

**LOUDON COUNTY  
PLANNING  
& CODES  
ENFORCEMENT OFFICE**

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**MINUTES**

**LOUDON COUNTY REGIONAL PLANNING COMMISSION**

**July 16, 2013**

The July 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, Ms. Cardwell, Ms. Terry, Ms. Ross, Mr. Napier, Mr. Hale, and Mr. Bright. Absent was Mr. McEachern.

Motion to approve the minutes for the April 16, 2013 meeting was made by Mr. Luttrell, seconded by Ms. McNew, and approved 10-0.

**Agenda Item A: Consideration of request for approval of a 3 lot subdivision located on Corinth Rd. and intersection of Watson Rd., 3660 Corinth Rd., Tax Map 57, Parcel 83.00, consisting of 8.6 acres, zoned A-2, 4<sup>th</sup> Legislative District. Owners/ Applicants: John Bivens / Stacy King. File # 13-06-41-SU-CO**

Mr. Bivens was present.

Mr. Bivens stated that the property belonged to him and his sister. He said the parcel is split by the road. He stated that there were 2 existing dwellings on the property; one on one side of the road (8 acres) and one on the other side of the road. He said they wanted to divide the property for each home to have its own parcel with a vacant parcel for his sister.

Mr. Newman referred to the plat with the 3-lot subdivision. He stated that there were 2 variance issues with existing structures which would have to be addressed by the Board of Zoning Appeals. He said one structure was related to an existing barn on Lot 2, and the other structure was an existing storage building on Lot 3.

Mr. Newman recommended approval for the 3-lot subdivision subject to the BZA approving the variances for the existing structures.

Mr. Jim Brooks made the motion to approve the 3-lot subdivision, second was made by Mr. Luttrell. Motion carried 10-0.

**Agenda Item B: Consideration of amendments to Loudon County Zoning Resolution, Section 4.140 Litter, Refuse, Garbage, Junk and Debris, Vacant Dilapidated Buildings or Structures Control Regulations to Address Agricultural / Farming Activities. Staff**

Mr. Newman said that he was not purposing any amendments at this meeting. He stated he wanted to share some information with the Planning Commission. He had passed out the current  
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section of the Zoning Resolution that addresses this issue. He said that the Planning and Codes Enforcement Office was required to enforce the ordinances. He stated that the office identifies that there is a violation of the Zoning Resolution. He also referred to the form that was handed out which is the letter that is filled out and sent to the property owner when there is a violation to the Zoning Resolution. He said that everything that was on the form was required by the Zoning regulation. He stated that on the form letter, there needed to be a brief statement of the violation on the property. He said that a 20-day time frame was given to the property owner to clear up the violation, which is mentioned in the regulations. He stated this was the form that was brought up at the County Commission workshop last month. He also referred to another document that was handed out, the Tennessee Right to Farm Act. He said that there may be a perception that these regulations were an attack on farming in the agricultural community. He stated that this was not the intention at all. He said that looking at this Tennessee Right to Farm Act, there might be something the Planning Commission could recommend to County Commission to modify the regulation to clear up any misunderstanding.

Mr. Newman referred to the regulation. He said that the regulation does not exempt agricultural zoned property. He stated that there were some agricultural zoned properties that were not used for agricultural purposes. He said that basically this is in this section of the Zoning Resolution comes out of the State statutes. He stated that counties or cities did not have the authority that is not granted to them by the State. He said that the regulation did not define garbage, litter, refuse, rubbish, or any of the specific topics in this section of the Zoning Resolution. He stated that generally accepted definitions had to be taken. He said that the first 3 things mentioned in this section state what the purpose of the regulation are and what it applies to. He stated that everything else that is mentioned in this section deals with administrative procedures. He said these procedures state what has to be done in notifying the property owner, the time frame that has to be met, what happens when they don't respond in a certain time frame, and what the office is required to do. He again stated this was all in the State statute. He said that the notice letter restates almost verbatim what is in this section of the regulation.

