



**LOUDON COUNTY  
PLANNING  
& CODES  
ENFORCEMENT OFFICE**

101 Mulberry Street, Suite 101  
Loudon, Tennessee 37774  
865-458-4470  
Fax: 865-458-3598  
www.loudoncountypanning.com

**MINUTES**

**LOUDON COUNTY REGIONAL PLANNING COMMISSION**

**February 18, 2014**

The February 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. Ross, Mr. Napier, and Mr. Bright. Absent were Mr. Hale and Ms. Cardwell.

Motion to approve the minutes for the January 21, 2014 meeting was made by Mr. Luttrell, seconded by Mr. McEachern, and approved 9-0.

**Agenda Item A: Consideration of request to rezone 2138 Palmer Drive from A-2 (Rural Residential) to R-1 (Suburban Residential), referenced on Tax Map 22C, Group A, Parcels 6.00 and 7.00, 6<sup>th</sup> Legislative District. Owner: Sam Brown**

Mr. Brown was present.

Mr. Newman stated this item had been postponed at the last month's meeting to wait until the survey was submitted. He said there were two options for these properties. He stated that one of the options was the Planning Commission making a recommendation for the rezoning to County Commission. He said that the other option was for the Board of Zoning Appeals to deal with the lot size variance for the properties. He referred to the zoning map of the location of the property. He stated that this property was in an older recorded subdivision in Shiloh Acres. He said that this subdivision was developed in the 1960's prior to the Zoning Resolution being adopted. He stated that the property had originally been three lots and had been resubdivided into two lots. He said there was a house on each lot. He stated what Mr. Brown wanted to do was move the common property line between the two lots. He said that both lots were lakefront properties. He stated that Mr. Brown wanted both lots to have fee simple frontage to the lake.

Mr. Brown said that he also wanted each house have a driveway. He stated that currently the two houses share a common driveway. He said that the proposed resubdivision also showed each lot with its own septic system.

Mr. Newman stated that the proposed resubdivision would allow a better access for a new driveway for the other property. He said this would affect the market value of the property. He stated that there was still a steep drop off from Palmer Drive, but it could be done. He said that Mr. Brown was trying to fix a situation to make it more marketable. He stated that he could not approved the resubdivision plat without the approval for a lot size variance by the Board of Zoning Appeals or a rezoning of the property. He said when he finally did get the resubdivision plat from  
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the surveyor, the two lots only equaled to .9 acres. He stated that rezoning would not accomplish anything. He said that Mr. Brown would still have to get a lot size variance approval from the Board of Zoning Appeals to do what he wants to do. He stated that his recommendation was to let the Board of Zoning Appeals look at the situation and decide how they want to handle it. He said that rezoning the property would be spot zoning.

Mr. McEachern asked the Planning Commission members if any of them had a problem with the Board of Zoning Appeals approving the lot size variance request. He stated that the resubdivision was taking a bad situation and making it a little better.

Mr. Martin Brown said that the only reason the current lots were acceptable was that they were grandfathered in. He stated that he didn't see how anything could be done the way it currently is.

Mr. Brooks asked Mr. Brown if he lived on the property.

Mr. Brown stated that he did not live on the property.

Mr. Martin Brown said that the Commission had to either approve or disapprove the rezoning request due to the request being on the agenda.

Mr. McEachern made the motion to refer this resubdivision to the Board of Zoning Appeals, second was made by Mr. Brooks.

Mr. Luttrell stated that it was already on the agenda for the Board of Zoning Appeals.

Mr. McEachern said that rezoning the property does not accomplish anything.

Mr. Martin Brown stated that the Commission needed to deny the request for rezoning. He asked Mr. Newman if this would go forward to the County Commission.

Mr. Newman said that it was up to Mr. Brown to pursue it.

Mr. McEachern withdrew his motion to refer to the Board of Zoning Appeals.

Mr. Brooks made the motion to deny the rezoning request, second was made by Mr. Luttrell. Motion carried 9-0.

