

STAFF CASE REPORT TO PLANNING COMMISSION

Subdivision Name:		Seven Lakes Subdivision Lots 238, 239, and 240 Variance Requests Minimum Flag Lot Frontage, Minimum Flag Lot Size, and Lot Less than 5 Acres on Private Easement	PC Meeting Date: 07-14-14
Applicant Request:	Variance-Sections 303.1, 303.4.1.4, and 304.2 of the Hamilton County Subdivision Regulations		
Property Location:	8730 Roy Lane		
Property Owner:	Seven Lakes Associates		
Applicant:	MAP Engineers		
Total Acreage:	4 Acres		
Proposed Density:	1.3 dwelling units per acre		
Tax Map Number:	104-039.01 and 104-039.02		
Zoning:	R-1 Residential Zone (Planned Unit Development)		
Staff Recommendation:	DENY		

PROJECT ANALYSIS

RPA Comments

Applicant Request

The applicant has submitted a request to subdivide an existing lot, 8730 Roy Lane into three lots. The current lot has access, by way of a flag lot to Roy Lane. Two of the proposed lots (Lots 239 and 240) are proposed to be flag lots with 10' of lot frontage along Deer Run Circle. These two lots will be accessed by way of a 20' Private Ingress/Egress and Utility Easement. The proposed third lot (Lot 238) is also proposed to be a flag lot with a width of 20'. Access for proposed Lot 238 will be a 20' Private Ingress/Egress and Utility Easement connecting to Seven Lakes Drive. This 20' Private Ingress/Egress and Utility Easement will be automatically abandoned when Seven Lakes Drive is constructed for this future development area. Proposed Lot 238 will front a private road when Seven Lakes Drive is constructed and completed.

As part of this subdivision process the applicant has submitted a variance request from various sections of the Hamilton County Subdivision Regulations as follows:

- Section 303.1-All residential lots 5 acres or more in size which do not front a public road may obtain access by way of a permanent easement. ***Proposed Lot 238 is 2.5 acres in size. As proposed, Lot 238 would not currently front a public road. Lot 238 will have access to Seven Lakes Drive by a 20' flag stem that connects to a 20' private ingress/egress and utility easement. The applicant is requesting a variance of 2.5 acres to permit a lot less than 5 acres to have access by way of a private easement.***
- Section 303.4.1.4-Minimum lot frontage on a street or private drive or easement for a residential flag lot shall not be less than twenty-five (25) feet in width. ***The applicant proposed three flag lots with each of the flag lots not complying with the minimum 25' flag lot width. Proposed Lot 238 has a proposed lot frontage/width of 20'. Proposed Lots 239 and 240 have a proposed lot frontage/width of 10'. The applicant is requesting a variance of 5' for Lot 238, and 10' for Lots 239 and 240.***

STAFF CASE REPORT TO PLANNING COMMISSION

- Section 304.2-Minimum lot size for a residential flag lot, exclusive of the narrow portion of the lot used for access shall be one (1) acre in size. ***Proposed Lots 239 and 240 have a minimum area of 0.90 and 0.66 acres, which includes the narrow portion. The applicant is requesting a variance to the minimum required lot size for flag lots of one (1) acre in size.***

Site Description

The property is zoned R-1 Residential Planned Unit Development (PUD). Seven Lakes Subdivision was approved as a PUD by the adoption of Resolution Number 406-25(B) on April 19, 2006. The property is currently one parcel that is approximately 4 acres in size. The site currently contains an existing single-family detached dwelling. The parcel is currently accessed by a long flag stem that connects to a public road, Roy Lane. Based on Hamilton County GIS, the width of this existing flag lot appears to vary with a portion of the flag scaling to 20' and 25'.

Staff Recommendation

Staff recommends to deny the applicant's request.

Section 111.1 of the Hamilton County Subdivision Regulations states that the Planning Commission may grant variances where the Planning Commission determines the following:

1. Unusual physical or other conditions exist which would cause practical difficulty or unnecessary hardship if these regulations are adhered to.

