

**BOARD OF ZONING APPEALS
REGULAR MEETING AGENDA
April 17, 2025
5:00 pm
Red Bank Court Room
3117 Dayton Boulevard**

I. CALL TO ORDER

II. ROLL CALL

1. Chad Bullard
2. Jared Hueter
3. Sonja Millard
4. Rufus Smith
5. Karen Ziv

III. CONSIDERATION OF THE MINUTES

1. March 30, 2025

VI. NEW BUSINESS

1. 309 Midvale Avenue – request for front yard setback variance
 - a. Applicant presentation
 - b. Staff presentation
 - c. Public comment
 - d. Discussion/vote
2. 1109 Dayton Boulevard – request for building separation and minimum square footage variance
 - a. Applicant presentation
 - b. Staff presentation
 - c. Public comment
 - d. Discussion/vote

VII. UNFINISHED BUSINESS

VIII. OTHER BUSINESS

IX. ADJOURNMENT

**BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
March 20, 2025
5:00 pm
Red Bank Court Room
3117 Dayton Boulevard**

I. CALL TO ORDER

II. ROLL CALL

1. Chad Bullard - present
2. Jared Hueter - absent
3. Sonja Millard - present
4. Rufus Smith - present
5. Karen Ziv - present

III. CONSIDERATION OF THE MINUTES

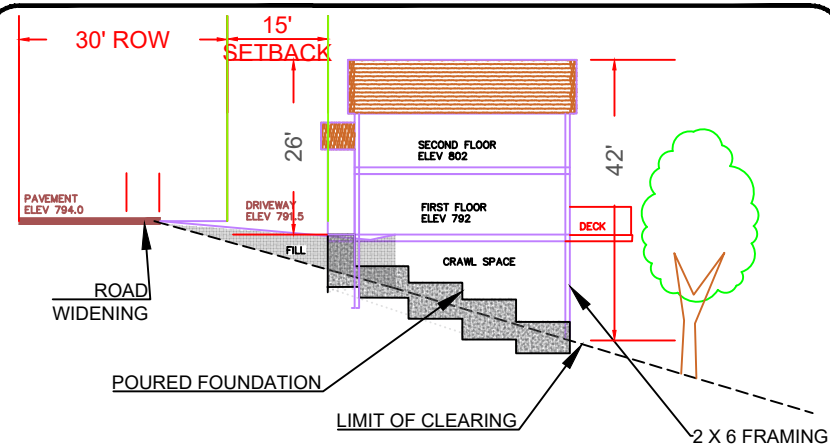
1. February 20, 2025 – Karen Ziv motioned to approve the minutes, Chad Bullard seconded, the motion passed

IV. NEW BUSINESS

3. 539 – 541 Treetop Lane – request for minimum square footage variance
 - a. Applicant presentation – Mark Scott, applicant and general contractor as representative of the property owner, stated that the owner was not aware of the minimum square footage requirement when he got the loan from the bank and began the building design;
 - b. Staff presentation – community planner Michael Pham presented the staff recommendation to deny the variance requests because there are no apparent hardships; the lot was subdivided in 2024 and the two resulting lots have sufficient building envelopes for the required 2000 square foot structure.
 - c. Public comment – Steven Pemberton, 540 Treetop Lane, supported the staff recommendation to deny the variance due to the majority of the existing homes in the neighborhood meeting or exceeding the 2000 square foot requirement and granting the variance would change everything; Roberta Pemberton, 540 Treetop Lane, supported the recommendation to deny the variance; George Samaduroff, 532 Treetop Lane, stated that if apartments existed on the lot in question, he would have never moved there, the variance would change everything; Jacob Marinac, 537 Treetop Lane, supported the denial of the variance because the proposed homes would lower the property values of the existing homes in the area, building two homes would increase the traffic, and the burden of construction on the road would cause access issues; Bruce Garner, 534 Treetop Lane, supported the denial because the construction of two houses would have an adverse effect on the neighborhood and would rather one house—he did not know that the lot was going to be subdivided; Robert Tamasy, 531 Treetop Lane, was not aware that the lot had been subdivided and wanted to maintain the existing neighborhood character and was concerned about the traffic on Delashmitt, and supported the denial of variance;
 - d. Discussion/vote – Chad Bullard stated that there are no apparent hardships and the variance request is due to a lack of due diligence; Karen Ziv stated that the city should move towards allowing smaller and denser housing as the demand increases; **Karen Ziv motioned to deny the variance, Chad Bullard seconded, the motion passed.**

V. ADJOURNMENT – the meeting was adjourned at 5:30 PM

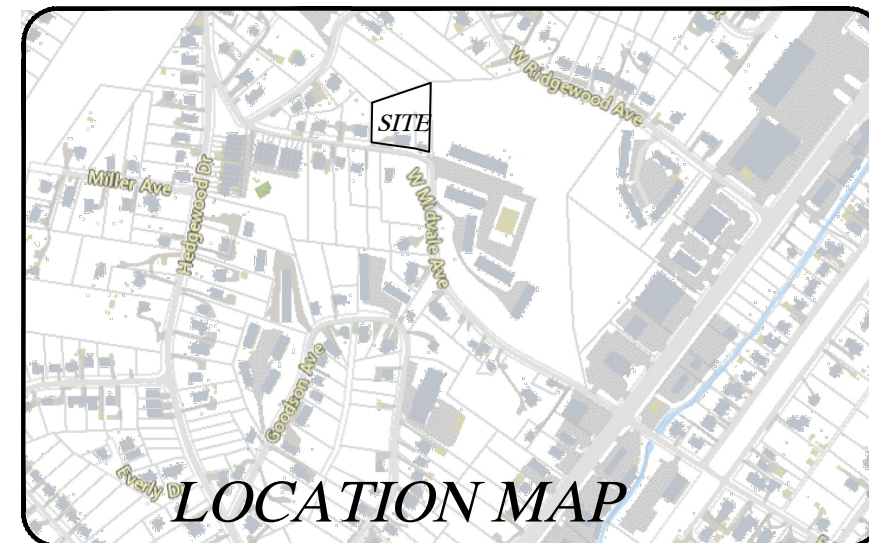
City of Red Bank BZA Staff Review			
Case Number: N/A		Meeting Date: 4/17/2025	Applicant: Ingram Gore & Associates
Property Owner: Lyashevskiy Sergey Alexandrovich		Property Address: 309 Midvale	Tax Map Parcel ID: 126C F 026
Size of request area: ±9,600 SF		Jurisdiction: Red Bank	Request: front yard setback
Project description: “Build six new detached house and related site work”			
Property Description			
Existing land use: residential		Surrounding land uses: residential	Transportation: fronts a two-lane local street
Proposed density: ±6.38 du/ac		Adjacent density: ±3 – 6.6 du/ac	Natural resources: N/A
Zoning			
History	N/A		
Neighborhood Compatibility	Existing Zoning	Comprehensive Plan	Proposed Zoning
	R-1	“residential”	R-T/Z
Staff Comments	The applicant has applied for a front yard setback variance of 10’(making the front yard setback 15’ from the right of way to the building), stating the steep slopes of the site as the exceptional condition. The land survey shows the majority of the site as greater than 25% which does appear to present significant constraints on land development. The board of zoning appeals may grant a variance for this request under the following condition: “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.” Based on this assessment, the staff recommendation is to approve the variance.		
Development Standards			
	Required	Proposed	
Parking	12 off-street parking spaces	6 driveways	
Height	Shortest distance to the nearest boundary of a residential zone: N/A(no adjacent residential zone)	30’	
Front Yard	≥25’	15’	
Rear Yard	≥25’	>25’	
Side Yard	≥10’	≥11’	
House Size	≥1,400 SF	≥1,400 SF	
Screening	N/A	N/A	
Lot Width	35’	≥35’	
Landscape Requirements	10’ buffer against R-1 zone	10’ buffer against R-1 zone	



CROSS SECTION

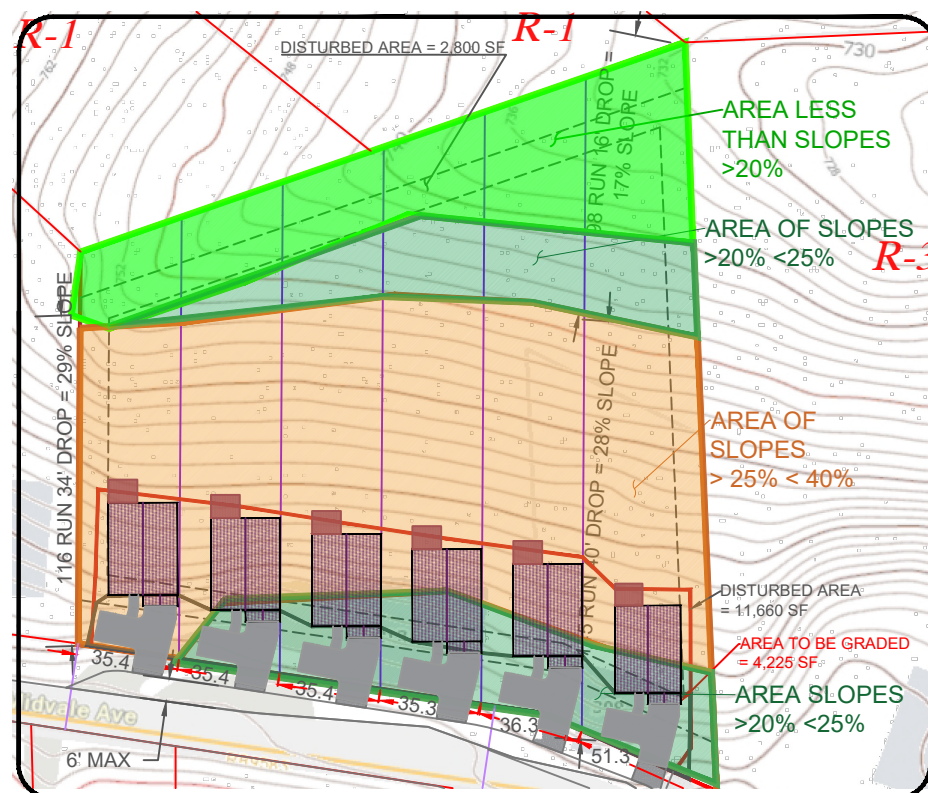
- ## DEVELOPMENT NOTES

1. PARCELS TAX # 126C F 026 027
2. OWNER SERGEY LYASHEVSKIY 7724 SHALLOWFORD RD CHATTANOOGA
TN 37221 RESIDENTIALHOMES1@GMAIL.COM
3. 309 AND 313 W. MIDVALE AVE
4. APPROXIMATELY 0.94 ACRES
5. EXISTING ZONING R-1
6. PROPOSED ZONING R-T/Z
7. TOTAL UNITS SHOWN - 6 SINGLE FAMILY LOTS
8. TYPICAL UNIT 24' WIDE - 36' DEEP ONE-CAR GARAGE
9. ALL UNITS FRONT W. MIDVALE AVE NO NEW ROAD
10. PROPOSED DENSITY - 6.38 UNITS PER ACRE
11. NEW 5' SIDEWALK ON W. MIDVALE AVE
12. FRONT SETBACK FROM W. MIDVALE -25' REQUIRED 15' REQUESTED
13. REAR SETBACK TO R-1 - 25'
14. SIDE SETBACK TO 10'
15. PUBLIC UTILITIES AVAILABLE IN W. MIDVALE
16. DETENTION AT REAR LOT LINE IN 15% SLOPES

