

**Minutes
Williamson County
Board of Zoning Appeals
7:00 P.M. February 28, 2013**

Members Present

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

Staff Present

Lee Sanders
Linda Hodges
Kristi Ransom, County Attorney

The Williamson County Board of Zoning Appeals met in regular session on February 28, 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. Steve Wherley made the motion to approve the minutes of the January 24, 2013 meeting, as presented, and Sue Workman seconded the motion. The motion was unanimously approved by voice vote.

ITEM 1

A request by Attorney Gerald Patterson (Michael & Nikki Greenburg, property owners) for variances to allow agricultural use structures in flood zone. The property is zoned SIC (Suburban Infill & Conservation) and is located at 2864 Sawyer Bend Road in the 8th district.

Linda Hodges read the staff report and reviewed the background documentation (see agenda report). Mr. Sanders displayed a tax map and pointed out to the Board the adjoining properties and the Harpeth River, using the overhead projector. He also displayed a site plan, and pointed out the 100-year flood line showing the flood zone and also pointed out the line depicting the flood way. He indicated the locations of the dressage ring, the barn and the four buildings that have been built within the flood zone. Mr. Sanders indicated to the Board that variances for the storage buildings and run-in sheds would also require FEMA variances, but the barn would not require a FEMA variance.

Property owner Michael Greenburg and his attorney, Gerald Patterson, represented the request. Attorney Patterson stated that his clients did not realize that permits were required prior to the construction work done on the barn, or for the storage buildings and run-in sheds. He indicated that they thought they would be allowed to enlarge the barn an additional 50% of the original size.

In support of their request, Attorney Patterson introduced Michael Jeansonne. Mr. Jeansonne, who lives just north of the applicants, spoke in support of the request. In addition, Attorney Patterson submitted for the record a letter of support from Matt and Sarah MacIntyre of 2854 Sawyer Bend Road.

James Armstrong and Brian Hamilton, licensed engineers in the State of Tennessee, were introduced. Mr. Armstrong was retained to evaluate structures that were put on the Greenburg property. He said his study revealed there were no increases in regard to the floodway. Mr. Hamilton spoke indicating he found there was no rise from these structures. He stated there was very little impact with a three-sided structure. He suggested that these structures are recreational in nature, much like the boat ramp and picnic shelter that are allowed in the flood plain by ordinance.

Mr. Greenburg told the Board that the barn was in a dilapidated condition when they bought the property. He said the upstairs was already finished and carpeted, and was used as office space. He said there was already plumbing in the barn. He stated that they would not be using the barn as residential space, but as space to support his wife's dressage interest. He stressed that most of the money spent on the barn was to restore it and make it safe.

Chairman Ausbrooks opened the public hearing. There being no one to speak, he closed the public hearing. He then asked the Board if they had any questions.

Discussion took place regarding the value of the barn at the time it was purchased, and what that value might be now. Mr. Greenburg suggested that even though \$150,000 was spent on the barn, the current value would probably not be increased in that amount, due to its previous dilapidated state.

Mr. Sanders explained that County Engineer Floyd Heflin had asked the Greenburgs to provide a private appraisal if they had one to see if a value greater than that of the Property Assessor could be assigned to the existing barn, but that appraisal appeared to group all structures, except the residence, together. Mr. Sanders said the records show Mr. Heflin was unable to determine an individual value for the barn, and he had only the County's assessed value to work with in determining the allowable 50% of market value expansion. Then when he learned the improvements were already in place and that they included a footprint expansion of the barn, the issue was turned over to Codes Compliance and a Stop Work Order was issued.

County Attorney Kristi Ransom indicated to the Board that when looking at the barn structure, they would be considering a variance to allow more than 50% value being added, and also looking at expansion of the footprint.

Don Crohan asked Mr. Armstrong about his opinion of the effect that the structures in the floodplain would have on displacement of water and the potential effect on the properties downstream. Mr. Armstrong responded that his review addressed the flow of water or flow restriction and not specifically displacement of water. Mr. Armstrong noted that when water is displaced it causes loss of temporary storage in the floodplain. It can change the flow of water and increase the potential of a flooding problem upstream, but in his opinion the displacement is negligible in this case.

Following discussion about possible alternate locations for the sheds, and about whether the granting of a variance might cause problems with FEMA, Chairman Ausbrooks indicated a wish that the County Engineer had been present to address questions. He also expressed concern that the Board was not prepared to craft an appropriate motion, should they choose to grant a variance. He asked the Board if they would like to recommend deferral of this item. Applicants agreed to this deferral, and stated that the April meeting would be best for them. They asked if it would be

necessary to bring back their engineers and were told that would not be necessary. Chairman Ausbrooks did request that the applicants provide an appraisal report separating the value of the barn from other information in the report, if possible.

Don Crohan moved to defer until the April 25 meeting, Steve Wherley seconded, and the motion was approved by unanimous voice vote. Mr. Sanders indicated this deferred item would be on the April agenda as Old Business.

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

Secretary's Signature

Date