

**ALCOA BOARD OF ZONING APPEALS
ALCOA, TENNESSEE
Monday, February 22, 2021, 3:30 P.M.**

The Board of Zoning Appeals of the City of Alcoa met, at the call of the Chairperson, on the 22nd day of January, 2021, 3:30 p.m., via video conferencing (VTC). William Cochran presided as Chairperson, with board members Lynn Bolton and John (Rocky) Rochelle also present. The staff members present were Jeremy Pearson and Ashley Miller. Loren Riddick and Kevin Gourley were also in attendance.

Call to Order:

The Chair called the meeting to order and requested a roll call of present members and asked that the applicants.

Determination of Necessity of Electronic Meeting:

Chairman Cochran read aloud the following statement:

A determination is needed by the Alcoa Board of Zoning Appeals regarding the necessity of electronic meetings pursuant to the Governor's Executive Order Number 71, extending Executive Order Number 16, executed on December 22, 2020, and recommendations from the Tennessee Comptroller of the Treasury, and other applicable laws in effect. The Governor's Order allows government agencies to amend or rescind certain requirements under the Tennessee Open Meetings Act regarding the electronic meetings in lieu of in-person attendance and participation. The Comptroller's Office recommends that boards make a determination regarding the necessity of electronic meetings for continued function of government agencies and to protect public health, safety and welfare during the outbreak of COVID-19. Such determination is to be placed on the record in the Board's minutes.

Mr. Rochelle made a motion to approve that the meeting be held electronically, pursuant with the Governor's Executive Order Numbers 16 and 71. Mr. Bolton seconded the motion, and it passed unanimously.

Approval of Minutes:

There being no corrections to the minutes of December 17, 2020, the minutes were declared approved, and requested to be filed.

Requests:

Consideration of a request by James J. Riddick for a special exception to allow for an accessory structure greater than thirty-five (35) percent of the primary structure in the Limited Restriction "I" District (Blount County Tax ID 046B B 002.01, off Mildred Drive), James and Edna Riddick Property.

Staff advised that this property is located between Mildred Drive and Beverly Drive. Staff noted that the Riddick home is located at 1101 Beverly Drive and the subject property, in which they also own and use for agricultural purposes, lacks public street frontage and is located to the rear of the Beverly Drive parcel. Staff stated that the proposal is to construct an accessory structure for the agricultural use that currently exists on the 3.81 acres landlocked parcel. Specifically, the property owner is requesting to construct a 60'(L) x 40'(W) x 20'(H) pole barn. Staff explained that accessory structures on residential lots shall not exceed thirty-five (35) percent of the gross floor area of any primary structure. However, Sub-Chapter 2.21. General Provisions, provides for special exceptions within the Limited Restriction "I" zoning district, as follows:

14-2.2105. Location of accessory structures on residential lots.

If located within a Limited Restriction "I" zoning district, parcels of more than two (2) acres may apply for a special exception to allow an accessory structure to be greater than thirty-five (35) percent of the primary structure. Such structure shall be a minimum distance of twenty (20) feet from any other structure(s) on the same lot.

Staff advised given that the parcel is greater than two (2) acres, zoned Limited Restriction District "I", and has an established agricultural use, staff recommended approval of the special exception subject to the following:

- 1) The new pole barn shall maintain all district setbacks, including being located a minimum of twenty (20) away from the existing barn structure on the property;
- 2) Approval of utilities, with all utilities to be underground; and,
- 3) Meeting all other city requirements (i.e., issuance of a building permits).

Mr. Rochelle moved to approve the special exception for the accessory structure given that the parcel is greater than two (2) acres, zoned Limited Restriction District "I", and has an established agricultural use for Blount County Tax ID 046B B 002.01, off Mildred Drive, subject to staff's stipulations of approval. Mr. Bolton seconded the motion, and it was unanimously approved.

Consideration of a request by Chris Rosser (Sterling Engineering, Inc.), on behalf of Albert L. Davis, for a variance from the front and side yard setback provisions of the Residence District "B" (Blount County Tax ID 046F C 018.00), located at 203 W Howe Street.

Staff advised that this property is located at the corner of W. Howe Street and Kelvin Road in the South Hall S/D. Staff noted that the property is an existing lot of record being 0.143 acres (6,250 square feet). Staff explained that the property was once developed with a single-family dwelling, which has been demolished recently without obtaining a permit. Given the requirement within the Residence District "B" that a rear yard setback be applied to all properties within said zone, the developable area on the subject property is extremely limited in part due to the two rights-of-way and size of the lot.

Staff explained that specific to the request, the applicant's proposal reflects a 25' (W) x 69' (L) detached single-family dwelling, which includes the associated 4' front porch. Staff stated that the proposal meets the minimum front yard setback along Howe Street and the rear yard setback provisions. Staff noted that based on Section 14-2.25.02, *Exceptions and Modifications*, Front Yards, within the Zoning and Land Use Controls Regulations, the front yard has been administratively reduced to 22.6-feet along the entire Howe Street frontage. Staff added that this reduction is based upon the average front yard depths of the other existing single-family dwellings on this side Howe Street. Therefore, relief is being requested along the front property line adjoining Kelvin Road and the side property line adjoining Lot 117. At its closest point, the proposed house will be 20-feet off the front property line facing Kelvin Road and 5-feet off of the side property line. Hence, the applicant is requesting a 10-foot front yard setback variance adjoining Kelvin Road and a 7-foot side yard setback variance in order to provide relief from otherwise 30-feet and 12-feet setbacks. Drawings identifying the proposed layout, as well as a survey of the lot showing the proposed structure are included in the packet.

Staff advised that from the standpoint of the Board of Zoning Appeals consideration, the question is whether a justifiable hardship exists on the property to warrant relief from the setback provisions of the Zoning Ordinance. In determining the true test of a hardship, staff points to Tennessee Code Annotated, Section 13-7-109, (3):

Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation or by reason of exceptional topographical conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under such section would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, authorize, upon a appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship; provided, that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinances.


Staff noted that due to the size of the lot and being a corner lot situated along Howe Street and Kelvin Road are grounds for a variance. Staff recommended the front and side yard setback variances in the amount of 10-feet for the front yard along Kelvin Road and 7-feet for the side yard adjacent to Lot 117 for Blount County Tax ID 046F C 018.00, located at 203 W. Howe Street, subject to meeting all city requirements, which includes securing all necessary building permits and a demolition permit for the work already performed on the property with the demolition permit fee doubled per the adopted fee schedule.

Mr. Bolton moved to approve the front and side yard setback variances in the amount of 10-feet for the front yard along Kelvin Road and 7-feet for the side yard adjacent to Lot 117 for Blount County Tax ID 046F C 018.00, located at 203 W. Howe Street, subject to meeting all city requirements, which includes securing all necessary building permits and a demolition permit for the work already performed on the property with the demolition permit fee doubled per the adopted fee schedule. Mr. Rochelle seconded the motion, and it was unanimously approved.

Other Business:

None.

Adjournment: There being no further business to come before the board, the meeting was adjourned at 3:57 p.m.


Chairman


Secretary

