

ORDINANCE NO. 73-6

AN ORDINANCE TO CREATE A BOARD OF ZONING APPEALS, FIVE MEMBERS, TO PROVIDE FOR THE LENGTH OF THEIR TERM OF OFFICE AND TO ESTABLISH THE POWERS OF THE BOARD OF APPEALS.

BE IT ORDAINED BY THE CITY OF MT. JULIET, TENNESSEE, AS FOLLOWS:

In order to guide and accomplish a coordinated and harmonious development of the municipality which will be in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as the efficient economy and the process of development, a Board of Zoning Appeals is hereby created and established as authorized by Section 12-705 of the Tennessee Code Annotated, and the said Board of Zoning Appeals shall be organized and empowered as follows:

SECTION 1. MEMBERSHIP. The Board of Zoning Appeals shall consist of five members who shall be appointed by the Mayor. Three members of the Board shall be resident citizens of the City of Mt. Juliet. Two members of the Planning Commission may be appointed to the Board of Zoning Appeals. The terms of the five members of the Board shall be so arranged that the term of one member will expire each year. Any vacancy in the membership shall be filled for the unexpired term by the Mayor.

SECTION 2.

(a) The Board of Appeals may adopt supplemental rules of procedure, not inconsistent with this Ordinance.

(b) Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of municipality affected by any grant or refusal of a building permit or other acts or decisions of the Building Commissioner of the municipality or other administrative official based in whole or part upon the provisions of this Ordinance.

(c) The Board of Zoning Appeals is authorized to interpret the zoning maps and pass upon disputed sections of lot lines or district boundary lines or similar questions as they arise in

the administration of the zoning regulations.

The Board of Appeals shall have the following powers:

(d) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the municipal building commissioner or any other administrative official in the carrying out or enforcement of any provision of any ordinance enacted pursuant to this chapter.

(e) To hear and decide, in accordance with the provisions of any ordinance, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass.

(f) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this chapter would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

The members of the Board shall elect from its members its chairman and secretary who shall serve for one year with eligibility for re-election. The chairman shall preside at all meetings and the secretary shall keep records of all actions taken by the Board. The expenditures of the Board of Appeals shall be within the amount appropriated for the purposes by the City Commission of Mt. Juliet.

Any violation of this Ordinance is hereby declared to be a misdemeanor as set out in Section 13-708, Tennessee Code Annotated.

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BE IT FURTHER ORDAINED that all Ordinances and parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance take effect from and after its passage, the public welfare of the municipality of Mt. Juliet, Tennessee, requiring it.

APPROVED AND RECOMMENDED BY:

Richard C. H. Hutto  
MAYOR

James J. Bull  
COMMISSIONER

Thomas Dean Tomlinson  
COMMISSIONER

Barrie M. Weston  
CITY MANAGER

APPROVED AS TO FORM:

Wilson West  
CITY ATTORNEY

PASSED:

1st Reading 8/2/73

2nd Reading 8/16/73

3rd Reading 8/23/73

ATTEST:

Barrie M. Weston