



# BOARD OF ZONING APPEALS

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## MEETING MINUTES

October 1st, 2025

The duly advertised meeting of the Board of Zoning Appeals was held on October 1st, 2025, at 10:00 a.m. in conference room 1A of the Development Resource Center Building.

Chairman Scott McColpin called the meeting to order at 10:08 AM.

### **Board Attendance:**

- ☒ Ray Adkins
- ☒ Alan Richelson
- ☐ Susan Gilmore
- ☒ Scott McColpin
- ☒ Paul Betbeze
- ☒ Rudolph Foster
- ☒ Joe Manuel
- ☒ Lee Brock
- ☒ J.T. McDaniel

**Thank you for your service to the Board as well as the constituents, Alan Richelson!**

### **Staff Attendance:**

- ☒ Presenter: Levi Witt
- ☐ Admin: Shelby Ogle
- ☒ Admin: Nia York
- ☒ Admin: Tara Ellis
- ☐ Zoning Code Inspector: Zachary Wiley
- ☒ Assistant Director: Darien Gilkenson
- ☒ Transportation: Caleb Fisher
- ☒ Court Reporter: Lori Roberson
- ☐ Landscape Architect: Karna Levitt
- ☒ City Attorney: Andrew Trundle

**Swearing In:** Court Reporter Lori Roberson swore in people addressing the Committee.

**Rules and Regulations:** Chairman Scott McColpin explained the rules and procedures and announced the meeting is being recorded.

**Voting Majority:** 7 members present – 4 is the majority.

**Approve Minutes:** Chairman Scott McColpin presented the August 6th, 2025 Meeting Minutes to be voted on. No amendments need to be made. *Ray Adkins* motioned to **APPROVE** the August minutes. *Rudolph Foster* seconded the motion. Voice Vote: All in favor. **The motion carries 7-0.**

**Chairman Announcements:** Next meeting will be Wednesday, November 5th, 2025.

**Agenda Revisions:**

BZA-25-59: 7444 Pinewood Dr. – Applicant has requested to withdraw. *Chair Scott McColpin* motions to withdraw without prejudice. *Alan Richelson* seconds the motion. Voice Vote: All in Favor. **The motion carries 7-0.**

BZA-25-63: 1416 Wheeler Ave.—Applicant has requested to withdraw. *Chair Scott McColpin* motions to withdraw without prejudice. *Joe Manuel* seconds the motion. Voice Vote: All in Favor. **The motion carries 7-0.**

BZA-25-72: 1009 Reads Lake Rd.— Chair *Scott McColpin* moves this to first on the agenda.

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## **NEW BUSINESS**

### **- BZA-25-72: 1009 Reads Lake Rd., 37415: Zoning Interpretation (Potential Variance)**

**District:** 1

**Zone:** C-C

**Special Exception Request:** Requesting an interpretation of lots excluded from the Suburban Infill Lot Compatibility Option.

**Staff/Applicant Presentation and Discussion:** Levi Witt presented the case to the Board.

Applicant John Martin and Taft Sibley, owners of the property, presented to the Board that they are not seeking a variance, but are seeking an interpretation of the code for how it is written specifically. Mr. Sibley then gave the Board some background on how they came to be owners of the property. He presented plans that they made from the beginning of their ownership and that at this point they now have a portion of their property that they are now seeking from the Board to review the code as it is written. He then presented a Zoning Verification Letter that states there is a 60 ft road frontage requirement for the property. They then discussed the reason for their denial for subdivision. The Board then asked them some questions about the process that led them to the Board. They stated that the Regional Planning Agency made several attempts to deny the subdivision plat. The Board then asked the Applicants to clarify which portion of the property they are before the Board in regards to. The Board then asked what width the proposed lots would be and the Applicant stated that they averaged 83 feet. The Board then asked more questions about the request.

