• Call to Order
• Invocation
• Pledge of Allegiance
• Roll Call
• Minutes: February 27, 2020 Municipal Board of Zoning Appeals Meeting

REGULAR AGENDA

1. GMBZA RESOLUTION NO. 2020-004
   VAR-2020-0004
   1137 LANGWOOD DRIVE - VARIANCE
   GREENLID DESIGN, LLC

   THE OWNER AND APPLICANT REQUEST A VARIANCE OF 9,477.1 SQUARE FEET FROM
   THE MINIMUM DEVELOPMENT AREA PER DWELLING UNIT PER SECTION 06.05.030.B OF
   THE GALLATIN ZONING ORDINANCE TO QUALIFY THE LOT FOR CONSIDERATION TO
   ALLOW TWO (2) DWELLING UNITS ON A 13,022.9 SQUARE FOOT (0.29 ACRE) LOT (TAX
   MAP 135D, GROUP B, PARCEL 040.00), ZONED R15-MEDIUM DENSITY RESIDENTIAL,
   LOCATED AT 1137 LANGWOOD DRIVE.

2. GMBZA RESOLUTION NO. 2020-003
   CUP-2020-0003
   1137 LANGWOOD DRIVE – CONDITIONAL USE PERMIT
   GREENLID DESIGN, LLC

   THE OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT
   FOR 1137 LANGWOOD DRIVE (LOT 10, HIGHLAND PARK NO. 2 SUBDIVISION) TO PERMIT
   A MULTI-FAMILY RESIDENTIAL TWO-FAMILY DWELLING DEVELOPMENT, PER SECTION
   06.05.020.C OF THE GALLATIN ZONING ORDINANCE, ON A 0.29 +/- ACRE LOT (TAX MAP
   135D, GROUP B, PARCEL 040.00), ZONED R15-MEDIUM DENSITY RESIDENTIAL, LOCATED
   AT 1137 LANGWOOD DRIVE.
3. GMBZA RESOLUTION NO. 2020-005
1194 BLACKSHEAR DRIVE
VARIANCE
VIVIAN HUNTSMAN

THE OWNER AND APPLICANT REQUEST A VARIANCE OF 2 FEET FROM THE MAXIMUM
HEIGHT FOR A FENCE IN THE REAR YARD PER SECTION 12.01.020.C.5.A, TO ALLOW AN 8
FOOT TALL FENCE IN A REAR YARD AND A VARIANCE (AND THE UNFINISHED SIDE TO
FACE OUTWARD) PER SECTION 12.01.020.C.3 TO ALLOW A FENCE WITH THE FINISHED
SIDE FACING INWARD, ON A 2.2 +/- ACRE LOT (TAX MAP 125M, GROUP B, PARCEL 011.00),
ZONED R40-LOW DENSITY RESIDENTIAL DISTRICT, LOCATED AT 1194 BLACKSHEAR
DRIVE.

4. OTHER BUSINESS

5. ANNOUNCEMENTS

6. MOVE TO ADJOURN
MINUTES OF THE GALLATIN
MUNICIPAL BOARD OF ZONING APPEALS
MEETING

February 27, 2020

Members Present
Jimmy Moore, Chair
Drew Schreiner, Vice Chair
Homer Vaughn, Secretary
John Puryear

Absent
Jeannie Gregory

Staff Present
William McCord, Director of Planning
Dustin Shane, Planner II
Leticia Shane, Staff Attorney
Marianne Mudrak, Board Secretary

Others Present
Applicant

The Gallatin Municipal Board of Zoning Appeals met in a regular meeting on Thursday, February 27, 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.

Mr. Puryear motioned to approve the minutes of the January 9, 2020 Special Called Board of Zoning Appeals Meeting. Mr. Schreiner seconded the motion and the motion passed 4 ayes; 0 nays.

Agenda

Item 1: GMBZA Resolution No. 2020-003 – 1137 Langwood Drive – Conditional Use Permit – (CUP-2020-0003) – GreenLid Design, LLC – The owner and applicant request approval of a Conditional Use Permit for 1137 Langwood Drive to permit a Multi-Family Residential Development, per Section 06.05.020.C of the Gallatin Zoning Ordinance, on a 0.29 +/- acre lot, zoned R15-Medium Density Residential District, located at 1137 Langwood Drive.

Mr. Dustin Shane, Planner II, said the applicant would like to construct a duplex which includes four (4) parking spaces in the rear, a 12-foot drive into the residence and buffering with trees along Langwood Drive. The immediate vicinity does not have any duplexes; however, there are duplexes in neighboring subdivisions a few blocks away. Staff has identified issues. The minimum lot area required in R15-Medium Density Residential District is not met. A single family home could be built on the non-conforming lot but not a duplex. Because the minimum area per dwelling unit is 11,250 square feet and the lot is only 13,000 square feet. Staff recommends denial even though there are no adverse effects to the surrounding neighborhood.
Mr. William McCord, Director of Planner, said all of the homes in this subdivision are single family homes.

Mr. Shane said the nearest duplex is approximately 300 feet away.

Chair Puryear said this is the smallest lot in the neighborhood.

Mr. Shane said these lots were platted at a smaller size.

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

Mr. Andy Leath, with GreenLid Design, LLC, represented the applicant.

Mr. John Parks, applicant, said he came to the City before he bought the lot for a pre-application meeting and he was not told there were any issues. He said there are duplexes in the area.

Mr. Schreiner said the Planning Commission received a letter from a resident of the neighborhood that said a duplex would devalue her property because it is a rental property. He asked for architectural renderings.

Mr. Parks said the building will be a ranch style with brick on at least three (3) sides and will match the neighborhood and may be 100 percent brick.

Mr. McCord said if the Board approves a Conditional Use Permit, the applicant will have to return for a variance.

(Ms. Leticia Alexander, Staff Attorney, joined the meeting.)

Vice Chair Schreiner motioned to approve the failed for lack of a second.

Mr. Vaughn motioned to deny the Conditional Use Permit. Mr. Puryear seconded the motion and the motion failed 2 ayes; 2 nays.

The applicant asked for a deferral.

Mr. Puryear motioned to motioned to defer Resolution 2020-03 approving the Conditional Use Permit. Vice Chair Schreiner seconded the motion and the motion passed 4 ayes; 0 nays.

Item 2: Other Business

Mr. McCord said the TAPA Training Conference in Gatlinburg is March 4th, 5th, and 6th. In addition, a four hour training session will be held on March 30, 2020 in City Hall.

Item 3: Announcements
Mr. Vaughn said he is resigning from the Municipal Board of Zoning Appeals, effective April 1.

Item 3: 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, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS APPROVING A VARIANCE OF 9,477.1 SQUARE FEET FROM THE MINIMUM DEVELOPMENT AREA PER DWELLING UNIT PER SECTION 06.05.030.B OF THE GALLATIN ZONING ORDINANCE TO ALLOW TWO (2) DWELLING UNITS ON A 13,022.9-SQUARE FOOT LOT (TAX MAP 135D, GROUP B, PARCEL 040.00), ZONED R15—MEDIUM DENSITY RESIDENTIAL, LOCATED AT 1137 LANGWOOD DRIVE (VAR-2020-0004).

WHEREAS, Article 6, Section 06.05.030.B, G.Z.O., requires a minimum development area per dwelling unit of 11,250 square feet; and

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS considered the request for a 9,477.1-square foot variance from the required 22,500-square foot minimum development area on a 13,022.9 ±/− square foot lot (Tax Map 135D, Group B, Parcel 040.00) to permit the construction of a two-family dwelling, detached (duplex) with parking, at its regular meeting on April 23, 2020; 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 Article 15, Section 15.05.030 of the Gallatin Zoning Ordinance, to indicate the specific requirement under which the variance is being considered and state specific findings and specifically identify the hardships warranting such action by the Board; and

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS makes the following findings pursuant to T.C.A. Section 13-7-206; Section 13-7-207(3); and Section 15.05.030 of the Gallatin Zoning Ordinance:

Section 1. The request for a variance of 9,477.1 square feet in area from the required 22,500-square foot minimum development area to permit the construction of a two-family dwelling, detached (duplex) per Section 06.05.030.B of the Gallatin Zoning Ordinance, meets all ten (10) of the Standards for a Variance as described in the body of the Staff Report and as set forth in the Gallatin Zoning Ordinance, Section 15.05.030:

A. The particular physical surroundings, shape, topographic conditions of the specific property involved result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance is carried out;
B. The conditions upon which the petition for a variance is based are not be applicable, generally, to other property within the same district;
C. The variance will not authorize activities in a zone district other than those permitted by Ordinance;
D. Financial return was not considered the basis for granting the variance;
E. The alleged difficulty or hardship was not created by any person having an interest in the property after the effective date of the Ordinance;
F. That granting the variance requested does not confer on the applicant any special privilege that is denied by the Ordinance to other lands, structures, or buildings in the same district;
G. The variance is the minimum variance necessary to make possible the reasonable placement of the structure and use;
H. The granting of the variance is not detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located;
I. The proposed variance does not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area; and
J. The granting of the variance will not cause substantial detriment to the public good and will not substantially impact the intent and purpose of the City’s zoning plan and zoning ordinance.

Section 2. Action – The Gallatin Municipal Board of Zoning Appeals hereby approves a variance of 9,477.1 square feet in area from the required 22,500-square foot minimum development area of Section 06.05.030.B of the Gallatin Zoning Ordinance, to permit the construction of a two-family dwelling, detached (duplex) on a 13,022.9-square foot lot located at 1137 Langwood Drive.

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

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED: 4/23/2020

Approved:
ITEM 1

Jimmy Moore, Chairman

Homer Vaughn, Secretary

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY
ITEM 1
PLANNING DEPARTMENT STAFF REPORT
Variance Request for 1137 Langwood Drive (Lot 10, Highland Park No. 2 Subdivision—P.B. 1, Pg. 177) (VAR-2020-0004)
Located at 1137 Langwood Drive
Date: April 23, 2020

PUBLIC HEARING

REQUEST: THE OWNER AND APPLICANT REQUEST A VARIANCE OF 9,477.1 SQUARE FEET FROM THE MINIMUM DEVELOPMENT AREA PER DWELLING UNIT PER SECTION 06.05.030.B OF THE GALLATIN ZONING ORDINANCE TO ALLOW TWO (2) DWELLING UNITS ON A 13,022.9-SQUARE FOOT LOT (TAX MAP 135D, GROUP B, PARCEL 040.00), ZONED R15–MEDIUM DENSITY RESIDENTIAL, LOCATED AT 1137 LANGWOOD DRIVE (FILE NO. VAR-2020-0004).

OWNER: JOHN PARK
APPLICANT: GREENLID DESIGN, LLC
STAFF RECOMMENDATION DENIAL OF GMBZA RESOLUTION NO. 2020-004
STAFF CONTACT: DUSTIN SHANE
MBZA MEETING DATE: APRIL 23, 2020

PROPERTY OVERVIEW: The owner and applicant request a variance of 9,477.1 square feet from the Minimum Development Area per Dwelling Unit per Section 06.05.030.B of the Gallatin Zoning Ordinance to allow two (2) dwelling units on a 13,022.9-square foot lot (Tax Map 135D, Group B, Parcel 040.00), zoned R15–Medium Density Residential, located at 1137 Langwood Drive (File No. VAR-2020-000X) (Attachment 1-1, 1-2, and 1-3).

This request was originally scheduled to be considered at the March 26, 2020, GMBZA meeting but was deferred for one month by the applicant.

The Planning Department recommends denial of GMRPC Resolution No. 2020-004.

Requested Variance
The owner and applicant request a variance of 9,477.1 square feet from the Minimum Development Area per Dwelling Unit per Section 06.05.030.B to allow two (2) dwelling units on a 13,022.9-square foot lot.

CASE BACKGROUND:
Property History and Previous Approvals
On June 15, 1955, Highland Park No. 2 Subdivision was recorded with the Sumner County Register of Deeds (P.B. 1, Pg. 177). The subject property is Lot 10, Block “G.”
In 1969, the property was zoned “Low Density Residential” (or Residential A). Under the 1972 Zoning Ordinance, multiple family dwellings were a permitted use in the Residential A district.

On May 1, 1979, the City Council adopted a new Zoning Ordinance and Map (Ordinance No. 079-92). The Langwood Drive area was rezoned to R15–Medium Density Residential. Under the 1979 Zoning Ordinance, two-family detached dwellings (duplexes) were a permitted use in the R15 district.

On July 7, 1998, the City of Gallatin adopted a new Zoning Ordinance (Ordinance No. 09806-035) that changed Multi-Family Dwelling units from a permitted use to a conditional use in the R15 district.

On February 27, 2020, the Gallatin Municipal Board of Zoning Appeals deferred a request for a conditional use permit for a multi-family residential (duplex) use at 1137 Langwood Drive. Discussion revealed that because of the small size of the lot, a minimum development area per dwelling unit variance would have to be granted before the duplex use could be approved.

**Minimum Development Area per Dwelling Unit**

The bulk regulations for the R15–Medium Density Residential zone district mandate a minimum development area per dwelling unit of 11,250 square feet on any zone lot. The proposed 2,200-square foot duplex structure would contain two dwelling units (duplex) and would be constructed on a lot containing only 13,022.9 square feet of development area. This results in a deficit of 9,477.1 square feet of required development area.

Highland Park No. 2 Subdivision (P.B. 1, Pg. 177) was platted with lots of less than 16,300 square feet, except for two irregularly-shaped lots at the intersection of Langwood Drive and Coles Ferry Road. Many of the lots do not meet the minimum lot size requirement of 15,000 square feet for the R15 zone district and are considered preexisting platted lots of record. This is because, under the property’s original zoning designation (Low Density Residential A), the minimum required lot area for a single-family home was 9,000 square feet, and the minimum required lot area for each additional family on a lot was 6,000 square feet. Multi-family dwellings were also a use by-right (1972 Municipal Zoning Ordinance, Gallatin, Tennessee). The lot at 1137 Langwood would still have been too small for a duplex, even under the original zoning, but only by 1,977.1 square feet instead of 9,477.1 square feet under the current zoning standards.

No duplexes are constructed on any of the lots in the Highland Park No. 2 Subdivision.

In the neighboring subdivisions to the west and south, few if any of the duplexes are built on lots of at least 22,500 square feet. However, they are on average larger than the lot at 1137 Langwood Drive. The closest duplex is located at 1042 Edgewood Drive, in the Highland Park Subdivision (P.B. 1, Pg. 93), approximately 400 feet to the west, which sits on a lot 14,000 +/- square feet in area. This duplex meets neither the current nor 1972 code requirements for minimum development area per dwelling unit for a duplex.

The applicant maintains that the lot sizes in the neighborhood and the vicinity have created a scale and character that is not served or maintained by the strict application of the R15 zone standards pertaining to minimum development area per dwelling unit and is requesting a variance from this standard.
A variance request requires public notice. Staff notified adjacent property owners about this request by mail. Additionally, the request was advertised in the local newspaper, and a sign was posted on the property.

Applicable sections from the Gallatin Zoning Ordinance that apply to this case are listed below.

**Applicable G.Z.O. Sections**

06.05 **R15 Medium Density Residential Districts**

06.05.010 **Purpose and Intent of R15 Medium Density Residential Districts**

These districts are designed to provide suitable areas for medium density residential development where appropriate urban services and facilities will be physically and economically facilitated. Generally, these districts will be characterized by single family detached dwellings with other type dwellings located within the R15 districts where urban services and facilities are adequate to meet all demands and such other structures as are necessary thereto. These districts also include community facilities, public utilities, and open uses which service specifically the residents of these districts, or which are benefited by and compatible with a residential environment. It is the express purpose of this Ordinance to exclude from these districts all buildings or 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.

06.05.020 **Uses and Structures**

A. **Principal Permitted Uses and Structures -** Within the R15 Medium Density Residential Districts as showing on the Gallatin Municipal Regional Zoning Maps, the following activities as described in Section 03.05 are permitted:

- **Residential Activities**
  - Dwelling One-Family Detached/ Single Family residence
  - Community Residential home

- **Community Facility Activities**
  - Essential Services

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.

C. **Conditional Uses -** The following activities may be permitted only as conditional uses in accordance with Section 15.06:
Residential Activities
Multi-Family
Bed and Breakfast Home

Community Facility Activities
Place of Worship
Community Education
Utility and Vehicular
Intermediate Impact

D. Prohibited Uses - Any use not allowed by right, by accessory use, or conditional use is prohibited in the R15 Medium Density Residential Districts.

