

**Wilson County Board of Zoning Appeals Minutes
September 17, 2020**

The Wilson County Board of Zoning Appeals met September 17, 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, 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 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 August 20, 2020 meeting were approved, motion made by Abercrombie, second by Thorne and all voting aye.

The following cases were presented:

CASE 3816

REQUEST: **Arnold Leaver** is seeking to receive an approval for property that had two (2) dwellings on one (1) tract of land when he purchased the property in 2007. There is a detached structure that has an apartment above it. The property located at 213 Lakeshore Drive, Lot 25, Cherry Point is Group "D", Parcel 32 on Wilson County Tax Map 51 "M". The property consists of approximately thirty-seven thousand, nine hundred (37,900) square feet 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 and a letter in favor and a letter of opposition. Applicant appeared. Diane Barbee, adjoining property owner appeared in opposition. Attorney Bob Rochelle appeared. After discussion, motion made by Abercrombie, second by Thorne and all voting aye, with the exception of Blaydes voting no, the request was denied based on staff recommendations.

CASE 3817

REQUEST: **Michael Christian** is seeking to establish a legal lot of record in order to obtain a building permit for an accessory structure. To the best of our knowledge the property became of record after 1984. The property located at 3786 Vesta Road is Parcel 34.01 acres on Wilson County Tax Map 137. The property consists of 4.70 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.

ACTION: Staff read recommendations. Applicant appeared. After discussion, motion made by Thompson, second by Abercrombie and all voting aye there was no action taken on the request. The board did instruct the Building Inspector's Office to grant the applicant a building permit.

CASE 3818

REQUEST: **Joseph Laster** is seeking to establish a legal lot of record and also needing a variance of ten (10) feet from the easement width requirement of thirty (30) feet. The variance will allow the applicant to replace the existing mobile home with a house. The property became of record in April 1987. The property located at 9788 North Milton Road is Parcel 8.08 on Wilson County Tax Map 179. The property consists of 7.96 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.

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. Danny Green, adjoining property owner appeared in opposition. Bart Cox, adjoining property owner appeared in opposition. County Attorney, Mike Jennings spoke. After discussion, motion made by Thompson, second by Abercrombie and all voting aye, the request was deferred for thirty (30) days to research the deeds.

CASE 3819

REQUEST: William Roberts is seeking a variance of five (5) feet from the south side yard setback requirement of ten (10) feet. The variance will allow the proposed detached garage to be five (5) feet from the south side property line. The property located at 1094 Kathryn Road, Lot 117, Tinnell Valley is Group "B", Parcel 3 on Wilson County Tax Map 99 "N". The property consists of approximately thirty thousand, eighty -seven (30,087) 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. After discussion, motion made by Thompson to approve, second by Abercrombie. Thompson amended his motion to include the building permit is to be issued in the drainage easement without amending the plat and all voting aye, the request was approved.

CASE 3820

REQUEST: Cliff Carey is seeking an additional variance of five (5) feet from the northwest side yard setback requirement of twenty (20) feet. A variance was received on August 21, 2015 allowing the house to be ten (10) feet from the northwest side property line. The additional variance will allow the proposed patio to be five (5) feet from the northwest side property line. The property located at 252 Lake Haven Drive, Lot 24, Lake Haven Subdivision is Group "B", Parcel 17 on Wilson County Tax Map 12 "M". The property consists of approximately thirty-three thousand, three hundred (33,300) 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 - 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. After discussion, motion made by Thompson, second by Abercrombie and all voting aye, the request was approved with the stipulations that the patio is never to be enclosed.

CASE 3821

REQUEST: Ryan Crum is seeking a variance of eight hundred (800) square feet on the two thousand (2,000) square feet requirement for an accessory structure without a home being located on the property. The variance will allow the proposed accessory structure to be twenty-eight hundred (2,800) square feet. The property located at 3053 McCrary Road, Lot 3, Cato Property is Parcel 19.12 on Wilson County Tax Map 137. The property consists of 6.43 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.90 ACCESSORY STRUCTURES IN 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: A. 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. After discussion, motion made by Abercrombie, second by Blaydes and all voting aye, with the exception of Thompson voting no, the request was denied based on staff recommendations.

CASE 3822

REQUEST: Jennifer and Randy Holland are seeking a variance of ten (10) feet from the south side yard setback requirement of twenty (20) feet. The variance will allow the proposed detached garage to be ten (10) feet from the south side property line and be in the side yard of the house. The property located at 60 Colonial Drive, Lot 10, Colonial Estates is Group "A", Parcel 5 on Wilson County Tax Map 34 "A". The property consists of 1.32 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 stating the variance is needed on the south side property line. Randy Holland appeared. After discussion, motion made by Thorne, second by Blaydes and all voting aye, the request was approved due to the hardship with drainage issues and the location of field lines.

CASE 3823

REQUEST: James Rich is seeking to store tractor trailers on the property all year for the collection of toys for Christmas and Big Brothers of Mt Juliet. The property located on Quarry Road is Parcel 54 on Wilson County Tax Map 55. The property consists of 8.20 acres 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 – J. Other similar uses as reviewed and approved by the Board of Zoning Appeals.

ACTION: Staff read recommendations and a letter of opposition from Commissioner Justin Smith. Applicant was not present. Commissioner Sue Vanatta appeared in opposition. After discussion, motion made by Blaydes, second by Abercrombie and all voting aye, the request was denied based on staff recommendations.

CASE 3824

REQUEST: Leslie Eagleston is seeking to establish two (2) dwellings on one (1) tract of land and use one (1) of the existing structures as an office for her business. The property located at 283 Davis Corner Road is Parcel 55 on Wilson County Tax Map 28. The property consists of 2.30 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 2 DEFINITIONS - SECTION 2.20 SPECIFIC TERMS - HOME OCCUPATION: An incidental occupation customarily

carried on in the residence, employing no more than one (1) person not residing on the premise and utilizing no more than twenty-five (25) percent of the usable floor area of all buildings; provided, (1) no article or service be sold or offered for sale on the premise other than that produced by such occupation, and (2) such occupation shall not require the alteration of buildings, new construction, or equipment and machinery not customarily used in residential areas. **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 Abercrombie and all voting aye, the request was deferred until the applicant submits further information and requests to be placed back on the agenda.

CASE 3825

REQUEST: Steve Lancaster is seeking a variance of eight (8) feet from the south side yard setback requirement for twenty (20) feet. The variance will allow the proposed carport to be attached to the house and twelve (12) feet from the south side property line. The property located at 199 Baldy Ford Road, Lot 26, Fall Creek Estates is Group "A", Parcel 28 on Wilson County Tax Map 157 "L". The property consists of forty-one thousand, nine hundred and nineteen (41,919) 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 - 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. After discussion, motion made by Abercrombie, second by Blaydes and all voting aye, the request was approved.

County Attorney Mike Jennings requested to go into recess in order to go into executive session. The meeting was reconvened. County Attorney Mike Jennings spoke concerning a pending or threatening litigation. He certified no votes were asked for or taken.

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

Secretary