

IN THE CHANCERY COURT FOR LOUDON COUNTY, TENNESSEE

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

Plaintiff,)

v.)

MICHAEL GADDIS,)

Defendant.)

Case No. 13265

FILED 25th DAY OF June 20 24

AT 11:10 A M

Lisa Scott Jg

LOUDON CO. CLERK & MASTER

COMPLAINT FOR DECLARATORY JUDGMENT
AND INJUNCTIVE RELIEF

Comes Loudon County, Tennessee (“Plaintiff”), by and through counsel and its Building Codes Official, James Jenkins, pursuant to Tenn. Code Ann. § 29-14-101 *et seq.*, Tenn. Code Ann. § 13-7-101 *et seq.*, and Tennessee Rules of Civil Procedure 57 and 65, and for its complaint for declaratory judgment and injunctive relief against Defendant Michael Gaddis (“Defendant”) 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 is a duly-appointed, qualified, and serving Zoning and Building Codes Official for Loudon County, Tennessee. 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. Defendant resides at 607 Alexander Road, Lenoir City, Tennessee 37772 (“Subject Property”) and may be served with process at this address.

4. This court has jurisdiction of this action and venue is proper in this court in that the Subject Property at issue 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

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

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

7. The Subject Property is zoned A-1, Agriculture-Forestry, as set forth in the Zoning Resolution.

8. Defendant wishes to construct a marina on the Subject Property. Marinas are not allowed in the A-1, Agriculture-Forestry Zone without a special exception from the Loudon County Board of Zoning Appeals (“Board of Zoning Appeals”).

9. Section 7.060 of the Zoning Resolution sets forth the procedure for special exceptions, and requires the applicant to, among other things, identify the “intended uses of the site.”

10. On or about October 30, 2020, Defendant submitted a request for a special exception to the Board of Zoning Appeals. A true and correct copy of this application is attached as **Exhibit 2**. In his application, Defendant represented that the purpose of for seeking a special exception was as follows:

This would be a *private* marina with some amenities. Currently there is approximately a 2 yr waiting list for boat slips on Fort Loudon & Tellico Lakes. The property is close to downtown 3.5 miles close to campgrounds just off Hwy 321 in a low traveled and populated area.

Id. (emphasis added). Defendant represented to the Board of Zoning Appeals that the intended use of the property was for a “private marina.”

11. As part of his application for a special exception to build a private marina, Defendant submitted the following design plan showing the proposed use of the property:

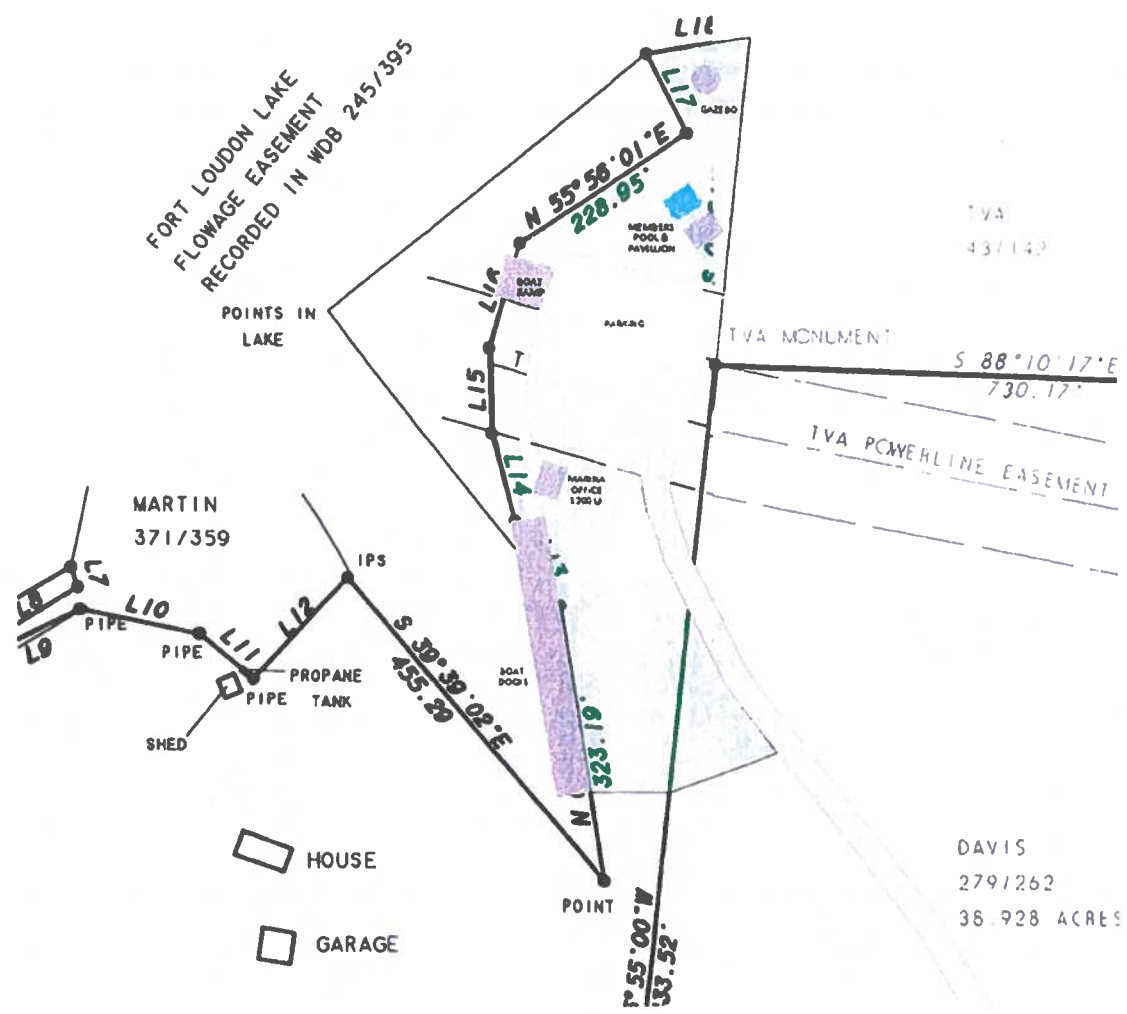


Exhibit 2. As referenced in this design plan, Defendant represented to the Board of Zoning Appeals that he sought a special exception to construct one set of boat docks, a parking area, a boat ramp, and a pool and pavillion for “members.”

12. The application required Defendant to certify the accuracy of the information provided, specifically stating as follows:

In making this request the applicant certifies that the information given is, to the best of his/her knowledge, true and accurate. The applicant certifies that he/she has the legal authority to request consideration of the variance/special exception for this property. It is understood and agreed by the applicant that any error, misstatement or misrepresentation of fact, either with or without intention on his/her part, shall constitute sufficient grounds for denial of this request.

Signature of Owner Michael S. Gaddis
Date 12/30/2020
Signature of Applicant (if different) _____

Exhibit 2.

13. Defendant's application for special exception to build a private marina was heard by the Board of Zoning Appeals on November 17, 2020. A true and correct copy of the minutes from that meeting are attached as **Exhibit 3**. With respect to Defendant's application for a special exception to build a private marina, the minutes reflect as follows:

SPECIAL EXCEPTION REQUEST TO BUILD A MARINA WITH AMENITIES,
APPLICANT AND PROPERTY OWNER, MICHAEL STEPHEN GADDIS, 607
ALEXANDER RD., TAX MAP 036 PARCEL 023.00, A-1, AGRICULTURE-FORESTRY
DISTRICT, APPROXIMATELY 49.2 ACRES

Mr. Gaddis is the property owner. He has approximately 96 acres. He wants to live there and install boat slips based on what TVA will allow. The slips will be for 18' to 20' boats, run-abouts and pontoons. He has roughly 300' of shoreline. Plans to be gated and seasonal uses. It is about 20,000 sq. ft. of docks. Mr. Jenkins stated docks are allowed with a special exception in A-1 zoning district. Steve Hurst lives across the river and is concerned about noise. Jeff France is concerned about traffic on the road. Mr. Satterfield ask about what is meant by future development? The response from Mr. Gaddis confirmed that any future development on the property would need to be approved by the commission.

