

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF ZONING APPEALS
CITY OF OAK HILL, TENNESSEE**

August 18, 2009

The Board of Zoning Appeals of the City of Oak Hill, Tennessee met in the City Office. Board members present were Tom Lawless, Tonya Matthews, and Steve Wasserman. Also present were City Attorney Bob Notestine, City Manager Kevin Helms, Assistant City Manager M. C. Sparks, Chief Building Official Bill Burdette, and Administrative Assistant Patrick Steiner. Mr. Lawless chaired the meeting, and Ms. Sparks acted as secretary.

Following introductions and preliminary information, the following matters were considered and disposed of as indicated:

1. Call to Order. The meeting was opened at 5:05 p.m. by Mr. Lawless.

Mr. Lawless recognized Mr. Tom White, who is counsel for First Presbyterian Church; Mr. White, having received information late last week, contacted the city manager, requesting the matter be deferred until September as Mr. White had not had time to review it (there will be a \$70 fee if this matter is rescheduled). Mr. Stuart Gordon from First Presbyterian Church will be the contact there for Mr. White's office. Mr. Bradshaw raised objections yesterday to Mr. Helms about the Church asking for a continuance at a late date, and requested a formal policy on continuances that allow an ongoing violation to continue.

A special meeting will be held before the next regular BZA meeting for a Conditional Use Permit review. The only item on the agenda for the special meeting will be the First Presbyterian review, and the meeting will start at 6:00. Any specific concerns should be emailed to the city office for inclusion on the discussion; topics not emailed will not be discussed. The date selected for the meeting was Thursday, September 10.

2. Case 09-5: 930 Van Leer Drive (Mr. Kenneth Sledge) – A request was made for a variance to construct a new 3-car garage, and addition of a roof over the porch; the proposed garage would violate the rear setback line by approximately 35', and the roof would violate the rear setback line by approximately 18'. Mr. Sledge requested a deferral from the July meeting, to revisit the plans for the garage; the variance for the roof over the porch was granted at the July meeting. Mr. Sledge spoke to the issue, and his architect Mr. McKelvey was in attendance. Mr. Sledge indicated they were interesting in altering the plans presented, to change one of the three bays of the proposed garage into an open bay or covered area for parking. This would also drop the roof line down and make it less visible. The violation for this new proposal would be the same for the 3-car garage (approximately 35'); the difference would be a more open look for the building. Mr. Sledge indicated they had statements from all adjoining neighbors in support of the project. General discussion regarding the parking, the house and drive was held. Mr. Helms stated that the only comments from the City included would be that since there was a mistake made at the time the property was subdivided, this could be considered an existing hardship for this case.

On a Motion made by Mr. Wasserman and Seconded by Ms. Matthews, the following was Passed Unanimously:

“Moved that the variance on Case 09-5 as amended in the second proposal presented be granted, with the condition that this carport never be enclosed, and a knee-wall for protection at the rear of the enclosed parking area must be installed.”

3. Case 09-8: Radnor State Natural Area (0 Norfleet Drive) - A request was made to install a sign approximately 9 square feet in size, similar to other existing signs in the Radnor Lake State Natural Area; additional signage at the bottom is to be used for showing dedication of land from previous owner. Mr. Steve Ward, Superintendent for Radnor, was present to speak to this item, and presented a hand-out. Mr. Joe Thompson presented a property in 1994 to Radnor; the sign would be in the right-of-way at the end of the dead end of Clonmel Drive indicating it is Radnor property and was donated by Mr. and Mrs. Thompson. This location is the only area where the sign could be placed to be visible. The sign would be 6' and approximately 22 feet off the edge of the street. There is also hope that a sign would help indicate this is a State area, and perhaps control illegal dumping at the site.

Mr. Helms indicated that the City sees no real problem with the sign; this case needed to come to the BZA as the sign will be in the right-of-way. The hardship is that the City has not fully developed the right-of-way easement, so if placed on the property the sign would not be seen. There is an understanding if the right-of-way is developed in further, the sign would have to be moved. Mr. Notestine noted a civic sign of 50' is allowed by the ordinances.

The neighbors were duly notified of the request; no comments were received by the office.

On a Motion made by Ms. Matthews and Seconded by Mr. Wasserman, the following was Passed Unanimously:

“Moved that the variance on Case 09-8 be granted as presented, contingent on the understanding that if the right-of-way is ever developed, the sign would have to be moved.”

4. Case 09-6: Holy Trinity Greek Orthodox Church (4905 Franklin Pike)— A request was made to update the Conditional Use Permit. This update would allow construction of a new building to include offices and classrooms, and to add new parking spaces. Any addition or change to a school within the City of Oak Hill must receive an updated conditional use permit. Mr. Phil Klober, engineer, was representing the church, and spoke to the issue. The changes would be to the rear or west of the existing church, and to the north; the parking changes would be to the existing pavement. The number of parking spaces would well exceed the requirements in the Oak Hill ordinances. The building is significantly away from the property line in the rear.

The Board asked questions, including clarifying that all proposed additions are within requirements, that this is only to request an update to the Conditional Use Permit. Mr. Lawless asked how many days will this facility be used during the week; and what will be the increase to the traffic? He stated that there really needs to be a member of the church present to answer questions. There are concerns that this could be used as a school. There was a storm water analysis done, but the City does not have a copy. The rate of discharge will be slightly less according to the study. There has been no traffic study done. This matter will also have to go to the Planning Commission, which is scheduled for the September meeting. The BZA could defer a decision and not impose a delay on the project.

Mr. Lawless requested this be deferred till next meeting, and strongly suggested that a member of the church be in attendance.

Issues that should be addressed include: use of the facility, traffic, and increase in attendance. Drainage concerns will be addressed by the Planning Commission.

Ms. Matthews had to leave the meeting at 6:18 pm.

5. Case # 09-7: Mr. Larry Hayes (928 Oak Valley Lane) – A request was made to construct a second story onto an existing house; this will change the rear setback and make the residence approximately 10’ over the line. Mr. Hayes appeared to present the request, indicating that he desires to convert the attic space into living space, which will constitute a second story. Contractor Bill Saunders also appeared to help explain that project. Ms. Williams (a neighbor) appeared to inquire about the project, and indicating after looking at the plans she was in support.

The neighbors were duly notified of the request; no comments were received by the office.

On a Motion made by Mr. Wasserman and Seconded by Mr. Lawless, the following was Passed Unanimously:

“Moved that the variance on Case 09-8 be granted as presented, as this does not change the foot print on the site and is not detrimental to the public welfare.”

6. Approval of Outstanding Minutes of the Meetings – Approval of the May minutes was deferred until September.

On a Motion duly made by Mr. Wasserman and seconded by Mr. Lawless, the July 2009 Minutes of the Meeting were approved as corrected.

There being no further business, the meeting adjourned at 6:35 p.m. by the unanimous vote of the Board.

Chair

City Recorder