



Agenda
Gallatin Municipal Board of Zoning Appeals

Thursday, August 27, 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: July 30, 2015**

REGULAR AGENDA

1. **GMBZA Resolution No. 2015-11** **B-962-15**
CHARLOTTE L. ANDERSON; VARIANCE
CARROLL CARMAN SURVEYING

PUBLIC HEARING

THE OWNER AND APPLICANT REQUEST APPROVAL OF A VARIANCE OF 5,289 SQUARE FEET FOR LOT 1 AND 5,322 SQUARE FEET FOR LOT 2, TO PERMIT THE SUBDIVISION OF A DEEDED 9,389 SQUARE FOOT PARCEL INTO TWO (2) LOTS, PER SECTION 08.02.030.A OF THE GALLATIN ZONING ORDINANCE, ZONED COMMERCIAL SERVICES (CS), LOCATED AT 909 AND 911 SOUTH WATER AVENUE (S.B.E. TAX MAP 126N/G/002.00) (PC FILE B-962-15)

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

MINUTES OF THE GALLATIN
MUNICIPAL BOARD OF ZONING APPEALS
MEETING

July 30, 2015

Present

Jimmy Moore, Chair
Jeannie Gregory, Secretary
John Puryear
Homer Vaughn

Staff

Bill McCord, Director of Planning
Katherine Schoch, Assistant Director of Planning
Marianne Mudrak, Board Secretary

Absent

Eddie Wyatt, Vice Chair

Others Present

Applicants

The Gallatin Municipal Board of Zoning Appeals met in a regular meeting on Thursday, July 30, 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. Puryear led the pledge of allegiance. Ms. Marianne Mudrak called roll.

Approve Prior Minutes

Chair Moore presented the minutes of the April 30, 2015 Municipal Board of Zoning Appeals meeting for approval. Mr. Puryear motioned to approve the minutes as corrected. Mr. Vaughn seconded the motion and the motion passed by unanimous vote.

1. GMBZA Resolution No. 2015-10 – (B-788-15) – Public Hearing – The owner and applicant request approval of a Conditional Use Permit for a Place of Worship Facility for Hope Baptist Church, per section 08.02.010.D of the Gallatin Zoning Ordinance, on one (1) parcel, containing 1.57 (+/-) acres, of a four (4) parcel zone lot, zoned Commercial Service (CS), located at 472 West Main Street (S.B.E. tax Map #126G/A/016.00; 016.01; 017.00; 017.01)..

Ms. Katherine Schoch, Assistant Director of Planning, presented the staff report and stated the owner and applicant request approval of a Conditional Use Permit for a Place of Worship Facility for Hope Baptist Church. The four (4) lots are contiguous, zoned the same, and have the same ownership; therefore, under the zoning ordinance, they are considered a zone lot. The existing building is a two unit building, constructed in 1970, located directly behind the chiropractic office on West Main Street.

Ms. Schoch said the applicant moved into the building and was unaware that a Conditional Use Permit and Change of Use Site Plan are required. Staff reviewed the application and site and the applicant meets all the general requirements and special conditions for a Conditional Use Permit for the Place of Worship

Facility. There are 137 parking spaces with 10 handicapped spaces in this area for the church use. Only 13 parking spaces are required.

Staff recommends approval of Resolution 2015-10 with the conditions listed in the staff report. If the Resolution is approved, staff will issue a sign permit in the morning.

Mr. Roger Matchett, with Matchett and Associates Architects, agrees with all conditions of approval.

Chair Moore opened public hearing.

Mr. John Wade, owner of the Miracle Ford site, said he contracted with a Texas organization interested in constructing a convenience market that will sell beer. He is concerned that the church will be too close to the new market according to the Municipal Code.

Ms. Schoch said the Planning Department has not received a site plan for the Miracle Ford property. Mr. Wade said a site plan is forth coming. Ms. Schoch said she discussed with the organization that the requirement according to Municipal Code is 250 feet from a church or school. A beer permit issued by the Gallatin Beer Board is required. Clarification is needed on how the 250 feet is measured and there is no guarantee that the Beer Board would issue a beer permit. Ms. Schoch measured the distance on Google Earth and it appeared that the distance between the church and dealership building was over 300 feet.

Dr. Bryan Bondurant, owner of the Oakland Park Office Complex, said the new church would not affect the new convenience store.

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

Mr. Puryear asked if Station Camp Church was also a Conditional Use Permit. Ms. Schoch said it was a Conditional Use Permit. Mr. Puryear asked if the parking spaces are being double counted with the additional church. Ms. Schoch said even if 40 spaces were removed for Station Camp Church, there would still be more parking than required. Mr. Puryear asked staff to keep in mind the parking concerns should another church wish to move into this facility.

Mr. Puryear motioned to approve Resolution 2015-10 with the following conditions:

1. The proposed Conditional Use Permit shall be consistent with the one (1) sheet plan prepared by Matchett and Associates Architects, of Gallatin, Tennessee, with project number 1525, dated June 24, 2015 and latest revision date of 7/15/15.
2. The building at 472 West Main Street shall be used as a Place of Worship facility, classrooms/meeting rooms, and other accessory uses only associated with the Place of Worship facility.
3. Submit a Change of Use Site Plan to the Planning Department for review and approval prior to the issuance of a Certificate of Occupancy. No exterior façade changes may be made to the existing building without Site Plan approval.

