

Loudon County Planning Department

MINUTES

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LOUDON COUNTY REGIONAL PLANNING COMMISSION

JULY 21, 2015

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

Motion to approve the minutes for the May 19, 2015 meeting was made by Mr. McEachern, seconded by Mr. Brooks, and approved 7-0.

**Agenda Item A: Consideration of rezoning property from R-1 (Suburban Residential) to C-2 (General Commercial District), located at 180 Littleton Drive, Loudon, referenced by Tax Map 41, Parcel 130.01, 1st Legislative District. Owner: Terry Jenkins
File #15-06-41-RZ-CO**

No representation for this request was present.

Mr. McEachern made the motion to postpone this request for 30 days, since there was no representation for the request was present, second was made by Mr. Lee. Motion carried 7-0.

**Agenda Item B: Consideration of a 2-lot re-subdivision plat on Paul Acuff Ln., Lenoir City, referenced by Tax Map 25, Parcels 73.00, 73.01, 74.00, 78.00, and 78.01, Zoned A-2 (Rural Residential District), 5th Legislative District. Applicant: Jim Hair
File #15-06-42-SU-CO**

Mr. Hair, the surveyor, was present.

Mr. Hair stated that there was a joint agreement for a 50' driveway made in 1986 on these parcels. He said that part of the property was subdivided which left a triangle piece of property landlocked. He stated that this property was originally owned by a family. He said he had resubdivided these parcels into 2 parcels using the 50' driveway extension agreement from Crock Road. He stated that both parcels do have 25' extensions to Crock Road.

Ms. Smith said that when Mr. Hair brought the subdivision plat to her for review, she told him that the plat would need to come to the Planning Commission for approval. She stated that some of these lots in the subdivision were landlocked. She said she did not find a recorded plat of this subdivision in the Register of Deeds office. She stated that the triangle piece in the middle of the property will be split between the 2 new lots (Parcels 73.00 and 78.00).

Mr. McEachern asked Mr. Hair if these new lots would be buildable lots.

Mr. Hair stated that there were existing homes on these lots.

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Ms. Smith said that these lots looked like they were on a private easement. She stated she didn't know if the original subdivision with the private drive came through the Planning Commission or if the lots were subdivided by deeds. She said that if the Planning Commission approved this resubdivision, they would be approving the way the plat is laid out. She stated this resubdivision would make the triangle piece go away.

Mr. McEachern stated that the resubdivision was not creating any problems.

Mr. Lee made the motion to approve the subdivision plat, second was made by Mr. Brooks. Motion carried 7-0.

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

May – 29 permits issued with estimated value of \$2,690,637 and fees collected of \$10,641 (12 single-family building permits issued)

June - 30 permits issued with estimated value of \$2,658,983 and fees collected of \$10,892 (10 single-family building permits issued)

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

Additional Public Comment: There were none.

Update from the Planner:

Planning commissioner training on Thursday, July 30, 2015 (re-scheduled from 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).

Addressing Stormwater and drainage issues training in Oak Ridge, Thursday, September 24th from 6 to 8 p.m. and in Jefferson City on Tuesday, September 29th from 6 to 8 p.m.

Planning Commission Training on private property rights in Farragut, Thursday, October 29th from 6 to 8 p.m.

Comments from the Commission: There were none.

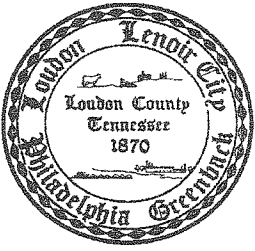
Mr. McEachern made the motion to adjourn, second was made by Mr. Brooks. Meeting was adjourned at approximately 5:48 p.m.



Signed



Date



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LOUDON COUNTY BOARD OF ZONING APPEALS

JULY 21, 2015

The July meeting of the Loudon County Board of Zoning Appeals was called to order at 6:10 p.m. Present were Mr. McEachern, Mr. Brooks, and Ms. Terry. Absent were Mr. Brown and Mr. Bright.

Mr. McEachern, Secretary of the Board, swore in those who were to give testimony in the meeting.

Motion to approve the June 16, 2015 minutes was made by Mr. Brooks, second was made by Ms. Terry. Motion carried 3-0.

Agenda Item A: Consideration of a special exception request for a gift shop/retail store to be used in the entire existing building located at 7955 Hwy. 11, W., Lenoir City, referenced by Tap Map 25L, Group B, Parcel 20.00, zoned O-1, 2nd Legislative District. Owner: Joseph Wallace

Mr. Wallace, the owner, and Ms. Teresa King, the tenant, were present.

