

**Minutes
Williamson County
Board of Zoning Appeals
7:00 P.M. March 26, 2015**

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
Kristi Ransom, County Attorney

The Williamson County Board of Zoning Appeals met in regular session on March 26, 2015 in the Auditorium of the Williamson County Administrative Complex. This meeting was held at the regular scheduled time to replace the February 26, 2015 meeting that was postponed twice due to snow and ice. 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 November 20, 2014 meeting, as printed, and Sue Workman seconded the motion. The motion was unanimously approved by voice vote.

ITEM 1

A request by Kim Leggett (Gerald Robeson, property owner) for a Special Use permit for a temporary Special Event - Extensive Impact (City Farmhouse Pop-Up Show, held June 19 and 20) at 3090 Old Hillsboro Road. The property is zoned Rural Preservation 5 (RP-5) 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 pointed out to the Board members the area of the site. Mr. Sanders stated the applicant is requesting to host a Pop-Up show with several vendors set up at the site. He stated this is a 184 acre parcel in the Leiper's Fork area and this event is scheduled to take place at the same location twice this year. Mr. Sanders stated the applicant used the same location last year to host the event. He stated the property is located on a state road with two access points. This allows the event to have one for entering and one for exiting, so that the traffic can have a circular pattern on the site. Mr. Sanders stated the request meets all the required standards of the ordinance.

Ms. Kim Leggett represented the item. Ms. Leggett stated the event brings lots of vendors and tourism to the area. She stated Pop-Up events are becoming very popular in rural areas.

Karen Emerson-McPeak asked the applicant what was the set-up time for the day before the event.

Ms. Leggett stated set-up times would be on the 17th and 18th beginning around 9:00 or 10:00 a.m. for the vendors. She stated the split time made it easier to maneuver and she has a security guard at night because no one is allowed to spend the night on the grounds.

Chairman Ausbrooks asked the applicant if there were any serious accidents in the past and if there would be first-aid stations located at the site.

Ms. Leggett stated there was only one incident the first time they held this event and that was due to a lady who has regular seizures. She stated there is a first-aid area designated on the plan.

Don Crohan asked the applicant if there are any problems with the road being so narrow and also how many Sheriff's Deputies would be at the site.

Ms. Leggett stated there was only one time when the Sheriff's Department did not show up and that was due to an emergency. They experienced a thirty minute traffic jam at that time. They normally have only one Sheriff's Deputy on site during the event and have taken the fence down for additional parking. She suggested the use of signs a few hundred feet before each driveway to make people aware of the entrance and the potential traffic in the area, but she realizes the limits of the County sign codes.

Don Crohan suggested that Ms. Leggett have two Sheriff's Deputies, one on each side of the driveway.

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

Steve Wherley suggested the applicant have a back-up deputy available in case of another emergency.

Ms. Leggett stated she has already checked with the Sheriff's Department and was assured they would have a deputy on site at all times.

Steve Whereley made a motion to approve the request stating it met the requirements of Sections 11.05 (D) (7) and 5.01 and to approve the requested early start time of 8:00 a.m. for parking and 9:00 a.m. for the event. Sue Workman seconded the motion. Motion was approved by unanimous voice vote.

ITEM 2

A request by Kim Leggett (Gerald Robeson, property owner) for a Special Use permit for a temporary Special Event - Extensive Impact (City Farmhouse Pop-Up Show, held October 16 and 17) at 3090 Old Hillsboro Road. The property is zoned Rural Preservation 5 (RP-5) and is located in the 9th district.

Chairman Ausbrooks stated everything is the same as Item 1 except the dates for the event.

Don Crohan made a motion to approve the request as meeting Sections 11.05 (D) (7) and 5.01, approving the requested early opening time of 8:00 a.m. for parking and 9:00 a.m. for the event. Steve Wherley seconded the motion. Motion was approved by unanimous voice vote.

ITEM 3

A request by Alan Corry (John Powell, property owner) for approval of a Special Event Extensive Impact (Civil War Reenactment, held April 10 thru 12) at King's Chapel subdivision off Highway 96 East (Murfreesboro Road). The property is zoned Rural Development 1 (RD-1) and is located in the 5th 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 the applicant will use the developed entrance to King's Chapel subdivision for the attending guests. He stated the application meets the buffer yard requirements and will provide areas in the front of the site for first aid, water, etc. Mr. Sanders stated it is classified as an extensive event because of the requested overnight camping. He also stated there is a clubhouse on the site for water and shelter if needed.

Alan Corry represented the item. He stated there were only two incidents during the last event. Mr. Corry stated one Cavalry man was injured and required stitches and one participant had an allergic reaction to some cookies. Both received the necessary medical care.

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

Steve Wherley stated he was concerned about traffic problems on that road and asked the applicant to request Mr. Weakley of the Sheriff's Department to submit the name of a back-up deputy in case of emergency.

Don Crohan asked the applicant where the tickets would be taken up for the event, and he also stated his concern about the traffic on such a busy highway.

Mr. Corry stated tickets would be taken up at the Chapel after people have parked in the rear lots and shuttle service would be provided to take them to the event. He stated there would not be any traffic stopping at the guard house.

Don Crohan stated he wanted to see more than one deputy working on the highway during peak time.

Mr. Corry stated that in the past due to low attendance, only one deputy was needed.

Karen-Emerson McPeak stated to the Board members that she lived in the area and passed the event several times and did not see any traffic problems last year.

Mr. Corry asked the Board members if he could start early and have Chapel service at 9:00 a.m.

