

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
May 28, 2020
TUESDAY, 3:00 P.M., CITY HALL

MEMBERS PRESENT

Joe Waggoner
Matt Zoder
Ron Smith
Jay Horner

MEMBERS ABSENT

Cyndi Bowling

OTHERS PRESENT

Andre Therrien
Brennon Garrett
Carol Addington
Tim Addington
David Carr
Michael Whaley
Joe Shults
Andrea White
Cecil Prater

Staff Representatives: David Ball, Building & Planning Director
Penny Douglas, Executive Secretary

Chairman Mr. Joe Waggoner called the meeting to order at 3:00 P.M. Mr. Ron Smith made a motion to approve the minutes of the February 27, 2020 Meeting. Mr. Matt Zoder, seconded the motion which unanimously passed with all members voting "aye."

Staff Report

Staff welcomed the newest Board Member Mr. Jay Horner.

Old Business

New Business

Review and consideration for a side yard setback variance for additions to a single-family residence located at 334 Low Gap Road, Tax Map 127A, Group B, Parcel 021.00, R-1 Zone, requested by Dale Meinen.

Staff presented the request for a 1'-10" side yard setback variance from the required 15' side yard setback, leaving a 13'-2" side yard setback area for a proposed dormer addition to a single-family dwelling located at 334 Low Gap Road. Staff stated that the request is to permit the construction of a 2'-6" x 18'-0" dormer addition to the single-family dwelling on the existing .15 acre lot. The lot is developed with a single-story with basement dwelling that is currently located approximately 15'-8" from the property line. The lot is small consisting of approximately 6,534 square feet in area and consists of an average overall slope of approximately 22%.

Mr. Matt Zoder ask what purpose the dormer would serve to the existing building other than aesthetics. Staff stated that the owner had advised that the dormer would create additional floor area and head room in the adjacent room of the structure. Staff noted that the adjoining property owner has provided a letter stating that there is no objection to the building addition into the setback area.

After a brief discussion, Mr. Matt Zoder a motion to approve and Mr. Ron Smith, seconded the motion which was unanimously approved with all members voting "aye."

Review and consideration for side yard setback variances from Article VIII, being the Area, Yard, and Height Requirements, for a single-family dwelling to be located at 527 Smoky

View Court, Tax Map 126K, Group B, Parcel 21.00, Lot 8R, R-1 Zone, requested by R2R Studio.

Staff presented the request for a 20' front yard setback variance from the required 25' setback leaving a 5' front yard area, and two (2) side yard setback variances consisting of 7'-6" each from the required 22.5' side yard setback, leaving a 15'-0" setback for each of the side yard setback areas for a 3-story single-family dwelling to be constructed at 527 Smoky View Court. Staff noted that due to the denial by the Municipal Planning Commission on May 21, 2020, to further subdivide the property, the variance for the west boundary will not be necessary as the lot area of the combined properties allows adequate side yard setback area for the three-story building. In addition, the need for the front yard setback variance will also no longer be necessary because there is no adjoining right-of-way in the immediate area. Mr. Zoder ask if the Fire Department had approved the request. Staff stated that the applicant had sought an approval from Planning Commission to create a third lot but was denied due to the lack of adequate turnaround area. Staff stated that the current lot configuration consists of a single lot being the combination of both Lot 8 (subject lot) and Lot 9. Staff explained that these lots were consolidated in the early 1980's and the adjoining right- of-way area was abandoned and incorporated into the lot area. Staff added that since the property was not approved for an additional subdivision, the right-of-way would not be changed.

Staff stated that the request will only involve the east boundary of the property. Staff also noted that there would be a retaining wall built between the subject property and the adjoining property to create a joint use parking area. The wall would require a 15' side yard variance leaving a 0' side yard area. Mr. Matt Zoder ask what the material would be used for the wall structure. Mr. Andre Therrien stated that the wall would be a ready-rock wall from Blalocks.

Staff noted that the property was previously developed with a single-family dwelling that was destroyed during the 2016 Wildfires. The proposed structure will be located in a very similar location as the previous structure therefore the impact is very minimal. The need for the side yard setbacks relates to the additional side yard setback for the third story which requires an additional 7.5' of side yard setback above and beyond the 15' setback and the additional side yard setback for the retaining wall to the east side of the property to create the joint parking area. Staff noted that the property is extremely steep with slopes in excess of 50%.

After a brief discussion, Mr. Ron Smith made a motion to approve with setback to include the retaining wall and Mr. Matt Zoder, seconded the motion which was unanimously approved with all members voting "aye" except Mr. Jay Horner who abstained from voting.

Review and consideration for side yard setback variances from Article VIII, being the Area, Yard, and Height Requirements, for a single-family dwelling to be located at 521 Smoky View Court, Tax Map 126K, Group B, Parcel 020.00, Lot 7R, R-1 Zone, requested by R2R Studio.

