

**First Reading:** \_\_\_\_\_  
**Second Reading:** \_\_\_\_\_

2014-013  
Andre Shved  
District No. 2

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION NOS. 1, 2, 3, AND 4 FROM ORDINANCE NO. 11657 OF PREVIOUS CASE NUMBER 2004-243 TO ALLOW SINGLE FAMILY HOMES ONLY LOCATED AT 306 AND 308 OLIVER STREET, BEING MORE PARTICULARLY DESCRIBED HEREIN.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to lift Condition Nos. 1, 2, 3, and 4 from Ordinance No. 11657 of previous Case Number 2004-243 to allow Single Family Homes only located at 306 and 308 Oliver Street, being more particularly described herein.

Lots 3 thru 6, Block L of Frazier and Colville's Addition to Hill City, Plat Book 4, Page 28, ROHC, being the properties described in Deed Books 7377, Page 502 and Deed Book 7272, Page 259, ROHC. Tax Map Nos. 135E-F-003 and 004.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading:\_\_\_\_\_

\_\_\_\_\_  
CHAIRPERSON

APPROVED:\_\_\_\_ DISAPPROVED:\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
MAYOR

/mms

2014-013 City of Chattanooga  
February 10, 2014

RESOLUTION

WHEREAS, Andre Shved petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga Lifting Conditions 1, 2, 3, & 4 from Ordinance #11657 of Previous Case Number 2004-243 to allow Single Family Homes Only, on properties located at 306 & 308 Oliver Street.

Lots 3 thru 6, Block L of Frazier and Colville's Addition to Hill City, Plat Book 4, Page 28, ROHC, being the properties described in Deed Books 7377, Page 502 and Deed Book 7272, Page 259, ROHC. Tax Map 135E-F-003 and 004 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on February 10, 2014,

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

AND WHEREAS, no one was present in opposition to 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 February 10, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be denied.

Respectfully submitted,

  
John Bridger  
Secretary

# STAFF CASE REPORT TO PLANNING COMMISSION

Case Number: 2014-013 PC Meeting Date: 02-10-2014

**STAFF RECOMMENDATION:** DENY Lifting Conditions;  
 Recommend lots be rezoned to R-T/Z Residential Townhouse Zero Lot Line Zone with conditions:

1. Two driveways/curb cuts are permitted for the entire development at a maximum width of twelve (12) feet each.
2. Parking pads and roofed parking are prohibited in the front yard and between the primary structure and the street.
3. Parking pads and garages shall be located to the rear of the primary structure.

**Land Use & Transportation Comments**

**Planning Staff:**

**Applicant Request Overview**

The applicant is requesting to lift the following four conditions of Ordinance 11657 for properties located at 306 and 308 Oliver Street, Chattanooga, TN 37405:

1. One driveway/curb cut at the south end of the buildings;
2. No off-street parking in front of the development;
3. Elevation and site plan as attached; and
4. All existing easements being retained.

**Site Description**

The two lots in the North Chattanooga Neighborhood are vacant, wooded and have a total acreage of approximately 0.63 acres. The surrounding properties are zoned R-3 Residential and R-1 Residential with wooded rear yards to the west and across Oliver Street. Residential properties to the north have steep slopes, while the lots to the south and east have less slope challenges. The alley is not readily accessible from an open public right-of-way, therefore the property owner would need to improve the alley and the adjoining public right-of-way to utilize the alley.

**Zoning History**

The properties are presently zoned RT-1 Residential Townhouse with conditions. In 2004, these lots were rezoned from R-3 Residential to RT-1 Residential Townhouse with conditions (Ordinance 11657). That rezoning was pursued by the current property owner with the intention of building a six (6) unit row style, attached, townhome structure. The development also proposed two twelve (12) foot wide driveways to flank the single structure and provide vehicular circulation and access to the parking located at the rear of the structure. The conditions were recommended by the Planning Commission in December 2004 to provide a development pattern consistent with the North Chattanooga neighborhood.

