

**Minutes  
Williamson County  
Board of Zoning Appeals  
7:00 P.M. September 22, 2016**

**Members Present**

David Ausbrooks, Chairman  
Stephen Wherley, Vice-Chairman  
Don Crohan, Secretary  
Sue Workman  
Karen Emerson-McPeak

**Staff Present**

Lee Sanders  
Linda Hodges  
Brenda Midgett  
Kristi Ransom, Attorney

The Williamson County Board of Zoning Appeals met in regular session on September 22, 2016 in the Auditorium of the Williamson County Administrative Complex. Chairman David 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. Vice-Chairman Steve Wherley made the motion to approve the minutes of the August 25, 2016 meeting, as presented, and Sue Workman seconded the motion. The motion was unanimously approved by voice vote.

**ITEM 1**

**A request by Highwood Tower, LLC and Attorney Philip Head (William Gray, property owner) for approval of a Special Use Permit to allow a 258 ft. T-Mobile cell tower at 3951 Casparis Road. The property is zoned Rural Preservation 5 (RP-5) and is located in the 1<sup>st</sup> district.**

Linda Hodges read the staff report and reviewed the background documentation (see agenda report). Lee Sanders displayed a map and pointed out the adjoining properties and a site plan using the overhead projector. Mr. Sanders stated the proposed tower to be 250 ft. tall with an eight ft. lightning rod on top. He stated this will be a self-supporting lattice tower with a flashing light on top. Mr. Sanders stated the tower is proposed for T-Mobile to be the primary carrier and be tall enough to allow two other carriers. He informed the Board that the County retained Larry Perry as a consultant for new towers and his report is included in their packet. Mr. Sanders stated the County Storm Water Department approved this as a low impact tower site location because of little land disturbance. He stated only a 10 ft. easement will be cleared for the underground power within the ingress/egress easement. Mr. Sanders stated Attorney Philip Head forwarded to him a summary of how their application meets the zoning ordinance requirements which he received after the Board packets had been mailed. He then presented copies to the Board and the Board took a few moments to read.

Matt Allen of Highwood Tower, LLC and Attorney Phillip Head represented the item. Mr. Head stated T-Mobile will be the first cell service to use the tower which will have lighting on top. He stated at this time they have submitted an application for T-Mobile to request to not have to place lighting in the mid-section of the tower. Matt Allen stated new federal regulations allow an application to waive the requirement for mid-tower lighting. He stated he wanted the site to be able to be used for multiple carriers.

Mr. Head informed the Board that they have used a large balloon to show the height and visibility of the proposed tower. He stated studies have shown that a tower of this proposed height is needed for the bandwidth for coverage, and the nearest tower is 2.4 miles away.

Chairman Ausbrooks opened the meeting to the public.

Rose Darnell, a neighbor at 3911 Mobley's Cut Road, stated she was at home during the balloon test and informed the Board that the tower will be visible from every room of her house. She stated Mrs. Gray informed her that she was allowing the tower on her property in order to pay for taxes on her property. Ms. Darnell stated she feared the health hazard to her and her husband. She said that she has phone service at this location with AT & T and her son has service there with T-Mobile. Ms. Darnell also stated she is Native American and that no studies have been made in order to find out if the site will be disturbing any burial grounds. She stated she does not want the tower.

James Reed of 3907 Casparis Road stated his property is closer to the tower than any others. He was concerned about lighting and where the fall radius of the tower is in relation to his property.

Mr. Sanders pointed out the location of the tower and the distance to his property as shown on the survey.

Sharon Guthmiller of 3907 Mobley's Cut Road stated the tower will be located at the end of her property and she has lived on her property for 29 years. She mentioned the additional traffic and stated the tower would just add more problems just like I-840 did. Ms. Guthmiller stated she does not want the tower to be approved. She stated she has Verizon and has no problem with cell phone service.

Caroline Bryant of 2019 Old Hillsboro Road stated the radiation from the tower would create health problems. She then referenced medical problems that she has read about due to towers.

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

Chairman Ausbrooks stated the County cannot control the health concerns from the tower.

Sue Workman asked the applicant about the lighting of the tower and other locations.

Matt Allen stated the tower would have a white flashing light during the day and a red flashing light at night. He stated other locations for the tower were not usable.

Phillip Head stated the lighting is required by the Federal regulations.

Chairman Ausbrooks reviewed the summary report and referenced the coverage maps, stating he didn't see any difference in the coverage of a 200 ft. tower and a 258 ft. tower. He then stated that the strobe lights on the tower can cause a depth perception issue for travelers.

Matt Allen stated there is a difference in coverage between a 200 ft. tower and a 258 ft. tower. He also stated the tower will be located more than 300 ft. from the road and their visual study of a half mile radius shows that only 3% of the area within the half mile radius could see the tower.

Don Crohan asked the applicant about the coverage of the tower and referred to the coverage maps.

Matt Allen stated the first slide is for T-Mobile coverage at this site. He then stated he would be coming before the Board in the future for other towers that were listed in the summary. He stated they would be about 2 ½ miles away from this proposed tower site.

Don Crohan asked which other co-locators would be added to the tower.

Matt Allen stated Verizon and possibly up to four cell phone companies all together.

Mr. Head stated the majority emergency calls are from cell phones. He stated the towers are needed for the wellness of the residents in the southern part of the County.

Chairman Ausbrooks asked about the size of the antenna.

