

MINUTES
LOUDON COUNTY BOARD OF ZONING APPEALS
MAY 20, 2008

The May meeting of the Loudon County Board of Zoning Appeals was called to order at 6:05 PM. Present were Mr. Harrison, Mr. McEachern, Mr. Brooks and Mr. Brown. Absent was Ms. Terry.

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

Agenda Item A: Request consideration of approval of 12' side yard setback variance (from 20' to 8') for each side of property located at 8373 Hwy 11, referenced by Tax Map 25L, Group B, Parcel 14.00, Zoned A-2, Rural Residential District, 1st Legislative District. Owner: Holly Prorise

Ms. Prorise was present. She explained that the lot lines were moved many years before she bought the property for a property swap between neighbors. This adjustment reduces the amount of side yard available to her. She plans to move a house to the property and it would encroach in the side yard setback area.

Mr. Newman said he has gone through the deeds, and feels that her survey is not correct with the deed and the property assessor's records. He described the property location for the board and the areas that are shown cut out from the property. He told Ms. Prorise he would be glad to talk to her surveyor about what he has found.

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

Agenda Item B: Request consideration of approval of 16' side yard setback variance (from 20' to 4') to cover patio on property located at 6172 Beals Chapel Road, referenced by Tax Map 21, Parcel 103.00, Zoned A-2, Rural Residential District, 6th Legislative District. Owner: Vickie Packett

Ms. Packett was present. She described her property for the board and how she wished to cover her patio.

Mr. Lambert described the property and noted there is no hardship with the property. He recommended denial of the request.

Ms. Packett said that is the only place available for her patio and noted there are high winds off the water. The covered patio would provide some protection for her.

Mr. Brown asked if she could build the structure where it would not be attached to the house, and that would only require a 5' setback.

Mr. Cox noted the 5' applies only in the R-1 zone.

Mr. Brown stated he thought the change had also been made to the A-1 and A-2 zones and asked if it could be done.

Mr. Newman said a resolution could be prepared to make the change in those zones also.

Mr. Brown made the motion to deny the request, Mr. McEachern seconded, and motion was approved.

Mr. Brooks asked that Ms. Packett be notified when this change is completed.

Agenda Item C: Request consideration of approval of variance to have third sign (only two allowed) on Family Dollar Store located at the intersection of Hwy 411 and Kinser Lane, inside Greenback City Limits, referenced by Tax Map 80-G, Group A, Parcel 1.00, Zoned C-2, General Commercial District, 3rd Legislative District. Applicant: Allen Industries

Mr. Charles Womack was present.

Mr. Newman noted the Greenback Zoning Ordinance allows only two signs. The plans include a free standing sign, a sign on the front towards Hwy 95, and the owner is also requesting a third sign on the back facing Kinser Lane. The applicant says the other signs will not be visible from this side of the building.

Mr. Brooks stated he felt there needed to be three signs and made the motion to approve. Mr. McEachern seconded and motion was approved 4-0.

Agenda Item D: Appeal of Building Commissioner's decision regarding a commercial recycling facility operating in an R-1, Suburban Residential District at 675 Friendship Road, referenced by Tax Map 10-O, Group A, Parcel 7.00, 5th Legislative District. Owner: Jack Wright

Mr. Wright was present.

Mr. Cox told the commissioners there was information in their agenda packet detailing the times Mr. Wright had been contacted about operating a business in a residential district. He has received numerous complaints from neighbors. He had informed Mr. Wright he could appeal this decision to the BZA. He also noted a petition that had been turned in about the business operating in a residential area.

Mr. Wright said he had been buying catalytic converters for 23 years. He has an inside storage area that cannot be seen from the road. There will be seven people out of work if he is forced to shut down his business. The converters go back to the refinery to have the platinum removed from them. There are new people in the area and they don't like his business. People bring the converters to him and he considers this a service. This also keeps them out of the landfills.

Mr. Newman said the problem is this property is not zoned for business use. Mr. Wright seems to have been operating illegally for the last 23 years, which would be the reason for the notice from Mr. Cox.

Mr. Wright said he has not had to have a license to operate, but he will as of October 1st.

Mr. McEachern said Mr. Wright would be unable to obtain a license if he is not on a properly zoned property.

Mr. Brown suggested he find a lot or a building in a commercially zoned area.

Mr. Wright described the neighbors in the area that have moved in and how they have started complaining about him. He stated they need to mind their own business.

Mr. Harrison told Mr. Wright the Board did not get involved in community arguments.

Mr. Wright asked if he could still use his storage buildings that he has on the property.

Mr. Newman said he has the right to have an accessory structure and store his belongings in it. The letter from Mr. Cox stated the property could not be used for business purposes and Mr. Wright would not be able to buy or sell at that location.

Mrs. Wright spoke on behalf of her husband and asked for apologies from the neighbors that were causing them trouble on Friendship Road.

Mr. McEachern made the motion to uphold Mr. Cox's letter and deny the appeal, Mr. Brown seconded and motion was approved 4-0.

With no additional comments from the Board or the audience, the meeting was adjourned at approximately 7:10 PM

Signed

Dated