Mr. Newman stated that there were 2 issues that were brought up at the County Commission Workshop: (1) that the Planning and Codes Enforcement Office was attacking the agricultural/farming community by applying this regulation to farming property that has to have certain materials that may look like junk and debris but are used in the farming operation; and (2) the violation notice letter was too impersonal the way the office contacts property owners with the certified letter. He said the regulation says this is the procedure that has to be done. He stated that the administrative improvement could be an attempt to verbally contact the property owner, explain the violation on their property, tell them that it is required there would be a violation notice that will be mailed to them, and if there were any issues or concerns, to contact the office to work out a solution. He said that the office currently does not always talk with the property owner face to face or on the telephone before the violation notice is mailed out.

Mr. Newman said that after reading the Tennessee Right to Farm Act, his interpretation of the Act was that it exempts farms from being considered a public or private nuisance. He stated that it puts the burden of proof on a party that feels like the farming operation is a nuisance. He said the law contains definitions of a farm operation and activities that are included in a farming operation. He stated that those activities are exempt from being a nuisance.

Mr. Newman said that in the case that was brought before the County Commission Workshop, the property owner had an issue with the way the office had cited him. He stated that the situation was a farm that no one lived on property. He said that the inspector did not know who the property owner was or how to get in touch with him. He stated that there was a bunch of old farm tires that were piled fairly close to the road. He said there was an old tarp lying in with the tires with weeds growing up through it. He stated that to the inspector, it looked like all the other situations with people piling tires on their property. He said the notice was sent to the property owner, and the property owner called the office when he received it. He stated that the property owner did not state what the tires were there for. He said that if the property owner had stated what the tires were used for, he would have closed the file. He stated that the property owner said at the workshop that he used the tires in his farming operation to hold a tarp down over a silage pit. He said that was clearly something that is not the intent this regulation is trying to address. He stated that from that standpoint, it would not have been an issue with the office.

Mr. Newman stated that if there was a change to be made to this section of the Zoning Resolution, something to consider would be to add the citation of Tennessee Right to Farm Act on the last page under "Exceptions Provision" recognizing that it is also exempt under these regulations.

Mr. Brown said that since the Loudon County Planning Commission had not met in the last 2 months, he had asked the Board of Zoning Appeals to request to Mr. Newman to review a possible revision of this section of the Zoning Regulation to bring to the Planning Commission to recommend to the County Commission. He stated that he had met with the County Mayor after the County Commission Workshop and told her that the Planning Commission would review this section of the Zoning Resolution. He explained that he wasn't trying to bypass anyone's authority that he was just trying to get it started.

Mr. Jim Brooks asked why there needed to a revision on this section of the Zoning Resolution. He said that Mr. Newman had just said that the Tennessee Right to Farm Act said it excluded farming.

Mr. Brown stated that they didn't know what the Tennessee Right to Farm Act said or when it was passed.

Mr. Brooks asked if Mr. Newman had said that if the office knew what the Tennessee Right to Farm Act had said, this particular situation (the case that was brought before the County Commission Workshop) would have been exempted.

Mr. Newman said that if he had known what the tires had been used for before issuing the citation, it would not have been junk or debris under this section of the Zoning Resolution.

Mr. Bright stated he liked what Mr. Newman had said about sending someone to try to talk with a property owner prior to sending the violation notice.

Ms. Ross asked if this particular case was a working farm even though no one lived on the property.

Mr. Newman said that it was a working farm. He stated that the office had received a complaint.

Ms. Ross stated that she liked this section in the Zoning Resolution helps protect property values.

Mr. Brown said that all he was asking the Planning Commission to do was to talk about this section and decide what they need to recommend to the County Commission. He stated that his intent was not to eliminate this section of the Zoning Resolution.

Mr. Bright stated that he liked the idea of making an exception for the right to farm. He said that it clarifies where the County could stand on farming.

Mr. Napier said that when making the exception, they needed to define what farmer is also. He stated that people who live outside the city limits that pile junk up that are not farmers.

