



BOARD OF ZONING APPEALS

MEETING MINUTES

November 6th, 2024

The duly advertised meeting of the Board of Zoning Appeals was held on November 6th, 2024, at 10:00 a.m. in conference room 1A of the Development Resource Center Building. Chairman Scott McColpin called the meeting to order at 10:00 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: Lori Roberson
- ☒ Landscape: 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: 5 members present - 3 is the majority.

Approve Minutes: Chairman Scott McColpin presented the August 7th, 2024 Meeting Minutes to be voted on. No amendments need to be made. Ray Adkins motioned to **APPROVE** the August 7th minutes. Rudolph Foster seconded the motion. Voice Vote: All in favor. **The motion carries 5-0.**

Chairman Scott McColpin then presented the August 16th, 2024 Meeting Minutes to be voted on. No amendments need to be made. Ray Adkins motioned to **APPROVE** the August 16th minutes. Rudolph Foster seconded the motion. Voice Vote: All in favor. **The motion carries 5-0.**

Chairman Scott McColpin finally presented the September 4th, 2024 Meeting Minutes to be voted on. No amendments need to be made. Ray Adkins motioned to **APPROVE** the September 4th minutes. Rudolph Foster seconded the motion. Voice Vote: All in favor. **The motion carries 5-0.**

Chairman Announcements: Next meeting will be December 4th. Once the meeting is adjourned today, there will be brief training on the new zoning code.

OLD BUSINESS

- BOZA-24-66: 513 Sterling Ave. (37405) - Setback Reduction Variance

District: 2

Zone: R-1 Residential Zone

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

Applicant has requested to defer their case until the January meeting.

Board Motion and Vote:

- Chair Scott McColpin made a motion to **DEFER** case #: BOZA-24-66: 513 Sterling Ave., to the January meeting. Susan Gilmore seconded the motion.

Voice Vote: **All in favor.**

The motion carries 5-0.

NEW BUSINESS

- BOZA-24-88 - 502 Tall Timber Trl., 37415 - Relief from sec. 38-25 (a):

District: 1

Zone: R-1 Residential Zone

Variance Request: Relief from sec. 38-25 (a) - Lots to front street; exceptions. Residential (a).

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

Applicant Cole Murphy (son-in-law of the owner) presented to the Board that this property has been in his wife's family for a while and there are 6 acres. His family would like to build on the hill that is across from the entrance into the neighborhood. The right-of-way ends before where the property line starts. He stated that since the code is written the way it is, they cannot subdivide or anything to be able to build. It was asked if the street was a public street or not and the Applicant stated that it was his understanding that it was a public right of way to another street. The Board and City Attorney then discussed the requirements of the code and if the Applicant needs to go to another department first. The Applicant then informed the Board that they are fine with pursuing a PUD development route or going back to another department for clarification on what the Applicant is needing to do. The Board recommended that the Applicant defer the case for a month or two to get some answers to the questions that have been brought up in this meeting.

Board Motion and Vote:

- Chair Scott McColpin made a motion to **DEFER** case #: BOZA-24-88: 502 Tall Timber Trl., to the January 2025 meeting. Ray Adkins seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Susan Gilmore: Yes

Scott McColpin: Yes

Rudolph Foster: Yes

J.T. McDaniel: Yes

The motion carries 5-0.

- BOZA-24-90 - 4270 Bonny Oaks Dr., 37406 (District 5) - Building Separation Reduction

District: 5

Zone: C-2 Convenience Commercial

Variance Request: Reduction in the building separation requirement from 10 feet to 3 feet.

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

Applicant Buddy Presley, attorney for the owner of the entire parcel, stated that it is a single parcel that has been there since the 50's or 60's and they are selling a piece of the parcel - he stated that there is a section that has gas pumps and a convenience store. He presented that the convenience store has a separate address and they are needing to split the property into two separate parcels so they can sell one section of it. He stated that they have closings set and all the pieces in place to move forward with the sale, but they need to split the parcel first. He believes that he needs to get the variance on the boundary line first to keep moving forward. The Board then asked about the variance request for clarification. The Board then spoke/questioned with the Applicant about what the hardship is for the request.

Community Response: Cole Knotgrass is a member of the neighborhood and stated that he stops at the gas station/convenience store frequently and does not want it to go anywhere. He is not in objection to the request.

Board Motion and Vote:

- Rudolph Foster made a motion to **DEFER** case #: BOZA-24-90: 4270 Bonny Oaks Dr., to the December meeting.

Susan Gilmore seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Susan Gilmore: Yes

Scott McColpin: Yes

Rudolph Foster: Yes

J.T. McDaniel: Yes

The motion carries 5-0.

- BOZA-24-91 - 4718 Whispering Hills Ln., 37343 (District 2) - Setback Reduction Variance

District: 2

Zone: R-1 Residential Zone

Variance Request: Reduction in front setback from 25 feet to 0 feet for a wheelchair ramp.

