

**BOARD OF ZONING APPEALS
MINUTES
JULY 12, 2012**

The Board of Zoning Appeals met on Thursday, July 12, 2012, at 5:15 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

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

MEMBER ABSENT: Kay Detwiler, and Jane Flatt.

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

OTHERS PRESENT: Marjorie Bonner, Buck Parsons, and Amye Wright.

CONSIDER FOR APPROVAL THE MINUTES OF JUNE 14, 2012. Paul Bonner made the motion to approve the minutes of June 14, 2012. Tracy Cody seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE REAR YARD SETBACK REQUIREMENTS FROM 30 FT. TO 15 FT. FOR A TOTAL VARIANCE OF 15 FT. TO ALLOW THE ADDITION OF A GARAGE AND PATIO ON THE PROPERTY LOCATED AT 3951 BUNKER HILL ROAD. REQUEST SUBMITTED BY ROBERT OAKS ON BEHALF OF BUCK PARSONS. James Mills stated that Mr. Robert Oakes, contractor for property owner Dr. Buck Parsons, has submitted a request for a variance to reduce the rear yard setback requirement of the RS-20, Single Family Residential District, to allow the construction of a detached garage and covered patio on Parsons' property located at 3951 Bunker Hill Road.

The rear yard setback requirement in the RS-20 district is 30 feet. Dr. Parsons wishes to construct a 31x31 (961 square feet) detached garage/accessory structure to within 15 feet of the rear property line. The parcel consists of 0.60 acre. It has an average depth of approximately 200 feet and the principal structure is setback approximately 75 from the front property line. The lot was created as a part of the Rebecca Place Subdivision, Phase IV, which was developed and recorded prior to the property being annexed in 2007 and prior to establishment of the 30 feet rear yard setback requirement. The Restrictions for Rebecca Place Subdivision (Fourth Phase) specify a building setback distance of ten (10) feet from all property lines that do not abut a street. The restrictions also limit the number of accessory structures to one (1) per parcel.

The rear property line of the subject property is not parallel to the principal structure, angling closer to the proposed addition to the north. At its closest point the principal structure is located approximately 55 feet from the rear property line. Detached accessory structures are required under Section 204.8D of the Zoning Code to be located no closer than 10 feet to any other structure. Applying the 30 feet setback and the 10 feet

separation requirement, a detached accessory structure with a maximum width of approximately 15 feet could be built. Attaching the accessory structure to the principal structure would allow an addition with a width of approximately 25 feet. However, discussions with Dr. Parsons indicate that attachment is not feasible due to the design of the principal structure.

The proposed request represents a 50% reduction in the required setback and in the opinion of the Planning Department is excessive. A cursory review of the dwellings within the four (4) phases of the Rebecca Place Subdivision indicates that few parcels have accessory structures located closer than 30 feet to rear property lines.

While there does not appear to be significant or particular hardships that would justify a variance of the requested magnitude, due to the trapezoidal shape of the property there does appear to be grounds for some reduction in the setback to allow a reasonable use. In the site plan submitted with the request, the garage area of the accessory structure has a width of 16 feet, excluding overhangs. A reduction of the setback by five (5) feet to 25 feet would allow the construction of an accessory building 18 feet in width. Additionally, due to the angling of the property line, the width of the covered patio at the southern portion of the accessory structure could be approximately 21 feet with a setback reduction of (5) feet.

Staff recommended approval reduction of rear setback requirement from 30 feet to 25 feet.

Dr. Buck Parsons stated he could live with a 5' variance but requested that the Board consider a variance of 8' in order for him to have more storage area in the garage.

Paul Bonner made the motion to approve a variance of up to 8 feet for a rear setback of no closer than 22 feet, subject to the submittal of a new site plan showing the same angle of the garage with the new setbacks and approval of the new site plan by the Planning Department prior to the issuance of a building permit. Tracy Cody seconded the motion and the motion carried unanimously. **APPROVED WITH CONDITIONS.**

Sid Gilbreath stated that Dr. Parsons has 1 year to complete his garage and that he can start construction in 2 weeks.

ADJOURNMENT: 5:33 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNES CPS
PLANNING ASSISTANT**

**SID GILBREATH
ACTING CHAIRMAN
BOARD OF ZONING APPEALS**