



**LOUDON COUNTY  
PLANNING  
& CODES  
ENFORCEMENT OFFICE**

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**MINUTES**

**LOUDON COUNTY REGIONAL PLANNING COMMISSION**

**March 19, 2013**

The March meeting of the Loudon County Regional Planning Commission was called to order at 5:30 p.m. Present were Mr. Brown, Mr. Luttrell, Ms. McNew, Mr. Jim Brooks, Mr. McEachern, Ms. Terry, Ms. Ross, Mr. Napier, and Mr. Bright. Absent was Ms. Cardwell. Mr. Hale came in after minutes were approved.

Motion to approve the minutes for the February 19, 2013 meeting was made by Mr. McEachern, seconded by Mr. Luttrell, and approved 9-0.

**Agenda Item A: Consideration of a 3 lot Re-Subdivision of 7 existing lots in Pleasant Ridge Subdivision, City of Greenback, Zoned C-1, Tax Map 80G, Group A, Parcels 11.00, 12.00, 13.00, 14.00, 15.00, 16.00 and Map 80, Parcel 50.01, located at Hwy 95, Rudd Rd., and Kinser Lane. 3<sup>rd</sup> Legislative District. Owner/ Applicant: Joe Berry and Theresa Burnette**

Mr. Newman stated that this subdivision was in the City of Greenback. He explained the location of the subdivision. He said that the 2 property owners who wanted to re-subdivide to combine seven of the old existing lots into 3 lots. He stated that the real purpose of the re-subdivision was one of the owners wanted to subdivide the center lot that was a septic/sewer easement for a lot across Rudd Road. He said the owner wants to deed that lot to the property owner across Rudd Road. He stated that the C-1 zoning in the City of Greenback does not have a minimum lot size or any setback requirements. He said that this re-subdivision does conform to the zoning ordinance. He stated that there were only 2 existing houses on these lots. He said that there would be a note on the plat that the center lot was not a buildable lot and was reserved for septic expansion.

Mr. Newman recommended that the re-subdivision plat be approved as presented.

Mr. McEachern made the motion to approve the re-subdivision plat, second was made by Ms. Terry. Motion carried 10-0.

**Planning and Codes Department Building Activity Report for the month of February, 2013:**  
Mr. Newman gave the building report for the month of February, 2013.

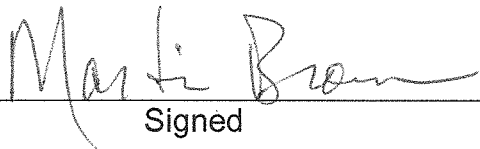
**County Commission Action on Planning Commission recommendations:** There were none.


**Additional Public Comment:** Mr. Mitchell Webster was present. He stated he was told by his surveyor to be at this meeting, because he had submitted a re-subdivision plat on Snodderly Drive to be approved by the Commission. He said that he wanted to re-subdivide 4 lots into 3 lots.

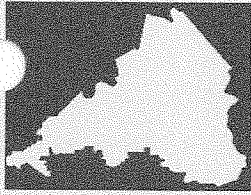
Mr. Newman said that review comments had been sent to the surveyor. He stated that the surveyor has not responded to the comments to put on the agenda. He said that the proposed re-subdivision would require rezoning before the plat could be approved. He stated that the property was currently zoned A-2, which requires a minimum of 1 acre for each lot. He said that the proposed plat showed that each lot was under 1 acre lots. He stated that Mr. Webster would have to apply for a rezoning. He said that the Planning Commission would then make a recommendation to County Commission.

**Comments from the Commission:** There were none.

Mr. Luttrell made the motion to adjourn, second was made by Mr. Napier. Motion carried 10-0. Meeting was adjourned approximately at 5:45 p.m.

  
Signed

  
Date



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**MINUTES**

**LOUDON COUNTY BOARD OF ZONING APPEALS**

**March 19, 2013**

The March meeting of the Loudon County Board of Zoning Appeals was called to order at 5:50 p.m. Present were Mr. Brown, Mr. Luttrell, Mr. McEachern, Mr. Bright, and Ms. Terry.

Mr. Brown, Chairman of the Board, swore in those who were to give testimony in the meeting.

