



**LOUDON COUNTY  
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**MINUTES**

**LOUDON COUNTY REGIONAL PLANNING COMMISSION**

**November 19, 2013**

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

Motion to approve the minutes for the October 15, 2013 meeting was made by Mr. Luttrell, seconded by Mr. Brooks, and approved 10-0.

**Agenda Item A: Consideration of request to rezone 1 acre of property located at 9279 Old Vonore Rd., Loudon, from A-2 (Rural Residential District) to C-1 (Rural Center District), referenced on Tax Map 49, Parcel 72, 1<sup>st</sup> Legislative District. Owner/Applicant: Malcolm Williams. File #13-11-74-RZ-CO.**

Mr. Williams was present.

Mr. Newman stated that Mr. Williams had recently purchased this property. He said that the structure on the property had been used as a grocery store (Simpson Grocery) for years. He stated that the owners had sold the property, and there had not been a business in the structure for a couple of years. He said that Mr. Williams would like to open a rural grocery store in the structure. He stated that the previous grocery store was a legal non-conforming use in the A-2 zone due to the use being pre-dated before adoption of the zoning in the county. He said that the zoning regulations states that if a non-conforming use shuts down more than 12 months, then it cannot be restarted legally. He stated that the only way to permit Mr. Williams to do this would be for the property to be rezoned to a zoning district that allowed it, which a C-1 zoning does allow. He referred to a zoning of the area. He said that going on down the road to the intersection of Davis Ferry Road and Vonore Road, the properties were zoned C-1 with some businesses in that area presently.

Mr. Williams said that he had been in the funeral home business for 53 years and wanted to slow down now. He stated this was something he wanted to do during this slow-down time.

Mr. Hale asked if there was anything that could prevent the Commission to rezone the property.

Mr. Newman stated that there was not anything that could prevent the Commission from recommending to County Commission to rezone the property.

Mr. Newman recommended to approve the request. He said that it was consistent with what the  
Serving Loudon County

property had been used for a long period of time. He stated that there were also other C-1 properties in the area, but not another use like this one in the area. He said that the closest grocery store for these people would be in the town of Loudon or in Tellico Village.

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

**Agenda Item B: Consideration of request to rezone 1.06 acres of property located at 7400 Hwy. 411, S., Greenback, from C-1 (Rural Center District) to C-2 (Highway Commercial District), referenced on Tax Map 84, Parcel 50.06, 3<sup>rd</sup> Legislative District. Owner/Applicant: Ralph Tallent. File #13-10-68-RZ-CO.**

Mr. Tallent was present.

Mr. Newman stated that this property is in Greenback but is not in the corporate city limits of Greenback. He said that there is an existing commercial building on the property. He stated that the building was a type of garage metal framed building. He said there had been a variety of commercial uses in the building. He stated that since the C-1 zoning did not permit auto sales, Mr. Tallent needed to rezone the property. He said Mr. Tallent had a client that was interested in using the building for that purpose. He stated that there was C-2 zoning, not immediate adjacent to the property, on another piece of property that Mr. Tallent owns. He said that there were other properties on Hwy. 411 close to this parcel that were zoned C-2.

Mr. Tallent said that he had a surveyor to re-subdivide the property for the 1.06 acres. He stated that the property had 108' road frontage on Hwy. 411. He said he wanted it rezoned to C-2, so he could have more options on the property.

Mr. Newman recommended to approve the rezoning request. He said that Hwy. 411 was a growing commercial corridor. He stated that the property had good access to the highway, and there would not be any transportation issues. He said there was already a driveway cut on the property.

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

**Agenda Item C: Consideration of request to remove Bingham Lane and Red Hill Lane from the Loudon County Public Roadway System, located in Yellow Wood Subdivision, off Coytee Rd., Greenback, 3<sup>rd</sup> Legislative District. Applicant: Stewart and Deborah Rossi. Mr. and Mrs. Rossi were present.**

Mr. Newman stated that Mr. and Mrs. Rossi had developed this subdivision. He said there were 3 completed roads in the development. He stated that the County accepted the completed roads in the development into the public road system about a year ago. He said that this was contrary to what the Rossi's wanted, because they wanted to keep the roads private. He stated that the main road going into the development does provide access to adjoining property owner. He said this road was the only way the property owner had to his property, which use to be off the old road. He stated this was one of the reasons the county believed that the road network needed to be made public. He said that the 2 roads the Rossi's were asking to remove from the public roadway

system do not provide access to anyone else in the development. He stated that the Rossi's own the property all around these roads. He said there were 2 cul-de-sacs.

