



**LOUDON COUNTY
PLANNING
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MINUTES

LOUDON COUNTY REGIONAL PLANNING COMMISSION

May 20, 2014

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

Motion to approve the minutes for the April 15, 2014 meeting was made by Mr. McEachern, seconded by Ms. McNew, 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: Sethfield LP File # 14-02-07-RZ-CO

Mr. Newman stated that the applicant had withdrawn this request. He said that they would probably resubmit the plat with significant changes made.

Agenda Item B: Consideration of request for 5-lot final plat to resubdivide Leslie Woody Property, located at corner of Lakeview Drive and Beals Chapel Rd., referenced on Tax Map 16, Parcels 393.00, 393.01, and Map 21, Parcel 92.01, consisting of 4.34 acres, Zoned R-1. Owner: Clayton Bank and Trust/Martel Utility District. Applicant: Mark White
Mr. White was present.

Mr. Newman said that the 5 lots did have road frontage on Beals Chapel Rd. and Lakeview Drive. He stated that one of the lots was already an existing parcel which was owned by Martel Utility District. He said that the reason this lot was on the plat the surveyor submitted was the applicant had approached Martel Utility District about granting an access easement going across their property to get access to 3 of the other 4 lots. He stated that there was an existing driveway. He said this would eliminate making 3 new driveways. He said that a decision from Martel Utility District has not been made yet and could make a decision next week at their board meeting. He stated that if they did not approve the access easement, and the Martel Utility District parcel would come off the plat leaving the 4 lots. He said then that each lot would have to have individual access. He stated that Martel Utility District could benefit from granting the access easement due to having to use one of the lot's property to get to the storage building on their property.

Mr. Newman stated that one of the lots already had an existing home on it.
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Ms. Ross asked Mr. Newman who would be responsible in maintaining the access easement if approved.

Mr. Newman said that Martel Utility District would essentially be responsible for the maintenance of the access easement due to it being on their property.

Mr. White stated that this proposed subdivision would not distract from the community.

Mr. Brown said that his concern was the maintenance of the easement.

Mr. White stated that he would address the maintenance of the easement with Martel Utility District. He said it would be addressed to the easement that would be recorded.

Mr. Newman said that it could also be added to the plat notes about the maintenance of the easement.

Mr. White stated that he would help with the maintenance of the easement. He said he proposed to build duplexes on the 3 remaining lots.

Mr. Newman said that each lot was approximately .8 of acre. He stated that each lot needed to be 25,000 sq. ft. to be able to build a duplex on it.

Mr. Newman recommended approve of the subdivision plat subject to Martel Utility District granting the access easement from their property to the other lots.

Mr. McEachern made the motion to approve the subdivision plat subject to the fact if the easement on Martel Utility District's property is utilized in the 5-lot subdivision plat, that the maintenance of the easement is done by the 5 property owners, second was made by Ms. Terry. Motion carried 9-0.

Mr. White stated that there is already a recorded easement for 2 lots, that he was dividing into 4 lots, going through the Martel Utility District's property.

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.

42 permits issued with estimated value of \$5,838,442 and fees collected of \$19,021

County Commission Action on Planning Commission recommendations: There were none.

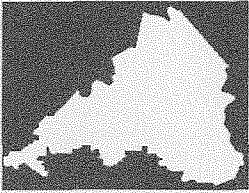
Additional Public Comment: There were none.

Comments from the Commission: There were none.

Mr. McEachern made the motion to adjourn, second was made by Mr. Napier. Meeting was adjourned at approximately 5:45 p.m.

Martin Brown
Signed

6/17/14
Date



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MINUTES

LOUDON COUNTY BOARD OF ZONING APPEALS

May 20, 2014

The May meeting of the Loudon County Board of Zoning Appeals was called to order at 5:50 p.m. Present were Mr. Brown, Mr. McEachern, Mr. Bright, and Ms. Terry. Absent was Mr. Luttrell.

