

MINUTES OF THE
GATLINBURG BOARD OF APPEALS
SPECIAL CALL MEETING
December 13, 2018

MEMBERS PRESENT

David Hadden
Garry Shultz
Lonnie Privitt
David Ogle

MEMBERS ABSENT

Mike Smelcer

OTHERS PRESENT

Jamie Quarve

STAFF REPRESENTATIVES

David Ball, Building & Planning Director

The Gatlinburg Board of Appeals met in a special call meeting on December 13, 2018, at 10:00 a.m., East Parkway, Gatlinburg City Hall. Chairperson Garry Shultz called the meeting to order at 10:00 a.m. A motion was made by Mr. David Hadden to approve of the minutes of the previous meetings for July 27, 2018, Mr. Lonnie Privitt seconded the motion which passed unanimously with all members voting "aye."

PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

None

STAFF REPORT

None

OLD BUSINESS

None

NEW BUSINESS

Review and consideration for a proposed variance from the Gatlinburg Storm Water Ordinance "Stream-side Buffer Requirements," in Title 18, Chapter 4, Section 408, of the Gatlinburg Municipal Code, for "Adam Johnson Vehicle Rentals," Development, located at 544 East Parkway, C-2 Zone, requested by James Quarve, PE.

Staff presented the request for a proposed variance from the Gatlinburg Storm Water Ordinance, Section 8, being the "Stream-side Buffer" requirements, for a redevelopment of an existing site located at 544 East Parkway, to develop the site with a rental office for a vehicle rental business. Staff explained that the applicant is requesting a variance from the buffer requirements of the Storm Water Ordinance, "Title 18, Chapter 4, Section 18-408" requiring certain water quality

buffers for both during construction and post construction conditions, for the proposed development of the property which adjoins Roaring Fork Creek.” Staff added that Roaring Fork Creek is not designated as “exceptional” nor is it on the State’s 303d listing for siltation so the required average buffer for the property is 30’ with a minimum buffer width at any given point of 15’ measured from the top of the stream bank. Staff noted that the required square feet of 30’, and 15’ buffer areas is as follows:

30’ Buffer (30’ x 98.3’) = 2,949 sq. ft.;

15’ Buffer (15’ x 98.3’) = 1,474.5 sq. ft. (TDEC Minimum).

The applicant is requesting a 30’ variance from the 30’ requirement, leaving a 0’ buffer area at the closest point from the stream bank. The site engineer, Mr. James Quarve was present and provided site information as well as a specific breakdown of the preexisting site conditions compared to the conditions upon completion of the project. Mr. Quarve indicated that there is approximately 98’ linear feet of stream bank associated to this property that adjoins Roaring Fork Creek. Mr. Quarve also indicated that the proposed site currently is developed up to the required buffer and that there is an existing impervious area within the 30’ buffer area which consists of the existing hotel and concrete slab and foundation that the hotel was originally constructed upon the property. Mr. Quarve provided a breakdown of the existing and proposed pervious and non-pervious conditions as follows:

Existing Impervious Area = 15,200 square feet;

Proposed Impervious Area = 3,850 square feet;

Mr. Quarve indicated that the proposed project will reduce the amount of impervious surfaces through the use of green space, pavers for an increased pervious area of 6,250 square feet. Mr. Quarve also noted that an underground storm water storage system will be used for the site. Staff noted that “Section 18-408, subsection (c),” of the current adopted Storm Water Ordinance, provides for the ability to obtain a buffer variance provided mitigation measures are at least as protective as the undisturbed buffer. In this instance, the undisturbed buffer area does not exist due to the developed conditions of the site. In Section 18-411 – “Appeals” the Storm Water Ordinance further authorizes the Board to consider and approve variances from the Ordinance provisions when the applicant can demonstrate, to the satisfaction of the Board that the variance will not lead to any of the following conditions:

- (a) Deterioration of existing culverts, bridges, dams and other structures;
- (b) Degradation of biological functions or habitat;
- (c) Accelerated stream bank or streambed erosion or siltation;
- (d) Increased threat of flood damage to public health, life and property.

Based on the technical information from the design engineer and state and federal permitting of the proposed site improvements, it does not appear that the aforementioned conditions will occur as a result of this variance. After a brief discussion Mr. David Ogle made a motion to approve and Mr. Dave Hadden gave a second and all members voting “aye.”

UNSCHEDULED ITEMS

None

ADJOURNMENT

With no further business to come before the Board, Mr. David Ogle made a motion to adjourn. Mr. David Hadden provided a second, and by a unanimous vote the meeting was adjourned at 10:25 a.m.

Approved:

David Ogle
BOA Chairman

11/14/2019
Date