

**BLOUNT COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
THURSDAY, August 6, 2015**

BZA MEMBERS PRESENT: Larry Chesney, Joe Everett, Stanley Headrick, and Brian King.

Larry Chesney was appointed chair of the meeting.

Stanley Headrick entertained a vote to approve last month minutes and seconded was made by Brian King. The vote received a unanimous approval.

CASES BEING HEARD AND ACTIONS TAKEN:

1. **SPECIAL EXCEPTION: Two**
4402 Terrace View Road
2903 Peach Orchard Road
2. **APPEAL: None**
3. **VARIANCE: None**

Special Exception:

4402 Terrace View Road

This request is for a change of use for the property located at 4402 Terrace View Road. The property is identified on tax map 017D, group B, parcel 026.00 and is zoned S-Suburbanizing. This property has had a previous requests but none have been both approved and established at this location. During this time, it has remained on the market and many inquiries have been made on it. This request comes from the owners of the property behind this property at 4407 Singleton Station Road. At that location, they operate Houlton Enterprises Inc., which creates license plates and novelty items. They are requesting to put their screen printing operations in the building located at 4402 Terrace View Road. The grandfathered use that was established on this property was a Medical Laboratory. A couple of uses have previously been considered for this location and one was denied due to truck traffic and would be taking their products back and forth between two buildings by using an existing parking area. The only traffic that would be generated on Terrace View Road would be for employee parking. The screen printing operations would be conducted within the existing building and have no outdoor storage of

materials or goods. The owner would like to add a side walk between his existing building and this building so that a forklift could be used.

Joseph Creech spoke in favor of this exception. He is the owner of the business. He stated that they are looking to expand their screen printing business and this building would be used for this. He stated that he had done research and the actual grandfathered use was Kennedy Maxwell Motion Pictures studio. With this use, there were days that would have 100+ people when they were doing a commercial shoot. He also stated that with the lights that were needed required the building didn't have adequate wiring. Therefore, the company would use a generator for the additional lights. This would cause a lot of noise. This building is 59 feet from his existing building. The way he would use the property the impact residence would be the apartment complex.

Steve Daves, President of HOA for Mimosa Estates Subdivision, spoke in opposition of the motion. He stated that this particular building's previous tenant had zero impact on the subdivision. He stated that the previous owner allowed the HOA to use the building as a meeting place. He stated that the access to this building is off a residential street that is a part of Mimosa Estates Subdivision. He stated that the nonconforming uses in the suburbanizing zone with a special exception did not have any information for a manufacturing business. He stated that this business was not going to have a lesser impact. He stated this business would have the exact opposite effect. This business would be a greater impact on the surrounding properties.

Stanley Headrick stated that he saw screen printing as a printing and fabrication not a manufacturing business. He stated that the previous request when brought to the board it was wished that this property could be accessed by an adjacent property. He stated that this request has the opportunity to use an adjacent property.

Roger clarified special exception and variance. He stated that a variance in regard to setback exceptions or density requirements and special exception deals with use. Roger clarified that the special exception follows the property but is use specific.

Joseph Creech stated that he mainly ships to his customers. The parking at this property would be for employees only (seven) and possibly UPS delivers. He stated that if a customer did come to the

location to pick up merchandise he would have them use the current entrance of his building on Singleton Station Road. He stated that he would clean up the landscape and maintain it.

Stanley Headrick made a motion to approve the special exception with the following contingency: The applicant will be using their existing business for all truck traffic and would be taking their products back and forth between the two buildings by using an existing parking area. The only traffic that would be generated on Terrace View Road would be for employee parking. The screen printing operations would be conducted within the existing building and have no outdoor storage of materials or goods. Brian King seconded the motion.

Vote:	Larry Chesney	YES
	Stanley Headrick	YES
	Brian King	YES
	Joe Everett	YES

2903 Peach Orchard Road

This special exception request is for a family commercial enterprise at 2903 Peach Orchard Road. The property is identified on tax map 080, parcel 122.01 and is zoned R-1. This request was generated by a complaint at the described address. Upon Roger's review, the property owners were conducting a business without the appropriate approval in a structure that was built without a permit. A stop/work order was issued giving the property owner 30 days to remove the use or exercise his rights to an appeal or request a special exception. The requested use is for a stone countertop shop located in a detached accessory building behind the residence. In section 7.10 C stonework is listed as a use that may be considered as a family commercial enterprise.

While this is a use that may be approved as a special exception, there are items that need to be looked at with this request. The first is found in section 7.10A where it states that there should be no storage of materials or equipment outside of the dwelling or accessory structure. At the present time slabs of stone are being stored outdoors. This issue would have to be addressed if this request is approved. Another issue is the number of nonresident employees that may work at a family commercial enterprise, which is found in section 7.10D and is limited to two. The applicant admitted that there were more than two

nonresident employees and this issue is another thing that needs to be addressed is this request is approved. The last operational issue found is the noise produced by this use. Section 7.10F states that no use shall produce noise that is detectable to normal senses off of the lot or parcel the use is located on. The structure itself is another issue. It was built without a permit. The structure is approximately 2,500 s.f. This exceeds our size requirements for an accessory structure being used for a family commercial enterprise. This property is approximately 1.6 acres, which would allow a 1,000 s.f. structure. The rear setback for a special exception is 40 feet and the site plan indicates a 25.7 foot rear setback. This requirement is found in section 9.2G2. If approved a buffer shall be established on the same parcel as the proposed use that will create a visual buffer from any neighboring residentially used or zoned property. The buffer could be a privacy fence of at least six feet tall or an evergreen hedge that can reach a height of at least six feet tall.

Shanon Gipson spoke in favor of the special exception. He stated that he started the business 2 years ago and said he built the permit through Ken Hawkins. He stated that he was paying commercial taxes on the property and he pulled a business license with Blount County. He stated that he doesn't hear the compressor noise inside his dwelling. He is currently in the process of getting a compressor that is quieter and would be able to be placed within the shop. He is getting another location to store the slabs so there will no longer be slabs contracted outside. He is having to get special equipment to move the slabs so they will be moved by the weekend. The dumpster will also be moved. He stated that there would be no appearance of the business from the outside.

Roger Fields stated that there were emails in opposition that he presented the board.

Rebecca Robertson spoke in opposition of the special exception. She is the next door neighbor. She stated that when noise became a problem she contacted Mr. Gipson and he told her that he would work to quieten. She stated that the noise begins at approximately 6am and last till late into the night. She stated that when they expanded the parking lot for the employees, they worked 24 hours straight and the noise was horrible. She also stated that they have reserve water holding area and once the holding area broke and the water was sent running down the hill. She also stated that the tractor trailers that deliver cause safety issues because they block Peach Orchard so she is

unable to turn right onto the road. The tractor trailers have also parked in her driveway and blocked her in for long periods of time.

Josh Robertson spoke in opposition of the special exception. He stated that commercial enterprises need to be in commercial zones. He stated that the fabrication of the slabs is very noisy and will continue.

Rebecca Robertson presented a sound bit of the sawing of the stone that was recorded as she stood in the driveway at her property.

Linda Holliday spoke in opposition of the special exception. She stated that the noise from the fabrication and the loud yelling by the employees. She also stated that there is an erosion problem from his driveway. The side of his driveway is eroding away and running to other properties. She stated that this is costing her money because she is having to repair her property due to his erosion.

Josh Robertson also stated that when he gets ready to sell his property that his home's value will be decreased because it is located next to a commercial business.

Shanon Gipson stated that he would have fixed the issues that he has created if the neighbors would have made him aware. He stated that he would also do whatever needs to be done to bring this into compliance. He also stated that from now on the only vehicle traveling back and forth for the business will be an F350.

Joe Everett made a motion to deny the special exception. Stanley Headrick seconded the motion.

Vote:	Larry Chesney	YES
	Stanley Headrick	YES
	Brian King	YES
	Joe Everett	YES

Appeal:

None

Variance:

None

Other Business:

None

THE MEETING WAS ADJOURNED.