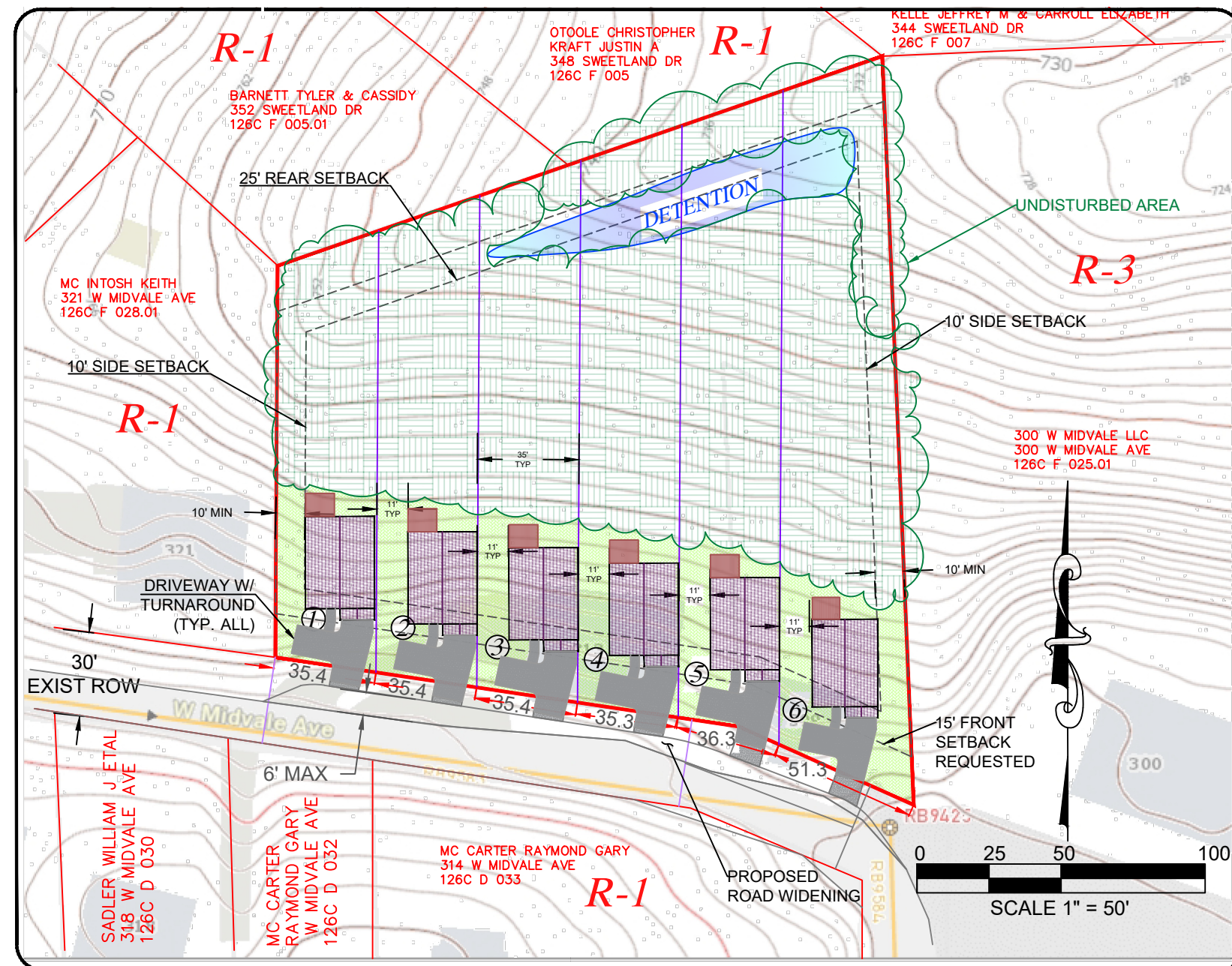


LAND DISTURBANCE

1. TOTAL SITE APPROXIMATELY = 0.94 ACRES -40,950 SF
2. AVERAGE SLOPE FROM ROW TO PROPERTY LINE = 25%
3. AREA IN SLOPES BELOW 20% = 8,021 SF
4. AREA DISTURBED IN < 20% = 2,800 SF (POND)
5. AREA IN SLOPE FROM 20% TO 25% = 9,939 SF
6. AREA OF SLOPES DISTURBED 20 TO 25% =4,225 SF = 40% (FRONT PARCEL 100%)
7. AREA OF SLOPES IN 25% TO 40% = 23,441 SF
8. TOTAL AREA TO BE DISTURBED 25 - 40% = 7,435 SF = 32%
9. MAJORITY IN 25 TO 40% CLEARING AND DIGGING FOOTERS NO GRADING
10. PERCENT OF TOTAL SITE PROPOSED TO BE CLEARED = 40%
11. PERCENT OF TOTAL SITE TO BE GRADED = 22%
12. SITE WILL REQUIRE ENGINEERED PLANS + GEOTECHNICAL INVESTIGATION



SLOPE ANALYSIS



SITE PLAN

***PROPOSED R-T/Z REZONE
309 & 313 W. MIDVALE AVE
RED BANK, TENNESSEE
HAMILTON COUNTY, TENNESSEE***

INGRAM, GORE & ASSOCIATES, LLC
7540 GARY WHITE ROAD
CORRYTON, TN 37221
(865) 216-9355
dennis.gore@yahoo.com
joseph@ingramgore.com
(424) 774-7177

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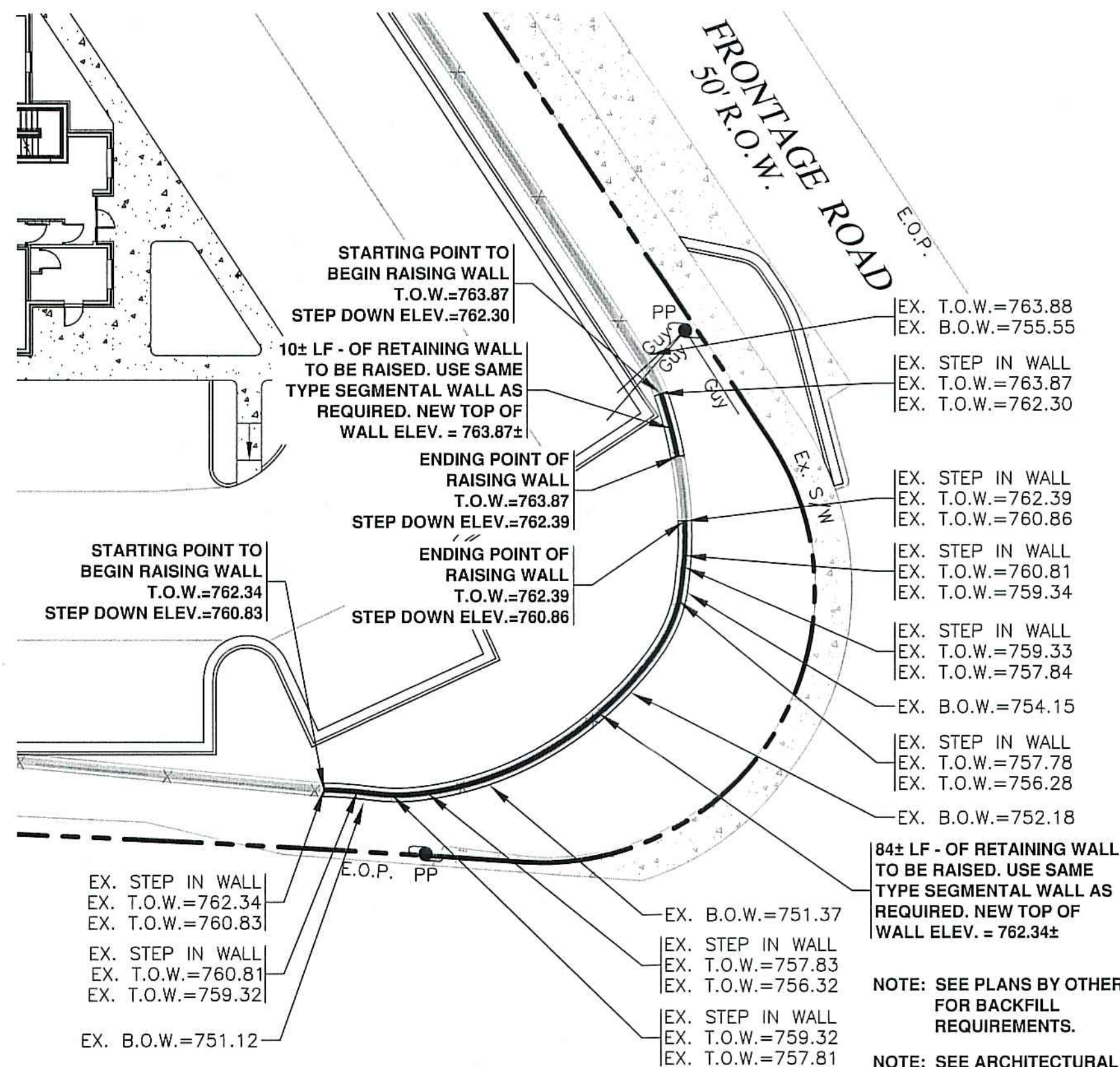
JAN 24, 2025
AS SHOWN

