

MINUTES
LOUDON COUNTY BOARD OF ZONING APPEALS
JUNE 17, 2008

The June 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. Brown, Mr. Brooks and Ms. Terry. Absent was Mr. McEachern.

Motion to approve the minutes for the May 20, 2008 meeting was made by Mr. Brooks, seconded by Mr. Brown and approved 4-0.

Agenda Item A: Request consideration of approval of 3' side yard variance for existing structure for property located at 2200 Lynnwood Drive, referenced by Tax Map 85-A, Group A, Parcels 24.00 & 25.00, Zoned A-1, Agriculture-Forestry District, 3rd Legislative District. Owner: Sammy Smith [08-05-137-SU-CO]

Mr. Lambert described the property and location for the Board. The owner is combining two lots into one, and the variance is for an existing structure along an existing property line. The structure was built in 1960.

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

Agenda Item B: Request consideration of approval of 5' side yard variance for each side of property located at 833 Garnet Hill Drive, referenced by Tax Map 11C, Group E, Parcel 29.00, Zoned R-1, Suburban Residential District, 5th Legislative District. Owner: Saddlebrook Homes

Mr. Lambert described the property and location for the Board and passed out photos of the neighboring homes to the Board members. The owner wants to move this house forward to align it with the neighboring houses and also to have a shorter driveway.

Mr. Newman told the Board that 75' is the closest the house can sit to the road and be able to meet the side setback requirements due to the pie-shaped lot. There are already buildings on both sides of it. He also noted this is a new subdivision.

Mr. Adam Price, representative of Saddlebrook, told he Board that when he drew the site plan for the house, he was unaware of the irregular shape of the lot. He also noted there is a drop off in the back of the lot that will have to have a swale built to keep the water out of the back of the lots.

Mr. Brown questioned Mr. Price's drawing of the plan without being aware of the lay of the land.

Mr. Price said everything had been done from electronic documents.

Mr. Harrison noted the variance is being requested for a new subdivision.

Mr. Brown suggested the house be made smaller.

Mr. Price again said that pulling the house forward will help the drainage of the lot. They have built between 50-60 houses and never had a variance request.

Mr. Newman recommended the request be denied. He feels the issue could have been addressed sooner and the lot lines adjusted. The engineer should have anticipated this problem.

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

Agenda Item C: Request consideration of lot size variance of 1,963 SF (from 20,000 SF to 18,037 SF) for Lot 1 of property located at the corner of Riverchase Drive and Thurmer Drive, referenced by Tax Map 21, Parcel 78.00 & Tax Map 21F, Group A, Parcel 17.00, Zoned R-1, Suburban Residential District, 6th Legislative District. Owner: Wayne Rose

Mr. Rose was present.

Mr. Newman described the property and location for the Board, noting they had been given a site plan drawing with the proposed structure on the lot. He noted Mr. Rose lives in the house on the adjoining, existing lot. This lot was created by deed in 1980, and was cut off of Parcel 75.00. It was substandard when it was created. Mr. Rose bought the property in 1993, not realizing the lot was unbuildable. He is proposing to move the common property line as far as possible to increase the size of the lot they want to build on. Sewer is now available in the property, which means the lot size will not be an issue as far as a septic tank is concerned. He recommended approval of the request, as the property owner has made every attempt to maximize the size of a lot that could have been built on.

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

Agenda Item D: Request consideration of approval of special exception for auto shop (body shop and engine repair) for property located at 321 Leeper Parkway, referenced by Tax Map 20, Parcel 14.00, Zoned C-2, General Commercial District, 2nd Legislative District. Applicant: Euromot European Car Specialist

Mr. Romot was present.

Mr. Newman told the Board that the property is C-2, and there is an existing garage on the property. Mr. Romot has an existing business in Farragut at Dixie Lee Junction, which is an auto repair and body shop. He wants to relocate his business to this larger property, but that type of business would require special exception approval. He currently has a problem with no fence, and Mr. Newman noted there needs to be a fence on the back of this building and asked if all of Mr. Romot's vehicles could be kept behind the fence, as he had concerns about the portion of the property along Leeper Parkway and he felt the front should be limited to customer parking.

Mr. Romot said vehicles being repaired would be kept behind the fence and in the building. He currently has a problem with theft at his current, non-fenced location. He does plan to sell used cars on the front of his property, about 10-15, and also have the customer parking there. He will still keep his Dixie Lee location on by moving part of the business to Leeper Parkway. He has a problem in Farragut

with not being able to install a security fence and is working with the owner of the Leeper Parkway property to have one installed. He currently only has a 600 square foot lot now, and this one is almost 2 acres and also will have the inside space. It is already zoned for car sales. He only does light body work, and none of his scrap cars will be visible from the street. He will store his scrap cars in the building.