**Agenda Item B: Consideration of amendment to the Loudon County Zoning Resolution Article 4, Section 4.240. Site Plan Review to address construction activity related to soil borrow sites of 1 acre or more.**

Mr. Newman had handed out a draft of the amendment to the Commission prior to the meeting. He stated that this was an issue that the Planning Commission had talked about a few months ago. He said he had checked with other communities with how they deal with this kind of issue. He stated that this was an issue of land disturbance without any building construction. He said that all this is permitted in the more urban communities where development is more heavily regulated. He stated that the permits that they were issuing were stormwater permits, land

permits, and site development permits. He said that the only place that Loudon County could regulate this type of business operation right now is what is called the urbanized area of the county. He stated that in the urbanized area of the county, the stormwater resolution requires issuance of a land disturbance permit. He said that the property owner has to submit plans showing what the existing topography is, what the proposed topography would be after the disturbance, how they will deal with stormwater runoff, erosion control, and the remediation of the site afterwards before a permit can be issued. He stated that County Commission was not interested in having the stormwater resolution to be county wide, because it's not just that particular issue that would affect property on a county wide basis but everything else in the stormwater resolution would also apply. He said his opinion that it might be difficult for County Commission to consider amending the stormwater resolution to address these kinds of development sites. He stated that he thought it might be easier and more straight forward to make the amendment to the site plan section of the Zoning Resolution. He said that it could be done with a simpler set of plan requirements and can be monitored and managed while it is underway. He suggested adding it to an element to the site plan section of the Zoning Resolution. He stated that in the draft, he added language that specifies certain types of planned documents that would need to be submitted to the Planning Office for review and approval before a permit would be issued in allowing them to go forward. He said he did put in the draft that the site had to be an acre or more. He stated that right now in the urbanized area and through the stormwater resolution, the requirements there are an acre or more. He asked the Commission if they thought this was the best way to go forward with this issue.

Mr. McEachern said that he liked the way the draft was written. He stated that at least it can be reviewed and can be controlled.

Mr. Newman stated that the way it is done now, that there was no remediation when it was done. He said they just leave a hole.

Mr. McEachern suggested to add to the language of the draft that a Letter of Credit to be retained. He said that by doing this, they would have to do what they state they will do.

Ms. Ross said that when this happened in Lenoir City, the damage had already been done before they knew anything about it. She stated then that it was too late to do anything.

Mr. Napier asked if there would be someone to verify what needed to be done when it is completed.

Mr. Newman stated that he or whoever was in his position would do the inspection.

Mr. McEachern said that the inspection would need to be done before releasing them from the Letter of Credit.

Mr. Brown and Ms. Terry agreed that having a Letter of Credit was a good idea.

Mr. McEachern stated that he was in favor of going forward with this amendment.

Mr. McEachern made the motion to recommend to County Commission to adopt the amendment to the Section 4.240 Site Plan Review to include construction borrow sites and adding having a Letter of Credit through completion, second was made by Ms. Ross.

Mr. Luttrell asked Mr. Newman how he determined the percentage for the Letter of Credit.

Mr. Newman stated that the Letter of Credit would include revegetating the site, completing and stabilizing it, making sure the drainage is working properly when completed. He said that the property owner or the developer would be required to submit an estimated cost from different contractors that would do the remediation, take the average of the three, and add 10% to come up with the Letter of Credit amount.

Ms. Ross asked Mr. Newman if there was a time frame, because the Letter of Credit might lose value.

Mr. Newman said that a Letter of Credit is usually for 12 months from the bank. He stated that if it takes longer to do the project, the Letter of Credit has to be renewed. He said that if and when they come up for renewal, if there was some question about adequacy of the amount and the property owner or developer was not willing to increase the Letter of Credit, it needs to come back to the Planning Commission.

Ms. Terry asked Mr. Newman if this was something that needed to be voted on or was he going to take care of it.

