

# SUBDIVISION REPORT - FINAL PLAT

► **FILE #:** 3-SB-24-F **AGENDA ITEM #:** 35  
**POSTPONEMENT(S):** 3/7/2024, 4/11/2024, 5/9/2024, 6/13/2024 **AGENDA DATE:** 7/11/2024  
 ► **SUBDIVISION:** LOT 190 & 191 OF OVERBROOK ADDITION, RESUBDIVISION OF A PORTION OF LOT 22 OF RICHMOND HEIGHTS  
 ► **APPLICANT/DEVELOPER:** MICHAEL MESSINA  
**OWNER(S):** Nestbuilt Development LLC

**TAX IDENTIFICATION:** 94 H C 01001 [View map on KGIS](#)

**JURISDICTION:** City Council District 3

**STREET ADDRESS:** 0 Richmond Ave.

► **LOCATION:** East side of Richmond Ave, east of Mcteer St  
**SECTOR PLAN:** Central City  
**GROWTH POLICY PLAN:** N/A (Within City Limits)  
**WATERSHED:** East Fork  
 ► **APPROXIMATE ACREAGE:** 13557 square feet  
 ► **NUMBER OF LOTS:** 2  
 ► **ZONING:** RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)  
**SURVEYOR/ENGINEER:** Michael Messina Trueline Land Surveying  
 ► **VARIANCES REQUIRED:** A variance requesting the subdivision plat be accepted without surveying the remainder of the original tract.

## STAFF RECOMMENDATION:

► Approve the variance for plat approval without the benefit of a survey of Lot 22 of Richmond Heights (now parcel ID 094HC010 or 2082 Joseph Schofield St), based on the following evidence of hardship.

1. The adjacent lot to the east (parcel 094HC010, or 2082 Joseph Schofield St) is under separate ownership from the subject property of this plat. Lot 22 of Richmond Heights was subdivided by deed in 1980, and this plat proposes to create a lot of record for the subject property. To include the adjacent parcel on the plat, the property owner would have to survey property that does not belong to them.
2. Since Lot 22 is comprised of 2 parcels (094HC010 and 094HC01001) under separate ownership, the property owner would have to survey property that does not belong to them should the variance not be approved.
3. It is not for financial reasons that the variance is being requested. The adjacent owner may not agree to have their property platted.
4. Granting of the variance would not be detrimental to the public safety, health, or welfare of the public, nor would it be injurious to other properties in the neighborhood. This lot already exists by deed.

Approve the final plat for two lots in the RN-2 district.

## COMMENTS:

### BACKGROUND:

Lot 22 Richmond Heights was platted in 1920 (Instrument #192005220000001). This lot is located on City Block #23286, as shown on the KGIS ward map. In 1980, this lot was subdivided into two parcels by deed (deed 198010160015946), but the lots were never recorded on a plat. The two parcels (094HC01001 and 094HC01001) are now under different ownership.

This final plat request intends to further subdivide the vacant subject parcel (094HC01001) into two lots, meeting the dimensional standards of the RN-2 district. This requires approval by the Planning Commission since a variance is requested as part of the application (Exhibit B).

### VARIANCE:

Section 2.13 of the Subdivision Regulations describes that when a tract of land or parcel is subdivided into two or more lots, all resulting lots shall be surveyed and included on the plat except in the following two cases:

- i. When the remaining portion of the property is five acres or greater in area (Section 2.13.A).
- ii. When the submitted plat includes a portion of a lot from a previously recorded plat and the balance of the lot is under separate ownership, and the lot was transferred by deed prior to adoption of the Knoxville-Knox County Minimum Subdivision Regulations (July 8, 1971).

In this case, the entirety of Lot 22 is much less than 5 acres (approximately 19,154 sf) and the deed of the subject parcel was constructed after the adoption date in 1979 (deed 198010160015946). Therefore, a variance is required to approve the plat without surveying the remaining portion of Lot 22.

