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Agenda
Gallatin Municipal Board of Zoning Appeals

Thursday, April 25, 2013 **5:30 PM**
Dr. Deotha Malone Council Chambers **City Hall**

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1. APPROVE PRIOR MINUTES
February 28, 2013
March 28, 2013

February 28, 2013

March 28, 2013

2. GMBZA 2013-06 **PC0112-13**
FAITH CHURCH OF GALLATIN
DAN & BARBARA HOLDER

Public Hearing

Applicant requests approval per Section 08.02.010 D. of the Gallatin Zoning Ordinance of a Conditional Use Permit for a Place of Worship. Property is located at 639 South Water Avenue.

Faith Church

3. GMBZA 2013-06 **PC0125-13**
NEW DAY CHRISTIAN MINISTRIES
HAYNES SLOAN, JR.

Public Hearing:

Applicant requests approval of a Conditional Use Permit for a Place of Worship facility per Section 08.02.010,D. of the Gallatin Zoning Ordinance. Property contains .63 (+/-) acres and is located at 136 Prince Street.

New Day Christian Ministries

4. OTHER BUSINESS

- **MOVE TO ADJOURN**

ITEM 2 GMBZA Resolution No. 2013-06

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 639 SOUTH WATER AVENUE IN THE SOUTH GATE SHOPPING CENTER– PC0112-13

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 April 25, 2013; 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:

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

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

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

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

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

ITEM 2

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. 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.

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

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED: 04/25/2013

_____

Jimmy Moore, Chair

ITEM 2

Jeannie Gregory, Secretary

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

EXHIBIT A

ITEM 2
4/25/13 GMBZA MEETING

Public Hearing
Applicant requests approval of a Conditional Use Permit per Section 08.02.010.D of the Gallatin Zoning Ordinance for a Community Facility, Place of Worship, on property containing 8.81 (+/-) acres located at 639 South Water Avenue in the South Gate Shopping Center (PC0112-13).

Attachment 2-1 Condition Use Permit Exhibit/Attached Site Data Table
Attachment 2-2 Response letter for Conditional Use Permit Requirements
Attachment 2-3 Photographs Existing Building and Signs

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

EXHIBIT A

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 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.

15.06.030 Requirements for Conditional Use Permit

General requirements are hereby established which shall apply to all applications for conditional use permits, and specific standards listed shall 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 through 15.06.070 C in order to reduce or minimize the injurious effect of such conditional use upon and 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.

15.06.040 General Requirements

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;

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; and

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.

EXHIBIT A

15.06.050.H Special Conditions for Place of Worship

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.

ANALYSIS

The applicant is requesting approval of a Conditional Use Permit for a Place of Worship facility per Section 08.02.010.D of the Gallatin Zoning Ordinance. The property is located at 639 South Water Avenue in the South Gate Shopping Center and contains 8.81 (+/-) acres. The property is zoned Commercial Services (CS) and a Place of Worship is a conditional use in the CS zone district. The Place of Worship facility is located in an existing multi-tenant structure. No renovations or expansions are planned at this time and a site plan will not be required for this project. No portion of this property is located in a special flood hazard area.

Site History

- In 2003, The Fire Place Fellowship submitted an application for a Conditional Use Permit for a Place of Worship located at 633 and 635 South Water Avenue in the South Gate Shopping Center. A Conditional Use Permit for a Place of Worship was approved for 633 and 635 South Water Avenue by the Gallatin Municipal Board of Zoning Appeals at the January 26, 2004 meeting.
- In 2004, The Fireplace Fellowship moved into 639 South Water Avenue which is the adjacent tenant space located in the South Gate Shopping Center.
- In 2012, The Fire Place Fellowship vacated the tenant space at 639 South Water Avenue and in May of 2012, unknowing of any violations or requirements, Faith Church of Gallatin began occupying the tenant space at 639 South Water Avenue.
- It came to the attention of Staff in the beginning of 2013 that The Fire Place Fellowship did not occupy the tenant space at 633 and 635 South Water Avenue, in which the Conditional Use Permit was requested and approved, but occupied the tenant space located at 639 South Water Avenue.
- On January 10, 2013, Staff requested a legal opinion from the City of Gallatin Attorney's office pertaining to the location of the Conditional Use. The opinion of the city attorney's office stated "The Conditional Use Permit is not transferable to any other portion of the property, including any other tenant space, unless a separate conditional use permit is approved by the Board of Zoning Appeals". Therefore, a separate Conditional Use Permit is required for each single tenant space.

EXHIBIT A

- On March 23, 2013, Faith Church of Gallatin submitted an application to the Codes/Planning Department for the Gallatin Municipal Board of Zoning Appeals requesting approval for a Conditional Use Permit for a Place of Worship at 639 South Water Avenue to bring the use into compliance with the Gallatin Zoning Ordinance.

Parking Requirements
The parking requirement for religious assemblies is one (1) parking space per four (4) person's capacity of largest place of public assembly. The Place of Worship has 200 seats, which requires 50 regular parking spaces and two (2) handicapped spaces. The applicant has indicated the parking area reserved for the Place of Worship and provided a total of 75 parking spaces included five (5) handicapped parking spaces. The shopping center's parking lot will provide any additional regular and handicapped parking spaces to accommodate the church membership since the Place of Worship's service times do not conflict with the surrounding business operating times.

