

TOWN OF WALDEN
BOARD OF APPEALS
MEETING AGENDA JANUARY 25, 2024
4:00 PM

CALL TO ORDER

CONSIDERATION OF THE MINUTES

ROLL CALL

PRESENTATION OF REQUEST FROM CROSBY RILES AND PUBLIC HEARING

1. CONSIDERATION OF THE REQUEST FROM CROSBY RILES FOR DRIVEWAY ACCESS VIA UNOPENED RIGHT-OF-WAY AT 734 HIGH PASTURE ROAD

Owner: Crosby Riles

Applicant: Brian Powell

Address: 734 High Pasture Rd.

Parcel Number: 089K A 011.04

Zoning: A-1

Request: Construct driveway in unopened right-of-way to connect via private road to High Pasture Road

PRESENTATION OF REQUEST FROM WAYSIDE PRESBYTERIAN CHURCH AND PUBLIC HEARING

1. CONSIDERATION OF REQUEST FROM WAYSIDE PRESBYTERIAN CHURCH FOR VARIANCE TO MAXIMUM BUILDING HEIGHT IN ORDER TO CONSTRUCT ROOFLINE COMPATIBLE WITH EXISTING HISTORIC STRUCTURE

Owner: Wayside Presbyterian Church

Applicant: Wayside Presbyterian Church

Address: 2502 Fairmount Pike

Parcel Number: 089N C 001

Zoning: R-1

Request: Construct addition to church at a height of 40' 2", exceeding the maximum height in the R-1 zone by 5'2".

2. CONSIDERATION OF REQUEST FROM WAYSIDE PRESBYTERIAN CHURCH FOR VARIANCE TO MINIMUM PARKING REQUIREMENTS

Owner: Wayside Presbyterian Church

Applicant: Wayside Presbyterian Church

Address: 2502 Fairmount Pike

Parcel Number: 089N C 001

Zoning: R-1

Request: Reduce parking required from 130 spaces on the same lot, to 71 spaces on property plus 51 spaces on adjacent properties, for a total of 122 spaces.

ADJOURNMENT



MEMORANDUM

To: Members of the Walden Board of Zoning Appeals

Cc: Mariah Prescott, Town Administrator

From: Ashley Gates, Senior Planner

Date: January 19, 2024

Subject: Variance Request for 734 High Pasture Road

Summary

Owner: Crosby Riles

Applicant: Brian Powell

Address: 734 High Pasture Rd.

Parcel Number: 089K A 011.04

Zoning: A-1

Request: Construct driveway in unopened right-of-way to connect via private road to High Pasture Road

Staff Recommendation: Approve

Analysis

Background

734 High Pasture Road is a 2-acre lot that is zoned A -1 Agriculture. Platted in 1999, this lot has frontage on two right-of-ways, High Pasture Road and McClean Road, which are both unopened along this lot. The plat for this lot states that Board of Zoning Appeals must approve access via the private road and unopened right-of-way. Staff could not locate a record of any BZA approval. The applicant is requesting to connect to the existing driveway on High Pasture Road, an unopened right-of-way that has been improved in order to access the adjacent lot.

2022 Aerial Imagery, Hamilton County GIS



- 3.03 Required Access for Residential Lots.** All residential lots in the Town of Walden must have frontage on an existing town accepted and publicly maintained street or road. Lots whose only access is a private road or easement are not permitted unless a Special Permit is granted by the Board of Mayor and Aldermen.
- 3.04 No Permit for Building on Lots Without Publicly Accepted Access.** No permit shall be issued for a building or use on a lot which does not abut on an existing town accepted and publicly maintained street or road unless a Special Permit for access to such lot by a private road or easement has been granted by the Board of Mayor and Aldermen.

Zoning Ordinance

The Zoning Ordinance requires a special use permit to access a lot via private drive. The Zoning Ordinance does not have any specific regulations in reference to using an unopened public right-of-way. While the existing driveway does utilize a private road to connect to the main portion of High Pasture Road, the application is for improvements to the public right-of-way to connect to that driveway.

Standards for Variances

The Walden Zoning Ordinance sets standards for the approval of variance requests in Section 9.03(a).

9.03 Power and Duties of the Board of Appeals.

- (a) Power to Grant Variance in Site and Area Regulations.
- (1) The Board of Appeals shall have the power to grant variances and adjustments in the area and building site regulations of this Ordinance in cases where strict application of the regulations would result in practical difficulty or unnecessary hardship which is not attributable to the actions of the applicant or predecessors in title; but only in harmony with the spirit and intent of this Ordinance and in such a manner as to grant relief without substantial injury to the public interest and rights.
 - (2) No variation in the application of the provisions of this Ordinance or grant of a temporary permit shall be made unless after a public hearing, as provided for in this section, the Board of Appeals shall find that such variation will not:
 - a) Impair an adequate supply of light and air to adjacent property;
 - b) Increase the hazard from fire and other dangers to said property;
 - c) Diminish value of land and buildings throughout the surrounding area;
 - d) Increase the congestion or traffic hazards in the public streets or highway; and
 - e) Otherwise impair the public health, safety, comfort, morals, and general welfare of the inhabitants of the Town of Walden.The Board of Appeals may impose such conditions as will lessen any injury to the character of the subject Zone.

13-7-207. Powers of board of appeals.

(3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this part and part 3 of this chapter would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property, authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship; provided, that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

Recommendation

Staff recommends approval of the variance pending review by utility providers and engineers.

Approval is recommended for the following reasons:

- The lot with access via unopened right-of-way was legally platted approved by the Town of Walden
- The Town of Walden has permitted other property owners to access their lot via this unopened portion of right-of-way
- Denying the proposed access would create significant practical difficulty, requiring the applicant to pave more than 800 feet of right-of-way to town standards

TOWN OF WALDEN
Board of Zoning Appeals
VARIANCE APPLICATION

Date 12/21/23

Address of Subject Property 734 High Pasture, Signal Mtn, TN 37377
Block No. _____ Subdivision _____ Tax Map _____

Name of Applicant Crosby Riles
Mailing Address 642 Wayside Place, Signal Mtn, TN 37377
Daytime Telephone Number [REDACTED] Fax Number _____
E-mail Address [REDACTED]
Name of Business (if applicable) _____

Name of Property Owner Crosby Riles
Mailing Address 642 Wayside Place, Signal Mtn, TN 37377
Daytime Telephone Number [REDACTED] Fax Number _____
E-mail Address [REDACTED]

VARIANCE APPROVED:

VARIANCE DENIED:

Date _____ Signature _____

Town of Walden
1836 Taft Highway, P.O. Box 335 *Signal Mountain, Tennessee 37377 Telephone (423) 886-4362
Fax (423) 886-7953

TOWN OF WALDEN
Board of Zoning Appeals

Acknowledgement

It is understood that approval of the proposed development is conditioned upon full compliance with all applicable regulations and ordinances of the Town of Walden and conditions imposed by the applicable Boards of the Town.

In cases where the applicant is not the property owner, it is also hereby acknowledged by the property owner that he or she is in full agreement with the content of this application.

Crosby Riles
Signature of Applicant

Signature of Owner if different from Applicant
12/21/23
Date

In general, the Board of Zoning Appeals meets on an as needed basis at Town Hall, at 1836 Taft Highway.

The submission deadline is the 10th of the month to be heard the following month.

Copies of all required materials and a non-refundable filing fee shall be submitted to the Town Recorder by the application deadline.

Contact the Town of Walden to confirm deadline and meeting dates and times.

Town of Walden
1836 Taft Highway, P.O. Box 335 *Signal Mountain, Tennessee 37377 e Telephone (423) 886-4362
Fax (423) 886-7953

TOWN OF WALDEN
Board of Zoning Appeals

11

Variance Attachment

Address of Subject Property 734 High Pasture Rd, Signal Mtn, TN 37377

Please read Article 9. Board of Appeals for Variances, section 9.03, 9.04, & 9.05 of the Town of Walden Zoning Ordinance, attached to this application.

