

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
February 25, 2021
TUESDAY, 3:00 P.M., CITY HALL

MEMBERS PRESENT

Ron Smith
Matt Zoder
Jay Horner

MEMBERS ABSENT

Joe Waggoner
Cyndi Bowling

OTHERS PRESENT

Bucky Mare
Savannah Wexler
Mark Larkey

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

Chairman Mr. Matt Zoder called the meeting to order at 3:00 P.M. Mr. Ron Smith made a motion to approve the minutes for the January 28, 2021 meeting. Mr. Jay Horner seconded the motion which passed with all members voting "aye."

Staff Report

Old Business

New Business

Review and consideration for a sign height variance from Article IV, Section 411.3.4, of the Municipal Zoning Ordinance, for a commercial business located at 727 Parkway, Tax Map 126K, Group E, Parcel 4.00, C-1 Zone, requested by Bucky Mabe.

Staff presented the request for a sign height variance from Article IV, Section 411.3.4, of the Municipal Zoning Ordinance, for a commercial business located at 727 Parkway, Tax Map 126K, Group E, Parcel 4.00, C-1 Zone. Staff explained that the request consist of a variance from Article IV, Section 411.3.4 being the "Sign Height" requirements of the Sign Ordinance Provisions in the Gatlinburg Municipal Zoning Ordinance. Specifically, the applicant is requesting an 11'-4" height variance above the 25' sign height limitation, for a proposed projecting mall sign to be located at 727 Parkway. The applicant is requesting a variance to locate a projecting sign off the building in lieu of replacing a former freestanding sign that was removed for repairs by the landlord. The previous "Smokyland Motel" sign was a nonconforming sign that was located at the property line and consisted of portions of the sign that projected over the public sidewalk area of Parkway. In March of 2017, the City issued a letter to the property owner regarding the removal and replacement of the sign. At that time, there was a concern on both the property owner and City that the structural integrity of the sign had been compromised due to the recent winds of the wildfires of 2016 as the sign was beginning to lean outward toward Parkway. In an effort alleviate a potential danger to the pedestrians and vehicular traffic, the City felt inclined to work with the property owner and allow the sign to be removed with the understanding the nonconforming sign could be replaced in similar location and fashion as before.

Staff noted that a new building is currently under construction on the property but the current lease holder of the property does not wish to utilize the previous sign height, size, and location of the nonconforming sign. The "Smokyland Motel sign was approximately 30' in height, approximately 122 square feet in size, and located within the setback area. The proposed sign is approximately 36'-4" to the peak of the sign but will be located approximately 7' from the property line and will meet the allotted square footages provided for in the sign ordinance. So, the applicant is requesting that a height variance be granted for the sign due to the unique situation that the previous

nonconforming sign is being removed and all of the nonconformities with exception of the height are being alleviated with the request.

Staff added that the proposed sign will have less impact to the public right-of-way area because of the removal of the sign from the setback area, reduced square footage of signage, and because the proposed sign does not extend above the building line as the previous sign. Also, the proposed sign will not project over the city sidewalk area as the previous signage. Mr. Bucky Mare was present and stated that the design was a brand standard throughout the Corporation. Staff stated that the multi-tenant Mall Directory sign will be well in the allowed square footage. Staff stated that the new sign would be a setback improvement from the previous sign location and less impactful to the adjoining public right-of-way area.

After a brief discussion, Mr. Jay Horner 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 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 623 Bear Trail Lane, Tax Map 137D, Group A, Parcel 005.06, R-2 Zone, requested by Bradley and Elizabeth Jones.

