



**LOUDON COUNTY
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MINUTES

LOUDON COUNTY BOARD OF ZONING APPEALS

March 18, 2014

The March meeting of the Loudon County Board of Zoning Appeals was called to order at 5:30 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 February 18, 2014 minutes was made by Mr. McEachern, second was made by Mr. Luttrell. Motion carried 5-0.

Agenda Item A: Consideration of request for special exception approval to permit construction of 150' monopole cell tower at 915 Miller Rd., Tax Map 22, Parcel 136.00, Zoned A-2 (Rural Residential), 6th Legislative District. Applicant: Faulk and Foster Real Estate. Owner: Dr. Leland Hughes

Mr. Blake Conklin with Faulk and Foster Real Estate was present.

Mr. Newman stated Mr. Conklin had contacted the Planning Office to request a 30-day postponement to the April agenda. He said that several property owners in the area had called the office and voiced concerns about the cell tower.

Mr. Conklin said that the Planning Office had raised some concerns about the application, and they needed additional time to address these concerns. He stated that it was very important to Verizon Wireless to comply with all the requirements for their application.

Mr. Luttrell made the motion to postpone the request for 30 days, second was made by Mr. McEachern. Motion carried 5-0.

Agenda Item B: Consideration of special exception request to allow an accessory structure on property without a primary structure at 195 Beals Landing Lane, Tax Map 28, Parcel 54.00, Zoned R-1/F-1 (Suburban Residential and Floodplain Overlay), 6th Legislative District. Owner: John Leonard

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Mr. Leonard was present.

Mr. Leonard stated that he had purchased this property a couple of years ago. He said he had purchased a tractor to keep the property mowed and help clean up the debris. He stated that he erected a shed to keep the tractor in. He said that things started missing on the property, and he didn't want someone to steal his tractor. He stated that he had asked if he needed to get a building permit, and was told as long as it was a temporary structure, he didn't have to get a building permit. He said when he had called Mrs. Henson to check the required setbacks on the property that she informed him that he did need to get a building permit. He stated that when he came into the office to apply for a building permit, Mr. Newman informed him that he needed to apply for a special exception to have an accessory structure without a primary dwelling. He said that the shed keeps his property safe and allows him to keep his property cleaned up.

Mr. Newman referred to the plat map of the property that was in the agenda packet and explained the location of the property. He said the property was 2.5 acres and was part of a small subdivision called Beals Landing Cove. He stated that the property did have lake frontage. He said that Mr. Leonard had sketched in the location of the shed which was 5' from the property line. He stated that Mr. Leonard did meet the required setback. He said that Mr. Leonard did have a camper on the lower end of the property. He stated that Mr. Leonard does not live in the camper, but does go fishing on his dock some weekends and stays in the camper. He said that since Mr. Leonard did not live in the camper, he was not required to request from the Board of Zoning Appeals to live in a temporary dwelling.

Mr. McEachern asked Mr. Leonard if the structure was not going to stay on the property, since it was mentioned that it was temporary.

Mr. Leonard stated that he planned to build a residence with a garage to store his tractor and tools in. He said he would do away with the shed eventually.

Mr. Fowler stated that he owned the adjacent lot. He said he had sold Mr. Leonard his property 3½ years ago in October, 2010. He stated that Mr. Leonard's shed was 12' X 14', and the camper was 28' X 8'. He said that Mr. Leonard had electricity running to the camper that was lying on the ground. He stated that there had been all kinds of debris on the property that had been there for 2-3 years. He said that he had been getting a lot of complaints from the people who were looking at his lot he was trying to sell. He stated they would say that they didn't want to buy his lot because of what was next door. He said he had written 2 letters to Mr. Leonard asking him to move the shed due to it being 3 ½ feet from his property line. He said his recorded plat stated that structures had to be 15' from the property line. He stated that he had

called Mr. Leonard several times before he wrote him the letters. He said Mr. Leonard stated that he didn't have the papers of what was agreed on. He stated that Mr. Leonard did not keep the property clean or mowed. He handed out pictures that his wife had taken of Mr. Leonard's shed. He read the letter he had written Mr. Leonard about the shed. He said that Mr. Leonard responded to his letter by writing him that the shed was to store his tractor in and that the camper was not violating their agreement.

Mr. Brown said that the Board was not to settle a property dispute or agreement when the property was purchased. He stated that the Board needed to just listen about the temporary building. He said that if the shed was in violation of not meeting the required setbacks, Mr. Leonard would have to move the shed if this request was approved.

Mr. McEachern stated that the shed had to be 5' from the property line.

Mr. Leonard said he knew what the required setback was. He stated that if the shed needed to be moved 1½ feet, he would move it 1½ feet.

Mr. Fowler stated that the plat showed a 15' setback requirement.

Mr. Newman said that when Mr. Fowler did the subdivision plat, he did not have setback requirements for accessory structures.

Mr. Brown stated that issue was between Mr. Fowler and Mr. Leonard. He said the Board of Zoning Appeals did not have any jurisdiction on this issue. He stated that the Loudon County Zoning Regulations required 5' for accessory structures.

Mr. Newman asked Mr. Leonard when he would start construction of his primary dwelling.

Mr. Leonard said that they hoped to get started this calendar year.

Mr. McEachern stated that the Board had given approval for accessory structures without the contingency of building a primary dwelling.

Mr. Newman said that was correct. He stated that was not applicable in this situation. He recommended approval to approve the request with the contingency that Mr. Leonard get a building permit to start construction for a permanent residence within 12 months.

Mr. McEachern made the motion to approve the request for the temporary situation for 12 months providing Mr. Leonard start a permanent residence, second was made by Mr. Luttrell. Motion carried 5-0.

Agenda Item C: Consideration of special exception request to allow use of a temporary dwelling for permanent residence at 946 Bay Creek Drive, Tax Map 77, Parcel 35.11, Zoned A-1 (Agricultural Forestry), 4th Legislative District.

Owner/Applicant: Charles Crosby

Mr. and Mrs. Crosby were present.

Mr. Newman stated that Mr. Crosby had purchased a lot in the Bay View Estates, which was a small lakefront subdivision. He referred to two other requests for temporary dwellings on adjoining properties in this subdivision that the came before the Board back in April of last year. He said there was one permanent dwelling in this subdivision. He stated that Mr. Crosby wanted to live in the camper while he was building his permanent dwelling.

Mr. Crosby stated that the one house that was in the subdivision was owned by Matthew White. He said he and his wife had just purchased the property and wanted to start using the property. He stated that he had spoken with Mr. White and did not want to cause any concerns.

Mr. Newman asked Mr. Crosby when he planned on starting construction of his house.

Mr. Crosby said that when he went to the utilities to get power to the property, they first needed to get the Board's approval. He stated they were just now trying to get their act together to be ready to build. He said he hoped to forward with the building process as soon as he could.

Mr. Luttrell stated that he didn't answer the question.

Mr. Newman informed Mr. Crosby that the other 2 temporary dwellings that had been approved on the adjoining properties had been given 12 months to begin construction on the primary dwellings. He said that the owners had 2 more months, and they would be notified that their special exceptions had expired. He stated that the Board will have to deal with those properties at that point.

Mr. Newman recommended the approval of the request with the contingency that it would be for only 12 months with construction for the primary dwelling being started in the 12 months.

Mr. McEachern asked if Mr. Crosby just had to have his footers dug and poured. He said that just having electricity and water did not count toward getting started on his construction.

Mr. Newman stated that Mr. Crosby would have to have more than his footers dug and poured.

Mr. McEachern made the motion to approve the request up to 12 months providing Mr. Crosby starts on the permanent residence, second was made by Mr. Bright. Motion carried 5-0.