Motion to approve the February 19, 2013 minutes was made by Mr. McEachern, second was made by Ms. Terry. Motion carried 5-0.

**Agenda Item A: Request special exception approval for use of a temporary dwelling on property located on Fairview Rd., Tax Map 43, Parcel 19.00, Zoned A-1. Owner/ Applicant: Joshua M. Frase**

Mr. Emanuel Frase, former owner of the property, and son, Joshua Frase, were present.

Mr. Emanuel Frase stated that he had lived on Fairview Road about 63 years. He said he had purchased this property about 20 years ago and gave it to his sons. He stated that he and his sons wanted to live in the camper 6 months to 1 year while building a house.

Mr. Newman asked Mr. Frase if he lived some where else on Fairview Road.

Mr. Frase said he did and would live in camper with his sons while building the house. He stated that this was a FEMA 32' camper.

Mr. Tim Brannon stated that he lives adjacent to this property. He said that he had built his home 20 years ago. He stated that he was a relative of the Frases. He stated that he preferred that a camper not be on the property. He said he was not sure how that might affect his property value. He stated he didn't know how long they intended to keep the camper on the property when the house was finished. He said

that there was some clutter on the property now. He stated that he was afraid that in the future that there would be more clutter.

Mr. Newman stated that the request was for the use of the camper for a 6 month period.

Mr. Brannon asked what enforcement would be done if the 6 months to a year time limit expired.

Mr. Newman said that if the Board approved the request, the administrative staff would enforce the time limit. He stated that the staff would go to the property in a year to see if the camper had been removed. He said that if the work on the house had not been completed within that 1 year time limit and they still needed to live in the camper, they would have to come back to the Board for an extension if it was for a legitimate reason.

Mr. Brannon asked if this was his only recourse which was coming to the meeting and stating his concerns.

Mr. Newman said that he always had legal recourse if he wanted to pursue the issue.

Mr. Brannon stated that he just didn't want to come down his driveway and see what could transpire.

Mr. Frase said that some of the material that was on the property was building materials that they had been collecting. He stated that the building materials had been covered up. He said that after the house was completed, the camper would stay on the property. He stated that his sons would be using the camper to go camping in.

Mr. Joshua Frase stated that they planned on going ahead and put the electric and water into the property. He said that they plan to build a "Tennessee Small House" which was about 15' X 15'.

Mr. Newman said that being consistent with how the Board has handled previous requests for owners to live in campers while building their house, he would recommend to approve this use for a temporary dwelling request for a 1-year period.

Mr. Luttrell stated that he had reservations about this request if there was going to be more than one dwelling on the property.

Mr. Newman said that the request was for only one temporary dwelling. He stated that they could pull a building permit for one dwelling on property that doesn't already

have a dwelling on it. He said that there couldn't be any other permit issued for another dwelling unless the property was subdivided to create another parcel. He stated that if this request was approved, Mr. Frase would need to come into the office to get a building permit to construct the dwelling. He said that the construction would need to be completed within one year.

Ms. Terry made the motion to approve the request for a temporary dwelling for no more than 12 months, second was made by Mr. McEachern. Motion carried 3-2, with Mr. Brown and Mr. Luttrell voting no.

Mr. Brown explained to Mr. Frase that he had 12 months to build a house.

**Agenda Item B: Request variance to designate Dixie Lee Lane a side yard for 1882 Dixie Lee Circle , a double frontage lot, in Huskey Wheeler Subdivision, Tax Map 7J, Control Map 7J, Group B, Parcel 21.00. Zoned R-1. Owner/ Applicant: Beverly Sweeney**

Ms. Sweeney was not present. Ms. Sweeney's contractor was present.

Mr. Newman explained the location of the property. He stated that the property was a corner lot and had 2 frontyards, Dixie Lee Circle and Dixie Lee Ln. He said that the drive would come off Dixie Lee Ln. where the carport would be placed.

Mr. McEachern made the motion to designate Dixie Lee Ln. as a sideyard, second was made by Ms. Terry. Motion carried 5-0.

