

MINUTES OF THE  
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS  
DECEMBER 2, 2025  
TUESDAY, 3:00 PM, CITY HALL

MEMBERS PRESENT

Amanda Caton  
Matt Zoder  
Jerry McCarter  
Maggie Bowers

MEMBERS ABSENT

Clay England

OTHERS PRESENT

Oliver Morton  
Carly Bowlen  
Rodney Threatt  
Dan Saffelder

Staff Representative: Dalton York, Planning Director  
Jodi Bible, Deputy City Planner

Chairman Matt Zoder called the meeting to order at 3:03 P.M. Mr. Jerry McCarter made a motion to approve the minutes of the October 7, 2025, meeting, and Ms. Maggie Bowers 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 from the required 15' to 10' for a proposed single-family dwelling to be constructed at 806 Beanstalk Road, being Tax Map 116L, Group A, Parcel 18, requested by Alejandro Sabater.**

Staff presented the request for a proposed variance to reduce the front yard setback from the required 15' to 10' for a proposed single-family dwelling to be constructed at 806 Beanstalk Road. The subject parcel is 0.48-acres (20, 909 square feet), a non-conforming lot of record. The survey provided does note an average of 90% slope albeit the survey is not certified. Staff can confirm that the lot is located within the Critical Slope Floating Zone. A parcel of this slope calculations would require a minimum of 2-acres by current standards. However, being located within the Critical Slope Floating Zone provides the applicant with an automatic front yard setback reduction to 15' from the original 25' due to the lot fronting on a 40' right-of-way with the natural topography being 30% or more. The request recently received Board of Commissioner approval for right-of-way use for the parking structure.

The applicant did note the steepness of the parcel as the hardship identified for the request. The site plan does note a three-story structure being proposed for the location. Building elevations were provided to our office following the variance request application. The applicant also stated that the front yard setback reduction request is for the entry porch and stairs. The intended use for the residence is for an overnight rental and the request to place the residence so close to the front yard setback due to the steep terrain of the back section of the parcel. Applicable Regulations: Article VIII, being the Area, Yard, and Height Requirements, specifically footnote 2.

Following a brief discussion, Ms. Maggie Bowers made a motion to approve the variance request as presented. Ms. Amanda Caton provided a second with all members voting, “aye.”

**Review and consideration for a proposed variance to reduce the side yard setback from the required 22.5 to 16’ for a proposed single-family dwelling to be constructed at 519 Bruce Road, being Tax Map 117N, Group C, Parcel 16, R1-A Zone, requested by Venture Contracting.**

Staff presented the request for a proposed variance to reduce the side yard setback from the required 22.5’ to 16’ for a proposed single-family dwelling to be constructed at 519 Bruce Road. The subject parcel is 0.62 acres (26,953 square feet) and is located within the Critical Slope Floating Zone. It is zoned R1-A and is intended for long-term residential use. The request arises from the application of footnote 4 of Article VIII, which requires an additional 7.5 feet of side yard setback for each building floor above two stories. The proposed side yard encroachment is on the eastern side of the dwelling; only this corner of the home requires a variance, as the western portion complies with footnote 4 and maintains a 25-foot setback. The applicant submitted a written statement outlining the hardship, citing driveway placement and the presence of a 30% slope at the rear of the lot.

The request did receive two letters of opposition from both adjoining property owners. One of which was present at the meeting to express their opposition. The neighboring property owner explained that it would be beneficial to be able to speak with the applicant and discuss the easement details between their properties. The Board also expressed that it would be helpful if the applicant were present to participate in the discussion. Applicable Regulations: Article VIII, being the Area, Yard, and Height Requirements.

Following a brief discussion, Mr. Jerry McCarter made a motion to table the request asking for the applicant to be present to discuss their request. Ms. Maggie Bowers provided a second with all members voting, “aye.”

**Review and consideration for a proposed height variance from the allowable 48’ maximum to 54’-1” for a proposed single-family dwelling to be constructed at 1133 Lower Alpine Way, being Tax Map 125M, Group E, Parcel 4, R-1 (Low Density Residential) District requested by Elevation Engineering and Design.**

Staff presented the request for a proposed height variance from the allowable 48’ to maximum to 54’-1” for a proposed single-family dwelling to be constructed at 1133 Lower Alpine Way. The subject parcel is a non-conforming lot by current standard as its lot size is 0.39-acre (16, 804 square feet) and is approximately 26,756 square feet (0.61 acre) below the current minimum lot size requirement. It is important to note that this same development received a variance in August 2024. The variance was for a front yard reduction from the required 25’ to 20’ and a side yard reduction from 22.5’ to 15’. The proposed dwelling is over 6,000 square feet and four stories tall. This proposed dwelling is also located within our Hillside Overlay District and Critical Slope Floating Zone, requiring that the applicant adhere to Section 715 of the Gatlinburg Zoning Ordinance.

A representative from the Engineering group was present to offer remarks and insight into inquiries made from the Board. The Board’s expressed that this request was more of a want than a necessity for the applicant. Applicable Regulations: Article VIII, being the Area, Yard, and Height Requirements.

Following a brief discussion, Ms. Amanda Caton made a motion to deny the request as presented. Mr. Jerry McCarter provided a second with all members voting, “aye.”

