



SUBDIVISION REPORT - FINAL PLAT

▶ **FILE #:** 3-SB-24-F

AGENDA ITEM #: 29

AGENDA DATE: 3/7/2024

▶ **SUBDIVISION:** FINAL PLAT OF RICHMOND HEIGHTS

▶ **APPLICANT/DEVELOPER:** MICHAEL MESSINA

OWNER(S): Nestbuilt Development LLC

TAX IDENTIFICATION: 94 H C 010 01

[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:** 13982.76 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:

▶ Postpone the plat application for 30 days to the April 11, 2024 Planning Commission meeting as requested by the applicant.

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

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WITHDRAW: Applications may be withdrawn automatically if the request is received in writing no later than 3:30pm on Thursday the week prior to the Planning Commission meeting.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

**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.

J. Hawn
Applicant Signature

Please Print

Phone Number

Email

STAFF ONLY

Staff Signature No Fee

Please Print

Date Paid

Eligible for Fee Refund? Yes No Amount:

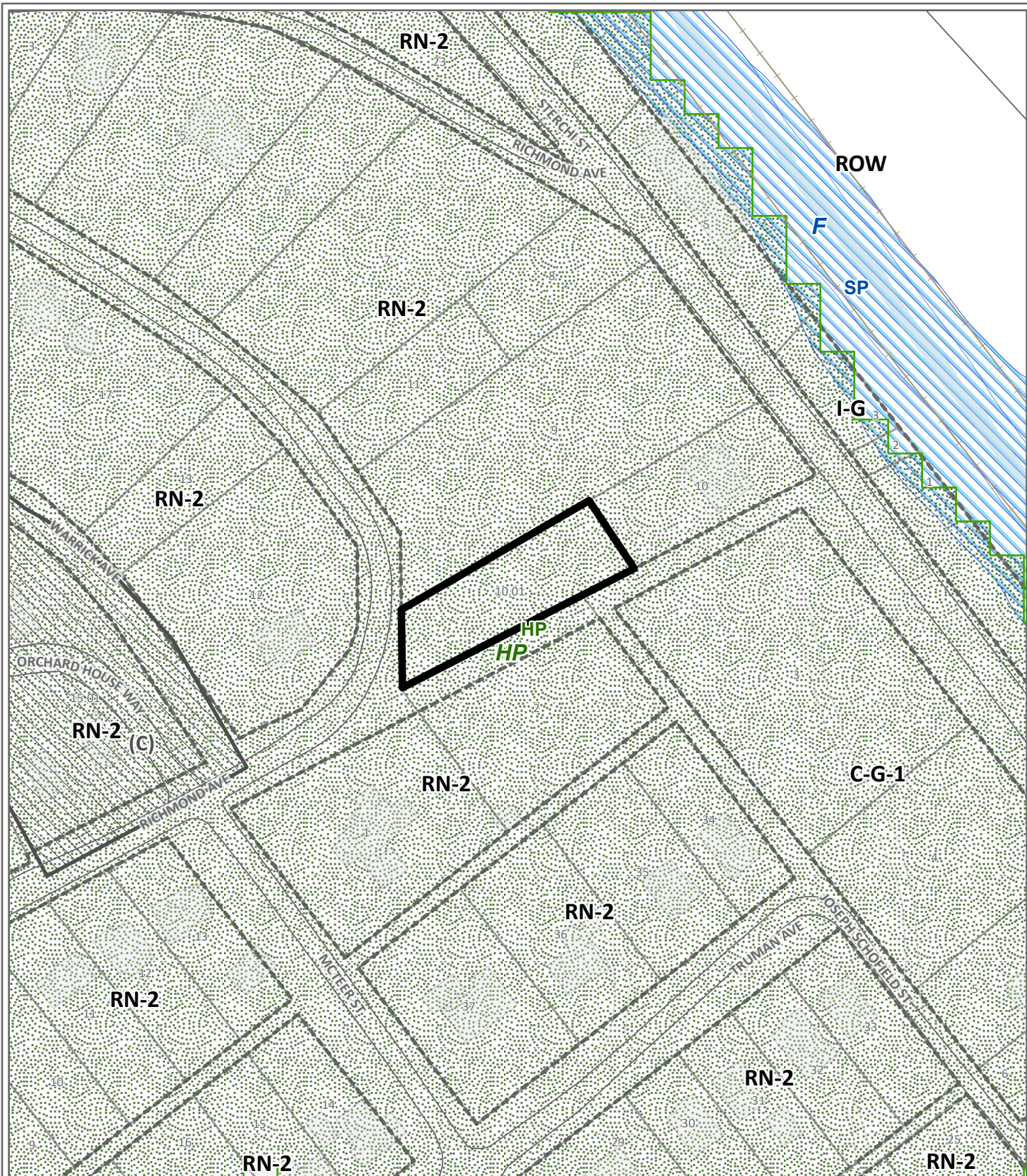
Approved by:

Date:

Payee Name

Payee Phone

Payee Address



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

Map No: 94
Jurisdiction: City

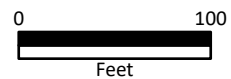
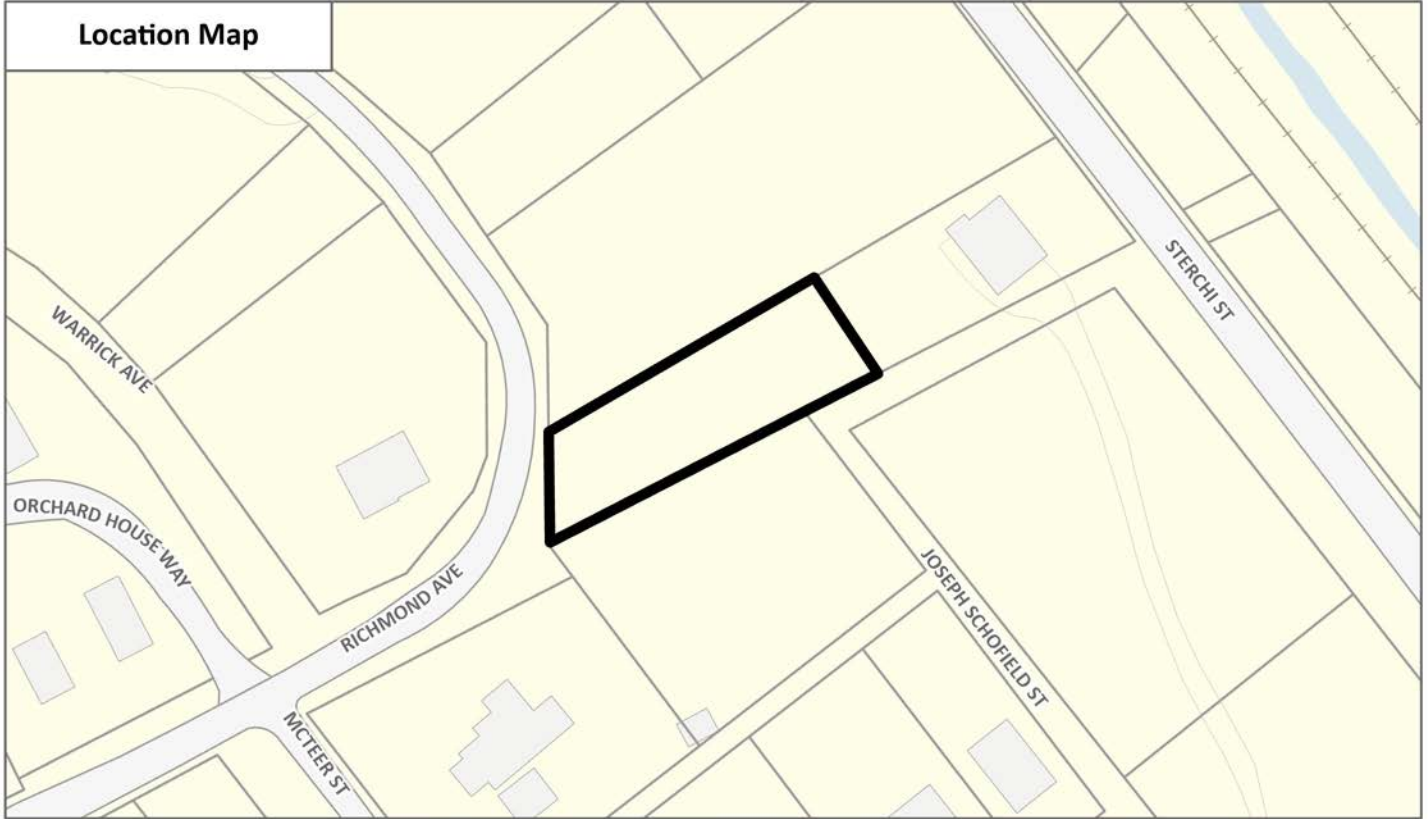