**Agenda Item C: Consideration of Appeal of Violation Notice of Loudon County Zoning Resolution for occupying a temporary dwelling as a permanent residence at 1290 Jackson Bend Road, Tax Map 27, Parcel 104.01, Zoned A-1. Owner/ Applicant: Thurman Wolford.**

Mr. Wolford was present.

Mr. Newman stated that Mr. Wolford had been contacted by the Planning Office about violations of junk/debris of the Zoning Resolution. He said that in the course of discussion with the property owner, the office found out that the camper on the property was being occupied by Mr. Wolford. He stated that Mr. Wolford's mother-in-law lived in the existing house.

Mr. Wolford said that he needed 6 months to convert the back room on the house to a livable space. He stated that currently the room was being used for storage. He said that once he gets the storage room cleaned up and finished construction, he would move the camper out. He stated that he has had both of his hips replaced, he had a bad heart, and his wife had been sick.

Mr. Luttrell asked Mr. Wolford if he was the property owner.

Mr. Wolford stated that he owned the property with the existing house.

Mr. Luttrell asked Mr. Wolford how long he had lived in the camper.

Mr. Wolford said that he moved in the camper around 2008. He said there was already an electric plug in on the electric pole. He stated that he didn't know that there was anything wrong with what he was doing.

Mr. Brown informed Mr. Wolford that he already had 5 years to do what he could have done to the finish the room.

Mr. Newman recommended that the Board give Mr. Wolford 6 months to continue to live in the camper while he finishes the back room on the house. He said that he believed that Mr. Wolford did not know that he was in violation of the Zoning Resolution.

Mr. Wolford stated that he already had the RV promised to a guy who lived up the road.

Mr. McEachern made the motion to give Mr. Wolford permission to live in the temporary dwelling for 6 months, second was made by Ms. Terry. Motion carried 4-1 with Mr. Luttrell voting no.

**Agenda Item D: Consideration of appeal of denial of building permit to place a second dwelling on property located at 14211 Virtue Rd., Tax Map 11, Parcel 253.00, Zoned R-1/RE Overlay. Owner: George Stooksbury Applicant: Bobby Stooksbury**

Mr. and Ms. Bobby Stooksbury were present. Mr. Van Shaver was present to represent Mr. Stooksbury.

Mr. Shaver stated he needed to make a correction on the agenda, because they did not ask for 2 dwellings on one lot. He said the problem was probably because the map and parcel was wrong on the agenda. He stated that the parcel number was 253.01.

Mr. Newman said that there was not a Parcel 253.01. He asked Mr. Shaver if the parcel was created by deed.

Mr. Shaver stated that the parcel was created by deed.

Mr. Newman asked Mr. Shaver when the parcel was created.

Mr. Shaver said that the Warranty Deed was filed February 19<sup>th</sup>. He stated that the parcel was created by the Property Assessor's office.

Mr. Newman asked when the parcel was created, because there was not a parcel when they talked last week.

Mr. Shaver stated that it would be hard for him to tell when anything happened. He said he had a copy of the map with the parcel on it.

Mr. Newman said that his point was that the parcel did not exist when the agenda was sent out.

Mr. Shaver stated that what they were actually asking for was a new building site on this parcel. He said the main request was a road frontage variance.

Mr. Newman said that was not the request that was on the agenda.

Mr. Newman again asked Mr. Shaver when the map was created.

Mr. Shaver said that the map was created maybe Monday.

Mr. Newman stated that his point was that the parcel did not exist when the application was filed. He said that Mr. Shaver had the parcel done before the meeting.

Mr. Shaver said that it was necessary that it had to be done. He stated that their property had a 58' road frontage on Virtue Road.

Mr. Newman asked Mr. Shaver why the road frontage was 58'. He asked if the parcel created February 19, 2013 only had 58' road frontage.

Mr. Shaver said that was correct.

Mr. Newman stated that having only 58' road frontage made the parcel an illegal lot.

