

**MINUTES OF A REGULAR MEETING OF
THE PLANNING COMMISSION
CITY OF OAK HILL, TENNESSEE**

March 23, 2010

The Planning Commission of the City of Oak Hill, Tennessee met in the City Office. Planning Commission members in attendance were Art McWilliams, Mac Rucker, Mike Allison, Judy Hoover, Joe Hodgson, Julia Wesley, and Patricia Carlson. Staff present were City Engineer Zach Dufour, Assistant City Manager M. C. Sparks, City Attorney Bob Notestine and Administrative Assistant Patrick Steiner. Mr. McWilliams acted as chair, and Ms. Sparks served as secretary.

The meeting was called to order at 6:02 p.m., the following matters came before the Commission and was acted upon as indicated:

PC-07-15: Mr. Ray Harris, Franklin Pike – A request was made to consider an extension of a previous preliminary plat approval to subdivide 36+ acre into six lots on Franklin Pike, north of Old Hickory Boulevard. Mr. Dufour presented the staff findings on the project. The staff recommends denying this extension, due to a number of factors, including lots sizes (the access easement counts toward the size of the lots on the proposed subdivision, which should not be allowed).

Mr. Don Williams with Littlejohn Engineering was present to represent Mr. Harris. This preliminary plat was approved in September 2007, and following this Mr. Harris's mother passed away, tying the property up in probate for some time. Mr. Williams said they met with staff after the first 6 month extension was approved, and they understood that if construction documents were submitted this would be adequate for another 6 month extension. Mr. Williams said that they received no comments on those documents. He also stated that the plat was first approved under different subdivision regulations, and not the current ordinances.

Mr. Notestine was asked to comment on the subdivision regulations; he commented that approval can be extended for not more than one year. An extension would be based on if the Planning Commission feels progress has been made. It does appear these lots would not comply with current regulations.

Mr. Dufour clarified the new ordinance regarding private streets that was passed February 2010; these plans were not reviewed under that ordinance, but under the subdivision regulations already in place when the plat was submitted.

Ms. Carlson discussed how the subdivision regulations specifically say there must be progress shown, and she doesn't feel that enough progress has been made; there are enough problems that she is concerned. She also discussed the private drive easement. Ms. Carlson stated that the State says this subdivision can't have six accesses to Franklin Pike, only two.

Mr. Dufour reminded all that private drives must be built to public standards.

Mr. McMullen felt that there was not a lot of progress, but that Mr. Harris can reapply for approval.

After discussion, on a Motion duly made by Ms. Carlson and Seconded by Mr. McMullen, the following was passed, with Mr. Hodgson abstaining from the vote:

“Moved to deny the extension on the plat.”

PC-9-8: Mr. William Davis, 929 Tyne Boulevard – A request was made to subdivide one parcel into two new lots, each in excess of 4 acres (each lot would contain an existing residence). Mr. Sid Smith of Ragan Smith, appeared to represent the owners, Buzz and Hank Davis. The staff met with Mr. Smith and the owners, and other members of Ragan Smith. The main concern is this is an existing non-conforming lot, and the subdivision will create two non-conforming lots. According to the current regulations, this cannot be granted.

Mr. Smith said they are trying to equitably, and as close to zoning regulations as possible, divide the property for two owners. Both lots will be bigger than 4 acres; the existing pool and

& tennis court were built prior to City ordinances being established. They have a letter of availability from Metro Water and Sewer for availability of sewer and water for the lots.

Mr. and Ms. Michael Metzman, owners of property to the rear of 929 Tyne Boulevard, are concerned that this lot will not be conforming, and stated it doesn't seem appropriate to accept a non-conforming lot. They asked that the board protect their and all other properties, to not let them be devalued, and to particularly make sure the rules are followed by all.

Mr. Notestine stated that the Planning Commission would have to decide on a subdivision, but in all likelihood if the current residence was removed from the new lot, they would have to go to the Board of Zoning Appeals as the envelope created would be very small. Mr. McWilliams asked Mr. Dufour, and Mr. Dufour agreed that to subdivide there would be two lots not in compliance with codes, and would increase the need for a variance if someone buys the lot to put a new house on. He also read from Ordinance 5-201 regarding non-complying lots. Mr. Notestine also discussed this ordinance, saying that the current guest house already violates the variance which was given in 1957.

Mr. McWilliams asked if the Planning Commission turned the request down, could they go to Board of Zoning Appeals? Mr. Notestine said yes, but the BZA would be dealing with variances on existing issues. Mr. McWilliams indicated they were bringing the discussion to a close; the Planning Commission wants to be helpful to neighbors, but must rely on the staff's recommendations, and what they have heard is this will create two lots in non-compliance. Mr. McMullen concurred, and said they would be expanding non conforming usages by passing the subdivision, and the ordinance says this is not allowed.

The owners of the property formally requested a deferral to go to the Board of Zoning Appeals. On a Motion duly made by Mr. McMullen and Seconded by Mr. Hodgson, the Planning agreed to accept the owners' request for deferral.

Joe Hodgson and Judy Hoover had to leave the meeting at this time.

PC-10-3: Mr. Brent Teveit, 4953 Tyne Ridge Court – A request was made to construct a screen porch on the existing residence, which is a steep slope lot.

Mr. Dufour presented the information on the case, saying the applicant took a month to address comments from staff. He stated the applicant did a good job on addressing these comments, and submitted very thorough geotech and subsoil reports. The owner is planning a very extensive planting schedule to help with the trees and bushes in the area.

Mr. Clay Staley of Natchez Stone was present to represent the owner, who could not be at the meeting. The retaining wall would apparently have a footing over on the neighbor's property, and Mr. Teveit would need a construction easement from that owner. Mr. Staley said the footings would be only two feet wide, and should be within Mr. Teveit's property; the large wall on the left would be one with bigger footings.

Mr. Dufour said this project would help both the neighborhood and this property in regards to drainage. He recommended that the project be approved conditional on there be no construction on neighboring property owners.

It was asked if the project could be delayed so the owner could come back with a letter of agreement from the neighbor, or proof there would be no encroachment. Mr. Staley said could they delay the porch, but would prefer to have the wall construction conditional on providing a letter, so the plantings could be done during planting season.

After discussion, on a Motion duly made by Mr. Allison, and Seconded by Ms. Carlson, the following was Passed Unanimously:

“Moved that the request for construction be granted, conditional upon receipt of letters from any adjacent property owner or owners to allow construction on their property as needed, or submission of modified plans showing there will be no construction on adjacent property, and conditional that the proposed porch receive any necessary variance from the Board of Zoning Appeals.”

Approve Outstanding Minutes of the Meeting – On a Motion duly made by Mr. Allison and Seconded by Mr. McMullen, the minutes of the January 2010 meeting were Passed as submitted.

On a Motion duly made by Ms. Carlson and Seconded by Mr. Allison, the minutes of the February 2010 meeting were Passed as submitted.

Annual Election of Planning Commission Chair – Mr. McMullen Nominated Mr. Art McWilliams for the position of chair of the Planning Commission. The Motion was Seconded by Ms. Rucker, and Passed by Acclimation.

Adjournment – After discussion of several general topics, there being no further business, the meeting was adjourned on a motion duly made and seconded at 7:50 pm.

City Recorder

Chair