

Minutes
Hamblen County Board of Zoning Appeals
May 5, 2025

Members Present

John Hofer, Chairman
Charles Anderson, Vice Chairman
Edgar Gray, Secretary
Bill Hicks

Staff

Tommy McKinney, Manager/Codes Enforcement
Donna Massey, Administrative Assistant
Misty Myers, Stormwater Assistant
Darrell Chase, Building Inspector
Josh Cole, City Planner
Tracy Tolley, Planner

Absent:

Chris Capps, County Attorney
Kay Hale

Others in Attendance:

Edna Greene
Linda Noe
Dustin Cameron
Justin Cameron

Thomas Doty
Rodney Long

Call to Order

Chairman Hofer called the meeting to order at 4:42 PM.

Chairman Hofer stated that the first item on the agenda, Whitesburg Market, will not be considered because no representative was in attendance and noted that they may be adjusting the property line so the addition would not encroach into the setbacks.

Public Comments

Chairman Hofer asked if there was anyone who would like to speak. There was no one who wished to speak.

Approval of the Minutes

Chairman Hofer stated the minutes were in the packets. Mr. Gray made a motion to approve the February 2025 minutes. Mr. Hicks seconded the motion. The motion was called and carried unanimously with a vote of 3 to 0.

Variances

***Dustin and Justin Cameron; 3253 Old Kentucky Road**

Dustin Cameron approached the podium. Chairman Hofer swore Mr. Cameron in. Chairman Hofer asked Mr. Cameron intended to do. Mr. Cameron stated he was requesting variances to be able to utilize the

home. He understood the parcel was a little small, but it was a nice home, an engineer had looked at it, and he hated for it to sit empty. Chairman Hofer stated that the parcel was too small to have a home on it, and the building permit was for an accessory building, not a residential structure/home. Mr. Cameron stated that when the building was being built, it was repeatedly inspected, and asked why they let him build a home on it if they knew it was a home. Chairman Hofer stated that the County did not know it was a home while it was being built. Mr. Cameron asked why they did not stop him. Mr. McKinney stated that the Building Inspector did not inspect the structure as a house, and that the Building Inspector inspected the footers, but never received any additional requests for additional inspections. Mr. McKinney stated that he and the Building Inspector had visited at a later date, and determined that a home had been built rather than an accessory structure. Mr. Cameron stated it was a well built home and it was a shame that it was not utilized. Chairman Hofer stated that when the previous owner was taken to court, the Judge would not allow the building to be torn down.

There being no further discussion or questions, Chairman Hofer called for a motion. Mr. Gray made a motion to deny the request as presented, based on lot size, and due to previous dealings with this

property found it to be inhabitable. Vice Chairman Anderson seconded the motion. The motion to deny was unanimously approved with a vote of 3 to 0.

***Dean and Kathy Berfield; 3512 Apostle Road**

Chairman Hofer announced the case and asked the applicant to state his name. Mr. Berfield stated his name. Chairman Hofer swore in Mr. Berfield. Chairman Hofer asked Mr. Berfield why he needed a variance. Mr. Berfield stated the current layout was a little different than he'd originally intended. He stated that he did not have enough room to put the garage closer to the house, so it is placed on top of the hill. He stated he could drive up the hill, but could not walk down the hill. He stated he needed something closer to the house, called the Planning Commission office, and was told that an accessory structure could be to the side of the house. He did not understand that the smaller accessory structure could not be in front of the house. Mr. Berfield stated he needed something he could put his tools in, and a building that he could access. Mr. Berfield stated that he had updated the storage structure to match his existing house. Ms. Berfield stated that they were landlocked, and their parcel was not very wide. Ms. Berfield stated that Mr. Berfield was 80 years old, a Marine vet, and neither was in the best shape to access the garage up the hill. Ms. Berfield stated they had bought an ATV to get the mail. Mr. Berfield stated the smaller accessory structure was to the right of the house, but they misunderstood that the structure was not allowed to be in the front of the house/parcel. Ms. Tolley stated that staff would ordinarily support a variance due to topography, in this case, the hill in the back of the property, but she had a hesitation due to the fact that the applicants put a 1500 sq. ft. garage in the rear of the property on top of the hill with no variance requested. Mr. Hicks asked if they could put the smaller accessory structure in the back of the property, if there was a level place to put it. Ms. Berfield stated there is a spring in the back of the property, as well as a hill, with no place to put the smaller accessory structure. Ms. Tolley stated staff was unaware of the spring. The Board asked if there was any space to place the accessory structure along the side property line. Ms. Berfield stated there was not enough room to place the smaller accessory structure to the side of the home. The Board asked about the smaller accessory structure to the rear of the property on the site plan. Ms. Tolley stated that was a sample site plan that had been updated to serve as a site plan for their application, but that smaller accessory structure did not exist.

Chairman Hofer asked if the Board was ready for a motion. Vice Chairman Anderson made a motion to grant the variance as presented based on topographical issues. Mr. Gray seconded the motion. Mr. Gray asked if the variance was granted, if it was granted for as long as the Berfields owned the property or forever. Mr. Cole stated that the variance, if granted, would run with the property and not "expire" if the Berfields no longer owned the property. Mr. Hicks asked if the garage behind the house could store stuff. Ms. Berfield stated he is unable to get to and from the garage. Ms. Berfield stated that there is not enough room to store anything else in the garage as well. Ms. Berfield stated they wanted the smaller accessory structure for additional items, specifically the items Mr. Berfield might need to do basic work—tools, etc.

There being no further discussion or questions, Chairman Hofer called for a vote. The motion was called and carried unanimously with a vote of 3 to 0.

Adjournment

With no further business, Mr. Gray made a motion to adjourn the meeting. Mr. Hicks seconded the motion. The motion was called and carried with a vote of 3 to 0. The meeting was adjourned at 5:04 PM.

/s/ Edgar Gray
Signature

June 2, 2025
Date