DR. J. DEOTHA MALONE COUNCIL CHAMBERS
CITY HALL

Thursday, January 9, 2020

- Call to Order
- Invocation
- Pledge of Allegiance
- Roll Call
- Election of Officers

REGULAR AGENDA

1. GMBZA RESOLUTION NO. 2020-001
ADMINISTRATIVE APPEAL- 817 LONGBOAT DRIVE
DAVID AND ZOE DOYLE

AN APPEAL OF ADMINISTRATIVE DECISION TO ISSUE A BUILDING PERMIT FOR AN ACCESSORY STRUCTURE (GARAGE). ONE PARCEL CONTAINING 0.61 +/- ACRES, LOCATED AT 817 LONGBOAT DRIVE WITHIN THE BAY POINT ESTATES SUBDIVISION

2. OTHER BUSINESS

3. MOVE TO ADJOURN
RESOLUTION OF THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS DENYING AN APPEAL FROM THE ZONING ADMINISTRATOR’S DECISION CONCERNING THE PERMITTING OF AN ACCESSORY STRUCTURE AT 817 LONGBOAT DRIVE PER ARTICLE 15, SECTION 15.04 OF THE ZONING ORDINANCE OF GALLATIN, TENNESSEE (VAR-2019-003)

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS considered a request for an appeal of the Zoning Administrator’s interpretation of the Ordinance as it relates to the permitting of an accessory structure at 817 Longboat Drive as permitted by T.C.A. Title 13, Section 13-7-206(B) and Article 15, Section 15.04.024 A of the Gallatin Zoning Ordinance; and

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

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS is required in its deliberations, pursuant to Gallatin Zoning Ordinance Section 15.04.024. A and Section 15.04.028, to consider such requests based on the evidence presented at the hearing before the Board; and

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS makes the following findings pursuant to T.C.A. Section 13-7-206(B) and Section 15.04.024 of the Gallatin Zoning Ordinance:

Section 1. The Board met to determine the appellants request and made the following findings:

A. The Municipal Board of Zoning Appeals empowered to hear and decide the case;
B. The evidence presented before the Board indicates that the property owner of 817 Longboat Drive was issued a building permit for an accessory structure lawfully under the City of Gallatin Zoning Ordinance;
C. The appellant, the city and the public were provided notice and given the opportunity to present the case before the Board per Section 15.04.028, Gallatin Zoning Ordinance;
D. The Zoning Administrator has not acted in error or acted in an arbitrary manner to enforce the Zoning Ordinance as it pertains to this case;
E. The applicant has failed to prove their standing as an person aggrieved by actions taken by the Zoning Administrator pursuant to T.C.A. 13-7-206(b);

Section 2. Action – The request for an appeal to void and vacate the permit issued for the construction of the accessory structure at 817 Longboat Lane (BSRES-2019-000400) is denied as determined by the Board as set
forth in Gallatin Zoning Ordinance, Section 15.04.020, and Section 15.04.030, construction can resume of the accessory structure immediately after the action of this Board.

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: __/__/__

__________________________

Jimmy Moore, Chair

__________________________

Homer Vaughn, Secretary

APPROVED AS TO FORM:

__________________________

SUSAN HIGH-MCAULEY
CITY ATTORNEY
REQUEST: AN APPEAL OF ADMINISTRATIVE DECISION TO ISSUE A BUILDING PERMIT FOR AN ACCESSORY STRUCTURE (GARAGE). ONE PARCEL CONTAINING 0.61+/- ACRES, LOCATED AT 817 LONGBOAT DRIVE WITHIN THE BAY POINT ESTATES SUBDIVISION (FILE VAR-2019-003)

OWNER: DEBBIE AND STEPHEN WOODALL

APPLICANT: ZOE L. DAVIS, RESIDENT 821 LONGBOAT DRIVE

STAFF RECOMMENDATION: GMBZA RESOLUTION NO. 2020-001

STAFF CONTACT: JOSH KING

MBZA MEETING DATE: JANUARY 9, 2020

PROPERTY OVERVIEW:
The applicant is seeking to appeal staff decision in issuing a building permit for an accessory structure located at 817 Longboat Drive in accordance with Article 15, Section 04.024(A) Powers of the Board (of Zoning Appeals). The applicant is the adjacent neighbor, Ms. Zoe L. Doyle (821 Longboat Drive). The homeowner of 817 Longboat Drive is Mr. Steve Woodall.

Issuance of Building Permit
Planning staff issued a building permit (including Zoning and Planning) for a permitted accessory structure to be located on the property at 817 Longboat Drive. The property is zoned R-15, Low Density Residential and the property is currently being utilized as a single family dwelling unit. The adjacent neighbor (Ms. Zoe Doyle, 821 Longboat Drive) is appealing the City’s decision to issue a building permit for this accessory structure. Through her attorney, Ms. Doyle’s challenge is Staff’s interpretation of Gallatin Zoning Ordinance, Article 11, Table 11.01, Maximum Parking Standards for Single Family Residential; and Article 13, Section 13.08.010 Basic Design Criteria.

