

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
SEPTEMBER 2, 2025
TUESDAY, 3:00 PM, CITY HALL

MEMBERS PRESENT

Amanda Caton
Matt Zoder
Clay England
Jerry McCarter
Maggie Bowers

MEMBERS ABSENT

OTHERS PRESENT

Jeff Crenshaw
Bill Gross
Lynn Gross

Staff Representative: Dalton York, Planning Director
Jodi Bible, Deputy City Planner

Chairman Matt Zoder called the meeting to order at 3:00 P.M. Ms. Amanda Caton made a motion to approve the minutes of the August 5, 2025, 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 for a proposed variance to reduce the side yard setback from the required 15’ to 10’ and the rear yard setback from the required 20’ to 5’ for a proposed single-family dwelling to be constructed at 274 Brownsridge Road, being Tax Map 127H, Group C, Parcel 39, R-2 Zone, requested by Smoky Top Construction, LLC.

Staff presented the request for a proposed variance to reduce the side yard setback from the required 15’ to 10’ and the rear yard setback from the required 20’ to 5’ for a proposed single-family dwelling to be constructed at 274 Brownsridge Road. The subject parcel is zoned R-2 (Medium Density) Residential District and is located within the Critical Slope Float Zone (CSFZ), as GIS data shows nearly the entire property has a slope of 30% or greater. A dwelling that was previously located on property was lost during the 2016 Wildfires. The parcel is currently below minimum lot size required for a property with a slope of 30% or greater, which can range from one to two acres depending on the certified average slope from a licensed surveyor.

The plan submitted with this request shows a driveway coming off a shared concrete drive, noted as a “Private Easement.” The proposed dwelling is a two-story structure with a deck and gazebo. The building elevations were provided to Staff and further relayed to the Board. However, the proposed placement of the dwelling will encroach 15 feet into the rear yard that adjoins the private easement, and five feet into the side yard boarding lot 16. One letter of opposition was received, and that correspondence is also included in the Board’s packet. The author of the opposition letter stated that their property would be negatively affected due to the encroachment being where the property adjoins.

The adjoining property owner stated that fire separation safety, noise pollution and adequate parking and turnaround are the main areas of concern regarding this request. The property owner requested that the applicant shift the house towards the center of the parcel to remain compliant with R-2 setback requirements. Applicable Regulations: Article VIII, being the Area, Yard, and Height Requirements.

Following a brief discussion, Ms. Maggie Bowers made a motion to deny the request citing no hardship identified by applicant and the neighbor's concerns about fire separation safety. Mr. Jerry McCarter provided a second with all members voting, "aye."

Review and consideration for a proposed variance to reduce the side yard from the required 15' to 0 and the rear yard from the required 20' to 0' for an already constructed accessory structure located at 656 Ownby Drive, being Tax Map 117L, Group A, Parcel 8, R1-A Zone, requested by Amy Seavy.

Staff presented a request for a variance to reduce the required side yard setback from 15 feet to 0 feet and the required rear yard setback from 20 feet to 0 feet for an existing accessory structure located at 656 Ownby Drive. The property is zoned R-1A (Low Density Residential) District and lies partially within the Critical Slope Floating Zone (CSFZ), as it contains areas with slopes of 30% or greater. The lot currently contains a single-family dwelling and one accessory structure.

The request arises from a recent survey that revealed the accessory structure, which has been in place for more than 20 years, encroaches onto the adjoining parcel, identified as Lot 35-R. To resolve the issue, the applicant is seeking a lot line adjustment; however, the proposed reconfiguration would result in 0-foot setbacks on both the side and rear property lines. Because no prior variance exists for the structure, approval of the variance is required before the lot line adjustment can proceed.

No letters of opposition were received regarding the request. The owner of Lot 35-R was notified and has verbally expressed support. Applicable Regulations: Article VIII, being the Area, Yard, and Height Requirements.

Following a brief discussion, Mr. Clay England made a motion to approve the request, further reiterating that this approval is only for an accessory structure that no dwelling will be able to encroach on the side yard and rear yard. Ms. Maggie Bowers provided a second with all members voting, "aye."

Review and consideration for a special exception from Section 402, being the Off-Street Automobile Parking, for a proposed commercial development located at 544 East Parkway, being Tax Map 126L, Group D, Parcel 6, C-2 Zone, requested by Osky3 Architects.

Staff presented the request for a special exception from Section 102, being the Off-Street Automobile Parking, for a deviation from the required parking allotment for a commercial development located at 544 East Parkway. The subject parcel is zoned C-2 (Tourist Commercial) District and is located within the Special Flood Hazard Area of Roaring Fork, containing a commercial structure previously utilized as an ATV Rental space.

