

**Minutes
Williamson County
Board of Zoning Appeals
May 26, 2011**

Members Present

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

Staff Present

Lee Sanders
Linda Hodges
Brenda Midgett
Bobby Cook, County Attorney

The Williamson County Board of Zoning Appeals met in regular session on May 26, 2011 in the Auditorium of the Williamson County Administrative Complex. Vice-Chairman Steve Wherley 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.

Vice-Chairman Wherley then asked the members to consider the minutes. Sue Workman made the motion to approve the minutes of the April 28, 2011 meeting, as printed, and Don Crohan seconded the motion. The motion was unanimously approved.

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 9th district.

Linda Hodges read the staff report, and reviewed the background (see agenda report). Mr. Sanders stated to the Board this item was brought before the Board in April and was deferred.

Ryan Stringfellow, attorney for the property owners, represented the item. He presented to the Board a copy of a Formal Position Statement in Support of Setback Variance which he hand delivered during the meeting. Mr. Stringfellow summarized the package for the Board members due to the large extent of the material. He stated that he believes the Glasers have met the topographical requirements of Section 9601 of the Zoning Ordinance. Mr. Stringfellow stated Dr. LeBoeuf, an environmental expert, feels the deck is placed in the only site available due to the topography and the waiver grant by SWAB. He stated no rear neighbor will be affected by the deck.

Vice-Chairman Wherley asked Mr. Stringfellow if he represented the Glasers before the Stormwater Appeals Board.

Mr. Stringfellow stated no, but he had read the minutes.

County Attorney, Bobby Cook, stated the Stormwater Appeals Board's variance for the deck was site specific because it was already built before the Stormwater hearing. He stated that is why the Glasers were fined \$1,000.00 by the Stormwater Board. Mr. Cook then handed out to the Board members a "Memorandum" in response to Mr. Stringfellow's "Formal Position Statement in Support of Setback Variance".

Mr. Cook read the complete Memorandum and explained each paragraph.

Vice-Chairman Wherley opened the meeting to the public. There being no one to speak, he then closed the public hearing.

Don Crohan stated he feels the deck could be placed at another location on the property and still meet the zoning requirements. He asked Mr. Sanders if there were other sites on the property where the deck could be placed.

Mr. Sanders stated the deck encroaches into the Homeowners Association's open space by a few inches and the Glasers back yard has a 25% slope. However, he stated yes, he saw other possible locations that would meet the zoning setback requirements.

Don Crohan made a motion to deny the request because he feels Mr. Stringfellow has not proven to the Board that another location for the deck cannot be used and the request does not meet Sections 9601 and 4300 of the Zoning Ordinance. Karen Emerson-McPeak seconded the motion. Motion was approved by unanimous voice vote.

ITEM 2 – (Old Business)

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 5th district.

Linda Hodges read the staff report, and reviewed the background (see agenda report). Mr. Sanders stated this item was heard before the Board in April. He stated it was deferred in hopes that Mr. Springer and Mr. Polk could come to an agreement and be able to bring both properties into compliance.

Mark Springer represented the item. He stated he thought he was close to an agreement with the Polks after the April meeting. Mr. Springer stated he offered to give Mr. Polk the property back along with an additional \$5,000.00, which he felt would cover the cost of additional taxes for Mr. Polk for the next 29 years. He stated Mr. Polk wanted five acres which he valued at \$60,000.00 to \$80,000.00 to take back the land. Mr. Springer stated the Gibsons (potential buyers) have signed a contract with him to purchase the 80 acres and have written a letter to the Board.

Vice-Chairman Wherley opened the meeting to the public.

Sara Milligan , a real estate agent for the Gibsons, stated the Gibsons have signed a legal contract for the land.

Mr. Sanders handed out to the Board and County Attorney Bobby Cook, a copy of the Gibson letter.

Sara Milligan then read the Gibson letter to the Board

Vice-Chairman Wherley, seeing no one else to speak, closed the public hearing.

Mr. Sanders stated Mr. Springer has met with the Planning Department and Codes Department in order to try and find a solution. Mr. Sanders stated at this time the land can be used, but no permit can be issued.

Karen Emerson-McPeak asked Mr. Springer to explain the easement problem again to the Board.

Mr. Springer stated the easement was originally 20' wide and he asked the Polks to sell him the land in order to create a 50' wide strip. He stated he built a fence for Mr. Polk's cattle. Mr. Springer stated that during the closing the attorney never mentioned to Mr. Springer that this could create a hardship or an easement problem. He stated he has tried everything in order to negotiate.

Karen Emerson-McPeak made a motion to approve the request for a variance, stating it met the requirements of Section 6200 and Division 9601 of the zoning ordinance. Sue Workman seconded the motion. Motion was approved by a 3-1 voice vote. Sue Workman, Karen Emerson-McPeak and Steve Wherley voting for an approval. Don Crohan voted against the motion.

ITEM 3

A request by Steve Warner for a setback variance to allow a swimming pool at 1775 Old Hillsboro Road. The property is zoned Suburban Estate and is located in the 9th district.

Linda Hodges read the staff report, and reviewed the background (see agenda report). Mr. Sanders presented the site plan and pointed out the adjoining property owners using the overhead projector. He stated this is a corner lot in Settler's Point Subdivision with the driveway accessing Old Hillsboro Road. Mr. Sanders stated the applicant wants to place a kidney shaped pool beyond the 15 ft. rear setback. The pool would also encroach into the sideyard by 3 ft. He stated the septic line is in the front yard and noted he advised Mr. Warner to build a different shape and size pool.

Mr. Steve Warner represented the item. He stated he wants to build the pool for his children and also to use as a show place to possible customers, since he is a swimming pool builder. He stated there is a large slope in the back yard and he has adjoining neighbors that have pools that don't meet setbacks. Mr. Warner stated his backyard drops 5 ft. over a 12 ft. area. He stated he planned to build a 130 ft. retaining wall to keep runoff water out.

Vice-Chairman Wherley opened the meeting to the public. There being no one to speak, he closed the public hearing.

Sue Workman asked Mr. Warner what size the pool would be once built.

Mr. Warner stated the pool would be 18 ft. X 36 ft.

Mr. Sanders used the overhead projector to show the Board members the size of the lot and of the building envelope for an accessory structure. He indicated an area large enough to accommodate a regular, rectangular shaped pool of this size.

Mr. Warner stated he wants a kidney shaped pool for showmanship and to please vendors.

Mr. Sanders then stated that the lot was not zoned for commercial use, nor was it approved for any "home occupation".

Don Crohan asked Mr. Warner if the pool would be for business use.

Mr. Warner stated the pool would serve a dual purpose. He stated it would not be a warehouse or home business and he only wants to show the quality of his work. Mr. Warner stated this kidney shape is a set mold and is a best fit for the property.

Mr. Sanders displayed the Powers of Board using the overhead projector.

Don Crohan made a motion to deny the request, stating it does not meet the requirements of Section 4300 B and Division 9601 of the zoning ordinance. Karen Emerson-McPeak seconded the motion. Motion was approved by a 3-1 voice vote. Don Crohan, Steve Wherley and Karen Emerson-McPeak approved the motion. Sue Workman voted against the motion.

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

Secretary's Signature

Date