

Blount County

Planning and Development Services

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MEMORANDUM

TO: Blount County Board of Zoning Appeals

FROM: Thomas A. Lloyd, AICP
Director/Building Commissioner

DATE: August 6, 2026

SUBJECT: Special exception request for private construction and demo debris compaction facility at 10127 Chapman Hwy, Seymour (004 037.01)

Attachments:

1. Zoning Map
2. Application
3. Proposal
4. Site Plan
5. Aerial

Applicant

Property Owner – Peacock Way, LLC

Business owner – Two Gen Vets, LLC (Tom and Nick Richards)

Land Use and Zoning

The subject property is approximately 2.16 acres and is zoned C- Commercial. It is developed with two commercial structures and encompasses numerous businesses, including auto repair, tax prep, and the subject dumpster rental and waste hauling company, Two Gen Vets, LLC. It is accessed exclusively from Chapman Highway, a state route.

Background

According to the business proposal provided by the applicant, they are seeking approval to develop and operate a private construction and debris compaction facility to support their existing dumpster rental business. Per the applicant, the facility, “will not be open to the public,” and will only be used to increase their efficiency. More specifically, they state that, “it is not intended to operate as a public dump, public convenience center, or public waste transfer station.” More details can be found in the attached proposal (Attachment 3).

Conformance with Applicable Zoning Regulations

Section 9.4 C – Commercial District

While the applicants' existing dumpster rental business is specifically permitted as, "rental of goods, merchandise, and equipment," within the C-Commercial zoning district, the operation of a private waste sorting and compaction facility is not mentioned among the permitted uses of 9.4.A. Since the use is not listed as a permitted use, it must be reviewed as a Special Exception under section 9.4.B. which states, "any other commercial activity not listed in section A above." Further, 9.4.B. also includes "scrap materials salvage and recycling." Since the proposed use shall be considered as a Special Exception, it is subject to review by the Board of Zoning Appeals under section 11.5 of the County's zoning ordinance.

Design

The attached site plan shows the area where a concrete pad would be constructed for the compactor. This area, as shown on the attached aerial photo (Attachment 5), is already utilized for storage of dumpsters that are awaiting rental or to be emptied at the landfill. The subject property sits far below the grade of Chapman Highway and the proposed area for the compactor does not appear to be readily visible from any public right of way. This area is well shielded from the adjoining properties to the north and south by mature trees and other vegetation. The property to the rear is a long-standing trailer repair business. A 5' rear setback to that property line would be applicable to any accessory structure greater than or equal to 30" H and appears to be met on the attached site plan (Attachment 4).

Stormwater

Pursuant to 7.2.E, no drainage plan is required because less than 10 percent impermeable surface is being added to a developed site.

Recommendation and Conditions

If the Board finds that this request meets the requirements to satisfy section 11.5. Special Exception, staff recommends the following condition:

- Subject to issuance of all required permits including, but not limited to, TDOT (entrance), TDEC (solid waste), and electrical.

Possible Motions:

All actions by the Board (APPROVE or DENY) should note reason(s) why on the record:

- A motion to approve could be, "I make a motion to approve as, based on evidence and testimony, the request has been found to comply with Section 11.5."
- A motion to deny should be more specific. "I make a motion to deny as, based on evidence and testimony, the request has been found to [state *specific* reason(s) from 11.5.G]".

Applicable sections of the zoning ordinance are included below for reference:

Section 11.5. Special Exceptions . Application for a special exception in relation to a specific part, parcel or parcels of land may be made as provided in this Resolution by owners of the land or their specified agents, those who have contracted to purchase or hold an interest in the land, or those who in some other definitive way have the legal authority to take action in regards to plans for the special exception. The Building Commissioner may require evidence of such applicant criteria at his discretion. The following shall be the general conditions and procedures for application and consideration of a special exception.

A. An application for a special exception shall include all information required by this Resolution, and shall be presented to the Building Commissioner at least fifteen working days prior to consideration by the Board. The Board may require additional information of the applicant in order to make a decision on the application.