## STAFF CASE REPORT TO PLANNING COMMISSION

	<p><b>Plans/Policies</b></p> <p>The 2007 North Shore Plan recommends Urban Infill Single Family Residential and utilization of on-street parking and service alleys with rear-loaded garages for Oliver Street and the surrounding area. The Plan specifically describes Urban Infill Single Family Residential as a patio home style development that can be accommodated on the neighborhood's original lot sizes. The neighborhood's original lot sizes are typically smaller than 7,500 square feet with reduced side and front yard setbacks.</p>
<p><b>Infrastructure &amp; Operational Comments</b></p>	<p>All land development projects are reviewed by City Engineering &amp; Water Quality staff, Traffic Engineering &amp; Operations staff, and the Land Development Office staff. In addition to the requirements of the City of Chattanooga Zoning Ordinance, all land development is further required to comply with current City of Chattanooga traffic regulations, building and development codes, storm water/water quality regulations, and the landscape ordinance.</p> <p>Additional requirements, if needed, are indicated by department below either as comments or as conditions recommended to be attached to the final ordinance.</p>
<p><b>Transportation Department Staff:</b></p>	<ul style="list-style-type: none"> <li>• Sidewalks shall be required along the road frontage including: curb and gutter, 3' landscape verge, 5' sidewalk;</li> <li>• No off-street parking allowed in the ROW or within the first 20' behind the ROW edge to provide clear sight distance for cars backing out of driveways; and</li> <li>• Maximum two curb cuts are allowed for the development, to minimize disruptions to the pedestrian through-way.</li> </ul>
<p><b>Summary</b></p>	<p>Staff recommends denial of the request to lift the conditions and instead recommends the subject lots to be rezoned to the R-T/Z Residential Zero Lot Line Zone with conditions based on the discussion below.</p> <p>The recommendation to deny the request to lift conditions and propose rezoning to RT-Z Residential Zero Lot Line Zone with conditions is consistent with the adopted 2007 North Shore neighborhood plan. The RT-Z Residential Zero Lot Line Zone provides the regulations and flexibility for appropriate development at this location and the access and parking conditions supplement the regulations to guide development to be consistent with the adopted 2007 North Shore neighborhood plan.</p> <p>The intent of the RT-1 Residential Townhouse Zone is to provide regulations for primarily the development of townhouses (also called row houses and "attached" homes) in a manner which is attractive,</p>

## STAFF CASE REPORT TO PLANNING COMMISSION

efficient, and compatible with surrounding development. This is not consistent with the neighborhood plan, or the proposed development. This zone also recommends to be located on properties within five hundred feet (500') of a major arterial or collector road, and these properties are not located that close to one of those road classifications.