Staff presented the request for a 7'-6" side yard setback variance from the required 22.5' setback requirement leaving a 15'-0" area for a 3-story single-family dwelling to be constructed at 521 Smoky View Road. Staff noted that the request also involves a 15' side yard setback variance from the required 15' setback for a proposed retaining wall structure to create a joint use parking area between the subject property and the lot located to the west.

Staff explained that the structure will be a three-story structure on the west side of the property therefore requiring the additional 7'-6" of setback in the side yard area. The property will also include a shared retaining wall structure that will extend up to the side property line boundary to create a joint use parking area between Lot 7 (subject property) and Lot 8/9 which is located to the west. The applicant is also the adjoining property owner to the west and therefore has no objection to the request.

Staff explained that the property is an existing undeveloped lot consisting of 18,039 square feet and consists of natural slopes in excess of 50%. After a brief discussion, Mr. Matt Zoder made a motion to approve with setback to include the retaining wall and Mr. Ron Smith, seconded the motion which was unanimously approved with all members voting "aye" except Mr. Jay Horner who abstained from voting.

Review and consideration for a variance from Article IV, Section 408, being the Ingress and Egress Requirements and a side yard setback variance from Article VIII, being the Area, Yard, and Height Requirements for a single-family dwelling to be located at 417 Smoky View Road, Tax Map 126K, Group B, Parcels 13.00, located at Lot 12, R-1 Zone, requested by R2R Studio.

Staff presented the request and noted that the applicant is requesting to increase the minimum ingress and egress point to the property from Smoky View Road from the maximum of 26' to 45' in width for a 3-story single-family dwelling to be constructed at 417 Smoky View Road. Staff explained that the request, if approved, will permit the applicant to park perpendicular to the structure and back into the right-of-way for turnaround. Staff added that the lot is located at the end of the existing street and backing into the right-of-way will not negatively impact the use of the street. The parking will be located entirely on the lot and the applicant's request to widen the access point is to permit the vehicles to park side by side and perpendicular to the proposed house structure. Staff added that the property is an existing undeveloped lot consisting of 21,076 square feet and consists of natural slopes in excess of 50%.

After a brief discussion, Mr. Matt Zoder made a motion to approve and Mr. Ron Smith, seconded the motion which was unanimously approved with all members voting "aye" except Mr. Jay Horner who abstained from voting,

Review and consideration for side yard setback variances from Article VIII, being the Area, Yard, and Height Requirements, for a single-family dwelling to be located at 533 Smoky View Court, Tax Map 126K, Group B, Parcel 22.00, Lot 9R, R-1 Zone, requested by R2R Studio.

Staff explained that this item is being removed from the agenda as a result of the Municipal Planning action to deny the creation of "Lot 9" at the May 21, 2020, Meeting.

Review and consideration for a front yard and two (2) side yard setback variances for a single-family residence to be located at 708 Chewase Drive, Tax Map 137F, Group A, Parcel 05.00, R-1A Zone, requested by David Carr.

Staff presented the request for a 0'-6" front yard setback variance from the required 25' front yard setback, leaving a 24'-6" front yard setback area; and two (2) side yard setback variances of 7.2' each from the required 15' side yard setback requirement, leaving two side yard areas of 7.8' for a 2-story single-family dwelling to be constructed at 708 Chewase Drive. Staff stated that the new building will not extend into the side yard setback areas any further than the previous structure that was removed from the property. Staff further noted that based on the survey information, the new building will encroach less than the previous building as it relates to the front yard area encroachment. Staff did explain however, that the proposed building footprint is larger in area than the previous structure.

Staff explained that the property is a small lot consisting of .166 acres or 7,252 square feet in size. The lot is long and narrow with on 47 feet of street frontage. After a brief discussion, Mr. Ron Smith made a motion to approve and Mr. Matt Zoder, seconded the motion which was unanimously approved with all members voting "aye."

Review and consideration for a front yard and side yard setback variance for a proposed retaining wall addition to a single-family residence located at 1480 Zurich Road, Tax Map 126P, Group G, Parcel 029.00, R-1 Zone, requested by Michael Whaley.

Staff presented the request for a 10'-0" front yard setback variance from the required 25' front yard setback, leaving a 15' front yard area, and a 10'-0" side yard setback from the required 15' side yard setback requirement, leaving a 5'-0" side yard setback area, for a proposed retaining wall. Mr. Michael Whaley stated that the field slope fell back in December 2019 and the retaining wall was needed in order to restore and use the driveway. Staff noted that the wall location will be on an up slope above the City Street and approximately 25' - 30' away from the public street edge and that the property is approximately 10,649 square feet in size and consists of a natural slope in excess of 40%.

After a brief discussion, Mr. Ron Smith made a motion to approve and Mr. Matt Zoder, seconded the motion which was unanimously approved with all members voting "aye."

