

Wilson County Board of Zoning Appeals Minutes
May 21, 2020

The Wilson County Board of Zoning Appeals met May 21, 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, 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 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' downstairs before they came up to the meeting room due to Covid-19 restrictions. Thompson informed individuals that anyone desiring to withdraw, or request deferral could do so at this time. Thompson called the meeting to order. Thompson stated the meeting will be a modified procedure this morning, we will be calling cases one at a time. Mr. Brashear's staff will bring the applicant and anyone else who wishes to participate up from downstairs. 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 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 stated that staff makes recommendations which are considered by the Board.

Minutes of the February 20, 2019 meeting were read and approved, motion made by Neal, second by Abercrombie and all voting aye excluding Kawczynski due to absence.

The March and April meeting were postponed due to Covid-19, therefore, requests were carried over to this month's meeting.

The following cases were presented at 9:00 a.m.:

CASE 3773

REQUEST: Jeffrey and Cathy Carter are seeking to establish a legal lot of record in order to build a house. The property became of record in January 1993. The property located at 2433 Saint John Road is Parcel 21.02 on Wilson County Tax Map 161. The property consists of approximately thirty-seven thousand, five hundred (37,500) 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.

ACTION: Staff read recommendations. Applicant was not present at the time the request was heard. After discussion, motion made by Kawczynski to defer to the end of the morning meeting, second by Neal and all voting aye, the request was deferred to the end of the morning meeting.

CASE 3774

REQUEST: Jay Wilfong is seeking to establish a bed and breakfast on A-1 Agricultural zoned property. The property located at 10471 Highway 109 North is Parcel 28 on Wilson County Tax Map 10. The property consists of 45.50 acres.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS – SECTION 5.20 A-1 Agricultural - 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 before the board. After discussion, motion made by Kawczynski to approve for a period of three (3) years, second by Thompson and all voting aye, the request was approved for a period of three (3) years.

CASE 3775

REQUEST: Francis Golden is seeking a variance of ten (10) feet from front yard setback requirement of forty (40) feet on Nokes Road. The variance will allow the mobile home to be thirty (30) feet from the front property line. The property located at 910 Nokes Road, Lot 1, Francis and Marita Golden property is Parcel 8.01 on Wilson County Tax Map 93. The property consists of .92 acres 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

ACTION: Staff read recommendations. Applicant appeared before the board. After discussion, motion made by Neal, second by Thorne and all voting aye, the request was approved based on staff recommendations.

CASE 3776

REQUEST: Troy Franklin is seeking to waive the Adequate Facilities Tax fee regarding the state law for greenbelt. The property located at 2391 Beech Log Road, Lot 5, Ronny Franklin Property is a portion of Parcel 9.05 on Wilson County Tax Map 126. The property consists of 15.01 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: Tennessee Code Ann. 13-7-114 – Wilson County Resolution 03-4-11

ACTION: Staff read recommendations. Commissioner Sara Patton along with the applicant appeared before the board. After discussion, motion made by Thorne, second by Abercrombie and all voting aye with the exception of Neal voting no, the request was approved based on staff recommendations.

CASE 3777

REQUEST: Steve Juettner is seeking a variance of eight (8) feet from the rear yard setback requirement of ten (10) feet. The variance will allow the proposed accessory building to be two (2) feet from the rear property line. The property located at 2021 Sanford Drive, Lot 18, Tradewinds is Group “A”, Parcel 18 on Wilson County Tax Map 32 “G”. The property consists of approximately sixteen thousand, eight hundred (16,800) 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 - C. REAR YARD 2. For accessory structures there shall be a rear yard of not less than ten (10) feet.

ACTION: Staff read recommendations. Applicant’s wife, Elizabeth Juettner appeared before the board. After discussion, motion made by Kawczynski, second by Neal and all voting aye, the request was approved based on staff recommendations.

CASE 3778

REQUEST: Kelly Croslin is seeking two (2) dwellings on one (1) tract of land and is also seeking to waive the requirement of fifty (50) feet of public road frontage. The variance will allow the applicant to replace one of the existing homes. The property became of record in November 1969. The property located at 3350 Cainsville Road is Parcel 82 on Wilson County Tax Map 91. The property consists of 67.57 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. 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.

ACTION: Staff read recommendations. Applicant appeared before the board. After discussion, motion made by Neal, second by Kawczynski and all voting aye, the request was approved based on staff recommendations.

