

**A RESOLUTION TO AMEND THE CHATTANOOGA CITY CODE,
PART II, CHAPTER 38 ZONING ORDINANCE, ARTICLE VIII BOARD
OF APPEALS FOR VARIANCES AND SPECIAL PERMITS, SECTION
38-563 TO CLARIFY THE BOARD’S POWER TO GRANT VARIANCES**

WHEREAS, the Board of Zoning Appeals routinely reviews variances to the zoning regulations each month; and

WHEREAS, the power to grant such variances is *implied* in the title of Article VIII, “Board of Appeals for Variances and Special Permits” of the Zoning Ordinance; and

WHEREAS, the Tennessee Code Annotated, Section 13-7-207(3) gives the Board of Appeals the power to grant variances to the zoning regulations; and

WHEREAS, there currently exists no clearly identified statement to that effect within the ordinance.

NOW THEREFORE, BE IT RESOLVED, that the Chattanooga-Hamilton County Regional Planning Commission on July 13, 2015 does hereby recommend to the Chattanooga City Council that the following sections be amended as follows:

Amend Article VIII Board of Appeals for Variances and Special Permits by adding item (5) to Section 38-563 to read as follows:

(5) To authorize and grant a variance to the strict application of any regulation specified in this ordinance per the conditions specified in Section 38-567.

Respectfully submitted,

John Bridger, Secretary

Date of Adoption: July 13, 2015

JB:GH:PD:sh