Wednesday, May 18, 2017
Dr. J. Deotha Malone Council Chambers

Regional Board of Zoning Appeals - 5:30 p.m.
City Hall

- Call to Order
- Invocation
- Pledge of Allegiance
- Roll Call
- Approve Prior Minutes: March 23, 2017 and April 26, 2017

REGULAR AGENDA

1. GRBZA RESOLUTION NO. 2017-03
COOPER, JOHN K.; VARIANCE
JOHN K. COOPER

PUBLIC HEARING
THE OWNER AND APPLICANT REQUEST A VARIANCE OF 60 FEET FROM THE REQUIRED 75 FOOT FRONT YARD SETBACK TO PERMIT A 15 FOOT BUILDING SETBACK FROM THE PRESCRIBED FUTURE RIGHT-OF-WAY LINE OF ODOMS BEND ROAD (30 FOOT BUILDING SETBACK FROM THE CURRENT 30 FOOT WIDE RIGHT-OF-WAY LINE) AND A VARIANCE OF 30 FEET FROM THE REQUIRED 40 FOOT REAR YARD SETBACK TO PERMIT A BUILDING SETBACK OF 10 FEET, PER SECTION 06.02.060 OF THE GALLATIN ZONING ORDINANCE, ON A 0.51 (+/-) ACRE PARCEL, ZONED A-AGRICULTURAL RESIDENTIAL, LOCATED AT 164 ODOMS BEND ROAD.

2. OTHER BUSINESS

3. MOVE TO ADJOURN
MINUTES OF THE GALLATIN
REGIONAL BOARD OF ZONING APPEALS
SPECIAL-CALLED MEETING

March 23, 2017

MEMBERS PRESENT

James Robert Ramsey, Chair
Betsy Hawkins, Secretary
Rick Orgain

STAFF PRESENT

Bill McCord, Director of Planner
Robert Kalisz, Assistant Director of Planning
Jillian Ogden, Planner II
Sharon Burton, Planner I
Marianne Mudrak, Board Secretary

MEMBERS ABSENT

None

OTHERS

Applicants

The Gallatin Regional Board of Zoning Appeals met in a regular meeting on Thursday, March 23, 2017 at 6:00 p.m., in the Dr. J. Deotha Malone Council Chambers of Gallatin City Hall. Mr. James Robert Ramsey, Chair, called the meeting to order. A copy of the meeting agenda is attached to these minutes as Exhibit A.

Dr. Orgain led the opening prayer and Chair Ramsey led the pledge of allegiance. Ms. Mudrak called roll.

Approve Prior Minutes

Dr. Orgain motioned to approve the minutes from the February 23, 2017 Gallatin Regional Board of Zoning Appeals as presented. Ms. Hawkins seconded the motion and the motion passed by unanimous vote.

Agenda

Chair Ramsey informed the audience that a public notice was published but the notice contained incorrect information by identifying the property as being zoned R40. The rules state that if a public notice is published, a public hearing shall be held; however, there will not be a vote. The case will be placed on the next Regional Board of Zoning Appeals meeting agenda, for a vote.

1. GRBZA Resolution No. 2017-03 (B-3501-17R) Cooper, John K. – Variance – John K. Cooper – Public Hearing - The owner and applicant request a variance of 30 feet from the required front yard setback and a Variance of 25 feet from the required rear yard setback, per
section 06.02.060 of the Gallatin Zoning Ordinance, to permit construction of a single-family residence on a 0.56 (+/-) acre parcel, zoned A-Agricultural Residential District, located at 164 Odoms Bend Road.

Ms. Jillian Ogden, Planner II, said the parcel is located on Odoms Bend Road and is zoned A-Agricultural Residential which requires substantial setbacks. The applicant is requesting a variance to the front and rear yard because the code required setbacks make the lot unbuildable. An interested buyer wants to build a single family house on the parcel. Any type of building would require a variance.

Mr. John Cooper, 251 Gibbs Lane, said he and his wife own this property and it is unbuildable. The proposed home would need a 40 foot wide footprint. The lot is long and the back of the property is Army Corps of Engineers property. There is no reason to build closer to either of the neighbors. The setback is only for the front and rear of the property.

Chair Ramsey opened Public Hearing. No one came forward to speak; therefore, Chair Ramsey closed Public Hearing.

