

FORM-BASED CODE COMMITTEE **MINUTES**

November 8, 2018

The duly advertised meeting of the Form-Based Code Committee was held on November 8, 2018, at 1:00 p.m. at the Development Resource Center, Conference Room 1A. Secretary Jason Havron called the meeting to order. Secretary Rosetta Greer called the roll and swore in all those who would be addressing the Committee. Planner Emily Dixon explained the rules of procedures and announced that the meeting is being recorded.

Members Present: Jason Havron, William Smith, Matt Whitaker, Marcus Jones, David Hudson, and Jim Williamson

Members Absent: Heidi Hefferlin, Grace Frank, and Ladell Peoples

Staff Members Present: Development Review Planner Emily Dixon, Secretary Rosetta Greer, and Attorney Harolda Bryson

Applicants Present: Brian Geselbracht, Dusty Rowland, Matt Lyle, Joseph Schlabs, Craig Allison, John Brown, Charita Allen, Tony Brown, Jonathan Horne, and Dave Fidati.

Approval of Minutes: Jason Havron made a motion to approve October 2018 meeting minutes. Marcus Jones seconded the motion. The motion was unanimously approved.

Planner Emily Dixon explained the rules of procedures.

OLD BUSINESS:

Case #18-FB-00030 – 1419 Market Street – Parking lot bollards

Project Description:

The applicant, Brian Geselbracht, has applied for the following modification

1. Closure of alley access from open City alley to parking lot.

Ms. Dixon presented the Power Point presentation. Ms. Dixon read CDOT (Chattanooga Department of Transportation) position from the Power Point presentation.

David Hudson recused himself from the case.

Brian Geselbracht, of 1020 Elaine Trail, addressed the Committee. Mr. Geselbracht said another building has been added on the other side of the alley. He said the new building has caused more issues for the parking lot. He said putting signs up stating that the property is private will not stop cars from accessing the parking lot. His biggest concerns were safety issues.

Community Comments: None.

Discussion: Mr. Smith said when the case was presented before the Committee in September of 2018, the Committee decided to defer the case until CDOT gave a recommendation. He said now that CDOT has stated their position the decision should be to not approve the request. Mr. Jones asked for clarification about the comment from CDOT in regards to legal action being taken by the applicant. Ms. Dixon said she was uncertain because the legal action is asking for a variance. She said she spoke with CDOT and they realized the case is a tough situation. She said there is increased traffic in the area due to new developments in the area. She said Collier Construction has placed five (5) new townhomes nearby. The curb cut that was located where the new townhomes are, gave access for traffic to exit the alley. Mr. Jones asked if the property in question was a right of way. Ms. Dixon said it is a private property. She said CDOT said the applicant paid part of the traffic light. Mr. Jones asked if other persons could exit from the opposite direction. Ms. Dixon said the traffic could come out onto Williams and Main Street, but the angle is difficult to turn out of. Mr. Jones asked if there were 3 ways to exit the site area. Ms. Dixon said there are 3 exits but the only way to make a left is at the traffic light. Mr. Williamson asked if a property undergoes new development would a curb cut be allowed where the A street is located for a brand new parking lot. Ms. Dixon said no. Mr. Whitaker asked if a barrier could be placed in the middle of the parking lot to keep traffic from driving through it. Ms. Dixon said that could work. Mr. Havron asked if the owners could place speed humps at the alley way instead of bollards. Mr. Whitaker said the applicants could do whatever they want within their property lines to stop the flow of traffic but the alley would not be accessible. Blocking access to the alley is not permitted. Ms. Dixon said if bollards were put in the middle of the parking then that would stop people from driving through the lot. Mr. Whitaker said the only portion of the case that is within the Committee's purview is the request to block access to the alley. He said the variance could be denied based of the notion that there are other options within the property lines to eliminate public access to the private lot. Ms. Geselbracht said placing speed humps in the parking lot would not work because the public would be able to access the lot. The traffic light was put in place for the tenants and residents. He is not okay with the other options discussed for speed humps and bollards in the middle of the lot. Mr. Jones asked if the applicants could build a structure in their parking lot as another form of blocking access to outsiders to the private lot. Ms. Dixon said a structure could be placed there if it met the Code requirement, but per the Code, buildings would need to be at the front of the property & parking to the rear utilizing the alley. Mr. Whitaker asked if the applicants were granted the closure of alley access could redevelopment cause the alley to be reviewed again. Ms. Dixon said the alley could be reviewed again in the case of redevelopment. Mr. Jones asked if closing the parking lot would completely make the alley inaccessible. Mr. Geselbracht said he is not asking to close the alley way. He wants public access through the private parking lot closed off. Ms. Dixon said the Form-Based Code requirement states that *vehicular access must be provided via an alley when the alley is determined to be open*. She said the alley in question is considered to be open and the site should have access to the alley and that is why the variance request was submitted.

