

# **FORM-BASED CODE COMMITTEE** **MINUTES**

**September 13, 2018**

The duly advertised meeting of the Form-Based Code Committee was held on September 13, 2018, at 12:00 p.m. at the Development Resource Center, Conference Room 1A. Chair Heidi Hefferlin 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:** Chair Heidi Hefferlin, Jason Havron, William Smith, Matt Whitaker, Marcus Jones, Grace Frank, David Hudson, and Jim Williamson

**Members Absent:** Ladell Peoples

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

**Applicants Present:** Brian Geselbracht, Chad Moore, Dusty Rowland, Jay Floyd, Craig Allison, and Bob Elliott

**Approval of Minutes:**

Jason Havron made a motion to approve July 2018 meeting minutes. Matt Whitaker seconded the motion. The motion was unanimously approved.

David Hudson made a motion to approve August 2018 meeting minutes. Jason Havron 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 (District 7) – Parking lot bollards**

**Project Description:**

The applicant, Brian Geselbracht / BG Construction, has applied for the following modification:

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

Ms. Dixon presented the PowerPoint presentation. **David Hudson recused himself from the case.**

**Brian Geselbracht, of 1515 E Main Street, addressed the Committee.** Mr. Geselbracht said the main concern for the alley closure is for safety for the tenants. He said people do not slow down at the corner where the bollards are being proposed. The intent of the variance is to slow the traffic down around the area and cut down the traffic to the parking lot.

**Community Comments:**

**Julianne Hudson, of 1435 Market Street, addressed the Committee.** Ms. Hudson said she understands the intent of the applicants and do promote safety. She said there is not a light at the alley and people would be able to go around to the other side but there is not a traffic light there and makes it unsafe to exit. She said morning traffic is busy and is a concern for her and other neighboring owners and residents. She said they are not in opposition but would want the applicant to take the issue to CDOT and make it a traffic issue and not a personal issue for the alley. She said the applicants discussed the bollards as a temporary solution but she and other owners want CDOT to look at it as a traffic issue.

**Karey Haisten, of 1463 Market Street, addressed the Committee.** Ms. Haisten said she and her tenants used the alley daily to exit her building. Her property is on the corner of Main Street and Market Street. She said it is difficult to drive onto Market Street. She said she could drive onto Market using the other two alleys nearby but it creates a safety issue for her. She said she is in opposition of the bollards and proposed that the applicants add speed humps instead.

**Emily Dixon read an email sent from Cynthia Watson in opposition.** The email is written as stated below:

*“Our perspective is not only the overall quality of access to and from alleys in the city; this alley has been a major access to and or from housing since the conversion of the Crabtree (12 condo's) in the late 90's since then we personally moved into 1431 which has 4 units with the only access via the alley; last year 2 more townhouses were occupied at 1433 & 1435 using the same access a 1431 uses; Adams LLC has 16 apartment units converted in about 2005 which have access from the alley as well as from Market. This intro is to put the actual history in place.*

*I am very aware that Morgan Adams has the property right to block the entrance from the alley. Our position is one of keeping as many access options as we can for this very well used alley which will be further stressed by new development: the Ethan Collier development of 5 Townhomes on Williams Street with access only from the alley, as well as a 14 car parking lot for the office building which before this proposal used Williams as its entry. Also, a 68 bed hotel being designed next door to Morgan Adams property which is planning to use the alley as its exit access.*

*The traffic in this area is increasing rapidly and sometimes the entry from or to Market Street is a preferred safe entry created by the traffic light shared by the Choo Choo, shuttle turning and Adams parking; this is a big plus for the neighborhood and contributes to our choices and safety.*

*Principles:*

*Public realm access*

*Safety*

*Being neighborly and supporting the quality of life for the neighborhood”*

**Rebuttal:**

**Brian Geselbracht, of 1515 E Main Street, addressed the Committee.** Mr. Geselbracht said his clients are not trying to close off the alley way. He said his clients are wanting to close off their parking lot. He said he is not trying to make everyone go around, but to provide safety for the tenants of the property. The bollards are temporary and removable, so if an issue was to be pressing, he could remove them.

