

**Board of Zoning Appeals**  
**April 9, 2020**  
**5:15 P.M.**

- (1) Consider for approval the agenda as submitted.**
- (2) Consider for approval the minutes of March 12, 2020**
- (3) Consider a Resolution, determining that, due to the COVID-19 pandemic, meetings of the Board of Zoning Appeals shall be by electronic means as permitted by Executive Order No. 16.**
- (4) Consider a request for a variance to the asphalt/concrete surfacing requirements for a portable building sales lot for property located at 1552 and 1588 West Broad Street, request submitted by Larry Mahan.**
- (5) Consider a request for a variance to reduce the rear yard setback requirement from 30 feet to 17 feet for a total variance of 13 feet for property located at 4548 Old Sparta Road, request submitted by Janice Carol Bradford.**
- (6) Consider a request for a special exception for used automobile sales for property located at 840 East 10th Street, request submitted by Tracy Sweat on behalf of Jerry Gaw.**
- (7) Consider a request for a variance to reduce the front yard setback requirement from 30 feet to 10 feet to construct a secondary egress staircase and a variance to reduce the rear yard setback from 25 feet to 5 feet and the side yard setbacks from 10 feet to 0 feet for an addition to a nonconforming structure for property located at 41 East 4th Street, request submitted by Burton Nelson.**

**BOARD OF ZONING APPEALS  
MINUTES  
MARCH 12, 2020**

The Board of Zoning Appeals met on Thursday, March 12, 2020, at 5:15 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

**MEMBERS PRESENT:** Elwood Ervin, Sid Gilbreath, & Connie McCormick

**MEMBERS ABSENT:** Nancy Bohannon, James Dial,

**STAFF PRESENT:** Jon Ward, Ken Young

**STAFF ABSENT:** Haley Dickson

**OTHERS PRESENT:** Justin Cumby

**ELECTION OF CHAIRMAN AND VICE-CHAIRMAN.** Elwood Ervin made the motion to elect Sid Gilbreath as Chairman. Connie McCormick seconded the motion and the motion carried unanimously. **SID GILBREATH ELECTED AS CHAIRMAN.**

Elwood Ervin made the motion to elect James Dial as Vice-Chairman. Connie McCormick seconded the motion and the motion carried unanimously. **JAMES DIAL ELECTED AS VICE-CHAIRMAN.**

**CONSIDER FOR APPROVAL THE AGENDA AS SUBMITTED.** Connie McCormick made the motion to approve the agenda as submitted. Elwood Ervin seconded the motion and the motion carried unanimously. **APPROVED.**

**CONSIDER FOR APPROVAL THE MINUTES OF DECEMBER 12, 2019.** Elwood Ervin made the motion to approve the minutes of December 12, 2019 as submitted. Connie McCormick seconded the motion and the motion carried unanimously. **APPROVED.**

**CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE PARKING SPACE REQUIREMENTS FOR A PROPOSED FRATERNITY HOUSE IN THE UNIVERSITY DISTRICT FROM 18 PARKING SPACES TO 17 PARKING SPACES ON THE PROPERTY LOCATED AT 527 NORTH PEACHTREE AVE.**

Tech FIGIS Incorporated representative Justin Cumby submitted a variance request to reduce the parking requirement from eighteen (18) parking spaces to seventeen (17) parking spaces for construction of a new fraternity house at 527 North Peachtree Avenue.

**Analysis:** The subject property is further identified as parcel 015.00 on tax map 053B, group D and is the current location of the Theta Tau Chapter of the Phi Gamma Delta (FIJI) fraternity at Tennessee Tech University. The property is zoned UNV, University and consists of approximately 0.35 acres. The property is bordered by UNV University zoning to the north, east and south and MS Medical Services to the west.

Fraternity houses are a permitted use in the UNV Districts subject to additional requirements of Section 206.9 of the Zoning Code as included below:

206.9A. Applications for fraternity and sorority houses shall be accompanied by a floor plan that depicts the proposed layout of the facility including the location and square footage of any area devoted to sleeping rooms.

206.9B. Off street parking areas shall not be permitted in the required front yard and shall be designed so that backing from the site to a public street will not be necessary.

206.9C. When areas for outdoor recreational use or outdoor group activities are provided a Type 2 Screen/Buffer Yard as specified in Section 208 of this Zoning Code shall be provided along all property lines abutting property zoned or used for single and two-family residential purposes.