ACTION

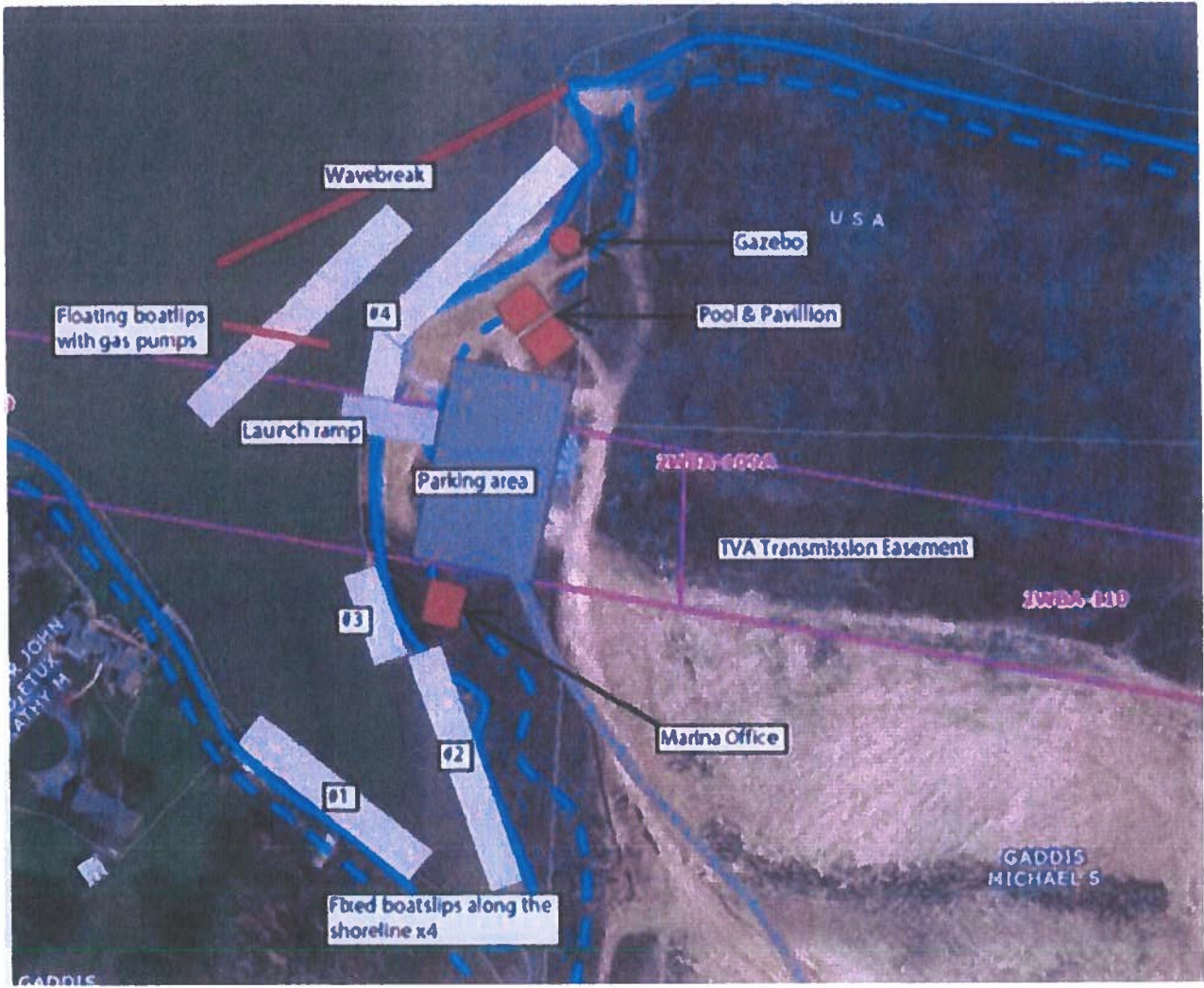
A motion was made to approve by Mr. Bright, seconded by Mr. Shields and unanimously approved.

Id. As reflected in the minutes, the Board of Zoning Appeals unanimously approved Defendant's request for a special exception to build a private marina based on the information he provided.

14. Upon information and belief, Defendant now plans to construct a "commercial marina" on the Subject Property, which is substantially different from the "private marina" he has been authorized to construct by virtue of the Board of Zoning Appeals' special exception.

15. On or about August 16, 2023, Defendant submitted an application for Aquatic Resource Alteration Permit (“ARAP application”) to the Tennessee Department of Environment and Conservation (“TDEC”). A true and correct copy of Defendant’s ARAP application is attached as **Exhibit 4**.

16. Defendant’s ARAP application includes design plans for a commercial (not a private) marina with four (not one) fixed boat docks along the shoreline, an office, gas pumps, boat ramp, parking area, gazebo, pool and pavilion. Defendant submitted the following design plan with his ARAP application:



Id.

17. TDEC assigned Defendant's ARAP application file number NRS23.280.

18. The TDEC Public Notice for Defendant's ARAP application states as follows:

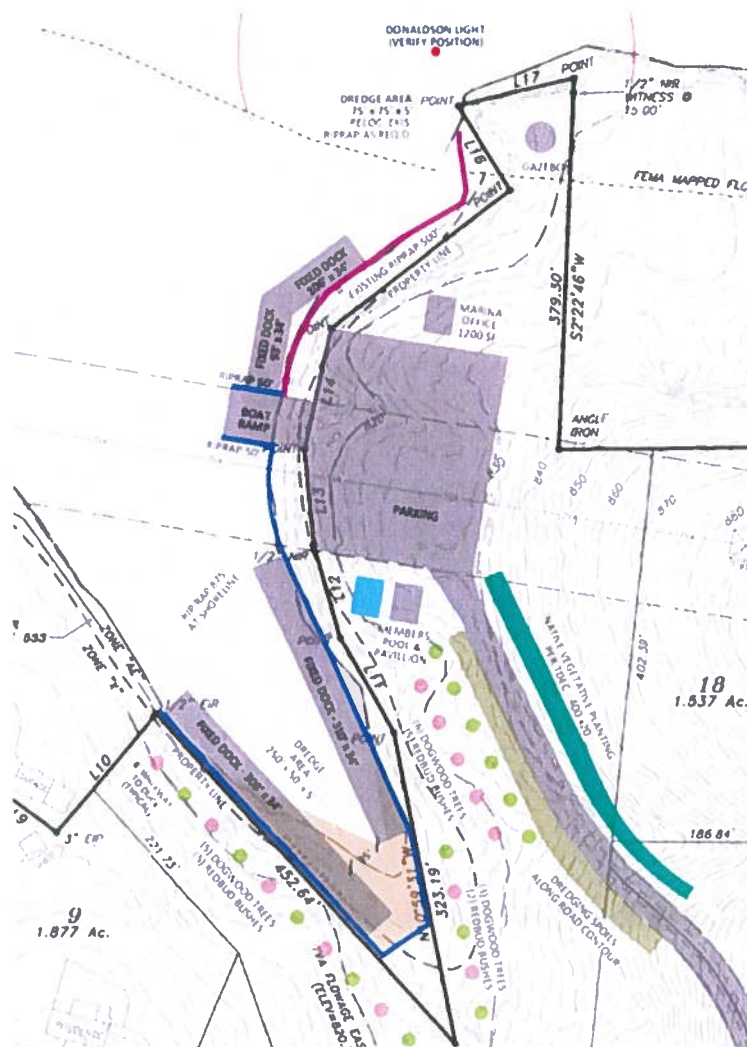
PROJECT DESCRIPTION / PURPOSE

The applicant proposes installation of a commercial marina and associated infrastructure. Aquatic impacts will consist of installation of four fixed docks (106 feet by 34 feet, 93 feet by 34 feet, 310 feet by 34 feet, and 308 feet by 34 feet), a 20-foot by 80-foot cement boat ramp with 50-foot rip rap borders, 875 feet of rip rap in addition to an existing 500 feet of rip rap, and removal of approximately 75 feet of rip rap. One-time in-the-dry dredging of approximately 3,500 cubic yards of sediment, planting a 400-foot by 20-foot vegetative buffer of native herbaceous plants, and planting dogwood and redbud trees adjacent to the vegetative buffer and at two additional near-shore areas will also be conducted.

