

Wilson County Board of Zoning Appeals Minutes
August 15, 2019

The Wilson County Board of Zoning Appeals met August 15, 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, Blaydes, Kawczynski, Neal, Thompson and Thorne. Also, present was County Planning staff, Building Inspector staff, Storm Water staff 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 Thompson informed everyone that Case 3721 had been withdrawn by applicant, the then informed individuals that anyone desiring to withdraw or request deferral could do so at this time.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 July 18, 2019 meeting were read and approved, motion made by Kawczynski, second by Neal and all voting aye.

The following cases were presented:

CASE 3715

REQUEST: William H. Gibbs is seeking a variance of fourteen (14) feet from the front yard setback requirement of forty (40) feet. The variance will allow the mobile home to be twenty-six (26) feet from the front property line. The property located at 1527C Hartsville Pike; William H. Gibbs Property is a portion of Parcel 35 on Wilson County Tax Map 59. The property consists of 5.06 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 - A. FRONT YARD. All principal and accessory structures shall be set back for 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: 2. Collector Streets - forty (40) feet

ACTION: Staff read recommendations. Applicant appeared presenting his request. Thomas Phillips residing at 1525 Hartsville Pike appeared in favor. After discussion, motion made by Kawczynski, second by Neal and all voting aye, the request was approved.

CASE 3716

REQUEST: John and Barbara Buchanan are seeking approval for a camper that has already been placed on the property that is temporarily being lived in. The property

located at 9800 Highway 109 North, Lot 1, Gary D. Beasley is Parcel 9 on Wilson County Tax Map 13. The property consists of 1.8 acres and is zoned A-1 Agricultural. **ORDINANCE REFERENCE:** ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.04 - USES PROHIBITED – C. Travel Trailers as defined in the Wilson County Zoning Ordinance are not permitted as a permanent dwelling and therefore, the County Zoning Administrator will not release electrical permits for such to be connected in one location for an extended period, nor will the Administrator issue building permits or occupancy permit for these structures unless they are converted and constructed with a permanent foundation and required perimeter foundation wall across all sides of the structure. Travel Trailers ARE however permitted to be stored on a property in this zone district as long as they are owned by the property owner and as long as no one inhabits said trailer for generally more than two weeks at a time. (resolution 19-6-16)

ACTION: Staff read recommendations. Applicants appeared presenting the request. After discussion, motion was made by Blaydes to deny due to applicant will be getting the necessary building permits needed, second by Thompson. More discussion was had. Blaydes, Thompson, Neal voted aye, Kawczynski and Thorne voted no. Request was denied with a vote of three (3) in favor and two (2) in opposition.

CASE 3717

REQUEST: Robert Oldham is seeking a variance of eight (8) feet from the rear yard setback requirement of ten (10) feet, a variance of nine (9) feet from the west side yard setback requirement of fifteen (15) feet and a variance of eleven thousand (11,000) square feet from the lot size requirement of forty thousand (40,000) square feet. The variances will allow the proposed accessory structure to be two (2) feet from the rear property line, six (6) feet from west side property line and allow the proposed accessory structure to be in the side yard of the house. The property located at 301 Queens Drive, Lot 1, Crown Point is Group “A”, Parcel 23 on Wilson County Tax Map 32 “I”. The property consists of approximately twenty-nine thousand (29,000) 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 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] - 4. Accessory structures shall not be located in any required side yard.

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. Brian Oldham, applicant’s son appeared presenting the request. After discussion, motion made by Neal, second by Kawczynski, and all voting aye, the request was approved based on staff recommendations.

CASE 3718

REQUEST: Patrick Wilson is seeking a variance of five (5) feet from the north side yard setback requirement of ten (10) feet. The variance will allow the proposed accessory structure to be five (5) feet from the north side property line and be in the side yard of the house. The property located at 692 Scotland Trace, Lot 94, Berkshire Ridge is Group "B", Parcel 4 on Wilson County Tax map 95 "J". The property consists of approximately sixteen thousand, four hundred (16,400) square feet and is zoned R-1 Residential Cluster.