B. The Chairman of the Board shall set a date and time for hearing on the application no later than 60 days after submission of the application, or alternatively, the Board may consider the application at any appropriate regular meeting. The Building Commissioner shall publish notice of the application and hearing time, date and place in a newspaper of general circulation within the county at least five days prior to the hearing, as well as due notice to the applicant.

C. The land or site of the special exception shall be posted by a sign set by the Building Commissioner along a fronting or adjacent public road notifying neighboring property owners of the application for special exception, date, time and place of hearing, and telephone number of the Building Commissioner for further information. Such sign shall be posted at least ten days prior to the date of the hearing (Resolution 10-01-005).

D. The Building Commissioner shall forward to the Board copies of all records relating to the application, along with his or her analysis and recommendation on the application.

E. The Board shall act on the application within 60 days of the hearing, unless the applicant requests an extension of time. Upon hearing, any party or parties in interest may appear in person or by agent or attorney.

F. Subject to subsection G. below, the Board shall approve and permit the special exception unless it finds and concludes, based upon the information submitted in the application or provided at the hearing, that one or more of the following conditions holds:

1. the requested special exception is not within its authority under provisions of this Resolution;
2. the application is incomplete;
3. the proposed special exception if constructed or established will not comply with one or more requirements of this Resolution.

G. Notwithstanding findings under subsection F. above, the Board may deny the application for special exception if it finds and concludes, based on the information submitted in the application or provided at the hearing, that one or more of the following conditions holds or will hold:

1. construction or establishment of the special exception will materially endanger the public health or safety;
2. construction or establishment of the special exception will substantially injure the value of adjoining or abutting property;
3. construction or establishment of the special exception will not be in conformity with the purposes, intents or goals of this Resolution;
4. construction or establishment of the special exception will create impacts on public services or facilities which would endanger health, safety or property because of lack of or adverse effect on water supply, schools, proper drainage, good transportation, other public services or public funds for the supply or maintenance of such services, and which are beyond the immediate capacity of the County or any other governmental entity to address with public funds, particularly considering the following:

(a) In establishing the impacts of a proposed development of land on public infrastructure or the public health, safety and welfare, the Board shall require studies of such potential impact to establish a factual basis for decision, shall refer to expert opinion and professional standards for infrastructure service, shall require cost estimates for any needed improvements to overcome deficiencies, and shall establish a record for each decision under this section. The Board may require the applicant or developer to provide such studies and other information as part of special exception consideration. The following subsection(s) present specific criteria and procedures for consideration of special exceptions, but shall not limit consideration of other infrastructure issues under this section.

(b) Minimum off-site Road Standards as Criteria Precedent to Development. Except upon recommendation of the County Road Superintendent, a minimum off-site road of eighteen (18) feet of paved width with two (2) foot shoulders on either side shall be present from entrance to any proposed special exception development to intersection with any road with same standard or better, for consideration of any special exception which would generate expected traffic greater than 32 vehicle trips per day. Traffic trip generation shall be determined by standards contained in Trip Generation, 7th Ed., by the Institute of Transportation Engineers, 2003, or other professionally recognized trip generation standards acceptable to the County Road Superintendent. In determining the status of a proposed special exception in relation to traffic trip generation, this section shall apply also to any combined phased development of the same property within one year of consideration of any special exception involving that property, and to overall development of any land in phases. For the purpose of determining paved width of roads, the roads list maintained by the Blount County Highway Department showing road pavement width shall be the basis for determination, provided that direct measurement showing roads of greater width than listed may be considered. For the purpose of this section, shoulder shall mean an area outside of two nine (9) foot paved travel lanes (18 foot total travel surface) with the following characteristics: i) two feet of unobstructed and well drained width at outside of travel lanes, ii) no more than eight (8) percent slope from outside edge of travel lanes, and in no instance more than seven (7) percent maximum algebraic difference in slope between travel lane and shoulder grades, and iii) surface treatment of hard pavement, gravel or compacted earth, flush with the surface of travel lanes. The Board may consider lesser pavement width and shoulder width upon submission of a traffic and roads condition study by the applicant or developer. The traffic and roads condition study shall be done by a qualified engineer licensed in the State of Tennessee and acceptable to the County Road Superintendent.

