

**LOUDON COUNTY
PLANNING
& CODES
ENFORCEMENT OFFICE**

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MINUTES

LOUDON COUNTY REGIONAL PLANNING COMMISSION

April 15, 2014

The April 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, Mr. Jim Brooks, Ms. Terry, Ms. Ross, Mr. Napier, Ms. Cardwell, and Mr. Bright. Absent were Mr. Hale and Ms. McNew.

Motion to approve the minutes for the February 18, 2014 meeting was made by Mr. McEachern, seconded by Mr. Luttrell, and approved 9-0.

**Agenda Item A: Consideration of request to rezone property referenced on Tax Map 16, Parcels 214.00, 214.01, and 214.07 located on Beals Chapel Rd. (formerly Cedar Hills Golf Club) from R-1/PUD at 2.0 units per acre to R-1/PUD at 2.5 units per acre, consisting of 63.3 acres, 6th Legislative District. Owner/Applicant: Smithfield LD
File #14-02-07-RZ-CO**

Mr. Newman stated that the applicant had called earlier on this day and requested to postpone the request for 30 days.

Mr. Luttrell made the motion to postpone the request for 30 days, second was made by Mr. McEachern. Motion carried 9-0.

Mr. Anthony Locks, resident of 1230 Old Spears Road, stated there were 108 single-family units and numerous multi-family residents in this development. He said the corner was a blind corner. He asked the Commission if they were required to do any road improvements to allow access.

Mr. Newman said that the application, when it was considered, was for a zoning change and not for any developmental approval. He stated that the approval of the subdivision plat would be a separate application.

**Agenda Item B: Consideration of request to re-subdivide 3 lots on Plantation Way in The Plantation Subdivision off Beals Chapel Rd. into 3 lots, referenced on Tax Map 28, Parcels 71.00, 71.04, and 71.05, Zoned A-2 (Rural Residential), 6th Legislative District.
Owner/Applicant: Thomas Koenig. File #14-04-24-SU-CO**

Mr. Chris Sharp, the engineer, was present representing Mr. Koenig.

Mr. Newman stated that The Plantation Subdivision was a 5-lot subdivision with additional 10 acres that was designated as future development on the property. He said that The Plantation was approved in 2002. He explained the location of the property. He stated that all the lots on
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the bottom part had lake frontage. He said that Mr. Koenig proposed to re-subdivide to create 3 lots from 2 existing lots by moving property lines and adding an additional lot from the future development area. He stated that this would be adding one more lot to the existing 5 lots. He said this would involve moving interior property lines. He stated that the proposed lots would all be over 1 acre or more and front on the private road that was developed. He said that the private road was built to county road standards.

Mr. Sharp said that Mr. Koenig wanted to keep the proposed lots wide enough to make them marketable.

Mr. Luttrell asked if the proposed lots met the road frontage requirements.

Mr. Newman stated that the proposed lots did meet the road frontage requirements. He recommended approval of the re-subdivision plat due to meeting the minimum subdivision regulations.

Mr. McEachern made the motion to approve the re-subdivision plat, second was made by Mr. Napier. Motion carried 9-0.

Agenda Item C: Consideration of request to approve a final plat for Silent Woods Subdivision, a 3-lot subdivision located at 11600 Watt Cemetery Rd., referenced on Tax Map 58, Parcel 71.00, Zoned A-2, consisting of 5.92 acres, 1st Legislative District. Owner/Applicant: Gerald Grekowicz. File #14-03-14-SU-CO

Mr. Grekowicz was present.

Mr. Newman said that Mr. Grekowicz had received an approval from the Board of Zoning Appeals several months ago to build an accessory structure on the property without a primary structure. He stated that at this time, Mr. Grekowicz said that he planned to build his own house on the property and also wanted to subdivide the property. He gave the location of the property. He said that each proposed lot was over an acre and had the required road frontage. He stated that the property would be serviced by septic.

Mr. Newman recommended approval for the subdivision plat.

Mr. McEachern made the motion to approve the subdivision plat, second was made by Ms. Terry. Motion carried 9-0.

