

**Wilson County Board of Zoning Appeals Minutes
June 16, 2022**

The Wilson County Board of Zoning Appeals met June 16, 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, Neal, Thompson, Thorne, and Blaydes. Also, present was 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 Thompson, and all voting aye, the minutes of the May 19, 2022, meeting were approved.

CASE 4004 (Withdrawn by applicant 06/02/2022)

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: 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.

CASE 4009

REQUEST: Fefi Gerges is requesting to establish a welding shop on C-2 Commercial zoned property. The property located at 4421 Murfreesboro Road, Lot 6, Ben G. Wright Property is Parcel 3.06 on Wilson County Tax Map 124. The property consists of 5.05 acres.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS – SECTION 5.31 GENERAL COMMERCIAL (C-2) – USES PERMISSIBLE ON APPEAL – M. Welding shop, limited to a small commercial welding for the general public

ACTION: Staff read recommendations. Stephen Gerges appeared representing the Fefi Gerges. After discussion, motion made by Thompson, seconded by Neal, and all voting aye, the request was approved based on there not being any outside storage and if there are any changes or additions made to the property, the property must be brought up to commercial standards.

CASE 4010 (removed from the agenda, variance is not needed, lot was approved by the Planning Commission in 1975)

REQUEST: Kenny Phillips with Cumberland 123 LLC is requesting a variance from the easement width requirement of thirty (30) feet. Applicant is also needing a variance of twelve (12) feet from the lot width requirement of one hundred and twenty-five (125) feet. The property became of record in 1975. The variance will allow the applicant to build a pool. The property located at 2978 Saundersville Ferry Pike; H.G. Ballard Property is Parcel 23.01 on Wilson County Tax Map 11. The property consists of one (1) acre and is zoned R-1 Residential.

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. ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.05 AREA REGULATIONS - 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. If soils analysis permits a minimum lot area of thirty thousand (30,000) square feet, there shall be a minimum lot width of one hundred (100) feet at the front building line. [revised 8-24-90] [resolution 07-7-4]

CASE 4011

REQUEST: Oscar Lopez with Nashville Distributing is requesting to use three (3) existing buildings on the property for storage of paper products for restaurants. The property located at 5688A Lebanon Road, Lot 4, Mack Hall Farm is Parcel 5.44 on Wilson County Tax Map 56. The property consists of 6.33 acres and is zoned R-1 Residential.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) – SECTION 5.10.03 – USES PERMISSIBLE ON APPEAL - J. Other similar uses as reviewed and approved by the Board of Zoning Appeals.

ACTION: Staff read recommendations and letters of opposition were submitted. Ibeth Garcia appeared representing Nashville Distributing. Mark Young, area property owner appeared in opposition. Rodger Mitchell, area property owner appeared in opposition. Mackenzie Durbin, adjoining property owner appeared in opposition. After discussion, motion made by Neal, seconded by Abercrombie and all voting aye, the request was denied based on staff recommendations.

CASE 4012

REQUEST: Caleb Thorne is requesting a variance of twenty (20) feet from the north front yard setback requirement of thirty (30) feet and a variance of approximately nineteen thousand (19,000) square feet from the lot size requirement of forty thousand (40,000) square feet. Applicant is also needing a variance from the accessory size limit of six hundred and thirty (630) square feet. The size limit is due to the size of the property. The variances will allow the proposed accessory structure to be two thousand, four hundred (2,400) square feet and be ten (10) feet from the north front property line. The property located on Misty Lake Drive, Lots 13, 14, 15, 31, and 32 is Group "C", Parcels 28 and 28.01 on Wilson County Tax Map 16"E". The lots consist of approximately a total of twenty-one thousand (21,000) square feet once the applicant combines all the lots. The property 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. ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.05 AREA REGULATIONS - A. FRONT YARD. All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance shown below, according to their classifications as indicated on the latest official major thoroughfare plan: 3. Minor Streets - thirty (30) 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; 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. Gary Thorne stated he had an indirect conflict but would be voting. Applicant appeared submitting signatures in favor. Commissioner Kenny Reich appeared in favor. After discussion, motion made by Thompson, seconded by Blaydes, and all voting aye, the request was approved with the stipulation the lots must be combined by plat.

CASE 4013 (removed from the agenda, variance not needed, plat showing 50 feet of road frontage was submitted)

REQUEST: Alvin Filson is requesting a variance from the road frontage requirement of fifty (50) feet. The variance will allow the applicant to build a house. The property became of record in June 1979. The property located at 377 Holmes Gap Road, Lot 16B, Reeves Property is a portion of Parcel 15.03 on Wilson County Tax Map 128. The property consists of 22.58 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.

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

Secretary