

**Wilson County Board of Zoning Appeals Minutes
April 18, 2019**

The Wilson County Board of Zoning Appeals met April 18, 2019 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, Kawczynski, Neal, Thompson and Thorne. Also, present was County Planning staff, Building Inspector 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 and every one of the prospective witnesses. Thompson stated that staff makes recommendations which are considered by the Board.

Minutes of the March 21, 2019 meeting were read and approved, motion made by Abercrombie, second by Thorne, and all voting aye.

The following cases were presented:

CASE 3679

REQUEST: Keith Fry is seeking an extension of a building permit for a single-family dwelling. The building permit was applied for on May 19, 2015 and issued on July 21, 2015. The last inspection was the framing and the insulation inspection which passed on November 22, 2017. The property located at 12330 Sparta Pike, Lot 2, Reed/Marsh Property is Parcel 61.01 on Wilson County Tax Map 129. The property consists of 9.56 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. Applicant appeared presenting his case. After discussion, motion made by Kawczynski, second by Neal and all voting aye, the permit was extended for twelve (12) months.

CASE 3680

REQUEST: Richard Cassetty Jr. is seeking to establish a buildable lot without public road frontage. The property located at 1870 Neal Road is Parcel 11.01 on Wilson County Tax Map 131. The property consists of fifteen (15) acres and is zoned A-1 Agricultural. The property became of record on May 19, 2015 in Deed Book 1642, Page 784-787. The deed states the property has a fifty (50) feet right-of-way or easement.

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 presenting his case. Richard Cassetty Sr. appeared in favor. After discussion, motion made by Neal, second by Kawczynski and all voting aye, the request was approved based on the history of the property and the fifty (50) feet access.

CASE 3681

REQUEST: Chaz Lowe is seeking a variance of one thousand (1,000) square feet from the size requirement of two thousand (2,000) square feet for an accessory structure without a principle structure and a variance of six (6) feet from the height requirement of twenty-two (22) feet. The variance will allow the accessory structure to be three thousand (3,000) square feet and the height will be twenty-eight (28) feet. The property located at 960 Trice Road, Lot 7, Montgomery Farms is Parcel 7.06 on Wilson County Tax Map 46. The property consists of 5.08 acres and is zoned R-1 Residential.

ORDINANCE REFERENCE: SECTION 3.90 ACCESSORY STRUCTURES IN RESIDENTIAL AND/OR AGRICULTURAL ZONE DISTRICTS [resolution 07-7-5] - 3.90.01 Accessory structures as defined by this zoning ordinance may receive a building permit in instances where a principal residential structure has not yet been built or subject to the following additional conditions or requirements: 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

B. The accessory structure being placed on the property prior to establishment of a primary residential use meets all setback, height and bulk requirements for accessory structures within the zone district it is located; and C. The above notwithstanding, any such use that cannot meet all of the provisions of items A through B must be submitted to the Board of Zoning Appeals before issuance of a building permit. ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.06 HEIGHT REGULATIONS. No principal structure shall exceed three (3) stories or thirty-five (35) feet in height. Accessory structures shall not exceed twenty-two (22) feet in height OR they must match the predominant two (2) roof pitch angles of the residence if exceeding twenty-two (22) feet. Other zoning district height criterion is still applicable if this option is exercised. If this option is exercised building material of accessory must match primary residential structure. [revised resolution 15-2-13]

ACTION: Staff read recommendations. Applicant appeared presenting his case. After discussion, motion made by Kawczynski, second by Neal and all voting aye, the request was approved.

CASE 3682

REQUEST: Chase Lyle is seeking a home business use for the sale of firearms. The property located at 206 Green Harbor Road, Lot 27, Green Harbor is Group "A", Parcel 19 on Wilson County Tax Map 51 "L". The size of the property is approximately 49,760 square feet and is zoned R-1 Residential.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.02 USES PERMITTED - 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 presenting his case. Becky Blackwell, residing at 243 Green Harbor Road appeared with concerns. Raymond Richardson, residing at 205 Green Harbor Road appeared in opposition. Kathleen Pankratz, residing at 201 Green Harbor Road appeared in opposition. Applicant appeared again to address the people residing on Green Harbor Road. After discussion, motion made by Thorne, second by Abercrombie and all voting aye, the request was approved based on staff recommendations with no outside activity, no signage, and business hours are on Thursday and Friday from 12 p.m. until 4 p.m.

CASE 3683

REQUEST: Ryan Stephens is seeking a variance of two and one half (2&1/2) feet from the front yard setback requirement of thirty (30) feet, a variance of eleven and one half (11&1/2) feet from the west side yard setback requirement of twenty (20) feet and a

variance of twenty-four and one half (24&1/2) feet from the rear yard setback requirement of forty (40) feet in order to build a house. Applicant is also seeking a variance of twenty-five (25) feet from the lot width requirement of one hundred and twenty-five (125) feet and a variance of approximately twenty-nine thousand, six hundred (29,600) square feet from the lot size requirement of forty thousand (40,000) square feet. The variances will allow the house to be twenty-seven and one half (27&1/2) feet from the front property line and eight and one half (8&1/2) feet from the west side property line and fifteen and one half (15&1/2) feet from the rear property line. The property located on Ramsey Road, Lots 28 and 29, Northside are Group "A", Parcels 32 and 33 on Wilson County Tax Map 16 "E". The lots together consist of approximately ten thousand, four hundred (10,400) 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 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. 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 there shall be a rear yard of not less than forty (40) feet. E. LOT WIDTH - 5. 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] 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. Applicant appeared. After discussion, motion made by Neal, second by Abercrombie and all voting aye, the request was approved based on staff recommendations.

CASE 3684

REQUEST: Cedar Farms JV, LLC is seeking a variance of fifteen (15) feet from the sign height requirement of thirty-five (35) feet. The variance will allow the sign to be fifty (50) feet in height. Applicant is also seeking an interpretation for internal illumination requirements for signs as written in the Wilson County Zoning Ordinance and a variance if needed. The property located at 125 Logistics Drive, Lot 1, Cedar Farms is Parcel 32 on Wilson County Tax Map 138. The property consists of 48.36 acres and is zoned C-4 Commercial.

ORDINANCE REFERENCE: SECTION 5.33 PLANNED COMMERCIAL (C-4) - 5.33.09 SIGNS - A. No flashing or intermittent illumination shall be permitted. F. All signs shall meet the requirements identified in Section 4.10. ARTICLE 4 STANDARDS - SECTION 4.10 SIGNS - GENERAL SIGN REGULATIONS - 6. Sign illumination. Signs may be illuminated by a lighting source which is separate from the sign structure. No exterior illumination of a sign is permitted where the sign is located within two

hundred (200) feet of property which is zoned for residential purposes. 7. Sign height. No sign may be constructed to exceed thirty-five (35) feet in height, measured from the grade at the base of the sign.

ACTION: Staff read recommendations. Shawn Henry, representative from Rooms to Go appeared presenting his case. Josh Bethea, Jeff Finke, Peter Weitzner, and G.C. Hixon, all appeared in reference to the case. After discussion, motion made by Thompson to approved the height variance and to interpreted the zoning ordinance to be permissive and not restrictive as to the internal illumination requirements, second by Abercrombie and all voting aye.

CASE 3685

REQUEST: David and Karen Watkins are seeking a variance of seven (7) feet from the east side yard setback requirement of ten (10) feet and a variance of seven (7) feet from the north rear yard setback requirement of ten (10) feet in order to place an accessory structure on the property. The variance will allow the accessory structure to be placed three (3) feet from both the east side property line and the north rear property line. Applicant is also seeking a variance of approximately twenty-two thousand, five hundred (22,500) square feet from the lot size requirement of forty thousand (40,000) square feet. The property located at 6030 Vanderbilt Road, Lot 80, Knobblehurst is Group "A", Parcel 2 on Wilson County Tax Map 31 "P". The property consists of approximately seventeen thousand, five hundred (17,500) 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 - 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]

C. REAR YARD - 3. For accessory structures there shall be a rear yard of not less than ten (10) feet. F. MINIMUM LOT AREA - 4. Each lot not served by a public sewer system but served by a public water system shall have a minimum lot area of forty thousand (40,000) square feet.

