

**Wilson County Board of Zoning Appeals Minutes
February 20, 2020**

The Wilson County Board of Zoning Appeals met February 20, 2020 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, Neal, Thompson, 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 of the prospective witnesses. Thompson stated that staff makes recommendations which are considered by the Board.

Minutes of the January 16, 2019 meeting were read and approved, motion made by Abercrombie, second by Thorne and all voting aye.

The following cases were presented:

CASE 3756

REQUEST: **Holly Corbin** is seeking a variance of eight (8) feet from the south side yard setback requirement of ten (10) feet and a variance of twenty-three (23) feet from the rear yard setback requirement of twenty-five (25) feet. The variance will allow the (already completed pool, including concrete) to be two (2) feet from the south side property line and two (2) feet from the rear property line. The property located at 303 Seven Springs Terrace, Lot 42, Seven Springs is Group "A", Parcel 14 on Wilson County Tax Map 99 "E". The property consists of .32 acres and is zoned R-1 Residential Cluster.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 4.50 - CLUSTER RESIDENTIAL DEVELOPMENT (resolution 09-3-14) - 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: R-1 (Rural Residential) - twenty-five (25) feet. 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. After discussion, motion by Neal, second by Abercrombie and all voting aye, the request was approved based on staff recommendations and the testimony given.

CASE 3757 (Removed from the agenda due to deeds being found that the property became of record in September 1969.)

REQUEST: Jerry Jones is seeking to establish a legal lot or record. The lot became of record

in August 1975. Applicant is also seeking a variance of approximately six thousand, four hundred square feet (6,400) square feet from the lot size requirement of forty thousand (40,000) square feet. The property located at 501 Gladeville Road is Parcel 3 on Wilson County Tax Map 116. The property consists of approximately thirty-three thousand, six hundred (33,600) 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.

ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.05 AREA REGULATIONS - 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: Motion made by Abercrombie, second by Neal and all voting aye, the request was withdrawn.

CASE 3758

REQUEST: Wallace Dobbs is seeking to establish two (2) dwellings on one (1) tract of land. The applicant is seeking to use a travel trailer as a dwelling for approximately one month out of the year. The property located at 853 Vesta Road is Parcel 5.08 on Wilson County Tax Map 142. The property consists of 12.37 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.40 NUMBER AND LOCATION OF BUILDINGS ON LOT - 3.40.02 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: Staff read recommendations. Applicant appeared. Danny Connor appeared without opposition. Lance Southworth appeared with concerns. Commissioner Sara Patton appeared. After discussion, motion made by Abercrombie, second by Neal and all voting aye, except for Thorne voting no, the request was denied based on staff recommendations.

CASE 3759

REQUEST: Michael Stevenson is seeking to continue using an accessory structure located on the property to store event rental items including tents, chairs, tables etc. for

events. The applicant owns Reed's Event Rentals. The property located at 1571 Mann Road is Parcel 65 on Wilson County Tax Map 24. The property consists of ten (10) 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. Applicant appeared. After discussion, motion made by Neal, second by Abercrombie and all voting aye, the request was approved based on staff recommendations, testimony given and the stipulation there will not be any outside storage.

CASE 3760

REQUEST: Keith Price is seeking a variance of twenty-five (25) feet from the front yard setback requirement of forty (40) feet on Stewarts Ferry Pike. The variance will allow the carport (that has already been constructed) to be fifteen (15) feet from the front property line. The property located at 3804 Stewarts Ferry Pike is Parcel 63.26 on Wilson County Tax Map 118. The property consists of 5.13 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. After discussion, motion made by Thorne, second by Neal and all voting aye, the request was denied based on staff recommendations.

CASE 3761

REQUEST: Dylan and Devin Vergason are seeking to establish a legal lot of record. The lot became of record in July 1979. If the request is approved, it will allow the applicants to apply for a building permit to build an accessory structure. The property located at 1440 Horn Springs Road is Parcel 35.01 on Wilson County Tax Map 46. The property consists of 2.46 acres and is zoned R-1 Residential.

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.

ACTION: Staff read recommendations. Devin Vergason appeared. After discussion, motion made by Neal, second by Abercrombie and all voting aye, the request was approved based on testimony given and the house predating the Wilson County Zoning Ordinance.

CASE 3762

REQUEST: **Gayle Jacobus** is seeking to establish two (2) dwellings on one (1) tract of land. The second dwelling will be a camper that will be used four (4) times a year while family is in town. The property located at 2672 Greenvale Road is Parcel 35 on Wilson County Tax Map 163. The property consists of 116.89 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.40 NUMBER AND LOCATION OF BUILDINGS ON LOT - 3.40.02 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: Staff read recommendations. Applicant was not present. Harriett Wilson appeared with concerns and in opposition. Commissioner Sara Patton appeared stating people in the area are in opposition. After discussion, motion made by Blaydes, second by Thorne and all voting aye, the request was denied. Thompson stated the applicant can reapply with no cost if the staff can see justification as to why the applicant didn't appear.

CASE 3763

REQUEST: **Jerry McTaggart** is seeking a variance of nine (9) feet from the south side yard setback requirement of ten (10) feet and a variance of two (2) feet from the rear yard setback requirement of ten (10) feet. The variances will allow the proposed accessory structure to be one (1) foot from the south side property line and eight (8) feet from the rear property line. The property located at 445 Bonnie Valley, Lot 41, Deerfield is Group "A", Parcel 14 on Wilson County Tax Map 70 "M". The property consists of approximately thirty-four thousand, three hundred and seventy-nine (34,379) square feet and is zoned R-1 Residential.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 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] - C. REAR YARD - 3. For accessory structures there shall be a rear yard of not less than ten (10) feet.

