



SUBDIVISION REPORT - FINAL PLAT

► **FILE #:** 4-SD-24-F

AGENDA ITEM #: 6

AGENDA DATE: 4/11/2024

► **SUBDIVISION:** FINAL PLAT OF SUBDIVISION OF THE BROGDON PLACE PROPERTIES

► **APPLICANT/DEVELOPER:** BENJAMIN MOORMAN

OWNER(S): Hubert Fisher Brogdon, III

TAX IDENTIFICATION: 83 014 03, 014 05

[View map on KGIS](#)

JURISDICTION: County Commission District 9

STREET ADDRESS: 2115 Brogdon Place Way (2121 Brogdon Place Way)

► **LOCATION:** Southwest of Strawberry Plains Pike, at end of Brogdon Place Way

SECTOR PLAN: East County

GROWTH POLICY PLAN: Planned Growth Area

WATERSHED: Holston-French Broad

► **APPROXIMATE ACREAGE:** 5.472 acres

► **NUMBER OF LOTS:** 3

► **ZONING:** A (Agricultural)

SURVEYOR/ENGINEER: Benjamin J. Moorman Benchmark Associates, Inc.

► **VARIANCES REQUIRED:** Allow the creation of one additional lot on a previously approved joint permanent easement (JPE) without requiring the JPE to meet the applicable requirements of Section 3.03.E.

STAFF RECOMMENDATION:

► Approve the variance to allow the creation of one additional lot on a previously approved joint permanent easement (JPE) without requiring the JPE to meet the applicable requirements of Section 3.03.E, based on the following evidence of hardship.

1. The subject parcels and the existing JPE are the result of a Last Will and Testament referenced on the face of the survey. The additional lot being created is for a family member, as stated by the applicant.
2. The properties maintain no direct road frontage and are currently served by an existing JPE and network of driveways within the same. Only the family properties are served by this network of driveways, and the situation is unique to these properties.
3. The request is not based on a desire for financial gain since the plat's sole purpose is to allow for the construction of a new home by another family member of the estate, as stated by the applicant.
4. The granting of the variation will not be detrimental to the public safety or injurious to other properties in the neighborhood. Knox County Engineering & Public Works department supports this variance for only one additional lot. Any further creation of additional lots will require the JPE to meet the applicable requirements of Section 3.03.E.

Approve the request to create three lots in the A (Agriculture) zone (resulting in total 7 lots being served by the existing JPE), subject to one condition.

1. Any further creation of additional lots to be served by the existing JPE will require the JPE to meet the applicable requirements of Section 3.03.E of the Subdivision Regulations (Private right-of-way standards).

COMMENTS:

This plat subdivides two parcels (083 01403 and 01405) into 3 lots, resulting in total 7 lots being served by the existing JPE, named Brogdon Place Way.

BACKGROUND:

