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**MINUTES**

**LOUDON COUNTY REGIONAL PLANNING COMMISSION**

**April 19, 2011**

The April meeting of the Loudon County Regional Planning Commission was called to order at 5:45 p.m., due to the Board of Zoning Appeals meeting was first. Present were Mr. Brown, Mr. Luttrell, Mr. Brooks, Ms. Cardwell, Ms. Terry, Mr. Napier, Mr. Hale, Ms. Ross, Ms. McNew, and Mr. Bright. Absent was Mr. McEachern.

Motion to approve the minutes for the February 15, 2011 meeting was made by Mr. Luttrell, seconded by Ms. Terry, and approved 10-0.

**Agenda Item A: Consideration of a resolution to amend Section 4.070 Swimming Pool Restrictions sub-section B of the Loudon County Zoning Resolution to reduce the required minimum height of a fence or wall around a pool from 5' to 4'- STAFF**

Mr. Newman stated that this had been on the agenda a couple of months ago. He said that the reason for putting this on the agenda was the State changed their requirement for fencing of private swimming pools to nothing at all. He stated that before they required a 5 feet fence. He said that our office gets a lot of complaints from home owners about the height of the fence around their pools. He stated that the Commission could modify the regulation or could amend the regulation and have no requirement at all. He said that the State does require a pool alarm through the building code provisions. He stated that is verified when the building inspector does the inspection.

Mr. Newman said that it was previously discussed about the gate being self-locking. He stated that it could read to just have a latching gate with the latch being on the inside of the fence, and it is a minimum distance from the top of the gate. He said that he had put on the resolution 40 inches from the ground to prevent a small child reaching the latch.

Ms. McNew stated that she thought insurance companies required the fence.

Mr. Luttrell said that it was a responsible thing to do to have a fence around the pool.

Ms. Ross made the motion to approve the resolution as written changing the fence around pools to be 4' from 5', second was made by Ms. Terry. Motion carried 10-0.

Mr. Napier asked Mr. Newman if it needed to be clarified what type of fencing needed to be in place.

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Mr. Newman stated that the definition of the fence needed to be clarified.

**Agenda Item B: Discuss zoning resolution regulations concerning keeping domestic livestock on property zoned R-1- STAFF**

Mr. Newman had handed out a list of items that typically have raised issues due to the way the resolution is written.

Mr. Newman stated that the Commission needed to discuss if the zoning regulations should permit keeping domestic animals (list was on handout) in non-agricultural zones. He said that "non-agricultural zone" means the R-1 zone and to some extent the C-1 zone. He stated that the R-1 zone does not identify as a permitted use agricultural uses which are permitted in the A-1 and A-2 zones. He said that the definition in the zoning resolutions of an agricultural use includes domestic livestock. He stated that in the terms of the special exception uses that are allowed by BZA approval in the R-1 zone, it doesn't list agricultural uses as a permitted use item. He said that the office hasn't gotten a lot of complaints about this issue, but lately we have had quiet a few. He stated that he felt like the areas that were zoned R-1 but were large tracks, and not part of a subdivision, were the problem areas. He gave a recent example that the office was dealing with about this problem.

Mr. Brown said that an item was on the BZA several years ago where a lady wanted to buy 5 acres of land in the subdivision to put her horse on. He stated that the BZA denied the request.

Mr. Millard Day, a resident in Brandywine Farms, stated that he had horses on his property. He said that what he interpreted from Mr. Newman that he didn't need to come to the meeting. He stated that the subdivision covenant had restrictions what livestock was permitted and which ones were not permitted, which horses were allowed. He said that he came to make sure he wasn't in violation.

Mr. Newman stressed that if subdivision had covenants, they would have to enforce them their selves.

Mr. Brooks stated that Loudon County was considered a rural county.

Mr. Newman said that they needed to promote and protect that. He stated that even if nothing was done about changing the resolution; when someone came in to subdivide property into large tracts and the property was zoned R-1; they needed to consider what could happen. He said that if someone wanted a large tract to build their home on may not want to live by someone who farmed the property next to them.

Mr. Newman stated that he wanted the Commission to discuss this to see whether there was some direction that should head in drafting something up

Mr. Brown asked the Commission if this was something that they needed to address.

