

**Minutes
Williamson County
Board of Zoning Appeals
7:00 P.M. May 22, 2014**

Members Present

Dave Ausbrooks, Chairman
Steve Wherley, Vice-Chairman
Don Crohan, Secretary
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 22, 2014 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 April 24, 2014 meeting, as printed, and Karen Emerson-McPeak seconded the motion. The motion was unanimously approved by voice vote.

ITEM 1

A request by Steve Young (Dale Whitehead, property owner) for a Special Use permit for a temporary Special Event - Extensive Impact (Blackberry Jam Music Festival) at 3395 Blazer Road. The property is zoned Rural Preservation 1 (RP-1) 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 map, using the overhead projector, noting the adjoining property owners, and also a site plan to the Board members. Mr. Sanders stated this is an eight acre parcel at the corner of Blazer Road and Boxley Valley Road. He stated there will be children's entertainment for the first two or three events. Mr. Sanders stated guests will be coming and going all day during the events. He stated a neighbor has granted a 200 foot waiver to accommodate extra parking and the site plan does have the required 200 foot buffer. Mr. Sanders stated the owners do live on the property and use the front porch as a stage area for the event. He stated this is a fundraising event with proceeds to Hard Bargain Association.

The property owners were in attendance, and Mr. Steve Young represented the item. He stated the property owners started this event ten years ago and it has grown in attendance, but the event is still being held on the front porch.

Chairman Ausbrooks opened the hearing to the public.

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

Don Crohan asked the applicant if the Sheriff Deputies will be able to handle the traffic with 400 guests at the event.

Mr. Young stated that volunteers direct the traffic and parking during the day with the Deputies present. Then the Deputies direct traffic at night and use their squad car lighting.

Chairman Ausbrooks asked the applicant if they have had any problems at the events in the past.

Mr. Young stated no and indicated they would have EMT's stationed at tents and volunteers to help control the guests and their children.

Don Crohan made a motion to approve the request noting that it meets the requirements of Sections 11.05 (D) (7) and 5.01 E of the Zoning Ordinance. Steve Wherley seconded the motion. Motion was approved by unanimous voice vote.

ITEM 2

A request by Thomas Brett of Andrew M. Stone Engineering (Jason Fridenstine, Trustee) for approval of a variance to construct a house at 750 Valhalla Lane. The property is zoned Municipal Growth Area 1 (MGA-1) and is located in the 8th district.

Linda Hodges read the staff report and reviewed the background documentation (see agenda report). Lee Sanders displayed a map using the overhead projector, noting the adjoining property owners and pointed out to the Board members the area of the site. Mr. Sanders stated that if the house was built within the platted side setback, the applicant would have to build a 15 foot to 18 foot retaining wall. He provided to the Board Members, an exhibit the applicant brought to the meeting which showed a 50 foot circle from the point where property lines intersect closest to the proposed residence. He explained that this circle shows the proposed construction is at all points 50 feet or greater from the property line and that 50 feet is the required setback.

Thomas Brett represented the item. Mr. Brett stated the point of the platted setback is 83 feet from the corner due to the intersecting setback lines and an acute property line angle. He then stated the home is 50 foot outside of the 50 foot setback. He stated he is concerned that if the house is placed closer to the side, there could possibly be a landslide.

Chairman Ausbrooks opened the hearing to the public.

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

Chairman Ausbrooks asked staff how to determine the side and front of the property with the easement.

Mr. Sanders stated it is considered the side, because where the lot takes access from the easement is considered the front.

Mr. Brett stated the house is oriented to the lot front and is where the entrance driveway will be located. The garage is considered on the side of the house and is accessed from a rear entrance driveway. He stated there is only one other house at the end of the easement.

Mr. Sanders stated the proposed house is located on top of a ridge and the private easement serves five houses.

Chairman Ausbrooks asked staff if the pool is in the side yard.

Mr. Sanders explained that the pool is on the side of the house but not in the side yard. He explained that the pool is considered attached to the house because it is within 10 feet of the proposed house.

Chairman Ausbrooks stated if this is a side setback issue, then the house is more than 50 feet from the setback and the applicant is within their limits.

Kristi Ransom, County Attorney, stated if the Board finds that the house is within the 50 foot setback, based upon the additional exhibit, the Board can take action confirming this finding.

There was a general discussion of setbacks and access.

Don Crohan asked if there was no pool, could the house fit the lot without a variance.

Mr. Brett stated the applicant must have a side yard so the retaining wall would still be needed. He stated there is still a problem and concern for the house if the house sits back further than the requested site based on engineering. Mr. Brett stated the retaining wall will be 4 foot high around the perimeter of the pool, adding that the pool is 16 feet X 32 feet.

Chairman Ausbrooks made a motion that he interpreted there was no variance needed because the house as proposed will meet the 50 foot setback from the nearest property line. Steve Wherley seconded the motion. Motion was approved by a three to one vote. Chairman Ausbrooks, Steve Wherley and Karen Emerson-McPeak approved the motion. Don Crohan voted against the motion.

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

Secretary's Signature

Date