- There are no existing or unusual physical conditions present on the site, such as irregular shaped lots, floodplains, or steep topography present that would cause impractical difficulty or unnecessary hardship with compliance with the minimum development requirements of the Hamilton County Subdivision Regulations.
- The hardship appears to be a self imposed hardship instead of an existing physical condition. The developer owns adjoining land labeled as future development. These flag lots could be re-drawn to comply with the minimum flag lot width/frontage of 25' and lot size of one (1) acre.

2. The variance will not be in conflict with the intent and purpose of the Hamilton County Subdivision regulations.

- Approving the variance would be in conflict with the intent and purpose of the Hamilton County Subdivision Regulations. The purpose and intent of the Hamilton County Subdivision regulations is to establish certain minimum development standards for subdivisions of property. Approving the variance requests without any physical limitation present on the site would be in conflict with the intent and purpose of the Hamilton County Subdivision Regulations.
- Approving the variance requests would be in conflict with the intent and purpose of the Hamilton County Zoning Regulations, including the PUD Regulations. The intent of the PUD Regulations is to provide opportunities for developers to be creative in creating more desirable developments by allowing flexibility in lot frontage, lot size, and setback requirements. In order to receive approval of this flexibility you must submit for review and receive approval of a PUD Development Plan. The PUD Development Plan typically indicates general street layout, lot frontages, lot sizes, and lot layout.

STAFF CASE REPORT TO PLANNING COMMISSION

Approving the variance would create three new lots with lot frontages of 10' and 20'. Lots with frontages of 10' and 20' do not presently exist within this subdivision development. The smallest existing lot frontage found in this development appears to be the lots located along Robertsville Drive. These lot frontages are 30', 37', and 42'. It is important to note that these lots are developed as patio homes and were indicated on the approved PUD Development Plan as an area proposed for multi-family development with smaller lots and lot frontages.

The approved PUD Development plan, in the area of proposed Lots 238 thru 240 showed a loop road connecting to the Seven Lakes Drive with approximately 7 lots with each of the lots appearing to have similar and compatible lot frontages with the adjoining lots. The lot sizes appear to be larger than the adjoining lots.

There were no proposed flag lots indicated on the approved PUD Development Plan that was submitted in 2006 for review for this particular section of the property. If the PUD Development Plan that was submitted in 2006 had shown these lots as flag lots with lot frontages that are less than the minimum required 25' for flag lots, the Hamilton County Engineer's Office would have objected to the approval of the proposed PUD Development Plan.

- If the variances are approved and the subdivision plat is recorded, Lots 238-240 will have lot frontages/widths that would not be similar to and compatible with adjacent lots. Adjacent lot frontages are 41', 45', 50', 54', 55', and 65'.
- It should be noted that the approved PUD Plan in 2006 did include plans for several flag lots, Lots 30 thru 35, and 38 thru 40 were approved as flag lots and were recorded as flag lots in PB 90 Page 67. These flag lots have since been abandoned with a revised plat with a new road constructed with lots 30 thru 39 having frontage along a road of approximately 50' for each lot.

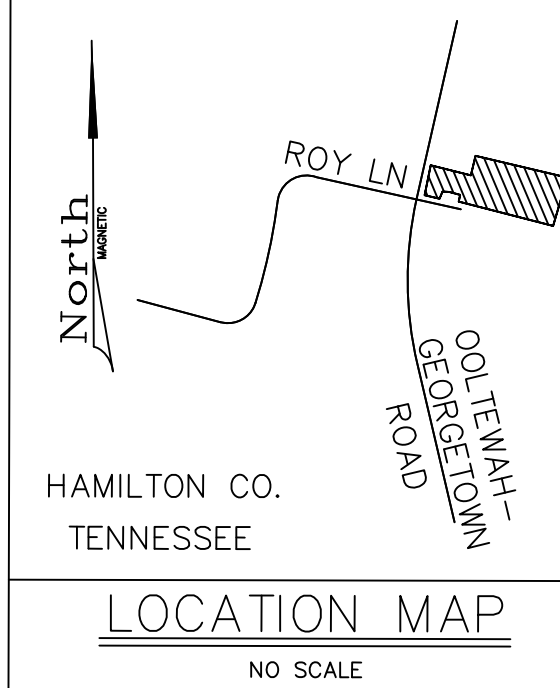
3. The Hamilton County Engineer's Office objects to the variance requests.

