



Loudon County Planning Department

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MINUTES

LOUDON COUNTY REGIONAL PLANNING COMMISSION

MARCH 17, 2015

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

Motion to approve the minutes for the November 18, 2014 meeting was made by Mr. McEachern, seconded by Ms. McNew, and approved 8-0.

Agenda Item A: Proposed U.S. 11 Improvements. Speakers: Mr. Bryan Bartnik and Mr. Vatter with TDOT.

Mr. Bartnik and Mr. Vatter from TDOT were unable to attend the meeting.

Ms. Smith stated that the proposed project was resurfacing on Cox Road and Rock Quarry Road. She said that they were also proposing a turn lane. She stated that Mr. Bartnik asked for comments from the public on these projects. She said that when she talked with the Loudon City Planning Commission, they were concerned with the impact of the traffic coming off Blair Bend. She stated that Mr. Bartnik said that he and Mr. Vatter could come and meet with the public to address the proposed project. She said that TDOT did not want to do anything that the community did not want to do. She stated that Mr. Bartnik noted that this section of the road had 2 to 3 times the state average of crashes. She said that if anyone was interested in having the meeting with Mr. Bartnik and Mr. Vatter to let her know.

Agenda Item B: Election of Loudon County Planning Commission Chairman, Vice Chairman, and Secretary for 2015.

Before nominations started, Mr. Brown informed the Commission that he planned to resign from the Loudon County Planning Commission and the Loudon County Board of Zoning Appeals by the end of the calendar year.

Mr. Brooks nominated Mr. Brown as Chairman for the Loudon County Planning Commission, second was made by Mr. McEachern. There were no other nominations for Chairman. Mr. Brown was elected as Chairman of the Loudon County Planning Commission by 7-0 vote.

Mr. McEachern nominated Mr. Luttrell as Vice Chairman for the Loudon County Planning Commission. There were no other nominations for Vice Chairman. Mr. Luttrell was elected to Vice Chairman of the Loudon County Planning Commission with an 8-0 vote.

Ms. Terry nominated Ms. McNew as Secretary for the Loudon County Planning Commission. There were no other nominations for Secretary. Ms. McNew was elected as Secretary for the Loudon County Planning Commission with 7-0 vote.

Agenda Item C: Adoption of 2015 Meeting Calendar for Loudon County Planning Commission.

Ms. McNew made the motion to adopt the 2015 Meeting Calendar for the Loudon County Planning Commission, second was made by Mr. McEachern. Motion carried 8-0.

Agenda Item D: Consideration of rezoning from R-1 (Suburban Residential) to C-1 (Rural Center District) on property located at 5375 Hwy. 321, N., Lenoir City, consisting of 1.4 acres for both properties, referenced by Tax Map 9E, Group B, Parcels 3.00 and 4.00. Owner/Applicant: Michelle Howard. File #15-01-03-RZ-CO

Ms. Howard was present.

Ms. Smith stated that Ms. Howard proposed to move the electric business office into the existing house on the property.

Ms. Howard said that they do industrial and commercial electric. She stated that they wanted to move the office out of their current home to this property. She said there were 3 people who worked in the office, which is herself, her husband, and a secretary. She stated that none of the other electric company employees would be coming to the property. She said there were other buildings on the property.

Mr. McEachern asked Ms. Howard if the driveway access for the property was on Hwy. 321.

Ms. Howard said that the driveway access was on Hwy. 321.

Ms. Smith stated that the request was in line with the land use plan for mixed use. She said there were businesses in this area. She stated that the structure could not be seen from the highway.

Mr. Lee made the motion to approve the rezoning request, second was made by Mr. McEachern. Motion carried 8-0.

Agenda Item E: Discussion of subdivision regulations amendments, (roads, bonds, letters of credit, etc.).

Mr. Brown said that he placed this item on the agenda. He passed out a draft that the county attorney wrote in regard to some situations that have happened in the past with subdivision developers going into foreclosure and did not finish the roads in the subdivisions. He stated that this draft was written with what to do if this developer came back to develop another subdivision. He said there was nothing in the regulations to prevent them from submitting another subdivision plat for approval. He stated that after reviewing the draft, the Planning Office could do a resolution to send to County Commission to prevent a developer who has not previously finished

all the requirements and coming back to submit another subdivision plat. He said that maybe the Planning Office could have a resolution to vote on at the next meeting. Mr. McEachern made the motion for the Planning Office to devise a resolution, second was made by Ms. Terry.

