

**LOUDON COUNTY
PLANNING
& CODES
ENFORCEMENT OFFICE**

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MINUTES

LOUDON COUNTY REGIONAL PLANNING COMMISSION

April 16, 2013

The April 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, Mr. Hale, and Mr. Bright. Absent was Ms. Cardwell.

Motion to approve the minutes for the March 19, 2013 meeting was made by Mr. McEachern, seconded by Mr. Napier, and approved 10-0.

Agenda Item A: Consideration of request to rezone 2 acres located at southwest corner of the intersection of Loudon Ridge Road and Snodderly Drive, from A-2 (Rural Residential) to R-1 (Suburban Residential), referenced on Tax Map 25K, Group B, Parcels 22.00, 23.00, 24.00 and 25.00, 5th Legislative District. Owner / Applicant: Mitch Webster. File # 13-13-19-RZ-CO

Mr. Webster was present.

Mr. Webster stated that the reason for the rezoning request was he wanted to re-subdivide the property, but because of the lot size of the re-subdivision, he would have to get the property rezoned. He said that the current zoning was A-2 which required a minimum of 1 acre lots. He stated that the re-subdivided lots were less than 1 acre each.

Mr. Newman said that this item was brought up at last month's meeting, but Mr. Webster had not yet applied for the rezoning. He explained the location of the property. He stated that there was one existing home on the property. He said this was an older subdivision before the county zoning went into affect. He stated that the existing lots were not 1 acre lots. He said that Mr. Webster would have 2 more buildable lots with the re-subdivision, and more property was combined with the lot that had the existing house. He stated that the lots across the street from the Snodderly Subdivision was zoned R-1. He recommended approval for the rezoning request.

Mr. McEachern made the motion to approve the rezoning request, second was made by Ms. Terry. Motion carried 10-0.

Agenda Item B: Consideration of request to rezone 7.65 acres of property located at 16746 Hwy. 11 E. from R-1 (Suburban Residential) to O-1 (Office – Professional), referenced on Tax Map 11, Parcel 37.00, 5th Legislative District. Owner / Applicant: George Rennich. File #13-03-17-RZ-CO

Mr. Rennich was present.

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Mr. Rennich stated he had purchased the property several years ago. He said that he had rented out the property, but he didn't like being a landlord. He stated he owned a swimming pool business. He said that he wanted to use this existing house as an office for his business.

Mr. Newman explained the location of the property. He said that the house sat 40-50 off the road on the property. He stated that Garnet Hill Subdivision adjoined this property. He said on down Hwy. 11, was Meadow Walk Villas. He stated that both of these subdivisions were PUD developments. He said that Mr. Rennich not only had rented out the property, but also used the property for his business in the past. He stated that Mr. Rennich stored materials and supplies on the property. He said that the office has had to contact Mr. Rennich about the use of the property in the past. He stated that the property was not properly zoned for the storage for his business. He said that there was not any other commercial or office property close to the location of this property. He stated that due to the 2 developments in the area, he still considered this property prime residential property. He said there was sewer available to the house. He stated that the land-use plan did not support commercial or office use at the location. He said that he would not recommend approval of the rezoning request.

Mr. Brown stated that this would be spot zoning, and Commission was not allowed to spot zone. He said this would be illegal.

Mr. McEachern asked Mr. Rennich if he planned on developing an office park at this location.

Mr. Rennich said that it would not be a good location for an office park. He stated that his problem was he could not insure the property unless someone was in the house.

Mr. McEachern asked if this situation exceeded the home occupation requirements.

Mr. Newman stated that it could not be a home occupation, because he did not live there.

Mr. Brown said that personally he did not know how the Commission could help him. He stated that it was illegal.

Mr. Luttrell made the motion to deny the rezoning request, second was made by Ms. Ross. Motion carried 10-0.

Mr. Brown explained to Mr. Rennich that the request would go to County Commission, and they would have the final decision.

Agenda Item C: Consideration of request to approve a 3 lot re-subdivision of Snodderly Heirs Subdivision located at the southwest corner of the intersection of Loudon Ridge Road and Snodderly Drive, referenced on Tax Map 25K, Group B, Parcels 22.00, 23.00, 24.00 and 25.00, 5th Legislative District. Owner / Applicant: Mitch Webster.

File # 13-02-13-SU-CO

Mr. Webster was present.

Mr. Brown stated that this property was just approved to recommend to County Commission to rezone, but it would not be rezoned until County Commission approved the rezoning. He asked

Mr. Newman how the Commission could act on this item until it was actually approved for rezoning by the County Commission.