REFERENCE MATERIAL & NOTES:

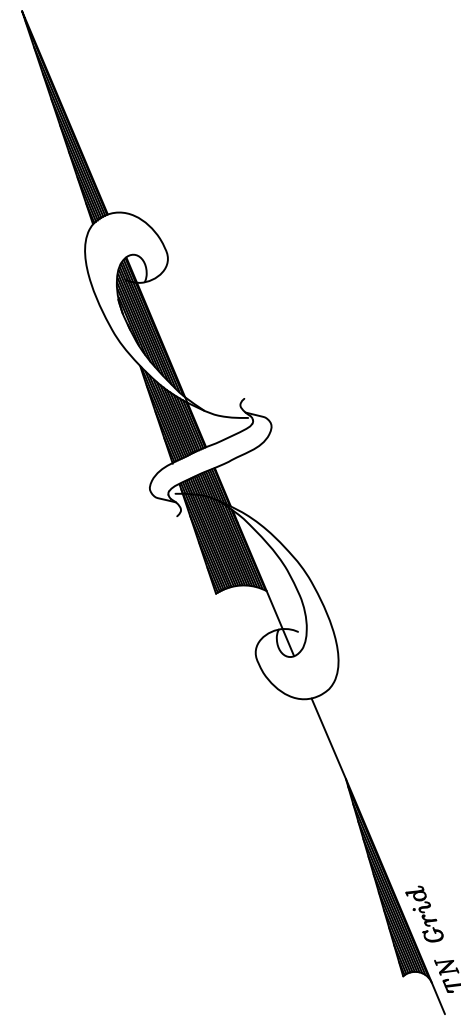
- ELEVATION DATUM: NGVD 1929. MEAN SEA LEVEL.
- TAX ID: 104K-A-014
- THIS PLAT REVISES LOTS 217-234, PLAT BOOK 98, PAGE 198, HAMILTON COUNTY, AND ADDS LOTS 238-240. DEED BOOK 8118 / 94 & 1007 / 988, HAMILTON CO., T1
- ALL OTHER MATTERS OF RECORD ARE EXEMPT.
- ATTENTION IS CALLED TO THE HAMILTON COUNTY CODES AS AMENDED
- AREA BEING SUBDIVIDED = 8.287 ACRES± (NOT INCLUDING ROADS)
- OVERALL DENSITY = 2.0 UNITS PER ACRE
- THIS SUBDIVISION HAS BEEN DEVELOPED ACCORDING TO THE DESIGN STANDARDS OF THE SUBDIVISION REGULATIONS OF HAMILTON COUNTY, TENNESSEE, EXCEPT VARIANCES GRANTED BY THE PLANNING COMMISSION ON SEPTEMBER 11, 2006.
- ALL BEARINGS SHOWN ON THIS PLAN ARE RELATIVE TO TENNESSEE GRID NORTH (NAD 83).
- PUBLIC SANITARY SEWER AVAILABLE BY H.C.W.W.T.A.
- THE ONLY MINIMUM BUILDING SETBACKS REQUIRED ARE 25' FROM P.U.D. OUTER BOUNDARY, 10' BETWEEN FREE-STANDING BUILDINGS AND 10' FROM ROAD RIGHT-OF-WAY. OTHER THAN ABOVE, NO MINIMUM BUILDING SETBACKS ARE REQUIRED.
- THE GOVERNMENT OF HAMILTON COUNTY IS NOT RESPONSIBLE TO CONSTRUCT OR MAINTAIN DRAINAGE EASEMENTS, DRAINAGE DETENTION AREA PONDS, ROADS, BUILDINGS, GROUNDS OR ANTHING ELSE IN THIS P.U.D.
- THE ROADS IN THIS P.U.D. ARE PRIVATE. THE GOVERNMENT OF HAMILTON COUNTY IS NOT RESPONSIBLE TO CONSTRUCT OR MAINTAIN ANY ROADS IN THIS P.U.D.
- ONLY DETACHED, SINGLE-FAMILY HOUSES & ACCESSARY USES ARE PERMITTED ON LOTS 217-234
- LOCAL GOVERNMENT DOES NOT CERTIFY THAT UTILITIES OR UTILITY CONNECTIONS ARE AVAILABLE
- ZONED: R-1
- ROAD RIGHT OF WAYS SHOWN ARE ALSO UTILITY EASEMENTS.
- F.H. = FIRE HYDRANT LOCATION
- THIS CREATES 3 LOTS
- A 5' WIDE PRIVATE DRAINAGE EASEMENT IS RESERVED ALONG ALL INTERIOR SIDE AND REAR LOT LINES IN ALL CASES WHERE BUILDINGS ARE CONSTRUCTED AT LEAST 5' FROM THE LINES. IN CASES WHERE BUILDINGS ARE CONSTRUCTED CLOSER TO THE LINES THAN 5 FEET, AS THE CODE ALLOWS, THE EASEMENT SHALL BE THE REMAINING DISTANCE BETWEEN THE HOUSE AND PROPERTY LINE. THESE EASEMENTS ARE AUTOMATICALLY ABANDONED ALONG THE INTERIORS, SHOULD TWO OR MORE LOTS BE COMBINED.

