

**Board of Zoning Appeals  
Minutes  
May 11<sup>th</sup>, 2023**

The Board of Zoning Appeals met on Thursday, May 11<sup>th</sup>, 2023, at 5:15 p.m. in the Council Chambers located at 45 E. Broad Street, Cookeville, Tennessee.

**Members Present:** Nancy Bohannon, Michael Detwiler, Connie McCormick & Elwood Ervin.

**Members Absent:** James Dial

**Staff Present:** Jon Ward & Christopher Phillips.

**Staff Absent:** Haley Dickson, Ken Young & James Mills.

**Others Present:** Sherry Spradling, Jon Groves, Rosalba Damas, Jimmie Sipson, Craig Davis, & Michael Smith.

**Consider for Approval the Agenda as Submitted.** Michael Detwiler made the motion to approve the agenda as submitted. Nancy Bohannon seconded the motion, and the motion was carried unanimously. **Approved.**

**Consider for Approval the Minutes of April 13<sup>th</sup>, 2023.** Connie McCormick made the motion to approve the minutes of April 13<sup>th</sup>, 2023 as submitted. Michael Detwiler seconded the motion, and the motion was carried unanimously. **Approved.**

**Consider a request for a special exception to allow a portion of the required on-premises parking for property located at 404 North Willow Avenue to be located off-premises at 427 Laurel Avenue Request submitted by Sherry Spradling on behalf of Birth Tissue Donor Services of Tennessee.** Mr. Christopher Phillips stated that Ms. Sherry Spradling, on behalf of Birth Tissue Donor Services of Tennessee, has submitted for approval a special exception request to allow a portion of the required on-premises parking for property located at 404 North Willow Avenue to be located off-premises at 427 Laurel Avenue.

**Analysis:** The subject property is identified as Parcel 001.00 on Tax Map 053B, Group A, and contains approximately 0.21 acres. The property is zoned CL, “Local Commercial” as are the adjacent properties to the north and south. The property is bordered by MS, “Medical Services” to the east and RD, “Single-Family and Duplex Residential” to the west. An existing commercial/residential mixed-use structure is located on the subject property.

Mr. Jon Groves, on behalf of Ms. Spradling, has submitted a site plan to renovate the current building. The renovation will consist of changing the use of the second floor of the building from residential to commercial. This will establish both the first and second floor as commercial use for the new business and the third floor will remain residential.

Section 205.8C of the Cookeville Zoning Code requires medical offices and medical clinics to provide one (1) parking space per 250 square feet of building space. The plan shows 724 square feet of office space requiring three (3) parking spaces. The first floor also includes 609 square feet of warehouse space which is calculated at one (1) space per 1,500 square feet requiring one (1) additional space for a total of four (4) required parking spaces for the first floor. The second-floor conversion consists of 1,556 square feet of office space requiring seven (7) total parking spaces. The third floor will remain a two (2) bedroom residential unit. Residential parking is calculated at 1.25 parking spaces per bedroom. The third floor will require two (2) total parking spaces. The entire development will require a total of 13 parking spaces to meet the Zoning Code requirements.

The site currently has 12 parking spaces located on premises. A garage area is also included on the plans, but this is designated as a loading/unloading area. To accommodate the required parking, a draft agreement between Ms. Spradling and Westview Baptist Church has been submitted to allow

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off-premises parking to be available in the church parking lot on the adjacent lot. This will allow the business to meet the parking requirements.

Section 205.4 of the Zoning Code provides: “Off-Premises Parking (Non-Residential Uses) If the required parking spaces for a non-residential use cannot be provided on the same lot as the principal use, the Board of Zoning Appeals may, as a Special Exception, permit such spaces to be located on other property, provided the following conditions are met:

205.4A The property shall be located within four hundred (400) feet of the principal use as measured from the nearest point of the off-premises parking lot to the nearest point of the building, structure or use served by such parking lot.

205.4B Such off-premises parking spaces are located within a zoning district which would permit the use to which such parking is accessory.

205.4C Such off-premises parking spaces shall not exceed fifty (50) percent of the required parking.

205.4D If such off-premises parking spaces are not in the same ownership as the use being served by said parking spaces, then a duly executed and acknowledged written agreement between the owner of the off-site parking area and the owner of the use shall be submitted to the Building Official. Said agreement shall assure the continued availability and usability of the off-premises parking for as long as required by the use and shall be recorded at the expense of the applicant with the Putnam County Register of Deeds.

The proposed off-premises parking is in the RD, “Single-Family and Duplex Residential” zoning district. West View Baptist Church is located on the subject property zoned RD. The proposed business at 404 North Willow Avenue will be open from 8 AM to 5 PM Monday through Friday. Parking demand for the church is primarily on Sunday morning and Sunday evening worship services and on Wednesday evening service, which would accommodate offsetting times for parking demand. The off-premises parking spaces constitute less than fifty (50) percent of the required parking. The proposed off-premises parking spaces are located across an existing public alleyway on the adjacent property of the proposed development. The off-premises parking spaces will not be in the same ownership, but a draft written agreement has been submitted. The parking spaces provided by the proposed off-premises spaces would allow the business to meet the required parking.

**Recommendation:** Approval of the special exception subject to compliance with the Zoning Code.

Elwood Ervin asked if there were any citizens present to speak on the matter.

Mr. Jimmie Sipson, with West View Baptist Church, stated that the submitted draft agreement did not allow the church’s voice to be heard. Stated that there was a “handshake” agreement with the petitioner to allow parking on the church’s property but if a written agreement is required, that changes the church’s perspective on the issue. Stated that they church dealt with a similar issue with another business using the church’s property and over the years the parking needing by the business has increased exponentially and that the church is stuck with the agreement. Mr. Sipson stated that church leadership was insistent that changes be made to the draft agreement. Mr. Sipson handed out copies of the new agreement and Ms. Spradling noted that she is satisfied with the new agreement.

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Elwood Ervin stated that the Board is simply voting on the agreement for both parties and that both parties are satisfied.

Jon Ward noted that the revised agreement is not for parking to be reserved in perpetuity and that if either party rescinds the agreement, Ms. Spradling would no longer be in conformance with the Zoning Code. Stated that the Building Official has already pared down the bathrooms and storage areas of the proposed business and that no other parking could be removed from what is required.

Michael Detwiler made the motion to approve the variance request subject to approval by both parties. Connie McCormick seconded the motion, and the motion was carried unanimously.  
**Approved.**

**Adjournment:** 6:05 P.M.

Submitted for Approval

Submitted for Recording

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Haley Dickson  
Planning Assistant

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Elwood Ervin, Vice Chairman  
Board of Zoning Appeals