

**Minutes
Williamson County
Board of Zoning Appeals
6:00 P.M. March 23, 2023**

Members Present

Chairman Don Crohan
Vice-Chairman Andrew Ring
Secretary Karen Emerson-McPeak
Matthew Roberts

Staff Present

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

The Williamson County Board of Zoning Appeals met in regular session on March 23, 2023 in the Auditorium of the Williamson County Administrative Complex. Chairman Don Crohan 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 Crohan asked the members to consider the minutes from the January 26, 2023 meeting. Vice-Chairman Andrew Ring made the motion to approve the minutes of the January 26, 2023 meeting as presented and Secretary Karen Emerson-McPeak seconded the motion. The motion was approved by unanimous voice vote.

ITEM 1

A request by Matt and Jane Gaston for a variance to allow an accessory structure to be located in the front yard at 6523 Eudailey-Covington Road (Map 142 Parcel 014.18). The property is zoned Rural Development 5 (RD - 5) and is located in the 2nd District.

Jeff McCoy read the staff report. Mr. Bledsoe showed an aerial view of the property, the site plan, the proposed location for the garage and photos of the property using the overhead screens. He stated that entry to the property is from an easement off of Eudailey-Covington Road which is to the east of the property and the house also faces Eudailey-Covington Road which led to the Planning Department decision that the proposed garage would be located in the front yard.

Property owners Mr. and Mrs. Gaston represented the item. Mr. Gaston said they did not think there was any other place on the property that they could place the garage because of the steep slope of the rear yard and the location of their septic areas. He stated there was one possible location to the west of the garden but they would have to remove mature trees and they were concerned this might cause erosion of the slopes. He further stated their house is only 60-70% finished and they would need additional septic lines in that area to add additional living space. He finished by saying stated two of his neighbors had submitted letters approving of the proposed site.

Mrs. Gaston stated they need extra storage for mowers and etc. and they are planning to build the garage in the same style as the house.

Chairman Crohan then opened and closed the public hearing seeing no one in the audience to speak on the item.

Vice-Chairman Ring asked staff what determines the front yard according to the ordinance.

Mr. Bledsoe stated Mr. Gaston submitted other properties that were similar to his request but they were created by a recorded plat with setbacks established on the plats. The Gaston property was created by deed with no established setbacks, which leaves the interpretation up to the planning staff. The planning staff determined that since the easement comes off of Eudailey-Covington Road and the house faces Eudailey-Covington Road that the proposed location would be the front yard.

Mr. Gaston stated the neighbors have essentially identical situations with detached garages in relation to the houses but their properties were platted.

Chairman Crohan stated the Board has to go by the Planning Department determination of the yard. He asked the applicant what is on the side of the house opposite from the septic system side, and he wanted to know what the hardship was for this request regarding storage, since they already have a two car garage.

Mr. Gaston stated it is too steep and there is not enough room to build on that side. The need for the garage was for more storage space for the mower, other vehicles, kayaks, etc.

Chairman Crohan stated that according to the ordinance the front setback is 200 feet and yet they are wanting to build 15 feet from the property line. He then asked the applicants if they could put a storage building anywhere else on the property other than the location for the proposed garage.

Mr. Gaston stated no, because of the topography and the location of the field lines and future septic areas.

Vice-Chairman Ring stated that technically the proposed location is in the front yard but in the spirit of the ordinance as stated in the variance regulations it is essentially in the rear yard as you come off of the easement. Mr. Ring stated that he was having a hard time not supporting the variance request for what seemed to be a technicality.

Matthew Roberts asked the applicant what the distance was to Eudailey-Covington Road.

Mr. Gaston stated about a quarter to half of a mile.

Chairman Crohan clarified that the applicants wanted a two car garage with a wing on it and space above the garage. He stated that was pretty big.

Mrs. Gaston stated they wanted the pitch of the structure to match the house. They don't want something that looks like a barn or shed.

Chairman Crohan stated that ordinance Section 5.02 says the variance procedure is intended to provide limited relief. Crohan stated the applicants already had a two car garage and adding another two car garage with storage space seemed like overkill.

Mr. Gaston stated they wanted something that would look nice not only for themselves but also for the neighbors.

Chairman Crohan asked if they could do some fill work and take down some trees in the back in order to build the garage.

Mr. Gaston stated there is a 20 percent grade and that leads to a sinkhole. He would also have to access the structure from the neighbor's property.

Attorney Kristi Ransom stated that due to the drainage and sinkhole, they likely would not be allowed to disturb the back areas and this is something the Storm Water Department may not necessarily permit.

Secretary Emerson-McPeak asked the applicant how many feet was the building corner to the property line.

Mr. Gaston stated 15 to 16 feet.

Mr. Bledsoe stated the normal setback for an accessory structure is 15 feet. Bledsoe also stated that if it were located in the side yard it would have to meet the minimum building envelope setback of 25 ft. and he did not think there was enough room to meet that 25 ft. setback requirement.

Vice-Chairman Ring made a motion to approve the request for a variance from Article 11, Section 11.04(C)(2) of the Zoning Ordinance, in accordance with Section 5.02 Variance, as stated in Section (B) Authority, that it is the spirit of the ordinance that shall be observed for substantial justice to be done. Matthew Roberts seconded the motion. Motion was approved by a three to one voice vote. Roberts, Ring and Emerson-McPeak voting yes and Chairman Crohan voting no.

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

Secretary's Signature

Date