

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

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

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

MEMBER ABSENT: Kay Detwiler.

STAFF PRESENT: James Mills and Jayne Barns.

OTHERS PRESENT: Teresa Bostic, Jessica Agnew, and Kirby Hamilton.

CONSIDER FOR APPROVAL THE MINUTES OF OCTOBER 12, 2006. Tracy Cody made the motion to approve the minutes of October 12, 2006. Larry Burgess seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A REQUEST FOR A SPECIAL EXCEPTION FOR OUTDOOR STORAGE AT 4550 SOUTH JEFFERSON AVENUE. REQUEST SUBMITTED BY MEADOWS PROPERTIES. James Mills stated that Meadows Properties has submitted for approval a request for a special exception to allow outdoor storage on property zoned as CI, Commercial-Industrial Mixed Use, and located at 4550 South Jefferson Avenue.

Meadows Properties has indicated that they would like to lease a portion of their property to Boral Brick. Boral Brick has indicated that a substantial amount of outdoor storage is necessary for their operation. Outdoor storage may be permitted as a special exception in the CI District when meeting the conditions of Section 227.3D of the Zoning Code. Section 227.3D provides as follows:

“Outdoor storage of goods and materials when located to the rear of the principal structure facing a street or to the side of the principal structure if a Type 3 Screen as specified in Section 208 of this Zoning Code is provided, and when complying with all minimum yard requirements.”

A Type 3 Screen is intended to exclude all visual contact with the use or material being screened and, at a minimum, must be completely opaque from the ground to a height of eight (8) feet. Different options for providing the screen are allowed including solid fencing, walls or vegetation.

The submitted site plan indicates that the proposed area for outdoor storage will comply with the requirements of the Zoning Code.

Staff recommended approval of the special exception request subject to compliance with the conditions of the Zoning Code.

Kirby Hamilton, representative for Meadows Properties, stated that all the storage would be located to the rear of the property.

Tracy Cody made the motion to approve the Special Exception for Outdoor Storage with all the storage being located in the back of the property and subject to compliance with the conditions of the Zoning Code. Sid Gilbreath seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A REQUEST FOR A VARIANCE FROM THE SEPARATION REQUIREMENTS FOR A NEW ON-PREMISE SIGN LOCATED AT 514 NORTH WILLOW AVENUE. REQUEST SUBMITTED BY BILBREY SIGNS ON BEHALF OF ELIAS MARRERO. James Mills stated that Bilbrey Signs, Inc., on behalf of property owner Elias Marrero, has submitted a request for a variance to reduce the minimum separation requirement for on-premise signs for a proposed freestanding sign on property located at 514 North Willow Avenue. The subject property is zoned as CL, Local Commercial.

Section 207.6D (6) of the Zoning Code provides that no part of any on-premise freestanding sign shall be located closer than 25 feet from any other on-premise sign located on a different premise. The specific request is to reduce the minimum separation requirement to approximately 10 (ten) feet. A site plan depicting the proposed sign location is enclosed in the booklets.

The subject property is a narrow parcel with only 62 feet of street frontage, which limits the area for which a freestanding sign can be erected. The potential sign location is significantly impacted by the location of existing signs on contiguous properties to the north and south. The signs on both the contiguous properties are adjacent to the subject property's boundary lines. Photographs depicting the locations of these signs are enclosed in the booklets.

To meet the sign separation requirements would require the freestanding sign to be located near the center of the parcel, which would place it within the entrance to the property. Due to the driveway separation requirements of the Zoning Code (minimum of 30 feet from adjacent entrances) the entrance to the subject property was required to be in the center of the parcel.

Based on the discussed factors there appear to be significant hardships in this case that justify the approval of the requested variance.

Staff recommended approval of the request subject to compliance with all other requirements of the Zoning Code.

Teresa Bostic, on behalf of Bilbrey Signs, stated that the sign could be moved closer to the driveway, but was concern that it could be hit by a truck pulling into the driveway.

Sid Gilbreath made the motion to approve a variance of 15' from the separation requirements for a new on-premise sign and subject to compliance with all other requirements of the Zoning Code. Tracy Cody seconded the motion and the motion carried unanimously. **APPROVED.**

ADJOURNMENT: 5:35 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

**JANE FLATT, CHAIRMAN
BOARD OF ZONING APPEALS**