

Hollie Berry
Mayor

City of Red Bank
Board of Zoning Appeals

Martin Granum
City Manager

AGENDA
April 11, 2024
5:00 PM
Red Bank Courtroom
3117 Dayton Boulevard

I. CALL TO ORDER

II. ROLL CALL

☐ Sonja Millard

☐ Karen Ziv

☐ Jon Baker

☐ Jared Hueter

☐ Rufus Smith

III. CONSIDERATION OF THE MINUTES

Minutes of the June 15, 2023 meeting

IV. NEW BUSINESS

A. Side Yard Setback Variance Request – 2397 Ashmore Avenue

1. Applicant's Presentation
2. Staff Presentation
3. Public Hearing
4. Discussion and Vote

B. Minimum Square Footage Variance Request – 4111 McCahill Road

1. Applicant's Presentation
2. Staff Presentation
3. Public Hearing
4. Discussion and Vote

V. ADJOURNMENT

City of Red Bank
ZONING APPEALS BOARD MEETING

Hollie Berry
Mayor

MINUTES
June 15, 2023
5:30 p.m.

Martin Granum
City Manager

- I. CALL TO ORDER – Rufus Smith called the meeting to order at 5:31 pm.
- II. ROLL CALL – Board members Jon Baker, Sonja Millard, Karen Ziv, and Rufus Smith were present. Also present: Chad Reese with the Southeast Tennessee Development District; Red Bank Deputy Director of Public Works Leslie Johnson and Community Planner Michael Pham.
- III. CONSIDERATION OF THE MINUTES of the March 17, 2022 meeting. A motion to approve the minutes was made by Mr. Smith. The motion was seconded by Mrs. Millard. All voted in favor of the motion. Motion passed.
- IV. PUBLIC HEARING
- (a). 249 Peace Street – Variance request to minimum lot frontage requirement in R-1 Residential Zone
- No public comments
- V. NEW BUSINESS
- (a). 249 Peace Street – Variance request to minimum lot frontage requirement in R-1 Residential Zone
- Chad Reese gave a summary of the project
 - Coffelt said to consider this option against a flag lot option; some lots exist adjacent to the lot in question as non-conforming—a flag lot would be non-conforming to the neighborhood; the new houses would be similar in character
 - Baker asked what type of house; Coffelt stated standard setback houses, 22-30' wide product, even with the variances
 - Ziv asked if the lot behind was vacant; Coffelt stated it was a meadow; Johnson stated it is a land locked parcel
 - Millard motioned to allow the variance, Baker seconded, 3 voted in favor, 1 against
- VIII. ADJOURNMENT – Mr. Smith adjourned the meeting at 5:55 PM.

Chairman

MEMORANDUM

To: Members of the Red Bank Board of Zoning Appeals

Cc: Michael Pham

From: Ashley Gates, SETD Senior Planner

Date: April 5, 2024

Subject: 2397 Ashmore Avenue – Side yard setback variance request

SUMMARY			
Property Address:	2397 Ashmore Avenue	Property Owner:	Guy and Donna Gilmore
Tax ID:	117M F 016.01	Applicant:	Guy and Donna Gilmore
Deed Reference:	117M F 016.01	Existing Use:	Single-family detached
Zoning:	RZ-1	Flood Zone:	500-year at rear of lot
Requested Variance:	Allow a 20' by 20' garage with a side setback of 10-12 feet along the lot line that abuts Cross Street		
Staff Recommendation:	Deny		

ANALYSIS

Background

Property owners Guy and Donna Gilmore have requested a variance to the side yard setback requirement in order to construct a 20' by 20' garage and pottery room. The resulting setback would be between 10' and 12'. The property is zoned RZ-1. Section 309.03 of the Zoning Ordinance requires that all buildings in the RZ-1 zone be set back a minimum 25 feet from any dedicated public street. In this case, the proposed setback from the Cross Street right-of-way would only be 10 to 12 feet.

Property Conditions

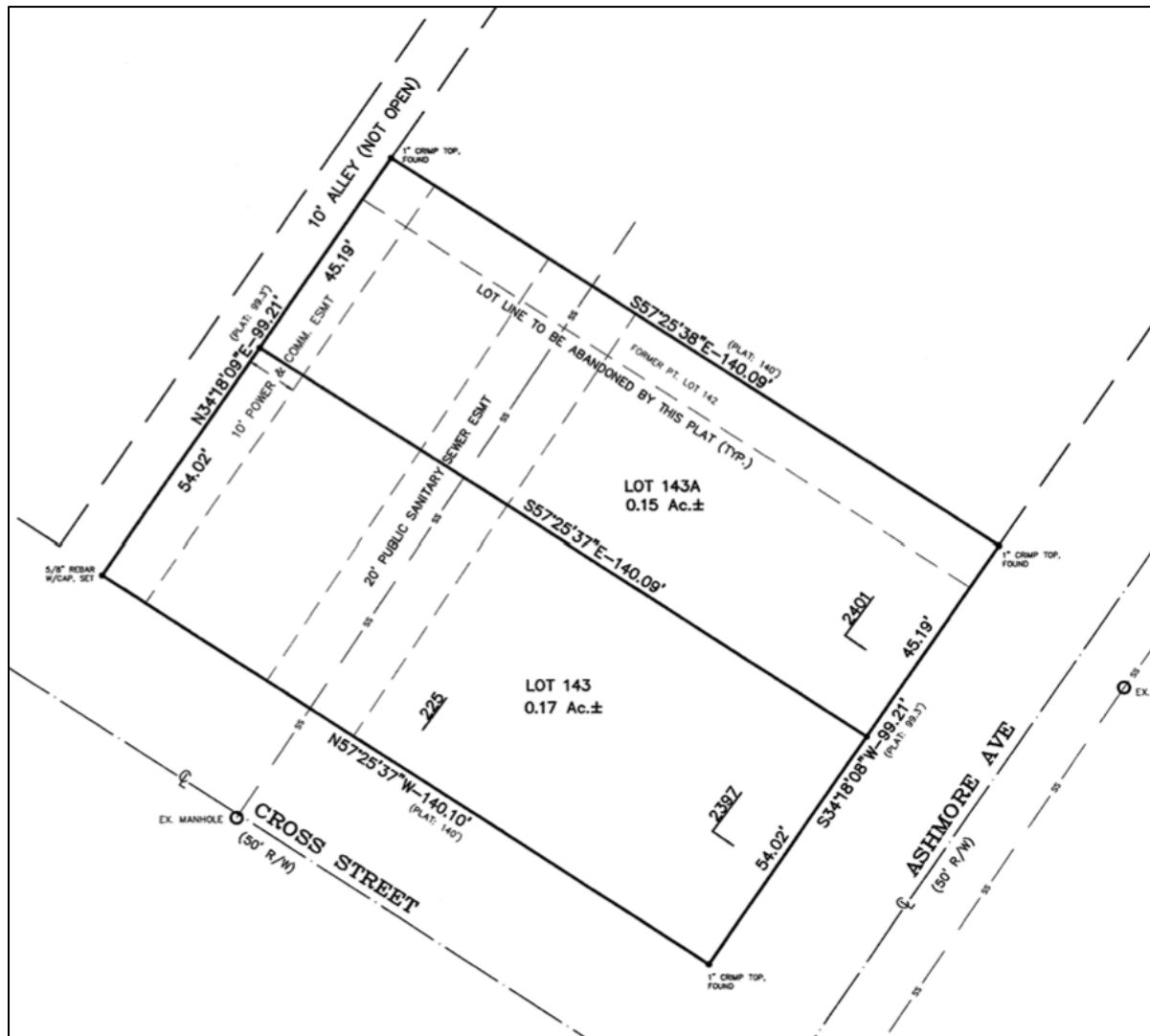
This property has an exiting two-story single family residence that was built in 2018. The structure is 1,822 square feet. The back yard is fenced in. A small portion of the rear yard is within the 500-year floodplain (Shaded Zone X). There is a sewer line with a 20' easement directly behind the residence. The lot is 54 feet wide and 7,560 square feet. Behind the lot there is an unopened alley.

Hamilton County GIS Aerial Photo, 2022 Imagery



Zoning Map, Hamilton County GIS





Criteria for Variance

In accordance with state law and the provisions of the Red Bank Zoning Ordinance, the granting of a variance should be based on the criteria set out in Section 206.07, and listed in the table below. The granting of the variance **must meet all criteria, with the exception of #6, which is not applicable to this situation.**

Criteria	Staff Comments
(1) That by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the Zoning Ordinance would result in peculiar and practical difficulties or undue hardships upon the owner to develop his property in accordance with the use provisions of the zoning regulations.	The existing lot is adequate for a building site and for the existing zoning. The lot is not exceptionally narrow, shallow or of unusual shape. The lot was established in 2018 after the property was rezoned to RZ-1.
(2) That the relief of the undue hardships granted by the Board would not establish substantial detriment to the public good or substantially impair the intent and purpose of the zone plan and Zoning Ordinance.	The intent of the RZ-1 zone is to allow zero lot line dwellings “in a manner that is attractive, efficient, and compatible with the surrounding development.” The proposed garage could be considered incompatible with the surrounding development, as it would be much closer to Cross Street than the garage on the property to the rear of the subject property. However, the two garages will be more than 100 feet apart, so the difference in setback is likely not especially detrimental to the adjacent property. The proposed garage otherwise does not detract from the intent of the RZ-1 zone.
(3) That the peculiar hardship, practical difficulties, or undue hardships would apply to the particular land or building regardless of the owner.	Staff is not award of a peculiar hardship or practical difficulty requiring the requested variance.
(5) That the peculiar hardship, practical difficulties, or undue hardships asserted by the applicant relates only to the premises for	Staff is not award of a peculiar hardship, practical difficulty, or undue hardship requiring the requested variance. A 25-foot ⁵

Criteria	Staff Comments
the benefit of which the variance or special exception is sought and would not be generally applicable to other premises in the City of the personal conditions of the applicant.	setback from public streets are required of all lots in the RZ-1 zone.
(6) Provided, however, that where the application for a variance or special exception involves only the addition to or extension of an existing building or structure, the Board may allow such addition or extension when said addition or extension would be no less conforming as to set back distances than the existing structure or structures on the same or adjacent property, provided further, that such addition or extension is not in conflict with the character of the area in which	Does not apply. The requested variance is not related to the addition to or extension of an existing building or structure.

RECOMMENDATION

NOTE: Staff's recommendation is advisory only. The board of zoning appeals has the responsibility of reviewing the facts of the case and make findings based on the variance criteria set forth in Section 206.07 of the city's Zoning Ordinance. The board's findings should address each of the criteria and be reflected in the meeting minutes.

Because the variance request does not meet all of the criteria stated above, **staff recommends denial of the requested variance.**



Permit #: 2024209

Permit Date: 03/04/24

Permit Type: Zoning Variance

Applicant Name: Guy and Donna Gilmore

Applicant Address: 2397 Ashmore Ave

Applicant City, State, ZIP: Chattanooga, TN 37415

Applicant Phone Number: 9524561315

Applicant Email: degilmore1@aol.com

Description: Side yard setback variance of 13 to 15 feet

Project Cost: 0

Square Feet: 0

Architect/Engineer: text

Property Type: Single Family Residence

Status: Open

Assigned To: Michael Pham

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
117M F 016.01	2397 ASHMORE AVE	LT 143 MIDVALE PARK EXT FLORA FARMS PB 108 PG 121 OUT OF 117M F 016 FOR 2017	GILMORE GUY L & DONNA		

Fees

Fee	Description	Notes	Amount
Zoning Letter			\$100.00
Total			\$100.00

Uploaded Files

Date	File Name
03/04/2024	18794966-20240304 - 2397 Ashmore Ave site plan.pdf

EXISTING FENCE

REMOVE
LINE
MOVE
FENCE

MOVE FENCE

CROSS ST

20'

MOVE
BUILT
GARAGE

PETAL
ROOM

10'-12'

20'

KITCHEN
WINDOW

EXISTING HOUSE

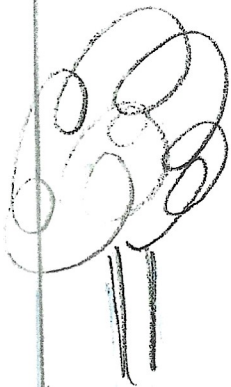
2397
ASHMORE AVE

PORCH

CIRCULAR DRIVE

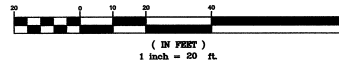
ASHMORE AVE

43'



PLAT BOOK 101, PAGE 38
DATE 2/2/17

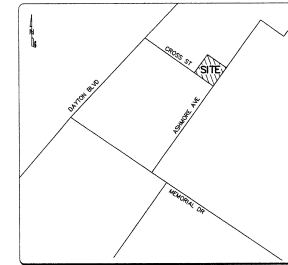
GRAPHIC SCALE



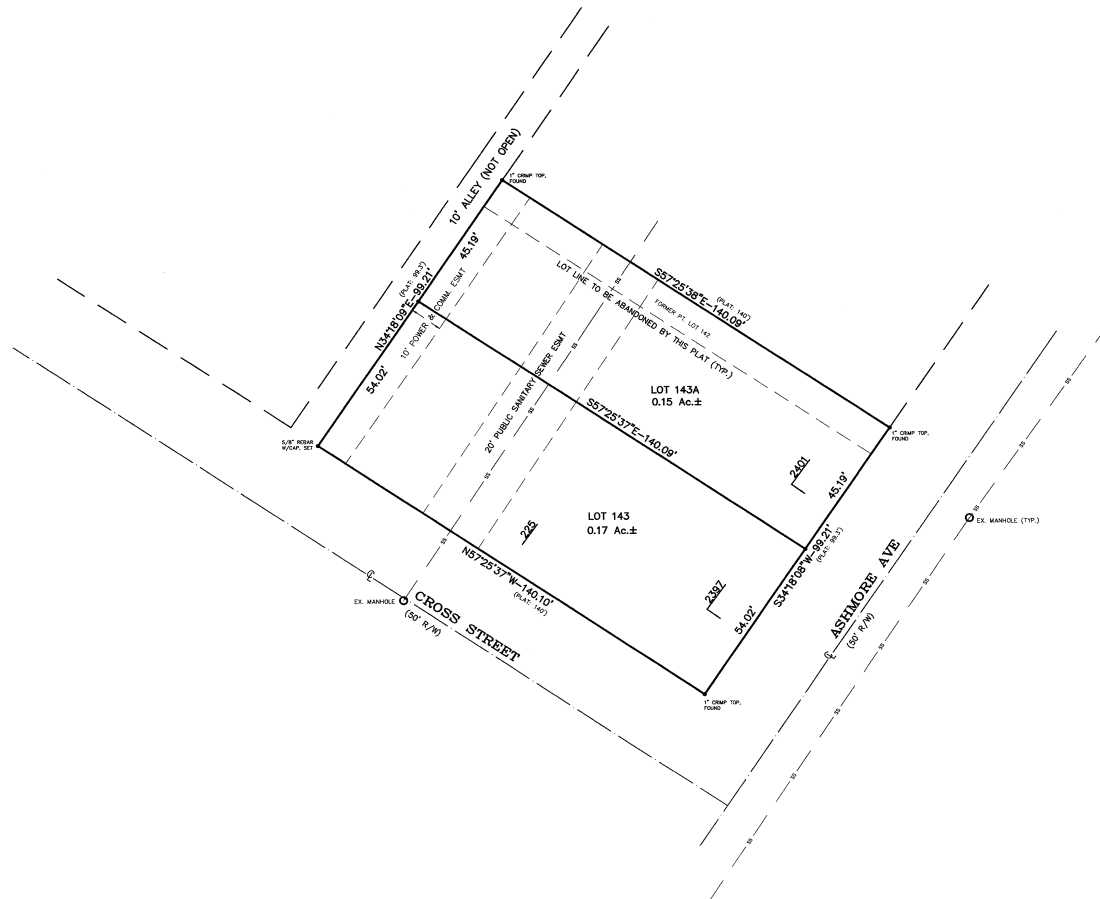
RECORDED PLAT DOES NOT
TRANSFER PROPERTY OWNERSHIP
DEED MUST BE RECORDED

APPROVED FOR RECORDING
HAMILTON COUNTY GIS DEPT
DATE 2/2/17
BY [Signature]
HAMILTON COUNTY AVTA
DATE 2/2/17
BY [Signature]
JURISDICTIONAL AUTHORITY
DATE 2/2/17
BY [Signature]
RED BANK MUNICIPAL
PLANNING COMMISSION
DATE 2/2/17
BY [Signature]

Stamp: P3 108 / 121
Instruments: 2017050000171
1 Page of 1 PLAT LARCE
Recorded by GIS on 05/02/17 at 11:56 AM
PLAT LARCE 10:00
LARS PROCESSING FEE 2:00
TOTAL FEES \$12.00
State of Tennessee Hamilton County
Register of Deeds PAM HURST



LOCATION MAP
N.T.S.



OWNER STATEMENT
I/WE HEREBY ADOPT THIS AS MY/ OUR
PLAN OF SUBDIVISION AND CERTIFY THAT
THE RIGHTS-OF-WAY ARE DEDICATED TO
THE PUBLIC USE FOREVER. I/WE ALSO
CERTIFY THAT THEY ARE NO ENCUMBRANCES
ON THE PROPERTY TO BE DEDICATED
AND THAT I/WE AM/ ARE THE OWNER(S)
OF THE PROPERTY SHOWN IN FEE SIMPLE.

GH CONSTRUCTION
179 HAMM ROAD
CHATTANOOGA, TN 37405
423-267-9444

OWNER/DEVELOPER
GH CONSTRUCTION
179 HAMM ROAD
CHATTANOOGA, TN 37405
423-267-9444

NOTES:

1. PRESENT ZONING CLASSIFICATION BZ-1.
2. AREA SUBDIVIDED BY THIS PLAT IS 0.32 ACRES.
3. TAX MAP NUMBER 117M-E-016.
4. THIS PLAT SUBDIVIDES THE PROPERTY DESCRIBED IN DEED BOOK 10622, PAGE 598.
5. THIS SUBDIVISION HAS BEEN DEVELOPED ACCORDING TO THE SUBDIVISION REGULATIONS OF THE CITY OF RED BANK.
6. THE PURPOSE OF THIS PLAT IS TO CREATE NEW LOT LINE.
7. LOCAL GOVERNMENT DOES NOT CERTIFY THAT UTILITIES OR UTILITY CONNECTIONS ARE AVAILABLE.
8. PUBLIC SANITARY SEWERS ARE AVAILABLE BY GRAVITY FLOW HOWWITA.
9. STREET ADDRESS 2401 ASHMORE AVE.
10. ALL CORNERS ARE 5/8\"/>
11. WATER SUPPLY BY TENNESSEE AMERICAN WATER COMPANY.
12. BASED ON GRAPHIC DETERMINATION THIS PROPERTY IS ZONE "X" AND IS NOT IN A FEMA/FIRM SPECIAL FLOOD HAZARD AREA PER COMMUNITY PANEL No. 470076-0331-G, DATED: FEB. 3, 2016.
13. THE OWNER/DEVELOPER IS TO INSTALL ALL DRAINAGE STRUCTURES AND IMPROVED EASEMENTS AS SHOWN. THE MAINTENANCE OF DRAINAGE EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER AND NOT THE CITY OF RED BANK.
14. THE CITY OF RED BANK IS NOT RESPONSIBLE FOR PROVIDING ANY DESIRED SERVICES OR UTILITIES BEYOND THE RIGHT OF WAY OF PUBLIC ROADS.
15. WATER SUPPLIED BY: TAWC.

SURVEYOR STATEMENT

I CERTIFY THAT I HAVE SURVEYED THE PROPERTY HEREON, THAT THE SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE SURVEY WAS DONE IN COMPLIANCE WITH CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE AND THAT THE RATIO OF PRECISION OF UNADJUSTED SURVEY IS >1:10,000 (CATEGORY I)

DAVID L. HOPKINS, JR.
175 Hamm Road - P.O. Box 4366
Chattanooga, Tennessee 37405
(423) 267-3751 Office



DWG. NO.: 2016-15-2

FINAL PLAT - LOTS 143 & 143A

MIDVALE PARK EXTENSION, FLORA FARMS

LOT 143 AND PART OF LOT 142, MIDVALE PARK EXTENSION, FLORA FARMS,
PLAT BOOK 13, PAGE 23 AND AS DESCRIBED IN DEED BOOK 10622, PAGE
598, R.O.H.C., CITY OF RED BANK, HAMILTON COUNTY, TENNESSEE.



HOPKINS SURVEYING GROUP

175 Hamm Road - P.O. Box 4366
Chattanooga, Tennessee 37405
(423) 267-3751 Office
Copyright - By Hopkins Surveying Group

DRAWN BY: ANGEL	SHEET NO. 1 OF 1	DWG. No. 2016-15-2
SCALE: 1"= 20'	DATE: FEBRUARY 8, 2017	REF. DWG.
PROPERTY ADDRESS: 2401 ASHMORE AVE		TAX MAP No. 117M-E-016

MEMORANDUM

To: Members of the Red Bank Board of Zoning Appeals

Cc: Michael Pham

From: Ashley Gates, SETD Senior Planner

Date: April 5, 2024

Subject: 4111 McCahill Road – Minimum square footage variance request

SUMMARY

Property Address:	4111 McCahill Road	Property Owner:	Joe Wall
Tax ID:	109H A 010	Applicant:	Joe Wall
Deed Reference:	13513 0402	Existing Use:	Undeveloped
Zoning:	R-1A	Flood Zone:	No
Requested Variance:	Allow a 1,717 square foot home to be built, not meeting the minimum square footage requirement of 2,000 square feet for the R-1A zone		
Staff Recommendation:	Deny		

ANALYSIS

Background

Property owner Joe Wall has requested a variance to construct a new home that would have 1,717 heated square feet. The property is zoned R-1A Residential, which requires a minimum of 2,000 heated square feet (see Section 302.03 of the Zoning Ordinance).

Previously, the Zoning Ordinance allowed homes under 2,000 square feet when the majority of homes abutting a buildable lot are under 2,000 square feet. However, this exception was removed from the Zoning Ordinance in March 2018 (Ordinance 18-1107).

Property Conditions

The lot at 4111 McCahill Road is approximately 79 feet wide and has an area of approximately 7,900 square feet. This lot has been in existence since at least the 1930's. It conforms to the current requirements for lots in the R-1A zone, which requires a minimum lot size of 7,500 square feet and minimum frontage of 60 feet. The lot has access to sewer. There is adequate space to meet both the minimum home size and minimum setbacks of 25 feet in the front and rear, and 10 feet on each side. Staff is not aware of any topographical issues on the site.

Hamilton County GIS Aerial Photo, 2022 Imagery
Square footage from Hamilton County Unofficial Property Card



Criteria for Variance

In accordance with state law and the provisions of the Red Bank Zoning Ordinance, the granting of a variance should be based on the criteria set out in Section 206.07, and listed in the table below.

The granting of the variance **must meet all criteria, with the exception of #6, which is not applicable to this situation.**

