



BOARD OF ZONING APPEALS

MEETING MINUTES

March 5th, 2025

The duly advertised meeting of the Board of Zoning Appeals was held on March 5th, 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 10:03 a.m..

Board Attendance:

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

Staff Attendance:

- ☒ Presenter: Levi Witt
- ☒ Admin: Shelby Ogle
- ☐ Admin: Karen Murphy-Cannon
- ☒ Zoning Code Inspector: Zachary Wiley
- ☐ Transportation: Caleb Fisher
- ☒ Court Reporter: Beth Pell
- ☐ Landscape: Karna Levitt
- ☒ City Attorney: Kathryn McDonald
- ☒ City Attorney: Phil Noblett

Swearing In: Court Reporter Beth Pell 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: 9 members present – 5 is the majority.

Approve Minutes: Chairman Scott McColpin presented the February 5th, 2025 Meeting Minutes to be voted on. No amendments need to be made. *Lee Brock* motioned to **APPROVE** the February 5th minutes. *Paul Betbeze* seconded the motion. Voice Vote: All in favor. **The motion carries 9-0.**

Chairman Announcements: Next meeting will be April 2nd, 2025.

OLD BUSINESS

- [**BOZA-24-105: 316 Glendale Dr., 37405: Setback Reduction Variance**](#)

District: 1

Zone: R-3 Residential Zone

Variance Request: Reduction in front setback from 25 feet to 9.3 feet and a reduction in rear setback from 25 feet to 5.1 feet.

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

Applicant requests a one month deferral to the April meeting.

Community Response: None

Board Motion and Vote:

- *Chair Scott McColpin* made a motion to **DEFER** case #: [**BOZA-24-105: 316 Glendale Dr.,**](#) to the April 2025 meeting, this is the last deferral that will be granted.

Ray Adkins seconded the motion.

Voice Vote: All in Favor.

The motion carries 9-0

NEW BUSINESS

- [**BZA-25-5: 1127 Westwood Ave., 37405: Setback Reduction Variance**](#)

District: 2

Zone: RN-1-5 (Residential Neighborhood)

Variance Request: Reduction in side setback from 5 feet to 4.3 feet for new construction of a car port.

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

Applicant Matt Brown representing the owner of the home who came to them with a full set of plans to build a carport. He stated that he then built the carport to the specifications on the plan and then realized that the carport was impeding 9 inches into the setback at one corner of the carport. The Board then asked the Applicant questions about if the project was complete already and he stated that it was complete. The Board then questioned the carport that was directly beside the carport that the Applicant built and he gave them some background about the previous owners of both properties. They then discussed if there were any differences between what the Applicant built and the plans that he was provided as well as some questions to the City Attorney about the legal nonconforming status of the carport.

Community Response: None

Board Motion and Vote:

- *Paul Betbeze* made a motion to **APPROVE** case #: BZA-25-5: 1127 Westwood Ave., for a reduction in the right side setback from 5 ft to 4.3 ft on the back corner of the car port and due to it being no less nonconforming than the neighbor's car port.

Lee Brock seconded the motion.

Paul Betbeze made a motion to withdraw his motion and *Lee Brock* seconded.

- *Paul Betbeze* made a motion to **APPROVE** case #: BZA-25-5: 1127 Westwood Ave., for a reduction in the right side setback from 5 ft to 4.3 ft on the back corner of the car port for the narrowness of the lot.

Lee Brock seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Susan Gilmore: Yes

Scott McColpin: No

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: No

Lee Brock: Yes

J.T. McDaniel: Yes

The motion carries 7-2.

- **BZA-25-6: 899 Cherokee Ave., 37405: Short Term Vacation Rental Appeal**

District: 1

Zone: E-CX-3 (Form-Based Code)

Appeal Request: Denial of STVR-24-161 made by the Land Development Office.

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

Applicant Christopher Porter along with Attorney Luis Bernson presented to the Board that the Applicant applied for an absentee short term vacation rental certificate from the City of Chattanooga. His application was rejected due to the 25% capacity on multi-unit buildings the code stipulates for short term rentals. He then stated that he believes that there were errors in the denial of his application by the Land Development Office. The Applicant's Attorney then presented to the Board some history on the development as well as the fact that it was a Horizontal Property Regime development. The Board then asked Zoning Code Inspector Zachary Wiley for the Land Development Office's perspective on the case and the results of the application. He presented that per the City of Chattanooga Zoning Code there is a 25% maximum of allowed certificates in a multi-unit building with 7 units and there was already an active certificate and therefore this application had to be rejected due to the 25% max. The Board then went into further discussion with the City Attorney about horizontal property regimes and multi-unit buildings and developments. The Board also asked the Applicant and his attorney more questions about their application and the reason for the appeal.

Community Response: Emailed Comment Read Into Record.

Board Motion and Vote:

- Susan Gilmore made a motion to **DENY** case #: BZA-25-6: 899 Cherokee Blvd Unit 117, in support of the Land Development Office's original denial decision.

Joe Manual seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Susan Gilmore: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

The motion carries 9-0.

Chair Scott McColpin called for a 10 minute break.

- **BZA-25-8: 1608 S Orchard Knob Ave., 37404: Setback Reduction Variance**

District: 8

Zone: RN-2 (Residential Neighborhood)

Variance Request: Reduction in rear setback from 25 feet to 22 feet for new construction of an addition.

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

Applicant Garrett Hebb, owner of the property and working on the renovation, presented to the Board that they are renovating the property with the intention to utilize it as a rental property. He presented that it is currently a 2 bedroom 1 bathroom home and they would like to add an additional bathroom to make it more appealing for renters. The Board then questioned the Applicant on what their hardship is as well as where the variance request is for in relation to the proposed addition. The Board then asked some questions about the dimensions of the lot.