1. Provide a description of the requested Variance.

We are trying to build a home on a private road

2. Describe the situation creating the hardship.

According to the Walden zoning code our house needs a variance approval to build on a private road

3. Describe the conditions associated with this situation that make your property different from the conditions of the surrounding lots or

N/A - all other lots and homes are on private road

4. Describe the effect that granting this variance would have on adjoining streets or public or private property.

No effect in granting this variance as the three homes built on this road are relatives in support of us building.

5. What other alternatives could solve the problem caused by the situation?

None. We must build off of private road to access our lot.

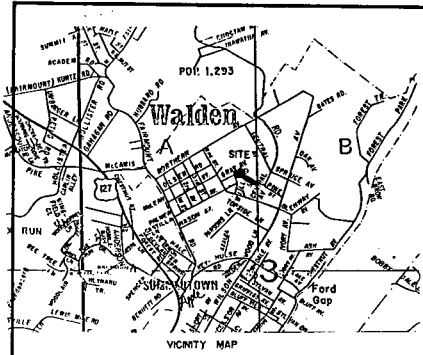
The petition for a variance was granted.

The petition for a variance was denied.

Date _____

Signature/ Town of Walden _____

Town of Walden
1836 Taft Highway, P.O. Box 335 *Signal Mountain, Tennessee 37377 e Telephone (423) 886-4362
Fax (423) 886-7953



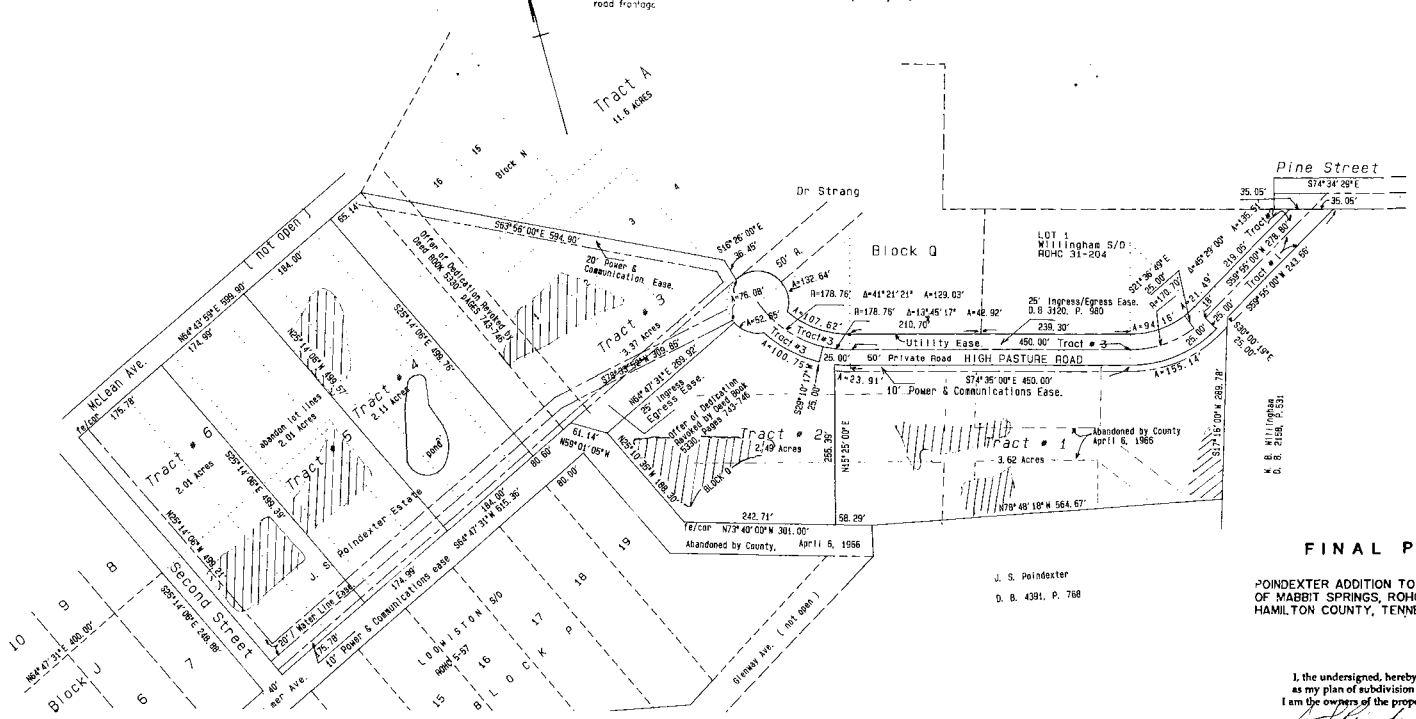
NOTES:

- 1) Present zoning classification As
- 2) Area subdivided by this plat is 5.522 acres
- 3) This plat subdivides the property described in Deed Book 953/48
- 4) This subdivision has been developed according to the Subdivision Regulations of Town of Walden.
- 5) Purpose of this plat is to abandon the original lot lines as shown, and show new lot lines
- 6) Map parcel # B9K-A-II
- 7) Water by Walden Ridge Utility District
- 8) The Town of Walden is not responsible to construct or maintain the private road or any other road shown on this plat, except Pine Street
- 9) The owners are responsible to provide any desired utilities or services beyond the R.O.W. of Pine Street. The Town of Walden is not responsible to provide any desired utilities or services beyond the R.O.W. of Pine Street.
- 10) Private road frontage variance granted by Planning Commission on June 14, 1999
- 11) No building permit can be issued on Tracts 3-6 until the Walden Board of Zoning Appeals grants variance for building on private roads or the roads are accepted by the Town of Walden so that they have public road frontage.
- 12) Hatched area is a subsurface sewage disposal system and duplication area easement. Any cutting, filling, excavation, or construction in this area without prior written approval from the Health Department and recording of a corrective plat may render this lot unmarketable.
- 13) The subsurface sewage disposal system easement and duplication area easement may only be changed after submittal of an extra high intensity soils map and the recording of a corrective plat to show the new information.
- 14) Tract 1 is approved for a maximum number of three (3) bedrooms.
- 15) Tracts 2-4 are approved for a maximum of four (4) bedrooms.
- 16) No pools without written approval from the Health Department.
- 17) All notes regarding the subsurface sewage disposal system will become null and void if the home is connected to a public sanitary sewer system.



APPROVED FOR RECORDING
 CHATTA/HAMILTON CO. HEALTH DEPT.
 DATE 8-2-99
 BY David L. Hopkins
 TOWN OF WALDEN
 DATE August 7, 1999
 BY David L. Hopkins

Instrument: 1599081000295
 Book and Page: P3 50 156
 Data Processing Fee \$2.00
 Total Fees \$15.00
 User: BPORTER
 Date: 10-08-1999
 User: 03:4135 P
 Contact: Pam Huret, Registrar
 Hamilton County Tennessee \$17.00



JUNE 27, 1999
 REV. MAY 6, 1999
 REV. MARCH 4, 1999
 REV. FEB 2, 1999

SCALE: 1" = 100'

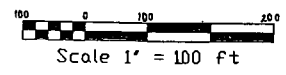
FINAL PLAT

POINDEXTER ADDITION TO LOOMISTON SUBDIVISION
 OF MABBIT SPRINGS, ROHC 5-57, TOWN OF WALDEN,
 HAMILTON COUNTY, TENNESSEE

I, the undersigned, hereby adopt this plat as my plan of subdivision and certify that I am the owners of the property in fee simple.

