

**LOUDON COUNTY
PLANNING
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ENFORCEMENT OFFICE**

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MINUTES

LOUDON COUNTY REGIONAL PLANNING COMMISSION

January 21, 2014

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

Motion to approve the minutes for the December 17, 2013 meeting was made by Mr. McEachern, seconded by Mr. Bright, and approved 10-0.

Agenda Item A: Review proposed concept plan for The Cove at Baker's Creek, a 36-lot subdivision on Morganton Rd., Greenback, TN, Tax Map 78, Parcel 71, 3rd Legislative District. Owner: Ed Loy

Mr. Loy was present with Mr. Petite.

Mr. Newman stated that this concept plan was not a requirement in the subdivision regulations. He said Mr. Loy was interested in getting feedback from the Planning Commission before he spends the money on the preliminary plat. He stated this was not a plan that the Planning Commission would be voting on for approval.

Mr. Loy said that since last month's meeting, they had gone to the City of Greenback to get their approval for the rezoning on the property. He stated that there was no opposition from them for the rezoning. He said that the next step would be the preliminary process. He referred to the same plat that was presented at last month's meeting. He stated they had done the profiles for street construction to make sure that it would meet the requirements. He said that the lots met the lot size requirements for this zoning (20,000 sq. ft.). He stated that they have not begun the utilities. He said that the streets coming off Morganton Road were about 1,800 feet. He stated that there would be about a 10% grade of about 300 feet at the beginning of the street. He said that after that there would be about 5% or less grade. He stated that he felt like they met all the requirements for the preliminary plat.

Mr. Newman stated that the buildable 36-lots in the subdivision had 1 unbuildable lot which would be the common area. He said that this common area would be used for those lots that did not have lake access. He said that there were 17 lots that did front on the water. He stated that these lots were anywhere from 20,000 sq. ft. to an acre in size. He said that in his review there were a couple of things on the lot frontage on the lots in the cul-de-sac that did not meet the subdivision requirement of 60 feet of frontage. He stated that he thought these could be fixed to meet the requirement. He said that the subdivision regulation does allow the 10% grade on the

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road coming into the property. He stated that there were several lots that did not have access to the internal road system. He said this was unusual, but was not a subdivision requirement. He stated that this would cause driveway cuts off a primary road rather than the internal subdivision road. He said this was not a desirable situation. He suggested to Mr. Loy to look at this.

Mr. Loy asked Mr. Newman if this was a requirement.

Mr. Newman said that it was a preference.

Mr. Loy stated that they would try to work something out.

Mr. Newman said that a shared driveway would not be a good situation for marketability for those lots. He asked Mr. Loy if he had considered putting in a short cul-de-sac that could access those lots.

Mr. Loy stated that would be difficult considering the consistent topo in this area with it being 10% or greater that would meet the requirements.

Mr. Newman said that the Greenback City Ordinance states that the minimum lot size was 15,000 sq. ft. if there was water and sewer available. He stated that Mr. Loy could make some of the lots smaller than 20,000 sq. ft. to have more flexibility to make some of the changes (frontages) he needed to make.

Mr. Loy stated that they wanted to stay with the larger lot size due to being in a rural area.

No action was needed to be made.

Agenda Item B: Request consideration of rezoning for 2138 Palmer Drive, Tax Map 22C, Group A, Parcel 6.00 and 7.00 from A-2 (Rural Residential) to R-1 (Suburban Residential), 6th Legislative District. Owner: Sam Brown

Mr. Brown was present.

Mr. Brown stated that he was the executor of the Joe Brown estate. He said that there were 2 homes on three separate lots and has a common driveway. He stated that the addresses for these homes were 2138 and 2130 Palmer Dr.

Mr. Newman explained the location of the properties. He said that all the property in the area was zoned A-2. He said that these were lake frontage properties. He stated that this was an older development and that most of the lots were not 1 acre lots. He said that the total size of the lots would not be enough to create 2 legal lots. He stated that if the properties were rezoned to R-1, they would be legal lots.

