

# SUBDIVISION REPORT - FINAL PLAT

▶ FILE #:	10-SA-24-F	AGENDA ITEM #:	7
POSTPONEMENT(S):	10/3/2024	AGENDA DATE:	11/14/2024
▶ SUBDIVISION:	FINAL PLAT FOR RESUBDIVISION OF LOTS 8 & 26 OF THE J.A. UMBARGER PROPERTY		
▶ APPLICANT/DEVELOPER:	BOBBY C. SMELCER		
OWNER(S):	Bobby C Smelcer		
<hr/>			
TAX IDENTIFICATION:	109 I H 016, 017 AND 109IG002	<a href="#">View map on KGIS</a>	
JURISDICTION:	City Council District 1		
STREET ADDRESS:	0 DOOLEY ST (0 DOOLEY ST; 0 BALDWIN AVE)		
▶ LOCATION:	North side of Baldwin Ave, west of Chapman Hwy		
SECTOR PLAN:	South City		
GROWTH POLICY PLAN:	N/A (Within City Limits)		
FIRE DISTRICT:	Knoxville Fire Department		
WATERSHED:	Goose Creek		
▶ APPROXIMATE ACREAGE:	17903 square feet		
▶ NUMBER OF LOTS:	2		
▶ ZONING:	RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)		
SURVEYOR/ENGINEER:	Jacob Forster ETN Surveying LLC		
▶ VARIANCES REQUIRED:	Variance to reduce the width of a flag stem of a flag lot from 25 ft to 20 ft (Subdivision Regulations 3.03.B.1).		

## STAFF RECOMMENDATION:

- ▶ Approve the variance to reduce the width of the flag stem of a flag lot from 25 ft to 20 ft, based on the following evidence of hardship.

1. The requested variance is required to provide access to landlocked parcel 109IG002.
2. The landlocked situation is unique to the property, and it primarily arises from Dooley Street being unpaved, as described in the Comments section of this report. The condition of Dooley Street was not created by anyone who has an interest in the property.
3. Approval of this variance will not be detrimental to public safety, health, or welfare because the flag lot is near the terminus of Baldwin Ave, a local, dead-end street with no through-connectivity and low volumes of traffic.

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

## COMMENTS:

### BACKGROUND:

There are four parcels adjacent to Dooley Street, which was recently closed by City Council (Ordinance # O-

123-2024). Dooley Street was a 40-ft public right-of-way that provided legal access to the two rear parcels (109IG002 and 109IH017). Because the street was unpaved and never built, it did not provide access to these parcels, and the parcels were essentially landlocked. The closure of Dooley Street will allow 20 ft of the former right-of-way to be transferred to the adjacent parcels. The first 20 ft will transfer to a property owner who is uninvolved in this plat request. The other 20 ft will be merged with parcel 109IG002 to create lot 8R. The final plat involves a land exchange between adjacent property owners. Parcel 109IH107 will be merged with parcel 109IH016 to create lot 26R. Parcel 109IG002 and 20 ft of the closed street will create lot 8R, which is a flag lot. The flag stem of lot 8R will only have a width of 20 ft, which cannot be increased due to the 50 ft minimum lot width requirement of the RN-2 zoning district that applies to lot 26R. The proposed lot layout with the variance request is the optimal solution to provide access to these landlocked parcels.

**VARIANCE REQUEST:**

Section 3.03.B.1 of the Subdivision Regulations requires the width of the flag stem (linear strip of land with frontage on access road) to be no less than 25 ft. The minimum width requirement is intended to restrict multiple access points within a close distance, particularly prohibiting a series of flag lots with very narrow flag stems. The requested reduction of 5-ft is not expected to create any unsafe conditions here as this property is near the terminus of Baldwin Avenue, a dead-end local street.

The City of Knoxville Engineering Department supports the variance request.

