

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
OCTOBER 27, 2022, Meeting,
THURSDAY, 3:00 PM, CITY HALL

MEMBERS PRESENT

Matt Zoder
Cyndi Bowling
Clay England

MEMBERS ABSENT

Joe Waggoner
Amanda Caton

OTHERS PRESENT

Matt Reeves

Staff Representative: Jeff Ownby, Building and Planning Director
Jodi Bible, Executive Secretary

Chairman Mr. Matt Zoder called the meeting to order at 3:00 P.M. Mrs. Cyndi Bowling made a motion to approve the minutes of the September 22, 2022, meeting, and Mr. Clay England provided a second with all members voting, "aye."

Staff Report

Staff welcomed the Municipal Board of Zoning Appeals newest member, Clay England.

Petitions and Communications from the Public

Old Business

New Business

Review and consideration for a proposed variance from Article VIII, being the "Area, Yard, and Height Requirements," of the Municipal Zoning Ordinance, for a proposed single-family dwelling to be constructed at 804 Perry Drive, being Tax Map 126M, Group C, Parcel 43, R-2 Zone, requested by John Hood.

Staff presented a request for review and consideration of a proposed variance from Article VIII, being the "Area, Yard, and Height Requirements," of the Municipal Zoning Ordinance for a proposed single-family dwelling located at 804 Perry Drive. The request is to reduce all setbacks to 8' setback for a single-family dwelling to be constructed in the previous dwelling's footprint. Mr. John Hood, the requestor, was present to offer additional comments and provide insight on inquiries from the Board. The lot had a structure that was destroyed during the 2016 Wildfires. Staff mentioned that the property owner did attend to re-locate the proposed single-family dwelling towards the larger section of the parcel, however, the Environmental Health Department stated that the area (the hopeful re-location) is designated for field line and reserve area. Staff informed the Board after visiting the parcel, there is no impact to either neighbor (below or above). Hardships for this variance include-steepness of lot, irregular lot size, and Environmental Health requirements for specified location of structure.

Following a brief discussion, Mrs. Cindy Bowling made a motion to approve the request as presented. Mr. Clay England provided a second with all members voting, "aye."

Review and consideration for a proposed variance from Article VIII, being the “Area, Yard, and Height Requirements,” of the Municipal Zoning Ordinance, for a proposed single-family dwelling to be constructed at 518 Ski Mountain Road, being Tax Map 137B, Group A, Parcel 26, C-2 Zone, requested by Payton Abernathy.

Staff informed the Board that this is a floodplain setback variance request. The Zoning Ordinance requires that a small stream that does not have a flood plain study done that there is a setback requirement and that is defined as twice the size of the stream, in this case, the size of the stream is six (6) feet with the setback requirement being twelve (12) feet. The structure originally on this parcel perished in the 2016 Wildfires, and the requestor is wanting to build a one-bedroom cabin back in the original structure’s footprint. Mr. Payton Abernathy is requesting to build the structure ten (10) feet from the stream instead of the required twelve (12) feet. This variance also allows the structure to not be so close to Ski Mountain Road frontage. Hardships identified by Staff include irregular lot size and the only buildable section of that parcel is where the proposed structure is shown in the survey.

Following a brief discussion, Mrs. Cindy Bowling made a motion to approve the request. Mr. Clay England provided a second with all members voting, “aye.”

Review and consideration for a proposed variance from Article VIII, being the “Area, Yard, and Height Requirements,” of the Municipal Zoning Ordinance, for proposed single-family dwelling to be constructed at 579 Baskins Creek Road, being Tax Map 126M, Group D, Parcel 3, R-1 Zone, requested by Bynum Architecture, LLC.

Staff presented the request for review and consideration of a proposed variance from Article VIII, being the “Area, Yard, and Height Requirements,” of the Municipal Zoning Ordinance for a proposed single-family dwelling located at 579 Baskins Creek Road. The original home was also lost in the 2016 Wildfires. The property is currently zoned R-1, which has a 25’ front yard setback and 15’ side yard setback, to replicate the original structure would be impossible with the current setback requirement. Mr. Rick Bynum, the Architect, explained three (3) hardships identified: 1. The original home, since destroyed by the 2016 Wildfires was originally build with a minimum setback of 10’; 2. The existing mountainous grade is very steep and greatly exceeds the 50% from the forward contour line of elevation 1441’ to the rear lot contour line of elevation 1517’. The horizontal displacement is 149’= 51% slope; 3. The lot is irregularly shaped making a custom home design difficult given the existing 25’ front yard setback and 51% slope.

Following a brief discussion, Mrs. Cindy Bowling made a motion to approve the request. Mr. Clay England provided a second with all members voting, “aye.”

Review and consideration of a proposed variance from Article VIII, being the “Area, Yard, and Height Requirements,” of the Municipal Zoning Ordinance, for a proposed single-family dwelling to be constructed at 1143 Upper Alpine Way, being Tax Map 125M, Group C, Parcel 17.03, R-2 Zone, requested by Rickey Reeves.

Staff presented a request to reduce the side yard area requirement from 22.5’ to 5.61’ and 12.14’ for a side yard setback for review and consideration of a proposed variance from Article VIII, being the “Area, Yard, and Height Requirements,” of the Municipal Zoning Ordinance for a proposed single-family dwelling to be constructed at 1143 Upper Alpine Way. Mr. Matt Reeves, the owner, was presented to provide additional comments and images of the proposed built and the layout of the parcel. The reason for the request is beneficial to neighboring parcels because it would allow Mr. Matt Reeves to pivot the home in a manner where the structure isn’t facing and/or looking directly into the neighboring cabins, providing adequate privacy for all adjoining parcels in the proposed area. Staff

stated that there is zero impact to the adjacent property owners; the Staff also mentioned that no one had called with any opposition to the proposed variance.

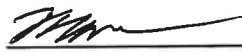
Following a brief discussion, Mrs. Cindy Bowling made a motion to approve the request. Mr. Clay England provided a second with all members voting, "aye."

Unscheduled Items

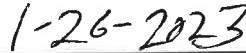
Adjournment

The meeting was unanimously adjourned at 3:21 p.m. after a motion made by Mr. Clay England and Mrs. Cindy Bowling provided a second with all members voting, "aye."

Approved:



MBZA Chairman



Date

