(S) TYPE OUT NAME: JANET STREVEL HAYES

SIGNATURE(S):

OWNER(S) TYPE OUT NAME:

SIGNATURE(S):

OWNER(S) TYPE OUT NAME:

SIGNATURE(S):

DATE:

OWNERS PUBLIC SEWER/WATER SUB.

Owner Certification for Public Sewer and Water Service-Minor Subdivision

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

Owners Printed Name(s):

Signature(s):

Date:

Utility Provider

Authorized Signature for Utility/Date

Certification of Approval of Public Water System --
Minor Subdivisions

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 availability of water system in the vicinity of
the lot(s) and to pay for the installation of the required
connections.

Utility Provider

Authorized Signature for Utility/Date

Certification of the Accuracy of Survey

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.

Registered Land Surveyor

Tennessee License No.1544

Date: 9/22/2022

CERTIFICATION OF FINAL PLAT - ALL INDICATED MARKERS, MONUMENTS AND
BENCHMARKS SET.

I hereby certify that I am 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
Knox/Knox County Subdivision Regulations except as has been itemized,
described and justified in a report filed with the Planning Commission, or
for variances and waivers which have been approved as identified on the
final plat. The indicated permanent reference markers and monuments,
benchmarks and property monuments were in place on the

22nd day of SEPTEMBER 2022

Registered Land Surveyor: EDDY R. GARRETT

Tennessee License No.1544

Date: 9/22/2022

PLANNING STAFF CERTIFICATION OF APPROVAL FOR RECORDING --
FINAL PLAT

THIS IS TO CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON
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 THAT THE RECORD PLAT IS HEREBY
APPROVED FOR RECORDING IN THE OFFICE OF THE KNOX COUNTY
REGISTER OF DEEDS, PURSUANT TO SECTION 13-3-405 OF THE
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.

SIGNED/DATED

THIS IS TO CERTIFY THAT ALL PROPERTY TAXES AND ASSESSMENTS
DUE ON THIS PROPERTY HAVE BEEN PAID.

SIGNED:

CITY TAX CLERK/DATE

SIGNED:

KNOX COUNTY TRUSTEE

ZONING DISTRICT(S) IN WHICH THE LAND BEING SUBDIVIDED IS
LOCATED SHALL BE INDICATED AS SHOWN ON THE ZONING MAP BY
THE PLANNING COMMISSION AS FOLLOWS:

ZONING SHOWN ON OFFICIAL
MAP:

DATE:

BY:

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.

SIGNED:

DATE:

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ADDRESSING DEPARTMENT CERTIFICATION

ENGINEERING/PUBLIC WORKS
CERTIFICATION

CERTIFICATION BY THE KNOX COUNTY DEPARTMENT OF ENGINEERING
AND PUBLIC WORKS.

THE KNOX COUNTY DEPARTMENT OF ENGINEERING AND PUBLIC
WORKS HEREBY APPROVES THIS PLAT ON

THIS THE DAY OF _____ 20____

ENGINEERING DIRECTOR

SUBSURFACE SEWAGE DISPOSAL
SYSTEMS

CERTIFICATION OF APPROVAL OF SUBSURFACE SEWAGE
DISPOSAL SYSTEMS

IN UNINCORPORATED AREAS OF KNOX COUNTY WHERE PUBLIC
SANITARY SEWERS ARE NOT AVAILABLE.

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 68-13-401
THRU 68-13-413 OF THE TENNESSEE CODE, ANNOTATED, AND THE
REGULATIONS PROMULGATED THERE TO.

KNOX COUNTY HEALTH DEPARTMENT

SIGNED:

DATE:

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ENGINEERING DIRECTOR

LEGEND

- IP IRON PIN
- (F) EXISTING MONUMENTATION FOUND
- (S) MONUMENTATION 1/2" IRON PIN SET NEW
- CP CALCULATED POINT
- WM WATER METER
- EPF ELECTRIC POLE
- SP ELECTRIC SERVICE POLE
- LOT # NEW LOT NUMBER

LOT# ORIGINAL LOT NUMBER PRIOR TO RESUB.