Mr. McEachern asked what the limitations were for the O-1 zoning district.

Ms. Smith stated that a specialty/retail store was permitted in the O-1 zoning district as a special exception. She said that it could only occupy 40% of the development. She stated that she understood that Mr. Wallace and Ms. King proposed to use the entire building with an addition that is currently being built.

Ms. King said that she currently had a gift shop in Sweetwater for about 3 years and wanted to expand to having a gift shop in Lenoir City. She stated that she sold name brand products, such as Bath and Body Works, Aeropostale, and American Eagle. She said she would also be selling antiques and higher-end women's clothing.

Mr. McEachern asked if anything would be displayed outside the building.

Ms. King stated that she would not have anything displayed outside the building other than a sign.

Mr. McEachern informed Ms. King that there were sign restrictions, and she would need to check with the code enforcer on those restrictions.

Ms. King said that she also did fundraisers for churches and schools. She stated that a certain percentage of the sales go to those fundraisers.

Mr. McEachern asked Ms. King how many parking spaces there were.

Ms. King stated that she has about 6-8 customers every few hours, and she could use what spaces were in the front. She said that Mr. Wallace had made some parking spaces in the rear of the building that would provide about 30-40 cars. She stated that when she did her fundraisers, she extended the days or nights, so that everyone would not be there at the same time. She said she did not anticipate using more than 15 parking spaces at the most at one time.

Mr. McEachern asked Ms. King if she knew the square footage of the interior of the building.

Mr. Wallace said that the square footage of the interior of the building was 2,000 square feet.

Mr. McEachern asked Ms. Smith if they would have enough parking spaces.

Ms. Smith stated that Mr. Wallace and Ms. King would have to submit a site plan to be approved showing the parking spaces. She said that the site plan would need to be submitted for approval after the approval of this special exception request. She stated that when she reviewed the site plan, she would know if they had enough parking spaces. She informed them that the existing parking area was graveled. She said that they may need to get a special exception approval for the parking area to remain to be graveled by the Board.

Mr. McEachern explained to Mr. Wallace that there were some more steps he had to go through if this special exception request was approved, such as a site plan approval and conforming to the retail/commercial regulations, even though the property was not zoned commercial. He stated that other issues to be considered would be the number of parking spaces and the existing gravel in the parking area. He said that he approved of the special exception request, but it needed to be to this tenant only (Ms. King). He stated that once Ms. King's business is no longer in this building, the special exception will be removed.

Mr. McEachern made the motion to approve the special exception request for Ms. King (the tenant) only contingent on meeting all the site plan requirements with parking spaces and the existing gravel in the parking area, second was made by Ms. Terry. Motion carried 3-0.

Agenda Item B: Consideration of a special exception request for Niles Ferry Baptist Church to replace existing sign with an intermittent sign placed in the same location as existing sign, located at 6895 Hwy. 411, S., City of Greenback, referenced by Tax Map 80, Parcel 103.00, Zoned C-1 (Rural Center District), 3rd Legislative District. Applicant: Harold Carpenter

Mr. Carpenter, chairman of the deacons from Niles Ferry Baptist Church, was present.

Mr. Carpenter said that the church's existing sign needed to be replaced. He stated that the proposed sign would be an electronic sign.

Mr. Brooks asked the code enforcer, Mr. Jenkins, if there was a size requirement on the sign.

Mr. Jenkins stated that he would have to research the City of Greenback's zoning ordinance for their sign regulations.

Mr. Carpenter said that the digital part of the sign was 32" X 112". He gave Mr. Jenkins a copy of the proposed sign dimensions.

Mr. Jenkins stated that once the special exception request is approved, they will submit a building plan to him to review to make sure they meet the sign regulations for the City of Greenback.

Mr. Brooks made the motion to approve the special exception request, second was made by Ms. Terry. Motion carried 3-0.

Agenda Item C: Consideration of a special exception request for a rental storage unit business located on property at 6795 Hwy. 411, S., Greenback, referenced by Tax Map 80, Parcel 77.00, Zoned C-2 (General Commercial District), 3rd Legislative District. Owner: Thomas Irmen

Mr. and Mrs. Irmen were present.

Mr. Irmen said he understood that the C-2 zoning district permitted storage warehouses, but the permitted uses did not specifically list self-storage units. He stated that about 600' from his property was self-storage units. He said that about ¼ mile on the right of his property were some existing self-storage units.

