

**Minutes  
Williamson County  
Board of Zoning Appeals  
6:00 P.M. June 23, 2022**

**Members Present**

Chairman David Ausbrooks  
Vice-Chairman Don Crohan  
Secretary Karen Emerson-McPeak

**Staff Present**

John Bledsoe, Codes Compliance Director  
Holly Scott  
Brenda Beard  
Kristi Ransom, County Attorney

The Williamson County Board of Zoning Appeals met in regular session on June 23, 2022 in the Auditorium of the Williamson County Administrative Complex. Chairman David 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 asked the members to consider the minutes from the May 26, 2022 meeting. Vice-Chairman Don Crohan made the motion to approve the minutes of the May 26, 2022 meeting as presented and Secretary Karen Emerson-McPeak seconded the motion. The motion was approved by unanimous voice vote.

**ITEM 1**

**A request by David and Tara Hays for a variance from the minimum road frontage required for a Building Permit at 6834 Giles Hill Road (Map 173 Parcel 016.02). The property is zoned Rural Development 5 (RD-5) and is located in the 2<sup>nd</sup> voting district.**

Chairman Ausbrooks announced the public hearing and information for this item was held last month and therefore would not be repeated. He asked the applicant if she had anything different that she would like to report for this item.

Mrs. Hays stated she did apply for title insurance in which a copy should be in the Board's packages. She stated that if she had known that this was a non-buildable lot she would not have spent hundreds of thousands of dollars to purchase it.

Chairman Ausbrooks then turned to the Board for any questions, comments or concerns.

Vice-Chairman Don Crohan thanked the applicant for taking the time to get the insurance information. He asked Mrs. Hays if the previous owner had given her any indication that past applications had deemed this property as a non-buildable lot.

Mrs. Hays stated the previous owner did not.

Karen Emerson-McPeak stated that during the last hearing it was indicated that Mrs. Hays could not use the backside of the lot for entry.

Mrs. Hays stated it would have to have zero road frontage in order to enter the lot from the backside.

John Bledsoe stated Mrs. Hays was correct and she would still have the issue of improper road frontage.

Vice-Chairman Crohan made a motion to approve the request for a variance because the error was made by the County and the applicant had no knowledge of the road frontage problem. Secretary Karen Emerson-McPeak seconded the motion. Motion was approved by unanimous voice vote.

## ITEM 2

**A request by Debbie Chadwick of the Rochelle Center (Orrin Ingram and The Land Trust for Tennessee, Property Owners) for approval of a Special Event – Extensive Impact (Chukkers for Charity) at 1475 Moran Road (Map 026 Parcel 022.00). The property is zoned Rural Preservation-5 (RP-5) and is located in the 9<sup>th</sup> District.**

Holly Scott read the staff report. John Bledsoe showed an aerial view of the property and the site plan using the overhead screens.

Ms. Debbie Chadwick represented the item. She thanked the Board for allowing her the opportunity to be heard. She stated the event is important to both Saddle Up and the Rochelle Center. Ms. Chadwick stated they strive to meet or exceed all requirements for the County.

Chairman Ausbrooks opened the meeting for public hearing.

Mr. John Kinnie who owns a farm across the road from the polo event and represents family members who own property across the river, stated they always welcome the event because they do such good work hosting the event.

There being no one else to speak, Chairman Ausbrooks closed the public hearing. He then turned to the Board for questions, comments or concerns.

Vice-Chairman Crohan asked Ms. Chadwick if there were any problems during last year's event, such as medical or any other problems.

Ms. Chadwick stated there were none.

Secretary Emerson-McPeak suggested that perhaps the applicant get some cooling fans with water mist due to the hot weather.

Vice-Chairman Crohan made a motion to approve the request stating it meets the requirements of Sections 5.01, 11.05(E)(7) and 16.02. He stated in the past they have done a very good job without any complaints. Secretary Emerson-McPeak seconded the motion. Motion was approved by unanimous voice vote.

### ITEM 3

#### **A request by Leila Sanders for a variance from the five (5) acre minimum lot area in the Rural Development-5 (RD-5) Zoning District at 6640 Arno Road (Map 142 Parcel 025.00). The property is zoned Rural Development-5 (RD-5) and is located in the 2<sup>nd</sup> District.**

Holly Scott read the staff report. John Bledsoe showed an aerial view of the property and the site plan using the overhead screens.

