

MINUTES

LOUDON COUNTY BOARD OF ZONING APPEALS

AUGUST 21, 2007

The August meeting of the Loudon County Regional Planning Commission was called to order at 5:30 PM Present were Mr. Harrison, Mr. McEachern, Ms. Terry, Mr. Brown, and Mr. Brooks.

Motion to approve the minutes of the July 17, 2007 meeting was made by Mr. McEachern, seconded by Mr. Brooks and approved 5-0.

Item E was moved to the start of the agenda due to many of the area residents being present for that item.

Agenda Item E: Request consideration of approval of special exception to allow a truck maintenance and trucks parts sales facility at the intersection of Hwy 70 and Hines Valley Road, referenced by Tax Map 10-I, Group A, Parcel 26.00, Zoned C-2, General Commercial District. Applicant: Reveiz Homes

Mr. Reveiz was present and handed the board members color renderings of the site plan and elevation.

Mr. Newman told the Board the property is zoned C-2, which allows certain permitted uses, but Mr. Reveiz was proposing a use of a truck repair facility with the sale of parts, which would only be allowed as a special exception.

Mr. Reveiz explained that the special exception request was Hays Brothers for a NAPA retail truck parts facility. They only had a 2000 square foot space planned now, but eventually could have a 3000-6000 square foot retail center. They would have four bays for working on the trucks, with the concentration on the sale of parts. They would also have part delivery available. The building would be of masonry construction, and a NAPA registered store, and NAPA would control the appearance of the building. The property would be asphalted to the perimeter, and the residential side of the property would be shielded with heavily landscaped evergreens.

Mr. Newman asked if tractor trailers would be sold from the property.

Mr. Reveiz said there would not be trailer sales. Where Hays Brothers is presently located there are two other businesses, a truck sales lot and a truck detail shop. They currently have no control over how the area looks, and they want away from that situation. NAPA will control the appearance of the site, and since this is a first time venture for a NAPA parts store like this, it would be a role model center for the corporate office.

Mr. Newman asked about the extent of the business regarding tractor trailer repair and the sale of parts related to that.

Mr. Reveiz stated they would do installations, but most of the business would be retail sales.

Mr. Newman questioned the extensive tractor trailer parking area.

Mr. Reveiz stated that they had currently planned 3000 square foot of retail space, and were now planning 6000 square foot of retail space and the parking area would be revised.

Mr. Newman asked if trailers would remain parked at the site.

Mr. Reveiz said there would be some parked there. They should not have more than three per day entering and leaving, and there were only four bays for trucks to be worked on, each repair taking 3-5 days each.

Mr. Newman asked why trailers would be on the site if the trucks were being repaired.

Mr. Reveiz stated the spaces would be available if they were needed. This would not be a truckstop with 50 tractor trailers at a time.

Mr. McEachern stated that a special exception was not to allow a business in, it was to accommodate for the terrain or flooding, etc, creating a problem that the property cannot be used to conform to the zoning district.

Mr. Reveiz stated that this use can be allowed in the C-2 district by the special exception.

Mr. McEachern stated the property must be unusable for most of what is allowed on it.

Mr. Reveiz stated that they had owned the property for over three years and had not been able to use it. A special exception approval would allow them to be able to use their property.

Mr. Newman read from the Zoning Ordinance of what uses are allowed as special exceptions under the C-2 Zoning. He noted that traffic impact should also be considered, was the use compatible with adjacent uses, and that the Board should take health, safety and welfare into consideration. If the usage is approved, restrictions could be placed on it. The request could also be denied if it is deemed incompatible.

Mr. Reveiz stated that there is a misconception about the business, and that 10-15 trucks a day would be impossible. They would have UPS delivery and pick up much as any other retail center would. It would not be a lot of tractor trailers. This is a family owned operation, and they are moving because they can't control the environment around them now.

Mr. McEachern stated that this intersection has been a nightmare forever, and it currently is as good as it has ever been. He sees this as detrimental to the intersection and the surrounding area. With all the main arteries coming together, 1500 students, and the smaller arteries, for nine months a year this intersection turns into a nightmare.

Mr. Reveiz asked for suggestions from the Board of what would be permissible on the property.

Mr. McEachern cited car traffic as more permissible than the truck traffic.