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. Maximum Lot Coverage Permitted - the maximum zone lot coverage for all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total lot area.

B. Minimum Development Area Per Dwelling Unit - 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.

15.05 Zoning Variances

The Board of Zoning Appeals may grant variances where it makes findings of fact based upon the standards prescribed in this section.

15.05.030 Standards for Variances

Section 15.05.030 of the Gallatin Zoning Ordinance states the Board of Zoning Appeals shall not grant a variance unless it makes findings based upon evidence presented to it as described in ten (10) specific criteria that are listed below. The applicant responded to these standards in writing (Attachment 1-4). The Board shall determine if this variance request meets all ten (10) of the following standards for a variance as required by the Gallatin Zoning Ordinance as described below.

Staff does not believe the variance request meets the ten (10) standards for a variance as follows.

A. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out must be stated.
   • Many of the lots in Highland Park No. 2 Subdivision (P.B. 1, Pg. 177) were platted at sizes that make them non-conforming under current zoning. However, there are no duplexes on other lots in the Highland Park No. 2 Subdivision. There are similarly sized lots and many other lots that are larger in other subdivisions of the neighborhood, but few of them meet the R15 development area per dwelling unit standard of 22,500 square feet.
1137 Langwood Drive Duplex - Variance (VAR-2020-0004)  April 23, 2020

- The lot can still be developed with one dwelling unit under current zoning, so no undue hardship has been imposed on the property owner. Every lot in a neighborhood cannot be developed in the same way and to the same intensity because a host of factors can restrict development options. As long as the owner still has a reasonable opportunity to exercise his right to develop, the restriction of such options can only be considered a “mere inconvenience” and not a “particular hardship.”

B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
- Were this variance granted, it would not allow a similar variance to be granted to every non-conforming lot within the city or in the neighborhood or subdivision.

C. The variance will not authorize activities in a zone district other than those permitted by this Ordinance.
- Granting this variance will not permit other non-conforming lots to receive similar variances when their lot sizes do not match currently approved zoning. This would likely include duplexes in other neighborhoods.

D. Financial returns only shall not be considered as a basis for granting a variance.
- If granted, the variance would allow the more intense development of a small lot that would remain reasonably compatible with the surrounding neighborhood. Although there are financial returns involved, they may not be the sole basis for this request—the applicant believes there is an incompatibility between the platted lot sizes and the lot area requirements of the currently approved zoning.

E. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance.
- The owner and developer of the property did not create the incongruity between the lot size and the current zoning standards. This situation was created by the adoption of the R15 zone district standards for this subdivision and neighborhood in 1979. This information, however, was available to the applicant at the time of purchase.

F. That granting the variance requested would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- If granted, this variance would confer on the owner a special privilege that is currently denied by the Gallatin Zoning Ordinance to other properties within this zone district on this size lot as anyone attempting to develop in a similar way would also require a variance from this Board. However, it would not create a development landscape out of character with the existing properties in other subdivisions in the nearby vicinity, which includes duplexes on similarly sized lots.

G. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- If approved this request would be the minimum variance needed to accommodate two units (duplex) on the property.

H. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
• If granted, the variance will have a minimal effect on adjacent property or nearby property owners. The structure would otherwise meet all other bulk and area restrictions of the R15 district.

I. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

• If granted, the variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area. Langwood Drive is a local street with very little traffic in an area with a well-connected street system.

J. The granting of a variance will not cause substantial detriment to the public good and will not substantially impact the intent and purpose of the City’s zoning plan and zoning ordinance.

• Though unnecessary, the variance request will not cause substantial detriment to the public good nor will it substantially impact the intent of the City’s zoning plan and ordinance, though it could result in many more such variances being requested in this area in conjunction with a CUP for a duplex. The variance opens the opportunity to use the property for a duplex which creates a greater density than other lots in the subdivision. It does not meet the intent of the R15 zone district regulations of the Gallatin Zoning Ordinance.

Section 15.05.060 Conditions and Restrictions by the Board allows the Board to impose conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Section 15.05.030 to reduce or minimize the injurious effect to such variations upon surrounding property and better carry out the general intent of this Ordinance. The Board may establish expiration dates as a condition or as a part of the variances. Staff recommends that the Resolution be denied, but if approved, Staff recommends conditions be placed upon the development to ensure an exceptional level of quality and appropriateness for the neighborhood.

Engineering Department Comments
The Engineering Division reviewed the variance request and had no comments.

Other Departmental Review Comments
Other City Departments reviewed the variance request, and all of their comments were addressed.

RECOMMENDATION
Staff recommends that the Gallatin Municipal Board of Zoning Appeals deny GMBZA Resolution No. 2020-004.

ATTACHMENTS
Attachment 1-1 Location Map
Attachment 1-2 1137 Langwood Drive Site Plan
Attachment 1-3 GOTM 2020 Plan, Suburban Neighborhood Established Character Area
Attachment 1-4 Applicants response to the Standards for Variance
SUBURBAN NEIGHBORHOOD ESTABLISHED

General Description of Existing Development Patterns
The Suburban Neighborhood character area describes areas where typical types of suburban residential subdivision development have occurred in the post World War II era. Neighborhoods are characterized by low pedestrian orientation, medium-to-larger lot sizes, high to moderate degree of building separation, and are predominantly residential with scattered civic buildings and varied street patterns (often curvilinear) that include cul-de-sacs. Neighborhoods included in this character area are generally stable. Improved pedestrian and bicycle networks, especially near school and other civic uses would provide safer routes and encourage walking and bicycling as a transportation option.

Location
Areas within this character area include the following:

- South Gallatin neighborhoods of Halewood and Woodvale
- West Gallatin neighborhoods in the Lock 4 Road/Peninsula Drive area
- Newly-developed portions of the West Gallatin neighborhoods in the Fairvue/Baypoint (Browns Lane) area
- Newly-developed and established portions of the Douglass Bend area
- East Gallatin neighborhoods in the Grandview subdivision and surrounding area

Intent
The development pattern should seek to:

- Maintain residential uses
- Preserve existing tree cover
- Provide safe facilities for pedestrians, school buses, and bicyclists using the road right-of-way
- Accommodate in-fill development that compliments the scale, setback and style of existing adjacent homes
- Accommodate senior housing opportunities, which can be integrated into neighborhoods that benefit from close proximity to goods and services
- Maintain predominant development pattern of detached one-family homes

ANTICIPATED LEVEL OF CHANGE:
- Low

TRANSPORTATION
- Low level of service
- Medium level of connectivity
- Properties accessed by public roads
- Regular-shaped, long blocks
- Older subdivision roads characterized by grassy swales and newer with curb, gutter and sidewalk
- Sidewalks and pedestrian infrastructure limited to newer subdivisions

INFRASTRUCTURE
- Public water and sewer available
- Civic spaces such as greenways, parks, common areas

GREENSPACE
- Adjacent Preserve areas
- Neighborhood parks
- Community gardens

PRIMARY LAND USES
- Single-family residential
- Small and large-scale apartments and townhomes

APPROPRIATE RESIDENTIAL NET DENSITY
- 2-5 units per acre

APPLICABLE ZONING DISTRICTS

EXISTING ZONING DISTRICTS
- R-10, R-15, R-20, R-40, MRO

PROPOSED ZONING DISTRICTS
- No proposed new districts

ATTACHMENT 1-3
**Development Strategies**

- Focus on reinforcing stability of more mature Suburban Neighborhood Established areas by encouraging more home ownership and maintenance or upgrade of existing properties.

- Locate schools, community centers, or well-designed small commercial activity centers at suitable locations within walking distance of residences.

- Enhance the pedestrian-friendly environment by adding sidewalks and creating other pedestrian-friendly multi-use trail/bike routes linking neighboring communities and major destinations such as libraries, neighborhood centers, health facilities, commercial clusters, parks, schools, etc.

- Add traffic calming improvements, sidewalks and increased street interconnections to improve walkability within existing neighborhoods.

- Limit driveway spacing along the highway frontage and align driveways where needed to improve traffic flow.

- Protect older subdivisions that lack detailed design-related covenants and restrictions.

