

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
June 24, 2021
TUESDAY, 3:00 P.M., CITY HALL

MEMBERS PRESENT

Matt Zoder
Jay Horner
Joe Waggoner

MEMBERS ABSENT

Cyndi Bowling
Ron Smith

OTHERS PRESENT

Spencer Hayes
Zach Brantley
David Carr
Brennon Garrett
Lee Gentry
John Northcote
Larry Claiborne
Jean Claiborne

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. Jay Horner made a motion to approve the minutes for the May 27, 2021, meeting. Mr. Joe Waggoner seconded the motion which passed with all members voting “aye.”

Staff Report

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 827 Innsbruck Drive, Tax Map 137A, Group A, Parcel 047.00, R-1 Zone, requested by Hayes Builders, LLC.

Staff presented the request for a variance from Article VIII, being the Area, Yard, and Height Requirements for two (2) side yard setback variances. Specifically, the request consists of 7.5’ side yard setback variances from the required 22.5’ side yard setback, leaving a 15’ side yard area for each of the side yard areas for a proposed 27’ x 40’ single-family dwelling to be located on Innsbruck Drive.

Staff noted that the property was previously developed with a building similar in size to the proposed dwelling. Staff stated that the previous building encroached into the 15’ side yard setback area in the south end of the building. Staff further noted that the proposed dwelling is shown to shift to the north to remove the building from the 15’ side yard setback but because the building is a three-story building, the additional 7.5’ of setback is applicable to the new structure. Staff added that the proposed setback for the new building will be less impactful than the previous building location. Staff explained that the property is steep and slopes up from the adjoining public right-of-way area. The building is located approximately 125’ from the public street and consists of slopes in excess of 50%. The lower portion of the property is occupied with a private driveway easement area and most likely with the septic field line area which limits building areas on the property.

After a brief discussion, Mr. Joe Waggoner 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 VIII, being the “Area, Yard, and Height Requirements” of the Municipal Zoning Ordinance, for a proposed single-family dwelling to be constructed on 1525 Zermatt Court, Tax Map 136E, Group D, Parcel 35, R-1 Zone, requested by Zac Brantley.

Staff presented the request for a variance from Article VIII, being the Area, Yard, and Height Requirements for a front and side yard setback variance. Specifically, Staff stated that the request consists of a 25’ front yard setback variance from the required 25’ setback, leaving a 0’ front yard area and an 18.5’ side yard setback from the required 22.5’ side yard setback for a proposed 3-story, single-family dwelling to be constructed on Zermatt Court. Staff noted that the site plan provided shows that the proposed dwelling will replace a previous dwelling that has been destroyed by fire. Staff added that the previous dwelling was constructed in the mid to late 1980’s and that the plan depicts that there is an existing foundation in the proposed location of the new dwelling. Staff further noted that the previous structure appears to have been a 2-story building so the additional story could have more of an impact on the open-space between properties and the adjoining right-of-way area. Mr. Zach Brantley stated that the structure was not part of the 2018 Wildfires but had been destroyed by a fire in recent years. Mr. Brantley stated that the foundation is structurally sound enough to construct the proposed house into the same footprint as previously existed. Mr. Brantley added that they would be utilizing the existing driveway and parking area.

Staff noted that the property is steep with slopes of approximately 35% and greater. The building site sits below Zermatt Court and there is a drainage area that bisects the property.

After a brief discussion, Mr. Jay Horner made a motion to approve with staff recommendations and Mr. Joe Waggoner, 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 Crest Road, Lot 143, Tax Map 126D, Group F, Parcel 12, R-1-A Zone, requested by David Carr.

Staff presented a request for a variance from Article VIII, being the Area, Yard, and Height Requirements for a front yard setback variance. Specifically, the request consists of a 10’ front yard setback variance from the required 25’ setback, leaving a 15’ front yard area for a proposed single-family dwelling to be constructed on “Lot 142” located on Crest Road. Mr. Matt Zoder asked what the house plan would be like. Mr. David Carr stated that he was waiting to decide on the house on the what the outcome of the Board meeting. Mr. Jay Horner asked Mr. John Northcote what he thought of something being built next to his property. Mr. John Northcote stated that anything that would be built would block his views. Mr. Joe Waggoner stated that as a Board we cannot control if someone’s views are being blocked. Staff asked Mr. Carr if the narrow area of the property on the north portion would be built upon. Mr. Carr stated that the upper portion would be used for the driveway entry into the property. Mr. Carr stated that the lot is very narrow in that location which doesn’t make it very feasible to construct a building.