The existing FIJI house encroaches on setback requirements along the street frontages and the side property line. The house contains six (6) bedrooms and utilizes on street parking along North Peachtree Avenue and West 6th Street, with some parking spaces along West 6th Street that back into the street. The proposed new house will comply with all required setbacks, and also consist of six (6) bedrooms with a proposed parking area located on the southern portion of the property with seventeen (17) parking spaces. The proposed draft site design complies with Section 206.9B of the Zoning Code. Section 205.8C.6 of the Zoning Code requires Fraternity and Sorority houses to have three (3) parking spaces per bedroom, which would require eighteen (18) total parking spaces. Including a handicap van accessible space eliminated one (1) parking space due to ADA design requirements.

Fraternity houses require a minimum lot area of 20,000 square feet. Although the property consists of approximately 15,246 square feet, the Tech FIFI property is an existing non-conforming lot, and would be grandfathered at the location. This reduced area hinders the design to include the required parking. The current facility has no off-street parking, and the proposed design will be an improvement. The requested parking reduction would be less than six (6) percent of the required parking.

In the opinion of the Planning Department the variance to reduce the parking requirement by one (1) required parking space will not be detrimental to the public welfare or injurious to other property in the area.

**Staff Recommendation:** Approval of request

Elwood Ervin made the motion to approve the request as submitted subject to staff's recommendation. Connie McCormick seconded the motion and the motion carried unanimously. **APPROVED.**

**ADJOURNMENT: 5:28 P.M.**

**SUBMITTED FOR APPROVAL**

**SUBMITTED FOR RECORDING**

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**HALEY DICKSON  
PLANNING ASSISTANT**

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

## ACTION ITEM 3

Consider a Resolution, determining that, due to the COVID-19 pandemic, meetings of the Board of Zoning Appeals shall be by electronic means as permitted by Executive Order No. 16. Request submitted by Staff.

## RESOLUTION

**A RESOLUTION OF THE COOKEVILLE BOARD OF ZONING APPEALS DETERMINING THAT, DUE TO THE COVID-19 PANDEMIC, THE APRIL 9<sup>TH</sup>, 2020 MEETING OF THE BOARD OF ZONING APPEALS SHALL BE BY ELECTRONIC MEANS AS PERMITTED BY EXECUTIVE ORDER NO. 16**

**WHEREAS**, Executive Order No. 16 issued by the Honorable Bill Lee, Governor of the State of Tennessee on March 20, 2020, as a reasonable measure to protect the health and safety of citizens and government officials while ensuring that government business may continue in a manner that is open and accessible to the public, has declared that the provisions of the Open Meetings Act, Tennessee Code Annotated, Title 8, Chapter 44, Part 1, are suspended to the extent necessary to allow a governing body, as defined in Tennessee Code Annotated, Section 8-44-102, including the Board of Zoning Appeals, to meet and conduct essential business by electronic means, rather than being required to gather a quorum of members physically present at the same location; and

**WHEREAS**, the Cookeville Board of Zoning Appeals has determined that meeting electronically is necessary to protect the health and safety of citizens, government officials and staff in light of the COVID-19 pandemic.

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to Executive Order No. 16 and in a manner consistent with Article I, Section 19 of the Tennessee Constitution, Cookeville Board of Zoning Appeals meetings shall be conducted by electronic means and shall be open and accessible to public attendance by electronic means. Executive Order No. 16 does not in any way limit existing quorum or voting requirements under law, and all provisions of Tennessee Code Annotated, Section 8-44-108(c), remain in effect.

ADOPTED AND EFFECTIVE THIS 9th DAY OF APRIL, 2020.

\_\_\_\_\_  
Sid Gilbreath, Chairman, Cookeville Board of  
Zoning Appeals

ATTEST:

\_\_\_\_\_  
Haley Dickson, Secretary, Cookeville  
Board of Zoning Appeals

## ACTION ITEM 4

Consider a request for a variance to the asphalt/concrete surfacing requirements for a portable building sales lot for property located at 1552 and 1588 West Broad Street, request submitted by Larry Mahan.

APPLICATION FOR BZA REQUEST

The Board of Zoning Appeals meets the 2nd Thursday of each month. Applications must be turned into the Planning Department no later than 12:00 p.m. by the 3rd Monday of the month prior to the meeting. In most cases, it will be necessary to submit additional material (photos, example, sketch, floor plan, survey, etc.) to help explain the request. This information must accompany this application. A fee of \$50.00 for each Special Exception and Administration Review request, and a fee of \$200.00 for each Variance request shall also be submitted with this application.

