

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

September 15, 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, Assistant City Manager M. C. Sparks, Chief Building Official Bill Burdette, Mr. Bill Forte and Mr. Sammie McCoy from Clinard Engineering, 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 5:04 p.m. by Mr. Lawless. Brief comments were made to questions about the Monroe vs. Oak Hill lawsuit, as attorney Chris Was and Thomas Kern representing Civic Bank (which has an interest due to the bankruptcy proceedings of the VanBeco group) were present. No action or hearing was to be taken at this meeting, as the case is still under advisement.

2. Case 09-9: Ms. Betsy Killian (930 Robertson Academy Road) – A request was made to change an existing carport into a two car garage; the carport currently violates the rear setback by approximately 9', and the request would extend the violation to 16'.

Mr. Thomas Killian, contractor, appeared to present the case. He related that Ms. Killian talked to neighbors, especially those living at 928 Robertson Academy Road, and has a letter in support of the project. The request for the extension of the violation is made as there is a need for storage, and for a carport that is meant to accommodate 2 cars the area is very tight. There is also a concern for safety as the open carport provides no security. The small extension built even with the current addition will be removed. The house is also relatively far back in the building envelope and turned somewhat sideways.

Mr. and Mrs. Tom Noonan who live at 928 Robertson Academy Road were present to view the proceedings; they had no objections to the project.

All affected neighbors were duly notified, and no comments were received by the office.

After discussion, the following Motion, duly made by Mr. Wasserman, and Seconded by Ms. Matthews, passed Unanimously:

“Moved that the request for the variance in Case 09-9 be granted as presented, based on the hardship of the placement of the house within the lot, with the condition that the owners maintain the hedge in the side and rear yards to maintain privacy with the neighbors.”

3. Case 09-6: Holy Trinity Greek Orthodox Church (4905 Franklin Pike) – A request was made to update the Conditional Use Permit to allow construction of a new building, which will include offices and classrooms, and to add new parking spaces. Any addition or change to a church within the City of Oak Hill must receive an updated Conditional Use Permit. This case was deferred from the August 2009 meeting.

Mr. Mike Delvizio, Vice President of the Parish Council for Holy Trinity and Co-Chair of the Building Committee, was present to discuss the request. There is to be no use as a school of this building; it will only be used for church purposes. A large growth or increase of the congregation is not expected, but this is simply more space and upgraded facilities for the existing congregation.

Mr. Lawless indicated the concern over the large increase in the footprint of the buildings. Mr. Wasserman asked about the seven class rooms and how often will they be used; Mr. Delvizio indicated they will be used on Sunday, and during the week the church will have Greek school in the rooms.

Issues about water and runoff were addressed. Mr. Phil Klober, engineer for the Church, discussed the underground water controls that will be installed as part of the project (controlling both quality and quantity of water), and installation of rip rap aprons; there will be a slight decrease of the amount of water off the property if the project is done. Mr. Wasserman asked about control of water during construction; Mr. Klober said there will be silt fences installed and other controls used as needed.

Concerns were voiced by Ms. Sally Bradshaw about water flow, saying that by the time it reaches Robertson Academy Road the water is re-concentrated and will impact their property.

Interim Engineers for the City from Clinard were present – there are still pieces missing of the overall report; from the data provided, they are satisfied there will not be more water released from the discharge points as outlined in the Metro requirements for storm water management. The plans were corrected as per Clinard's requests - there are energy dissipaters at the end of the ponds, and rip rap, both to control the erosion control. Clinard would ask for the rip rap check dams to be permanent. There will be an increase of volume but not of the rate of discharge of water. All water will go to the back of the property to the underground detention ponds.

The question was asked that since the detention ponds would be covered, how would you remove silt built up in the pond? - there are access points for cleaning.

Will activities at the church increase if area is added? - an increase is not planned, but could occur. The initial plan is to give more space to spread out existing activities.

State standards would have to be followed in storm water management, since Metro Nashville is not involved in this in the satellite cites. The Metro requirements however will be followed and they are more stringent.

Ms. Petty who lives behind the church has reported no water problems.

Mr. Jimmy Bradshaw, 875 Robertson Academy Road, said it sounds like all water off the property will end up in his yard. He indicated he felt all people downstream should have received notice of this meeting.

Ms. Sally Bradshaw said she has many concerns, as she deals daily with problems caused by Mr. Collier and Mr. Burdette by not following TDEC requirements; and the problems caused by the City by increasing the pipe under Tyne, which Mr. Burdette notes is concrete (Ms. Bradshaw alleged Mr. Collier did this with no public notice, and Mr. Burdette gave misinformation when an inquiry was made). All or some of this water should be directed to the front by the French drains. Changing the rate of run-off doesn't help her as she said the water ends up in her yard at the end.

Mr. Lawless asked several questions, and was provided responses by Mr. Delvizi:

1) How many church services are held; one.

2) Will there be an increase in size for the church, ie the congregation; There is no growth currently, and in conversation with Metropolitan Nicholas (a member of the ruling body of the Greek Orthodox Church), and the vision is not for this parish to grow to over 350-400, but rather new parishes elsewhere would be the choice; so size of a church is decided at the Church headquarters? Yes, they would have to have approval of Metropolitan Nicholas and Metropolitan Council.

3) Have there been studies done on flow of the detention pond, or other options; Studies have been done and it was indicated that they had met and exceeded standards.

Has it been checked to see if the water could be directed to the front of the property / Not at this time.

Mr. Lawless felt the BZA doesn't have enough information to make a judgment at this time, and has concerns about the extra water going to the back of the property.

Mr. Wasserman asked if the church selected a contractor - Yes, with a planned start to be late October. Mr. Wasserman asked what would be the next step for the church, after the Board of Zoning Appeals; Mr. Notestine said the consideration of the plan is on the agenda for the Planning Commission on September 17.

Mr. Burdette said that Clinnard had examined the traffic pattern, and had suggested they remove undergrowth to the left side of the drive (as cars exit).

Questions were raised regarding the possibility of requiring bonds to protect the church from liability if there is problem with water run-off; they have general liability insurance at this time. Mr. Burdette said that requirements for detention pond maintenance would be placed in the Conditional Use Permit file for the church.

Mr. Lawless did not feel the board has adequate information; Mr. Wasserman said any prospective insurer for the project also may require more information. During discussion Mr. Ed Dill of the church's architects indicated that the slope of the proposed roof is toward the parking, but it could be altered to slope to the front of the property.

Mr. Delvizio requested this item be continued until the October meeting so that more information may be presented.

4. Approval of Outstanding Minutes of the Meetings – Approval of the May minutes was deferred until October .

On a Motion duly made by Mr. Wasserman and seconded by Mr. Lawless, the August 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