

**BOARD OF ZONING APPEALS
MINUTES
JANUARY 9, 2014**

The Board of Zoning Appeals met on Thursday, January 9, 2014, at 5:15 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

MEMBERS PRESENT: Paul Bonner, Jane Flatt, and Sid Gilbreath.

MEMBER ABSENT: Kay Detwiler.

Note: Tracy Cody's term expired on January 1, 2014.

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

OTHERS PRESENT: Jerald Bryant, Marjorie Bonner and Brittany Stovall.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN. Sid Gilbreath made the motion to elect Jane Flatt as Chairman. Paul Bonner seconded the motion and the motion carried unanimously. **JANE FLATT ELECTED AS CHAIRMAN.**

Paul Bonner made the motion to elect Sid Gilbreath as Vice-Chairman. Jane Flatt seconded the motion and the motion carried unanimously. **SID GILBREATH ELECTED AS VICE-CHAIRMAN.**

CONSIDER FOR APPROVAL THE MINUTES OF SEPTEMBER 12, 2013. Sid Gilbreath made the motion to approve the minutes of September 12, 2013. Paul Bonner seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE SIDE YARD SETBACK REQUIREMENTS FROM 10' TO 4' FOR A TOTAL VARIANCE OF 6' FOR AN ADDITION TO EXISTING DENTAL OFFICE LOCATED AT 220 NORTH WASHINGTON AVENUE. REQUEST SUBMITTED BY JERALD BRYANT. James Mills stated that Dr. Jerald Bryant has submitted a request for a variance to reduce the side yard setback requirement for his property located at 220 North Washington Avenue and zoned as CN, Neighborhood Commercial.

The subject property is a double frontage lot with street frontage on both North Washington and North Jefferson Avenues. According to a submitted survey, the parcel is approximately 100 feet wide by 270 feet deep and consists of approximately 27,000 square feet or 0.62 acres. It is contiguous with properties zoned as CN to the north, south and east and with properties zoned as RS-15, Single Family Residential to the west. The parcel to the north is separated from the subject property by an undeveloped alley. Located on the parcel to the south are two commercial structures.

The purpose of the request is to allow an addition to Dr. Bryant's dental office building. As proposed the addition would be approximately 15 feet wide and 32 feet long and would be located on the southern side of the existing structure. Dr. Bryant indicates that the addition is necessary to provide additional treatment rooms.

The minimum side yard setback in the CN zoning district is ten (10) feet. According to a submitted site plan, the proposed addition would encroach within the required setback by six (6) feet. According to Dr. Bryant's surveyor, Mr. Chris Vick, the structure on the adjacent property to the south is located approximately 12 feet from the shared side property line and would be approximately 16 feet from the proposed addition. The owners of the property located adjacent to the addition to the south, Hugh Bailey and Associates, LLC, have submitted correspondence indicating that they are not opposed to the requested reduction of the required side yard.

Based upon the submitted site plan it would appear that there is adequate space on the parcel for an addition without the need for a variance. However, the property manager for the proposed addition, Mr. John Groves, indicates in an attached correspondence that there are various reasons why the addition needs to be located as depicted. These include the layout/floor plan of the current structure, loss of parking, and the removal of existing mature vegetation.

While the reduction of the side yard setback by more than 50 percent is substantial, in the opinion of the Planning Department, locating the addition elsewhere would cause significant hardship.

Staff recommended approval of variance as requested and as depicted on the submitted site plan.

Jerald Bryant stated that the addition is approximately 15' x 32' and will be located on the south side of the building. The variance would allow space within the office for a hallway which would enable handicap access to the new treatment rooms created by the addition. The variance will also allow space for an additional emergency exit on the main level of the building. The addition will have a flat roof, so they can still have emergency access from the second floor to the roof, and then to a ladder. Dr. Bryant added that he will meet all the fire safety codes between his building and the adjacent building.

James Mills added that this property used to be zoned CL, prior to being changed to CN, and under the CL zone, there were no side yard setback requirements.

Paul Bonner made the motion to approve reducing the side yard setback requirements from 10' to 4' for a total variance of 6', according to the submitted site plan. Sid Gilbreath seconded the motion and the motion carried unanimously. **APPROVED REDUCING THE SIDE YARD SETBACK FROM 10' TO 4' FOR A TOTAL VARIANCE OF 6' ACCORDING TO THE SUBMITTED SITE PLAN.**

ADJOURNMENT: 5:24 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

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