



**Agenda**  
**Gallatin Municipal Board of Zoning Appeals**

**Thursday, April 30, 2015**  
**DR. J. DEOTHA MALONE COUNCIL CHAMBERS**

**Municipal Board of Zoning Appeals - 5:30 p.m.**  
**CITY HALL**

- **Call to Order**
- **Invocation**
- **Pledge of Allegiance**
- **Roll Call**
- **Approve Prior Minutes: February 26, 2015**

**REGULAR AGENDA**

1. **GMBZA Resolution No. 2015-06** **B-382-15**  
**SUMNER COUNTY ORNAMENTAL ADDITION; VARIANCE**  
**JOHN R. WILLIAMS**

**PUBLIC HEARING**

THE OWNER REQUESTS APPROVAL OF A VARIANCE OF 10 FEET FROM THE REQUIRED 20 FOOT REAR YARD AND A VARIANCE OF 15 FEET FROM THE REQUIRED 50 FOOT MINIMUM BUILDING SETBACK LINE TO PERMIT CONSTRUCTION OF A 1,334 SQUARE FOOT BUILDING ADDITION ON PROPERTY LOCATED AT 334 WEST GRAY STREET. THE PROPERTY IS CURRENTLY ZONED COMMERCIAL GENERAL (CG) AND CONTAINS .277 (+/-) ACRES.

2. **GMBZA Resolution No. 2015-07** **B-449-15**  
**1205 LONGLEAF DRIVE; VARIANCE**  
**ROGERS ENGINEERING GROUP**

**PUBLIC HEARING**

THE OWNER AND APPLICANT REQUEST APPROVAL OF A VARIANCE OF 60 FEET FROM THE REQUIRED 75-FOOT BUILDING SETBACK PER SECTION 09.02.050.B AND A VARIANCE OF 35 FEET FROM THE REQUIRED TYPE "50" LANDSCAPE BUFFER PER TABLE 13-05 AND SECTION 13.04.090.H OF THE G.Z.O., ALONG THE SOUTH BOUNDARY LINE, TO PERMIT A SIDE YARD SETBACK AND LANDSCAPE BUFFER OF 15 FEET IN WIDTH, ON A 1.53 (+/-) ACRE LOT, ZONED INDUSTRIAL RESTRICTIVE (IR), LOCATED AT 1205 LONGLEAF DRIVE (S.B.E. TAX MAP # 112J/D/008.00)

3. **GMBZA Resolution No. 2015-08** **B-462-15**  
**FOUR WAY MUFFLER; VARIANCE**  
**PATRICK S. FENNELL**

**PUBLIC HEARING**

THE OWNER AND APPLICANT REQUEST APPROVAL OF A VARIANCE OF A MAXIMUM OF SEVEN (7) FEET TO PERMIT A MINIMUM OF A THREE (3) FOOT SIDE YARD SETBACK ALONG THE EASTERN LOT LINE, FROM THE REQUIRED 10-FOOT SIDE YARD SETBACK PER SECTION 08.02.030.C, AND A VARIANCE OF A MAXIMUM OF 13.17 FEET TO PERMIT A MINIMUM OF A 6.83 FOOT REAR YARD SETBACK, ALONG THE NORTHERN LOT LINE, FROM THE REQUIRED 20-FOOT REAR YARD SETBACK PER SECTION 08.02.030.D AND SECTION 08.02.040, AND A VARIANCE FROM HAVING TO PROVIDE THE REQUIRED TYPE "15" LANDSCAPE BUFFER PER SECTION 13.04.060.G TABLE 13-05 AND SECTION 13.04.090.B.2 OF THE G.Z.O., ALONG THE NORTHERN AND EASTERN LOT LINE, ON LOTS 5, 6, AND 7, GALLATIN MALL SUBDIVISION, CONSISTING OF A 0.862 (+/-) ACRES, ZONED COMMERCIAL SERVICES (CS), LOCATED AT 1368 EAST BROADWAY (S.B.E. TAX MAP # 112H/A/007.00)PUBLIC HEARING

4. **GMBZA Resolution No. 2015-05  
LONGHORN TRUCKING; CONDITIONAL USE PERMIT  
LONGHORN TRUCKING**

**B-383-15**

**PUBLIC HEARING**

OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR THE TRANSPORT AND WAREHOUSING USE (TRUCKING BUSINESS), PER SECTION 07.04.010.C. OF THE GALLATIN ZONING ORDINANCE, ON TWO (2) LOTS TOTALING 1.12 (+/-) ACRES, ZONED MIXED USE GENERAL (MUG), LOCATED AT 1305 SOUTH WATER AVENUE (HIGHWAY 109) (S.B.E. TAX MAP # 135L/A/007.00 AND 135L/A/008.00)

5. **OTHER BUSINESS**
6. **MOVE TO ADJOURN**

## MINUTES OF THE GALLATIN MUNICIPAL BOARD OF ZONING APPEALS MEETING

February 26, 2015

### Present

Jimmy Moore, Chair  
Eddie Wyatt, Vice Chair  
John Puryear  
Homer Vaughn, Sr.

### Staff

Bill McCord, Director of Planning  
Katherine Schoch, Assistant Director of Planning  
Denise Brown, Planner I  
Marianne Mudrak, Board Secretary

### Absent

Jeannie Gregory

### Others Present

None

The Gallatin Municipal Board of Zoning Appeals met in a regular meeting on Thursday, February 26, 2015 at 5:30 p.m., in the Dr. J. Deotha Malone Council Chambers of Gallatin City Hall. Mr. Jimmy Moore, Chair, called the meeting to order. A copy of the meeting agenda is attached to these minutes as Exhibit A.

Chair Moore led the opening prayer and Mr. Wyatt led the pledge of allegiance. Ms. Marianne Mudrak called roll.

### Approve Prior Minutes

Chair Moore presented the minutes of the January 29, 2014 Municipal Board of Zoning Appeals meeting for approval. Mr. Wyatt motioned to approve the minutes as submitted. Mr. Vaughn seconded the motion and the motion passed by unanimous vote.

1. GMBZA Resolution No. 2015-03 – B-282-15 – TSI Construction, LLC; Variance – Mid-Tenn Engineering – Public Hearing – The owner and applicant request approval of a variance of 10 feet to permit construction of a building 45 feet from the Old Airport Road right-of-way on property located at 326 Old Airport Road. The total area encroaching over the minimum building setback line is 113 square feet. The property is currently zoned Industrial Restrictive (IR) and contains 1.00 (+/-) acres. Section 09.02.030 of the Gallatin Zoning Ordinance requires a 55-foot minimum building setback from the property lines adjacent to Old Airport Road.

Chair Moore opened the public hearing. No one came forward to speak; therefore, Chair Moore closed the public hearing.

Ms. Denise Brown, Planner I, presented the staff report and said two utility easements and a drainage culvert significantly reduce the size of the building envelope making it more difficult to easily situate a

building on the property. The area where the applicant is requesting the setback is large and is approximately 114 feet from the edge of the pavement. Old Airport Road is now a local road.

Due to the incumbrance of the easements, the drainage culverts on the property, and the large right-of-way width of Old Airport Road, staff recommends that the Gallatin Municipal Board of Zoning Appeals approve GMBZA Resolution No. 2015-03 with the conditions listed in the staff report.

Mr. Evan White, with Mid-Tenn Engineering Company, representing the applicant, said there is a problem getting the grade to tie-down on site. This is the reason for the variance.

Mr. Wyatt motioned to approve Resolution 2015-03. Mr. Vaughn seconded the motion and the motion passed by unanimous vote.

2. GMBZA Resolution No. 2015-04 – B-284-15 – Cotton Street Multi-Family Dwellings; CUP – Rogers Engineering Group – Public Hearing – Owner and applicant request approval of a Conditional Use Permit for two (2) buildings containing three (3) Multi-Family Dwelling Units each for a total of six (6) Multi-Family Dwelling Units, per section 06.06.020.C of the Gallatin Zoning Ordinance, on three (3) lots totaling 1.033 (+/-) acres, zoned Residential-10 (R10), located at the southeast corner of Cotton Street and East Broadway Avenue (Highway 31E) (S.B.E. Tax Map # 112H/C/014.00, 112H/C/015.00, 112H/C/016.00).

Ms. Katherine Schoch, Assistant Director of Planning, presented the staff report stating this is a request for a Conditional Use Permit for two (2) buildings containing three (3) Multi-Family Dwelling Units for a total of six (6) units. The proposed buildings are 100 percent brick on all facades and exceed the requirements of the Gallatin Zoning Ordinance. A Type-15 Bufferyard is required along Broadway and a Type-15 is required along the southern property line. A Type-15 Bufferyard was requested by staff along the boundary to the south and the property to the east. The project meets the general conditions and the special conditions for the Multi-Family Use. Staff said that there would be no adverse impact to traffic, utilities, or school system. Area property owners were notified by mail and an ad was placed in the newspaper.

Ms. Schoch said staff recommends approval of GMBZA Resolution 2015-04 based on the findings in the staff report and with the conditions listed in the staff report.

Mr. Richard Jones, with Rogers Engineering Group, representing the applicant, said he agrees with the conditions of approval.

Chair Moore opened public hearing.

Ms. Dana Adams, owns the adjoining property and is opposed to multi-family units. Traffic is a problem in the area and her property value has decreased because of the existing duplexes in the area. She added that her property is land locked. The property owners bought the lots behind their homes and she asked that single family homes be built instead of duplexes.

Mr. Larry Foust, has lived in this neighborhood since 1989 and didn't know there was a rezoning. He understood that only single family homes would be built in this neighborhood. There are duplexes behind him and there are always issues. He asked about the type of housing proposed and what the rental roles would be for the units.

Ms. Schoch said the property has not been rezoned and is still zoned Residential-10 (R10) which allow for multi-family units with a conditional use permit.. The units would be 1400 square feet each which is compatible with the area.

Mr. Chris Ellison, property owner, said he is selling the property contingent on this approval of the conditional use permit but he is not the builder. There are duplexes across the street from his property and along Broadway. The large buffer requirements are above and the beyond the minimum required.

Chair Moore asked what the rent might be for these units. Mr. Ellison said he believes the rent will be \$900 to \$950 a month for each unit.

Ms. Schoch explained that the additional Type-14 bufferyard, which is not required, would help buffer the adjacent properties after meeting with one of the residents of the neighborhood.

Ms. Adams said the existing pine trees are on her property and the trees are dying because the tap root has hit rock. She is concerned about dynamiting during construction.

Ms. Schoch reminded the board that one of the conditions of approval requires a site plan that must be approved by the Planning Commission. Public Comment would be available at that meeting.

Mr. Foust added that the traffic has increased because the residents of Faraway Hills use Cotton Street as a cut-thru street. He is concerned that the duplexes would add to the traffic problem.

Ms. Barbara Pyles can see the duplexes from her home and there has been trouble from the residents of the duplexes. She would prefer to have nice homes built on this property that would enhance the neighborhood.

No one else came forward to speak; therefore Chair Moore closed public hearing.

Mr. Wyatt motioned to approve Resolution 2015-04. Mr. Vaughn seconded the motion and the motion passed by unanimous vote.

### 3. Other Business

There was no other business to discuss.

### 4. Move to Adjourn

There being no further business to discuss, Chair Moore adjourned the meeting at 6:10 p.m.

Respectfully submitted:

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Marianne Mudrak, Board Secretary

Approve:

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Jimmy Moore, Chair

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Jeannie Gregory, Secretary



**Agenda**  
**Gallatin Municipal Board of Zoning Appeals**

**Thursday, February 26, 2015**  
**DR. J. DEOTHA MALONE COUNCIL CHAMBERS**

**Municipal Board of Zoning Appeals - 5:30 p.m.**  
**CITY HALL**

- **Call to Order**
- **Invocation**
- **Pledge of Allegiance**
- **Roll Call**
- **Approve Prior Minutes: January 29, 2015**

**REGULAR AGENDA**

1. **GMBZA Resolution No. 2015-03**  
**TSI CONSTRUCTION, LLC; VARIANCE**  
**MID-TENN ENGINEERING**

**B-282-15**

**PUBLIC HEARING**

THE OWNER AND APPLICANT REQUEST APPROVAL OF A VARIANCE OF 10 FEET TO PERMIT CONSTRUCTION OF A BUILDING 45 FEET FROM THE OLD AIRPORT ROAD RIGHT-OF-WAY ON PROPERTY LOCATED AT 326 OLD AIRPORT ROAD. THE TOTAL AREA ENCROACHING OVER THE MINIMUM BUILDING SETBACK LINE IS 113 SQUARE FEET. THE PROPERTY IS CURRENTLY ZONED INDUSTRIAL RESTRICTIVE (IR) AND CONTAINS 1.00 (+/-) ACRES. SECTION 09.02.030 OF THE GALLATIN ZONING ORDINANCE REQUIRES A 55-FOOT MINIMUM BUILDING SETBACK FROM THE PROPERTY LINES ADJACENT TO OLD AIRPORT ROAD.

2. **GMBZA Resolution No. 2015-04**  
**COTTON STREET MULTI-FAMILY DWELLINGS; CUP**  
**ROGERS ENGINEERING GROUP**

**B-284-15**

**PUBLIC HEARING**

OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR TWO (2) BUILDINGS CONTAINING THREE (3) MULTI-FAMILY DWELLINGS UNITS EACH FOR A TOTAL OF SIX (6) MULTI-FAMILY DWELLING UNITS, PER SECTION 06.06.020.C. OF THE GALLATIN ZONING ORDINANCE, ON THREE LOTS TOTALING 1.033 (+/-) ACRES, ZONED RESIDENTIAL-10 (R10), LOCATED AT THE SOUTHEAST CORNER OF COTTON STREET AND EAST BROADWAY AVENUE (HIGHWAY 31E) (S.B.E. TAX MAP # 112H/C/014.00, 112H/C/015.00, 112H/C/016.00).

3. **OTHER BUSINESS**
4. **MOVE TO ADJOURN**

**EXHIBIT A**

# ITEM 1

GMBZA Resolution No. 2015-06

**RESOLUTION OF THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS APPROVING A VARIANCE FROM SECTION 08.03.020 and 08.03.030 OF THE ZONING ORDINANCE OF GALLATIN, TENNESSEE FOR PROPERTY AT 334 WEST GRAY STREET – (B-382-15)**

**WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** considered the request for a variance of 10-feet from the required 20 foot rear yard and a variance of 15 feet from the required 50 foot minimum building setback line to permit construction of a 1,334 square foot building addition at 334 West Gray Street, at its regular meeting on April 27, 2015; and

**WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Municipal Board of Zoning Appeals Staff Report, and evidence and testimony presented during the meeting; and

**WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** is required in its deliberations, pursuant to Gallatin Zoning Ordinance Section 15.04.028.E, to indicate the specific section of the Zoning Ordinance of Gallatin, Tennessee under which the variance is being considered and state specific findings and specifically identified the hardship warranting such action by the Board; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** makes the following findings pursuant to T.C.A. Section 13-7-206; Section 13-7-207(3); and Section 15.05.030 of the Gallatin Zoning Ordinance:

Section 1. The request for a variance of 15-feet from the requirements of Section 08.03.020 to allow construction of a building addition 35 feet from the front property line and a variance of 10 feet from the requirements of Section 08.03.030 of the Gallatin Zoning Ordinance, to allow construction of a building addition 10 feet from the rear property line on Lot 1, The John R. Williams Property recorded in Plat Book 24, Page 265, R.O.S.C. at 334 West Gray Street, meets all nine (9) of the Standards for Variances as described in the body of the Staff Report and as set forth in Gallatin Zoning Ordinance, Section 15.05.030:

- A. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out must be stated;
- B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;

- C. The variance will not authorize activities in a zone district other than those permitted by this Ordinance;
- D. Financial returns only shall not be considered as a basis for granting a variance;
- E. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance;
- F. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same districts;
- G. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- H. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and
- I. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

Section 2. Action – The Gallatin Municipal Board of Zoning Appeals hereby approves a variance of 10-feet from the required 20 foot rear yard line to allow the construction of a building addition 10 feet from the rear property line and a variance of 15 feet from the required 50 foot minimum building setback line to allow construction of a building setback of 35 feet from the West Gray Street right-of-way, on Lot 1, the John R. Williams Property recorded in Plat Book 24, Page 265, R.O.S.C, with the following condition:

- 1. The variance shall be substantially consistent with the sixteen (16) sheet plan, for Sumner County Ornamental, prepared by John R. Williams, dated March 12, 2015.

**BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED: 04/30/2015

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Jimmy Moore, Chair

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Jeannie Gregory, Secretary

APPROVED AS TO FORM:

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SUSAN HIGH-MCAULEY  
CITY ATTORNEY

## ITEM 1



**PLANNING DEPARTMENT STAFF REPORT**  
**Sumner County Ornamental - Variance Request – B-382-15**  
**334 West Gray Street**  
**Date: April 30, 2015**

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**REQUEST: THE OWNER REQUESTS APPROVAL OF A VARIANCE OF 10 FEET FROM THE REQUIRED 20 FOOT REAR YARD AND A VARIANCE OF 15 FEET FROM THE REQUIRED 50 FOOT MINIMUM BUILDING SETBACK LINE TO PERMIT CONSTRUCTION OF A 1,334 SQUARE FOOT BUILDING ADDITION ON PROPERTY LOCATED AT 334 WEST GRAY STREET. THE PROPERTY IS CURRENTLY ZONED COMMERCIAL GENERAL (CG) AND CONTAINS .277 (+/-) ACRES. (B-382-15)**

**OWNER: JOHN WILLIAMS**

**APPLICANT: JOHN WILLIAMS (OWNER - SUMNER COUNTY ORNAMENTAL)**

**STAFF RECOMMENDATION: APPROVAL OF MBZA RESOLUTION 2015-06**

**STAFF CONTACT: KEVIN CHASTINE**

**MBZA MEETING DATE: APRIL 30, 2105**

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### **PROPERTY OVERVIEW:**

The owner is requesting approval of a variance of 10 feet from the required 20 foot rear yard and a variance of 15 feet from the required 50 foot minimum building setback line to permit construction of a 1,334 square foot building addition. The property is zoned Commercial General (CG) and is used as a Limited Manufacturing Use, which is a permitted use within the CG zone district. The property contains .277 (+/-) acres and is located at 334 West Gray Street. (Attachment 1-1)

The applicant again wants to expand his building within the confines of the setbacks allowed for the existing building. Due to the depth of the lot coupled with the 50 foot M.B.S.L. and 20 foot Rear Yard, Staff recommends that the Gallatin Municipal Board of Zoning Appeals approve the 10-foot variance from the 20 foot rear yard and the 15-foot variance from the 50 foot M.B.S.L., with the condition included at the end of this Staff Report and in GMBZA Resolution No. 2015-06.

### **CASE BACKGROUND:**

#### ***Property History and Previous Approvals***

A variance (PC File# B-2-03) for Sumner County Welding was approved at the March 23, 2003 Municipal Board of Zoning Appeals meeting. (Attachment 1-5) The approval provided a 10 foot variance from the required 20 foot rear yard and a 15 foot variance from the required 50 minimum building setback line to allow for the construction of a 50 foot by 80 foot building.

A Minor Subdivision Plat (PC File# 2-10-07S), for the John R. Williams Property, was approved by Staff on June 21, 2007 combining two (2) lots (Tax Map 113N Group A Parcel 015.00 and Parcel

017.00) into one (1) lot. The Minor Subdivision Plat was recorded on June 28, 2007 (P.B. 24 Pg. 265). (Attachment 1-4)

A Site Plan (PC File# 8-275-15), for Sumner County Ornamental, was approved at the February 23, 2015 Planning Commission meeting, conditioned on the approval of this variance request.

**Analysis**

The applicant is requesting the variance to expand his business as described in Attachment 1-2. Section 08.03.030 of the Gallatin Zoning Ordinance (G.Z.O.) requires a 20-foot Rear Yard and Section 08.03.020 of the Gallatin Zoning Ordinance requires a 50-foot Minimum Building Setback from the property line adjacent to West Gray Street. The lot at 334 West Gray Street (P.B. 24 Pg. 265) (Attachment 1-4) is 91 feet deep on the west property boundary and 100 feet deep on the east property boundary. With the required 50 foot Minimum Building Setback Line from West Gray Street and the 20 foot Rear Yard, a building envelope of only 21 feet to 30 feet in depth exists.

Due to the depth of the lot coupled with the 50 foot M.B.S.L. and 20 foot wide Rear Yard requirements, the property owner received approval of a variance in 2003 for the existing building and an addition. The requested variance is identical to the variance approved in 2003. (See Minutes in Attachment 1-5) This new variance is needed because the 2003 variance only approved a variance for the footprint of the existing building and addition at the time and did not specify the variance applying to a future building expansion. Without the variance the proposed building addition would not comply with the zoning regulations.

**ENGINEERING DEPARTMENT COMMENTS**

The Engineering Division reviewed and commented on the Variance request and all Engineering review comments have been satisfied.

**OTHER DEPARTMENTAL REVIEW COMMENTS**

Other City Departments reviewed and commented on the Variance request and all other departmental review comments have been satisfied.

Applicable definitions and sections from the Gallatin Zoning Ordinance that apply to this case are listed below.

**APPLICABLE G.Z.O. DEFINITIONS**

02.02 Definitions

Although not defined within the Gallatin Zoning Ordinance, a Minimum Building Setback Line or M.B.S.L. is a minimum distance that a building constructed on a lot must be setback from any property line that fronts onto a public right-of-way.

Setback Line - A line running parallel to the street which establishes the minimum distance the principal building must be setback from the street line.

Non-complying

- A. Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or

B. Any lawful use other than a non-conforming use, which does not comply with any part of any one (1) or more of the applicable regulations pertinent to:

1. Location along district boundary;
2. Signs; or
3. Accessory off-street parking and loading; either on the effective date of this Ordinance or as a result of any subsequent amendment.

Required Yard - That portion of a zone lot that is required by the specific district regulations to be open from the ground to the sky and may contain only explicitly listed obstructions.

Setback Line - A line running parallel to the street which establishes the minimum distance the principal building must be setback from the street line.

Yard - That part of a zone lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from a lot line equivalent to a depth or width set forth in the applicable regulations.

Yard, Rear - A yard extending for the full length of a rear lot line.

**APPLICABLE G.Z.O. SECTIONS**

08.02 Intent and Purpose of CG – Commercial General District

08.03.020 Bulk Regulations

- Maximum Lot Coverage - 50 percent
- Maximum Floor Area Ratio – 2.0
- Minimum Building Setback - 50 feet

08.03.030 Area Regulations

- Minimum Lot Area – 10,000 square feet
- Minimum Front Yard - 10 feet
- Minimum Side Yard - 10 feet
- Minimum Rear Yard - 20 feet

15.05 Zoning Variances

The Board of Zoning Appeals may grant variances where it makes findings of fact based upon the standards prescribed in this section.

15.05.030 Standards for Variances

Section 15.05.030 of the Gallatin Zoning Ordinance states the Board of Zoning Appeals shall not grant a variance unless it makes findings based upon evidence presented to it as described in nine (9) specific criteria that are listed below. The applicant responded to these standards in writing

(Attachment 1-3). Staff believes that this variance request meets all nine (9) of the following standards for a variance as required by the Gallatin Zoning Ordinance as described below.

- A. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out must be stated.
  - The variance request is due to the 50 foot Minimum Building Setback Line and 20 foot rear yard requirements, which provides a building envelope depth of 30 feet. An identical variance was approved in 2003 for an addition to the building, but was only granted for the building footprint and not the entire width of the lot. The 50 foot M.B.S.L. places an unusual burden on being able to use the property which is only 100 feet or less in depth and the lot is not rectangular so the building is at an angle to the rear lot line. The proposed rear building addition will encroach less in to the rear yard than the existing building.
- B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
  - This variance request is based on existing conditions on the lot at 334 West Gray Street and would not be applicable to other properties located within in the same zoning district.
- C. The variance will not authorize activities in a zone district other than those permitted by this Ordinance.
  - This variance is related to the location of the proposed building addition and not the use of the property. This variance will not authorize uses or activities that are not currently permitted in Commercial General zone district.
- D. Financial returns only shall not be considered as a basis for granting a variance.
  - This variance request is to construct an addition to an existing building for the expansion of an existing business in the City; however, the required M.B.S.L. and rear yard line significantly reducing the size of the building envelope making it difficult to expand the existing building. Financial return may be realized by the owner, but is not requesting the variance solely for this purpose.
- E. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance.
  - The requested variance is not a hardship created by the current property owners. The building envelope is significantly reduced due to the 50 foot M.B.S.L. and 20 foot rear yard that is required on the 100 foot deep property. Due to the M.B.S.L. and Rear Yard requirements the owner could not reasonably expand the existing building and meet the zoning requirements. The owner did plat the property to expand the lot dimension but did not have the ability to expand the lot depth, which controls the basis for this variance.
- F. That granting the variance requested would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same districts.
  - The variance will allow for reasonable use and accommodation of the property and not confer on the property owner any greater uses than other properties in the surrounding area.
- G. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

- The requested 10-foot variance from the 20 foot rear yard and the 15 foot variance from the 50 foot M.B.S.L. is the minimum variance and match the variance granted in 2003 needed to allow a reasonable use of the lot.
- H. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
- The variance, if granted, will not be injurious to the area or detrimental to the public health and welfare to the surrounding area since no adverse impacts will occur to area properties.
- I. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
- Staff does not believe that this variance would affect the items listed above since the proposed building addition is consistent with the existing building, surrounding properties, and the total area of encroachment is minimal and provides for a uniform building setback.

15.05.060 Conditions and Restrictions by the Board

The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Section 15.05.030 to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this Ordinance. The Board may establish expiration dates as a condition or as a part of the variances.

**RECOMMENDATION**

Staff recommends that the Gallatin Municipal Board of Zoning Appeals approve GMBZA Resolution No. 2015-06 granting a 15-foot variance from G.Z.O. Section 08.03.020 to allow the construction of the proposed building addition 35 feet from the West Gray Street right-of-way and a 10-foot variance from G.Z.O. Section 08.03.030 to allow the construction of a proposed building addition 10 feet from the rear property line, on Lot 1, John R. Williams Property as recorded in Plat Book 24, Pages 265, R.O.S.C. with the following conditions:

1. The variance shall be substantially consistent with the sixteen (16) sheet plan, prepared by John R. Williams of Gallatin, TN, dated March 12, 2015.

**ATTACHMENTS**

- |                   |            |   |
|-------------------|------------|---|
| <b>Attachment</b> | <b>1-1</b> | <b>Location Map</b>   |
| <b>Attachment</b> | <b>1-2</b> | <b>Sumner County Ornamental – Variance Exhibit</b>                    |
| <b>Attachment</b> | <b>1-3</b> | <b>Applicant’s Written Responses to Standards for Variances</b>       |
| <b>Attachment</b> | <b>1-4</b> | <b>The John R. Williams Property plat (P.B. 24 Pg. 265, R.O.S.C.)</b> |
| <b>Attachment</b> | <b>1-5</b> | <b>Minutes of March 23, 2003 – MBZA meeting</b>                       |
| <b>Attachment</b> | <b>1-6</b> | <b>PC File# B-2-03 – 2003 Variance Request</b>                        |



Prepared By: Kevin Chastine, AICP  
Prepared On: April 14, 2015

**Location Map**  
Sumner County Ornamental - Variance  
334 West Gray Street  
PC File# B-382-15



**ATTACHMENT 1-1**

# ATTACHMENT 1-3

11

VARIANCE CHECKLIST	
Project Name:	Map #:          Group:          Parcel #:
Contact Person:	PC File Number:

The Variance checklist is designed to assist applicants with identifying the information that must be included on all Boards of Zoning Appeals (BZA) applications. Initial submittals must include a completed BZA Application Form, a completed Variance checklist, and nine (9) folded copies of the Variance documents by 4:30 PM on the submittal deadline.

The Municipal and Regional Boards of Zoning Appeals may grant variances where it makes findings of fact based upon the standards outlined below. Please provide a **written description** that explains how the variance being requested addresses the following nine standards for variances:

- The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out must be stated;**

The first variance was approved prior to curved setbacks and this variance allows for curved expansion

- The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;**

Not at this time.

- The variance will not authorize activities in a zone district other than those permitted by this Ordinance;**

Understood, Agreed

- Financial returns only shall not be considered as a basis for granting a variance;**

Understood - we request the variance for business improvement

- The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance;**

No hardship or difficulty

No other person has an interest in the ownership

VARIANCE CHECKLIST	
Project Name:	Map #:      Group:      Parcel #:
Contact Person:	PC File Number:

- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same districts;

No it not confer any special privelege.

