

**BOARD OF ZONING APPEALS  
MINUTES  
JANUARY 10, 2019**

The Board of Zoning Appeals met on Thursday, January 10, 2019, at 5:15 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

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

**MEMBER ABSENT:** Elwood Ervin.

**STAFF PRESENT:** James Mills, Jayne Barns, and Jon Ward.

**OTHERS PRESENT:** Ben Wheeler, Donnie Meadows, and Bob Vick.

**CONSIDER FOR APPROVAL AMENDING THE AGENDA.** Jon Ward recommended that the agenda be amended to add Election of Chairman and Vice-Chairman.

James Dial made the motion to approve amending the agenda to add Election of Chairman and Vice-Chairman Nancy Bohannon seconded the motion and the motion carried unanimously. **APPROVED.**

**CONSIDER FOR APPROVAL THE AGENDA AS AMENDED.** Nancy Bohannon made the motion to approve the agenda as amended. Jane Flatt seconded the motion and the motion carried unanimously. **APPROVED.**

**ELECTION OF CHAIRMAN AND VICE-CHAIRMAN.** Jane Flatt made the motion to elect Sid Gilbreath as Chairman. Nancy Bohannon seconded the motion and the motion carried unanimously. **SID GILBREATH ELECTED AS CHAIRMAN.**

Sid Gilbreath made the motion to elect Jane Flatt as Vice-Chairman. Nancy Bohannon seconded the motion and the motion carried unanimously. **JANE FLATT ELECTED AS VICE-CHAIRMAN.**

**CONSIDER FOR APPROVAL THE MINUTES OF NOVEMBER 8, 2018.** James Dial made the motion to approve the minutes of November 8, 2018. Jane Flatt seconded the motion and the motion carried unanimously. **APPROVED.**

**CONSIDER A REQUEST FOR A VARIANCE FOR THE REDUCTION OF A TYPE 3 BUFFER YARD FROM 30 FEET TO 2 FEET ON THE PROPERTY LOCATED AT 1730 EAST SPRING STREET. REQUEST SUBMITTED BY DONNY MEADOWS ON BEHALF OF MEADOWS PROPERTIES.** Jon Ward stated that Mr. Bob Vick with Bob Vick & Associates, Inc., submitted a variance request to reduce the buffer yard requirements for property located at 1730 E. Spring Street, request made on behalf of Mr. Donnie Meadows, 124 South Dixie Avenue, Cookeville, TN 38501.

Mr. Bob Vick submitted a site plan for a commercial building shell for property located in the Copper Springs Development at 1730 E. Spring Street (Tax map 052O, group B parcel 009.06). The property is zoned CL, Local Commercial. The property is bordered by CL, Local Commercial zoning on all sides.

The proposed commercial building is approximately 7,000 square feet in size. A single family residence is located on adjacent property to the west at 1714 E. Spring Street. Developments larger than 5,000 square feet require a Type 3 screen and buffer yard from any single family structure as included in Section 208 of the Cookeville Zoning Code. A Type 3 screen/buffer yard is intended to exclude all visual contact between uses. This requires a buffer yard at a minimum of thirty (30) feet in width and a completely opaque screen to a height of at least eight (8) feet in height. A buffer yard is defined as a landscaped area intended to separate and obstruct the view of two (2) or more adjacent land uses or properties from one another.

The proposed building is approximately 35 feet from the western property boundary at its nearest point, however, a driveway is proposed running along the western boundary to access parking to the rear of the structure. This driveway is approximately two (2) feet from the property boundary at the southern end of the western boundary, increasing to approximately ten (10) feet from the boundary at the northern end of the western boundary. The location of the ingress/egress driveway to the rear parking area would require a variance to reduce the buffer yard requirements from thirty (30) feet to two (2) feet for a total variance of twenty-eight (28) feet.

Section 208.6F of the Zoning Code provides conditions for modification of screening and buffer yards where Type 1 or Type 2 screen/buffer yards are required. Type 1 or Type 2 buffer yards may be reduced administratively by the Building Official with written approval from the adjacent property owner when more stringent screening is provided. Type 3 buffer/screening requirements are the most stringent and any reduction must be approved by variance. Section 208.6F 4 of the Zoning Code states "The buffer yard width shall not be reduced to less than one (1) foot from the shared property line."

The single family structure to the west is owned by Mr. Brian Murphree and Mr. Ernest G. Buchanan IV. A signed statement was provided by Mr. Murphree and Mr. Buchanan where they approved of eliminating any type of buffer between their property and the property being developed by Mr. Meadows. Mr. Vick indicated that Mr. Murphree and Mr. Buchanan anticipated that their property would be commercial at some point in the future. Also, Mr. Vick stated that a Type 3 screen would be installed in the form of an eight (8) feet tall wooden fence to screen the proposed development from the adjoining property.

In the opinion of the Planning Department the variance to allow a reduction of the buffer yard will not be detrimental to the public welfare or injurious to other property in the area and is justified as the adjoining property owners have agreed to a reduction.

Staff recommended approval of the variance request to reduce the buffer yard requirements from thirty (30) feet to two (2) feet for a total variance of twenty-eight (28) feet provided a sufficient Type 3 screen is installed.

Donny Meadows asked if the screen could start at the front of the building.

Sid Gilbreath asked James Mills if the screen started at the building setback line.

James Mills confirmed that the Type 3 screen would start at the building setback line.

Donny Meadows asked if they would have to put up the screening since the house was vacant.

Mr. Mills confirmed that Mr. Meadows would still have to put up the screening unless the use was changed to commercial.

Jane Flatt made the motion to approve the variance to reduce the buffer yard requirements from thirty (30) feet to two (2) feet for a total variance of twenty-eight (28) feet provided a sufficient Type 3 screen is installed. James Dial seconded the motion and the motion carried unanimously. **APPROVED VARIANCE.**

**ADJOURNMENT: 5:32 P.M.**

**SUBMITTED FOR APPROVAL**

**SUBMITTED FOR RECORDING**

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**JAYNE BARNS CPS  
PLANNING ASSISTANT**

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