William Smith made a motion to deny Case #18-FB-00030 – 1419 Market Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: None.

Matthew Whitaker seconded the motion. There were 4 members in favor and 1 member, Marcus Jones, in opposition. The motion did not pass.

The case was deferred until next month due to the inability to have a majority of a 5 member vote of the same kind.

Case #18-FB-00038 – 208 W 17th Street – Side Setbacks

Project Description:

The applicant, Robert Ankar / Rowland Development, has applied for the following modification

1. Reduction of left side for Additional Dwelling Unit (ADU) from 3' to 0'.

Ms. Dixon presented the Power Point presentation.

Dusty Rowland, of 208 W. 17th Street, addressed the Committee. Mr. Rowland said at the previous meeting Ms. Hefferlin mentioned that the development plan should shift the placement of the structure to get a walkway and that he would need to get the support of the neighbor. He gave the Committee the letter from the neighboring property in support of the proposed development. Mr. Hudson asked the applicant to clarify his hardship. Mr. Rowland said the new zoning (Form-Based Code) did not allow building up to the property line and request to build up to the property line as the previous structures have been built. Mr. Hudson asked if the proposed building could be narrower. Mr. Rowland said if the garage was narrower it would not be wide enough for two cars to fit within the Additional Dwelling Unit (ADU). Mr. Hudson asked if the applicant was suggesting that the lot was too narrow. Mr. Rowland said yes. Ms. Dixon said the actual ADU the applicant is showing is 20 feet wide. She said if each parking stall was 9 feet wide, it would put the parking space at 18 feet and would only give 2 feet of room for maneuverability.

Community Comments: None.

Discussion: Mr. Havron asked if a precedent would be set if the variance for a zero lot line was granted. Ms. Dixon said there have been similar scenarios in which the zero lot line was allowed. She said the important thing to consider is fire separation and that is why it was suggested at the previous Committee meeting to get a letter from the neighbor that the applicant shared the lot line with. Mr. Havron referenced the letter from the neighboring owner stating that they support the proposed request for a zero lot line. Ms. Dixon said Mr. Rowland will not have any windows on that side because of the 0 foot setback. Mr. Rowland said the drawings show windows but the floor plan will be reversed to show no windows. Mr. Whitaker said he is inclined to approve the variances due to the allowance of previous variances to go to zero lot lines. Mr. Smith asked Ms. Dixon to clarify the conflict with fire code if granted the 0 foot lot line. Ms. Dixon said anytime a structure is placed that close to the property line, the structure cannot have any windows or fenestration on that side. Mr. Smith asked about the minimum requirements for an ADU. Ms. Dixon said the maximum size for an ADU is 700 square feet. Mr. Smith asked if there were a minimum requirement for an ADU. Ms. Dixon said there is a minimum size of about 216 square feet because of IBC (International Building Code) in regards to the minimal square footage per room. She said the proposed development is meeting those IBC requirements. Mr. Smith asked if there were any references in the Form-Based Code about ADU minimum size. Ms. Dixon said it is not in the Form-Based Code but is in the IBC. Mr. Hudson asked if the other existing buildings shifted to the west or shifted to the

east of the property line. Ms. Dixon said the existing buildings are located along the east of the property line. She said the letter has been reviewed stating the support of the neighboring property owner. Mr. Williamson said he would be concerned for future residents that are adjacent to the location. **Bob Ankar, of 210 W. 17th Street, addressed the Committee.** Mr. Ankar said all the sidewalks leading to the units are placed on the right side. Mr. Rowland said the walkways share a common space between them.

Matt Whitaker made a motion to approve Case #18-FB-00038 – 208 W 17th Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: None.

David Hudson seconded the motion. The motion was unanimously approved.

Case #18-FB-00043 – 1806 Madison Street – Side setback, rear setback, height, stories

Project Description:

The applicant, Matt Lyle / Joseph Schlabs, has applied for the following modifications

1. Reduction of common lot line along the driveway/left side from 3' to 1'.
2. Increase in maximum height for an ADU from 24' to 26'6".
3. Increase in maximum stories from 2 to 3.