Signage
Since this is an existing business with existing signage, the applicant is not requesting any additional signage at this time. The applicant shall understand a sign permit is required for any additional signage that may be requested in the future.

General Requirements and Special Conditions
Section 15.06.040 of the Gallatin Zoning Ordinance outlines the general requirements for granting a conditional use permit. In addition, Section 15.06.050.H of the Gallatin Zoning Ordinance outlines the special conditions for Place of Worship. The applicant's request meets these requirements. The applicant has provided a letter to staff explaining how the facility meets each of these requirements and special conditions, which has been included with this staff report as Attachment 2-2.

General Requirements for Conditional Use Permit
Section 15.06.040 of the Gallatin Zoning Ordinance outlines the general requirements for granting a conditional use permit. The applicant's request meets these requirements. 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.
   - 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.

B. 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 open for business.

C. 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.

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.

EXHIBIT A

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

Special Conditions for Place of Worship
Section 15.06.050.H of the Gallatin Zoning Ordinance outlines the following special conditions for Place of Worship. The applicant's request meets these requirements. A Conditional Use Permit shall be granted provided the Board finds that it:

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 CS is 10,000 sq. ft. / current lot is 387,000 (+/-) sq. ft.

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.

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 639 South Water Avenue. South Water is classified as a Major Arterial with 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.
   - This is an existing building; no building additions will increase the non-conformity of this existing building.

5. The off-street parking requirements of this Ordinance in Article 11.00 shall apply.
   - Places of Worship are required to have one (1) parking for every four (4) persons capacity of the largest place of public assembly. The Place of Worship will have 200 seats, which requires 50 parking spaces. The existing parking area is in excess of 75 parking spaces.

Expiration Date
Staff recommends that the Board place a two (2) year expiration date on the Conditional Use Permit from the date of approval. After that period, the Board shall review the application to verify that the Place of Worship use is still operating under a Conditional Use Permit in the same location. The applicant may apply to extend the approval of the Conditional Use Permit at that time. Both the Municipal and Regional Boards of Zoning Appeals have placed similar expiration dates on Conditional Use Permits in the past in order to keep an account of business operating with conditional uses permits throughout the community.

Engineering Division and Other Departmental Comments
The Engineering Division and other departments have no comments on this request.

EXHIBIT A

RECOMMENDATION

Staff recommends that the Board of Zoning Appeals approve the Conditional Use Permit for Place of Worship located at 639 South Water Avenue with the following condition:

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.

EXHIBIT A

Tony Allers
Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

Katherine Schoch
Assistant Director

Project Comments

Meeting Date: 04/25/2013
RE: FAITH CHURCH OF GALLATIN, MBZA - Conditional Use Permit
Reference #: PC0112-13

Department of Public Utilities
Review Date: 04/01/2013
No problems

Planning Department
Codes/Planning Department Project Manager: Robert Kalisz
Review Date: 04/04/2013
1. Add 'Conditional Use Permit Exhibit' to title on site plan.
2. Show and label number of parking spaces per row of parking.
3. Verify, show and label eight handicapped parking spaces.
4. Show and label light fixture islands (no parking area).
5. Correct the spelling for 'use' in the existing and proposed portion of the Site Data Table.
6. Correct the word 'Which' to 'South Water Avenue' in the third answer in the special conditions section.
7. **Submit twelve (12)** corrected, folded copies of the resubmittal documents, and 12 architectural elevations if needed.
8. Submit digital copies of plans and supporting information/correspondence pertaining to this project in the following formats: DGN or DWG file (MicroStation version "J" software) of subdivision plats, site plans, PMDP, and FMDP. Submit PDF files of all pages of subdivision plats, site plans, PMDP, and FMDP and submit PDF files of all supporting documents and correspondence. Label file formats on CD.
9. Submit a detailed response letter addressing all departmental review comments.
10. RETURN CHECKPRINT & CHECKLIST
11. Resubmittal documents must be turned in to the Codes/Planning Department by 4:30 PM on 4/11/2013.
12. Resubmittals must include the above information in order to be considered a complete resubmittal.

Codes Department
Review Date: 04/05/2013
Comments will be emailed when received, if necessary.

EXHIBIT A

Tony Allers
Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

Katherine Schoch
Assistant Director

Engineering Division
Review Date: 04/04/2013
No comments

Fire Department
Review Date: 04/04/2013
This office has no comments at this time.

Police Department
Review Date: 04/01/2013
Reviewed: no comments

Gallatin Department of Electricity
Review Date: 04/01/2013
O.K.

Sumner County, E-911
Review Date:
N/A

Industrial Pre-treatment Department
Review Date: 03/28/2013
1. Facility shall comply with all applicable cross-connection control regulations.