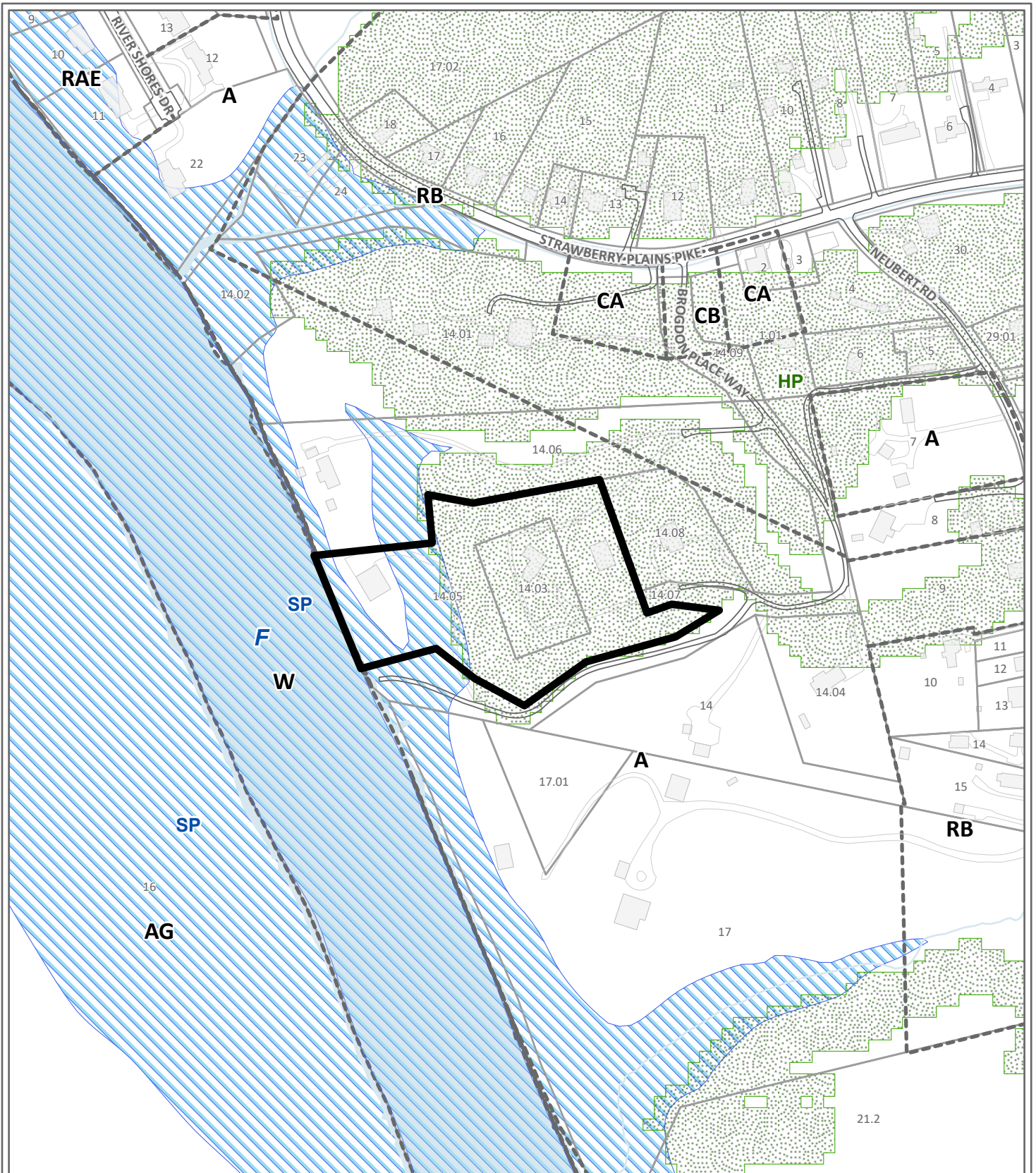
The entirety of these 20.37-acre properties were inherited by Richel C Brogdon and his wife Louise Brogdon in 1984 by a warranty deed (Book 1825 Page 730). Mr. and Mrs. Brogdon handed over the ownership of these properties among their family members by two warranty deeds in 1985 and 1990 (Book 1852 Page 613 and Book 2008 Page 641 respectively) and a subsequent Last Will and Testament in 1995 (Book 146 Page 639, Exhibit B). The JPE was created by a 1990 instrument (Book 2008 Page 639). Although further transfer of ownership and modifications to three of the above-mentioned legal documents occurred at a later time, all of these properties are currently owned by family members. The applicant stated that the subject parcels are owned by a father and son, who want to create an additional lot for another family member.

VARIANCE:

Section 3.03.F of the Subdivision Regulations (Previously Approved Joint Permanent Easement) states that additional lots may be created on a previously approved JPE if the subdivision meets the applicable requirements of Section 3.03.E (Private Right-of-way). Furthermore, Section 3.03.E states that a private right-of-way serving six or more lots shall meet the same design and construction standards as a public street. Therefore, this plat requests to create one additional lot without improving the existing JPE to the more stringent public street standards.

A private right-of-way serving six or more lots requires a right-of-way width of 50', which the existing JPE meets. However, the JPE will likely not meet the additional requirements of a private right-of-way (such as wider pavement width, grade, sight distance, horizontal and vertical curves). The Knox County Engineering & Public Works department supports this variance despite the existing JPE not meeting all the standards of a private right-of-way.

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.



