

**Wilson County Board of Zoning Appeals Minutes
October 19, 2023**

The Wilson County Board of Zoning Appeals met October 19, 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, Robinson, Manning, and Williams. Also, present was County Planning staff, Codes and Zoning staff, and County Attorney Mike Jennings.

Chairman 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. Neal stated that staff makes recommendations which are considered by the Board. Thompson made an announcement for public comment.

Motion made by Neal, seconded by Robinson, and all voting unanimously, the minutes of the September 21, 2023, meeting were approved.

CASE 4123

REQUEST: David Heimbach is requesting a variance from the road frontage requirement of fifty (50) feet and a variance from the lot width requirement of one hundred and twenty-five (125) feet. The property is one hundred (100) feet in width. The variances will allow the applicant to replace the mobile home. The property located at 3684 Benders Ferry Road, Lot 6, Cedar Creek Heights is Group "A", Parcel 17 on Wilson County Tax Map 28 "O". The property consists of approximately twenty-four thousand, nine hundred (24,900) square feet 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. ARTICLE 5 ZONING DISTRICTS - SECTION

5.20 AGRICULTURAL (A-1) - 5.20.05 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. [revised 07-7-4]
ACTION: Staff read recommendations. Applicant appeared. After discussion, motion was made by Neal, seconded by Manning, and all voting unanimously, the request was approved based on staff recommendations and testimony given.

CASE 4124

REQUEST: Kevin McCowan on behalf of Bennie McCowan is requesting an approval to make an addition of 3,000 (three thousand) square feet to an existing cabinet shop. The cabinet shop was approved by the board on August 21, 2015. The property located at 1582 Guill Road, Lot 8, Lillie Jenkins Rutland is Parcel 12 on Wilson County Tax Map 98. The property consists of 3.7 acres and is zoned R-1 Residential.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.02 USES PERMITTED - C. Home occupation as defined in Article 2 of this regulation - ARTICLE 2 DEFINITIONS - HOME

OCCUPATION: An incidental occupation customarily carried on in the residence, employing no more than one (1) person not residing on the premise and utilizing no more than twenty-five (25) percent of the usable floor area of all buildings; provided, (1) no article or service be sold or offered for sale on the premise other than that produced by such occupation, and (2) such occupation shall not require the alteration of buildings, new construction, or equipment and machinery not customarily used in residential areas.

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

CASE 4125

REQUEST: Jams Investment Group LLC is requesting to use the property for dog grooming and doggy day care on C-3 Commercial zoned property. The property located at 5780 Highway 109 North is Parcel 45 on Wilson County Tax Map 33. The property consists of 1.78 acres and is zoned C-3 Commercial.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 5.32 HIGHWAY COMMERCIAL (C-3) - 5.32.03 USES PERMISSIBLE ON APPEAL - O. Any similar use which, in the opinion of the Board of Zoning Appeals, would be in keeping with the uses permitted and the general character of the area in which it is located.

ACTION: Staff read recommendations. Shelly Cole representing Jams Investment Group appeared. Neal asked the number of dogs. Ms. Cole stated 12-21 dogs. After discussion, motion was made by Thompson, seconded by Robinson, and all voting unanimously, the request was denied based on staff recommendations.

CASE 4126

REQUEST: Randy Berger representing Midway 840 LLC is requesting a variance of one hundred and sixty (160) parking spaces from the requirement of four hundred and eighty (480) parking spaces. The variance will allow for three hundred and twenty (320) parking spaces. The property located at 1815 Couchville Pike, Lot 1, Midway 840 is

Parcel 83 on Wilson County Tax Map 138. The property consists of 53.65 acres and is zoned C-4 Commercial.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.50 OFF-STREET PARKING REQUIREMENTS - SECTION 3.50 OFF-STREET PARKING REQUIREMENTS (Resolution 16-8-9) - 3.50.02 NUMBER OF PARKING SPACES REQUIRED - The minimum number of off-street parking spaces provided in all districts shall be determined by the following table. In any determination of parking requirement as set forth herein, where the resultant figure contains a fraction, any fraction less than one-half (1/2) may be dropped and any fraction one-half (1/2) or more shall be counted as one parking space.

Warehousing, Distribution, Light Manufacturing/Assembly & Office Facilities - When building is 200,001 (two hundred thousand one) square feet or larger - One (1) space per 1250 (one thousand two hundred fifty) square feet of gross floor area.

ACTION: Staff read recommendations amending the variance to one hundred and eight (180) parking spaces from the requirement of five hundred and six (506) for a 633,410 square foot warehouse. Applicant appeared. Dennis Devine representing Midway 840 LLC appeared. Donald Hinnant appeared in opposition. Molly Null appeared in opposition. After discussion, motion was made by Thompson, seconded by Robinson, and all voting unanimously, with the exception of Neal voting no; the request was denied based on staff recommendations.

