

**Minutes  
Williamson County  
Board of Zoning Appeals  
7:00 P.M. July 26, 2012**

**Members Present**

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

**Staff Present**

Lee Sanders  
Linda Hodges  
Brenda Midgett  
Bobby Cook, County Attorney

The Williamson County Board of Zoning Appeals met in regular session on July 26, 2012 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 24, 2012 meeting, as printed, and Sue Workman seconded the motion. The motion was unanimously approved by voice vote.

**ITEM 1**

**A request by Joe DeFatta of DAC Home Builders (Paul & Kimberly Bergeron, property owners) for approval of a setback variance at 1628 Diamond Drive, South Point Subdivision. The property is zoned Suburban Estate and is located in the 2<sup>nd</sup> district.**

Linda Hodges read the staff report and reviewed the background documentation (see agenda report). Mr. Sanders pointed out to the Board the adjoining properties and the topography of the parcel and displayed a site plan using the overhead projector. He stated this is a shallow lot and is located at the end of a cul-de-sac. Mr. Sanders stated the applicants are proposing to build an addition to the rear of the house. He stated the site has an elevated back area patio and swimming pool. Mr. Sanders stated the proposed addition would encroach the rear setback by 20 ft.

Mr. & Mrs. Bergeron, property owners and Mr. Joe Defatta, contractor for DAC Home Builders represented the item. Mr. Bergeron stated to the Board he has owned this house and lot for eight years and he feels this request is a hardship request due to shallowness of the lot. He stated the property quickly drops off behind the pool and there is a drainage area at the corner of the lot that goes into the pond behind the property. He stated the addition would be created with high quality materials and would be aesthetically designed for the neighborhood.

Mr. DeFatta stated the ordinance would allow the addition closer to the property line if it was a detached structure. He stated the addition would be less intrusive if it was attached to the house.

Mrs. Bergeron stated they measured for an unattached structure and they cannot really go back further.

Chairman Dave Ausbrooks opened the public hearing portion of the meeting.

John Adams with DAC Home Builders stated he approved of the request whole heartedly.

No one else to speak, Chairman Ausbrooks closed the public hearing portion of the meeting.

Don Crohan asked staff about a detached structure being placed in the rear yard and about the drainage swale. He wanted to know how this would affect the vacant adjoining property when it develops.

Mr. Sanders stated a detached structure could go in the rear yard, but it would be placed closer to the property line. He stated the ordinance currently states there is a 50 ft. setback from the rear lot line for the main residence. Mr. Sanders stated the roofed addition would place the house 30 ft. from the rear lot line. If the structure was detached, it would only have to be 15 ft. off the rear property line. He stated there is a drainage swale with a culvert at the very corner of the lot and that the yard drops off toward the drainage area, which limits the use of the one side of the rear yard.

Mr. Bergeron stated the raised patio was already there when he purchased the property.

Mr. Sanders stated there are no setback requirements for driveways or patios.

Mrs. Bergeron presented to the Board photo shop renderings of the patio with roofing.

Don Crohan asked staff if this roofed area could be turned into living space.

Mr. Sanders stated if the Board approved the variance, it could.

Sue Workman asked staff if it was only for the roofing being approved.

Mr. Sanders stated there are no limitations once the variance for the roofed area is approved by the Board. The site plans call for a chimney, fireplace and is considered attached to the house. Therefore, once roofed, the area can become any room of the house in the future.

Vice-Chairman Steve Wherley stated he was having difficulty in seeing a reason to approve a variance for this site. There is already a nice large home on the lot and the addition of an outdoor living space is more for convenience.

Don Crohan expressed the imposition this request would cause to any future lot that may develop behind.

Chairman Ausbrooks made a statement about the request needing to meet the criteria set forth in the Williamson County Zoning Ordinance to be able to grant a variance.

Don Crohan made a motion to deny the request for a variance due to the finding that it does not meet the criteria of 9601 of the zoning ordinance because there is no exceptional or extraordinary circumstances or special conditions applying only to the property in question. Vice-Chairman Steve Wherley seconded the motion. Motion was approved by unanimous voice vote.

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

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Secretary's Signature

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Date