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

Applicant Representative Marissa Johnson presented to the Board that she is there on behalf of the co-owner for Embassy Cares, a nonprofit in Chattanooga. She stated that they had a family reach out whose father is a decorated veteran and he was diagnosed with a progressive stage of Parkinson's and they asked for help in getting a wheelchair ramp. The Board asked why the ramp was presented as going all the way to the street and she stated that it was at the family's request so they could get him in the house straight from the car. The Board then asked why they could not build the ramp from the driveway and she stated that it was because of the topography of the driveway. The Board presented to the Applicant Representative that they would need to determine a hardship for the request. They then asked Staff if the ramp would be considered a structure and have setback restrictions or not, which Staff stated that it would be considered 'flat work' and be exempt. The Board asked for clarification on the proposed placement of the

ramp at the sidewalk and the Applicant Representative explained their proposed plan in further detail. The Board then asked about the public right-of-way and if the proposed ramp encroaches it or not. The Board, Transportation, and the Applicant Representative discussed alternatives and the right-of-way and the Board recommended that the case be deferred until next month to allow the Applicants to research further.

Community Response: No Community Comments

Board Motion and Vote:

- Chair Scott McColpin made a motion to **DEFER** case #: BOZA-24-91: 4718 Whispering Hills Ln., to the December meeting.

Ray Adkins seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Susan Gilmore: Yes

Scott McColpin: Yes

Rudolph Foster: Yes

J.T. McDaniel: Yes

The motion carries 5-0.

- **BOZA-24-92 - 2786 Forest Rd., 37406 (District 5) - STVR Appeal**

District: 5

Zone: R-1 Residential Zone

Variance Request: Appealing the denial of an application (STVR-24-133) for a homestay short-term vacation rental certificate from the Land Development Office.

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

Applicant Adrian Cole Knotgrass presented to the Board that he accepted a new job that includes more travel and that his wife would not stay at the home when he is gone, so they wanted to pursue offering their home as a short-term vacation rental. The Board then clarified that they are only allowed to rule on if the Land Development Office made a mistake in rejecting the application. The Applicant then presented that his home is outside of the overlay that shows where homestay designations for short-term vacation rentals can be - therefore when he applied, his application was rejected. The Board asked the Applicant if he has held a certificate in the past, to which he answered no. They then asked how long he had owned the property and he stated that he has owned it since 2018.

Community Response: Michael Hicks, owner of the property next door to the Applicant, stated that he lives at that property with his girlfriend who has owned the property since 2020. He stated that they are in objection to the case, because they do not want to live next to a short-term vacation rental. They are concerned about the noise pollution, excess garbage, and other issues that could arise. He stated that there are a lot of young families with children and he stated that they would not be comfortable with strangers coming and going through the neighborhood. They also do not want to see their property value go down.

Board Motion and Vote:

- Rudolph Foster made a motion to **DENY** case #: BOZA-24-92: 2786 Forest Rd.

Susan Gilmore seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Susan Gilmore: Yes

Scott McColpin: Yes

Rudolph Foster: Yes

J.T. McDaniel: Yes

The motion carries 5-0.

Chair Scott McColpin called for a 10 minute break.

Ray Adkins has left the meeting.
Paul Betbeze has entered the meeting.
Voting Majority Update: 5 members present - 3 is the majority.

- BOZA-24-93 - 6745 Customer Delight Dr., 37421 (District 6) - Relief from sec. 38-25 (a)

District: 6

Zone: R-T/Z Residential Townhouse / Zero Lot Line

Variance Request: Relief from sec. 38-25 - Lots to front street; exceptions. Residential (a).

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

Applicant Michael Price presented to the Board that they are proposing to build townhomes to sell, but they cannot make the road public because there is an area of the parcel that is owned by an individual who will not sell the property. He stated that they have no way to connect their project to the public road. He presented that they can develop it as is and make it a for-rent project only or they can get the variance and sell them individually if the variance is granted. The Board then presented to the Applicant that they can only grant this relief for parcels under 5 acres and the Applicant stated that they have an acreage amount of 13.72 acres. The Board and the Applicant spent some time discussing with the City Attorney about the code section and if the Board can rule on it given the current state of the parcel. The Board recommended deferring the case to next month's meeting to allow some time for further research.

Community Response: No Community Comments

Board Motion and Vote:

- Chair Scott McColpin made a motion to **DEFER** case #: BOZA-24-93: 6745 Customer Delight Dr., to the December meeting.

Paul Betbeze seconded the motion.

Roll Call Vote:

Susan Gilmore: Yes

Scott McColpin: Yes

Rudolph Foster: Yes

J.T. McDaniel: Yes

Paul Betbeze: Yes

The motion carries 5-0.

- BOZA-24-96 - 1733 S Seminole Dr., 37412 (District 9) - Setback Reduction Variance

District: 6

Zone: R-2 Residential Zone

Variance Request: Reduction in rear setback from 25 feet to 10 feet for an enclosed garage addition.

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

Applicant Robert McCallister presented to the Board that they are wanting to build another garage for the owner's cars. He presented that there is an area behind the existing garage that has a retaining wall and concrete pad. He wants to put up some walls and close the area in to make another garage. The Board then informed the Applicant that there may be an easement or some other utility line that might cause the Applicant to have to work with the City to get permitting.

Community Response: No Community Comments

Board Motion and Vote:

- J.T. McDaniel made a motion to **APPROVE** case #: BOZA-24-96: 1733 S Seminole Dr., for a reduction in rear setback from 25 feet to 10 feet.

Paul Betbeze seconded the motion.

Roll Call Vote:

Susan Gilmore: Yes

Scott McColpin: Yes

Rudolph Foster: Yes

J.T. McDaniel: Yes

Paul Betbeze: Yes

The motion carries 5-0.

Chair Scott McColpin adjourned the meeting at 11:34 a.m..



Scott McColpin, Chairman

4-Dec-2024

Date



Shelby Ogle, Admin

12/4/24

Date