

MINUTES

LOUDON COUNTY BOARD OF ZONING APPEALS

MARCH 20, 2007

The March meeting of the Loudon County Board of Zoning Appeals was called to order immediately following the Regional Planning Commission meeting. Present were Mr. Harrison, Mr. McEachern, Mr. Brown, Mr. Brooks and Ms. Terry.

Mr. Brown noted changes that needed to be made to the item regarding the dog kennel on the February meeting. Motion to approve the minutes of the February 20, 2007 meeting with those changes was made by Mr. Brown, seconded by Mr. Brooks and approved 5-0.

Agenda Item A: Request consideration of approval of special exception to sell fireworks on .50 acres at The Country Garden, located at 1000 Fairview Road at Hwy 321, referenced by Tax Map 35, part of Parcel 79.00, Zoned C-2, General Commercial District, 3rd Legislative District. Owner: Gina Spires

Ms. Spires was present.

Mr. Newman described the rezoning process that Ms. Spires had gone through to be in the proper zone to sell fireworks.

Ms. Spires stated that they had all their permits from the state and all their insurance, but did not realize their property was not zoned correctly nor that they needed a permit from the county for fireworks sales.

Mr. McEachern asked if the Board could approve the special exception for Ms Spires to sell fireworks this year.

Mr. Newman said that they have the authority.

Mr. Brooks made the motion to grant the special exception request to allow Ms. Spires to sell this year, Mr. McEachern seconded, and motion was approved 5-0.

Agenda Item B: Request consideration of approval of 14' front yard setback variance (from 50' to 36') for property located at 708 Rocky Top Road, referenced by Tax Map 6, Parcel 41.00, Zoned A-1, Agriculture-Forestry District, 5th Legislative District. Owner: Daniel Parker

Mr. Parker was not present. Mr. Ron Hargis was present for the applicant.

Mr. Reynolds described the cliff on the property, the road, and the proposed house.

Mr. Hargis noted the house had been moved as far back as it could be.

Mr. Newman questioned different locations for the house, but Mr. Hargis said the property is rocky and they also have to locate the drain field on it. Mr. Newman acknowledged topographical issues with the property but asked if the house could be redesigned. Mr. Hargis said they have built this house several times and have the costs fairly accurate.

Ms. Karen Harper, adjoining property owner, provided drawings for the Board of the road and the right-of-way, noting the road was not built within the right of way dedicated. (Drawings and notes attached in minute book) She stated that Mr. Parker is building on land that was deeded to the county by her father, as the property has never been quitclaimed to Mr. Parker.

Mr. Newman noted that what Ms. Harper had pointed out would make a difference in the title issues to the property. This Board can grant a setback variance but that will not grant Mr. Parker the right to build on the right of way dedicated to Loudon County. The right-of-way issue needs to be addressed between Mr. Parker and Loudon County. This Board is only dealing with the setback issue.

Mr. Brooks made the motion to approve the setback variance, Mr. McEachern seconded, and motion was approved 5-0 to grant the 14' variance.

Agenda Item C: Request consideration of approval of height variance of 40' (from 20' to 60') and square footage variance of 315 sq/ ft. (from 120 sq. ft. to 435 sq. ft.) for sign located at 14542 El Camino Lane, referenced by Tax Map 4, Parcel 4.02, Zoned C-2, General Commercial District. Owner: Fowler Holdings, LLP

Mr. Newman recommended this item be postponed since the applicant was not present.

Agenda Item D: Request consideration of approval of 20' front yard setback variance (from 40' to 20') for accessory structure (shed) and 20' side yard setback 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 it had been postponed from the February agenda because there was a question regarding a neighbor's outbuilding that set across the property line. An easement agreement has been worked out regarding the outbuilding as long as it exists, and will be dissolved whenever the building is removed. The variances still being requested are for existing structures. The owners are moving a property line, but they are not creating new lots.

Mr. McEachern made the motion to approve the request attaching the variances to the existing buildings. Mr. Brown seconded, and motion was approved 5-0.

