

**Minutes
Williamson County
Board of Zoning Appeals
7:00 P.M. July 25, 2013**

Members Present

Dave Ausbrooks
Steve Wherley
Don Crohan, Secretary
Sue Workman
Karen Emerson-McPeak

Staff Present

Lee Sanders
Linda Hodges
Brenda Midgett
Kristi Ransom, County Attorney

The Williamson County Board of Zoning Appeals met in regular session on July 25, 2013 in the Auditorium of the Williamson County Administrative Complex. Chairman Dave Ausbrooks began the meeting by reading a public statement stating that the Board of Zoning Appeals is made up of five citizens nominated as Board members by the County Mayor and confirmed by the County Commission. One member is a Planning Commissioner, one member may be a County Commissioner and the remaining members are not otherwise connected with County Government. He went on to say the Board will hear from anyone who has anything to say to the Board relevant to the request at hand. However, the Board will not view or hear anything that does not have a direct bearing on the item or issue being heard. He requested that all comments be addressed to the Board.

Chairman Ausbrooks then asked the members to consider the minutes. Don Crohan made the motion to approve the minutes of the May 23, 2013 meeting, as printed, and Sue Workman seconded the motion. The motion was unanimously approved by voice vote.

ITEM 1

A request by Edd Smith of Don Smith Contracting (Donald and Nancy Warden, property owners) for a variance to allow an addition. The property is zoned Municipal Growth Area 1 (MGA-1) and is located at 1909 Canary Court in the 2nd district.

Linda Hodges read the staff report and reviewed the background documentation (see agenda report). Lee Sanders displayed a site plan using the overhead projector and pointed out to the Board the adjoining properties. Mr. Sanders stated this is a back porch area that the applicants would like to replace and have it roofed. He stated the proposed roofed addition would be encroaching the rear setback line by 10 ft. Mr. Sanders stated a drainage easement also lies along the rear lot line.

Edd Smith of Don Smith Contracting along with Don and Nancy Warden represented the item. Mr. Smith stated that he has built decks for 39 years and the deck the applicants have proposed will be a nice deck. Mr. Smith stated a denial of the request will cause a hardship for owners because they would not be able to enjoy the porch.

Mr. Warden stated that the request meets the requirements of the zoning ordinance, because he does not have a porch to enjoy like others in his neighborhood.

Nancy Warden stated she would like for the Board to consider their request to allow them the enjoyment of a screened porch.

Chairman Dave Ausbrooks opened the meeting to the public. Being no one to speak, he closed the public hearing.

Karen Emerson-McPeak asked the applicants how many neighbors have a covered porch.

Don Warden stated there are two behind this site.

Sue Workman asked staff what size addition would be allowed and could the applicants place the porch on the side of the house.

Mr. Sanders stated only five feet is the limit for an addition to the back. He stated the proposed addition would be 14 ft. deep and a side addition was not requested.

Sue Workman asked staff if a revision could be made to the plat if the applicants purchased additional land.

Mr. Sanders responded they have checked but no revision was feasible.

Karen Emerson-McPeak asked staff if a variance is granted, could the applicants build a roof later on.

Mr. Sanders stated that if the Board granted a variance, then the applicants could roof the porch and deck.

Don Crohan made a motion to deny the request because there is not a hardship that meets the requirements of Section 5.01 of the Zoning Ordinance.

Karen Emerson-McPeak seconded the motion. Motion was approved by unanimous voice vote.

ITEM 2

A request by Jacke and Larry Schardon for a variance to allow an above ground swimming pool in the front yard. The property is zoned Rural Preservation 5 (RP-5) and is located at 3378 Sweeney Hollow Road in the 2nd district.

Linda Hodges read the staff report and reviewed the background documentation (see agenda report). Lee Sanders displayed a site plan using the overhead projector and pointed out to the Board the adjoining properties. Mr. Sanders stated the driveway is a switchback in order to arrive at the log home on the hill 100 feet off the road. He stated that due to the topography, the pool is proposed to be placed in a flat spot between Sweeney Hollow Road and the house. Mr. Sanders stated that thick trees hide the house from the road.