Staff present the request 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 623 Bear Trail Lane, Tax Map 137D, Group A, Parcel 005.06, R-2 Zone. Mr. & Mrs. Bradley Jones joined the meeting via zoom service. Staff stated that the request consist of setback variances from Article VIII, being the Area, Yard, and Height Requirements, consisting of a 17' front yard setback variance from the required 25' setback, leaving an 8' setback area; a 6' side yard setback variance from the required 15' setback leaving a 9' side yard area; a 10' side yard setback variance from the required 15' side yard setback leaving a 5' side yard area; and a 15' rear yard setback variance from the required 20' rear yard setback leaving a 5' rear yard setback area for a proposed single family dwelling. The request also includes a variance from Section 402 being the "Off-Street Automobile Parking" provisions to permit backing into the public right-of-way of Bear Trail Lane. Staff stated that the property had a house that was lost in the 2016 Wildfires. Staff stated that a retaining wall would have to be added to the property or GEO Engineer to look at the steep embankment behind the proposed building location. Mr. Jones noted that they had already begun the process of involving an engineer to look at the property. Mr. Matt Zoder ask if any of the neighbors had called with any concerns. Staff stated that the adjoining property owner had asked about the request but was mostly concerned about the parking and wanted to ensure that their parking was not encroached upon. Ms. Jones stated that they had added a parking pad to have enough parking. Staff asked the Jones' about the side yard setback and if the survey depicted the correct amount of proposed setback. Staff added that an onsite visit the building stakes appeared to be closer than requested on the application. Ms. Jones stated that the survey company had put the markers out but that did not represent layout of the house.

Staff added that the property was previously developed with a single-family dwelling that was destroyed in the 2016 wildfires. The property is zoned R-2, which does not permit backing into the adjoining public right-of-way. The street is a dead-end street and the subject property is located

at the end of the street. Staff explained that the only other property utilizing the street is the adjoining property that is developed with a single-family dwelling so, traffic is very limited and there are no site distance issues that would prevent backing into the street.

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

Review and consideration for a proposed variance from Article IV, Section 406.2.5 being the Planned Unit Development "Height, Density, and Area Regulations," a variance from Article V, Section 503 being the "One Principle Dwelling on a Lot," provisions, and a variance from Article VIII, being the "Area, Yard and Height Requirements of the Municipal Zoning Ordinance, for a proposed single-family dwelling to be located at 225 West Holly Ridge Road, Tax Map 126N, Group E, Parcel 044.00, C-2 Zone, requested by Maureen Martinson. Staff presented the request involves a variance from Article IV, Section 406.2.5 of the Planned Unit Development Regulations to permit the reconstruction of multiple structures on less than a one (1) acre site. The request also involves a variance from Article V, Section 503, to permit more than one dwelling on a lot; and the request involves a 2.04' front yard setback variance from the required 15' front yard setback, leaving a 12.96' front yard setback area for a proposed single-family dwelling.

Staff stated that the property was previously developed with a dwelling and two (2) small cabin structures. During the 2016 wildfires, the dwelling and the subject cabin were destroyed, leaving only a small cabin on the west portion of the property just below the primary residence location. The primary residence was reconstructed within the first two (2) years after the wildfires as permitted under the special 24-month emergency ordinance. However, the small cabin was not reconstructed and therefore is subject to the current adopted standards.

Staff noted that the property is currently zoned commercial which allows for the proposed rental use however, under 406.2.5 of the Planned Unit Development Regulations, the lot must be a minimum of 1 acre in size to be developed with multiple dwellings as a PUD. The development could be considered an existing nonconforming property as it relates to the PUD Regulations and Article V, Section 503 pertaining to "one principle dwelling on a lot" and therefore would be allowed to expand the use. If the Board feels that the property falls into a nonconforming use category, Staff asked the Board to render an interpretation as such rather than grant a variance from the Article IV, Section 406.2.5 and Article V, Section 503. Chairman Matt Zoder asked Ms. Martinson if she was taking down one building to restore the other. Ms. Martinson stated that the logs in the building were over 175 years old would be used to reconstruct the cabin. Staff added that the one-bedroom rental would require backing into the street due to the lack of an area to turn on the property. Staff noted that a one (1) bedroom unit would only require a single car parking.

The property is steep in the rear yard areas of the property and slopes down to West Holly Ridge Road. The lot buildable areas remaining on the property are primary along the front portion of the property.

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

Petitions and Communications from the Public

Unscheduled Item

Adjournment

The meeting was unanimously adjourned at approximately 3:30 p.m. after a motion by Mr. Jay Horner and a second by Mr. Ron Smith.

Approved by:



MBZA CHAIRMAN

4-22-2021

DATE