Mr. Newman stated that the Tennessee Right to Farm Act did define the term of farmer. He said that if that act was added to the exception to the regulation, all those definitions would apply.

Mr. Luttrell said that he appreciated the report and that the Planning Commission had been asked to review this section. He stated that it would get back on the agenda.

Mr. Brown asked Mr. Newman if he knew how to go forward.

Mr. Newman stated that he would put together a draft and would consider Mr. Bright's comments.

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

**County Commission Action on Planning Commission recommendations:**

**Rezoning from A-2 to R-1 of property located at Snodderly Rd and Loudon Ridge Rd.  
– Approved**

**Rezoning from R-1 to O-1 of property located at 16746 Hwy. 11 E. - Denied**

**Additional Public Comment:** There were none.

**Comments from the Commission:** Mr. Newman reminded the Planning Commission about the training workshop on economic development that would be held July 30<sup>th</sup>. He said he had extra copies of the flyer. He stated that Planning Commissioner needed to get 2 hours of training a year. He said there would be other opportunities if they couldn't attend this training.

Mr. Luttrell made the motion to adjourn, second was made by Mr. Brooks. Motion carried 10-0. Meeting was adjourned approximately at 5:55 p.m.

Martin Braun  
Signed

8/20/13  
Date



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**MINUTES**

**LOUDON COUNTY BOARD OF ZONING APPEALS**

**July 16, 2013**

The July meeting of the Loudon County Board of Zoning Appeals was called to order at 6:00 p.m. Present were Mr. Brown, Mr. Luttrell, Mr. Bright, and Ms. Terry. Absent was Mr. McEachern.

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

Motion to approve the June 18, 2013 minutes was made by Mr. Luttrell, second was made by Mr. Bright. Motion carried 4-0.

**Agenda Item E: Consideration of request for variances of existing structures referenced on Tax Map 57, Parcel 83.00, 3660 Corinth Rd., Zoned A-2. Owner/ Applicant: John Bivens/ Stacy King**

**4' Side yard setback variance for existing storage building on lot 3 of John Bivens Plat**

**5' Side yard and 40' front yard setback variance for existing barn on lot 2 of John Bivens Plat**

This item was heard first due to the subdivision plat that was approved subject to the variances being approved by the Board of Zoning Appeals.

Mr. Bivens was present.

Mr. Newman referred to the subdivision plat with an existing barn and storage building on Lots 2 and 3. He recommended approval for the variances for the existing structures, which means if they were ever replaced; the structures would need to conform to the Zoning Resolution.

Mr. Bright made the motion to approve the variances for the existing structures, second was made by Mr. Luttrell. Motion carried 4-0.

**Agenda Item A: Consideration of request for a variance to construct a detached 18'x21' carport in the front yard, 260 Abbott Rd., Tax Map 9O, Group A, Parcel 28.00, Zoned R-1. Owner/ Applicant: Stephen Brooks**

Mr. Brooks was present.

Mr. Newman explained that Mr. Brooks had come into the office to get a building permit for an accessory structure to go in the rear yard of the property. He stated that the office realized that an existing carport had not been permitted, which is in the frontyard of the property. He said it was explained to Mr. Brooks that the carport was in violation of the Zoning Resolution. He stated that Mr. Brooks had located the carport as far as he could at the end of his driveway. He said the structure was L-shaped. He stated the carport was not that far in the frontyard. He stated that Mr. Brooks did not have any other option to place the carport. He recommended approval of the variance request.

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

**Agenda Item B: Consideration of request for special exception to build an accessory structure on property without a primary structure, located at 4757 Unita Rd., Tax Map 36, Parcel 119.01, Zoned A-1. Owner/ Applicant: Larry Stevens**

The owner withdrew his request.

**Agenda Item C: Consideration of request for a special exception to live in a temporary dwelling (camper) while building a house, located at 4757 Unita Rd., Tax Map 36, Parcel 119.01, Zoned A-1. Owner/ Applicant: Larry Stevens**

The owner withdrew his request.