1

COFFINIGHT ZUZZ INGRAM, GURE & ASSOCIATES, LLC

City of Red Bank BZA Staff Review			
Case Number: N/A		Meeting Date: 4/17/2025	Applicant: MAP Engineers
Property Owner: Cottage Partners		Property Address: 1109 Dayton	Tax Map Parcel ID: 126N B 004.04
Size of request area: ±1.36 ac		Jurisdiction: Red Bank	Request: min. building separation, min. square footage
Project description: MAP Engineers is proposing the construction of 28 townhomes and an interior drive aisle for 39 off-street parking spaces; the site plan shows three multifamily buildings; the minimum building separations are 4’-7”, 15’- 0 ¼”, to 11’- 11 ¾”; the floorplans show twenty-seven 1,264 SF units with 2 bed, 2 bath and one 720 SF “micro unit” with 2 bed, 1 bath.			
Property Description			
Existing land use: vacant		Surrounding land uses: commercial	Transportation: fronts four-lane SR-8, adjacent to a 2-lane street
Proposed density: ±20.6 du/ac		Adjacent density: N/A	Natural resources: N/A
Zoning			
History	The applicant applied in 2021 for a special exceptions permit to develop a single multifamily structure without a mixed-use commercial component, which is required in the C-1 zone; the SEP was approved by the city commission in December of 2021; the applicant requested a revision to the SEP to allow an increase in the number units from 42 to 48 and no increase in off-street parking; the SEP was amended and passed by the city commission in January 2023; that proposed project was not built.		
Neighborhood Compatibility	Existing Zoning	Comprehensive Plan	Proposed Zoning
	C-1	“commercial”	C-1
Staff Comments	The zoning ordinance states that when considering a variance request, the board must establish that the peculiar hardship, practical difficulties, or undue hardship is not created as the result of an act upon the part of the applicant. In this case, it appears that the characteristics of the property itself are not causing the hardship but the orientation and size of the proposed structures.		
	There are no apparent hardships that would prevent the applicant from achieving the C-3 zone minimum square footage of 1,400 square feet for each dwelling unit.		
	There are no apparent hardships that would prevent the applicant from achieving the C-3 zone minimum building separation of 20’.		
	Based on this assessment, the staff recommendation is to deny the variance.		
Development Standards			
	Required	Proposed	
Parking	56 off-street parking spaces	39 off-street parking spaces	
Height	Shortest distance to the nearest boundary of a residential zone: N/A(no adjacent residential zone)	30’	

Building Separation	20'	4'-7", 15'- 0 ¼", to 11'- 11 ¾"
Front Yard	≥25'	>25'
Rear Yard	≥25'	>25'
House Size	≥1,400 SF	≤1,264 SF
Screening	N/A	N/A



Retaining Wall Plan

SCALE: 1" = 10'

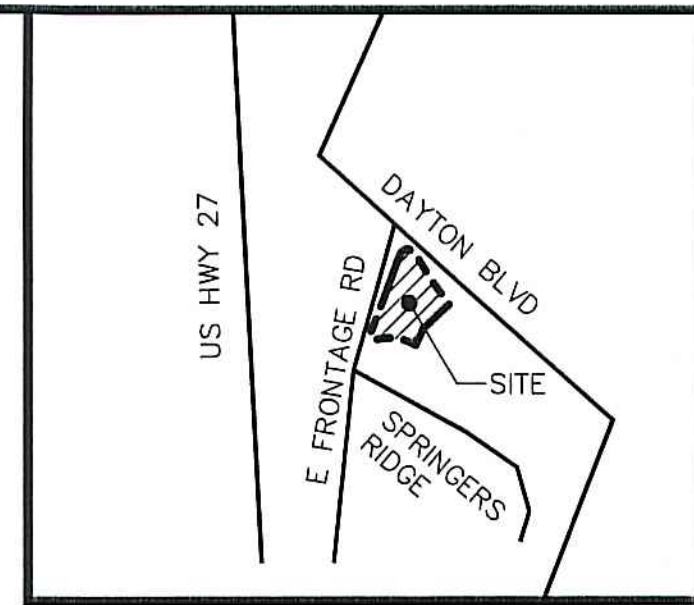
EROSION AND SEDIMENT CONTROL NOTES:

