

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

**APRIL 12, 2018**

The duly advertised meeting of the Form-Based Code Committee was held on April 12, 2018, at 2:00 p.m. at the Development Resource Center, Conference Room 1A. Chairman John Straussberger called the meeting to order. Secretary Rosetta Greer called the roll and Secretary Dottie McKinney swore in all those who would be addressing the Committee. Chairman John Straussberger explained the rules of procedures and announced that the meeting is being recorded.

**Members Present:** John Straussberger, Heidi Hefferlin, Matthew Whitaker, William Smith, Grace Frank, Ladell Peoples and Jason Havron

**Members Absent:** Gabe Thomas and David Barlew

**Staff Members Present:** Development Review Planner Emily Dixon, Secretary Rosetta Greer and Secretary Dottie McKinney

**Applicants Present:** James Ledbetter, Roddy Henderson and Melanie A. Newton

**Minutes:** The March minutes were not ready.

## **NEW BUSINESS**

### **Case #18-FB-00006 – 315 N. Market Street 37405 – Transparency and Awnings**

#### **Project Description:**

The applicant, James Ledbetter has applied for the following modifications:

- Transparency and Awnings

Ms. Dixon presented the PowerPoint presentation. She said the applicant requests a reduction in window transparency from 80% to 70% and in awning projection reduction from 6' to 4'. This is the old Gordon's Dry Cleaning building. She referenced the neighborhood sign-in sheet. This is in the E-SH-3 zone and across from the Publix grocery store. There are existing glass blocks in the façade that allow for little visibility through the glass. She said glass is considered transparent and the applicant is replacing the glass block with windows. There is an example of glass on the side of the building and they would like to use this on the front as well. The proposed transparency is a reduction from 80% to 60% and the proposed awning projection in the twelve (12) month edits will be 3 feet.

**James Ledbetter of 315 N. Market Street 37405 addressed the Committee.** Mr. Ledbetter said the block was installed in 1946. He owns the building and Gordon's Cleaners. He is looking to replace the block for a tenant of his. The current glass block is energy deficient. He wants to put better glass and give them more storefront visibility. He is only interested in taking the block out and replacing it with storefront glass with an awning over it.

## **Community Comments:**

**Randall Addison from Bell Street addressed the Committee.** Mr. Addison said he attended a community meeting where Mr. Ledbetter presented his case and it was the agreement of the community that it was going to be a big change and that it is an excellent fit for the neighborhood.

**Discussion:** Mr. Havron said Mr. Ledbetter came to the neighborhood association meeting for Hill City and Northside/Cherokee on the first Monday of the month and proposed these changes. Everyone there felt it was the proper thing to let him change the storefront glass and put an awning over the top as he explained. He said Mr. Ledbetter has the neighborhood associations involved in the changes he wants to make.

Ms. Hefferlin asked if the only reason we are getting this case is because the edits have not been approved. Ms. Dixon concurred. Ms. Dixon stated that in one week the edits would be approved and that there are no indications that the glass would not pass.

**Matthew Whitaker made a motion to approve Case #18-FB-00006 – 315 N. 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 that we approved both variances. Ladell Peoples seconded the motion. The motion was unanimously approved.**

**Conditions: None**

## **Case #18-FB-00007 – 713 Hamilton Avenue 37405– Setbacks and Parking Setbacks**

### **Project Description:**

The applicant, Roddy Henderson, has applied for the following modifications:

- Setbacks and Parking Setbacks

Ms. Dixon presented the PowerPoint presentation. Ms. Dixon said the applicant has requested 4 major modifications – a reduction of the West setback facing Market Street from 10' to 8', a reduction of the East setback facing Hamilton Ave. from 10 foot to 5 foot, a reduction of the North setback along the common lot line from 5' to 0' and a reduction of the parking setback from 30' to 25'. Ms. Dixon said they posted the sign on both streets, Market and Hamilton. She referenced the neighborhood meeting sign-in sheet. It is in the E-RM-3 mixed use zone and facing 2 streets. There is a 20' easement for sewer on one side of the property. The hardships are drainage, easement, topography and existing development around it. It is commercial on the bottom and residential on the top. The parking setback is for one (1) parking spot. They tried to fit in parking for their site for commercial and residential. The parking setback they are requesting includes the one (1) parking space. Everything else meets the Code requirement. There are some challenges with drainage easements on this property. There is a change in topography which is why they have commercial on the bottom and residential above. The reduction of the west setback facing Market Street is the front setback for them. The front is considered Market Street. The reduction of the East setback facing Hamilton Avenue from 10 feet to 5 feet. The reduction of the North setback for the common lot line will be further away from downtown. They are wanting to go back from 5' to 0' and the

area is underground. Part of their structured parking will have a 0 lot line but the actual building would not. A reduction of the parking setback would be from 30' to 25'.