Agenda Item E: Request consideration of approval of 10' front yard setback variance (from 40' to 30') for existing dwelling; 40' front yard setback variance (from 40' to 0'); and variance to allow accessory structure in front yard for existing 15' x 20' garage for property located at 6490 Steekee Creek Road, referenced by Tax Map 56, part of Parcel 188.00, Zoned A-2, Rural Residential District, 4th Legislative District. Owner: Brian and Crystal Baxter [07-02-33-SU-CO]

Mr. Reynolds explained that the property owners wanted to take the existing house and one acre from the rest of their property. The variances being requested are for existing buildings.

Mr. McEachern made the motion to approve the request attaching the variances to the existing buildings. Mr. Brown seconded, and motion was approved 5-0.

Agenda Item F; Request consideration of approval of 12' side yard setback variance (from 15' to 3') for property located at 402 Pinecrest Circle, referenced by Tax Map 11, Parcel 55.00, Zoned R-1, Suburban Residential District, 5th Legislative District. Owner: Mark Rogers

Mr. Rogers was present. He stated he wished to build a detached garage at the end of his driveway, which will place the structure 4 ½ feet off the property line. Mr. Schubert, his neighbor, was present and said he did not object to the variance request.

Mr. Reynolds passed out aerial views of the property, noting there was room behind the house for the structure, but Mr. Rogers wanted the structure at the end of the driveway.

Mr. Newman asked why Mr. Rogers could not attach the carport behind the existing garage.

Mr. Rogers said it would cost more and not look good in the back. He also has a shady back yard, and his children both have a skin disorder that prevents them from sweating. He needs the shade in order for his children to be able to be outside.

Mr. McEachern said he saw no reason to grant a variance if the building could be put in the rear of the house.

Mr. Harrison asked about the lay of the land and Mr. Rogers said it was a gentle slope. Mr. Harrison said the Board could not grant a variance without a hardship with the land.

Mr. Newman stated there were other options since Mr. Rogers had the space.

Mr. Ron Parr stated that he worked with Mr. Rogers and his children did have the medical disorder described and did need the shade in order to be outdoors.

Mr. Newman said he understood the problem with the children's medical condition, but he had to recommend denial of the request.

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

Agenda Item G: Request consideration of approval of 36' front yard setback variance (from 50' to 14') for property located at 1289 Reed Springs Road, referenced by Tax Map 76, Parcel 89.01, Zoned A-1, Agriculture-Forestry District, 4th Legislative District. Owner: Shirley McDaniel

Ms. McDaniel was present.

Mr. Reynolds explained that Ms. McDaniel had placed a new mobile home 14 ½ feet from the front property line without requesting a building permit.

Building Commissioner Bill Cox explained that when Ms. McDaniel came in to get a building permit the measurements she gave were legal, but he is not sure where she measured from. One of the building inspectors was driving by and found the problem shortly after the unit was put on the property in February. She applied for the permit, knew setbacks, and indicated on the sketch she was outside the setback area. The Building Inspector is the one that found it was too close to the property line.

Ms. McDaniel explained that she had the home placed on an existing foundation where a trailer had burned and thought it would be grandfathered in.

Mr. Brown asked if the trailer was underpinned.

Ms. McDaniel stated it was tied down, had electricity and had a disabled veteran living in it.

Mr. Newman made the recommendation the request be denied because there is not a physical hardship with the property and the property is 5 acres in size.

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

Agenda Item H: Request consideration of approval sign size variance of 4 sq. ft. (from 20 sq. ft. to 24 sq. ft.) and approval of 15' front yard setback variance (from 30' to 15') for sign at 219 Simmons Road, referenced by Tax Map 33N, Group C, Parcel 21.00, Zoned R-1, Suburban Residential District, 1st Legislative District. Owner: East Hills Missionary Baptist Church

Mr. Bill Lankford was present for the applicant.

Mr. Reynolds showed the photo and the aerial photo to the Board, noting there is a large drainage ditch at the front of the property. After discussion, it was determined that the photo from the front of the property was deceiving because the parking lot appeared closer to the road than it actually is. (Aerial photo attached in minute book)

Mr. Brooks made the motion to approve the sign size variance of 4 square foot, and to grant Mr. Reynolds and Mr. Newman the authority to site the sign with the church representatives due to the drainage area and location of the parking lot and feasible locations for the sign. Mr. Brown seconded, and motion was approved 5-0.

With no additional comments from the board or the audience, the meeting was adjourned at approximately 7:30 PM.

Signed

Dated