

**Wilson County Board of Zoning Appeals Minutes
December 19, 2019**

The Wilson County Board of Zoning Appeals met December 19, 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 Thompson, Abercrombie, Thorne, Neal, Kawczynski and Blaydes. 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 November 21, 2019 meeting were read and approved, motion made by Kawczynski, second by Abercrombie and all voting aye.

The following cases were presented:

CASE 3725 (Deferred from the September 19, 2019, October 17, 2019 and November 21, 2019 meetings) – Withdrawn by applicant

REQUEST: Jerry and Patsy McDonald are seeking to establish two (2) dwellings on one (1) tract of land. The property located at 693 Mires Road is Parcel 23 on Wilson County Tax Map 118. The property consists of twenty-six (26) acres and is zoned R-1 Residential.

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ACTION: Motion made by Thorne, second by Neal and all voting aye, the request was withdrawn.

CASE 3744

REQUEST: Scott Tungate is seeking a variance of twenty (20) feet from the west rear yard setback requirement of forty (40) feet. The variance will allow the proposed patio/screened area to be twenty (20) feet from the west rear property line. The property located at 1014 Rome Pike, Lot 3, Kirsty Jordan is Group "C", Parcel 3 on Wilson

County Tax Map 59 "N". The property consists of approximately thirty-nine thousand, four hundred and one (39,401) 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 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 presenting his case. After discussion, motion made by Thompson to approve due to the property being an older lot and a corner lot, second by Kawczynski and all voting aye, the request was approved.

CASE 3745 (Withdrawn by applicant)

REQUEST: Dree's Homes are protesting paying the new Adequate Facilities Tax fee for several properties. The property located in Wilson County is 520 Burton Road and the fee was paid on October 28, 2019. The property located in the city of Mt Juliet is 713 Rickfield Court in Baird Farms; the fee was paid on October 28, 2019. Other properties located in the city of Mt Juliet are 707/714 Rickfield Court in Baird Farms and 3055/3057 Elliott Drive in Beckwith Crossing; the fees were paid on November 20, 2019. The property located in the city of Lebanon is 1083 River Oaks Blvd in River Oaks; the fee was paid on November 20, 2019.

ORDINANCE REFERENCE: See attachments of resolutions and private act.

ACTION: Motion made by Thorne, second by Neal and all voting aye, the request was withdrawn.

CASE 3746

REQUEST: Nancy Tisdale is seeking a variance of two thousand, three hundred (2,300) square feet from the maximum square footage of one thousand one hundred and ten (1,110) square feet without having a principal structure on the property. The variance will allow the applicant to make an addition the existing accessory structure and the total square footage once the addition is made will be three thousand, four hundred and ten (3,410) square feet. The property located at 706 Eastland Lane is Parcel 157.29 on Wilson County Tax Map 82. The property consists of approximately forty-two thousand, four hundred and thirty (42,430) square feet and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS – SECTION 5.20 AGRICULTURAL (A-1) - SECTION 3.90 ACCESSORY STRUCTURES 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: 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 presenting her case. Tim Filson, applicant's son took the oath and appeared to answer questions. After discussion, motion made by Kawczynski, second by Abercrombie, all voting aye with the exception of Thorne voting no, the request was denied based on staff recommendations.

CASE 3747

REQUEST: Robert Angello is seeking to establish an Airbnb/short-term rental on A-1 Agricultural zoned property once the house is completed. The building permit was applied for on November 22, 2019. The property located at 439 Odum Lane, Lot 6, Cartwright Property is Parcel 23.03 on Wilson County Tax Map 116. The property consists of 5.18 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 - 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 presenting his case. After discussion, motion made by Thompson based on the plot plan being made of record, no more than six (6) guests, no more than three (3) vehicles, second by Abercrombie. Kawczynski asked about quiet hours and the applicant stated there would not be any outdoor activity and quiet hours from 10 p.m. until 7 a.m. With all voting aye, the request was approved for one (1) year with the approve stipulations.

CASE 3748

REQUEST: Chris Jones is seeking to live in a camper while remodeling a mobile home on the property. The property located at 355A Walnut Hill Road; Betty C. Jones Property is Parcel 9.01 on Wilson County Tax Map 112. The property consists of five (5) 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) - D. Uses not specifically permitted or permissible on appeal.

ACTION: Staff read recommendations. Applicant appeared presenting his case. After discussion, motion made by Thompson to approve giving the applicant one year to live in the RV while remodeling the mobile home and to clean up the property and bring it to compliance, second by Abercrombie and all voting aye.

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

Secretary