Mr. Brown asked Mr. Rossi if he planned to put gates on these roads.

Mr. Rossi said that they would like to put gates on these cul-de-sacs and make them private. He said they had a lot of trespassers and criminals. He stated they constantly have the police and TRDA there. He said they have hunters and poachers who come on the property.

Mr. Newman referred to the map of the development showing the cul-de-sacs. He said they were not asking for the main road leading into the development to be made private. He stated that the old Baxter-Bright Road is named Summitt Hill Drive. He said that the lots in these 2 cul-de-sacs were undeveloped and no one is living on the lots.

Mr. Rossi stated that they have maintained these 2 cul-de-sacs for the last 8 years. He said that they keep the properties mowed, swept, and they blow the leaves off the properties. He asked that the Commission reconsider giving back this property that they own. He stated this would be the right thing for the tax payer.

Mr. Brooks asked when the old Baxter-Bright Road was closed.

Mr. Rossi said that the County gave them permission to close the old Baxter-Bright Road seven years ago.

Mr. Newman stated that he had asked the Highway Superintendent for an opinion on the removal of these 2 roads from the public roadway system, but he has not gotten back with him. He said he did not know where the Highway Superintendent would stand on this issue. He stated that it was not a good idea for the County to only keep part of a road network in a subdivision in a public capacity. He said there would be some confusion on who would be responsible for what. He stated that as lots were sold on these 2 roads, the new owners would not like having to pay for the upkeep of the roads.

Mr. Rossi said that in the Home Owners Association bylaws of Yellow Wood, it spells out that the whole subdivision pays for all the road maintenance and any repairs. He stated that it would not be a surprise to any of the homeowners that would buy into the development about having to help pay for the upkeep of the roads. He said that the roads were put in by the County specs and should last 25 years. He stated that he would like for the County Commission to give him back their land. He said in the road swaps, these cul-de-sacs were never really presented to the County to be admitted to the public roadway system. He stated that they would have to call the Road Commissioner to come mow. He said they mow the roads in the subdivision. He stated they were good stewards of the land. He stated that they did not intend to create any problems or confusion.

Mr. Napier asked if he had problems with undesirables coming into the development.

Mr. Rossi stated that it was unbelievable. He said that is the reason why they wanted to put the gate up was for security reasons.

Mr. Luttrell stated that Mr. Rossi had mentioned 2-3 times that he would like the County would give you back your land. He asked Mr. Rossi if he felt that these roads that had been there for seven years had been illegally been taken by the County.

Mr. Rossi said that he felt that way. He stated that he felt that Summitt Hill Drive replace the old Baxter-Bright Road.

Mr. Brown stated that Mr. Rossi had agreed at the time the subdivision was approved Mr. Rossi had requested the Commission to allow him to close the old Baxter-Bright Road, build the new roads, and make them County roads.

Mr. Rossi said that they had spent \$600,000 to be the road to get up to Mr. Bright's property. He stated that the cul-de-sacs were never in the deal. He said they mean nothing to the County, but they mean a lot to them. He stated this was part of their land. He said that they should not take things that did not belong to them.

Mr. Brown informed Mr. Rossi that he had come to this Commission and asked them to approve the subdivision. He stated that the Commission did that. He said there was no mention of private roads at that time. He told Mr. Rossi that he decided to make the roads private years later. He said that Mr. Rossi did this without approval.

Mr. Rossi said that he did not do anything without approval.

Mr. Brown stated that Mr. Rossi had put a gate up.

Mr. Rossi said that if it wasn't for them coming to this Commission to tell them they had roads that they should be taking back, they would still be his roads.

Mr. Brown stated that Mr. Rossi did not come.

Mr. Rossi said that he did.

Mr. Newman recommended to deny the request.

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

**Agenda Item D: Consideration of request for final plat approval for Cobb Subdivision, a 3-lot subdivision, located at Hwy. 95, N. and Hwy. 321, S., Lenoir City, referenced on Tax Map 44, Parcel 24.00, Zoned A-1, consisting of 9.61 acres, 3<sup>rd</sup> Legislative District.**

**Owner/Applicant: Jeff and Linda Cobb. File #13-11-71-SU-CO.**

Mr. and Mrs. Cobb were present.