Mr. McEachern explained to Mr. Irmen that the storage building that was a permitted use in the C-2 zoning district was for the business to store their products in. He said that Mr. Irmen would also have to submit a site plan and building plans for approval. He informed Mr. Irmen that due to the size of the property, he would have to deal with water issues and whether or not he was going to blacktop or gravel the property.

Mr. Irmen stated that Mr. Jenkins had explained the requirements to be able to put the proposed self-storage units on his property. He said he would have to get a driveway permit from the state.

Mr. Brooks made the motion to approve the special exception request, second was made by Ms. Terry. Motion carried 3-0.

Agenda Item D: Consideration of a special exception for a dog grooming business in a separate building from the dwelling with a sign located at 37103 Hwy. 72, N., Loudon, referenced by Tax Map 38, Parcel 18.00, consisting of 3.68 acres, Zoned A-1 (Agriculture-Forestry District), 4th Legislative District. Owner: Amanda Bradford
Ms. Bradford was present.

Ms. Bradford stated that she had originally started grooming in her home approximately in August, 2014. She said she realized that it was not very sanitary to have dog hair all over her home and have strangers in her home. She stated that she thought it would be better to do her dog grooming business in a separate building. She said the property was approximately 4 acres. She stated that she did not have neighbors who lived close by.

Mr. McEachern asked Ms. Bradford if she was going to kennel dogs also or do just the grooming.

Ms. Bradford said she was going to do just the grooming. She stated that she only had one customer at a time, and they were there about 2 hours. She stated that there were about 2 customers at one time. She said that she would have one customer leaving and one customer coming.

Mr. McEachern asked Ms. Bradford if she owned the property.

Ms. Bradford stated that she did own the property.

Mr. McEachern said that the approval should be to Ms. Bradford only.

Mr. Brooks made the motion to approve the special exception request to Ms. Bradford only, second was made by Ms. Terry. Motion carried 3-0

Ms. Smith asked the Board to address the signage Ms. Bradford has at the road.

Mr. Jenkins stated that the zoning on the property lists the requirements for signage for a home occupation. He said that it refers to a nameplate. He stated that it doesn't give any specifications or sizes for the nameplate. He said that the existing sign at the road may not technically be allowed. He stated that in the R-1 zoning district, it lists a sign could be up to 4 square feet.

Mr. Brooks amended his motion for the approval of the special exception request to allow the 4 square foot sign, second to the amendment was made by Ms. Terry. Motion carried 3-0.

Mr. McEachern informed Ms. Bradford she might have some right of way issues with the placement of the current sign.

Agenda Item E: Consideration of a 3' rearyard setback variance for Lot 19 in Rockingham Subdivision located at 1849 Britts Dr., Lenoir City, referenced by Tax Map 10F, Group A, Parcel 19.00, Zoned R-1/PUD (Suburban Residential District with a Planned Unit Development), 5th Legislative District. Owner: Hughston Homes of Tennessee

Mr. Walt Robinson, representative of Hughston Homes of Tennessee, was present.

Mr. McEachern asked Mr. Robinson if the rearyard of Lot 19 was against Lots 16 and 17.

Mr. Robinson said that was correct. He stated that the proposed house plan they wanted to build on this lot was 48' deep with the front porch included. He said that the lot was only 100' deep with a 30' frontyard setback and a 25' rearyard setback, which only left a depth of 45' to build the house. He stated that they have not started construction on this lot. He said they wanted to go about the situation the right way. He asked if it would be better to get a 3' frontyard setback variance.

Mr. McEachern stated that it would be better to move to the rearyard setback rather than the frontyard setback. He said meeting the frontyard setback requirement would make all the houses in the subdivision uniform from the front.

Ms. Terry made the motion to approve the variance request, second was made by Mr. Brooks. Motion carried 3-0.

Agenda Item F: Consideration of a special exception to allow property owner to occasionally live in camper while constructing residence, located at 1879 Coulter Shoals Circle, Lenoir City, referenced by Tax Map 22F, Group B, Parcel 10.00, Zoned A-2, 6th Legislative District. Owner: Charles Smith

Mr. Smith was present.

Mr. McEachern asked Mr. Smith what "occasionally" meant.

