



SUBDIVISION REPORT - FINAL PLAT

► **FILE #:** 11-SH-24-F

AGENDA ITEM #: 35

AGENDA DATE: 11/14/2024

► **SUBDIVISION:** FINAL PLAT OF SUBDIVISION OF TRAGESSER PROPERTIES

► **APPLICANT/DEVELOPER:** BENCHMARK ASSOCIATES, INC

OWNER(S): Larry Tragesser

TAX IDENTIFICATION: 153 D A 018, 019, 019.01

[View map on KGIS](#)

JURISDICTION: County Commission District 5

STREET ADDRESS: 10069 Westland Dr. (10071 and 0 Westland Dr.)

► **LOCATION:** North of Westland Dr., east of Bream Dr.

GROWTH POLICY PLAN: Planned Growth Area

FIRE DISTRICT: Rural Metro

WATERSHED: Sinking Creek

► **APPROXIMATE ACREAGE:** 2.354 acres

► **NUMBER OF LOTS:** 4

► **ZONING:** RA (Low Density Residential)

SURVEYOR/ENGINEER: Benjamin J. Moorman Benchmark Associates, Inc.

► **VARIANCES REQUIRED:** Increase the maximum number of lots on an Access Easement from 5 to 10 lots.

STAFF RECOMMENDATION:

► **Approve the variance for plat approval to increase the maximum number of lots on an Access Easement from 5 to 10 lots.**

1. The property has an existing 12 ft wide easement which serves 4 lots on the property and serves 5 lots east of the subject property (instrument #196411230000008). The proposal is to add one additional lot to the easement for a total of 10 lots.

2. The property owner does not own the 5 lots to the east, which also utilize the existing easement.

3. Granting this variance will not be detrimental to public safety, health, or welfare because this is a private dead-end driveway with low volumes of traffic. Engineering will not sign the plat until the pavement is widened on Lots 1, 2, and 3 at least one car length to allow for the passing of two vehicles at a time.

Approve the final plat for four lots in the RA zone.

COMMENTS:

Section 3.03.C - Access Easement:

An access easement shall serve a maximum of five (5) lots. However, for residential properties, an access easement shall serve single-family dwelling, duplex, or attached dwelling unit (townhouse) lots only, provided it serves no more than ten (10) dwelling units.

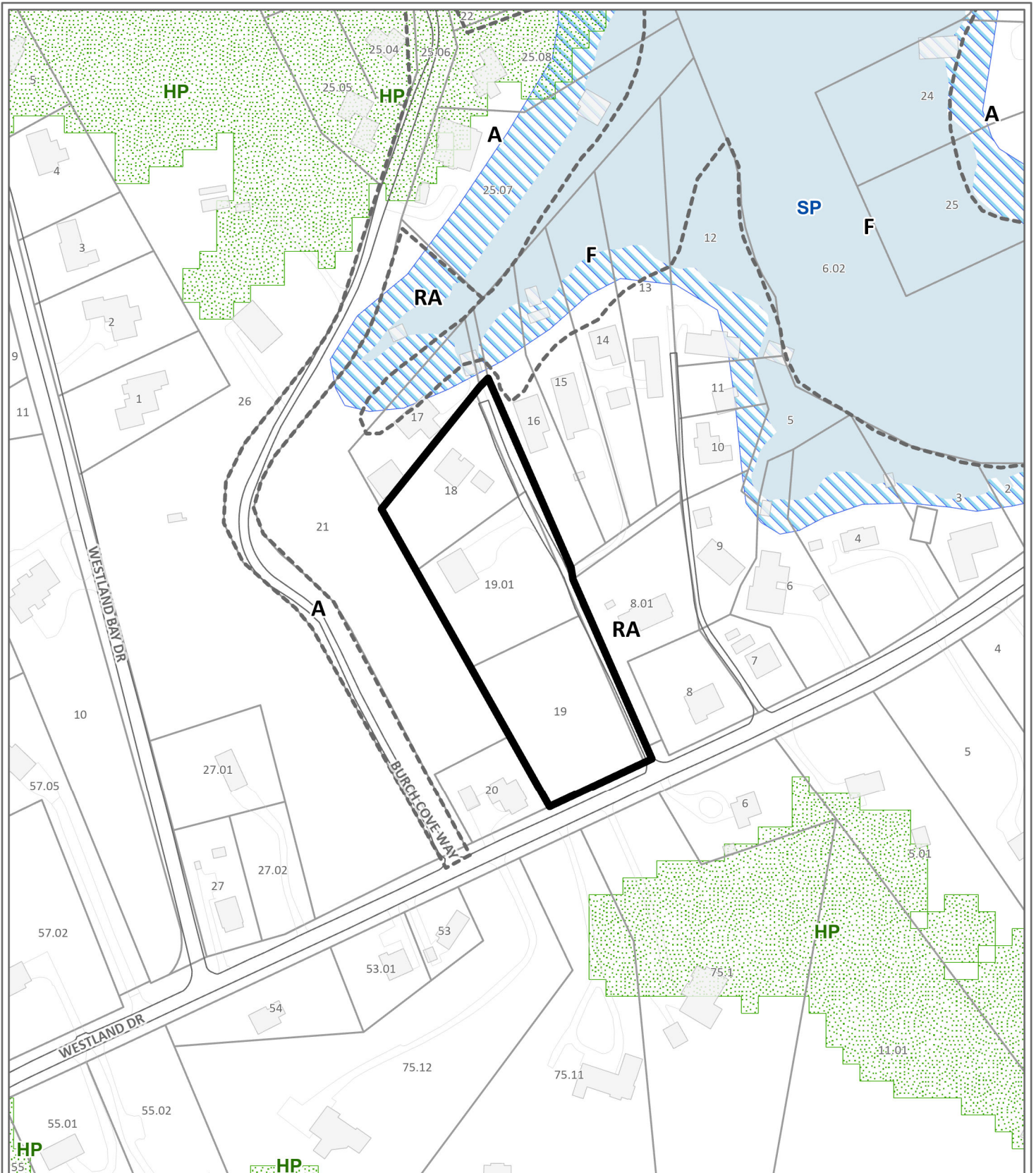
The proposal is to add one additional lot to the easement for a total of 10 lots. The existing lots are single family residences or vacant lots. The RA zone permits single family homes by right. Duplexes and garage

apartments would require a use on review.

The new lots will be for single family residences only to keep the number of dwelling units on one access easement to 10 units. Even though 10 lots are double the maximum number of lots allowed on an easement, up to 10 dwelling units are allowed. Since the new lots will be restricted to single family residences, Planning recommends allowing 10 lots on the existing access easement. The new plat is creating a 40 ft wide access easement over the existing easement to allow for road widening. Engineering will not sign the plat until the pavement is widened on Lots 1, 2, and 3 at least one car length to allow for the passing of two vehicles at a time. Lot 1 will increase the pavement width at the entrance on Westland Dr. Lots 2 and 3 will work out the location per the requirements of Engineering and Public Works.

Any further subdivisions or additional dwelling units over 10 lots or 10 units would require the creation of a private right-of-way. The private right-of-way would bring the pavement up to public road standards and require all lots currently accessing the easement to agree to it.

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.



FINAL SUBDIVISION PLAT

11-SH-24-F

Petitioner: Benchmark Associates, Inc



Final Plat For: Final Plat of Subdivision of Tragesser Properties

Original Print Date: 10/24/2024

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

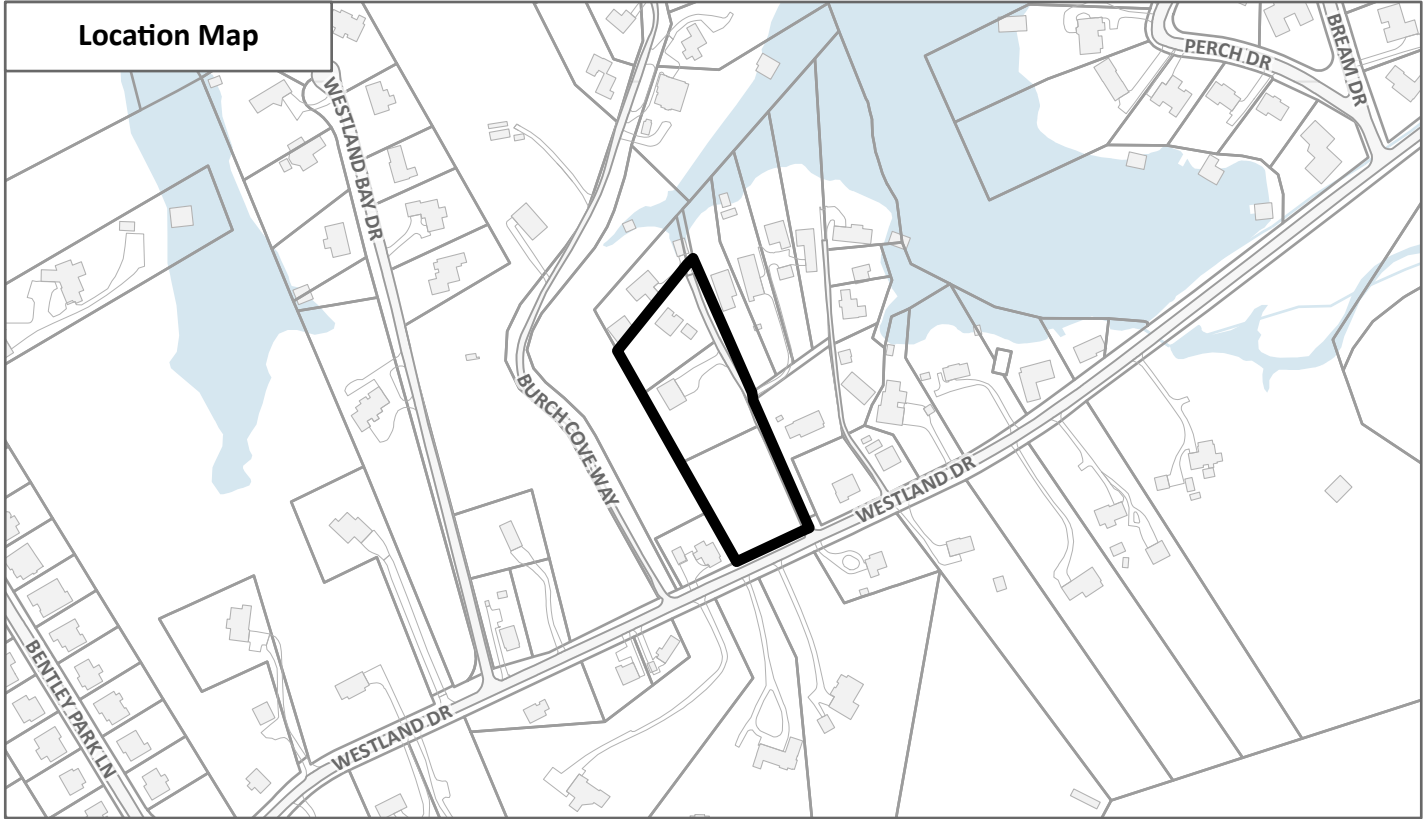
Map No: 153

Jurisdiction: County

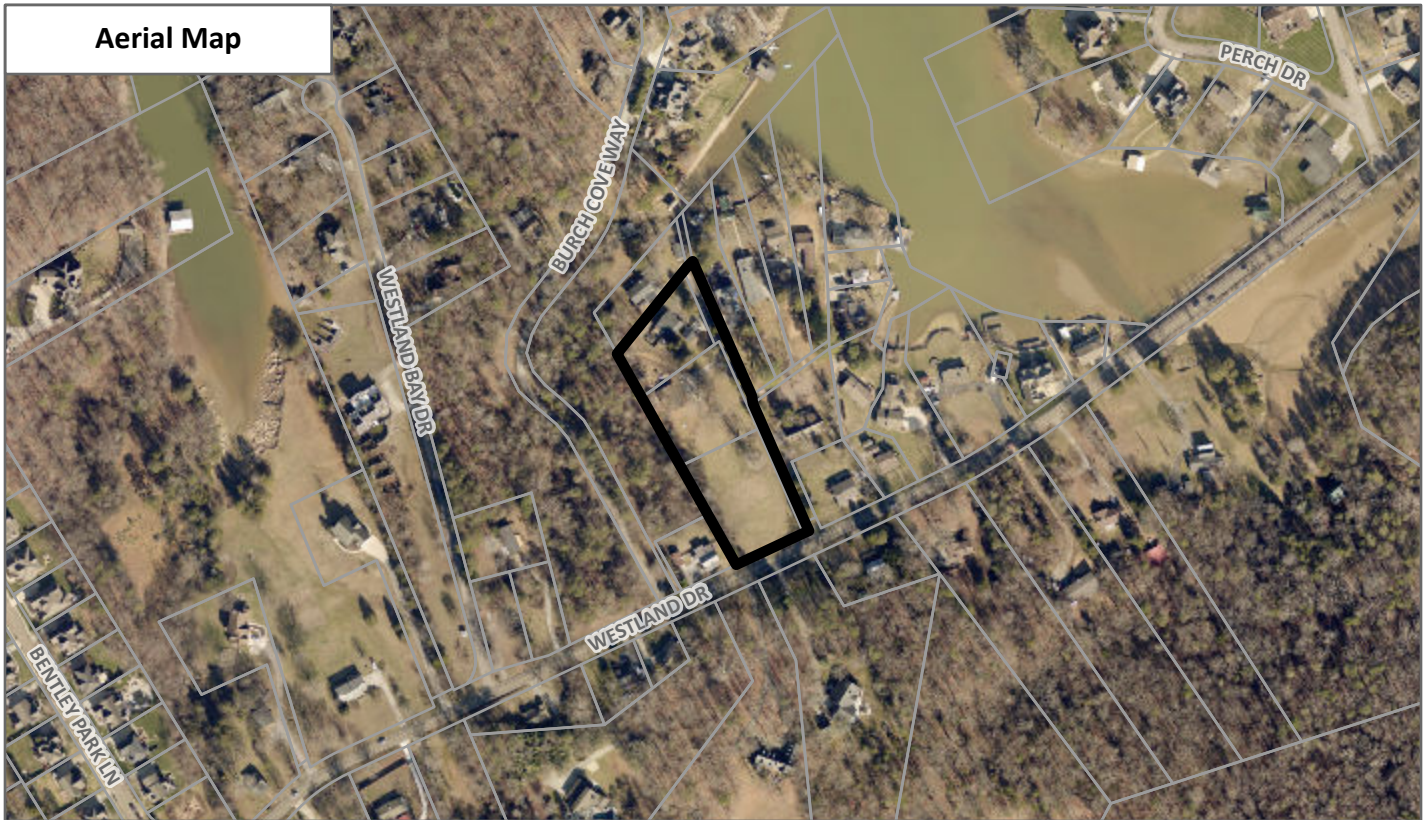


Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

11-SH-24-F



Case boundary

0 440
Feet



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.


SignatureBenjamin J. Moorman
Printed Name09 October 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:

3.03.C - Allow more than five lots on an Access and Utility Easement

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:

Properties configuration only allows for access onto an existing 12' wide easement that crosses the subject property.

