

**Minutes  
Williamson County  
Board of Zoning Appeals  
6:00 P.M. October 22, 2020**

**Members Present**

Chairman David 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  
Mike Matteson, Planning Director

The Williamson County Board of Zoning Appeals meeting was conducted during an electronically held session on October 22, 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 David 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 September 24, 2020 meeting. Vice-Chairman Crohan made the motion to approve the minutes of the September 24, 2020 meeting as presented and Andrew Ring seconded the motion. The motion was unanimously approved by roll call vote.

**ITEM 1**

**A request by Scott Reynolds representing DP/S Battlewood, L.P. for an appeal of staff's zoning interpretation for the property located at 2176 Hillsboro Road. The property is zoned Grassland Village District Character 4 (GVC-4) and is located in the 8<sup>th</sup> voting district.**

Holly Scott read the staff report. Codes Compliance Director John Bledsoe stated he did not have anything to add to the staff report but said that the attachments to the staff report were for clarification.

Brian Echols represented the applicant. Echols stated the zoning ordinance gives a broad definition of motorized vehicles. He stated cars should be considered motor vehicles but not golf carts, due to the difference in sales, maintenance and service. He stated golf carts would be kept indoors and their maintenance is different than car sales and maintenance. He feels the vehicle/machinery sale and service category restrictions are not rationally related and this use is more of a general retail use like vacuum or appliance sales instead of a car lot.

Bill Ochsenhirt the owner of Diamond Golf Carts stated he has run into difficulty many times with other Zoning Ordinances. He stated the proposed location is very upscale. Everything is kept indoors and there would not be any vehicles kept outside. It is a low volume environment where customers come to the showroom and the store delivers the carts to the customers.

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

Mike Matteson, Planning Director stated this started with an inquiry and must meet the requirements of the Zoning Ordinance. He decision was based on the criteria of the Zoning Ordinance.

Codes Compliance Director John Bledsoe stated staff had a couple of calls on the item, but no statements were submitted for public record.

County Commissioner Jerry Rainey stated he had not received any objections regarding having a golf cart business in the area. He also stated Tractor Supply sells similar items in the same shopping center. He asked the Board to allow this business to be located at this site.

County Commissioner Barbara Sturgeon stated she did not see any negative impact on allowing this business use. She asked Mr. Bill Ochsenhirt if the golf carts would be driven on the site.

Mr. Bill Ochsenhirt stated the golf carts would only be driven around the back of the building.

There being no one else to speak, Chairman Ausbroks then closed the public hearing.

Co-Chairman Crohan asked Mike Matteson if approval for the Tractor Supply was given before or after the Village District zoning was adopted.

Mike Matteson stated it was after the area was zoned Village District Character 4. Tractor Supply was determined to be General Retail and was heard before this Board with an interpretation of its use related to outdoor storage. Ninety-five percent of their sales fall under retail use.

Co-Chairman Don Crohan asked the applicant if they plan on maintenance and refurbishing the golf carts at this location. He also asked about test drives like a car lot.

Mr. Ochsenhirt stated all the test drives would be from the side of the building and then into the back area and would be guided with someone that works for the business.

Chairman Ausbrooks asked Mike Matteson what his interpretation was between golf carts and four-wheeled all-terrain vehicles. He asked what distinguishes the golf cart from an all-terrain vehicle.

Mike Matteson stated his interpretation would be the same and a golf cart is a motorized vehicle.

Andrew Ring asked the applicant where the pictures of the golf carts were taken and if the location was similar to the one being proposed.

Mr. Ochsenhirt stated the photos were from their Birmingham location. He stated there are numerous other businesses along with his but with a higher volume than what would be at the Grassland shopping center location in terms of traffic.

Secretary Karen Emerson-McPeak asked staff if we changed the definition of golf carts would that change the definition and open the door for other things that are limited. She stated this is more of a local village area according to the staff report.

Mike Matteson stated it would open the doors to similar vehicles with the same characteristics

Andrew Ring asked if the proposed site in Battlewood would be the same as the one in the photos from their Birmingham location as for.

Mr. Ochsenhirt stated it would absolutely be like the prototype and the proposed site would be an upscale store.

Andrew Ring asked Attorney Kristi Ransom about the interpretation of Section 11.01 Use Tables with the former request of Tractor Supply wanting to move things outdoors and then being required to move things indoors. Would this qualify as a retail business instead of being considered automotive and machinery sales.

Attorney Ransom stated what the Board has to decide is whether to take the interpretation that the Planning Director Mike Matteson has decided upon and affirm it, or reverse it. If the Board reverses it, then they will be stepping into the shoes of the Planning Director and would determine the interpretation themselves. The Board is voting on the use itself and not on a site plan.

Chairman Ausbrooks asked Attorney Ransom to clarify what the Board must do in regards to affirming staff's decision or make an interpretation of their own.

Attorney Ransom responded that the Board may affirm Planning Director Mike Matteson's decision or make an interpretation of their own and state what would be the right use of this request.

Co-Chairman Crohan stated the interpretation is that a golf cart is a vehicle or isn't a vehicle.

Attorney Kristi Ransom stated this is either an automotive or machinery sales use as the Planning Director has determined it or a retail and sales general use as the applicant is suggesting.

Chairman Ausbrooks asked staff if there was a similarity between Tractor Supply and the proposed use of the applicant or a significant difference in operation.

Planning Director Mike Matteson stated he felt this is a significant difference between the two and he made his decision based on the definition in the Zoning Ordinance. Mr. Matteson noted that he felt like the golf cart sales fell under the definition of automotive rental or sales. He stated again based on the language of the Zoning Ordinance a golf cart, by definition, is a motor vehicle and the applicant will be exclusively selling motor vehicles. He stated of the thousands of items Tractor Supply sells, only a very small percentage are considered to be motor vehicles.

Chairman Ausbrooks stated the applicant said they would be changing tires and doing maintenance to the golf carts. Mr. Ausbrooks felt this was not any different than an automotive shop

except for the size of the vehicle.

Mr. Ochenshirt stated that each time they have had to deal with Planning in other cities for a new site servicing is always an issue. He stated it is all done inside and is much cleaner than most repair shops. He stated it is a quick repair and most of the repairs are done off-site by mobile technicians.

Andrew Ring pointed out to the Board that Kirby's Garage and Grassland Automotive are located within 200 yards of the proposed golf cart site and both are traditional garages.

Secretary Karen Emerson-McPeak made a motion to affirm Mike Matteson's decision that a golf cart is a motor vehicle. Co-Chairman Crohan seconded the motion. Motion was passed by a three to two roll call vote. Secretary Karen Emerson-McPeak, Co-Chairman Don Crohan and Chairman Dave Ausbrooks voted yes. Andrew Ring and Sue Workman voted no.

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

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Secretary's Signature

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Date