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



# Request to Postpone • Table • Withdraw

Bobby C. Smelcer

9/25/2024

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

Date of Request

10/3/2024

Scheduled Meeting Date

File Number(s)

10-SA-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 11/14/2024 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

Bobby C. Smelcer

Please Print

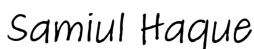
865-250-3924

Phone Number

bobbycsmelcer@gmail.com

Email

## STAFF ONLY



Staff Signature

Samiul Haque

Please Print

Date Paid

☒ No Fee

Eligible for Fee Refund? ☐ Yes ☐ No

Amount:

Approved by:

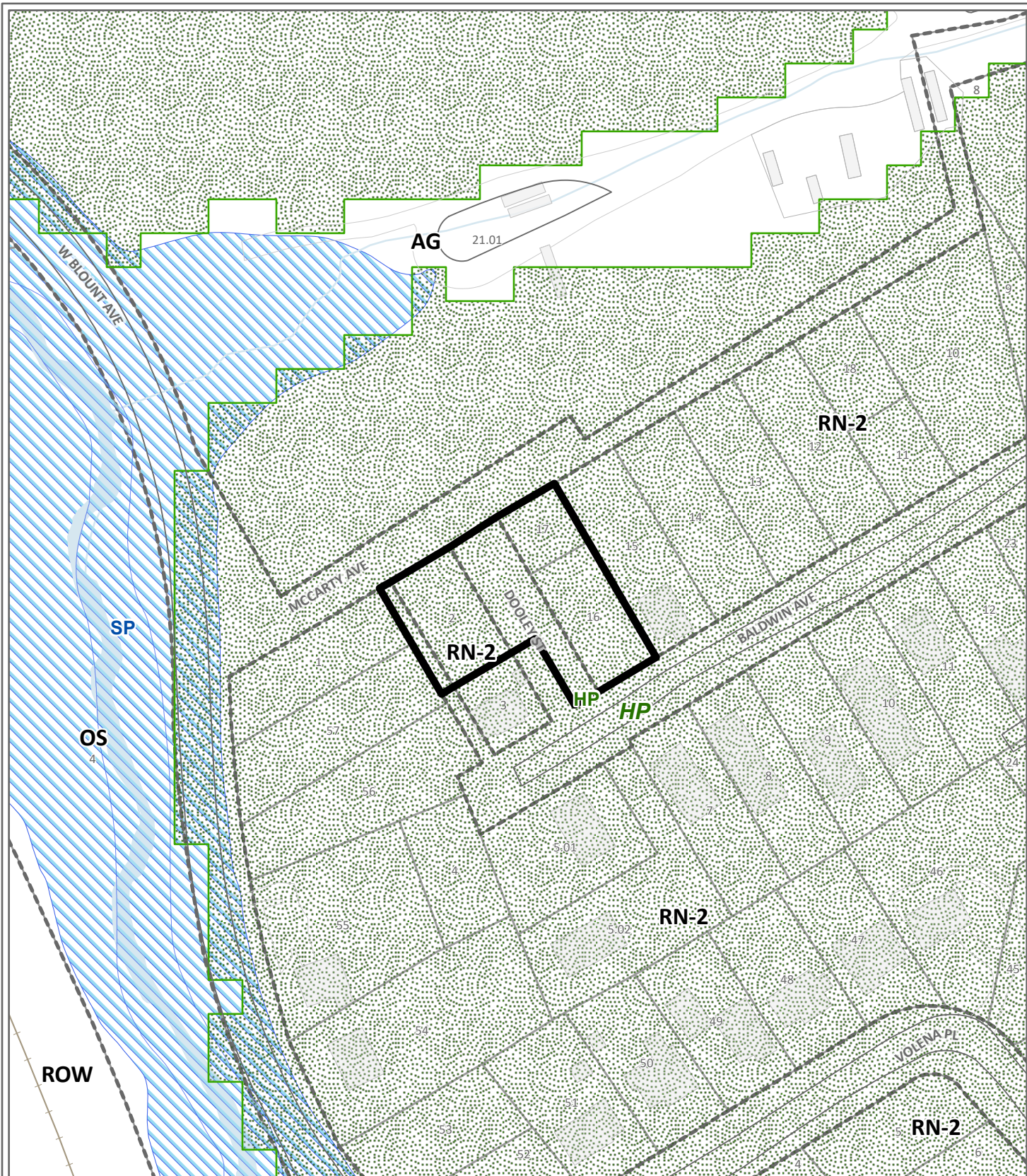
Date:

Payee Name

Payee Phone

Payee Address

October 2022



**FINAL SUBDIVISION PLAT**

**10-SA-24-F**

**Petitioner:** Bobby C. Smelcer

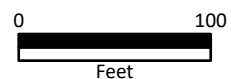


Final Plat For: Final Plat for Resubdivision of Lots 8 & 26 of the J.A. Umbarger Property

**Original Print Date:** 8/26/2024

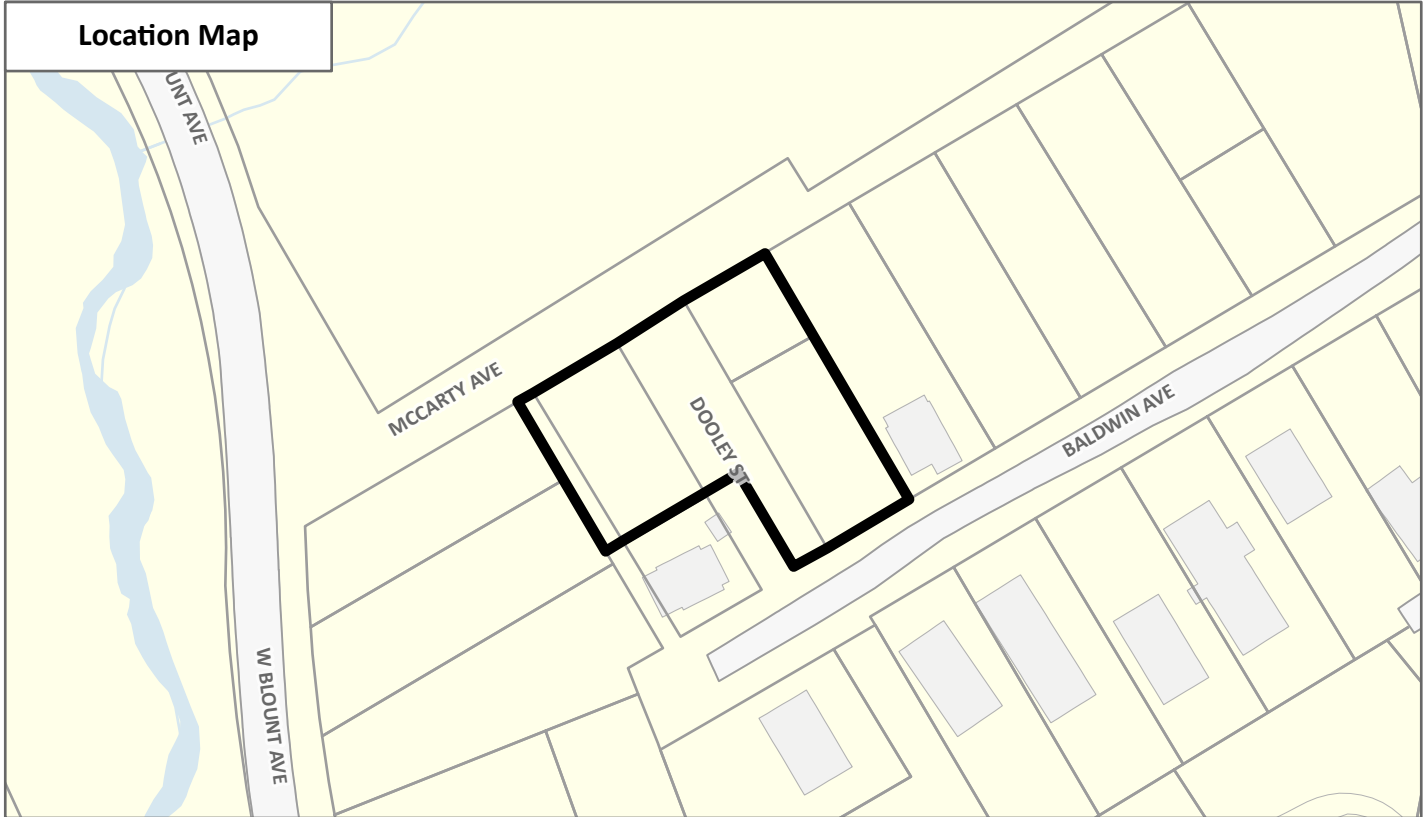
Knoxville - Knoxville Planning Commission \* City / County Building \* Knoxville, TN 37902

