

**BOARD OF ZONING APPEALS
MINUTES
JANUARY 12, 2006**

The Board of Zoning Appeals met on Thursday, January 12, 2006, at 5:15 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

MEMBERS PRESENT: Larry Burgess, Tracy Cody, Kay Detwiler, Jane Flatt, and Sid Gilbreath.

STAFF PRESENT: James Mills and Jayne Barns.

OTHERS PRESENT: Marlin Lawson.

WELCOME NEW MEMBER – LARRY BURGESS.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN. Kay Detwiler made the motion to elect Jane Flatt as Chairman and Sid Gilbreath as Vice-Chairman. Tracy Cody seconded the motion and the motion carried unanimously. Votes: Larry Burgess - aye, Tracy Cody - aye, Kay Detwiler -aye, and Sid Gilbreath – aye (Jane Flatt – absent during voting). **CHAIRMAN: JANE FLATT, VICE-CHAIRMAN: SID GILBREATH.**

CONSIDER FOR APPROVAL THE MINUTES OF DECEMBER 8, 2005. Tracy Cody made the motion to approve the minutes of December 8, 2005. Kay Detwiler seconded the motion and the motion carried unanimously. Votes: Larry Burgess - aye, Tracy Cody - aye, Kay Detwiler -aye, and Sid Gilbreath – aye (Jane Flatt – absent during voting). **APPROVED.**

CONSIDER A REQUEST FOR A 5' VARIANCE TO REDUCE THE SETBACK FROM THE RIGHT-OF-WAY FOR THE LOCATION OF AN ON-PREMISE FREESTANDING SIGN AT 1040 SOUTH JEFFERSON AVENUE. REQUEST SUBMITTED BY MARLIN LARSON ON BEHALF OF CMG. James Mills stated that Mr. Marlin Larson, on behalf of CMG, LLC, has submitted a request for a variance to reduce the required setback from right-of-way for an on-premise freestanding sign located at 1040 South Jefferson Avenue.

Section 207.6D of the General Sign Regulations of Cookeville Zoning Code requires that the leading edge of on-premise freestanding signs shall not be located closer than five (5) feet from the right-of-way of a public street provided the lowest portion of the sign is at least eight (8) feet above street level. (Signs with less than eight (8) feet of clearance are required to be setback 15 feet from the right-of-way).

An Exxon fuel station/convenience market has recently been constructed on the subject property and a sign has been installed. A photograph of this sign is provided in the information packet. The leading edge of the sign is located approximately six (6) feet from the right-of-way. The applicant is requesting approval of the variance to allow the

sign to be rotated so the leading edge would be at or very near the front property line/public street right-of-way.

The distance from the eastern curb of South Jefferson Avenue to the property line /right-of-way (the proposed leading edge of the sign) is approximately 48 feet. A photograph of the relationship of the sign location and the edge of curb is provided in the information packet. This excessive unused right-of-way creates somewhat of a hardship in terms of sign visibility. With the current alignment of South Jefferson Avenue, the proposed setback reduction would not appear to create any traffic impediment. Approval of the variance would not confer any special privilege since there are at least two (2) signs on nearby properties that are nearer to the street than the subject sign would be.

Staff recommended conditional approval of the request subject to the enlargement or addition to the sign being prohibited without approval the Board of Zoning Appeals.

Marlin Lawson presented a letter stating that CMG agreed to move or remove the sign at its own expense if additional right-of-way was needed or established in the future.

Jane Flatt made the motion to approve the 5' Variance to allow the sign to be rotated so only the leading edge of the sign would be closer to the right-of-way, and subject to prohibiting any enlargements or additions to the existing sign and subject to the owner removing the sign at their own expense, if additional right-of-way is needed in the future. Tracy Cody seconded the motion and the motion carried unanimously. Votes: Larry Burgess - aye, Tracy Cody - aye, Kay Detwiler - aye, Jane Flatt – aye, and Sid Gilbreath - aye. **APPROVED.**

ADJOURNMENT: 5:25 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

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