

**Blount County Board of Zoning Appeals**  
**Regular Session**  
**Thursday September 2, 2004**  
**6:00 P.M.**

The Blount County Board of Zoning Appeals met in regular session on Thursday September 2, 2004, at 6:00 pm at the Courthouse. Staff was represented by: Roger Fields, Building Commissioner.

Members of the Board of Zoning Appeals present: Rob Walker, Stanley Headrick, Harold Brown, Jim Melton.

Mr. Brown made a motion to approve the minutes of the August 5, 2004 meeting. Second was made by Mr. Melton. The motion received unanimous approval.

**Cases Being Heard**

**1. APPEALS: NONE**

**2. VARIANCES:**

**Roger Barker- Lot 72 Big Valley Campground:**

This request is for a 3.5' variance from the side setback requirements. The property owner is placing a new unit on this property. The unit will meet the building setback requirements, however there is a pop-out section that extends approximately 43" or 3.5'. The property owner has stated that this section will be extended full time. This request does not fit the regulation set for granting variances in Section 11.6 of the Zoning Regulations. The hardship for this property is the same as all the other lots in this development. The lots are too small for the structures and room additions that the property owners are planning for the property. Mr. Fields does not recommend approval of the variance based on Section 11.6 of the Zoning Regulations. Mr. Barker was present to speak in favor of the variance. Mr. Brown made a motion to approve the variance. Mr. Melton seconded the motion.

A roll call vote was taken:

- Rob Walker-Yes
- Stanley Headrick- Yes
- Harold Brown-Yes
- Jim Melton-Yes

The motion to approve the variance passed.

**Gary Raines- Lot 263 Big Valley Campground:**

This request is for a variance to build a porch up to two feet away from the property line on lot 263 of Big Valley Campground. The property owner would like to build a porch that will require a 3' variance from the side setback. This

request does not fit the regulations set for granting variances in Section 11.6 of the Zoning Regulations. The hardship for this property is the same as all the other lots in this development. The lots are too small for the structures and room additions that the property owners are planning for their property. Mr. Fields does not recommend approval of the variance based on Section 11.6 of the Zoning Regulations. Mr. Raines was present to speak in favor of the variance. Mr. Brown made a motion to approve the variance. Mr. Melton seconded the motion. A roll call vote was taken:

- Rob Walker-Yes
- Stanley Headrick- Yes
- Harold Brown-Yes
- Jim Melton-Yes

The motion to approve the variance passed.

### **Ruth Harrison- Lot 38 Big Valley Campground:**

This request is for a variance to build a back deck up to two feet away from the side property line on Lot 38 of Big Valley Campground. The property owner wants to bring the deck out flush with the unit and then put a roof over it. This would require a 3' variance. This request does not fit the regulations set for granting variances in Section 11.6 of the Zoning Regulations. The hardship for this property is the same as all the other lots in this development. The lots are too small for the structures and room additions that the property owners are planning for their property. Mr. Fields does not recommend approval of the variance based on Section 11.6 of the Zoning Regulations. Mr. Harrison was present to speak in favor of the variance. Mr. Brown made a motion to approve the variance. Mr. Headrick seconded.

A roll call vote was taken:

- Rob Walker-Yes
- Stanley Headrick- Yes
- Harold Brown-Yes
- Jim Melton-Yes

### **3. SPECIAL EXCEPTIONS:**

#### **Victor Kampas- 1713 Topside Road:**

This is an item that was deferred from the August 5<sup>th</sup> meeting. This is a special exception request for a change of use, which is a special exception in accordance with the zoning regulations. This request is for 1713 Topside Road and it is located in the S zone. The property was used to store Oakwood Manufactured Homes until April 4, 2003. The property owner wants to lease the property to Sysco Co. to store their trucks for local hauling. The site plan shows a 12' X 28' portable building that will be added for an office. All building setback requirements will be met. This property is surrounded by commercial uses and would not require additional buffering. If the Board finds the use to be of equal

or less impact, Mr. Fields recommends approval of the change of use. Fred Baker was present to speak for Sysco and answer any questions the board had. He informed the board that there will be 10 trucks with 28' trailers. Larry Campbell was present to speak in opposition. Mr. Headrick made a motion to approve the special exception. Mr. Melton seconded the motion.

A roll call vote was taken:

- Rob Walker-Yes
- Stanley Headrick- Yes
- Harold Brown-Yes
- Jim Melton-Yes

The motion to approve the special exception passed.

**Del Allen- 1532 William Blount Drive:**

This is a special exception request for a change of use at 1532 William Blount Drive. The use will be changing from Blue Haven Pools to a childcare facility. There are two structures currently on the property and Blue Haven Pools will vacate one structure to make space available for the childcare facility. The property is currently in the **S** zone, but is being reviewed for rezoning. Most of the properties were zoned commercial along this road. This one was left off, but was used commercially prior to the zoning regulations. Mr. Fields has included a copy of a letter from the City of Maryville stating that the property was rezoned to **Buisness/Transportaion**. This was done when the property was within the Cities zoning region. All building setback requirements will be met by these existing structures. Mr. Fields recommends approval of the site plan. Mr. Melton made a motion to approve the site plan. Mr. Brown seconded the motion.

A roll call vote was taken:

- Rob Walker-Yes
- Stanley Headrick- Yes
- Harold Brown-Yes
- Jim Melton-Yes

The motion to approve the special exception passed.

**CBM Ministries- 160 Bear Lodge Drive:**

This is a special exception request for an additional rental cabin to be located at 160 Bear Lodge Drive. There are two existing cabins and a lodge on the property at the present time. This property is located in an **R-2** zone that has a density requirement of 1 unit per 5 acres, or for vacation rental cabins a maximum of .5 units per acre (1 unit per two acres). The property is 47 acres and the density requirements will be met. The setback requirements will be met and additional buffering will not be required. The approval of this site plan should be pending septic system approval. Mr. Fields recommends approval of the site plan with the approval of a septic system from the Blount County Environmental Health Department. Mr. Headrick made a motion to approve the special exception based on the approval of a septic system. Mr. Melton seconded.

A roll call vote was taken:

- Rob Walker-Yes
- Stanley Headrick- Yes
- Harold Brown-Yes
- Jim Melton-Yes

The motion to approve the special exception passed.

**Forrest Hill Apartments:**

This special exception request is for the addition of 24 units to be contained in three structures located off Montvale Road just before Forest Hill Road. This is considered an expansion of an existing nonconforming use onto an abutting property. This tract of land is 5.68 acres. The property is located in the S zone and sewer is available to the property. The density requirement is 6.2 units per acre and the proposed 24 units will meet that requirement. All building setback requirements will be met. Forty-two off street parking spaces will handle the parking for these apartments. There is a flood zone associated with this property. The applicant must submit a certificate of elevation to comply with the FEMA regulations. Additional buffering will not be required if the existing vegetation is maintained. Mr. Fields recommends approval of the site plan with the submission of the certificate of elevation. Ed Shore was present to speak in favor of the special exception. Mr. Melton made a motion to approve the special exception with the submission of the certificate of elevation. Mr. Brown seconded the motion.

A roll call vote was taken:

- Rob Walker-Yes
- Stanley Headrick- Yes
- Harold Brown-Yes
- Jim Melton-Yes

**Sprint PCS- 2129 Little Best Road:**

This is a special exception request for a 160' monopole tower to be located at 2129 Little Best Road. Based on Mr. Fields review of the information the setback and/or separation requirements are met as well as the rest of the requirements found in the zoning regulations. Based on Mr. Perry's and his own analysis of the special exception Mr. Fields recommends approval of the site plan. Lanny Greene was present to represent Sprint PCS. He stated that Sprint has a need for a tower in this area to provide coverage for its customers. Initially they wanted to go north towards HWY 411, however that is a residential area. So to accommodate the community and Sprints needs they moved to the south. They researched other towers and the possibility of a co-location. They specifically researched a Tritel tower about one and a half miles south-west of this location, however ridges would interfere with coverage. Therefore, this location will give the best coverage for Blount County, as well as meeting the needs of Sprint and the community. Mr. Greene also stated that Brian Smith was present to answer any engineering questions, and Mike Roddy was present to answer any

construction questions. Herman Long was present to speak in opposition of the tower. He lives in the six mile area. His question was about the location of the tower and how it will affect flight patterns of Montvale Airpark. Brian Smith answered his question, stating that FAA studies were conducted. The studies determined that everything was clear and therefore the tower should not affect air traffic or flight patterns. John Deluca was present to represent Montvale Airpark. He was in opposition of the tower. Mr. Deluca stated that planes will have to fly directly over the tower. He said that when flying into a runway at an uncontrolled airpark the pilots must fly a specific pattern. He is worried because planes will be flying directly over the tower on approach, which is a very critical time. Mr. Deluca feels that the FAA studies were only looking at the effect on McGhee Tyson Airport not on Montvale Airpark. The tower will be located on a ridge which will make it higher than 160'. Mr. Deluca is worried that someone unfamiliar with the airpark may make their approach too low (planes should be at approximately 1000 feet when approaching). Mr. Greene said that the FAA only requires towers on 200' or more to be lit, but as a concession to the concerns they would be willing to light the tower. Gail Deluca was also present to speak against the tower. Her concerns were the same as John Deluca's. Harold Brown was concerned with the fact that the FAA report did not include information about the Montvale Airpark. Mr. Greene stated that if it had been a requirement to submit the FAA documentation they would have done so. Mr. Smith pointed out that there are other towers in the area that do not seem to have an affect on the airpark. Mr. Green requested the item be deferred to the October meeting to allow for investigation as to whether or not the tower will affect Montvale Airpark. Mr. Melton made a motion to defer the item to the October meeting in order to gather more information. Mr. Headrick seconded the motion.

A roll call vote was taken:

- Rob Walker-Yes
- Stanley Headrick- Yes
- Harold Brown-Yes
- Jim Melton-Yes

The motion to defer the item to the October meeting passed.

### **Cingular Wireless- 1526 Walker Road:**

This is a special exception request for a 190' monopole tower to be located at 1526 Walker Road. Based on Mr. Fields review of the information the setback and/or separation requirements are met as well as the rest of the requirements found in the zoning regulations. Based on Mr. Perry's and his own analysis of the special exception Mr. Fields recommends approval of the site plan. Mary Miller was present to represent Bellsouth Personal Communication, LLC. She pointed out that under tab 7 of their application is their FAA airspace obstruction study. According to the FAA they will not be required to light their tower because it is under 200'. There is a need for a tower due to a deficiency of coverage in that area. The closest houses appear to be well buffered. The houses are approximately 600-900'. There is very heavy tree growth behind them to buffer them from the tower. Mr. Perry said in his report to make sure the tower has enough space for other carriers. The tower will be built for three carriers.

Cingular is the leader in allowing other carriers to co-locate on their towers. Mr. Headrick asked why you used to see 7 carriers on one tower and this one is only going to have 3. Ms. Miller replied that more carriers requires a higher tower. There is a 15' separation distance required between each carrier. If you put more than 3 carriers on this tower the other carriers would be too low to provide a good signal. According to Mr. Perry's report the tower will be meeting all requirements, and therefore they request approval of the tower. Mr. Walker said that approximately a year ago there was a proposal for a tower to go in beside the industrial park. But it hasn't been constructed yet. He wanted to know if they were still planning on constructing it. Daniel Webb the East Tennessee Representative for Cingular was able to answer the question. He said that the tower was supposed to be built by Pegasus for Cingular. However the sight failed the FAA study. That is the reason for the new sight. Mr. Headrick asked if Cingular has started to build its own towers instead of co-locating. Ms. Miller stated that Cingular has a very good history of co-locating. However the closest tower to this site that they could co-locate on is not close enough to provide coverage to the area in need. Mr. Headrick asked why in the last two years has there not been much tower activity coming before the BZA. Ms. Miller replied that it was due to the bad economy. The Board wanted assurance that the Pegasus tower would not be built. Mr. Webb informed them that a carrier can not build a tower without FAA approval. The Board requested a letter stating that the Pegasus tower could not be built. The board had concerns about how many more towers will be built in the future in Blount County. Debbie Dolley and independent contractor spoke concerning future cell tower regulations in the county. The board was still concerned about the Pegasus tower. Mr. Fields pointed out that a special exception acts as a building permit if approved. Therefore it is only valid for one year. Ms. Miller pointed out the section in the Zoning Regulation that supports what Mr. Fields said. Therefore if construction has not been started and it has been a year since it was approved the permit would be void. Mr. Melton made a motion to approve the special exception contingent on the Pegasus tower being either abandoned or expired. The motion was seconded by Mr. Headrick.

A roll call vote was taken:

- Rob Walker-Pass
- Stanley Headrick- Yes
- Harold Brown-No
- Jim Melton-Yes

The motion to approve the special exception passed.

4. **OTHER BUSINESS:**

5. **ADJOURNMENT:**

There being no further business to conduct, the Chairman declared the meeting adjourned.

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Secretary, Board of Zoning Appeals