

CHAPTER 16

BOARD OF ZONING APPEALS

SECTION

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11-1600. Creation of the Board of Zoning Appeals - Membership and Appointment. A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members, not more than one (1) of whom may be a member of the Paris Municipal-Regional Planning Commission. They shall be appointed by the chief executive officer of the city and confirmed by a majority vote of the city commission. The term of members hip shall be five (5) years and so arranged that the term of one (1) member shall expire each year and at the creation of the Board there shall be members appointed for terms of five (5), four (4), three (3), two (2), and one (1) year (s), which members of their successors shall be reappointed for five (5) year terms thereafter. The compensation of the members of said board shall be as affixed by the city commission. Each board member before assuming the duties shall take an oath of affirmation that the member will support and faithfully discharge the duties of the board and faithfully enforce the charter and ordinances of the City of Paris. (Ord. #680, 04/01/88).

11-1601. Meetings of the Board. Meetings of the Board of Zoning Appeals shall be held on a called meeting basis with ten (10) days public notice by the city manager or city manager's designee and at such other times as the Board may determine, at the call of the chairman. 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, which shall be a public record. The Board is authorized and empowered to adopt such reasonable rules and regulations as it or a majority thereof may deem necessary and proper for the operation and supervisions of the business of the Board. Provided, however, that such rules and regulations must be submitted to the Board of Commissioners of the City of Paris, Tennessee, for approval before they have any force and effect. (Ord. #680, 04/01/88, Ord. #711, 06/01/89, Ord. #751, 05/02/91, Ord.# 851, 06/02/94, Ord. # 984, 09/06/01).

11-1602. Powers of the Board. The Board is hereby vested with the powers to:

- A. Hear and decide appeals where it is alleged that there is error in any order, requirement, permit, decision, or refusal made by the building inspector or any other administrative official in the carrying out or enforcement of any provision of this ordinance.
- B. Hear and act upon application for variances as provided herein.
- C. Hear and decide, in accordance with the provisions of Section 11-800. et. seq., requests for special permit uses (special exceptions).
- D. Interpret the official zoning map and decide upon disputed questions of lot lines or district boundary lines or similar questions as they arise in the administration of the zoning ordinance.

11-1603. Application and Procedure for Appeals.

- A. The Board of Zoning Appeals shall act only on appeals from decisions of the Building Inspector. Such appeal shall be taken by filing with the city manager or city manager's designee a "Notice of Appeal to the Board of Zoning Appeals". Forms for appeal are provided for this purpose by the office of the Building Inspector. Duplicate copies shall be prepared; one copy shall be filed with the city as a permanent public record and the other copy forwarded to the Board of Zoning Appeals for its action along with all papers constituting the record upon which the action appealed was taken.
- B. The appeals form must be accompanied by a small-scale vicinity map, showing the location of the property with respect to existing streets, street numbers and size of lots, nature of adjacent property uses, and other important features within and contiguous to the property. The names of the owners of all lots within three hundred (300) feet in all directions from the property shall also be shown.
- C. The Board shall give ten (10) days public notice for the hearing of an appeal as well as due notice to the parties of interest and decide the same within a reasonable time. Upon the hearing any person or party may appear in person or by agent or by attorney. (Ord. #680 04/01/88, Ord. # 851, 06/02/94).
- D. The fee for filing a "Notice of Appeal to the Board of Zoning Appeals" shall be \$50.00. Said fee shall be paid at the time the forms required in 11-1603.A. are filed with the city manager or city manager's designee. (Ord. # 984, 09/06/01).

11-1604. Variances.

- A. Purpose and Intent. Pursuant to Section 13-7-207, Tennessee Code Annotated, the Board of Zoning Appeals shall have the power to hear and decide applications for variances from the terms of this ordinance, 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 ordinance was 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 ordinance would result in practical difficulties to or 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 intents and purpose of this ordinance.

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.

- B. Application. After written denial of a building permit from the Building Inspector, a property owner may make application for variance, using forms obtainable.
- C. Public Notice and Hearing. Public notice and hearing on the application for a variance shall be as prescribed in Section 11-601 above.
- D. Standard for Variance. In granting a variance, the Board shall insure that all of the following criteria are met.
 - 1. Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography, or sitting) 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. Variances shall not be granted that will confer on the applicant any special privilege that is prohibited by this Ordinance to other lands, structures, or buildings in the same district.
 - 4. 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. Loss in property value shall not justify a variance; there must be a deprivation of beneficial use of land.
 - 5. Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.
 - 6. 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.
- E. Prohibition of Use Variances. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

11-1605. Conditions and Restrictions by the Board. The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards set forth above to reduce or minimize the effect of such variance upon surrounding property and carry out the general intent of this Ordinance. The Board may establish expiration dates as a condition or as a part of the variances.