

**Blount County Board of Zoning Appeals**  
**Regular Session**  
**Thursday January 6, 2005**  
**6:00 P.M.**

The Blount County Board of Zoning Appeals met in regular session on Thursday January 6, 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, Stanley Headrick, Jim Melton, and Harold Brown.

Mr. Brown made a motion to approve the minutes of the November 30, 2004 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 this months meeting. The property was rezoned and has been sent to intergovernmental for review. Mr. Fields recommended to defer the appeal. Mr. Melton made a motion to defer the appeal until the February meeting. Mr. Marrison seconded the appeal.

A roll call vote was taken:

- Bill Marrison – Yes
- Stanley Headrick – Yes
- Jim Melton – Yes
- Harold Brown – Yes

The motion to defer the appeal to the next meeting passed.

**2. VARIANCES:**

**Carlo Brillante- 104 Lakeside Trace:**

This request is for a variance from the front building setback requirements. The current requirement is 30 feet from the front property line. Mr. Brillante would like to start his home 22 feet from the front property line. This is a small narrow lot that gets narrower toward the back. The slope of the land is from the front to the back. This property is located in Laurel Valley and will be using a septic system for waste disposal. It is Mr. Fields interpretation that this lot meets the requirements in section 11.6-F-1 & 2 for having a variance granted. The total

amount needed is an 8 foot variance. Mr. Fields recommended granting a 10 foot variance from the front building setback requirement. Mr. Headrick made a motion to approve the variance. Mr. Melton seconded. A roll call vote was taken:

- Bill Marrison – Yes
- Stanley Headrick – Yes
- Jim Melton - Yes
- Harold Brown - Yes

The motion to approve the variance passed.

### **Heartland Development- Chapman Hwy.:**

This variance request is for the front building setback. The property is located off Chapman Hwy. That road is a major arterial road that has a 60 foot front setback. The amount of variance needed is 26 feet. That would leave a setback of 34 feet. The rear setback at this location is 40 feet. If the front and rear setbacks are strictly enforced it would leave a small area to build a commercial building. This property is zoned commercial. This property's hardship is the shape of the lot and topographical issues. It is Mr. Fields' interpretation that section 11.6-F-5 can be applied to this lot. It is a commercial lot and its highest and best use is commercial. The strict application of the setbacks will make constructing a commercial building very difficult. If the property cannot be used commercially Mr. Fields believes the land's value will be substantially reduced. The engineer has put together a site plan for review by the board. Mr. Fields has had discussions about the project and the engineer has changed the site plan to make sure the rear and side setback requirements will be met, so that only one variance will be needed for the project. Mr. Fields recommended granting a 26 foot variance from the front building setback requirement. Representatives of Heartland Development were present to answer any questions. Mr. Brown made a motion to approve the variance. Mr. Headrick seconded the motion. A roll call vote was taken:

- Bill Marrison – Yes
- Stanley Headrick – Yes
- Jim Melton - Yes
- Harold Brown - Yes

The motion to approve the variance passed.

### **3. SPECIAL EXCEPTIONS:**

#### **Victor Stefanini- 2707 Old Niles Ferry Road:**

This is a special exception request to allow a riding tack shop to be located in an existing garage at 2707 Old Niles Ferry Road. The property is located on a collector status road and the property is one acre. These are the two primary requirements for a special exception with limitations. The garage is 864 square feet and falls under the 4,000 square foot maximum. This use will be located on

the same property of Mr. Stefanini's residence. This particular use is not on the list of approved uses for a family commercial enterprise and that is why Mr. Fields presented it as a special exception with limitations. All building setback requirements will be met and buffering will be required to screen the abutting residential uses. Mr. Stefanini was present to speak in favor of the special exception. Mr. Fields recommended approval of the special exception.

A roll call vote was taken:

- Bill Marrison – Yes
- Stanley Headrick – Yes
- Jim Melton - Yes
- Harold Brown - Yes

The motion to approve the special exception passed.

#### **Terry Orr- 4921 U. S. Hwy 411 South:**

This is a special exception request for an automobile sales lot to be located at 4921 U.S. Highway 411 South. This property was preciously used for a body shop. The property has changed hands and the new owner wants to continue the body shop and begin to sell cars. The body shop is grand fathered, but the sales lot does require a special exception. All building setback requirements are met. Mr. Fields was not clear on the issue of buffering because the body shop is a grand fathered use, but the sales lot would be new. Buffering would only be needed along the southern side if it were determined to be required. Mr. Orr was present to speak in favor of the special exception. After some discussion Mr. Fields felt that the title of muscle car restoration and sales lot would be more appropriate. Mr. Fields recommended approval of the special exception. Mr. Brown made a motion to approve the special exception. Mr. Melton seconded the motion.

A roll call vote was taken:

- Bill Marrison – Yes
- Stanley Headrick – Yes
- Jim Melton - Yes
- Harold Brown - Yes

The motion to approve the special exception passed.

#### **4. OTHER BUSINESS:**

##### **Waters Place:**

John Weston was present to represent Still Waters Partners. They wish to locate a planned unit development on Waters Road. It will consist of approximately 60 individual one-level homes. They will be constructed in 4 to 8 attached units per building. At this time they simply wanted to introduce the concept to the board.

**Larry Campbell:**

Mr. Campbell feels that the zoning regulations are not being adhered to uniformly. He feels that some violations are being stopped while others are not. Mr. Marrison did not feel that the problems could be addressed at the meeting. He felt that the board needed to take it under advisement.

**Donald Davis Jr.- 121 Davis Road:**

Mr. Davis has applied for a variance. He is in somewhat of a hurry and has requested a special called meeting of the BZA. Mr. Fields has reviewed the calendar and the only day that is available that would allow him to get a notice in the paper is January 20<sup>th</sup>. The board agreed to have a special called meeting on that day.

**5. ADJOURNMENT:**

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

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Secretary, Board of Zoning Appeals