

MINUTES OF THE  
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS  
February 28, 2019  
THURSDAY, 3:00 P.M., CITY HALL

MEMBERS PRESENT

Joe Waggoner  
Kenny Maples  
Jack Miller, Jr.

MEMBERS ABSENT

Cyndi Bowling  
Ron Smith

OTHERS PRESENT

Alva Grimm  
Lori Grimm  
Albert Harper  
Tracy Harper  
Brennon Garrett  
Chad Huskey  
David Carr  
Hannah Dover  
Gary MacKenzie  
Dan Mitchell

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

Chairman Mr. Joe Waggoner called the meeting to order at 3:00 P.M. Mr. Kenny Maples, made a motion to approve of the minutes of the January 24, 2019 meeting, and Mr. Jack Miller, Jr., seconded the motion.

**Staff Report**

No Report

**Old Business**

**Review and consideration for a lot size variance from Article VIII, being the Area, Yard, and Height Requirements, to create two (2) lots being "Lot 13R1" and "Lot 13R2" located in Potters Ridge Subdivision, Tax Map 118, Group H, Parcel 13, requested by David Carr. (Tabled on January 24, 2019)**

Mr. Kenny Maples made the motion to remove from a tabled item and Mr. Jack Miller, Jr., seconded the motion which was unanimously approved with all members voting "aye."

Staff presented the request to the Board and noted that additional information was included in the packet which included surveys from both the Brent Hills Boulevard Subdivision and the Potter's Ridge Subdivision. Staff noted that as requested, a review of the slope of the property was conducted to determine what the slope percentage currently is for property. Staff stated that the overall slope of the property is approximately 35% slope with slightly less slope on the top portion of the lot and more slope on the lower portion nearest Brent Hills Boulevard. Staff stated that based on the proposed lot layout, "Lot 13R1" would appear to be approximately 25% slope and "Lot 13R2" would appear to be approximately 44% slope. Mr. Brennon Garrett was present and stated that he had determined similar slopes upon his evaluation. Staff further noted that based on the slopes, the current ordinance would require a minimum lot area of 32,671sq.ft. for "Lot 13R1 and 43,560sq.ft. for lot "13R2," This equates to a 21,698.3 sq. ft. lot size variance for "Lot13R1" and a 32,500.3 sq. ft. for "Lot13R2."

Mr. Brennon Garrett presented the Board with surveys of the lots before and after the Potter's Ridge Subdivision and stated that the request is in keeping with the lots of the two existing

subdivisions and that the owner just wants to put the property back into two lots which would provide access to the upper portion off of Potter's Ridge Road and the lower lot with access from Brent Hills Boulevard. Mr. Lori Grimm was present and stated that she had done some research of the properties and felt the property as shown was not as large as the original lots. Ms. Grimm stated that the original lot configurations contained 1/2 acres sites for the lot in Brent Hills Subdivision as opposed to the proposed 1/4 acre sites. Ms. Grimm also contained stated that the property is steep and that there is a concern about slope failures if the property is excavated for a house. Mr. Grimm further noted that if there is a house built on the upper and lower lots it will be a disruption to the neighborhood because of the . Ms. Tracy Harper asked about buying and developing lots in the City that did not conform to the current standards. Staff explained that if the lots were legal lots of records and the zoning provisions for setback, density, parking, height, etc. were maintained then development permits would not be denied to the applicant.

Mr. Kenny Maples stated that he felt that the subdivision that allowed the single lot to exist in both the Potter's Ridge and Brent Hills Subdivision should have never been approved by the Planning Commission. Mr. Maples stated that they are two separate subdivisions and that typically fall under different land and homeowner restrictions and should have never been linked together with the current lot configuration. Mr. Maples also stated that while it may be difficult, with the current single lot configuration a drive through could be construction from one subdivision to the other. After a few additional comments from the audience regarding the permitting processes and property slopes, Mr. Maples made a motion to approve the lot variances to allow the reestablishment of the two (2) lots so that there is a distinction of subdivision boundaries but noted that no additional zoning variances would be granted for the lots. Mr. Miller seconded the motion which passed with all members voting "aye."

## **New Business**

### **Review and consideration for a variance from Article IV, Section 402 being the "Off-Street Automobile Parking" Provisions, for "Lot 16," being Tax Map 127B, Group A, Parcel 016.00, located at 1207 Briar Patch Lane, requested by Joe Shults.**

Staff presented the request for a variance from Article IV, Section 402 being the "Off-Street Automobile Parking" provisions for "Lot 16" in the Greenbriar Subdivision located on Briar Patch Lane. Staff stated that the variance request is to specifically allow the onsite parking to back into the public street for vehicle turnaround in the C-2 General Business District rather than provide the turnaround onsite. Staff further noted that while the property is zoned commercial, the area is not very conducive to commercial development and in general, the area has been developed as residential. The public street "Briar Patch Lane" is a short cul-de-sac street with limited number of lots, low traffic speeds, and site distances are unimpeded. Based on these factors, the backing into the street will have little or no impact to the neighboring properties and use of the public right-of-way.