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

Motion to approve the April 15, 2014 minutes was made by Mr. McEachern, second was made by Mr. Bright. Motion carried 4-0.

Agenda Item A: Consideration of request for variance to allow a replacement pylon sign with an electronic message panel (2'1" X 8') at the First Presbyterian Church of Greenback, 6790 Morganton Rd., Tax Map 70L, Group A, Parcel 10.00, Zoned P-1 (Professional and Civic District), 3rd Legislative District, City of Greenback. Owner/Applicant: First Presbyterian Church/Signco

A representative from First Presbyterian Church and a representative of Signco were present.

Mr. Newman referred to the drawing of the proposed sign and the existing sign that were included in their agenda packet. He said that the 2 existing signs would be removed with the construction of the proposed new sign. He stated that the signage meets the requirements for signage for the City of Greenback with the exception of the LED message center in the lower part of the proposed sign. He said that the provision in the City of Greenback zoning ordinance does not allow an intermittent flashing signage.

The representative from Signco stated that he was sure, since the church was in a community, they would not put anything on the message board that would flash, beam, or scroll quickly. He said they would put community messages and church related messages on the message board. He stated that the church would probably have the same messages for approximately 2 weeks to 30 days.

Mr. Newman asked the Signco representative how the messages were controlled.

The Signco representative said that the messages were controlled by computer inside the church. He stated that it would also have an automatic dimmer on the message board. He said that it could be set so that when it becomes night time, the dimmer would dim the lights down where the residential community and passersby would not be affected. He stated that there would not be a glare or a glow to the sign.

Ms. Terry stated that she had seen several of these signs and thought they were very nice.

Mr. McEachern said that he had been by the sign on Hwy. 72 that the Board had approved a few years back, and it was very attractive and was not distracting. He stated that he had talked with one resident in Greenback, and they said they did not have a problem with the intermittent sign.

Mr. Newman recommended approval of the request even though the ordinance does not permit flashing signs, subject to the church uses the sign in a reasonable manner and isn't consistently flashing a message.

Mr. McEachern stated that he thought he understood that the message board did not flash, and that it just changed messages.

The Signco representative agreed that it just changed messages. He said that he was sure the church would not want their messages flashing on the sign.

Mr. McEachern made the motion to approve the request, second was made by Ms. Terry. Motion carried 4-0.

Agenda Item B: Consideration of request for variance to allow issuance of a building permit for construction of a dwelling on 70.5 acres without frontage on a public road on Hwy. 72, N., Tax Map 38, Parcel 7.00, Zoned A-1 (Agricultural-Forestry District), 4th Legislative District. Owner/Applicant: Jason Keeton
Mr. Keeton was present.

Mr. Keeton stated that this farm had been in his wife's family for generations. He said that a few years ago that he and his wife decided that they wanted to build a house on this property. He stated that in January, 2014, they quit claimed themselves 15 acres to build the house on without realizing that they had to have a 25' frontage on a county road. He said after talking with Mr. Newman, they did a deed of rescission and combined the parcel back like they were at the beginning. He stated they just wanted to be able to start their home on this property.

Mr. Brown asked Mr. Keeton if he had an easement to get to the property.

Mr. Keeton said that he did have an easement to get to his property. He stated that there was an existing easement from many years ago. He said they had increased that easement some.

Mr. Newman stated that the legal issue of the Board's standpoint was when they came into the office to apply for a building permit to build on the 15 acres that they had cut out of the 70 acre tract there was no fee simple ownership of property on Hwy. 72. He said they also did not have a fee simple ownership of property on Hwy. 72 for the 70 acres. He explained the location of the property. He stated that the original property (70 acres) was a non-conforming grandfathered parcel if they had not divided the 15 acres off. He said that the 70 acre tract predated the adoption of the zoning regulation. He stated that if they had left the original property the way it was, a building permit for a house could have been issued. He said that it was allowed. He stated that dividing the larger tract by deed, it lost the grandfathered revision based on written regulation. He said Mr. Keeton had stated that they had rescinded the previous deed and combined the parcel back to the way they originally were. He stated that Mr. Keeton had done everything he could do to make the property the way it was. He said that technically the property had lost the grandfathering, due to the change that they had made. He stated that Mr. Keeton did understand that he if he decided to do divisions in the future, he would have to get fee simple frontage by purchasing property from the adjoining tract before any other permits could be issued.

