

STAFF CASE REPORT TO PLANNING COMMISSION

Subdivision Name:		Scholze Addition to St. Elmo Lots 95 and 96 Variance Request-Minimum Lot Size	PC Meeting Date: 05-11-15
Applicant Request:	Variance-Section 38-44 of the Chattanooga Zoning Regulations (5) Minimum Lot Area		
Property Location:	5106 Alabama Avenue and 1617 W. 52 nd Street		
Property Owner:	Kevin Osteen		
Applicant:	Alan Haniszewski Surveying		
Total Acreage:	0.26 Acres		
Proposed Density:	7.6 dwelling units per acre		
Tax Map Number:	167J-L-017		
Zoning:	R-1 Residential Zone		
Staff Recommendation:	APPROVE		

PROJECT ANALYSIS

RPA Comments

Applicant Request

The applicant has submitted a subdivision plat to re-subdivide or reconfigure two (2) existing lots of record. These lots were recorded in 1905 in Plat Book 5 Page 30 in the Hamilton County Register of Deeds Office.

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 38-44 (5) Minimum Lot Area. The minimum lot area is 7,500 square feet.

The applicant is requesting a variance to permit proposed Lots 95 and 96 to have a lot size that is less than the required minimum of 7,500 square feet. The proposed lot size for these lots are as follows:

Lot 95: 5,787 sqft Lot 96: 5,762 sqft

Site Description

The property is zoned R-1 Residential and located within the Urban Overlay Zone. The property currently is two legally recorded lots that front on Alabama Avenue and W. 52nd Street. The area is predominately a single-family detached residential neighborhood.

Lots 95 and 96 are considered to be lots of record, which means that were recorded on a subdivision plat prior to 1961. These lots were legally recorded in 1905 through the recording in Plat Book 5 Page 30 in the Hamilton County Register of Deeds Office.

Because the applicant is rearranging or reconfiguring the existing lot lines the lots are required to comply with the minimum lot size of the R-1 Residential Zone, which is 7,500 square feet. Existing Lot 96 is an irregular shaped lot, which appears to make it difficult to construct a single-family detached dwelling.

The existing lot sizes are as follows:

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Lot 95: 7,474 sqft Lot 96: 4,610 sqft

Staff Recommendation

Staff recommends to approve the applicant's request for the variance.

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 existing size of the property owned by the applicant makes it difficult to comply with the minimum lot size of 7,500 square feet.

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.

Both lots currently do not comply with the minimum lot size requirements. The existing lot sizes as legally recorded are as follows:

Lot 95: 7,474 sqft Lot 96: 4,610 sqft

The applicant could legally construct a single-family dwelling on both lots, based on the lot of record protection. However, based on the irregular shape of one of the lots, construction of a single-family detached dwelling could be difficult, or perhaps require additional variances for setbacks, etc.

- Approving the variance request does not create a situation that does not currently exist. There are two existing lots that do not comply with the minimum lot size. Approving the variance would permit only two lots, no new additional lot is being created. The variance permits the applicant to rearrange the lot lines so as to make better use of the land and to increase the lot frontage along W. 52nd Street.

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

- Approving the variance would not be detrimental to the public interest.
- Approving the variance request would not create a situation that does not now currently exist along Webb Road.
- Approving the variance request would not create dissimilar or incompatible lots along Webb Road.

4. *Members of the Subdivision Review Committee do not object to this variance.*



1617 W. 52nd Street

Lot Sizes

Printed: Mar 25, 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.





Existing Lot Sizes
 Lot 95: 7,474 sq ft
 Lot 96: 4,610 sq ft

Proposed Lot Sizes
 Lot 95: 5,787 sq ft
 Lot 96: 5,762 sq ft

Lot 96
 5,762 sq ft

Lot 95
 5,787 sq ft

1617 W. 52nd Street

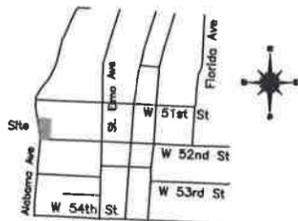
Lot Sizes

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Locality Map
(not to scale)

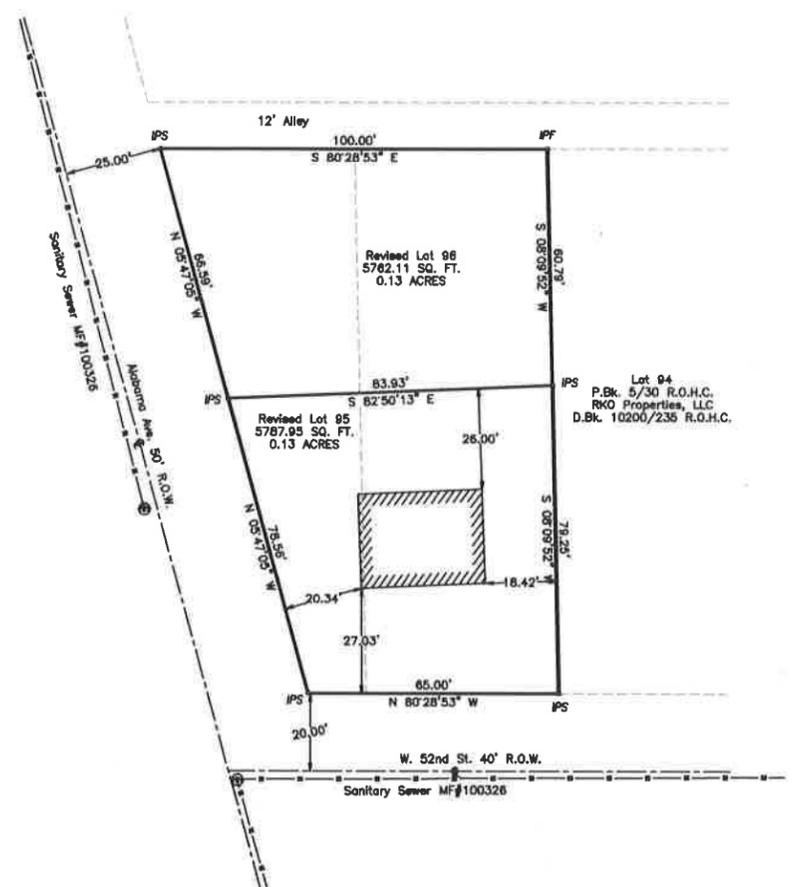
Revised Plat
 Being A Revision Of Lots 95 And 96 H Scholze's
 Addition To Saint Elmo
 Recorded In Plat Book 5, Page 30 R.O.H.C.
 Chattanooga, Hamilton County, Tennessee

Scale: 1" = 20' March 16, 2015

APPROVED FOR RECORDING
 HAMILTON CNTY GIS DEPT.
 DATE: _____
 BY: _____

JURISDICTIONAL
 AUTHORITY
 DATE: _____
 BY: _____

CHATTA/HAM CNTY
 REGIONAL
 PLANNING COMMISSION
 DATE: _____
 BY: _____



IPF = Iron Pin Found
 IPS = Iron Pin Set



Statement Of Ownership
 I, the Undersigned, hereby adopt this Plat as my
 plan of subdivision. I further certify that I am the
 owner of the property in fee simple.

Kevin Oaten
 4619 Michigan Ave
 Chattanooga, TN 37409
 423-309-5251

- Notes:**
- 1.) Zoning: R-1.
 - 2.) This Property is described in Deed Book 10170, Page 280 R.O.H.C.
 - 3.) Tax Map #167J-L-017.
 - 4.) Local Government does not certify that utilities or utility connections are available.
 - 5.) The purpose of this Plat is to reconfigure the two lots, as shown.
 - 6.) Property address: 1617 West 52nd Street, Chattanooga, TN.
 - 7.) Area subdivided by this plat: 0.26 ac.
 - 8.) This subdivision has been developed in accordance with the subdivision regulation of the City of Chattanooga.
 - 9.) Public sanitary sewers are available by gravity flow.
 - 10.) A 5' private drainage easement is reserved along the inside of all side and rear lot lines. These drainage easements are automatically abandoned if two or more lots are combined or used as one lot or no setback is required.
 - 11.) No fill material can be placed in a constructed drainage facility in such a manner as to impede storm water runoff flow unless approved by the city engineer.
 - 12.) City Ordinance #9942 entitled "Storm Water Runoff And Erosion Control" shall apply to discharge of same from this subdivision of Property.
 - 13.) The City of Chattanooga is not responsible for the installation, maintenance, or repair of any private sewer service line, or any private sewer line easement.
 - 14.) Capped rebar set at all corners unless noted otherwise.

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 greater than
 1:10,000 (Category I)

Alan Haniszewski
 Tennessee PLS #2398
 3073 Baggett Trail
 Signal Mountain, TN 37377
 423-364-6032

File Name: Scholze St Elmo 95-96
 Drawing No. 15-28-3

