

10/9/12

2012-110
Muhammed Mahalbasic
District No. 9

RESOLUTION NO. _____

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR PROPERTY LOCATED AT 862 WHEELER AVENUE TO ALLOW A DUPLEX IN AN R-1 RESIDENTIAL ZONE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and is hereby granted a Special Exceptions Permit for property located at 862 Wheeler Avenue to allow a duplex in an R-1 Residential Zone, more particularly described in the attached maps attached hereto.

Lot 13, Block 1, Missionary Heights Addition to Chattanooga, Plat Book 5, Page 29, ROHC, Deed Book 9678, Page 292, ROHC. Tax Map 146D-G-026

ADOPTED: _____, 2012.

/mms

2012-110 City of Chattanooga
September 10, 2012

RESOLUTION

WHEREAS, Muhamed Mahalbasic petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga the granting of a Special Exceptions Permit for property located at 862 Wheeler Avenue.

Lot 13, Block 1, Missionary Heights Addition to Chattanooga, Plat Book 5, Page 29, ROHC, Deed Book 9678, Page 292, ROHC. Tax Map 146D-G-026 as shown on the attached map.

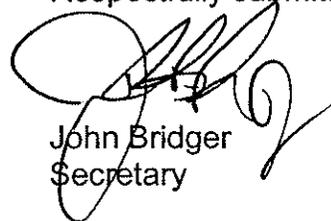
AND WHEREAS, the Planning Commission held a public hearing on this petition on September 10, 2012,

AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition and opposing the petition,

AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on September 10, 2012, recommended to the Members of the City Council of the City of Chattanooga that this petition to allow a duplex in an R-1 Residential zone be denied.

Respectfully submitted,



John Bridger
Secretary

Case Number: 2012-0110

Applicant Request: Special Exceptions Permit for a Two-Family Dwelling in the R-1 Residential Zone

Applicant: Muhamed Mahalbasic
Property Address: 862 Wheeler Avenue
Jurisdiction: Chattanooga District 9/ Hamilton County District 4
Neighborhood: Catholic Charities of Glenwood

Proposed Development

Site Plan Submitted: No
Proposed Use: Provide Section 8 housing

**PLANNING COMMISSION ACTION:
Deny**

Site Characteristics

Current Zoning: R-1 Residential Zone
Current Use: Vacant Duplex
Adjacent Uses: Residential
Size of Tract: 0.154 acres

STAFF RECOMMENDATION: APPROVE

Analysis

Extension of Existing Zoning? Not Applicable
Community Land Use Plan: Glenwood, Churchville & Orchard Knob Neighborhood Plan (2003)
Proposed Use Supported by Community Land Use Plan? No
Proposed Use Supported by Comprehensive Plan? No

Comments

Planning Staff: Applicant Request Overview
Muhamed Mahalbasic is applying for a Special Permit for a two-family dwelling in the R-1 Residential Zone.

Site Description

This multi-family structure, built in 1958, has 1572 square feet of living space. There are several duplex homes in the area, especially on Arlington Avenue several blocks to the west. In the Study area for the Glenwood, Churchville, & Orchard Knob Neighborhood plan 7% of the housing stock at that time was identified as duplex and an additional 8% multifamily.

Zoning History

In 1972, this area was rezoned to an R-1 Residential Zone by City Council. Much of the area was zoned R-2 Residential and the rezoning to R-1 Residential was intended to help stabilize the neighborhood.

Applicable Plans/Policies

Development in this area is guided by the Glenwood, Churchville & Orchard Knob Plan adopted by Chattanooga City Council in 2002. The Plan recommends the following development policies in regards to housing:

- Encourage single-family infill housing
- Increase code enforcement of absentee landlords
- Communicate concerns with local apartment management companies
- Encourage local non-profit organizations to rehabilitate and renovate housing in the area

Staff Evaluation

Section 38-524 of the Chattanooga Zoning Ordinance provides a mechanism through the Special Exceptions Permit process to allow structures originally built as duplexes to continue that use after the loss of non-conforming status. The Special Exceptions Permit for a two family dwelling in the R-1 Residential Zone is applied to the following situations:

- (1) One duplex for each Special Exceptions Permit, not multiple structures. This request is for one permit for one structure.

