

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;
 - 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	Тах Мар	089N C 001		
	arket St. / Chattanooga TN	Fax Number			
Name of Business (It applicable) Franklin Architects Name of Property Owner Wayside Presbyterian Church (Matt Hamilton - Owner's Representative) Mailing Address 2502 Fairmount Pike / Signal Mountain TN 37377					
□ VARIANCE APPRO	OVED:				
□ VARIANCE DENIE	BD:				
Date	Signature	A			
	Town of Wal	าคา			

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

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

<u>Variance Att</u>	achment
Address of Subject Property 2502 Fairmount Pike	/ Signal Mountain TN 37377
Please read Article 9. Board of Appeals for Variance Walden Zoning Ordinance, attached to this applicati	
1. Provide a description of the requested Variance. We are requesting a variance to the height regulation, to accommo from the required 35'-0 to 40'-2." This is an increase of 10'-3" from measures (at the front/west facade facing Fairmount Pike) approximately approxi	the existing building's maximum height. The existing building
to its highest point. (The 40'-2" height of our proposed new sanctual existing building, to the highest point on the roof ridge of the proposed.	
2. Describe the situation creating the hardship.	
The property belongs to an existing church that was built in its currer existing historic church into the design of the new sanctuary, includir Geometry does not easily allow for a larger sanctuary with a lower recomplement the existing historic structure (flat roofs, low-slope roofs main floor level is approximately 9' below street level (Fairmount Pike 3. Describe the conditions associated with this situation	ng the proportions and detailing of the existing church. pof, without incorporating roof structures that would not , etc.). Additionally, the site is sloped in such a way that the e), so visually, the building does not appear tall from the road. that make your property different from the
conditions of the surrounding lots or Because we are connecting to an existing structure, and are trying	
structure, many design considerations were predetermined. We have addition, because it is the most sensitive to the existing building, exexisting structure and circulation through the property.	
4. Describe the effect that granting this variance would be	nave on adjoining streets or public or private
property The overall increase in height is limited to 10'-3" where Fairmount Pike toward the east, so the building app will be located "behind" the existing church, toward sides of the site feature full tree cover, so views to the property on the east/northeast side of the site is Across Key-Hulse Rd. to the east/southeast is Signal.	ich will have minimal visual impact. The site slopes down from ears lower/shorter than it would on a flat site. The proposed addition the east side of the property, with no street frontage. The east/north he proposed sanctuary would be minimized from Key-Hulse Rd. is an empty lot owned by Andersen Investment Corporation. In Mountain Christian School, which is a sister ministry to Wayside P
5. What other alternatives could solve the problem cause The addition could be located on a different part of the site, but bec	ed by the situation?
challenges, and there would be height variances required in most of sanctuary has the least visual impact for neighbors and the streets:	ther locations. We believe this location of the proposed
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