**Map No:** 109  
**Jurisdiction:** City



## Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

10-SA-24-F



Case boundary

0 110  
Feet





THIS SURVEY WAS PREPARED USING A COMBINATION OF RTK GNSS AND CONVENTIONAL TOTAL STATION DATA COLLECTION.

- 1) GNSS RECEIVER: CARLSON BRYT BARSBERGER REFERENCED TO NAD83 STATE PLANE COORDINATES USING THE TDOT CORS NETWORK  
A) REAL-TIME KINEMATIC GNSS OBSERVATIONS USED  
B) MINIMUM POSITIONAL ACCURACY = 0.07 (95% CONFIDENCE / 2σ)  
C) HORIZONTAL DATUM = NAD83(2011) EPOCH 2010.00 TENNESSEE (EPSG:32136)  
D) VERTICAL DATUM = NAVD88  
E) GEOID MODEL = CONT NENTALLUS\_NGS018  
F) COMBINED SCALE FACTOR = 1.0000000  
G) REFERENCE STATION = LOCAL BNO7 BASE LOCALIZED USING TDOT CORS MODELED CORRECTIONS  
H) OBSERVATIONS MADE ON 4/29/2024, 5/3/2024, & 6/3/2024  
2) TOTAL STATION: SOKKIA DX-2054C  
3) ALL DISTANCES & AREAS SHOWN ARE GRID MEASUREMENTS

**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 are) 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: BOBBY C. SMELCER

Signature(s): \_\_\_\_\_

Date: \_\_\_\_\_

State of \_\_\_\_\_ County of \_\_\_\_\_  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Before me personally appeared \_\_\_\_\_ to me known to be the person described in, and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Witness my hand and notarial seal, this the \_\_\_\_\_ day and year above.  
Written: \_\_\_\_\_ Notary  
My Commission expires: \_\_\_\_\_

**Certification of the Accuracy of Survey**  
I hereby certify that I have surveyed the land boundaries and easements shown herein in accordance with the accuracy requirements for a Category IV survey and that the minimum positional accuracy is not less than 0.07 (95% confidence - 2σ). I further certify that this survey adheres to the guidelines set forth in the current Tennessee Land Surveyors Standards of Practice.

Signature: \_\_\_\_\_

Printed Name: Jacob Forster - TN RLS 3500

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 limited, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Registered Land Surveyor: Jacob P. Forster  
Tennessee License No.: 3500

**Addressing Department Certification**  
I, the undersigned, hereby certify that the subdivision name and all street names conform to the Knoxville or Knox County Street Naming and Addressing Ordinance, the Addressing Guidelines and Procedures, and these regulations.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**City of Knoxville Department of Engineering**  
The Knoxville Department of Engineering hereby approves this plat on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Engineering Director \_\_\_\_\_  
**Taxes and Assessments**  
This is to certify that all property taxes and assessments due on this property have been paid.

