

MINUTES
LOUDON BOARD OF ZONING APPEALS
FEBRUARY 6, 2008

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

Motion to approve the minutes of the January 9, 2008 meeting was made by Mr. Melton, seconded by Mr. Brewster and approved 8-0.

Mr. Brennan made the motion to add the following items regarding The Sanctuary at Tennessee National, seconded by Ms. Millsaps. Motion was approved 8-0.

Request consideration of height variance for buildings over 40' in height and also a parking space variance of 35 spaces for The Sanctuary at Tennessee National.

Mr. Newman noted the buildings are sprinklered and have standpipes and also outdoor hydrants. The city will have firefighting access, and if approved will be contingent on receiving a formal letter from Chief Brubaker that the fire department would be capable of fighting a fire in buildings of this height.

Mr. Gammons made a motion to approve the height variance, Mr. Melton seconded.

Mr. Brennan asked what the logic was behind the height restrictions.

Mr. Newman said that from a safety standpoint the local fire department needed to have the ability to deal with an emergency. From an aesthetic standpoint it could have an impact on adjoining property owners.

Mr. Brennan asked if the motion could be amended to make note the variance is granted due to the type of development and it having little of no impact in schools, and that it will be positive for the community with tax revenue.

Mr. Brewster said that any type a variance such as this is considered, the Board should look at those same issues. Everything should be given due consideration and everything should stand on it's own merits.

Mr. Gammons amended his motion and motion was approved 8-0.

Mr. Brewster made the motion to approve the parking space variance, with the same conditions as the height variance(due to the type of development and it having little of no impact in schools, and that it will be positive for the community with tax revenue). Mr. Greenway seconded and motion was approved 8-0.

Mr. Steve Hurst, president of United Community Bank, made the request the Board re-hear the variance request the bank had made regarding 105 & 107 Cedar Street. He said their representative had not been able to attend the previous meeting where this item was heard and denied.

Mr. Brennan made the motion to reconsider, Mr. Garner seconded, and motion was approved 8-0.

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. Hurst told the Board that the bank holds the mortgage, and after foreclosure they found part of the structure was built across the property line. The bank is trying to clean up what they can to enable them to re-divide the property. The adjacent property owner has agreed to sell property to them where the building is built over the property line.

Mr. Newman noted that the variances have evolved over time since before the Zoning Ordinance was in effect. He suggested if the variances were approved, they be tied to the existing building, and anything new must conform or come back before the Board.

Mr. Hurst had his buyers for the property present and they described the brick upgrade and other improvements they had planned.

Mr. Brennan asked what the next step would be for the bank if the variance request was denied.

Mr. Newman said any appeal would have to go to Chancery Court.

Mr. Brewster made the motion to approve, in reflection of the upgrades that would be occurring and also noted that no one was present from the bank when the item was first heard at the December meeting. Mr. Brennan seconded, and motion was approved 8-0.

With no additional comments from the Board or the audience, the meeting was adjourned at approximately 1:40 PM

Signed

Dated