Mr. & Mrs. Schardon represented the item. Mr. Schardon stated this is the only place for a pool due to the steep topography.

Chairman Ausbrooks opened the meeting to the public.

Clyde Troutman of 3443 Sweeney Hollow Road stated you would not be able to see the pool from the road. He stated the applicants have a gorgeous home and three children who would enjoy the pool.

There being no one else to speak, Chairman Ausbrooks closed the public hearing.

Karen Emerson-McPeak asked the applicants if the house faces the hill, not the road.

Mrs. Schardon stated the house faces the hill with lots of decking in the back.

Don Crohan asked the applicants the amount of land between the driveway and tree line.

Mr. Schardon stated there is about 20 ft. of treed land between the driveway and Sweeney Hollow Road where they run parallel to each other. The pool is proposed on the other side of the driveway from Sweeney Hollow Road.

Chairman Ausbrooks stated according to the topography map, it looks like there is a 45 foot drop due to the topography.

Mr. Schardon stated they will eventually build steps from the house to the pool.

Don Crohan made a motion to approve the request due to the topography and its limited visibility from the road. He also stated it meets the requirements of Section 5.02 requirements for variance and Section 11.04 definition of accessory structure of the zoning ordinance. Steve Wherley seconded the motion. Motion was approved by unanimous voice vote.

ITEM 3

A request by Debbie Chadwick of the Rochelle Center (Orrin Ingram, Bill Andrews and The Land Trust for Tenn., property owners) for approval of an Event of Public Interest, Extensive Impact (Chukkers for Charity) at 1475 Moran Road. The property is zoned Rural Preservation 5 (RP-5) and is located in the 9th district.

Linda Hodges read the staff report and reviewed the background documentation (see agenda report). Lee Sanders displayed a site plan using the overhead projector and pointed out to the Board the adjoining properties. Mr. Sanders stated this event has grown over the years and the group has done a good job planning the past events. He stated the tickets are pre-sale and Codes Compliance has never received any complaints from the public from past events. Mr. Sanders stated there are accesses from Hillsboro Road and Sneed Road. He stated the applicants have a plan for traffic control and they have submitted a complete request for this Special Use permit.

Cheryl Scutt of Saddle Up, Debbie Chadwick of the Rochelle Center and Mary Kate Brown represented the item. Debbie Chadwick stated that money is raised for the Rochelle Center and Saddle Up through this event. Ms. Scutt stated this event would benefit 20 children with special needs. Ms. Chadwick stated the event helps adults at the Rochelle Center by giving them help in assistance for job training.

Chairman Dave Ausbrooks opened the meeting to the public.

Mr. John Kinnie of Kinnie Road who lives across the river from the applicant's property, stated he has lived in this area for 70 years. He stated Moran Road has been reworked and he approves of the event 100 %.

Being no one else to speak, Chairman Ausbrooks closed the public hearing.

Chairman Ausbrooks asked the applicants about water being provided for the guests and others that help during the event.

Ms. Chadwick stated the site has city water on the property for the guests and they are providing plenty of facilities also. She stated they will know the total population of guests and patrons before the event. Ms. Chadwick stated that food will also be brought in by caterers.

Don Crohan asked the applicants about the ticket sales.

Ms. Scutt stated they have a maximum tent which holds 500 guests and have never had a maximum of people at the event in the past. She stated that they do have a limited number of guests.

Don Crohan made a motion to approve the request because it meets the requirements of Sections 11.05 and 5.01 of the Zoning Ordinance. Steve Wherley seconded the motion. Motion was approved by unanimous voice vote.

ITEM 4

Closed Session - Greenburg v Williamson County Tennessee and Williamson County Board of Zoning Appeals, Chancery Court Docket No. 42248.

County Attorney Kristi Ransom updated Board Members on the status of this case. End of closed session.

There being no further business to come before the Board, the meeting was adjourned.

Secretary's Signature

Date