Mr. McEachern made the motion to approve the request, second was made by Mr. Bright. Motion carried 4-0.

Agenda Item C: Consideration of request to appeal notice of violation for occupying a travel trailer as a permanent residence at 215 Deer Cove Lane, City of Greenback, Tax Map 70M, Group A, Parcel 10.00, Zoned R-1 (Low Density Residential District), 3rd Legislative District. Owner/Applicant: Robert and Norma Kiker

Mr. and Mrs. Kiker were present.

Mrs. Kiker stated that they had owned this property for 13 years. She said that in November, 2013, her husband lost his job. She stated they could no longer make their house payments and their utilities for the large house. She said that their family helped them acquire a travel trailer to live in on their property while renting out the house. She stated that they did not realize that living in a travel trailer was in violation of the zoning regulations. She said they had no income other than social security. She stated they had no way of removing this travel trailer at this time. She asked for

some leniency. She said that the renters were leasing the house with the option to buy in a year.

Mr. Brown asked Mrs. Kiker what their long-term plan was.

Mrs. Kiker said that when they sell the house, they plan to return to Texas to live closer to their family.

Mr. McEachern asked Mrs. Kiker what the size of the property was.

Mrs. Kiker stated that the property was 1 ½ acres.

Mr. Newman explained the location of the property. He said that it did have an existing home on the property. He stated that the Kiker's were using the same driveway that the renters were using.

Mrs. Kiker said that they were using the rent money they receive to pay the house payment. She stated that the renters were paying the utilities. She said that the travel trailer was tapped into the existing septic system, electric, and water line.

Mr. McEachern asked what the difference was if the Board had approved people to live in a travel trailer up to a year while building their house verses this situation.

Mr. Brown stated that the Board had also approved people to live in their mobile home while building their home on the same property.

Mr. McEachern said he did not like to help some people and turn others away that had a similar situation. He stated everybody deserved one chance.

Mr. Bright commented that Mrs. Kiker said she did not do this knowingly.

Mr. Brown asked Mrs. Kiker when the lease started with the renters.

Mrs. Kiker said that the lease started April 1, 2014.

Mr. McEachern asked Mrs. Kiker if 12 months would help them put an end to the living in the travel trailer.

Mrs. Kiker stated that 12 months would be enough time.

Mr. McEachern informed Mrs. Kiker that that the Board stood by the 12 months, and there would be no extensions.

Mrs. Kiker said that she understood that.

Mr. McEachern made the motion to approve the request to live in the travel trailer on the property for 1 year and at the end of the year, no one could be living in the travel trailer, second was made by Ms. Terry. Motion carried 4-0.

Agenda Item D: Consideration of request for special exception to live in existing singlewide mobile home on same property while new home is under construction, located at 10431 W. Lee Hwy., Tax Map 56, Parcel 6.00, Zoned R-1 (Suburban Residential), 1st Legislative District. Owner/Applicant: Robert S. Johnson

Mr. Johnson was not present for the meeting.

Mr. McEachern suggested that they return to this item at the end of the meeting to see if Mr. Johnson would come.

When the Board came back to this request, Mr. Johnson still had shown up for the meeting.

Mr. McEachern made the motion to table this request for 30 days, second was made by Mr. Bright. Motion carried 4-0.

Agenda Item E: Consideration of request for 16' frontyard setback variance for existing home at 368 Taylor Drive, Tax Map 15, part of Parcel 143.00, Zoned R-1 (Suburban Residential), 5th Legislative District. Owner/Applicant: C. A. Wilson
Mr. Wilson was not present.