John S. Poindexter Jr.
 John S. Poindexter Jr.
 P.O.B. 8668
 Savannah Georgia 31412

STREET ADDRESS
Tract # 1 700 High Pasture Road
Tract # 2 672 High Pasture Road or 544 Palmer Ave.
Tract # 3 543 Palmer Ave.
Tract # 4 647 Palmer Avenue
Tract # 5 735 Palmer Avenue
Tract # 6 777 Palmer Avenue



DRAWING NO. 1098-477-2C
 FIELD BOOK 96-699-3

I certify that I have surveyed the property hereon, that the survey is correct to the best of my knowledge and belief and that the ratio of precision of the unadjusted survey is > 1:10,000 (Category I)

David L. Hopkins
 David L. Hopkins, Jr. - Registered Land Surveyor No. 120
 200 Manufacturers Road - P.O. Box 4210
 Chattanooga, Tennessee 37405
 (615) 267-3751 Office / (615) 267-0611 Facsimile
 Copyright - By Hopkins Surveying Group, Inc.





RaganSmith

Nashville - Murfreesboro - Chattanooga
ragansmith.com



HIGH PASTURE ROAD RESIDENCE
FOR
PEPPERS CONSTRUCTION, LLC

734 HIGH PASTURE ROAD, WALDEN, TN 37377

Scale: 1"=10'

Date: 01-17-2024

Approved By: BDK

Revisions:

Drawing Title:

GRADING & DRAINAGE PLAN

Drawing No.

C1.0

Project No.

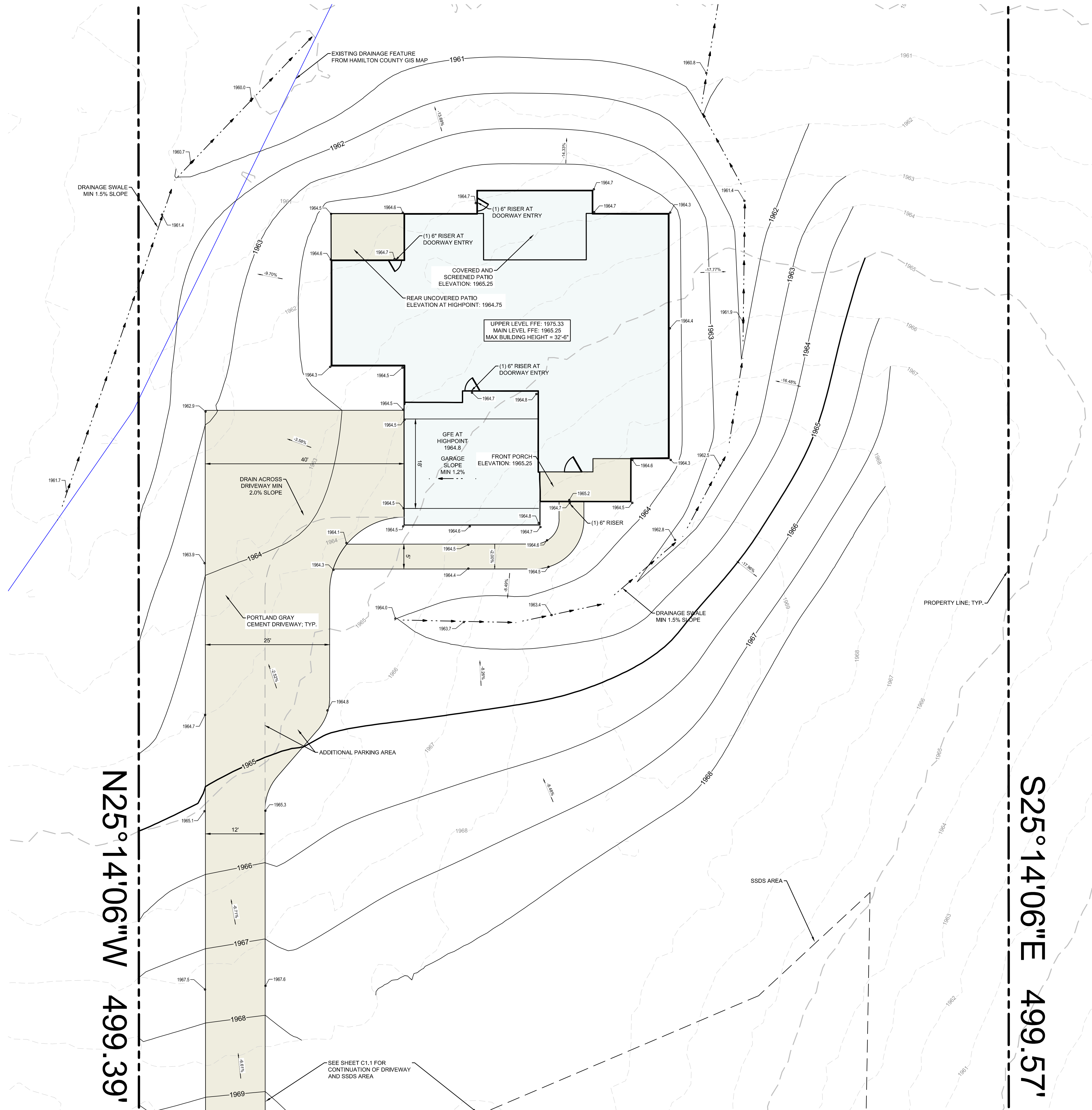
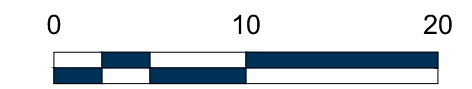
23-0052

GRADING, DRAINAGE & ROADWAY NOTES:

- Boundary and easements were provided by Northpoint Surveying.
- Topographic survey provided by the Tennessee State LiDar Database. Contour interval is 1'.
- All grading and drainage appurtenances to be built and installed as per the City of Walden Construction Standard Specifications. Before any surface treatment is put down, subgrade must be proofrolled and accepted by the developer/ Owner.
- Topsoil stripped from the areas to be graded will be stockpiled on site as directed by the owner and engineer and shall later be used in final dressing and seedbed preparation. Said stockpiles will be located so as not to interfere with activities of other portions of the work on the project. All material shall be stockpiled in upland (non-wetland) areas and above ordinary high water of any adjacent watercourse.
- The contractor will place and store in stockpiles construction material, including but not limited to crushed stone, topsoil, excavated work and/or rock, in such a way as not to impose a potential for slides or movement of the material that would cause injury or death to the contractor's employees or any other individual that might be on the project site. This would include but not necessarily be limited to the securing of stockpile materials by fencing or other means to preclude unwarranted visitors or trespassers on the project site. Stockpiled materials shall not impair necessary sight distances for public roadways, driveways, construction entrances, etc.
- The placing and spreading of any fill material is to be started at the lowest point and brought up in horizontal layers of 8 inch thickness. Said fill material is to be soil and rock only, free of sod, roots, frozen soils or any other decomposable material. The relative compaction of each layer shall not be less than 95% of the standard proctor maximum dry density (ASTM d-698). More stringent compaction measures may be required in structural areas (e.g. building pads, paved areas, etc.), therefore refer to geotechnical report and/or appropriate governing body specifications.
- Any surplus excavation shall be removed from the site as directed by the owner and/or civil engineer.
- The stockpiling or storage of trees, vegetation and other deleterious matter or materials deemed "unsuitable" by the soils and civil engineers shall not be allowed on site. Said materials shall be properly disposed of off the properties, the cost and responsibility of which shall be the contractor's. Site for the disposal of said materials shall first be approved by the civil engineer.
- Arrows on grade area indicate direction of flow of surface drainage.
- Unless specified otherwise, all pad graded lots shall be prepared to provide a twenty four inch (24") layer beneath the pad grade free from mass rock and large boulders to allow for the installation of utility services and building foundations without the need for blasting and/or rock removal. Rock should be 6" or less in diameter below finished pad elevation for the 24" described above.

GENERAL NOTES

- The contractor shall give all necessary notices and obtain all permits, and pay all legal fees and construction testing fees associated with the project. He shall also comply with all city, county and state building laws, ordinances or regulations relating to building sidewalks, streets, water mains, sewers, blasting, etc.
- The contractor shall be responsible for and shall bear all expenses for the field staking of the site layout necessary for the proper execution of the work. The contractor will be held responsible for the damage or loss of any reference points, monuments, hubs and lot corners staked by others during the construction of his work and shall bear the cost of replacing same.
- The contractor is to check and verify all measurements, levels, etc., before ordering materials and proceeding with the work, and is to be responsible for the same.
- The contractor holds all risks associated with the work. Additionally he contractor bears all responsibility for the safety of the site and will be held responsible by the owner.
- The contractor shall be responsible for any damage done to the premises or adjacent premises, or injuries to the public during the construction of the work, caused by himself, his subcontractors or the carelessness of any of his employees. Nothing in the general notes shall relieve the contractor from his responsibilities toward the safety and convenience of the general public and the residents along the proposed construction area.
- The contractor shall provide all necessary temporary works such as bracing, sheeting and shoring, blasting protection, warning lights and barricades, etc. as may be necessary for the protection of life and property for his own employees and the general public. The contractor shall comply with all applicable safety statutes and rules requiring certain protective personal apparel such as hard hats, ear plugs, eye shields, protective shoes, etc. The owner and engineer assume no responsibility or liability for actions taken by the contractor endangering life or property.
- The location of existing piping and underground utilities, such as water and gas lines, stormwater, electrical, fiber optic and telephone conduits, etc., as shown on the plans have been determined from the best available information by actual surveys, or taken from the records and drawings of the existing utilities. The owner and engineer do not assume responsibility for the possibility that, during construction, utilities other than those shown may be encountered or that actual location of those shown may be different from the locations designated on the contract drawings. In areas where it is necessary that exact locations be known of underground utilities, the contractor shall, at his own expense, furnish all labor and tools to either verify and substantiate or definitely establish the position of underground utilities.
- The contractor shall exercise extreme caution for any activity that will place equipment or personnel within contact range of overhead or underground electrical or gas transmission lines. Any such activity within a noted utility easement or the proximity of electrical or gas line utilities should be coordinated with the proper utility before commencing with any work. It is incumbent upon the contractor to become familiar with the site and to verify to his satisfaction the location, nature and extent of all overhead and underground utilities that will be impacted by the construction efforts required for this project. The contractor shall install all necessary warning or safety signage, barricades, or notices, etc. to insure the safety of his employees and the general public in the project area.
- In Tennessee, it is a requirement by law, per "the underground utility damage prevention act", that anyone who engages in excavation must notify all known underground utility owners, no less than three (3) nor more than ten (10) working days prior to the date, of their intent to excavate and also to avoid any possible hazard or conflict. Notification by calling the Tennessee one call system, inc. at 1-800-351-1111 is required.
- Portions of the work shown on these plans may require trench and/or mass excavation. In some cases, this will require the removal of rock. In the use of explosives for the subsequent excavation of rock material, all applicable local and state requirements regarding the use and storage of explosive material will be followed. The proper permits will be secured and pre-blast surveys will be conducted in areas where adjacent properties or improvements off of the project property could be impacted. In portions of the project where trench excavation is required, the contractor will become familiar with all applicable trench safety requirements and regulations and take the necessary measures to insure the safety of his employees and any other individuals having a need to be in and around the work.
- If, during construction of this project, a question of intent or clarity arises from the construction plans, the contractor will immediately bring the matter to the attention of the civil engineer for resolution before the affected work items are initiated or pursued further.
- It shall be the contractor's responsibility to notify any affected offsite property owner two weeks prior to construction on said offsite property. This notification is required even with construction being confined within existing easement(s). Access to all private properties shall be provided and maintained at all times during the construction of the project.
- Care shall be taken to protect any utilities, trees, buildings, etc. which are to remain and not to be disturbed by the construction.
- The contractor's authorized field representative shall notify the city prior to commencing any work on the public right of way.
- The site development portion of this project will be subject to the inspection and final approval of the appropriate public works department, water department/district, sewer department/district, and possibly the planning commission.



N25°14'06"W 499.39'

S25°14'06"E 499.57'

ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN FEET AND DECIMALS THEREOF. THIS DRAWING IS THE PROPERTY OF RAGANSMITH AND SHALL BE KEPT IN CONFIDENCE. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF RAGANSMITH IS STRICTLY PROHIBITED. DATE: 01/17/2024 12:24 PM



RaganSmith

Nashville - Murfreesboro - Chattanooga
ragansmith.com



HIGH PASTURE ROAD RESIDENCE

FOR
PEPPERS CONSTRUCTION, LLC

734 HIGH PASTURE ROAD, WALDEN, TN 37377

Scale: 1"=30'

Date: 01-17-2024

Approved By: BDK

Revisions:

Drawing Title:

GRADING &
DRAINAGE PLAN

Drawing No.

C1.1

Project No.
23-0052

McLEAN AVENUE
(NOT OPEN PER PB 60 PG 156)

N64°43'59"E 174.99'

EXISTING DRAINAGE FEATURE
FROM HAMILTON COUNTY GIS

REAR UNCOVERED PATIO

REAR COVERED PATIO

PROPOSED HOUSE
FFE = 1965.25
MAX HEIGHT = 32'-6"

COVERED FRONT PORCH

5' WIDE LEADWALK

TRACT 4
PB 60 PG 156
R.O.H.C.

EXISTING DRAINAGE FEATURE
FROM HAMILTON COUNTY GIS

TRACT 6
PB 60 PG 156
R.O.H.C.

EXISTING HOUSE

SSDS
AREA

TRACT 5
2.01± ACRES

12' WIDE DRIVEWAY

20' WATERLINE EASEMENT
PER PB 60 PG 156

10' POWER & COMMUNICATION EASEMENT
PER PB 60 PG 156

S64°47'31"W 174.99'

HIGH PASTURE ROAD

N25°14'06"W 499.39'

S25°14'06"E 499.57'



0 30 60
CONTOUR INTERVAL = 1'

ALL DATA PROVIDED TO DATE IS BASED ON THE RECORD DRAWING AND FIELD SURVEY. THIS DRAWING IS THE PROPERTY OF RAGANSMITH AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. ANY UNAUTHORIZED USE OF THIS DRAWING IS PROHIBITED. LAST UPDATED BY RAGANSMITH ON 01/17/2024 12:24 PM



MEMORANDUM

To: Members of the Walden Board of Zoning Appeals

Cc: Mariah Prescott, Town Administrator

From: Ashley Gates, Senior Planner

Date: January 19, 2024

Subject: Variance Request for 734 High Pasture Road

Summary

Owner: Wayside Presbyterian Church

Applicant: Wayside Presbyterian Church

Address: 2502 Fairmount Pike

Parcel Number: 089N C 001

Zoning: R-1

Request: Construct addition to church at a height of 40' 2", exceeding the maximum height in the R-1 zone by 5' 2". Utilize shared parking agreements to

Analysis

Background

Wayside Presbyterian Church is a historic structure dating back to 1947. The church is seeking to add an addition to the structure for additional sanctuary space. In keeping with the architectural style of the historic structure, the applicant wishes to have a steeply sloped roof, making the height 40' 2", exceeding the maximum height of 35 feet. The applicant is also seeking to reduce the minimum parking requirement from the required 130 spaces to 71 spaces on site, and 51 spaces through shared parking agreements, for a total of 122 spaces.

Historic Preservation

In consultation with the Southeast Tennessee Development District, the existing structure has been determined to most likely be eligible for the National Register of Historic Places due to the architectural style of the building. In combination with other historic structures in the area, including the Walden Civic League building, this section of Walden may also be eligible to become a historic district on the National Register of Historic Places. A nomination of the Walden Civic League structure was recently submitted to the Tennessee State Historic Preservation Office for inclusion on the National Register, and the architectural style of Wayside Presbyterian was cited as an example of the unique architectural style of this time period and location.

Aerial View



Site Topography

Like much of Walden, the site has some very steep slopes, in some locations exceeding a 20% slope. A survey would need to be done to determine the actual slope, with anything over 25% being undevelopable per Section 6.01 of the Zoning Ordinance.

Zoning Ordinance

- Height Restrictions in the R-1 Zone

(4) Height Regulations. No building or structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.

- **Parking Requirements**

3.05 Parking Requirements for All Zones. It is the intent of this Ordinance to minimize, to the extent practical, the size of parking areas so as to reduce storm water run-off and eliminate the usual blight associated with large parking lots. Off-street parking with proper drainage shall be provided on the same lot as the structure it serves according to the following criteria:

- (a) There shall be two (2) spaces for every dwelling unit.
- (b) There shall be one (1) space for every three (3) seats in the main auditorium of churches and other public meeting structures;
- (c) For Bed and Breakfasts and Inns there shall be one (1) parking space for every guest unit plus one (1) parking space for every innkeeper's dwelling;
- (d) For any other permitted use, there shall be four (4) parking spaces for every 1000 square feet of net leasable floor area or such lesser number of spaces as shall provide reasonable parking for the use of the building per approval of the Board of Mayor and Aldermen.

Standards for Variances

The Walden Zoning Ordinance sets standards for the approval of variance requests in Section 9.03(a).

9.03 Power and Duties of the Board of Appeals.

- (a) **Power to Grant Variance in Site and Area Regulations.**
 - (1) The Board of Appeals shall have the power to grant variances and adjustments in the area and building site regulations of this Ordinance in cases where strict application of the regulations would result in practical difficulty or unnecessary hardship which is not attributable to the actions of the applicant or predecessors in title; but only in harmony with the spirit and intent of this Ordinance and in such a manner as to grant relief without substantial injury to the public interest and rights.
 - (2) No variation in the application of the provisions of this Ordinance or grant of a temporary permit shall be made unless after a public hearing, as provided for in this section, the Board of Appeals shall find that such variation will not:
 - a) Impair an adequate supply of light and air to adjacent property;
 - b) Increase the hazard from fire and other dangers to said property;
 - c) Diminish value of land and buildings throughout the surrounding area;
 - d) Increase the congestion or traffic hazards in the public streets or highway; and
 - e) Otherwise impair the public health, safety, comfort, morals, and general welfare of the inhabitants of the Town of Walden.

The Board of Appeals may impose such conditions as will lessen any injury to the character of the subject Zone.

13-7-207. Powers of board of appeals.

(3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this part and part 3 of this chapter would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such

property, authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship; provided, that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

Religious Land Use and Institutionalized Persons Act

Both the federal government and Tennessee state law protect religious assemblies from discriminatory and unduly burdensome land use regulations. In some courts, onerous parking requirements have been found to be substantial burdens to religious assemblies. Attorney review of this case in light of applicable court cases is recommended.

Recommendation

Variance 1: Exceeding Height Limitations

Staff finds that limiting the height of the structure would place a significant hardship for future nomination to the National Register of Historic Places. The height difference is mitigated by the slope differential of this portion of the property and neighboring properties. Because of the importance of proportion an architectural style for the future nomination of the Wayside Presbyterian Church and larger historic district of Walden, approval of this variance is recommended.

Variance 2: Reduction in Parking Requirements

Staff finds that, together with the shared parking on adjacent sites, the parking will be adequate for the proposed use. However, the Zoning Ordinance requires that all parking be “on the same lot of the structure it serves.” The slope of the property, together with the need for a reserved area for a duplicate septic, makes for significant practical difficulties for providing paved parking areas. The parking requirements state that the intent of the ordinance is to “minimize, to the extent practical, the size of parking areas so as to reduce storm water run-off and eliminate the usual blight associated with large parking lots.” Therefore, a reduction in parking would be in line with this intent. Because increased parking presents practical difficulties, and a reduced parking requirement would be in line with the intent of the Zoning Ordinance, staff recommends approval of the requested variance.

Staff further recommends attorney review of the following:

- Whether the BZA may add a condition to this approval allowing the Town to require additional parking should the church receive repeated citations.
- Any legal considerations related to the Religious Land Use and Institutionalized Persons Act on the variance requests. In particular, commercial structures exceeding 5,000 square feet may include parking at adjacent lots, and may seek reduced parking requirements from the Board of Mayor and Alderman, while churches and “other public meeting structures” may not.

TOWN OF WALDEN
Board of Zoning Appeals
VARIANCE APPLICATION

Date 1/11/24

Address of Subject Property 2502 Fairmount Pike / Signal Mountain TN 37377
Block No. _____ Subdivision _____ Tax Map 089N C 001

Name of Applicant Bob Franklin / Kelley Hutchings
Mailing Address 142 N. Market St. / Chattanooga TN 37405
Daytime Telephone Number [REDACTED] Fax Number N/A
E-mail Address [REDACTED]
Name of Business (if applicable) Franklin Architects

Name of Property Owner Wayside Presbyterian Church (Matt Hamilton - Owner's Representative)
Mailing Address 2502 Fairmount Pike / Signal Mountain TN 37377
Daytime Telephone Number [REDACTED] Fax Number N/A
E-mail Address [REDACTED]

VARIANCE APPROVED:

VARIANCE DENIED:

Date _____ Signature _____

Town of Walden
1836 Taft Highway, P.O. Box 335 *Signal Mountain, Tennessee 37377 Telephone (423) 886-4362
Fax (423) 886-7953

TOWN OF WALDEN
Board of Zoning Appeals

Acknowledgement

It is understood that approval of the proposed development is conditioned upon full compliance with all applicable regulations and ordinances of the Town of Walden and conditions imposed by the applicable Boards of the Town.

In cases where the applicant is not the property owner, it is also hereby acknowledged by the property owner that he or she is in full agreement with the content of this application.

Signature of Applicant

Signature of Owner if different from Applicant

Date

1/11/24

In general, the Board of Zoning Appeals meets on an as needed basis at Town Hall, at 1836 Taft Highway.

The submission deadline is the 10th of the month to be heard the following month.

Copies of all required materials and a non-refundable filing fee shall be submitted to the Town Recorder by the application deadline.

Contact the Town of Walden to confirm deadline and meeting dates and times.

Town of Walden
1836 Taft Highway, P.O. Box 335 *Signal Mountain, Tennessee 37377 e Telephone (423) 886-4362
Fax (423) 886-7953

TOWN OF WALDEN
Board of Zoning Appeals

Variance Attachment

Address of Subject Property 2502 Fairmount Pike / Signal Mountain TN 37377

Please read Article 9. Board of Appeals for Variances, section 9.03, 9.04, & 9.05 of the Town of Walden Zoning Ordinance, attached to this application.

1. Provide a description of the requested Variance.

We are requesting a variance to the height regulation, to accommodate a new sanctuary structure. We're requesting an increase from the required 35'-0 to 40'-2." This is an increase of 10'-3" from the existing building's maximum height. The existing building measures (at the front/west facade facing Fairmount Pike) approximately 30'-0" from existing grade at the front of the building, to its highest point. (The 40'-2" height of our proposed new sanctuary is measured from existing finished grade at the front of the existing building, to the highest point on the roof ridge of the proposed new sanctuary.)

2. Describe the situation creating the hardship.

The property belongs to an existing church that was built in its current form in 1947. We want to incorporate elements from the existing historic church into the design of the new sanctuary, including the proportions and detailing of the existing church. Geometry does not easily allow for a larger sanctuary with a lower roof, without incorporating roof structures that would not complement the existing historic structure (flat roofs, low-slope roofs, etc.). Additionally, the site is sloped in such a way that the main floor level is approximately 9' below street level (Fairmount Pike), so visually, the building does not appear tall from the road.

3. Describe the conditions associated with this situation that make your property different from the conditions of the surrounding lots or

Because we are connecting to an existing structure, and are trying to maintain proportions and detailing of the existing historic structure, many design considerations were predetermined. We have chosen what we believe is the best location for the addition, because it is the most sensitive to the existing building, existing public street views, and maintains much of the existing structure and circulation through the property.

