

**BOARD OF ZONING APPEALS
MINUTES
JUNE 13, 2013**

The Board of Zoning Appeals met on Thursday, June 13, 2013, 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: Chris Vick, Marjorie Bonner, and Laura Militana.

CONSIDER FOR APPROVAL THE MINUTES OF MARCH 14, 2013. Sid Gilbreath made the motion to approve the minutes of March 14, 2013. Paul Bonner seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE REAR YARD SETBACK REQUIREMENTS FROM 20' TO 11' FOR A TOTAL VARIANCE OF 9' TO ENCLOSE THE PATIO ON THE PROPERTY LOCATED AT 922 FLATT HOLLOW ROAD. REQUEST SUBMITTED BY LESLIE TREECE. James Mills stated that Dr. Leslie Treece has submitted a request for a variance from the minimum rear yard building setback line for property zoned as RS-10, Single Family Residential and located in the Manning Place Subdivision at 922 Flatt Hollow Road.

The subject property is identified as Lot Number 2 in the Manning Place Subdivision and consists of approximately 0.25 acres. It is a corner lot with frontage on both Flatt Hollow Road and Manning Place. A single family dwelling is located on the property. The minimum rear yard setback requirement of the RS-10 district is 20 feet. The petitioner is requesting a reduction of the rear setback of nine (9) feet to 11 feet. The purpose of the request is to allow the enclosure of an existing patio which is located on the north side of the dwelling approximately 11 feet from the northern side property line.

The Final Plat of the Manning Place Subdivision was approved in April of 1999, prior to the effective date of the current Zoning Code. No side or rear setback lines were depicted on the plat; however, at the time the plat was approved the property was zoned as R-1 which required a setback of 12 feet for both the side and rear yards.

In January of 2001 a Final Plat of the Redivision of Lots 1, 2 and 14 Manning Place was approved. This resubdivision removed 10 feet of property from the northern boundaries of Lots 1 and 2 and added the property to the southern boundary of Lot 14. The 10 feet of property was half the width of a utility easement equally divided by the shared property lines of Lots 1, 2, and 14. As a result of the resubdivision the entire 20 feet wide utility easement was placed on Lot 14. Lots 1 and 2 are significantly smaller than the remainder of the lots within the subdivision and the resubdivision reduced their lot area from 0.27 acres to 0.25 acres each.

Dr. Treece, when submitting the application for variance, informed the Planning Department that the deed to her property did not reference the 2001 resubdivision of her property and that she believed at the time she purchased her home that she had an additional 10 feet of property on her northern boundary.

The requested setback reduction is significant. However, based on the size of the subject property in comparison with the majority of the parcels within the subdivision and the fact that 10 feet of the northern boundary was removed, some reduction of the required setback could be justified. Additionally, the location of a utility easement 20 feet in width along the southern side property line of the adjacent parcel to the north would ensure a minimum separation of over 30 feet between structures if the requested variance was approved. In the opinion of the Planning Department a variance to reduce the setback from 20 feet to 12 feet as was required at the time the subdivision was developed would not be detrimental to the public welfare or injurious to other property in the area.

Staff recommended approval of variance to reduce the rear yard building setback from 20 feet to 12 feet for the width of the existing patio proposed for enclosure.

Jane Flatt stated that if the patio needed a 9' variance in order to enclose the existing patio, then she was concerned about the esthetics of the house with a 1' patio outside of the addition if an 8' variance was granted.

Sid Gilbreath felt that the 8' variance would be sufficient and agreed with Staff's recommendation.

Tracy Cody made motion to approve reducing the setback from 20' to 11' for a total variance of 9' in the rear yard setback requirements. Paul Bonner seconded the motion and the motion carried unanimously. **APPROVED 9' VARIANCE IN THE REAR YARD SETBACK REQUIREMENTS.**

ADJOURNMENT: 5:40 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNES CPS
PLANNING ASSISTANT**

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