

**Monteagle Board of Zoning Appeals  
Tuesday, May 2nd, 4:00 p.m. CST**

*Town Hall  
24 Dixie Lee Avenue  
Monteagle, TN 37356*

**Agenda**

- Nate Wilson
- Richard Black
- Dede Clement
- Bill Beard    Willie JoDean Wade
- Jeff ONeal    Greg Maloof, Mayor

**I. Call to Order**

**II. Approval of Previous Meeting Minutes**

A. April 4<sup>th</sup>, 2023

**III. New Business**

- A. Application for Special Exceptions – 4 Story Marriot Hotel (Kris Patel)
  - a. Applicant is requesting special exceptions approval to build a 4-story hotel next to the Sonic in Monteagle.
- B. Application for Special Exceptions – Campgrounds in R-3 District (Janet Tate)
  - a. Applicant is requesting special exceptions approval to build RV campgrounds site on 3 acres of existing property at 11830 Hwy 41.
  - b. Property owners within 300 ft have been sent letters.
  - c. If approved, staff recommends approving “subject to 3 acres is subdivided from larger parcel,” as required by Monteagle Zoning Ordinance.
- C. Application for Special Exception (Andy Baggenstoss)
  - a. Applicant is requesting special exceptions approval to permit an off-premise sign to advertise BigFoot Adventures as a Regional Tourism Development Sign

**IV. Adjournment**

**MINUTES  
MONTEAGLE REGIONAL PLANNING COMMISSION  
BOARD OF ZONING APPEALS  
APRIL 4, 2023  
4:00 PM**

**PRESENT:**                   **CHAIRMAN BILL BEARD  
NATE WILSON  
RICHARD BLACK  
JEFF O'NEAL  
JODEAN WADE  
DEDE CLEMENTS  
GREG MALOOF**

**CALL TO ORDER**

The meeting was called to order at 4:00 pm by Chairman Bill Beard.

**APPROVAL OF MINUTES**

Mr. Nate Wilson moved to approve the minutes of November 1, 2022. Mr. Richard Black seconded the motion and it passed 7/0.

**NEW BUSINESS**

Request for Special exception to permit an off-premise sign in a C-2 district on the premise that the sign is a Regional Tourism Development Sign. Mr. Baggenstoss was not present and will come to the next meeting.

Request for a zoning variance for the Convenience Store by Hardees'. This is a zoning variance on the site plan allowing them not to fulfill the requirement of having a 40ft setback on each side abutting a right-of-way. This particular parcel has a right-of-way on all 3 sides. Ms. DeDe Clements moved to grant the variance for the Convenience Store. Mr. Richard Black seconded the motion and it passed 6/0 with Mr. Wilson who stepped out of the meeting.

**The next meeting will be May 2, 2023 at 4:00 pm. There will be 3 items. Andy Baggenstoss for signs, the Marriot Hotel for 4 stories and the campground.**

**Mr. Richard Black made a motion to adjourn. Ms. JoDean Wade seconded the motion and it passed 7/0.**

**Respectfully Submitted,**

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**Chairman Bill Beard**

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**City Recorder Debbie Taylor**

# APPLICATION FOR SPECIAL EXCEPTION

## TOWN OF MONTEAGLE, TENNESSEE

16 DIXIE LEE AVENUE, MONTEAGLE, TN 37356 (PHYSICAL) | PO Box 127, MONTEAGLE, TN 37356 (MAILING)  
PHONE: (931) 924-2265 / FAX: (931) 924-2264

**Notice to Special Exception Applicants:** The board of zoning appeals is authorized to grant special exceptions from the general requirements of the Monteagle zoning ordinance only for those scenarios and developments for which such special exception authorization has been granted by the Monteagle board of mayor and alderman. The BZA is authorized to impose such conditions it deems necessary to protect the public health and safety and to ensure the spirit and intent of the zoning ordinance is upheld.

**COMPLETE ALL APPLICABLE SECTIONS AND SUBMIT REQUIRED MATERIALS.**

APPLICANT INFORMATION	
Name: MVK Hospitality Group - Kris Patel	Phone: 231-670-0988
Mailing Address: 1156 Hwy 28 Jasper, Tennessee 37347	Email: kris.patel322@gmail.com
PROJECT INFORMATION	
Name of Project or Development for which Special Exception is Requested: TPS Marriott - Monteagle	
Physical Address of Project or Development: I-24 @ W Main Street	
Tax Map No. 107H A 006.01	Current Zoning: (Circle) R-1 R-2 R-3 R-4 I-D C-1 <b>C-2</b> C-3 I-1
SPECIAL REQUEST INFORMATION	
Specific section and zoning requirement for which special exception is requested: Chapter 4, Section 401 - Maximum building height 3 stories or 40 feet.	
Describe special exception request: <i>(Example: Request to place additional dwelling unit on property)</i> Request to add 1 story to current zoning requirement for a total of 4 stories with a total height of 56' at highest parapet.	
Describe justification for special exception, including how the request meets the applicable evaluation criteria.  <b>Marriotts Request/Requirement - Please see Attached exhibits</b>	
<i>Attach additional pages if necessary and provide documentation (e.g. site plan, architectural renderings, subdivision plat) that may assist with application review.</i>	

I hereby certify that the information provided on this application is true and correct. I understand that this application and any supplemental materials will be presented in public meetings and that the Monteagle board of zoning appeals may conduct a public hearing on my request. I also understand that this application does not provide any guarantee that the board of zoning appeals will grant the requested special exception.