Review and consideration for two (2) side yard setback variances for a single-family residence to be located at 314 W. Pinnacle Drive, Tax Map 127A, Group A, Parcel 29.18, R-2 Zone, requested by Joe Shults.

Staff presented the request consisting of two (2) side yard setback variances of 9'-2" side yard setback variance from the required 22.5' side yard setback, leaving a 13'-4" setback, and a 7'-9" side yard setback variance from the required 22'-6" side yard setback, leaving a 14'-9" side yard area for a 3-story single-family dwelling to be constructed at 314 W. Pinnacle Drive. Staff explained that the proposed structure will replace a structure that was destroyed in the 2016

Wildfires. Mr. Joe Shults stated that they would be using the same foundation as existed prior to the fires and that it had been certified by a structural engineer.

Staff noted that the property is approximately 13,594 square feet in size and consists of a natural slope in excess of 40%. Staff explained that the building that previously existed was in conformity with the R-2 Zone setbacks of 25' front yard, 12' side yard, and 20' rear yard however, when the setback changes occurred in 2008, the side yard setbacks were increased to a minimum of 15' for 2 story structures and a minimum of 22.5' for 3 story structures.

After a brief discussion, Mr. Matt Zoder made a motion to approve and Mr. Ron Smith, seconded the motion which was unanimously approved with all members voting "aye."

Review and consideration for a variance from Article IV, Section 406.2.5 being the Height, Density, and Area Regulations for "The Highlands," located at 855 Campbell Lead Road, being Tax Map 126J, Group C, Parcel 24.00, R-3 Zone, requested by Chuck Laney.

Staff presented the request consisting of a variance from Article IV, Section 406.2.5 being the Planned Unit Development (P.U.D.) - Height, Density, and Area Regulations, and an interpretation of the application of the building height sketches related to Phase I building heights for the redevelopment of "The Highlands Condominiums," located at 855 Campbell Lead Road. Staff stated that specifically, the request consists of a 10' setback variance from the required 25' perimeter setback, for a proposed redevelopment of a multi-family condominium building as shown on the as built survey of the building as it existed prior to the 2016 Wildland Fires. Staff noted that the original development was granted a setback waiver by the Planning Commission in the mid 1980's to encroach into the perimeter setback as depicted on the survey and as the existing foundation remnants stand today. The property north of the building is steep and sloping down to the National Park Area which limits the building site to areas near the right-of-way of Campbell Lead Road. Staff stated that the developer is proposing to rebuild the structure in the same footprint but with a different architectural design and noted since the setback variance involves the replacement of a structure in the exact same footprint as existed prior to the wildfires, there should be no impact to surrounding public right-of-way areas or adjoining National Park Boundaries.

Staff also added that the request involves an interpretive review of Staff's application of the Zoning Ordinance "Sketch - B" for Phase I of the development. Staff stated that the developer is proposing to regrade the site for the upper buildings located in Phase I of the development to create level building pads for the structures. Staff stated that the design of Phase I included adding a full floor to the building which results in a maximum building height of 60 feet. Staff added that the previous buildings consisted of three (3) stories and a loft area. Staff noted that based on the design presented, the grade surrounding the buildings will be the same grade elevation all the way around the building with exception of one small portion located at the eastern most portion of the building that slopes down to Greystone Heights Road. Staff explained that the contractor is willing to construct a retaining wall in this area of the development to raise the grade to match the other three (3) sides of the building, but would prefer to leave the area undisturbed because the area adjoins the public right-of-way and consists of existing, mature vegetation. Staff stated that based on the design to raise the grade around the perimeter of the building, that "Sketch B" which represents a "level development" seems to best represent the proposed site conditions and the most appropriate

sketch to apply to the development. Staff stated that two (2) main buildings will be on the same footprint. Mr. Matt Zoder ask if there would be more units added. Staff stated there was originally 77 units and there will be 91 units. Mr. Joe Waggoner ask if the replacing of the loft area with a floor. Staff stated that the loft would be replaced with a full floor.

After a brief discussion, Mr. Matt Zoder made a motion to approve the requested setback variance and concurred with the application of "Sketch B – Level Development" to the buildings located in Phase I of the development. Mr. Jay Horner, seconded the motion which was unanimously approved with all members voting "aye."

Petitions and Communications from the Public

There were no petitions or communications from the public.

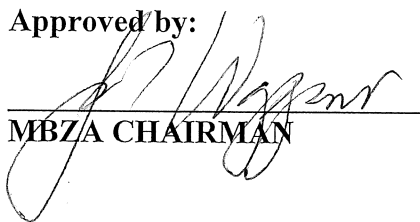
Unscheduled Item

There were no unscheduled items

Adjournment

The meeting was unanimously adjourned at approximately 3:45 p.m. after a motion by Mr. Ron Smith and a second by Mr. Jay Horner.

Approved by:



MBZA CHAIRMAN

6-26-2020

DATE