City Tax Clerk: Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Knox County Trustee: Signed: \_\_\_\_\_ 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: \_\_\_\_\_

**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: \_\_\_\_\_

**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: BOBBY C. SMELCER

Signature(s): \_\_\_\_\_

Date: \_\_\_\_\_

### CERTIFICATION OF CATEGORY AND ACCURACY OF SURVEY

I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED TRAVERSE IS 1:10,000 FOR TOTAL STATION MEASUREMENTS. GNSS SURVEY PRECISION IS A MINIMUM OF 0.07 AT THE 95% RELATIVE POSITIONAL ACCURACY CONFIDENCE INTERVAL.

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN MADE USING THE LATEST RECORDED DEEDS AND OTHER DOCUMENTS FURNISHED BY THE ATTORNEY AND THAT THERE ARE NO ENCUMBRANCES OR OBJECTS OTHER THAN THOSE SHOWN AND THAT THE SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JACOB FORSTER, TN RLS 3500

**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 are) 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: CODY CASE

Signature(s): \_\_\_\_\_

Date: \_\_\_\_\_

State of \_\_\_\_\_ County of \_\_\_\_\_  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Before me personally appeared \_\_\_\_\_ to me known to be the person described in, and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Witness my hand and notarial seal, this the \_\_\_\_\_ day and year above.  
Written: \_\_\_\_\_ Notary  
My Commission expires: \_\_\_\_\_

PARCEL 109I A 021 01  
SMELCER, B. C.  
QC INST. # 201704170033058  
BLOUNT AVE BAPTIST CHURCH PROPERTY, LOT 2  
PLAT INST. # 201308270014282

**VARIANCE NOTE:**  
A VARIANCE TO REDUCE THE WIDTH OF A FLAG TEM OF A FLAG LOT FROM 25' TO 20' WAS APPROVED ON NOVEMBER 14, 2024 BY THE PLANNING COMMISSION. (SUBDIVISION REGULATIONS 3.03 B.1.)

**FLOOD CERTIFICATION**  
THIS IS TO CERTIFY THAT I HAVE EXAMINED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD MAP AND FOUND THE DESCRIBED PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA.

MAP NUMBER: 47093020283G  
COMMUNITY: CITY OF KNOXVILLE  
NUMBER: 475434  
PANEL: 0283 OF 430  
SUFFIX: G

LINE	BEARING	DISTANCE
L1	S 58°45'00" W	20.10'
L2	N 32°29'40" W	57.02'
L3	N 58°47'00" E	19.97'
L4	S 32°37'30" E	57.01'

PARCEL 109I H 015 00  
CASE C  
QC INST. # 202301130039699  
J. A. UMBARGER PROPERTY, LOT 25  
PLAT INST. # 191506210000000

PARCEL 109I H 016 00  
(PART OF LOT 26)

PARCEL 109I G 002 00  
(PART OF LOT 8)

**LOT 8R**  
0.237 ACRES TOTAL  
(10320 SQ. FT.)

0.211 ACRES  
WITHOUT THE  
ACCESS STRIP  
(9178 SQ. FT.)

PARCEL 109I G 001 00  
SMELCER, B. C.  
QC INST. # 201611300034543  
J. A. UMBARGER PROPERTY, LOT 5  
PLAT INST. # 191506210000000

PARCEL 109I G 057 00  
SMELCER, B. C.  
QC INST. # 201611300034546  
J. A. UMBARGER PROPERTY, LOT 6  
PLAT INST. # 191506210000000

PARCEL 109I G 003 00  
CALFEE, R. D. & N.  
QC INST. # 202304100054613  
J. A. UMBARGER PROPERTY, PARTIAL LOT 8  
PLAT INST. # 191506210000000

PARCEL 109I G 056 00  
SMELCER, B. C.  
QC INST. # 201611300034544  
J. A. UMBARGER PROPERTY, LOT 7  
PLAT INST. # 191506210000000

**NO EASEMENTS TO RELEASE: RLS CERTIFICATION**  
This is to certify that there are no recorded drainage easements or utility easements on the lot line(s) being eliminated on this Subdivision plat.

Date: \_\_\_\_\_

Surveyor Signature \_\_\_\_\_

**Zoning**  
Zoning Shown on Official Map: RN-2, HP OVERLAY  
By: \_\_\_\_\_

**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 waivers noted on this plat and in the minutes of the Knoxville-Knox County Planning Commission, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and that the record plat is hereby approved for recording in the office of the Knoxville-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.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

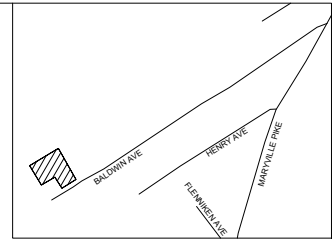
OWNERS:

BOBBY C. SMELCER  
3318 BEVER AVE  
KNOXVILLE, TN 37920  
(865) 250-3624

CODY CASE  
721 BALDWIN AVE  
KNOXVILLE, TN 37920  
865-684-7343

DOOLEY ST (PARCELS 109I G 002 00 & 109I H 017 00)  
BALDWIN AVE (PARCEL 109I H 016 00)  
CITY OF KNOXVILLE, 25TH WARD, CITY BLOCKS 25373 & 25374  
DISTRICT 9, KNOX COUNTY, STATE OF TENNESSEE  
QC INST. # 201611300034542 & 201611300034547 (SMELCER, B. C.)  
QC INST. # 202301130039703 (CASE, C.)  
J. A. UMBARGER PROPERTY, LOTS PARTIAL 8 & 26  
PLAT INST. # 191506210000000

JOB# 20240407 DRAWN: CAY 06/06/2024



LOCATION MAP (NOT TO SCALE)

- = 1/2" REBAR FOUND UNLESS SPECIFIED OTHERWISE  
◆ = 1/2" x 24" REBAR SET  
○ = CALCULATED POINT  
⊗ = SANITARY SEWER MANHOLE  
⊗ = SANITARY SEWER (OR SEPTIC) CLEANOUT  
⊗ = WATER VALVE  
⊗ = ELECTRICAL TRANSFORMER OR BOX  
⊗ = FIRE HYDRANT  
⊗ = HVAC CONDENSER  
⊗ = UTILITY POLE  
⊗ = GUY WIRE ANCHOR  
⊗ = WATER METER  
⊗ = BOUNDARY LINE  
NON-SURVEYED PROPERTY LINE  
CENTERLINE OF ROAD  
BUILDING SETBACKS  
UTILITY & DRAINAGE EASEMENTS  
FENCING  
SANITARY SEWER CENTERLINE