Applicant: Date: 9-01-23

CITY USE ONLY			
<b>Office Review</b>	Application fee:	Staff Initial For Payment:	Payment Date:
<b>Planning Action</b>	Date Referred to Planning Staff:	Date of BZA Meeting:	BZA Final Action:

**From:** "Sam Elliott" <sellott@gearhiserpeters.com>  
**To:** "Mayor Rodman" <rodmanmayor@benlomand.net>  
**Sent:** Monday, June 13, 2022 10:36:02 AM

Per the Monteagle Zoning Ordinance, the Board of Zoning Appeals has two functions. The first is provided for in Section 1106, which relates to variances. To allow a variance, the board has to find that a hardship exists:

The purpose of a variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, 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 or her land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his or her property under this ordinance.

The second function is outlined in Section 1107, which provides for special exceptions.

Whereas variances are modifications of the strict application of zoning requirements for reasons of peculiar lot conditions or topography, the purpose of a special exception is to accommodate certain types of development that would otherwise be prohibited under the general rules of this zoning ordinance. Special exceptions may ONLY be granted in those situations specifically designated in this zoning ordinance, and not generally for any applicant seeking a variance or exemption from a particular requirement. Special exceptions may be granted by the board of zoning appeals upon determination that any conditions or requirements for such special exceptions have been met.

Section 401 provides:

\*\* Building height may be increased as a special exception per Section 1107 of this ordinance.  
Developments that exceed the maximum established **height shall provide adequate fire suppression in the event that reciprocating fire protection is unavailable.** Property Owners / Developers shall all understand the risk that this increase in building height causes in the event of a fire.

It is my understanding that Sewanee, Winchester, Jasper, Kimball, Decherd and other surrounding agencies have ladder trucks adequate for the purpose of a four story hotel, and will respond to mutual aid requests.

It is also my understanding that for their own liability purposes, Hilton has stringent standards for fire issues in its new hotels.

Further, the State of Tennessee inspects all hotels before they can go into operation:

Rule 1200-23-4-.02 (6) Review of Plans

- a. Submission of Plans. Whenever a hotel is constructed or extensively remodeled and whenever an existing structure is converted to use as a hotel, at least one set of properly

prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the Commissioner for review and approval before construction, remodeling, or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials for work areas, sleeping areas and/or rooms, and the type and model of proposed fixed equipment and facilities. The Commissioner shall approve the plans and specifications if they meet the requirements of these Rules. No hotel shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Commissioner.

- b. Pre-Operational Inspection. After plans and specifications have been approved by the Commissioner, the hotel shall not start operations until the Commissioner has made a preoperational inspection and has determined compliance with the approved plans and specifications and with the requirements of these rules.

Finally, there is a question of whether the Town would have liability for allowing the fourth story without a ladder truck. The answer is NO.

The Governmental Tort Liability Act states:

Tenn. Code Ann. § 29-20-201

- a. Except as may be otherwise provided in this chapter, all governmental entities shall be immune from suit for any injury which may result from the activities of such governmental entities wherein such governmental entities are engaged in the exercise and discharge of any of their functions, governmental or proprietary.

More particularly Tenn. Code Ann. § 29-20-205 (3) provides, there is no removal of immunity for:

The issuance, denial, suspension or revocation of, or by the failure or refusal to issue, deny, suspend or revoke, any permit, license, certificate, approval, order or similar authorization; . . .

Based upon the above:

1. The BZA has specific authority to grant a special exception on a fourth floor. "Adequate fire suppression" can be shown in the plans, or by compliance with state standards. It does not have to be by a local fire department, although it appears that surrounding agencies can provide a ladder truck by mutual aid.
2. Before the hotel is operational, it will be inspected by the state.
3. The Town has no liability from approving the fourth story.

Sam D. Elliott | Attorney | [selliott@gearhiserpeters.com](mailto:selliott@gearhiserpeters.com)

320 McCallie Avenue, Chattanooga, TN 37402

P: 423.756.5171 | F: 423.266.1605

[www.gearhiserpeters.com](http://www.gearhiserpeters.com)

# TOWN OF MONTEAGLE, TN



Year

2022

Physical Location

509 West Main Street

Elevation

0.0000000

Flush

106

Latitude

35.2412133

Cust **HYD-70**

Mfg. **M & H**

Year **2004**

Hydrant Info

Nozzles

3-Way

Size

5 1/4"

Position

Vertical

Isolation Valve

Yes

Traffic

Traffic

Access

Good

Longitude

-85.8451070

Flow Test

Chlorine Start 2.5" G.P.M

1.97

Static

62

Pitot 2.5"

20

Color

ORANGE

Flow Tester

Jordan Trevathan

Chlorine End

1.60

Water Loss

3750

Resid

48

20Drp-PSI

960

Flow

DOUBLE

Flow Test Date

2022-03-23



# APPLICATION FOR SPECIAL EXCEPTION

## TOWN OF MONTEAGLE, TENNESSEE

16 DIXIE LEE AVENUE, MONTEAGLE, TN 37356 (PHYSICAL) | PO BOX 127, MONTEAGLE, TN 37356 (MAILING)  
 PHONE: (931) 924-2265 / FAX: (931) 924-2264

**Notice to Special Exception Applicants:** The board of zoning appeals is authorized to grant special exceptions from the general requirements of the Monteagle zoning ordinance only for those scenarios and developments for which such special exception authorization has been granted by the Monteagle board of mayor and alderman. The BZA is authorized to impose such conditions it deems necessary to protect the public health and safety and to ensure the spirit and intent of the zoning ordinance is upheld.

