

STAFF CASE REPORT TO PLANNING COMMISSION

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

PROJECT ANALYSIS**RPA Land Use & Transportation Comments****Project Description**

The applicant is requesting a Special Exceptions Permit for an existing duplex that recently lost its legal non-conforming use status.

Site Description

The lot is on the south side of Gillespie Road and is approximately 7,000 square feet with a two-family dwelling (duplex) on site. Other land uses on the south side of Gillespie Road are both single-family residences and duplexes. There is a children's home across Gillespie Road to the northwest.

Zoning History

This site was rezoned to R-1 Residential Zone as part of the 1995 Brainerd Area Zoning Plan (Resolution 20754) and the Brainerd Area Zoning Study (Ordinance 10331). The site was previously zoned R-3 Residential Zone prior to that study. Tax Assessor Record's currently classify the property as a multi-family (duplex) structure built in the 1960s. The applicant recently submitted a rezoning request for R-2 Residential Zone. At the September 2014 Planning Commission meeting, the Commission recommended to deny the applicant's request for rezoning from R-1 Residential to R-2 Residential on the same property and, instead, recommended approval of the Special Exceptions Permit for a two-family dwelling in an R-1 Zone. That recommendation was presented to Chattanooga City Council on October 8th, and they denied the request. Prior to this Council action, the applicant had already submitted a special permit request to RPA. Based on consultation with the City Attorney office, since the applicant has already filed an application, the Council action does not impact the processing of this request. RPA staff has tried to reach the applicant to see if they would like to withdraw or proceed with the request. The applicant responded that they wanted to proceed with the special permit request.

Plans/Policies

This site is within the 1995 Brainerd Area Zoning Plan and policy for the site is guided by recommendations contained in the Brainerd Area Zoning Study. The Brainerd Area Zoning Plan states that when reviewing rezoning requests "each property should be reviewed in the context of the neighborhood and recommended zoning on this basis."

Currently the site is within the Inner Suburban Development Sector of the Comprehensive Plan 2030. The Comprehensive Plan 2030 states that a mix of housing is appropriate for this Development Sector. According to the Housing recommendations for this sector, "Infill development on vacant and underutilized lots in these areas should respect the prevailing scale of existing residences" and "should help reinforce the existing residential character."

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City Departmental Infrastructure & Operational Comments

All land development projects are reviewed by City Engineering & Water Quality staff, Transportation Department staff, and the Land Development Office staff. In addition to the requirements of the City of Chattanooga Zoning Ordinance, all land development is further required to comply with current City of Chattanooga traffic regulations, building and development codes, storm water/water quality regulations, and the landscape ordinance.

RPA Summary

The reestablishment of a duplex at this location may be consistent with the character along Gillespie Road as other duplexes are presently along the street including one on either side of the property. In addition, allowing continued use of this property as a duplex would provide additional housing options within the existing neighborhood as the duplex on the property is currently not in use due to its loss of legal non-conforming status. Substantive reinvestments into the existing property could be of benefit to neighborhood.

Staff believes a Special Exception Permit for a two-family dwelling in the R-1 Residential Zone is an appropriate tool for this use at this location than rezoning to R-2 Residential. This Special Exceptions Permit was created to accommodate existing duplexes in situations such as this. The intent of this permit is as follows:

The City of Chattanooga has rezoned property in several neighborhoods from R-2 Residential Zone and R-3 Residential Zone to R-1 Residential Zone. This Special Exceptions Permit would allow structures that were constructed as two-family dwellings to be able to continue such use after the loss of nonconforming status. The purpose of this Special Exceptions Permit is to provide relief to property owners of certain two-family dwellings which, under current zoning, could only be used for single-family residences. The intent of issuance of a Special Exceptions Permit is not to encourage similar requests in an area.

These Special Exception Permits may be granted by City Council provided: "a) the request is consistent with the adopted plans for the area, b) the request is consistent the zoning study that rezoned the requested property from R-2 Residential Zone and R-3 Residential Zone to R-1 Residential Zone."

Staff recommends approval of the Special Exceptions Permit request.