Exhibit A. Contextual Images

Location Map



Aerial Map

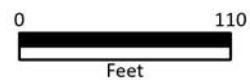


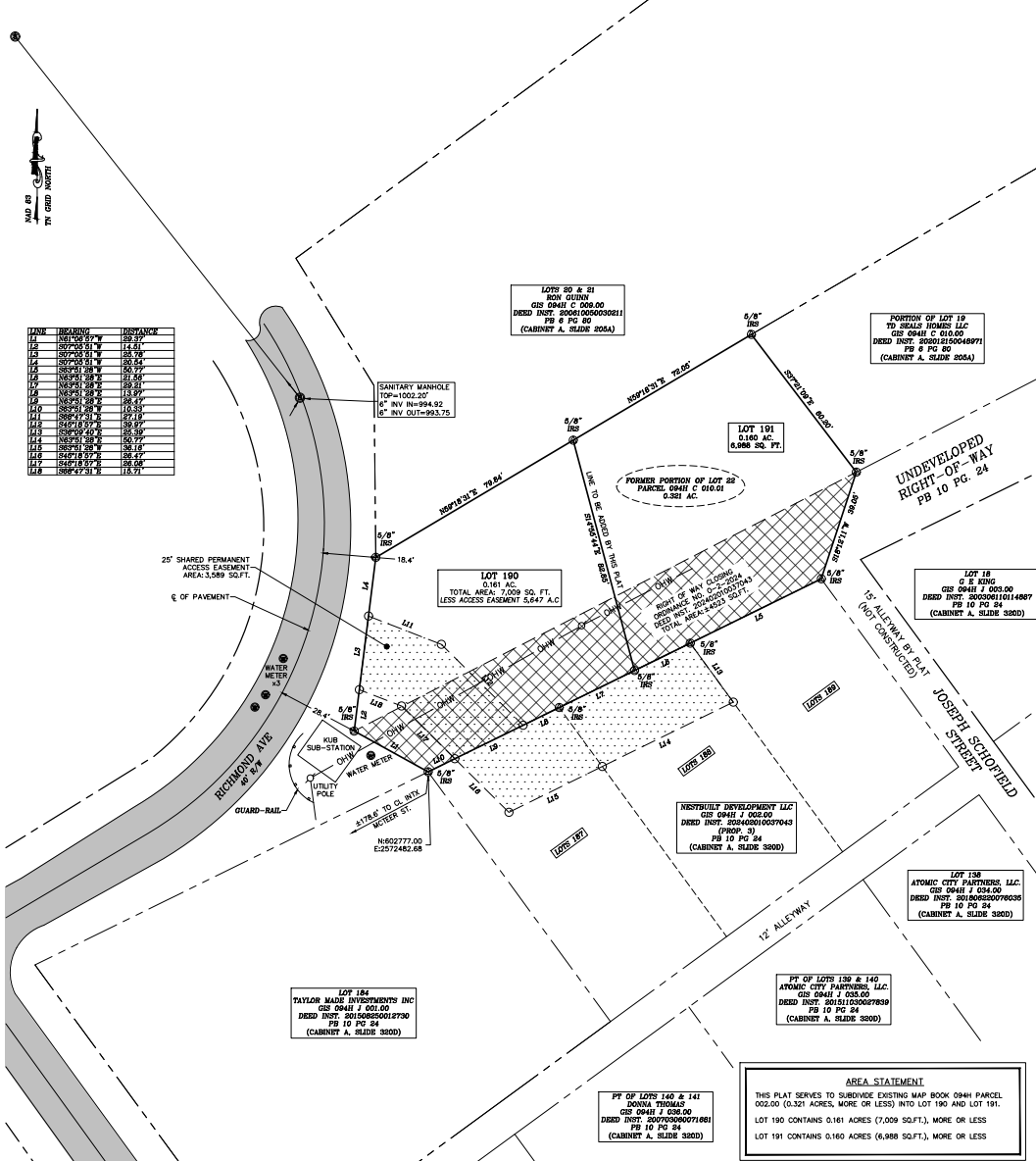
CONTEXTUAL MAPS 1

3-SB-24-F



Case boundary





LINE	BEARING	DISTANCE
L1	N 89° 00' 00" W	11.00
L2	S 89° 00' 00" W	11.00
L3	N 89° 00' 00" W	11.00
L4	S 89° 00' 00" W	11.00
L5	N 89° 00' 00" W	11.00
L6	S 89° 00' 00" W	11.00
L7	N 89° 00' 00" W	11.00
L8	S 89° 00' 00" W	11.00
L9	N 89° 00' 00" W	11.00
L10	S 89° 00' 00" W	11.00
L11	N 89° 00' 00" W	11.00
L12	S 89° 00' 00" W	11.00
L13	N 89° 00' 00" W	11.00
L14	S 89° 00' 00" W	11.00
L15	N 89° 00' 00" W	11.00
L16	S 89° 00' 00" W	11.00
L17	N 89° 00' 00" W	11.00
L18	S 89° 00' 00" W	11.00

CERTIFICATE OF OWNERSHIP AND GENERAL DEDICATION
 (I, We), the undersigned owner(s) of the property shown herein, hereby adopt this as (my, our) plan of subdivision and dedicate the streets as shown to the public use forever and hereby certify that (I, am, we and) the owner(s) in fee simple 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) Printed Name: _____
 Signature(s): _____
 Date: _____

OWNER CERTIFICATION FOR PUBLIC SEWER AND WATER SERVICE - MINOR SUBDIVISIONS
 (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.

Owner(s) Printed Name: _____
 Signature(s): _____
 Date: _____

CERTIFICATION OF APPROVAL OF SUBSURFACE SEWAGE DISPOSAL SYSTEMS
 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 Sections 58-1-401 through 58-1-413 of the Tennessee Code, Annotated, and the regulations promulgated thereat.

Knox County Health Department
 Date: _____

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 Knoxville-Knox County Subdivision Regulations except as has been amended, described and justified in a report filed with the Planning Commission, or for variances and waivers which have been approved as specified on the final plat. The indicated permanent reference markers and monuments, benchmarks and property monuments were in place on the _____ day of _____, 20____.

Registered Land Surveyor
 Tennessee License No. _____
 Date: _____

CERTIFICATION OF THE ACCURACY OF SURVEY