CASE BACKGROUND:
Property History and Previous Approvals
817 Longboat Drive was approved by the City of Gallatin as a part of Section 6 of the larger Bay Pointe Subdivision on or around 1986. On 12/4/2015, a building permit was issued by the City of Gallatin for a carport on the property from the Codes Department records. In late 2019, the previously permitted carport was removed by the current homeowner. On 12/4/2019 a contractor working on behalf of the homeowner of 217 Longboat Drive submitted an application and supporting materials (Attachment I-2) to the City of Gallatin Codes department for review and approval. This application includes a customary Planning and Zoning review for compliance with the Zoning Ordinance.
Assistant City Planner Josh King, was tasked with reviewing the permit for compliance with the Gallatin Zoning Ordinance. Simultaneously the adjacent homeowner, Ms. Zoe Doyle, requested documents related to the neighbors building permit application. On 12/5/2019 a building permit was issued for an accessory structure located at 817 Longboat Drive with Planning and Zoning concurrence. On 12/5/2019 Ms. Zoe Doyle received the documents related to the building permit application and under a separate email received information on the Board of Zoning Appeals, appeal process. On 12/11/2019 Ms. Doyle notified Gallatin Planning, Codes, and Legal staff of her intention to file an appeal of staff decision. On 12/14/2019 Planning staff received a completed application and notified the homeowner of 817 Longboat Drive and their contractor of the application. The application was deemed complete and accepted by City Planning Staff the same day of application. The contractor and homeowner voluntarily stopped work on the site until the Board of Zoning Appeals could meet at the next available meeting which has been scheduled for January 9, 2020.

**Applicant challenge of staff interpretation**
A separate memorandum submitted on behalf of the neighbors David and Zoe Doyle by their attorney John R. Phillips as Attachment 1-3. The adjacent neighbors are appealing staff decisions on Article 6.01.100 for the R-20 Zoning District, Article 11.01 Maximum Parking Standards, and Article 13.08 Basic Design Criteria of the Gallatin Zoning Ordinance.

**06.04.010 Purposes and Intent of R20 Low Density Residential Districts**

"These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. Generally, the residential development will consist of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which are benefited by an open residential environment without creating objectionable or undesirable influences upon residential developments. Further, it is the intent of this Ordinance that these districts be located so that the provision of appropriate urban services will be physically and economically facilitated and so that provision is made for the orderly expansion and maintenance of urban residential development within the urban area. It is the express purpose of this Ordinance to exclude from these districts all buildings and other structures and uses having commercial characteristics whether operated for profit, or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this Ordinance."

(Emphasis added)

For visual examples of commercial and residential design, the Gallatin on the Move 2020 General Plan provides both written and visual examples of residential and commercial design in Chapter 5 Community Design and Historic Preservation Plan. (Attachment 1-5)

**Gallatin Zoning Ordinance**

**Article 11- Off Street Parking and Loading Requirements**

**11.01 Off-Street Parking - Purpose**

These regulations require off-street parking and loading facilities in proportion to the need created by each use. The regulations further establish standards for the functional design of such facilities. These regulations are intended to provide for accommodation of vehicles in a functionally and
aesthetically satisfactory manner, to reduce congestion on city streets, and to minimize external effects on adjacent land uses and to limit truck parking in residential neighborhoods.

### TABLE 11-01
OFF-STREET PARKING REQUIREMENTS
(Requirements Based on Gross Floor Area Unless Otherwise Noted)

<table>
<thead>
<tr>
<th>Use Types</th>
<th>Off-Street Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Use Types:</strong></td>
<td>Minimum Required Parking</td>
</tr>
<tr>
<td>Single-family residential</td>
<td>2 spaces per dwelling unit</td>
</tr>
</tbody>
</table>

Staff issued a building permit for an accessory structure with the intent the homeowner was building a garage. In Article 2 of the GZO, a garage is defined as:

Garage, private – a structure located on private property accessible from an improved driveway **primarily** designed for the use of the storage or parking of motor vehicles.

The accessory structure intended for the property at 817 Longboat Drive, met the definition of garage, private a permitted accessory structure under the R-20 Low Density Residential Zoning District. The maximum parking standard requirement for single family dwelling units has been applied in situations of vehicles parked outdoors not under cover (in a garage). The Gallatin Zoning Ordinance permits garages to be used to store motor vehicles but does not explicitly restrict other uses of a garage. Therefore the maximum parking standard does not apply to private garages serving single family dwelling units. The existing attached garage at 817 Longboat Drive is not counted towards the maximum parking standard. Permitting the garage did not cause the dwelling unit to
become non-compliant with the maximum parking standards of Article 11 of the Zoning Ordinance and the site is in conformance with the standards of the Gallatin Zoning Ordinance Article 11.

The applicant further contends Article 13 Basic Design Criteria of the Gallatin Zoning Ordinance was not followed in the issuance of the building permit.

13.08.010(B). Compatibility with Adjacent Buildings - In most cases, buildings are not viewed in isolation, but rather in the context of other buildings. To this end, the following criteria are required:

1. Building forms shall be tailored to fit within the existing topography and site features as much as possible.
2. While architectural styles may vary, buildings of a proposed development shall be compatible with surrounding buildings (within the site and with adjacent properties) with regard to massing, scale, proportion of openings, roof types, types of glazed openings, and degree of detail.
3. The use of materials and colors compatible with buildings adjacent to a site is required.

The Gallatin Zoning Ordinance defines accessory structure as:

Accessory Structure – A structure that is incidental or subordinate to a principal permitted structure, is located on the same lot or parcel as the principal structure and does not exceed the size of the principal use structure on the lot unless located within an industrial or agricultural zoning district. Typical accessory structures includes, detached garages, storage buildings and sheds, decks and pavilions, gazebos, pool houses, swimming pools, fences, tree houses and other recreation facilities.

The accessory structure will be 1,980 square feet whereas the main structure is 2,257 square feet without the porch or existing attached garage included. The applicant indicated the use of the space would be private garage. The building permit application indicated the permitted structure would be located 135 feet from the front property line and detached from the main structure (house). A visual survey conducted by the plans reviewer of the neighborhood and a contour map show the detached structure would have a base elevation approximately 8 feet lower than current street level based on available contour data (Attachment 1-1). The size of the structure being smaller than the main structure, setting of the accessory structure behind the main building, and setting the new building at
a lower elevation satisfied both the definition of accessory structure and the requirements of GZO 13.08.010(B)(1).

The applicant and staff have provided elevations of other buildings in the immediate area of the subject property (Attachment 1-4). 13.08.010(B)(2) provides six criteria in which to examine a building’s degree of compatibility with adjacent structures:

1. Massing
2. Scale
3. Proportion of openings
4. Roof types
5. Types of glazed openings,
6. And degree of detail.

Massing and scale- The accessory structure is subordinate in both size and height to the main residential building. As measured from the street elevation, the existing home is 74 feet in width and the detached structure is 36 feet in width. The height of the garage is 16 feet with maximum roof height of 22 feet. The garage will be 1,980 square feet whereas the main structure is 2,257 square feet without the porch or existing attached garage included. The garage is proportionately smaller in dimension than the main structure and meets the criteria set forth in the Gallatin Zoning Ordinance for building massing and scale.

Proportion of Openings and types of glazed openings- The accessory building is a four sided solid wall structure with a full roof. Two garage doors on the front of the structure serve a utilitarian purpose of providing access to the inside of the structure. Two punched window openings and a pedestrian scale door are located on the west side of the structure in a similar style as the main structure. The proportion of openings is consistent with the main structure and in compliance with GZO 13.08.010(B)(2) as it relates to proportion of openings and types of glazed openings.

Roof types- The building plans submitted to the City indicate a pitched roof on the accessory structure. A visual survey of other structures on the street and available imagery of the home indicate the roof of the primary structure is primarily pyramidal shaped with the front projections having a similar pitch and general orientation as the anticipated garage eaves. The roof of both structures appear to be asphalt shingles. The pitch and composition of the accessory structure’s roof are consistent with the main structure and in compliance with GZO 13.08.010(B)(2) as it relates to roof types.

Degree of detail- The accessory structure is subordinate to the main structure by maintaining a utilitarian level of design detail to the details on the main structure. It contains a cupola centered on the structure whose functionality is not known nor required as part of a building permit application.

The last test for compatibility with adjacent buildings relates to the use of materials and colors compatible with buildings adjacent to a site.

3. The use of materials and colors compatible with buildings adjacent to a site is required.

The applicant, in their appeal of staff decision, provided selected images of adjacent properties (821 Longboat Drive, 813 Longboat Drive, 146 Woodlake Drive, 150 Woodlake Drive, and 154
Woodlake Drive). The primary building material on these structures is brick with siding (both horizontal and vertical) and fabric awnings used as accent materials. In a visual inspection of the neighborhood conducted by the plan reviewer, the structure at 818 Longboat Drive (Attachment 1-5) is composed of a majority siding with a brick base. The Gallatin Zoning Ordinance uses the term ‘compatible’ which is defined as:

Compatible or compatibility - The placement of a use, activity or structure incorporating design standards which utilizes accepted site planning practices including architectural features, style, orientation and scale and landscape material composition consistent with the context of the surrounding area when constructed to minimal code requirements.

The Gallatin Zoning Ordinance does not require any accessory structure to mimic or replicate the exact material or design of the primary structure.

With the usage of a material alternate to brick, staff found the intended structure material to be compatible with adjacent buildings and for the accessory building to be in compliance with the Zoning Ordinance. Furthermore 13.08.010 (A) exempts single family residential in the R-20 zone from any brick or stone façade requirements.

A. Materials – To ensure a consistent and high quality design standards throughout the City in all districts, with the exception of A, R-40, R-20, R-15, R-10, R-8, IR and IG districts, any new or substantially expanded buildings shall be constructed with stone and/or brick materials as the predominant (minimum 70%) on exterior facades.

RECOMMENDATION
Staff recommends approval of GMBZA Resolution 2019-009.

ATTACHMENTS
Attachment 1-1 Map of 817 Longboat Lane
Attachment 1-2 Application for Accessory Structure at 817 Longboat Lane
Attachment 1-3 Memorandum from John R. Phillips on behalf of David and Zoe Doyle
Attachment 1-4 Images of adjacent homes (Applicant’s Attachment “B”) 
Attachment 1-5 Images of 818 Longboat Drive (Staff)
Attachment 1-6 Gallatin on the Move 2020: Chapter 5 Commercial and Residential Design
Attachment 1-7 Applicant’s “C” from Memorandum
This permit becomes null and void if work or construction authorized is not commenced within 6 months or if construction or work is suspended or abandoned for a period of 6 months at any time after work in commenced.

In the event the licensed contractor disclosed hereon is replaced on this project, the Gallatin Building Department shall be immediately notified. Failure to notify may result in revocation of this permit and is a violation of state law.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction. Contractor and/or homeowner/builder is responsible to adhere to all existing setbacks, easements, and/or buffer yards located on said property.

I hereby certify that I am the: □ Owner □ Owner’s Agent and all official correspondence in connection with this application should be sent to my attention using the contact information above.

Jeff Christian

Date

Jeff Christian

Signature of Owner or Owner’s Authorized Agent
LONGBOAT DRIVE

LOT SURVEY FOR
STEPHEN AND DEBBIE WOODALL

PROPERTY LOCATED AT 817 LONGBOAT DRIVE IN THE CITY OF GALLATIN
4TH CIVIL DISTRICT OF SUMNER COUNTY, TENNESSEE

DATE: DECEMBER 02, 2019

SCALE: 1" = 50'

PREPARED BY:

Bruce Raines
LAND DEVELOPMENT CONSULTANTS
219 MAPLE ROW BLVD.
NASHVILLE, TN 37207
PHONE 615-224-0012
FAX 615-824-1467

JOB NO. 190172

NOTES:
1. NORTH BASED ON TENNESSEE NAD 83 COORDINATE SYSTEM.
2. PROPERTY IS SHOWN AS PARCEL 35.00
   SUMNER COUNTY PROPERTY MAP 130L, GROUP "C".
3. BEING THE SAME PROPERTY CONVEYED TO STEPHEN AND DEBBIE
   WOODALL BY DEED OF RECORD IN R.B. 4875, PG. 339, R.O.S.C., TN.
4. THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN ACCURATE
   TITLE SEARCH, NO TITLE REPORT FURNISHED.
5. BEING LOT NO 230 OF BAY POINT ESTATES, SECTION 6 OF RECORD
   IN PLAT BOOK 11, PG. 346, R.O.S.C., TN.

