

Blount County

Planning and Development Services

1221 McArthur Road

Maryville, TN 37804

Phone: 865-681-9301 Fax: 865-681-9502



MEMORANDUM

TO: Blount County Board of Zoning Appeals

FROM: Cameron Buckner
Senior Planner/Building Commissioner

DATE: February 5, 2026

SUBJECT: Appeal by James Lowe at 2502 Montvale Rd, Maryville Map 080 Parcel 020.00.

Attachments:

1. Building permit application (porch)
 2. Denial letter, dated 1/23/26
 3. Current photos (1/29/26)
 4. Request for appeal
 5. Historical imagery
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- I. This item comes to the Board as an appeal of a zoning decision to deny a building permit.
 - II. The applicant/owner initiated construction of the porch without a permit.
 - III. Blount County Development Services (Building Department) issued a stop work order on the property on December 23, 2025, noting that a permit was required and that it appeared to be in violation of required setbacks.
 - IV. In response, the applicant applied for the attached permit on the same date.
 - V. Upon review, it was found that the proposed would not be permitted as it encroaches into the required setbacks and is no longer "grandfathered" as more than 24 months have lapsed since it was demolished.
 - VI. A variance is not indicated in this case as Section 11.6.F.5 specifically limits the Board's ability to grant variances to, among other things, *cases where the hardship or difficulty is not the result of or created by the actions of the applicant.*
 - VII. The applicant argues that he had to demo the old porch because it was infested with termites, failure to do so would have resulted in the whole house being destroyed, and that financial reasons limited his ability to rebuild in a timely manner.

- VIII. Appeals to the BZA are described in Section 11.4 of the Zoning Regulations (included below). The history of the property and the grounds for denial are outlined in the letter dated 1/23/26, and included as Attachment 2. The appellant's request is also attached.

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.
- 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.

IX. Possible Actions by the Board:

- a. A successful motion to approve this appeal would reverse the Building Commissioner's denial of the building permit specific only to the County's application and enforcement of the Zoning Resolution. All other applicable regulations, including but not limited to Building Codes and Environmental Health, would still need to be satisfied prior to the issuance of any permits.
- b. A successful motion to deny this appeal would affirm the Building Commissioner's denial of the building permit.