



**TOWN OF OAK RIDGE BOARD OF ADJUSTMENT
SEPTEMBER 10, 2015 - 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Nancy Stoudemire, Chair
Jay Cumbus
Gray Cassell
Bill Barbour
Beth Walker, Alternate (sitting)

Staff Present

Sandra Smith, Town Clerk
Bill Bruce, Planning Director

Members Absent

DeDe Cunningham, Vice Chair

1. CALL MEETING TO ORDER

Chair Nancy Stoudemire called the meeting to order at 7:00 p.m.

2. ROLL CALL

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

3. APPROVE AGENDA

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

4. APPROVE MINUTES OF JUNE 11, 2015, MEETING

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

5. NEW BUSINESS

Case No. BOA-15-03: Michael Inghram 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 7335 Goodwill Church Road, Tax Parcel 0164916, Oak Ridge Township, Oak Ridge ETJ, and is zoned AG (Agricultural).

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

Bruce read the property description into the record and made a slight correction, saying the property was actually in the Town limits of Oak Ridge, not the ETJ. He pointed out the documents in the Board's packet, which are hereby incorporated by reference and made a part of the minutes. He said that Section 382 of the ordinance says accessory buildings should be behind the front building line of the principal structure. He said the Board had received several such requests for variances in the past. Bruce pointed out that the section of the ordinance that deals with variances was also in the packet.

Applicant Michael Inghram explained that the request was to allow for a detached garage. Based on the topography of the property, it would need to go in the area specified. He said the garage would be the same type architecture as the house. He explained the issues that would prevent the garage from being placed on either side or the rear of the house and why his request was to push the garage toward the front of the property.

Cumbus asked to look at the topographic map that Inghram had. Inghram approached the Board, pointed out items on the map, and explained the issues.

Walker asked for clarification on where the garage would be constructed; she asked if the garage would not be attached to the house, and Inghram said no.

Stoudemire asked if it would be different if the garage was attached, and Bruce said it would be part of the principal structure so there would be no variance needed.

Walker asked if it would be difficult to attach the garage to the house, and Inghram explained that would not be a good location.

Stoudemire asked where the gray water line was, and Inghram pointed it out on the map to her. Stoudemire asked if there were trees in the area, and Inghram said yes. He said there was basically about a 20-foot swath around the house for a yard that was without trees.

Cumbus said it looked like the property drops down on one side and slopes upward on the other. Inghram said it looked like a long way away, but if he removed trees, his neighbor's deck would be exposed and his neighbor would lose the current view he has of the area.

Walker asked if Inghram had talked to that neighbor about his plans, and Inghram said no. Bruce said that all adjoining property owners had received a letter of notification. He said he had received just one phone call, and it involved just a few questions about what was being planned. Walker asked if there was a homeowners' association, and Inghram said no.

Cumbus asked if the property was filled in or cut when the house was built. Inghram responded that it was probably cut, and that he had a walk-out garage. Inghram said the garage was only 17 feet deep and he could barely park a car in it. Cumbus asked about the trees that would remain, and Inghram said the previous owner's

boyfriend had cut the trees in the specific area Cumbus asked about, and said the saplings and brush had since taken over that area.

Walker asked if that was also the area that would be cleared for the garage, and Inghram said yes. He showed the Board several photos of the property.

Gray Cassell asked about the slope of the property based on the topographic map, and Inghram said there was probably about a 10-foot slope in the area Cassell was asking about.

Walker asked if the house was about 300 feet from Goodwill Church Road, and Inghram said yes.

Stoudemire asked if Inghram intended to build a single-car garage. Inghram said it would not be on the same level as the house, so there would be steps inside. Although the garage would have a 16-foot door, he said it was not really a double garage. He pointed out another location where it might be possible to locate a garage, but said access to it would be difficult.

Walker asked Inghram for clarification once again on exactly where he wanted to locate the garage. Inghram showed her, and said once the garage was built, it would match the house and would basically be hidden by the trees. Walker asked Smith if the topographic map and photos would be included in the record, and Smith said yes.

Barbour reminded Board members to reference its findings in the motion.

Stoudemire asked if the property was zoned RS-40, and Bruce said it was AG. Since the Board was finished asking the applicant questions, Stoudemire told him he could be seated.

Board discussion:

Walker said her observation was that once again the Board had an oddly-shaped plot of land with the house located in an odd position on the tract. Regarding the findings of fact, Walker said she did not believe the issue to be a hardship as a result of anything the property owner had done. She added that she did not believe the issue was a result of actions taken by the applicant, so she was in favor of saying number 3 does apply. Stoudemire asked if Walker meant Section 30-195(f)(3) of the development ordinance, and Walker said yes. Stoudemire asked if any Board members disagreed, and Board members concurred.

Barbour said he thought he could make the same conclusion for Section 30-195(f)(2), that the variance could be granted because the issues were a result of the peculiarities of the property itself.

Cumbus said looking at the topographical map and knowing what he did about geotechnical engineering, since that was his business, if the applicant were to build behind the front line of the residence he would likely be building on fill that could result in future problems to the structure and the slope itself. He said he also thought that tied into item number 2 being discussed. Cumbus said he thought it

would be an unnecessary hardship if the applicant had to possibly stabilize or flatten out the slope, as he could be looking at hundreds of thousands of dollars.

Walker said the development ordinance exists so that there is uniformity and attractiveness in Oak Ridge. She said looking at the length of the driveway, the wooded nature of the lot, and the location of other houses nearby, she did not feel that granting the variance would go against the spirit of the ordinance. She said that the variance would allow the garage to be in front of the building line of the residence, but it would not be an affront to the ordinance. When time to vote, she said she could vote to approve the variance based on the four charges given to the Board based on the topography, the presentation, and the spirit of how people want Oak Ridge to be.

Barbour said he would also add that the applicant demonstrated on a map that moving the location of the proposed garage would make it less appealing and less of what we generally think of as home-like or neighborhood-like, and that he would concur with what Walker was saying.

Stoudemire asked if the first required conclusion – that an unnecessary hardship would result from the strict application of the ordinance – could be applied. Cumbus said yes, because it could be that a lot of civil engineering and earthwork might need to be done, and that possibly the Army Corps of Engineers might have to get involved if there was any water involved. He said he thought the applicant met all the requirements for the variance to be granted.

Beth Walker made a **motion** to grant the variance because Board had determined that:

1. The topography and geographic layout of the land presents unnecessary hardships for Inghram to make use of his property and add the garage;
2. The hardships result from conditions that are peculiar to the property due to the geography and the layout of the lot, the house, and the septic field;
3. The hardships did not result from an action taken by the applicant since the house and septic field were there when he purchased the property and he was not responsible for their location; and
4. The variance to allow the building and placement of the garage are consistent with the spirit and intent of the ordinance.

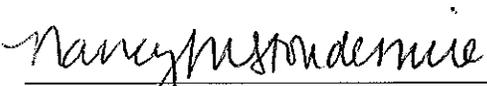
Bill Barbour seconded the motion, and it was passed unanimously (5-0).

6. ADJOURNMENT

Jay Cumbus made a **motion** to adjourn the meeting at 7:35 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