**Implementation Measures**

- Develop residential infill guidelines applicable in Suburban Neighborhood Established areas in order to ensure that the scale and character of new development on vacant lots is compatible with existing development.
March 2, 2020

City of Gallatin
132 West Main Street
Gallatin, Tennessee 37066

Re: Variance Request – Langwood Drive
1137 Langwood Drive
Gallatin, Tennessee 37066

Planning:

The current owners would like to request a standard variance for the above-referenced project. The lot sizes, as platted, do not fit the zoning that was imposed in 1979 for the R15 zone where this property is located. We are requesting a variance to resize the lot size to 9,477 SF.

The existing lot sizes and parcel zoning present the hardship.

Other properties in the area are already developed, therefore the petition for the variance would not be applicable.

No unauthorized activity for this zone is being requested.

There is no financial benefit to the owners of this property by receiving the variance.

The hardship was not created by anyone with an interest in this property.

We feel this request is reasonable and would be as such for any other property in the area.

The minimum variance needed is being requested.

The granting of this request is not detrimental to the public welfare or injurious to other properties in the area.

The request will not impair the supply of light and air to adjacent property or increase the congestion in the area.

The granting of this variance will not impact the public good or the intent and purpose of the zoning plan and zoning.
With this cover letter, we are also submitting the application, agent letter, fee (when invoiced), and 2 half-size exhibits. If our office may be of further assistance to you on this project please contact us at your convenience.

Sincerely,

John A. Leath, P.E.
GreenLID Design
A RESOLUTION OF THE CITY OF GALLATIN MUNICIPAL BOARD OF ZONING APPEALS APPROVING A CONDITIONAL USE PERMIT FOR A MULTI-FAMILY (DUPLEX) RESIDENTIAL FACILITY, ON A 0.29 +/- ACRE LOT, ZONED R15–MEDIUM DENSITY RESIDENTIAL, LOCATED AT 1137 LANGWOOD DRIVE (TAX MAP 135D, GROUP B, PARCEL 040.00) (CUP-2020-0003).

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS considered the Conditional Use Permit request for 1137, a Multi-family (Duplex) Residential use, located at 1137 Langwood Drive, submitted by the applicant, GreenLID Design, on April 23, 2020; 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 the evidence and testimony presented during the meeting, and held a public hearing as required by Article 15, Section 15.06.020 G.Z.O.; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL BOARD OF ZONING APPEALS is required in its deliberations, pursuant to Gallatin Zoning Ordinance Section 15.04.028.F, to indicate the specific section of the Zoning Ordinance of Gallatin, Tennessee, under which the permit is being considered and state specific findings and any special conditions imposed in granting a Conditional Use Permit; and

WHEREAS, the Section 06.05.020.C of the Zoning Ordinance of Gallatin, Tennessee classifies Multi-Family Residential as a Conditional Use in the R15–Medium Density Residential zone district, and the Board of Zoning Appeals considers the use to comply with the General Requirements and Special Conditions for Multi-Family Residential facilities in Residential Districts as described in Section 15.06.040 and Section 15.06.080.A.

NOW, THEREFORE, BE IT RESOLVED BY THE GALLATIN MUNICIPAL BOARD OF ZONING APPEALS in its deliberations finds that the applicant meets the Standards for a Conditional Use set forth in Gallatin Zoning Ordinance Sections 15.06.030 and 15.06.040 as follows:

Section 1. The Gallatin Municipal Board of Zoning Appeals in its deliberations finds that the applicant meets the General Requirements for a Conditional Use Permit and Special Conditions for Multi-Family Residential Activities set forth in Gallatin Zoning Ordinance §15.06.040 and §15.06.080.A as follows:

1. In addition to the standards contained in this ordinance for a multi-family development, the Board of Zoning Appeals specifically finds that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed. In making this finding, the Board shall consider the effect upon traffic congestion, overcrowding of schools, availability of necessary public utilities, suitability of the site for the use, and such other factors as determined by
the Board. The use is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected since the impact of the duplex (multi-family units) will not adversely impact density in the neighborhood or create traffic congestion, increase flooding, or create the potential to adversely affect school capacity issues.

2. The use will not adversely affect other property in the area in which it is located.

3. The use is within the provisions of “Conditional Uses” as set forth in this ordinance.

4. The use conforms to all applicable provisions of this ordinance for the R15–Medium Density Residential and is necessary for public convenience in this location.

BE IT FURTHER RESOLVED THAT THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS approves a Conditional Use Permit request for a Multi-Family Residential facility located at 1137 Langwood Drive (Tax Map 135D, Group B, Parcel 040.00) with the following conditions:

1. The Conditional Use Permit shall be consistent with the one (1) sheet Conditional Use Permit plan prepared by GreenLID Design of Gallatin, TN, project number 20.001G, dated January 13, 2020. The plan shall be modified to:
   • Correctly show the pavement edges and center median for Langwood Drive.
   • Label property owners, plat book and page number, and zoning across ROW.
   • Change “Bufferyard Requirements: Ordinance” to “Type 12” and label as such on plan sheet EX 1.
   • Label lot, plat book, and page numbers for the surrounding properties.
   • Show a proposed 20-foot P.U.D.E. along the rear of the property for future channel extension.
   • Show the proposed drainage structures and contours.
   • Addresses must be assigned by E-911.
   • Update owner information for this property.
   • The development is subject to the Gallatin Department of Electricity’s (GDE) Underground Policy.
   • All of GDE’s existing facilities that are required to be relocated will be at developer’s expense.

2. Submit a building permit application for review and approval to the Gallatin Building Codes Department.

3. The use of the subject property shall be limited to a Multi-Family (duplex) Residential use on Lot 10, Highland Park No. 2 Subdivision (Plat Book 1, Page 177) at 1137 Langwood Drive and accessory uses associated with the Multi-Family Residential facility or other principal permitted use and structures in the R15–Medium Density Residential zoned district.

4. The structure shall be constructed of at least 70% brick/stone on all facades.
5. Submit two (2) half-size corrected and folded copies, including one digital copy (PDF & DWG), of the Conditional Use Permit plans to the Planning Department for review and approval.

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

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED: 4/23/20

____________________________
Jimmy Moore, Chairman

____________________________
Homer Vaughn, Secretary

APPROVED AS TO FORM:

____________________________
Susan High-McAuley
City Attorney
ITEM 2
PLANNING DEPARTMENT STAFF REPORT
Conditional Use Permit for 1137 Langwood Drive (Lot 10, Highland Park No. 2 Subdivision—P.B. 1, Pg. 177) (CUP-2020-0003)
Located at 1137 Langwood Drive
Date: April 23, 2020

PUBLIC HEARING

REQUEST: OWNER AND APPLICANT REQUEST APPROVAL OF A CONDITIONAL USE PERMIT FOR 1137 LANGWOOD DRIVE (LOT 10, HIGHLAND PARK NO. 2 SUBDIVISION—P.B. 1, PG. 177), TO PERMIT A MULTI-FAMILY RESIDENTIAL (DWELLING, TWO FAMILY) DEVELOPMENT, PER SECTION 06.05.020.C OF THE GALLATIN ZONING ORDINANCE, ON A 0.29 +/- ACRE LOT (TAX MAP 135D, GROUP B, PARCEL 040.00), ZONED R15–MEDIUM DENSITY RESIDENTIAL, LOCATED AT 1137 LANGWOOD DRIVE.

OWNER: JOHN PARK
APPLICANT: GREENLID DESIGN
STAFF RECOMMENDATION: RECOMMEND DENIAL OF GMBZA RESOLUTION NO. 2020-003
STAFF CONTACT: DUSTIN SHANE
MBZA MEETING DATE: APRIL 23, 2020

PROPERTY OVERVIEW: Owner and applicant request approval of a Conditional Use Permit for 1137 Langwood Drive (Lot 10, Highland Park No. 2 Subdivision—P.B. 1, Pg. 177), a Multi-Family Residential ( Dwelling, Two Family) development, per Section 06.05.020.C. of the Gallatin Zoning Ordinance, on a 0.29 +/- acre lot, zoned R15–Medium Density Residential, at 1137 Langwood Drive (Tax Map 135D, Group B, Parcel 040.00). The multi-family development will consist of a two-family (duplex) residential structure with four (4) parking spaces (Attachment 2-1 and Attachment 2-2).