Mr. Brown suggested removing the truck repair from the item.

Mr. John Hays stated that 50% of the vehicles they service are one ton trucks, such as F-350's, and the other half of their work is done on tractor trailers. Half of their business is personal vehicles. Seventy-five percent of their business is handled through parts delivery. They currently have two bays, and on a busy day will service no more than one to two units. They have no quick oil service and no tire sales. They only do major repairs that can require 3-5 days each. The impact of any traffic will not be seen due to their business at 3-5 vehicles per day. They do not do quick service items, and are not a high volume repair facility. Their parts store is in conjunction with the repair facility.

Mr. Reveiz stated that it is unfair to see where the business is located now and compare it to this facility. This facility will cost \$1.5 million dollars, and they plan to landscape against the residential side of the property. They will have two ways in and out to help the flow of the traffic.

Mr. McEachern stated this is not a question of aesthetics or the facility; it is just not good for the area.

Mr. Reveiz asked if the Board would accept a traffic study to prove the point of there not being a large volume of traffic. A medical office would be allowed, and a 12,000 square foot medical office would generate a lot more car traffic.

Mr. Brown said that contractor storage units had been approved for the area.

Mr. Reveiz asked if an aluminum building on the property would be considered a better solution.

Mr. Brown stated it is the use that they are concerned with; the building is not the issue. The issue is traffic and bottleneaking, and the road just now becoming tolerable. The State has put \$1.4 million in the last two years in this intersection to align the roads, and he doesn't want to see it made worse. There are lots of other businesses that could go on that property.

Mr. Reveiz asked again about a traffic study.

Mr. Brown stated that with traffic studies the owner pays for it and gets what he want.

Mr. McEachern stated that 321 is a difficult highway because of that intersection. This will not help a bad situation. It is the wrong place for it based on the traffic load.

Mr. McEachern made the motion to deny, Mr. Brown seconded, and the vote was 4-0 to deny with Mr. Harrison abstaining.

Mr. Reveiz asked if the Board was concerned about the traffic due to large trucks.

Mr. McEachern stated that if this use was approved, there would be no way to contain the growth of it.

Mr. Reveiz said that the final building will not be able to hold 20 trucks.

Mr. McEachern said that it is the traffic and the size of the vehicles.

Mr. Brown stated that once this was approved, the Board would have no control over it.

Agenda Item A: Request consideration of approval of 25' front yard variance (from 30' to 5') for sign located at 283 Monument Street, referenced by Tax Map 21-H, Group A, Parcel 22.00, Zoned R-1, Suburban Residential District. Owner: Clarence Wilson, Lee Heights Monument Company
Mr. Wilson was present.

Mr. Newman told the Board that Mr. Wilson wanted to replace the existing wooden sign. He asked Mr. Wilson if the sign was on the right of way now.

Mr. Wilson said it is 6' off of the right of way. He wants to move further off of the right of way, and by moving it back he can move it over.

Mr. Newman asked if the sign was 10' off the property line would it still be visible.

Mr. Wilson said the property drops and the sign would have to be taller. The new sign would be better than what is there now.

Mr. Newman asked if the sign had ever been hit by a vehicle and Mr. Wilson said that there is a utility pole that would be hit first. He also would make sure that anyone exiting the property could still see both ways.

Mr. Brown made the motion to approve subject to Mr. Reynolds approving the location on a site visit. Mr. Brooks seconded and motion was approved 5-0.

Agenda Item B: Request consideration of approval of 30' front yard setback variance (from 30' to 0') for temporary structure (tent) on property located at 24444 Hwy 321 S, referenced by Tax Map 35, Parcel 79.00, Zoned C-2, General Commercial District, 3rd Legislative District. Owner: Gina Spires

Ms. Spires stated that the only location to place her tent for fireworks sales is in the setback area, because it is against State law to have it next to the building, it has to be 20' from the building. If it is in the parking lot it would require a variance.

Mr. Newman stated that the property size may not accommodate the use.

Ms. Spires said she would only have the tent up for two weeks.

Mr. Cox stated he would not allow the tent to be located in the setback area without a variance.

Mr. McEachern said the Board can stipulate that it can only be for four weeks a year, from mid-June to just after July 4th.