FLOOD HAZARD NOTE:

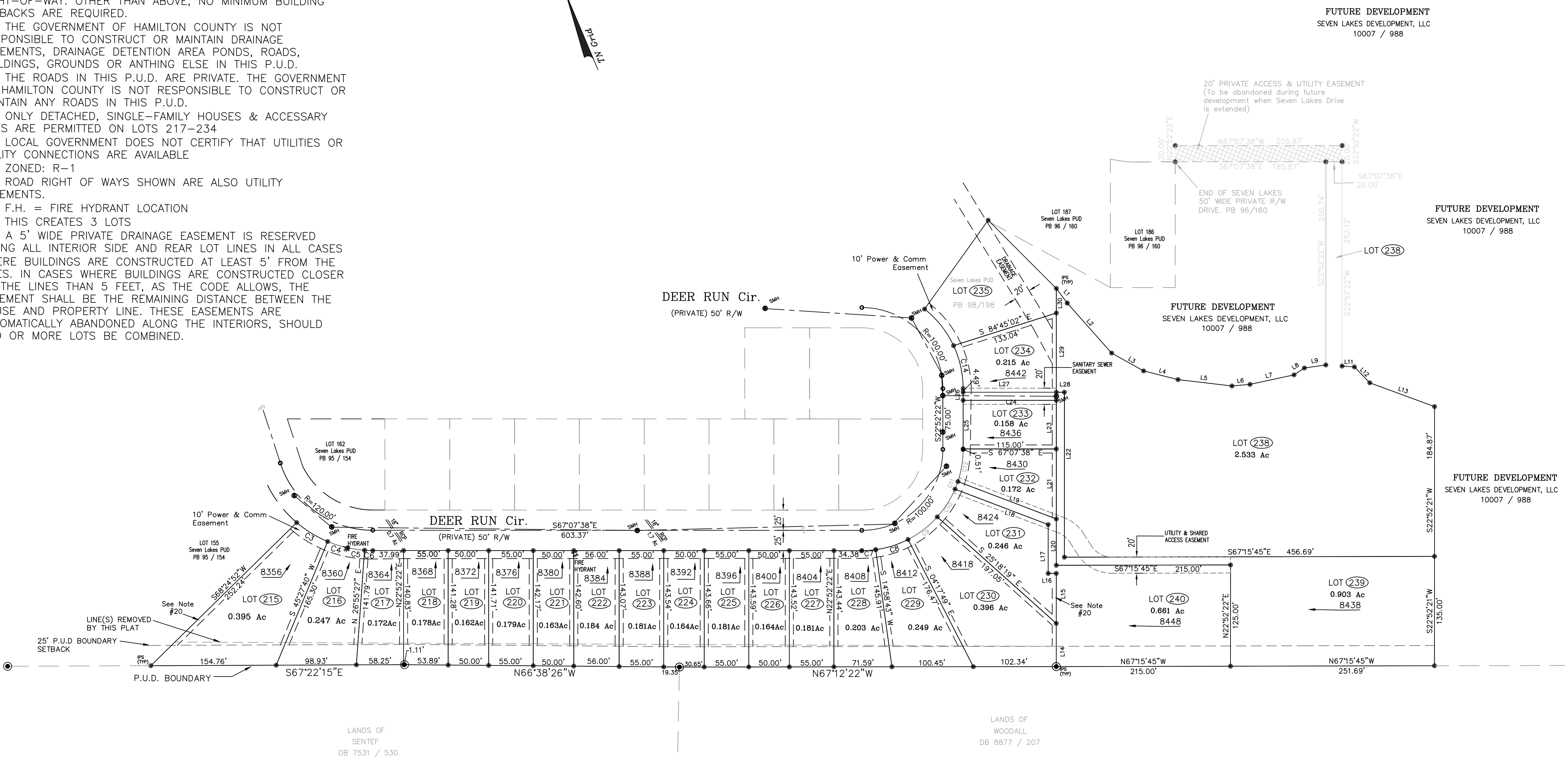
THIS PROPERTY LIES WITHIN ZONE "X" (AREA OUTSIDE FLOODING) AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD MAP OF HAMILTON CO. TN COMMUNITY PANEL NUMBER 47065C-0268-F DATED NOVEMBER 7, 2002