**Paul Betbeze arrived at 10:27 AM. Majority Update: 8 members present – 5 is the new majority.**

**Community Response:**

Councilman of District 1 Chip Henderson stated that he is there as a representative for the neighborhood – 19 members – that are in opposition to the request and the subdivision of the lot. He stated that there are 5 proposed lots and that they are subject to the 120ft lot frontage requirement for the suburban infill overlay lots regulations and their proposed lots are much less than that. He then informed the Board of why they are in opposition of the proposed subdivision and the reasoning behind why it was denied by the Regional Planning

Agency and a previous BOZA case that was also denied. He requested that they uphold the RPA's interpretation and deny the application. The Board then asked for confirmation that the property is within the suburban infill overlay lots and that it trumps the normal zoning code's requirements. Assistant Director Darien Gilkenson presented to the Board that in the 2020 BOZA case, the Board at the time upheld the interpretation of the code that RPA gave. She then explained how the infill lot frontages are calculated.

Debra Roth, representing the neighborhood, presented to the Board that the lots in the proposed subdivision would not match the fabric of the neighborhood and that she has one of the lots that are directly across from the proposed subdivision and is concerned about the subdivision.

**City Attorney Notification:**

City Attorney Andrew Trundle informs the Board that their jurisdiction is to agree or disagree with the interpretation that the Regional Planning Agency made in regards to what the code states.

**Board Motion and Vote:**

- Alan Richelson made a motion to **DENY** case #: BZA-25-72: 1009 Reads Lake Rd. and agree with the Regional Planning Agency and their interpretation of the code.

Joe Manuel seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: Yes

Lee Brock: Abstain

J.T. McDaniel: Yes

**The motion carries 7-0 with 1 abstention.**

## **OLD BUSINESS**

- **BZA-25-54: 1004 Normal Ave., 37404: Setback Reduction Variance**

**District:** 2

**Zone:** RN-1-5

**Variance Request:** Reduction in front setback from 15 feet to 10 feet and a reduction in rear setback from 25 feet to 5 feet.

**Staff/Applicant Presentation and Discussion:** Levi Witt presented the case to the Board.

Applicant John Sweeton informed the Board that new sediment control plans had been submitted earlier that morning, leaving neither Staff nor the Board time to review them. The Board asked him to explain the revisions, and Zeca Ferraz from Chattanooga Engineering presented the changes made to the updated plans.

**Community Response:** There were letters of opposition emailed to Staff that were presented to the Board. Karen Taber, who lives 3 houses down from this property, presented to the Board that she is in opposition to the development.

### Board Motion and Vote:

- Paul Betbeze made a motion to **DENY** case #: BZA-25-54: 1004 Normal Ave.

Joe Manuel seconded the motion.

#### Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: Yes

Lee Brock: No

J.T. McDaniel: No

**The motion carries 6-2.**

**Joe Manuel left at 11:29 AM. Majority Update: 7 members present – 4 is the new majority.**

- **BZA-25-57: 4029 Harbor Hills Rd., 37416: Setback Reduction Variance**

**District:** 3

**Zone:** RN-1-6

**Variance Request:** Reduction in rear setback from 25 feet to 17 feet and a reduction in left side setback from 5 feet to 0 feet.

**Staff/Applicant Presentation and Discussion:** Levi Witt presented the case to the Board.

Applicant Kenneth Ware appeared before the Board and was asked whether he had considered moving the proposed addition to the right side of the property, which would eliminate the need for a variance. The Board reviewed subdivision regulations, noting that the setback cannot be reduced to 5 feet, and discussed what hardship, if any, would justify the request.

**Community Response:** No community comments.

### Board Motion and Vote:

- Paul Betbeze made a motion to **APPROVE** case #: BZA-25-57: 4029 Harbor Hills Rd., for a reduction in rear setback from 25 feet to 17 feet and left side setback from 5 feet to 0 feet based on the hard ship of irregular lot shape.

Rudolph Foster seconded the motion.

#### Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

The motion carries 7-0.

