

**BOARD OF ZONING APPEALS
MINUTES
OCTOBER 11, 2012**

The Board of Zoning Appeals met on Thursday, October 11, 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: Jane Flatt and Kay Detwiler.

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

OTHERS PRESENT: Scott Dalton, Ronda Gaw, Marjorie Bonner, and Amye Wright.

CONSIDER FOR APPROVAL THE MINUTES OF AUGUST 9, 2012. Paul Bonner made the motion to approve the minutes of August 9, 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 25 FT. TO 12 FT. FOR A TOTAL VARIANCE OF 13 FT. TO ALLOW THE ADDITION OF A DETACHED GARAGE ON THE PROPERTY LOCATED AT 941 STONEBRIDGE CIRCLE. REQUEST SUBMITTED BY SCOTT DALTON. James Mills stated that Mr. Scott Dalton has submitted a request for a variance to reduce the minimum rear yard setback requirement of the RS-15, Single Family Residential District, to allow the construction of a detached garage on his property located at 941 Stonebridge Circle.

The subject property is identified as Parcel 18.00 on Tax Map 66D, Group B and as Lot No. 18 of the Stonebridge Subdivision. It consists of approximately 0.5 acres. Mr. Dalton indicates that he wants to construct a 728 square foot garage (26 feet in width and 28 feet in depth) to the rear of the dwelling located on the property. A submitted site plan indicates that Mr. Dalton desires to locate the garage 13.5 feet from the rear property line. The rear yard setback requirement of the RS-15 District is 25 feet and the proposed location would require a variance of 11.5 feet, or approximately 46 percent.

When the Stonebridge Subdivision was approved in 1999, a minimum rear yard setback of 12 feet was required. With the adoption of the current Zoning Code in December of 2001 the subdivision was zoned as RS-15 and a rear yard setback requirement of 25 feet was established. A garage of dimensions similar to that requested was constructed to within approximately 12 feet of the rear property line on contiguous property located at 931 Stonebridge Circle prior to the adoption of the current code.

While there does not appear to be a particular hardship with the subject property to justify a variance of the magnitude requested, the desire to maintain continuity or symmetry of development within the subdivision does have some merit. With the location of a garage

on adjacent property at setbacks similar to that requested, it would seem that the approval of a variance would not be detrimental to the area nor would it diminish property values.

Staff recommended approval of the request.

Scott Dalton stated that he bought the lot in 2000 and built his house in 2003 and that he did not know that the codes had changed in 2001.

Tracy Cody made the motion to approve the 11.50 ft. variance in the rear yard setback requirements. Paul Bonner seconded the motion and the motion carried unanimously.

APPROVED 11.50 FT. VARIANCE IN THE REAR YARD SETBACK REQUIREMENTS.

CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE FRONT YARD SETBACK REQUIREMENTS FOR EXISTING NONCONFORMING STRUCTURE LOCATED AT 10 & 16 WEST SPRING STREET. REQUEST SUBMITTED BY RONDA GAW. James Mills stated that Ms. Ronda Gaw has submitted a request for a variance to reduce the minimum front yard setback requirement of the CL, Local Commercial District, to allow the addition of awnings to existing nonconforming structures located on her properties at 10 and 16 West Spring Street.

The subject properties are identified as Parcels 2.00 and 2.01 on Tax Map 53G, Group J. They are part of five (5) contiguous parcels with five (5) adjoined structures addressed from east to west as 4, 8, 10, 16 and 18 West Spring Street. The front yard setback requirement in the CL District for these properties is 30 feet. Each of these five (5) structures extends significantly within the required setback off West Spring Street. The structure at 4 West Spring Street is in fact located within the entire required setback. All five (5) structures are classified as legal nonconforming structures, existing prior to the establishment of the zoning setback requirement.

The existing structures located at 10 and 16 West Spring Street currently encroach the setback requirement by approximately 20 feet. Ms. Gaw also owns contiguous property at 18 West Spring Street in which she operates a commercial establishment (Pebbles). She intends to expand her business into the subject properties. The structure housing the existing business has an existing awning extending approximately four (4) additional feet into the setback. Ms. Gaw wishes to extend the awning at the same width onto the contiguous structures. The proposed awnings would match those on the structure at 18 West Spring Street.

In the opinion of the Planning Department the variance requests generally meets the requirements for approval specified in the Zoning Code. Approval of the request would not confer any special privileges, nor would it be detrimental to the public welfare, create a public safety hazard, or be injurious to other properties in the area.

Staff recommended approval of the request.

Ronda Gaw stated that the design changed and that they will adding copper to the awning.

Paul Bonner made the motion to approve the extension of the canopy by 4 ft. into the front setback on the property located at 10 & 16 West Spring Street Tracy Cody seconded the motion and the motion carried unanimously. **APPROVED EXTENSION OF CANOPY BY 4 FT. INTO THE SETBACK.**

ADJOURNMENT: 5:32 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

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