

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
OCTOBER 31, 2023, MEETING
TUESDAY, 3:00 PM, CITY HALL

MEMBERS PRESENT

Amanda Caton
Clay England
Cyndi Bowling

MEMBERS ABSENT

Matt Zoder
Joe Waggoner

OTHERS PRESENT

Michael Phillips
Michael Keith

Staff Representative: Jeff Ownby, Building and Planning Director
 Dalton York, Assistant City Planner
 Jodi Bible, Executive Secretary

Mrs. Amanda Caton called the meeting to order at 3:10 P.M. Mrs. Cyndi Bowling made a motion to approve the minutes of the August 24, 2023, meeting, and Mr. Clay England provided a second with all members voting, "aye."

Staff Report

Petitions and Communications from the Public

Old Business

New Business

Review and consideration for a proposed variance to reduce the front yard setback to 20' from the required 25' and to reduce the side yard setback to 5.8' from the required 15' for a single-family dwelling to be constructed at 445 Baskins Creek Road, being Tax Map 126M, Group A, Parcel 8, R-2 Zone, requested by Brennon Garrett.

Staff presented the request for a proposed variance to reduce the front and side yard setback for a single-family dwelling to be constructed at 445 Baskins Creek Road. The parcel is 4,457 square feet, 0.10-acres. The parcel runs deep but is a very narrow lot that also slopes up the mountain. The parcel also has thirty-eight (38) feet of road frontage. The variance request is so that the owner may build a two-story, tall, and skinny overnight rental. The hardship identified by Staff is the irregular lot size and shape of lot.

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

Review and consideration for a proposed variance to reduce the rear yard setback to 10' from the required 20', and to reduce the front yard setback to 10' from the required 25' for a single-family dwelling to be constructed at 409 Loop Road, being Tax Map 127, Group F, Parcel 1, R-1 Zone, requested by Michael Keith.

Staff presented the request for a proposed variance to reduce the rear and front yard setbacks for a proposed single-family dwelling to be constructed at 409 Loop Road. The parcel is 12,077 square feet (0.27-acres). The lot listed in the request is also surrounded by roadway on three sides of the parcel. The hardship identified by Staff, aside from the lot size and shape, there are no sewer services

available for the parcels on Loop Road. The placement of the field line and septic tank are in the middle of the parcel, greatly limiting the placement of a home. The lot is also a burn down lot with some of the existing foundation left that the applicant hopes to utilize during the construction of the new residence.

Following a brief discussion, Mrs. Amanda Caton made a motion to approve the request. Mrs. Cyndi Bowling 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 19' and a rear yard setback from the required 20' to 10' for a proposed single-family dwelling to be constructed at 462 Loop Road, Tax Map 126L, Group F, Parcel 7, R-1 Zone, requested by Jeffrey Holcombe.

Staff presented the request for a proposed variance to reduce the front and rear setbacks for a proposed single-family dwelling to be constructed at 462 Loop Road. The parcel is 6,231 square feet, 0.14-acres. The lot is also an irregular lot size, most lots on Loop Road are preexisting lots of record that are grandfathered. Staff mentioned that various lots on Loop Road and Baskins Creek receive automatic variances due to their grandfathering, regarding nonconforming lot sizes. The lot is rectangular, only allowing a shotgun style residence or a tall and skinny residence. Staff also mention that various lots on Loop Road has received similar variance to the one being requested. The hardship identified by Staff, as previously mentioned, is the lot size and shape.

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

Review and consideration for a proposed variance to reduce the fall zone setback from 120' to 48' for a proposed cell tower located at 307 East Holly Ridge, being Tax Map 126N, Group E, Parcel 21.01, C-2 Zone, requested by Vogue Towers II, LLC.

Staff presented the request for a proposed fall zone reduction for a new cell tower to be erected at 307 East Holly Ridge. The Staff mentioned there is not a height requirement in our Zoning Ordinance that addresses the height of wireless towers. The variance is for the fall zone setback that was established around forty years ago in relation to wireless towers. Most regulations throughout the country have that fall zone area in their ordinances, however, in today's design wireless towers are designed to collapse within the footprint they are designed in. Staff acknowledged that the ordinance could use some updating to reflect progress over time.

Following a brief discussion, Mrs. Amanda Caton made a motion to approve the request. Mrs. Cyndi Bowling provided a second with all members voting, "aye."

Review and consideration for a proposed variance to reduce the front yard setback from 25' to 12', the side yard setback from 15' to 10', and the rear yard setback from 20' to 10' for a proposed single-family dwelling located at 229 Silverbell Lane, Tax Map 126L, Group A, Parcel 25, R1-A Zone, requested by Michael Phillips.

Staff presented the request for a setback back reduction on all sides of the property for a proposed single-family dwelling to be constructed at 229 Silverbell Lane. The parcel is 7,104 square feet, .16-acres with some steepness to the lot. The proposed structure is for a burn down lot. The lot has retaining wall left from the original structure that the owner and contractor would like to utilize in the build, and per the contractor's recommendation, the builder wants the house footprint to be between three and four feet away from the retaining wall to not compromise the integrity of it. The initial variance request

does provide the requestor, Mr. Michael Phillips, some wiggle room with the design layout, which was his intention when asked for the variance. Mr. Michael Phillips was present to answer any questions about the request. Mr. Michael Phillips explained that the side yard setback request could be modified by moving around some aspects of the porch that is encroaching on that side yard setback. Staff mentioned the topography of the lot along with the remnants of previous development as the hardship.

Following a brief discussion, Mrs. Amanda Caton made a motion to approve the front and rear yard setback requests but suggested that the side yard setback be set to 13' instead of the requested 10' due to a change in design layout. Mrs. Cyndi Bowling provided a second with all members voting, "aye."

Administrative review of the Environmental Design Review Board's denial of an ornate object for Pucker's Sports Bar located at 745 Parkway, Tax Map 126K, Group E, Parcel 3, C-1 Zone, requested by R2R Studios, LLC.

The item was removed per applicant's request.

Unscheduled Items

The meeting was unanimously adjourned at 3:40 p.m. after a motion made by Mrs. Amanda Caton. Mr. Joe Waggoner provided a second with all members voting, "aye."

Approved:

A handwritten signature in blue ink, appearing to be "J. M.", is written over a horizontal line.

MBZA Chairman

The date "1-4-24" is handwritten in blue ink over a horizontal line.

Date

