

**BOARD OF ZONING APPEALS
REGULAR SESSION AGENDA**

June 24, 2025

5:00 pm

Red Bank Court Room

3117 Dayton Boulevard

- I. CALL TO ORDER**
- II. ROLL CALL**
 - a. Chad Bullard
 - b. Sonja Millard
 - c. Rufus Smith
 - d. Karen Ziv
- III. CONSIDERATION OF THE MINUTES**
 - a. April 17, 2025
- VI. NEW BUSINESS**
 - a. 5031 Delashmitt Road – request for side yard setback variance
 - 1. Applicant presentation
 - 2. Staff presentation
 - 3. Public comment
 - 4. Discussion/vote
 - b. 2583 High Point Drive – request for side yard setback variance
 - 1. Applicant presentation
 - 2. Staff presentation
 - 3. Public comment
 - 4. Discussion/vote
 - c. Chairman of the board election
 - 1. Staff presentation
 - 2. Discussion/vote
- VII. UNFINISHED BUSINESS**
- VIII. OTHER BUSINESS**
- IX. ADJOURNMENT**

**BOARD OF ZONING APPEALS
REGULAR SESSION AGENDA**

April 17, 2025

5:00 pm

**Red Bank Court Room
3117 Dayton Boulevard**

I. CALL TO ORDER

II. ROLL CALL

- a. Chad Bullard - present
- b. Jared Hueter - absent
- c. Sonja Millard - present
- d. Rufus Smith - present
- e. Karen Ziv - present

III. CONSIDERATION OF THE MINUTES

- a. March 30, 2025 – Sonja Millard motioned to approve the minutes, Rufus Smith seconded, the motion carried unanimously.

VI. NEW BUSINESS

- a. 309 Midvale Avenue – request for front yard setback variance
 - 1. Applicant presentation
 - i. Joseph Ingram, project engineer, is requesting a 10' front yard setback variance in order to minimize building on steep slope land; the road pavement is far off of the right-of-way so bringing the houses closer would not significantly impact the building-to-road condition; they are working on safer ingress-egress designs so that cars can interact safely with the driveways
 - 2. Staff presentation
 - ii. Michael Pham, staff planner, briefed the board on the proposed project to build 6 single family detached townhomes on a property recently rezoned to R-T/Z; the front yard setback in this zone is 25', and the applicant's request for a variance of 10' is appropriate due to the steep slopes constraints and potential to minimize steep slope land disturbance.
 - 3. Public comment
 - 4. Discussion/vote
 - iii. Karen Ziv asked for confirmation that granting the variance would bring the building footprints out of the >25% grade area; Joseph Ingram confirmed this
 - iv. Karen Ziv motioned to approve, Chad Bullard seconded, the motion carried unanimously.
- b. 1109 Dayton Boulevard – request for building separation and minimum square footage variance
 - 5. Applicant presentation
 - v. Richard Bacon, property owner, briefed the board on the project to build 27 townhomes after several years of trying to develop a condominium concept; the request for building separation variances and minimum building square footages is in order to build the three separate buildings with the 27 units as the architect has designed the site; The building envelope cannot be expanded to maintain the same unit count with the existing development standards; the minimum building square footage request is so that more affordable housing can be built; the building separation variance should be granted because the building will have a fire suppression system that will be approved by the fire inspector.