Community Response: None

Board Motion and Vote:

- Lee Brock made a motion to **APPROVE** case #: BZA-25-8: 1608 S Orchard Knob Ave., for a rear setback reduction from 25 ft to 22 ft for exceptional shallowness of lot.

J.T. McDaniel seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Susan Gilmore: Yes

Scott McColpin: No

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: No

Lee Brock: Yes

J.T. McDaniel: Yes

The motion carries 7-2.

- BZA-25-9: 210 Brookfield Ave., 37411: Setback Reduction Variance

District: 6

Zone: RN-1-6 (Residential Neighborhood)

Variance Request: Reduction in side setback from 5 feet to 2 feet for new construction of an addition/garage.

Alan Richelson recused himself.

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

Applicants John and Hannah Griggs presented to the Board that they are looking to get a reduction in the side setback for an addition to their home to better accommodate their family. They are wanting to build a garage as well as a couple of rooms. The Board then asked the Applicant some questions about where the addition is as well as what their hardship is. The Board then discussed the size of the lot and the lack of a hardship.

Community Response: None

Board Motion and Vote:

- *Paul Betbeze* made a motion to **DEFER** case #: BZA-25-9: 210 Brookfield Ave., to the April meeting.

Rudolph Foster seconded the motion.

Voice Vote:

All in favor.

The motion carries 8-0 (with 1 recusal).

- BZA-25-10: 2801 Rossville Blvd., 37411: Setback Reduction Variance

District: 8

Zone: C-C (Commercial Corridor)

Special Exception Request: Request for a Drive-Thru.

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

Applicant Wells Holladay presented to the Board that they are requesting to be allowed to have a drive thru for the fast food restaurant they would like to build. He stated that there are multiple businesses in the area that have drive-thrus and it would not be an out of place establishment. He presented that they need a special exception for the drive-thru due to the new zoning ordinance. The Board then asked some questions about the business type and the site plan. They also asked questions about the traffic flow with the drive-thru.

Community Response: None

Board Motion and Vote:

- *Lee Brock* made a motion to **APPROVE** case #: BZA-25-10: 2801 Rossville Blvd. for a special exception for a drive thru in the C-C (Commercial Corridor) zone.

Joe Manual seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Susan Gilmore: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

The motion carries 9-0.

- **BZA-25-11: 207 Spears Ave., 37405: Setback Reduction Variance**

District: 1

Zone: C-C (Commercial Corridor)

Variance Request: Request for a Drive-Thru.

Staff/Applicant Presentation and Discussion: Levi Witt presented to the Board that this request was already approved and the Applicant thought that they needed an additional special exception.

Board Motion and Vote:

- *Chair Scott McColpin* made a motion to **WITHDRAW** case #: BZA-25-11: 207 Spears Ave. without prejudice.

Lee Brock seconded the motion.

Voice Vote:

All in favor.

The motion carries 9-0.

- **BZA-25-12: 518 Tucker St., 37411: Setback Reduction Variance**

District: 8

Zone: RN-1-5 (Residential Neighborhood)

Variance Request: Reduction in side setback from 5 feet to 0 feet for an existing accessory dwelling unit remodel.

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

Applicants Andrew Bresee and Matt Ramirez, owners of the property, presented to the Board that they bought the property back in October 2024 and it already had an existing accessory dwelling unit (ADU) on the property. They stated that the ADU sits right on the property line and before they can get a building permit to rehabilitate it and bring it up to code, they have to get a variance for the setback. They stated that they are planning to

demolish the existing structure, but they want to be able to build it back within the same footprint of the existing ADU. The Board then asked the Applicant some more questions about their plan for the site as well as where the ADU is located on the property.

Community Response: Robert Bagby, the resident of the property located at the same lot line where the ADU is, presented to the Board that he approves of the remodel of the ADU and has no issues with the location and is in support of the variance request.

Board Motion and Vote:

- *Paul Betbeze* made a motion to **APPROVE** case #: BZA-25-12: 518 Tucker St., for a reduction in side setback from 5 ft to 0 ft due to the narrowness of lot and the already nonconforming status of the structure.

Lee Brock seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Susan Gilmore: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: No

Lee Brock: Yes

J.T. McDaniel: Yes

The motion carries 8-1.

- **BZA-25-14: 1017 Dartmouth St., 37405: Setback Reduction Variance**

District: 8

Zone: RN-1-5 (Residential Neighborhood)

Variance Request: Reduction in side setback from 5 feet to 0 feet for an existing porch.

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

Applicant Tracy Smith, owner of the property, presented to the Board that she bought the property from a friend, who was selling it, who also lives in the lot right beside this property. She stated that he got a survey completed to build a fence and it was found out that the porch that was attached to her house was actually partially on his property. She then went to the Regional Planning Agency to begin the process of adjusting the lot lines to allow the structure to be fully on her property and they told her that she would need to get a variance from the Board for a setback reduction for the porch. The Board then asked some clarifying questions about the structure and the lot lines.

Community Response: None

Board Motion and Vote:

- *Paul Betbeze* made a motion to **APPROVE** case #: BZA-25-14: 1017 Dartmouth St., for a left side setback reduction from 5 ft to 0.73 ft per the site plan for an existing screen-in porch to allow for replatting and moving the lot line to a new location (also noted that it is existing nonconforming and does not need a variance).

Paul Betbeze seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Yes

Susan Gilmore: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: Yes

Lee Brock: Yes

J.T. McDaniel: Yes

The motion carries 9-0.

Chair Scott McColpin adjourned the meeting at 12:15 p.m..



Scott McColpin, Chairman

7-May-2025

Date



Shelby Ogle, Admin

5/7/25

Date