

**Minutes
Williamson County
Board of Zoning Appeals
6:00 P.M. January 28, 2021**

Members Present

Chairman David Ausbrooks
Vice-Chairman Don Crohan
Karen-Emerson McPeak
Sue Workman
Andrew Ring

Staff Present

John Bledsoe, Codes Compliance Director
Brenda Beard
Holly Scott, Codes Compliance Inspector
Kristi Ransom, County Attorney
Aaron Holmes, Planning Coordinator
Floyd Heflin, County Engineer

The Williamson County Board of Zoning Appeals meeting was conducted during an electronically held session on January 28, 2021. Chairman David 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 November 19, 2020 meeting. Vice-Chairman Don Crohan made the motion to approve the minutes of the November 19, 2020 meeting as presented and Sue Workman seconded the motion. The motion was unanimously approved by unanimous roll call vote.

ITEM 1

A request by Steve Clifton of Liberty-Tomahawk, LLC Consulting (John Woodason, Property Owner) for Special Use approval of a Residential Business to allow a Woodworking Shop located at 5639 Bending Chestnut Road. The property is zoned Rural Preservation-5 (RP-5) and is located in the 12th Voting District.

Aaron Holmes read the staff report. Codes Compliance Director John Bledsoe displayed a site plan showing the location of the residence and the proposed location of the shop.

Property owner John Woodason and Steve Clifton of Liberty-Tomahawk, LLC Consulting represented the request.

Steve Clifton stated he would refer to Mr. Woodason to answer questions the Board might have on his qualifications and he would answer any technical questions for the Board.

John Woodason stated he is a state certified industrial technology teacher and has been teaching in public high schools since 1987. He stated he is recently retired and would like to continue teaching

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students woodshop in the proposed shop on his property. He would like to offer woodshop, perhaps small engines and metal shop.

Steve Clifton stated this is an 18 acre piece of property and there would be no parking on site. Students will be dropped off at 9:00 a.m. and picked up at 11:00 a.m. Classes will be held indoors and there should not be any noise problem.

Chairman Ausbrooks opened the public hearing.

John Bledsoe asked if there was anyone from the public online to speak on the item.

Hearing no one from the public wishing to speak, Chairman Ausbrooks closed the public hearing.

Chairman Ausbrooks asked if any painting or staining would be done onsite.

Mr. Woodason stated if the students wanted to stain their woodworking project, they could do so with about a quart of paint or stain. There would be no aerosols used on site, so there should be no concern for any environmental impact.

Secretary Karen Emerson-McPeak asked for clarification on the number of students, asking if four students meant four students at one time, four students per day, or four total students.

Mr. Woodason stated the classroom would be combined with the shop and there would only be four students at one time, per class per day that the classes are held.

Vice-Chairman Don Crohan asked if materials would be stored inside. He also wanted to know about the storage of chemicals.

Mr. Woodason stated the materials would be stored inside the shop and would have an explosion proof cabinet for leftover stains.

Vice-Chairman Don Crohan made a motion to approve the Special Use request stating it meets the Standard of Sections 5.01 E and 11.04 (D) (10) of the Zoning Ordinance. Andrew Ring seconded the motion. Motion was approved by unanimous roll call vote.

Item 2

A request by Gerald Bucy on behalf of Graham and Alice Burcham for a flood plain variance at 1440 Mentelle Drive. The property is zoned Rural Preservation 5 (RP-5) and is located in the 9th district.

Holly Scott read the staff report. John Bledsoe added the lot was created by plat in 2007. The request for a residence and barn was approved in 2009 by Planning Commission. After the flood of 2010 new studies were done and new flood maps became effective in December 2016. The new base elevation for this location is at 608.5 which raises the flood elevation about 3.5 feet and puts the

entire property in a flood zone. Bledsoe displayed a map showing the location of the proposed structure to be located within the 100 year flood plain.

Mr. Gerald Bucy represented the request. He stated the site plan that was approved in 2010 was for a therapeutic equine business. It is nonprofit and is a 501(c)(3) business. The Burchams purchased the property so their daughter could provide a therapeutic service in an equine setting which is why they had to get a commercial site plan approved. While obtaining approval, the owners had advised that they wanted to build a second residence, but they had to remove the second residence from the site plan because they weren't ready to build it yet. Now they want to build the second residence and allow their daughter to continue the business and live in the smaller house. During the time of building the first house, the second residence would have been allowed because it would not have been located in a flood plain. Mr. Bucy stated the Harpeth River is located in the back of the property and the Burchams were hit hard during the May 2010 flood. They need a second residence so that their daughter can take over the business.