Mr. Smith stated that he worked for AT & T and was out of town 6 months out of the year. He said he also had a home in Florida. He stated that he proposed to build a cabin on this property. He said he had recently applied for his septic permit. He stated that he wanted to stay in the camper while the home is being built. He said he planned to build most of the home himself. He stated that he has had some hardships on the property from the property behind him. He said he had to remove multiple vehicles and hazardous waste. He stated that the property behind him is now cleaned up. He said he has planted 22 15' hemlock trees around the property. He stated he maintained the buffer that was on the north side of his property. He said he had really improved the lot from what it used to be.

Mr. McEachern asked Mr. Smith how long it would take to complete the new home.

Mr. Smith said that it would take less than a year to complete his new home.

Mr. Marty McDonald, the owner of the property across from Mr. Smith's property, 1960 Coulter Shoal Circle, passed out pictures to the Board of Mr. Smith's camp site and various homes in the vicinity. He stated that he currently has his house for sale. He said he purchased the home in 2006 for \$822,000. He stated that he proposed to sell the house and property for \$875,000. He said that Mr. Smith's property was detrimental to him selling his house. He stated that prospective buyers made the comment that they would not pay for a house in that range with a camp site across the street. He said that he understood that Mr. Smith was on the road, and this camp site was his permanent residence. He stated that Mr. Smith had a mailbox on his property. He said that the statement that Mr. Smith made that he was only in the camper occasionally was not accurate. He said that Mr. Smith's camper was a permanent structure with power and water hooked up to it. He stated that Mr. Smith had dug a hole in the ground to dump his solid waste in. He said that at that time, Mr. Smith did not have a septic permit. He stated that Mr. Smith had built a patio and a deck (seemed to be attached to the camper). He said that Mr. Smith had worked on the landscaping and built the patio and deck in a year's time. He stated that the property does look nice, but the structure was non-conforming to this community. He said he thought that Mr. Smith would begin building his home when he first moved the camper on the property. He stated that Mr. Smith did not begin building his home, but began improving the camp site. He said that Mr. Smith had told him about a month ago that he did not plan to start building his home for 2 years. He stated that providing Mr. Smith additional time to live in the camper would be a detriment to other people and him trying to sell his home.

Mr. McEachern asked Mr. Smith how big his parcel was.

Mr. Smith said that the parcel was .88 acres. He stated that the part of his property that is across the street that goes to the lake was adjacent to Mr. McDonald's property.

Mr. McEachern stated that this situation was not different from what the Board had approved in the past.

Mr. Brooks said that he had no problem with the camper being on the property while he built his home.

Ms. Terry stated that the camper being on the property was no worse than the junk vehicles that he had removed. She said that Mr. Smith has cleaned the property up.

Mr. Smith said that there was only one neighbor who had an issue with his camper being on the property.

Mr. McEachern stated that Mr. McDonald did have a valid complaint, due to him trying to sell his home. He said that doesn't mean that Mr. Smith didn't have a right to build a house on his property. He stated that the Board has approved property owners to live in a camper on their property for 12 months while they build their house. He asked Mr. Smith if he had septic at this time.

Mr. Smith said that he did not currently have a septic tank. He stated that he had applied for his septic permit through TDEC.

Mr. Brooks asked Mr. Smith if he could pull the motor home off the property.

Mr. Smith stated that the motor home was drivable and could be pulled off the property. He said that the motor home was not attached to anything.

Mr. Brooks made the motion to approve the special exception request for 12 months only, second was made by Ms. Terry. Motion carried 3-0.

Ms. Smith asked if something could be said about the accessory structures that were already on the property.

Mr. McEachern said that since Mr. Smith was already living on the property, he did not see these accessory structures being on the property without a primary structure.

Ms. Smith asked if the accessory structures could stay on the property.

Mr. McEachern stated that if Mr. Smith did not have his home completed within the 12 months, the accessory structures had to be removed.

Mr. Jenkins said that Mr. Smith had unpermitted storage buildings on the lot.

Mr. Brooks stated that he did not think that Mr. Smith needed to remove the accessory structures. He asked Mr. Smith how big the storage building was on the property.

Mr. Smith said that the existing storage building was 15' X 18'.

Mr. Jenkins stated that he thought there was also a carport on the lot. He said that the accessory structures would have been a bigger issue if the Board had not approved the camper to stay on the property for another year.

Mr. Brooks said that he did not see a problem with the accessory structures, and that they didn't need to be removed. He stated that if the house is not completed in 12 months, everything had to be removed.