Don Crohan made a motion to approve the request stating it met the requirements of Sections 11.05 and 5.01 of the Zoning Ordinance. He added the stipulations that two deputies must be on site during the peak time and permitted the requested 9:00 a.m. as the start time for the event. Steve Wherley seconded the motion. Motion was approved by unanimous voice vote.

ITEM 4

A request by Tommy Rhodes (James R. Cheshire, III, Trustee) for a Special Use permit for a temporary Special Event - Extensive Impact (Barefoot Republic Camp, held June 15 through June 26) at 1761 Lawrence Road. The property is zoned Rural Preservation 5 (RP-5) 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 pointed out to the Board members the area of the site. Mr. Sanders stated this is a 453 acre parcel that adjoins the Natchez Trace Parkway on the rear and takes access from a dead end County road. He stated there is not much cross traffic due to the location. Mr. Sanders pointed out to the Board the site plan and stated the camp is only held during the day. He pointed out to the Board that the stairs leading up to the loft of the barn needed improvement in order for them to be considered safe for the public. Mr. Sanders also stated that handrails would need to be upgraded for the log buildings and other structures need some improvements before the permit is issued. He recommended that if the Board approved the request, it be conditioned upon the architect's verification that all structures to be used met Life Safety and required building codes.

Tommy Rhodes and architect Wesley Petrouske represented the item. Mr. Rhodes stated this is a church summer camp that began four years ago and is committed to diversity and providing opportunities for low income students and other community members. He stated the event would run from June 14 through June 26. Mr. Rhodes stated the students range in age from kindergarten to rising sixth graders.

Chairman Ausbrooks opened the meeting to the public. There being no one to speak, he closed the public hearing. He asked the applicant if the property is in compliance with safety for the public.

Mr. Petrouske, an architect working for Mr. Rhodes, stated no, not yet due to the weather and working with old buildings. He has described some of the work needed in an email to Mr. Sanders and

as work progresses, he may add other improvements that he thinks are necessary. Mr. Petrouske stated he has built several school camps and he will always insure compliance Life Safety standards.

Chairman Ausbrooks stated to Mr. Rhodes that Codes staff must be satisfied with the compliance of the safety problems before the camp can be opened to the public.

Sue Workman stated she was amazed with the one to three ratio for the care of the children.

Don Crohan made a motion to approve the request stating it meets the requirements of Section 11.05 (D) (7) and 5.01 E of the Zoning Ordinance. He also permitted the requested early start time and stipulated that all Life Safety codes must be met before the camping event can be opened to the public. Sue Workman seconded the motion. Motion was approved by unanimous voice vote.

ITEM 5

A request by Tim Turner of T-Square Engineering, Inc. (Mark & Patty Sanicola, property owners). The request is for a side setback variance to convert an existing agricultural structure to a non-residential commercial structure for use as a Rural Retreat. The property is located at 1860 Old Natchez Trace. The property is zoned Rural Preservation 5 (RP-5) and is located in the 9th district.

Lee Sanders announced to the Board and to the public that Item 5 has been withdrawn from the agenda.

ITEM 6

A request by James and Vicki Phillips for a setback variance for a residential accessory structure at 2506 Old Natchez Trace. The property is zoned Suburban Infill and Conservation (SIC) 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 pointed out to the Board members the area of the site. Mr. Sanders stated the site is located on a 4.42 acre parcel located on Old Natchez Trace and backs up to the Harpeth River. He stated the structure started out as an agricultural structure, exempt from setback requirements, but now the use of the building has changed. Mr. Sanders stated the power lines, river and septic area made the applicants place the building at the present location instead of the rear yard. He stated according to the ordinance all accessory structures must be placed in the rear yard if the site is less than five acres. Mr. Sanders stated the structure will have an enclosed garage area on one side and finished living space on the other side.

James and Vicki Phillips represented the item. Mr. Phillips stated he plans to use the finished area to watch sports and was informed that septic could not be approved for the structure. He stated he has hired contractors, sub-contractors and has invested \$80,000.00 in the project. Mr. Phillips wants the Board to grant him a variance due to the electric line easement location, the river and the septic field area that serves his residence.

Mr. Sanders informed the Board he has received approval of the request by supportive neighbors.

Sue Workman asked the applicant if the barn could be returned to agricultural use.

Mr. Sanders stated at this time an HVAC unit, a fireplace, finished windows, pedestrian doors and a poured floor are already in place in the structure. He stated one side is suitable for agricultural use, but the other side has finished living space and cannot be considered agricultural use. Mr. Sanders also stated that he did not see any agricultural related use on the parcel.

Mr. Phillips stated there is 750 sq. ft. of finished space in the structure.

Chairman Ausbrooks asked the applicants where the power lines are placed on the site.

Mrs. Phillips stated 20 ft. from the rear of the structure and beyond that is the bluff to the river.

Attorney Kristi Ransom classified that the structure meets the side and rear setbacks, but the structure is not located in the rear yard as required.

Don Crohan stated he felt it was odd to use the structure for entertainment, yet not have any bathroom facilities in it.

Mr. Phillips stated he did get a permit for agricultural use and applied for a septic permit, but was informed he would not be able to have septic or water in the structure. He stated he cannot move the barn due to the bluff and electric lines.

Don Crohan stated he does not feel that this should be used as a residential structure.

Attorney Kristi Ransom stated this is requested as an accessory use and cannot be used for a dwelling due to the soils not allowing septic.

Don Crohan made the observation that the power line easement was not shown on their survey and he requested documentation of the location of the power line to show that the structure could not be placed in the rear yard.

Chairman Ausbrooks and Don Crohan both agreed that the item should be deferred until the next meeting to allow the applicants the opportunity to provide information regarding the location of the power line.

Don Crohan made a motion to defer until the next meeting. 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.

Secretary's Signature

Date