Criteria	Staff Comments
(1) That by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the Zoning Ordinance would result in peculiar and practical difficulties or undue hardships upon the owner to develop his property in accordance with the use provisions of the zoning regulations.	The existing lot is adequate for a building site and for the existing zoning. The lot is not exceptionally narrow, shallow or of unusual shape. Staff is not aware of any topographic conditions that would result in peculiar and practical difficulties related to the size of the home.
(2) That the relief of the undue hardships granted by the Board would not establish substantial detriment to the public good or substantially impair the intent and purpose of the zone plan and Zoning Ordinance.	The R-1A zone does not have an intent statement, however based on the dimensional requirements, the intent appears to be to establish a zone with larger single-family homes. The proposed home would be the largest home in the vicinity, though it does not meet the current minimum square footage. Given the smaller size of the surrounding homes, the proposed home does not appear to be a substantial detriment to the public good or substantially impair the intent and purpose of the zoning ordinance.
(3) That the peculiar hardship, practical difficulties, or undue hardships would apply to the particular land or building regardless of the owner.	The hardship appears to be due to financial considerations and housing market conditions. These would be considerations of any property owner.
(5) That the peculiar hardship, practical difficulties, or undue hardships asserted by the applicant relates only to the premises for the benefit of which the variance or special exception is sought and would not be	The difficulty associated with building a larger home would apply to any R-1A zoned property in Red Bank.

Criteria	Staff Comments
generally applicable to other premises in the City of the personal conditions of the applicant.	
(6) Provided, however, that where the application for a variance or special exception involves only the addition to or extension of an existing building or structure, the Board may allow such addition or extension when said addition or extension would be no less conforming as to set back distances than the existing structure or structures on the same or adjacent property, provided further, that such addition or extension is not in conflict with the character of the area in which	Does not apply. The requested variance is not related to the addition to or extension of an existing building or structure.

RECOMMENDATION

NOTE: Staff's recommendation is advisory only. The board of zoning appeals has the responsibility of reviewing the facts of the case and make findings based on the variance criteria set forth in Section 206.07 of the city's Zoning Ordinance. The board's findings should address each of the criteria and be reflected in the meeting minutes. Consultation with the City Attorney is recommended

Because the variance request does not meet all of the criteria stated above, **staff recommends denial of the requested variance.**

However, the 2,000 square foot minimum in the R-1A zone is highly and unnecessarily restrictive. The size of newly built homes has been decreasing since they peaked in 2011, in large part due to having smaller household sizes, but also due to rising construction costs. Having minimum square footage requirements, particularly such a high minimum, interferes with the housing market, and results in houses of inappropriate scale within established neighborhoods. Staff strongly encourages Red Bank remove or lower significantly the minimum square footage requirements from all residential zones.



Special Exceptions Application

Date: 02/15/2024

Permit Number: 2024136

Applicant / Owner

Applicant Name: Joe Wall
Address: 8224 Briarfield Lane
City, State, Zip: Chattanooga
Phone: (423) 503-2690
Email: jwallco@yahoo.com
Owner?: No

Owner Name: Joe Wall
Address: 8224 Briarfield Lane
City, State, Zip: Chattanooga, TN
Phone: (423) 503-2690
Email: 37421

Location / General Project Information

Site Address: 4111 McCahill Road
City, State, Zip: Red Bank, TN 37415
Parcel #: 109H A 010
Present Zoning: R1-A

Permit Type: [Permit Type]
Project Cost: 300000
Square Feet: 1707
Res. / Comm.: Residential

Project Description: Build new 1707 sq. ft. single family home

Zoning Amendments

Requested Zoning:

Special Use:
Compatible:

Special Exceptions

Present Zoning Requirements: No
Request:

Exceptional Situation on such property: No
Exceptional Condition:

Impair the intent of zoning ordinance: No

Create difficulties or undue hardships: No
Explain:

Alternatives available: No
Explain:

Special Exception relate only: No

Involve addition/extension of existing building: No
Explain:

Conflict with character of the area: No
Explain:

Zoning Variance

Present Zoning Requirements: Yes
Request: Allow a house under 2000 sq. ft. to be built on this lot

Exceptional Situation on such property: No
Exceptional Condition: The majority of the surrounding homes are under 2000 sq. ft.

Impair the intent of zoning ordinance: No

Create difficulties or undue hardships: No

Hardship created by act upon your part: No

Alternatives available: No
Explain:

Special Exception relate only: No

Involve addition/extension of existing building: No

Any less conforming than existing structure: No

Conflict with character of the area: No

I do hereby certify that the information contained herein is true and correct.

Jow Wall
Name

02/15/2024
Date