

**BOARD OF ZONING APPEALS
MINUTES
SEPTEMBER 8, 2016**

The Board of Zoning Appeals met on Thursday, September 8, 2016, at 5:15 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

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

MEMBER ABSENT: Elwood Ervin.

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

OTHERS PRESENT: Lynn Hayes, Heather Hayes, Tony Gammon, Chad Gilbert, and Matthew Crabtree.

CONSIDER FOR APPROVAL AMENDING THE AGENDA TO WITHDRAW ITEM #3. James Mills stated that the Planning Department received an email yesterday from Mac Jones requesting that the following Item #3 be withdrawn: CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE OFF-STREET PARKING REQUIREMENTS FROM 390 PARKING SPACES TO 354 PARKING SPACES FOR A TOTAL VARIANCE OF 36 PARKING SPACES ON THE PROPERTY LOCATED AT 1400 WEST 12TH STREET. REQUEST SUBMITTED BY MAC JONES ON BEHALF OF TN TECH INVESTMENTS GP. THE PROPERTY OWNER IS REQUESTING THAT THIS ITEM BE WITHDRAWN FROM THE AGENDA.

Jon Ward made the motion to amend the agenda and withdraw Item #3. Jane Flatt seconded the motion and the motion carried unanimously. **AGENDA AMENDED AND ITEM #3 WITHDRAWN.**

CONSIDER FOR APPROVAL THE MINUTES OF JULY 14, 2016. James Dial made the motion to approve the minutes of July 14, 2016. Jane Flatt seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A REQUEST FOR A “SPECIAL EXCEPTION” TO ALLOW A USED CAR LOT ON THE PROPERTY LOCATED AT 1460 NORTH WASHINGTON AVENUE. REQUEST SUBMITTED BY MATTHEW CRABTREE ON BEHALF OF ELIZABETH FARLEY. James Mills stated that Mr. Matthew Crabtree, on behalf of property owner Elizabeth Farley, has submitted a request for a special exception to allow the location of a used auto sales establishment on property located in the CL, Local Commercial District at 1460 North Washington Avenue.

Under the provisions of CL zoning, auto sales establishments may be allowed as special exceptions subject to compliance with the provisions of Section 221.4E of the Zoning Code. The conditions specified in Section 221.4E are as follows:

- Shall not be located adjacent to any district zoned RS-20, RS-15, RS-10, RS-5 or RD unless separated by a public street as shown on the Official Street Map. The zoning of the subject property is currently split with western or rear third zoned as RS-10 and the remainder zoned as CL. The petitioner has indicated that no vehicles will be parked or stored to the rear of the principal structure. If all vehicles are restricted to the front of the property then there should be no impact on the adjacent residentially zoned property.
- Shall be located on streets of at least Major Collector status. North Washington Avenue meets this criteria.
- Shall conform with the requirements of Section 206.15 of the Zoning Code.

Additionally, all parking areas, including those for auto sales, must be surfaced as specified in Section 205.7C of the Zoning Code. The area where the petitioner indicates the vehicles will be parked complies with these requirements.

Staff recommended approval of request subject to compliance with applicable provisions of the Zoning Code and with the restriction that no vehicles, parts or related materials shall be stored or placed to the rear of the principal structure.

James Dial asked if the Board could require fencing.

James Mills replied that the Board could require fencing.

Matthew Crabtree stated that there is a ½ chain link fence on the back of the property and a privacy fence on the south side. The property owner to the north also owns the property for the proposed car lot. Mr. Crabtree added that he has no plans of putting anything in the back yard except for maybe his own personal vehicle.

Mr. Mills added that this property will have a larger buffer due to the depth of the lot.

Sid Gilbreath asked if the Board would be setting a precedent if they approved this request for a car lot.

James Mills stated that a similar request was approved several years ago up the street from this request.

Jon Ward made the motion to grant the Special Exception to allow a used car lot, subject to compliance with applicable provisions of the Zoning Code and with the restriction that no vehicles, parts or related materials shall be stored or placed to the rear of the principal structure. Jane Flatt seconded the motion and the motion carried unanimously. **APPROVED SPECIAL EXCEPTION FOR A USED CAR LOT.**

CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE MINIMUM LOT AREA PER DWELLING UNIT FROM 45,000 SQ. FT. TO 43,188 SQ. FT. FOR A TOTAL VARIANCE OF 1,812 SQ. FT. TO ALLOW 15 DWELLING UNITS AND A

VARIANCE TO REDUCE THE REAR SETBACK REQUIREMENTS FROM 15' TO 10' FOR A TOTAL VARIANCE OF 5' ON THE PROPERTY LOCATED AT 396, 400 & 402 WEST STEVENS STREET. REQUEST SUBMITTED BY CHAD GILBERT ON BEHALF OF TONY GAMMON. James Mills stated that Mr. Chad Gilbert, on behalf of property owner Mr. Tony Gammon, has submitted a request for variances to reduce the minimum rear yard setback and minimum lot area per dwelling unit requirements for property identified as Parcels 17.00, 18.00 and 19.00 on Tax Map 53I, Group D and located at 396, 400 and 402 West Stevens Street.