ORDINANCE REFERENCE: SECTION 4.50 CLUSTER RESIDENTIAL DEVELOPMENT (resolution 09-3-14) - 4.50.03 DEVELOPMENT REQUIREMENTS - E. STRUCTURE LOCATION REQUIREMENTS - The minimum distance between structure and street right-of-way line shall be based on the zoning district in which the development is located and shall be as follows: The minimum spacing between principal structures (12/13/93) shall be based upon the zoning district which the development is located and shall be as follows: R-1 (Rural Residential) twenty (20) feet

ACTION: Staff read recommendations. Applicant appeared presenting the request. Mike Neely appeared. After discussion, motion made by Neal, second by Kawczynski, and all voting aye, the request was approved based on the topography of the property.

CASE 3719

REQUEST: William (Randy) Haley is seeking a variance of fifteen (15) feet from the north rear yard setback requirement of thirty (30) feet. The variance will allow the proposed detached garage to be fifteen (15) feet from the north rear property line. The property located at 11 Farmhouse Point, Lot 121, Autumn Creek is Group "D", Parcel 12 on Wilson County Tax Map 34 "A". The property consists of 1.03 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 presenting the request. After discussion, motion made by Thorne, second by Kawczynski and all voting aye, the request was approved based on staff recommendations.

CASE 3720

REQUEST: Edna Willingham is seeking a variance of eight (8) feet from the south side yard setback requirement of fifteen (15) feet. The variance will allow the proposed accessory structure to be seven (7) feet from the south property line and be in the side yard of the house. The property located at 355 Windhaven Bay, Lot 119, Sunset Harbor is Group "D", Parcel 8 on Wilson County Tax Map 50 "J". The property consists of twenty-five thousand, one hundred and sixty (25,160) 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] - 4. Accessory structures shall not be located in any required side yard.

ACTION: Staff read recommendations. Applicant appeared presenting the request. Mr. Neely, the applicant's contractor spoke. After discussion, motion made by Blaydes, second by Kawczynski and all voting aye, the request was approved.

CASE 3721 (WITHDRAWN BY APPLICANT)

REQUEST: **Paige Mullen** is seeking to establish an event venue. The property located at 1517 Candlelit Cove, Lots 47, 48 and 49, Hickory Isles is Group "B", Parcel 10 on Wilson County Tax Map 29 "B". The property consists of a total of 2.88 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.

CASE 3722

REQUEST: **Cliff Carey** is seeking a variance of 39.42 feet from the north rear yard setback requirement of forty (40) feet, a variance of 36.09 on the northeast rear yard setback requirement of forty (40) feet and a variance of ten (10) feet from the easement width requirement of twenty (20) feet. The variance will allow the proposed addition to be .58 feet from the north rear property line and 3.91 feet from the northeast rear property line. The property located at 2607B Mann Road is Parcel 62 on Wilson County Tax Map 25. The property consists of two (2) acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.40 NUMBER AND LOCATION OF BUILDINGS ON LOT - 3.40.03 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 - C. REAR YARD - 1. For principal structures there shall be a rear yard of not less than forty (40) feet.

ACTION: Staff read recommendations stating a variance of 39.5 feet from the rear property line was needed. Applicant appeared presenting the request. After discussion, motion made by Kawczynski, second by Neal and all voting aye, the request was approved based on staff recommendations.

Changes in the By-Laws were submitted. Article II, Section 1 proposed changed to two (2) associate members instead of one (1) and Article VI, Section 1 proposed changed to Thursday instead of Friday. After discussion, motion made by Thompson, second by Kawczynski and all voting aye, the changes were approved.

Election of officers - Neal nominated Thompson as chairman, Thompson nominated Abercrombie as vice chairman and Thorne as secretary. Neal withdrew his motion. Kawczynski made the motion to re-elect all the present officers for the upcoming year, second by Neal and all voting aye; Thompson was re-elected as chairman, Abercrombie was re-elected as vice chairman, and Thorne was re-elected as secretary.

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

Secretary