

From Sandra Korbelik, AICP (retired)
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Dear Commissioners:

Recommend to Knox County Commissioners that we retain our existing Use on Review Appeal Process.

1. Appealing through BZA saves time and money:
BZA = 1 or 2 months
Chancery Court = 12 months or more
Less time = less money
2. BZA decisions are usually accepted by both parties:
69% of the BZA decisions were accepted by both parties (16 cases since 2008 of which 5 continued to court and 11 did not)
3. As a quasi-judicial body the BZA hearing record carries a lot of weight, yet is flexible enough to find legal compromise. Chancery Court is more limited.
BZA modified almost 1/3 of the 16 appeals heard by BZA since 2008. Of these modified decisions only one was further appealed to court (court upheld the BZA).
4. There are many types of Use on Review categories. What are the unintended consequences should the BZA appeal process be removed?

The existing Use on Review Appeal Process to the BZA works really well. Removing the BZA and requiring all appeals go directly to Chancery Court slows and complicates the appeal process for all parties. It is more formal, expensive and time consuming.

The only benefit in removing the BZA is if you want the appeal process to be formal, expensive, and time consuming. Is the real purpose of "streamlining the appeal process" to make the appeal process harder for our community and applicants?