 Survey accuracy shall meet the requirements of the current edition of the Rules of Tennessee State Board of Examiners for Land Surveyors - Standards of Practice. 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. _____
 Date: _____

CERTIFICATION OF APPROVAL OF PUBLIC SANITARY SEWER SYSTEM - MINOR SUBDIVISIONS
 This is to certify that the subdivision shown herein is approved subject to the installation of public sanitary sewers and treatment facilities, 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 sanitary sewers in the vicinity of the lot(s) and to pay for the installation of the required connections.

Utility Provider
 Authorized Signature for Utility Date: _____

Notary Certification
 State of _____
 County of _____
 On this _____ day of _____, 20____, to me known to be the person described in, and who executed the foregoing instrument, and acknowledged that he executed the same on his free and deed will, my hand and notarial seal, this the _____ day and year above.

TAXES AND ASSESSMENTS
 This is to certify that all property taxes and assessments due on this property have been paid.
 City Tax Clerk _____
 Date: _____
 Knox County Trustee _____
 Date: _____

ZONING
 Zoning Shown on Official Map: _____
 Date: _____

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, and the Administrative Rules of the Planning Commission, and these regulations.
 Signed: _____
 Date: _____

PLANNING COMMISSION CERTIFICATION 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 waivers noted on this plat, and is in the minutes of the Knoxville-Knox County Planning Commission, on this the _____ day of _____, 20____, 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 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.

Registered Land Surveyor
 Tennessee License No. _____
 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.

Registered Land Surveyor
 Tennessee License No. _____
 Date: _____

UTILITY PROVIDER
 Authorized Signature for Utility Date: _____
 CITY OF KNOXVILLE ENGINEERING DEPARTMENT
 The Knoxville Engineering Department hereby approves this plat on this the _____ day of _____, 20____.