Agenda Item G: Consideration of a 10' frontyard setback variance request for a 4' X 8' digital sign for Faith Fellowship Cumberland Presbyterian Church located at 14025 Hwy. 70, E., Lenoir City, referenced by Tax Map 7, Parcel 86.00, Zoned R-1, 5th Legislative District. Applicant: Gary Fox, representative of Faith Fellowship Cumberland Presbyterian Church

Mr. Fox, representative of Faith Fellowship Cumberland Presbyterian Church, and Mr. Gordon Meyer, the contractor to build the sign were present.

Ms. Terry asked Mr. Fox if the sign was going to be digital also.

Mr. Fox stated that the proposed sign would be digital. He said that this sign would replace the existing sign that was built by an Eagle Scout a few years ago. He stated that the proposed sign would be on a bluff above the roadway on Hwy. 70. He said that the reason for the placement of the proposed sign was so it could be seen further down the road. He stated that the existing sign could not be seen until people would be passed the turnoff from the road. He explained the location of the church.

Mr. Brooks asked Mr. Fox how far the proposed sign would be from the road.

Mr. Fox said that the proposed sign would be approximately 28' from the road.

Mr. Brooks wanted to verify that the proposed sign would not block the line of sight turning onto Hwy. 70.

Mr. Fox stated that the proposed sign would not block the line of sight turning onto Hwy. 70. He said that the proposed sign would be up on a bluff, which would be above the height of a car. He stated that the R-1 zoning district only allowed a 20 square foot sign. He said that the variance would need to include the sign to be 32 square feet. He stated that the 32 square foot sign was the smallest digital sign they could get. He said they were unsure where the front property line was. He stated that the 28' was from the edge of the road.

Mr. McEachern informed Mr. Fox that the required setback did not start at the highway pavement.

Mr. Brooks said that he thought they were going to have to go back farther.

Mr. Jenkins explained that since they didn't know where their front property line was, they were requesting a 10' frontyard setback variance.

Mr. Fox stated he knew the required frontyard setback was 30'.

Mr. Brooks said that they needed to find out where the right of way was.

Mr. McEachern agreed with Mr. Brooks that they were not asking for enough of a frontyard setback variance. He said that it looked to him that the original sign was on the right of way. He stated that he thought that the proposed sign would be encroaching on the right of way.

Mr. Brooks stated that he did not have a problem with the placement of the proposed sign, but they had right of way problems. He suggested to Mr. Fox to find out about the right of way before the Board could approve the variance request.

Mr. McEachern said that the Board could postpone this variance request until next month's meeting, so they could find out about the right of way. He explained that if the variance was approved for 10', they could not come back and ask for an additional variance.

Mr. Fox stated that if they don't purchase the sign before the end of the month, they would have to pay an additional \$1,500.

Ms. Smith reminded the Board that in the R-1 zoning district, there could not be a flashing, intermittent or animated illumination sign within 300' of property that is suburban residential district unless not visible. She stated that Stonebrook subdivision was across the road.

Ms. Terry said that digital signs were what the Board was approving for all the other churches.

Mr. Fox stated that there was approximately 180 yards to the closest house. He said that the house on the other side of the church's property was 300' from the church's property and was also blocked by a wooded area.

Mr. McEachern said that the church needed to stay off the right of way with the proposed sign. He stated that the church's setback requirement was from the church's property line, not the right of way.

Mr. Fox asked if the Board could give the church a 20' frontyard setback variance.

Mr. McEachern stated that they could only give the amount that was asked for on the request.

Mr. Fox asked if they could approve the proposed sign size variance and come back next month for the frontyard setback variance.

Mr. McEachern said that the Board had to deal with the request on the agenda. He stated that the Board could not approve just part of the request.

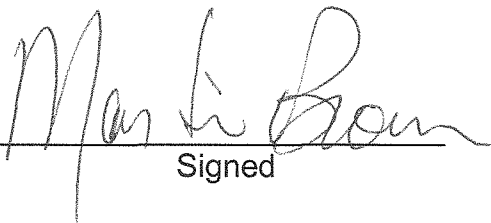
Mr. Meyer stated that he thought the church would be fine with the 10' frontyard setback variance.

Mr. Brooks made the motion to approve the variance request, second was made by Ms. Terry. Motion carried 3-0.


Additional public comments: There were none.

Announcements and/or comments from Board/Commission:

Mr. Brooks made the motion to adjourn the meeting. Meeting was adjourned at approximately 7:15 p.m.



Signed



Date