

**Minutes  
Williamson County  
Board of Zoning Appeals  
7:00 P.M. October 27, 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  
Aaron Holmes, Planning Coordinator

The Williamson County Board of Zoning Appeals met in regular session on October 27, 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 September 22, 2016 meeting, as presented, and Sue Workman seconded the motion. The motion was unanimously approved by voice vote.

**ITEM 1 – Old Business**

**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.**

Chairman Ausbrooks announced that the public hearing was held last month for this item, therefore the Board would not reopen the public hearing this month.

Linda Hodges read the staff report and reviewed the background documentation (see agenda report). Lee Sanders stated the staff took photos of the tree coverage at the site as requested by Board members at the last meeting. He also stated a letter had been brought in today with a request to submit it to the Board regarding this item.

Chairman Ausbrooks stated that the acceptance of the letter would require re-opening the public hearing.

The Board decided not to accept the late filed letter into the record, therefore the public hearing remained closed.

Mr. Sanders introduced the County's Wireless Zoning Consultant, Larry Perry to the Board. Mr. Perry was requested by the Board at last month's meeting to appear and answer questions about his review of this tower.

Chairman Ausbrooks stated the two coverage maps the applicant submitted looked the same for a 195' tower compared to a 254' tower which has to be lit. He stated that he personally has had depth perception problems from tower lights that were on "day time" bright when the valley below was dark.

Mr. Perry stated that between now and the year 2020, the need for towers will increase ten-fold due to the changing technology. He stated the amount of towers will increase, but become much shorter using telephone and cable poles. Mr. Perry explained he uses a program called Plan-Net and stated there is an 18% coverage difference between a 195' tower and a 250' tower on this site. He stated a higher tower means better coverage for the applicant, as well as any additional carriers. Mr. Perry then stated the requested tower meets all state, federal and local ordinance requirements. Mr. Perry stated the applicant is trying to cover the Interstate 840 area and his recommendation would be to build this tower at 300 ft. Mr. Perry stated the frequency is going higher with much shorter range on the newer technology.

Don Crohan asked Mr. Perry how many towers are already available and if present towers are becoming taller.

Mr. Perry stated there is a tower to the North and one to the South, but they are too far away for the range of the signal. He stated a new 5G is coming with more technology for the Iphone, but it has a shorter range signal. Mr. Perry informed the Board that there is a taller tower owned in the area by the Natchez Trace Parkway, but it is also too far away for coverage. He stated that towers can expand and he recommends that larger towers be built so they can be added onto if needed, noting that these larger towers handle the cable loads better as well. Mr. Perry stated the requested tower can handle four more carriers.

Don Crohan asked about the FAA lighting requirements and the current status of requiring mid-point lighting.

Mr. Perry explained that no side lights are now needed for the FAA requirements if they are in a No Hazard to Flight Zone.

Chairman Ausbrooks asked the Board if they had any further questions of Mr. Perry. Seeing none, he thanked him for coming. He then asked the Board if there was further discussion or if they were ready to vote.

Don Crohan made a motion to approve the request stating it meets the requirements of Sections 11.03 (C) (13) and 5.01 (E). Vice-Chairman Steve Whereley seconded the motion. Motion was approved by unanimous voice vote.

## ITEM 2

**A request by Tony Azimipour, Engineer for Bruce Yazdian (property owner) for a Special Use permit for a mixed use/multi-tenant development at 8327 and 8331 Horton Hwy. The property is zoned Hamlet (H) and is located in the 5<sup>th</sup> district.**

Aaron Holmes read the staff report and reviewed the background documentation (see agenda report). Lee Sanders pointed out the adjoining properties and showed the site plan using the overhead projector. He stated the site has been cleaned up in the past, yet has never had good septic. Mr. Sanders stated that Mr. Yazdian needs tenants that are low water users. Mr. Yazdian hopes to have zoning approval for mixed uses for this site that will allow the Planning Department to approve appropriate uses without having to develop a separate site plan each time a section of the building is rented.

Tony Azimipour and Bruce Yazdian represented the item. Mr. Yazdian stated he has cleaned up the area since he bought it. He wants to be able to rent to offices and businesses that can meet the septic limitations of this property.

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

Don Crohan asked staff about the septic system for this property.

