

# STAFF CASE REPORT TO PLANNING COMMISSION

<b>Subdivision Case Number:</b>	<b>2016-035</b>	<b>PC Meeting Date: 07-11-16</b>
<b>Subdivision Name:</b>	<b>Shauff Place Subdivision Lots 1 &amp; 2- Variance Request-Minimum Lot Size and Lot Frontage</b>	
<b>Applicant Request:</b>	Variance-Section 38-44 of the Chattanooga Zoning Regulations (5) Minimum Lot Area and (6) Minimum Lot Frontage	
<b>Property Location:</b>	5421 Shauff Place	
<b>Property Owner:</b>	Damar Properties	
<b>Applicant:</b>	Earthworx and Damar Properties	
<b>Total Acreage:</b>	0.23 Acres	
<b>Tax Map Number:</b>	1670-B-001	
<b>Zoning:</b>	R-1 Residential Zone	
<b>Staff Recommendation:</b>	<b>APPROVE</b>	

## PROJECT ANALYSIS

### RPA Comments

#### Applicant Request

The applicant has submitted a subdivision plat to subdivide a 0.23 acre lot into two (2) lots located along Shauff Place, Alabama Avenue, and West 55<sup>th</sup> Street.

As part of this subdivision process the applicant has submitted a variance request to Section 38-44 of the Chattanooga Zoning Regulations, more specifically Section (5) Minimum lot Size and (6) Minimum Lot Frontage.

Section 38-44 (5) Minimum Lot Size. The R-1 Residential Zone requires a minimum lot size of 7,500 square feet on public sanitary sewer. The proposed lots have the following lot sizes.

Lot 1: 5,009 square feet                      Lot 2: 5,009 square feet

- The applicant is asking for a 2,491 square foot variance/reduction to the minimum lot size for each lot.

Section 38-44 (6) Minimum Lot Frontage. The R-1 Residential Zone requires a minimum lot frontage of 60' on public sanitary sewer. The proposed lots have the following lot frontage.

Lot 1: 50.16' feet                                  Lot 2: 49.7' feet

#### Site Description

The property is zoned R-1 Residential and located inside the Urban Overlay Zone. The property currently is one lot with approximately 0.23 acres fronting three public streets W. 55<sup>th</sup> Street, Shauff Place, and Alabama Avenue.

Just as a note, any new structure proposed on Lot 1 that would need a setback variance would need to apply to the Chattanooga Board of Zoning Appeals. The variance approval does not approve any setback variance required on proposed Lot 1.

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### **Staff Recommendation**

Staff recommends to approve the applicant's request for the reduction in the minimum required lot size and lot frontage.

Section 38-32 of the Chattanooga Zoning Regulations provides the Chattanooga-Hamilton County Regional Planning Commission with the authority to grant variances for lot size, lot frontage, and existing structure setback for new lots as part of a new subdivision. The variance request is submitted to RPA following the requirements of Section 111 of the Chattanooga Subdivision Regulations.

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

- The applicant does not own property on either side so as to increase the lot area to comply with the minimum lot size and lot frontage requirements.

**2. The variance will not be in conflict with the intent and purpose of the Chattanooga Subdivision Regulations.**

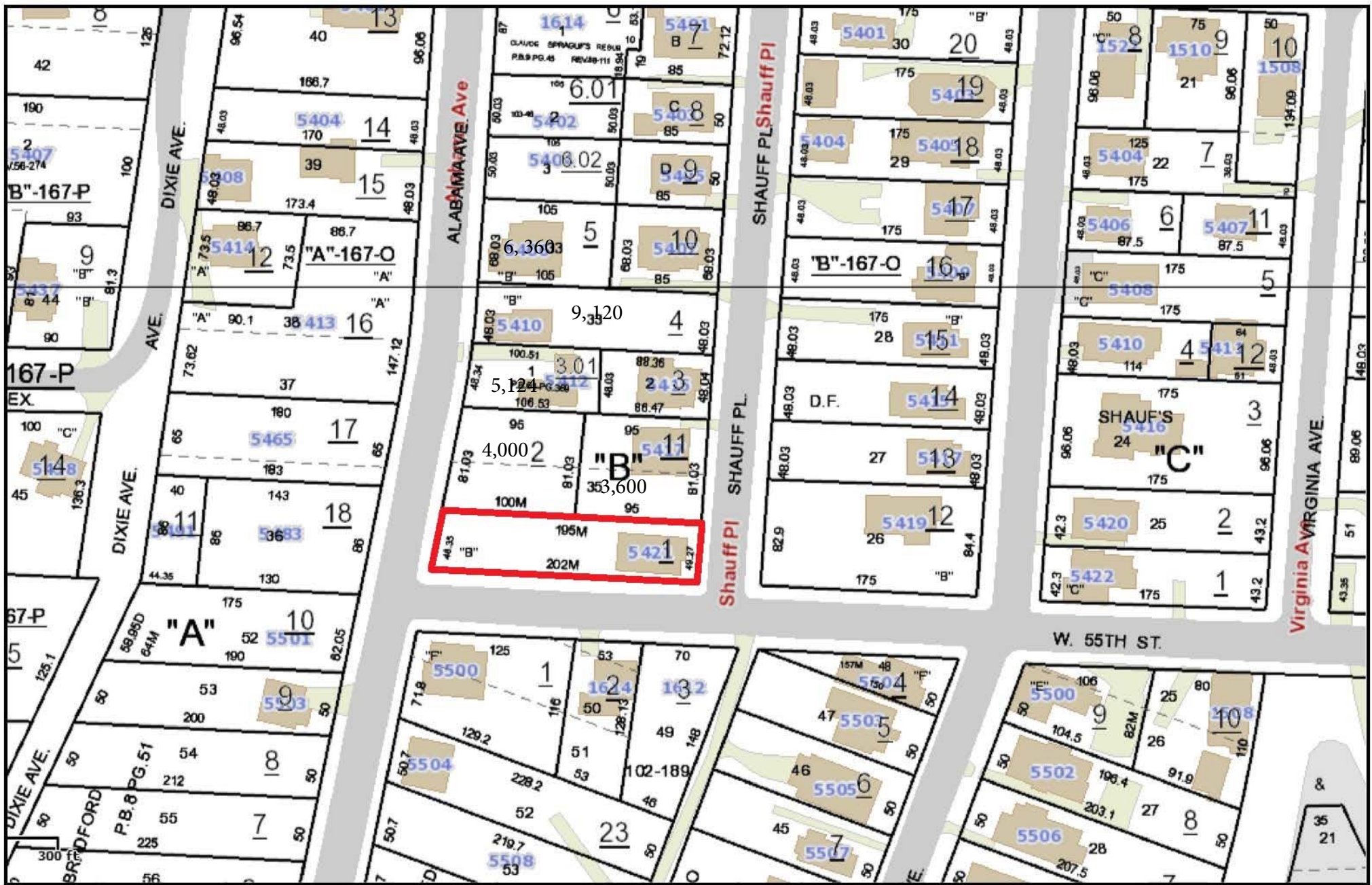
- Approving the variance would not be in conflict with the intent and purpose of the Chattanooga Subdivision Regulations and the Chattanooga Zoning Regulations.

**3. The granting of the variance will not be detrimental to the public interest.**

- Approving the variance appears that it would not be detrimental to the public interest.
- The proposed lot area/size and lot frontage would be compatible with adjoining lots along found along Alabama Avenue and Shauff Place.
- There appear to be similar sized lots and lot frontages adjacent to this proposed development.
- Approving the variance request would not create a situation that does not currently exist along Shauff Place and Alabama Avenue.
- The precedent for approving similar requests has already been established along this block of Alabama Avenue and Shauff Place. Therefore, approving the variance would not approving something that has not already been approved in this area.
  - Case #2387-97: On July 16, 1997 the Chattanooga Board of Zoning Appeals granted approval of a lot area/size, lot frontage, and setback variance request for 5412 Alabama Avenue and 5415 Shauff Place.
  - S/D Case # 2015-057: On October 12, 2015 the Chattanooga-Hamilton County Regional Planning Commission granted approval of lot frontage and lot area/size for 5402 and 5404 Alabama Avenue.

**4. Chattanooga Department of Transportation and the Chattanooga Land Development Office and other members of the Subdivision Review Committee do object to this variance request.**

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# 5421 Shauff Place

Variance Lot Size and Frontage

Printed: May 24, 2016

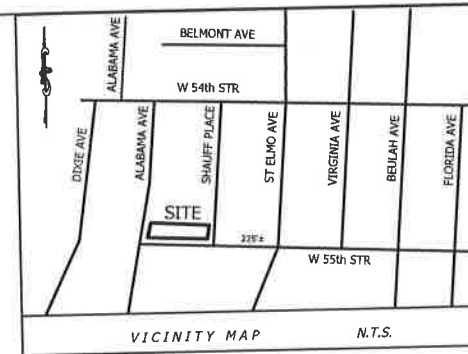




**NOTES:**

- Present Zoning Classification R1.
- The purpose of this plat is to subdivide the subject Tax Parcel into two Lots as shown hereon.
- Area subdivided by this plat is 0.23 acres ±.
- This subdivision has been developed according to the Subdivision Regulations of the City of Chattanooga.
- This survey was prepared using the Random Survey Method. The bearings and distances, as shown hereon, have been adjusted for closure.
- Tax Map Number: 1670 B 001. Part Lot 35, D. F. Shauff's Corrected Addition to St. Elmo, Plat Book 4, Page 34, Register's Office, Hamilton County, Tennessee, (ROHC). Located at 5421 Shaft Place, Chattanooga, TN 37409.
- Local Government does not certify that utilities or utility connections are available.
- The City of Chattanooga is not responsible for the construction or maintenance of the drainage easements, or drainage detention area.
- The City of Chattanooga is not responsible to construct or maintain access easements.
- The City of Chattanooga is not responsible to provide desired utilities beyond Right-of-Way.
- Public Sanitary Sewer is available by gravity flow as shown hereon.
- This plat resubdivides deed(s): Deed Book 10630, Page 913, ROHC.
- City Ordinance No. 12900 entitled "Storm Water Run-Off and Erosion Control" shall apply to any discharge of same from this subdivision of property.
- Basis of all bearings is Tennessee State Plane Coordinate System, NAD83 (CORS).
- No fill material is to be placed into a constructed drainage facility in such a manner as to impede storm water runoff flow unless approved by the City Engineer.
- Easements shown are from available records & sources; there may be other easements not recorded and not shown on available drawings.
- Any locations of underground utilities as shown hereon are based on aboveground structures and recorded drawings provided the surveyor. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered. No excavations were made during the progress of this survey to locate buried utilities/structures. For information regarding these utilities, Please contact the appropriate agencies.
- This plat has been calculated for closure and is found to be accurate within one foot in 53,360± feet.
- This property is not subject to any Special Flood Hazard Area per F.L.R.M. Map #47065C0452G dated 02-03-2016.

- A 5' private drainage easement shall be reserved along the inside of all lot lines. These drainage easements shall be automatically abandoned if two or more lots are combined or used as one lot, or if no setback is required.
- On July 11, 2016, the Chattanooga Hamilton County Regional Planning Commission granted a variance to Lots One and Two to permit smaller lot size and lot frontage than required by the R-1 Zone. See Subdivision Case # 2016-035 at RPA.
- Data from Chattanooga Department of Transportation, rendered 06-21-2016 after review of all referenced plats and maps shown hereon: The Right-of-Way of Alabama Avenue occupies lands extending 25 feet on each side of the centerline of the road as it exists (and has existed since at least 1912), as shown hereon. The City of Chattanooga does not recognize any lands east of the R/W shown hereon as City Right-of-Way. No evidence in the form of record documents, maps or physical evidence could be found to suggest that Alabama Avenue was ever re-located.
- No Deeds found in respect of the portion of Land lying West of the Original Lot Line as shown on PB 4-34 and the actual location of the Right-of-Way of Alabama Avenue. It is assumed that PB 4-34 should have been corrected to match the actual location of Alabama Avenue (as was the Plat of Land to South, reference PB 4-38), as well as to correct the names of Streets, which were mostly inconsistent with the names of the same streets in use in the late 1800's as shown on other plats. It is assumed that the intention of the Subdivision was Lots bound on the East and West by Street Right-of-Ways. Parcel 1670 B 001 has existed as such in the eyes of the Tax Assessor since at least 1973, per Historical and current Tax Maps. No other evidence found to suggest that any entity other than the owner of the South 49± of Lot 35 has any remaining interest in this land.



