

Minutes
Williamson County
Board of Zoning Appeals
6:00 P.M. September 26, 2019

Members Present

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

Staff Present

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

The Williamson County Board of Zoning Appeals met in regular session on September 26, 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.

ITEM 1

A request by Morton Stein (Pete Kozakiewicz, property owner) for a front and rear setback variance at Sneed Road, West. The property is zoned Suburban Infill and Conservation (SIC) for Map 014 Parcel 092.02 and is located in the 9th district.

Holly Scott read the staff report to the public. John Bledsoe displayed 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 that the Highway Department records related to the location of Sneed Road only date back to 1975. A 1968 USGS map shows the road in its current location. Sneed Road was relocated prior to this area of the County being subject to zoning. The previous owner had a surveyor and soil scientist review the site and test the soils to show where the site had suitable soil for a septic system. The current required front setback is 60 feet, rear is 60 feet and side is 20 feet, and the required distance from the septic area is 25 feet. The allowable building envelope is about 10 feet by 25 feet which is a very small area. They are requesting a 49.5 foot rear setback variance and a 6.3 front setback variance.

Morton Stein and Mr. and Mrs. Kozakiewicz represented the item. They are requesting a variance because the site is too shallow. The property is a legal lot and the hardship was caused by the state and County when they moved the road. The Kozakiewicz's want to build a new home. Mr. Stein stated this is a classic example of hardship as stated in the Zoning Ordinance.

Chairman Ausbrooks asked the owners if they had anything they wished to add to Mr. Bledsoe's introduction of the item or Mr. Morton Stein's presentation.

Ms. Kozakiewicz stated they own the property across the street. The house they presently live in is too much to maintain and they wish to retire in the proposed house.

Chairman Ausbrooks opened the hearing to the public. There being no one to speak, he then closed the public hearing. Chairman Ausbrooks then asked the Board members if they had any questions or statements to add.

Vice-Chairman Crohan stated he had been to the property the day prior to the public hearing.

Chairman Ausbrooks asked staff when the lot was created and what the zoning was according to the old Zoning Ordinance.

Mr. Bledsoe stated the lot was created sometime in the late 60's when Sneed Road was relocated. The Zoning Ordinance at the time zoned anything east of the Harpeth River Estate and anything west of the river Unrestricted Zoning with no setbacks, so no zoning applied to this area.

Chairman Ausbrooks asked the applicants when they purchased the property.

Mr. Kozakiewicz stated December of 2016.

Andrew Ring stated the road drops off and the property slopes down.

Mr. Bledsoe stated the applicants contacted the adjoining property owners to inquire about purchasing additional property in order to comply with the Zoning Ordinance but were unable to purchase more land.

Vice-Chairman asked the applicants what size footprint will the house have after being built.

The applicants stated 3,700 sq. ft. with an elevator in it. The main living quarters of the house are downstairs with guest rooms and rooms for the grandchildren upstairs. The bottom floor is approximately 2,000 sq. ft.

Vice-Chairman Crohan asked if there was approximately 1,600 sq. ft. downstairs.

The applicants stated yes.

Chairman Ausbrooks asked Mr. Stein how many feet would the house be from the property line.

Mr. Stein stated approximately ten feet setback from the rear property line.

Karen Emerson-McPeak asked who now owns the old road site.

Mr. Stein stated when a road is abandoned, it goes back to the property owner and is in the rear of the property.

Mr. Bledsoe stated the old roadbed is approximately 10 feet wide.

Mr. Stein stated the property line is in the center of the old road bed.

Mr. Bledsoe stated the applicants are asking for a front and rear setback variance.

Mr. Kozakiewicz stated they show on the site plans the house is positioned as presented in order to have a view of the valley.

Vice-Chairman Crohan asked if the applicants can build a smaller footprint for the house and how high is the embankment.

Mr. Bledsoe stated that the embankment is approximately nine feet.

Mr. Stein suggested a 39.5 foot setback variance on the rear and a 16.3 foot setback variance on the front, which would put the house 20.5 feet off the rear property line and which would put the house 43.7 feet off the roadway.

Andrew Ring made a motion to approve a front setback variance of 17.3 feet and a rear setback variance of 39.5 feet because of the shallowness and the particular shape of the site, meeting the requirements of Section 5.02. Chairman Ausbrooks seconded the motion. Motion was approved by 3 – 1 voice vote. Chairman Ausbrooks, Karen Emerson-McPeak and Andrew Ring approved and Vice-Chairman Crohan opposed the motion.

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

Secretary's Signature

Date