The Commission was in agreement that this was something to look in to.

Mr. Luttrell asked Mr. Newman to bring back a proposal that they could look at that would define some of these situations to get a better handle on it.

Mr. Brown said that they could make a Special Exception to the ordinance.

**Agenda Item C: Discuss zoning resolution regulations concerning garage apartments in the A-1, A-2, R-1 and C-1 zoning districts. - STAFF**

Mr. Newman stated that there was an issue that came to the BZA a couple of months ago about an illegal garage/apartment that had been built. He said there was a building permit issued for the garage to be built, but not for the apartment. He stated, therefore the BZA had to deal with it. He said this is an area that the office gets a lot of questions about, especially if they have a lot of acreage. He stated that a lot of the requests are for elderly parents to live in, rather than them living in the same house with the property owner. He said that if the structure was a detached accessory structure and had a dwelling in it; it was not permitted in the regulations. He referred to the second page in the handout listing other jurisdictions that do allow a secondary use on the same property without having to subdivide the property. He stated that these jurisdictions had some restrictions in those cases.

Mr. Brooks said that the best thing to do was let the BZA deal with each case.

Mr. Brown stated that if someone came to the BZA who had a garage/apartment and wanted to rent it, that it was not allowed. He said that the BZA should not even hear that case.

Mr. Newman said that they would be asking for a variance, and the BZA can turn them down.

The general feeling was to leave this item alone.

**Agenda Item D: Discuss zoning resolution regulations concerning accessory structures in all zoning districts. –STAFF**

Mr. Newman stated that he was differentiating between larger pieces of property as in agricultural zones and the smaller properties as in subdivision. He said that the need for accessory structures in an agricultural zone was a lot greater than a residential piece of property. He stated that on an agricultural piece of property, they would have a residence and maybe a larger accessory structure, such as a barn. He said on an R-1 zoned piece of property, this isn't the case. He stated that some people don't want to switch out their mobile homes, and they want to use the old mobile home that they are replacing to use as storage. He said this was not addressed in the zoning regulations. He stated that the office tries to discourage them from using old mobile homes as storage. He said that unless there was a provision listing how they can be used, the office could not tell the owner they can't do it.

He also referred to a picture in the handout he had taken of a house with an accessory structure behind the house that was very large. He stated that some jurisdictions have provisions for accessory structures address them by percentage of the lot area that is covered by the structure. He said that the picture of the large accessory structure takes up the whole rear yard of the property. He stated that when a home owner has something that large as an accessory structure, it usually become more that for personal use. He said that another provision listed could be that the accessory structure be built with the same materials similar to the primary structure. He

stated that the other issue was the height of the accessory structure. He said that the provision could be the height of the accessory structure is in relation to the primary structure. He stated that the issue was if this area was something the Commission would consider making some modifications in the accessory structure provisions.

Mr. Brown said that he thought the Commission needed to address it.

Mr. Luttrell stated that the Commission needed to be proactive with this.

**Agenda Item E: Discuss zoning resolution regulations concerning the use of travel trailers/recreational vehicles for dwellings in residential zones. – STAFF**

Mr. Newman said that there were a number of people in the county in the rural areas who were probably living in the travel trailers/RV as a permanent residence. He stated that it is not by definition something that is considered a dwelling, so they don't have to come get a building permit. He said what the resolution was lacking was that there was not a definition on what a temporary dwelling is. He stated that the definition should include a temporary time period. He said that if the owner wanted to appeal the time period given, they would have to come to the BZA to ask for an extension.

Mr. Bright agreed that a time limit needed to be added.

Mr. Napier suggested the time limit of 60 days.

Mr. Newman stated that he would draft a definition and bring it back to look at it.


**Planning and Codes Department Building Activity Report:** Mr. Newman gave the February and March, 2011 report.

**County Commission Action on Planning Commission recommendations: Rezoning of property at the intersection of Hwy. 411, South and Shultz Road - Approved**

**Additional Public Comment:** There were none.

With no further questions or comments, motion was made to adjourn by Mr. Napier, second by Ms. McNew. Motion to adjourn carried 9-0. Meeting was adjourned approximately at 6:30 p.m.

  
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Signed

  
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Date