



BOARD OF ZONING APPEALS

MEETING MINUTES

July 2nd, 2025

The duly advertised meeting of the Board of Zoning Appeals was held on July 2nd, 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 10:02 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: Cassie Cline
- ☒ Zoning Code Inspector: Zachary Wiley
- ☒ Assistant Director: Darien Gilkenson
- ☒ Transportation: Caleb Fisher
- ☒ Court Reporter: Lori Roberson
- ☒ Landscape Architect: Karna Levitt
- ☒ City Forester: Pete Stewart
- ☒ 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: 8 members present – 5 is the majority.

Approve Minutes: Chairman Scott McColpin presented the June 4th, 2025 Meeting Minutes to be voted on. No amendments need to be made. *Alan Richelson* motioned to **APPROVE** the June minutes. *Ray Adkins* seconded the motion. Voice Vote: All in favor. **The motion carries 8-0.**

Chairman Announcements: Next meeting will be Wednesday, August 6th, 2025.

OLD BUSINESS

- BZA-25-17: 1709 W 43rd St, 37409: Height/Setback Reduction Variance

District: 7

Zone: RN-1-5 Residential Neighborhood

Variance Request: Reduction in left side setback from 5 feet to 1 foot, a reduction in right side setback from 5 feet to 0 feet, and a reduction in rear setback from 25 feet to 1 foot, and relief from sec. 38-43 (b) (5) - maximum height for attached accessory dwelling structures.

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

Applicants Arjun Patel, Jared Newman, and Vinicio Liriano presented to the Board that they have provided an updated survey to the Staff and the Board. The Board then asked the Applicant how far off the property line the structure is and the Applicant stated that they just wanted to flip the house and not planning to add any new buildings. Staff clarified with the Applicant that they are now planning to attach the accessory structure to the main house. The Board asked the Applicant to clarify how far off the property line the accessory structure is and the Applicant referred to the survey. The Board then asked the Applicant about the height variance request and what the height of the accessory structure is; to which the Applicant stated that the main structure is approximately 15 feet in height and the accessory structure is 20 feet 11 inches in height.

Community Response: No community comments.

Board Motion and Vote:

- *Susan Gilmore* made a motion to **APPROVE** case #: BZA-25-17: 1709 W 43rd St., requesting a reduction in left side setback from 5 feet to 1 foot, a reduction in right side setback from 5 feet to 0 feet, and a reduction in rear setback from 25 feet to 1 foot, and relief from sec. 38-43 (b) (5). Noting that the height of the existing auxiliary structure shall not exceed its present 21 feet height.

Lee Brock seconded the motion.

Roll Call Vote:

Ray Adkins: Yes

Alan Richelson: Abstain

Susan Gilmore: Yes

Scott McColpin: Yes

Paul Betbeze: Yes

Rudolph Foster: Yes

Joe Manuel: Abstain

Lee Brock: Yes

The motion carries 6-0 with 2 abstentions.

- [BZA-25-32: 1422 E Main St, 37404: Setback Reduction Variance](#)

District: 8

Zone: C-C Commercial Corridor

Variance Request: Reduction in rear setback from 10 feet to 0 feet and a reduction in corner side setback from 10 feet to 0 feet.

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

The Board began by asking the Applicant Vinicio Liriano if they had decided on a site plan and the Applicant stated that they had and it was shown before the Board. They then asked the Applicant to clarify the need for the variance. He stated that the building burned and then for 6 months nothing happened and in that time the new zoning code took effect. He stated that they are wanting to put the structure back in the same location as the original structure. The Board then asked the Applicant to clarify why they went with this design and discuss if they are building a structure that is too large for the lot. He then spoke about some other code requirements from the new zoning code that affected the design. Transportation Specialist Caleb Fisher was asked by the Board to confirm that they cannot have an entrance to the property off of E Main St since it is a state route and there are restrictions that do not allow them to add the entrance off that road. The Board then asked the Applicant if the structure or the parking is going to be closer to the back of the property and the Applicant stated that they are going to have the first level of the proposed structure to be parking and the other two levels will be mixed use. The Board called a point of order in regards to not having enough information on the site plan to be able to make a decision. The Board then discussed some more aspects of the request as well as the hardship for the request with the Applicant and Staff.

