

**Minutes  
Williamson County  
Board of Zoning Appeals  
7:00 P.M. May 23, 2013**

**Members Present**

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 May 23, 2013 in the Auditorium of the Williamson County Administrative Complex. Secretary Don Crohan announced that both the Chairman and Vice-Chairman were unable to attend tonight's meeting. He stated that the procedure is to elect a temporary Chairman from the members present. Sue Workman made a motion to nominate Don Crohan as the temporary Chairman for tonight's meeting. Karen Emerson-McPeak seconded the motion and the motion was passed by unanimous voice vote. Temporary Chairman Don Crohan 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.

Temporary Chairman Don Crohan then asked the members to consider the minutes of the April 25, 2013. Lee Sanders noted that minutes mailed to the Board have been amended by staff to correct a shed number. Karen Emerson-McPeak made a motion to approve the amended minutes. Sue Workman seconded the motion. The motion was unanimously approved by voice vote.

**ITEM 1**

**A request by Jim Mallowney of Mallowney General Contractor, Inc., and Bill Bailey of Emporia, LLC (property owner) for approval to build an accessory structure. The property is zoned Rural Preservation 5 (RP-5) and is located at 4008 Carter's Creek Pike in the 2<sup>nd</sup> 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 37 acre parcel of land with an existing home. He stated the proposed structure will be located beside the house and placed 1,000 ft. off of Carter's Creek Pike. Mr. Sanders stated that a septic system is not proposed or required for the 10,000 sq.ft. accessory structure (garage). He stated George King of the Building Codes Department had explained to the applicant last fall that Engineering plans were required to be submitted for such a large structure in order to obtain a building permit, and this created a delay in having a complete application. Mr. Sanders stated to the Board, the new Zoning Ordinance was adopted effective January 1, 2013 which only allows a maximum size of 2,000 sq.ft. for accessory structures.

County Attorney Kristi Ransom explained to the Board that Mr. Mallowney could have filed a zoning certificate last fall but based on information from Mr. King he waited until the engineering plans were obtained before filing a zoning certificate. The applicant did not get everything needed before the changes to the Zoning Ordinance. Prior to the adoption of the new Zoning Ordinance, a variance would not have been required for this accessory structure. She stated the Board could interpret that the applicant had made application decisions based on his discussion with Mr. King.

Bill Bailey of Emporia, LLC and Jim Mallowney of Mallowney General Contractor, Inc. represented the item. Mr. Bailey stated he was representing the property owner.

Mr. Mallowney stated he has filed a complete application for permit to go ahead and build the large structure.

Don Crohan opened the meeting to the public. Being no one to speak, he closed the public hearing.

Sue Workman asked staff about the structure being 75% of the principal structure.

Kristi Ransom stated that staff had reviewed the request under the new zoning ordinance Section 11.04 (C) (3); and therefore, the structure can only be allowed to be 75% of the size of principal structure or 2,000 square feet, whichever is less.

Karen Emerson-McPeak asked staff how many structures would be allowed on this parcel.

Mr. Sanders stated there is no limit of structures on a 37 acre parcel. He stated they already have a horse barn and hay barn and a smaller garage next to the house.

Sue Workman asked how many cars would be placed in the structure.

Mr. Bailey stated approximately 15 to 20 cars would be stored in the structure, and the cars would not be made available for public viewing.

Karen Emerson-McPeak asked staff how close each accessory structure could be built to each other.

Mr. Sanders stated they could be as close as 10 feet.

Don Crohan asked the applicants why they waited so long from last fall to now to make application for the structure.

Mr. Mallowney stated he understood from Mr. King that he could not apply until he got engineered drawings for such a large structure. He stated the engineer did not supply the drawings until March 22, 2013. Mr. Mallowney stated he wanted to be thorough with his application and have a complete package with an engineering report. He stated at the time of his discussions with George King, he was unaware of the new Zoning Ordinance requirements to be effective January 1, 2013.

Don Crohan stated he doesn't see anything here that meets the requirements for a variance.

Mr. Muldowney stated he asked the Board members to consider the timeline. He stated he did ask for information when he filed for approval of the horse barn in October 2012, and he was advised by Mr. King to obtain more information (obtain structural engineering data). Mr. Muldowney stated he felt that he started the process for the requested structure in October of 2012, and they purchased the building based on that information.

Sue Workman made a motion to interpret that there was a complete application per Section 1.08 as of October 2012; and therefore this application should be reviewed under old ordinance standards. Karen-Emerson McPeak seconded the motion. Motion was approved by unanimous voice vote.

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

---

Secretary's Signature

---

Date