

# Think Quality - Think Future

## Blount County Planning Department

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### MEMORANDUM

TO: Members of the Blount County Planning Commission

FROM: Planning Department (Tel. 273-5750)

DATE: November 18<sup>th</sup>, 2009

SUBJECT: Request to add item to the agenda for the ***Tuesday November 24<sup>th</sup>, 2009*** regular meeting:

#### I. Hearings:

Misc. Items – TO BE ADDED TO THE AGENDA

##### **1. Roach Property off Self Hollow Road by Charles Roach: 2 lots with variance request to minimum lot size.**

##### **The owner is requesting a variance to lot size for lots 1 and lot 2**

Charles Roach is requesting a variance to the subdivision regulations to minimum lot size for lot 2 in order to re-plat the existing Roach Property parcel into two substandard lots. There are two existing homes on the parcel and the intent is to split them onto two separate lots between brothers who hold the land jointly as heirs.

This item came to the Planning Commission in the September meeting, and was granted a variance to split the parcel into two equal size lots. The brothers have indicated that the division into equal parts does not account for topography on the parcel, with the usable portion of Lot 2 as shown ending at joint boundary as shown.

Lot 1 will be greater than 30,000 square feet but is encumbered by an access easement thus reducing the unencumbered lot area to less than minimum required. Lot 2 is 14,810 square feet with an easement that further reduces the minimum lot area to less than half of what is required.

The easement across both lots needs to be increased to 25 feet wide, which will further reduce the lot sizes. In addition, a 25 road right of way dedication will further reduce the size of lot 1.

The subdivision regulations require 30,000 square feet outside any area of development hindrance. This request is thus for variance of this requirement for the two lots shown.

A 30 front setback shall be noted on lot 1, and an encroachment note may be required for the existing home and carport.

Any variances should be conditional on the approval of the Environmental Health Department for at least a minimal viable septic system on each lot. Planning staff has no comment on the setback, minimum lot sizes and density requirements as per zoning. Any zoning variances for these matters should be determined by the Building Commissioner and addressed to the Board of Zoning Appeals if needed.

Staff notes precedent in granting variances to allow the subdivision of lots with assumption that this would accommodate an existing constructed situation. Approval of the subdivision with variances may be appropriate in this case. To insure full disclosure of lot situation, approval could be with condition that the plat include Environmental Department certification of primary and reserve septic capability for the two lots.

Mr. Ferguson has discussed the situation with staff and agreed in principle that a subdivision that did not result in any net detriment to the property would be acceptable subject to approval of the Planning Commission and the Board of Zoning Appeals for both lots. Any approval should also be on condition that the plat show proper front setback, proper right-of-way dedication, proper 25 foot minimum width on access easement, and any required notes for encroachment of existing buildings in setbacks.