

**BLOUNT COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
THURSDAY, December 11, 2014**

BZA MEMBERS PRESENT: Larry Chesney, Stanley Headrick, Rob Walker, and Brian King. .

Larry Chesney entertained a vote to approve last month minutes. The vote received a unanimous approval.

CASES BEING HEARD AND ACTIONS TAKEN:

- 1. SPECIAL EXCEPTION: One
1715 Topside Rd**
- 2. APPEAL: None**
- 3. VARIANCE: One
4609 Scenic Point Dr**

***Special Exception:*
1715 Topside Rd**

This request is a special exception request at 1715 Topside Road. The property is identified on tax map 008, parcel 165.15 and is zoned S-suburbanizing. The requested use is for a retail firearms store front. This property historically housed a construction company that was a grandfathered use. That use has vacated the property and a new potential tenant is proposing a retail firearms store. This use would qualify as a special exception with specific limitations in accordance to section 9.1C. The property does meet that lot size requirement of 1 acre and is actually 1.2 acres. This is a pre-existing structure but it does meet the 4,000 sq. ft. maximum footprint for a special exception with limitations. Parking should not be an issue with the large gravel area around and behind the building. This property is surrounded by commercial uses and property that has been annexed into Alcoa.

Russell Mahoney, the owner of the proposed tenant, spoke in favor of the special exception. He stated that the business would be an online firearms auction house. The building will be used primarily for warehousing goods. The building will not be used as a “foot traffic” store.

No one spoke in opposition.

Stanley Headrick made a motion to approve the exception and it was seconded by Larry Chesney. The vote received a unanimous approval.

Vote:	Larry Chesney	YES
	Stanley Headrick	YES
	Brian King	YES
	Rob Walker	YES

Appeal:

None

Variance:

4609 Scenic Point Dr

This request is for a variance from the side setback requirements at 4609 Scenic Point Dr. The property is identified on tax map 033F, group A, parcel 010.00. The property is zoned R-1 with a required setback of 30 feet. The applicant is requesting a variance of 2.6 feet in for a room addition. This variance would place the structure 7.4 feet away from the property line. Our requirements are 10 feet from the side property line, but the subdivision requires 12.5 feet. The board can only take action on Blount County regulations and the applicant will have to obtain relief from the private deed restrictions separately. There is no listed hardship, but the proposed addition will be built onto an existing structure.

Roger Fields read letters that he received in opposition of the variance request.

Lanny Cope spoke in supporting his request. He stated that he has spoke to both of his neighbors and they have stated that they do not have a problem with the variance. Mr. Cope also stated that he went to the HOA to request the variance and it is documented in the HOA minutes. He also stated that this variance would not set precedence because there are already violations in the neighborhood.

Jerold Page, President of the HOA, spoke in opposition of the variance. He stated that Mr. Cope presented his case factual. He stated that the case was brought before the HOA board. He stated this would be precedence. The current violations did not follow the proper procedures. The HOA contacted John T McArthur of Kiser & Black to evaluate this situation. He told the HOA that they did not have the

authority to issue a variance on the existing restrictions. Mr. McArthur also sent a letter to Mr. Cope stating this. Mr. Page stated that not meeting the restrictions does cause a negative impact on the subdivision because the aesthetic views of the properties are changed.

John Zimmer, Secretary of the HOA, spoke in opposition of the request. He read another email from a neighbor who was against the variance.

Jerold Page spoke again on how the HOA handled past violations. He stated that a house violated the restrictions on minimum square footage. The HOA told the homeowner regarding this and the homeowner enclosed a porch to meet the square footage requirements.

Terrisa Merk spoke against the variance. She stated that the concern of the neighbors is why have restrictions if the restrictions are not upheld.

James Thomas spoke against the variance. He stated that the homeowners are proud of their neighborhood and the bylaws do not need to be changed.

Barry Davis spoke in opposition of the variance. He stated that he was a past president of the HOA. He stated that the board has taken action on past violations. The action took several letters from an attorney to get the violation corrected.

Roger stated to the board section 11.6F & G which is their powers granting or denying variance requests.

Mr. Cope stated that he has owned the property 12 years. He stated that when he purchased the property he did not research the restrictions.

Stanley Headrick made a motion to approve the variance based on the HOA approving a variance from their regulations and it was seconded by Larry Chesney. The vote received a unanimous approval.

Vote:	Larry Chesney	YES
	Stanley Headrick	YES
	Brian King	YES
	Rob Walker	YES

Other Business:

None

THE MEETING WAS ADJOURNED.

DRAFT