A true and correct copy of the TDEC Public Notice for File # NRS23.280 is attached as **Exhibit**

5.

19. The most current design for the project submitted to TDEC by Defendant in May 2024 is reflected below:



A true and correct copy of the May 2024 design plan is attached as **Exhibit 6**.

20. Defendant represented to the Board of Zoning Appeals, as reflected in the minutes of the November 17, 2020 meeting, that he “has roughly 300’ feet of shoreline.” See **Exhibit 3**. However, based on his latest design submitted to TDEC, Defendant plans to affix boat docks to over 800 feet of shoreline. See **Exhibit 6**.

21. Defendant did not reference any rip rap or dredging in his application for a special exception to the Board of Zoning Appeals. Now, based on the materials submitted to TDEC, he intends to install over 900 feet of rip rap and dredge approximately 3,500 cubic yards of sediment along the shoreline. See **Exhibit 5**.

COUNT I: DECLARATORY JUDGMENT

22. Plaintiff realleges and reincorporates the foregoing paragraphs as if fully set forth herein.

23. Marinas are not permitted in the A-1, Agriculture-Forestry District without a special exception from the Board of Zoning Appeals.

24. The special exception granted to Defendant by the Board of Zoning Appeals was for a “private” marina based on Defendant’s application materials and representations made at the Board of Zoning Appeals November 17, 2020 meeting.

25. Allowing Defendant to construct the marina as he has proposed it to TDEC falls outside the special exception granted to him by the Board of Zoning Appeals as the proposed marina is not a “private” marina, but a “commercial” marina that is significantly more expansive than what was proposed to and approved by the Board of Zoning Appeals.

26. Plaintiff seeks a declaratory judgment from this Court that the special exception granted to Defendant by the Board of Zoning Appeals does not entitle him to construct the marina he has proposed to TDEC and that doing so would violate the Zoning Resolution.

27. Alternatively, Plaintiff seeks a declaratory judgment from this Court that based on Defendant's misrepresentations to the Board of Zoning Appeals about the intended use of the Subject Property that the special exception granted on November 17, 2020 is rescinded.

COUNT II: INJUNCTIVE RELIEF

28. Plaintiff realleges and reincorporates the foregoing paragraphs as if fully set forth herein.

29. Plaintiff will suffer irreparable injury and harm if Defendant is allowed to construct the marina as he has proposed it to TDEC because said marina would be in violation of the Zoning Resolution.

30. Plaintiff has no adequate remedy at law and is entitled to a permanent injunction prohibiting Defendant from taking any action contrary to (1) the special exception granted to him by the Board of Zoning Appeals or (2) the Zoning Resolution.

PRAYER FOR RELIEF

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

A. That process issue and a copy of this Complaint be served upon Defendant and that he be required to answer hereto as required by law;

31. That the Court issue a declaratory judgment that the special exception granted to Defendant by the Board of Zoning Appeals does not entitle him to construct the marina he has proposed to TDEC and that doing so would violate the Zoning Resolution. Alternatively, Plaintiff

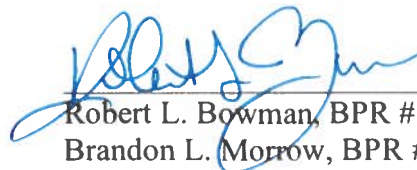
seeks a declaratory judgment from this Court that based on Defendant's misrepresentations to the Board of Zoning Appeals about the intended use of the Subject Property that the special exception granted on November 17, 2020 is rescinded;

B. That the Court issue a Permanent Injunction restraining and enjoining Defendant, his agents, employees, or any other persons acting in association or in concert with him from taking any action contrary to (1) the special exception granted to him by the Board of Zoning Appeals or (2) the Zoning Resolution;

C. That the Court award Plaintiff its attorney fees and costs; and

D. That Plaintiff have such other further and general relief as this court deems just and proper.

Respectfully submitted, this 25th day of June, 2024.




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OATH


STATE OF TENNESSEE)
)
COUNTY OF LOUDON)

I, **JAMES JENKINS**, after having been duly sworn, depose and state that I executed the foregoing Complaint, and that the statements contained therein are true, to the best of my knowledge, information and belief. This is the first application for injunctive relief.

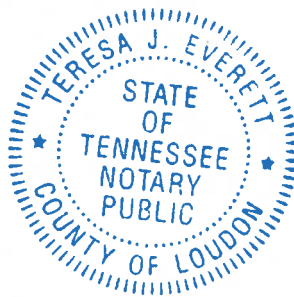


JAMES JENKINS

Sworn to and subscribed before me,
this 24 day of June, 2024.



Notary Public
My Commission Expires: May 17, 2027



COST BOND

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

KRAMER RAYSON LLP

By: 

Robert L. Bowman

**THE ZONING RESOLUTION
OF
LOUDON COUNTY, TENNESSEE**

OFFICIALLY ADOPTED

JULY 26, 1971

**LOUDON COUNTY OFFICE OF PLANNING AND CODE ENFORCEMENT
101 MULBERRY STREET, SUITE 101
LOUDON, TENNESSEE 37774
PHONE: (865) 458-4470**

REPRINTED WITH REVISIONS

March 17, 2015

EXHIBIT 1

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ARTICLE 5
ZONING DISTRICT

SECTION

- 5.010. Classification of Districts**
- 5.020. Zoning Map**
- 5.030. Zoning District Boundaries**
- 5.040. Specific District Regulations**
- 5.041. A-1, Agriculture-Forestry District**
- 5.042. A-2, Rural Residential District**
- 5.043. R-1, Suburban Residential District**
- 5.044. C-1, Rural Center District**
- 5.045. C-2, General Commercial District**
- 5.046. M-1, General Industrial District**
- 5.047. F-1, Floodway District**
- 5.048. O-1, Office-Professional District**
- 5.049. R-E, Single Family Exclusive Overlay District**
- 5.050 PUD, Planned Unit Development Overlay District**

5.010. Classification of Districts. For the purpose of this Resolution the following zoning districts are hereby established in Loudon County Tennessee:

<u>Zoning District</u>	<u>District Abbreviation</u>
Agriculture-Forestry District	A-1
Rural Residential District	A-2
Suburban Residential District	R-1
Rural Center District	C-1
General Commercial District	C-2
General Industrial District	M-1
Floodway District	F-1
Office-Professional District	O-1
Single Family Exclusive Overlay District	R-E

5.020. Zoning Map. The location and boundaries of the zoning districts established by this Resolution are bounded and defined as shown on the map entitled Zoning Map of Loudon County, Tennessee. The zoning map or any amendment thereto shall be dated with the effective date of the resolution that adopts same. Certified prints of the adopted zoning map or zoning map amendment shall be maintained in the office of the Loudon County Building Commissioner and shall be available for inspection by the public at all reasonable times, as long as this Resolution remains in effect.

5.030. Zoning District Boundaries. Unless otherwise indicated on the zoning map or zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, or the Loudon County boundary lines as they exist at the time of the enactment of the Zoning Resolution. Questions concerning the exact locations of district boundaries shall be determined by the Loudon County Board of Zoning Appeals.

Where a district boundary line divides a lot existing at the time this Resolution takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty (20) feet within the more restricted district.

