

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

The Blount County Board of Zoning Appeals met in regular session on Thursday, February 3rd 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, Harold Brown, and Jim Melton.

Mr. Brown made a motion to approve the minutes of the January 6th meeting. Second was made by Mr. Walker. 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 their note 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. The property was rezoned and has been sent to intergovernmental for review. Mr. Fields recommended deferring the appeal to the February meeting. The item was deferred. Ms. French and her lawyer have now requested that the item be deferred to the March meeting due to the fact that neither one of them were able to be present at this months meeting. Mr. Melton made a motion to defer the appeal to the March meeting. Mr. Walker seconded the motion.

The motion received unanimous approval.

2. VARIANCES:

Mr. Brown made a motion to move item three on the agenda to item one. Mr. Walker seconded the motion. The motion received unanimous approval.

Buzz and Kelly Thomas- 6202 Old Walland Hwy:

This is a request for a variance from the front building setback requirements. The requirement is 30' from the front property line. The applicant would like to be able to build up to 10' from the front property line. This is a very narrow lot that sits between the Little River and Old Walland Hwy. The property has a septic system that was installed prior to zoning but has never been used. It was approved by the state of

Tennessee during the time that they were in charge of the Environmental Health Program for Blount County. A 10' setback would be consistent with the surrounding properties. All parking will be handled in a space located to the side of the proposed dwelling. Mr. Fields recommended approval of the variance. Mr. Thomas was present to speak in favor of the variance. There was some discussion by the board about the septic system. Mr. Melton made a motion to approve the variance. Mr. Headrick seconded the motion. A roll call vote was taken:

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

The motion to approve the appeal passed.

Gary Wynn- 3202 Devault Road:

Mr. Wynn is requesting a variance from the front building setback at 3202 Devault Road. The required setback is 30' and Mr. Wynn is requesting a 15' variance. The parcel is a .33-acre lake lot. The property slopes from the front down to the lake. The best location for the septic system is behind the house. The septic system will have to remain 25' from the top of the lake back. This property is located on a dead end dirt road with very little traffic. It is Mr. Fields interpretation that this property is impacted by hardships that would support a variance being granted. This is very much like the properties that are located on Mustang Drive. The site plan that the applicant has provided shows a setback of 13'2". Mr. Fields spoke with the applicant about making that a 15' setback to be consistent with other variances that have been granted in similar situations. The applicant agreed to the 15' setback. Mr. Fields recommended approval of the 15' variance. There was some discussion by the board. Mr. Melton made a motion to defer the item to next months meeting so that Mr. Wynn could be present. The motion died for lack of a second. Mr. Brown made a motion to approve the variance. Mr. Walker seconded the motion.

A roll call vote was taken:

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

The motion to approve the variance passed.

Myron Hubbard- 1133 Mustang Drive:

This is a request for a variance from the front building setback requirements. The zoning regulations require a 30' setback from the front property line. The applicant is requesting a 15' setback. This is approximately a quarter acre lot that sits on Fort Loudon Lake. The size, slope, and Environmental requirements are all hardships for this lot. The lot size is going to make home placement very important to being able to get the septic system in with 100% reserve area. The septic system is required to be 25' from the top of the lake bank and that adds to the difficulty of getting the system in. The slope is from the front of the property down to the lake. In order to use gravity the system will have to be designed behind the house. The BZA has in the past approved two 15' variances on neighboring properties on Mustang Drive. It is Mr. Fields interpretation that this lot is impacted by hardships that constitute a variance being granted. Mr. Fields recommended approval of the variance. Mr. Hubbard was present. There was some discussion by the board related to the septic system. Mr. Melton made a motion to approve the variance. Mr. Brown seconded the motion. A roll call vote was taken:

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

The motion to approve the variance passed.

3. SPECIAL EXCEPTIONS:

Neal Ownsby- 1930 Morganton Road:

Mr. Ownsby has an automobile repair shop at 1930 Morganton Road. His request is to be able to sell automobiles from the same lot. 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 non-conforming use. Morganton road is a collector status road, which would facilitate any special exception use. Mr. Fields recommended approval of the special exception. Mr. Walker had questions for Mr. Ownsby and he was not present. Mr. Headrick made a motion to defer the item to next months meeting. Mr. Walker seconded the motion.

A roll call vote was taken:

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

The motion to defer the special exception passed.

4. ADDITIONAL VARIANCE

Clifford Walker- 205 Oakdale Drive:

This is a request for a one-foot variance at 205 Oakdale Drive. This property is zoned commercial. The variance is from a side setback requirement, which is 20'. Due to an overhead power line easement there is a pinch point where the building will come 19' from the property line. This will require a one-foot variance. The hardship is the power line easement. There will only be a very small section of the building that will encroach on the setback. The rest of the structure will be in compliance with our regulations. It is Mr. Fields interpretation that this request does meet the requirements for a variance. Mr. Fields recommended approval of the variance. Mr. Walker was present. Mr. Headrick made a motion to approve the variance. Mr. Brown seconded the motion.

A roll call vote was taken:

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

The motion to approve the variance passed.

5. SPECIAL EXCEPTIONS

Albert Carroll- 850 Binfield Road:

Mr. Carroll is requesting a special exception for an automobile sales lot to be located at his home at 850 Binfield Road. The office will be located in an existing structure that does meet the building setback requirements. This would be a special exception with limitations, which is required to be located on a collector status road or arterial status road. Binfield is neither of these. It is approximately 488 feet from Morganton road, which is a collector status road. Buffering would be required along all abutting residential uses. This request could not be considered a family commercial enterprise because of the size of the structure that it is located in, and this use is not listed as one that qualifies as a family commercial enterprise. This is the reason that it is being requested as a special exception with limitations. Due to the road classification Mr. Fields did not recommend approval of the special exception. Mr. Carroll was present to speak in favor of the special exception. Larry Campbell was present to speak against the special exception due to the fact that a business would be going into a residential area. Mr. Walker asked how many cars he would be putting on the lot. Mr. Carroll said not very many. Mr. Walker asked if there would be a sign. Mr. Carroll said there would be a sign because he is required by state law to have one. Mr. Brown asked if there would be room for 15 cars. Mr. Carroll said he would. Mr. Melton asked if there was a certain number of cars you could buy and sell without a dealers license. Mr. Carroll said he did

not know. Mr. Melton said that he feels that someone should be able to do what they want on their property as long as it does not intrude on their neighbors. Mr. Melton made a motion to deny the special exception. Mr. Walker seconded the motion.

A roll call vote was taken:

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

The motion to deny the special exception passed.

John and Carolyn Pullias- 5291 Old Walland Hwy.:

Mr. and Mrs. Pullias are requesting a special exception for a bed and breakfast to be located at 5291 Old Walland Hwy. The B & B would be located within the existing home on this property. This property is located in the R-1 zone and a bed and breakfast is a permitted use as a special exception in this zone. The existing structure does not meet the building setback requirements at one corner. There is a 30' front setback requirement, and this structure is 20' from the property line at one end. The structure was built well before zoning regulations went into effect so it did not have to meet the setback requirements that are now in place. The front setback for a B & B in this zone is the same as a residential use. The BZA has approved nonconforming preexisting buildings for special exceptions in the past. Buffering will be required along any abutting residential uses. Mr. Fields recommended approval of the special exception if the board finds the original 20' setback acceptable. Donna Calvert was present to represent Mr. and Mrs. Pullias. She spoke 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
- Jim Melton – Yes

The motion to approve the special exception passed.

6. OTHER BUSINESS:

Determination of a Customary Home Occupation:

Someone called Mr. Fields and wanted to do an internet sales business from his home. The business would be mail-order. He also wanted to sell firearms, mostly for show

purposes. There would be some traffic, but the firearms sales business would not be advertised. A gunsmith shop does fall under a customary home occupation, but Mr. Fields wants the board to determine if firearms sales also falls under it. Mr. Headrick made the motion that the sale of firearms is not a customary home occupation due to public safety. Mr. Melton seconded the motion.

A roll call vote was taken:

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

The motion passed.

Mrs. Henry

Ms. Henry asked to address the board. She represents a group of people wishing to purchase some land to expand an existing specialty school. It does not fall under the special exceptions as they are outlined. She wondered if the board might review the special exception and say if they would be willing to consider it. Mr. Marrison asked if Mr. Fields could speak with Norman Newton about the matter, and get his opinion.

7. ADJOURNMENT:

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

Secretary, Board of Zoning Appeals