

City of Red Bank
Board of Zoning Appeals

AGENDA
August 17, 2023
5:00 pm
Red Bank Courtroom
3117 Dayton Boulevard

I. CALL TO ORDER

II. ROLL CALL

☐ Sonja Millard

☐ Jon Baker

☐ Rufus Smith

☐ Karen Ziv

☐ Jared Hueter

III. CONSIDERATION OF THE MINUTES

Minutes of the June 15, 2023 meeting

IV. NEW BUSINESS

- A. 2101 and 2109 Dayton Boulevard – Variance request to eliminate a portion of the landscaped buffer along approximately 67 feet of the northwest lot line
- B. 2101 and 2109 Dayton Boulevard – Variance request to reduce the rear setback from required 50 feet (based on building height of 50 feet) to approximately 47 feet at the northwest corner of the proposed building

V. ADJOURNMENT

MEMORANDUM

To: Members of the Red Bank Board of Zoning Appeals

Cc: Michael Pham, Community Development Planner

From: Ashley Gates, SETD Senior Planner

Date: August 11, 2023

Subject: Variance requests for 2101 and 2109 Dayton Blvd

SUMMARY

Property Address:	2101 and 2109 Dayton Boulevard	Property Owner:	RP White Oak LLC
Tax ID:	126C G 001	Applicant:	RP White Oak LLC / Rise Partners
Deed Reference:	12856 0350	Requested Variance: - Reduced rear setback from 50 feet to approximately 47 feet - Elimination of landscaped buffer along approximately 67 feet of the northwest boundary	
Zoning:	C-1		
Flood Zone:	No		
Reason:	To accommodate driveway and building height		
Staff Recommendation:	Deny		

ANALYSIS

Background

Rise Partners has submitted site plans for a mixed-use development at 2101 and 2119 Dayton Boulevard. The plans have been reviewed and approved by the Planning Commission pending review of two variance requests:

- Variance to section 14-902.01 of the Zoning Ordinance:** Elimination of required landscaped buffer along approximately 67 feet of the northwest lot line to accommodate the proposed vehicular access
- Variance to section 402.04 of the Zoning Ordinance:** Reduced rear setback from required 50 feet (based on building height of 50 feet) to approximately 47 feet at the northwest corner of the proposed building

Variance 1: Landscaped Buffer

The Zoning Ordinance requires Type B Screening between structures on C-1 General Commercial-zoned property and abutting R-1 Residential-zoned property. Type B Screening is as follows:

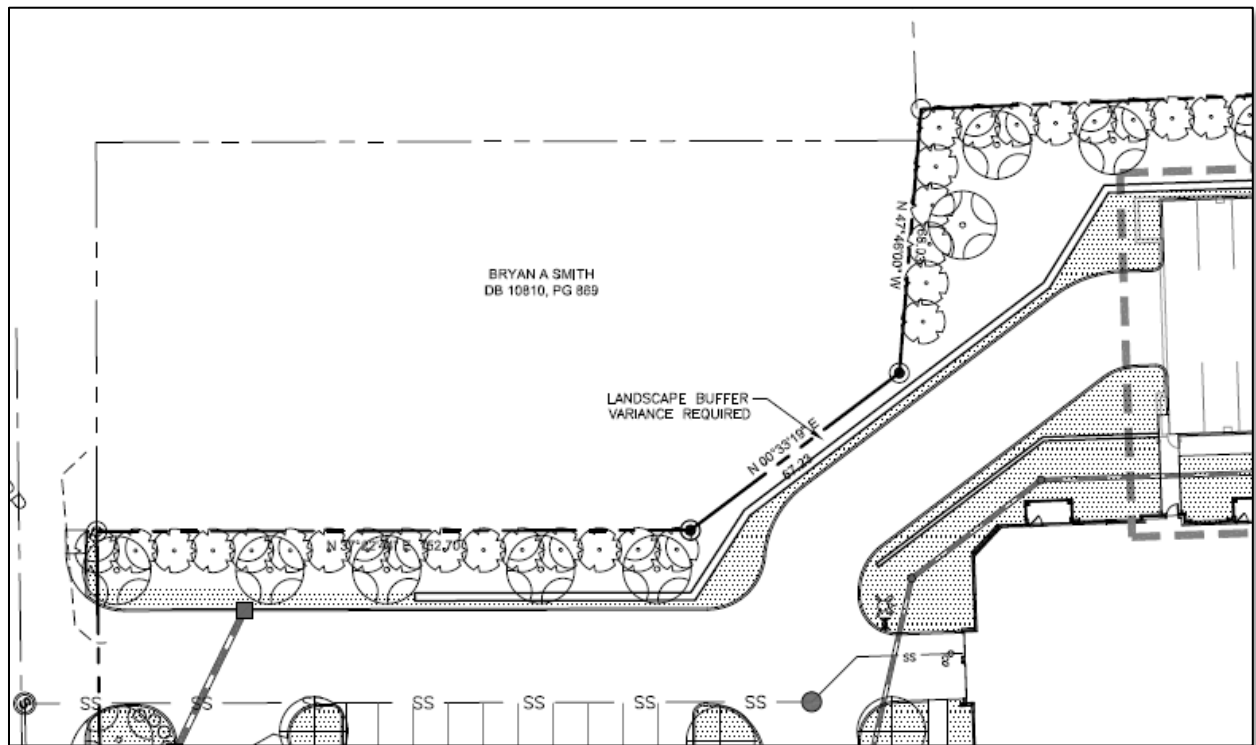
From Section 902.02 Screening Type Requirements:

(B) Screening Type B: Provide a twenty (20) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:

- 1) Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows (spaced a maximum of seven (7) feet apart) of shrubs spaced a maximum of eight (8) feet on-center, and one (1) row of shade trees spaced a maximum of thirty-five (35) feet on-center.