APPROVED FOR RECORDING
HAMILTON COUNTY GIS DEPT
DATE _____
BY _____
HAMILTON COUNTY WWA
DATE _____
BY _____
JURISDICTIONAL AUTHORITY
DATE _____
BY _____
CHATTA/HAM CNTY REGIONAL
PLANNING COMMISSION
DATE _____
BY _____



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LINE DATA TABLE

LINE	DIRECTION	DISTANCE
L1	S13°52'13"E	22.53'
L2	S18°42'43"E	82.48'
L3	S37°57'45"E	45.19'
L4	S52°59'53"E	43.77'
L5	S60°23'41"E	67.02'
L6	S72°09'53"E	22.37'
L7	S79°17'32"E	55.60'
L8	N79°16'14"E	15.31'
L9	S75°16'46"E	26.75'
L10	S63°10'50"E	20.05'
L11	S63°10'50"E	15.30'
L12	S21°10'43"E	27.28'
L13	S46°58'37"E	85.10'
L14	N22°52'22"E	53.32'
L15	N22°52'22"E	61.69'
L16	N67°15'45"W	10.00'
L17	N22°52'22"E	60.31'
L18	N46°18'50"W	123.06'
L19	S46°18'50"E	129.85'
L20	S22°52'22"W	57.18'
L21	S22°52'22"W	86.39'
L22	N22°52'22"E	203.55'
L23	N22°52'22"E	60.00'
L24	N67°07'38"W	115.00'
L25	N22°52'22"E	60.00'
L26	N22°52'22"E	10.00'
L27	S67°07'38"E	115.00'
L28	N67°07'38"W	10.00'
L29	N22°52'22"E	97.79'
L30	N22°52'22"E	30.33'

CURVE DATA TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	75.00'	117.81'	106.07'	S 22°07'38" E	89°59'59"	75.00'
C2	75.00'	117.81'	106.07'	S 67°52'22" W	90°00'00"	75.00'
C3	145.00'	44.98'	44.80'	S 35°39'07" E	17°46'25"	22.67'
C4	145.00'	25.93'	25.89'	S 49°39'41" E	10°14'42"	13.00'
C5	145.00'	20.98'	20.97'	S 58°55'47" E	8°17'31"	10.51'
C6	145.00'	10.25'	10.25'	S 65°06'05" E	4°03'05"	5.13'
C7	125.00'	17.22'	17.21'	S 71°04'27" E	7°53'39"	8.62'
C8	125.00'	42.05'	41.85'	S 84°39'33" E	19°16'32"	21.23'
C9	125.00'	45.83'	45.58'	N75°11'56"E	21°00'30"	23.18'
C10	125.00'	40.83'	40.65'	N55°20'12"E	18°42'58"	20.60'
C11	125.00'	4.64'	4.64'	S44°54'53"W	02°07'40"	2.32'
C12	125.00'	40.43'	40.25'	N31°59'38"E	18°31'49"	20.39'

LEGEND



OWNER'S CERTIFICATION:
I HEREBY CERTIFY THAT I AM THE OWNER IN FEE SIMPLE OF THE TRACT OF LAND SHOWN HEREON. I HEREBY ADOPT THIS FINAL PLANNED UNIT DEVELOPMENT PLAN AS MY NEW PLAN OF PROPERTY.