CASE 3779

REQUEST: Lisa Fulton is seeking a variance of one and one half (1&1/2) feet from the setback requirement of five (5) feet between structures. The variance will allow the garage to be three and one half (3&1/2) feet from the existing house. The property located at 492 Ridgeview Drive, Lot 96, Poplar Ridge is Group "C", Parcel 2 on Wilson County tax Map 118 "H". The property consists of 1.059 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 - D. SPACING OF STRUCTURES. There shall be a minimum distance of five (5) feet between structures on a lot.

ACTION: Staff read recommendations. Lisa and Scott Fulton appeared before the board. After discussion, motion made by Thompson, second by Abercrombie and all voting aye, the request was approved.

CASE 3780

REQUEST: Troy Wood is seeking a variance of twenty-two feet (22) feet from the south rear yard setback requirement of forty (40) feet for the existing house and a variance of nine (9) feet from the west rear yard setback requirement of forty (40) feet. The existing house is eighteen (18) feet from the south rear property line. The variance will allow the addition to be thirty-one (31) feet from the west rear property line. The property located at 1605 Country Haven Trail is Group "F", Parcel 16 on Wilson County Tax Map 31 "J". The property consists of approximately thirty-nine thousand, eight hundred (39,800) 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 before the board. Troy Feltner, area property owner appeared in favor of the request. Commissioner Kevin Costley appeared in favor of the request. After discussion, motion made by Kawczynski, second by Neal and all voting aye, the request was approved.

CASE 3781

REQUEST: Cherie Dimke is seeking a variance of thirty-four (34) feet from the rear yard setback requirement of forty (40) feet and a variance of ten (10) feet from the south side yard setback requirement of fifteen (15) feet. The existing house is six (6) feet from the rear property line and five (5) feet from the south side property line. The variances will allow the applicant to build a deck which will not encroach any further than the variance for the existing house in the rear of the property. The property located at 403 Beacon Hill Drive, Lot 42, Glen Hills is Group "A", Parcel 13 on Wilson County Tax

Map 31 "B". The property consists of approximately twenty-six thousand, five hundred (26,500) 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 – 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 - 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 before the board. After discussion, motion made by Kawczynski, second by Neal and all voting aye, the request was approved based on staff recommendations.

CASE 3782 (WITHDRAWN BY APPLICANT)

REQUEST: Red Rock Developments, LLC are seeking a variance of two hundred and forty-three (243) parking spaces from the requirement of four hundred and forty (440). The variance will allow for one hundred and ninety-seven (197) parking spaces. The property located at 3436 Couchville Industrial, Lot 4, Couchville Pike Business is Parcel 2.19 on Wilson County Tax Map 137. The property consists of 21.35 acres and is zoned C-4 Planned Commercial.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.50 OFF-STREET PARKING REQUIREMENTS - 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. - Industrial establishment - One (1) per two (2) employees or the combined two (2) largest successive shifts or one (1) space per five hundred (500) square feet of usable floor area, whichever is greater, plus adequate space for customer and visitor vehicles as determined by the Planning Commission.

CASE 3783

REQUEST: Tom Smith is seeking a variance of seven (7) feet from the north side yard setback requirement of ten (10) feet, a variance of six (6) feet from the south side yard setback requirement of ten (10) feet on the existing house. Applicant is also seeking a variance of seventeen (17) feet from the rear yard setback requirement of forty (40) feet. The existing house is three (3) feet from the north side property line and four (4) feet from the south side property line. The variance will allow the proposed addition to be twenty-three (23) feet from the rear property line. The property located at 3581 Benders Ferry Road, Lot 8, Cedar Creek Club is a portion of Parcel 1 on Wilson County Tax Map 32. The property is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS – SECTION 5.20 A-1 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 there shall be a rear yard of not less than forty (40) feet.

ACTION: Staff read recommendations. Applicant appeared before the board. After discussion, motion made by Neal, second by Kawczynski and all voting aye, the request was approved based on staff recommendations.

CASE 3784

REQUEST: Monroe Boyd is seeking to establish an Airbnb/short-term rental on R-1 Residential zoned property. Applicant is also seeking a variance from the lot size requirement of two (2) acres. The property located at 5228 Saundersville Road, Lot 1, Sunset Harbor is Group "A", Parcel 1 on Wilson County Tax Map 50 "H". The property consists of approximately thirty-one thousand (31,000) square feet.

