

**BOARD OF ZONING APPEALS
MINUTES
MARCH 14, 2013**

The Board of Zoning Appeals met on Thursday, March 14, 2013, at 5:15 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

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

MEMBER ABSENT: Kay Detwiler and Sid Gilbreath.

STAFF PRESENT: James Mills and Jayne Barns.

STAFF ABSENT: Ken Young.

OTHERS PRESENT: Barry Clouse, Mike Callahan, and Laura Militana.

CONSIDER FOR APPROVAL THE MINUTES OF FEBURARY 14, 2013. Paul Bonner made the motion to approve the minutes of February 14, 2013. Tracy Cody seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE FRONT YARD SETBACK REQUIREMENTS AT THE BUILDING SETBACK LINE ON THE PROPERTY LOCATED AT 113 MCCLELLAN COURT. REQUEST SUBMITTED BY BOB JETT ON BEHALF OF PUTNAM COUNTY HABITAT FOR HUMANITY. James Mills stated that Mr. Bob Jett, on behalf of property owner Putnam County Habitat for Humanity, has submitted a request for a variance from the minimum lot width requirement at building setback line for property zoned as RS-10, Single Family Residential and located on 113 McClellan Court.

The subject property consists of approximately 0.37 acres and is currently vacant. Habitat for Humanity intends to construct a single family dwelling on the property. The minimum front yard setback requirement of the RS-10 district is 25 feet on local streets; however, the lot must have a minimum width of 75 feet at the setback line. Due to the shape of the subject property the minimum width requirement cannot be met until a lot depth of approximately 75 feet. Habitat for Humanity is requesting the minimum lot width requirement at setback line be reduced to approximately 50 feet for the subject property.

Applying the front setback at a lot depth of 75 feet on the subject property places the building area within an area of significant slope and would place the proposed structure behind existing residents along the same side of the street. The proposed reduction would maintain a building setback of 40 feet, which is 15 feet greater than required. Additionally all side setbacks requirements would be met.

In the opinion of the Planning Department the requested variance is the minimum necessary to allow a reasonable use the property and would not be detrimental to the public welfare or injurious to other property in the area.

Staff recommended approval of request to allow a minimum lot width of approximately 50 feet subject to the provision of a minimum of front setback of 40 feet and to compliance with all other applicable Zoning Code requirements.

Mr. Mills noted that Bob Jett was not present at the meeting.

Paul Bonner made the motion to approve a variance in the minimum lot width of approximately 50 feet subject to the provision of a minimum front setback of 40 feet and to compliance with all other applicable Zoning Code requirements. Tracy Cody seconded the motion and the motion carried unanimously. **APPROVED LOT WIDTH OF APPROXIMATELY 50 FEET, SUBJECT TO A MINIMUM FRONT SETBACK OF 40 FEET AND COMPLIANCE WITH ALL OTHER APPLICABLE ZONING CODE REQUIREMENTS.**

CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE FRONT YARD SETBACK REQUIREMENTS ON GOULD DRIVE FROM 30 FEET TO 18 FEET FOR A TOTAL VARIANCE OF 12 FEET FOR THE LOCATION OF A 16' X 24' CANOPY ON THE PROPERTY LOCATED AT 1221 SOUTH WILLOW AVENUE. REQUEST SUBMITTED BY BARRY CLOUSE AND MIKE CALLAHAN. James Mills stated that Mr. Barry Clouse has submitted a request for a variance from the front yard setback requirement for property zoned as CI, Commercial-Industrial Mixed Use and located at 1221 South Willow Avenue. The purpose of the request is to allow the location of a canopy.

The subject property is identified as Parcel 102.11 on Tax Map 65. It is a corner lot with frontage and access on both South Willow Avenue and Gould Drive. Located on the property is an office building occupied by the Tennessee Department of Environment and Conservation.

The minimum setback requirement off local streets in the CI district is 30 feet. The existing building is setback approximately 34 feet from Gould Drive at its closest point. The request is for a reduction of the setback to allow the construction of a canopy, 16 feet in width and 24 feet in length, attached to the principal structure along Gould Drive. The specific requested reduction is for 12 feet, resulting in a setback of 18 feet off the Gould Drive right-of-way at its closest point.

A submitted survey indicates that Gould Drive, where it is contiguous with the subject property, has a right-of-way width of 100 feet and that the existing structure is located over 60 feet from the edge of the street pavement. The edge of pavement is also approximately 25 feet from the property line at the closest point to the structure. Approval of the variance as submitted would place the addition between approximately 45 to 48 feet from the edge of pavement of Gould Drive.

Gould Drive is classified as a minor collector street and provides access to an industrial park. The street primarily consists of two (2) lanes with the exception of near the intersection with South Willow Avenue where it widens to provide a turning lane. The pavement width of Gould Drive adjacent to the subject property is approximately 36 feet.

There is a possibility that the street would need to be widened in the future; however, any necessary widening adjacent to the subject property could be accommodated within the existing right-of-way.

In August of 2011 a request for variance to allow the construction of a separate storage building, 22 feet in width and 38 feet in length, between the principal structure and Gould Drive was denied by the Board of Zoning Appeals. A primary concern cited for denial was potential visibility issues for vehicle access. As the request before the Board involves an un-walled canopy, the potential for the impairment of ingress egress visibility is diminished.

In the opinion of the Planning Department the quantity of unused right-of-way of Gould Drive justifies some reduction in the setback.

Staff recommended approval of variance to allow the construction of a permanently un-walled canopy as depicted on the submitted site plan.

Barry Clouse stated that the State requested a canopy be constructed, so that they could unload their vehicles during inclement weather.

Tracy Cody made the motion to approve the variance of 12' to construct a 16' x 24' canopy off Gould Drive according to the submitted site plan. Paul Bonner seconded the motion and the motion carried unanimously. **APPROVED VARIANCE OF 12' ACCORDING TO SUBMITTED SITE PLAN.**

ADJOURNMENT: 5:25 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

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