

# 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:

Reduction of Vertical Curve K Value from 25 to 20, Sweetwater Way @ VPI 7+09.58

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

a. Reference Attachment 1

b. Reference Attachment 1

c. Reference Attachment 1

d. Reference Attachment 1

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

Engineering Comments: Approve based on justification provided by the applicant.

2. Variance requested:

Reduction of tangent for broken back curve from 150' to 85', Sweetwater Way at Sta 5+61.66

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

a. Reference Attachment 1

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b. Reference Attachment 1

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c. Reference Attachment 1

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d. Reference Attachment 1

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

Engineering Comments: Approved based on justification provided by applicant.

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3. Variance requested:

Approval of a square cul-de-sac in place of traditional cul-de-sac for end of roads.

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

a. Reference Attachment 1

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b. Reference Attachment 1

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c. Reference Attachment 1

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d. Reference Attachment 1

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

Engineering Comments: Approve since roads are private and Knox County will not be responsible for maintenance.

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4. Variance requested:

Reduction of cul-de-sac transition radii from 75' to 25'.

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

a. Reference Attachment 1

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b. Reference Attachment 1

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c. Reference Attachment 1

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d. Reference Attachment 1

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

Engineering Comments: Approve based on justification provided by applicant.

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5. Variance requested:

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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: \_\_\_\_\_

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6. Variance requested:

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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: \_\_\_\_\_

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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

oded shainin  
\_\_\_\_\_  
Printed Name

12/26/2023  
\_\_\_\_\_  
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.

- Alternative design standard requested: Reduce horizontal curve radius on Sweetwater Way from 250' to 200' at sta 6 + 47. To keep the hillside protection disturbance limited and keep out of heavy rock outcroppings, the road needs to stay along the southern property line. A radius reduction is necessary to keep the road along this property line due to the geometry of the site.  
Approval required by: Planning Commission  Engineering

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

Engineering Comments: Approve based on justification provided by the applicant.

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- Alternative design standard requested: Reduce lot frontages from 25' to 20' for lots shown on plan. The site has steep slopes with ridges & natural ravines going north to south. Using a denser/compact unit on the southern portion of the site greatly reduces the disturbance required in the steep slopes and hilltop protection areas. To compact the units a reduction in lot frontages is required.  
Approval required by: Planning Commission  Engineering

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

Engineering Comments: Approve based on justification provided by the applicant.

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- Alternative design standard requested: Reduction of ROW width from 50' to 40' due to the steep topography of property. Reduction of ROW greatly reduces the disturbed area of the development.

Approval required by: Planning Commission  Engineering

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

Engineering Comments: ~~Reduction of ROW width from 50' to 40' due to the steep topography of property. Reduction of ROW greatly reduces the disturbed area of the development.~~

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**Approve based on justification provided by the applicant.**

4. Alternative design standard requested: \_\_\_\_\_

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: \_\_\_\_\_

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

oded shainin  
\_\_\_\_\_  
Printed Name

12/26/2023  
\_\_\_\_\_  
Date

## Attachment 1

**Project Name: South Creek Subdivision**

**Date: January 22, 2024**

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### **Variances Requested:**

- 1. *Reduction of Vertical Curve K Value from 25 to 20, Sweetwater Way @ VPI 7+09.58.***
  - a. The property has rolling ridges with steep slopes on either sides. The property is also heavily covered by hillside protection and exposed shallow rock on these slopes. To keep the disturbance limited to reduce the disturbance and avoid any unstable slopes the development needs to follow the southern property line as much as practicable. Reduction of the vertical curve K is needed to keep the road aligned closely with the southern property line by allowing the road to crest the ridge section in a quicker transition than a K=25 would allow.
  - b. The unique shape and topography of the property and the quantity of hillside protection on the site is the basis for the request (reference description in Part "a" above).
  - c. The purpose of the variance is not based exclusively upon a desire for financial gain but is a result of the physical attributes of the property.
  - d. To our knowledge, the variance will not be a detriment to public safety, health, or welfare, or be injurious to other properties and improvements in the neighborhood.
  
- 2. *Reduction of broken back curve from 150' to 85', Sweetwater Way @ Sta 5+61.66.***
  - a. Due to the geometry and topographic constraints listed in variance request 1 above, a reduction of the tangent length is needed to keep the road aligned closely with the southern property line to prevent the road from being pushed drastically into the steep terrain.
  - b. The unique shape and topography of the property and the quantity of hillside protection on the site is the basis for the request (reference description in Part "a" above).
  - c. The purpose of the variance is not based exclusively upon a desire for financial gain but is a result of the physical attributes of the property.
  - d. To our knowledge, the variance will not be a detriment to public safety, health, or welfare, or be injurious to other properties and improvements in the neighborhood.

**3. Approval of a square cul-de-sac in place of traditional cul-de-sac's for the end of the roads.**

- a. Due to the geometry and topographic constraints listed in variance request 1 above, the property trends toward needing to be dense and clustered to limit disturbance. Clustering units around a traditional cul-de-sac creates issues with the driveways and lot frontages along the cul-de-sac ROW. Units also require greater disturbance due to the property line geometry that results from the frontage and the traditional ROW. Allowing a square cul-de-sac/ROW would allow all the units and driveways to face perpendicular to the ROW eliminating curved driveways and complicated property lines.
- b. The unique shape and topography of the property and the quantity of hillside protection on the site is the basis for the request (reference description in Part "a" above).
- c. The purpose of the variance is not based exclusively upon a desire for financial gain but is a result of the physical attributes of the property.
- d. To our knowledge, the variance will not be a detriment to public safety, health, or welfare, or be injurious to other properties and improvements in the neighborhood.

**4. Reduction of cul-de-sac transition radii from 75' to 25' on Sweetwater Way and Crystal Clear Way.**

- a. Due to the geometry and topographic constraints listed in variance request 3 above, the property trends toward needing to be dense and clustered to limit disturbance. Using a square cul-de-sac allows for a greater clustering of the units. A 75' radius does not physically fit within the square geometry of the cul-de-sac without increasing the overall footprint past the typical cul-de-sac size..
  - b. The unique shape and topography of the property and the quantity of hillside protection on the site is the basis for the request (reference description in Part "a" above).
  - c. The purpose of the variance is not based exclusively upon a desire for financial gain but is a result of the physical attributes of the property.
  - d. To our knowledge, the variance will not be a detriment to public safety, health, or welfare, or be injurious to other properties and improvements in the neighborhood.
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