A Multi-Family Residential use requires a conditional use permit in the R15 zone district. The adjacent property owners were notified by mail about the Conditional Use Permit request and a sign was posted on the site. A Public Hearing shall be held on the item at the meeting.

This item was originally considered at the February 27, 2020, GMBZA meeting but was deferred for two months by the applicant.

Staff recommends denial of GMBZA Resolution No. 2020-003 since the project does not meet the Bulk Regulations of the R15 zone district and the use is not consistent with other uses in the subdivision.

CASE BACKGROUND:
Property History and Previous Approvals
On June 15, 1955, Highland Park No. 2 Subdivision was recorded with the Sumner County Register of Deeds (P.B. 1, Pg. 177). The subject property is Block “G,” Lot 10.

In 1969, the property was zoned “Low Density Residential” (or Residential A). Under the 1972 Zoning Ordinance, multiple family dwellings were a permitted use in the Residential A district.

On May 1, 1979, the City Council adopted a new Zoning Ordinance and Map (Ordinance No. 079-92). The Langwood Drive area was rezoned to R15–Medium Density Residential. Under the 1979 Zoning Ordinance, two-family detached dwellings (duplexes) were a permitted use in the R15 district.

On July 7, 1998, the City of Gallatin adopted a new Zoning Ordinance (Ordinance No. 09806-035) that changed Multi-Family Dwelling units from a permitted use to a conditional use in the R15 district.

Discussion:
Proposed Development
The owner and applicant request approval of a Conditional Use Permit for 1137 Langwood Drive, a Multi-Family Residential (Dwelling, Two Family) development, per Section 06.05.020.C. of the Gallatin Zoning Ordinance, on a 0.29 +/- acre lot, zoned R15–Medium Density Residential, at 1137 Langwood Drive (Tax Map 135D, Group B, Parcel 040.00). The multi-family development will consist of a two-family duplex residential structure with four (4) parking spaces (Attachment 2-1 and Attachment 2-2).

The proposed 2,200-square foot Dwelling, Two Family (duplex) use is an activity that would have a low level of impact on the surrounding properties. The applicant could develop a single-family home on the lot. However, an additional dwelling unit would not substantially alter the impact on the neighborhood or property. The conditional use site plan includes a 2,200-square foot building on a 13,022.9-square foot (0.29-acre) lot with two ornamental flowering trees acting as a bufferyard along the western property boundary. Four (4) parking spaces are located to the rear of the house accessed by a 12-foot-wide driveway adjacent to the street. The site is currently grassy lawn with one medium-sized tree adjacent to the ROW. If the CUP is approved, the applicant will be permitted to submit for a building permit and related permits.

No portion of the lot is within a special flood hazard area according to FEMA FIRM Map, Community Panel No. 47165CO431G, dated April 17, 2012. The property is in Zone “X.”

Adjacent or Area Uses
The property is adjacent on all sides to single-family housing zoned R15. No duplexes or other multi-family uses exist in the subdivision (Highland Park No. 2). Duplexes are located in the neighborhood but only within the first Highland Park subdivision to the west and to the south of Mac Alice Road along Edgewood Drive and Meadowview Drive in the Springbrook Subdivision (Attachment 2-3).

Gallatin on the Move 2020 General Development and Transportation Plan
The Gallatin on the Move 2020 General Development Plan designates the property as part of the Suburban Neighborhood Established Character Area (Attachment 2-4). Small and large-scale apartments and townhomes are listed as primary land uses for this character area, but the
development strategies indicate that home ownership should be encouraged. The residential scale and architecture of the proposed duplex are appropriate for this character area.

**Access**
Access to Langwood Drive will be via a 12-foot-wide driveway along the southern property boundary.

**Parking**
The minimum required parking for duplex residential developments is two (2) spaces per dwelling unit. The plan indicates four (4) spaces serving the two (2) dwelling units.

**Architectural Features**
The applicant has not submitted architectural elevations at this time. This will be a requirement for site plan approval. The plans shall demonstrate compliance with Section 13.08.010, Gallatin Zoning Ordinance, Basic Design Criteria.

**Signage**
No signage is proposed for this development. If any signs are proposed, the owner and applicant shall submit a signage plan meeting the requirements of the Gallatin Zoning Ordinance, Section 13.7, and obtain sign permits from the Planning Department prior to the installation of any signage on site.

**General Requirements for Conditional Use Permit**
Section 15.06.040 of the Gallatin Zoning Ordinance outlines the general requirements for granting a Conditional Use Permit. The applicant's request does not meet the general requirements as listed below. A Conditional Use Permit shall only be granted provided that the Board finds that it:

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

- The request for a Conditional Use Permit for a Multi-Family (duplex) Residential use, on Tax Map 135D, Group B, Parcel 040.00, located at 1137 Langwood Drive, will not significantly impact the public health, safety, or welfare of the area since the property could be developed with a single dwelling unit. An additional dwelling unit will not produce a significantly greater impact to public infrastructure capacity than if the property were developed under the provisions which do not require a Conditional Use permit. The development will feature more landscape buffering in the front than is required for a single family home. Mature trees exist along the rear property line to further buffer the use.

- The Multi-Family (duplex) Residential use will utilize public water, sanitary sewer, and power sources from the appropriate utility companies. The property is 0.29 +/- acre (13,022.9 +/- square feet), which makes it a nonconforming lot for even a single dwelling unit per the minimum lot size standards of the R15 zone. Section 06.05.030.B, G.Z.O., requires that no dwelling shall be permitted on a zone lot with a total development area of less than 11,250 square feet per dwelling unit. This lot would have to be at least 22,500 square feet to be eligible for the Conditional Use Permit.
• Parking for the Multi-Family Residential facility will be located in the common parking area in the rear away from public view.

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

• The property is an original lot of the Highland Park No. 2 Subdivision and is surrounded by properties zoned R15–Medium Density Residential as developed as single-family residences. Duplexes are not located in the immediate vicinity but are found to the south of the Highland Park No. 2 Subdivision along Mac Alice Drive in the Highland Park No. 1 Subdivision and Meadowview Drive and Edgewood Drive in the Springbrook Subdivision.

• The multi-family residential development should not adversely affect other properties in the area. The duplex will not create unusual noise, light, or other adverse conditions, which would violate the Performance Standards Regulations of the Gallatin Zoning Ordinance, Section 13.02. The owner and applicant indicated that the facility shall comply with all Performance Standards Regulations of the Gallatin Zoning Ordinance. Single-family residential structures of similar size primarily surround the property.

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

• Multi-Family (duplex) Residential use is a conditional use residential activity in the R15 zone district per Section 06.05.020.C, and a multi-family (duplex) dwelling is a specifically identified type of residential activity listed in Section 03.02.010 of the Gallatin Zoning Ordinance.

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

• This use does not comply with the bulk regulations of the R15 zone district; viz., “Minimum Development Area Per Dwelling Unit” (Section 06.05.030.B, G.Z.O.), which requires each dwelling unit to have at least 11,250 square feet of development area. The subject property is only 13,022.9 square feet in size, which would make it a nonconforming lot even for a single-family home (minimum required lot area is 15,000 square feet). The lot does not meet the minimum development area per dwelling unit standard for a two-family dwelling in the R15 district.

• If approved, a building permit application shall be submitted to the Code Department meeting all applicable regulations of the Gallatin Zoning Ordinance.

Special Conditions for Multi-Family Residential Activities
Section 15.06.080.A of the Gallatin Zoning Ordinance outlines special conditions for Multi-Family Dwelling Activities. The applicant's request generally meets all of the special conditions as listed below. Notwithstanding other issues of Code compliance, a Conditional Use Permit shall be granted provided that the Board finds that:
A. In addition to the standards contained in this Ordinance, for these type developments, the Board of Appeals shall specifically find that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed. In making this finding, the Board shall consider the effect upon traffic congestion, overcrowding of schools, availability of necessary public utilities, suitability of the site for the use, and such other factors as the Board may deem necessary.

- The request for a Conditional Use Permit for a Multi-Family Residential development on Tax Map 135D, Group B, Parcel 040.00, located at 1137 Langwood Drive, will not significantly impact the public health, safety, or welfare of adjoining properties or neighborhood except the use is not consistent with other uses in the subdivision and is not suitable for this lot because the lot contains significantly less than 22,500 square feet of lot area. The development, containing two (2) dwelling units, will not generate traffic volumes that will overwhelm the transportation system.