VARIANCE REQUESTED TO PLAT THE REMAINDER OF
THE ADJACENT LOT TO THE NORTHWEST WITHOUT
THE BENEFIT OF A SURVEY

RELEASE THE 10' U&D EASEMENTS AT THE ORIGINAL
EXTERIOR LOT LINES THAT ARE NOT ALONG A ROW(I.E.,
THE REAR/NORTHEAST LOT LINE AND THE
SIDE/SOUTHEAST LOT LINE) AND LEAVE THE STANDARD
U&D NOTE AS IS.

COUNTY - RELEASE OF EASEMENTS
EXCEPT AS NOTED OR SHOWN ON THIS PLAT, THE FOLLOWING
PARTIES HEREBY CONSENT TO THE RELEASE OF ALL RIGHTS THAT
MAY HAVE ACCRUED FOR THEIR USE AND BENEFIT IN THE UTILITY
AND DRAINAGE EASEMENTS ALONG THE ORIGINAL LOT LINES
ELIMINATED BY THIS PLAT.

THE FOLLOWING PARTIES DO NOT RELEASE ANY RIGHTS THAT MAY
HAVE ACCRUED FOR THEIR USE AND BENEFIT WHERE THERE ARE
EXISTING FACILITIES WITHIN THE PREVIOUSLY ESTABLISHED EASEMENT,
WHETHER OR NOT SHOWN ON THIS PLAT. ANY RELOCATION OF
EXISTING FACILITIES WILL BE MADE AT THE PROPERTY OWNER'S
EXPENSE. IF THE FACILITIES ARE RELOCATED, THE EASEMENT
RIGHTS WILL BE RELEASED.

KNOX COUNTY DEPARTMENT OF ENGINEERING AND PUBLIC WORKS

SIGNED:

DATE:

WATER:

SIGNED:

DATE:

SEWER:

SIGNED:

DATE:

ELECTRIC:

SIGNED:

DATE:

GAS:

SIGNED:

DATE:

TELEPHONE:

SIGNED:

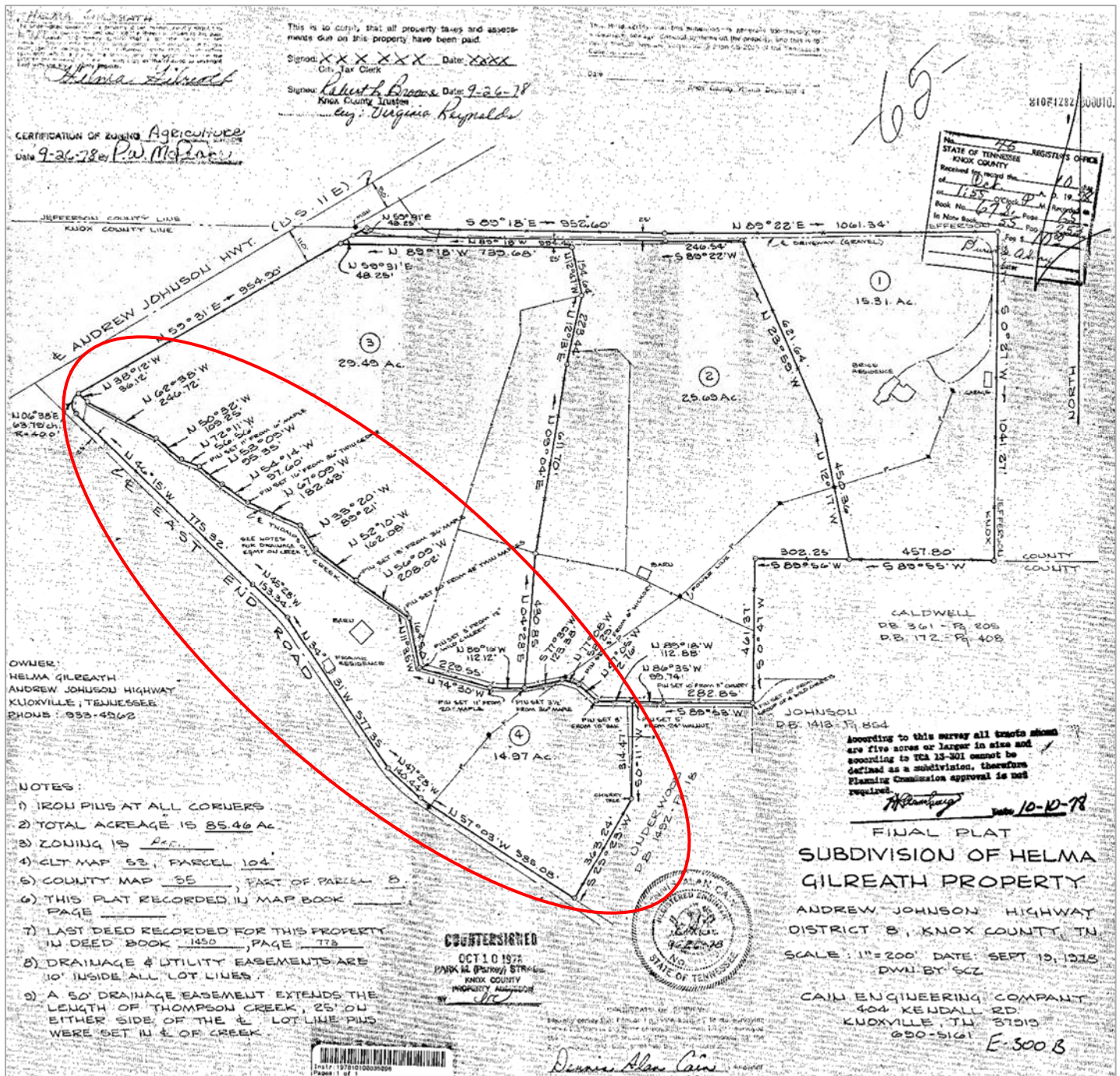
DATE:

CABLE TELEVISION:

SIGNED:

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Exhibit A. Previous Plat from 1978



25' DRAINAGE EASEMENT ALONG THOMPSON CREEK
PER PLAT RECORDED IN MAP CASE SLIDE 3008

MAPLES
WD: 2178/41
PART OF LOT 4
HELMA GILCASH PROPERTY
MAP BK. 873 PG. 85

NAPLES
NO. 2278/888
LOT 3
HELMA GUREATH PROPERTY
MAP GR. ETC PG. 85

STONE
WD. 2004072720006528
LOT 2
HELMA CLEATH PROPERTY
MAP BK. 675 PG. 53

CHADWICK
NO. 1929052-4-0250038-4

12.05 ACRES

N EAST END RD

LEGEND
 ● 2" IRON PIN
 (F) FOUND
 (S) SET
 --- NW WATER METER
 ● PP ELECTRIC POLE
 ● SP ELECTRIC SERVICE POLE
 ● NW POINT OF BEGINNING

[illegible]

0' 100' 200' 300'

GRAPHIC SCALE

GARRETT & ASSOCIATES
EDDY R. GARRETT RLS #1544

4839 SHADY RD.
STRAWBERRY PLAINS, TN 37871
PHONE (865)-933-5822
FAX (865)-933-1277

DATE: 03/12/2012 SCALE: 1"=100'
REVISIONS: _____
DRAWN BY: _____ DRAWING NO. 12-037

TRACY AND JANET HAYES

SURVEY FOR TRACY AND JANET HAYES
LOCATED WITHIN THE BR DISTRICT OF KNOX COUNTY, TENNESSEE

PART OF LOT NO. 4 IN "HEMA CREAM PROPERTY"

PROPERTY ADDRESS 1509 N EAST END RD

MAP BK/PC 875/83

TAX MAP 55 GROUP _____ PARCEL 104 04

WARRANTY EXCEEDS 90/90/2000 HOURS
 10 YEAR WARRANTY: 90/90/2000 HOURS

DATE 03/12/2012

SCALE 1"=100'

RE MEDICINE

ORANGE COUNTY, CALIF. 17-031

DRAWN BY

DRAWING NO. 17-21



THIS IS TO CERTIFY THAT I HAVE EXAMINED THE FEDERAL INSURANCE, ADMINISTRATION FLOOD HAZARD MAP AND FOUND THE DESCRIBED PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA. I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THE RATED PROVISION OF THE ADJUSTED SLAVEY IS 4.5 DWS AS OF 11/1/87. DERTON

AND THE PAY PROVISION OF THE UNITED STATES IS
\$13,000 AS OF 1944. THEREON

Edley R. L...

