

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
MAY 6, 2025
TUESDAY, 3:00 PM, CITY HALL

MEMBERS PRESENT

Matt Zoder
Clay England
Jerry McCarter
Maggie Bowers

MEMBERS ABSENT

Amanda Caton

OTHERS PRESENT

Andre Therrien
Trudy Hughes
Mike Werner
Chip Hilborn
John Hood
Dharmesh Patel

Staff Representative: Dalton York, Planning Director

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 April 1, 2025, meeting, and Mr. Clay England provided a second with all members voting, "aye."

Staff Report

Staff presented the Board with renderings provided by Arrowmont to continue the discussion about the off-site premise sign and the special exception for exceeding allowable signage allotment. Ms. Trudy Hughes provided Staff and the Board with various examples of the murals to show the Board the intent of the request. This allows the Board and Staff to have a better visual understanding of the context of the mural, the quality, and aesthetic. Staff have also received correspondence from an adjoining property owner expressing support for the endeavor.

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 6.1' for a proposed single-family dwelling to be constructed at 170 Water Tower Road, being Tax Map 126E, Group C, Parcel 22.01, R-1 Zone, requested by Promodern Construction, LLC.

Staff presented the request for proposed side yard setback from the required 22.5' to 6.1' for a proposed single-family dwelling to be constructed at 170 Water Tower Road. The subject parcel is 2.86-acres (124,575.6 square feet). The parcel was subject to damage during the 2016 Wildfires, however, the granted grace period of two (2) years to allow property owners to rebuild within the same footprint without a variance request that grace period ended in 2018. The lot was purchased in 2023, and the applicant is seeking to utilize the previous foundation from the burned down structure.

The applicant states a hardship, being extraordinary circumstances. In essence, extraordinary circumstances related to the property itself can be grounds for a variance request, but the circumstances must be unique, not self-created, and must demonstrate an inability to make reasonable use of the property without a variance. Staff received correspondence from one property owner whose property

adjoins the encroachment, and that correspondence has been provided to the Board. Applicable regulations pertaining to this request are Article VIII, being the Area, Yard, and Height requirements.

Following a brief discussion, Mr. Jerry McCarter made a motion to deny the request due to the parcel having ample space to build within the confines of setbacks. Mr. Clay England provided a second with all members voting, “aye.”

Review and consideration for a special exception to Section 406.2.5 being the Planned Unit Development standards, for a side yard setback variance from the required 25’ to 17.7’ located at 439 Winfield Heights Road, being Tax Map 126O, Group C, Parcels 33 and 34, C-2 Zone, requested by CEC, Inc.

Subject parcel 33 received Planning Commission approval in July of 2022 for a 16-bedroom bed and breakfast establishment in a R-2 Zone. This approval allowed for the placement of the structure to be located at a minimum, 15’ from the side yard boundary line as required by the R-2 (Medium Density) District. Following the completion of the Bed and Breakfast project, the applicant received approval to be rezoned by the Board of Commissioners to be rezoned to C-2 (General Business) District in February of 2025 and the lot line between the original parcel 33 and 34 was removed as shown on the plan provided in March of 2025. The combination of parcels required the existing two (2)-unit tourist residences to be shut down as only one primary use is allowed on a parcel unless the overall development is permitted as a Planned Unit Development (PUD).

The request comes following the applicant’s desire to reinstate the one, previously closed, 2-unit tourist residence. The reinstatement of the tourist residence, as mentioned above, triggers the requirement that the development be permitted as a commercial planned unit development. To be permitted as such, a special exception is necessary as Section 406.2.5 of the Zoning Ordinance states that Commercial PUDs, “within the C-1 and C-2 districts shall adhere to the setback requirements within their respective districts except where adjoining residential districts, in which case the 25 foot side yard setback shall be required from residential zoning district property.” The portion of the encroachment violating this requirement for the commercial PUD shares a boundary line a parcel currently zoned R-2 (Medium Density Residential) District, containing one single-family dwelling. Staff have determined there is no hardship present for the request. A few representatives were present from the adjoining property owners to discuss the need for further landscaping buffers between the commercial PUD and the residents on Winfield Heights. Staff also stated that pending the decision of the Board; the item must be submitted for review by the Planning Commission. Applicable regulations Section 406.2.5, Planned Unit Development, Article VIII, being the Area, Yard, and Height requirements.