Mr. Brooks made the motion to approve the tent being located in the setback area from Mid June until just after the 4th of July. Mr. McEachern seconded, and motion was approved 5-0.

Agenda Item C: Request consideration of approval of 15' side yard setback variance (from 15' to 0') for existing carport on property located at 1980 Hardin Drive, referenced by Tax Map 16-O, Group A, Parcels 16.00, 17.00, 18.00 & 19.00, Zoned R-1, Suburban Residential District, 2nd Legislative District. Owner: Sarah Burns [07-07-151-SU-CO]

Mr. Reynolds described the property and location for the Board, and explained that the property is being divided, and the variance is required for the existing structure and an existing property line.

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

Agenda Item D: Request consideration of approval of 25' front yard setback variance (from 50' to 25') for existing residence on property located at 10020 Meadow Road W, referenced by Tax Map 52, Parcel 57.00, 3rd Legislative District. Owner: Elzie & Dorothy Carver [07-07-152-SU-CO]

Mr. Reynolds described the property and location for the Board, and explained that the property is being divided, and the variance is required for the existing structure and an existing property line.

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

Agenda Item F: Request consideration of approval of special exception for mini-storage warehouse facility at 14802 Hickory Creek Road, referenced by Tax Map 4, Parcel 12.00, Zoned C-2, General Commercial District, 5th Legislative District. Owner: Phillip Williams

Mr. Williams was present. He passed out drawings of what he plans for the property.

Mr. Newman described the property and location for the Board, describing it as 125' deep by 300' long. It is one acre, and backs up to the TA Truckstop.

Mr. Newman expressed concern with the volume of traffic that would be added to the road, and stated the road doesn't meet current standards. He recommended the portion of the road in front of the property be improved, as the business park on Hickory Creek is being required to do. They must widen the road to two 12' lanes with a turn lane. He recommended Mr. Williams be required to do the same along the frontage of his property.

Mr. Williams stated that it is not his property yet, the purchase is contingent on this approval. He also stated he did not feel that a mini-storage facility would be a high volume usage.

Mr. David Williams, Phillip William's father, stated that his grandfather had owned the property and donated the property for the county road. This would not be a high traffic usage, and the fireworks business only had high traffic about 20 days a year.

Mr. Newman noted that the volume of traffic on the road is increasing. He also noted that the front setback is 30' from the right of way, and a setback variance could be required for the structure itself. He recommended approval contingent on the right of way improvements and the improvement of the two travel lanes.

Mr. Williams asked if he could coordinate that with the property owner across the street from him.

Mr. Newman said that would work if the other property owner would agree to it. The problem is the development of another piece of property on an inadequate road. He recommended approval only if the right of way is dedicated and the two travel lanes improved to 12' wide, unless there is sufficient right of way there now to create two 12' wide travel lanes. He stated he would not require a turn lane for this use.

Mr. Williams asked if the road would have to be widened to 24' for the entire length of the property, because he already will require a 4' front setback variance, and the 25' right of way would mean he would need a greater variance.

Mr. David Williams stated that since his grandfather had given the road right of way that everything else was supposed to come from the other side.

Mr. Newman said it did not matter where it comes from, but it is a disservice to the community to continue approving uses without requiring improvements.

Mr. Brown asked if Mr. Williams would like another month to look at his proposal. He could agree to the request and the variance if the road was widened.

Mr. Newman said his position would be to recommend the variance for the rear of the property to maintain the setback on the front.

Mr. David Williams said he thought they should postpone the request for 30 days.

Mr. Newman suggested they return with survey data, right of way information and a plan for the road location.

Agenda Item G: Request consideration of approval of special exception for mini-storage warehouse on property located at 500 Hwy 70 W, referenced by Tax Map 9, Parcels 68.01 & 71.00, Zoned C-2, General Commercial District, 5th Legislative District. Owner: Paul Parker Jr.

Mr. Parker was present.

Mr. Newman described the property and location for the Board, noting there were two storage buildings planned with Highway 70 access, and good internal circulation.

Mr. McEachern asked if this was going to be Mr. Parker's business, and Mr. Parker said it would be.

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

With no further business, the meeting was adjourned at approximately 8:15 PM

Signed

Dated