County Commissioner Wayne Gardin stated he had talked with Ms. Ruth Hawk in Farragut, and she had told him that Farragut had a problem at the Dixie Lee location with garbage and she had told him that Mr. Romot would not be allowed to continue his business in its current condition. He noted that this property can be seen from Hwy 11 and asked the Board to deny this request. He predicted it would turn into a junkyard.

County Commissioner Earlena Maples stated she was there in support of the homeowners. She also noted that Mr. Romot may have already begun moving things into the building.

Mr. Romot said the property is C-2, which is commercial, and other places in this area look worse than his does. He plans to paint the building and landscape the property. He has a five year lease.

Ms. Beverly Moser, Highland Hills subdivision resident, said she feels this is being pushed down her throat, and is not pleased with this proposal. If what is shown in the pictures of the Dixie Lee location were to go on this property it would be a disgrace. As trashy as the property in Dixie Lee looks, he should be closed down.

Mr. Newman told the Board that C-2 does allow a wide range of uses, and car sales are permitted. Concerning the special exception request, he feels there are ways to specifically improve the overall appearance of the site. He would like to see a written plan and a landscape plan to give the Board a concrete understanding of Mr. Romot's commitment. He recommended that a plan be prepared with that information and be brought back to the Board. He also stated he had issues with the property needing paving and asked that the plan show that.

Mr. Brown made the motion to deny, Mr. Brooks seconded, and motion to deny was approved, with Mr. Brown noting Mr. Romot could come back before the Board with this item.

Agenda Item E: Request consideration of approval to exempt unfinished basement from Adequate Facilities Tax for property located at 223 Chickasaw Lane in Tellico Village, referenced by Tax Map 42E, Group B, Parcel 11.00, 7th Legislative District. Owner: John W. Cooper

Mr. Cooper was present.

He told the Board that the statute states a county can levy this tax, and the floor area is considered the floor area as the total gross horizontal area that is heated and cooled. The part of the house in question is not heated and cooled, it is unfinished. The ductwork is roughed in. The statute is clear, plain language, and does not allow for future or maybe.

Mr. Newman noted there is ductwork that is intended to heat or cool.

Building Commissioner Bill Cox told the Board that Trustee Estelle Herron is the administrator of the tax, and since Day 1 tax has not been charged on unfinished areas. If there is ductwork and vents, it is

considered heated and cooled space. There are vents in this ductwork so it is considered heated and cooled.

Mr. Cooper stated there is no air handler, inside or out. The upstairs has it's own unit. There is no insulation between the floors. The duct system for the main level is in the attic.

Mr. Newman said this is not a zoning issue, so he had no recommendation.

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

Agenda Item F: Request consideration of approval of special exception for storage facility on Irene Lane, referenced by Tax Map 58, Parcel 71.02, Zoned A-1, Agriculture-Forestry District, proposed C-2, General Commercial District, 7th Legislative District. Owner: Glen Gregg

Mr. Gregg was present. The Board had drawings and renderings of the proposed storage buildings along with a site plan. Mr. Newman recommended approval.

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

Agenda Item G: Request consideration of approval of variance to have no fence around swimming pool on property located at 200 Beals Landing Lane, referenced by Tax Map 28, Parcel 53.00, Zoned A-2/F-1, Rural Residential District/Floodplain District, 6th Legislative District. Owner: Cliffreda Gilreath

Ms. Gilreath was present. She passed out packets to the Board showing her property and other properties along the river with pools and no fences. She also described the location of the fence along the Beal's Landing development and the layout of her property in relation to surrounding properties. They have approximately 20 acres, with 700' of lakefront and the pool would be approximately 102' from the lake. From the road it is about 910'. The property is not located in a subdivision. The driveway will be gated and her insurance provider has no increased premiums if there is not a fence.

Mr. Harrison commented how any body of water can be considered an attractive nuisance and noted a fence prevents uninvited visitors.

Ms. Gilreath questioned how the other pools near them without fences were allowed.

Mr. Cox said they could have been built without permits, or built prior to 2002 when the regulation was added to the Zoning Ordinance.

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

Mr. Brown asked Mr. Cox to check into the other pools without fences and see if they had been supposed to have them or if permits were obtained.

Agenda Item H: Request consideration of approval of side yard setback variance 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 Prosis

Ms. Prosis was present.

Mr. Newman described the property and location for the Board, noting it had been before the Board at

the May meeting. Since that meeting, he talked to the surveyor, and the Board now had a corrected plat. The previous request had been for a 12' variance on each side, but with the correct plat the property is 106' wide at the road and at the setback it is 102'. The proposed structure is 70' wide, so now Ms. Prorise now needs an 8' overall variance. Since she owns the adjacent lot, he recommended the Board grant the 8' side yard setback variance on the side where the adjacent lot is so it will not be too close to the neighboring property on the other side.

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

With no additional comments from the Board or the audience, the meeting was adjourned at approximately 8:25 PM.

Signed

Dated