FINAL SUBDIVISION PLAT

4-SD-24-F

Petitioner: Moorman, Benjamin



Final Plat For: Final Plat of Subdivision of The Brogdon Place Properties

Map No: 83

Jurisdiction: County

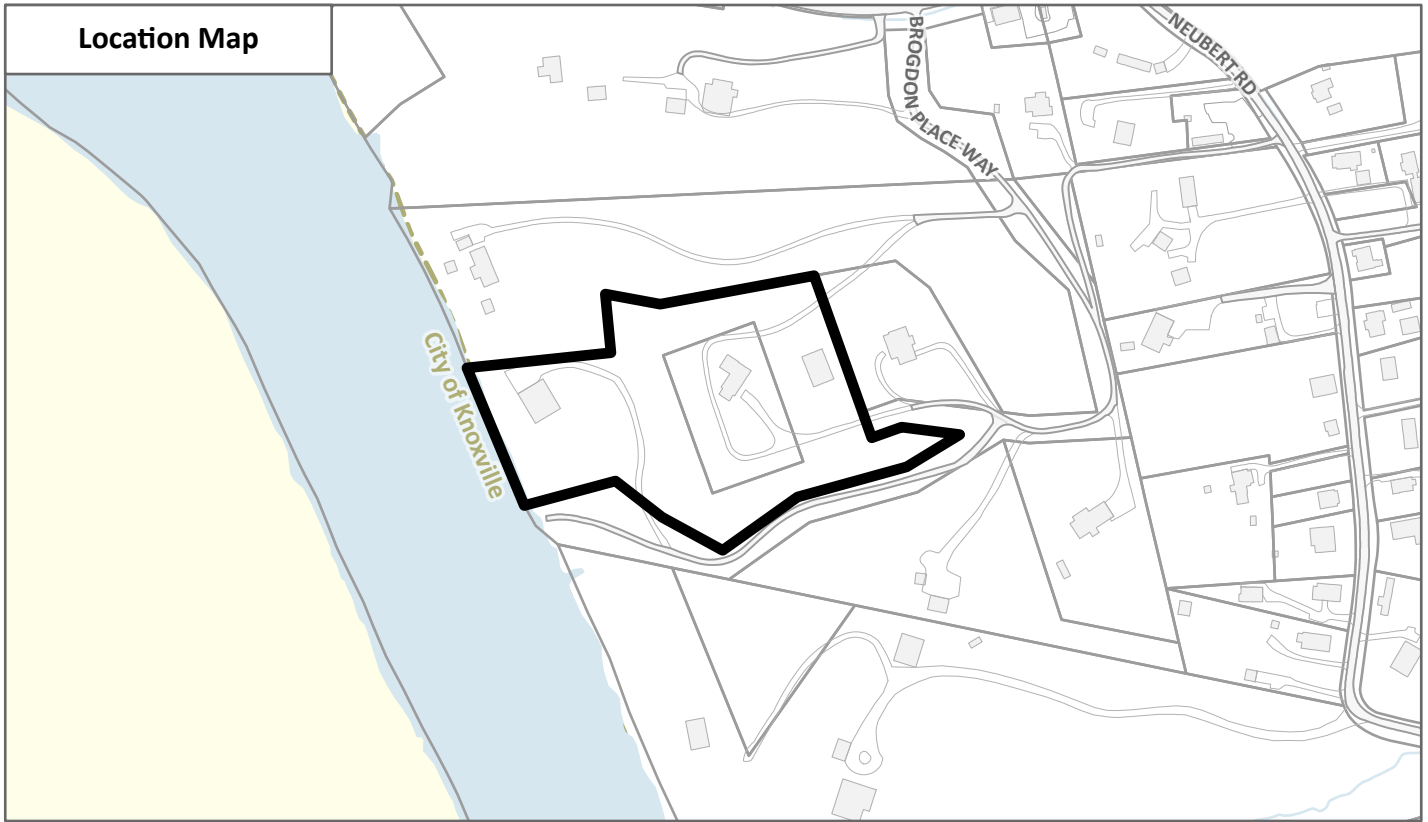


Original Print Date: 3/6/2024

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

Exhibit A. Contextual Images

Location Map



Aerial Map

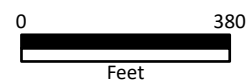


CONTEXTUAL MAPS 1

4-SD-24-F



Case boundary



Certificate of Ownership and General Dedication

I, the undersigned owner(s) of the property shown herein, hereby certify this as (my, our) joint and several warranty and dedicate the property as shown to the public use forever and hereby certify that I, we, and the estate(s) to the heirs of the property, and no property would have an unrestricted right to dedicate right-of-way and/or easement as shown on this plat.

