

**BOARD OF ZONING APPEALS  
MINUTES  
FEBRUARY 11, 2016**

The Board of Zoning Appeals met on Thursday, February 11, 2016, at 5:15 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

**MEMBERS PRESENT:** James Dial, Elwood Ervin, Sid Gilbreath, and Jon Ward.

**MEMBER ABSENT:** Jane Flatt.

**STAFF PRESENT:** James Mills, Jayne Barns, and Mike Davidson.

**STAFF ABSENT:** Ken Young.

**OTHERS PRESENT:** Aaron Bernhardt and Laura Militana.

**CONSIDER FOR APPROVAL THE MINUTES OF JANUARY 14, 2016.** Jon Ward made the motion to approve the minutes of January 14, 2016. Elwood Ervin seconded the motion and the motion carried unanimously. **APPROVED.**

**CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE BUILDING SETBACK REQUIREMENT FROM 25 FEET TO 19.5 FEET FOR A TOTAL VARIANCE OF 5.5 FEET OFF BUFFALO VALLEY ROAD, FOR A PORTION OF PROPERTY ZONED RM-14, MULTI-FAMILY RESIDENTIAL AND LOCATED AT THE SOUTHEAST INTERSECTION OF BUFFALO VALLEY ROAD AND WEST STEVENS STREET. REQUEST SUBMITTED BY JERRY C. GAW INC.** James Mills stated that Mr. Jerry Gaw has submitted a request for a variance to reduce the minimum front setback requirement for a portion of his property located at the southeast intersection of Buffalo Valley Road and West Stevens Street.

The subject property is identified as Parcel 9.00 on Tax Map 53I, Group A and is zoned as RM-14, Multi-Family Residential. The parcel consists of approximately 32,670 square feet or 0.75 acre. The petitioner has submitted plans to construct ten (10) single family attached (townhouse) dwelling units on the subject property. The plan indicates that seven (7) attached units would be constructed on the eastern portion of the property and three (3) would be constructed on the western portion.

The minimum front yard setback requirement for single-family attached dwellings in the RM-14 zoning district is 25 feet. Mr. Gaw has submitted a site plan that indicates that a portion of one of the proposed townhouses would encroach on the required setback off Buffalo Valley by up to 5.5 feet. The indicated triangular shaped encroachment would extend for a distance of approximately 18 feet.

The subject property is located where the city has developed plans to realign the intersection of Buffalo Valley Road and West Stevens Street. The intent of the realignment is to make West Stevens Street the through street with Buffalo Valley Road traffic stopping at the new intersection with West Stevens Street. As a part of this street improvement project the city will

be acquiring a portion of Mr. Gaw's property. The area to be acquired by the city consists of approximately 0.19 acre and is depicted on the submitted site plan.

Mr. Gaw originally submitted a site plan with six (6) units on the east and four (4) units on the west with all units complying with the setbacks required prior to the acquisition of property. There was some concern that the units on the western portion of the property would be too close to the proposed realigned intersection. While any structures existing prior to the city's acquisition of property would be "grandfathered" regarding setbacks, it would be more desirable to locate the proposed dwellings as close as possible to the new required setbacks.

In the opinion of the Planning Department the proposed variance is the minimum necessary to allow a reasonable use of the property.

Staff recommended approval of the variance to reduce the front yard setback off Buffalo Valley Road as depicted on the submitted site plan.

Sid Gilbreath was concerned that the fencing and dense vegetation on the three lots located on the west side of the development would obstruct visibility on the new intersection of Buffalo Valley Road and West Stevens Street.

Jon Ward stated that he thought that the Codes Department would address those issues.

James Mills stated that the Board can set conditions as part of the approval process.

Sid Gilbreath stated that he felt strongly about restricting the fencing on lot #1 and lot #3.

Aaron Bernhardt stated that he would be willing to only put fencing on both property lines of the middle lot, which is lot #2 and to leave off the fencing on the outer portions of lot #1 and lot #3.

Elwood Ervin made the motion to approve reducing the front yard setback off Buffalo Valley Road from 25 feet to 19.5 feet for a total variance of 5.5 feet as depicted on the submitted site plan and subject to no fencing on the outer portions of lot #1 and lot #3. James Dial seconded the motion and the motion carried unanimously. **APPROVED.**

**STAFF REPORT ON YEARLY TRAINING.** James Mills stated that the Board is required to have four hours of training each year. The training has been set for Tuesday, May 17, 2016 from 8:30 a.m. to 12:30 p.m. at Algood City Hall. The topic for this year's training by MTAS will be on Comprehensive Planning and Annexation Process.

**ADJOURNMENT: 5:32 P.M.**

**SUBMITTED FOR APPROVAL**

**SUBMITTED FOR RECORDING**

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**JAYNE BARNS CPS  
PLANNING ASSISTANT**

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