Agenda Item D: Consideration of special exception request to continue living in an existing mobile home on same parcel where new house is under construction. Mobile home will be removed when new home is completed, located at 5771 Beals Chapel Rd., Tax Map 21, Parcel 100.00, Zoned A-2 (Rural Residential), 6th Legislative District. Owner/Applicant: David Shannon
Mr. and Mrs. Shannon were present.

Mr. Shannon stated that they had purchased this property 2½ years ago. He said they had waited to build a new residence until their property had sold in Blount County. He stated they were ready to start construction on the house. He said he had already applied for his septic permit, and he had his temporary electric pole. He stated that his contractor had told him that he could build the house in 4 months. He said once the house was completed, the mobile home would be removed.

Mr. Newman said that when Mr. Shannon came into the Planning and Building Codes Office to get a building permit to build the new house on this property, he was told he could not get the permit since there was an existing dwelling on the property.

Mr. Shannon stated that the existing mobile home was old and the previous owners had built a covering over the mobile home with an addition.

Mrs. Shannon said that the mobile home was dilapidated, and they didn't want to put money into fixing the mobile home. She stated that they did not want the mobile home on the property after they get their new home built.

Mr. Newman recommended approval of the request. He said that Mr. Shannon will come back to get his building permit once the Board approved the request.

Mr. McEachern made the motion to approve the request to live in the mobile home until the new home was completed, and the mobile home had to be removed, second was made by Ms. Terry. Motion carried 5-0.

Additional public comments: There were none.

Announcements and/or comments from Board/Commission: Mr. Brown commented that the Board needed to decide what they would do with temporary structures while building a house. He stated that there were several that had been approved by the Board. He said that half of those would be coming back to the Board for extensions.

Mr. Newman stated that there would a couple in the next few months.

Mr. Brown said that the Board needed to decide how they were going to deal with these requests for extensions. He stated that once they decided, that was how they would have to do it. He said they could not do everyone different.

Ms. Terry suggested that they should not approve an extension unless there had been some progress on the construction of the permanent dwelling.

Mr. Brown stated that the Board had been fairly consistent with how they had handled the requests for temporary dwellings to this point. He said that now it was going into another phase.

Mr. McEachern asked about having a Letter of Credit.

Mr. Newman said that every case may be a little different. He stated that they are approved with a 12 month time frame, and the people understood that at the time of the approval. He said they agreed to have something done by the end of that time frame. He stated that he agreed with Ms. Terry. He said that unless there were some unusual circumstances, they should not be extended.

Mr. Bright stated that the Board had done their part and used good faith.

Mr. Brown said that as long as the Board agreed on how to proceed. He stated that the Board needed to think about it and make sure that is the way to handle the temporary dwellings that came back for extensions.

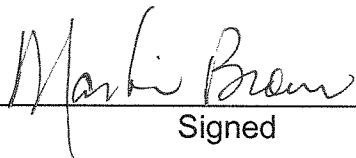
Mr. Newman stated that this will be the case for the 2 that will be coming back in April. He said as far as he could tell nothing had been done to get started with construction on the home. He stated that the only home owner in this subdivision, Mr. White, had come by the office to see when the 2 would be coming back to ask for extensions. He said that Mr. White had made a big investment in on his property, and he was looking at these campers on the other lots. He stated that it would be difficult for Mr. White to

sell his house if he wanted to do that. He said that the Board did have an obligation to those property owners as well.

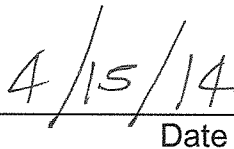
Ms. Crosby said that the property owners who have campers on their property help maintain the entrance.

Mr. Crosby stated that Mr. White has had items stolen from his property. He said that the presence of other people helps.

Mr. McEachern made the motion to adjourn, second was made by Mr. Luttrell. Meeting was adjourned at approximately 6:05 p.m.



Signed



Date