

**BLOUNT COUNTY BOARD OF ZONING APPEALS  
REGULAR MEETING  
THURSDAY, APRIL 6, 2006**

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

**Stanley Headrick** made a motion to approve the minutes from the March 2nd meeting. Second was made by **Harold Brown**. The motion received unanimous approval.

**CASES BEING HEARD / AND ACTION TAKEN**

1. **SPECIAL EXCEPTION: TWO**
2. **VARANCE: FIVE**
3. **APPEALS: NONE**

**SPECIAL EXCEPTION:**

1. Mr. **Aurther Eugene Webb** at 117 Bear Lodge Dr. is requesting a special exception for a family commercial enterprise. This is a wood carving business.

**Mr. Webb** has an accessory structure on his property that he has been using for a carving studio for many years. He has small classes that he teaches periodically and would like to enclose the carport of the accessory building and make carving supplies available to his students.

**Mr. Webb** is not adding any structure nor is he changing or adding additional uses.

Set backs are not met by the existing structure, but it does predate our zoning regulations.

**Mr. Webb** was present for the meeting.

No one was in opposition.

**Harold Brown** made a motion to **approve** this **Special Exception**.

A second was made by **Larry Campbell**.

The vote was: **Rob Walker = YES**  
**Stanley Headrick = YES**  
**Harold Brown = YES**  
**Larry Campbell = YES**  
**Jim Melton = YES**

**The Special Exception was approved.**

2. This **Special Exception** is for property located at 109 Doc Norton Rd. The property owner is *W.H. Ellis Spurgeon*.

This property is zoned R-1 and is currently being used as a manufactured home salvage business.

**Mr. Spurgeon** would like to change that use to a mini storage facility.

All the set backs are met and buffering will have to be installed to screen the storage buildings from any abutting residential use lots.

Section 5.4 states: A non conforming use may be changed to another non-conforming use in the same buildings or in additional buildings and at the same site upon approval if approved as a special exception by the Board of Zoning Appeals under provision in section 11.5, provided the Board finds that the new non-conforming use shall be of equal or lesser non-conformity and equal or lesser impact that the original non-conforming use

The term “non-conforming” has created some confusion in this section of our zoning regulations. Approval of the change of use is not approving a non-conforming use; it is an approval of a special exception in place of an existing non-conforming use that predated our zoning regulations.

**Mr. Spurgeon** was not present at this meeting.

A motion was made by **Jim Melton** to approve this **Special Exception** only if: the buildings are for **inside** storage only, there is **security fencing, vegetative buffering** and the **trailers are removed** by the time the construction is **complete**.

A second was made by **Stan Headrick**.

**The vote was Stan Headrick = YES  
Harold Brown = YES  
Larry Campbell = YES  
Jim Melton = YES  
Rob Walker = YES**

**The Special Exception was approved.**

**VARIANCE:**

1. This property is located at 3213 Reiley Drive and is zoned S. (Suburbanizing)  
This is part of Glen Abby Subdivision lot 16. The builder is **Doug Blair**.

The Front setback requirement is 25 feet from the front property line. This setback was established on the subdivision plat that was approved prior to the adoption of the zoning regulations.

The builder (**Doug Blair**) is asking for a 1.5 Foot **variance** from the front setback requirements. The home that is in the finishing phase of construction was placed 23.5 feet from the front property line. This mistake was not discovered until a recent survey was done.

**Doug Blair** and **Charles Clifford** were in attendance.

Discussion was had concerning this set back in the subdivision.

**Jim Melton** made a motion to approve this variance and a second was made by **Harold Brown**.

The vote was: **Stanley Hedrick = YES  
Harold Brown = YES  
Rob Walker = YES  
Jim Melton = YES  
Larry Campbell = YES**

**The Variance was approved.**

2. This property is lot 6 of Big Valley Campground and is located in R-1 zone. The owner is **Zelmer Warren**.

**Mr. Warren** is replacing an old trailer with a new one. He wishes to go back on the same foot print as the old mobile home, which was only two feet from the side property line. Blount County requires a five foot side setback. He is asking for a **variance** of three feet on the side.

The hardship in this case could be the lot size. There is enough room to Place the home five feet from the side property line.

( note: The home has already been placed on the property.)

The board had discussion concerning this **variance**.

**John Joiner** and **Wayne Henry** spoke about this request.

**Larry Campbell** made a motion to **deny** this **variance** and was second by **Jim Melton**.

The Vote was: **Harold Brown = YES**  
**Stanley Headrick = YES**  
**Rob Walker = YES**  
**Jim Melton = YES**  
**Larry Campbell = YES**

### **The Variance was denied.**

3. This **variance** is for property located at 6119 Cherokee Indian Circle and is zoned R-1. The owner is **Jeff Tallent**.

