

CITY OF LAFOLLETTE PLANNING COMMISSION

207 SOUTH TENNESSEE AVENUE

LAFOLLETTE, TN 37766

PHONE: (423) 562-4961 FAX: (423) 563-0703

Chairman:

Joe Bolinger

Vice Chairman:

Eddie Wheeler, Jr.

Commission Members:

Mayor Michael Stanfield

Mark Hoskins

Dewayne Gibson

Codes Officer:

Jeff Duncan

**PLANNING COMMISSION AGENDA
THURSDAY, OCTOBER 28, 2021 AT 4:30 PM**

- 1.) Call meeting to order.
- 2.) Approval of Minutes for:
 Planning Commission Meeting on August 26, 2021
- 3.) Comments from citizens.
- 4.) Approval Commercial Site Plan for 317 East Central Avenue Map 085K-D
 Parcel 007.00. Property is in a C-1 Central Business District.
- 5.) Final Site Plan Approval-100 & 108 Oak Trace Lane, Map 085L-Group B-
 Parcel 001.00. Property is zoned C2 and R2. Adding land to each lot from the
 remaining Cox property.
- 6.) Adjournment

**BOARD OF ZONING APPEALS AGENDA
THURSDAY, OCTOBER 28, 2021 AT 4:30 PM**

- 1.) Call meeting to order.
- 2.) Approval of Minutes for August 26, 2021
- 3.) Comments from citizens.
- 4.) Variance Request to tear down existing legal non-conforming structure and to
 build back non-conforming structure. Property is located at 1219 Loop Rd;
 property is located in a R-1 Low Density Residential District.
- 5.) Adjournment.

FAIR HOUSING AGENDA
THURSDAY, OCTOBER 28, 2021 AT 4:30 PM

1.) Call meeting to order.

No business having been scheduled for Thursday, August 26, 2021, therefore,
no minutes to approve.

2.) No business is scheduled.

3.) Adjournment

**CITY OF LAFOLLETTE
REGIONAL PLANNING COMMISSION
MEETING MINUTES
Thursday-October 28, 2021**

MEMBERS:

Chairman: Joe Bolinger

Vice-Chairman: Eddie Wheeler, Jr.

Commission Members:

Michael Stanfield

Mark Hoskins

Dewayne Gibson

Secretary: Eddie Wheeler, Jr.

Codes Officer: Jeff Duncan

LaFollette Staff Reporter: Donna Weaver

OTHERS PRESENT: John King

Larry Wagner

Terri Larson

Stan Foust (Administrator)

Martha Grant

Tom Gillooly

Tony Crutchfield

CITY OF LAFOLLETTE REGIONAL PLANNING COMMISSION MEETING:

Chairman Bolinger stated it was 4:30 to call roll which as follows:

Mr. Gibson----- Yes

Mr. Hoskins----- Yes

Mayor Stanfield----- Yes

Mr. Wheeler----- Yes

1.) Call meeting to order: Mr. Bolinger stated they did have a quorum to call the meeting to order.

2.) Approval of minutes for August 26, 2021: Mr. Wheeler made the motion to approve the meeting minutes for August 26, 2021. Mr. Gibson made the second. Chairman Bolinger requested roll which was as follows:

Mr. Gibson----- Yes

Mr. Hoskins----- Yes

Mayor Stanfield----- Yes

Mr. Wheeler----- Yes

Motion Carries

3.) Comments from citizens: Mr. Hoskins stated there appeared to be none.

4.) Approval Commercial Site Plan for 317 East Central Avenue. Property is zoned a C-1 Central Business District.

Mr. Duncan stated that Mr. Evans was there to open up an Air B&B at the location. Mr. Duncan stated that he had meet all the criteria that he knew of parking and there was one thing that was not addressed was the occupancy. Mr. Duncan stated the occupancy should be eight instead of twelve. Mr. Duncan asked Mr. Evans if that would be a problem because that is what is in the ordinance. Mr. Evans asked if that was the states allowance as far as commercial property. Mr. Duncan stated it was the cities. Mr. Hoskins asked if that is what the fire marshal said. Mr. Duncan stated that the fire marshals was twelve but the city had adopted an ordinance for the Airbnb's that the maximum capacity is eight. Mr. Gibson asked if that was part of the new ordinance. Mr. Duncan stated "yes". Mr. Hoskins asked with the eight limitations if he met all the criteria. Mr. Duncan stated "yes". Chairman Bolinger stated if it was a five bedroom, and how many parking spaces did it have. Mr. Duncan stated he had five. Mr. Stanfield stated that they could not park in the streets. Chairman Bolinger asked what sized parking spaces did he have. Mr. Duncan stated he had 10 x 20 spaces. Mr. Hoskins asked if he had an egress and an ingress. Mr. Duncan stated he did. Mr. Hoskins stated that Mr. Duncan says that he meets the criteria, and asked Mr. Evans if he was satisfied with the eight-person occupancy. Mr. Evans stated that he wasn't necessarily, but if that was the ordinance. Mr. Evans asked if that was part of the recent changes for all the short-term rentals stuff. Mr. Hoskins asked Stan Foust and he replied it was adopted in July of this year. Mr. Hoskins stated that Mr. Foust was the city administrator. Mr. Stanfield stated he would make a motion to pass, Mr. Hoskins made the second. Chairman Bolinger requested roll which was as follows:

Mr. Gibson----- Yes
Mr. Hoskins----- Yes

Mayor Stanfield----- Yes
Mr. Wheeler----- Yes

Motion Carried

5.) Final Site Plan Approval 100 & 108 Oak Trace Lane. Property is zoned C-2 & R-2. Adding land to each lot from the remaining Cox property.

Mr. Hoskins asked Mr. Duncan if he approved of everything. Mr. Duncan stated that he did. Mr. Hoskins asked Chairman Bolinger if he agreed. Mr. Bolinger stated "yes". Mr. Hoskins made the motion to approve. Mr. Wheeler made the second. Chairman Bolinger requested roll which was as follows:

Mr. Gibson----- Yes
Mr. Hoskins----- Yes

Mayor Stanfield----- Yes
Mr. Wheeler----- Yes

Motion Carried

- 6.) **Adjournment:** Chairman Bolinger noted there was no further items on the agenda, he asked for a motion to adjourn. Mr. Hoskins made the motion. Mr. Gibson made the second.

BOARD OF ZONING APPEALS

- 1.) **Call Meeting to order:** Chairman Bolinger called to order the Board of Zoning Appeals.

- 2.) **Approval of Minutes for August 26, 2021:** Chairman Bolinger asked if he had a motion to approve the minutes. Mr. Stanfield made the motion. Mr. Hoskins made the second. Chairman Bolinger asked for roll call which was as follows:

Mr. Gibson----- Absent
Mr. Hoskins----- Yes

Mayor Stanfield----- Yes
Mr. Wheeler----- Yes

- 3.) **Comments from citizens:** Chairman Bolinger noted there to be none.

- 4.) **Variance Request to tear down existing legal non-conforming structure and to build back non-conforming structure. Property is located at 1219 Loop Road; Property is located in a R-1 Low Density Residential District.**

Mr. Duncan stated that Mr. Wagner was coming before the commission as far as asking for a variance on an existing structure. Right now, it does not meet two of the criteria. Mr. Duncan stated if he could tear it down and move it over, he could meet two of the offsets, but with the third one which is non-conforming and it being nineteen point eight inches with the front set back and the front set back is supposed to be thirty-five feet. Mr. Hoskins asked if that was to the asphalt or the property line. Mr. Duncan stated it was just to the property line not to the asphalt. Mr. Duncan stated they had an opportunity to tear down a structure that has been there over fifty years and rebuild a new one with the same footprint, same square footage. Mr. Duncan stated the square footage was 1120. Ms. Larson stated plus the porch which was 12 X 12 and 5 X 20 porch. Mr. Hoskins asked if the porch was existing also. Ms. Larson stated "yes" and right now there is a handicap and she needs to add that as well because it is going to be handicap compliant. Mr. Hoskins asked if it was going to be the same footprint and building. Chairman Bolinger stated it wasn't the same footprint, that they were moving the footprint. Mr. Duncan stated that it is not conforming now and it would not be conforming. Chairman Bolinger asked if they owned the property next door. Mr. Wagner asked which next door. Chairman Bolinger stated either \direction. Mr. Wagner stated if you're looking at the property from the road that they own the property to the left. Chairman Bolinger asked if it was the property of the rock house property and Mr. Wagner stated yes. Mr. Duncan stated no there was a lot of property in between his other property and the rock house. Ms. Larson stated that was a right of way to the property behind it. Chairman Bolinger

asked if that was a street city right of way. Chairman Bolinger stated that the commission was not to approve non-conforming stuff. They are there to make things conform and that was the problem. The reason that he was asking about that property was if they could re-plat and move the structure a little bit further and back a little bit then they might be able to meet. Ms. Larson stated when she had come in and talked to Mr. Duncan, he had suggested that she approach Mr. Leach to buy a portion of his property. Ms. Larson stated that she did that that very same day and Mr. Leach said absolutely not. The sliver of property that is between 1219 and 1205 is a car pathway to get to the other property. Mr. Hoskins stated that you could not land lock the pieces of properties because that was the only way for ingress and egress to the other property. Chairman Bolinger asked if there was a structure on that property. Mr. Duncan stated "no". Mr. Duncan asked if they did not want to combine the parcels. They stated no. Ms. Larson stated that she couldn't because how would you get to the other piece of property. Ms. Larson asked what would that accomplish. Mr. Duncan stated she could gain more property with the house. Mr. Wheeler stated she would be in compliance. Mr. Hoskins asked Mr. Crutchfield if he seen any other way to configure it to make it work. Mr. Crutchfield stated that he hadn't looked at it closely, but from a survey stand point you could make a whole lot of stuff work. The issue they would have is what would it do to that property. Mr. Hoskins asked how wide was the home front to back. Ms. Larson answered twenty-eight feet by forty. Mr. Duncan asked Mr. Crutchfield if he had looked at all the options on this. Mr. Crutchfield stated that he had looked at it and that was an existing non-conforming parcel it's got an existing structure on it that's non-conforming and it's been there awhile. The two issues that Mr. Wagner would want to look at is to be one building back in the place of the current foot print. Mr. Hoskins asked why they didn't do that. Mr. Crutchfield stated that the city had a regulation that if you remove a building you are required to build back in conformity with current regulations. Mr. Foust stated if seventy five percent of the structure is destroyed you have to build back in a conforming matter. Mr. John King, Mr. Wagner's lawyer. Mr. Hoskins made the statement to hear what he had to say since he was their attorney. Mr. King stated that what they were faced with is an existing non-conforming structure that needs to be rebuilt. It could be rebuilt in the same footprint and you would have a new building so to speak that would also be non-conforming that would not meet the side set back or the rear set back or the front set back. The same would be true if you rebuilt it in the same footprint. Which what the proposal is to move it more toward the middle if you will and you end up with only having one set back that they didn't need which would be the front set back. That was expressed as a preference from some of the staff members. Mr. Duncan stated it came from him. Mr. King stated if they read their ordinance and state law you could start looking at granting a variance which is what they have asked for. A variance for a front set back. If you read the language its where by exceptional shallowness or narrowness, other typographical features that is steep, or has a drop off on it or something like that. Where those conditions exist, you are entitled to grant a variance to meet those problems. That is what they ask for is that they could get that variance and they could physically relocate the structure that's on it so that at least it's better than it is now as far as setbacks are concerned. Mr. Hoskins asked Mr. King as an attorney, if he had reviewed the city's zoning regulations and if he was familiar with state law, and it is in his opinion if they make it better than it is now that they could provide this irregular new structure to be put back in in less than regular format. Is that what he is saying. Mr. King replied "yes sir, and he would ask one thing, the surveyor what is the front set back. The commission answered

thirty-five. Mr. King stated you would need to move it down to what. Mr. Crutchfield replied around seventeen and a half feet based on the configurations that--- what they did is take a similar size foot print of the house and then moved it, so actually what they were doing is instead of making it irregular shaped they just took the footprint of the house and they just moved it from where it is now to where it is to give an idea how it would fit. They could meet the side and the rear set back but would require to get a front set back variance. Mr. Hoskins asked Chairman Bolinger what he thought about it. Chairman Bolinger asked with moving it over how much of a setback are they going to have from the easement, are they talking about nineteen point some. Mr. Hoskins stated it was nineteen point eight from the right of way or property line where the fence is. Mr. Crutchfield stated yes that is the current property line of that parcel. Mr. Hoskins asked Mr. Duncan what the side setbacks are supposed to be. Mr. Duncan replied ten feet, he would meet three of them it is just the front of the property facing the road. Mr. Hoskins asked Mr. Duncan what he felt about it. Mr. Duncan replied he thought it would be better for the city as well as tax base. Mr. Hoskins asked if the building was inhabitable. Mr. Wagner stated he would say barely. Mr. Stanfield made the motion to pass. Chairman Bolinger stated they had a motion did anyone want to second it. Motion died of lack of second. Mr. Hoskins stated they needed to go by the book. Mr. Hoskins made the motion to disapprove. Ms. Larson asked how it was not following the book that it was in the book as a Hardship Variance. Mr. Hoskins asked Mr. Duncan if he would read it aloud, as he did. Mr. King stated it was the board of zoning appeals that is specifically authorized by statute and by that ordinance, it is that body that can make a determination on the granting of a variance. It would improve an existing condition better, usable and in appliance with all but one set back. Mr. Duncan asked Mr. Wagner and Ms. Larson if they did not want to use the other piece of property to maybe try to get it conforming. Mr. Wagner stated he didn't see how that would work. Ms. Larson stated that as far over as they could go it would still be a variance. Chairman stated that he knew he had a motion and he asked if anyone wanted to second it but he knew the time frame had run out on the second, and he's allowed the discussion to go on. Mr. Hoskins stated his motion was on the table but the time had run out on it to. Mr. Hoskins asked Mr. Crutchfield if he had looked at combining the lots. Mr. Crutchfield stated that he had not. That was something that he could do if the planning commission wanted to see it. Mr. Hoskins stated it was only an option if Ms. Larson wanted it to be an option. Mr. Duncan stated that she owned more property. Ms. Larson stated that on that piece of property what size house could you build. Mr. Hoskins asked if you they combined those two pieces of property could you put two houses on it. Ms. Larson stated yes would they let them put two homes on it. Mr. Hoskins stated that was against the law to that you can't have two homes on the same lot. Mr. Gibson asked if they could build right where it sat. Chairman Bolinger stated same size. Mr. Wheeler asked if the foundation was bad, the foundation could be repaired. Mr. Hoskins asked if the commission was ok with letting her build back the new home in place with the old home with current setbacks. Mr. Stanfield asked Mr. Hoskins if that was his motion. Mr. Hoskins stated that was his motion. Mr. Stanfield made the second. Chairman Bolinger requested roll call which was as follows:

Mr. Gibson----- Yes
Mr. Hoskins----- Yes

Mayor Stanfield----- Yes
Mr. Wheeler----- Yes

Motion Carried

FAIR HOUSING BOARD

Chairman Bolinger requested roll which was as follows:

Mr. Gibson----- Yes

Mayor Stanfield----- Yes

Mr. Hoskins----- Yes

Mr. Wheeler----- Yes

Chairman Bolinger stated with there being no minutes to approve, also no business is scheduled if he had a motion to adjourn. Mr. Hoskins made the motion to adjourn, Mr. Gibson made the second.

Meeting Adjourned