Matt Allen stated it would be 12 inches wide by 8 ft. tall.

Chairman Ausbrooks stated the audience can already use Verizon, AT & T and T-Mobile in the area. He stated he doesn't believe 97% of the public will not be able to see the tower. Chairman Ausbrooks stated that he would like to ask our consultant about the coverage maps.

Don Crohan stated he doesn't feel the distance between the towers on the coverage maps look correct. He stated people would have to stare at the lights and he doesn't feel comfortable about making a decision without first talking to the consultant.

Karen Emerson-McPeak stated she wanted additional information on the tree coverage of the site area.

Mr. Head stated if we could bring the consultant to the next meeting he was willing to defer the request until then.

Kristi Ransom, County Attorney stated the request cannot be withdrawn but may be deferred. She suggested the Board allow the applicant to defer the request until the meeting of October 27<sup>th</sup>.

Matt Allen agreed to defer the request until the next meeting of October 27<sup>th</sup>.

Sue Workman made a motion to defer the request until the next meeting of October 27<sup>th</sup>. Don Crohan seconded the motion. Motion was approved by unanimous voice vote.

## ITEM 2

**A request by Adam Epstein (contract buyer) (Steven Fielder, property owner) for a setback variance to permit a single family residence at 2029 Old Hillsboro Road. 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 and pointed out the adjoining properties, and also displayed a site plan using the overhead projector. He stated this is a four acre parcel and the 100 year floodplain is 50 ft. from the road right-of-way. Mr. Sanders stated the applicant wishes to build a medium size home on the site 30 feet from the front property line. He stated the site is challenging and will need an engineered site plan for any house construction.

Adam Epstein stated these provisions were put on the property by the County and not the owner. He stated he was told by the Planning Department that this is a classic case for a variance and he is not asking to build in the floodplain.

Chairman Ausbrooks opened the public hearing.

Dell Bryant of 2019 Old Hillsboro Road stated he spoke to a real estate agent and was told there had never been a house on the lot. He stated it was a mobile home instead. Mr. Bryant was concerned about the consistency and the house being built close to the highway. He stated this is located on a dangerous curve where once a person was killed. Mr. Bryant stated that another accident happened up the road where a car went off the road about 30 ft. He felt that a car would go into the house if built, and he wanted a traffic study to be allowed before a house could be built.

Gene Cotton of 3411 Sweeney Hollow Road stated he tried to calculate the usage of the highway. He stated two people have been killed and a child was injured. Mr. Cotton stated he once had a car pass him on a double yellow line in the area. He stated the road is dangerous and does not have adequate site distance on the curve. Mr. Cotton stated there isn't a berm on either side of the road. He stated he thought that when a home is torn down on a non-conforming lot it cannot be replaced. Mr. Cotton wished for the Board to deny the request due to the location being too dangerous.

Roger Hill of 2015 Old Hillsboro Road stated his driveway is 200 ft. from the applicant. He stated only a guardrail should be placed on the lot and not a home.

Ann Owens of 5468 Old Hwy. 96 stated her house is very close to the road. She stated there are a lot of events and people in Leiper's Fork and the proposed site is in a very dangerous curve. Ms. Owens asked about the septic tanks being in a floodplain. She felt the tanks should be placed across the road or the site should be made into a pull over site for people texting.

Mary Pearce of 103 Woodview Court stated she is on the growth management committee and she does not support the request.

Jean Simpson of 5348 Indian Valley Road stated fatalities have happened at this curve and the vehicles went straight down to the floodplain. She stated the house would be too close to the road and doesn't approve of the request.

Jane Hunter Hicks stated the countryside is historic and having a house next to the road does not conform to the countryside. She stated not every lot needs a house. Ms. Hicks stated the site is

dangerous and a house would hurt the beauty of the countryside.

Rose Darnell operates the Park and Cruise for Leiper's Fork and when an event was held next to the site, the police person had to leave because he felt he was in danger while parked next to the proposed site.

Carolyn Bryant of 2019 Old Hillsboro Road stated after two days of rain the site was flooded. She presented to the Board a video on her phone of the flooded proposed site. The video was shot during the flood of Christmas 2015. She stated she does not feel it is appropriate to build on this site.

Dell Bryant stated he does not feel that this case presents a hardship to the property owner.

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

Don Crohan asked staff why this is a non-conforming lot and if Mr. Epstein would want to purchase the adjacent trailer lot that previously contained a mobile home.

Attorney Kristi Ransom stated it was due to the lot size.

Steven Fielder stated the smaller lot, Parcel 032.01, is grandfathered in.

Mr. Sanders stated Parcel 032.01 is not in issue and the applicant is seeking a variance on Parcel 032.00

Vice-Chairman Wherley stated the normal setback for this lot would be 60 ft. and the applicant wants a 30 ft. variance. He stated he could not support that much of a variance.

Chairman Ausbrooks stated the Board is only looking to see if the request meets the standards for a variance.

Don Crohan asked the applicant why there is a hardship for this site.

Mr. Epstein stated because of the floodplain and the topography.

Vice-Chairman Wherley stated the hardship was from the previous owner.

Don Crohan made a motion to deny the request stating it does not meet the requirements of Sections 10.06 and 5.02 of the zoning ordinance and does not meet the hardship needed for a variance. He also stated this lot is a safety hazard because it is located in a dangerous curve. Vice-Chairman 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