EDLEY R. L. DEPRESSAGE 2000 1944

Knoxville MPC Variance Request

Request Submitted By: Tracy Mac Hayes and wife, Janet Strevel Hayes

File No.: 11-PP-22

Site: 1306 N East End Drive

Surveyor: Eddy Garrett

Reviewed By: Erin Kelbly

Reviewed Date: December 8, 2022

We request a hardship variance to leave the remainder of the lot at issue ("adjacent lot") without the benefit of a survey. This is due to the fact that we do not own the adjacent lot and have no right or authority to survey the adjacent lot as it is owned by an unrelated third-party (Maples), and it was transferred to Maples by another third-party (Underwood) in 1998, some fourteen years prior to our 2012 purchase of our 12 acre tract. For clarity, the timeline is as follows:

- 1998: Audrey Jean McPeters Underwood (Devisee under the Will of Helma Gilreath, Deceased) transferred the remainder/adjacent lot at issue to Roger D. Maples and wife, Linda Jean Maples. (Deed attached as Exhibit A).
- 2012: Jean M. Underwood, a/k/a Audrey Jean McPeters Underwood, and Jean M. Underwood, married, Trustee of the Revocable Trust of Jean M. Underwood transferred 12 acres to Tracy Mac Hayes and wife, Janet Strevel Hayes. (Deed attached as Exhibit B).
- Tracy Mac Hayes and Janet Strevel Hayes have duly and appropriately obtained a survey of their 12 acre tract, and it has been appropriately subdivided. The survey was completed by Eddy Garrett. (A copy of the survey is included as Exhibit C).

It would create a significant hardship to require Tracy Mac Hayes and wife, Janet Strevel Hayes, to obtain a survey of the remainder/adjoining property since: 1) Tracy Mac Hayes and Janet Strevel Hayes do not own the remainder/adjoining property; 2) Tracy Mac Hayes and Janet Strevel Hayes have never owned the remainder/adjoining property; 3) Tracy Mac Hayes and Janet Strevel Hayes were not parties and had no role in the 1998 transfer of the adjoining lot/remainder; 4) Tracy Mac Hayes and Janet Strevel Hayes have no right or authority to enter said adjoining lot/remainder to obtain a survey; 5) Tracy Mac Hayes and Janet Strevel Hayes have duly and appropriately surveyed and subdivided their own land; and 6) Tracy Mac Hayes and Janet Strevel Hayes are taking no action relative to the remainder/adjoining property.



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

Zack Beeler

Applicant Name

Affiliation

11-22-2022

Date Filed

Meeting Date (if applicable)

2-SC-23-F File Number(s)

11-PP-22

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

Zack Beeler

The Real Estate Firm, Inc.

Name

Company

7601 Tree Bark Rd

Corryton

TN

37721

Address

City

State

ZIP

865-660-6665

zbeeler10@gmail.com

Phone

Email

CURRENT PROPERTY INFO

Tracy & Janet Hayes

Property Owner Name (if different)

1306 N East End Rd, Strawberry Plains TN

Property Owner Address

Property Owner Phone

1018 Randles Rd, Strawberry Plains

Property Address

Part of 053/-104.04

Parcel ID

N/A

KUB

Y

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

NE of N East End Rd, S of Andrew Johnson Hwy

General Location

9.05 ac

Tract Size

☐ City ☒ County

8

District

A

Zoning District

Ag For Vac

Existing Land Use

East County

Planning Sector

AG/HP

Sector Plan Land Use Classification

Rural

Growth Policy Plan Designation

August 29, 2022

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

~~Resub Lot 4 Helma Gilbrath~~ **Resubdivision of the Tracy and Janet Hayes Property**

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
0201	250	
Fee 2		
0201	100	
Fee 3		
0205	\$250.00	\$350 \$600

AUTHORIZATION

Zack Beeler
Applicant Signature

Zack Beeler
Please Print

11-22-2022
Date

865-660-6165
Phone Number

zbeeler10@gmail.com
Email

Property Owner Signature

Please Print

Date

I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.