Mr. Martin Brown said that he did not know how the Planning Commission could decide on this request without a plat that shows them the property.

Mr. Newman stated that the way the property was, they had to drive through one property to get to the other property which would be hard to sell that property. He said that if they could get the

property rezoned to R-1, they could get 20,000 sq. ft. lots and put in a new driveway to the other property.

Mr. Brown said that they proposed to divide the center lot to the 2 outer lots. He stated this would allow them to put a driveway into the lower home.

Mr. Newman stated that after giving this some thought, he did not think that rezoning the property would be the best thing to do. He said that it might be better as a BZA item after looking at the plat.

Mr. Newman said that if the BZA thought there was a sufficient hardship, they could address it.

Mr. McEachern stated that would be spot zoning.

Mr. Newman recommended to postpone the request until the plat was submitted. He said looking at the plat would help to know the best way to go whether rezoning or the BZA handling the issue of substandard lots in an A-2 zoning district.

Mr. Luttrell made the motion to postpone the request until next month's meeting and be updated with a more precise plan, second was made by Ms. Terry. Motion carried 10-0.

Agenda Item C: Election of Loudon County Planning Commission Chairman, Vice Chairman, and Secretary for 2014.

Mr. McEachern made the motion to nominate the current officers to serve at the same capacity for 2014, second was made by Mr. Brooks. Motion carried 10-0.

Agenda Item D: Adoption of 2014 Meeting Calendar for Loudon County Planning Commission.

Mr. Luttrell made the motion to approve the 2014 calendar, second was made by Ms. Terry. Motion carried 10-0.

Planning and Codes Department Building Activity Report for the month of December, 2013:

Mr. Newman gave the building report for the month of December, 2013.

County Commission Action on Planning Commission recommendations:

Approved rezoning of 9279 Old Vonore Rd. from A-2 to C-1.

Approved rezoning of 7400 Hwy. 411, S. from C-1 to C-2.

Approved resolution to close and abandon right of way of Bingham Hill Lane and Red Hill Lane located in Yellow Wood subdivision.

Additional Public Comment: There were none.

Comments from the Commission: There were none.

Mr. McEachern made the motion to adjourn, second was made by Mr. Luttrell. Meeting was adjourned at approximately 5:55 p.m.

Martin Brown
Signed

2/18/14
Date



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MINUTES

LOUDON COUNTY BOARD OF ZONING APPEALS

January 21, 2014

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

Mr. Brown stated that there was an item that needed to be added to the agenda. He said that the Board needed to elect officers for 2014.

Mr. McEachern made the motion to add the item to the agenda, second was made by Mr. Luttrell. Motion carried 5-0.

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

Motion to approve the December 17, 2013 minutes was made by Mr. McEachern, second was made by Ms. Terry. Motion carried 5-0.

Agenda Item A: Election of Loudon County Board of Zoning Appeals Chairman and Vice Chairman for 2014.

Mr. McEachern made the motion to nominate and re-elect the existing officers, second was made by Ms. Terry. Motion carried 5-0.

Agenda Item B: Request consideration of special exception request to operate a catering event facility at 14301 S. Northshore Drive, Tax Map 17, Parcel 55.02, Zoned A-2, 6th Legislative District. Applicant: Michael Williams. Owner: Alan Sefton

Mr. Sefton and Mr. Williams were present.

Mr. Williams stated that he proposed to operate a catering business through private contracted businesses, companies, and individuals. He said he had reached out to the Deerfield community and the area. He stated that their board members had a concern about the entertainment that might go into the night and the noise it could

create. He said that most businesses of this nature have a curfew for 11 p.m. He stated his business could utilize the surrounding areas in its natural state, such as the reserve at Blue Bird Hill does and other facilities. He said they wanted to be good neighbors to the people who live there. He stated that he hoped by adding this curfew, they would not have any issues with the business.