CURVE | ARC LENGTH | RADIUS | DELTA ANGLE | CHORD BEARING | CHORD LENGTH
------|-------------|--------|-------------|---------------|---------------
 C1    | 108.50'     | 786.26' | 754°22"    | N 71°06'50" E | 108.41'
Mr. Josh King
Gallatin Planning Department
132 W. Main Street
Gallatin, TN 37066

RE: Zoe and David Doyle

Dear Mr. King:

I enclose a Memorandum setting forth in detail the basis for the appeal filed on behalf of David and Zoe Doyle of the garage or pole barn building permit issued for 817 Longboat Drive. Accompanying the Memorandum we have attached front and back photographs of all abutting properties along with the schematic of the proposed building and on-line photographs of similar buildings offered by Three Boys Consulting, LLC d/b/a The Barn Store, the company proposing to erect the garage or pole barn.

Putting technical issues aside placement and construction of the attached garage or pole barn is entirely incompatible with the neighborhood and in particular with each home abutting the Woodall property at 817 Longboat Drive.

To my understanding hearing upon this appeal will be conducted by the Board of Zoning Appeals on Thursday, January 9, 2020. As always I appreciate your conscientious and open approach to, often thorny, land use issues. My staff will be off during the holidays but if you need to reach me my cell number is 615-975-7079.

Sincerely,

[Signature]

JOHN R. PHILLIPS, JR.

JRPjr/sgg
Enclosure
cc: David and Zoe Doyle
CITY OF GALLATIN
BOARD OF ZONING APPEALS
MEMORANDUM ON BEHALF OF DAVID AND ZOE DOYLE

In Re: 817 Longboat Drive
Permit No. BSRES-2019-000400
Permit IVR Number 36720

I. Introduction

The Appellants, Zoe and David Doyle, are the homeowners of 821 Longboat Drive, which is located in Phase 6 of the Bay Point Subdivision in Gallatin, an R20 low density zoning district. On December 6, 2019 the Zoning Administrator issued a Building Permit for a “detached garage” on the property at 817 Longboat Drive. This property is owned by Stephen and Debbie Woodall (“the Woodalls”) and is directly next door to the Doyles’ property.

The Woodalls’ proposed garage is 55 feet long and 36 feet wide, for a total square footage of 1,980 feet. (See Building Permit materials attached as Exhibit A.) It will be 16 to 22 feet tall and will be constructed in the method commonly known as pole framing or post-frame construction. The exterior will be entirely covered in a siding material.

The Woodalls’ lot is 27,000 square feet. The only structure currently on the property is a 3,508’ one story, brick residence comprised of:

1. a base structure of 2,257 square feet;
2. a rear porch of 336 square feet;
3. a front porch of 115 square feet; and
4. an attached garage of 800 square feet.

All of the properties that abut the Woodalls’ property at 817 Longboat Drive are listed below and all of them are single family residences composed of brick.

- 821 Longboat Drive, David A. and Zoe L. Doyle
Photographs, front and back, of each of these abutting properties surrounding 817 Longboat are attached as Exhibit B.

II. The proposed garage does not conform to applicable mandatory provisions of the Zoning Ordinance.

The proposed garage does not conform to the mandatory provisions of the Zoning Ordinance of Gallatin ("Zoning Ordinance") and should not be permitted. The Zoning Ordinance was enacted for a number of general purposes, including the following:

[to protect the character and maintain the stability of residential, business, commercial, and manufacturing areas within the city, and to promote the orderly and beneficial development of such areas; (Zoning Ordinance 01.03.030)

[to prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts; (Zoning Ordinance 01.03.080)

[to prevent overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district by regulating the use and the bulk of buildings in relation to the land surrounding them; (Zoning Ordinance 01.03.120)

Relevant portions of the Zoning Ordinance further provide:

- "The word “shall” or “will” is always mandatory and not discretionary." (Zoning Ordinance 02.01.020).

- No structure may be erected and no land use may be commenced within the city except as authorized by the Zoning Ordinance. (Zoning Ordinance 04.06).

- If conditions imposed by any provision of the Ordinance conflict with any other provision of the Ordinance or any other law, “the provisions which are more restrictive shall apply.” (Zoning Ordinance 04.02.01).
The residential districts established in the Zoning Ordinance were designed and established for a number of purposes, including the following:

[to promote the most desirable use of land and direction of building development in accordance with a well considered general plan to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the community’s tax revenues.](Zoning Ordinance 06.01.100)(Emphasis added).

The R20 Low Density Residential District was specifically designed “to provide suitable areas for low density residential development characterized by an open appearance.” (Zoning Ordinance 06.04.010). Private garages and parking areas are permitted as accessory uses in R20 districts; however, it is an “express purpose” of the Zoning Ordinance to exclude from R20 districts “all buildings and other structures and uses having commercial characteristics....” (Zoning Ordinance 06.04.010; 06.04.020).