**Discussion:** Mr. Jones asked if there was a recorded access easement. Ms. Dixon said not that she is aware of and if it was one it would show on GIS. Ms. Frank asked if the parking lot is being used as a road. Ms. Dixon said yes. Ms. Hefferlin asked if the applicants had the right to close off their parking lot for access. Ms. Dixon said the Form-Based Codes does not allow access to an alley to be closed off. Mr. Smith asked if there were any conditions in place by CDOT when the traffic light was put up. Ms. Dixon said not that she is aware of and that would have been so long ago that she is uncertain that it would have shown up in GIS or not. Ms. Frank asked if the traffic light works for the King Street and Market Street intersection as well. Ms. Dixon said King Street is a little further down from the actual exit. Mr. Smith said the site for the traffic light being mentioned is at the Choo Choo Hotel. Ms. Hefferlin said upon listening to the community comments, the suggestion for the case to be studied by CDOT makes sense to her, especially considering all the development happening in the immediate area. She asked Ms. Dixon if it was an option to request and move to defer the case for CDOT to study and or do something at that level. Ms. Dixon said she personally spoke to CDOT and they are currently working out solutions for this matter and other development happening in the area. She said it is challenging for CDOT because typically having two signal lights that close could be an issue. She said the case could be deferred for now, for CDOT to do a study and the case could come back before the Committee at a later date. Mr. Whitaker said he is not in favor of closing an alley but he is also not in favor of others using private parking lots as a road access. He said he is in favor to put speed bumps within the property's parking lot and not grant a variance for the alley access to be closed. Ms. Frank said speed bumps and "no trespassing" signs would be better. Mr. Smith said either they defer it to CDOT to do a study and or to approve it with the condition as CDOT to do a full study on the location.

**William Smith made a motion to defer 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: Defer for 90 days to allow CDOT time to evaluate options for ingress-egress to alley.**

**Grace Frank seconded the motion. The motion was unanimously approved**

### **Case #18-FB-00032 – 1110 Market Street (District 8) – Signage**

#### **Project Description:**

The applicant, Certified Lighting / TSO Warehouse Row Property Owner LP, has applied for the following modifications:

1. Allowance of a shared sign with signage that is not located on the tenant space.
2. Increase of signage from 9sqft to 27sqft.

Ms. Dixon presented the PowerPoint presentation. The applicants did not have a neighborhood meeting because the neighborhood association did not want to meet with the applicants.

**Chad Moore, of 165 Hamm Road, addressed the Committee.** Mr. Moore passed out handouts to the Committee that showed other store front signage sizes for other properties within the Form Based Code area. He said his clients' building is a series of 9 buildings that is

deeded as one. He said one of the hardships is plenty of interior space but unable to rent space due to the lack of exterior signage. He said there are plenty of tenants within the building with no outside exposure.

**Community Comments: None.**

**Discussion:** Mr. Smith asked if there were no changes in the variance requests since the last meeting. Ms. Dixon said no requests changes were made. Mr. Hudson asked if the applicants are allowed multiple 9 square foot signs under the Form-Based Code. Ms. Dixon said under Form-Based Code if there is one store front, a 20 square foot projecting sign is allowed. She said if there are more than one store fronts, the size for the blade signs decreases to 9 square feet. Mr. Moore said the owner has 2 blade signs, one is the Warehouse Row sign and the other is a tenant sign. That is why they are only allowed 9 square feet. Ms. Hefferlin asked if the owners would want to take the tenant sign down. Ms. Dixon said she just approved that tenant sign within the last year and doubt that the tenants would want to remove that to allow more square footage for the proposed sign. Mr. Hudson asked how large the Lulu Lemon is sign and the existing Coyote sign. Ms. Dixon said she has not personally measured the existing Coyote sign, but the Lulu Lemon sign is less than 4 square feet and speaks to the tenant's presence. Mr. Moore said the existing Coyote sign is a little under 15 square feet and the proposed sign is 27 square feet. Ms. Hefferlin asked if the proposed sign was smaller than the proposed sign presented at the last meeting. Ms. Dixon said the proposed sign is the same sign.

**Jennifer Mingola, of 1110 Market Street, addressed the Committee.** Ms. Mingola said she has lost an office tenant due to not having exterior signage available and the square footage of the interior space is 10000 square feet. Ms. Hefferlin said as a Committee member they need to figure out a way to assist the owners so they can have tenants. Mr. Smith said approving the proposed sign would be setting a precedent. Ms. Dixon said the intent of Form-Based Code is to have good exterior building advertising and tenant advertisement on the interior of the building. Mr. Smith said the building has multiple entrances. Ms. Hefferlin said this would be a special situation as well, due to the multiple entrances and combinations of buildings. Ms. Dixon said the applicants could have multiple projecting signage but she thinks the applicants' goal is to have one common projecting sign for tenant advertisement. Ms. Mingola said she really wants to have a neat tenant signage at the common entrance and not have multiple signage for tenants all over the exterior of the building. Ms. Frank said why the Committee would not allow the one proposed common entrance sign, if the applicants can have multiple tenant signs on the exterior. Ms. Dixon said there would not be enough signage allowance for multiple exterior projecting signs due to the amount of tenants. Mr. Williamson asked if the ground floor tenants and retail tenants have presence and the upper floor tenants do not have street frontage but have interior access. Ms. Dixon said Mr. Williamson was correct. Mr. Whitaker said those upper floor tenants cannot be seen and the proposed signage is the only way the upper floor tenants could have exterior presence. Mr. Smith asked if have a projecting blade sign the only way to get signage. Ms. Dixon said in the same area as the Warehouse Row signage, that window could have multiple interior signage placed on the wall inside. Mr. Havron asked how many businesses are being advertised on the proposed signage. Mr. Moore said his clients have not determined that yet. Ms. Hefferlin asked the applicants if they would put as many tenant names as possible. Mr. Moore said yes. Mr. Hudson stated that under the Form-Based Code the tenant could do three 9 square feet signs. Ms. Dixon agreed. Mr. Jones said the Committee would be setting precedent. Ms. Hefferlin said the size

of the building, multiple entries, and number of combined structures would be conditions and reasons listed as to why the variances were approved.

**Grace Frank made a motion to approve Case #18-FB-00032 – 1110 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.**

**The Committee decided that the variances were granted based on the size of the bldg. (9 buildings), limited access for exterior signage, and that the building is a mixed-used building on the second floor.**

**William Smith seconded the motion. 1 opposed. The motion carried to approve.**

**Case #18-FB-00034 – 1603 Long Street (District 7) – Fenestration & Parking setback**

**Project Description:**

The applicants, Matt Winget / Jay Floyd / Broadspace Investors, LLC, has applied for the following modifications:

1. Reduction of fenestration from 30% minimum to 16% on the front, bottom floor, of the townhomes.
2. Reduction of fenestration from 30% minimum to 0% on the ground floor of the townhome side facing 16<sup>th</sup> Street.
3. Reduction of fenestration from 25% minimum to 0% on upper floors of the townhome side facing 16<sup>th</sup> Street.
4. Reduction of primary parking setback from 30' to 15' along Long Street.
5. Reduction of side parking setback for the townhome at the corner of 16<sup>th</sup> and Long.

**Ms. Dixon said Case #18-FB-00034 – 1603 Long Street has been deferred until next month.**

**NEW BUSINESS**

**Case #18-FB-00038 – 208 W 17<sup>th</sup> Street (District 7) – Side setbacks**

**Project Description:**

The applicant, Dusty Rowland / Rowland Development Group, has applied for the following modification:

1. Reduction of both side setbacks for Additional Dwelling Unit (ADU) from 3' to 2'.

Ms. Dixon presented the PowerPoint presentation.

**Dusty Rowland, of 208 W 17<sup>th</sup> Street, addressed the Committee.** Mr. Rowland said currently at the location there is an existing 2 story structure that is a 2 car garage with an apartment above it. He said the existing structure was measured at 20 feet wide and that is when his clients recognized the hardships. He said these are 0 lot line town homes and it was

grandfathered in and is asking to replicate them. Mr. Jones asked how far off the easements for the existing structures. Ms. Dixon said she would have had to have a survey and the existing structures were built with 0 lot lines. She said if the applicants were proposing to do more than one ADU they could attach them and have a 0 lot line. She said because the proposed plan is for an individual structure on the site, the applicants had to come before the Committee. She said to the Committee that the approval rate has been 59 percent for setbacks variance requests.

**Community Comments: None.**

**Discussion:** Mr. Hudson asked the applicant why he could not make a plan to comply with Form-Based Code. Mr. Rowland said having a 2 story garage within 20 feet would be close and the purpose is to provide parking for the more permanent tenants. Mr. Jones asked if the applicant had yard space. Mr. Rowland said it is not a depth issue it is a width issue. Ms. Hefferlin said if the second floor is a rental and if the Committee approved the variance with 2 feet on each side, how are the tenants accessing their homes. Mr. Rowland said there is a staircase and there would be a walkway. Ms. Hefferlin said that would give the tenants a 2 foot wide walkway. Mr. Rowland said he discussed with the owners of the property about entering their homes through the garage. Ms. Hefferlin said she is concerned that if the Committee gives the applicant the variance that it would not work properly with the type of structure it is. She said the proposed plan allows a good use for the neighborhood and likes the idea but is concerned with feasibility. Mr. Rowland asked if he meets the concerns mentioned would that be something he could defer in order to make it workable for a rental. Mr. Hefferlin said that is a concern for Ms. Dixon. The lot is 24 feet wide. Mr. Whitaker asked the applicant if it would be better if a condition be that access to the home be through the alley. Mr. Rowland said then the tenant would not be able to get into the garage. Ms. Frank asked if the stairs were coming from the backyard. Mr. Rowland said that was correct. Ms. Frank asked where would tenants park. Mr. Rowland said on street parking in the front and the intent is to have the rental set up like short-term with the assumption that the tenant would not have a car and would use Uber or a taxi. Ms. Frank said the property could have a gate. Mr. Hefferlin said she would suggest that they defer the case to work out the details. Mr. Rowland said that would be fine, although the owners are ready to pursue the project and would ask if he could request a 0 lot line. Ms. Dixon said if the applicant wanted to go down to a 0 lot line on the one side he needs to get a letter of approval from the neighboring owner. Ms. Hefferlin asked for the applicant to bring back plans of the lower level. Mr. Whitaker said he wanted to clarify that the Committee has allowed things that was in keeping with the neighborhood, but it *must* be in keeping with Form-Based Code as well.

**Mr. Rowland deferred case # 18-FB-00038 until the next month.**

**Case #18-FB-00039 – 1208 King Street (District 8) - Signage**

**Project Description:**

The applicant, Kurt Whitehill (Bennu Enterprises) / Wanderlinger Brewing, has applied for the following modifications:

1. Increase in the maximum projecting sign height from sidewalk from 24' to 45' (top 1/3) of the building.

Ms. Dixon presented the PowerPoint presentation.

**Chris Dial, of 1208 King Street, addressed the Committee.** Mr. Dial said he is one of the owners of Wanderliger Brewing Company. He said he is concerned with the visibility of signage. His space is at the back half of the property. With a lower sign, he is worried that people will not be able to see the business. Mr. Hudson asked who the sign is intended for. Mr. Dial said the developers, the new hotel customers, and the future greenway space.

**Community Comments: None.**

**Discussion:** Ms. Hefferlin asked what is the applicant speaking of when he say green way space. Mr. Dial said where the rail line exist Gray's Construction is planning to let go of the abandoned rail line and turning it into green space. He said he has been told that the City of Chattanooga wants to connect the stadium and campus with greenway space. Mr. Hudson asked if there were other signs on the building. Mr. Dial said there are not any other signs at this point. Mr. Hudson asked if his proposed sign is the only sign for the building. Mr. Dial said his space takes up about 6000 square feet of the ground floor. The other end of the building will be a Good Fella's Pizza, Wise Guys Whiskey will be taking the other ground floor area. The top floors will be commercial real estate / office spaces. Mr. Jones asked if this case could be viewed as a similar situation like Warehouse Row – a multitenant, multi-use building. Ms. Dixon said yes, this is another multitenant, multi-use building where signage is always an issue. Mr. Smith asked if the City Attorney could clarify what section and code effective date the Committee is basing approval or disapproval relative to this case. Mr. Whitaker said the Committee has allowed skyline signs for the Moxy Hotel and other buildings for the purpose of visibility before. Mr. Williamson asked if the sign is lit. Mr. Dial said the sign is lit on the side facing Market Street. Mr. Jones asked to see the proposed signage drawings. Ms. Hefferlin said the hardship is the distance from the major streets. Mr. Hudson said this is actually on the opposite side of where the main street is. Mr. Whitaker mentioned to the new Committee members that they have made a great deal of effort to make approvals based on specific reasons as to avoid setting board precedent.

**David Hudson made a motion to approve Case #18-FB-00039 – 1208 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.**

**The Committee decided that the variance was granted due to sight lines and distance from Market Street; lack of visibility from King Street; and future use of the rear of building. This variance is approved based off the current edition of the Form-Based Code regardless of the section number.**

**Matt Whitaker seconded the motion. The motion was unanimously approved**

**Case #18-FB-00040 – 1957 Reggie White Blvd (District 7) – Parking setback, fencing, parking, sidewalk**

**Project Description:**

The applicant, Jay Floyd / The Ark Pet Spa & Hotel, has applied for the following modifications:

1. Reduction of primary parking from 30' to 19'.
2. Reduction of side parking setback from 10' to 1'.
3. Exemption from sidewalk requirement along Reggie White Blvd.
4. Decrease in transparency at the top of the fence from 4' to 0'.
5. Increase in maximum fence height along Right of Way from 6' to 8'.
6. Allowance to exit the site in a rear facing motion.

Ms. Dixon presented the PowerPoint presentation. She said the CDOT determined that there is enough right of way for a sidewalk and the applicant is going before Board of Zoning Appeals (BOZA) to get special permission for animal care outdoor.

**Jay Floyd, of 7760 E. Brainerd Road, addressed the Committee.** Mr. Floyd said he went before Board of Zoning Appeals and got approved for special exception for animal care outdoor in the front yard of the lot. Mr. Floyd said for variance request one, there is a parking space currently existing. He said 21<sup>st</sup> Street is a gravel road and dead ends into the backside of the freeway. He said he thinks the Church has been using it as a parking area since 1999 and have a temporary use permit for that area. He said he has spoken to the City of Chattanooga about possibly transferring the temporary use permit. He said the City Of Chattanooga recommended that the temporary use permit not be changed for now. He said the area is being used as an egress area. He said there is plenty of space to do a sidewalk. He agreed to put in a sidewalk and connect a sidewalk to the front. He said for the second variance request that is the only area that he can use for parking. The church is currently using the area for parking and it makes sense to be able to pull in off to Reggie White Boulevard into the side parking on 21<sup>st</sup> Street. There is no traffic outside of the use for this particular property. As far as the fence height, Mr. Floyd said he owned 3 other facilities in town and all the fences are 8 feet tall and that is a good height for the business. He will be animating the fence and added plantings around it so it will be more visually pleasing.

**Community Comments: None.**

**Discussion:** Ms. Frank asked if the variance regarding the sidewalk being removed from the list of requests. Ms. Dixon said yes. Mr. Jones asked what portion of the property does the city or state own. Ms. Dixon pointed it out on the PowerPoint presentation. She said the property in question is currently in between City owned property and State owned property. She said essentially one would be backing into a road that is not considered as an actual road. Ms. Hefferlin said there would not be any other option of parking. Mr. Smith said one could back into the parking area. Mr. Jones said his only concern about backing out was if the state were to surplus the area later it could conflict with future access. Ms. Dixon said that is something to think about for the future as the Committee make a decision. Mr. Whitaker said even if the lot were to be developed there would not be much thru traffic because it is a dead end. Ms. Hefferlin asked if the requirement for a tree is one tree for every 5 parking spaces. Ms. Dixon said a tree is required for every 10 parking spaces and was changed in the 6 months edits of the Form-Based Code. Mr. Hudson asked if Mr. Floyd has spoken to CDOT about backing into the street. Ms. Floyd said he met with Brandon Sutton with CDOT and Brandon agrees with this proposal and did not appear to have any problems with backing out. He said the Form-Based Code makes backing out prohibited and there are parking spaces along the left. He said the area behind the property is considered an alley. Ms. Dixon said that space behind the property is a lot line and not an alley designation. Mr. Williamson said the proposed plan is the best solution for this property and if it were ever to go in the interstate, the allowance of the

variance would bring use to the area instead of abandoning it. Mr. Jones said the applicants have the permission of CDOT and is more comfortable in making a decision. Mr. Floyd said yes, this proposal was the recommendation of CDOT. Mr. Havron said he does not have a problem with the proposal.

**Matt Whitaker made a motion to approve Case #18-FB-00040 – 1957 Reggie White Blvd, 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: Dense screening vegetation.**

**The Committee decided that the variances were granted due to hardship of existing building location, planned use, and that it is a dead end street with very low usage; with the condition of dense screening vegetation.**

**Jason Havron seconded the motion. The motion was unanimously approved.**

### **Case #18-FB-00041 – 1791 Reggie White Blvd (District 7) – Signage**

#### **Project Description:**

The applicants, Certified Lighting / Wise Properties – TN LLC, has applied for the following modifications:

1. Increase in maximum size for ground floor sign from 48 sq. ft. to 70.78 sq. ft.
2. Increase in maximum size for ground floor sign from 48 sq. ft. to 55.42 sq. ft.

Ms. Dixon presented the PowerPoint presentation.

**Chad Moore, of 165 Hamm Road, addressed the Committee.** Mr. Moore said he will be using cut vinyl for the signage and adhesive to the brick. He said his customer said the building was built in 1832. The lettering is 42 square feet with the squaring around it, it makes the sign about 56 square feet. He said there is no other competing signage other than Finley Stadium.

**Community Comments: None.**

**Discussion:** Mr. Smith asked if the sign would project from the building. Ms. Dixon said the signage is vinyl and would be on the building. Ms. Hefferlin asked why the applicant could not make the sign exactly 48 square feet. Mr. Moore said the renderings were given to him by the client. Mr. Hudson asked what the full placement of the signage is if the sign was exact scale. Mr. Moore said the renderings were designed by the client and not by his company and that is what he was asked to present before the Committee. Mr. Hudson said there is no visibility intent for the sign or any real hardship and could not see any reason to approve it. Mr. Moore said he has not been to the property at night and that there could be external lighting existing already in order to see the sign at night. He said he was not certain. Ms. Hefferlin said she agreed with Mr. Hudson and if the sign was smaller, it would better fit the historic nature of the building and outline with the space. Mr. Havron said the sign being on the south side of the pavilion and the paddle on the sign goes all the way up seems to be too large for the placement area. Mr. Moore said the property is 200 feet from the Finley Stadium. Ms. Hefferlin said the front door of the building is on the main street and the location is a gathering spot, even if there

is a crowd at Finley Stadium. Mr. Moore said he is concerned that all the stadium signage will make his clients sign irrelevant. Mr. Whitaker said he agreed that asking for 8 more feet for a sign would not change the visibility of the sign much more from the Form-Based Code requirement of 48 square feet. He said he thinks people will see the building and the front sign of the building regardless because of its location. Ms. Frank asked if the applicant could angle the design of the paddle would it not be within the Form-Based Code requirement of 48 square feet. Mr. Whitaker said the art could be redesigned by 15% and it could provide a much better fit for the placement above the door. Mr. Hudson said approving the signage would be setting precedent. Mr. Jones asked if the Committee have approved or heard a similar case. Ms. Dixon said the 12 month edits have already increase the Form-Based Code requirement from 40 square feet to 48 square feet. Mr. Moore asked if the Committee could look at his case as a sign by sign basis. Ms. Dixon said John Wise submitted plans for an office building to be placed on the side facing the pavilion and the proposed signage for this case would not be visible at some point. Mr. Williamson asked Ms. Dixon to speak to the signage requirements. Ms. Dixon said the letters and signage is dimensioned and therefore, is not measured by a perfect square. Mr. Moore asked to defer the case due to the new information about the adjacent building and his clients absence.

**Mr. Moore deferred his case # 18-FB-00041 until next month.**

**Case #18-FB-00042 – 550 E. Main Street (District 7) – Elevation, fenestration, parking setback, transparency**

**Project Description:**

The applicants, Barge Design Solutions, Inc. / Jefferson On Main, has applied for the following modifications:

1. Reduction of ground floor elevation from 16" to 0-6".
2. Reduction in fenestration on the side of the building along Jefferson Street from 30% on the ground floor and 25% on upper floors to 0%.
3. Reduction in side street parking setback from 10' to 0'.
4. Increase in maximum blank wall space on the side of the buildings along Jefferson Street from 30' to 50'.

**Ms. Dixon said the case has been deferred until next month.**

**Case #18-FB-00043 – 1806 Madison Street (District 7) – Side setback, rear setback, height, stories**

**Project Description:**

The applicants, Matt Lyle (Franklin Associates Architects) / Joseph Schlabs, has applied for the following modifications:

1. Reduction of common lot line along the driveway/left side from 3' to 0'.
2. Reduction of rear common lot line from 5' to 0'.
3. Increase in maximum height for an ADU from 24' to 26'.
4. Increase in maximum stories from 2 to 3.

**Ms. Dixon said the case has been deferred until next month.**

**Case #18-FB-00044 – 609 Houston Street (District 7) – Front setback, elevation**

**Project Description:**

The applicant, Craig Allison / Central Church of Christ (Christian Student Center), 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 PowerPoint presentation.

David Hudson left the meeting at 2:10 p.m.

**Craig Allison, of 609 Houston Street, addressed the Committee.** Mr. Allison said last summer there was a complete remodel of the interior space. A new sewage line was installed. The retaining wall that is visible on the PowerPoint presentation was repaired. He wanted to model the exterior to match the interior of the house. He said the building has no outdoor space and for the past 6 years, the college students wanted to have access to utilize outdoor space.

**Community Comments: None.**

**Discussion:** Mr. Jones asked Ms. Dixon to clarify the decks that have been attached to the structure. He asked if the Committee had to consider the attached decks as a porch. Ms. Dixon said that part of the variance is for it to be considered as an uncovered porch, otherwise the applicant would have to cover the deck for it to be considered. The Form-Based Code does not allow decks to be placed in the front of the structure. Mr. Jones asked if the Committee would have to consider it an uncovered porch. Ms. Dixon said if the third variance request is not granted the applicant would be required to cover the porch in order for it to remain as is. She said if the case is not reviewed as an uncovered porch then the applicant would have to rip off the addition and that it is for the Committee to decide. Ms. Frank asked Ms. Dixon how was the addition able to happen. Ms. Dixon said the applicant built the addition to the front without submitting any plans or obtaining any permits. Mr. Williamson asked what the use of the structure was. Mr. Allison said it is mostly residential and commercially used as well. Mr. Smith asked if there was historical context to be examined with this case. Ms. Dixon said no. Mr. Allison said the idea was to extend the front porch at the bottom and second level. Ms. Hefferlin asked Ms. Dixon how the applicant could have had outdoor space in front of an existing building in compliance with Form-Based Code other than a covered porch. Ms. Dixon said the applicant could do pavers or a concrete pad with seating out front. Ms. Hefferlin asked if a deck was defined as a raised wooden structure. Ms. Dixon said a deck is not defined and she looked at the addition and defined it as a porch. Mr. Jones said he is concerned that the porch is actually a deck and if the Committee approved it, a precedent would be set. Mr. Whitaker said the addition on the front of the structure is a deck. Ms. Dixon said if it is considered a deck then the applicant would have to rip it off and the Form-Base Code states that a porch must be covered and not fully enclosed. Ms. Frank asked if the Form-Based Code says how much of the porch needs to be covered. Ms. Dixon said the Form-Based Code does not say and shall be determined by the Committee. Ms. Frank asked why the applicant could not do something to compliment the second floor. Mr. Allison said he is hoping to match the

existing railing and painting. Mr. Whitaker said it looks like a deck and a massive eye sore. Ms. Hefferlin said it needs to be covered. Mr. Whitaker said he has driven by the house and the design is not relative to the architecture or feel of the house. Ms. Frank asked would a paver or concrete pad be better. Mr. Whitaker said starting with the original porch and extending the porch might be a better idea. Mr. Havron asked Ms. Dixon why a stop work order was issued on this project. Ms. Dixon said the applicant built a deck without ever applying for any building permit or speaking with Form-Based Code staff. Ms. Dixon said the applicant could either defer his case or allow the Committee to make a decision. If the Committee denies the requests then the applicant could appeal to City Council within 30 days.