**COMPLETE ALL APPLICABLE SECTIONS AND SUBMIT REQUIRED MATERIALS.**

APPLICANT INFORMATION	
Name: <u>Cornerstone Property Investment LLC</u>	Phone: <u>618-581-6708 or 423-715-3677</u>
Mailing Address: <u>1612 Championship Blvd Franklin TN 37064</u>	Email: <u>Randy.apartments@gmail.com</u>
PROJECT INFORMATION	
Name of Project or Development for which Special Exception is Requested: <u>RV Park</u>	
Physical Address of Project or Development: <u>11830 Hwy 41 Monteagle TN</u>	
Tax Map No. <u>101 084.43</u>	Current Zoning: (Circle) R-1 R-2 <u>(R-3)</u> R-4 I-D C-1 C-2 C-3 I-1
SPECIAL REQUEST INFORMATION	
Specific section and zoning requirement for which special exception is requested: <u>Convert R3 to "Other Land use" Section 512</u>	
Describe special exception request: (Example: Request to place additional dwelling unit on property) <u>Request to utilize acreage &amp; convert to RV sites</u>	
Describe justification for special exception, including how the request meets the applicable evaluation criteria. <u>Currently we are operating Airbnb cabins &amp; would like to convert the right side of the property to RV slips/sites. Providing a new entry into property.</u>	
Attach additional pages if necessary and provide documentation (e.g. site plan, architectural renderings, subdivision plat) that may assist with application review.	

I hereby certify that the information provided on this application is true and correct. I understand that this application and any supplemental materials will be presented in public meetings and that the Monteagle board of zoning appeals may conduct a public hearing on my request. I also understand that this application does not provide any guarantee that the board of zoning appeals will grant the requested special exception.

Applicant: Randy Tate Date: 11/20/22

CITY USE ONLY			
Office Review	Application fee:	Staff Initial For Payment:	Payment Date:
Planning Action	Date Referred to Planning Staff:	Date of BZA Meeting:	BZA Final Action:





**LEGEND**

1. Proposed Subdivision

2. Proposed Lots

3. Proposed Streets

4. Proposed Right-of-Way

5. Proposed Easements

6. Proposed Utility Lines

7. Proposed Survey Lines

8. Proposed Boundary Lines

9. Proposed Corner Markers

10. Proposed Area of Interest

# HICKORY CREEK SUBDIVISION PRELIMINARY PLAT



**CONVEYANCE OF INTEREST AND PLAT**

THIS PLAT IS A PRELIMINARY PLAT AND IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN AS A REFERENCE TO THE FINAL PLAT.

THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAT.

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1. The survey was conducted in accordance with the standards and practices of the Surveying and Mapping profession in Tennessee.
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**CHILDERS' LAND SURVEYING, PLLC**

1604 Flat Branch Road  
Troy, TN 37387  
931-598-3714

Surveyed for: Plateau Holdings Service of Stone Door Ventures, LLC  
Date: 09/11/2017  
Scale: 1" = 50'  
Job: JB-42

Surveyed by: John L. Childers, TN RLS#2023

**FIELD NOTE**

Location in the Fourth Civil District of Grundy County, TN  
in the limits of the Town of Monticello lying South of and adjacent to  
U.S. Highway 41 (State Route 56) as shown on Tax Map 101 Parcel 84.43  
DEED REFERENCE: This is that land recorded in Record Book 1078  
page 488 in the Register of Deeds Office of Grundy County, TN  
SUBJECT TO: Utility easement to Town of Monticello recorded in  
Deed Book 143 page 758 in the Register of Deeds Office of Grundy County, TN



Janet Tate  
 Keller Williams Franklin, Ben Kinney Team  
 423-715-3677  
 Janets.success@gmail.com  
 Tax records for your review



Monday, November 21, 2022

**LOCATION**

Property Address	11830 Us 41 Monteagle, TN 37356-7700
Subdivision	Hickory Creek Properties
County	Grundy County, TN

**PROPERTY SUMMARY**

Property Type	Commercial
Land Use	Office
Improvement Type	Office
Square Feet	1656

**GENERAL PARCEL INFORMATION**

Parcel ID/Tax ID	101 084.43
Special Int	000
Alternate Parcel ID	
Land Map	101
District/Ward	04
2020 Census Trct/BIK	9553/4
Assessor Roll Year	2021



**CURRENT OWNER**

Name	Cornerstone Property Investments LLC
Mailing Address	1612 Championship Blvd Franklin, TN 37064-8623

**SCHOOL INFORMATION**

These are the closest schools to the property

Tracy Elementary School	2.2 mi
Primary Middle: Pre K to 8	Distance
Grundy County High School	9.4 mi
High: 9 to 12	Distance