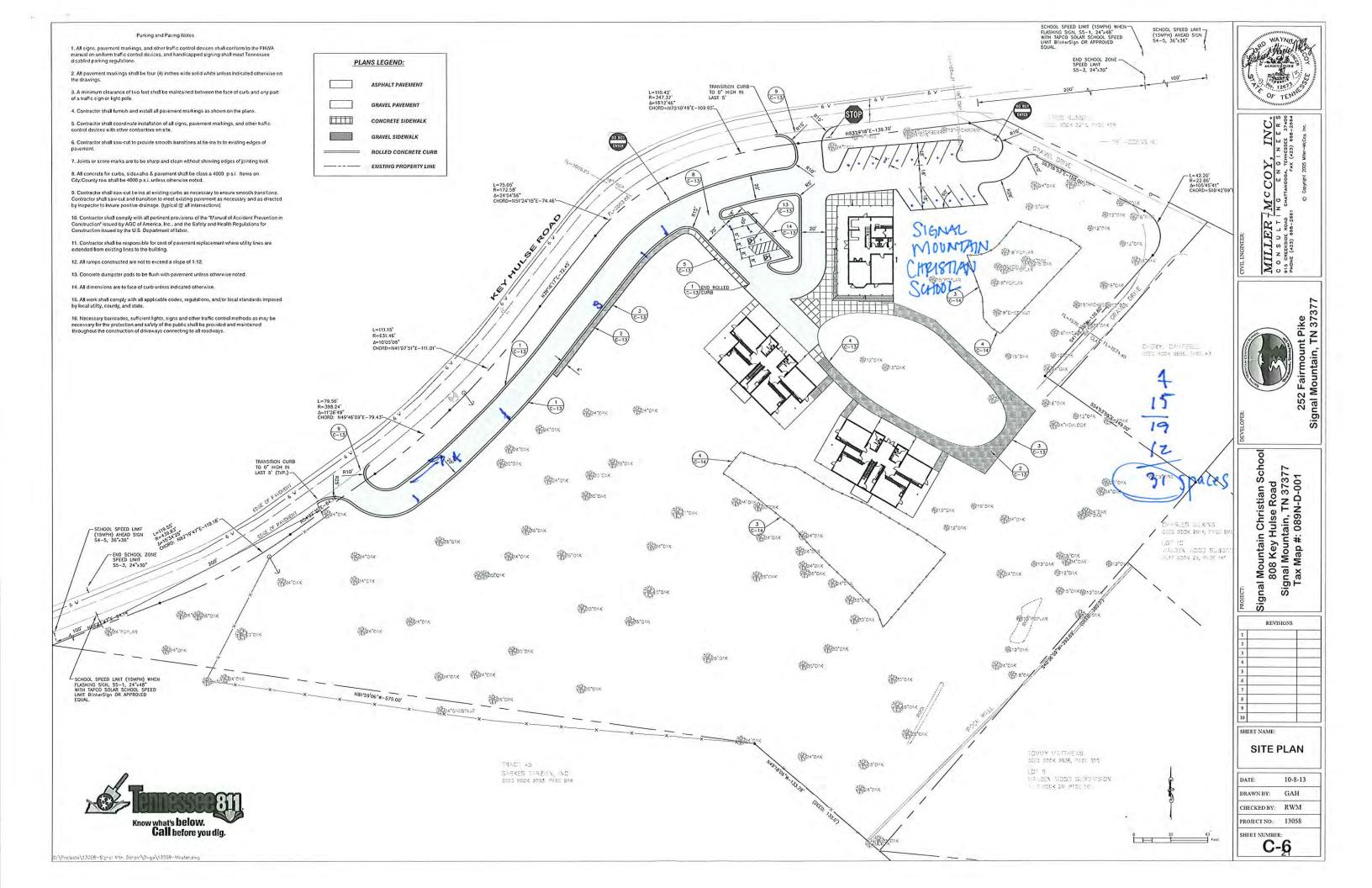
TOWN OF WALDEN Board of Zoning Appeals

	<u>Varian</u>	nce Attachment			
Address of Subject Property	2502 Fairmou	nt 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.					
existed on its current site for nearly According to the Walden Zoning Ord (389/3 = 130 spaces required.) Curr The church has plans to expand par 2. Describe the situation creat There are several factors leading to the was planned nearly 80 years ago and accommodate; parking is only needed seating 300 people on a Sunday, and unused parking lots is the best approarance.	king requirements. We was originally design one day a week (on not the full 389 (by cach here, for the come.	Ve are designing a sanctuary addition to an existing church, which has ed, our proposed new sanctuary would accommodate (per code) 389 people. It is, 1 parking space is required for every three people in the main auditorium. The spaces (but has agreements to use an add'l 51 spaces - see #3 below). It will need a variance in the short term, until that new parking can be completed to the completed of the church has experienced recent growth; the church med to seat 130 people; the site is sloped, making parking areas difficult to Sunday) when the sanctuary is at its fullest capacity; and the church anticipates ode calculation). Additionally, we believe that minimizing large, mostly munity as well as for stormwater runoff reasons.			
conditions of the surround To accommodate its membership in Christian School and The Mountain	ing lots or the existing sanctua Opry) to use nearby	ry, the church already has agreements with neighbors (Signal Mountain parking lots. SMCC has 19 lot spaces as well as 12 parallel parking spaces aces in a gravel parking lot. This is an additional 51 spaces.			
4. Describe the effect that gran property.	nting this variance	e would have on adjoining streets or public or private			
		ning streets or neighboring properties. (Alternatively, given the nature tadjoining streets and properties by creating additional stormwater runoff.)			
5. What other alternatives cou					
		n to do in the future, as funding allows).			
