

OAK RIDGE BOARD OF BUILDING
AND HOUSING CODE APPEALS
(BBHCA)

APPROVED

MINUTES

DATE: April 14, 2016
LOCATION: Municipal Building Training Room
PRESIDING: Bruce LeForce
PRESENT: Joseph Lee, Amy Seiber, Philip Nipper, Phil Yager, Leonard Vaughen
ABSENT: Michael Marsh

ALSO PRESENT: City of Oak Ridge: Matt Widner, Darryl Kerley, Travis Soloman and visitors present

- I. Meeting started at 3:05 p.m. - Ms. Amy Seiber took the roll.
- II. Approval of Minutes from Previous Meeting Held – February 11, 2016
Motion to approve by Joseph Lee; Seconded by Phil Yager; Leonard Vaughen abstained; No discussion;
Motion passed unanimously.

III. Appearance of Citizens - No requests

IV. Hearing of Cases: Chairman LeForce with no objection by the Board, reversed Hearing of Cases order to accommodate interested parties being present.

- a. **Case# 16-03: 637 Robertsville Rd Oak Ridge, TN 37830 – (APPEAL) West Village Christian Church.** Legal Description: Map: 104D Grp: B Ctrl Map: 104D Parcel: 041.00 PI: S/I: 000 Subdivision: BLOCK 0D06 LOT 0368. Owned by: Church, West Village Christian-Parsonage, 637 Robertsville Rd Oak Ridge, TN 37830. Appeal requested by D.J. Inman, Church Board Chair, to abandon code required (IFC 903.2.13.iv.(c)) automatic fire sprinkler system, using it only for manual operation in time of need while installing new smoke detection alarm system for the newer portion of the building as an equivalent application meeting the intent of the code. Matt Widner briefly introduced the case and D.J. Inman. Mr. Inman requested the subject fire code variance based on financial hardship and distributed a one page Appeal Request Explanation dated 4-11-2016 known as Exhibit A (attached) outlining the conditions the West Village Christian-Parsonage will abide by should the Board approve their variance request. Amy Seiber informed the Board that she is a member of the subject church and abstained from any discussion or decision to be made. Philip Nipper clarified the history since installation since 1991 of the current dry system condition and the request intent. Fire Chief Darryl Kerley confirmed F.D. has responded numerous occasions but noted that the protection of life is more important than the protection of buildings. Having said that, Chief Kerley continued, the fire code does require a sprinkler system, so if the owner is willing to risk the building in the effort to protect life only, then he would accept the Board's decision to grant the variance request if the conditions in attachment A were followed. Mr. Lee expressed hesitation to approve the variance request. Fire Marshal Travis Soloman referenced exact requirements of today's fire code in comparison to the adopted code in 1991. Mr. Soloman noted that the church originally had four options (A-D) (attached FD memo dated 4/6/2016) and chose option "C" at that time. Mr. Soloman continued that the requested variance matches the original option "B," which is not compliant to today's adopted code. Further Board discussion regarding liability issues and other owner tasks associated with granting the variance. Mr. Widner requested to clarify exactly what code(s) were going to be variance if the appeal is granted. 2012 Fire Code §901.6 Inspection, testing, and maintenance requiring removal of no operable sprinkler system would be waived, in addition to allowing the owner to comply with the 1991 municipal code §903.2.13.iv(b)

instead of maintaining §903.2.13.iv(c). Mr. Vaughen made motion to waive 2012 IFC §901.6 and approve the variance request to replace the defective existing dry sprinkler system as required per Municipal Code §903.2.13.iv(c) with an approved automatic fire detection system per §903.2.13.iv(b) as allowed in 1991 with the condition that the Church's three (3) year plan "Exhibit A" be followed along with painting the existing PIV black as soon as possible not to exceed six months of this meeting; Seconded by Philip Nipper; discussion of membership growth during that time. Mr. Nipper requested an amendment to the motion accounting for future occupancy growth and signage; Mr. Vaughen seconded the amendment request; No further discussion, amendment passed unanimously with one abstention (Amy Seiber); No further discussion on the original motion; Motion passed unanimously with one abstention (Amy Seiber).

