

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

DATE: December 5, 2022

SUBJECT: 140 Bluestone Way
Map 107C, Group A, Parcel 005.00

Attachments:

1. Zoning/Location map
2. Site Plan
3. Original Plat
4. Application
5. Applicant's supporting documentation

The applicant has a 0.78 acre lot on Bluestone Way, which can also be identified as lot 5 of the Stonegate Subdivision. The applicant desires to construct a single family dwelling on the parcel. The current front setback, as noted on the original plat for Stonegate Subdivision, is 20 ft. In this case, the applicant is requesting a 10 ft setback due to slope and the general topography of the lot.

Per the submitted slope analysis, the majority of the lot has a slope greater than 15%. The County's zoning regulations allow staff to reduce the setback requirement when the average slope is 15% or greater when there are no setbacks recorded on an existing plat. In this case, there is a 20ft front setback recorded on the plat, which is why the item is before the board. The side and rear setbacks are met and no relief is needed from those requirements. Additionally, a 10 ft setback would place the structure 21 ft from the edge of pavement due to the right of way along Bluestone Way.

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.

Map 107C Group A Parcel 005.00



**City of Townsend
Low Density Residential**

City of Townsend

351 **Blount County Govt**
R-1 - Rural District 1

290

DISCLAIMER

This map was created by the Blount County GIS Group, and was compiled from the most authentic information available. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. The Group is not responsible for any errors or omissions contained hereon.

The parcel information on this map is not to be construed or used as a "legal description" or "survey". Maps are constructed from property information recorded in the office of Register of Deeds, and while map information is believed to be accurate, maps will be considered non-conclusive as to location or ownership and accuracy is not guaranteed. Any errors or omissions should be brought to the attention of the Property Assessor's Mapping Department. In no event will Blount County Government be liable for any damages, including loss of data, lost profits, business interruption, loss of business information or other pecuniary loss that may arise from the use of maps or the information they contain. Mapping data has been produced for property assessment purposes only.

346

107

888

884


214
COBBLESTONE WAY

612
STONEGATE WAY


Blount County Govt
R-2 - Rural District 2

272

137
GREYSTONE WAY

 Blount Centerlines

 140 Bluestone Way

 Blount Parcels

Zoning in Blount County

R-1 - Rural District 1

R-2 - Rural District 2

R-1 Low Density Residential

Municipality Name



75 0 200 400 600 800 Feet



Zoning Request Application

Under the Blount County Zoning Regulations



Department of Development Services
1221 McArthur Road Maryville, TN 37804
Phone: 865-681-9301 Fax: 865-681-9502

Tax Map/Parcel: 1373A 107C A 005.00 Site Address: 140 Bluestone Way, Townsend TN 37882
Prior: 503 Stonegate Way

Owner: Daniel Cota Phone: 210.838.4072

Mailing Address: 165 Glory Lane
Cookeville TN 38506
City State Zip Code

Type of Permit:

Appeal ☐ Rezoning ☐ Special Exception ☐ Variance ☒ Co-Locate ☐

Zone Size of lot

Notes: Respectfully request a variance to adjust my current property front setback from 20 ft to 10 ft.

Attached to this request is a recent site plan with slope information and a detailed document indicating
the justification for this request. Please feel free to contact me directly with any questions.

I, the undersigned being the owner of the property described above, affirm the accuracy of the above information about the property and any proposed structures and uses described. I further acknowledge that it is my responsibility to ensure that such requirements are met during construction of any proposed structure. By my signature, I also give permission for inspection of the property by an authorized agent of Blount County Government for the purpose of enforcing the Zoning Regulations set forth by the Blount County Commission.

Daniel Cota
Owner Signature

November 9, 2022
Date

Fee: Receipt #:
Approval Signature: Date: