

**Minutes
Williamson County
Board of Zoning Appeals
July 28, 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 July 28, 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. Karen Emerson-McPeak made the motion to approve the minutes of the May 26, 2011 meeting, as printed, and Don Crohan seconded the motion. The motion was unanimously approved.

ITEM 1

Mort Stein, representing Mark Smith, contract buyer for Lot 51, Farmington Drive, Farmington West Subdivision for a front setback variance. The property is zoned Neighborhood Conservation and is located in the 8th district.

Linda Hodges read the staff report, and reviewed the background (see agenda report). Mr. Sanders pointed out to the Board the adjoining property owners, and displayed a site plan using the overhead projector. He stated the site is a vacant lot with an adjoining vacant lot beside it. Mr. Sanders pointed out to the Board a 20' easement at the back of the property for drainage. He stated the applicants want a 25' front variance due to the drainage bank in the back of the lot. Mr. Sanders informed the Board that a permit would not be issued until the City of Franklin places a sewer line onto the property.

Mort Stein and Mark Smith, contract buyer, represented the item. Mr. Stein stated that the house construction would have less impact if it was placed nearer to the front lot line.

Chairman Dave Ausbrooks opened the meeting to the public.

Joe DeFatta, custom home builder, is the owner of both Lots 51 and 52. He stated that due to the creek that bisects Lot 52, the houses will not be beside each other, instead will face different streets.

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

Don Crohan made a motion to approve the request stating it meets the requirements of Section 9601 of the Zoning Ordinance due to the shallowness of the lot and the erosion potential due to the topography. Vice-Chairman Steve Wherley seconded the motion. Motion was approved by unanimous voice vote.

ITEM 2

Tim Turner, Engineer, representing Brian Cochran, contract buyer, for property located on Cox Road, Tax Map 136 Parcel 047.00 for a front setback variance. The property is zoned Suburban Estate and is located in the 3rd district.

Linda Hodges read the staff report, and reviewed the background (see agenda report). Mr. Sanders stated this is a 5 ½ acre parcel which fronts on Cox Road, with the railroad tracks running along one side of the parcel and the Harpeth River along the back property line. He stated the lot was created prior to floodzone regulations, therefore the house will be allowed in the 100 year floodzone. The proposed house will be 100 ft. wide and 50 ft. deep.

Chairman Ausbrooks asked Mr. Turner about the property's topography.

Tim Turner and Brian Cochran, the proposed buyer, represented the item. Tim Turner stated the property drops 15 ft. toward the river from the front of the lot. He stated he needs approval for a variance due to the irregular shallow shape, the floodzone and topography of the lot.

Chairman Ausbrooks opened the meeting to the public.

Mr. Brian Rochelle stated that he owned the property, and has contracted to sell it to Mr. Cochran.

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

Mr. Cochran stated he is aware of the need of obtaining the proper address for the site as noted in the staff report. He stated the river got up six inches deep above the bank during last year's flood. Mr. Cochran stated the floor plan of the house will be five to six feet below the street level, and above the flood level, as required by Codes.

Don Crohan asked the applicants the dimension of the lot and why they couldn't build the home closer to the river.

Mr. Turner stated the lot is a shallow triangle. He stated building the home closer to the river would cause more flooding. Mr. Turner stated they would rather keep away from the river due to the floodway.

Mr. Cochran stated no reasonable dwelling would fit into the current setbacks of the lot. He wants to build a home with a covered porch.

Don Crohan asked County Attorney Bobby Cook if the County could be held liable for flooding.

Attorney Bobby Cook stated absolutely not.

Karen Emerson-McPeak asked the applicant where the front property line is located.

Tim Turner stated it is not at the roadedge. He stated the right-of-way is closer north of the property and the house would be 100 ft. from the edge of the road. He also stated the rear property line is in the center of the river. He stated due to the shape of the lot, it is difficult to build within the building envelope.

Don Crohan made a motion to approve the variance, stating it meets requirements of Section 9601 of the Zoning Ordinance due to the topography and the shape caused by the road design. He stated the motion would be granted conditioned upon the property being assigned a legal address. Vice-Chairman 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