

KNOX COUNTY BOARD OF ZONING APPEALS
BYLAWS

1. **PURPOSE:** The purpose of these rules is to provide for the just, speedy, and inexpensive transaction of business before the Knox County Board of Zoning Appeals (the “Board”).
2. **AUTHORITY:**
 - a. These rules are adopted pursuant to the authority vested in the Board by the Knox County Charter, the Knox County Zoning Ordinance, and the laws of the state of Tennessee.
 - b. The Board may suspend these rules by affirmative vote of five Members.
3. **APPLICATIONS AND APPEALS**
 - a. Every appeal or application for variance shall be made by filing an application with the Office of Codes Administration on or before the application deadline established by the Board. The procedure for appeals shall be as follows:
 - i. The application shall be filed with the Board through the Office of Codes Administration on a form approved by the board.
 - ii. The application shall contain the Applicant’s name, the property owner’s name, property address, parcel identification number, and other such information as required by the Office of Codes Administration.
 - iii. The Application shall contain a short plain statement of the reason or reasons the applicant is entitled to relief.
 - iv. A nonrefundable fee of \$200.00 shall be paid to the Office of Codes Administration upon filing an application.
 - v. A nonrefundable fee of \$400.00 shall be paid upon filing a variance request for construction that exists or has commenced in violation of Knox County Ordinance.
 - vi. A nonrefundable fee of \$200.00 shall be paid upon filing an application for appeal from any notice of violation.
 - b. Each request for a variance requires a separate application and fee.
 - c. All variance requests shall be accompanied by a site plan. Site plans shall be drawn on a size not less than 8 ½” x 11” nor more than 11” x 17”.
 - d. In addition to a site plan, variances for signs shall be accompanied by:

- i. A drawing showing the proposed elevation and dimensions of the sign;
 - ii. A drawing showing each face of the proposed sign together with the lettering that will appear on each face; and
 - iii. A description of the manner in which the sign will be lit.
- e. Any drawings, letters, emails, or other documentation that a party desires to be part of the record in a case before the board, must be received by the Office of Codes Administration no later than the filing deadline established by the Board. Such documentation shall be accompanied by thirteen (13) copies of each document.
 - f. All site plans and other drawings submitted to the Board shall be of a scale and quality required by the Office of Codes Administration. The Office of Codes Administration may require site plans of professional quality drawn to an engineers scale. When determining the required scale and quality for site plans, the Office of Codes Administration shall consider the size and complexity of the proposed project, the effect of the project on neighboring property, the proximity of proposed or existing structures to neighboring property, and whether additional detail will benefit the Board in any way.

4. MEETINGS

- a. All meetings of the Board shall be open to the public, except as authorized by law.
- b. The Board shall hold an agenda review session at noon each month on the date of the scheduled meeting in the County Commission Conference Room of the City-County Building at 400 Main Street, Suite 640, Knoxville, Tennessee, 37902, unless otherwise changed by the Board.
- c. Regular meetings shall be scheduled for 1:30 p.m. on the fourth Wednesday of each month. Meetings shall be scheduled in the Large Assembly Room of the City-County Building at 400 Main Street, Knoxville, Tennessee, 37902, unless otherwise changed by the Board.
- d. Unless the agenda is otherwise amended by the Board, each case shall be taken in the order listed on the agenda as prepared by the Department of Codes Administration.
- e. The presence of five (5) members of the Board shall constitute a quorum. A quorum must be present to hear or vote on any matter.

5. HEARING

- a. Witnesses appearing before the Board shall take an oath to testify truthfully and shall state their name and address for the record.

- b. The order of hearing each matter shall be as follows:
 - i. Each matter shall be introduced by the Clerk reading the agenda item;
 - ii. The Chair shall ascertain whether the applicant and opposition, if any, are present, and shall consider requests for additional time;
 - iii. Any government agency may make a statement either orally or in writing regarding the matter;
 - iv. The Applicant shall present the case for granting the application for relief;
 - v. Any opponents shall present the case for denying the application for relief;
 - vi. The Board shall discuss the case and make any determinations it deems necessary.
- c. Time Limits on Testimony
 - i. If no opposition, the applicant shall have up to 10 minutes to present the case for granting relief.
 - ii. If opposition appears at the hearing, the applicant and those persons in support shall have up to 15 minutes to present the case for granting relief including any rebuttal time reserved at the request of the applicant.
 - iii. Any persons appearing in opposition to the application shall have 15 minutes total to present the case for denying relief following the close of the applicant's proof.
 - iv. Any person may petition the Board for additional time if circumstances exist that would prevent presentation of the case within allotted time. In any such case the applicant and opposition shall enjoy equal time.
- d. Any Member, with the consent of the Chair, may examine any witness at any time.
- e. All documentary evidence presented to the Board for consideration shall be marked as an exhibit by the Clerk and made a part of the record before the Board.
- f. Any Member present at the hearing may move that the application in a particular case be approved, approved subject to stated conditions, or denied.

