

Memo

To: Blount County Planning Commission
From: Building Commissioner
CC: Other commission members and staff
Date: 5/20/2010
Re: Request for guidance from the BZA.

Background:

At the May 6, 2010 BZA meeting the board of zoning appeals had an appeal concerning storage containers. There is a thrift store located at 3338 E. Lamar Alexander Parkway that has added storage containers to the property and they are being used to store merchandise and at least one unit is being used to sale merchandise out of. The units were placed on the property without a permit and due to the nature of their use I issued a stop use order. The business owner appealed my action to the BZA, arguing that they are temporary and can easily be moved. At the meeting earlier this month the board deferred taking action and requested guidance from the planning commission. The question they have is if these types of storage units should require a permit, which in the commercial zone has to be approved by a site plan reviewed by the planning commission. Below I have attached the information from the BZA's packet.

Memo

To: Blount County Board of Zoning Appeals

From: Building Commissioner

CC: Other board members

Date: 4-29-2010

Re: Mr. Jeffery K. Williams Appeal.

Background:

Mr. Williams has requested an appeal of a stop work/use letter that I had issued on March 22, 2010. Mr. Williams has added several of the temporary storage containers on the property he is leasing at 3338 E. Lamar Alexander Parkway. The property is identified on tax map 059 and parcel 113.00. The property is zoned commercial and is being used as a thrift store. These storage units have been placed on the property without a site plan being reviewed by the planning commission. They are being used for storage and sales. I believe these structures could be permitted with a site plan review if all setbacks are met.

Mr. Williams' appeal is based on the fact that the buildings are temporary structures that can be moved and he says that a site plan would cost him more than he could pay. He has plans for a couple of the units to be moved, leaving only two or three of the units on the site. These units are very easy to have removed and are not on permanent foundations, but it is the nature that they are being used. It does not appear that there is any intention in moving a couple of these units. They are set up as individual shops and storage for the thrift store. Below is the section that addresses appeals.

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Section 11.4. Appeals. Appeals to the Board may be taken by any person or entity aggrieved, or by any officer, department or board of the county affected, by any grant or withholding of a building permit or by any other decision of the Building Commissioner or any other administrative official, based in whole or in part upon the provisions or regulations of this Resolution. The following shall be the general conditions and procedures for application and consideration of an appeal.

A. Such appeal shall be taken within 90 days of the action appealed.

B. An application for appeal shall be submitted to the Building Commissioner, or the Chairman of the Board. The application shall specify the nature of the action being appealed, the grounds or reasons for the appeal, and any supporting information pertinent to the appeal. The Board may require additional information of the applicant in order to make a decision on the matter.

C. The Chairman of the Board shall set a date and time for hearing the appeal no later than 60 days after submission of the application, or alternatively, the Board may consider the application at any appropriate regular meeting. The Building Commissioner shall publish notice of the appeal and hearing time, date and place in a newspaper of general circulation within the county at least five days prior to the hearing, as well as due notice to the applicant.

D. The Building Commissioner shall forward to the Board copies of all records relating to the appeal.

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E. Upon hearing, any party or parties in interest may appear in person or by agent or attorney.

F. The Board shall act on the appeal within 60 days of the hearing, unless the applicant requests an extension of time.

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