The traffic and roads condition study shall at a minimum contain present road and shoulder width of off-site roads measured at intervals of no greater than one-tenth (0.1) miles, present and expected future ADT (average daily traffic), and specific impact of the proposed special exception development on the safety of traffic on off-site roads. Upon determination and recommendation by the County Road Superintendent or his designee, the study shall also assess road geometry (vertical and horizontal curves, etc), sight distances, bridges, and roadside hazards as part of determining safe and acceptable road conditions. The study shall also include estimates of cost to improve the existing roads to safe and acceptable conditions. The traffic and roads condition study shall assess whether or not existing road width and shoulder width and other design factors of off-site roads would be sufficient to protect the public health, safety and welfare of existing and future county residents in relation to additional traffic generated by a proposed special exception development. Engineering standards and practices acceptable to the County Road Superintendent or his designee shall be the basis for determining traffic generation from the proposed subdivision or development and assessing traffic impact and acceptable road conditions, such standards and practices to include: A Policy on Geometric Design of Highways and Streets, published by American Association of State Highway and Transportation Officials (AASHTO), 2001; and Designing Safer Roads: Practices for Resurfacing, Restoration and Rehabilitation, Special Report 214, by Transportation Research Board of the National Research Council, 1987.

In considering lesser pavement width and shoulder width under this subsection, the Board shall not approve a special exception development which has ingress and egress on offsite road(s) with pavement width less than sixteen (16) feet; provided that any such offsite road(s) with less than two hundred (200) ADT (average daily traffic) may have distances of fifty (50) feet or less with pavement width between fourteen (14) and sixteen (16) feet if there are warning signs and adequate approach sight distances as approved by the County Road Superintendent or his designee. The Blount County Road Superintendent can increase minimum standards based on posted speed limits, ADT, usage, road characteristics, or reports as necessary.

H. The Board may condition any approval for a special exception with limits on duration of validity of the approval in the absence of actions to construct or establish the special exception. Where no action is taken to construct or establish the special exception within the time of such duration of validity, a new application shall be required.

I. All conditions and requirements set by the Board shall be entered on the minutes of the hearing, and the Building Commissioner shall notify the applicant of such conditions and requirements by written letter. All conditions and requirements set by the Board shall be enforceable in the same manner and to the same extent as any other provision or requirement of this Resolution.

J. Approval of a special exception runs with the land and is transferable to new owners. However, so long as the land and/or structures or any portion thereof covered under an approval for special exception continues to be used as approved by the Board, then the following shall hold:

1. No person, including successors, assigns or designees of the person who obtained the approval for special exception, may make use of the land or structures covered under such approval for the purposes and use other than in accordance with all the terms, conditions and requirements of such approval.

2. The terms, conditions and requirement of an approval for a special exception apply to and restrict the use of land or structures covered under such approval, not only with respect to all persons

having any interest in the property at the time of such approval, but also with respect to all persons who subsequently obtain any interest in all or part of the property covered by such approval.

Section 9.4 C – Commercial District . It is the purpose and intent of this district to regulate commercial and other development of high to medium density around the cities of Alcoa and Maryville, consistent with the overall purposes of this Resolution contained in Article 3, consistent with provisions in Public Chapter 1101 of 1998 (Tennessee Code Annotated Section 6-58-101, et seq), and consistent with plans adopted by Blount County.

A. Permitted Uses: General retail sales and rental of goods, merchandise, and equipment; Restaurants, taverns, drinking establishments, and nightclubs; Medical and general offices, e.g., dentists, physicians, attorneys, real estate, insurance, etc.; Automotive and marine craft sales and services; Hotels, motels, rooming and boarding houses, bed and breakfast, campgrounds; Social and fraternal clubs and lodges, union halls, and similar uses; Golf driving ranges, miniature golf courses, and similar uses; Service stations, motor vehicle repair and body shops; Convenience stores with vehicle fuel sales; Mobile home sales; Kennels and veterinary services; Miscellaneous public and semi-public facilities including post offices; Dry cleaners and laundromats; Commercial greenhouses; Manufacturing, processing, creating, repairing, and assembly of goods, where all activities are conducted within a fully enclosed building; Hospitals, clinics, and other medical facilities; Churches, temples and similar places of worship with accessory structures, uses and cemeteries; Bowling alleys, skating rinks, indoor tennis and racquet ball courts, billiard halls, indoor athletic facilities; Public and private recreational activities conducted primarily outside enclosed buildings; Commercial cemeteries not associated with any on-site place of worship; any use permitted or listed as permissible as a special exception in Sections 9.1.A and 9.1.B; adult oriented establishment as defined in TCA 7-51-1101 et seq., subject to requirements in Section 7.12.

