

Wilson County Board of Zoning Appeals Minutes
March 16, 2023

The Wilson County Board of Zoning Appeals met March 16, 2023, 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 Thompson, Neal, Blaydes, Dowell, Crockett. 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 Neal, seconded by Thompson, and all voting aye, the minutes of the February 16, 2023, meeting were approved.

CASE 4072

REQUEST: Peter Schulert is requesting an extension on an expired building permit. The building permit was applied for on December 31, 2018. The permit was renewed, and associated fees were paid on February 2, 2021. The insulation inspection passed on June 13, 2022. The property located at 3287 Old Rome Pike is Parcel 9.01 on Wilson County Tax Map 42. The property consists of 222 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 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. Builder, Cliff Carey Jr appeared requesting a six (6) month extension. After discussion, motion was made by Crockett, seconded by Blaydes, and all voting aye, the building permit was extended for one (1) year.

CASE 4073

REQUEST: James and Lisa Fox are requesting to renew a short-term rental use. The board approved the short-term rental on March 17, 2022, for one (1) year. The property located at 3110 South Rutland Road, Lot 4, Sallie D. Clemmons Property is Parcel 35.04 on Wilson County Tax Map 95. The property consists of 5.12 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. Lisa Fox appeared requesting the renewal to allow a maximum number of seven (7) people. After discussion, motion was made by Neal, seconded by Dowell, and all voting aye, the request was approved for two (2) years with the prior approval remaining the same and the maximum number of people stays at six (6).

CASE 4074

REQUEST: Paul Crockett on behalf of Brian Hughes is requesting a variance of eight (8) feet from the west side yard setback requirement of ten (10) feet. The variance will allow the proposed detached garage to be two (2) feet from the west side property line. Applicant is also needing a variance from the lot size requirement of forty thousand

(40,000) square feet. The property located at 430 Twin Cove Drive, Lot 13, Twin Cove is Group "A", Parcels 24 and 25 on Wilson County Tax Map 14 "E". The property consists of thirty thousand, five hundred and fifty (30,450) 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 - 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]

ACTION: Staff read recommendations. Brian Hughes appeared requesting for the proposed accessory structure to be on the property line. After discussion, motion made by Neal, second by Crockett, and all voting aye, with the exception of Blaydes voting no. The eight (8) foot variance was approved, and the proposed accessory structure can be two (2) feet from the west side property line.

CASE 4075

REQUEST: **Kurt McKeithan** is requesting to establish a business use for a design studio. The property located at 8924 Stewarts Ferry Pike is Parcel 108.01 on Wilson County Tax Map 116. The property consists of .53 acres and is zoned R-1 Residential.

ORDINANCE REFERENCE: ARTICLE 2 DEFINITIONS - SECTION 2.20 SPECIFIC TERMS - HOME OCCUPATION: An incidental occupation customarily carried on in the residence, employing no more than one (1) person not residing on the premise and utilizing no more than twenty-five (25) percent of the usable floor area of all buildings; provided, (1) no article or service be sold or offered for sale on the premise other than that produced by such occupation, and (2) such occupation shall not require the alteration of buildings, new construction, or equipment and machinery not customarily used in residential areas.

ACTION: Staff read recommendations. Applicant appeared. There was discussion on re-zoning the property. After discussion, motion was made by Neal to deny, seconded by Blaydes. Neal amended his motion to allow the applicant six (6) months to pursue other avenues. Blaydes accepted the amendment and all voting aye, the request was denied.

CASE 4076

REQUEST: **Jackie Wang** is requesting to use the property as a short-term rental. The property located at 5205 Hunters Point Pike, Lot 6, W.W. Suddarth Property is Parcel 103 on Wilson County Tax Map 23. The property consists of 3.64 acres and is zoned A-1 Agricultural.

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 - C. Bed and Breakfast Facility: 1. Bed and Breakfast Facilities must possess onsite caretaker either living on premises or on premises 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 Sheriff'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. 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. Applicant appeared. After discussion, motion was made by Crockett based on a five (5) bedroom perk, seconded by Thompson and amending motion to include the business plan, approval is for one (1) year and approved two (2) people per bedroom based on septic approval. Crockett accepted the amendment and all voting aye; the request was approved with stipulations.

CASE 4077

REQUEST: Sean Brockman is requesting a variance of sixteen (16) feet from the south rear yard setback requirement of forty (40) feet. The existing house is twenty-four (24) feet from the south rear property line. The variance will allow an addition to be made to the existing home. The addition will meet the forty (40) feet setback requirement from Ronda Drive. The property located at 498 Amber Drive, Lot 53, Shelley Acres is Group "C", Parcel 8 on Wilson County Tax Map 117 "K". The property consists of approximately 1.09 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 - C. REAR YARD - 1. For principal structures (not served by public sewer system) there shall be a rear yard of not less than forty (40) feet. [revised 12-13-93 revised resolution 07-7-4]

ACTION: Staff read recommendations. Applicant appeared. After discussion, motion was made by Thompson, seconded by Neal, and all voting aye, the request was approved based on it being a corner lot and being a hardship.

CASE 4078

REQUEST: Tony and Dana Whited are requesting variances of ten (10) feet from both the east and west side yard setback requirements of twenty (20) feet. The variances will allow the proposed house to be ten (10) feet from both east and west side property lines. The property located at 509 Barton Shore Court, Lot 10, Barton's Cove is Group "C", Parcel 10 on Wilson County Tax Map 35 "A". The property consists of approximately 1.28 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.05 AREA REGULATIONS - 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. Applicants appeared. Dana Whited stated the septic area can be moved and she only needed a five (5) foot variance on both the east and west side property lines. Stanley Moss, adjoining property owner appeared in opposition. Terry Monahan, area property owner appeared in opposition. After discussion, motion was made by Neal, second by Dowell, and all voting aye, with the exception of Thompson voting no, the amended request of a five (5) feet variance on both the east and west side property lines was approved based on it not being an excessive amount, the odd shape of the lot and the location of the septic.

CASE 4079

REQUEST: **Socorro Saldierna Ponce** is requesting to use the property to host rodeos. The property located at 673 Beasleys Bend Road, Lot 14B, Walter Johnson Property is Parcel 50.21 on Wilson County Tax Map 22. The property consists of 5.81 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.04 USES PROHIBITED - D. Uses not specifically permitted or permissible on appeal.

ACTION: Staff read recommendations. Applicant appeared. Carla Brooks appeared as the applicant's interpreter. Commissioner Beth Bowman appeared submitting a list of names in opposition and information gathered on the rodeo. She requested the board to deny the request. Russell Connor, area property owner appeared in opposition. Em Lehman, area property owner appeared in opposition. Mike Jennings spoke concerning a proposed noise ordinance. After discussion, motion was made by Thompson, seconded by Blaydes, and all voting aye, the request was denied based on staff recommendations, this request not being an allowed use, and the violation will need to be turned over the county's attorney.

CASE 4080

REQUEST: **Southern Land Ventures LLC** is requesting to renew a short-term rental. The board approved the short-term rental on March 17, 2022, for one (1) year. The property located at 6030 Bluewater Drive, Lot 25, Twin Cove is Group "B", Parcel 25 on Wilson County Tax Map 15 "H". The property consists of twenty thousand (20,000) square feet and is zoned A-1 Agricultural.

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 - C. Bed and Breakfast Facility: 1. Bed and Breakfast Facilities must possess onsite caretaker either living on premises or on premises 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 Sheriff'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. 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. Applicant appeared. After discussion, motion was made by Blaydes to approve the renewal for two (2) years, seconded by Neal. Thompson amended the motion to include the business plan is to remain in effect. Blaydes and Neal accepted the amendment, and all voting aye, the request was renewed for two (2) years.

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

Secretary