

# Blount County

## Planning and Development Services

1221 McArthur Road

Maryville, TN 37804

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

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### MEMORANDUM

**TO:** Blount County Board of Zoning Appeals

**FROM:** Cameron Buckner  
Senior Planner

**DATE:** August 12, 2019

**SUBJECT:** Variance request at 5033 Riversedge Road  
Map 009, parcel 001.02

**Attachments:**

1. Location map
2. Zoning map
3. Application
4. Narrative and supporting documentation

The applicant has a 1.2 acre lot on Riversedge Road on which he wishes to build a single family home. The lot has limited buildable area (roughly .3 acres) as it is constrained by the Little River to the rear (over half of the lot's area is actually in the river) and by the CSX railroad/access easement to the front. The remaining area is further limited by the size and layout requirements for an onsite septic system.

The County's front setback standards require a 30' setback from the edge of any ROW or access easement. In this case, the applicant is requesting a reduction to 10' which, due to the existing railroad easement that extends 20' into the front setback, would locate the house 30' from the front property line. Additionally, the applicant is requesting a variance of 5' (from 10' to 5') on one side property line.

It should be noted that most all structures built along Riversedge Rd. were constructed prior to the adoption of zoning in the County. The applicant has provided evidence of similar residential structures in the area and their respective proximities to the front property lines. Front setbacks in the area generally range from 5' to 20'. The applicant's documentation is attached for reference and includes a proposed site plan and a septic layout. The BZA has reviewed and approved similar requests along Riverside Rd. in January of 2018 and in October of 2017.

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;

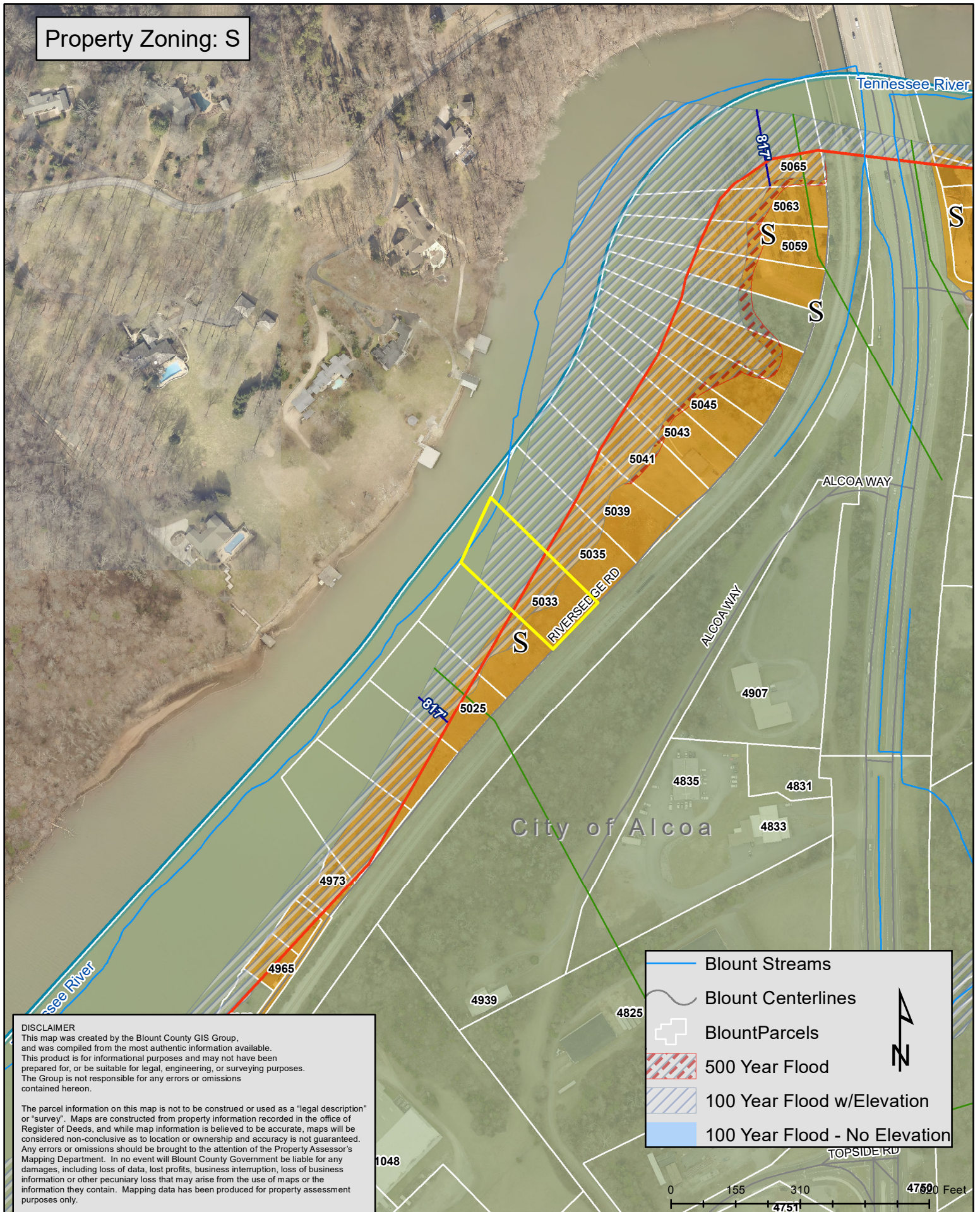
3. granting of the variance will not be in conformity with the purposes, intents or goals of this Resolution;