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

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

34 permits issued with estimated value of \$3,792,021 and fees collected of \$14,418. 12 single-family permits were issued.

**County Commission Action on Planning Commission recommendations:
Amendment to Loudon County Zoning Resolution Section 4.240
Site Plan Review to require site plan approval for borrow pit
operation sites - Approved**

Additional Public Comment: There were none.

Comments from the Commission: Mr. Newman informed the Commission of the training for planning commission members to receive their 2 hours of education for the year on May 19, 2014 at 6:00 p.m. He said that if anyone was interested in attending to let him know before May 9th.

Mr. Luttrell made the motion to adjourn, second was made by Mr. McEachern. Meeting was adjourned at approximately 5:50 p.m.

Martin Braun
Signed

5/20/14
Date



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MINUTES

LOUDON COUNTY BOARD OF ZONING APPEALS

April 15, 2014

The April 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. 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 March 18, 2014 minutes was made by Mr. McEachern, second was made by Mr. Bright. 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. Newman stated that the applicant had contact the office in writing today to withdraw this application. He said that the Board did not have anything to consider to vote on either way. He stated that they can resubmit an application in the future. He said that if they do resubmit, they will have to go through the whole application process again. He stated that they were legally responsible to send a certified letter to the adjoining property owners. He said that the office would readvertise the request and post new signage on the property again.

Agenda Item B: Consideration of request for a 30' front yard setback variance to replace existing singlewide mobile home with a new doublewide at the same location on 369 Hatley Dr., Tax Map 25L, Group B, Parcel 29.01, Zoned A-2 (Rural Residential), 1st Legislative District. Applicant: Tim Harper. Owner: Roger Dean McNabb

Mr. McNabb, the owner, and Mr. Tim Harper, the representative of Clayton Homes, were present.

Mr. Newman referred to the sketched drawing in the agenda packet.

Mr. Harper stated that the owner proposed to replace an existing singlewide mobile home with a doublewide mobile home. He said that they were asking for a variance to be able to place the doublewide mobile home in the same location as the singlewide mobile home.

Mr. Newman said that Hatley Dr. was a county road. He explained the location of the property. He stated that mostly family live in this area with very few homes. He said that the property had been part of a larger tract, and they had recently gone through subdividing the property to create this lot. He stated that this was a legal lot in regards to the size. He said that the existing septic system that was located behind the mobile home. He stated that the utility hookups were already in place. He said that there were some topography issues in the back of the lot. He said replacing the existing singlewide mobile home with the doublewide mobile home brought the structure closer to the front property line.

Mr. McEachern stated that, personally, he thought he had several hardships, one of which was the county accepting the road. He said that Mr. McNabb deserved the variance.

Mr. Harper said that there were not very many homes in this area; therefore there was not a lot of traffic on this road.

Mr. Newman recommended approval of the variance request due to the hardships related to the topography on the rear of the property which prevents the mobile home being moved further back, the utilities being in place, and the existing septic system that is behind the structure.

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

Agenda Item C: Consideration of request to extend temporary use permit for additional 12 months to live in camper while building permanent residential structure, located at 1130 Bay Creek Dr., Bay View Estates, Tax Map 77, Parcel 35.10, Zoned A-1 (Agricultural Forestry), 4th Legislative District.

Owner/Applicant: Debbie Garren

Ms. Garren was present.

Ms. Garren said that they were not living in the camper, that they just needed permission to leave the camper on the property. She stated that they were in the process of trying to sell their current home.

Mr. Newman asked Ms. Garren if she had utilities hooked up to the camper.

Ms. Garren stated that the utilities were on the property. She said they hooked the utilities to the camper when they are on the property.

Mr. Brown said the Board had given her 12 months to start construction on their home. He stated that the Board had approved several requests for campers for owner to live in while they are constructing their homes. He said that the Board needed to be convinced that they need an extension.

Ms. Garren said they were trying to sell their home, and it was still on the market. She stated that they had come down on the price of their home to try to sell it.

