



Agenda
Gallatin Municipal Board of Zoning Appeals

Thursday, January 30, 2014
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 28, 2013 and December 12, 2013**
- **GMBZA Resolution No. 2014-04**
Election of Officers

REGULAR AGENDA

- 1. GMBZA Resolution No. 2014-02** **PC9839-11**
LANDRY C.U.P.
ED LANDRY

PUBLIC HEARING
The owner and applicant are requesting approval of Resolution 2014-02 granting a Conditional Use Permit (CUP), for Multi-Family, per Section 06.05.020.C of the Gallatin Zoning Ordinance, on property zoned Residential 15 (R15), containing 3.35 (+) acres, located on the south side of Red River Road (SR 25) west of Putter Point Drive. (1139 and 1141 Highway 25)

- 2. GMBZA Resolution No. 2014-03** **PC0239-14**
EASTLAND SUBDIVISION - PHASE 2, REPLAT OF LOT 3
CITY OF GALLATIN

PUBLIC HEARING
The City is requesting approval of variances per Section 07.02.020.A, 1 and 2 of the City of Gallatin Zoning Ordinance as follows: For Lot 3A, a variance of 419 square feet to allow a lot area of 5,581 square feet (The required minimum lot area is 6,000 square feet); and a variance of one (1) foot to allow a lot 59 feet in width (The required minimum front lot width is 60 feet). For Lot 3B, a variance of 1,691 square feet to allow a lot area of 4,309 square feet (The required minimum lot area is 6,000 square feet); and a variance of 15.5 feet to allow a lot 44.5 feet in width (The required minimum front lot width is 60 feet). The property, consisting of 14,100 square feet, is located at 204 and 208 East Eastland Street, (S.B.E. Tax Map # 113N/C/004.00) and is zoned Multiple Residential and Office (MRO) and Dwelling: One-Family Detached is a permitted use in the MRO zone district.

- 3. GMBZA Resolution No. 2014-01** **PC0225-13**
FAITH CHURCH OF GALLATIN - ADDITION
FAITH CHURCH OF GALLATIN

PUBLIC HEARING
The owner and applicant are requesting approval of a Conditional Use Permit (CUP) per Section 08.02.010.D of the Gallatin Zoning Ordinance for a Community Facility, Place of Worship, on a portion of property zoned Commercial Services (CS), containing 8.88 (+) acres, located at 661 South Water Avenue in the South Gate Shopping Center.

- 4. OTHER BUSINESS**

- 5. MOVE TO ADJOURN**

ORIGINAL

MINUTES OF THE GALLATIN
MUNICIPAL BOARD OF ZONING APPEALS

February 28, 2013

MEMBERS PRESENT

Jimmy Moore, Chair
John Puryear
James Pope

MEMBERS ABSENT

Eddie Wyatt, Vice Chair
Jeannie Gregory, Secretary

STAFF PRESENT

Katherine Schoch, Interim Director Codes/Planning
Kevin Chastine, Planner II
Marianne Mudrak, Board Secretary

OTHERS

Applicants

The Gallatin Municipal Board of Zoning Appeals met in a regular meeting on Thursday, February 28, 2013, 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.

Item 1
Approve Prior Minutes

Mr. Puryear motioned to approve the minutes of the January 31, 2013 Gallatin Municipal Regional Board of Zoning Appeals meeting. Mr. Pope seconded the motion and the motion passed by unanimous vote.

Item 2

GMBZA Resolution No. 2013-03 – PC0090-13 – Gallatin Wrecker Service – Rogers Engineering Group – Public Hearing – Applicant requests a side yard variance per Section 08.03.030.D of the Gallatin Zoning Ordinance to allow an existing building to encroach 0.58 feet to 1.66 feet into the required 10-foot side yard on property containing 0.57 (+/-) acres located at 134 East Schell Street.

Mr. Kevin Chastine, Planner II, presented the staff report and stated the applicant is requesting a side yard variance upwards to 1.66 feet into the side yard. Mr. Chastine said Staff visited the site and discovered the building was nearly complete and was to be used for Gallatin Wrecker. Mr. Chastine said the applicant has submitted a site plan to present to the Gallatin Planning Commission next month, if this variance is approved. Mr. Chastine said when reviewing the site plan, Staff noticed that the garage building had been built too close to the eastern property line.

Mr. Chastine said the applicant answered the standards for variance questions. Mr. Chastine said Staff agrees with eight of the variance standards; however, Staff does not agree that the first variance standard has been met, because the site is fairly rectangular and the building could have been built to meet the side yard to the eastern property line.

Gallatin Municipal Board of Zoning Appeals Meeting Minutes

Mr. Chastine said Staff does not recommend the Municipal Board of Zoning Appeals approve the side yard variance as presented.

Mr. Richard Jones, with Rogers Engineering Group, represented the applicant, and said he understands that Staff cannot go against the ordinance and recommend the variance. Mr. Jones said when the building was put up the adjacent owner was in attendance with the developer and a string was pulled in agreement at the property line. Mr. Jones said the building was originally to be used to garage vehicles. Mr. Jones said he later decided to use the building for Gallatin Wrecker Service with an office. Mr. Jones said both parties believed that the building was setback 10 feet.

Mr. Jones said the plan for the lot is a great improvement to the site. Mr. Jones said the building is near completion and asked for the variance for that reason. Mr. Jones said the building is not abusive to either neighbor.

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

Mr. Jones said when the fence was built, the neighbor, Mr. Mike Fritz, was in attendance and agreement. Mr. Fritz also poured the concrete on the building. Mr. Jones said when the permit was issued Mr. Kelly, the developer, did not realize he needed to call the City for an inspection.

Ms. Katherine Schoch, Interim Director Codes/Planning, said the permit was issued for residential use, not commercial use. Ms. Schoch said the existing residential structure is a legal non conforming structure. Ms. Schoch said a structure to be used as accessory to the house on the lot is legal. Ms. Schoch said this is an active zoning violation because it is acting as a commercial building without a site plan.

Mr. Jones clarified that when Mr. Kelly applied for the permit he intended to use the building as a garage for his vehicles. Mr. Jones said Mr. Kelly did not realize he had to re-apply for another permit because he changed the intended of use of the building.

Ms. Schoch said Staff is willing to work with the applicant. Mr. Jones said the applicant is willing to add brick to the building to meet the regulations. Mr. Puyear said architectural materials would be a Planning Commission issue.

Mr. Puyear said it makes complete sense to have a wrecker service on this property. Mr. Puyear said he is concerned that the Municipal Board of Zoning Appeals does not have the authority to grant this variance without the finding of facts. Mr. Puyear suggested that the applicant buy the amount of property he needs from his neighbor and add it to the lot with a minor subdivision plat so the building no longer encroaches into the side yard. Mr. Puyear said the City does not want to cause the applicant to take down his building. Mr. Puyear said to grant the appeal all nine standards must be met.

Mr. Paul Kelly, applicant, said he was not aware that he needed to submit a site plan when he decided to use the building as a commercial building instead of a residential outbuilding. Mr. Kelly reiterated how he determined the placement of the building with the help of his neighbor.

Gallatin Municipal Board of Zoning Appeals Meeting Minutes

Ms. Schoch reiterated that the original application for a building permit was for a residential structure. Ms. Schoch said the building is oversized and is not accessory to the principle structure. Mr. Kelly said he did not know he was going to use the building for commercial purposes when he first applied for the permit.

Mr. Jones explained that on the left side of the property there is only a fifteen foot driveway and if they had gone over to that side it would narrow the driveway even more.

Mr. Jones said the applicant was trying to meet the setbacks. Ms. Schoch said there was never a call for a building inspection, which would have brought the mistake to the attention of the applicant before the structure was complete.

Mr. Puryear asked if it would be possible to give the applicant 30 days to speak to his neighbor about purchasing the required land. Mr. Puryear said he was sure that Planning Commission would not have a problem approving the use if the property line could be resolved. Mr. Puryear said he could not vote for this variance; however, he wants to find a way to make this work for the applicant. Mr. Puryear said he is not comfortable setting a precedent by voting to approve a variance that does not meet all nine standards.

Chair Moore agreed that the applicant should try to purchase the property needed. Ms. Schoch said the City Attorney agreed that the variance request did not meet the standards.

Mr. Kelly said he could take down a part of the building if necessary.

Mr. Puryear motioned to defer the item to the next Municipal Board of Zoning Appeals meeting. Mr. Pope seconded the motion and the motion passed by unanimous vote.

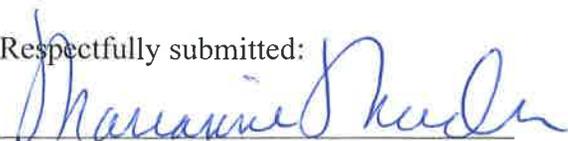
Item 3
Other Business

Mr. Puryear said he is not in favor of the paperless agendas.

Item 4
Move to Adjourn

There being no further business, Chair Moore adjourned the meeting at 6:30 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, February 28, 2013
DR. J. DEOTHA MALONE COUNCIL CHAMBERS

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

1. **APPROVE PRIOR MINUTES**
January 31, 2013, MBZA Regular Meeting

2. **GMBZA Resolution No. 2013-03**
GALLATIN WRECKER SERVICE
ROGERS ENGINEERING GROUP

PC0090-13

Public Hearing

Applicant requests a side yard variance per Section 08.03.030 D. of the Gallatin Zoning Ordinance to allow an existing building to encroach 0.58 feet to 1.66 feet into the required 10-foot side yard on property containing 0.57 (+/-) acres located at 134 East Schell Street.

3. **OTHER BUSINESS**

4. **MOVE TO ADJOURN**

ORIGINAL

MINUTES OF THE GALLATIN
MUNICIPAL BOARD OF ZONING APPEALS

December 12, 2013

MEMBERS PRESENT

Ed Wyatt
Jeannie Gregory
John Puryear

STAFF PRESENT

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

MEMBERS ABSENT

James Pope
Jimmy Moore, Chair

OTHERS

Applicant

The Gallatin Municipal Board of Zoning Appeals met in a regular meeting on Thursday, December 12, 2013, at 5:30 p.m., in the Dr. J. Deotha Malone Council Chambers of Gallatin City Hall. Mr. Eddie Wyatt, Vice Chair, called the meeting to order. A copy of the meeting agenda is attached to these minutes as Exhibit A.