Ms. Dixon presented the power point presentation.

Matt Lyle, of 142 N. Market, addressed the Committee. Mr. Lyle presented some photographs for the Committee to review. *The photographs are attached at the end of the minutes.* He said there are several neighbors in support of the proposed development. Ms. Dixon said she will read the emails from residents in the area. *The emails are in the Power Point presentation.* **Joseph Schlabs, of 1806 Madison Street, addressed the Committee.** Mr. Schlabs said as you drive back and forth to the stairs there is more than two feet between the overhang and a car. He presented pictures to support his claim. Mr. Hudson asked the applicants what were the hardships. Mr. Lyle said the irregularity of the lot size is the hardship. Ms. Dixon asked for clarification of the drawings. She asked if the drawing showed the driveway strip with an overhang from the upstairs porch. Mr. Lyle said that was correct but that drawing is not the same as the drawing that was presented during this meeting. The current drawings show that there is no overhang above the driveway strip. The location of the driveway on the drawing is not correct. Mr. Williamson said the proposed development looks like an addition. Mr. Lyle said it is an addition. Mr. Williamson asked why the proposed development is labeled as an ADU instead of an addition. Ms. Dixon said the development is labeled as an ADU because it will be treated as an individual unit and an attached ADU is allowed for the property zoning. Mr. Lyle said the roofline is the same pitch and height and the plan is to extend the roofline out and build up.

Community Comments: Emails were sent to Ms. Dixon in opposition and in support of the proposed development. They have been added to the Power Point presentation as well.

Rob Davis, of 1808 Madison Street, sent an email in support of 18-FB-00043. The email reads as written below.

My name is Rob Davis, I live at 1808 Madison St, Chattanooga, TN 37408. I live next door and share a yard with Joseph Schlabs of 1806 Madison Street. I have been in communication with Joseph about his proposed building/addition plans regarding case number 18-FB-00043. I am in complete approval of these plans, welcome the proposed structure and willingly offer my endorsement/blessing as such. I hope and humbly ask that the committee grant Joseph the requested variances.

Stuart Holladay, of 1804 Madison Street, sent an email in support of 18-FB-00043. The email reads as written below.

My name is Stuart Holladay, I live at 1804 Madison St, and I share a driveway (which runs between both of our houses) with Joseph Schlabs at 1806 Madison St. He has a hearing coming up this Thursday (Nov 8th) with the committee about his proposed building addition. I am emailing you to let you know that Joseph and I have been in communication about his plans, and since the plans do not interfere with our ability to use the shared driveway, I am in approval of his plans. I just wanted to let you know so that you are aware that Joseph and I are on the same page and I hope that he is able to get his variance(s) approved by the committee.

Jesse McKay, resident near 1806 Madison Street, sent an email in support of 18-FB-00043. The email reads as written below.

I live down the street from Joseph Schlabs, who is seeking exemptions from the building codes for his home addition at 1806 Madison St. I am familiar with the project and would like to submit to you my support. I believe the construction will add value to other homes in the neighborhood by providing an additional comparable property for appraisers, as many in the area are adding extensions to either main home structures or detached garages. The exemptions he is requesting are reasonable, and do not pose any inconvenience to other homeowners. Additionally, I understand the railroad has voiced opposition. Please know that they are not good for the neighborhood, and their opinion in this matter is unwelcomed. Through their negligence, they have cause road flooding, fallen trees across personal property, and unreasonable sound pollution outside of normal train operation. I hope you approve Joseph's requested variances.

Brian Beise, of 650 E 19th Street, sent an email in support of 18-FB-00043. The email reads as written below.

I'm Brian Beise and I live in Jefferson Heights at 650 E 19th St. I live just down the street from Joseph Schlabs (1806 Madison St.). I know that he is going before the committee this week to talk about getting his variances approved for his proposed project. I'm writing this email to offer my approval for his project. I think his building addition will add great value to the neighborhood and I am in full support of his plans. His case number is 18-FB-00043. Please pass on my feedback to the rest of the committee.

Jason A. Chapman, of Norfolk Southern, sent an email in opposition of 18-FB-00043. The email reads as written below.

I have exchanged emails with our track department and they are opposed to the plans due to the proximity of the setback being 1' from out ROW. They have concerns over water runoff.

Ms. Dixon said originally, there was a request for a 1 foot setback at the rear of the property which is why Mr. Chapman, of Norfolk Southern, referenced the 1 foot setback. Mr. Smith asked if the applicants are meeting the setback requirement. Ms. Dixon said the applicants are meeting the 5' rear setback requirement. Ms. Dixon said during her phone conversation with Mr. Chapman, he had general concerns about a structure being too close to their adjacent property line.

Discussion: Mr. Hudson asked Ms. Dixon to clarify the variance requests. Ms. Dixon read the variance requests to the Committee from the PowerPoint presentation. Mr. Hudson asked if the overhang was in line with the stairs there would be no setback variance request. Mr. Lyle said that was correct. Mr. Hudson asked if the applicants could take the design back 10 inches for the overhang to comply with the 3' requirement. Mr. Schlabs said he needs the space to get his photography equipment in and out of the structure. Mr. Hudson asked the applicants how deep the overhang is. Mr. Lyle said the overhang is 4'2". Mr. Jones wanted clarification on how the variance for this development different from the case heard prior to this case. Ms. Dixon said in terms of setback. Mr. Jones said yes and that the Committee just allowed a zero lot line. Ms. Dixon said that the decision is up to the Committee. She clarified by stating that a key difference is that the prior case asked for a zero lot for an ADU that was detached and in this case the ADU is attached. This case is also asking for an increase in height and in stories. She said Fire & Life Safety needs to be considered. Fire rating would be required if the Committee approved the setback request. Mr. Whitaker made note to the newer Committee members that there has been a lot of flexibility with properties being granted zero lot lines. Mr. Jones asked if an increase of height has been granted for ADUs. Ms. Dixon said that has not been granted for ADUs. Mr. Hudson said he has a problem with the setback because it is a self-imposed hardship. He said there are other ways to solve the issue without giving 10 inches. He can only support the height and story variance requests and not the setback variance requests. Mr. Havron said the applicants are asking for 3 separate modifications and asked if a Committee member could either approve or deny each modification so the Committee could move forward. He said the applicants have the support of the residents within the neighborhood. Mr. Hudson asked if there was room on the south end of the location for the structure to be shifted. Mr. Lyle said if the structure was shifted down he would be uncertain if he could get adequate water proofing there.

David Hudson made a motion for Case #18-FB-00043 – 1806 Madison Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: To deny the variance request for a reduction of common lot line along the driveway/left side from 3' to 1'. To approve the requests for an increase in maximum height for an ADU from 24' to 26'6" and an increase in maximum stories from 2 to 3.

Jim Williamson seconded the motion. The motion was unanimously approved.

Case #18-FB-00044 – 609 Houston Street – Front setback, elevation

Project Description:

The applicant, Craig Allison, has applied for the following modifications

1. Reduction of setback for porch from 2' from the vertical property line to 0'.
2. Increase of ground floor elevation for nonresidential ground floor from 2' max to 6'.
3. Allowance of no roof covering the porch.

Ms. Dixon presented the Power Point presentation.

Craig Allison, of 609 Houston Street, addressed the Committee. Mr. Allison said he wants to have outdoor space for the students. He built the "deck" without proper permitting. He said the goal is to cover up the unusual space in the front. The right side of the property is not useable due to sewer equipment being there. He said engagements have taken place upon the existing deck since the case was presented before the Committee a few months ago.

Community Comments: None.

Discussion: Mr. Hudson asked Ms. Dixon if the Land Development Office stated that the structural part had to be removed from the wall. Ms. Dixon said that was correct. Mr. Hudson asked if the face of the wall is the front property line. Ms. Dixon said she can only assume because a survey was not provided to show the property lines. Mr. Smith asked what the hardship was. Ms. Dixon said the determination hardship is for the Committee to decide. Mr. Hudson asked if the applicant could do a pergola as a roof and if a pergola counted as a roof. Ms. Dixon said no and if someone wanted to put a pergola on top of a roof for any other area downtown, she would not consider that as a story. She said the applicant could use a tarp but the porch would have to be covered. Mr. Hudson said he did not see a reason to grant the setback request and that the applicant should comply. Mr. Whitaker said the sketches implies that the bottom side of the structure will be covered. Mr. Williamson said he agreed with Mr. Hudson to allow an increase of height but not the setback request. He said he would like to see something designed for the porch to look like a covered porch and not a deck. Ms. Dixon said a motion could be made stating that the roof covering is required or the applicant could withdraw the request for not covering the porch. Mr. Williamson said he is not in support of an uncovered porch or a setback request and supports the increase for the ground floor elevation.

Jim Williamson made a motion for Case #18-FB-00030 – 1419 Market Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: To deny variance request for reduction of setback for porch from 2' from the vertical property line to 0'. To approve variance request for an increase of ground floor elevation for nonresidential ground floor from 2' max to 6' because it matches the existing porch elevation. To deny the variance request for an allowance of no roof covering the porch.

William Smith seconded the motion. The motion was unanimously approved.

NEW BUSINESS:

Case #18-FB-00049 – 1200 King Street – Curb Cut

Project Description:

The applicant, John Brown / City of Chattanooga, has applied for the following modifications

1. Increase in curb cut from 20' max to 40'.

Ms. Dixon presented the Power Point presentation.

John Brown, of 1110 Market Street, addressed the Committee. Mr. Brown said the lot is an existing controlled parking lot. The control arms are needed to control access to lot. The hardship is that there is only one street frontage to go in and out of. He said if there were another way to exit then the plan could be proposed differently but there is only one access to street frontage. Mr. Hudson asked how the curb cut is 40'. Mr. Dixon said a portion of the curb cut is also for pedestrian usage. Pedestrian connectivity is highly encouraged in Form-Based Code. Mr. Whitaker asked what the existing width of the driveway was. Mr. Brown said the total width of both driveways is currently 24 feet. He said it is an existing gravel lot. It is being paved and the lot must be brought up to code. **Charita Allen, of City of Chattanooga, addressed the Committee.** Ms. Allen, the Deputy Administrator of Economic Community Development (ECD), said the lot is a 78 space parking lot and is currently for City of Chattanooga employees. She said the goal is to make the lot a revenue generating lot. In order to allow usage for public access after-hours in the evening and on the weekends, the lot needs to be improved. Mr. Jones asked if the control arms would remain. Ms. Allen said the arms will stay. Mr. Brown said this parking lot will be more restricted and would need the arms for more control. Mr. Smith asked if the curb cut has always been there. Ms. Dixon said yes. Mr. Whitaker said as a Committee, the approval rates have been more often for curb cuts that are already existing.

Community Comments: None.

Discussion: Mr. Whitaker said he is inclined to approve the case due to the precedent being set from other cases in the past and because 4 feet will be used by pedestrians. A vehicle will never access that 4 foot of space used for pedestrian usage.

Matthew Whitaker made a motion to approve Case #18-FB-00049 – 1200 King Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: None.

David Hudson seconded the motion. The motion was unanimously approved.

Case #18-FB-00050 – 1220 King Street – Monument sign setback

Project Description:

The applicant, Tony Brown / Jonathan Horne, has applied for the following modifications

1. Reduction in monument sign setback from 18' to 5' (sign 1).
2. Allowance of a monument sign for a new building not meeting the 18' minimum setback (sign 1).
3. Increase in the number of monument signs from 1 to 2.
4. Reduction in monument sign setback from 18' to 8' (sign 2).
5. Allowance of a monument sign for a new building not meeting the 18' minimum setback (sign 2)

Ms. Dixon presented the Power Point presentation. Ms. Dixon said the applicant said no one showed up to the required neighborhood meeting. She received all the proper communications from the applicant to Southside Cowart Neighborhood Association in regards to the meeting.

Tony Brown, of 90 W. 28th Street, addressed the Committee. Mr. Brown said the sign will be 38 square foot total instead of 48 square foot. He said the monument signs will be a black background with white letters.

Community Comments: None.

Discussion: Mr. Hudson asked Ms. Dixon to clarify the distinction between variance request 1 and 2. Ms. Dixon said for a new building a monument sign is not allowed if you are not meeting the 18 foot setback requirement. Mr. Williamson asked what the definition of a monument sign was. Ms. Dixon said a monument sign is something built at ground level. Mr. Williamson said he knows what a monument sign is, but wanted to know the definition per Form-Based Code. He said the proposed sign will be placed on an existing new wall approved for the construction project. Ms. Dixon referenced the Form-Based Code and said there is not a specified definition for what a monument sign is. She said the Form-Based Code only references the dimensions and height of a monument sign. Mr. Williamson said he will argue that the proposed sign is not a monument sign. He believed it to be a building sign. Ms. Dixon said the wall is part of the building but it is not within the parameters of the ground floor sign placement requirements. Mr. Hudson read Section 38-753 about signs on the wall. Ms. Dixon said for building signs, the sign has to be located between the first and second level of the building. Mr. Jones asked if the wall was only considered a wall because it is a solid wrapping around the patio and not a fence. Ms. Dixon said because it is a retaining wall attached to the building it is considered an element of the building. Mr. Havron read an online definition of what a monument sign is. Mr. Hudson said creating a nice street edge is a good thing.