Mr. Newman said that Mr. Webster had asked if the request could be placed on the agenda. He stated that he informed Mr. Webster that the only way this request could be acted upon was the Commission may approve the 3-lot re-subdivision contingent upon the approval of the rezoning by County Commission. He said that Mr. Webster wanted to re-subdivide the 4 lots into 3 lots which would create 2 new buildable lots. He stated that the lots would primarily front on Loudon Ridge Road. He said that each of the new lots would meet the minimum lot size for an R-1 zone, but they do not meet those requirements for the current A-2 zoning. He stated that the approval would have to be contingent upon the zoning change from County Commission. He said he would recommend approval contingent on County Commission's approval of the rezoning.

Mr. McEachern made the motion to approve the re-subdivision request contingent on County Commission's approval of the rezoning to R-1, second was made by Ms. Terry. Motion carried 10-0.

Agenda Item D: Consideration of request to approve revised final plat for Oak Creek Subdivision, located on South Northshore Drive, Zoned R-1 / PUD for 2.0 units/Ac., consisting of 92 single family lots on 46 acres, referenced on Tax Map 17G, Group D, Parcels 1-73, 6th Legislative District. Owner / Applicant: Land View GP

Mr. Cox was present.

Mr. Newman stated that this property was originally developed into a subdivision in 2006. He said at the present, there were no homes in the development. He stated that all the improvements had been extended and in place. He said there needed to be some repair to what was already in the development before moving ahead with building homes. He stated that the property was zoned as a Planned Unit Development with a density of 2 units per acre. He said that in 2010, Mr. Cox did submit a rezoning request asking for a density increase to 3 units per acre. He stated that this would have allowed Mr. Cox to re-subdivide the property and get a higher density in the development. He said that County Commission denied the request for rezoning to 3 units per acre. He stated that the Planning Commission had also recommended to deny this request. He said that this request was not to change the density, although there was an increase in number of lots. He stated that the entire property was below 2 units per acre the way he originally had it subdivided. He said that Mr. Cox has made some modifications in some of the lots, primarily in the back of the subdivision, and narrowed the width of the lots down for a specific type of housing product. He stated that Mr. Cox had a builder who wants to build that style of housing on villa narrow lots. He said this style of homes was being built in another development that Mr. Cox presently owns. He passed out pictures of the state of the undeveloped property and pictures of the style of homes Mr. Cox wanted to build. He recommended to approve the request, because it is within the requirements of the PUD zoning that is currently on the property.

Mr. Ron Rogers, who lives in Silver Oak Subdivision, said that in the past, he has had his issues with Mr. Cox over this subdivision with the zoning. He stated that from his standpoint, he thought this plat looked really good. He said he appreciated the fact that Mr. Cox has worked on this like

he has to get the development where it is staying 2 houses per acre. He stated that it would work out very well for both Oak Creek and Silver Oak.

Mr. Newman stated that Mr. Cox had also developed Silver Oak subdivision.

Mr. Peter Delorme, who also resides at Silver Oak, said that he was appreciative of Mr. Cox had come up with a plan that is better suited to the area. He stated that he had some distinct concerns. He said he still would like to have some questions answered. He said that the Silver Oak Subdivision had 62 lots in the development. He stated that they were still substantially undeveloped, approximately 1/2 of the subdivision. He said his basic concern was the increase of number of homes there would be in Oak Creek even though the 2 units per acre had stayed the same from the original plan. He stated that financial responsibilities were not maintained in any of the other developments Mr. Cox had. He said that the residents of Silver Oak were stuck with thousands of dollars worth of unpaid bills. He stated that the residents knew that there were some issues with unpaid taxes, which Mr. Cox has now taken care of. He said he knew that Mr. Cox has had some financial challenges over the past few years. He stated that if a few homes are built in the Oak Creek Subdivision and financial crisis happens again, these few home owners will be stuck with 90 lots not being taken care of or built on. He said he was concerned with any increase of density. He stated that in the neighborhood there were about 90 lots that have been vacant for years.

Mr. Cox stated that he had taken care of all the taxes and took care of everything in the Silver Oaks Subdivision. He said that Mr. Delorme's complaints should be history. He stated that it was time to get Oak Creek going, because they did need these extra lots. He said this was a better plan for the development, because they added 10.9 acres of open space around the boundary of the property. He stated there would be a landscaped burm similar to the one at Falcon Point.

Mr. Delorme asked Mr. Cox if the price range of the houses would be the same as originally proposed.

Mr. Cox said that the price of the homes going in Oak Creek would be the same as what went into Silver Oak Subdivision with the same restrictions.

Mr. Newman clarified his recommendation by stating that he had spoken with Mr. Cox about a modification to the entry off of Northshore. He said he had asked Mr. Cox to extend the easement of the burm at the front entry on both the 2 lots at the entry coming into the subdivision, so there would not be private ownership right on the road. He stated also subject to a revision to the Letter of Credit to address some of the deteriorated improvements.