The request is in compliance with this requirement.

- (2) Two-family dwellings constructed with a building permit and or constructed on a lot of record. The building was constructed in 1958 as a duplex.

This request is in compliance with this requirement.

- (3) Dwellings that are easily identified as being constructed for two families. Most often determined by two front doors facing the same street or in the case of a corner lot one door facing each street or by the existence of two meters. This structure has two front doors facing the main street.

This request is in compliance with this requirement.

- (4) Dwellings that lost nonconforming status due to a rezoning to R-1 through the zoning study process by the city of Chattanooga as determined by the Chattanooga-Hamilton County Regional Planning Agency. In 1972, an article in the Chattanooga Times referenced that a zoning study initiated by City Council was set for the area of Glenwood which had previously been zoned for apartment up and until the general rezoning in 1961.

The request is in compliance with this requirement.

The Special Exceptions Permit may be granted if the City Council determines that:

- (1) Request is consistent with adopted plans in the area.

The Glenwood, Churchville & Orchard Knob Neighborhood Plan recommends Low Density Residential for this general area. The Low Density Residential is classification is intended for detached single family dwellings.

- (2) Request is consistent with the zoning study that rezoned the area.

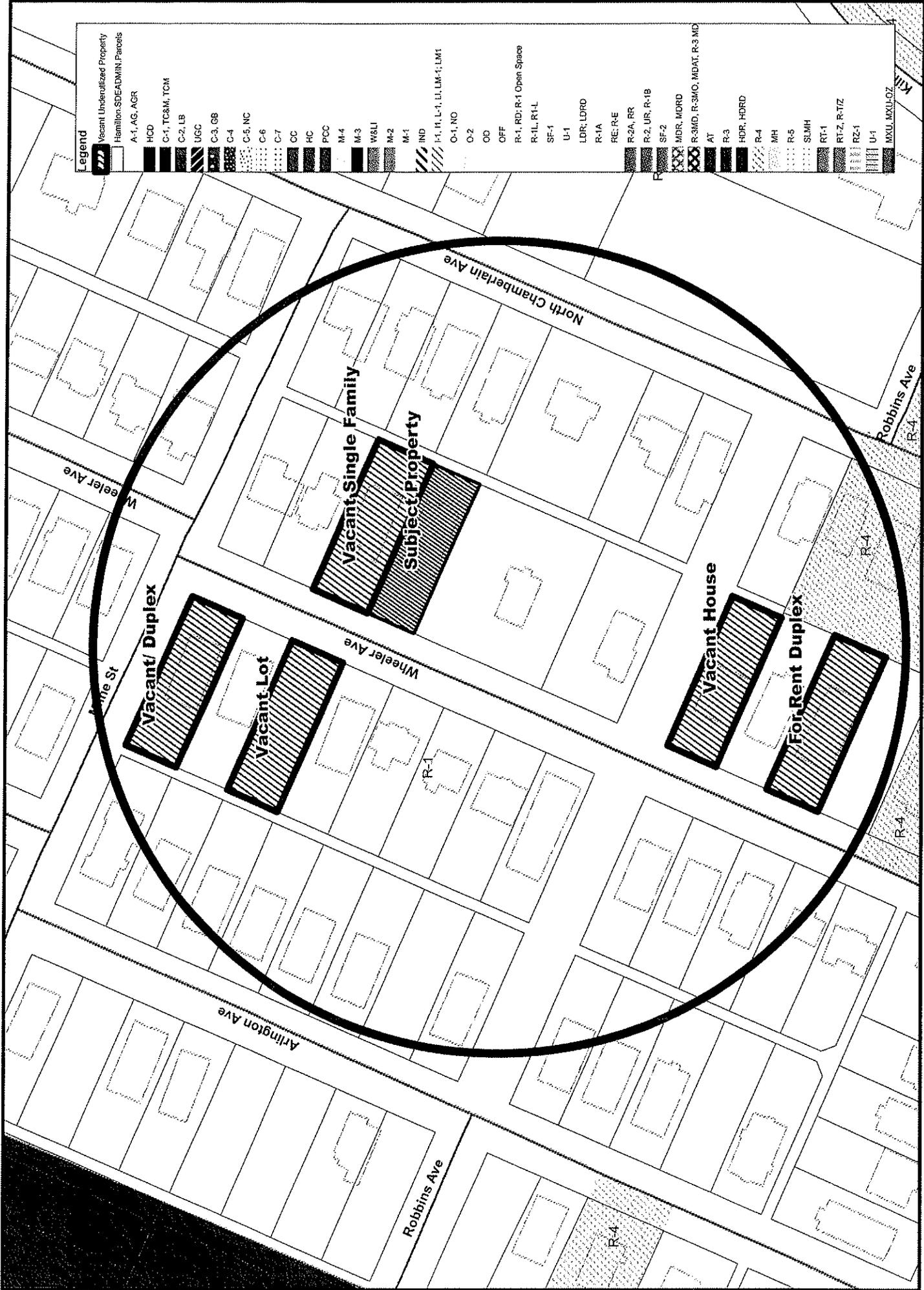
The rezoning study conducted in 1972 resulted in the entire neighborhood being rezoned to R-1 and rendered the subject property nonconforming.