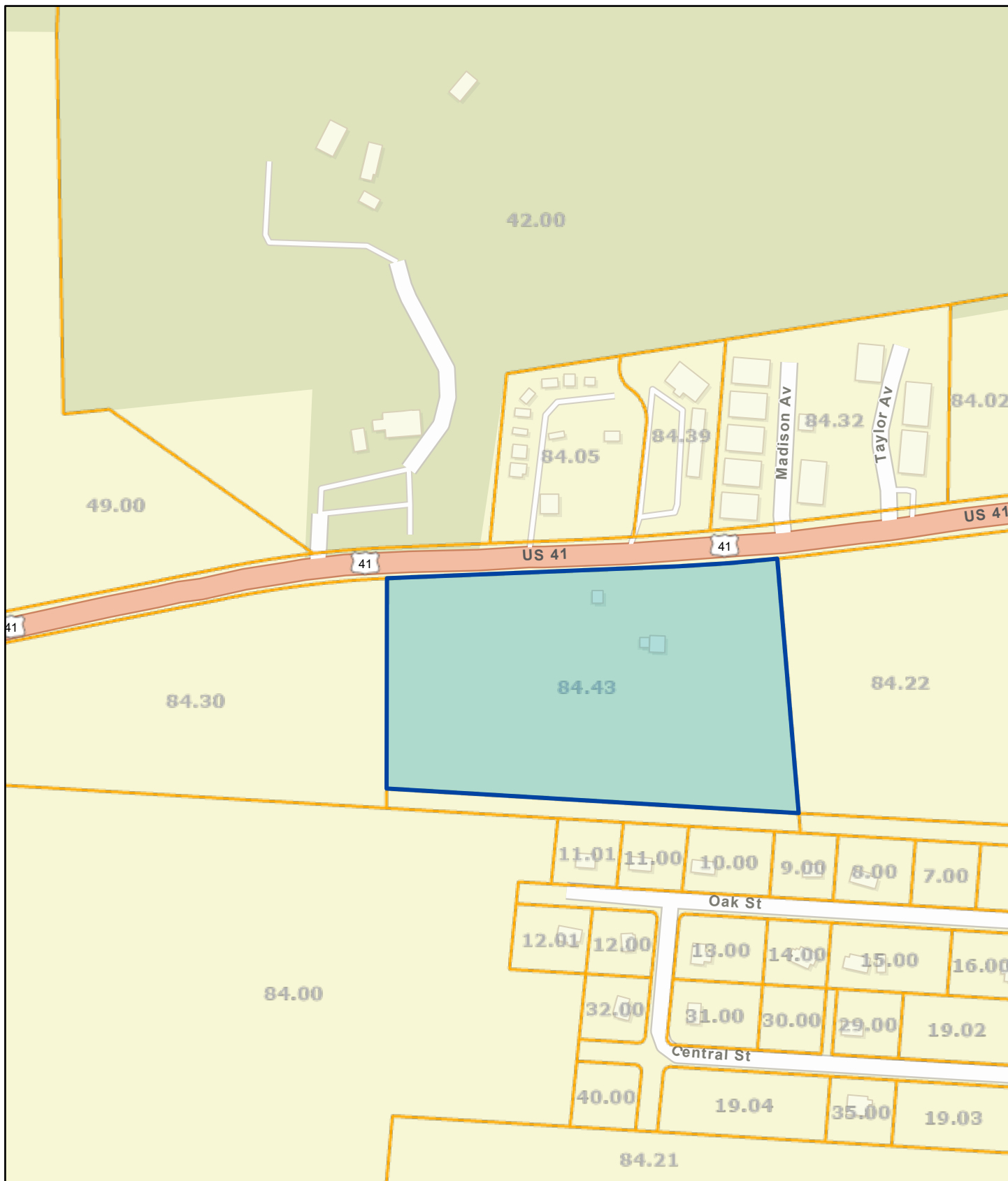
**SALES HISTORY THROUGH 10/20/2022**

Date	Amount	Buyer/Owners	Seller	Instrument	No. Parcels	Book/Page Or Document#
6/1/2021	\$445,000	Cornerstone Property Investments LLC	Plateau Holdings Series Of Stone Door Ventures LLC	Warranty Deed	2	1133/204 99882
10/31/2016	\$250,000	Plateau Holdings Series Of Stone Door Ventures LLC	Lane John H Etux Janet L	Warranty Deed	2	1078/468
12/5/2012	\$103,400	Lane John H Etux Janet L		Warranty Deed	2	1045/115
2/27/2012		Citizens Tri County Bank			2	1037/870
8/31/2007	\$351,715	Hichory Creek Cabins LLC		Warranty Deed	2	51/483

**TAX ASSESSMENT**

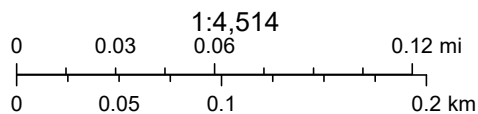
Appraisal	Amount	Assessment	Amount	Jurisdiction	Rate
Appraisal Year	2021	Assessment Year	2021	Monteagle	
Appraised Land	\$94,800	Assessed Land		Grundy	2.2131
Appraised Improvements	\$73,600	Assessed Improvements			

# Grundy County - Parcel: 101 084.43



Date: April 5, 2023

County: Grundy  
Owner: CORNERSTONE PROPERTY INVESTMENTS LLC  
Address: US 41 11830  
Parcel Number: 101 084.43  
Deeded Acreage: 10.69  
Calculated Acreage: 0  
Date of TDOT Imagery: 2018  
Date of Vexcel Imagery: 2021



Esri Community Maps Contributors, Tennessee STS GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, State of Tennessee, Comptroller of the Treasury, Office of Local Government (OLG)

The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.

May 2, 2023

**Re: Town of Monteagle Board of Zoning Appeals – Notice of Special Exceptions Request – 11830 Hwy 41, Monteagle, TN Campgrounds/RV Park**

Dear property owner, resident or interested party:

The Town of Monteagle Board of Zoning Appeals will hold a public hearing to consider a request for a special exception to permit campgrounds. The intent of the property owner is to develop RV-camping overnight parking.

- 11830 Hwy 41, Tax Map 101 Parcel 084.43 (Grundy County)
- Owner: Cornerstone Property Investment LLC
- Applicant: Cornerstone Property Investment LLC

The Board of Zoning Appeals will discuss the special exceptions request at the following meeting time:

Board of Zoning Appeals Meeting

- Tuesday, May 2<sup>nd</sup>, 2023 at Town Hall at 4:00 pm CT

The Board of Zoning Appeals meetings are open to the public. You are receiving this letter because you are an adjacent or nearby property owner or have expressed interest in the special exceptions request. You are encouraged to attend the public hearings. The City requests that applicants for the request attend the meeting in person.

Please contact me if I can provide additional information or answer any questions.