- The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

Correct.

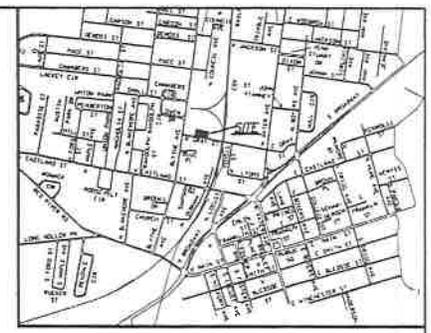
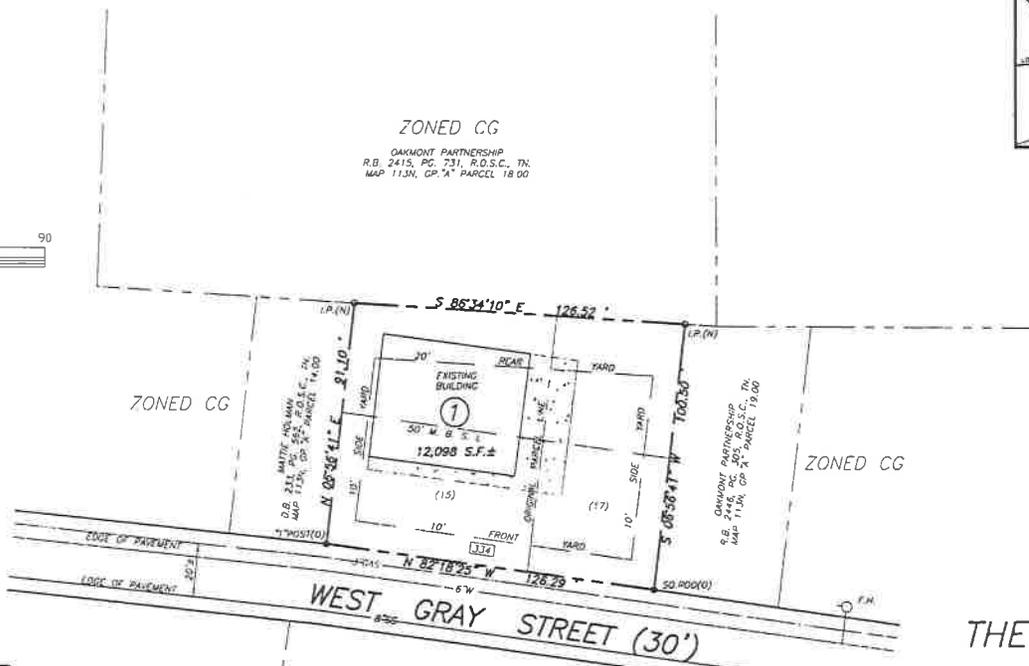
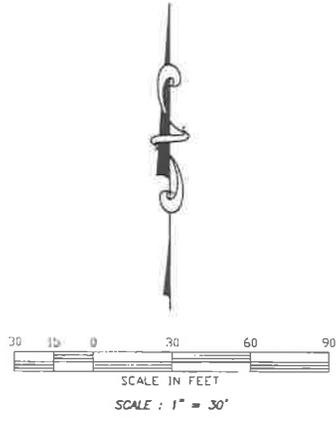
- The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and

No it will not be detrimental

- The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

No it will not unpair light, it will not increase congestion or create danger of fire or public safety or diminish any property values.

PLAT CONTAINS - 12,098 S.F. ±



LOCATION MAP N.T.S.



**THE JOHN R. WILLIAMS PROPERTY**  
**MINOR SUBDIVISION PLAT**  
 PROPERTY LOCATED AT 334 WEST GRAY STREET, CITY OF GALLATIN  
 3rd CIVIL DISTRICT OF SUMNER COUNTY, TENNESSEE

DATE : MAY 7, 2007 REV. 5-30-07  
 SCALE : 1" = 30' REV. 5-31-07  
 OWNER :  
 JOHN R. WILLIAMS  
 519 WEEPING WILLOW ROAD  
 HENDERSONVILLE, TN. 37075

**CERTIFICATE OF STAFF CERTIFICATION**

I hereby certify that the subdivision plat shown hereon complies with the provisions specified in the Gallatin Municipal-Regional Subdivision Regulations, and that no requests for variances have been requested.

DATE: 6/18/07  
 CITY PLANNER

**NOTES:**

1. THE PURPOSE OF THIS PLAT IS TO COMBINE PARCELS 15 & 17 INTO 1 LOT.
2. NORTH BASED ON DEED OF RECORD R.B. 2415, PG. 731, R.O.S.C., TN.
3. PROPERTY IS SHOWN AS PARCELS 15 & 17 ON SUMNER COUNTY PROPERTY MAP 11.3N, GP."N" PARCEL 1.00.
4. BEING THE SAME PROPERTY CONVEYED TO JOHN R. WILLIAMS BY DEED OF RECORD IN R.B. 1632, PG. 635, R.O.S.C., TN.
5. ACCORDING TO F.I.R.M. COMMUNITY PANEL NO. 4716SC0314E, DATED 9-20-06, THIS PROPERTY DOES NOT LIE IN A FLOOD HAZARD AREA.
6. THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE SEARCH, NO TITLE REPORT WAS FURNISHED TO THIS SURVEYOR.
7. PROPERTY IS ZONED CG.

**ZONED CG**  
 WILLIAM T. STEWART  
 R.B. 1848, PG. 477, R.O.S.C., TN  
 MAP 11.3N, GP."N" PARCEL 1.00

**CERTIFICATE OF OWNERSHIP & DEDICATION**

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon as evidenced in book number 1632, page 635, R.O.S.C., TN., and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and that offers of irrevocable dedication for all public roads, utilities, and other facilities have been filed as required by the Gallatin Municipal-Regional Subdivision Regulations.

DATE: 6-4-07 OWNER: John R. Williams  
 TITLE: OWNER

**CERTIFICATE OF SURVEY ACCURACY**

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Gallatin Municipal-Regional Planning Commission, and that the monuments have been or will be placed, as shown hereon, to the specifications in these regulations.

DATE: 6/18/07  
 REGISTERED LAND SURVEYOR

**CERTIFICATE OF APPROVAL OF UTILITY SYSTEMS**

I hereby certify that the utility systems outlined or indicated on the final subdivision plat entitled JOHN R. WILLIAMS PROPERTY have been installed in accordance with current local and state government requirements, or a sufficient bond or cash has been filed which will guarantee said installation.

WATER SYSTEM: 6/18/07  
 SEWER SYSTEM: 6/18/07

**CERTIFICATE OF THE APPROVAL OR BONDING OF ROADS**

I hereby certify: (1) that all designated roads on this final subdivision plat have been installed in an acceptable manner and according to the specifications of the Gallatin Municipal-Regional Subdivision Regulations, or (2) that a performance bond has been posted with the Planning Commission to assure completion of all required improvements in case of default.

DATE: 6/25/07  
 CITY ENGINEER

**CERTIFICATE OF APPROVAL FOR RECORDING**

I hereby certify that the subdivision plat shown hereon has been found to comply with the Gallatin Municipal-Regional Subdivision Regulations with the exception of such variances, if any, as are noted in the minutes of the Planning Commission, and that it has been approved for recording in the office of the County Register.

DATE: 6-25-07  
 DATE: 6-25-07

**RECORD**

Recorded 6/28/07  
 in Book 1632, Page 635  
 of the Register's Office, Sumner Co., TN.

PREPARED BY:  
 Bruce Rainey  
 LAND DEVELOPMENT CONSULTANTS  
 116 MAPLE ROW BLVD  
 HENDERSONVILLE, TN 37075  
 PHONE 615-822-0012  
 FAX 615-822-1187  
 MAY 7, 2007

JOB NO. 07-0053

ATTACHMENT 1-4

## ATTACHMENT 1-5

MINUTES OF THE  
GALLATIN MUNICIPAL BOARD OF ZONING APPEALS MEETING

March 24, 2003

Members Present

Jimmy Moore, Chair  
Ray Rector, Vice Chair  
Ed Wyatt, Secretary  
Rosemary Bates  
James Pope

Staff Present

Jim Svoboda, City Planner  
Sharon Burton, Planner II  
Shannon Logan, Planner I  
Katherine Schoch, Planning Assistant  
Ron Coleman, City Engineer  
Joe Thompson, City Attorney

Members Absent

None

Others

Kitty Kulakowski, News Examiner

The Gallatin Municipal Board of Zoning Appeals met in a regular meeting on Monday, March 24, 2003 at 6:00 p.m. in the Council Chambers of Gallatin City Hall. Chair Moore called the meeting to order.

Item 1Approve Prior Minutes

Mr. Rector motioned to approve the minutes from the February 24, 2003 Gallatin Municipal Board of Zoning Appeals meeting without correction. Mr. Wyatt seconded the motion and the motion passed by unanimous vote.

Item 2

John R. Williams-Summer County Welding-B-2-03-Applicant Requests Approval of a 10-foot Variance From the Rear Yard Requirements, Section 08.03.030, and a 15-foot Variance From the Minimum Building Setback Line, Section 08.03.020, in Order to Construct a 50' x 80' Building for a Welding/Ornamental Iron Shop on 0.274 (+/-) Acres Located at 334 West Gray Street.

Mr. Svoboda presented the staff report and staff recommended approval of the 10-foot variance request from the rear yard requirements and a 10-foot variance from the Minimum Building Setback Line as stated in the body of the staff report. Mr. Svoboda stated that he needed the applicant to clarify the request for a 15-foot variance from the Minimum Building Setback Line before he could recommend approval for that particular variance.

Mr. John R. Williams, owner of the property, represented the applicant and stated that before purchasing the property, someone in the Building Codes Department told him that

Gallatin Municipal Board of Zoning Appeals Meeting  
March 24, 2003

he could rebuild the existing building on the property. Mr. Williams stated that since that time, he discovered that he could not rebuild the structure because of the setback violations. Mr. Williams stated that he was misled into believing that he could rebuild the structure in its current location. Chair Moore asked Mr. Williams who he spoke to in the Building Codes Department and Mr. Williams replied that he spoke with Ms. Elaine Nichols, Building Official.

Chair Moore asked Mr. Williams if he needed the 15-foot variance from the Minimum Building Setback Line or if he could work with a 10-foot variance. Mr. Williams replied that he would be satisfied with a 10-foot variance from the Minimum Building Setback Line.

Chair Moore opened the public hearing. No one elected to speak; therefore, Chair Moore closed the public hearing.

Mr. Rector asked Mr. Williams if he was planning on rebuilding the existing building and Mr. Williams replied that he originally planned on rebuilding the structure. Mr. Williams stated that he decided to purchase the property after Ms. Nichols told him that he would only be required to submit engineered drawings and would not need Planning Commission approval to receive a building permit for the project. Mr. Williams stated that he would rather rebuild the existing structure rather than construct a new building in its place.

Mr. Thompson stated that the Building Codes Department should have discussed the building setbacks with Mr. Williams when he inquired about obtaining a building permit. Mr. Thompson asked Mr. Williams how long the building has been vacant and Mr. Williams replied that the building has been vacant for approximately five years. Mr. Thompson asked Mr. Williams when the building was first constructed and Mr. Williams stated that he believed that the building was constructed in 1998. Mr. Thompson stated that the setback violation should have been identified at that time.

Ms. Bates asked Mr. Williams if he would prefer to rebuild the existing structure on the property and Mr. Williams stated that he would like to rebuild the structure if it is permitted by the Municipal Board of Zoning Appeals. Ms. Bates stated that she did not have a problem allowing Mr. Williams to rebuild the structure in its current location since he would be improving the property. Ms. Bates reminded Mr. Williams that if he demolishes the existing building, then he must meet the normal building setbacks for new construction.

Mr. Rector asked Mr. Williams if the current building is salvageable and Mr. Williams replied that the building is structurally sound. Mr. Svoboda reminded Mr. Williams that he will be required to bring the building up to codes before it can be occupied and Mr. Williams stated that he would work with the Building Codes Department to ensure the building is properly rehabilitated.

Chair Moore asked Mr. Svoboda for his final recommendation and Mr. Svoboda stated

Gallatin Municipal Board of Zoning Appeals Meeting  
March 24, 2003

that he recommended that the Municipal Board of Zoning Appeals allow the applicant to rebuild the existing building in its current location.

Ms. Bates motioned to allow the applicant to rebuild the existing building in its current location. Mr. Rector seconded the motion and the motion passed by unanimous vote.

Other Business

There was no Other Business.

There being no further business, Chair Moore adjourned the meeting at 6:20 p.m.

Respectfully submitted:

KATHERINE W. SCHOCH  
Katherine Schoch, Planning Assistant

Approve:

\_\_\_\_\_  
Jimmy Moore, Chair

\_\_\_\_\_  
Ed Wyatt, Secretary

Gallatin Board of Zoning appeals,

RECEIVED  
FEB 25 2003

RECEIVED  
MAR 13 2003

GALLATIN PLANNING  
& ZONING

GALLATIN PLANNING  
& ZONING

My name is John Williams.

I have currently purchased property on West Gray Street. I would like to request a zoning variance for property listed. My reason for request is that my lot size is 128.5 feet facing Gray Street 100 feet depth facing North. See map parcel.

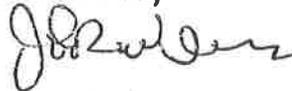
I will be purchasing adjacent property if approved. I am requesting a 10' setback on rear of building for space and security purposes, and a 40 foot setback on front to allow space for larger building. I am also requesting 100% metal building, no brick, because of area in which property is located. All buildings existing are all metal. I prefer to have green space only in front sides of property to allow visibility for security reasons. I plan to put a 6 foot chain link fencing entire perimeter of property for security purposes.

Currently there is a 50' x 60' building. I plan to dismantle if plan from zoning is approved. Property in area is in much need of repair and cleanup. I feel that this will be a starting point of improvement for West Gray Street, in the city of Gallatin. My plans are to build a welding shop for fabrication of street signs, artistic ornamental iron, and sign graphics. And also stock ornamental iron supplies for retail.

I have been in business for five years, and the city of Gallatin is where I would like to locate my shop. I currently do business with many area contractors as well as the general public. Thank you for considering my proposal. Enclosed you will find pictures of area which I am planning to build.

CHECKPRINT 3/7/03

Thank You,



John Williams

Sumner County Welding

- PROVIDE COPY OF DEED SHOWING OWNERSHIP OF PARCEL 15 AND PROVIDE COPY OF CONTRACT FOR SALE OF PARCEL 17, OTHERWISE PROVIDE ~~WARRANTY~~ AGENT LETTER FOR VARIANCE.

GIVING PERMISSION TO APPLY

- COMPLETE ATTACHED VARIANCE WORKSHEET
- REVISE SITE PLAN TO SHOW LOCATIONS FOR DRIVEWAY ENTRANCES, PARKING AREAS.
- ZONING ORDINANCE REQUIRES TYPE 15 BUFFER YARD ON SIDE AND REAR PROPERTY ~~LINE~~ LINES AND 12-FOOT BUFFER ON FRONT PROPERTY LINE. PC MAY APPROVE ALTERNATE PLAN
- SCALED SITE PLAN IS RECOMMENDED BECAUSE OF UNEVEN SHAPE OF PROPERTY. PROPOSED BUILDING MAY REQUIRE LARGER VARIANCE FOR WESTERN ~~ERSIDE~~ SIDE OF BUILDING.
- SUBMISSION DATA REQUIRED TO COMBINE LOTS

B-2-03

Project Name: SUMNER COUNTY WELDING  
BZA File Number: B-2-03

**City of Gallatin  
Municipal and Regional Boards of Zoning Appeal  
Variance Request Worksheet**

The Municipal and Regional Boards of Zoning Appeals may grant variances where it makes findings of fact based upon the standards outlined below. Please provide a written description that explains how the variance being requested addresses the following nine standards for variances:

- The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out must be stated; *IF I AM UNABLE TO DEVELOP TO THESE CONDITIONS, I WILL HAVE TO HAVE EXISTING BUILDING AND PROPERTY VACATED AND PURCHASE PROPERTY IN OTHER LOCATIONS BECAUSE OF COST INVOLVED FOR THIS SORT OF DEVELOPMENT WOULD NOT BE A PROFITABLE ASSET TO MY COMPANY*
- The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;

*yes, IF planning apperts agrees only*

- The variance will not authorize activities in a zone district other than those permitted by this Ordinance;

*correct*

- Financial returns only shall not be considered as a basis for granting a variance;

*correct*

RESUBMITTAL

RECEIVED

MAR 13 2003

GALLATIN PLANNING & ZONING

Project Name: SUMNER COUNTY WELDING

BZA File Number: B-2-03

The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same districts;

no

The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

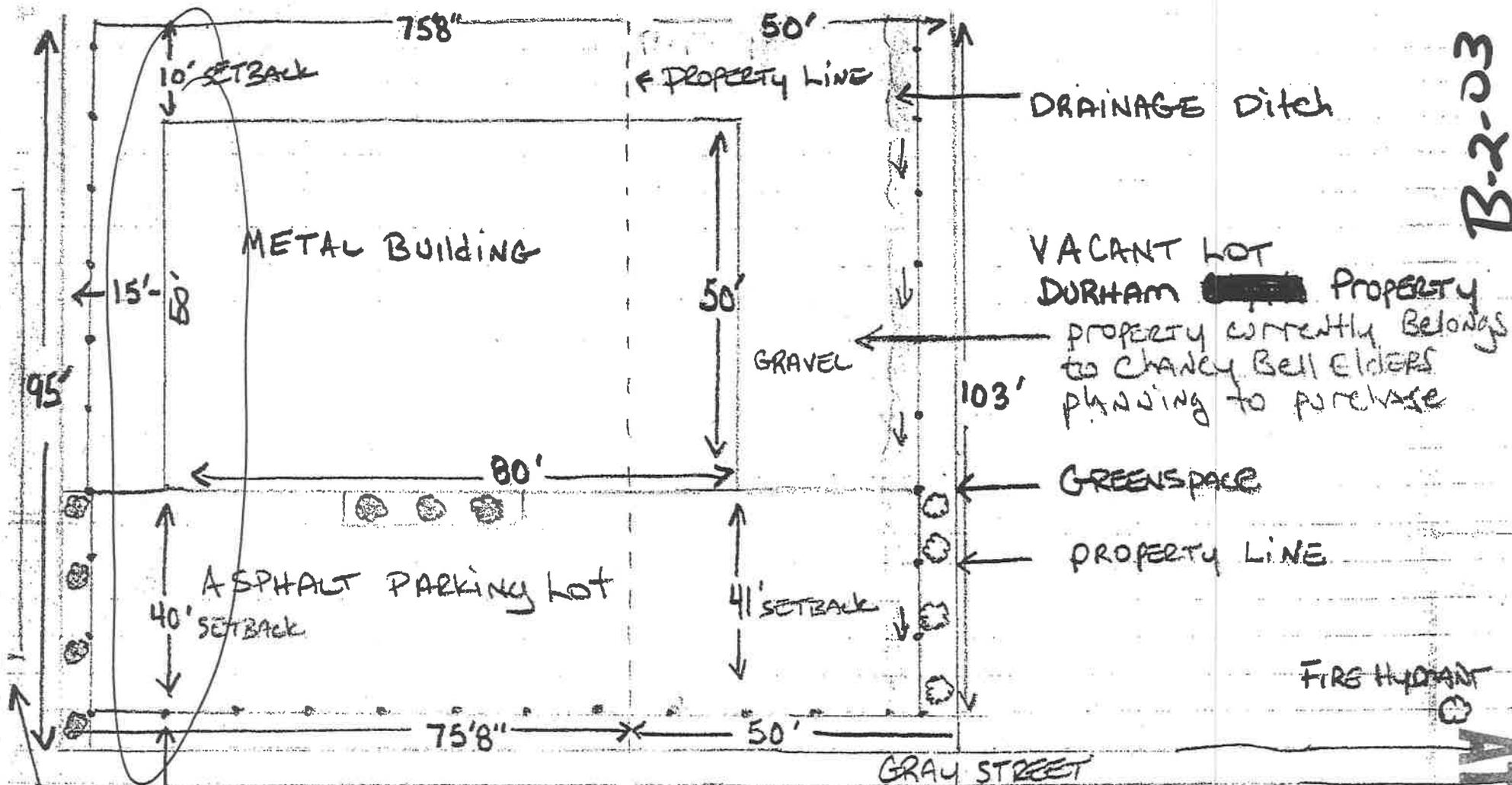
yes

The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and

no

The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

no, The existing Building and surrounding structures are in need of repair or demolition to clear up area, Building located on my property has many people trespassing and creating illegal drugs & sexual activities on premises



72" CHAINLINK SECURITY FENCE  
 $10' + 50' + 40' = 100'$  PROPERTY ONLY 95 FEET WIDE

HOUSE

50' x 80' Building 4000' sq'  
 SECURITY FENCING PERIMETER OF PROPERTY CHAINLINK N  
 ASPHALT FRONT PARKING LOT ONLY  
 TREES / SHRUBS

[REDACTED] DRAIN DITCH

MAP 113N/A / 015.00

B-2-03

ATTACHMENT

1-10



①

**Sumner County Ornamental**  
Full Service Welding, Fabricating and Design  
Commercial and Residential  
Established 1996

- 334 West Gray Street addition

Proposal will meet all City of Gallatin performance standards GZO SEC 13.02  
PC File # 8-275-15

Zoning CG all adjacent property owners

Proposed addition 29' X 46'

According to FEMA panel 47165C0314D 4/17/12,

No part of this property is located in an area of special flood hazard

No new signage or additional signs

Utilities: City of Gallatin, water, sewer and gas, trash disposal, waste disposal

Company owned dumpster for waste disposal

Required parking 5 spaces

Provided parking 5 spaces

Yard setbacks 20' rear yard, 10' side yards, 50' MBSL front yard

Requested variance 10' rear yard 35' MBSL

I, John R. Williams am financially responsible for any and all liabilities  
connected with 334 W Gray Street, Gallatin, TN.

**ITEM /**

Sumner County Ornamental  
334 W. Gray Street Gallatin, Tn. 37066  
615.230.8649 OR 615.456.8087 Fax 615.230.8649  
Email: [sumnercountyorna@bellsouth.net](mailto:sumnercountyorna@bellsouth.net)



Visit our website at: [www.sumnercountyornamental.com](http://www.sumnercountyornamental.com)

**B-382-15**

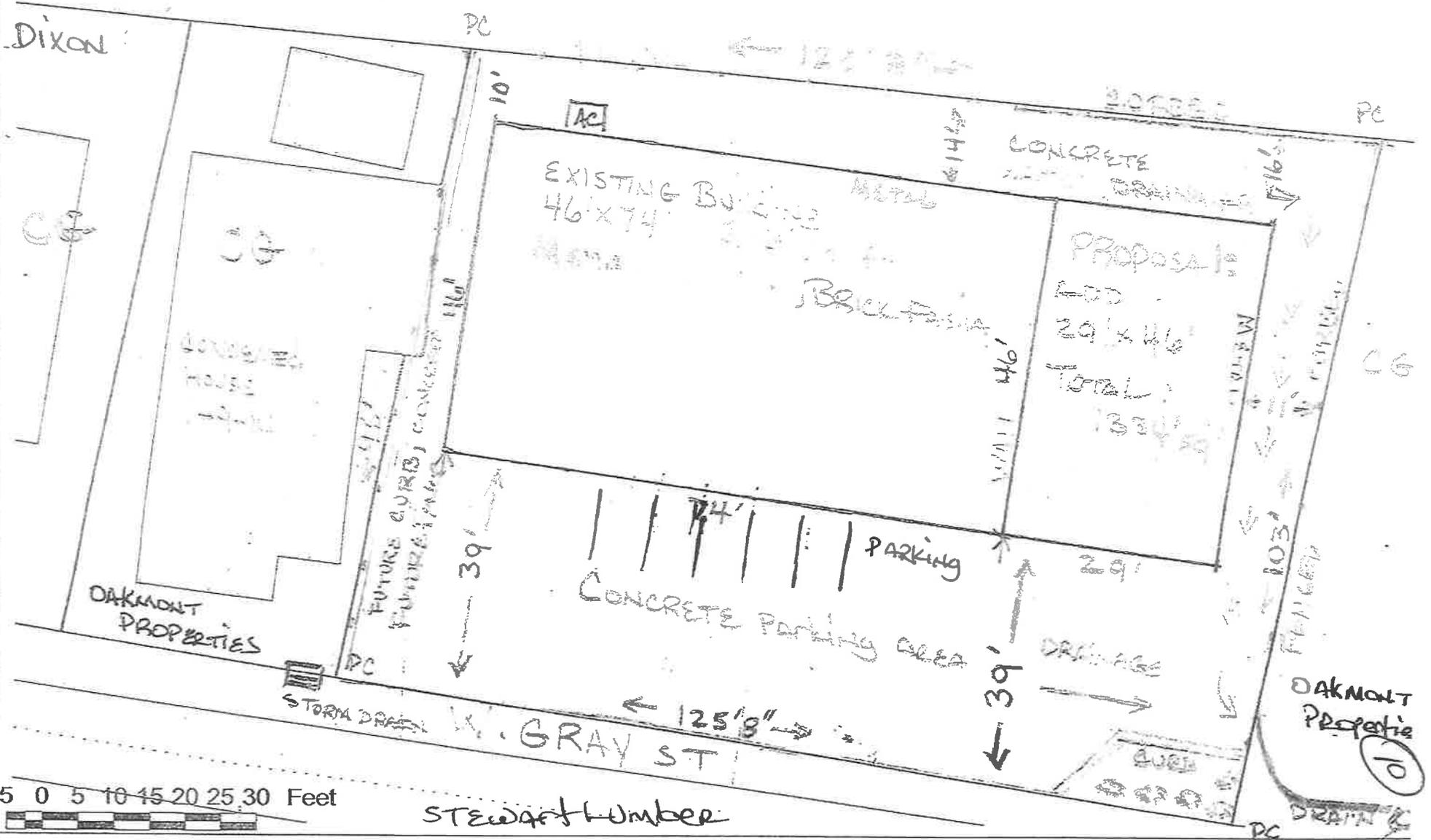
JOHN R. WILLIAMS

Sumner County Ornamental  
334 West Gray Street  
Gallatin, TN 37066  
615-230-8649

DIST	MAP	LOT	C-MAP	PARCEL	SP-INT	CO	CI
03	113N	A	113N	015.00	000	083	278

PROPOSED 118' W. GRAY ST  
 S.W. of Ornamental Performance Structures  
 USE: USING FASE 20100 500'  
 NO EASEMENTS

4735A



5 0 5 10 15 20 25 30 Feet

STEWART LUMBER

334. WEST GRAY ST

FENCE

CONCRETE

10' REAR YARD

20' REAR YARD

12'

10' REQUEST

11'

TOTAL 25' STING TO JACKET

CONCRETE

4'6"

29' x 46'

CONCRETE

50' M.B.S.L.

35' M.B.S.L.

15' VARIANCE REQUEST

10'

10' sidewalk  
3' parapet, 0'1

103 FEET

CONCRETE

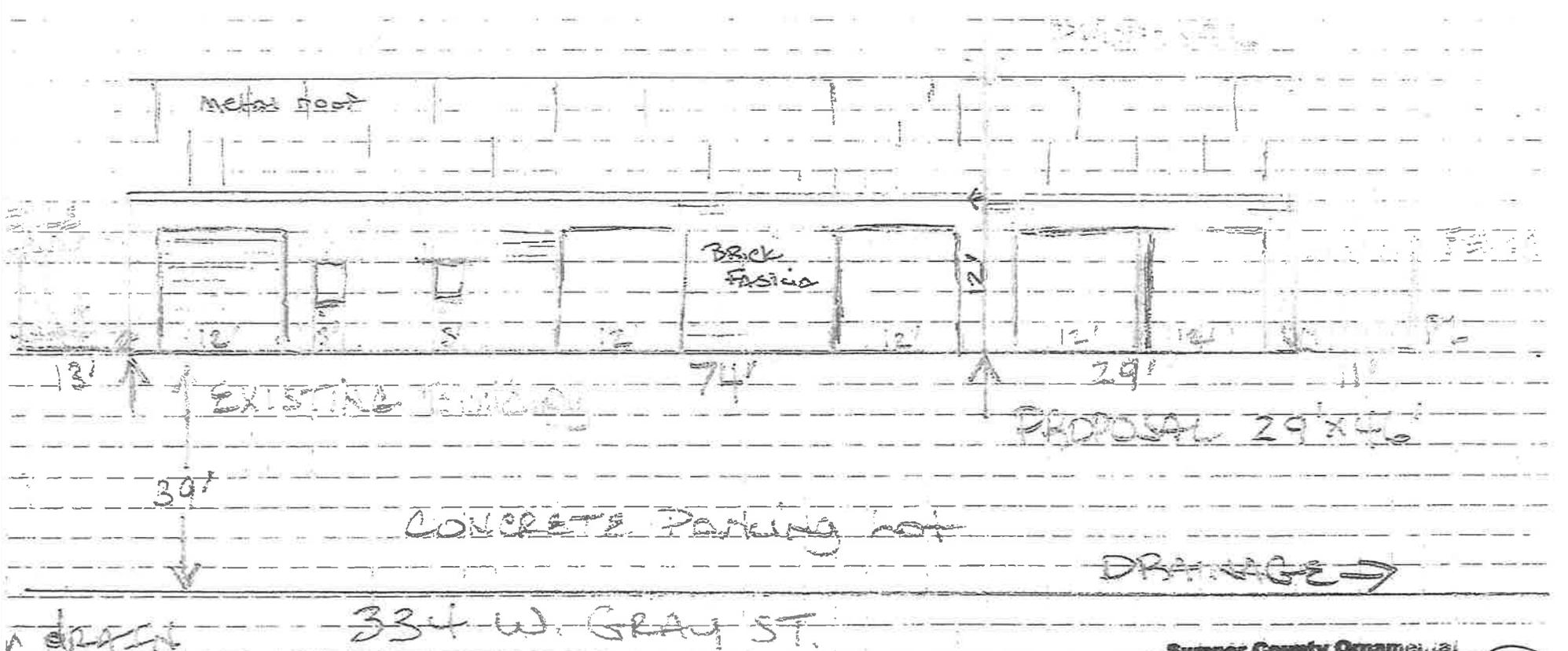
(W)

PROPOSAL: ADD 29'x6' TO EXISTING BUILDING 1334 sq ft

STAIRS TO BE METAL WITH BRICK FACIA

EXISTING BUILDING 74'x11' 312 sq ft

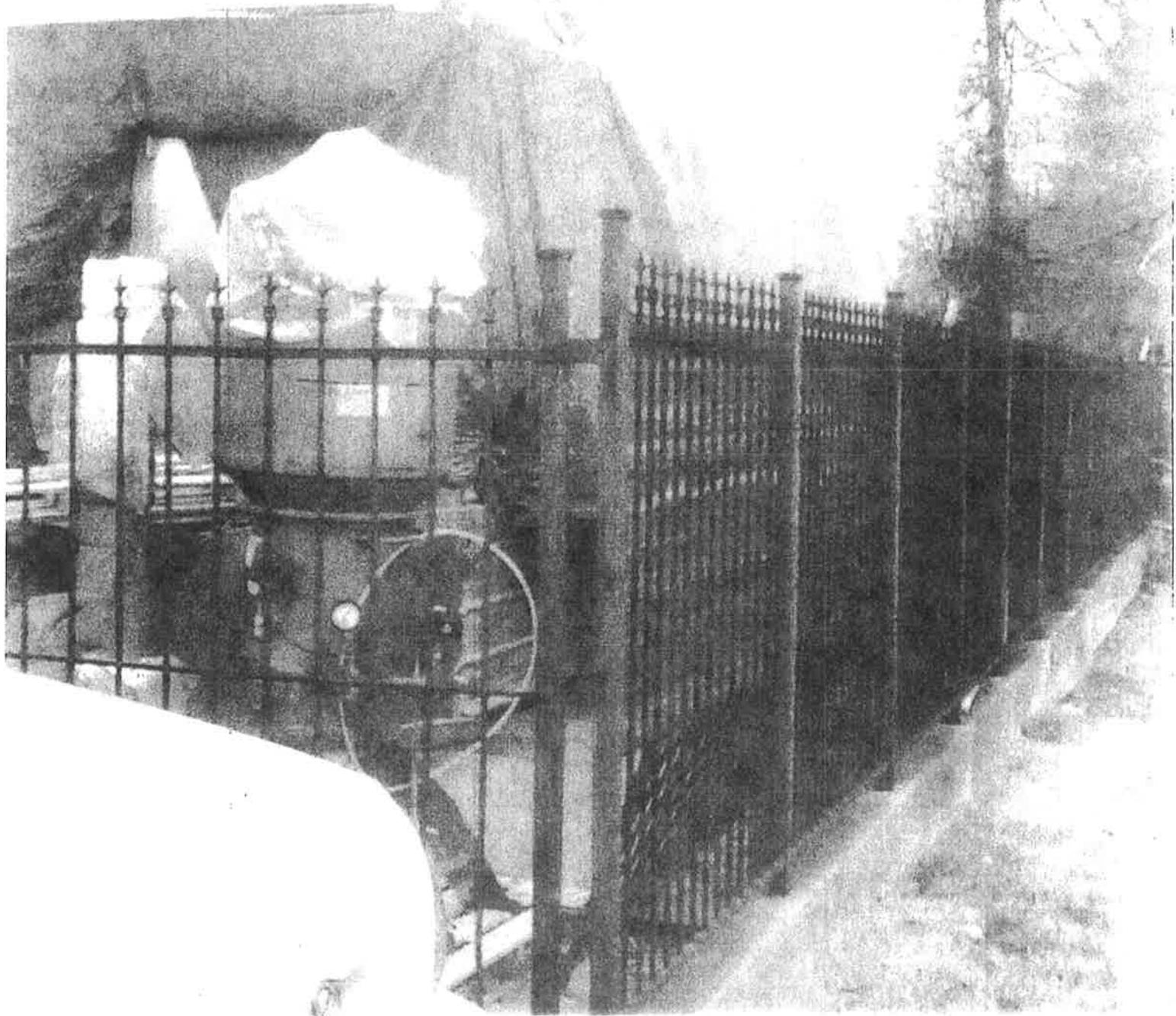
TOTAL SQ FT AFTER ADDING PROPOSAL 1334 sq ft



7



8



VARIANCE CHECKLIST	
Project Name:	Map #:          Group:          Parcel #:
Contact Person:	PC File Number:

The Variance checklist is designed to assist applicants with identifying the information that must be included on all Boards of Zoning Appeals (BZA) applications. Initial submittals must include a completed BZA Application Form, a completed Variance checklist, and nine (9) folded copies of the Variance documents by 4:30 PM on the submittal deadline.

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- The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out must be stated;**

The first variance was approved prior to current setbacks and this variance allows for current expansion

- The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;**

Not at this time

- The variance will not authorize activities in a zone district other than those permitted by this Ordinance;**

Understood, Agreed

- Financial returns only shall not be considered as a basis for granting a variance;**

Understood - we request the variance for business improvement

- The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance;**

No hardship or difficulty  
No other person has an interest in the property

VARIANCE CHECKLIST	
Project Name:	Map #:      Group:      Parcel #:
Contact Person:	PC File Number:

- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same districts;

No it not confer any special privilege.

- The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

Correct.

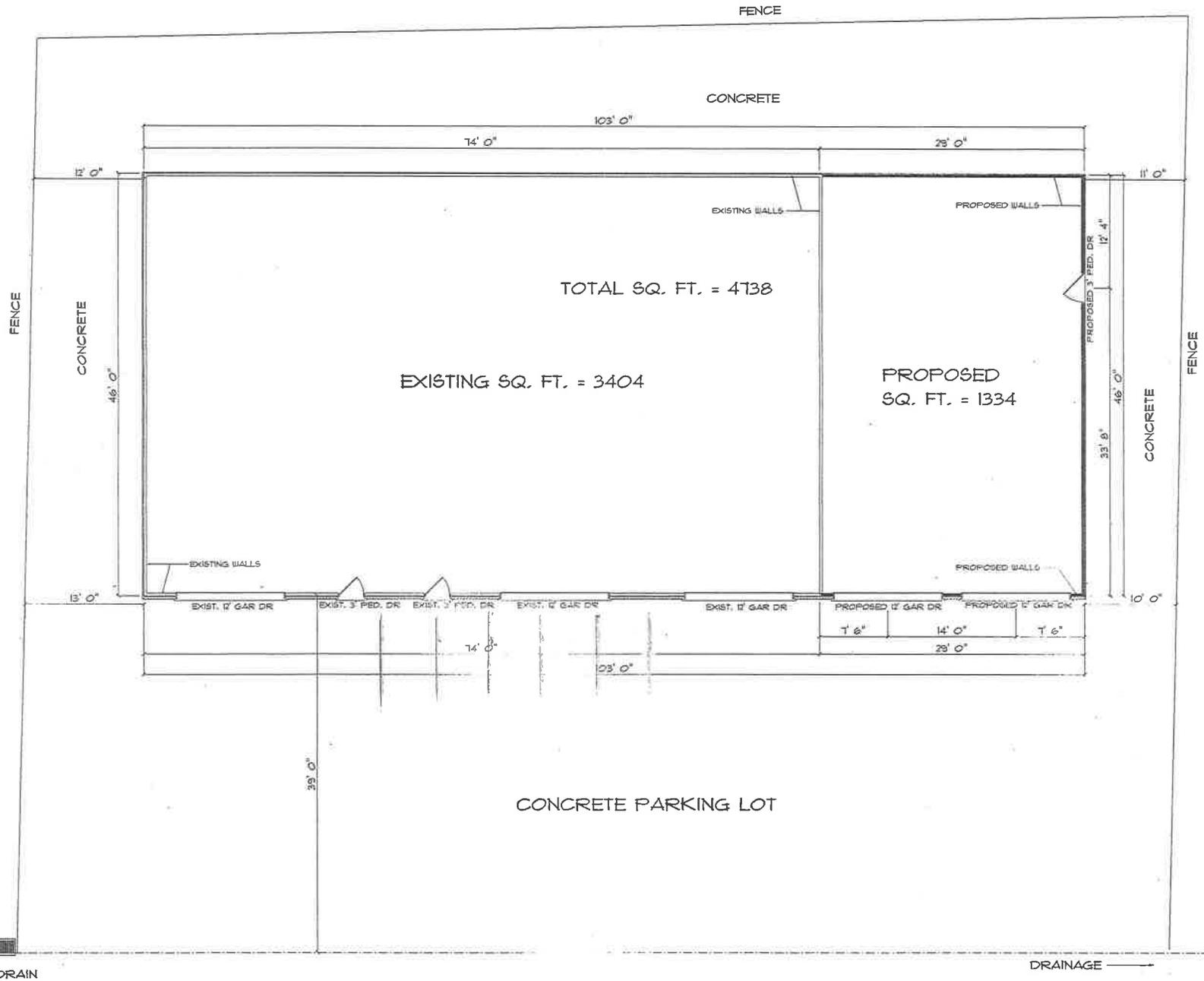
- The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and

No it will not be detrimental

- The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

No it will not impair light, it will not increase congestion or create danger of fire or public safety or diminish any property values.

13



FENCE

CONCRETE

103' 0"

74' 0"

29' 0"

12' 0"

12' 0"

EXISTING WALLS

PROPOSED WALLS

TOTAL SQ. FT. = 4738

EXISTING SQ. FT. = 3404

PROPOSED  
SQ. FT. = 1334

FENCE

CONCRETE

46' 0"

FENCE

CONCRETE

PROPOSED 3' PED. DR.

12' 4"

33' 8"

46' 0"

13' 0"

10' 0"

EXIST. 12' GAR DR

EXIST. 3' PED. DR

EXIST. 2' PED. DR

EXIST. 12' GAR DR

EXIST. 12' GAR DR

PROPOSED 12' GAR DR

PROPOSED 12' GAR DR

74' 0"

28' 0"

12' 6"

14' 0"

12' 6"

28' 0"

CONCRETE PARKING LOT

39' 0"

STORM DRAIN

DRAINAGE

334 WEST GRAY ST.

SCALE: 1/16" = 1'-0"

# ITEM 2

GMBZA Resolution No. 2015-07

**RESOLUTION OF THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS APPROVING A VARIANCE FROM SECTION 09.02.050.B, AND FROM TABLE 13.05 AND SECTION 13.04.090.H OF THE ZONING ORDINANCE OF GALLATIN, TENNESSEE FOR LOT 8, WOODLANDS BUSINESS PARK SUBDIVISION AT 1205 LONGLEAF DRIVE – (B-449-15)**

**WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** considered the request of a 60-foot variance from the building setback line and a 35-foot variance from the required landscape buffer, to permit a building setback of 15 feet from the south boundary line, at its regular meeting on April 30, 2015; and

**WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Municipal Board of Zoning Appeals Staff Report, and evidence and testimony presented during the meeting; and

**WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** is required in its deliberations, pursuant to Gallatin Zoning Ordinance Section 15.04.028.E, to indicate the specific section of the Zoning Ordinance of Gallatin, Tennessee under which the variance is being considered and state specific findings and specifically identify the hardships warranting such action by the Board; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** makes the following findings pursuant to T.C.A. Section 13-7-206; Section 13-7-207(3); and Section 15.05.030 of the Gallatin Zoning Ordinance:

Section 1. The request for a variance of 60 feet from the required 75-foot building setback per Section 09.02.050.B and a variance of 35 feet from the required Type “50” Landscape Buffer per Table 13-05 and Section 13.04.090.H of the Gallatin Zoning Ordinance, to permit a 15-foot side yard and landscape buffer along the south boundary line, on Lot 8, Woodlands Business Park Subdivision, at 1205 Longleaf Drive, meets all nine (9) of the Standards for Variances as described in the body of the Staff Report and as set forth in Gallatin Zoning Ordinance, Section 15.05.030:

- A. The particular physical surroundings, shape, topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out must be stated;
- B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;

- C. The variance will not authorize activities in a zone district other than those permitted by this Ordinance;
- D. Financial returns only shall not be considered as a basis for granting a variance;
- E. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance;
- F. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same districts;
- G. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- H. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and
- I. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

Section 2. Action – The Gallatin Municipal Board of Zoning Appeals hereby approves a variance of 60 feet to permit a building setback 15 feet from the south property boundary line of Lot 8, Woodlands Business Park Subdivision as recorded in PB 18, Pg 128, R.O.S.C., and a variance of 35 feet from the required landscape buffer to permit a landscape buffer of 15 feet along the south property boundary line with the following conditions:

- 1. The variance shall be substantially consistent with the three (3) sheet plan, for BMWG, Site Plan prepared by Rogers Engineering Group, dated March 25, 2015 with a revision date of April 2015.

**BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED: 04/30/2015

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Jimmy Moore, Chair

---

Jeannie Gregory, Secretary

APPROVED AS TO FORM:

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SUSAN HIGH-MCAULEY  
CITY ATTORNEY



**ITEM 2**  
**PLANNING DEPARTMENT STAFF REPORT**  
**BMWG - Variance Request – B-449-15**  
**1205 Longleaf Drive**  
**Date: April 30, 2015**

**PUBLIC HEARING**

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**REQUEST:** THE OWNER AND APPLICANT REQUEST APPROVAL OF A VARIANCE OF 60 FEET FROM THE REQUIRED 75-FOOT BUILDING SETBACK PER SECTION 09.02.050.B AND A VARIANCE OF 35 FEET FROM THE REQUIRED TYPE “50” LANDSCAPE BUFFER PER TABLE 13-05 AND SECTION 13.04.090.H OF THE G.Z.O., ALONG THE SOUTH BOUNDARY LINE, TO PERMIT A SIDE YARD SETBACK AND LANDSCAPE BUFFER OF 15 FEET IN WIDTH, ON A 1.53 (+/-) ACRE LOT, ZONED INDUSTRIAL RESTRICTIVE (IR), LOCATED AT 1205 LONGLEAF DRIVE (S.B.E. TAX MAP # 112J/D/008.00) (PC FILE #B-449-15).

**OWNER:** BMWG, LLC

**APPLICANT:** ROGERS ENGINEERING GROUP

**STAFF RECOMMENDATION:** APPROVAL OF GMBZA RESOLUTION NO. 2015-07

**STAFF CONTACT:** DENISE BROWN

**MBZA MEETING DATE:** APRIL 30, 2015

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**PROPERTY OVERVIEW:**

The owner and applicant are requesting approval of a variance of 60 feet from the required 75-foot building setback per Section 09.02.050.B and a variance of 35 feet from the required Type “50” Landscape Buffer per Table 13-05 and Section 13.04.090.H of the Gallatin Zoning Ordinance, to permit a 15-foot side yard and landscape buffer along the south boundary line, on a 1.53 (+/-) acre lot (Lot 8, Woodlands Business Park Subdivision), zoned Industrial Restrictive (IR), located at 1205 Longleaf Drive. (Attachment 2-1 & 2-2)

Due to the dimensions of the lot, and that the lot was purchased based on the recorded plat, Staff recommends that the Gallatin Municipal Board of Zoning Appeals approve GMBZA Resolution No. 2015-07, granting a 60-foot variance request from the required 75-foot building setback and 35-foot variance request from the required Type “50” Landscape Buffer along the south boundary with the condition listed on page 6 of the Staff Report.

**CASE BACKGROUND:**

*Property History and Previous Approvals*

On December 15, 1997, Planning Commission approved a Preliminary Plat for The Woodlands Business Park, to subdivide the property into eight (8) lots. The Final Plat was not approved within

the one (1) year as required by code so the Preliminary Plat expired. On June 28, 1999, Planning Commission re-approved the Preliminary Plat (1-17-97B) and approved the Final Plat (1-17-97C) at the same meeting. The Final Plat is recorded in PB 18, Pg 128, R.O.S.C. (Attachments 2-5, 2-6, 2-7)

### **ANALYSIS**

The lot was platted as a long rectangular with an average width of approximately 150 (+/-) feet. The property contains a sinkhole in the southeastern portion of the lot making that portion of the lot difficult to develop. The width of the lot in combination with the required setbacks, make it practically difficult to situate a building on the property within the building envelope. If a building were constructed complying with the setbacks as platted this would make the structure non-complying with the zoning regulations by encroaching into the required side and rear yards.

Section 09.02.050.B of the Gallatin Zoning Ordinance requires a 75-foot building setback along portions of boundaries coinciding with lot lines adjoining residential districts. (Attachment 2-3) The properties located along the western and southern boundaries are zoned Residential-15 (R15). Single-family dwellings are located to the west and Long Hollow Baptist Church is located to the south.

The property (Lot 8) is located in the Woodlands Business Park (lot 8). A Preliminary Plat (1-17-97B) for the Woodlands Business Park was initially approved in early 1998 under the 1996 Gallatin Zoning Ordinance. Section 51-106.2 of that ordinance (Attachment 2-4) required, a 50-foot building setback along lot lines adjoining residentially zoned property; however, the plat was approved in error with a 15-foot Minimum Building Setback Line (M.B.S.L.) along the south boundary and a 50-foot MBSL and landscape buffer was approved along the west boundary. Properties bordering the south and west at the time were zoned Residential-15 (R15). (Attachment 2-5) In June 1999, under the current zoning ordinance (adopted in 1998), the Planning Commission re-approved the Preliminary Plat (Attachment 2-6), which included the standards as the previous ordinance, and approved the Final Plat (1-17-97C) for The Woodlands Business Park. The Woodlands Business Park was recorded in PB 18, Pg. 128, R.O.S.C on October 5, 1999. (Attachment 2-7) When reviewing these documents including minutes from both meetings, the landscape buffer along the western boundary was discussed; however, there was no discussion about the setback or landscape buffer along the south boundary. Staff was unable to find any records indicating the project was considered by the Board of Zoning Appeals. Based on Staff's research, it appears that the setback errors were an oversight and not intentional.

Staff met with the applicant to discuss the plat history and errors on the plat. According to the applicant, the owner purchased the property based on the recorded plat (setbacks) with the intent to construct a building for Limited Manufacturing activities. The owner is requesting a 15-foot side yard setback along the south boundary as platted. The owner and applicant also request a variance of 35 feet from the required bufferyard of 50 feet in width, and propose to request an alternative bufferyard on a Site Plan at a future Planning Commission meeting.

### **ENGINEERING DEPARTMENT COMMENTS**

The Engineering Division reviewed the variance request, but had no comments.

### **OTHER DEPARTMENTAL REVIEW COMMENTS**

No other City Departments provided any comments on variance request.

Applicable definitions and sections from the Gallatin Zoning Ordinance that apply to this case are listed below.

**APPLICABLE G.Z.O. DEFINITIONS**

02.02 Definitions

Non-complying

- A. Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or
- B. Any lawful use other than a non-conforming use, which does not comply with any part of any one (1) or more of the applicable regulations pertinent to:
  - 1. Location along district boundary;
  - 2. Signs; or
  - 3. Accessory off-street parking and loading;

either on the effective date of this Ordinance or as a result of any subsequent amendment.

Required Yard - That portion of a zone lot that is required by the specific district regulations to be open from the ground to the sky and may contain only explicitly listed obstructions.

Yard - That part of a zone lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from a lot line equivalent to a depth or width set forth in the applicable regulations.

Yard, Side - A yard extending along a side lot line from the required front yard to the required rear yard. In the case of a corner lot, any yard which abuts a street line and which is not designated a front yard shall be considered a side yard. In the case of a through lot, side yards shall extend between the required front yards, except when such corner lots are required by these regulations specifically to have more than one front yard. A side yard abutting a street shall be twice the required minimum side yard.

**APPLICABLE G.Z.O. SECTIONS**

09.02 Intent and Purpose of IR – Industrial Restrictive District

09.02.020 Bulk Regulations

Maximum Lot Coverage - 50 percent  
Maximum Height of Buildings - 80 feet

09.02.030 Area Regulations

Minimum Front Yard - 20 feet  
Minimum Side Yard - 15 feet  
Minimum Rear Yard - 20 feet  
Minimum Building Setback Line – 55 feet

09.02.050 Other Requirements

B. Provisions Applying along District Boundaries

In any IR District along such portion of the boundary which coincides with a lot line of a lot in a residential district, the buildings and structures shall set back at least seventy-five (75) feet from such lot line.

The situation presented by the code establishes the lot line requirement based on the type of zone district. In this case the zoning of the adjacent property to the south is residential; however, the use is a Place of Worship which is considered a Community Facility Activity.

15.05 Zoning Variances

The Board of Zoning Appeals may grant variances where it makes findings of fact based upon the standards prescribed in this section.

15.05.030 Standards for Variances

Section 15.05.030 of the Gallatin Zoning Ordinance states the Board of Zoning Appeals shall not grant a variance unless it makes findings based upon evidence presented to it as described in nine (9) specific criteria that are listed below. The applicant responded to these standards in writing (Attachment 2-8). Staff believes that this variance request meets all nine (9) of the following standards for a variance as required by the Gallatin Zoning Ordinance as described below.

- A. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out must be stated.
- The property is long and narrow. The required setback of 75 feet along the south boundary significantly limits the building envelope area. (Attachment 2-9) This lot was recorded in PB 18, Pg. 128, R.O.S.C. in 1999 with a 15-foot side yard setback abutting R15 zoning. It was also recorded with a 50-foot rear yard setback. The setbacks were not accurately labeled and the plat was signed by the surveyor and City Officials. The owner bought the property based on the information included on the recorded plat. The owner and applicant are requesting a variance honoring the plat as approved and recorded.
- B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
- This variance request is based on the narrow shape of the lot making it difficult or impractical to situate a building on the property within the required south side yard setback of 75 feet. Under the Zoning Regulations, only a 62-foot wide building could be constructed on the lot making access for most industrial purposes cumbersome.

- C. The variance will not authorize activities in a zone district other than those permitted by this Ordinance.
- The variances are related to the building envelope, not the use. Approval of the variances will not authorize uses or activities that are not currently permitted in industrial activities.
- D. Financial returns only shall not be considered as a basis for granting a variance.
- The current owner purchased the property based on the recorded plat which incorrectly labeled the required setbacks. If the variances are not granted, the lot will not be practical for its intended light industrial use including requiring truck delivery. Furthermore, if the variances are not granted, it is likely that the issue with the property will be raised again since the required building envelope for the lot does not allow for vehicle maneuvering on the lot to service Limited Manufacturing purposes.
- E. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance.
- The requested variance is not a hardship created by the current property owner. The setbacks were improperly applied to the lot at the time of the Final Plat approval. The hardship is created because of the building envelope if it must comply with the required 75-foot setback along the south boundary. Also, the hardship was created due to an oversight by the previous applicant and the City when the Final Plat was approved in 1999.
- F. That granting the variance requested would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same districts.
- The variance will allow for reasonable use and accommodation of the property and not confer on the property owner any greater uses than afforded other properties in the surrounding area. The variance requests would not provide any special privileges; it would only recognize what was approved on the plat.
- G. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- The requested 60-foot side yard and 35-foot landscape buffer variance along the south boundary are the minimum variances needed to meet the requirement of G.Z.O. Section 09.02.030 without severely restricting the size and practical access to a future building.
- H. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
- The variance, if granted, will not be injurious to the area. Allowing the construction of the proposed building is a reasonable use of the portion of the property; therefore, it will not be detrimental to the public health and welfare to the surrounding area. The property located along the south boundary is owned by a church and the property does not contain any residential structures. The rear portion of the church's property is large and presently undeveloped. A landscape buffer of 15 feet along the south property boundary line is proposed and will be discussed with the Site Plan at a future Planning Commission meeting. The reduced setback and reduced bufferyard will not adversely affect the church's property.

- I. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
  - Staff does not believe that the variances would affect the items listed above since the proposed building is consistent with the surrounding properties and structures, and building setbacks on adjacent properties greatly exceed minimum code requirements.

15.05.060 Conditions and Restrictions by the Board

The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Section 15.05.030 to reduce or minimize the injurious effect to such variation; upon surrounding property and better carry out the general intent of this Ordinance. The Board may establish expiration dates as a condition or as a part of the variances. Staff request that the variance be substantially based on the site plan provided with the application.

**RECOMMENDATION**

Based on the reasons as described above, Staff recommends that the Gallatin Municipal Board of Zoning Appeals approve GMBZA Resolution No. 2015-03 granting a 60-foot variance request from the required 75-foot building setback and 35-foot variance request from the required Type "50" Landscape Buffer along the south boundary for Lot 8, Woodlands Business Park Subdivision as recorded in PB 18, Pg 128 R.O.S.C., with the following condition:

- 1. The variance shall be substantially consistent with the three (3) sheet plan, for BMWG, Site Plan prepared by Rogers Engineering Group, dated March 25, 2015 with a revision date of April 2015.

**ATTACHMENTS**

Attachment	2-1	Location Map
Attachment	2-2	BMWG Site Plan
Attachment	2-3	1998 G.Z.O. Section 09.02.050.B
Attachment	2-4	1996 G.Z.O. Section 51-106.2
Attachment	2-5	Woodlands Business Park, Preliminary Plat, 1997 (1-17-97B)
Attachment	2-6	Woodlands Business Park, Preliminary Plat, 1999 (1-17-97B)
Attachment	2-7	Woodlands Business Park, Final Plat (1-17-97C), (PB 18, Pg. 128, R.O.S.C.)
Attachment	2-8	Applicant's Written Responses to Standards for Variances

BMWG, LLC; 1205 LONGLEAF DRIVE  
VARIANCE REQUEST; B-449-15

LOCATION MAP



TAX MAP #112J/D/008.00  
ZONED IR

**ATTACHMENT 2-1**

09.02.040 Use of Required Yard Areas

The following uses may be made of yard areas, provided such uses are otherwise permissible in this district.

- A. Landscaping - All required yard areas not occupied by driveways or sidewalks shall be devoted to landscaping as defined in Sections 13.04 and 13.05.
- B. Driveways - Provided that no driveway shall occupy more than half of any required yard.
- C. Sidewalks - Provided that no sidewalk shall occupy more than half of any required yard.

09.02.050 Other Requirements

- A. Enclosure Requirements - All uses shall be conducted within completely enclosed buildings except for agriculture, parking and loading, exterior storage, and other accessory uses listed herein which by their nature must necessarily exist outside a building.
- B. Provisions Applying along District Boundaries - In any IR District along such portion of the boundary which coincides with a lot line of a lot in a residential district, the buildings and structures shall be set back at least seventy-five (75) feet from such lot line.
- C. Exterior Storage - Exterior storage may be permitted in the side and rear of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the Planning Commission; and further provided that exterior storage shall be screened from public view by suitable fence, wall, or hedge not exceeding fifteen (15) feet in height with the stored materials to be kept at least two (2) feet below the top of such screen.
- D. Surfacing of Storage Areas - All storage areas shall be surfaced to provide a durable and dust-free surface. All areas shall be graded and drained so as to dispose of all surface water accumulated within the area.