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



# Request to Postpone • Table • Withdraw

6/3/2024

Michael Messina

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

Date of Request

6/13/2024

Scheduled Meeting Date

File Number(s)

3-SB-24-F

## 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 July 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.*

Applicant Signature

*J. Haun*

Josh Haun

Please Print

865-201-7011

Phone Number

josh.haun@truelinels.com

Email

## STAFF ONLY

Staff Signature

*Whitney Warner*

Whitney Warner

Please Print

Date Paid

☐ No Fee

Eligible for Fee Refund? ☐ Yes ☐ No

Amount:

Approved by:

Date:

Payee Name

Payee Phone

Payee Address

October 2022



# Request to Postpone • Table • Withdraw

Josh Haun

5/1/2024

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

Date of Request

5/9/2024

Scheduled Meeting Date

File Number(s)

3-SB-24-F

## 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 June 13, 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.

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## AUTHORIZATION

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

Applicant Signature Josh Haun

Josh Haun

Please Print

865-201-7011

Phone Number

josh.haun@truelinels.com

Email

## STAFF ONLY

Staff Signature Whitney Warner

Whitney Warner

Please Print

Date Paid

☐ No Fee

Eligible for Fee Refund? ☐ Yes ☐ No

Amount:

Approved by:

Date:

Payee Name

Payee Phone

Payee Address

October 2022



# Request to Postpone • Table • Withdraw

Michael Messina

04/04/2024

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

Date of Request

April 11th, 2024

Scheduled Meeting Date

File Number(s)

3-SB-24-F

## 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 May 9th, 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

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☐ **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.*

*M. Messina*

Applicant Signature

Mike Messina

Please Print

865-607-0131

Phone Number

mike.messina@truelinels.com

Email

## STAFF ONLY

*Whitney Warner*

Staff Signature

Whitney Warner

Please Print

☐ No Fee

Date Paid

Eligible for Fee Refund? ☐ Yes ☐ No

Amount:

Approved by:

Date:

Payee Name

Payee Phone

Payee Address

October 2022



# Request to Postpone • Table • Withdraw

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

Date of Request

March 7, 2024

Scheduled Meeting Date

File Number(s)

3-SB-24-F

## 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 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

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- ☐ **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.*

J. Hawn  
Applicant Signature

Please Print

Phone Number

Email

## STAFF ONLY

Staff Signature

Please Print

Date Paid

☐ No Fee

Eligible for Fee Refund? ☐ Yes ☐ No

Amount:

Approved by:

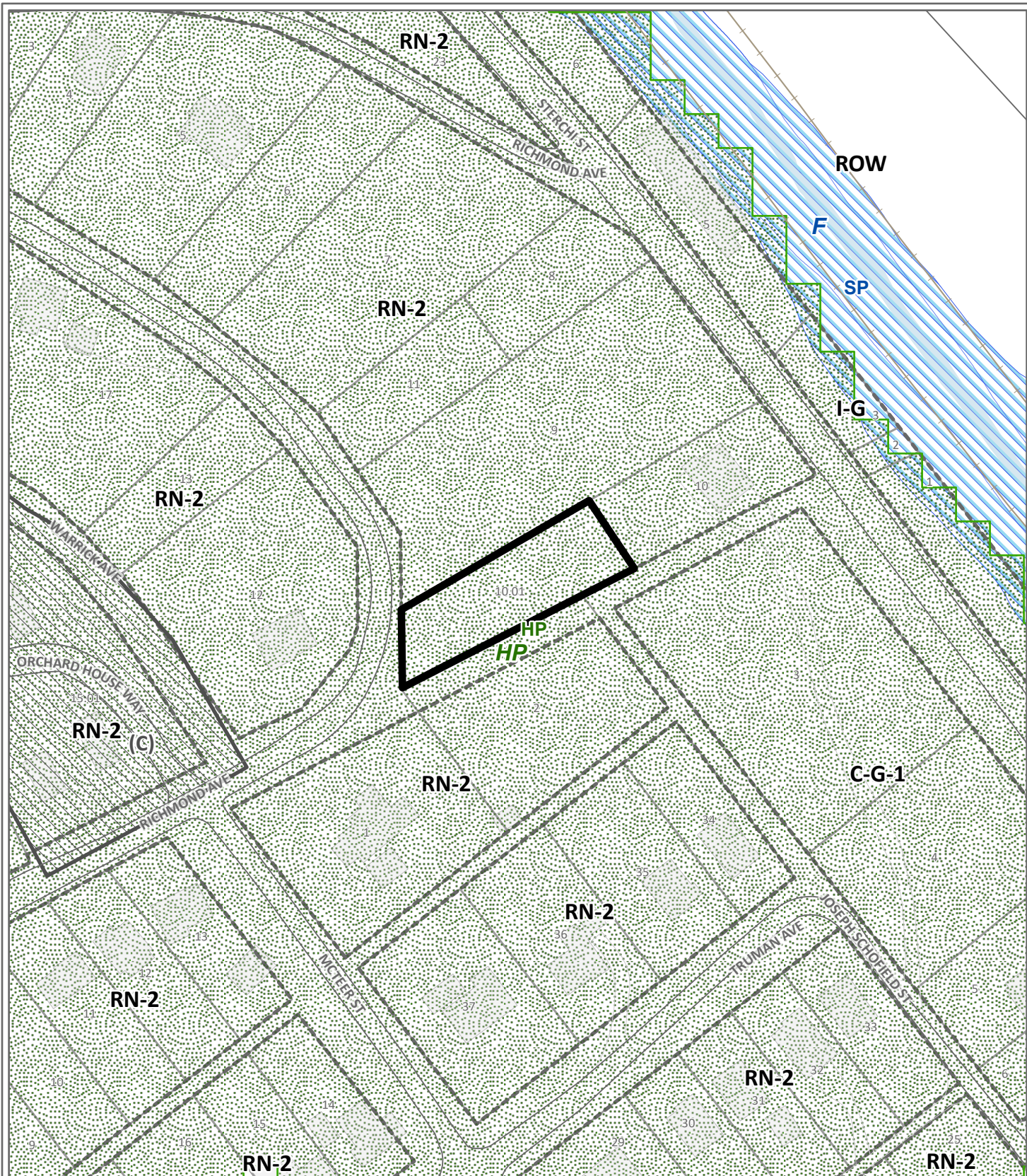
Date:

Payee Name

Payee Phone

Payee Address

October 2022



**FINAL SUBDIVISION PLAT**

**3-SB-24-F**

**Petitioner:** Michael Messina



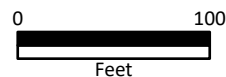
Final Plat For: FINAL PLAT OF RICHMOND HEIGHTS