- 2) All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.

The applicant provides this type of screening as required, except for a 67-foot portion along the northwest boundary. This accommodates a driveway providing access to the proposed parking garage.

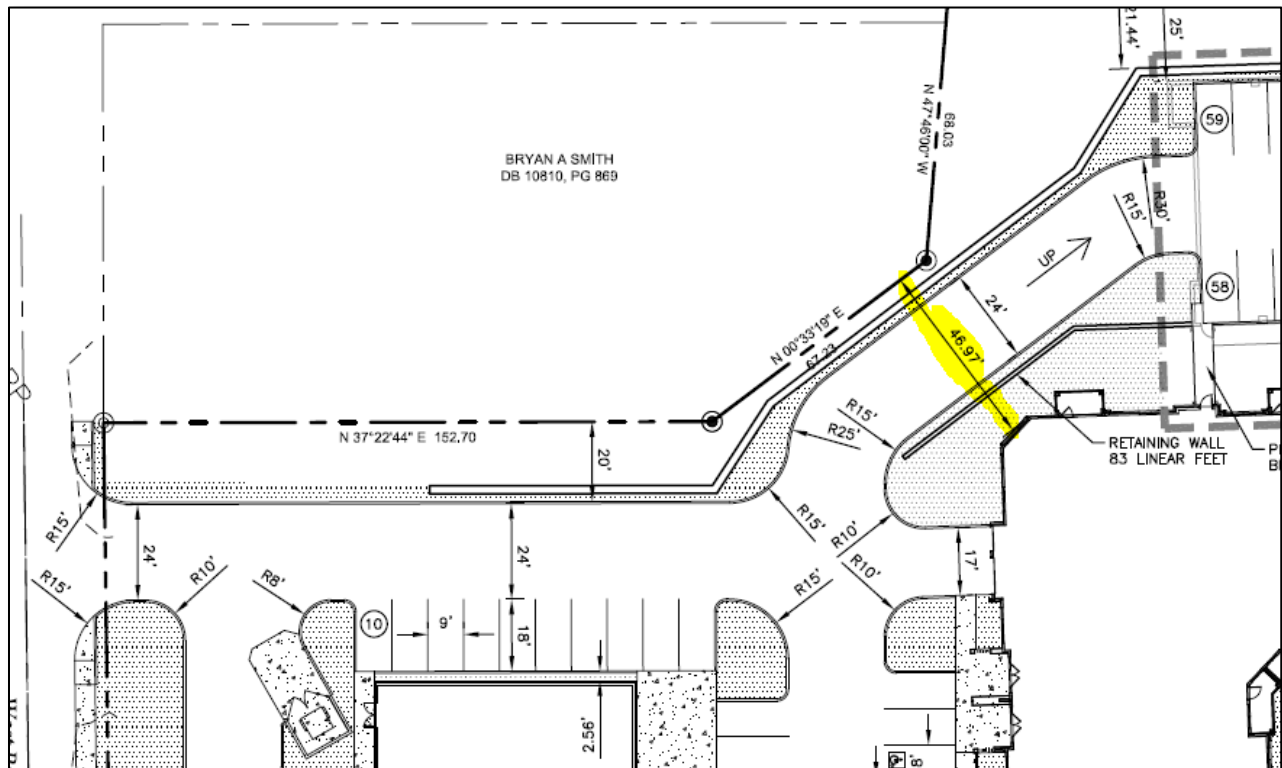
Excerpt from Landscaping Plan (Full Plan attached):