**ATTACHMENT 2-3**

51-106 Other Requirements

51-106.1 Enclosure Requirements

All uses shall be conducted within completely enclosed buildings except for agriculture, parking and loading, exterior storage, and other accessory uses listed herein which by their nature must necessarily exist outside a building.

51-106.2 Provisions Applying along District Boundaries

In any IR District along such portion of the boundary which coincides with a lot line of a lot in a residential district, the buildings and structures shall be set back at least fifty (50) feet from such lot line.

51-106.3 Exterior Storage

Exterior storage may be permitted in the side and rear of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the Planning Commission; and further provided that exterior storage shall be screened from public view by a suitable fence, wall, or hedge not exceeding fifteen (15) feet in height with the stored materials to be kept at least two (2) feet below the top of such screen.

51-106.4 Surfacing of Storage Areas

All storage areas shall be surfaced to provide a durable and dust-free surface. All areas shall be graded and drained so as to dispose of all surface water accumulated within the area.

**ATTACHMENT 2-4**

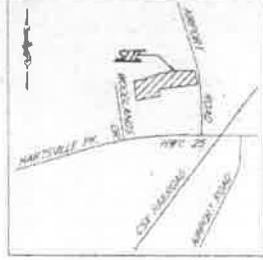
**SURVEYOR'S NOTES**

1. THIS SURVEYOR WAS NOT FURNISHED WITH A TITLE SEARCH OR TITLE POLICY; THEREFORE THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN APPROPRIATE TITLE SEARCH. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED TO THIS SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS THAT WOULD AFFECT THE SUBJECT PROPERTY. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH.
2. DEED REFERENCE: R.B. 469, PG. 452, REGISTER'S OFFICE SUMNER COUNTY, TENNESSEE.
3. MAP AND PARCEL NUMBERS SHOWN REFER TO THE SUMNER COUNTY TAX ASSESSOR'S MAPS. THE SUBJECT PROPERTY SHOWN ON THIS PLAT IS ALL OF PARCEL 17.08, ON TAX MAP 112.
4. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM SURFACE IMPROVEMENTS, UTILITY COMPANY RECORDS AND/OR PLANS BY OTHERS. ACTUAL FIELD LOCATIONS AND SIZES OF THESE LINES SHOULD BE OBTAINED PRIOR TO ANY CONSTRUCTION ON THIS SITE. ADDITIONAL BURIED UTILITIES AND/OR STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES AND/OR STRUCTURES. BEFORE ANY EXCAVATION HAS BEGUN ON THIS SITE CALL 1-800-351-1111 FOR UNDERGROUND UTILITY LOCATIONS.
5. ALL BUILDINGS, SURFACE IMPROVEMENTS, AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THIS SITE ARE NOT NECESSARILY SHOWN HEREON.
6. SUBSURFACE AND/OR ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.
7. THIS PROPERTY IS ZONED RR & A AS OF THE DATE OF THIS SURVEY.
8. BEARINGS SHOWN ARE BASED ON THE FINAL PLAT OF "THE WOODLANDS - SECTION ONE", AS OF RECORD IN P.B. 14, PG. 197, R.O.S.C., TN.
9. THIS IS A CATEGORY I SURVEY IN COMPLIANCE WITH THE RULES OF THE STATE OF TENNESSEE, BOARD OF EXAMINERS FOR LAND SURVEYORS, CHAPTER 0820-1, STANDARDS OF PRACTICE. THE ERROR OF CLOSURE FOR THE UNADJUSTED FIELD SURVEY IS BETTER THAN 1 : 19,000.
10. A REVIEW OF F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 47045 0004B, EFFECTIVE DATE AUGUST 1, 1981, SHOWS THAT NONE OF THIS PROPERTY TO BE WITHIN THE 100 YEAR FLOOD PLAIN.
11. ELEVATION DATUM IS M.G. VD. 1929.
12. TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM THE CITY OF GALLATIN AERIAL TOPOGRAPHIC MAPS. CONTOUR INTERVAL = 2'.

**LEGEND**



**GRAPHIC SCALE**

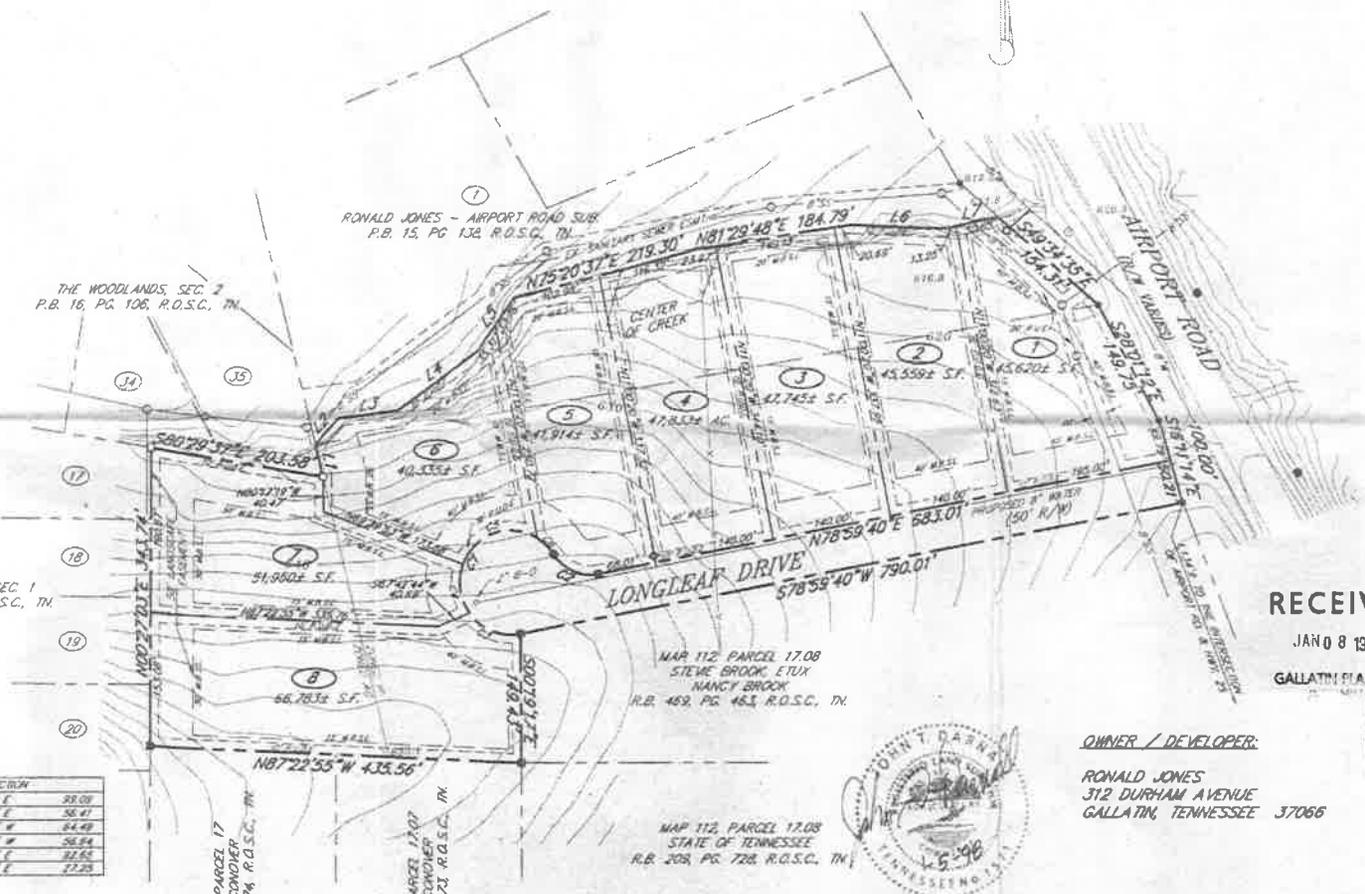


**LINE TABLE**

NUMBER	DIRECTION	DISTANCE
L.1	N17.51°35' W	77.57'
L.2	N40°21'43" E	41.65'
L.3	N62°19'21" E	69.58'
L.4	N17°51'10" E	117.51'
L.5	N45°58'12" E	72.06'
L.6	S07°24'10" E	538.94'
L.7	N17°20'37" E	63.91'

**CURVE TABLE**

NUMBER	BEARING ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD	DIRECTION
C.1	S46°40'35" E	60.00	262.41	87.83	N 23°29'57" E	93.09
C.2	S02°40'20" E	60.00	18.83	18.86	S 66°40'31" E	58.41
C.3	S02°40'20" E	60.00	68.06	31.23	N 67°29'35" W	64.49
C.4	S07°49'18" E	60.00	58.89	31.12	N 07°49'42" W	56.64
C.5	S10°54'25" E	60.00	105.85	72.89	N 70°52'35" E	82.65
C.6	S07°25'17" E	60.00	27.49	11.89	S 43°27'22" E	27.29



**RECEIVED**  
JAN 08 1998  
GALLATIN PLANNING



**OWNER / DEVELOPER:**  
RONALD JONES  
312 DURHAM AVENUE  
GALLATIN, TENNESSEE 37066

<p><b>G.E.D.S., Inc.</b> ENGINEERING - DESIGN - SURVEYING 407 EAST MAIN STREET GALLATIN TN 37066 TN (615) 452-5253</p>	REVISED 1-3-98 PER PLANNING COMMENTS <b>THE WOODLANDS BUSINESS PARK</b> SUBDIVISION - PRELIMINARY PLAT AIRPORT ROAD, CITY OF GALLATIN, 3RD CIVIL DISTRICT, SUMNER CO., TENNESSEE	
	SPECIALTY OF ACCURACY I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE GALLATIN MUNICIPAL AND REGIONAL PLANNING COMMISSION, RESOLUTIONS AND THAT THE MEASUREMENTS WERE MADE BY ME OR BY A LICENSED ASSISTANT HEREON IN THE SPECIFICATIONS OF THESE REGULATIONS. 1-5-98 DATE	TOTAL ACRES = 16.0464 ACRES OF NEW ROAD = 3.1626 OWNER: RONALD JONES, ETUX SCALE: 1" = 100' SURVEYOR: G.E.D.S., INC. SUMNER COUNTY DATE: DECEMBER 21, 1997

**ATTACHMENT 2-5**

1-17-97B 17097.DWG

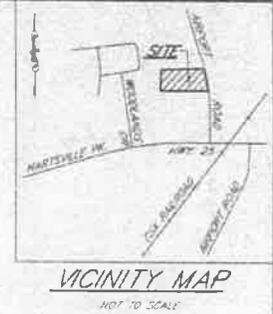
**SURVEYOR'S NOTES**

1. THIS SURVEYOR WAS NOT FURNISHED WITH A TITLE SEARCH OR TITLE POLICY. THEREFORE THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN APPROPRIATE TITLE SEARCH. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED TO THIS SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS THAT WOULD AFFECT THE SUBJECT PROPERTY. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH.
2. DEED REFERENCE: RONALD L. JONES - P.B. 907, PG. 560, REEDSTER'S OFFICE, SUMNER COUNTY, TENNESSEE.
3. MAP AND PARCEL NUMBERS SHOWN REFER TO THE SUMNER COUNTY TAX ASSessor'S MAPS. THE SUBJECT PROPERTY SHOWN ON THIS PLAN IS ALL OF PARCEL 17.09, ON TAX MAP 112.
4. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM SURFACE IMPROVEMENTS, UTILITY COMPANY RECORDS, AND/OR PLANS BY OTHERS. ACTUAL FIELD LOCATIONS AND SIZES OF THESE LINES SHOULD BE OBTAINED PRIOR TO ANY CONSTRUCTION ON THIS SITE. ADDITIONAL BURIED UTILITIES AND/OR STRUCTURES MAY BE ENCOUNTERED. NO INDICATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES AND/OR STRUCTURES. BEFORE ANY EXCAVATION HAS BEGUN ON THIS SITE CALL 1-800-351-7111 FOR UNDERGROUND UTILITY LOCATIONS.
5. ALL BUILDINGS, SURFACE IMPROVEMENTS, AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THIS SITE ARE NOT NECESSARILY SHOWN HEREON.
6. SUBSURFACE AND/OR ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.
7. THIS PROPERTY IS ZONED BY A 45 OF THE DATE OF THIS SURVEY.
8. BEARINGS SHOWN ARE BASED ON THE FINAL PLAN OR "THE WOODLANDS" SECTION ONE", AS OF RECORD IN P.B. 14, PG. 197, R.O.S.C., TN.
9. THIS IS A CATEGORY I SURVEY IN COMPLIANCE WITH THE RULES OF THE STATE OF TENNESSEE, BOARD OF EXAMINERS FOR LAND SURVEYORS, CHAPTER 0820-1 STANDARDS OF PRACTICE. THE ERROR OF CLOSURE FOR THE UNADJUSTED FIELD SURVEY IS BETTER THAN 1" TO 10,000'.
10. A REVIEW OF F.E.M.A. FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 40703B 3004A EFFECTIVE DATE AUGUST 2, 1991, SHOWS THAT NONE OF THIS PROPERTY TO BE WITHIN THE 100 YEAR FLOOD PLAIN.
11. ELEVATION DATUM IS N.G.V.D. 1929.
12. TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM THE CITY OF GALLATIN AERIAL TOPOGRAPHIC MAPS. CONTOUR INTERVAL = 2'.

**LEGEND**



**GRAPHIC SCALE**



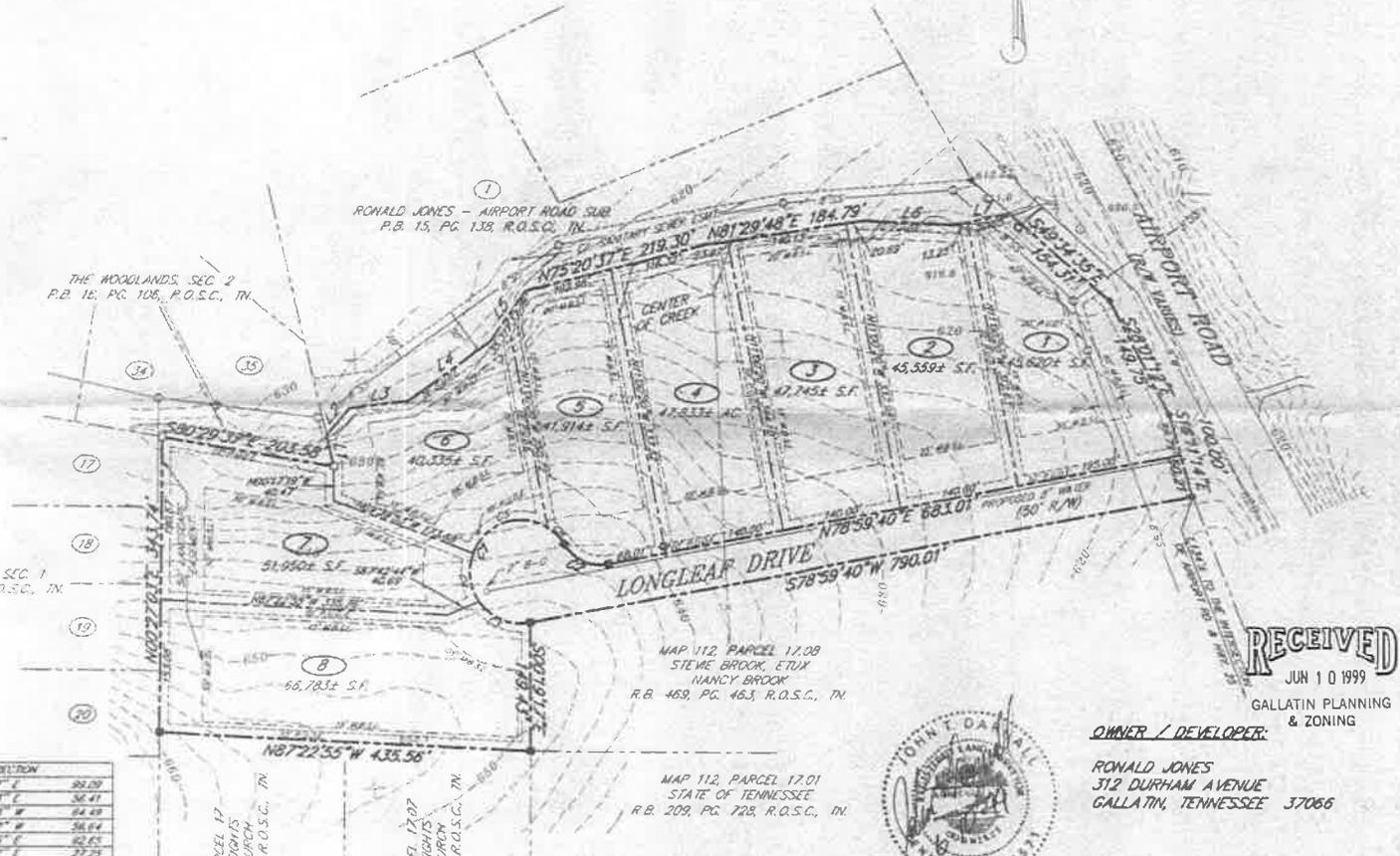
**VICINITY MAP**  
NOT TO SCALE

**LINE TABLE**

MEMBER OF CHAIN	DISTANCE
L1	127.57
L2	41.86
L3	112.58
L4	112.82
L5	21.08
L6	128.84
L7	81.87

**CURVE TABLE**

NUMBER	BEARING	RADIUS	ARC LENGTH	TANGENT	CHORD ORIENTATION
01	N 76° 02' 30" E	50.00	26.41	67.81	N 219° 55' E 59.29
02	S 64° 07' 30" W	50.00	52.81	34.16	S 64° 07' 30" W 56.41
03	S 20° 10' 40" W	100.00	68.18	38.33	N 89° 29' 50" W 64.48
04	S 7° 10' 30" W	100.00	58.89	32.12	N 82° 41' 42" W 56.64
05	N 10° 14' 30" E	100.00	108.89	20.88	N 70° 21' 30" E 60.65
06	N 73° 17' 30" E	100.00	27.49	113.99	S 45° 17' 22" E 27.23



**RECEIVED**  
JUN 10 1999  
GALLATIN PLANNING & ZONING

**OWNER / DEVELOPER:**  
RONALD JONES  
312 DURHAM AVENUE  
GALLATIN, TENNESSEE 37066



<p><b>G.E.D.S., Inc.</b> ENGINEERING - DESIGN - SURVEYING 401 EAST MAIN STREET GALLATIN TN 37066 PH (615) 452-0205 FAX (615) 452-0208</p>		<p>RECEIVED: JUNE 10, 1999 - PER PLANNING COMMENTS</p>	
<p><b>CERTIFICATE OF ACCURACY</b> HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT SURVEY TO THE ACCURACY ASSURED BY THE GALLATIN MUNICIPAL - REGIONAL PLANNING COMMISSION'S REGULATIONS AND THAT THE ACCURACY SHALL BE SOON OR BE SOON AS THE SPECIFICATIONS IN THESE REGULATIONS.</p> <p>6-10-99</p>		<p><b>THE WOODLANDS BUSINESS PARK</b> SUBDIVISION - PRELIMINARY PLAN AIRPORT ROAD, CITY OF GALLATIN, 3RD CIVIL DISTRICT, SUMNER CO., TENNESSEE</p>	
TOTAL ACRES = 10.2244	TOTAL LOTS = 8	ACRES OF NEW ROAD = 1.1204	ACRES OF NEW ROAD = 8074
OWNER: RONALD JONES	CIVIL DISTRICT: 3RD	SCALE: 1" = 100'	CITY OF GALLATIN
SURVEYOR: G.E.D.S., INC.	JOB #170-87	SUMNER COUNTY	STATE OF TENNESSEE
DATE: JUNE 2, 1999	SHEET NO. 1 OF 1		

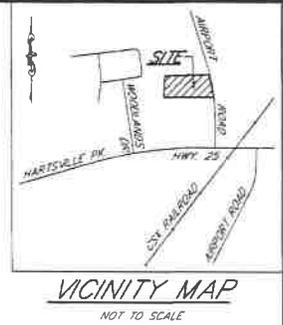
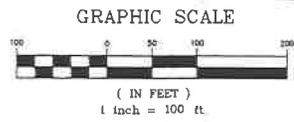
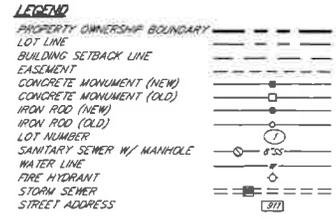
**ATTACHMENT 2-6**

REVISED RESUBMITTAL

1-17-976

# ATTACHMENT 2-7

- SURVEYOR'S NOTES:**
- THIS SURVEYOR WAS NOT FURNISHED WITH A TITLE SEARCH OF TITLE PLAT. THEREFORE THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE SEARCH. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED TO THIS SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS THAT WOULD AFFECT THE SUBJECT PROPERTY. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH.
  - DEED REFERENCE: RONALD L. JONES - R.B. 907, PG. 560, REGISTER'S OFFICE SUMNER COUNTY, TENNESSEE.
  - MAP AND PARCEL NUMBERS SHOWN REFER TO THE SUMNER COUNTY TAX ASSESSOR'S MAPS. THE SUBJECT PROPERTY SHOWN ON THIS PLAT IS ALL OF PARCEL 17.0B, ON TAX MAP 112.
  - THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM SURFACE IMPROVEMENTS, UTILITY COMPANY RECORDS, AND/OR PLANS BY OTHERS. ACTUAL FIELD LOCATIONS AND SIZES OF THESE LINES SHOULD BE OBTAINED PRIOR TO ANY CONSTRUCTION ON THIS SITE. ADDITIONAL BURIED UTILITIES AND/OR STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES AND/OR STRUCTURES. BEFORE ANY EXCAVATION HAS BEGUN ON THIS SITE CALL 1-800-351-1111 FOR UNDERGROUND UTILITY LOCATIONS.
  - ALL BUILDINGS, SURFACE IMPROVEMENTS, AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THIS SITE ARE NOT NECESSARILY SHOWN HEREON.
  - SUBSURFACE AND/OR ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.
  - THIS PROPERTY IS ZONED "R" AS OF THE DATE OF THIS SURVEY.
  - BEARINGS SHOWN ARE BASED ON THE FINAL PLAT OF "THE WOODLANDS - SECTION ONE", AS OF RECORD IN P.B. 14, PG. 197, R.O.S.C., TN.
  - THIS IS A CATEGORY 1 SURVEY IN COMPLIANCE WITH THE RULES OF THE STATE OF TENNESSEE, BOARD OF EXAMINERS FOR LAND SURVEYORS, CHAPTER 0800-3, STANDARDS OF PRACTICE. THE ERROR OF CLOSURE FOR THE UNADJUSTED FIELD SURVEY IS BETTER THAN 1 : 10,000.
  - A REVIEW OF F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 470185 DATED EFFECTIVE DATE AUGUST 3, 1981, SHOWS THAT NONE OF THIS PROPERTY TO BE WITHIN THE 100 YEAR FLOOD PLAIN.

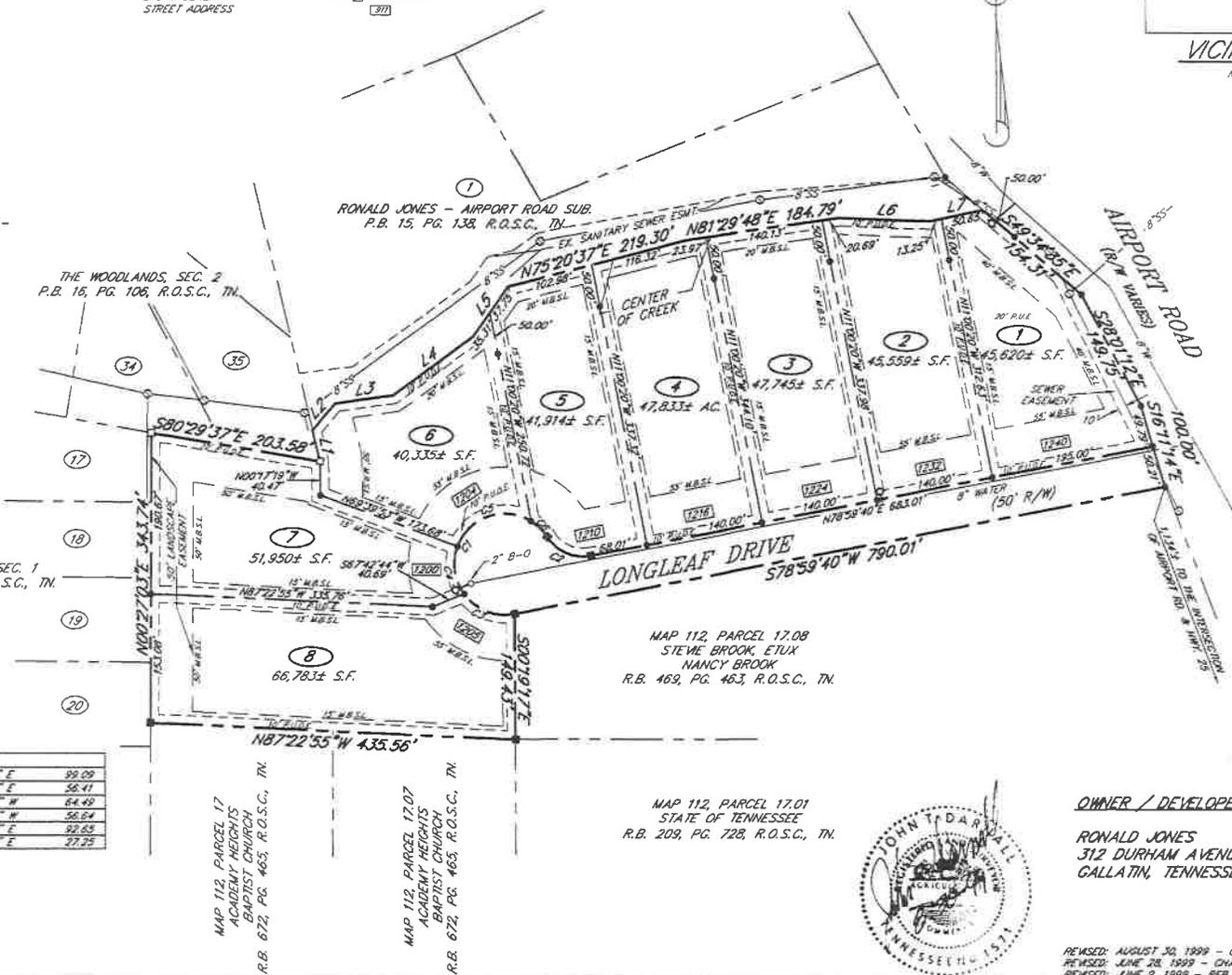


**LINE TABLE**

NUMBER	DIRECTION	DISTANCE
L1	N13°16'55" W	37.57'
L2	N40°31'43" E	41.66'
L3	N82°18'23" E	63.56'
L4	N53°56'37" E	112.52'
L5	N35°06'32" E	73.06'
L6	S87°51'00" E	108.94'
L7	N77°30'57" E	63.91'

**CURVE TABLE**

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD
C1	7°48'40.35"	80.00	200.41	127.83	N 23°19'53" E 39.09
C2	58°40'16"	50.00	59.81	34.16	S 66°40'01" E 56.41
C3	83°00'49"	50.00	68.08	38.23	N 68°29'55" W 64.49
C4	58°19'38"	50.00	58.99	32.12	N 07°49'42" W 56.64
C5	101°04'55"	50.00	103.85	72.89	N 70°57'19" E 92.65
C6	28°19'13"	50.00	27.49	13.99	S 45°27'22" E 27.25



INDEXED



**OWNER / DEVELOPER:**  
RONALD JONES  
312 DURHAM AVENUE  
GALLATIN, TENNESSEE 37066

REVISED: AUGUST 30, 1999 - CHANGED SEWER LINE  
REVISED: JUNE 28, 1999 - CHANGED FIRE HYDRANTS  
REVISED: JUNE 9, 1989 - PER PLANNING COMMENTS

**CERTIFICATE OF APPROVAL FOR UTILITY SYSTEMS**

I HEREBY CERTIFY THAT THE WATER AND SEWER SYSTEMS OUTLINED OR INDICATED ON THIS FINAL SUBDIVISION PLAT HAVE BEEN INSTALLED IN ACCORDANCE WITH CURRENT LOCAL AND STATE GOVERNMENT REQUIREMENTS OR A SUFFICIENT BOND OF CASH HAS DEPOSITED WHICH WILL GUARANTEE SAID INSTALLATION.

WATER SYSTEM: 9/29, 1999

SEWER SYSTEM: 9/25, 1999

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I HEREBY CERTIFY THAT I AM (THE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AS INDICATED IN R.B. 307, PG. 560, R.O.S.C., AND THAT I (WE) HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY (OUR) FREE CONSENT. ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND THAT OFFERS OF IRREVOCABLE DEDICATION FOR ALL PUBLIC STREETS, UTILITIES AND OTHER FACILITIES HAVE BEEN FILED AS REQUIRED BY THE GALLATIN MUNICIPAL - REGIONAL SUBDIVISION REGULATIONS.

DATE: 9/28/99

OWNER: [Signature]

**CERTIFICATE OF ACCURACY**

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE GALLATIN MUNICIPAL - REGIONAL PLANNING COMMISSION REGULATIONS, AND THAT THE BOUNDARIES HAVE BEEN SET WILL BE PLACED BY CONGRUENT TIE TO SPECIFICATIONS IN THESE REGULATIONS.

DATE: 9-30-99

REGISTERED LAND SURVEYOR: [Signature]

**CERTIFICATE OF APPROVAL ON BONDING OF ROADS**

I HEREBY CERTIFY (1) THAT ALL STREETS DESIGNATED ON THIS FINAL SUBDIVISION PLAT HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO CITY SPECIFICATIONS OR (2) THAT A SURETY BOND HAS BEEN POSTED WITH THE PLANNING COMMISSION TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT.

DATE: 10/1/99

SUPERINTENDENT OF PUBLIC WORKS: [Signature]

**G.E.D.S., Inc.**  
ENGINEERING - DESIGN - SURVEYING

401 EAST MAIN STREET GALLATIN, TN 37066  
PH: (615) 453-5205 FAX: (615) 280-7568

**CERTIFICATE OF APPROVAL FOR RECORDING**

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE GALLATIN MUNICIPAL - REGIONAL SUBDIVISION REGULATIONS, WITH THE EXCEPTION OF SEVERAL PARAGRAPHS, IF ANY, AS RECORDED IN THE MINUTES OF THE PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY REGISTER.

DATE: 10-4-99

REGISTERED CLERK: [Signature]

**THE WOODLANDS BUSINESS PARK**  
SUBDIVISION - FINAL PLAT  
AIRPORT ROAD, CITY OF GALLATIN,  
3RD CIVIL DISTRICT, SUMNER CO., TENNESSEE

TOTAL ACRES = 10.022±	TOTAL LOTS = 8
ACRES OF NEW ROAD = 1.120±	FEET OF NEW ROAD = 800±
OWNER: RONALD L. JONES	CIVIL DISTRICT: 3RD
SCALE: 1" = 100'	CITY OF GALLATIN
SURVEYOR: G.E.D.S., INC.	JOB #170-97
SUMNER COUNTY	STATE OF TENNESSEE
DATE: MAY 27, 1999	SHEET NO. 1 OF 1

Date: 10/1/99  
 Time: 10:00  
 Station: 0+00  
 Elevation: 0+00  
 10+50.1500 4+38.21 am  
 12+00  
 13+00  
 14+00

## VARIANCE CHECKLIST

Project Name: <b>BMW 6 SITE PLAN</b>	Map #: <b>1123</b> Group: <b>D</b> Parcel #: <b>08.00</b>
Contact Person: <b>ANDY LEATH</b>	PC File Number: <b>B.449-15</b>

The Variance checklist is designed to assist applicants with identifying the information that must be included on all Boards of Zoning Appeals (BZA) applications. Initial submittals must include a completed BZA Application Form, a completed Variance checklist, and nine (9) folded copies of the Variance documents by 4:30 PM on the submittal deadline.

The Municipal and Regional Boards of Zoning Appeals may grant variances where it makes findings of fact based upon the standards outlined below. Please provide a **written description** that explains how the variance being requested addresses the following nine standards for variances:

- The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out must be stated;**

*This lot was recorded in PB 18, PG 128 in 1999 with a 15' side setback abutting R15 Zoning. It was also recorded with a 50' REAR SETBACK. THE PLAT WAS SIGNED BY THE SURVEYOR AND CITY OFFICIAL. THE OWNER BOUGHT THE PROPERTY BASED ON THE RECORDED PLAT. SETBACKS WERE NOT ACCURATELY LABELED. WE REQUEST A VARIANCE HONORING THE PLAT AS RECORDED AND APPROVED.*

- The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;**

*There are other lots on this plat with inaccurate setbacks.*

- The variance will not authorize activities in a zone district other than those permitted by this Ordinance;**

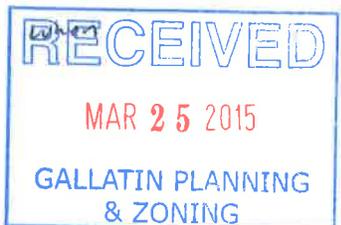
*The proposed activity is allowed within this district.*

- Financial returns only shall not be considered as a basis for granting a variance;**

*The current owner purchased the property based on the recorded plat. If the variance is not granted this lot is not suitable for its intended use*

- The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance;**

*The hardship was created due to mistakes made by the surveyor when the plat was created and by the city they signed off on the plat in 1999.*



### VARIANCE CHECKLIST

Project Name: <b>BMW 6 SITE PLAN</b>	Map #: <b>1123</b> Group: <b>D</b> Parcel #: <b>08.00</b>
Contact Person: <b>ANON LEATH</b>	PC File Number:

- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same districts;

*We do not feel granting this variance is providing special privilege, but only honoring what was approved and recorded on the plat.*

- The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

*We feel this variance is the minimum that would allow this lot to be used as intended by the current owner when the lot was purchased based on the recorded plat.*

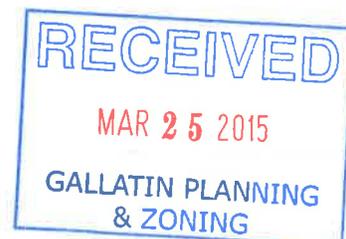
- The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and

*We do not feel the granting of this variance will be detrimental to the public welfare or injurious to other properties.*

- The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

*We do not feel that granting this variance will do any of the above stated*

# ATTACHMENT 2-8



**GENERAL NOTES:**

- THIS CONSTRUCTION PROJECT SHALL AT ALL TIMES AND IN ALL SITUATIONS PROCEED IN A MANNER CONSISTENT WITH THE CITY OF GALLATIN SUBDIVISION REGULATIONS, AND ALL OTHER APPLICABLE RULES, REGULATIONS AND LAWS OF ANY OTHER AUTHORITY WITH JURISDICTION TO GOVERN SUCH CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CONTRACTOR UNDERTAKING SUCH CONSTRUCTION ACTIVITIES TO INSURE FULL COMPLIANCE AT ALL TIMES.
- THE CONTRACTOR SHALL KEEP A COPY OF THE CURRENT CITY OF GALLATIN SUBDIVISION REGULATIONS (INCLUDING SPECIFICATIONS FOR PUBLIC WORKS PROJECTS) ON THE CONSTRUCTION PROJECT AT ALL TIMES, AND REFERENCE SHALL BE MADE TO THEM FOR PROPER MATERIALS, METHODS, ETC. REGARDING CONSTRUCTION IMPROVEMENTS.
- THE CONTRACTOR SHALL CHECK AND VERIFY ALL ELEVATIONS, DISTANCES AND DIRECTIONS BEFORE STARTING WORK ON ANY SEGMENT OF THE PROJECT. IF THE CONTRACTOR HAS ANY QUESTIONS OR SUSPECTS THERE IS AN ERROR OR OMISSION WITHIN THE PLANS OR CONSTRUCTION STAKES, HE SHALL NOT PROCEED UNTIL THE ENGINEER OR HIS REPRESENTATIVE HAS BEEN FULLY NOTIFIED, HAS RESPONDED, AND HAS SPECIFICALLY STATED THE CONTRACTOR MAY PROCEED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL SURVEYING REFERENCE POINTS, HUBS, AND LOT CORNERS DURING THE CONSTRUCTION PROCESS AND SHALL BEAR THE EXPENSE FOR REPLACING ANY SUCH OBJECTS DAMAGED DURING CONSTRUCTION.
- THE CONTRACTOR SHALL PROVIDE ALL NECESSARY NOTICES, OBTAIN ALL REQUIRED PERMITS AND PAY ALL FEES ASSOCIATED WITH SUCCESSFULLY COMPLETING THE CONSTRUCTION PROCESS, INCLUDING ALL PUBLIC INSPECTION FEES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE CAUSED TO THIS OR ADJACENT PROPERTY, AND FOR INJURY TO ANY PERSON OCCURRING DURING OR AS A RESULT OF THE CONSTRUCTION PROCESS, WHETHER SUCH DAMAGE OR INJURY RESULTS FROM ANY ACTION OR LACK OF ACTION BY PRINCIPALS OF THE COMPANY, EMPLOYEES, SUBCONTRACTORS, OR SUPPLIERS. THE CONTRACTOR SHALL FURNISH AND INSTALL ALL NECESSARY TEMPORARY SAFETY DEVICES AND FOLLOW ALL ADVISABLE SAFETY PRACTICES NECESSARY TO INSURE THE SAFETY OF ALL PERSONS DURING THE CONSTRUCTION PROCESS. NEITHER THE OWNER NOR THE ENGINEER ASSUME ANY LIABILITY FOR MATTERS RELATING TO SAFETY AT THE CONSTRUCTION SITE.
- ANY DAMAGE TO IMPROVEMENTS PRIOR TO FINAL PROJECT ACCEPTANCE BY THE CITY OF GALLATIN OR THE OWNER SHALL BE REPAIRED OR REPLACED AS NECESSARY TO MEET CURRENT SPECIFICATIONS. ALL EXPENSES ASSOCIATED WITH SUCH REPAIR OR REPLACEMENT SHALL BE PAID BY THE APPROPRIATE CONTRACTOR.
- LOCATION OF EXISTING UTILITIES INDICATED ON THESE PLANS MUST BE CONFIRMED BY THE CONTRACTOR PRIOR TO CONSTRUCTION IN THE VICINITY OF ANY SUCH UTILITIES. THE CONTRACTOR IS FURTHER RESPONSIBLE FOR LOCATING ALL UTILITIES THAT MAY BE IN EXISTENCE ON THE PROJECT SITE BUT WHICH ARE UNKNOWN TO THE ENGINEER. ALL UTILITY LOCATION ACTIVITIES SHALL BE AT THE EXPENSE OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIR AND REPLACEMENT (AS DIRECTED) TO ANY UTILITIES DAMAGED DURING CONSTRUCTION. BEFORE ANY EXCAVATION HAS BEGUN ON THIS SITE CALL 1-800-351-1111 FOR UNDERGROUND UTILITY LOCATIONS.
- EROSION CONTROL SHALL BE MAINTAINED THROUGHOUT THE PROJECT IN ACCORDANCE WITH THE TENNESSEE GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES STORM WATER DISCHARGE. INSPECTION AND MAINTENANCE SHALL BE PERFORMED BY THE CONTRACTOR ON A REGULAR BASIS IN ACCORDANCE WITH THE STORM WATER POLLUTION PREVENTION PLAN.
- TOPOGRAPHIC INFORMATION PROVIDED BY BLUE RIDGE SURVEYING, INC. DRAWING DATED 3-9-2015.
- A TITLE SEARCH NOR TITLE POLICY WAS PROVIDED. THEREFORE, THIS SURVEY IS SUBJECTED TO THE FINDINGS OF AN ACCURATE TITLE SEARCH. ONLY DOCUMENTS NOTED HEREON WERE SUPPLIED TO THIS SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS THAT WOULD AFFECT THE SUBJECT PROPERTY. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH.
- ELEVATIONS AND CONTOURS WERE DERIVED USING DIGITAL TERRAIN MODELING.
- BEARINGS SHOWN ARE BASED ON THE TENNESSEE STATE PLANE COORDINATE SYSTEM (NAD 1983).
- A REVIEW OF THE F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANELS NO. 47165003186 EFFECTIVE DATE APRIL 17, 2012, SHOWS THIS PROPERTY TO BE IN ZONE X AND NOT A SPECIAL FLOOD HAZARD AREA.
- SUBSURFACE AND/OR ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SITE PLAN.
- ALL BUILDINGS, SURFACE IMPROVEMENTS, AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THIS SITE ARE NOT NECESSARILY SHOWN HEREON.
- NO GEOTECHNICAL ENGINEERING REPORT WAS PROVIDED FOR THE PREPARATION OF THIS SITE PLAN.
- PERFORMANCE STANDARD COMPLIANCE  
ALL CONSTRUCTION AND USE OF THE PROPOSED FACILITY TO MEET THE APPLICABLE PERFORMANCE STANDARDS AS SET FORTH IN THE CITY OF GALLATIN ZONING ORDINANCE, SECTION 13.02.
- INDUSTRIAL PRETREATMENT  
THE PROPOSED PROJECT SHALL COMPLY WITH ALL APPLICABLE CROSS-CONNECTION CONTROL AND SEWER USE REGULATIONS.
- NO SIGNAGE IS BEING PROPOSED AT THIS TIME. ANY FUTURE SIGNAGE MUST BE SUBMITTED, REVIEWED, AND APPROVED PRIOR TO INSTALLATION.
- PHOTOMETRIC PLAN  
OUTDOOR LIGHTING SHALL COMPLY WITH THE CITY OF GALLATIN ZONING ORDINANCE SECTION 13.02.B0.
- TRASH COLLECTION  
ENCLOSED DUMPSTER WILL BE PROVIDED FOR TRASH COLLECTION.
- HVAC UNITS  
HVAC UNIT LOCATIONS WILL BE SCREENED AS SHOWN IN THESE PLANS.

**BENCHMARK:**

NATIONAL GEODETIC SURVEY (NGS) ONLINE POSITIONING USER SERVICE (OPUS) GPS STATIC OR GPS RAPID STATIC SURVEY SESSION DATED 3/2/15.

**TEMPORARY BENCHMARK:**

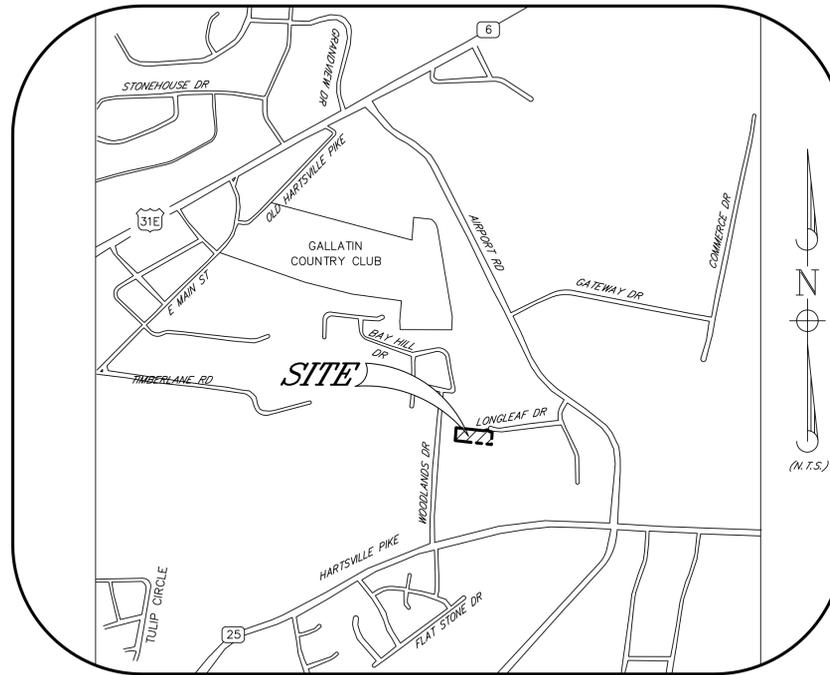
P.K. NAIL SET IN THE ASPHALT ALONG THE SOUTHERLY CURB LINE OF LONGLEAF. ELEVATION 650.27 (NAVD 88)

**ESTIMATED CONSTRUCTION SCHEDULE:**

BEGIN JUNE 2015  
END DECEMBER 2015

**PLAN SHEET INDEX:**

DESCRIPTION	SHEET
COVER SHEET	C 1.0
SITE LAYOUT	C 2.0
DETAILS	C 3.0



**STATEMENT OF FINANCIAL RESPONSIBILITY:**

TRAVIS WRIGHT OWNER OF BMWG, LLC WILL BE FINANCIALLY RESPONSIBLE FOR ALL IMPROVEMENTS SHOWN ON THIS PLAN.

**PROJECT DESCRIPTION:**

THIS PROJECT PROPOSES THE CONSTRUCTION OF A 10,000 SF LIMITED MANUFACTURING FACILITY ON 1.53 ± ACRES WITH ALL REQUIRED APPURTENANCES.

**PAVING AND DRAINAGE NOTES:**

- DRAINAGE SYSTEM RIP-RAP SHALL BE PLACED IN SUCH A MANNER AS TO ACHIEVE MAXIMUM INTERLOCKING TIGHTNESS.
- DURING CONSTRUCTION EXPOSE THE MINIMUM AREA OF SOIL FOR THE MINIMUM TIME POSSIBLE. CONTROL DUST BY WATERING OR OTHER METHOD APPROVED BY THE CITY OF GALLATIN.
- EROSION SHALL BE CONTROLLED IN ACCORDANCE WITH THE GENERAL IMPROVEMENT PERMIT FOR DISCHARGES OF STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES (PERMIT NO. 1M100000). IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONTROL EROSION FROM STORM WATER RUNOFF.
- ALL STUMPS, LARGE ROCK, CONCRETE, SCRAP MATERIALS, TRASH AND OTHER DELETERIOUS MATERIAL SHALL BE REMOVED FROM THE SITE BY THE CONTRACTOR AT NO ADDITIONAL EXPENSE TO THE OWNER.
- COMPACTION REQUIREMENTS FOR ROADWAYS AND PAVEMENT - ALL FILL MATERIAL TO BE PLACED EVENLY AND IN A UNIFORM MANNER AT A MAXIMUM OF 8" LIFTS AND COMPACTED TO 98% STD PROCTOR ON ALL LIFTS. MOISTURE TO BE WITHIN 2% OF OPTIMUM DURING COMPACTION. COMPACTION REQUIREMENTS FOR BUILDING PADS - ALL FILL MATERIAL TO BE PLACED EVENLY AND IN A UNIFORM MANNER AT A MAXIMUM OF 8" LIFTS AND COMPACTED WITH SHEEPSFOOT VIBRATORY COMPACTOR TO 98% STD PROCTOR ON ALL LIFTS. MOISTURE TO BE WITHIN 2% OF OPTIMUM DURING COMPACTION.
- PROJECT BENCHMARK, AS SHOWN ON PLANS.
- ALL DRAINAGE PIPE BELOW ROADWAYS TO BE CLASS III RCP (REINFORCED CONCRETE PIPE) WITH CLASS "B" BEDDING (COMPACTED PUG TO SPRINGLINE). TRENCH FILL TO BE PUG.  
DRAINAGE PIPE BELOW PAVE AREAS TO BE:  
(1) CLASS III RCP (REINFORCED CONCRETE PIPE) WITH CLASS "B" BEDDING (COMPACTED PUG TO SPRINGLINE). TRENCH FILL TO BE PUG.  
(2) CMP (CORRUGATED METAL PIPE) WITH CLASS "B" BEDDING (COMPACTED PUG TO SPRINGLINE). TRENCH FILL TO BE PUG.  
DRAINAGE PIPE OUTSIDE OF ROADWAY TO BE:  
(1) CLASS I OR CLASS III RCP WITH CLASS "B" BEDDING (COMPACTED PUG TO SPRINGLINE). TRENCH FILL TO BE NATIVE SOIL COMPACTED.  
(2) OR HDPE (SMOOTH INSIDE BORE) WITH 6" STONE BEDDING AND BACKFILLED TO THE SPRINGLINE WITH PUG IN 4" LIFTS COMPACTED TO 95% STD PROCTOR. PUG THEN TO BE PLACED IN 6" LAYERS AND LIGHTLY TAMPED TO 12" ABOVE THE TOP OF THE PIPE CORRUGATION. REMAINDER OF BACKFILL TO BE NATIVE SOIL COMPACTED.  
(3) CMP WITH CLASS "B" BEDDING (COMPACTED PUG TO SPRINGLINE). TRENCH FILL TO BE PUG TO ONE FOOT ABOVE PIPE THE REMAINDER TO BE NATIVE SOIL COMPACTED.
- ALL DITCHES TO RECEIVE COVER TREATMENT AS SHOWN ON PLANS.
- THE PAVING TRANSITION AT EXISTING STREETS SHALL BE SMOOTH IN BOTH HORIZONTAL AND VERTICAL ALIGNMENT, FIELD ADJUST AS NECESSARY.
- CONTRACTOR SHALL SUBMIT A IDEC NOC AND OBTAIN A LAND DISTURBANCE PERMIT FROM THE CITY OF GALLATIN ENGINEERING DIVISION PRIOR TO GRADING.
- REFER TO "GENERAL NOTES" FOR ADDITIONAL INFORMATION RELATING TO THIS CONSTRUCTION PROJECT.

**PLAN APPROVAL**

THESE CONSTRUCTION PLANS HAVE BEEN REVIEWED BY ME AND ARE APPROVED WITH THE EXCEPTION OF SUCH MODIFICATIONS INDICATED BY ME ON THE PLANS.

ENGINEERING DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_  
CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

PARKING REQUIREMENTS				
TYPE	REQUIRED SPACES	EXISTING	PROPOSED	TOTAL
MANUFACTURING 1 SPC : 1,000 SF	8400 SF MANUFACTURING = 8.4 SPC	0	8	8
OFFICE 1 SPC : 300 SF	1600 SF OFFICE = 5.3 SPC	0	6	6
TOTAL		12	14	14*

\* 1 ACCESSIBLE SPACE REQUIRED AND 1 PROVIDED

BUFFER YARD REQUIREMENTS		
	ORDINANCE	PROPOSED
IR TO IR	NONE REQUIRED	
IR TO RTIS	TYPE 50	ALT. TYPE 50

\* PER GALLATIN ZONING ORDINANCE SECTION 13.04.06D.F

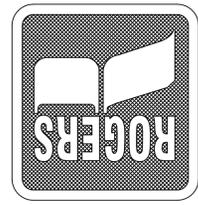
IR BULK AND AREA REGULATIONS		
	ORDINANCE	PROVIDED
MAXIMUM LOT COVERAGE	50 %	15.3 %
MAXIMUM BUILDING HEIGHT	80 FEET	21.33 FEET
FRONT YARD	20 FEET	20 FEET
SIDE YARD	15 FEET	15 FEET
REAR YARD	20 FEET	20 FEET
MINIMUM BUILDING SETBACK		
FRONT	55 FEET	55 FEET
ABUTTING RESIDENTIAL SIDE	75 FEET	15 FEET
ABUTTING RESIDENTIAL REAR	75 FEET	50 FEET

SITE DATA TABLE	
OWNER / DEVELOPER	BMWG LLC P.O. 9027 GALLATIN, TN 37066 615-451-1525
SITE LOCATION	1205 LONGLEAF DRIVE
TAX MAP	1121 GROUP D
PARCEL	08.00 RD 907, PG. 580 R.O.S.C.TN
PLAT REFERENCE	PB 18, PG 128 R.O.S.C.TN
ACREAGE	1.53 ±
CURRENT ZONE	IR
REQUESTED ZONE	
EXISTING USE	VACANT
PROPOSED USE	MANUFACTURING, LIMITED

UTILITY OWNERS			
WATER SEWER GAS	GALLATIN PUBLIC UTILITIES 239 HANCOCK STREET GALLATIN, TN 37066 CONTACT: DAVID GREGORY (615) 451-5922	TELEPHONE	AT&T 2501 PARK PLACE NASHVILLE, TN 37203 CONTACT: (615) 344-5288
ELECTRIC	GALLATIN DEPARTMENT OF ELECTRICITY 135 JONES STREET GALLATIN, TN 37066 CONTACT: MIKE TAYLOR (615) 452-5152	CABLE	COMCAST 840 SOUTH WESTLAND AVENUE GALLATIN, TN 37066 CONTACT: (615) 244-5900

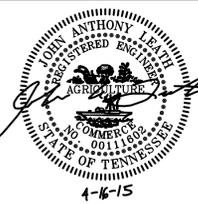
**BMWG SITE PLAN  
VARIANCE REQUEST  
1205 LONGLEAF DRIVE  
CITY OF GALLATIN, 3RD CIVIL DISTRICT,  
SUMNER COUNTY, TENNESSEE**

**ROGERS ENGINEERING GROUP**  
114B WEST MAIN STREET  
Gallatin, Tennessee 37066  
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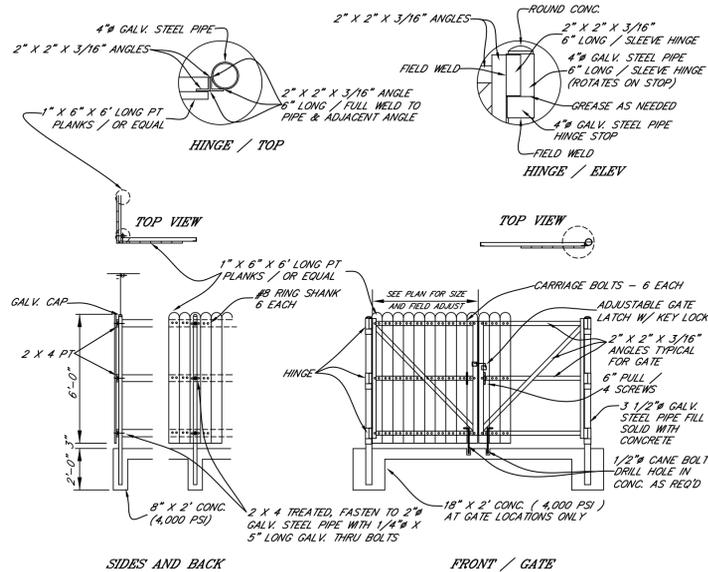
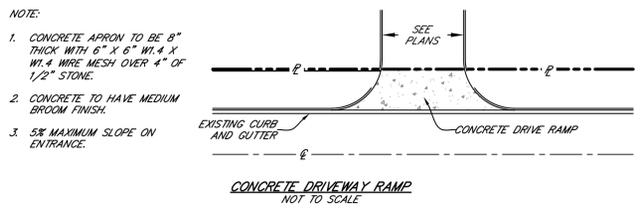
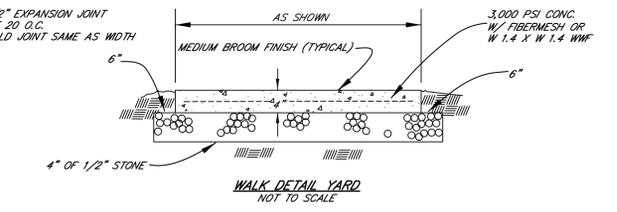
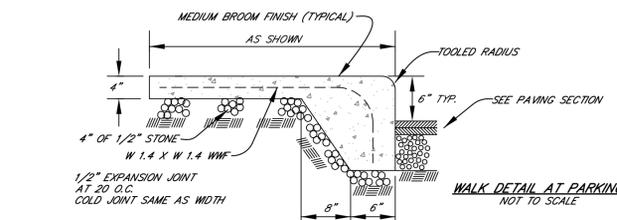
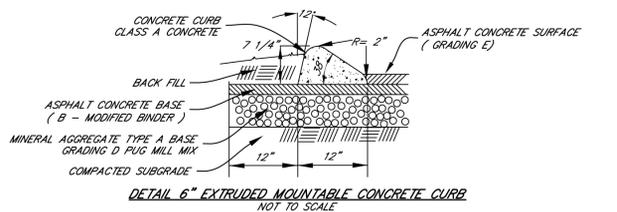
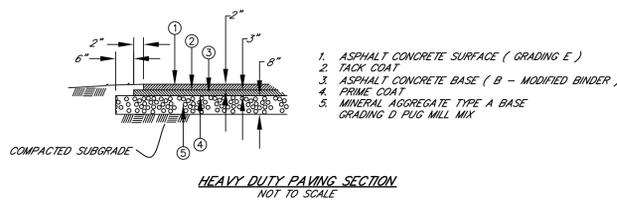
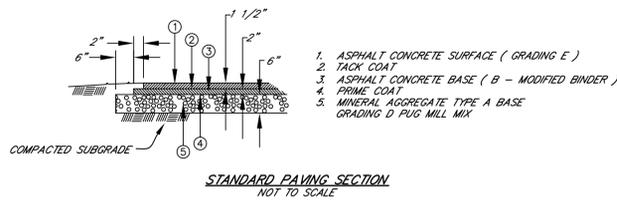
SHEET NO.  
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REVISIONS  
REVISION 1: 16 APRIL 2015 PER PROJECT COMMENTS DATED 4-7-15