Community Response: No community comments.

Board Motion and Vote:

- *Lee Brock* made a motion to **APPROVE** case #: BZA-25-32: 1422 E Main St. for a reduction in rear setback from 10 feet to 0 feet and a reduction in corner side setback from 10 feet to 0 feet due to the shallowness of the lot and the commercial nature of the structures around it.

No Second.

Motion fails.

- *Joe Manuel* made a motion to **DEFER** case #: BZA-25-32: 1422 E Main St. to the August meeting.

Rudolph Foster 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

The motion carries 8-0.

- [BZA-25-33: 1222 E 35th St., 37407: Setback Reduction Variance](#)

District: 7

Zone: RN-2 Residential Neighborhood

Variance Request: Reduction in corner side setback from 15 feet to 2.6 feet for new construction.

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

Applicant requested to withdraw.

Community Response: No community comments.

Board Motion and Vote:

- Chair Scott McColpin made a motion to **WITHDRAW** case #: BZA-25-33: 1222 E 35th St., without prejudice.

Paul Betbeze seconded the motion.

Voice Vote:

All in favor.

The motion carries 8-0.

City Attorney Review of STVR Regulations

City Attorney Andrew Trundle presented to the Board the reasoning for approving or denying short-term vacation rental appeals ahead of hearing several short-term vacation rental appeal cases. He stated that the Board must determine if an error was made by the Land Development Staff in the denial of the application.

Chair Scott McColpin then asked for clarification on if the Board can overturn a denial of the short-term vacation rental application if the denial is based on the use of that property not being allowed in the zone it is in. The City Attorney responded by saying that the Board only has the jurisdiction to overturn the denial of the application if they are shown evidence that the Land Development Office made an error in denying the short-term vacation rental application.

NEW BUSINESS

- [BZA-25-38: 1523 Washington St., 37408: Appeal of STVR Denial](#)

District: 7

Zone: U-RM-3 (Form-Based Code)

Appeal Request: Denial of an STVR application from the Land Development Office.

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

Applicant Lucas Mininger presented to the Board a history of his purchase of the home as well as the reason for the appeal. He stated that he does not live in Chattanooga primarily, but that his family lives here and he had to accept a job out of the state to be able to support them. He stated that he was using a management company who did not renew the permit for him in 2023 and so when he got the Notice of Violation from the

City for illegal operation of a short-term vacation rental he realized that his permit had expired. The Applicant then stated that he put in a new application and it was rejected due to the property not being zoned for an absentee designation, which is why he was there today. The Board then asked the Applicant a couple questions about if he still employed the management company. The Board then asked Zoning Code Inspector Zak Wiley to speak on the denial of the application in question. The Board then spent some time reviewing and asking questions to the Applicant as well as Staff.

Community Response: No community comments.

Board Motion and Vote:

- Susan Gilmore made a motion to **DENY** case #: BZA-25-38: 1523 Washington St.

Alan Richelson 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

The motion carries 8-0.

Chair Scott McColpin called for a 10 minute break.

- **BZA-25-43: 1576 Wilhoit St., 37408: Appeal of STVR Denial**

District: 7

Zone: RN-1-5 Residential Neighborhood

Appeal Request: Denial of an STVR application from the Land Development Office.

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

Applicants Irina and Lamar Brown presented to the Board that they are the owners of the property and gave the Board some background on their ownership and the property. She stated that they bought it with the intention for the family to be able to stay there when they visit and they can rent out the property when it is not in use. The Board then asked Zoning Code Inspector Zak Wiley to speak on the denial of the application in question. He stated that the application was denied due to the code's 25% restriction on allowed short-term vacation rentals in a development and the development that the unit is in has met that capacity. The Board then discussed some other aspects of the appeal and the short-term vacation rental requirements and restrictions with the Applicant and Staff.