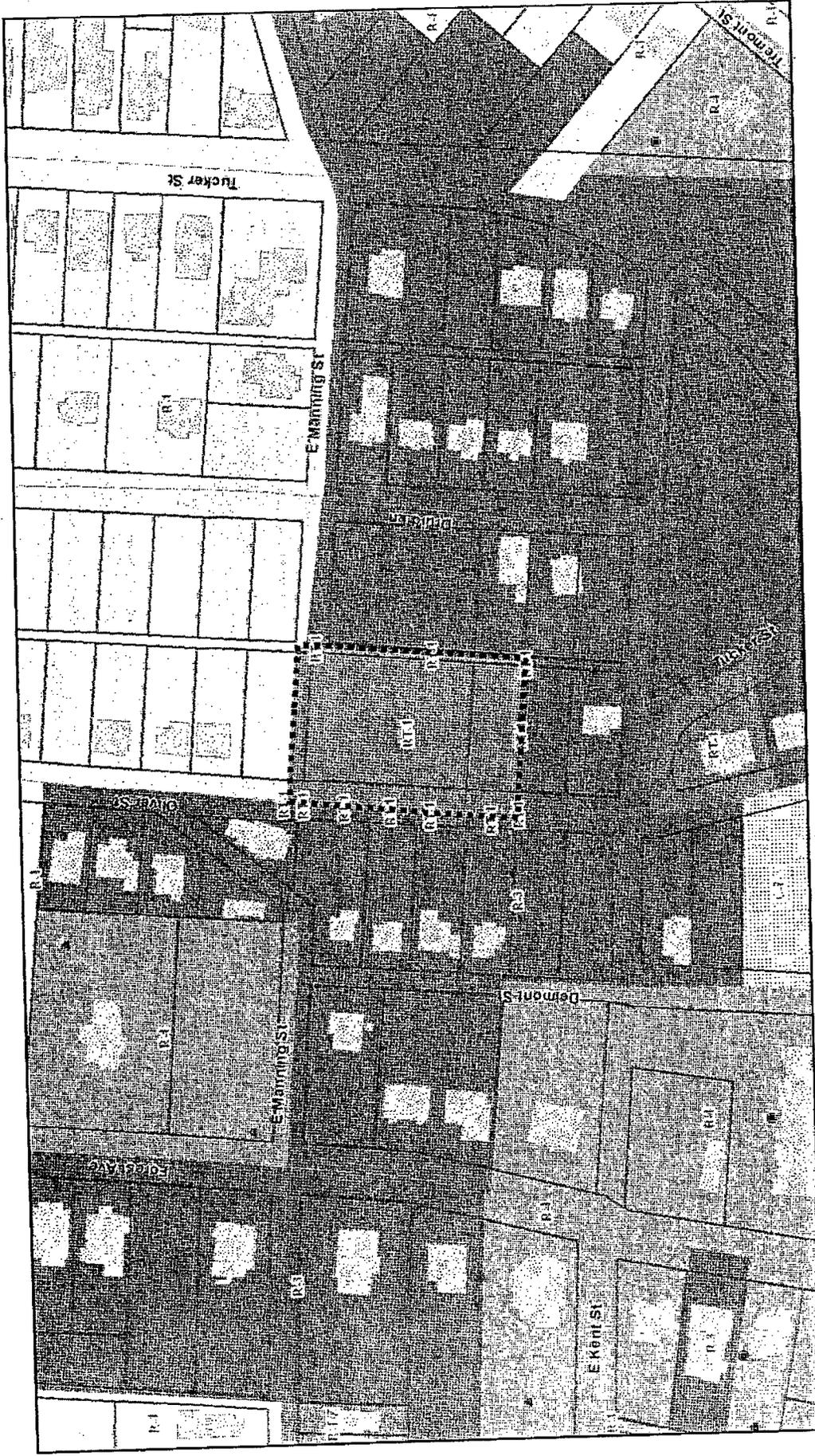
The intent of the R-T/Z Residential Zero Lot Line Zone is to provide regulations for residential development which makes an efficient use of land, and is compatible with surrounding development. R-T/Z contains multiple residential development options: townhouses (also called row houses and attached homes), single-family zero lot line dwellings (also called patio homes), and/or mixed use moderate density residential development. It is further intended that these regulations provide for standards which will foster compatibility between R-T/Z development and lower density, standard single-family uses.

**LIFT/AMEND CONDITIONS APPLICATION FORM**

<b>CASE NUMBER: 2014-013</b>		Date Submitted: 01-09-2013	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
<b>1 Applicant Request</b>			
<b>Conditions</b>		<b>Description: Lift Conditions</b>	
		Resolution/Ordinance Number: 11657, Conditions 1, 2, 3, & 4	
		Previous Case Number: 2004-243	
<b>2 Property Information</b>			
<b>Property Address:</b>		306 & 308 Oliver Street, Chattanooga, Tn. 37405	
<b>Property Tax Map Number(s):</b>		135E-F-003 & 135E-F-004	
<b>3 Proposed Development</b>			
<b>Reason for Request and/or Proposed Use:</b>		Single Family Homes Only. No Townhomes.	
<b>4 Site Characteristics</b>			
<b>Current Zoning:</b>		RT-1	
<b>Current Use:</b>		Vacant	
<b>Adjacent Uses:</b>		Residential	
<b>5 Applicant Information</b>			
All communication will be with the Applicant. If the applicant is not the property owner, the RPA requires a letter from the property owner(s) confirming that the applicant has permission to file this application on his/her behalf.			
<b>Name:</b> Andre Shved		<b>Address:</b> 448 Oliver Street	
<b>Check one:</b>		<input checked="" type="checkbox"/> I am the property owner	
		<input type="checkbox"/> I am not the property owner	
<b>City:</b> Chattanooga		<b>State:</b> Tn.	
		<b>Zip Code:</b> 37405	
		<b>Email:</b> andreshved@aol.com	
<b>Phone 1:</b> 1-423-718-1571		<b>Phone 2:</b>	
		<b>Phone 3:</b>	
		<b>Fax:</b>	
<b>6 Property Owner Information (if not applicant)</b>			
<b>Name:</b>		<b>Phone:</b>	
<b>Address:</b>			
<b>Office Use Only:</b>			
<b>Planning District:</b> 8b		<b>Neighborhood:</b> North Shore Neighborhood & North Shore Merchant Collective	
<b>Hamilton Co. Comm. District:</b> 6		<b>Chatt. Council District:</b> 2	
		<b>Other Municipality:</b>	
<b>Staff Rec:</b>		<b>Legislative Action/Date/Ordinance:</b>	
<b>PC Action/Date:</b>			
<b>Checklist</b>			
<input checked="" type="checkbox"/>	Application Complete	<input checked="" type="checkbox"/>	Ownership Verification
<input checked="" type="checkbox"/>	Map of Proposed Zoning Area with dimensions	<input checked="" type="checkbox"/>	Deeds
<input checked="" type="checkbox"/>	Site Plan, if required	<input checked="" type="checkbox"/>	Plats, if applicable
<b>Deed Book(s):</b> 7272-0259 & 7377-0502			
<b>Plat Book/Page:</b> 4-28		<b>Notice Signs:</b>	
		<b>Number of Notice Signs:</b> 1	
<input checked="" type="checkbox"/>	Filing Fee: \$150.00	<input checked="" type="checkbox"/>	Cash
		<input type="checkbox"/>	Check
			<b>Check Number:</b>
<b>Planning Commission meeting date:</b> 2-10-2014		<b>Application processed by:</b> Trevor Slayton	

# PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL

<b>Case Number:</b>	<b>2014-013</b>	<b>PC Meeting Date: 2-10-2014</b>
<b>PC RECOMMENDATION:</b>	<b>DENY</b>	
<b>Reason(s) for Recommendation</b>	The existing RT1 Residential Townhouse Zone with its existing four conditions is preferable to the applicant's proposal for three single-family homes with three individual driveways.	
<b>Current Conditions</b>	1) one driveway and/or curb cut 2) no off-street parking in front of buildings 3) elevation and site plan per the 2004 ordinance for townhouses	
<b>Applicant Present at PC Meeting?</b>	Yes	
<b>Opposition Present at PC Meeting?</b>	No	



## 2014-013 Lift Conditions

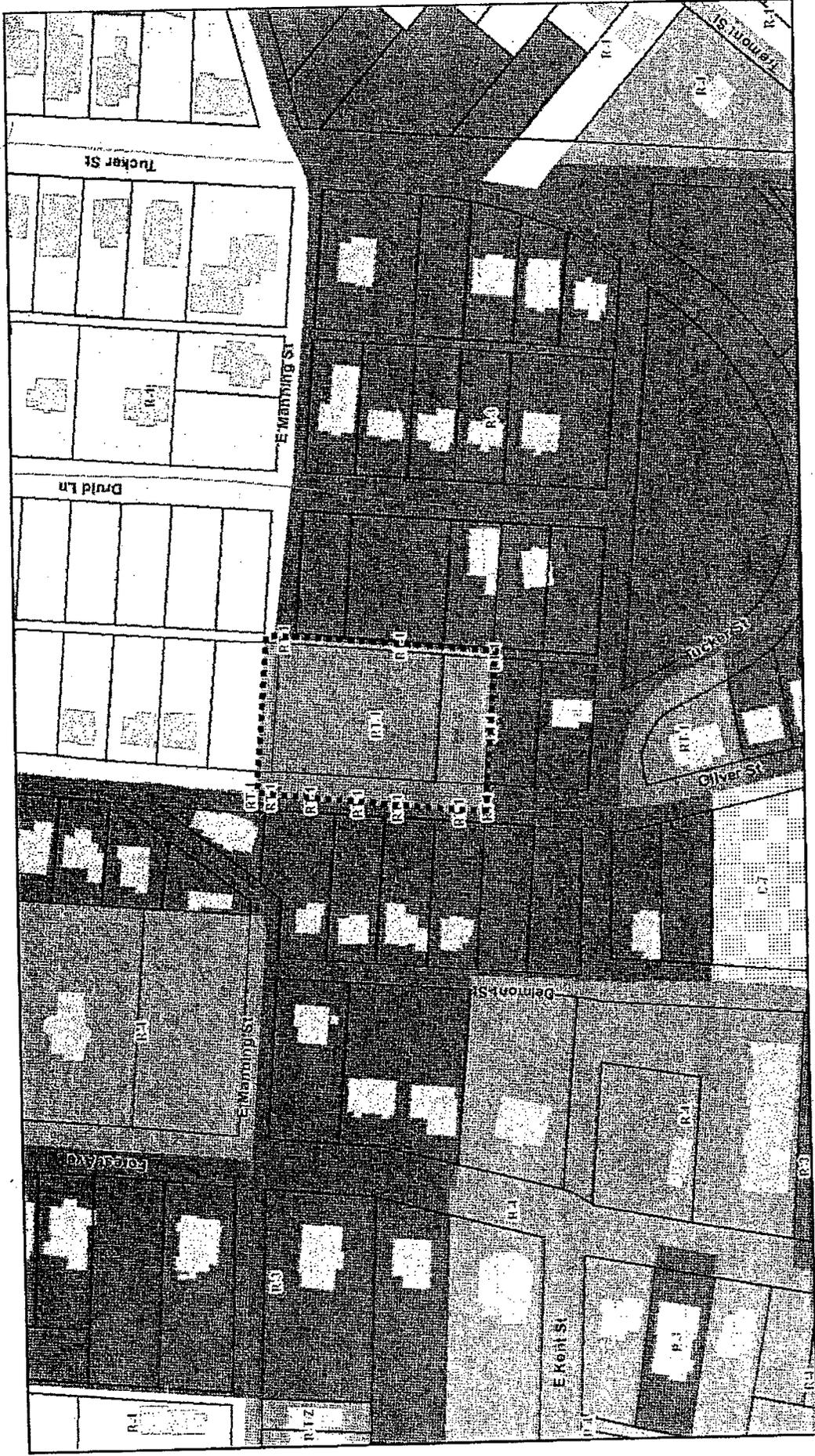
PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-013: Deny.