The bulk regulations for R20 zoning districts provide that the maximum lot coverage for all structures, including accessory structures, may not exceed 20 percent of the total lot area. (Zoning Ordinance 06.04.030(A)). Although the Woodalls’ proposed garage is sized to fall just within the district’s bulk regulation of 20% maximum lot coverage, it does not conform to either the mandatory maximum for parking spaces for a single family residential use or the mandatory design standards contained in the Ordinance. Accordingly, it is not a permitted use.

A. The proposed “garage” exceeds the mandatory maximum parking spaces for Single Family Residential Uses.

Article 11 of the Zoning Ordinance regulates off-street parking. It requires off-street parking facilities in proportion to the need created by each use and establishes standards for the design of parking facilities. (Zoning Ordinance, 11.01). The regulations contained in Article 11
"are intended to provide for accommodation of vehicles in a functionally and aesthetically satisfactory manner, to reduce congestion on city streets, and to minimize external effects on adjacent land uses and to limit truck parking in residential neighborhoods." (Id.)(Emphasis added).

The proposed structure is intended to be used as a garage. "Garage, private" is a defined term in the Zoning Ordinance. It means, "a structure located on private property accessible from an improved driveway primarily designed for the use of the storage or parking of motor vehicles." (Zoning Ordinance 02.02).

The Zoning Ordinance directs that parking facilities "shall be provided in accordance with the minimum and maximum requirements set forth in Table 11-01." (Zoning Ordinance 11.03)(Emphasis added). Only parking that is intended to serve a "common development site or through use agreement more than one development site may be permitted parking in excess of the maximum permitted parking as listed in Table 11-01..." (Zoning Ordinance 11.02.025). The Woodalls' property is a single family residential use, not a common development site; accordingly, parking facilities for the property must be provided in accordance with the minimum and maximum requirements in Table 11-01. The "minimum required parking" for a single-family residential use is 2 spaces per dwelling unit. (Zoning Ordinance, Table 11-01). The "maximum permitted parking" for a single-family residential use is 4 spaces per dwelling unit. (Id.)

1 "The word "shall" or "will" is always mandatory and not discretionary." (Zoning Ordinance 02.01.020).

2 Any such excess parking "shall be justified by providing a feasibility study and/or transportation engineering report by a transportation or traffic engineer and all such excess spaces shall be designed in (sic) constructed as required by Section 11.09.025." (Id.)
As the foregoing provisions of the Zoning Ordinance demonstrate, the garage space on the Woodalls’ lot may not exceed 4 parking spaces. The standard size parking stall is 9 feet wide by 20 feet long, or 180 square feet. *(See Zoning Ordinance 11.09.020).* The addition of a 1,980 square foot garage (*i.e.*, big enough to store 10 motor vehicles) on the Woodalls’ property is simply not permitted under the Zoning Ordinance.

B. The proposed garage does not comply with the mandatory design standards contained in the Zoning Ordinance.

The Woodalls’ proposed garage or pole barn fails to comply with mandatory design standards under Zoning Ordinance. Article 11 of the Zoning Ordinance provides that “all parking facilities constructed or substantially reconstructed after the effective date of this section shall comply with the design standards contained in Section 11.09 and Article 13.00.” *(Zoning Ordinance 11.02.040)(Emphasis added).* Similarly, Article 13 provides that the design standard regulations “shall apply to all uses of property as indicated in each respective district.” *(Zoning Ordinance 13.02)(Emphasis added).* Furthermore,

> [i]n all districts, as indicated in each respective district, any permitted use or any conditional use and every building or structure or tract of land that is established, developed, or constructed shall comply with each and every performance and design standard contained herein.

When any use or building or other structure is extended, enlarged, or reconstructed after the effective date of this Ordinance, the applicable performance and design standards shall apply to such extended, enlarged or reconstructed portions of such use of building or other structure.

...  

3 “The word “shall” or “will” is always mandatory and not discretionary.” *(Zoning Ordinance 02.01.020).*
In the case of any conflict between the activity type and the performance and design standards, the latter shall control. In the case of any conflict between the performance and design standards set forth herein and any rules and regulations adopted by other governmental agencies, the more restrictive shall apply.

(Zoning Ordinance 13.01) (Emphasis added).

The Basic Design Criteria contained in Article 13.08 regulate architectural character and compatibility and provide as follows:

B. Compatibility with Adjacent Buildings – In most cases, buildings are not viewed in isolation, but rather in the context of other buildings. To this end, the following criteria are required:

1. Building forms shall be tailored to fit within the existing topography and site features as much as possible.

2. While architectural styles may vary, buildings of a proposed development shall be compatible with surrounding buildings (within the site and with adjacent properties) with regard to massing, scale, proportion of openings, roof types, type of glazed openings, and degree of detail.

3. The use of materials and colors compatible with buildings adjacent to a site is required.

13.08.010(B)(Emphasis added).

The term “compatible” is defined in the Zoning Ordinance as follows:

[The placement of a use, activity or structure incorporating design standards which utilizes accepted site planning practices including architectural features, style, orientation and scale and landscape material composition consistent with the context of the surrounding area when constructed to minimal code requirements.

(Zoning Ordinance 02.02). In this case, the proposed garage is not compatible with the surrounding buildings with regard to architectural features, style, orientation, scale, or materials as clearly illustrated by a comparison of Exhibit C (a schematic of the proposed building submitted for the building permit and photographs taken from the internet of similar structures including those offered by the “Barn Store” with the most directly
affected nearby homes). None of the abutting properties have garages (or any other structures on the properties) built in the post frame method. None of the abutting properties have garages with front facing access. None of the abutting properties have garages that exceed the mandatory maximum of 4 parking spaces. None of the adjacent properties are composed primarily of siding. In short, the proposed garage does not comply with the mandatory design standards applicable to 817 Longboat Drive.

III. Conclusion

The main structure of the house at 817 Longboat Drive, including both the rear porch and the unenclosed front landing, is 2,708 square feet. The attached garage is 800 square feet. The addition of a 1,980 square foot detached garage will result in total garage space of 2,780 square feet. Incredibly, the total garage space will be larger than the living space of the house itself, even when one includes the unenclosed front stoop. A pole barn of this size will be big enough to comfortably park 10 motor vehicles. By virtue of its size alone, particularly when compared to the size of the residence, the proposed garage would have a commercial characteristic and does not conform to the "express purpose" of the Zoning Ordinance to exclude from R20 districts "all buildings and other structures and uses having commercial characteristics...." (Zoning Ordinance 06.04.010; 06.04.020). Moreover, the proposed garage fails to conform to mandatory maximum parking space regulations and the mandatory design standards contained in the Zoning Ordinance. For these reasons, the Appellants respectfully request that the building permit be voided.
Respectfully submitted,

JOHN R. PHILLIPS, JR.
Attorney for David and Zoe Doyle
117 E. Main Street
Gallatin, TN 37066
615-452-8030
johnphillips@phillipson@ingrum.com
Exhibit "A"
### BILLING CONTACT
THREE BOYS CONSULTING LLC
264 BLUEGRASS DR
HENDERSONVILLE, TN 37075

### INVOICE

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<th>INVOICE DATE</th>
<th>INVOICE DUE DATE</th>
<th>INVOICE STATUS</th>
<th>INVOICE DESCRIPTION</th>
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<td>12/06/2019</td>
<td>12/05/2019</td>
<td>Paid In Full</td>
<td>817 Longboat - Building Permit</td>
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#### REFERENCE NUMBER

<table>
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<th>REFERENCE NUMBER</th>
<th>FEE NAME</th>
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<td>BSRES-2019-000400</td>
<td>Admin Fee</td>
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<td>Building (Zoning) Permit Review Fee</td>
<td>$25.00</td>
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<tr>
<td></td>
<td>Detached Accessory</td>
<td>$198.00</td>
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817 Longboat Dr Gallatin, TN 37086

SUB TOTAL: $238.00

### REMITTANCE INFORMATION

City of Gallatin
132 W. Main St
Gallatin, TN 37066

Codes and Building Permits (615) 451-5966
Engineering (615) 451-5995
Planning & Zoning (615) 451-5796

TOTAL: $238.00
City of Gallatin - Building Codes
132 West Main Street
Gallatin, TN 37066
Phone: (615)-451-5968

Location Address
817 LONGBOAT DR, GALLATIN, TN 37066

Parcel Number
X961 C 035 00 000

Contacts
WOOSALL STEPHEN CODY
817 LONGBOAT DRIVE, GALLATIN, TN 37066
Owner

THREE BOYS CONSULTING LLC
264 BLUEGRASS DR, HENDERSONVILLE, TN 37075
Applicant

Three Boys Consulting LLC
michael.barnstore@gmail.com
Contractor

Contractor

Description: 817 Longboat - Detached Garage

Valuation: $38,011.00
Total Sq Feet: 1,980.00

Fees

Admn Fee $15.00
Building (Zoning) Permit Review Fee $25.00
Detached Accessory $199.00
Total: $238.00

Payments

Total Fees $238.00
Check # 6395 $238.00
Amount Due $0.00

Inspections:

Inspection Type
Residential Framing
Inspection
Residential Concrete Slab
Inspection
Residential Building Final
Inspection

Payment for this permit represents agreement to comply with all applicable laws and adopted codes regulating the work specified by this permit. Payment also confirms the accuracy of the information contained in this document. Revocation or suspension of this permit can result if any information is found inaccurate, if the permit was issued in error, or if any violation of ordinance, adopted code, or regulation is determined.

This permit becomes null and void if work or construction authorized is not commenced within six (6) months, or if construction or work is suspended or abandoned for a period of six (6) months at any time after work is started.

Issued By: Codes Permits

December 06, 2019

Signature of Approving Official

December 06, 2019

Page 1 of 1
This permit becomes null and void if work or construction authorized is not commenced within 6 months or if construction or work is suspended or abandoned for a period of 6 months at any time after work in commenced.

In the event the licensed contractor disclosed hereon is replaced on this project, the Gallatin Building Department shall be immediately notified. Failure to notify may result in revocation of this permit and is a violation of state law.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction. Contractor and/or homeowner/builder is responsible to adhere to all existing setbacks, easements, and/or buffer yards located on said property.

I hereby certify that I am the: □ Owner □ Owner's Agent and all official correspondence in connection with this application should be sent to my attention using the contact information above.

[Signature]

Print or type name here
I HEREBY CERTIFY THAT THIS IS A CATEGORY ONE SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 AS SHOWN HEREBY.

NOTES:
1. NORTH BASED ON TENNESSEE NAD 83 COORDINATE SYSTEM.
2. PROPERTY IS SHOWN AS PARCEL 35.00 SUMMER COUNTY PROPERTY MAP 136L, GROUP "C".
3. BEING THE SAME PROPERTY CONVEYED TO STEPHEN AND DEBBIE WOODALL BY DEED OF RECORD IN R.B. 4875, PG. 339, R.O.S.C., TN.
4. THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE SEARCH, NO TITLE REPORT FURNISHED.
5. BEING LOT NO 230 OF BAY POINT ESTATES, SECTION 6 OF RECORD IN PLAT BOOK 11, PG. 346, R.O.S.C., TN.

LOT SURVEY
FOR
STEPHEN AND DEBBIE WOODALL
PROPERTY LOCATED AT 817 LONGBOAT DRIVE IN THE CITY OF GALLATIN 4TH CIVIL DISTRICT OF SUMMER COUNTY, TENNESSEE
DATE: DECEMBER 02, 2019
SCALE: 1" = 50'
PREPARED BY:
Bruce Raine
LAND DEVELOPMENT CONSULTANTS
315 MAPLE ROW BLVD.
WENDERMERE, FL 32759
PHONE 813-922-6912
FAX 813-924-1497
JOB NO. 190172
Double 2x10 SYP Truss Header
Exhibit "B"
817 Longboat Drive

817 Longboat Drive - Image from Google Streetview 7/2013
818 Longboat Drive
GALLATIN ON THE MOVE 2020: COMPREHENSIVE PLAN

CHAPTER 5: COMMUNITY DESIGN AND HISTORIC PRESERVATION PLAN

ADOPTED FEBRUARY 23, 2009
cornices, banded building materials, awning placement and valances, and banded signs. This is an important reason why retaining and restoring even the smallest building feature is crucial. For each storefront, it is especially important to align items such as display sills, display frames and even some window signage. If there are sidewalk grade changes, different neighboring horizontal elements might line up, such as transom windows with awnings or sign bands.

**The Sidewalk is the “Pedestrian Hallway”**

The pedestrian is the most important asset to the downtown environment, and provisions for the safety and comfort of the pedestrian are of key importance. One continuous “wall” of the pedestrian hallway is formed by the attractive building facades and storefronts. The opposite, perceived wall should be made up of the rhythmic and equally set line of street planting (a mix of shade trees and decorative trees or planting beds is preferred), and/or pedestrian amenities visually separating the sidewalk from the street. Also helping define this perceived wall and making the pedestrian comfortable from moving traffic can be a row of parking, which is usually parallel or angled on wider streets where allowed. Finally, creating the “ceiling” of the hallway should be a combination of the lower branches of well-maintained shade trees and the even coordinated projections of the underside of storefront awnings or canopies.

**FORM AND STYLE**

Two major definitions of how to “read” a building and determine its original intent must be made. Building form and the style of its architectural details are two separate subjects, and each determines how buildings would be rehabilitated, restored or reconstructed today.

**Commercial Building Form**

Closely associated with building “type,” which focuses more on use, the building form is largely defined in plan, arrangement of its functional spaces, and sometimes its social connotation. For example, the form of a traditional commercial building differs from that of the traditional form of a church, a firehouse, post office, gas station, etc. When defining form, it may simply be the overall shape, number and sizes of openings, what they may have been used for, and bays (physical divisions of buildings defined by windows, walls, or lines of support columns).

Predominant Commercial Building Forms Found in Downtown Gallatin

- One Part Commercial
- Two Part Commercial
- Business Block
- Warehouse / Shed
- Hotel / Lodging
- Auto Service / Gas Station / Garage (Fire Station, Car Dealer)

Sidewalk as the “pedestrian hallway” is displayed above and described with three major components:

1. Building façade wall
2. Perceived “wall” represented by street trees, landscaping, lampposts, furniture and enhanced by cars parked automobiles that provide additional buffer from moving traffic
3. Perceived “ceiling” represented by store awnings, lower tree branches.
- Church
- Office / Institutional (Bank, Courthouse, City Hall, etc.)
- Residential forms with commercial adaptive use

**Primary Commercial Building Forms**

Of the many types of commercial building forms, One-Part Commercial, Two Part Commercial and the Business Block have the most influence in shaping the design character of the downtown.

**One Part Commercial**

Generally, a one-story commercial building is a stand-alone shop or one structure of multiple storefronts with individual uses that define individual or internally connected stores within each bay from the facade back.

**Two Part Commercial**

Typically, and most traditionally, a two-part commercial building is the most recognized form that defines “Main Street America.” As the name implies, uses of the structure evolved into two parts, one for retail (generally street level) and the other for storage, offices, or residential (generally above). This can be two to five stories generally built to have shared “party” sidewalks to either side. This forms a block of individual buildings with only their facades visible along the street. The Two-Part Commercial form creates an efficient, dense environment of mixed uses in the vibrant city center.

**Business Block**

The row of independently owned and managed “Two-Part Commercial” structures quickly turned into fully developed, single building complex blocks with multiple leased, usually vertically mixed, uses. Historically, entertainment or gathering spaces would be incorporated in the upper stories or behind the rows of integrated street-level retail with entries for all uses designed into the street-level primary facade.

**Other Forms of Commercial Buildings**

There are many other stand-alone commercial buildings found in different sectors of Downtown. Aside from the traditional commercial building forms, other types of structures found in Downtown Gallatin are gas stations, garages, hotels, apartments, government offices, court rooms and the library. Individual use defines their form. In addition, the Temple Front form is found in the Old Commerce Union Bank on the Square.
Commercial Building Style

Building or architectural style is a matter of the intended choice of decorative embellishments and adornments. Different styles can overlap within the same time period, due to architects and building owners selecting the style that best defined the type of business being conducted or the level of sophistication they wanted to portray to their intended patrons. Often, the intended style is built into the fabric of the building with the choice of exterior cladding, treatment of the foundation material, proportions of the arrangement of elements and the shape of the window openings. However, style is also portrayed in the choice of window sash and glass divisions, door styles, brackets, applied artistic details, tiles and original intended amenities such as awnings, railings, light fixtures, hardware or signage.

Significant Historic Commercial Building Styles Found In Downtown Gallatin:

- Italianate Victorian
- Folk Victorian
- Romanesque Revival
- Refined Classicism
- Arts and Crafts (Craftsman)
- Neoclassical Revival
- Art Deco
- Art Moderne
- International
- Minimal Traditional
- “Googie” or highway “coffee-shop”
**Parts of the Commercial Façade**

Much of the style of a building is determined by its façade. The “3-Part Façade” defines the vertical sections of most primary commercial façades facing the street or the patron. The façade is divided into three sections: storefront, upper façade and cornice. These divisions can be found across hundreds of years of construction and styles up to the present day. The uses and context of the main parts follow:

**Storefront**

The storefront is the where the façade “interacts” with the patron in the area inset between permanent building piers. It is essentially a large opening filled with an arrangement of glass and provides access to the interior. It has a marketing role as well as a functional role, and therefore street-level storefronts have traditionally been altered much more than any other part of the façade.

**Upper Façade**

The upper façade can consist of any area or floors of the building above the storefront/street level until the point where it meets the cornice. Window openings, spacing, and arrangement of details among the upper stories create a rhythm to the façade, especially when aligned with neighboring façades along a full block. The upper façade usually consists of at least one floor of upper windows; however, it may also be a tall, window-less façade area that covers a high parapet wall or false front covering the roof line. With multiple floors, the window rhythm is usually repeated. This area may contain pilasters or vertical protruding half columns leading down to the building piers that meet the sidewalk to emphasize height. This is where much of the architectural ornamentation will be found, with features such as arches, stone detail and insets for business signs.

**Cornice**

The upper cornice is the visual “crown” along the top parapet edge of the primary façade. This decorative and/or stylized element can be attached, applied or a built-up extension of the exterior wall material. The taller a building is, generally the more elaborate the cornice arrangements. Some buildings of five to 20 or more stories use the entire top floor(s) to define the top, or “capital” to the “building column.”
Residential Building Form

A residential house form is largely defined in plan, arrangement of its functional spaces, and sometimes its social connotation (i.e. mill village, custom built or planned neighborhood). The form of a traditional residential single family home differs from that of the form of a multifamily duplex, apartment or town home. When defining form, it may simply be the overall shape or could include the number and sizes of openings, if it is (or intended to be) single or multi-family, room layout (i.e. shotgun, central or side hall plans, as opposed to an "open" floor plan). Residential forms, as opposed to commercial, could include roof forms, the yard, porches, and possibly even attached or out-buildings.

Predominant Residential Building Forms: In-Town Gallatin

- Shotgun House (1-Story)
- Gabled Wing Cottage ("L" or "T")
- Pyramid Cottage (1-Story)
- New South Cottage (1-Story)
- Side Hallway Townhouse (2-Story)
- Central Hall
- Four Square (2-Story)
- "I" House (2-story)

Residential Building Style

Building or architectural style is a matter of the intended choice of decorative embellishments and adornments that were socially driven by the high styles, pattern books and physically properties of materials and technologies of the period in which they were built. Different styles can overlap within the same time period and different styles may be applied to the same basic house forms listed to the left, below. Architects and home owners selected the style that best defined their personality or the character of the neighborhood at that particular time. Often, the original intended style is built into the fabric of the building with the choice of exterior cladding, the foundation material, proportions of the arrangement of elements and the shape and arrangement of openings corresponding to interior living space. Style could be dictated by an overall, intrinsic neighborhood character especially seen in "early suburban" housing, generally post- World War II. However, style is also portrayed in the choice or necessity of certain window sash and glass divisions, door styles, applied artistic details and original intended amenities such as awnings, railings, light fixtures or hardware.

- Gothic Revival
- Folk Victorian
- Arts and Crafts (Craftsman)
- Neoclassical Revival
- Minimal Traditional
- International
- Contemporary
- Central Hall, Double Parlor
- Bungalow (1 and 1-1/2 Story)
- English Cottage
- Post WWII Ranch
- Multi-family Apartment

**Residential Infill Development**

New in-fill development or new construction to replace a structure that has been lost should continue the established pattern of the neighborhood environment (generally taking in consideration the remainder of the block to each side and what is directly across the street). New construction should be aligned with the front and side yard setback and with the existing structures in the adjacent neighborhood by either; A) Setback even with all other homes if there is a developed pattern to the neighborhood or complex of dwellings, or B) if the established pattern is a random setback, take the average setback of all original homes (excluding new additions) in that block face using a common line (street or walk). Architecture should be "contemporary compatible" design where construction can be easily identified as new but the form is in context. Exact replication of previous house forms should be avoided unless the reconstruction is on a highly significant landmark based on documentation and plans of the original, otherwise this would be "creating false history." Materials used on new construction should be consistent with the appearance and application of materials on existing structures in the adjacent neighborhood (brick, wood, stone, etc.).

Most importantly, the design of new construction should be consistent with the established patterns of the neighborhood - if traditional mix there is leeway to design in the most contemporary form. The roof form should be designed to be consistent with adjacent structures, limiting the number of stories of new construction to be equal to or compatible with adjacent homes on either side. Design of new construction should be of similar height, width, and proportions of existing structures in the adjacent neighborhood, taking in consideration A) Foundation height; B) Floor to ceiling height; and C) Use of porches (in depth, height, massing, columns). Design composition and arrangement of parts (shapes, sizes, placement of windows and doors) should be consistent with existing homes.

The characteristics and placement of exterior decoration on new construction should be designed to continue that of existing structures in the adjacent neighborhood, if there is an established style to the neighborhood. Reproduction of styling, such as using all old materials to build a new home, creating a "false sense of history," should be avoided. In a neighborhood of traditionally mixed styles of homes, after conforming to placement and scale, one may design in a contemporary style that is compatible with the surrounding area.
EXHIBIT "C"
Great job David Dilier and crew for another Barn Store building. You guys are knocking them out.

30x60x14 post frame building. Ready for concrete and doors in approx 30 working hrs. Fully insulated, 11' overhang, 4 overhead doors, 2 man doors. If you are looking for a post framed building check out the The Barn Store in Gallatin, TN.