

**LOUDON COUNTY  
PLANNING  
& CODES  
ENFORCEMENT OFFICE**

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**MINUTES**

**LOUDON REGIONAL PLANNING COMMISSION**

**June 5, 2013**

The June meeting of the Loudon Regional Planning Commission was called to order at 1:50 p.m., due to the Board of Zoning Appeals met first. Present were Mr. Carey, Mr. Brewster, Mr. Gammons, Ms. Hines, and Ms. Jones. Absent were Mr. Brennan, Mr. McEachern, Mr. Cardwell, and Ms. Roberts.

A motion to approve the minutes for the May 1, 2013 meeting was made by Ms. Hines, second was made by Mr. Gammons. Motion carried 5-0.

**Agenda Item A: Consideration of a request for approval of site plan for a new fishing bait shop at 801 Poplar Street, Tax Map 41B, Group C, Parcel 16.00, Zoned C-3.  
File # 13-05-31-SP-LO**

Mr. Newman stated that the Board of Zoning Appeals had addressed the variance issues that would have been required to approve the site plan the way it was submitted. He said the variances had been approved.

Ms. Hines made the motion to approve the submitted site plan, second was made by Mr. Gammons. Motion carried 5-0.

**Agenda Item B: Consideration of proposed amendment to Section 11-31. Site Plan Review of the City of Loudon Zoning Ordinance for minimum parking lot paving standards. Staff**

Mr. Newman said that this item should be acted upon when the full Commission was present.

Ms. Hines made the motion to postpone this item, second was made by Ms. Jones. Motion carried 5-0.

**Additional Public Comment:** There were none.

**Announcements and/or Comments from the Board/Commission:** There were none.

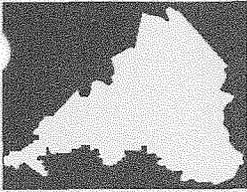
Meeting was adjourned at approximately 1:00 p.m.

*Hamilton B. Loring*

Signed

*7/3/13*

Date



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**MINUTES**

**LOUDON BOARD OF ZONING APPEALS**

**June 5, 2013**

The June meeting of the Loudon Board of Zoning Appeals was called to order at 12:30 p.m. The Board of Zoning Appeals met first due to the items on the agenda for the BZA. Present were Mr. Carey, Mr. McEachern, Mr. Gammons, Mr. Brewster (came in late), Ms. Hines, and Ms. Jones. Absent were Mr. Brennan, Mr. Cardwell, and Ms. Roberts.

Motion to approve the minutes for May 1, 2013 was made by Ms. Hines, second was made by Mr. Gammons. Motion carried 5-0 (Mr. Brewster was not here yet).

**Agenda Item A: Consideration of a special exception request to open a funeral home at 1366 Hwy. 72 N. Tax Map 48, Parcel 56.00, Zoned C-2.**

**Owner/Applicant: Larry Click**

Mr. Click was present.

Mr. Newman stated that Mr. Click had come by the office to apply for a Special Exception request for a funeral home after last month's meeting. He said that Mr. Click's request was distinguishing this request from the Special Exception request that is already pending. He stated that the pending Special Exception request was postponed for 90 days until the Board received a report from the Loudon County Air Quality. He said this request was a different application and was the reason it was put on the agenda. He stated that it needed to be discussed what operations would be done in a funeral home. He said that the original request was for both a funeral home and a crematory.

Mr. Click said that the request was for just a funeral home and not a crematory.

Mr. Newman asked Mr. Click what he would include in a funeral home operation.

Mr. Click stated that it was a place to meet the family, a place to have services, and a place to plan funerals.

Mr. Brewster came in the meeting at this time.

Mr. Newman asked Mr. Click if he would have office space in the building. He said that the building was approximately 2,800 sq. ft. He stated that it wasn't large enough to have services in this building. He asked Mr. Click if this was part of his plan to have a small chapel as he remodeled the building.

Mr. Click stated that he was meeting with his architect at 3 p.m. after the meeting. He said that they would figure out how many parking place he needed to have. He stated that the City ordinance says if he has 100 seats, he only had to have 20 parking spaces.

Mr. Newman said that there were currently 15 parking spaces.

Mr. Click stated he had the space for additional parking. He stated he had signed a contract with Rick Dover to use Carmichael Inn for services also. He said he planned at the present using Carmichael Inn for services, and then use this building the way it is. He stated that the drive-thru could make a chapel later on. He said at the present he wanted to get open and get some signage on the property.