This request has come about due to the change of use from a retail space to a restaurant. A restaurant requires one parking space for every four customers with each space being at a minimum of 160 square feet in area. The parking stalls on the property, located along East Parkway, do not meet this requirement. Of the 30 total parking stalls, only 17 meet the required size, while the remaining 13 are undersized. The proposed restaurant has a seating capacity of 120, which would require a minimum of 30 conforming parking stalls. With the current configuration, and only the 17 conforming parking stalls, the restaurant's seating capacity would be limited to 68 seats to meet the parking regulations. Applicable Regulations: Section 402, being the Off-Street Automobile Parking

Following a brief discussion, Ms. Amanda Caton made a motion to approve the request as presented contingent upon the installation of compact car only signs at the non-conforming parking spaces. Mr. Jerry McCarter provided a second with all members voting, “aye.”

Review and consideration for a proposed variance to reduce the side yard setback from the required 22.5’ to 17’ for a proposed single-family dwelling to be constructed at 638 Red Bud Lane, being Tax Map 126F, Group A, Parcel 5, R-2 Zone, requested by Gary Plimpton.

Staff presented the request for a proposed variance to reduce the side yard setback from the required 22.5’ to 17’ for a proposed single-family dwelling to be constructed at 638 Red Bud Lane. The subject parcel is zoned R-2 (Medium Density Residential) District and is partly located within the Critical Slope Floating Zone, as it contains areas with a slope of 30% or greater. However, the certified average slope provided by the applicant and verified survey is 29.4%, which is just below the critical slope threshold. The proposed dwelling is a 3,000 square foot, 5-bedroom dwelling with a basement level, first and second level.

The request was submitted by the applicant due to the encroachment being noticed by Staff during the Zoning Review process for the building permit. The proposed dwelling is a five-bedroom, three-story home. The site plan includes adequate parking and a turn-around area to meet all minimum requirements. It is also noted that the parcel is slightly undersized, falling 0.31-acres (or 13,503.6 square feet) below the minimum lot size required by current standards. Staff received no letters of opposition from adjoining property owners, but Staff also noted that a hardship was not provided by the applicant. Following Staff’s presentation, the Board discussed the need to mitigate over-development, which, according to the Board, is becoming an issue within the City. The Board expressed that if the applicant removed the covered porches the applicant would be able to achieve the build without the requested variance. Applicable regulations: Article VIII, being the Area, Yard, and Height Requirements.

Following a brief discussion, Mr. Clay England made a motion to deny the request citing no hardship identified by applicant and suggested removing the covered porches. Ms. Amanda Caton provided a second with all members voting, “aye.”

Review and consideration for a special exception from Section 408, Ingress and Egress, for a proposed multi-family development, located at 471 Dudley Creek Road, being Tax Map 117, Parcel 20, R-1 Zone, requested by Cantrell Engineering and Surveying.

Staff presented the request for a special exception from Section 408, Ingress and Egress, for a proposed multi-family development located at 471 Dudley Creek Road. The subject parcel is zoned R-1 (Low Density Residential) District and is partially located within the Critical Slope Floating Zone, as the rear of the property contains a hillside with a slope of 30% or greater. The parcel currently holds a single-family dwelling that has an approved demolition permit for its removal.

This request is to expand the access width from the maximum allowable 26’ to 68’ for bus access to the development. The request encompasses three separate deviations from the allowable 26’. The first is off Dudley Creek Road where the applicant is requesting a 68’ width to the radius needed for the bus to access the property. The second entry is located near the intersection of Hidden Valley Road and Dudley Creek and the access width requested is 60’. The third and final access point is located on Kings Ridge Road the access width requested is 45’ all due to radius needed for charter buses to enter the property. The applicant is concerned that a 26-foot-wide ingress/egress point would create maneuverability issues and cause traffic congestion or blockages at the intersection of Ridge Road, Dudley Creek Road, and Kings Ridge Road.

The Board expressed wanting to see the applicant apply and succeed in their proposal to get rezoned to R-2 (Medium Density Residential), the appropriate zoning classification for the proposed development prior to any special exceptions being provided to the applicant. The Board is also concerned about the traffic and number of cars that will be going in and out of the development. Applicable Regulations: Section 408, Ingress and Egress.

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

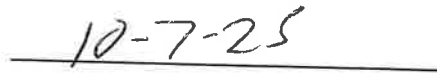
Unscheduled Items

The meeting was unanimously adjourned at 3:56 p.m. after a motion made by Mr. Clay England and Ms. Maggie Bowers provided a second with all members voting, "aye."

Approved:



MBZA Chairman



Date