**Original Print Date:** 2/12/2024

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

**Map No:** 94

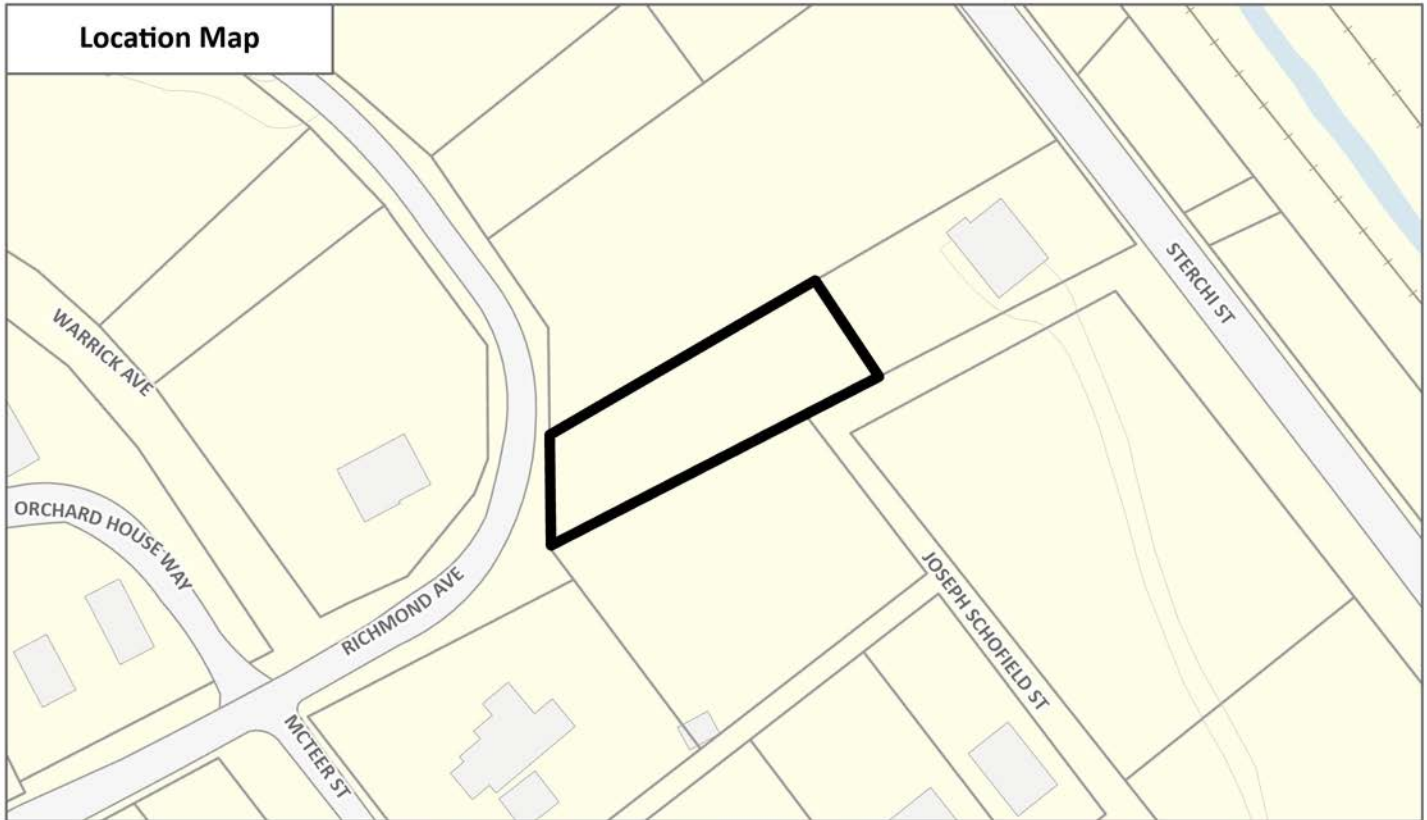
**Jurisdiction:** City





## Exhibit A. Contextual Images

Location Map



Aerial Map

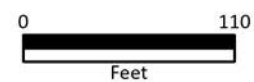


CONTEXTUAL MAPS 1

3-SB-24-F



Case boundary









# 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

**Michael Messina**

Applicant Name

Affiliation

**5/21/2023**

Date Filed

**3/7/2024**

Meeting Date (if applicable)

**3-SB-24-F**

File Number(s)

## CORRESPONDENCE

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

**Michael Messina Trueline Land Surveying**

Name / Company

**855 Baylor Circle Knoxville TN 37923**

Address

**865-607-0131 / mike.messina@truelinelns.com**

Phone / Email

## CURRENT PROPERTY INFO

**Nestbuilt Development LLC**

Owner Name (if different)