After a brief discussion, Mr. Jack Miller, Jr., made a motion to approve the request and Mr. Kenny Maples, seconded the motion which was unanimously approved withal members voting "aye."

### **Review and consideration for a variance from Article IV, Section 402, being the "Off-Street**

**Automobile Parking” Provisions, and front and side yard setback variances from Article VIII, being the “Area, Yard and Height Requirements,” for a single family residence to be located at 513 Baskins Creek Road, Tax Map 126M, Group A, Parcel 022.00, R-2 Zone, requested by Eagle CDI, Inc.**

Staff presented the request for a variance from Article IV, Section 402, being the “Off-Street Automobile Parking” Provisions, and front and side yard setback variances from Article VIII, being the “Area, Yard and Height Requirements,” for a single family residence to be located at 513 Baskins Creek Road. Staff noted that the previous structure was destroyed in the 2016 Wildfires but not reestablished within the 2-year deadline period and that the building footprint has changed from the original building footprint that existed prior to 2016. Due to the multiple request on the property by the same applicant, the Board inquired as to the intended use of the properties. Ms. Hannah Dover was present and noted that one of the units will be for owners own use and the remaining will be for tourist rental purposes.

Staff stated that the request is for two (2) side yard setback variances from the required 15’ setback consisting of 3’ and 5’, leaving a 10’ and a 12’ side yard areas; and a 19’-6” front yard setback variance from the required 25’ front yard setback requirement, leaving a 5’-6” front yard area. Staff stated that the request also involves a variance from Article IV, Section 402 to permit off-site parking and backing into the right-of-way area. Staff added that the off-site parking will require the use of a portion of Baskins Creek Road Right-of-way which will require the City Commissions review and approval. Staff stated that the previous structure was located in close proximity to the stream and parking was located in front of the structure and located partially on the property and the public street. Staff added that vehicles were required to back into the street for turnaround. Staff explained that the previous structure was shifted to the east portion of the property with very little setback from the side lot line. The proposed location is more centered on the property and while decreasing the setback area to 10’ on the west side of the structure and potentially creating a minor impact to the open-space, the open-space will be vastly improved to the east.

After a brief discussion, Mr. Kenny Maples made a motion to approve subject to the approval of the approval of the City Commission for the off-site parking and Mr. Jack Miller, Jr., seconded the motion which was unanimously approved withal members voting “aye.”

**Review and consideration for a variance from Article IV, Section 402, being the “Off-Street Automobile Parking” Provisions, and front and rear yard setback variances from Article VIII, being the “Area, Yard, and Height Requirements,” for a single family residence to be located at 780 Loop Road, Tax Map 126M, Group D, Parcel 011.01, R-2 Zone, requested by Eagle CDI, Inc.**

Staff presented the request and stated that the request consists of a 22’-6” front yard setback variance form the required 25’ setback, leaving a 2’-6” front yard area; a 14’-0” rear yard setback variance from the required 20’ setback, leaving a 6’ rear yard area; and a variance from Article IV, Section 402, to permit backing into the public street.

Staff noted that the previous structure was located approximately 10’ to 12’ from the public right-of-way and consisted of parking in the front of the structure on the west end of the structure. The

proposed enlarged building footprint presents difficulty in located adequate parking with the structure being so close in proximity to the property line and therefore creates a negative impact to the public right-of-way. The rear yard encroachment, due to the upward slope of the property, appears to have minimal impact to the adjoining property. Mr. Gary MacKensie was present and stated that there would be plenty of area to the west of the structure to provide parking for two cars. The Board inquired about the visibility if vehicles backed into the right-of-way area. The Board was presented with digital information depicting the street and site and determined that site distance was not an issue. After a brief discussion, Mr. Jack Miller, Jr., made a motion to approve the request and Mr. Kenny Maples, seconded the motion which was unanimously approved withal members voting "aye."

