

**LOUDON COUNTY
PLANNING
& CODES
ENFORCEMENT OFFICE**

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AGENDA

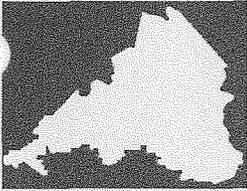
LOUDON COUNTY REGIONAL PLANNING COMMISSION

June 18, 2013

5:30 PM

No Meeting

Note: See attached flyer for upcoming training opportunity if the topic is of interest. Training is Tuesday July 30 in Knoxville off Hardin Valley Road.



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MINUTES

LOUDON COUNTY BOARD OF ZONING APPEALS

June 18, 2013

The June meeting of the Loudon County Board of Zoning Appeals was called to order at 5:30 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 May 21, 2013 minutes was made by Mr. McEachern, second was made by Mr. Bright. Motion carried 5-0.

Agenda Item A: Consideration of request for a 20' front yard setback variance at Highway 321 South, referenced on Tax Map 27, Parcel 142.00, 3rd Legislative District, Zoned C-2. Owner/ Applicant: Walter McGoary

Mr. McGoary was present with his engineer, Mr. Mike Waller.

Mr. Newman made a correction on the request to a 10' frontyard setback variance instead of a 20' frontyard setback variance.

Mr. McGoary stated that he has lived on Antioch Church Road for approximately 6 years. He said he wanted to have a fruit and vegetable stand at this location. He stated that he already had his septic system installed and water hooked up to this property.

Ms. Terry asked if this was the property where the house had been torn down.

Mr. Newman said that this was the property where the house had been torn down. He stated that the slab for the building was already poured. He said that the poured slab was 20 ½' from the front property line. He stated that the property was small. He said there were some topographical issues. He said that the property slopes steeply toward the back.

Mr. McEachern asked if the topographical issues demand the setback variance.

Mr. Newman stated that Mr. McGoary didn't have a lot of room to move the building back. He said the property was flat right off the road, then it starts sloping down toward the back.

Mr. Brown said that it was all fill dirt on the property.

Mr. Newman stated that there was a hardship with the property. He said that Mr. McGoary could not move the building back any further without adding more fill dirt to the back of the property. He recommended approval for the variance.

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

Agenda Item B: Consideration of request for change in a existing non-conforming use from a sign shop to a barber shop per Section 6.020 Loudon County Zoning Resolution located at Hwy. 11, E., referenced on Tax Map 16, Parcel 30.00, 6th Legislative District, Zoned R-1. Owner: Donald W. Pardue. Applicant: William and Lori Cannon

Ms. Cannon was present.

Ms. Cannon stated that they wanted to purchase this building that was currently a sign shop. She said that the current owner wanted to sell the building due to ill health. She said that they wanted to move their son's barber shop into the building. She stated that TDOT was going to tear down the buildings he was currently in to put a red light at the intersection of Hwy. 11 and Muddy Creek Road. She said that the barber shop would only use 1 or the rooms in the building, and they would use the rest of the building for storage. She stated that according to the Tennessee barber board, he can have the barber shop in a residential facility.

Mr. Newman said that the zoning for the property was R-1 and had been for several years. He stated that there had been a small business on the property which has been considered grandfathered. He said that there is a provision in the zoning regulation (Section 6.020) that allows for the continuation of a non-conforming use and could change to another non-conforming use subject to Board of Zoning Appeals approval. He stated that the Board needed to consider if the use was similar to the use that is currently there or a higher classification.

Mr. McEachern asked Ms. Cannon if the sign shop was to continue to cooperate during the time the barber shop will be there.

Ms. Cannon stated that the sign shop would no longer be in the building on the property with the barber shop.

Mr. McEachern asked Ms. Cannon if she had plans of having more than one business in the building on the property.

Ms. Cannon said that she did not plan on having any other business in the same building on the property.

Mr. Newman stated that if the Cannon's did decide to have another business in the building, they would have to come back to the Board for approval.

Mr. McEachern made the motion to approve the request, second was made by Ms. Terry. Motion carried 5-0.

Agenda Item C: Consideration of request for a 9' side yard setback variance at 4500 Shaw Ferry Road, referenced on Tax Map 16, Parcel 286.00, 6th Legislative District, Zoned R-1. Owner/ Applicant: Libby Brown

Mr. and Mrs. Brown were present.

Mr. Brown stated that they had a 15' utility drainage easement on the side property line. He said when they closed on the property in 2001, that there had already been a 3' sideyard setback variance approval. He stated that this request was for an additional 6'. He said they had a survey done on the property, and they were still lacking 6' on the side property.

Mr. Newman said that the previous owner, who also built the home, received a 3' sideyard setback variance when he built the home in 1993. He stated that the building was actually closer to the property line. He said an additional 6' is needed in order to meet the 15' sideyard setback requirement. He stated that if the Brown's try to sell the property, this would be a title issue. He said that the Brown's were trying to get this issue cleaned up now.

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

Agenda Item D: Consideration of request for 8' side yard setback variance at 1850 Old Hwy 95, referenced on Tax Map 15, Parcel 214.00, 5th Legislative District, Zoned C-2. Owner/ Applicant: Mark McHenry

Mr. McHenry was present.

