

MINUTES
LOUDON COUNTY BOARD OF ZONING APPEALS
FEBRUARY 21, 2008

The February meeting of the Loudon County Board of Zoning Appeals was called to order immediately following the RPC meeting. Present were Mr. Harrison, Mr. McEachern, Mr. Brooks and Ms. Terry. Absent was Mr. Brown.

Motion to approve the minutes of the January 15, 2008 meeting was made by Mr. McEachern, seconded by Mr. Brooks and approved 4-0.

Agenda Item A: Request consideration of approval of special exception for cabinet making business on property located at 7305 and 7307 Hines Valley Road, referenced by Tax Map 14, Parcel 47.00, Zoned C-1, Rural Center District, 5th Legislative District. Applicant: Robert L. Cox

No one was present for this item and Mr. McEachern made the motion to postpone until the March meeting, Mr. Brooks seconded, and motion was approved 4-0.

Agenda Item B: Request consideration of approval of special exception to have Adult Home in residence located at 174 Old Midway Road, referenced by Tax Map 16, Parcel 319.00, Zoned R-1, Suburban Residential District. Owner: Larisa Onofrychuk

No one was present for this item and Mr. McEachern made the motion to postpone this item until the March meeting, Ms. Terry seconded, and motion was approved 4-0.

Agenda Item C: Request consideration of approval of special exception for a billboard in a C-1 District on property located at 151 Scenic Hill Lane, referenced by Tax Map 2, Parcel 96.00, 5th Legislative District. Owner: Royce Carlyle

Mr. Carlyle and Mr. Mike Fleming were present for this item.

Mr. Newman reminded the Board this property had been rezoned from R-1 to C-1 in January. The RPC has discussed that the only way the owner of this property could have a billboard was to have special exception approval from the BZA.

Mr. Fleming said the billboard will be similar to the one across the interstate and would be 14' x 48'. It would be located on the front edge of the property.

Mr. Brooks asked if this is an electronic billboard.

Mr. Fleming said this will be a regular billboard, and he may try to get approval from the state for a tri-vision board.

Mr. Newman said the special exception will allow the use, but everything about the billboard would have to conform to the sign ordinance.

Mr. McEachern made the motion to approve, Mr. Brooks seconded, and motion was approved 4-0.

Agenda Item D: Request consideration of approval of special exception to place a single wide mobile home for medical hardship on property located at 2160 Shaw Ferry Road, referenced by Tax Map 16, Parcel 350.00, Zoned R-1/R-E, Suburban Residential District with Single Family Exclusive Overlay District, 2nd Legislative District. Owner: Otto Flachbart

Mr. Flachbart was present.

Mr. Newman told the Board this item is on the agenda in this particular situation because this is actually two different parcels of property. There is a house on one parcel and they are requesting they be allowed to place a single wide mobile home on the other parcel of property as a medical hardship. Typically the single wide would be on the same piece of property in the case of a medical hardship. The property is also in an R-E Overlay district which does not allow single wide mobile homes. In an R-E Overlay district single wides are allowed with proof of an actual medical hardship. Since this request involves two separate parcels he wanted the Board to review it.

Mr. McEachern asked if the photo in the agenda packet is an accurate representation of how it exists.

Mr. Lambert said it is. The house is to the left of the concrete pad. There is a pop-up camper on the back of the parcel with the house. Mr. Flachbart's son lives the house but Mr. Flachbart owns both parcels. They had the property divided to add a trailer. Mr. Flachbart currently lives in Wampler's Trailer Park.

Mr. McEachern said he thought the reason for a medical hardship is so someone can attend to the person with the medical condition. He said this appeared to be a circumvention of the rules.

Mr. Brooks asked if there was a doctor's letter.

Mr. Lambert did have a letter that had been submitted from Dr. Hahn.

Mr. Richard Cubberly stated he objected since there is already a double wide and a camper. This property is also fill dirt and he does not know what they will do for a septic system. He asked why there was an overlay if there was already a double wide on the property and an occupied camper.

Mr. Newman said it would be a violation of the regulations if someone is living in the camper. A single wide mobile home in the overlay zone can only be for an approved medical hardship.

Mr. Cubberly said he did not want to deny a person a place to live, but one other time there was a single wide here and it burned because it wasn't wired to code. Now it appears there could be another one there. He stated objection to this being done.

Mr. Newman asked if Mr. Flachbart would be living in the single wide and asked what his medical condition was that required care from a family member.

Mr. Flachbart said he had two disks in his back and two in his neck that are deteriorating. He also has problems with both his hips. His right shoulder is also messed up. His son and daughter-in-law take him back and forth to the doctor and pick up his prescriptions. He is legally disabled. He also stated there are already two septic tanks on the property. He denied anyone living in the camper, saying that his grandsons play in it. Mr. Flachbart's son said that his niece occasionally spends a night in it but no one is living in it.

Ms. Carolyn Scott stated she lives across the street and Mr. Flachbart already has a junkyard on the property and all kinds of traffic coming and going. The police have been called to the property several times for the noise and dogs.

Ms. Cubberly asked Mr. Flachbart how long he had been on disability.

Mr. Flachbart said since 1977.

Ms. Cubberly said she had seen him out on the property working on cars and Ms. Scott agreed with her. She said she saw no justification for bringing in another single wide home.

Mr. Flachbart said the Scotts have a single wide on their property for a medical hardship.

Ms. Scott said that their grandson, Mr. Frankie Wolfenbarger, takes care of her and her husband. Mr. Wolfenbarger stated that Mr. Flachbart does not appear to need a medical hardship because he gets around fine.

Mr. Newman recommended the request be denied.

Mr. McEachern made the motion to deny the request, Ms. Terry seconded, and motion was denied 4-0.

Agenda Item E: Request consideration of approval of side yard setback variance of 8' on each side (from 20' to 12') for property located at 7400 Hwy 11 E, referenced by Tax Map 16, Parcel 36.00, Zoned C-1, Rural Center District. Owner: Lisa Bentley

Ms. Bentley was present.

Mr. Lambert described the property and location for the Board and that the property had recently been rezoned from C-2 to C-1 to allow the Bentley's to live on the property. He explained that Ms. Bentley had purchased the mobile home before the property had been rezoned to C-1. She found out about the setbacks when she was getting her building permit. The home has been placed on the property and the axels have already been removed. Mr. Lambert recommended denial of the request due to lack of a true hardship.

Mr. Newman asked where the Bentley's had been living since the C-1 Zoning was approved.

Ms. Bentley said they had been living in an house on Allen Road that they have sold. They bought the mobile home prior to the rezoning because they were unaware of the problem with the zoning. After they purchased it they let it sit where it was until the rezoning was finished. They then moved it to this property. They were unaware of the setbacks, admitting they did not ask. The wheels that were removed actually belonged to the moving company. The trailer is sitting on blocks but they are not using it. After she obtained a septic permit is when she went for the building permit and that is when she found out about the setbacks.

Mr. McEachern asked if the trailer could be turned to meet the setbacks.

Ms. Bentley said there is a storage building on the property and quite a grade. Then one end of the trailer would be 7' high. The septic is located where the trailer needs to set the way they have planned.

Mr. Lambert described the photos of where the property line is located. The pencil drawing submitted is not to scale.

Mr. Newman recommended denial of the request due to there being no hardship with the property. He also stated the property owner should have been aware of the setbacks or whoever set the trailer on the property should not be aware of it.

Mr. McEachern made the motion to deny the request, Mr. Brooks seconded, and motion to deny was approved 4-0.

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

Signed

Dated