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 and correspondence received from area property owners. Applicant appeared before the board. After discussion, motion made by Neal , second by Thorne and all voting aye, the request and variance were denied based on staff recommendations and the requirement of two (2) acres.

CASE 3785

REQUEST: Mary Cohen is seeking to establish an Airbnb/short-term rental on R-1 Residential zoned property. Applicant is also seeking a variance from the lot size requirement of two (2) acres. The property located at 808 Oak Leaf Drive, Lot 47, Oak Creek is Group "A", Parcel 17 on Wilson County Tax Map 52 "N". The property consists of approximately twenty thousand, seven hundred and thirty-four (20,734) square feet.

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 and correspondence received from area property owners. Applicant appeared before the board. After discussion, motion made by Kawczynski, second by Neal and all voting aye, the request and variance were denied based on staff recommendations and the lot size requirement not being met.

CASE 3786

REQUEST: Lennar Nashville is seeking to use expired adequate facilities taxes. These properties are in Vineyard Grove, a subdivision located in the city of Lebanon. One unit was paid on April 29, 2019, seven (7) units were paid on June 26, 2019 and another unit was paid on September 24, 2019. All fees fell under the amount of \$3,000.00 per unit at the time they were paid. The fee for the Adequate Facilities Tax went up to \$5,000.00 on October 17, 2019.

ORDINANCE REFERENCE: Wilson County Resolution 19-9-2

ACTION: Staff read recommendations. Applicant appeared before the board. After discussion, motion made by Neal, second by Thompson and all voting aye, the request was denied based on staff recommendations.

CASE 3787

REQUEST: LJ Perry is seeking to renew an approval for an Airbnb/short-term rental on A-1 Agricultural zoned property. The board approved the Airbnb/short-term rental on February 21, 2019 for one (1) year. The property located at 6975 Cairo Bend Road, Lot 13, Joe Neal Property is Parcel 10.04 on Wilson County Tax Map 8. The property consists of 5.01 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 and correspondence received from area property owners. Applicant appeared before the board. After discussion, motion made by Thompson to approve with the following stipulations: the special use permit is good for five (5) years, the plot plan will become part of the approval and the applicant is notified that if there are any additions to the structure, you'll have to come back here to revise the plot plan, second by Neal and all voting aye, the request was approved with the above stipulations.

CASE 3788

REQUEST: **Civil Site Design Group** is seeking a variance of six hundred and nine (609) parking spaces from the requirement of eight hundred and eighteen (818). The variance will allow for two hundred and nine (209) parking spaces. The property located at 135 Logistics Drive, Lot 2, Cedar Farm is Parcel 32 on Wilson County Tax Map 138. The property consists of 51.32 acres and is zoned C-4 Planned Commercial.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.50 OFF-STREET PARKING REQUIREMENTS - 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. - Industrial establishment - One (1) per two (2) employees or the combined two (2) largest successive shifts or one (1) space per five hundred (500) square feet of usable floor area, whichever is greater, plus adequate space for customer and visitor vehicles as determined by the Planning Commission.

ACTION: No one appeared to represent the case. Motion made by Thompson to defer this case to the afternoon session, second by Abercrombie and all voting aye.

CASE 3773

REQUEST: Jeffrey and Cathy Carter are seeking to establish a legal lot of record in order to build a house. The property became of record in January 1993. The property located at 2433 Saint John Road is Parcel 21.02 on Wilson County Tax Map 161. The property consists of approximately thirty-seven thousand, five hundred (37,500) 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.

ACTION: Moved to the end of the morning agenda for applicant to appear. Staff read recommendations. Jeffrey Carter appeared before the board. After discussion, motion made by Neal to approved based on the hardship the owners acquired the property in 2009 and it was deeded off in 1993, second by Kawczynski. Thompson amended the approval to include a letter of approval from groundwater and all voting aye, the request was approved.

These minutes were taken from the Court Reporter, Teresa Hatcher's transcript hired by the county.

There being no further business to come before the Board at this time, on motion duly made and seconded, adjourned this meeting and we will come back in session at 1:00 p.m. to hear the other agenda.

Secretary

**Wilson County Board of Zoning Appeals Minutes Continued
May 21, 2020**

The Wilson County Board of Zoning Appeals reconvened May 21, 2020 at 1:00 p.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 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' downstairs before they came up to the meeting room due to Covid-19 restrictions.