Ms. Smith stated that there were subdivision regulations, the zoning ordinance for site plans, and building permits. She said she looked at the subdivision regulations as separate than a site plan. She stated that a statement could be put in the subdivision regulations stating that if they had an existing uncompleted subdivision, the Planning Commission may deny the new subdivision plat. She stated that if someone brought in a site plan for a business, she may not know that they had not completed a development previously. She said she wondered what legal mechanism they could use that would prevent them from being able to submit another site plan. She stated that she was thinking of something to be placed in the subdivision regulations and the site plan requirements. She suggested adding something on the review applications that is filled out when subdivision plats, rezonings, and site plans are submitted, such as "Have you ever developed in Loudon County before."

Mr. Brown said that they would have to know a delinquent developer before approving a preliminary plat.

Mr. Napier asked if that could be done legally.

Ms. Smith stated that the state law says a Planning Commission could adopt subdivision regulations. She said that maybe a delinquent developer could be caught between the preliminary and the final subdivision plat.

Mr. Lee asked what the mechanism of catching a delinquent developer between the preliminary and the final subdivision plat would be.

Ms. Smith said that it would be history. She said she wasn't really sure what the mechanism would be.

Mr. Lee stated that it would be best to know about the delinquent developer early in the process.

Mr. Brown said that he thought that if the delinquent developer was not stopped early, there would be a liability. He stated that you can't stop them if they have gone half way through the process.

Ms. Terry asked what would happen if the delinquent developer lied on the question about previously developing in Loudon County.

Mr. Brown stated that if the delinquent developer lied, the commission would not be liable. He suggested that the Planning Commissioner review the draft, and that Ms. Smith might need to talk with the county attorney further.

Mr. Van Shaver, 5th District County Commissioner, said it would be best if the Planning Commission reviewed the draft that the county attorney wrote. He also stated that Ms. Smith could get with the county attorney.

Mr. Brown suggested to refer the draft back to the Planning Office to review and get with the county attorney. He stated that Mr. Jenkins and Ms. Henson needed to be on the review also.

Mr. McEachern withdrew his previous motion. He asked if the developer was in violation, would there be a list to cross check.

Mr. Brown said that list would be nice if there was one.

Mr. McEachern stated that once this was implemented, there needed to be a list of delinquent developers.

Mr. Brown said that Letters of Credit were not taken on finishing roads before the Avalon development. He stated that prior to Avalon and Letters of Credit, the Planning Commission required the roads to be finished before approval of a final plat. He referred to the developer of Avalon saying that it was best not to put the top coat on the roads until the subdivision was almost built out. He said that this decision of accepting Letter of Credits worked fine for many years until the economy went bad a few years back. He stated that there were several developers of subdivisions went bankrupt and didn't finish the roads. He said the residents in these subdivisions want the county to finish the roads. He stated that the county doesn't have the money to finish the roads. He said he said, personally, that the Letters of Credit needed to be used very sparingly if at all. He stated that in talking to some developers that as far as money is concerned, that it doesn't matter. He said that the money is tied up anyway, and they should go ahead and use the money to finish the roads.

Mr. McEachern stated that the interest on the amount of money that the Letter of Credit is for begins when it starts. He said that it doesn't start until whomever the Letter of Credit goes, has to come to attach it. He stated that he didn't have much faith in Letters of Credit. He said that a bond was different from a Letter of Credit.

Ms. Smith said that the Letters of Credit had to be monitored for the expiration date. She stated that prior to the expiration date; a letter has to be sent out reminding them that the Letter of Credit is about to expire and another Letter of Credit needed to be reissued. She said that if the Letter of Credit is not received on time, she panics. She stated that she felt almost like a bill collector. She said that one Letter of Credit for Hickory Creek Business Park for a top coat that was due last month, the subdivision plat had been approved in 2006. She stated that a Letter of Credit from 2006 would not pay for a top coat to be done in 2015. She suggested if Letter of Credits are to be continued, there needed to be a time limit. She said that developers keep extending the Letter of Credit.

Mr. McEachern stated that the developer sells the subdivision with a Letter of Credit as their guarantor. He said it had nothing to do with the last coat of blacktop. He stated that it just defers their expenses while they are out promoting their sales. He said a lot of times if the developer does not fill the subdivision as fast as they thought they would, they will go broke.

Mr. McEachern made the motion to not accept Letters of Credit any more, second was made by Ms. Terry. Motion carried 8-0.

