

Wilson County Board of Zoning Appeals Minutes
April 21, 2022

The Wilson County Board of Zoning Appeals met April 21, 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, Kawczynski, Neal, Thompson and Thorne. Also, present was County Attorney, County Planning staff, Codes and Zoning staff, Storm Water 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 Neal, and all voting aye, with the exception of Kawczynski abstaining, the minutes of the March 17, 2022, meeting were approved.

CASE 3990

REQUEST: Ronald Duncan is requesting a twelve (12) month extension on an expired building permit. The building permit was applied for on October 2, 2019, and the footing inspection passed on January 8, 2020. The property located at 255 Vesta Road, Lot 1A, Walls Property is Parcel 13.03 on Wilson County Tax Map 142. The property consists of 12.03 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. After discussion, motion made by Thompson, second by Kawczynski, and all voting aye, the permit was extended for eighteen (18) months from today's date.

CASE 3991

REQUEST: **Larry Cole** is requesting a variance of five (5) feet from the south side yard setback requirement of ten (10) feet. The variance will allow the proposed detached garage to be five (5) feet from the south side property line and built on the existing foundation. The property located at 605 Shelley Drive, Lot 43, Shelley Acres is Group "D", Parcel 3 on Wilson County Tax Map 117 "K". The property consists of approximately thirty-seven thousand, five hundred (37,500) square feet 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, and not less than ten (10) feet for an accessory structure. [Resolution 15-2-12]

ACTION: Staff read recommendations. Applicant appeared. After discussion, motion made by Neal, second by Abercrombie, and all voting aye, the request was approved based on the retaining wall complying at the time it was built.

CASE 3992

REQUEST: **John Hooper** is requesting a variance of twenty-three (23) feet from the east rear yard setback requirement of forty (40) feet. The existing house is seventeen (17) feet from the east rear property line. The variance will allow the applicant to build a deck in the south rear yard. The proposed deck will meet the setback requirements from the south rear property line. The property located at 277 Brookside Drive, Lot 86, Hunters Crossing is Group "I", Parcel 26 on Wilson County Tax Map 52 "E". The property consists of approximately eleven thousand, three hundred (11,300) square feet 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, and not less than ten (10) feet for an accessory structure. [Resolution 15-2-12]

ACTION: Staff read recommendations. Applicant appeared. Commissioner Fields appeared in favor. After discussion, motion made by Kawczynski, second by Abercrombie and all voting aye, the request was approved.

CASE 3994

REQUEST: **David Savino** is requesting a variance of seven (7) from the height restriction of thirty-five (35) feet. The variance will allow the proposed house to be forty-two (42) feet in height. The property located on St. John Road, Lots 1 and 2, Properties Investment Group Inc. is Parcel 23 on Wilson County Tax Map 162. The property consists of a total of 10.29 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.05 AREA REGULATIONS - 5.20.06 HEIGHT REGULATIONS. No principal structure shall exceed three (3) stories or thirty-five (35) feet in height. Accessory structures shall not exceed twenty-two (22) feet in height OR they must match the predominant two (2) roof pitch angles of the residence if exceeding twenty-two (22) feet. Other zoning district height criterion is still applicable if this option is exercised. If this option is exercised building material of accessory must match primary residential structure. [revised resolution 15-2-13]

ACTION: Staff read recommendations. Applicant appeared. Michael Medlin, adjoining property owner appeared in opposition. After discussion, motion made by Abercrombie to approve, second by Neal and amended that the house would have a sprinkler system. Abercrombie accepted the amendment, and all voting aye, the variance was approved based on the house having a sprinkler system per IRC guidelines.

CASE 3995

REQUEST: **Mary Wineland** is requesting to use the property as an Airbnb/short-term rental. The property located at 259 McCrary Road, Lot 1, Dean Wineland Property is Parcel 95 on Wilson County Tax Map 116. The property consists of 4.32 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 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. 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. Commissioner Sonja Robinson spoke with concerns. Kenneth Cook, adjoining property owner appeared with concerns. After discussion, motion made by Kawczynski, second by Neal, and all voting aye, with the exception of Thompson voting no. The request was deferred until the

applicant receives final inspections and a c/o on the property and requests to be placed back on the agenda.

CASE 3996

REQUEST: **Martin Porter** is requesting a variance from the maximum size requirement of two thousand (2,000) square feet for an accessory structure that does not have a single-family residence on the property. The variance will allow the barn to be four thousand and eighty (4,080) square feet. The property located at 1599 Greenwood Road, Lot 5, Corley Estates is Parcel 29.08 on Wilson County Tax Map 104. The property consists of 50.68 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.90 ACCESSORY STRUCTURES IN RESIDENTIAL AND/OR AGRICULTURAL ZONE DISTRICTS [resolution 07-7-5] - A. 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.

ACTION: Staff read recommendations. Applicant appeared. After discussion, motion made by Neal, second by Abercrombie, and all voting aye, the request was approved based on testimony given and the size of the property with no business or commercial use. Thompson added the enclosed area of the accessory structure is two thousand, four hundred (2,400) square feet.

