

**BOARD OF ZONING APPEALS
MINUTES
MARCH 10, 2016**

The Board of Zoning Appeals met on Thursday, March 10, 2016, at 5:15 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

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

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

OTHERS PRESENT: David Sadler Sr., Amos Burgess, Stephen & Sheila Hunter, Nathan Payne, Rob Miles, David Foster, Julie Gernt, Matt Swallows, Jeff Mills and Laura Militana.

CONSIDER FOR APPROVAL THE MINUTES OF FEBRUARY 11, 2016. Jon Ward made the motion to approve the minutes of February 11, 2016. Elwood Ervin seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A REQUEST FOR A “SPECIAL EXCEPTION” TO ALLOW A GROUP HOME/HALFWAY HOUSE ON THE PROPERTY LOCATED AT 335 NEWMAN DRIVE, UNIT #C. REQUEST SUBMITTED BY DAVID SADLER, SR. James Mills stated that Mr. David Sadler has submitted a request for a special exception to allow a group home/halfway house at his property located at 335 Newman Drive.

The subject property is identified as Parcel 1.00 on Tax Map 66 and is zoned as CG, General Commercial. The parcel consists of approximately 54,000 square feet or 1.2 acres. Cumberland Plateau Recovery has a facility located on the property. Cumberland Plateau Recovery provides drug and alcohol treatment, counseling and rehabilitation services. Alcohol treatment centers are a permitted use in the CG zoning district.

Recently the Codes Department was notified by an anonymous citizen that the subject property was being used as a group home or halfway house for approximately five (5) individuals. Group homes or halfway houses are uses permitted only on appeal to the Board of Zoning Appeals (special exceptions) in the CG zoning district. There is no record of a special exception having been granted by the Board for this location.

The Codes Department informed Mr. Sadler that the use would have to cease until and unless a special exception had been granted. Mr. Sadler submitted an application for a special exception to the Planning Department on Monday, February 22, 2015. He informed the Planning Department that he wanted to provide group housing for up to fifteen (15) individuals, including a live-in administrator/counselor.

As a special exception in the CG zoning district, group homes/halfway houses may be permitted by the Board of Zoning Appeals when meeting the requirements of Section 206.10 of the Zoning Code. Section 206.10 provides that the following additional standards must be met for group homes:

- Off street parking areas and driveways shall have a hard surface of either asphalt or concrete. It appears that this standard is met at the subject property.
- A Type 2 Screen/Buffer Yard as specified in Section 208 of the Zoning Code shall be provided along all property lines abutting property zoned or used for single or two-family residential purposes. The subject property abuts properties zoned as RS-15, "Single Family Residential" to the north and the screening and buffer yard requirements are applicable.
- At least 2,000 square feet of lot area shall be provided for each boarding room and for any dwelling unit in which the owner or operator may reside. Fifteen (15) boarding rooms would require a minimum land area of 30,000 square feet and the subject property exceeds this requirement.

General provisions governing special exceptions and conditions and safeguards are found in Section 233.9D (2) (d) and (e) of the Zoning Code which provides as follows:

d. General Provisions Governing Special Exceptions

Before any special exception shall be issued, the Board of Zoning Appeals shall certify compliance with the specific rules governing individual exceptions and that satisfactory provision and arrangement has been made concerning the following general requirements:

- I. It is so designed, located and proposed to be operated so that the public health, safety and welfare will be protected;
- II. It will not adversely affect other property in the area in which it is located;
- III. It is within the provision of "Uses Permitted on Appeal" as set forth in this Zoning Code; and
- IV. It conforms to all applicable provisions of this Zoning Code for the district in which it is to be located.

e. Conditions and Safeguards

In granting any special exception, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Zoning Code.

Staff recommended approval of special exception request to allow a group home/halfway house for a maximum of fifteen (15) individuals subject to compliance with all applicable zoning and building codes and to the submittal of appropriate site and floor plans depicting compliance with said codes.

David Sadler Sr. stated that he has been in business for 25 years and a recovering addict for 29 years. He currently owns the building and the land where the Cumberland Plateau Recovery is currently located and that business is an outpatient facility, which is allowed by code. Mr. Sadler added that he has sold the Cumberland Plateau Recovery business.

Several years ago, Mr. Sadler stated that some of the recovering addicts did not have a place to stay until they got a job and saved enough money to rent a place, so he let them use the log house on the property for housing. At the time, he did not know that it was against the codes to let them stay there.

Mr. Sadler found out from the Codes Department that a group home/halfway house was only allowed by special exception and if the use was approved, then the building and rooms would have to meet the current building codes and he would have to put a sprinkler in the upstairs area. Mr. Sadler stated that it would take a lot of money and he didn't know if he wanted to bring it up to code at this time.

James Mills stated that if the special exception was granted, then Mr. Sadler would have one (1) year to bring the building up to code.

Matt Swallows stated that he has known Mr. Sadler most of his life and that he is a tough love type of guy and doing a great job trying to help recovering addicts get back into society.

Mr. Sadler stated that the recovering addicts have two (2) weeks in order to get a job, and they must attend 12 step meetings, and be drug tested at his discretion. He has a bicycle available for those that don't want to walk to work, because most of them do not have vehicles to drive.

Stephen Hunter, owner of CWF Manufacturing, stated that this type of use affects him directly because his business is next door to this facility and he was concerned about losing property value if he tried to sell his business.

Sheila Hunter stated that she has been blocked in several times and couldn't get out of their parking lot from cars that should be parking next door. She has been concerned about her safety and locks the business door during the day until she sees a customer.

Robert Mills stated that he would be dead by now, if it had not been for Mr. Sadler.

Andy Burgess, with the You Can Stop Drug Trafficking Coalition, stated that they have funds that can help Mr. Sadler with some of those expenses to update the building.

James Mills stated that the Board can add additional standards if necessary.

Jon Ward made the motion to approve the special exception, subject to staff's recommendation. Elwood Ervin seconded the motion. There was no vote on the motion.

Jane Flatt wanted to amend the motion to also have Mr. Sadler construct a fence on the east side of Cumberland Plateau Recovery 9" off the property line of CWF Manufacturing.

Jane Flatt made a motion to approve the special exception, subject to staff's recommendation and require that Mr. Sadler construct a fence on the east side of Cumberland Plateau Recovery 9" off the property line of CWF Manufacturing. Elwood Ervin seconded the motion and the motion carried unanimously. **CONDITIONAL APPROVAL OF SPECIAL EXCEPTION.**

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ADJOURNMENT: 5:50 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

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