

**Minutes**  
**Williamson County**  
**Board of Zoning Appeals**  
**7:00 P.M. April 26, 2012**

**Members Present**

Dave Ausbrooks, Chairman  
Steve Wherley, Vice-Chairman  
Don Crohan, Secretary  
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 April 26, 2012 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. Don Crohan made the motion to approve the minutes of the March 22, 2012 meeting, as printed, and Karen Emerson-McPeak seconded the motion. The motion was unanimously approved by voice vote.

**ITEM 1**

**A request by Robert McAlhany for approval of a setback variance at 916 Holly Tree Gap Road (Lot 12, Valhalla Subdivision). The property is zoned Suburban Estate and is located in the 8<sup>th</sup> 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 the topography of the parcel and displayed a site plan using the overhead projector. He stated the applicant wants to obtain approval of a rear setback variance to build a dwelling on the property. Mr. Sanders stated this lot is served by a private easement, Valhalla Lane, yet fronts Holly Tree Gap Road. He stated the easement passes through several lots in the Valhalla subdivision. Mr. Sanders stated the parcel is bordered by Brentwood City Limits and the applicant wants to build near the top of the ridge. He pointed out to the Board that this is an 8.82 acre parcel with very steep topography.

Mr. McAlhany represented the item. He presented to the Board a surveyor topography package of the site. He stated he feels this request is a hardship request and therefore meets the requirements of Section 9601 of the zoning ordinance.

Chairman Dave Ausbrooks opened the public hearing portion of the meeting. Seeing no one in the audience wishing to speak, he closed the public hearing.

Don Crohan asked staff if the lot is a platted lot of Valhalla subdivision.

Mr. Sanders stated no, but it does have access to Valhalla Lane.

Don Crohan asked staff about fire hydrant requirements and engineered building plans.

Mr. Sanders stated Building Codes would make the determination about engineered plan requirements. A fire hydrant located within 1,000 ft. allows houses to be close as 60 ft.

Steve Wherley made a motion to approve the requested 65' variance to allow the house to be 35' from the rear property line. He stated that due to the steep topography the request meets requirements of Section 9601 of the zoning ordinance. Karen Emerson-McPeak seconded the motion. Chairman Dave Ausbrooks, Vice-Chairman Steve Wherley and Karen Emerson-McPeak voted to approve the motion. Don Crohan voted against the motion. Motion was approved by a 3 to 1 voice vote.

## ITEM 2

**A request by Bradley & Traci Dunbar for approval of a setback variance at 710 Valhalla Lane (Lot 5, Valhalla Subdivision). The property is zoned Suburban Estate and is located in the 8<sup>th</sup> 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 property is located in Valhalla Subdivision with road frontage on Holly Tree Gap Road. Mr. Sanders stated the easement, Valhalla Lane, bisects this lot to access the subdivision. He stated that the plat of the lot was revised which changes the building envelope of this site due to a cave being found within the original envelope. He stated the applicant wants to build 35 ft. off of the easement and 25 ft. off of the side property line. Mr. Sanders stated the applicant wants to build his house away from the road and a drainage ditch.

Mr. Dunbar represented the item. He showed the Board a full site plan of the house as proposed on the lot.

Mr. Sanders stated it was difficult for staff to determine the scale of the proposed drawing, but the written request is for a 25 ft. side setback variance to allow the house to be as close as 25 ft. from the (North) side lot line.

Chairman Dave Ausbrooks opened the public hearing portion of the meeting.

Mr. Robert McAlhany, owner of Lot 12 in the same development was in attendance and stated he supported the request because the applicant needs extra space in order to build further away from Valhalla Lane.

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

Don Crohan asked the applicant if the house faces the easement.

Mr. Dunbar stated it does face the easement. He added that the cave was discovered by his surveyor.

Karen Emerson-McPeak asked staff about the house being built on adjoining property and asked what is the nearest house.

Mr. Sanders stated a vacant house is the closest to the applicant's requested location and it was posted for sale. He stated the applicant's proposed house is located several feet uphill from this closest existing house.

Steve Wherley made a motion to approve the request stating that due to the steep topography, unusual shape of the lot, the easement and the cave in the building envelope, the request meets the requirements of Section 9601 of the zoning ordinance for a side setback variance. Karen Emerson-McPeak seconded the motion. Chairman Dave Ausbrooks, Vice-Chairman Steve Wherley and Karen Emerson-McPeak voted to approve the motion. Don Crohan voted against the motion. Motion was approved by a 3 – 1 voice vote.

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