- b. **Case# 16-04: 108 Waddell Place Oak Ridge, TN 37830** Legal Description: Map: 099C Grp: D Ctrl Map: 099C Parcel: 003.00 Pl: S/I: 000 Subdivision: BLOCK 0C13 LOT 0002 (owned by: Gass, Beulah S. of 162 Talmeda Rd Oak Ridge, TN 37830) Complaint: Unfit for Human Occupation or Use – Vacant single family residential structure in violation of ORPMC §108.1.3 - Matt Widner introduced the case and provided a history leading up to date confirming estimated costs of repairs far exceeded 50% of property value using the appraisal data dated April 1, 2016 of \$26,000.00 estimating damage as supplemental proof of condition. Mr. Widner requested that the structure be ordered vacated and demolished. Joseph Lee made a motion that the structure be declared unfit for human occupation and use per ORPMC 108.1.3; Seconded by Philip Nipper; No discussion; Motion passed unanimously. Joseph Lee made a motion for the structure to be ordered vacated and demolished per ORPMC §111.4(b) within ninety (90) days to allow for possible City acquisition; Seconded by Philip Nipper; No discussion; Motion passed unanimously.
- c. **Case# 16-02: 204 Gum Hollow Rd (occupied) / 100 Glassboro Dr (unoccupied) Oak Ridge, TN 37830 (duplex structure) 3rd Hearing** Legal Description: Map: 015J Grp: C Ctrl Map: 015J Parcel: 015.00 Pl: S/I: 000 Subdivision: COUNTRY CLUB EST SEC-A- 1 Plat Book/Page: 7/125 Block: 19 Lot: 0006 **Roane County**, (Owned by: Schubert, Roy B & Sara Marie of 115 Netherlands Rd Oak Ridge, TN 37830) Complaint: This ½ occupied residential duplex structure was declared unfit for human occupation or use and ordered vacated per ORPMC §108.1.3 on January 14, 2016. The Board decision to defer any demolition order was made to allow the owner time to evict current tenants and clean out the property – Matt Widner provided an update on the vacancy status of the property confirming the tenants have moved out and declared the building completely vacant. Mr. Widner also informed the Board there have been no outside structural repairs since the last meeting and claimed the property is currently in violation of several environmental codes as previously cited as well as being unsecured. Mr. Widner indicated that the owner has made an effort remove personal belongings anticipating the eventual sale of the property. The owners being present, Sara Schubert said their efforts to remove belongings have been very slow and asked for more time. Mr. Widner suggested there was a possibility for the City to purchase the property but there have been no efforts made to do so at this time. Board discussed the owners need to clean the property and boarding it secure as the preferred immediate action. Kathryn Baldwin indicated that she would not support a City purchase offer because the owners have clearly allowed the structure to deteriorate and felt that a City purchase would be rewarding the owners for their neglectful use of the property. Joseph Lee made a motion to table the issue for 6 months allowing the owners additional time; Seconded by Phil Yeager; Philip Nipper requested an amendment to the motion that the property be cleaned and secured within 30 days; Leonard Vaughen inquired the owner's opinion of the motion and amendment on the floor. Both owners indicated continued hardship and could not commit that there would be substantial change within the proposed 6 months. Mr. Vaughen asked the owners how much time they thought they needed, but they could not provide a definite time. Mrs. Baldwin suggested the owners consider a donation to the Land Bank. In light of new information, Mr. Widner changed City staff recommendation to tabling the case until next regularly scheduled Board meeting so that preparations could be made to request an order for demolition. Mr. Nipper withdrew his amendment, and Mr. Lee withdrew his motion. Mr. Nipper made a motion that the case be tabled until the May, 2016 hearing; Seconded by Mr. Lee; Discussion, Mr. Vaughen asked there be an immediate order to clean and board up property. Mr. Widner requested that City staff issue a new notice of violation in lieu of a Board order for demolition; Motion passed unanimously.

V. Unfinished Business - None

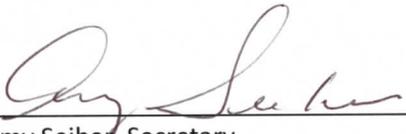
VI. New Business - None

VII. Staff Communications

- a. Ken Krushenski provided the litigation update regarding Applewood Apartments.
- b. Matt Widner informed the Board of there being a need to call a Special Meeting to hear the case regarding 353 Vermont Ave and provided history and current condition of property. Board agreed to meet on April 28, 2016 @ 6 p.m.

Being no further business, meeting adjourned by consensus.

Meeting adjourned at 5:05 p.m.



Amy Seiber, Secretary

(Exhibit A)

APPROVED

4-11-2016

Board of Appeals Request:

The West Village Christian Church located at 637 Robertsville Road variance request is for disabling the existing fire sprinkler system and installing a fire alarm system only in the new addition.

The West Village Christian Church agrees to the following conditions while the variance is in effect:

- A) The property cannot be leased or sold. If the property is leased or sold, the facility shall comply with the current Municipal Code and the International Fire Code.
- B) The congregation attendance remains below 100 members.
- C) For a period of 3 years (36 months from the BBHCA meeting on 4-14-2016) an effort is made to comply with the current Municipal Code section 903.2.13-options A, B, or D in the new addition and the existing building.
- D) After the 3 year period, progress will be evaluated. If the new and existing building are not in compliance with the City of Oak Ridge Municipal Code section 903.2.13 a new variance request will be required.
- E) Safely remove existing sprinkler heads, the Fire Department Connection (FDC) and paint the post indicator valve (PIV) black –indicating out of service.
- F) The Board of Trustees for the West Village Christian Church accept all liability if any damages occur in the interim.

West Village Christian Church Representative

Signature 
Board Chairman

Date 4/14/2016