- NOTES:
- PROPERTY IS CURRENTLY ZONED RN-2, HP OVERLAY.
  - COORDINATES SHOWN ON THIS MAP ARE FOR THE CONVENIENCE OF FUTURE SURVEYORS AND SHOULD NOT BE CONSIDERED AS PRIMARY EVIDENCE FOR REMONUMENTATION PURPOSES.
  - THE LAND SURVEYOR IS NOT RESPONSIBLE FOR ANY DETERMINATION OR LOCATION OF ANY UNDERGROUND CONDITIONS NOT VISIBLE AND OBVIOUS BY INSPECTION OF THE PREMISES, INCLUDING, BUT NOT LIMITED TO, SO L.S. GEOLOGICAL CONDITIONS, PHYSICAL DEVICES AND FACILITIES, PIPELINES OR BURIED CABLES UNLESS SPECIFICALLY SHOWN ON THIS MAP, AND SHALL NOT BE RESPONSIBLE FOR ANY LIABILITY THAT MAY ARISE OUT OF THE MAKING OF OR FAILURE TO MAKE SUCH DETERMINATION OR LOCATION OF ANY SUBSURFACE CONDITION.
  - THE LAND SURVEYOR MAKES NO WARRANTY, EITHER EXPRESS OR IMPLIED, AS TO ITS FINDINGS, RECOMMENDATIONS, OPINIONS, OR PROFESSIONAL ADVICE EXCEPT THAT ITS SERVICES WERE PERFORMED PURSUANT TO GENERALLY ACCEPTED STANDARDS OF PROFESSIONAL PRACTICE IN EFFECT AT THE TIME OF PERFORMANCE.
  - THIS DOCUMENT IS PROTECTED BY US COPYRIGHT LAW AND ALL RIGHTS ARE RESERVED BY ETN SURVEYING LLC.
  - THE PURPOSE OF THIS PLAT IS TO RESUBDIVIDE PARCELS 109I G 002 00, 109I H 017 00, AND 109I H 016 00 INTO TWO LOTS. THE TOTAL AREA INVOLVED IN THIS SUBDIVISION IS 0.411 ACRES (17903 SQ. FT.)
  - BUILDING SETBACKS ARE PER CURRENT ZONING REGULATIONS.  
FRONT 25'  
SIDES 8' ONE SIDE, 20' TOTAL  
REAR 25'
  - PURSUANT TO SUBDIVISION REGULATION 2.13-B, "IF A PLAT IS SUBMITTED THAT 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), THEN A VARIANCE WILL NOT BE REQUIRED FOR PLAT APPROVAL WITHOUT THE BENEFIT OF A SURVEY FOR THE BALANCE OF THE LOT." THE FIRST DEED PRIOR TO JULY 8, 1971 FOR EACH PARCEL IS LISTED BELOW:  
A) PARCEL 109I G 002 00 WD INST. 196308100000006  
B) PARCEL 109I H 017 00 WD INST. 194409110000018  
C) PARCEL 109I H 016 00 WD INST. 197106150000003

PLANNING FILE # 10-SA-24-F

FINAL PLAT FOR RESUBDIVISION OF  
PORTIONS OF LOTS 8 & 26 OF THE J. A.  
UMBARGER PROPERTY  
BY ETN SURVEYING LLC  
865-235-1878 INFO@ETNSURVEYING.COM

REVIEWED BY: JPF ALL RIGHTS RESERVED



# Development Request

## DEVELOPMENT

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

## SUBDIVISION

- ☐ Concept Plan  
☒ Final Plat

## ZONING

- ☐ Rezoning  
☐ Plan Amendment  
☐ Sector Plan  
☐ City OYP / County Comp Plan

**Bobby C. Smelcer**

Applicant Name

Affiliation

**8/1/2024**

Date Filed

**10/3/2024**

Meeting Date (if applicable)

**10-SA-24-F**

File Number(s)

## CORRESPONDENCE

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

**Bobby C Smelcer**

Name / Company

**137 Wrinkle Avenue Knoxville TN 37920**

Address

**865-250-3924 / bobbycsmelcer@gmail.com**

Phone / Email

## CURRENT PROPERTY INFO

**Bobby C Smelcer**

Owner Name (if different)

**137 Wrinkle Avenue Knoxville TN 37920**

Owner Address

**865-250-3924 / bobbycsmelcer**

Owner Phone / Email

**0 DOOLEY ST / 0 DOOLEY ST; 0 BALDWIN AVE**

Property Address

**109 I H 016,017 109IG002**

Parcel ID

Part of Parcel (Y/N)?

