

Blount County

Planning and Development Services

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MEMORANDUM

TO: Blount County Board of Zoning Appeals

FROM: Cameron Buckner
Senior Planner

DATE: November 7, 2023

SUBJECT: Variance request at 201 Westmoreland Drive, Maryville, TN
Map 078E, Group A, Parcel 017.00

Attachments:

1. Zoning map
2. Site plan
3. Applicant Narrative
4. Structure Profile
5. Plat of record
6. Tax Map
7. Application

The applicant owns a .48 acre lot within the Westmorland Heights Subdivision, which was originally platted in 1958 without setback requirements (see attached). In this case, the county's setback requirements would apply. The lot in question is a corner lot and is located at the intersection of Westmoreland Drive and W Woodbine Drive. The property owner has applied for a front setback variance of 18 feet, which would reduce the setback requirement from 30ft to 12ft, in order to place an open air carport. The proposed structure is 35' x 29' and is illustrated on the attached site plan. Without a variance, a building permit cannot be issued for the structure as it would not meet the required 30 ft setback requirement. Please find the attached applicant narrative regarding the request.

Staff recommends approval if the Board concludes that the required findings of 11.6.F have been met. Should the Board decide to deny the request, it must do so pursuant to 11.6.G. Staff recommends that any motions to approve or deny make reference to the appropriate Section.

The code sections pertaining to variances are included below for reference:

Section 11.6. Variances. The Board of Zoning Appeals may grant variances to the strict application of regulations in this Resolution where such application of regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of a parcel of property. To that end, the following shall apply.

A. An application for a variance shall include an explanation of the specific hardship or difficulties claimed, reasons why relief should be granted, and the minimum relief that needs to be granted to overcome the hardship or difficulties, and shall be presented to the Building Commissioner at least fifteen working days prior to consideration by the Board. The Board may require additional information of the applicant in order to make a decision on the application.

B. The Chairman of the Board shall set a date and time for hearing on the application 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 application 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.

C. The land or site of the variance application shall be posted by a sign set by the Building Commissioner along a fronting or adjacent public road notifying neighboring property owners of the application, date, time and place of hearing, and telephone number of the Building Commissioner for further information. Such sign shall be posted at least five days prior to the date of the hearing.

D. The Building Commissioner shall forward to the Board copies of all records relating to the application, along with his or her analysis and recommendation on the application.

E. The Board shall act on the application within 60 days of the hearing, unless the applicant requests an extension of time. Upon hearing, any party or parties in interest may appear in person or by agent or attorney.

F. The Board shall limit the granting of variances to the minimum needed to overcome hardships or difficulties based only on the following criteria:

1. The hardship or difficulty is present by reason of exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of this Resolution or any relevant amendment thereto; or

2. The hardship or difficulty is present by reason of exceptional topographic conditions of a specific piece of property; or

3. The hardship or difficulty is present by reason of other extraordinary and exceptional situation or condition of a specific piece of property; or

4. The strict application of regulations would result in substantial loss of value of land, such substantial loss of value being considered in this Resolution as an extraordinary and exceptional condition of a specific piece of property, provided that a small reduction of value shall not be considered as a valid basis for granting a variance; and

5. The hardship or difficulty is not the result of or created by the actions of the applicant;

G. Notwithstanding findings under subsection F. above, the Board may deny the application for variance if it finds and concludes, based on the information submitted in the application or provided at the hearing, that one or more of the following conditions holds or will hold:

1. granting of the variance will materially endanger the public health or safety;

2. granting of the variance will substantially injure the value of adjoining or abutting property;

3. granting of the variance will not be in conformity with the purposes, intents or goals of this Resolution;

H. All conditions and requirements set by the Board shall be entered on the minutes of the hearing, and the Building Commissioner shall notify the applicant of such conditions and requirements by written letter. All conditions and requirements set by the Board shall be enforceable in the same manner and to the same extent as any other provision or requirement of this Resolution.