

**Wilson County Board of Zoning Appeals Minutes
September 15, 2022**

The Wilson County Board of Zoning Appeals met September 15, 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 Thompson, Neal, Blaydes and Dowell. Also, present was County Planning staff, Codes and Zoning staff, Storm Water staff, and Court Reporter Angie Russell with Briggs and Associates.

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.

Thompson recognized board member Paul Abercrombie and Gary Thorne for their service on the board. Thompson welcomed Alternate member Jerry Dowell.

Motion made by Neal, seconded by Blaydes, and all voting aye, the minutes of the August 18, 2022, meeting were approved.

CASE 4023

REQUEST: Sawan and Todd Bryan are requesting a two (2) year extension on two building permits. The first permit was applied for on July 17, 2019, and the last inspection was on October 10, 2019. The second permit was applied for on October 4, 2019, and the last inspection was on November 16, 2019. The property located at 4270 Stewarts Ferry Pike is Parcel 48 on Wilson County Tax Map 118. The property consists of 6.14 acres and is zoned R-1 Residential.

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: Applicant requested deferral. Motion made by Neal, seconded by Dowell, and all voting aye, the request was deferred to the October meeting.

CASE 4024

REQUEST: Aryan Joint Venture is requesting to establish a caretaker's apartment on C-1 Commercial zoned property. The property located at 2330 Couchville Pike is Parcel 77.02 on Wilson County Tax Map 138. The property consists of .85 acres.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS – SECTION 5.30 NEIGHBORHOOD COMMERCIAL (C-1) – 5.330.03 USES PERMISSIBLE ON APPEAL C. Caretaker's apartment for permitted uses.

ACTION: Staff read recommendations. R.M. Patel appeared. Bryan Meador, adjoining property owner appeared in opposition. Brooke Meador, adjoining property owner appeared in opposition with parking concerns. After discussion, motion made by Thompson, seconded by Neal, and all voting aye, the request was approved with the stipulation the property had to meet commercial standards and the septic must be approved for a residence.

CASE 4025

REQUEST: David Desforges Jr. is requesting a variance of twenty (20) feet from the rear yard setback requirement of forty (40) feet. The request will allow the proposed house to be twenty (20) feet from the rear property line. The property located at 5523 Vanderbilt Road, Lot 30, Knobblehurst is Group "A", Parcels 28 and 29 on Wilson County Tax Map 31 "P". The property consists of .89 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 made by Neal, seconded by Blaydes, and all voting aye, the request was approved based on the fact the lot backs up to the Corp of Engineers property and the applicant combined two (2) non-conforming lots.

CASE 4026

REQUEST: Kariann Holland is requesting to establish an Airbnb/short-term rental on R-1 Residential zoned property. Applicant is also needing a variance from the two (2) acre requirement. The property located at 1403 Cedar Dale Court, Lot 46, Villages at Cedar Creek is Group "I", Parcel 26 on Wilson County Tax Map 31 "M". The property consists of .28 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. James Peretic, adjoining property owner appeared in opposition and stated James Cook, adjoining property owner was in opposition also. Commissioner Lauren Breeze spoke in opposition stating she had multiple calls of opposition and read an email from the HOA's attorney. After discussion, motion made by Blaydes, second by Dowell, and all voting aye, the request was denied based on staff recommendations.

CASE 4027

REQUEST: Shannon Kinkle is requesting a variance from the easement width requirement of thirty (30) feet. The property became of record in 1997. The variance will allow the applicant to replace the mobile home. The property located at 2837C South Commerce is Parcel 12.01 on Wilson County Tax Map 110. The property consists of one (1) acre 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 Neal, seconded by Blaydes, and all voting aye, the request was approved based on testimony given, the easement being documented, and the existing mobile home would be removed.

CASE 4028

REQUEST: Stacy Gee is requesting to establish a dog kennel on R-1 Residential zoned property. Applicant is also needing a variance of one hundred (100) feet from the north side property line, a variance of one hundred and fifteen (115) feet from the east rear property line and a variance of two hundred and eight-two (282) feet from the south side property line from the five hundred (500) feet requirement from neighboring residential or agricultural zoned properties. The property located at 601 Cairo Bend Road, Lot 3, Thurman Farm is Parcel 23.04 on Wilson County Tax Map 47. The property consists of 16.02 acres.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.03 USES PERMISSIBLE ON APPEAL- J. Other similar uses as reviewed and approved by the Board of Zoning Appeals. 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 – L. Dog kennel; 1. Dog/Animal kennels proposed herein must be located on parcels or tracts of land more than five (5) acres in size to further insure adequate separation from neighboring properties. 2. Proposed Kennels must further adhere to all pertinent regulations of the State of Tennessee governing such uses. 3. All kennel facilities must be located a minimum of 500 feet from neighboring residential or agricultural zoned properties.

ACTION: Staff read recommendations. Applicant appeared. James Bradshaw Jr., adjoining property owner appeared in opposition. Larry Marvel, adjoining property owner appeared in opposition. After discussion, motion made by Blaydes, seconded by Neal, and all voting aye, the request was denied based on staff recommendations.

CASE 4029

REQUEST: David Dilts is requesting a variance of twenty-one (21) feet from the rear yard setback requirement of forty (40) feet. The variance will allow the proposed deck to be nineteen (19) feet from the rear property line. The property located at 2022 Pointe Barton Drive, Lot 28, Pointe Barton is Group “B”, Parcel 23 on Wilson County 35 “A”. The property consists of .66 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.05 AREA REGULATIONS - C. REAR YARD - 1. For principal structures there shall be a rear yard of not less than forty (40) feet.

ACTION: Staff read recommendations. Applicant appeared. After discussion, motion made by Neal, seconded by Blaydes, and all voting aye, the request was approved based on staff recommendations.

CASE 4030

REQUEST: Chris Logan is requesting a variance of four (4) feet from setback requirement of eight (8) feet between structures. The variance will allow the proposed

detached garage to be four (4) feet from the existing house. The property located at 523 Glen Echo Drive, Lot 84, Echo Valley is Group “B”, Parcel 13 on Wilson County Tax Map 53 “B”. The property consists of .94 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 - 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. After discussion, motion made by Thompson, seconded by Neal, and all voting aye, the request was approved based on staff recommendations.

CASE 4031

REQUEST: Civil Site Design Group on behalf of Harold and Deborah Jenkins and Billy and Margaret Jones, Tammy Crabtree and David Jones is requesting to establish a school use on A-1 Agricultural zoned properties. The properties located on Double Log Cabin Road are Parcels 9.02 and 9.08 on Wilson County Tax Map 34. Parcel 9.02 consists of 44.07 acres and Parcel 9.08 consists of 64.50 acres.

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 – AA. School

ACTION: Staff read recommendations. Joe Haddix representing Civil Site Design Group appeared. Commissioner Jerry McFarland appeared in opposition, giving out information from LaGuardo Utility District, School Siting Guidelines, EPA study for electric and magnetic fields from power lines. Christine Rice, Traffic Engineer appeared. Ben Polston, area resident appeared in opposition. Rachel Wolf, adjoining property owner appeared in opposition. Jeff Luttrell, Director of Wilson County Schools spoke. After discussion, motion made by Thompson, seconded by Neal, and all voting aye, the request was deferred to the October meeting.

CASE 4032

REQUEST: Civil Site Design Group on behalf of Gaylon and Clydene Lohman is requesting to establish a school use on R-1 Residential zoned property. The property located at 14045 Central Pike is Parcel 45 on Wilson County Tax Map 101. The property consists of forty-five (45) acres.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RESIDENTIAL (R-1) - 5.10.03 USES PERMISSIBLE ON APPEAL – H. School

ACTION: Staff read recommendations. Joe Haddix representing Civil Site Design Group appeared. Charlene Allmon, adjoining property owner appeared in opposition. Harold Johnson, adjoining property owner appeared in opposition. After discussion, motion made by Thompson, seconded by Blaydes, and all voting aye, the request was deferred to the October meeting.

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

Secretary