Staff noted that the property is a narrow, odd-shaped parcel with an existing driveway that cuts through the property. The applicant has indicated that the structure will be located in the center portion of the lot at the deepest point which is approximately 80' deep. Further, because of the odd shape and narrowness, the applicant has indicated that a rectangular building design will be used to fit the structure to the site. Mr. Carr confirmed that the design would be more of a rectangular design to fit the lot configuration.

After a brief discussion, Mr. Joe Waggoner 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 VIII, being the "Area, Yard, and Height Requirements" of the Municipal Zoning Ordinance, for an existing single-family dwelling on Roaring Fork Road, Lots 1 & 2, Tax Map 127I, Group B, Parcel 23.00 & 23.01, R-2 Zone, requested by Brennon Garrett.

Staff presented a request for a variance from Article VIII, being the Area, Yard, and Height Requirements for lot size variances for "Lots 1 and 2" of the "Jeremy Dilley Property," located on Roaring Fork Road. Specifically, the request consists of lot size variances of 604 square feet and 860 from the required minimum lot size of 15,000 square feet. It appears that the original parcel Tax Map 127I, Group B, Parcel 23 has been subdivided by deed to create two (2) substandard lots. Staff added that the two (2) lots in a combined configuration create a lot size of 28,536 square feet which provides ample area to comply with the minimum lot size requirements of Article VIII, being the Area, Yard, and Height Requirements. However, as proposed the lot sizes are less than required and will most likely require a joint use driveway to access both lots.

Mr. Brennon Garrett stated that there had been several tracts and portions of other adjoining lands combined to make these two (2) buildable lots. Staff stated that due to the sizes and limited access, a single lot configuration creates a better buildable situation. Mr. Joe Waggoner stated that it should be kept as a single lot.

After a brief discussion, Mr. Joe Waggoner made a motion to disapprove 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 VIII, being the "Area, Yard, and Height Requirements" of the Municipal Zoning Ordinance, for a single-family dwelling at 812 LeConte Drive, Tax Map 137F, Group C, Parcel 003.00, R-1-A Zone, requested by Lee Gentry.

Staff presented a request for a variance from Article VIII, being the Area, Yard, and Height Requirements for a property density variance. Specifically, the applicant is requesting a variance from the allowable density of .50 floor area ratio (f.a.r.) of the R-1A District. The lot area of the property is 4,581 square feet with would permit a structure of 2,290.5 square feet. The proposed request consists of a variance to permit a dwelling of 3,096 square feet which results in a .68 floor area ratio or a .18 of additional floor area increase on the site.

Mr. Lee Gentry addressed the Board and gave a brief overview of the history of the property and the proposed request. Mr. Joe Waggoner asked Mr. Gentry if he was aware of the zoning restrictions when the property was purchased. Mr. Gentry stated that he wasn't aware of the density requirement and due to the nature of the small lots in the Mynatt Park area, didn't think there were any issues with the square footage. Further Mr. Gentry stated that they were simply trying to create enough livable space to accommodate visiting family members. Staff explained that the density is established with in Article VIII of the Zoning Ordinance. Mr. Gentry stated that he would be building a cabin that was designed to complement the area and because it was a small area, we wanted to put a second level while adding front and back porches. Mr. Joe Waggoner stated that while understanding what you are wanting to accomplish, the Board has codes and rules that must be followed.

Mr. Larry Claiborne, an adjoining property owner to the subject property, asked the Board to speak. Mr. Claiborne stated that Mr. Gentry knew the size of the property when he purchased the property. Mr. Claiborne further stated that he agreed to a setback variance for the dwelling that Mr. Gentry had previously asked for but requested that the Board deny the current request and require the density to conform to the zoning ordinance requirements. Mr. Jay Horner stated that when the Board granted Mr. Gentry the previous variance request that he understood what could be built on the property.