136 ft



**Chattanooga Hamilton County Regional Planning Agency**



2014-013 Lift Conditions

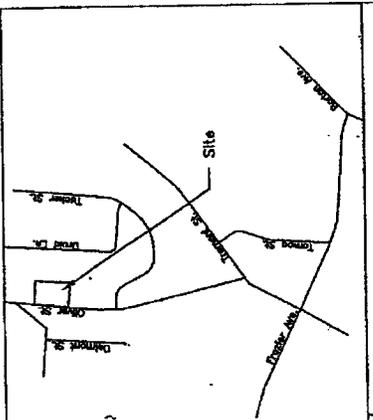
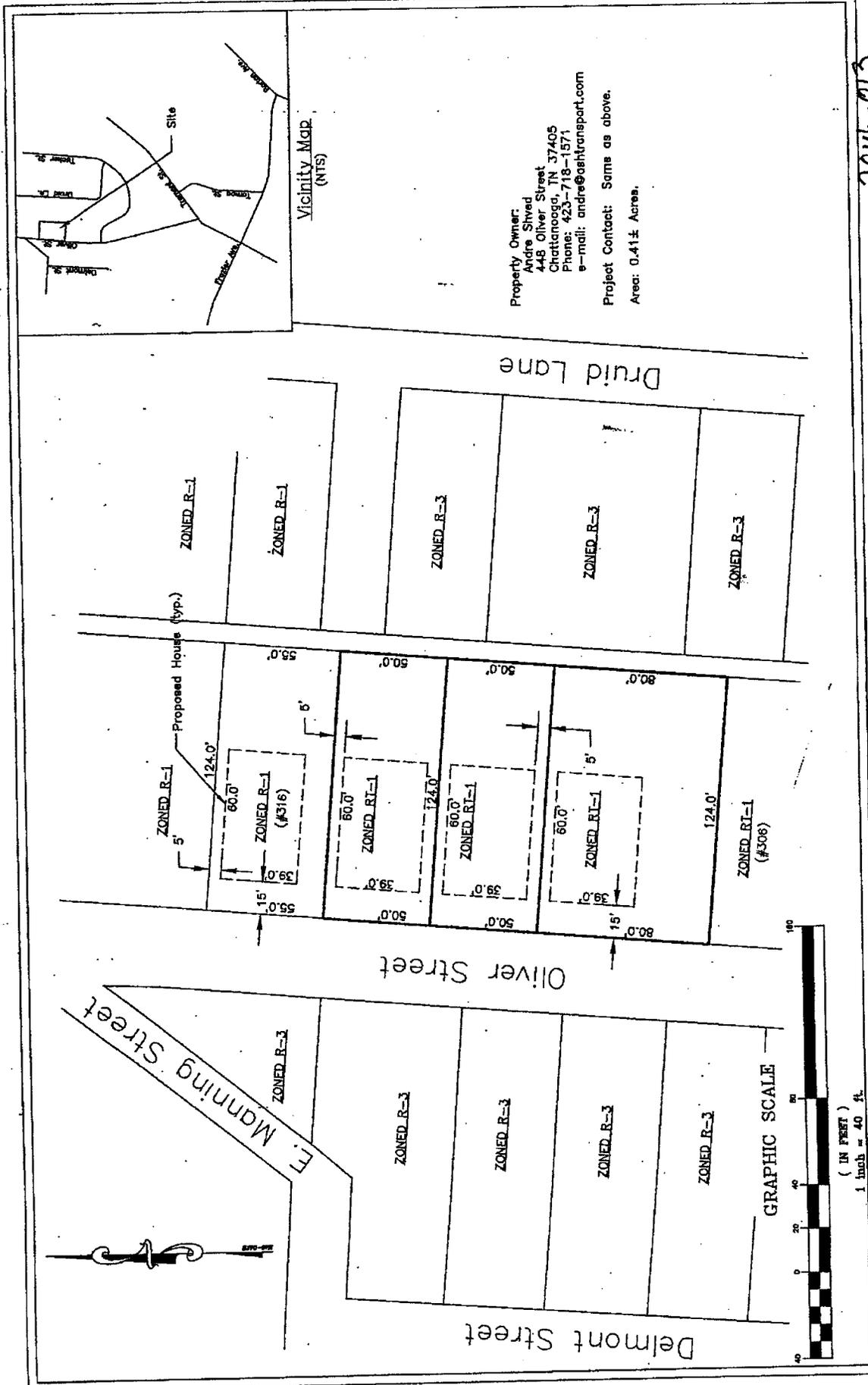
136 ft



