

**BOARD OF ZONING APPEALS  
MINUTES  
MARCH 10, 2011**

The Board of Zoning Appeals met on Thursday, March 10, 2011, at 5:15 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

**MEMBERS PRESENT:** Paul Bonner, Tracy Cody, Jane Flatt, and Sid Gilbreath.

**MEMBER ABSENT:** Kay Detwiler.

**STAFF PRESENT:** James Mills, Jayne Barns, and Ken Young.

**OTHERS PRESENT:** Kim Williams, Bob Faulhaber, Bryan Johnston, Jarrod Boles, Luke Allen, and J. Mark Hutchins.

**ELECTION OF CHAIRMAN AND VICE-CHAIRMAN:** Paul Bonner made the motion to elect Jane Flatt as Chairman and Sid Gilbreath as Vice-Chairman. Tracy Cody seconded the motion and the motion carried unanimously. **CHAIRMAN JANE FLATT AND VICE-CHAIRMAN SID GILBREATH.**

**CONSIDER FOR APPROVAL THE MINUTES OF SEPTEMBER 9, 2010.** Paul Bonner made the motion to approve the minutes of September 9, 2010. Sid Gilbreath seconded the motion and the motion carried unanimously. **APPROVED.**

**CONSIDER A REQUEST FOR A 22' VARIANCE IN THE FRONT SETBACK REQUIREMENTS ON THE PROPERTY LOCATED AT 608 & 618 WEST END STREET (TAX MAP NUMBERS 53H-A-41.01 & 42.02). REQUEST SUBMITTED BY BOB FAULHABER ON BEHALF OF COOKEVILLE PLATING COMPANY.** James Mills stated that Mr. Bob Faulhaber, on behalf of property owner Charles Johnston, has submitted a request for a variance to reduce the front yard setback requirement for property located at 608 and 618 West End Street. The purpose of the request is to allow for the expansion of the existing structure in which Cookeville Plating Company is located.

The subject property is identified as Parcels 41.01 and 42.02 on Tax Map 53H, Group A and is zoned as RS-10, Single Family Residential. West End Park is adjacent to the north. Residential and undeveloped properties are contiguous on the remaining sides.

Manufacturing uses are not permitted in this RS-10 district. The Cookeville Plating Company, which has been at this location for many years, is classified as a legal nonconforming use. The existing structure is also legal nonconforming to the front setback requirements off West End Street. The minimum setback off local streets in the RS-10 district is 25 feet and a submitted survey indicates that the existing structure, at its closest point, is only 2.75 feet from the front property line. The survey also indicates that there is an additional approximately 15 feet between the property line (right-of-way) and the edge of the street.

Under the provisions of Tennessee Code Section 13-7-208, nonconforming uses are allowed to remain in perpetuity provided they do not cease operation for a period of at least 30 consecutive months. They also have the right to expand on existing property provided there is enough space to meet the area requirements of the zoning district. The acquisition of additional land for expansion of a nonconforming use is prohibited. No additional land is being acquired in this situation.

The specific request is for a reduction of the front setback requirement by 22 feet to 3 feet to allow for an addition 40 feet in width by 60 feet in length (2,400 square feet). The addition would be in line with the existing structure and would not encroach in the setback area any more than the existing structure. There is land available to construct a detached addition that could comply with all setback requirements. The petitioner indicates, however, that the addition needs to be attached to the existing structure for ease of operation. Relocating the proposed attached addition further from West End Street would place it within the required rear yard setback and closer to residentially developed property.

In the opinion of the Planning Department the dimensions of the portion of the property on which the existing structure is located would create a particular hardship for the property owner if the strict application of the setback requirement is applied. The application of front and rear setbacks on this portion of the property creates a buildable area of less than 20 feet in width. It also appears that the proposed location of the addition would have less impact on neighboring properties than would a detached location meeting the setback requirements from West End Street. Criteria for the granting a variance appear to be met in this case.

Staff recommended approval of the variance request.

Bob Faulhaber stated that the addition will adhere to the new architectural standards.

Sid Gilbreath made the motion to grant the 22' Variance in the front yard setback requirements on the property located at 608 & 628 West End Street (Tax Map Numbers 53H-A-41.01 and 42.02) according to the submitted site plan. Tracy Cody seconded the motion and the motion carried unanimously. **VARIANCE APPROVED.**

Bob Faulhaber stated that the property owner may expand the building to the rear of the property and he asked if that would present a problem with the approval for the variance in the front yard.

James Mills stated that the variance granted was for the front setback according to the submitted site plan, and that they could expand the building to the rear of the property. He added that there will be a two week waiting period before construction can start and that they have 1 year from today to complete the project.

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Sid Gilbreath added that they need to make sure that they stayed within the rear setback and if they go over the rear setback, then they would have to submit another variance request to the Board.

**ADJOURNMENT: 5:25 P.M.**

**SUBMITTED FOR APPROVAL**

**SUBMITTED FOR RECORDING**

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**JAYNE BARNS CPS  
PLANNING ASSISTANT**

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**JANE FLATT, CHAIRMAN  
BOARD OF ZONING APPEALS**