

STAFF CASE REPORT TO PLANNING COMMISSION

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| 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: 09-08-14 |
| 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 6’ 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 25’. 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 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 25’ 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 two (2) flag lots with each of the flag lots not complying with the minimum 25’ flag lot width. Proposed Lots 239 and 240 have a proposed lot frontage/width of 6’. The applicant is requesting a variance of 19’ for Lots 239 and 240.***

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- 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.

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Approving the variance would create two (2) new lots with lot frontages of 6'. 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.

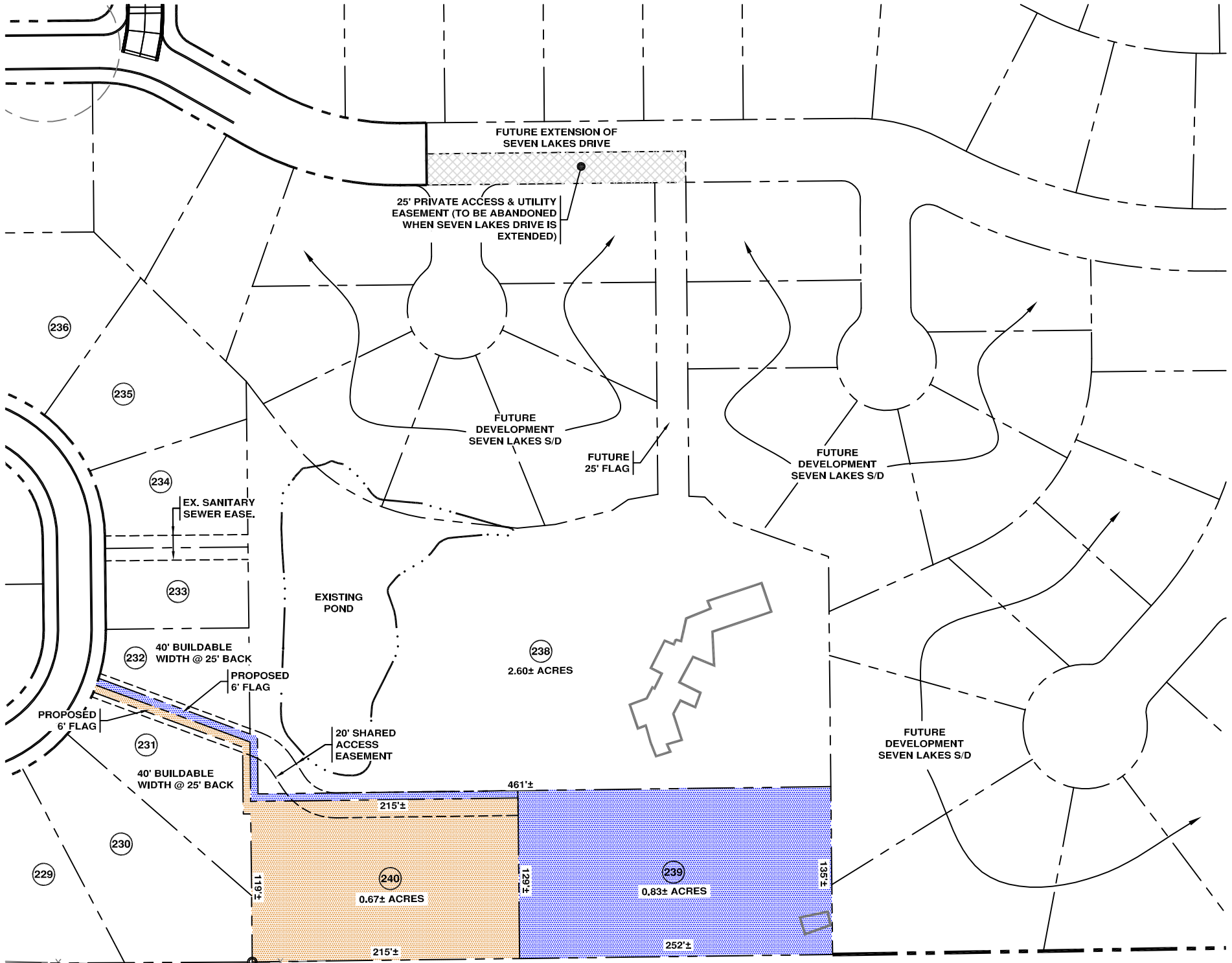
- If the variances are approved and the subdivision plat is recorded, Lots 238-240 will have lot frontages/widths that would not be similar to and compatible with adjacent lots. Adjacent lot frontages are 41', 45', 50', 54', 55', and 65'.
- It should be noted that the approved PUD Development Plan submitted in 2006 did include plans for several flag lots. Lots 30 thru 35, and 38 thru 40 were approved as 5' flag lots and were recorded as flag lots in PB 90 Page 67; however, this area was indicated on the original PUD Development Plan as being a multi-family area adjacent to other smaller, similar sized lots and frontages.

