

## MINUTES

### LOUDON COUNTY BOARD OF ZONING APPEALS

October 19, 2010

The October meeting of the Loudon County Board of Zoning Appeals was called to order at 6:30 p.m. Present were Mr. Brown, Mr. Brooks, Mr. McEachern, Mr. Bright, and Ms. Terry.

Motion to approve the September 21, 2010 minutes was made by Mr. McEachern, second was made by Mr. Bright. Motion carried 5-0.

**Agenda Item A: Request Special Exception approval for a Tennessee Hand Gun Carry Permit firing range. Located at 3520 Glendale Community Road.**

**Referenced by: Tax Map 43, Parcel 66.00. Applicant: Laramy Gregory**

Mr. Gregory with Terminal Performance was present. He said that the property owner was a childhood friend of his, Tyson Murphy. He stated that the range would be limited to 4 hours on Saturday for once a month from a time frame between the hours of 10 a.m. to 6 p.m. He said that the property had a naturally high berm, which is a ridge in front of the property. He stated that this would buffer the sound. He said the property appealed to him because of the wide-open space and the berm which was a safety consideration. He stated that each class would be limited to 20 people. He said that the State of Tennessee has already sent an inspector to look at the property. He stated that pending on the Board's approval, the State would grant approval for the hand gun carry permit school. He said that they would not have classes on Holidays if they fall on Saturday. He said that this limitation could be added to the Special Exception – not opened on Holidays if on Saturday or Sunday. He stated that the only people who would have access to this property would be him, the property owner, and Mr. Wilson (co-owner of Terminal Performance) to do the class.

Mr. Brown asked Mr. Newman if the Board could grant a Special Exception to someone other than the owner.

Mr. Newman stated that the issue hasn't come up too much. He said that he looked at it as if the owner was consenting to the application.

Mr. Brown stated that the Board didn't have any record of that.

Mr. Newman said that they didn't have it in writing.

Mr. Gregory stated that the owner had a scheduling conflict that day and hoped to make it to the meeting, but he didn't make it.

Mr. McEachern asked Mr. Gregory if he would have an agreement on paper.

Mr. Gregory said that they had a lease agreement signed with Mr. Murphy.

Mr. Newman asked Mr. Gregory what kind of weapons would be fired.

Mr. Gregory stated that pistols would be fired.

Mr. Newman asked Mr. Gregory if rifles would be fired.

Mr. Gregory said no rifles would be fired.

Mr. John Jones, 3265 Glendale Community Rd., stated that he was across the road from this property. He said that he believed in people getting trained to carry a gun, but he said this was not the right location for it. He stated that they had a wildlife management area, and they had people camping and fishing. He said they had nature trails and a horse riding ring. He stated that this was not a good safe area for this request. He said there could be a misfire and hurt someone. He stated that he was also concerned with the well water. He said that 20 people shooting 48 rounds each would put a lot of lead in the well water. He stated that he didn't see a 20' embankment on this property.

Mr. Edward Clebsch, 5737 Fisher Lane, stated that Mr. Gregory wanted to make a profit-making business in an area that is zoned for agricultural use. He said that Mr. Gregory does not have evidence that the natural buffer for noise would cut down on the sound. He asked the Board if they accepted this request, who would monitor this project making sure that they only use it for 4 hours within the day scheduled for the class. He stated that Mr. Gregory has not supplied the Board with a sanitation plan, how the empty shells will be handled, or what the lead load would be. He brought up the study done in the 1980's that stated that land owners liked the rural and pastoral areas in the county. He stated that at that time the Glendale Community was designated for agricultural use and not commercial. He urged the Board to deny the

request, because the purposed shooting range would be a non-conforming use to the land and the short-comings not presented to the Board. He stated that noise was an environmental pollutant and could be a public nuisance.

Mr. Aaron Tallent, 3490 Glendale Community Road, stated that each class would have 960 rounds of ammunition. He said that his barn was 70 yards away from the proposed shooting range, and his house was 105 yards away from it.

Mr. Newman asked Mr. Tallent if there was a ridge between his house and the proposed firing range.

Mr. Tallent stated there was no ridge between the firing range and the barn. He said the sound would carry throughout the valley. He stated that the wildlife and the animals in the area would be scared. He said that the state law says that you can't fire a gun within 100 yards of a dwelling.

Mr. Kenneth Sterling, 5500 Glendale Community Road, stated he was concerned with the kids in the area. He said there were no buffers for the sound.

Mr. Gregory said that there was a ridge with trees that separated the firing range from the road. He stated that the traffic would not be increased any more than during the summer due to TVA Recreation area at the end of the road. He said that he had not conducted any type of test on the sound due to not having the Board's approval for this request. He stated that their classes would be safer than the hunter who is hunting in the area.

Mr. Brooks made the motion to deny the request, second was made by Ms. Terry. Motion carried 5-0.

**Agenda Item B: Request consideration of approval of a variance to allow accessory structure in the front yard. Located at 7299 Niles Ferry Road. Owner wants to use existing older structure as an accessory building. Referenced by: Tax Map 84, Parcel 85.00. Owner: Susan Caccavale**

Mr. and Mrs. Caccavale were present.

Mr. Caccavale stated that they wanted to use the existing dwelling on the property as a storage building. He said that at the present time there were no electricity and water hooked up to the structure. He stated that they wanted to build another single-family dwelling on the back part of this property.

Mr. Newman said that the existing dwelling was vacant and in deteriorating condition but is structurally sound. He said that if this dwelling was turned into storage, which is an

accessory structure, it would be in front of the new home to be built. He stated that we could not issue a building permit for the new home with an accessory structure in the front of it. He said that the zoning regulations require accessory structures to be in the rear of the dwelling. He recommended to approve the variance, because it was reasonable considering that the structure is in fairly decent condition.

Mr. Brooks made the motion to approve the variance to the current owners only, second was made by Mr. McEachern. Motion carried 5-0.

Mr. Brown explained the motion to Mr. Caccavale. He stated that this was approved only to him. He said that he couldn't pass it on to anyone else.

Mr. Caccavale stated that he understood if he ever sold his home, those new owners would have to come back before the Board to get a variance for the accessory structure to be in front of the dwelling.

**Additional public comments:** There were none.

**Announcements and/or comments from Board/Commission:**

Mr. Brown asked the Board if they needed to adopt some bylaws for the Board of Zoning like the Planning Commission.

Mr. Brooks stated that they could use the same procedures as the Planning Commission bylaws and just put BZA in the heading.

The Board was all in agreement to have the same bylaws for the BZA as the Planning Commission.

Mr. McEachern made the motion to adjourn the meeting. Meeting was adjourned at approximately 7:00 p.m.

---

Signed

---

Date