

**TOWN OF DANDRIDGE, TENNESSEE
BOARD OF ZONING APPEALS
REGULAR MEETING
12 March 2024**

I. CALL TO ORDER

- A. The Dandridge Board of Zoning Appeals met in regular session on Tuesday, March 12, 2024 at 4:30 p.m.
- B. Chairman MARK CHAMBERS called the meeting to order and asked for roll call.

II. ROLL CALL

- A. A roll call of the Commission was conducted with the following members responding:

- Chairman CHAMBERS
- Mayor GANTTE
- Commissioner WILLOUGHBY
- Commissioner SCHOLLER
- Commissioner CHURCHWELL
- Commissioner HURDLE
- Commissioner COLLINS

ABSENT: Commissioner OPEIL
 Alderman NELSON

- B. A quorum being present, the following business was conducted and entered on the record:

III. READING OF THE MINUTES

It came on a motion by Commissioner WILLOUGHBY, seconded by Mayor GANTTE, to adopt the Regular Meeting Minutes for the January 9, 2024 meeting.

On a voice vote, the motion passed unanimously, and was so ordered.

IV. PUBLIC COMMENTS

Marianne Knight (440 W. Main Street) – speaking on aggregate crushing within Dandridge city limits. Why is an application for aggregate crushing in a M1 zone being submitted when the following is true: mining activities and related services such as quarrying are strictly prohibited in M1. There is already ongoing controversy regarding rock mining in Piedmont. You as planners did not accept a county resolution with regards to rock crushing last month. The site of the rock crushing applicant is near Dandridge Elementary School, why would you bring this controversy to our town?

Mike Asbury (1122 W. Dumplin Valley) – speaking on rock crushing. Lives near quarry operation in Piedmont and loud noises from the trucks can be heard from 1/3-1/2 mile away. Crusher site will have trucks going in with rock and coming out with gravel. Trucks run from 6:30 in the morning till 6:30 at night and some on weekends. Noise and dust are a huge problem and just wanted the commission to know some of the problems associated with a quarry being near residents.

V. BUSINESS PRESENTED BY THE MAYOR

Mayor Gantte welcomes Eddie Collins to the Regional Planning Commission

VI. OLD BUSINESS

None

VII. NEW BUSINESS

- Michelle Kobran: Zoning Complaint (318 E. Meeting St.)

Property Owner Michelle Kobran-Purchased home in March of 2020. The neighbors were brothers who lived on property in each unit. In summer of 2020, one of the brothers went into the nursing home and the unit was not entered for over 2 years. The law states that if the use ceases to exist, it is discontinued, and grandfathering doesn't apply. Previous owner had no expectation to return to house. New owners were instructed to put up a breezeway to connect units. There is no egress/ingress, it serves zero purpose. There is no breezeway language in the Dandridge Code. Buildings must share a structural wall to be deemed part of the principal building. You can't just throw up a breezeway and now say the two structures are one.

Owners are now looking to subdivide the property and convert a barn to a structure. We have a 1-acre lot that is in an R1 zone and there is going to be three living quarters on it. Building Inspector Reneau repeatedly told me that they cannot repurpose the barn for anything but a barn. Maps show an encroachment on another property. There have been no permits issued. No certificates of occupancy. No fire inspections.

East Tennessee Development District Regional Planner Ekem Amonoo-Lartson – What constitutes one structure is that it should have the same roof and what has been put up on property today does not meet my approval of two structures being joined. The structure that has been built does meet the building code, but it doesn't meet the idea of being 1 continuous structure and more work needs to be done to pass the test of 1 continuous structure. If owners don't make it 1 structure, they won't be able to rent out both units.

Town Attorney Jeff Greene – as far as 1 structure, we have already ruled it as grandfathered in. We have already voted it a non-conforming use on the property. The other issues are before the board and the complaint is premature, we need to do something on the zoning and subdividing before looking at the complaint. We can't rule on anything because we don't have definitions in front of us. Table both issues until next month.

Town Building Inspector Reneau – They want to subdivide the property, and if they did that then the grandfathering would be gone. The only way to keep it for what they want to do is attach the two buildings as one structure and then they could subdivide the property. We need a precise definition of what is attached. If conditions change and they aim to subdivide, we need to tell them what they need to do to make the breezeway compliant. As of right now, any portion of your home can be rented out if it is all 1 structure. Is the Breezeway Legal?

Mayor Gantte – we are relying on professionals with many years of experience to make decisions on behalf of board and citizens. Based on state planners remarks and my 37 years of experience in appraising, more work needs to be done to make breezeway compliant.

It came on a motion by Mayor GANTTE, seconded by Commissioner WILLOUGHBY, to table this item to next month.

On a voice vote, the motion passed unanimously, and was so ordered.

- Kelsey Tucker (318 E. Meeting St.) Map 068F, Group B, Parcel 025.00, Setback Variance Request

Property Owner Kesley Tucker – speaking on complaint. decided on plan for breezeway, got a building permit for that plan knowing that it would attach the two structures if we built it according to that plan. We thought the entire time we were building something that would be in compliance based on the town's recommendation of what was true and correct at that time.

The structures have to be attached in order for us to divide the lot or we lose our grandfathering. Construction loan can't be closed without getting 2-lot approval.

East Tennessee Development District Regional Planner Ekem Amonoo-Lartson – Has issue with setback of neighboring properties. It is a shed, if it was a regular residence I don't think we would grant the variance. Doesn't believe variance should be granted based on setbacks as a residential use.

It came on a motion by Commissioner HURDLE, seconded by Commissioner CHURCHWELL, to deny the variance request to convert the shed into residential use.

On a voice vote, the motion passed unanimously, and was so ordered.

Further Discussion was had and the above complaint dealing with breezeway was unfounded based on building inspector's approval of breezeway.

- Jimmy Singh – Request for Crushing and Selling of Aggregate in an M-1 Zone.

Jimmy Singh – looking at 10 acres in M-1 zone/industrial park. Operations will include concrete plant, screening, and receiving demolition materials and rock from development sites. Will be recycling, processing, and crushing using portable crusher on site. Machine uses water jets to keep dust down and limits noise to 85 decibels of noise. There is already a concrete plant in the industrial park and another has been approved 1 parcel down. According to M-1, trucking terminal can be there and allowed to do stone, clay processing and manufacturing.

Town Building Inspector Reneau When you crush and sell it there, it becomes quarrying and that is not an allowed use in an M-1 zone. If you crush there and don't use it on site, it is quarrying.

It came on a motion by Commissioner WILLOUGHBY, seconded by Mayor GANTTE, to deny the Request for Crushing and Selling of Aggregate as not an applicable use in a M-1 Zone

On a voice vote, the motion passed unanimously, and was so ordered.

VIII. MISCELLANEOUS

None

IX. ADJOURNMENT

It came on a motion by Mayor GANTTE, seconded by Commissioner WILLOUGHBY, to adjourn the March 12, 2024 meeting of the Dandridge Board of Zoning Appeals.

On a voice vote, the motion passed unanimously, and was so ordered.

Mark Chambers, Chairman

Zach Reese, Town Recorder

MINUTES-BZA-031224