

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

**October 13, 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 Manager Kevin Helms, City Attorney Bob Notestine, 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 5:08 p.m. by Mr. Lawless.

2. Case 09-10: Ms. Cheryl Harris, Trustee (4409 Franklin Pike) – A request was made to allow construction of a kitchen addition and new master closet; the proposed additions would violate the rear setback, by approximately 9’ for the kitchen, and 55’ for the closet.

Mr. Glenn Oxford, architect, appeared to present the case; Mr. Dave Mattingly, the contractor, was also in attendance.

This property was affected by the changes in the setbacks when all property in that area were rezoned, creating Zone F in 2007. Also this house, built in the 1920’s, is a three story residence, which affects the setbacks.

The hardships stated for the requested variance on the closet is that the Internal Revenue Service has ordered that all the stage clothing of Ms. McBride must be stored in the same area.

Mr. Wasserman said that the addition would be a type of “infill”, taking up space from the end of the house to the already existing section of garage, and that this proposed addition would not then be intrusive.

The question was asked if the back portion of the lot has foliage to cut off the view from neighbors; the answer was not at this time, but there is a man-made hill that is part of the landscaping near the pool.

Mr. Notestine indicated that there is already an encroachment, but the Board is ordered by law to try not to allow an increase to an existing encroachment. However he stated also that the addition will match what is already there in placement.

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

After discussion, on a motion duly made by Mr. Wasserman, and seconded by Ms. Matthews, the following was proposed:

“Moved that the variance on Case 09-10 be granted as presented on both the kitchen and the closet, on the hardship of the Internal Revenue Service requiring the wardrobe to be placed in the same location, and the hardship that the proposed location for the kitchen is the only feasible option to provide a better use of the facility, on the condition that a screen of evergreens be planted near the edge of the property.”

Further discussion was held, including declaration of the hardship for the kitchen addition, which is proposed to fix structural defects and allow for a better flow for area, which is not particularly usable space at this time. The kitchen area is screened from view to all directions.

A Call for the Question was given by Mr. Lawless; the Motion was Passed Unanimously.

3. Approval of Outstanding Minutes of the Meetings – On a Motion duly made by Mr. Wasserman and seconded by Mr. Lawless, the September 2009 Minutes of the Meeting were approved as corrected.

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

Public Comment – Mr. Roy Lockett asked a procedural question, on how the BZA and Planning Commission interact; should not a Conditional Use Permit be addressed before the Planning Commission views the plat? Discussion was held regarding the issue, which has been in debate for many years as to which comes first.

Discussion was held regarding the date and time of the November meeting. The meeting was re-scheduled for November 12, 2009.

There being no further business, the meeting adjourned at 6:05 p.m. by the unanimous vote of the Board.

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Chair

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City Recorder