

**Minutes
Williamson County
Board of Zoning Appeals
January 28, 2010**

Members Present

Dave Ausbrooks, Chairman
Steve Wherley, Vice-Chairman
Don Crohan, Secretary
Sue Workman
Karen Emerson-McPeak

Staff Present

Lee Sanders
Linda Hodges
Brenda Midgett
Bobby Cook, County Attorney
Aaron Holmes

The Williamson County Board of Zoning Appeals met in regular session on January 28, 2010, in the Auditorium of the Williamson County Administrative Complex. Chairman Dave 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 direct bearing on the item or issue being heard. He requested that all comments be addressed to the Board.

Chairman Ausbrooks then asked the members to consider the minutes. Steve Wherley made the motion to approve the minutes of the November 19, 2009, meeting as printed, and Sue Workman seconded the motion. The motion was unanimously approved.

ITEM 1

A request by Thomas Wilson for a Special Use permit to allow an accessory dwelling at 4889 Bethesda-Duplex Road. The property is zoned Rural and is located in the 3rd district.

Linda Hodges read the staff report, and reviewed the background (see agenda report). Mr. Sanders presented to the Board the tax map utilizing the overhead projector and displayed the site plan. He pointed out the adjoining properties, and displayed site plans utilizing the overhead projector. He stated Mr. Wilson wanted a building to include several functions. Mr. Sanders then introduced Aaron Holmes, of the Williamson County Planning Department.

Mr. Holmes stated The Woodshop at this site went before the Planning Commission on December 10, 2009 and was approved as a Residential Business. He indicated the Planning Commission required the driveway to be at a 90 degree angle from the road.

Chairman Ausbrooks opened the meeting for public comment by asking the audience if anyone was there for this item. Since there was no one to speak, Chairman Ausbrooks closed the public comment section.

Mr. Thomas Wilson and his son Derek represented the item. He stated he is one of four brothers and he wished to take care of his mother by furnishing her a place to live nearby. Mr. Wilson stated his son Derek Wilson wants to have a wood shop within the structure.

Chairman Ausbrooks asked the staff if the Board was to consider only the accessory dwelling use.

Mr. Sanders answered in the affirmative and that the building can be permitted by staff. The wood shop use has been approved by the Planning Commission, and the Board is now being asked to approve the accessory dwelling in the building.

Sue Workman asked staff if 5,500 sq.ft. was a typo error? She was concerned about the large space.

Mr. Sanders stated that only 739 sq.ft. is proposed to be used for residential use, 750 sq.ft. is the maximum size allowed. He stated the additional space has already been approved by the Planning Commission. Mr. Sanders indicated that, if approved, a letter will be provided stating the size limit of the accessory dwelling. The letter will have to be recorded prior to issuance of a permit for the dwelling.

Karen Emerson-McPeak asked staff if the building has to be built with A.D.A. accessibility requirements.

Mr. Sanders stated the living space is ground level floor, and stated there is no requirement for A.D.A. compliance.

Mr. Wilson stated approximately 80% of his mother's time will be inside his house.

Don Crohan made a motion to approve the request, stating it meets the requirements of Sections 9410 and 4620 of the zoning ordinance. Steve Wherley seconded the motion. Motion was approved by unanimous voice vote.

ITEM 2

A request by Gerald Bucy (Charles Collom, property owner) for a variance to allow an existing accessory structure to remain in a flood zone at 4877 Bethesda-Duplex Road. The property is zoned Rural and is located in the 3rd district.

Linda Hodges read the staff report, and reviewed the background (see agenda report). Mr. Sanders presented to the Board the tax map utilizing the overhead projector and displayed the site plan. He pointed out the adjoining properties and displayed site plans utilizing the overhead projector. He stated that he researched titles to see if this was a lot of record created prior to 1981. Mr. Sanders stated these were two separate tracts that were joined together via a plat recorded in June of 2004 and therefore, was not a lot of record prior to 1981. The property is bordered by Bethesda-Duplex Road and Smithson Road, and Mr. Gerald Bucy has provided a survey of the property. Records show that the property is within a 100 year flood plain and no permits have been obtained for the center part of the garage or for the additions.

Chairman Ausbrooks asked the applicant if he had anything to say or add to the report.

Mr. Gerald Bucy, a professional engineer, represented the item for the property owner, Mr. Charles Collom. Mr. Bucy stated the owner admits that he is in violation of the zoning ordinance. Mr. Bucy stated the site is not in violation with FEMA, and the owner would much prefer to obtain a variance and develop a plan of mitigation as opposed to dismantling the building. He expressed the owner's willingness to cooperate with the County in developing a plan to resolve this violation.

Chairman Ausbrooks opened the meeting for public comment by asking the audience if anyone was there for this item. Since there was no one to speak, Chairman Ausbrooks closed the public comment section.

Chairman Ausbrooks stated for clarification to the Board members that the structure along with the additions had been built without permits and in a 100 year flood plain. He then asked Mr. Sanders to use the overhead to indicate the 100 year flood plain to the Board members and asked staff if this was considered a topography problem.

Mr. Sanders stated the property is in a flood zone.

Don Crohan asked Mr. Bucy about the owner's intentions of the building because plumbing was originally installed in the structure.

Mr. Bucy stated the structure was never intended for living quarters and the addition was supposed to be a play room for the children.

Mr. Sanders stated the plumbing has been filled full with concrete, which in brought the living quarters violation into compliance.

Chairman Ausbrooks asked staff if the structure could have been built without a variance in a flood plain, if an engineered fill plan had been submitted to place six inches of soil before the structure was built.

Mr. Sanders stated that the zoning ordinance requires the first floor to be one foot above flood plain elevation as part of a plan approved by the County Engineer, but only if it is a lot of record, created prior to April 1, 1981.

Karen Emerson-McPeak asked staff how the Board would enforce the violation.

Attorney Bobby Cook stated the Board members don't have to worry about enforcement. He stated the staff enforces the code to correct the violation.

Don Crohan made a motion to deny the request stating the structure does not have a base one foot above flood level. He stated the request does not meet the requirements of Sections 9601 and 7111 A., E. and G. of the zoning ordinance. Steve Wherley seconded the motion. Motion was approved by unanimous voice vote.

Don Crohan made a request for the County Attorney, Bobby Cook, to present once during each quarter of the remaining year a presentation for Continuing Education beginning on February 25th at 6:00 p.m. or the next Board meeting. Steve Wherley seconded the motion. Motion was approved by unanimous voice vote.

There being no further business to come before the Board, the meeting was adjourned.

Secretary's Signature

Date