



TOWN OF OAK RIDGE BOARD OF ADJUSTMENT  
JUNE 11, 2015 – 7:00 P.M.  
OAK RIDGE TOWN HALL

MINUTES

**Members Present**

Nancy Stoudemire, Vice Chair  
Jay Cumbus  
Gray Cassell  
Bill Barbour  
DeDe Cunningham  
Beth Walker, Alternate (Not sitting)

**Staff Present**

Sandra Smith, Town Clerk  
Bill Bruce, Planning Director

**1. CALL MEETING TO ORDER**

Nancy Stoudemire called the meeting to order at 7:02 p.m.

**2. ROLL CALL**

The roll was called and Bill Barbour, Nancy Stoudemire, Jay Cumbus, Gray Cassell, DeDe Cunningham and Beth Walker were present.

**3. APPROVE AGENDA**

**DeDe Cunningham** made a **motion** to approve the meeting agenda. **Bill Barbour** seconded the motion, and it was passed unanimously (5-0).

**4. APPROVE MINUTES OF FEBRUARY 12, 2015, MEETING**

**Bill Barbour** made a **motion** to approve the minutes. **DeDe Cunningham** seconded the motion, and it was passed unanimously (5-0).

**5. NEW BUSINESS**

**A. Election of Chair and Vice Chair**

**Jay Cumbus** nominated Nancy Stoudemire for chair, and **Bill Barbour** seconded. With no other nominations, the vote for Nancy Stoudemire for chair was unanimous (5-0).

**Bill Barbour** nominated DeDe Cunningham for vice chair, and **Jay Cumbus** seconded. With no other nominations, the vote for DeDe Cunningham for vice chair was unanimous (5-0).

**B. Case No. BOA-15-01:** Kristina Vicidomini requests a variance to Section 30-382(a) of the Oak Ridge Code of Ordinances, to allow an accessory structure in front of the

front building line of the principal structure. The property is located at 8561 Scoggins Rd, Tax Parcel 0165661, Oak Ridge Township, and is zoned AG (Agricultural).

Planning Director Bill Bruce and Kristina Vicidomini, the applicant, were sworn in by Town Clerk Sandra Smith.

Bruce read the property description into the record and pointed out the documents in the Board's packet, which are hereby incorporated by reference and made a part of the minutes. He said the applicant had applied for and received a Development Clearance Certificate from Town staff, but the certificate was issued in error due to a misinterpretation of where the front building line of the property was located. Bruce said when the County building inspector came out to inspect the building, it failed because the Town had issued the Development Clearance Certificate in error. He said there were two options at this point:

1. The property owner could apply for a variance, or
2. The property owner could move the building to a location behind the front building line of the principal structure.

Bruce said Section 30-195(i)(4) authorizes the granting of a variance when a permit was issued in error and that the usual findings of fact required would not apply. He said, according to the ordinance, the Board would need to determine that there is a reasonably insignificant violation of the dimensional requirements, and if the variance is granted, it would not substantially impair the purpose and intent of the chapter of the Development Ordinance or injure the rights and enjoyment of any other property owner.

Kristina Vicidomini showed the Board a photo, which is hereby incorporated by reference and made a part of the minutes. She said the photo showed the location of her driveway and house, her accessory building, and her neighbor's property.

Dede Cunningham asked how the front setback had been misinterpreted by staff. Bruce said if you look at a plot plan, it appears that the house faces the front of the property, but because this is a flag lot, it is considered to face Scoggins Road. Cunningham asked Vicidomini if she had a copy of a document showing where the septic system is located; Vicidomini said she could tell the Board, but she did not have a copy of that document with her. Cunningham asked if the owner of the neighboring property had expressed any concern about the issue; Vicidomini said she had talked with the neighbors, who said they had no issue with the building remaining where it is. Bruce said letters had been sent to all adjoining property owners, and he had received just one phone call, from Mr. Offitt, who was just curious about what was going on.

Cunningham asked if the accessory building was stick built, or if it was pre-manufactured. Vicidomini said it was purchased from Dutch Barns. Cunningham asked if it had a fixed foundation or if it was on cinderblocks; Vicidomini answered that it was on cinderblocks.

Because the application mentioned the location of a children's playset, Cunningham asked where that was located; Vicidomini said it had not been purchased yet, but there was only one location on the property where it could be placed and be seen

from the kitchen and living room windows. Cunningham said one of the options stated in the ordinance is that the applicant could move the building. Vicidomini explained that the only location the building could be moved to was where they planned to put the playset, and they had picked that location due to the sight line from inside the house. She said that it would cost another \$550-\$600 to hire someone to move the building because it was too large for them to do it.

Stoudemire asked how far the accessory building would need to be moved to be in compliance. Bruce said it would have to be moved at least 35 feet.

Cunningham asked if the building could not be slid over slightly and be in compliance; Bruce explained specifically how far it would need to be moved.

Jay Cumbus asked if there was anything located between the neighbor's house and the accessory building, and if the building could be seen from the road. Vicidomini said the photo she had presented shows her driveway, house and the outbuilding, as well as her neighbor's house and their outbuilding, as seen from the road.

Cunningham said the variance could be granted if a "reasonably insignificant violation" is determined. She asked specifically what that meant. Bruce said that was up to the Board to decide. He said examples could be when the circumstances are taken into consideration, does the violation create a health or safety hazard, does it look extremely out of place, is it burdensome, etc. He said all those things need to be considered.

Stoudemire said that when considering Section 30-195(i)(4), she thought everyone agreed that the situation arose from an unintentional error.

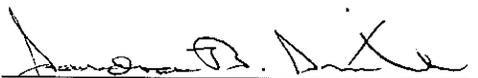
Gray Cassell said he had done a site visit and that the accessory building could be seen from the road, but so could the neighbor's accessory building. He said the Town has admitted error, and that he thought it was reasonable because when he first looked at the plan, he interpreted it the same way as staff had. He said the Town had admitted error, and even though some other issues may apply, he did not see that the location of the accessory structure caused a hazard and it was not close to the road.

**Gray Cassell** made a **motion** to grant the variance. **Bill Barbour** seconded the motion, and it was passed by a 4-1 vote (Cunningham against).

## 6. ADJOURNMENT

**Jay Cumbus** made a **motion** to adjourn the meeting at 7:23 p.m. **Gray Cassell** seconded the motion, and it was passed unanimously (5-0).

Respectfully Submitted:



Sandra B. Smith, CMC, Town Clerk



Nancy Stoudemire, Chair