

**BLOUNT COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
THURSDAY, April 4, 2013**

BZA MEMBERS PRESENT: Andy Allen, Larry Chesney, Stanley Headrick, Rob Walker

Chairman Walker entertained a vote to approve last months minutes which received a unanimous approval.

CASES BEING HEARD AND ACTIONS TAKEN:

- 1. SPECIAL EXCEPTION: Two**
4402 Terrace View Rd
1525 Middlesettlements Rd
- 2. VARIANCE: One**
108 Brickmill Commercial Dr
- 3. OTHER BUSINESS:**
None

Special Exceptions:

1. The applicant is requesting a change of use at 4402 Terrace View Road. The property was previously used as a biological laboratory and the proposed use will be as a warehouse and offices for a gun magazine distributor. There will be no retail sales and the business will have six employees. Other than daily UPS pick-up and delivery, there will be one larger delivery truck per week.

--Kevin Phillips with the company requesting the exception spoke in favor of the motion. Mr. Phillips explained to the board that the company He explained that the reason for the move is the location would be a better fit the company. The location is larger and layout is more suitable.

--Stephen Daves, President of the Mimosa Homeowners association, spoke in opposition to the exception. A memorandum was submitted to the board and herein made part of the minutes. The building was built in 1980 and housed a movie production company. The building was then sold to a research lab that has done work there until this request. To access this property, vehicles have to enter into Mimosa Subdivision. The businesses that have operated in the past have been quiet, low impact businesses with no truck traffic. There are other businesses in the area but they all have access into their location off Singleton Station Rd. This is the only building that requires access off subdivision roads. He stated that Section 5.4 of the Zoning Resolution reads that the Board can approve this special exception if it is determined that this use is of lesser impact than the original non-conforming use. With the increased traffic, Mr. Phillips did not see that this business has provided proof that it is lesser impact but that it would be a larger impact. He also noted that the one larger truck per week would be a tractor trailer. The current sign "No Trucks" would have to be removed. This proves that the impact would be larger. Zoning regulation 9.1.C states that the road must be arterial or collector status road which is not the type of what road Terrace View is. The regulation also states the lot should be 1 acre and the building location must be 4,000 sq. feet or less. This property is 0.95 acres and

the building is approximately 4750 sq. feet. He also noted that a letter was provided from a neighbor (1310 Mimosa Drive) who was unable to attend.

--Kevin Phillips stated that the previous business had 16 employees, deliveries 8 to 10 times per day, and did have semis come in. The previous deliveries were dual and triple axle trucks. There were no conflicts or complaints from the Homeowners association. The previous business had a lot more traffic than they intend to have.

--Nadine Wright, who lives at 1314 Crestwood, contested Mr. Phillips statements about the truck traffic from the previous business.

--David Taylor, 1448 Hillvale Rd, spoke about the tractor trailer traffic in the subdivision. He said that the trucks would have trouble pulling into the subdivision due to the small area.

--Ernest Fuson, building owner, had the business before and spoke to having 16 employees and UPS trucks delivering. He said they had semi trucks occasionally deliver equipment and other supplies. He said that he didn't feel that the semi trucks would be a problem.

--The board proposed to Stephen Daves that if the semi trucks were not a part of the application would he still be opposed to the exception. Mr. Daves stated that the warehouse use would not meet the zoning specifications.

--The board proposed to Kevin Phillips as to why they have one semi a week. He stated that when they have a large order they will have to ship via semi because UPS can not handle these. These orders vary from 2 pallets to 14-15 pallets. He stated that the building would be maintained.

--Ernest Fuson stated that Kevin Phillips has the same attitude that he had about keeping the community's best interest into consideration.

--Bill Loope, realtor, spoke in regards to the possible access to the building that until this week that he was unaware that this was going to be an issue. He said that the Philip Cupell would not allow the property to be an eyesore. At his previous property, he cleaned the property up and made it look better.

--Andy Allen made a motion to deny the request based on the truck traffic and the Highway Department letter. This was seconded by Larry Chesney.

Vote:	Andy Allen	YES
	Larry Chesney	YES
	Stanley Headrick	YES
	Rob Walker	YES

The motion was approved by a unanimous vote.

2. The applicant has made a request for an AM radio tower to be located at 1525 Middlesettlements Road. The property is zoned S-suburbanizing and is approximately 6.8 acres. This application is for a single AM radio tower. The tower is a small guy tower that is triangular with 18" sides. The support structure

will be a small garden shed. The proposed tower will be 195' tall which does not require lighting. Mr. Larry D. Perry has completed a structural analysis of the tower design and this report is herein made a part of the minutes. The applicant does have a license for WBCR that is good thru 8/01/2020. A notice was sent to the properties within 1,000 feet of the site and property was posted with a notice submitted to the paper. A site plan submitted shows landscaping around the ground support structure with a privacy fence bordered with Tea Olive bushes. The guy wires will extend out 137' from the tower and will have security fencing around each anchor point. The tower will be 205' from the abutting property lines at its' closes points. There will be no collocation. The separation distances will not be the 300% or the tower height that is required from residentially used properties or residential lots. They will not exceed the 200' minimum requirement.

--Harry Grothjohn spoke in favor of the exception. He stated that he had operated WBCR for 18 years. This will allow WBCR to own the property. They have leased property in the past and unable to renew the lease. This will be the only tower that they will have. A phone line is used to transmit the program to the tower. He had to find a property that is so far from power lines and cell towers. This is the closest property that met all of the classification needed.

--Freda Grothjohn spoke in favor of the exception. She stated that they have paid rent for their current tower for 18 years. In that time frame, the rent has increased three times. Therefore, buying this property will be very beneficial for them.

--Roger Fields stated that he had one phone call received. The general feel for this call was that this person was in opposition to the tower due to the having to look at the tower.

--There was no one present in opposition.

--Andy Allen made a motion to approve the exception with the restriction mentioned by Mr. Larry D Perry. Larry Chesney made a second.

Vote:	Andy Allen	YES
	Larry Chesney	YES
	Stanley Headrick	YES
	Rob Walker	YES

The motion was approved by a unanimous vote.

Variance:

1. The applicant is requesting a variance from the front building setback requirements at 108 Brickmill Commercial Drive. This property is in the RAC zone. The proposed right of right would be 50 feet and would be private.

--Houston Murphy spoke in approval on the variance. He showed a preliminary plat that shows how the property would look. He explained that the road, Brickmill Commercial Road, was built to Highway specification in case the road was taken over by the Highway Department.

-- No opposition presented.

--Stanley Headrick made a motion to approve the variance. Larry Chesney made a second.

Vote:	Andy Allen	YES
	Larry Chesney	YES
	Stanley Headrick	YES
	Rob Walker	YES

The motion was approved by a unanimous vote.

Other Business:

None

THE MEETING WAS ADJOURNED.