Mr. Newman asked Mr. Williams to explain all the activities that he purposed to do with the facility.

Mr. Williams said that they purposed to do things in phases. He stated that they wanted to develop the catering business first. He said this would be off site. He said there was the ability in the building to have a banquet area for 100-125 people. He stated that could cater to business meetings, such as Loudon County Chamber. He said he hoped to expand in the future to the outside of the facility. He stated he hoped to develop a garden around the back of the facility to have weddings and other events in the future. He said they are trying to come up with a name for the business to represent the area, such as Deerfield Meadows or Deerfield Catering.

Mr. Newman explained the location of the property. He stated that there had been other requests related to this property in the past. He said that the current Special Exception that had been approved for the property was for a nursery. He stated that the nursery had gone out of business. He referred to the Blue Bird Hill reserve that Mr. Williams had mentioned. He said this business was located off Hwy. 11 on Midway Rd. He stated that this business was on a fairly large farm property. He said those property owners lived on the property, and they built the accessory building later. He stated that had gotten a special exception for this accessory structure for wedding events, anniversary parties, and reunion events. He said that the difference between Mr. Williams' request and the Blue Bird Hill reserve and other event places in Loudon County was the primary cooking would be going on in this structure. He stated that the other places have their customers to arrange with a catering business for the food.

Mr. Brown had to swear in more witnesses at this time.

Mr. Sefton gave some history of the property.

Mr. Newman stated that he had received several emails from residents in Deerfield. He said that their main concern was the hours of operation. He stated he had talked with Mr. Benson Scott who lives behind this property. He said that the proposed outdoor activity for the future would affect Mr. Scott more than anybody else.

Mr. Williams said that as they move forward in the future, they would try to minimize the noise factor. He stated they would do everything they could to be good neighbors. He said that he had spoken with Mr. Tom Dean, secretary/treasurer of the POA, and he wanted a monetary penalty written into the contract for \$250-300.

Mr. Brown stated that the Board set a curfew on the special exception if approved, even though the Board does not have a legal authority to fine Mr. Williams.

Mr. Newman said that if Mr. Williams does violate the contract with the POA, the Board could cite Mr. Williams back to the Board and withdraw the special exception.

Mr. Manuel Canari, Mr. Williams' partner, stated that the county needs this type of business. He said that every dollar that is taken in will mean tax dollars for the county. He stated that business and corporations in the county could stay in the county for their special events. He said this would be a 1st class facility.

Mr. Tom Dean, board member at Deerfield Crossing, stated that they did support this business. He said that the main issues they had (which were having events late at night) had already been addressed. He stated that if there was an issue in the future, they would come back to the Board. He said that the penalty that would be enforced would put some teeth into the contracts that Mr. Williams would have.

Mr. Williams said that they had agreed to write this into their contracts with the businesses that would use them.

Mr. Dean stated that the board at Deerfield Crossing did approve this business and would be an improvement on Northshore Drive.

Mr. Benson Scott, the neighbor who lives on 5 ½ acres behind Mr. Sefton's property, said that when talking with Mr. Sefton, he had always been very upfront with him. He stated that he wanted to maintain the rural community to raise his young family. He said that his only concerns come with the latter phases of the proposed projects. He stated that with weddings and other events, comes alcohol. He said that his concerns were with the safety in the driving conditions in the area for his family.

Mr. Newman stated that where the proposed gardens and outdoor events would be right next to Mr. Scott's property. He said that with the 11 o'clock curfew, the outdoor events would be a problem for Mr. Scott.

Mr. Williams said that they wanted to address Mr. Scott's concerns. He stated that he hoped that if Mr. Scott had a need, that he would come to him to work something out

between them. He said he did not want to jeopardize the special exception they were to receive.

Mr. Newman stated that he did not have a problem with the proposed use. He said that the Board had approved other requests like this one. He stated that he recommended to place an 11 o'clock curfew on the events. He said that Mr. Williams could have a 9 o'clock curfew for outdoor music.

