

CHATTANOOGA HISTORIC ZONING COMMISSION **MINUTES**

September 19, 2019

The duly advertised meeting of the Chattanooga Historic Zoning Commission was held on September 19, 2019, at 9:30 a.m. at the Development Resource Center, Conference Room 1A. Chair Steve Lewin called the meeting to order. Secretary Rosetta Greer called the roll and swore in all those who would be addressing the Commission. Chair Steve Lewin explained the rules of procedures and announced that the meeting is being recorded.

Members Present: Chair Steve Lewin, Vice Chair Melissa Mortimer, Matt McDonald, Hannah Forman, Skip Pond, Rachel Shannon and Lee Helena.

Members Absent: None.

Staff Members Present: Development Review Planner Sarah Robbins, Secretary Rosetta Greer, City Attorney Robert Robinson.

Applicants Present: Brian Geselbracht and Ken Morris

Chairman Steve Lewin explained the rules of procedures.

Approval of Minutes: Steve Lewin made a motion to approve August 2019 meeting minutes. Lee Helena seconded the motion. All in favor, the motion was unanimously approved.

OLD BUSINESS:

None

NEW BUSINESS:

Case #19-HZ-00116 – 5111 Saint Elmo Avenue – Renovation of primary structure, 2nd story rear addition, walkways and parking area

Project Description:

The applicant, Osteen Construction, has applied for the following work:

- Building addition
- Walkways
- Parking Area

There were no comments from the community.

Discussion: A discussion was had between the Commission members. Hannah Forman made a motion to approve Case 19-HZ-00116: 5111 Saint Elmo Avenue, as submitted pursuant to the Chattanooga City Code, Chapter 10, Article II, Section 10-15e and pursuant to the St. Elmo Design Guidelines, approval subject to any and all conditions. Rachel Shannon seconded the motion. Melissa Mortimer opposed and 6 in favor, the motion carried to approve.

The following conditions were noted in the motion: Lower the walls of the dormer on the right-side of the house to increase the pitch of the roof, while staying within building code.

Case #19-HZ-00117 – 5509 Alabama Avenue – New construction of primary structure, fence, parking area, walkway and low landscape wall

Project Description:

The applicant, UCI, LLC, has applied for the following work:

- New construction of a primary structure
- Fence
- Landscape wall
- Walkway
- Driveway
- New parking area

There were comments from the community.

Carolyn Cuppage, of 1809 West 56th Street, addressed the Commission with the concern of the foundation height. She opposed the plan for the foundation height not being consistent with the other foundations on Alabama Avenue.

Lynn Bartoletti, of 1805 West 56th Street, addressed the Commission in opposition to the proposed design of the primary structure.

Sarah Robbins read an email from Ryan Krispe that addressed the proposed windows height width. The email has been attached to the application file.

Rebuttal: Ken Morris addressed the concerns of the community as it related to the proposed foundation height to be 2 feet minimum in the rear and up to 4 feet in the front and stated that he build homes similarly but not the exact same.

Discussion: A discussion was had between the Commission members. Rachel Shannon made a motion to approve Case 19-HZ-00117: 5509 Alabama

Avenue, as submitted pursuant to the Chattanooga City Code, Chapter 10, Article II, Section 10-15e and pursuant to the St Elmo Design Guidelines, approval subject to any and all conditions. Matt McDonald seconded the motion. All in favor, the motion was unanimously approved.

There following conditions were noted in the motion: windows should follow 2 to 1 proportion. Raise header heights to match door at 8 feet and increase window height to 6 feet for a 3 feet width.

OTHER BUSINESS:

Proposed revisions to the Chattanooga Historic Zoning Commission Bylaws in regards to rules of procedures were added to the Bylaws. Steve Lewin made a motion to approve the proposed Bylaws as amended. Rachel Shannon seconded the motion. All in favor, the motion was unanimously approved. *[A copy of the proposed revisions to the Bylaws have been attached to these Minutes.]*

Fall 2019 CLG Training: October 4, 2019.

Staff Changes: Rosetta Greer is no longer with the City of Chattanooga. Sarah Robbins wished her well on her career adventures.

NEXT MEETING DATE: October 17, 2019 (application deadline is September 20, 2019 at 4 p.m.).

Melissa Mortimer made a motion to adjourn. Rachel Shannon second the motion. All in favor, the motion was unanimously approved.

The meeting was adjourned at 10:45 a.m.



Steve Lewin, Chair

10-17-19

Date

Secretary

Date

CHATTANOOGA HISTORIC ZONING COMMISSION
BYLAWS / RULES OF PROCEDURE

I. PURPOSE

The purpose of the Chattanooga Historic Zoning Commission is to establish procedures for administering historic zoning decisions in Chattanooga. These Bylaws shall be consistent with all laws adopted by the Chattanooga City Council for the make-up and organization of the Chattanooga Historic Zoning Commission (hereinafter referred to as "CHZC" or the "Commission") and procedures for reviewing applications for issuing Certificates of Appropriateness (COA).

II. GENERAL RULES

The CHZC shall be governed by the terms of the Chattanooga Historic Zoning Ordinance No. 10-10 through 10-23, of the Chattanooga City Code.

III. THE COMMISSION

The name of the Commission shall be the "Chattanooga Historic Zoning Commission", as established and provided for by provisions of the Chattanooga City Code.

IV. RESPONSIBILITIES AND DUTIES

- A. To review applications for the nomination of Local Historic Districts (LHD) and Local Historic Landmarks (LHL) in accordance with all provisions of the Chattanooga City Code.
- B. To adopt a set of district-specific design guidelines for each established LHD and LHL.
- C. To grant or deny Certificates of Appropriateness (COA) and Certificates of Economic Hardship (COEH) with respect to the LHDs and LHLs when applicable in accordance with all provisions of the Chattanooga City Code.
- D. To maintain a record of all proceedings to be available to the public.
- E. To maintain reports of the status of approved COAs and COEHs.
- F. To maintain a qualified, competent personnel in accordance with 36 CFR 60 to review all proposed National Register nominations for properties within the City of Chattanooga as provided for by the Guidelines of the Certified Local Government Program.

V. ORGANIZATIONAL STRUCTURE

- A. Number: There shall be nine (9) members of the Commission as established and provided for by Section 10-13 of the Chattanooga City Code.
- B. Composition and Qualification of Members: The Commission shall consist of a representative of a local historical organization; a member of a local Planning Commission; and the remaining members shall be from the community in general.
- C. Term of Office:
 - 1. The terms of the members shall be five (5) years pursuant to Section 10-13 of the Chattanooga City Code.
 - 2. Members of the CHZC may be removed from office for just cause by the City Council upon written charges and after a public hearing.

3. When a vacancy occurs, the vacancy shall be filled as soon as possible for the unexpired term in the same manner as the original appointment.
 4. All members shall serve without compensation.
- D. Method for Appointing Commissioners: The Commissioners shall be appointed by the Mayor with the advice and consent of the Chattanooga City Council.
- E. Meetings:
1. Regular meetings of the Commission shall be held monthly on the third Thursday of each month in the Development Resource Center in Conference Room 1A on the first floor. When deemed expedient by the Chair of the Commission, the meeting date and/or place may be changed and such changes advertised. The order of business for Commission meetings shall be determined by the order of receipt of applications for any certificates or nomination, but the order of business can be modified if there is agreement among the Commission members.
 2. Special meetings may be called by the Chair or Vice-Chair of the Commission and shall be advertised.
 3. Periodically, in accordance with Tennessee state laws, the regular meeting time and place of the Commission shall be advertised in a local, city-wide newspaper.
 4. Attendance at Meetings: Any member of the Commission who is absent from three (3) regular, consecutive meetings, or is absent from five (5) or more regular meetings in a twelve (12)-month period shall be removed from the Commission. A new Commission member shall be appointed by the Mayor, subject to the confirmation of the City Council for any such vacancy. Absences related to sickness, death, or other like emergencies shall not affect a member's status on the Commission; except in the case of a prolonged absence, the Commissioner shall be replaced.
- F. Quorum: A quorum of the Commission shall be a simple majority of the Commission membership. A quorum and a simple majority must be an odd number. Example: For a nine (9) member Commission, a quorum is five (5).
- G. Voting: Each member of the Commission shall have one (1) vote. Actions of the Commission shall be effective when a quorum is present and a majority of the members present vote in the affirmative on the question before the Commission.
1. The voting process may include voice vote, vote cards or roll call at the request of any member.
 2. Electronic mail, telephone and fax voting are not allowed.
 3. There shall be no proxy voting.
- G.H. Rules of Order: The latest edition of Robert's Rules of Order shall govern the meetings of the Commission unless otherwise required by these Bylaws or by the Historic Zoning Ordinance, as it may be amended, or the statutes of the State of Tennessee.
- H.I. Conflict of Interest: Any member of the Commission who shall have a direct or indirect interest in any decision of the Commission shall be disqualified from participating in the discussion, decision, or proceedings of the Commission in connection therewith.
- H.J. No Commission member shall in any manner discuss any COA application prior to the Commission's hearing on the application except as specified in these Bylaws.
- H.K. Members of the Commission shall not express individual opinions on the final judgment of any application with any persons except in accordance with these Bylaws.

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K-L. Each member of the Commission shall be thoroughly familiar with the Historic Zoning Ordinance, the State Enabling Legislation, and the adopted Historic District design guidelines.

VI. OFFICERS

- A. From its own members, the Commission shall elect as officers of the Commission, a Chair and a Vice-Chair.
- B. Duties: The Chair shall preside at all meetings of the Commission; shall have general supervision of the affairs of the Commission; shall perform all other duties as are incident to the office or are properly required for said office. The Vice-Chair shall have such duties and responsibilities as are delegated by the Commission. In the absence of the Chair or in the event of his/her inability to preside, the Vice-Chair shall perform the duties of the Chair.
- C. Election: The Chair and Vice-Chair shall be elected by the Commission from among all members at the first meeting in April of each year. The Chair and Vice-Chair shall serve for a term of one (1) year, starting on the first day of May following his/her election. The Chair and Vice-Chair shall be eligible for re-election.
- D. Vacancies: The Commission shall have the power to fill vacancies of the officers until the next election. Each person so elected shall be an officer for the period of the unexpired term.

VII. COMMITTEES

The Commission may designate an Executive Committee consisting of the Chair, Vice-Chair, and others as the Commission may choose. Between meetings of the Commission, the Executive Committee may have the authority to act on behalf of the Commission when there is a matter which does not involve a major policy decision. All Committee actions shall be brought to the Commission at its next meeting. The Chair, subject to the advice and consent of the Commission, shall have the right to establish and/or dissolve such Committees as are needed to fulfill the Commission's purposes and objectives. The Chair shall also serve as a voting member on all Committees.

VIII. COA APPLICATION PROCEDURES

- A. Applications for Certificates of Appropriateness (COA) and other required materials shall be submitted to the office of the Historic Preservation Planner on the 3rd Friday of every month, unless otherwise advertised.
- B. The COA Application requirements checklist should be completed by the staff for each application to ensure all items are submitted.
- C. A twenty-five dollar, \$25, fee will be charged for processing COA applications.
- D. A large, plastic sign will be posted on the subject property if the case is scheduled for CHZC review. The sign should indicate the date, time, and place of the meeting. The sign must be displayed in a visible (from the roadway) location on the property at least seven (7) days prior to the meeting.
- E. The applicant shall receive notification stating the date and time of the meeting, along with a rules and procedures list by e-mail or U. S. Mail no later than Friday prior to the hearing of the case.
- F. Application materials shall be e-mailed to the CHZC members by the Friday prior to the hearing on the cases.

- G. COA applications will be valid for as long as the building permit is valid. A new COA will be required if a new building permit is required. Building permits expire six (6) months from the issue date if work has not begun.

IX. CONSIDERATION OF COA APPLICATIONS

The order of business for hearing COA cases will be as follows:

A. Staff Presentation:

1. Location of proposed property on a map.
2. Current property photographs.
3. Photographs of neighborhood context.
4. Explanation of project; including, but not limited to photographs, drawings, and a materials list.
5. Applicable design guidelines.
6. Staff recommendation.

B. Applicant presentation (no more than ten (10) minutes).

C. Comments by other persons (no more than five (5) minutes). Each person speaking must state his/her name and address for the record.

1. Opponents
2. Proponents
3. Other

D. Applicant Rebuttal (no more than five (5) minutes).

E. Commission Discussion.

F. Motion. The motion should include:

1. Case number.
2. Property address.
3. Summary of findings of fact (detailed statement of reasons).
4. Basis for decision with reference to the ordinance / design guidelines.
5. Decision.

G. A COA will be issued for CHZC reviewed cases after approval. CHZC approved COAs shall be signed by the Chair, or if the Chair is not available, then a CHZC member.

X. CONSIDERATION OF STAFF APPROVED COA CASES

Staff approval may be provided for work that meets the design guidelines and is NOT one of the following:

- New construction of primary structures, outbuildings, or garages.
- New additions.
- Demolition.
- Parking lots.

Staff approved cases are reported at the CHZC meetings.

XI. ENFORCEMENT PROCEDURES

A. Windshield surveys of the Historic Districts shall be undertaken on a regular basis by the staff of the CHZC to monitor approved COA cases and to check that unauthorized work is not in progress. Residents of the districts should also monitor their district and notify the staff if any unauthorized work is taking place.

B. The Director of the LDO or Designee is designated and authorized to enforce the Historic Zoning Ordinance. If the staff is made aware of an unauthorized project, the

Director of LDO's office is notified immediately. The Director of LDO or designee shall issue a Stop Work Order and inform the property owner that a COA is required.

XII. STAFF SUPPORT

- A. Staff support shall be provided to the Commission by regular staff members of the City of Chattanooga's Public Works: Land Development Office (PWLDO), as budgeted by the City Council. Such staff shall be responsible for carrying out the directives of the Commission, assisting the public in applying the Chattanooga City Code and providing records of Commission actions.
- B. Secretary: The Secretary shall be a person from the staff of the PWLDO, but shall not be considered a member of the Commission. The Secretary shall keep and permanently file all minutes and actions taken by the Commission, keep files of all general correspondence of the Commission, and shall, in general, perform other duties as authorized by the Commission.
- C. Funding: Funding for such staff support shall be derived from the operating budgets of the City of Chattanooga's Public Works: Land Development Office.
- D. Consultants: The Commission may hire the services of consultants to assist its staff in developing and implementing its planning program.

XIII. AMENDMENTS

After due notice, these Rules of Procedure may be amended or repealed on an affirmative vote of a majority of the Commission present at any meeting of the Chattanooga Historic Zoning Commission at which a quorum is present.

Adopted by the Chattanooga Historic Zoning Commission on this 16th day of June, 1992.

Amended on March 16, 1993, changing the number of CHZC members from seven (7) to nine (9).

Amended on February 16, 1995, to change the motion procedures and clarify staff approved procedures.

Amended on March 21, 1996, to change the procedure regarding staff approvals for routine maintenance, the signing of CHZC approved COAs, the elimination of fees, the wording of Rules I and V-J regarding discussion of cases, and the appropriate address changes after the move of historic zoning to the Planning & Design Studio.

Amended on August 16, 2012, to change and rewrite the bylaws and the rules of procedure in addressing many areas of the text, see the markup document on file at the Historic Planning and Zoning Office.

Amended on February 15, 2018, to change the monthly application submission deadline to the 3rd Friday each month (the day after the meeting). Also change the application fee to \$25.