

MEETING REPORT  
LOUISVILLE BOARD OF ZONING APPEALS  
Louisville Town Hall  
December 06, 2016  
6:00 PM

MEMBERS PRESENT

Tom Swicegood  
Ray Evans  
Jenny Anderton  
Jim Brown  
Lance Campbell

MEMBERS ABSENT

OTHERS

Cindy Connor  
James Templeton  
Carol Templeton  
Jimmy Johnston  
Kathy Johnston  
Linda Webb  
Laura Reed & 3 others

BCPO Staff Representative: John Lamb unable to attend.

**Call To Order – Roll Call**

At 6:00 PM December 06, 2016, BZA Chairman Tom Swicegood called the meeting to order and called the roll. All members were present (Note: Lance Campbell arrived at 6:04).

**Approval of Previous Minutes**

**MOTION** by Jim Brown to approve the minutes of the May 05, 2016 meeting of the Board of Zoning Appeals. Second by Ray Evans. Vote: UNANIMOUS. **MOTION PASSES**

**Business Items:**

**Front setback variance for re-plat of Lot 17R in Lashbrooke, 121 Newport Park Way.**

Cindy & Bo Connor, 121 Newport Park Way, Lashbrooke, wish to combine their existing Lots 17 & 18 into a larger Lot 17R. Their current residence, constructed in 2015, is located on current lot 17. The home location on Lot 17 requires a front setback variance since the structure is only 16.91 feet from the right-of-way vs. the 30 feet required by the Zoning Ordinance. The TOL Planning Commission approved the lot combination subject to approval of the front setback variance by the BZA.

Ray Evans reviewed the front setback variance granted by the Lashbrooke HOA prior to construction of the Connor home. No further action was taken to the BZA at that time. The TOL granted a building permit and the home was constructed. Now, with the combination of lots creating a new lot of record, a front setback variance must be approved by the TOL.

The BZA reviewed the facts and current situation, finding no detrimental impact to the neighborhood if the lot combination moves forward.

**MOTION** by Tom Swicegood to approve the front setback variance for the Connor residence at 121 Newport Park Way in Lashbrooke. Second by Ray Evans. Vote: Tom Swicegood – Yes, Ray Evans – Yes, Jenny Anderton – Yes, Lance Campbell – Yes, Jim Brown - Yes. **MOTION PASSES**

Chairman Swicegood will notify the Secretary of the TOL Planning Commission that the re-plat and combining of Lots 17 and 18 into new Lot 17R may be signed for PC approval due to the BZA front setback variance being approved.

**Minimum lot size variance for re-plat of Lots 40, 41 and 42 in Junaluska Resort Area, Lovely Heights Road**

James and Carol Templeton, 3214 Lovely Heights Road, wish to combine their existing lots 40, 41 and 42 and create two lots 40R and 42R, with Lot 41 providing the additional acreage for the new lots. Their primary residence is located on Lot 42 and a shop/garage is located on Lot 40. Both structures have their own septic field which will be located on 40R and 42R, with no infringement of the septic fields on the new lot boundaries. The TOL Planning Commission has approved the combination of these lots subject to the BZA approval of minimum lot size.

The BZA reviewed the facts and current situation, finding no detrimental impact to the neighborhood if the lot combination moves forward. The lots created would be 21,105 sq. ft. (42R) and 13,273 sq. ft. (40R), replacing Lot 40 & 41 – 9,060 sq. ft. each and Lot 42 – 15,666 sq. ft., which were created prior to the establishment of the Zoning Ordinance.

**MOTION** by Jim Brown to approve the minimum lot size variance for Lots 40R and 42R located on Lovely Heights Drive. Second by Lance Campbell. Vote: Tom Swicegood – Yes, Ray Evans – Yes, Jenny Anderton – Yes, Lance Campbell – Yes, Jim Brown - Yes. **MOTION PASSES**

Chairman Swicegood will notify the Secretary of the TOL Planning Commission that the re-plat and combining of Lots 40-42 into new Lots 40R and 42R may be signed for PC approval due to the BZA minimum lot size variance being approved..

**Minimum Lot size variance, side setback variance and use variance of Johnston property at 2403 and 2409 Mentor Alley**

Jimmy and Kathy Johnston, 2403 & 2409 Mentor Alley, wish to subdivide their existing lot containing 1.22 acres into two lots. Their primary residence is located on this lot, along with several accessory structures. One of the accessory structures is a 28'x48' garage formerly used in the past as an auto paint and repair shop. A concept drawing

The BZA reviewed the facts and current situation, finding no detrimental impact to the neighborhood if the lot combination moves forward.

**MOTION** by Tom Swicegood to approve the front setback variance for the Connor residence at 121 Newport Park Way in Lashbrooke. Second by Ray Evans. Vote: Tom Swicegood – Yes, Ray Evans – Yes, Jenny Anderton – Yes, Lance Campbell – Yes, Jim Brown - Yes. **MOTION PASSES**

Chairman Swicegood will notify the Secretary of the TOL Planning Commission that the re-plat and combining of Lots 17 and 18 into new Lot 17R may be signed for PC approval due to the BZA front setback variance being approved.

**Minimum lot size variance for re-plat of Lots 40, 41 and 42 in Junaluska Resort Area, Lovely Heights Road**

James and Carol Templeton, 3214 Lovely Heights Road, wish to combine their existing lots 40, 41 and 42 and create two lots 40R and 42R, with Lot 41 providing the additional acreage for the new lots. Their primary residence is located on Lot 42 and a shop/garage is located on Lot 40. Both structures have their own septic field which will be located on 40R and 42R, with no infringement of the septic fields on the new lots boundaries. The TOL Planning Commission has approved the combination of these lots subject to the BZA approval of minimum lot size.

The BZA reviewed the facts and current situation, finding no detrimental impact to the neighborhood if the lot combination moves forward. The lots created would be 21,105 sq. ft. (42R) and 13,273 sq. ft. (40R), replacing Lot 40 & 41 – 9,060 sq. ft. each and Lot 42 – 15,666 sq. ft., which were created prior to the establishment of the Zoning Ordinance.

**MOTION** by Jim Brown to approve the minimum lot size variance for Lots 40R and 42R located on Lovely Heights Drive. Second by Lance Campbell. Vote: Tom Swicegood – Yes, Ray Evans – Yes, Jenny Anderton – Yes, Lance Campbell – Yes, Jim Brown - Yes. **MOTION PASSES**

Chairman Swicegood will notify the Secretary of the TOL Planning Commission that the re-plot and combining of Lots 40-42 into new Lots 40R and 42R may be signed for PC approval due to the BZA minimum lot size variance being approved..

**Minumum Lot size variance, side setback variance and use variance of Johnston property at 2403 and 2409 Mentor Alley**

Jimmy and Kathy Johnston, 2403 & 2409 Mentor Alley, wish to subdivide their existing lot containing 1.22 acres into two lots. Their primary residence is located on this lot, along with several accessory structures. One of the accessory structures is a 28'x48' garage formerly used in the past as an auto paint and repair shop. A concept drawing showing the anticipated division line was used for discussion. The former shop and the primary residence have separate septic systems.

The BZA informed the Johnston's that no commercial activity will be allowed in the garage/shop since any prior commercial use was at least 60 months in the past.

The BZA reviewed the facts and current situation, finding no detrimental impact to the neighborhood if the lot subdivision moves forward. However, several conditions were set for the eventual creation of two new lots of record.

1. A front setback variance is required for the shop/garage, the front of which is located approximately 25 ft. from the Mentor Alley ROW.
2. A side setback variance is required for the shop/garage, the side of which is approximately 5 ft. from the new lot division line.
3. A minimum lot size variance is required for both lots. Estimated lot sizes are 22,000 sq. ft. and 31,000 sq. ft. However, after final survey prior to completion of new lots of record, there is potential that both lots could be under the required 30,000 sq. ft.
4. A front setback variance is required for two garages associated with the primary residence lot, the fronts of which are approximately 25 ft. from the Mentor Alley ROW.
5. A side setback variance is required from a garage associated with the primary residence lot, the side of which is approximately 5 ft. from the new lot division line.
6. Location of dividing line creating division of lots shall insure separation of septic fields and approval by Blount County Environmental Health.
7. No commercial activity will be allowed in the former garage/shop.

**MOTION** by Tom Swicegood to approve the subdivision of an existing lot at 2403/2409 Mentor Alley subject to the conditions set by the BZA. Second by Ray Evans. Vote: Tom Swicegood – Yes, Ray Evans – Yes, Jenny Anderton – Yes, Lance Campbell – Yes, Jim Brown - Yes. **MOTION PASSES**

Chairman Swicegood will notify the TOL Building Official of the approval of the front setback, side setback and minimum lot size variances for the future subdivision of this property. When the final survey and septic approvals are complete, the Johnstons will bring the re-plat document to the TOL Building Official for administrative approval subject to the BZA variances being granted.

### **Election of Officers**

The Chairman and Secretary positions require annual election by the BZA.

Nominations for Chairman were opened and Jim Brown nominated Tom Swicegood for Chairman. No other nominations were made.

**MOTION** by Jim Brown to elect Tom Swicegood as Chairman of the BZA. Second by Jenny Anderton. Vote: Tom Swicegood – Abstain, Ray Evans – Yes, Jenny Anderton – Yes, Lance Campbell – Yes, Jim Brown - Yes. **MOTION PASSES**

Nominations for Secretary were opened and Ray Evans nominated Lance Campbell for Secretary. No other nominations were made.

**MOTION** by Ray Evans to elect Lance Campbell as Secretary of the BZA. Second by Jim Brown. Vote: Tom Swicegood – Yes, Ray Evans – Yes, Jenny Anderton – Yes, Lance Campbell – Abstain, Jim Brown - Yes. **MOTION PASSES**

### **Other Items:**

#### **Discussion concerning Meadhaven wedding venue on Cox Road**

BZA member Jenny Anderton communicated that several violations of the BZA special exception have occurred at Meadhaven this year. Primarily, on two separate occasions, weddings have been scheduled on consecutive weekends. Also, traffic has been directed with signage to the Cox Road entrance. Both of these situations violate the requirements of the special exception. Both Linda Webb, Town Manager, and Tom Swicegood reviewed their participation in Mayor Bickers' previous meetings with Kerela Cox to get her in compliance with the rules for the special exception. No further action is currently being taken by the TOL but the Town Codes Official is monitoring the Meadhaven performance.

### **Adjourn**

**MOTION** by Jim Brown to adjourn, Second by Lance Campbell. VOTE: UNANIMOUS.  
Meeting adjourned at 7:20 PM.