Mr. Gammons asked Mr. Newman if the island in the front of the building could be used for extra parking.

Mr. Newman said that was part of the highway right of way. He stated this would not be an area Mr. Click could use for parking. He said the only additional parking Mr. Click could have would be in the back of the building.

Mr. Click stated that it was permissible to buy the right of way, because he has done it before.

Mr. Brewster said that Mr. Click has listened to the citizens of Loudon.

Mr. Newman stated that the original Special Exception request was still pending until Mr. Click withdraws the request. He said that if the Board thought this request could be tied to the original request, the Board could postpone their decision.

Mr. Brewster asked Mr. McEachern what he thought about taking action on this request with an existing request pending.

Mr. McEachern said that he thought this request is tied to the original request.

Mr. Click stated that he had told Mr. Newman that he intended to withdraw the original request, but he had not had a chance to write a letter of withdrawal.

Mr. McEachern said that he took Mr. Click's word that he is withdrawing the original request. He stated he did not see a problem with a funeral home being in this building.

Mr. Newman stated that the Board could take action on the current request one way or the other. He said that the Board needed something in writing the he is no longer requesting the crematory. He stated that the original request that is pending will be back on the agenda in 90 days unless he has officially withdrawn.

Mr. Click at this time wrote his withdrawal from the original request.

Mr. Brewster made the motion to approve the Special Exception for the funeral home, second was made by Mr. Gammons.

Ms. Barbara Lomax asked how legal the piece of paper that Mr. Click had written on was. She asked if the paper Mr. Click wrote on needed to be notarized before the Board voted on it.

Mr. Carey said that it did not have to be notarized.

Mr. McEachern stated there were over 25 witnesses.

Ms. Aileen Longmire asked why the Board did not require a site plan from Mr. Click. She said she had a problem with the Board voting on this request without seeing a plan from Mr. Click.

Mr. McEachern informed Ms. Longmire that this was an existing building and no site plan was required.

Mr. Newman said that if Mr. Click planned on extending the building, he would have to get site plan approval. He stated that currently Mr. Click could seat 75 people with the existing parking spaces he has.

Ms. Longmire and Mr. and Ms. Lomax complained to the Board that at last month's meeting, the Board had voted to postpone the decision on the crematorium for 90 days. They did not understand how the Board could vote on this item for the funeral home.

Each Board member tried to explain to Ms. Longmire and Mr. and Ms. Lomax that this was a different request from the crematorium, and that Mr. Click had just withdrawn the request for the crematorium from last month. The Board members explained that the crematorium request was no more.

Mr. Newman recommended the Special Exception request for a funeral home subject that it does not include a request for a crematory. He stated that if there were to be expansion that would include more than 75 seats, Mr. Click would need to submit a site plan to the Planning Commission.

The motion carried 4-1, with Ms. Jones voting "no" and the Chairman abstained.

**Agenda Item B: Consideration of a request for a 10' front yard setback variance for a new billboard located on northwest corner of Hwy 11 and Hwy 72 intersection, Referenced on Tax Map 48, Parcel 68.00, Zoned C-2. Owner John E. Hughes. Applicant: Elevation Outdoor**

Mr. Hughes, the property owner, and Mr. Martin Daniel, owner of Elevation Outdoor, were present.

Mr. Newman passed out a site plan that was received after the agenda packets were mailed out. He explained the location of the property. He stated that the property was currently vacant and was zoned commercial. He said that the front setback requirement was 30', and the side setback requirement was 20'. He stated that the property had 2 frontyard setback requirements fronting Hwy. 72 and Hwy. 11. He said that the Board had designated one of the frontyard as a sideyard when the street or road has been a secondary street or road. He stated that the difficulty in doing this for this property was that it fronted two major roads. He said he could not interpret either one of these roads as a secondary road. He stated that Mr. Hughes would need a 20' frontyard setback variance, because on the site plan, he showed that the sign would be 10' from the property line on Hwy. 72. He said the Board needed to decide if there was some hardship that would merit approving the variance based on the shape of the property, topography, or any other reasonable issues. He stated that he didn't see from the survey that there were any limitations if the sign could be moved toward the Biven's property or further up on the property to meet the required setbacks.

Mr. Daniel stated that the reason for the variance request was that the property angles east back away from Hwy. 72. He said they wanted the sign to be closer to the right of way. He stated that they wanted to amend the request to also provide a 300' square foot sign rather than the required 200' square foot sign, making the sign 12' X 25'. He said that the over all height of the sign would be 30'. He stated that the height above ground level would be 18'.

