

**ALCOA BOARD OF ZONING APPEALS
ALCOA, TENNESSEE
Monday, September 21, 2020, 3:30 P.M.**

The Board of Zoning Appeals of the City of Alcoa met, at the call of the Chairperson, on the 21st day of September, 2020, 3:30 p.m., via video teleconferencing (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. The applicant, Jeff Wallace, was 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 and other participants identify themselves for the record.

Determination of Necessity of Electronic Meeting:

Chairman Cochran read aloud the following statement:

A determination is needed by the Alcoa Municipal/Regional Planning Commission regarding the necessity of electronic meetings pursuant to the Governor's Executive Order Number 60, extending Executive Order Number 16, executed on August 28, 2020, and recommendations from the Tennessee Comptroller of the Treasury, issued on March 20, 2020, 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 60. Mr. Bolton seconded the motion, and it passed unanimously.

Approval of Minutes:

Chairman Cochran noted a minor revision on Page 2, last sentence of the first paragraph, revising "commission" to "board." There being no further corrections to the minutes of August 24, 2020, the minutes were declared approved with the noted revision, and requested to be filed.

Requests:

Consideration of a request by Chris Rosser (Sterling Engineering, Inc.), on behalf of Pistol Creek Properties, LLC, from the side yard setback provisions of the Residence District "B" (Blount County Tax ID 047H A 004.00), located at 293 Harrison Street.

Staff advised that the property was located on Harrison Street in the N Plainfield Addition S/D. Staff noted that the property was an existing lot of record being 0.217 acres (9,438 square feet). Staff explained the property was hindered by a 15-foot unconstructed alley to the rear and an unimproved road right-of-way on the northern side. Staff further stated that 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 was extremely limited in part due to the two "paper rights-of-way", being the 10-foot alley and unconstructed road.

Staff explained that specific to the request, the applicant's proposal reflected a 26' (W) x 44' (L) detached single-family dwelling, which included the associated front porch 4-feet in width. Staff noted that the proposal met the minimum front yard setback along the unconstructed road and Harrison Street, and the rear yard setback along the unconstructed alley 10-feet in width. Staff stated that relief was being requested along the side property line adjoining Lot 131. At its closest point, staff added, the proposed house would be 5-feet off of the side property line. Staff further stated that the applicant was requesting a 7-foot side yard setback variance in order to provide relief from an otherwise 12-foot setback. Staff noted that the drawings identifying the proposed layout, as well as a survey of the lot showing the proposed structure were included in the packet. Staff noted that the reduced setback would be in keeping with a variance granted on December 2, 2019 for Tax ID 047A A 024.00, which was located on Cochran Street. Staff further explained that from the standpoint of the Board of Zoning Appeals consideration, the question was whether a justifiable hardship existed on the property to warrant relief from the setback provisions of the Zoning Ordinance. In determining the true test of a hardship, staff pointed 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 stated that the due to the size of the lot, being a corner lot situated along Harrison Street, and the platted but undeveloped alley and road rights-of-ways, grounds for a variance was warranted. Staff recommended the side yard variance in the amount of 7-feet for Blount County Tax ID 047H A 004.00, located at 293 Harrison Street, subject to meeting all city requirements, which includes securing all necessary building permits.

Mr. Rochelle then moved to approve the side yard variance in the amount of 7-feet for Blount County Tax ID 047H A 004.00, located on Harrison Street, subject to meeting all city requirements, which included securing all necessary building permits. Mr. Bolton seconded the motion.

Mr. Rochelle noted that the proposed residence was shown to be located 1.87-feet from the 30-foot setback line along the 50-foot unimproved right-of-way. In an effort to reduce the requested variance, Mr. Rochelle questioned if the residence could be shifted over 1.87-feet to the 30-foot setback line to make the side yard setback 6.87-feet. Mr. Jeff Wallace was present and noted that the shift was due to a drainage area in the right-of-way. Mr. Rochelle moved to amend his motion to note that unless infeasible, the variance shall be lessened by 1.87-feet as the setback

along the unimproved right-of-way was shown at greater than 30-feet. Chairman Cochran seconded the amendment to the motion. Mr. Bolton questioned if the residence would have a rear garage. Mr. Wallace noted that the residence would not have a garage. Mr. Bolton further questioned the on-site parking and the regulations. Mr. Pearson noted that driveways and parking areas for single-family residential shall be 5-feet off any side boundary line and provide for two on-site parking spaces. Mr. Pearson also noted that there was a front yard maximum lot coverage that must be maintained. Mr. Bolton questioned how many lots they had left and may need relief on. Mr. Wallace stated that there were none within this given block.

Chairman Cochran restated the motion, following discussion, to approve the side yard variance in the amount of 7-feet for Blount County Tax ID 047H A 004.00, located on Harrison Street, with the caveat that the variance be lessened 1.87-feet (as the setback along the unimproved right-of-way was shown at greater than 30-feet), unless otherwise determined to be infeasible by Sterling Engineering, Inc. (the developers project engineer and surveyor) due to existing site constraints, subject to meeting all city requirements, which included securing a Certificate of Occupancy. Chairman Cochran called for a roll call vote: Mr. Bolton voted aye, Mr. Rochelle voted aye and Chairman Cochran voted aye. Motion passed unanimously.

Other Business:

None.

Adjournment: There being no further business to come before the board, the meeting was adjourned at 3:52 p.m.



Chairman



Secretary