- The Multi-Family (Duplex) Residential use will utilize public water, sanitary sewer, and power sources from the appropriate utility companies.

- Multi-family (duplex) uses traditionally generate less school age residents per unit than single family uses. There should be no measurable impact on area schools.

- The site is not well suited for the use because it does not contain sufficient area for a duplex unit as described herein.

- The duplex development could adversely affect other properties in the area since it could change the development character of the Highland Park No. 2 Subdivision.

Planning Department Comments
The Planning Department reviewed and commented on the Conditional Use Permit. These are included as conditions of approval.

Engineering Division Comments
The Engineering Division reviewed and commented on the Conditional Use Permit. These are included as conditions of approval.

Other Departmental Comments
The other City Departments reviewed and commented on the Final Master Development Plan with the following comments:

- Addresses must be assigned by E-911.
- Update owner information for this property.
- The development is subject to the Gallatin Department of Electricity’s (GDE) Underground Policy.
- All of GDE’s existing facilities that are required to be relocated will be at developer’s expense.

Findings
The owner and applicant submitted responses addressing the General Requirements and Special Conditions pertaining to the proposed Conditional Use Permit for a Multi-Family Residential use, which is included as part of the Conditional Use Permit request. Additional information concerning the requirements is provided below.

**RECOMMENDATION:**
The Planning Department recommends denial of GMBZA Resolution 2020-003.

**ATTACHMENTS**
Attachment 2-1   Location Map
Attachment 2-2   Park Langwood Drive Conditional Use Permit Site Plan
Attachment 2-3   Surrounding Zoning
Attachment 2-4   *Gallatin on the Move 2020 Plan*
                 Suburban Neighborhood Established Character Area
1137 Langwood Drive CUP

Legend
- Subject Property
- Railroad
- Streams

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.
SUBURBAN NEIGHBORHOOD ESTABLISHED

General Description of Existing Development Patterns

The Suburban Neighborhood character area describes areas where typical types of suburban residential subdivision development have occurred in the post World War II era. Neighborhoods are characterized by low pedestrian orientation, medium-to-larger lot sizes, high to moderate degree of building separation, and are predominantly residential with scattered civic buildings and varied street patterns (often curvilinear) that include cul-de-sacs. Neighborhoods included in this character area are generally stable. Improved pedestrian and bicycle networks, especially near school and other civic uses would provide safer routes and encourage walking and bicycling as a transportation option.

Location

Areas within this character area include the following:

- South Gallatin neighborhoods of Halewood and Woodvale
- West Gallatin neighborhoods in the Lock 4 Road/Peninsula Drive area
- Newly-developed portions of the West Gallatin neighborhoods in the Fairvue/Baypoint (Browns Lane) area
- Newly-developed and established portions of the Douglass Bend area
- East Gallatin neighborhoods in the Grandview subdivision and surrounding area

Intent

The development pattern should seek to:

- Maintain residential uses
- Preserve existing tree cover
- Provide safe facilities for pedestrians, school buses, and bicyclists using the road right-of-way
- Accommodate in-fill development that compliments the scale, setback and style of existing adjacent homes
- Accommodate senior housing opportunities, which can be integrated into neighborhoods that benefit from close proximity to goods and services
- Maintain predominant development pattern of detached one-family homes

Anticipated level of change:

- Low
  - Transportation
    - Low level of service
    - Medium level of connectivity
    - Properties accessed by public roads
    - Regular-shaped, long blocks
    - Older subdivision roads characterized by grassy swales and newer with curb, gutter and sidewalk
    - Sidewalks and pedestrian infrastructure limited to newer subdivisions
  - Infrastructure
    - Public water and sewer available
    - Civic spaces such as greenways, parks, common areas
  - Greenspace
    - Adjacent Preserve areas
    - Neighborhood parks
    - Community gardens

Primary Land Uses

- Single-family residential
- Small and large-scale apartments and townhomes

Appropriate Residential Net Density

- 2-5 units per acre

Applicable Zoning Districts

Existing Zoning Districts

- R-10, R-15, R-20, R-40, MRO

Proposed Zoning Districts

- No proposed new districts
Development Strategies

- Focus on reinforcing stability of more mature Suburban Neighborhood Established areas by encouraging more home ownership and maintenance or upgrade of existing properties
- Locate schools, community centers, or well-designed small commercial activity centers at suitable locations within walking distance of residences
- Enhance the pedestrian-friendly environment by adding sidewalks and creating other pedestrian-friendly multi-use trail/bike routes linking neighboring communities and major destinations such as libraries, neighborhood centers, health facilities, commercial clusters, parks, schools, etc.
- Add traffic calming improvements, sidewalks and increased street interconnections to improve walkability within existing neighborhoods
- Limit driveway spacing along the highway frontage and align driveways where needed to improve traffic flow
- Protect older subdivisions that lack detailed design-related covenants and restrictions

Implementation Measures

- Develop residential infill guidelines applicable in Suburban Neighborhood Established areas in order to ensure that the scale and character of new development on vacant lots is compatible with existing development
RESOLUTION OF THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS APPROVING A VARIANCE OF A 2 FT. FROM THE MAXIMUM HEIGHT PERMITTED FOR A FENCE IN THE REAR YARD (ARTICLE 12.00, SECTION 12.01.02) OF THE GALLATIN ZONING ORDINANCE TO ALLOW A 8 FT. TALL FENCE THAT SPANS 350 FT. ALONG THE REAR PROPERTY LINE, AND A VARIANCE TO ALLOW A FENCE WITH THE FINISHED SIDE FACING INWARD AND THE UNFINISHED SIDE FACING OUTWARD VISIBLE TO THE PUBLIC OR FROM OTHER PROPERTIES ON A 2.2 +/- LOT. (TAX MAP 125M, GROUP B, PARCEL 009.00), ZONED R-40 LOW DENSITY RESIDENTIAL, LOCATED AT 1194 BLACKSHEAR DRIVE (FILE NO. VAR – 2020-0005) (ATTACHMENT 3-1, 3-2 AND 3-3)

WHEREAS, Article 12, Section 12.01., G.Z.O., Residential / Mixed Use Zones permits a fence maximum height requirement of 6 FT. in rear and side yards. All fences, regardless of the type or material shall be constructed to have the finished side facing outward towards adjacent properties, public rights of way, common open areas, parkland, etc.

WHEREAS, THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS considered the request a variance for a 2 FT. from the maximum height permitted for a fence in the rear yard (Article 12.00 Section 12.01.02), of the Gallatin Zoning Ordinance to allow a 8 FT. tall fence that spans 350 FT along the rear of the property line, and a variance to allow a fence with the finished side facing inward and the unfinished side on a 2.2 +/- Lot (Tax Map 125M, Group B, Parcel 009.00) Zoned R-40 Low Density Residential, located at 1194 Blackshear Drive, at its regular meeting on April 23, 2020; 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 Article 15, Section 15.05.030 of the Gallatin Zoning Ordinance, to indicate the specific requirement under which the variance is being considered and state specific findings and specifically identify the hardships warranting such action by the Board; and

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF GALLATIN, TENNESSEE MUNICIPAL BOARD OF ZONING APPEALS makes the following findings pursuant to T.C.A. Section 13-7-206; Section 13-7-207(3); and Section 15.05.030 of the Gallatin Zoning Ordinance:

Section 1. The request a variance for a 2 FT. from the maximum height permitted for a fence in the rear yard (Article 12.00 Section 12.01.02), of the Gallatin
Zoning Ordinance to allow a 8 FT. tall fence that spans 350 FT along the rear of the property line, and a variance to allow a fence with the finished side facing inward on a 2.2 +/- Lot, meets all ten (10) of the Standards for a Variance as described in the body of the Staff Report and as set forth in the Gallatin Zoning Ordinance, Section 12.01.02:

A. The particular physical surroundings, shape, topographic conditions of the specific property involved result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance is carried out;
B. The conditions upon which the petition for a variance is based are not be applicable, generally, to other property within the same district;
C. The variance will not authorize activities in the R-40 zone district other than those permitted by Ordinance;
D. Financial return was not considered the basis for granting the variance;
E. The alleged difficulty or hardship was not created by any person, including the owner and applicant of the property, having an interest in the property after the effective date of the Ordinance;
F. That granting the variance requested does not confer on the applicant any special privilege that is denied by the Ordinance to other lands, structures, or buildings in the same district;
G. The variance is the minimum variance necessary to make possible the reasonable placement of the fence and to officially screen the property from adjacent nonresidential use.
H. The granting of the variance is not detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located;
I. The proposed variance does not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area; and
J. The granting of the variance will not cause substantial detriment to the public good and will not substantially impact the intent and purpose of the City’s zoning plan and zoning ordinance.

