

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
OCTOBER 24, 2024
THURSDAY, 3:00 PM, CITY HALL

MEMBERS PRESENT

Jerry McCarter
Matt Zoder
Clay England

MEMBERS ABSENT

Joe Waggoner
Amanda Caton

OTHERS PRESENT

Pat Boles

Staff Representative: Gary Carver, 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. Jerry McCarter made a motion to approve the minutes of the October 15, 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 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 1196 Cole Lane, being Tax Map 117E, Group A, Parcel 2.06, R-1 Zone, requested by The Land Surveyors, Inc.

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 1196 Cole Lane. The request comes to the attention of the Board due to failed inspection. Staff found on August 29, 2024, that the applicant had encroached 5.5' into the required side yard setback. The approved dwelling for the parcel is a three-story structure, increasing the side yard setback requirement from the base 15' to 22.5'. the subject parcel is 0.41-acre (18,235 square feet) with about half of the parcel's slope being equal to or greater than the 30% per the City's GIS Software. However, the submitted survey does not note the exact slope percentage of the parcel. No hardship was identified within the application for the request. Staff has identified that the parcel is approximately 0.34-acre (14, 810 square feet) below the minimum lot size requirement for the R-1 (Low Density Residential) for a parcel sloped between 20%-29%.

Staff stated that the approved site plan complied with Article VIII, including Footnote #4, which requires a three-story structure to adhere to the additional 7.5' side yard setback. Unfortunately, during the August 29, 2024, inspection, Staff noted the placement of the house seat was off by ten feet causing the encroachment on western end of the property. The Board stressed the importance of following the approved site plan and having that document on site to ensure that the structure is place and built per the *approved* site plan. Staff also cautioned the requestor on moving forward with this project until the variance request was heard.

Following a brief discussion, Mr. Clay England made a motion to deny request, stating that the approved site plan should have been followed. Mr. Jerry McCarter provided a second with all members voting, "aye."

Review and consideration for a special exception for Section 411.8 of the Sign Regulations, for a proposed roof sign, located at 373 Parkway, being Tax Map 126E, Group B, Parcel 10, C-1 Zone, requested by SignCo., Inc.

Staff presented the request for a special exception of Section 411.8 of the Sign Regulations, for a proposed roof sign, located at 373 Parkway. The request appears in front of the Board following a discussion with the applicant. Staff informed the applicant that the sign would be considered a "Roof Sign," which is not allowed by right per the Zoning Ordinance. The applicant requested to have the item reviewed by the Board of Zoning Appeals as they believe the request satisfies the requirements set forth in Section 411.8.2 of the Zoning Ordinance.

Per the City's Zoning Ordinance (Section 411.8.2), roof signs shall be allowed only where pre-existing conditions of the land or structure which make the use of other sign locations impractical and impose a physical hardship. The applicant may present his/her roof sign proposal to the Board of Zoning Appeals. The Board of Zoning Appeals is authorized to grant approval for the proposed roof sign, provided the sign meets the following requirements:

- The gross service display area of the sign does not exceed ten (10) percent of the vertical plane area of the roof, but in no case shall it exceed the maximum gross area allowed for permanent signage and;
- The sign shall not extend above the ridge of the roof and in no case more than twenty-five (25) feet above average grade.

The proposed signage is 15 square feet in size (5'x3') and is requested to be mounted to the front of the roof structure. The front roof structure's vertical plane area is 67.19 square feet, with the proposal being 15 square feet. The sign will encompass 22.3% of the front roof structure's vertical plane area. The proposal is 12.3% larger than Section 411.8.2 would allow for.

The owner of the business and the SignCo., Inc. representative was present to discuss and answer any questions the Board had.

Following a brief discussion, Mr. Clay England made a motion to approve the request contingent upon the signage being limited to 6.7 square feet, per Section 411.8.2. 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 12' for a proposed single-family dwelling to be constructed at 535 Forest Springs Drive, being Tax Map 127P, Group C, Parcel 6, R-2 Zone, requested by Jeff Holcombe.

Staff presented the request for a proposed variance to reduce the side yard setback from the required 22.5' to 12' for a proposed single-family dwelling to be constructed at 535 Forest Springs Drive. The applicant is seeking to utilize the existing foundation of the property. The property was lost during the 2016 Wildfires; however, the engineer has deemed the foundation safe and usable. The subject parcel is 0.63-acre (27,446 square feet), with approximately half of the parcel's slope being equal to or greater than 30% per the City's GIS software. However, the submitted survey does not note the exact slope percentage of the parcel. The proposed dwelling is three stories which requires the applicant to adhere to the additional side yard setback requirement of an additional 7.5' totaling out to 22.5' for the side yard setback per Article VIII, Footnote #4. No hardship was identified by the applicant, and no building plans were provided as requested by Staff. Staff has found that the parcel is approximately 0.12-acre

below the minimum lot size requirement for the R-2 (Medium Density) Residential District for a parcel sloped between 20%-29%.

Without a representative available to discuss the request, the Board and Staff engaged in a discussion around overdevelopment and density. The Board is concerned with amount of excessive development taking place within the City. In conclusion, the Board stressed the importance of maintaining the side yard setback as it serves as vital fire separation and visibility.

Following a brief discussion, Mr. Jerry McCarter made a motion to approve a two-story structure with a three-foot variance (since a two-story structure in a R-2 Zone, only requires 15' side yard setback), to be constructed at 535 Forest Springs Drive. Mr. Clay Engle provided a second with all members voting, "aye."

Unscheduled Items

Due to the November and December Municipal Board of Zoning Appeals meeting dates falling on or around the Holidays. Chairman Matt Zoder decided to call a special meeting on Thursday, December 12, 2024, at 3:00 p.m., to ensure that requestors may be heard by the Board prior to the conclusion of the 2024 year. The deadline for the special called meeting is Wednesday, November 27, 2024, by end of business.

The meeting was unanimously adjourned at 3:23 p.m. after a motion made by Mr. Clay England. Mr. Jerry McCarter provided a second with all members voting, "aye."

Approved:



MBZA Chairman

11-21-24

Date

