

**Minutes
Williamson County
Board of Zoning Appeals
6:00 P.M. July 28, 2022**

Members Present

Chairman David Ausbrooks
Vice-Chairman Don Crohan
Secretary Karen Emerson-McPeak

Staff Present

John Bledsoe, Codes Compliance Director
Brenda Beard
Kristi Ransom, County Attorney

The Williamson County Board of Zoning Appeals met in regular session on July 28, 2022 in the Auditorium of the Williamson County Administrative Complex. Chairman David 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 asked the members to consider the minutes from the June 23, 2022 meeting. Vice-Chairman Don Crohan made the motion to approve the minutes of the June 23, 2022 meeting as presented and Secretary Karen Emerson-McPeak seconded the motion. The motion was approved by unanimous voice vote.

ITEM 1

A request by Leila Sanders for a variance from the five (5) acre minimum lot area and a floodplain variance in the Rural Development-5 (RD-5) Zoning District at 6640 Arno Road (Map 142 Parcel 025.00). The property is zoned Rural Development-5 (RD-5) and is located in the 2nd District.

John Bledsoe read the staff report and showed an aerial view of the property and the site plan using the overhead screens. He stated the site is 1.4 acres in total and pointed out the area of the 100 year floodplain. Bledsoe further stated there is no floodway on the property, just the 100 year floodplain. He then pointed out the existing septic system shown on the plot plan submitted by Mr. Chapdelaine and exhibited a photo of the house that currently exists on the property.

Randy Chapdelaine, surveyor, and Leila Sanders, owner of the property represented the item. Mr. Chapdelaine stated the lot was created in 1947 as a one acre tract and in 1992 a surveyor named C.K. McLemore created a .49 acre separate parcel and deeded that to the property owners. Mr. Chapdelaine was not sure if Mr. McLemore was aware that he was required to submit a subdivision plat to the Planning Commission. The previous owners combined both tracts creating one tract of 1.44 acres. Chapdelaine stated the present house was built in 1970. He stated Ms. Sanders was unaware that when she purchased the property that it was an illegal lot. He stated they are asking for a variance from the five acre minimum lot size since it has been existing in the present condition for a long time and since it has been existing in a floodplain they are asking for it to be grandfathered.

Mr. Chapdelaine stated that if Ms. Sanders was allowed to build a new house, she would have to build to current construction standards with the first finished floor four feet above the floodplain. Ms. Sanders would also have to put in flood vents to mitigate any water damage.

Chairman Ausbrooks then opened the public hearing.

Richard Graham of 6411 Arno-College Grove Road asked if there was a back-up septic plan.

Mr. Bledsoe stated the applicant was in the process of getting approval, but was stopped due to the variance request. He stated yes, there will be a septic system that will comply with today's ordinances.

Mr. Graham asked if the proposed structure will be placed in the footprint of the present house.

Mr. Bledsoe stated staff does not currently have any floor plans.

Mr. Graham asked if approval would be given beyond the footprint of the existing house.

Mr. Bledsoe stated the Board is not acting on approval of the structure, only on approval of the minimum lot size.

Mr. Graham stated that he wanted to put on record that the adjoining five acre parcel to the north dug a well and was not allowed to build on it due to the floodplain. Graham also asked if you can fill in a floodplain in order to raise the structure up and be able to build on it.

Mr. Bledsoe stated that anything done within the floodplain has to be engineered by consultants hired by Ms. Sanders and they would have to submit plan to the County's Engineers for review. The standards are set by FEMA and everything is well regulated and has to meet today's standards.

Mr. Graham asked if Ms. Sanders was granted a variance, would this set a precedence.

Mr. Bledsoe stated each lot is considered individually.

Mr. Graham asked staff if he gave a grandchild a 2 ½ acre lot, could they get a variance to build in a floodplain.

Attorney Kristi Ransom stated she and staff cannot answer his question. She stated his family members can submit a zoning inquiry to the planning department..

There being no one else to speak, Chairman Ausbrooks closed the public hearing. He stated there are two variances to vote on. One for the floodplain and one for the acreage.

Secretary Emerson-McPeak asked staff how much road frontage the property has.

Mr. Chapdelaine stated it has 319.9 feet of road frontage

Vice-Chairman Crohan asked staff if the applicant could possibly do cosmetic work and update the sewer system on the existing house without the need for a variance.

Mr. Bledsoe stated yes, that is correct.

Vice-Chairman Crohan asked the applicant where the hardship is.

Mr. Chapdelaine stated they are asking for a variance because this is a pre-existing house built in 1970 and Ms. Sanders was unaware that she had purchased an illegal lot. She also didn't know that the surveyor, without knowledge in 1992, created the illegal lot. The hardship is when Ms. Sanders purchased the property, she assumed the property was a legal lot of record. Ms. Sanders intension was to purchase the property and build a new house to replace the existing house. If the surveyor had not combined the two lots, Ms. Sanders would then have a legal lot of record of 1 acre and an illegal lot of .49 acres.

Secretary Emerson-McPeak asked the applicant if she had a real estate agent or did she purchase the property without one, because someone should have known and told her that five acres was the minimum lot size.

Ms. Sanders stated no one mentioned to her about the property being an illegal lot of record or that the property had been combined from two separate parcels. She was only told she would need a survey in order to close on the purchase of the property. She stated they did the survey and nobody disclosed it.

Vice-Chairman Crohan stated that when somebody intends to purchase a piece of property, public records are available for them to find out what is required in order to build on the property. He does not feel that the Board should be asked to give out variances to people that have not found out what is needed and then come to the Board to ask for forgiveness afterwards. He therefore made a motion to deny the lot size variance request because the present structure can be used and the sewer system can be updated. Secretary Emerson-McPeak seconded the motion. Motion was approved by unanimous voice vote.

Vice-Chairman Crohan made a motion to deny the request of building in a floodplain because of the requirements of the ordinance in which the request is not considered a hardship situation because the applicant already has a useable house on the property. Secretary Emerson-McPeak seconded the motion. Motion was approved by unanimous voice vote.

With no other business to come before the Board, the meeting was adjourned.

Secretary's Signature

Date