Where the property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners, is in a residential district, the business or industrial use shall be limited to the property facing or fronting the street zoned for business or industry throughout the block and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on the intersecting street. It is the purpose of this Resolution to limit business and industrial uses to the property facing or fronting the street zoned for business or industry and to prohibit business or industrial uses facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the Board of Zoning Appeals shall have authority to determine on which street the business or industrial use shall face or front so that the intent of the resolution shall be observed.

5.040. Specific District Regulations. The following regulations shall apply in the seven zoning districts established in Section 5.010 of this resolution:

5.041. A-1 Agriculture-Forestry District

A. District Description

This district is intended to preserve space for agricultural and forestry uses which together comprise an important segment of the economy of Loudon County. The primary intent of the A-1 District is to minimize conflicts between agricultural and forestry activities and various nonfarm activities; to permit lands best suited for intense agricultural uses to be preserved for these purposes; and to prevent lands unsuitable for development of an urban or non-rural nature, due to topographic problems, location, or the inability to provide necessary urban services, from being encroached upon by these incompatible land uses. Areas assigned to the A-1 District are primarily areas where growth of an urban or non-rural nature is deemed undesirable for one or more of the reasons outlined above. The following regulations shall apply in the A-1 Agriculture-Forestry District as defined on the Zoning Map of Loudon County, Tennessee:

B. Uses Permitted:

In the A-1, Agriculture-Forestry District, the following uses and their accessory uses are permitted:

1. Agricultural and forestry uses and their accessory structures, as defined in Article 2.
2. Detached single-family and two-family dwellings.
3. Agricultural processing including cotton ginning and compressing, corn shelling, hay baling and threshing services.
4. Animal husbandry services including veterinarian services, animal hospital services and poultry hatchery services.
5. Forestry activities and related services.
6. Fisheries and related services.
7. Utility facilities necessary for the provision of public services.
8. One roadside stand for the sale of agriculture or forestry products produced on the premises provided that such stand does not exceed an area of three hundred (300) square feet and that it is located not nearer than thirty-five (35) feet from the roadway.
9. Customary home occupations as regulated in Article 4, Section 4.040.

C. Uses Permitted as Special Exceptions:

In the A-1, Agriculture-Forestry District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article 7, Section 7.060.

1. Public or private educational institutions.
2. Churches or other places of assembly.
3. The surface and subsurface mining or quarrying of natural mineral resources. (*Concrete and asphalt plants/facilities are not considered an accessory use to these uses.*) NOTE: Italics adopted by Loudon County Commission August 5, 1996.
4. Airports.

5. Marinas.
6. Travel trailer parks.
7. Sanitary landfill operations, subject to the approval of the Loudon County Sanitarian and the Tennessee Department of Public Health.
8. Cemeteries subject to the provisions of Article 4, Section 4.120.
9. Commercial feed lots which comply with all applicable state and federal laws.
10. On-site tenant houses for farm workers who are of a seasonal or permanent nature, provided the applicant produces a written statement by the Loudon County Sanitarian (environmentalist) approving the sewage disposal system for the structures(s) and provided the applicant provides sufficient evidence as to the need for such tenant houses(s).
11. Arts and crafts festivals.

The afore mentioned activity may be permitted subject to the following:

- a. Shall be limited to artists and craftsman displaying original work, including antiques and related activities connected with such festival.
- b. Limits to no more than six (6) festivals per year (not exceeding four (4) days each) throughout the County with no one sponsor permitted to schedule more than two (2) events annually.
- c. Events shall be restricted to county civic groups or events sponsored by such groups.
- d. The Board of Zoning Appeals shall review each application and approval or disapproval shall be based on the quality of the event, impacts on the immediate area and suitability of plans as addressed in Subsection V.
- e. Sponsor of the event shall provide the following:
 - i. Site plans for the property indicating the location of all exhibit areas, parking, rest rooms, access, etc.
 - ii. Projected number of visitors per day
 - iii. Traffic flow diagram

- iv. Location of all residences within a one-half (1/2) mile radius of property to be considered
- v. Written narrative describing security and emergency services.

12. Light Manufacturing Uses

Light manufacturing uses are permitted as a special exception subject to provisions herein established. In considering the special exception, the Board shall consider impacts on adjoining properties and determine whether the proposed use meets the spirit and intent of this resolution. Approval of a special exception may be granted provided the following requirements are met and subject to such restrictions as the Board may deem necessary:

- Use is permitted only on the same property as a primary residence and shall be located in an accessory structure.
- The manufacturing use (process and storage) shall not occupy more than 1,500 square feet.
- There shall be no exterior storage of materials nor shall the exterior appearance of the structure indicate that any use is occurring which would not be customarily permitted as an accessory use within the district.
- There shall be no more than three (3) persons employed at any one time.
- The applicant for the special exception shall reside in the primary residence and shall be employed in the manufacturing operation.
- The property shall be not less than three (3) acres in size.

Light Manufacturing Uses Permitted as a Special Exception:

- Woodworking
- Light metal fabrication
- Furniture Upholstering
- Arts and crafts manufacturing
- Any use of a similar character

13. Communication Towers

14. Daycare Centers – To serve up to 12 clients with no more than two (2) employees. *(Approved by County Commission 10/6/03)*

15. Riding Stables and Dog Kennels and Boarding Facilities (see Section 4.125)
(Added by Loudon County Commission June, 2009)

D. Uses Prohibited:

In the A-1, Agriculture-Forestry District, all uses except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

E. Dimensional Regulations:

All uses permitted in the A-1, Agriculture Forestry District shall comply with the following requirements except as provided in Article 6.

1. Front Yard: The minimum depth of the front yard shall be fifty (50) feet.
2. Rear Yard: The minimum depth of the rear yard shall be thirty-five (35) feet for the principal structure and five (5) feet for any permitted accessory structures. *(Amended by Loudon County Commission 8/4/08)*
3. Side Yard: The side yard shall be a minimum of twenty (20) feet for a single-story structure, plus an additional five (5) feet for each additional story, and five (5) feet for any permitted accessory structures. *(Amended by Loudon County Commission 8/4/08)*
4. Land Area: No farm, ranch, or other parcel of land shall be reduced in area to provide separate lots or building sites of less than one (1) acre in area. However, where there is an existing lot of record of less than one (1) acre on August 1, 1971, this lot may be utilized for the construction of one single-family dwelling. In the event that the property proposed to be subdivided is less than five (5) acres in area, then a soils analysis of the property must be conducted and the results of such an analysis shall be transmitted to the Loudon County Sanitarian. The Planning Commission shall assist the property owner or his agent in working with other agencies to have the soils analysis completed. If the results of the soils analysis indicate compliance with the required standards of the Tennessee Department of Public Health, the Loudon County Sanitarian shall submit a written statement certifying same to the Loudon County Building Commissioner. Upon receipt of such a certification from the Loudon County Sanitarian, the Loudon County Building Commissioner shall issue a building permit to the applicant, providing all other provisions of the Loudon County Zoning Resolution are met. In the event that the results of the soils analysis or other tests that may be required do not meet the required standards of the Tennessee Department of Public Health, then the Loudon County Sanitarian shall submit to the Loudon County Building Commissioner, prior to the issuance of a building permit, a written

opinion, in lieu of a certification, which shall define what lot size or configuration or both shall be necessary to meet the required standards. In the event that an opinion is submitted in lieu of a certification by the Loudon County Sanitarian to the Building Commissioner, the Building Commissioner shall notify the applicant of the necessary lot size or configuration or both based upon the aforementioned Loudon County Sanitarian's written opinion. The Building Commissioner shall not issue a building permit until the necessary changes have been made and the Sanitarian submits to the Building Commissioner a certification that with these changes, the standards of the Tennessee Department of Public Health have been met.

5. Maximum Lot Coverage: Main farm and agricultural accessory buildings shall cover no more than five (5) percent of the total land area.

Permitted non-agricultural or forestry uses, both principal and accessory, shall cover no more than twenty (20) percent of the total land area.