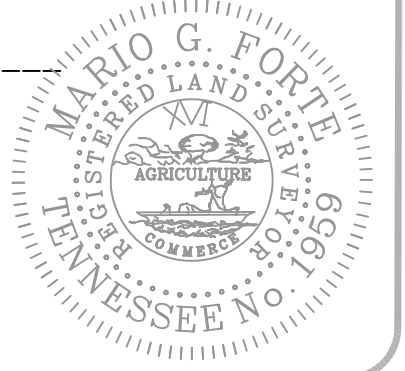
OWNER: EMERSON RUSSELL
SEVEN LAKES ASSOCIATES, LLC
6148 LEE HIGHWAY, SUITE 300
CHATTANOOGA, TN 37421
423-899-2753

ENGINEERS STATEMENT:
I HEREBY CERTIFY THAT I HAVE REVIEWED OR DESIGNED THE SANITARY SEWERS & DRAINAGE STRUCTURES LARGER THAN 42" ON THIS PLAT AND THE DESIGN MEETS PROPER ENGINEERING CRITERIA.

MICHAEL A. PRICE, P.E.
MAP ENGINEERS
7380 APPLGATE LANE
CHATTANOOGA, TN 37421
423-855-5554

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS GREATER THAN 1:20,000 AS SHOWN HEREON. I FURTHER CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON AND THAT THIS SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SURVEYOR
TENN. REG # 1959



BEGINNING POINT SURVEYS, INC.
Consulting Land Surveyors
101 Tuxedo Circle, Chattanooga TN 37411
(423) 624-0020

REVISED - Planned Unit Development
SEVEN LAKES S/D Phase 5, LOTS 217-234
Hamilton Co. Tennessee
PREPARED FOR
SEVEN LAKES DEVELOPMENT, LLC

