

**Minutes
Williamson County
Board of Zoning Appeals
7:00 P.M. August 25, 2011**

Members Present

Dave 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

The Williamson County Board of Zoning Appeals met in regular session on August 25, 2011 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 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. Co-Chairman Steve Wherley made the motion to approve the minutes of the July 28, 2011 meeting, as printed, and Don Crohan seconded the motion. The motion was unanimously approved.

ITEM 1

A request by Brent & Judy Ware for a Special Use permit to allow an accessory dwelling located at 340 Kinnie Road. The property is zoned Suburban Estate and is located in the 9th district.

Linda Hodges read the staff report, and reviewed the background documentation (see agenda report). Mr. Sanders pointed out to the Board the adjoining properties, and displayed a site plan using the overhead projector. He stated the applicants permitted a pool house several years ago as a second principal dwelling. They have now modified it to qualify as an accessory dwelling requiring approval from this Board as a "Special Use". This will allow their real estate agent, Ms. Blackwell, to be able to advertise the property with a garage that can be finished as a second principal dwelling.

Mr. Ware, the property owner and Ms. Blackwell, the real estate agent, represented the item. They both stated they had nothing else to add to Mr. Sanders' presentation.

Chairman Dave Ausbrooks opened the meeting to the public.

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

Sue Workman asked staff if the detached garage was finished.

Mr. Sanders stated the upstairs of the garage is unfinished at this time.

Mr. Ware stated the pool house is not really used as another dwelling and the loft of the pool house has been turned back into storage area.

Mr. Sanders stated that because the pool house has a kitchen, it is classified as a residence.

Don Crohan asked staff how much distance there is between the house and the garage.

Mr. Sanders stated 88 ft.

Mr. Ware stated the nearest fire hydrant is 1,200 ft., but stated a new fire hydrant has been approved by the state and will be installed within 60 ft. of the house.

Don Crohan made a motion to approve the Special Use permit request stating it met the requirements of Section 4620 E and 9410 of the zoning ordinance. He then stated that the fire hydrant must be installed and in working condition prior to occupancy of proposed garage residence, second principal dwelling. Mr. Crohan also required that the pool house/accessory dwelling not exceed 750 sq. ft. of living space. Vice-Chairman Steve Wherley seconded the motion. Motion was approved by unanimous voice vote.

ITEM 2

A request by Anne Kenny for a setback variance to permit a carport located at 6299 McDaniel Road. The property is zoned Suburban Estate and is located in the 3rd district.

Linda Hodges read the staff report, and reviewed the background documentation (see agenda report). Mr. Sanders pointed out the adjoining properties and site plan using the overhead projector. He stated this is a 32.5 acre parcel that was split by the construction of State Route 840. Mr. Sanders stated the structure is a 36' X 24' carport located in the front yard, 109 ft. from the front property line.

Ms. Kenny represented the item. She stated the carport would be built with clapboard to match the house, and stated she was not aware of permit requirements when she started the construction. Ms. Kenny stated she wants to have the carport located nearest to the home's two front entrances and not have to demolish any of the historic accessory structures, or locate it on a drainage slope in the rear yard.

Chairman Ausbrooks opened the meeting to the public.

Mr. Hank Delvin of 6290 McDaniel Road stated he owns the property across from Ms. Kenny and is in favor of the carport.

Ms. Cindy Delvin also of 6290 McDaniel Road stated the carport is beautiful and is built in the treed area and away from public view. She and other neighbors are in favor of the carport. Ms. Delvin stated the carport does no harm to the neighborhood and is a nice structure that blends well with the house.

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

Chairman Ausbrooks asked Mr. Sanders to show the layout of the property using the overhead projector.

Co-Chairman Steve Wherley asked Mr. Sanders where the front porch is located.

Mr. Sanders stated the front of the house faces McDaniel Road and there is an electric line right-of-way close to the back of the house. He stated State Route 840 also shrank the yard.

Co-Chairman Steve Wherley made a motion to approve the request to vary Division 4300 C, stating it met the requirements of Section 9601 of the zoning ordinance. He stated that due to the topography of the yard, utility easement, the wet weather springs, the location of the septic field line, the age of the permanent structures and the age of the trees, the request meets the requirements. Don Crohan 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