

**BLOUNT COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
THURSDAY, August 1, 2013**

BZA MEMBERS PRESENT: Andy Allen, Bruce Damrow, and Rob Walker

CASES BEING HEARD AND ACTIONS TAKEN:

- 1. SPECIAL EXCEPTION: One**
4234 Morganton Road
- 2. APPEAL: One**
3832 Morganton Road
- 3. OTHER BUSINESS: Two**
Riverside Manor Apartments
Morganton Road/Wells Road PUD

Special Exception:

1. The applicant is requesting a change of use at 4234 Morganton Road. The property is identified on tax map 077, parcel 090.03 and is zoned R-1. The property previously housed Tipton Roofing and the applicant's request is for an antique automobile restoration shop. The owner of the property was also the owner of Tipton Roofing and currently has a signed lease to purchase agreement with the applicant. The request is to use the same structure that was previously used for the grandfathered business.

The applicant's argument is that his business will be less impact than the previous grandfathered business. The previous business operated with six crews for six days a week. There was heavy traffic, loading and unloading materials, and dump truck traffic. The applicant's business will have two employees, himself and his son, and would have short work hours. The applicant has scheduled to have an approved paint booth installed if this request is approved. The applicant wants to make sure that his business is not confused with a collision repair shop; he is a restoration business that handles a low volume of automobiles. He plans on having no more than 10 cars per year and maybe 2 days out of a month of spraying.

Roger Fields presented the board with information that was provided by the mayor's office and a letter of recommendation for the applicant.

Bryan Walters spoke in favor of the exception. He stated that a majority of the automobiles that he works on is a 17 to 18 month process. However, there will be certain occasion where he will do a small job for a family member. He stated that he uses water-based paints and that he is Dan-Am/SATA certified.

Mr. Eldon Tulloch spoke in opposition of the exception. He stated that there were too many people who lived in close proximity of the business.

Bruce Damrow asked if there would be a paint booth and if it was OSHA approved. Mr. Walters stated that there would be a paint booth and that it will be

OSHA and EPA approved up to water-born standards. Next, Bruce Damrow asked about the storing of paint at the location. Mr. Walters stated that the paint would be stored in a provided BASF water-based explosion proof cabinet. Water-born paints break down in water and are environmentally friendly. Therefore, the paint would not need to be stored in the cabinet. The cabinet would house the cleaners and thinners. The cabinet would be stored in separate work area. Mr. Walters stated that the chances of environmental impact would be limited to none. He stated that the water-born paints are not ordered in gallons because it takes smaller amounts to paint a car. He is able to order his paint in ounces due to this.

Mr. Walters stated that he is in the process of purchasing the home in front of the building and he would only occupy the one building.

Mr. Tulloch stated that the roofing business was not a nuisance to him when it was in business.

Roger Fields asked for a clarification on water-born paint from Mr. Walters. He explained that water-born paint breaks down in water which reduces emissions and is less environmentally invasive.

Bruce Damrow stated that based on the conversation of the night he made a motion to not grant the special exception. It was seconded by Andy Allen.

Vote: Andy Allen	YES
Bruce Damrow	YES
Rob Walker	YES

The motion was approved by a unanimous vote.

Wanda Tipton spoke to the fact that asbestos was at the property when Tipton Roofing was there. She also stated that there was a lot of traffic on the road due to Tipton Roofing. With Mr. Walters, she stated that there is no traffic. She said that Mr. Walters would not have as much impact on the environment as Tipton Roofing did.

Appeal:

1. The applicant is appealing the location of a structure at 3832 Morganton Road. This property is identified on tax map 074H, group B, parcel 040.00 and is zoned R-1. The appeal is from the application of the building location according to an approved site plan. A site plan was approved for this site by the Blount County Planning Commission for an expansion of an existing non-conforming use. This was approved at the December 2010 planning commission meeting. A permit was issued on 1/14/11 and it expired prior to construction. The property was sold and Roger Fields had a conversation with the applicant about the site plan and how the current site plan is still valid as is, but any changes would require a new site plan. A new permit was issued on 12/20/2012. The setbacks for a residential utility building were put on the permit for, but the site plan was referenced on that permit. The applicant is appealing based on confusion that was created with the setbacks on the permit.

The slab was poured in a location other than the location for the building as indicated on the site plan. The inspector notified the discrepancy and this is his formal appeal to be able to locate the structure on the slab that was poured without having to submit a corrected site plan. The required setbacks for a commercial structure are 30 feet front, 20 feet side, and 40 feet rear. The side setbacks of the slab are 23 feet and 20 feet. They are within our requirements.

The applicant was present but did not add any additional information.

No one spoke in opposition.

Andy Allen made a motion to approve and it was seconded by Bruce Damrow.

Vote:	Andy Allen	YES
	Bruce Damrow	YES
	Rob Walker	YES

The motion was approved by a unanimous vote.

Other Business:

1. The applicant has submitted a site plan for Riverside Manor Apartments that is dated 9-1-1992, which predates our zoning regulations. It does indicate a long term plan with phases of construction and the owner is now ready to start on a new phase according to that plan. The plan was accepted and made record the long term plan and allow them to move forward according to the plan.
2. At the July 5, 2012 BZA meeting a site plan was approved for a Planned Unit Development at the corner of Morganton Road and Wells Road. This site plan included an office/ meeting and training to be located on the lot that is at the very corner of these two roads and would have access from Wells Road. This is a request to recognize a revised site plan for that office building. The new plan shows that the office building will be increased in size and an additional storage building will be added.

Bruce Damrow made a motion to accept the changes and Andy Allen seconded.

Vote:	Andy Allen	YES
	Bruce Damrow	YES
	Rob Walker	YES

The motion was approved by a unanimous vote.

THE MEETING WAS ADJOURNED.