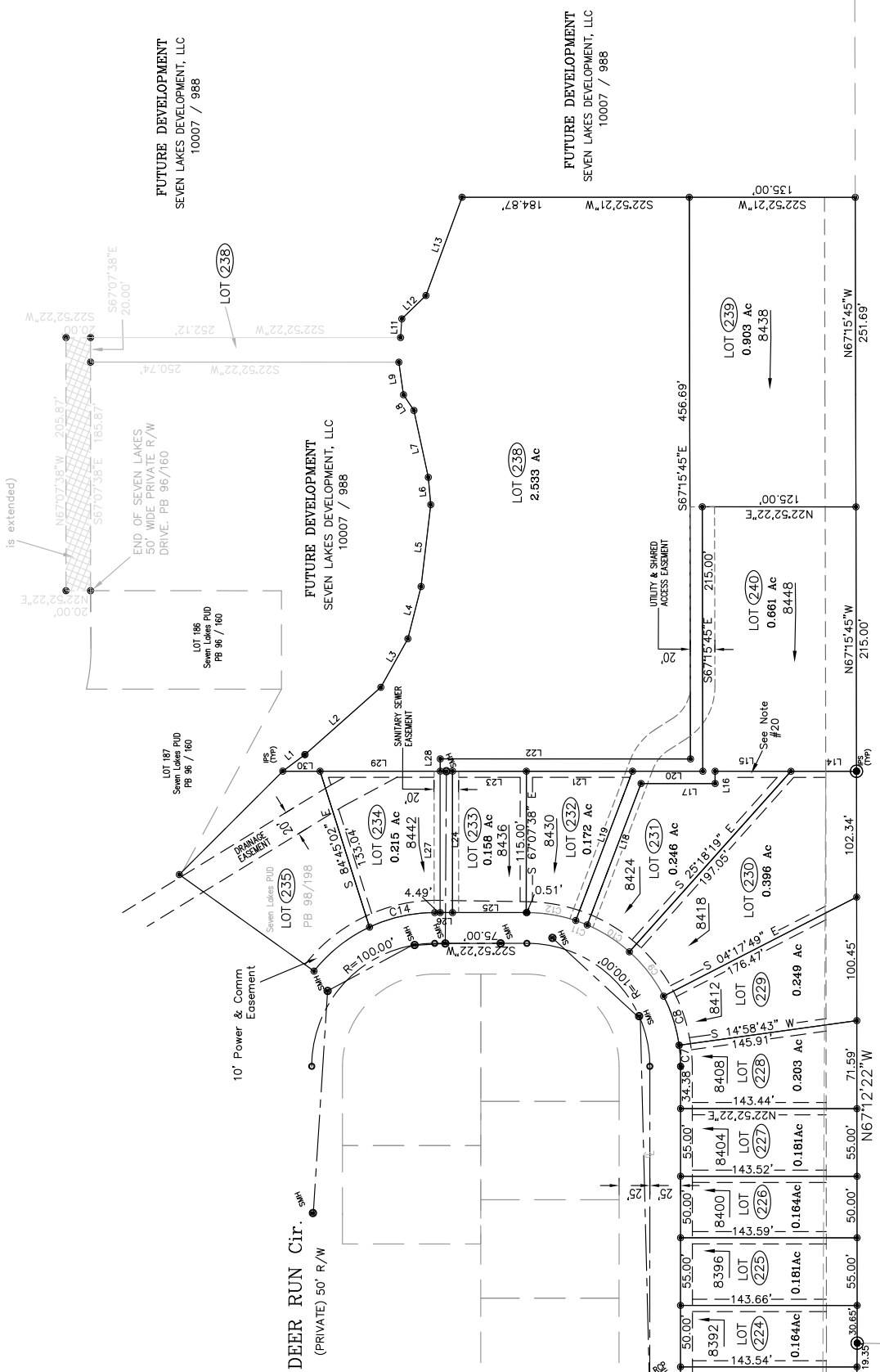
DATE	REVISION	MGF

SHEET NO. **1** OF **1**
JOB NO.
TN-0565 P5

REVISED - Planned Unit Development

SEVEN LAKES S/D Phase 5, LOTS 217-234
 Hamilton Co, Tennessee
 PREPARED FOR
 SEVEN LAKES DEVELOPMENT, LLC

BEGINNING F
Consulting
 101 Tuxedo Circle,
 (423) 4



2006-068 = ZONING

SITE ANALYSIS 2006-069 - PUD

TOTAL # OF SINGLE FAMILY LOTS: 255 LOTS
 TOTAL # OF TOWNHOUSE LOTS: 84 LOTS
 TOTAL # OF COMMUNITY LOTS: 13 LOTS
 COMMUNITY LOT ACREAGE: 18.0± ACRES
 EXISTING ZONING: A-1
 PROPOSED ZONE: R-1 PUD
 TOTAL ACREAGE: 139.1± ACRES
 PROPOSED DENSITY: 2.8± UNITS/ACRE

