Gallatin Municipal Board of Zoning Appeals

Thursday, January 30, 2020

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

DR. J. DEOTHA MALONE COUNCIL CHAMBERS
CITY HALL

- Call to Order
- Invocation
- Pledge of Allegiance
- Roll Call
- Minutes: January 9, 2020 Municipal Board of Zoning Appeals Special-Called Meeting
- Election of Officers

**REGULAR AGENDA**

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

   AN APPEAL OF AN ADMINISTRATIVE DECISION TO ISSUE A BUILDING PERMIT FOR AN ACCESSORY STRUCTURE (GARAGE) ON A 0.61 +/- ACRE LOT WITHIN THE BAYPOINT ESTATES SECTION 6 SUBDIVISION, LOCATED AT 817 LONGBOAT DRIVE.

2. **OTHER BUSINESS**

3. **MOVE TO ADJOURN**
Members Present

Jimmy Moore, Chair
John Puryear, Vice Chair
Homer Vaughn, Secretary
Jeannie Gregory
Drew Schreiner

Staff Present

William McCord, Director of Planning
Josh King, Assistant Director of Planning
Leticia Alexander, Staff Attorney
Marianne Mudrak, Board Secretary

Absent

None

Others Present

Applicant

The Gallatin Municipal Board of Zoning Appeals met in a special-called meeting on Thursday, January 9, 2020, at 5:30 p.m., in the Dr. J. Deotha Malone Council Chambers of Gallatin City Hall. Mr. Jimmy Moore, Chair, called the meeting to order. A copy of the meeting agenda is attached to these minutes as Exhibit A.

Chair Moore led the invocation and Mr. Vaughn led the pledge of allegiance. Ms. Mudrak called roll.

Agenda

Item 1: GMBZA Resolution No. 2020-001 – Administrative Appeal – 817 Longboat Drive (VAR-2019-0003) – David and Zoe Doyle – An appeal of the administrative decision to issue a building permit for an accessory structure (garage), on a parcel containing 0.61 +/- acre lot, located at 817 Longboat Drive.

Mr. Josh King, Assistant Director of Planning, presented the case to the Board and said Staff issued the permit issued in error because the square footage of the garage is too large for the lot size. The size of the garage will need to be reduced. He described how the code is applied for parking standards and how architectural standards did not apply to this structure. Staff recommended amending the Zoning Administrator’s decision regarding the issuance of a permit.

Mr. John Phillips, Attorney, representing David and Zoe Doyle, filed a memorandum with the Board. He asked if the pole barn is compatible with adjacent properties. They agreed the code requires the structure to be compatible. He asked that the Board allow Ms. Doyle to speak.

Ms. Leticia Alexander, Staff Attorney, said Ms. Doyle had no standing to challenge the interpretation of the Zoning Administrator because she is not an aggrieved party, per T.C.A. 13-7-206.

Mr. Phillips said neighbors are an aggrieved party because it impacts their property.
Ms. Zoe Doyle, 821 Longboat Drive, presented a slide presentation of photographs of homes in her neighborhood and the concerns of a pole barns. She said the proposed pole barn is all metal and the homes in the neighborhood are all brick. The garage is not compatible with the homes in the neighborhood. She said there are no similar structures on adjacent properties. Only one home in the immediate neighborhood has an accessory structure. She described the uses of pole barns.

Mr. Schreiner asked Ms. Doyle about lot slopes and drainage.

Mr. Phillips said the compatibility is the pressing issue that they would like the Board to consider.

Chair Moore opened public hearing.

Mr. Dick Dempsey said he does not believe the proposed building is compatible with the neighborhood and should not be viewed in isolation but as a part of the community. There is nothing similar to the size of this building in the neighborhood.

Mr. Lee Bohme, 813 Longboat Drive, said his property catches all of the storm water and he was concerned that this structure would make the water issue worse. He is also concerned with property value and the obstruction of pleasing views.

Ms. Judy Tabbert, 809 Longboat Drive, said she has a small garden shed in her yard. She said this is a beautiful street and she can’t imagine seeing a building with an industrial look that is not compatible with anything in the neighborhood.

Ms. Deanne Dewitt, 898 Plantation Boulevard, said, as a County Commissioner, she understands that this is complicated and the code is well intentioned. She said R20 is not low density and there is a lot of value in property rights.

Ms. Ann Marie McKee, 154 Woodlake Drive, said she is concerned about safety in a storm. Her yard is directly behind this property.

Mr. Jeff Christian, 660 Coles Ferry Road, Mr. Woodall’s contractor, said most of his clients buy this type of structure as a garage. He said Ms. Doyle’s presentation on the use of pole barns is not accurate. He said the quality of the steel and the new methods used for construction make the building safe in high winds. He added that the homeowner is spending extra money to have a decorative look to the building. The building will not collect mold and the color will stay vibrant.

Mr. Don Lamb, 158 Woodlake Drive, said he lives behind Ms. Doyle, and is concerned about what the back side of the building will look like.