CASE 4127

REQUEST: **Rebecca Shaffer** is requesting to use the property as a short-term rental. The property located at 365 Canoe Branch Road, Lot 1A, Mike Newman Property is Parcel 13.06 on Wilson County Tax Map 23. The property consists of 1.57 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 - C. Bed and Breakfast Facility: 1. Bed and Breakfast Facilities must possess onsite caretaker either living on premises or on premises 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. 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 stating there would be a maximum of six (6) guests and she is the caretaker. David Marles appeared in opposition. After discussion, motion was made to approve by Manning, seconded by Robinson. Thompson amended the motion to include the following stipulations: maximum of six (6) guests, business plans are part of the approval, approval is for one (1) year, and quiet time is from 10 pm until 7 am. Manning and Robinson accepted the amended motion and all voting unanimously, the request was approved with stipulations.

CASE 4128

REQUEST: **Lois Keith Neal** is requesting a refund of \$5,000.00 for the Adequate Facilities Tax and \$1,050.56 for the building permit fee. The mobile home burned October 8, 2020. The property located at 8515 Stewarts Ferry Pike, a portion of Lot 6, Baskin Property is Parcel 42.05 on Wilson County Tax Map 116. The property consists of 6.97 acres and is zoned R-1 Residential.

ORDINANCE REFERENCE: Resolution 01-9-4-1. When an existing structure has been destroyed or damaged by fire; and 2. When the owner of the property presents proof satisfactory to the Wilson County Building Inspector of damage from fire; and 3. When the building permit for the replacement structure or for the repair to the damage is requested within one (1) year from the date of the fire; and 4. When the repair or replacement is for an existing structure and is not for any additional construction.

ACTION: Staff read recommendations. Applicant appeared. After discussion, motion was made by Neal, seconded by Robinson, with all voting unanimously, with the exception of Thompson voting no; the request was approved based on the testimony given and the hardship with the applicant's insurance.

CASE 4129

REQUEST: **Doug Myhand on behalf of Rickey West** is requesting a variance of five (5) feet from the northwest side setback requirement of ten (10) feet, a four (4) feet variance from the setback requirement of eight (8) feet between structures and a variance from the lot width requirement of one hundred and twenty-five (125) feet. The lot is one hundred and twenty (120) feet in width. The variance will allow the proposed detached structure to be built back on existing concrete and be five (5) feet from the northwest side property line and four (4) feet between structures. The property located at 921 Green Valley Road, Lot 36, Bell Lake is Group "D", Parcel 18 on Wilson County Tax Map 31 "J". The property consists of approximately thirty-one thousand (31,000) 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 - 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] - 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.

ACTION: Staff read recommendations. Applicant appeared and Rickey West appeared. After discussion, motion was made by Thompson, seconded by Robinson, and all voting unanimously, the request was approved based on staff recommendations.

CASE 4130

REQUEST: Ranjanben Patel is requesting a variance of three (3) feet from the height requirement of thirty-five (35) feet. The variance will allow the proposed house to be thirty-eight (38) feet in height. The property located at 1516 Murfreesboro Road, Lot 4, Clayborn Subdivision is Parcel 77.04 on Wilson County Tax Map 92. The property consists of 2.66 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.05 AREA REGULATIONS - 5.20.06 HEIGHT REGULATIONS. No principal structure shall exceed three (3) stories or thirty-five (35) feet in height.

ACTION: Staff read recommendations. Applicant appeared. Wilson County Fire Marshall, Daniel Cowan appeared. After discussion, motion was made by Thompson, seconded by Manning. Discussion regarding a sprinkler system was had by Neal. With all voting unanimously, the request was approved.

CASE 4131

REQUEST: Mena Ragy on behalf of Masoud Baluch is requesting to use the property for an automobile, body, paint, and mechanical shop. The property located at 1640 Murfreesboro Road, Lot 3, Leslie Vanhook Property is Parcel 56.01 on Wilson County Tax Map 92. The property consists of 2.95 acres and is zoned C-3 Commercial.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS – SECTION 5.32 HIGHWAY COMMERCIAL (C-3) – 5.32.03 USES PERMISSIBLE ON APPEAL – A. Automobile repair and/or service in conjunction with automobile sales.

ACTION: Staff read recommendations. Applicant appeared. After discussion, the applicant requested deferral. Motion was made by Thompson, seconded by Neal, and all voting aye, the request was deferred until the property site plan is submitted with a request to be placed back on the agenda.

CASE 4132

REQUEST: Douglas Manhardt is requesting a variance of twelve feet from both the northeast and northwest side yard setback requirements of twenty (20) feet and a variance of fifteen (15) feet from the rear yard setback requirement of forty (40) feet. The variances will allow the proposed house to be eight (8) feet from both the northeast and northwest side property lines and twenty-five (25) feet from the rear property line. The property located at 938 Point View Circle, Lot 20, Port Spencer is Group “A”, Parcel 1 on Wilson County Tax Map 27 “O”. The property consists of approximately twenty-eight thousand, nine hundred (28,900) square feet 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] - 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. Roy Atkinson appeared with questions. After discussion, motion was made by Williams, seconded by Neal, and all voting unanimously, with the exception of Manning and Robinson voting no; the request was approved.

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

Secretary