Mr. Shaver said that he was not going to debate that. He stated that according to the Register of Deeds Office, the Property Assessor's Office, the State of Tennessee, and to their attorney, the parcel was legal. He said that the Loudon County Zoning Regulations states that the lot only had to be a half-acre lot with a minimum of 20,000 square feet and only had to have 25' on a public accepted road. He stated that he

knew that in the Subdivision Regulations, it states that there had to be 75' road frontage. He said that technically that this property had been on its own since 1987. He introduced the three Stooksbury's who were present. He said that Mr. George Stooksbury was unable to attend the meeting. He stated that the lot had mobile homes on it since the 1960's until 1996. He said that in 1987, the former Building Commissioner, told them that they needed to get a building permit for the doublewide mobile home they had placed on the property. He stated that this is when they found out that 2 dwellings could not be on 1 parcel. He said that is when the parcel was subdivided. He stated they went before the Board of Zoning of Appeals in 1987. He said the Board granted the Stooksbury's a variance subject to the lot being subdivided. He stated that they were recommended an attorney, and the attorney drew up a warranty deed. He said that since 1987 until now, the Stooksbury's thought it was a good lot.

Mr. Newman stated that this was not true. He said that it was a single parcel until Mr. Shaver had it divided this week. He asked Mr. Shaver why he had to have it divided if it was already divided.

Mr. Shaver said that the first problem they ran into was when the Stooksbury's daughter-in-law came to get a building permit, and the property showed that the grandfather, George Stooksbury only had a half acre of property. He stated that the daughter-in-law did not understand any of the issues and goes back to talk with the Stooksbury's. He said that the Stooksbury's knew what happened in 1987, and they just thought it was a mix up. He stated that when the Stooksbury's came to find out what was going on, they found out that the deed drawn up in 1987 was not registered. He informed the Board that a deed does not have to be registered, because it was not a legal requirement in the State of Tennessee.

Mr. Newman commented that a deed doesn't divide the property either.

Mr. Shaver stated that when the Stooksbury's got their deed out to review it they found errors in the deed. He said then the Stooksbury's got Mr. Shaver's son, an attorney, to write a quit claim deed from the grandfather, George Stooksbury, to the son, Zachary Stooksbury. He stated that they got the old numbers from the old 1987 deed. He said that when the Stooksbury's brought the quit claim deed into the Planning Office, they were told there was another problem. He stated there was a new problem each time they come to the Planning Office, i.e. didn't have a survey, don't have enough road frontage, and the RE Overlay zoning that is on the property along with other properties in the area. He said he was not asking the Board to address the RE Overlay problem, because this was not an action that the Board of Zoning of Appeals handles. He stated that he thought this was a County Commission action. He said that whatever they do to the property, they



will need a 17' road frontage variance. He stated that is why they were at this meeting. He addressed the RE Overlay issue on the property. He said that in 1994/1995, one of the neighbors, Mr. Jarnigan, had come to Mr. Stooksbury and his dad about the petition that were getting up to get something done about prohibiting mobile homes in their area. He stated that Mr. Stooksbury and his dad did not sign the petition. He said the Stooksbury's did not know the outcome of the petition until they came in recently to get a building permit to place a singlewide on the property. He stated that he was not arguing over the RE Overlay, except there had been other mobile homes that had been placed on properties in the RE Overlay area. He said that this could render a problem enforcing this issue now. Again, he stated that what they were asking for was a 17' road frontage variance to get the process going. He said that until the middle of February of this year, everyone thought this was a legal parcel.

Mr. Newman said this was not true.

Mr. Shaver stated that everyone thought it was, because it had been approved and done in 1987. He said there was a mobile home on the property for 11 years after this without a problem. He stated they were going to take every step they needed to take to deal with the RE Overlay. He said that when the last time he talked with Mr. Newman about what they needed to do, he said that Mr. Newman told him they needed to come to the BZA. He stated that the reason he was at this meeting was because the Planning and Codes Enforcement Office will not issue a building permit to be able to bring the mobile home onto the lot.

Mr. Newman reviewed the issues from the Planning and Codes Enforcement Office prospective. He referred to the document he had given out prior to the meeting. He stated that the daughter-in-law came into the office to get a building permit in February, 2013 to place a mobile home on 14211 Virtue Road. He said that the recorded 1955 deed for the property references that it was a 1 acre lot. He stated that the measurements on the deed were a meet and bounds description, which means the property has never been surveyed. He said that the property owner is George Stooksbury, Bobby Stooksbury's father. He stated that Mr. George Stooksbury has never come into the office. He said that since the property was zoned R-1, the property could be subdivided into 2 – ½ lots if each lot totaled 20,000 square feet. He stated that the property did have an RE Overlay which was adopted in 1994. He said that in reviewing the property for a buildable parcel, the office found out that it was not a buildable parcel. He stated that it was one parcel with an existing house on it. He said that they wanting a permit to place another dwelling on the same parcel. He stated that the daughter-in-law was told at that point that the property would need to

be subdivided by plat and septic permit issued before issuing a building permit. He said that the Stooksbury's later told the office that they had previously had a mobile

home on that property that had been approved by the County in the late 1980's. He stated that the Stooksbury's said that the mobile home remained on the property until about 1995 when they built a new home on an adjacent piece of property. He said that this property they were building on had nothing to do with this property the appeal was on. He stated that the office research the BZA Minutes to see what transpired in 1980's. He said that the office did find out the Mr. George Stooksbury had requested from the BZA to put 2 dwellings on the property which is 14211 Virtue Road in 1987. He stated what the BZA approved was not to allow 2 dwellings on the property, but did approve a 30' lot width variance (Zoning Resolution requires in the R-1 zoning district a 100' lot width at the building setback line.) subject to the property being subdivided into 2 lots. He stated that the office never did find any record where the property was ever subdivided. He said there were no plat on record and no deed dividing the property at that time. He stated that Ms. Stooksbury did give him a copy of a deed that was prepared in 1987 by Attorney Terry Vann. He said that the deed would have divided the property roughly in half. He stated that the deed was not ever signed by Mr. George Stooksbury and was never recorded. He said there was never a survey plat been on record. He stated that the Planning Commission Subdivision Regulations states:

The term subdivision means the division of a tract or parcel of land into 2 or more lots, sites, or other divisions for the purpose, whether immediate or future of sale or building development provided however that subdivision does not include a division of any tract or parcel of land into 2 or more tracts or parcels when such parts or parcels are 5 acres or larger in size.

He said this was a 1 acre parcel with 1 existing home on it. He stated that according to the subdivision regulations, it should be subdivided by plat to create 2 buildable parcels. He said that since this property was less than 5 acres, it was subject to the subdivision regulations. He said the attorney they got to do the recent quit claim deed describes a division of this property. He stated that the deed description gives the new created parcel only 58' road frontage. He said that the previous deed on the 1 acre property describes the road frontage as being 167'. He stated that it had more than adequate enough road frontage for the 2 parcels if it had been surveyed and divided. He said that each parcel could have 75' road frontage. He stated that without the property being surveyed, there was no way of knowing if each lot would have the minimum 20,000 square feet or if the building setback line was 100' in width. He said that the office did find out that in 1994, that the County Commission approved the adoption of the RE Overlay on the area property (Martel Road, Shaw Ferry Road,

Old Midway Road, Virtue Road, and Wilson Road). He stated that one of the reasons for creating the RE Overlay was to prohibit mobile homes being placed on those properties.

Mr. Brown asked if the BZA Minutes dated in 1987 was still in affect.

Mr. Newman stated that the Stooksbury's had placed a mobile home on the property in 1987. He said that the BZA approval was subject to the property being subdivided.

Mr. Brown said the way he understood the minutes was that the Board of Zoning of Appeals approved the property to be divided into 2 lots in 1987.

Mr. McEachern stated that was not how he understood the minutes. He said he understood it as being they granted the variance contingent on the property being subdivided into 2 lots.

Mr. Brown asked if this approval they received in 1987 gave them the right to do this now.

Mr. Shaver said that the deed was not recorded in 1987 by the Stooksbury's or their attorney.

Mr. Brown stated that he understood that. He said that this approval didn't have a time limit. He asked if this approval was legally still in affect.

Mr. Newman said that the 30' lot width variance approval would still be in affect if they had created the lot. He stated that the other issue was whether the right to divide the property was subject to a plat being prepared and submitted to be approved by the Planning Commission.

Mr. Brown stated that was not required at this time, and it only required 25' road frontage.

Mr. Newman said that they are trying to create the parcel now.

Mr. Shaver stated that the State's law under the Public Planning/Housing states that if it is just 2 lots, it doesn't require Planning Commission's approval.