Item 1
Approve Prior Minutes

Vice Chair Wyatt presented the minutes of the February 28, 2013 and August 29, 2013 Municipal Board of Zoning Appeals for approval.

Without objection, Vice Chair Wyatt moved approval of the February 28, 2013 minutes to the next meeting, due to a lack of quorum on members attending that meeting.

Ms. Gregory motioned to approve the August 29, 2013 minutes as presented. Mr. Puryear seconded the motion and the motion passed by unanimous vote.

Item 2

GMBZA Resolution No. 2013-08 – PC0210-13 – Rogers, Harriet – Variance – Bruce Rainey & Associates – The owner and applicant are requesting approval of a five (5) foot side yard variance on both sides for the construction of a One-family Detached Dwelling unit per Section 06.08.040.B of the Gallatin Zoning Ordinance. The property, consisting of 3,728 square feet, is located at 229 Roosevelt Circle, (S.B.E. Tax Map #1130/M/012.00) and is zoned Residential-6 (R6) High Density Residential District (R6).

Ms. Katherine Schoch, Assistant Director of Planning, presented the staff report and stated the owner and applicant are requesting approval of a five foot side yard variance on both sides of the property. Ms. Schoch said the parcel is 3,728 square feet. Ms. Schoch said this body approved a variance request last year for the adjacent property. Ms. Schoch said when the contractor researched the building permit process he realized that the house plan would not fit on the lot so he had the property surveyed and requested this variance.

Ms. Schoch said the Codes Department would have to review the plan submitted to be sure it is in compliance with all building code regulations.

Ms. Schoch said the design of the lot is very narrow and long. Ms. Schoch said Staff feels this is a hardship not created by the property owner. Ms. Schoch said Staff agrees with the applicant that this meets all of the nine standards for a variance.

Ms. Schoch said due to the unusual shape of the lot and because the lot is undersized for the Residential-6 (R6) zone district, Staff recommends approval of the side yard variances on both sides of the lot, with the conditions listed in the staff report.

Mr. Bruce Rainey, with Bruce Rainey and Associates, represented the applicant and said he agreed with all conditions.

Vice Chair Wyatt opened public hearing. No one came forward to speak; therefore, Vice Chair Wyatt closed public hearing.

Mr. Puryear asked if the variance granted to the house on the adjacent property, was granted for the same reasons. Ms. Schoch said that it was granted for the same reasons.

Mr. Puryear asked about fire codes. Ms. Schoch said there are fire codes and there is a table that has certain requirements, which is in the staff report.

Mr. Rainey said the builder is aware of the requirements. Ms. Schoch said the Codes Department has not reviewed the plan.

Mr. Puryear motioned to approve the variance with the following conditions:

1. The owner shall obtain a building permit prior to construction.
2. The residence shall be constructed in accordance with the minimum fire-resistance rating shown in Table R302.1, Exterior Walls, of the 2006 International Residential Code.

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

Item 3
Other Business

There was no other business to discuss.

Item 4
Move to Adjourn

There being no further business, Ms. Gregory motioned to adjourn the meeting. Mr. Puryear seconded the motion and the meeting at 5:45 p.m.

Respectfully submitted:

Marianne Mudrak, Board Secretary

Approve:

Eddie Wyatt, Vice Chair

Jeannie Gregory, Secretary



Agenda
Gallatin Municipal Board of Zoning Appeals

Thursday, December 12, 2013
DR. J. DEOTHA MALONE COUNCIL CHAMBERS

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

1. **APPROVE PRIOR MINUTES**
February 28, 2013, MBZA Regular Meeting
August 29, 2013, MBZA Regular Meeting

2. **GMBZA Resolution No. 2013-08**
ROGERS, HARRIET - VARIANCE
BRUCE RAINEY & ASSOCIATES

PC0210-13

The owner and applicant are requesting approval of a five (5) foot side yard variance on both sides for the construction of a One-family Detached Dwelling unit per Section 06.08.040.B of the Gallatin Zoning Ordinance. The property, consisting of 3,728 square feet, is located at 229 Roosevelt Circle, (S.B.E. Tax Map # 113O/M/012.00) and is zoned Residential-6 High Density Residential District (R6).

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

EXHIBIT A

RESOLUTION FOR THE ELECTION OF 2014 GALLATIN MUNICIPAL BOARD OF ZONING APPEALS OFFICERS - CHAIR, VICE-CHAIR, AND SECRETARY-

WHEREAS, THE CITY OF GALLATIN MUNICIPAL- BOARD OF ZONING APPEALS pursuant to T.C.A. 13-7-205, and Article 15, Section 15.04.025, Gallatin Zoning Ordinance is authorized to elected officers each year for the Board of Appeals; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL BOARD OF ZONING APPEALS considered the Election of Officers for the City of Gallatin at its regular meeting on January 30, 2014; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL BOARD OF ZONING APPEALS has voted on the election of Chair, Vice-Chair, and Secretary of the Gallatin Municipal Board of Zoning Appeals for 2014;

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL-BOARD OF ZONING APPEALS as follows.

Section 1. Action – The Gallatin Municipal Board of Zoning Appeals hereby approves the Election of Officers as follows:

1. Chair: _____
2. Vice-Chair: _____
3. Secretary: _____

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD ZONIGN 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: 1/30/14

_____, Chairman

_____, Secretary

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

Establishment of Board of Zoning Appeals

15.04 The Board of Zoning Appeals

15.04.10 Herein and hereafter, any reference to Board or Board of Zoning applies equally to the Regional Board of Zoning Appeals.

15.04.020 Creation of the Board of Municipal and Regional Board of Zoning Appeals - Membership and Appointment

- A. The Municipal Board of Zoning Appeals shall have jurisdiction only within the corporate limits of the City of Gallatin and shall consist of five (5) members, who shall all be residents of the City of Gallatin at the time of their appointment and who shall continue to reside within the City corporate limits as long as they serve. At least one of the members of the Municipal Board of Zoning Appeals shall be a member of the Gallatin Municipal Planning Commission.
- B. The Regional Board of Zoning Appeals shall have jurisdiction only outside the corporate limits of the City of Gallatin and within the Gallatin planning region and shall consist of five (5) members, three (3) of whom shall be residents of the Gallatin planning region and live outside the City corporate limits, and two (2) of whom shall be residents of the City of Gallatin within the corporate limits. All such residency requirements shall be met at the time of appointment and shall be required to continue as long as any member serves. At least one (1) of the members of the Regional Board of Zoning Appeals shall be a member of the Gallatin Regional Planning Commission.
- C. All members of the Municipal Board of Zoning Appeals and Regional Board of Zoning Appeals shall be appointed by the Mayor within ten (10) days after notification to the Mayor of a vacancy on either Board and confirmed by a majority vote of the Aldermen by resolution.

15.04.021 Terms of Office

The members of the respective Boards of Zoning Appeals shall serve for five (5) year terms or until their respective successors are appointed and qualified, except that the Board first appointed shall serve respectively for the following terms:

One for one year, one for two years, one for three years, one for four years, and one for five years.

15.04.022 Quorum and Attendance

- A. The presence of three (3) members shall constitute a quorum and the concurring vote of a majority of the members of the Board present shall be necessary to deny or grant any application before the Board. Any member who, voluntarily or involuntarily, is absent for three (3) consecutive special and/or regular meetings shall forfeit said position as a member of the Board and be automatically terminated.

15.04.028 Rules and Proceedings of the Board

The Board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

- A. No action shall be taken by the Board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Gallatin at least ten (10) days before the date set for a public hearing and written notice of the hearing of an appeal be sent by mail to the appellant and all directly affected property owners at least ten (10) days before the hearing of an appeal. The notice to the appellant shall be sent by registered mail. No appeal shall be considered and heard by the Board unless such appeal shall have been filed at least fifteen (15) days prior to the meeting at which it is to be heard;
- B. The Board may call upon any other office or agency of the city government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required;
- C. The Gallatin Regional Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing;
- D. Any officer, agency, or department of the City of Gallatin or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by state law;
- E. In any decision made by the Board on a variance the Board shall:
 1. Indicate the specific section of this Ordinance under which the variance is being considered, and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare".
 2. In cases pertaining to hardship, specifically identify the hardship warranting such action by the Board;
- F. Any decision made by the Board on a conditional use permit shall indicate the specific section of this Ordinance under which the permit is being considered and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare", and shall state clearly the specific conditions imposed in granting such permit;
- G. Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the Board, good and sufficient cause being shown;
- H. At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.



PLANNING DEPARTMENT STAFF REPORT
Election of Municipal Board of Zoning Appeals
Officers for 2014
Date: January 22, 2014

REQUEST: ELECTION OF BOARD OF ZONING APPEALS OFFICERS
STAFF CONTACT: WILLIAM D. McCORD, AICP - CITY PLANNER
MBZA DATE: JANUARY 30, 2014
RECOMMENDATION: APPROVAL OF RESOLUTION 2014-04

ACTION ITEM:

The Municipal Board of Zoning Appeals shall elect officers each year as required by Article 15, Section 15.04.025, Gallatin Zoning Ordinance as authorized by T.C.A., Section 13-7-205. This requires the selection of a Chairman, Vice-Chairman and Secretary who shall serve for one (1) year and may, upon reelection, serve succeeding terms. This usually occurs in January of each year.

RECOMMENDATION:

Nominate and elect a Chairman, Vice-Chairman and Secretary for the Municipal Board of Zoning Appeals to serve for all of 2014 and approval of Resolution 2014-04.

EXHIBITS –

Resolution 2014-04
Article 15, Section 15.04, Gallatin Zoning Ordinance
T.C.A., Sections 13-7-205

RESOLUTION OF THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS APPROVING A RENEWAL OF A CONDITIONAL USE PERMIT FOR MULTI-FAMILY RESIDENTIAL USE FROM SECTION 06.05.020.C OF THE ZONING ORDINANCE OF GALLATIN, TENNESSEE FOR PROPERTY AT 1139 AND 1141 HIGHWAY 25 WEST – (PC9839-11)

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS considered the request for a conditional use permit for the multi-family residential use for property located at 1139 and 1141 Highway 25 West, per Section 06.05.020.C of the Gallatin Zoning Ordinance, submitted by the applicant, Ed Landry, et als., at its regular meeting on January 30, 2014; 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, attached hereto as Exhibit A, 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 multi-family residential 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 renew the Conditional Use Permit for the Multi-Family Residential Use for property located at 1139 and 1141 Highway 25 West, per Section 06.05.020.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 as set forth in Gallatin Zoning Ordinance, Section 15.06.040.
- Section 2. The request to renew the Conditional Use Permit for the Multi-Family Residential Use for property located at 1139 and 1141 Highway 25 West, per Section 06.05.020.C of the Gallatin Zoning Ordinance, meets all four (4) of the following Conditions for Multi-Family Residential use as described in the body of the Staff Report and as set forth in Gallatin Zoning Ordinance, Section 15.06.080.A:
1. Effect upon traffic congestion.
 2. Overcrowding of schools.
 3. Availability of necessary public utilities.
 4. Suitability of the site for the use
- Section 3. Action – The Gallatin Municipal Board of Zoning Appeals hereby approves Resolution 2014-02 for a Conditional Use Permit from Section 06.05.020.C of the Gallatin Zoning Ordinance, for two (2) existing multi-family structures, containing seven (7) units, located at 1139 and 1141 Highway 25 West, with the following conditions:
1. The Conditional Use Permit shall be consistent with the one (1) sheet plan titled "Conditional Use Permit Exhibit of the Edwin and Janet Landry and Daniel and Rhona Landry and Russell and Donna Plowman Property", prepared by Blue Ridge Surveying, Inc. of Gallatin, TN, dated September 28, 2010 with date of drawing July 15, 2011.

2. The Conditional Use Permit shall expire upon removal or destruction of one or both of the residential structures.
3. All life safety requirements shall be met and a fire inspection will need to be scheduled.

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: 1/30/14

Ed Wyatt, Vice Chair

Jeannie Gregory, Secretary

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

Item 1



PLANNING DEPARTMENT STAFF REPORT

Conditional Use Permit for Multi-Family (PC9839-11)

1139 and 1141 Highway 25 West

Meeting Date: January 30, 2014

REQUEST: CONDITIONAL USE PERMIT FOR MULTI-FAMILY
OWNER: ED LANDRY; DANIEL LANDRY; & RUSSELL PLOWMAN

APPLICANT: ED LANDRY
STAFF RECOMMENDATION: APPROVAL WITH CONDITION(S)
STAFF CONTACT: KEVIN CHASTINE
GMBZA MEETING DATE: JANUARY 30, 2014

PROPERTY OVERVIEW: The owner and applicant are requesting approval of Resolution 2014-02 granting a Conditional Use Permit (CUP), for Multi-Family, per Section 06.05.020.C of the Gallatin Zoning Ordinance, on property zoned Residential 15 (R15), containing 3.35 (+/-) acres, located on the south side of Red River Road (SR 25) west of Putter Point Drive. (1139 and 1141 Highway 25) (Attachment 1-1)

CASE BACKGROUND:

Previous Approvals

The property at 1139 and 1141 Highway 25 West had two (2) existing multi-family structures located on them prior to 2010, when the new owner, Ed Landry, et al. purchased the property. The property was zoned Agricultural, which does not permit multi-family structures either as a permitted or conditional use, therefore the multi-family buildings constituted a non-conforming use.

In an effort to bring the property into compliance with the Gallatin Zoning Ordinance the owner had the property annexed into the City and rezoned to Residential 15 (R15). In October 2010, Ed Landry (property owner) submitted an application for rezoning from Agricultural to Residential-15 (R15) so that the two (2) existing, non-conforming multi-family dwelling buildings containing a total of seven (7) units (three (3) in one building and four (4) in the other) could be considered for approval as a conditional use under the R15 zone district. The R15 zoning was established on 2nd reading at the January 4, 2011 City Council meeting. (Ordinance #O1010-72) (PC File# 3-22-10)

In July 2011, Ed Landry submitted an application for a Conditional Use Permit for Multi-Family Residential for 1339 and 1141 Highway 25 West, which was approved by the Gallatin Municipal Board of Zoning Appeals at the July 28, 2011 meeting.

The final step to obtain compliance for this property was requesting a Conditional Use Permit for the two (2) existing multi-family structures. The Conditional Use Permit was approved with a two (2) year limit; meaning the property owner would be required to apply for a renewal of the Conditional Use Permit at the end of the two (2) year period. The property owner completed these multiple steps to insure the ability to rebuild the existing

structures in case the property is destroyed by fire, tornado or any other natural disaster and be in compliance with the Gallatin Zoning Ordinance.

DISCUSSION:

The two (2) multi-family structures have functioned under the Conditional Use Permit for the last two (2) years and the owner desires to continue the multi-family use, so he has submitted this request for renewal of the Conditional Use Permit.

Section 15.06.030 states:

General requirements are hereby established which apply to all applications for conditional use permits, and the specific standards listed apply to the issuance of a conditional use permit as appropriate. The Board may impose such other conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to comply with the provisions set out in Section 15.06.040 and 15.06.080.A in order to reduce or minimize the injurious effect of such conditional use upon, ensure compatibility with surrounding property and to better carry out the general intent of this Ordinance. The Board may establish expiration dates for the expiration of any conditional use permit as a condition of approval.

OTHER DEPARTMENTAL REVIEW COMMENTS:

No Other Departmental Review Comments were provided since this is a renewal of a previously approved Conditional Use Permit and the site conditions have not changed.

Findings Related to the Conditional Use Permit request:

The applicant submitted responses addressing the code required standards pertaining to their proposed Conditional Use Permit. (See Attachment 1-4)

Per Section 15.06.040 a conditional use permit shall be granted provided the Board finds that it:

- A. The proposed Conditional Use is designed, located and proposed to be operated so that the public health, safety and welfare will be protected;
 - *The request for a Conditional Use Permit for Multi-Family Residential will not significantly impact the public health, safety or welfare of the area. It will not overcrowd buildings or generate traffic volumes that will overwhelm the transportation system. The dwelling units were constructed on the property in 1971 and 1973 without any adverse affects. The use will not generate any greater amount of traffic than what has been generated over the past two (2) years under the previously approved Conditional Use Permit.*
- B. The Conditional Use will not adversely affect other property in the area in which it is located;
 - *The two (2) multi-tenant buildings were operated as multi-family dwelling units, up to seven (7) units for many years before annexation. The property received approval of Conditional Use Permit for the existing Multi-Family residential units in 2011.*

C. The proposed Conditional Use complies with all special conditions for Multi-Family as described in Section 15.06.080.A

- *Multi-Family Residential is a legal conditional use of the Gallatin Zoning Ordinance for the Residential 15 (R15) zone district per Section 06.05.020.C of the Gallatin Zoning Ordinance. The structure comply with the bulk regulations of the R-15 district including lot area, lot coverage, minimum development area per dwelling unit, floor area ratio, yard requirements, and building setbacks.*

D. The Conditional Use conforms to all applicable provisions of the Zoning Ordinance including the zoning district in which it is located and is necessary for the public convenience in the proposed location.

- *This property complies with all applicable provisions of the Gallatin Zoning Ordinance as described above.*

Per 15.06.080.A Specific Standards for Residential Activities includes:

Special Conditions for Multi-family Dwelling and Mobile Home Park Activities - In addition to the standards contained in this Ordinance, for these type developments, the Board of Appeals shall specifically find:

1. No adverse impact upon adjoining properties or the neighborhood in which such use is proposed.
 - a. Effect upon traffic congestion: *No additional traffic will be generated by initially granting or extending the Conditional Use Permit.*
 - b. Overcrowding of schools: *No additional impact will occur to school enrollment because the residential units not exist and no expansion in the number of units is requested.*
 - c. Availability of necessary public utilities: *The property is currently served by public utilities including water, sewer, and gas. No additional public utilities will be needed to serve the existing development.*
 - d. Suitability of the site for the use: *The site now contains seven (7) residential units within two (2) separate detached structures on the 3.35 acres (+/-) parcel. R-15 zoning allows lot sizes permitting a single unit on as small as .34 acres, so density will remain less than permitted by zoning. If subdivided, the property could yield up to nine (9) separate dwelling units on platted lots.*

RECOMMENDATION

Staff recommends that the Gallatin Municipal Board of Zoning Appeals approve Resolution 2014-02 granting a Conditional Use Permit for seven (7) Multi-Family Dwelling units at 1139 and 1141 Highway 25 with the following condition(s):

1. The Conditional Use Permit shall be consistent with the one (1) sheet plan titled "Conditional Use Exhibit of the Edwin and Janet Landry and Daniel and Rhona Landry and Russell and Donna Plowman Property", prepared by Blue Ridge Surveying, Inc of Gallatin, TN, dated September 28, 2010 with date of drawing July 15, 2011.

2. This Conditional Use Permit shall expire upon removal or destruction of one or both of the residential structures.

ATTACHMENTS:

Attachment 1-1 Conditional Use Permit Site Plan
Attachment 1-2 Photographs of Existing Building



Google earth





Google earth



ITEM 2

GMBZA Resolution No. 2014-03

RESOLUTION OF THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS APPROVING A VARIANCE FROM SECTION 07.02.020.A.1&2 OF THE ZONING ORDINANCE OF GALLATIN, TENNESSEE FOR PROPERTY AT 204 AND 208 EAST EASTLAND STREET – (PC0239-14)

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS considered the request for a 419 square foot variance in lot area and a one (1) foot variance from lot width for Lot 3A and a 1,691 square foot variance in lot area and a 15.5 foot variance from lot width for Lot 3B for property located at 204 and 208 East Eastland Street, per Section 07.02.020.A 1&2 of the Gallatin Zoning Ordinance, submitted by the applicant, L.I. Smith & Associates, Inc. at its regular meeting on January 30, 2014; 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, attached hereto as Exhibit A, 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 TCA Section 13-7-206; 13-7-207(3); and Section 15.05.030 of the Gallatin Zoning Ordinance:

- Section 1. The request for a 419 square foot variance in lot area and a one (1) foot variance from lot width for Lot 3A and a 1,691 square foot variance in lot area and a 15.5 foot variance from lot width for Lot 3B for property located at 204 and 208 East Eastland Street, per Section 07.02.020.A 1&2 of the Gallatin Zoning Ordinance, meets all nine (9) of the following 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;

ITEM 2

- 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 Resolution 2014-03, granting variances from G.Z.O. Section 07.02.020.A, 1 and 2, as described below with one condition:

For Lot 3A:

- A variance of 419 square feet to allow a lot area of 5,581 square feet (The required minimum lot area is 6,000 square feet);
- A variance of one (1) foot to allow a lot 59 feet in width (The required minimum front lot width is 60 feet).

For Lot 3B:

- A variance of 1,691 square feet to allow a lot area of 4,309 square feet (The required minimum lot area is 6,000 square feet);
- A variance of 15.5 feet to allow a lot 44.50 feet in width (The required minimum front lot width is 60 feet).

1. The variance is subject to approval, by the Planning Commission, of a one (1) page plan for re-plat of Lot 3 of Eastland Subdivision Phase 2, prepared by L.I. Smith & Associates, Inc, with Job Number #s113N-C-4/7434, and dated January 2, 2014.

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.

ITEM 2

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED: 1/30/14

Ed Wyatt, Vice Chair

Jeannie Gregory, Secretary

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

Item 2



PLANNING DEPARTMENT STAFF REPORT

Variance Request for Lot Area and Lot Width (PC0239-14)

204 and 208 East Eastland Street

Meeting Date: January 30, 2014

REQUEST: VARIANCE OF 419 SQ. FT. FOR LOT AREA AND ONE (1) FOOT FOR LOT WIDTH FOR LOT 3A.
VARIANCE OF 1,691 SQ. FT. FOR LOT AREA AND 15.5 FEET FOR LOT WIDTH FOR LOT 3B.

OWNER: CC&G INVESTMENTS, LLC

APPLICANT: L.I. SMITH & ASSOCIATES, INC (TOMMY YOUNG)

STAFF RECOMMENDATION: RECOMMEND APPROVAL OF RESOLUTION 2014-03

STAFF CONTACT: WILLIAM D. MCCORD, AICP

GMBZA MEETING DATE: JANUARY 30, 2014

PROPERTY OVERVIEW: The City is requesting approval of variances per Section 07.02.020.A, 1 and 2 of the City of Gallatin Zoning Ordinance as follows: For Lot 3A, a variance of 419 square feet to allow a lot area of 5,581 square feet (The required minimum lot area is 6,000 square feet); and a variance of one (1) foot to allow a lot 59 feet in width (The required minimum front lot width is 60 feet). For Lot 3B, a variance of 1,691 square feet to allow a lot area of 4,309 square feet (The required minimum lot area is 6,000 square feet); and a variance of 15.5 feet to allow a lot 44.5 feet in width (The required minimum front lot width is 60 feet). The property, consisting of 14,100 square feet, is located at 204 and 208 East Eastland Street, (S.B.E. Tax Map # 113N/C/004.00) and is zoned Multiple Residential and Office (MRO) and Dwelling: One-Family Detached is a permitted use in the MRO zone district. (Attachment 2-2)

CASE BACKGROUND:

Previous Approvals

The Eastland Subdivision, Phase Two is platted as a single .32± acre lot (Lot 3). (Attachment 2-3) The subdivision was approved administratively as a minor subdivision in 2010 (PC File#2-7-10). Lot 3 contains two (2) separate dwelling units which were constructed in 1935. A portion of Lot 3 is within both the floodway and floodplain (Zone AE and Shaded X) of Town Creek. Nearly the entire house at 204 East Eastland Street is located in Flood Zone AE and only a small portion of the houses at 204 and 208 Eastland are within Flood Zone X (outside of the 500 year flood zone.)

ANALYSIS

The property is zoned Multiple Residential and Office (MRO) and Dwelling, One-family Detached and Dwelling, Two-Family Detached is a permitted use in the MRO zone district. The lot currently contains two (2)

Eastland Subdivision Phase 2 Lot 3 Variance Request

One-Family Detached Dwelling units, which meets all bulk regulations of the MRO zone district (Section 07.02 of the Gallatin Zoning Ordinance), except for front yard building setback requirements. The non-conforming front yard building setback was created by the City's request for a five (5) foot right-of-way dedication, which the property owner provided as part of an earlier subdivision. Please refer to the photographs of the existing residences included as Attached 2-5 and 2-6.

For the continued development of the Town Creek greenway, the City needs to acquire additional property along the south side of Town Creek. A portion of the property needed to construct the Town Creek Greenway is currently plated as part of Lot 3 of the Eastland Subdivision, Phase Two. The City, on behalf of the property owners, requested a Final Plat approval (PC0238-14) at the Gallatin Planning Commission meeting on Monday, January 27, 2014 to re-plat Lot 3 into two (2) lots for the existing single family residences and one (1) open space tract, which would be the area for the greenway extension. The open space tract for the greenway extension consists of .086 acres or 3746± square feet of the total 14,100 square feet within Lot 3.

Due to the funding source being used for the greenway extension, the open space tract must be acquired without encumbrance, or free-and-clear, and not by easement. The City's agent has worked with the current property owner to negotiate for the conveyance of the proposed 0.086 acre open space tract. The remainder of Lot 3 would retain .23 (+/-) acres or 9,890(+/-) square feet, which is 2,100 square feet less than the minimum lot area required by under the current MRO zoning to accommodate two (2) lots. The property is large enough to accommodate the two (2) existing dwelling units without any variances being required, but could not be subdivided.

Currently the two (2) units are located on a single lot. However, as part of the subdivision the current owner is requesting the City, as applicant, to allow for the creation of two (2) lots for residential development since two (2) separate residences now exist on the property. Even with the conveyance of the open space tract the remaining lot would meet the requirements of the zoning ordinance in terms of lot area, but with the requested lot division both residential lots would not comply with the minimum lot area or lot width. The owner would like to have the option of selling one (1) or both of the dwelling units as separate units. To be able to accommodate the subdivision, variances for both lot width and lot area will be required. The requested variances are as follows: For Lot 3A, a variance of 419 square feet to allow a lot area of 5,581 square feet (The required minimum lot area is 6,000 square feet); and a variance of one (1) foot to allow a lot 59 feet in width (The required minimum front lot width is 60 feet). For Lot 3B, a variance of 1,691 square feet to allow a lot area of 4,309 square feet (The required minimum lot area is 6,000 square feet); and a variance of 15.5 feet to allow a lot 44.5 feet in width (The required minimum front lot width is 60 feet). Please refer to the MRO Section of the Gallatin Zoning Ordinance included as Attachment 2-7.

After subdivision of the open space tract (greenway extension) the remaining portion of Lot 3 will still comply with the minimum bulk standards for residential lots in the MRO zone district. However, most of Lot 3 would continue to be within a special flood hazard area (either Flood Zone AE or X within the 500 year flood boundary). Only a small portion of the lot would remain in Flood Zone X (outside of the 500 year flood boundary). Also, under the current zoning up to three (3) units could be constructed on the remaining portion of Lot 3 if it was not subdivided (with the exception of subdividing off the open space tract for the greenway extension). By subdividing the remainder of Lot 3, two (2) non-conforming lots would be created requiring the variances. An unusual situation with the property is the extensive coverage of flood zones. Under the current zoning up to three (3) residential units could be constructed on the property, but if the variances are granted

Eastland Subdivision Phase 2 Lot 3 Variance Request

only two (2) units could be constructed. In this situation, the potential risk of loss due to flooding would be less if the variances were granted than if not granted.

OTHER DEPARTMENTAL REVIEW COMMENTS

Other departmental comments have been satisfied.

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

APPLICABLE G.Z.O. DEFINITIONS

Dwelling, One-Family Detached - A one-family dwelling entirely separated from structures on adjacent lots.

Lot Area - The entire area of a zone lot.

Lot Line - A boundary of a zone lot.

Lot Measurements

B. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines of each side of the lot, measured across the rear of the required front yard, provided however that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sac, where the eighty (80) percent requirement shall not apply.

APPLICABLE G.Z.O. SECTIONS

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 Municipal 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 property owner has not responded to these standards in writing. Staff believes that this variance request meets all nine (9) 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 topography places the subject property within significant coverage by flood zones, which if developed to the maximum density permitted by the existing zoning could pose greater risk of damage to property on Lot 3. Approving a variance to create two (2) lots will reduce the likelihood of placing more units at risk of damage due to flooding. Staff considers the flood zone coverage on the lot to present unique challenges for redevelopment of the property and to potentially be a hardship with the land.

Eastland Subdivision Phase 2 Lot 3 Variance Request

- B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
- The property is mostly low lying along a stream which includes floodway and floodplain zones. The open space tract (greenway extension) will encompass that part of the property in the floodway so no vertical construction would occur on this portion of the property. The remaining property is mostly within special flood hazard areas. Most other residential properties in the immediate vicinity do not pose the risk to flooding that this property does. By approving a variance for lot width and lot area this will allow the property owner to subdivide the property and separate the two (2) dwelling units into separate lots. Only two (2) units could then be permitted on the two (2) lots (one (1) unit for each lot). Under the existing lot configuration three (3) units could be placed on a single lot. This variance, if granted, would reduce the potential for loss or risk due to flooding and, therefore, serves a public purpose.
- C. The variance will not authorize activities in a zone district other than those permitted by this Ordinance.
- The variance will not permit uses not permitted in the MRO zone district. Two (2) residences exist on the property and if the variances are granted, no more than two (2) residences could be developed on the properties. The result of the variance will not overly crowd property or density in the neighborhood since there will be no change in the number of units.
- D. Financial returns only shall not be considered as a basis for granting a variance.
- If granted, the variances could diminish financial returns for the owner since at least one (1) less unit could be developed. No additional financial return is likely to result if the variances are granted.
- 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 would be created by the property owner. However, the benefit to the owner is not related to the created hardship, but to a public benefit by reducing potential additional risk to flooding and limiting the number of units at risk of flooding.
- 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 currently exist. In fact, it will likely result in a reduction in potential use of the property. Two (2) units now exist on the lot and no more than two (2) units will be permitted on the two (2) lots (one (1) structure per lot) after approval of the variances.
- G. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- The requested lot width and lot area variances are the minimum variances needed to allow for the lots. These variances will allow for the existing structures to be ten (10) feet from each side property line, which is the required side yard for detached residential uses in the MRO zone district. The footprint of the houses will remain in the current location and in compliance with current zoning. For side and rear yards, lot coverage, buildable area per lot, and building height.

Eastland Subdivision Phase 2 Lot 3 Variance Request

- 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 variances, if granted, will not be injurious to the area and will promote the public health and welfare because the potential for flood loss and risk will be diminished. The variances will allow for subdivision of the property into two (2) lots with one (1) single family unit of each lot, which could promote or ease the ability for a resident to purchase the property as a home and likely rescue the likelihood that the units would remain as a rental units. The City believes it is to a public benefit to promote conditions that create opportunities for home ownership.
- 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 a variance would affect the items listed above. The existing residential structures now meet side yard lines, no additional traffic would be generated by development on the lots if a variance is granted and no greater risk is created or could be created if the lot widths variance and lot area variance is granted. The potential for reducing risks or public danger will occur since the potential to develop or redevelop more units in a floodplain will be eliminated. The variance will not reduce property values in the area since two (2) units now are located on the property and if subdivided could increase property values.

15.05.040 Non-conformity Does Not Constitute Grounds for Granting of a Variance

No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

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

The proposed lot sizes and lot widths do not meet the requirements in Section 07.02.020.A, 1 and 2 when the existing one (1) lot is subdivided into two (2) lots. However, Staff supports the requested variance based on the findings described in response to Section 15.03.030.A-I above and recommends that the Gallatin Municipal Board of Zoning Appeals approve Resolution 2014-03, granting variances from G.Z.O. Section 07.02.020.A, 1 and 2, as described below with one condition:

Eastland Subdivision Phase 2 Lot 3 Variance Request

For Lot 3A:

- A variance of 419 square feet to allow a lot area of 5,581 square feet (The required minimum lot area is 6,000 square feet);
- A variance of one (1) foot to allow a lot 59 feet in width (The required minimum front lot width is 60 feet).

For Lot 3B:

- A variance of 1,691 square feet to allow a lot area of 4,309 square feet (The required minimum lot area is 6,000 square feet);
 - A variance of 15.5 feet to allow a lot 44.50 feet in width (The required minimum front lot width is 60 feet).
1. The variance is subject to approval, by the Planning Commission, of a one (1) page plan for re-plat of Lot 3 of Eastland Subdivision Phase 2, prepared by L.I. Smith & Associates, Inc, with Job Number #s113N-C-4/7434, and dated January 2, 2014.

ATTACHMENTS:

- | | | |
|-------------------|------------|--|
| Attachment | 2-1 | Variance Request Exhibit (Plat) |
| Attachment | 2-2 | Eastland Subdivision Phase 2 – Lot 3 |
| Attachment | 2-3 | Photograph of existing residences at 204 and 208 East Eastland (subject property) |
| Attachment | 2-4 | Gallatin Zoning Ordinance, 7.02 <u>MRO Multiple Residential and Office</u> |

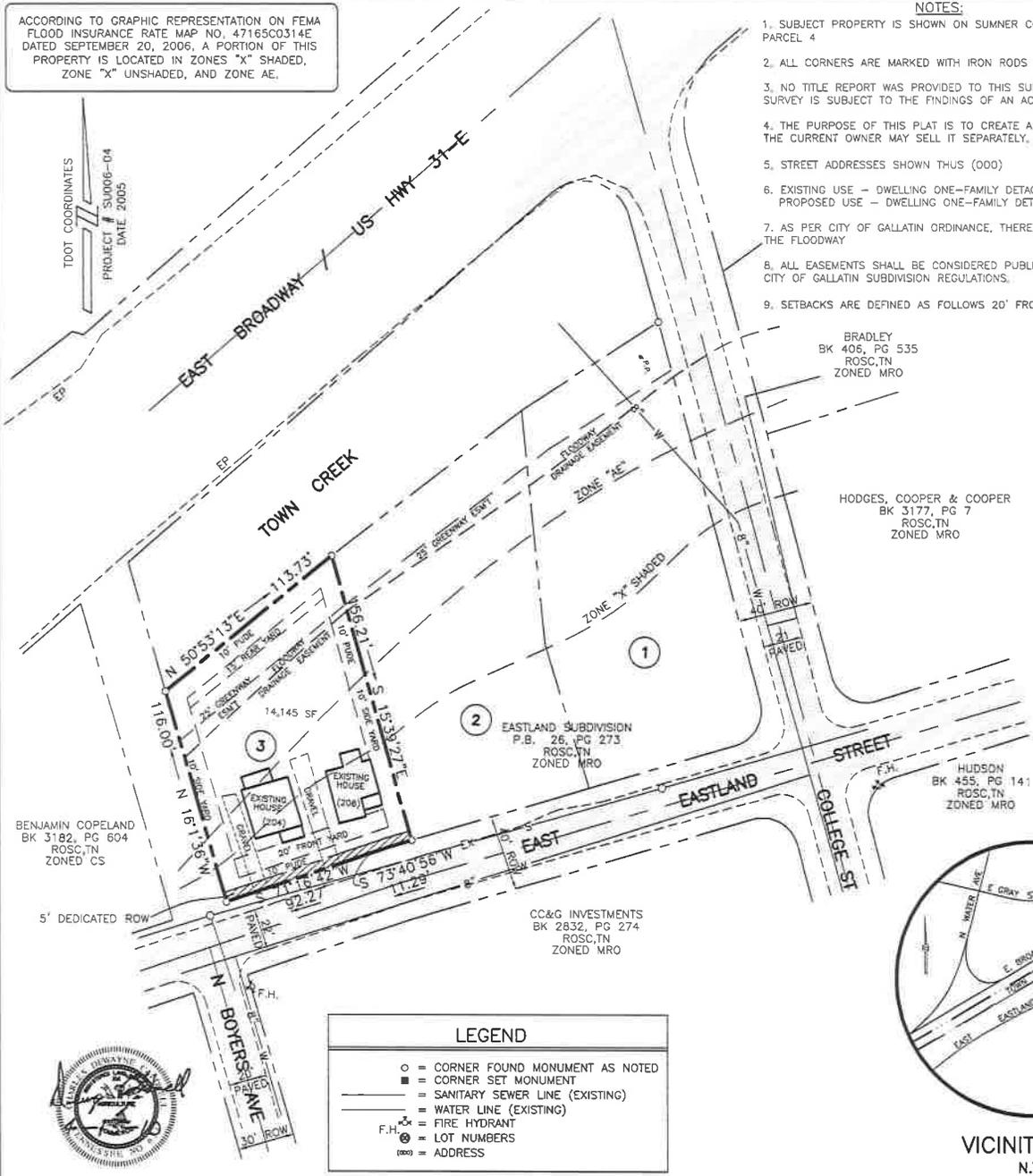
2-2

ATTACHMENT

EXHIBIT A

ACCORDING TO GRAPHIC REPRESENTATION ON FEMA FLOOD INSURANCE RATE MAP NO. 47165C0314E DATED SEPTEMBER 20, 2006, A PORTION OF THIS PROPERTY IS LOCATED IN ZONES "X" SHADED, ZONE "X" UNSHADED, AND ZONE AE.

TDOT COORDINATES
PROJECT # SU006-04
DATE 2005



BENJAMIN COPELAND
BK 3182, PG 604
ROSC, TN
ZONED CS

BRADLEY
BK 405, PG 535
ROSC, TN
ZONED MRO

HODGES, COOPER & COOPER
BK 3177, PG 7
ROSC, TN
ZONED MRO

HUDSON
BK 455, PG 141
ROSC, TN
ZONED MRO

CC&G INVESTMENTS
BK 2832, PG 274
ROSC, TN
ZONED MRO

LEGEND	
○	= CORNER FOUND MONUMENT AS NOTED
■	= CORNER SET MONUMENT
—	= SANITARY SEWER LINE (EXISTING)
—	= WATER LINE (EXISTING)
F.H.	= FIRE HYDRANT
①	= LOT NUMBERS
(000)	= ADDRESS



VICINITY MAP
N.T.S.



CERTIFICATE OF OWNERSHIP AND DEDICATION
I (We) hereby certify that I am (We are) the owner(s) of the property shown and described herein, as evidenced in Book Number 2832, Page 274, Sumner County Register'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 or 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 APPROVAL OF WATER SYSTEMS
I hereby certify that the water systems outlined or indicated on the Final Subdivision Plat entitled **EASTLAND SUBDIVISION II** have been installed in accordance with current local and state government requirements or sufficient bond or cash has been filed which will guarantee said installation.

Date _____ SUPERINTENDENT OF PUBLIC UTILITIES,
GALLATIN, TENNESSEE

CERTIFICATE OF APPROVAL OF SEWER SYSTEMS
I hereby certify that the sewer systems outlined or indicated on the Final Subdivision Plat entitled **EASTLAND SUBDIVISION II** have been installed in accordance with current local and state government requirements or sufficient bond or cash has been filed which will guarantee said installation.

Date _____ SUPERINTENDENT OF PUBLIC UTILITIES,
GALLATIN, TENNESSEE

CERTIFICATE OF ACCURACY
I hereby certify that the plan shown and described herein is a true and correct category 1 survey to the accuracy of 1:10,000 or greater as required by the Gallatin Municipal-Regional Planning Commission and that the monuments have been or will be placed, as shown hereon, to specifications in these regulations.

Date _____ Registered Land Surveyor _____

CERTIFICATE OF 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 _____ 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 Regulation, 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 County Register.

Date _____ Secretary, Planning Commission _____

Date _____ Chairman's Initials _____



FINAL PLAT 0.34 AC±
**EASTLAND SUBDIVISION
PHASE TWO**

204 & 208 E. EASTLAND ST.
GALLATIN, TENNESSEE
MAP 113N-7C" PARCEL 4
ZONED: MRO

OWNED AND DEVELOPED BY:
C.C.&G. INVESTMENTS
156 E. EASTLAND STREET
GALLATIN, TN. 37066

CALDWELL ENGINEERING & SURVEYING

POST OFFICE BOX 323 HENDERSONVILLE, TENNESSEE 37077 (615)824-4747

DATE: 4-15-10

SHEET 1 OF 1



2-3

EXHIBIT A

7.02 Intent and Description of MRO Multiple Residential and Office District

This class of district is intended to provide adequate and suitable space in appropriate location for high-density residential areas. Characteristics of permitted residential developments are buildings designed for multiple dwelling units, or designed to be attached with party walls. Commercial developments, having a minimum of characteristics objectionable in a high density residential environment, are permitted, if the activities therein minimize direct contact with the ultimate consumers of goods or services, or do not principally involve the sale, transfer, storage, or processing in these districts of goods or chattels. However, a selective list of retail trade and personal service uses are permitted if their principal purpose is to serve the recurring needs of the occupants or employees of other permitted uses in this district. In addition, use of buildings and land is permitted for community facilities and utilities necessary for serving these districts or for general community welfare. This class of district is appropriately located between districts characterized by lower density residential development and areas of more intensive commercial use, or they are extensions along major traffic arteries from areas used for more intensive commercial purposes.

