

**Minutes  
Williamson County  
Board of Zoning Appeals  
6:00 P.M. September 23, 2021**

**Members Present**

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

**Staff Present**

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

The Williamson County Board of Zoning Appeals met in regular session on September 23, 2021 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 24, 2021 meeting. Vice-Chairman Don Crohan made the motion to approve the minutes of the June 24, 2021 meeting as presented and Sue Workman seconded the motion. The motion was unanimously approved by unanimous voice vote.

**ITEM 1**

**A request by Pat Tant of Vogue Tower Partners VII, LLC (Williamson County Government, Property Owner) for approval of a Special Use for a new Multi-Carrier Wireless Communications Facility at 5750 Pinewood Road (Map 101 Parcel 001.00). The property is zoned Rural Preservation 5 (RP-5) and is located in the 1<sup>st</sup> District.**

Holly Scott read the staff report. Codes Director John Bledsoe presented the site plan to the Board using the overhead screen. He stated this is the old landfill site on Pinewood Road. He pointed out to the Board the fall radius of the tower and the entrance. Mr. Bledsoe stated there are other towers on the site. One 300 ft. for Emergency Management, another tower that is 150 ft. and the water tower.

Michael Sandifer with French, Parrello & Associates and Pat Tant of Vogue Tower Partners, VII, LLC represented the item. Mr. Sandifer stated the tower would be 260 ft. tall and would need a lightning rod, therefore the request for a 266 ft. tower and fall zone radius.

Chairman Ausbrooks opened the public hearing. Having no one to speak, he then closed the public hearing. He then turned the meeting over to the Board for questions or concerns. Mr. Ausbrooks stated to the Board that there will be three items to consider before voting. One is if the applicant met the requirements of Section 11.03 (C) (13) (i) (iv) second, to consider is if the applicant met the requirements of Section 5.01 to determine if the project is proper for the property and third, to determine if the height of 266 ft. is necessary.

Vice-Chairman Don Crohan asked the applicant to explain why a 266 ft. tower is needed.

Mr. Sandifer stated the need for the height is to meet the coverage objective for the two proposed carriers due to the terrain challenges. He stated previous studies to use the water tower or the old Nextel tower showed neither was feasible.

Chairman Ausbrooks asked the applicant if the tower will have UHF frequencies.

Mr. Sandifer stated no, this tower will have FCC licensed frequencies.

Chairman Ausbrooks stated he could not find a propagation map that compares the signal differences between the 200 ft. level and the 266 ft. level of the tower. He wanted to know who would be getting improved coverage, Interstate 840 traffic or citizens of Williamson County, if the request is approved for a 266 ft. tower.

Mr. Sandifer stated they have one mock up at 200 ft. using the water tower. He stated due to the height, both I-840 and the citizens of Williamson County would have improved coverage.

Chairman Ausbrooks asked the Board if anyone would like to make a motion.

Vice-Chairman Crohan made the motion to approve the request for a 266 ft. tower stating it met the requirements of Sections 11.03(C)(13)(i)(iv) and 5.01 with the following conditions:

1. The applicant needs to furnish proof of bond for removal of tower and equipment if not used for a period of 365 days at no cost to the County, Section 11.03(u) of the Ordinance.
2. The applicant needs to furnish a public insurance policy per Section (11.03(q) of the Ordinance.
3. The applicant needs to furnish a security bond per Section 11.03(p) of the Ordinance.
4. The applicant must include a statement of indemnification saving of the County harmless per Section 11.03(r) of the Ordinance.
5. The applicant agrees to complete the tower installation within 365 days of the grant of a permit for the construction.

Sue Workman seconded the motion. Motion was approved by unanimous voice vote.

## **ITEM 2**

**A request by Lizette Vale for a steep slope and side yard variance at 2527 Goose Creek By-Pass (Map 118 Parcel 043.01). The property is zoned Municipal Growth Area 1 (MGA-1) and is located in the 2<sup>nd</sup> District.**

Holly Scott read the staff report. Codes Director John Bledsoe presented an aerial view of the site to the Board members showing the property outline. He also showed the 50 ft. ingress/egress easement, the septic areas, the 50 ft. setback from the ingress/egress easement, the proposed location of the house and driveway off the existing driveway, and site photos.

