

**BOARD OF ZONING APPEALS
MINUTES
AUGUST 14, 2014**

The Board of Zoning Appeals met on Thursday, August 14, 2014, at 5:15 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

MEMBERS PRESENT: Paul Bonner, Kay Detwiler, Sid Gilbreath, and James Dial.

MEMBER ABSENT: Jane Flatt.

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

OTHERS PRESENT: Lauren Shibakov, Thomas Gannon, Jackie Cantrel, and Nicholas Tudar.

CONSIDER FOR APPROVAL THE MINUTES OF MAY 8, 2014. Paul Bonner made the motion to approve the minutes of May 8, 2014. James Dial seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE REAR YARD SETBACK REQUIREMENTS FROM 10' TO 5' FOR A TOTAL VARIANCE OF 5'; A VARIANCE TO REDUCE THE EASTERN ENTRANCE OFFSET ON NORTH WILLOW AVENUE FROM 50' TO 30' FOR A TOTAL VARIANCE OF 20'; AND A VARIANCE TO REDUCE THE SOUTHERN LANDSCAPE STRIP ON WEST 4TH STREET FROM 10' TO 3' FOR A TOTAL VARIANCE OF 7' TO ALLOW FOR CONSTRUCTION OF A NEW BUILDING ON THE PROPERTY LOCATED AT 404 NORTH WILLOW AVENUE. REQUEST SUBMITTED BY LAUREN SHIBAKOV ON BEHALF OF DR. THOMAS GANNON. James Mills stated that Ms. Lauren Shibakov, on behalf of Dr. Thomas Gannon, has submitted requests for variances to reduce the minimum rear yard setback, driveway separation, and landscape yard width requirements for the property located at 404 North Willow Avenue.

The subject property is further identified as Parcel 1.00 on Tax Map 53B, Group A and is zoned as CL, Local Commercial. The parcel is a corner lot located at the northwest intersection of North Willow Avenue and West 4th Street. It also has frontage on its western boundary with an undeveloped alley. The property consists of approximately 9,723 square feet with a lot width of approximately 65 feet along North Willow Avenue and a lot depth of approximately 150 feet along West 4th Street. The property is also located within an area identified in the Cookeville 2020 Plan as being in need of redevelopment and revitalization.

A single family residential dwelling is currently located on the parcel. The existing structure is nonconforming with the required front yard setbacks off North Willow Avenue and West 4th Street. The minimum front yard setback requirement in the CL District is 30 feet unless the property fronts a major street then the setback is 50 feet. North Willow Avenue is classified as a major street. Dr. Gannon proposes to remove the existing structure and construct a 2,550 square feet medical office (30 feet x 85 feet).

The minimum rear yard setback requirement of the CL district is ten (10) feet. The requested variance is for a reduction of the requirement to five (5) feet along the western property line which borders the undeveloped alley. While it appears that the setback requirement could be met by moving the proposed structure closer to North Willow Avenue, approval of the variance would allow the provision of one (1) additional parking space to the front of the proposed structure. Furthermore, as noted by the petitioner, moving the structure further west will help to minimize the impact from right-of-way acquisition for the future addition of a turning lane to North Willow Avenue as recommended by the Major Street Plan.

The minimum separation of a driveway from a public street is 50 feet (Section 205.9F of the Zoning Code). The requested variance is for a reduction of the requirement to 30 feet. As noted the subject property is relatively narrow (approximately 65 feet in width) and is a corner lot. Due to the narrowness of the parcel and the required front yard setbacks on two (2) sides, potential structure and driveway/entrance locations are very restricted. It should also be noted that the requested separation is the same separation required (30 feet) when two (2) driveways or access points are located adjacent to each other.

The minimum landscape yard width along all street frontages is ten (10) feet. The requested variance is for a reduction of the requirement to three (3) feet for the majority of the parcel's frontage along West 4th Street. The petitioner indicates that the reduction is necessary due to the narrowness of the parcel. The submitted site plan depicts the provision of four (4) parallel parking spaces and a one-way driveway on the southern side of the proposed structure along West 4th Street. It should be noted that the proposed driveway width is five (5) feet more than specified by the Zoning Code when parking is provided on one (1) side only and that the proposed parking spaces are one (1) foot wider than specified by the Zoning Code. Modification of the driveway and parking space widths would allow for closer compliance with the landscape yard width requirement for a significant portion of the parcel along West 4th Street.