Variance 2: Rear Setback and Building Height

At the same portion of the site, a variance is requested to reduce the rear setback. The C-1 Commercial zone states that "No building shall exceed in height the shortest distance from such building to the nearest boundary of a residential zone." The applicant has proposed a 50-foot tall structure, which will be 49.97 feet from the nearest residential zone.

Excerpt from Conception Site Plan (full plan attached)



RECOMMENDATION

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.**

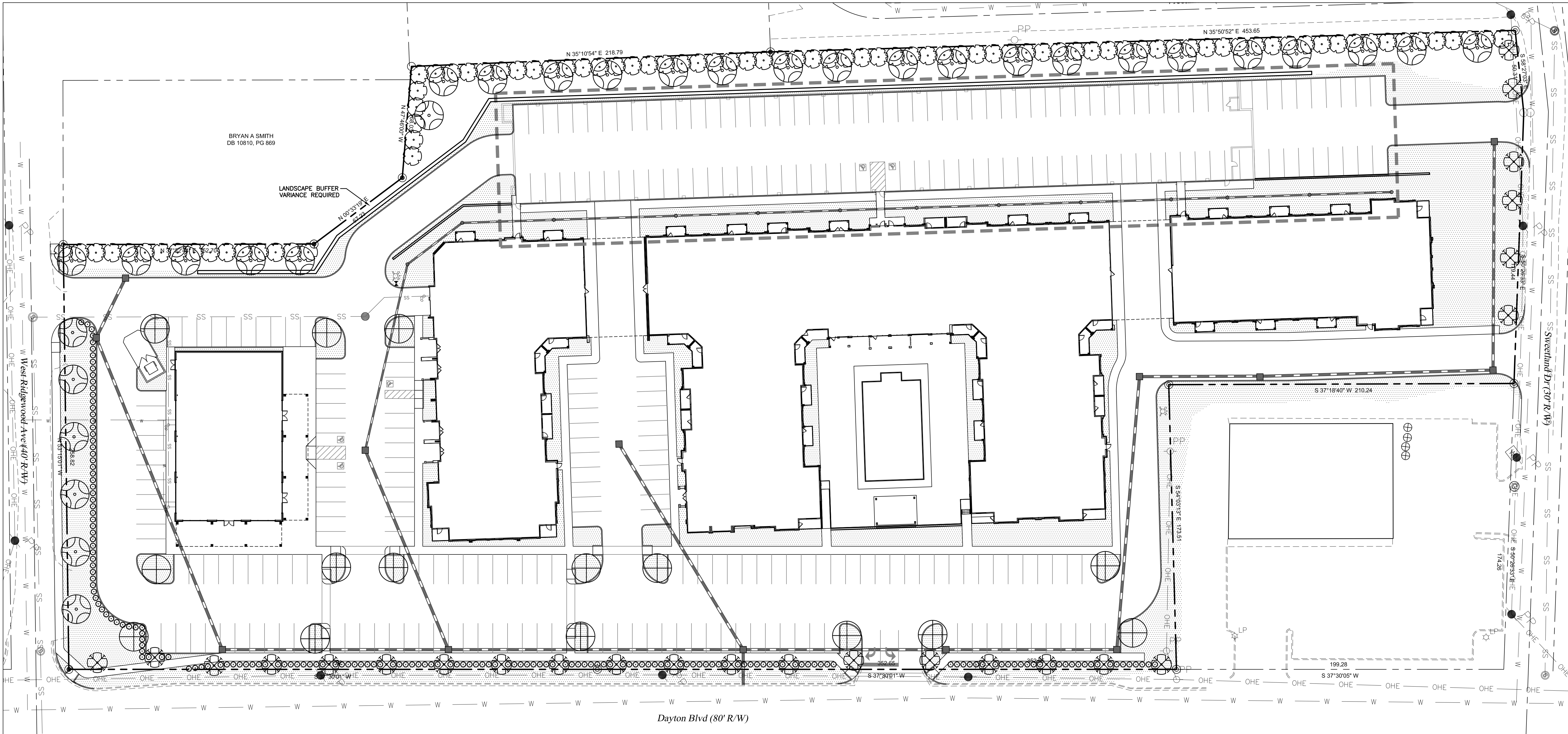
Criteria	Variance 1 – Landscaped Buffer	Variance 2 – Rear Setback / Building Height
(1) That by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary 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 property is not exceptionally narrow or shallow. Staff is unaware of any topographic conditions that would not allow the driveway to be moved to accommodate a landscaped buffer across the entire site.	The property is not exceptionally narrow or shallow. Staff is unaware of any topographic conditions that would not allow the building footprint to be adjusted to meet the setback requirement, or the height to be adjusted.
(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 landscaped buffer requirements are intended to mitigate the impact of commercial development when adjacent to residential development. There is significant vacant land on the adjacent residential parcel between the residential structure and the lot line, but some type of landscaping would be required here in order to meet the intent of the Zoning Ordinance. The proposed location of the driveway does not appear to be a detriment to the public good.	The intent of the setback is to provide a buffer between residential and commercial uses that are proportional to the size of the commercial structure. The Board of Zoning Appeals must determine if the 3.1-foot reduction in this setback impairs the intent of the Zoning Ordinance. The building height and proposed location do not appear to be a detriment to the public good.
(3) That the peculiar hardship, practical difficulties, or	The need to eliminate a	The reduced setback is

Criteria	Variance 1 – Landscaped Buffer	Variance 2 – Rear Setback / Building Height
undue hardships would apply to the particular land or building regardless of the owner.	portion of the landscaped buffer is created by the applicant's proposed site layout, including the driveway location. The practical difficulty is not due to characteristic specific to the property.	needed due to the proposed building height, not a characteristic of the land that any owner would encounter.
(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 generally applicable to other premises in the City of the personal conditions of the applicant.	Elimination of a landscaped buffer could be generally applicable to other commercial developments where the developer seeks to use that portion of the property for other uses.	A reduced setback or increased height could be applicable to other commercial developments where the developer seeks to increase building height or build closer to residential areas.
(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	Criteria is not applicable.	Criteria is not applicable.

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

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.

Note: This recommendation has been prepared based on the information available at the time of Staff's review. Staff's recommendation may change if information contrary to this analysis is presented between now and the time of the meeting.