07.02.010 Uses and Structures

A. Principal Permitted Uses and Structures - Within the Multiple Residential and Office Districts as shown on the Gallatin Municipal Zoning Map, the following activities, as described in Section 03.05 are permitted:

Residential Activities

- Dwelling, Attached
- Dwelling, Multi-Family
- Dwelling, One-Family Detached
- Dwelling, Two-Family Detached

Community Facility Activities

- Administrative
- Community Assembly
- Community Education
- Essential Service
- Nursing Home – Including Assisted Living
- Non-assembly Cultural
- Place of Worship

Commercial Activities

- Business and Communication Service
- Financial, Consulting, and Administrative
- Food Service
- General Personal Service
- Medical Service

B. Permitted Accessory Uses and Structures

1. Signs in accordance with the regulations contained in Section 13.07 of this Article.
2. Accessory off-street parking and loading facilities as required in Article 11.00.
3. Recreational uses associated with and maintained primarily for the uses permitted above and for the benefit and use of the occupants.
4. Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same premises and are not otherwise prohibited.

C. Conditional Uses

The following activities may be permitted as conditional uses in accordance with Section 15.06.

Commercial Activity

- Utility and Vehicular
- Convenience Sales and Services
- Undertaking Services
- Group Assembly Extensive
- Group Assembly Limited
- Limited Retail Sales
- Transient Habitation

Community Facility Activities

- Intermediate Impact Community Facility
- Limited Child and Adult Care

D. Prohibited Uses and Structures

Any use or structure not of a nature specifically permitted herein, and any use not conforming to the performance standards.

07.02.020 Residential Site Development Regulations

Permitted residential activities and developments in the MRO District shall be designed and developed according to the following regulations:

A. Bulk Regulations

- | | |
|----------------------|----------------|
| 1. Minimum Lot Area | 6,000 sq. feet |
| 2. Minimum Lot Width | 60 feet |

- B. Final Master Development Plan Approval Required: The Mayor and Aldermen's approval of a preliminary master development plan of a MRO District shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the development shall be subject to the provisions of Section 12.02 of this Ordinance:

- C. Additional Site Design Standards: All developments occurring within a MRO District shall be designed and developed to comply with the standards of Articles 11.00, 12.00, and 13.00 of this Ordinance.

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR PLACE OF WORSHIP
USE PER SECTION 08.02.010.D OF THE ZONING ORDINANCE OF GALLATIN,
TENNESSEE – FAITH CHURCH OF GALLATIN LOCATED AT 661 SOUTH WATER
AVENUE IN THE SOUTH GATE SHOPPING CENTER– PC0225-13

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS considered the Conditional Use Permit request for a Place of Worship use submitted by the applicant, Faith Church of Gallatin, at its regular meeting on January 30, 2014; 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, which is attached as Exhibit A, 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 § 15.04.028.F, to indicate the specific section of the Zoning Ordinance of Gallatin, Tennessee under which the permit is being considered and state specific findings and any special conditions imposed in granting a Conditional Use Permit; and

WHEREAS, the Zoning Ordinance of Gallatin, Tennessee classifies Place of Worship as a Conditional Use in Commercial Services (CS) zone district in § 08.02.010.D

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL BOARD OF ZONING APPEALS in its deliberations finds that the applicant meets the Standards for a Conditional Use set forth in Gallatin Zoning Ordinance § 15.06.030 as follows:

Section 1. The Gallatin Municipal Board of Zoning Appeals in its deliberations finds that the applicant meets the General Requirements set forth in Gallatin Zoning Ordinance § 15.06.040 as follows:

- A. Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;
- B. Will not adversely affect other property in the area in which it is located.
- C. Is within the provisions of "Conditional Uses" as set forth in this Ordinance.
- 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.

Section 2. The Gallatin Municipal Board of Zoning Appeals in its deliberations finds that the applicant meets the Special Conditions

for Place of Worship Activities set forth in Gallatin Zoning Ordinance § 15.06.050.H as follows:

1. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district except those facilities proposed in R40 and A districts where the minimum district lot size shall apply.
2. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
3. Such facilities shall be located only on major or collector streets as shown on the official major thoroughfare plan.
4. All bulk regulations of the district shall be met.
5. The off-street parking requirements of this Ordinance in Article 11.00 shall apply.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS that the application for a Conditional Use Permit as required by the Zoning Ordinance of Gallatin, Tennessee § 08.02.010.D for a Place of Worship use is hereby approved with the following conditions:

1. Limit the use to classrooms/meeting rooms and other accessory Place of Worship uses only. This Conditional Use Permit shall expire upon the expiration of the Condition Use Permit for 639 South Water Avenue, which is April 25, 2015 and shall be considered eligible for extension.

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: 01/30/2014

Jimmy Moore, Chair

Jeannie Gregory, Secretary

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

Item 3



PLANNING DEPARTMENT STAFF REPORT

Conditional Use Permit for Place of Worship (PC0225-13)

661 South Water Avenue

Meeting Date: January 30, 2014

REQUEST: CONDITIONAL USE PERMIT FOR PLACE OF WORSHIP
OWNER: JAMES D. AND BARBARA L. HOLDER
FAITH CHURCH OF GALLATIN/TENANTS
APPLICANT: MR. JON FRANKLIN
STAFF RECOMMENDATION: APPROVAL WITH CONDITION(S)
STAFF CONTACT: DENISE KNIGHT/ROBERT KALISZ
GMBZA MEETING DATE: JANUARY 30, 2014

PROPERTY OVERVIEW: The owner and applicant are requesting approval of GMBZA Resolution 2014-01 granting a Conditional Use Permit (CUP), for a Community Facility, Place of Worship, per Section 08.02.010.D of the Gallatin Zoning Ordinance, on a portion of property zoned Commercial Services (CS), containing 8.88 (+/-) acres, located at 661 South Water Avenue in the South Gate Shopping Center.

CASE BACKGROUND:

Previous Approvals

The South Gate Shopping Center was originally established in the early 1970's. It has included large businesses such as Winn Dixie, TG&Y, EASI and currently the bowling alley.

In 2003, The Fire Place Fellowship submitted an application for a Conditional Use Permit for a Place of Worship for 633 and 635 South Water Avenue which was approved by the Gallatin Municipal Board of Zoning Appeals at the January 26, 2004 meeting. The Fire Place Fellowship is no longer in operation at this location.

In April 2013, Faith Church of Gallatin submitted an application for a Conditional Use Permit for a Place of Worship for 639 South Water Avenue which was approved by the Gallatin Municipal Board of Zoning Appeals at the April 25, 2013 meeting. (See Attachment 3-2)

DISCUSSION:

Analysis

Faith Church of Gallatin currently occupies tenant space at 639 South Water Avenue in the South Gate Shopping Center as their primary location. The church proposes to expand the church by leasing additional space at 661 South Water Avenue in the South Gate Shopping Center, consisting of 5,680 (+/-) square feet, to serve as additional classrooms. Per Section 08.02.010.D of the Gallatin Zoning Ordinance, a Place of Worship requires a conditional use permit in the CS zone district for the proposed expansion. (See Attachment 3-3) This

*Faith Church of Gallatin Addition, Conditional Use Permit Request (PC0225-13)
January 30, 2014*

expansion is not contiguous to the existing lease area. This expansion is considered an accessory use to Faith Church of Gallatin's primary use of a Place of Worship. (See Attachment 3-4)

No renovations to the exterior façade are planned; however, construction plans have been submitted to the Codes Department for interior renovations. Photos of the existing church site are provided in Attachment 3-5. No portion of this property is located in a flood hazard area.

Per Section 15.06.030 general requirements were established which apply to all applications for conditional use permits, and the specific standards listed apply to the issuance of a conditional use permit as appropriate. The Board may impose such other conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to comply with the provisions set out in Section 15.06.040 and 15.06.050 H in order to reduce or minimize the injurious effect of such conditional use upon, ensure compatibility with surrounding property and to better carry out the general intent of this Ordinance. The Board may establish expiration dates for the expiration of any conditional use permit as a condition of approval. (See below standards. Other relevant standards required by Code as identified in Attachment 3-6.)

Parking

Religious Assemblies (Places of Worship) are required to have one (1) parking space for every four (4) persons capacity of the largest place of public assembly. The public assembly area for Faith Church of Gallatin has 200 seats, which requires 50 parking spaces including (2) handicapped spaces. The church leases a total of 87 parking spaces including seven (7) handicapped parking spaces for the Place of Worship and classrooms.

Since the leased classroom addition is an accessory use to Faith Church of Gallatin's primary use, no additional parking is required because no expansion to the public assembly seating capacity is proposed.

Sign

Signs are not proposed at this time. A sign permit is required prior to the installation of any signs if the applicant or property owner should decide to install signs at a later date.

OTHER DEPARTMENTAL REVIEW COMMENTS:

All Other Departmental comments have been satisfactorily addressed.

Findings Related to the Conditional Use Permit request:

The applicant submitted responses addressing the code required standards pertaining to their proposed Conditional Use Permit. (See Attachment 3-7)

Per Section 15.06.040 a conditional use permit shall be granted provided 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;

Faith Church of Gallatin Addition, Conditional Use Permit Request (PC0225-13)
January 30, 2014

- *The request for a Conditional Use Permit for a Place of Worship will not significantly impact the public health, safety or welfare of the area in any way. It will not overcrowd buildings or generate traffic volumes that will overwhelm the transportation system, increase size of buildings or parking area, or create unusual noise, light or other adverse conditions which would violate adopted performance standards.*
- B. Will not adversely affect other property in the area in which it is located;
- *The building is currently a commercial use, and surrounding units have public activity. The use proposed for the site will not usually occur at times that all surrounding businesses and uses are open for business. The use will not generate any greater amount of traffic than uses permitted without a Conditional Use Permit at this location. The bowling alley is an existing business predating this Conditional Use Permit request. The Church recognizes that the bowling alley serves beer and is less than the 250' distance required per the Municipal Code Chapter 3, Article III, Section 3-222 (12).*
- C. Is within the provisions of "Conditional Uses" as set forth in this Ordinance;
- *A Place of Worship is within a legal conditional use of the Gallatin Zoning Ordinance for the Commercial Services (CS) zone district per Section 08.02.010.D of the Gallatin Zoning Ordinance.*
- 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 complies with all applicable provisions of the Gallatin Zoning Ordinance as described above.*

Per 15.06.050.H Special Conditions shall apply for Places of Worship These include:

1. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district except those facilities proposed in R40 and A districts where the minimum district lot size shall apply.
 - *Minimum lot area for uses in the CS zone district is 10,000 square feet. The current lot is 387,000 square feet or 8.81 (+/-) acres and the building encompasses approximately 80,000 square feet. The existing church lease space contains 10,500 square feet and the addition subject to the Conditional Use Permit contains 5,680 square feet. The parking lot contains 500 parking spaces including 87 spaces used by the church.*
2. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
 - *The building is an existing structure, and there will be no additional modifications to the exterior of the building. The church was approved for a Conditional Use Permit and will remain compatible with the area.*

3. Such facilities shall be located only on major or collector streets as shown on the official major thoroughfare plan.
 - *The property is located at 661 South Water Avenue. South Water Avenue is classified as a Major Arterial within the current Major Thoroughfare Plan, Gallatin on the Move 2020, General Development and Transportation Plan.*
4. All bulk regulations of the district shall be met.
 - *The building is existing. The Conditional Use Permit will not increase any non-conforming status of the existing building.*
5. The off-street parking requirements of this Ordinance in Article 11.00 shall apply.
 - *Religious Assemblies (Places of Worship) are required to have one (1) parking space for every four (4) persons capacity of the largest place of public assembly. The public assembly area for Faith Church of Gallatin, has 200 seats, which requires 50 parking spaces. The church leases a total of 87 parking spaces including seven (7) handicapped parking spaces for the Place of Worship and classrooms. No additional parking is required for the accessory use.*

RECOMMENDATION

Staff recommends that the Gallatin Municipal Board of Zoning Appeals approve GMBZA Resolution 2014-01 granting a Conditional Use Permit for a Community Facility, Place of Worship for Faith Church of Gallatin at 661 South Water Avenue with the following condition(s) of approval:

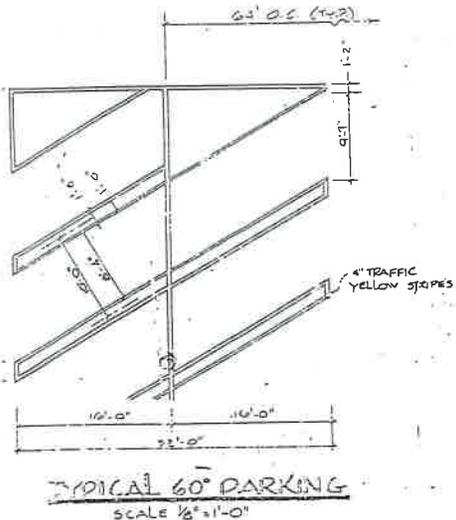
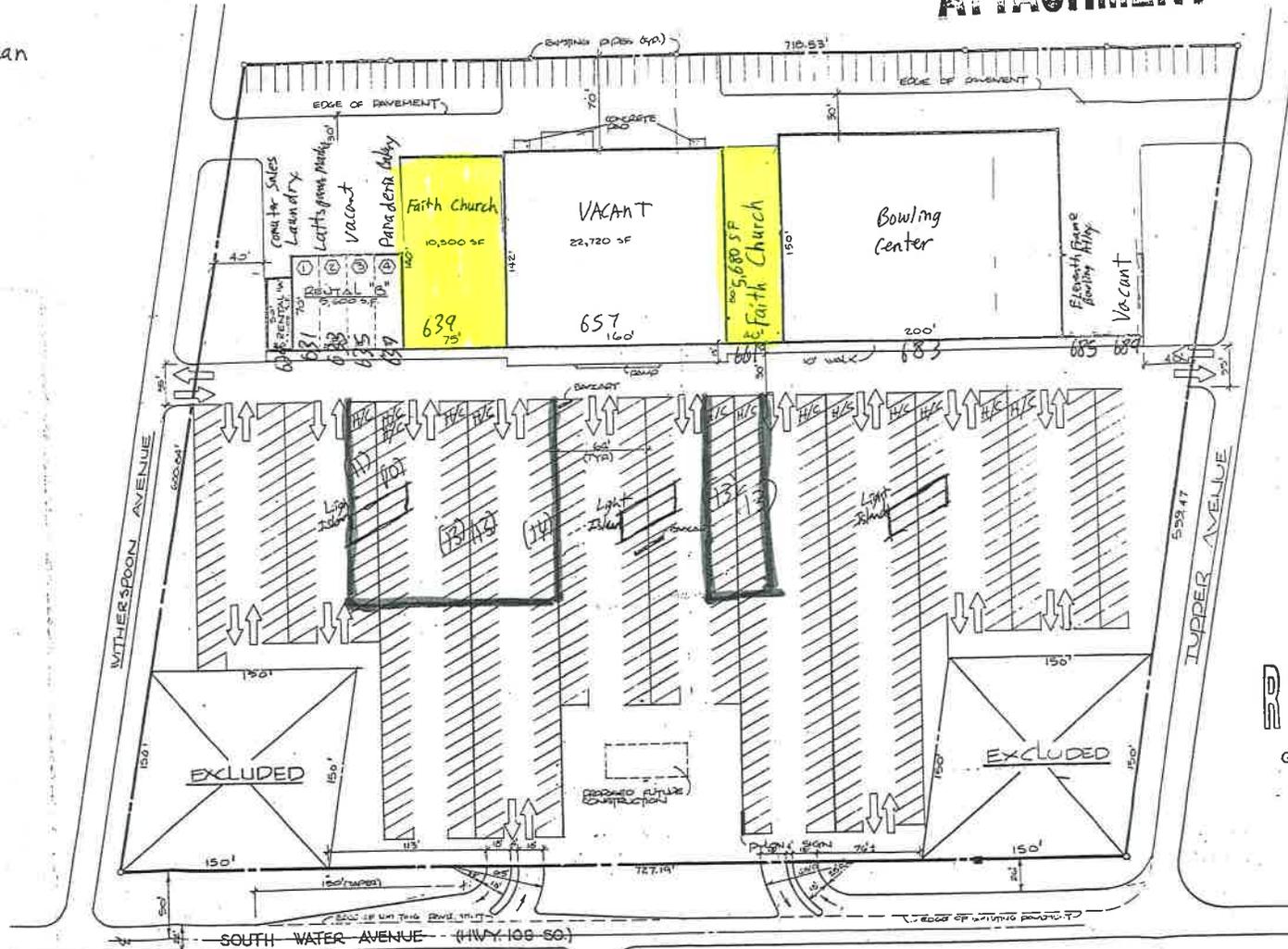
1. Limit the use to classrooms/meeting rooms and other accessory Place of Worship uses only. This Conditional Use Permit shall expire upon the expiration of the Condition Use Permit for 639 South Water Avenue, which is April 25, 2015 and shall be considered eligible for extension. (PC0112-13)

ATTACHMENTS:

- | | | |
|-------------------|------------|---|
| Attachment | 3-1 | Site Plan and Location Map |
| Attachment | 3-2 | Existing Conditional Use Permit for Faith Church of Gallatin |
| Attachment | 3-3 | Section 08.02.010.D of the Gallatin Zoning Ordinance |
| Attachment | 3-4 | Photographs of Existing Building |
| Attachment | 3-5 | Photograph of Additional Space |
| Attachment | 3-6 | Applicable G.Z.O. Sections |
| Attachment | 3-7 | Applicants response letter for Conditional Use Permit Requirements |

Conditional USE Permit Exhibit 'A'

SITE PLAN	PARKING PLAN
PC0225-13	
SOUTH GATE SHOPPING CENTER GALLATIN, TENNESSEE	



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SITE PLAN SCALE - 1" = 50'-0"

A SHOPPING CENTER
GALLATIN, TENNESSEE

- NO modification to the existing entrances.
- Both driveway entrances are straight in.

PC0225-13

EXHIBIT A

FAITH CHURCH

ATTACHMENT 3-1

SITE DATA TABLE

LOT SIZE: 387,000 (+/-) SQFT

- JAMES AND BARBARA HOLDER
1409 SHORE SIDE DRIVE
HENDERSONVILLE, TN 37075
- FAITH CHURCH OF GALLATIN
661 SOUTH WATER AVE
GALLATIN, TN 37066
- #126 L/B/017.00
- COMMERCIAL SERVICES "CS"
- YARDS- FRONT: 10 FT
SIDE: 10 FT
REAR: 20 FT
- MINIMUM BUILDING SET BACK LINE: 50 FT
- EXISTING USE: VACANT
- PROPOSED USE: PLACE OF WORSHIP (CLASSROOMS)
- PARKING PROVIDED: 75 SPACES INCLUDING 5 HANDICAPPED SPACES
- PARKING REQUIRED: 1 SPACE PER 4 PERSONS- LARGEST PLACE OF ASSEMBLY, AND 1 SPACE PER EMPLOYEE ON LARGEST SHIFT. PLUS, 1 SPACE PER 3 STUDENTS IN 10TH, 11TH, AND 12TH GRADES, PLUS 1 SPACE PER 25 STUDENTS IN PRIMARY GRADES.
- CAPACITY: 200 PEOPLE AT CURRENT CHURCH LOCATION OF 639 SOUTH WATER: 661 SOUTH WATER WILL HAVE A CAPACITY OF 150 PERSONS. IT WILL BE USED AS CLASSROOM SPACE ON WEDNESDAY NIGHTS. TOTAL OF 50 STUDENTS, HIGH SCHOOL=20 MIDDLE SCHOOL=30.
- PARKING REQUIRED: 50 PARKING PLACES AT 639 SOUTH WATER AND 13 PARKING SPACES FOR 661 SOUTH WATER. NOTE: 661 SOUTH WATER WILL SHARE PARKING AT THE CURRENT 639 SOUTH WATER CHURCH PARKING.
- FAITH CHURCH WILL BE IN COMPLIANCE WITH APPLICABLE ZONING ORDINANCE PERFORMANCE STANDARDS: GZ0 SECTION 13.02.
- FAITH CHURCH WILL BE RESPONSIBLE FOR ALL FINANCIAL MATTERS.
- WASTE MATERIAL COLLECTION FACILITY: CITY OF GALLATIN – TOTTERS PICK UP
- BUFFERYARD REQUIREMENTS:
 - CS TO R15 – TYPE 30 BUFFERYARD
 - CS TO CS – TYPE 15 BUFFERYARD
- HVAC UNITS LOCATED ON THE ROOF
- NO PORTION OF THIS PROPERTY IS LOCATED IN A FLOOD HAZARD AREA. COMMUNITY PANEL NO. 47615C0314G DATED APRIL 17, 2012.
- 661 SOUTH WATER IS 5,680 SQ. FT.

