

**Wilson County Board of Zoning Appeals Minutes
October 20, 2022**

The Wilson County Board of Zoning Appeals met October 20, 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, Dowell, Crockett. Also, present was County Planning staff, Codes and Zoning staff, Storm Water staff, County Attorney Mike Jennings, and Court Reporter Betsy Pierucki with Bridge Reporting.

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 welcomed new members.

Motion made by Neal, seconded by Thompson, and all voting aye, the minutes of the September 15, 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: Todd Bryan appeared. After discussion, motion made by Neal to approve, seconded by Dowell. Thompson amended the motion to include the storm water permit. Neal and Dowell accepted the amended motion and all voting aye, the permits are good for two (2) years.

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: Mike Jennings, County Attorney spoke concerning case law. Mr. Luttrell, Director of Wilson County Schools spoke. After discussion, motion was made by Blaydes, second by Neal and all voting aye, there was no action taken by the board.

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: Mike Jennings, County Attorney spoke concerning case law. Mr. Luttrell, Director of Wilson County Schools spoke. After discussion, motion was made by Blaydes, second by Neal and all voting aye, there was no action taken by the board.

CASE 4033

REQUEST: Tiffany Barrett is requesting to establish a short-term rental use on R-1 Residential zoned property. Applicant is also needing a variance from the two (2) acre requirement. The property located at 452 Liberty Chapel Road, Lot 4, Salyer Property is Parcel 6.12 on Wilson County Tax Map 49. The property consists of 1.64 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 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. Applicant appeared before the board stating the septic was approved for three (3) bedrooms therefore the number of guests would be six (6). After discussion, motion was made by Neal, second by Blaydes, and all voting aye, the request was denied based on the property not meeting the two (2) acre requirement.

CASE 4034

REQUEST: **Bonnie Lisa Roberts** is requesting to establish two (2) dwellings on one (1) tract of land. The property located at 5470 Big Springs Road, Lot 4, Finley Property is Parcel 8.04 on Wilson County Tax Map 65. The property consists of 17.83 acres and is zoned A-1 Agricultural.

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. Neal stated he was an adjoining property owner and that would not affect his vote. Applicant appeared before the board. After discussion, motion was made by Thompson, seconded by Blaydes, and all voting aye, the request was denied due to the applicant not having a hardship.

CASE 4035

REQUEST: **Robert Painter** is seeking a variance of five (5) feet from the south rear yard setback requirement of thirty (30) feet. The variance will allow the covered patio and outdoor living area to be twenty-five (25) feet from the south rear property line. The property located at 3012 Trice Place, Lot 78, Clay Estates is Parcel 20, Group "E" on Wilson County Tax Map 36 "H". The property consists of .69 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 - 2. For principal structures, served by public sewer system, there shall be a rear yard of not less than thirty (30) feet. [revised 12-13-93] [revised resolution 07-7-4]

ACTION: Staff read recommendations. Applicant appeared before the board. After discussion, motion made by Crockett, seconded by Neal, and all voting aye, the request was approved based on the variance being minor and the property being a corner lot.

CASE 4036

REQUEST: Taber Schroeder is requesting a twelve (12) month extension on a building permit that was applied for on April 27, 2020. The last inspection was a plumbing/slab inspection that passed December 29, 2020. The property located at 3685 Cainsville Road is Parcel 53.06 on Wilson County Tax Map 91. The property consists of 83.92 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. Lee Bond, contractor appeared before the board representing the applicant. After discussion, motion was made by Dowell, seconded by Neal. Thompson amended the motion to include the storm water permit. Dowell and Neal accepted the amended motion and all voting aye, the permits are good for one (1) year.

CASE 4037

REQUEST: Paul Crockett on behalf of Darrell Gilley is requesting to establish a rock quarry on A-1 Agricultural zoned property. The property located on Rocky Valley Road is a portion of Parcel 41.13 on Wilson County Tax Map 103. The property consists of 22.605 acres. If this request is approved, this property will be added to the Hoover Property and the entrance to the property will be on Highway 231 South and not Rocky Valley Road.

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 – DD. Other similar uses as reviewed and approved by the Board of Zoning Appeals. 5.20.04 USES PROHIBITED - D. Uses not specifically permitted or permissible on appeal.

ACTION: Staff read recommendations. Kerry Crockett stated the applicant is his brother and that would not affect his vote. Applicant appeared before the board. Chad Bilbrey, adjoining property owner appeared in opposition. Ron Bilbrey, area property owner appeared in opposition. Commissioner Haskell Evans appeared stating he had not received any phone calls but was in opposition. Brian Gray, adjoining property owner appeared in opposition. Paul Crockett appeared stating these properties already adjoined the existing quarry. Randy Groce, area property owner appeared in opposition. Chairman Thompson stated Groce Electric has done work for him and this wouldn't affect his vote. Dennis Shephard appeared in opposition representing his daughter. Tricia Gray, adjoining property owner appeared in opposition. Ron Bilbrey spoke again. Chad Bilbrey spoke again. After discussion, motion was made by Blaydes to deny, seconded by Thompson with an amendment to deny based on this is not an allowed use and due to the resident's testimony. Blaydes accepted the amendment and all voting aye, the request was denied.

CASE 4038

REQUEST: Tony Krech is requesting to waive the sewer requirements for C-3 Commercial zoned property. The property located at 1715 Murfreesboro Road, Lot 3, Hobbs Estate is Parcel 48.01 on Wilson County Tax Map 92. The property consists of 3.54 acres.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.41 COMMERCIAL OR INDUSTRIAL USE OF PROPERTY - Within any commercial or industrial zone district the following will be Required: 1. Prior to any commercial or industrial use of property, a public sewer system as defined by this zoning ordinance must be in place for the provision of sewerage disposal. [resolution 07-7-4]

ACTION: Staff read recommendations. Applicant appeared. After discussion, motion made by Thompson, seconded by Blaydes, and all voting aye, the request was deferred to the November meeting at the applicant's request.

CASE 4039

REQUEST: Charles O'Neal Flannery Jr is requesting a variance from the size limit requirement of three hundred (300) square feet for an accessory structure without a principal structure located on the property. The variance will allow the accessory structure to be one thousand, five hundred (1,500) square feet. The property located at 877 Ramsey Road, Lot 19, Northside is Group "A", Parcel 13 on Wilson County Tax Map 16 "E". The property consists of approximately ten thousand (10,000) square feet 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 was made by Neal to approved based on testimony given, seconded by Crockett.

Thompson amended the motion to include no outside storage. Neal and Crockett accepted the amended motion and all voting aye, the request was approved based on testimony given and no outside storage.

CASE 4040

REQUEST: Caryn Winter on behalf of Limestone Trail Apartments is requesting relief from the Adequate Facilities Tax of \$5,000.00 per unit for apartments. The property located at 1414 Alhambra Drive is Parcel 15.01 on Wilson County Tax Map 58. The property consists of 12.27 acres.

ORDINANCE REFERENCE: See Private Act in board member's packet.

ACTION: Staff read recommendations. Applicant appeared before the board. After discussion, motion was made by Thompson, seconded by Blaydes, and all voting aye, the request was deferred with the applicant requesting to be placed back on the agenda within ninety (90) days.

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

Secretary