

**Blount County Board of Zoning Appeals**  
**Regular Session**  
**Thursday May 5, 2005**  
**6:00 P.M.**

The Blount County Board of Zoning Appeals met in regular session on Thursday, May 5, 2005, at 6:00 pm at the Courthouse. Staff was represented by: Roger Fields, Building Commissioner.

Members of the Board of Zoning Appeals present: Bill Marrison, Rob Walker, Stanley Headrick, Kathy Lovingood, and Harold Brown.

Mr. Walker made a motion to approve the minutes of the April 7<sup>th</sup>, 2005 meeting. Second was made by Mr. Brown. The motion received unanimous approval.

**Cases Being Heard**

1. **APPEALS:**
2. **VARIANCES:**
3. **SPECIAL EXCEPTIONS:**

**Jerry Perdue- 706 Kiser Station Road:**

Mr. Perdue is submitting a request for a special exception for an overnight dog kennel and grooming facility. The location for this request is 706 Kiser Station Road. The property is zoned R-1. This use will be run as a family commercial enterprise. Pet grooming is a use that is approved for a family commercial enterprise. Kennels are found in the definition for agricultural uses.

AGRICULTURE: "This includes all forms of agriculture, growing of crops, dairying, the raising and maintenance 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." The BZA has approved pet grooming facilities with overnight capabilities in the past. One was on Disco Loop Road and the other was on Samples Toad. The applicant's primary interest is the boarding of animals, but he also wishes to offer grooming services. The structure that will house the special exception will be attached to the applicant's home. That area is limited to 2,000 square feet and the site plan does comply with that requirement. All building setback requirements will be met and additional buffering will not be required if the existing natural buffer is maintained. It is Mr. Fields interpretation that this request meets the requirements of the zoning regulations, and therefore he recommended for approval. Grant Hesman was present to speak in favor of the kennel. He also provided a handout. Ms. Lovingood made a motion to approve the special exception. Mr. Brown seconded the motion.

A roll call vote was taken:

- Bill Marrison – Yes
- Rob Walker – Yes
- Stanley Headrick – Yes
- Kathy Lovingood - Yes
- Harold Brown – Yes

The motion to approve the special exception passed.

**Trent Long- 5004 Wildwood Road:**

Mr. Long is requesting a special exception for a used car lot to be located in an existing structure on his property at 5004 Wildwood Road. There is an existing landscaping business located on this property along with Mr. Long's residence. The office for the car lot will be an existing shed that is pointed out on the site plan he has provided. It is 264 square feet, which falls well under the required maximum of 2000 square feet. The building also meets all building setback requirements. Buffering will be required along the property line that abuts Mr. Cunningham's property to the east of this property. Wildwood Road is a collector status road, which is required for a special exception. The property also meets the one acre minimum requirement for a special exception. It is Mr. Fields interpretation that this request meets the requirements of the zoning regulations, and therefore he recommended for approval. Mr. Long was present to speak in favor of the special exception. Mr. Walker made a motion to approve the special exception. Mr. Headrick seconded the motion.

A roll call vote was taken:

- Bill Marrison – Yes
- Rob Walker – Yes
- Stanley Headrick – Yes
- Kathy Lovingood - Yes
- Harold Brown – Yes

The motion to approve the special exception passed.

**Scott Loveday- Morganton Road:**

This request is for a special exception to locate an automobile repair shop, car lot, car dismantlers, and recyclers on the property identified on tax map 67 parcel 69.02. This is a 1.02 acre lot that is located in the suburbanizing zone on a collector status road. It does meet the requirements for a special exception. The property owner has signed a lease agreement with the applicant. All building setback requirements will be met by the proposed structures, which include a 12x14 office, 10x10 clean-up bay, and (3) 10x10 out buildings. A buffer will be required to screen the business from any residential use property. The proposed

buffer does indicate that this requirement will be met. Parking will be on a large gravel lot. The car sales and repair uses are found as uses that can be approved as a special exception. The recycling and dismantling is not found, however if there are more than five junk cars on a lot at one time it would be identified as a junk yard. Junk yards are only permitted in an industrial zone. There is some gray area with this situation. The board may want to consider putting a limit on how many inoperable cars can be located outside the building at one time. That number should not exceed five. Based on Mr. Fields interpretation of the zoning regulations, he recommended approval of the automobile sales and repair shop. After some discussion by the board Mrs. Lovingood made a motion to approve the special exception provided that there are no more than five inoperable cars on the lot at one time and that the inoperable cars cannot be seen from the surrounding property. There was no second, therefore the motion died. Mr. Headrick made a motion to deny the special exception. Mr. Brown seconded the motion.

A roll call vote was taken:

- Bill Marrison – No
- Rob Walker – Yes
- Stanley Headrick – Yes
- Kathy Lovingood - No
- Harold Brown – Yes

The motion to deny the special exception passed.

**Allen Swank & Charles & JoAnn Pask-202 South Old Glory Road:**

This request is to locate a Chiropractic Office in the existing house located at 202 South Old Glory Road. This property is in the process of being divided off of the existing 5 acre tract. For a special exception to be granted the final plat should show no less than one acre for the lot size. Mr. Fields is trying to contact the City of Maryville to determine the classification of this road. In April of 2004 a child care facility was approved on this property. This lot is being off of that tract of land. All building setback requirements will be met by the existing structure. Buffering will have to be installed to protect the neighboring property. There is a school bus business next door, but the owners also reside there. Mr. Fields recommended approval of the special exception provided the road is classified as a collector status road. Mr. Swank and Mr. Pask were both present to speak in favor of the special exception. Mr. Brown made a motion to approve the special exception if the road is classified as a collector status road. Ms. Lovingood seconded the motion.

A roll call vote was taken:

- Bill Marrison – Yes
- Rob Walker – Yes
- Stanley Headrick – Yes

- Kathy Lovingood - Yes
- Harold Brown – Yes

The motion to approve the special exception passed.

**Janet Cooper Kirby- 435 Roddy Branch Road:**

This request is to locate a photography studio in an existing structure located at 435 Roddy Branch Road. It is in the basement of the principle dwelling. This request is considered a family commercial enterprise. Mrs. Kirby's daughter lives in the upstairs portion of this structure and will be the owner and operator of the photography studio. A photography studio is listed in the family commercial enterprise regulations in section 7.10. It states that the "office or studio of a physician, dentist, musician, or other similar professional" is allowed. This property was granted a special exception for a child care facility in July 2002. That business is no longer in use. Building setback requirements will be met and buffering from the approval of the last special exception is adequate. It is Mr. Fields interpretation that this request meets the requirements of the zoning regulations, therefore he recommended approval. Mrs. Kirby was present to speak in favor of the special exception. Mr. Headrick made a motion to approve the special exception. Mr. Walker seconded the motion.

A roll call vote was taken:

- Bill Marrison – Yes
- Rob Walker – Yes
- Stanley Headrick – Yes
- Kathy Lovingood - Yes
- Harold Brown – Yes

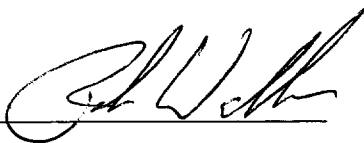
The motion to approve the special exception passed.

**4. OTHER BUSINESS:**

There was a request for a special meeting with council present to discuss Cornerstone lawsuit.

**5. ADJOURNMENT:**

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



Secretary, Board of Zoning Appeals