

MINUTES

LENOIR CITY BOARD OF ZONING APPEALS

FEBRUARY 6, 2007

The February meeting of the Lenoir City Board of Zoning Appeals was called to order at 6:00 PM. Present were Mr. Harris, Mr. Lingenfelter, Mr. Simpson, Ms. Watson, Mr. Ghormley, Mr. Wilkerson and Ms. Ross

Motion to approve the minutes of the January 2, 2007 meeting was made by Mr. Lingenfelter, seconded by Mr. Wilkerson and approved 7-0.

Agenda Item A: Request consideration of approval of 8' 8" height variance (from 30' to 38'8") for sign located at 149 Kelsey Drive, referenced by Tax Map 15, Parcel 177.03, Zoned C-3, Highway Commercial District. Owner: MSM Development

No one was present for this item, it was moved down the agenda.

Agenda Item B: Request consideration of front yard setback variance of 18' (from 30' to 12') due to donation of a portion of property to the city for right-of-way for Adesa Blvd. at Loudon County Visitor's Center, referenced by Tax Map 15, Parcel 68.00, Zoned C-3, Highway Commercial District. Owner: Loudon County Chamber of Commerce

Mr. Ron Hopper, Chairman of the Loudon County Chamber of Commerce, and several Chamber members were present for this item.

Mr. Newman explained that when the short segment of Adesa Blvd. was created next to the Visitor's Bureau, the Chamber dedicated an area for the, but no right-of-way was created. The Chamber has now been asked to donate a portion of property for further improvements to the Road, which will create the need for a variance for their existing building. They are asking that this same variance be granted to the vacant portion of their property across Adesa Blvd.

Mr. Hopper noted that they are willing to dedicate the property, but also want to protect their own interests. He also cited statistics in the increase of tourism related income the area has seen over the last several years and the role the Visitor's Bureau has played that increase.

Mr. Newman asked how much property was being requested by the city for dedication.

Mr. Clayton Pangle said that, by deed, .475 acres, which also includes the slope, construction and drainage easements.

Mr. Simpson asked if the Chamber was asking for a total variance making the setback 0'.

Mr. Newman stated that they were requesting a variance of 18' for where all the property fronts roads, both Hwy 321 and Adesa Blvd, and for both sections of the parcel. He said he could not recommend approval of a variance for the vacant property, not knowing what might go on the property and if it would be able to

meet setbacks. He does not recommend approving a hypothetical variance for the property with no hardship shown to be created in any future use.

Mr. Hopper stated they do not know of a future use, but since they are dedicating a portion of their property they want what is left to be protected as best it can be.

Mr. Newman recommended approval of the variance request only for the Adesa side of the property where the current Visitor's Bureau sits.

Ms. Watson made the motion to approve the variance only for the Adesa side of the property where the current Visitor's Bureau sits and deny the request for the vacant portion of property. Mr. Ghormley seconded the motion. After a roll call vote, motion to approve as stated by Ms. Watson was approved 4-2, with Mr. Lingenfelter and Mr. Simpson both voting nay and Mr. Harris abstaining.

Agenda Item A: Request consideration of approval of 8' 8" height variance (from 30' to 38'8") for sign located at 149 Kelsey Drive, referenced by Tax Map 15, Parcel 177.03, Zoned C-3, Highway Commercial District. Owner: MSM Development

Mr. Mark Matlock was present. He stated that he would be able to stay within the 30' height limitation if he was allowed to add a pylon sign to the Altruda's property, because he could remove them from the proposed sign he is building.

Mw. Wilkerson pointed out that the owner of Altruda's had waived his right to have a free standing sign when he requested, and was allowed, additional square footage for wall signage on the rear of the building.

Mr. Matlock further described how the KFC signage blocked visibility to Altruda's.

Mr. Harris expressed concern about setting a precedent, and unless there was a hardship or trade-off in signage he did not feel the variance request could be approved.

Mr. Matlock again stated he wanted to trade 2 pylon signs and do one larger sign.

Mr. Wilkerson noted that this seemed similar to the recent request by the Days Inn that had been denied, then noted that Altruda's did a trade-off for their signage, and KFC had been denied additional signage.

Mr. Newman noted that the concept of commonage signage is a good one, and would look better, but with a two sided sign, with the maximum height, it gives any potential business more than adequate space.

