

HELP PROTECT OUR MOUNTAINS AND LAKE

“A Cause Worth Fighting For”

Bill Kendall, Commissioner

Q I read in the paper that you were holding hearings concerning adopting ordinances for 50’ building setbacks around Lake Chatuge, Mountain Protection enforcement, and setbacks in general. How is the 50-ft. building setback from the shoreline of the lake determined?

A The proposal is to simply pull a tape measure with the contour of the land 50 feet from the 1926’ contour to where the building site can begin.

Said setback shall not be construed to limit boat docks, decks, patios, walkways or other marina-related construction as normally permitted by the Tennessee Valley Authority.

Q If I have a very small lot that was laid out years ago and cannot build 50 feet back from the 1926 contour; can I still build on my lot?

A YES – The Ordinance will have a variance clause to allow building within the set back area for these small lots. You will simply be asked to plant some type grass or landscaping that will filter the storm runoff water as it enters the lake. The Ordinance is not intended, **not will it keep any property from being built on**. The size of the building and number of bedrooms will continue to be determined by the Health Department septic tank permit.

Q Can these small lots that are grandfathered in be transferred to family members or future buyers of my property?

A YES – They are grandfathered in perpetually by law to the present or future property owners.

Q You stated the mountains would be further protected by the Building Department enforcing the Mountain Protection Act. Please explain.

A The Mountain Protection Act protects the mountains on steep slopes above the 2,200 ft. elevation above sea level by limiting the number of trees, that can be removed or by replacing trees if more than the allowed number are removed, and water management by proper silt fences being installed to prevent erosion and sedimentation which would otherwise eventually end up in the lake, and building height limitation of three stories. Building Inspectors will enforce this law by inspecting the site development along with inspection of the construction of the building.

Q Why is an Ordinance for general setbacks for property that is not covered by subdivisions being considered? I thought there were already setbacks required in the County.

A YES - You are correct. The County has been enforcing these setbacks for over 20 years as follows: 10 ft. from the side of a property line – 20 ft. from a public road, and 25 ft. from the rear of property line, which protects all adjoining property owners. However, attorney’s representing clients have established that no official Ordinance was ever adopted and therefore the County has been enforcing a law that does not exist. This proposed ordinance that I am holding hearings on, if adopted, would simply make legal

the same setbacks that have been enforced for years, and working smoothly by variances being granted when needed and justified.

Q Do building permits presently being issued require any setbacks that will protect my property or other property owners from someone building within an inch of my property line?

A NO – Anyone presently applying for a building permit that is not in a subdivision can build all the way to the adjoining property line. The County has no legal authority to protect adjoining property owners until the process of two monthly hearings and readings of the proposed Ordinance is held.

I am in the process of retaining a professional Company to research all County Ordinances, to be consolidated, Coded, and placed in an organized binder and placed in my office and in the Law Library at the Courthouse to keep this type of error from happening in the future. The average citizen, without having to hire an attorney to do expensive research, can simply go to the binder index and find any County Ordinance or County Law in existence. I will also add it to the County Web Site, which I have established.

The first meeting on these hearings will be Thursday January 17, 2008 at 6 P.M. in the Courtroom for the first hearing. Everyone is urged to come out and share his or her thoughts. What is done or not done will have a significant impact on the future of your County, what it will look like and the quality of life for all its citizens.