

Carter County Planning Commission
Meeting Minutes
April 26, 2011

Members Present

Ralph Watson, Chairman
Steve Pierce, Vice Chairman
Steve Chambers
Mary Ann Patton
Richard Winters
Bill Armstrong
Bob L. Townsend

Members Absent

Russ Kyte
Dickie Renfro
Pam Huber
Jerry Smith
Jack Campbell

STAFF MEMBERS PRESENT

Chris Schuettler, Director
Jim Church, Assistant Director
Justyn Markland, Codes Enforcement
Jack Hampton, Permits

County Officials Present

Leon Humphrey, Mayor

LOCAL PLANNING STAFF PRESENT

Charles Anderson

The Chairman called the meeting to order. Roll called and visitors welcomed. Motion to accept March meeting minutes made by Bob Townsend, seconded by Steve Chambers. Motion passed unanimously.

1. **Jack Hampton's Report.** Mr. Hampton reported that during the month of April he sold 6 permits for site built homes for a total estimated value of \$728,800.00. Total fees collected for the month \$1,115.00 and total for the year so far is \$4,765.00. The sale/issuing of state permits has begun.
2. **Codes Enforcement Officer's Report:** Mr. Justyn Markland presented the monthly report and the slide show of properties in non-compliance in the county as well as some of the properties that are now in compliance with the Carter County Litter Ordinance. Eleven properties are scheduled to go to court as soon as the Mayor signature is obtained.
3. **Animal Control Officer's Report:** Ms. Amanda Dugger was introduced as the new Animal Control Officer for the county. Mrs. Dugger presented a report consisting of 94 calls. Several dogs were seized at one residence and charges filed for three counts of animal cruelty at another.
4. **Director's Comments: A.) Building Codes.** Three copies of the IRC, IFC, IBC codes books are now on file in County Clerk, Mary Gouge's office. Motion to request

county attorney write and present the proper resolution to the June County Commission meeting made by Steve Pierce and seconded by Bob Townsend. Motion passed unanimously. **B.) County Plan.** Transportation/Infrastructure plan in development stages (this will include the city of Watauga) for three star program. Once developed and presented to the planning commission for vote it will then be sent to the Carter County Commission for approval. It should be available in two or three weeks per Charles Anderson for approval by the planning commission. This is a good "road map" for us to utilize. **C.) Subdivision Regs.** Mr. Schuettler presented a proposed amendment to the Carter County Subdivision Regulations. There are updates and amendments that need to be addressed. He stated these were to be presented next month following the notice being placed in the paper prior to vote at the planning commission meeting next month. Mr. Schuettler handed out a list of proposed changes and the floor was opened for questions.

5. **Foot Bridge on Siam Road.** According to Carter County Highway Department this bridge is not encroaching in the County Right of Way and referred the issue back to the planning commission. Mr. Schuettler stated he and several commissioners looked at the "structure" which sets a foot off the pavement with the eaves of the building. This was built to replace an old footbridge (that had rotted) and a cover was built over it. The owner's son was contacted, due largely in part to the age of the owner. Mr. Schuettler stated it is a non-compliance structure. Nothing is in the ordinance that defines it – other examples show structures such as this throughout the county. Mr. Schuettler hopes to speak with the son and hopes to cut the roofline back so that if a person who is not capable of driving a large vehicle through that area and might wreck or hit the "structure" and result in damage to the structure or injury to anyone on the structure if it were to be struck by a vehicle. A letter of noncompliance will be sent to the owners asking that the structure be fixed to meet county zoning requirements and brought into compliance within the 30 days of receipt of letter. Our ordinance does not address "ornamental" structures of this nature at this time. Mr. Schuettler stated he would like to make some changes to the zoning ordinance to address such ornamental structures. Mr. Jeffrey Hughis questioned when the county started letting residents build beyond their property line. Mr. Watson stated that he has personally inspected the bridge and feels that due to the fact that it does not set any further towards the road than the power poles in that area, how it could be considered a safety hazard. Also, as far as a violation he could not understand how we could enforce a setback on something that is not defined in the Zoning Resolution. Mr. Schuettler stated that when you set a mailbox, bridge, footbridge, or steps come into a right of way in some instances and as long as these type structures do not impede traffic these type of things are never considered a nuisance or violations. Mr. Schuettler further iterated that we were going to take care of this situation. Mr. Hughis presented documentation (an easement of description) that (in his opinion) the county owned the property due to having mowed the ditch for the past 20 years. Mr. Hughis showed a survey that shows Siam Road is 50 feet wide in one area. Mr. Watson stated that when a property is divided by regulation if no R.O.W. is dedicated, than the divided property must grant R.O.W. for the County. Mr. Pierce (planning commission member and surveyor in Carter County), stated that surveys simply show a road or roads as described in areas that have been divided.

6. **Local Planning Shutdown by Gov. Haslam** Mr. Schuettler advised that the local planning office and other planning offices will be closed within 90 days unless Gov. Haslam changes the State Budget. Mr. Schuettler stated the closing of these state offices will be a bad day for Carter County and other counties that utilizes this service.
7. **Highway Committee Meeting, Lincoln Heights Subdivision.** Mr. Schuettler stated the highway department has requested he address this matter. He has letters ready for the county attorney to be approved as written, as soon as they could meet.
8. **Mrs. Dabbondanza.** Mrs. Billie Dabbondanza addressed the planning commission regarding Mr. Bunten's placement of a single-wide home on his property after the six month provision had passed. (Mr. Bunten had stated earlier that he was not sure if the mobile home had been removed 6 or 7 months prior to placement of the current single-wide.) Mrs. Dabbondanza expressed her opinion that this home should be removed and the planning and zoning office should have to pay for it. Mrs. Dabbondanza stated she felt this would send a positive message to the people of Carter County that "we" were taking responsibility for "our" actions. Mr. Watson asked if "that was her property" and she replied "No it is not". Mr. Watson expressed concern that this seemed to be an argument between neighbors, and as far as the Commission is concerned that if the neighbor feels that the Planning Commission is in error than there are avenues to remedies things like this in the Regulations.
9. **Mr. Jon Julian. Campground.** Mr. Julian questioned whether or not the commission had identified an issue regarding the use of a campground for permanent residence. Mr. Schuettler stated he had not gotten a definitive answer regarding this matter.
10. **Roy Livingston. State Inspections.** Mr. Livingston expressed his opinion that the county should let the state do inspections. Mr. Schuettler stated that it has been the Commission's view all along to conduct the Building inspections for Carter County.
11. **Mr. Jim Dabbondanza.** Mr. Dabbondanza questioned the liability issue with regards to the issuing of state building permits by the planning office. Mr. Schuettler explained that there was no liability issue and the county was picking up the \$10,530.00 in cost for permits since January 2011, at which time the county mayor had non-exempted Carter County from the state regulations.
12. **Mr. Scott Snell, Arlington Drive.** Mr. Snell addressed the commission regarding the placement of mobile homes on Arlington Drive property that has deed restrictions against such placement. Mr. Snell commended Mr. Schuettler and Mr. Church for their actions to get this matter taken care of. Mr. Schuettler stated the mobile homes were placed prior to zoning and the situation currently is that utilities are connected, but the power meter is not marked as if it had been inspected. The new mobile home that has been set could not meet the "non-conforming use" stipulation in the Resolution as reported to this office, and that further action is to follow.
13. **Mr. Kamras, Woodnote Subdivision.** Mr. Kamrass, resident of Woodnote Subdivision, addressed the commission regarding his neighbors property which he feels is an illegal junkyard in a residential area. It was explained to Mr. Kamras that at this time the property has been brought into compliance and that we will continue watch the property for any violations.
14. **Adjournment:** Mr. Kyte made the motion to adjourn and Mr. Townsend seconded the motion. Motion passed. Meeting adjourned.