Engineering Director
 DATE OF SIGNATURE: 02/14/2024
 MICHAEL P. MESSINA, JR., TN #3328

NOTARY CERTIFICATION
 State of _____
 County of _____
 On this _____ day of _____, 20____, to me known to be the person described in, and who executed the foregoing instrument, and acknowledged that he executed the same on his free and deed will, my hand and notarial seal, this the _____ day and year above.

Written: _____ Notary
 My commission expires: _____



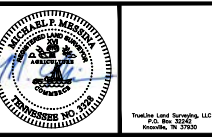
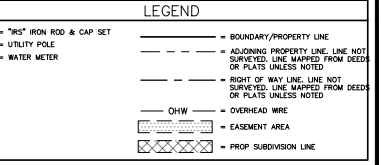
SURVEYOR'S NOTES

1. THE SURVEY SHOWN HEREON WAS PRODUCED USING GPS REAL TIME KINEMATIC (RTK) POSITIONAL DATA OBSERVED ON MARCH 16, 2023, UTILIZING A TRIMBLE S-12 DUAL FREQUENCY RECEIVER. POSITIONAL ACCURACY OF THE GPS VECTORS DOES NOT EXCEED 0.07 FEET HORIZONTALLY.
2. FIXED CONTROL STATIONS ARE LISTED AS FOLLOWS:
 T001 DISTRICT 15 CORRS APP, PD, D#2540, LAT: N36°00'08.23511N, LON: W83°40'13.95236W
3. BEARINGS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN DATUM 1983 (NAD 83), CORRS W6, EPOCH 2022.6, TENNESSEE STATE PLANE COORDINATE SYSTEM, ZONE 4100, TENNESSEE GEOIDIC REFERENCE NETWORK (TGN) AND ARE FURTHER REFERENCED TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION VIRTUAL REFERENCE SYSTEM (VRS) SURVEYOR.
4. ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83) GRID 128.
5. ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GRID DISTANCES MEASURED IN U.S. SURVEY FEET. THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 1.0000975986.
6. ALL ABOVE GROUND IMPROVEMENTS AND UTILITIES WITHIN 5 FEET OF ALL PROPERTY LINES HAVE BEEN LOCATED AND ARE SHOWN HEREON. THERE HAS BEEN NO ATTEMPT TO LOCATE ANY UNDERGROUND UTILITIES OR IMPROVEMENTS. UNDERGROUND UTILITIES SHOWN WERE FROM ACTUAL FIELD EVIDENCE. OTHER UTILITIES MAY EXIST AND NOT BE SHOWN OR VARY FROM WHERE SHOWN. NO GUARANTEE IS EXPRESSED OR IMPLIED AS TO THE ACTUAL LOCATION OF ANY UTILITY SHOWN, WHICH ARE NOT VISIBLE FROM THE SURFACE.
7. THE SURVEY SHOWN HEREON WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR TITLE SEARCH. ALL PROPERTY OR DEED INFORMATION WAS PROVIDED BY THE CLIENT.
8. SOURCES OF INFORMATION USED TO FACILITATE THIS SURVEY WERE PREVIOUS SURVEYS BY THIS SURVEYOR, SURVEYS BY OTHER SURVEYORS, AND INFORMATION FURNISHED BY THE CLIENT. NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS PERFORMED BY THIS SURVEYOR.
9. THE SURVEY SHOWN HEREON MAY BE SUBJECT TO DEEDS, UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, BUILDING SETBACKS, REGULATIONS, OR OTHER INSTRUMENTS OF RECORD WHICH COULD AFFECT THE BOUNDARIES OF THIS PROPERTY THAT WERE NOT FURNISHED AT THE TIME OF THE SURVEY.
10. THE SUBJECT PROPERTY IS LOCATED IN ZONE X, AN AREA OF MINIMAL FLOOD HAZARD, PER THE FIRM FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 4709302Z70, EFFECTIVE DATE AUGUST 5, 2013.
11. SUBJECT PROPERTY IS ZONED RN-2 AND THE CURRENT BUILDING SETBACK ARE PER CITY OF KNOXVILLE ZONING OFFICE.
12. THE CONTRACTOR AND/OR HOMEOWNER IS RESPONSIBLE FOR VERIFYING FLOOR ELEVATIONS AND HOME LOCATION, AS SHOWN HEREON. ANY DISCREPANCY MUST BE REPORTED BEFORE CONSTRUCTION BEGINS. THE SURVEYOR ASSUMES NO RESPONSIBILITY AFTER CONSTRUCTION BEGINS.
13. SOURCE OF CONTOUR OVERLAY SHOWN HEREON IS DERIVED FROM "1N G5" WESTBET LIDAR DATA COLLECTED IN 2016.
14. REQUIRED UTILITY AND DRAINAGE EASEMENTS SHALL BE TEN (10) FEET IN WIDTH INSIDE ALL EXTERIOR LOT LINES ADJOINING STREETS AND PRIVATE RIGHTS-OF-WAY (INCLUDING JOINT PERMANENT EASEMENTS), EASEMENTS OF FIVE (5) FEET IN WIDTH SHALL BE PROVIDED ALONG BOTH SIDES OF ALL INTERIOR LOT LINES AND ON THE INSIDE OF ALL OTHER EXTERIOR LOT LINES.