Mr. Newman explained the location of the property. He stated that Mr. McHenry wanted to put a portable carport in the rear of the property to park a business truck under. He said the Mr. McHenry's property did not come all the way to Adesa

Parkway. He stated that this strip of property was owned by the Adesa Auto Auction, which is between Mr. McHenry's property and Adesa Parkway. He said this strip of property was very narrow and was unusable. He stated that Mr. McHenry's request was for that side of the property that butts up to this strip of property. He said that the building pad was elevated, and Mr. McHenry wanted to place the carport on this elevated pad. He stated that Mr. McHenry did own the property behind this property, but the elevation change would be very significant.

Mr. McHenry passed out a drawing of the portable building.

Mr. Newman recommended to approve the request.

Mr. McEachern made the motion to approve the variance request, second was made by Mr. Bright. Motion carried 5-0.

Agenda Item E: Consideration of request for special exception approval for 15 unit multi-family development located on 1.82 acres, 100 Beals Chapel Road, referenced on Tax Map 16, part of Parcel 214 and 234, 6th Legislative District, Zoned R-1. Owner/ Applicant: RDMN Investments

Mr. Robert Robinett and Mr. Daniel Martin were present with their engineer, Mr. Richard LeMay.

Mr. Newman stated this property was part of the Cedar Hills Golf Course. He said that the property had been auctioned off a couple of months ago, and the parcel was divided. He stated that the owner of one of the parcels also owned an existing building which was being used as a Golf Academy. He said that they wanted to subdivide the property to use one of the pieces as a multi-family use. He stated the request was for a multi-family concept plan approval that is under the R-1 regulations. He said that this could be done by Special Exception approval by the Board of Zoning Appeals. He stated that they propose 15 units on 1.77 acres. He said they have public water and sewer. He stated that in the R-1 zoning regulations, it specifies minimum square footage that is required that allows a certain number of units. He said with the actual acreage, it would allow more than they propose to build. He stated they propose to build in pods of 4 with the exception of a few walk-in apartments. He said there were some issues with the property, but the engineer and property owners were aware of these issues. He stated that most of the property was in the 100-year floodplain. He said the County did have a flood ordinance, which is very specific about meeting certain conditions to be able to build in a floodplain. He stated that the minimum elevation of the building has to be 1 foot above the flood level. He said as long as these conditions are met and there is no fill that is placed on the site that would create more runoff downstream, which could be certified through engineering, it would be legal to build within the 100-year floodplain.

Mr. McEachern asked if the property bordered the creek.

Mr. Newman said that the creek went through a corner of the property.

Mr. McEachern stated he wanted to know where the water was going to go and how close it was to get there.

Mr. Newman said that the County did adopt a Stream Buffer Resolution. He stated that in some parts of the County, they would require a stream buffer setback along the creeks. He said this was one of those areas that do require the stream buffer setback, which the requirement is 30' to maintain the stream buffer.

Mr. Lemay, the engineer, stated that they would make sure they met the minimum requirement. He said he would recommend going above the minimum requirement.

Mr. Brown asked Mr. LeMay how he planned on going above the minimum requirement.

Mr. LeMay said they would use a crawl space with venting and work it out with FEMA. He stated that the existing golf club had never flooded to his knowledge.

Mr. McEachern asked Mr. LeMay how many parking spaces the plan showed.

Mr. LeMay stated that there were 2 parking spaces per unit, plus 5 additional spaces.

Mr. McEachern said that would equal to 35 parking spaces.

Mr. Luttrell asked Mr. LeMay what the planned square footage would be for each unit.

Mr. LeMay stated that each unit would be about 1,000 square feet.

Mr. Newman said that there were other multi-family uses in the area. He stated they were multiple duplexes rather than fourplexes. He said that this use was consistent with the other developments in the area.

Mr. McEachern made the motion to approve the request, second was made by Ms. Terry. Motion carried 5-0.

Additional public comments: There were none.

Announcements and/or comments from Board/Commission: Mr. Brown asked Mr. Newman if the Board of Zoning Appeals could request him to review the section in the zoning resolution about litter, trash, and debris.

Mr. Newman stated that the section was 4.140.

Mr. Brown said that the section did not distinguish between farmland from residential property in a subdivision. He stated that everything was treated exactly the same. He said he felt like this was an oversight. He stated that he would like the Board to request Mr. Newman to review this section of the resolution in light of making some kind of exception to farmland.

Ms. Terry stated that the size of the farm would need to be reviewed also.

Mr. Newman said that the Urban Growth Plan that was adopted, there was an urbanized plan and growth plan that are the developed areas. He stated there was a rural border outside of that. He said that it may be possible to use a combination of this plan.

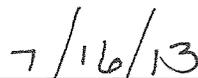
Mr. Brown stated that this would have to first go to the Planning Commission for their approval and be recommended to the County Commission for approval.

Mr. McEachern made a motion for Mr. Newman to draw up some guidelines and rules as to handle the trash in the county, second was made by Mr. Bright. Motion carried 5-0.

The meeting was adjourned at approximately 6:00 p.m.



Signed



Date