

Meeting call
6-K-22-0A
6/9/22

How many Use on Review appeals have there been?

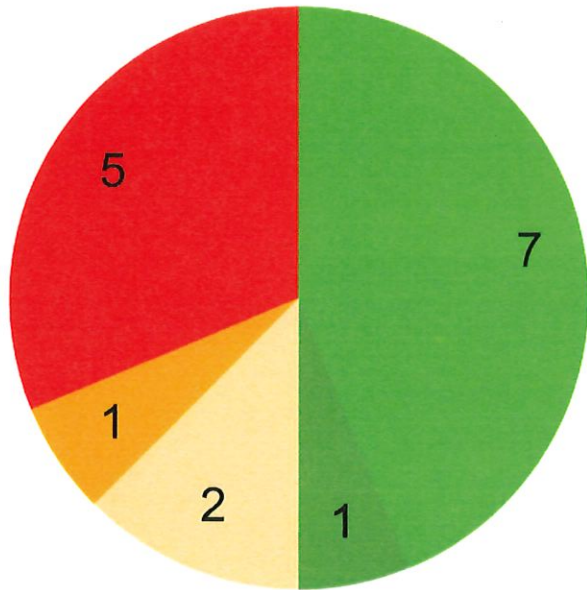
Answer: 16 since 2008. An additional 2 were withdrawn; 1 was an appeal of administrative officials decisions but agenda incorrectly

First Hearing	Final Hearing	Item	Case File	Appealed By	Request	Result	Appealed to Court	Zoning Ordinance
9-2008	-	411 Partnership / Shopping Center Norris Fwy	8-D-08-UR	Community	Retail shopping center, deny due to flooding	Overturned Planning Commission and denied Use on Review	Yes, upheld by Chancery Court	SC
10-2009		Expand driving range to 9 hole executive golf course 5125 W Beaver Creek Dr	9-C-09-UR	Community	Deny expansion of previous driving range UoR	Affirmed Planning Commission		AG
12-2009	-	411 Partnership / Shopping Center Norris Fwy	11-C-09-UR	Community	Retail shopping center, deny due to flooding	Affirmed Planning Commission which denied the Use on Review	Yes, BZA overturned at appeal 411 Partnership v. Knox County Nov 16, 2011	SC
10-2010	-	Store school buses in Ag zone	8-B-10-UR	Development Applicant	Overturn planning commission and allow school buses parking storage use in Ag zone	Affirmed Planning Commission		AG
1-2014	2-2014	Westland Cove	9-B-13-UR	Community	apartments, marina, etc	Modified - denied the marina, upheld in court <i>Benson v. Knox County</i>	Yes, upheld by court of appeals <i>Benson, et al. v Knox County, et al. May 12, 2016</i>	PR
10-2014	-	Westland Woods Subdivision	6-F-14-UR	Community	Subdivision	Modified Planning Commission - changed setbacks	-	PR
3-2015	5-2015	Wallace Rd Apartments	1-D-15-UR	Community		Affirmed Planning Commission		PR
7-2015	8-2015	Lovell Crossing Apartments	5-E-15-UR	Development Applicant	Remove requirement of sidewalks to be constructed	Modified Planning Commission - updated sidewalk condition with options for implementation	-	CN
11-2015	-	Cambridge Shores Subdivision	10-G-15-UR	Community	Subdivision - concern with erosion and water damage	Affirmed Planning Commission	-	PR
11-2018	-	Post Oak Bend	8-A-18-UR	Community	Deny the use on review because of incompatible traffic	Affirmed Planning Commission	Yes, BZA overturned on appeal, <i>Northshore Corridor Association et al. v. Knox County</i> , ruled March 30, 2021	PR
9/2020	-	Bluegrass Road Subdivision	8-D-20-UR	Community	Question about determination of stream and buffers	Modified Planning Commission - conditioned approval on submitting stormwater plan	-	PR
10/2020	1/2021	Acadia	8-C-20-UR	Community	Residential Treatment Center	Overturned Planning Commission and denied Use on Review	-	Various
12/2020	1/2021	Zion Lane	11-F-20-UR	Community	Boarding home for 12 residents + 2 staff	Affirmed Planning Commission	-	Various
1/2021	-	Woodbury Crossing	12-A-20-UR	Community	subdivision - request to include amenity area	Modified Planning Commission (slight - added 1 condition)	-	PR
1/2022	3/2022	Johnson Rd	12-D-21-UR	Community	Deny approved use of fueling station and drive-thru and restaurant	Ruled applicants did not have standing and file properly	Appeal Filed May 2022	CN
3/2022	-	Mission Hills Subdivision	1-G-22-UR	Community	Subdivision - deny access to street	Affirmed Planning Commission	Concept Plan (not Use on Review) appealed to court	PR

Do all Use on Review Appeals go to Court?