Mr. Newman stated that the property was being subdivided and required a variance for the existing home. He explained the location of the property. He said that the parcel was 4.3 acres. He stated that the existing house was only 15' from the front property line instead of being 30'. He said that this was not created by subdividing the property.

Mr. Newman recommended approval for the request for the existing house. He stated that if the house had to be rebuilt, it would have to meet the required front yard setback.

Mr. Bright made the motion to approve the variance request, second was made by Mr. McEachern. Motion carried 4-0.

Agenda Item F: Consideration of request for a variance to build an accessory garage in the front yard at 500 Engel Rd., Tax Map 33K, Group E, Parcel 15.00,

**Zoned R-1 (Suburban Residential), 5th Legislative District. Owner/Applicant:
Tim Bivens**

Mr. and Mrs. Bivens were present.

Mr. Newman referred to the agenda package for the map that Mr. Bivens had given the office where the proposed detached garage would be built.

Mr. Bivens stated that this was the best location on his property to build the garage. He said that the location of the proposed garage would be off Engel Road approximately 200'.

Mr. Newman said that the driveway off Engel Road was gravel. He stated that the driveway provided access to Engel Road for 2 lots. He said there were some topographic issues on Mr. Bivens' property. He stated that Mr. Bivens' house set on the crest of a slope and then sloped down in the back. He said there weren't a lot of options where Mr. Bivens could put the detached garage. He stated that the back yard would not be very convenient or accessible due to the way the property was laid out.

Mr. McEachern asked Mr. Bivens if his neighbor was aware of what he wanted to do.

Mr. Bivens stated that a few years ago they had another request for a portable shed for the Board, and they knew of the request then. He said that the neighbor's house was quite a distance from this proposed garage, and there were woods all around the property.

Mr. Newman recommended approval of the variance request due to the hardship of the topography and placing the detached garage in any other location on the property.

Mr. Bivens said that the proposed detached garage would have vinyl siding to match the existing house.

Mr. McEachern made the motion to approve the variance request, second was made by Mr. Bright. Motion carried 4-0.

Agenda Item G: Consideration of request for 15' front yard setback variance for existing home located at 510 Old Sinking Creek Rd., City of Greenback, Tax Map 70, Parcel 83.00, Zoned R-1 (Low Density Residential), 3rd Legislative District.

Owner/Applicant: Mary Kinser

The surveyor for Ms. Kinser was present.

The surveyor said that Ms. Kinser was subdividing her property to be able to sell the

other portion of the property and to keep 1 acre for the existing home she lives in. He stated that there were an existing storage shed and carport that was in violation of the zoning ordinance.

Mr. Newman stated that this property was in the City of Greenback. He said that the carport was attached to the existing house.

Mr. McEachern asked when the existing house was built.

Mr. Newman said that the house was probably built in the 1950's.

Ms. Terry asked when the carport was attached to the home.

Mr. Newman stated that he did not know when the carport was put on, but the carport was old. He said that when the house was built in the 1950's, there weren't any building permits issued. He stated that the City of Greenback's ordinance was not as old as Loudon County's zoning regulations.

Mr. Brown said that the structures were probably grandfathered in the way they are right now.

Mr. McEachern stated that if they were old enough to be grandfathered in, they have been dealing with it for a long time and hadn't brought up any issues that took action prior to this request.

Mr. Brown said that it wouldn't make anything any worse than it already was.

Mr. McEachern made the motion to approve the request, second was made by Ms. Terry. Motion carried 4-0.

Additional public comments: There were none.

Announcements and/or comments from Board/Commission: Mr. Brown requested better maps of the properties that were making requests for the meetings.

Mr. McEachern made the motion to adjourn. Meeting was adjourned at approximately 6:20 p.m.

Marti Brown
Signed

6/12/14
Date