

**BOARD OF ZONING APPEALS
MINUTES
MARCH 9, 2006**

The Board of Zoning Appeals met on Thursday, March 9, 2006, at 5:15 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

MEMBERS PRESENT: Tracy Cody, Kay Detwiler, and Sid Gilbreath.

MEMBER ABSENT: Jane Flatt and Larry Burgess.

STAFF PRESENT: James Mills and Jayne Barns.

OTHERS PRESENT: James Mansell and Anthony Deason.

CONSIDER FOR APPROVAL THE MINUTES OF JANUARY 12, 2006. Kay Detwiler made the motion to approve the minutes of January 12, 2006. Tracy Cody seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A REQUEST FOR A 7' VARIANCE TO REDUCE THE SIDE YARD SETBACK FROM 30 FEET TO 23 FEET ON THE PROPERTY LOCATED AT 1061 & 1065 SHAG RAG ROAD. REQUEST SUBMITTED BY ANTHONY DEASON ON BEHALF OF JOYCE BARTON & GEORGE MITCHELL. James Mills stated that Mr. Anthony Deason, on behalf of property owners Joyce Barton and George Mitchell, has submitted a request for a variance to reduce the required interior side yard setback for property zoned as HM, Heavy Manufacturing and located at 1061 Shag Rag Road. The subject property is identified as Parcels 10.00 and 10.02 on Tax Map 40.

The interior side yard setback of the HM district is 30 feet. Mr. Deason is requesting that a variance of seven (7) feet be granted to allow a setback of 23 feet for the proposed construction of a building for D & D Enterprises.

Mr. Deason has applied for rezoning of the property to CI, Commercial-Industrial Mixed Use and the request is to be considered for approval by the Planning Commission at its March 2006 meeting. If approved, the potential rezoning would not be effective until June of 2006. Mr. Deason is requesting the variance so that the construction of the building can begin at a earlier date. While the Planning Department intends to recommend for approval of the rezoning, this does not guarantee approval. Should the rezoning be approved, the proposed structure would comply with the 10 feet interior side yard and 20 feet rear yard setback requirements of the CI district.

There is sufficient area on the subject property to construct the proposed structure without the necessity of a variance; however, Mr. Deason has informed the Planning Department that he intends to subdivide the subject property into several tracts for the purpose of commercial and industrial development and the location of the proposed structure reflects

the potential subdivision of the property. A plat of the proposed subdivision has not yet been submitted.

Staff recommended approval of variance request.

Tracy Cody made the motion to approve the 7' variance in the side yard setback requirements on the property located at 1061 & 1065 Shag Rag Road. Kay Detwiler seconded the motion and the motion carried unanimously. **APPROVED.**

ADJOURNMENT: 5:30 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

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