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.



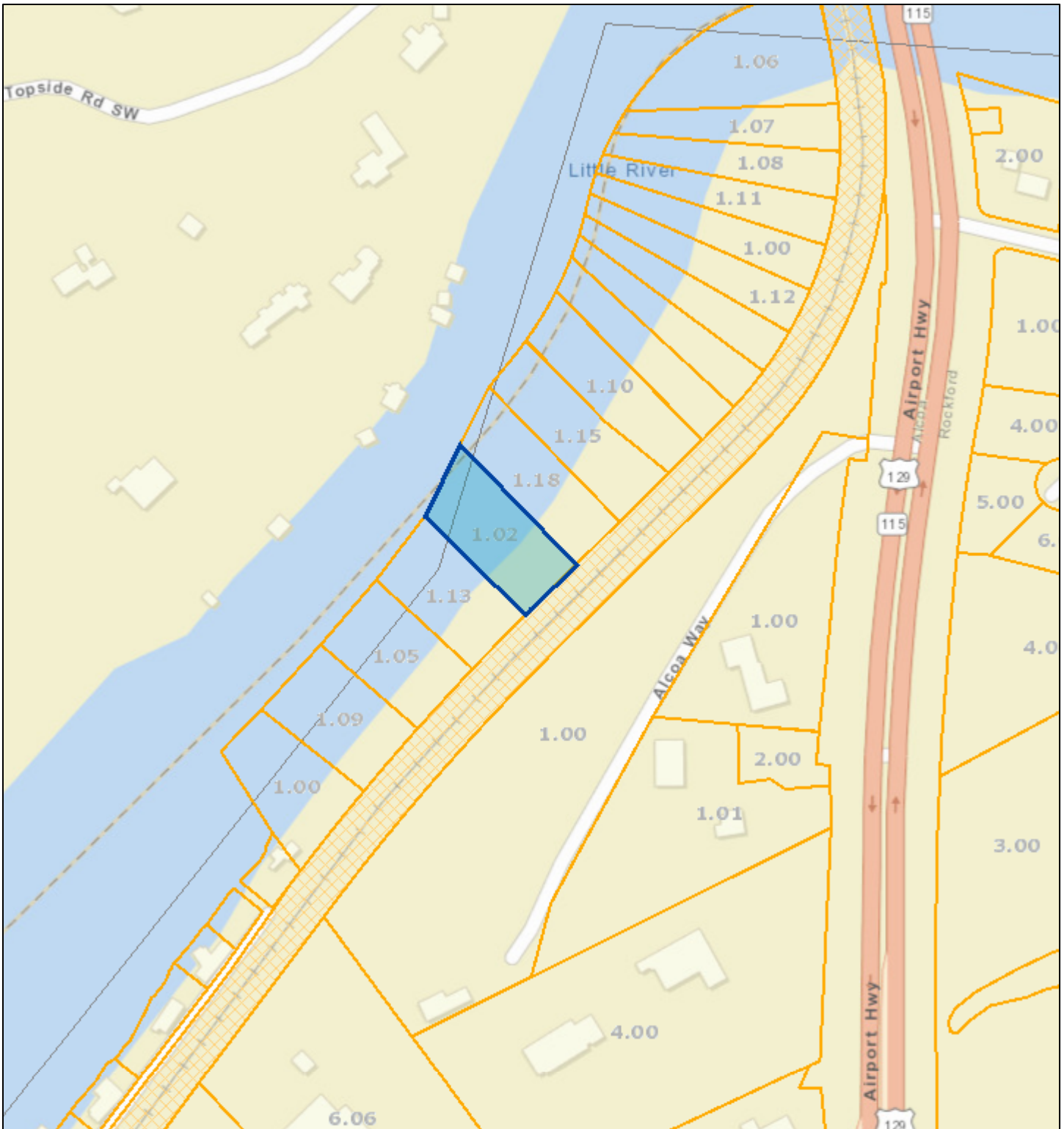
# 5033 Riversedge, Louisville

Property Zoning: S





# Blount County - Parcel: 009 001.02



Date: August 12, 2019  
County: Blount  
Owner: CAMPEN SCOTT & LARA  
Address: RIVERSEDGE RD  
Parcel Number: 009 001.02  
Deeded Acreage: 1.21  
Calculated Acreage: 0  
Date of Imagery: 2011

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community  
TN Comptroller - OLG  
State of Tennessee, Comptroller of the Treasury, Office of Local Government

The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.

# 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: 009, 001.020 Site Address: 5033 Riversedge Rd, Louisville, TN 37777

Owner: Scott and Lara Campen Phone: 865.414.4941

Mailing Address: 12129 Valley Trail  
Knoxville TN 37934  
City State Zip Code

### Type of Permit:

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

Zone  Size of lot

Notes: Requesting change in the front and side setbacks to allow proper

area to build a single family dwelling.

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.

Lara Campen  
Owner Signature

7/31/19

Date

Fee: \$100.00

Receipt #: 260529

Approval Signature:

Date: 7/31/2019

# **5033 Riversedge Rd Variance Request**

**Owners: Scott and Lara Campen**

**Contact: 865.414.4941**

**Date: Sept 5, 2019**

## **Description:**

We are requesting a building permit variance at 5033 Riversedge Road to allow the property to be usable for a residential home concurrent with neighboring properties. This property is 1.2 acres, however, approximately only 0.34 acres is above the waterline. There is a TVA restriction in the rear of the property at the 822 elevation line that is not buildable; in addition there is an existing easement from the CSX railroad that prohibits building within 20 feet from the gravel road. If the Blount County setback requirement of 30ft begins after the easement, this property is subject to 50ft from the property line for the front set back. Because of the size of the buildable acreage of the lot and the front and back easements, we feel the standard setbacks required by the county create an undo hardship for building on this property. We are requesting:

- the front setback be reduced to 10 ft. This 10 feet in addition to the existing 20ft easement would still result in our home being 30ft from the property line.
- One side setback be reduced from 10 ft to 5 ft.

These minor adjustments would allow us to build their proposed residential property for our family. We believe this is a reasonable request due to the following considerations:

- The request would still allow proper distance from the property line per the Blount County standard.
- Without this variance, the allowable space for the septic system would be a challenge. Per Bill Wilson, the County Environmental Health Manager, the required square footage for septic is 4,200 square feet minimum (see septic sketch). He made the comment during our meeting that 'it will be tight but can work' and that he'd like to be onsite when the drain field is being mapped on the ground.
- The lots adjacent to our property would not be negatively impacted:
  - The lot to the southwest (as of Aug '19, owner: Flynn) is vacant, and is currently being sold as a double lot.