ATTACHMENT 2-2

RECEIVED
APR 11 2013
GALLATIN PLANNING
& ZONING

Faith Church of Gallatin

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 639 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 for every four (4) persons capacity of the largest place of the public assembly. The Place of Worship will have 200 seats, which requires 50 parking spaces. The existing parking area is in excess of 75 parking spaces.

RESUBMITTAL

PC0112-13

ATTACHMENT 2-3

RECEIVED
APR 11 2013
GALLATIN PLANNING
& ZONING

RESUBMITTAL

PC 01 12-13

FAITH CHURCH

SITE DATA TABLE

- JANES AND BARBARA HOLDER
  1409 SHORE SIDE DR
  HENDERSONVILLE, TN 37075

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

- FAITH CHURCH OF GALLATIN
  639 SOUTH WATER AVE
  GALLATIN,TN 37066

RECEIVED
APR 11 2013
GALLATIN PLANNING
& ZONING

- #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: PLACE OF WORSHIP
- PROPOSED USE: PLACE OF WORSHIP

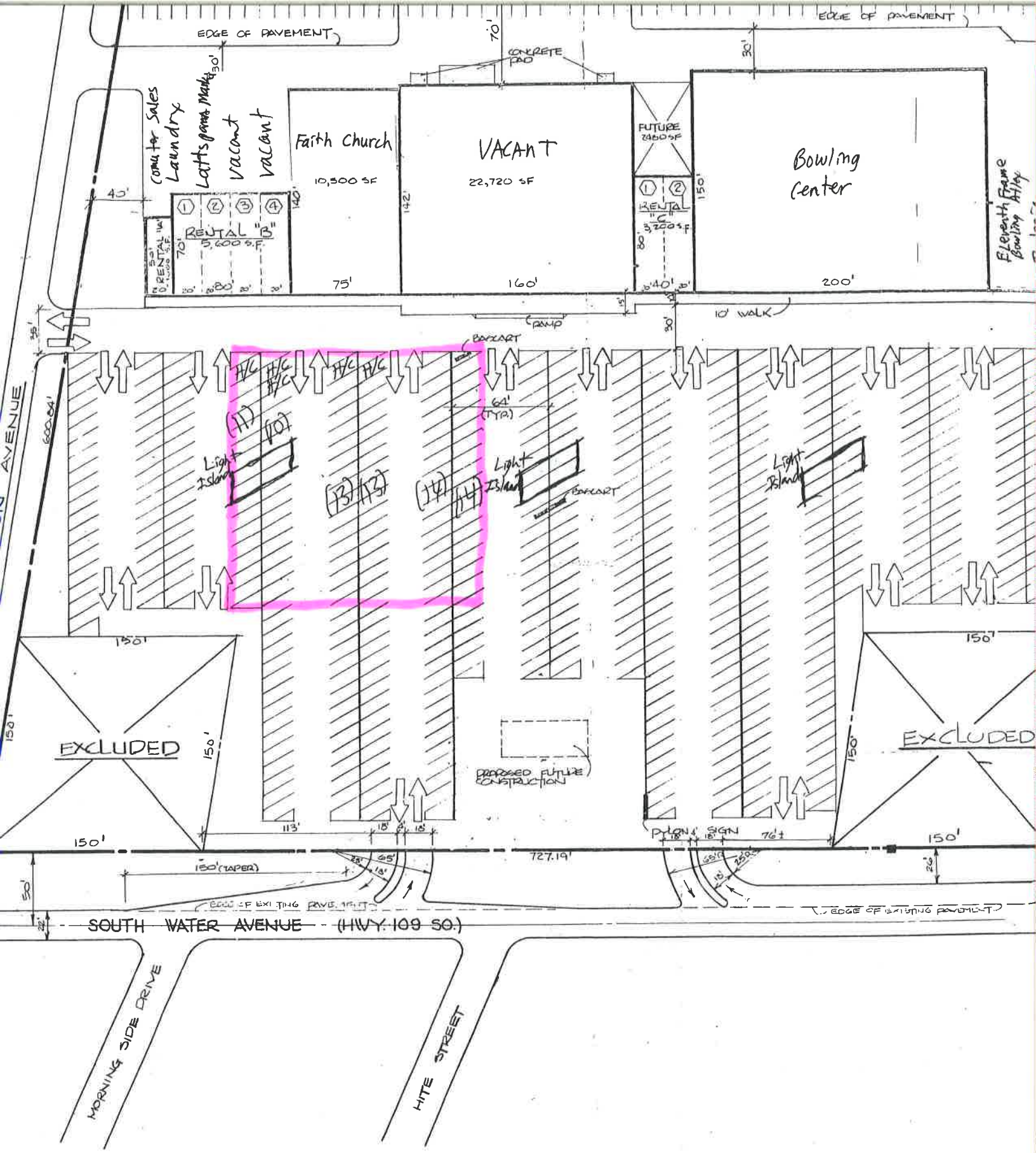
- PARKING PROVIDED: 75 SPACES INCLUDING 5 HANDICAPPED SPACES
- PARKING REQUIRED: 1 SPACE PER 4 PERSONS – LARGEST PLACE OF ASSEMBLY
- CAPACITY: 200 PEOPLE
- PARKING REQUIRED: 50 PARKING PLACES

- 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 REQURREMENTS:
  - 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.

PC 0112-13



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

SHOPPING CENTER

TN. TENNESSEE

ITEM 3

RESOLUTION APPROVING A CONDITIONAL USE PERMIT PER SECTION 08.02.010.D OF THE ZONING ORDINANCE OF GALLATIN, TENNESSEE – NEW DAY MINISTRIES – 136 PRINCE STREET – PC0125-13

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS considered the Conditional Use Permit request for a Place of Worship facility submitted by the applicant, New Day Ministries, at its regular meeting on April 25th, 2013; 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 § 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 the Commercial Services (CS) zone district in §08.02.010.D.

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL BOARD OF ZONING APPEALS 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; and

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 are 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 XI 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 facility is hereby approved with the following conditions:

1. This Conditional Use Permit has an expiration date of two (2) year from the date of approval. The Municipal Board of Zoning Appeals shall review the application every year to verify that the church is still operating under a Conditional Use Permit. The applicant may apply to extend the approval of the Conditional Use Permit at that time.
2. The applicant shall obtain a Use and Occupancy Permit from the Codes/Planning Department. The building shall be inspected for this type occupancy.
3. A Life Safety Inspection shall be performed for the building. The applicant shall contact the Gallatin Fire Department as soon as possible to schedule the Life Safety Inspection.

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

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED: 4/25/13

_____

Jimmy Moore, Chair

Jeannie Gregory, Secretary

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

EXHIBIT A

ITEM 3
4/25/12 GMBZA MEETING

Public Hearing:

Applicant requests approval of a Conditional Use Permit for a Place of Worship facility per Section 08.02.010.D of the Gallatin Zoning Ordinance. Property contains .63 (+/-) acres and is located at 136 Prince Street. (PC0125-13)

Attachment 3-1 Conditional Use Permit Exhibit
Attachment 3-2 Special Conditions for a Place of Worship Answer Sheet

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.

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 unsubdivided 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.

Article 03.00 - Use Classification
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:

G. 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 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 $25.00 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.

15.06.030 Requirements for Conditional Use Permit

General requirements are hereby established which shall apply to all applications for conditional use permits, and specific standards listed shall 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 through 15.06.070 C in order to reduce or minimize the injurious effect of such conditional use upon and 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.

15.06.040 General Requirements

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;

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; and

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.

15.06.040.H Special Conditions for Place of Worship

1. No such facilities shall be permitted on a zone lot unless it contains twice the lot are 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 XI shall apply.

ANALYSIS

The applicant is requesting approval of a Conditional Use Permit for a Place of Worship facility per Section 08.02.010.D of the Gallatin Zoning Ordinance. The property is located at 136 Prince Street and contains .63 (+/-) acres. The property is zoned Commercial Service (CS) and a Place of Worship facility is permitted by conditional use in the CS zone district. No portion of this property is located in a flood hazard area. The Place of Worship facility is located within an existing structure. No renovations or expansions to the existing building are planned at this time.

Parking Requirements

Parking requirements are based on the use of the property. Place of Worship facilities require one (1) parking space for every four (4) persons capacity of the largest place of public assembly. The sanctuary holds 90 people. Based on this calculation, 23 parking spaces are required, including one (1) handicapped space. The applicant has indicated that there are 13 parking spaces, including two (2) handicapped spaces, directly in front and on the side of the church building. Another ten (10) parking spaces are available on an adjacent property that is under the same ownership at 136 Prince Street. New Day Ministries have an agreement in place with the property owner to utilize this adjacent parking area. The total parking provided between the two (2) lots is 23 spaces, which meets the amount of required parking. Staff is comfortable with the parking arrangement as shown due to the adjacent property is under the same ownership and there is an agreement in place for parking on the adjacent property.

General Requirements for Conditional Use Permit

Section 15.06.040 of the Gallatin Zoning Ordinance outlines the general requirements for granting a conditional use permit. The applicant's request meets these requirements. 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.
   - The facility is an existing building and therefore is 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.
   - The facility is an existing building and therefore will not adversely affect the other adjacent properties in the area. The Place of Worship facility is located within an existing structure. No renovations or expansions to the existing building are planned at this time.

C. Is within the provisions of "Conditional Uses" as set forth in this Ordinance.
   - The facility is within the provisions of "Conditional Uses" as set forth in 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.
   - The facility conforms to all applicable provisions of the Gallatin Zoning Ordinance for the Commercial Services (CS) district in which it is to be located and is necessary for public convenience in that location.

Special Conditions for Places of Worship

Section 15.06.040.H of the Gallatin Zoning Ordinance outlines the following special conditions for Places of Worship.

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.
   - The CS zone district has a minimum lot size requirement of 10,000 square feet. A minimum 20,000 square foot lot is required for the purposes of a Place of Worship facility in the CS zone district. Four (4) parcels in this area have common ownership, Haynes Sloan, Jr.; therefore, the property is classified as a "zone lot" under the Gallatin Zoning Ordinance. The total area of the zone lot is .63 (+/-) acres or 27,442 square feet and exceeds the minimum lot size requirement for a Place of Worship facility in the CS zone district.

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 location, size, and design of the facility are situated in order that the facility is compatible with the development within the surrounding area thus reducing the impact in such area.
   - The Place of Worship facility is located in an existing structure. No major renovations will be made to this building and the building will not be expanded beyond its current footprint.

3. Such facilities shall be located only on major or collector streets as shown on the official major thoroughfare plan.
   - The building is located on Prince Street, which is not classified as a Major or Collector street on the Major Thoroughfare Plan for the City of Gallatin.
   - The closest Major Arterial Street is North Water Avenue, which is approximately 312 feet to the west of the facility.
   - The applicant may not receive a variance from this requirement.

4. All bulk regulations of the district shall be met.
   - The existing masonry was constructed prior to the establishment of zoning regulations and does not currently meet the Minimum Building Setback Lines (M.B.S.L.) or the yard lines in the CS zone district. No building additions are proposed therefore, the non-conformity of the existing structure will not expand. The existing building is compatible with the surrounding area.

   - Since the building is located in a commercial strip center, a Change of Use site plan is not required; however, the applicant shall obtain a Use and Occupancy building permit from the Codes/Planning Department. In addition, the applicant shall contact the Gallatin Fire Department as soon as possible to schedule a Life Safety Inspection for the building.

5. The off-street parking requirements of this ordinance in Article XI shall apply.

- Place of Worship facilities require one (1) parking space for every four (4) persons capacity of the largest place of public assembly. The sanctuary holds 90 people. Based on this calculation, 23 parking spaces are required, including one (1) handicapped space. The applicant has indicated that there are 13 parking spaces, including two (2) handicapped spaces, to the front and side of the church building. An additional 10 parking spaces are available on the adjacent property, which is also owned by Mr. Sloan. New Day Ministries has an agreement with Mr. Sloan to utilize these 10 additional parking spaces.

Expiration Date

Staff recommends that the Board place a two (2) year expiration date on the Conditional Use Permit from the date of approval. After that period, the Board shall review the application to verify that the Place of Worship facility is still operating under a Conditional Use Permit. This expiration date allows the City to keep an account of businesses operating with conditional uses permits throughout the community. The applicant may apply to extend the approval of the Conditional Use Permit at that time.

RECOMMENDATION

Staff does not recommend approval of the Conditional Use Permit for a Place of Worship, Community Facility because the facility is not located on a major or collector road. If the Municipal Board of Zoning Appeals (MBZA) does approve the Conditional Use Permit, it would be with the following conditions:

1. This Conditional Use Permit has an expiration date of two (2) year from the date of approval. The Municipal Board of Zoning Appeals shall review the application every year to verify that the church is still operating under a Conditional Use Permit. The applicant may apply to extend the approval of the Conditional Use Permit at that time.
2. The applicant shall obtain a Use and Occupancy Permit from the Codes/Planning Department. The building shall be inspected for this type occupancy.
3. A Life Safety Inspection shall be performed for the building. The applicant shall contact the Gallatin Fire Department as soon as possible to schedule the Life Safety Inspection.

EXHIBIT A

Tony Allers
Director

Katherine Schoch
Assistant Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

Project Comments

Meeting Date: 04/25/2013
RE: NEW DAY CHRISTIAN MINISTRIES, CONDITIONAL USE PERMIT
Reference #: PC0125-13

Department of Public Utilities
Review Date: 04/01/2013
No problems

Planning Department
Review Date:
Codes/Planning Department Project Manager: Robert Kalisz
Review Date: 4/4/2013
1. Provide a Developer Name and Address - In this case would be the Church.
2. Show Lot Dimensions. They are 104 feet wide by 108 feet deep.
3. Label Parking Area along Lane Avenue.
4. Submit a Sign Permit before installation of any signage.
5. Add Street Widths as shown. Prince Street is 40 feet wide. Lane Avenue is 20 feet wide.
6. Correct Yard Lines as shown, by adding a label of Front Yard, Side Yard, or Rear Yard.
7. On a separate sheet of paper provide the following information:
a. Provide a note stating who is financial responsible for this project.
b. Provide a list of surrounding property owners.
c. List the surrounding zoning as follows: North: CS, South: CC, East: MRO, West: CS.
d. Note is a dumpster will be used for trash or City service trash cans.
8. Label where the HVAC units are located.
9. The building is not located on an arterial or collector street, which is one of the special conditions for the Place of Worship use. Staff will continue to research this item and provide the applicant with an answer.
10. Submit thirteen (13) corrected, folded copies of the resubmittal documents 13 architectural elevations if needed.
11. Submit digital copies of plans and supporting information/correspondence pertaining to this project in the following formats: DGN or DWG file (MicroStation version "J" software) of subdivision plats, site plans, PMDP, and FMDP. Submit PDF files of all pages of subdivision plats, site plans, PMDP, and FMDP and submit PDF files of all supporting documents and correspondence. Label file formats on CD.
12. Submit a detailed response letter addressing all departmental review comments.
13. RETURN CHECKPRINT & CHECKLIST

EXHIBIT A

14. Resubmittal documents must be turned in to the Codes/Planning Department by 4:30 PM on 4/11/2013.
15. Resubmittals must include the above information in order to be considered a complete resubmittal.

Codes Department
Review Date: 04/05/2013
Comments will be emailed when received, if necessary.

Engineering Division
Review Date: 04/04/2013
No comments

Fire Department
Review Date: 04/04/2013
This office has no comments at this time.

Police Department
Review Date: 04/01/2013
Reviewed: no comments

Gallatin Department of Electricity
Review Date: 04/03/2013
O.K.

Sumner County, E-911
Review Date:
N/A

Industrial Pre-treatment Department
Review Date: 04/01/2013
1. Proposed facility shall comply with all applicable cross connection control regulations.

IN HOUSE SITE PLAN

PC File #

RECEIVED
APR 11 2013
GALLATIN PLANNING & ZONING

ATTACHMENT 3-1 EXHIBIT A

SITE DATA TABLE

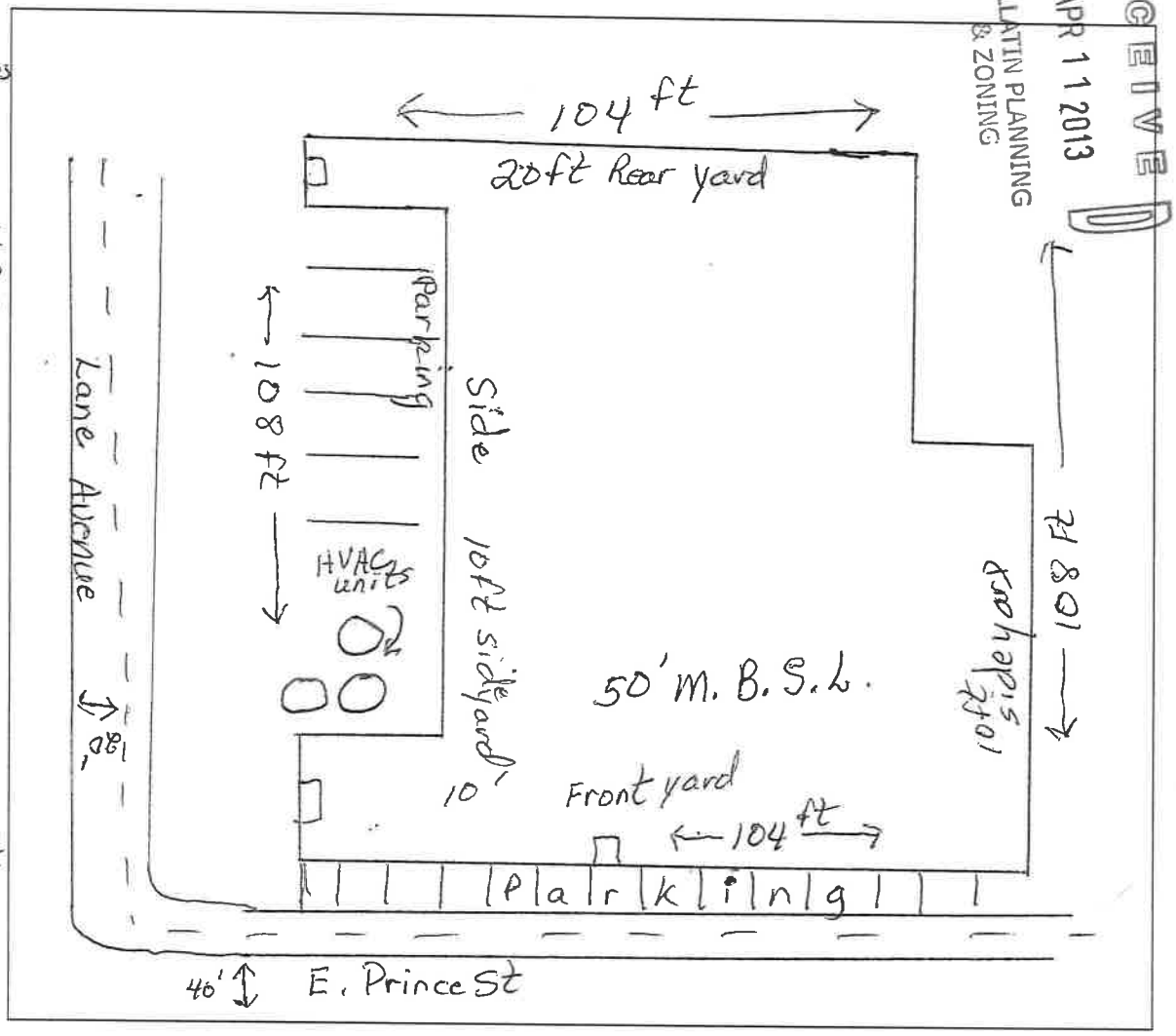
Project Name: NEW DAY CHRistian Ministries
Tax Map and Parcel Number: 126 C/C/626.00
Project Address: 136 E. Prince Street
Property Owner Name: Mr Haynes Sloan JR.
Property Owner Address: 1520 Old Scottsville Pk
Developer/Business Owner Name: New Day Christ. Min
Developer/Business Owner Address: 136 E. Prince st.
Current Zoning: Commercial Services

Required Minimum Building Setback Line: 50
Requires Yards:
Front: 10 ft
Sides: 10 ft
Rear: 20 ft

Proposed Use: Place of Worship
Existing Use: Vacant

Parking Calculations
Regular & Handicapped Spaces Required: 23
Existing: 2 handicapped 13 Reg
Proposed: 8-10 Parking spaces adjacent to said property
Parking lot **is** or is **not** striped:

Building height and description of building/roof materials (existing and proposed): See enclosed photos



Scale: 1" = _____ ft

FEMA Note:
A review of F.E.M.A. Flood Insurance Rate Map, Community Panel No. 47165C 03146 shows **part** or **no part** of this property to be located within the 100-year floodplain; Zone X; Effective Date ~~9/20/06~~ 4/17/12

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

PC 0125-13

ATTACHMENT 3-1

Conditional use Permit Zoning Appeals info:

A. "The owner of this property is responsible for all financial matters"

B. Surrounding property owners - Ms. Fayola Sloan, Gallatin Senior Housing, BT of Ark Inc, Mr. Claiborne, Bille E Sr., Mr. Steve Doris, Mr. Gary Dorris, Mr. Kelly Pruett III, and Mr. Ricky Apple.

C. Surrounding Zoning –

North: CS

South: CC

East: MRO

West: CS

D. A City Service Trash can will be used for trash

RECEIVED
APR 11 2013
GALLATIN PLANNING & ZONING

PC 0125-13

EXHIBIT A

ATTACHMENT 3-2

Conditional Use Permit Questions: New Day Christian Ministries

General Requirements:

☑ The facility is designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

☑ The facility will not adversely affect other adjacent property in the area we are located.

☑ The facility is within the provisions of "Conditional Uses" as set forth in this Ordinance.

☑ The facility 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 this location.

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APR 11 2013
GALLATIN PLANNING & ZONING

Special Conditions for Place of Worship

1. The total length of facility meets lot area requirements
2. Our location, size, and design is situated in order that our facility is compatible with the development within the surrounding area thus reducing the impact in such area.
3. The facility is not located on a major or collector street as shown on the official major thoroughfare plan. We are a small congregation and will not have a large impact on traffic.
4. The existing structure was built prior to zoning regulations
5. We have ~~18~~ 15 parking spaces (2 of which are handicapped) available, plus ~~10~~ 9 spaces available on adjacent property owned by Mr. Sloan in which we have permission to park.

ITEM 3
PC0125-13

ORIGINAL

MINUTES OF THE GALLATIN
MUNICIPAL BOARD OF ZONING APPEALS

February 28, 2013

MEMBERS PRESENT

Jimmy Moore, Chair
John Puryear
James Pope

STAFF PRESENT

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

MEMBERS ABSENT

Eddie Wyatt, Vice Chair
Jeannie Gregory, 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.

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. Puryear said it makes complete sense to have a wrecker service on this property. Mr. Puryear 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. Puryear suggested that the applicant buy the amount of property he needs from his neighbor and add it to the lot with a minor subdivision play so the building no longer encroaches into the side yard. Mr. Puryear said the City does not want to cause the applicant to take down his building. Mr. Puryear 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.

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

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

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.

3. **OTHER BUSINESS**

4. **MOVE TO ADJOURN**

ORIGINAL

MINUTES OF THE GALLATIN
MUNICIPAL BOARD OF ZONING APPEALS

March 28, 2013

MEMBERS PRESENT

Jimmy Moore, Chair
Ed Wyatt, Vice Chair
Jeannie Gregory, Secretary
James Pope
John Puryear

STAFF PRESENT

Katherine Schoch, Interim Director Codes/Planning
Robert Kalisz, Planner II
Marianne Mudrak, Board Secretary

MEMBERS ABSENT

None

OTHERS

Applicant

The Gallatin Municipal Board of Zoning Appeals met in a regular meeting on Thursday, March 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

Without objection, Chair Moore moved approval of the February 28, 2013 Municipal Board of Zoning Appeals meeting minutes, to the next meeting, to allow members to read the minutes.

Item 2
GMBZA Resolution No. 2013-04 – PC0098-13 - Dale, Harriet C. & James R. Variance – Harriet Dale – Public Hearing – Applicant requests approval of nine (9) foot side yard variance per Section 06.05.040.B.2 of the Gallatin Zoning Ordinance on property containing 0.46 (+/-) acres located at 135 Lake Point Drive.

Mr. Robert Kalisz, Planner II, presented the staff report and stated the applicant is requesting approval of a nine foot side yard variance in order to replace an existing staircase with a larger deck area and to construct a new staircase on the western side of the new deck. Mr. Kalisz said the property owners installed a new staircase at the rear of the house leading up to the new deck. Mr. Kalisz said the property owners obtained a building permit to construct the deck in January 2013. Mr. Kalisz said upon inspection of the deck, the building inspector noted encroachment into the side yard setback.

