

MINUTES OF THE
STORM WATER APPEALS BOARD (SWAB)
MEETING OF NOVEMBER 17, 2010

1. **OPENING** – The Storm Water Appeals Board (SWAB) met in session on Wednesday, November 17, 2010 at 8:30 a.m. in the Auditorium of the Williamson County Administrative Complex. Chairman Rick Schuff called the meeting to order. A quorum was present. Attendees were:

- 1.1 **Board Members**

- John Minton, Homebuilders Representative
 - Brad Hoot, Community Representative, Secretary
 - Dan Crunk, Development Representative
 - John Kinnie, Agricultural Representative
 - Rick Schuff, Engineering Representative, Chairman
 - Dorie Bolze, Environmental Representative, Vice-Chairman
 - Cheryl Wilson, County Commissioner

- 1.2 **Staff**

- Floyd Heflin, County Engineer
 - Michael Scott, Storm Water Quality Coordinator
 - Debbie Smith, Administrative Assistant
 - Kristi Earwood, County Attorney

- 1.3 **Representative for Appeals**

- Louis and Candyce Glaser, owners
 - Scott Smith, Project Landscaper

2. **APPROVAL OF FEBRUARY MINUTES** – Mr. Schuff opened the floor for comments on the September minutes. Brad Hoot made note that in the last sentence of Section 2, the word “to” should be removed.

John Kinnie moved to approve the Minutes as corrected, seconded by Brad Hoot. The motion was unanimously approved. (Cheryl Wilson and Dorie Bolze were not present for the vote.)

3. **11-17-10-01 - Appeal for 119 Gillette Drive, Glaser Residence.**

- 3.1 **Introduction by Staff** – Mr. Scott reviewed the Staff report for the record.

- 3.2 **Appellant Case** – Louis and Candyce Williams Glaser represented the item. Mrs. Glaser distributed several letters from the neighbors in favor of granting this waiver. Mrs. Glaser indicated that they started construction on the deck without obtaining permits with the knowledge that eventually they would have to pull permits for the structure. She indicated that when the house was built in 2001,

they were told by Codes there would not be any problems building this deck in the current location. They had hired architects, engineers and a landscaper to ensure this deck was built to Codes. They noted that the deck was built on top of the rock and anchored into the rock, the decking material is a higher quality material that does not require staining, and the railing would be a wire rail that would not be visible.

Brad Hoot asked how high the water got during the last flood. Mr. Glaser said the water did not come near the level of this deck, and the deck would not be affected by any flood waters because of the measures taken to anchor it to the bluff.

Dorie Bolze asked if the pergola was still being proposed. Mrs. Glaser indicated that the deck is finished except for the railing, and the pergola has been eliminated, due to the contractor's inquiry to Codes about the setbacks from the property line.

John Kinnie indicated the owners knew they needed to pull permits and that it needed to be 15 feet off the property line. Mrs. Glaser indicated that they had approval from the River Landing HOA to encroach into the common area with this deck. John Kinnie asked if letters had been sent to the HOA regarding the encroachment. Mr. Heflin stated not to his knowledge. Mr. Heflin also added that if the waiver was granted the homeowners would still be required to obtain building permits for this structure and, due to the encroachment on the property lines, a variance from the Board of Zoning Appeals would likely have to be requested.

Brad Hoot asked if they thought this deck would have any affect on the water quality. Scott Smith, Project Landscaper, indicated that because of the way this deck was built and anchored into the rock, to his knowledge there was no disturbance to the area and the decking would actually slow down the flow of water because of the design.

3.3 Public Hearing – David Harvey, 118 Gillette Drive, stated that he felt the Glaser's will be enhancing the water quality with this deck since the deck would filter and slow down the water flow.

Mike Bishop, President of the River Landing HOA, 126 Gillette Drive, stated that the HOA Board has developed regulations regarding things that would be allowed within the Common Area. During the review for this deck, the Board felt the impact to the neighborhood and the common area was minimal. Therefore the Board did not have any problems with the location of this deck.

Darlene Smith, 801 High Grove Circle, stated she and her family have been able to enjoy the common area thanks to the Glasers and would like to see them be able to keep this deck for the use of the homeowners.

3.4 Board Discussion – John Minton asked if a Land Disturbance Permit would be required on a deck. Mr. Heflin stated Land Disturbance Permits are only issued for new residential structures, not accessory uses or structures.

Brad Hoot asked when the deck was found to be in violation? Mr. Heflin indicated the Building Codes Dept was notified of the deck and went out to inspect. At this time, a Notice of Violation was sent to the Glaser's to cease and desist all construction and a fine of \$1,000.00 was imposed.

Dorie Bolze stated that the biggest problem with this request is that it is all after the fact. She feels that there is no visible impact, there is not a water quality issue, there are topographic issues with the property, the structure was built outside the flood plain and built in a manner that it will not be torn down. She added that the owners had addressed all the concerns the Board would have asked, had this come to them before it was built. But since it's now a request after the fact, she struggles with finding a reason to approve.

Dan Crunk stated his feelings are that the Regulations are in effect to not only protect the rivers and waterways now, but also in the future. When someone else buys this property and it becomes their responsibility to maintain the deck, they may not be as responsible as the Glasers.

Dan Crunk asked why this request was not presented to the Board of Zoning Appeals first. Mr. Heflin indicated the applicants have not applied for a building permit as of yet, which is required prior to making application to the BZA.

3.5 Board Action – Brad Hoot moved to approve this waiver to allow the deck to remain as built and reduce the imposed penalty to \$500.00, seconded by Dorie Bolze.

Cheryl Wilson moved to amend the motion to include a condition that the structure must be reviewed, approved and permitted by all necessary governmental departments, seconded by Dorie Bolze. Amendment passed 5-2, with John Kinnie and John Minton opposing.

Cheryl Wilson move to amend the motion for the fine to remain as imposed at \$1,000.00, seconded by Dorie Bolze. The motion to amend the original motion as noted was unanimously approved.

Dorie Bolze moved to amend the motion, that granting of the waiver is also based on the unique characteristic of this property due to the topography and since the structure is located outside the 100 year flood plain, John Kinnie seconded. The motion to amend was unanimously approved.

Motion now reads "allow the deck to remain as built based on the unique characteristic of the property due to topography and location of the deck being located outside the 100 year flood plain and that approvals must be obtained by all necessary governmental departments and permits issued. The motion as amended passed 6-1, with Dan Crunk opposing.

4. **11-17-10-02 MS4 Report**

4.1 Introduction by Staff - Mr. Scott reviewed the report and asked if there were any questions from the Board.

4.2 Public Hearing – No Public Comment.

4.3 Board Action – Dorie Bolze move to endorse the MS4 report, seconded by John Minton. The board unanimously approved the endorsement.

5. **Other Business** –

5.1 Future Discussion - Dorie Bolze asked that at the next meeting the Board take time to discuss the permits required for any clearing within open space.

5.2 2010 Appeals Update – Mr. Scott reviewed the appeals that went before the Board in 2010. He noted that most of the appeals were in compliance, with the exception of the Country Boy Restaurant. He noted they had not installed the additional vegetation at the end of the drain pipe, but added that during the winter months this may occur naturally, and he would revisit the site again.

ADJOURNMENT - There being no further business, Brad Hoot moved for adjournment, seconded by Dorie Bolze. The motion was unanimously approved.

Chairman