

**Wilson County Board of Zoning Appeals Minutes
January 20, 2022**

The Wilson County Board of Zoning Appeals met January 20, 2022, 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, Thompson, and Thorne. Also, present was County attorney, County Planning staff, Codes and Zoning staff, 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 Abercrombie, second by Kawczynski, and all voting aye, the minutes of the December 16, 2021, meeting were approved.

CASE 3965

REQUEST: Shawn Etemadi is requesting a variance of ten (10) feet from the south side yard setback requirement of fifteen (15) feet and a variance of five (5) feet from the north side yard setback requirement of fifteen (15) feet. The variance will allow the proposed structure to be five (5) feet from the south side property line and ten (10) feet from the north side property line. Applicant is also seeking to utilize the proposed structure as storage for automobile parts. The applicant has an automobile dealership offsite. The property located at 1401 Nonaville Road is Parcel 72 on Wilson County Tax Map 50. The property consists of 1.36 acres and is zoned C-2 General Commercial.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.31 GENERAL COMMERCIAL (C-2) - 5.31.01 GENERAL - 5.31.03 USES PERMISSIBLE ON APPEAL - P. Other general commercial uses which are considered by the Board of Zoning Appeals to be comparable in impact to the permitted uses. 5.31.04 USES PROHIBITED - C Uses not specifically permitted or permissible on appeal. 5.31.05 AREA REGULATIONS – B. SIDE YARD. Within a C-2 District, structures must either adjoin or be spaced a minimum of ten (10) feet. The minimum side yard adjacent to a residential district shall conform to the side yard requirement for the residential district. ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.05 AREA REGULATIONS - B. SIDE YARD - 1. For single and two-story structures located on interior lots, side yards shall be not less than fifteen (15) feet in width for a principal structure.

ACTION: Staff read recommendations. Applicant appeared. Betty Pleasant appeared in objection. After discussion, motion made by Kawczynski, second by Abercrombie and all voting aye, the request was denied based on staff recommendations and lack of a proven hardship.

CASE 3966

REQUEST: Colynn Foster is requesting a variance of five (5) feet from the setback requirement of eight (8) feet between structures, a variance of five (5) feet from the north side yard setback requirement of ten (10) feet and a variance of three (3) feet from the west rear yard setback requirement of ten (10) feet. The variances will allow the proposed shed to be three (3) feet between structures, five (5) feet from the north side property line and seven (7) feet from the west rear property line. A variance of twenty-one thousand, nine hundred and seventy-five (21,975) square feet from the lot size requirement of forty thousand (40,000) square feet and a variance of twenty-five (25) feet from the lot width requirement of one hundred and twenty-five (125) feet is also needed. The property located at 160 Lake Drive, Lot 4R, W. E. Gray is Group “A”, Parcel 17 on Wilson County Tax Map 10 “K”. The property consists of eighteen thousand, and twenty-five (18,025) square feet and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - B. SIDE YARD - 1. For single and two-story structures not served by public sewer system located on interior lots, side yards shall be not less than twenty (20) feet in width for a principal structure, and not less than ten (10) feet for an accessory structure. [revised resolution 15-2-12] - 4. The minimum spacing between accessory structures and any other structure on the same property shall be eight feet (8'-0") wall to wall between walled structures. [revised 10/19/2020 resolution 20-10-20] - C. REAR YARD - 2. For accessory structures there shall be a rear yard of not less than ten (10) feet. E. LOT WIDTH – 2. 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; however, a greater lot area may be required based on recommendations by the State of Tennessee Department of Environment and Conservation. [revised resolution 07-7-4]

ACTION: Staff read recommendations. David Foster appeared representing the applicant. After discussion, motion made by Kawczynski, second by Neal, and all voting aye, with the exception of Thorne voting no. The variances for lot width and lot size were approved and the variances for the accessory structure was denied.

CASE 3967

REQUEST: Peggy Rouillier is requesting a variance of five (5) feet from the setback requirement of eight (8) feet between structures, and a variance of five (5) feet from the south side yard setback requirement of ten (10) feet. The variances will allow the proposed carport with attached shed to be three (3) feet from the existing house and five (5) feet from the south side property line. A variance of twenty-five thousand (25,000) square feet from the lot size requirement of forty thousand (40,000) thousand square feet and a variance of fifty (50) feet from the lot width requirement of one hundred and

twenty-five (125) feet is also needed. The property located at 708B Northview Circle, Lot 26, Lakeshore Acres is Group "B", Parcel 9 on Wilson County Tax Map 27 "K". 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) - B. SIDE YARD - 1. For single and two-story structures not served by public sewer system located on interior lots, side yards shall be not less than twenty (20) feet in width for a principal structure, and not less than ten (10) feet for an accessory structure. [revised resolution 15-2-12] - 4. The minimum spacing between accessory structures and any other structure on the same property shall be eight feet (8'-0") wall to wall between walled structures. [revised 10/19/2020 resolution 20-10-20] - E. LOT WIDTH – 2. 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; however, a greater lot area may be required based on recommendations by the State of Tennessee Department of Environment and Conservation. [revised resolution 07-7-4]

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

CASE 3968

REQUEST: **Ashley Fuentes** is requesting a variance of seven (7) feet from the west side yard setback requirement of fifteen (15) feet. The variance will allow the proposed addition to be eight (8) feet from the west side property line. The property located at 812 Muscogee Way, Lot 26, Kennesaw Valley is Group "B", Parcel 20 on Wilson County Tax Map 71 "J". The property consists of .80 acres and is zoned R-1 Residential.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.05 AREA REGULATIONS - B. SIDE YARD - 1. For single and two-story structures located on interior lots, side yards shall be not less than fifteen (15) feet in width for a principal structure.

ACTION: Staff read recommendations. Applicant was not present at this time. Thompson deferred the request to the end of the meeting.

CASE 3969

REQUEST: **Phillip Craighead on behalf of Phyllis Craighead** is requesting a nineteen (19) feet variance from the east side yard setback requirement twenty (20) feet. The existing deck is one (1) foot from the east side property line. The variance will allow the applicant to construct a pergola over the existing deck. The property located at 2047 Sanford Drive, Lot 34, Tradewinds is Group "A", Parcel 3 on Wilson County Tax Map 32 "G". The property consists of .41 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - B. SIDE YARD - 1. For single and two-story structures not served by public sewer system located on interior lots, side yards shall be not less than twenty (20) feet in width for a principal structure.

ACTION: Staff read recommendations. Applicant appeared. After discussion, motion made by Neal to approve the request based on staff recommendations and to add a variance for lot size to be approved also, second by Thorne. Motion failed with Neal and Thorne voting yes and Thompson, Abercrombie and Kawczynski voting no. Motion made by Kawczynski, second by Thompson and all voting aye, with the exception of Thorne voting no. The variance as requested was approved based on staff recommendations.

CASE 3970

REQUEST: Cindi and Don Raffield are requesting to establish an Airbnb/short-term rental on R-1 Residential zoned property. Applicants are also needing a variance from the two (2) acres requirement. The property located at 311 Carole Lane, Lot 25, Boyd Acres is Group “A”, Parcel 17 on Wilson County Tax Map 118 “K”. The property consists of approximately thirty-two thousand (32,000) 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
There being no further business to come before the Board at this time, on motion duly made and seconded, adjourned.

ACTION: Staff read recommendations. Applicants appeared. Tammy Reed, Airbnb super host and realtor appeared. After discussion, motion made by Neal, second by Kawczynski, and all voting aye, the request was denied based on staff recommendations and the lot size not meeting the two (2) acre requirements.

CASE 3968

REQUEST: Ashley Fuentes is requesting a variance of seven (7) feet from the west side yard setback requirement of fifteen (15) feet. The variance will allow the proposed

addition to be eight (8) feet from the west side property line. The property located at 812 Muscogee Way, Lot 26, Kennesaw Valley is Group “B”, Parcel 20 on Wilson County Tax Map 71 “J”. The property consists of .80 acres and is zoned R-1 Residential.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.05 AREA REGULATIONS - B. SIDE YARD - 1. For single and two-story structures located on interior lots, side yards shall be not less than fifteen (15) feet in width for a principal structure.

ACTION: Applicant still was not present. After discussion, motion made by Kawczynski, second by Abercrombie and all voting aye, the request was denied based on staff recommendations.

Secretary