

CHAPTER 8

BOARD OF ZONING APPEALS

SECTION

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11-801. Creation and Designation. A board of zoning appeals is hereby established in accordance with sections 13-705 through 13-707, Tennessee Code Annotated. As permitted by section 13-705, Tennessee Code Annotated, the LaFollette Regional Planning Commission is hereby designated as the board of zoning appeals. (Ordinance No. 382, Section 11-801)

11-802. Procedure. Meetings of the board of zoning appeals shall be held at the call of the chairman and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep records of applications and action thereon. Such records shall be public records. (Ordinance No. 382, Section 11-802)

11-803. Appeals, How Taken. An appeal to the board of zoning appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by a decision of the building inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the board of zoning appeals a notice of appeal, specifying the grounds thereof. The building inspector shall transmit to the board all papers constituting the record upon a reasonable time for the hearing of the appeal, give notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any person or party may appear in person, by agent, or by attorney. (Ordinance No. 382, Section 11-803)

11-804. Administrative Reviews. The board of zoning appeals shall have the power to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the building inspector or other administrative official in the carrying out of enforcement of any provision of this ordinance; and for interpretation of the zoning map as provided in Section 11-402 (2). (Ordinance No., 382, Section 11-804)

11-805. Special Exceptions. The board of zoning appeals shall have the power to hear and decide applications for special exceptions (uses and structures permitted on approval by the board of zoning appeals) as specified in this ordinance and for decisions on any special questions upon which the board of zoning appeals is specifically authorized to pass under this ordinance. (Ordinance No., 283, Section 11-805)

11-806. Variances. The board of zoning appeals shall have the power to hear and decide applications for variances from the terms of this zoning code, but only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of the adoption of this zoning code as a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property the strict application of the provisions of this zoning code would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this zoning code.

In granting a variance the board may attach thereto such conditions regarding the location, character and other features or use as it may deem advisable in furtherance of the purposes of this zoning code. (Ordinance No. 382, Section 11-806)

Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without the variance is the minimum necessary so as not to destroy the historic character and design of the building and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.