6. Lot Width: No lot shall be less than one hundred and fifty (150) feet wide at the building setback line.
7. Height Requirement: No building shall exceed three (3) stories or fifty (50) feet in height, except as provided in Article 6, Section 6.030.

5.042. A-2 Rural Residential District

A. District Description

This district is intended to be utilized in areas where, due to remoteness, impermeability or shallowness of soils, the absence of the necessary urban services, or the continuation of farming or agricultural activities, development of a suburban density is undesirable or unfeasible. Although the A-2 District is primarily a rural district, it also provides for low-density residential development with lot sizes for single-family dwellings being less restrictive than those of the A-1 Agriculture-Forestry District. In addition, a primary objective of the A-2 District is to prevent undesirable urban sprawl and to exclude land uses which demand a level of urban services which are impossible or uneconomical to provide. The following regulations shall apply in the A-2 Rural Residential District as defined on the Zoning Map of Loudon County, Tennessee:

B. Uses Permitted:

In the A-2 Rural Residential District, the following uses and their accessory uses are permitted.

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:



**LOUDON COUNTY
BOARD OF ZONING APPEALS REQUEST
APPLICATION**

Verified by _____ (initials)

Date Received _____

Name of Applicant <u>Michael S. Gaddis</u>	Address of Applicant <u>607 Alexander Rd Lenoir City 37772</u>
Home Phone <u>865-679-3892</u>	Work Phone <u>SAME</u>

Applicant is: (Circle One) Owner Agent

Address of Property	Tax Map	Group	Parcel No.	Zoning District
<u>607 Alexander Rd Lenoir City TN 37772</u>	<u>036</u>		<u>036 0236</u>	<u>A-2</u>

Type of request:

MA-VA Special Exception

_____ Variance-Type

Frontyard _____

Sideyard _____

Rearyard _____

Lot Size 9 Acres on two tracts with 2,000 FT of Lake Frontage overall

Explain the circumstances warranting the need for a special exception/variance request:

This would be a private Marina with same Amenities, currently there is approximately a 2yr waiting list for boat slips on Fort Loudon & Tellico Lakes. The property is close to Dwin town 3.5 miles close to Campground just off of HWY 321 in a low traveled and populated Area

In making this request the applicant certifies that the information given is, to the best of his/her knowledge, true and accurate. The applicant certifies that he/she has the legal authority to request consideration of the varianc/special exception for this property. It is understood and agreed by the applicant that any error, misstatement or misrepresentation of fact, either with or without intention on his/her part, shall constitute sufficient grounds for denial of this request.

Signature of Owner Michael S. Gaddis

Date 10/30/2020

Signature of Applicant (if different) _____

BOARD OF ZONING APPEALS ACTION

Date Petition Heard: 11-17-2020

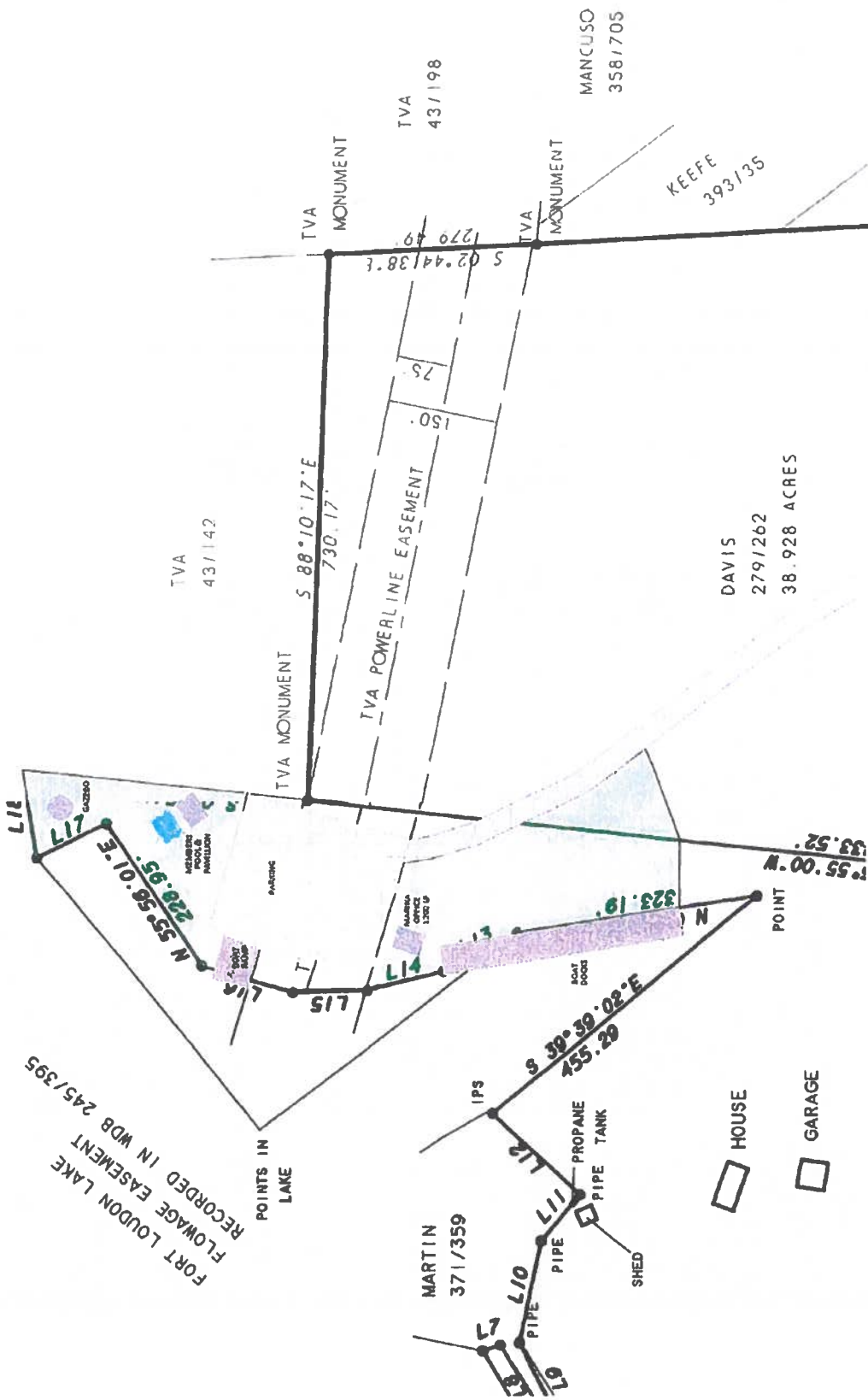
Approved: _____

Approved Subject to Conditions: _____

Denied: _____

Reason Denied: _____

Chairman, Board of Zoning Appeals





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 17, 2020

Immediately following the Planning Commission Meeting

Members Present	Members Absent	Others Present
Jim Brooks, Vice Chair	Carlie McEachern, Chairman	Jim Jenkins, Codes Enforcement
John Napier		Ron Hutson, Planning
Ryan Bright		Greg Montooth, Planning
Leon Shields		Jeff France
		Melissa France
		Mike Gaddis
		Krystal Ervin
		J. Nikki Price
		Harold Brown
		Gaurang Patel
		Carlos Lopez
		Bill Satterfield
		Barbara Christian
		Brandon Rose

CALL TO ORDER

Jim Brooks, Vice Chairman called to order at 5:55 PM

ROLL CALL AND SWEARING IN ALL WITNESSES

Ron Hutson conducted roll call and Mr. Brooks swore in all witnesses.

APPROVAL OF MINUTES FROM OCTOBER 20, 2020 MEETING

A motion was made to approve September minutes by Mr. Brooks, seconded by Mr. Bright and unanimously approved.