**Review and consideration for a proposed variance of Section 407 of the Gatlinburg Zoning Ordinance, being the General Provisions, for a single-family dwelling being constructed at 337 Silverbell Lane, being Tax Map 126L, Group F, Parcel 12, R-1 Zone, requested by Carly Bowlen.**

Staff presented the request for a proposed variance of Section 407 of the Gatlinburg Zoning Ordinance, being the General Provisions, for a single-family dwelling being constructed at 337 Silverbell Lane. The subject property is a non-conforming 0.22-acre lot intended for overnight rental use, on which a one-bedroom dwelling has been approved. The lot is situated predominately within the Critical Slope Floating Zone (CSFZ), with most of the land encompassing slopes of 30% or more. Access to the parcel is currently provided off Silverbell Heights via an existing gravel access road, which also serves three neighboring south parcels (lots 16, 12, and 13). The approved site plan utilizes a recorded easement for shared access off this gravel road for both the subject property and 341 Silverbell Heights Road. Two parking spaces are provided on the approved plan. The applicant has submitted a letter from their excavator raising concerns about paving the immediate driveway area. The excavator argues that the increased volume and velocity of run-off that would occur if the area were paved would undermine the existing, shared private gravel access road, leading to severe erosion over time. Therefore, the variance is requested to maintain the current gravel surface to promote better absorption and slow erosion across the shared easement.

Following discussion with both the Fire Department and Street Department, concerns have been expressed regarding the public safety and infrastructure feasibility of allowing a gravel surface. Specifically, both departments are concerned about the ability of Emergency Services to maneuver or efficiently operate stretchers and other equipment on the gravel parking and driveway area, particularly in emergency scenarios.

Ms. Carly Bowlen, owner and applicant, was present to defend her position and inquire about suggestions to alleviate departmental concerns. The Board stated that meeting with an engineer to discuss the best path forward for water mitigation.

Following a brief discussion, Ms. Maggie Bowers made a motion to deny the request citing the safety concerns received from the Public Works and Fire Departments. Mr. Jerry McCarter provided a second with all members voting, "aye."

**Review and consideration for a proposed variance of Section 407 of the Gatlinburg Zoning Ordinance, being the General Provisions, for a single-family dwelling being constructed at 341 Silverbell Lane, being Tax Map 126L, Group F, Parcel 12.01, R-1 Zone, requested by Carly Bowlen.**

Staff presented the request for a proposed variance of Section 407 of the Gatlinburg Zoning Ordinance, being the General Provisions, for a single-family dwelling being constructed at 341 Silverbell Lane. The subject property is a non-conforming 0.25-acre lot intended for overnight rental use, on which a one-bedroom dwelling has been approved. The lot is situated predominately within the Critical Slope Floating Zone (CSFZ), with most of the land encompassing slopes of 30% or more. Access to the parcel is currently provided off Silverbell Heights via an existing gravel access road, which also serves three neighboring south parcels (lots 16, 12, and 13). The approved site plan utilizes a recorded easement for shared access off this gravel road for both the subject property and 337 Silverbell Heights Road. Two parking spaces are provided on the approved plan. The applicant has submitted a letter from their excavator raising concerns about paving the immediate driveway area. The excavator argues that the increased volume and velocity of run-off that would occur if the

area were paved would undermine the existing, shared private gravel access road, leading to severe erosion over time. Therefore, the variance is requested to maintain the current gravel surface to promote better absorption and slow erosion across the shared easement.

Following discussion with both the Fire Department and Street Department, concerns have been expressed regarding the public safety and infrastructure feasibility of allowing a gravel surface. Specifically, both departments are concerned about the ability of Emergency Services to maneuver or efficiently operate stretchers and other equipment on the gravel parking and driveway area, particularly in emergency scenarios.

Ms. Carly Bowlen, owner and applicant, was present to defend her position and inquire about suggestions to alleviate departmental concerns. The Board stated that meeting with an engineer to discuss the best path forward for water mitigation.

Following a brief discussion, Ms. Maggie Bowers made a motion to deny the request citing the safety concerns received from the Public Works and Fire Departments. Mr. Jerry McCarter provided a second with all members voting, "aye."

**Review and consideration for a proposed variance to reduce the side yard setback from the required 15' to 5' for a proposed accessory structure to be constructed at 249 Bear Mountain Way, being Tax Map 126M, Group B, Parcel 12.04, R-2 Zone, requested by Dan Saffelder.**

Staff presented the request for a proposed variance to reduce the side yard setback from the required 15' to 5' for a proposed accessory structure that is under construction at 249 Bear Mountain Way. The subject parcel measures 1.19 acres (51,834 square feet) and contains an owner-occupied dwelling located at 249 Bear Mountain Way. Staff confirmed that the property is situated within the Critical Slope Floating Zone. The request pertains to a porch addition to the existing dwelling, with the associated encroachment identified by staff during the permitting review. The applicant did not provide a hardship statement.

The applicant further indicated that the property owner holds all parcels adjoining the proposed accessory structure, except for the adjacent National Park parcel. Staff would like to note that the encroachment will be near the lots owned by the applicant. Applicable Regulations: Article VIII, being the Area, Yard, and Height Requirements.

Following a brief discussion, Mr. Jerry McCarter made a motion to deny the request stating that the property should move the lot line to adhere to the R-2 (Medium Density Residential) District setbacks. Ms. Amanda Caton provided a second with all members voting "aye."

**Unscheduled Items**

The meeting was unanimously adjourned at 4:00 p.m. after a motion made by Mr. Jerry McCarter and Ms. Maggie Bowers provided a second with all members voting, "aye."

**Approved:**



**MBZA Chairman**

1-6-2026

**Date**