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## **NEW BUSINESS**

### **- BZA-25-61: 1607 Central Ave., 37408: Monument Sign Setback Reduction Variance**

**District:** 7

**Zone:** I-H

**Variance Request:** Reduction in the Right-of-Way setback from 15' to 0' for a new sign.

**Staff/Applicant Presentation and Discussion:** Levi Witt presented the case to the Board.

Applicant Aaron Brown explained that the site contains multiple tenants and they are requesting a roadside sign to identify the businesses in the complex. He stated the sign would be low to the ground, residential in appearance, minimally lit, and approximately 3-4 feet tall, set within a flower bed. The Board asked questions regarding the submitted renderings. Transportation Specialist Caleb Fisher noted that documentation is required to confirm the sign does not encroach into the 25-foot sight triangle. The applicant stated they believe the sign would not encroach any more than the neighboring building.

**Community Response:** No community comments.

#### **Board Motion and Vote:**

- *Paul Betbeze* made a motion to **APPROVE** case #: BZA-25-61: 1607 Central Ave. for a reduction in right-of-way setback from 15 feet to 0 feet, contingent upon the sign meeting traffic code requirements for the 25 foot site triangle.

*Alan Richelson* seconded the motion.

#### **Roll Call Vote:**

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

**The motion carries 7-0.**

### **- BZA-25-66: 2408 Awtry St., 37406: Special Exception for a Group Home: For-Profit**

**District:** 9

**Zone:** RN-1-5

**Variance Request:** Requests a Special Exception for a Group Home: For-Profit in the RN-1-5 zone.

**Staff/Applicant Presentation and Discussion:** Levi Witt presented the case to the Board.

Applicant Kristie Tyler explained to the Board that she intends to operate her home as a model residence for disabled and special-needs adults. She shared that her 19-year-old special-needs daughter currently lives

there and that her goal is to provide a supportive home environment with meals, activities, and daily assistance. She plans to begin by housing 2–3 high-functioning adults, with the potential to serve more in the future. In response to Board questions, she stated that she is working with a contractor to make necessary updates to the home and described the home's size and bedroom layout. Ms. Tyler confirmed she would be present full-time to assist residents. The Board then asked the City Attorney whether a special exception would be required given the plan for fewer than four adults, and whether that provision applies to adults as well as children.

**Community Response:** Councilman Ron Elliot spoke in opposition to the request on behalf of the community. He stated that while he appreciates the applicant's intent to serve the community, the neighborhood does not want additional commercial activity. He noted that similar operations in his district have resulted in multiple violations and expressed concern about repeating those issues. He added that 16 nearby residents have signed a petition opposing the request.

Naomi Dedmon, a community ambassador, presented the Board with a petition signed by 16 residents opposing the request. She stated that she believes the proposed use would negatively impact the street's structure, hinder community growth, and potentially lower nearby property values.

There were 7 emails that were received in opposition to the case.

#### **Board Motion and Vote:**

- J.T. McDaniel made a motion to **DENY** case #: BZA-25-66: 2408 Awtry St.

*Rudolph Foster* seconded the motion.

#### Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: No

Scott McColpin: Yes

Paul Betbeze: Abstain

Rudolph Foster: Yes

Lee Brock: No

J.T. McDaniel: Yes

**The motion carries 4-2 with 1 abstention.**

- **BZA-25-67: 519 Oliver St., 37405: Setback Reduction Variance**

**District:** 2

**Zone:** RN-3

**Variance Request:** Reduction in the rear setback from 25 feet to 12 feet for an addition.

**Staff/Applicant Presentation and Discussion:** Levi Witt presented the case to the Board.

Applicant Justin Hamel explained that although the property initially seemed sufficient, further evaluation revealed the need for foundation repairs, prompting plans to expand the home's footprint by approximately 800 square feet. He stated that the setback reduction requested applies to the alley side of the property. The Board confirmed that the existing carport will be demolished, and Mr. Hamel agreed. The Board then asked several questions regarding the submitted site plan and sought clarification on the specific setback request and its location.

**Community Response:** None

**Board Motion and Vote:**

- *Paul Betbeze* made a motion to **APPROVE** case #: BZA-25-67: 519 Oliver St. for a reduction in the rear setback from 25 feet to 12 feet for an addition with a hardship of an irregular shaped lot and the setback reduction only applies to the setback listed on the site plan.

*Ray Adkins* seconded the motion.