Agenda Item F: Discussion of zoning resolution amendments.

Mr. Brown referred to a subdivision plat that had been approved ten years ago, subject to several items being done. He stated that ten years later that individual finally finished the required items and filed the plat. He said that before the required items had been finished and recorded, the individual had sold off lots and had some lots resurveyed, which didn't match the previous approved subdivision plat. He stated that the Planning Commission had been lenient approving plats with subject to items being done. He said there had never been a time limit required on getting the required items finished. He stated that he had assumed that the required items would be done quickly. He suggested that the Planning Commission develop a procedure or a standard operating of business that a time limit be placed on the required items getting done.

Mr. Lee stated that it might be case dependent on how much time to give the individual.

Mr. Brown agreed with Mr. Lee. He said that when approving a subdivision plat with items being required to be met, they did not need to be opened ended.

Mr. McEachern suggested that the Planning Commission require the individual to come back to the Commission when they have finished what is required before final approval.

Ms. Smith said that after a preliminary plat is approved by the Planning Commission, the individual has 12 months to submit their final plat. She stated that if they wait 13 months later, they would have to submit a new preliminary plat. She said that if the submit the final plat within 9 months, everything had to be on the plat with no "subject to".

Mr. Brooks stated that he didn't think the Planning Commission needed to approve a subdivision plat with "subject to."

Mr. Brown said that a subdivision plat should not be approved without everything being done.

Ms. Smith stated that if an individual submits a final subdivision plat, and they do not have everything done, the Planning Commission would have to deny the plat. She said the individual would have to start all over again with the process.

Mr. Brown said if the individual is told that the Planning Commission will not approve their subdivision plat without all the required items finished, they should not even come before the Planning Commission. He stated that they need to be told they need to finish the required items before going before the Planning Commission to be approved.

Mr. Brooks made the motion to put this in writing that the Planning Commission will not approve subdivision plats unless all required items are completed, second was made by Mr. McEachern. Motion carried 8-0.

Planning and Codes Department Building Activity Report for the month of December, 2014 and January, 2015 : Mr. Jim Jenkins gave the report.

December - 36 permits issued with estimated value of \$4,199,225 and fees collected of \$16,859 (19 single-family building permits issued).

January - 32 permits issued with estimated value of \$3,567,514 and fees collected of \$14,062 (12 single-family building permits issued)

February - 24 permits issued with estimated value of \$3,123,259 and fees collected of \$12,375 (11 single-family building permits issued)

County Commission Action on Planning Commission recommendations:

Approved the amendment to the zoning resolution on the standards for permitting telecommunications towers and antennas, adding the telecommunication overlay district, and amendment about postponed and/or withdrawn agenda items.

Approved rezoning from A-1 to A-2/PUD for property located off Coyatee Rd., River Cove Subdivision, Phase I.

Accepted the roads in Oak Creek Subdivision as county roads.

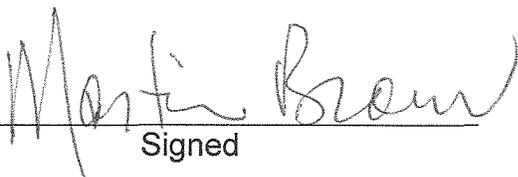
Additional Public Comment: There were none.

Update from the Planner: Continuing Education and Training on Monday, March 30, 2015 at the Loudon County Courthouse Annex. Guest Speaker: John Lamb, Director of Planning at Blount County.

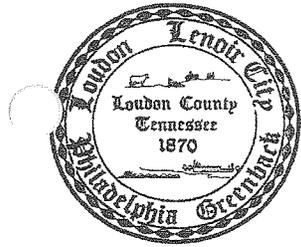
Planning commissioner training on Tuesday, June 30, 2015 in Oak Ridge at 5:45 p.m. Sponsored by the ETDD (East Tennessee Development District), University of Tennessee, and TDEC (Tennessee Department of Environment and Conservation).

Comments from the Commission: There were none.

Meeting was adjourned at approximately 6:10 p.m.


Signed


Date



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MINUTES

LOUDON COUNTY BOARD OF ZONING APPEALS

MARCH 17, 2015

The March meeting of the Loudon County Board of Zoning Appeals was called to order at 6:15 p.m. Present were Mr. Brown, Mr. McEachern, Mr. Bright, and Ms. Terry. Absent was Mr. Luttrell.