Aaron Holmes stated it is a limited septic system, therefore no residences will be allowed in any of the buildings. He stated there are no soils anywhere else on the property for more septic systems. Therefore, it cannot have any public restrooms.

County Attorney Kristi Ransom stated there is a legal agreement between Mr. Yazdian and the Septic Department which includes that specifies that the site also cannot be used for certain uses.

Don Crohan asked if it was alright to have office buildings. He also stated he has a problem with approval because of the septic.

Attorney Ransom stated the applicant will be held to his letter of intent which addresses limitations because of no public sewer.

Aaron Holmes stated the tenant has to also go before the Planning Commission for approval of a landscape bond amount.

Chairman Ausbrooks asked Mr. Yazdian if he understands about the seven recommendations that were listed on the staff report prepared by the Planning staff.

Mr. Azimipour asked about the recommendations of Items four and seven. He stated they are not adding onto the site, therefore he does not feel that recommendations numbers five and six applies for stormwater. He stated he does understand about number seven which is signage regulations.

With regards to number five and six on the staff report, Aaron Holmes stated the tenant must receive approval by the County Engineer for the site plan to be approved. With regards to number four on the staff report, Mr. Holmes stated he went by the site with Mr. Sanders and noted refuse next to a building that was within the sight of the public, therefore the dumpster area must be screened. With regards to number seven on the staff report, all signage must be approved by the Codes Compliance Department.

Mr. Azimipour stated the trash would be inside each business and not within public view.

Sue Workman asked staff if the sewage can be altered or increased.

Aaron Holmes stated there is nothing else available for soil. He stated this is the reason it is so important that each business be approved by Sewage Disposal before occupying this property.

Attorney Ransom stated that Sewage Disposal stated at present the septic is sufficient for what Mr. Yazdian proposes, and has approved the request.

Mr. Yazdian stated he has spent \$300,000.00 on the property and stated what started the problem was that his last tenant wanted to serve food and have a bar.

Don Crohan asked if the system fails what would the County do.

Attorney Ransom stated that Sewage Disposal would work with the applicant. If approved by the Board of Health, Mr. Yazdian could utilize a temporary the pump and haul until repaired.

Karen Emerson-McPeak made a motion to approve the request stating it meets the requirements of Sections 11.03 (D) (15) and 5.01 (E) of the Zoning Ordinance including the seven recommendations of Planning staff. Sue Workman seconded the motion. Motion was approved by a 4-1 vote, with Don Crohan voting against the motion.

### ITEM 3

**A request by Michael Dewey, Engineer for Laurie Lawrence (property owner) for a Special Use permit for an Equestrian Facility at 2650 Finley Ridge Lane. The property is zoned Municipal Growth Area-1 (MGA-1) and is located in the 5<sup>th</sup> district.**

Aaron Holmes 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 the property is located on Rocky Fork Road. Mr. Sanders stated the applicant plans on taking care of old horses owned by other people. He stated the plan for an Equestrian Facility limits one horse for every two acres, but the owner can have more horses that she personally owns. Mr. Sanders stated that Rutherford County was also notified of this request since it borders the property, but no comments were received.

Michael Dewey, a Civil Engineer represented the item and stated he had no more to add to Mr. Holmes or Mr. Sanders' statements.

Chairman Ausbrooks opened the public hearing.

Debbie Harris represented her mother, Ernestine Clark, who is an adjoining property owner. She asked what would happen if the property sells because there is nothing on the property but rock. She asked if this situation was adequate for horses.

Chairman Ausbrooks stated the applicant can bring in feed and someone can contact the Animal Control office if the horses are being neglected or abused.

Ms. Harris stated they are concerned about the environmental drainage from the farm.

Mr. Dewey stated there are 50' buffers from the waterway natural areas.

Aaron Holmes stated the County Engineer would review before final approval of the site plan.

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

Karen Emerson-McPeak asked if 22 cars and horses would be an issue.

Aaron Holmes stated this is a private easement and not required to be paved.

Chairman Ausbrooks asked how staff arrived at the 22 limitation.

Aaron Holmes stated per the Zoning Ordinance, a ratio of one (1) horse per two (2) acres was permitted.

Chairman Ausbrooks stated there will also be two houses and a barn on the site.

Don Crohan made a motion to approve the request stating it meets the requirements of Sections 11.03 (A) (3) and 5.01 of the Zoning Ordinance. 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