

OAK RIDGE BOARD OF ZONING APPEALS
MINUTES

Meeting date: May 14, 2013

Call to order: A regular meeting of the Board of Zoning Appeals (BZA) was held in the Municipal Building Courtroom, Oak Ridge, TN on May 14, 2013. The meeting convened at 5:35 p.m. with Ms. Mason presiding.

Members in attendance: Keith Craft, Susan Donnelly, David Gengozian, Judy Mason, and Monica Austin Carroll – Staff Representative

Members not in attendance: Syd Ball

Visitors/Others: See attached Visitor Attendance Record

Approval of minutes: Mr. Gengozian made a motion to approve the minutes of the meeting held April 9, 2013. Mr. Craft seconded the motion. Motion carried by all.

The following cases were reviewed:

Case No. 13-06

Kenneth C. Littrell, 47 Palisades Parkway, Block 18CL, Lot 22, in an R-1-C PUD zoning district is requesting an Administrative Review to appeal staff interpretation of Section 3.02 (a) of the Zoning Ordinance.

The applicants, Kenneth and Sophy Littrell, were present and provided a handout (see attachment) to the BZA members. Mr. Littrell stated he thought the current Zoning Ordinance's intent was to prevent animals for commercial purposes; thinks the violation letter was misleading because it only included half of the language of Section 3.02 (a); and no neighbors have complained to them about the chickens. Ms. Littrell stated that they have the chickens because of their allergies and cannot have any other kind of pets; mentioned points included in their letter of explanation; doesn't agree with the neighbors' letters provide to the BZA; thinks the chickens are much quieter than the neighbor's dog; the chickens are only in the front yard occasionally and are always supervised when out of their play pen; respond to their commands; and the animals are not for commercial, farming or breeding purposes. She also stated that the neighbors at 45 Palisades Parkway told them he enjoys the chickens.

Laura Grim @ 46 Palisades Parkway spoke to the Board. She stated she lives in the City, so they don't have to deal with farm animals; concerned with their property value and the smell with the upcoming warmer weather; hears the roosters all the time; and if it is a pet, then why have up to six of them?

Greg Grim @ 46 Palisades Parkway spoke to the Board. He stated that he was concerned with chickens in the front yard and concerned with his property value.

Sophy Littrell responded by saying she is from Beijing and chickens in the city are common; has no farming background; they're considered their pets; they are trying to live a healthy life and care about their environment being safe and clean; mentioned the owls and coyotes in the Oak Ridge area, the coyotes are much louder, and they see wild animals all the time.

Ken Littrell mentioned the other cities that allowed chickens; mentioned the current nuisance law; and thinks it should apply to barking dogs.

The BZA collectively discussed past review of the topic by the Planning Commission and the fact that the Planning Commission voted to end the discussion of amending the ordinances to allow chickens within the City.

Ms. Mason stated that the word "chicken" is a noun; its synonym is poultry; spent considerable time researching the terms; agrees people like to raise chickens but only in certain areas; have certain expectations with living in your neighborhood; and the City did consider/review other cities that have allowed chickens but the Planning Commission did not pursue this.

Mr. Craft stated that the BZA determines "customary pets" according to the Zoning Ordinance and does not support chickens as pets. He stated that he supports the Planning Staff and Legal's interpretation.

Ms. Donnelly stated that she agrees that chickens are not "customary pets"; and it is impractical to have an ordinance that would list everything or every single kind of animal and whether or not they are allowed.

Mr. Gengozian stated he agrees with staff's interpretation is correct; and the Planning Commission had reviewed whether or not to allow chickens and ended the discussion for consideration to allow them.

Motion by Ms. Donnelly to agree with staff's interpretation that chickens are not considered customary pets and the word chickens is synonymous with poultry; therefore they are not allowed to remain at this property. Seconded by Mr. Craft followed by unanimous vote for supporting staff's interpretation.

Old Business

a. Updates:

1. 101 Wiltshire Drive (Case 12-11)

Motion by Ms. Donnelly to reaffirm the fence as it exists today doesn't meet the intent or letter of the BZA's previous motion. Seconded by Mr. Gengozian followed by unanimous vote to agree.

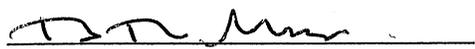
2. 2081 Oak Ridge Turnpike (Case 13-05)

The BZA collectively agreed that additional plantings in planters were needed.

New Business

- Reminder of the upcoming training session with Sam Edwards on June 11th immediately following the meeting.

Adjournment: Ms. Donnelly moved to adjourn the meeting and was seconded by Mr. Craft. All were in favor. The meeting was adjourned at 6:20 p.m.


Secretary
BZA

6/11/13
Date of Approval