Chair Ramsey asked Staff if the office received any input from neighbors. Ms. Ogden said no one has contacted Staff about this property.

Chair Ramsey asked Staff if they will recommend approval of the variance. Mr. William McCord, Director of Planning, said Staff is still considering the request. He added that based on the depth of the lot, it would be impossible to build a house on this lot.

Chair Ramsey asked the applicant if he knows the neighbors. Mr. Cooper identified the neighbors.

Chair Ramsey asked about the property line in proximity to the water. Mr. Cooper said it is about 60 feet. He said the lot is slightly over one-half of an acre. He added that the street frontage is 300 feet and the water frontage is 600 feet.

Chair Ramsey asked if a variance was granted on a previous case regarding a swine farm.

Dr. Orgain asked if there is a downside to the request. Mr. McCord said there is no downside and the applicant can most likely prove a hardship.

Chair Ramsey said it is difficult for this body to not allow someone to have a reasonable use of their lot. He asked the size of the building lot.

3. Other Business

There was no other business to discuss.

4. Move to Adjourn
Gallatin Regional Board of Zoning Appeals Meeting Minutes
March 23, 2017

There being no further business, Chair Ramsey adjourned the meeting at 5:55 p.m.

Respectfully submitted:

Marianne Mudrak, Board Secretary

Approved:

James Robert Ramsey, Chair

Betsy Hawkins, Secretary
Thursday, March 23, 2017
Regional 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
- Approve Prior Minutes: February 23, 2017

REGULAR AGENDA

1. GRBZA RESOLUTION NO. 2017-03
   COOPER, JOHN K.; VARIANCE
   JOHN K. COOPER

   THE OWNER AND APPLICANT REQUEST A VARIANCE OF 30 FEET FROM THE REQUIRED
   FRONT YARD SETBACK AND A VARIANCE OF 25 FEET FROM THE REQUIRED REAR YARD
   SETBACK, PER SECTION 06.02.060 OF THE GALLATIN ZONING ORDINANCE, TO PERMIT
   CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE ON A 0.56 (+/-) ACRE PARCEL, ZONED
   A-AGRICULTURAL RESIDENTIAL DISTRICT, LOCATED AT 164 ODOMS BEND ROAD.

   PUBLIC HEARING

2. OTHER BUSINESS

3. MOVE TO ADJOURN
MINUTES OF THE GALLATIN REGIONAL BOARD OF ZONING APPEALS
SPECIAL-CALLED MEETING

April 26, 2017

MEMBERS PRESENT

James Robert Ramsey, Chair
Betsy Hawkins, Secretary

STAFF PRESENT

Bill McCord, Director of Planning
Jillian Ogden, Planner II
Marianne Mudrak, Board Secretary

MEMBERS ABSENT

Rick Orgain

OTHERS

Applicants

The Gallatin Regional Board of Zoning Appeals met in a regular meeting on Wednesday April 26, 2017 at 6:00 p.m., in the Dr. J. Deotha Malone Council Chambers of Gallatin City Hall. Mr. James Robert Ramsey, Chair, called the meeting to order. A copy of the meeting agenda is attached to these minutes as Exhibit A.

Chair Ramsey led the opening prayer and pledge of allegiance. Ms. Mudrak called roll. A voting meeting could not occur due to a lack of a quorum.

Approve Prior Minutes

Due to a lack of quorum, minutes could not be approved.

Agenda

Chair Ramsey informed the audience that a public notice was published but since there is a lack of a quorum the Board cannot vote on this item. However, the item was published in the newspaper and a non-voting meeting will be held.

1. GRBZA Resolution No. 2017-03 (B-3501-17R) Cooper, John K. – Variance – John K. Cooper – Public Hearing - The owner and applicant request a variance of 30 feet from the required front yard setback and a Variance of 25 feet from the required rear yard setback, per section 06.02.060 of the Gallatin Zoning Ordinance, to permit construction of a single-family residence on a 0.56 (+/-) acre parcel, zoned A-Agricultural Residential District, located at 164 Odoms Bend Road.

Ms. Jillian Ogden, Planner II, said the parcel is located on Odoms Bend Road and is zoned A-Agricultural Residential which requires substantial setbacks. The applicant is requesting a
variance to the front and rear yard because the code required setbacks make the lot unbuildable. An interested buyer wants to build a single family house on the parcel. Any type of building would require a variance. The applicant is requesting relief from the setback from a 75 foot front setback to a 30 foot front setback from the existing property line and a 15 foot front setback from a proposed line in the future. The rear requires a 10 foot setback.