Hubert Fisher Brogdon, II Date
Hubert Fisher Brogdon, II Date
Robyn G. Brogdon Date

Certification of Final Plat - All Indicated Markers, Measurements 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 instruments conform to the best of my knowledge, to all applicable provisions of the Knoxville-Knox County Subdivision Regulations except as has been amended, described and certified in a report filed with the Planning Commission, or for variations and errors which have been approved as identified on the final plat. The indicated permanent reference markers and instruments, benchmarks and property measurements were in place on the 21st day of March, 2024.

Signature of Surveyor
Registered Land Surveyor TMS001

Certification of the Accuracy of Survey

I hereby certify that this is an accurate and correct survey of the property shown herein, and that the survey has been made using the latest recognized surveying methods and instruments, and that the survey is correct to the best of my knowledge. I further certify that the survey is correct to the best of my knowledge, to all applicable provisions of the Knoxville-Knox County Subdivision Regulations except as has been amended, described and certified in a report filed with the Planning Commission, or for variations and errors which have been approved as identified on the final plat. The indicated permanent reference markers and instruments, benchmarks and property measurements were in place on the 21st day of March, 2024.

Signature of Surveyor
Registered Land Surveyor TMS001

Certification of Approval of Subsurface Sewage Disposal System

This is to certify that this subdivision is generally suitable for subsurface sewage disposal systems, and this is to certify that all lots are subject to Section 68-3-402 thru 68-3-403 of the Tennessee Code, Annotated, and the regulations promulgated therefrom.

Knox County Health Department 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 comply with the utility provider's requirements in the vicinity of the lot(s) and to pay for the installation of the required connections.

Utility Provider Date

Owner Certification for Public Sewer and Water Service - Minor Subdivisions

I, the undersigned owner(s) of the property shown herein, understand that it is our responsibility to comply with the utility provider's requirements in the vicinity of the lot(s) and to pay for the installation of the required connections.

Hubert Fisher Brogdon, II Date

Hubert Fisher Brogdon, II Date

Robyn G. Brogdon Date

Zoning

Zoning Shown on Official Map Date

Zoning

Zoning Date

Certification of No Recorded Easements

This is to certify that there are no known recorded drainage or utility easements on or affecting the property shown on this subdivision plat.

Signature of Surveyor
Registered Land Surveyor TMS001

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.

Addressing Date

Knox County Department of Engineering and Public Works

The Knox County Department of Engineering and Public Works hereby approves this plat on this day of 2024.

Engineering/Public Works

Taxes and Assessments

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

Knox County Tax Assessor Date

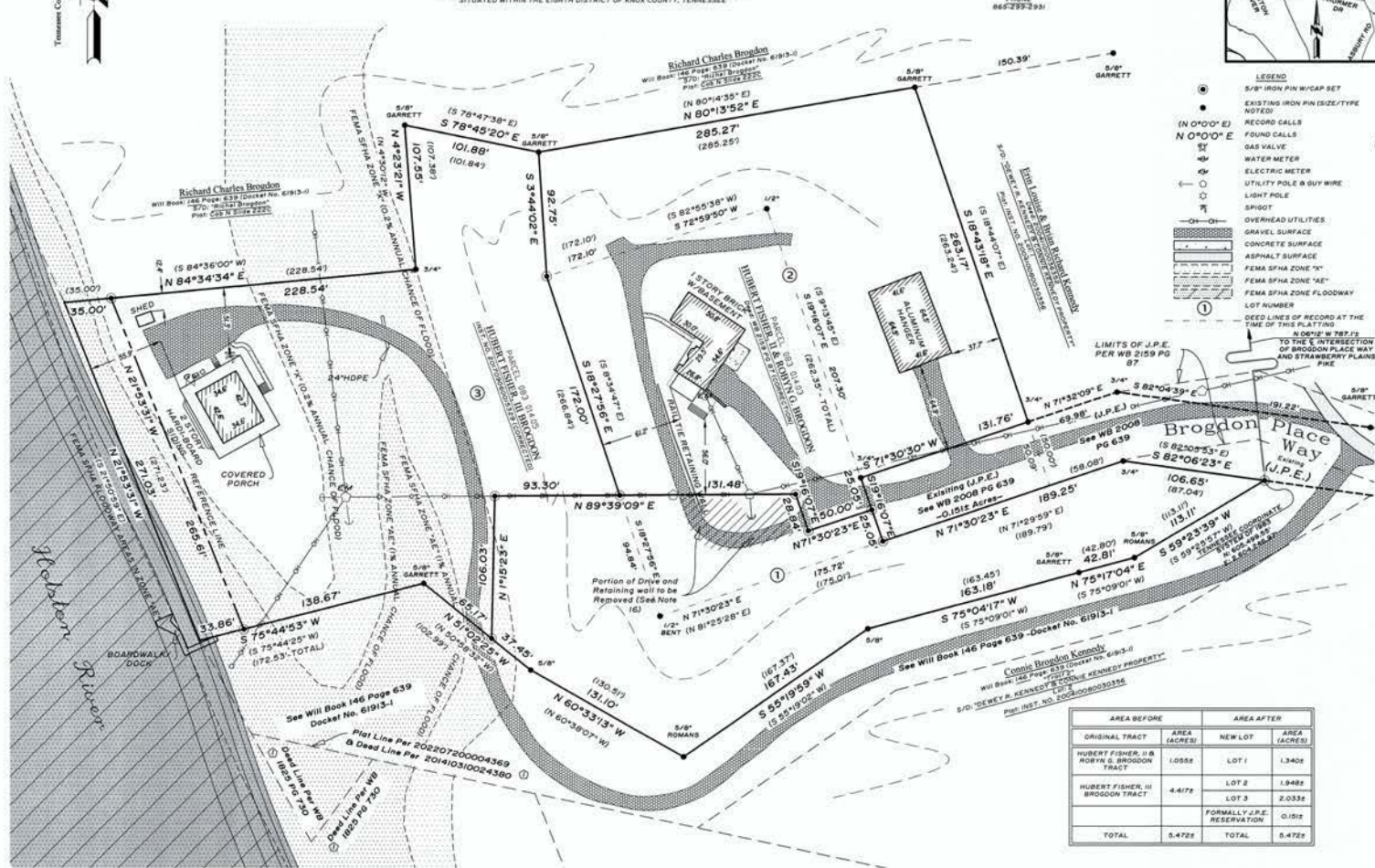
Planning Commission Certification of Approval for Recording - Final Plat