CASE 3997

REQUEST: **Eli White** is requesting to offer crematory services in an existing accessory structure located on the property. The property located at 2000B Burford Road; Elliott Graves Property is Parcel 42.02 on Wilson County Tax Map 24. The property consists of 1.55 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.02 USES PERMITTED - D. Home occupation as defined in Article 2 of this Regulation, including but not limited to day care, real estate agent, surveyor, physician, beautician, artist, and accountant. 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 and Jennifer Reeves appeared. After discussion, motion made by Kawczynski, second by Neal, and all voting aye, with the exception of Thompson voting no. The request was approved for one (1) year.

CASE 3998

REQUEST: **Jim Agee** is requesting a variance from the easement width requirement of thirty (30) feet. The property became of record in 2008. The variance will allow a house to be built on the property along with any accessory structures. The property located at 1301 St Johns Road is Parcel 15 on Wilson County Tax Map 162. The property consists of 39.24 acres and is zoned A-1 Agricultural.

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. SECTION 3.40 NUMBER AND LOCATION OF BUILDINGS ON LOT - 3.40.03 No building shall be erected on a lot which does not continuously abut at least one public street for at least fifty (50) feet; the lot must be a minimum of fifty (50) feet in width to the building setback line. A lot with more than one-half (1/2) of its frontage on the bulb of a cul-de-sac lot must continuously abut the street for at least thirty (30) feet; the lot must be a minimum of thirty (30) feet in width to the building setback line. This section shall not apply to a lot of record (previously existing), with an easement of at least thirty (30) feet in width to a public street.

ACTION: Staff read recommendations. Applicant appeared. Ronnie Helmick, adjoining property owner appeared in opposition. Sharon Adams, area property owner appeared in opposition. After discussion, motion made by Neal, second by Abercrombie, and all voting aye, the request was approved based on testimony given and the property being an older lot of record.

CASE 3999

REQUEST: James Johnson is seeking to establish a hair salon in a proposed accessory structure. Applicant is also needing a variance of three (3) feet from the height restriction of twenty-two (22) feet for a separate accessory structure that is being built for personal use. The variance will allow the accessory structure to be twenty-five (25) feet in height. The property located at 575 Neal Road, Lot 4A, Cramner Property is Parcel 43.14 on Wilson County Tax Map 128. The property consists of 3.54 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.02 USES PERMITTED - D. Home occupation as defined in Article 2 of this Regulation, including but not limited to day care, real estate agent, surveyor, physician, beautician, artist, and accountant. 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. 5.20.06 HEIGHT REGULATIONS. No principal structure shall exceed three (3) stories or thirty-five (35) feet in height. Accessory structures shall not exceed twenty-two (22) feet in height OR they must match the predominant two (2) roof pitch angles of the residence if exceeding twenty-two (22) feet. Other zoning district height criterion is still applicable if this option is exercised. If this option is exercised building material of accessory must match primary residential structure. [revised resolution 15-2-13]

ACTION: Staff read recommendations. Applicant appeared. Kawczynski abstained due to a conflict. After discussion, motion made by Neal to approve, second by Thompson with an amendment to add the following stipulations: two (2) workstations and two (2) clients at any time. Neal accepted the amendment and all voting aye, the request for the salon was approved with the above stipulations. In regard to the height variance, after discussion, motion made by Thompson, second by Neal, and all voting aye, with the exception of Kawczynski abstaining, the height variance was approved, and the structure is not to exceed twenty-five (25) feet.

CASE 4000

REQUEST: Paul Hancock is seeking a variance from the easement width requirement of thirty (30) feet. The property has a twenty (20) feet easement. The variance will allow the property owner to build a house and accessory structures. The property located at 1720 Burton Road is Parcel 63 on Wilson County Tax Map 27. The property consists of 20 acres and is zoned A-1 Agricultural.

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.

SECTION 3.40 NUMBER AND LOCATION OF BUILDINGS ON LOT - 3.40.03 No building shall be erected on a lot which does not continuously abut at least one public street for at least fifty (50) feet; the lot must be a minimum of fifty (50) feet in width to the building setback line. A lot with more than one-half (1/2) of its frontage on the bulb of a cul-de-sac lot must continuously abut the street for at least thirty (30) feet; the lot must be a minimum of thirty (30) feet in width to the building setback line. This section shall not apply to a lot of record (previously existing), with an easement of at least thirty (30) feet in width to a public street.

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

CASE 3993

REQUEST: Stewart Knowles Construction is requesting a refund for the Adequate Facilities Tax and the building permit fee. The property located at 811 Stone Brook Drive, Lot 16, Stonebrook Falls is Group "A", Parcel 6 on Wilson County Tax Map 25 "H". The property consists of .58 acres and is zoned R-1 Residential.

ACTION: Staff read recommendations. Applicant was not present at the time. Request was moved to the end of the agenda. Katie with Stewart Knowles Construction appeared. After discussion, motion made by Thompson, second by Abercrombie, and all voting aye the request was approved due to the non-imposed hardship of the gas line easement not being stated on the plat.

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

Secretary