The petition for a variance was Date	s granted.	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: WAYCIde PRESBYTERIA	nd CHURCH	Evaluation Based Upon: [] 1. Soil typing by Soil Scien	tist
Address: 2502 FAIRMOUNT PIKE		2. Soil Percolation Test	
S / D & lot no.:		3. Environmental Specialist	
1. New Installation	Estimated Type of System: Standa	absorption rate: 30 M.P.I. Gravelless	Lagoon
2. Repair to Existing System Establishment:	☐ ATS	☑ LPP	☐ EPS
1. Residential: # of bedrooms 0	Drip	Mound	Chamber
☐ Basement plumbing: ☐ Yes ☑ No			
2. Other: Church (specify)	Gal / Day 2870	Pump system (requires e	lectrical inspection)
This system shall consist of [2] 1 or 2 septic tanks: 5	Size tank # 1 10000 gallons	Field line footage on tar	k #1_LPP
✓ Pump tank size 10000	Size tank #2gallons	Field line footage on ta	nk #2
Maximum depth of field lines is 18 inches. Wa	ater curtain drain required		
to Govern Subsurface Sewage Disposal Systems. If any precipient of the permit at the direction of personnel of the the aforementioned property after this day may render this prior written approval from the Hamilton County Division on application (Signature of applicant)	Hamilton County Health Depart s approval null and void. The co	ment. Any cutting, filling or alter additions of this permit cannot be	ations of the soil conditions of
• • • • • • • • • • • • • • • • • • • •	4.10.11	24	
Issued by Bob Stott	Date1/3/2		
This permit is va	alid for 3 years from date of issu	1e,	
 ✓ FIELD LINE SETBACKS: 10-feet from all property lines & water lines; 25-feet from all drainage, bodies of water & any more than 1-foot in depth (including baseme 50-feet from any well. ✓ Do not cross field lines with any utilities □ Due to 75 MPI soil rating use only conventional or install gravelless pipe in a 2-foot wide ditch & with 1-1/2 inch gravel. □ Water interceptor drain must be installed 15-fee field lines at a depth of 42 inches on the high side field lines & to daylight while maintaining a min grade of 6 inches per 100-feet. □ May use a closed loop system. 	field lines to backfill t from the e of the himum	PH POR ENGR. O	esign.
DO NOT EXCEED THE FIELD LINE DEPTH SHO AND KEEP FIELD LINES ON CONTOUR!	OWN ABOVE	•	• :



GISMO 5

NAD_1983_StatePlane_Tennessee_FIPS_4100_Feet © Latitude Geographics Group Ltd.