Mr. Newman explained the location of the property. He stated that the property was on the corner of Hwy. 95 and Hwy. 321 and has frontage on both highways. He said the frontage on Hwy. 321 had a very steep slope which most of that frontage was not accessible. He stated that there was one existing dwelling on the current property which would set on the proposed Lot 2. He said

there were several accessory buildings also on the property. He stated that due to the property being in the A-1 zoning, the minimum lot size requirement was 1 acre. He said that each lot meets this minimum lot size requirement and the required road frontage requirement. He stated that the only issue with the plat was the location of the existing dwelling which did not meet the minimum front setback requirement (50 feet). He said that approval of the 3-lot subdivision plat would be subject to a variance being approved by the Board of Zoning Appeals for the existing dwelling.

Mr. Cobb stated that subdividing the property would make it easier to sell in the future.

Mrs. Cobb said that the house was 50 years old.

Mr. Newman stated that the 3-lot subdivision plat does comply with the County's subdivision and zoning regulations with the exception of the 15' violation on the front setback requirement for the existing dwelling. He recommended approval of the subdivision plat subject to the Board of Zoning Appeals approving the 15' front setback variance and all certifications on the plat being signed.

Mr. Luttrell asked if the existing dwelling was built before the Zoning Regulations.

Mr. Newman said that he thought it was built before the Zoning Regulations.

Mr. Brooks stated that the house had probably been there for 40 years.

Mr. Brown said that when the property is subdivided, the grandfathering goes away.

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

**Agenda Item E: Consideration of request for final plat approval to re-subdivide 6 lots in Silver Oak Subdivision, located on Holly Leaf Lane, Silver Leaf Drive, and Granada Drive, referenced on Tax Map 17G, Group C, Parcels 18, 36, 37, 54, 55, and 56, Zoned R-1, Cluster Option, consisting of 4.65 acres, 6<sup>th</sup> Legislative District. Owner/Applicant: J Harv and Associates, LLC, Winston Cox.**

Mr. Cox was present.

Mr. Newman referred to the proposed plat of the re-subdivision that was sent in the agenda packets. He stated that this was a re-plat of 6 existing lots in Silver Oak subdivision. He also referred to the displayed original plat showing the lots to be re-subdivided. He said that the size of these current lots relative to the other lots in the subdivision were larger. He stated what Mr. Cox was proposing was to take the 6 larger lots in the development and divide them in half. He said this would create 6 new lots. He stated that there are 58 lots in the current subdivision. He said with the approval of the proposed plat, it would make the subdivision 64 lots. He stated that each of the lots would be consistent in size. He said that in a Cluster Option, the overall density requirement in the Zoning Regulations was that it could not exceed 2 lots per acre in the entire development. He said that proposed plat does not exceed this number. He stated that the Cluster Option also requires public water and public sewer, which this development has.

Mr. Cox stated that the proposed lots would be consistent in size with the other lots in the subdivision.

Mr. Newman recommended to approve the proposed re-subdivision. He said that the proposed re-subdivision did meet what the Cluster Option allows. He stated that he had talked to Mr. Cox about one change he needed to make on the proposed plat. He said that the proposed plat had put the detention easement on private property. He stated that the adjacent common area had most of the detention basin on it. He said he asked Mr. Cox to revise the subdivision of this lot so the entire detention easement stays in the common area, so that it can be maintained by the entire homeowners association as to one property owner. He stated that Mr. Cox agreed to do this revision. He said that he recommended approval of the plat subject to this revision.

Mr. McEachern made the motion to approve the re-subdivision plat subject to the revision Mr. Newman made to Mr. Cox, second was made by Mr. Napier. Motion carried 10-0.

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

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

**Rezoning of 2.99 acres located at Town Creek Rd. and Myers Rd. to C-2. Approved.**

**Amendment of Section 4.140, Litter Refuse, Debris, etc., Loudon County Zoning Resolution, to exempt farming activities protected by Right to Farm Act (TCA 43-26). Approved.**

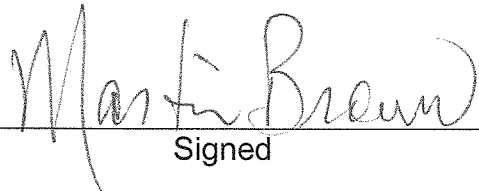
**Additional Public Comment: Construction Borrow Pits**

Mr. Newman stated that this issue came up at the last meeting. He said he had contacted some adjoining communities to see how they handled the borrow pits. He stated that some larger communities and municipals did require permitting and approval of borrow sites presently. He said he asked to get their regulations to give a report to the Commission at next month's meeting.