Ms. Terry asked Ms. Garren if there had been any progress on the construction of the new home.

Ms. Garren stated that they had not done anything toward starting the new home.

Mr. Newman asked Ms. Garren how often they were staying in the camper.

Ms. Garren said they stayed in the camper very little. She stated they had closed it up during the winter months. She said they stayed in the camper on some weekends as they work on the property.

Mr. McEachern explained to Ms. Garren that the variance was given 12 months ago with the anticipation of construction being started on the new home. He said that the variance was not given with the contingency of selling the current home.

Ms. Garren stated that they did ask for time to sell their home 12 months ago.

Mr. McEachern said that they may have asked for the time to sell their home, but the Board gave them the variance understanding that they were going to build the new home while living in the camper on this property.

Mr. Newman recommended the Special Exception for the temporary use of the camper not be extended.

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

Additional public comments:

Mr. James Nixon, resident of 222 Lake Crest Dr., stated that he was glad that the applicant for the cell tower on Miller Rd. had withdrawn their request. He said that he was the president of the Miller's Landing Homeowners Association. He stated that

they circulated a petition for property owners to sign against the cell tower. He said they had a lot of time involved in this situation. He stated that the applicant of the cell tower had postponed the request last month at the last minute, and then they withdrew the last minute for this month.

Mr. Brown agreed with their frustrations. He said that if they withdraw their request, the Board cannot do anything about it. He stated that the Board could refuse to postpone the request.

Mr. Nixon asked the homeowners in Miller's Landing who were in attendance to stand if they were against the cell tower. There were 7 people who stood up against the cell tower.

Mr. Nixon asked if the zoning on this property allowed a cell tower.

Mr. Newman stated that there was no zoning district that would not allow a cell phone tower. He said that the only way to approved a cell phone tower would be by Special Exception. He stated when an applicant fills out an application for a cell phone tower, they have to submit documentation saying that they have looked at all the requirements, and the cell phone tower meets all those requirements. He said that this particular applicant had never finished their application. He stated that last month they asked for more time to finish the application. He said they never did submit the additional information to the office prior to this month's meeting. He stated that they are fully intent on continuing evaluation on this site as well as some other sites. He said that they will have to submit another application. He stated that all the adjoining property owners would receive a certified letter from them before submitting anything to the office. He said that after an application was submitted, a sign would be posted on the property and required public notices would be published in the newspaper. He stated that it would go through a process that they would know about if it did come up again. He said that the application had to be submitted to the office 30 days prior to the meeting. He stated that as of today, since they have not submitted a new application; they could not be on the May's agenda.

Mr. Brown assured Mr. Nixon that if the applicant asked for another delay if they did resubmit an application, the Board may not approve their delay.

Mr. Nixon asked the Board to consider the needs of their subdivision and the area if the applicant did resubmit an application.

Mr. Brown said that if the Board never did put a cell tower where nobody wanted it, there would not be any cell service in Loudon County.

Mr. Nixon stated that he had heard it was Verizon that had applied. He said he was sure that the service was for another area, because he had Verizon and he got good service in his subdivision and when he was on the lake.

Mr. David Ellis, resident of Beals Chapel Rd., said he felt like this applicant for the cell tower was playing games with the area residents. He stated that he would have never bought his property and built his fine home if he knew that a cell tower was going into his view. He said there was another cell tower within a short distance of his property. He asked the Board if they had to consider all requests that were submitted.

Mr. Brown said that the Board did have to consider all requests.

Mr. Ellis stated that he didn't understand why there had to be 2 cell phone towers within a mile apart. He said that everyone in the area already had good service.

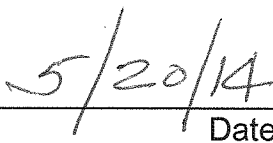
Mr. Bill Nix, representing Glen Miller, who owns the adjoining property, said that Mr. Miller was disappointed with the photographs that the cell tower had sent out with how the tower would look from different spots. He stated that the pictures were taken in low spots. He said his client, Mr. Miller, thought the cell tower people were being very dishonest.

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

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



Signed



Date