

Think Quality - Think Future

Blount County Planning Department

Blount County Courthouse - 327 Court Street
Maryville, TN 37804-5906
Tel (865) 273-5750 - FAX (865) 273-5759
e-mail - planning@blounttn.org
on-line - www.blounttn.org/planning/

TO: Members of the Blount County Planning Commission

FROM: John Lamb

DATE: December 15, 2008

SUBJECT: Public hearing and resetting public hearing on amendment to Subdivision Regulations concerning common driveways, and resetting public hearing.

The Planning Commission voted to set public hearing on the proposed amendment to the Subdivision Regulations concerning common driveways at the November 10 meeting. Staff ran legal notice in the newspaper November 19 for the December 23 meeting date. Due to an error in reference to the appropriate section of the Subdivision Regulations, legal notice will need to be re-run for the January 22 meeting date. Staff suggests allowing for public comment at the December 23 meeting, and inviting any commenters to also return for the January 22 meeting, or carrying the comments forward to that date.

For reference, the following is the proposed amendment of Subdivision Regulations under Type 1 development on common driveways by adding to present Section 6.02.5(a)(1) the following wording:

For addition of lots to an existing common driveway, the following shall apply:

- A. For a prospective subdivision of one lot into two or more lots on an existing common driveway, owners of all lots having access to or containing the common driveway easement shall be notified in writing that no more than four lots maximum are allowed with exclusive access on the common driveway, that their lot along with any other lots sharing the common driveway already account for part of that four lot maximum,

and that the prospective subdivision will add a lot or lots to the common driveway easement and reduce or close the capability for further subdivision in the future. The notification in writing shall request that present lot owners signify their understanding of the limitation on number of lots and either agree or object to allowing the prospective subdivision to occur. If the owner of the prospective subdivision gains agreement in writing from all other property owners on the common driveway easement, then the subdivision may proceed in normal procedure. If one or more property owners on the common driveway easement objects or does not agree in writing, then the Planning Commission will hold hearing on the objection or non-agreement and make determination on the prospective subdivision. In a situation where an objection or non-agreement occurs, the Planning Commission may resolve the issue of number of lots on the easement in one of the following manners:

- i) The prospective subdivision may be considered and approved as first come first served if there are no clear plans by other objecting property owners for division in the near future.
- ii) The prospective subdivision may be approved if there is no likelihood of subdivision of the lots owned by objecting lot owners due to limited size or other limitation to further division.
- iii) The prospective subdivision may be approved with fewer lots than requested to allow for future plans of others on the easement.
- iv) The total number of lots allowed exclusively on the easement may be increased by no more than two to allow for equitable distribution of present proposed subdivision and future plans by other lots on the easement.

B. For an existing common driveway with a formal maintenance agreement in place, any addition of lots to that common driveway shall require an addendum to the maintenance agreement for the added lots. For an existing common driveway with no formal maintenance agreement in place, any addition of lots to that common driveway shall have placed on the plat of such lots a notice that the additional lots shall share equitably in the maintenance of the common driveway.