

MINUTES

LOUDON COUNTY BOARD OF ZONING APPEALS

FEBRUARY 20, 2007

The February meeting of the Loudon County Regional Planning Commission was called to order immediately following the RPC meeting. Present were Mr. Harrison, Mr. Brown, Mr. Brooks, Ms. Terry & Mr. McEachern.

Motion to approve the minutes of the January 16, 2007 meeting was made by Mr. Brooks, seconded by Mr. Brown and approved 5-0.

Agenda Item A: Request consideration of approval of 16' front yard setback variance (from 50' to 34') and 1' side yard setback variance (from 20' to 19') for each side of property located at 19877 Unitia Road, referenced by Tax Map 36E, Group A, Parcel 6.00, Zoned A-1/F-1, Agriculture-Forestry District/Floodplain District, 3rd Legislative District. Owner: Marvin Young
Mr. Young was present.

Mr. Reynolds explained that Mr. Young has had a survey done since this item was postponed at the January meeting. He has also modified the house plan he wants to use to decrease the variance he is requesting. Part of the problem is created because the road right-of-way is 30 foot from the center line of the road. Mr. Young is also working around an existing septic system and a TVA flowage easement. He also wants to replace his mobile home with a stick-built home.

Mr. Newman said he understood Mr. Young wanting to improve his property, but he does not see a hardship. The existing structure is grandfathered, and the new structure conforms even less than the existing one. He stated rezoning should be looked at for the entire area. He recommended denial of the request.

Mr. Young asked how long rezoning would take.

Mr. Newman said that unless the Board decided to initiate it, Mr. Young would have to request it, and it would not be reasonable to rezone just one parcel.

Mr. Young stated that the current zoning creates a hardship for him when he is trying to improve the neighborhood.

Mr. Brooks made the motion to approve the request, and attach it to this specific building. Mr. McEachern seconded, noting Mr. Young had gone out of his way to conform and had the property surveyed as he agreed to do. Motion was approved 5-0.

Mr. Harrison asked Mr. Newman if rezoning the area was something that need looked at. Mr. Newman said he felt it should be because there are homes on small, non-conforming lots, but at this time only water

is available. Mr. Harrison stated he felt that the Board should look at rezoning the area to R-1. Mr. Newman said he could have it on the March agenda.

Agenda Item B: Request consideration of approval of 8' side yard setback variance (from 20' to 12') for existing structure on property located at 2275 Reed Springs Road, referenced by Tax Map 76, Parcel 87.00, Zoned A-2, Rural Residential District, 4th Legislative District. Owner: Vivian Russell [06-05-95-SU-CO]

Ms. Russell was not present.

Mr. Reynolds explained that the property had been rezoned to allow Ms. Russell the width she needed to split her property into two lots. The variance is needed on a property line that is not being affected by the subdivision.

Mr. McEachern made the motion to approve, Mr. Brooks seconded, and motion was approved 5-0.

Agenda Item C: Request consideration of approval sign size variance of 4 sq. ft. (from 20 SF to 24SF and approval of 29' front yard setback variance (from 30' to 1') for sign at Dixie Lee Baptist Church located at 14650 Old Stage Road, referenced by Tax Map 7, Parcel 78.00, Zoned R-1, Suburban Residential District, 5th Legislative District. Owner: Dixie Lee Baptist Church

Mr. Brandon Pittman was present for the applicant.

Mr. Reynolds described the property and location for the Board, noting that the old sign had been removed when the new portion of the church was built. They want to build their new sign one foot off of the right of way, which would be 13'2" off of the paved surface.

Mr. Newman noted there is conflicting language in the Zoning Ordinance regarding sign structures and setbacks. The main concern in the placement of any sign is the sight visibility when pulling out of an intersection. He asked if it would be a significant issue to move the sign 5-6 feet further back.

Mr. Pittman stated they do not want any visual impairment at the intersection, but they have carefully sized the sign and location for safety.

Mr. McEachern also expressed concerns that the sign was too close to the paved surface, and asked if the sign could go back 10 ft.

Mr. Pittman said they would abide by what the Board decided

Mr. Brooks made the motion to approve the variance of 4 sq. foot for the sign size, and approve a 19' front yard setback variance, a difference of 10 feet from what was requested. Mr. McEachern seconded, and motion was approved 5-0.

Agenda Item D: Request consideration of approval of 20' front yard variance (from 40' to 20') for accessory structure (shed) and 20' side yard variance (from 20' to 0') for accessory structure (barn) for property located at 340 Houk Road, referenced by Tax Map 18, Parcels 32.00 & 33.00, Zoned A-2, Rural Residential District, 5th Legislative District. Owners: Robert & Mary Newcomb & Ted Bray [07-01-05-SU-CO]

Mr. Reynolds described the property and location for the Board, noting another survey is being done because there is a shed that belongs to a neighbor that sits over the property line that is not shown on this survey. Mr. McEachern made the motion to postpone the item until an accurate survey is presented, Mr. Brown seconded, and motion was approved 5-0.

Agenda Item E: Request consideration of approval of side yard variance of 10' (from 20' to 10') for existing structure located at 7737 Williams Ferry Road, referenced by Tax Map 6, Parcel 115.00, Zoned A-2, Rural Residential District, 5th Legislative District. Owners: David Latham & Kenneth Wheeler [07-01-06-SU-CO]

Mr. Reynolds described the property and location for the Board, noting that these parcels are existing, and that the owners are adjusting property lines. The variance being requested is on a property line that is not being moved.

Mr. McEachern made the motion to approve, Mr. Brooks seconded, and motion was approved 5-0.

