

Minutes
Williamson County
Board of Zoning Appeals
6:00 P.M. July 25, 2019

Members Present

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

Staff Present

John Bledsoe, Codes Compliance Director
Brenda Midgett
Holly Scott, Codes Compliance Inspector
Kristi Ransom, County Attorney

The Williamson County Board of Zoning Appeals met in regular session on July 25, 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 June 27, 2019 meeting. Vice-Chairman Don Crohan made the motion to approve the minutes of the June 27, 2019 meeting, as presented and Karen Emerson-McPeak seconded the motion. The motion was unanimously approved by voice vote.

ITEM 1

A request by Barbara Sherritt for an 11.8 feet front setback variance at 6259 Ladd Road. The property is zoned Rural Development-1 (RD-1) and is located in the 4th district.

Holly Scott read the staff report to the public. John Bledsoe placed the aerial photos of the adjoining property owners and the site on the overhead screen for the Board members and the public to view. He stated this is a non-conforming structure. Two septic tanks and a large tree would have to be moved if the house were to be moved back in order to meet the setbacks. The house sits on a corner with two road frontages. The applicant cannot purchase additional land in order to conform to the Zoning Ordinance regulations.

Chairman Ausbrooks asked the applicant if they had anything they wished to add to Mr. Bledsoe's introduction of the item.

Ms. Sherritt stated her husband created a berm to keep water coming from the road to the yard whenever it rained. She then showed the Board members a video of water standing on her property after a heavy rain. Ms. Sherritt stated she did not know that the former owner submitted a Zoning Inquiry and that the structure was non-conforming.

Chairman Ausbrooks opened the hearing to the public.

Jamie Grey (applicant's daughter) of 3673 Nashville Highway, Lewisburg, Tennessee stated the current location is the best due to its location on an elevated area of the lot and showed pictures of the 2010 flooding.

There being no one else to speak, Chairman Ausbrooks closed the public hearing. He then asked Mr. Bledsoe to place on the overhead screen the power of the Board and then explained to the public the authority of the Board.

Vice-Chairman Crohan asked the applicant if there was title insurance when the house was purchased.

Ms. Sherritt stated yes and her husband signed her name because she was going to nursing school at the time. She was not concerned about it being non-conforming and she needs it to be in compliance before she sells the property.

Vice Chairman Crohan said if there are no plans on building anything else, he cannot see allowing a variance.

Karen Emerson-McPeak asked if there was anything to keep from selling the home as is.

John Bledsoe stated that nothing prevents the sale of the property but the next buyer would not receive any building permits because of the non-compliance.

Chairman Ausbrooks asked the applicant if the lot has always flooded.

Ms. Sherritt stated yes, it has always flooded and was worse before her husband built the berm.

Mr. Bledsoe stated the house would need to be moved back in order to be compliant.

Don Crohan motioned to deny the request because it does not meet the requirements of Section 5.02. Karen Emerson-Mcpeak seconded the motion. Motion was approved by 3 – 1 voice vote. Vice-Chairman Crohan, Sue Workman and Karen Emerson-McPeak voted yes, Chairman Ausbrooks voted no.

ITEM 2

A request by Colleen Kelly for a Special Use permit for temporary Special Events - Extensive Impact to be held on October 5th, 19th, 26th, and November 2nd, 9th, 16th and 30th, and December 6th and 14th at 2030 Cedarmon Drive. The property is zoned Municipal Growth Area - 1 (MGA-1) and is located in the 12th district.

Holly Scott read the staff report to the public. John Bledsoe placed the aerial photos of the adjoining property owners and the site on the overhead screen for the Board members and the public to view. He stated the applicants have already exhausted their four Limited Impact events and now have to get approval by the Board for any future events. Mr. Bledsoe pointed out the structures on the property

used for events. Mr. Bledsoe also stated that the site is on a curve, but there is sufficient sight distance for entering and leaving the property. He stated the applicants have had events in the past without any complaints from adjoining property owners.

Ms. Kelly stated this is the family's attempt to keep the farm and they are trying to go through proper procedures. She stated that noise has never been a problem because the hills are natural barriers. She stated the home is on the historic registry and they have had nothing but good feedback from the neighbors. Ms. Kelly then presented copies of letters to the Board members from the public approving of public events.

Chairman Ausbrooks opened the public hearing.

Karen Burnett of 2015 Cedarumont Drive stated she is originally from Memphis and she loves the neighborhood. She wanted to know if granting temporary approval would make things easier and wanted to know the sound decibel level that is allowed. She would like to keep the tranquility of the neighborhood and not sure if the impact would cause an increase in crime. She was also concerned about the traffic and the area being zoned MGA-1.

Chairman Ausbrooks stated the applicants always have to come before the Board and the sound decibel level cannot be any higher than 55.

Linda Schneider of 1088 Cedarview Lane stated Ms. Kelly had parties when she was younger and asked if the wedding guests would use the house for changing.

Donna Sava of 1133 Cedarview Lane thanked the applicant for not selling the property. She stated she is sick of development in the area and wants the applicant to preserve the property. Ms. Sava has attended Easter egg hunts on the property and getting permits make sense in order to keep the neighborhood small and not allow any more building in the area.

John Meadows of 2022 Cedarumont Drive does not have any problem with the events, especially if it allows Mr. Kelly not to sell the farm.

Kevin Au stated Michael Kelly is not an acquaintance, but he stated the request makes sense and Mr. Kelly has always made sure of no impact on the neighbors. He therefore supports the Kellys.

Chairman Ausbrooks closed the public hearing and stated everyone has the same rights.

Karen Emerson-McPeak asked the applicant what time the events end.

Ms. Kelly estimates that mostly everyone leaves and is gone by 11:00 p.m. She stated it would be hard to get the tents removed by 10:00 p.m., but could have the vendors gone by 10:00 p.m.

Vice-Chairman Crohan asked if the applicant will have more than 150 guests.

Ms. Kelly stated 150 guests is the maximum which includes the staff members.

Vice-Chairman Crohan asked about the traffic and would like to have an off-duty officer to direct traffic.

Ms. Kelly stated there are limits of drinks served by legal bartenders and there is a special clause for attendees to be able to leave cars. She stated she has already inquired of the fees for off-duty officers.

Chairman Ausbrooks explained that officers have the authority to arrest someone if necessary.

Ms. Kelly stated she would be willing to get an off-duty officer for the events.

Vice-Chairman Crohan made a motion to approve the request stating it meets the requirements of Sections 5.01, 11.05 (D) (7) and 16.02 of the Zoning Ordinance and with the additional condition that an off-duty officer be present for each event. Sue Workman seconded the motion. Motion was approved by unanimous voice vote.

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

Secretary's Signature

Date