

**Minutes
Williamson County
Board of Zoning Appeals
6:00 P.M. February 28, 2019**

Members Present

David Ausbrooks, Chairman
Don Crohan, Vice-Chairman
Sue Workman
Andrew Ring

Staff Present

John Bledsoe, Codes Compliance Director
Brenda Midgett
Kristi Ransom, Attorney
Joe Horne, Community Development Director

The Williamson County Board of Zoning Appeals met in regular session on February 28, 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 January 24, 2019 meeting. Sue Workman made the motion to approve the minutes of the January 24, 2019 meeting, as presented and Andrew Ring seconded the motion. The motion was unanimously approved by voice vote.

Chairman Ausbrooks announced to the Board that staff requests that Item 1 be deferred until the next meeting and Item 2 was withdrawn.

Don Crohan made a motion to defer Item 1 until the next meeting and Andrew Ring seconded the motion. Motion was approved by unanimous voice vote.

ITEM 3

A request by Presley White for approval of an easement width variance to permit a tract to be divided at 4376 Peytonsville-Trinity Road. The property is zoned Rural Development-5 (RD-5) and is located in the 5th district.

John Bledsoe read the staff report to the public. He referred to attachment 3-2 in Board's packet and explained that Peytonsville-Trinity Road is to the west and there is an ingress/egress utility easement across the parcel in front providing access to the property to the rear. Access to the parcel is from two separate easements which were created at two different times, a 20 ft. easement and a 25 ft. easement. Attorney Kristi Ransom showed an aerial photo of the property and explained the locations of the two existing easements.

Mr. and Mrs. Presley White represented the item. Mr. White declined to add anything to the staff report. Mrs. White stated they have lived there 40 years and wish to sell off some of the property in order to continue living on the remaining half. She hoped the Board would honor their request.

Chairman Ausbrooks opened the Public Hearing.

James (Jim) Davis stated he owns 7.17 acres next door to Mr. White and said there would be no negative impact to him if the White's divided their property.

Nina Butler of 4365 Peytonsville-Trinity Road stated she feels the request would be a good thing if the Whites were able to sell part of their property in order to continue living in their present location. She is in favor of the variance.

Clarence Smithson stated he owns property on the west side of the White's. He wanted to know whose property the easement was going to come off of.

Heidi Smithson stated this is property that has been passed down from generation to generation and doesn't see why anyone could be able to take Mr. Smithson's property away from him. She was there in order to take up for Mr. Smithson and help him in order to keep people from taking his property.

Chairman Ausbrooks clarified for Ms. Smithson that nobody at this meeting was going to take away Mr. Smithson's property. The request is for a variance in order to allow a smaller easement than what is now required by the Zoning Ordinance. If the variance request is passed, it would allow for Mr. White to sell off part of his property using less than the required 50 ft. easement. If the Board does not grant the variance, then the White's would have to seek property from an adjoining property owner in order to meet the 50 ft. easement requirement.

Vice-Chairman Crohan stated the letters submitted states the adjoining property owners would not sell off any of their property.

Chairman Ausbrooks stated the Board is not taking an extra 25 ft. off of Mr. Smithson's property. The Board is there to determine if standards are met in order to grant a variance for the property where the White's would not be required to have the 50 ft. easement as required by the Zoning Ordinance.

John Bledsoe stated the White's property has two homes on the site and one will have to be removed in order to split the property.

Mr. White said one of the mobile homes would be removed. Mr. White stated the lot he wishes to sell off has been perked for a four bedroom home in order for a new owner to build on it.

Attorney Kristi Ransom said there could only be five lots on an easement. There would be three lots on the easement with 20 foot easement across the front parcel.

Chairman Ausbrooks stated five houses could be placed on an easement. Chairman Ausbrooks asked Ms. Ransom if the Board could limit only three houses on this easement.

Attorney Kristi Ransom stated the Board does not have the authority to do so.

Andrew Ring made a motion to approve the request, stating it meets the requirements of Sections 5.02 and 17.03 of the Zoning Ordinance. Sue Workman seconded the motion. Vice-Chairman Crohan stated he would have to vote against the motion, he felt it does not meet the standards of Section 5.02 and doesn't see a hardship or any shallowness of the property.

Chairman Ausbrooks stated the Whites did not create the problem because it was the changes in the Zoning Ordinance that created the problem.

The motion to approve the request was approved with Andrew Ring, Sue Workman and Chairman Ausbrooks voting yes. Vice-Chairman Crohan voted against the request. Motion was approved by the three to one vote.

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

Secretary's Signature

Date