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

Motion to approve the December 16, 2014 minutes was made by Mr. McEachern, second was made by Mr. Bright. Motion carried 4-0.

Agenda Item A: Consideration of a request for a Special Exception to allow existing structure (previous owner was tearing down when went before the BZA for lot size variance on 1/18/11) with current singlewide mobile home on property located at 12707 Sunnyside Rd., Philadelphia; referenced by Tax Map 76, Parcel 47.00, zoned A-1. Current owner/applicant: Ms. Billie Asher.

Ms. Asher was present.

Ms. Smith stated that the property has an existing building that was once used as a home for a previous owner. She said that this previous owner was approved for a lot size variance by the BZA in 2011, so she could put a mobile home on the property. She stated that the previous owner had told the BZA at this time she would tear the existing structure down. She said that the previous owner sold the property without tearing the existing structure down. She stated that the current owner, Ms. Asher, wants to use the existing structure as a storage building. She said that the mobile home is on the same lot.

Ms. Asher said that the property has been sold twice since the previous owner had come before the BZA. She stated that no one told her when she purchased the property that the existing structure needed to be torn down. She said that she was disabled, and it would be impossible for her to tear this structure down. She stated that a portion of the structure was built underground. She said she had been using the structure as a storage building, and it would be hard for someone to live in this structure.

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Mr. Brown asked Ms. Asher if she had a mobile home on the property now.

Ms. Asher stated that when she purchased the property, the mobile home was on the property. She said she later found out that there was no building permit issued for the mobile home. She stated that after getting a building permit, she had to replace the landing with the steps on the mobile home. She said she had tried to do everything that she was required to do.

Mr. Brown asked Mr. Jenkins, Code Enforcer, if the structure and the mobile home meet the required setbacks.

Mr. Jenkins said that the approved lot size variance in 2011 would take care of the existing structure if it did not meet the required setbacks, even though the previous owner said she would tear the structure down. He stated that the mobile home meets the required setbacks. He verified that the structure was being used as storage.

Ms. Terry asked Ms. Asher if there was power to the existing structure.

Ms. Asher stated that there was no power to the existing structure.

Mr. Brown said that when asked by Mr. Jenkins if Ms. Asher needed to come back to the BZA to allow the existing structure, when the previous owner stated that she was going to tear the structure down in 2011; he said he could not override what the BZA had previously decided. He stated that this was why this request was on the agenda.

Mr. Jenkins stated that the previous owner in 2011 said she would tear the existing structure down. He said that at this time, the BZA looked at it like there were 2 dwellings on the property.

Mr. Brown said, personally, he did not see a problem with leaving the structure.

Ms. Terry stated that the previous owner had lived in the existing structure before moving in the mobile home. She said that is why she wanted to know if the structure had power or water running to it, because someone else could live in the structure.

Mr. Brown said that if the Board allowed the existing structure to stay, the Board needed to state that the structure cannot be used as a residence.

Ms. Terry asked how they could enforce that the structure could not be used as a residence.

Mr. Brown stated that this structure was no different from any other accessory structure

that is allowed on property. He said there was no way they could keep people from living in the accessory structure, unless someone complained that people were living in an accessory structure.

Mr. Bright said that Ms. Asher has shown that she is an honest person by the steps she has taken by making a bad situation correct.

Ms. Smith agreed with Mr. Brown about this structure not being any different from any other accessory building that didn't need to be lived in.

Mr. Jenkins stated that what brought this to his office's attention was a complaint from a neighbor that someone was living in the structure with a mobile home on the property. He said he went to the site and verified that no one was living in the structure. He stated that the structure was being used for storage/barn with some goats. He said he informed Ms. Asher that there was not a record of a building permit for the mobile home. He stated that Ms. Asher has come into the office and done everything she was required to do. He said that it just boils down to this structure still being in place when the previous owners said she would tear the structure down.

Ms. Terry said that she could go along with the structure staying on the property as long as there was no power hooked up the structure.

Mr. McEachern made the motion to allow the accessory structure to continue to stay on the property as long as it is used as an accessory structure, second was made by Ms. Terry. Motion carried 4-0.

Agenda Item B: Consideration of a request for a 9' sideyard setback variance to be able to raise the existing roof to make a 2-story dwelling located at 2100 Lakepoint Dr., Knox., referenced by Tax Map 17N, Group A, Parcel 12.00, zoned A-2. Owner: Clay McClarnon.

Mr. and Mrs. McClarnon were present.