Mr. Stephen Sullivan, 1061 Inneswood Drive is concerned with a decrease in property values. He does not like the vibrant colors and the country look. The proposed garage is not characteristic of the neighborhood.
Mr. Gary Harris, 1124 Inneswood Drive, said he was a former real estate appraiser, and expressed concerns that this is not the best use of the property and is not reasonable for the area. He said the real estate market is finicky and if development is not compatible with the neighbors it can reduce property values.

Ms. Lisa Lewis said she sells real estate and is not certain what this building will do to property values. She believes that if she took a buyer to this house they would not be interested because it is not conducive to the neighborhood.

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

Mr. William McCord, Director of Planning, said Staff reviewed the report and the proposed structure and determined that the permit was issued in error and the structure is larger than allowed by code. The structure can only cover 20 percent of the property including the existing home. The proposed garage can only be about 1,800 square feet but can be close to the lot line, unless there is an easement. Staff would modify the resolution to add the 20 percent lot coverage restriction. He explained that the code exempts architectural controls in the R20-Low Density Residential District. The code does not address compatibility in the district. In addition, the code does not have standard parking regulations for single family homes.

Mr. Schreiner asked about the exterior façade colors and if the vibrant colors could be restricted.

Mr. McCord said the codes does not restrict colors in a residential community. Only a Homeowners’ Association can regulate colors. The deed restrictions on this neighborhood expired and were not renewed by the residents.

Vice Chair Puryear asked why compatibility is not open for discussion.

Mr. McCord said certain zone districts are exempt from compatibility and the R20-Low Density Residential District is one that is exempt. If the homes in an R20-Low Density Residential District are all brick and someone want to build a home of hardy board, they are allowed to do so.

Chair Moore said a yes vote is a vote to approve the resolution as amended, explained by Mr. McCord, limiting the square footage to 1800 square feet.

Vice Chair Puryear reiterated that a yes vote denies Ms. Doyle’s appeal. He asked the Board to determine if the Zoning Administrator currently interpreted the ordinance incorrectly. He said the intent of the ordinance is to prevent this type of issue.

Mr. King said if you vote against the resolution you are stating that staff issued the permit against the Zoning Ordinance. This would change the way we review structures across the City and would reduce the power of the zoning. He added that Baypoint was built before storm water regulations.

Vice Chair Puryear is concerned about the structure dumping water onto adjoining properties.
Mr. King said the concrete slab already exists and the same amount of water would fall on adjacent properties. Vice Chair Puryear suggested a deferral to allow the board time to review the Zoning Ordinance.

Vice Chair Puryear motioned to defer this item until the January 30, 2020 regular Board of Zoning Appeals meeting. Ms. Gregory seconded the motion and the motion passed by unanimous vote.

Item 2: Adjourn

There being no further business to discuss, Chair Moore adjourned the meeting.

Respectively Submitted:

Marianne Mudrak, Board Secretary

Approved:

__________________________________  ______________________________
Jimmy Moore, Chair                      Homer Vaughn, Secretary
RESOLUTION OF THE CITY OF GALLATIN 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 (APP-2019-0003)

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 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 THAT THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS makes the following findings pursuant to T.C.A. Section 13-7-207(1) 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 is 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, except that permit was issued for a building slightly larger than entitled by code;
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 acted in error but did not act in an arbitrary manner to apply the Zoning Ordinance as it pertains to this case;
E. The applicant has failed to prove their standing as a 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 Drive
(BSRES-2019-000400) is denied as determined by the Board as set forth in Gallatin Zoning Ordinance, Section 15.04 except to limit the size of the accessory structure in combination to the existing house to not exceed the maximum permitted lot coverage for the lot in the R-20 Zoning District. 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

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Homer Vaughn, Secretary

APPROVED AS TO FORM:

__________________________________________________________________________

SUSAN HIGH-MCAULEY
CITY ATTORNEY
ITEM 1
PLANNING DEPARTMENT REVISED STAFF REPORT
Administrative Appeal – VAR-2019-0003
817 Longboat Drive
Date: January 30, 2020

REQUEST: THE APPELLANT REQUESTS AN APPEAL OF ADMINISTRATIVE DECISION TO ISSUE A BUILDING PERMIT FOR AN ACCESSORY STRUCTURE LOCATED ON A 0.61 +/- ACRE LOT AT 817 LONGBOAT DRIVE WITHIN THE BAY POINT ESTATES SECTION 6 SUBDIVISION (FILE VAR-2019-0003)

OWNER: DEBBIE AND STEPHEN WOODALL
APPELANT/APPLICANT: ZOE L. DOYLE, 821 LONGBOAT DRIVE
STAFF RECOMMENDATION: GMBZA RESOLUTION NO. 2020-001
STAFF CONTACT: WILLIAM D. McCORD, AICP
MBZA MEETING DATE: JANUARY 30, 2020

PROPERTY OVERVIEW:
The appellant is appealing staff’s decision to issue a building permit for an accessory structure located at 817 Longboat Drive in accordance with Article 15, Section 15.04.024(A) Powers of the Board (of Zoning Appeals). The appellant/applicant, Mrs. Zoe L. Doyle, is the adjacent neighbor at 821 Longboat Drive. The homeowners of 817 Longboat Drive are Mr. Steve Woodall and Mrs. Debbie Woodall. The initial report with exhibits to the Board of Zoning Appeals is attached. Staff prepared a revised report to correct errors in the report provided at the January 9, 2010 GMBZA meeting. An opinion from the Planning Commission will be provided at the January 30, 2020 GMBZA meeting.

