

Minutes
Williamson County
Board of Zoning Appeals
6:00 P.M. August 25, 2022

Members Present

Chairman David Ausbrooks
Vice-Chairman Don Crohan
Andrew Ring

Staff Present

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

The Williamson County Board of Zoning Appeals met in regular session on August 25, 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 July 28, 2022 meeting. Vice-Chairman Don Crohan made the motion to approve the minutes of the July 28, 2022 meeting as presented and Andrew Ring seconded the motion. The motion was approved by unanimous voice vote.

ITEM 1

Application by Chapdelaine & Associates Land Surveying for property owner Health Springs Properties II, LLC to request a variance from the 200' minimum lot width in the Rural Preservation-5 (RP-5) zoning district at Kinnard Springs Road (Map 119 Parcel 010.00). The property is located in the 9th district.

John Bledsoe read the staff report and showed an aerial view of the property and the site plan using the overhead screens. He stated the item was submitted as part of a large lot easement subdivision application. The two tracts submitted are not a part of the large lot subdivision. Bledsoe explained that the zoning ordinance establishes the minimum lot width in a cul-de-sac at a certain distance from the front property line following the curvature of the road. For this particular site the minimum lot width is 200 ft. as measured down the side property line 100 ft. The applicants are requesting a variance to allow the minimum lot width of 200 ft. to be measured at 129 ft. instead of the required 100 ft. from the edge of the cul-de-sac right-of-way.

Randy Chapdelaine, surveyor, and Scott Speranza, property owner, represented the item. Mr. Chapdelaine stated this property originally had more road frontage but when a five acre tract was cut out for a neighbor to the left the owner had to give away part of their property to account for the location of the field lines on that five acre tract. They did not realize they had given up too much of the road frontage. Chapdelaine stated this was done on a previous subdivision plat recorded after 2013 on Plat Book 64 Page 145 where the setback was established at 115 ft. in order to get the required 200' lot width. Chapdelaine further stated that the subdivision adjoining their property

was approved in 2003 with smaller cul-de-sacs and setbacks but the rules were changed in 2013. He stated they are requesting a variance to allow the minimum lot width to be measured at 129 ft. from the road instead of the required 100 feet.

Mr. Speranza stated that he is part of the Kinnard Springs Association that borders the property of which he is requesting a variance. He informed the Board that he had taken two to three years to negotiate the purchase of 130 acres plus a home that borders his property. His reason was that the property had been approved for potentially 50 multi-family homes with the possibility of additional roads being constructed which would disturb the environment into Kinnard Springs. He sold a portion of the 130 acres to three other owners and kept part of it for himself and put declarations in place to ensure that only five homes could be built on the 130 acres. Mr. Speranza stated that he wanted his neighbors to know that he is a proponent of responsible growth and that he did not want to see 10, 20, or 30 additional homes in the neighborhood. He stated that the requested parcel would consist of two lots plus the other five which would be a maximum of seven homes. Prior to having the property surveyed, he did not know that the road that continues from the end of Kinnard Springs was infringing upon the neighbor's septic field. He stated they have moved the road away from the septic field by way of a land swap and in doing so took away the existing footage needed for the two requested lots. Mr. Speranza closed by saying that he wanted to appeal to the non-mathematical equations and to note that this has been a measured and responsible plan with no plans for a major development for this site and that this has been well communicated to the neighbors. He stated that in trying to accommodate a neighbor they are now suffering by potentially being reduced from three lots to two lots.

Chairman Ausbrooks then opened the public hearing.

Warren DeGraff of 3275 Kinnard Springs Road stated to the Board that he is the neighbor that had the septic issues in question. He explained to the Board that he and Mr. Speranza traded land in order that his septic line would be whole, but at this point it is still not. Mr. DeGraff stated that if the variance is given to Mr. Speranza, then that variance should be consistent to all the residents of the cul-de-sac which would include his property as well. He has no intentions of splitting up his parcel into two different tracts for profit but he wants to be able to have that opportunity as well if the variance is granted.

Becky Davis of 3242 Kinnard Springs Road, president of the Home Owners Association for Kinnard Springs spoke on behalf of the Home Owners Association. She thanked Mr. Speranza for purchasing the 130 acres and creating what they anticipated to be a nice development but stated there is some concern with additional driveways in a cul-de-sac serving a private easement road. She stated that she feels that there should not be any more congestion and burden placed on the cul-de-sac to accommodate the proposed new homes. She ended by saying that she did not think that the variance request met the guidelines for the Board to grant the variance.

There being no one else to speak, Chairman Ausbrooks closed the public hearing. He stated he did not understand why a variance was needed for a 15 acre piece of land.

Mr. Chapdelaine explained to the Board that the zoning ordinance originally required 200 ft. of road frontage for a five acre parcel of land but it was changed to 200 ft. measured at a 100 ft. setback from the right-a-way. He stated that for a cul-de-sac one would never have enough frontage for more than two or three lots. His client is therefore requesting that the road frontage be established at a 129 ft. setback instead of the 100 ft. setback to achieve the required lot width of 200 ft.

Andrew Ring stated this is a unique situation because the applicant is asking for a larger setback instead of smaller setback. He asked if the cul-de-sac has already been constructed and, if so, could the cul-de-sac be expanded to gain more road frontage.

Mr. Chapdelaine stated yes, the cul-de-sac is existing and the County did not want to expand the width of the right-of-way.

Vice-Chairman Crohan asked why Mr. Speranza is having tracts one and two coming from the cul-de-sac instead of having tract two taking the road frontage from the 50 ft. right-of-way.

Mr. Chapdelaine stated they would both have to have enough road frontage off the cul-de-sac in order to be a legal lot. He stated they have taken all the road frontage they can from the property lines along the cul-de-sac. He stated the fifty foot strip would only accommodate five other tracts and having the driveway come off of the 50 ft. easement would limit you to only three other tracts.

Vice-Chairman Crohan asked the applicant if they could combine the two tracts into one larger tract.

Mr. Chapdelaine stated that would meet the road frontage requirement but it would be more aesthetic to have two lots off of the cul-de-sac instead of one.

Chairman Ausbrooks asked staff if the applicant could combine the two tracts into one larger tract. He asked if this was just a financial consideration.

Mr. Bledsoe stated that was up to the applicant. He stated that one lot could be accessed on the cul-de-sac, but the applicant desires to have two, thus the reason for the request for a variance.

Vice-Chairman Crohan made a motion to deny the request for a variance because it would not be needed if the two tracts were combined into one tract. Andrew Ring seconded the motion. Motion was approved by unanimous voice vote.

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

Secretary's Signature

Date