Following a brief discussion, Mr. Clay England made a motion to approve the request subject to enhanced landscaping on the western section and southern section, but not to infringe upon future roadway, of the commercial PUD. Ms. Maggie Bowers provided a second with all members voting, “aye.”

Review and consideration for a proposed variance to reduce the front yard setback from the required 25’ to 15’ and to reduce the side yard setback from the required 22.5’ to 10’ for a proposed single-family dwelling to be constructed at 549 Greystone Heights Road, being Tax Map 126K, Group A, Parcel 12, R-1 Zone, requested by Cantrell Engineering and Surveying.

Staff presented the request for a proposed variance to reduce the front yard setback from the required 25’ to 15’ and to reduce the side yard setback from the required 22.5’ to 10’ for a proposed single-family dwelling to be constructed at 549 Greystone Heights Road. The subject parcel is located within the R-1 (Low Density Residential) District and is within the Critical Slope Floating Zone (30% slope

or greater). The proposed structure is sought to be a 3-story dwelling reflected within the required side yard setback. Per the applicant, the dwelling is proposed at this time to be used as a tourist residence and confirmed that the proposed dwelling comprises of 11 bedrooms.

As shown on the plan, the applicant is seeking to utilize the exemption outline in Section 402 to back into the roadway as the proposed parking structure is to be street level, the lot is to be located adjacent to a minor residential street, the lot is to be located in the R-1 (Low Density Residential) District, and the average slope of the proposed building site exceeds 30%.

The subject parcel is 0.43-acres (18,858 square feet) with an average slope of 46.48%. With this slope, the parcel is under the minimum lot size requirement; the minimum square footage for a lot with a slope such as this is 1-acre (43,560 square feet). The applicant has relayed to Staff that the intent of this request is to minimize the earthwork on the mountain side as the side yard not being encroached upon has more drastic drop than the side the encroachment is present on. Staff have received one comment and one phone call in opposition from the neighboring property owners at the time. Applicable regulations are Article VIII, being the Area, Yard, and Height Requirements, specifically Footnote #4. There was some adjoining property owners present in the meeting to discuss their concerns regarding the classification of this structure being a single-family dwelling, and the density of the proposed structure for the lot in question.

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

Review and consideration for a proposed variance to reduce the minimum lot size requirement for a R-1 (Low Density Residential) District for a proposed subdivision plat located at 320 Greystone Heights Road, being Tax Map 126F, Group B, Parcels 7 and 9, requested by Cantrell Engineering and Surveying.

Staff presented the request for a proposed variance to reduce the minimum lot size requirement for a R-1 (Low Density Residential) District for a proposed subdivision plat located at 320 Greystone Heights Road. The purpose of this request is to revert lots 7 and 9 to the original plat location as noted on the survey provided. Currently, the size of lot 7 is approximately 0.1-acre (4,600 square feet) and the size of lot 9 is approximately 0.35-acre (15,300 square feet). Both are currently below the minimum lot size required by the ordinance for lots located within the R-1 (Low Density Residential) District and sloped greater than 30%.

The property owner has relayed to staff that the intent of this request is to minimize the earth work required to construct one (1) dwelling on each of the subject parcels. Furthermore, the owner has stated that this request would forgo the concern of not being able to achieve a driveway that would serve both referenced lots and would be configured in a way to follow the topography rather than working against it. The modification to the boundary line would make this more achievable per the owner.

The subdivision plat would result in both lot 7 and 9 remaining below the minimum lot size requirement for the parcels with over 30% slope and located within the R-1 (Low Density Residential) District. However, this request would improve the current lot 7, bringing the parcel closer to conformity. Applicable regulations are Article VIII, being the Area, Yard, and Height requirements.

Following a brief discussion, Mr. Jerry McCarter made a motion to approve the request as presented contingent upon no other variances being granted for parcels 7 and 9 of Tax Map 126F, Group B. Mr. Clay England provided a second with all members voting, "aye."

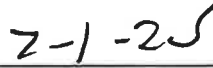
Unscheduled Items

The meeting was unanimously adjourned at 4:44 p.m. after a motion made by Mr. Jerry McCarter and Mr. Matt Zoder provided a second with all members voting, "aye."

Approved:



MBZA Chairman



Date