- (3) Issuance of a permit will benefit a neighborhood by encouraging an increase in investment in the property.

The issuance of the permit at this time would encourage investment in the neighborhood. The property currently sits vacant and is on a block with other vacant and deteriorating property as seen in the map below.

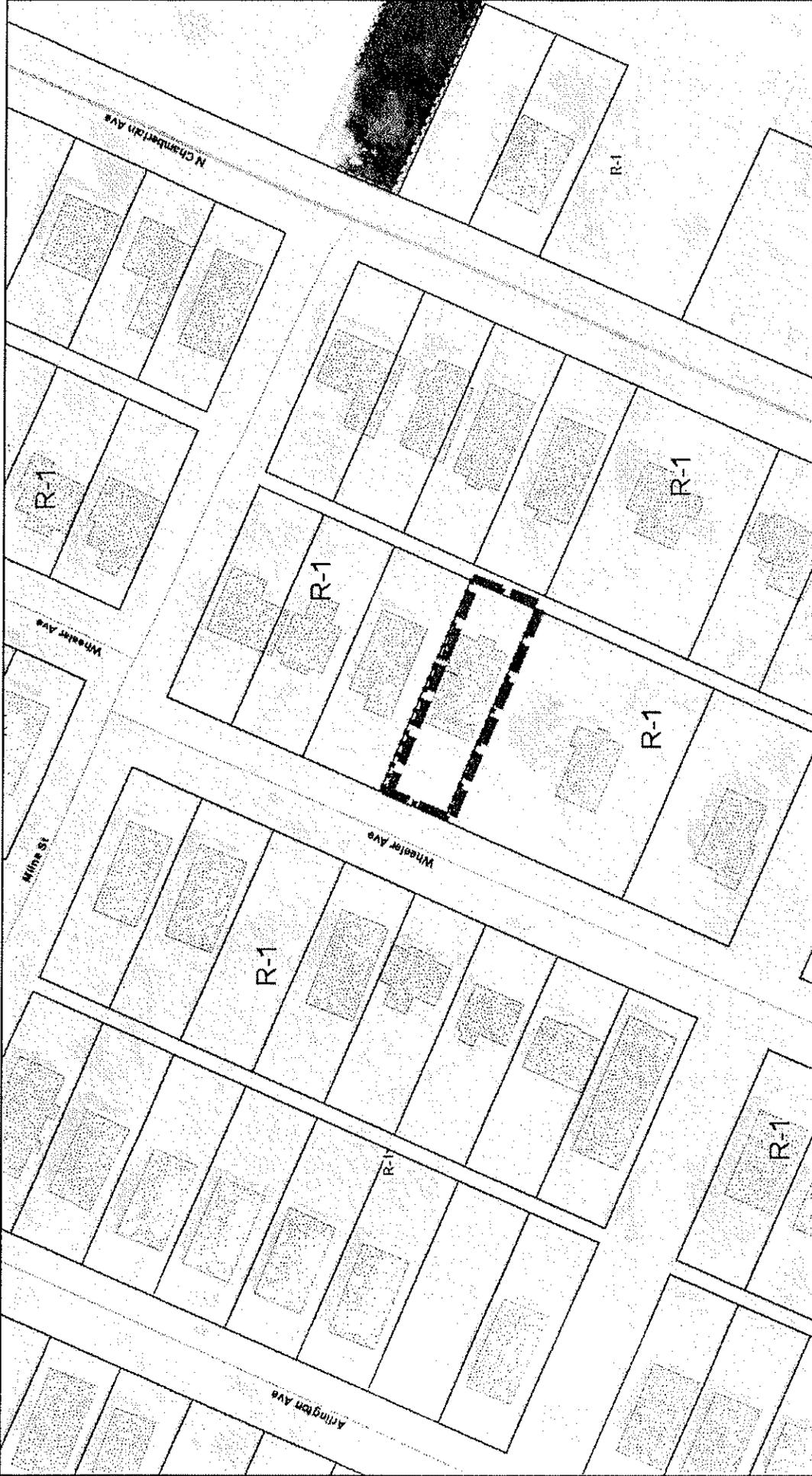
Staff Recommendation

The subject property is currently vacant and underutilized, located in the center of a block of housing in similar conditions. A windshield survey conducted by staff reveals that there were four additional houses along Wheeler that were vacant or abandoned. This includes both vacant duplex currently advertised for rent and a dilapidated duplex from which all the doors and windows have been removed. They are indicated on the attached map as the parcels with crosshatching. The Regional Planning Agency is recommending approval of this request in order to see the property brought back into substantive reuse. This Special Exceptions Permit is designed for these circumstances to allow structures built as two-family dwellings to be able to continue such use after the loss of nonconforming status.



