

# BRISTOL TENNESSEE BOARD OF ZONING APPEALS MINUTES

Ewell L. Easley Annex Conference Room  
104 8<sup>th</sup> Street | Bristol, TN 37620  
September 27, 2022  
11:00 AM

**Members Present:**

David Rudd, Chairman  
Dustin Goforth, Vice-Chairman  
Katy Stigers, Secretary  
Joel Staton

**Staff Present:**

Cherith Young  
Danielle Smith  
Ross Peters  
Heather Moore  
Carty Leonard  
Bretta Morenings

**Public:**

Evan LoBalbo, Property Owner

## I. CALL TO ORDER AND ROLL CALL

Chairman David Rudd called the Bristol Tennessee Board of Zoning Appeals meeting to order at 11:03 AM on Tuesday, September 27, 2022. A roll call was performed, and a quorum was declared present.

## II. APPROVAL OF MINUTES

Joel Staton motioned to approve the February 17, 2022, meeting minutes. Dustin Goforth seconded the motion. The vote in favor was unanimous.

## III. NEW BUSINESS

### A. Variance Request – 1117 Barber Road

Cherith Young presented an overview of the Board of Zoning Appeals application, and information about the subject parcel. Ms. Young presented images of the property and the proposed location of the addition. She then presented ordinance information regarding side yard and corner lot requirements and answered the Board's questions regarding the larger setback on one side of the lot versus the other, right-of-way frontage, potential safety issues, etc. Ms. Young discussed the powers of the Board under Tennessee Code Annotated (13-7-207).

**Staff Recommendation:** The Board of Zoning Appeals deny the requested Building Setback Variance for the following reasons:

- *Chapter 2, Section 210 Corner Lot Side Yard Requirements of the Zoning Ordinance* states in residential districts, the minimum setback for the side yard along an intersection street shall be fifty percent (50%) greater than the minimum side yard setback for the district in which the lot is located. All structures, including accessory structures, shall meet the setback from the intersecting street. In all other respects, the minimum setback requirements for the district shall apply.

- *Chapter 3, Section 312 Residential Space Requirement Chart of the Zoning Ordinance* states the minimum side building setback line for a residential structure is ten (10) feet.
- *Chapter 2, Article IV, Division 4, of the Code of Ordinances, Section 2-138(d)*. states the difficulty or hardship shall be limited to exceptional narrowness, exceptional shallowness exceptional shape, exceptional topographic conditions, or other extraordinary and exceptional situations or conditions that have not been met.

Evan LoBalbo presented imagery and measurements of nonconforming properties near his home. He stated he realized each property was “grandfathered in”, but the lack of setback conformance was typical in his neighborhood. The Board inquired about Mr. LoBalbo’s privacy fence extending past the setback to the property line. Staff stated fencing does not have the same restrictions as a home addition.

The Board inquired about potential hardships. Mr. LoBalbo stated he purchased the home from his father-in-law after the passing of his mother-in-law, and his family has since outgrown it. He mentioned his mother resides next door so he would be able to assist her as needed. Additionally, he stated he could not afford to move due to high real estate prices and reiterated his need to have more space for his growing family.

Chairman Rudd questioned if the Board would be violating the Zoning Ordinance by approving this request. Danielle Smith, stated the “use” was not in question as specified in the Zoning Ordinance and that the Board could move forward with granting the variance based on difficulty or hardship if they saw fit but the use of the property is the issue.

Discussion ensued amongst the board members regarding what hardship entails. Discussion ensued over topics such as the increase in property value, setbacks from power lines, etc.

Dustin Goforth motioned to approve the variance. Joel Staton seconded the motion. The vote in favor was tied and the motion failed.

David Rudd – No  
 Joel Staton – Yes  
 Katy Stigers – No  
 Dustin Goforth – Yes

Ms. Smith reviewed the Board of Zoning Appeals bylaws and stated the majority vote must stand to approve the motion. In the event of a tie, the motion does not pass.

Mr. LoBalbo inquired if there is an opportunity to compromise on the setback requirements. Ms. Young stated the Board does not have the ability to compromise, but staff would be willing to work with him on the addition to the front or rear of the home. Ms. Young stated the Zoning Ordinance could be amended if the Planning Commission and City Council desired to make a change. Mr. LoBalbo asked staff a few additional questions regarding amendments to the addition.

#### **IV. OLD BUSINESS**

None.

#### **V. OTHER MATTERS**

**A. Training Update – Current Hours Status**

Ms. Young stated the Board must complete the remainder of their training hours by the end of December 2022 and inquired about training interests/preferences, as well as future training.

**B. October Meeting**

Mr. Rudd inquired about participation during next month's meeting. The board stated all members would be in attendance for either 10/25 or 10/27.

**VI. ADJOURNMENT**

With no other matters to present to the Board, Chairman David Rudd adjourned the meeting at 12:02 PM.

  
David Rudd, Chairman