

**Board of Zoning Appeals  
Minutes  
March 10<sup>th</sup>, 2022**

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

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

**Members Absent:** Elwood Ervin.

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

**Staff Absent:** Ken Young & James Mills.

**Others Present:** Lindsay Pride, Betsy Scarsibrick, Rhonda Wester, Curtis & Kelli Sipe, Charles & Mae Carr and Joey Spite.

**CONSIDER FOR APPROVAL THE AGENDA AS SUBMITTED.** Nancy Bohannon 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 FEBRUARY 10<sup>TH</sup>, 2022.** Connie McCormick made the motion to approve the minutes of February 10<sup>th</sup>, 2022, as submitted. Nancy Bohannon seconded the motion and the motion carried unanimously. **APPROVED.**

**CONSIDER A REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A HOSPICE RESIDENCE HOME / ASSISTED LIVING FACILITY ON THE PROPERTY LOCATED AT 570 STATE STREET. REQUEST SUBMITTED BY CURTIS & KELLI SIPE.** Mr. Jon Ward stated that Mr. Curtis and Mrs. Kelli Sipe, on behalf of Putnam 1st Mercantile Bank, submitted a request for a special exception to reinstate a hospice residence home/assisted living facility at property located at 570 State Street.

**Analysis:** The subject property is identified as Parcel 002.04 on Tax Map 053 and contains approximately 1.00 acre. The parcel was created as part of the Upper Cumberland Christian Home Division, which was approved and recorded in 2007. It is contiguous with properties zoned RS-10, "Single-Family Residential" to the north, east, and south and as RM-8, "Multi-Family Residential" to the west. The Upper Cumberland Christian Home, a thirty-three (33) unit senior housing complex, is adjacent to the subject property to the west.

The Planning Department has an extensive history with the property. The property was historically operated as a group home. The Zoning Code was amended to allow the property to be used as a hospice home and assisted living facility. The property was approved and used accordingly.

Hospice Residence Home/Assisted Living Facility is a use permitted on appeal (special exception) in the RS-10 District, subject to the following conditions:

212.4D Hospice Residence Home/Assisted Living Facility meeting the following conditions:

1. Minimum lot area of 40,000 square feet shall be provided for such facility

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2. Maximum of twelve (12) residents shall reside at the facility
3. Minimum of one (1) off-street parking space per maximum number of residents and employees shall be provided at the facility
4. No freestanding signs shall be permitted
5. Shall be located on property contiguous with property zoned for multi-family residential purposes and shall be accessed from the same street as the contiguous property zoned for multi-family residential purposes
6. Structure shall be compatible with nearby residential structures in terms of scale and appearance
7. Site plan and floor plan shall be submitted to and approved by the Board of Zoning Appeals
8. Type 2 Screen/Buffer Yards as specified in section 208 of this Zoning Code shall be provided along all property lines abutting property zoned or used for single or two-family residential purposes
9. All requirements of the State of Tennessee that pertain to the use and operation of the facility shall be met
10. Shall have been previously legally utilized as a group home

The special exception was last approved by the Board of Zoning Appeals on March 11, 2021, on behalf of an application submitted by Mrs. Kelli Sipe. A floor plan depicting the proposed utilization of the structure as a hospice residence home/assisted living facility was submitted at that time and has been submitted with the current application. The floorplan depicts a total of ten (10) bedrooms to be used for hospice/assisted living, with no changes since prior approval.

No changes are planned for the site, which was found to be compliant with the occupancy, signage, parking, and screening requirements when approved in 2017 and confirmed again in 2021. The site exceeds the minimum lot area requirement and exterior façade of the residential structure will not be altered. Also, as noted, the site is contiguous with property zoned for multi-family residential purposes and is accessed from the same street as the contiguous property zoned for multi-family residential purposes. The application was submitted to reinstate a previously approved special exception for the property.

In the opinion of the Planning Department all established conditions can be met and the property appears to be particularly suitable for the proposed use.

**Recommendation:** Approval of the request, subject to compliance with all applicable provisions of the Zoning Code.

Mrs. Kelli Sipe stated that the plan for the building is to allow 12 residents and intends it to be a Home of the Aged. Mrs. Sipe stated that they will allow third party providers for different services.

Mrs. Sipe's renovation vision includes an updated entrance and an exterior makeover, living room & sunroom expansion and renovating the bedrooms to contain private bathrooms.

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Mr. Michael Detwiler asked what the timeline is for the renovations.

Mr. Curtis Sipe stated that they plan on have the renovations completed by end of year 2022 into early 2023.

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

**CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE REAR YARD SETBACK REQUIREMENT FROM 20 FEET TO 9 FEET FOR A TOTAL VARIANCE OF 11 FEET FOR AN ADDITION TO A STRUCTURE FOR PROPERTY LOCATED AT 110 MCCLENNAN (TAX MAP 053A, GROUP G, PARCEL 043.00) IN THE RS10 ZONING DISTRICT. REQUEST SUBMITTED BY RHONDA WESTER.**

Mr. Jon Ward stated that Ms. Rhonda Wester has submitted a request for a variance to reduce the rear yard setback requirement from twenty (20) feet to nine (9) feet for a total variance of eleven (11) feet for an addition to a structure for property located at 110 McClellan Court in the RS-10, “Single-Family Residential” District.

**Analysis:** The subject property is identified as Tax Map 053A, Group G, Parcel 043.00 and contains approximately 0.29 acres (12,632 sq. ft.). The subject property is zoned RS-10, “Single-Family Residential” as are all adjacent properties. An existing single-family home is located on the site.

The RS-10, “Single-Family Residential” District requires a minimum lot size of 10,000 square feet. The district also requires a twenty (20) foot rear yard setback. The house, as currently constructed, conforms to the setback requirements of the district.

Ms. Wester submitted the variance request as she is currently constructing a bedroom addition to the rear of the existing structure. The contractor for the project did not obtain building permits prior to construction. The addition extends approximately eleven (11) feet into the building setback at the northeast corner and extends approximately nine (9) feet into the setback at the southeast corner. The addition is also located within a twenty (20) foot public utility and drainage easement established with the University – Hospital Urban Renewal Area Plat recorded in 1974.

The property is encumbered by topography. The lot has 22 feet of relief from the front to the rear. The property includes slopes in excess of 19 percent around the existing structure. Due to topographic constraints, the Planning Department recognizes hardship on the existing lot. The rear portion of the home appears to be the only area that would provide a reasonable opportunity for an addition. The Water Quality Control Department has agreed to allow an adjustment to the easement for the existing service line to accommodate the addition.

**In the opinion of the Planning Department the requested variance will not be detrimental to the public welfare or injurious to other property in the area. The Planning Department further concludes topographic constraints of the lot present a justified hardship.**

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**Recommendation:** Approval of the variance request to reduce the rear yard setback from 20' to 9', subject to the adjustment of the public utility/drainage easement as required by the Water Quality Control Department.

Mr. Charles Carr, who resides at 33 Garrett Avenue, stated that he lives directly behind the home in question and is okay with the variance.

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:** 5:27 P.M.

Submitted for Approval

Submitted for Recording

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Haley Dickson

Planning Assistant

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James Dial, Chairman

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