

MINUTES

LENOIR CITY BOARD OF ZONING APPEALS

AUGUST 7, 2007

The Lenoir City Regional Planning Commission was called to order at 6:00 PM. Present were Mr. Ghormley, Ms. Watson, Mr. Lingenfelter, Mr. Simpson, and Mr. Wilkerson,. Absent were Ms. Ross and Mr. Grindstaff.

Mr. Ghormley and Mr. Newman recognized former Board Chairman Mr. John Harris and presented him with a plaque.

Motion to approve the minutes for the July 10, 2007 meeting was made by Ms. Watson, seconded by Mr. Wilkerson and approved 5-0.

Agenda Item A: Request consideration of approval of special exception for church usage (parking) for property located on Martel Road and Hillcrest Street, referenced by Tax Map 20E, Group L, Parcels 10,11,12, 17,18,19, and 20, and Tax Map 20L, Group D, Parcels 8,12,17,18,19,20,21,22,23, and 26 Zoned R-1-S, Single Family Residential District. Owner: Lenoir City Company, Applicant: First Presbyterian Church.

Mr. Warren Fox was present for the applicant.

Mr. Reynolds explained that special exception approval is required due to the impact on the adjoining neighbors. He described the property and location for the board noted the church is in the process of purchasing the property.

Mr. Fox explained the church is attempting to purchase property from the Lenoir City Company for additional parking for the church. They only require four parcels, but Lenoir City Company wants to sell all of the above listed parcels or none. Therefore they are requesting special exception for church usage on all of the parcels.

Mr. Andre Veal, a neighbor, described problems he and his neighbors have with stormwater coming off of this property and flooding their property. They questioned how much more water they would have if the property was turned into a parking lot. He questioned why the church could not just use the field for their occasional overflow parking.

Mr. Newman said that staff was not aware of the flooding problem. He recommended the church have a hydrologist evaluate the property and postpone the item to the September meeting to give the church time to review the project with an engineer.

Mr. Fox stated that the church had the property under contract and they did not want to spend money on property they did not own.

Mr. Newman said that the money would have to be spent either way before anything could be changed on the property.

Mr. Simpson stated he felt the church would make every effort to correct the problem to help benefit the neighboring property owners.

Mr. Newman said the church would not be required by regulation to correct the existing problem, but would have to account for the additional runoff created by paving the lot.

Ms. Watson said she did not want to turn down the request, would like to give the church a month to look at the drainage issues. She made the motion to postpone the item until the September meeting. Mr. Wilkerson seconded, and motion was approved 5-0.

Agenda Item B: Request consideration of approval of variance to allow pylon sign on property located at 783 Hwy 321 N, referenced by Tax Map 15, Parcels 343.00 & 344.00, Zoned C-3, Highway Commercial District. Owner: AutoZone

Ms. Tracy Hopkins with Stonecrest Properties was present for the applicant. She stated that AutoZone had a contract with the landlord to land lease an out parcel of the shopping center. In their planning, they were unaware that the landlord was replacing the existing pylon sign with a newer one. The new sign would block the pylon sign that AutoZone is requesting, therefore they are requesting a shorter, monument type sign.

Mr. Newman stated that a monument type sign would be no different in the regulations than a pylon sign and asked if there was room on the new pylon sign for AutoZone.

Ms. Hopkins stated that there is only one small spot left. Had her tenant known the new sign was going up, they would have asked for more space sooner. She said that when the property was subdivided from the larger shopping center parcel that it was assumed they would be allowed their own pylon sign.

Mr. Newman stated that since AutoZone was leasing a portion of the existing site they would be restricted to the existing pylon sign.

Ms. Hopkins said her tenant is ground leasing a subdivided parcel.

Mr. Newman said that the center was originally developed as a shopping center with one pylon sign for all tenants. If each out parcel was allowed a free standing sign, it would be totally opposite of what the BZA and Planning Commission has tried to achieve with common signage. AutoZone will have building face signage on the front and the side, and he does not see a marketing need for additional pylon signage.

Ms. Hopkins stated that all of the AutoZone stores have freestanding signs and this is the first problem they have encountered in Tennessee.

Mr. Newman stated that the outparcels were developed as the result of a declining retail center. The pylon sign for the center was developed with space for the tenants. An additional free standing sign is inconsistent with the regulations as adopted.

Mr. Wilkerson asked about what the former owner of the center had promised when they were looking at redeveloping the center.

Mr. Newman stated that when the Bi-Lo moved out and the former center owner was considering redevelopment of the property, they had claimed they would put in curbs and gutters because of the water problem. They would have been creating no additional impervious area, so no onsite detention would have been added.

Ms. Hopkins questioned the regulation that stated only one pylon sign was allowed for the center as it was developed. The subdivision plat was done to abandon a lease line, but it is a single parcel on its own. She stated she felt the AutoZone qualified for the free-standing signage.

Mr. Newman stated the developer had originally agreed to the common signage. The Wal-Mart has common signage for their tenants, but the outparcels developed at a different time from the rest of the center.

Ms. Hopkins asked if the monument sign could be seen as a compromise.

Mr. Newman stated that a monument sign would be considered the same as a pylon sign.

Mr. Newman recommended the request be denied. Mr. Simpson made the motion to deny, Ms. Watson seconded, and motion was approved 5-0.

Ms. Hopkins asked Mr. Newman to send her a copy of the ordinance and he said he would do that.

Agenda Item C: Request consideration of approval of certificate of appropriateness for addition of a sunroom on property located at 206 East Third Avenue, referenced by Tax Map 020K, Group H, Parcel 5.00, Zoned R-1-S/HZ, Single Family Residential District with Historic Zoning Overlay District. Applicant: Champion Window Company Owner: Bonnie Rose Finley
Ms. Finley, Mr. Jeff Margo of Champion Windows, and Ms. Linda Parker of the neighborhood historic zoning committee were present. Ms. Finley described the addition she wanted to make to her house, turning the deck into a sunroom, tying it into the roofline, and having heat and air conditioning. She stated only one small corner of the room would be visible from the street.

Ms. Parker stated the neighborhood committee had reviewed the plans and were agreeable with them.

Mr. Margo showed photos and drawings of the back of the house and described what Champion planned to build. He stated that they had also discussed siding the addition before the meeting and agreed that would make it look more a part of the house.

Mr. Simpson suggested having the siding run vertically versus trying to make it look like the original siding.

Mr. Lingenfelter made the motion to approve, Ms. Watson seconded, and motion was approved 5-0.

Agenda Item D: Request consideration of approval of 2' side yard variance (from 5' to 3') for accessory structure on property located at 317 Bussell Ferry Road, referenced by Tax Map 20M, Group C, Parcel 15.00, Zoned R-1-S, Single Family Residential District. Owner: Raul Ruiz

Mr. Ruiz was present. He said he had placed his building based on where he thought the property line was located, but he had been incorrect.

Ms. Bogus explained that while she had been on vacation, Mr. Denton had looked at the property and issued the building permit. Mr. Ruiz actually maintains the property to the fence that belongs to the next door property, and the fence is not on the property line as they thought it was. It was not until Mr. Ruiz started working that the neighbor brought it to their attention that the fence was not on the property line. Mr. Harry Fraser, surveyor, located the pins for the property owners, and at that time Ms. Bogus issued a stop work order. Mr. Ruiz only has the posts in the ground at this point.

Mr. Wilkerson made the motion to deny the request, Mr. Simpson seconded, and motion was approved 5-0.

With no additional announcements the meeting was adjourned at approximately 6:45 PM

Signed

Dated