John Bledsoe stated County Engineer Floyd Heflin is on the meeting if anyone had any questions regarding the floodzone.

Floyd Heflin stated the floodplain was changed and revised due to the impact of the 2010 flood. The original model of the Harpeth River was done in 1978. The revised flood maps became effective in 2016. This area was one of the most impacted areas with base flood elevations rising by about 3.5 feet.

Chairman Ausbrooks opened the public hearing.

John Bledsoe asked if there was anyone from the public online to speak on this item.

Hearing no one from the public wishing to speak, Chairman Ausbrooks closed the public hearing.

Chairman Ausbrooks voiced concern about approving this item when the ordinance clearly states you cannot build in a floodplain, and concern about the liability to the Board. Ausbrooks also stated he felt others will come before the Board with the same request in the future if this variance is approved.

Vice-Chairman Don Crohan stated he was concerned for the safety of the residents and first responders if the second residence was allowed. He feels the Board would be in error to allow a second residence when the ordinance clearly prohibits it.

Vice-Chairman Don Crohan made a motion to deny the request stating due to safety and not meeting the requirements of Sections 5.02 and 5.02 (F) of the zoning ordinance. Karen Emerson-McPeak seconded the motion. Motion was approved by unanimous voice roll call.

Item 3

A request by Marco DeCiccio and Robert Nicewarner for a Special Use permit for a temporary Special Event - Extensive Impact (Multiple Farm-to-Table Dinners 2021) at 7515 Pewitt Road. The property is zoned Rural Preservation 5 (RP-5) and is located in the 1st

district.

Holly Scott read the staff report. John Bledsoe stated the applicants starting hosting events and applying for permits in 2016. They have applied for both limited impact and extensive impact permits and had been before the Board in 2017. In March 2019 the applicants stopped applying for permits.

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In September 2020 the Codes Compliance Department received a complaint about ongoing events at this location without obtaining permits.

Codes Compliance staff verified unapproved events through the applicant's website. On October 2020 a notice of violation was sent regarding having unapproved events. In October 2020, applicants applied for upcoming extensive impact events for 2021. Bledsoe displayed the site plan showing the event area with the 200 ft. buffer.

Marco DeCiccio represented the item. He stated they purchased the property six years ago and he felt the site is for sharing with others and entertaining. They have purchased additional adjoining acres and now own 20 acres. DeCiccio requested approval for these events.

Chairman Ausbrooks then opened the public hearing.

John Bledsoe stated there was no one on line. Tina White, property owner of 7509 and 7519 Pewitt Road had sent an email to staff stating this is a residential rural preservation area and should not be approved for the events. Bledsoe read Mrs. White's statement for the public record.

There being no one to speak, Chairman Ausbrooks closed the public hearing.

Karen Emerson-McPeak asked where the trash would be disposed. She also wanted to know how many workers would be at the site along with guests in attendance.

Holly Scott stated the trash would be allowed to be disposed of at the Fairview convenience center.

Mr. DeCiccio stated there would be a total of 35 people which included; 20 to 30 guests and the rest would be workers for the caterers.

Vice-Chairman Don Crohan asked if the food would be prepared off-site by a caterer. He also asked if there would be any alcoholic beverages consumed. Vice-Chairman Crohan stated the music volume must meet the zoning ordinance standards. He also stated the lighting must meet the 200 ft. buffer.

Mr. DeCiccio stated the food would be provided by a pop up caterer and the food would be prepared off-site, pre-packaged and served with disposables. There will also be alcohol served and they understand they must be approved prior to the events by the Alcohol Beverage Commission. Mr. DeCiccio stated that music would be kept at a minimum such as a guitarist and would be no louder than someone playing music in their garage. He stated he is aware of the noise level requirements of the zoning ordinance. He stated he was aware and is complying with the 200 ft. buffer for lighting.

Andrew Ring made a motion to approve the request stating it met the standards of Section 5.01-(E) for these events. Vice-Chairman Don Crohan seconded the motion and requested an amendment that this approval is conditioned on the proper licensing of alcohol. Mr. Ring agreed his motion to include the condition related to alcohol licensing. Motion was approved by unanimous roll call vote.

Item 4

A request by Michael Holt for a rear setback variance at 6713 Betts Court. The property is zoned Rural Development 1 (RD-1) and is located in the 5th district.