1. CONTRACTOR IS TO ADHERE TO THE TENNESSEE EROSION & SEDIMENT CONTROL HANDBOOK; AND THE BEST MANAGEMENT PRACTICES MANUAL OF THE WATER QUALITY PROGRAM FOR HAMILTON COUNTY.
2. SEDIMENT AND EROSION CONTROL FACILITIES, AND STORM DRAINAGE FACILITIES SHALL BE CONSTRUCTED PRIOR TO ANY OTHER CONSTRUCTION.
3. ALL CLEARED AREAS SHALL BE STABILIZED WITH A TEMPORARY FAST GROWING COVER AND/OR MULCH, NO LATER THAN 2 WEEKS AFTER EARTH DISTURBING ACTIVITY ENDS IN THOSE AREAS WHERE CLEARING ACTIVITY HAS CEASED AND FINE GRADING WILL NOT TAKE PLACE FOR AT LEAST 15 DAYS.
4. CONTRACTOR SHALL BE RESPONSIBLE DURING CONSTRUCTION FOR THE CONTINUOUS MAINTENANCE OF SEDIMENT AND EROSION CONTROL MEASURES AS CALLED FOR ON THE DRAWINGS AND PER NOTE 1 OF THIS SECTION.
5. SEDIMENT AND EROSION CONTROL MEASURES SHALL BE LEFT IN PLACE AFTER THIS CONTRACT EXPIRES.
6. ADDITIONAL EROSION CONTROL DEVICES SHALL BE USED AS REQUIRED.
7. SILT FENCE AND/OR HAY BALES SHALL BE CLEANED OR REPLACED WHEN SILT BUILDS UP TO WITHIN ONE FOOT OF TOP OF SILT FENCE AND/OR HAY BALES OR CAPACITY IS REDUCED BY 50%.
8. EXISTING DRAINAGE STRUCTURES TO BE INSPECTED, REPAIRED AS NEEDED AND CLEANED OUT TO REMOVE ALL SILT AND DEBRIS.
9. SEEDING AND FERTILIZING RATES FOR TEMPORARY AND PERMANENT STANDS OF GRASS SHALL BE PER THE BEST MANAGEMENT PRACTICES MANUAL OF THE WATER QUALITY PROGRAM FOR HAMILTON COUNTY.
10. IF FINES OR PENALTIES ARE LEVIED AGAINST THE PROPERTY OR PROPERTY OWNER BECAUSE OF LACK OF EROSION AND/OR SEDIMENT CONTROL, THE CONTRACTOR SHALL BE RESPONSIBLE FOR PAYMENT OF SUCH FINES OR PENALTIES OR THE COSTS OF ANY FINES OR PENALTIES SHALL BE DEDUCTED FROM THE CONTRACT AMOUNT.
11. ALL SIDE DITCHES TO BE CLEANED AND/OR REGRADED TO PROVIDE PROPER DRAINAGE.
12. TOPSOIL IS TO BE SPREAD OVER LAWN AREAS AT COMPLETION OF CONTRACT (PROVIDE 4" MINIMUM SPREAD).
13. GRADING CONTRACTOR SHALL COOPERATE AND WORK WITH ALL OTHER CONTRACTORS PERFORMING WORK ON THIS PROJECT TO INSURE PROPER AND TIMELY COMPLETION OF THIS PROJECT.
14. THE GRADING CONTRACTOR SHALL USE WHATEVER MEASURES ARE REQUIRED TO PREVENT SILT AND CONSTRUCTION DEBRIS FROM FLOWING ONTO ADJACENT PROPERTIES. THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL EROSION, CONSERVATION AND SILTATION ORDINANCES. THE CONTRACTOR SHALL REMOVE ALL TEMPORARY EROSION CONTROL STRUCTURES UPON COMPLETION OF PERMANENT DRAINAGE FACILITIES AND NOT BEFORE ALL AREAS DRAINING INTO THESE STRUCTURES ARE SUFFICIENTLY STABILIZED.

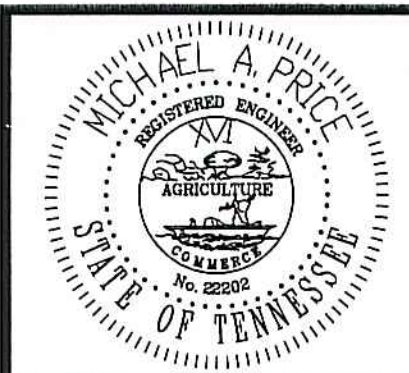
15. THE GRADING CONTRACTOR SHALL TAKE ALL AVAILABLE PRECAUTIONS TO CONTROL DUST. THE CONTRACTOR SHALL CONTROL DUST BY SPRINKLING, OR BY OTHER METHODS AS DIRECTED BY THE ENGINEER AND/OR OWNER'S REPRESENTATIVE AT NO ADDITIONAL COST TO OWNER.
16. IT IS THE INTENT OF THIS PROJECT FOR THE CONTRACTOR TO VERIFY AND MATCH EXISTING CONDITIONS UNLESS OTHERWISE NOTED. THE CONTRACTOR SHALL NOTIFY THE ENGINEER/ARCHITECT OF ANY ITEMS THAT DO NOT EXIST AS SHOWN.
17. THE CONTRACTOR SHALL REPAIR OR REPLACE IN-KIND ANY DAMAGE THAT OCCURS AS RESULT OF HIS WORK.
18. THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION CONTROL MEASURES AND PRACTICES PRIOR TO, OR CONCURRENT WITH, LAND DISTURBING ACTIVITIES.
19. EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE.
20. RETENTION/DETENTION POND(S) WILL BE CLEAN AND FREE OF DEBRIS ONCE CONSTRUCTION ACTIVITIES ARE COMPLETED.
21. ALL AREAS DISTURBED BY SITE GRADING CONTRACTOR THAT ARE NOT COVERED BY BUILDINGS OR PAVEMENT SHALL BE GRASSED PER REQUIREMENTS OF THE CONTRACT DOCUMENTS.
22. **NO WORK SHALL OCCUR OFFSITE ON PROPERTY OWNED BY OTHERS WITHOUT OWNER AND/OR CONTRACTOR OBTAINING WRITTEN PERMISSION TO DO SO.**
23. SITE EROSION CONTROLS SHALL BE CHECKED AND IF NECESSARY, REPAIRED TWICE WEEKLY (72 HOURS APART) AND WITHIN 24 HOURS AFTER EACH RAINFALL GREATER THAN 0.5". IN THE EVENT OF CONTINUOUS RAINFALL, EROSION CONTROLS SHALL BE CHECKED DAILY.