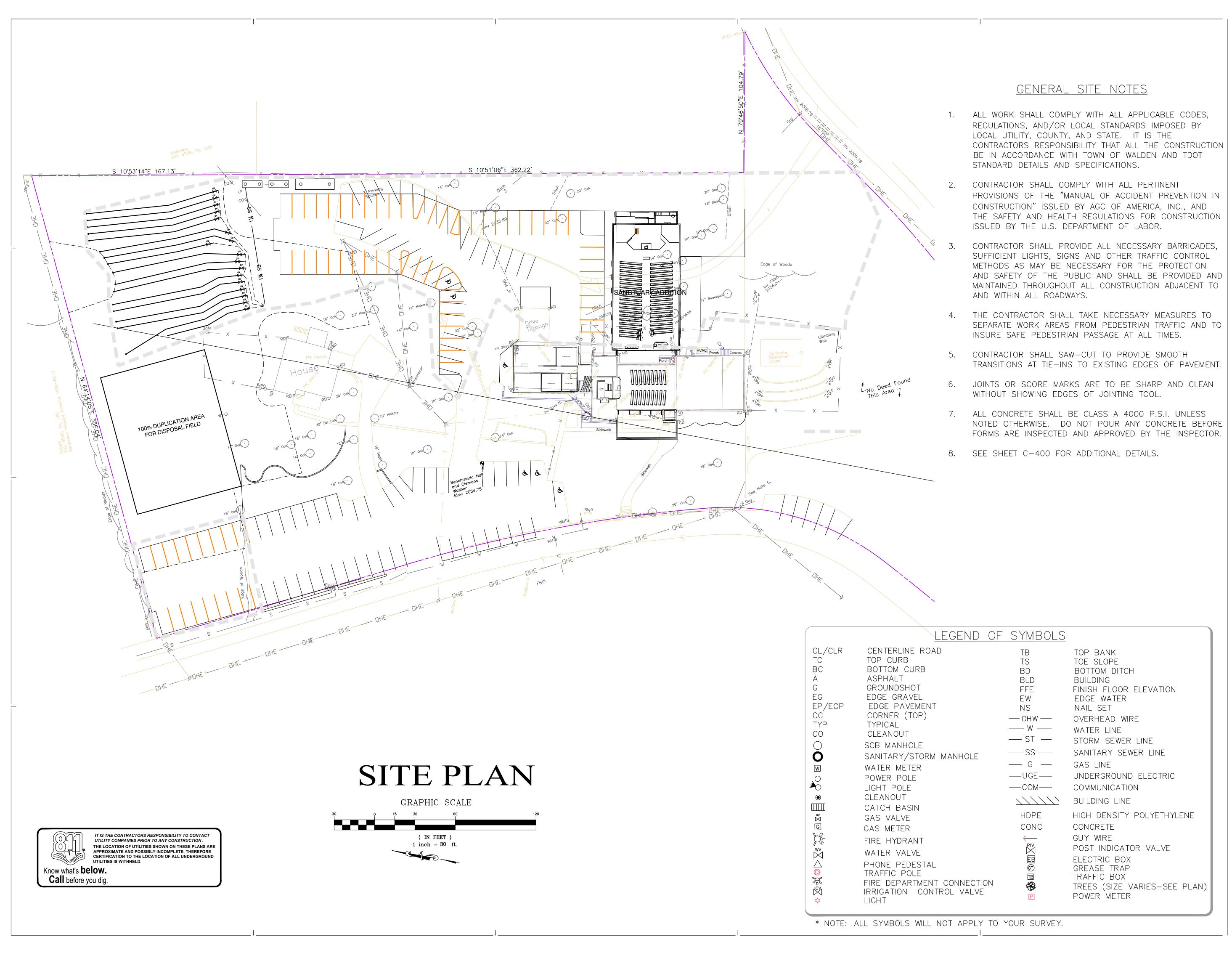




Legend

Parcels

The MOUNTAIN OPRY SITE (PARKING)





142 N Market Street P.O. Box 4048 Chattanooga . TN . 37405

In association with:

v: 423.266.1207 f: 423.266.1216

MILLER 7 MCCOY, INC.

CIVIL ENGINEER:

Copyright 2024 Miller-McCoy, Inc.

SANCTUARY ADDITION

for

WAYSIDE PRESBYTERIAN CHURCH

at ._.._...

2502 FAIRMOUNT PIKE SIGNAL MOUNTAIN, TN 37377

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FOR REVIEW

Issue

No.

Revisions

Date

		S	heet Inf	ormation
Date			•	1/5/2024
Job N	0.	MM 22097	7	6865
Scale				1"=30'
				Title

SITE PLAN

C-200