Randy Chapdelaine, surveyor, and Leila Sanders, owner of the property represented the item. Mr. Chapdelaine stated the property was cut out as one acre in 1947 and continued that way until a surveyor named C.K. McLemore in 1992 added a separate deed citing .49 acre. Prior to Ms. Sanders buying the property, the owners had a survey done and combined both tracts into one tract of 1.44 acres. Chapdelaine proceeded to do a grid stake and soil mapping of the property in order to establish a new septic field for the site. As a result of the septic review process they were instructed to submit a zoning application to the Planning Department. The zoning response was that when the .49 acre was added to the other property in 1992, it created an illegal lot. He stated a small lot had existed at this location since 1947 and adding the .49 acre still left a small lot. He further stated that the property owners next door would not sell three and a half acres in order to make this a five acre tract to match the current zoning requirements. They are asking the Board to waive the requirement of five acres since this lot has been in existence since 1947.

Ms. Sanders stated she was not aware of this being an illegal lot when she purchased it. She stated she would like to tear down the existing house and build a new home on the site.

Chairman Ausbrooks opened the meeting for public hearing.

Richard Graham stated he lives at 6411 Arno-College Grove Road and Doris Green lived in the house until his passing. He believes that the added property came from his mother, Mary Katherine Graham. He stated someone to the north of the property purchased some land and put a well on it and was told that they couldn't build a house there because the land was in the floodplain. He just wanted to advise the Board that the requested parcel is also in the floodplain.

Mr. Chapdelaine stated the house would have to meet the current standards of floodplain development and the first finished floor would have to be four feet above the floodplain.

Chairman Ausbrooks then closed the public hearing.

Ms. Sanders stated she did talk to Zoning and was told she could build on this site due to the age of it. She was told the house would have to be elevated if constructed. Ms. Sanders stated that she was told the property did not flood in 2010 when Williamson County had several inches of rain.

Chairman Ausbrooks asked staff to explain the areas of the floodplain on the map.

Mr. Bledsoe stated there is not a floodway on the property, but the property is considered to be in a 100 year flood zone.

Chairman Ausbrooks then turned the meeting over to the Board for questions, comments or concerns.

Secretary Emerson-McPeak wanted to be reminded of what the ruling is for the floodplain.

Attorney Kristi Ransom stated she did not know until today that the site was in a floodplain and the only variance that was requested was for the minimum lot area. She doesn't believe this is a lot of record for the floodplain regulations. She stated the applicant would also need a second variance to build new construction in the floodplain. She stated the second variance is not pending at this time. She stated that due to the FEMA Regulations the Board is not only the Board of Zoning Appeals, but also the Floodplain Board of Appeals so that would be two separate actions and requests of which the Board only has one in front of them. She went on to state she didn't see anything in the information about Engineering's position about the floodplain. She therefore did not want the Board to take one step knowing there may be another step that is not pending right now.

Mr. Bledsoe stated it is his understanding that anything existing prior to 1988 would be able to be built on without a variance. The current configuration of the lot happened in 1992 and would now require a variance according to the Ordinance. Anything pre-1988 would be considered "grandfathered" as to the floodplain standards.

Attorney Ransom informed the Board the variance standards for the floodplain variance is a different evaluation that they would have to take from the variance standards for the zoning. She stated that is not the information that has been presented yet so she was not sure how the Board wanted to handle the present request.

Chairman Ausbrooks stated the applicant might want to wait and present both requests at a later date.

Attorney Ransom stated it would not be wise for the Board to take action on the floodplain variance without the applicant having an opportunity to present justification for the second variance.

Secretary Emerson-McPeak asked since it was a one acre lot before 1988 if it would be allowed.

Mr. Bledsoe stated that if it had remained a one acre lot none of this would be an issue. But once the configuration has changed, it is considered an illegal lot.

Mr. Chapdelaine stated the configuration only changed last year when the applicant combined the two tracts. One is a one acre tract that has never changed since 1947 until last year when it was combined with the .49 acre parcel.

Vice-Chairman Crohan asked since these are two separate variances, could the Board vote on the present request and if approved, the applicant could come back for a second variance in the floodplain.

Attorney Ransom stated if the applicant wanted to proceed that way they could or they could possibly defer and come back with both requests at the same time.

Vice-Chairman Crohan's second question was rather than build a five bedroom house, if it would be legal for the applicant to remodel the present house and not change the footprint.

Mr. Bledsoe stated there are specific guidelines in the septic regulations as to what they can and cannot do. The applicant can do a lot of cosmetic things but if they went in and gutted it down to the studs, it would require bringing the septic system up to today's standards. Being deemed an illegal lot, the applicant cannot tear down and rebuild, cannot add on to it, and depending on what they want to do, they may not be able to do much remodeling. He stated he spoke to Sewage Disposal Management Department Director Brian Corwin and the applicant would be

allowed update the septic system with the present house.

Secretary Emerson-McPeak asked staff when the present house was built.

Mr. Bledsoe stated tax records show 1970.

Vice-Chairman Crohan asked if the applicant could do cosmetic work and update the septic area, would they need a variance.

Mr. Bledsoe stated they could leave the septic as it is now and only do cosmetic work, but no additions or new construction would be allowed without a variance.