Community Response: No community comments.

Board Motion and Vote:

- Susan Gilmore made a motion to **DENY** case #: BZA-25-43: 1576 Wilhoit St.

Joe Manuel 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

The motion carries 8-0.

- **BZA-25-45: 809 W 40th St., 37410: Appeal of STVR Denial**

District: 7

Zone: RN-3 Residential Neighborhood

Appeal Request: Denial of an STVR application from the Land Development Office.

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

Applicant Jennifer Strain presented to the Board that she is the owner of the property and before she purchased the property she reached out to find out if the property could be used as a short-term vacation rental unit and she was informed that it was not zoned properly for her intended use. She stated that she plans to rent it month to month, however she stated that when the dwelling is empty she would like to rent it out short term. The Board then asked for Zoning Code Inspector Zak Wiley to elaborate on the denial of the application to which he stated that it was denied due to the request for an absentee designation within a residential zone that does not allow for that type of designation. The Board then discussed some other aspects of the case with the Applicant and Staff.

Community Response: None

Board Motion and Vote:

- Susan Gilmore made a motion to **DENY** case #: BZA-25-45: 809 W 40th St.

Joe Manuel 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: Absent

The motion carries 7-0 (1 member absent for voting).

- [BZA-25-46: 2907 14th Ave., 37407: Setback Reduction Variance](#)

District: 7

Zone: RN-1-5 Residential Neighborhood

Variance Request: Reduction in rear setback from 25 feet to 15 feet for new construction.

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

Applicants Shamika Copeland (owner of the property) and George Judzewitsch (contractor for the project) presented to the Board that they have an irregular lot and a stream onsite that has a 30 foot buffer that they have to account for in their plans. The Board then asked the Applicant about the size of the house and if it is comparable to other houses in the neighborhood. The Board then asked the Applicant some more questions about the lot as well as about the last time they were before the Board.

Community Response: No community comments.

Board Motion and Vote:

- Susan Gilmore made a motion to **APPROVE** case #: [BZA-25-46: 2907 14th Ave.](#) for a reduction in rear setback from 25 feet to 15 feet for new construction citing irregular lot shape and the location of the stormwater drainage ditch.

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

The motion carries 8-0.

- [BZA-25-47: 1570 Cowart St., 37408: Appeal of STVR Denial](#)

District: 7

Zone: U-CX-3 (Form-Based Zoning)

Appeal Request: Denial of an STVR application from the Land Development Office.

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

Applicant Merlita Johnson presented to the Board that she is the owner of the property and she had a certificate for the short-term vacation rental and she had rented to someone else and they were handling the short-term rental operations. She stated that that person did not renew the application or update the Applicant. The Applicant stated that she applied for a new certificate in May 2025, but the development had already met the 25% capacity rule and therefore her application was denied. The Board then asked Zoning Code Inspector Zak Wiley for clarification on the 25% capacity rule as well as how all the other units have permits. Zak clarified that the other permits had a legal nonconforming status, because they were obtained

before the 25% limitation was added by City Council. He stated that since her application was not renewed it lost that legal non-conforming status and therefore is subject to the 25% capacity.

Community Response: None

Board Motion and Vote:

- Susan Gilmore made a motion to **DENY** case #: BZA-25-47: 1570 Cowart St.

Joe Manuel 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: Abstained

The motion carries 7-0 with 1 abstention.

- **BZA-25-49: 2947 Cummings Hwy., 37419: Special Exception Permit**

District: 1

Zone: C-C Commercial Corridor

Special Exception Request: Drive-Thru in the C-C zone.

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

Applicant Ross Young, working with the architect for the project, stated that the owner wanted to turn this property into a coffee shop with a drive-thru. The Board asked about the layout of the structure on site and the Applicant stated that the building footprint will remain the same, with some renovations and then the addition of the drive-thru. They then asked if the transportation department had reviewed the plans and Transportation Specialist Caleb Fisher stated that a preliminary review had been done and a full review would be completed on the building permit if the request is approved. The Board then asked some questions about where the drive-thru would be located on the site. The Board expressed concerns over the plans for increased traffic and current proposed layout. The Board then suggested that the application be deferred to allow time for them to get with Transportation to discuss the proposed plans.