However, in 2012 a revised plat (PB 96 Page 196) was recorded to abandon those 5' flag lots by extending Wilson Creek Drive and creating new lots with lot frontages of approximately 50'

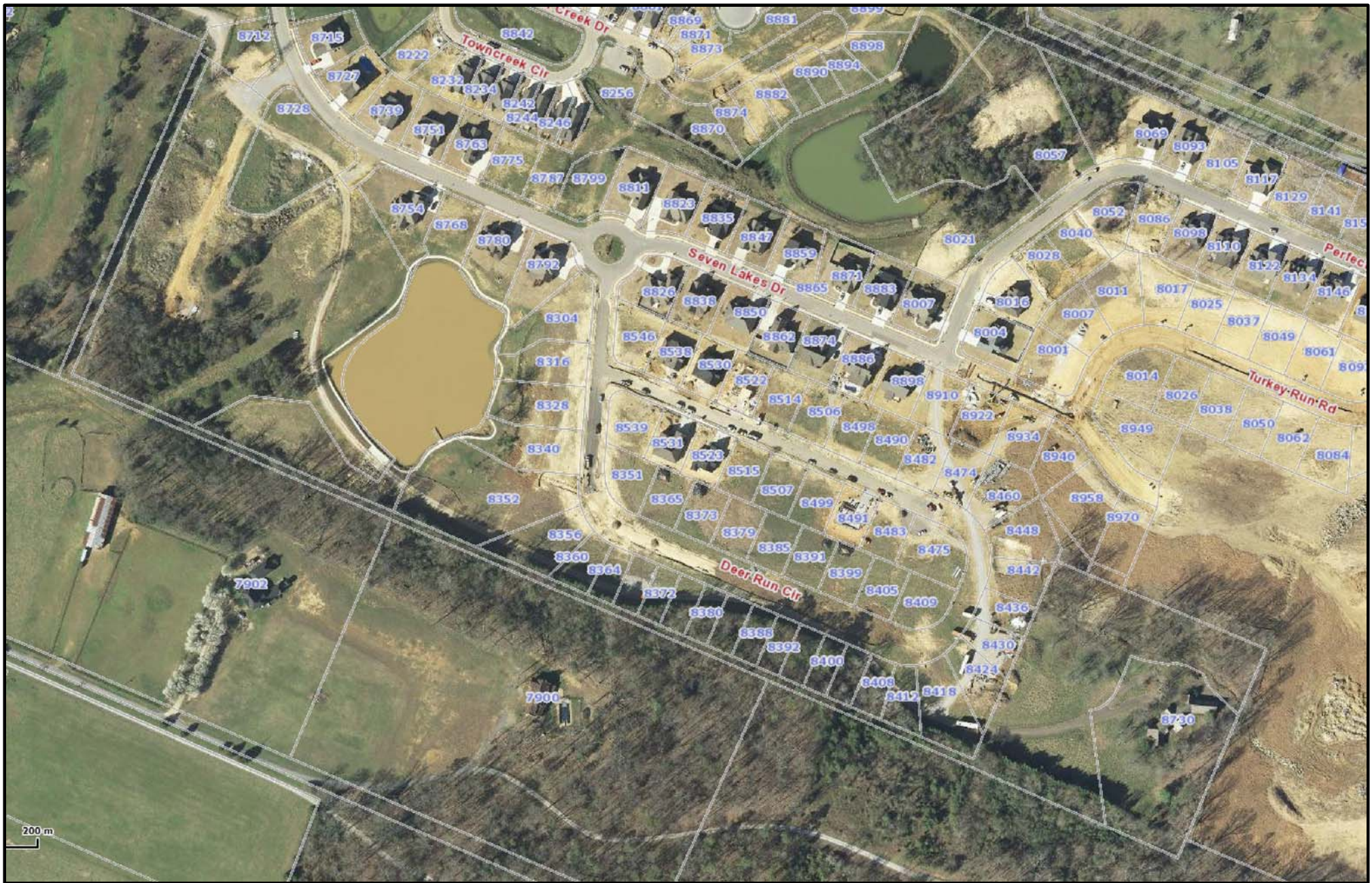
3. The Hamilton County Engineer's Office objects to the variance requests.