COMPACTION REQUIREMENT NOTES:

1. REMOVE SURFACE VEGETATION, TOPSOIL, FOUNDATIONS, SLABS, PAVEMENTS, ROOT SYSTEMS, ORGANIC MATERIAL, EXISTING FILL, AND SOFT OR OTHERWISE UNSUITABLE MATERIAL FROM THE BUILDING AND PAVEMENT AREA. ALL AREAS TO RECEIVE FILL OR CUT TO GRADE SHALL BE PROOFROLLED IN THE PRESENCE OF THE GEOTECHNICAL ENGINEER. THE CONTRACTOR SHALL CONTACT THE GEOTECHNICAL ENGINEER FOR ALL PROOFROLLING. REMOVE AND REPLACE UNSUITABLE AREAS WITH SUITABLE MATERIAL. FILL MATERIAL SHALL BE FREE OF ORGANIC, AND OTHER DELETERIOUS MATERIALS AND ROCK FRAGMENTS LARGER THAN 3 INCHES AND BE APPROVED BY THE GEOTECHNICAL ENGINEER PRIOR TO FILLING.
2. PLACE FILL MATERIAL IN LOOSE LIFTS NOT EXCEEDING 8 INCHES IN THICKNESS. ADJUST MOISTURE CONTENT TO BE WITHIN THE RANGE OF 2% BELOW THE OPTIMUM AND 3 PERCENT ABOVE THE OPTIMUM VALUE, AND COMPACT TO AT LEAST 95 PERCENT OF THE STANDARD PROCTOR MAXIMUM DRY DENSITY (ASTM D-698). ALL FILL SHALL BE UNIFORMLY SPREAD AND WELL COMPACTED.
3. SOILS ENGINEER SHALL CERTIFY THAT ALL FILL AREAS ARE COMPACTED TO 95 PERCENT OF THE STANDARD PROCTOR MAXIMUM DRY DENSITY (ASTM D698) AS REQUIRED. (SEE NOTE 2. ABOVE)



Vicinity Map
NOT TO SCALE

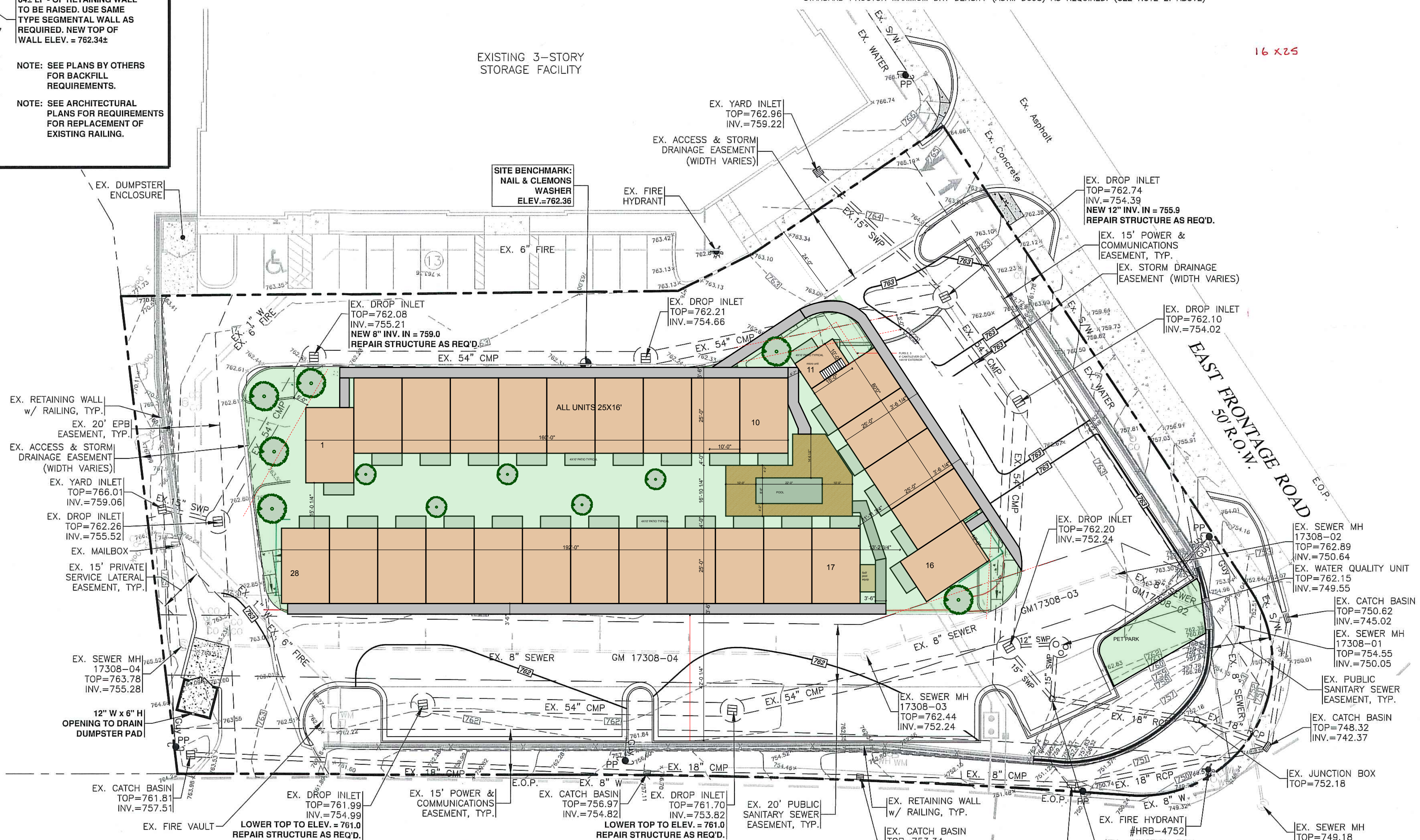


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Fax: (423) 855-8110

M.A.P. ENGINEERS L.L.C.
CELEBRATING 27 YEARS



EXISTING 3-STORY
STORAGE FACILITY



Grading Plan

DAYTON BOULEVARD

NOTE: REFER TO THE REPORT OF GEOTECHNICAL EXPLORATION AS PREPARED BY GEOSERVICES, LLC - PROJECT No. 41-22584, DATED SEPTEMBER 13, 2022 FOR ADDITIONAL DETAILS.

