

APPROVED

Motion to approve
By Ralph Watson
Second Dickie Renfro
PASSED unanimously

Carter County Planning Commission Meeting

April 24, 2012

Agenda

FILED

5-2-2012

ARY GOUGE
CLERK

D.C.

1. Roll Call/Welcomes of Visitors.
2. Approval of March 2012 minutes.
3. Division of Gerace Property, 3 lots totaling 20.35 acres,
owners: Frank & Lena Gerace, surveyed by Dennis B. Pierce
4. Division of Farmer Property, 7 lots totaling 62.343 acres,
owners: Thomas & Jennifer Farmer, surveyed by Dennis B.
Pierce
5. Division of Lawrence and Gaye Pierce property, 3 lots
totaling 5.02 acres surveyed by Iron Mountain Survey.
6. Division of Allen & Helen Hill Lyons' property, 4 lots
totaling 1.514 acres, surveyed by Iron Mountain Survey.
7. Jack Hampton's Report.
8. Codes Enforcement Officer's Report.
9. Animal Control Officer's Report.
10. Director's Comments
11. Public Comments
 - Roy Livingston: Rules
12. Adjournment

Carter County Planning Commission
Meeting Minutes
March 27, 2012

APPROVED

Members Present

Members Absent

Ralph Watson, Vice-Chairman
Bill Armstrong
Jerry Smith
Steve Chambers
Richard Renfro
Russ Kyte
Richard Winters
Bob L. Townsend
Steve Pierce, Chairman
Tom "Yogi" Bowers
Jack Campbell
Mary Ann Patton

FILED

5-2-2012
MARY GOUGE
COUNTY CLERK

R D.C.

STAFF MEMBERS PRESENT

Chris Schuettler, Director
Jimmy Church, Assistant Director
Diane Cannon, Secretary
Jack Hampton, Permits

LOCAL PLANNING STAFF PRESENT

Glenn Rosenoff, F.T.D.D.

COUNTY OFFICIALS IN ATTENDANCE

Mayor Leon Humphrey

The Chairman called the meeting to order. Roll called and visitors welcomed. Motion by Mr. Renfro to accept January 2012 meeting minutes, seconded by Mr. Watson. Minutes approved unanimously.

1. Arlington Drive Property. Mr. Art Fowler III, attorney for Ernie Stoltzfus, appeared before the board concerning placement of a mobile home at 105 Arlington Drive. A concerned citizen and neighbor to the said property, Mr. Scott Snell, had brought to the attention of the planning office and appeared before the planning commission to complain about the placement of the mobile home several months prior to today's meeting. A motion to have Carter County Atty. Keith Bowers look into the matter was made. Atty. Bowers was in attendance to render his opinion and Mr. Stoltzfus and Atty. Fowler III was there as well. Mr. Fowler presented 4 exhibits: 1.) Treadway vs. Tipton decision of 1968. 2.) Agreed order allowed the operation of a fence business and the placement of 4 mobile homes on the lots. 3.) Mr. Stoltzfus purchased lots 23 and 24. 4.) Clyde West lot meets and bounds description states mobile home cannot be placed on lot previously owned by Mr. Tipton but the lots Mr.

Stoltzfus purchased are permitted mobile homes. Atty. Fowler stated that Mr. Stoltzfus had no prior knowledge of the 1968 ruling. Atty. Fowler asked if anyone had questions and Mr. Renfro asked about the requirement that the driveway be paved but was not presently paved. Atty. Bowers brought 2 issues to the attention of the board: 1.) The 1968 order was not recorded. 2.) Which lot(s) did Mr. Stoltzfus purchase? Were the lot(s) grandfathered in? Were mobile homes onsite when countywide zoning went into affect? Was there ever a six-month break (during which a mobile home was removed)? If so the right to replace it with another was lost and the zoning requirements for R-1 zone (in which singlewide homes are not allowed) would take precedence. Atty. Bowers stated his opinion that the matter needed to be decided upon one way or the other during today's meeting and if either side disagrees with the decision a request to appear before the Board of Zoning Appeals can be made. If the board denies Mr. Stoltzfus the right to place the mobile home then he would need to appear before Chancellor Johnson. Chairman Pierce questioned what implication there may be due to the 1968 decision not being recorded. Atty. Bowers stated that by not being aware of the 1968 decision that made Mr. Stoltzfus an innocent party. Mr. Schuettler stated this is a two-prong situation: 1.) Did it meet the 6 months requirement? According to research he performed the original mobile home was removed on 11-08-10 and a new one replaced on 03-01-11 by Variety Mobile Home. Mr. Schuettler further stated that when Mr. Snell brought the 1968 ruling to the attention of the planning office Mr. Stoltzfus was notified. Mr. Schuettler stated he had no problem with the 6 months requirement. Chairman Pierce asked if Mr. Snell was in attendance and Mr. Schuettler stated he did not see him among those in attendance for today's meeting. Staff requested a motion on the matter. Mr. Kyte questioned the matter regarding permits and whether or not Mr. Stoltzfus had purchased necessary permits. Mr. Schuettler stated none had been issued until such time a decision was made regarding the 1968 ruling. Mr. Watson made the motion to accept the decision, based on information obtained, that the mobile home was placed on site prior to the 6-month rule expiring. Mr. Kyte seconded the motion. Motion passed unanimously. Mr. Schuettler requested that Diane Cannon, Secretary make a note in today's minutes that Mr. Brad Johnson, Chairman of the Board of Zoning Appeals (B.O.Z.A.) attended today's meeting. After much discussion from both attorneys with regards to a hearing before Chancellor Johnson Mr. Schuettler made a request for a motion. Chairman Pierce asked Atty. Bowers if doing so would put Carter County in a liability situation? Atty. Bowers stated it was his opinion that there was a liability issue either way a decision/vote was made. Atty. Bowers recommended the owner agree to a limit of two mobile homes. Mr. Stoltzfus agreed. Motion to allow placement of two mobile homes as existing non-conforming use made by Mr. Watson and seconded by Mr. Kyte. Motion passed unanimously.

At this time a request to clear the courtroom to allow for client/attorney privileges to be used. After approximately one half-hour the bailiff called everyone back into the courtroom. Chairman Pierce recalled the meeting to order.

2. **Storage Building Resolution – Final.** Mr. Rosenoff, F.T.D.D. director read the definition of an accessory building and what is and is not considered as such. Staff

recommended approval of resolution. Steve Chambers made motion to approve and forward to the county commission for approval. Mr. Renfro seconded the motion. Motion passed unanimously. Atty. Bowers stated he would forward to Mayor Humphrey and Mrs. Gouge, County Court Clerk, as soon as Carter County Commission approves the request.

3. **Accessory Definitions.** Mr. Rosenoff redefined what is NOT considered an accessory/storage building (big rig/tractor trailers, old buses, boats, cars, or any combination of such). Chairman Pierce asked what could be done about those already being used as storage units in the county. Mr. Rosenoff replied that it would not be a bad idea to state the resolution would take affect 180 days following approval by the county commission. After a discussion as to what would be an acceptable amount of time to give citizens to remove/replace such items that would be in violation of the resolution Mr. Chambers made a motion to give 180 days notice following passage. Mr. Watson seconded. Motion passed unanimously.
4. **Substance Abuse Treatment Centers.** Mr. Schuettler stated that currently the only zoning that allows for adult entertainment, drug treatment facilities, etc. is the M-2 areas of Carter County. Adding methadone treatment center regulations adds deeper definitions and makes opening such a center in our county harder to do. Methadone clinics deal with drug addicts through treatment using methadone and seboxen. Mr. Renfro made motion to approve and Bill Armstrong seconded the motion, which passed unanimously.
5. **2012/2013 Budget.** Mr. Schuettler stated that his office now utilizes and administrates three separate budgets. 1.) Planning & Zoning (Including storm water management). Mr. Schuettler requested a budget that had an increase of \$400.00. He noted the movement of some funds from one line item number to another to allow additional moneys where needed while still keeping the budget request for additional funds low. 2.) Flood Control. No increase requests were made. Mr. Schuettler made a request for a motion to present both budgets to the budget committee at the next meeting. Mr. Chambers asked what the Carter County staff salaries were in comparison to other salaries in the county and state for the same job titles and descriptions. Mr. Schuettler stated that he was the lowest paid planning director in the state and that his secretary receives almost \$9,000.00 a year less than the other secretary in the county (note that other positions are that of "deputy" in all but one other office in Carter County). Mr. Schuettler went on to state his assistant, Mr. Church receives substantially less also. Mr. Chambers made a motion to reconsider budget and bring a new proposal for next month. Second by Jerry Smith. Motion passed unanimously. **Animal Shelter Budget.** Mr. Schuettler presented the budget for the shelter to include the new director's salary and estimated costs to get the new shelter up and running. The total is an increase of \$64,176.76. Jerry Smith made the motion to approve and send to the budget committee for approval. Bob Townsend seconded the motion, which passed unanimously.
6. **Jack Hampton's Permit Report.** Mr. Hampton presented the report for Jan. and Feb. 2012. (Reports Attached)
7. **Codes Enforcement Officer's Report.** Mr. Markland presented the report and made mention of properties in which the owners requested that no further inspections, pictures, or office staff be on site, Captain Ave. and the property on King Street.

After an onsite inspection in which someone could be seen in the home but refused to come to the door or call the owner. When office staff went back to attempt a second time to speak with the property owner (Mr. Rex Ward) the property was gated and no trespassing signs were posted. Due to this Mr. Markland made a request for motion to send both of these properties along with 122 Big Sandy Road, and 193 Sinking Creek Road to county attorney. Steve Chambers made the motion and Russ Kyte seconded the motion, which passed unanimously. Mr. Markland also reported several properties had been inspected following complaints but upon completion of onsite inspections no violations were found. Mrs. Patton stated she had received several complaints regarding a property in her neighborhood. Mr. Markland had been out there and was unable to locate/contact the owner because he/she was out of town a lot. Mrs. Patton stated the owners were currently at home and he should be able to contact them. Several properties were also reported as having reached compliance: Misty Cox and Russell Brown. One property on Tall Oaks Circle owners has contracted someone to clean the trash and brush from the property.

8. **Director's Comments:** A.) **Education & Training** are both ongoing. Several classes have been taken or are schedule to be taken by staff members to fulfill the requirements for inspectors with regards to the new state building code recently adopted. B.) **Reappointment** of Mr. Steve Chambers and Mr. Armstrong to Carter County Planning Commission and Mr. Charles Bayless to B.O.Z.A. Mr. Schuettler requested a motion to submit their applications to the County Commission for consideration. Ralph Watson made the motion and Russell Kyte seconded the motion. Motion passed unanimously. D.) **Lynn Valley Area.** A problem was brought to the attention of the planning office staff regarding Lincoln Drive to Mayfield Drive area and Mr. Schuettler stated the planning office staff was working with the Carter County Highway Dept. to rectify the situation. Some progress has been made and more is to follow.
9. **Adjournment.** Ralph Watson made the motion to adjourn and Russ Kyte seconded the motion. Meeting adjourned following unanimous vote to do so.