**243 Hillcrest Drive Knoxville TN 37714**

Owner Address

**423-827-2944**

Owner Phone / Email

**0 Richmond Ave.**

Property Address

**94 H C 010 01**

Parcel ID

**13982.76 square feet**

Tract Size

**Knoxville Utilities Board**

Sewer Provider

**Knoxville Utilities Board**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**W of Sterchi St. E of Richmond Ave**

General Location

☒ City

**Council District 3**

**RN-2 (Single-Family Residential Neighborhood), HP  
(Hillside Protection Overlay)**

☐ County District

Zoning District

Existing Land Use

**Central City**

Planning Sector

Sector Plan Land Use Classification

**N/A (Within City Limits)**

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 RICHMOND HEIGHTS

Proposed Subdivision Name

Related Rezoning File Number

Unit / Phase Number   ☒ Split Parcels

2

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.

Michael Messina

5/21/2023

Applicant Signature

Please Print

Date

Phone / Email

Nestbuilt Development LLC

5/21/2023

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

Michael Messina

Applicant Name

5/21/2023

Date Filed

3/07/2024

Meeting Date (if applicable)

Surveyor

Affiliation

File Number(s)

~~5 KK 23~~

3-SB-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

Michael Messina

TrueLine Land Surveying LLC

Name

Company

855 Baylor Circle

Knoxville

TN

37923

Address

City

State

ZIP

865-607-0131

mike.messina@truelinelns.com

Phone

Email

## CURRENT PROPERTY INFO

\*staff updated owner information

~~Andrew Byrd~~

Nestbuilt Development LLC

Property Owner Name (if different)

~~1608 Starboard Way, Knoxville, TN 37932~~

243 Hillcrest Dr., Caryville, TN 37714

Property Owner Address

423-827-2944

Property Owner Phone

0 Richmond Ave, Knoxville, TN

094H C 010.01

Property Address

Parcel ID

KUB

KUB

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

W of Sterchi St. E of Richmond Ave.

General Location

13,982.76 SF

Tract Size

☒ City ☐ County

3

District

RN-2, HP

Zoning District

AgForVac

Existing Land Use

Central City

Planning Sector

TDR

Sector Plan Land Use Classification

N/A

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

**RICHMOND HEIGHTS - LOT PT22**

Proposed Subdivision Name

Unit / Phase Number ☐ Combine Parcels ☒ Divide Parcel

**2**  
Total Number of Lots Created

Related Rezoning File Number

☒ Other (specify) \_\_\_\_\_

☐ Attachments / Additional Requirements

## 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
0201	\$250.00	
Fee 2		
Fee 3		
0205	\$250.00	\$500.00

## 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

Michael Messina

Digitally signed by Michael Messina  
Date: 2023.05.21 06:34:38 -04'00'

Michael Messina

5/21/2023

Applicant Signature

Please Print

Date

865-607-0131

mike.messina@truelinelns.com

5/22 SS

Phone Number

Email

02/01/2024 OI

Property Owner Signature

Please Print

Date Paid



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.***

	Joshua Haun	2/2/2024
Signature	Printed Name	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:**

A variance requesting the subdivision plat be accepted without surveying the former portion gis 094HC010 separated by deed in 1980 for which a variance is not required per subdivision regulation 2.13B.

### **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: The surrounding land (GIS 094HC010) is under separate ownership. They have access elsewhere. Variance is for separating lots under different ownership.

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.

Parcels are currently under separate ownership as it stands. Lot was separated by deed in 1980 but never recorded on a plat. We look to address this issue with our record plat by separating the portion separated by deed and showing it as separate lot on an official map.

C. Pertaining to the purpose of the variation is not based exclusively upon a desire for financial gain. This variance request is not intended exclusively for desire of financial gain but more for the public good as affordable housing is to be constructed and permits cannot be issued until the lots are separated. The owner would incur additional costs if required to survey land they do not own.

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.

We do not view the granting of the variance as detrimental to the public in any, if anything we think this will be a positive action for the community as we can provide affordable housing for a growing community.

### ***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: