

IN THE CHANCERY COURT FOR LOUDON COUNTY, TENNESSEE

LOUDON COUNTY, TENNESSEE)
by and through its Building Codes)
Official, JAMES JENKINS,)
)
Plaintiff,)

v.)

MARK MATLOCK and)
BEALS CHAPEL PROPERTY, LLC,)
)
Defendants.)

Case No. 12780

FILED 26 DAY OF Aug 20 20
Wsd Mlcs AT 10:55 AM
LOUDON CO. CLERK & MASTER

COMPLAINT

Comes Loudon County, Tennessee, by and through counsel and its Building Codes Official, James Jenkins. ("Plaintiff"), and for its complaint against Defendants Mark Matlock and Beals Chapel Property, LLC ("Defendants") respectfully shows to the Court upon knowledge, information and belief the following:

I. PARTIES AND JURISDICTION

1. Plaintiff is a political subdivision in the state of Tennessee.
2. James Jenkins ("Mr. Jenkins") is a duly-appointed, qualified, and serving Building Codes Official for Loudon County, Tennessee ("Loudon County"). In such capacity, he is charged with the duty to enforce the building codes, resolutions, and regulations of Loudon County relating to the use of lands with construction and maintenance of structures upon lands situated within Loudon County and outside the boundaries of any municipality in said County.
3. Beals Chapel Property, LLC ("BCP") is a limited liability company doing business in the state of Tennessee, with its principal address at 210 Bank Street, Lenoir City, Tennessee 37771-2935. Its Registered Agent is Mark Matlock, and he can be served at 210

Bank Street, Lenoir City, Tennessee 37771-2935. BCP is the record owner of certain real property located at 23608 Beals Chapel Road, Lenoir City, Tennessee 37771 ("Subject Property").

4. Defendant Mark Matlock ("Mr. Matlock") resides at the Subject Property and is the Managing Member of BCP. Mr. Matlock has authority to manage and control construction and activities on the Subject Property. Mr. Matlock may be served with process at 23608 Beals Chapel Road, Lenoir City, Tennessee 37771.

5. This court has jurisdiction of this action and venue is proper in this court in that the Subject Property is located in Loudon County, Tennessee and the events that give rise to this cause of action all occurred in Loudon County, Tennessee.

II. FACTS

6. The Subject Property is situated within Loudon County and is outside the boundary of any municipality within the county.

7. Loudon County, through its Board of Commissioners, has duly adopted building code regulations and a zoning resolution ("Zoning Resolution"). True and correct copies of relevant portions of the Zoning Resolution are attached hereto as **Exhibit 1**.

8. On September 10, 2018, Mr. Jenkins received a complaint that there is an accessory building constructed too close to the side property line on the Subject Property. A true and correct copy of the Violation of Complaint form is attached as **Exhibit 2**. Mr. Jenkins made a site visit to verify the complaint. During his inspection, he noted that there is a structure, which had been allowed to be constructed at an earlier date without a roof covering, located within the five-foot setback. Mr. Jenkins found that this same structure now has a roof covering added to it. True and correct copies of photographs of the structure are attached as **Exhibit 3**.

Mr. Jenkins sent a notice letter to BPC on September 19, 2018 informing Mr. Matlock that, based on previous inspections, this building does not meet the minimum required setbacks, which is in the A-2 Zoning Classification, for the Subject Property. Mr. Jenkins also wrote, "I am sending you this letter to request that you remove the building to a minimum of [five] 5' [feet] off the side property line, or request a variance from the Loudon County Board of Zoning Appeals to leave the building in its current location. The Zoning Resolution allows for 20 day[s] to file an appeal or bring the building into compliance." A true and correct copy of the notice letter is attached as **Exhibit 4**.

9. Mr. Matlock appeared before the Loudon County Board of Zoning Appeals ("BZA") on November 13, 2018, and the BZA upheld the decision that the building, with a roof covering, is in violation of the zoning regulations and must be brought into compliance. The minutes of that meeting say the following:

VARIANCE, SETBACK, APPLICANT. BEALS CHAPEL PROP., LLC. MARK MATLOCK, GENERAL MANAGER. 23608 BEALS CHAPEL RD. TAX MAP 028K. GROUP A. PARCEL 002.00, 1-2. RURAL RESIDENTIAL DISTRICT

Mr. Jenkins summarized that he has worked with Mr. Matlock regarding complaints beginning in 2009 when a pool house was being constructed. Since then, he has received complaints in 2013, 2014, and 2015 regarding the structure which Mr. Matlock had added a roof to. In 2015, Planning Commission, Chairman, Martin Brown confirmed that if there was no roof, the structure did not have to meet the setback requirements. However, in September, Mr. Jenkins received another complaint about the building and a roof had been added.

Mr. Matlock stated that he had built a wall and handed out copies of photos to members of the BZA. He stated that in 2013 he began work on the structure. He also stated that he has had disagreements with his neighbor. He stated that he began the wall in 2013 and in 2014 he met with Mr. Jenkins. According to Mr. Matlock, at that time he had discussed building an open pergola with the Planning Director, which was allowed. However, earlier this year he started adding a roof. Mr. Matlock stated that

his surveyor and his neighbor's surveyor had been out to the property. He stated that his neighbor had trees on his property that had died, and the limbs were falling on Mr. Matlock's property. Mr. Brooks asked if the building had plumbing and electricity, and Mr. Matlock confirmed that it did. Mr. Brooks also asked Mr. Matlock to clarify that he was adding a roof to the wall he had built and Mr. Matlock stated that he had added a roof.

ACTION

Mr. Brooks moved to deny the variance. There was a lack of a second, and Mr. Matlock then presented more pictures to the BZA. Chairman McEachern stated that Mr. Matlock had built a structure on the property line in violation of the setbacks and was calling it something else. He could take the structure back down to what it was previously without the roof, and if he had complaints about tree limbs falling, he should contact his neighbor and his insurance company, and that the BZA did not get involved in that issue. John Napier then seconded the motion to deny the variance and Mr. Matlock is to remove the roof and take it back to how it previously existed, which was unanimously approved. Mr. Matlock confirmed that he would take it back to the open structure that it had been previously.

A true and correct copy of the Loudon County Board of Zoning Appeals Minutes for November 13, 2018 is attached as **Exhibit 5**.

10. On January 8, 2019, Mr. Jenkins sent another notice letter to BCP regarding the continued violation. The January 8, 2019 notice letter says:

Beals Chapel Property, LLC
23608 Beals Chapel Road
Lenoir City, TN 37771

RE: Zoning Resolution Violations
Map 28K, Group A, Parcel 002.00

TO WHOM IT MAY CONCERN:

On September 19, 2018, our office sent you notification that an accessory building at the above referenced location was in violation of its required building setbacks. You requested to appeal this decision to the Board of Zoning Appeals, which was heard on November 13, 2018. The board upheld the decision that the building was in violation and must be brought into compliance.

After additional complaint, I made a site visit and noted that the building is still in violation of its required setbacks.

I am sending you this letter as final notice to request that the building be brought into compliance with the required setbacks or be moved by February 3, 2019. I will conduct another site visit after that date to verify compliance. If you have any questions feel free to contact me at 865-458-4095. Your cooperation in resolving this matter is greatly appreciated.

A true and correct copy of the notice letter is attached as **Exhibit 6**.

11. Defendants refused to remedy the violation, and the County Attorney sent a certified letter to Mr. Matlock and Beals Chapel Property, LLC on June 23, 2020, requesting removal of the roof from the structure. That letter says:

I am the County Attorney for Loudon County, Tennessee ("Loudon County"). I am writing to address the pool house located on your property which is in violation of the Loudon County Zoning Resolution. Loudon County has received several complaints about this pool house dating back to the beginning of its construction and continuing through today. Because this structure has a roof, it is in violation of the setback requirements for Loudon County. As you are aware, the previously proposed variance pertaining to this structure was denied on November 13, 2018. Also, on November 13, 2018, you confirmed the structure would be returned to its open construction; however, as of today the building is still in violation.

Due to this violation, it is required that you remove the roof from this structure or otherwise bring the structure into compliance. If the violation of these regulations is not remedied within thirty (30) days of today (by July 23, 2020), Loudon County will file an injunction action against you in order to abate this violation and remove the unlawful structure.

A true and correct copy of the notice letter is attached as **Exhibit 7**.

12. The roof covering remains on the structure as of the filing of this civil action.

13. The Zoning Resolution provides for a fine of between \$5.00 and \$50.00 per day for each day of violation. The penalty provision says:

7.100. Penalties. Any person violating any provision of this Resolution shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty (\$50.00) for each offense. Each day such violations shall continue constitutes a separate offense.

14. Defendants are in violation of Zoning Resolution, and the roof covering on the structure must be removed, and Defendants should be penalized and fined for their continued violation of the regulations.

15. Plaintiff will suffer irreparable injury and harm if the roof covering remains on the structure on the Subject Property, and monetary damages are an inadequate remedy for such continuing injury.

16. Plaintiff has no adequate remedy at law and is entitled to a permanent injunction prohibiting Defendants from continuing to violate the Zoning Resolution by keeping a roof covering on the structure.

WHEREFORE, PREMISES CONSIDERED. Plaintiff respectfully requests this court enter judgment in its favor and against Defendants as follows:

1. That process issue and a copy of this Complaint be served upon Defendants and that they be required to answer hereto as required by law:

2. That upon hearing in this cause that a Permanent Injunction be issued restraining and enjoining Defendants, their agents, employees, or any other persons acting in association or in concert with them from continuing to violate the Zoning Resolution by keeping a roof covering on the structure;

3. That upon a hearing in this cause a Permanent Injunction be issued requiring the Defendants to remove the roof covering from the structure:

4. That the Court order Defendants to pay to Plaintiff a fine of between \$5.00 and \$50.00 for each day of violation of the Zoning Resolution:

COST BOND

The undersigned, Kramer Rayson LLP, hereby acknowledge ourselves as surety for all costs in this action in an amount as required by T.C.A. § 20-12-120.

KRAMER RAYSON LLP

By: 

Robert L. Bowman

the fee shall be \$815 for the first million plus .15 for each additional thousand or fraction thereof

The Building Commissioner shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account the same was paid, the date and amount thereof. No permit shall be issued until the fees prescribed herein shall have been paid. Nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid. If no permit has been obtained before the erection or alteration of any building or structure, the Building Commissioner is hereby authorized to charge a fee at a rate twice the designated fee for that structure of building. This Resolution shall not be construed as authorizing the requirement of building permits for the erection, construction, or reconstruction of any building or other structure on land now devoted to agricultural uses or which may hereafter be and for agricultural purposes, except on agricultural land adjacent or in proximity to state, federal aid highways, public supports or public parks, however, such building or structure is incidental to the agricultural enterprise.

7.035. Driveway Permits

Prior to constructing a driveway that will connect to a Loudon County road, property owners must contact the Loudon County Highway Department for a driveway permit. The purpose of the permit is to assure the proper placement of new driveway connections to improve traffic safety and to reduce the costs of maintaining the roadway drainage system.

Guidelines for Obtaining a Driveway Permit

1. Contact the Loudon County Highway Department at 458-6940 to request a field inspection prior to constructing a driveway connecting to a county road. The property owner should provide his/her name, a day time phone number, address, subdivision name and lot number, and directions to the property.
2. The property owner should locate the center of the proposed driveway connection by placing an orange flag or spray paint at the edge of pavement.
3. A Highway Department inspector will inspect the proposed driveway location and complete a field inspection report within 48 hours of contacting the Highway Department for an inspection. The inspection report will approve the requested location or designate a new driveway location and specify the size of the drain tile required for adequate drainage.
4. A copy of the Highway Department field inspection report will be sent to the property owner and the Loudon County Building Commissioners' Office.
5. The property owner may proceed with the driveway connection upon receipt of the Highway Department's field inspection report. When the work is completed, the property owner should contact the Highway Department for a final inspection.

6. A driveway permit approving the work will be signed by the Highway Superintendent and sent to the Loudon County Building Commissioner's Office. The Building Commissioner will not issue a certificate of occupancy without a driveway permit from the Highway Superintendent.

Minimum Requirements for Driveway Construction

1. All driveways shall have a sufficient rock or stone base to keep mud and dirt off the county road.
2. Driveway drainage tiles must be galvanized metal, plastic or concrete. If plastic is used it must meet state specifications and have headwalls installed. All pipe must be covered with a minimum of 6" of crusher run stone. Driveway drain tile must have a minimum diameter of 15".
3. If the driveway has a 10% or greater slope from the county road, the first 20' of the driveway from the edge of pavement must be paved with concrete or asphalt. Concrete should have a minimum thickness of 4" or asphalt should have a minimum thickness of 2".

Property owners are responsible for maintaining driveways and cleaning up any material that washes off the driveway into the county right of way or road.

7.040. Temporary Use Permits. It shall be unlawful to commence construction or development of any use of a temporary nature until a permit, accompanied by a \$5.00 fee, has been secured from the Loudon County Building Commissioner, as provided for in Article 4, Section 4.030 of this Resolution. Application for a temporary use permit shall be made in writing to the Building Commissioner on forms provided for that purpose.

7.050. Certificate of Occupancy. No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Commissioner shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of the Resolution. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Commissioner to make a final inspection thereof, and to issue a Certificate of Occupancy, if the building or premises or part thereof is found to conform with the provisions of the Resolution, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

7.060. Procedure for Authorizing Special Exceptions. The following procedure is established to provide procedures for review of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this Resolution or whether a proposed use is potentially noxious, dangerous or offensive.

A. Application:

An application shall be filed with the Board of Zoning Appeals by the first day of the month in which the request will be reviewed. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require. A one hundred dollar (\$100.00) review fee shall accompany each application requesting special exception approval.

Signage notifying the public about the request shall be posted on the property within five (5) working days of receipt of application. (This amendment updated 10/1/01.)

B. Restrictions:

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this Resolution.

C. Validity of Plans:

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

D. Time Limit:

All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

7.070. County Board of Zoning Appeals. A Loudon County Board of Zoning Appeals is hereby established in accordance with Section 13-7-106 of Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members appointed by the Loudon County Commission. Board members shall be appointed to five (5) year terms, with such terms arranged so that the term of one (1) member will expire each year. The county legislative body may appoint associate members of the Board, and in the event that any regular member be temporarily unable to act owing to absence from the county, illness, interest in a case before the Board, or other cause, such Board member's place may be taken during such temporary disability by an associate member designated for the purpose by the county legislative body.

A. Procedure:

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

B. Appeals to the Board:

An appeal to the Loudon County Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental office, department, board, or bureau affected by any decision of the Building Commissioner based in whole or in part upon the provisions of this Resolution. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Commissioner shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

C. Powers of the Board:

The Board of Zoning Appeals shall have the following powers:

1. Administrative review:

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Building Commissioner or other administrative official in the carrying out of enforcement of any provision of this Resolution.

2. Special exceptions:

To hear and decide application for special exceptions as specified in the Zoning Resolution, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances:

To hear and decide applications for variances from the terms of this Resolution.

7.080. Variances. The purpose of the variance is to modify the strict application of the specific requirements of this Resolution in the case of exceptionally irregular, narrow,

shallow, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle that is preventing an owner from using his property under this Resolution.

A. Application:

After written denial of a permit, a property owner may make application for a variance by the first day of the month in which the variance request will be reviewed by the Board of Zoning Appeals, using any form that may be made available by the Board of Zoning Appeals. A one hundred dollar (\$100.00) review fee shall accompany each application requesting approval of a variance.

Signage notifying the public about the request shall be posted on the property within five (5) working days of receipt of this application. (This amendment made 10-1-01.)

B. Hearings:

Upon receipt of an application and fee, the Board shall hold a hearing, to decide whether a variance to the Resolution provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

C. Standards for Variances:

In granting a variance, the Board shall ascertain that the following criteria are met:

- a. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district.
- b. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
- c. For reasons fully set forth in finding of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of the Zoning Resolution would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.

- d. The granting of any variance shall be in harmony with the general purposes and intent of this Resolution and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
- e. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying therefore.

7.090. Amendments to the Resolution. The regulations and the number or boundaries of districts established by this Resolution may be amended, supplemented, changed, modified, or repealed by the Loudon County Quarterly Court, but in accordance with the Tennessee enabling legislation, no amendment shall become effective unless it is first submitted to and approved by the Loudon County Regional Planning Commission or, if disapproved, shall receive a majority vote of the entire membership of the Loudon County Quarterly Court, except that when the zoning map is amended within the areas which fall within the planning region of Lenoir City or Loudon, such amendments must also be submitted to and receive a recommendation from the Lenoir City or the Loudon Regional Planning Commission. Application for zoning amendments must be submitted to the Loudon County Office of Planning and Community Development by the first day of the month in which the request for the amendment will be considered by the Planning Commission. Signage notifying the public about the request shall be posted within five (5) days of receipt of the application. Before finally adopting any such amendment, the County Court shall hold a public hearing thereon, at least thirty (30) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the County; and any such amendment shall be published at least once in the official newspaper of the County or in a newspaper of general circulation in the County. Rezoning requests submitted to the Planning Commission shall not be resubmitted if the request has been considered by the Planning Commission within 180 days. (This section amended 10/1/01.)

7.100. Penalties. Any persons violating any provisions of this Resolution shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty (\$50) for each offense. Each day such violations shall continue constitutes a separate offense.

7.110 Remedies. In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained; or any building, structure, or land is used in violation of this Resolution; the Building Commissioner or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

7.120. Validity. Should any section, clause, or provision of this Resolution be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of this Resolution as a whole or any other part than the part judged invalid.

7.130. Interpretation. Where a condition imposed by a provision of this Resolution is less restrictive than comparable conditions imposed by any other provision of this Resolution or any other resolution, the provisions which are more restrictive shall govern.

7.140. Effective Date. This Resolution shall take effect from and after the effective day of its passage and publication as required by law, the public welfare requiring it.

DATE OF PASSAGE OF RESOLUTION

COUNTY JUDGE OF LOUDON COUNTY

Attested by:

LOUDON COUNTY COURT CLERK

7.150. Postponed and/or Withdrawn Agenda Items

Any item placed on the agenda of the Loudon County Planning Commission or the Loudon County Board of Zoning Appeals that is postponed and/or withdrawn twice by the petitioner cannot be resubmitted for a period of twelve months.

(Section 7.150 was added by recommendation from the Loudon County Planning Commission 11/18/14, adopted by the Loudon County Commission 12/1/14.)

Approved by Co. Com.
1/6/2020

RESOLUTION NO. _____

A RESOLUTION TO AMEND THE LOUDON COUNTY ZONING RESOLUTION, ARTICLE 7. ADMINISTRATION AND ENFORCEMENT PURSUANT TO TENNESSEE CODE ANNOTATED, SECTION 13-7-105

WHEREAS, the Loudon County Commission, in accordance with Chapter Seven, §13-7-105 of the Tennessee Code Annotated, may from time to time, amend the number, shape, boundary, area or any regulation of or within any district or districts, or any other provision of any zoning resolution, and

WHEREAS, the Regional Planning Commission has forwarded a recommendation regarding the amendment to the Zoning Resolution of Loudon County, Tennessee,

WHEREAS, a notice of public hearing and a description of the resolution appeared in the Loudon County Daily Edition on December 6, 2019 consistent with the provisions of Tennessee Code Annotated, §13-7-105;

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission that the Loudon County Zoning Resolution be amended by deleting Article 7, Administration and Enforcement in its entirety and replacing it with the following:

ARTICLE 7

ADMINISTRATION AND ENFORCEMENT

SECTION

- 7.010. Administration of the Resolution
- 7.020. The Enforcement Officer
- 7.030. Building Permits
- 7.035. Driveway Permits
- 7.040. Temporary Use Permits
- 7.050. Certificate of Occupancy
- 7.060. Procedure for Authorizing Special Exceptions
- 7.070. County Board of Zoning Appeals
- 7.080. Variances
- 7.090. Amendments to the Resolution
- 7.100. Penalties
- 7.110. Remedies
- 7.120. Validity
- 7.130. Interpretation
- 7.140. Effective Date
- 7.150. Postponed and/or Withdrawn Agenda Items

7.010. Administration of the Resolution. Except as otherwise provided, no structure or land shall, after the effective date of this Resolution, be used and no structure or part thereof shall be erected, altered or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this Resolution shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter, impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

7.020. The Enforcement Officer. The provisions of this Resolution shall be administered by the Loudon County Building Commissioner. The Building Commissioner shall administer and enforce this Resolution and, in addition, they shall:

- A. Issue all building permits and make and maintain records thereof.
- B. Issue all Certificates of Occupancy and make and maintain records thereof.

- C. Issue and renew, where applicable, all temporary use permits and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Conduct inspections as required in this Resolution and such other inspections as are necessary to insure compliance with the various other general provisions of this resolution. The Building Commissioner shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out their authorized duties.

7.030. Building Permits. In accordance with Section 13-7-114 of the Tennessee Code Annotated, it shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including accessory structures, to use a building or structure or to change the use of a building or structure, or to commence the filling of land until the Building Commissioner has issued for work a building permit containing a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this resolution. Application for a building permit shall be made in writing to the Building Commissioner on forms provided for that purpose. No building permit shall be issued for any commercial, office, industrial or multi-family developments until site plans have been submitted to and approved.

- A. A building permit is not required for residential accessory storage buildings that are no more than 500 square feet in size, are not built on a permanent foundation and meet all other zoning requirements of this Resolution.
- B. It shall be unlawful for the Building Commissioner to approve the plans or issue a building permit for any excavation or construction until they have inspected such plans in detail and found them to be in conformity with this Resolution. To this end, the building permit for excavation, construction, moving or alteration shall be accompanied by a plan or plat and showing the following in sufficient detail to enable the Building Commissioner to ascertain whether the proposed excavation, construction, moving or alteration is in conformance with this Resolution:
 - 1. The actual shape, location, and dimensions of the lot to be built upon.
 - 2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and, of buildings or other structures already on the lot, the elevation of the building site.
 - 3. The existing and intended use of all such buildings or other structures.
 - 4. Location and design of off-street parking areas and off-street loading areas. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this resolution are being observed.
- C. If the proposed excavation, construction, moving or alteration as set forth in the application is in conformity with the provisions of this Resolution, the Building Commissioner shall issue a building permit for such excavation or construction. If an application for a building permit is not approved, the Building Commissioner shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Resolution, and building permits shall be void after six (6) months from date of issue unless substantial progress on the project has been made by that time.
- D. Fees for all commercial, industrial and residential buildings are found in the building codes and amendments adopted by Loudon County.
- E. The Building Commissioner shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account

the same was paid, the date and amount thereof. No permit shall be issued until the fees prescribed herein shall have been paid. Nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid. If no permit has been obtained before the erection or alteration of any building or structure, the Building Commissioner is hereby authorized to charge a fee at a rate twice the designated fee for that structure or building. This Resolution shall not be construed as authorizing the requirement of building permits for the erection, construction, or reconstruction of any building or other structure on land now devoted to agricultural uses or which may hereafter be for agricultural purposes, except on agricultural land adjacent to, or in proximity to state, federal aid highways, public supports or public parks, however, such building or structure is incidental to the agricultural enterprise.

7.035. Driveway Permits

Prior to constructing a driveway that will connect to a Loudon County road, property owners must contact the Loudon County Highway Department for a driveway permit. The purpose of the permit is to assure the proper placement of new driveway connections to improve traffic safety and to reduce the costs of maintaining the roadway drainage system.

A. Guidelines for Obtaining a Driveway Permit

1. Contact the Loudon County Highway Department at 865-458-6940 to request a field inspection prior to constructing a driveway connecting to a county road. The property owner should provide their name, phone number, address, subdivision name (if applicable), lot number, and directions to the property.
2. The property owner should locate the center of the proposed driveway connection by placing an orange flag or spray paint at the edge of pavement.
3. A Highway Department inspector will inspect the proposed driveway location and complete a field inspection report within 48 hours of contacting the Highway Department for an inspection. The inspection report will approve the requested location or designate a new driveway location and specify the size of the drain tile required for adequate drainage.
4. A copy of the Highway Department field inspection report will be sent to the property owner and the Loudon County Building Commissioners' Office.
5. The property owner may proceed with the driveway connection upon receipt of the Highway Department's field inspection report. When the work is completed, the property owner should contact the Highway Department for a final inspection.
6. A driveway permit approving the work will be signed by the Highway Superintendent and sent to the Loudon County Building Commissioner's Office. The Building Commissioner will not issue a certificate of occupancy without a driveway permit from the Highway Superintendent.

B. Minimum Requirements for Driveway Construction

1. All driveways shall have a sufficient rock or stone base to keep mud and dirt off the county road.
2. Driveway drainage tiles must be galvanized metal, plastic or concrete. If plastic is used it must meet state specifications and have headwalls installed. All pipe must be covered with a minimum of 6" of crusher run stone. Driveway drain tile must have a minimum diameter of 15".
3. If the driveway has a 10% or greater slope from the county road, the first 20' of the driveway from the edge of pavement must be paved with concrete or asphalt. Concrete should have a minimum thickness of 4" or asphalt should have a minimum thickness of 2".

4. Property owners are responsible for maintaining driveways and cleaning up any material that washes off the driveway into the county right of way or road.

7.040. Temporary Use Permits. It shall be unlawful to commence construction or development of any use of a temporary nature until a permit, accompanied by a \$5.00 fee, has been secured from the Loudon County Building Commissioner, as provided for in Article 4, Section 4.030 of this Resolution. Application for a temporary use permit shall be made in writing to the Building Commissioner on forms provided for that purpose.

7.050. Certificate of Occupancy. No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Commissioner shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of the Resolution.

7.060. Procedure for Authorizing Special Exceptions. The following procedure is established to provide procedures for review of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this Resolution or whether a proposed use is potentially noxious, dangerous or offensive.

A. Application:

An application shall be filed with the Board of Zoning Appeals by the first day of the month in which the request will be reviewed. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require. Signage notifying the public about the request shall be posted on the property ten (10) business days prior to the meeting that it will be reviewed

B. Restrictions:

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this Resolution.

C. Validity of Plans:

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

7.070. County Board of Zoning Appeals. A Loudon County Board of Zoning Appeals is hereby established in accordance with Section 13-7-106 of Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members appointed by the Loudon County Commission. Board members shall be appointed to five (5) year terms, with such terms arranged so that the term of one (1) member will expire each year. The county legislative body may appoint associate members of the Board, and in the event that any regular member be temporarily unable to act owing to absence from the county, illness, interest in a case before the Board, or other cause, such Board member's place may be taken during such temporary disability by an associate member designated for the purpose by the county legislative body.

A. Procedure:

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman or, in their absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

B. Appeals to the Board:

An appeal to the Loudon County Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental office, department, board, or

bureau affected by any decision of the Building Commissioner based in whole or in part upon the provisions of this Resolution. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Commissioner shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

C. Powers of the Board:

The Board of Zoning Appeals shall have the following powers:

1. Administrative review:

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Building Commissioner or other administrative official in the carrying out of enforcement of any provision of this Resolution.

2. Special exceptions:

To hear and decide application for special exceptions as specified in the Zoning Resolution, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances:

To hear and decide applications for variances from the terms of this Resolution.

7.080. Variances. The purpose of the variance is to modify the strict application of the specific requirements of this Resolution in the case of exceptionally irregular, narrow, shallow, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle that is preventing an owner from using his property under this Resolution.

A. Application:

After written denial of a permit, a property owner may make application for a variance by the first day of the month in which the variance request will be reviewed by the Board of Zoning Appeals, using any form that may be made available by the Board of Zoning Appeals. Signage notifying the public about the request shall be posted on the property ten (10) days prior to the meeting that it will be reviewed.

B. Hearings:

Upon receipt of an application, the Board shall hold a hearing, to decide whether a variance to the Resolution provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of their land.

C. Standards for Variances:

In granting a variance, the Board shall ascertain that the following criteria are met:

- a. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district.
- b. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

- c. For reasons fully set forth in finding of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of the Zoning Resolution would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.
- d. The granting of any variance shall be in harmony with the general purposes and intent of this Resolution and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
- e. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying therefore.

7.090. Amendments to the Resolution. The regulations and the number or boundaries of districts established by this Resolution may be amended, supplemented, changed, modified, or repealed by the Loudon County Quarterly Court, but in accordance with the Tennessee enabling legislation, no amendment shall become effective unless it is first submitted to and approved by the Loudon County Regional Planning Commission or, if disapproved, shall receive a majority vote of the entire membership of the Loudon County Quarterly Court, except that when the zoning map is amended within the areas which fall within the planning region of Lenoir City or Loudon, such amendments must also be submitted to and receive a recommendation from the Lenoir City or the Loudon Regional Planning Commission. Application for zoning amendments must be submitted to the Loudon County Planning Department by the first day of the month in which the request for the amendment will be considered by the Planning Commission. Signage notifying the public about the request shall be posted on the property ten (10) business days prior to the meeting that it will be reviewed. Before finally adopting any such amendment, the County Commission shall hold a public hearing thereon, at least thirty (30) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the County; and any such amendment shall be published at least once in the official newspaper of the County or in a newspaper of general circulation in the County. Rezoning requests submitted to the Planning Commission shall not be resubmitted if the request has been considered by the Planning Commission within 180 days.

7.100. Penalties. Any persons violating any provisions of this Resolution shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty (\$50) for each offense. Each day such violations shall continue constitutes a separate offense.

7.110 Remedies. In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained; or any building, structure, or land is used in violation of this Resolution; the Building Commissioner or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

7.120. Validity. Should any section, clause, or provision of this Resolution be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of this Resolution as a whole or any other part than the part judged invalid.

7.130. Interpretation. Where a condition imposed by a provision of this Resolution is less restrictive than comparable conditions imposed by any other provision of this Resolution or any other resolution, the provisions which are more restrictive shall govern.

7.140. Effective Date. This Resolution shall take effect from and after the effective day of its passage and publication as required by law, the public welfare requiring it.

7.150. Postponed and/or Withdrawn Agenda Items

Any item placed on the agenda of the Loudon County Planning Commission or the Loudon County Board of Zoning Appeals that is postponed and/or withdrawn twice by the petitioner cannot be resubmitted for a period of twelve months.

LOUDON COUNTY COURT CLERK

BE IT FINALLY RESOLVED, that this Resolution shall take effect immediately, the public welfare requiring it.

ATTEST:

LOUDON COUNTY COMMISSION CHAIRMAN

DATE:

APPROVED: LOUDON COUNTY MAYOR

The votes on the question of approval of this Resolution by the Planning Commission on _____ are as follows:

APPROVED: _____

DISAPPROVED: _____



ATTEST: SECRETARY LOUDON COUNTY
REGIONAL PLANNING COMMISSION



Loudon County
Codes Enforcement

FILED 26 DAY OF Aug 20 20
W. Miller AT 10:55 AM
LOUDON CO. CLERK & MASTER

Violation Complaint

Date: 9-10-18 Taken By: Nancy / Jim / Frank

Complainant's Name: Tim Strunk

Complainant's Phone Number: 803-3288

Violation Property Owner: Bea's Chapel Properties LLC ^{Mark} 250-8845

Violation Address: 23608 Bea's Chapel Rd.

Map: 2812 Group: A Parcel: 200 Zoned: A2/F1

Type of Violations: Please Circle

Details: BD, to close to
Property line.

Junk	Debris	Trash	Garbage	Tires
Illegal Dwelling/Structure	Illegal Business			
Over Grown Vegetation	Abandoned Junk Vehicles			
Dilapidated House	Illegal Sign	Erosion		
No Permit	Other: _____			

EXHIBIT 2

Status: This is a structure that did not have a roof because it is on the property line. It now has a roof and is in violation will send letters 9-18-18
Property owner called me and said he wanted to meet 10-8-18-

BD still in violation see pic 10-16-18 Mr. Mark back called and wants a how many
to figure out what deadline to take. He will get back by the 31st. To tell me
what he can do. 10-22-18 BD denied 11-13-18 -The BD is still in violation
1-4-19

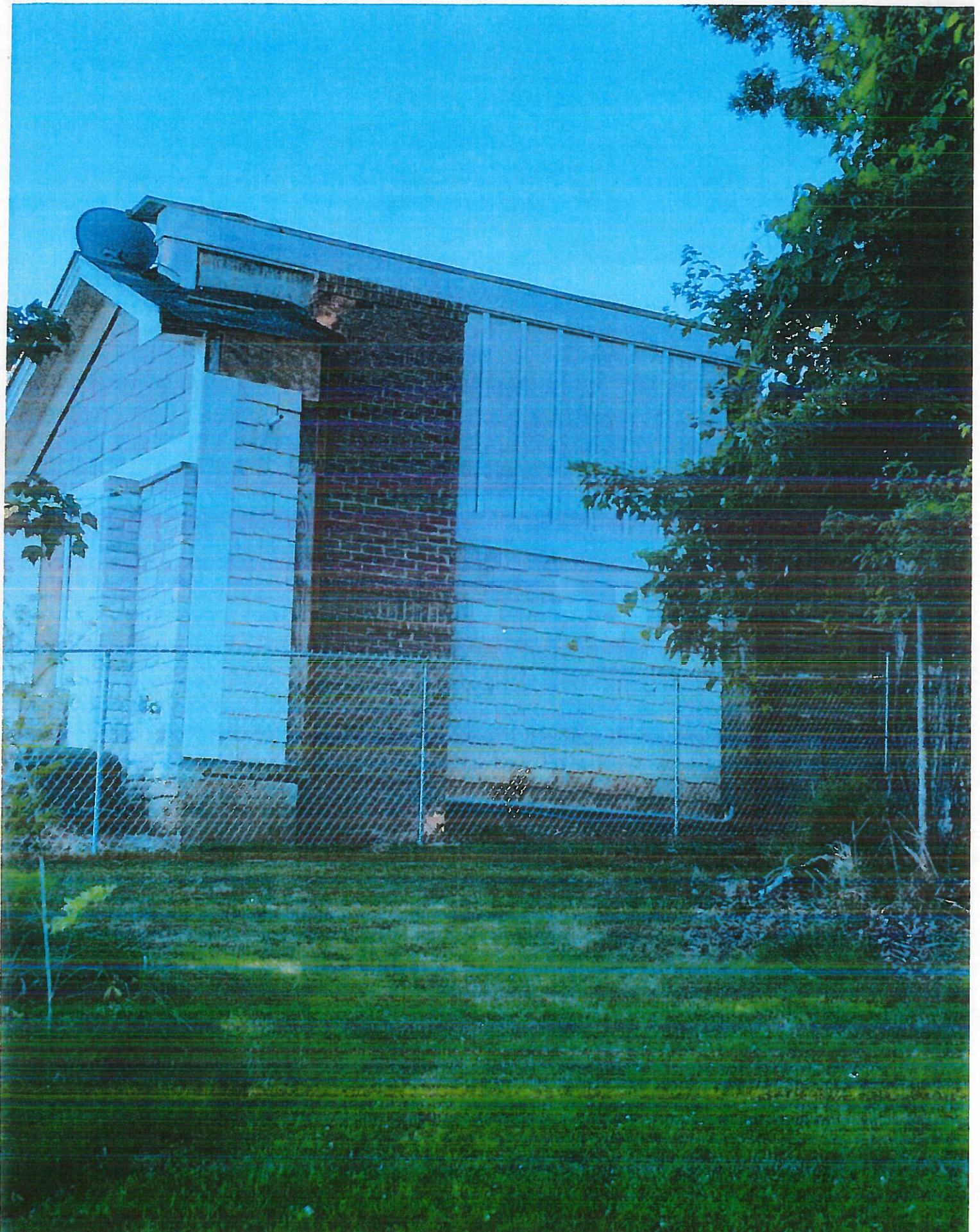
- Owner called. He still wants to meet onsite
I told him he needs to remove the roof. He still
wants an onsite next week. 1-23-19
- County Att. is sending a letter to Mr. Martzell 6-22-20

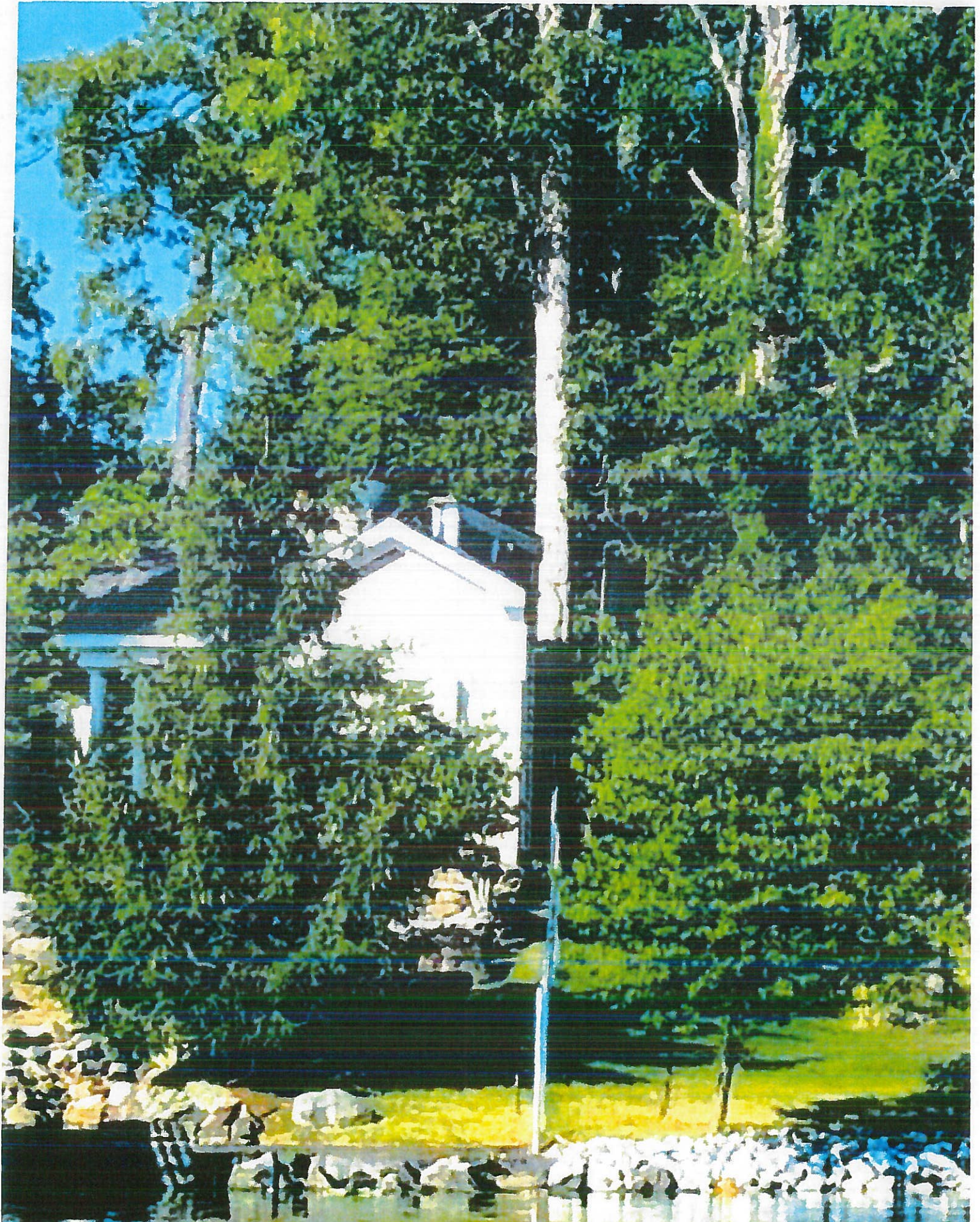


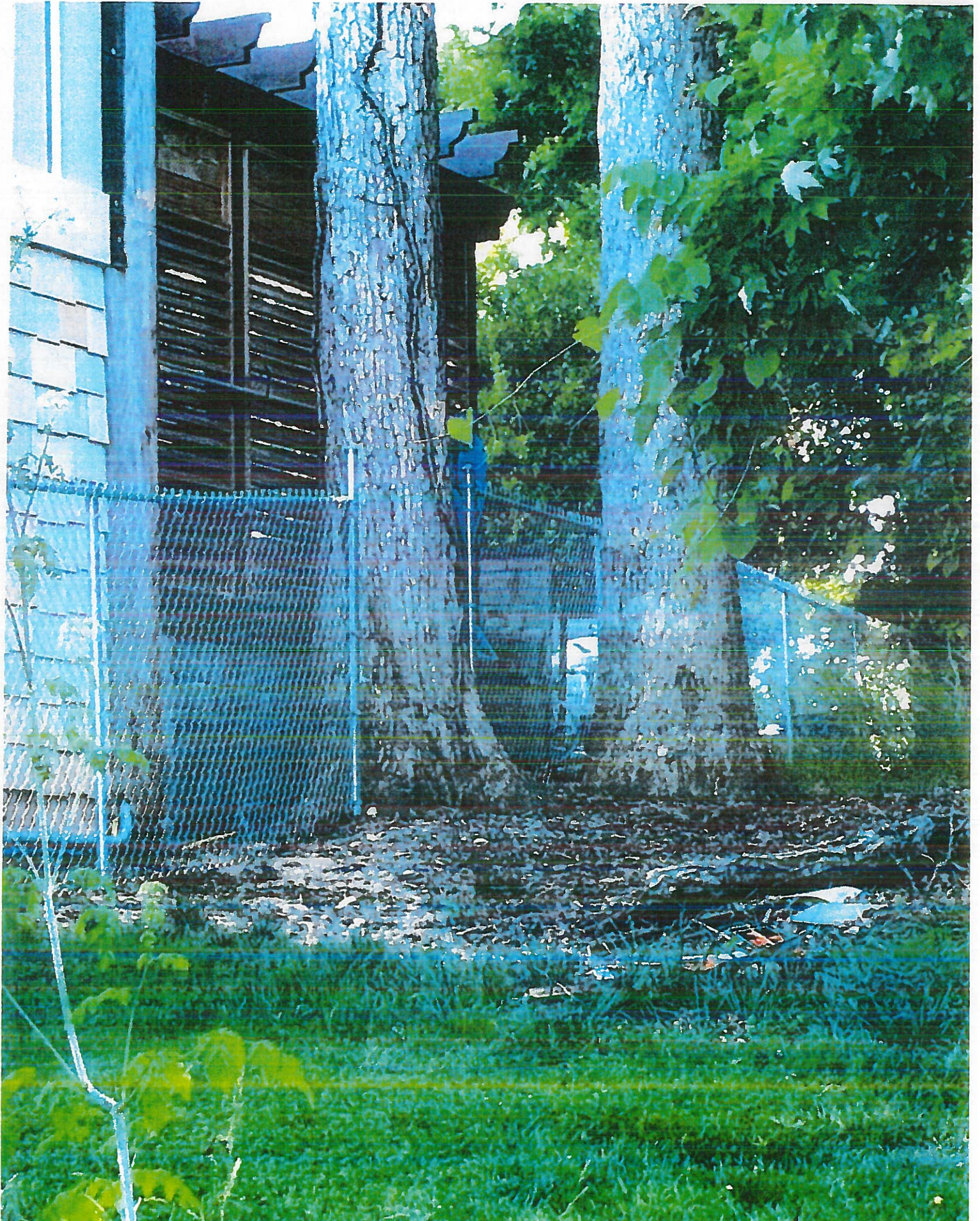
FILED 20 DAY OF AUG 20 11 AM
WAMMERS
LOUDON CO. CLERK & REGISTER

EXHIBIT 3









7017 1070 0000 4855 6267

Del. 10-5-18
2:04pm



LOUDON COUNTY CODES ENFORCEMENT

101 Mulberry Street, Suite 101
Loudon, Tennessee 37774
Phone: 865-458-4470

Fax: 865-458-3598
www.planningandcodes.loudoncounty-tn.gov

September 19, 2018

Beals Chapel Property LLC
23608 Beals Chapel Road
Lenoir City, TN 37771

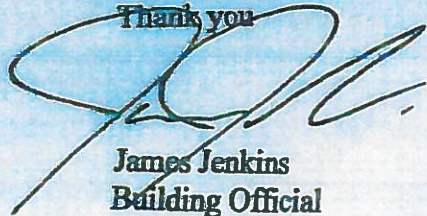
RE: Zoning Resolution Violations
Map 28K, Group A, Parcel 002.00

TO WHOM IT MAY CONCERN,

On September 10, 2018, our office received a complaint that there was an accessory building constructed too close to the side property line on the above referenced property. On September 18, 2018, I made a site visit to verify the complaint. During my inspection I noted that there was a building that had been permitted and constructed at an earlier date without a roof covering. This same building is now having a roof covering added. Based on previous inspections, this building is does not meet the minimum required setbacks for this properties A2 zoning classification.

I am sending you this letter to request that you move the building to be a minimum of 5' off the side property line, or request a variance from the Loudon County Board of Zoning Appeals to leave the building in its current location. The Zoning Resolution allows for 20 day to file an appeal or to bring the building into compliance. If you have any questions feel free to contact me at 865-458-4095. Your cooperation in resolving this matter is greatly appreciated.

Thank you



James Jenkins
Building Official

FILED 26 DAY OF Aug 20 20
Woa Miles AT 10:55AM
LOUDON CO. CLERK & MASTER

EXHIBIT 4



Loudon County Planning Department

101 Mulberry Street, Suite 101
Loudon, Tennessee 37774
Office: 865-458-2055
Fax: 865-458-3598
www.loudoncounty-tn.gov

MINUTES LOUDON COUNTY BOARD OF ZONING APPEALS NOVEMBER 13, 2018

FILED 20 DAY OF Aug 20 20
Waa Miles AT 10:55 AM
LOUDON CO. CLERK & MASTER

Members Present	Members Absent	Others Present
Carlie McEachern, Chairman		Mark Sundie
Jim Brooks		Mark Matlock
John Napier		Jim Jenkins, Codes Enforcement
Leon Shields		Laura Smith, Planning Department
Ryan Bright		Thomas Norman
		Audience Members

CALL TO ORDER

Chairman, Carlie McEachern called the meeting to order at 5:50 p.m., roll was called and audience members who wanted to speak were sworn in. The minutes of the October 23, 2018 meeting were unanimously approved as written.

SPECIAL EXCEPTION, APPLICANT, KEN MOORE FOR BLUE TANK & PUMP RENTAL, STORAGE OF RENTAL EQUIPMENT, TANKS, ROLL-OFF BOXES AND PUMPS, 1639 W. BUTTERMILK ROAD, TAX MAP 002, PARCEL 092.00, C-2, GENERAL COMMERCIAL DISTRICT, APPROXIMATELY 16.3 ACRES

No one present.

ACTION

Jim Brooks moved to table the item until the next meeting. The motion was seconded by Ryan Bright and approved unanimously.

SPECIAL EXCEPTION TO OPERATE BUSINESS IN DETACHED GARAGE, PROPERTY OWNER, MARK SUNDIE, 820 DIXIE LEE CIRCLE, TAX MAP 007J, GROUP B, PARCEL 010.00, R-1, SUBURBAN RESIDENTIAL DISTRICT, APPROXIMATELY .5 ACRE

Mr. Sundie was present and stated that he runs a ceramics business from his home. He built a detached garage approximately 4 years ago for the business. He wants to run the business out of the garage part-time and said he has been operating out of the building for about 1 ½ years. Mr. Sundie stated that he has two detached buildings and can have up to 5 or more cars at one time. He stated that he had talked to all the neighbors about running the business.

A member of the audience who said he lived in the neighborhood stated that he was in opposition to the business. Another audience member who lives in the neighborhood stated that he observed Mr. Sundie using the garage for storage for his business, and also stated that he

thinks it will devalue his property.

ACTION

Mr. Bright moved to deny which was seconded by Leon Shields and approved unanimously.

VARIANCE REQUEST FOR 12' FROM PROPERTY LINE FOR GARAGE. PROPERTY OWNER, THOMAS NORMAN, 511 DAILEY AVENUE AND SIMMONS RD., TAX MAP 033N, GROUP B, PARCEL 009.00, R-1, SUBURBAN RESIDENTIAL DISTRICT, APPROXIMATELY .69 ACRE

Codes Enforcement Director, Jim Jenkins stated that Mr. Norman had applied for and been issued a permit to build his garage. However, during inspection for the framing, he noticed that the setbacks had been staked from the road and not the property line and work had already begun.

ACTION

Mr. McEachern moved to approve the 12' variance which was seconded by Mr. Brooks and approved unanimously.

VARIANCE, SETBACK, APPLICANT, BEALS CHAPEL PROP. LLC, MARK MATLOCK, GENERAL MANAGER, 23608 BEALS CHAPEL RD., TAX MAP 028K, GROUP A, PARCEL 002.00, A-2, RURAL RESIDENTIAL DISTRICT

Mr. Jenkins summarized that he has worked with Mr. Matlock regarding complaints beginning in 2009 when a pool house was being constructed. Since then, he has received complaints in 2013, 2014, and 2015 regarding the structure which Mr. Matlock had added a roof to. In 2015, Planning Commission, Chairman, Martin Brown confirmed that if there was no roof, the structure did not have to meet the setback requirements. However, in September, Mr. Jenkins received another complaint about the building and a roof had been added.

Mr. Matlock stated that he had built a wall and handed out copies of photos to members of the BZA. He stated that in 2013 he began work on the structure. He also stated that he has had disagreements with his neighbor. He stated that he began the wall in 2013 and in 2014 he met with Mr. Jenkins. According to Mr. Matlock, at that time he had discussed building an open pergola with the Planning Director, which was allowed. However, earlier this year he started adding a roof. Mr. Matlock stated that his surveyor and his neighbor's surveyor had been out to the property. He stated that his neighbor had trees on his property that had died, and the limbs were falling on Mr. Matlock's property. Mr. Brooks asked if the building had plumbing and electricity, and Mr. Matlock confirmed that it did. Mr. Brooks also asked Mr. Matlock to clarify that he was adding a roof to the wall he had built and Mr. Matlock stated that he had added a roof.

ACTION

Mr. Brooks moved to deny the variance. There was a lack of a second, and Mr. Matlock then presented more pictures to the BZA. Chairman McEachern stated that Mr. Matlock had built a structure on the property line in violation of the setbacks and was calling it something else. He could take the structure back down to what it was previously without the roof, and if he had complaints about tree limbs falling, he should contact his neighbor and his insurance company,

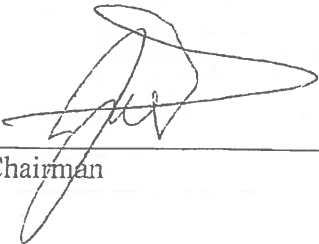
and that the BZA did not get involved in that issue. John Napier then seconded the motion to deny the variance and Mr. Matlock is to remove the roof and take it back to how it previously existed, which was unanimously approved. Mr. Matlock confirmed that he would take it back to the open structure that it had been previously.

ADDITIONAL PUBLIC COMMENTS

Other than Steve Field stating that the Solid Waste Commission meets at 6:30 p.m., there were no public comments.

ADJOURN

The meeting adjourned at 6:30 p.m.



Chairman

1-15-18

Date

7017 1070 0000 4855 6281



**LOUDON COUNTY
CODES ENFORCEMENT**

101 Mulberry Street, Suite 101
Loudon, Tennessee 37774
Phone: 865-458-4470
Fax: 865-458-3598

www.planningandcodes.loudoncounty-tn.gov

January 8, 2019

Beals Chapel Property LLC
23608 Beals Chapel Road
Lenoir City, TN 37771

RE: Zoning Resolution Violations
Map 28K, Group A, Parcel 002.00

TO WHOM IT MAY CONCERN,

FILED 26 DAY OF Aug 20 20
Wm M. [Signature] AT 10:55 AM
LOUDON CO. CLERK & MASTER

On September 19, 2018, our office sent you notification that an accessory building at the above referenced location was in violation of its required building setbacks. You requested to appeal this decision to the Board of Zoning Appeals, which was heard on November 13, 2018. The board upheld the decision that the building was in violation and must be brought into compliance. After additional complaint, I made a site visit and noted that the building is still in violation of its required setbacks.

I am sending you this letter as final notice to request that the building be brought into compliance with the required setbacks or be removed by February 3, 2019. I will conduct another site visit after that date to verify compliance. If you have any questions feel free to contact me at 865-458-4095. Your cooperation in resolving this matter is greatly appreciated.

Thank you

[Signature]
James Jenkins
Building Official

EXHIBIT 6

KRAMER RAYSON LLP
ATTORNEYS AT LAW

JOHN T. JOHNSON, JR.
WARREN L. GOOCH
EDWARD G. PHILLIPS
THOMAS M. HALE
JACKSON G. KRAMER
BEECHER A. BARTLETT, JR.
JOHN C. BURGIN, JR.
CHARLES M. FINN
ROBERT A. CRAWFORD
JOHN E. WINTERS
ROBERT L. BOWMAN
STEVEN E. KRAMER
SHANNON COLEMAN EGGLE
KATE E. TUCKER
BETSY J. BECK
WILLIAM J. CARVER
GEORGE R. ARRANTS, JR.
BRANDON L. MORROW
CAMILLE H. SANDERS
BRYCE E. FITZGERALD
ERICA D. GREEN
NATHANIEL D. MOORE
ANDREW M. HALE

POST OFFICE BOX 629
KNOXVILLE, TENNESSEE 37901-0629

FOUNDED 1948

OF COUNSEL
WAYNE R. KRAMER
LESLIE L. SHIELDS

OFFICES
FIRST TENNESSEE PLAZA, SUITE 2500
800 SOUTH GAY STREET
KNOXVILLE, TENNESSEE 37929
TELEPHONE 865 525-5134
TELECOPIER 865 522-5723

105 DONNER DRIVE, SUITE A
OAK RIDGE, TENNESSEE 37830
TELEPHONE 865 220-5134
TELECOPIER 865 220-5132

R.R. KRAMER (1888-1966)
E.H. RAYSON (1923-2017)

June 23, 2020

rlbowman@kramer-rayson.com

Phone Ext. 130

VIA FIRST CLASS U.S. MAIL AND
CERTIFIED MAIL 7014 0150 0001 51860 6414

Mr. Mark Matlock
Beals Chapel Property, LLC
23608 Beals Chapel Road
Lenoir City, TN 37771

FILED 26 DAY OF Aug 20 20
Woa Miles AT 10:55 AM
LOUDON CO. CLERK & MASTER

Re: Zoning Resolution Violations – Map 28k, Group A, Parcel 002.00

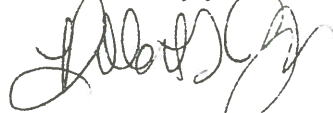
Dear Mr. Matlock:

I am the County Attorney for Loudon County, Tennessee ("Loudon County"). I am writing to address the pool house located on your property which is in violation of the Loudon County Zoning Resolution. Loudon County has received several complaints about this pool house dating back to the beginning of its construction and continuing through today. Because this structure has a roof, it is in violation of the setback requirements for Loudon County. As you are aware, the previously proposed variance pertaining to this structure was denied on November 13, 2018. Also, on November 13, 2018, you confirmed the structure would be returned to its open construction; however, as of today the building is still in violation.

Due to this violation, it is required that you remove the roof from this structure or otherwise bring the structure into compliance. If the violation of these regulations is not remedied within thirty (30) days of today (by July 23, 2020), Loudon County will file an injunction action against you in order to abate this violation and remove the unlawful structure.

Please contact me and advise if you will remedy this violation without court action.

Sincerely yours,



Robert L. Bowman

RI B:ec

EXHIBIT 7

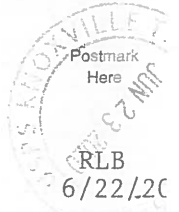
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For delivery information visit our website at www.usps.com

OFFICIAL USE

7014 0150 0001 5186 6414

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To Mr. Mark Matlock
 Street, Apt. No. or PO Box No. 23608 Beals Chapel Road
 City, State, ZIP+4 Lenoir City, TN 37771

PS Form 3800, August 2006 See Reverse for Instr

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

 Mr. Mark Matlock
 Beals Chapel Property, LLC
 23608 Beals Chapel Road
 Lenoir City, TN 37771

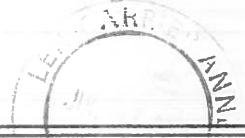


9590 9402 5523 9249 0460 52

2. Article Number (Transfer from service label)
 7014 0150 0001 5186 6414

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agt Adr
 B. Received by (Printed Name) Mark Matlock C. Date of Delivery 6/22/06
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:



3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Priority Mail Exp
 - Registered Mail™
 - Registered Mail International
 - Return Receipt for Merchandise
 - Signature Confirmation
 - Signature Confirmation Restricted Delivery

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

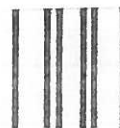
Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail® or Priority Mail®
- Certified Mail is **not** available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver, a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the address of addressee's authorized agent. Advise the clerk or mark the mailpiece with endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present it at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-3047

USPS TRACKING#



First-Class Mail
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USPS
Permit No. G-10

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United States
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• Sender: Please print your name, address, and ZIP+4® in this box•

Robert L. Bowman, Esq.
KRAMER RAYSON LLP
P.O. Box 629
Knoxville, TN 37901-0629

Re: Loudon County
02405.00120