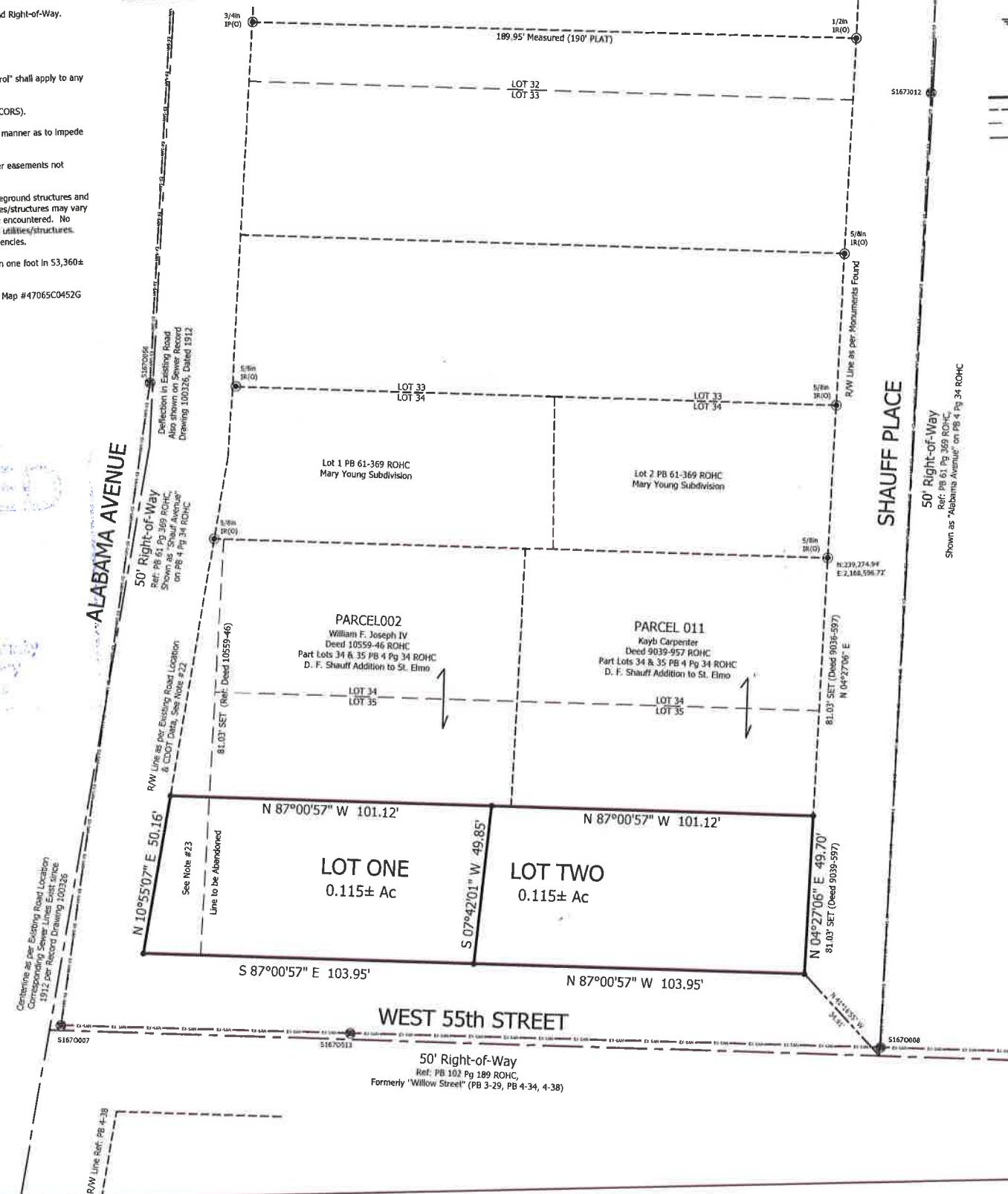
APPROVED FOR RECORDING  
 HAMILTON COUNTY GIS DEPT  
 DATE \_\_\_\_\_  
 BY \_\_\_\_\_  
 JURISDICTIONAL AUTHORITY  
 DATE \_\_\_\_\_  
 BY \_\_\_\_\_  
 CHATTA/HAM CNTY REGIONAL  
 PLANNING COMMISSION  
 DATE \_\_\_\_\_  
 BY \_\_\_\_\_

**LEGEND**

- IRN ● IRON ROD NEW (TO BE SET WHEN APPROVED)
- IRO ○ IRON ROD OLD
- IPO ○ IRON PIPE OLD
- SS ● SANITARY SEWER MANHOLE
- PROPERTY LINE
- - - ADJOINING PROPERTY LINE
- LOT LINE
- - - EXISTING SANITARY SEWER
- ▭ EXISTING BUILDING



RECEIVED  
 JUN 27 2016



**Owner's Certification**

I/We, the undersigned owner/s of the property shown hereon, do hereby adopt this plat and certify that I/we am/are the owner/s in fee simple.

Damar Properties LLC  
 1538 Quiet Pond Drive  
 Chattanooga, TN 37415  
 (423) 596-5618



**Surveyor's Certification**

I certify that I have surveyed the property shown hereon; that the survey is correct to the best of my knowledge and belief; and that the ratio of precision of the unadjusted survey is > 1:10,000. This is a category 1 Survey.



Dixon G. Brackett TN R.L.S. Reg. No. 2494  
 4510 Turntable Rd, Suite 120  
 Chattanooga, TN 37421  
 (423) 892-4780

e a r t h w o r k s , l l c 4510 Turntable Rd, Suite 120 Chattanooga, Tennessee 37421 (423) 892-4780		REVISIONS	DRAWN: MLD DESIGN: N/A APPROVED:
		PROJECT NO. 16-013	SHEET NO. 1.0

**FINAL PLAT**  
**LOTS 1 & 2 - SHAUFF PLACE SUBDIVISION**  
 CITY OF CHATTANOOGA, HAMILTON COUNTY, TENNESSEE