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THIS IS A CATEGORY IV RTK GPS SURVEY WHICH MEETS ALL THE TECHNICAL REQUIREMENTS SET FORTH BY THE TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS.
 I FURTHER CERTIFY THAT THIS SURVEY WAS DONE IN COMPLIANCE WITH ALL CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE.
 I FURTHER CERTIFY THAT THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION, THAT THIS DRAWING ACCURATELY DEPICTS THE SURVEY, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DATE OF SIGNATURE: 02/14/2024
 MICHAEL P. MESSINA, JR., TN #3328



TRUeline
 LAND SURVEYING
 (865) 627-2338
 www.trueline.com

REFERENCES: DEED INST. 20240201036964
 PB 6 PG 80 (CABINET A, SLIDE 205A)
 PARCEL ID: 094H C 010.01
 JOB NO: 202314592
 DRAFTER BY: P.D. SANCHEZ
 DATE: 3/16/2023 - REVISED 02/12/2024
 SCALE: 1" = 20'

OWNER CONTACT INFORMATION
 WESTBET DEVELOPMENT LLC
 243 HILLOREST DRIVE
 CARVILLE, TN 37114
 PHONE: 423-827-2944

FINAL PLAT OF:
LOT 190 & 191 OF OVERBROOK ADDITION,
RESUBDIVISION OF A PORTION OF LOT 22 OF RICHMOND HEIGHTS
 SHOWING A SURVEY REQUESTED BY ANDREW BYRD
 CITY BLOCK 23286, WARD 23, CIVIL DISTRICT 8, COUNTY OF KNOX, STATE OF TENNESSEE

SHEET 1
OF 1



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@truelinels.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

Part of Parcel (Y/N)?

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

<input 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

FINAL PLAT OF RICHMOND HEIGHTS	Related Rezoning File Number
Proposed Subdivision Name	
_____ Unit / Phase Number <input checked="" type="checkbox"/> Split Parcels	2 Total Number of Lots Created
Additional Information _____	
<input 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 <input type="checkbox"/> Staff Review <input checked="" type="checkbox"/> Planning Commission	Fee 1	Total
ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input checked="" type="checkbox"/> Variance Request	Fee 2	
ADDITIONAL REQUIREMENTS <input type="checkbox"/> COA Checklist (Hillside Protection) <input type="checkbox"/> Design Plan Certification (Final Plat) <input type="checkbox"/> Site Plan (Development Request) <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> Use on Review / Special Use (Concept Plan)	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	Michael Messina Please Print	5/21/2023 Date
---------------------	--	--------------------------

Phone / Email	Nestbuilt Development LLC Please Print	5/21/2023 Date
Property Owner Signature		



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

Name

855 Baylor Circle

Address

865-607-0131

Phone

TrueLine Land Surveying LLC

Company

Knoxville

City

TN

State

37923

ZIP

mike.messina@truelinelns.com

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

Property Address

KUB

Sewer Provider

094H C 010.01

Parcel ID

KUB

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

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	\$500.00
Fee 2		
Fee 3	0205 \$250.00	

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@truelinels.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: