

**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 3<sup>rd</sup>, 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.

## 2. VARIANCES:

### Sankie Baldwin- 1605 Pendleton Drive:

Mr. Baldwin received a building permit for a residential garage in April 2004. When constructing the garage Mr. Baldwin measured the setback from the roads edge and not the property line. The structure is 40' from the roads edge but only 12' from the property line. The zoning regulations require a 30' setback from the front property line. The property does have an excessive slope from the front of the property to the back that would require a great deal of foundation work to be able to move the structure back. The zoning regulations do address properties that have excessive slopes and this property does have a steep slope that will have a negative effect on making this building comply with the setback requirements. The zoning regulations also address not granting variances if it will materially endanger the public health or safety; or substantially injure the value of the adjoining or abutting property; or will not be in conformity with the purpose, intents, or goals of this Resolution. It is Mr. Fields interpretation that neither public health or safety, nor abutting property values will be affected by a variance for this structure. The zoning regulations do state that the hardship or difficulty should no be the result or created by the actions of the applicant. In this case the setback measurement was pulled from the wrong point (the road) and not the property line. Mr. Fields interpretation of the zoning regulations is that there is justification for the approval of the variance and for denial of the variance. He feels that the BZA should have the final interpretation on the conformity of the zoning regulations. Mr. Baldwin was present to answer questions from the board. Mr. and Mrs. Scheldwin (sp?) were present to speak against the variance. Mr. Doyle Taylor asked what mechanism is in place to prevent this from happening again. There was discussion by the board. Ms. Lovingood made a motion to deny the request for variance. Mr. Brown seconded.

A roll call vote was taken:

- Rob Walker – Yes
- Stanley Headrick – Yes
- Harold Brown – Yes
- Jim Melton – Yes
- Kathy Lovingood – Yes

The motion to deny the variance passed.

## 3. SPECIAL EXCEPTIONS:

### Margaret Dynes- 2113 Calderwood Hwy:

This is a special exception request for a multiple family dwelling that construction has already started on. The structure is located at 2113 Calderwood Hwy. The 3 units would be located in one single structure. One unit is the body of the house,

the second is an apartment over the garage, and the third unit is in a breezeway located between the main home and the garage. The site plan does show that the structure will meet all building setback requirements. The internal driveway will have to be brought up to the standards for multiple family dwellings. These are found in section 7.6 of the zoning regulations and they state that all internal roads will have to be 16' wide, with a minimum of six inches of stone base and a minimum of 2.5 inches of asphalt pavement. Alternative pavement such as concrete may be allowed with the BZA approval. Buffering will have to be installed and maintained along the abutting residential properties. It should be a 6' privacy fence or an evergreen type of hedge that will grow to a minimum of 6'. Mr. Fields recommended approval of the special exception with the addition of the approved buffer and roads. He also recommends that the BZA put a time frame on the installation of these items. Mr. Headrick made a motion to approve the special exception. Mr. Melton seconded the motion.

A roll call vote was taken:

- Rob Walker – Yes
- Stanley Headrick – Yes
- Harold Brown – Yes
- Jim Melton – Yes
- Kathy Lovingood – Yes

The motion to approve the special exception passed.

**Carl Kirby- 525 Roddy Branch Road:**

This is a special exception request for a photography studio to be located at 523 Roddy Branch Road. The business would be located in the existing house that is located on this property. The use would be considered a special exception with limitations. The property is located on a collector status road that meets the requirements in the zoning regulations. The structure is under the 4,000 s.f. maximum for a special exception. Buffering will be required along the property lines of any abutting residential use lot. Existing buffering can be used. Mr. Fields recommended approval of the special exception. Mr. Headrick made a motion to approve the special exception. Ms. Lovingood seconded the motion.

A roll call vote was taken:

- Rob Walker – Yes
- Stanley Headrick – Yes
- Harold Brown – Yes
- Jim Melton – Yes
- Kathy Lovingood – Yes

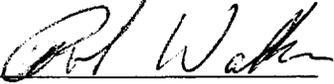
The motion to approve the special exception passed.

**4. OTHER BUSINESS:**

There will be a special called meeting on March 17<sup>th</sup> at 6pm for a variance request by a cell tower company.

**5. ADJOURNMENT:**

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

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

Secretary, Board of Zoning Appeals