DENSITY 2.8± Units/Acre

RECEIVED
 FEB 14 2006

Chattanooga Hamilton County
 Regional Planning Agency
 Development Services

PRELIMINARY LAYOUT

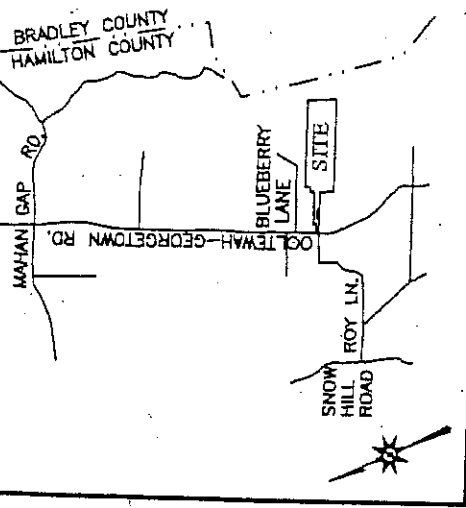
MAP ENGINEERS L.L.C.
 1200 CLAUDINE GREEN DRIVE
 COLTWAH, TN 37033

SEVEN LAKES
 RESIDENTIAL DEVELOPMENT
 SEVEN LAKES DEVELOPMENT, LLC
 1200 CLAUDINE GREEN DRIVE
 COLTWAH, TN 37033

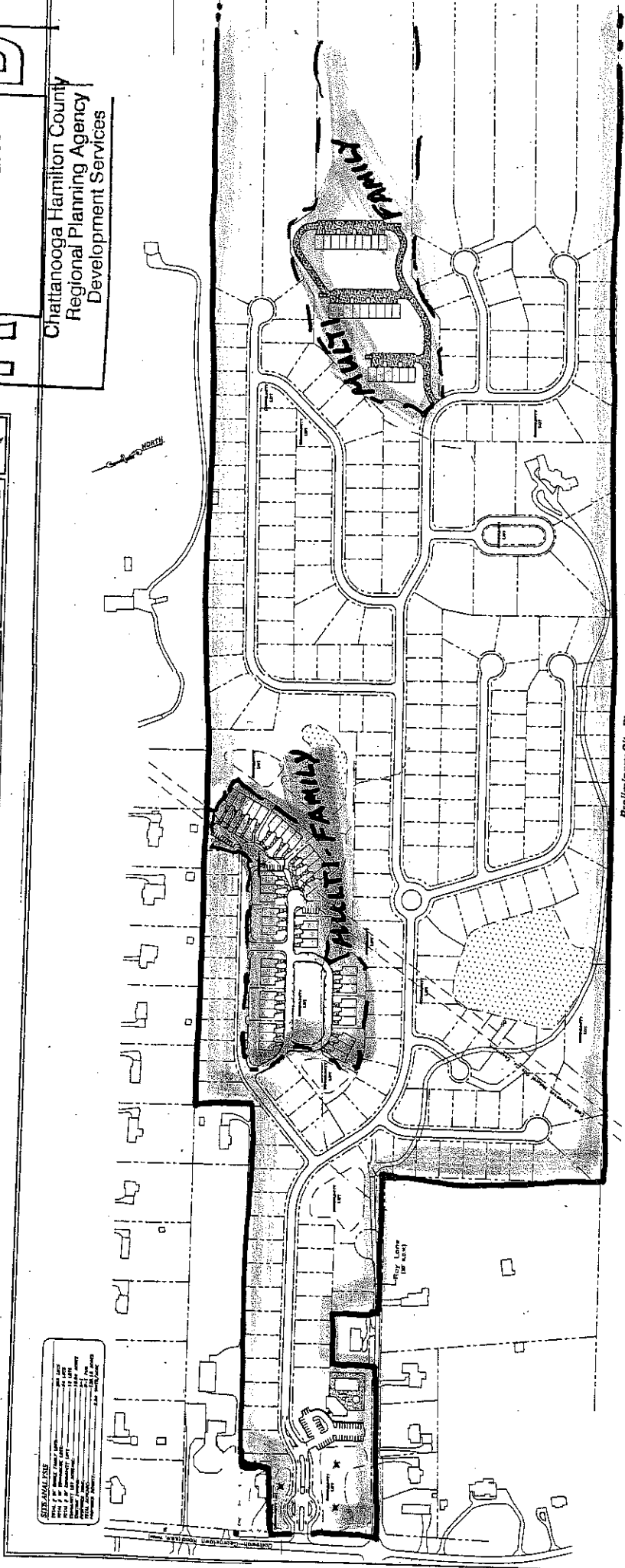
PRELIMINARY SITE PLAN

REVISIONS

NO.	DATE	DESCRIPTION
1	02/14/06	ISSUED FOR REVIEW
2	02/14/06	ISSUED FOR REVIEW
3	02/14/06	ISSUED FOR REVIEW
4	02/14/06	ISSUED FOR REVIEW
5	02/14/06	ISSUED FOR REVIEW
6	02/14/06	ISSUED FOR REVIEW
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100	02/14/06	ISSUED FOR REVIEW



Vicinity Map
 N.T.S.



Preliminary Site Plan