VARIANCE REQUEST TO MOVE CURRENT SIGN TO FRONT PROPERTY LINE, APPLICANT, GAURANG PATEL, PROPERTY OWNER, BRAHMANI, ENTERPRISE TWO, LLC., 18555 HWY. 72, TAX MAP 049 PARCEL 129.00, C-1, RURAL CENTER DISTRICT

Brandon Rose stated the current location of the sign is at the store. The sign cannot be read from the road. The gas pricing sign is a 40-foot sign. We want to move it on the front property line. Mr. Jenkins stated the sign should be 30 ft. off the front property line in this district. Photographs were shown to the BZA Commissioners which identified the gas pricing sign. After more

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 Loudon • Greenback • Philadelphia

Loudon County BZA
November 17, 2020

discussion regarding the proper placement of the sign, it was decided that a 10' variance request is needed.

ACTION

A motion was made to approve a 10' variance by Mr. Brooks, seconded by Mr. Bright and unanimously approved.

VARIANCE REQUEST TO OBTAIN BUILDING PERMIT WITHOUT 25' ROAD FRONTAGE, APPLICANT AND PROPERTY OWNER, KRYSTAL ERVIN, KEENER LANE, TAX MAP 017 PARCEL, 068.00, A-2, RURAL RESIDENTIAL DISTRICT

Mrs. Ervin stated she wants to clear up the historical record. All six parcels were recorded and the original parcel that she inherited was not recorded. A letter regarding the easement is included in your package. Nikki Price. Attorney stated she represents Barbara Christian as the owner of lot 67. Ms. Price understood that Ms. Ervin should have applied for a building permit before requesting a variance to shown it was denied. The suggested proposal is to not vote until the property was sold and the new owner applied for a variance request.

ACTION

A motion was made by Mr. Shields to approve the variance contingent on both party's surveyors completing the surveys and both property owner's agreement of the easement location, seconded by Mr. Bright, and unanimously approved.

VARIANCE REQUEST TO BUILD A GARAGE WITHOUT A PRINCIPLE DWELLING, APPLICANT, STEVE YOUNG, PROPERTY OWNER, WILLIAM DAVID SCOTT, HWY. 72, TAX MAP 038 PARCEL 012.00, A-1, AGRICULTURE-FORESTRY DISTRICT

Nobody in attendance.

ACTION

A motion was made to table until the next meeting by Mr. Shields, seconded by Mr. Bright and unanimously approved.

APPEAL BUILDING CODES OFFICIAL LETTER, PROPERTY BEING USED AS A JUNKYARD, APPLICANT, CARLOS CORRILLO, PROPERTY OWNER, HAROLD L. BROWN, 16345 HOTCHKISS VALLEY RD., TAX MAP 025 PARCEL 001.00, C-2, GENERAL COMMERCIAL DISTRICT

Carlos Lopez stated he is bringing Toyota cars to the location and removing parts. The cars would be removed after one to two weeks. Mr. Jenkins this would be considered a junk yard which is not permitted in this zoning district. M-1 is the only zoning district which will allow a junk yard. Mr. Jenkins stated he has received multiple complaints about a junkyard at this location.

ACTION

A motion was made to deny by Mr. Shields, seconded by Mr. Bright and unanimously denied.

London County BZA
November 17, 2020

SPECIAL EXCEPTION REQUEST TO BUILD A MARINA WITH AMENITIES,
APPLICANT AND PROPERTY OWNER, MICHAEL STEPHEN GADDIS, 607
ALEXANDER RD., TAX MAP 036 PARCEL 023.00, A-1, AGRICULTURE-FORESTRY
DISTRICT, APPROXIMATELY 49.2 ACRES

Mr. Gaddis is the property owner. He has approximately 96 acres. He wants to live there and install boat slips based on what TVA will allow. The slips will be for 18' to 20' boats, run-arounds and pontoons. He has roughly 300' of shoreline. Plans to be gated and seasonal uses. It is about 20,000 sq. ft. of docks. Mr. Jenkins stated docks are allowed with a special exception in A-1 zoning district. Steve Hurst lives across the river and is concerned about noise. Jeff France is concerned about traffic on the road. Mr. Satterfield ask about what is meant by future development? The response from Mr. Gaddis confirmed that any future development on the property would need to be approved by the commission.

ACTION

A motion was made to approve by Mr. Bright, seconded by Mr. Shields and unanimously approved.

ADDITIONAL PUBLIC COMMENTS

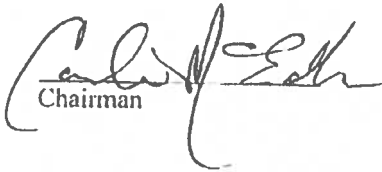
None

ANNOUNCEMENTS AND/OR COMMENTS FROM BOARD/COMMISSION

None

ADJOURNMENT

Adjourned at 6:56 PM


Chairman

12-15-2020
Date



TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
 Division of Water Resources
 William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11th Floor,
 Nashville, Tennessee, 37243
 1-888-891-8332 (TDEC)

Application for Aquatic Resource Alteration Permit (ARAP) & State §401 Water Quality Certification

OFFICIAL STATE USE ONLY	Site #:	Permit #:
Section 1. Applicant Information (Individual responsible for site, signs certification below)		
Applicant Name (company or individual): <i>Michael / Godd's</i>		SOS #: Status: <i>N/A</i>
Primary Contact/Signatory: <i>Mike Godd's</i>		Signatory's Title or Position: <i>Owner</i>
Mailing Address: <i>607 Alexander Rd</i>		City: <i>Levonia City</i> State: <i>TN</i> Zip: <i>37112</i>
Phone: <i>865-679-3892</i>	Fax:	E-mail: <i>michaelgodd's@msw</i>
Section 2. Alternate Contact/Consultant Information (a consultant is not required) <i>608Twork@TN@yahoo.com</i>		
Alternate Contact Name:		
Company:		Title or Position:
Mailing Address:		City: State: Zip:
Phone:	Fax:	E-mail:
Section 3. Fee (application will be incomplete until fee is received)		
<input type="checkbox"/> No Fee <input type="checkbox"/> Fee Submitted with Application Amount Submitted: \$ _____		
Current application fee schedules can be found at the Division of Water Resources webpage at: https://www.tn.gov/environment/permit-permits/water-permits/aquatic-resource-alteration-permit--arap-.html or by calling (615) 532-0025. Please make checks payable to "Treasurer, State of Tennessee".		
Billing Contact (if different from Applicant):		Name: Email:
Address:		Phone:
Section 4. Project Details (fill in information and check appropriate boxes)		
Site or Project Name: <i>Dock's Cove's</i>		Nearest City, Town or Major Landmark:
Street Address or Location (include zip): <i>607 Alexander Rd Levonia City TN 37112</i>		
County(ies): <i>Loudon</i>	MS4 Jurisdiction:	Latitude (dd.dddd): Longitude (dd.dddd):
Resources Proposed for Alteration: <input type="checkbox"/> Stream / River <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Reservoir		
Name of Water Resource (for more information, access http://tdeconline.tn.gov/dwr): <i>Foot Loudon Lake</i>		
Brief Project Description (a more detailed description is required under Section 8): <i>Dredge, Rip Rap, Boat Ramp, Boat docks</i>		
Does the proposed activity require approval from the U.S. Army Corps of Engineers, the Tennessee Valley Authority, or any other federal, state, or local government agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If Yes, provide the permit reference numbers:		
Will the activity require a 401 Water Quality Certification: <input type="checkbox"/> Yes <input type="checkbox"/> No		
If Yes, attach any 401 WQC pro-filing meeting request documentation		
Is the proposed activity associated with a larger common plan of development: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If Yes, submit site plans and identify the location and overall scope of the common plan of development.		
Plans attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If applicable, indicate any other federal, state, or local permits that are associated with the overall project site (common plan of development) that have been obtained in the past (e.g., construction general permit and/or other ARAP):		

Application for Aquatic Resource Alteration Permit (ARAP) & State §401 Water Quality Certification

Section 5. Project Schedule (fill in information and check appropriate boxes)	
Proposed start date: <u>ASAP</u>	Estimated end date: <u>8-31-2021</u>
Is any portion of the activity complete now?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, describe the extent of the completed portion: <u>South of Rip Rap That Was Approved 3/15/16</u>	

The required information in Sections 6-11 must be submitted on a separate sheet(s) and submitted in the same numbered format as presented below. If any question is not applicable, state the reason why it is not applicable.