Mr. McEachern made the motion to approve the revised final plat for Oak Creek Subdivision contingent on the specifications made by Mr. Newman, second was made by Mr. Brooks. Motion carried 10-0.

Agenda Item E: Consideration of request to release \$10,000 letter of credit for completion of Meadow Walk Lane.

Mr. Newman stated that Meadow Walk Lane was the road in Meadow Walk Villa. He said that the road was completed about a year ago and has been accepted by the County. He stated that the office asked the developer to keep a small Letter of Credit in place for 12 months in case there were issues that would come up with the road. He recommended to release the Letter of Credit, since there has not been issues that have come up.

Mr. Luttrell made the motion to release the Letter of Credit, second was made by Ms. Terry. Motion carried 10-0.

Planning and Codes Department Building Activity Report for the month of March, 2013:

Mr. Newman gave the building report for the month of March, 2013.

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

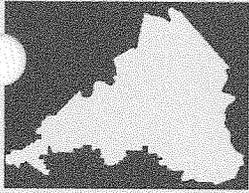
Additional Public Comment: There were none.

Comments from the Commission: There were none.

Mr. McEachern made the motion to adjourn. Motion carried 10-0. Meeting was adjourned approximately at 5:55 p.m.

Martin Brown
Signed

7/16/13
Date



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MINUTES

LOUDON COUNTY BOARD OF ZONING APPEALS

April 16, 2013

The April 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 March 19, 2013 minutes was made by Mr. McEachern, second was made by Ms. Terry. Motion carried 5-0.

Agenda Item A: Consideration of request for a variance to have a detached garage in the front yard at 2056 Bat Creek Road East, referenced on Tax map 77, Parcel 33.02, Zoned A-1. Owner / Applicant: Michael Brinkman.

Mr. Brinkman was present.

Mr. Brinkman stated that the proposed garage could not go in the back of the lot or on the side. He said that the garage would match the existing home with a double gable in the front of the structure. He presented the Board with a topography map that showed where the lot dropped off.

Mr. Luttrell asked Mr. Brinkman how many acres were on the property.

Mr. Brinkman said that the property was barely over 1 acre. He stated that he had done some excavating just to get the property leveled on one side of the house.

Mr. Brown stated that looking at the topography map there was not any where else to put the detached garage.

Mr. Newman said that the house sets well over 200' from the front property line, and this proposed would be approximately 150' from the front property line.

Mr. Newman recommended approval for the request, because there was a hardship.

Mr. McEachern made the motion to approve the Special Exception request, second was made by Mr. Luttrell. Motion carried 5-0.

Agenda Item B: Consideration of request for special exception for temporary permit to live in camper while building a new home at 1130 Bay Creek Drive, Tax Map 77, Parcel 35.10, Zoned A-1. Owner / Applicant: Debbie Garren.

Mr. and Ms. Garren were present.

Ms. Garren stated that they were working on the property getting it ready to build a house. She said that in the past, they had some materials stolen while building. She stated they wanted to stay with the structure.

Mr. Newman asked Ms. Garren if they would be living in the camper or just keeping it there on the property.

Ms. Garren said they would be living in the camper.

Mr. Garren stated that when they were working on the site during the day, they would be staying there. He said they presently have their home up for sale.

Mr. McEachern said that he understood that no one was residing on the property, but they just wanted to park the camper there.

Mr. Garren stated that no one was residing on the property. He said there was only one resident living in a house in the subdivision. He stated this location was very isolated. He said that Mr. White, who lives in the subdivision, has had problems with things being stolen.

Mr. Brown asked Mr. Garren how long he thought it would take to build the house.

Mr. Garren said that as soon as they sold their house, they could get started, hopefully within the next year.

Ms. Garren stated that it would take about 6-8 months to build the house.

Mr. McEachern said that he only felt comfortable approving this for a year.

Ms. Garren stated that they did not know how long it would take for their house to sell.

Mr. McEachern said that the Board rarely approves this type of request for 6 months. He stated that a year was the maximum.

Mr. Newman recommended to approve the temporary permit for 1 year. He said that after the year was up, they would have to remove the camper, quit living in it, or come back to the Board to get an extension.

Mr. Luttrell made the motion to approve the temporary permit to live in the camper for no longer than 1 year, second was made by Mr. Bright. Motion carried 5-0.

Agenda Item C: Consideration of request for a special exception for temporary permit to live in a camper while building a new home at 1324 Bay Creek Drive, Tax Map 77, Parcel 35.09, Zoned A-1. Owner / Applicant: Beth Davidson
Mr. Davidson was present.

Mr. Newman stated that this property was adjacent to the property that was just approved for a temporary permit.

Mr. Brown asked Mr. Davidson why he wanted a camper on his property.

