



SUBDIVISION REPORT - FINAL PLAT

▶ **FILE #:** 5-SA-26-F

AGENDA ITEM #: 16

AGENDA DATE: 5/14/2026

▶ **SUBDIVISION:** FINAL PLAT OF DIANA MCMILLAN PROPERTY

▶ **APPLICANT/DEVELOPER:** TRACY WIDNER

OWNER(S): Diana McMillan

TAX IDENTIFICATION: 37 129

[View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS: 8421 GREENWELL RD

▶ **LOCATION:** South side of Greenwell Rd, east of Greenwell Dr

GROWTH POLICY PLAN: Planned Growth Area

FIRE DISTRICT: Rural Metro Fire

WATERSHED: Beaver Creek

▶ **APPROXIMATE ACREAGE:** 6.132 acres

▶ **NUMBER OF LOTS:** 2

▶ **ZONING:** A (Agricultural)

SURVEYOR/ENGINEER: Tracy Widner TMW Landsurveying, Inc.

▶ **VARIANCES REQUIRED:** Allow a new 25 ft access easement to connect to the existing easement instead of a public street.

STAFF RECOMMENDATION:

▶ **Approve the variance to allow a new 25-ft access easement to connect to the existing easement instead of a public street based on the following evidence of hardship:**

1. Lot 1 has frontage on Greenwell Rd; however, the possible sinkhole and 50-ft buffer limits the access to property from the public street. Additionally, the location of the existing utility pole next to the driveway in the existing easement area would prevent the creation of a single improved 25-ft access easement extending from Greenwell Rd to Lot 2.

2. The creation of a single improved 25-ft access easement extending directly to the public street is prevented by the utility pole within the existing easement.

3. Granting of the variance would not be detrimental to the public safety, health or welfare of the public, nor would it be injurious to other properties in the neighborhood as the A zone allows two houses on the existing property by right. This plat serves to have one house on each lot to share the new 25-ft permanent private easement and maintenance of it.

Approve the final plat for two lots in the A district.

COMMENTS:

There is an existing easement and maintenance agreement for the current property and three adjoining properties using the existing gravel drive recorded in Instrument 201903250055697. The area of the easement

is not defined in the agreement but it provides protected access and maintenance for the shared portion of the gravel drive. While the gravel drive does extend to the proposed location of Lot 2, the portion that does so falls onto private property not covered by the easement agreement. Replacing or overlaying the existing easement with a new 25-ft access easement over the gravel drive to provide Lot 2 with direct access to Greenwell Rd and comply with Section 3.03.A of Subdivision Regulations is not possible due to the location of a utility pole next to the drive.

VARIANCE FROM SUBDIVISION REGULATIONS, ARTICLE 3.03, ACCESS STANDARDS, SUBSECTION A:

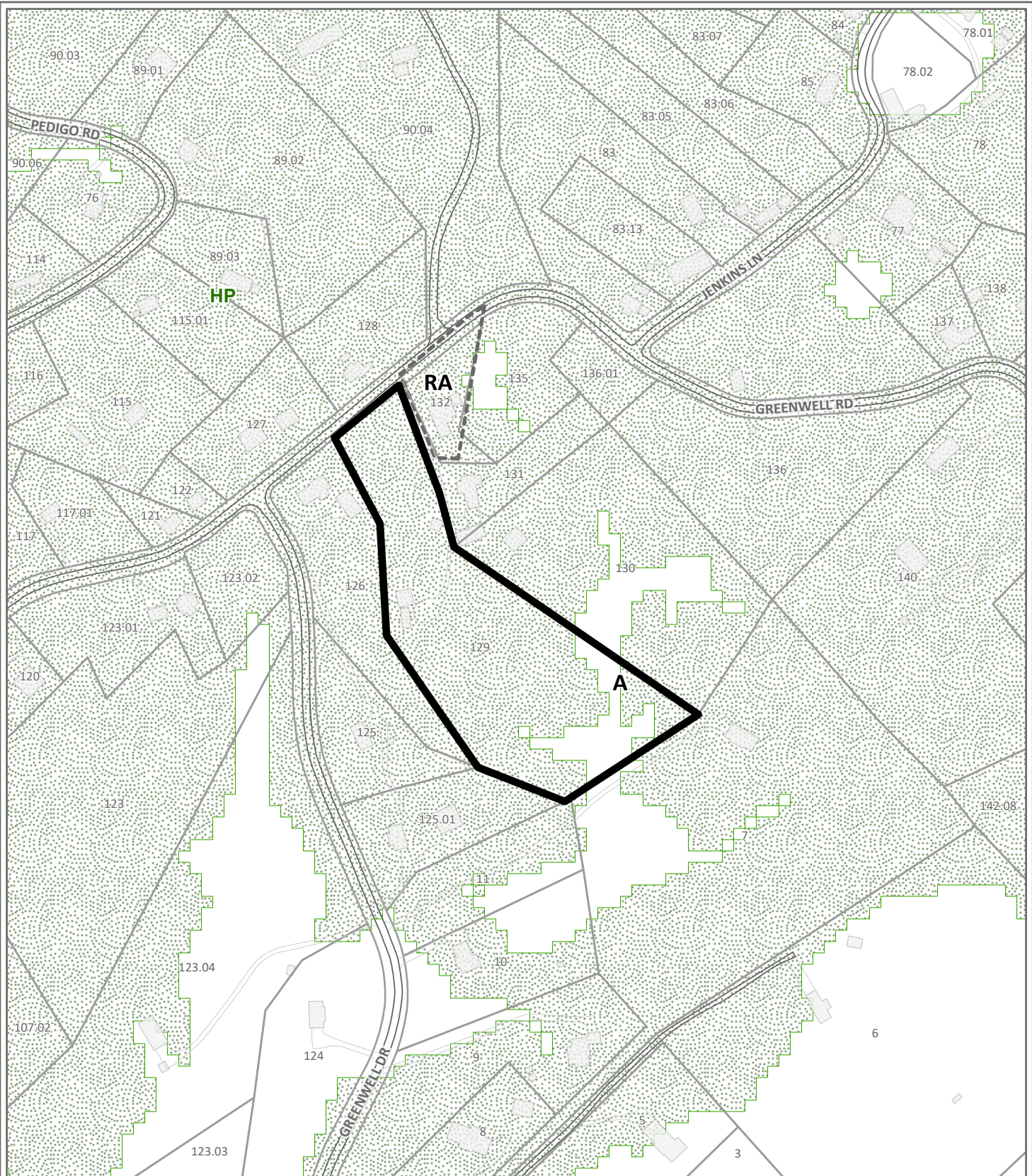
All lots shall have either frontage on a public street in accordance with Article 3.03.B of these Regulations or approved access to a public street by ONE of the following:

1. Access to a public street by an approved private right-of-way;
2. Access to a public street by an approved private right-of-way;
3. Access to a public street by a previously approved joint permanent easement;
4. Access provided to a public street through some other legally binding document approved by the Planning Commission.

Such access shall provide a readily apparent physical means of traversable pedestrian and vehicular access from the lot(s) onto the street and shall meet the standards identified in Sections B-G.

In this case, Lot 2 will have access to a public street by utilizing two of the options: a new access easement and an existing access easement. Because the existing easement agreement is of undefined width and has a utility pole next to the driveway preventing the creation of a defined 25-ft access easement in this area, an additional access easement is necessary for Lot 2 to be accessible from Greenwell Rd.

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.



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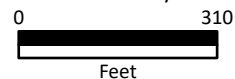
Petitioner: Tracy Widner