- g. Granting the relief requested in an application or appeal requires a motion, a second, and the affirmative vote of five Members. If a motion fails to receive a second or to carry the affirmative vote of five Members, the Chair will consider any subsequent motion on the same item. In the absence of a subsequent motion on the same item, the Chair shall announce that the application or appeal is denied. Any member may move to appeal the ruling of the chair to the entire Board. Upon motion and proper second, the question shall be put to the Board as follows: does the Board agree that the application or appeal should be denied? The negative vote of five members shall overrule the chair and result in further consideration of the underlying agenda item. If the motion fails to receive five negative votes or fails for lack of a second, the ruling of the chair shall stand and the application or appeal is denied.
- h. The Knox County Code and the Knox County Comprehensive Plan shall be deemed part of the record in every case before the Board.

6. DEFERRAL OR FAILURE TO APPEAR

- a. Any applicant may defer hearing on an application for a variance once without prejudice at any time prior to noon on the day before the scheduled meeting; after such time, the applicant must appear at the scheduled meeting to request deferral. In any such case the applicant shall request that the matter be rescheduled for one of the next two Board meetings. The date requested by the applicant shall appear in the record before the Board. Opponents may be heard on the record at any meeting where the application they oppose appears on the Board's agenda.
- b. All matters shall be continued until the next meeting without prejudice if a quorum of the Board fails to appear.
- c. Cases deferred at the request of an applicant shall be placed at the end of the agenda when rescheduled.
- d. In any case where the applicant fails to appear at the time scheduled to hear an application or make an appropriate request for deferral, the Board shall dismiss the application for lack of prosecution. The applicant shall be eligible to file a new application by paying the appropriate filing fee.

7. FINAL DECISIONS

- a. As soon as practicable after a decision of the Board in a particular case, the Board shall enter an order containing the decision. The order shall be signed by the Chair.
- b. After the order has been duly executed, the original shall be delivered to the Clerk for certification. A copy of the order shall be placed in the minutes of the Board.

- c. A copy of the order shall be sent to the Office of Codes Administration.
- d. All orders granting a variance to any land use regulation shall be signed by the Chair, certified by the Clerk, and recorded with the Knox County Register of Deeds. The applicant may receive the order for recording upon paying the Clerk's fee.

8. COMMUNICATION WITH AND AMONG BOARD MEMBERS

- a. No Member may communicate with any other Member in order to make a decision or to deliberate toward a decision on any application, unless the communication occurs at a public meeting.
- b. In the interest of due process, direct communications between a Member and any person who will appear before the Board are discouraged. Applicants and opponents may communicate with the Board, and Members may request information from applicants or opponents, through the Office of Codes Administration. The Office of Codes Administration shall keep a record of all such communications and shall transmit the communication to the intended recipient and copy all other interested parties. The record of communications shall be part of the record in the hearing before the Board.

9. OFFICERS

- a. At its October meeting each year, the Board shall elect from its members a Chair and a Vice Chair, who shall serve for a one (1) year term. The Chair shall preside over all meetings and hearings, appoint such committees as the chair deems appropriate, and shall affix signature on behalf of the board. The Vice Chair shall preside in the absence of the Chair. In the event of a vacancy in the office of Chair or Vice Chair, the Board shall elect one of its Members to complete the term.
- b. No person shall serve more than two consecutive terms as chair. No person shall serve more than two consecutive terms as vice chair.
- c. A majority vote of members present shall be required to elect an officer.

10. AMENDMENTS: These rules may be amended at any regular meeting of the Board by the affirmative vote of five (5) members.

11. INTERPRETATION OF THE BOARD'S RULES

- a. The Chairman is the final authority as to the meaning of these rules.
- b. Unless otherwise provided by these rules, the Board will be governed by Robert's Revised Rules of Order.

NOVEMBER 19, 2014

12. **FILING AND EFFECTIVE DATE:** These rules shall become upon adoption by the Board.
13. **REPEAL OF PREVIOUS RULES OF PROCEDURE:** Any other Rules of Procedure previously adopted are hereby repealed.

APPROVED AND ADOPTED ON THIS 19 DAY OF NOVEMBER, 2014.

KNOX COUNTY BOARD OF ZONING APPEALS

BY:



JOHN SCHOONMAKER
CHAIR