

**Minutes
Williamson County
Board of Zoning Appeals
6:00 P.M. February 22, 2018**

Members Present

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

Staff Present

Lee Sanders
Linda Hodges
Aaron Holmes
Brenda Midgett
Kristi Ransom, Attorney

The Williamson County Board of Zoning Appeals met in regular session on February 22, 2018 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. Don Crohan made the motion to approve the minutes of the January 25, 2018 meeting, as presented, and Sue Workman seconded the motion. The motion was unanimously approved by voice vote.

ITEM 1

A request by Sean Winters of Dewey Engineering (Rondo Pools, LLC, property owner) for a Special Use Permit to allow a light industrial use at 6615 Cool Springs Road. The property is zoned Hamlet and is located in the 2nd district.

Aaron Holmes read the staff report and reviewed the background documentation (see agenda report). Lee Sanders presented the site plan using the overhead projector. He stated the proposed structures will be located on a 5.2 acre parcel located between Cool Springs Road and Harpeth-Peytonville Road with its sole access on Cool Springs Road. He stated the site is a light industrial use area and will have close access to I-840. The applicants plan to build two structures, one a 4,800 square foot warehouse and the second a 2,400 square foot office building.

Michael Dewey of Dewey Engineering and Steve Rondeau of Rondo Pools represented the item. Mr. Dewey thanked staff for their assistance with the application process and that he had nothing to add to the staff presentation.

Chairman Ausbrooks opened the public hearing and asked if there was anyone wishing to speak. He stated this is a quasi-judicial Board and he explained to the public how to appeal if there was a denial. There being no one to speak, he then closed the public hearing.

Chairman Ausbrooks then asked Mr. Sanders about a nearby house and what kind of equipment would be stored at the site.

Mr. Sanders stated that a landscaping business office is located next door.

Mr. Rondeau stated no equipment would be used at this site. He stated this would be for pool building materials.

Don Crohan asked the applicant how large the display area would be and the location. He also wanted to know if there would be any chemicals stored at the facility.

Mr. Rondeau stated the display area would be placed behind the warehouse and between the buffers. He stated there would not be any chemicals stored at this site.

Karen Emerson-McPeak asked the applicant if there would be any pre-formed pools at the proposed location.

Mr. Rondeau stated there would not be any pre-formed pools or fuel stations placed on site.

Don Crohan made a motion to approve the request stating it met the requirements of Sections 5.01 (E) and 11.02 (E) (2) of the Williamson County Zoning Ordinance and with the stipulation that the request must also meet the Planning Department's four conditions noted in the report. Sue Workman seconded the motion. Motion was approved by unanimous voice vote.

ITEM 2

A request by Thomas Peebles, Attorney (Judith Theresa Stephens, property owner) for a variance of easement width at 4899 Bethesda Road. The property is zoned Rural Development 5 (RD-5) and is located in the 2nd district.

Linda Hodges read the staff report and reviewed the background documentation (see agenda report). Lee Sanders pointed out the adjoining properties and displayed the site plan using the overhead projector. Ms. Stephens has only a 20 ft. ingress-egress easement on which to access her vacant parcel. The parcel on which the easement lies is only 20 ft. wide at one point which limits the ability to widen it. He stated the zoning ordinance currently requires 50 ft. of easement width to be buildable.

Mr. Thomas Peebles, Attorney, and Ms. Judith Stephens, property owner, represented the item.

Mr. Peebles stated Ms. Stephens had nothing to do with the configuration of the lots and easement and that Ms. Stephens was raised by her grandmother Minnie Andrews, who left her the parcel in her will. In 1992, Ms. Minnie Andrews wanted her child and grandchildren to build homes on the parcels and created five parcels. The property line location of the parcel given to Scott Whidby created the bottleneck problem. Minnie Andrews' old house on the remainder parcel is not

Joe Whidby, have already built their homes on their parcels. Ms. Judith Stephens is requesting a variance so that her parcel can be utilized. Mr. Peebles stated the shape of the parcel through which the easement runs is causing a hardship for Ms. Stephens and she hasn't been able to get approval to widen the easement from the property owners involved.

