

Application Procedures & Submittal Requirements for
Board of Zoning Appeals/Variance

Knox County Code Administration & Inspection
Phone: (865) 215-2325
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SCOPE: To modify the strict application of the specific requirements of the Zoning Ordinance of Knox County.

SEE REVERSE SIDE FOR STANDARDS OF GRANTING A VARIANCE

ITEMS TO BRING TO APPLY

1. Map and parcel number from tax notice or a certified address sheet from MPC addressing department or call the Property Assessor's Office at 215-2360 to obtain map and parcel number.
2. Site plan (8 ½ x 11) showing details / dimensions where the variance is needed.
3. A letter from the property owner giving permission to the applicant to apply for the variance (needed only if owner is not applicant).
4. If construction has not started, a fee of \$200.00 payable to Knox County Code Administration must be submitted at time of application.
5. Requests for post-construction variances will be charged a double fee (\$400).
6. Each individual parcel or intended parcel constitutes a separate variance application and fee.
7. Appeals of Code Enforcement Civil Penalties require a \$50 application fee.
8. Any appeal of this policy can be made to the Board of Zoning Appeals.

VARIANCE PROCESS

1. Deadline: The 2nd Wednesday of each month at Noon (12:00pm). No exceptions will be made if application is made after 12:00pm.
2. Knox County Board of Zoning Appeals Meeting: The 4th Wednesday of each month at 1:30pm in the Main Assembly Room, City County Building. Agenda review meeting takes place prior to the full meeting at 12:00pm in Room 640, City County Building.
3. Deadlines and meeting dates may vary due to holidays and other events. Check website or contact office for schedule.
4. Representative must be present at the meeting where the variance will be heard.
5. A Variance sign may be posted at the subject property by a Codes Enforcement Officer prior to the meeting date. Signs should be visible from the street and will be retrieved after the meeting date by Codes Staff.

Note: If you do not have all items needed to apply – application will not be processed.

6.60 BOARD OF ZONING APPEALS

6.60.01 The establishment of a Board of Zoning Appeals to be known as the Knox County Board of Zoning Appeals and hereafter referred to by the word, "Board," is hereby authorized. Such Board shall consist of nine (9) members appointed by the County Commission. The members of the Board of Zoning appeals shall occupy seats hereinafter denominated as 1-9. The term of seat 1 shall expire on September 1, 1993, and shall be refilled by act of the Knox County Commission during its regular September meeting. Each successive September 1st, the term of the next numbered seat shall expire and be filled by the Knox County Commission.

6.60.02 The Board shall meet at the call of the chairman, and at such other times as the Board may determine, at a fixed time and place. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. It shall have power to call on any other county department for assistance as may be reasonably required. In the case of all appeals, the Board shall call upon the Metropolitan Planning Commission for all information pertinent to the decision appealed from.

6.60.03 POWERS OF THE BOARD OF ZONING APPEALS

A. The Board shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official.

B. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, the Board shall have the power, in passing upon appeals, to authorize such variance from the terms of this ordinance as will not be contrary to the public interest in conforming with the standards set forth in Section 6.60.04 of this article;

C. To hear and decide in accordance with the provisions of Article 4, Section 2, and Article 6, Section 6.50 of this ordinance, appeals from the Metropolitan Planning Commission of decisions regarding Use on Reviews.

D. To hear and decide, in accordance with the provisions of Article 3, Section 3.11.04 of this ordinance, requests for interpretation of the zoning map.

E. To call on any department for assistance in its duties; and it shall be the duty of such department to render all such assistance as may reasonably be required.

F. To compel attendance of witnesses at hearings and to administer oaths.

G. To hold at least one (1) scheduled meeting per month and give notice of such meeting as required by law.

6.60.04 VARIANCES

The purpose of the variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle, which is preventing an owner from using his property as the Zoning Ordinance intended.

A. STANDARDS FOR VARIANCES: In granting a variance, the Board shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography, or siting) fully described in the findings of the Board, do not apply generally in the district.

2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land.

4. Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.

5. The granting of any variance is in harmony with the general purposes and intent of this ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.

B. REQUIREMENTS FOR THE GRANTING OF A VARIANCE: Before the Board shall have the authority to grant a variance, the person claiming the variance has the burden of showing:

1. That the granting of the permit will not be contrary to the public interest.

2. That the literal enforcement of the Ordinance will result in unnecessary hardship.

3. That by granting the permit contrary to the provisions of the ordinance the spirit of the ordinance will be observed.

4. That by granting the permit, substantial justice will be done.

6.60.05 CASES BEFORE THE BOARD

A. Every appeal or application shall be made to the Board on a form which may be secured at the Office of Code Administration. The procedure for appeals shall be as follows:

1. A written appeal shall be filed with the Board through the Office of Code Administration by the party aggrieved by any order or decision of the Building Inspector or Metropolitan Planning Commission. Said appeal shall be accompanied by accurate plans and specifications of the proposed work showing also the plot of land to be built upon, together with the placement of proposed building(s) and all other existing or proposed structures.

2. Every appeal shall be taken within thirty days from the date of the action causing such appeal.

3. A fee, to be established by the Board, due and payable at the time of appeal, shall be paid to the Office of Code Administration, as agent for the Board, to cover the cost of notices and other expenses incidental to the hearing.

4. At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in opposition shall follow.

B. Upon receipt in proper form of any such appeal or application, the Board shall post such appeal or application, together with maps and the accompanying data in its office for public inspection, for a period of not less than one week, and shall hold a public hearing thereon. The Board may also adopt regulations requiring notice by personal service or registered mail by the Building Inspector to property owners within any reasonable radius of the proposed development that the Board may determine.

6.60.06 COURT REVIEW OF BOARD

A. Any person, firm or corporation aggrieved by any decision of the Board may present to a court of competent jurisdiction a petition fully verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of illegality.

B. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board. Such petition shall not be filed with respect to the decision of the Office of Code Administration or any administrative officer without recourse to the Board of Zoning Appeals.