Agenda Item F: Request consideration of special exception approval for kennel on 3.8 acres of property located at 2145 Beals Chapel Road, referenced by Tax Map 16, Parcel 378.00, Zoned A-2, Rural Residential District, 6th Legislative District. Owner: John & Jean Ann Carrigan

Mr. & Mrs. Carrigan were present. Ms. Carrigan stated that they currently live at 420 ConKinnon Drive, but they plan to build both a home and a kennel on this property and live there. She further stated that they are committed to the area and will have a well-run dog kennel.

Mr. Carrigan addressed concerns about noise, stating he had researched nine different manufacturers, and Morton Buildings uses acoustical steel which will absorb noise. As they are concerned about the safety and security of the animals, there will be no outdoor runs, only a small fenced area at the back for no more than two animals at a time while they are cleaning the kennels. He has talked to both Martel Utilities and First Utility District about the sewer system handling waste and was told they have no concerns with the usage. The property does lie in a curve, and they plan to have the entrance to the right side of the property to allow for better visibility.

Mr. Harrison noted that dog kennels usually cause the most trouble for this Board, but he also noted that if someone is willing to put \$120,000 into a kennel building, they will probably be doing it right. He referenced Bed and Biscuit on Vonore Road as being a quality facility.

Mr. Mark Robbins, 2351 Beals Chapel Road, stated that his property borders the Carrigan's property on two sides. He is concerned with the fenced area in the back and barking dogs.

Mr. John Robbins asked how many decibels the building would reduce the noise. Mr. Carrigan gave him literature from Morton that showed different noise levels and how they are reduced. Mr. Carrigan offered to sponsor a trip to a location in Maryville that uses a Morton building to see how efficient they are at reducing noise.

Mr. Newman stated he is also concerned about any new development that may come in on the golf course, but noted there is a ridge between that property and the Carrigan's. He asked how much of the building will be utilized for the kennel and how many dogs they would plan on boarding.

Mr. Carrigan stated that approximately 1/3 to 1/2 of the building will be office space, and they planned to never have more than 30 dogs boarded. He further committed to limit the times the dogs could be outdoors to between 8 AM and 4 PM, that there would be no more than 2 dogs in the outside area at any time, and that the Special Exception would be attached to only the Carrigan's owning the kennel.

Mr. Newman recommended approval of the request based on the commitments Mr. Carrigan stated.

Mr. Brooks made the motion to approve the request based on the commitments the Carrigan's made: to limit the times the dogs could be outdoors to between 8 AM and 4 PM, that there would be no more than 2 dogs in the outside run area at any time; that the building would contain the noise from disturbing the

neighbors; a limit of 20 dogs being boarded at a time at the beginning, with no more than 30 when the business grows; and that the Special Exception would be attached to only the Carrigan's owning the kennel. If these commitments are broken, the Special Exception can be revoked. Mr. McEachern seconded, and motion was approved 5-0.

Agenda Item G: Request consideration of appeal of Building Commissioners decision to deny building permit for storage building on property located at 335 Leeper Parkway, referenced by Tax Map 21A, Group A, Parcel 45.00, Zoned R-1, Suburban Residential District, 2nd Legislative District. Applicant Frank Pierce

Mr. Pierce was present.

Building Commissioner Bill Cox gave background of this item to the Board. He stated that the property is actually owned by Kent Sanderson. He has not talked to him but understands he has given the church permission to use the property for a soccer field. He said that Mr. Pierce had come to him for a building permit to use the mobile home for storage, putting a garage door in one end. It has been county policy that mobile homes are not allowed to be used for storage, and in an R-1 district a storage building is considered an accessory structure to the primary building.

Mr. Pierce told the Board that he is the chairman of the recreation committee for First Baptist Church of Concord. They have been using the lot to facilitate football and soccer practice for the last two years, and they have increased the value of the property. He is also donating the mobile home that would be used for a storage facility. The mobile home has been gutted, and has no plumbing or electric in it. It is not habitable, but it can be renovated to allow it to look like a storage building. They will paint a logo on the garage door they want to put in the end of it so that it will look like storage and there would be no mistaking it for a residence.

Ms. Beverly Moser stated she had lived in the adjoining neighborhood, Highland Hills, for 30 years and takes pride in her neighborhood. The neighborhood has nice homes, and no outside storage buildings are allowed in the neighborhood. She further stated she did not want this storage facility in her neighborhood. She further stated she did not believe that any of the church members in Concord would want this in their neighborhood either. She noted that some of the parents at practice park only half-way on the grass, and this is a busy street that is down to one lane at those times, creating a nuisance.

Mr. Pierce stated he wanted to be a good neighbor, and this request would help promote youth sports and the use of the property.

Ms. Moser noted the church was using a storage POD at this time and asked why they have to have a mobile home for storage.

Mr. Pierce said the mobile home would be donated, and the POD cost money.

Mr. William Baker stated he lives across the street from the lot, and he is also against the mobile home. The property is only used seasonally, but the trailer would be there 12 months a year.

Mr. Pierce stated that even though the neighborhood has restrictions about outside buildings, there were only about 4% of the neighbors objecting. He stated he did not want to be an unwelcome neighbor, but the POD is not feasible, and the mobile home could store more and offer a better access. His goal is to make the field more usable. If 2-3 out of 50 of the neighbors disapprove and the BZA turns him down that he will abide by that, but he does have noble and honorable goals.

Mr. McEachern made the motion to deny, Ms. Patty seconded, and motion was approved 5-0.

Mr. Pierce stated that everyone heard the term mobile home and drew conclusions from that.

Commissioner Earlena Maples stated she was in attendance in support of the Highland Hills neighbors and she was also concerned about the trailer being used for storage.

With no further comments from the Board or the public, the meeting was adjourned at approximately 8:35 PM

Signed

Dated