Section 6. Description		Attached	
		Yes	No
6.1	A narrative description of the scope of the project.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.2	USGS topographic map indicating the exact location of the project (can be a photographic copy)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.3	Photographs of the resource(s) proposed for alteration with location description (photo locations should be noted on map)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.4	A narrative description of the existing stream and/or wetland characteristics including, but not limited to, dimensions (e.g., depth, length, average width), substrate and riparian vegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.5	A narrative description of the proposed stream and/or wetland characteristics including, but not limited to, dimensions (e.g., depth, length, average width), substrate and riparian vegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.6	In the case of wetlands, include a wetland delineation with delineation forms and site map denoting location of data points	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.7	A copy of all hydrologic or jurisdictional determination documents issued for water resources on the project site	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Section 7. Project Rationale	Attached	
	Yes	No
Describe the need for the proposed activity, including, but not limited to the purpose, alternatives considered and rationale for selection of least impactful alternative, and what will be done to avoid or minimize impacts to water resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section 8. Technical Information		Attached	
		Yes	No
8.1	Detailed plans, specifications, blueprints, or legible sketches of present site conditions and the proposed activity. Plans must be 8.5 x 11 inches. Additional larger plans may also be submitted to aid in application review. The detailed plans should be superimposed on existing and new conditions (e.g., stream cross sections where road crossings are proposed)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8.2	For the proposed activity and compensatory mitigation, provide a discussion regarding the sequencing of events and construction methods and any proposed monitoring	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8.3	Depiction and narrative on the location and type of erosion prevention and sediment control (EPSC) measures for the proposed alterations and any other measures to treat, control, or manage impacts to waters	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section 9. Water Resources Degradation (degree of proposed impact)	
<p>Note that in most cases, activities that exceed the scope of the General Permit limitations are considered greater than <i>de minimis</i> degradation to water quality.</p> <p>Please provide your basis for concluding the proposed activity will cause one of the following levels of water quality degradation:</p> <p><input type="checkbox"/> a. <i>De minimis</i> degradation, no appreciable permanent loss of resource values</p> <p><input type="checkbox"/> b. Greater than <i>de minimis</i> degradation (If greater than <i>de minimis</i> complete Sections 10-11)</p> <p><i>For information and guidance on the definition of de minimis and degradation, refer to the Antidegradation Statement in Chapter 0400-40-03-.06 of the Tennessee Water Quality Criteria Rule:</i> https://publications.tn.gov/files/rules/0400/0400-40/0400-40.htm</p> <p><i>For more information on specifics on what General Permits can cover, refer to the Natural Resources Unit webpage at:</i> https://www.tn.gov/environment/permit-permits/water-permits/1/aquatic-resource-alteration-permit-arap-.html</p>	

Application for Aquatic Resource Alteration Permit (ARAP) & State §401 Water Quality Certification

Section 10. Detailed Alternatives Analysis		Attached Yes No
10.1	Analyze all reasonable alternatives and describe the level of degradation and permanent loss of resource value caused by each alternative. Assessment must consider options other than the "Preferred" and "No Action" alternatives. Provide associated rationale for selecting or rejecting all alternatives considered and demonstration that the least impactful practicable alternative was selected.	<input type="checkbox"/> <input type="checkbox"/>
10.2	Discuss the social and economic consequences of each alternative	<input type="checkbox"/> <input type="checkbox"/>
10.3	Demonstrate that the degradation associated with the preferred alternative will not violate water quality criteria for uses designated in the receiving waters, and is necessary to accommodate important economic and social development in the area	<input type="checkbox"/> <input type="checkbox"/>

Section 11. Compensatory Mitigation		Attached Yes No
11.1	A detailed discussion of the proposed compensatory mitigation. Provide evidence of credit reservation if proposing to utilize a third-party provider.	<input type="checkbox"/> <input type="checkbox"/>
11.2	Analysis of any proposed appreciable loss of resource value using the TN Stream Mitigation Guidelines. Provide Stream Quantification Tool (SQT) results if applicable. Include Existing Condition Score (ECS) and debit/credit calculations.	<input type="checkbox"/> <input type="checkbox"/>
11.3	Describe how the compensatory mitigation would result in no net loss of resource value	<input type="checkbox"/> <input type="checkbox"/>
11.4	Provide a detailed monitoring plan for the compensatory mitigation site if permittee-responsible project is proposed	<input type="checkbox"/> <input type="checkbox"/>
11.5	Describe the long-term protection measures for the compensatory mitigation site if permittee-responsible project is proposed (e.g., deed restrictions, conservation easement)	<input type="checkbox"/> <input type="checkbox"/>

Certification and Signature

An application submitted by a corporation must be signed by a principal executive officer; from a partnership or proprietorship, by the partner or proprietor respectively; from a municipal, state, federal or other public agency or facility, the application must be signed by either a principal executive officer, ranking elected official, or other duly authorized employee. *I certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision. The submitted information is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury. The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.*

<i>Michael Gaddis</i>	<i>Dwyer</i>	<i>Nicholas</i>	<i>8/16/2023</i>
Printed Name	Official Title	Signature	Date

Note that this form must be signed by the principal executive officer, partner or proprietor, or a ranking elected official in the case of a municipality; for details see Certification and Signature statement above. For more information, contact your local EFO at the toll-free number 1-888-691-8332 (TDEC). Submit the completed ARAP Application form (keep a copy for your records) to the appropriate EFO for the county(ies) where the proposed activity is located, addressed to Attention: ARAP Processing. You may also electronically submit the complete application and all associated attachments to water.permits@tn.gov

EFO	Street Address	Zip Code	EFO	Street Address	Zip Code
Memphis	8383 Wolf Lake Drive, Bartlett	38133-4119	Cookeville	1221 South Willow Ave.	38506
Jackson	1625 Hollywood Drive	38305-4316	Chattanooga	1301 Riverfront Pkwy., Ste. 206	37402
Nashville	711 R S Gess Boulevard	37243	Knoxville	3711 Middlebrook Pike	37921
Columbia	1421 Hampshire Pike	38401	Johnson City	2305 Silverdale Road	37601



Scope of The project

Dredge along the shoreline before installing Boat docks and Riprap Rock
Along the bank.

Install at 20' wide boat ramp 80' Long

I'm putting in a marina at this location

The spoils from the dredging process will be placed behind the required 820 elevation

Select products below and then hit "Search Products"

Area of Interest:

Map Extent (Geoproperty) | Zoom | Polygon | Point | Enter Coordinates | Clear Secondary

Advanced Search

Search Product | Reset Map | Upload shapefile | Upload KML

Map

- US Topo
- Subcategories**
- Select All
- US Topo Current
- US Topo Non-Current

Data Extent

7.5 x 7.5 minute (1,24,000/1 25,000/1:31 680)