Final Plat For: Final Plat of Diana McMillan Property

Map No: 37

Jurisdiction: County



Original Print Date: 4/7/2026

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

Exhibit A. Contextual Images



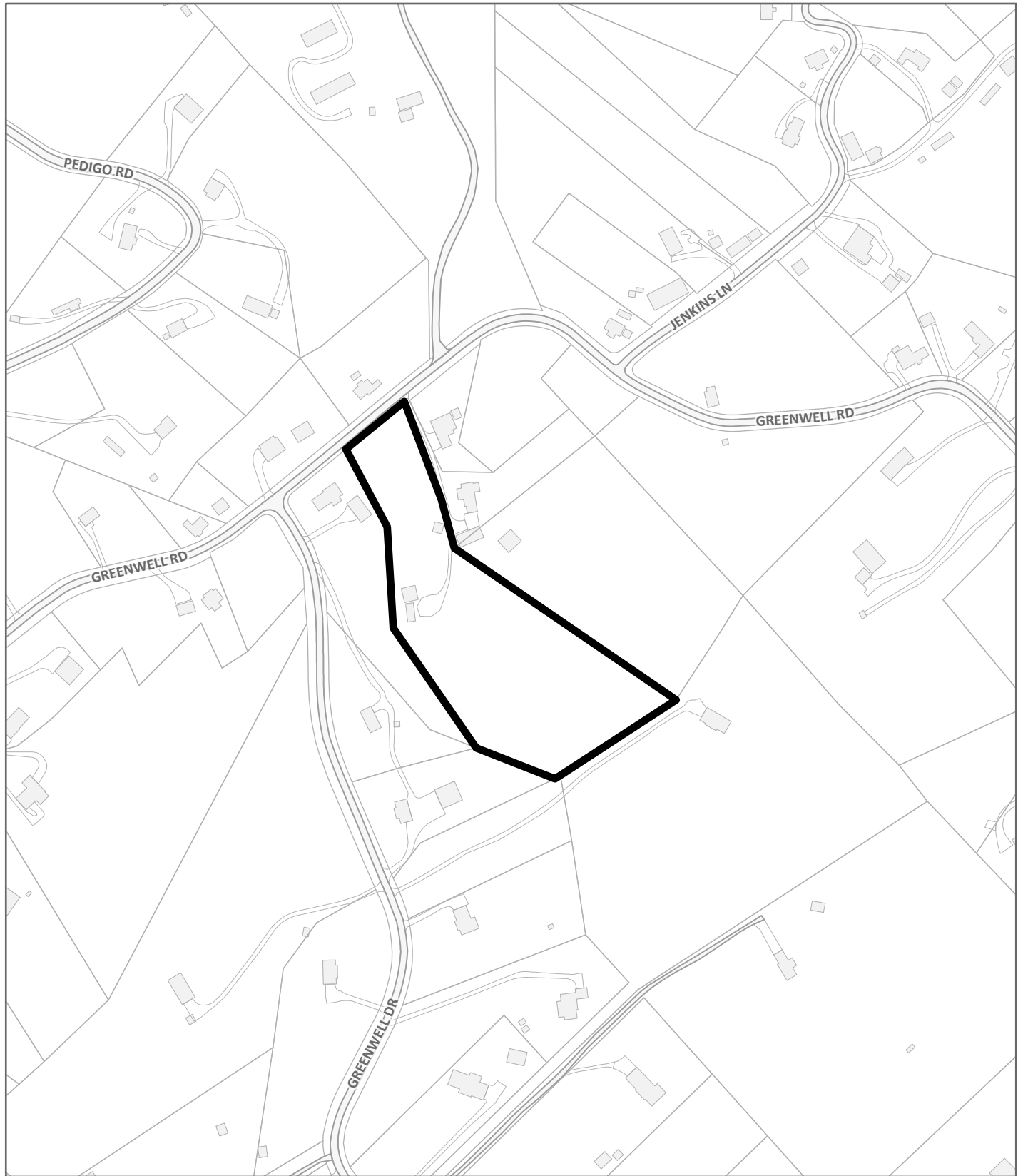
AERIAL MAP



Case boundary



Exhibit A. Contextual Images



LOCATION MAP

5-SA-26-F



Case boundary



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: DIANAL McMILLAN Signature(s) _____

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

Date: _____

Zoning _____

Zoning Shown on Official Map _____

Date: _____

By: _____

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, the Addressing Guidelines and Procedures, and these regulations.

Signed _____ Date _____

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 Subsurface Sewage Disposal Systems

This is to certify that this subdivision is generally suitable for subsurface sewage disposal systems, and this is to notify that all lots are subject to Sections 68-13-401 thru 68-13-413 of the Tennessee Code Annotated, and the regulations promulgated thereto.

Knox County Health Department _____

Date: _____

Knox County Department of Engineering and Public Works

The Knox County Department of Engineering and Public Works hereby approves this plat on

this the _____ day of _____, 20____

Engineering Director _____

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.

HALLSDALE POWELL

Utility Provider _____

Authorized Signature for Utility _____ Date _____

Certification of the Accuracy of Survey

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.

