

**BOARD OF ZONING APPEALS  
MINUTES  
NOVEMBER 8, 2012**

The Board of Zoning Appeals met on Thursday, November 8, 2012, 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:** Connie Mitchell, Doug Boulware, Sylvia Gerhart, Richard Gerhart Edwina Doran, Amye Wright and Marjorie Bonner.

**CONSIDER FOR APPROVAL THE MINUTES OF OCTOBER 11, 2012.** Paul Bonner made the motion to approve the minutes of October 11, 2012. Tracy Cody seconded the motion and the motion carried unanimously. **APPROVED.**

**CONSIDER A REQUEST FOR A “SPECIAL EXCEPTION” TO ALLOW A HOSPICE RESIDENT HOME ON THE PROPERTY LOCATED AT 570 STATE STREET. REQUEST SUBMITTED BY RICHARD GERHART ON BEHALF OF CONNIE MITCHELL.** James Mills stated that Mr. Richard Gerhart, on behalf of property owner Ms. Connie Mitchell, has submitted a request for a special exception to allow the conversion of a residential dwelling to a hospice residence home in the RS-10, Single Family Residential District, at 570 State Street.

The subject property is identified as Parcel 2.04 on Tax Map 53 and consists of 1.00 acre surveyed or 43,560 square feet. The parcel was created as a part of the Upper Cumberland Christian Home Division, which was approved and recorded in 2007. It is contiguous with properties zoned as RS-10 to the north, east and south and as RM-8 to the west. The Upper Cumberland Christian Home, a 33 unit senior housing complex, is adjacent to the west of the property.

The Mitchells purchased the property from Upper Cumberland Christian Home, Inc. in 2007. Upper Cumberland Christian Home, Inc. purchased the property from Satellite Homes, Inc. in 2004. The property was originally developed by Satellite Homes, Inc. in around 1982 as a group home for approximately eight (8) residents. When the property was purchased by the Mitchells they converted the structure to a single family dwelling with separate living quarters for their parents.

Earlier this year the Cookeville Zoning Code was amended to establish provisions within the RS-10 District allowing hospice residence homes as a use permitted on appeal (special exception) subject to specific conditions. These conditions are as follows:

1. Minimum lot area of 40,000 square feet shall be provided for such facility.
2. Maximum of ten (10) residents shall reside at the facility.
3. Minimum of one (1) off-street parking space per maximum number of residents and employees shall be provided at the facility.
4. No freestanding signs shall be permitted.
5. Shall be located on property contiguous with property zoned for multi-family residential purposes and shall be accessed from the same street as the contiguous property zoned for multi-family residential purposes.
6. Structure shall be compatible with nearby residential structures in terms of scale and appearance.
7. Site plan and floor plan shall be submitted to and approved by the Board of Zoning Appeals.
8. Type 2 Screen/Buffer Yards as specified in section 208 of this Zoning Code shall be provided along all property lines abutting property zoned or used for single or two-family residential purposes.
9. All requirements of the State of Tennessee that pertain to the use and operation of the facility shall be met.

A site and floor plan depicting the proposed conversion of the existing structure to a hospice residence home has been submitted. The plan depicts compliance with the occupancy, signage, parking and screening requirements. The site exceeds the minimum lot area requirement and exterior facade of the residential structure would not be altered. Also as noted the site is contiguous with property zoned for multi-family residential purposes and is accessed from the same street as the contiguous property zoned for multi-family residential purposes.

The State of Tennessee requirements for hospice facilities is specifically addressed in Tennessee Health Services and Planning Act of 2002 found in Title 68, Chapter 11, Part 16 of the Tennessee Code. A Certificate of Need (CON) must be issued by the state to open a hospice facility. The CON cannot be issued until the proposed use is approved by the City of Cookeville.

In the opinion of the Planning Department all established conditions can be met and the property appears to particularly suitable for the proposed use.

Staff recommended approval of request, subject to compliance with all applicable provisions of the Zoning Code,

Paul Bonner made the motion to approve the “Special Exception” for a hospice resident home on the property located at 570 State Street, subject to compliance with all applicable provisions of the Zoning Code. Sid Gilbreath seconded the motion and the motion carried unanimously. **APPROVED SPECIAL EXCEPTION.**

Sid Gilbreath asked about setting a time limit on the completion of the project.

Ken Young stated that they have to get their building permit within 6 months from the date of Board approval and be completed in 1 year, or they have to reapply.

James Mills reiterated that they still need to be issued a Certificate of Need before they can move forward.

**ADJOURNMENT: 5:28 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**