Secretary Emerson-McPeak asked how much square footage is in the present house.

Ms. Sanders stated 900 sq. ft. with three bedrooms and one bathroom.

Mr. Bledsoe stated the tax assessor has it recorded at 912 sq. ft. on one level.

Chairman Ausbrooks stated the Board cannot speak about the floodplain variance since it is not on the agenda. He explained to the applicant that the Board could vote on the variance listed on the agenda or she could reset the case for another meeting and bring back both the variance requested along with a request for a floodplain variance.

Mr. Chapdelaine stated they would like to defer the item and will bring back before the Board a floodplain variance request along with the minimum lot size request.

Vice-Chairman Crohan made a motion to defer the request until next month. Secretary Emerson-McPeak seconded the motion. Motion was approved by unanimous voice vote.

#### **Item 4**

**A request by Daniel and Sarah McCollum for a front yard setback variance at 5514 Broken Ridge Hollow Lane (Map 144 Parcel 065.09). The property is zoned Rural Development-5 (RD-5) and is located in the 2<sup>nd</sup> District.**

Holly Scott read the staff report. John Bledsoe presented an aerial view of the property along with a site plan. He pointed out the outline of the property and the existing house and the driveway. He explained that most of the area in front of the house is a designated septic area. He stated the requested variance is for a 37.3 ft. front setback variance. He then pointed out the orange stakes for the proposed addition in the photographs.

Daniel McCollum stated he submitted a letter showing all the details that factor into the project. He stated they have an irregular lot that is long and narrow. He explained that the side of the house faces the front setback and the front of the house is 650 ft. from the property line. He stated there is a pond, ditch and waterway behind the house. The proposed area is the logical place to build. He stated the neighbors approve of

the addition and there would not be any adverse effect on other properties.

Chairman Ausbrooks opened the meeting for public hearing. Seeing no one, he closed the public hearing.

Secretary Emerson-McPeak asked the applicant to point out the stream.

Mr. McCollum stated it is actually a ditch that leads into the pond and the pond is closer to the house than it shows. He also spoke about the sloping topography behind the house.

Chairman Ausbrooks asked the applicant what is keeping him from moving the proposed addition closer in line with the existing house.

Mr. McCollum stated the adverse topography and the lay of the land.

Chairman Ausbrooks asked the applicant to show him the topography of his back yard.

Mr. McCollum presented a Google map image of his property from his phone in order to show Mr. Ausbrooks the topography he asked for. He also stated there are trees in the rear yard and also the ditch that leads to the pond. He stated the proposed building would be 42 ft. from the existing house and the side of the house is actually facing the front setback.

Vice-Chairman Crohan stated that if the applicant could move the proposed building back inside of the buildable area, the applicant would not need a variance from the Board.

Mr. McCollum stated it is not ideal with the lay of the land or the grading capability of the project.

Vice-Chairman Crohan reminded the applicant that if there is another area to build which doesn't require a variance then they cannot approve the request for a variance. He stated he could not see a problem with an irregular shaped lot and with so much land, he feels there are other places to place the addition.

Mr. McCollum asked if there were any other factors as to no adverse effect or any other reason other than the setback.

Chairman Ausbrooks stated the Board's charge is that everybody complies with the Ordinance unless there are specific reasons to grant a variance. He told Mr. McCollum that this was his opportunity to show specific features as to why the building needs to be placed where they have proposed.

Mr. McCollum stated due to the water way, the pond, and the water flow that impedes the ability to build the project as required.

Chairman Ausbrooks asked Mr. Bledsoe to present to the Board a photo of the plat that shows the water flow.

Mr. Bledsoe stated the drainage area runs from the road behind a clump of trees to the playground area.

Mr. McCollum stated the drainage ditch impedes the ability to build.

Vice-Chairman Crohan stated the drainage ditch can be moved. He said it is not like it is a wet weather stream. He doesn't see why the applicant can't move the proposed addition to another area of the property.

Secretary Emerson-McPeak stated without seeing more details, she feels it does appear there is plenty of space to move the addition.

Mr. McCollum stated again that with what they are wanting to do, it is not possible to build anywhere else.

Secretary Emerson-McPeak asked the applicant how big the addition would be.

Mr. McCollum stated the garage would be 32 x 42 ft. and the connector from the garage to the mud room and laundry room would be an additional 20 ft. or so. He stated there are other lots in the neighborhood that are within 60 ft. of the side setback.

Vice-Chairman Crohan made a motion to deny the request for a variance stating that from the information they have been shown, there are additional areas within the range in order to build and he feels that a variance is not necessary. Secretary Emerson-McPeak seconded the motion. Motion was approved by unanimous voice vote.

With no other business to come before the Board, the meeting was adjourned.

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Secretary's Signature

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Date