

Think Quality - Think Future

Blount County Planning Department

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TO: Blount County Planning Commission

FROM: John Lamb

DATE: March 17, 2011

SUBJECT: Next to Heaven plat for the March 24, 2011 meeting.

Next to Heaven Lot 1 resubdivision off of Wears Valley Road by HHP Enterprises LLC represented by Don Heil, with request for possible variance of right-of-way width requirement and possible variance of minimum lot size requirement.

See plat attached. The original lot 1 was created prior to zoning, with road classification at the time of Minor Arterial for Wears Valley Road. Road right-of-way requirement at the time was 30 feet off of centerline. The original plat of Lot 1 was thus in conformity with Subdivision Regulations in 1997 when it was created.

The road classification of Wears Valley Road was changed to Major Arterial with the recent amended of the Major Road Plan. The new right-of-way dedication requirement is 40 feet off centerline. The plat still reflects the older right-of-way width. Note that some of the design elements of the original plat relied on the old 30 foot right-of-way off centerline, particularly the entrance and private drive. Mr. Heil requests consideration of previous plat requirement of 30 foot right-of-way and existing entrance and drive design elements as basis for variance of present road right-of-way requirement. Staff notes that some extra right-of-way could be dedicated and still not affect the present drive easement, estimated to be from 7 to 10 feet from the present right-of-way line. However, the variable of slope in the

area may make extra right-of-way dedication less functional. In addition, requiring dedication of extra right-of-way would make meeting minimum lot size for Lot 1B more difficult and would push the property line closer to the required reserve area for septic for Lot 1B shown on Lot 1A.

The property is in the R-2 zone with minimum five acre lot size. The plat shows two lots, each with less than five acres. Recent amendment of the zoning regulations allows for division of properties in such situation as follows:

7.18 Division of land into substandard lots: Notwithstanding any other provision in this resolution concerning minimum lot size in any zone for a single family residential structure, in instances where two single family residential structures exist on an undivided parcel of land, and where such structures were in existence prior to September 2000, and where a division of the parcel to accommodate the residential structures on separate lots is proposed, and where such division would result in a lot or lots with less than minimum lot size, then the minimum lot size for the zone shall be waived without need for variance under this resolution, provided the following conditions are met:

1. the lots created shall accommodate sufficient land to provide suitable septic disposal as determined by the Blount County Environmental Department and noted as such on any plat of division;
2. the division of land shall create lots with proportions of original tract as equal as practicable;
3. the division of the original parcel into two does not result in a third lot or remainder of land.

Staff confirms that the structures shown on the plat were also shown on the original division plat in 1997, thus predating zoning. Roger Fields confirms that the two structures could be considered as single family dwelling units, although the cabin on Lot 1B is also used as an office for a horse riding business. Gary Ferguson has already done his part in addressing septic disposal with signature of the plat as presented (item 1). From the impact of the easements and the septic reserve situation, staff finds that the division meets requirements in item 2. There is no residual from the division (item 3).

In addition to zoning requirements discussed above, our Subdivision Regulations require a minimum lot size of one acre on a Major Arterial such as Wears Valley Road. If the requirement of additional right-of-way is varied, then it would be a simple adjustment of lot line between the two lots to make Lot 1B one acre. Mr. Heil would like consideration of variance, but staff cannot find basis in the variance from information provided.

The questions before the Planning Commission result in essentially four options: 1) approval of the plat as is with variance of road right-of-way and lot size; 2) approval of plat with variance of right-of-way but no variance of lot size; 3) denial of plat with instructions to show dedication of required new right-of-way and resubmission of plat (with possible variance at present drive easement); or 4) denial of plat as not meeting requirements.