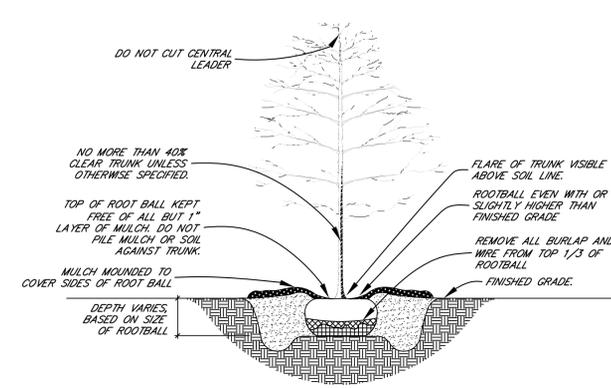
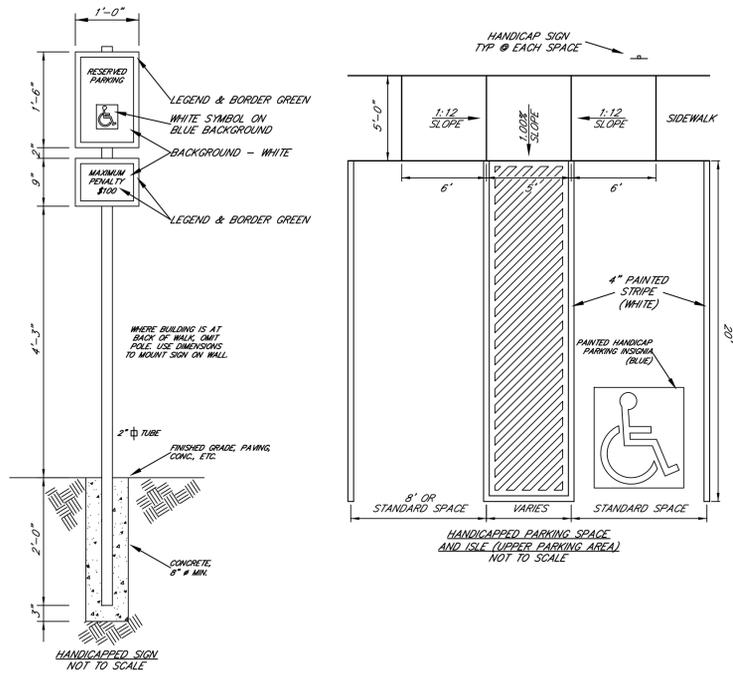
SHEET 1 OF 3

PROJECT # 15-016  
DATE 25 MARCH 2015



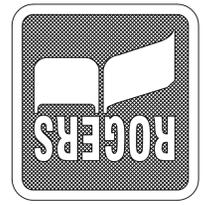


- NOTE:**
1. FINISH SHADOW FENCE WITH CLEAR WOOD PRESERVATIVE - SHERWIN WILLIAMS OR EQUAL.
  2. ALL WELDS TO BE PRIMED AND PAINTED GRAY.
- DUMPSTER SCREENING FENCE WITH GATE DETAIL**  
NOT TO SCALE



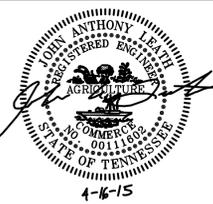
- TREE SELECTION SPECIFICATIONS:**
1. THERE SHALL BE NO CIRCLING OR GIRDLING ROOTS. CIRCLING ROOTS SHOULD BE CUT IN AT LEAST ONE PLACE.
  2. TREES SHOULD BE ROOTED INTO THE ROOT BALL SO THAT SOIL OR MEDIA REMAINS INTACT AND TRUNK AND ROOT BALL MOVE AS ONE WHEN LIFTED BUT NOT ROOT BOUND. THE TRUNK SHOULD BEND WHEN GENTLY PUSHED AND SHOULD NOT BE LOOSE SO IT PIVOTS AT OR BELOW SOIL LINE.
  3. THE POINT WHERE THE TOPMOST ROOT IN THE ROOT BALL EMERGES FROM THE TRUNK SHALL BE WITHIN TWO INCHES OF THE SOIL SURFACE. IF IT IS NOT WITHIN THE TOP TWO INCHES OF SOIL, GENTLY REMOVE THE TOP LAYER OF SOIL FROM THE ROOT BALL UNTIL THE FIRST MAJOR ROOT FLARE IS VISIBLE.
  4. THE RELATIONSHIP BETWEEN CALIPER, HEIGHT AND ROOT BALL SIZE SHALL MEET THE ANSI Z50.1 STANDARD, LATEST EDITION.
  5. THERE SHOULD BE ONE DOMINANT LEADER TO THE TOP OF THE TREE WITH THE LARGEST BRANCHES SPACED AT LEAST 6 INCHES APART. THERE CAN BE TWO LEADERS IN THE TOP 25% OF THE TREE IF IT IS OTHERWISE OF GOOD QUALITY.
  6. THE TREE CANOPY SHOULD BE MOSTLY SYMMETRICAL AND FREE FROM LARGE VOIDS. CLEAR TRUNK SHOULD BE NO MORE THAN 40% OF TREE HEIGHT UNLESS OTHERWISE SPECIFIED IN THE PLANTING SPECIFICATIONS.
  7. OPEN TRUNK AND BRANCH WOUNDS SHALL BE LESS THAN 10% OF THE CIRCUMFERENCE AT THE WOUND AND NO MORE THAN 2 INCHES TALL. PROPERLY MADE PRUNING CUTS ARE NOT CONSIDERED OPEN TRUNK WOUNDS. THERE SHOULD BE NO CONKS OR BLEEDING, AND THERE SHOULD BE NO SIGNS OF INSECTS OR DISEASE ON MORE THAN 5% OF THE TREE.
  8. IF ANY OF THE ABOVE CONDITIONS ARE NOT MET, TREES MAY BE REJECTED.
- TREE PLANTING SPECIFICATIONS:**
1. THE DEPTH OF THE HOLE DUG SHOULD BE ABOUT 10% LESS THAN THE DISTANCE FROM THE TOPMOST ROOT (MEASURED WHERE IT JOINS THE TRUNK) TO THE BOTTOM OF THE ROOT BALL. THE WIDTH OF THE HOLE SHALL BE AT LEAST 1.5 TIMES THE WIDTH OF THE ROOT BALL.
  2. CUT AWAY BURLAP AND WRING SO THAT AT LEAST 2/3 OF THE ROOT BALL IS EXPOSED. SYNTHETIC BURLAP SHALL BE REMOVED ENTIRELY. ALL TWINE AND ROPE SHALL BE REMOVED FROM THE BASE OF THE TREE AND FROM ANY BRANCHES.
  3. AFTER PLANTING, THE TOPMOST ROOT SHALL BE NO MORE THAN 2 INCHES BELOW THE SOIL SURFACE. ADDITIONAL SOIL SHOULD BE REMOVED. THE SURROUNDING GRADE SHOULD BE EVEN WITH OR SLIGHTLY LOWER THAN THE TOP ROOT. PLEASE NOTE: SOME TREES WILL ARRIVE FROM THE NURSERY WITH TOO MUCH SOIL COVERING THE FIRST MAJOR ROOT FLARE. THIS SOIL SHOULD BE REMOVED. THE RESULTING SOIL LINE SHOULD BE EVEN WITH OR ABOVE THE SURROUNDING GRADE.
  4. 2-3 INCHES OF MULCH SHOULD BE APPLIED TO COVER THE SIDES OF THE ROOT BALL TO A POINT EVEN WITH THE DRIP LINE. DO NOT ADD ANY SOIL AT THE TOP OF THE ROOT BALL. DO NOT ADD MORE THAN 1 INCH OF MULCH TO THE TOP OF THE ROOT BALL.
  5. IN POORLY DRAINED SOIL, POSITION THE TOP OF THE ROOT BALL 10% OR MORE ABOVE THE SURROUNDING GRADE. NO MORE THAN 20% OF THE ROOT BALL SHOULD BE ABOVE THE SURROUNDING GRADE.
  6. IF TREES ARE STAKED, STAKES SHALL NOT COME INTO CONTACT WITH THE ROOT BALL. GUY WIRES SHALL NOT BE DRAWN TAUGHT, BUT SHOULD SUPPLY JUST ENOUGH TENSION TO PREVENT TREE FROM SWAYING A GREAT DEAL. ALL STAKES, WRING AND HARNESSES SHALL BE REMOVED WITHIN ONE YEAR UNLESS OTHERWISE SPECIFIED.

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DETAILS  
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SUMNER COUNTY, TENNESSEE



**SHEET NO. C 3.0**

REVISIONS

REVISION 1: 16 APRIL 2015 PER PROJECT COMMENTS DATED 4-7-15

SHEET 3 OF 3

PROJECT #	15-016
DATE	25 MARCH 2015

# ITEM 3

GMBZA Resolution No. 2015-08

**RESOLUTION OF THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS APPROVING A VARIANCE FROM SECTION 08.02.030.C, SECTION 08.02.030.D, AND FROM SECTION 08.02.040.A, SECTION 13.04.060.G, TABLE 13.05 AND SECTION 13.04.090.B.2 OF THE ZONING ORDINANCE OF GALLATIN, TENNESSEE FOR LOTS 5, 6, AND 7, GALLATIN MALL SUBDIVISION (S.B.E. TAX MAP # 112H/A/007.00), LOCATED AT 1368 EAST BROADWAY (PC FILE B-462-15).**

**WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** considered the request for variance of 7 feet from the required 10-foot side yard setback and variance of 13.17 feet from the required 20-foot rear yard setback and a variance of 15 feet from the required landscape buffer, to permit a building setback of 3 feet from the east boundary line and 6.83 feet from the north boundary line and to provide no landscaping buffer along the side and rear property boundaries, at its regular meeting on April 30, 2015; and

**WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Municipal Board of Zoning Appeals Staff Report, and evidence and testimony presented during the meeting; and

**WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** is required in its deliberations, pursuant to Gallatin Zoning Ordinance Section 15.04.028.E, to indicate the specific section of the Zoning Ordinance of Gallatin, Tennessee under which the variance is being considered and state specific findings and specifically identify the hardships warranting such action by the Board; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** makes the following findings pursuant to Tenn. Code Ann. Section 13-7-206; Section 13-7-207(3); and Section 15.05.030 of the Gallatin Zoning Ordinance:

- Section 1. The request for a variance of a maximum of seven (7) feet, along the eastern lot line, from the required 10-foot side yard setback per Section 08.02.030.C and a variance of a maximum of 13.17 feet, along the northern lot line, from the required 20-foot rear yard setback per Section 08.02.030.D and Section 08.02.040 and a variance from the required Type "15" Landscape Buffer per Section 13.04.060.G, Table 13-05 and Section 13.04.090.B.2 of the Gallatin Zoning Ordinance along the northern and eastern lot line, on Lots 5, 6, and 7, Gallatin Mall Subdivision (S.B.E. Tax Map # 112H/A/007.00), at 1368 East Broadway, meets all nine (9) of the Standards for Variances as described in the body of the Staff Report and as set forth in the Gallatin Zoning Ordinance, Section 15.05.030.

# ITEM 3

- A. The particular physical surroundings, shape, topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out must be stated;
- B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;
- C. The variance will not authorize activities in a zone district other than those permitted by this Ordinance;
- D. Financial returns only shall not be considered as a basis for granting a variance;
- E. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance;
- F. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same districts;
- G. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- H. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and
- I. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

Section 2. Action – The Gallatin Municipal Board of Zoning Appeals hereby approves a variance of a maximum of seven (7) feet, along the eastern lot line, from the required 10-foot side yard setback per Section 08.02.030.C and a variance of a maximum of 13.17 feet, along the northern lot line, from the required 20-foot rear yard setback per Section 08.02.030.D and Section 08.02.040 and a variance from the required Type “15” Landscape Buffer per Section 13.04.060.G, Table 13-05 and Section 13.04.090.B.2 of the Gallatin Zoning Ordinance along the northern and eastern lot line, on Lots 5, 6, and 7, Gallatin Mall Subdivision (S.B.E. Tax Map # 112H/A/007.00), at 1368 East Broadway with the following conditions:

1. The variance shall be substantially consistent with the one (1) sheet plan, for Fennell Four Way Muffler, Variance Exhibit prepared by Rogers Engineering Group, project no. 14-049, dated December 31, 2014 with final revision date of April 16, 2015.
2. The proposed building shall meet the building code and fire code requirements concerning distance between structures to avoid the increase danger of fire.

# ITEM 3

3. The owner and applicant shall submit a site plan application to the Gallatin Municipal-Regional Planning Commission.
4. No variance shall grant approval of an existing non-conforming condition without a finding of a hardship by the MBZA

**BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** that this resolution shall take effect from and after its final passage, the public welfare requiring such.  
IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED: 04/30/2015

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Jimmy Moore, Chair

---

Jeannie Gregory, Secretary

APPROVED AS TO FORM:

---

SUSAN HIGH-MCAULEY  
CITY ATTORNEY



**ITEM 3**  
**PLANNING DEPARTMENT STAFF REPORT**  
**Four Way Muffler - Variance Request**  
**PC FILE B-462-15**  
**1368 East Broadway**  
**Date: April 28, 2015**

**PUBLIC HEARING**

---

**REQUEST:** THE OWNER AND APPLICANT REQUEST APPROVAL OF A VARIANCE OF A MAXIMUM OF SEVEN (7) FEET TO PERMIT A MINIMUM OF A THREE (3) FOOT SIDE YARD SETBACK ALONG THE EASTERN LOT LINE, FROM THE REQUIRED 10-FOOT SIDE YARD SETBACK PER SECTION 08.02.030.C, AND A VARIANCE OF A MAXIMUM OF 13.17 FEET TO PERMIT A MINIMUM OF A 6.83 FOOT REAR YARD SETBACK, ALONG THE NORTHERN LOT LINE, FROM THE REQUIRED 20-FOOT REAR YARD SETBACK PER SECTION 08.02.030.D AND SECTION 08.02.040, AND A VARIANCE FROM HAVING TO PROVIDE THE REQUIRED TYPE "15" LANDSCAPE BUFFER PER SECTION 13.04.060.G TABLE 13-05 AND SECTION 13.04.090.B.2 OF THE G.Z.O., ALONG THE NORTHERN AND EASTERN LOT LINE, ON LOTS 5, 6, AND 7, GALLATIN MALL SUBDIVISION, CONSISTING OF A 0.862 (+/-) ACRES, ZONED COMMERCIAL SERVICES (CS), LOCATED AT 1368 EAST BROADWAY (S.B.E. TAX MAP # 112H/A/007.00) (PC FILE B-462-15).

**OWNER:** PATRICK S. FENNELL

**APPLICANT:** ROGERS ENGINEERING GROUP

**STAFF RECOMMENDATION:** RECOMMEND DENIAL OF GMBZA RESOLUTION NO. 2015-08

**STAFF CONTACT:** ROBERT J. KALISZ

**MBZA MEETING DATE:** APRIL 30, 2015

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**PROPERTY OVERVIEW:**

The owner and applicant are requesting approval of a variance of a maximum of seven (7) feet, distance of 139 feet, (triangular shape of 584.5) from the required 10-foot side yard setback per Section 08.02.030.C and a variance of a maximum of 13.17 feet, distance of 28.76 feet, (rectangular shape of 324.6 s.f.) from the required 20-foot rear yard setback per Section 08.02.030.D and Section 08.02.040 in the Commercial Services (CS) zoned district and a variance from having to provide the required Type "15" Landscape Buffer per Table 13-05 and Section 13.04.090.B.2 of the Gallatin Zoning Ordinance, along the northern and eastern lot line. This variance would permit portion of a proposed 4,154 square foot building addition to be constructed with required yards on three (3) lots (a zoned lot) consisting of a 0.862 (+/-) acres, located at 1368 East Broadway. (Attachment 3-1 & 3-2)

The proposed 4,154 square foot building addition will be used as Automotive Repair and Vehicular, Craft, and Related Equipment Sales and Service, with portion of the addition to be used for office space and display area, which is permitted in the CS zoned district.

**Staff does not recommend that the Gallatin Municipal Board of Zoning Appeals approve GMBZA Resolution No. 2015-08 since a hardship under the code does not exist.**

**CASE BACKGROUND:**

***Property History and Previous Approvals***

The development on this property has some history going back to 1970. On January 1, 1970, Jesse Bradley proposed a bowling center (PC File #8-1-70) on this piece of property but was never acted upon by Planning Commission.

In 1975, an automotive sales and service lot, Four Way Motors, was established with a 1,462 square foot building consisting of two (2) service bays and a 540 square foot sales trailer.

In 1995, Four Way Motors submitted an In-House Site Plan (PC File #8-26-95S), approved by staff, to add a 1,176 square foot service bay to the existing service bays. Between 1975 and 1995, it is unclear when a 784 square foot detached garage (accessory structure) was constructed in the northeast corner of the property. Site plans submitted after 1995 shows the detached garage to be constructed in the side and rear yards making it a non-conforming structure, although no variance were approved to the setback encroachment.

On June 22, 1998, the Planning Commission approved the Four Way Mufflers site plan (PC File #8-41-98) to expand the existing structure with two (2) additional bays comprising 1,092 square feet, and a 448 square foot office.

During expansions of the buildings, several concrete pads, and later attached roofs, were constructed to the side and rear of the building. These pads were constructed for storage of parts (new and used) to be used for the business. The applicant stated that a former Planning Director verbally allowed for one (1) of the storage areas located on the west side of the building to be enclosed. This addition encroaches into the side (west) and rear yards of the property.

**ANALYSIS**

The owner and applicant have requested several variances for his property to accommodate a proposed building expansion. This is described in Attachment 3-4. The property consists of Lots 5, 6, and 7 of the Gallatin Mall Subdivision (Plat Book 6, page 37, Register Office of Sumner County, Tennessee) (Attachment 3-3). The property is approximately 150' wide x 250' in depth. The existing structure is located approximately 190 feet from the front property line and near the rear of the property. The majority of the lot is used for parking and display area. The property is fairly flat and gently slopes from the existing structure to the front of the property to US 31E. An overhead electrical line and utility poles are located adjacent to the east property line.

The owner and applicant are proposing to remove a portion of the existing building (441 square foot office space) and construct a 4,154 square foot building attached to the existing building. The shape of the proposed building is long and narrow (27.87' wide by 151.51' long) and will be used as office space, display area, and additional storage.

The width and length of the property in combination with the required setbacks, does not make it difficult to situate a building on the property within the building envelope. If the proposed building were constructed in the location proposed in the Variance Exhibit this would make the structure non-complying with the zoning regulations by encroaching into the required side and rear yards, and bufferyards. It is not necessary to encroach into the required yards to provide a 28' x 151' building addition on the property complying with code.

Sections 08.02.030.B and 08.02.030.D of the Gallatin Zoning Ordinance requires a 10-foot side yard along the east boundary and a 20-foot rear yard along the north boundary. Sections 08.02.040.A, 13.04.060.G, Table 13-05 and 13.04.090.B.2 of the Gallatin Zoning Ordinance requires a Type "15" Bufferyard along portion of the northern and eastern lot line where the proposed building is located. The properties located along the eastern and western boundaries are zoned Commercial Services (CS) and property to the north is zoned Commercial Services Limited (CSL). Commercial Activities are located to the east and west and vacant property located to the north. The property located to the south (across East Broadway) is zoned Residential-10 (R10) with duplexes located on the lots.

#### **ENGINEERING DEPARTMENT COMMENTS**

The Engineering Division reviewed the variance request, but had no comments.

#### **OTHER DEPARTMENTAL REVIEW COMMENTS**

The other City Departments reviewed the variance request, but had comments.

Applicable definitions and sections from the Gallatin Zoning Ordinance that apply to this case are listed below.

#### **APPLICABLE G.Z.O. DEFINITIONS:**

##### **02.02 Definitions**

Bufferyard - A designated unit of yard or open area together with any plant materials, barriers, or berms required thereon.

##### Non-complying

- A. Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or
- B. Any lawful use other than a non-conforming use, which does not comply with any part of any one (1) or more of the applicable regulations pertinent to:
  - 1. Location along district boundary;
  - 2. Signs; or
  - 3. Accessory off-street parking and loading;

either on the effective date of this Ordinance or as a result of any subsequent amendment.

Required Yard - That portion of a zone lot that is required by the specific district regulations to be open from the ground to the sky and may contain only explicitly listed obstructions.

Yard - That part of a zone lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from a lot line equivalent to a depth or width set forth in the applicable regulations.

Yard, Rear - A yard extending for the full length of a rear lot line.

Yard, Side - A yard extending along a side lot line from the required front yard to the required rear yard. In the case of a corner lot, any yard which abuts a street line and which is not designated a front yard shall be considered a side yard. In the case of a through lot, side yards shall extend between the required front yards, except when such corner lots are required by these regulations specifically to have more than one front yard. A side yard abutting a street shall be twice the required minimum side yard.

**APPLICABLE G.Z.O. SECTIONS:**

08.02 Intent and Purpose of CS – Commercial Services District

08.02.030 Area Regulations

C. Minimum Side Yard - 10 feet

D. Minimum Rear Yard - 20 feet

08.02.031 Height Regulation - Maximum Height 45 feet

08.02.040 Use of Required Yard Areas

A. Landscaping - All required yard areas not occupied by sidewalks and driveways shall be devoted to landscaping as defined in Sections 13.04 and 13.05.

13.04 Transitional Bufferyard Design Standards

13.04.010 Purpose

The bufferyard and screening provisions are included in this section to improve the physical appearance of the community; to improve the environmental performance of new development by contributing to the abatement of heat, glare, or noise and by promoting natural percolation of storm water and improvement of air quality; to buffer potentially incompatible land uses from one another; and to conserve the value of property and neighborhoods within the City.

13.04.020 Applicability

The provisions of this section shall apply to all new development on each lot, site, or common development which has not received a final site plan approval or a building permit, except for the following:

- A. Reconstruction or replacement of a lawfully existing use or structure following casualty loss.
- B. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures or the location and design of parking facilities or other site improvements.

- C. Additions or enlargements of existing uses or structures, except surface parking, which increase floor area or impervious coverage by less than twenty (20) percent. Where such additions or enlargements are twenty (20) percent or greater, these provisions shall apply only to that portion of the lot, site, or common development where the new development occurs.

13.04.040 Definitions

The following definitions shall be used for terms contained within this Article:

- A. Bufferyard: A landscaped area provided to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.

TABLE 13-05  
BUFFERYARD REQUIREMENTS  
Developing Tract to Adjacent Tract  
'CS' to 'CS': Type 15 Bufferyard  
'CS' to 'CSL': Type 15 Bufferyard

15.05 Zoning Variances

The Board of Zoning Appeals may grant variances where it makes findings of fact based upon the standards prescribed in this section.

15.05.030 Standards for Variances

Section 15.05.030 of the Gallatin Zoning Ordinance states; The Board (of Zoning Appeals) shall not grant a variance unless it makes findings based upon evidence presented to it. These are described in nine (9) specific criteria that are listed below. The applicant responded to these standards in writing (Attachment 3-4). Staff believes that this variance request does not meet all nine (9) of the following standards for a variance as required by the Gallatin Zoning Ordinance as described below.

- A. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out must be stated.
- The property is 150' wide x 250' in depth. The existing structure is located approximately 190 feet from the front property line and near the rear of the property. The majority of the lot is used for parking and display area. The property is fairly flat and gently slopes from the existing structure to the front of the property to US 31E. There is no hardship due to the physical surroundings, shape, or topographic conditions that would prevent the proposed structure to be constructed in compliance of the Gallatin Zoning Ordinance.
- B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
- This variance request is based on the shape of the lot and the location of existing structures which dictates where one can situate a building on the property within the required setbacks. However, the proposed 28' x 151' building could be constructed on the property without the need for a variance potentially since an additional 40' of lot area

- is available to place or move the proposed building within the confines of the required front building setback.
- C. The variance will not authorize activities in a zone district other than those permitted by this Ordinance.
- The variances are related to the building envelope, not the use. Approval of the variances will not authorize uses or activities that are not currently permitted in commercial activities.
- D. Financial returns only shall not be considered as a basis for granting a variance.
- The current owner purchased the property in 1997 and expanded the structure without meeting all the required setbacks but as permitted by a previous City Official as stated by the applicant. If the variances are not granted, the lot can still be used for its intended commercial use.
- E. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance.
- The hardship would be one created by the current property owner. Code required setbacks were properly applied to the lot under the previous site plan approvals. No hardship exists because of the building envelope can comply with the required 10 foot side setback along the east boundary and the required 20 foot rear yard setback along the north boundary.
- F. That granting the variance requested would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same districts.
- The variance would confer on the property owner greater uses and privileges than afforded other properties in the surrounding area. Since other owners are not permitted setbacks less than required by code unless a hardship is proven.
- G. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- The requested variance of a maximum of seven (7) feet to permit a minimum of a three (3) foot side yard setback, along the eastern lot line, from the required 10-foot side yard setback, and a variance of a maximum of 13.17 feet to permit a minimum of a 6.83 foot rear yard setback, along the northern lot line, from the required 20-foot rear yard setback, and a variance from having to provide the required Type "15" Landscape Buffer are not necessary to provide for the use. Even as depicted on the site plan if the buildings are placed as proposed code requires parking spaces will not be provided since drive aisles would be too narrow. The addition can be placed on the lot to meet code.
- H. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
- The variance, if granted, may be injurious to the area. Allowing the construction of the proposed building is a reasonable use of the property and may not be detrimental to the public health and welfare to the surrounding area. However, it would be placed closer to the adjacent property than necessary. In addition, because of the existing use of the property it is likely that caustic/flammable material would be stored or contained in the building. The property located along the north boundary is vacant. The property located along the east boundary consists of a convenience sale and service (gas station) building (in the front of the property) and a storage building structure in the rear of the property close to the Four Way Muffler's structures. The property located along the west boundary consists of a cell tower in the rear of the property and an outdoor retail sales and service use in front of the property.

- I. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
  - Staff believes that the variances would affect at least two of the items listed above since the proposed building is not consistent with the surrounding properties and structures, and building setbacks on adjacent properties. Insufficient area may occur between the proposed structure and existing structures to provide access to the buildings. Due to the nature of the business having buildings closer together could pose a safety threat.

15.05.060 Conditions and Restrictions by the Board

The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Section 15.05.030 to reduce or minimize the injurious effect to such variation; upon surrounding property and better carry out the general intent of this Ordinance. The Board may establish expiration dates as a condition or as a part of the variances. Staff request that the variance be substantially based on the site plan provided with the application.

**RECOMMENDATION**

Based on the reasons as described above, Staff recommends denial of GMBZA Resolution No. 2015-08. However, if the Board finds that there is a hardship or hardships pertaining to this case then the following conditions of approval should be considered.

1. If the variance is granted, the variance shall be substantially consistent with the one (1) sheet plan, for Fennell Four Way Muffler, Variance Exhibit prepared by Rogers Engineering Group, project no. 14-049, dated December 31, 2014 with final revision date of April 16, 2015.
2. If the variance is granted, the proposed building shall meet the building code and fire code requirements concerning distance between structures to avoid the increase danger of fire.
3. If the variance is granted, submit a site plan application to the Gallatin Municipal-Regional Planning Commission.
4. No variance shall grant approval of an existing non-conforming condition without a finding of a hardship by the MBZA.

**ATTACHMENTS**

Attachment	3-1	Location Map
Attachment	3-2	Fennell Four Way Muffler Variance Exhibit
Attachment	3-3	Plat of Gallatin Mall Subdivision (P.B. 6, Pg. 37, R.O.S.C.)
Attachment	3-4	Applicant's Written Responses to Standards for Variances
Attachment	3-5	Photographs of Existing Buildings

Four Way Mufflers 1368 East Broadway Street  
Variance Request: B-462-15

LOCATION MAP



Tax Map #112H/A/007.00  
Zoned: Commercial Services (CS)

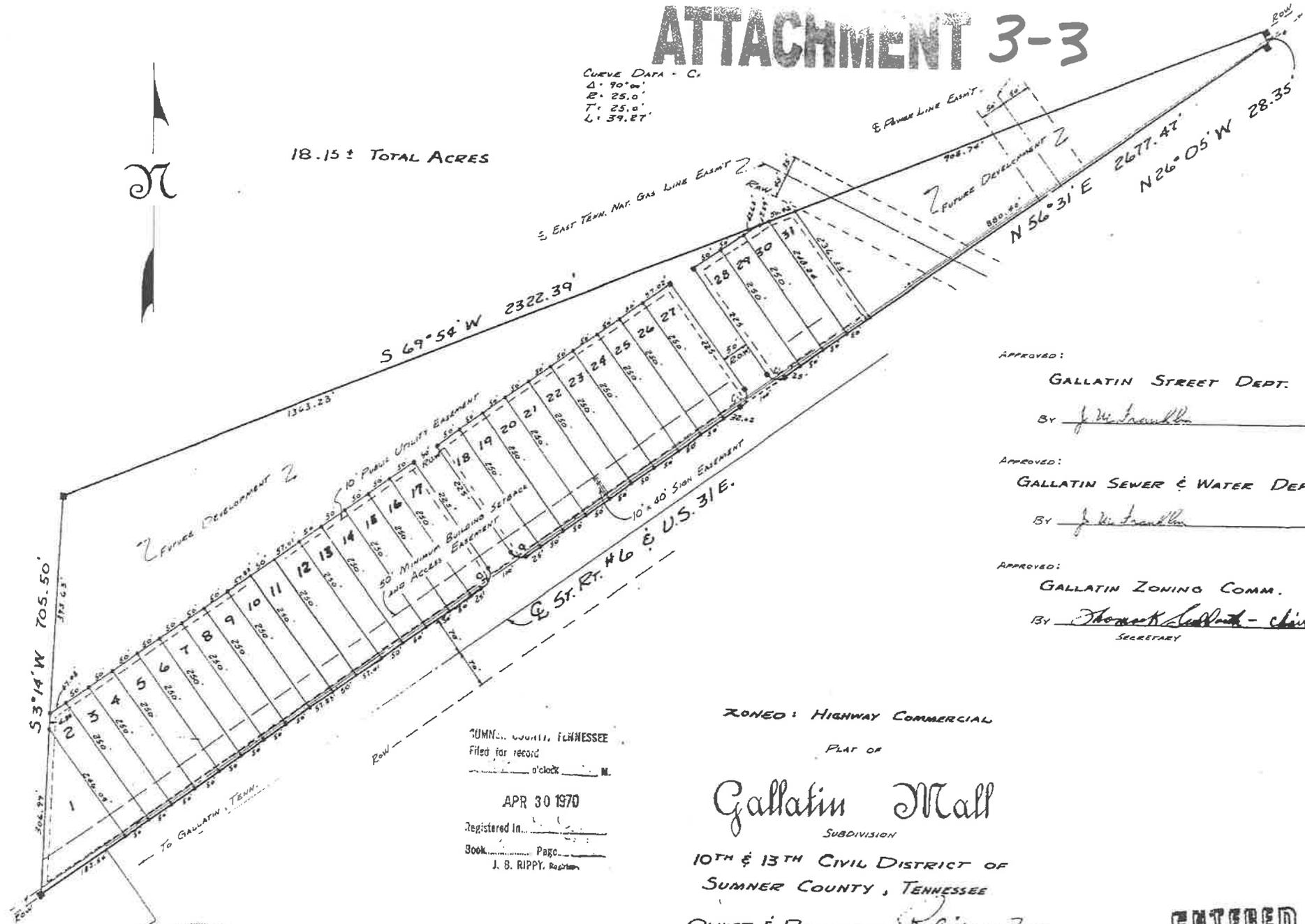
Attachment 3-1

*B-462-15*

# ATTACHMENT 3-3

CURVE DATA - C.  
 Δ: 90° 00'  
 E: 25.0'  
 T: 25.0'  
 L: 39.87'

18.15 ± TOTAL ACRES



APPROVED:  
 GALLATIN STREET DEPT.  
 BY J. W. Shanklin

APPROVED:  
 GALLATIN SEWER & WATER DEPT.  
 BY J. W. Shanklin

APPROVED:  
 GALLATIN ZONING COMM.  
 BY Thomas K. Galt - Chairman  
 SECRETARY

ZONED: HIGHWAY COMMERCIAL

PLAT OF

Gallatin Mall  
 SUBDIVISION

10TH & 13TH CIVIL DISTRICT OF  
 SUMNER COUNTY, TENNESSEE

OWNER & DEVELOPER Kajaco, Inc.  
Raymond Webster

SCALE: 1"=100' MAY 23, 1969

SUMNER COUNTY, TENNESSEE  
 Filed for record  
 \_\_\_\_\_ o'clock \_\_\_\_\_ M.

APR 30 1970

Registered In \_\_\_\_\_  
 Book \_\_\_\_\_ Page \_\_\_\_\_  
 J. B. RIPPY, Register



DON SHANKLIN ENGINEERING ±  
Shanklin  
 PORTLAND & NASHVILLE, TENN. June 30, 1969

ENTERED  
 APR 30 1970  
 JAMES BROWN  
 THE ARCHIVER

B-462-15 Jan No. CL-13-68

1) This lot is ZONED COMMERCIAL ADDY onto ~~EXIST.~~ Building

2) WE ARE ASKING FOR VARIANCE FOR STORAGE & OFFICE SPACE

3) WE ARE NOT CHANGING ANYTHING EXCEPT ADDING SPACE

4) Agreed

5)

6) This should NOT AFFECT OTHER LANDS

7) WE ARE ASKING FOR VARIANCE TO BETTER MEET THOSE INDIVIDUALS WITH HANDICAP DIFFICULTIES. AS OF NOW, OUR OFFICE IS SO SMALL. A WHEELCHAIR CANNOT COME IN & MOVE OUT OF FRONT DOOR AREA - This allows some individuals to stay in the shop - which is dangerous & uncomfortable to those already in difficult situation.

8) The Addition of office & storage space will NOT AFFECT OTHER PROPERTIES

9) This Addition will NOT CAUSE ISSUES TO ANY OTHER PROPERTY - ~~SHOULD~~

**ATTACHMENT 3-4**

B-462-15

615-4262011  
Shawn  
FOUR WHEELS LLC



# ATTACHMENT 3-5



EXIST CONSTRUCTION-BLOCK & FIBERGLAS SHINGLES  
PROPOSED CONSTRUCTION TO MATCH

RECEIVED  
APR 16 2015  
GALLATIN PLANNING  
& ZONING



TO BE REMOVED

# RESUBMITTAL

B-462-15

# ATTACHMENT 3-5



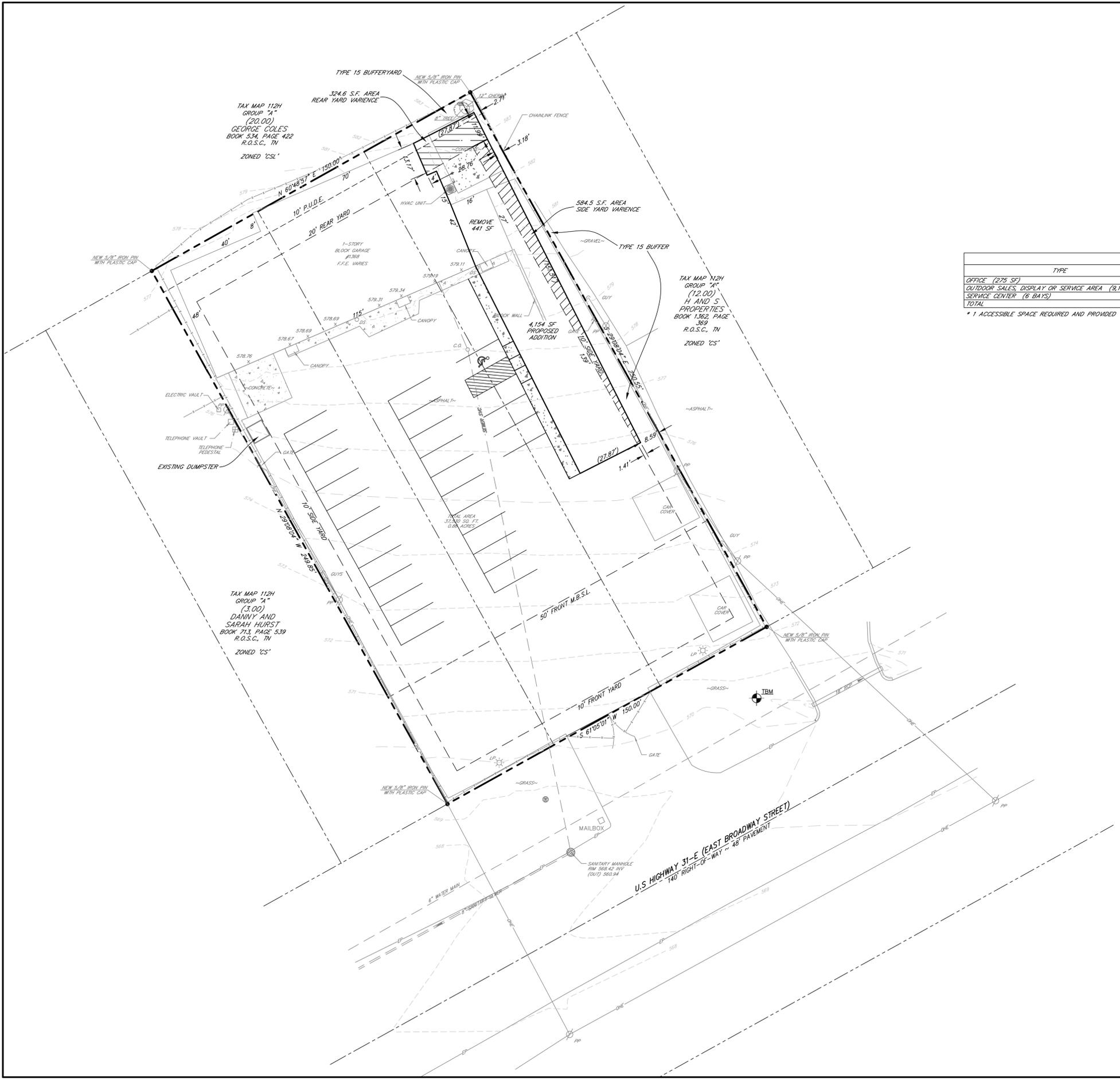
ADJACENT PROPERTY FRONT BLDG -BLOCK & METAL ROOF



ADJACENT PROPERTY REAR BLDG -BLOCK & METAL ROOF

# RESUBMITTAL

B-462-15



- NOTES:**
- PERFORMANCE STANDARD COMPLIANCE:** ALL CONSTRUCTION AND USE OF THE PROPOSED FACILITY TO MEET THE APPLICABLE PERFORMANCE STANDARDS AS SET FORTH IN THE CITY OF GALLATIN ZONING ORDINANCE, SECTION 13.02.
  - STATEMENT OF FINANCIAL RESPONSIBILITY:** THE OWNER OF THIS PROPERTY (PATRICK S. FENNEL) IS RESPONSIBLE FOR ALL FINANCIAL MATTERS.
  - GENERAL NOTE:** A REVIEW OF THE F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 4716SC0316G, SHOWS NO PART OF THIS PROPERTY TO BE WITHIN THE 100-YR FLOOD PLAIN, ZONE X DATED APRIL 17, 2012.
  - PROPOSED BUILDING WILL MATCH EXISTING.

**PARKING REQUIREMENTS**

TYPE	REQUIRED SPACES	EXISTING	PROPOSED	TOTAL
OFFICE (275 SF)	(1 SPC / 300 SF) x 275 SF = 1	0	1	1
OUTDOOR SALES, DISPLAY OR SERVICE AREA (9,100 SF)	(1 SPC / 2000 SF) x 9,100 SF = 5	0	5	5
SERVICE CENTER (6 BAYS)	(3 SPC / BAY) x 6 BAYS = 18	0	19	19
<b>TOTAL</b>		0	25	25*

\* 1 ACCESSIBLE SPACE REQUIRED AND PROVIDED

**BUFFER YARD REQUIREMENTS**

	ORDINANCE	EXISTING	PROPOSED
CS TO CS (PROPOSED ADDITION)	TYPE 15	NONE	EXISTING TO REMAIN

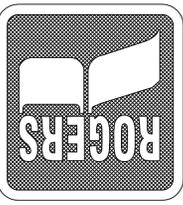
**SITE DATA TABLE**

OWNER / DEVELOPER	PATRICK S. FENNEL, ETUX 1368 EAST BROADWAY GALLATIN, TN 37066 615-452-8266
SITE LOCATION	1368 EAST BROADWAY
TAX MAP	112H, GROUP "A"
PARCEL	7.00, RB 730, PG 225 R.O.S.C., TN
ACREAGE	0.862 ±
CURRENT ZONE	CS - COMMERCIAL SERVICES
REQUESTED ZONE	CS - COMMERCIAL SERVICES
EXISTING USE	AUTOMOTIVE REPAIR / VEHICULAR, CRAFT, AND RELATED EQUIPMENT SALES AND SERVICE
PROPOSED USE	AUTOMOTIVE REPAIR / VEHICULAR, CRAFT, AND RELATED EQUIPMENT SALES AND SERVICE

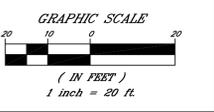
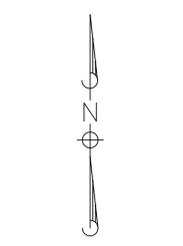
**LEGEND**

- |           |                          |   |                        |
|-----------|--------------------------|---|------------------------|
| □         | CONCRETE MONUMENT (OLD)  | ⊕ | UTILITY POLE           |
| ■         | CONCRETE MONUMENT (NEW)  | ⊙ | UTILITY POLE W/ LIGHT  |
| ○         | IRON ROD (OLD)           | → | GUY ANCHOR             |
| ●         | IRON ROD (NEW)           | ⊕ | TELEPHONE MANHOLE      |
| ⊕         | BENCHMARK                | ⊠ | ELECTRIC JUNCTION BOX  |
| ---       | BOUNDARY LINE            | ⊗ | CABLE PEDESTAL         |
| - - -     | BUFFER                   | ⊗ | SANITARY SEWER MANHOLE |
| - · - · - | SETBACK / YARD           | ⊕ | WATER METER            |
| - · - · - | PLUDE                    | ⊕ | WATER VALVE            |
| ---       | EXTRUDED CURB            | ⊕ | BLOW OFF VALVE         |
| SS        | SANITARY SEWER LINE      | ⊕ | AIR RELEASE ASSEMBLY   |
| W         | WATER LINE               | ⊕ | FIRE HYDRANT           |
| ---       | STORM SEWER              | ⊕ | GAS METER              |
| G         | GAS LINE                 | ⊕ | GAS VALVE              |
| OHE       | OVERHEAD UTILITY LINE    | ⊕ | A/C PAD                |
| UGT       | UNDERGROUND UTILITY LINE |   |                        |
| X X X     | FENCE                    |   |                        |
| ~~~~~     | TREE LINE                |   |                        |

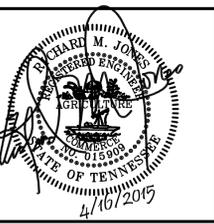
**ROGERS ENGINEERING GROUP**  
 114B WEST MAIN STREET  
 Gallatin, Tennessee 37066  
 TEL: 615-235-7289 FAX: 615-235-7271  
 richard.jones@rogersengr.com



IF YOU DIG IN TENNESSEE...  
 CALL US FIRST!  
 1-800-351-1111  
 1-615-366-1987  
 TENNESSEE ONE CALL  
 IT'S THE LAW



**FENNEL  
 FOUR WAY MUFFLER**  
 VARIANCE EXHIBIT  
 1368 EAST BROADWAY STREET  
 CITY OF GALLATIN, 3RD CIVIL DISTRICT  
 SUMNER COUNTY, TENNESSEE



**SHEET NO.  
 C 1.0**

REVISIONS

REV 1:	4-16-15 PER BZA COMMENTS DATED 4-10-15
PROJECT #	14-049
DATE	31 DECEMBER 2014

# ITEM 4

GMBZA Resolution No. 2015-05

**RESOLUTION OF THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS APPROVING A CONDITIONAL USE PERMIT FOR TRANSPORT AND WAREHOUSING USE PER SECTION 07.04.010.C OF THE ZONING ORDINANCE OF GALLATIN, TENNESSEE FOR PROPERTY AT 1305 SOUTH WATER AVENUE (HIGHWAY 109) – (PC File# B-383-15)**

**WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** considered the request for a conditional use permit for the transport and warehousing use for property located at 1305 South Water Avenue (Highway 109), per Section 07.04.010.C of the Gallatin Zoning Ordinance, submitted by the applicant, John Henley, at its regular meeting on April 30, 2015; and

**WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Municipal Board of Zoning Appeals Staff Report, and evidence and testimony presented during the meeting; and

**WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** is required in its deliberations, pursuant to Gallatin Zoning Ordinance Section 15.04.028.F, to indicate the specific section of the Zoning Ordinance of Gallatin, Tennessee under which the conditional use permit is being considered and state specific findings and specifically identified the specific conditions for transport and warehousing used for such action by the Board; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS** makes the following findings pursuant to TCA Section 13-7-206; 13-7-207(2); and Section 15.05.040 of the Gallatin Zoning Ordinance:

- Section 1. The request to approve the Conditional Use Permit for the Transport and Warehousing Use for property located at 1305 South Water Avenue, per Section 07.04.010.C of the Gallatin Zoning Ordinance, meets all four (4) General Conditions for a Conditional Use Permit use as described in the body of the Staff Report and with conditions will comply with Section 15.06.040 of the Gallatin Zoning Ordinance.
- Section 2. The Conditional Use Permit can be provided on the property since the property contains sufficient area to accommodate the requested use. The applicant will need to provide a site plan to ensure that all zoning requirements are applied to the development to meet the needs of the requested uses and comply with development standards of the community as authorized in Article 15, Sec. 15.06.030, G.Z.O.

Section 3.

Action – The Gallatin Municipal Board of Zoning Appeals hereby approves a Conditional Use Permit for a Transport and Warehousing Use, pursuant to Section 07.04.010.C of the Gallatin Zoning Ordinance, to permit a trucking business, for Lots 43 and 44, Valley Over Look Subdivision (P.B. 7 Pg. 20), located at 1305 South Water Avenue, with the following conditions:

1. The Conditional Use Permit shall be consistent with the one (1) sheet plan titled "Longhorn Trucking/Parking Lot", prepared by the applicant, Mr. John Henley, dated April 24, 2015.
2. Upon completion of the State Route 109, the owner/applicant shall provide an in-house site plan for review by staff. The site plan shall comply with access management, bulk regulations of the MUG zoning district and landscaping requirements.
3. The owner/applicant shall provide a site plan to the Planning Department within six (6) months of complete of the roadway (State Route 109) construction project and obtain plan approval within three (3) months of plan submittal. Construction of the required site plan improvements shall be completed no less than one (1) year after final completion of the State Route 109 widening project.
4. The Conditional Use Permit shall expire upon removal or destruction of the existing office building and/or discontinuance of the Transport and Warehousing use.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED: 4/30/15

\_\_\_\_\_  
Jimmy Moore, Chair

\_\_\_\_\_  
Jeannie Gregory, Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
SUSAN HIGH\_MCAULEY  
CITY ATTORNEY

## ITEM 4



### PLANNING DEPARTMENT STAFF REPORT

Longhorn Trucking - Conditional Use Permit Request

1305 South Water Avenue

(PC File #B-383-15)

Date: April 16, 2015

#### PUBLIC HEARING

---

**REQUEST:** OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR THE TRANSPORT AND WAREHOUSING USE (TRUCKING BUSINESS), PER SECTION 07.04.010.C. OF THE GALLATIN ZONING ORDINANCE, ON TWO (2) LOTS TOTALING 1.12 (+/-) ACRES, ZONED MIXED USE GENERAL (MUG), LOCATED AT 1305 SOUTH WATER AVENUE (HIGHWAY 109) (S.B.E. TAX MAP # 135L/A/007.00 AND 135L/A/008.00) (PC FILE #B-383-15).

**OWNER:** KAY SCRUGGS (PROPERTY OWNER)

**APPLICANT:** JOHN HENLEY (BUSINESS OWNER)

**STAFF RECOMMENDATION:** APPROVAL OF GMBZA RESOLUTION 2015-05

**STAFF CONTACT:** KEVIN CHASTINE, AICP

**MBZA MEETING DATE:** APRIL 30, 2015

---

#### **PROJECT OVERVIEW:**

The owner and applicant request approval of a Conditional Use Permit for the Transport and Warehousing use (Trucking Business), per section 07.04.010.C. of the Gallatin Zoning Ordinance, on two (2) lots (Valley Over Look Subdivision Lots 43 and 44) (P.B. 7 Pg. 20), totaling 1.12 (+/-) acres, zoned Mixed Use General (MUG), located at 1305 South Water Avenue (Highway 109) (S.B.E. Tax Map # 135L/A/007.00 and 135L/A/008.00) (Attachment 4-1)

The property is zoned Mixed Use General (MUG) and Transport and Warehousing is a conditional use in the MUG zone district. The surrounding property owners were notified by mail about the Conditional Use Permit request and a notice of the Public Hearing to be held about the project was run in the *Gallatin News* on April 16, 2015. Staff recommends that the Municipal Board of Zoning Appeals approve the Conditional Use Permit request with the conditions listed in the staff report and in GMBZA Resolution No. 2015-05.

#### **CASE BACKGROUND:**

##### ***Previous Approvals***

Staff found no previous project approvals on file for the subject property. According to the Sumner County Tax Assessor's Office, the Valley Over Look Subdivision Final Plat, including lots 43 and 44, was recorded on August 24, 1971, Plat Book 7; Page 20 (Attachment 4-2). This property is considered a zone lot by the definition of the Gallatin Zoning Ordinance since the two (2) lots are under single ownership.

## **DISCUSSION:**

### ***Analysis***

The owner and applicant request approval of a Conditional Use Permit for the Transport and Warehousing use for two (2) lots, Lots 43 and 44 of the Valley Over Look Subdivision (P.B. 7 Pg. 20) (S.B.E. Tax Map # 135L/A/007.00 and 135L/A/008.00), located at 1305 South Water Avenue (Highway 109). The applicant provided support information explaining the request/proposal (Attachment 4-4) describing the Transport and Warehousing Commercial Activity of Section 03.07.020.

The property is currently vacant, with a small one-story office building that is approximately 900 square feet. The most recent use of the property was for a used car lot and previous to that was a seasonal Christmas tree sales location. No portion of this property is located within a special flood hazard area according to FEMA FIRM map panel #47165C0427G, dated April 17, 2012; zone X. The property contains no recorded easements and no utility lines are located on site. The lots contain a total of 1.11 (+/-) acres (Lot 43 .56 +/- acres and Lot 44 .55 +/- acres). The project meets all other Bulk Requirements of the MUG zone district. (See Attachment 4-3)

### ***Nichols Lane Extension***

The Tennessee Department of Transportation is moving forward with the widening of South Water Avenue (Highway 109) and the City is moving forward with a companion project that will include the realignment of Drivers Lane and the extension of Nichols Lane.

Currently, Nichols Lane intersects with South Water Avenue directly across from Lot 43 of the Valley Over Look Subdivision. The City of Gallatin has plans that show the extension of Nichols Lane across South Water Avenue. The extension of Nichols Lane will eliminate the majority of Lot 43. Therefore, the business that is requesting this conditional use permit will have to move the entirety of the operation to Lot 44 in the future. The office building now is located on Lot 44. Lot 44 meets all bulk regulations of the MUG zone district, since it is 240 feet by 100 feet in area (24,000 square feet). There is no specific timeframe for the widening of South Water Avenue (Highway 109), the realignment of Drivers Lane, and the extension of Nichols Lane. A copy of the preliminary plans for these road improvements is provided as Attachment 4-5.

The preliminary plans do not show the closing of the access point into Lot 44, however the applicant will have to meet access management requirements with the widening of South Water Avenue (Highway 109) and the extension of Nichols Lane is completed.

### ***Architectural Elevations***

The existing office building is one-story in height and approximately 900 square feet. The front elevation is symmetrical with a center entrance door flanked to either side by a single fixed pane window. The building is sheathed in white vinyl siding and has a side gable roof that is covered with asphalt shingles. The applicant is not proposing any changes to the existing building.

### ***Landscaping and Bufferyards***

The property is surrounded by MUG zoned property to the north, south and west (across SR 109); and Residential 10 (R-10) zoned property to the east. A Type 10 Bufferyard is required along the north, south, and west property boundaries. A Type 25 Bufferyard is required along the eastern property boundary.

There is a dense tree line along the eastern property boundary that serves as a buffer between the project site and the adjacently zoned R-10 property. The other three (3) property boundaries have no existing landscape material and based on Section 13.04.020.C of the Gallatin Zoning Ordinance no bufferyards are required along those property boundaries. Section 13.04.020.C states that sites are exempt from bufferyard requirements if, “*Additions or enlargements of existing uses or structures, except surface parking, which increase floor area or impervious coverage by less than twenty (20) percent.*” No additions or enlargements of the existing office building or the parking area is being undertaken, bufferyards are not required along the north, south, and western property boundary. However, the use of the property is changing, which requires review and approval of a Conditional Use Permit. Therefore, staff will require a site plan for the site. The site plan will need to be approved and constructed to code within one (1) year after completion of the SR 109 improvements.

***Parking***

The Gallatin Zoning Ordinance requires one (1) parking space per 5,000 square feet of building size for the Transport and Warehousing use. The existing building is approximately 900 square feet in size, therefore the applicant is required to provide one (1) parking space. The applicant has shown the location of four (4) parking spaces in front of the existing building.

***General Requirements for Conditional Use Permit***

Gallatin Zoning Ordinance, Section 15.06.030, lists general requirements for Conditional Use Permits (Attachment 4-3). The Board may also impose other conditions and restrictions upon the premises benefited by a Conditional Use Permit to reduce or minimize effects upon surrounding property owners and to ensure compatibility with the surrounding property and to better carry out the general intent of the Gallatin Zoning Ordinance, including establishing expiration dates for any conditional use permit as a condition of approval. The applicant provided a written description of how the proposal meets the general requirements as listed below (Attachment 4-4).

To ensure the use and site provides a benefit to the community and the immediate area, the owner/applicant shall make improvements to the site by providing code compliant landscaping per Article 13, Section 13.03. This will also ensure that the site is landscaped to code and provide a buffer between the property and residentially zoned property to the east and meet the separation standard of Section 07.04.070.

Given that the Tennessee Department of Transportation (TDOT) will be acquiring right-of-way from portions of the property to reconstruct SR 109, compliance with this condition will not be required until one (1) year after completion of the SR 109 widening/reconstruction project. The owner/applicant shall provide a site plan to the Planning Department within six (6) months of complete of the roadway (State Route 109) construction project and obtain plan approval within three (3) months of plan submittal. Construction of the required site plan improvements shall be completed no less than one (1) year after final completion of the State Route 109 widening project.

State Route 109 (South Water Avenue) is an important Gateway to the City. Ensuring that new development occurring in these gateways is beneficial to the community is a goal of the Gallatin on the Move 2020 plan to implement the Community Vision. (Attachment 4-7).

A Conditional Use Permit shall be granted provided that the Board finds that it:

- A. Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;
- The proposed Transport and Warehousing use will not significantly impact the public health, safety or welfare of the area, provided that zoning regulation are met. The site contains an existing office building (approximately 900 sq ft.) that will not require expansion. Also, adequate parking will be provided for employees. The use is similar in nature to existing adjacent uses along this portion of South Water Avenue. However, it is a new use for the property that requires review and approval by the BZA and staff.
- B. Will not adversely affect other property in the area in which it is located;
- Existing commercial uses and buildings are located directly to the north and south of the subject property, and across South Water Avenue. Residential-10 (R-10) zoned property lies directly east of this property. The existing vegetation will remain as a buffer between the commercial and residential uses, as has been the case with past commercial uses at this site. With the change of use, a site plan will be required which will ensure that any adverse affects will be addressed.
- C. Is within the provisions of "Conditional Uses" as set forth in this Ordinance;
- Transport and Warehousing is a conditional use in the Mixed Use General (MUG) zone district per Section 07.04.010.C of the Gallatin Zoning Ordinance (Attachment 4-3). The project has been reviewed for consistency with the standards of Section 15.06.030 of the Gallatin Zoning Ordinance. The requirements for the CUP allow for other conditions and restrictions to be placed on properties applying for and being granted a CUP. Site plan review will ensure that the provisions of the Code will be applied to the property to meet zoning regulations.
- D. Conforms to all applicable provisions of this Ordinance for the district in which it is to be located and is necessary for public convenience in that location.
- This property currently complies with all applicable provisions of the Mixed Use General (MUG) zone district as states in the Gallatin Zoning Ordinance. Conditions of approval will ensure that all applicable provisions will be applied including design provision in the zoning code.

***Special Conditions***

The Gallatin Zoning Ordinance does not provide special conditions for the Transport and Warehousing use, beyond the four (4) general requirements for a conditional use permit as provided in Section 15.06.040.

***Findings***

The project was designed to be consistent with the intent and purpose of the Gallatin Zoning Ordinance. Staff, therefore, makes the following findings:

1. The request to approve the Conditional Use Permit for the Transport and Warehousing Use for property located at 1305 South Water Avenue, per Section 07.04.010.C of the Gallatin Zoning Ordinance, meets all four (4) General Conditions for a Conditional Use Permit use as described in the body of the Staff Report and with conditions will comply with Section 15.06.040 of the Gallatin Zoning Ordinance.
2. The Conditional Use Permit can be provided on the property since the property contains sufficient area to accommodate the requested use. The applicant will need to provide a site plan to ensure that all zoning requirements are applied to the development to meet the needs of the requested uses and comply with development standards of the community as authorized in Article 15, Sec. 15.06.030, G.Z.O.

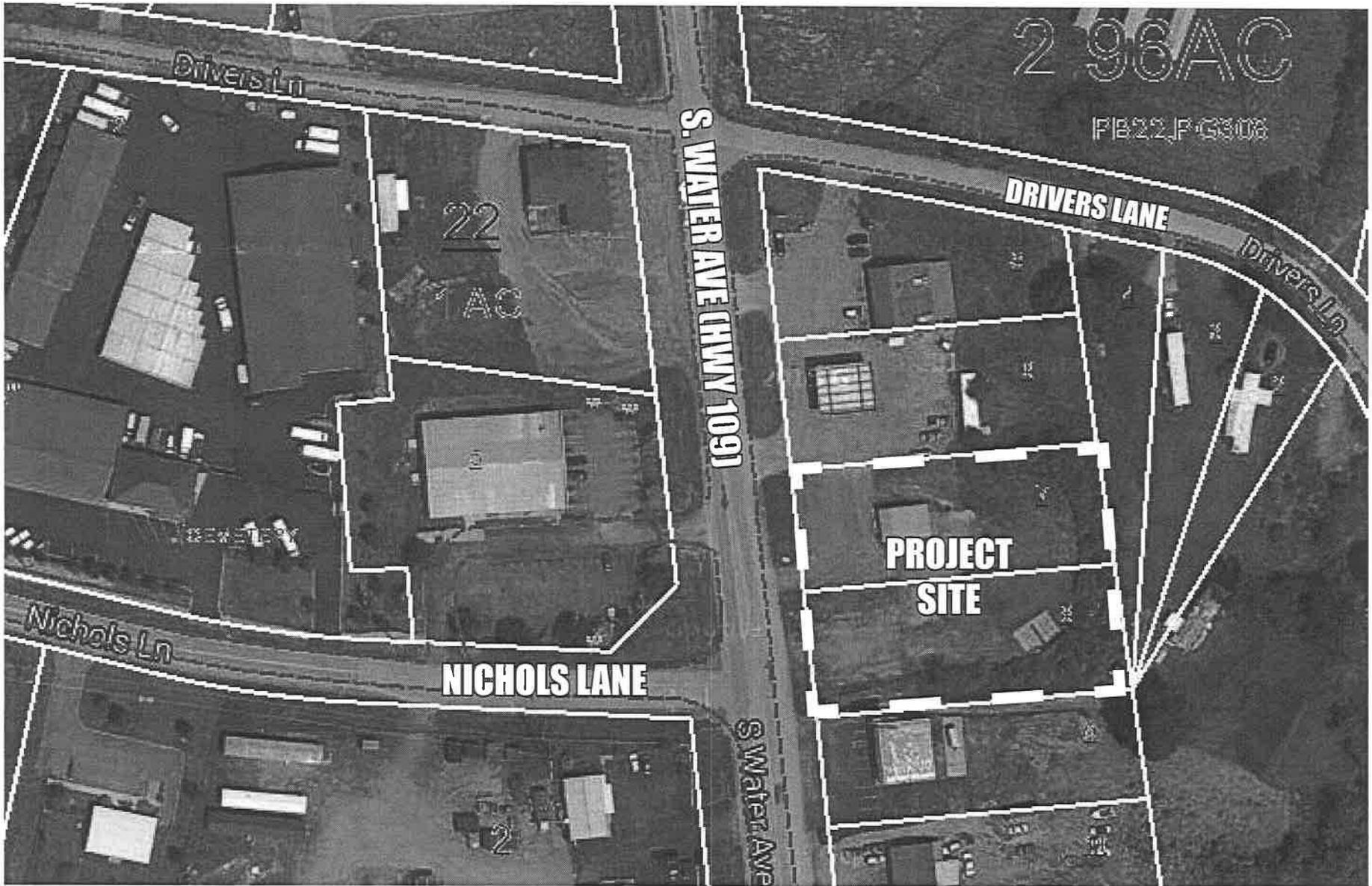
### **RECOMMENDATION**

Based on findings in the Staff Report, Staff recommends that the Gallatin Municipal Board of Zoning Appeals approve GMBZA Resolution 2015-05, Conditional Use Permit for Longhorn Trucking on Lots 43 and 44 of the Valley Overlook Subdivision as recorded in Plat Book 7, Page 20 R.O.S.C., with the following conditions:

1. The Conditional Use Permit shall be consistent with the one (1) sheet plan titled "Longhorn Trucking/Parking Lot", prepared by the applicant, Mr. John Henley, dated April 24, 2015.
2. Upon completion of the State Route 109, the owner/applicant shall provide an in-house site plan for review by staff. The site plan shall comply with access management, bulk regulations of the MUG zoning district and landscaping requirements.
3. The owner/applicant shall provide a site plan to the Planning Department within six (6) months of complete of the roadway (State Route 109) construction project and obtain plan approval within three (3) months of plan submittal. Construction of the required site plan improvements shall be completed no less than one (1) year after final completion of the State Route 109 widening project.
4. The Conditional Use Permit shall expire upon removal or destruction of the existing office building and/or discontinuance of the Transport and Warehousing use.

### **ATTACHMENTS:**

- |                   |            |   |
|-------------------|------------|---|
| <b>Attachment</b> | <b>4-1</b> | <b>Location Map</b>   |
| <b>Attachment</b> | <b>4-2</b> | <b>Valley Over Look Subdivision - Final Plat (P.B. 7 Pg. 20)</b>      |
| <b>Attachment</b> | <b>4-3</b> | <b>G.Z.O. Section 07.04.010.C</b>                                     |
| <b>Attachment</b> | <b>4-4</b> | <b>Applicant's Response to CUP General Requirements</b>               |
| <b>Attachment</b> | <b>4-5</b> | <b>Preliminary Plans for Highway 109 Road Improvements</b>            |
| <b>Attachment</b> | <b>4-6</b> | <b>Conditional Use Permit Plan</b>                                    |
| <b>Attachment</b> | <b>4-7</b> | <b>Gallatin on the Move 2020 Plan Objective: Gateway (Pages 2-11)</b> |



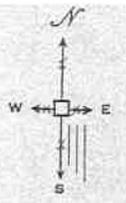
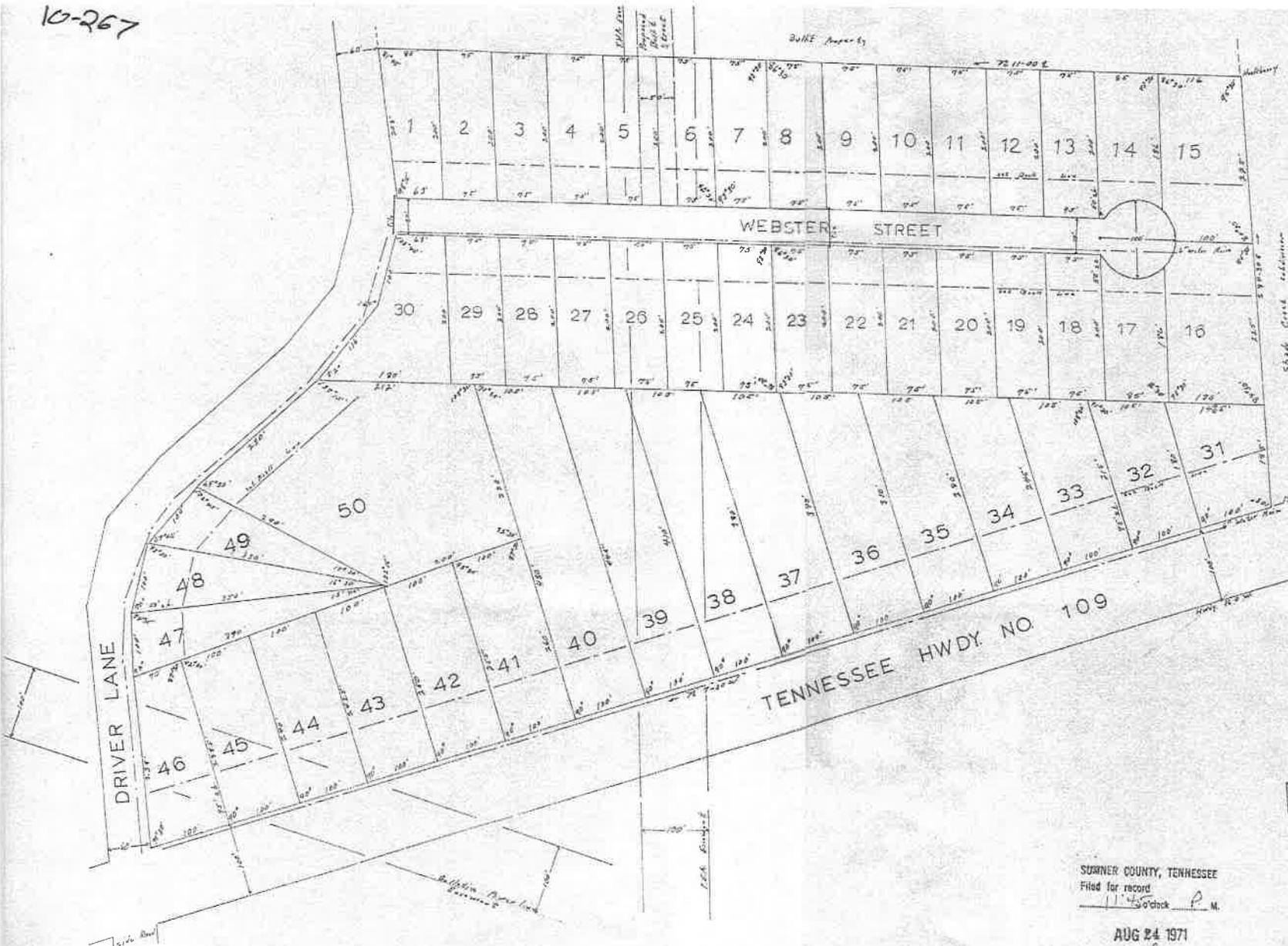
Prepared By: Kevin Chastine, AICP  
Prepared On: April 20, 2015

**Location Map**  
Longhorn Trucking - Conditional Use Permit  
1305 South Water Avenue  
PC File# B-383-15



**ATTACHMENT 4-1**

10-267



See Plat Book 12, page 255 for  
Replat of Lots 1-30.

**PLAT OF  
VALLEY OVER LOOK  
SUBDIVISION**

— CIVIL DISTRICT OF SUMNER COUNTY, TENNESSEE

**RALPH & DR. R.C.** OWNER

**WEBSTER** DEVELOPER

**JOE E. HOLLAND**

COMMERCIAL LOTS 31 through 46  
LIMIT TO BUSINESS WITH LOW  
WATER USE ONLY

*I certify that the above is correct  
and accurate to the best of my knowledge  
Joe E. Holland June 15, 1971*

SUMNER COUNTY, TENNESSEE  
Filed for record  
11:45 o'clock P.M.

**AUG 24 1971**  
Registered in Plot  
Book 7 Page 20  
J. U. RIPPY, Register

**ENTERED**  
AUG 24 1971  
**JAMES BROWN**  
TAX ASSESSOR



APPROVED: SUMNER COUNTY HIGHWAY COMMISSION

BY *Hubert Williams*

APPROVED: SUMNER COUNTY HEALTH DEPT

BY *Tom K. Weston*

APPROVED: SUMNER COUNTY ZONING COMMISSION

BY *Meris Thibault*

**ATTACHMENT 4-2**

**7.04 Intent and Description of Existing Mixed-Use General (MUG) Districts**  
**Approved Prior to July 7, 1998**

These provisions apply to only those Mixed-Use General Districts that were approved prior to July 7, 1998. No rezoning to Mixed-Use General District shall be approved after that date.

This district is designed to provide adequate and suitable space in appropriate locations for high intensity residential uses mixed with a wide range of compatible nonresidential uses at low to moderate intensities. A high level of accessibility is a necessary locational requirement for this district due to the intensity of development expected. Appropriate locations include major highways which have undeveloped or intermittent developed land.

07.04.010 Uses and Structures

A. Principal Permitted Uses and Structures

Within the Mixed-Use General Districts as shown on the Gallatin Municipal-Regional Zoning Map and as delineated below, as described in Article 3, the following activities are permitted:

Residential Activities

- Dwelling, Attached
- Dwelling, Multi-Family

Community Facility Activities

- Administrative
- Community Assembly
- Essential Service
- Limited Child and Adult Care
- Nonassembly Cultural
- Place of Worship

Commercial Activities

- Animal Care
- Automotive Servicing
- Business and Communication Service
- Consumer Laundry and Repair
- Convenience Sales and Service
- Financial, Consulting, and Administrative
- Food Service
- General Personal Service
- General Retail Sales and Service
- Group Assembly-Extensive
- Group Assembly-Limited

Medical Service  
Research Service  
Retail Business Supply  
Transient Habitation  
Undertaking Service  
Vehicular, Craft, and Related Equipment Sales, Rental and Delivery  
Limited Warehousing

Manufacturing Activities  
Limited

Agricultural Activities  
Plant Nursery

B. Permitted Accessory Uses and Structures

1. Signs in accordance with the regulations contained in Section 13.07. Section 13.07.100 shall govern the amount of signage permitted;
2. Accessory off-street parking and loading facilities as required in Article 11 of this article;
3. Private swimming pools, tennis courts, and other recreational facilities exclusively for the use of the occupants of a residential activity;
4. Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such are carried out on the same zone lot and are not otherwise prohibited.

C. Conditional Uses – The following activities may be permitted only as conditional uses in accordance with Section 15.06:

Residential Activities

Dwelling, One-Family Detached  
Dwelling, Two-Family Detached  
Mobile Home Park

Community Facility Activities

Community Education  
Intermediate Impact  
Nursing Home  
Utility and Vehicular

Commercial Activities

Transport and Warehousing

# ATTACHMENT 4-3

- D. Prohibited Uses - Any uses or structures not of a nature specifically permitted herein, and any use not conforming to the performance standards set forth in Article 13.00 of this Ordinance are prohibited.

07.04.020 Bulk Regulations

- A. Maximum Lot Coverage – 40 percent
- B. Maximum Floor Area Ratio - .50
- C. Minimum Development Area Per Dwelling Unit – 2,000 square feet
- D. Minimum Setback Line – 40 feet

07.04.030 Area Regulations

- A. Minimum Lot Area – 20,000 square feet
- B. Minimum Front Yard – 15 feet
- C. Minimum Side Yard – 15 feet
- D. Minimum Rear Yard – 15 feet

07.04.031 Height Regulation – Maximum Height 35 feet

07.04.040 Use of Required Yard

- A. Landscaping and Bufferyards – All required yard areas not occupied by sidewalks, and driveways shall be devoted to landscaping as defined in Article 13. The landscaping and bufferyard requirements shall be the same as those set out for the Mixed Use (MU) zone.
- B. Driveways – Provided that no driveway shall occupy more than half of any required yard.
- C. Sidewalks – Provided that no sidewalk shall occupy more than half of any required yard.

07.04.050 Other Requirements

A. Exterior Storage

Exterior storage of goods, chattels, or materials and the placement of waste disposal facilities is permitted in the rear of the principal building only, or in the front of the principal building to the extent of 75% of the floor space of the principal building only, and such facilities shall be appropriately screened using materials which are complimentary to the site and other buildings.

# ATTACHMENT 4-3

## 07.04.060 Slopes

All cut and fill slopes in excess of 3:1 shall be properly stabilized as evidenced by a grading and revegetation plan or such slopes shall be reduced with retaining walls or similar treatment.

## 07.04.070 Proximity to Homes

No structure, parking, and activity employing from four (4) or more persons shall be located within 200 feet of an existing dwelling.

CONDITIONAL USE PERMIT CHECKLIST	
Project Name: <i>Longhorn Trucking Parking Lot</i>	Map #:            Group:            Parcel #:
Contact Person: <i>John Henley</i>	PC File Number: <b>B-383-15</b>

The Conditional Use Permit (CUP) checklist is designed to assist applicants with identifying the information that must be included on all Boards of Zoning Appeals (BZA) applications. Initial submittals must include a completed BZA Application Form, a completed CUP checklist, and nine (9) folded copies of the CUP documents by 4:30 PM on the submittal deadline.

The BZA may grant conditional use permits where it makes findings of fact based upon the requirements outlined below. In addition, the Board may establish expiration dates for any conditional use permit and may impose additional conditions in order to reduce or minimize the effect of a conditional use permit on surrounding properties. Please provide a written description that explains how the conditional use permit being requested addresses the following requirements:

**GENERAL REQUIREMENTS**

- 1.  Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;
- 2.  Will not adversely affect other property in the area in which it is located;
- 3.  Is within the provisions of "Conditional Uses" as set forth in this Ordinance; and
- 4.  Conforms to all applicable provisions-of this Ordinance for the district in which it is to be located and is necessary for public convenience in that location.

- 1. *Parking lot is designed, located, and proposed to be operated so that public health, safety & welfare will be protected*
- 2. *Parking area will not adversely affect any other property*
- 3. *Parking area is within the provisions of "conditional uses" as set forth in this ordinance*
- 4. *Parking area conforms to all applicable provisions of this ordinance for the district in which it is located and is necessary for public convenience in this location*

**SPECIAL CONDITIONS**

- Provide a **written description** about how the proposed CUP will meet the specific standards and special conditions for the proposed use contained in Section 15.06.030, Requirements for Conditional Use Permit, in the Gallatin Zoning Ordinance.



# RESUBMITTAL

**B-383-15**



- ◆ *Objective: Encourage renovation vs. demolition of historic sites*

Demolition of privately-owned historic structures is often a preferred course of action due to the perceived financial savings of demolition versus building renovation. Listing on the National Register affords no protection to a property, making it important for the City to promote existing financial incentives and regulatory tools such as the use of locally-designated historic district that require review of demolition requests.

**Goal: Attractive and inviting City gateways, streetscapes, neighborhoods and commercial districts that contribute to a unique sense of place**

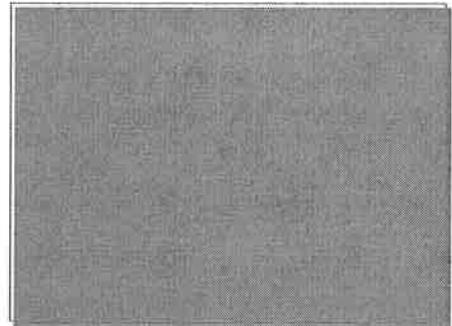
- ◆ *Objective: Establish effective design guidelines to steer the development of high-quality, walkable mixed use, commercial and higher intensity residential neighborhoods and corridors*

Design guidelines prescribe the elements required for successful, high-quality commercial, mixed use and higher intensity residential developments. They promote inviting, walkable neighborhoods with pedestrian-scaled signage, connectivity, high-quality site design, appropriately scaled transition areas that connect higher intensity uses to lower intensity uses and quality building materials and façade elements. The City's existing design standards found in the Zoning Ordinance have served Gallatin well, but have in recent years failed to provide for the highest development quality standards that the City desires. In addition, more specific design guidelines can be written in such a way as to highlight Gallatin's past. Consistent, attractive visual gateways are needed to "announce" Gallatin and to tie together various districts of the community.

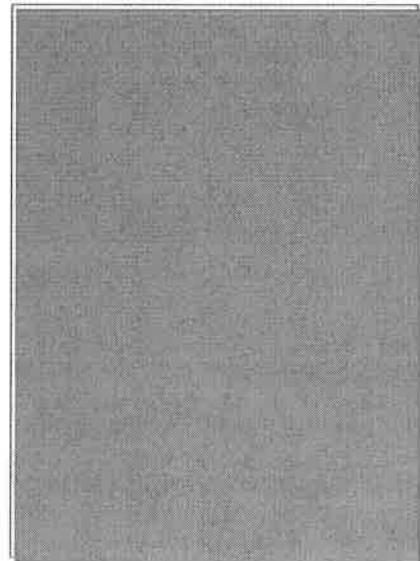
- ◆ *Objective: Establish visual gateways at all major entries into the City, including along the length of major corridors*

Attractive, inviting gateways and gateway corridors will provide travelers and visitors to Gallatin with a positive first impression of the City. While some are better than others, overall the gateways are lacking. Gallatin's gateways should exhibit the best of what the City has to offer in terms of land use and urban design. Rather than standing out for their lack of appeal, gateways such as the intersection of South Water/SR-109 Bypass should demand the attention of travelers with improvements to landscaping, signage, utilities, building facades, and property frontages.

- ◆ *Objective: Establish a citywide themed wayfinding signage plan that clearly directs travelers, visitors and residents to the City's historic attractions, including Downtown Square, Old Hickory Lake access points and other recreational areas*



*Example of quality landscaping and streetscape from Greenville, S.C.*



*Wayfinding signs, shown above from downtown Greenville, SC, direct customers to a variety of attractions*

**IN HOUSE SITE PLAN**

PC File #

Keith Jack Madge  
Zoning: R10

**SITE DATA TABLE**

Project Name: *LONGHORN TRUCKING / PARKING LOT*  
 Tax Map and Parcel Number: *135L-A-007.00*  
 Project Address: *1305 S. WATER AVE. GALLATIN*  
 Property Owner Name: *KAY SCRUGGS*  
 Property Owner Address: *1005 LAKESHORE DR. GALLATIN*  
 Developer/Business Owner Name: *SOHAN HENLEY*  
 Developer/Business Owner Address: *1175 BELCHER LN. HARTSVILLE, TN 37074*  
 Current Zoning: *MUG*

Required Minimum Building Setback Line: *40 Feet*  
 Requires Yards:

Front: *15 Feet*  
 Sides: *15 Feet*  
 Rear: *15 Feet*

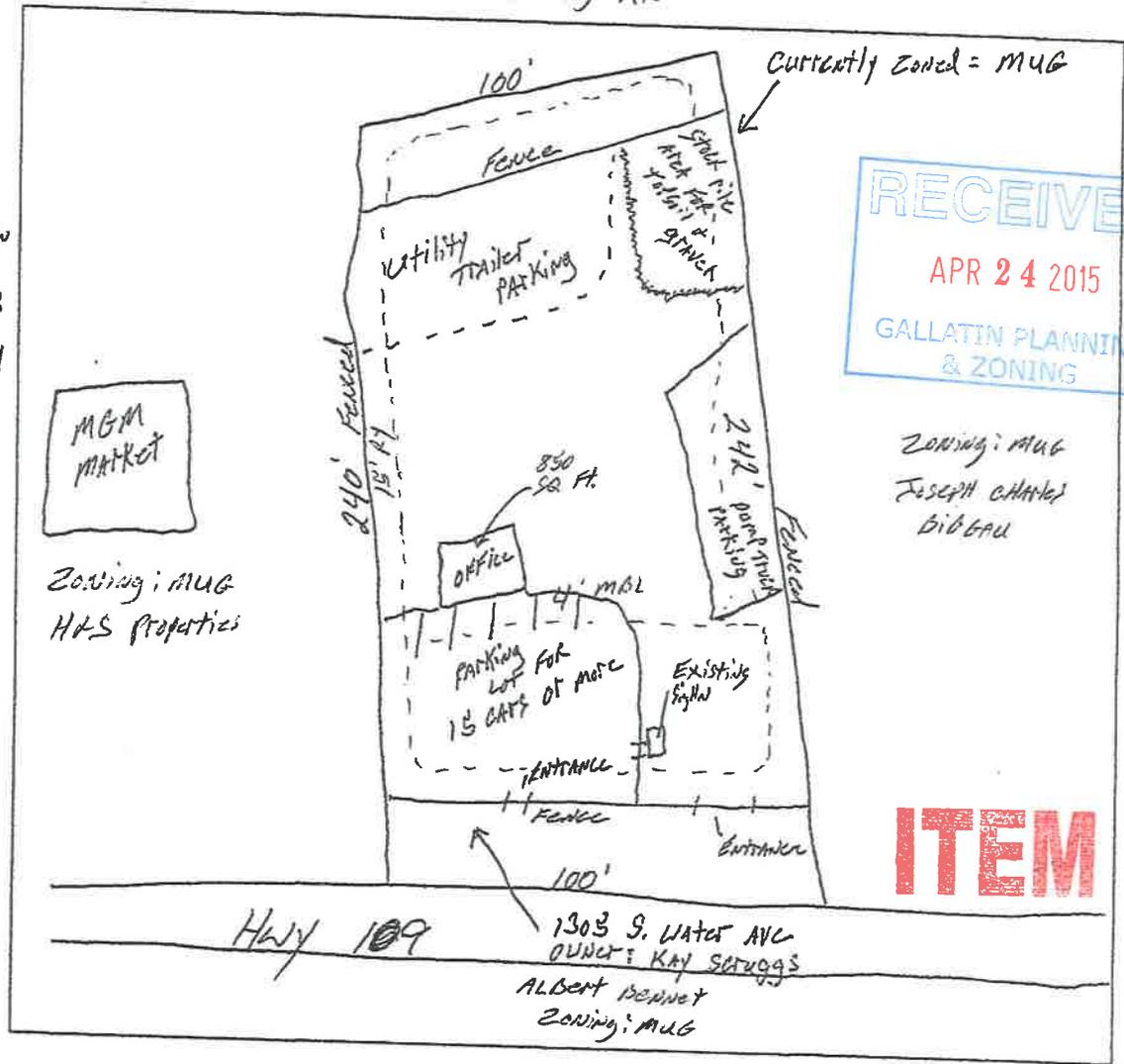
Proposed Use: *TRANSPORT and WAREHOUSING*  
 Existing Use: *VACANT*

**Parking Calculations**

Regular & Handicapped Spaces Required: *03*  
 Existing: *5*  
 Proposed: *5*

Parking lot is or is not striped: *NOT*

Building height and description of building/roof materials (existing and proposed): *13' High, METAL ROOF, SIDING ON EXTERNAL WALLS, GABLED ROOF*



RECEIVED  
 APR 24 2015  
 GALLATIN PLANNING & ZONING

Zoning: MUG  
 Joseph Charles  
 BIGGARD

ITEM 4

Scale: 1" = \_\_\_ ft

FEMA Note:  
 A review of F.E.M.A. Flood Insurance Rate Map, Community Panel No. *47165C0427G* shows part or no part of this property to be located within the 100-year floodplain; Zone *X*; Effective Date *4-17-2012*

Performance Standards Note: "All construction and use of the proposed facility to meet the applicable performance standards as set forth in the City of Gallatin Zoning Ordinance, Section 13.02"

B-383-15