MATERIAL NOTES

1. PRECAST STRUCTURES MAY BE USED AT THE CONTRACTORS OPTION.
2. ALL CONCRETE TO HAVE A MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 4000 P.S.I. STORM SEWER SHALL BE AS FOLLOWS: ULTRA FLO® ALUMINIZED TYPE 2 STEEL PER AASTO M274 OR ASTM 929 (MANUFACTURED IN ACCORDANCE WITH APPLICABLE REQUIREMENT OF AASHTO M-369 OR ASTM A750. INSTALLATION SHALL BE IN ACCORDANCE WITH AASTO STANDARD SPECIFICATIONS FOR HIGHWAY BRIDGES, SECTION 26, DIVISION II OR ASTM A 798). SCH-40 PVC PER ASTM D1785; A-2000 PVC AS MANUFACTURED BY CONTECH PER ASTM F949 INSTALL IN ACCORDANCE WITH ASTM D2321 OR APPROVED EQUAL.
3. NO SUBSTITUTIONS OF PROPOSED PIPING MATERIAL IS ALLOWED UNLESS APPROVED IN WRITING BY M.A.P. ENGINEERS, LLC.
4. SWP-SMOOTH WALL POLYETHYLENE PIPE WITH WATER TIGHT SEALS.



Know what's below.

DAYTON BOULEVARD CONDOS

FOR
THE BACON GROUP / COTTAGE PARTNERS
84 ALTENTANN
NASHVILLE, TN 37215

**GRADING
PLAN &
RETAINING
WALL PLAN**

REVISIONS

NO.	OWNER COMMENTS	DATE
1		7/14/23
2		
3		
4		
5		

FILE: 20179_DRAWINGSET.DWG

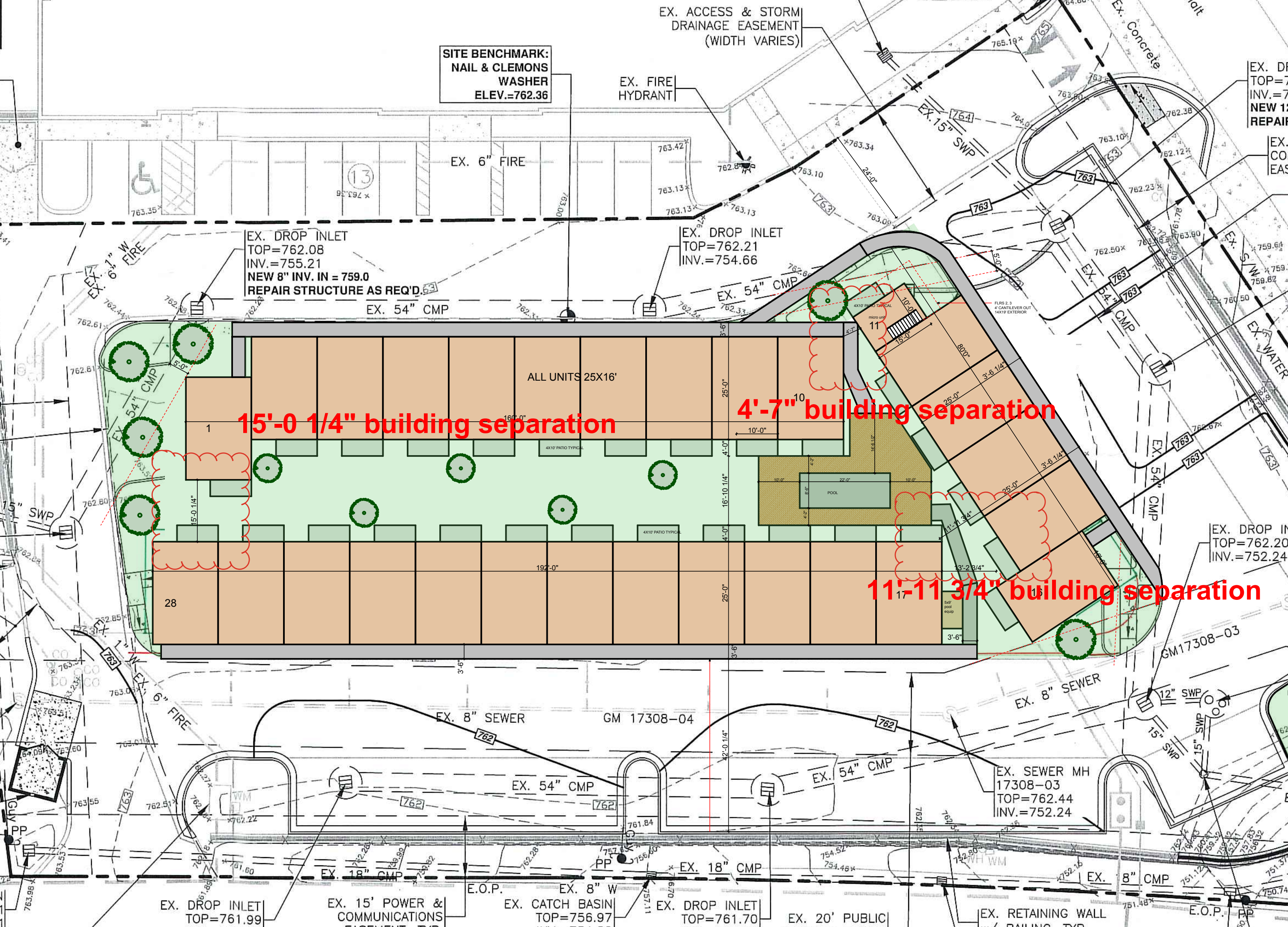
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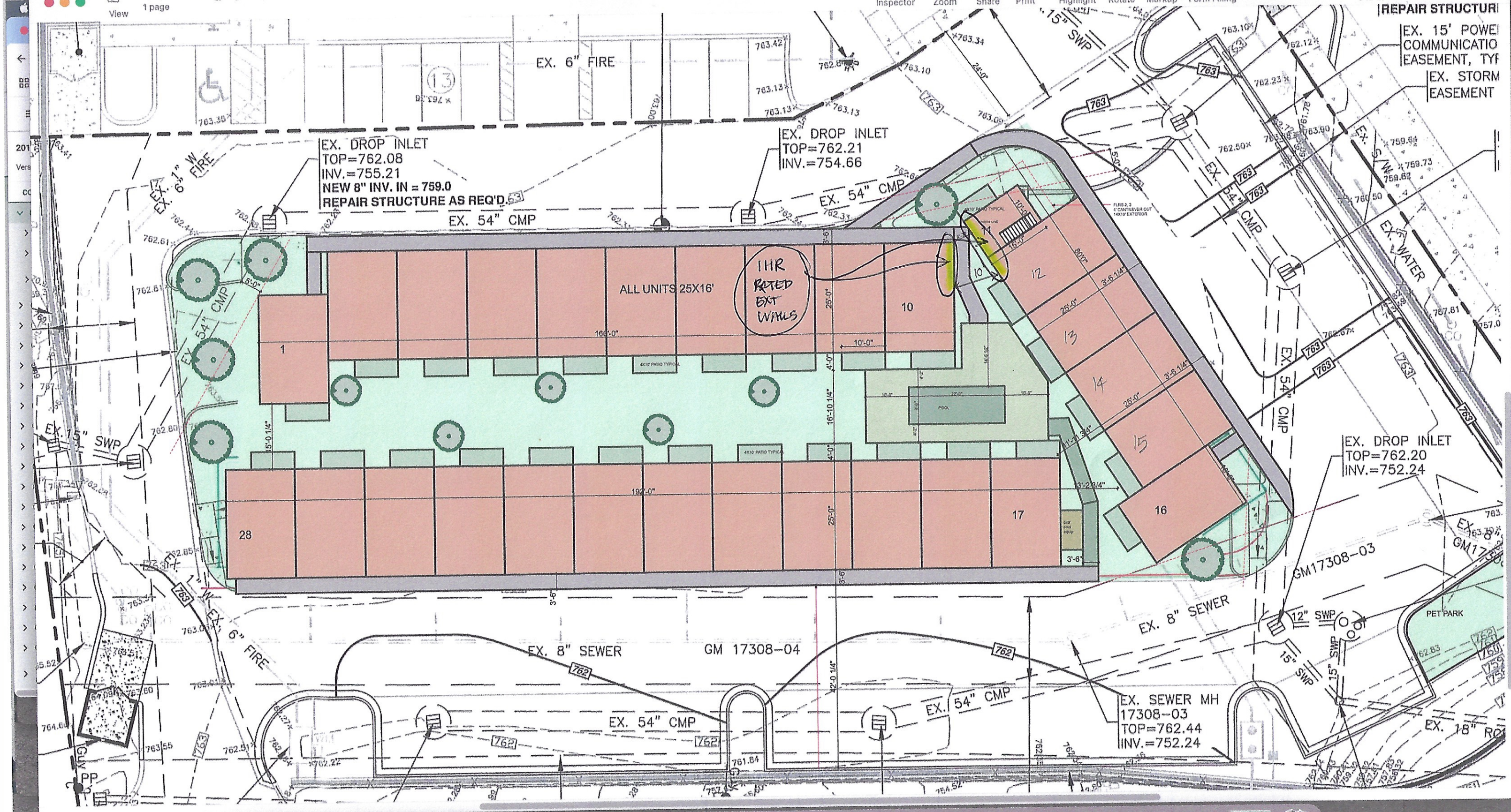
DATE: 5/23/23