Holly Scott read the staff report. John Bledsoe presented the site plan that was submitted for approval. He stated Mr. Holt included a second site plan with a pool and a patio which Mr. Holt has stated he wants to do in the future. Bledsoe pointed out the setbacks and the septic tank for the property and stated the septic system is serviced by a private utility company.

Mr. Michael Holt represented the item. He stated that without a variance the only positioning of the garage would be in the rear yard and the 45 foot recreational vehicle (RV) could not make the turn into the garage without crossing onto the neighbor's property. The structure would match the house. The grassy area beyond his property is considered subdivision open space so it would not be encroaching onto a neighbor's property.

Chairman Ausbrooks open the public hearing.

John Bledsoe stated he sent out letters to adjoining property owners and asked if there was anyone online to speak.

Chairman Ausbrooks then closed the public hearing since there was no one to speak and asked the Board if they had any questions or concerns for the applicant.

Vice-Chairman Don Crohan wanted to know the size of the garage. The height, length and width.

John Bledsoe stated it is 20.46 ft. wide, 50.46 ft. long and did not have the height readily available.

Andrew Ring stated the plans attachment shows it as 28 feet 8 inches tall.

Vice-Chairman Don Crohan asked if there was a four car garage attached to the house.

Mr. Holt stated there is a four car garage attached to the house.

Andrew Ring stated he understood the applicants were asking for two variances and wanted to have each request clarified. He understood the first request for a rear setback variance but not clear about the side setback request.

John Bledsoe stated detached accessory structures must be in the rear yard and the front portion of the proposed garage would be considered to be in the side yard.

Chairman Ausbrooks asked the applicant when he purchased the house and when he purchased the R.V.

Mr. Holt stated he purchased the house in 2017 and the RV in 2015. At the time the property was purchased it was okay to have the RV parked outside, but now the Home Owners Association has changed the rules. In order to keep the RV on the property they now have to enclose it.

Chairman Ausbrooks asked Mr. Holt who changed the rules.

Mr. Holt stated the Home Owners Association changed the rules.

Vice-Chairman Don Crohan made a motion to deny the request stating it did not meet the standards of Sections 11.04 and 5.02 (F) and the County standards for the setbacks. Secretary Karen Emerson-McPeak seconded the motion. Motion was approved by unanimous roll call vote.

Item 5

A request by John Schaefer for a rear setback variance at 4219 Pate Road. The property is zoned Municipal Growth Area District 1 (MGA-1) and is located in the 4th district.

Holly Scott read the staff report. John Bledsoe stated the house was built in 2000 when the rear setback was 50 ft., but now the rear setback is 60 ft. Mr. Schaefer tore down the old deck and proposes to build an enclosed porch which when tied into the roof line of the house will encroach into the present rear setback. When built the enclosed porch will be 42.3 ft. from the rear property line.

Mr. Schaefer represented the item. He had prepared a presentation by power point, but was unable to show the power point because of difficulties with screensharing in the electronic meeting format. He had prepared a summary of hardship for the variance request.

John Bledsoe stated the letter of intent was submitted in the Board's packet.

Holly Scott stated it was Attachment 5-2 in the Board's agenda packet.

Mr. Schaefer stated the old deck was in very poor condition. He has since torn down the deck because it was dangerous. Schaefer felt it was not up to codes and the only thing holding it up was that it was attached to the side of the house. The house was built in 2000, but because he now has a family, they need to be able to get out of the heat and away from the bugs. They have tried canopies and tents but to no avail due to the winds. Schaefer stated several reasons why he believed the variance should be granted. The previous owner built the house further back on the lot than the adjoining neighbors. There is a very tight turn which where three crashes have occurred since 2016. The sewage lines are to the front of the property. Rosemont Subdivision, which is a private gated development was built in 2004 and is located directly behind his property. He stated they have no outdoor living space and have received support from adjoining property owners. The neighbors

planted trees which create a natural buffer space. Mr. Schaefer concluded by saying that the covered deck could not be placed anywhere else on the property.

Chairman Ausbrooks opened the meeting for public hearing. He then asked John Bledsoe if there was anyone in the public wanting to speak.

John Bledsoe stated he didn't receive anything on line and he then asked if there was anyone online that wished to speak.

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

Secretary Karen-Emerson McPeak asked staff if a detached structure could be placed

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anywhere else on the property.

John Bledsoe stated a detached structure could be placed anywhere in the rear yard as long as it met the 15 ft. setback from the property line.