- vi. Preston Quirk, project architect, briefed the board on the International Building Code standards that allow buildings to be closer than the zoning code's 20'; the variance request is to go down to a minimum of 3-feet, 7-inches, at one building separation, and 15-feet at another, and 12-feet at the third separation; the IBC allows these building separation as long as the walls are 1-hour fire rated.
- 6. Staff presentation
 - vii. Michael Pham briefed the board on the staff recommendation to deny the requests because the hardships the applicant is facing are self-imposed; the site could support the construction of townhomes, but the applicant's decision to build 27 in the proposed orientation is the constraint that necessitates the variance requests.
- 7. Public comment
- 8. Discussion/vote
 - viii. Karen Ziv asked for the fallback if the variances are denied; Preston Quirk stated that the only option would be to delete units—which would be difficult because the site was originally engineered for a larger unit count; Karen asked if the existing development standards were set primarily due to fire concerns; Michael stated that the C-3 zone was established in order to create a very specific neighborhood commercial district on the North end of the Dayton Boulevard corridor, not necessarily for fire safety, or even for prudent neighborhood design.
 - ix. Chad Bullard asked why C-3 was chosen as the zone; Michael stated that it was chosen over the residential zones because the area is a commercial district and the multifamily standards are more lenient in the commercial zones.
 - x. Chad Bullard motioned to deny the 720 square foot minimum square footage variance request, Karen Ziv seconded, the motion carried unanimously.
 - xi. Chad Bullard motioned to deny the 1264 square foot minimum square footage variance request, Sonja Millard seconded, the motion carried unanimously.
 - xii. Karen Ziv motioned to deny the 4-foot building separation variance request, Chad Bullard seconded, the motion carried unanimously.
 - xiii. Chad Bullard motioned to deny the 12-foot building separation variance request, Sonja Millard seconded, the motion carried unanimously.
 - xiv. Chad Bullard motioned to deny the 15-foot variance request, Karen Ziv seconded, the motion carried unanimously.

- X. UNFINISHED BUSINESS**
- XI. OTHER BUSINESS**
- XII. ADJOURNMENT**

Chairperson

City of Red Bank		
Board of Zoning Appeals Staff Review		
Permit Number: N/A	Meeting Date: 6/24/2025	Applicant: John Witfield
Owner: JWS Construction	Address: 5031 Delashmitt Road	Tax Map Parcel ID: 099N E 052.03
Size of request area: ±7,500 SF	Jurisdiction: Red Bank	Request: side yard setback
Project description: “I have 2 lots located at 5025 & 5031 Delashmitt rd. 5031 has a power line easement running through it. To meet the setbacks for the easement I was seeing if I could get a variance for 5 ft side yard on 5031 on the side that is next to 5025. I could also move 5025 over so it would have 15 ft side yard on that side so there would still be 20ft between the 2 houses. The house I'm planning to build is 32ft wide.”		
Property Description		
Existing use: residential	Surrounding uses: residential	Transportation: fronts 2-lane street
Zoning		
History	N/A	
Neighborhood Compatibility	Existing Zoning	Comprehensive Plan
	R-1	ridge residential
Staff Comments	The R-1 zone requires that houses be at least 1,400 square feet and have 10-foot side yard setbacks. As the powerline easement creates an exceptional constraint on the width of the property, the proposed building footprint that would normally meet the development standards may be unviable. The applicant has not submitted a site plan with the proposed building footprint in relation to the powerline easement and resulting side yard setbacks, so it is difficult to determine if the 5-foot side yard setback variance is necessary. The board of zoning appeals may grant a variance for this request under the following condition: <i>“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.”</i> Based on this assessment, if the proposed building footprint is constrained to an envelope that is smaller than the zoning code allows, the staff recommendation is to approve the variance.	
Development Standards		
	Required	Proposed
Front Yard	≥25'	25'
Rear Yard	≥25'	25'
Side Yard	≥10'	5'
House Size	≥1,400 SF	-
Lot Width	60'	±60'

Book Page **P3 128 / 108**
 Reference: **2023060100072**
 1 Page **Paid LATE**
 Recorded by **TO GO MY2225 X 1 COAM**
PAID LATE
COCA BROTHERS P&L 154
 21

TOTAL FEES \$17.00
 Grand Total \$17.00

TOTAL FEES \$17.50

Gift of The Commissioner of the County
 Registrar of Deeds

MARG GRAVITT

JOSEPH W. HARRIS
 5019 DELAWARE RD.
 WASHINGTON, DC 20015
 423-396-4468

	IRON ROD NEW
	IRON ROD OLD
	IRON PIPE OLD
	IRON PIPE NEW
	SPK
	PNC
	COATED METAL PIPE
	STORM MANHOLE
	SANITARY MANHOLE
	WATER METER