DRAWN BY: SBT

CHECKED BY: MAP

PROJ. NUMBER: 20-179





Exception: Joints in exterior walls that are permitted to have unprotected openings.

TABLE 705.8

MAXIMUM AREA OF EXTERIOR WALL OPENINGS BASED ON FIRE SEPARATION DISTANCE AND DEGREE OF OPENING PROTECTION

FIRE SEPARATION DISTANCE (feet)

DEGREE OF OPENING PROTECTION

ALLOWABLE AREA^a0 to less than $3^{b, c, k}$

UNITS 10-11

3 to less than 5^{d, e}

Unprotected, Nonsprinklered (UP, NS)

Unprotected, Sprinklered (UP, S)

Protected (P)

Unprotected, Nonenriched (UN NS)

Unprotected, Nonsprinklered (UNS)

Unprotected.

Protected (P)

Unprotected, Nonsprinklered (UP, NS)

Unprotected, Sprinklered (UP, S)

Protected (P)

Unprotected, Nonsprinklered (U/P NS)

Unprotected, Non-sprinklered (or) Unprotected, Sprinklered (US 2)

Unprotected,

Protected (P)

Unprotected, Nonsprinklered (UP, NS)

Unprotected, Sprinklered (UP, S)

Protected (P)

Unprotected, Nonsprinklered (IIP, NS)

Unprotected, Sprinklered (UB S)

Unprotected,

Protected (P)

Unprotected, Nonsprinklered (UP, NS)

Unprotected, Sprinklered (UP, S)

Protected (P)

For SI: 1 foot = 304.8 mm.

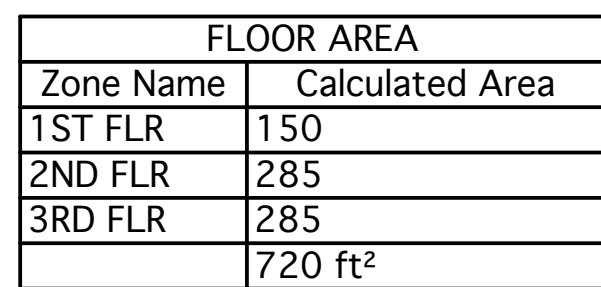
UP, NS = Unprotected openings in buildings not equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

UP, S = Unprotected openings in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1

P = Openings protected with an opening protective assembly in accordance with Section 705.8.2.

a. Values indicated are the percentage of the area of the exterior wall, per story.

b. For the requirements for fire walls of buildings with differing heights, see Section 706.6.1.



SCALE: 1/4" = 1'-0"



SCALE: 1/4" = 1'-0"



SCALE: 1/4" = 1'-0"



SCALE: 1/4" = 1'-0"



SCALE: 1/4" = 1'-0"

FLOOR AREA	
Zone Name	Calculated Area
1ST FLR	395
2ND FLR	441
3RD FLR	427
	1,263 ft ²



SCALE: 1/4" = 1'-0"

QUIRK DESIGNS

Townhomes

The Bacon Group
Dayton Blvd.
Chattanooga, TN ---

DATE: 12/30/24

REVISION

PROJECT NO: 24-020

COPYRIGHT 12/30/24
QUIRK DESIGNS

FLOOR PLANS

A3