File Formats

GeoPDF | Show Availability



Zoom: 16
Scale: 9028
600 ft

Powered by Esri



Show email

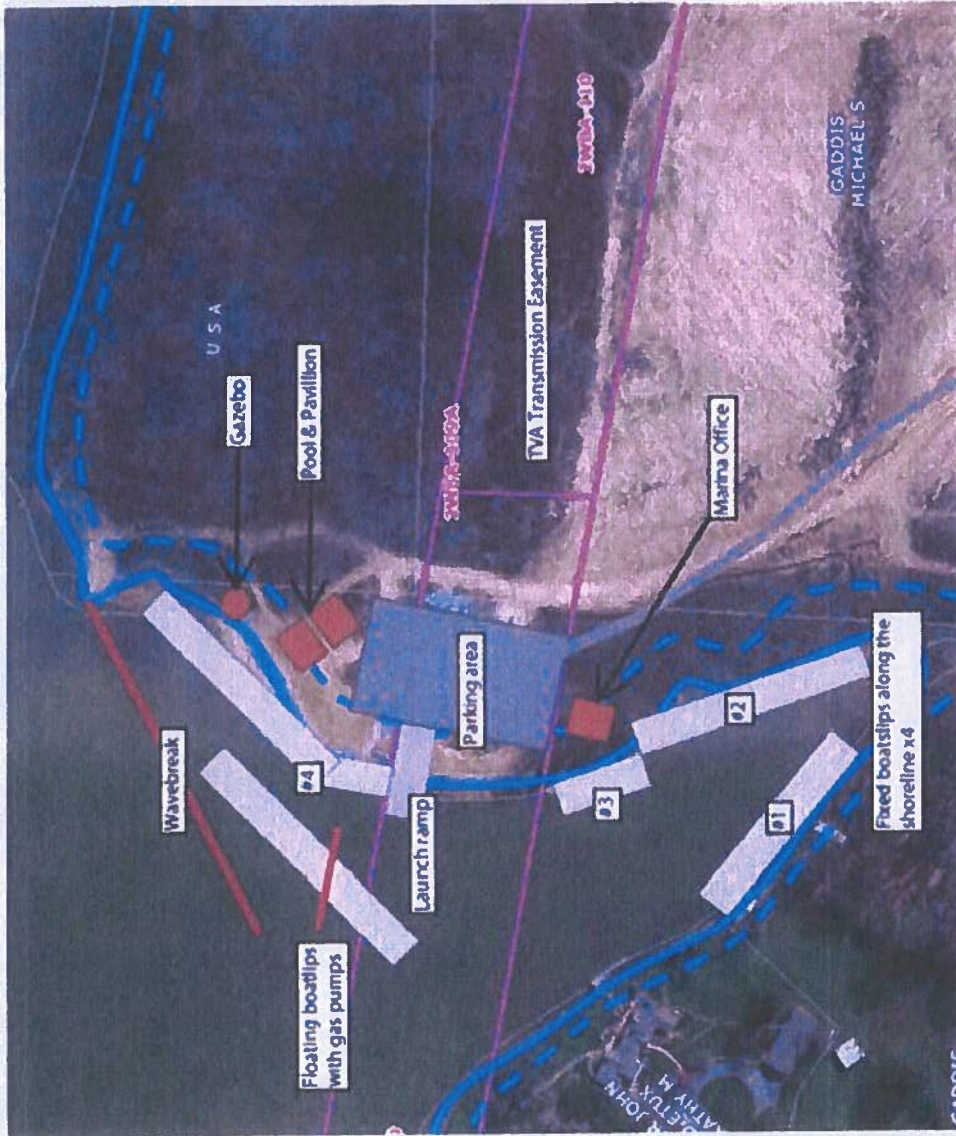
Save to OneDrive



Full screen

Download

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Public Notice
Tennessee Department of Environment and
Conservation (TDEC)
Division of Water Resources (DWR)
Notice Requesting Public Comments on Draft
Permit Actions
FILE # NRS23.280

The purpose of this notice is to advise the public of the following proposed permit action and solicit comments and information necessary to evaluate the potential impact of the proposed activities on the aquatic environment.

Pursuant to The Tennessee Water Quality Control Act of 1977, T.C.A. §69-3-108 and Tennessee Rules, Chapter 0400-40-07, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit and Section 401 Water Quality Certification. Section 401 of the Clean Water Act requires that an applicant obtain a water quality certification from the state when a federal permit is required. This notice is intended to inform interested parties of this permit application and draft permit and rationale, and to ask for comments and information necessary to determine possible impacts to water quality. At the conclusion of the public notice period a final determination will be made whether to issue or deny the permit.

PERMIT COORDINATOR

Scott Hall
Tennessee Department of Environment & Conservation
Division of Water Resources, Natural Resources Unit
Davy Crockett Tower
500 James Robertson Pkwy, 9th Floor
Nashville, Tennessee 37243
615-590-4430
scott.hall@tn.gov

APPLICANT

Mike Gaddis
607 Alexander Road
Lenoir City, TN 37772

LOCATION

Fort Loudon Lake, Lenoir City, Loudon County
Latitude 35.757617, Longitude -84.191575

To view the proposed location of these impacts and the watershed condition, visit the Division's Map Viewer at <http://tdeconline.tn.gov/dwr/> and search on the permit number or coordinates listed in this Public Notice.

PROJECT DESCRIPTION / PURPOSE

The applicant proposes installation of a commercial marina and associated infrastructure. Aquatic impacts will consist of installation of four fixed docks (106 feet by 34 feet, 93 feet by 34 feet, 310 feet by 34 feet, and 308 feet by 34 feet), a 20-foot by 80-foot cement boat ramp with 50-foot rip rap borders, 875 feet of rip rap in addition to an existing 500 feet of rip rap, and removal of approximately 75 feet of rip rap. One-time in-the-dry dredging of approximately 3,500 cubic yards of sediment, planting a 400-foot by 20-foot vegetative buffer of native herbaceous plants, and planting dogwood and redbud trees adjacent to the vegetative buffer and at two additional near-shore areas will also be conducted.

ANTIDEGRADATION REVISIT ONCE LEE SEES PERMIT AND USE SAME TEXT

In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the Division has made the preliminary determination that the proposed activities will not result in an appreciable permanent loss of resource values, and therefore will result in no more than de minimis degradation of resource value following mitigation.

For more information, please reference Tennessee's Antidegradation Statement which is found in Chapter 0400-40-03 of the Rules of the Tennessee Department of Environment and Conservation.

EXHIBIT 5

FACTORS CONSIDERED

In deciding whether to issue or deny this permit, the Division will consider all comments of record and the requirements of applicable federal and state laws. The division will consider the nature, scale and effects of proposed impacts. The Division will consider practicable alternatives to the alteration, loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impacts to unique, high quality, or impaired waters.

HOW TO COMMENT

TDEC is requesting public comment on this proposed permit action. Obtaining a broad range of facts and opinions on Agency actions is one of the best ways to ensure appropriate decisions. Persons wishing to comment on the proposal are invited to submit written comments to the Division. Written comments must be received within **thirty days following distribution of the approved public notice materials** (including signage and newspaper ad). Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced. Send all written comments to the Division's address listed below to the attention of the permit coordinator. You may also comment via email to water.permits@tn.gov.

After the Division makes a final permit determination, a permit appeal may be filed by the applicant or by any person who participated in the public comment period whose appeal is based on comments given to the Division in writing during the public comment period or in testimony at a formal public hearing. If it is hard for you to read, speak, or understand English, TDEC may be able to provide translation or interpretation services free of charge. Please contact Alisha Looper at 615-571-4470 or alisha.looper@tn.gov.

Si le resulta difícil leer, hablar o comprender inglés, TDEC puede proporcionarle servicios de traducción o interpretación sin cargo comunicándose con Alisha Looper al 615-571-4470 o alisha.looper@tn.gov.

PUBLIC HEARING

Interested persons may request in writing that the Division hold a public hearing on this application. The request must be received by the Division within the comment period, indicate the interest of the party requesting it, the reason(s) a hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the Division will hold a public hearing in accordance with 0400-40-07-.04(4) (f). Send all public hearing requests to the attention of the permit coordinator at the address listed below or via email to water.permits@tn.gov. Any scheduled public hearings will be advertised through a similar public notice process.

FILE REVIEW

The permit application, supporting documentation, including detailed plans and maps, draft permit and rationale, and related comments are available for review on the internet at the Division's data viewer at [Report on Permits \(tn.gov\)](https://reportonpermits.tn.gov) by entering the permit file number listed in the title of this Public Notice. The file may be viewed and copied at the address listed below.

Tennessee Department of Environment & Conservation
Division of Water Resources, Natural Resources Unit
Davy Crockett Tower
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