4. Obtain a Life Safety inspection prior to the issuance of a Certificate of Occupancy from the Building Codes Department.
5. Provide screening on all four (4) sides of the existing dumpster with an opaque material and meet the screening requirements of the Gallatin Municipal Code, Section 14-14; Nonresidential establishment containers, storage, and requirements.
6. The facility shall comply with all applicable cross-connection control regulations.
7. Additional Conditional Use Permits shall be required if the church wants to expand into other existing buildings on the zone lot.

Ms. Gregory seconded the motion and the motion passed by unanimous vote.

2. Other Business

There was no other business to discuss.

3. Adjourn

There being no further business to discuss, Chair Moore adjourned the meeting at 5:55 p.m.

Respectfully submitted:

Marianne Mudrak, Board Secretary

Approve:

Jimmy Moore, Chair

Jeannie Gregory, Secretary



EXHIBIT A

**Agenda
Gallatin Municipal Board of Zoning Appeals**

**Thursday, July 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: April 30, 2015**

REGULAR AGENDA

1. **GMBZA Resolution No. 2015-10
B-788-15 HOPE BAPTIST CHURCH
CONDITIONAL USE PERMIT**

PUBLIC HEARING

THE OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR A PLACE OF WORSHIP FACILITY FOR HOPE BAPTIST CHURCH, PER SECTION 08.02.010.D. OF THE GALLATIN ZONING ORDINANCE, ON ONE (1) PARCEL, CONTAINING 1.57 (+/-) ACRES, OF A FOUR (4) PARCEL ZONE LOT, ZONED COMMERCIAL SERVICES (CS), LOCATED AT 472 WEST MAIN STREET (S.B.E. TAX MAP #126G/A/016.00; 016.01; 017.00; 017.01).

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

ITEM 1

GMBZA Resolution No. 2015-11

RESOLUTION OF THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS APPROVING A VARIANCE FROM SECTION 08.02.030.A OF THE ZONING ORDINANCE OF GALLATIN, TENNESSEE FOR PARCEL 126N/G/002.00, AT 909 AND 911 SOUTH WATER AVENUE – (B-962-15)

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS considered the request of a 5,289 square foot variance for Lot 1 and a 5,322 square foot variance for Lot 2, to permit the subdivision of the property into two (2) lots, at its regular meeting on August 27, 2015; and

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS 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 5,289 square feet for Lot 1 and 5,322 square feet for Lot 2, from the required 10,000 square feet minimum lot area per Section 08.02.030.A, to permit the subdivision of the property into two (2) lots, at 909 and 911 South Water Avenue, 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 5,289 square feet for Lot 1 and 5,322 square feet for Lot 2, from the required 10,000 square feet minimum lot area per Section 08.02.030.A, to permit the subdivision of the property into two (2) lots with the following conditions:

- 1. The variance shall be substantially consistent with the one (1) sheet plan, for Charlotte Anderson, Final Subdivision Plat prepared by Carroll Carman Surveying, dated June 2, 2015.
- 2. The applicant shall correct the tax map and parcel in Note 4 on the Site Data Table.

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: 08/27/2015

Jimmy Moore, Chair

Jeannie Gregory, Secretary

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY



ITEM 1
PLANNING DEPARTMENT STAFF REPORT
Charlotte Anderson - Variance Request – B-962-15
909 and 911 South Water Avenue
Date: August 27, 2015

REQUEST: THE OWNER AND APPLICANT REQUEST APPROVAL OF A VARIANCE OF 5,289 SQUARE FEET FOR LOT 1 AND 5,322 SQUARE FEET FOR LOT 2, TO PERMIT THE SUBDIVISION OF A DEEDED 9,389 SQUARE FOOT PARCEL INTO TWO (2) LOTS, PER SECTION 08.02.030.A OF THE GALLATIN ZONING ORDINANCE, ZONED COMMERCIAL SERVICES (CS), LOCATED AT 909 AND 911 SOUTH WATER AVENUE (S.B.E. TAX MAP 126N/G/002.00) (PC FILE B-962-15)

OWNER: CHARLOTTE ANDERSON

APPLICANT: CARROLL CARMAN SURVEYING

STAFF RECOMMENDATION: APPROVAL OF GMBZA RESOLUTION NO. 2015-11

STAFF CONTACT: WILLIAM D. McCORD, AICP

MBZA MEETING DATE: AUGUST 27, 2015

PROPERTY OVERVIEW:

The owner and applicant are requesting approval of a variance of 5,289 square feet for proposed Lot 1 and 5,322 square feet for proposed Lot 2, to permit the subdivision of a deeded 9,389 square foot parcel into two (2) lots per Section 08.02.030.A of the Gallatin Zoning Ordinance, for property located at 909 and 911 South Water Avenue. The property is currently zoned Commercial Services (CS). Proposed Lot 1 contains a vacant building, and proposed Lot 2, includes a building used for General Retail Sales and Service, which is a permitted use in the CS zone district. (Attachment 1-1)

Requested Variance

The unusual (trapezoid) shaped property is located within a narrow strip of land between South Water Avenue and Woods Ferry Road. (Attachment 1-2) The property has double street frontage that forms the boundaries on the east and west side of the property and limits the size of the lots. Section 08.02.030.A of the Gallatin Zoning Ordinance requires a 10,000 square foot Minimum Lot Area in the CS zoned district. The property is 9,389 square feet and does not meet this requirement.

The property was developed in 1955, prior to being annexed into the City in 1965. A Warranty Deed recorded in 1967 described the 9,389 square foot parcel as two (2) lots: Lot #1 comprising the northerly portion of the parcel containing 5,904 square feet and Lot #2 comprising the southerly portion of the parcel containing 3,485 square feet. (Attachment 1-3) The same property was also described as two lots in a Quit Claim Deed recorded on February 14, 2014. (Attachment 1-4) The property was rezoned to Commercial Services (CS) in 1979 when the new Gallatin Zoning

Ordinance was adopted. Under the CS zoning, the entire parcel including both lots became non-conforming. The property is considered a legal non-conforming parcel or lots and includes multiple non-conforming attributes.

The owner wants to sell a portion of Lot 1; however, by selling a portion of the parcel, now deeded together into two (2) lots, since the lots were divided by the deed a Minor Subdivision Plat must be approved and recorded.

The current boundary line that divides the two (2) lots, as described in the legal description, is located adjacent to the north building wall located on proposed Lot 2. (Attachment 1-2) The owner and applicant are requesting to move the current lot line approximately 22 (+/-) feet to the north to more evenly divide the lots through a recorded Minor Subdivision Plat (Lot 1 = 4,711 sq. ft., Lot 2 = 4,678 sq. ft.). This would evenly divide the 30 foot drive access between each lot, reduce the non-conformity of the lot size of Lot 2, but increase the non-conformity of Lot 1, establish a conforming ten (10) foot wide north side yard setback for proposed Lot 2, and provide an area on Lot 2 for the existing drive-through lane that is currently located on Lot 1.

The property is considered a zone lot as it is currently recorded since it is a single lot when deeded together. A building may be constructed over a lot line where a zone lot exists; however, if a portion of the property is sold the "zone lot" will no longer exist and the property will be further non-conforming.

It is Staff's opinion that the CS zoning may not be the appropriate zoning for this property since it creates a variety of non-conforming conditions including lot sizes, yard lines, minimum building setback lines and parking requirements. If the property were rezoned to CC, it would bring this property into compliance with the zoning ordinance and, therefore, eliminate the hardship. This subject is currently under discussion with the Planning Commission.

The property may have been subdivided prior to establishing the current zoning. This zoning placed a hardship on it at the time of rezoning. The Board may wish to consider the existing parcel as two (2) lots. If so, a variance would allow for the subdivision of the property into two (2) different lots, including lots in certain situations that would reduce the existing non-conformities, but slightly increase an existing non-conformity. If the Board of Zoning Appeals approves the variance as requested, non-conforming conditions will continue on the property. Also, the non-conforming conditions will continue on the property if the variance is not granted. Staff is indifferent to the request. However, a hardship has not been demonstrated under the criteria established in the Ordinance. The current lot meets the definition of a zone or zoning lot as defined in the Zoning Ordinance and, as such, should be treated as one lot.

CASE BACKGROUND:

Property History and Previous Approvals

- The property was developed in 1955.
- In 1960, two (2) lots were created through the deed.
- In 1965, the property was annexed into the Gallatin city limits.
- In 1969, a new zone “Local Business” was created and placed on the property. In the early 70’s the property was re-classified as a commercial district.
- In 1979, the property was rezoned to Commercial Services (CS).

ENGINEERING DEPARTMENT COMMENTS

The Engineering Division reviewed by the Engineering Department; no comments were provided.

OTHER DEPARTMENTAL REVIEW COMMENTS

The variance request was reviewed by other City Departments; no comments were provided.

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

Lot Area – The entire area of a zone lot.

Non-conforming Use - A lawful use of a building or other structure or of a tract of land which does not conform to any one (1) or more of the applicable use regulations of the district in which it is located, either on the effective date of this Ordinance or as a result of any subsequent amendment.

Zone or Zoning Lot - Is either:

- A. A lot of record existing on the effective date of this Ordinance or any subsequent amendment, or
- B. A tract of land, either un-subdivided or consisting of two or more contiguous lots of record, located within a single block, which on the effective date of this Ordinance or any subsequent amendment was in single ownership, or
- C. A tract of land within a single block, which at the time of filing for a zoning permit (or, if no zoning permit is required, at the time of filing for a use and occupancy permit) is designated by its owner or developer as a tract all of which is to be used, developed, or built upon as a unit under single ownership.

A zone lot, therefore, may not coincide with a lot of record as defined herein.

For the purpose of this definition, the ownership of a zone lot shall be deemed to include a lease of not less than fifty (50) years duration as defined under “landowner”.

A zone lot may be divided into two or more zone lots, provided that all resulting zone lots and all buildings thereon shall comply with all of the applicable provisions of the Ordinance. If such lot, however, is occupied by a non-complying building, such zone lot may be subdivided provided such subdivision does not create a new non-compliance or increase the degree of non-compliance of such building.

APPLICABLE G.Z.O. SECTIONS

08.02 Intent and Purpose of CS – Commercial Services District

This class of district is designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; amusement and entertainment establishments; automotive and vehicular service establishments; transient sleeping accommodations; drive-in stores, eating and drinking places; financial institutions; and offices. The uses in this district service a wide market area and, therefore, ease of automotive access is a requirement. However, it is not intended that this district permit uses which generate large volumes of truck traffic. Appropriate open space between commercial and residential areas is required.