Staff also added that the Planning Department had received notice from three (3) of the four adjoining property owners who have expressed opposition to the request. After a brief discussion, Mr. Joe Waggoner made a motion to disapprove and Mr. Jay Horner, seconded the motion which was unanimously approved with all members voting "aye."

Review and interpretation of "footnote 3" of Article VIII, being the "Area, Yard, and Height Requirements," for the "Delta Hotel," located on North Park Lane, C-2 Zone, requested by C+TC Design Studios.

Staff presented a request for an interpretive review of "footnote 3" of Article VIII, being the Area, Yard, and Height Requirements, pertaining to a building element for the "Delta Hotel," to be constructed on North Park Lane, C-2 District. Specifically, the request consists of an interpretation of whether the architectural design element is considered a "similar structure" and allowed to extend above the maximum building height as permitted under "footnote 3" exceptions.

Staff added that the ordinance currently permits "steeple, elevator shafts, stairways, and similar structures" to project above the maximum building height as established in Article VIII. Staff noted that elements such as "elevator shafts" and "stairways" provide essential functional building elements however, steeples are more of a decorative or architectural element as would be cupolas, and fake dormers that are often incorporated into roof areas of a building.

Staff stated that the project architect refers to the design element as a "parapet mansard roof" which attaches to the top of the exterior walls of the building and projects approximately 7'-4" above the flat roof surface of the building. Staff further noted that the architect has explained that the element serves no other purpose than a decorative element and a safety barrier at the top of the exterior wall in the same manner as a parapet wall. Staff noted that the only difference in a typical parapet wall and the proposed element is that the proposed element slopes slightly back from the edge of

the building to give an appearance of a sloped roof. The architect has advised that the proposed element has been designed into the building to address aesthetic suggestions of the City's "Architectural Design Guidelines" which recommend the avoidance of flat roofs. The design element would provide the appearance of a sloped roof which would be a positive impact from an aesthetic perspective but would also provide a protective barrier above the flat roof.

Staff stated that based on the information that the element is not designed to function as the building's roof system and is simply incorporated as an architectural design element and protective safety barrier to hotel personnel required to be on the roof for routine maintenance and equipment service, it is Staff's opinion that the element can be viewed as a "similar structure" and permitted to extend above the maximum building height. Staff further noted that the proposed element will be located below the other functional elements such as the elevator shaft, enclosed exit stairway shaft, and chimney elements. Staff stated that the only thing on top of the roof would be HVAC and maintenance equipment. Mr. Matt Zoder ask if the roof would be concrete. Staff stated that it would be poured concrete.

Staff explained that the term "similar structures" was written into the footnote to address such type elements in a general way due to the difficulty in identifying a wide variety of design elements that could be incorporated into a buildings design. Staff requested that the Board provide confirmation regarding this interpretation of "footnote 3" in Article VIII as it relates specifically to the design element on the hotel.

After a brief discussion, Mr. Joe Waggoner made a motion to approve the interpretation that the element is allowed under "similar structure" as presented. Mr. Jay Horner, seconded the motion which was unanimously approved with all members voting "aye."

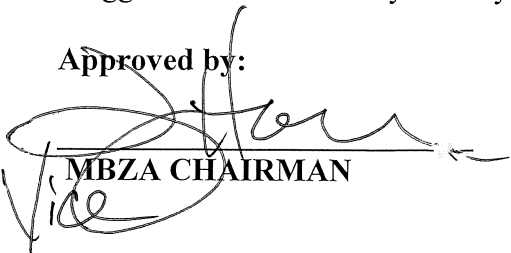
Petitions and Communications from the Public

Unscheduled Item

Adjournment

The meeting was unanimously adjourned at approximately 3:50 p.m. after a motion by Mr. Joe Waggoner and a second by Mr. Jay Horner.

Approved by:


MBZA CHAIRMAN

8.26.2021

DATE