

MINUTES
LOUDON BOARD OF ZONING APPEALS
DECEMBER 5, 2007

The December meeting of the Loudon Board of Zoning Appeals was called to order immediately following the RPC meeting. Present were Mr. Carey, Mr. Brennan, Mr. McEachern, Mr. Greenway, Mr. Garner, Mr. Gammons, and Mr. Brewster. Absent were Mr. Melton and Ms. Millsaps.

Motion to approve the minutes of the November 7, 2007 meeting was made by Mr. McEachern, seconded by Mr. Gammons and approved 7-0.

Agenda Item A: Request consideration of approval of variances for properties located at 105 and 107 Cedar Street:

- 1. Front yard setback variance along Cedar Street for Lot 28R of 28' (from 30' to 2')**
- 2. Front yard setback variance along Hackberry Street for Lot 28R of 24' (from 30' to 6')**
- 3. Side yard setback variance for Lot 28R of 12' (from 12' to 0')**
- 4. Rear yard setback variance for Lot 28R of 16' (from 20' to 4')**
- 5. Lot size variance for Lot 28R of 5,223 sq. ft. (from 10,000 sf to 4,777 sf)**
- 6. Front yard setback variance for Lot 27R of 21' (from 30' to 9')**
- 7. Side yard setback variance for Lot 27R of 11' (from 12' to 1')**
- 8. Rear yard setback variance for accessory structure on Lot 27R of 1' (from 5' to 4')**
- 9. Lot size variance for Lot 27R of 4,557 sf (from 10,000 sf to 5,443 sf)**
- 10. Lot width variance for Lot 28R of 12' (from 75' to 63')**
- 11. Lot width variance for lot 27R of 28' (from 75' to 47')**

referenced by Tax Map 41-B, Group B, Parcels 20.00 & 21.00, Zoned R-1, Low Density Residential District. Owner: United Community Bank [07-11-256-SU-LO]

Mr. Newman described the property and location for the Board. He noted the apartment building property is in foreclosure, but the variances will affect both the house and the apartment building. The adjoining property line is being moved to clean up the title. The apartment building does not meet the setbacks, and neither of the lots are a conforming size for the R-1 district. Even with rezoning the property to R-2 there would still be variances that would need to be addressed. He recommended approving the variances for the existing structures only, and anything new that may be built on the property would have to conform to setbacks.

Mr. Brewster asked what would happen if the variances were not approved.

Mr. Newman said the bank would probably not be able to sell the property, and if the bank sits on it it will deteriorate. He asked if the property was up to code.

Mr. Branam said that the former owners had brought it up to code before they sold it.

Mr. Brewster made the motion to deny the variances requested, and Mr. Greenway seconded.

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Mr. Newman advised the Board that with the denial of the request for a pre-existing situation, the bank will be unable to clean up the infringement and will be unable to buy the strip from the parcel with the house. They then will be unable to transfer the property with title problems. The bank would be required to tear the fire escape and last addition off the structure to eliminate the infringement on the adjoining property. It would be a lot of record of the property line is not changed.

Mr. Carey called for the vote and vote was 7-0 to deny the variances requested.

With no further business, the meeting was adjourned at approximately 2:25 PM.

Signed

Dated