

Think Quality - Think Future

Blount County Planning Department

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MEMORANDUM

TO: Blount County Planning Commission

FROM: John Lamb

DATE: October 18, 2006

SUBJECT: Long Range Planning agenda items.

1. Discussion of possible alternatives to addressing front setback requirements in steeply sloping land.

This item was deferred from past regular meetings.

As background, Roger Fields, Building Commissioner, has encountered several instances where lots created in the past on steeply sloping land did not have defined front setback. In situations where no prior front setback for a lot or tract has been defined, the minimum front setback of 30 feet is applied from zoning regulations. In contrast, for plated lots that were specifically created under hillside subdivision standards in the Subdivision Regulations, the front setback was allowed to reduce to 10 feet for steeply sloping land. The applicable provisions in the (old) Subdivision Regulations are as follows from Appendix I Section I.4(2)(d):

Building Setback Requirements – A minimum front setback of thirty (30) feet shall apply for those lots having average slope of less than 15%. A minimum front setback of ten (10) feet shall apply for those lots having an average slope in excess of 15%.

An amendment to the zoning regulations was recommended as follows:

7.14. Front Setback Requirements on Steeply Sloping Land.

Notwithstanding other provisions in this Resolution, for lots without defined front setback established by registered plat or by deed or subdivision restrictions, and which have average slope greater than 15%, the front setback may be reduced to 10 feet upon finding by the Building Commissioner that the average slope of the land is greater than 15%. Information to be supplied by applicant to avail of lesser front setback under this section shall include a topographical map of the property of at least five foot contours, slope analysis showing extent of land greater than 15% slope, and proposed placement of structures. Determination of applicable setback shall be at the informed discretion of the Building Commissioner.

At the County Commission public hearing, several County Commissioners raised substantial questions on the wording of the proposed amendment previously recommended by staff and the Planning Commission concerning reduction of setbacks for lots of record in steeply sloping land.

In brief, the issues raised by the County Commission, and alternatives for addressing the issues, are the following:

- a. In situations where the property line is the center of the road, or where the referent line for setback is a road right-of-way line with less than standard 50 feet of width, the reduction of setback to 10 feet may place a house very close to road pavement. A means of addressing this is to require measurement of front setback in such instances to be from the center line of the road, and increase the minimum setback by 25 feet (half of standard 50 foot right-of-way) to account for any deficiency in right-of-way width. Thus a 10 foot setback would in effect be a 35 foot setback from center line of the road.
- b. There was some concern with assigning “informed discretion” to the Building Commissioner when this should be a matter of factual finding. A means of addressing this is to delete the reference to “informed discretion” and require all actions to be based on factual findings.
- c. Some considered allowing lesser setbacks for lots of record to be inappropriate, the general argument being that some lots should not be developed. This argument lacks proper consideration of lots of record, which require specific consideration to allow reasonable development. Lessening setbacks could continue as presently structured through the Board

of Zoning Appeals upon finding of hardship. This has been done in several instances. The proposed amendment intends to address the matter administratively, thus lessening the bureaucratic burden on the applicant. In any event, the County must attempt to reasonably accommodate development of lots of record.

Staff has discussed the matter with Roger Fields, and we are in agreement that the wording could be improved to address the issues raised. Staff requests discussion of this matter in preparation for submitting a revised wording to address front setbacks in steeply sloping land for the next regular meeting.

2. Discussion of side setbacks for residential lots.

Commissioner Jim Scully requests discussion of side setbacks for residential lots. The present requirement is five feet.

3. Discussion of provisions for adequate school infrastructure Section 6.01(2)(c).

Commissioner Scott Helton has requested discussion of provisions for adequate school infrastructure contained in Section 6.01(2)(c) of the Subdivision Regulations. The following is the text of the regulations for reference:

(c) Standard of School Capacity as Criteria Precedent to Platting. Except in accordance with provisions below, no major plat of five (5) lots or greater shall be approved for subdivision if the school capacity of the elementary school, middle school or high school serving a proposed subdivision is classified “intolerable”. Such classification “intolerable” shall be based on yearly November study and report from the Blount County Board of Education, initial report for the purposes of this Section being dated November 5, 2004 and received at the November 23, 2004 regular meeting of the Blount County Planning Commission, in files of the Blount County Planning Department. In determining the status of a proposed subdivision as a major plat, this section shall apply also to any combined division of the same property within one year of consideration of any plat involving that property, and to overall platting of any land in phases.

The Planning Commission may consider a plat of five or more lots under this Section under the following conditions:

- i. The Blount County Board of Education certifies that classification of “intolerable” for affected schools will be reasonably changed in the future based upon redistricting of school district areas; or
- ii. The Blount County Board of Education certifies that classification of “intolerable” for affected schools will be reasonably changed in the future based upon assured funding, design, siting and contract approval of new or expanded school facilities affecting subject schools; or
- iii. The Blount County Board of Education submits an amendment to its yearly report changing the classification of an “intolerable” school to a lesser classification; or
- iv. The subdivider or developer agrees to limit final plating of lots to no more than four (4) lots per twelve (12) month period; or
- v. The subdivider or developer submits compelling evidence accepted by the Planning Commission, that the proposed subdivision will not generate substantial school aged children that would impact capacity of schools affected by the proposal.

4. Staff reports. Staff may present miscellaneous reports at the meeting.