Lizette Vale represented the item. She was requesting the variances due to the topography of the site. Ms. Vale states that after consulting with building professionals she felt the proposed location was the only place to

build. A large portion of the flatter areas was the only area suitable for a septic system and has been approved by the Septic Department. Rolling hills that are too steep and drainage areas cause other sites to be unbuildable.

Ms. Vale stated the neighbors are in support of her request and that her home would be in line with other homes in the area.

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

Sue Workman stated that the letter from surveyor Gaylon Northcutt described the proposed location as the best location for the house.

Vice-Chairman Crohan asked staff if this location was part of a small subdivision.

Mr. Bledsoe stated the plat was recorded for the property behind this parcel and this property was the remainder. It is an exempt lot and not part of the subdivision plat.

Vice-Chairman Crohan asked if there was any other location to build that would meet the slope requirement of Section 13.03.

Ms. Vale stated she originally wanted to build at another site that was more private but it was on a 42 percent slope.

Chairman Ausbrooks asked what would happen if the building envelope was moved down the slope far enough to eliminate the setback variance.

Ms. Vale stated she talked to two builders and a surveyor and both concluded because of a ridge that is there. The proposed site is the best site.

Chairman Ausbrooks stated that he was not comfortable with building a house on a 33 percent slope.

Ms. Vale stated she was told by her engineer that if the house had a concrete foundation with good footings 33 percent was not considered a very steep slope in their eyes. She said there wasn't another place to put the septic. She volunteered to have an engineer to assure the building department that it is engineered properly and will take full responsibility of the design of the home.

Andrew Ring stated looking at the letter from the surveyor, if the house were moved northeast it would be less slope but would be in the drainage area referenced in the letter.

Vice-Chairman Crohan stated that the Board needed to look at getting as far away from the 33 percent slope as possible and that he thought the drainage areas could be moved.

Ms. Vale stated at the bottom of the hill there is a lot of drainage. She stated the architect and engineer assured her that the building designed would be completely safe. The builders and surveyor exhausted the laser trying to find another location for the house.

Vice-Chairman Crohan stated the Zoning Ordinance does not allow a roadway on such a steep slope. He then asked about the driveway.

Mr. Bledsoe stated the driveway would run with the slope and be a very narrow driveway.

Ms. Vale stated the house is very, very narrow in order to make it work with the 33 percent slope.

Andrew Ring state the house is 28.3 ft. from the easement but more than 50 ft. from the existing driveway. He asked if it was within the Board's power to grant a variance for the 25 percent slope requirement.

Attorney Kristi Ransom stated yes, because the no build on the slope is a zoning standard.

Vice-Chairman Crohan asked if it was possible to put off a decision until the surveyor could come in and talk to the Board to explain why the house couldn't be placed elsewhere.

Ms. Vale stated it was difficult to get surveyors in Williamson County to respond in a timely manner.

Chairman Ausbrooks asked legal counsel if there are any unbuildable lots in Williamson County.

Attorney Kristi Ransom stated she is only aware of a few due to septic issues. She stated it was up to the Board to determine if there was enough information to grant a variance.

Andrew Ring asked if the staff would review building permit applications to determine if the construction was appropriate for the slope.

Mr. Bledsoe stated all departments, Engineering, Septic, Stormwater and Building Codes get a chance to review building permit applications. The Codes Compliance Department would make a note on the application if the variance was granted.

Attorney Ransom stated the Board could condition a variance to require an engineered footing and a geo-tech evaluation.

Vice-Chairman Crohan asked who the engineered footings would go through.

Attorney Kristi Ransom stated the footings would have to be designed, sealed and inspected by an engineer and reviewed by the Building Codes Department.

Andrew Ring made a motion to approve a variance of 21.7 ft. to the setback as required by Section 23.03 (D)(2)(d) and approve a variance of an 8 percent slope greater than the 25 percent slope allowed in Section 13.03 (b) or (a) (ii) and in accordance with Section 5.02(f), and that the permitted construction and footing to be appropriate for the slope of the site as determined by the County Engineer. Sue Workman seconded the motion. Motion was approved by a 3-2 vote. Sue Workman, Andrew Ring and Secretary Karen Emerson-McPeak voted yes. Chairman Ausbrooks and Vice-Chairman Crohan voted no on the variance.

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