

**Board of Zoning Appeals
Minutes
January 12th, 2023**

The Board of Zoning Appeals met on Thursday, January 12th, 2023, at 5:15 p.m. in the Council Chambers located at 45 E. Broad Street, Cookeville, Tennessee.

Members Present: Nancy Bohannon, James Dial, Michael Detwiler & Connie McCormick.

Members Absent: Elwood Ervin.

Staff Present: Haley Dickson, Jon Ward & Christopher Phillips.

Staff Absent: Ken Young & James Mills.

Others Present:

Consider for Approval the Agenda as Submitted. Connie McCormick made the motion to approve the agenda as submitted. Michael Detwiler seconded the motion and the motion carried unanimously. **Approved.**

Consider for Approval the Minutes of November 10th, 2022. Michael Detwiler made the motion to approve the minutes of November 10th, 2022, as submitted. Nancy Bohannon seconded the motion and the motion carried unanimously. **Approved.**

Consider a request for a variance to reduce the rear yard setback from 20 feet to 13 and ½ feet for a total variance of six (6) and ½ feet for property located at 530 Cottage Way (Tax Map 052-O, Group E, Parcel 038.00). Request submitted by Mr. Allen Elhert. Mr. Christopher Phillips stated that property owner, Mr. Allen Elhert, has submitted for approval a variance request to reduce the rear yard setback from 20 feet to 13 and ½ feet for a total variance of 6 and ½ feet for his property located at 530 Cottage Way. The request was submitted to allow for the construction of an attached screened in porch.

Analysis: The subject property is identified as Parcel 038.00 on Tax Map 052O, Group E, and contains approximately 0.25 acres. The property is zoned RS-10, “Single-Family Residential” as are the adjacent properties to the north, west, and south. The property is bordered by RS-20, “Single-Family Residential” to the east. An existing single-family dwelling unit is located on the subject property.

Mr. Elhert has submitted a site plan depicting a screened in porch addition to the existing structure. The RS-10 District has a 20-foot rear yard setback requirement. The proposed addition encroaches into the rear yard setback requirement by approximately six (6) and ½ feet. The requested variance not to exceed a six (6) and ½ feet reduction in the 20-foot rear yard setback requirement represents a total variance of 32.5%.

Section 233.9D, Section 3 Variances, states that granting a variance requires the following criteria to be met:

- I. The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Zoning Code were carried out.

In the opinion of the Planning Department, no apparent hardship is present on the subject property to warrant a variance. No topographic constraints or other natural factors constraints are present on the property.

Recommendation: Denial of the request for a variance.

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Mr. Elhert showed powerpoint he submitted to the Planning Department.

Chairman James Dial stated that Mr. Elhert's presentation was good but unfortunately shows no hardship and agrees with the Planning Department's recommendation to deny the request.

Mr. Jon Ward stated that the Planning Department can't support request but ultimately it is board's decision.

Michael Detwiler made the motion to deny the request as recommended by staff. Connie McCormick seconded the motion and the motion carried unanimously. **Denied.**

Consider a request for a variance to the maximum wall height requirement of eight (8) feet and the maximum wall height requirement for corner lots of six (6) feet for walls more than 25% opaque to allow a privacy wall to be constructed up to eight (8) feet in height on an existing retaining wall that measures up to six (6) feet in height for a total maximum variance of up to six (6) feet for property located at 531 North Dixie Avenue (Tax Map 053C, Group A, Parcel 001.01). Request submitted by Dr. Brent Staton. The petitioner has requested to postpone this item until the February 9th meeting.

Connie McCormick made the motion to postpone the request until the February 9th Board of Zoning Appeals meeting. Michael Detwiler seconded the motion and the motion carried unanimously. **Approved.**

Adjournment: 5:31 P.M.

Submitted for Approval

Submitted for Recording

Haley Dickson
Planning Assistant

James Dial, Chairman
Board of Zoning Appeals