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MINUTES

LOUDON COUNTY BOARD OF ZONING APPEALS

SPECIAL CALLED

August 11, 2014

The Special Called 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, and Ms. Terry. Absent was Mr. Bright.

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

Motion to approve the June 17, 2014 minutes was made by Mr. McEachern, second was made by Ms. Terry. Motion carried 4-0.

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
This request was withdrawn.

Agenda Item B: Consideration of request for special exception approval to permit construction of 180' monopole cell tower at 13500 Virtue Rd., Tax Map 11, Parcel 105.00, Zoned R-1 (Suburban Residential), 5th Legislative District. Applicant: Faulk and Foster Real Estate. Owner: Wayne Pratt
This item was withdrawn.

Agenda Item C: Consideration of request for special exception to operate a gun sales business as a home occupation (former permit holder at 7580 Hickory Creek Rd.) located at 300 Thornton Dr., referenced on Tax Map 7, Parcel 100.00, Zoned R-1 (Suburban Residential), 5th Legislative District. Owner: Ronald Thornton/Applicant: Phillip Clariday
Mr. Clariday was present.

Mr. Clariday stated that he had a gun business in Loudon County and in the state of

Tennessee for over 30 years. He said he had originally had a special exception for gun sales located at 7580 Hickory Creek Rd. He stated that he had a letter written by Mr. Newman for that approval. He said he had moved his residence since that time. He stated that he is the current owner of 300 Thornton Dr. He said he had contacted the ATF to get his license changed to his current address. He stated that he had been approved for his license from the ATF pending the approval for a special exception from Loudon County Board of Zoning Appeals. He said he had all his documentation, i.e. state sales tax that he pays, the county licenses that were required by the ATF, plus his record keeping book.

Mr. Brown asked Mr. Clariday if this was basically internet sells.

Mr. Clariday said that he did not advertise his business. He stated that he mainly sold to his friends and family. He said he may sell 10-15 guns per year. He stated that he had no signage on the property.

Mr. Luttrell asked Mr. Clariday for the date that was on his letter from Mr. Newman.

Mr. Clariday stated that the date on the letter from Mr. Newman was July 11, 2011.

Mr. McEachern made the motion to approve the Special Exception request for Mr. Clariday at this address only, second was made by Mr. Luttrell. Motion carried 4-0.

Agenda Item D: Consideration of request for a 2' sideyard variance on Lot 52R in Jackson Crossing, located at 998 Jacksonian Way, referenced by Tax Map 10K, Group C, Parcel 52.00, Zoned R-1/PUD (3.0 units per acre), 5th Legislative District. Owner/Applicant: Reliance Development, LLC

Mr. Aziz Kherani, the developer, was present.

Mr. Kherani stated that the request was due to the hardship created by the adjacent detention basin.

Mr. Brown said that he had a problem this request. He stated that a final plat had been submitted a few months ago for approval. He said that the detention basin was on the final plat. He asked Mr. Kherani why he didn't address this issue with the final plat.

Mr. Kherani stated that the engineer had overlooked the detention basin and should have been reviewed with the final plat approval.

Mr. Brown suggested to Mr. Kherant that he might need to revise his final plat.

Mr. Kherani said that there was nothing wrong with the final plat that they just needed to get this variance.

Mr. Brown stated that the final plat was not right. He said that they needed a variance to be able to build on this lot. He stated that he did not like a developer coming back to the Board of Zoning Appeals 2-3 months after the final plat approval requesting a variance.

Mr. McEachern said that the purpose of the final plat approval stated that they had met all the requirements or addressed any variances prior to the approval. He stated that the variances could have been addressed at the same time the plat was submitted and attached to the plat. He said someone had messed up.

Mr. Kherani stated that he understood Mr. Brown and Mr. McEachern's point. He asked the Board to look at his position. He said he did not draw up the plat.

Mr. Brown explained to Mr. Kherani that since he was the developer, that he was responsible for the plat.

Mr. Kherani said that they should have caught this before the final plat approval.

Mr. Brown asked Mr. Kherani if he could correct the final plat by redrawing the plat.

Mr. Kherani stated that his engineer said the only way to correct the plat was to get approval for a variance. He explained that there was a lot of work that had gone into the final plat. He said that it was originally suppose to be condos, but was now single-family houses. He stated he was respectfully asking the Board to grant the variance.

Mr. Luttrell made the motion to deny the variance request and suggested they resubmit a final plat, second was made Mr. McEachern. Motion carried 4-0.

Agenda Item E: Consideration of request for a 10' rearyard variance on Lot 53R in Jackson Crossing, located at 950 Jacksonian Way, referenced by Tax Map 10K, Group C, Parcel 53.00, Zoned R-1/PUD (3.0 units per acre), 5th Legislative District. Owner/Applicant: Reliance Development, LLC

Mr. Kherani stated this was the same request.

Mr. Luttrell made the motion to deny this variance request but the Board could support a resubmission of a final plat, second was made by Mr. McEachern. Motion carried 4-0.

Agenda Item F: Consideration of request for a special exception for a second ground sign for property located on 14805 Hickory Creek Rd. to be placed on adjacent vacant lot owned by same property owner, referenced by Tax Map 4, Parcel 8.01, Zoned C-2 (General Commercial District), 5th Legislative District. Owner: Robert Fields/Applicant: Pattison Sign Group, Inc.

Ms. Regina Harmon, representative of Pattison Sign Group, Inc., was present.

Ms. Harmon stated she was representing Rush Enterprises who leased this property from the owner. She said that the adjacent lot was also owned by Mr. Fields. She stated that the sign would be placed by the fence next to the drive going into parking lot, so that it could be seen coming down Hickory Creek Road.

Mr. Brown explained to the Board that a sign is considered an accessory structure, and accessory structures are not allowed on a vacant lot without a special exception approval.

Mr. Brown asked Ms. Harmon if she knew what the future plans were for vacant lot the proposed sign was going on.

Ms. Harmon said that they plan on leaving the property vacant. She stated that they mentioned they might let extra semi trucks park on the vacant lot. She said she had a letter that the owner stated that he did not plan building on the vacant lot.

Mr. Brown asked Ms. Harmon why the owner did not consider combining the two lots.

Mr. Luttrell stated that combining the two lots would solve the problem.

Mr. McEachern said that if the owner combined the two lots, they would not need a variance.

Mr. Brown stated that since Rush Enterprises was leasing the lots from Mr. Fields, is why they probably don't want to combine the lots.

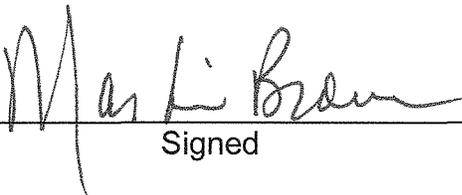
Mr. McEachern said that if this request was approved, it needed attached to the business. He stated that if the business leaves, they had to take the sign down on this lot.

Mr. McEachern made the motion to approve the special exception request on the vacant lot for Rig Tough Used Trucks as long as the sign meets the required setbacks for accessory structures, second was made by Ms. Terry. Motion carried 4-0.

Additional public comments: There were none.

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

Mr. Luttrell made the motion to adjourn, second was made by Mr. McEachern.
Meeting was adjourned at approximately 6:00 p.m.



Signed



Date