08.02.030 Area Regulations

- A. Minimum Lot Area - 10,000 square feet
- B. Minimum Front Yard - 10 feet
- C. Minimum Side Yard - 10 feet
- D. 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 1-5). The Board shall determine if 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 related to the size of the property which the zoning made non-conforming. The CS zone district requires 10,000 square foot minimum lot size and this parcel, or the combined two (2) lots, comprises only 9,389 square feet.
- 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 subject to this property only. No other properties would be entitled to a variance if the Board agreed to grant this variance. There are two (2) buildings on this parcel which ownership could be separated if the variance is granted.
- C. The variance will not authorize activities in a zone district other than those permitted by this Ordinance.
 - This variance is related to the lot size, not the use. This variance will not authorize uses or activities that are not currently permitted in the CS district.

- D. Financial returns only shall not be considered as a basis for granting a variance.
- If granted, the variance would permit the owner to create two (2) lots through a recorded Minor Subdivision Plat. Two (2) lots were created by the deed in the 1960's, although the more recent definition of a zoned lot now considers the two (2) lots as one (1) parcel. The Minor Subdivision Plat would create more uniform lot sizes and reduce the magnitude of non-conformity for proposed Lot 2, by establishing a conform side yard, but also would increase the non-conforming size of proposed Lot 1. It would also eliminate the "zone lot" classification.
- 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 property was developed in 1955, prior to annexation in 1965, and prior to the rezoning of the property to CS in 1979. At the time of the rezoning, the entire parcel and both lots became non-conforming, creating a hardship on the property. The CS zoning may not be the appropriate zoning for this property. Core Commercial (CC) zoning would be more suitable due to the lot size requirement, yard lines, minimum building setback lines and parking requirements. If the property were zoned CC, it would be in compliance with the zoning ordinance and, therefore, no hardship would exist.
- 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 continued reasonable use and accommodation of the property and allow the property owner the ability to sell one (1) of the structures. Other owners in similar circumstances may request similar action by the Board.
- G. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- The requested 5,289 square feet variance for Lot 1 and 5,322 square feet variance for Lot 2 is the minimum variance needed to meet the requirement of G.Z.O. Section 08.02.030.A if the parcel is subdivided. If approved, it will provide the opportunity for the owner to record a Minor Subdivision Plat which will partly reduce two (2) non-conforming conditions while increasing one (1) non-conforming condition.
- 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. Most of the properties located along this section of South Water Avenue have been in existence since the 1950's, and are also non-conforming with many aspects of the CS zoning and other design requirements of the code.
- 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 buildings now exist and do not pose a danger to surrounding properties.

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 does not believe the applicant has fully met all standards for a variance. There are other remedies that should be pursued to achieve compliance with code that would eliminate the need for a variance. These remedies should be attempted prior to requesting a variance to increase the non-conforming condition of the property. Staff recommends that the Gallatin Municipal Board of Zoning Appeals deny GMBZA Resolution No. 2015-11 granting a variance of 5,289 square feet for Lot 1 and 5,322 square feet for Lot 2, from the G.Z.O. Section 08.02.03.A, to allow for the subdivision of the property into two (2) lots, as shown on a one (1) sheet plan, prepared Carroll Carman Surveying of Hartsville, TN, dated June 2, 2015.

ATTACHMENTS

- Attachment 1-1 Location Map
- Attachment 1-2 Exhibit to Variance (Final Subdivision Plat)
- Attachment 1-3 1967 Recorded Warranty Deed; RB 252, PG 21-23 R.O.S.C.T.
- Attachment 1-4 2014 Recorded Quitclaim Deed; RB 3906, PG 87 R.O.S.C.T.
- Attachment 1-5 Applicants response to the Standards for Variance

**CHARLOTTE ANDERSON PROPERTY; VARIANCE REQUEST
909 AND 911 SOUTH WATER AVENUE**



TAX MAP 126N/G/002.00

ZONED: COMMERCIAL SERVICES (CS)



ATTACHMENT 1-1

ENTERED

AUG 1 1967

JAMES BROWN
TAX ASSESSOR

21

U. S. Documentary
\$ 77.00 Reel 100-100000

WARRANTY DEED

FOR AND IN CONSIDERATION of the cancellation of an indebtedness in the original amount of \$30,000.00 evidenced by a note dated January 16, 1967, secured by a deed of trust of record in Mortgage Book 194, page 315, in the Register's Office of Sumner County, Tennessee, we, BILLY C. ADAMS and wife, JOANNE ADAMS, have this day bargained and sold and by these presents do hereby transfer and convey unto BETTY AILEEN WELCH and husband, CORBERT HOMER WELCH, JR., their heirs and assigns, certain real estate and personal property situated in the Third Civil District of Sumner County, Tennessee, within the corporate limits of the City of Gallatin, and more particularly described as follows:

LOT #1: Fronting 120 feet on the New Highway 109 and more particularly described as follows:

BEGINNING at a point being the northwest corner of the lot or parcel of land herein described and being the east edge of the New Highway No. 109, thence in a southerly direction with the edge of said Highway 120 feet to a point; thence in an easterly direction 56 feet to a point in the west edge of the old Pike (known as the Woods Ferry Pike); thence in a northerly direction with the west edge of the old Pike approximately 120 feet to a point; thence in a westerly direction 36 feet to the point of beginning. The property herein described is generally bounded as follows: On the north by the remaining property of Adams; on the east by the old Pike (known as the Woods Ferry Pike); on the south by the property of Sloan; on the west by the new Highway No. 109.