LANDSCAPING LEGEND				
SYMBOL	COMMON NAME	SCIENTIFIC NAME	QUANTITY	MIN. INSTALLED SIZE
	WILLOW OAK	QUERCUS PHELLOS	15	2" CAL.*
	RED MAPLE	ACER RUBRUM AND CULTIVARS	31	2" CAL.*
	YOSHINO CHERRY	PRUNUS YEDOENSIS	25	1.5" CAL.*
	FOSTER HOLLY	ILEX X ATTENUATA	88	5-6 FT TALL
	BURFORD HOLLY	ILEX CORNUTA	182	3 GAL.
	SOD (BERMUDA) (PIN SOD ON SLOPES)			

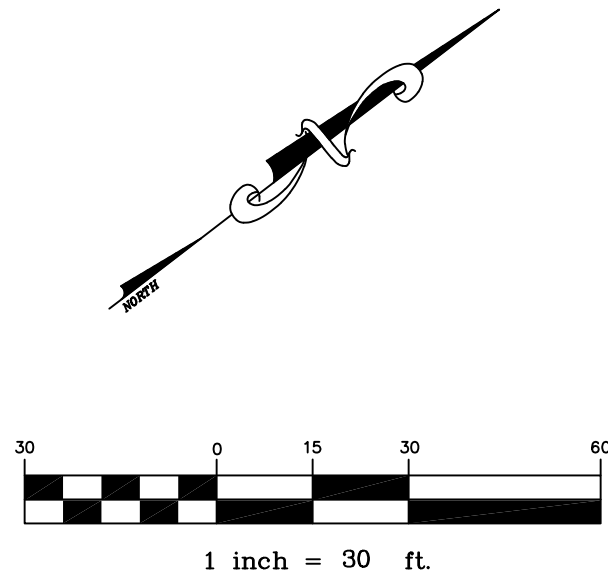
*MEASURED FROM 2 1/2 FEET ABOVE GRADE LEVEL.

CITY OF RED BANK LANDSCAPE REQUIREMENTS

STREET YARD REQUIREMENTS: 1 TREE PER 35 LF OF PUBLIC R.O.W. FRONTAGE
DAYTON BLVD: YOSHINO CHERRY ● 35' O.C. (PER DESIGN REVIEW ORDINANCE)
W RIDGEWOOD AVE: RED MAPLE ● 35' O.C.
SWEETLAND DR: YOSHINO CHERRY ● 35' O.C. (OVERHEAD POWER LINE PRESENT)

BUFFER REQUIREMENTS: 20' TYPE B BUFFER YARD W/ EVERGREEN TREES AT 10' O.C.
AND 1 SHADE TREE AT 35' O.C.
NORTH PROPERTY LINE: FOSTER HOLLY ● 10' O.C. AND RED MAPLE ● 35' O.C.

PARKING LOT: CONTINUOUS 3' TALL HEDGE WHERE PARKING ABUTS THE R.O.W. AND 1
SHADE TREE PER 20 SPACES
REQUIRED: 294 SPACES / (1 TREE PER 20 SPACES) = 15 TREES REQUIRED
PROVIDED: 15 WILLOW OAK



CIVIL ENGINEER:

BERRY

ENGINEERS LLC

63 BROAD STREET NW
CLEVELAND, TN 37311

TEL: (423) 796-5880

DEVELOPER:

RISE PARTNERS
832 GEORGIA AVE, STE 300
CHATTANOOGA, TN 37402
423-802-5358

PROJECT:

**MIXED USE
DEVELOPMENT**
DAYTON BLVD
RED BANK, TN 37415

PRELIMINARY

REVISIONS

1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

SHEET NAME:
PRELIMINARY
LANDSCAPE PLAN

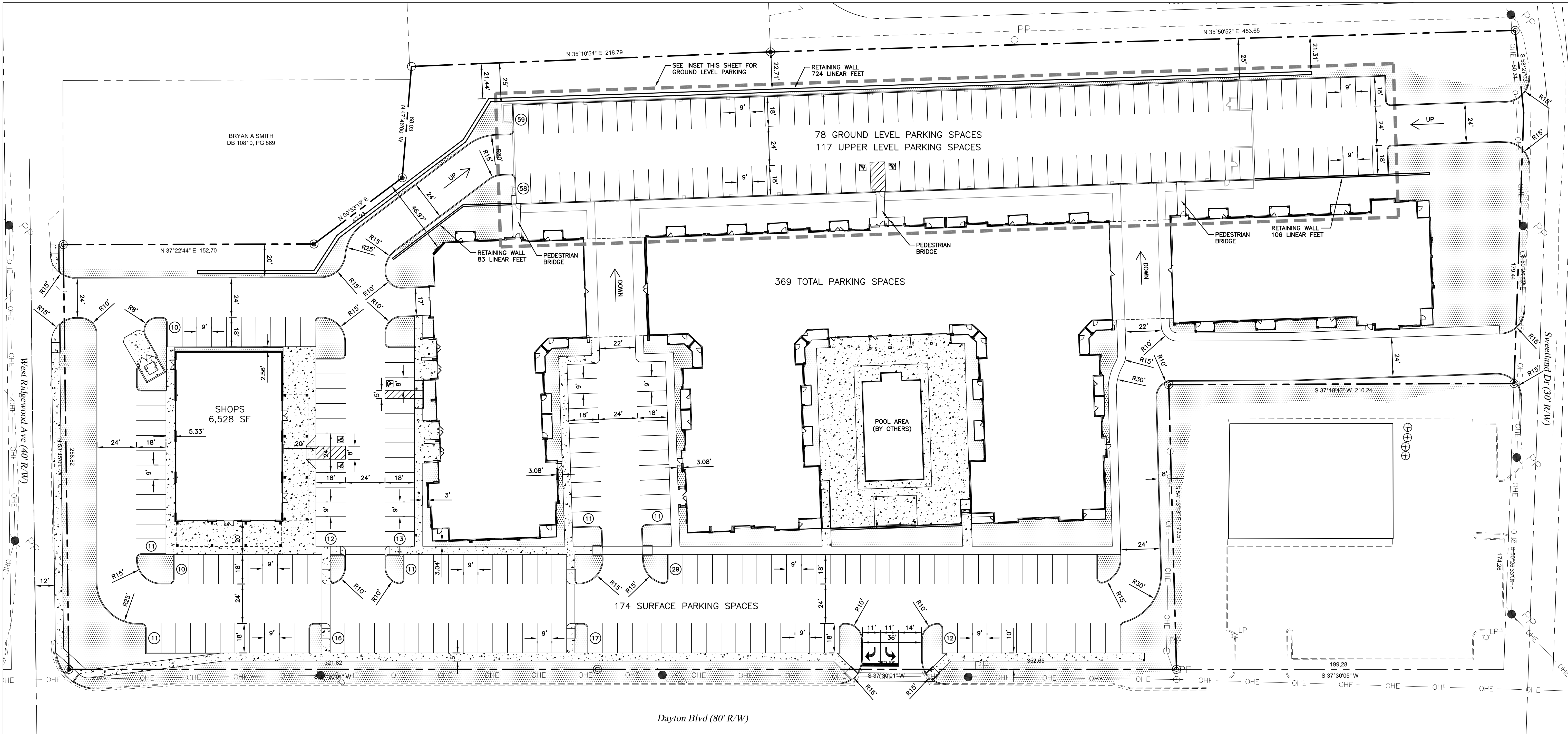
DATE: 06/14/2023

DRAWN BY: JDS

CHECKED BY: BMB

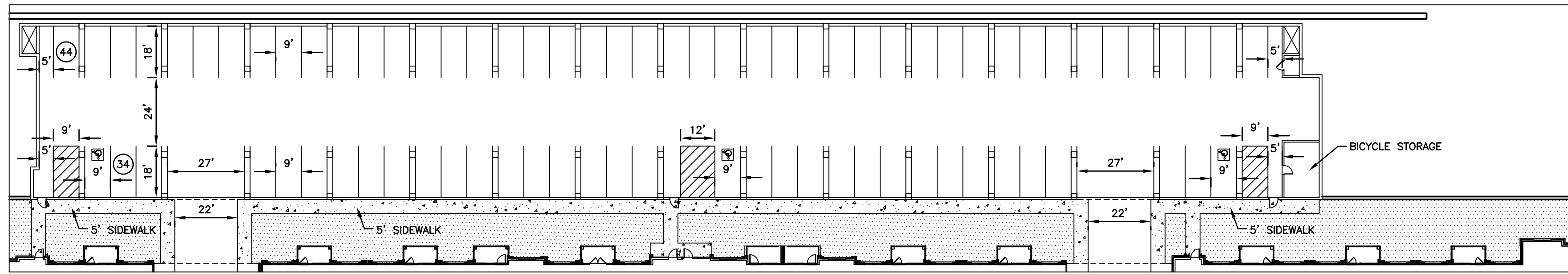
PROJECT NO.: 23011

SHEET NUMBER:
PLP



SITE DATA

PROJECT DESCRIPTION:	NEW CONSTRUCTION OF AN APARTMENT BUILDING W/ LOWER LEVER PARKING GARAGE AND A RETAIL BUILDING			
LOCATION:	NORTHWEST CORNER OF DAYTON BLVD AND W RIDGEWOOD AVE			
ZONING:	C-1 - COMMERCIAL ZONE			
FLOOD ZONE:	ZONE X, AS SHOWN ON MAP NO. 4706SC0333G DATED 02/03/2016			
SITE AREA:	6.31 ACRES			
LOT COVERAGE	MULTIFAMILY	RETAIL		
BUILDING AREA	63,400 SF	6,528 SF		
BUILDING HEIGHT	52'-0 3/4"	28'-0"		
BUILDING SETBACKS:	REQUIRED	MULTIFAMILY	RETAIL	
FRONT (DAYTON BLVD)	7'-25' MAX*	77.8'	90'	
SIDE (W RIDGEWOOD AVE)	50'	219.2'	65.6'	
SIDE (SWEETLAND DR)	50'	50.5'	749.5'	
REAR	28' OR 52.1'***	46.9'***	64.9'	
*50' MIN. SETBACK REQUIRED FOR MULTIFAMILY				
*** SETBACK PER 1' BUILDING HT, MIN 25'				
*** VARIANCE REQUIRED				
PARKING SUMMARY:	REQUIRED	PROVIDED		
STANDARD	333	361		
ACCESSIBLE	8	8		
TOTAL	341	369		
*PARKING REQUIREMENT:				
RETAIL: 4 SPACES PER 1,000 SF = 27 SPACES REQUIRED				
MULTIFAMILY: 1 1/4 SPACES PER 1 BEDROOM UNIT (90 UNITS) + 1 3/4 SPACES PER 2+ BEDROOM UNIT (115) = 314 SPACES REQUIRED				



GROUND LEVEL PARKING INSET

CIVIL ENGINEER:

BERRY

ENGINEERS LLC

63 BROAD STREET NW
CLEVELAND, TN 37311

TEL: (423) 796-5880

DEVELOPER:

RISE PARTNERS

832 GEORGIA AVE, STE 300

CHATTANOOGA, TN 37402

423-802-5358

PROJECT:

MIXED USE DEVELOPMENT

DAYTON BLVD

RED BANK, TN 37415

REVISIONS

1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

SHEET NAME:

CONCEPTUAL SITE PLAN

DATE:

06/14/2023

DRAWN BY:

JDS

CHECKED BY:

BMB

PROJECT NO.:

23011

SHEET NUMBER:

CSP