Mr. John Cooper, 251 Gibbs Lane, said he and his wife own this property and it is unbuildable. The proposed home would need a 40 foot by 60 foot wide wide footprint. The lot is long and the back of the property is Army Corps of Engineers property.

Chair Ramsey opened public hearing and explained that another public hearing would be held on May 18, 2017. No one came forward to speak; therefore, Chair Ramsey closed public hearing.

Chair Ramsey suggested that discussion be held due to the lack of a quorum.

Ms. Hawkins asked about the 15 foot front setback. Ms. Ogden explained that the ordinance has changed and all zoning categories must refer to the Gallatin on the Move 2020 Transportation Plan to take into account a possible, future widening of the road. The change took effect on March 21, 2017.

Mr. McCord explained that currently, the property boundary is 30 feet from the prescribed right-of-way. If the road is widened to the minimum width, the setback would be only 15 feet.

3. Other Business

There was no other business to discuss.

4. Move to Adjourn

There being no further business, Chair Ramsey adjourned the meeting at 5:39 p.m.

Respectfully submitted:

Marianne Mudrak, Board Secretary
Gallatin Regional Board of Zoning Appeals Meeting Minutes
April 26, 2017

Approved:

James Robert Ramsey, Chair

Betsy Hawkins, Secretary
Agenda
Gallatin Regional Board of Zoning Appeals
Special-Called Meeting

Wednesday, April 26, 2017
DR. J. DEOTHA MALONE COUNCIL CHAMBERS

• Call to Order
• Invocation
• Pledge of Allegiance
• Roll Call

REGULAR AGENDA

1. GRBZA RESOLUTION NO. 2017-03
   COOPER, JOHN K.; VARIANCE
   JOHN K. COOPER
   B-3501-17R
   PUBLIC HEARING
   THE OWNER AND APPLICANT REQUEST A VARIANCE OF 30 FEET FROM THE REQUIRED FRONT YARD SETBACK AND A VARIANCE OF 25 FEET FROM THE REQUIRED REAR YARD SETBACK, PER SECTION 06.02.060 OF THE GALLATIN ZONING ORDINANCE, TO PERMIT CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE ON A 0.56 (+/-) ACRE PARCEL, ZONED A-AGRICULTURAL RESIDENTIAL DISTRICT, LOCATED AT 164 ODOMS BEND ROAD.

2. OTHER BUSINESS

3. MOVE TO ADJOURN
RESOLUTION OF THE CITY OF GALLATIN, TENNESSEE REGIONAL BOARD OF ZONING APPEALS APPROVING A VARIANCE OF 60 FEET FROM THE REQUIRED 75 FOOT FRONT YARD SETBACK TO PERMIT A 15 FEET BUILDING SETBACK FROM THE PRESCRIBED FUTURE RIGHT-OF-WAY LINE OF ODOMS BEND ROAD (30 FOOT BUILDING SETBACK FROM THE CURRENT 30 FOOT WIDE RIGHT-OF-WAY LINE) AND A VARIANCE OF 30 FEET FROM THE REQUIRED 40 FOOT REAR YARD SETBACK TO PERMIT A BUILDING SETBACK OF 10 FEET PER SECTION 06.02.060 OF THE GALLATIN ZONING ORDINANCE ON A 0.51 (+/-) ACRE PARCEL (TAX PARCEL 148/062.02), ZONED A-AGRICULTURAL RESIDENTIAL DISTRICT, LOCATED AT 164 ODOMS BEND ROAD. (B-3501-17R)

WHEREAS, THE CITY OF GALLATIN, TENNESSEE REGIONAL BOARD OF ZONING APPEALS considered the request for a 60 foot variance from the required 75 foot front yard setback to permit a 15 foot building setback from the prescribed future right-of-way line of Odoms Bend Road (30 foot building setback from the current 30 foot wide right-of-way line) and a 30 foot variance from the required 40 foot rear yard to permit a building setback of 10 feet to permit the construction of a Single-Family Dwelling at 164 Odoms Bend Road (Tax Map 148, Parcel 062.02), at its special-called meeting on May 18, 2017; and