Sincerely,

Annya Shalun  
Regional Planner  
Southeast Tennessee Development District  
ashalun@sedev.org

# APPLICATION FOR SPECIAL EXCEPTION

## TOWN OF MONTEAGLE, TENNESSEE

16 DIXIE LEE AVENUE, MONTEAGLE, TN 37356 (PHYSICAL) | PO BOX 127, MONTEAGLE, TN 37356 (MAILING)  
PHONE: (931) 924-2265 / FAX: (931) 924-2264

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**COMPLETE ALL APPLICABLE SECTIONS AND SUBMIT REQUIRED MATERIALS.**

APPLICANT INFORMATION	
Name: <u>Andy Bagginstoss</u>	Phone: <u>423-991-2663</u>
Mailing Address: <u>P.O. Box 997 Monteagle, TN</u>	Email: <u>Andy @ bag mgt. com</u>
PROJECT INFORMATION	
Name of Project or Development for which Special Exception is Requested: <u>Billboard</u>	
Physical Address of Project or Development:	
Tax Map No.	Current Zoning: (Circle) R-1 R-2 R-3 R-4 I-D C-1 C-2 C-3 I-1
SPECIAL REQUEST INFORMATION	
Specific section and zoning requirement for which special exception is requested: <u>Tourism Advertising Signage</u>	
Describe special exception request: (Example: Request to place additional dwelling unit on property) <u>Needs D'ed to C2</u>	
Describe justification for special exception, including how the request meets the applicable evaluation criteria. <u>Tourism</u>	
<i>Attach additional pages if necessary and provide documentation (e.g. site plan, architectural renderings, subdivision plat) that may assist with application review.</i>	

I hereby certify that the information provided on this application is true and correct. I understand that this application and any supplemental materials will be presented in public meetings and that the Monteagle board of zoning appeals may conduct a public hearing on my request. I also understand that this application does not provide any guarantee that the board of zoning appeals will grant the requested special exception.

Applicant:  Date: March 1, 2023

CITY USE ONLY			
Office Review	Application fee:	Staff Initial For Payment:	Payment Date:
Planning Action	Date Referred to Planning Staff:	Date of BZA Meeting:	BZA Final Action:

## **Summary**

Applicant is owner of Bigfoot Adventures and would like to advertise his business on a large off-premise sign in Monteagle. Off-premise signs are not permitted in Monteagle, unless he requests a special exceptions for a regional tourism development sign. (See Section 907 of Monteagle Zoning Ordinance). He would be allowed to have a detached sign of 120 sq ft and as high as 40 ft in a C-2 property, if BZA accepted his special exceptions request. (Section 905B) I've also attached the definition of a regional tourism development sign below.

His sign will be located in the C-2 district in a parcel of "land across from summer field market."

## **Defintion in Monteagle Zoning Ordinance (page 116)**

### **Regional Tourism Development Sign**

An off-premise sign that promotes or provides direction to a seasonal or year-round venue, attraction, historic landmark, natural area, cultural event, or other destination deemed by the board of zoning appeals to be of economic or cultural importance to Monteagle, Grundy County, Franklin County, or Marion County. Such signs are typically oriented towards interstate or other regional travelers and are limited to the town's commercial districts.

# CHAPTER 9

## SIGNS

The provisions of this chapter governing signs and outdoor advertising are adopted pursuant to TCA 13-7-201 et. seq., the Billboard Regulation and Control Act of 1972 (TCA 54-21-101 et seq.), and TDOT Maintenance Division Rules Chapter 1680-02-03 Control of Outdoor Advertising.

### 901 Sign Regulation Goals

The purpose of this chapter is to:

- A. Encourage signs that are integrated into the architectural scheme of the building façade and discourage signs that contribute to the visual clutter along Monteagle’s streetscapes.
- B. Achieve signs that are consistent and complementary to the overall design of the building which they serve in terms of size, shape, color, texture, and lighting.
- C. Promote a quality visual environment by allowing signs that are compatible with their surroundings and which effectively communicate their message to motorists and pedestrians.
- D. Ensure that signs are properly maintained in clean, working condition, and that the copy and text is not obscured or damaged.

### 902 Sign Definitions

Definitions applicable to this section are listed under “Sign Definitions” in [Chapter 13](#).

### 903 Applicability of Chapter

The regulations of this chapter shall apply to the placement, construction, erection, alteration, replacement, maintenance, use, type, quantity, location, material, and size of all signs within the Town of Monteagle.

### 904 General Standards for All Signs

The following general standards shall apply to all signs in the Town of Monteagle.

- A. Design criteria. Signage should be consistent in size, material, and location within each development. Signs should be designed as an architectural element of the building and should reflect or complement the architectural style of the building.
- B. Visual obstructions and public safety. No sign shall be constructed, maintained, and/or illuminated in such a manner as to create or allow the obstruction of drivers, pedestrians, or the general public, or create a fire or safety hazard.
- C. Code compliance. Signs and supporting structures shall comply with all applicable code requirements of the Town of Monteagle, including any currently adopted building codes. No sign shall be installed, erected, or attached to a structure in any form that is violation of any such code.
- D. Sign maintenance. Signs shall maintain a neat and orderly appearance. Any sign not maintained in a state of good repair shall be removed at the property owner’s expense within 30 days of notification.

