

**Minutes
Williamson County
Board of Zoning Appeals
6:00 P.M. September 24, 2020**

Members Present

Chairman Dave Ausbrooks
Vice-Chairman Don Crohan
Karen Emerson-McPeak, Secretary
Sue Workman
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 meeting was conducted during an electronically held session on September 24, 2020. Chairman Dave Ausbrooks called the meeting to order and conducted roll call to establish a quorum. He then advised that a motion is required declaring the electronic meeting was necessary due to the Covid 19 virus. Vice-Chairman Don Crohan made a motion that due to Covid 19 it is a necessity that the Board meet electronically. Andrew Ring seconded the motion. Motion was approved by unanimous roll call vote.

Chairman Dave Ausbrooks read 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 August 27, 2020 meeting. Vice-Chairman Crohan made the motion to approve the minutes of the August 27, 2020 meeting as presented and Secretary Karen Emerson-McPeak seconded the motion. The motion was unanimously approved by roll call vote.

ITEM 1

A request by Brian Weaver (Joshua Farro, property owner) for a 51.11 feet side setback variance at 1202 Scramblers Knob. The property is zoned Neighborhood Conservation (NC) and is located in the 10th district.

Holly Scott read the staff report. Codes Compliance Director John Bledsoe stated this site is a legal lot of record as platted in 1973. He stated that permits had been issued for the original construction of the home and the septic system as well as for recent remodeling projects and to the best of our knowledge the property is currently in compliance with the Zoning Ordinance and Building Codes.

Joshua Farro represented the item. He stated he had nothing more to add to the staff report.

Chairman Ausbrooks opened the public hearing and asked if anyone wanted to speak on the item.

Director Bledsoe stated there was no one requested electronic access to the public hearing and confirmed that no one was on line that wanted to speak regarding this item.

Edwin Portillo stated he was online to represent Mr. Farro's contractor Brian Weaver, because Mr. Weaver was not available at this time. He asked the Board to help to get the request approved.

At this point of the meeting, Chairman Ausbrooks closed the public hearing. He then turned the meeting over to the Board for questions or comments.

Chairman Ausbrooks stated to County Attorney Kristi Ransom, he was unfamiliar with the Section that gives the Director the authority to establish the side setback and asked why the setback was not 40 ft. as referenced in the staff report.

Attorney Ransom stated that 40 ft. was the required side setback in the Zoning Ordinance for that zoning district at the time the subdivision was platted, however a side setback was not denoted on the plat. The Zoning Ordinance has been changed since the plat was originally recorded. Ms. Ransom noted that the subdivision is located in the current Neighborhood Conservation zoning district and that district defers to the plat to establish all setbacks. In this case, the setbacks are not shown on the plat. As a result, the Zoning Ordinance directs the Planning Director to establish the setbacks based on the closest structure to that side on the same block face in the platted subdivision. Ms. Ransom further stated the setback would not default back to the original zoning when the plat was recorded but would be determined according to the current Zoning Ordinance. Because this particular house is the closest structure to the street on that same block face, this structure itself establishes the setback for this section of Deerfield.

Vice-Chairman Crohan asked how close the proposed garage is to the house itself.

Director Bledsoe stated that the garage is ten feet from the edge of the house and by definition in the Zoning Ordinance it is considered to be part of the house. As a result, it has to meet the setbacks for the primary structure.

Vice-Chairman Crohan asked if there was any other place that the garage could be built on the site and be in compliance.

Mr. Farro stated it would be in compliance if he pushed it further back behind the house. He also stated the incline behind the house would require a lot of excavation. In order to place it on the other side of the house he would have to move his driveway and go across two septic lines. That location would also defeat the purpose of the garage because he would have to walk 80 yards to get into the house from the garage. He would have to build quite a substantial retaining wall. The proposed site would cause the least obstructive view and he would not have to remove trees and excavate so much.

Mr. Portillo stated the other location would cause the applicant to have to dig into the hillside approximately six or seven feet and also create the need for a drainage system.

Chairman Ausbrooks asked about the stockpile topsoil area shown on the plans and asked if that was a temporary or permanent situation.

Mr. Bledsoe explained to the Board members that the previous owner had planned to put in a garage and a pool and the area was designated for the stockpile of the topsoil for that construction but the former owner never followed through with that construction.

Chairman Ausbrooks stated there does appear to be another location in order to place the garage at the end of the existing driveway.

Secretary Karen Emerson-McPeak asked the applicant how large the proposed garage would be.

Mr. Farro stated at this time he is requesting a 30 ft. by 40 ft. garage. It would be a two car garage with room for storage also.

Vice-Chairman Crohan stated that if there is another area for the garage to be placed, he does not feel the Board has the authority to approve the request.

Andrew Ring asked who owned the property north of this site and is it a part the Deerfield subdivision.

Director Bledsoe stated it is owned by the Fred and Pamela Prevost and it is an undeveloped part of Deerfield Subdivision.

Josh Farro stated that the Prevosts came out to the site and he showed them where the proposed garage would be and they gave their approval. He stated he even has a text stating they approve of the request.

Chairman Ausbrooks asked County Attorney Ransom if there was anything the Board could do to re-establish or change the side setbacks.

Attorney Ransom stated no, that the Board could only address the variance request as presented.

Secretary Karen Emerson-McPeak asked if the side setback was generally 25 ft.

Chairman Ausbrooks stated it varies across the County. He then asked Director Bledsoe how the setbacks got changed from 25 ft. to now nothing at all.

Director Bledsoe stated the original side setback for the original Zoning District applicable to Deerfield was 25 ft. The zoning from 1974 has changed and the property is now zoned Neighborhood Conservation which allows the Planning Director to establish setbacks based on the closest structure to the property along the same block face. Mr. Farro's property is the one that sets the criteria for the rest of the block.

Chairman Ausbrooks asked Attorney Ransom if the Board has the authority to grant a variance if there is a place on the property the garage could be placed and be in compliance.

Attorney Ransom stated the Board has the findings it has to make in relation to variance when it comes to exceptional circumstances, the narrowness, shallowness, or shape of the particular

property and, presumably if there is a place for the structure to be placed on the property without these exceptions the Board would have to consider if the request meets the standards required to grant the variance.

Vice-Chairman Crohan made a motion to deny the variance request stating it does not meet the requirements of Sections 5.02 because there are other locations on the property to place the garage. Secretary Karen Emerson-McPeak seconded the motion. Motion was approved by unanimous roll call vote.

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

Secretary's Signature

Date