WHEREAS, THE CITY OF GALLATIN, TENNESSEE REGIONAL 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 Regional Board of Zoning Appeals Staff Report, and evidence and testimony presented during the meeting; and

WHEREAS, notice was provided to affected property owners and published in the local newspaper as required by Section 15.05.020 and 15.05.010, Gallatin Zoning Ordinance; and

WHEREAS, THE CITY OF GALLATIN, TENNESSEE REGIONAL BOARD OF ZONING APPEALS is required in its deliberations, pursuant to Gallatin Zoning Ordinance § 15.05.030, 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 60 foot variance from the required 75 foot front yard setback to permit a 15 foot building setback from the prescribed future right-of-way line of Odoms Bend Road (30 foot building setback from the current 30 foot wide right-of-way line) and a 30 foot variance from the required 40 foot rear yard to permit a building setback of 10 feet
ITEM 1

per Section 06.02.060 of the Gallatin Zoning Ordinance, to permit the construction of single-family dwelling at 164 Odoms Bend Road (Parcel 148/062.02), meets all nine (9) of the Standards for a Variance as described in the body of the Staff Report and as set forth in Gallatin Zoning Ordinance, Section 15.05.030:

A. The particular physical surroundings, shape, topographic conditions of the specific property involved results in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out;
B. The conditions upon which the petition for a variance is based are not 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 the Zoning Ordinance;
D. Financial returns is not be considered the basis for granting the variance;
E. The difficulty or hardship was not created by any person having an interest in the property after the effective date of the Zoning Ordinance;
F. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district;
G. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
H. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and
I. The variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

Section 2. Action – The Gallatin Regional Board of Zoning Appeals hereby approves a variance of 60 foot variance from the required 75 foot front yard setback to permit a 15 foot building setback from the prescribed future right-of-way line of Odoms Bend Road (30 foot building setback from the current 30 foot wide right-of-way line) and a 30 foot variance from the required 40 foot rear yard to permit a building setback of 10 feet per Section 06.02.060 of the Gallatin Zoning Ordinance, to permit the construction of single-family dwelling with the following conditions:

1. The variance shall be substantially consistent with the one (1) sheet plot plan, for the Cooper variance request, stamp-dated March 29, 2017.
2. Once central sewer is extended to the property, including on the adjacent Odoms Bend Road right-of-way, the owner shall connect to the central sewer.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE REGIONAL 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: 05/18/2017

James Robert Ramsey, Chair

Betsy Hawkins, Secretary

APPROVED AS TO FORM:

Susan High-McAuley
City Attorney
ITEM 1
PLANNING DEPARTMENT STAFF REPORT
164 Odoms Bend Road - Variance Request – B-3501-17R
Located on Odoms Bend Road, West of South Water Avenue
Date: May 18, 2017

PUBLIC HEARING

REQUEST: THE OWNER AND APPLICANT REQUEST A VARIANCE OF 60 FEET FROM THE REQUIRED 75 FOOT FRONT YARD SETBACK TO PERMIT A 15 FEET BUILDING SETBACK FROM THE PRESCRIBED FUTURE RIGHT-OF-WAY LINE OF ODOMS BEND ROAD (30 FOOT BUILDING SETBACK FROM THE CURRENT 30 FOOT WIDE RIGHT-OF-WAY LINE) AND A VARIANCE OF 30 FEET FROM THE REQUIRED 40 FOOT REAR YARD SETBACK TO PERMIT A BUILDING SETBACK OF 10 FEET, PER SECTION 06.02.060 OF THE GALLATIN ZONING ORDINANCE, ON A 0.51 (+/-) ACRE PARCEL (TAX PARCEL 148//062.02), ZONED A-AGRICULTURAL RESIDENTIAL DISTRICT, LOCATED AT 164 ODOMS BEND ROAD. (FILE# B-3501-17R)

OWNER: JOHN K. COOPER
APPLICANT: JOHN K. COOPER
STAFF RECOMMENDATION: GMBZA RESOLUTION NO. 2017-03
STAFF CONTACT: JILLIAN OGDEN
MBZA MEETING DATE: MAY 18, 2017

