

# STAFF CASE REPORT TO PLANNING COMMISSION

<b>Subdivision Name:</b> Seebeck Brittany Farm Lane Lots 1 and 2 Variance Request-Lot Less than Five (5) Acres on Private Road/Easement		<b>PC Meeting Date:</b> 07-13-15
<b>Applicant Request:</b>	Variance-Section 402.1(b) of the Hamilton County Subdivision Regulations	
<b>Property Location:</b>	9049 Brittany Farm Lane (Private)	
<b>Property Owner:</b>	Jurgen Seebeck	
<b>Applicant:</b>	Richmond Surveying	
<b>Total Acreage:</b>	2.84 Acres	
<b>Proposed Density:</b>	0.70 Dwelling Units Per Acre	
<b>Tax Map Number:</b>	123-025	
<b>Zoning:</b>	A-1 Agricultural District	
<b>Staff Recommendation:</b>	<b>DENY</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) 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 divide one existing 2.84 acre parcel into two lots. The plat would create the following lot sizes along a private road:

Lot 1: 1.0 acres                      Lot 2: 1.84 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.

### Site Description

The property is zoned A-1 Agricultural District. The property is approximately 2.84 acres in size. Based on Hamilton County Tax Records this 2.84 parcel (9049 Brittany Farm Lane) was created in 1973 with the recording of Deed Book 2079 Page 516. Prior to this deed book and page number the property was approximately 5.4 acres. A subdivision plat should have been submitted for review and recording to record the division of this 5.4 acre tract into two lots since both lots are less than 5 acre in size. The property currently contains a single-family detached dwelling and is accessed by a private road/easement that is not constructed or maintained as public county road.

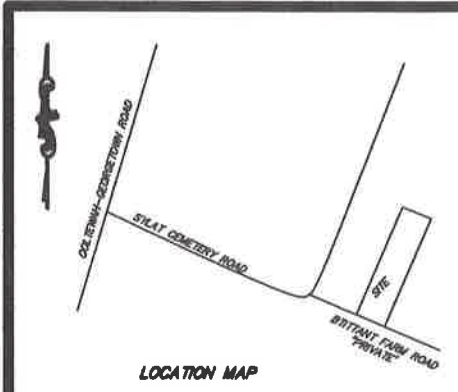
### Staff Recommendation

Staff recommends to deny 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:

## **STAFF CASE REPORT TO PLANNING COMMISSION**

- 1. Unusual physical or other conditions exist which would cause practical difficulty or necessary hardship if these regulations are adhered to.**
  - 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.
  - Approving the variance would set the precedent for similar requests in the future along Brittany Farm Lane.
  
- 3. In the late 1990's the property owner of 9061 Brittany Farm Lane requested a variance to divide this 5 acre parcel into two lots with frontage along a private road/easement. The owner of this private road/easement (9075 Brittany Farm Lane) objected to the variance request and the owner withdrew his request for the variance.**
  
- 4. The Hamilton County Engineer's Office does not object to this variance request.**



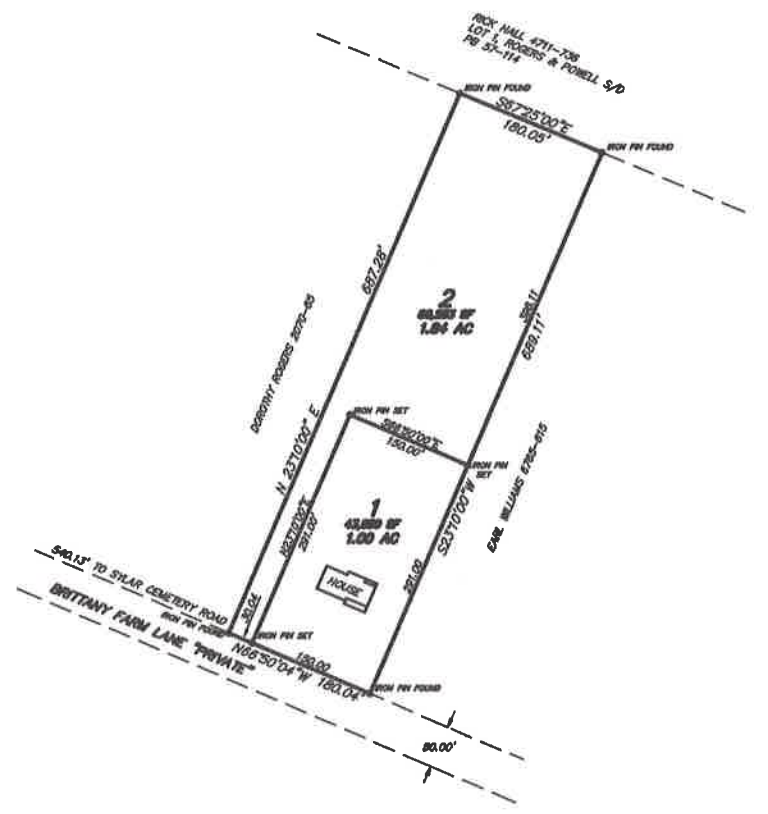
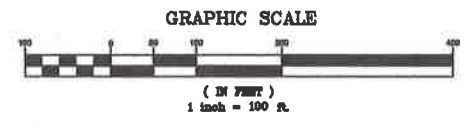
LOCATION MAP



FINAL PLAT  
SEEBECK BRITANNY FARM LANE PROPERTY

SECOND CIVIL DISTRICT, HAMILTON COUNTY, TN.

DATE: 5-18-2015 SCALE: 1"=100'



APPROVED FOR RECORDING  
HAMILTON COUNTY GIS DEPT  
DATE \_\_\_\_\_  
BY \_\_\_\_\_  
HAMILTON COUNTY GROUND WATER PROTECTION  
DATE \_\_\_\_\_  
BY \_\_\_\_\_  
JURISDICTIONAL AUTHORITY  
DATE \_\_\_\_\_  
BY \_\_\_\_\_  
CHAFTA/HAM CNTY REGIONAL  
PLANNING COMMISSION  
DATE \_\_\_\_\_  
BY \_\_\_\_\_

NOTES:

- PROPERTY ZONED:
- TOTAL AREA DIVIDED: 2.84 AC
- THIS SUBDIVISION HAS BEEN DEVELOPED IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF HAMILTON COUNTY, TENNESSEE.
- THIS PLAT SUBDIVIDES PROPERTY DESCRIBED BY DEED RECORDED IN DB. 8068-327, ROHCT
- 1 = LOT NUMBER
- TAX ID: MAP 123-025.0
- THE GOVERNMENT OF HAMILTON COUNTY DOES NOT CERTIFY UTILITIES OR UTILITY CONNECTIONS.
- HATCHED AREA IS A SUBSURFACE SEWAGE DISPOSAL SYSTEM AND DUPLICATION AREA EASEMENT. ANY CUTTING, FILLING OR CONSTRUCTION WITHIN TEN (10) FEET OF THIS AREA, TWENTY-FIVE (25) FEET FOR A BASEMENT CUT, WITHOUT PRIOR WRITTEN APPROVAL FROM THE HAMILTON COUNTY GROUND WATER PROTECTION AND RECORDING OF A CORRECTIVE PLAT MAY RENDER THIS LOT UNBUILDABLE.
- LOT 2 APPROVED FOR A MAXIMUM NUMBER OF \_\_\_\_\_ BEDROOMS.  
  
LOT 1 NOT EVALUATED PURSUANT TO THIS PLAT REVIEW AND APPROVAL OF THIS PLAT DOES NOT CONSTITUTE APPROVAL OF LOT 1 OR THE EXISTING SSD SYSTEM.
- NO POOLS WITHOUT WRITTEN APPROVAL FROM THE HAMILTON COUNTY GROUND WATER PROTECTION.
- ALL NOTES REGARDING THE SUBSURFACE SEWAGE DISPOSAL SYSTEM WILL BECOME NULL AND VOID IF THE HOME IS CONNECTED TO A PUBLIC SANITARY SEWER SYSTEM.
- HAMILTON COUNTY GROUND WATER PROTECTION MAY REQUIRE THAT THE SSD EASEMENT BE FIELD LOCATED BY A SURVEYOR PRIOR TO SSD PERMIT ISSUANCE IF WE ARE UNABLE TO VERIFY COMPLIANCE WITH THE REGULATIONS DURING OUR SITE VISIT.

OWNERS CERTIFICATE

I, THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN HEREON, HEREBY ADOPT THIS AS MY PLAN OF SUBDIVISION, AND CERTIFY THAT I AM THE OWNER IN FEE SIMPLE OF THIS PROPERTY.

JURGEN D. SEEBECK  
9049 BRITANNY FARM LANE  
OOLTEWAH, TN. 37363  
PHONE: 544-8113

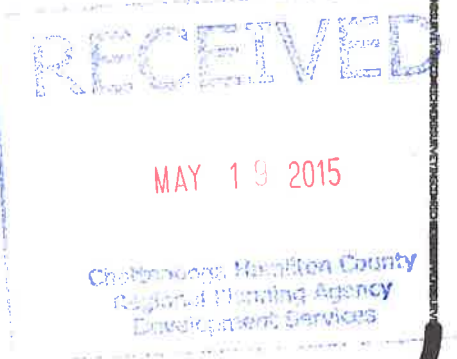
JANET SEEBECK

DATE \_\_\_\_\_

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED FROM AN ACTUAL FIELD SURVEY BY ME OR UNDER MY SUPERVISION, AND THAT THIS PLAT CONFORMS TO SAID SURVEY, AND THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THE SURVEY IS A CLASS B (SUBURBAN) LAND SURVEY WITH AN UNADJUSTED ERROR OF CLOSURE OF 1/10,000+, AS SHOWN HEREON.

RICHMOND SURVEYING CO.  
363 FIRST STREET, SW  
CLEVELAND, TN. 37311  
PHONE: (423)479-7749







# 2015-026 Variance Request

*Lot Less than 5 Acres on Easement*

Printed: May 26, 2015

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