4. It is important to note that the area proposed to be subdivided into lots 238 thru 240 is currently an existing 4.4 acre tract that is an existing flag lot. The flag stem is located to the rear of the Seven Lakes Subdivision but it located within the PUD boundary. This flag lot is approximately ½ mile long connecting to Roy Lane. The flag lot appears to scale to 25' at Roy Lane and then tapers down to approximately 20'.

If these variances as requested are approved this existing flag lot would be abandoned by a revised subdivision plat with the land for the flag stem being combined with the adjacent lots making those lots larger.



SCALE: 1"=100'



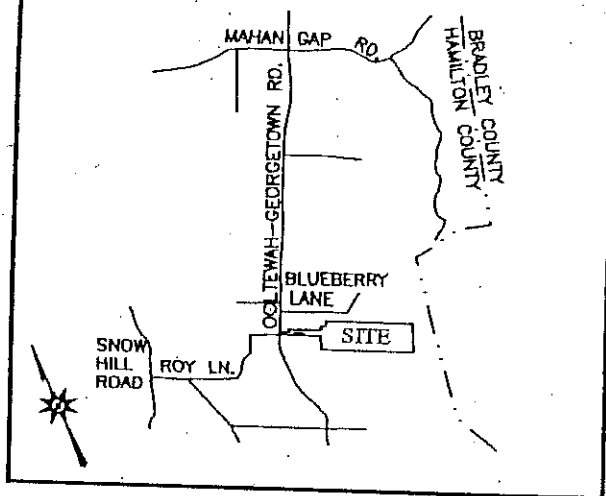
The Map Title

The Subtitle

Printed: Aug 14, 2014

Disclaimer: This map is to be used for reference only, and no other use or reliance on the same is authorized. Parcel lines are shown for reference only and are not intended for conveyances, nor is it intended to substitute for a legal survey or property abstract.

HCGIS



Vicinity Map
N.T.S.

2006-068 = ZONING

SITE ANALYSIS 2006-069 = PUD

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|--------------------------------|-----------------|
| 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 |