Mr. Kalisz said Staff believes the request meets the Gallatin Zoning Ordinance's Standards for a Variance due to the difficulty in providing access to the second story entrance/emergency exit because of the irregular shaped lot and the home situated at an extreme angle. Mr. Kalisz said Staff recommends the Municipal Board of Zoning Appeals approve the nine foot side yard variance.

Mr. Kalisz said he inspected the property and he measured one foot from the property line.

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

Mr. James Dale property owner said he put the new deck in the same place as the old staircase.

Mr. Puryear said he went to the site and is in favor of granting approval of the variance. Mr. Puryear suggested that, because of the shared driveway, a small reflective strip be put up on the deck post. Mr. Puryear said a lattice panel may be put up to screen under the deck.

Ms. Harriet Dale, property owner, said it looks like it is being shared but it is not. Mr. Puryear said he understands the driveway is not jointly owned.

Mr. Wyatt asked to clarify that the encroachment is only one foot. Mr. Kalisz said the post is about six inches or one foot from the existing hole.

Mr. Puryear motioned to approve the nine foot side yard variance. Mr. Pope 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, Chair Moore adjourned the meeting at 5:45 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, March 28, 2013 — **Municipal Board of Zoning Appeals - 5:30 p.m.**
DR. J. DEOTHA MALONE COUNCIL CHAMBERS — **CITY HALL**

---

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

2. **GMBZA Resolution No. 2013-04** — **PC0098-13**
   DALE, HARRIET C. & JAMES R.VARIANCE
   HARRIET DALE

   Public Hearing
   Applicant requests approval of a nine (9) foot side yard variance per Section 06.05.040.B.2 of the Gallatin Zoning Ordinance. The property contains 0.46 (+/-) acres and is located at 135 Lake Point Drive.

3. **OTHER BUSINESS**

4. **MOVE TO ADJOURN**

ORIGINAL

MINUTES OF THE GALLATIN
MUNICIPAL BOARD OF ZONING APPEALS

March 28, 2013

MEMBERS PRESENT

Jimmy Moore, Chair
Ed Wyatt, Vice Chair
Jeannie Gregory, Secretary
James Pope
John Puryear

STAFF PRESENT

Katherine Schoch, Interim Director Codes/Planning
Robert Kalisz, Planner II
Marianne Mudrak, Board Secretary

MEMBERS ABSENT

None

OTHERS

Applicant

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GMBZA Resolution No. 2013-04 – PC0098-13 - Dale, Harriet C. & James R. Variance – Harriet Dale – Public Hearing – Applicant requests approval of nine (9) foot side yard variance per Section 06.05.040.B.2 of the Gallatin Zoning Ordinance on property containing 0.46 (+/-) acres located at 135 Lake Point Drive.

Mr. Robert Kalisz, Planner II, presented the staff report and stated the applicant is requesting approval of a nine foot side yard variance in order to replace an existing staircase with a larger deck area and to construct a new staircase on the western side of the new deck. Mr. Kalisz said the property owners installed a new staircase at the rear of the house leading up to the new deck. Mr. Kalisz said the property owners obtained a building permit to construct the deck in January 2013. Mr. Kalisz said upon inspection of the deck, the building inspector noted encroachment into the side yard setback.

Mr. Kalisz said Staff believes the request meets the Gallatin Zoning Ordinance's Standards for a Variance due to the difficulty in providing access to the second story entrance/emergency exit because of the irregular shaped lot and the home situated at an extreme angle. Mr. Kalisz said Staff recommends the Municipal Board of Zoning Appeals approve the nine foot side yard variance.

Mr. Kalisz said he inspected the property and he measured one foot from the property line.

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

Mr. James Dale property owner said he put the new deck in the same place as the old staircase.

Mr. Puryear said he went to the site and is in favor of granting approval of the variance. Mr. Puryear suggested that, because of the shared driveway, a small reflective strip be put up on the deck post. Mr. Puryear said a lattice panel may be put up to screen under the deck.

Ms. Harriet Dale, property owner, said it looks like it is being shared but it is not. Mr. Puryear said he understands the driveway is not jointly owned.

Mr. Wyatt asked to clarify that the encroachment is only one foot. Mr. Kalisz said the post is about six inches or one foot from the existing hole.

Mr. Puryear motioned to approve the nine foot side yard variance. Mr. Pope 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, Chair Moore adjourned the meeting at 5:45 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, March 28, 2013 — **Municipal Board of Zoning Appeals - 5:30 p.m.**
DR. J. DEOTHA MALONE COUNCIL CHAMBERS — **CITY HALL**

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

2. **GMBZA Resolution No. 2013-04** — **PC0098-13**
   DALE, HARRIET C. & JAMES R.VARIANCE
   HARRIET DALE

   Public Hearing
   Applicant requests approval of a nine (9) foot side yard variance per Section 06.05.040.B.2 of the Gallatin Zoning Ordinance. The property contains 0.46 (+/-) acres and is located at 135 Lake Point Drive.

3. **OTHER BUSINESS**

4. **MOVE TO ADJOURN**