Section 2. Action – The Gallatin Municipal Board of Zoning Appeals hereby approves a variance of 2 feet in height from the required 6 foot maximum height for a fence in a rear yard per Section 12.01.020.C.5(a) to allow an 8 foot tall fence and a variance from section 12.01.020.C.3 to allow a fence with the finished side facing inward and the unfinished side facing a outward and visible to the public and from other properties.

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.
ITEM 3

PRESENT AND VOTING

AYE:

NAY:

DATED: 4/23/2020

Approved:

__________________________________________
Jimmy Moore, Chairman

__________________________________________
Homer Vaughn, Secretary

APPROVED AS TO FORM:

__________________________________________
SUSAN HIGH-MCAULEY
CITY ATTORNEY
ITEM 3
PLANNING DEPARTMENT STAFF REPORT
Variance Request for 1194 Blackshear Drive (Plat Book 1: Page: 209: Lot 20-22 (VAR-2020-0005)
Located at: 1194 Blackshear Drive
Date: April 23, 2020

PUBLIC HEARING

REQUEST: THE OWNER AND APPLICANT REQUEST A VARIANCE OF 2 FT. FROM THE MAXIMUM HEIGHT PERMITTED FOR A FENCE IN THE REAR YARD ARTICLE 12.00, SECTION 12.01.02 OF THE GALLATIN ZONING ORDINANCE, TO ALLOW AN 8FT FENCE THAT SPANS 350 FT. ALONG THE REAR PROPERTY LINE AND A VARIANCE TO ALLOW THE FINISHED SIDE TO FACE INWARD ON A 2.2 +/- LOT, ZONED R40–LOW DENSITY RESIDENTIAL, LOCATED AT 1194 BLACKSHEAR DRIVE (FILE NO. VAR-2020-0005).

OWNER: VIVIAN HUNTSMAN
APPLICANT: VIVIAN HUNTSMAN
STAFF RECOMMENDATION DENIAL OF GMBZA RESOLUTION NO. 2020-0005
STAFF CONTACT: JENNIFER DUNBAR
MBZA MEETING DATE: APRIL 23, 2020

PROPERTY OVERVIEW: The owner and applicant request a variance of a 2 Ft. from the maximum height permitted for a fence in the rear yard Article 12.00, Section 12.01.02 of the Gallatin Zoning Ordinance, to allow an 8 Ft. tall fence that spans 350 ft. along the rear property line, and a variance to allow a fence with the finished side facing inward on a 2.2 +/- Lot, zoned R40–Low Density Residential, located at 1194 Blackshear Drive (File No. VAR-2020-0005) (Attachment 3-1 and 3-2).

The Planning Department recommends denial of GMRPC Resolution No. 2020-0005.

Requested Variance
The owner and applicant request a variance of 2 ft to allow a 8ft tall fence along the rear property line, and a variance to allow the unfinished side of the fence to face outward, facing the adjacent property owner on a 2.2 acre lot at 1194 Blackshear Drive (Tax Map 125M, Group B, Parcel 009.00), zoned R40-Low Density Residential.

CASE BACKGROUND:
Property History and Previous Approvals
On January 1962, Leeland Heights Subdivision was recorded with the Sumner County Register of Deeds (P.B. 1, Pg. 209). The subject property consists of 3 lots and is (Lots 20-22) combined / used with a single residence.
In 1962, the property was zoned R-40 “Low Density Residential”

On March 16, 2020, the applicant submitted an application to the Board of Zoning Appeals for a variance to permit the fence that was constructed without a permit at 1194 Blackshear Drive. In February 2020, The Gallatin Planning Department received an anonymous complaint regarding the height of the fence at 1194 Blackshear Dr. because of the Code Violation that occurred. The fence was constructed with finished side facing outward instead of inward to the adjacent property. To permit the fences as constructed, variances would have to be granted.

The applicant stated she was unaware of the need to acquire a fence permit prior to the installing a fence and it was constructed eight feet in height and without a fence permit. The adjacent lot at 1195 Nashville Pike (Gene Carman Realty) is zoned MRO and is operated as a commercial business. She said that it is necessary to have a fence to provide a barrier to protect her property from, light filtration, noise, and other nuisances from business adjacent to her residence. The applicant maintains that the business has created a scale and character that is not served or maintained by the strict application of the R40 zone standards. The applicant said she has invested $15,500 to improve the property and maintains a high standard/quality of life.

Staff received an email on April 13, 2020 regarding this fence from a neighbor to the applicant that is attached in the file.

The Planning Department also received a phone call on April 13, 2020 from Glenda Adcock who wanted to express support of the applicant. Mrs. Adcock resides at 901 Lakeshore Dr.

06.03 R40 Low Density Residential Districts

Article 6.00

06.03.010 Purpose and Intent of R40 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 serve specifically the residents of these districts, or which are benefited by an open residential environment without creating objectionable or undesirable influences upon residential developments. It is the express purpose of this Ordinance to exclude from these districts all buildings or other structures and uses having commercial characteristics, whether operated for profit or otherwise, and 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.

A variance request requires public notice. Staff notified adjacent property owners about this request by mail. Additionally, the request was advertised in the local newspaper, and a sign was posted on the property.
Applicable sections from the Gallatin Zoning Ordinance that apply to this case are listed below.

**Applicable G.Z.O. Sections**

**12.01.015 Permitted Obstructions in Required Yards**

In all zoning districts, the following shall not be considered obstructions when located within any required yard, except these items shall also comply with Section 12.01.010, Visibility at Intersections:

F. Fences, walls or hedges as permitted in Section 12.01.020.

**12.01.020 Fences, Walls, and Hedges**

Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard as follows:

A. Fences, walls, and hedges must comply with Section 12.01.010, Visibility at Intersections.

B. No fence or wall shall be installed so as to block or divert a natural drainage flow on to or off of any other land.

C. **Appearance** – Fences and walls shall comply with the following standards:

1. **Customary Materials** – Fences and walls shall be constructed of materials customarily used and manufactured as common fence or wall materials, including solid wood, brick, masonry, stone, chain link, wrought iron, decorative metal materials, or products designed to resemble these materials. Chain link fencing approved as part of a Site Plan or Final Master Development Plan shall be vinyl coated and colored dark green, brown or black. Low voltage invisible fences with buried lines are excluded from this requirement.

2. **Prohibited Materials** – Fences and walls constructed of debris, junk, rolled plastic, sheet metal, plywood, or other waste materials are prohibited in all zone districts, unless such materials have been recycled and reprocessed into building materials marketed to the general public and designed for use as fencing or wall materials. No electrified fence shall be permitted except in Agricultural-residential zoned properties or property used primarily for agricultural purposes and for public institutions.

3. **Finished Side to Outside** – All fences and walls shall be oriented with the “good” or “finished” side facing outward (i.e. one side has visible support framing and the other does not) rather than facing the interior of the lot. This provision may be varied by the Zoning Administrator in situations where the unfinished side will not be visible to the public or other properties, or where other unusual circumstances exist. This provision shall not preclude the placement of a shadow-box type fence.
4. **Uniformity of Materials** – Fencing and wall segments located along a single lot side shall be of uniform height, material, type, color, and design and shall be uniform for the entire length of the fence or wall, except where a fence or wall segment transitions from one yard to another or from one height to another.

