

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
FEBRUARY 22, 2024, MEETING
TUESDAY, 3:00 PM, CITY HALL

MEMBERS PRESENT

Matt Zoder
Clay England
Joe Waggoner

MEMBERS ABSENT

Cyndi Bowling
Amanda Caton

OTHERS PRESENT

Chad Kennedy
Megan Grohol
Briley Saiyasak
Rebecca Mullikin
Brian Papworth
Shawn Sloan

Staff Representative: Jeff Ownby, Building and Planning Director
 Dalton York, Assistant City Planner
 Jodi Bible, Executive Secretary

Chairman Matt Zoder called the meeting to order at 3:00 P.M. Mr. Joe Waggoner made a motion to approve the minutes of the January 4, 2024, meeting, and Mr. Clay England provided a second with all members voting, "aye."

Staff Report

Petitions and Communications from the Public

Old Business

New Business

Review and consideration of a proposed side yard variance from the required 15' to 10' and a rear yard variance from the required 20' to 10' for a proposed single-family dwelling to be constructed 458 Loop Road, Tax Map 126L, Group F, Parcel 702, R-1 Zone, requested by Lindsey Glasper.

Staff presented the request for a proposed variance to reduce the side yard and rear yard setback for a proposed single-family dwelling to be constructed at 458 Loop Road. Staff noted the applicable regulations relating to this request- Article VIII, being the Area, Yard, and Height Requirements of the Gatlinburg Municipal Zoning Ordinance. Staff also mentioned that this request is for accessory structure- porch, and side porch, and not for the housing structure itself. The parcel previously received a front yard setback reduction to 20' from the required 25' on April 27, 2023, from the Board of Zoning Appeals, which will be utilized per the submitted sit plan. The property is nonconforming by current standards as the lot size, 0.14-acres, would not meet the minimum lot size set forth in Article VIII of the Gatlinburg Municipal Zoning Ordinance. This is true in many of the parcels located on Loop Road. Due to the irregular lot size and the slope intensity of the property, hardship has been imposed for the development. A neighboring parcel, 462 Loop Road, was approved for a similar variance request on October 31, 2023, granting a side front yard setback reduction to 19' from the required 25' and a rear yard setback reduction to 10' from the required 20'.

Following a brief discussion, Mr. Clay England made a motion to approve the request as presented.

Mr. Joe Waggoner provided a second with all members voting, "aye."

Review and consideration of proposed side yard variance from the required 15' to 10' and a front yard variance from the required 25' to 10' for a proposed single-family dwelling to be constructed at 430 King Road, Tax Map 117E, Group E, Parcel 13, R1-A Zone, requested by Heidi Ogle.

Staff presented the request for a proposed variance to reduce the side and front yard setback for a proposed single-family dwelling to be constructed at 430 King Road. Staff noted the applicable regulations relating to this request-Article VIII, being the Area, Yard, and Height Requirements of the Gatlinburg Municipal Zoning Ordinance, Section 14-307 (5) of the Flood Prevention Ordinance located in the City of Gatlinburg Municipal Code, being the standards for streams without established flood elevations and floodways. Staff identified the hardship due to the buildable area available on lot causing an irregular lot size and the presence of the stream along the northern boundary line. The applicant, Ms. Heidi Ogle, was not present for the meeting, but was in constant communication with our Assistant City Planner, Dalton York, and explained the desire for the variance request is to allow ample space between the proposed dwelling and the stream located on the northern side of the parcel to prevent any damage to the dwelling and the stream's ecosystem. Due to the irregular lot size and the small stream on the northern side of the property, a hardship has been imposed for the proposed development.

Following a brief discussion, Mr. Joe Waggoner made a motion to approve the request as presented. Mr. Clay England provided a second with all members voting, "aye."

Review and consideration of a proposed side yard variance from the required 22.5' to 15' for a proposed single-family dwelling to be constructed at 452 Hilltop Road, Tax Map 126I, Group D, Parcel 33, R-1 Zone, requested by Alejandro Sabater.

Staff presented the request for a proposed variance to reduce the side yard setback for a proposed single-family dwelling to be constructed at 452 Hilltop Road. Staff noted the applicable regulations relating to this request- Article VIII, being the Area, Yard, and Height Requirements of the Gatlinburg Municipal Zoning Ordinance, footnote 4 of Article VIII specifically as it requires an additional 7.5 feet of side yard setback shall be required for each additional building floor above two (2) stories, up to a 25' side yard setback. The applicant did not provide a hardship for this request. The property is nonconforming by current standards as the lot size, 0.21-acres, would not meet the minimum lot size set forth in Article VIII of the Gatlinburg Municipal Zoning Ordinance. The plan was submitted for review by staff, it was noted that the property would require an additional 7.5' of side yard setback due to the proposed dwelling being three (3) stories. The applicant was unable to adhere to that requirement with the proposed structure due to the limited available buildable area. Staff also mentioned that the surrounding units are one- and two-story structures. It is Staff's position that excessive density is "self-created" hardship that could be avoided by reducing the density of the building request.

Following a brief discussion, Mr. Joe Waggoner made a motion to approve the request as presented. Mr. Clay England provided a second with all members voting, "aye."

Administrative review of the Environmental Design Review Board's denial of an ornate object for Pucker's Sports Bar located at 745 Parkway, Tax Map 126K, Group E, Parcel 3, C-1 Zone, requested by R2R Studios, LLC.

Staff presented the request for an administrative review of the Environmental Design Review Board's

denial of an ornate object for Pucker's Sports Bar located at 745 Parkway. Staff noted applicable regulations relating to this request- Zoning Ordinance Sections: 412.2 Other Ornate and/or Objects; 1104.1 Administrative Review. On August 24, 2023, the Environmental Design Review Board reviewed the Pucker's Sport Bar request for signage and an ornate object (dimensional lighted lips surrounding the entrance of the bar). The EDRB discussed the merits of the proposed lips and voiced concerns about the design. The Board denied the requested ornate object and cited Section G of the 412.3.1 provision with concern that the object might constitute a traffic and safety hazard and may be considered indecent or otherwise offensive to public morals. Section 1104.1 gives the Municipal Board of Zoning Appeals the authority to review the action by Environmental Design Review Board and uphold, reverse, or modify the decision. Mr. Chad Kennedy, business owner, was present to discuss the request with the Board and Staff.

Following a discussion, Mr. Joe Waggoner made a motion to reject the request, noting that the Environmental Design Review Board's denial of the ornate object proposed, legitimate. Mr. Clay England provided a second with all members voting, "aye."

Unscheduled Items

The meeting was unanimously adjourned at 3:32 p.m. after a motion made by Mr. Joe Waggoner. Mr. Clay England provided a second with all members voting, "aye."

Approved:


MBZA Chairman

3/28/24
Date

