

**OAK RIDGE BOARD OF ZONING APPEALS**  
**MINUTES**

**Meeting date:** December 8, 2015

**Call to Order:** A regular meeting of the Board of Zoning Appeals (BZA) was held in the Municipal Building Courtroom, Oak Ridge, TN on December 8, 2015. The meeting convened at 5:30 p.m. with Ms. Mason presiding.

**Members in Attendance:** Judy Mason, Syd Ball, Keith Craft, David Gengozian, Susan Donnelly, and staff representatives Sherith Colverson and Andrea Kupfer.

**Members not in Attendance:** N/A

**Visitors/Others:** See attached Visitor Attendance Record

**Approval of Minutes:** Mr. Gengozian made a motion to approve the minutes of the meeting held October 13, 2015 as presented. Mr. Craft seconded the motion. Motion carried by four members, with Ms. Mason abstaining since she was not present for that BZA meeting.

The following cases were reviewed:

**Case No.15-06** – Susan Kromhout, 142 Athens Road, Block 15CM, Lot 45, in a R-1-C, MDO zoning district is requesting a variance to reduce or eliminate the required side setback for the placement of a storage building.

Staff provided a review of the case to the Board. Ms. Kromhout was present and spoke to the Board about her variance request. She stated that she was not aware she needed a permit to place a storage shed on her property. There was discussion about the school sidewalk adjacent (to the northwest) of the applicant's property. Mr. Craft stated that typically the Board is presented with a survey of the property under consideration of a variance, and since this case did not have a survey that accompanied it, Board members discussed whether or not the City's right-of-way was being infringed upon by the applicant's storage shed (and potentially her fence as well). Ms. Mason stated that she walked by the property, and she thought the shed was located right on the sidewalk, and Ms. Donnelly questioned where the 15 foot City easement was in relation to the applicant's property since they had no survey of the property included in their packet to review. Ms. Mason stated that regardless of where the sidewalk is located, the storage shed is violating the code, and the applicant needs to move the shed to her back yard. Ms. Mason stated she was sorry about having to deny the applicant's request, but if approved, it would set a precedence and the BZA would have to allow everyone to start allowing storage sheds to be located right on property lines. Ms. Donnelly and Mr. Craft both shared concerns that they believe the shed is currently encroaching on City property if there is truly a 15 foot easement for the sidewalk. Ms. Donnelly made a motion to deny the request to reduce the side setback to 0 feet based on the lack of a presented hardship; the motion was seconded by Mr. Ball. Four voted in favor, and Mr. Craft abstained his vote.

**Case No.15-07** – Grant Hart on behalf of Fast Pace Urgent Care Clinic, 441 S. Illinois Avenue, Block 21CB, Lot 95, in a UB-2 zoning district is requesting a variance to allow for additional square footage for both the property's monument and tenant wall signage.

Staff provided a review of the case to the Board. Mr. Hart was present and spoke about the applicant's request for additional signage. He spoke to the necessity of having visible signage since the number two way their clients find them is through signage. Ms. Mason stated that she could not find a reason to grant the variance. The applicant replied to Ms. Mason and stated that they now no longer want "digital" signage by the road on the existing monument sign, but instead, only want larger channel letters on the building. Ms. Mason stated there is no evidence to support the variance for hardship. Ms. Donnelly stated she would not support the variance either, due to a lack of hardship. Mr. Craft stated he has

difficulty granting any variance for signage based on the amount of time that was invested in pulling the sign ordinance together. Ms. Donnelly made a motion that the applicant be denied their variance for additional square footage due to the lack of demonstrated hardship and the appearance that if granted, would show special privilege to applicant that could apply to others with similar zoning, as well as being potentially injurious to adjacent properties – leaving no signage to other tenants. The motion was seconded by Mr. Craft and all moved to approve.

**Old Business**

Discussion of training hours. Sherith stated that David, Keith, and Judy are okay with their hours. Sherith stated she would resend email about the Strong Town’s webinar to everyone.

**New Business**

Ms. Mason had a request about the fence at the corner of Wiltshire and Oak Ridge Turnpike. She requested that staff looks at this fence to ensure they will be in compliance. The definition of “decorative” needs to be determined in relation to fencing. All members would like for future packets to be sent to their homes as well as emailed to them.

**Adjournment:** Mr. Gengozian moved to adjourn the meeting and was seconded by Ms. Donnelly. All were in favor. The meeting was adjourned at 6:55 p.m.

  
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BZA Secretary

3/8/14  
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Date of Approval