

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.

Secretary, Board of Zoning Appeals