Mr. Matlock stated he was willing to take two parcels and use combined signage.

Mr. Newman noted that with Altruda's being a separate parcel, their name being on the proposed sign would be considered an off-premise sign, and would possibly be controlled by the State.

Ms. Ross made the motion to deny the request, Mr. Wilkerson seconded, and motion to deny was approved 7-0.

Agenda Item C: Request consideration of side yard variance of 1' (from 6' to 5') for property located at 308 Waller Street, referenced by Tax Map 20N, Group C, Parcel 44.00, Zoned R-2, Medium Density Residential District. Owner: Larry Jones and Mike Musselman

The applicant was not present.

Ms. Bogus explained that when the footing was inspected, she measured the distance to the line that was at the property line and it appeared to be 6'. Upon the property being surveyed after the house was built, it was discovered the house was 7" too close to the property line.

Ms. Ross made the motion to approve, Mr. Lingenfelter seconded, and motion was approved 7-0.

Agenda Item D: Request consideration of approval of rear yard variance of 13' (from 20' to 7') and approval of accessory structure in side yard for property located at 451 Bethel Drive, referenced by Tax Map 15L, Group B, part of Parcel 21.00, Zoned R-4, Residential District. Owner: Habitat for Humanity [07-01-07-SU-LE]

Ms. Shauna Oden was present for the applicant.

Mr. Reynolds passed out drawings of the footprint of the proposed house as requested with variances, and the area whether the house could be built without the variances. He noted that there are two TVA powerlines that cross the subdivision, creating hardships. He also noted that the eaves of the roof are also not allowed to extend into the powerline easements. Without the variances, the house would be pushed to the rear of the property, and with the variance, the home can turn towards the road and be in line with the other homes in the subdivision.

Ms. Oden noted that this is a 1,056 square foot home, approximately 42' x 26'. Their desire is to make it look like it fits into the subdivision.

Mr. Newman recommended denial of the request due to there being no hardship on the property. The lots were originally created the way they were due to the powerlines.

Mr. Wilkerson made the motion to deny the request for the variance for the house, but to approve the variance to allow the accessory structure in the side yard.

Ms. Ross seconded, and motion was approved 7-0.

Agenda Item E: Request consideration of approval of accessory structure in side yard for property located at 485 Bethel Drive, referenced by Tax Map 15L, Group B, part of Parcel 21.00, Zoned R-4, Residential District. Owner: Habitat for Humanity [07-01-07-SU-LE]

Ms. Reynolds noted that this house is currently under construction, but there is a powerline easement behind the house limiting where the accessory structure could be placed.

Ms. Simpson made the motion to approve the variance request, Mr. Ghormley seconded, and motion was approved 7-0.

Agenda Item F: Request consideration of approval of accessory structure in side yard for property located at 490 Bethel Drive, referenced by Tax Map 15L, Group B, Parcel 19.00, Zoned R-4, Residential District. Owner: Habitat for Humanity

Mr. Reynolds described the existing powerline easement on the property, and noted that this home had to be built further back due to the easement.

Ms. Watson made the motion to approve, Ms. Ross seconded, and motion was approved 7-0.

Request consideration of approval of special exception to have law office at 205 Kingston Street, referenced by Map 20K, Group H, Parcel 36.00, Zoned R-3, High Density Residential District. Owner: Gary Fox

Mr. Fox was present. He stated he had a contract on the house pending approval of the special exception request. He noticed he is in practice alone, and has one full-time and one part-time employee. In the future he could be adding a 2nd attorney, and at that time he would have a full-time staff of two. He has a maximum of three appointments during the day, and there is parking in the rear of the house to accommodate staff. He plans to remodel and repaint the house, power wash it, trim the shrubs, repair or replace the wrought iron fence and have a small sign.

Mr. Tim Kyker spoke with concerns about the area becoming commercialized.

After discussion of the parking area to the rear of the building, Mr. Wilkerson made the motion to approve the special exception with the limitation of the property being only used for an attorney's office and a limit of two attorneys in the business. Mr. Lingenfelter seconded, and motion was approved 7-0.

With no further comments from the Board, the meeting was adjourned at approximately 7:40.

Signed

Dated