**17903 square feet**

Tract Size

**Knoxville Utilities Board**

Sewer Provider

**Knoxville Utilities Board**

Water Provider

**No**

Septic (Y/N)

## COMMUNITY ENGAGEMENT

*Sign and return the **Public Notice and Community Engagement** form with this application.*

*Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). **We require applicants to acknowledge their role in this process.***

## DEVELOPMENT REQUEST

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

Related City Permit Number(s)

Home Occupation (specify) \_\_\_\_\_

Other (specify) \_\_\_\_\_

## SUBDIVISION REQUEST

**Final Plat for Resubdivision of Lots 8 & 26 of the J.A. Umbarger Property**

Related Rezoning File Number

Proposed Subdivision Name

**2**

Unit / Phase Number

☒ Combine Parcels

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 Rezoning Requests

Additional Information \_\_\_\_\_

## STAFF USE ONLY

### PLAT TYPE

☐ Staff Review    ☒ Planning Commission

Fee 1

Total

**\$500.00**

### ATTACHMENTS

☐ Property Owners / Option Holders    ☒ Variance Request  
☐ Amendment Request (Comprehensive Plan)

Fee 2

### ADDITIONAL REQUIREMENTS

☐ Use on Review / Special Use (Concept Plan)  
☐ Traffic Impact Study  
☐ COA Checklist (Hillside Protection)

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.

**Bobby C. Smelcer**

**8/1/2024**

Applicant Signature

Please Print

Date

Phone / Email

**Bobby C Smelcer**

**8/1/2024**

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 ☐ PA  
☐ Rezoning

Bobby C Smelcer  
Applicant Name

Owner  
Affiliation

8/1/2024  
Date Filed

October 3, 2024  
Meeting Date (If applicable)

File Number(s)

~~10-A-24-F~~  
10-SA-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

Bobby C Smelcer  
Name

Company

137 Wrinkle Ave  
Address

Knoxville  
City

TN 37920  
State ZIP

865-250-3924  
Phone

bobby.smelcer@knoxplanning.com  
Email

## CURRENT PROPERTY INFO

Bobby Csmelcer  
Property Owner Name (If different)

0 Dooley Ave  
Property Owner Address

865-250-3924  
Property Owner Phone

0 Dooley Ave St & 0 Baldwin Ave  
Property Address

109IG002, IH016, 017  
Parcel ID

KUB  
Sewer Provider

KUB  
Water Provider

N  
Septic (Y/N)

## STAFF USE ONLY

Northwest side of Baldwin Ave, east side of W Blount Ave  
General Location

17,903 SF  
Tract Size

☒ City ☐ County 1  
District

RN-2 & HP  
Zoning District

SFR, AgForVac  
Existing Land Use

South City  
Planning Sector

LDR & HP  
Land Use / Place Type  
CITY COUNTY

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**

Final Plat for resubdivision of Lots 8 &amp; 26 of the J. A. Umbarger Property

Proposed Subdivision Name

Unit / Phase Number   ☒ Combine Parcels   ☐ Divide Parcel

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  
☐ Amendment Request (*Comprehensive Plan*)

**ADDITIONAL REQUIREMENTS**

- ☐ Use on Review / Special Use (*Concept Plan*)  
☐ Traffic Impact Study  
☐ COA Checklist (*Hillside Protection*)

Fee 1		Total                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              
-------	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**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

Bobby Smelcer

Applicant Signature

Bobby Smelcer

Please Print

8-1-2024

Date

865-250-3924

Phone Number

bobby@smelcer@gmail.com

Email

08/01/2024

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, after written application, grant variations to the 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 these regulations if the purpose of the variation is solely for financial gain. 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 the following hardships are met:
  - 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 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.*

 Bobby C Smelcer 2/31/2024  
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:

Variance to reduce the width of a flag stem of a flag lot from 25' to 20' (Section 3.03.B.1)

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: I Have 2 Properties Address Dooley Ave & The City Closed the Road so the Right of way is only 40 ft wide & 25 is Required for access to a Lot. I'm Asking For a 20 ft Access to my Property so I won't be Landlocked as I am Now.
- 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.  
Street was Closed That my Property was off of.
- C. 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.  
This Closure will Not affect No One

**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: