

2014-115
Carol Page Wnuk
District No. 5

RESOLUTION NO. _____

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A TWO-FAMILY DWELLING IN AN R-1 RESIDENTIAL ZONE FOR PROPERTY LOCATED AT 304 GILLESPIE ROAD.

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 a two-family dwelling in an R-1 Residential Zone for property located at 304 Gillespie Road, more fully described below:

Lot 6 of the 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.

ADOPTED: _____, 2014

/mem

2014-115 City of Chattanooga
November 10, 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 granting of a Special Exceptions Permit for a Two-family Dwelling in an R-1 Residential Zone for property located at 304 Gillespie Road.

Lot 6 of the 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 November 10, 2014,

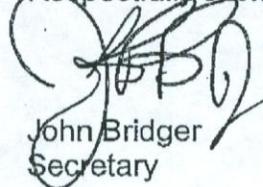
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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 November 10, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,



John Bridger
Secretary

SPECIAL PERMIT APPLICATION FORM

CASE NUMBER:	2014-115	Date Submitted:	8-29-2014
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request			
Special Permit	Type: Special Exceptions Permit for a two-family dwelling in an R-1 Zone per section 38-524		
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:		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: No Charge	Cash	Check	Check Number:
Planning Commission meeting date: October 13, 2014		Application processed by: Trevor Slayton	

STAFF CASE REPORT TO PLANNING COMMISSION

Case Number:	2014-115	PC Meeting Date: 11-10-14
Applicant Request:	Special Exceptions Permit for a two-family dwelling in an R-1 Residential Zone	
Property Location:	304 Gillespie Road	
Property Owner:	Carol Page Wnuk	
Applicant:	Same	
Staff Recommendation:	APPROVE	

PROJECT ANALYSIS

RPA Land Use & Transportation Comments

Project Description

The applicant is requesting a Special Exceptions Permit 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. The applicant recently submitted a rezoning request for R-2 Residential Zone. At the September 2014 Planning Commission meeting, the Commission recommended to deny the applicant's request for rezoning from R-1 Residential to R-2 Residential on the same property and, instead, recommended approval of the Special Exceptions Permit for a two-family dwelling in an R-1 Zone. That recommendation was presented to Chattanooga City Council on October 8th, and they denied the request. Prior to this Council action, the applicant had already submitted a special permit request to RPA. Based on consultation with the City Attorney office, since the applicant has already filed an application, the Council action does not impact the processing of this request. RPA staff has tried to reach the applicant to see if they would like to withdraw or proceed with the request. The applicant responded that they wanted to proceed with the special permit request.

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."

STAFF CASE REPORT TO PLANNING COMMISSION

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.

RPA Summary

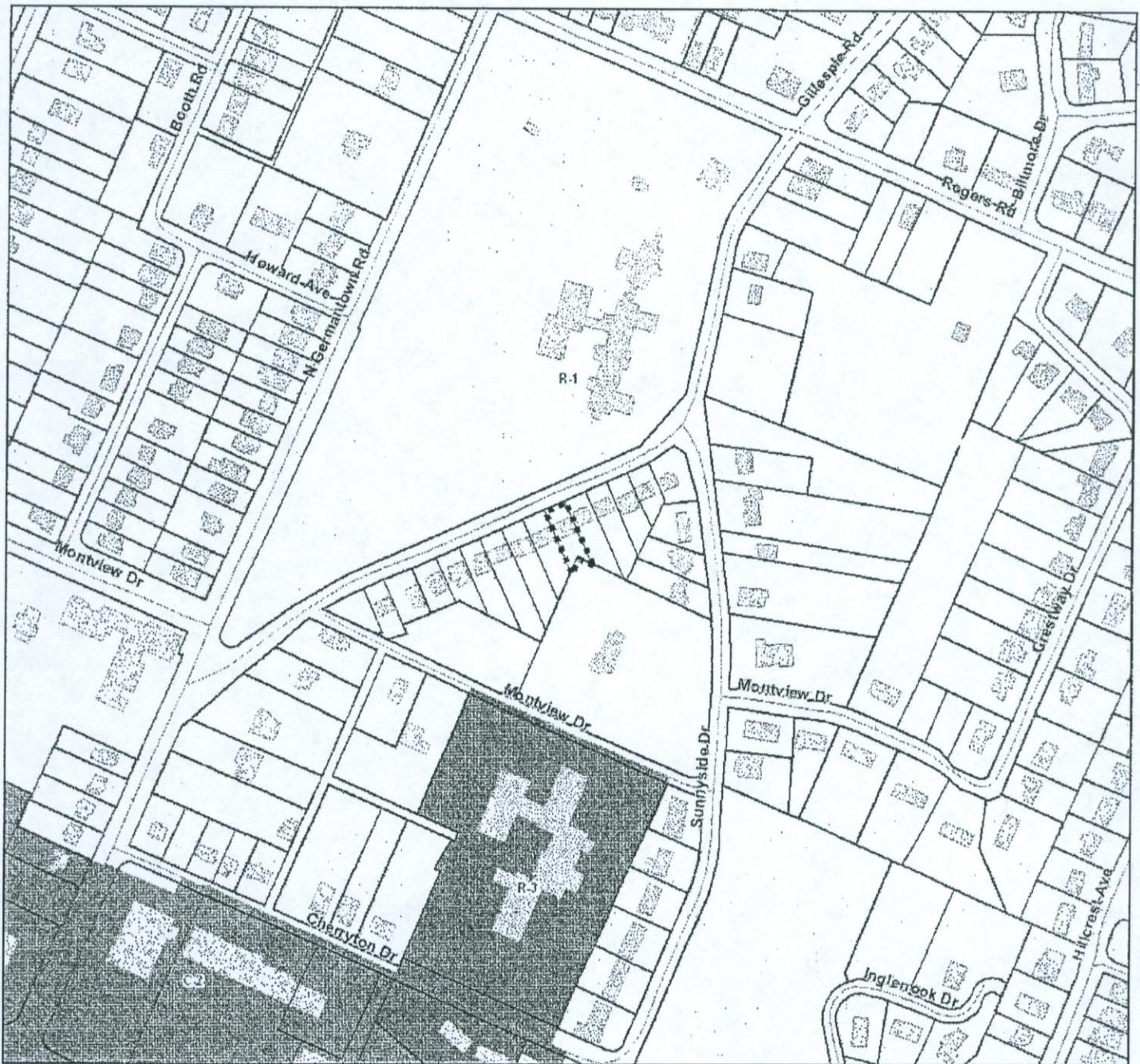
The reestablishment of a duplex at this location may be consistent with the character along Gillespie Road as other duplexes are presently along the street including one on either side of the property. In addition, allowing continued use of this property as a duplex would provide additional housing options 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.

Staff believes a Special Exception Permit for a two-family dwelling in the R-1 Residential Zone is an appropriate 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 approval of the Special Exceptions Permit request.



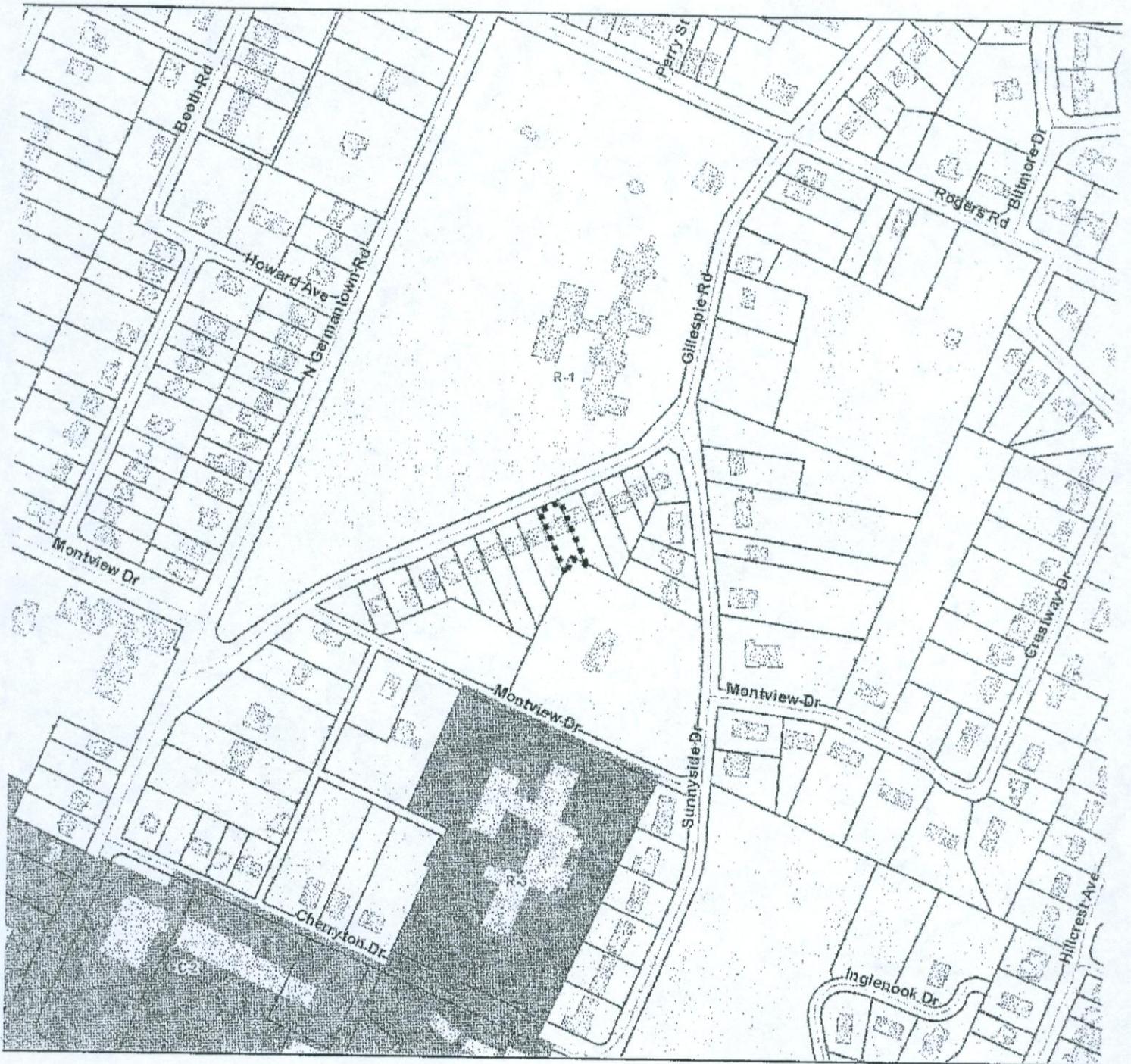
2014-115 Special Exceptions Permit for a Duplex in the R-1 Residential Zone