4. Describe the effect that granting this variance would have on adjoining streets or public or private property

The overall increase in height is limited to 10'-3" which will have minimal visual impact. The site slopes down from Fairmount Pike toward the east, so the building appears lower/shorter than it would on a flat site. The proposed addition will be located "behind" the existing church, toward the east side of the property, with no street frontage. The east/north sides of the site feature full tree cover, so views to the proposed sanctuary would be minimized from Key-Hulse Rd. The property on the east/northeast side of the site is an empty lot owned by Andersen Investment Corporation. Across Key-Hulse Rd. to the east/southeast is Signal Mountain Christian School, which is a sister ministry to Wayside Pr

5. What other alternatives could solve the problem caused by the situation?

The addition could be located on a different part of the site, but because of the grade changes on this site, it presents unique challenges, and there would be height variances required in most other locations. We believe this location of the proposed sanctuary has the least visual impact for neighbors and the streetscape.

The petition for a variance was granted.

The petition for a variance was denied.

Date _____

Signature/ Town of Walden _____

Town of Walden
1836 Taft Highway, P.O. Box 335 *Signal Mountain, Tennessee 37377 e Telephone (423) 886-4362
Fax (423) 886-7953

TOWN OF WALDEN

Board of Zoning Appeals

Variance Attachment

Address of Subject Property 2502 Fairmount Pike / Signal Mountain TN 37377

Please read Article 9. Board of Appeals for Variances, section 9.03, 9.04, & 9.05 of the Town of Walden Zoning Ordinance, attached to this application.

1. Provide a description of the requested Variance.

We are requesting a variance to parking requirements. We are designing a sanctuary addition to an existing church, which has existed on its current site for nearly 80 years. As designed, our proposed new sanctuary would accommodate (per code) 389 people. According to the Walden Zoning Ordinance, for churches, 1 parking space is required for every three people in the main auditorium. (389/3 = 130 spaces required.) Currently the church has 71 spaces (but has agreements to use an add'l 51 spaces - see #3 below). The church has plans to expand parking in the future, but will need a variance in the short term, until that new parking can be completed.

2. Describe the situation creating the hardship. *(71 exist. spaces + 51 spaces on adjacent properties = 122 spaces available)*

There are several factors leading to the need for this parking variance. The church has experienced recent growth; the church was planned nearly 80 years ago and was originally designed to seat 130 people; the site is sloped, making parking areas difficult to accommodate; parking is only needed one day a week (on Sunday) when the sanctuary is at its fullest capacity; and the church anticipates seating 300 people on a Sunday, and not the full 389 (by code calculation). Additionally, we believe that minimizing large, mostly unused parking lots is the best approach here, for the community as well as for stormwater runoff reasons.

3. Describe the conditions associated with this situation that make your property different from the conditions of the surrounding lots or

To accommodate its membership in the existing sanctuary, the church already has agreements with neighbors (Signal Mountain Christian School and The Mountain Opry) to use nearby parking lots. SMCC has 19 lot spaces as well as 12 parallel parking spaces (31 total) and Signal Mountain Opry approximately 20 spaces in a gravel parking lot. This is an additional 51 spaces.

4. Describe the effect that granting this variance would have on adjoining streets or public or private property.

Granting this variance will have minimal impact on adjoining streets or neighboring properties. (Alternatively, given the nature of this sloped site, building new parking lots could impact adjoining streets and properties by creating additional stormwater runoff.)

5. What other alternatives could solve the problem caused by the situation?

The church could build new parking lots (which they plan to do in the future, as funding allows).

The petition for a variance was granted.

Date _____

The petition for a variance was denied.

Signature/ Town of Walden _____

Town of Walden
1836 Taft Highway, P.O. Box 335 *Signal Mountain, Tennessee 37377 e Telephone (423) 886-4362
Fax (423) 886-7953

**Hamilton County Division of Groundwater Protection
Permit for Construction of Subsurface Sewage Disposal System**

Receipt # 32075

Issued to: Wayside Presbyterian Church

Address: 2502 FAIRMOUNT PIKE

S / D & lot no.: _____

Evaluation Based Upon:

- 1. Soil typing by Soil Scientist _____
- 2. Soil Percolation Test _____
- 3. Environmental Specialist _____

Estimated absorption rate: 30 M.P.I.

Installation:

- 1. New Installation
- 2. Repair to Existing System

Establishment:

1. Residential: # of bedrooms 0

Basement plumbing: Yes No

2. Other: Church
(specify)

Type of System:

- | | | |
|-----------------------------------|---|----------------------------------|
| <input type="checkbox"/> Standard | <input type="checkbox"/> Gravelless | <input type="checkbox"/> Lagoon |
| <input type="checkbox"/> ATS | <input checked="" type="checkbox"/> LPP | <input type="checkbox"/> EPS |
| <input type="checkbox"/> Drip | <input type="checkbox"/> Mound | <input type="checkbox"/> Chamber |

Gal / Day 2870

Pump system (requires electrical inspection)

This system shall consist of 1 or 2 septic tanks: Size tank # 1 10000 gallons

Field line footage on tank #1 LPP

Pump tank size 10000

Size tank #2 _____ gallons

Field line footage on tank #2 _____

Maximum depth of field lines is 18 inches. Water curtain drain required

All installers of subsurface sewage disposal systems must hold a valid annual license from the Hamilton County Division of Groundwater Protection. The recipient of this permit agrees to construct or have constructed the above described system in accordance with 68-13-401 cf. Seq. and The Regulations to Govern Subsurface Sewage Disposal Systems. If any part of the system is covered before being inspected and approved, it shall be uncovered by the recipient of the permit at the direction of personnel of the Hamilton County Health Department. Any cutting, filling or alterations of the soil conditions on the aforementioned property after this day may render this approval null and void. The conditions of this permit cannot be altered in any way without prior written approval from the Hamilton County Division of Groundwater Protection

_____ on application

(Signature of applicant)

_____ Date

Issued by Bob Stott

_____ Date 1/3/24

This permit is valid for 3 years from date of issue.

FIELD LINE SETBACKS:

- 10-feet from all property lines & water lines;
- 25-feet from all drainage, bodies of water & any cut bank more than 1-foot in depth (including basement cuts)
- 50-feet from any well.

Do not cross field lines with any utilities

Due to 75 MPI soil rating use only conventional field lines or install gravelless pipe in a 2-foot wide ditch & backfill with 1-1/2 inch gravel.

Water interceptor drain must be installed 15-feet from the field lines at a depth of 42 inches on the high side of the field lines & to daylight while maintaining a minimum grade of 6 inches per 100-feet.

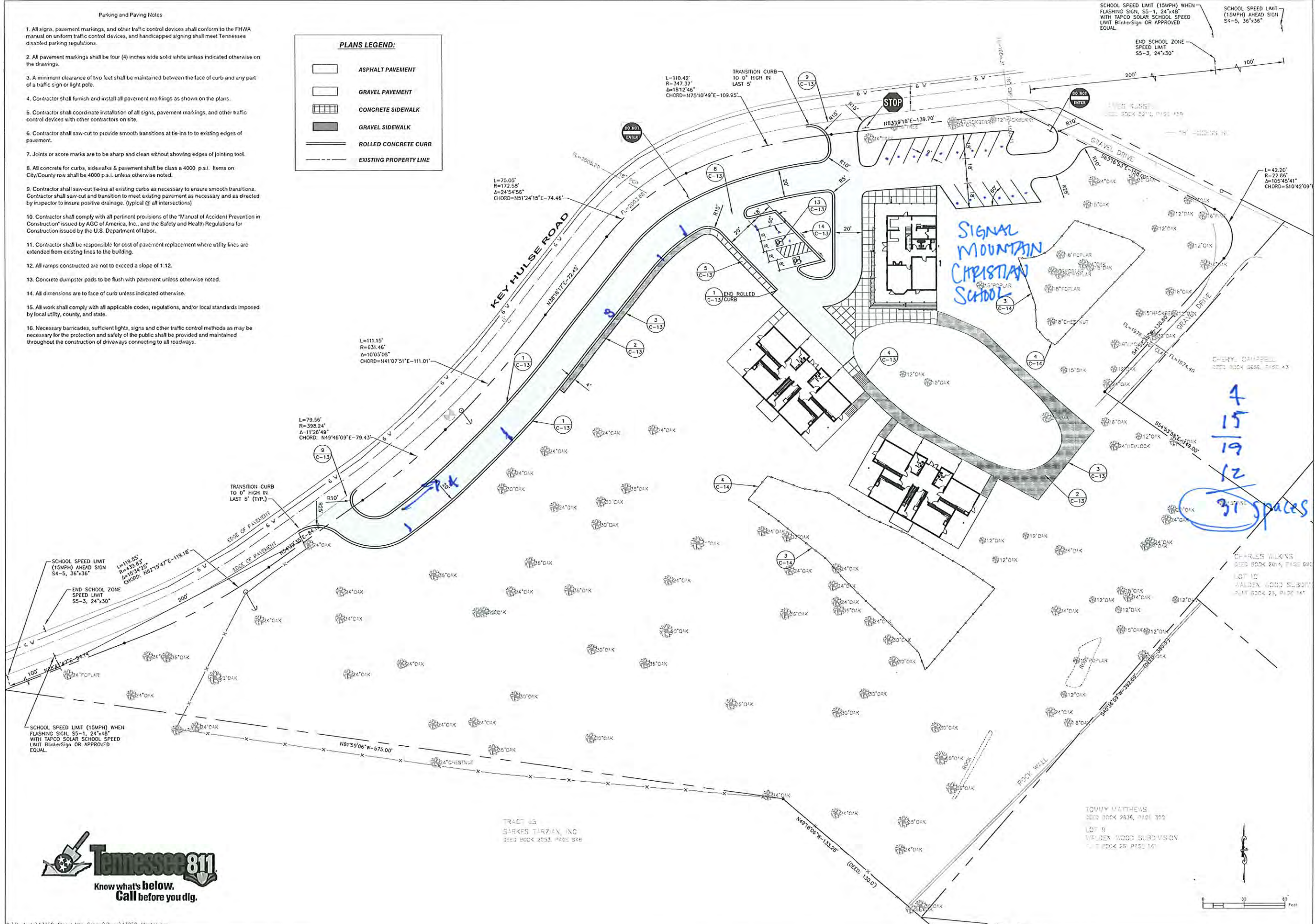
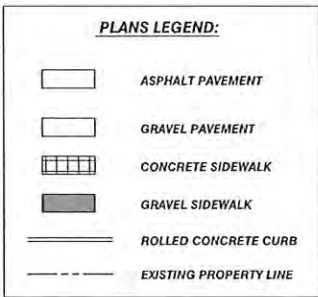
May use a closed loop system.

**DO NOT EXCEED THE FIELD LINE DEPTH SHOWN ABOVE
AND KEEP FIELD LINES ON CONTOUR!**

Install per Engr. design

Parking and Paving Notes

1. All signs, pavement markings, and other traffic control devices shall conform to the FHWA manual on uniform traffic control devices, and handicapped signing shall meet Tennessee disabled parking regulations.
2. All pavement markings shall be four (4) inches wide solid white unless indicated otherwise on the drawings.
3. A minimum clearance of two feet shall be maintained between the face of curb and any part of a traffic sign or light pole.
4. Contractor shall furnish and install all pavement markings as shown on the plans.
5. Contractor shall coordinate installation of all signs, pavement markings, and other traffic control devices with other contractors on site.
6. Contractor shall saw-cut to provide smooth transitions at tie-ins to existing edges of pavement.
7. Joints or score marks are to be sharp and clean without showing edges of jointing tool.
8. All concrete for curbs, sidewalks & pavement shall be class 4000 p.s.i. Items on City/County row shall be 4000 p.s.i. unless otherwise noted.
9. Contractor shall saw-cut tie-ins at existing curbs as necessary to ensure smooth transitions. Contractor shall saw-cut and transition to meet existing pavement as necessary and as directed by inspector to insure positive drainage. (typical @ all intersections)
10. Contractor shall comply with all pertinent provisions of the 'Manual of Accident Prevention in Construction' issued by AGC of America, Inc., and the Safety and Health Regulations for Construction issued by the U.S. Department of Labor.
11. Contractor shall be responsible for cost of pavement replacement where utility lines are extended from existing lines to the building.
12. All ramps constructed are not to exceed a slope of 1:12.
13. Concrete dumpster pads to be flush with pavement unless otherwise noted.
14. All dimensions are to face of curb unless indicated otherwise.
15. All work shall comply with all applicable codes, regulations, and/or local standards imposed by local utility, county, and state.
16. Necessary barricades, sufficient lights, signs and other traffic control methods as may be necessary for the protection and safety of the public shall be provided and maintained throughout the construction of driveways connecting to all roadways.



MILLER-MCCOY, INC.
 CONSULTING ENGINEERS
 915 CHESSIDE ROAD, CHATTANOOGA, TENNESSEE 37406
 PHONE (423) 698-2861
 FAX (423) 698-2864
 © Copyright 2005 Miller-McCoy, Inc.



252 Fairmount Pike
 Signal Mountain, TN 37377

PROJECT:
 Signal Mountain Christian School
 808 Key Hulse Road
 Signal Mountain, TN 37377
 Tax Map #: 089N-D-001

REVISIONS	
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

SHEET NAME:
SITE PLAN

DATE: 10-8-13
 DRAWN BY: GAH
 CHECKED BY: RWM
 PROJECT NO.: 13058
 SHEET NUMBER:
C-6





Legend

□ Parcels

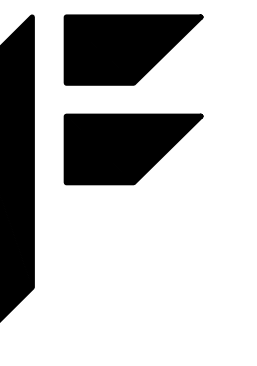
THE MOUNTAIN
OPRY SITE
(PARKING)

0 50.00 100.0 Feet

NAD_1983_StatePlane_Tennessee_FIPS_4100_Feet
© Latitude Geographics Group Ltd.



Disclaimer: This map is to be used for reference only, and no other use or reliance on the same is authorized. This map was automatically generated using HCGIS Mapping System. Parcel lines are shown for reference only and are not intended for conveyances, nor is it intended to substitute for a



franklin|architects

142 N Market Street P.O. Box 4048
Chattanooga . TN . 37405
v: 423.266.1207 f: 423.266.1216

In association with:

CIVIL ENGINEER:

MILLER-McCOY, INC.
CONSULTING ENGINEERS
915 CREEKSIDE ROAD CHATTANOOGA, TENNESSEE 37408
PHONE (423) 698-2661 FAX (423) 698-2664

© Copyright 2024 Miller-McCoy, Inc.

SANCTUARY ADDITION

for
WAYSIDE PRESBYTERIAN CHURCH

at
2502 FAIRMOUNT PIKE
SIGNAL MOUNTAIN, TN 37377

This drawing is the property of Franklin Associates Architects Inc. Any use, reuse, reproduction, display or sale of this drawing without the express written consent of the Architect is strictly prohibited.

Copyright © 2024 | Franklin Associates Architects Inc.