\*\*\*\*\*

Location of Property: 1552 & 1588 W Broad Street

Tax map identification number: 039 177.00 & 178.00 Zone: CL

Property Owner Name: Larry Mahan Address: 17538 Dodson Branch Hwy City: Cookeville State: TN Zip: 38501 Daytime Phone: 931-650-1828
Person Making Request Name: Address: City: State: Zip: Daytime Phone:

\*\*\*\*\*

Type of Request:

SPECIAL EXCEPTION [ ] VARIANCE [x] ADMINISTRATIVE REVIEW [ ]

DESCRIBE THE REQUEST BELOW (ATTACH ANY ACCOMPANYING INFORMATION):

I would like to sell portable buildings on the vacant property that was an eye sore and has now been cleared to a reputable piece of property. Codes says I have to put on asphalt or concrete. Only Lowes in Cookeville has this done, the rest are on ground or grass. I don't want to spend \$50,000 in asphalt for temporary business - Eventually it will be something big.

\*\*\*\*\*

Date Filed: Fee Paid: Amount:

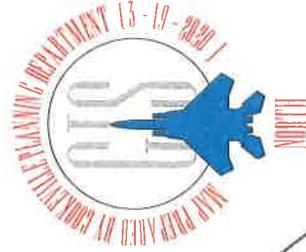
Meeting Date Set For:

Request reviewed by:

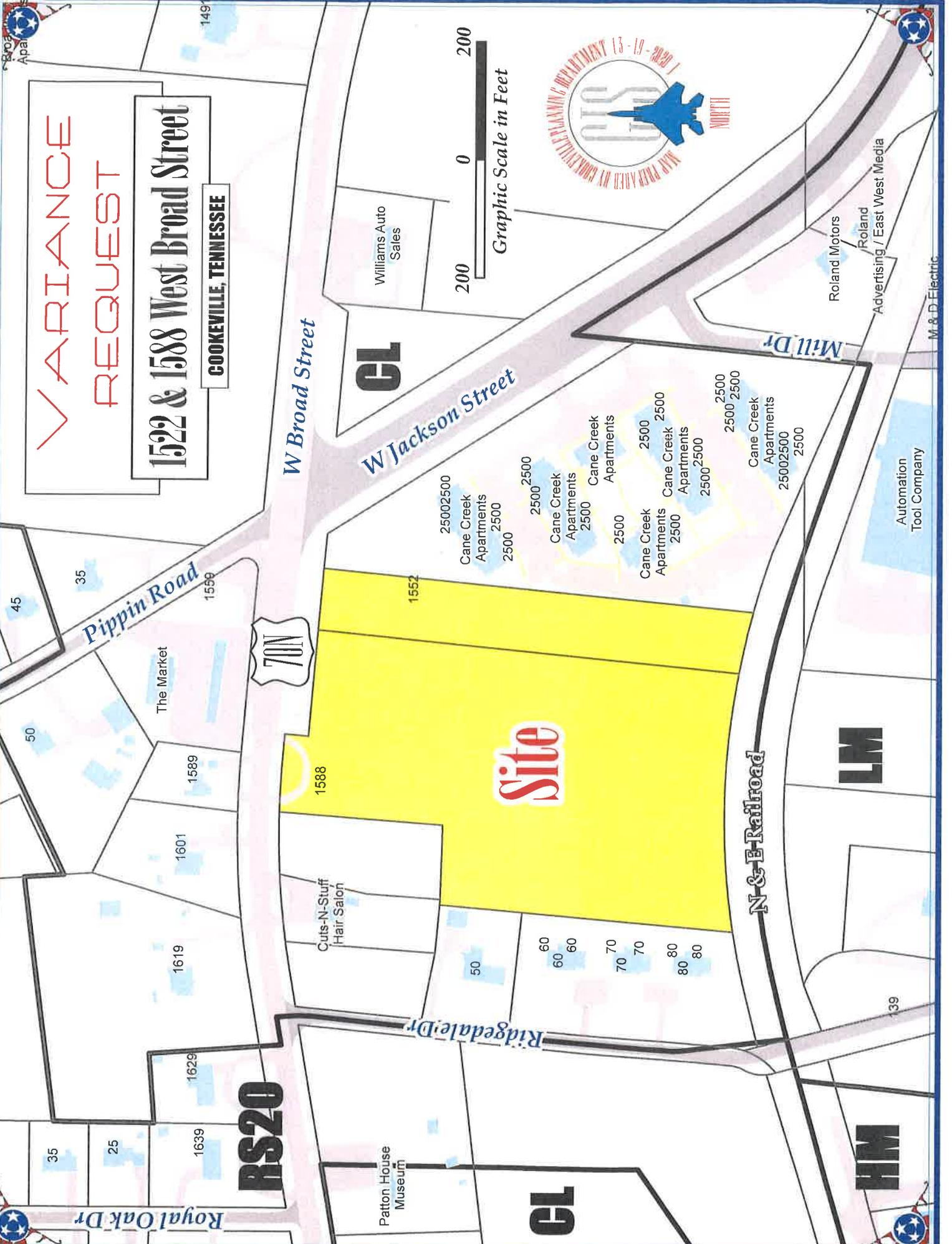
# VARIANCE REQUEST

## 1522 & 1588 West Broad Street

COOKEVILLE, TENNESSEE



Graphic Scale in Feet



**CL**

W Broad Street

W Jackson Street

Mill Dr

Pippin Road

70N

**Site**

N & E Railroad

**LM**

**RS20**

Patton House  
Museum

**CL**

**HM**

M & D Electric

Automation  
Tool Company

Roland Motors  
Roland  
Advertising / East West Media

Williams Auto  
Sales

Cane Creek  
Apartments  
2500  
2500  
2500

Cane Creek  
Apartments  
2500

The Market

Royal Oak Dr

Ridgedale Dr



## ACTION ITEM 5

Consider a request for a variance to reduce the rear yard setback requirement from 30 feet to 17 feet for a total variance of 13 feet for property located at 4548 Old Sparta Road, request submitted by Janice Carol Bradford.

APPLICATION FOR BZA REQUEST

The Board of Zoning Appeals meets the 2nd Thursday of each month. Applications must be turned into the Planning Department no later than 12:00 p.m. by the 3rd Monday of the month prior to the meeting. In most cases, it will be necessary to submit additional material (photos, example, sketch, floor plan, survey, etc.) to help explain the request. This information must accompany this application. A fee of \$50.00 for each Special Exception and Administration Review request, and a fee of \$200.00 for each Variance request shall also be submitted with this application.

\*\*\*\*\*

Location of Property: 4548 Old Sparta Road

Tax map identification number: 096 025.05 Zone: RS-20

Property Owner Name: Janice Carol Bradford Address: 4548 Old Sparta Road City: Cookeville State: TN Zip: 38506 Daytime Phone: 931-252-7425
Person Making Request (if other than property owner) Name: Address: City: State: Zip: Daytime Phone:

\*\*\*\*\*

Type of Request:

SPECIAL EXCEPTION [ ] VARIANCE [x] ADMINISTRATIVE REVIEW [ ]

DESCRIBE THE REQUEST BELOW (ATTACH ANY ACCOMPANYING INFORMATION):

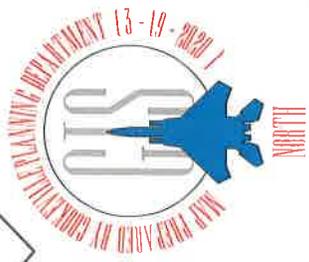
I am requesting a 13 foot variance to the rear setback requirements. I have a narrow lot annexed into the city in 2000; also encumbered by a power easement

\*\*\*\*\*

Date Filed: Fee Paid: Amount:

Meeting Date Set For:

Request reviewed by:



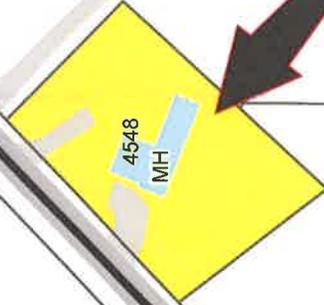
# VARIANCE REQUEST

## 4548 Old Sparta Road

COOKEVILLE, TENNESSEE

### RS5

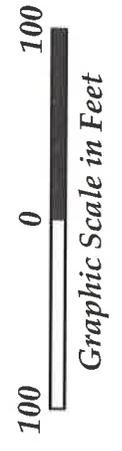
### CI



### Site

### RS20

### RS5<sup>24</sup>



4474

4510

4536

4540

4548  
MH

4593

4615

1122

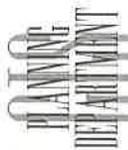
4653

4659

Old Sparta Road

# 4548 Old Sparta Road

**SURVEY**



3-20-2020

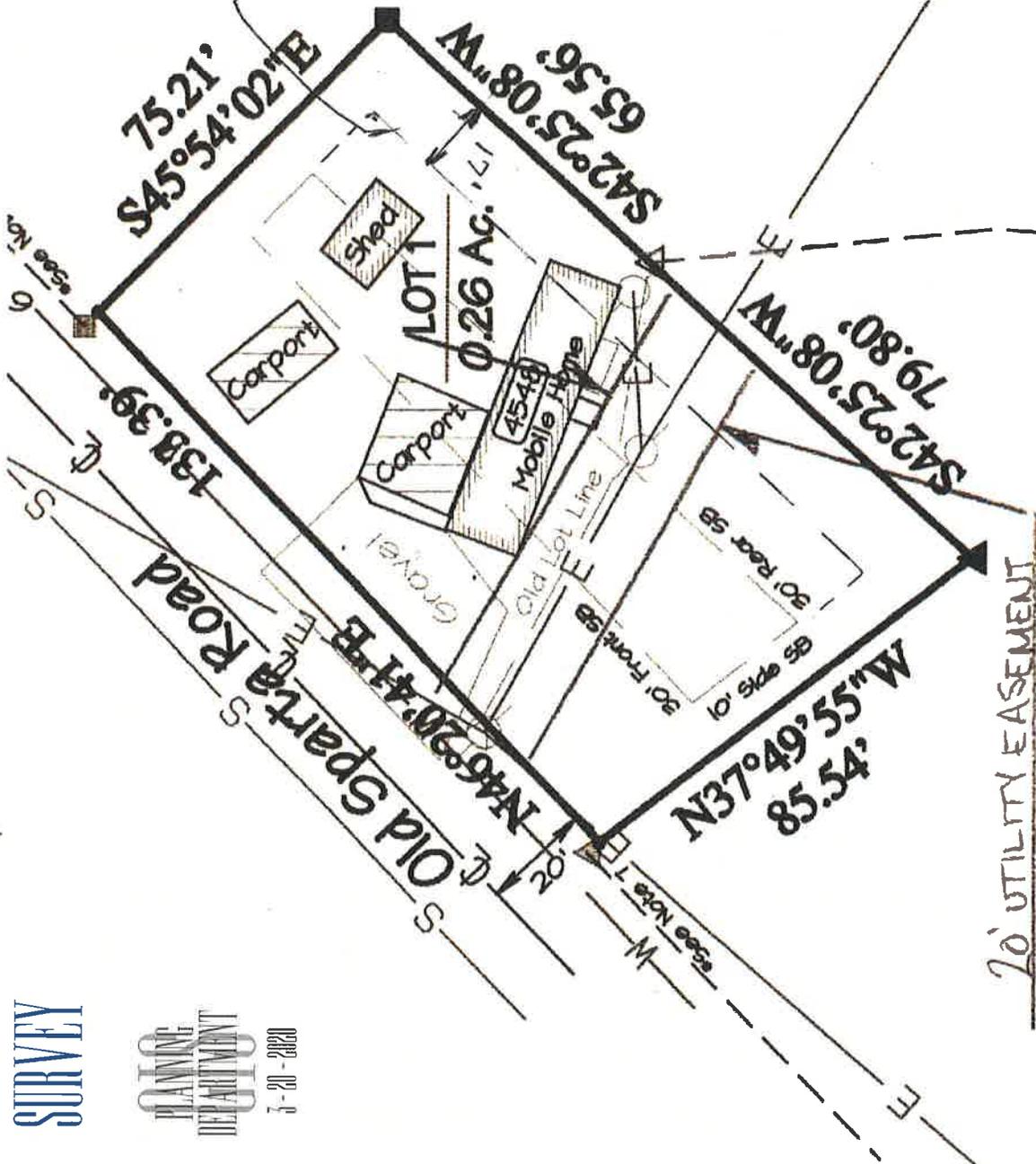
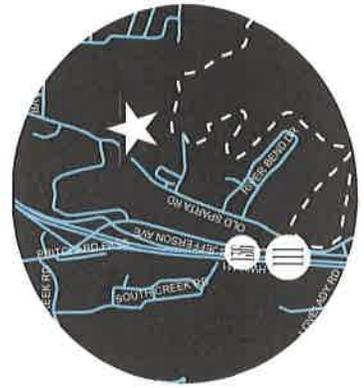
13'-0"  
Variance  
request

Carol Bradford  
RD  
4548 Old Sparta

17'-0"  
New  
Setback

Emmette  
(Map 96  
(WDB  
RE

LOCATION MAP





## ACTION ITEM 6

Consider a request for a special exception for used automobile sales for property located at 840 East 10th Street, request submitted by Tracy Sweat on behalf of Jerry Gaw.