Mr. Brown said that was what the State required.

Mr. Shaver stated that everyone that was involved says that they have a valid lot, except right now. He said that the new parcel has had its own address since 1987.

Mr. Newman said that the new parcel did not have its own address, because he had checked with the 911 addressing personnel.

Ms. Stooksbury stated that when she checked on mapquest.com, the address was there Saturday until today. She said that the address now shows up on the property about 1/8 mile down the road. She had some mail sent to them at this address.

Mr. Stooksbury said that when he built his new house, he thought he could continue to use that address, but he was told it stayed on his old property. He stated that he did everything he was told to do that the Board had asked him to do (1987). He said that the former Building Commissioner, Mr. Dough Lawrence, helped him through the steps. He stated that the Board gave him what he needed. He stated that he thought everything had been done, and that it was not a problem. He said that the attorney he had then didn't tell him anything.

Mr. Newman asked Mr. Stooksbury what the attorney who had written the recent deed tell him to do. He said he was trying to differentiate what the attorney told him to do this time from the last time.

Mr. Stooksbury stated that the first attorney was recommended to him to take care of the deed.

Mr. Newman asked Mr. Stooksbury who had recorded the most recent deed.

Ms. Stooksbury said that she had recorded the most recent deed with her son and daughter-in-law.

Mr. Newman asked when the attorney wrote the 1987 deed and gave it to them, what was done with that deed.

Mr. Stooksbury stated that he was not told to do anything. He said that he did everything "they" told him to do. He stated he was only trying to get his son, grandson, and daughter-in-law to live on the property he grew up on since 1957. He again said that he had gone before the Board and did everything they had asked. He stated he didn't know how it all got fouled up. He said he was not a crook, and he was not trying to do anything crooked or sneaky. He stated that today when he was on his property, he counted 8 trailers he could see from his property. He said this didn't bother him one bit.

Mr. Newman said to Mr. Stooksbury that the office had asked his wife to do when they came in to get a building permit was to subdivide the property when the office found

out that it was a 1 acre parcel with an existing dwelling. He stated Ms. Stooksbury was told that they needed to have the property surveyed and provide a plat as is required by the subdivision regulations. He said that they had not done that.

Mr. Stooksbury stated that the daughter-in-law came to the office to get the building permit, but she didn't know what was going on. He said she had called them and said that Mr. George Stooksbury's property was only ½ acre. He stated that he told her that the property was an acre. He said that he came to the office with his deed, and the office pulled the map of the property up. He stated that the property looked like it had a ½ acre, because there was a line down the property. (It did not have a line going through the property. I sent him upstairs to show them his deed – which said it was 1 acre - with what the Property Assessor's Office had on the tax card.- ½ acre.) He said that they were then sent to the Property Assessor's office to get the property combined back to 1 acre. He said that the Property Assessor's office was to call him Tuesday to let him know that they had combined it. He stated that he thought they were good to go then. He said that when they came back to the office, he was told that it was no good.

Mr. Newman asked Mr. Stooksbury if his dad had ever gotten 2 separate tax bills on this property.

Mr. Stooksbury said his dad has not received 2 tax bills on this property.

Mr. Newman stated that it was never divided. He said that if the property had been divided in 1987, his dad would have received 2 separate tax bills.

Mr. Stooksbury said that he thought all this was right from years ago. He stated that they told him to put his trailer on the property.

Mr. Newman asked Mr. Stooksbury if he ever came in to get his building permit for the original mobile home.

Mr. Stooksbury stated that Mr. Lawrence had helped him through all the steps. He said that from everything they had to go through, Mr. Lawrence would not have issued a permit.

Mr. Newman said to Mr. Stooksbury that the property had an existing septic system. He asked Mr. Stooksbury if he had gotten a septic permit.

Mr. Stooksbury stated that the septic system was put in back in the 1960's for his grandmother's trailer. He said that the septic system was still good, because he used it when they lived on the property. He stated that this was an expense his son and

daughter-in-law would not have to have. He said that he was just trying to do what was right and get their home started. Again, he stated they would do whatever they needed to do.