FOR REVIEW

Revisions

No.	Issue	Date

Sheet Information

Date	1/5/2024
Job No.	MM 22097 6865
Scale	1" = 30'
Title	

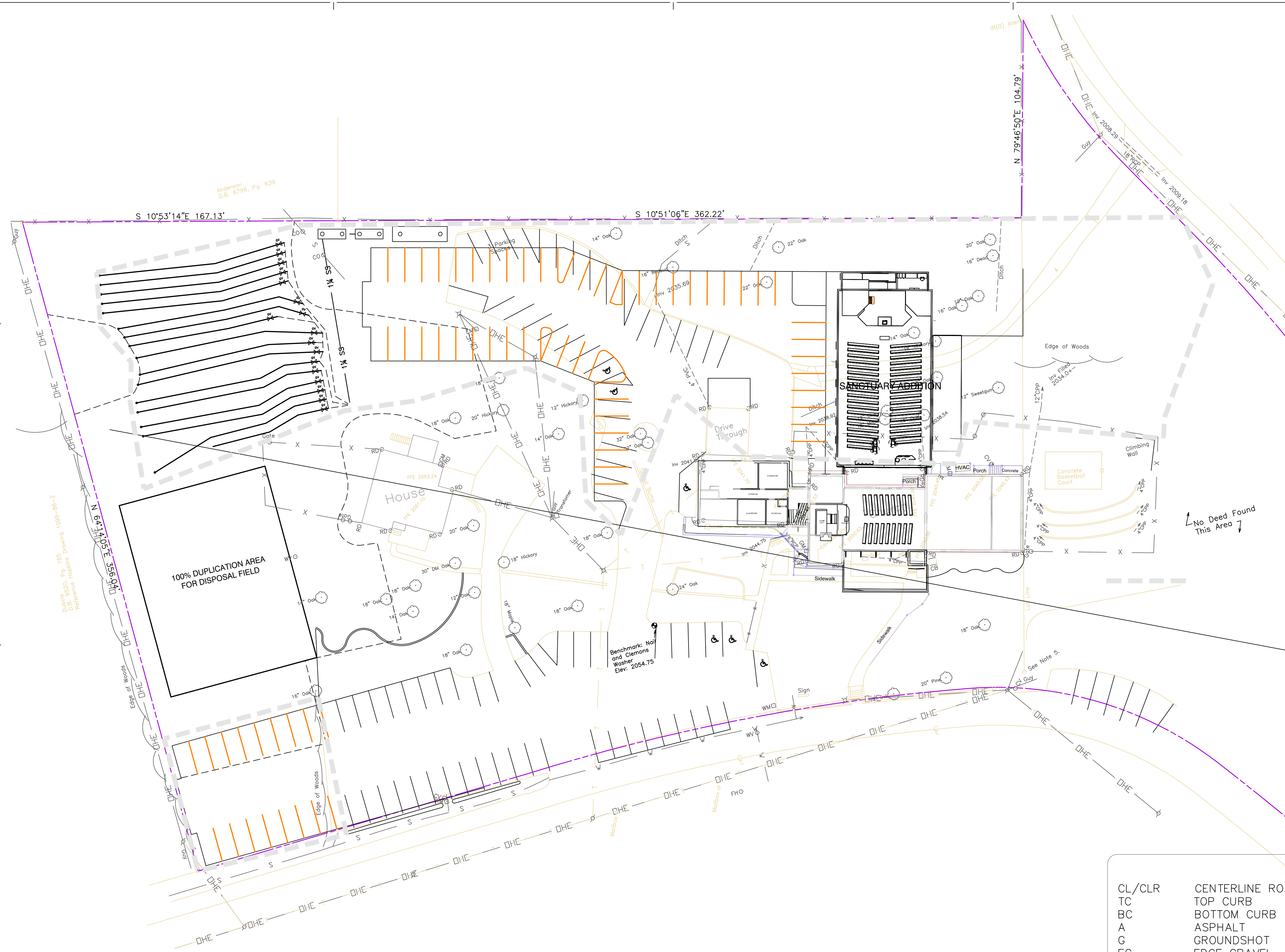
SITE PLAN

Sheet

C-200

GENERAL SITE NOTES

- ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES, REGULATIONS, AND/OR LOCAL STANDARDS IMPOSED BY LOCAL UTILITY, COUNTY, AND STATE. IT IS THE CONTRACTORS RESPONSIBILITY THAT ALL THE CONSTRUCTION BE IN ACCORDANCE WITH TOWN OF WALDEN AND TDOT STANDARD DETAILS AND SPECIFICATIONS.
- CONTRACTOR SHALL COMPLY WITH ALL PERTINENT PROVISIONS OF THE "MANUAL OF ACCIDENT PREVENTION IN CONSTRUCTION" ISSUED BY AGC OF AMERICA, INC., AND THE SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION ISSUED BY THE U.S. DEPARTMENT OF LABOR.
- CONTRACTOR SHALL PROVIDE ALL NECESSARY BARRICADES, SUFFICIENT LIGHTS, SIGNS AND OTHER TRAFFIC CONTROL METHODS AS MAY BE NECESSARY FOR THE PROTECTION AND SAFETY OF THE PUBLIC AND SHALL BE PROVIDED AND MAINTAINED THROUGHOUT ALL CONSTRUCTION ADJACENT TO AND WITHIN ALL ROADWAYS.
- THE CONTRACTOR SHALL TAKE NECESSARY MEASURES TO SEPARATE WORK AREAS FROM PEDESTRIAN TRAFFIC AND TO INSURE SAFE PEDESTRIAN PASSAGE AT ALL TIMES.
- CONTRACTOR SHALL SAW-CUT TO PROVIDE SMOOTH TRANSITIONS AT TIE-INS TO EXISTING EDGES OF PAVEMENT.
- JOINTS OR SCORE MARKS ARE TO BE SHARP AND CLEAN WITHOUT SHOWING EDGES OF JOINTING TOOL.
- ALL CONCRETE SHALL BE CLASS A 4000 P.S.I. UNLESS NOTED OTHERWISE. DO NOT POUR ANY CONCRETE BEFORE FORMS ARE INSPECTED AND APPROVED BY THE INSPECTOR.
- SEE SHEET C-400 FOR ADDITIONAL DETAILS.



LEGEND OF SYMBOLS

CL/CLR	CENTERLINE ROAD	TB	TOP BANK
TC	TOP CURB	TS	TOE SLOPE
BC	BOTTOM CURB	BD	BOTTOM DITCH
A	ASPHALT	BLD	BUILDING
G	GROUNDSHOT	FFE	FINISH FLOOR ELEVATION
EG	EDGE GRAVEL	EW	EDGE WATER
EP/EOP	EDGE PAVEMENT	NS	NAIL SET
CC	CORNER (TOP)	— OHW —	OVERHEAD WIRE
TYP	TYPICAL	— W —	WATER LINE
CO	CLEANOUT	— ST —	STORM SEWER LINE
○	SCB MANHOLE	— SS —	SANITARY SEWER LINE
○	SANITARY/STORM MANHOLE	— G —	GAS LINE
○	WATER METER	— UGE —	UNDERGROUND ELECTRIC
○	POWER POLE	— COM —	COMMUNICATION
○	LIGHT POLE		BUILDING LINE
○	CLEANOUT	HDPE	HIGH DENSITY POLYETHYLENE
○	CATCH BASIN	CONC	CONCRETE
○	GAS VALVE	↑	GUY WIRE
○	GAS METER	⊠	POST INDICATOR VALVE
○	FIRE HYDRANT	⊠	ELECTRIC BOX
○	WATER VALVE	⊠	GREASE TRAP
○	PHONE PEDESTAL	⊠	TRAFFIC BOX
○	TRAFFIC POLE	⊠	TREES (SIZE VARIES—SEE PLAN)
○	FIRE DEPARTMENT CONNECTION	⊠	POWER METER
○	IRRIGATION CONTROL VALVE		
○	LIGHT		

* NOTE: ALL SYMBOLS WILL NOT APPLY TO YOUR SURVEY.

SITE PLAN

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



811
IT IS THE CONTRACTORS RESPONSIBILITY TO CONTACT UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION. THE LOCATION OF UTILITIES SHOWN ON THESE PLANS ARE APPROXIMATE AND POSSIBLY INCOMPLETE. THEREFORE CERTIFICATION TO THE LOCATION OF ALL UNDERGROUND UTILITIES IS WITHHELD.

Know what's below.
Call before you dig.