

**BOARD OF ZONING APPEALS
MINUTES
MARCH 8, 2007**

The Board of Zoning Appeals met on Thursday, March 8, 2007, at 5:15 p.m. in the Community Meeting Room, 45 E. Broad Street, Cookeville, Tennessee.

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

MEMBER ABSENT: Tracy Cody.

STAFF PRESENT: James Mills and Jayne Barns.

OTHERS PRESENT: Dr. Jeremy Robinson and Jill Robinson.

CONSIDER FOR APPROVAL THE MINUTES OF JANUARY 11, 2007. Sid Gilbreath made the motion to approve the minutes of January 11, 2007. Larry Burgess seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE SETBACK OFF A MAJOR STREET FROM 50' TO 30' AND A REQUEST TO INCREASE THE MAXIMUM DRIVEWAY SLOPE FOR A PARKING LOT AT 738 EAST SPRING STREET. REQUEST SUBMITTED BY JEREMY ROBINSON. James Mills stated that Dr. Jeremy Robinson has submitted for approval requests for variances to reduce the required setback off a major street and to exceed the maximum driveway grade on property zoned as CL, Local Commercial, and located at 738 East Spring Street.

Dr. Jeremy Robinson has submitted plans for the construction of a dental office at 738 East Spring Street. East Spring Street is classified as a major street which requires a minimum setback of 50 feet. Dr. Robinson is requesting a variance to reduce this setback to 30 feet. The subject property is triangular in shape, narrowing to a point to the rear of the property. Additionally the property is significantly sloped at the front along East Spring Street. While there are unique circumstances with this particular property that might justify the approval of some degree of variance, the specific request appears to be excessive. Of additional concern are current plans for widening East Spring Street which may require acquisition of a portion of the subject property. A more reasonable consideration would be a reduction to a setback of 40 feet. Assuming no more that 10 feet of the subject property is acquired for the pending widening of East Spring Street, a minimum setback of approximately 30 feet could be maintained after widening.

According to the submitted site plan, the driveway to the proposed dental office and associated parking would have a grade of approximately nine (9) percent. Section 205.7D of the Zoning Code provides that grades of driveways or entrances from a public street serving a parking lot shall at no point exceed eight (8) percent. As noted previously the subject property is significantly sloped at East Spring Street. The Public Works Department has reviewed the site plan and is not opposed to the approval of the

proposed driveway grade. The requested variance appears to be the minimum necessary to allow some reasonable use of the property. It should also be noted that the proposed driveway mirrors the grade of the driveway to the house that was recently removed from the property.

Staff recommended approval of variance request to reduce the required setback off East Spring Street from 50 feet to 40 feet and approval of request to allow the proposed driveway to be constructed with a grade of up to nine (9) percent.

Dr. Jeremy Robinson stated that the entrance for the driveway may be adjusted for visibility and site distance for traffic pulling out on Spring Street.

Kay Detwiler made the motion to approve a 10' Variance in the reduction of the setback off a major street from 50' to 40' for the corner of the building shown in the setback according to the submitted site plan, and approved the request to increase the maximum driveway slope up to a 9% grade, which is 1% above the requirement. Sid Gilbreath seconded the motion and the motion carried unanimously. **APPROVED 10' VARIANCE AND 9% SLOPE FOR DRIVEWAY.**

ADJOURNMENT: 5:22 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

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