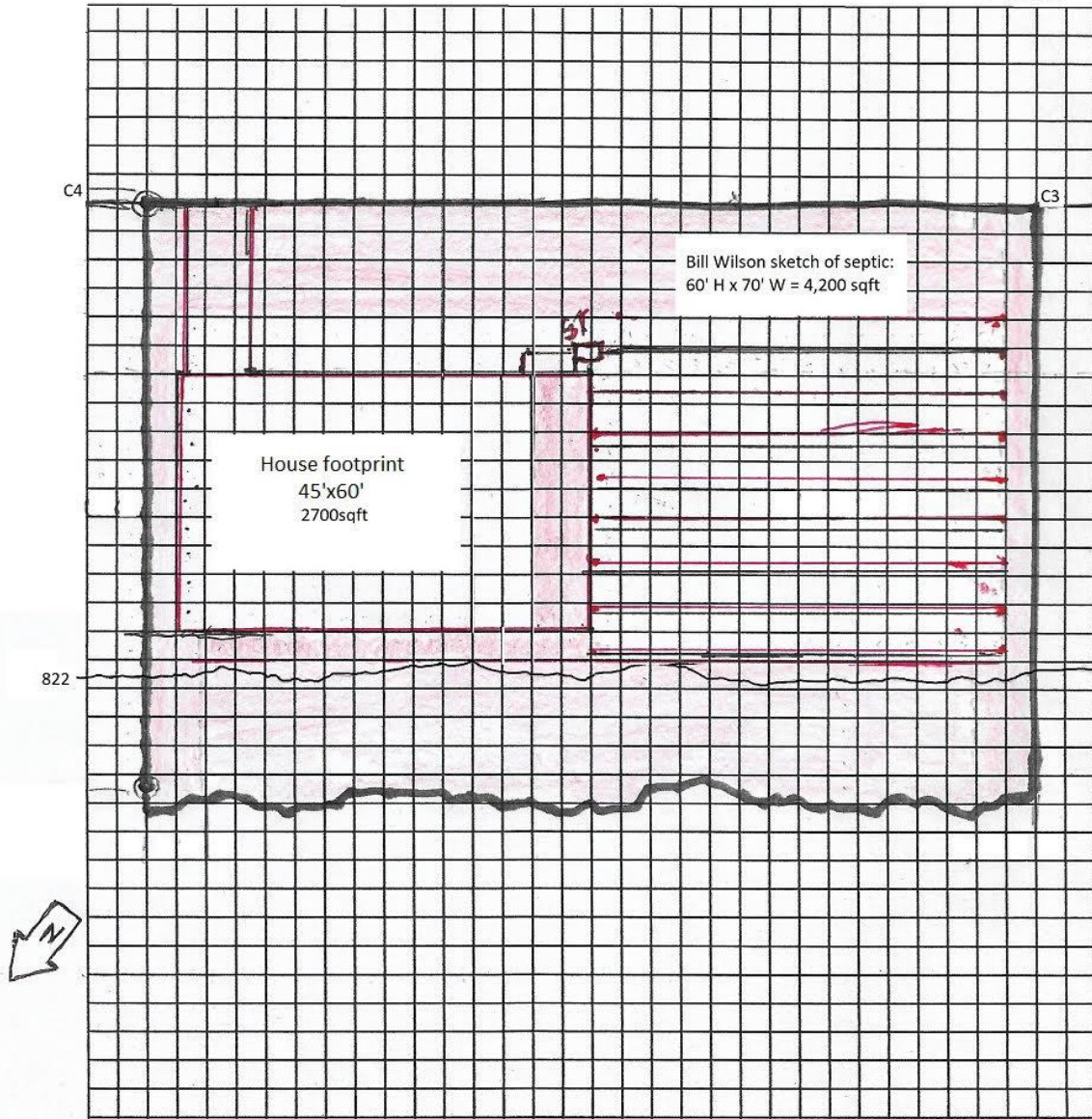
- The lot to the northeast (as of Aug '19, owner: Long) has a house under construction on the opposite side of their lot.
- The variances at 5035 and 5039 Riversedge Road were granted similar variances during the past two years.
- Other residences in the Riversedge community are built with a lesser setback, from 5 to 20 feet.
- Reducing the setback requirement for this property is in line with other homes in the area. See existing images of residences, attached.
- We are only asking for the setbacks we need for a modest 3BR/2.5 Ba single family dwelling, nothing more.

**Supporting documents** (attached)

- Septic sketch from Bill Wilson, former Blount County environmental scientists, showing septic requirement of 4200 square feet minimum.
- Site Proposal with Warranty Deed dimensions.
- Image of CSX entry date to right of way gravel road.
- Images of existing residences on Riversedge in front setback compared to road.
- Warranty deed.

