

**Board of Zoning Appeals
Minutes
February 10th, 2022**

The Board of Zoning Appeals met on Thursday, February 10th, 2022, at 5:15 p.m. in the Council Chambers located at 45 E. Broad Street, Cookeville, Tennessee.

Members Present: James Dial, Michael Detwiler, Elwood Ervin. & Connie McCormick.

Members Absent: Nancy Bohannon.

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

Staff Absent: Ken Young & James Mills.

Others Present: Jim Hawkins & Lindsay Pride.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN. Mr. Elwood Ervin made the motion to re-elect James Dial as chairman. Connie McCormick seconded the motion and the motion carried unanimously. **JAMES DIAL ELECTED CHAIRMAN.**

Michael Detwiler nominated to re-elect Elwood Ervin as vice-chairman. Connie McCormick seconded the motion and the motion carried unanimously. **ELWOOD ERVIN ELECTED VICE-CHAIRMAN.**

CONSIDER FOR APPROVAL THE AGENDA AS SUBMITTED. Michael Detwiler 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 OCTOBER 14TH, 2021. Connie McCormick made the motion to approve the minutes of October 14th, 2021, as submitted. Michael Detwiler seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE FRONT YARD SETBACK REQUIREMENT FROM 50 FEET TO 10 FEET FOR A TOTAL VARIANCE OF 40 FEET FOR AN ADDITION TO AN EXISTING NONCONFORMING STRUCTURE FOR PROPERTY LOCATED AT 1621 NORTH WASHINGTON AVENUE (TAX MAP 040F, GROUP G, PARCEL 004.00). REQUEST SUBMITTED BY JIM HAWKINS ON BEHALF OF WASHINGTON AVENUE BAPTIST CHURCH. Mr. Christopher Phillips stated that Mr. Jim Hawkins submitted a request for a variance to reduce the front yard setback requirement for the Washington Avenue Baptist Church located at 1621 North Washington Avenue in the CL, “Local Commercial” District.

Analysis: The subject property is identified as Tax Map 040F, Group G, Parcel 004.00 and is split zoned CL, “Local Commercial” to the west, fronting Washington Avenue, and RS-10 “Single-Family Residential” to the east. The property is bordered by CL, “Local Commercial” to the west, north, and south, and by RS-10, “Single-Family Residential” to the east, north, and south. The property consists of approximately 5.65 acres (246,114 sq. ft.). Washington Avenue Baptist Church is located on the lot and the structure is non-conforming to the front setback requirement.

North Washington Avenue was widened from a two-lane road to a five-lane road in 2002. Section 204.5 of the Zoning Code states that, “when a lot of record is acquired for a public purpose, the Building Official may permit a reduction in the required setbacks in such a manner to allow the setbacks to be measured from the property line or right-of-way line existing prior to

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the acquisition.” In circumstances where right-of-way acquisition has contributed to a setback non-conformity, the City holds properties harmless on the amount of right-of-way acquired. Right-of-way acquisition for the North Washington Avenue widening project decreased the front-yard depth for the church. The front entrance of the church structure is located within the fifty-foot setback. The current covered entrance is approximately thirteen (13) feet from North Washington Avenue. A portion of the church already encroaches forty-three (43) feet into the fifty (50) foot required setback established after the North Washington Avenue widening project.

Mr. Hawkins has submitted a site plan depicting proposed additions to the front of the church building. The proposed additions encompass the existing overhangs at the front of the church and will extend to the retaining wall currently located approximately fourteen (14) feet from North Washington north of the church entrance and approximately ten (10) feet from North Washington south of the church entrance. These new additions do not increase the current encroachment into the front yard setback.

In the opinion of the Planning Department, the setback variance request will not be detrimental to the public welfare or injurious to other property in the area.

Staff Recommendation: Approval of the variance request to reduce the front yard setback requirement from fifty (50) feet to ten (10) feet for a total variance of forty (40) feet to construct an addition to an existing nonconforming structure as depicted on the submitted site plan.

Mr. Chris Phillips stated that the only concern that the Planning Department has is if North Washington Avenue were to be widened in the future, the right-of-way

Mr. Jon Ward stated that North Washington Avenue was widened from two lanes to five lanes in the early 2000’s. The proposed area is located where the road begins to taper and leaves very little room for any future widenings.

Mr. Elwood Ervin asked what exactly is being proposed.

Mr. Jim Hawkins stated that they are wanting to construct a common area for a fellowship area near the sanctuary. They will start with one side and build out the second side later on.

Mr. Ward stated that variances must be completed within a certain time frame and must pull a permit within one year.

Mr. Hawkins stated that he is hopeful that construction will start in the spring.

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

Adjournment: 5:29 P.M.

Submitted for Approval

Submitted for Recording

Haley Dickson

James Dial, Chairman

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Planning Assistant

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