

**BLOUNT COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
THURSDAY, May 2, 2013**

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

Larry Chesney made a motion to approve last months minutes and Bruce Damrow seconded.

CASES BEING HEARD AND ACTIONS TAKEN:

- 1. SPECIAL EXCEPTION: Three**
 - 313 Prospect Road**
 - 6128 Hwy 411 South**
 - 1625 S Odell Road**
- 2. VARIANCE: Two**
 - 924 Mackenzie Drive**
 - 5269 E Lamar Alexander Parkway**
- 3. OTHER BUSINESS:**
 - Home occupation determination**

Special Exceptions:

1. The applicant is requesting a special exception request for a residential facility with special services, treatment, or supervision at 313 Prospect Road. This property is approximately 59 acres and is zoned R-1. The property has grandfathered special events facility located on it known as "Sunny Brook Farm". The applicant "True Purposed Ministries" previously known as "True Purpose Recovery" is requesting the resident facility with special services, treatment, or supervision in addition to the special events venue. The special event venues would accommodate temporary uses that do not require residency similar to a conference, classes, and other hourly or daily activities. Roger Fields introduced the request by reading the memo presented to the Board of Zoning members. Roger also presented a fax by Elizabeth Warynick that he received where she was in opposition of the exception.

--Jeremy Graham, Executive Director, of True Purpose Ministries spoke in favor.

--Phil Snow spoke in opposition. He had researched True Purpose Ministries and stated that everything he found was that this was a drug and alcohol rehab facility. He presented a petition with over 300 signatures in opposition of this facility. He is also spoke to the Blount County Sheriff and stated that he was told that the Sheriff Department did not have the resources to handle a facility like this.

--Debra Stoffell stated a situation of Christopher Hayley. True Purpose ministries appealed the court in 2008 to have Mr. Hayley re-released into their system (he was previously released from their program) when he was in court for additional violations. She stated the two individuals running this facility were previously with the New Hope Thrift store that was located on Highway 66. The thrift store burned down due to arson. This same group had \$20,000 of equipment stolen from their facility in Knoxville. She

stated that there is not adequate ambulance and police protection to handle the addition of this facility. She asked that every tax payer in the room stand up.

--Josh Hawk spoke in opposition of the facility. He stated that the facility being 1.98 miles from a school. He also stated that he was employed by a South Central Media and if the exception was granted that he would make sure that there would be bad publicity.

--Joe Bartek spoke in opposition of the facility. He came into the office and spoke to Roger Fields about this property. He researched the ministry and said that he found this to be a drug and rehab facility which would house men with jail sentences. The facility would have classes available to the occupants that include anger management, violence and aggression prevention, and conflict resolution.

--Dr. Melissa Snow spoke in opposition of the facility. She stated the average relapse rate is 40-60% and that men relapse more than women. Since this is an all men facility, then a majority of the men will relapse. True Purpose Ministries state that their relapse rate is 30%. She asked what would happen when the men relapse. The facility is close to many residences. True Purpose is not stated as a prison ministries but 20-30% of their men are court ordered to be there. She said that with this facility it would increase the likelihood of a tragedy happening in this community. The rehab center is a public safety concern.

--Stanley Flemming spoke in opposition of the facility. He noted that the auditorium was full of people in opposition.

--James Breeden spoke in opposition. His property adjoins the property in question. He said that he spoke to Jeremy and was told that the property would be used as a horse farm. He said that people have been trespassing on his property. He is very worried about people trespassing and drug or drug paraphernalia being placed on his property. He spoke to safety issues for the children and wives in the area. He spoke of Sandy Hook Elementary school and stated that Prospect Elementary was very close to this property. He said he didn't want Prospect Elementary to be a national tragedy.

--George Hall spoke in opposition. He said that he was a close house to the property. He said that the safety of family is very valuable. His wife worked at Peninsula Hospital. She worked with children who were abused by adults. He said the Prospect Road property does not have the infrastructure to house this type of facility.

