

SUBDIVISION REPORT - FINAL PLAT

► **FILE #:** 11-SF-24-F

AGENDA ITEM #: 9

AGENDA DATE: 11/14/2024

► **SUBDIVISION:** RESUBDIVISION OF LOTS 7 & 8 OF W.M. MCNEELY ADDITION
(FORMERLY KNOWN AS FINAL PLAT OF REPLAT OF A PORTION OF
LOT 7 OF W. M. MCNEELY ADDITION)

► **APPLICANT/DEVELOPER:** LEAH METCALF

OWNER(S): Sun Creek Capital LLC

TAX IDENTIFICATION: 82 A D 002

[View map on KGIS](#)

JURISDICTION: City Council District 4

STREET ADDRESS: 2117 Citrus St.

► **LOCATION:** West side of Citrus St., east of Greenfield Ln.

SECTOR PLAN: East City

GROWTH POLICY PLAN: N/A (Within City Limits)

FIRE DISTRICT:

► **APPROXIMATE ACREAGE:** 10431 square feet

► **NUMBER OF LOTS:** 1

► **ZONING:** RN-4 (General Residential Neighborhood), HP (Hillside Protection Overlay)

SURVEYOR/ENGINEER: Leah Metcalf Atlas Survey & Mapping, LLC

► **VARIANCES REQUIRED:** A variance requesting the subdivision plat be accepted without surveying the remainder of Lot 7.

STAFF RECOMMENDATION:

► **Approve the variance for plat approval without the benefit of a survey for the remaining portions of Lot 7, based on the following evidence of hardship.**

1.Lot 7 of the W.M. McNeely Addition subdivision was subdivided into 2 parcels by deed in 1993 (Instrument #199307090041476). However, the resultant parcels were never recorded on a plat. The purpose of this plat is to create a lot of record for the subject property, thereby leaving the remaining portions under different ownership. Requiring both parcels to be platted would require the property owner to plat property that does not belong to them.

2.The current property owner gained ownership of a portion Lot 7 (Parcel ID 082AD002) in 2023 by a deed with a property description dating back to 1993 (Instrument # 199307090041476). To include Lot 7 in its entirety on the subject plat (Parcels 082AD002 and part of 082AD00301of the original plat), the property owner would have to survey property that does not belong to them should the variance not be approved.

3.Granted this variance is not expected to have any adverse effect on public safety, health, or welfare. Any development of the lot would be subject to all applicable requirements of the City of Knoxville Zoning Ordinance and the City of Knoxville Engineering department.

Approve the final plat for one lot in the RN-4 district.

COMMENTS:

BACKGROUND:

Lot 7 of the W.M. McNeely Addition subdivision was platted in 1956 (Instrument 195601060000001). This lot was subdivided into two parcels (Parcels 082AD002 and 082AD00301). This subdivision was never recorded on a plat and each of these parcels are currently under separate ownership.

The purpose of the final plat is to establish a lot of record along the current deed boundary of the property (Parcel ID 082AD002). This requires approval by the Planning Commission since a variance is requested as part of the application.

VARIANCE:

Section 2.13 of the Subdivision Regulations (Area to be Surveyed) states 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:

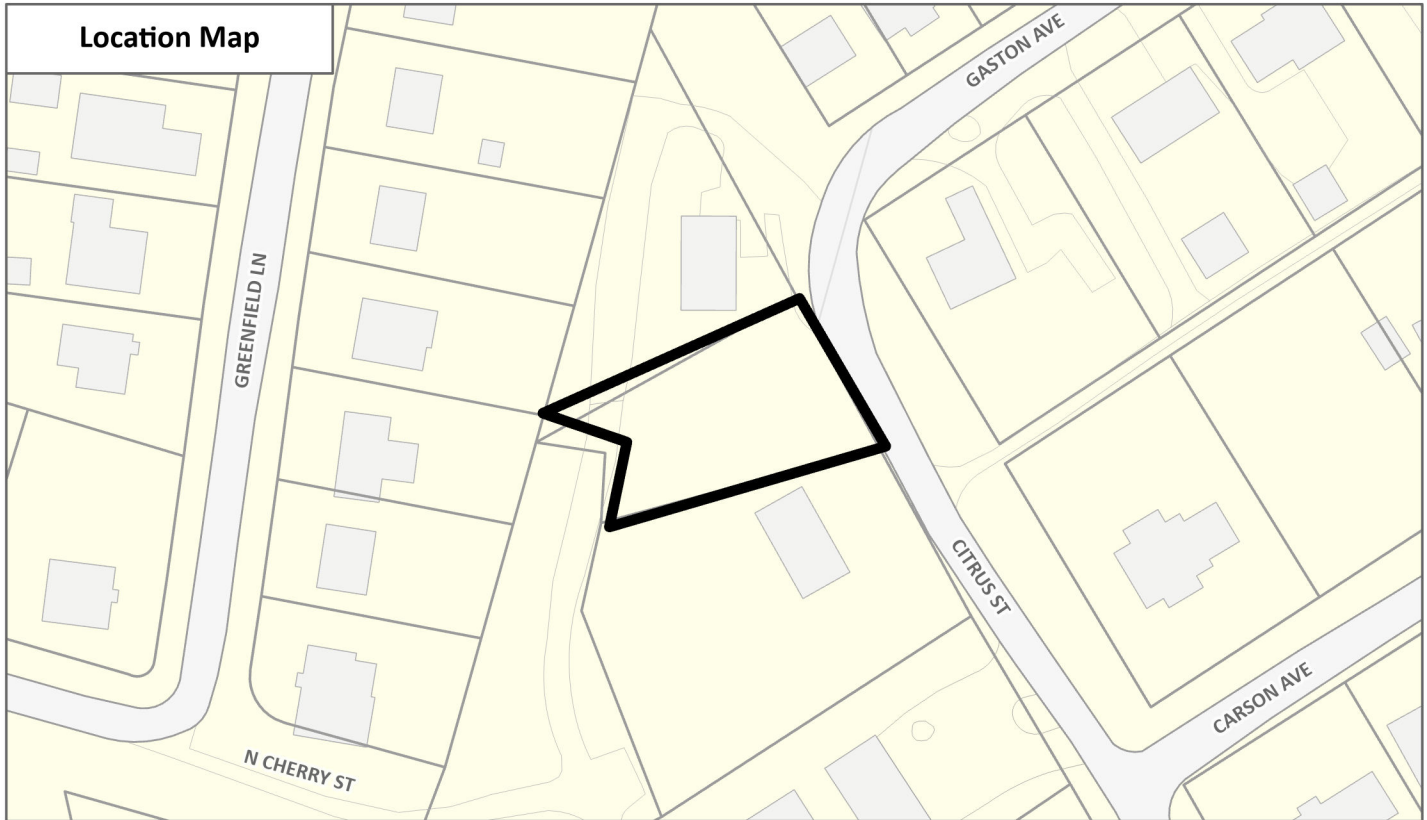
- i. When the remaining portion of the property is five acres or greater in area [Section 2.13.A].
- ii. When the submitted plat includes a portion of a lot from a previously recorded plat and the balance of the lot is under separate ownership, and the lot was transferred by deed prior to adoption of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

In this case, the entirety of former Lot 7 is much less than 5 acres, approximately 12,555.7 square feet, and the deed boundary was constructed after the subdivision regulations went into affect. Therefore, a variance is required to approve the final plat without surveying the remaining portion of Lot 7.

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.

Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

11-SF-24-F



Case boundary

0 110
Feet





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

Leah Metcalf

Applicant Name

Affiliation

9/25/2024

Date Filed

11/14/2024

Meeting Date (if applicable)

11-SF-24-F

File Number(s)

CORRESPONDENCE

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

Leah Metcalf Atlas Survey & Mapping, LLC

Name / Company

7016 Maize Drive Knoxville TN 37918

Address

865-248-2424 / lmetcalf@atlassurveytn.com

Phone / Email

CURRENT PROPERTY INFO

Sun Creek Capital LLC

Owner Name (if different)

8913 Town and Country Cir Knoxville TN

Owner Address

915-504-1071

Owner Phone / Email

2117 Citrus St.

Property Address

82 A D 002

Parcel ID

10431 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

<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 replat of a portion of lot 7 of W. M. McNeely Addition	Related Rezoning File Number
Proposed Subdivision Name	
_____ Unit / Phase Number	<div><input checked="" type="checkbox"/> Resub Parcels</div> <div>1 Total Number of Lots Created</div>
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 Rezoning Requests		
Additional Information _____		

STAFF USE ONLY

PLAT TYPE <input type="checkbox"/> Staff Review <input checked="" type="checkbox"/> Planning Commission	Fee 1 \$500.00	Total
ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input checked="" type="checkbox"/> Variance Request <input type="checkbox"/> Amendment Request (Comprehensive Plan)	Fee 2	
ADDITIONAL REQUIREMENTS <input type="checkbox"/> Use on Review / Special Use (Concept Plan) <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> COA Checklist (Hillside Protection)	Fee 3	

AUTHORIZATION

<input type="checkbox"/> 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	Leah Metcalf Please Print	9/25/2024 Date
Phone / Email _____		
Property Owner Signature	Sun Creek Capital LLC Please Print	9/25/2024 Date



Development Request

DEVELOPMENT

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

SUBDIVISION

- ☐ Concept Plan
☒ Final Plat
✓ Variance

ZONING

- ☐ Plan Amendment
☐ SP ☐ OYP
☐ Rezoning

Leah Metcalf

Applicant Name

Affiliation

~~08/09/2024~~ 09/25/2024

~~N/A~~ 11/14/2024

Date Filed

Meeting Date (if applicable)

File Number(s)

11-SF-24-F

~~8-Q-24~~

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

Leah Metcalf

Atlas Survey & Mapping, LLC

Name

Company

7016 Maize Dr

Knoxville

TN

37918

Address

City

State

ZIP

865-248-2424

lmetcalf@atlassurveytn.com

Phone

Email

CURRENT PROPERTY INFO

SUN CREEK CAPITAL LLC

8913 TOWN AND COUNTRY CIR #1099

915-504-1071

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

2117 Citrus St

082AD002

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

West side of Citrus Street, east of Greenfield Lane

10,431 sq ft

General Location

Tract Size

☒ City ☐ County
District

4th

RN-4, HP

Zoning District

AgForVac

Existing Land Use

East City

MDR & HP

N/A

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

May 1, 2023

DEVELOPMENT REQUEST

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

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Final Plat of Replat of a Portion of Lot 7 of W.M. McNeely Addition

Proposed Subdivision Name

Unit / Phase Number ☐ Combine Parcels ☐ Divide Parcel

Total Number of Lots Created

☒ Other (specify) **LOT OF RECORD**

☐ Attachments / Additional Requirements

Related Rezoning File Number

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		
0205	\$250.00	
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



Digitally signed by Leah Metcalf
Date: 2024.08.09 14:00:12 -05'00'

Leah Metcalf

08/09/2024

Applicant Signature

Please Print

Date

865-248-2424

lmetcalf@atlassurveytn.com

Phone Number

Email

(Variance) 09/26/2024, SG

(Final Plat) 08/12/2024, SG

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.


SignatureLeah Metcalf
Printed Name09/25/2024
Date

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

1. VARIANCE REQUESTED:

By Section 2.13.B, allow the remainder of Lot 7 of the adjacent property to be left without the benefit of a survey.

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 remainder of Lot 7 is under separate ownership from the subject Parcel.

- 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.

Current Parcel was divided through a deed and unrecorded plat.

- 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.

Lot 7 is already subdivided, variance/Lot of Record would have no effect on neighboring properties.

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:

N/A