

**Wilson County Board of Zoning Appeals Minutes**  
**November 21, 2019**

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

Minutes of the October 17, 2019 meeting were read and approved, motion made by Kawczynski, second by Thorne and all voting aye.

The following cases were presented:

**CASE 3725 (Deferred from the September 19, 2019 and October 17, 2019 meetings)**

**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:** Planner stated the applicant's attorney had requested to be deferred to the December meeting. After discussion, motion made by Thompson to approved with the stipulation that the request be heard at the December meeting or the applicant needs to reapply, second by Abercrombie and all voting aye, the request was deferred to the December meeting.

**CASE 3730 (Withdrawn by applicant)**

**REQUEST:** Kevin New is seeking to establish luxurious style camping on A-1 Agricultural zoned property. The property located at 2900 Callis Road, Lots 4 and 5, Robert and Edna Ligon Property is Parcel 19.01 on Wilson County Tax Map 94. The property consists of a total of 51.94 acres.

**ORDINANCE REFERENCE:** ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.03.1 USES PERMISSIBLE ON APPEAL - DD. Other similar uses as reviewed and approved by the Board of Zoning Appeals.

**CASE 3734**

**REQUEST:** Stephen Dybowski is seeking a variance of ten (10) feet from the southeast side yard setback requirement of twenty (20) feet. The variance will allow the detached garage to be ten (10) feet from southeast side property line and be built in the side yard of house. The property located at 104 Briana Drive, Lot 9, Payton Farms is Group "A", Parcel 15 on Wilson County Tax Map 25 "L". The property consists of .919 acres and is zoned A-1 Agricultural.

**ORDINANCE REFERENCE:** ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 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 located in any required side yard.

**ACTION:** Staff read recommendations. Applicant appeared presenting his request. After discussion, motion made by Neal to approved based on the narrowing shape of the lot, second by Abercrombie and all voting aye with the exception of Kawczynski voting no, the request was approved based on staff recommendations.

**CASE 3735**

**REQUEST:** Randall Montgomery is seeking to establish a second dwelling (mother-in-law suite) on R-1 Residential zoned property. Applicant is undecided depending on the action of the board the route he will take in regards to an addition to the house or a detached dwelling. The property located at 7189 Saundersville Road, Lot 5, Wellington Place is Group "D", Parcel 4 on Wilson County Tax Map 31 "N". The property consists of 3.27 acres.

**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. Toni Montgomery appeared presenting the request. Randall Montgomery appeared also. After discussion, motion made by Kawczynski, second by Neal and all voting aye, the request was denied based on staff recommendations.

**CASE 3736**

**REQUEST: Miranda Todd** is seeking to renew her Airbnb approval previously granted on November 16, 2018, Case 3636 for one (1) year. The property located at 5041 Twin Ridge Drive, Lot 71, Twin Lakes Cove is Group “E”, Parcel 19 on Wilson County Tax Map 52 “C”. The property consists of forty-eight thousand, seven hundred and fifty-four (48,754) square feet and is zoned R-1 Residential.

**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 presenting her request and asking for a three (3) year approval. After discussion, motion made by Thompson to approve the request for two (2) years, the business plan is part of the approval and the previous stipulations from the previous approval are still in effect, second by Kawczynski and all voting aye, the request was approved based on staff recommendations.

**CASE 3737**

**REQUEST: Granville Hatcher** is seeking an extension of a building permit for a single-family dwelling that was applied for on February 16, 2017 and was issued on April 5, 2017. The last inspection was the footing inspection which passed on April 5, 2017 and a consultation on February 15, 2019. An extension was granted by the board February 21, 2019 stating the permit was good until October 5, 2019. The property located at 1290 Mays Chapel Road is Parcel 24 on Wilson County Tax Map 49. The property consists of two (2) acres and is zoned A-1 Agricultural.

**ORDINANCE REFERENCE:** ARTICLE 6 - ADMINISTRATION, ENFORCEMENT AND INTERPRETATION - SECTION 6.20 - BUILDING PERMITS, SITE PLAN REQUIREMENTS AND CERTIFICATES OF COMPLIANCE - 6.20.02 - A building permit shall become void twelve (12) months from the date of issuance by the Building Inspector or the date an appeal is granted by the Board of Zoning Appeals, unless substantial progress has been made within those twelve (12) months on the project described therein. Substantial progress shall be determined by the request for and approval of subsequent required inspections from and by the Building Inspector respectively. In no case shall an active building permit for a residential dwelling last longer than 24 months without having received a certificate of compliance or other final approval as outlined within the Wilson County Zoning Resolution. If a permit recipient for a residential dwelling perceives that his construction project may last longer than 24 months, then special relief or variance from this provision will be required and the permit recipient will need to seek such relief from the Wilson County Board of Zoning Appeals. (resolution 18-11-13)

**ACTION:** Staff read recommendations. Applicant appeared presenting his request. After discussion, motion made by Thorne to give the applicant two (2) weeks to call in for an electrical inspection and six (6) months to complete construction unless the building inspector approves of the progress being made, second by Abercrombie and all voting aye, the request was approved.