Tax Map 009, Parcel 001.020  
5033 Riversedge Rd  
Plot Plan with Septic  
Scott and Lara Campen

Graph lines at  
5' intervals



RIVERSEDGE ROAD

154.86'

CHB=S42°58'55"W  
RAD=5779.65  
ARC=154.86



S 46°15'00" E 102.38'

5' SIDE SETBACK

PROPOSED 40'x60'  
RESIDENCE

20' RAILROAD EASEMENT  
30' FRONT SETBACK

10' SEPTIC SETBACK

25' SETBACK FROM 100 YEAR FLOOD

PROPOSED SEPTIC AREA  
4200 SQFT

10' SIDE SETBACK

N 47°47'05" 91.45'

B22 FLOWAGE

APPROXIMATE 100 YEAR FLOOD

Notes:

1. THIS PROPERTY IS LOCATED IN  
DISTRICT 11 OF BLOUNT COUNTY, TN,  
MAP & PARCEL 009.001020

CAMPEN RESIDENCE

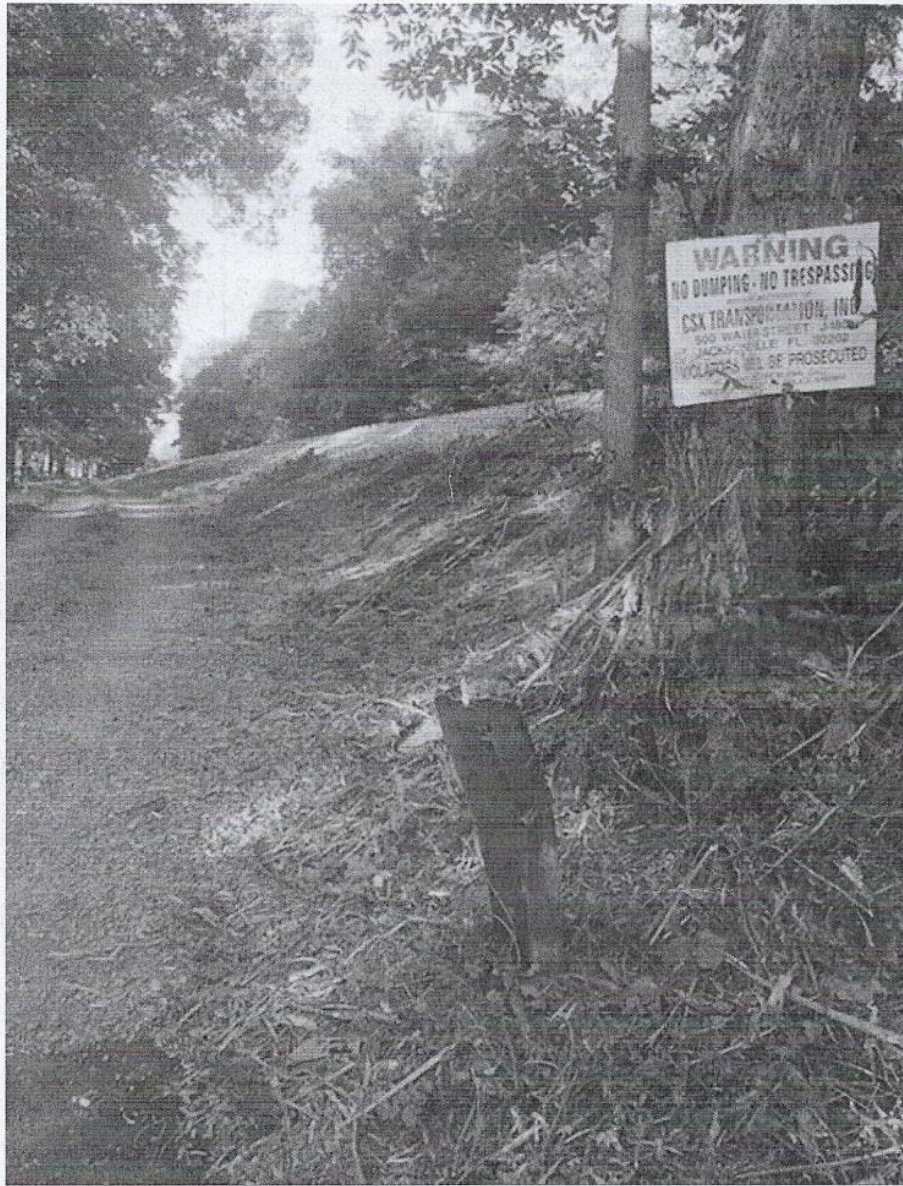
Drawing Legend

PROPOSED SITE

SCALE: 1" = 25'