Mr. Brown said that the BZA had given them the approval in 1987 to subdivide the property. He said this was valid, because it didn't have a time limit on it. He stated that once this Board makes a decision, the decision is good until the court changes it. He said this was his opinion. He stated that he was sure that Mr. Lawrence would have made sure they had gotten a building permit if a trailer had been put on the lot. He said that the Board could not approve what was on the agenda. He stated that he thought the Board needed to vote on what was on the agenda. He said he didn't think they needed anything, personally. He stated that it didn't grant them the approval to put a trailer on the property because of the RE Overlay that will not allow them to put a trailer on the lot. He said that this Board could not address the RE Overlay. He stated that was a Planning issue.

Ms. Stooksbury stated that they would go to County Commission about the RE Overlay.

Mr. Luttrell said that he had heard well-thought out presentations, and he made the motion that the consideration of appeal of denial of a building permit to place a second dwelling on property located at 14211 Virtue Road to be upheld. He stated that this was the request on the agenda. Second was made by Mr. McEachern. Motion carried 5-0.

Mr. Shaver asked where did that leave the Stooksbury's in what they could proceed with. He said that he knew the RE Overlay was not to be debated with the Board, but they would take that to County Commission. He stated that they handle zoning problems. He said that since they didn't ask for 2 dwellings on the lot that was on the agenda, the Board just upheld something that didn't happen. He stated they were asking for a building permit to go on Parcel 253.01. He said their new quest would be to take care of the other things that are going to need to be done. He asked how this decision would affect the mobile home coming onto this lot and what was to be done next. He said they were trying to take the path of the least resistance and do what they were told to do, which was to come before the Board of Zoning of Appeals.

Mr. Brown stated that an attorney could tell them if the approval from 1987 was still good.

Mr. Shaver said that the setback from the front lot line was 116'. He stated that the drawing he presented the Board was to scale. He said that all the required information was on the drawing to receive a building permit.

Mr. Brown stated that a building permit could not be given, because of the RE Overlay.

Mr. Shaver said that they were going to deal with the RE Overlay.

Mr. Brown stated the question was if the lot was a legal lot.

Mr. Newman said that the drawing was not a plat prepared by a surveyor.

Mr. Brown stated that at this time it does require a plat, even though the drawing was good. He said that they were still required to do a plat.

Mr. Shaver asked the definition of "plat." He said that the definition of a plat was a drawing, plan, or plot.

Mr. Newman said that the plat needed to be prepared by a registered surveyor that conforms to the subdivision regulations.

Mr. Shaver stated that it doesn't say that, but they would not argue the point.

Mr. Newman informed Mr. Shaver in regard to the RE Overlay, the Planning Commission needs to review a request to remove the zoning on this property if that is what the Stooksbury's wanted to pursue.

Mr. Shaver asked if the Planning Commission would have to review it to make a recommendation to County Commission.

Mr. Newman said that was correct.

Mr. Shaver stated that it was his thinking County Commission would do this without having to go through the Planning Commission.

Mr. Newman said that legally they could not do that. He stated that the law says that they have to have the Planning Commission's recommendation.

Mr. Shaver stated that they will find that the RE Overlay had been violated so many times since 1994, that it would be unenforceable at this point. He said that once it's violated, it was unenforceable. He stated that it would be discriminating. He said they would explore all the options, but they would do everything exactly right by the letter of the law.

Mr. McEachern reminded Mr. Shaver when he was looking into the RE Overlay, that mobile homes are only singlewides. He said that a doublewide does not violate the RE Overlay.

Mr. Shaver said that by the Planning Commission's definition, only a modular home is considered not a mobile home. He stated that with the Planning Commission's regulations, a doublewide is a mobile home.

Mr. Newman stated that a doublewide was not a mobile home.

Mr. McEachern said that the State does not consider a doublewide a mobile home.

Mr. Newman stated that was the State definition.

Mr. McEachern said that in the State of Tennessee, a doublewide was the same as a stick-built house. He stated that if it went to court, it would be upheld.

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

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

Mr. McEachern made the motion to adjourn, second was made by Mr. Luttrell. The meeting was adjourned at approximately 7:00 p.m.

  
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Signed

  
\_\_\_\_\_  
Date