

**Minutes  
Williamson County  
Board of Zoning Appeals  
7:00 P.M. April 23, 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 April 23, 2015 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 March 26, 2015 meeting, as presented, and Don Crohan seconded the motion. The motion was unanimously approved by voice vote.

**ITEM 1 – Old Business**

**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 9<sup>th</sup> district.**

Linda Hodges read the staff report and reviewed the background documentation (see agenda report). Lee Sanders stated this item was reviewed and the public hearing was held during the March 26, 2015 meeting. He stated the Board asked the applicants to provide a site plan showing the power line easement. The applicants have provided a survey from Mark Cantrell which shows the location of the power line easement is located adjacent to the rear building line of the existing accessory structure. Approval of this variance would permit the structure in the side yard.

Mr. and Mrs. Phillips represented the item. They stated they had nothing more to add to Mr. Sanders' statements.

Chairman Ausbrooks stated that since this item was reviewed last month and the public hearing conducted last month, he would not open the meeting to the public for comment.

Don Crohan stated to the applicants that he appreciated them coming back with the survey showing the utility easement line. He then made a motion to grant the applicants' request stating that due to the location of the electric utility easement and bluff of the river, which prevented them from using the rear yard, the variance request met the requirements of Section 5.02 F. Steve Wherley seconded the motion. Motion was approved by unanimous voice vote.

## ITEM 2

**A request by Joshua R. Denton (Paul and Kim Bergeron, property owners) for a rear setback variance at 1628 Diamond Drive. The property is zoned Municipal Growth Area 1 (MGA-1) and is located in the 11<sup>th</sup> 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 then passed a letter to the Board he had received from the manager of the adjoining property, Steve Bennett. He went on to reference a letter from Tim Knight, President of the Homeowners Association, also supporting the request. He stated that building contractor Joe DeFatta submitted a building permit application requesting to build onto the rear of the existing house. The addition would be 30 ft. from the rear lot line and the required setback is 50 ft. from the rear property line. Mr. Sanders stated the home owners presently have a bricked patio without a roof and are proposing to build a roofed outdoor kitchen and living area with a fireplace. He stated the area has a drainage swale across a corner of the lot and the septic area limits an addition to the side of the house. Mr. Sanders stated the lot is a shallow lot at the end of the cul-de-sac. He also stated that the applicant has offered to place a deed restriction that the room would remain unenclosed as a condition of approval.

Attorney Joshua Denton, property owner Paul Bergeron, and contractor Joe DeFatta represented the item. Mr. Denton stated the site has restrictions and he isn't asking the Board to expand the building area. He stated he is asking for a 20 ft. setback variance due to the pie shaped, shallow lot. Mr. Denton also stated due to the topography, the drainage easement, and due to the septic location, they can't place any additions to the structure in the areas. He reminded the Board that adjoining property owners approve of the request because they understand the need for a variance due to the site restrictions. Mr. Denton stated the Bergerons would agree to place in the title to not ever have the structure enclosed.

Mr. Bergeron stated he just wants to make everyone happy with the request. He stated he has been to functions at homes with similar outdoor living areas and wants the option to have the same use of his property.

Chairman Ausbrooks opened the public hearing.

County Commissioner Brian Beathard stated he feels that it is sensible to approve the applicant's request. He stated adjoining property owners and the Homeowners Association approve of the request and it would also increase property values.

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

Chairman Ausbrooks asked the applicant when the property was purchased and if anything outside of the house has been added or if the streets or neighboring property had changed or impacted the property.

Mr. Bergeron stated he purchased the house in 2007 and nothing has been added onto the property except landscaping.

Don Crohan asked the applicant if any changes had been made that affected the property such as, new roads or changes to their neighbor's property.

Mr. Bergeron stated no.

Following inquiry from Karen Emerson-McPeak, Attorney Kristi Ransom stated the Board has authority to place any conditions on approval that would help alleviate the impact of the variance, should it be granted.

Don Crohan made a motion to deny the request stating he sees no change to the property that would create a hardship and it does not meet the requirements of Section 5.02 of the Zoning Ordinance. Steve Wherley seconded the motion. The Chairman asked for discussion on the motion. Board member Sue Workman made the statement that she didn't feel it should be treated as a room. Don Crohan explained it has a roof and is therefore an addition to the house. He explained that his reasons for not supporting the variance are because there have been no changes that affect the property that were not in place when the owner purchased it. He went on to say that the lot was a shallow pie shaped property with a drainage easement and a septic area on it when the owner bought the property and no external influences have been made.

With no further discussion requested, Chairman Ausbrooks asked for a vote of the members. Motion was carried by a 3-2 vote. Steve Wherley, Don Crohan and Karen Emerson-McPeak voted for the motion. Chairman Ausbrooks and Sue Workman voted against the motion.

### ITEM 3

**A request by Pamela Daugherty (Pamela Hawkins, property owner) for a Special Use permit for a temporary Special Event - Extensive Impact (Camp Brookstone, held June 1 - 5 and June 8 - 12) at 1900 Old Natchez Trace. The property is zoned Rural Preservation 5 (RP-5) and is located in the 9<sup>th</sup> 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 across from Montpier Subdivision. He stated the applicants have a nice grassy tract with their mother's house and swimming pool well centered on the lot several hundred feet off the road. This application indicates a CPR trainer will be at the campsite. Mr. Sanders stated the neighbors that have contacted the office are in favor of the camp request. He stated the applicant's site plan is numbered and has a key with it that shows in detail what each area contains. Mr. Sanders stated the 200 ft. required buffer is met for the site.

owner) represented the item. Pamela Daugherty stated she has held the camp since she was 16 years old. She stated she is an elementary teacher and is very familiar with children.

Pamela Hawkins stated that a lot of families have been to their camp. She also stated that her husband will not allow any vehicles delivering people to the camp to go in reverse on the property, for traffic safety.

Chairman Ausbrooks opened the meeting to the public.

Lena LuEllen stated she is a huge fan of Camp Brookstone and she has two sons that have attended the camp. She stated she wants the camp to stay around for everyone to enjoy.

Shawn Hare stated she has had seven children go to the camp and some have become counselors for the camp.

Claire White stated she wants to show her support of the camp and does this by helping at the camp. She stated she is happy to be a part of the camp.

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

Steve Wherley made a motion to approve the request stating it met the appropriate location for temporary use of this 37 acre parcel with a 200 ft. buffer and met Section 5.01 (E) of the Zoning Ordinance for both weeks. Sue Workman seconded the motion. Motion was approved by unanimous voice vote.

Steve Wherley made a motion to approve the Special Use request for approval of the early opening time of 9:00 a.m. for the weeks of June 1-5 and June 8-12 and meets Section 11 of the Zoning Ordinance. Motion was approved by unanimous voice vote by the Board.

#### **ITEM 4**

**A request by Gerald Clement for a lot size variance for an Equestrian Facility at 3636 Bear Creek Road. The property is zoned Rural Preservation 5 (RP-5) and is located in the 9<sup>th</sup> district. Request to defer by the applicant.**

Lee Sanders stated to the Board that Mr. Clement made application to be heard by the Board and the request was advertised. He stated the applicants are presently looking at different avenues in which to meet the requirements for a facility without having to be heard by the Board. They have requested to be deferred until the July 2015 meeting.

Steve Wherley approved the request to be deferred to the July 2015 meeting without prejudice. Don Crohan 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