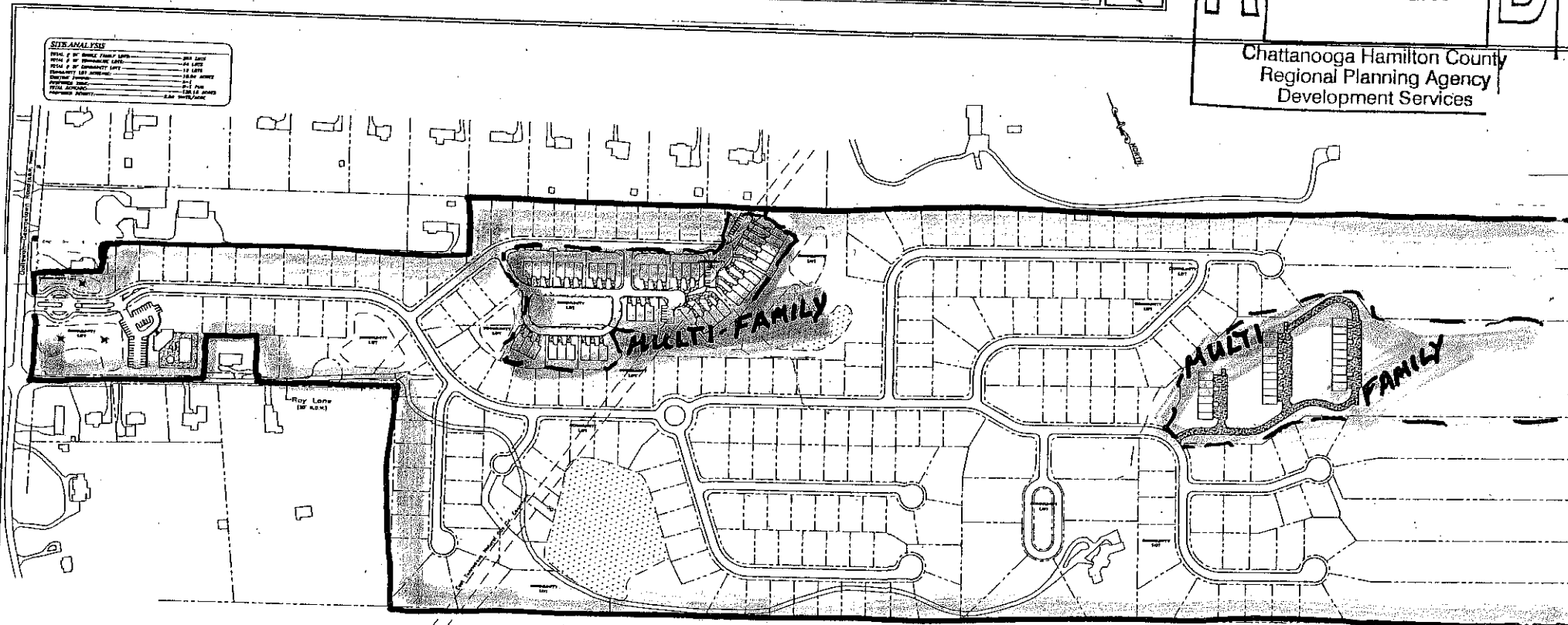
DENSITY 2.8± Units/Acre

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|--|---------------------------------|-------------------------------|
| <p>SEVEN LAKES RESIDENTIAL DEVELOPMENT BY SEVEN LAKES DEVELOPMENT, LLC 1770 CLAUDUS CREEK DRIVE OOLTEWAH, TN 37382</p> | <p>MAP ENGINEERS L.L.C.</p> | <p>PRELIMINARY LAYOUT</p> |
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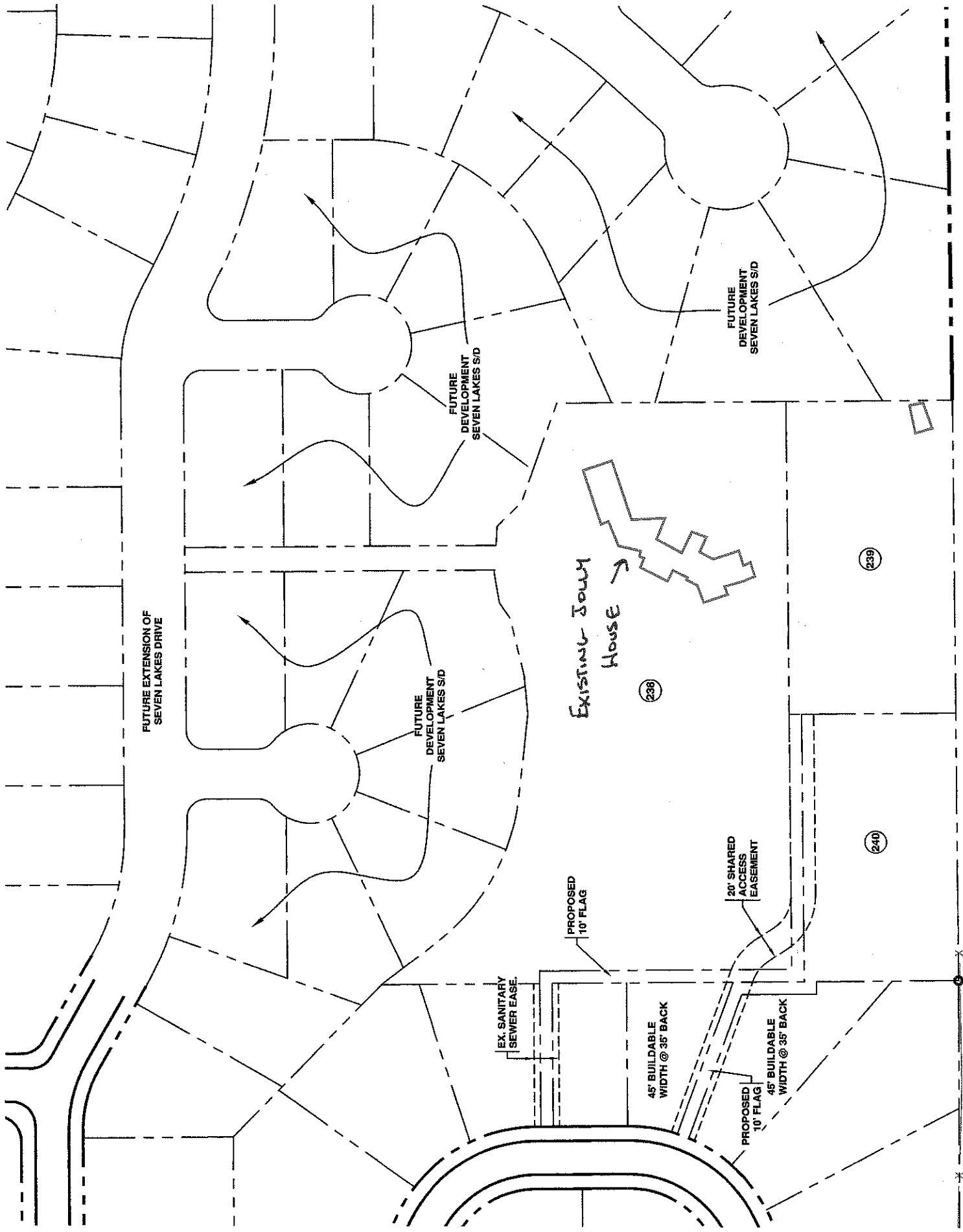
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Chattanooga Hamilton County
Regional Planning Agency
Development Services