Mr. Newman said that the Board would have to vote to amend the agenda item to include the 300' square foot sign.

Mr. Brewster asked the status of the proposed 3-phase line for Loudon Utilities. He asked if it was to come down this property.

Mr. Daniel stated that he was not familiar with that.

Mr. Brewster said that there was to be a 3-phase line from Maremont Parkway down to Hwy. 72 to tie into the primary sub to Philadelphia. He stated that he didn't

know if it had been removed or was a timing issue. He suggested talking with Mr. Bill Watkins before a decision be made.

Mr. Newman asked Mr. Daniel why he couldn't move the sign further up on the property from Hwy. 72 and more toward the center to meet the setback requirement. He said that the elevation of the property goes up as it goes up the hill. He stated this would help address the height issue, which is always a concern with billboards and enable them to orient more toward the intersection.

Mr. Daniel stated that they wanted to be as close to the intersection as they could. He said that the landowner expressed the preference for the location of the sign.

Mr. Carey stated to Mr. Daniel that he needed to be sure about the powerline situation.

Mr. McEachern said that there was not power line easement showing on the site plan. He asked if there was an easement.

Mr. Newman stated that he would need to talk with the surveyor to see if he picked up the power line and talk with the utilities.

Mr. McEachern asked if the power line easement had anything to do with the Board's action. He said that if the sign did get approval with or without variance, he didn't see that it would be the Board's issue.

Mr. Newman stated that it would not be.

Ms. Hines asked if there was a physical reason for the variance.

Mr. Daniel said that he thought the variance would be justified due to the wide nature of the right of way and the way the property diverges from the right of way.

Mr. Gammons asked Mr. Daniel if the sign was illuminated.

Mr. Daniel stated that the sign would be illuminated.

Mr. Newman recommended to deny the variance request due to there was not anything in terms of the topography or the shape of the property to justify the request. He stated that there was sufficient area on the property to move the sign to meet the setback.

Mr. Brewster made the motion to deny the variance request, second was made by Ms. Hines. Motion carried 6-0.

**Agenda Item C: Consideration of request for the following setback variances to construct a 24' x 16' fishing bait shop located at 801 Poplar Street, Loudon. Tax Map 41B, Group C, Parcel 16.00:**

**Front Setback Variance – 27'**  
**Rear Setback Variance – 19'**  
**Rear Setback Variance – 10'**

**This property is 33' x 108' and fronts on Church Street and Poplar Street.**

Mr. and Ms. Thompson were present.

Mr. Newman stated that this property had been approved for rezoning to C-3 recently. He referred to the site plan submitted by Mr. Thompson that was included in the agenda packet. He said that the lot facing Church Street was 33', and facing Poplar Street was 108'. He stated that this lot was very, very small. He said that if Mr. Thompson built a building to fit on the lot and still meet the setback requirements, the building would only be 13' wide but could run the length of the lot. He stated that Mr. Thompson wants to build a 16' X 24" building. He said that Mr. Thompson plans on building a retaining wall between his property and Mr. Park's property, due to being only 1' from Mr. Park's property with the proposed building. He stated that the front on Poplar Street, Mr. Thompson would be 8 1/2 '. He said Mr. Thompson would be 10' off the back property line. He stated the required setbacks were 35' in the front, 10' on the side, 20' in the rear. He said that if Mr. Thompson turned the building the other way, his variance request would be 4' less each way. He asked Mr. Thompson to tell the Board why he wanted the building place this way on the property.

Mr. Thompson said that if he turned the building the other way, it would extend further toward the Park's property. He stated he didn't want to block Mr. Park's view of the street. He said he could put the building either way.

Mr. Newman stated that the Board could designate one of the streets as a sideyard. He said he considered Poplar Street as a secondary street. He stated that with the placement of the building shown on the site plan, it still would not meet the side setback requirement.

Mr. McEachern asked why there were 2 rear setback variances.

Mr. Newman said that once the Board decides what the front property line was, the rear setback variance would be determined. He stated that right now there were 2 frontyards.

Mr. McEachern stated his concern was attaching controls to these variances in case the bait shop will no longer be there in the future. He said he would like to attach to the variances that all businesses that operate in the building that they operate solely inside the building. He stated that there did not need to be any outside storage on the property.

Mr. Brannon verified that no outside storage was in the C-2 zoning district but not in the C-3 zoning district. He said that no retail business was allowed in C-3 zoning. He stated that the C-3 zoning was more like a neighborhood convenience type use.

Mr. Thompson said he had no intentions of putting anything outside the building.

Mr. McEachern made the motion to approve the variance requests with the condition that there would be no outside storage and the business be conducted in the structure, second was made by Ms. Hines. Motion carried 6-0.

**Agenda Item D: Consideration of a request to remedy a setback violation for an existing accessory structure located at 2212 Hwy 72 North ( Hardee's Resturant), Tax Map 48, Parcel 48.00, Zoned C-2. Owner: JMJ Realty.  
Applicant: Carlie McEachern**

Mr. McEachern was present and recused himself from the Board on this agenda item.

Mr. Newman stated that this item on the agenda was a follow up from a previous meeting. He said that Mr. McEachern had requested that a private drive that was on his property to be addressed relatively whether there were easement right of

ways with JMJ Realty to use as an access from the parking lot to Hardee's. He stated that after research they found there were easement documents that did grant the right to the parking lot. He said in addition to this issue, there is an existing accessory structure on the Hardee's property which should meet a minimum setback of 10' from that property line. He stated that the City could not find a building permit issued for the structure, and the structure does not meet the required setback. He said that Mr. McEachern has asked the Board to address the violation.

Mr. McEachern stated that the structure had been on the property approximately 20 years. He said when Hardee's first developed on this side of the property; there was an access to his drive. He stated this access was not on the site plan. He said the site plan showed the current access being blocked off. He stated that there had been blacktop and a landscaped island in this area. He said the customers started driving across the island. He stated in the early 1990's, Hardee's made an access for the customers to get out of the parking lot onto his drive. He said when he contacted Hardee's about this; they drove about 12 steel fence posts to block the access. He stated that people started driving over the fence posts and bent the posts onto the drive. He said when he contacted Hardee's again; they sawed the fence posts down to the blacktop line. He stated this re-opened the problem. He said this tore up his drive. He stated this was a safety issue for his employees leaving the plant, because they can't see Hardee's customers pulling out onto the drive. He said the illegal structure blocked the vision for these customers pulling out onto his drive. He stated that this problem could be handled by moving the structure back 10' or close up the access. He said his contact person passed away, and he was referred to someone else. He stated that they put up saw horses that lasted about 11 months. He said that since this time, he has not been able to talk to anyone to get this problem resolved. He stated that he wanted the building moved and the opening closed.

Mr. Dale Scoggins, from Hardee's, said that he agreed with Mr. McEachern that the wall and the building being a safety hazard.

Mr. Carey asked Mr. Scoggins if the building was being used.

Mr. Scoggins stated that it was an outdoor storage building.

Mr. McEachern said that they keep the grease vat in it, so the grease truck could get to it.

Mr. Scoggins stated that he had not been involved at the time the building was being built between, which was started in 1984 and finished in 1985. He said that the pictures he had was all done at the same time, about 29 years ago. He stated

he had no problem working with Mr. McEachern on the wall. He said that the driveway was deemed as a common access road. He stated there was no reason to close this access. He said that they would work with Mr. McEachern on road repairs, maintenance of the road, or whatever they needed to do.

Mr. Brewster asked Mr. Scoggins if Hardee's got a lot of traffic from this access.

Mr. Scoggins said that they did.

Mr. McEachern asked Mr. Scoggins about the grease vat that sets on a concrete pad.

Mr. Scoggins stated that the grease vat could be moved.

Mr. Newman asked Mr. Scoggins where he would move the grease vat.

Mr. Scoggins said they would probably build a fenced-in enclosure to put the grease vat with the dumpster.

Mr. Carey asked if Hardee's was going to move the grease vat and take down the wall, would the Board need to take any action on the item.

Mr. McEachern stated that the Board didn't need to take any action. He said after them moving the grease vat and tearing down the wall, it would be between Hardee's and himself. He stated that the situation would be corrected.

Mr. Scoggins asked the Board and Mr. McEachern to give him 2 months to move the grease vat and remove the wall.

Mr. Newman recommended that the Board acknowledge that there is setback violation that needed to be corrected and grant the owner of the property 2 months to rectify the setback violation.

Mr. Brewster made the motion to give the owner 2 months to correct the setback violation, second was made by Ms. Hines. Motion carried 5-0.

**Additional public comments:** There were none.

**Announcements and/or comments from the Board:** There were none.

Meeting was adjourned approximately 1:50 p.m.

Samuel B. Casey  
Signed

8/7/13  
Date