

Wilson County Board of Zoning Appeals Minutes
April 15, 2021

The Wilson County Board of Zoning Appeals met April 15, 2021 at 9:00 a.m. in the County Commission Room of the Wilson County Courthouse, Lebanon, Tennessee, pursuant to public notice. Those members present were Abercrombie, Blaydes, Kawczynski, Neal, and Thompson. Also, present was County Planning staff, Codes and Zoning staff, Storm Water staff, County Attorney Mike Jennings, and Court Reporter Teresa Hatcher hired by the county.

Thompson called the meeting to order. Thompson informed individuals with questions or who desire to make comments before the Board concerning the cases to approach the podium when asked by the Chairman and to sign in on the sign-up sheet giving name, address, and case of interest. Thompson informed individuals that anyone desiring to withdraw, or request deferral could do so at this time. Thompson informed everyone that a stenographer was present, and individuals could get with her at the end of the meeting if they desired a transcript of the meeting. Thompson then asked all individuals who desired to make statements before the Board to raise their hands. He thereupon administered the oath to each of the prospective witnesses. Thompson stated that staff makes recommendations which are considered by the Board.

Motion made by Kawczynski, second by Neal and all voting aye, the minutes of the March 18, 2021 meeting were approved.

Discussion was had concerning Case 3879 from the March 18, 2021 meeting and would be talked about more at the end of the meeting.

The following cases were presented:

CASE 3877 (deferred from the March 18, 2021 meeting)

REQUEST: Warren Stieffenhofer is seeking a variance from the size limit requirement for an accessory structure without a principal structure being located on the property. The size limit requirement is three hundred (300) square feet due to the size of the property. Applicant would like to build a fifteen hundred (1,500) square feet accessory structure. Applicant is also needing a variance of approximately thirty thousand (30,000) square feet from the lot size requirement of forty thousand (40,000) square feet and a variance of twenty-five (25) square feet from the lot width requirement of one hundred and twenty-five (125) feet. The property located at 755 Ramsey Road, Lot 12, Northside is Group "A", Parcel 6 on Wilson County Tax Map 16 "E". The property consists of approximately ten thousand (10,000) square feet and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: SECTION 3.90 ACCESSORY STRUCTURES IN RESIDENTIAL AND/OR AGRICULTURAL ZONE DISTRICTS [resolution 07-7-5] – The accessory structure being proposed does not exceed the following: A-1 - 3% of total lot area or 2,000 square feet, whichever is less. **ARTICLE 5 ZONING DISTRICTS – SECTION 5.20 AGRICULTURAL (A-1) - 5.20.05 AREA REGULATIONS - E. LOT WIDTH 5.** Where dwellings are not served by a public sewer system there shall be a

minimum lot width of one hundred twenty-five (125) feet at the front building line. [revised 07-7-4] - F. MINIMUM LOT AREA 3. For each dwelling and buildings accessory thereto, not served by a public sewer system but served by a public water system, there shall be a minimum lot area of forty thousand (40,000) square feet.

ACTION: Staff read recommendations. Applicant appeared and had submitted a boundary survey. Jerry Vaught, adjoining property owner appeared. A letter was read in favor of the request. After discussion, motion made by Neal, second by Kawczynski and all voting aye, the request was approved based on testimony given.

CASE 3883

REQUEST: **His Will Baptist Church** is seeking to establish a church use on A-1 Agricultural zoned property. The property located on Lebanon Road, Lot 2, William H. Cantrell Property is Parcel 17 on Wilson County Tax Map 55. The property consists of 4.35 acres.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.03 USES PERMISSIBLE ON APPEAL (revised 12/15/2003 resolution 03-12-2) - 5.20.03.1 USES PERMISSIBLE ON APPEAL – G. Church

ACTION: Staff read recommendations. Kevin Butler, pastor of His Will Baptist Church appeared. After discussion, motion made by Thompson, second by Neal and all voting aye, the request was approved based on staff recommendations and an approved site plan.

CASE 3884

REQUEST: **Robert Pearson** is seeking a variance of thirty (30) feet from the rear yard setback requirement of forty (40) feet and a variance of approximately twenty-five thousand (25,000) square feet from the lot size requirement of forty thousand (40,000) square feet. The variance will allow the house to be ten (10) feet from the rear property line. The previous home was destroyed by a fire and the applicant is wanting to place the home back at the same location. The property located at 171 Lago Vista Drive, Lots 26,27,28, (which have been combined by plat) Coles Ferry Camp is Group “A”, Parcel 20 on Wilson County Tax Map 14 “N”. The property consists of approximately fifteen thousand (15,000) square feet and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.05 AREA REGULATIONS - C. REAR YARD 1. For principal structures there shall be a rear yard of not less than forty (40) feet. F. MINIMUM LOT AREA - 3. For each dwelling and buildings accessory thereto, not served by a public sewer system but served by a public water system, there shall be a minimum lot area of forty thousand (40,000) square feet.

ACTION: Staff read recommendations. Applicant appeared. After discussion, motion made by Abercrombie, second by Kawczynski and all voting aye, the request was approved based on staff recommendations.

CASE 3885

REQUEST: **Brittany Manis** is seeking a four (4) month extension on a building permit for a house. The permit was applied for on June 6, 2019 and the last inspection was the

foundation inspection on February 9, 2021. The building permit is still active until June 6, 2021. The property located at 1625 Walnut Hill Road, Lot 6, Rodger Mitchell Property is Parcel 86.05 on Wilson County Tax Map 112. The property consists of 6.48 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 6 ADMINISTRATION, ENFORCEMENT AND INTERPRETATION - SECTION 6.20 BUILDING PERMITS, SITE PLAN REQUIREMENTS AND CERTIFICATES OF COMPLIANCE -6.20.02 Issuance of a Building Permit - A building permit shall become void twelve (12) months from the date of issuance by the Building Inspector or the date an appeal is granted by the Board of Zoning Appeals, unless substantial progress has been made within those twelve (12) months on the project described therein. Substantial progress shall be determined by the request for and approval of subsequent required inspections from and by the Building Inspector respectively. In no case shall an active building permit for a residential dwelling last longer than 24 months without having received a certificate of compliance or other final approval as outlined within the Wilson County Zoning Resolution. If a permit recipient for a residential dwelling perceives that his construction project may last longer than 24 months, then special relief or variance from this provision will be required and the permit recipient will need to seek such relief from the Wilson County Board of Zoning Appeals. (resolution 18-11-13)

ACTION: Staff read recommendations. Applicant appeared requesting a six (6) month extension instead of four (4) months. After discussion, motion made by Neal, second by Abercrombie and all voting aye, the building permit was extended for six (6) months from the expiration date.

CASE 3886

REQUEST: **Norvell Properties** are seeking to establish an Airbnb. The property located at 8450 Central Pike, Lot 2, Dorris Reece Robertson Property is a portion of Parcel 42 on Wilson County Tax Map 96. The property consists of 4.51 acres and is zoned R-1 Residential.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS – SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.03 USES PERMISSIBLE ON APPEAL - K. Bed and Breakfast Facility 1. Bed and Breakfast Facilities must possess onsite caretaker either living on premises or on a premise within 10 Miles of the Bed and Breakfast Facility to oversee operations. 2. Bed and Breakfast Facilities shall also provide contact information for the local caretaker, as outlined in item 1 above, as well as contact information for the actual owner of the property if different from the local caretaker. This information shall be provided to the County Sherriff’s office, the County Building inspector, and the Wilson Emergency Management Agency. Such required contact information shall include Name, a Valid Mailing Address, Phone number and Email address for the Caretaker and the owner of the property respectively. This information will be required upon approval of any Bed and Breakfast use, as defined in the Wilson County Zoning Resolution, by the Board of Zoning Appeals and prior to commencing operations. 3. Bed and Breakfast facilities as outlined by the Wilson County Zoning Resolution shall be required to meet the rules of the Tennessee Department of Health division of Food and Sanitation Chapter 1200-23-2 titled bed and breakfast establishments, where deemed applicable by officials of the Tennessee Department of Health. 4. Bed and Breakfast

facilities as outlined by the Wilson County Zoning Resolution shall be required to have viable sewer septic as determined by the Tennessee Department of Environment and Conservation. 5. All properties in which this use is approved must have a minimum of two (2) acres. 6. This use will be approved in increments with option to request renewal or extension at the end of that time period.

ACTION: Staff read recommendations. Richard and Stacie Norvell appeared. After discussion, motion made by Kawczynski, second by Abercrombie and all voting aye, the request was approved for a period of one (1) year with the business plan being part of the approval and no outside activities from 10 p.m. until 7 a.m.

CASE 3887

REQUEST: **Norvell Properties** are seeking to establish an Airbnb and also needing a variance from the two (2) acre requirement for an Airbnb in an R-1 Residential zone. The property located at 433 Beacon Hill Drive, Lots 54 and 55, Glen Hill is Group “B”, Parcel 27 on Wilson County Tax Map 31 “B”. The property consists of approximately twenty-five thousand, two hundred and fifty (25,250) square feet.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS – SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.03 USES PERMISSIBLE ON APPEAL - K. Bed and Breakfast Facility 1. Bed and Breakfast Facilities must possess onsite caretaker either living on premises or on a premise within 10 Miles of the Bed and Breakfast Facility to oversee operations. 2. Bed and Breakfast Facilities shall also provide contact information for the local caretaker, as outlined in item 1 above, as well as contact information for the actual owner of the property if different from the local caretaker. This information shall be provided to the County Sherriff’s office, the County Building inspector, and the Wilson Emergency Management Agency. Such required contact information shall include Name, a Valid Mailing Address, Phone number and Email address for the Caretaker and the owner of the property respectively. This information will be required upon approval of any Bed and Breakfast use, as defined in the Wilson County Zoning Resolution, by the Board of Zoning Appeals and prior to commencing operations. 3. Bed and Breakfast facilities as outlined by the Wilson County Zoning Resolution shall be required to meet the rules of the Tennessee Department of Health division of Food and Sanitation Chapter 1200-23-2 titled bed and breakfast establishments, where deemed applicable by officials of the Tennessee Department of Health. 4. Bed and Breakfast facilities as outlined by the Wilson County Zoning Resolution shall be required to have viable sewer septic as determined by the Tennessee Department of Environment and Conservation. 5. All properties in which this use is approved must have a minimum of two (2) acres. 6. This use will be approved in increments with option to request renewal or extension at the end of that time period.

ACTION: Staff read recommendations and letters of opposition. Richard and Stacie Norvell appeared and withdrew their request. Commissioner Lauren Breeze spoke concerning dock policy for the Corp of Engineers in regard to short term rentals.

CASE 3888

REQUEST: **Saheed Hassan** is seeking to establish a church use on R-1 Residential zoned property. Applicant is also seeking to establish a legal lot of record without a recorded plat. The property located at 10490 Central Pike is Parcel 17.04 on Wilson

County Tax Map 99. The property consists of 4.30 acres.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.20 GENERAL EXCEPTIONS - 3.20.01 SUBSTANDARD LOT OF RECORD. Where the owner of a lot of record is defined in Article 2, Definitions does not own sufficient land to enable him to conform to the yard and other requirements of this Resolution, such lot may be used as a building site by the same or a subsequent owner provided that the yard space and other requirements shall conform to the requirements for the zone in which it is located. The lot must have been of official record as of July 10, 1974.

ARTICLE 5 ZONING DISTRICTS – SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.03 USES PERMISSIBLE ON APPEAL – A. Church

ACTION: Staff read recommendations and letters of opposition. Applicant appeared. Commissioner Tommy Jones appeared. After discussion, motion made by Neal, second by Kawczynski and all voting aye, the request was approved with an approved site plan and based on staff recommendations.

CASE 3889

REQUEST: Kimley Horn and Associates are seeking a variance of three hundred and sixty-five (365) parking spaces from the requirement of six hundred and ninety-six (696). The variance will allow for 331 parking spaces. The property located at 335 Couchville Industrial, Lot 1, Couchville Pike Business is a portion of Parcel 2.16 on Wilson County Tax Map 141. The property consists of 34.33 acres and is zoned C-4 Planned Commercial.

ORDINANCE REFERENCE: ARTICLE 3 - GENERAL PROVISIONS - SECTION 3.50 OFF-STREET PARKING REQUIREMENTS - 3.50.02 NUMBER OF PARKING SPACES REQUIRED - Industrial establishment - One (1) per two (2) employees or the combined two (2) largest successive shifts or one (1) space per five hundred (500) square feet of usable floor area, whichever is greater, plus adequate space for customer and visitor vehicles as determined by the Planning Commission.

ACTION: Staff stated the applicant had requested deferral. Motion made by Thompson, second by Kawczynski and all voting aye, the request was deferred until the applicant requests to be placed back on the agenda.

CASE 3890

REQUEST: Warren and Associates on behalf of Tennessee Hydrovac Inc. is seeking to establish a contractor's office and storage yard on C-3 Commercial zoned property. The property located on Murfreesboro Road, Lot 1, W.G. Baird Property is Parcel 35.13 on Wilson County Tax Map 114. The property consists of 6.79 acres and is zoned C-3 Highway Commercial.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS – SECTION 5.32 HIGHWAY COMMERCIAL (C-3) – 5.32.03 USES PERMISSIBLE ON APPEAL – F. Contractor's office and/or equipment yard

ACTION: Staff read recommendations stating the property also needed the sewer requirement to be waived. Jerry Warren appeared. After discussion, motion made by Kawczynski, second by Abercrombie. Thompson amended the motion to waive the sewer requirement, Kawczynski accepted the amendment. All voting aye, the request was approved based on staff recommendations and the applicant must meet the

commercial requirements.

CASE 3891

REQUEST: **Matt Burton on behalf of Nashville Super Speedway** is seeking to waive the paving requirements, the landscaping requirements, and the requirements for building materials. The property located at 1000 Darrell Waltrip Drive is Parcel 26 on Wilson County Tax Map 141. The property consists of 615.23 acres and is zoned C-4 Planned Commercial.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.50 OFF-STREET PARKING REQUIREMENTS - 3.50.03 PARKING LOT LAYOUT, CONSTRUCTION AND MAINTENANCE - Whenever the required off-street parking requires the building of a parking lot, and wherever a parking lot is built, such parking lot shall be laid out, constructed, and maintained in accordance with the following regulations: E. Paving - All areas devoted to off-street parking and access drives, as required under this section, shall be of a sealed surface construction of plant mix asphalt or concrete construction. A 6" X 12" curbing shall be installed on all off-street parking areas. This requirement shall not apply to farming, single family, two family uses, or places of worship not located on arterial thoroughfares, as designated by the Wilson County Major Thoroughfare Plan. [6/23/00] – SECTION 3.55 LANDSCAPING FOR COMMERCIAL & INDUSTRIAL - 3.55.01

LANDSCAPING – A. All proposed commercial developments shall meet landscaping requirements listed elsewhere within this zoning ordinance as they are applicable.

B. Any proposed commercial or industrial use of property within a commercial or industrial zone district will meet the following requirements:

1. Street planting shall be planted in the front 10' of the property at on more than 40' centers (60' Centers in Industrial Districts). Species considered may include but not be limited to Sugar Maples, Red Maples, and Willow Oaks. Other species will be given consideration for special circumstance.
2. Shrubs shall be incorporated at 5' centers between street tree plantings. In front of parking areas and outdoor display or sales areas.
3. Where a commercial or industrial use of property abuts a residential or agricultural zone district; a landscape buffer area with a minimum width of 10' shall be incorporated along the edges of the property adjacent to the agricultural/ residential zone district. This buffer shall be planted entirely within the confines of the commercial industrial parcel. Furthermore, this buffer shall include broadleaf and coniferous evergreen and semi-evergreen species. Evergreen trees shall be planted at 30' centers with a 5' offset. Said trees shall be tall enough in height at time of planting to provide an effective screen. Other evergreen/semi-evergreen shrubs and /or small deciduous ornamental trees shall be planted in the buffer between each of the evergreen trees planted. Cedar trees should not be used unless they already exist on site due to their difficulty establishing through transplant. The Planning Commission may allow existing vegetation to meet or partially meet this requirement if it is deemed that the existing vegetation meets the intent of this part.
4. Dumpster Areas, Outdoor Storage Areas (not including sales display areas of new retail/wholesale products, car sales, boat sales), and inventory/distribution/stock loading areas shall be screened from public. Each of these uses should be designed in such a way as to minimize their visual impact from the road. Dumpster areas and outdoor storage areas shall be screened from public view by a wood, stone, split face block, or brick privacy

fence/wall at least 6' high. A 5' wide landscape area shall be placed along each side of these proposed site elements (accepting areas for door). This landscape area shall include shrubs. 5. If loading/distribution/stock loading areas are visible from the road, a landscape area at least 10' wide shall be installed along the viewable sides of the loading dock and shall include trees and shrubs planted at 20' centers. 6. To protect safe sight visibility lines for street intersections, do not locate screens within 25' of a street corner or a driveway entrance. 7. All species and planting methods shall meet the American Standard for Nursery Stock developed by the American Association of Nurserymen, Inc. 8. The Planning Commission may accept site specific landscape plans which vary from the provisions of these landscaping requirements upon reaching a determination that said plans reach the intent of this section. 3.55.02 BUILDING MATERIAL – 1. Within commercial zone districts, Metal siding as a primary/predominant element shall not be permitted along any side of a building facing a public road. Said elevations shall consist primarily of brick, stone, or some other product deemed acceptable by the Planning Commission. The above listed building materials shall be extended at least one fourth (1/4) of the way down adjoining building elevations. 2. Within industrial zone districts, metal siding as a primary/predominant element shall not be permitted along any side of a building facing a public road. Said elevations shall consist primarily of brick, stone, split-face masonry products or some other product deemed acceptable by the Planning Commission.

3. The Planning Commission may accept site specific building material scenarios which vary from the provisions of these building material requirements upon reaching a determination that said scenarios reach the intent of this section.

ACTION: Staff read recommendations. Kawczynski stated he had a conflict and would be abstaining. Mark Kawczynski appeared representing the request. After discussion, motion by Thompson, second by Abercrombie and all voting aye, the request was approved with the approval being for the maintenance storage building.

Motion by Thompson, second Neal and all voting aye, the rules were suspended.

Discussion was had regarding the approval with the stipulation for Case 3879 from the March 18, 2021 meeting. Ken Nelson spoke asking the board to remove the stipulation for the state's approval. Adrian Kelly, realtor representing Mitchell Bone, buyer of the property spoke asking the board to remove the stipulation also. Mike Jennings spoke concerning the requirement of a public notice for requests and the need for the applicant to make application to go before the board to request the stipulation be removed. Thompson stated we have to keep within the policy of the board.

Motion by Thompson, second by Kawczynski and all voting aye, the meeting was back in regular session.

Discussion was had concerning accepting letters in favor or opposition from adjoining property owners instead of the adjoining property owners attending the meetings. Discussion was had about packets being emailed to the members.

There being no further business to come before the Board at this time, on motion duly made and seconded, adjourned.

Secretary