

**BOARD OF ZONING APPEALS
MINUTES
JULY 11, 2019**

The Board of Zoning Appeals met on Thursday, July 11, 2019, at 5:15 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

MEMBERS PRESENT: James Dial, Sid Gilbreath, and Nancy Bohannon.

MEMBER ABSENT: Elwood Ervin and Jane Flatt

STAFF PRESENT: Jon Ward & Ken Young.

OTHERS PRESENT: David Klein.

CONSIDER FOR APPROVAL THE AGENDA AS SUBMITTED. James Dial made the motion to approve the agenda as submitted. Nancy Bohannon seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR APPROVAL THE MINUTES OF JUNE 13, 2019. Nancy Bohannon made the motion to approve the minutes of June 13, 2019 as submitted. James Dial seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A VARIANCE REQUEST TO REDUCE THE SIDE YARD ON STREET SIDE CORNER LOT SETBACK REQUIREMENT OF PROPERTY LOCATED AT 531 NORTH MAPLE AVENUE. Jon Ward informed the Board that property owner Mr. Dan Allcott submitted a variance request to reduce the side yard on street side corner lot setback requirement for the expansion of an existing nonconforming home located at 531 North Maple Avenue.

Mr. Ward stated that the subject property is further identified as parcel 7 on tax map 053C, group F. The property is zoned RS-10, Single Family Residential. The property is bordered by RS-10 zoning to the west, south and east and RS-15 to the north. The subject property is located at the southeast corner of North Maple Avenue and East 6th Street. An existing home is located on the property, which tax records indicate was constructed in 1928. East 6th Street is classified as a minor collector street. Within the RS-10 zoning district, the minimum side yard requirement on street side corner lots for streets classified as collector streets or higher classification is thirty (30) feet. The existing home is nonconforming to this required setback.

A legal nonconforming structure is a structure that existed prior to the establishment of zoning regulations to which the structure does not comply. The existing home was constructed prior to zoning being established in the City of Cookeville. Under the provisions of Tennessee Code Section 13-7-208, nonconforming uses are allowed to remain in perpetuity provided they do not cease operation for a period of at least 30 consecutive months. They also have the right to expand on existing property provided there is enough space to meet the area requirements (setbacks) of the zoning district.

The existing home has an addition on the rear of the structure. The current dimensions of this addition are approximately 18.5 feet by 7.5 feet. The petitioner has requested a variance to allow this addition to be remodeled and expanded by approximately 3.5 feet, bringing the dimensions of the addition to approximately 18.5 feet by 11 feet. The existing home is currently sited twenty (20) feet from the East 6th Street right-of-way. The proposed expansion will not project further into the setback requirement from East 6th Street than the non-conforming structure currently projects.

Mr. Ward stated that in the opinion of the Planning Department the variance to reduce the side yard requirement from thirty (30) feet to twenty (20) feet for the expansion of a nonconforming home will not be detrimental to the public welfare or injurious to other property in the area. He recommended approval of the variance request to reduce side yard on street side corner lot requirement from thirty (30) feet to twenty (20) feet for a total variance of ten (10) feet to construct a 3.5 foot addition to an existing nonconforming home, as depicted on the submitted site plan.

James Dial made the motion to approve the request as submitted subject to staff's recommendation. Nancy Bohannon seconded the motion and the motion carried unanimously. **APPROVED.**

ADJOURNMENT: 5:20 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

PLANNING STAFF

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