CASE BACKGROUND:
Property History and Previous Approvals
The home at 817 Longboat Drive is located on lot 230 which is a part of Bay Pointe Estates, Section 6 Subdivision. The existing home was constructed in 1992.

On December 4, 2015, a building permit was issued by the City of Gallatin Codes Department to construct a carport on the property. In late 2019, the previously permitted carport was removed by the current homeowner.

On December 4, 2019, a contractor, working on behalf of the homeowners of 817 Longboat Drive, submitted an application for a building permit with supporting materials to the City of Gallatin Codes Department for review and approval. This application required a review by the Planning Department staff to determine compliance with the Zoning Ordinance. Assistant City Planner Josh King reviewed the permit for compliance with the Gallatin Zoning Ordinance. Simultaneously, the adjacent homeowner, Ms. Doyle, requested documents related to the neighbors building permit application.
On December 5, 2019, a Building Permit (also incorporating a Zoning Permit) was issued for a 1980 square foot accessory structure located on a 26,609.8 square foot lot, zoned R-20 - Low Density Residential, at 817 Longboat Drive after a Planning and Zoning Department review and approval. The property is and currently contains a single family dwelling unit with a building footprint of 3508 square feet.

Later on December 5, 2019, Mrs. Doyle received the documents related to the building permit application and information on the appeal process conducted by the Board of Zoning Appeals by e-mail.

**Applicant challenge of staff interpretation**

On December 11, 2019, Ms. Doyle notified Gallatin Planning, Codes, and Legal staff of her intention to file an appeal of staff’s decision.

On December 14, 2019, the appellant (Mrs. Doyle, 821 Longboat Drive) filed an appeal with the Gallatin Municipal Board of Zoning Appeals contesting the City’s issuance of the building permit for an accessory structure at 817 Longboat Drive. The application was deemed complete and accepted by the City Planning Staff the same day it was received.

Also on 12/14/2019, the Planning staff notified the homeowner of 817 Longboat Drive and their contractor of the application. The contractor and homeowner voluntarily stopped work on the site pending a meeting of the Board of Zoning Appeals. A special-called meeting was scheduled as a special-called meeting for January 9, 2020.

At the January 9th meeting, staff presented the case to the GMBZA and the GMZBA held a public hearing and received public comments. The GMBZA discussed the issues related to the case and voted to defer action until the January 30, 2020 meeting date so additional information could be provided by staff.

As part of the appeal, a memorandum was submitted by attorney John R. Phillips on behalf of his clients, David and Zoe Doyle (see Attachment 1-3). Mrs. Doyle indicated that the city issued a permit for construction of the accessory structure in violation of the following sections of the Gallatin Zoning Ordinance. This includes:

- Article 1.00, Section 01.03.030, Section 01.03.080 and Section 01.03.120,
- Article 4.0, Section 04.06, Section 04.02.01,
- Article 6.0, Section 06.04.010 and Section 06.04.020 and Section 06.04.030.A.,
- Article 11, Section 11.01 and Table 11-01 and Section 11.02.025, and
- Article 13, Section 13.08 including Section 13.08.010. B. concerning compatibility with adjacent buildings.

Section 15.04.023 and Section 15.04.028 C. permits the Planning Commission to provide an advisory opinion on matters considered by the Board of Zoning Appeals.

*The Gallatin Municipal/Regional Planning Commission shall be permitted to submit an advisory opinion of any matter before the Board (BZA) and such opinion shall be made a part of the record of such public hearing.*
Therefore, if the Planning Commission wishes to render an opinion, staff will request that the GMBZA reopen the public hearing and enter it into the record as part of their findings and decision making process.

Key provisions of the Gallatin Zoning Code to consider area:

Article 2, Section 02.01.010 which states that "the particular shall control the general"; and

Section 02.01.120 states "any conflict between one section of this Ordinance and another section of the Ordinance shall be resolved in favor of the more restrictive provision"; and

Section 02.01.050 which states a structure includes "all other structures, or parts, thereof, of every kind regardless of similarity of buildings."

An accessory structure is defined 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.*

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.*

Staff issued the building permit for an accessory structure that the homeowner described as a garage in the building permit application.

The purpose and intent of the R-20 –Low Density Residential District is described below.

**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."

Section 06.04.020 B. permits accessory uses including private garages and parking areas and accessory uses or structures customarily incidental to the above permitted uses.

Section 06.04.030 describes the Bulk Regulations for the district and subsection (A) limits maximum lot coverage to 20 percent of the lot.

Article 13, Architectural Character and Compatibility Standards, Subsection 13.08.010 A. specifically exempts certain residential districts (A, R-40, R-30, R-20 R-15, R-10 and R-8) from having to comply with the architectural requirements. These districts are specifically identified three times in the Materials (A.) paragraph.

The Gallatin Zoning Ordinance does not require any accessory structure to mimic or replicate the exact material or design of the primary structure. Furthermore 13.08.010.A. exempts single family residential in the R-20 zone from any brick or stone façade requirements.

The Architectural provisions of the zoning code was first included with the adoption of the 1998 code. It has been amended twice since that time.

Article 13, Section 13.08, subsection 13.08.010 A. Materials - describes the building materials that are required when constructing other types of buildings in the City and states:

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.

"In the A, R-40, R-20, R-15, R-10, R-8 districts, any use and building, other than single family detached residential units, shall use brick and/or stone materials as the predominant (minimum 70%) exterior façade materials. One-family detached dwelling units shall be exempt from this requirement unless otherwise specified in Section 13.08.010.E." (Refers to Residential Infill Development)

This section requires that at least 70 percent of all buildings facades include building materials composed of brick or stone for new or substantially expanded buildings except for one-family detached dwelling units (single-family homes) in the exempted zoning districts. This section applies to other uses that are permitted in the exempt districts, such as semi-commercial buildings or institutions multiple family structures, community service buildings, houses of worship, and other buildings/uses permitted in these residential districts.

Article 13, Section 13.08, Subsection 13.08.010. A. also applies to accessory buildings. Accessory structures are prevalent in residential districts and are usually constructed of wood or metal finishes. These are commonly sold at home improvement stores and come in a variety of sizes. Some are exempt from having to obtain building permits but must be placed in compliance with code.

Staff interprets that an accessory structure to a single family use is also covered under this exception. The code prohibits an accessory structure from being placed on a property without a primary structure/use.

Article 13, Subsection 13.08.010, Subsection. B., Compatibility with Adjacent Buildings, begins with:
"In most cases, buildings area not viewed in isolation, but rather in context with other buildings."

This part of the code specifically indicates that there are exceptions to applying this provision of the code. Staff believes that these exceptions are offered within the districts listed in Subsection A except for uses/structures other than single-family residential uses/structures. For one to determine that Subsection B. supersedes Subsection A, would require an arbitrary, subjective standard for each type of structure that would be subject to the whims of the Planning Board, other decision making body or administrative decision maker without relying upon objective and measureable standards to determine compliance. As currently stated, this may be acceptable in certain districts but not in the excepted districts for excepted uses. The compatibility standards for the excepted zones are determined by lot coverage, building height, and building setbacks which are specific to the Zoning Ordinance.

It would be illogical to assume the governing body would exempt development in the R-20 district from the material standards in Subsection A while at the same time mandate R-20 zoning to the compatibility standard of Subsection B which would include the material standard of Subsection A. As an example, it would be inconsistent to permit a wood or Hardie board siding home in a residential district but require any accessory structure on the same lot to be comprised of at least 70% brick or stone materials.

It makes more sense to apply the compatibility standard described in Subsection B to the zones not exempt and described in Subsection A. The compatibility standard in Subsection B becomes more subjective and arbitrary and less reasonable.

By applying Subsection B, with its subjective context exclusive of Subsection A, would render Subsection A not applicable since the compatibility standard would supersede the excepted standard of Subsection A. If Subsection B is applied it would have to apply to all residential properties in Gallatin regardless of zone. If Subsection B were used/applied when reviewing and evaluating architectural material, it would apply a more subjective standard than the objective standard (more specific or particular standard) and exception offered by Subsection A. By superseding Subsection B this would cause the compatibility provision to override or nullify the exemption provision of Subsection A. This subjectivity is the reason that there are Homeowner’s Associations with restrictive covenants. As it relates to structures in the districts described in Subsection A, it should not be a decision made by the City. The City only focuses on bulk, height and setbacks which are objective and not subjective standards described in the Zoning Code. Other provisions would be reserved for a homeowners association review and approval.

As mentioned above, Subsection A specifically applies a particular control, described in Section 02.01.010, than a more general standard by exempting properties in certain residential districts and industrial districts. This distinguishes the two provisions of Section 02.01.010 since this code language requires that the more “particular shall control the general.”

There would be no need to have a Subsection A if a more subjective Section B would always be available to override the specific exclusion afforded by Subsection A. If the specific exclusion did not exist then the City (Board) could impose the 70% brick or stone requirements or any other building material requirement to structures in residential districts including accessory structures.

However, Subsection B is applicable in other districts and is applied, especially within zoning districts requiring and master development plan, except where the Planning Commission has provided for Alternative Architecture under Subsection 13.01.010 D. The compatibility provision is applied when considering building form and architectural styles, including the use of materials and colors. As related to form or size, other provisions of the code provide guidance and restrictions to meet this standard. Since the code has specific limits for accessory
structures in residential districts, including to limit the size of the structure to no greater than the primary structure, the location of the structure, and limits imposed by bulk and area requirements of the applicable zoning district, one can not subjectively and arbitrarily place a limit on the size of an accessory structure except where physiographic conditions prevent such structure or other provisions of code apply (not exceeding maximum lot coverage for structures, complying with required building separation, setbacks and height restrictions, floodplain regulations, etc.)