#### **CASE 3738**

**REQUEST:** **Kaitlyn Smous** is seeking a variance of approximately seventeen thousand, eight hundred and eighty-one (17,881) square feet from the lot size requirement of forty thousand (40,000) square feet and a variance of twenty-five (25) feet from the lot width requirement of one hundred and twenty-five (125) feet in order to replace the existing house. The property located at 386 Green Harbor Road, Lot 10, Green Harbor is Group "A", Parcel 19 on Wilson County Tax Map 51 "E". The property consists of approximately twenty-two thousand, one hundred and nineteen (22, 119) square feet and is zoned R-1 Residential.

**ORDINANCE REFERENCE:** ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) -E. LOT WIDTH - 3. Where dwellings are not served by a public sewer system there shall be a minimum lot width of one hundred twenty-five (125) feet at the front building line. If soils analysis permits a minimum lot area of thirty thousand (30,000) square feet, there shall be a minimum lot width of one hundred (100) feet at the front building line.

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. Applicant appeared presenting her request. After discussion, motion made by Abercrombie, second by Kawczynski and all voting aye, the request was approved based on staff recommendations.

**CASE 3739**

**REQUEST:** **Ruben Brinkley** is seeking to establish a church use on R-1 Residential zoned property. The property located on Hartsville Pike, Lot 3, Robert Lester is a portion of Parcel 33 on Wilson County Tax Map 59. The property consists of 6.30 acres.

**ORDINANCE REFERENCE:** ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.03 USES PERMISSIBLE ON APPEAL - The following uses may be permitted by the Wilson County Board of Zoning Appeals as a "Use Permissible on appeal" in accordance with the provisions of Section 6.40 of these regulations. A. Church

**ACTION:** Staff read recommendations. Applicant appeared presenting his request. After discussion, motion made by Thompson, second by Abercrombie and all voting aye, the request was approved based on staff recommendations.

**CASE 3740**

**REQUEST:** **Lynne Jackson/Nick Smith** are seeking a variance of approximately thirteen thousand, eight hundred and twenty (13,820) square feet from the lot size requirement of forty thousand (40,000) square feet in order to make an addition to the house. The property located at 20370 Highway 96 is Parcel 30 on Wilson County Tax Map 169. The property consists of approximately twenty-eight thousand, one hundred and eighty (21,180) square feet and is zoned A-1 Agricultural.

**ORDINANCE REFERENCE:** ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 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.

**ACTION:** Staff read recommendations. Nick Smith appeared presenting his case. After discussion, motion made by Neal, second by Kawczynski and all voting aye, the request was approved based on staff recommendations.

**CASE 3741**

**REQUEST:** **Camille Mondelli** is seeking a variance of twenty-five (25) feet from the east side yard setback requirement of thirty (30) feet per plat, a variance of seven (7) feet from the west side yard setback requirement of twenty (20) feet. The variances will allow the proposed house to be five (5) feet from the east side property line and thirteen (13) feet from the west side property line. Applicant is also seeking a variance of thirty-five (35) feet from the lot width requirement of one hundred and twenty-five (125) feet and a variance of approximately twenty-four thousand, six hundred and twenty (24,620) square feet from the lot size requirement of forty (40,000) square feet. The property located at 914 Point View Circle, Lot 7, Port Spencer is Group "C", Parcel 7 on Wilson County Tax Map 27 "O". The property consists of approximately fifteen thousand, three hundred and eighty (15,380) square feet and is zoned A-1 Agricultural.

**ORDINANCE REFERENCE:** ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 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]

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. Matt Mondelli appeared presenting the request. After discussion, motion made by Kawczynski to approve the request and the property be deemed and reviewed as a critical lot, second by Thorne and all voting aye, the request was approved based on staff recommendations.

**CASE 3742 (Variance wasn't needed)**

**REQUEST: Bob Sorey** is seeking a variance of eighteen (18) feet from the easement width requirement of thirty (30) feet in order to establish a legal lot of record. The properties located off of Poplar Hill Road, Lots 2 - 4, Michael Midgett Property is a portion of Parcel 7 on Wilson County Tax Map 89. Lot 2 consists of 42.94 acres; Lot 3 consists of 82.99 acres and Lot 4 consists of 23.94 acres and all are 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.  
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.

**CASE 3743**

**REQUEST: Paul Crockett** is seeking a variance of five (5) feet from the east side yard setback requirement of ten (10) feet. The variance will allow the proposed shop to be five (5) feet from the east side property line. The property located at 408 Deer Trace Drive, Lot 6, Deer Trace is Group "A", Parcel 6 on Wilson County Tax Map 36 "J". The property consists of approximately forty-four thousand, two hundred and thirty (44,230) square feet and is zoned A-1 Agricultural.

**ORDINANCE REFERENCE:** ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 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]

**ACTION:** Staff read recommendations. Applicant appeared representing the property owner, Mr. Akin. After discussion, motion made by Neal based on the hardship to stay out of the soils area, second by Abercrombie and all voting aye, with the exception of Thompson voting no, the request was approved.

2020 Board of Zoning Appeals Calendar was presented. After discussion, motion made by Abercrombie, second by Neal and all voting aye, the calendar was approved.

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

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Secretary