**Agenda Item D: Consideration of request for a special exception to build a wood working, jewelry making and storage workshop on Watt Cemetery Rd., Tax Map 58, Parcel 71.00, Zoned A-2. Owner/ Applicant; Gerald Grekowicz**

Mr. Grekowicz was present.

Mr. Grekowicz stated he had just purchased a home in Tellico Village. He said that Tellico Village did not allow workshops. He stated that he purchased this property to build the workshop, so he and his wife could work on their hobbies. He said that the property was heavily wooded, and people would probably not even see the workshop from the road. He stated that the workshop would be a steel building and be very nice and neat.

Mr. Newman asked Mr. Grekowicz what they would be doing in the building.

Mr. Grekowicz said that he would be doing wood working, and his wife made jewelry.

Mr. Newman asked Mr. Grekowicz if there would be anyone else working in the workshop, in other words, it was not a business.

Mr. Grekowicz stated that it was not a business, that it was a hobby shop.

Mr. Newman explained that there was a provision in the A-2 zone that allows for light manufacturing uses. He said that it was almost like a home occupation the way the restrictions were. He stated that since there was not a home on the property, it couldn't be a home occupation. He said if it was just a storage use, it would be an accessory structure without a primary dwelling, which would require approval of a Special Exception. He stated that there was 2 different ways it could be considered. He said when Mr. Grekowicz came into the office to apply to go before the BZA; he understood it to be more of a business use as opposed to just an accessory structure without a primary structure. He said that the BZA had several requests along those lines.

Mr. Brown asked Mr. Grekowicz if he would be selling the items he would make from this building.

Mr. Grekowicz said that he would be selling the items.

Mr. Brown stated that this would be a business, and he would be making a profit. He asked Mr. Newman if this would be allowed in the A-2 zoning.

Mr. Newman said that it would have to be a home occupation.

Mr. Grekowicz stated that people would not be coming to this property to buy the items. He said that they usually sold the items online. He stated if necessary, they would meet with people and show the items. He said they did not have a display shop any place.

Mr. Brown asked if the Board is legally allowed to approve this request.

Mr. Newman said that he didn't think the Board could legally approve the request as a home occupation. He stated that the other option the Board could do was approve a variance to allow an accessory structure, because Mr. Grekowicz was going to use the building for storage also. He said that there were some items Mr. Grekowicz could not store at Tellico Village. He stated that this question had come before the Board before.



Mr. Brown had to swear in 2 more people who weren't sworn in at the beginning of the meeting.

Ms. Guider, who has property that adjoins Mr. Grekowicz's property, stated that she was sure they would be good neighbors. She said that her concern was the increase in traffic on this rural road from this elaborate hobby. She stated that there would be delivery trucks and customers coming to this property. She said she hoped that if approving this request now, that Mr. Grekowicz would know that he had to come back to the BZA to make it a commercial business.

Mr. Brown informed Ms. Guider that if the Board did approve this request, they could place restrictions on what Mr. Grekowicz would be allowed to do and how he would be allowed to operate. He stated that the Board approving a Special Exception, they were allowed to place restrictions on the request.

Ms. Guider said that she was also concerned about neighbors in Tellico Village wanting to use Mr. Grekowicz's building to store their items that cannot be stored at Tellico Village.

Mr. Grekowicz stated that if his request was approved, there would be no delivery trucks coming onto this property. He said the only vehicles that would be coming onto the property would be their own personal vehicles. He stated that they would not even display the items on this property.

Mr. Newman asked Mr. Grekowicz what the size of the building would be.

Mr. Grekowicz said that the building would be 30'X50'. He stated that the building would be 1 story with a 12'X12' door, so he can park a vehicle in the building if he needed to.

Mr. Newman asked Mr. Grekowicz how far from the road the building would be.

Mr. Grekowicz stated that the proposed building would be approximately 200' from the road.

Mr. Newman asked Mr. Grekowicz if he was only go to have a small gravel driveway going to the building.

Mr. Grekowicz said that was correct.

