

Wilson County Board of Zoning Appeals Minutes
May 19, 2022

The Wilson County Board of Zoning Appeals met May 19, 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, Thorne, and Blaydes as alternate. 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.

Commissioner Jerry McFarland, Chairman of Planning and Zoning Committee spoke concerning a workshop being held Tuesday, May 24, 2022.

Motion made by Kawczynski, second by Thompson, and all voting aye, the minutes of the April 21, 2022, meeting were approved.

CASE 4000

REQUEST: **Arnold Leaver** is requesting approval for two (2) dwellings on one (1) tract of land. This request was denied by the board on September 17, 2020. The property located at 213 Lakeshore Drive, Lot 25, Cherry Point is Group "D", Parcel 32 on Wilson County Tax Map 51 "M". The property consists of approximately thirty-seven thousand, four hundred (37,400) square feet and is zoned R-1 Residential.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.40 NUMBER AND LOCATION OF BUILDINGS ON LOT - 3.40.02 With the exception of group housing developments, including mobile home parks, only one principal structure and its customary accessory structures shall hereafter be erected on any lot in any residential district or any residential lots in any agricultural district.

ACTION: Staff read recommendations. Attorney George Dean representing Dianna Barbee adjoining property appeared in opposition. Applicant appeared. Commissioner Robert Fields appeared asking the board for consideration of approval. Commissioner Jerry McFarland, Chairman of Planning and Zoning Committee appeared and asked the board for consideration of approval. County Attorney, Mike Jennings spoke concerning this request and property is allowed to have an Accessory Dwelling Unit with the size limitation of six hundred (600) square feet. After discussion, motion was made by Kawczynski to give the applicant a variance of seven hundred (700) square feet from the

Accessory Dwelling Unit size requirement of six hundred (600) square feet, seconded by Neal stating the applicant purchased this property, he did not create this issue, and the apartment over the garage has been there thirty (30) plus years. Thompson added an amendment to add the transcript to this case in the motion. Neal accepted the amendment and with all voting aye, the Accessory Dwelling Unit that is one thousand, three hundred (1,300) square feet is allowed.

CASE 4001

REQUEST: **Scott Hull** is requesting to renew an approval for an Airbnb/short-term rental on R-1 Residential zoned property. The property was approved on May 20, 2021, for a period of one (1) year. The property located at 910 Corinth Road, Lot 2, Memory Place is Parcel 58.05 on Wilson County Tax Map 188. The property consists of 2.33 acres.

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 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. 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. Applicant appeared and stated there would be ten (10) occupants. After discussion, motion made by Neal, second by Abercrombie, and all voting aye, the request was approved for three (3) years and the business plan is part of the approval.

CASE 4002

REQUEST: **Bill Dixon with Dixon Construction on behalf of Lee Ann Merritt** is requesting a variance of seven (7) feet from the east rear yard setback requirement of forty (40) feet. The variance will allow the proposed covered patio to be thirty-three (33) feet from the east rear property line. The property located at 5000 English Woods, Lot 41, Wellington Place is Group "E", Parcel 27 on Wilson County Tax Map 31 "N". The

property consists of approximately thirty-four thousand (34,000) 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 - 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 recommendations. Applicant appeared. After discussion, motion made by Abercrombie, second by Neal, and all voting aye, the request was approved.

CASE 4003

REQUEST: Brooke Stemmer is requesting a variance of nine (9) feet from the north side yard setback requirement of ten (10) feet and a variance of four (4) feet from the setback requirement of eight (8) feet between structures. The variance will allow the proposed carport to be one (1) foot from the north side property line and four (4) feet between structures. The property located at 1675 Walnut Hill Road, Lot 4, Rodger Mitchell Property is Parcel 86.03 on Wilson County Tax Map 112. The property consists of 1.88 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, 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]

ACTION: Staff read recommendations. Applicant appeared. Barbara Jennings, adjoining property owner appeared in opposition. R L Jennings, adjoining property owner appeared in opposition. After discussion, motion made by Neal, second by Kawczynski, and all voting aye, the request was denied based on staff recommendations and the variance being excessive.

CASE 4004

REQUEST: Wilson Commerce Center Building C, LLC is requesting a variance of two hundred and thirty-three (233) parking spaces from the requirement of four hundred and fifty (450). The variance will allow for two hundred and seventeen (217) parking spaces. The property located at 100 Logistics Drive, Lot 2, Wilson Commerce Center is Parcel 19.02 on Wilson County Tax Map 137. The property consists of 60.44 acres and is zoned C-4 Planned Commercial.

ORDINANCE REFERENCE: 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 read recommendations. Addison Brown with IDI Logistics appeared stating he wanted to add twenty-five (25) additional parking spaces; therefore, the variance would be for one hundred and ninety-eight spaces and if approved, it would allow for two hundred and forty-two (242) spaces. Jason Weaver with Goodwin and Marshall appeared. Jason Smith, adjoining property owner appeared and spoke in concern. After discussion, motion made by Abercrombie to approved based on staff recommendations, motion failed for lack of a second. Motion made by Kawczynski, second by Neal, and all voting aye, the request was deferred until the June meeting at the applicant's request.

CASE 4005

REQUEST: James “Eddy” Ross is requesting to build an accessory dwelling unit on the property without any road frontage. This property received a variance of thirty (30) on the easement width requirement of thirty (30) feet on May 7, 1993, for one building permit subject to the easement being recorded. A boundary survey showing a forty (40) feet easement was recorded by plat in January 1994. The forty (40) feet easement was recorded by deed in February 2018. Applicant is also requesting a variance from the size limit requirement of six hundred (600) square feet. The variance will allow the applicant to build an accessory dwelling unit that is one thousand (1,000) square feet. The property located at 1351 Corinth Road is Parcel 13 on Wilson County Tax Map 120. The property consists of 17.16 acres and is zoned R-1 Residential.

ORDINANCE REFERENCE: 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.

ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.02 USES PERMITTED - A-1: ACCESSORY DETACHED DWELLING UNITS Must have adequate septic or Sanitary (Or other public utility operated) Sewer System capacity to accommodate the addition of one bedroom. Must be no more than 600 square feet in size when accounting for the bedroom or sleeping quarters, accessory kitchen area, accessory bathroom area, and any associated dining room, living or entertaining area; commonly referred to as the total heated area. Accessory Dwelling Units “Accessory Dwelling Units MUST have permanent connection to all public utilities in accordance with the rules, regulations and requirements of each public utility provider and will comply with permanent foundation provisions found in SECTION 3.12.04 of the Wilson County Zoning Ordinance in accordance with the language for principle single family and two-family residential structures. Total number of accessory Dwelling units permitted on a property is limited to one. No Accessory Dwelling Unit may be used as a Bed and Breakfast/Inn (or Short-term Rental) without receiving approval from the Board of Zoning Appeals to do so. All structures proposed for use as an accessory dwelling unit must be compliant with building codes as determined by the Chief Building Inspector. Where Accessory Dwelling Units are proposed; all parking of vehicles associated with

the entirety of the residential use on property should occur on the private property and not on the Public Right of Way on a regular basis. ACCESSORY DETACHED DWELLING UNITS will not be permitted within FEMA designated or other Regulatory FLOOD PLAIN OR FLOODWAY portions of a property in keeping with ARTICLE 5.6 – The Floodplain Zoning Ordinance. Homes which already possess an Internal Accessory Dwelling Quarters may ALSO possess or add on ONE accessory Detached Dwelling Unit (revised 10/19/2020 resolution 20-10-20)

ACTION: Staff read recommendations. Applicant appeared. Debra Ross appeared. After discussion, motion made by Neal, second by Abercrombie, and all voting aye, the request for the Accessory Dwelling Unit was approved but must meet the county standards of six hundred (600) square feet.

CASE 4006

REQUEST: **Clinton Majzes** is requesting a variance of six (6) feet from the northeast rear yard setback requirement of ten (10) feet. The variance will allow the proposed accessory structure to be four (4) feet from the northeast rear property line. The property located at 140 Kathryn Adele Lane is Group “D”, Parcel 33 on Wilson County Tax Map 12 “N”. The property consists of approximately thirty-six thousand (36,000) 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 - C. REAR 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: WITHDRAWN BY APPLICANT.

CASE 4007

REQUEST: **Paul Crockett on behalf of Phillip Eatherly** is requesting a variance from the easement width requirement of thirty (30) feet. The variance will allow the applicant to build a house. The property became of record December 1980. The property located on Cairo Bend Road is Parcel 17.01 on Wilson County Tax Map 8. The property consists of 89.97 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 Thompson, second by Kawczynski, and all voting aye, the request was approved based on the age of the parcel.

CASE 4008

REQUEST: Michael Davis is requesting an extension of his building permit for a single-family residence. The building permit was applied for April 24, 2020, and the last inspection was the framing inspection on April 28, 2022. The property located at 1729 Ford Road, Lot 9, Doverd King is a portion of Parcel 27.04 on Wilson County Tax Map 18. The property consists of 8.83 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 requesting a one (1) year extension. After discussion, motion made by Thompson, second by Kawczynski, and all voting aye, the request was approved for twelve (12) months from today's date.

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

Secretary