300 ft

Chattanooga Hamilton County Regional Planning Agency

CASE TIMELINE

- August 4, 2014-** **R2 Application:** Ms. Wnuk applies for R2 Rezoning (fee: \$150) for the September PC meeting.
- (August was also the month that the RPA began a new application deadline dates)
- August 18, 2014-** **RPA Staff Review Meeting:** The staff decides to recommend to defer the R2 request for 30 days to give the applicant time to pursue the *Special Permit* option.
- August 27, 2014** **Applicant Contact:** RPA staff contacts Ms. Wnuk to let her know of staff's recommendation for her to consider the Special Permit. Ms. Wnuk expressed interest to pursue that approach.
- August 29, 2014-** **Special Permit Application:** In an effort to keep the applicant's request from being delayed an additional month during the new deadline changes, RPA creates an application for the Special Permit (no fee charged to Ms. Wnuk) for the October PC meeting. This was done so that the duplex request could be reviewed as a Special Permit by the PC at the October 13 meeting.
- September 8, 2014-** **PC Meeting:** R2 request (Case #2014-093) is heard by the Planning Commission. RPA Staff recommends to defer action for 30 days (to give applicant time to apply for a special permit). The Planning Commission recommends to deny the R2 but also recommends to approve a special permit. The PC took this action thinking it would take less time and be less troublesome for the applicant.
- October 13, 2014-** **PC Meeting:** The Special Permit request (Case #2014-115) is heard by the Planning Commission. The Planning Commission defers the Special Permit for 30 days to allow Case 2014-093 to be acted on by Council and closed.
- October 14, 2014-** **City Council:** The City Council places both the Applicant's R2 request AND the *PC Recommendation* for a Special Permit (both assigned case #2014-093 City Attorney's Office) on the agenda. The **City Council denies both.**
- TECHNICALITY-** The technicality is that, while Case 2014-093 was denied by City Council, Case 2014-115 is still active.
- APPLICANT OPTION:** This still active case (Special Permit/2014-115) can either be withdrawn by the applicant or heard again by the Planning Commission on November 10. If acted on at that meeting, it would then go back to the City Council on December 9, 2014.



2014-115 Special Exceptions Permit for a Duplex in the R-1 Residential Zone

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-115:
Approve



300 ft

Chattanooga Hamilton County Regional Planning Agency

RPA

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:

2014-118 John A. Tucker/International Board of Jewish Missions.
5106 Genesis Lane, from M-1 Manufacturing Zone to C-2 Convenience Commercial Zone.

2014-121 Allen Jones/University Investors, LLC. 7407 Igou Gap Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2014-124 Charles Adamson/Mount Summit of Peace Church.
8062 and 8074 Old Lee Highway, from R-1 Residential Zone and R-2 Residential Zone to R-3 Residential Zone.

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

2014-115 Carol Page Wnuk. 304 Gillespie Road, for a two-family dwelling in an R-1 Residential Zone.

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

2014-123 Chattanooga Engineering Group/Michael Oswald. 6803, 6807, and 6811 McCutcheon Road, to lift conditions from Ordinance No. 12667 of previous Case No. 2012-131.

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,

December 9, 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