Community Response: Connie Carrick and John Clark own a business next to the proposed project and expressed concerns about the increased traffic and safety. She is concerned that traffic would back up and block the parking lot to her business.

Board Motion and Vote:

- Chair Scott McColpin made a motion to **DEFER** case #: BZA-25-49: 2947 Cummings Hwy. to the August meeting.

Ray Adkins seconded the motion.

Voice Vote:

All in favor.

The motion carries 8-0.

- BZA-25-51: 23 Germantown Rd., 37411: Landscape Buffer Variance

District: 9

Zone: C-C Commercial Corridor

Variance Request: Relief from the required 20 foot type C landscape buffer.

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

Applicant requested to defer to the August meeting.

Community Response: None

Board Motion and Vote:

- *Chair Scott McCoplin* made a motion to **DEFER** case #: BZA-25-51: 23 Germantown Rd., to the August meeting.

Paul Betbeze seconded the motion.

Voice Vote:

All in favor.

The motion carries 8-0.

- BZA-25-52: 2200 McCallie Rd., 37404: Landscape Buffer Variance

District: 9

Zone: C-C Commercial Corridor

Variance Request: Relief from the street yard tree requirements.

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

Applicant Cody Etling, civil engineer for the project, is requesting a variance from the old landscape zoning requirements. They are proposing a gas station at this property. The Applicant went over what the landscape street yards are for the property and the zone. The Applicant stated that due to the restraints of the lot, delivery vehicles and other vehicles would not be able to move around the lot as needed. He stated that the owner demolished the building that was existing on the property at purchase, which meant that they now had to meet the requirements of the code. The Board then asked to hear from Landscape Architect Karna Levitt in regards to the case. She asked the Applicant clarifying questions about the request. She then stated that she can only offer insight on the interior landscaping and they would need to work with the City Forester if they want to offer to plant the trees in the right-of-way instead of on private property.

Community Response: None

Board Motion and Vote:

- *Joe Manuel* made a motion to **DEFER** case #: BZA-25-52: 2200 McCallie Rd., to the August meeting.

Paul Betbeze seconded the motion.

Voice Vote:

All in favor.

The motion carries 8-0.

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

District: 2

Zone: RN-1-5 Residential Neighborhood

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 presented to the Board some history of the property since he bought it. He stated that when he purchased the property, he knew that it was irregularly shaped and had sloped. He stated that the previous owner had issues with the neighbors and since he purchased it, he has cleaned up the property and spoke with the neighbors. He then spoke about some other issues that have come up with the neighbors and that he offered to sell the property to the neighbors, but they declined. Staff then made some additional comments about the case and stated that they are in support of the current request. The Board then asked the Applicant about the site plan and size of the house. The Board then asked for clarification on the Staff recommendation for the request and Assistant Director Darien Gilkenson spoke to the timeline of the events that brought the case back before the Board as well as the reasoning for Staff being in support of approving the request before them. The Board expressed concern over approving the request due to neighbor opposition to the request. The Board then suggested that the case be deferred to allow the City's Stormwater Team time to review the proposed site plan and offer feedback on how they can mitigate the run off.

Community Response: There were letters of opposition emailed to Staff that were then presented to the Board.

Board Motion and Vote:

- Paul Betbeze made a motion to **DEFER** case #: BZA-25-54: 1004 Normal Ave., to the August meeting.

Lee Brock seconded the motion.

Voice Vote:

All in favor.

The motion carries 8-0.

Chair Scott McColpin motioned to adjourn the meeting.

Joe Manuel seconded.

The meeting was adjourned at 1:01 p.m..



Scott McColpin, Chairman

6-Aug-2025

Date



Shelby Ogle, Admin

Aug 6 2025

Date