Case Number : 2012-0110



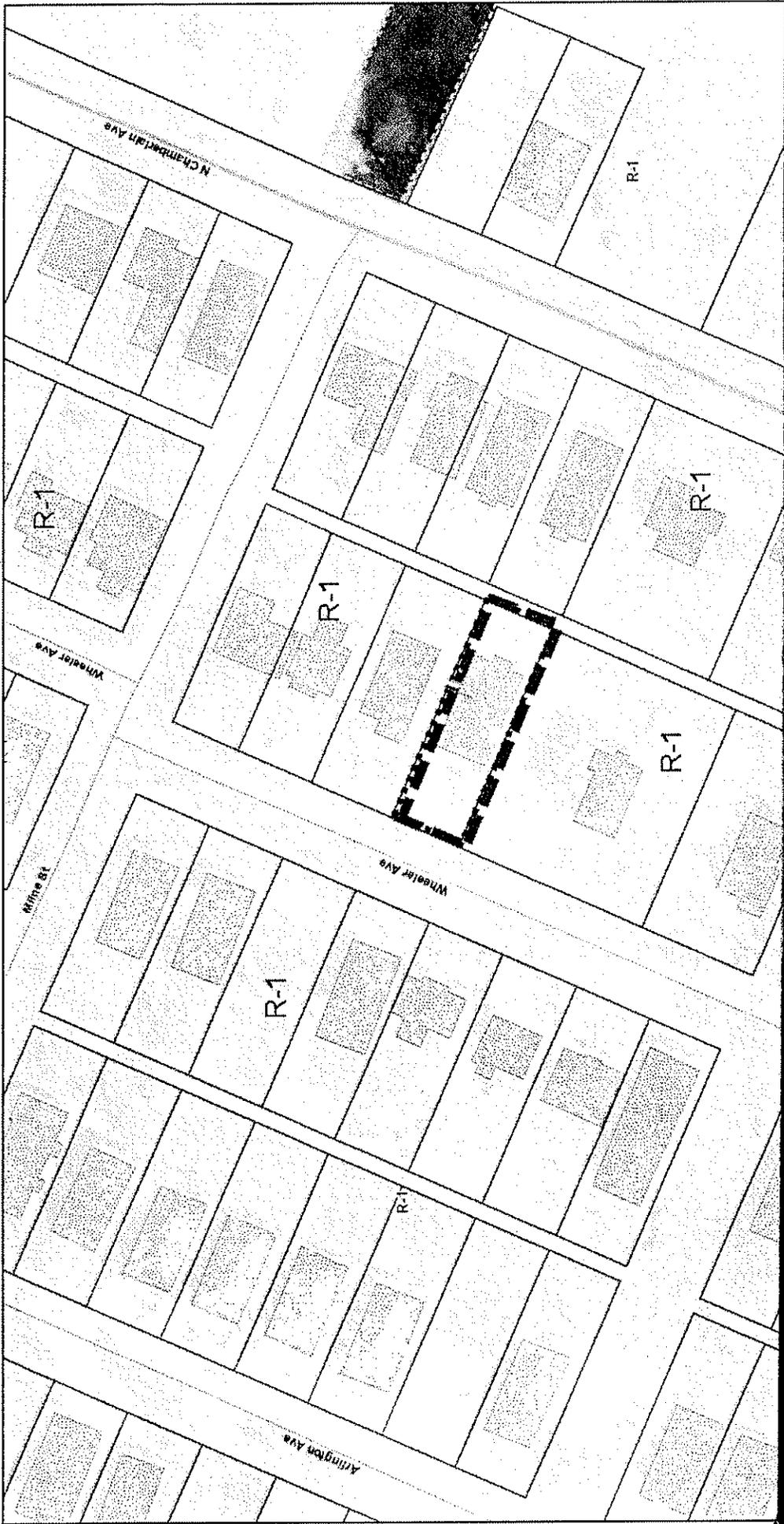


2012-0110 SE Permit: Duplex in R-1 Zone



90 ft





PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2012-110: Deny

2012-0110 SE Permit: Duplex in R-1 Zone



90 ft



NOTICE

WHEREAS, petitions to amend Ordinance No. 6958, known as the Zoning Ordinance, have been proposed to the City Council of the City of Chattanooga:

1. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be approved:

2012-119 Alan Haniszewski/RTB Holdings. 1944 Rossville Avenue and 1910 Jefferson Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be approved and denied in part:

2012-082 Dr. W. C. Helton. 4200 block of Cherryton Drive, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Exceptions Permit be approved:

2012-118 AD Engineering/Tiffany Farley. 7435 and 7437 Pinewood Drive, as a Preliminary and Final Residential Planned Unit Development, subject to certain conditions.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Exceptions Permit be denied:

2012-110 Muhamed Mahalbasic. 862 Wheeler Avenue, to allow a duplex in an R-1 Residential Zone.

The City Council of the City of Chattanooga, Tennessee will hold a public hearing in the Council Assembly Room, City Council Building, 1000 Lindsay Street, Room 101, Tuesday,

October 9, 2012

at 6:00 p.m. for the purpose of hearing any person whose property may be affected by, or who may otherwise be interested in, said amendments.

This the ____ day of _____, 2012.

Carol K. O’Neal, CMC
Clerk to the City Council