Other provisions of the Zoning Code also permit and require the City to allow certain types of housing construction in residential areas apart from a subjective finding of compatibility. State Statute (T.C.A. 13-3-501-504) and the Zoning Ordinance (Section 12.03) regulate moving homes from one location to another location. This commonly allows modular homes (modular building units), as defined in T.C.A. 68-126-303, to be placed on lots and preempts “local standards related to the construction and installation” of these type of units except as provided under T.C.A. 68-126-304 (b)(4). Modular homes could be placed on any of the exempted lots described in Subsection A provided that these units complied with “aesthetic requirements”. The aesthetic provisions of Subsection 13.08.010 B. are mostly subjective and not specifically tailored to distinguish features commonly provided with site built homes from those constructed with modular housing construction.

In regards to the size of the proposed accessory structure, a City Attorney opinion dated August 2, 2004 pertaining to the application of the code for accessory structures (Attachment 1), determined that the code places no restriction on the size of a structure that can be applied except where otherwise restricted within the code. Based on the 2004 opinion, an accessory structure or combination of accessory structures could exceed the size of the residence (primary use). At the time, as written, the code was less restrictive than the current code as it relates to regulating accessory structures. The code was amended in 2017 (Ord. # O1702-14) to add a definition of accessory structure. This placed a size limit on such structures to ensure that they are not larger than the primary structure in residential districts.

The accessory structure proposed by the Woodall’s will be 1,980 square feet. The existing house has a footprint (lot coverage) of 3,508 square feet including the porch and attached garage. The Woodall’s indicated the use of the space would be for a 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 generally indicates the accessory structure at a base elevation approximately 8 feet lower than current street level based on available contour data (See Attachments). The size of the accessory structure is smaller than the main structure and it will be placed behind the main building (house) compliant with the required setbacks for an accessory structure as described in Article 12, Section 12.01.030.GZO. After further review, staff determined that only a 1813 square foot accessory structure is allowed.

The garage/accessory structure intended for the property at 817 Longboat Drive, meets the definition of garage, private and accessory structure and is a permitted accessory use per Section 06.04.020. B. in the R-20 Low Density Residential Zoning District provided that the permit is modified to limit total building coverage on the lot not to exceed 20 percent of the area of the lot.

Article 13.08 Architectural Character and Compatibility Standards

The applicant further contends Article 13 Basic Design Criteria of the Gallatin Zoning Ordinance was not followed in the issuance of the building permit. As described above staff does not believe Section 13.08.010 B. applies to this structure.
Section 13.08.010.B. states:

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 appellant/applicant provided photographs of adjacent properties (821 Longboat Drive, 813 Longboat Drive, 146 Woodlake Drive, 150 Woodlake Drive, and 154 Woodlake Drive). The primary building material on primary 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 (see 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.

While compatibility as used in Article 13, Section 13.08.010.B. is relevant to most districts in the City it does not apply in the R20 District unless regulated by a the Use and Structures (Sec. 06.04.020), Bulk Regulations (06.04.030) and Area and Yard requirements (Sec. 06.04.040). These provisions in combination with Sections 12.01, 12.05, 12.06, 12.07, and 12.08 regulate structures on lots in the R20 Districts.

Nothing in the Code would prevent one from demolishing an existing brick/stone structure in the R20 District and replacing it with a structure constructed with materials comprised of at least 70 percent brick and stone materials.

**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 accommodating 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.
The code includes a table that describes the required minimum and maximum number of parking spaces based on the use of the site/property. This is described for single family residential uses in an excerpt from Table 11-01 below.

**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 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>

While the Zoning Code establishes standards for parking, the requirements for single family homes are used to ensure that sufficient parking is provided within a driveway, carport or garage or combination to at least meet the minimum amount of parking and to prevent creation of a large parking lot. However, nothing in the code prevents one from paving all of most of a lot. Parking for single family uses do not require striping of parking spaces.

The maximum parking requirement for single family dwelling units generally has been applied in situations of vehicles parked outdoors not under cover (in a garage). Furthermore, no indication was made that the proposed accessory structure /garage is intended to provide parking for more than one motor vehicle.

The Gallatin Zoning Ordinance permits garages to be used to store motor vehicles but does not explicitly restrict other uses of a garage/accessory structure. The maximum parking standard does not apply exclusively to private garages serving single family dwelling units. The existing attached garage at 817 Longboat Drive is not counted towards the maximum parking standard but is generally assumed to account for required parking whether it is used for parking or some other use. 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 staff considers the site to be in conformance with the standards of the Gallatin Zoning Ordinance Article 11.

The owner actually intends to park a single motorhome within the structure. Motorhomes may be parked on single family lots as described in Section 12.08 inside or outside of a structure. In no case has the city prevented one from constructing more than four parking spaces, or construct an area where four vehicles could park, or prohibited the placement of an accessory structure that could accommodate motor vehicle parking either within a building, on a driveway or in combination on any residential lot in the City provided it otherwise meets code. While the accessory structure may be used for parking purposes, there is no code requirement that it must be, including an accessory structure that includes a garage type door. The owner could use the structure for a number of uses such as building a boat, a hobby shop/display, storing yard maintenance equipment, a private recreation court, etc.
Finally, the proposed accessory structure does not have a “commercial characteristic.” Commercial Characteristic is not a defined term in the code. The building does not support any commercial uses or contain a sign advertising any business and is not being constructed to meet commercial building code regulations.

RECOMMENDATION
Staff recommends the Planning Commission provide an opinion supporting staff’s position consistent with GMBZA Revised Resolution 2020-01.

ATTACHMENTS – Initial package provided to the GMBZA on January 9, 2020
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 (Appellants 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

Other Attachments for this Opinion
City Attorney’s Opinion from August 2, 2004
MEMORANDUM

TO: JIM SVOBODA, CITY PLANNER
FROM: JOE H. THOMPSON, CITY ATTORNEY
SUBJECT: ACCESSORY STRUCTURE/BUILDING INTERPRETATIONS
DATE: AUGUST 2, 2004

I am in receipt of your memorandum of July 30, 2004 with respect to the above-referenced issue. I do not believe that the Zoning Ordinance can fairly be said to require that "the total amount of accessory building/uses on the property cannot exceed the total square footage principle building/uses on the lot." Since, in general, zoning ordinances are interpreted restrictively against the enforcing jurisdiction, it is my interpretation that as long as the detached garage is "an activity or structure that is customarily associated with, and appropriate, incidental, and subordinate," to the single family residence, then it would be permitted.

I do believe, however, that language such as you suggested is a good idea and should be included in our zoning ordinance. I believe once the language is explicitly in our ordinance, it will resolve this issue.

If you have any questions, please feel free to give me a call.

Joe H. Thompson

JHT/jnt
The Planning Division has received a building permit application for a property owner to construct a 1,200 sq.ft. detached garage located on an approximately 16,000 square foot lot. The property currently contains the following uses/buildings:

<table>
<thead>
<tr>
<th>Principal Buildings</th>
<th>Accessory Buildings/Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-Family Detached Dwelling - ~1,726 sq.ft</td>
<td>Detached garage - ~960 sq.ft.</td>
</tr>
<tr>
<td></td>
<td>Shed - ~140 sq.ft.</td>
</tr>
<tr>
<td></td>
<td>Total existing accessory bldgs: 1,100 sq.ft</td>
</tr>
</tbody>
</table>

The proposed accessory building will increase the total square footage of accessory buildings on the property to approximately 2,300 sq.ft. Therefore, the accessory buildings total will exceed the square footage of the principal use/building by 574 square feet. In addition, the maximum lot coverage in the R-15 zone district is 35 percent or 5,513 square feet. The proposed lot coverage is 26 percent or 4,026 square feet.

The Planning Division would like a legal opinion as to whether it is reasonable under the provisions of the Zoning Ordinance to interpret that the even though the proposed lot coverage would be less than the maximum allowed in the R-15 zone district, the total amount of accessory buildings/uses on the property cannot exceed the total square footage of the principal buildings/uses on the lot. This interpretation would mean that under the current scenario, the property owner would have to limit the size of the proposed garage to 625 square feet in order to keep the total square footage of accessory buildings/uses below the size of the principal building/use. The City of Gallatin Zoning Ordinance contains the following provisions that are applicable to this situation:

02.02 Definitions

**Accessory** - An activity or structure that is customarily associated with and is appropriately incidental and subordinate to a principal activity and/or structure and located on the same zone lot, except as provided for under the provisions of accessory off-street parking.

**Building** - A structure with a roof, intended for the shelter or enclosure of persons or property. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be considered a separate building.
Lot Coverage - That portion of a zone lot which when viewed directly from above, could be covered by a building or any part of a building.

Principal Building - A building which contains the principal activity or use located on a zone lot on which it is situated.

Structure - An object constructed or installed by man, including but not limited to buildings, signs, towers, smokestacks, and overhead transmission lines.

***

03.03 Accessory Uses
In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity. The accessory uses permitted are presented with the regulation section of each district.

***

03.10 Administrative Standards

Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decisions, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.

***

06.05 R15 Medium Density Residential Districts

***

06.05.020 Uses and Structures

***

B. Permitted Accessory Uses

1. Private garages and parking areas;
2. Private swimming pools, tennis courts, and other outdoor recreation facilities exclusively for use of the residents;
3. Signs complying with applicable regulations set forth in Section 13.07
4. Customary home occupations as defined and subject to the provisions of this Ordinance;
5. Accessory uses or structures customarily incidental to the above permitted uses.

***

06.05.030 Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot, including all new developments, enlargements, extensions or conversions located in any R15 District.

A. Minimum Required Lot Area - Within the R15 Districts, the minimum required lot area shall be 15,000 square feet.
B. **Maximum Lot Coverage Permitted** - Within R15 Districts, the maximum zone lot coverage for all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total lot area.

C. **Minimum Development Area Per Dwelling Unit** - Within R15 Districts, no dwelling unit shall be permitted on a zone lot with a total development area of less than 11,250 square feet per dwelling unit.

D. **Maximum Floor Area Ratio** - Within R15 Districts, the maximum floor area ratio shall be .24.

***

12.01.030 **Accessory Structures**

No accessory structures shall be erected in any required front yard. Accessory buildings such as detached garages and storage buildings may be located at any point at least five (5) feet behind the principal structure, and a minimum of four (4) feet from all side and rear property lines. No accessory buildings are permitted in any easements. A garage may be connected to the principal residence but must adhere to the prescribed side yard set back for the zoning district.

***

12.05 **Minimum Spacing of Buildings on a Single Zone Lot**

In all districts, the minimum distance between any two buildings on any single zone lot shall be as provided in this section, except that these provisions do not apply to space between a building enclosing a principal permitted use and a garage or other unoccupied building accessory thereto.

Please do not hesitate to contact the Planning Division if you should have any questions. Thank you for your prompt consideration of this request.
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
ITEM 1
PLANNING DEPARTMENT STAFF REPORT
Administrative Appeal – VAR-2019-0003
817 Longboat Drive
Date: January 9, 2020

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 1-2) to the City of Galatian 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
Legend

- Contours at 2 Ft
- 817 Longboat Drive
- Railroad

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

817 LONGBOAT DRIVE

Legend

- Contours at 2 Ft
- 817 Longboat Drive
- Railroad

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# RESIDENTIAL BUILDING PERMIT APPLICATION

- **Gallatin, Tennessee**
- **Date Applied:** 12/4/19

<table>
<thead>
<tr>
<th>Project Address</th>
<th>Suite (if applicable)</th>
<th>Subdivision</th>
<th>Lot #</th>
</tr>
</thead>
<tbody>
<tr>
<td>817 Long Boat Drive</td>
<td></td>
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<table>
<thead>
<tr>
<th>Owner</th>
<th>Mailing Address</th>
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<th>Email</th>
</tr>
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<tr>
<td>Steve &amp; Debbie Woodall</td>
<td><a href="mailto:danielle@farnstoresdm.com">danielle@farnstoresdm.com</a></td>
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<table>
<thead>
<tr>
<th>Contractor</th>
<th>Mailing Address</th>
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<th>Email</th>
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<tbody>
<tr>
<td>Three Boys Consulting LLC, dba The Barn Store</td>
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<table>
<thead>
<tr>
<th>Agent</th>
<th>Mailing Address</th>
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<tbody>
<tr>
<td>Jeff Christiansen</td>
<td>(615) 347-3453</td>
<td></td>
<td></td>
</tr>
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</table>

## Class of Work

- New Construction*  
- Addition*  
- Remodel*  
- Detached Accessory  
- Deck  
- Fence/Wall  
- Monolithic Slab  
- Slab  
- Crawl  
- Basement  
- Encapsulated*  
- Traditional

## Describe Work

<table>
<thead>
<tr>
<th>Evaluation (cost of labor &amp; material)</th>
<th># of Stories</th>
<th>Fence/Wall Height &amp; Material</th>
<th>Under Beam Sq Ft**</th>
<th>Sq Ft of Garage**</th>
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</thead>
<tbody>
<tr>
<td>$28,012</td>
<td>1</td>
<td>16</td>
<td>1,980</td>
<td></td>
</tr>
</tbody>
</table>

## Type of Construction

- IIA  
- IID  
- IIB  
- IIIA  
- IIIIB  
- IV  
- VA  
- VIB

## Occupancy/Use Group

- Commercial

## Applicable Trades Included in Project:

- Plumbing  
- Mechanical  
- HVAC (qty)  
- Electrical  
- Low Voltage  
- Fiber Optics

*All Residential buildings require Manual J and Manual D load calculations and blower door and/or duct leakage tests.

**As of November 1, 2019 Under Beam Square Footage must include garage and covered porches.

---

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  

All official correspondence in connection with this application should be sent to my attention using the contact information above.

---

Signature:  

Jeff Christiansen  

Date: 12/4/19
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 HEREIN.

NOTES:
1. NORTH BASED ON TENNESSEE NAD 83 COORDINATE SYSTEM.
2. PROPERTY IS SHOWN AS PARCEL 35.00
   SUMNER 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 SUMNER COUNTY, TENNESSEE
DATE: DECEMBER 02, 2019
SCALE: 1" = 50'
PREPARED BY:

Bruce Raine
AND ASSOCIATI

CURVE ARC LENGTH RADIUS DELTA ANGLE CHORD BEARING CHORD LENGTH
C1 108.50' 786.26' 7°54'22" N 71°06'50" E 108.41'

ATTACHMENT 1-2
2x4 Girts SYP2
2x6 PT Skirt Board
SYP 6X6 PT Column
Double 2X10 SYP2
Truss Header
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,

JRPjr/ssg  
Enclosure  
cc:  David and Zoe Doyle
CITY OF GALLATN
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
• 813 Longboat Drive, Daniel L. and Angela L. Boone
• 150 Woodlake Drive, Willie Mae Sparks
• 154 Woodlake Drive, Anne Marie McKee
• 146 Woodlake Drive, Commodore Rentals, LLC

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:

[t]o 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)

[t]o 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)

[t]o 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:

[i]o 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.