- 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.

A 12' wide access easement currently exists and crosses the subject properties. Said easement is being improved upon to comply with current regulations.

- 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.

Granting of this variance will not be detrimental to public safety, health, or welfare, or injurious to other property or improvements in the neighborhood and said variance will actually improve the existing easement for the benefit of all in the neighborhood.

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:

Applicant has agreed to provide bump outs along their frontage to allow passing or vehicles and the plat will be noted that no further subdivision of land can occur until the access is brought up to standard.

Steve Elliott



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

Benchmark Associates, Inc

Applicant Name

Affiliation

9/12/2024

Date Filed

11/14/2024

Meeting Date (if applicable)

11-SH-24-F

File Number(s)

CORRESPONDENCE

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

Benjamin J. Moorman Benchmark Associates, Inc.

Name / Company

P.O. Box 23892 Knoxville TN 37933

Address

865-692-4090 / bmoorman@bma-ls.com

Phone / Email

CURRENT PROPERTY INFO

Larry Tragesser

Owner Name (if different)

10065 Westland Drive Knoxville TN 37922

Owner Address

865-705-4337

Owner Phone / Email

10069 Westland Dr. / 10071 and 0 Westland Dr.

Property Address

153 D A 018, 019, 019.01

Parcel ID

2.354 acres

Tract Size

Part of Parcel (Y/N)?

First Knox Utility District

Sewer Provider

First Knox Utility District

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 Subdivision of Tragesser Properties	Related Rezoning File Number
Proposed Subdivision Name	
_____ Unit / Phase Number	4 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 Rezoning Requests		
Additional Information _____		

STAFF USE ONLY

PLAT TYPE	Fee 1	Total
<input type="checkbox"/> Staff Review	\$940.00	
<input checked="" type="checkbox"/> Planning Commission	Fee 2	
ATTACHMENTS	Fee 3	
<input type="checkbox"/> Property Owners / Option Holders		
<input type="checkbox"/> Variance Request		
<input type="checkbox"/> Amendment Request (Comprehensive Plan)		
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)		

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.		
Benchmark Associates, Inc		9/12/2024
Applicant Signature	Please Print	Date
Phone / Email		
Larry Tragesser		9/12/2024
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

Benchmark Associates, Inc.

Consultant

Applicant Name

Affiliation

12 September 2024

14 November 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

11-SH-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

Benjamin J. Moorman

Benchmark Associates, Inc.

Name

Company

PO Box 23892

Knoxville

Tennessee

37933

Address

City

State

ZIP

865-692-4090

bmoorman@bma-ls.com

Phone

Email

CURRENT PROPERTY INFO

Larry Tragesser

10065 Westland Drive, Knoxville, TN 37922 865-705-4337

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

10069 & 10071 Westland Drive, Knoxville, Tennessee 37922

153DA018, 019 & 019.01

Property Address
0 Westland Dr

Parcel ID

FUD

FUD

N

Sewer Provider

Water Provider

Septic (Y/N)

County; Zoned RA

COMMUNITY ENGAGEMENT

Sign and return the **Public Notice & 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 ☐ 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 Subdivision of Larry Tragesser Properties

Proposed Subdivision Name

N/A

☐ Combine Parcels☒ Divide Parcel

4

Unit / Phase Number

Total Number of Lots Created

Related Rezoning File Number _____

☐ Other (specify) _____☒ Attachments / Additional Requirements Final Plat, Closure Report & Public Notice**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
0202	\$500.00	
Fee 2		
0205	\$250.00	
Fee 3		
0208	\$190.00	

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


Applicant Signature

Benchmark Associates, Inc.

Please Print

12 September 2024

Date

865-692-4090

Phone Number

bmoorman@bma-ls.com

Email

10/01/2024, SG

Property Owner Signature

Please Print

Date Paid