I HEREBY CERTIFY THAT THIS IS A CATEGORY IV SURVEY AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1 : 10,000

Registered Land Surveyor 2115

Tennessee License No. _____

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: DIANAL McMILLAN Signature(s) _____

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

Date: _____

Certification of Final Plat - All Indicated Markers, Monuments and Benchmarks Set

I hereby certify that I am a registered land surveyor and intend 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 removed, described and justified in a report filed with the Planning Commission, or for variances and waivers which have been approved as identified on this final plat. The indicated permanent reference markers and monuments, benchmarks and property monuments were in place on the 10th day of JULY 2025.

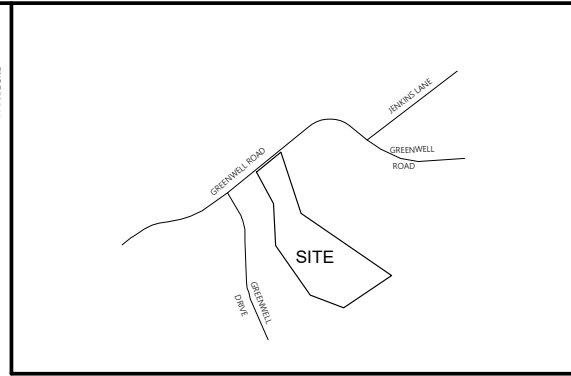
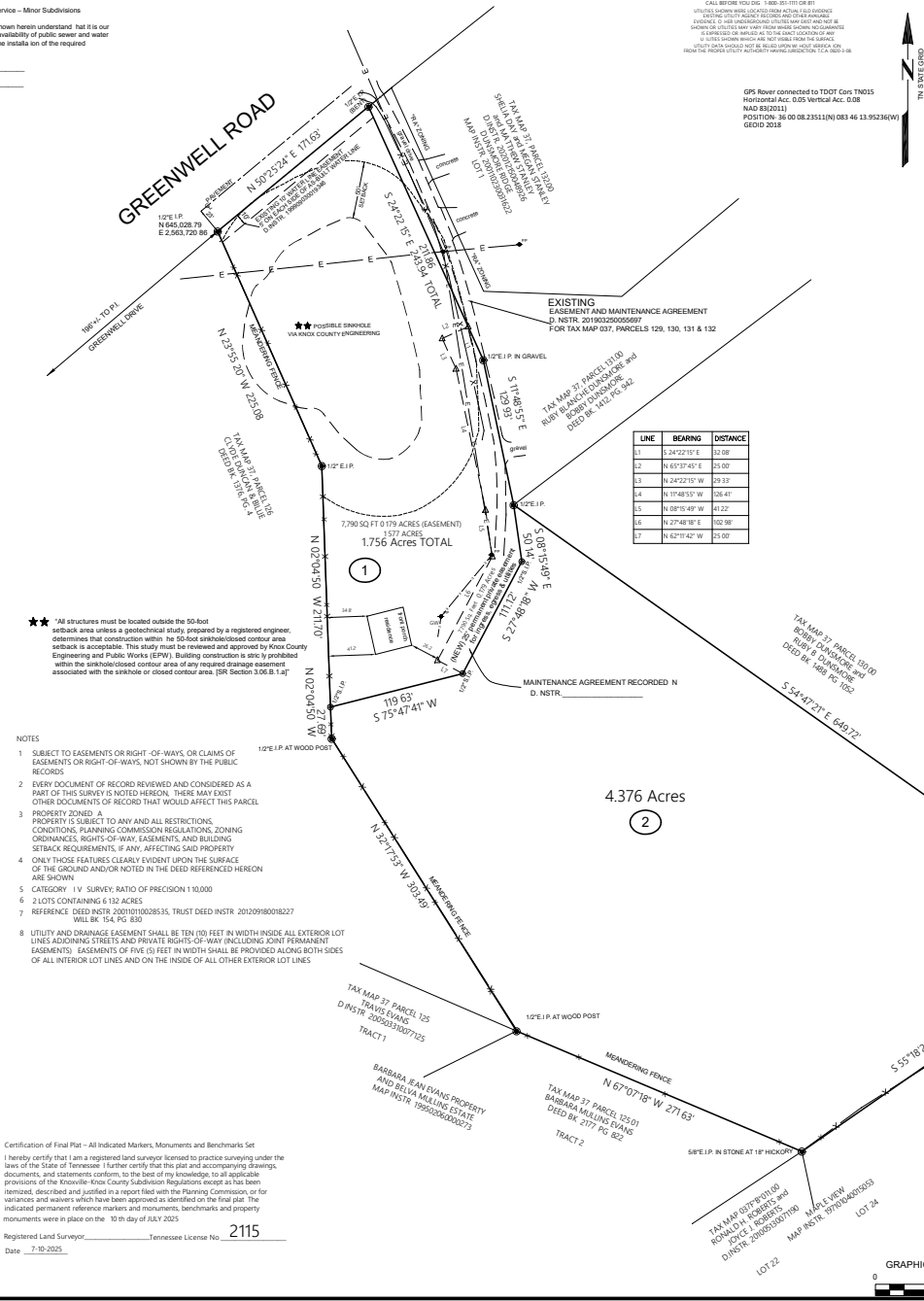
Registered Land Surveyor _____ Tennessee License No. 2115