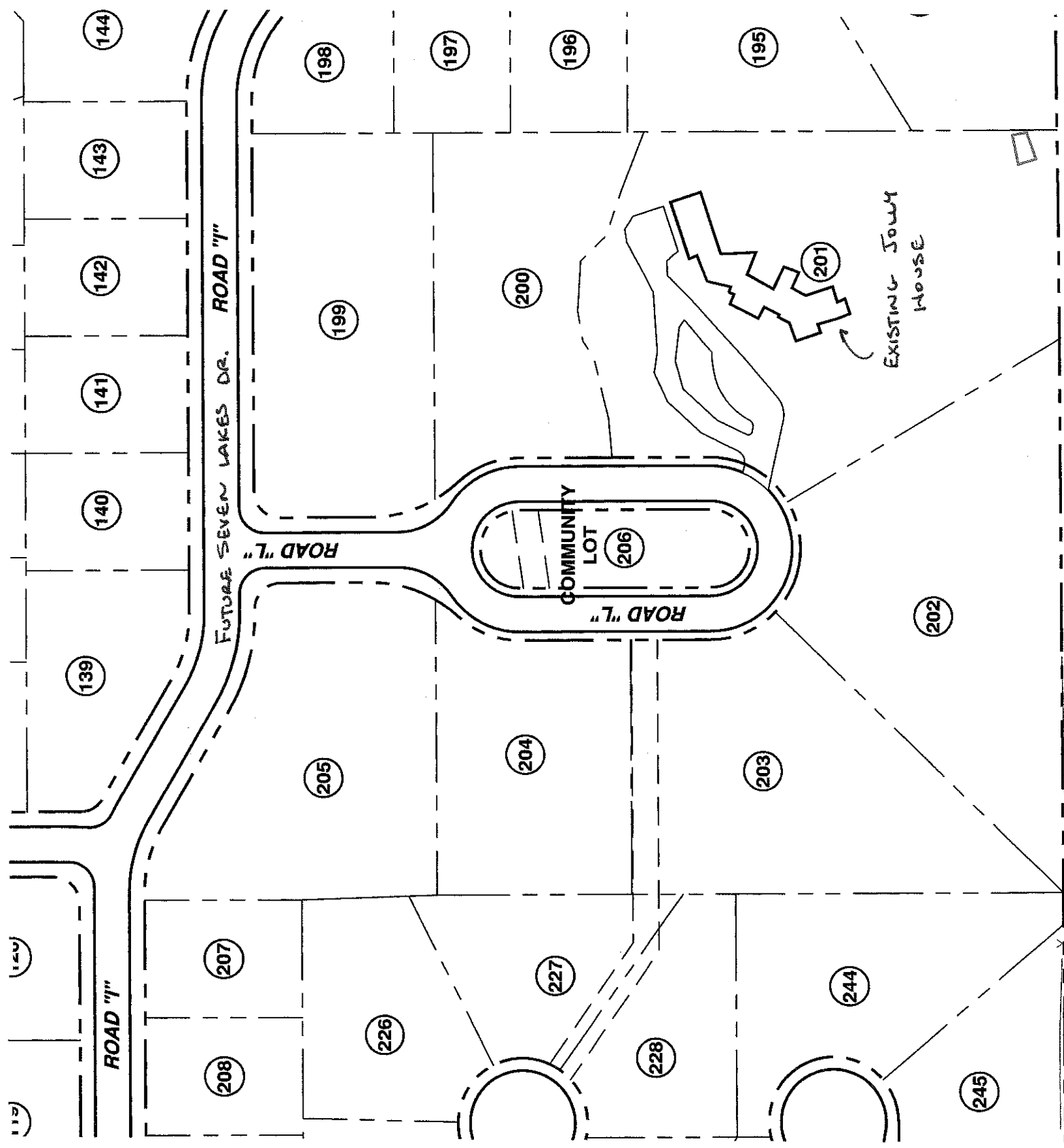


Preliminary Site Plan



SCALE: 1"=100'

CURRENT P.U.D. PLAN



SCALE: 1" = 100'

ORIGINAL P.U.D. PLAN