B Uses Permitted as Special Exceptions: Scrap materials salvage and recycling, salvage yards, junkyards, automobile graveyards; any other commercial activity not listed in subsection A above. Indoor Sport Shooting Range (subject to provisions and requirements in Section 7.13)

C. Uses Permitted as Special Exceptions with Specific Limitations: (a) Pain Management Clinics, with the following requirements: clinic shall meet and maintain all licensing and permit requirements of the State of Tennessee, including but not limited to those in TCA 63-1-301, et seq .; clinic location shall be 1000 feet from any school, day care facility, park, or church measured from property line to property line; clinic location shall be 500 feet from any residential structure; clinic property abutting an S-Suburbanizing or R-1-Rural District 1 zoned property (not a public right-of-way) shall be secured from access across such abutting property lines by a fence no less than 6 feet in height; clinic location and access shall be on an arterial street as shown on the Major Road Plan for Blount County. (Resolution 12-08-003)

D. Uses Prohibited: In the C – Commercial District, all uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

E. Uses Requiring Site Plan Review: All uses permitted as special exception in subsections B and C above, and customary accessory structures. Permitted uses in subsection A above and customary accessory structures, except one or two single family or manufactured home dwelling on a single lot, duplex dwelling on separate lot, and customary accessory structures to such excepted uses.

F. Minimum Lot Size and Density: For residential structures as required in Section 9.1.F. All commercial lots shall be adequately sized to accommodate necessary parking requirements, setbacks, buffering, and soils requirements for any on-site septic disposal.

G. Setback Requirements: All uses permitted or permitted as special exception shall comply with the following setback requirements, except as otherwise provided for in Articles 3 and 5 for lots of record and nonconforming situations.

1. Front Setback: the minimum depth of the front building setback shall be 30 feet from any road right-of-way or easement line, with the following exceptions: (a) the lot fronts on an arterial road as shown on the Major Road Plan of Blount County, in which case the front setback shall be 60 feet for principal arterial roads and 40 feet for major arterial roads, and (b) the lot has been previously platted on a plat registered with the Blount County Register of Deeds prior to the enactment of this Resolution in which case the minimum shall be no less than 20 feet or the platted setback, whichever is greater.

2. Rear Setback: the minimum building setback from the rear property line shall be 20 feet for the principal structure, and five feet for any accessory structure, provided that the rear setback shall be 40 feet, or greater as may be required by the Board of Zoning Appeals, for any non residential use or special exception with a rear property line abutting a residential use lot, or abutting a lot in the S, R-1 or R-2 zone.

3. Side Setback: For any commercial use under Permitted Uses abutting another commercial use or land zoned C-Commercial or I-Industrial or RAC-Rural Arterial Commercial, the minimum building setback from the side property line shall be ten (10) feet. For any commercial use under Permitted Uses abutting a residential lot or land zoned S, R-1 or R-2, the minimum building setback from the side property line shall be 20 feet. For any special exception, the minimum building setback from the side property line shall be 20 feet, or greater as may be required by the Board of Zoning Appeals. For any residential use the minimum building setback from the side property line shall be ten (10) feet. H) Maximum Height of Structures: Unless otherwise explicitly allowed in other articles of this Resolution, the maximum height of structures shall be no greater than: 1) 35 feet for single family and duplex residential structures; 2) 40 feet to eave and 50 feet to ridge for hip and gable roofs for other primary use structures; and 3) 40 feet for all other types of roofs for other primary use structures. All accessory structures shall be no greater than 35 feet in height. Notwithstanding the above, along highways designated as Scenic Highway under provisions of TCA 54-17-101 to 116, the maximum height of buildings shall be controlled by TCA 54-17-115, up to the maximum allowed in this subsection.

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