Jonathan Horne, of 5726 Marlin Road Suite 200, addressed the Committee. Mr. Horne said he requested two signs because of the odd shape of the lot and visibility. He said the distance request is to leverage the existing walls and to blend in with the architectural elements of the project. He said that existing trees reduces visibility of the signage. Mr. Smith asked if the sign is considered a monument sign or a ground floor sign. Ms. Dixon said if the sign is not considered as a monument sign it becomes difficult to determine what type of sign it is because it would not be placed on an actual building. Ms. Dixon said the applicants have signage allowance for another sign. The challenge is creating a term for what type of sign it is in regards

to placement if it were considered as a building sign. Mr. Whitaker said there has already been a variance request granted for this location and he is torn on making a decision. Mr. Havron said if the sign is not being considered as a monument sign then the variances could not be approved. Ms. Dixon said that City Attorney Bryson advised that the variance requests could be changed and reviewed, in order to make an informed decision. Ms. Dixon said the variance request could be rewritten in a way that it reflects a building sign. Mr. Whitaker said in the beginning of Form-Based Code, the Committee members have decided not to alter variances presented before the Committee. Ms. Dixon asked the Committee members if they would prefer the applicants come back at a later date with request changes. The Committee members agreed. Mr. Hudson addressed the applicants and encouraged them to clearly identify true hardships.

Tony Brown asked to defer his case to next month.

Case #18-FB-00051 – 1795 Reggie White Boulevard – Front setback

Project Description:

The applicant, Dave Fidati, has applied for the following modifications

1. Increase of maximum setback from 15' to 28'.

Ms. Dixon presented the Power Point presentation.

Dave Fidati, of 298 Acorn Oaks Circle, addressed the Committee. Mr. Fidati said it is difficult to build any closer to the street as specified by the Form-Based Code due to the easement. The only option is to align the proposed building with the existing building. Mr. Williamson asked what the applicant would place there if the variance is not granted. Ms. Dixon said it cannot be left blank. The applicant could do bike parking, benches, landscaping, or something to create public engagement. Mr. Fidati said he would do whatever he need to do.

Community Comments: None.

Discussion: Mr. Williamson asked what the applicant would place between the street and the proposed building. Ms. Dixon said it cannot be left as blank space when the distance is greater than five (5) feet. The applicant could do bike parking, benches, landscaping, or something to create public engagement. Mr. Fidati said he did not have renderings in regards to the blank space. He said he would do whatever he need to do to be compliant with Form-Based Code. Mr. Jones asked if the request is not granted would the lot become an unbuildable lot. Ms. Dixon said the applicant could do a parking lot or it could remain as is if the request is not granted. Mr. Williamson asked the applicant why the proposed development could not be aligned with the other building. Mr. Whitaker said he could support the request because there is an actual hardship of the easement. Mr. Jones agreed that the applicant has a true hardship. Mr. Hudson said according to the plans the previous has at a 26 foot setback and now the plan for the current development is asking for a 28 foot setback. Mr. Smith asked if the easement was at 26' or 28'. Ms. Dixon said she has not seen any legal language in regards to the easement.

Matt Whitaker made a motion to approve Case #18-FB-00051 – 1795 Reggie White Boulevard, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: The new building must go to the edge of the easement or the adjacent building.

William Smith seconded the motion. The motion was unanimously approved.

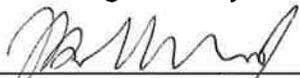
Mr. Havron asked about case 18-FB-00052. Ms. Dixon said Case 18-FB-00052 – 337 E. 10th Street – was deferred by the applicant.

OTHER BUSINESS: Officer Vote. The Officer vote did not occur due to absent Committee members.

NEXT MEETING DATE: December 2018 (application deadline is November 9, 2018 at 4pm).

Matt Whitaker made a motion to adjourn. Marcus Jones seconded the motion. The motion was unanimously approved.

The meeting was adjourned at 3:29 p.m.



Jason Havron, Chair

12/17/18

Date



Rosetta Greer, Secretary

12-13-2018

Date