- E. Nonconforming signs. See **Section 1105**.
- F. Abandoned signs. At the time a business or other use at a location moves to another location or ceases to exist, all signage pertaining to the prior establishment must be removed within 30 days after notification by the city at the property owner's expense.
- G. Maximum sign size. Unless otherwise specified in this ordinance, no sign in any zoning district shall exceed **120 square feet** in area. If the sign is double-faced, each face may be up to **120 square feet**.
- H. Sign height. Unless otherwise specified in this ordinance, no sign shall be erected to exceed the maximum height limitation for the district in which it is located.
- I. Setbacks. The property line setback for detached signs shall be equal to one-half of the required front-yard setback for the zoning district in which it is located.
- J. Placement in landscaped street yard. Signs may be located within the landscaped street yard required by this ordinance, subject to any applicable setback requirements and provided that adequate landscaping is installed around the sign, pole, or base.
- K. Illumination of signs. Spotlights and other forms of interior or exterior illumination shall be shaded, shielded, subdued, or directed so that the light intensity will not create glare or be objectionable to surrounding areas. Exposed bulbs are prohibited.
- L. Digital displays. Changeable message signs that display messages at intervals through the electronic coding of lights or light emitting diodes shall display each message for a minimum of six seconds and shall not have a daytime brightness greater than 4,000 nits or nighttime brightness of greater than 150 nits with an automatic control mechanism to adjust the luminance in response to ambient outdoor lighting levels.
- M. Temporary signs—time limit and coverage limitation. Unless specifically stated elsewhere in this ordinance, the maximum time limit for the display of a temporary sign, as defined in **Chapter 13**, is three months. There is no limit on the number of temporary signs such as banners, special promotions signs, sandwich boards, posters, or other such signs that may be permitted at any one business location, provided that the advertising maintains a neat and orderly appearance and does not violate the goals of **Section 901**. However, at no point shall total combined area of all temporary signs cover, block, or conceal more than 20% of the building façade, wall, or land use visible from the public right-of-way. This 20% calculation shall include signs posted on windows or doors.
- N. Signs over sidewalks. Signs overhanging any sidewalk shall be placed at least 9 feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk.

## 905 Sign Standards for Specific Zoning Districts

- A. Signs in residential districts. In the R-1, R-2, R-3, R-4, and I-D districts, only those signs customary and necessary for residential uses and other uses permitted by this ordinance in such districts are permitted. Permissible signs shall include:
  1. Building addresses and numbers.
  2. Entrance signs for neighborhoods and apartment complexes.
  3. Church signs.



4. Bulletin boards for schools.
  5. Signs for customary home occupations and bed & breakfasts, not to exceed 4 square feet in area.
  6. Other signs deemed customary and appropriate for residential districts, as determined by the planning commission.
- B. Signs in commercial and industrial districts. In the C-1, C-2, C-3, and I-1 districts, signs shall comply with the general requirements of this chapter and applicable provisions of this zoning ordinance. Additional requirements are as follows:
1. Sign allowances, generally. Each land use in a commercial or industrial district shall be permitted to have:
    - a. One permanent attached sign on the front of the building that does not exceed 20% of the front building face; AND
    - b. One permanent attached sign on each side or rear of the building containing only letters and numbers not exceeding **120 square feet in area or 20%** of the side or rear building face, whichever is smaller; AND
    - c. One permanent detached sign not to exceed **120 square feet** in area; AND
    - d. Incidental signs and signs customary for certain land uses such as logos and lettering affixed to fuel island canopies, entrance/exit signs, delivery signs, hours of operation, and drive-thru menu order boards, provided that such signs are deemed reasonable and necessary by the enforcement officer or planning commission.
    - e. If a building has an awning or canopy, any lettering, logos, numbers, or other symbols displayed or printed thereon shall count against the 20% limitation for the front-facing attached sign in subsection (a) above. Underneath the awning, one non-illuminated hanging sign may be mounted to the awning near the store entrance, provided that such hanging sign does not exceed four square feet in size and a vertical clearance of 7 feet is maintained.
  2. Sign allowances at multi-tenant shopping centers. In commercial shopping centers where spaces are leased or occupied by individual tenants and businesses, the following signs are permitted:
    - a. One permanent attached sign per tenant or storefront that does not exceed 20% of each respective storefront; AND
    - b. One permanent attached sign on each side or rear of the building displaying the name of the shopping center (not individual tenants) not exceeding **120 square feet in area or 20%** of the side or rear building face, whichever is smaller; AND
    - c. One single permanent detached sign listing all of the tenants or businesses in the shopping center not to exceed **120 square feet** in area; AND
    - d. Incidental signs and signs customary for shopping centers such as entrance/exit signs, delivery signs, hours of operation, and menu order boards, provided that such signs are deemed reasonable and necessary by the enforcement officer or planning commission.

- e. If a multi-tenant building has awnings or canopies, any lettering, logos, numbers, or other symbols displayed or printed thereon shall count against the 20% limitation for the front-facing detached sign in subsection (a) above. Underneath the awning, one non-illuminated hanging sign may be mounted to the awning near each store entrance, provided that such hanging sign does not exceed four square feet in size and a vertical clearance of seven feet is maintained.
3. C-3 & I-1 district height exceptions. Upon approval of a special exception request as provided for in [Section 1107](#), signs oriented towards interstate traffic in the C-3 and I-1 districts may exceed the maximum height limitations [in Chapter 4](#) to the extent reasonably necessary to achieve visibility from the interstate. The BZA, in approving a taller sign, may require engineering certifications that the sign will meet wind loads of a minimum of 70 MPH with half-inch radial ice (same as the requirements for telecommunications towers in [Section 535](#)). Such signs exceeding the standard height limitations shall have a setback equal to 110% of the final approved sign height from the closest property line of any residential district.
  4. Billboards shall be limited to the I-1 district and meet the requirements of [Section 908](#).