**Comments from the Commission:** There were none.

Mr. McEachern made the motion to adjourn. Meeting was adjourned at approximately 6:00 p.m.

Mr. Newman had passed out information about the Plan ET meeting to be held on November 21, 2013 from 11:45 a.m. – 1:30 p.m. He said that if anyone was interested in going, they could ride with him.

  
Signed

  
Date



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**MINUTES**

**LOUDON COUNTY BOARD OF ZONING APPEALS**

**November 19, 2013**

The November meeting of the Loudon County Board of Zoning Appeals was called to order at 6:05 p.m. Present were Mr. Brown, Mr. Luttrell, Mr. McEachern, Mr. Bright, and Ms. Terry.

Ms. Ketterman, from Jackson Crossing, passed out packets to the Board Members between meetings.

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

Motion to approve the October 15, 2013 minutes was made by Mr. McEachern, second was made by Mr. Luttrell. Motion carried 5-0.

Mr. Newman had to add an item to the agenda. He stated that this Special Exception request had been received in the office in time to be placed on this month's agenda. He said this request concerned the property at 175 Bedlow Way. He stated that the request was to allow a garage on a property that does not have a primary dwelling.

Mr. Luttrell made the motion to add Item C to the agenda, second was made by Mr. Bright. Motion carried 5-0.

**Agenda Item A: Reconsideration of request for special exception approval for multi-family use of Lot 1, Jackson Crossing Subdivision, to construct 3 duplex units on 2 acres, referenced on Tax Map 10K, Group B, Parcel 1.00, Zoned R-1/PUD for 3.0 units per acre, 5<sup>th</sup> Legislative District. Owner: Southern Heritage Bank. Applicant: Daniel Parker, Realtor, Agent for Developers.**

Mr. Parker was present.

Mr. Brown stated that the Bylaws and Rules of Procedures for the Loudon County Board of Zoning Appeals give the Chairman the right to rule on procedural questions before the body. He said that his ruling for Item A on this month's agenda is the same as Item C on last month's agenda which was heard and acted upon. He stated that

therefore, Item A would not be heard at this month's meeting. He said this ruling could be reversed if 2/3 majority of the members present overruled his decision. He stated that otherwise, this item would not be heard.

No one on the Board voted to overrule.

**Agenda Item B: Consideration of request of front setback variance of 15 feet for existing residence located on Lot 2, Cobb Subdivision, 42796 Hwy. 95, N., Lenoir City, referenced on Tax Map 44, Parcel 24.00, Zoned A-1, 3<sup>rd</sup> Legislative District. Owner/Applicant: Jeff and Linda Cobb.**

Mr. and Mr. Cobb were not present. (They had been at the Planning Commission meeting.)

Mr. Newman stated that this request was related to the 3-lot subdivision plat that had been presented in the Planning Commission. He said that the variance would require a 15' front setback variance for the existing dwelling.

Mr. Newman recommended to approve the 15' front setback variance request for the existing dwelling only. He stated that if this structure was ever destroyed, it would have to be rebuilt meeting the required setback.

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

**Agenda Item C: Consideration of request to allow an accessory structure on property without a primary structure located at 175 Bedlow Way, referenced on Tap Map 49, Parcel 17.00, Zoned A-2, 1<sup>st</sup> Legislative District. Owner/Applicant: Gene Meeks.**

Mr. Meeks was present.

Mr. Newman explained the location of the property. He said that Mr. Meeks plans to build a garage on the property.

Mr. Brown asked Mr. Meeks if he planned to build a house on this property.

Mr. Meeks stated that he did not plan to build his house on this property. He said he did plan to build the house on the property directly across from this property. He stated that the reason he wanted to build on this property was that it was the only lot that had a small place that was flat.

Mr. McEachern asked what his plans were for the use of the garage.



Mr. Meeks said that he was the only one that is in this subdivision right now, and he helped maintain the road. He stated that he needed a place to put his tractor and the items he needed to build his house. He said that the garage would not be used commercially.

