

**Minutes
Williamson County
Board of Zoning Appeals
6:00 P.M. January 24, 2019**

Members Present

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

Staff Present

John Bledsoe, Codes Compliance Director
Aaron Holmes, Planning Coordinator
Brenda Midgett
Kristi Ransom, Attorney
Joe Horne, Community Development Director

The Williamson County Board of Zoning Appeals met in regular session on January 24, 2019 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 asked the members to consider the minutes from the November 2018 meeting. Sue Workman made the motion to approve the minutes of the November 15, 2018 meeting, as presented and Vice-Chairman Don Crohan seconded the motion. The motion was unanimously approved by voice vote.

ITEM 1

A request by Rebecca Wynd for a front yard setback variance at 186 Riverwood Drive. The property is zoned Neighborhood Conservation (NC) and is located in the 9th district.

Aaron Holmes read the staff report and reviewed the background documentation (see agenda report).

Rebecca Wynd and her husband represented the item. Mrs. Wynd stated she lives at the entrance of a cul-de-sac, and the northwest side of the proposed covered front porch would be situated two (2) feet over the required setback and the southwest side would be situated six (6) inches over the setback. They currently have a stoop that isn't covered and the porch would only be two (2) feet beyond the stoop. She noted that her neighbor David Crain had a variance approved a few years ago.

Chairman Ausbrooks opened the Public Hearing. Seeing no one wishing to speak, he then closed the public hearing and opened the meeting for discussion with the Board Members. While the Board members studied the item, Chairman Ausbrooks introduced Community Development Director Joe Horne to the audience. Mr. Horne introduced the new Codes Director, John Bledsoe. Mr. Bledsoe had formally worked for the City of Fairview and the City of Oak Hill.

Sue Workman asked staff about the other variances that have been approved in the neighborhood by having attached porches added to them.

Aaron Holmes stated he didn't find any prior variances on record within Cottonwood Estates requesting the same type of variance.

Chairman Ausbrooks explained to the applicant that there are different characteristics for each variance request.

Vice-Chairman Crohan asked the applicants if they could make the porch smaller than what they were requesting.

Cynthia Saunders, the applicant's designer, noted that making the porch smaller could be possible and would not require a variance.

Chairman Ausbrooks explained to the applicant that a variance must meet certain criteria in order to be approved.

Ms. Wynd stated the way the property sits in the curve is the reason she needs a variance in order to be able to use the porch. She stated she feels the request does qualify for a variance.

Secretary Karen Emerson-McPeak asked the applicant about the cul-de-sac in regards to the front porch.

Ms. Wynd stated the use for the front porch would be their entrance to the home and to also be able to sit on the front porch and talk to other people and their neighbors. She explained the way the property is situated in the curve. Mr. Wynd stated his father is in a wheelchair and would like to be able to sit out front is one reason a variance is needed.

Vice-Chairman Crohan made a motion to deny the request for a variance due to the fact that they could have a smaller porch and stay within the setbacks. He stated the request does not meet the criteria of Sections 5.02 and 10.02 L of the Zoning Ordinance. Secretary Karen Emerson-McPeak seconded the motion. Motion was approved by a 4-1 voice vote with Chairman Ausbrooks, Vice-Chairman Crohan, Sue Workman and Secretary Karen Emerson-McPeak with voting yes, and Andrew Ring voting no.

ITEM 2

A request by Martin Franks for a rear yard setback variance (house addition) located at 1022 John Williams Road. The property is zoned Municipal Growth Area-1 (MGA-1) and is located in the 4th district.

Aaron Holmes read the staff report and reviewed the background documentation (see agenda report).

Martin Franks represented the item. Mr. Franks stated the property is wide and not very deep. The existing house already encroaches into the setbacks. Additions to the side are not feasible, as the septic lines are located in this area. The property is only 150 feet deep.

Chairman Ausbrooks opened the Public Hearing and seeing no one wishing to speak, he closed the public hearing and opened the meeting for discussion with the Board members.

Andrew Ring stated if there is an existing pad behind the house and an added patio.

Mr. Franks stated there is a wood deck that will be removed for the addition along with the existing concrete patio. He plans on adding the addition along with a new covered patio area.

Secretary Karen Emerson-McPeak asked the applicant if the room would be covered.

Mr. Franks stated he proposes to have a screened-in porch.

Vice-Chairman Crohan asked the applicant if there have been any changes as far as zoning or setbacks on this site since 2014 when Mr. Franks purchased the home.

Mr. Franks stated no, not that he is aware.

Andrew Ring asked the applicant what is behind the property.

Mr. Franks stated woods with a drop off in the back and a neighboring farm of about a eight (8) or nine (9) acres with a creek or pond. He stated it is very heavily wooded.

Aaron Holmes, Planning Coordinator stated the site already encroaches the required rear yard setback, by 10 ft. but the house was built when no setbacks existed in the unincorporated County. Setbacks were established after the house was built.

Mr. Franks stated all the homes were built with 60 foot setbacks.

Vice-Chairman Crohan asked the applicant if there were any hardships as to why they need this porch.

Mr. Franks wants to expand the living space in order for his children to have more room to play near the kitchen area. He would like a screened in area due to all the bugs. The house has a small living space at this time, and this location is the only place that is feasible in order to expand living space.

Andrew Ring asked the County Attorney if the Board has the power to approve the request due to the unique site of the structure.

County Attorney Kristi Ransom stated that if the request met the standards of the Zoning Ordinance and the Board finds the request unique. This is a legally non-conforming structure with its location.

Chairman Ausbrooks asked what is on the north side of the house and what is also on the side.

Mr. Franks stated three bedrooms and a bathroom are located on the north side of the house and a driveway and also property that slopes off. He stated on the front side is an open garage. The septic tank is on northeast corner.

Vice-Chairman Crohan made a motion to deny the variance seeing no hardship or problems since 2014 when they purchased the property and does not meet criteria of Section 5.01 (F) of the Zoning Ordinance. Secretary Karen Emerson-McPeak seconded the motion.

Chairman Ausbrooks had a discussion on the motion to point out to the Board that the lot is very small with no place to expand, so therefore he considers it unique with regards to the building envelope being smaller than the existing house. Additionally, the septic area is located on the northeast side of the house. He explained to the Board members that this request could possibly meet the standards for a variance. Andrew Ring concurred with the discussion.

Vice-Chairman Crohan stated it is a piece of property that is small and the porch is not a necessity for the site.

Chairman Ausbrooks asked for a show of hands to approve the motion to deny the request. Motion failed three (3) to two (2) with Chairman Ausbrooks, Sue Workman and Andrew Ring voting 'No'. Vice-Chairman Crohan and Secretary Karen Emerson-McPeak voting 'Yes'.

Andrew Ring made a motion to approve the request for a variance because he felt due to the unique size and shape of the property it meets the standards of Section 5.01 (F) of the Zoning Ordinance. Sue Workman seconded the motion. Motion was approved by a three (3) to two (2) vote, with Chairman Ausbrooks, Sue Workman and Andrew Ring voting 'Yes', and Vice-Chairman Crohan and Secretary Karen Emerson-McPeak voting 'No'.

With no other business to come before the Board, the meeting was adjourned.

Secretary's Signature

Date