## 906 Sign Permit Requirements

- A. Permit required. Unless specifically exempted [by Subsection \(E\)](#) below, no temporary or permanent sign shall be placed, replaced, constructed, erected, altered, or displayed within the Town of Montezuma, regardless of the type, quantity, location, material, or size, without first obtaining a sign permit. Application for a sign permit shall be made by completing the required form and paying the required fees.
- B. Review and approval by planning commission. New and replacement signs at projects for which a site plan or subdivision plat is required shall have the sign design presented at the time of site plan or plat approval, or prior to sign construction, for review and approval by the planning commission before a sign permit is issued. The sign design plans shall include dimensions, proposed text and logos, lighting and illumination details, materials, colors, and other information as may be required by the planning commission. The planning commission shall review the proposed sign design for compliance with the criteria of this chapter. As a general protocol, if the proposed sign designs are submitted with the site plan or subdivision plat, a vote to approve said site plan or subdivision plat shall also constitute approval of the sign. The planning commission may approve such site plan or subdivision plat without the final sign designs, provided that final sign approval is obtained prior to beginning sign construction.
- C. Review and approval by enforcement officer. Signs which do not require planning commission approval under [Subsection \(B\)](#) above may be administratively approved by the enforcement officer upon meeting the criteria of this chapter.
- D. Signs requiring a permit. The following signs are required to apply for and receive a permit:
  1. Attached signs. Includes all signs attached to a building or part thereof, including but not limited to: wall signs, signs for a business or home occupation, canopy signs, awning signs, projecting signs, and banner signs.
  2. Detached signs. Includes all freestanding signs which are not attached to a building or part thereof, including but not limited to: ground signs, monument signs, shopping center signs, billboards, neighborhood entrance signs, pole signs, and pylon signs.

3. All other signs not specifically exempted under **Subsection (E)** below.
- E. Signs exempt from permit requirements. The signs listed below are not required to apply for or receive a permit. However, such signs shall nevertheless comply with all applicable provisions of this chapter and zoning ordinance.
1. Government Signs. Signs may be erected for orderly traffic control and other municipal or government purposes, including historical monuments, markers, and signs erected by a public authority or its authorized designee.
  2. Addresses. E-911 address numbers required under **Section 203** shall not require a permit.
  3. Hours of Operation. A commercial establishment may display the hours of operation on the main entry or on a window next to the main entry.
  4. Window Signs and Decals. Logos and lettering on glass storefront doors and windows do not require a permit, provided that such sign area shall not exceed 16 square feet.
  5. Construction Signs. Any temporary on-premise sign located upon a site where construction or landscaping is in progress and relating specifically to the project which is under construction, provided that no such sign shall exceed a total 16 square feet in area.
  6. Temporary Window Signs. Temporary window posters announcing civic and cultural events or public services may be displayed by commercial establishments on the inside of windows at street level.
  7. Temporary Yard Signs. Temporary on-premise signs smaller than four square feet in size advertising real estate sales, yard sales, or other events or promotions may be placed between the building and public right-of-way without the need for a permit. One such sign per road right-of-way abutting the property is permitted. Except for real estate signs, no such temporary yard sign shall be displayed longer than 90 days. The maximum size of temporary yard signs shall be four square feet.
  8. Temporary Banners. Banners displayed less than 90 days shall not require a permit. Banners displayed longer than 90 days must receive a permit.
  9. Political Signs. In accordance with TCA 2-1-116 and TCA 2-7-143, the “Tennessee Freedom of Speech Act,” political signs may be placed on private property beginning 60 days before a general election and must be removed within 7 days after the election. The shape and quantity of such signs shall not be regulated, except as follows:
    - a. Political signs on commercial property shall not exceed 32 square feet in size.
    - b. Political signs on residential property shall not exceed 16 square feet in size.Outside the timeframes surrounding an election as provided for above, political signs shall be considered “Temporary Signs” and shall comply with such requirements.
  10. Athletic Field Signs. Commercial copy signs on athletic field buildings and fences are allowed, provided they are facing towards the field.
  11. Menu Displays. A restaurant menu display box may be permanently mounted on the building façade adjacent to the entry. The display box shall not exceed five square feet in area.

12. Replacement of Tenant Identification Signs. A permit is not required for the replacement of tenant identification on a multi-tenant sign.
13. Flags. Flags and flag poles are permitted, provided that the height of any pole shall not exceed the maximum building height for the district. The applicant may need to obtain a building permit to construct a flag pole.
14. Sidewalk Signs (sandwich boards). One pedestrian-scaled non-permanent sign easel-style or A-frame sign is permitted per commercial tenant, provided that such sign is located within five feet of the primary entrance and a minimum of five feet of unobstructed sidewalk clearance is maintained. Sidewalk signs shall not exceed six square feet in area per side and shall be removed at the close of business each day.
15. Landmark Signs. Landmark signs attached to any building on the National Register of Historic Places or listed under any similar state or national historical or cultural designation shall not require a permit, provided that such sign is the standard sign used by the designating department or agency and does not exceed four square feet in area.

## 907 Prohibited Signs

The following signs are prohibited in the Town of Monteagle:

- A. Off-premise signs, whether temporary or permanent, that advertise or give direction to any business, product, service, attraction, or any other purpose or interest at a location other than on the site where the sign is located; provided, however, that this prohibition does not include the following:
  1. Billboards, which are regulated under [Section 908](#).
  2. Nonconforming off-premise signs in existence at the time of passage of this ordinance, which may continue and expand in accordance with [Section 1105](#).
  3. Regional Tourism Development Signs, as defined in [Chapter 13](#), subject to granting of a Special Exception by the board of zoning appeals in accordance with [Section 1107](#).
- B. Signs erected in a public right-of-way, except those placed by or on behalf of a government entity.
- C. Signs interfering with blocking the sight of directional, traffic, instructional, or warning signs, signals, or devices.
- D. Any sign with moving parts, flashing or blinking lights, animation, or sound-emitting devices.
- E. Government imitation signs.
- F. Snipe signs and signs attached to utility poles or bridges.
- G. Signs suspended across public streets or other public places, unless approved of the board of mayor and aldermen (Section 16-105 of Monteagle Municipal Code).
- H. Air-activated devices, streamers, tethered balloons, or other inflatable signs or figures, except as authorized by this ordinance.
- I. Roof signs, including signs painted on roofs.
- J. Signs on natural features such as trees, other vegetation, or rocks.

