

## MINUTES

### LENOIR CITY BOARD OF ZONING APPEALS

SEPTEMBER 4, 2007

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

Motion to approve the minutes for the August 7, 2007 meeting was made by Mr. Lingenfelter, seconded by Mr. Simpson and approved 6-0.

**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 10,11,17,18,19, and 20, and Tax Map 20L, Group D, Parcels 8,17,18,19,20,21,22,23, and 26 Zoned R-1-S, Single Family Residential District. Owner: Lenoir City Company, Applicant: First Presbyterian Church**  
Rev. Ed Umbach was present for the applicant.

Mr. Newman reminded the Board that this item was discussed at the August meeting, and postponed a month to give the church to an opportunity to have an engineer to look at the site and see how the drainage could be handled if the property was developed as a parking lot. The concept plan drawing has been included in the agenda packet showing two catch basins, and piping the water to the rear of the property towards the TVA easement and the railroad. This would address the neighbors concerns about the water runoff.

Rev. Umbach stated he had met with Mr. Reynolds and two different engineers, and both of the engineers came up with basically the same concept. They are prepared to go forward with their plans.

Mr. Andre Veal, a neighbor, said he did not have a problem with the church, but he had had an excavator shoot the elevations, and there is a 7' fall across the lot. He would like to have the elevations provided, and asked how the alley would be handled.

Mr. Newman said that the water will be piped across the alley to the back of the property. The church is responsible to make sure the water goes to the catch basin.

Mr. Veal stated that if that doesn't work, he will be washed out.

Mr. Newman stated that the project would be inspected, but if there is a problem, Mr. Veal should talk to the church and make the Planning Office aware of the problem.

Mr. Steele, another neighbor, stated it sounded like it was just waiting to see if the plan worked. It could get worse.

Mr. Newman said this will be an improvement over the way the property exists now.

Mr. Veal said he was approached by Mr. Fox, from the church, and told their plan had been approved, the neighbors needed to just sign off on it. They did not sign anything, because they want protected.

Mr. Lingenfelter asked if the special exception should be approved before the plans are approved.

Mr. Newman said that the special exception could be approved without the plans, that the Planning Office reviews this type of plans on a routine basis. The Board could approve the special exception subject to the site plan and grading plan with the drainage improvements being prepared and submitted.

Mr. Wilkerson asked where the water would be going and Mr. Newman said it would go across the TVA easement and on towards the railroad. There would be no impact on private property owners.

Mr. Grindstaff asked if a bond would be required and Mr. Newman said there would not be. Mr. Grindstaff said he felt the property would be in better shape with the improvements than it is at this time. He made the motion to approve the request. Mr. Simpson seconded the motion, and motion was approved 5-0 with Mr. Lingenfelter abstaining.

**Agenda Item B: Request consideration of approval of certificate of appropriateness for addition of a carport on property located at 404 East Second Avenue, referenced by Tax Map 020L, Group A, Parcel 28.00, Zoned R-1-S/HZ, Single Family Residential District with Historic Zoning Overlay District.**

**Applicant: Matthew & Larisa Brass**

Mr. Brass was present. He told the Board that he was walling in the carport and adding cement shingles.

Ms. Linda Parker of the neighborhood historical committee stated that the Board had discussed additions, but not enclosures. This improvement makes the house visually more balanced and she felt it would not violate the neighborhood standards.

Mr. Brass said he had used 9 over 9 vinyl windows, since the pane size was larger than the 6 over 6 that were on the rest of the house.

Mr. Ghormley stated this house is directly across the street from him and he has no problem with it.

Mr. Reynolds asked if Mr. Brass was aware of the guidelines.

Mr. Brass stated that he and his wife were in Africa adopting three children when the stop work order was issued. He did not know they needed approval for an enclosure.

Mr. Reynolds questioned the material of the windows and also the size, noting that if these were approved it would set a precedent for any future requests.

Ms. Parker stated that vinyl windows can be approved if an attempt is made to match.

Mr. Wilkerson stated that a lot of work had been put into the guidelines, and this appears to be an afterthought.

Ms. Parker stated that these windows would have been approved by the neighborhood committee.

Mr. Reynolds noted the guidelines allowed for synthetic siding, but not windows.

Mr. Newman asked what the windows on the rest of the house were made of and Mr. Brass said they were wood.

Mr. Wilkerson asked for Mr. Newman's recommendation.

Mr. Newman cited two issues. First is the type of window, with the rest of the house having wood windows and these being vinyl, and also the 9 over 9 versus the 6 over 6. The second issue is this is the only part of the house with three windows next to each other. If this had been before the Board before construction, the windows would have been deemed too tall for the scale of the house.