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 errors noted on this plat and in the minutes of the Knoxville-Knox County Planning Commission, as this is the day of 2024, and that the record plat is hereby approved for recording in the office of the Knox County Register of Deeds. Pursuant to Section 15-3-403 of Tennessee Code, Annotated, the approval of this plat by the Planning Commission shall not be deemed to constitute an effect or acceptance by the City of Knoxville or Knox County of the dedication of any street or other ground upon the plat.

Planning Commission Date

FINAL PLAT OF SUBDIVISION OF THE BROGDON PLACE PROPERTIES

BEING LOCATED ON CLT MAP 083 AND REPRESENTED AS PARCELS 04.03 & 04.05
SITUATED WITHIN THE COUNTY DISTRICT OF KNOX COUNTY, TENNESSEE



AREA BEFORE		AREA AFTER	
ORIGINAL TRACT	AREA (ACRES)	NEW LOT	AREA (ACRES)
HUBERT FISHER, II & ROBYN G. BROGDON TRACT	1.0556	LOT 1	1.3402
HUBERT FISHER, II BROGDON TRACT	4.4178	LOT 2	1.9482
		LOT 3	2.0336
		FORMALLY J.P.E. RESERVATION	0.1512
TOTAL	5.4734	TOTAL	5.4722

#	DATE	REVISION	ADDRESS	PLANNING COMMENTS
1	3/28/2024			

PLANNING FILE NO.
4-SD-24-F



BENCHMARK ASSOCIATES, INC.
Land Surveyors
Land Planners

Final Plat of Subdivision of the Brogdon Place Properties

FINAL PLAT

1 of 1

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.

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

Benjamin J. Moorman

Printed Name

03/05/2024

Date

It is the applicant's responsibility to identify the hardship that would result, as distinguished from a mere inconvenience, if the strict letter of the regulations was adhered to. Each of the variance criteria must be addressed in the comments below with specific facts regarding the unique details of the property and/or project, as applicable.

1. VARIANCE REQUESTED:

To allow the creation of one additional lot on a previously approved Joint Permanent Easement (JPE) without requiring the JPE to meet applicable requirements of Section 3.03.E.

Specify the hardship that would result for each of the variance criteria:

- A. Pertaining to the particular surroundings, shape, or topographical conditions of the subject property:

These properties, the existing JPE and the drives are the result of the desires as outlined in a Last Will and Testament referenced on the face of the survey. The additional lot being created is for an additional family member.

- B. Pertaining to conditions unique to the property that are not applicable to other property and has not been created by any person having an interest in the property.