Ms. Smith stated that the property sloped down in the back of the property. She said one could not see the house from the street. She said that the McCarnon's also owned the adjacent lot. She stated that there were no other dwellings even across the street from this property that their view to the lake would be blocked with this addition.

Mr. McClarnon said that the adjacent lot that they owned is next to this side of the house they needed the sideyard variance. He stated that the subdivision covenants said there was a side setback of 10'. He said he was going to be 16' from the side property line. He stated they proposed to build a second story to the existing structure. He said he was told when he came to get his building permit that the required sideyard setback was 25'

for a 2-story dwelling. He stated that someone would only be seeing the top of the roof when they drove down the street.

Mr. McEachern asked Mr. McClarnon why he couldn't combine the 2 lots he owned.

Mr. McClarnon stated that by owning the 2 lots, they had 2 voting shares in the subdivision. He said that there would be more cost in combining the 2 lots.

Mrs. McClarnon said that with their 2 children, one of them may want to build on the adjacent lot they owned.

Ms. Smith stated that one of the reasons for approving variances was for topographical reasons. She said that the lot drops off. She said that they also own the adjacent lot.

Mr. Brown asked Mr. McClarnon how big the adjacent lot was.

Mr. McClarnon said that the adjacent lot was approximately 1.1 acres.

Mr. McEachern made the motion to approve the variance request, second was made by Ms. Terry. Motion carried 4-0.

Agenda Item C: Consideration of a request for a 20' rearyard setback variance for a new 2-story covered deck to be added to an existing house located at 2130 Palmer Dr., Lenoir City, referenced by Tax Map 22C, Group A, Parcel 7.00, zoned A-2.

Owner: Curtis and Michelle Britt.

Mr. and Mrs. Britt and Mr. Overton, their contractor, were present.

Mr. Jenkins explained to the Board 2 things that the Britt's proposed to build onto their existing house. He stated that there is an existing 2-story covered deck on the back of the house, and they proposed to build a new 2-story covered deck onto the side of the house. He said that the proposed 2-story covered deck would only be 7' from the rear property line. He stated that there was a 40' easement behind the property that said it was Palmer Dr., and it went straight into the cove of the lake. He said that the existing deck has been removed by the advice of a structural engineer.

Mr. Overton stated that the structural engineer came to look at the foundation of the existing deck to determine if it would be enough to support the walls to enclose the existing deck. He said that after the engineer investigated, he found that the foundation and the footer were suspect. He stated that the engineer said the foundation and footer did not even support what was existing. He said there was a discrepancy of the survey. He stated that the rear property line was further away than what was indicated. He stated that the dimensions that gave us were correct, because they were based on the new

survey.

Mr. Brown said that there had to be a variance given sometime for the existing covered deck.

Mr. Overton stated there must have been an old variance approved for the existing covered deck. He said that the existing covered deck had been there for years. He stated that they needed a rear yard setback variance for the new 2-story covered deck, which would be approximately 13-17' off the new surveyed rear property line. He said that the new uncovered deck section would be approximately 7' from the rear property line, as was the existing deck. He stated that the building permit for enclosing the existing deck has turned into a new addition, due to having to tear down the existing covered deck. He asked how they needed to handle this situation. He asked if it would be considered a new addition or just rebuilding in the same footprint of an existing structure, which had some kind of prior variance. He said they wanted to stay legal. He said that he would need to go out approximately 1 ½ ' with the new footer for the part they had to tear down, because he was leaving the existing footer in the ground.

Ms. Henson, administrative assistant, explained that in January, 2014, the previous owner had requested a rezoning on the two lots he owned in Shiloh Acres. She said the Planning Commission decided that instead of rezoning the properties to have the lots surveyed and come to the BZA for a lot size variance. She stated that the following month (February, 2014), the previous owner came back to BZA and received a lot size variance for the 2 lots he owned.

Mr. Overton said that the Britt's had gone to all the adjoining property owners and explained what they proposed to do. He stated that each of the adjoining property owners had signed a letter stating that they approved of the proposed construction project.

Mr. Brown stated that if the BZA approved the lot size variance, they also approved existing variances for existing structures on the property.

Mr. McEachern made the motion to approve the variance request, second was made by Mr. Bright. Motion carried 4-0.

Agenda Item C: Election of Loudon County BZA Chairman and Vice Chairman for 2015.

Mr. McEachern made the motion to nominate the setting Chairman and setting Vice Chairman, to cease nomination, and approve by acclamation. Motion carried 3-0.