The subject properties are zoned as RM-14, Multi-Family Residential. They are adjacent to the Jackson Plaza Shopping Center to the south, a six (6) unit multi-family development to the east, an entrance to Jackson Plaza on the west, and to a single family dwelling to the north. Currently located on Parcels 18.00 and 19.00 are single family residential structures and Parcel 17.00 is used as a parking lot for Stevens Street Baptist Church. Mr. Gammon has contracted to buy the parcel from Stevens Street Baptist Church.

A submitted site plan depicts the redevelopment of the three (3) parcels into 15 townhouses (single-family attached dwellings). According to the site plan nine (9) of the proposed townhouses would be located approximately ten (10) feet from the southern property line adjacent to the Jackson Plaza Shopping Center. The minimum rear yard setback requirement in the RM-14 district is 15 feet for single family attached dwellings. The requested variance is for a five (5) foot reduction of this requirement. The Board, at its July 2016 meeting, approved a variance to reduce the rear yard setback for Parcels 18.00 and 19.00 based on a submitted site plan. Mr. Gammon has since acquired the additional parcel and revised the site plan which requires that the setback variance approved for Parcels 18.00 and 19.00 be reconsidered.

The submitted site plan also depicts dedication of right-of-way of twenty-five feet from the centerline of West Stevens Street, which would result in a dedication of approximately six (6) feet from the existing front boundaries of the subject parcels. Without the dedication of this right-of-way it is likely than a reduction in the rear yard setback requirement would not be needed to allow the proposed development. The dedication of right-of-way is required by the Cookeville Subdivision Regulations. West Stevens Street is a major east-west route through the city and is identified in the Cookeville Major Street as being in need of widening.

In addition to the request for the reduction of the rear yard setback requirement, the petitioner has requested a reduction of the minimum lot area requirement. The RM-14 district requires that a minimum land area of 3,000 square feet per dwelling unit be provided. Based on this requirement a 15 unit townhouse development would require a total land area of 45,000 square feet. According to the submitted site plan, the combined parcels would consist of approximately 43,188 square feet or approximately 1,812 square feet less than necessary to construct 15 dwelling units.

The requested reduction in the minimum land area requirement represents a variance of four (4) percent from the total land area necessary for 15 dwelling units. The petitioner indicates that the proposed dwelling units will be limited to two-bedrooms each, instead of three and/or

four bedrooms which could significantly increase the number of persons living in the development without actually increasing the number of dwelling units. The petitioner also indicates that the developer would agree to provide storm water retention/detention at a higher level than currently required by the City of Cookeville.

In the opinion of the Planning Department, approval of the requests will not be detrimental to the public welfare or injurious to other properties in the area.

Staff recommended approval of the variance to reduce the rear yard setback requirement to no less than ten (10) feet as depicted on the submitted site plan subject to the dedication of right-of-way for West Stevens Street as depicted on said site plan and approval of variance from the minimum land area requirement to allow 15 dwelling units as depicted on the submitted site plan and subject to all dwelling units being limited to a maximum of two (2) bedrooms and to the provision of storm water retention/detention improvements meeting the city's current detention guidelines plus additionally designed for a 25 year storm event.

Heather Hayes, property owner at 397 Short Street, stated that she was opposed to any more development in the area because all of the storm water runoff ends up in her yard, and she is trying to protect your property. Ms. Hayes handed out pictures to the Board members of flooding from the storm in July of this year and copies of the Board of Zoning Appeals minutes from the September 9, 2010 meeting where she objected to a variance that would allow a 5th dwelling unit and the Board denied that request.

Ms. Hayes stated that she had also come to Planning Commission meetings with her concerns and talked to the Public Works Department about her flooding issues, which over time has cause structural damage to her home of 14 years.

Chad Gilbert stated that they are proposing 2 ½ more retention than is required and it is being designed on a 25 year storm event.

Ms. Hayes was concerned that they will be reducing the green space that is now currently with the 2 existing single family homes. Ms. Hayes felt that houses would be better than apartments.

Sid Gilbreath stated that he was very sympathetic with Ms. Hayes and hoped that the water retention on this project will reduce the flooding at her home.

James Mills stated that he has talked to the Public Works Director and Greg Brown thought that the 25 year storm event design would improve the situation.

Jon Ward stated that this development could make it better because the single family homes which are located on the property now do not have to require any type of retention.

James Mills advised Ms. Hayes to get flood insurance even though she was not in a floodplain. Mr. Mills added that the City gets several large rain events each year and there is often flooding on West Jackson Street and South Willow Avenue when this happens.

Jane Flatt made the motion to approve the variance to reduce the rear yard setback requirement to no less than ten (10) feet as depicted on the submitted site plan subject to the dedication of right-of-way for West Stevens Street as depicted on said site plan and approval of variance from the minimum land area requirement to allow 15 dwelling units as depicted on the submitted site plan and subject to all dwelling units being limited to a maximum of two (2) bedrooms and to the provision of storm water retention/detention improvements meeting the city's current detention guidelines plus additionally designed for a 25 year storm event. Jon Ward seconded the motion and the motion carried unanimously. **APPROVED.**

ADJOURNMENT: 6:02 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

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