

**BLOUNT COUNTY BOARD OF ZONING APPEALS  
REGULAR MEETING  
THURSDAY, JANUARY 3, 2008**

BZA MEMBERS PRESENT: Harold Brown, Larry Campbell, Stanley Headrick, Rob Walker, Gordon Wright, Jim Melton (present but not voting)

The minutes from the previous meeting were read and a motion was made to amend the minutes of December 6, 2007 on item three (3) of Special Exceptions to read: "A motion was made by Harold Brown to deny this request for special exception. Larry Campbell made a second due to the request not abiding to section 7.10 A – G in the Blount County Zoning Regulations".

The members voted unanimously to accept the revised minutes from the last meeting.

**CASES BEING HEARD AND ACTIONS TAKEN:**

- 1. APPEALS: ONE**
- 2. SPECIAL EXCEPTIONS: TWO**
- 3. VARIANCES: TWO**

***Appeal:***

1. V. J. Shore is appealing a decision regarding the interpretation that a music festival is not in violation of our zoning regulations as long as it is an incidental use and is temporary.

--V. J. Shore spoke. \*Documentation provided by Ms. Shore included at the conclusion of the minutes.

--Eddie Johnson spoke regarding the changes that have taken place at the farm.

--Mr. Bob Schmidt spoke in response to the appeal.

A motion was made by Harold Brown to deny the appeal. This motion died due to lack of a second.

**Based upon the opinion from the County Mayor's Attorney,** a motion was made by Larry Campbell to approve the appeal due to the use (concerts) not being supportive of agricultural use and to allow only one concert on the premises per year. Stan Headrick made a second.

Vote: Harold Brown	NO
Larry Campbell	YES
Stanley Headrick	YES
Rob Walker	YES
Gordon Wright	NO

The appeal was approved.

***Special Exception:***

1. Charlene Teffeteller is requesting a multiple family development to be located on Wildwood Road across from McKenzie Place subdivision.

Property is zoned S.

- Charlene Teffeteller spoke.
- David Black spoke on behalf of Charlene Teffeteller.
- Don Bonser spoke in opposition.
- Judy Bonser spoke in opposition.
- Susan Middleton spoke in opposition.
- Brian Middleton spoke in opposition.
- Carol Burleson spoke in opposition.
- Millie Lewis spoke in opposition.

A motion was made by Stan Headrick to deny this request for special exception. Larry Campbell made a second.

Vote:	Harold Brown	NO
	Larry Campbell	YES
	Stanley Headrick	YES
	Rob Walker	YES
	Gordon Wright	YES

The special exception was denied.

2. Foothills CDC is requesting a special exception for a Planned Unit Development (PUD) to be located on Morganton Road just north of William Blount Drive.

Property is zoned S.

- Kelly Spears represented Foothills Community Development Corporation.
- Derrick Jones, representing Kelly Sterling, spoke in favor.

A motion was made by Harold Brown to approve the special exception. Larry Campbell made a second provided approval is given through the City of Maryville planning commission.

Vote:	Harold Brown	YES
	Larry Campbell	YES
	Stanley Headrick	YES
	Rob Walker	YES
	Gordon Wright	YES

The special exception was approved by a unanimous vote.

***Variance:***

1. Turner Street Baptist Church is requesting a variance from the front building setback requirements for a new building at 942 Turner Street. They are requesting a 20 feet variance from the 30 feet front setback requirement.

--Sam Townsend represented Turner Street Baptist Church.

--Timothy Townsend spoke in favor.

A motion was made by Larry Campbell to *approve* this request. Gordon Wright made a second.

Vote:	Harold Brown	YES
	Larry Campbell	YES
	Stanley Headrick	YES
	Rob Walker	YES
	Gordon Wright	YES

The variance was approved by a unanimous vote.

2. Melvin Covington is requesting a 10 foot setback from the front building setback requirements at 1555 Chandler Station Road.

--Melvin Covington was present.

A motion was made by Larry Campbell to approve this request based on slope of the lot and the location of the septic system being a hardship. Harold Brown made a second.

Vote:	Harold Brown	YES
	Larry Campbell	YES
	Stanley Headrick	YES
	Rob Walker	YES
	Gordon Wright	YES

The variance was approved by a unanimous vote.

THE MEETING WAS ADJOURNED.

Preliminary statement for the Blount County Board of Zoning Appeals, January 3, 2008.

The appeals process was established to allow citizens a method to go through the Zoning Appeals Board and to present their grounds, or reasons for not wanting an administrative decision to become an accepted rule. The rule in this context meaning an authoritative principle set forth to guide behavior, action.

It is my opinion there has been a gross violation of the administrative appeals process. In fact, legally, I do not believe that the Board's hearing of my appeal tonight is valid. However, I am going through this process for the purpose of documentation and to establish how this department has lowered the moral and ethical standards for the Blount County Department of Zoning Appeals.

It is my belief, that the last document to be legally acceptable, or valid, is the letter written from Mr. Fields to Mr. Schmidt, dated November 1, 2007. ( you have a copy of that letter in your packet) It states "Based on this information helicopter rides and concerts do not fall under the exemption for agricultural use, nor are they permissible uses in Rural District 1 Zone". Mr. Fields went on to state that, "you do have the right to appeal my decision to the Blount County Board of Zoning Appeals." This administrative procedure was never followed; therefore, the department is in violation of the " Appeals Protocol."

There should be recorded evidence of Mr. Schmidt's appeal before the Board, with the date of Mr. Field's second decision documented. In a fair and open society there is suppose to be an administrative decision, then an appeal, a decision, appeal, etc. A second decision was rendered about the Rock Concerts, without any written record on a formal appeals hearing from Mr. Schmidt , and without notification to the person who had placed concerns about these concerts in writing to Mr. Fields.

This second decision was made behind closed doors and then kept secret, violating citizens' right to know. It appears that Mr. Schmidt was given special treatment, by having a decision reversed without going through the proper procedure. Fortunately, other citizens did not have enough confidence in their local government to follow their own administrative procedures and began to check. I informally heard about Mr. Schmidt's dropping his appeal and that Mr. Fields had told him he could have two events a year. I sent a letter to Mr. Fields for verification. I then went by Mr. Field's office and he informed me that the farm was to have two events a year, he would not define them, telling me just in general. Therefore, I was forced to pay out \$50.00 to appeal some thing, that I didn't know what, to be able to meet with the January 3rd, 2008 Board of Zoning Appeals.

In my correspondence on December 4, 2007, to Mr. Fields, I asked for something in writing, letting me know if another decision had been made. Mr. Field's last letter finally arrived December 15, 2007, after I had paid the money and signed an appeal application. The deadline to have an appeal heard before the Board in January had to be filed by December 19<sup>th</sup>. The letter arrived on Sat., the following Monday was December 17<sup>th</sup>, the week before Xmas, I would have been out of town, and missed the filing date. I had to cancel my trip and go to Mr. Field's office to make a change on my appeal application to state the reason for the appeal as being his second decision, that the concerts were to be allowed. He had stated in his second letter that it was music concerts twice a year.

Page 2, continuation of preliminary statement, January 3, 2008

I strongly protest the secret meeting/s that took place to over-turn a written decision handed down by the Commissioner of Zoning Appeals, and then to keep it quiet.

It leaves me with a lot of questions, including, if there was political pressure from any source, such as the supervisor of Mr. Fields. This issue is just not dealing with the zoning about a piece of property, or zoning of a building, or subdivision. This one involves the lives of human beings, it involves their health, safety and well being. It is beyond me to understand how anyone could use political interference in such a serious matter. This needs to be explored and the individual/s that were involved be held accountable for a gross violation of proper procedure. If, I was an employee of any governmental department, serving at the pleasure of a political executive, I would keep a log and document whenever political pressure was being placed upon me to make decisions that could adversely affect the lives of residents in the county and produce serious illnesses, injury, or death. It is this kind of event that can quickly move from the "Board Room to the Court Room."

I am stating before the Board of Zoning Appeals: "that I have been treated unfairly, proper procedure was ignored and that Mr. Field's actions forced a premature appeal on me, before an appeal had been heard from Mr. Schmidt. I feel that I have been treated badly and that it has created unnecessary stress on an already fragile body. I will be 80 years old this year.

*Dr. J. J. Duane*  
*Jan. 13, 2008*

In the Zoning Resolution of Blount County, Tennessee, Article 1., Section 1.2 Purposes: The purposes of this Resolution are consistent with authority in state statutes, to promote health, safety, moral, convenience, order, prosperity and welfare of the present and future inhabitants of Blount County. There is nothing in this statement of "purposes" that exempts any owner of agricultural, commercial or residential land from being in compliance with the stated purposes. To protect public safety is always the number one concern by persons serving in governmental positions.

The Blount County Attorney wrote in his letter dated October 11, 2007 that, "it is my opinion that the use of the property for a corn maze with a band and helicopter once a year for a short period of time is a use incidental to the primary use of the property". Mr. Field's stated, "the music festivals are not in violation as long as they are incidental temporary uses on the property".

The Blount County Zoning Regulations have a clear definition regarding agricultural use in Article 13. Agriculture: This includes all forms of agriculture, growing of crops, dairying, the raising and maintaining of poultry and other livestock, horticulture, forestry, fish hatcheries and ponds, dog kennels and other small animal specialty farms, provided all health codes of Blount County and the State of Tennessee are complied with. Also note, that in TCA (Tennessee Code Annotated) 13-7-114 it does not regulate buildings, or structures on land devoted to agricultural uses, but it does not allow any other type of incidental uses, unless they are incidental to the agricultural use on lands adjacent to state-highways, airports, or public parks.

According to Article 13. Definitions: Unless otherwise defined in this Resolution, terms found in this Resolution shall be interpreted by reference to accepted planning, engineering, or other professional terminology if of a technical nature, and shall be interpreted by reference to common usage and common dictionary definition if of a non-technical nature, unless the context within which such terms are used clearly indicate otherwise.

The Blount County Zoning regulations do not have a definition for "incidental", therefore utilizing the wording found in the Regulations, Section 13, where it states, that if it is not found in these regulations then it "shall" be interpreted by reference to common usage and common dictionary definition. Webster's Dictionary defines "incidental" as, 1. occurring or apt to occur as unpredictable or minor concomitant, tie ups incidental to heavy evening traffic, 2. of a minor, casual, or subordinate nature <incidental cost> 3. a minor concomitant circumstance, event, item or expense. The term subordinate is defined as "belonging to a class or rank lower than another subject to the control of another, to make subservient. The term subservient is defined as "subordinate in function or capacity, useful as a means to serve or promote an end.

This has all been stated to point out that any activity that is held on agricultural land should serve the agricultural use of that property. Therefore I would ask how "for-profit" concerts, and other entertainment activities can be classified to serve this use.

I do not agree with Mr. Fields, or the attorney's use of "incidental" for the reasons stated above. Also, the attorney's letter is an inaccurate statement and an over simplification of entertainment projects that are occurring at the Maple Lane Farm. The corn maze with a band and helicopter are not at the same time, and for that reason, we must identify all of the festivals that happen during a one-year period. That is the two rock festivals, and the fall festival. Each must be examined for length of time, number of hours per day/night, and the number of persons attending. A "short period of time" is another non-specific phrase and needs to be defined. A period of time could be relative to the person judging a time frame and not everyone would come up with the same answer.

Part 1, page 2, Appeals Process, January 3, 2008

The fall festival is often mistaken as a farm activity. A person that has two acres of land can plant corn on the back part of his land, he can pick the corn, sell some to neighbors, and create a maze from the stalks to provide entertainment for the neighborhood children, this is not farming. My neighbor could take his tractor mower, attach a trailer to it, put some hay in the trailer and haul the children around the countryside for a hayride. This is not farming. All these activities are entertainment and not serving the agricultural use of any property that is zoned as agricultural land.

In my previous correspondence to Mr. Fields I have outlined how entertainment projects do not promote health, safety, and general welfare of the residents living close to the Maple Lane Farm. You have a copy of my correspondence to Mr. Fields in the packet given to you at this meeting. Please include my letters to Mr. Fields in the documentation filed for this "Appeals Hearing". In that correspondence, the effects on home-owner's safety, health and general welfare are outlined.

There is another issue in all of this, besides that which has already been stated. What is the correct zoning for Maple Lane Farm?

It has been stated by Mr. Fields and the County Attorney that the festivals are incidental to the primary use of the property. Mr. Fields and the attorney have given the impression that agriculture is the primary use of the land at the Maple Lane Farm. To me, this may be just an assumption that is no longer true. Is farming the primary business, or has it change over the past few years, and the primary use has become something else? How do we determine the primary usage of that land? It would appear that the "best indicator" of the primary use would be from income generated. It is my belief that agricultural products and livestock should produce the primary source of income for the farm, if that is indeed the primary use of land at the Maple Lane Farm. By examining the sources of income, using the definition of agriculture rather than any other business activity, that should be the best indicator of land usage, not the length of time it takes for any one or more activities. Mr. Schmidt has at least three income producing businesses at the farm, agriculture, entertainment, and rental property.

Let's take an example. Suppose I buy a farm. I plant some crops and have a few cows. Out into my back woods I have a shed producing "Meth." I sell the drug and make huge profits. I sell some cows, and some strawberries and pumpkins, corn, and hay, making far less profits from the agricultural products. The production and selling of "Meth" is taking far less of my time than farming, however, it produces the greater revenue. Am I in the farming business or the drug business?

Therefore, Mr. Fields, the County Attorney, and I have a difference of opinion. It is my opinion that the primary source of income at Maple Lane Farm is their non-agriculture businesses, not agricultural. Let's take a look at the fall festival that started shortly after Labor Day and ended the 31<sup>st</sup> of October. The length of time was a little under two months and included every Saturday and Sunday. According to Mr. Schmidt's ad in the newspaper he expected 70,000 individuals to attend. I just roughly took 60,000 of the 70,000 and counted them as children attending at \$5.00 for admission (cost listed in ad). Multiplying these two figures I arrived at \$300,000. The remaining 10,000 counted as adult admissions at \$7.00 per adult. This came out to \$70,000, adding the two sums together came to a total of \$370,000. That was admission and did not include the money from food/drinks, riding helicopter (\$20.00 per 6 mins), going through the corn maze, souvenirs, etc. The entertainment expenses for the farm are income tax deductibles, plus depreciation on vehicles, farm equipment, buying food products.

There was additional money made from two rock festivals. There may have been additional monies from food, drinks, and souvenirs at the rock festivals. Mr. Schmidt has three rental homes at the Maple Lane Farm that generates income. This is not agriculture related.

With just this rough estimate it gives enough information to raise legitimate questions about land usage at the Maple Lane Farm. At this time I believe that, entertainment festivals and non-related farming business provides the greater income. I believe that the greater part of the money earned from agricultural products comes from land leased elsewhere, not at the Maple Lane Farm and has no connection with land usage at the Maple Lane Farm. Since, no one in a Blount County leadership position has examined the primary source of income generated at the Maple Lane Farm, and since I and others are adversely affected by the entertainment projects, and since a fair decision cannot be made without doing a complete study to determine what is primary and what is incidental (if, in fact, the term incidental is going to be allowed to apply) use of the land at Maple Lane Farm; I am requesting a study into the sources of income to determine land usage at the Maple Lane Farm. This should be important to the county because Mr. Schmidt has land included in the green belt and is provided a property tax benefit. If the major source of income on the property at Maple Lane comes from non-agricultural business, then, the question should be asked, "Is this land zoned for something that it is not?"

Can a legitimate decision be made based on inadequate or faulty information? If, the leadership in Blount County, without further studies, choose to base their judgments solely on use of their current statements about what is primary and the non-specific term of incidental, the question then becomes, could it have the ultimate effect of holding the decisions makers liable? This would appear to be especially true if there was an unexpected event to occur at one of these entertainment projects that resulted in injury or death to any of the hundreds of people attending, or the hundreds of resident living in and around the Maple Lane Farm.

October 8, 2007  
1306 Prairie Place  
Greenback, TN 37742

Mr. Roger Fields  
Board of Zoning Appeals  
1006 E. Lamar Alexander Pkwy  
Maryville, TN 37802

Dear Mr. Fields,

When I purchased my home, I was informed that this area was farming and residential, not business. I was not informed that I would be living close to another "Dollywood". Would you please explain to me, why permits have been issued to the Maple Lane Farm, that has enabled them to have a "for profit business" operating, that is non-related to farming. This business creates traffic problems on these narrow roads, trash thrown out from vehicles, and noise at a disturbing level?

When I first moved here, it was just "Corn Maze and Hay Ride", the farm has continued to progressively add more, and more entertainment projects. I am sure that there are some in these subdivisions who do not care, many are looking for noise and entertainment, that would not have been allowed this close to homes in the states they left behind. Many do not stay but a short time and move on. Turnover in these subdivisions is relatively higher than any place that I have lived. A part of this could be the lack of protection for home-owners, where anything goes.

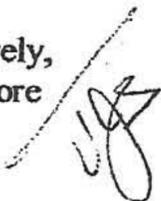
The music from their festivals can be heard late at night, booming through the house, and then the fireworks, and all the motorcycles, RVs and other vehicles leaving here. All the neighborhood roads are used, including the one through our subdivision, going to Hwy 321. These roads are so narrow and winding that it is difficult for a truck and a car to pass safely.

The helicopter is an added noise, and a safety issue, flying over our homes. It is also adding additional pollution from the gas burned, in a continual pattern of landing and taking off, plus the flying. This particular helicopter is not on official business, it is purely for amusement and to make money for the owners of the farm, at our expense. Helicopter accidents do happen. I was in New York City, waiting for a ride, when one crashed.

It would appear that a better solution to have an entertainment center established would be on Hwy 411, where there are four lanes for traffic, and less density of homes. Why are you not taxing the farm at a business rate to pay for the additional disturbance, wear and tear on our already poor roads? If they are going to make so much money from businesses outside of farming, why should they not put something back into our community?

If you and Maple Lane Farms would like to purchase my home for the amount of money that I have invested, you are welcome. I have no desire to stay in the mess, and someone needs to pay my moving expenses.

Sincerely,  
VJ Shore



Continuation, letter to Blount County Commissioners, State of Tennessee

**ADDENDUM:**

This is to clarify that, no one is suggesting that Maple Lane Farms should not have their fall festival for the children. Hay rides, going through the corn maze, having food, and picking a pumpkin is fine. When they started the helicopter rides, it became a noise that is too loud to put up within a non-commercial area and it is not an essential ingredient that is required for children to enjoy the farm. It was explained to me that the cost is \$20.00 for a six-minute ride and is to provide a view of the corn maze from the air. For the homeowners that have to endure the noise and pollution, would it not be better to provide a picture to each child? Just think how many times you can take off, fly, and land with a six-minute ride?

There are many other farm-related activities that can be provided. The children could feed chickens, pet a lamb, have pony rides, observe cows being milked, etc. City children have few opportunities to have a direct contact with farm animals. Their families can take them to the airport, to Pigeon Forge, and to other commercial areas for helicopter rides. This venue is too commercial and noisy for a residential and agricultural zoned land. It is my guess that those residents living in \$350,000 plus homes would not have to contend with this. The fall festival lasts for several weeks. The helicopter is every weekend, including Sunday from noon on. As I write this, on Saturday, October 13<sup>th</sup>, the helicopter is still going strong and it is 6:43 PM. There are activities seven days a week during the festival and it last for weeks. The other fall festivals that are held here in Blount County are only scheduled for one long weekend a year, unless they are designated a commercial business and are taxed as such.

After this festival, there are other festivals with loud booming music and fireworks until 11pm. After that, noise from vehicles leaving. Loud music festivals, helicopters, and drawing for cars should not fit the criteria for a farm, one that is granted the reduced assessed "green belt" rate. This is sponsored to "put happy faces on children" (check the Phil Williams radio interviews held at the farm). The above activities are not a necessity for that. Other commercial businesses get no such special treatment with their property taxes. What else will be added? Are there to be no regulations? When does this stop being farm-sponsored activities and become just another commercial business? This is not money that is being raised for a non profit organization. There must be good money in these projects to be able to advertise on TV. Most small businesses cannot afford that!

Those of us that are in opposition to the extreme noise level, way beyond the norm for usual residential living, are not wanting the Maple Lane Farm and its owners to close down their festivities. Instead, we are asking for reasonable accommodation, where each may enjoy the land where they have put their life savings. I am elderly and do not have many years to live. My health is not good. Should I not be able to remain in my home and enjoy the peace and quiet of that home? Should owning individual homes only be for the young? This is a question that I will pursue through civil and human rights groups in this country for an answer. Are we within our rights to ask for this? Shall "living green" and living in a protected zone, be only for the wealthy of this country?

It appears that supreme sacrifices for this country are only for a small percentage of the population, as in the war in Iraq. The majority of Americans continue along with their vacations, golfing, and living as if it does not affect them. The same is true with the environment. Development without concerns for the natural resources, pollution, and pursuit of entertainment at the destruction of our county and state. My niece, from the University of Kansas, was doing research in the rain forest in Costa Rica. She had discovered a rare fern and was finishing the collection of her data, to have her research published, when she was stabbed 14 times and died in Costa Rica.

When I moved to this half acre, there was nothing but hard clay soil, void of anything green. Birds were a rare site, no rabbits, or squirrels. I planted many trees, shrubs, and plants to bring my small part of green back into a sad looking plot of land. Each time something was planted I thought of Shannon. In my garden, I have placed a small marker, "If tears could build a stairway and memories a lane, I'd walk up to heaven and bring you home again." What as elected leader have you done? /V J Shore

**GODDARD & GAMBLE**  
ATTORNEYS  
101 WEST BROADWAY  
SUITE 208  
MARYVILLE, TENNESSEE 37801

M. H. GAMBLE 1871-1934  
HOMER A. GODDARD, 1891-1960  
J. C. GAMBLE, 1904-1997  
M. H. GAMBLE, JR., 1912-1980

ARTHUR B. GODDARD  
CARL P. McDONALD  
ROBERT N. GODDARD

TELEPHONE  
AREA 865  
MARYVILLE 982-6731  
FACSIMILE 982-6733

October 11, 2007

VIA FACSIMILE 681-9502

Mr. Roger Fields  
Blount County Environmental & Codes

Dear Roger:

You have asked a question relative to the Maple Lane Farms Corn Maze and related activities, specifically a band and the use of a helicopter. Your question is if these uses violate our zoning regulations. It is my understanding that the property is zoned R1 Rural District 1.

It is my opinion that this question is answered by Article 2, Section 2.1, of our zoning regulations. This section provides that agricultural uses and structures are not subject to the regulations and provisions of the zoning resolution. It is my opinion that the use of the property for a corn maze with a band and helicopter once a year for a short period of time is a use incidental to the primary use of the property, which is for agricultural purposes. Therefore I think it would be difficult for the County to prohibit this temporary use of the property.

There are certain County ordinances such as the noise ordinance and the nuisance ordinance which may be applicable, but these would be a matter for the Sheriff's Department, not the Zoning Department. Also there could be a private cause of action for the creation of a nuisance, but this would be a matter where the individual property owners would have to instigate suit against the property owner where the activities are conducted.

I hope this clarifies the matter.

Yours very truly,



RNG/dm

**Blount County Government**  
**Roger D. Fields, Building Commissioner**

1006 E. Lamar Alexander Pkwy

Maryville, TN 37804

Phone: 865-681-9301 Fax: 865-681-9502

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November 1, 2007

Robert A. Schmidt  
1040 Maple LN  
Greenback, TN 37742

Dear Mr. Schmidt:

You have recently been operating helicopter rides and concerts that are in conflict with Blount Counties Zoning Regulations. The locations of these uses are on the properties identified on tax map 88, parcels 24, 24.13, and 24.24.

It is well known that you have been operating a corn maze for some time now and that use falls under exemptions for agricultural uses found in section 2.1 of the Zoning Regulations for Blount County. The zoning regulations defines agricultural use as follows: This includes all forms of agriculture, growing of crops, dairying, the raising and maintaining of poultry and other livestock, horticulture, forestry, fish hatcheries and ponds, dog kennels and other small animal specialty farms, provided all health codes of Blount County and the State of Tennessee are complied with.

Based on this information helicopter rides and concerts do not fall under the exemption for agricultural use, nor are they permissible uses in the Rural District 1 Zone. The helicopter rides and concerts must *cease* within the next thirty (30) days. Failure to comply will result in further legal action.

You do have the right to appeal my decision to the Blount County Board of Zoning Appeals. The board meets the first Thursday of each month. To be placed on a meetings agenda you must file an application at my office, which is located at the address listed above.

Sincerely,

A handwritten signature in cursive script that reads 'Roger D. Fields'.

Roger D. Fields  
Blount County Building Commissioner

December 4, 2007  
1306 Prairie Place  
Greenback, TN 37742  
[vjprairie@wmconnect.com](mailto:vjprairie@wmconnect.com)

Mr. Roger Fields  
Board of Zoning & Appeals  
Maryville, TN 37742

Dear Mr. Fields,

I have been informed that Mr. Schmidt is not going to appeal, because he has been told that you are using the attorney's opinion, not the opinion you laid out in the letter to Mr. Schmidt. (refer to attachment #1) I have also been informed that Mr. Schmidt is to be allowed two music festivals/concerts a year and that he is to use methods to reduce the noise level. Well, it would take something very unusual, to be able to make a significant reduction in the noise created by 50 to 70 thousand people. (refer to attachment #2) Mr. Schmidt already has two months in the fall for his festival. It starts right after Labor Day and ends the 31<sup>st</sup> of October. No one has a problem with the school children visiting the corn maize, taking hay rides, buying pumpkins, food and souvenirs.

I have prepared this letter, in-order that there is clear and open communication, to show that there is more involved in this issue than just noise pollution. It contains many important facets. First, the sponsoring of any large music festival/concert in our immediate area is an important one and raises the question of the rights of those who have purchased property, without any prior knowledge, that they would be subjected to noise in their homes that can be offensive and unwanted. It is not just music that creates noise, but people and their vehicles. It is noise that we should not have to listen to in the privacy of our homes in a non-commercial area. It takes away the right of homeowners, when they are denied the opportunity to make such an important decision that affects their quality of life. Several of my neighbors work different shifts. They do not have 9 to 5 jobs, yet they are part of the backbone of the community businesses. They keep things operating while not always receiving the higher pay. We have disabled and elderly neighbors that must sleep when their bodies will allow them. This may be having to go to bed early, to make up for losing sleep when they have to get up at night. Also, "County Leaders" allowed our homes and subdivisions to be built in close proximity to the Maple Lane Farm, and our homes are greatly affected by what happens there.

The next part of this issue has to do with the safety and health of our residents. Their health is being affected adversely by the large volume of vehicles and people attending the music festivals. There are hundreds of vehicles coming into this non-commercial zone and the result is a lot of unnecessary dust, heat, and carbon monoxide. I would like for a related agency to do air quality tests while these activities are on going. All of our roads are affected by the large amount of trash deposited on them every day that these events take place. In regard to safety, our roads are not built to handle the huge increased volume of traffic. These "farm to market" roads do not currently comply with State and County Regulations, and do not meet the traffic needs for residents who must use them. Traffic not only comes to the farm via Morganton Road and Maple Lane, they also enter through other approaches off Hwy 231 and William Blount Drive. If a disaster was to occur and the area had to be evacuated, there would be mass confusion and probably deaths. The vehicles exiting the farm would travel both directions on Maple Lane, and thus would block both entrances of the large Evergreen Subdivision. The Evergreen residents would be essentially trapped.

Page 2 Continuation, letter to Mr. Roger Fields.

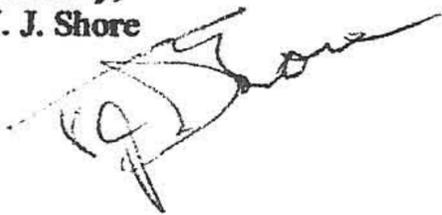
Protection of our environment and natural resources is at the very core of this issue. We are at a critical stage in trying to conserve and save this vital part of our habitat. There have been strong signals, suggesting that we are moving past the time when the "solution by prevention" can be handled with just a few easy steps. We are moving into a period when further neglect and destruction of our trees and waterways cannot be reversed so easily. It is going to take bold leadership and drastic action to save what we currently have. Therefore, I am searching outside of our community to include the entire "State of Tennessee", asking for suggestions and help. I will then look "Nationally", and if necessary, look for answers at an "International level". You are being provided with a copy of an article to be printed in a Middle Tennessee newspaper, the Nashville Scene. (refer to attachment #3)

Farms are given a property tax break by being in the "green belt". It is my understanding this was to help protect farmland from disappearing, and just becoming all residential and commercial developments. This is an admirable conservation tool. However, I do not consider the owners of the Maple Lane Farm as practicing good conservation when they allow hundreds of vehicles to drive on the land and such large numbers of people to have use of it, for non-farming purposes. There are currently many individuals that are losing their homes, yet no one is prepared to give any property tax break to them. There is reluctance of our elected leaders in Blount County to freeze property taxes for Seniors on limited income. Also, Mr. Schmidt is in competition for the same dollars as entertainment businesses in Blount County, and the surrounding communities. These businesses are recognized as being commercial, and their property is taxed as such.

I welcome all new comers to our State, but will not hesitate to tell anyone that would use our land without concern for the rights of others, without proper respect for this land and its natural resources, that I consider them very destructive and selfish. (This would include those born in Tennessee)

Mr. Fields, I would appreciate a written response to this letter and please clarify exactly as to the status of the music festivals. Are they to be allowed, or are they not? Thank you.

Sincerely,  
V. J. Shore

A handwritten signature in black ink, appearing to read "V. J. Shore", written over a horizontal line.

**Blount County Government**  
**Roger D. Fields, Building Commissioner**

1006 E. Lamar Alexander Pkwy  
Maryville, TN 37804

Phone: 865-681-9301 Fax: 865-681-9502

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December 13, 2007

V. J. Shore  
1306 Prairie Place  
Greenback, TN 37742

Dear Ms. Shore:

This letter is in response to your letter dated December 4, 2007. You ask me the status of the music festivals that have happened at Maple Leaf Farm. After further review of our zoning regulations and with the legal opinion from the attorney for the County Mayor, it is my interpretation that the music festivals are not in violation as long as they are incidental temporary uses on the property.

I have been in contact with the property owner and he has agreed not to have the helicopter rides and to keep the concerts as temporary incidental uses. If you have any further questions please contact me at the office number listed above.

Sincerely,

Roger D. Fields  
Blount County Building Commissioner

*Received  
Dec. 15, 2007*