Mr. McEachern asked Mr. Meeks if he planned to use it for retail in the future.

Mr. Meeks stated that he would not use the garage for retail.

Mr. Newman recommended to approve the request.

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

**Additional public comments:** Mr. Daniel Parker stated that he had been at last month's meeting in which he had requested the Board to build 3 duplexes on Lot 1 in Jackson Crossing. He said that if he had known that if his current request would not be heard, he would not have come to this meeting. He stated he thought he would at least have an opportunity to speak to the Board this month to go over some changes that had been made. He said that they had agreed to join the homeowners association and pay one fee. He stated he was disappointed, because he was told to come and paid his application fee to get on the agenda. He said that he thought he would at least get to give his presentation. He asked if he could make his presentation.

Mr. Brown said he could not make his presentation. He stated that the Board of Zoning Appeals has already ruled on his request. He said that the same request was on this month's agenda, and there was no difference in the request. He stated that the only difference was one word. He said that last month the request said "consider", and this month's request said "reconsider." He stated that the Board does not reconsider.

Mr. Parker stated that, in his opinion from last month's meeting, the reason the request was denied was because they were not going to join the HOA.

Mr. Brown said that was probably part of the reason his request was denied. He stated that there were several things that were discussed and considered at last month's meeting. He said that he could have contacted him, but he didn't. He stated that he did not make a decision on this item until Friday night.

Mr. Parker stated that it was unfair.

Mr. Brown said that the request should not have been placed on the agenda. He apologized to Mr. Parker. He stated that he did not get his agenda packet until Friday.

Mr. Parker stated that he had brought people with him for this meeting to present the request again.

Mr. Brown said that there were a lot of other people at this meeting who had done a lot of work before they came. He apologized to them also.

Mr. Parker asked if there was another way he could rewrite the request. He stated he did not want to waste their time.

Mr. Brown stated that they could not build 3 duplexes on the lot in Jackson Crossing. He said that the property was zoned R-1. He said that his options could be building a residential house. He stated that he could request to put 2 duplexes on the lot.

Mr. Parker said that is what he would have done if he had known.

Mr. Brown stated that he could request to have it rezoned and put something else on the lot. He again apologized to Mr. Parker saying that if he had known about the request, he would have stopped it. He said that the Board could not rehear requests.

Mr. Parker said that he would get back with Mr. Newman to talk about these options. He stated that it would have been good if he was told at the beginning of the meeting that this decision had been made rather than at the end of the meeting.

Mr. Brown stated he could have done that, but he didn't think of doing it that way. He said that he could have sent all the people there about this request home early. He stated in hind sight that would have been the better way to do it.

Mr. Parker accepted Mr. Brown's apology.

An attorney from Southern Heritage Bank, the owners of the lot, was also present for this request. He stated that he had spoken to Mr. Newman the day before. He said that he informed Mr. Newman that they were willing to change the position of the bank relative to the declaration. He stated that since the bank had foreclosed the property, they are the declarant and have the authority to include Lot 1 under the declaration of covenants and restrictions. He said they held a majority of the lots. He said they wanted to work with the homeowners about their concerns about this lot being part of the homeowners association. He stated that being an attorney, he was willing to make the change to the declaration to make that happen. He said this was what they had planned to address at this meeting.

Mr. Brown stated that did not change what they were asking the Board to do. He said that the Board had ruled on that request. He stated that they could take the Board of Zoning Appeals to Chancery Court. He said that if the court ruled in their favor, they would get to build the 3 duplexes.

The attorney said that he had come from Cleveland to come to this meeting.

Mr. Brown apologized to him, and said that he did not know that he was coming from Cleveland. He stated that he had to keep the integrity of this Board, because what they rule, stands until a court changes it. He said that if he allowed rehearing items, the same people would come back every month.

Mr. Harold Duff, 5<sup>th</sup> District County Commissioner, stated that he was present for the meeting about this item. He said that he appreciated the way the Board ran the meetings. He complimented the Board how they handled the business at hand.

Ms. Ketterman, from Jackson Crossing, stated that the homeowners of Jackson Crossing thanked the Board for how they handled the business.

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

Mr. Luttrell made the motion to adjourn. The meeting was adjourned at approximately 6:30 p.m.

  
\_\_\_\_\_  
Signed

  
\_\_\_\_\_  
Date