●	CATCH BASIN (Size Varies-See Plan)	○	FLAP POLE	○	DONUT
○	WIRE	○	GUY WIRE	○	LOT
○	FLAP POLE	○	OVERHEAD WIRE	○	PLAT
○	GAS METER	○	— FENCE —	○	DEED B
○	FIRE HYDRANT	○	X — SANITARY SEWER		
○	WATER VALVE	○	S — ADJACENT LOT LINE		
○	TREES (Size Varies-See Plan)				
○	W — WATER				
	— GAS —				

[illegible][illegible][illegible]

**JUDY GILL GREEN & JIMMY LEE GREEN
LOT 12 & PART OF LOT 14
PROPERTY OF W.H. WILSON
PLAT BOOK 14, PAGE 45
DEED BOOK 11867, PAGE 522
R.O.H.C.**

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.

City of Red Bank Board of Zoning Appeals Staff Review		
Permit Number: N/A	Meeting Date: 6/24/2025	Applicant: Ethan Hibbs
Owner: Ethan Hibbs	Address: 2583 HIGHPOINT DR	Tax Map Parcel ID: 127A A 002
Project description: “Seeking a 5-foot setback variance for each lot to the interior side yard setback, in order to pursue subdivision of the property into two conforming parcels.”		
Property Description		
Existing use: residential	Surrounding uses: residential	Transportation: fronts 2-lane street
Zoning		
Neighborhood Compatibility	Existing Zoning R-1	Comprehensive Plan ridge residential
Staff Comments	The applicant has not provided an accurate survey of the property that would indicate the exact side yard setback but is requesting the board <i>preliminarily</i> review two 5-foot variances for the two existing houses should they subdivide the property where 2589 would exist on one lot and 2583 would exist on a separate lot. The staff recommendation is to preliminary approve the variance request based on the following conditions: i. <i>The parcel is exceptional as of the zoning ordinance #15-1020 which established the 10’ side yard setbacks</i> ii. <i>Relief does not impair the purpose of the zoning ordinance given R-1 residential permits single-family dwellings</i> iii. <i>The parcel’s hardship would apply regardless of ownership, the conditions already exist</i> iv. <i>The parcel’s hardship is not created by actions of the applicant, the conditions already exist</i> v. <i>The hardship relates only to this parcel and relief would not be applicable to other premises in the city</i> Additionally, the relief sought in efforts to subdivide the parcel creating two (2) smaller lots is supported by the Red Bank Comprehensive Plan 2045 in regard to increasing density, and creating attainable housing options. Upon a land survey, it is probable that the property owner will need to apply for additional variances and confirmation: vi. Side yard setback variance: the Northeast corner of 2589 Highpoint appears to be a non-conforming side yard set back vii. Road frontage variance: the road frontage for in the R-1 zone is 60-feet, the property as it exists only has approximately 70-feet of road frontage viii. Sewer/septic service will need approval through the relevant provider—WWTA or Chattanooga Sewer as to how the property will be serviced upon subdivision.	
Development Standards		
	Required	Proposed
Front Yard	≥25’	-
Rear Yard	≥25’	25’
Side Yard	≥10’	5’
House Size	≥1,400 SF	-
Lot Width	60’	±60’

I want to...



Chairman of the Board Election

Section 14-206. Board of Appeals for Variances or Special Exceptions/Plats

206.02 Meetings and Rules of Order

The Chairman of the Board of Appeals shall be elected from its own membership. The Board shall fix its place of meeting and shall conduct at least one regular meeting a month, provided there are applications to be reviewed by the Board. Other meetings of the Board shall be held on the call of the Chairman and at such times as the Board may determine. The presence of three members shall constitute a quorum. The business such rules being of public record, it is advisable that the City Attorney or his/her designated representative be present at each Board meeting.