

First Reading: _____
Second Reading: _____

2014-093
Carol Page Wnuk
District No. 5
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 304 GILLESPIE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE.

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, be and the same hereby is amended so as to rezone property located at 304 Gillespie Road, more particularly described herein:

Lot 6, Block D, Revised Plan of Block D Sunnyside, Plat Book 12, Page 47, ROHC, being the property described in Deed Book 4931, Page 561, ROHC. Tax Map No. 157A-E-010.

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-2 Residential Zone.

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

/mem

2014-093 City of Chattanooga
September 8, 2014

RESOLUTION

WHEREAS, Carol Page Wnuk petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga the rezoning from R-1 Residential Zone to R-2 Residential Zone, property located at 304 Gillespie Road.

Lot 6, Block D, Revised Plan of Block D Sunnyside, Plat Book 12, Page 47, ROHC, being the property described in Deed Book 4931, Page 561, ROHC. Tax Map 157A-E-010 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on September 8, 2014,

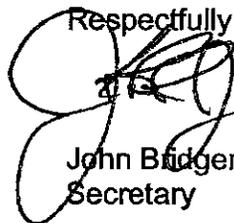
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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 September 8, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be denied and recommended approval of a Special Exceptions Permit for a duplex in the R-1 Residential Zone.

Respectfully submitted,



John Bridger
Secretary

ZONING APPLICATION FORM

CASE NUMBER:	2014-093	Date Submitted:	8-04-2014
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request			
Zoning	From: R-1	To: R-2	
Total Acres in request area: .16			
2 Property Information			
Property Address:	304 Gillespie Road		
Property Tax Map Number(s):	157A-E-010		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Property was grandfathered in as a Duplex. I had Leukemia and had to get treatment in Houston. Electric was off more than a year.		
4 Site Characteristics			
Current Zoning:	R-1		
Current Use:	Vacant Residence		
Adjacent Uses:	R-1		
5 Applicant Information			
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.			
Name: Carol Page Wnuk		Address: 4938 Bal Harbor Drive	
Check one:	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
City: Chattanooga	State: TN	Zip Code: 37416	Email: carolwnuk4938@gmail.com
Phone 1: 423-718-6776	Phone 2:	Phone 3:	Fax:
6 Property Owner Information (If not applicant)			
Name: Same		Phone:	
Address:			
Office Use Only:			
Planning District: 9		Neighborhood: Brainerd Unity Group, Menlo Park, North Brainerd Community Council	
Hamilton Co. Comm. District: 5	Chatt. Council District: 5	Other Municipality:	
Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:	
Checklist			
<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"/> Site Plan, if required	<input checked="" type="checkbox"/> Total Acres to be considered: .16	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 4931-561			
Plat Book/Page: 12-47		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: 150.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	Check Number: 2626
Planning Commission meeting date: September 8, 2014		Application processed by: Marcia Parker	

STAFF CASE REPORT TO PLANNING COMMISSION

Case Number:	2014-093	PC Meeting Date: 09-08-14
Applicant Request:	Rezone from R-1 Residential Zone to R-2 Residential Zone	
Property Location:	304 Gillespie Road	
Property Owner:	Carol Page Wnuk	
Applicant:	Same	
Staff Recommendation:	DEFER for 30 days	

PROJECT ANALYSIS

RPA Land Use & Transportation Comments

Project Description

The applicant requests the R-2 Residential Zone for an existing duplex that recently lost its legal non-conforming use status.

Site Description

The lot is on the south side of Gillespie Road and is approximately 7,000 square feet with a two-family dwelling (duplex) on site. Other land uses on the south side of Gillespie Road are both single-family residences and duplexes. There is a children's home across Gillespie Road to the northwest.

Zoning History

This site was rezoned to R-1 Residential Zone as part of the 1995 Brainerd Area Zoning Plan (Resolution 20754) and the Brainerd Area Zoning Study (Ordinance 10331). The site was previously zoned R-3 Residential Zone prior to that study. Tax Assessor Record's currently classify the property as a multi-family (duplex) structure built in the 1960s.

Plans/Policies

This site is within the 1995 Brainerd Area Zoning Plan and policy for the site is guided by recommendations contained in the Brainerd Area Zoning Study. The Brainerd Area Zoning Plan states that when reviewing rezoning requests "each property should be reviewed in the context of the neighborhood and recommended zoning on this basis."

Currently the site is within the Inner Suburban Development Sector of the Comprehensive Plan 2030. The Comprehensive Plan 2030 states that a mix of housing is appropriate for this Development Sector. According to the Housing recommendations for this sector, "infill development on vacant and underutilized lots in these areas should respect the prevailing scale of existing residences" and "should help reinforce the existing residential character."

There are no adopted land use plans for this area.

City Departmental Infrastructure & Operational Comments

All land development projects are reviewed by City Engineering & Water Quality staff, Transportation Department 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.

STAFF CASE REPORT TO PLANNING COMMISSION

RPA Summary

The reestablishment of a duplex at this location may be consistent with the character along Gillespie Road as other duplexes are presently along the street including one on either side of the property. In addition, allowing continued use of this property as a duplex would provide additional housing options within the existing neighborhood as the duplex on the property is currently not in use due to its loss of legal non-conforming status. Substantive reinvestments into the existing property could be of benefit to neighborhood.

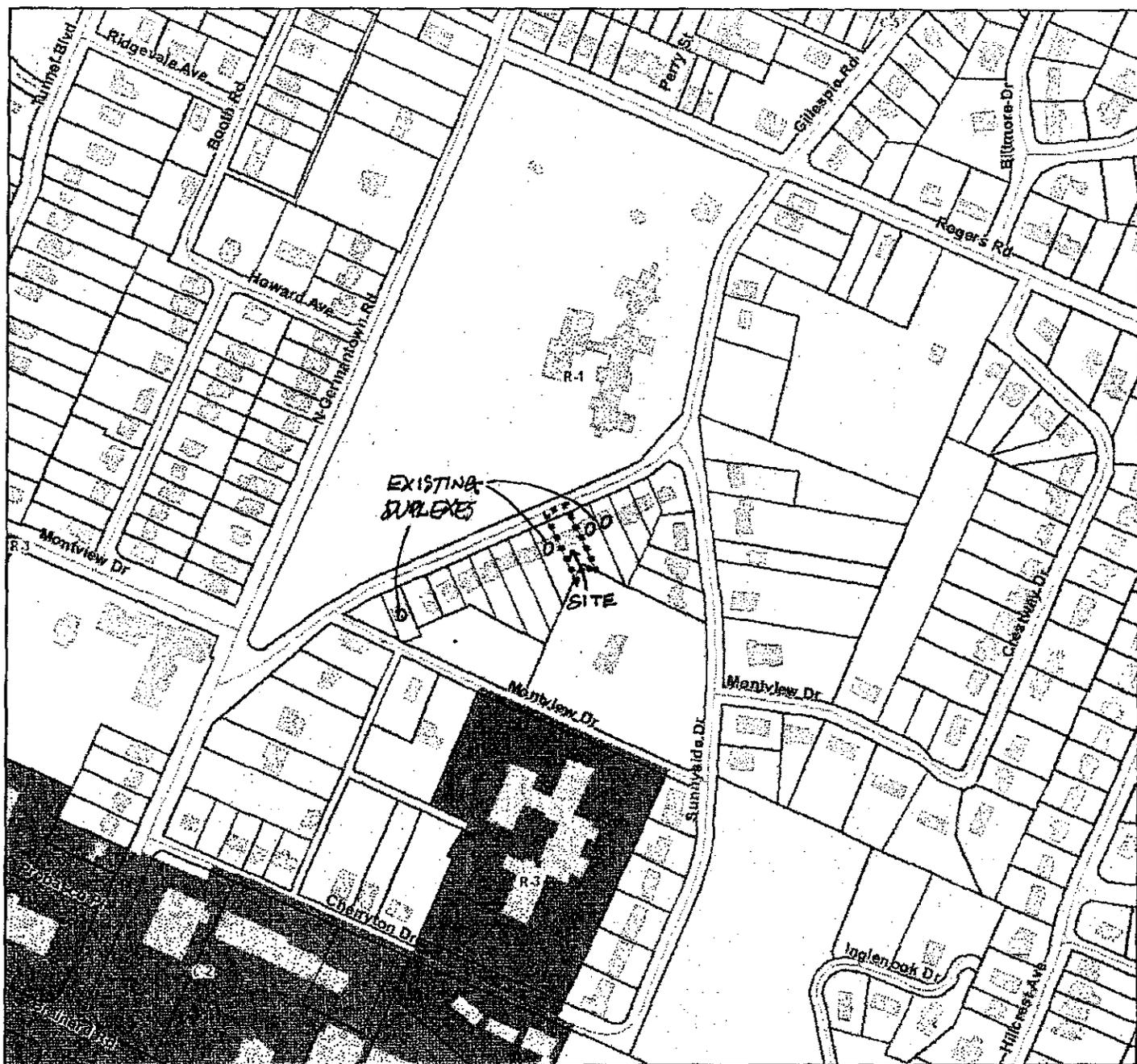
However, staff has several concerns with the requested rezoning to R-2 Residential Zone. The lot size does not meet the minimum standards required in the R-2 Residential Zone. Also, rezoning of this property could set a precedent for zoning in this area of Brainerd and lead to additional rezoning requests in the surrounding neighborhood which may not be appropriate.

Staff believes a Special Exception Permit for a two-family dwelling in the R-1 Residential Zone is a better tool for this use at this location than rezoning to R-2 Residential. This Special Exceptions Permit was created to accommodate existing duplexes in situations such as this. The intent of this permit is as follows:

The City of Chattanooga has rezoned property in several neighborhoods from R-2 Residential Zone and R-3 Residential Zone to R-1 Residential Zone. This Special Exceptions Permit would allow structures that were constructed as two-family dwellings to be able to continue such use after the loss of nonconforming status. The purpose of this Special Exceptions Permit is to provide relief to property owners of certain two-family dwellings which, under current zoning, could only be used for single-family residences. The intent of issuance of a Special Exceptions Permit is not to encourage similar requests in an area.

These Special Exception Permits may be granted by City Council provided: "a) the request is consistent with the adopted plans for the area, b) the request is consistent the zoning study that rezoned the requested property from R-2 Residential Zone and R-3 Residential Zone to R-1 Residential Zone."

Staff recommends deferral for 30 days to allow time for the applicant to pursue a Special Exception Permit as a more appropriate solution.



2014-093 Rezoning from R-1 to R-2

Chattanooga Hamilton County Regional Planning Agency

323 ft



2014-093 Rezoning from R-1 to R-2

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-093: Deny R-2; recommend approval of a Special Exceptions Permit for a duplex in the R-1 Zone.