The **variance** request is from the lot size requirements. **Mr. Tallent** has three small lots that he wants to re-plat into two lots that will be large enough to get a one bedroom approval on each of them. The three lots to be combined are lots 1, 2, and 205.

Blount County lot size requirement is 30,000 s.f. and the combination of all three lots comes up less than the requirements. A **variance** would make a bad situation better by reducing the overall number of lots. By doing so, it would give the owner lots that are actually usable and could comply with the **Environmental Health Department requirements**.

The **hardship** is clearly the lot size. By granting the **variance** the planning Department will be able to sign off on the re-plat. This will leave **Mr. Tallent** with only two lots, but they will be usable.

The planning commission has already given their approval of the combination pending a **variance** approval from the **BZA**.

**Jeff Tallent** was present to speak in favor of this **variance**.

**Stan Headrick** made a motion to approve this **variance** pending approval from the Environmental Health office. The second was made by **Larry Campbell**.

The Vote was **Jim Melton = YES**  
**Stan Headrick = YES**  
**Harold Brown = YES**  
**Larry Campbell = YES**  
**Rob Walker = YES**

**The Variance was approved.**

**4. Mr. Webb** at 1113 King Street. This property is zoned R-1.

**Mr. Webb** is seeking two separate **variances** for an expansion of an existing non-conforming use. He request he be allowed to use the footers he has already installed. The problem is that they do not meet the Blount County setbacks for a commercial structure.

The rear setback for Blount County is 40 feet. The setback he would have is 27 feet. The back wall of the proposed structure would be even with the existing structure and we have granted similar **variances** in the past.

Blount County calls for a side setback of 20 feet and his footings are only 12 feet from the side property lines. He also stated he would install a buffer if needed.

**Mr. Fields** received a complaint on this when the footings were being installed. At this time **Mr. Fields** realized **Mr. Webb** did not have a permit for this building.

There is room on his property to place this expansion and meet all the setbacks requirements. It would mean that the building would be placed **more** to the front of the property and closer to the homes on both sides.

The back of this property boarders Hines Rd.

**Mr. Webb** spoke in favor of this **variance**.

**Adam, Mike, and Jennifer Romines** spoke in opposition to the **variance**.

Discussion was had concerning this **variance**.

**Larry Campbell** made a motion to **approve** the *rear* setback variance but **not** the *side* variance.

A second was made by **Harold Brown**.

The Vote was **Harold Brown = YES**  
**Larry Campbell = YES**  
**Stan Headrick = YES**  
**Jim Melton = YES**  
**Rob Walker = YES**

**The Variance was approved for the rear setback but *not* for the side setback.**

5. **Mr. & Mrs. Zandi** at 4454 Wonderland Drive. This property is Zoned R-1.

The request is for a 2.5 foot **variance** from the 5 feet side setback requirement.

**Mr. Zandi** built a room addition that is 2.5 feet from the side property line. There is a common lake access easement that runs along this property.

The easement is 20 foot and was originally platted to have 10 feet on **Mr. Zandi's** property and 10 feet on neighboring property. The actual road was installed entirely on the neighbor's property. When **Mr. Zandi** was estimating the setback from his property line he measured from the center of this easement, as it was indicated on his plat. That would have given him more than the five feet that is required. By making this assumption and staying just 2.5 feet from the easement he ended up placing the room addition just 2.5 feet away from his property line because of the way the access was installed years ago.

The room addition also sits within the ten feet easement that is indicated on **Mr. Zandi's** plat. **Mr. Zandi** had a new survey.

The Blount County setbacks are only from the property line, but the subdivision may have issues with the easement being encroached on.

With all this being considered, we have to look at the fact that this section of the home will be 7.5 feet into the access easement. This may create a safety concern.

**Mr. Zandi** was present to speak concerning this **variance**.

Speaking in opposition were **Mr. Jordon, Ginger Marshall** and **Patty Witworth.**

Mr. **Charles Clifford** was present to speak for **Mr. Jordon.**

Much discussion was had concerning this **variance** and the impact it would have on the neighbors.

**Stanley Headrick** made a motion to **deny** the **variance.**

A second was made by **Jim Melton.**

The vote was: **Rob Walker = Abstained**  
**Stanley Headrick = YES**  
**Harold Brown = YES**  
**Larry Campbell = YES**  
**Jim Melton = YES**

**The Variance was denied.**

**The Meeting was adjourned**