In the opinion of the Planning Department, due to the narrowness of the property and the fact that it is a corner lot with one (1) frontage on a major street, there is justification for some relief from the Zoning Code requirements.

Staff recommended approval of reduction of rear yard setback requirement as requested, approval of reduction of driveway/entrance separation requirement as requested, and approval of reduction of landscape yard requirement to three (3) feet along West 4th Street for a distance of approximately 40 feet from the required front setback off North Willow Avenue east to the required landscape yard along North Willow Avenue.

Lauren Shibakov and Dr. Thomas Gannon agreed to the compromise of the landscape yard requirement reduction along West 4th Street as recommended by Staff.

Paul Bonner made the motion to approve a 5' Variance in the rear yard setback requirements, approve a 20' Variance for the driveway/entrance separation requirements on North Willow Avenue, and approve a 7' Variance in the landscape strip for

approximately 40' along West 4th Street according to Staff's recommendation. James Dial seconded the motion and the motion carried unanimously. **APPROVED VARIANCES ACCORDING TO STAFF'S RECOMMENDATION.**

CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE REAR SETBACK REQUIREMENTS FROM 25' TO 9' FOR A FOR A TOTAL VARIANCE OF 16' IN ORDER TO CONSTRUCT A SUNROOM ON THE PROPERTY LOCATED AT 301 EAST 6TH STREET. REQUEST SUBMITTED BY MICHAEL SLEISTER. James Mills stated that Mr. Michael Sleister has submitted a request for a variance to reduce the minimum rear yard setback requirement for his property located at 301 East 6th Street.

The subject property is identified as Parcel 20.00 on Tax Map 53C, Group C and it is zoned as RS-15, Single Family Residential. According to a submitted survey the parcel consists of approximately 10,890 square feet, which is approximately 4,000 square feet less than the minimum lot size requirement of the RS-15 district. The survey indicates that the lot is approximately 120 feet wide and 92 feet deep.

The minimum rear yard setback requirement of the RS-15 district is 25 feet. The submitted request is for a reduction of the setback requirement by 16 feet to nine (9) feet. A portion of the existing single family dwelling already extends approximately two (2) feet within the required setback and an existing deck is located within the rear yard setback for an additional 11 feet for a total encroachment of approximately 13 feet. The request is to allow the construction of a 23 feet wide sunroom an estimated three (3) additional feet within the required setback for a width of approximately 13 feet for a total encroachment of approximately 16 feet. The other ten (10) feet in width of the sunroom would extend within the setback by a total of approximately 12 feet.

The existing deck is considered to be a legal nonconforming structure. It is located, at its closest point, approximately 12 feet from the rear property line. Prior to the adoption of the current Zoning Code in 2001 the subject property was zoned as R-1, which had a rear yard setback requirement of 12 feet. The deck appears to have been constructed prior to 2001 in conformance with the Zoning Code requirements in effect at that time. As a legal nonconforming structure the deck could be removed and rebuilt in its current location. In the opinion of the Planning Department the conversion of a portion of the deck to a sunroom at the same current setback as the existing deck would have no greater impact than the deck.

Staff recommended denial of the request as submitted, but recommended approval of the reduction of rear yard setback requirement by 13 feet to 12 feet for the width of the proposed sunroom (approximately 23 feet).

Jackie Cantrel was present on behalf of Michael Sleister and he stated that Mr. Sleister will be able to work with the recommendation.

Kay Detwiler made the motion to deny of request for a 16' Variance, but to approve the reduction of rear yard setback requirement from 25' to 12' for a total Variance of 13' for the width of the existing deck according to staff's recommendation in order to construct a new sunroom. Paul Bonner seconded the motion and the motion carried unanimously. **APPROVED 13' VARIANCE IN THE REAR YARD SETBACK REQUIREMENTS FOR THE WIDTH OF THE EXISTING DECK IN ORDER TO CONSTRUCT A NEW SUNROOM.**

ADJOURNMENT: 5:45 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

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