

## OAK RIDGE BOARD OF ZONING APPEALS

### MINUTES

DATE: January 11, 2011

PLACE: Municipal Building Court Room

PRESIDING: Judy Mason

PRESENT: Jay Adams, Keith Craft, Susan Donnelly, David Gengozian, Judy Mason, Monica Austin – Staff Representative

ABSENT: None

Mr. Gengozian made a motion that the minutes of the meeting held December 14, 2010 be approved as submitted. Mr. Adams seconded the motion. Motion carried, with four in favor and Ms. Donnelly abstaining.

The following cases were reviewed:

#### **Case No. 11-01**

JAB Development, LP, 102A Midland Road, Block 23CC, Lot 593.01, in a IND-1 zoning district is requesting a variance to reduce the side setback requirements.

Ms. Donnelly made a motion that the requested variance be approved as requested under sections 16.10(c) and 8.01(e). Mr. Gengozian seconded the motion. Motion carried unanimously to reduce the side setback from 25 feet to 16 feet due to the following: lot is irregular with two street frontages, numerous utilities and easements on the property, and topographical challenges of the lot itself.

#### **Case No. 11-2**

Industrial Development Board (IDB), Renovare Blvd, Block 16BD, Lot 1 and 1.02 in a IND-2 zoning district is requesting a variance to allow for grading on a site greater than 10 acres without submitting a site plan.

Representatives speaking in favor of the motion were: Gene Lackey, James Burnham, Kim Denton, Dave Mason, and Buzz Patrick.

Mr. Adams made a motion that the requested variance be approved conditionally under sections 16.10(c) and 16.11(b)2. Mr. Gengozian seconded the motion. Motion carried, 3-1, to approve grading of 132 acres without submitting a site plan, with Ms. Donnelly opposed and Mr. Craft abstaining, subject to the following conditions:

- **Property zoning**

The subject property is zoned IND-2. The type of proposed land disturbance is clearing and grubbing of trees with no changes to existing land contours.

- **Type of grading proposed**

There will be no mass grading of the site. Trees greater than 24" caliper are proposed to be protected. Staff would recommend that a certified tree survey be submitted prior to any "clearing and grubbing" activity to verify the trees to be preserved. Additionally, these trees should be clearly marked on-site to avoid accidental removal of such trees.

- **Period of grading time anticipated from beginning of activity to completion/Time of year that the activity is schedule**

Although this is not the optimal time of the year to begin any land disturbance activity, the exposure time is considered reasonably short, from approximately February 2011 to mid-April 2011. Staff would recommend that after six (6) months from the issuance of the grading permit, if the work is not complete then the applicant is required to come back before the Board for further review. At this time, the applicant may be required to provide additional information.

- **Impact to adjacent properties and streams**

Minimal impact can be anticipated to adjacent properties and streams with seeding and mulching completed quickly as the work activity proceeds across the lot and with site monitoring by TDEC and City staff. Staff would recommend that the 30-foot buffer along the side and rear lot lines be clearly delineated on-site by physical representation and markings.

- **Environmental impact**

Environmental impact is felt to be low as long as the exposure time does not extend beyond the proposed activity period and the erosion control and storm water management plan (SWPPP) is followed in accordance with the approved plan. A 30' not-to-be disturbed buffer is proposed along the side and rear property lines. Conditions may be placed on the approval to insure exposure time is limited to the time frame identified in the SWPPP. Proactive steps to be taken to ensure protection of the existing cemetery.

On-site monitoring to ensure compliance with:

- **Deed restrictions**

Follow the Horizon Center deed restrictions concerning no open burning permitted in order to conserve/protect the natural habitat.

- **Tennessee Dept. of Environment and Conservation (TDEC)**

Ensure compliance with all TDEC regulations:

On a motion by Ms. Donnelly, seconded by Mr. Craft, the meeting was adjourned at 6:40 p.m.

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Susan Donnelly  
Secretary

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