**Roll Call Vote:**

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

**The motion carries 7-0.**

- **BZA-25-68: 2105 S Lyerly St., 37404: Relief from Mixed-Use and Commercial Zones Dimensional and Development Requirements**

**District:** 9

**Zone:** C-MUI

**Special Exception Request:** Reduction in ground floor transparency from 50% to 0% for street-facing facades on E 21st street and S Lyerly Street.

**Staff/Applicant Presentation and Discussion:** Levi Witt presented the case to the Board.

Applicant Donna Shepherd, with Kimley-Horn, presented to the Board regarding a project on the outskirts of the Milltown area. She explained that the property was formerly zoned C-3 but was rezoned to C-MUI under the new zoning code. The proposal is for an indoor pickleball facility, which she stated would foster community engagement and benefit the neighborhood. She noted that the new zoning requires windows, which were not required under the previous zoning, and that rezoning is not feasible as no alternative zones would meet their needs. Ms. Shepherd explained that the required windows could create safety issues due to sunlight and shadows, and identified the change in the zoning code as the project's hardship.

**Community Response:** Councilman Ron Elliot presented to the Board that he is in support of the project and that it would be a great addition to the neighborhood.

**Board Motion and Vote:**

- *J.T. McDaniel* made a motion to **APPROVE** case #: BZA-25-68: 2105 S Lyerly St. for a reduction in ground floor transparency from 50% to 0% for street-facing facade.

*Paul Betbeze* seconded the motion.

**Roll Call Vote:**

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

**The motion carries 7-0.**

- [BZA-25-69: 3261 Lightfoot Mill Rd., 37406: Relief from Sec. 38-50](#)

**District:** 5

**Zone:** C-C

**Special Exception Request:** Requesting relief from sec. 38-50 (b) (2) for the location of a detached shed.

**Staff/Applicant Presentation and Discussion:** Levi Witt presented the case to the Board.

Applicant Thaddeus Swoopes explained that he operates an automotive repair and maintenance business and built a new garage to expand his workspace. The Board confirmed that the garage has already been constructed and discussed its location at the front of the lot, with Staff clarifying that the front is determined by the mailbox placement. The Board asked whether other structures on the lot are permanent, and Mr. Swoopes confirmed they are bolted to the ground. Additional questions were raised regarding the structure and the company that installed it. Assistant Director Darien Gilkenson recommended deferring the case to the next meeting to allow Staff time to research and clarify details.

**Community Response:** None

**Board Motion and Vote:**

- Rudolph Foster made a motion to **DEFER** [case #: BZA-25-69: 3261 Lightfoot Mill Rd.](#) to the November meeting.

Paul Betbeze seconded the motion.

Voice Vote:

All in favor.

**The motion carries 7-0.**

- [BZA-25-71: 2332 Shallowford Village Dr., 37421: Pylon Sign Increase Max Height Variance](#)

**District:** 6

**Zone:** C-C, C-R

**Special Exception Request:** Requesting an increase in the maximum allowed sign height from 30 feet to 70 feet for a new sign.

**Staff/Applicant Presentation and Discussion:** Levi Witt presented the case to the Board.

Applicant Matt Stansell presented to the Board a request for a 70-foot sign to improve visibility from the interstate. He noted that other nearby businesses along the interstate have similarly tall signs and referenced the property's history, stating that a tall sign existed previously for the former business on the site.

**Community Response:** None

**Board Motion and Vote:**

- Alan Richelson made a motion to **DENY** case #: BZA-25-71: 2332 Shallowford Village Dr..

No second. The motion fails due to a lack of a second.

- J.T. McDaniel made a motion to **APPROVE** case #: BZA-25-71: 2332 Shallowford Village Dr., to increase the allowed maximum sign height from 30 feet to 70 feet for a new sign.

Paul Betbeze seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: No

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

**The motion carries 6-1.**

- **BZA-25-73: 7404 Tyner Rd., 37421: Increase to Allowed Parking Spaces Variance**

**District:** 6

**Zone:** RN-2

**Special Exception Request:** Requesting an increase in maximum allowed parking spaces from 274 to 300.

**Staff/Applicant Presentation and Discussion:** Levi Witt presented the case to the Board.

Chair Scott McColpin confirmed with the Applicant that the project, a medical facility, involves multiple addresses—7404, 7406, 7405, 7409, 7410, and 7415 Tyner Road—though the case has a singular address for record purposes. Applicant Jay Floyd explained that the variance is requested to provide additional parking, as records from the facility indicate more spaces are needed. He noted that previous zoning did not establish a parking maximum, necessitating the variance request. The Board asked whether the residential lots would be rezoned to align with the mixed-use commercial zoning of neighboring lots, and the Applicant stated that some lots have already been rezoned, with another scheduled for City Council consideration.

**Community Response:** None

**Board Motion and Vote:**

- Alan Richelson made a motion to **APPROVE** case #: BZA-25-73: 7404 Tyner Rd., to increase the allowed number of parking spaces from 274 to 300 to include the 6 above listed addresses.

Rudolph Foster seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

**The motion carries 7-0.**

- **BZA-25-74: 112 Baker St., 37405: Setback Reduction Variance**

**District:** 2

**Zone:** RN-2

**Special Exception Request:** Reduction in front setback from 15 feet to 10 feet and a reduction in rear setback from 25 feet to 10 feet.

**Staff/Applicant Presentation and Discussion:** Levi Witt presented the case to the Board.

Applicant Jordan Wood presented to the Board regarding a proposed three-story house with a basement. The variance is requested due to the lot's topography, an existing retaining wall, and the presence of an easement. The Board asked about the size of the proposed house and expressed concern that it may be too large for the lot; Mr. Wood stated it will be nearly 3,000 square feet. He also discussed the challenges of reorienting the front of the house to face a different direction.

**Community Response:** None

**Board Motion and Vote:**

- Paul Betbeze made a motion to **APPROVE** case #: BZA-25-74: 112 Baker St. for a reduction in front setback from 15 feet to 10 feet and a reduction in rear setback from 25 feet to 10 feet according to the proposed site plan and due to the hardship listed as topography and an easement.

Rudolph Foster seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: No

Paul Betbeze: Yes

Rudolph Foster: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

**The motion carries 6-1.**

- **BZA-25-75: 7410 Sonia Ln., 37421: Special Exception: Parking Lot (Principle Use)**

**District:** 6

**Zone:** C-C

**Special Exception Request:** Requesting a Special Exception for a Parking Lot (Principal Use) in the C-C Zone.

**Staff/Applicant Presentation and Discussion:** Levi Witt presented the case to the Board.

Applicant requested to withdraw the request.

**Community Response:** None

**Board Motion and Vote:**

- Chair Scott McColpin made a motion to **WITHDRAW** case #: BZA-25-75: 7410 Sonia Ln., without prejudice.

Paul Betbeze seconded the motion.

Voice Vote:

All in favor.

**The motion carries 7-0.**

- **BZA-25-76: 205 Minor St., 37405: Special Exception: Drug Treatment Clinic**

**District:** 2

**Zone:** E-IX-3

**Special Exception Request:** Requests a Special Exception for a Drug Treatment Clinic in the E-IX-3 Form-Based Code zone

**Staff/Applicant Presentation and Discussion:** Levi Witt presented the case to the Board.

Applicant Mike McGowan, the project architect, explained that a previous project was built on the property, and for an unknown reason, the original special exception holder subdivided the lot. They are now seeking to build on the newly created lot and were informed that a new special exception must be obtained from the Board for this property.

**Community Response:** None

**Board Motion and Vote:**

- Paul Betbeze made a motion to **APPROVE** case #: BZA-25-76: 205 Minor St., for a special exception for a Drug Treatment Clinic in the E-IX-3 (Form-Based Code) zone.

Lee Brock seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

**The motion carries 7-0.**

**Chair Scott McColpin motioned to adjourn the meeting.  
The meeting was adjourned at 1:50 P.M..**

  
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Scott McColpin, Chairman

3-Dec-2025  
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Date

  
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Shelby Ogle, Admin

12-3-25  
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Date