APPLICATION FOR BZA REQUEST

The Board of Zoning Appeals meets the 2nd Thursday of each month. Applications must be turned into the Planning Department no later than 12:00 p.m. by the 3rd Monday of the month prior to the meeting. In most cases, it will be necessary to submit additional material (photos, example, sketch, floor plan, survey, etc.) to help explain the request. This information must accompany this application. A fee of \$50.00 for each Special Exception and Administration Review request, and a fee of \$200.00 for each Variance request shall also be submitted with this application.

\*\*\*\*\*

Location of Property: 840 E 10th Street

Tax map identification number: 040L B 010.00 Zone: CL

Property Owner Name: Jerry & Brenda Gaw Address: 640 N Dixie Ave City: Cookeville State: TN Zip: 38501 Daytime Phone: 931-526-3700
Person Making Request Name: Tracy Sweat Address: 852 Spring Valley Road City: Cookeville State: TN Zip: 38501 Daytime Phone: 931-260-3644

\*\*\*\*\*

Type of Request:

SPECIAL EXCEPTION [checked] VARIANCE [ ] ADMINISTRATIVE REVIEW [ ]

DESCRIBE THE REQUEST BELOW (ATTACH ANY ACCOMPANYING INFORMATION):

For used automobile sales

\*\*\*\*\*

Date Filed: Fee Paid: Amount:

Meeting Date Set For:

Request reviewed by:



## ACTION ITEM 7

Consider a request for a variance to reduce the front yard setback requirement from 30 feet to 10 feet to construct a secondary egress staircase and a variance to reduce the rear yard setback from 25 feet to 5 feet and the side yard setbacks from 10 feet to 0 feet for an addition to a nonconforming structure for property located at 41 East 4th Street, request submitted by Burton Nelson.

APPLICATION FOR BZA REQUEST

The Board of Zoning Appeals meets the 2nd Thursday of each month. Applications must be turned into the Planning Department no later than 12:00 p.m. by the 3rd Monday of the month prior to the meeting. In most cases, it will be necessary to submit additional material (photos, example, sketch, floor plan, survey, etc.) to help explain the request. This information must accompany this application. A fee of \$50.00 for each Special Exception and Administration Review request, and a fee of \$200.00 for each Variance request shall also be submitted with this application.

\*\*\*\*\*

Location of Property: 41 E 4th Street

Tax map identification number: 053B G 001.00 Zone: RS-15

Property Owner Name: Burton and Deborah Nelson Address: 342 Cherry Ave City: Cookeville State: TN Zip: 38501 Daytime Phone: 931-260-3892
Person Making Request Name: Address: City: State: Zip: Daytime Phone:

\*\*\*\*\*

Type of Request:

SPECIAL EXCEPTION [ ] VARIANCE [x] ADMINISTRATIVE REVIEW [ ]

DESCRIBE THE REQUEST BELOW (ATTACH ANY ACCOMPANYING INFORMATION):

We are requesting an additional egress staircase on the north end of the building. We are also requesting the addition of a laundry room for tenant use with placement at the southwest corner. Thank you.

\*\*\*\*\*

Date Filed: Fee Paid: Amount:

Meeting Date Set For:

Request reviewed by:

# VARIANCE REQUEST

41 East 4th Street

COOKEVILLE, TENNESSEE

## North Dixie Historic District

### RS15

## Site

Suburban Propane  
Suburban Propane  
Suburban Propane  
Suburban Propane  
Suburban Propane  
Suburban Propane

Shop Around  
The Corner

Fifth Quarters  
Fifth Quarters  
420

23

51

### CL

D & M  
341 Apartments  
D & M  
341 Apartments  
341  
Yoga  
A Better Me  
Yoga  
A Better Me  
Yoga

Mahler Ave

335  
D & M  
335 Apartments  
D & M  
Apartments

N & E Railroad

E 4th Street

Cherry Ave

Holly Ave

41 41 41 41 41 41 41 41 41 41  
Brook Haven  
Apartments  
Brook Haven  
Apartments

363

360

371

375

360

361

342

350

351

341

330

330

326

326

326

326

120

355

395

323

UCIS  
UCIS

Alpha Kappa Psi

305

Judy's Nail Spa



### CRD



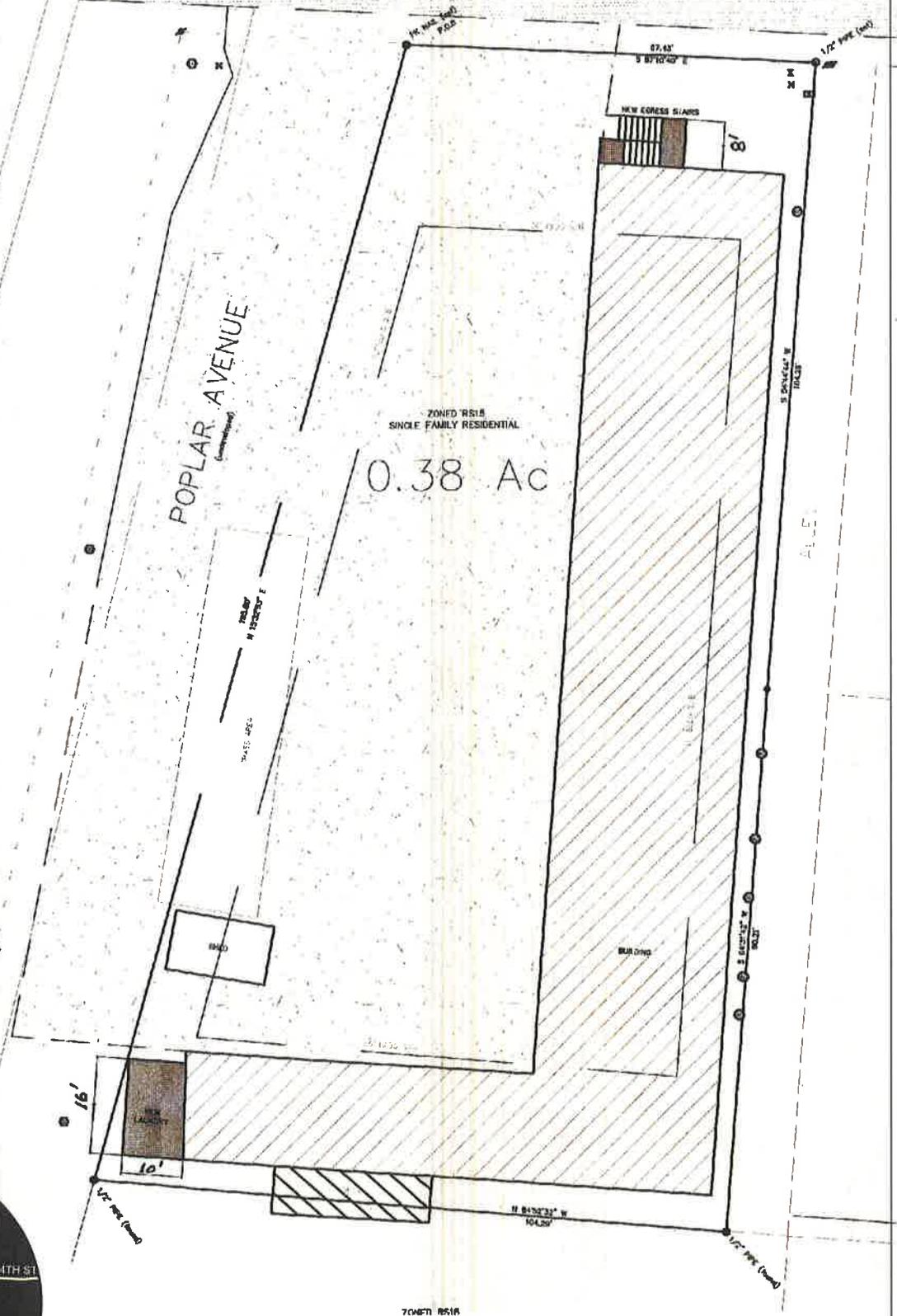
# 41 E 4th Street

EAST 4TH STREET  
30' WIDE (utility meters)

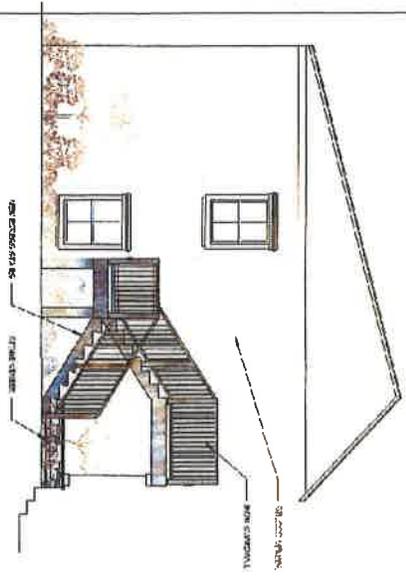
**SITE PLAN**

**PLANNING  
DEPARTMENT**

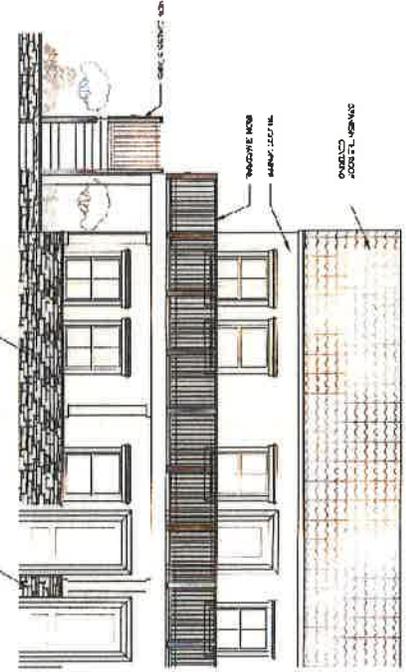
3-20-2020



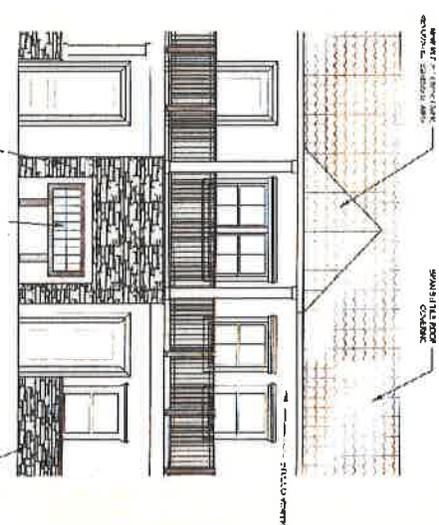
**LOCATION MAP**



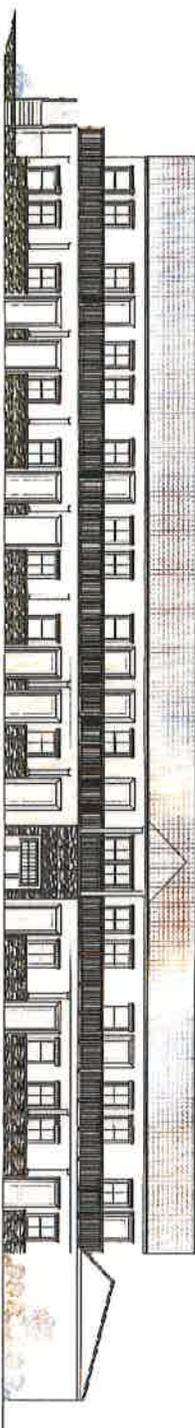
2 4TH STREET (NORTH) ELEVATION  
A-4.0 SCALE 1/8" = 1'-0"



TYP. CNL UNIT & EXPRESS STAIR  
3 ENLARGED WEST ELEVATION  
A-4.0 SCALE 1/2" = 1'-0"



4 EXPRESS STAIR & COVER  
ENLARGED WEST ELEVATION  
A-4.0 SCALE 1/2" = 1'-0"



1 OVERALL FRONT (WEST) ELEVATION  
A-4.0 SCALE 1/8" = 1'-0"

41 EAST 4TH STREET  
MARKET SQUARE APARTMENTS  
COOKEVILLE, TN

**jGroves**  
design company

Groves design company  
Jon J. Groves  
P.O. Box 1463  
Cookeville, TN 38503  
Phone : 931-444-4791  
jgrovesdesignco@gmail.com  
www.jgrovesdesigncompany.com

NO.	REVISIONS
1	ISSUED FOR PERMITS
2	ISSUED FOR PERMITS
3	ISSUED FOR PERMITS
4	ISSUED FOR PERMITS
5	ISSUED FOR PERMITS
6	ISSUED FOR PERMITS
7	ISSUED FOR PERMITS
8	ISSUED FOR PERMITS
9	ISSUED FOR PERMITS
10	ISSUED FOR PERMITS

A-4.0