

**Minutes  
Williamson County  
Board of Zoning Appeals  
April 28, 2011**

**Members Present**

David Ausbrooks, Chairman  
Steve Wherley, Co-Chairman  
Don Crohan, Secretary  
Sue Workman  
Karen Emerson-McPeak

**Staff Present**

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

The Williamson County Board of Zoning Appeals met in regular session on April 28, 2011 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 then asked the members to consider the minutes. Don Crohan made the motion to approve the minutes of the March 24, 2011 meeting, as printed, and Sue Workman seconded the motion. The motion was unanimously approved.

**Other Business**

**Election of Officers**

Steve Wherley made a motion to elect Dave Ausbrooks as Chairman by acclamation. Sue Workman seconded the motion. Motion was approved by unanimous voice vote.

Don Crohan made a motion to elect Steve Wherley as Vice-Chairman by acclamation. Sue Workman seconded the motion. Motion was approved by unanimous voice vote.

Karen Emerson-McPeak made a motion to elect Don Crohan as Secretary by acclamation. Steve Wherley seconded the motion. Motion was approved by unanimous voice vote.

The following officers were re-elected: Chairman Dave Ausbrooks, Vice-Chairman Steve Wherley and Secretary Don Crohan.

## **ITEM 1 – (Old Business)**

**A request by Louis and Candyce Glaser, for a setback variance to allow an accessory structure (deck) at 119 Gillette Drive. The property is zoned Suburban Estate and is located in the 9<sup>th</sup> district.**

Ryan Stringfellow, attorney for the property owners, represented the item. He informed the Board the Glasers had been dealing with medical issues and asked the Board to defer this request until next month stating he needed more time to review everything.

Steve Wherley made a motion to grant the deferral requested by Mr. Stringfellow. Sue Workman seconded the motion. Motion was approved by unanimous voice vote to defer the item.

## **ITEM 2**

**A request by David & Vicky Hines for setback variances to allow an accessory structure @ 8740 Horton Highway. The property is zoned Crossroad Center and is located in the 3<sup>rd</sup> district.**

Linda Hodges read the staff report, and reviewed the background (see agenda report). Mr. Sanders pointed out to the Board the adjoining properties, and displayed the site plans and survey, utilizing the overhead projector. He stated the structure is 14.1 ft. from the rear property line and it also encroaches into the side yard by 4.7 feet. Mr. Sanders stated that Aaron Homes of the Planning Department is in attendance and has also worked on this project. He presented to the Board a letter from the local Lodge across the street in favor of the request by the applicants.

Mr. & Mrs. Hines represented the item. Mr. Hines stated they sell shoes on e-bay and the local post office gains revenue from their business. He stated they decided to remodel the old barn, but his wife wanted to build a larger building and it got too close to the property line. Mrs. Hines stated she would like to have her house back and place the shoes in the proposed structure. Mr. Hines wants to make use of the large structure and if the Board approves the variance, he will move forward to the Planning Commission to obtain approval of a “Residential Business” to operate from the accessory structure.

Chairman Ausbrooks opened the meeting to the public.

Delacy Bellenfant of the College Grove community stated she was there to speak for her mother, who lives next door to the Hines. She stated the Hines brought in dirt and has caused runoff problems onto her property. Ms. Bellenfant stated the Hines’ structure is on the property line. She stated the structure is huge and was built without any permits. Ms. Bellenfant feels the applicants should have gotten permits before building such an eyesore. She asked the Board to study the request before making their decision.

James Ray of 8746 Horton Highway stated the structure is not a problem and is an improvement from the outbuildings the Hines have had before.

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

Don Crohan asked staff what size was the barn that was remodeled.

Mr. Sanders stated this was a new structure and not a remodel of the old barn. In fact, the old barn still remains.

Steve Wherley asked staff if the structure was brand new.

Mr. Sanders stated this was correct, from the foundation up and there was not a structure being replaced.

Sue Workman stated it sounds like the applicant was on top of things, but still built without a permit.

Mr. Hines stated he was wrong to do so and apologized.

Don Crohan asked staff if the 844 sq. ft. footprint of the building could be placed anywhere else on the property and meet setback requirements.

Mr. Sanders pointed to the survey and showed an area in the rear yard that could accommodate the same square footage and still meet all setback requirements.

Mr. Hines stated a new structure, if built, would be built longer, which would be even more noticeable by adjoining property owners.

Karen Emerson-McPeak asked the applicants about the sewing room. She asked staff if you could have two residential businesses at this site.

Mrs. Hines stated this is not for the business and is only for personal sewing use.

Mr. Sanders stated no two residential businesses could be permitted at one site.

Don Crohan made a motion to deny the variance due to the request being able to be placed at another location and not meeting the requirements of Division 4300 B and Section 9601 of the zoning ordinance. Steve Wherley seconded the motion. Motion was approved by unanimous voice vote.

### **ITEM 3**

**A request by Mark Springer for a 150' variance of the lot width requirement to allow permits for future structures on the vacant parcel @ Map 083, Parcel 048.00 on Sanford Road. The property is zoned Suburban Estate and is located in the 5<sup>th</sup> district.**

Linda Hodges read the staff report, and reviewed the background (see agenda report). Mr. Sanders pointed out to the Board the adjoining properties, and displayed two property assessor's maps, utilizing the overhead projector. He first showed the map for 2011 and then showed the map from 1988. Mr. Sanders compared the two and pointed out the former 20 ft. easement from 1988. He stated Mr. Springer purchased additional land in 2000 from Mr. Polk to create a 50 ft. wide fee simple strip of land to access his property. This created road frontage of 50 ft., thus losing his legal

non-conforming rights created prior to the 1988 Zoning Ordinance adoption which now requires 200 ft. frontage. This in turn caused Mr. Polk and himself to now have illegal and unbuildable parcels due to insufficient frontage. Mr. Sanders stated it would be best if both parties trade back the land and bring both sites into compliance. He stated Mr. Springer is requesting a 150 ft. variance to clear his parcel of the violation.

Mark Springer represented the item. He stated he walked the easement and was afraid of tearing down trees due to creating stormwater problems. Mr. Springer stated he built a fence for a 50 ft. easement because a 20 ft. easement would have been difficult for a road. He stated he spoke to Mr. Polk's nephew and asked if Mr. Polk would take back the land. Mr. Springer stated he tried to talk to other adjoining property owners also and nothing worked.

Chairman Ausbrooks opened the meeting to the public.

Lisa Warden read a letter from Johnny Capley, a neighbor who opposes the variance.

Frank Polk Jr., an adjoining property owner, stated Mr. Springer purchased the land from his uncle. He stated he wanted to know who the future neighbors would be and also what Mr. Springer is doing.

Lori Applegate Polk stated she was concerned about the water flow off the property by the new owners.

Sara Milligan stated she was representing the new buyers from Atlanta. She stated the buyers are a family of six and want the property in order to build a private residence and a second home for their mother. Ms. Milligan stated there would also be horses and a barn built on the property and this is not a big business development.

Vice-Chairman Steve Wherley asked for a 10 minute break. Chairman Asked whether there was any objection to taking a 10 minute break. No objection was made and a 10 minute break was called.

Chairman Ausbrooks called the meeting back to order after the 10 minute break.

Don Crohan asked Aaron Holmes to give a definition of an easement.

Aaron Holmes stated an easement gives permission to access property. He stated ownership of the property does not change, and road frontage is not affected.

Mr. Leslie Polk stated Mr. Springer worried him to death for the land. He stated he pays in less taxes and does not want the land back due to higher taxes.

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

Don Crohan stated this is a large parcel of property with many neighbors and wondered whether the applicant would want to withdraw the request to provide him the ability to discuss the differences between an easement and a fee simple access with his adjoining neighbors with the goal of obtaining an access easement from an adjoining property owner.

Mr. Springer stated this is not allowable for a subdivision, which is a fear of the neighbors.

Mr. Sanders stated a 20 ft. easement would allow for two homes and a 50 ft. easement allows up to five lots. He stated the 50 ft. fee simple strip could be turned into a public street and thus a subdivision could be created.

County Attorney Bobby Cook stated it must first be sub-divided into three or more lots and bonded to be constructed by the developer to the County's specification before it would be considered for acceptance as a public street.

Mr. Springer agreed to talk to the Polks about swapping the property back and he agreed to withdraw this item until next month.

Chairman Ausbrooks stated to the audience to direct all questions to Mr. Sanders.

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

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Secretary's Signature

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Date