**Mr. Allison deferred his Case # 18-FB-00045 until next month.**

**Case #18-FB-00046 – 325 Market Street (District 7) – Monument sign**

**Project Description:**

The applicant, Bob Elliot / Lifestyle Center, LLC, has applied for the following modifications:

1. Reduction of monument sign setback from 18' to 2'.
2. Allowance of 2 monument signs instead of 1.

Ms. Dixon presented the PowerPoint presentation.

**Bob Elliott, of 832 Georgia Avenue, addressed the Committee.** Mr. Elliott said the request is two-fold and the Form-Based Code allows one monument sign and he would like two. He said his building front two streets, Market and Broad. He said there is a unique situation with parking on the Broad Street side and the courtyard on the Market Street side. He said if the setback stayed at 18 feet then it would be difficult due to the way the building is recessed. He said he wants advertisement to be seen as the cars are driving north on Broad Street.

**Community Comments: None.**

**Discussion:** Mr. Williamson asked what the sign will be used for. Mr. Elliott said it is for the tenants to put their names on it. Mr. Williamson asked Mr. Elliott why he chose LED for the signage. Mr. Elliott said that is his preference and that the sign is allowed in the Form-Based Code but the placement is his concern. Mr. Williamson said he has more of an issue with the LED signage than the placement of the sign. Mr. Whitaker said the Committee have allowed lighted signs and every time sign variances are allowed he thinks about what might happen when the applicants come back again for the same property wanting more sign variances. He said the question is, does the Committee start afresh and ignore all the other sign variances that have been given, or does the Committee take in consideration that other sign variances have already been granted. Ms. Hefferlin said that was her concern as well and that the Committee has already granted variances for signs at this location. She said every time applicants are granted sign variances, the Committee hears from the applicant again for another sign variance. Mr. Whitaker said and if the applicants were to present all the variances at the same time then the applicants would not have been allowed all those variances. He said the renderings are not accurate with the numbers given by the applicant. He asked the City Attorney if the Committee could place restrictive conditions on what the Form-Based Code allows. Attorney Bryson said if the Form-Based Code allows it, then the Committee cannot restrict it. Ms. Frank asked the applicant to speak to what the current proposed sign would do

differently from the sign variances that were previously approved. Mr. Elliott said the signs would bring advertisement closer to the street and the previously approved signs have not had much positive effect because it is still far away from street level. Ms. Frank said the digital is not a smart thing to consider but it is allowed by the Form-Based Code. Ms. Dixon read all the statistics about the approval rate for monument signs and said it has a 45% approval rate. Mr. Williamson said most buildings are at the street which is probably why monument signs are not frequent variance request. He said the applicant has two major fronting streets and he understands the need for presence. Mr. Whitaker said he understands the requests but he is questioning how many sign variances and signs should be allowed for one property over time. Ms. Hefferlin said the applicants could experience that courtyard space but instead it is becoming a matter of signs for this location. Mr. Elliott said he is willing to do a non-electronic sign. Ms. Frank said it would look better. Mr. Jones asked if the applicant would be willing to remove some of the signs on the building that has already been approved. Mr. Elliott said he does not think the tenants that spent the money on the signs would want to do that. He said the previous variance approvals allowed 5 signs on each side of the building and any additional signs that are not in place today could be disregarded if the request were granted today. Ms. Hefferlin said she cannot support the variance requests because the applicants have not fully used the variances allowed from the previous requests. She said the applicant should utilize all the allowances of the previous approvals to prevent allowing variances on top of variances.

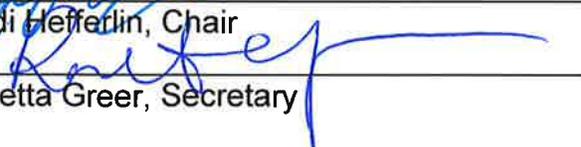
**Bob Elliott asked to defer case #18-FB-00046 until next month.**

**OTHER BUSINESS:** Ms. Frank requested that digital monument signs not be allowed.

**NEXT MEETING DATE:** October 11, 2018 (application deadline was September 14, 2018 at 4pm).

**William Smith made a motion to adjourn. Matt Whitaker seconded the motion. The motion was unanimously approved.**

The meeting was adjourned at 2:43 p.m.

  
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Heidi Hefferlin, Chair  
  
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Rosetta Greer, Secretary

October 11, 2018  
Date  
October 11, 2018  
Date