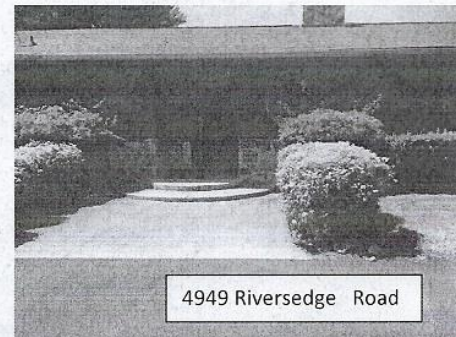
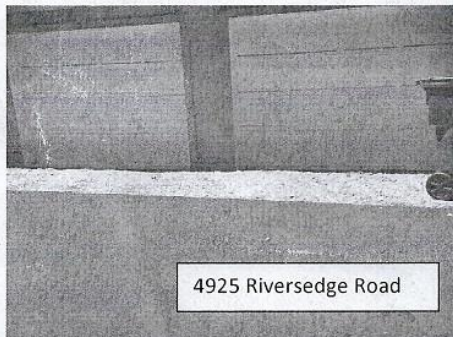
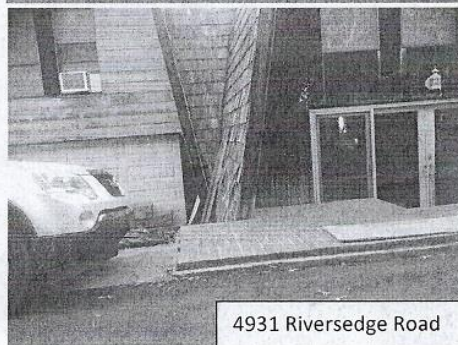
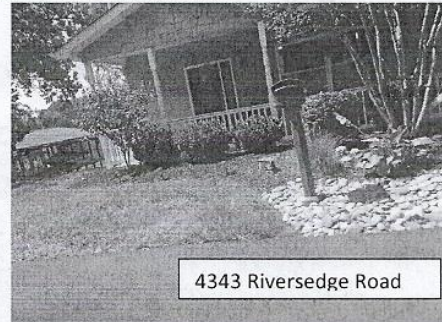
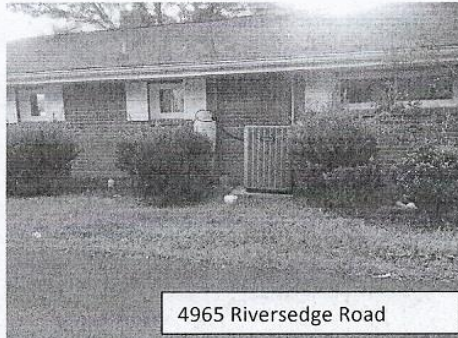


Current CSX gate/signage at beginning of gravel road:





Images of existing residences on Riversedge and front setback compared to road



This Instrument Prepared by:  
GARNER & CONNER, PLLC  
Attorneys at Law  
P. O. Box 5059  
Maryville, TN 37802-5059

Phyllis Lee Crisp, Register  
Blount County Tennessee  
Rec #: 528114  
Rec'd: 10.00 Instrument #: 815151  
State: 403.30  
Clerk: 1.00 Recorded  
Other: 2.00 3/6/2018 at 11:05 AM  
Total: 416.30 in  
Record Book 2510 Pgs 2668-2669

Name of Property Owner  
**SCOTT CAMPEN and LARA CAMPEN**

Address of Property Owner:  
12129 Valley Trail  
Knoxville, TN 37934

Name and Address of Person  
or Entity Responsible for  
Real Property Taxes:

Same as above

## WARRANTY DEED

THIS INDENTURE, made the 2nd day of MARCH 2018, between **KENNETH RAY HURST, JR. and wife, TRACY ANNE HURST**, of Blount County, Tennessee, hereinafter designated Grantor, and **SCOTT CAMPEN and wife, LARA CAMPEN**, of Blount County, Tennessee, hereinafter designated Grantee:

### WITNESSETH:

That the said Grantor for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to him in hand paid by the said Grantee, he has granted, bargained, sold and conveyed and does hereby grant, bargain, sell, and convey unto the said Grantee, the following described premises, to wit:

SITUATED in District No. Eleven (11) of Blount County, Tennessee, and being more particularly described as a 1.210 acre tract more or less described by metes and bounds as follows:

BEGINNING on an iron pin in the Westerly right of way line of the L & N Railroad approximately 885 feet South of mile post 282; thence leaving said right of way N. 47-47-05 W., 91.45 feet to an iron pin approximately 10 feet Southeasterly from the high water shore line of the Little River embayment of Fort Loudon Lake; thence N. 47-47-05 W., 210.72 feet, more or less, to the approximate centerline of the old riverbed which is the Blount County/Knox County line; thence with said line N. 23-23-15 East, 173.80 feet, more or less, to a point; thence leaving said line S. 46-15-00 East, 258.06 feet, more or less, to an iron pin approximately 10 feet Southeasterly from the above mentioned high water shoreline; thence S. 46-15-00 E., 102.38 feet to an iron pin in the above mentioned railroad right-of-way; thence with said right-of-way along a curve to the left with a radius of 5779.65 feet an arc distance of 154.86 feet and a chord of S. 42-58-55 W., 154.86 feet to the Point of Beginning, containing 1.210 acres, more or less.

THIS CONVEYANCE is made subject to restrictions, conditions, limitations, easements, etc., of record in Warranty Deed Book 612, page 558 at the Register's Office for Blount County, Tennessee.

THERE IS ALSO CONVEYED HERewith a right-of-way for ingress and egress to the above described property as follows: BEGINNING at the point in Alcoa Highway and running along an existing roadway from Alcoa Highway across an existing crossing at the L & N Railroad right-of-way, said existing roadway being 20 foot in width and crossing the L & N Railroad in a Southwesterly direction at a point approximately 350 feet Northerly from the L & N Railroad mile post 282; thence leaving said existing roadway and continuing at a 20 foot wide right-of-way with the Southern most boundary of said right-of-way being the Westerly most line of the L & N Railroad right-of-way approximately 1,900 feet to the property hereinabove described.

THE ABOVE DESCRIBED PROPERTY is further subject to a flowage easement inuring to the benefit of TVA of record in Blount County Chancery Court Minute Book 15, page 560 in the case of Cates V. Cates.

BEING a part of the same property conveyed to Kenneth Ray Hurst, Jr. and wife, Tracy Anne Hurst, as tenants by the entirety by Quitclaim Deed dated December



4, 2017 from Kenneth Ray Hurst, Jr., aka Kenny Hurst, Kenneth Hurst, Kenneth R. Hurst and Kenneth R. Hurst, Jr. of record in Record Book 2503, page 2306 at the Register's Office for Blount County, Tennessee.

Property Address: Riversedge Road  
Tax Map 009, Parcel 001.020

THE ABOVE DESCRIPTION IS THE SAME AS THE PREVIOUS DEED OF RECORD, NO BOUNDARY SURVEY HAVING BEEN MADE AT THE TIME OF THIS CONVEYANCE.

With the hereditaments and appurtenances thereto appertaining, hereby releasing all claim to homestead and dower therein; to have and to hold the said premises to the said Grantee, his heirs and assigns, forever.

And the said Grantors, for themselves and for their heirs, assigns, executors, and administrators, do hereby covenant with the said Grantees, their heirs and assigns, that they are lawfully seized in fee-simple of the premises above conveyed and have full power, authority, and right to convey the same; that said premises are free from all encumbrances, EXCEPT those hereinabove set forth; and that they will forever warrant and defend the said premises and the title hereto against the lawful claims of all persons whomsoever.

WHEREVER used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the said Grantors have set their hands and seals, all on the day and date first above written.

  
KENNETH RAY HURST, JR.

  
TRACY ANNE HURST

STATE OF TENNESSEE )  
COUNTY OF BLOUNT )

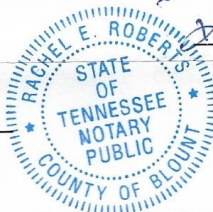
Personally appeared before me, the undersigned authority, a Notary Public in and for said County, the within named bargainors, KENNETH RAY HURST, JR. and wife, TRACY ANNE HURST, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that they executed the within instrument for the purposes therein contained.

Witness my hand and official seal at office this 2nd day of MARCH 2018.

  
NOTARY PUBLIC

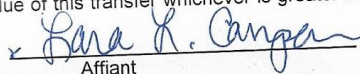
My Commission Expires:

1/26/2019

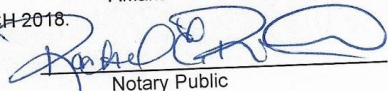


STATE OF TENNESSEE )  
COUNTY OF Blount )

I hereby swear or affirm that the actual consideration or true value of this transfer whichever is greater is \$109,000.00.

  
Affiant

Subscribed and sworn to before me this 2nd day of MARCH 2018.

  
Notary Public

Commission Expires: 1/26/2019