Cherokee-Hamilton County  
**RPA**  
 Regional Planning Agency



Chattanooga Hamilton County Regional Planning Agency



Property Owner:  
 Andre Shved  
 448 Oliver Street  
 Chattanooga, TN 37405  
 Phone: 423-718-1571  
 e-mail: andre@ashtransport.com

Project Contact: Same as above.  
 Area: 0.41± Acres.

2014-013

## 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 petitions to rezone be approved:

2014-005 Arbour Valley Development/Michael & Edward Manz, IV. 2848 Anderson Terrace, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions.

2014-014 Ethan Wood/Matt Wood. 5906 Hancock Road, from R-1 Residential Zone to M-2 Light Industrial Zone, subject to certain conditions.

2014-015 NAI Charter Real Estate Corporation/David Graham. 2125 and 2129 West Shepherd Road, from R-2 Residential Zone to M-1 Manufacturing Zone, subject to certain conditions.

2014-017 Thomas Palmer. 329 Market 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 denied:

2013-158 Justin Cox/BA Duong. 2537 and 2541 Tunnel Boulevard, from R-1 Residential Zone to RT-1 Residential Townhouse Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following conditions to be lifted be denied:

2014-013 Andre Shved. 306 and 308 Oliver Street, to lift conditions 1, 2, 3, and 4 from Ordinance No. 11657 of previous Case Number 2004-243 to allow Single Family Homes Only.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendment be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

- (a) Adding distilleries as an allowable use under Special Exceptions Permit requirements in the C-2 Convenience Commercial Zone, UGC Urban General Commercial Zone, C-3 Central Business Zone, and M-1 Manufacturing Zone;
- (b) Amending Definitions for Section 38-2 for Alcohol Distillery;
- (c) Amending Section 38-185 by adding a new subsection (1)(c) Alcohol Distillery, Small to the C-2 Convenience Commercial Zone;
- (d) Amending Section 38-205 by adding a new subsection (3) Alcohol Distillery, Small to the UGC Urban General Commercial Zone;
- (e) Amending Section 38-224 by adding a new subsection (1)(c) Alcohol Distillery, Small to the C-3 Central Business Zone; and
- (f) Amending Section 38-303 by adding a new subsection (2) Alcohol Distillery, Small and Alcohol Distillery, Large to the M-1 Manufacturing Zone and renumber the remaining uses.

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,

**March 11, 2014**

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 \_\_\_\_\_, 2014.

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Sandra Freeman  
Clerk to the City Council