

Kevin Dean  
Subdivision Regulations Board  
City of Crossville  
Re: Revision of Lots 15 and 16 Phase 1 Gardens Subdivision

Kevin,

This revision is located in Phase 1 of The Gardens which was originally platted by Midstate Surveying in June 1991. It reflected the initial development / design concept of Gardens as a modified Planned Unit Development concept with high density, small footprint deeded lots. Initially there were 18 lots. The housing units were to be duplexes, eight of the fourteen adjoined each other on their back lines with a zero lot line concept. I am not sure how the original developer envisioned placing the residences on these properties, but I have always felt them to be undesirable, not feasibly buildable.

In June of 2007 I fixed the first four lots (1,2,3,4), by repurchasing and combining the four into two larger buildable lots. ( PL 11 pg 74.)

Of the remaining four problem lots, 17 and 18 were built as small duplexes, with the buildings set off the back lines thereby creating some buffer. The remaining problem lots, 15 and 16, have sat vacant for these fourteen years due to the difficulty of placing a duplex structure with two full RV garages and homes on these lots, as depicted on the original plat, and mandated in the recorded subdivision restrictions.

In 2014, the Home Owners Association voted to change the Covenants and Restrictions on this phase to allow single family residences, instead of only duplexes. This has allowed these two lots, as well as a third remaining lot (#10), to now be properly developed as a single residence with only one large garage creating a much smaller building footprint.

Concerning lots 15 and 16, I have worked with our surveyor, and the current owner of these properties, to present to the city a revised plat combining these lots for the purposes of constructing a single residence. The property lines for the new lot are exactly as those given on the original recorded plat. In that respect, this is just a simple two subdivision lot revision, but the setback lines on the original plat, carried forth to this new plat, must be addressed.

The original plat called for a 6' easement for utilities, and that is all. Building setbacks were not addressed due to the nature of the Planned Unit Development concept whereas all the vacant land around the building was to be common area. Instead of building setback lines on the individual lots, the lot lines themselves became the building lines for the residences in a high density development, with the common areas being the buffered setback between structures. This is in lieu of the block/lot concept of all lot lines adjoining each other with setbacks keeping structures reasonably apart. In this case the actual property lines achieve this with common areas in between.

As present, all this surrounding property is still owned by the developer and is being maintained by the Home Owners Association. This is something I feel we will be changing in the future after all the homes are built and this plat is finished.

At that time I would like to come back in with all homes being established, and create actual lots with property added to each property on the plat, thus giving these owners stronger equity, assurances of ownership of the property adjacent to their home, and bringing this section of the development back into line design wise with the remaining development which was migrated to a lot/block method after this plat was recorded.

I did not do that with this revised plat. As the owner of the common property I could deed enough land around these property lies to give a reasonable 10 or 15' building setback, but it would only make this exchange and revision more complicated with no advantageous results. If the property owner constructs the home inside the property lines, as is common in this plat, there is plenty of buffer room between this property and adjoining properties, all of which are already constructed. (as shown on the plat there is a 20' separation between these lot lines and the adjacent building). I would prefer to have this revision approved utilizing the same rules and regulations, setbacks and easements, as were on the original plat as approved in 1991. These are the same ones the property is currently subject to.

Therefore, this revision would not burden these two lots with any additional restrictions not imposed upon the other properties in the same plat, it only serves to combine the proposed duplex into a single residence and allow the Home Owners Association to invoice the property as a single instead of imposing a double billing on a single residence. Approving the plat in this manner would also allow me to come back in after this residence, and one other, is built. I would like to replace the entire plat at a single time, creating far less confusion for the future of these property owners and their title attorneys.

While the situation is unusual thereby requiring this request for an exception to the current regulations, it is also normal because the property currently exists in an approved state similar to that in which we are requesting it be placed in. Exceptional, yet normal, because this is the normal state of all the properties surrounding and included in this fifteen year old plat.

Therefore, the property owner requests the commission to allow his property to continue under the same restrictions, setbacks, and easements as it currently is in, the only difference being the change from a proposed duplex to a single residence and a billing of a single parcel rather than two on the city tax roles.

If I can be of additional help, please call. I will also be present with the property owner if this is to be placed on the Planning Commission Agenda.

Respectfully,

  
Tim Wilson

Developer, The Gardens