Mr. Williams said they would be willing to work toward those curfews.

Mr. Brown stated that this was the Board's chance to get these conditions done now if the request was approved.

Mr. Newman recommended approval for the request subject to an 11 o'clock curfew for any activity at the facility and no outdoor music past 9 o'clock.

Mr. Brown said that the approval needed to go to Mr. Williams, the operator, and not to the property.

Mr. McEachern made the motion to approve the request subject to an 11 o'clock curfew on events at the facility, a 9 o'clock curfew for outdoor music, and for the applicant only, second was made by Ms. Terry. Motion carried 5-0.

Agenda Item C: Request consideration of a 13' rear yard variance for addition to an existing house at 2981 Oakland Rd., Tax Map 62, Parcel 9.00, Zoned A-1, 4th Legislative District. Owner: Dwight Holt

Mr. Holt was present.

Mr. Holt stated that he had purchased this property and had demolished the rear part of the house down to the foundation. He said he had come to get a building permit to rebuild what he had torn down and add to the offset and was told he was too close to the rear property line. He stated that he did not realize that he was that close to the rear property line.

Mr. Newman asked Mr. Holt if he was just going to rebuild what was already there.

Mr. Holt said he was going to rebuild what was already there plus add to the offset. He showed the Board where the addition would be on the map that was included in their agenda packet. He stated that the existing house did not meet the required rear setback of 35 feet.

Mr. Newman recommended the request to be approved for the existing structure, since it did not change the original footprint of the structure.

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

Agenda Item D: Request consideration of a 20' rear yard variance for a 20' X 30' garage addition to an existing home located at 111 Galyon Drive, Tax Map 25L, Group A, Parcel 29.00, Zoned R-1, 5th Legislative District. Owner: Jose Jimenez
Mr. Jimenez was present.

Mr. Jimenez stated that his property was very small. He said that he wanted to build this garage to place his tools in.

Mr. Newman asked Mr. Jimenez if he lived at this property.

Mr. Jimenez said that he did live on this property.

Mr. Newman explained that this was a tough lot situation. He referred to the aerial map that was included in the agenda packet that showed where the addition would be on the property. He stated that the lot was substandard in size and does not have any road frontage. He said that the access to the property was off Galyon Drive which served 4 structures. He stated that the other issue was that the existing house take up a lot of the property. He said with this addition, it would then be more than 40% of the lot. He stated this would be another variance issue that was not included on Mr. Jimenez's request, due to it exceeding the amount allowed in an R-1 zoning district.

Mr. Brown asked Mr. Jimenez if this was going to be an attached structure.

Mr. Jimenez stated that it could be attached to his house or 10' from his existing house.

Mr. Brown said that if the garage was not attached to the existing house, the required rear setback was only 5 feet.

Mr. Jimenez stated that he could come out 10' from his house. He said he was going to have a problem anyway if he attached the garage to his house because of a power pole.

Mr. Newman asked Mr. Jimenez if he had any other accessory structures on his property.

Mr. Jimenez said he did not have any other accessory structures on his property.

Mr. Newman asked Mr. Jimenez if he knew where his drainfield was located.

Mr. Jimenez stated that his drainfield was located in his back yard. He showed Mr. Newman where the drainfield was on the aerial map.

Mr. Brown said that if Mr. Jimenez built this garage detached from the house, he would not need a variance.

Mr. Newman stated that Mr. Jimenez would not need the variance if he detached the garage. He explained to Mr. Jimenez that as long as he detached the garage from his house and was 5' from the rear property line, he would not need the variance.


No action was taken on this item.

Additional public comments: There were none.

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

Mr. McEachern made the motion to adjourn the meeting, second was made by Mr. Luttrell. Motion carried 5-0. Meeting was adjourned at approximately 6:45 p.m.


Signed


Date