**Roddy Henderson of 713 Hamilton Avenue addressed the Committee.** Mr. Henderson said in addition to the drainage, there is a 7 inch sewer line that runs right through the middle of the property. They will be moving the sewer line to where the parking area is. That is a factor in their request, which will cost a lot of money to resolve. They hope to do a development that will improve the neighborhood at that end of the street. They have a good team, which includes Mike Price, Engineer and Tom Bartoo, Architect. He said they will have some green space on the top level that will be appealing to the neighborhood.

### **Community Comments:**

**Amanda Torbett, homeowner, addressed the Committee.** Ms. Torbett said she is a resident from 714 Hamilton Avenue, which is the site area of the proposed major modification. She said she wants this request denied. The owner has acted with a lack of transparency and not within the Form-Based Code. There are several neighbors that were not notified of this meeting. Developers should arrange neighborhood meetings within 300 feet of a neighborhood. Today's meeting makes the 4<sup>th</sup> time that neighbors have attended to oppose this plan. Commercial space allows for a law office but does not allow for storefront. There have been two (2) City Council meetings that they have attended. The first one was deferred as requested by the developer and the second meeting was a withdrawal of the request by the developer after he was informed that if the City Council denied the motion, no revisions or requests could be made after nine (9) months. This makes the 4<sup>th</sup> time she has had to leave her job to attend a meeting. Her neighborhood has been under a lot of changes. She thinks the developer should have to operate with current codes. She thinks a building should fit within the character of the neighborhood including existing setbacks. The reduction from 10' to 5' on the side street facing Hamilton Avenue significantly impacts her. The street is a narrow one-way street. There is a steady flow of traffic in that area and there is no shoulder on that road. There are ditches. They all use that street to get their mail and access other areas. Reducing setbacks further impedes the other people that live there. She said that the owners and developers of 713 Hamilton Avenue bought this property knowing the Form-Based Code requirements and the drainage and sewer problems.

**Joe Collier, of 712 Hamilton Avenue, addressed the Committee.** Mr. Collier said he lives next door to Ms. Torbett. He has not seen any notice about the neighborhood meeting. He said the drawings look great but does not give you an exact understanding of Market or Hamilton. This is not going to help the current traffic condition in that area. You will not have any grassy area. There will be a sidewalk and then a street under the proposed development. If this development goes through with these many occupants, you will end up with parking problems not just with the property itself but along Hamilton Avenue. People are going to park on that street. There will never be enough parking. Mr. Collier said he is all for development but thinks there is a better way in going forward.

Mr. Henderson said in rebuttal he is currently zoned correctly and allowed to build. That is not going to change. They have made a big effort to maximize the parking. They have no access from Hamilton Avenue to the project for vehicles. He tried to come up with an attractive and nice development within the Form-Based Code requirements. He understands that people are not for development.

**Discussion:** Chairman Straussberger asked if the applicant met with the neighborhood meeting requirements. Ms. Dixon said yes, there is a meeting held for the Northside/Cherokee and Hill City neighborhood associations once a month on the first Monday of every month. The Code requirement is that they meet with the neighborhood association by getting in touch with the neighborhood officers to set up the meeting. According to the Code they are not required to personally meet with every person within 300 feet of the project. Mr. Havron said this was in his neighborhood and it is right across from Hill City. Ms. Dixon stated that the two associations that were required for the meeting were Hill City and Cherokee Northside. Chairman Straussberger said it appears that this plan has been developed as if there is no easement and that the contour does not reflect the hardships. Mr. Henderson said the existing sewer line is not showing and the drawings proposes that they have moved it. The sewer line will be relocated underneath the parking lot only. Chairman Straussberger referenced that Mr. Henderson wants a setback on the north property line to 0' and that only the parking level was at 0' and the upper floors will be at 5'. Chairman Straussberger said he did not see a setback on the site plan. Mr. Henderson said that may need to be changed and that he is not the architect. He said whatever Tom Bartoo has come up with is what they have and the property line is supposed to be at the 5' for the upper floors from the property line.

Ms. Dixon said her understanding is that the setback is for the building but when she spoke to Mr. Henderson there was a different interpretation.

Ms. Hefferlin asked if the applicant bought the property after the Form-Based Code Committee came into existence. Mr. Henderson said they were not aware of it at the time.

**Jay Mace addressed the Committee.** Mr. Mace said the Form-Based Code was already in affect when they bought it.

Mr. Henderson said the elevations presented did not match the proposed development and that Form-Based Code does not allow for a change of use.

**Discussion:** Mr. Whitaker asked Ms. Dixon if this was an A street. Ms. Dixon said yes. They should be able to meet those requirements. They did have enough sidewalk. Ms. Hefferlin said she has an issue that the plans do not match the application. Chairman Straussberger said it appears all the parking is accessed through Market Street. Ms. Dixon said it was suggested that they try to use Market Street more so than Hamilton Avenue. Hamilton Avenue is the street to the rear. Chairman Straussberger asked if this was an accurate floor plan. Mr. Mace said pretty close. Mr. Henderson said he would defer the Chairman's question to the architect.

Mr. Whitaker said the site plan does not seem to be correct. Chairman Straussberger concurred with that statement.

Mr. Smith asked how many units were there for residential. Ms. Dixon said 21. There is bike parking on site. Mr. Henderson said the parking spaces is 25. Ms. Frank asked how many spaces for commercial. Mr. Henderson said the commercial space is around 4500 square feet and the parking is 4. Mr. Smith said 21 for residential and 4 for commercial. Ms. Hefferlin asked about the motion forms. Ms. Dixon said if they wished to specify on the form they could.

If the applicant is denied he has to come back with something different or come back a year later.

Mr. Smith asked if there was an option to go to the City Council. Ms. Dixon said they could appeal to City Council. She said the City Council said their preference is for this Committee to work it out at this level. She suggested that they could defer to work it out with the architect.

Mr. Smith said he would just deny it because it is incompatible development. Ms. Dixon said if they do not get any of these modifications, it would be a smaller footprint within the same context.

Mr. Henderson said they would defer their case to next month.

**Heidi Hefferlin made a motion to defer Case #18-FB-00007 – 713 Hamilton Avenue, 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.**

**Based on the developer coming back with accurate plans and specifications for elevation. Matthew Whitaker seconded the motion. Grace Frank and William Smith opposed the motion. The motion carried to defer to next month.**

**Conditions: None**

**Case #18-FB-00008 – 615 E. 17<sup>th</sup> Street 37408 – Setbacks ADU Square Feet**

**Project Description:**

The applicant, Melanie A. Newton, has applied for the following modifications:

- Setbacks and ADU Square Feet

Ms. Dixon presented the PowerPoint presentation. She said number 4 on the request is no longer needed. They were not required to have a neighborhood meeting because it was less than 5 units and is residential. U-RD-2 is their zoning. They had an existing garage constructed in 2014 and they wanted to build an ADU on top of that garage. She said whenever you go over 700 square feet we require 2 means of egress. That is why we need a variance for stairs for the ADU. The Code reference said it cannot exceed 700 sq. ft. This is a stoop and not a porch. A stoop may extend up to 8 feet including the steps. She said their stairs come down right beside the sidewalk. On the other side of the garage they will have to do a second set of stairs to be in compliance for Fire and Life Safety. Because they are not 2' from the sidewalk they need a variance. They know they are required to have that second means of egress. She said they had a survey done. The site plan shows where the current wooden steps are and where they plan to do a metal spiral staircase on the side of the structure.

**Melanie A. Newton of 615 E. 17th Street addressed the Committee.** Ms. Newton said she was the homeowner. She referenced the request for the ADU square footage from 700 to 780 square feet. She said this was an existing structure and they were trying to increase without major modification to the exterior so that it will match the home itself and other homes adjacent to them. The reduction of the side setback for the stairs on the street is from 2 feet from the edge of the sidewalk to 0 feet. She said she had questions about the original plat when they had the survey provided by Earthworx, LLC. 1888 was when the original plat was recorded. Their builder built something with no setbacks. She said they need the ability to have 2 sets of

stairs. There will be a concrete parking pad contained within a fence. It will be a 3' spiral fire retardant staircase for egress. She said it will comply with the Fire Department. They would not need 0' setback. They have been looking at 36". She said Chris Anderson is the homeowner adjacent to them and he is in favor of this. The neighbors have met with her and all the neighbors are in favor and in support of this. Ms. Dixon said she spoke with Chris Anderson yesterday and he did not have a problem.

**Dixon Brackett, President of Earthworx, LLC, addressed the Committee.** Ms. Brackett said she performed a boundary survey, which was 46 ft. in width and 156 ft. in depth according to 1880s plat.

Ms. Dixon said they have 5.27 feet setback on one side and 10.34 feet setback on the other side. Ms. Brackett said when you look at the photo and look westward, their property corners at least two-thirds into that gravel area. It gives you a false impression that the gravel is the alleyway. If they put in a 36" spiral staircase they would be 7/10 into the current 3' side setback. They are trying to make this work on a 46' wide lot. Not many lots today would be that width.

**Community Comments:** None

**Discussion:** Ms. Frank asked if it was on Madison Street. Ms. Hefferlin said they had a detached unit as well. She said they were able to do a residential sprinkler system with set of stairs and asked if Ms. Newton was certain that the stairs would meet egress requirements. Ms. Newton said she felt sure the 36" would meet the egress requirements but felt the 2 sets would be better. Ms. Hefferlin asked if Ms. Newton began the renovation and found out about this later. Ms. Newton said they were mid-way through the process when they were told to stop. It happened after the fact and now they are doing what they can to meet the requirements. Ms. Frank asked if her house is zoned C-3. Ms. Newton said no. Mr. Charlie Young said if it was C-3 it would not be before this Committee. Ms. Newton had the building permit prior to starting construction. Ms. Hefferlin asked if she had survey complications. Ms. Newton said they were asked to have a survey after the permitting process was completed. The survey was completed after they started the building. Mr. Young, Assistant Director of the Land Development office, said they applied for a building permit. At that time they put 780 square feet but they held it up because it needed to be 700 square feet or less. When the inspector went to inspect the project, they realized it was 780 square feet. The project was stopped and required a major modification approval by the Form-Based Code to give her the additional square footage. They need the variance for the 0' setback because at 780 they need 2 means of egress or go before the Board of Construction Appeals and request the sprinkler system with one means of egress, but it would delay the process. They thought they could build and did not clarify. The footprint of ADU has to be 700 square feet, not the interior.

Chairman Straussberger said one of the egress is the spiral stairwell. Mr. Young concurred. He said they needed to go to 0' setback on that side. It has to be built out of non-combustible construction, a metal welded staircase. Ms. Newton said they are looking into this. Mr. Smith asked if any clarification is needed for the footprint, not the interior. Ms. Dixon said the Fire Department said 700 square feet footprint. Mr. Whitaker asked if we have allowed some flexibility on square footage. Ms. Frank said they are just going up from their garage. Ms. Hefferlin said they are asking for the setback variance to follow the Building Code. Chairman Straussberger said this second story matches the original. Ms. Dixon concurred. Ms. Hefferlin

said she likes the building location is on the corner because it will not impede anyone's use. Architecturally it is nice to follow the base structure, attempting to follow safety regulations and building codes. Mr. Whitaker has a hard time going to 0 setback. Ms. Dixon said they have 5.27 inches on that side. Ms. Newton said she could go with that. Mr. Whitaker said it seems you could work the stairs. Ms. Hefferlin asked which stair they were asking a variance for. Ms. Dixon said both. The existing stairs need a variance of 2'. Ms. Hefferlin asked if Ms. Newton investigated the stair. Ms. Newton said they were already built and are within the fence. It was not until after the survey was provided they found out they had to have a variance. Ms. Frank asked if the fence was on the property line. Ms. Newton said 7.25 inches inside the property. Ms. Dixon said people put fences outside ADU's all the time. Ms. Newton said had they known, they would have been willing to do that. All this happened afterwards. They are trying to work the regulations as best they can. Ms. Dixon said the spiral stairs will be on the common lot line. Mr. Whitaker said he would be ok to the spiral stairs on that street with the change. He asked how complex would it be. Chairman Straussberger said it would have to be torn down except the top landing. Chairman Straussberger asked which looks worse a switchback or long running. Ms. Frank said a switchback is much safer. Chairman Straussberger said that way you do not fall all the way down. Mr. Peoples said it was more appealing with a switchback. Ms. Newton said the fence is laying to the other side only until they complete the project. The staircase will not be exposed and is contained within the fence, within the property boundary.

**Community Comments:** None

**William Smith made a motion to approve Case #18-FB-00008 – 615 E. 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. 1. To Increase ADU square footage from 700 square feet to 780 square feet approved, noted that there was miscommunication on what was originally submitted. 2. The reduction of side setback for the stairs on the street side from 2 feet from the edge of the sidewalk to 0 feet approved with no conditions due to communications, a lot of construction was already performed before discovering the property lines and needed setback. 3. A reduction in the side setback along the common lot line from 3 feet to 0 feet for the egress stairs approved based on the later performance of a survey of the land, and drop item 4. Heidi Hefferlin seconded the motion. The motion was unanimously approved.**

**OTHER BUSINESS:** None

Mr. Smith asked about the deferral on the motions. Ms. Dixon said deferrals have always been an option. They have always been actions that you take because deferrals are allowed. Mr. Smith said it is not listed in the administrative notes. Ms. Dixon said she will get with the City Attorney in regards to that.

**NEXT MEETING DATE: May 10, 2018**

**Jason Havron made a motion to adjourn.**

**Heidi Hefferlin seconded the motion. The motion was unanimously approved.**

The meeting was adjourned at 3:18 p.m.



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John Straussberger, Chairman

HEIDI HEFFERLIN  


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Dottie McKinney, Secretary

5-10-18  
Date

5-10-18  
Date