Thompson informed individuals that anyone desiring to withdraw, or request deferral could do so at this time. Thompson called the meeting to order. Thompson stated the meeting will be a modified procedure this morning, we will be calling cases one at a time. Mr. Brashear's staff will bring the applicant and anyone else who wishes to participate up from downstairs. 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 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 stated that staff makes recommendations which are considered by the Board.

The following cases were presented at 1:00 p.m.:

CASE 3789

REQUEST: **Three Bubba's Lakehouse LLC (Ann and Paul Korhnak)** are seeking a variance of thirty-eight (38) feet from the rear yard setback requirement of forty (40) feet and a variance of eleven (11) feet from the northwest side yard setback requirement of fifteen (15) feet. The variances will allow the proposed deck to be three (3) feet from the rear property line and four (4) feet from the northwest side property line. The property located at 5469 Vanderbilt Road, Lot 18, Knobblehurst is Group "B", Parcel 9 on Wilson County Tax Map 50 "A". The property consists of approximately fourteen thousand, one hundred and forty (14,140) 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] - 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 and correspondence received. Ann Korhnak and Susan Mallet Rogers appeared before the board. After discussion, motion made by Kawczynski to approve the variance to the rear and deny the variance to the side, second by Neal and all voting aye, the request was approved for the rear variance and denied for side variance.

CASE 3790

REQUEST: **Peter Miller** is seeking is seeking to establish a legal lot of record in order to build a new house. The property located at 190 Logue Road is Parcel 44.01 on Wilson County Tax Map 99. The property consists of 3.14 acres and is zoned R-1 Residential. The existing house was built in 1958 will be removed and the lot became of record September 1975.

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 and correspondence received. Peter and Jannie Miller appeared before the board. After discussion, motion made by Thorne to approve due to the lot being an older lot of record and the applicant is just replacing the existing house on site, second by Neal and all voting aye with the exception of Kawczynski voting no, the request was approved.

CASE 3791

REQUEST: John Hornyak is seeking a variance of ten and one half (10&1/2) feet from the side yard setback requirement of twenty (20) feet in order to build a detached garage. The variance will allow the proposed garage to be in the southeast side yard of the house and be nine and one half (9&1/2) feet from the southeast side property line. The property located at 93 North Denny Road, Lot 10A, Swain Farm is Parcel 33.10 on Wilson County Tax Map 25. The property consists of .921 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS – SECTION 5.20 A-1 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] - 4. Accessory structures shall not be in any required side yard.

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

CASE 3792

REQUEST: Lee Moore is seeking a variance of four (4) feet from the front yard setback requirement of forty (40) feet on Benders Ferry Road. The deck is already being constructed is thirty-six (36) feet from the front property line. The property located at 10 Gilley Road, Lot 1A, Barney Brook Farms is Parcel 13 on Wilson County Tax Map 32. The property consists of 1.06 acres 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: 2. Collector Streets - forty (40) feet

ACTION: Staff read recommendations and correspondence received. Applicant appeared before the board. After discussion, motion made by Neal, second by Kawczynski and all voting aye, the request was approved based on staff recommendations.

CASE 3793

REQUEST: **Danny Hale** is seeking to establish two (2) dwellings on one (1) tract of land. The property located at 474 Nokes Road, Lot 12, Kaiser Property is Parcel 32.10 on Wilson County Tax Map 80. The property consists of 8.66 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 and correspondence received. Applicant appeared before the board. After discussion, motion made by Thompson to defer the request until the applicant makes the request to be placed back on the agenda, second by Thorne and all voting aye, the request was deferred.

CASE 3794

REQUEST: **Wendy Cohenno** is seeking a variance of thirty-five (35) feet from the rear setback requirement of forty (40) for an inground pool including concrete. The variance will allow the concrete to be five (5) feet from the rear property line. Applicant is also seeking a variance of approximately ten thousand, five hundred and twenty-five (10,525) square feet from the lot size requirement of forty (40,000) square feet. The property located at 2065 Saundersville Ferry Road, Lot 1, Glen Hills is Group "C", Parcel 11 on Wilson County Tax Map 31 "B". The property consists of approximately twenty-nine thousand, four hundred and seventy-five (29,475) square feet and 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 and correspondence received. Applicant appeared before the board. After discussion, motion made by Kawczynski, second by Thorne and all voting aye, the request was approved based on staff recommendations.

