

PUBLIC NOTICE

CALL FOR A SPECIAL MEETING OF THE BLOUNT COUNTY BOARD OF COMMISSIONERS AND THE BLOUNT COUNTY BOARD OF ZONING APPEALS TO BE HELD AT THE BLOUNT COUNTY COURTHOUSE IN MARYVILLE, TENNESSEE, ON TUESDAY, NOVEMBER 7, 2006, AT 6:30 P.M.

Pursuant to and in accordance with the authority vested in me by Tennessee Code Annotated § 5-5-105, I hereby call the Board of County Commissioners of Blount County, Tennessee and the Blount County Board of Zoning Appeals to meet in special session on the 7th day of November, 2006, at 6:30 P.M. at the Blount County Courthouse in Maryville, Tennessee, for the following:

1. Discussion regarding Blount County Board of Zoning Appeals.

October 23, 2006

APPROVED:

ATTEST:

DR. ROBERT RAMSEY
Commission Chairman

ROY CRAWFORD, JR.
County Clerk

JERRY G. CUNNINGHAM
County Mayor

Hargis – nay Lail – nay Ramsey – aye

There were 3 voting aye, 17 voting nay, and 1 absent. Chairman Ramsey declared the motion to have failed.

IN RE: RESOLUTION TO APPROVE THE CONTRACT BETWEEN THE HIGHWAY DEPARTMENT AND THE INDUSTRIAL DEVELOPMENT BOARD.

Commissioner Hargis made a motion to approve the resolution. Commissioner Keeble seconded the motion.

A roll call vote was taken:

Ballard – aye	Harrison – aye	Lewis – aye	Reeves – aye
Burchfield – absent	Hasty – aye	McCulley – aye	Samples – aye
Farmer – aye	Helton – aye	Melton – aye	Walker – aye
French – aye	Keeble – aye	Murrell – aye	
Graham – aye	Kirby – aye	Proffitt – aye	
Hargis – aye	Lail – aye	Ramsey – aye	

There were 20 voting aye, and 1 absent. Chairman Ramsey declared the motion to have passed.

IN RE: REPORTS.

Commissioner Melton made a motion to approve the reports. Commissioner Kirby seconded the motion.

A voice vote was taken with Chairman Ramsey declaring the motion to have passed.

IN RE: RESOLUTION SUPPORTING AMENDMENT TO ARTICLE XI OF THE CONSTITUTION OF THE STATE OF TENNESSEE.

Commissioner Helton made a motion to approve the resolution. Commissioner Hasty seconded the motion.

A voice vote was taken on the motion with Chairman Ramsey declaring the motion to have passed.

IN RE: RESOLUTION SUPPORTING AMENDMENT TO ARTICLE II, SECTION 28 OF THE CONSTITUTION OF THE STATE OF TENNESSEE.

Commissioner French made a motion to approve the resolution. Commissioner McCulley seconded the motion.

A voice vote was taken on the motion with Chairman Ramsey declaring the motion to have passed.

IN RE: BLOUNT COUNTY HIGHWAY DEPARTMENT PROPERTY.

Commissioner Walker made a motion to approve the concept of a property swap with a developer to build a new Highway Department building. Commissioner Keeble seconded the motion.

A voice vote was taken on the motion with Chairman Ramsey declaring the motion to have passed.

IN RE: BOARD OF ZONING APPEALS.

The Commission discussed recent litigation involving the Board of Zoning Appeals. Commissioner Reeves made a motion to have a special called meeting of the County Commission and the Board of Zoning Appeals. Commissioner Kirby seconded the motion.

A roll call vote was taken:

Ballard – nay	Harrison – aye	Lewis – aye	Reeves – aye
Burchfield – absent	Hasty – aye	McCulley – aye	Samples – nay
Farmer – nay	Helton – aye	Melton – nay	Walker – aye
French – aye	Keeble – aye	Murrell – aye	
Graham – nay	Kirby – nay	Proffitt – aye	
Hargis – aye	Lail – aye	Ramsey – aye	

There were 14 voting aye, 6 voting nay, and 1 absent. Chairman Ramsey declared the motion to have passed.

Commissioner Samples made a motion to issue a vote of confidence in the Board of Zoning Appeals. Commissioner Graham seconded the motion.

A voice vote was taken with Chairman Ramsey declaring the motion to have passed.

It was agreed without vote to set the called meeting for November 7, 2006, at 6:30 pm.

IN RE: ADJOURNMENT.

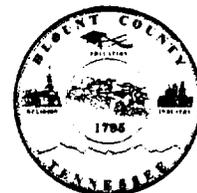
Commissioner Samples made a motion to adjourn the meeting. Commissioner Murrell seconded the motion. A voice vote was taken with Chairman Ramsey declaring the meeting to be adjourned.

BLOUNT COUNTY BOARD OF COMMISSIONERS

359 Court Street

Maryville, TN 37804-5906

Phone (865) 273-5830 - Fax (865) 273-5832



Commissioners

Robert Ramsey - Chairman

Bob Arwood

Keith Brock

Dennis Cardin

Donna Dowdy

W. C. (Bob) Evans

Joe Everett

Gary Farmer

David Graham

Steve Gray

Steve Hargis

John Keeble

Bob Kidd

Robby Kirkland

Jeff McCall

Kenneth Melton

Dan Neubert, Sr.

Otto Slater

Earnest C. Tallent, Jr.

Shirley Townsend

Mike Walker

September 27, 2006

Mr. Rob Walker

237 Meadow Road

Friendsville, TN 37737

Hi Rob

Dear Mr. Walker:

At the Blount County Commission Meeting on September 21, 2006, there was discussion regarding the Board of Zoning Appeals. The members of the County Commission made a request for your attendance at its next meeting on October 19, 2006, at 7:00 p.m. in Room 430 at the Blount County Courthouse. Since the meeting, the discussion of the Board of Zoning Appeals has been added to the agenda of the Intergovernmental Committee Meeting on October 10, 2006, 6:30 pm in Room 430 at the Blount County Courthouse. If you will be available at that time also, I would very much appreciate your attendance to address any questions that arise during the discussion.

Thank you for your community service to Blount County, and thank you in advance for your participation in these two meetings.

Sincerely,

A handwritten signature in cursive script that reads "Dr. Robert L. Ramsey".

Dr. Robert L. Ramsey

Chairman

Blount County Board of Commissioners

County Clerk

Roy Crawford, Jr.

PUBLIC SERVICES COMMITTEE
MINUTES
March 8, 2005

The Public Services Committee of the Blount County Board of County Commissioners met on Tuesday, March 8, 2005, at 6:00 p.m. at the Blount County Courthouse. Roll call was taken by Roy Crawford, Jr., County Clerk:

Bob Arwood - present David Graham - present Robby Kirkland - present Ernie Tallent - present
Dennis Cardin - present John Keeble - present Bob Ramsey - present
Donna Dowdy - present Bob Kidd - present Otto Slater - present

There were 10 present. Chairman Kidd declared a quorum to exist.

IN RE: MINUTES OF FEBRUARY 8, 2005 MEETING.

Dennis Cardin made a motion to approve the minutes. David Graham seconded the motion. A voice vote was taken with Chairman Kidd declaring the motion to have passed.

IN RE: BEER BOARD.

The Beer Board approved the minutes of the February 8, 2005 meeting. The Board also approved on first reading the on premises beer permit application of Thomas R. Shuler d. b. a. Carriage House Restaurant and set a public hearing for April 12. The Board also attempted to have a public hearing on the on and off premises beer permit application of Sherry Michelle Montgomery d. b. a. Punkin Center Campground, however the applicant did not appear.

IN RE: ISSUES AT LAKEVIEW ESTATES SUBDIVISION.

Residents of Lakeview Estates brought concerns to the committee last month regarding halfway houses in their subdivision, which is zoned residential.

David Graham made a motion to send the matter to the Board of Zoning Appeals. Donna Dowdy seconded the motion. A voice vote was taken with Chairman Kidd declaring the motion to have passed.

Otto Slater made a motion that Gary Ferguson of the Environmental Department provide this committee a report of the status of the septic systems on all four of the commercial establishments in this subdivision, specifically are they in violation of any specific ordinance or statute under his control. Donna Dowdy seconded the motion. A voice vote was taken with Chairman Kidd declaring the motion to have passed.

IN RE: PROPOSED AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT CONCERNING THE BLOUNT COUNTY CABLE TELEVISION AUTHORITY.

John Keeble made a motion made a motion not approve the agreement. Ernie Tallent seconded the motion. A voice vote was taken with Chairman Kidd declaring the motion to have passed.

IN RE: REAL ESTATE SALE CONTRACT CONCERNING PURCHASE OF PROPERTY FOR THE EXPANSION OF THE SHERIFF'S OFFICE FIRING RANGE AND TRAINING FACILITY.

Robby Kirkland made a motion to defer the matter until next month. David Graham seconded the motion. A voice vote was taken with Chairman Kidd declaring the motion to have passed.

IN RE: PETITION REGARDING ROAD OFF NEW BLOCKHOUSE ROAD.

John Keeble made a motion that no action be taken. Dennis Cardin seconded the motion. A voice vote was taken with Chairman Kidd declaring the motion to have passed.

IN RE: PETITION REGARDING BRADLEY RETREAT DRIVE.

John Keeble made a motion that no action be taken. Donna Dowdy seconded the motion. A voice vote was taken with Chairman Kidd declaring the motion to have passed.

IN RE: ADJOURNMENT.

Donna Dowdy made a motion to adjourn the meeting. Robby Kirkland seconded the motion. A voice vote was taken with Chairman Kidd declaring the meeting to be adjourned.

THE
McCORD
LAW
FIRM PC

W. KEITH McCORD
DAVID L. McCORD
JOHN L. McCORD

THE WOODRUFF BUILDING
424 S. GAY STREET, SUITE 200
P. O. BOX 2046
KNOXVILLE, TENNESSEE 37901

TELEPHONE: 865-637-5252

TELECOPIER: 865-637-1922

August 17, 2006

Blount County Government
c/o Dr. Robert L. Ramsey
Acting Blount County Mayor
341 Court Street
Maryville, TN 37804-5906

INVOICE NO. 11646
INVOICE FOR LEGAL SERVICES

Reference: Services Rendered from May 6, 2005 through August 15, 2006 on behalf of Blount County Government, its Building Commissioner, and Board of Zoning Appeals in the following litigation:

A. In the case of *Cornerstone Recovery, Inc. v. Blount County, Tennessee, Roger Fields, Blount County Building Commissioner, and Members of the Blount County Board of Zoning Appeals, Bill Marrison, Rob Walker, Harold Brown, and Stanley Headrick* in the United States District Court for the Eastern District of Tennessee, Civil Action No. 3:05-CV-00216 involving violations of the Federal Fair Housing Act.

and

B. Twelve (12) Housing Discrimination Complaints filed with the Tennessee Human Rights Commission on May 12, 2005 against the Blount County Board of Zoning Appeals, its Members, and Roger Fields, Blount County Building Commissioner.

Hourly Rate	\$130.00
Hours of Service to Date	166
(Details Provided)	

Total Amount Due for Professional Services under this Invoice **\$21,580.00**

Blount County Board of Zoning Appeals
Regular Session
Thursday April 7, 2005
6:00 P.M.

The Blount County Board of Zoning Appeals met in regular session on Thursday, April 7, 2005, at 6:00 pm at the Courthouse. Staff was represented by: Roger Fields, Building Commissioner.

Members of the Board of Zoning Appeals present: Bill Marrison, Rob Walker, Stanley Headrick, and Harold Brown.

Mr. Walker made a motion to approve the minutes of the March 3rd, 2005 meeting. Second was made by Mr. Brown. The motion received unanimous approval.

Cases Being Heard

1. **APPEALS:**

Public Service Committee- Lake View Estates:

This is an appeal from the Blount County Public Service Committee. They are appealing Mr. Fields decision that homes in Lake View Estates are not being used commercially. The homes are being rented to multiple persons that were/are clients of Corner Stone Recovery. Mr. Fields included a letter from Norman Newton. The letter was written on October 2, 2001 in response to a complaint that Mr. Fields received from Lake View Estates property owners. The zoning regulations do not state who a property owner may lease their property to nor does it address how many people may reside in one dwelling. There are 6 to 8 adults being housed at a time for up to 6 weeks. Carolyn Campbell was present to represent the Lake View Estates Subdivision in favor of the appeal. Silas Fuller, Sarah Talbott, Joyce Breeden, Doyle Taylor, Melinda Delaney, and Barbara Newhouse were also present to speak in favor of the appeal. Mr. Brown made a motion to support the Public Service Committee appeal. Mr. Walker seconded the motion.

A roll call vote was taken:

- Bill Marrison – No
- Rob Walker – Yes
- Stanley Headrick – Yes
- Harold Brown – Yes

The motion to approve the appeal passed.

THE
McCORD
LAW
FIRM PC

W. KEITH McCORD
DAVID L. McCORD
JOHN L. McCORD

THE WOODRUFF BUILDING
424 S. GAY STREET, SUITE 200
P. O. BOX 2046
KNOXVILLE, TENNESSEE 37901

TELEPHONE: 865-637-5252

TELECOPIER: 865-637-1922

August 17, 2006

Blount County Government
c/o Dr. Robert L. Ramsey
Acting Blount County Mayor
341 Court Street
Maryville, TN 37804-5906

INVOICE NO. 11647
INVOICE FOR LEGAL SERVICES

Reference: Services Rendered from March 14, 2005 through August 15, 2006 on behalf of Blount County Government, its Building Commissioner, and Board of Zoning Appeals in the following litigation:

In the case of *G. M. Properties v. Blount County Board of Zoning Appeals, its Members, and Roger Fields, Blount County Building Commissioner, and Gina French* in the Circuit Court for Blount County, Tennessee, Civil Action No. E-20566 seeking a Declaratory Judgment and other relief related to zoning issues.

Hourly Rate	\$130.00
Hours of Service to Date	37.90
(Details Provided)	

Total Amount Due for Professional Services under this Invoice **\$4,927.00**

Blount County Board of Zoning Appeals
Regular Session
Thursday March 3, 2005
6:00 P.M.

The Blount County Board of Zoning Appeals met in regular session on Thursday March 3, 2005, at 6:00 pm at the Courthouse. Staff was represented by: Roger Fields, Building Commissioner.

Members of the Board of Zoning Appeals present: Rob Walker, Stanley Headrick, Harold Brown, Jim Melton, and Kathy Lovingood.

Mr. Melton made a motion to approve the minutes of the February 3rd, 2005 meeting. Second was made by Mr. Headrick. The motion received unanimous approval.

Cases Being Heard

1. APPEALS:

Gina French- 5223 Highway 411 South:

This appeal was brought before the board at the October meeting and a motion to deny the appeal was made. The motion received a tie vote. At the meeting the tie vote was interpreted as an automatic passing of the motion. A tie vote actually means that the motion dies due to there not being a majority vote. Mr. Fields added the item back to the agenda for the December meeting. The board voted to defer the item to the January meeting, and then to defer it to this months meeting. The property was rezoned and was sent to intergovernmental for review. Ms. French was present to speak in favor of her appeal. She argued that the zoning regulations do not agree with the state statute. Ms. French argued that since the original car dealership was changed to different uses, then the original use is no longer grandfathered and therefore the site plan for a car lot should not have been approved. There was discussion by the board to determine if the property should be considered grandfathered. Mr. Melton made a motion to grant the appeal because the property lost its grandfathered status. Mrs. Lovingood seconded the motion.

A roll call vote was taken:

- Rob Walker – Yes
- Stanley Headrick – No
- Harold Brown – No
- Jim Melton – Yes
- Kathy Lovingood – Yes

The motion to approve the appeal passed.

BOARD OF ZONING APPEALS
(TERMS - 5 YEARS)

<u>Name/Address</u>	<u>Phone</u>	<u>Term Expires</u>
Larry Campbell 4124 Old Niles Ferry Road Maryville, TN 37804	983-1024	9/15/10
Rob Walker - Chairman 237 Meadow Road Friendsville, TN 37737	995-2564	8/31/09
Stanley Headrick 3806 E. Lamar Alexander Pkwy. Maryville, TN 37804	681-1846	8/31/08
Katherine Lovingood 3203 Miser Station Rd. Louisville, TN 37737	982-1706	8/31/07
Harold Brown 1014 N. Heritage Drive Maryville, TN 37803	982-5988	8/31/11
Associates (Appointed 10/17/02) Joe Everett W. Brownlow Marsh Jim Melton		

Document 1 of 1**Source:**

Tennessee Code/TITLE 13 PUBLIC PLANNING AND HOUSING /CHAPTER 7 ZONING /PART 1 COUNTY ZONING /13-7-106. Creation of county board of zoning appeals - Appointment of members - Terms - Vacancies - Training and continuing education.

13-7-106. Creation of county board of zoning appeals - Appointment of members - Terms - Vacancies - Training and continuing education.

- (a) The legislative body of any county which enacts zoning regulations under the authority of this part shall create a county board of zoning appeals of three (3) or five (5) members. In any county which has adopted a charter form of government as provided in the Constitution of Tennessee, art. VII, § 1, and by § 5-1-201, and which has a population of less than six hundred thousand (600,000) according to the 1980 federal census or any subsequent federal census, the legislative body of any such county which enacts zoning regulations under the authority of this part shall create a county board of zoning appeals of five (5), seven (7) or nine (9) members. The county legislative body shall be the appointing power of the members of such board of appeals and may fix their compensation and their terms, which terms shall be of such length and so arranged that the term of one (1) member will expire each year. In any county which has adopted a charter form of government as provided in the Constitution of Tennessee, art. VII, § 1, and by § 5-1-201, and which has a population of less than six hundred thousand (600,000) according to the 1980 federal census or any subsequent federal census, the county legislative body shall arrange their terms in any fashion so long as no member's term exceeds five (5) years in length. The county legislative body may remove any member for cause upon written charges and after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. The county legislative body may appoint associate members of the board, and, in the event that any regular member be temporarily unable to act owing to absence from the county, illness, interest in a case before the board, or other cause, such associate member's place may be taken during such temporary disability by an associate member designated for the purpose by the county legislative body. The county legislative bodies of two (2) or more counties may, by ordinances enacted by both or all of them, arrange and provide for a joint or common board of zoning appeals.
- (b) (1) Each board of zoning appeals member shall, within one (1) year of initial appointment and each calendar year thereafter, attend a minimum of four (4) hours of training and continuing education in one (1) or more of the subjects listed in subdivision (b)(5).
- (2) Each full-time or contract building commissioner or other administrative official whose duties include advising the board of zoning appeals shall, each calendar year, attend a minimum of eight (8) hours of training and continuing education in one (1) or more of the subjects listed in subdivision (b)(5).
- (3) Each of the individuals listed in subdivisions (b)(1) and (2) shall certify by December 31 of each calendar year such individual's attendance by a written statement filed with the secretary of such individual's respective board of zoning appeals. Each statement shall identify the date of each program attended, its subject matter, location, sponsors, and the time spent in each program.
- (4) The legislative body of the county shall be responsible for paying the training and continuing education course registration and travel expenses for each board of zoning appeals member and full-time building commissioner or other administrative official whose duties include advising the board of zoning appeals.

(5) The subjects for the training and continuing education required by subdivisions (b)(1) and (2) shall include, but not be limited to, the following: land use planning; zoning; flood plain management; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing procedure; land use law; natural resources and agricultural land conservation; economic development; housing; public buildings; land subdivision; and powers and duties of the board of zoning appeals. Other topics reasonably related to the duties of the board of zoning appeals and the building commissioner or other administrative official whose duties include advising the board of zoning appeals may be approved by majority vote of the board of zoning appeals prior to December 31 of the year for which credit is sought.

(6) Each local board of zoning appeals shall keep in its official public record originals of all statements and the written documentation of attendance required to comply with these provisions for three (3) years after the calendar year in which each statement and appurtenant written documentation is filed.

(7) Each board of zoning appeals member and each building commissioner or other administrative official whose duties include advising the board of zoning appeals shall be responsible for obtaining written documentation signed by a representative of the sponsor of any training and continuing education course for which credit is claimed, acknowledging the fact that the individual attended the program for which credit is claimed.

(8) If a board of zoning appeals member fails to complete the requisite number of hours of training and continuing education within the time allotted by this subsection (b) or fails to file the statement required by this subsection (b), then this shall constitute a cause for the removal of the board of zoning appeals member from the board of zoning appeals.

(9) The legislative body of the county may, at any time, opt out of the provisions of this subsection (b) by passage of a resolution. Further any such legislative body that has opted out may, at a later date, opt in by passage of a resolution.

[Acts 1935, ch. 33, § 6; C. Supp. 1950, § 10268.6; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A. (orig. ed.), § 13-406; Acts 1991, ch. 521, § 1; 1993, ch. 184, § 1; 2002, ch. 862, § 5.]

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CRAWFORD, CRAWFORD & NEWTON

ATTORNEYS AT LAW
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JOHN C. CRAWFORD (1875-1949)
JOHN C. CRAWFORD, JR. (1908-1981)

DUNCAN V. CRAWFORD
NORMAN H. NEWTON
LJUANNA G. ATKINS

TELECOPY MEMORANDUM

TO: Public Services Committee
c/o Rhonda Pitts

Telecopy No. 273-5832

FROM: Norman H. Newton *NH*

DATE: March 1, 2005

SUBJECT: Lakeview Estates Subdivision/Cornerstone of Recovery, Inc.

By letter dated February 10, 2005, the committee requested that I review and make a recommendation as to whether or not activity concerning the Lakeview Estates Subdivision can continue in a neighborhood that is zoned R-1 and whether or not the county should enforce its regulations with regard thereto. An article appearing in the February 9, 2005, edition of *The Daily Times* referred to this activity as "... four homes in this subdivision are being used as a 'a kind of boarding house' for clients of the Cornerstone of Recovery on nearby Topside Road." Neither the letter or the article further identified the "clients of the Cornerstone of Recovery."

I previously addressed the situation of current and former clients of Cornerstone residing in a residence located at 1011 Cresthill Drive, Louisville, Tennessee. See my October 2, 2001, memorandum to Roger Fields. These Cornerstone clients were former alcohol and drug dependents. I suspect the residence located at 1011 Cresthill Drive is one of the four residences currently being occupied by clients of Cornerstone. Accordingly, based upon my earlier investigation, I am assuming that the clients of Cornerstone who are residing in these four residences are former alcohol or drug dependents. If this is the case, these Cornerstone clients are impaired because of a "handicap" within the meaning of the federal Fair Housing Act ("the Act").

The Act prohibits discriminatory housing practices by local governments. A local government's legitimate interest in regulating land use must be effectuated in a nondiscriminatory manner. Using the provisions of a local zoning resolution to prevent a house from being used as a residential group home for persons who are recognized as handicapped under the Act is a discriminatory housing practice. Discrimination is established where local officials are responding to community opposition toward a protected group.

Under the Act, a local government may be subject to civil penalty not exceeding \$50,000.00 for a first violation and not exceeding \$100,000.00 for any subsequent violation.

Given that the Cornerstone clients occupying the subject residences in Lakeview Estates are a protected group within the meaning of the Act, Blount County is precluded from enforcing its zoning resolution in such a way as to prevent the subject residences from being used as residential group homes for them. The county would be subject to the aforesaid civil penalties if it takes any action under its zoning resolution that violates the Act.

This transmission consists of two pages. Please call (865) 982-5431 if you received an incomplete or faulty transmission.

am

~~e.~~ Hon. Beverley D. Woodruff (by telecopy to 273-5705)
Roger D. Fields (by telecopy to 681-9502)

Memo

To: Blount County BZA
From: Roger D. Fields
CC: Other Board Members
Date: April 4, 2005
Re: Public Service Committee appeal for Lake View Estates.

Back Ground:

1. This appeal is from the Blount County Public Service Committee. They are appealing my decision that homes in the Lake View Estates Community are not being used commercially.
2. The homes are being rented to multiple persons that were/are clients of Corner Stone Recovery.
3. I have included a letter from Norman Newton. This letter was written on October 2, 2001 in response to a complaint that I received from Lake View Estates property owners.
4. Our zoning regulations do not state who a property owner leases there property to nor does it address how many people may reside in one dwelling.



CRAWFORD, CRAWFORD & NEWTON

ATTORNEYS AT LAW

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JOHN C. CRAWFORD, JR. (1906-1981)

DUNCAN V. CRAWFORD
NORMAN H. NEWTON
STEPHEN S. OGLE

MEMORANDUM

VIA FACSIMILE TRANSMISSION TO 273-5705

TO: Roger Fields
Building Commissioner

FROM: Norman H. Newton *NHN*

DATE: October 2, 2001

SUBJECT: Residence located at 1011 Cresthill Drive, Louisville, Tennessee

According to R. Louis Crossley, Jr., the attorney for Cornerstone of Recovery, Inc., the individuals residing in the subject residence are former alcohol or drug dependants who are current and former clients of Cornerstone. If this is the case, these residents are impaired because of a "handicap" within the meaning of the federal Fair Housing Act (the "Act").

The Act prohibits discriminatory housing practices by local governments. A local government's legitimate interest in regulating land use must be effectuated in a nondiscriminatory manner. Using the provisions of a local zoning resolution to deny a protected group, *i.e.*, handicapped persons as defined by the Act, is discriminatory and violates the Act. Discrimination is established where local officials are responding to community opposition towards a protected group.

Under the Act, a local government may be subject to a civil penalty not exceeding \$50,000.00 for a first violation and not exceeding \$100,000.00 for any subsequent violation.

Given that the residents occupying the dwelling at 1011 Cresthill Drive are a protected group because they are handicapped within the meaning of the Act, it is my opinion that Blount County should take no action to prevent them from occupying this residence.

bbc

✓ c. William A. Crisp (by fax: 273-5705)



PUBLIC SERVICES COMMITTEE
MINUTES

February 8, 2005

The Public Services Committee of the Blount County Board of County Commissioners met on Tuesday, February 8, 2005, at 6:00 p.m. at the Blount County Courthouse. Roll call was taken by Roy Crawford, Jr., County Clerk:

Bob Arwood - absent David Graham - present Robby Kirkland - present Ernie Tallent - present
Dennis Cardin - present John Keeble - present Bob Ramsey - absent
Donna Dowdy - present Bob Kidd - present Otto Slater - absent

There were 7 present and 3 absent. Chairman Kidd declared a quorum to exist.

IN RE: MINUTES OF JANUARY 11, 2005 MEETING.

Dennis Cardin made a motion to approve the minutes. David Graham seconded the motion. A voice vote was taken with Chairman Kidd declaring the motion to have passed.

IN RE: BEER BOARD.

The Beer Board approved the minutes of the January 11, 2005 meeting. The Board also approved on first reading the on and off premises beer permit application of Sherry Michelle Montgomery d. b. a. Punkin Center Campground and set a public hearing for March 8.

IN RE: ISSUES AT LAKEVIEW ESTATES SUBDIVISION.

Residents living in Lakeview Estates Subdivision appeared before the committee to complain about houses in the subdivision that are being used by multi families.

David Graham made a motion to refer the matter to Roger Fields and to Blount County Environmental Health and the County Mayor's attorney for review and recommendation as to whether or not this is an activity that can continue in a neighborhood that is zoned R-1 and whether or not we as a county should enforce our own regulations. Donna Dowdy seconded the motion.

A voice vote was taken with Chairman Kidd declaring the motion to have passed.

IN RE: COUNTY MAINTENANCE OF EAGLE RIDGE ROAD.

David Graham made a motion made a motion that no action be taken. Ernie Tallent seconded the motion.

A voice vote was taken with Chairman Kidd declaring the motion to have passed.

IN RE: RESOLUTION REGARDING THE ADDING OF LUTHER MAC LANE TO THE OFFICIAL ROADS LIST FOR BLOUNT COUNTY, TENNESSEE.

Dennis Cardin made a motion to add the road to the Official Roads List. John Keeble seconded the motion. A voice vote was taken with Chairman Kidd declaring the motion to have passed.

IN RE: PETITION REGARDING ROAD OFF NEW BLOCKHOUSE ROAD.

John Keeble made a motion to defer action on the matter until next month. David Graham seconded the motion.

A voice vote was taken with Chairman Kidd declaring the motion to have passed.

IN RE: COBBLE STONE DRIVE.

John Keeble made a motion to recommend that the road name be changed form Cobble Stone Drive to Cobble Way. Ernie Tallent seconded the motion. A voice vote was taken with Chairman Kidd declaring the motion to have passed.

IN RE: ADJOURNMENT.

John Keeble made a motion to adjourn the meeting. Robby Kirkland seconded the motion. A voice vote was taken with Chairman Kidd declaring the meeting to be adjourned.

PUBLIC SERVICES COMMITTEE
MINUTES
March 8, 2005

The Public Services Committee of the Blount County Board of County Commissioners met on Tuesday, March 8, 2005, at 6:00 p.m. at the Blount County Courthouse. Roll call was taken by Roy Crawford, Jr., County Clerk:

Bob Arwood - present David Graham - present Robby Kirkland - present Ernie Tallent - present
Dennis Cardin - present John Keeble - present Bob Ramsey - present
Donna Dowdy - present Bob Kidd - present Otto Slater - present

There were 10 present. Chairman Kidd declared a quorum to exist.

IN RE: MINUTES OF FEBRUARY 8, 2005 MEETING.

Dennis Cardin made a motion to approve the minutes. David Graham seconded the motion. A voice vote was taken with Chairman Kidd declaring the motion to have passed.

IN RE: BEER BOARD.

The Beer Board approved the minutes of the February 8, 2005 meeting. The Board also approved on first reading the on premises beer permit application of Thomas R. Shuler d. b. a. Carriage House Restaurant and set a public hearing for April 12. The Board also attempted to have a public hearing on the on and off premises beer permit application of Sherry Michelle Montgomery d. b. a. Punkin Center Campground, however the applicant did not appear.

IN RE: ISSUES AT LAKEVIEW ESTATES SUBDIVISION.

Residents of Lakeview Estates brought concerns to the committee last month regarding halfway houses in their subdivision, which is zoned residential.

David Graham made a motion to send the matter to the Board of Zoning Appeals. Donna Dowdy seconded the motion. A voice vote was taken with Chairman Kidd declaring the motion to have passed.

Otto Slater made a motion that Gary Ferguson of the Environmental Department provide this committee a report of the status of the septic systems on all four of the commercial establishments in this subdivision, specifically are they in violation of any specific ordinance or statute under his control. Donna Dowdy seconded the motion. A voice vote was taken with Chairman Kidd declaring the motion to have passed.

IN RE: PROPOSED AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT CONCERNING THE BLOUNT COUNTY CABLE TELEVISION AUTHORITY.

John Keeble made a motion made a motion not approve the agreement. Ernie Tallent seconded the motion. A voice vote was taken with Chairman Kidd declaring the motion to have passed.

IN RE: REAL ESTATE SALE CONTRACT CONCERNING PURCHASE OF PROPERTY FOR THE EXPANSION OF THE SHERIFF'S OFFICE FIRING RANGE AND TRAINING FACILITY.

Robby Kirkland made a motion to defer the matter until next month. David Graham seconded the motion. A voice vote was taken with Chairman Kidd declaring the motion to have passed.

IN RE: PETITION REGARDING ROAD OFF NEW BLOCKHOUSE ROAD.

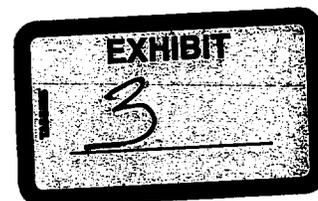
John Keeble made a motion that no action be taken. Dennis Cardin seconded the motion. A voice vote was taken with Chairman Kidd declaring the motion to have passed.

IN RE: PETITION REGARDING BRADLEY RETREAT DRIVE.

John Keeble made a motion that no action be taken. Donna Dowdy seconded the motion. A voice vote was taken with Chairman Kidd declaring the motion to have passed.

IN RE: ADJOURNMENT.

Donna Dowdy made a motion to adjourn the meeting. Robby Kirkland seconded the motion. A voice vote was taken with Chairman Kidd declaring the meeting to be adjourned.



Blount County Board of Zoning Appeals
Regular Session
Thursday April 7, 2005
6:00 P.M.

The Blount County Board of Zoning Appeals met in regular session on Thursday, April 7, 2005, at 6:00 pm at the Courthouse. Staff was represented by: Roger Fields, Building Commissioner.

Members of the Board of Zoning Appeals present: Bill Marrison, Rob Walker, Stanley Headrick, and Harold Brown.

Mr. Walker made a motion to approve the minutes of the March 3rd, 2005 meeting. Second was made by Mr. Brown. The motion received unanimous approval.

Cases Being Heard

1. APPEALS:

 **Public Service Committee- Lake View Estates:**

This is an appeal from the Blount County Public Service Committee. They are appealing Mr. Fields decision that homes in Lake View Estates are not being used commercially. The homes are being rented to multiple persons that were/are clients of Corner Stone Recovery. Mr. Fields included a letter from Norman Newton. The letter was written on October 2, 2001 in response to a complaint that Mr. Fields received from Lake View Estates property owners. The zoning regulations do not state who a property owner may lease their property to nor does it address how many people may reside in one dwelling. There are 6 to 8 adults being housed at a time for up to 6 weeks. Carolyn Campbell was present to represent the Lake View Estates Subdivision in favor of the appeal. Silas Fuller, Sarah Talbott, Joyce Breeden, Doyle Taylor, Melinda Delaney, and Barbara Newhouse were also present to speak in favor of the appeal. Mr. Brown made a motion to support the Public Service Committee appeal. Mr. Walker seconded the motion.

A roll call vote was taken:

- Bill Marrison – No
- Rob Walker – Yes
- Stanley Headrick – Yes
- Harold Brown – Yes

The motion to approve the appeal passed.

Lonnie Garner- 5139 Highway 411 S:

Mr. Garner is appealing a stop work/use order for his property located at 5139 Hwy. 411 S. There is a metal building that was permitted for a residential related structure and is being used as a commercial building. The use in the structure at this time is a marine engine warranty service center. A stop work order was issued in December 2003. At that time action was delayed due to possible changes to the zoning regulations and to await the Hunters Interest Growth Study. The illegal use still exists and action was taken in the form of a stop work/use order. A building permit was issued for a residential related use and the structure is being used commercially, therefore it is not in compliance with the zoning regulations. According to Mr. Garner the property was purchased with the intentions of eventually putting a church in the existing metal building. Mr. Garner was present to speak in favor of the appeal, and answer any questions the board had for him. Joe Everett was present to speak in favor of the appeal. Jeff Emerick, treasurer for the church which Mr. Garner purchased the property for, was present to speak in favor of the appeal. Larry Campbell was present to speak against the appeal. Mr. Marrison made a motion to support the stop work order and deny the appeal. Mr. Brown seconded the motion.

A roll call vote was taken:

- Bill Marrison – Yes
- Rob Walker – Yes
- Stanley Headrick – Yes
- Harold Brown – Yes

The motion to deny the appeal passed.

2. **VARIANCES:**

Gary Glarner- 711 Soft Rush Way:

This request is for a 10' foot variance from the rear setback requirements. The requirements call for a 20' rear setback. This is an odd shaped lot where the prime building site is at the narrowest portion of the lot. The house size is the minimum for the subdivision, so a smaller footprint is not an option. This property is located on a ridge top so slope is a concern, but it is not excessive. The home could possibly be located at a different location on the property and meet the setback requirements. However, doing so may encroach upon septic system area. If the right-of-way line is correct, then a second variance would be required from the front building setback requirement. It is Mr. Fields interpretation that this request does not meet the criteria for granting a variance as described in the Blount County Zoning Regulations. Mr. Glarner was present to speak in favor of the variance. Mr. Brown made a motion to approve the variance. Mr. Headrick seconded the motion.

A roll call vote was taken:

- Bill Marrison – Yes
- Rob Walker – No
- Stanley Headrick – Yes
- Harold Brown – Yes

The motion to approve the variance passed.

3. **SPECIAL EXCEPTIONS:**

Neal Ownsby- 1930 Morganton Road:

Mr. Ownsby brought this request before the board at the February meeting, but was not present for questions the board had for him. This is a special exception request to allow an automobile sales lot to be located at 1930 Morganton Road. Mr. Ownsby already has an automobile repair shop at this location. There would not be any additional structures located on the property. Additional buffering requirements would be at the BZA's discretion. The repair shop is an existing nonconforming use. Morganton Road is a collector status road, which would facilitate any special exception use. Mr. Fields recommended approval of the special exception. Mr. Ownsby was present to speak in favor of the special exception. Mr. Headrick made a motion to approve the special exception. Mr. Brown seconded the motion.

A roll call vote was taken:

- Bill Marrison – Yes
- Rob Walker – Yes
- Stanley Headrick – Yes
- Harold Brown – Yes

The motion to approve the special exception passed.

Carl Kirby- 525 Roddy Branch Road:

Mr. Kirby had a site plan approved for a photography studio to be located in an existing dwelling at 523 Roddy Branch Road. That site plan was approved at the March meeting of the BZA. Once renovations began on the structure major damage was discovered. Mr. Kirby still wants to use this property for the photography studio, but would like to replace the old existing structure. The new structure would go back on the same footprint as the old structure. The porches would become interior space of the new building. All setback requirements and buffering requirements are the same as they were for the previous site plan. They all met the standards set in the zoning regulations. Mr. Fields recommended approval of the new site plan. Mr. Kirby was present to speak in favor of the special exception. Mr. Walker made a motion to approve the special exception. Mr. Brown seconded the motion.

A roll call vote was taken:

- Bill Marrison – Yes
- Rob Walker – Yes
- Stanley Headrick – Yes
- Harold Brown – Yes

The motion to approve the special exception passed.

4. **OTHER BUSINESS:**

Justin Teague (Stormwater Program Coordinator) was present to speak to the board about Phase II Stormwater Quality Management.

5. **ADJOURNMENT:**

There being no further business to conduct, the Chairman declared the meeting adjourned.

A handwritten signature in cursive script, appearing to read "Rob Walker", is written above a horizontal line.

Secretary, Board of Zoning Appeals

BLOUNT COUNTY BUILDING COMMISSIONER

P.O. Box 4609
MARYVILLE, TN 37802-4609
Email: rfields@blounttn.org

OFFICE (865) 681-9301
FAX (865) 681-9502

April 15, 2005

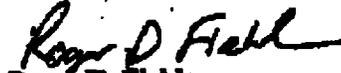
Tonia M. & Joseph Gugliotta
2204 Monticello Dr.
Maryville, TN 37803

Dear Mr. Mayor:

This is a *Stop Work/Use Order* for your properties located at *1011 Crest Hill Drive and 1112 Scenic Hill Drive*. The Blount County Board of Zoning Appeals approved an appeal from the Blount County Public Service Committee at the April 7, 2005 meeting. Their appeal was that these homes are being used commercially by renting them to clients of Cornerstone Development. Commercial uses have to be approved by the Board of Zoning Appeals and such approval has not been issued for the above addresses.

You have ten (10) days from today's date to terminate the commercial use in these homes. Disregarding this notice will lead to further legal action. If you have any questions please call me at the phone number listed above.

Sincerely,


Roger D. Fields
Blount County Building Commissioner



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April 15, 2005

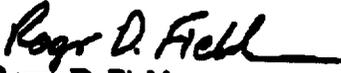
Cornerstone Development
1214 Topside Road
Louisville, TN 37777

To Whom It May Concern:

This is a *Stop Work/Use Order* for your properties located at 1119 *Scenic Hill Drive* and 1120 *Scenic Hill Drive*. The Blount County Board of Zoning Appeals approved an appeal from the Blount County Public Service Committee at the April 7, 2005 meeting. There appeal was that those homes are being used commercially by renting them to clients of Cornerstone Development. Commercial uses have to be approved by the Board of Zoning Appeals and such approval has not been issued for the above addresses.

You have ten (10) days from today's date to terminate the commercial use in these homes. Disregarding this notice will lead to further legal action. If you have any questions please call me at the phone number listed above.

Sincerely,


Roger D. Fields
Blount County Building Commissioner

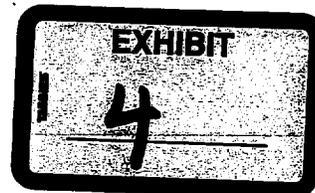


Memo

To: Blount County BZA
From: Roger D. Fields
CC: Other Board Members
Date: April 4, 2005
Re: Public Service Committee appeal for Lake View Estates.

Back Ground:

1. This appeal is from the Blount County Public Service Committee. They are appealing my decision that homes in the Lake View Estates Community are not being used commercially.
2. The homes are being rented to multiple persons that were/are clients of Corner Stone Recovery.
3. I have included a letter from Norman Newton. This letter was written on October 2, 2001 in response to a complaint that I received from Lake View Estates property owners.
4. Our zoning regulations do not state who a property owner leases there property to nor does it address how many people may reside in one dwelling.



CRAWFORD, CRAWFORD & NEWTON

ATTORNEYS AT LAW

FIRST TENNESSEE BANK BUILDING

P.O. BOX 4338

MARYVILLE, TENNESSEE 37802

TELEPHONE (865) 982-5431
TELECOPIER (865) 984-6300

JOHN C. CRAWFORD (1875-1948)
JOHN C. CRAWFORD, JR. (1906-1981)

DUNCAN V. CRAWFORD
NORMAN H. NEWTON
STEPHEN S. OGLE

MEMORANDUM

VIA FACSIMILE TRANSMISSION TO 273-5705

TO: Roger Fields
Building Commissioner

FROM: Norman H. Newton *NHN*

DATE: October 2, 2001

SUBJECT: Residence located at 1011 Cresthill Drive, Louisville, Tennessee

According to R. Louis Crossley, Jr., the attorney for Cornerstone of Recovery, Inc., the individuals residing in the subject residence are former alcohol or drug dependants who are current and former clients of Cornerstone. If this is the case, these residents are impaired because of a "handicap" within the meaning of the federal Fair Housing Act (the "Act").

The Act prohibits discriminatory housing practices by local governments. A local government's legitimate interest in regulating land use must be effectuated in a nondiscriminatory manner. Using the provisions of a local zoning resolution to deny a protected group, *i.e.*, handicapped persons as defined by the Act, is discriminatory and violates the Act. Discrimination is established where local officials are responding to community opposition towards a protected group.

Under the Act, a local government may be subject to a civil penalty not exceeding \$50,000.00 for a first violation and not exceeding \$100,000.00 for any subsequent violation.

Given that the residents occupying the dwelling at 1011 Cresthill Drive are a protected group because they are handicapped within the meaning of the Act, it is my opinion that Blount County should take no action to prevent them from occupying this residence.

bbc

✓ e. William A. Crisp (by fax: 273-5705)

CRAWFORD, CRAWFORD & NEWTON

ATTORNEYS AT LAW
FIRST TENNESSEE BANK BUILDING
P.O. BOX 4398
MARYVILLE, TENNESSEE 37802

JOHN C. CRAWFORD (1875-1949)
JOHN C. CRAWFORD, JR. (1908-1981)

DUNCAN V. CRAWFORD
NORMAN H. NEWTON
LJUANA G. ATKINS

TELEPHONE (865) 982-5431
TELECOPIER (865) 984-6300

TELECOPY MEMORANDUM

TO: Public Services Committee
c/o Rhonda Pitts

Telecopy No. 273-5832

FROM: Norman H. Newton *NH*

DATE: March 1, 2005

SUBJECT: Lakeview Estates Subdivision/Cornerstone of Recovery, Inc.

By letter dated February 10, 2005, the committee requested that I review and make a recommendation as to whether or not activity concerning the Lakeview Estates Subdivision can continue in a neighborhood that is zoned R-1 and whether or not the county should enforce its regulations with regard thereto. An article appearing in the February 9, 2005, edition of *The Daily Times* referred to this activity as "... four homes in this subdivision are being used as a 'a kind of boarding house' for clients of the Cornerstone of Recovery on nearby Topside Road." Neither the letter or the article further identified the "clients of the Cornerstone of Recovery."

I previously addressed the situation of current and former clients of Cornerstone residing in a residence located at 1011 Cresthill Drive, Louisville, Tennessee. See my October 2, 2001, memorandum to Roger Fields. These Cornerstone clients were former alcohol and drug dependents. I suspect the residence located at 1011 Cresthill Drive is one of the four residences currently being occupied by clients of Cornerstone. Accordingly, based upon my earlier investigation, I am assuming that the clients of Cornerstone who are residing in these four residences are former alcohol or drug dependents. If this is the case, these Cornerstone clients are impaired because of a "handicap" within the meaning of the federal Fair Housing Act ("the "Act").

The Act prohibits discriminatory housing practices by local governments. A local government's legitimate interest in regulating land use must be effectuated in a nondiscriminatory manner. Using the provisions of a local zoning resolution to prevent a house from being used as a residential group home for persons who are recognized as handicapped under the Act is a discriminatory housing practice. Discrimination is established where local officials are responding to community opposition toward a protected group.

Under the Act, a local government may be subject to civil penalty not exceeding \$50,000.00 for a first violation and not exceeding \$100,000.00 for any subsequent violation.

Given that the Cornerstone clients occupying the subject residences in Lakeview Estates are a protected group within the meaning of the Act, Blount County is precluded from enforcing its zoning resolution in such a way as to prevent the subject residences from being used as residential group homes for them. The county would be subject to the aforesaid civil penalties if it takes any action under its zoning resolution that violates the Act.

This transmission consists of two pages. Please call (865) 982-5431 if you received an incomplete or faulty transmission.

am

~~e.~~ Hon. Beverley D. Woodruff (by telecopy to 273-5705)

Roger D. Fields (by telecopy to 681-9502)

THE
McCORD
LAW
FIRM PC

W. KEITH McCORD
DAVID L. McCORD
JOHN L. McCORD

THE WOODRUFF BUILDING
424 S. GAY STREET, SUITE 200
P. O. Box 2046
KNOXVILLE, TENNESSEE 37901

TELEPHONE: 865-637-5252

TELECOPIER: 865-637-1922

August 17, 2006

Blount County Government
c/o Dr. Robert L. Ramsey
Acting Blount County Mayor
341 Court Street
Maryville, TN 37804-5906

INVOICE NO. 11646
INVOICE FOR LEGAL SERVICES

Reference: Services Rendered from May 6, 2005 through August 15, 2006 on behalf of Blount County Government, its Building Commissioner, and Board of Zoning Appeals in the following litigation:

A. In the case of *Cornerstone Recovery, Inc. v. Blount County, Tennessee, Roger Fields, Blount County Building Commissioner, and Members of the Blount County Board of Zoning Appeals, Bill Marrison, Rob Walker, Harold Brown, and Stanley Headrick* in the United States District Court for the Eastern District of Tennessee, Civil Action No. 3:05-CV-00216 involving violations of the Federal Fair Housing Act.

and

B. Twelve (12) Housing Discrimination Complaints filed with the Tennessee Human Rights Commission on May 12, 2005 against the Blount County Board of Zoning Appeals, its Members, and Roger Fields, Blount County Building Commissioner.

Hourly Rate	\$130.00
Hours of Service to Date	166
(Details Provided)	

Total Amount Due for Professional Services under this Invoice **\$21,580.00**

Memo

To: Blount County Planning Commission
From: Roger D. Fields
CC: Other Commission members and staff
Date: 8/20/04
Re: Houston Murphy's site plan.

Back Ground:

1. This is a site plan for the expansion of an existing nonconforming use at 5225 Highway 411 South.
2. The property is zoned R-1 and has an existing car lot located on it.
3. There are two proposed structures that will take place of the existing office for this car lot. One building is proposed for a sales area and it would be a 50' X 120'. The second building would be for the service area that will be a 60' X 120' structure. The service area must be part of the car lot and not used as a separate business for auto repair. That would be creating an new use.
4. All setback requirements will be met by both structures.
5. In accordance to our zoning regulations buffering is not required at this site.

Staff's Recommendation:

I recommend approval of this site plan.

Blount County Board of Zoning Appeals
Regular Session
Thursday March 3, 2005
6:00 P.M.

The Blount County Board of Zoning Appeals met in regular session on Thursday March 3, 2005, at 6:00 pm at the Courthouse. Staff was represented by: Roger Fields, Building Commissioner.

Members of the Board of Zoning Appeals present: Rob Walker, Stanley Headrick, Harold Brown, Jim Melton, and Kathy Lovingood.

Mr. Melton made a motion to approve the minutes of the February 3rd, 2005 meeting. Second was made by Mr. Headrick. The motion received unanimous approval.

Cases Being Heard

1. APPEALS:



Gina French- 5223 Highway 411 South:

This appeal was brought before the board at the October meeting and a motion to deny the appeal was made. The motion received a tie vote. At the meeting the tie vote was interpreted as an automatic passing of the motion. A tie vote actually means that the motion dies due to there not being a majority vote. Mr. Fields added the item back to the agenda for the December meeting. The board voted to defer the item to the January meeting, and then to defer it to this months meeting. The property was rezoned and was sent to intergovernmental for review. Ms. French was present to speak in favor of her appeal. She argued that the zoning regulations do not agree with the state statute. Ms. French argued that since the original car dealership was changed to different uses, then the original use is no longer grandfathered and therefore the site plan for a car lot should not have been approved. There was discussion by the board to determine if the property should be considered grandfathered. Mr. Melton made a motion to grant the appeal because the property lost its grandfathered status. Mrs. Lovingood seconded the motion.

A roll call vote was taken:

- Rob Walker – Yes
- Stanley Headrick – No
- Harold Brown – No
- Jim Melton – Yes
- Kathy Lovingood – Yes

The motion to approve the appeal passed.

BLOUNT COUNTY BUILDING COMMISSIONER

*P.O. Box 4609
MARYVILLE, TN 37802-4609
Email: rfields@blounttn.org*

*OFFICE (865) 681-9301
FAX (865) 681-9502*

March 7, 2005

Houston Murphy
1002 W. Lamar Alexander Park Way
Maryville, TN 37801

Dear Mr. Murphy:

This is a **Stop Work Order** on the construction of two new buildings located on your property at 5225 Highway 411 South. The site plan that was approved by the Planning Commission in August of 2004 was appealed, by Penny French, at the March 3, 2005 Board of Zoning Appeals meeting. The Board made a motion to grant the appeal and the motion was approved by a 3 to 2 vote.

The work at the above location must stop immediately once you have received this notice. If you have any questions please contact me at the office number listed above.

Sincerely,



Roger D. Fields
Blount County Building Commissioner

Memo

To: Planning Commission
From: Roger D. Fields
CC: [Click [here](#) and type name]
Date: March 17, 2005
Re: Houston Murphy's site plan at 5225 HWY 411 South

Back Ground:

- This site plan was approved as an expansion of an existing nonconforming use by the Planning Commission in August of 2004.
- Since that time Penny French appealed the approval of that site plan to the Board of Zoning Appeals and the appeal to reverse the decision of the Planning Commission was granted at the February BZA meeting. A stop work order was issued and a law suite has followed.
- The property was rezoned to RAC after the first approval of the site plan. Mr. Murphy is now seeking approval of the site plan as a permitted use in the RAC zone.
- All building setback requirements will be met and the total coverage of the land by the buildings will not exceed the 40% requirement. This was determined by calculating only the RAC portion of this property.

Staff's Recommendation:

It is my interpretation that this site plan meets our requirements for the RAC zone and therefore recommend approval of this site plan.

THE
McCORD
LAW
FIRM PC

W. KEITH McCORD
DAVID L. McCORD
JOHN L. McCORD

THE WOODRUFF BUILDING
424 S. GAY STREET, SUITE 200
P. O. BOX 2046
KNOXVILLE, TENNESSEE 37901

TELEPHONE: 865-637-5252

TELECOPIER: 865-637-1922

August 17, 2006

Blount County Government
c/o Dr. Robert L. Ramsey
Acting Blount County Mayor
341 Court Street
Maryville, TN 37804-5906

INVOICE NO. 11647
INVOICE FOR LEGAL SERVICES

Reference: Services Rendered from March 14, 2005 through August 15, 2006 on behalf of Blount County Government, its Building Commissioner, and Board of Zoning Appeals in the following litigation:

In the case of *G. M. Properties v. Blount County Board of Zoning Appeals, its Members, and Roger Fields, Blount County Building Commissioner, and Gina French* in the Circuit Court for Blount County, Tennessee, Civil Action No. E-20566 seeking a Declaratory Judgment and other relief related to zoning issues.

Hourly Rate	\$130.00
Hours of Service to Date	37.90
(Details Provided)	

Total Amount Due for Professional Services under this Invoice **\$4,927.00**

TCA 13-7-110. Building commissioner - Position established - Permits.

Any county legislative body may provide for the enforcement of its zoning regulations by means of the withholding of building permits and, for such purpose, may establish the position of county building commissioner and may fix the compensation attached to such position. The county building commissioner shall be appointed by the county mayor, subject to the confirmation of the county legislative body. From and after the establishment of such position and the filling of same, it is unlawful to erect, construct, reconstruct, alter or use any building or other structure within the territory covered by such zoning regulations without obtaining a building permit from such county building commissioner, and such building commissioner shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all zoning regulations then in effect.

(Our Zoning Regulations) Section 10.3.

Building Commissioner. Tennessee Code Annotated 13-7-110 provides for the establishment of the position of Building Commissioner. Accordingly, the position of Building Commissioner is hereby established under the office of the County Executive. The Building Commissioner shall be appointed by the County Legislative Body. The duties of the Building Commissioner shall be the following: generally enforcing the provisions and regulations of this Resolution; administration of building permits including the keeping and maintenance of records of such; accepting and forwarding applications for decision by the Board of Zoning Appeals or the Planning Commission under provisions of this Resolution; recommendation to the Board of Zoning Appeals or Planning Commission on items under their authority; keeping and maintaining minutes and records of the Board of Zoning Appeals; instituting or initiating other modes of enforcement as provided in Section 10.2. The Blount County Planning Department shall act as technical support to the Building Commissioner in reviewing and making recommendation on items for decision before the Board of Zoning Appeals and the Planning Commission.

TCA 13-7-106. Creation of county board of zoning appeals - Appointment of members - Terms - Vacancies - Training and continuing education.

(a) The legislative body of any county which enacts zoning regulations under the authority of this part shall create a county board of zoning appeals of three (3) or five (5) members. In any county which has adopted a charter form of government as provided in the Constitution of Tennessee, [art. VII, § 1](#), and by [§ 5-1-201](#), and which has a population of less than six hundred thousand (600,000) according to the 1980 federal census or any subsequent federal census, the legislative body of any such county which enacts zoning regulations under the authority of this part shall create a county board of zoning appeals of five (5), seven (7) or nine (9) members. The county legislative body shall be the appointing power of the members of such board of appeals and may fix their compensation and their terms, which terms shall be of such length and so arranged that the term of one (1) member will expire each year. In any county which has adopted a charter form of government as provided in the Constitution of Tennessee, [art. VII, § 1](#), and by [§ 5-1-201](#), and which has a population of less than six hundred thousand (600,000) according to the 1980 federal census or any subsequent federal census, the county legislative body shall arrange their terms in any fashion so long as no member's term exceeds five (5) years in length. The county legislative body may remove any member for cause upon written charges and after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. The county legislative body may appoint associate members of the board, and, in the event that any regular member be temporarily unable to act owing to absence from the county, illness, interest in a case before the board, or other cause, such associate member's place may be taken during such temporary disability by an associate member designated for the purpose by the county legislative body. The county legislative bodies of two (2) or more counties may, by ordinances enacted by both or all of them, arrange and provide for a joint or common board of zoning appeals.

(b) (1) Each board of zoning appeals member shall, within one (1) year of initial appointment and each calendar year thereafter, attend a minimum of four (4) hours of training and continuing education in one (1) or more of the subjects listed in subdivision (b)(5).

(2) Each full-time or contract building commissioner or other administrative official whose duties include advising the board of zoning appeals shall, each calendar year, attend a minimum of eight (8) hours of training and continuing education in one (1) or more of the subjects listed in subdivision (b)(5).

(3) Each of the individuals listed in subdivisions (b)(1) and (2) shall certify by December 31 of each calendar year such individual's attendance by a written statement filed with the secretary of such individual's respective board of zoning appeals. Each statement shall identify the date of each program attended, its subject matter, location,

sponsors, and the time spent in each program.

(4) The legislative body of the county shall be responsible for paying the training and continuing education course registration and travel expenses for each board of zoning appeals member and full-time building commissioner or other administrative official whose duties include advising the board of zoning appeals.

(5) The subjects for the training and continuing education required by subdivisions (b)(1) and (2) shall include, but not be limited to, the following: land use planning; zoning; flood plain management; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing procedure; land use law; natural resources and agricultural land conservation; economic development; housing; public buildings; land subdivision; and powers and duties of the board of zoning appeals. Other topics reasonably related to the duties of the board of zoning appeals and the building commissioner or other administrative official whose duties include advising the board of zoning appeals may be approved by majority vote of the board of zoning appeals prior to December 31 of the year for which credit is sought.

(6) Each local board of zoning appeals shall keep in its official public record originals of all statements and the written documentation of attendance required to comply with these provisions for three (3) years after the calendar year in which each statement and appurtenant written documentation is filed.

(7) Each board of zoning appeals member and each building commissioner or other administrative official whose duties include advising the board of zoning appeals shall be responsible for obtaining written documentation signed by a representative of the sponsor of any training and continuing education course for which credit is claimed, acknowledging the fact that the individual attended the program for which credit is claimed.

(8) If a board of zoning appeals member fails to complete the requisite number of hours of training and continuing education within the time allotted by this subsection (b) or fails to file the statement required by this subsection (b), then this shall constitute a cause for the removal of the board of zoning appeals member from the board of zoning appeals.

(9) The legislative body of the county may, at any time, opt out of the provisions of this subsection (b) by passage of a resolution. Further any such legislative body that has opted out may, at a later date, opt in by passage of a resolution.

TCA 13-7-108. Persons taking appeals.

Appeals to the board of appeals may be taken by any person aggrieved, or by any officer, department or board of the county affected, by any grant or withholding of a building permit or by any other decision of a building commissioner or other administrative official, based in whole or in part upon the provisions of any ordinance under this part.

TCA 13-7-109. Powers of board of appeals.

The board of appeals has the power to:

- (1) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the county building commissioner or any other administrative official in the carrying out or enforcement of any ordinance enacted pursuant to this part;
- (2) Hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass; and
- (3) Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under such sections would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship; provided, that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinances.

(Our zoning regulations) Article 11. BOARD OF ZONING APPEALS.

Section 11.1. Creation and Membership. In accordance with Tennessee Code Annotated 13-7-106, the Blount County Board of Zoning Appeals, referred to elsewhere in this Resolution as Board of Zoning Appeals or Board, is hereby created with five regular members. The County Legislative Body shall appoint regular members of the Board. The terms of each regular member shall be five years, provided that the first appointments upon adoption of this Resolution shall be for staggered terms of one, two, three, four, and five years such that the term of one regular member shall expire each year thereafter. Regular members may be appointed for successive terms. Vacancies for regular members shall be filled for unexpired terms in the same manner as in the case of original appointments. The County Legislative Body may appoint and designate associate members of the Board. Such associate members are authorized to sit and act in the stead for any regular member who is temporarily unable to act owing to absence from the county, illness, interest in a case before the Board, or other cause. The term of such associate members shall be for the specific time period that a regular member is temporarily unable to act. The County Legislative Body may remove any member of the Board for cause upon written charges and after a public hearing, causes to include but not limited to absence from any three consecutive meetings of the Board, or absence from more than five meetings of the Board within any twelve calendar months.

Section 11.3. Powers of the Board of Zoning Appeals. In accordance with Tennessee Code Annotated 13-7-107 and 109, the Board has the following powers:

- A. Hear and decide appeals of administrative decisions or actions in the carrying out or enforcement of provisions or regulations of this Resolution, in accordance with Section 11.4 below.
- B. Hear and decide requests for special exceptions under conditions specified in this Resolution and in accordance with Section 11.5 below.
- C. Authorize, upon an appeal relating to the property in question, a variance or variances from the strict application of the provisions or regulations of this Resolution under conditions specified in this Resolution and in accordance with Section 11.6 below.
- D. Interpret the Zoning Map and pass upon disputed questions of lot lines or district boundaries on the Zoning Map as they arise in the administration of this Resolution, and in conformity with guidance contained in Article 8.

Section 11.6. Variances. The Board of Zoning Appeals may grant variances to the strict application of regulations in this Resolution where such application of regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of a parcel of property. To that end, the following shall apply.

A. An application for a variance shall include an explanation of the specific hardship or difficulties claimed, reasons why relief should be granted, and the minimum relief that needs to be granted to overcome the hardship or difficulties, and shall be presented to the Building Commissioner at least fifteen working days prior to consideration by the Board. The Board may require additional information of the applicant in order to make a decision on the application.

B. The Chairman of the Board shall set a date and time for hearing on the application no later than 60 days after submission of the application, or alternatively, the Board may consider the application at any appropriate regular meeting. The Building Commissioner shall publish notice of the application and hearing time, date and place in a newspaper of general circulation within the county at least five days prior to the hearing, as well as due notice to the applicant.

C. The land or site of the variance application shall be posted by a sign set by the Building Commissioner along a fronting or adjacent public road notifying neighboring property owners of the application, date, time and place of hearing, and telephone number of the Building Commissioner for further information. Such sign shall be posted at least five days prior to the date of the hearing.

D. The Building Commissioner shall forward to the Board copies of all records relating to the application, along with his or her analysis and recommendation on the application.

E. The Board shall act on the application within 60 days of the hearing, unless the applicant requests an extension of time. Upon hearing, any party or parties in interest may appear in person or by agent or attorney.

F. The Board shall limit the granting of variances to the minimum needed to overcome hardships or difficulties based only on the following criteria:

1. The hardship or difficulty is present by reason of exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of this Resolution or any relevant amendment thereto; or

2. The hardship or difficulty is present by reason of exceptional topographic conditions of a specific piece of property; or

3. The hardship or difficulty is present by reason of other extraordinary and exceptional situation or condition of a specific piece of property; or

4. The strict application of regulations would result in substantial loss of value of land, such substantial loss of value being considered in this Resolution

as an extraordinary and exceptional condition of a specific piece of property, provided that a small reduction of value shall not be considered as a valid basis for granting a variance; and

5. The hardship or difficulty is not the result of or created by the actions of the applicant;

G. Notwithstanding findings under subsection F. above, the Board may deny the application for variance if it finds and concludes, based on the information submitted in the application or provided at the hearing, that one or more of the following conditions holds or will hold:

1. granting of the variance will materially endanger the public health or safety;

2. granting of the variance will substantially injure the value of adjoining or abutting property;

3. granting of the variance will not be in conformity with the purposes, intents or goals of this Resolution;

H. All conditions and requirements set by the Board shall be entered on the minutes of the hearing, and the Building Commissioner shall notify the applicant of such conditions and requirements by written letter. All conditions and requirements set by the Board shall be enforceable in the same manner and to the same extent as any other provision or requirement of this Resolution.

From the Blount County zoning regulations concerning the BZA

Article 11. BOARD OF ZONING APPEALS.

Section 11.1. Creation and Membership. In accordance with Tennessee Code Annotated 13-7-106, the Blount County Board of Zoning Appeals, referred to elsewhere in this Resolution as Board of Zoning Appeals or Board, is hereby created with five regular members. The County Legislative Body shall appoint regular members of the Board. The terms of each regular member shall be five years, provided that the first appointments upon adoption of this Resolution shall be for staggered terms of one, two, three, four, and five years such that the term of one regular member shall expire each year thereafter. Regular members may be appointed for successive terms. Vacancies for regular members shall be filled for unexpired terms in the same manner as in the case of original appointments. The County Legislative Body may appoint and designate associate members of the Board. Such associate members are authorized to sit and act in the stead for any regular member who is temporarily unable to act owing to absence from the county, illness, interest in a case before the Board, or other cause. The term of such associate members shall be for the specific time period that a regular member is temporarily unable to act. The County Legislative Body may remove any member of the Board for cause upon written charges and after a public hearing, causes to include but not limited to absence from any three consecutive meetings of the Board, or absence from more than five meetings of the Board within any twelve calendar months.

Section 11.2. Rules and Procedures. The Board of Zoning Appeals shall elect a Chairman and a Secretary from among the regular members, such Chairman and Secretary to serve for one year terms, and may be elected to successive terms. The Chairman is authorized to call a meeting of the Board for action as needed. All meetings of the Board shall be open to the public. In the absence of the Chairman, a quorum of the Board may elect a temporary Chairman to conduct business. A quorum of the Board shall consist of no less than three regular or associate members. Minutes of meetings shall be kept, reporting the members in attendance, reporting records and evidence and testimony used in determining a decision, and reporting the vote of each member for each action. The Secretary shall certify minutes and actions of the Board. The Building Commissioner shall maintain minutes and records for the Board. The Board may adopt By-Laws being such other supplemental rules of procedure necessary for proper functioning of the Board, not inconsistent with other provisions in this Resolution and not inconsistent with state statutes.

Section 11.3. Powers of the Board of Zoning Appeals. In accordance with Tennessee Code Annotated 13-7-107 and 109, the Board has the following powers:

- A. Hear and decide appeals of administrative decisions or actions in the carrying out or enforcement of provisions or regulations of this Resolution, in accordance with Section 11.4 below.

B. Hear and decide requests for special exceptions under conditions specified in this Resolution and in accordance with Section 11.5 below.

C. Authorize, upon an appeal relating to the property in question, a variance or variances from the strict application of the provisions or regulations of this Resolution under conditions specified in this Resolution and in accordance with Section 11.6 below.

D. Interpret the Zoning Map and pass upon disputed questions of lot lines or district boundaries on the Zoning Map as they arise in the administration of this Resolution, and in conformity with guidance contained in Article 8.

Section 11.4. Appeals. Appeals to the Board may be taken by any person or entity aggrieved, or by any officer, department or board of the county affected, by any grant or withholding of a building permit or by any other decision of the Building Commissioner or any other administrative official, based in whole or in part upon the provisions or regulations of this Resolution. The following shall be the general conditions and procedures for application and consideration of an appeal.

A. Such appeal shall be taken within 90 days of the action appealed.

B. An application for appeal shall be submitted to the Building Commissioner, or the Chairman of the Board. The application shall specify the nature of the action being appealed, the grounds or reasons for the appeal, and any supporting information pertinent to the appeal. The Board may require additional information of the applicant in order to make a decision on the matter.

C. The Chairman of the Board shall set a date and time for hearing the appeal no later than 60 days after submission of the application, or alternatively, the Board may consider the application at any appropriate regular meeting. The Building Commissioner shall publish notice of the appeal and hearing time, date and place in a newspaper of general circulation within the county at least five days prior to the hearing, as well as due notice to the applicant.

D. The Building Commissioner shall forward to the Board copies of all records relating to the appeal.

E. Upon hearing, any party or parties in interest may appear in person or by agent or attorney.

F. The Board shall act on the appeal within 60 days of the hearing, unless the applicant requests an extension of time.

Section 11.5. Special Exceptions. Application for a special exception in relation to a specific part, parcel or parcels of land may be made as provided in this Resolution by owners of the land or their specified agents, those who have contracted to

purchase or hold an interest in the land, or those who in some other definitive way have the legal authority to take action in regards to plans for the special exception. The Building Commissioner may require evidence of such applicant criteria at his discretion. The following shall be the general conditions and procedures for application and consideration of a special exception.

A. An application for a special exception shall include all information required by this Resolution, and shall be presented to the Building Commissioner at least fifteen working days prior to consideration by the Board. The Board may require additional information of the applicant in order to make a decision on the application.

B. The Chairman of the Board shall set a date and time for hearing on the application no later than 60 days after submission of the application, or alternatively, the Board may consider the application at any appropriate regular meeting. The Building Commissioner shall publish notice of the application and hearing time, date and place in a newspaper of general circulation within the county at least five days prior to the hearing, as well as due notice to the applicant.

C. The land or site of the special exception shall be posted by a sign set by the Building Commissioner along a fronting or adjacent public road notifying neighboring property owners of the application for special exception, date, time and place of hearing, and telephone number of the Building Commissioner for further information. Such sign shall be posted at least five days prior to the date of the hearing.

D. The Building Commissioner shall forward to the Board copies of all records relating to the application, along with his or her analysis and recommendation on the application.

E. The Board shall act on the application within 60 days of the hearing, unless the applicant requests an extension of time. Upon hearing, any party or parties in interest may appear in person or by agent or attorney.

F. Subject to subsection G. below, the Board shall approve and permit the special exception unless it finds and concludes, based upon the information submitted in the application or provided at the hearing, that one or more of the following conditions holds:

1. the requested special exception is not within its authority under provisions of this Resolution;
2. the application is incomplete;

3. the proposed special exception if constructed or established will not comply with one or more requirements of this Resolution.

G. Notwithstanding findings under subsection F. above, the Board may deny the application for special exception if it finds and concludes, based on the information submitted in the application or provided at the hearing, that one or more of the following conditions holds or will hold:

1. construction or establishment of the special exception will materially endanger the public health or safety;

2. construction or establishment of the special exception will substantially injure the value of adjoining or abutting property;

3. construction or establishment of the special exception will not be in conformity with the purposes, intents or goals of this Resolution;

4. construction or establishment of the special exception will create impacts on public services or facilities which are beyond the immediate capacity of the County or any other governmental entity to address with public funds.

H. The Board may condition any approval for a special exception with limits on duration of validity of the approval in the absence of actions to construct or establish the special exception. Where no action is taken to construct or establish the special exception within the time of such duration of validity, a new application shall be required.

I. All conditions and requirements set by the Board shall be entered on the minutes of the hearing, and the Building Commissioner shall notify the applicant of such conditions and requirements by written letter. All conditions and requirements set by the Board shall be enforceable in the same manner and to the same extent as any other provision or requirement of this Resolution.

J. Approval of a special exception runs with the land and is transferable to new owners. However, so long as the land and/or structures or any portion thereof covered under an approval for special exception continues to be used as approved by the Board, then the following shall hold:

1. No person, including successors, assigns or designees of the person who obtained the approval for special exception, may make use of the land or structures covered under such approval for the purposes and use other than in accordance with all the terms, conditions and requirements of such approval.

2. The terms, conditions and requirement of an approval for a special exception apply to and restrict the use of land or structures covered under such approval, not only with respect to all persons having any interest in the property at

the time of such approval, but also with respect to all persons who subsequently obtain any interest in all or part of the property covered by such approval.

Section 11.6. Variances. The Board of Zoning Appeals may grant variances to the strict application of regulations in this Resolution where such application of regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of a parcel of property. To that end, the following shall apply.

A. An application for a variance shall include an explanation of the specific hardship or difficulties claimed, reasons why relief should be granted, and the minimum relief that needs to be granted to overcome the hardship or difficulties, and shall be presented to the Building Commissioner at least fifteen working days prior to consideration by the Board. The Board may require additional information of the applicant in order to make a decision on the application.

B. The Chairman of the Board shall set a date and time for hearing on the application no later than 60 days after submission of the application, or alternatively, the Board may consider the application at any appropriate regular meeting. The Building Commissioner shall publish notice of the application and hearing time, date and place in a newspaper of general circulation within the county at least five days prior to the hearing, as well as due notice to the applicant.

C. The land or site of the variance application shall be posted by a sign set by the Building Commissioner along a fronting or adjacent public road notifying neighboring property owners of the application, date, time and place of hearing, and telephone number of the Building Commissioner for further information. Such sign shall be posted at least five days prior to the date of the hearing.

D. The Building Commissioner shall forward to the Board copies of all records relating to the application, along with his or her analysis and recommendation on the application.

E. The Board shall act on the application within 60 days of the hearing, unless the applicant requests an extension of time. Upon hearing, any party or parties in interest may appear in person or by agent or attorney.

F. The Board shall limit the granting of variances to the minimum needed to overcome hardships or difficulties based only on the following criteria:

1. The hardship or difficulty is present by reason of exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of this Resolution or any relevant amendment thereto; or

2. The hardship or difficulty is present by reason of exceptional topographic conditions of a specific piece of property; or

3. The hardship or difficulty is present by reason of other extraordinary and exceptional situation or condition of a specific piece of property; or

4. The strict application of regulations would result in substantial loss of value of land, such substantial loss of value being considered in this Resolution as an extraordinary and exceptional condition of a specific piece of property, provided that a small reduction of value shall not be considered as a valid basis for granting a variance; and

5. The hardship or difficulty is not the result of or created by the actions of the applicant;

G. Notwithstanding findings under subsection F. above, the Board may deny the application for variance if it finds and concludes, based on the information submitted in the application or provided at the hearing, that one or more of the following conditions holds or will hold:

1. granting of the variance will materially endanger the public health or safety;

2. granting of the variance will substantially injure the value of adjoining or abutting property;

3. granting of the variance will not be in conformity with the purposes, intents or goals of this Resolution;

H. All conditions and requirements set by the Board shall be entered on the minutes of the hearing, and the Building Commissioner shall notify the applicant of such conditions and requirements by written letter. All conditions and requirements set by the Board shall be enforceable in the same manner and to the same extent as any other provision or requirement of this Resolution.

Section 11.7. Action of the Board of Zoning Appeals. In exercising its powers, the Board may, in conformity with provisions of this Resolution, reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination appealed from, and to that end shall have all building permit powers of the Building Commissioner. The concurring vote of a majority of the Board membership shall be necessary to decide on any matter before the Board. Any person or entity aggrieved by any decision of the Board may seek judicial appeal and review by a court of jurisdiction for such decision.