ACTION: Staff read recommendations. Applicant appeared. Commissioner Sue Vanatta appeared in favor. After discussion, motion made by Thompson, second by Abercrombie and all voting aye, the request was approved based on staff recommendations and with the stipulation the rv is for storage only.

CASE 3764

REQUEST: **Ann Rye** is seeking to establish two (2) dwellings on one (1) tract of land and continue utilizing an existing camper on the property. The property located at 862 Ramsey Lane, Lot 4, Anderson Property is Parcel 27.10 on Wilson County Tax Map 61. The property consists of 12.36 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.40 NUMBER AND LOCATION OF BUILDINGS ON LOT - 3.40.02 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: Staff read recommendations. Applicant appeared. Matthew Rye appeared. After discussion, motion made by Abercrombie, second by Blaydes and all voting aye, the request was denied based on staff recommendations.

CASE 3765

REQUEST: Dana Edwards is seeking a variance of twenty (20) feet from the road frontage requirement of fifty (50) feet. The variance will allow the applicant to apply for a building permit for a pool. The property became of record in April 1972. The property located at 543 Spring Creek Lane is Parcel 18 on Wilson County Tax Map 83. The property consists of twenty-eight (28) 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.

ACTION: Staff read recommendations. Stan Edwards appeared. Nick Holland appeared. Jerry McDonald appeared and spoke in favor. After discussion, motion made by Neal, second by Abercrombie and all voting aye, the request was approved based on staff recommendations.

CASE 3766

REQUEST: Patricia Graham is seeking to store a rv/camper on the property while remodeling it. The applicant's intentions are to move the existing mobile home off the property and live in the rv/camper once it is finished being remodeled. The property located at 701 Old Shannon Road, Lot 8, Huffines Property is Parcel 16.06 on Wilson County Tax Map 93. The property consists of 2.04 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: Staff read recommendations. Applicant appeared. After discussion, motion made by Thompson, second by Blaydes and all voting aye, the applicant was given thirty (30) days to get a building permit.

CASE 3767

REQUEST: Erik Elrod is seeking to establish a buildable lot of record without the requirement of fifty (50) feet of public road frontage. The property became of record in September 1971. The property located on Nonaville Road is Parcel 59 on Wilson County Tax Map 32. The property consists of twenty (20) acres and is zoned R-1 Residential.

ORDINANCE REFERENCE: 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. After discussion, motion made by Thorne, second by Abercrombie and all voting aye, the request was approved based on staff recommendations.

CASE 3768

REQUEST: Mike Lonas is seeking a variance of ten (10) feet from the south side yard setback requirement of fifteen (15) feet. The variance will allow the proposed detached accessory structure to be five (5) feet from the south side property line and be in the required side yard of the house. The property located at 2106 Donna Kaye Court, Lot 23, Denver Hills is Group "E", Parcel 23 on Wilson County Tax Map 76 "O". The property consists of .78 acres and is zoned R-1 Residential.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 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. After discussion, motion made by Abercrombie, second by Thompson and all voting aye, except for Blaydes and Thorne voting no. The request was denied based on staff recommendations.

CASE 3769

REQUEST: Kenneth Baxter is seeking a variance of four (4) feet from the height requirement of twenty-two (22) feet. The variance will allow the barn to be twenty-six (26) feet in height. The property located at 17330 Central Pike, Lot 1, James Hearn Property is Parcel 28.03 on Wilson County Tax Map 115. The property consists of 5.25 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.06 HEIGHT REGULATIONS. 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. After discussion, motion by Neal, second by Abercrombie and all voting aye, the request was approved based on the testimony given and the design of the barn matching the house.

CASE 3770

REQUEST: Daniel Owen is seeking a variance of ten (10) feet on both side yard setback requirements of fifteen (15) feet. The variance will allow the proposed house to be five (5) feet from both side property lines. The property located at 140 Angels Cove Lane, Lot 27, Angels Cove is Group "A", Parcel 27 on Wilson County Tax Map 8 "O". The property consists of approximately twenty thousand, eight hundred and ninety (20,890) 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 appeared. Jennifer and William Taylor appeared in opposition. Stephanie Braham appeared in opposition. Allison Ross appeared in opposition. Diane Taylor appeared. Commission Jerry McFarland appeared. After discussion, motion made by Thompson, second by Abercrombie and all voting aye, the request was denied based on staff recommendations.

CASE 3771

REQUEST: Paul Crockett is seeking to establish mini storage on C-3 Commercial zoned property. The property located at 1209 Carthage Highway is Parcel 20.01 on Wilson County Tax Map 67. The property consists of 2.55 acres.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - 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. Applicant appeared. After discussion, motion made by Abercrombie, second by Neal, and all voting aye, the request was approved based on staff recommendations.

CASE 3772

REQUEST: Lisa Hulsey is seeking to establish an Airbnb/short-term rental on R-1 Residential zoned property. The property located at 474 Hunt Lane is Parcel 38.02 on Wilson County Tax Map 56. The property consists of 5.01 acres.

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 Sue Vanatta appeared in favor. After discussion, motion made by Thompson, second by Abercrombie and all voting aye, the request was approved for one (1) year based on staff recommendations and the following stipulations: maximum of 6 people and must submit a plot plan and business plan.

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

Secretary