Mr. Newman stated that there was a requirement for a Letter of Credit in the regulation. He said that would be the way he would handle it.

Motion was carried by a vote of 9-0.

**Planning and Codes Department Building Activity Report for the month of January, 2014:**

Mr. Newman gave the building report for the month of January, 2014.

**20 permits issued with estimated value of \$2,957,218 and fees collected of \$10,742. 9 single-family permits were issued.**

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

**Resolution accepting Old Hickory Lane in Jackson Crossing subdivision as a public road (No action taken. County Commission canceled January workshop.)**

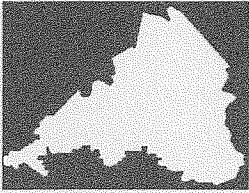
**Additional Public Comment:** There were none.

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

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

Marti Brown  
Signed

4/15/14  
Date



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**MINUTES**

**LOUDON COUNTY BOARD OF ZONING APPEALS**

**February 18, 2014**

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

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

Motion to approve the January 21, 2014 minutes was made by Mr. McEachern, second was made by Mr. Bright. Motion carried 5-0.

**Agenda Item A: Consideration of request for 300 sq. ft. building size variance to build an accessory building at 7125 Maple Hill Rd., referenced on Tax Map 50, Parcel 78.00, Zoned A-1 (Agricultural-Forestry), 7<sup>th</sup> Legislative District. Owner: Lanten Investments. Applicant: Jere Krieg**

Mr. Krieg was present.

Mr. Newman explained the location of the property. He stated that the property was 1.4 acres. He said that that was a narrow strip that goes back to the buildable area, similar to a flag lot. He stated that it had a doublewide mobile home on the property before and has an existing septic system. He said that Mr. Krieg proposed to put a new residential home on the property and build an accessory building (48' X 62'). He said the provision in zoning regulations states that an accessory building in an A-1 zoning district cannot exceed 5% of the total land area. He stated that the accessory building he proposed to build was 300 sq. ft. larger than what is allowed. He said that Mr. Krieg would either have to agree to reduce the size of the accessory building or the Board has to decide to approve or deny the variance request. He stated that Mr. Krieg could decide to attach the structure to the proposed home.

Mr. Brown said that Mr. Krieg would not meet the required setbacks if he attached the structure to the home.

Mr. Newman stated that when Mr. Krieg was talking with him about the variance, that he did not want to downsize the building, because he would lose a drive bay into the

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building. He said that Mr. Krieg wanted a building large enough to store his antique car collection in.

Mr. Krieg said that he tried to downsize the size of the building, but it would help his need for the building. He stated that the existing buildings on the property were an eyesore. He said he could make the property look better, plus serve the purpose he needed.

Mr. McEachern stated that the lot was odd sized and maybe could be considered a hardship.

Mr. Newman said that it could be looked at as a hardship. He stated that he did not look at it as a hardship. He said that there was not a hardship in the buildable area on the property. He stated he did understand Mr. Krieg's situation and believed it would be an improvement on the property.

Mr. McEachern asked Mr. Krieg if he proposed to put another residence on the property.

Mr. Krieg stated that he proposed to put another residence on the property and rent the home.

Mr. Newman referred the Board to the photographs that were passed out before the meeting. He said that the buildable area of the property cannot be seen from the road.

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

**Agenda Item B: Consideration of request for lot size variance to resubdivide two existing non-conforming lots located at 2138 Palmer Drive, Shiloh Acres Subdivision, referenced on Tax Map 22C, Group A, Parcels 6.00 and 7.00, 6<sup>th</sup> Legislative District. Owner/Applicant: Sam Brown**  
Mr. Brown was present.

Refer to the discussion on the February 18, 2014 RPC Minutes about the rezoning request for this item.

Mr. Newman stated that both lots needed the lot size variance.

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

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

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

Meeting was adjourned at approximately 6:15 p.m.

Martin Brown  
Signed

3/18/14  
Date