

**Minutes
Williamson County
Board of Zoning Appeals
6:00 P.M. March 24, 2022**

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
Aaron Holmes, Planning Coordinator

The Williamson County Board of Zoning Appeals met in regular session on March 24, 2022 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 January 27, 2022 meeting. Vice-Chairman Don Crohan made the motion to approve the minutes of the January 27, 2022 meeting as presented and Andrew Ring seconded the motion. The motion was approved by unanimous voice vote.

ITEM 1

A request by Travis Todd of Thomas & Hutton (Grassland Development, LLC, Property Owner) for a Special Use Permit to allow a Mixed Use/Multi-tenant Development on the property located at 1200 Old Hillsboro Road (Tax Map 027 Parcel 005.00). The property is zoned Grassland Village Character 2 (GVC2) and is located in the 9th Voting District.

Aaron Holmes read the staff report. He stated the proposed site is at the corner of Hillsboro Road and Old Hillsboro Road. He then presented the site plan to the Board using the overhead screens. Mr. Holmes proceeded by showing the all of the area within floodplain being preserved as open space with parking and buildings being located outside of the floodplain. Mr. Holmes presented a rendering of the proposed buildings and the location of the mechanical units. Mr. Holmes stated that what looks like a third floor is an area for the mechanical units with a staircase and an elevator leading to that area.

Ty Hasty of 6636 Hastings Lane in Franklin and Travis Todd of Thomas & Hutton represented the item. Mr. Hasty stated that they want to be a vital part of the Grassland Village community and intend to abide by the

Grassland Village Special Area Plan. He then stated the restrictive covenants establishes an architectural review committee to review architectural elements to ensure they meet the Grassland Village Area Plan.

Travis Todd stated the site is about eight acres of which a large portion is in the floodplain. He stated they created a smaller building envelope so that the proposed buildings will front on Old Hillsboro Road instead of the parking. Mr. Todd stated they would add landscaping for screening of the site from the residential area and that the site would have a walking path along Cartwright Creek being their contribution to the local area trail system.

The site will have access on Old Hillsboro Road as it exists today but the project has also been designed to coincide with the proposed realignment of the intersection. Mr. Todd stated they would be working with the County and TDOT during the realignment construction.

Chairman Ausbrooks opened the public hearing.

Former County Commissioner, Todd Kaestner of 3210 Del Rio Pike stated that he was involved in the Grassland Village Conceptual Plan and loves the fact that the development will not impinge upon the floodplain and feels that the proposed plan would have a low traffic use which is essential to the area and would also be a low sanitary sewer use. He stated he is in full support of the plans and hopes the Board will approve the request.

There being no one else wishing to speak, Chairman Ausbrooks then closed the public hearing and turned to the Board for any questions, comments and concerns.

Andrew Ring voiced his concern regarding the traffic. He asked staff about the realignment of Old Hillsboro Road.

Aaron Holmes stated a site plan of the realignment is in the packet and Travis Todd presented reviewed that plan with the Board. Mr. Holmes stated Old Hillsboro Road will terminate at a 90 degree realignment into Hillsboro Road along with the addition of turning lanes and a crosswalk.

Andrew Ring asked staff about sewer approval and if sewage capacity of the Grassland area is near its limit.

Mr. Holmes stated there is a sewer availability letter in the package that comes from the sewer utility company that states they can serve the proposed project.

Vice-Chairman Crohan asked staff about the highest point of the proposed buildings with the mechanical areas and if it meets staff's requirements.

Mr. Holmes stated that since the mechanical areas don not count as a floor the proposed buildings do meet the requirements for the two-story maximum height requirement.

Vice-Chairman Crohan made a motion to approve the request stating it met the requirements of Sections 5.03, Special Use, Section 11.03 (d)(13) Mixed Use/Multi-Tenant Development, Section 1.03 General Purpose and Intent and Section 10.02 Grassland Village Character 2 of the Zoning Ordinance with his motion including the items in the staff's recommendations. Andrew Ring seconded the motion. Motion was approved by unanimous voice vote.

ITEM 2

A request by William and Janet Huffman for a variance from the maximum allowable square footage for an accessory dwelling on the property located at 2500 North Berry's Chapel Road (Tax Map 028 Parcel 096.00). The property is zoned Municipal Growth Area – 1 (MGA-1) and is located in the 8th Voting District. Holly Scott read the staff report. John Bledsoe presented the site plan to the Board using the overhead screens. He stated the site is at the corner of Hollow Tree Gap Road and North Berry's Chapel Road. Mr. Bledsoe pointed out to the Board an already existing accessory dwelling above the garage that staff was unaware of until the after the Board packets had been mailed. He stated the applicant will bring the existing dwelling into compliance by removing the plumbing for the kitchen and bathroom leaving a conditioned storage area.

William Woodcock of Talon Construction and Dr. William Huffman (property owner) represented the item. Mr. Woodcock stated they had reduced the existing floor plan as much as they could without tearing the existing plans up and starting over again. He is asking the Board to approve a new cottage/accessory dwelling

that is 72 sq. ft. over the maximum allowed. Mr. Woodcock stated the owner has spent \$60,000.00 and signed away some of their rights to future development in order to connect to the Brentwood sewer system.

Mr. Huffman stated he and his wife Jan have lived in this present location for 41 years. Plans are to sell his present home to his daughter and to keep the front field for horses for his grandchildren. The original reason they built an apartment above the garage was for his mother-in-law 15 years ago, but it was never used by her. Mr. Huffman stated their agreement with Brentwood is to build a maximum of 2,500 sq. ft. structure and they do not intend to build anything else on the property.

Chairman Ausbrooks opened the public hearing.

Mary Forsythe of 1063 Holly Tree Farms Road lives across the street from the Huffman's. She stated she is in support of the applicant's request.

Jerry Rainey of 637 Beech Creek Road stated he serves as a County Commissioner for District 8, has been a neighbor for 40 plus years, and would like to see the Board approve of the request.

With no one else wishing to speak, Chairman Ausbrooks closed the public hearing.

Vice-Chairman Crohan asked the applicant about the removal of the apartment above the garage.

Mr. Woodcock stated it would only be used for heated and cooled storage space and they would terminate the living space above the garage. In order to reduce the size of the requested dwelling, they took away the intended storage space and will use the former apartment as heated and cooled storage.

Mr. Bledsoe explained to the Board that all plumbing and 220 electrical currents will be removed from the existing apartment above the garage. Anything considered a kitchen, bathroom or bedroom will have to be removed.

Vice-Chairman Crohan wanted to know if the new residence would have heating and cooling on the second floor.

Mr. Woodcock stated the new cottage will not have stairs and will not have heating and cooling upstairs. That is why they need to keep heating and cooling above the existing garage for storage.

Chairman Ausbrooks asked if the square footage could be added to the principal dwelling to keep the 72

ft. variance from being necessary.

Mr. Woodcock stated the calculations of the main existing house plus the accessory dwelling above the garage were originally used which gave it a greater threshold. Then they realized the tax records have a different total square footage. The tax records show just the main house square footage which gave them a smaller threshold to work with.

Vice-Chairman Crohan asked how many feet to the main house would be considered attached and if this could be considered an attachment or addition to the house according to the ordinance.

Mr. Bledsoe stated anything within 10 feet is considered attached.

Vice-Chairman Crohan asked what was the difference between an addition to the existing and this attachment.

Mr. Holmes stated the living space. Anything with a full kitchen and bath would be considered a second dwelling and physically attached to the house. It would depend how it is presented. If there is a separate kitchen, a bathroom, a bedroom, or a second entrance etc. it would be an accessory dwelling. Because of the kitchen, bathroom, bedroom, according to the Zoning Ordinance this has to be considered an accessory dwelling.

Chairman Ausbrooks asked if any square footage from the garage could be added to the principal dwelling to make the variance request unnecessary.

Mr. Holmes stated nothing in the garage building could be counted toward square footage for the existing structure and the only way to add the square footage to the existing residence would be to do a physical addition to the structure.

Chairman Ausbrooks stated he doesn't feel like the Board has the authority to grant a variance as requested.

Secretary Karen Emerson-McPeak stated 72 sq. ft. could be taken off the living room and be within the required footage.

Mr. Woodcock stated they could move the proposed structure away from the main house and build a 2,500 sq. ft. house but the Huffman's do not want to be that obtrusive and make such an impact on the neighborhood. Vice-Chairman Crohan stated the variance request does not meet the requirements of a hardship and therefore does not feel that the Board has the authority to grant the request.

Mr. Woodcock stated the hardship was the time and expense already spent on the project to get it to this point. He further stated they did not realize the wording in the ordinance was so strict.

Vice-Chairman Crohan made a motion to deny the variance request stating the request does not meet the purpose and intent of the requirements of the zoning ordinance which is not intended to remove inconveniences or financial burdens. Andrew Ring seconded the motion.

Mr. Huffman stated they are not asking a lot. He stated they have invested a lot of time and money on this request they feel they cannot live within a smaller dwelling.

Motion was approved by unanimous voice vote.

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

Secretary's Signature

Date