Answer: No. 69% from since 2008 have finished at BZA. 31% went further to court

Use on Review Appeal Speed



● BZA - 1 month ● BZA - 2 months ● BZA - 3 months
● BZA - 4 months ● Further Appeal To Court (1+ years)

What's the trend the last few years?

A: **Since 2020** there have been 6 Use on Review appeals. One (17%) has been appealed to court.

Use on Review Appeal Speed

Jan 2020 - May 2022



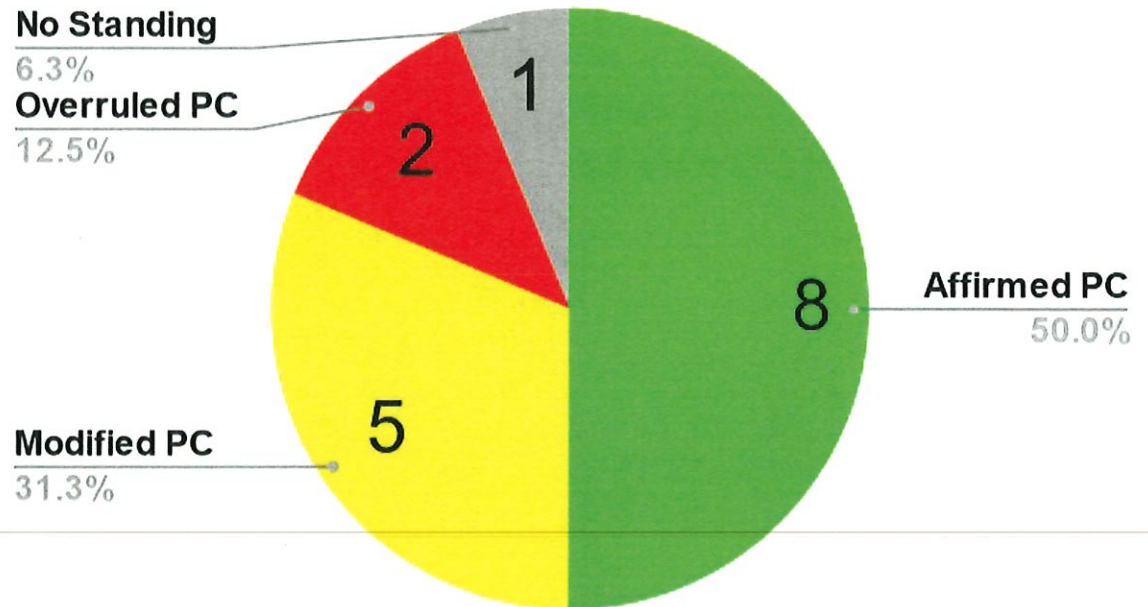
● BZA Resolved - 1 month ● BZA Resolved - 2 months
● BZA Resolved - 4 months ● Further Appeal To Court

Has BZA Only Overturned Planning Commission Once or Twice in the last 15 Years?

Since 2008, the BZA has affirmed the Planning Commission eight times (8, or 50%), modified or imposed restrictions five times, overruled twice (2), and ruled the applicant didn't have standing once (1). This is the full picture supported by the agendas and minutes, and is a much different story than claiming the BZA has only overturned Planning Commission once or twice and is therefore slowing things down by a few months.

BZA Appeal Actions since 2008

("PC" = Planning Commission)



What are the *FINAL* Results for Use on Review Appeals, Cumulative for BZA and Court actions

BZA has achieved a final resolution for 11 of the 16 Use on Review Appeals, providing a much quicker resolution than the 5 cases that have proceeded to court.

- 6 cases were affirmed by BZ
- 4 were modified by BZA, and a 5th modified by BZA *and* affirmed by court
- 1 was outright overturned by BZA
- 2 were overturned by BZA, and a court later upheld the BZA ruling to overturn
- 2 were affirmed by BZA and later overturned in court
- 1 was ruled by BZA that the applicant did not have standing, and a court appeal is pending

BZA Appeal Decisions since 2008
("PC" = Planning Commission)