CASE 3795

REQUEST: **Dan Payne** is seeking to waive the requirements required by FEMA for building a deck. The property located at 3740 Coles Ferry Pike, Lot 9, Charles Haskins Property is Parcel 11.09 on Wilson County Tax Map 45. The property consists of 5.95 and is zoned R-1 Residential.

ORDINANCE REFERENCE: ARTICLE 4 ADMINISTRATION - Section B. Permit Procedures - Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required: 2. Construction Stage - Within unnumbered A zones, where flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Information shall be submitted to administrator by applicant for review. For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same. ARTICLE 5.6 - FLOODPLAIN ZONING RESOLUTION (revised & adopted 05/18/2009) - Section B. Findings of Fact - 1. The Wilson County Board of County Commissioners wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).

ACTION: Staff read recommendations stating the applicant had submitted the paperwork required and was asking for a refund for the amount of going before the board since the variance was no longer needed. Applicant appeared before the board. After discussion, motion made by Neal to refund the \$200.00 and not making this a precedent based on the fact that the courthouse has been closed quite a bit during this time period, second by Abercrombie and all voting aye with the exception of Kawczynski voting no, the refund was approved.

CASE 3796

REQUEST: Deborah McNeil is seeking to establish a legal lot of record in order to place a mobile home on the property. Applicant is also seeking to waive the road frontage requirement of fifty (50) feet. The property became of record on February 7, 1979. The property located at 1848 Sparta Pike is Parcel 26.01 on Wilson County Tax Map 91. The property consists of two (2) acres 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. - 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.

ACTION: Staff read recommendations. Mike Alton appeared before the board. Applicant appeared before the board along with a realtor. After discussion, motion made by Neal to approve based on the fact that there was a house that did predate our zoning ordinance, second by Abercrombie and all voting aye, the request was approved.

CASE 3797

REQUEST: George and Maribel Bragg are seeking to establish an Airbnb on R-1 Residential zoned property. Applicants are also seeking a variance from the lot size requirement of two (2) acres. The property is located at 607 Confederate Circle, Lot 37,

Hermitage Harbor is Group “B”, Parcel 23 on Wilson County Tax Map 51 “N”. The property consists of approximately twenty-three thousand and ninety (23,090) square feet.

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 (Resolution 18-3-6) – Bed and Breakfast Facility (Resolution 18-3-6) 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 Sheriff’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 and correspondence received. Applicant appeared before the board. After discussion, motion made by Kawczynski, second by Neal and all voting aye, the request and variance were denied based on the lot size requirement.

CASE 3788

REQUEST: Civil Site Design Group is seeking a variance of six hundred and nine (609) parking spaces from the requirement of eight hundred and eighteen (818). The variance will allow for two hundred and nine (209) parking spaces. The property located at 135 Logistics Drive, Lot 2, Cedar Farm is Parcel 32 on Wilson County Tax Map 138. The property consists of 51.32 acres and is zoned C-4 Planned Commercial.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.50 OFF-STREET PARKING REQUIREMENTS - 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. - Industrial establishment - One (1) per two (2) employees or the combined two (2) largest successive shifts or one (1) space per five hundred (500) square feet of usable floor area, whichever is greater, plus adequate space for customer

and visitor vehicles as determined by the Planning Commission.

ACTION: Moved to the afternoon session. Planner Tom Brashear stated the request was withdrawn by the applicant. After discussion, motion made by Kawczynski, second by Thompson and all voting aye, the request was withdrawn.

CASE 3798

REQUEST: Sara Patton is seeking to establish a tack and feed store on A-1 Agricultural zoned property. Applicant is also seeking a variance of approximately thirty thousand, three hundred (30,300) square feet from the lot size requirement of forty thousand (40,000) square feet and a variance of forty (40) feet from the lot width requirement of one hundred and twenty-five (125) feet. The property located at 150 Statesville Main Street is Group “A”, Parcel 6 on Wilson County Tax Map 152 “O”. The property consists of approximately nine thousand, seven hundred (9,700) square feet.

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. 5.20.05 AREA REGULATIONS - 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 before the board. After discussion, motion made by Neal to approve with the stipulations that are on here as far as expanding or anything of that nature, that you have to come before the board for that, second by Thorne and all voting aye, the request was approved with the above stipulation.

These minutes were taken from the Court Reporter, Teresa Hatcher’s transcript hired by the county.

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

Secretary