...
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
Galatin, TN 37066
615-452-8030
johnphillips@phillipsandgrum.com
BILLING CONTACT
THREE BOYS CONSULTING LLC
264 BLUEGRASS DR
HENDERSONVILLE, TN 37075

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**REMITTANCE INFORMATION**

City of Gallatin
132 W. Main St
Gallatin, TN 37066
Codes and Building Permits (615) 451-5968
Engineering (615) 451-5965
Planning & Zoning (615) 451-5796

**TOTAL** $238.00
City of Gallatin - Building Codes

132 West Main Street
Gallatin, TN 37066
Phone: (615) 451-5968

Permit NO.: BSRES-2019-000400 Permit IVR Number: 36720
Permit Type: Residential Building
Work Classification: Detached Accessory Structure
Permit Status: Issued

Issue Date: 12/06/2019
Expiration: 06/03/2020

Location Address
817 LONGBOAT DR, GALLATIN, TN 37066

Parcel Number
136L C 035.00 000

Contacts

WOODALL STEPHEN CODY
817 LONGBOAT DRIVE, GALLATIN , TN 37066
Owner

THREE BOYS CONSULTING LLC
264 BLUEGRASS DR, HENDERSONVILLE, TN 37075
michael.barnstore@gmail.com
Applicant

THREE BOYS CONSULTING LLC
264 BLUEGRASS DR, HENDERSONVILLE, TN 37075
Contractor
michael.barnstore@gmail.com
Temporary Placeholder

Description: 817 Longboat - Detached Garage

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

Fees
Admin Fee $15.00
Building (Zoning) Permit Review Fee $25.00
Detached Accessory $198.00
Total: $238.00

Payments
Amount Due: $0.00

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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

132 West Main Street, Gallatin, TN 37066 • Phone: 615-451-5968
# RESIDENTIAL BUILDING PERMIT APPLICATION

**Gallatin, Tennessee**

**Date Applied:** 12/4/19

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**Owner**

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<tr>
<th>Name: Steve &amp; Debbie Woodall</th>
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<tr>
<td></td>
<td><a href="mailto:danielle.jarnst@comcast.com">danielle.jarnst@comcast.com</a></td>
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**Contractor**

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**Agent**

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**Class of Work**

- New Construction
- Addition
- Remodel
- Detached Accessory
- Deck
- Fence/Wall

**Describe Work**

- Foundation Type
- Insulation Type

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**Type of Construction**

- IA
- IB
- IIA
- IHB
- IIIB
- IV
- VA
- VB

**Occupancy/Use Group**

- Gar

**Applicable Trades Included in project:**

- Plumbing
- Mechanical
- Fireplace (quantity)
- Electrical
- Low Voltage
- Fiber Optics

*All Residential buildings require Manual J and Manual D load calculations and blower door and/or duct leakage tests.

** As of November 1, 2019 Under Beam Square Footage must include garage and covered porches.

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 Christen**

**Print or type name here**

**Signature of Owner or Owner’s Authorized Agent**

**Date:** 12/4/19
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 HEREON.

NOTES:
1. NORTH BASED ON TENNESSEE NAD 83 COORDINATE SYSTEM.
2. PROPERTY IS SHOWN AS PARCEL 35.00
   SUMNER 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 SUMNER COUNTY, TENNESSEE

DATE: DECEMBER 02, 2019

SCALE: 1" = 50'

PREPARED BY:

Bruce Raine
AND ASSOCIATES

CURVE | ARC LENGTH | RADIUS | DELTA ANGLE | CHORD BEARING | CHORD LENGTH
C1    | 108.50'    | 786.26' | 754.22"   | N 71'06"50" E | 108.41'
SY# 6X6 PT Column

2X4 Girts SY# 2

2X6 PT Skirt Board
Exhibit "B"
818 Longboat Drive
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)
• 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” sidewalls 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 Facade

Much of the style of a building is determined by its façade. The “3-Part Facade” defines the vertical sections of most primary commercial facades facing the street or the patron. The façade is divided into three sections: storefront, upper facade 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 Facade

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 facades 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

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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.
Great job David Diller and crew for another Barn Store building. You guys are knocking them out.

David Diller is feeling accomplished at The Barn Store.
December 28, 2018 • Gallatin

30x60x11 post frame building. Ready for concrete and doors in approx. 38 working hrs. Fully insulated, 14' overhang, 4 overhead doors, 2 man doors. If you are looking for a post frame building check out the The Barn Store in Gallatin, Tn.