

**BLOUNT COUNTY BOARD OF ZONING APPEALS
REGULAR SESSION
THURSDAY, SEPTEMBER 1 , 2005**

BZA members present: **Bill Marrison, Stanley Headrick, Harold Brown, Jim Melton, and Rob Walker.**

The minutes from the last meeting were read and approved. A motion was made By **Harold Brown** to accept the minutes and the motion was second by **Stanley Headrick**. The minutes were approved by all the members present.

CASES BEING HEARD

VARIANCE: ONE

SPECIAL EXCEPTION: NONE

APPEALS: NONE

1. VARIANCE: 502 Homer Ave.

Sherry Hodge represented her mother. The property is located At the corner of Grade Road and Homer Avenue.

The property is small. It is 50 feet by 150 feet. Because the property is located on a Corner lot, a 30 foot setback on two fronts is required. This lot cannot accommodate these set backs. This would be require a fifteen foot variance from Homer Ave.

Discussion was made by members concerning the septic and parking.

Roger Fields recommended the approval of this variance.

ACTION TAKEN

Jim Melton made a motion to approve the variance of fifteen feet from Homer Ave. Rob Walker second the motion.

The vote was: **Bill Marrison = YES**
Stanley Headrick = YES
Harold Brown = YES
Jim Melton = YES
Rob Walker = YES

The variance was approved.

OTHER BUSINESS

John Lamb was present to discuss the memo regarding Naterra Land Inc.

- Mr. Lamb stated that he was not asking for the BZA to reverse their decision Regarding last month's Board of Zoning Appeals Meeting. By asking the Board For a reversal would indicate the Board has authority to regulate subdivision issues, They do not.

- Mr. Lamb stated that the BZA was created as part of the adoption of zoning In the county. This is required by state statues. The statues were specific sections Of a specific part of a specific chapter under title thirteen on public planning and housing

- The authority of the Board is bound by level of its creation in state statues. Being concerned only with Zoning and no other regulations. The bi-laws of the Board also limits the authority of the board to zoning matters and no other regulations. State statues in a different chapter ,different part, and different sections Give authority to the Planning Commission in matters of subdivision regulations. With no authority to the BZA.

- The Blount County subdivision regulations were adopted separately from and Many years prior to zoning regulations and the creation of the Board. The subdivision Regulations provide for a variance procedures through authority of the Planning Commission and no other body and county Government.

- Mr. Lamb was asking the board to recognize formally the limits of it's authority And recognize any action it takes that goes beyond its authority as null and void. In the case of Naterra Land Company, he ask the board to recognize for the record Formally in the minutes, that it went beyond its authority when taking action on this Item outside its authority and zoning. This would constitute being null and void. He also ask the Board to recognize the legitimate authority of the Planning Commission in matters of subdivision regulations. Mr. Lamb ask that from now on any questions or concerns regarding subdivision variances be taken to the Planning Commission.

- Finally Mr. Lamb ask the Board at some future date to review proper Procedures and bases for discussion in an Education section. The board Sets in a position of public trust. The Board is bound in its authority by its Own creation in law. Action in the recent case brought into question that public Trust by going beyond authority. The Board has an opportunity to set things right by Recognizing the error for the record and with due diligence refer the applicant To the proper authority.

The floor was open for discussion

Mr. Lamb stated he was not asking for reversal of their decision. He was asking for The Board to recognize they over stepped their authority by voting on a subdivision Regulation matter.

Kenneth Melton agreed with Mr. Lamb concerning this memo.

Motion was made by Kenneth Melton to accept Mr.Lamb's. recommendation.
Rob Walker second the motion.

Larry Campbell was present with questions to the Board.

The vote was:

Rob Walker = YES

Harold Brown =NO

Jim Melton =YES

Stanley Headrick = NO

Bill Marrison= Abstained

The motion did not pass.

The meeting was adjourned.