Ms. Stephens stated she presently lives in Florida and would like to come home to her property to build on this site. She stated her husband has to go to Biloxi, Mississippi for V.A. care, and they want the ability to use the Murfreesboro and Nashville V.A. facilities. Ms. Stephens stated she cannot get approval from her brother to widen the easement.

Chairman Ausbrooks opened the public hearing and asked if anyone was wishing to speak.

Scott Whidby of 4899 Bethesda Road stated if Ms. Stephens was going to live on her parcel, it would be O.K. with him, but he does not want anyone else outside of the family to purchase and live on this site.

Joe Whidby of 4903 Bethesda Road stated he built his home in 1983 and was unaware of the 20 ft. easement and now he cannot get permits to build anything else on his property because of the easement problem which also serves as a driveway for his parcel.

Jewell Whidby is the mother of Ms. Stephens and lives at 749 Hayes Lane, Vanleer, Tennessee. She stated she opposes the easement variance request. She stated she has two sons living on the easement and Ms. Stephens has no loyalty to the family or the land. She stated Ms. Stephens just wants to sell her property for the money.

At this time, Chairman Ausbrooks closed the public hearing.

Don Crohan asked the applicant about the two houses on the easement.

Mr. Peebles stated they belong to Joe and Scott Whidby, and they live there in their respective homes.

Mr. Sanders stated Scott Whidby's lot has road frontage on Bethesda Road. There is also Bethesda Road frontage for the original remaining tract that contains Minnie's old house. Mr. Sanders stated this site went before the Board and the Highway Commission in 1992. At that time, the BZA permitted four houses on the parcel. The division of the property into parcels happened after all the houses were there. Mr. Sanders stated there were once four houses on the one parcel of 48 acres.

Don Crohan asked staff about the subdivision of the land and was there supposed to be a 25 ft. easement.

Mr. Sanders stated yes. He stated the certification required by BZA and signed and recorded by Minnie Andrews included the requirement that future easements be a minimum 25 feet wide. However, the easement created when those parcels were created was only 20 feet wide.

Karen Emerson-McPeak asked if there was road easement to Ms. Stephen's site.

Mr. Sanders stated there is an easement, but no road or driveway is on it yet.

Mr. Peebles stated Ms. Stephens had no say in creating the easement or the property being landlocked. Her parcel was created by Jewell Whidby, who was Executrix of the Estate of Minnie Andrews. A lot of things happened in 1992. Ms. Stephens was married and moved to West Tennessee. Minnie Andrews gave only a 20 ft. easement for the parcels created for Jewell, Scott and Joe. He stated this is why they need a variance for the ability to use the 20 ft. easement in order to make Ms. Stephen's parcel buildable. He stated this does not change anything for Scott and the parcel was given to his client Judith Stephens, not the whole family.

Don Crohan asked about the will and the easement. He asked about the Executrix having the responsibility of giving the easement rights.

Mr. Peebles stated the will required it to be a deeded easement and the Estate was settled in 2017. He stated Jewell Whidby, the Executrix, did not control the property that caused the narrow easement and they cannot force Mr. Whidby or the adjoining neighbor to give up more easement.

Ms. Stephens stated that Joe Whidby asked the adjoining neighbors if they would sell them enough land to enlarge the easement, but the neighbors refused.

Sarah Gittere, the adjoining property owner at 4893 Bethesda Road, was recognized by the Chairman. Ms. Gittere stated she won't sell any of her property to anyone. She stated it would cut into her pasture and be too close to the barn.

Don Crohan made a motion to grant the variance request granting a variance of Section 17.03 and that it met the standards of Section 5.02 due to the hardship problems noted. Karen Emerson-McPeak 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