ACTION: Staff read recommendations. Applicants appeared presenting their case. LeeAnn Quilka, residing at 5590 Vanderbilt Road appeared in favor of the request. After discussion, motion made by Kawczynski, second by Abercrombie and all voting aye, the request was approved based on staff recommendations.

CASE 3686

REQUEST: Charles Mallory is seeking a variance of three (3) feet variance from the rear yard setback requirement of ten (10) feet in order to place an accessory structure on the property. The variance will allow the accessory structure to be seven (7) feet from the rear property line. Applicant is also seeking a variance of thirty-five (35) feet from the lot width requirement of one hundred and twenty-five (125) feet and a variance of twenty-four thousand, seven hundred and fifty (24,750) square feet from the lot size requirement of forty thousand (40,000) square feet. The property located at 139 Santa Fe Trail, Lot 58, Rancho Acres is Group "B", Parcel 1 on Wilson County Tax Map 53 "G". The property consists of approximately fifteen thousand, two hundred and fifty (15,250) 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 - C. REAR YARD - 3. For accessory structures there shall be a rear yard of not less than ten (10) feet. 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] F. MINIMUM LOT AREA - 3. Each lot not served by a public sewer system but served by a public water system shall have a minimum lot area of forty thousand (40,000) square feet.

ACTION: Staff read recommendations along with a letter from Brenda Brundige with concerns and a letter from Holly Newingham and Martha Trammell in favor of the request. Applicant appeared presenting his case. After discussion, motion made by Abercrombie, second by Neal and all voting aye, the request was approved based on staff recommendations.

CASE 3687

REQUEST: **Kathy Stover** is seeking to establish a temporary plant and produce stand for one (1) year from the month of April through the end of October. The property located at 10945 Central Pike, Lot 1, Timbrook Farms is Parcel 4.04 on Wilson County Tax Map 100. The property consists of 3.50 acres and is zoned R-1 Residential.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.04 USES PROHIBITED - Mobile homes except on individually owned lots; group housing; billboards and similar advertising structures; uses not specifically permitted or permissible on appeal.

ACTION: Staff read recommendations. Applicant appeared presenting her case. After discussion, motion made by Thorne, second by Kawczynski and all voting aye, the request was denied based on staff recommendations.

CASE 3688

REQUEST: **Paul Crockett** is seeking to establish a storage building facility on A-1 Agricultural zoned property. The property located on Sparta Pike, Lot 6, Hallums Property is Parcel 51 on Wilson County Tax Map 105. The property consists of 6.32 acres.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) – 5.20.04 USES PROHIBITED - Uses not specifically permitted or permissible on appeal.

ACTION: Staff read recommendations. Applicant appeared presenting his case. Chris Fuller, residing at 2549 Sparta Pike appeared in opposition. After discussion, motion made by Thompson to approve with the stipulation that the request must meet all commercial development requirements, second by Abercrombie and all voting aye with the exception of Thorne and Kawczynski voting no, the request was approved with stipulations.

CASE 3689

REQUEST: K & A Land Surveying is seeking a variance of sixteen thousand and seventy-one (16,071) square feet from the lot size requirement of 40,000 square feet in order to build a house. The property located on Carthage Highway, Lot 2, Fred Smith Property is a portion of Parcel 74.06 on Wilson County Tax Map 59. The property consists of twenty-three thousand and twenty-nine (23,029) 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 - F. MINIMUM LOT AREA - 3. Each lot not served by a public sewer system but served by a public water system shall have a minimum lot area of forty thousand (40,000) square feet.

ACTION: Staff read recommendations. Applicant appeared presenting his case. Commissioner Mike Kurtz appeared in favor. After discussion, motion made by Thompson to deny, second by Abercrombie and voting aye, with the exception of Thorne and Kawczynski voting no, the request was denied.

Discussion was held concerning taking applicants before the board in order to sell firearms as a home occupation. After discussion, motion made by Thompson to allow the staff to approve these types of home occupations and adhere to the following stipulations:

1. must meet the requirements of a home occupation defined in the Wilson County Zoning Ordinance
2. no outside activity allowed
3. no signage
4. applicant picks two days during the week of their choosing from 12 p.m. until 4 p.m. for business hours

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

Secretary