

MINUTES

LOUDON BOARD OF ZONING APPEALS

JUNE 6, 2007

The June meeting of the Loudon Board of Zoning Appeals was called to order at 12:30 PM. Present were Mr. Carey, Mr. Brennan, Mr. McEachern, Mr. Melton, Mr. Greenway, Mr. Garner, Mr. Gammons, Mr. Brewster. Ms. Millsaps was absent.

Motion to approve the minutes of the April 4, 2007 meeting was made by Mr. Garner, seconded by Mr. Gammons and approved 8-0.

Motion to approve the minutes of the May 2, 2007 meeting was made by Mr. Melton, seconded by Mr. Gammons and approved 8-0.

Request consideration of approval of variance for temporary sign located on Highway 72 right-of-way near Roberson Estates. Applicant: Dale Smallen, IBEW President

Mr. Ted Porter was present representing IBEW.

He stated he owned the trailer and the signs were no more than a political sign. There were two pickups sit at Food City all last summer with political signs. This is no different than that. They are being taken on because it is a labor organization. There are temporary signs all over town. He has seen the Ruritan Club's fish fry sign on Hwy 72 and that is a temporary sign. Their sign is moved from place to place and has been on individual properties, not city property, and they see nothing wrong with it.

Mr. McEachern asked where the sign is located.

Mr. Porter said it had been on Hwy 72 at Eddie Collis is developing the subdivision, on his land.

Mr. Carey asked if it was on his land or the state right of way.

Mr. Porter said it was on Mr. Collis's land and he had permission from Mr. Collis.

Mr. Newman said Mr. Collis had told the Planning office it was not on his property, it was on the firth of way. Mr. Collis specifically said he had not given permission for the sign to be on his property.

Mr. Porter said Eddie had given permission to park it there. He was there when the trailer was parked there and he had talked to him several times. It was originally on the right of way by a few feet and it had been moved behind the right of way markers. The Piney Ruritan signs are on the right of way. Every real

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estate company in town has signs up. Everybody puts up signs for yard sales. This sign is no different from a real estate sign and a yard sale sign.

Mr. Carey read from the Zoning Ordinance regarding temporary signage noting that real estate signs are specifically allowed.

Mr. Porter asked about political signs and the Ruritan Club sign.

Mr. Carey said the Board was trying to be consistent.

Mr. Porter said that all they were asking for was consistency. He wanted to know why this was not brought up when all the political signs were out and on the right of ways. The only reason this had been brought up was because it stemmed from the strike at Maremont.

Mr. Carey stated it is larger than most of the signs that were out. The whole temporary sign business came about around 20 years ago because of the portable signs with fluorescent lights with a row of flashing lights across the top. That was the beginning of the ordinance regarding temporary signs. He quoted additional information from the sign ordinance regarding general regulations.

Mr. Jimmy Hyde, with the national AFL-CIO, stated the reason these signs were ordered is because the working people that have been forced out on strike, don't have the money to take out full page ads to rebut anything Mr. Banks might say about them. They want this sign gone, also. They want the strike settled. The whole focus is to shine a light on him like he did on the working families. That is why this issue has come up. They would love to see the whole issue settled. People chipped in money and Ted donated the trailer. They are going to power car shows, because if they don't win, he is not going to win either. They are going to start going to go to every store that sells this product and picketing until Mr. Banks comes back to the table and does the right thing. That is why they came to City Council, to try to get some help, and someone to go to him, because it is going to hurt this city if he closes that plant. If they don't win, they will do everything in their power to see that he don't. They have 13 million members across the country going to the stores in different parts of the country. If that plant closes everybody loses, and they don't want that. They would really appreciate it if they were allowed to use their sign a while longer.

Ms. Brenda Starritt stated that when you are talking about union members, you are talking about people that have been there over 30 years. This man came in from Texas, took the Tennessee flag down and put up a Texas flag, and the first thing he did was cut pay and benefits for people that were not making enough. Maremont is the lowest paid place around. He won't even talk, it is his way or no way, and they want to humiliate him like he has their families. He has put over 200 taxpayers on the street. The people working there now are not Loudon Countians. They are not able to vote and do not buy things here. They just need some backing in humiliating him, and if this didn't bother him he would not have brought it up.

Mr. Brennan noted he sees smaller versions of this sign in lawns. He wondered of those had been brought up and asked if size was the issue here.

Mr. Newman said it is not, it is not the message on the board, it is a temporary sign by the definition of the ordinance. What Mr. Porter pointed out is anything that anything that meets the definition of a temporary sign is an illegal sign. For that purpose it is not permitted in the city. It is up to the city to enforce the regulations, which is what they are doing now. They not only cited this sign, but a number of

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other temporary signs, and will continue to do so. This body is not dealing with the strike issue, or siding with management or the workers, that has nothing to do with the issue in front of this body, which has to make the decision regarding granting a variance from a requirement in a city regulation. Unless there is a legitimate basis to grant a variance, it should not be done.

Mr. Porter asked if a variance was granted for all the political signs that were out last year, where it looked like it had rained political signs. This sign is no different from the political signs.

Mr. Newman stated they are all illegal.

Mr. Porter stated that at the next election they don't need to be up.

Mr. Newman said he did not disagree about that.

Mr. Garner said he would enclose both ends of it and put a sign on it that said enclosed trailer for sale and get it off the state right-of-way to see if they would be in compliance with the rules.

Mr. Newman stated that would not be in compliance, because it would then be an off-premise billboard and would still be illegal.

Mr. Garner stated he said he was sorry this came before the Board. It was discussed last year when the sign ordinance was brought up. If they are all illegal he wants to see if all the politicians will be cited to this board. He may be entitled to a 30 day permit, which he would vote for. He hopes this issue has closure.

Mr. Gammons stated he was opposed to this because it is condemning another person and he does not think this Board has the right to allow anyone to condemn another person. This Board is not involved in that. He wants no part of trying to humiliate another person, right or wrong.

Several audience members stated that Mr. Banks was trying to humiliate them.

Mr. Gammons stated that he did not want to get involved with that. He doesn't know anything about the business or the policies. He knew Mr. Banks had come into town, bought the business, and could do whatever he wants to do with it, and unfortunately it could hurt us all.

Ms. Linda Bean stated her husband had worked in the plant for 35 years and is a minister in the county. What did Mr. Gammons think it did to him in the community when Mr. Banks put in the paper that her husband was a terrorist. Her husband is not a terrorist. Mr. Banks even took out a restraining order against him and forced him to go to court.

Mr. Gammons repeated that he did not think he, as a Board member, could get involved in a political situation between the company and employees. This Board cannot join one side or the other.

Ms. Bean stated that if the Board says no they are taking sides.

Mr. Carey noted the meeting was out of order to even be discussing the emotional and political side of the issue. The only reason to be discussing any of this is regarding what the Ordinance says about signs are, and where they should be. This board cannot be a part of the strike issue.

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Mr. Porter asked for fair. If this sign is not legal, he does not want to see political signs cluttering up the intersections at the next election. If they are, they will be back down to this Board.

Mr. McEachern noted that an ordinance had been passed regarding the length of time a political sign could be out.

Mr. Branam noted that that the proposed ordinance was not approved by City Council.

Mr. Newman agreed that it was not approved. Therefore political signs are temporary signs.

Mr. Greenway said that there are lots of temporary signs in town that are tolerated. Even though this sign is distasteful, that is not what the decision was about.

Mr. Brennan asked for staff recommendation.

Mr. Newman said his recommendation would be to deny the variance request because the sign is not consistent with the ordinance. There is not a basis to approve this or any other temporary sign.

Mr. Brennan stated the purpose of this Board is to look at the ordinance and make a judgment on the ordinance.

Mr. McEachern made the motion to deny the variance. Mr. Melton seconded.

Mr. Greenway stated that a strike, ask is taking place, is a special exception. This is something that does not happen ordinarily and could not have to be dealt with again.

Motion to deny was approved 5-2, with Mr. Greenway and Mr. Garner voting nay, and Mr. Gammons abstaining.

Mr. John Bivens asked if since their sign was voted down today, did all other signs come down?

Mr. Carey stated that the Board is trying to be consistent, and if a sign is not legal it is not to be there.

Mr. Brown said that several local businesses have been told they have to take their temporary signs down.

Mr. Carey said they could not approve an illegal sign, and could not approve other temporary signs.

Mr. Porter asked why no one else had been cited.

Mr. Newman said the city is in the process of citing other sign owners.

Mr. Bud Price from Advance Auto Parts said they had to take down the sign offering free wiper blade installation.

Mr. Carey said signs had come down off of Carmichael Inn and on Grove Street.

Mr. Price asked if real estate signs would have to come down and was told real estate signs are legal up to four square feet, and that is written into the Ordinance.

He asked how he could have a sign for the wiper blades.

Mr. Newman said that he would have to apply for a variance as the union did, and if he had listened to the discussion he would see the chances of that being approved were pretty slim. The point of signage for commercial buildings is that there is signage on the building, and other vehicles to advertise products for sale. If every business on the center Mr. Price was in, was allowed to put up a sign for every sale item they had, imagine what that center would look like.

Mr. Price stated the car wash had a “now open” sign.

Mr. Newman said that the city is in the process of enforcing the removal of temporary signs. If Mr. Price objects to the law and regulation he has the right to ask for a variance.

Mr. Carey said the sign could be inside the window, and Mr. Newman noted there are already signs in the windows, business have them and those are legal.

Mr. Price asked about political signs.

Mr. Newman said the Planning Commission has dealt with this issue with City Council, and City Council has not elected at this point to change the regulation. Technically they are illegal.

Ms. Starrett asked if this could be appealed and Mr. Newman said it could be appealed to court.

Mr. Price said their sign could stay until the others come down and Mr. Carey and Mr. Newman both disagreed.

Mr. Garner asked if the union had been cited.

Mr. Branam said they had been given a warning and chose to appeal.

Mr. Garner asked what the process is.

Mr. Branam said that if someone did not appeal the warning to the Board of Zoning Appeals they would get a citation to court. If something is rejected by this Board and it goes back out, then a citation is issued.

Request consideration of approval of rear yard setback variance of 16' (from 20' to 4') and side yard setback variance of 5' (from 10' to 5') on each side for property located at 205 Cedar Street, referenced by Tax Map 41B, Group C, Parcel 24.00, Zoned R-1/H-1, Low Density Residential District with Historic Overlay District. Owner: Nathan & Lori Scott

Mr. Scott was present.

Mr. Reynolds described the property and location for the Board, noting this is a very small urban lot. He explained that the house next door already has the setback Mr. Scott is requesting. He explained the addition Mr. Scott has planned for the house.

Mr. Newman noted the area is zoned R-1. If the property was R-2 the setback issue would not be as significant. He noted that Mr. Scott had done a wonderful job of improving the property, but there is no hardship with the property that would meet the test for approving a variance, and he could not recommend approval.

Mr. Scott told the Board that if the variance is not granted, he would have to find another place to live and rent this property to someone else. Their family is expanding and they are out of room. His family enjoys living downtown and being able to walk to the park and the restaurants.

Ms. Kathy Knight, Economic Development Agency, spoke on the Courthouse Revitalization Project, and said she had had discussions with Mr. Scott. He understands the value of historic buildings and the nice surroundings, and how things will work with the Courthouse Revitalization.

Mr. Scott stated he is trying to make the house look more original and plans to live there. He again told the Board how much his family enjoys living downtown.

Mr. Brennan stated he thought the Board needed to evaluate what is being done in this part of town, and should consistently support upgrades in the area.

Mr. Brewster made the motion to approve, Mr. McEachern seconded, and motion was approved 8-0.

Request consideration of approval of variance for temporary sign located at 502 Grove Street (Mark's Downtown Diner) referenced by Tax Map 41A, Group C, Parcel 21.00, Zoned C-1/HZ, Central Business District with Historic Overlay District. Applicant: Mark Howard

This item was withdrawn by the applicant.

Additional public comments

Ms. Kathy Knight, LCEDA, gave an overview of the Courthouse Revitalization project to the Board.

With no additional comments from the Board or the audience, the meeting was adjourned at approximately 1:25 PM.

Signed

Dated