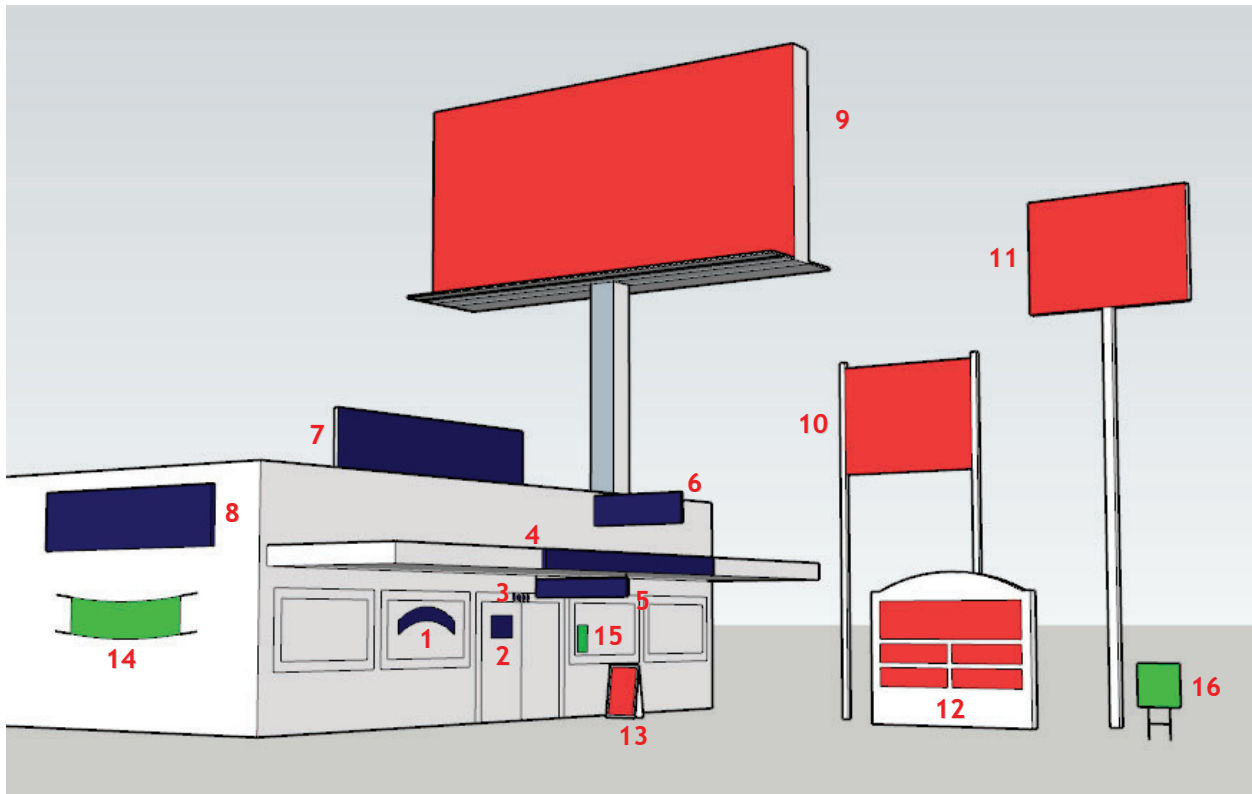
- K. Portable signs, including any sign which is not securely attached to a building or the ground. Sand bags, rocks, guide wires, tape, stakes, fence posts, chains, and staples shall not be considered a form of secure attachment.
- L. Any sign which exhibits statements, words, or pictures that are obscene to the general public or pornographic in nature.
- M. Exposed neon and LED signs, except for electronically controlled message boards giving the time, temperature, fuel prices, or public services information.
- N. Any sign not explicitly permitted by this zoning ordinance.

**908 Requirements for Billboards and Off-Premise Signs**

- A. Off-premise signs other than billboards are prohibited in the Town of Monteagle.
- B. Billboards shall be limited to those zoning districts identified in **Section 501.**
- C. Billboards shall meet all applicable requirements for outdoor advertising structures in TCA 54-21-101 et seq., the “Billboard Regulation and Control Act of 1972,” and TDOT Maintenance Division Rules Chapter 1680-02-03 Control of Outdoor Advertising.
- D. Applicants may be required to receive a TDOT permit for a billboard. If such permit for a billboard is required, a copy of the permit shall be provided to the enforcement officer. **Receipt of a permit from TDOT does not guarantee issuance of a sign permit from the Town of Monteagle.** It is encouraged that billboard applicants research Monteagle’s sign requirements and confer with staff before applying for a TDOT permit.
- E. No billboard shall be located within 100 feet of any residential district or within 100 feet of another billboard.
- F. Billboards are not limited to the size restrictions of **Section 904(D)** but shall not exceed the size or dimensional requirements in the TDOT Maintenance Division Rules Chapter 1680-02-03 Control of Outdoor Advertising.
- G. Nonconforming off-premise signs and billboards may continue in accordance with **Section 1105.**

## Common Types of Signs

For illustration purposes only; image is not a regulatory component of this ordinance.



### Attached Signs

1. Window Signs and Decals
2. Hours of Operation
3. Address Numbers
4. Canopy/Awning Sign
5. Hanging Sign
6. Projecting Sign
7. Roof Sign (Prohibited)
8. Wall Sign

### Detached Signs

9. Billboard
10. Pylon Sign
11. Pole Sign
12. Ground/Monument Sign
- Multi-Tenant Sign
13. Sandwich Board/A-Frame

### Temporary Signs

14. Banner
15. Event Poster
16. Yard Sign