PROPERTY OVERVIEW:
The owner and applicant request a variance of 60 foot variance from the required 75 foot front yard setback to permit a 15 foot building setback from the prescribed future right-of-way line of Odoms Bend Road (30 foot building setback from the current 30 foot wide right-of-way line) and a 30 foot variance from the required 40 foot rear yard to permit a building setback of 10 feet, per Section 06.02.060 of the Gallatin Zoning Ordinance, on a 0.51 (+/-) acre parcel (Tax Parcel 148//062.02), zoned A-Agricultural Residential District, located at 164 Odoms Bend Road. The parcel is currently vacant. The owner proposes to build a Single-Family Residence. A Dwelling One-Family Detached is a permitted use in the A zone district. (Attachment 1)

Requested Variance
The owner and applicant requests a 60-foot front yard variance (from the prescribed future right-of-way line) and a 30-foot rear yard variance, per Section 06.02.060 of the Gallatin Zoning Ordinance, to permit the construction of a single-family residence (Tax Map 148, Parcel 062.02) at 164 Odoms Bend Road. The parcel is located between land owned by the Army Corps of Engineers and Odoms Bend Road.
**CASE BACKGROUND:**

*Property History and Previous Approvals*

The property is currently located in the Planning Region. The property has been zoned A-Agricultural Residential District since its inclusion in the Planning Region and has had no previous zoning requests or approvals. To the northeast is Odoms Bend Road, and to the southwest and southeast is a wooded tract, owned by the United States Army Corps of Engineers (Old Hickory Lake).

The applicant and owner is requesting this variance to permit the construction of a 2,400 square foot single-family residence. The owner intends to sell the land to an interested buyer. A variance is attached to the parcel and is not tied to property owners. Gallatin Zoning Ordinance Section 15.03.020.C requires the owner to submit a plot plan for review by Staff for review before acquiring building permits.

The chart below shows the setback requirements for A Zoning District:

<table>
<thead>
<tr>
<th>PROPERTY LINE</th>
<th>YARD REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>FRONT</td>
<td>75 Feet</td>
</tr>
<tr>
<td>SIDE</td>
<td>30 Feet</td>
</tr>
<tr>
<td>REAR</td>
<td>40 Feet</td>
</tr>
</tbody>
</table>

(Attachment 2)

The parcel’s width to depth ratio is approximately 4:1 at its widest points. The established zoning creates a parcel with no buildable area.

Section 12.04 of the Gallatin Zoning Ordinance requires that building setbacks be considered from the prescribed future right-of-way line of roads due for upgrades at some point in the future. As Odoms Bend Road could potentially be expanded to a 60-foot wide right-of-way according to the Gallatin on the Move 2020 plan, this variance request will be considered from the potential future right-of-way line. (Attachment 4)

<table>
<thead>
<tr>
<th>CURRENT FRONT SETBACK (CURRENT R/W)</th>
<th>PROPOSED FRONT SETBACK (FROM CURRENT R/W)</th>
<th>PROPOSED FRONT SETBACK (FROM FUTURE R/W)</th>
</tr>
</thead>
<tbody>
<tr>
<td>75 Feet</td>
<td>30 Feet</td>
<td>15 Feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CURRENT REAR SETBACK</th>
<th>PROPOSED REAR SETBACK</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 Feet</td>
<td>10 Feet</td>
</tr>
</tbody>
</table>

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

**APPLICABLE G.Z.O. DEFINITIONS**

02.02 Definitions
Yard – That part of a zone lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from a lot line equivalent to a depth or width set forth in the applicable regulations.

Yard, Front – A yard extending along the full length of a front lot line. In the case of a corner lot, a yard of at least full depth required for a front yard in these regulations, and extending along the full length of a street line shall be considered a front yard. At least one such yard shall be designated for each through lot, and each through corner lot.

Yard, Rear – A yard extending for the full length of a rear lot line.

APPLICABLE G.Z.O. SECTIONS

15.05  Zoning Variances

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

15.05.030  Standards for Variances

Section 15.05.030 of the Gallatin Zoning Ordinance states the Board of Zoning Appeals shall not grant a variance unless it makes findings based upon evidence presented to it as described in nine (9) specific criteria that are listed below. The applicant responded to these standards in writing (Attachment 5). The Board shall determine if this variance request meets all nine (9) of the following standards for a variance as required by the Gallatin Zoning Ordinance as described below.

The applicant’s requests for a variance of 60 foot from the required 75 foot front yard setback to permit a 15 foot building setback from the prescribed future right-of-way line of Odoms Bend Road (30 foot building setback from the current 30 foot wide right-of-way line) and a 30 foot variance from the required 40 foot rear yard to permit a rear lot line building setback of 10 feet meets the nine (9) 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 elongated shape of the parcel and the setbacks required by the zoning district prohibit one from constructing a structure. The zoning setbacks result in no buildable area. Additionally, the parcel is undersized for its zoning district. Deeds dating back to 1991 indicate that as long as 26 years ago, the property was non-conforming and City maps indicated it has been within the Planning Region and zoned A-Agriculture Residential since at least 1979. Staff could not find evidence that the parcel was created from a larger lot since before 1979. The A-Agricultural Zoning District requires 2.5 acres for a newly-created lot by current regulations. This unplatted parcel is approximately 0.51 acres, or 22,215 square feet.

B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
   • This variance request is subject to this property only. No other properties would be entitled to a variance if the Board agrees to grant this variance.
C. The variance will not authorize activities in a zone district other than those permitted by this Ordinance.
   - This variance will not authorize any use or activity that is currently not permitted in the A zoning district.

D. Financial returns only shall not be considered as a basis for granting a variance.
   - While financial returns contribute to this case, they are not the only basis for the granting of this variance. The parcel is undersized for its zoning district and has constraining yard requirements. A variance would be required for the construction of any building on this property.

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 current Ordinance was adopted in 1998. Prior to 1998, previous ordinances contained the same development requirements in the A-Agricultural Residential District. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of the Ordinance. The parcel was this shape and size prior to the current ownership. Staff could not find evidence of when the parcel was initially created. However, it is most apparent that the parcel likely included lands that extended further to the south towards Bull Creek. These lands were acquired by the Army Corps of Engineers upon the development of Old Hickory Lake in the 1950s.

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 not confer on the owner any special privilege that is currently denied by the Gallatin Zoning Ordinance to any other property or building within this zone district. The parcel is unbuildable due to its odd shape, lack of acreage, and zoning requirements. The Property Appraisers information provided on the tax sheet on the web page even describes the parcel as, “Can’t be built on too small!”

G. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
   - A variance would be required for the construction of any building on this 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 owners or properties. A small portion of the rear of the parcel is designated with special flood hazard area (Zone AE), based on the latest adopted Flood Insurance Rate Map. However, the residence is not within the flood zone AE. A Flood Elevation Certificate will be required upon application for a building permit. The one-half acre parcel does not have access to sanitary sewer. A septic tank/drain field will be required or other suitable system approved by the Health Department. Granting of a setback variance in no way implies that the parcel is eligible for a septic permit. A condition of approval will be upon extension of sanitary sewer to the property (including along Odoms Bend Road adjacent to the property), the property owner shall connect to central sewer.
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. The rear property line of this parcel is adjacent to property owned by the United States Army Corps of Engineers and sufficient side yards meeting the requirements of the zoning code will be provided.

15.05.040 Non-conformity Does Not Constitute Grounds for Granting of a Variance
No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

15.05.050 Prohibition of Use Variances
Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

15.05.060 Conditions and Restrictions by the Board
The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Section 15.05.030 to reduce or minimize the injurious effect to such variation; upon surrounding property and better carry out the general intent of this Ordinance. The Board may establish expiration dates as a condition or as a part of the variances.

If this variance request is approved, the owner shall submit a plot plan for the parcel, per Gallatin Zoning Ordinance Section 15.03.020.C, for review by Staff to acquire building permits. This will require an Elevation Certificate.

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 had no comments.

RECOMMENDATION
Staff recommends that the Gallatin Regional Board of Zoning Appeals approve GRBZA Resolution No. 2017-03.

ATTACHMENTS
Attachment 1 Location Map
Attachment 2 Section 06.02.060, G.Z.O.
Attachment 3 Site Plan for Proposed Residence
Attachment 4 Right-of-Way Exhibit
Attachment 5 Applicants response to the Standards for Variance
Cooper Variance
B-3501-17R

Zoning: A-Agriculture Residential

SEE 1'=100'
MAP 148D

ATTACHMENT 1
06.02 Purposes and Intent of A-Agricultural Residential Districts

These districts are designed to provide permissible areas for the growing of crops, animal husbandry, dairying, forestry and other similar activities which generally occur and characterize rural rather than urban areas. These districts are designed, furthermore, to provide for very low density residential development generally on unsubdivided tracts of land whereon public sanitary service is least practical. In addition, these districts may include areas and lands not suited by reason of soil, geologic, topographic, or other limitations for development. 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 environment without creating objectionable or undesirable influences upon residential developments or influences which are incompatible with rural environment.

