

**Minutes**  
**Williamson County**  
**Board of Zoning Appeals**  
**7:00 P.M. May 24, 2012**

**Members Present**

Dave Ausbrooks, Chairman  
Steve Wherley, Vice-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 24, 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. Vice-Chairman Steve Wherley made the motion to approve the minutes of the April 26, 2012 meeting, as printed, and Don Crohan seconded the motion. The motion was unanimously approved by voice vote.

**ITEM 1**

**A request by Sara Barton, Architect (Frank & Jennifer Kyle, property owners) for approval of a setback variance at 5479 Pinewood Road. The property is zoned Estate and is located in the 2<sup>nd</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 front setback variance (from the easement) to build a residence on the property. Mr. Sanders stated this lot is served by a private easement, going through the property and on to serve one other parcel. He stated the applicant would like to obtain a variance due to the steep topography and location of the septic field area.

Ms. Sara Barton, her business associate, Mr. Paul Wright, and property owner Mr. Frank Kyle represented the item. She stated to the Board she feels this request is a hardship request due to the lack of space between the easement and the septic area and the steep drop off. Ms. Barton stated this request therefore meets the requirements for a variance as stated in Section 9601 of the zoning ordinance.

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

Mike Lattanzi, an adjoining property owner at 5469 Pinewood Road, stated he wanted to show his support for approval of the applicant's request. He said he shares the easement with the Kyles and looks forward to having them as neighbors.

Morris Chapman, the owner of the last parcel on the easement, asked the Board if the setback request would be for the new owners to move the house closer to the easement. Once it was confirmed that this action would not move the easement, only allow the house to be closer to it, he stated he hoped the Board would approve the request.

Mr. Sanders presented to the Board a letter from an adjoining property owner, Wayne Curry of 5473 Pinewood Road. He reported that Mr. Curry's letter states he feels Mr. Kyle has been a perfect neighbor and that Mr. Kyle would build and maintain the highest quality of a home.

Seeing no one else in the audience wishing to speak, Chairman Ausbrooks closed the public hearing.

Don Crohan asked staff if the house could be built anywhere else on the property.

Mr. Sanders stated this is a challenging topography site and the slopes get worse as it gets closer to the barn. He stated any other place would be even more challenging, so therefore the requested site would be the best for a future house.

Don Crohan asked the applicant about moving the house back closer to the septic soil area.

Ms. Barton stated she and the owners have pushed it back as far as they can.

Mr. Sanders stated the applicants have tried very hard to meet the requirements of the zoning ordinance including the proposal to Mr. Chapman to change the easement location. He stated the easement follows a ridge top and relocating the present easement would put the easement on the hillside, and would not be acceptable to the adjacent property owner, Mr. Chapman.

Don Crohan asked staff about the 200' separation of houses to exempt them from fire hydrant requirements.

Mr. Sanders stated the applicants own both sides of the easement that goes through the property and therefore the proposed house will not be close enough to require one.

Vice-Chairman Steve Wherley stated the request is quite unusual and that the home will not be visible except for the applicants and the Chapman's parcel on the easement.

Don Crohan made a motion to approve the request for a 63' front setback variance due to the steep topography and septic location. He stated the request meets the requirements of Sections 9601 to qualify for variance of the zoning ordinance. 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.

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Secretary's Signature

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Date