Date: 7-10-2025

NOTES

- SUBJECT TO EASEMENTS OR RIGHT-OF-WAYS, OR CLAIMS OF EASEMENTS OR RIGHT-OF-WAYS, NOT SHOWN BY THE PUBLIC RECORDS.
- EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON, THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL.
- PROPERTY JOINED A PROPERTY IS SUBJECT TO ANY AND ALL RESTRICTIONS, CONDITIONS, PLANNING COMMISSION REGULATIONS, ZONING ORDINANCES, RIGHTS-OF-WAY, EASEMENTS, AND BUILDING SETBACK REQUIREMENTS, IF ANY, AFFECTING SAID PROPERTY.
- ONLY THOSE FEATURES CLEARLY EVIDENT UPON THE SURFACE OF THE GROUND AND/OR NOTED IN THE DEED REFERENCED HEREON ARE SHOWN.
- CATEGORY IV SURVEY; RATIO OF PRECISION 1:10,000
- 2 LOTS CONTAINING 6.132 ACRES
- REFERENCE: DEED INSTR. 2010110028535, TRUST DEED INSTR. 2010209180018227 WILL BK. 154 PG. 830
- UTILITY AND DRAINAGE EASEMENT SHALL BE TEN (10) FEET IN WIDTH INSIDE ALL EXTERIOR LOT LINES ADDING 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.

★★ All structures must be located outside the 50-foot setback area unless a geotechnical study, prepared by a registered engineer, determines that construction within the 50-foot embankment/corner area setback is acceptable. This study must be reviewed and approved by Knox County Engineering and Public Works (EPW). Building construction is also prohibited within the setback/corner area of any required drainage easement associated with the embankment or closed contour area. (SR Section 3.06.8.1.a)



5-SA-26-F

OWNER: DIANAL McMILLAN
8421 GREENWELL ROAD
KNOXVILLE, TN 37938
PHONE: 865-661-9451

"A variance to allow the new 25' easement to connect to the existing easement instead of Greenwell Road was approved by the Knoxville-Knox County Planning Commission on Date: _____"

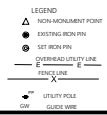
Planning Staff Certification of Approval for Recording - Final Plat

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 that the record plat is hereby approved for recording in the office of the Knox County Register of Deeds. Pursuant to Section 19-3-405 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 _____

Property Boundary Encroachment Note
This survey indicates one or more property boundary encroachments. It has not been addressed by plat reviewing agencies. Owners are responsible for resolving property boundary conflicts.

FINAL PLAT OF DIANAL McMILLAN PROPERTY DISTRICT 6, KNOX CO., TN TAX MAP 037, PARCEL 129-00 DATE: JULY 10, 2025



T.M.W. LAND SURVEYING INC.
P.O. BOX 3538
KNOXVILLE, TN 37928
PHONE: 865-661-4333
DRAWING NO. 25-034

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.


Signature

TRACY WIDNER

Printed Name

3-6-2026

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: *To Allow the NEW 25' EASEMENT TO CONNECT to the EXISTING EASEMENT INSTEAD OF GREENWELL ROAD.*

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 EXISTING utility pole location would prevent A NEW EASEMENT BEING All the way to Greenwell Road. ALSO THE SINKHOLE AND BUFFER Limits the ACCESS FROM GREENWELL

- 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.

THE ~~EXISTING~~ SINKHOLE AND BUFFER Limits the ACCESS FROM GREENWELL THAT IS NO FAULT OF THE OWNER.

- 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.

TWO HOUSES CAN ALREADY BE ON A LOT OVER 2 ACRES IN THE "A" ZONE by Right.

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: