

MEETING REPORT
LOUISVILLE BOARD OF ZONING APPEALS
Louisville Town Hall
December 18, 2012
7:00 PM

MEMBERS PRESENT

Tom Swicegood
Jim Brown
Lance Campbell

MEMBERS ABSENT

John Kiser
Dexter Onks

OTHERS

Keith Simmons
Linda Simmons
Tom Bickers
Linda Webb
Buddy Prater

BCPO Staff Representative: John Lamb

Call To Order

At 7:00 PM December 18, 2012, BZA Chairman Tom Swicegood called the meeting to order.

Approval of Minutes

MOTION by Lance Campbell to approve the minutes of the June 05, 2012 meeting of the Board of Zoning Appeals. Second by Jim Brown. Vote: UNANIMOUS. **MOTION PASSES**

Business Items:

Variance Request for Front Yard Setback – 3649 Prater Road

Variance request for front yard setback for property located at 3649 Prater Road. Requested by property owners, Keith & Linda Simmons, to allow the front yard setback from Prater Road to be reduced from the required 30 feet to 10 feet due to TVA floodplain restrictions on the property.

Chairman Swicegood reviewed the request from Keith and Linda Simmons including a review of the October 22, 2012 letter requesting the referenced variance. Chairman Swicegood confirmed that all requirements by the Town of Louisville had been met to notify all adjacent property owners of the request. The sign-up sheet for citizens comments included Keith and Linda Simmons in support and no citizens to comment against the request.

Keith and Linda Simmons presented the background and reasons for their request.

John Lamb reviewed his analysis of the request. Mr. Lamb concluded that substantial difficulty and hardship for placement of a house is created in use of the mapped TVA flowage easement that is not common to most properties in the Town of Louisville. Therefore, some relief is indicated to allow building outside the mapped flowage easement.

Mr. Lamb indicated the request is to allow building a house with setback of 10 feet from the road. Mr. Lamb confirmed that the request is for a 10 foot setback from the edge of the paved

roadway since there is no defined right-of-way other than the prescriptive use of the roadway itself. Mr. Lamb commented that this may present some issues with public safety and the public good.

Mr. Lamb recommended a variance be granted from the standard 30 to 10 feet from the edge of the right-of-way. Mr. Lamb assumed a 50 foot road right-of-way. Given that the actual road pavement width is 12 feet, the edge of the right-of-way would be 19 feet from the edge of the pavement. With the recommended 10 foot variance, the buildable limit would be $19 + 10 = 29$ feet from the edge of the road.

The primary following discussion focused on what a reasonable right-of-way width should be considered for Prater Road. The Simmons property is located at the dead end point of Prater Road and the road then proceeds onto a tract that will not be significantly developed due to a land conservancy established for the adjacent property. Due to the unique nature of the road, the BZA agreed to consider the right-of-way width to be 20 feet.

With the assumption of a 20 foot road right-of-way from the centerline of the existing pavement, granting a variance of 10 foot from the edge of the right-of-way would result in allowing the building limit to be 14 feet from the edge of the 12 foot wide pavement.

After discussion, the BZA decided to bring the request to a vote considering the findings and adjustments by the BZA.

MOTION by Tom Swicegood to approve the variance request as amended to allow the Simmon's building limit to be 14 feet from the existing pavement edge.. Second by Jim Brown. Vote: Tom Swicegood – Yes, Jim Brown – Yes, Lance Campbell – Yes. **MOTION PASSES**

Election of Officers for 2013

MOTION by Jim Brown to nominate Tom Swicegood as Chairman of the BZA. Second by Lance Campbell. Vote: Tom Swicegood – Abstain, Jim Brown – Yes, Lance Campbell – Yes. **MOTION PASSES**

Tom Swicegood elected as BZA Chairman for 2013.

MOTION by Jim Brown to nominate Lance Campbell as Secretary of the BZA. Second by Tom Swicegood. Vote: Tom Swicegood – Yes, Jim Brown – Yes, Lance Campbell – Abstain. **MOTION PASSES**

Lance Campbell elected as BZA Secretary for 2013.

Adjourn

MOTION by Jim Brown to adjourn, Second by Lance Campbell. VOTE: UNANIMOUS. Meeting adjourned at 7:53 PM.