**Review and consideration for a variance from Article IV, Section 402, being the "Off-Street Automobile Parking" Provisions, and front and side yard setback variances from Article VIII, being the "Area, Yard and Height Requirements," for a single family residence to be located at 509 Baskins Creek Road, Tax Map 126M, Group A, Parcel 021.00, R-2 Zone, requested by Eagle CDI, Inc.**

Staff presented the request and stated that the request consist of two (2) side yard setback variances form the required 15' setback consisting of 2'-6" and 5' leaving a 12'-6" and a 10' side yard area; and a 16' front yard setback variance from the required 25' setback leaving a 9' front yard area. Staff also noted that the request involves a variance from Article IV, Section 402 to permit off-site parking and backing into the right-of-way area. Note, the off-site parking will require the use of Baskins Creek Road Right-of-way which will require the City Commissions review and approval. Staff further explained that recent flooding of Baskins Creek Road has damaged the sections of road immediately adjoining this property where parking decks previously existed. Staff stated that the City currently has engineers looking at the situation to restore the city street but may impact the use of the public right-of-way for parking. Staff added that the previous structure was located approximately 10' from the front property and in close proximity to the stream. The dwelling parking was located parallel to Baskins Creek Road on the public right-of-way area. The side yard areas appear to be an improvement over the previous structure location due to the orientation of the building to be parallel with the side lot lines. After a brief discussion, Mr. Kenny Maples made a motion to approve the request subject to the right-of-way parking being approved by the City Commission. Mr. Jack Miller, Jr., seconded the motion which was unanimously approved with all members voting "aye."

**Review and consideration for a variance from Article IV, Section 402 being the "Off-Street Automobile Parking" Provisions, and front and side yard setback variances from Article VIII, being the "Area, Yard, and Height Requirements," for a single family residence to be located at 505 Baskins Creek Road, Tax Map 126M, Group A, Parcel 020.00, R-2 Zone, requested by Eagle CDI, Inc.**

Staff presented the request and noted that the request was for two (2) side yard setback variances from the required 15' side yard setback consisting of 8'-6" and 5'-0", leaving 6'-6" and 10'-0" side yard areas; an 18'-6" front yard setback variance from the required 25' front yard setback requirement, leaving a 6'-6" front yard area; and a variance from Article IV, Section 402 to permit off-site parking. Staff added that the request also involves a variance from Article IV, Section

402 to permit off-site parking and backing into the right-of-way area. Note, the off-site parking will require the use of Baskins Creek Road Right-of-way which will require the City Commissions review and approval. Staff noted that the previous structure was located approximately 6' to 8' from the property line and in close proximity to the stream. The parking area was located parallel to Baskins Creek Road and on the public right-of-way. Staff further explained that recent flooding of Baskins Creek Road has damaged the sections of road immediately adjoining this property where parking decks previously existed. Staff stated that the City currently has engineers looking at the situation to restore the city street but may impact the use of the public right-of-way for parking. Staff added that the proposed structure is shown at approximately 6 feet from the front property line so little impact to the front yard area. The side yard setback areas appear to be an improvement over the previous structure location due to an adjustment of the structure to run parallel with the side lot lines.

After a brief discussion, Mr. Kenny Maples made a motion to approve the request subject to City Commission approval of the right-of-way parking. Mr. Jack Miller, Jr., seconded the motion which was unanimously approved with all members voting "aye."

**Review and consideration for a variance from Article IV, Section 402, being the "Off-Street Automobile Parking" Provisions, and front and side yard setback variances from Article VIII, being the "Area, Yard, and Height Requirements," for a single family residence to be located at 437 Baskins Creek Road, Tax Map 126M, Group A, Parcel 006.00, R-2 Zone, requested by Eagle CDI, Inc.**

Staff presented the request and stated that it consist of a 5' side yard setback variance from the 15' setback requirement leaving a 10' side yard area; and a 21' front yard setback variance from the 25' setback requirement leaving a 4' front yard area. Staff added that the request also includes a variance from Article IV, Section 402 to permit backing into the public right-of-way. Staff noted that the previous structure was located approximately 4' to 5' from the front property line and 10' and greater from the side yard property lines. Staff explained that while the front yard area does not change from the previous location, the side yard to the west will be impacted with the new location. Staff stated that the parking area was located to the east of the structure and backed into the public right-of-way for turnaround. After a brief discussion, Mr. Kenny Maples made a motion to approve the request and Mr. Jack Miller, Jr., seconded the motion which was unanimously approved withal members voting "aye."

#### **Petitions and Communications from the Public**

There were no petitions or communications from the public.

#### **Unscheduled Item**

There were no unscheduled items

#### **Adjournment**

The meeting was unanimously adjourned at approximately 4:05 p.m. after a motion by Mr. Kenny Maples and a second by Mr. Jack Miller, Jr.

MBZA Minutes  
February 28, 2019  
Page 6

Approved by:

  
\_\_\_\_\_  
MBZA CHAIRMAN

3-28-19  
\_\_\_\_\_  
DATE