06.02.010 Principal Permitted Uses and Structures

Within the A-Agricultural Districts as shown on the Gallatin Regional Zoning Map, the following activities, as described in Section 03.05 are permitted:

Residential Activities
   Dwelling One-Family Detached
   Community Residential Home

Community Facility Activities
   Essential Service

Agricultural Activities
   Plant Nursery
   Crop and Animal Raising
   Agricultural Uses and Purposes

06.02.020 Principal Permitted Accessory Uses

A. Living quarters of persons regularly employed on the premises;
B. Private barns, stables, sheds, and other farm buildings;
C. Private garages and parking areas;
D. Outdoor recreation facilities exclusively for the use of the residents;
E. Signs in compliance with the regulations set forth in Section 13.07;
F. Home occupations as defined and subject to the provisions of this Ordinance;
G. Accessory uses or structures customarily incidental to the above permitted uses.
06.02.030  **Conditional Uses**

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

**Residential Activities**

Bed and Breakfast Homestay  
Bed and Breakfast Inn

**Community Facility Activities**

Limited Child and Adult Care  
Nursing Home  
Community Assembly  
Non-assembly Cultural  
Health Care  
Utility and Vehicular  
Intermediate Impact  
Place of Worship  
Community Education

**Commercial Activities**

Group Assembly Limited  
Group Assembly Extensive

06.02.040  **Prohibited Uses**

Any uses or structures not of a nature specifically permitted herein by right, by accessory use or by conditional use.

06.02.050  **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 development, enlargements, extensions, or conversions; provided, however, that all barns, sheds, silos, or other buildings used exclusively for agricultural purposes shall be exempt from these regulations.

A. Maximum Lot Coverage Permitted - The maximum zone lot coverage for all structures, including accessory structures, shall not exceed ten (10) percent of the total lot area.

B. Floor Area Ratio - The maximum floor area ratio shall be 0.11

06.02.060  **Area and Yard Requirements**

A. General Provisions - General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions
prohibited at street intersections, adjustments for lot area remainder, and exceptions to these provisions are contained in Articles 12.01 and 13.01 of this Ordinance.

B. Minimum Required Lot Area - the minimum required lot area shall be 2 ½ acres.

C. Basic Yard Regulations - The basic yard regulations below apply to all zone lots within the A zoning district, except as provided in Section 12.12. Greater yard and building setbacks may be required when the A zoned properties are located adjacent to a separate zoning district to comply with bufferyard requirements of Article, 13, Section 13.03.

1. Front Yards - Minimum of 75 feet
2. Side Yards - Minimum of 30 feet
3. Rear Yard - Minimum of 40 feet

Setbacks from roadways scheduled for widening shall meet the setback from the projected future right-of-way line as identified in the Comprehensive Plan.

D. Minimum Lot Width - Minimum Lot Width at the Building Line: 150 feet
VARIANCE CHECKLIST

Project Name: John K. Cooper
Map #: 148 Group: Parcel #: 62.02
Contact Person: John K. Cooper
PC File Number: B-3501-17R

The Variance checklist is designed to assist applicants with identifying the information that must be included on all Boards of Zoning Appeals (BZA) applications. Initial submittals must include a completed BZA Application Form, a completed Variance checklist, and nine (9) folded copies of the Variance documents by 4:30 PM on the submittal deadline.

The Municipal and Regional Boards of Zoning Appeals may grant variances where it makes findings of fact based upon the standards outlined below. Please provide a written description that explains how the variance being requested addresses the following nine standards for variances:

☐ 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 structure to be built could not be a conventional style or size home. The shape of the lot is unconventional to standard building.

☐ The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;
   - The alleged variance would not apply to any other property.

☐ The variance will not authorize activities in a zone district other than those permitted by this Ordinance;
   - Single family dwelling

☐ Financial returns only shall not be considered as a basis for granting a variance;
   - Single family dwelling

☐ 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;
That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same districts;  

No

The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

- Requesting a left-side variance
- Requesting only a right-side variance

The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and

No

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.

No