

**Wilson County Board of Zoning Appeals Minutes
August 17, 2023**

The Wilson County Board of Zoning Appeals met August 17, 2023, 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, Crockett, Robinson. Also, present was County Planning staff, Codes and Zoning staff, Storm Water staff, County Attorney Mike Jennings, 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. Thompson made an announcement for public comment.

Motion made by Robinson, seconded by Neal, and all voting aye, the minutes of the July 20, 2023, meeting were approved.

CASE 4103 (Requested deferral)

REQUEST: **Angie Higham** is requesting to use the property for a wedding event venue. The property located at 7325 Lebanon Road is Parcel 17 on Wilson County Tax Map 55. The property consists of 4.36 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 - DD. Other similar uses as reviewed and approved by the Board of Zoning Appeals.

ACTION: Staff read recommendations. Jason Higham appeared. After discussion, motion was made by Neal, seconded by Crockett, and all voting aye, the request was denied based on staff recommendations.

CASE 4112

REQUEST: **James Todd** is requesting a variance of nine (9) feet from the east side yard setback requirement of ten (10) feet. The variance will allow the proposed cabana to be one (1) foot from the east side property line. The property located at 1203 Ben Forkum Drive, Lot 38, Reserve at Horn Springs is Group "A", Parcel 11 on Wilson County Tax Map 35 "H". The property consists of fifteen thousand, four hundred and fifty-seven (15,457) 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 was not present at this time. Request was moved to the end of the agenda.

CASE 4113

REQUEST: **Tim Stockton representing Stockton Building Corporation** is requesting a refund for an Adequate Facilities Tax that was paid twice. The Adequate Facilities Tax was paid on August 10, 2022, and again on November 19, 2022. The property is located at 127 Tate Lane, in the City of Mt. Juliet.

ORDINANCE REFERENCE: AFT receipt states good for thirty (30) days.

ACTION: Staff read recommendations. Applicant appeared. After discussion, motion was made by Thompson, seconded by Neal, and all voting aye, the request was approved. Karen Murphy made the applicant aware she needed a written request and copies of the receipts in order to process the refund.

CASE 4114

REQUEST: **Ashley Chance** is requesting a variance of twelve (12) feet from the west side yard setback requirement of twenty (20) feet. The variance will allow the proposed house to be eight (8) feet from the west side property line. Applicant is also needing a variance from the lot width requirement of one hundred and twenty-five (125) feet. The property located at 809 Pebble Cove Road, Lot 21, Crutchfield Property is Group "C", Parcel 14 on Wilson County 24 "H". The property consists of .45 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] - 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. [revised 07-7-4]

ACTION: Staff read recommendations. Tim Chance appeared. Commissioner Lauren Breeze stated this was not her district, it was McFarland's district. After discussion, motion was made by Robinson, seconded by Crockett, and all voting aye, the request was approved based on staff recommendations.

CASE 4115

REQUEST: **Ruth Ann Davis** is requesting to use the property as a short-term rental. The applicant is also requesting a variance from the two (2) acre minimum requirement. The property located at 919 Celeste Court, Lot 259, Villages of Cedar Creek is Group "C", Parcel 9 on Wilson County Tax Map 50 "D". The property consists of .39 acres and is zoned R-1 Residential.

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. Commissioner Lauren Breeze appeared. Daniel Stillman residing at 919 Celeste Court appeared. Gerald Wigger, representative for Villages of Cedar Creek Homeowner's Association appeared. After discussion, motion was made by Blaydes, seconded by Neal, and all voting aye, the request was denied based on staff recommendations.

CASE 4116

REQUEST: **Charles Spencer** is requesting a variance of nineteen (19) feet from the north side yard setback requirement of twenty (20) feet. The variance will allow the proposed carport to be attached to the existing house and be one (1) foot from the north side property line. The property located at 426 Purnell Road, Lot 18, Spencer Creek is Group "A", Parcel 20 on Wilson County Tax Map 13 "O". The property consists of 2.4 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]

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

CASE 4117

REQUEST: **Kaleb Creighton on behalf of Dr. Lucas Bryant** is requesting a variance of ten (10) feet from the west side yard setback requirement of twenty (20) feet. The variance will allow the proposed addition to be ten (10) feet from the west side property line. The property located at 2019 Shoreline Drive, Lot 10, Spenlake is Group "C",

Parcel 10 on Wilson County Tax Map 12 “M”. The property consists of 1.051 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]

ACTION: Staff read recommendations. Applicant appeared. After discussion, motion was made by Thompson, second by Neal, and all voting aye, the request was approved based on the county changing the lot size requirement and if the lot was amended, the property would lose the grandfather clause.

CASE 4112

REQUEST: James Todd is requesting a variance of nine (9) feet from the east side yard setback requirement of ten (10) feet. The variance will allow the proposed cabana to be one (1) foot from the east side property line. The property located at 1203 Ben Forkum Drive, Lot 38, Reserve at Horn Springs is Group “A”, Parcel 11 on Wilson County Tax Map 35 “H”. The property consists of fifteen thousand, four hundred and fifty-seven (15,457) 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: Brian Keith with K & A Land Surveying appeared representing the property owner. Mr. Keith stated the plat had been amended removing the easement and the plat has already been recorded. Mr. Keith stated the adjoining property owner was open space for the subdivision. Christopher Lawless confirmed the property was open space. After discussion, motion was made by Thompson, seconded by Neal, and all voting aye, the request was approved based on testimony given and the lot to the rear and east is not developable property.

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

Secretary