Mr. Simpson asked if a permit had been issued and Mr. Brass said it had not been.

Ms. Ross said she would make the recommendation to approve subject to changing the front side of the addition. She stated she knew a lot of work had already gone into the enclosure, but she was afraid the Board would be setting a precedent if they allowed the work to continue. She made the motion to approve the Certificate of Appropriateness if the front windows were changed to two windows, the size was changed to better match the front of the house, and the material changed to wood.

Mr. Lingenfelter seconded the motion.

Mr. Brass said the project would have to be put on hold, because he was using windows that were given to him. He asked how long he would have to make the corrections.

Mr. Newman stated he would be unable to finish the project unless he started with the windows.

Mr. Brass said that could be a few months.

Ms. Parker cited the economic hardship section of the guidelines.

Mr. Ghormley called for the vote, and the vote was 5-1 to approve the COA with Ms. Ross's stipulations, with Mr. Grindstaff voting nay.

**Agenda Item C: Request consideration of approval of 6' rear yard variance (from 15' to 9') for Units 30 & 31 in Pinewood, located on Pinewood Drive, referenced by Tax Map 15N, Group B, Parcels 30.00 & 31.00, Zoned R-3, High Density Residential District. Owner: Jimmy Sue Campbell, Applicant: Chris Wampler**

Mr. Wampler and Ms. Campbell were present.

Mr. Wampler explained that his company had contracted to finish the condominiums in the project for Ms. Campbell, whose late husband had started the project. The original plans required this variance, but it had never been officially approved. There are two types of buildings in the development, but either of them would require the same setback because the depths of the buildings are the same. They have located the same brick that was used in the original units and will be able to make the units look the same.

Mr. Alan Reed questioned the retaining wall that is currently in place, noting that sections of it have been replaced.

Mr. Wampler stated that the section of the wall where these buildings are going has been rebuilt and poured solid with the addition of rebar.

Mr. Newman asked who was responsible for the wall at this point, the Campbell's or the HOA? Mr. Reed said that was unclear at this point.

Mr. Wampler stated that the strongest portion of the wall is where they plan to build. They will also be building half basements on these units.

Mr. Reed stated the homeowners would like to see these units finished so the streets could be paved, curbed and accepted by the city.

Mr. Newman stated that the variance would benefit the buildings by keeping the front setbacks consistent with the rest of the homes. There is a hardship with the angle of the property line.

Mr. Grindstaff made the motion to approve, Mr. Wilkerson seconded, and motion was approved 6-0.

Mr. David Williams, president of the HOA, asked if the city had already accepted the street or would they would it was originally built, with no cul-de-sac.

Mr. Newman said he had tried to check with the streets superintendent, but was unable to get an answer. If there is no right of way and the city does not maintain it, they probably have not accepted it.

Mr. Williams asked if it would be accepted when the project is finished and it is paved and curbed.

Ms. Campbell stated that it was supposed to be accepted by the city when the paving and curbing was finished.

Mr. Newman said that when the project is finished, the developer could ask the Planning Commission to review it and they would make a recommendation to City Council, who would be the deciding body.

**Agenda Item D: Request consideration of approval of 24' front yard variance (from 30' to 6') for property located at 147 Rogers Circle, referenced by Tax Map 20-B, Group A, Parcel 23.00, Zoned R-1, Low Density Residential District. Owner: Charles Harris**

Mr. Harris was not present.

Mr. Reynolds described the property and location for the Board, noting the variance request was for the existing house along the existing front property line. He noted the property slopes quite a bit, and the newly created lot will be difficult to work with without undermining the road edge.

Mr. Newman noted the only way the subdivision request can be approved is if the variance is approved. Ms. Bogus can work with the owner on the usage of the new lot.

Ms. Ross made the motion to approve, Mr. Wilkerson seconded, and motion was approved 6-0.

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

Mr. Grindstaff questioned the guidelines regarding tree trimming, since the guidelines call for a certificate of appropriateness regarding certain trees. A recent tree contractor for LCUB has sliced many of the trees in the

historic district in half and they will probably end up dying. He asked if this body could recommend reviewing the process of tree trimming and if it could be recommended to trim the trees differently.

Mr. Newman said that LCUB needed contacted to advise them of the standards and how it concerns certain trees and that Ms. Bogus should be contacted regarding certain work.

Mr. Wilkerson stated that historic district or not, contracts specify what can be done.

Mr. Grindstaff said he knew Cedar Bluff and Farragut had had issues with the tree trimming, and there is more ways than one to trim trees.

Mr. Simpson suggested that a letter be sent to LCUB with Ms. Bogus communicating with LCUB the Board's concerns.

With no further business the meeting was adjourned at approximately 7:15 PM

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Signed

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Dated