Mr. Newman asked Mr. Grekowicz if he planned only to clear the property where the driveway would be.

Mr. Grekowicz stated that the lot was heavily wooded, and he would only clear the lot where the driveway would be.

Ms. Betty McCollister stated that the property was Mr. Grekowicz's, and she didn't see why he couldn't do what he wanted to with it.

Ms. Guider asked the Board to make Mr. Grekowicz aware that if he subdivides this property and sells some of the lots, those people would need to come before the Board to get approval if they plan to do the same thing as Mr. Grekowicz.

Mr. Grekowicz said that he was aware of the rules for subdividing property.

Mr. Newman informed Mr. Grekowicz that what Ms. Guider was trying to say was that if his Special Exception was approved; it would be approved only to him.

Mr. Brown stated that if Mr. Grekowicz ever sold the property to anyone else, the building would then be a vacant building. He said that Mr. Grekowicz could not continue the business or operation.

Mr. Brown said that his concern was setting a precedent on something that the Board may be sorry for in the future. He stated that he was not opposed to the request, but he didn't want more people to come before the Board asking for the same thing. He said that if the Board approved this request, they could not refuse to approve anyone else.

Mr. Newman recommended approval for the Special Exception request for an accessory structure to allow Mr. Grekowicz to use for his hobby operation without a primary use. He said that the approval could be to Mr. Grekowicz only.

Mr. Brown stated that Mr. Grekowicz could not be allowed to sell anything out of this building. He said that Mr. Grekowicz had said that there would not be deliveries to this building other than his personal vehicles. He stated this should be one of the restrictions on the Special Exception, and it would be approved for Mr. and Ms. Grekowicz only.

Mr. Luttrell made the motion to approve the Special Exception request with the exception that no displays or sales be permitted, second was made by Ms. Terry. Motion carried 4-0.

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

**Announcements and/or comments from Board/Commission:**

Mr. Luttrell made the motion to adjourn, second was made by Ms. Terry. The meeting was adjourned at approximately 6:25 p.m.

Mr. Luttrell made the motion to reconvene due to Ms. Bryant needing help with junk and debris on her property.

Mr. Newman stated that this issue has been continuously been addressed by the office.

Mr. Boling passed out pictures of the junk and debris on the property.

Mr. Newman said there was no violation that could be seen from the road. He stated that the property was 5 acres. He said that Ms. Bryant's husband collected items and had them in discreet piles. He stated that there were many materials that could be recycled. He said that this would cost the county a lot of money to have to clean up the property. He stated that the complaint stemmed a neighbor who lived behind the Bryant property, and his wife has also complained.

Ms. Bryant stated that the property is in her name. She said that her husband was a hoarder, and he had a very serious problem. She stated that he doesn't ever sell anything that he brings onto the property. She said that she personally wanted the property cleaned up. She asked the Board to write her a letter asking her to get the property cleaned up. She stated that the previous letters written, her husband got them first.

Mr. Brown asked Ms. Bryant how much time she needed to get the property cleaned up.

Ms. Bryant said she didn't know how long it would take her to clean the property up.

Mr. Newman stated that in the Zoning Resolution, it says to give the property owner 20 days to clean up the property. He said that the office can write her another violation notice giving her 20 days.

Mr. Brown informed Ms. Bryant that if she could not get the property cleaned up in 20 days, she could come before the Board to ask for an appeal for additional time.

Ms. Bryant said that she thought she could get it cleaned up in 2 to 3 months.

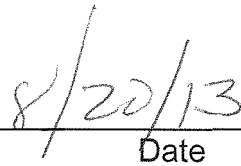
Mr. Brown stated that the Board tried to work with people if they were making some progress.

Ms. Bryant asked if the notice could come directly to her by certified mail.

Mr. Newman said that when the office got the violation notice completed, they would call her to come to pick it up.

Mr. Luttrell made the motion to adjourn the meeting. Meeting was adjourned approximately 6:40 p.m.

  
Signed

  
Date