

# STAFF CASE REPORT TO PLANNING COMMISSION

<b>Subdivision Case Number:</b>	<b>2016-023</b>	<b>PC Meeting Date:</b> 04-11-16
<b>Subdivision Name:</b>	<b>Bittle Subdivision Lot 1 Variance Request Lot 1 Lot Less than Five (5) Acres on Private Road/Easement and Width of Easement</b>	
<b>Applicant Request:</b>	Variance-Section 402.1(b)(c) of the Hamilton County Subdivision Regulations	
<b>Property Location:</b>	15075 Log Cabin Lane (Private)	
<b>Property Owner:</b>	Alex Bittle	
<b>Applicant:</b>	Northpointe Surveying	
<b>Total Acreage:</b>	0.23 Acres	
<b>Proposed Density:</b>	2.7 Dwelling Units Per Acre	
<b>Tax Map Number:</b>	021-055	
<b>Zoning:</b>	A-1 Agricultural District	
<b>Staff Recommendation:</b>	<b>Approve</b>	

## PROJECT ANALYSIS

### RPA Comments

The applicant has requested a variance from the minimum five (5) acre lot size required by Section 402.1(b)(c) of the Hamilton County Subdivision Regulations for residential lots whose only access is a private road/easement.

The applicant intends to record a subdivision plat so to re-subdivide and record a plat to create lot 1. The plat would create the following lot size along a private road: Lot 1: 0.23 acres.

The Hamilton County Subdivision Regulations, specifically section 402.1(b) requires that all lots that do not have public road frontage along a county accepted and maintained road be a minimum of five (5) acres size. Section 402.1 (C) requires a minimum of 15' in width for each lot served by a private easement, or a maximum of 50' for private easements serving three (3) or more lots.

### Site Description

The property is zoned A-1 Agricultural District. The property is approximately 0.36 acres in size. The lot is accessed by way of an existing 10' private joint easement (Log Cabin Lane). In July 2011 and October 2015 (Case 2015-044) the Chattanooga-Hamilton County Regional Planning Commission granted the same variance to Lots 1 and 2 of the Smitherman-Steakley Subdivision along Log Cabin Lane. The precedent has been established by previous requests along Log Cabin Lane.

### Staff Recommendation

Staff recommends to approve the applicant's request.

Per Section 309.2 of the Hamilton County Subdivision Regulations 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 necessary hardship if these regulations are adhered to.**

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- The applicant does not own adjacent property so as to increase the lot size to comply with the minimum 5 acre requirement.
- 2. The variance will not be in conflict with the intent and purpose of the Hamilton County Zoning and Subdivision regulations.**
- Approving the variance would be in conflict with the intent and purpose of the Hamilton County Zoning and Subdivision Regulations.
  - Approving the variance would permit the applicant to record a subdivision plat legally recording two (2) lots that are less than 5 acres on a private easement.
  - In July 2011 and October 2015 (Case 2015-044) the precedent was set by the approval of the same variance as requested for Lot 2 as shown the proposed subdivision plat.
  - The lot contains an existing dwelling and approval of this variance would not permit development that does not now exist.
  - There are existing dwellings located beyond Lot 1 that abut or utilize this existing 10' joint private driveway easement.
- 3. The Hamilton County Engineer's Office does not object to this variance request.**