Mr. Davidson said that they wanted to start building their house, and they needed to be on the property to watch over their building materials.

Mr. Newman recommended to approve the temporary permit for 1 year.

Mr. McEachern made the motion to approve the request to live in a temporary structure for 1 year, second was made by Ms. Terry. Motion carried 5-0.

Agenda Item D: Consideration of request for a setback variance of 15' to locate a new free-standing sign at 1398 Gladstone Road, Lenoir City, Tax Map 7, Parcel 8.00, Zoned C-2. Owner / Applicant: PrintOne, Inc.
No one from Print One was present.

Mr. McEachern made the motion to postpone the request for one month, second was made by Mr. Luttrell. Motion carried 5-0.

Agenda Item E: Consideration of request for special exception for a home occupation to build and repair guns at 1224 Lynnwood Drive, Greenback, Tax Map 85A, Group A, Parcel 18.00, Zoned A-1. Owner / Applicant: Johnny Hanley.
Mr. Hanley was present.

Mr. Hanley stated that he wanted to offer what the county does not have right now. He said this would not cause a big influx. He stated that the purpose was for the guns shops in the area. He said he did not want to sell guns just fix them and build them.

He stated that it would not cause a hazard to his neighbors, the land, or the environment.

Mr. Brown asked Mr. Hanley where he planned to do this.

Mr. Hanley said that he would do this in his basement. He stated that before he could receive his FFL, this had to be approved by the county.

Mr. Newman asked Mr. Hanley what would be involved in building a gun.

Mr. Hanley stated that there would be some milling, filing, and putting parts together.

Mr. McEachern asked Mr. Hanley if he planned on doing stock work or just deal with nylon.

Mr. Hanley said that most of it would be plastic and metal. He stated that it would not be milling out. He said that it would be mainly custom fitting. He stated there would be no lead. He said he would not be making ammunition. He stated that he would be putting the guns back to their original condition.

Mr. Newman asked Mr. Hanley if he had any employees

Mr. Hanley stated that his son helped him.

Mr. Newman asked if his son lived with him.

Mr. Hanley said that his son did not live with him.

Mr. Newman stated that this was against the customary home occupation requirement.

Mr. Hanley said that if this was a problem, he would talk to his son. He stated that he wanted to build the business to be able to have a place of his own.

Mr. Newman recommended to approve the request subject to complying to the home occupation requirements.

Mr. McEachern suggested to giving Mr. Hanley a copy of the home occupation regulations.

Mr. Luttrell asked Mr. Hanley where he planned to test fire the weapons.

Mr. Hanley stated that he used Mr. Grady Thompson's property in Greenback. He said that Mr. Thompson had given him permission to test fire on 30 acres of his property. He stated that the property was very secure.

Mr. McEachern made the motion to approve the request contingent on complying to the customary home occupation requirements, second was made by Mr. Bright. Motion carried 5-0.

Agenda Item F: Consideration of setback variance for two existing buildings located at 3900 Hwy 11 E., Lenoir City, Tax Map 15M, Group C, Parcels 3 And 4, Zoned C-2. Owner / Applicant: Sam's Land, LLC.

**Building #1 Front Variance -28'
Side Variance – 17'
Rear Variance – 16'**

**Building #2 Side Variance – 4'
Rear Variance 2'**

Mr. Matt Spell, the son, was present.

Mr. Newman explained the location of the property. He stated that Mr. Spell had come before the Board a few years back when he was renovating the existing building (Building #1). He said that Mr. Spell had recently purchased the adjoining lot and wanted to combine the two commercial parcels. He stated that there is a creek that runs through the property. He said that the variances being requested were for the existing structures on the properties. He stated that Mr. Spell has other plans to build onto one of the buildings in the future. He said that would be a separate request that the Board would have to look at when that happened. He stated that this request would give Mr. Spell the right to combine the properties and address the variances on the existing structures. Mr. Newman recommended approval for the request to combine the property and approve the variances on the existing buildings.

Mr. Brown asked if the existing structure had variances or were they built prior to adoption of the Zoning Resolution.

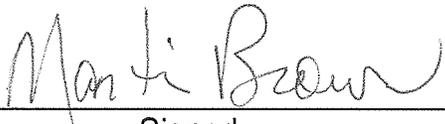
Mr. Newman stated that the structures were prior to the adoption of the Zoning Resolution. He said that these lots were Lots of Record, but by combining the two lots they would no longer be Lots of Record.

Mr. McEachern made the motion to approve the variances for both structures on the condition that the 2 properties are combined into 1 parcel, second was made by Ms. Terry. Motion carried 5-0.

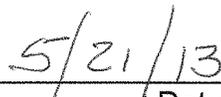
Additional public comments: There were none.

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

The meeting was adjourned at approximately 6:30 p.m.



Signed



Date