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RESUBMITTAL

EXHIBIT A

PC0225-13

Faith Church of Gallatin
661 South Water Avenue
South Gate Shopping Center

ATTACHMENT 3-1



EXHIBIT A



City of Gallatin, Tennessee

Codes/Planning Department

**Gallatin Municipal Board of Zoning Appeals
ACTION FORM**

DATE: April 26, 2013
TO: Pastor Chris Rouse
Faith Church of Gallatin
639 South Water
Gallatin, TN 37066
FROM: Gallatin Codes/Planning Department
RE: April 25, 2013 Gallatin Municipal Board of Zoning Appeals Meeting
Faith Church of Gallatin: PC File #0112-13

At the above referenced meeting, your request for approval of a Conditional Use Permit was:

- APPROVED
- APPROVED WITH CONDITIONS
- DEFERRED
- WITHDRAWN

Conditions of Approval:

1. This Conditional Use Permit has an expiration date of two (2) years from the date of approval. The Municipal Board of Zoning Appeals shall review the application every two (2) years to verify that the upper story of the building is still operating under a Conditional Use Permit. The applicant may apply to extend the approval of the Conditional Use Permit at that time.

Approval contains the following requirements:

- NONE

cc: Mr. and Mrs. Dan Holder
PC File #0112-13

B. Permitted Accessory Uses and Structures

1. Signs in accordance with the regulations contained in Section 13.07.
2. Accessory off-street parking and loading facilities as required in Article 11.00.
3. Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are not otherwise prohibited.

C. Prohibited Uses and Structures

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.

D. Conditional Uses

Community Facility Activities
Limited Child Care
Place of Worship

Commercial Activities
Group Assembly Extensive
Limited Warehousing

08.02.020 Bulk Regulations

- A. Maximum Lot Coverage - 40 percent
- B. Maximum Floor Area Ratio - .5
- C. Minimum Setback Line - 50 feet

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

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.
- 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.

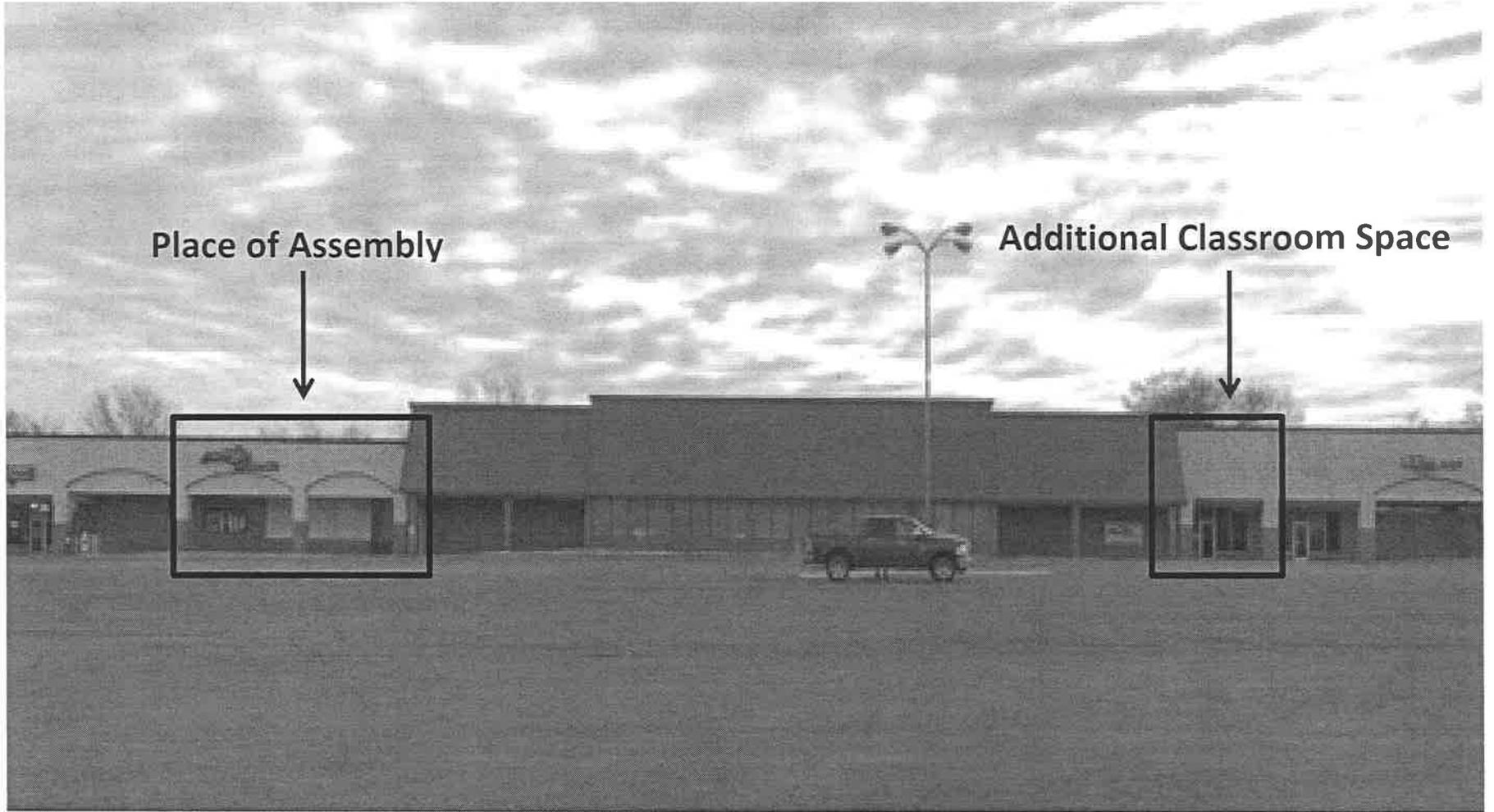


EXHIBIT A

PC0225-13

ATTACHMENT 3-5



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& ZONING



EXHIBIT A PC0225-13

APPLICABLE G.Z.O. SECTIONS

Article 02.00 - Language and Definitions

Conditional Use - A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning division or districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as conditional uses, if specific provisions for such use are made in this Ordinance.

Article 03.06 Community Facilities Activities; Class and Types

03.06.110 Activity Type – Place of Worship: Any structure or site such as a church, synagogue, chapel, sanctuary, used for the collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, and discussions.

Article 15.00 Administration and Enforcement

15.04.028 Rules and Proceedings of the Board

The Board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

- F. Any decision made by the Board on a conditional use permit shall indicate the specific section of this Ordinance under which the permit is being considered and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare", and shall state clearly the specific conditions imposed in granting such permit;

15.06 Conditional Use Permits

15.06.010 Conditional Uses

The Board of Appeals may hear and decide, in accordance with the provisions of this Ordinance, requests for conditional use permits. For the purposes of administration of this Ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Sections 13-706, Tennessee Code Annotated.

15.06.020 Application for Conditional Use Permit, Notice of Public Hearing

The application for a conditional use permit shall be made by the property owner or his designated agent and filed in writing with the Board on forms provided by the Board, and shall contain information and exhibits as may be required under Section 15.03.020 or, in the case of buildings or other structures or uses to be located within floodplain districts, as may be required by Section 10.03. Not more than 60 days after filing such application, a hearing shall be held on

ATTACHMENT 3-6

the application, unless otherwise withdrawn or postponed upon written request by the applicant. Notice of hearing shall be held in accordance with Section 15.04.080 B. A fee of \$50 payable to the City of Gallatin shall be charged to partially defray cost of review and processing for each application for a conditional use permit, except that the fee may be waived for any government agency.

EXHIBIT A

Faith Church of Gallatin

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DEC 18 2013

GALLATIN PLANNING
& ZONING

General Requirements for Conditional Use Permit

Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected.

- The request for Conditional Use Permit for a Place of Worship will not significantly impact the public health, safety or welfare of the area in any way.

Will not adversely affect other property in the area in which it is located.

- The building is in commercial use currently, and surrounding units do have public activity. We are not doing exterior renovations. Our uses are on times that all surrounding units are not in business.

Is within the provisions of "Conditional Uses" as set forth in this Ordinance.

- A Place of Worship is within the legal conditional use of the Gallatin Zoning Ordinance for the Commercial Services (CS) zone district.

Conforms to all applicable provisions of this ordinance for the district in which it is to be located is necessary for public convenience in that location.

- This project complies with all applicable provisions of the Gallatin Zoning Ordinance.

Special Conditions for Place of Worship

No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district except those facilities proposed in R40 and A district where the minimum district lot size shall apply.

- Minimum lot area for CS is 10,000 sqft / current lot is 387,000 +/- sqft

The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.

- The building is an existing structure, and there will be no additional modifications to the exterior of the building.

Such facilities shall be located only on major or collector streets as shown on the official major thoroughfare plan.

- The property is located at 661 South Water. South Water is classified as a Major Arterial within the current major thoroughfare plan, *Gallatin on the Move 2020, General Development and Transportation Plan*.

All bulk regulations of the district shall be met.

- The building is existing. No building additions will increase the non-conformity of this existing building.

The off-street parking requirements of this Ordinance in Article 11.00 shall apply.

- Places of worship are required to have one (1) parking space for every four (4) persons capacity of the largest place of the public assembly. The Place of Worship at 639 South Water, will have 200 seats, which requires 50 spaces. The existing parking area is in excess of 75 parking spaces. Parking required for 661 South Water is eleven (11) spaces and will share parking at the current 639 South Water church parking.