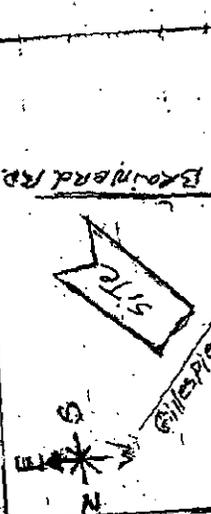
325 ft



Chattanooga Hamilton County Regional Planning Agency

RPA

NOTES

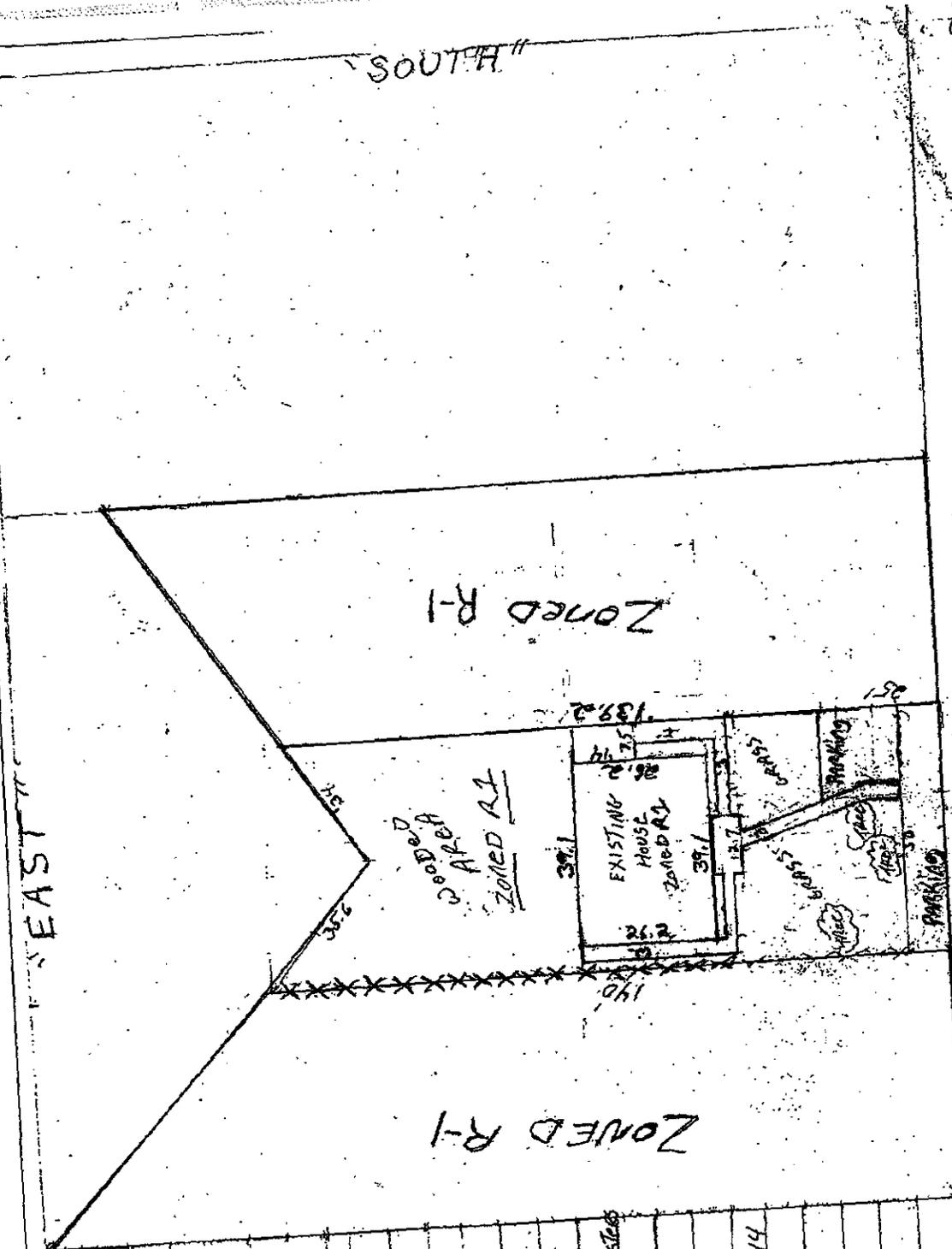


- A. CURRENT ZONING R-1
- B. 2000' x .16 AC
- C. USE EXISTING HOUSE
- D. LANDSCAPE ORDINANCE
- E. EXISTING FENCE *****
- F. TRASH TO BE TAKEN OUT ON
- G. TRASH PICK UP DAYS (VIA QUARTER)
- H. [REDACTED]

PROPERTY PLAN
 SCALE: 1"=20' AUG. 3. 2014
 TAX MAP NO. 157A-E-OLD
 CHATT. TN.
 FOR CAROL PAGE WALK
 4938 BAL HARBOR DR.
 CHATT. TN. 37416
 PROJECT CONTACT SAME
 EMAIL - CAROL@WALK4938@GMAIL.COM
 PHONE - 423-7186776

EAST

SOUTH



GILLESPIE RD
 CHAMBERS & GEATER FOR CHILDREN
 2014-093



Site Characteristics

NOTICE

WHEREAS, petition to amend Ordinance No. 6958, known as the Zoning Ordinance, has 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:

2014-064 MAP Engineers c/o Mike Price/Valor. 7518 Standifer Gap Road, from R-4 Special Zone to M-3 Warehouse and Wholesale Zone.

2014-066 Chris Senn/IMI Merchandising Holding, Inc. 950 Riverside Drive, from M-1 Manufacturing Zone to R-4 Special Zone, subject to certain conditions.

2014-085 Frank Goodwin. 1400 block of Adams Street, from R-3 Residential Zone to C-3 Central Business Zone, subject to certain conditions.

2014-094 Global Southern Realty Holdings, LLC/Roy & Vivian Thomas c/o Lorrie Dorsey. 7408 and 7414 Bonny Oaks Drive, from R-1 Residential Zone and R-3 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2014-097 MAP Engineers, LLC/MPL Construction/Gold Bond, Inc. 5485 Old Hixson Pike and 5519 Hixson Pike, from C-2 Convenience Commercial Zone to M-2 Light Industrial Zone.

2014-099 David Harris. 3326 Jenkins Road, from R-4 Special Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2014-100 Travis L. Hulsey/William J. Hulsey. 6115 Mountain View Road, from M-2 Light Industrial Zone to C-2 Convenience Commercial Zone.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petitions to rezone be denied:

2014-078 Ivan Mousaw/James Cunningham. 4501 Jersey Pike, from R-2 Residential Zone to R-3 Residential Zone.

2014-080 RSN Group, LLC/Vanessa Knight. 1809 Gunbarrel Road, from O-1 Office Zone to C-2 Convenience Commercial Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied and recommends approval of a Special Exceptions Permit:

2014-093 Carol Page Wnuk. 304 Gillespie Road, from R-1 Residential Zone to R-2 Residential Zone, petition to be denied and recommends approval of a Special Exceptions Permit for a duplex in the 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 14, 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.

Sandra Freeman
Clerk to the City Council