--Harry Herman spoke in opposition. He lives in Highland Springs off of Doc Norton Road. He was a representative for Highland Springs Subdivision to say they are against this facility.

--Bobby Smeltzer is a business owner and spoke in favor of the exception. He said that he has employed people from True Purpose Ministries and they have never stolen anything from him. He said that everybody needs a second chance and he has never known this ministry to have sex offenders.

--John Heely lives in the area and spoke in opposition. He said that a facility for people to get better is needed but it doesn't need to be put next to a school and a residential area.

--Pam Thompson who is the president of Sky View Subdivision spoke in opposition. She said that the area is full of children and she didn't want to endanger the children.

--Roy Reagan spoke in opposition and said that if people are hurt due to this facility that he would hurt someone.

--Paul Smith lives in Otha Anna Subdivision and spoke in opposition. He said that with the facility having to be fenced off as stated in the opening that the view was going to be obstructed. This would lead to the property values decreasing.

--Shane Lonas was not a Blount County resident. He came to share his story. About 10 years ago, he became using alcohol. He entered Eagle's Nest, a treatment facility in Virginia, to recover. The facility is much like True Purpose Ministries. He said that allowing this facility would be a gift to the men needing this ministry.

--Mike Pearson who lives at 403 Boling Road spoke in opposition. He runs the education program for Blount County Education in the juvenile detention facility. He said the juvenile detention facility has about 900-1,000 a year. In the past, his experience with the youth in the detention facility has been that they are repeat offenders. He spoke to the time that one of his children questioned him about who the man was at the back of his property (on Sunny Brook farm property). He previously lived at a property off Ellejoy Road. His house was broken into twice. This caused his children to live in fear. He had made an attempt to meet with Mr. Graham but has yet to hear from him. He stated that his children have told him that they are scared. He noted that this was not right to have in the community.

--Commissioner Roy Gamble spoke in opposition.

--Rob Webb who is the elected school board member for this area (district 1) spoke in opposition. The driving distance from Prospect Elementary and the facility is 1.2 miles. He recently toured the facility with one of the County Commissioners and met with Pastor Jeremy and the staff. His concern with the facility is that some of the residents are multiple offenders. He stated that Prospect is one of the safest schools in the county but the school does have some lax time. The school does have an after school program. His biggest concern is the school is too close to the facility.

--Commissioner Ron French spoke in opposition. He visited the facility with Rob Webb. He spoke with the staff and Jeremy. He stated that the staff as the best interest for their clients. With that being said, he said that he represents the people of Blount County. He said he didn't agree with all our zoning regulations and referenced Section 5. He stated his problem is that this use would have more of an impact on the community than the previous use. He also stated that the septic system would be taxed with the increased number of people at the facility.

--Jerry Graham spoke in favor of this exception. He is the dad of the pastor. He said that he understood that he was hearing perception that can become reality. However since 2004, he has had 12 years of Christ centered recovery. In that time, he stated that there was no one that has left the campus and harmed anybody. He also stated they did not have any sex offenders. All they have are people wanting off drugs. He stated that there is a 73% success rate for people who come from a Christ centered ministry. He stated a success is when someone is clean for 5 years and is in a church and a productive member of their family.

--Debra Smith who lives in Foxfire Subdivision spoke in opposition. She stated that she raised two step children who were involved in the drug lifestyle. She turned the children's lives over to the Lord and they were saved. They did not use any type of facility. She stated your home needs to be a sanctuary where you don't have to worry about dealing with people that this facility will bring into the area.

--Stan Grubb spoke in favor of the request. He spoke of an incident at a church he attended in Fort Worth, Texas. A gunman walked into his church and shot many people. Some of these people died. He stated that a church should be the greatest sanctuary we have. By his experience, there are no guarantees of safety anywhere. He stated that he had problems with alcohol and had to use True Purpose. He said that it was the best thing for him.

--Josh Dalton spoke in favor of the request. He said that he is a success story and he was grateful for the love that was showed to him. He attended True Purpose and said it was one of the best things for him.

--Rhonda Groopcheck spoke in favor. She said that her son attended True Purpose and she currently works there. During her time there, she has never seen a man wonder off or any violence. She said she has seen politeness and the love for the Lord. She said that the men talk about doing things to help the community. When her son was fighting addiction, she called and agencies were willing to help her as long as she paid \$6,000. She stated that the Blount County jail is over crowded so why not have a place to help these men with addictions.

--Kammie Crommer spoke in favor. She spoke of her sincere gratitude for the program because it saved her brother's life. She said that she called many programs to try to get her brother help but she met roadblocks because they were very expensive. True Purpose ministries willing took him in and taught him hard work. She stated that she understood the community's apprehension but she if her home was big enough she would take all the men in. She stated the program is good and the men in the program are good.

--Maxine Rains who is the executive director of Lost Sheep Ministries in Knoxville spoke in favor. She said that she sends many men to this ministry. She said that this is a Christian based rehab program. She said that she understands the fear for the children in the community but that these men should be welcomed.

--Susanne Genatee spoke in opposition. She said that she is not opposed to the men getting help but she feels like the facility is too close to a school. She also noted that the neighbor is currently a very safe neighborhood and she feels if this facility is allowed the neighborhood would no longer be safe. She stated that if the exception was granted that she would obtain a gun permit and do whatever she had to do to keep herself safe.

--Joe Hawkins was previously on the BZA member and City Councilman in Knoxville. He has history of rebellion as a teen. He spent time in prison for a drug charge. However, he was given a second chance and he turned his life around. When he ran for his positions with Knoxville, his past was brought out. He said that he was sympathetic for the board and the position that they were being put into. He has worked with True Purpose Ministries because he has help with a grant for the ministry. He stated that the ministry is very careful with what they do. They are allowed to pick and choose the men that they accept. He recommended that the board postpone and give both sides a chance to speak to one another. He said that a creative and problem solving solution needs to be

found. If the opposition still believes this needs to leave, then he suggested that the opposition help True Purpose ministries find another location. This would be a win, win solution for all parties.

--Roy Reagan spoke again and said that he didn't feel that Blount County should follow what Knox County does.

--Stanley Headrick asked the administration what happened at the previous locations. Jeremy Graham said that the first location was the thrift store on Chapman Highway. The men were house at 8623 Wallbrook. They moved from Wallbrook to Prospect because they wanted a farm type surrounding. Mr. Headrick asked why they moved and did not following the procedure. Mr. Graham stated that he thought the property was commercial and did not require any procedures. Mr. Headrick asked why the number of men has been reduced from 150 to 50 or 60 men. Mr. Graham stated that they were previously looking at a larger farm because this property is smaller so they reduced their numbers. The number would stop at 60 men and look for other facilities. Mr. Graham also stated that they were leasing the property with the option to buy.

--Bruce Damrow asked how long they were in operation at the Prospect location. Mr. Graham stated 2 ½ months. Bruce asked during this time has there been any problems and any problems with the community. Mr. Graham stated no.

--Stanley Headrick asked if there had been any discussion with the County Commission and Roger Fields answered no. Roger Fields went on to explain that this is a special exception request that is the responsibility of the Board of Zoning and Appeals. This is not a legislative matter. Stanley Headrick asked if we decide that this is not a location for this facility but determined that the men need help. Where would be an appropriate area for this facility? Roger Fields stated that all areas allow this but would require a special exception in S, R-1, and R-2. There is a possibility that it is a permitted use in the commercial zone. All zones do allow this type of facility. Stanley Headrick said so they could go to a different zoning area without an exception? Roger Fields stated that they could possibly go to the Commercial zone but he would need to do some further research to make sure this is correct.

--Bruce Damrow asked if both sides had sat down and talked.

--Stanley Headrick stated that this is a big issue that has been dropped on the board with a two week time frame. He said that the whole community is affected by this. He said that Roger had issued a cease and desist order and he was making a motion to uphold Roger's order. This would mean that the exception would be denied. However, if you want to come back and go through the regular procedures of presenting it to the county, obtain the proper permits from the Environmental Health Department, then we can look at it. Stanley Headrick asked that the special exception be denied because this has not been talked about in the county. Stanley Headrick said it affects the whole county. Roger Fields explained that if you make the motion, it is seconded then the motion is approved. The only way to appeal the ruling would be through judicial review. The same request can not be heard by the board twice.

--Stanley Headrick made a motion to deny the special exception. Andy Allen seconded the motion.

Vote: Andy Allen	YES
Larry Chesney	NO
Bruce Damrow	NO
Stanley Headrick	YES
Rob Walker	YES

The motion was approved by vote of 3 to 2.

2. The applicant has made a request for a retail showroom, café and light manufacturing business that produces and sales aftermarket motorcycle parts. The property is located at 6127 Hwy 411 South and is zoned RAC and R-1. The portion that is zone RAC is approximately 320 feet from Hwy 411 south back, which takes in the existing structure. The remainder of the property that fronts Old Niles Ferry is zoned R-1 and could not be used for commercial expansion. The property is identified on tax map 110, parcel 001.02. Currently this property houses a gymnastics facility.

--Darrell Collins who owns the property spoke in favor. He stated that the current occupant is Gymnastic Counts. He stated that there would be fiberglass used. However, the usage would be in doors and much less than a boat manufacturer. The location would be very visable to the large amount of motorcycle traffic that rides the "Dragon" and the Cherohala Skyway.

--Barry Counts who owns the business Gymnastic Counts spoke in favor. He previously owned the property and sold it to Mr. Collins. He stated that this would be a good opportunity for the county for the tax basis.

--Bruce Damrow made a motion to approve and Larry Chesney seconded.

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

The motion was approved by a unanimous vote.

3. The applicant has made a request for a change of use at S Odell Road. The property is currently used for a pet supplies company 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 (6) employees. Other than daily UPS pickup and delivery there will be one larger delivery truck a week. The request will be a less impact than the current use.

-- Lori Henderson, general manager of SGM Tactical, spoke in favor of the request. She stated that the current company does manufacture pet products a.

-- Bruce Damrow made a motion to approve the special exception and Andy Allen seconded.

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

The motion was approved by a unanimous vote

Variance:

1. The applicant made a request for a variance from the rear setback requirements at 924 Mackenzie Drive. The property is identified on tax map 037L, group C, parcel 019.00 and is zoned S-suburbanizing. The required rear setback is 20 feet and the requested relief is for a 17 foot variance. The lot size and shape are the hardship. When the applicant purchased the lot, there was some confusion as to the front setback. He was presented with some false information.

-- Ronald Tobler spoke in favor of the variance.

Larry Chesney made a motion to approve and Andy Allen seconded.

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

The motion was approved by a unanimous vote.

2. The applicant made a request for a variance from the front and rear setback requirements at 5269 E Lamar Alexander Pkwy. The property is identified on tax map 072, parcel 013.00 and is zoned R-1. The required setbacks are 60 feet from the front property line and 20 feet from the rear property line. The requested setback is 24 feet from the front and zero from the back. This property is used by the Blount County Fire Protection District and will line-up with the existing structure.

-- Commissioner Kirby spoke in favor of the variance. He stated that the addition to the building is needed because the Walland area has grown. They are going to make the Walland station a full time manned station. It is currently a part time manned station.

Stan Headrick made a motion to approve and Larry Chesney seconded.

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

The motion was approved by a unanimous vote.

DETERMINATION

1. This request is for a zoning determination at 4405 Pinehurst Rd which is identified on tax map 017D, group F, and parcel 017.00. The business would be for coffee beans to be roasted in the location.

--Tawnya Gibson spoke for the determination. She explained that there would be no one there. They would only be roasting the coffee beans at this location. She said they could roast 8 lbs at a time and the highest temperature of the roaster is 550 degrees.

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

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

The motion was approved by a unanimous vote

Other Business:

None

THE MEETING WAS ADJOURNED.