LOT #2: BEGINNING at a stake in the west edge of the right-of-way of River Road 20 feet from center of road; thence north 21° west to road 50 feet to a stake; thence south 79° west ap-

This instrument was prepared by Woodall Murrey, Attorney
129 East Main Street Gallatin, Tennessee

ATTACHMENT 1-3

proximately 56½ feet to the right-of-way of Gallatin Road; thence south 11° east approximately 50 feet to a stake; thence north 77½° east approximately 50 feet to a stake; thence north 77½° east approximately 70 feet to a stake, the point of beginning.

BEING the same land which was conveyed to the grantors by deed of Betty Aileen Welch and husband, Corbert Homer Welch, Jr., dated January 16, 1967, and recorded in the Register's Office of Sumner County, Tennessee, in Deed Book _____, page _____.

THE FOLLOWING described personal property located in San's Dari-Delite Restaurant located at 909 South Water Avenue, Third Civil District of Sumner County, Tennessee, within the corporate limits of the City of Gallatin, as follows:

- One Double Head Sani Serve Ice Cream Machine, Serial #72727
- One Sink
- One Three Compartment dishwashing sink
- One Fire Extinguisher #K783565
- One Chrysler Airtemp Air Conditioner
- One Milk Dispenser
- One Hamilton Beech Multi-Mixer
- One Scottsman Ice Machine - 3 Head Dispenser #61-5-040313
- One Six-foot show case
- One National Cash Register #Fr1077906CCC
- One Cigarette Machine
- One Adding Machine
- Three Tables with booths
- One York Air Conditioner - 2 Ton
- One Carrier Air Conditioner - 2 Ton
- One Carrier Gas Heater
- Six Stools
- One Ten-Foot Counter
- Two Pie Cases
- One Coffee machine
- One Walk-in Box
- One Exhaust Fan
- One Toastmaster Toaster #14459
- One Four-slice Toaster
- One Hamilton Beach Malt Machine
- One Salad Unit
- One 24" Grill
- One 36" Grill
- One Hotpoint Deep Fat Fryer
- One Hotpoint Deep Well
- One Coldspot Freezer - 15 Cu. Ft.
- One Coldspot Freezer - 21 Cu. Ft.
- One Execton Speaker
- One 100-Gallon Hot water heater
- One Frigidaire Fountain Freezer
- One Doughnut machine
- One Double lamp food warmer
- Two Coldspot Air Conditioners - Two Tons each
- One Soup Kitchen
- Two Hundred (200) feet of storage racks
- Various dishes, silverware and racks to operate Drive-In Restaurant

TO HAVE AND TO HOLD said real estate, together with all the improvements thereon and the appurtenances thereunto belonging, unto the said BETTY AILEEN WELCH and husband, CORBERT HOMER WELCH, their heirs and assigns forever.

AND WE DO COVENANT with the said grantees that we are law-fully seized and possessed of said land; have a good and lawful right to convey it and that the same is unencumbered EXCEPT for a deed of trust dated February 9, 1966, conveying the above described land to Vaden Lackey, Jr., Trustee, recorded in Mortgage Book 183, page 1, Register's Office of said County.

AND WE DO FURTHER COVENANT and bind ourselves, our heirs and representatives, to warrant and forever defend the title to said land to the said grantees, their heirs and assigns, against the lawful claims of all persons whomsoever, except as aforesaid.

WITNESS OUR HANDS, this 27th day of July, 1967.

Date Tax 16 50 Fee 50
AUG 1 1967
JAMES A. ENGLAND, CLERK

Billy C. Adams
BILLY C. ADAMS
Joanne Adams
JOANNE ADAMS

STATE OF TENNESSEE
COUNTY OF SUMNER

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named BILLY C. ADAMS and wife, JOANNE ADAMS, the bargainors, with whom I am personally acquainted and who acknowledged that they executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Gallatin, Tennessee, this 27 day of July, 1967.



My Commission Expires: 8-24-67

James A. England
NOTARY PUBLIC

RECORDED
INDEXED
JUL 31 1967
CLERK

11:00
②

ENTERED

John C. Isbell

Property Assessor

From information furnished by the parties.

FEB 14 2014

126N-F-22.00

126N-G-2.00

Map Sp Ct Par

THIS INSTRUMENT PREPARED BY:

Timothy L. Takacs, Attorney
201 Walton Ferry Road
Hendersonville, TN 37077-0364

Res

Address New Owner(s)

Charlotte Anderson
2036 Rodman Blvd.
Gallatin, TN 37066

Send Tax Bills To

Same

Parcel Id.

126N G 002.00 000
126N F 022.00 000

Quitclaim Deed to Trustee

Grantors: Dale Logan and wife, Elizabeth Logan, as tenants in Common and not as Tenants by the Entirety

Grantee: Charlotte L. Anderson, Trustee of the Irrevocable Trust of Grantors, dated January 31, 2014

That for the consideration hereafter expressed, Grantors do hereby quitclaim and convey unto Grantee all of their right, title, and interest in and to a certain tract or parcel of land located in Sumner County, Tennessee, more particularly described as follows:

Parcel No. 1:

SITUATED in the Third Civil District of Sumner County, Tennessee, within the corporate limits of the City of Gallatin and more particularly described as follows:

BEING Lot No. 9 of Block Nine in the Longview Estate Subdivision, Second Addition, to the Town of Gallatin, Tennessee, a plat of which is of record in Plat Book 1, Page 171, in the Register's Office of Sumner County, Tennessee.

Parcel No. 2:

SITUATED in the Third Civil District of Sumner County, Tennessee, with in the corporate limits of the City of Gallatin, as follows:

LOT NO. 1: Fronting 120 feet on the New Highway 109 and more particularly described as follows: BEGINNING at a point being the northwest corner of the lot or parcel of land herein described and being the east edge of the New Highway No. 109; thence in a southerly direction with the edge of said Highway 120 feet to a point; thence in an easterly direction 56 feet to a point in the west edge of the Old Pike (known as the Woods Ferry Pike); thence in a northerly direction with the west edge of the old Pike approximately 120 feet to a point; thence in a westerly direction 36 feet to the point of beginning. The property described herein is generally bounded as follows: On the north by the remaining property of Adams; on the east by the old Pike (known as the Woods Ferry Pike); on the south by the property of Sloan; on the west by the new Highway No. 109.

LOT NO. 2: Beginning at a stake in the west edge of the right of way of River Road 20 feet from center of road; thence North 21° West to road 50 feet to a stake; thence South 79° West approximately 56 1/2 feet to the right of way of Gallatin road; thence South 11° East approximately 50 feet to a stake, thence North 77-12° East approximately 70 feet to a stake, the point of beginning.

Being the same property conveyed to Dale Logan and wife, Elizabeth Logan by deed from Dale Logan and wife, Elizabeth Logan, of record in Record Book 771, Page 416, Register's Office for Sumner County, Tennessee.

This is improved property, known as: 909 and 911 Water Avenue, Gallatin, TN 37066.

Dale Logan and Ralph Dale Logan is one in the same person.
Elizabeth Logan and Mary Elizabeth Logan is one in the same person.

Pamela L. Whitaker, Register
Sumner County Tennessee
Instrument #: 1077107
Recorded
2/14/2014 at 11:00 AM
in Record Book
3906
Pgs 87-89

Rec #: 826620
Rec d: 15.00
State: 0.00
Clerk: 0.00
Other: 2.00
Total: 17.00

ATTACHMENT 1-4

DB

The property is conveyed subject to such limitations, restrictions, and encumbrances as may affect the property.

Signed on January 31, 2014

Dale Logan

Dale Logan, Grantor

Elizabeth Logan

Elizabeth Logan, Grantor

State of Tennessee
County of Sumner

On January 31, 2014, personally appeared before me Dale Logan, with whom I am personally acquainted or who proved to me on satisfactory evidence to be the person who executed the foregoing instrument, and who acknowledged that he executed it as his free act and deed.

Debra Y King
Notary Public

My commission expires: July 30, 2014

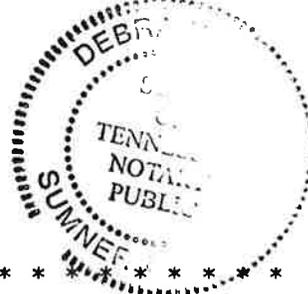


State of Tennessee
County of Sumner

On January 31, 2014, personally appeared before me Elizabeth Logan, with whom I am personally acquainted or who proved to me on satisfactory evidence to be the person who executed the foregoing instrument, and who acknowledged that she executed it as her free act and deed.

Debra Y King
Notary Public

My commission expires: July 30, 2014



* * * * *

State of Tennessee
County of Sumner

The actual consideration for this transfer or the value of the property transferred (whichever is greater) is \$0.

Charlotte L. Anderson
Charlotte L. Anderson, Grantee

Sworn to and subscribed before me on February 5, 2014.

Debra Y. King
Notary Public

My commission expires: July 30, 2014



VARIANCE CHECKLIST	
Project Name: CHARLOTTE L. ANDERSON	Map #: 126N Group: 6 Parcel #: 200
Contact Person: CHARLOTTE ANDERSON	PC File Number: B-962-15

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 OWNER WANTS TO SELL OFF ONE OF THE LOTS BUT THE LINE GOES THROUGH ON OF THE BUILDINGS
- The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;

NONE OF THE OTHER SURROUNDING PARCELS HAVE MULTIPLE BUILDING ON THEM.
- The variance will not authorize activities in a zone district other than those permitted by this Ordinance;

THIS VARIANCE WILL NOT CHANGE CURRENT USE.
- Financial returns only shall not be considered as a basis for granting a variance;

UNDERSTOOD
- 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 OWNERS BOUGHT THIS PROPERTY AS IT CURRENTLY IS AND IT IS IN TWO LOTS IN THEIR DEED BUT THE LINE WOULD GO THROUGH THE NORTH BUILDING

RECEIVED
 JUL 28 2015
 GALLATIN PLANNING & ZONING

ATTACHMENT 1-5

VARIANCE CHECKLIST

Project Name: Charlotta L. Anderson	Map #: 126N Group: 6 Parcel #: 2.00
Contact Person:	PC File Number: B-962-15

- 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;

THE VARIANCE WILL NOT CHANGE ANY USE.

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

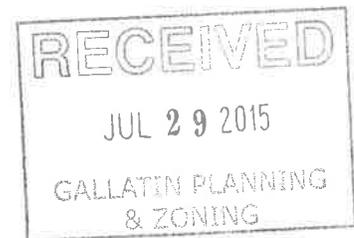
YES

- 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



CERTIFICATE OF OWNERSHIP AND DEDICATION

I (We) hereby certify that I am(we are) the owner(s) of the property shown and described hereon as evidenced in Record Book Number 3906, Page 87, Sumner County Registrar's Office, 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 _____

Owner _____

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 and that the monuments have been or will be placed, as shown hereon, to the specifications in these regulations.

Date _____

JIM CARMAN - Registered Land Surveyor #2053

CERTIFICATE OF APPROVAL OF UTILITY SYSTEMS

I hereby certify that the utility systems outlined or indicated on the final plat entitled "CHARLOTTE L. ANDERSON" 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: Date: _____

David Gregory, Superintendent of Public Utilities, City of Gallatin, Tennessee

Sewer System: Date: _____

CERTIFICATE OF THE APPROVAL OR SURETY FOR COMPLETION 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 surety has been posted with the Planning Commission to assure completion of all required improvements in case of default.

Date _____

City Engineer _____

CERTIFICATE OF STAFF CERTIFICATION

Date _____

City Planner _____

CERTIFICATE OF APPROVAL FOR RECORDING

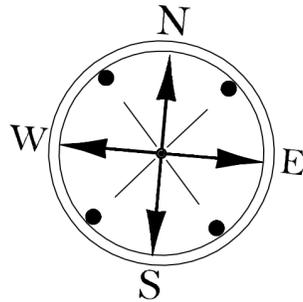
I hereby certify that the subdivision plat shown hereon has been found to comply with the Gallatin Municipal-Regional Subdivision Regulations, with the except of such variances, if any, as are noted in the minutes of the Planning Commission, and that it has been approved for recording in the office of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

Date _____

Secretary, Planning Commission _____

Date _____

Chairman's Initials _____



NOTES:

1. ALL CORNERS ARE NEW IRON RODS UNLESS OTHERWISE SPECIFIED.
2. A REVIEW OF FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL #4715C04270, SHOWS NO PART OF THIS PROPERTY TO BE WITHIN THE 100-YEAR FLOODPLAIN; ZONE X; EFFECTIVE DATE APRIL 17, 2012.
3. BEARINGS TAKEN FROM CURRENT DEED OF RECORD IN RECORD BOOK 3906, PAGE 87, REGISTER'S OFFICE, SUMNER COUNTY, TENNESSEE.
4. THE PURPOSE OF THIS PLAT IS TO DIVIDE THIS ONE COMMERCIAL SERVICES LOT INTO TWO COMMERCIAL SERVICES LOTS.
5. THE EXISTING STRUCTURES ON LOTS #1 & #2 ARE BOTH LEGALLY NON COMPLYING WITH G.Z.O. SECTION 08.02 AND LOTS #1 & #2 ARE BOTH LEGALLY NON COMPLYING WITH G.Z.O. SECTION 08.02.

CHARLOTTE L. ANDERSON

FINAL SUBDIVISION PLAT
LOCATED IN THE 3RD CIVIL DISTRICT OF SUMNER COUNTY, TENNESSEE
909 & 911 SOUTH WATER AVENUE

SCALE : 1" = 30'

DATE : JUNE 2, 2015

SIZE : 0.215 AC.+/- / 9,389 SQ.FT.+/-

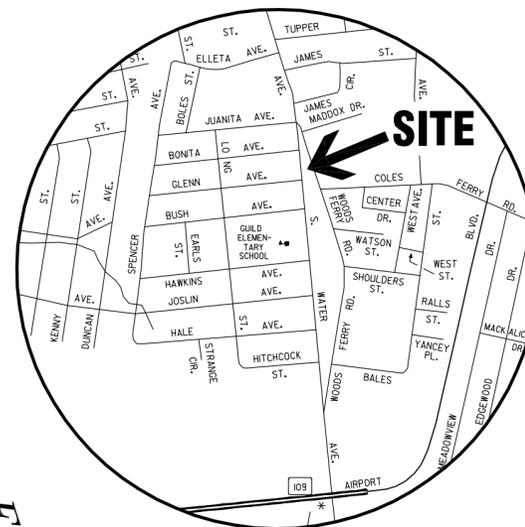
DEED : R. B. 3906, PG. 87, R.O.S.C.T.

MAP : MAP 126-N, PAR. G-2.00, T.A.O.S.C.T.

DANIEL HURST

RECORD BOOK 3994,
PAGE 724
MAP 126-N,
PARCEL G-1.00
ZONED CS

LOCATION SKETCH n.t.s.



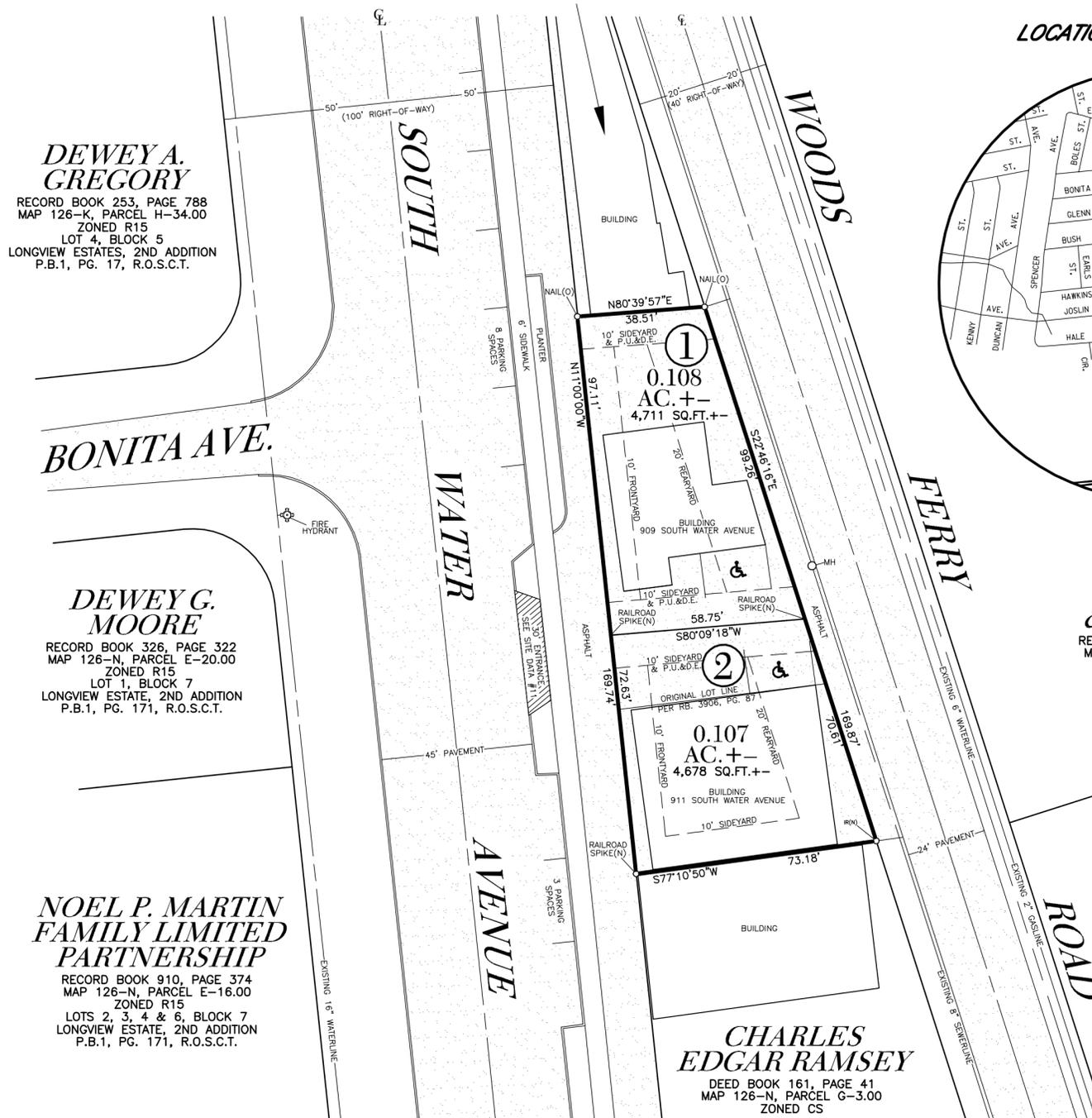
SITE DATA TABLE

1. TITLE: CHARLOTTE L. ANDERSON
2. OWNER: CHARLOTTE L. ANDERSON
2036 RODMAN BLVD.
GALLATIN, TENNESSEE 37066
3. ADDRESS: LOT #1 - 909
LOT #2 - 911
SOUTH WATER AVENUE
GALLATIN, TENNESSEE 37066
4. TAX MAP: 113-N, PARCEL G-2.00
5. PREPARER: JIM CARMAN
CARROLL CARMAN SURVEYING
150 MIDDLE FORK ROAD
HARTSVILLE, TN 37074
6. DATE: MARCH 20, 2015
7. ZONING: CS
8. MINIMUM BUILDING SETBACK LINE -
50 FEET FROM BOTH RIGHT-OF-WAYS
9. EXISTING USE / PROPOSED USE:
LOT #1 - VACANT
LOT #2 - GENERAL RETAIL
10. EXISTING ACCESS ON SOUTH WATER AVENUE IS
A JOINT ACCESS EASEMENT TO BE SHARED BY
LOTS #1 & #2.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY, AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS AT LEAST 1 : 10,000 AS SHOWN HEREON.

CARROLL CARMAN, SURVEYING
150 MIDDLE FORK ROAD
HARTSVILLE, TENNESSEE
PHONE: (615) 374-3344



WHITAKER & WHITAKER

RECORD BOOK 3051, PAGE 102
MAP 126-M, PARCEL A-16.00
ZONED R6

LIBERTY BAPTIST CHURCH OF GALLATIN

RECORD BOOK 3771, PAGE 820
MAP 126-M, PARCEL A-18.00
ZONED CS

CHARLES EDGAR RAMSEY

DEED BOOK 161, PAGE 41
MAP 126-N, PARCEL G-3.00
ZONED CS