5. **Height Requirements**

a. In residential and mixed use zone districts, fences and walls shall not exceed a height of four (4) feet in a required front yard and six (6) feet in a required side and rear yard. Any fence installed in a front yard shall be of no greater than 50 percent opacity (that is, it shall obscure no more than 50 percent of the view into the land). If a fence is constructed on top of a retaining or other wall or berm, the combined height of the fence and wall shall not exceed the maximum height that would apply to a fence or wall alone, in relation to the grade on the highest side of the wall.

b. In commercial districts, fences and walls shall not exceed a height of four (4) feet in a required front yard and ten (10) feet in a required side or rear yard. Any fence installed in the front yard of any lot in a commercial district shall be no greater than fifty (50) percent opaque. In industrial districts, fences and walls shall not exceed a height of six (6) feet in a required front yard and ten (10) feet in a required side or rear yard. If a fence is constructed on top of a retaining or other wall or berm, the combined height of the fence and wall shall not exceed the maximum height that would apply to a fence or wall alone, in relation to the grade on the highest side of the wall.

c. Fences or walls provided to meet the requirements outlined in Section 13.04, Transitional Bufferyard Design Standards, may be exempted from the location standards as necessary to meet the requirements of that section when approved as part of an overall landscape and bufferyard plan.

d. The Zoning Administrator may approve driveway entry features, including, but not limited to, decorative columns and gates, at a height greater than the height specified in Section 12.01.020.C.5 a through c.

6. **Maintenance Required** –

All fences and walls shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements.

---

*Article 15.00 Administration and Enforcement*

*Section 15.05 Zoning Variances*

The Board of Zoning Appeals may grant variances where it makes findings of fact based upon the standards prescribed in this section.
Section 15.05.030 of the Gallatin Zoning Ordinance states the Board of Zoning Appeals shall not grant a variance unless it makes findings based upon evidence presented to it as described in ten (10) specific criteria that are listed below. The applicant responded to these standards in writing (Attachment 3-4). The Board shall determine if this variance request meets all ten (10) of the following standards for a variance as required by the Gallatin Zoning Ordinance as described below.

Staff does not believe the variance request meets the ten (10) standards for a variance as follows.

A. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out must be stated.

   - The lot can still be developed with a 6ft. tall fence of uniform height, material type, color and design for the entire length of the wall, except where a fence or wall segment transitions from one yard to another or from one height to another. The owner still has a right to install a fence. The restrictions of the code do not create a “mere inconvenience” or a “particular hardship.”

B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.

   - Were this variance granted, it would not allow a similar variance to be granted to every Residential Properties within the city or in the neighborhood or subdivision.

C. The variance will not authorize activities in a zone district other than those permitted by this Ordinance.

   - Granting this variance will not permit other non-conforming fences or authorize others to receive similar variances for lots are adjacent to MRO zoning or other more intensive districts.

D. Financial returns only shall not be considered as a basis for granting a variance.

   - There would be no financial returns related to this variance request fence. There likely could be additional cost accessory to comply with fence permitting requirements.

E. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance.

   - The owner of the property created the condition by constructing the fence. If any hardship exists, it was created by the applicant / owner.

F. That granting the variance requested would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

   - If granted, this variance would confer on the owner a special privilege that is currently denied by the Gallatin Zoning Ordinance to other properties within this zone district. As others attempting to construct a similar fence would have to acquire. Granted it would create a development condition out of character with other area properties. However, the adjacent commercial business could apply for a building permit which would allow an 8 ft. tall fence.
G. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
   - If approved, this request would be the minimum variance needed to accommodate the fence as currently constructed.

H. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
   - If granted, the variance may have a minimal effect on adjacent property and nearby property owners, but would exceed the height of other fences or walls in the area.

I. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
   - If granted, the variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area. The fence is located on a large lot on Blackshear Dr., a local street, with very little traffic. The applicant indicated she needs the additional height to reduce noise and other nuisances.

J. The granting of a variance will not cause substantial detriment to the public good and will not substantially impact the intent and purpose of the City’s zoning plan and zoning ordinance.
   - Though unnecessary, the variance request will not cause substantial detriment to the public good nor will it substantially impact the intent of the City’s zoning plan and ordinance. However, it likely may bring cause for others to seek similar variances.

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

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

Section 15.05.060 Conditions and Restrictions by the Board allows the Board to impose conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Section 15.05.030 to reduce or minimize the injurious effect to such variations upon surrounding property and better carry out the general intent of this Ordinance. The Board may establish expiration dates as a condition or as a part of the variances. Staff recommends that the Resolution be denied, but if approved, Staff recommends conditions be placed upon the development to ensure an exceptional level of quality and appropriateness for the neighborhood.

Engineering Department Comments
The Engineering Division reviewed the variance request and had no comments.

Other Departmental Review Comments
Other City Departments reviewed the variance request, and all of their comments were addressed.
**RECOMMENDATION**
Staff recommends that the Gallatin Municipal Board of Zoning Appeals deny GMBZA Resolution No. 2020-005.

**ATTACHMENTS**
Attachment 3-1 Location Map
Attachment 3-2 Photographs of the Fence at the rear property line
Attachment 3-3 Email from resident concerning application
Attachment 3-4 Applicant response
FYI

Kai Bailey
Administrative Assistant I
City of Gallatin Planning Department
132 West Main St.
Gallatin, TN 37066
615-451-5796
kai.bailey@gallatintn.gov
http://www.gallatintn.gov/@gallatingov

-----Original Message-----
From: Jim & Cathy Wright <punkin37066@att.net>
Sent: Thursday, April 16, 2020 12:12 PM
To: Kai Bailey <kai.bailey@gallatintn.gov>
Subject: Fence variance @ 1194 Blackshear Dr.

To: Gallatin Municipal Board Zoning Appeals /City of Gallatin Planning Dept.

Concerning the subject matter, under your jurisdiction, of granting a fence variance of 2 feet and finished side facing inward to the property 1194 Blackshear Dr., I would like the record to reflect my objection. My property, 1199 Nashville Pike, is zoned R-40 Low Density Residential as is the bordering property of 1194 Blackshear Dr.

You will find enclosed pictures of prior to erected fence and after. The aesthetics was dramatically altered, to say the least. Although I am aware that any property owner has the freedom to change things within their boundaries, the establishment of city ordinance limitations are set for the purpose of uniformity and aesthetics. It is your responsibility to make everyone follow those ordinances.

I point out other concerns of the fence structure; post support not sufficient, boards already popping loose, uneven and flimsy. I hope these issues will also be addressed.

As I told the homeowner, when approached about code violations, it is my request that the fence along my property be fixed to proper adherence to city fence ordinance.

Thank you for consideration of my concerns in this matter.

Cathy Wright
Sent from my iPad
Mr McCord,
We received the letter notifying us that a variance of two (2) feet from the maximum fence height has been requested for property at 1194 Blackshear Drive, Gallatin. We do plan on attending via video conferencing. However, we wanted to take this opportunity to share our thoughts and hope that they may be shared with the board.

We do not wish to force the property owner to replace the fence with another wooden fence that complies with the height restrictions. That said, we are extremely disappointed that this fence was constructed in the first place. We wish that the City would require all commercial properties along the corridor of Nashville Pike between North Blue Jay Way and Lock 4 Road to construct and maintain a brick wall as was originally started and exists behind those properties between Belvedere Drive and Lock 4 Road.

Wooden fences, even when brand new, look cheap and are in constant need of repair and maintenance. The fence constructed behind the property at 1194 Blackshear Drive, though brand new, is already showing signs of needed repairs.

Had the responsible City officials planned effectively, we would not have this issue and the property owner would never have constructed the fence as the commercial properties sharing the property line would have already been responsible for constructing a brick wall. We realize that this would raise the question of continuity as not all property owners on Nashville Pike are commercial. In that event, the City should have constructed the wall for the private property owner with the subsequent commercial property owner paying the City for that expense once the property was placed into commercial use.

Instead, the City has implemented a piece meal approach to protecting the integrity of the neighborhoods that border the commercialization of Nashville Pike. POOR PLANNING! It has resulted in pitting neighbor against neighbor and WILL RESULT in an aesthetically ugly drive along what used to be a warm residential part of Gallatin. If you question our opinion, ask yourself which barrier would I prefer if I lived within 100 yards of Nashville Pike... what exists behind Bank of America or Fifth Third? Oh and I believe the fence behind Bank of America is taller than the one in question.

Not happy Gallatin residents!

Thank you for your sharing and consideration of our position,
Wes and Shannon Reade
888 Lakeshore Drive
Gallatin, TN 37066
615-478-7721