

**HAMBLEN COUNTY PLANNING COMMISSION AGENDA
DECEMBER 4, 2023**

Call to Order and approval of the November 6, 2023, meeting minutes

Other Business

Adjournment

**HAMBLEN COUNTY BOARD OF ZONING APPEALS AGENDA
DECEMBER 4, 2023**

Public Comments

Call to order and approval of the November 6, 2023, meeting minutes

Administrative Interpretation

A.) Adam Page-6148 Narrow Way Russellville, TN. 37860 (04-028-038.00 A-1)
One principal structure per property

B.) William Riley-1675 Carroll Road Morristown, TN. 37813 (04-035-016.06 A-1)
Zoning Violation-Inoperable Vehicles

Other Business

Adjournment

Minutes
Hamblen County Planning Commission Meeting
November 6, 2023

Members Present

John Hofer, Chairman
Charles Anderson, Vice Chairman
Kyle Hale, Secretary
Bill Hicks
Edgar Gray
Rodney Long
Thomas Doty

Absent:

Chris Capps (County Attorney)

Staff

Tina Whitaker, Office Manager
Donna Massey, Administrative Assistant
Tommy McKinney, Codes Enforcement Officer
Lindsey Horn, Clerical & Stormwater Assistant
Lori Matthews (City Planner)
Josh Cole (City Planner)
Other guests, see attached roster

Planning Commission Workshop

- **Hunter Ranch**

The Board and Office Manager Tina Whitaker discussed a letter to be sent to County Attorney Chris Capps regarding Hunter Ranch. It was decided that a motion would be made to approve the letter so it can be added to the minutes. The board will make the vote under Other Business in the Board of Zoning Appeals meeting. County Commission Chair Chris Cutshaw spoke about the issue of Hunter Ranch, saying he received numerous phone calls from the past weekend in which an apparent rodeo was happening at the location. There were estimates of over five hundred (500) cars at the venue, which Three Springs Road is not equipped to handle. Another question of whether a Cease and Desist can be sent if another complaint is received. This will be passed along to the county attorney as well.

- **Regulations**

Ms. Whitaker handed out updated copies of the Zoning Regulations to the board. No changes requiring a vote were made; merely a reformatting of the document for easier reference, and grammatical corrections were made.

- **Time Limits and Curfews**

A discussion was had about establishing a time limit or curfew on event venues to reduce complaints and incidents requiring officer intervention. It will be discussed with the county attorney on how this could be enforced.

Call to Order, Public Comments, and Approval of the Minutes

Mr. John Hofer called the Planning Commission meeting to order.

Mr. Hofer opened the floor for public comments. There were none.

Mr. Hofer asked if there was a motion to approve the October 2023 minutes. Mr. Charles Anderson made a motion to approve the minutes. Mr. Edgar Gray seconded the motion. All in favor; motion carried.

Subdivision Plat Review

- **Willard and Sally Wilder Property – E. Andrew Johnson Hwy.**

Real Estate Agent Lisa McBride represented this request. She was the listing agent for the property in question. She claimed the properties were fifteen (15) acre tracts and was told by Anna (GIS Department) that only one address could be given and that was the one that touched 8800 E. Andrew Johnson Hwy. Once there were more than two (2) parcels the road would have to be renamed and each property would be given their own address. She said that at no time was she told that she “couldn’t” subdivide the property.

She claimed that everything was fine, and everything was recorded without issue and it was only when one homeowner requested a permit that these issues were brought up. She said that she thought a variance should be granted to the homeowners since, “They bought something, not knowing. I sold something, not knowing.”

Mr. John Hofer asked Ms. McBride if she’s been selling real estate for a while. Ms. McBride said yes, but the surveyor said that they didn’t have to do anything. Mr. Hofer replied that this related to the act of subdividing the property but had no bearing on whether it could be built upon.

Ms. McBride said that she kept the parcels at fifteen (15) acres so they could still be farmed on.

At this point Tina Whitaker, Office Manager, clarified that Anna has nothing to do with zoning and only handles addressing.

Ms. McBride said that she (Anna) called Tina and, “You said she couldn’t give out anymore. And someone should have told the surveyor.”

Ms. Whitaker said there is another example of a property that is over five (5) acres that was subdivided without Planning approval and when the owners came to get a permit they were denied (this information was included in the commissioner’s packets).

Ms. McBride said it was her understanding that this property does adjoin 8800 E. Andrew Johnson Hwy.

Mr. Rodney Long clarified to Ms. McBride that the road she’s referring to is not a county road and that her surveyor ought to have known that.

Ms. Whitaker said that the office was not aware that after the initial subdivision of the property that it would be subdivided into additional lots but would be used for agriculture purposes.

Mr. Anderson remarked that this is an example of why property over five (5) acres should come before the planning commission. *(Note of Reference: it is state law that subdivision with lots over five (5) acres are not required to come before the planning commission for approval.)*

Ms. McBride remarked that it doesn’t make sense why the planning commission would let something be subdivided if it can’t be built on. “How do we know what to ask if it doesn’t go through Planning?”

At this point, Mr. Joseph Haun with United Country Real Estate stepped forward to address the board. He pointed out that the plat for lots 2-6 all over 5 acres, shows that the lots join against the railroad but have no road frontage. He stated that, “If you don’t approve this, you’re discriminating against the homeowners.”

Mr. Edgar Gray addressed Mr. Haun. He said that the board cannot predict what is going to happen in the future with properties. Decisions are made on the facts that are presented to them at that time. Discussion about further subdivision was not had and it is not discrimination to make a decision against someone who wasn't around at that point.

Mr. Gray stated that by regulations each piece of property that is created must have fifty (50) feet of road frontage for a building permit to be issued.

Mr. Haun stated "When they sold this to the railroad they may as well have devalued the property to nothing. You're telling them now they can't have a building permit?" He then insisted this could be cleaned up today.

Mr. Charles Anderson pointed out that the board has denied other properties according to the regulations. There is a house on Dearing Rd. that has requested multiple times to receive a permit for an additional structure but have been denied.

Ms. Whitaker agreed, citing another example of a property on Brogan Road that they have had to deny based on regulations.

At this point Mr. Haun became hateful and said to Ms. Whitaker directly that, "Someone should fire your ass." He was immediately reprimanded by Mr. Kyle Hale and Mr. Bill Hicks. He was then told to sit down. *(Note: Mr. Haun had a knife and a clip on his person during this meeting.)*

Ms. McBride returned to the podium to speak again. She argued that she "technically" did know about the fifty (50) feet of road frontage when asked, but then immediately added that she was, "Never told that."

At this time, one of the property owners, Carly Back, asked to address the board. She purchased parcels 3, 4, and 5. The Hamblen/Hawkins County line runs through part of her property. She said she has old copies of a plat that shows where the property connects to Highway 11 through the railroad. She said that building permits were discussed initially but clarified that it was in regard to a tiny home she purchased and was told that those are not an allowed use in Hamblen County. She didn't know what criteria applied to other homes.

Ms. Whitaker commented that they started out discussing tiny homes which are not allowed. She then asked if Ms. Back has road frontage in Hawkins County. Ms. Back said she isn't sure; they are still trying to figure that out. The board agreed she might have a better chance in Hawkins County of having a tiny home approved.

At this point Gary Weems, surveyor, addressed the board about the properties.

Carly's mother, Ms. Cami Back, next addressed the board. She said she understood that the board doesn't want to go back and say yes but those other properties referenced already owned the land and decided to try and build later. They bought this land with the intention to build straightaway. She said she understood the issue with the road frontage but that isn't the fault of the homeowners. She said she feels like they're groveling for a variance. She said that if she were in the board's shoes she would make communication more precise so that this can be handled correctly so people don't spend money on things that can't be built on.

Ms. Whitaker replied that we have the best communication we can offer and that it is impossible to predict everything.

Ms. Cami replied that maybe, "Hamblen County needs to revise their policies."

Ms. Whitaker explained that she cannot be responsible for contacting every real estate agent, title company, and surveyor to ensure they know the regulations. Title companies used to call and request information but have stopped possibly because it could hinder sales.

City Planner Lori Matthews then added that, "Yes, you can divide property without a plat approval if the lots are over five (5) acres. But when street frontage (and other utilities such as septic, water lines, etc.) are concerned you must have a subdivision plat to have those installed. Just because something is over five (5) acres is irrelevant. There are still regulations that must be met.

Ms. Back argued that that shouldn't fall on the homeowners. Ms. Matthews replied that staff cannot be held responsible.

Ms. Cami replied that it would have been caught if different policies and procedures were in place.

Ms. Matthews replied that, "Well, it happened. So now we need you to work with us."

Ms. Carly Back asked about the private drive. Ms. Whitaker replied that that is for emergency addresses purposes only.

At this time, Mr. Robert Daily addressed the board. He is the owner of lot 2.

Lisa McBride returned to the podium. She asked about whether the plat she showed them, if it had been the one recorded, would it be legal? The answer was no. There was still no road frontage on the one shown.

Ms. Matthews pointed out that whoever owns the railroad would have to give permission to have access to the one section that has an easement.

Ms. McBride remarked that the railroad refused to sign a document about an easement.

Both Ms. Matthews and Ms. Whitaker agreed that the whole process should have ended there if that was the case.

Ms. Back remarked that she is willing to be flexible and do what she can.

Ms. Whitaker mentioned that Carly is also planning to have operate a business on the property, which is not being addressed here, but that will cause additional traffic on the private drive.

Mr. Rodney Long remarked that the homeowners could build their own road, but it would have to meet county standards.

Mr. Joesph Haun returned to the board and demanded the board give approval regardless of what the codes say.

It was pointed out that the title documents mention an easement. They are not on the plats, however. Ms. Matthews said that "Until the Planning Commission have in front of them something legal that grants authority to go across the railroad – if anyone can come up with a plat that shows ingress and egress to E. Andrew Johnson Hwy., you could feel better about that but right now there's nothing that exists on paper."

Ms. Back asked who will take the brunt of all this. Ms. Whitaker stated that she has had countless people come to the office wanting a permit because they bought property under the impression from the realtor that the property was unrestricted. There are no unrestricted properties in Hamblen County.

After some more discussion, a motion was made by Mr. Doty to have one of the parties requesting the variance (homeowners, surveyor, or listing agent) come up with the actual easement from the railroad, since, at this time, the plat does not show anything that they claim regarding other easements. As the use of this area with the railroad is not guaranteed, there is nothing to be done. The motion is to table the decision so the requesting party can acquire such documentation and present them to the board. Mr. Bill Hicks seconded the motion.

Mr. Doty amended the motion to give them ninety (90) days to acquire the above referenced document(s).

The board clarified that acquiring this paperwork did not automatically grant a variance nor a building permit to be issued.

In favor: John Hofer, Charles Anderson, Edgar Gray, Bill Hicks, Thomas Doty, Kyle Hale.

Opposed: Rodney Long.

Motion carried.

Other Business

Mr. Anderson made a motion to approve the 2024 meeting schedule. Mr. Hale seconded the motion. All in favor; motion carried.

Adjournment

With no other business to conduct, Mr. Gray made a motion to adjourn the meeting. Mr. Anderson seconded the motion. All in favor; meeting adjourned.

Signature

Date

DRAFT

