

**BOARD OF ZONING APPEALS  
MINUTES  
JULY 12, 2007**

The Board of Zoning Appeals met on Thursday, July 12, 2007, at 5:15 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

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

**MEMBER ABSENT:** Jane Flatt.

**STAFF PRESENT:** James Mills and Jayne Barns.

**OTHERS PRESENT:** Tony Nash, Walter Crawford III, and Mike Migliore.

**CONSIDER FOR APPROVAL THE MINUTES OF MAY 10, 2007.** Tracy Cody made the motion to approve the minutes of May 10, 2007. Kay Detwiler seconded the motion and the motion carried unanimously. **APPROVED.**

Kevin Sergent was not present so the Chairman decided to change the order of the agenda items.

**CONSIDER A REQUEST FOR A 7.5' AND 10' REDUCTION IN THE FRONT YARD SETBACK REQUIREMENTS FOR 2 MONUMENT SIGNS LOCATED AT 1415 NEAL STREET. REQUEST SUBMITTED BY TONY NASH ON BEHALF OF AVERITT EXPRESS INC.** James Mills stated that Mr. Tony Nash of the Sign Shop, on behalf of Averitt Express, Inc., has submitted a request for the reduction of the setback from street right-of-way requirement for two (2) proposed monument signs on the Averitt Express property located at 1415 and 1345 Neal Street.

Averitt Express has developed a plan to redo the signage for its complex located on Neal Street. They are requesting that the setbacks be reduced by seven and one-half (7.5) feet for a sign to be located at the northern boundary of the complex and by ten (10) feet for a sign at the southern boundary. The minimum setback requirement from street right-of-way for monument type signs is fifteen (15) feet. Monument signs are freestanding signs that occupy an area between two (2) and eight (8) feet above street level. A primary reason for the fifteen (15) setback requirement for these type signs is to insure that the ingress-egress visibility of vehicular traffic is not impaired. Mr. Nash indicates that due, to excessive street right-of-way, topography, and existing vegetation, the variances are necessary to allow adequate visibility of the proposed signs.

Compliance with the required setback would place the sign proposed on the northern boundary (sign listed as R-1 in the submitted documentation) at approximately 30 feet from the existing street curb. Due to vegetation along East Spring Street visibility of the sign is significantly reduced. Approval of the requested variance would place the leading edge of the sign at 22.5 feet from the street curb.

Compliance with the required setback would place the sign proposed on the southern boundary (sign listed as R-2 in the submitted documentation) at approximately 45 feet from the existing street curb. The location sets considerably higher than street level and vegetation along the southern property line significantly affects visibility. Approval of the requested variance would place the leading edge of the sign at 35 feet from the street curb.

The proposed variances appear to meet the general standards specified by the Zoning Code for approval. With a setback of no less than 22.5 feet from the street curb, approval of the requested variances should not create a vehicle safety issue.

Staff recommended approval of the request.

James Mills noted that the monument sign on the southwest corner of Spring Street and Neal Street will be permanently removed.

Kay Detwiler made the motion to approve the variance request for two monument signs with a setback of no less than 22.5 feet from the street curb and subject to meeting all other applicable codes. Tracy Cody seconded the motion and the motion carried unanimously. **APPROVED.**

**CONSIDER A REQUEST FOR AN 11' REDUCTION IN THE FRONT YARD SETBACK REQUIREMENT FOR A MONUMENT SIGN LOCATED AT 1070 NORTH WASHINGTON AVENUE. REQUEST SUBMITTED BY MIKE MIGLIORE ON BEHALF OF WALKER INVESTMENTS.** James Mills stated that Mr. Mike Migliore has submitted a request for the reduction of the setback requirement from the street right-of-way for a monument sign for the Bobby Q's Restaurant located at 1070 North Washington Avenue.

The minimum setback requirement from street right-of-way for monument type signs is fifteen (15) feet. Monument signs are freestanding signs that occupy an area between two (2) and eight (8) feet above street level. A primary reason for the fifteen (15) setback requirement for these type signs is to insure that the ingress-egress visibility of vehicular traffic is not impaired. Mr. Migliore is requesting that the setback be reduced by 11 feet to place the sign at a distance of four (4) feet from the street right-of-way.

Mr. Migliore would like to reconstruct the previous monument sign for Bobby Q's, which was removed in 2002 during the widening of North Washington Avenue. Based on the engineering plans for the street improvements the previous sign was located on the street right-of-way.

Due to the acquisition of property for the North Washington Avenue improvement project the proposed sign cannot be reconstructed without a reduction in the setback requirement. As proposed, the sign will be several feet further from the street right-of-way than the previous sign and will be approximately eight (8) feet from the street curb. Additionally the proposed sign will be located no closer to the street right-of-way than the current sign for the North Side Shopping Center.

Based on these factors it appears that a hardship does exist in this case and that the granting of the variance will not confer any special privilege to the petitioner denied to other properties in the area. A previous request for the same variance was approved by the Board in February of 2003; however, the construction was not completed within the one (1) year time period specified by the Zoning Code and the approved variance was voided.

Staff recommended approval of request

Tracy Cody made the motion to approve the variance request for a monument sign to be located 8' from the street curb. Larry Burgess seconded the motion and the motion carried unanimously. **APPROVED.**

**CONSIDER A REQUEST FOR A SPECIAL EXCEPTION TO ALLOW SELF – SERVICE STORAGE FACILITES IN A CG (GENERAL COMMERCIAL) ZONE ON THE PROPERTY LOCATED ON WEST DAVIS ROAD (TAX MAP 66, PARCEL 89.01). REQUEST SUBMITTED BY KEVIN SERGENT.** James Mills stated that Mr. Kevin Sergent has submitted a request for a special exception to allow a self-service storage facility on a portion of his property located off West Davis Road and identified as Parcel 89.01 on Map 66. The subject property is zoned as CG, General Commercial.

Self-service storage facilities (mini-warehouses) are permitted as a special exception (use permitted on appeal) in the CG District subject to compliance with the additional standards of Section 206.13 of the Zoning Code. A preliminary site plan submitted by Mr. Sergent indicates that these standards would be met.

Staff recommended approval of request subject to compliance with all applicable provisions of the Zoning Code

Mr. Sergent was not present for the meeting and Mr. Mills stated that the Board could vote on the issue unless they had concerns that needed additional answers.

Tracy Cody made the motion to approve the special exception subject to compliance with all applicable provisions of the Zoning Code. Larry Burgess seconded the motion and the motion carried unanimously. **APPROVED.**

**ADJOURNMENT: 5:32 P.M.**

**SUBMITTED FOR APPROVAL**

**SUBMITTED FOR RECORDING**

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**JAYNE BARNES CPS  
PLANNING ASSISTANT**

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