

**BLOUNT COUNTY BOARD OF ZONING APPEALS  
REGULAR MEETING  
THURSDAY, MAY 4, 2006**

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

Larry Campbell made a motion to approve the minutes from the April 6th meeting. Second was made by Harold Brown. The motion received unanimous approval.

**CASES BEING HEARD / AND ACTION TAKEN**

1. **APPEAL: ONE**
2. **SPECIAL EXCEPTION: TWO**
3. **VARIANCE: TWO**

**APPEAL:**

1. A group of residents in Big Valley are appealing Mr. Fields' decision on the status of a road in their subdivision. The road has been named **Morning Side**.

Upon Mr. Fields research he found plats that have this property labeled as **Tract A**, and is considered common area for the development. All the other roads in the area have a 40 foot right of way. **Tract A** has three areas that connect to other roads in the development. One is 23 feet and the other is 24 feet and the third is a common area bathhouse.

The last plat that Mr. Fields found on the property shows some lots were divided off the back of this common area, however there is not designation of this tract to be a road right of way. They have paved a narrow road onto this common area. It was Mr. Fields interpretation that the entire **Tract A** is still a common area for the subdivision.

This issue has come up since the property owner of **lot 126** has began construction On his lot. The property owners would like the front setback requirements applied to two of his property lines. Mr. Fields interpretation is that **Morning Side** has not officially been designated as a road right of way. This being said, it would not fall into the category of **Big Valley** in having a 15 foot front setback.

Speaking for the Appeal was Lee Silverberg a resident of **Big Valley**. He stated the community wants to have the **Tract A** be a legitimate road and declared a street for the safely and well being of the people of **Big Valley**. Mr. Silverberg also stated the name of the **Tract A** was **Mountain View** not **Morning Side**.

Also speaking in favor of this Appeal was Patricia Allen and Judy Dixon.

Some discussion was had concerning this tract of land and what needed to be addressed to approve the appeal. Mr. Fields stated that the BZA does have the authority to classify roads.

Harold Brown moved to **defer** action for thirty days so the community could check with the Highway Department on the tract in question. A second was made by Jim Melton.

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

**The Motion to defer this Appeal for thirty days was approved.**

### **SPECIAL EXCEPTION:**

1. This special exception is for a *family commercial enterprise* to be located at **2508 Tuchaleechee Pike**. The owner is Chris Epling.

The request is for a 12' X 24' outbuilding to be used as a beauty shop.

The applicant has a contract to buy this property and if this request is to be approved it should be pending the sale of the property to the applicant.

The site plan shows that all setback requirements will be met.

Buffering will be required to screen the use from any abutting residential use lots.

Parking will be taken care of by the parking for the home.

This request does meet the requirements for a *family commercial enterprise* as they are described in our zoning regulations.

The question was ask if the building would set on the septic drain field?  
Mr. Fields did state that the health department would need to approve this **Enterprise's** use of water disposal.

A motion was made by Jim Melton to approve this Special Exception pending Health Department approval and was second by Larry Campbell.

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

### **This Special Exception was approved pending the Health Department Approval.**

2. This special exception is for a common area for **Griffits Mill Development**. The location is 1635 Chota Rd. Kerr Construction is asking for this special exception.

The common uses for this development are indicated on the site plan. They are a **clubhouse, fitness center, and a pavilion.**

Regulations state that all nonresidential elements of a **PUD** must be approved as a special exception by the **BZA.**

The site plan does indicate that all building setbacks will be met.

Buffering should be installed along any residential use lot that abuts this development. Existing buffering can be used as long as it is maintained.

The parking requirements for these common uses will be 52 paved parking spaces that are located out of the road right of way.

This special exception would be contingent upon the Health Dept. approval as well.

Wesley Kerr was present to speak in favor of this special exception.

Larry Campbell made a motion to approve this Special Exception and a Second was made by Harold Brown.

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

**The Special Exception was approved.**

**VARIANCE:**

1. This property is located on **218 Main Rd** and belong to W. C. Helton. This is a very small lot and has a manufactured home on the property.

Upon Mr. Fields inspection he found that the home is from 6 to 12 inches short of meeting the front setback requirements of 30 feet

This property is located in **Eagleton Village** and it is common for homes in that development not to meet a setback of 30 feet. The home next door to this lot is several feet closer to the road than this property.

Mr. Helton did receive a permit for this property and it seems that he did due diligence to try and meet the setback requirements.

It is Mr. Fields interpretation that this was an honest miscalculation and that granting a one foot variance would hold to the spirit of the zoning regulations.

Mr. Helton was present to speak in favor of this **Variance**.

Speaking in opposition were Brenda Hamilton, Linda and John Aday, and Martin Ogdon.

There was a lot of discussion concerning this Variance.

Harold Brown made a motion to approve this Variance and a second was made by Larry Campbell.

**The vote was: Rob Walker = YES  
Harold Brown = YES  
Larry Campbell = YES  
Jim Melton = NO**

**The Variance was approved.**

2. This request is a variance for lot size requirements for lot 15 R1 and 15 R2 of **Window Ridge**. The owner is Lyle Lee.

On the original subdivision plat lot 15 was actually lots 15 and 16. The Environmental Department required the combination of these two lots. After the plat was approved the Environmental Department was ask if they would approve the split of lot 15 ( back to the original lot sizes). The approval was then subject to having the primary and reserve septic system installed and that has been completed and the Environmental Department has signed off on the split.

During the time in between, a new minimum lot size of 30,000 square foot was adopted and these lots meet the old requirements of 23,000 square foot.

The planning commission has already given their approval of this replat.

Mr. Lee was not present to speak in favor of this **Variance**.

Jim Melton moved to defer this Variance and Larry Campbell seconded The motion.

There was discussion concerning this issue.

Larry Campbell removed his second to the motion.

Larry Campbell made a motion to approve this variance and Harold Brown Second the motion to approve.

**The vote was: Rob Walker = YES**  
**Harold Brown = YES**  
**Larry Campbell = YES**  
**Jim Melton = NO**

**The variance was approved.**

**The Meeting Was Adjourned**