Vice-Chairman Don Crohan asked Mr. Bledsoe if the structure was detached if it would meet the requirements of the zoning ordinance.

Mr. Bledsoe stated yes, a detached structure could meet the requirements of the ordinance.

Chairman Ausbrooks asked the applicant since the time he purchased the property, had there been any changes to the layout of the house or the driveway.

Mr. Schaefer stated no, there have not been any changes.

Andrew Ring asked about the change of the setbacks and how it looks like the house extends into the 60 ft. rear setback in 2013.

John Bledsoe stated the original rear setback was 50 ft. The rear of the house was constructed 54.3 ft. from the rear property line so therefore it was in compliance at the time of construction. The zoning changed to 60 ft. rear setback in 2013.

Vice-Chairman Don Crohan made a motion to deny the variance seeing there were other locations for a structure and does not meet the requirements of the variance standards. Secretary Karen Emerson-McPeak seconded the motion. Motion was approved by unanimous roll call vote.

Item 6

A request by Allen and Maura Webb for a rear setback variance at 3674 New Highway 96 West. The property is zoned Neighborhood Conservation (NC) and is located in the 9th district.

Holly Scott read the staff report. John Bledsoe stated the property is zoned Neighborhood Conservation and this property sets the standard on how close you can build to the rear property line for all other properties along New Hwy 96. No structure can be built closer than what is already existing. The existing garage is 37.6 ft. from the rear property line. The lot was platted in 1978 and

the house was built in 1986. At the time the front setback was 175 ft. The septic areas are to the front of the house. The lot has a gully crossing the property. The applicant wants to tear down the old garage and replace it with an attached garage with the proposed setback being 18 ft. from the rear property line.

Mr. Webb represented the item. He stated he has lived at the site for five years and presently there is a 20 ft. by 20 ft. smaller garage. He wants to replace the old garage with a three car garage along with a small workshop inside. He does have a drainage ditch which is 12 ft. wide by 6 ft. deep. All houses on the west side of the subdivision are set far back onto the properties. There are no houses remotely close to the back property line. He stated the north side of the property is the only location he can build the new garage. He has spoken to the neighbors and was given their support for the new garage.

Chairman Ausbrooks opened the public hearing.

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John Bledsoe stated he has not received any emails or calls on the item and asked if there was anyone online wishing to speak.

There being no one to speak, Chairman Ausbrooks closed the public hearing.

Chairman Ausbrooks asked Mr. Bledsoe to explain the site plan to the Board.

Mr. Bledsoe explained the locations of Highway 96, Charlotte Pike and Old Hillsboro Road in regards to the property location. He stated there is a long driveway with a water conveyance running to the right side of the driveway and he stated there are good photos submitted in the Board's packets showing the width and depth. Mr. Bledsoe pointed out to the Board the septic system and lines are in the front yard and the side of the house. The applicant proposed to tear down the old garage and replace it with a larger garage that will be connected with a breezeway. The rear of the proposed garage would be 18 ft. from the rear property line.

Secretary Karen Emerson-McPeak asked Mr. Bledsoe if the 37.6 ft. was the house or the garage to the property line.

Mr. Bledsoe explained the 37.6 ft. is from the rear of the existing detached garage to the property line.

Chairman Ausbrooks asked if the garage could be constructed across the drainage area and behind the septic fields.

Mr. Webb stated there is no way to build the driveway to the opposite side of the creek due to the septic lines and septic area.

Vice-Chairman Don Crohan asked for verification if the sketch he was looking at from the applicant was for a three car garage. He then asked Mr. Bledsoe if the applicant could build back where the existing garage is located.

Chairman Ausbrooks stated he was correct about the three car garage.

Mr. Bledsoe stated the proposed garage could be built back where the existing garage is, but must be at least 37.6 ft. away from the rear property line, which is the setback established for this lot

and all others lots along Highway 96. Mr. Bledsoe explained this would be an attached garage due to the breezeway connecting to the house.

Chairman Ausbrooks asked how much space would be obtained in comparison to the old existing garage if Mr. Webb obtained a variance.

Mr. Webb stated the existing garage is 20 ft. by 20 ft. and the proposed garage would be 24 ft. by 36 ft.

Chairman Ausbrooks asked Mr. Webb if he would be able to meet the side 50 ft. setback and stay in compliance.

Mr. Webb stated yes it will remain in compliance with the side setback.

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Vice-Chairman Crohan made a motion to deny the variance request because the garage could be rebuilt elsewhere and still be in compliance with codes. 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