The properties maintain no direct road frontage and are currently served by an existing JPE and network of driveways within same. Only the family properties are served by this network of driveways.

- C. Pertaining to the purpose of the variation is not based exclusively upon a desire for financial gain.

The plat's sole purpose is to allow for the construction of a new home by another family member of the estate. There exists no desire for financial gain.

- D. Pertaining to the granting of a variance will not be detrimental to public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

The granting of this variance will not be detrimental to public safety, health, or welfare or be injurious to other property or improvements in the neighborhood. This variance will result in another contributor to the maintenance of an existing shared driveway.

To be completed by the City or County Department of Engineering, as applicable:

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

Engineering Comments:

KCEPW supports this variance.

Steve Elliott



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

Benjamin Moorman

Applicant Name

Affiliation

2/27/2024

Date Filed

4/11/2024

Meeting Date (if applicable)

4-SD-24-F

File Number(s)

CORRESPONDENCE

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

Benjamin J. Moorman Benchmark Associates, Inc.

Name / Company

P.O. Box 23892 Knoxville TN 37933

Address

865-692-4090 / bmoorman@bma-ls.com

Phone / Email

CURRENT PROPERTY INFO

Hubert Fisher Brogdon, III

Owner Name (if different)

2115 Brogdon Place Way Knoxville TN 37914

Owner Address

865-299-2931

Owner Phone / Email

2115 Brogdon Place Way / 2121 Brogdon Place Way

Property Address

83 014 03, 014 05

Parcel ID

5.472 acres

Tract Size

Part of Parcel (Y/N)?

Yes

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

Southwest of Strawberry Plains Pike at end of Brogdon Place Way

General Location

☐ City

Commission District 9

A (Agricultural)

☒ County

District

Zoning District

Existing Land Use

East County

Planning Sector

Sector Plan Land Use Classification

Planned Growth Area

Growth Policy Plan Designation

DEVELOPMENT REQUEST

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

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Final Plat of Subdivision of The Brogdon Place Properties

Proposed Subdivision Name

Related Rezoning File Number

Unit / Phase Number ☒ Split Parcels

3

Total Number of Lots Created

Additional Information _____

- ☐ Attachments / Additional Requirements

ZONING REQUEST

- ☐ Zoning Change

Proposed Zoning

Pending Plat File Number

- ☐ 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

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.

Benjamin Moorman

2/27/2024

Applicant Signature

Please Print

Date

Phone / Email

Hubert Fisher Brogdon, III

2/27/2024

Property Owner Signature

Please Print

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

Benchmark Associates, Inc.

Consultant

Applicant Name

Affiliation

23 February 2024

11 April 2024

Date Filed

Meeting Date (if applicable)

File Number(s)

4-SD-24-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

Benjamin J. Moorman

Benchmark Associates, Inc.

Name

Company

PO Box 23892

Knoxville

Tennessee

37933

Address

City

State

ZIP

865-692-4090

bmoorman@bma-ls.com

Phone

Email

CURRENT PROPERTY INFO

Hubert Fisher Brogdon, III

2115 Brogdon Place Way

865-299-2931

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

2121 Brogdon Place Way

2115 Brogdon Place Way

083 014.03 & 014.05

Property Address

Parcel ID

N/A

Y

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

SW of Strawberry Plains Pike at end of Brogdon Place Way

5.472 ac.

General Location

Tract Size

9

A

SFR / RR

☐ City ☒ County

District

Zoning District

Existing Land Use

East County

LDR/HP/W

Planned Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

May 1, 2023

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

Subdivision of the Brogdon Place Properties
Final Plat of ~~Resubdivision of the Joe R. Kirby Subdivision~~

Related Rezoning File Number

Proposed Subdivision Name

N/A

- ☐ Combine Parcels ☒ Divide Parcel

3

Unit / Phase Number

Total Number of Lots Created

- ☒ Other (specify) This plat subdivides two parcels into three lots.

- ☒ Attachments / Additional Requirements ~~Variance Request, Final Plat, & Closure Sheets~~

Variance Request, Final Plat, and Closure Reports

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		Total
0202	\$500	
Fee 2		
0208	\$180	
Fee 3		
0205	\$250	

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

Benchmark Associates, Inc.

Please Print

23 February 2024

Date

865-692-4090

Phone Number

bmoorman@bma-ls.com

Email

02/27/2024 OI

Property Owner Signature

Please Print

Date Paid