

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
August 28, 2020
TUESDAY, 3:00 P.M., CITY HALL

MEMBERS PRESENT

Joe Waggoner
Matt Zoder
Jay Horner

MEMBERS ABSENT

Cyndi Bowling
Ron Smith

OTHERS PRESENT

Larry Claiborne
Jean Claiborne
David Carr
Craig Belitz
Lee Gentry
Jessa Gentry
Sandy Hankins
Rebekah Morlock

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 of the July 23, 2020 Meeting. Mr. Joe Waggoner, seconded the motion which unanimously passed with all members voting "aye."

Staff Report

Old Business

New Business

Review and consideration for front and side yard setback variances for a single-family residence to be located at 812 LeConte Drive, Tax Map 137F, Group C, Parcel 003.00, R-1A Zone, requested by Craig Belitz Construction, Inc. for Lee Gentry.

Staff presented the request for a 10' front yard setback variance from the required 25' front yard setback, leaving a 15' front yard setback area; a 10.7' side yard setback variance from the required 15' side yard setback area, leaving a 4.3' side yard setback area; and a 12' side yard setback variance from the required 15' side yard setback, leaving a 3' side yard setback area for a proposed single-family dwelling to be located at 812 LeConte Drive.

Staff stated that the request is to permit the construction of a 40' x 44' single-family dwelling on the existing .11 acre lot (approximately 4,800 sq. ft.). Staff noted that the lot was previously developed with a single-story dwelling that was recently demolished from the property. Staff added that the previous building was located approximately 8.5' to 11' from the property line on the west boundary and approximately 6' to 9' on the east boundary. Staff explained that the request will further encroach into the side yard areas as opposed to the previous building location and does impact open space areas of the lot and adjoining properties. Furthermore, the neighbor to the west is objected to the reduction in setback area adjoining their property (see attached email notice).

Mr. Lee Gentry was present and stated that the original house that was removed from the property was built in the 1930's and was beyond saving from a renovation perspective. Mr. Gentry added that they wanted to rebuild a permanent home and plan to make the building design complimentary the surrounding neighborhood. Mr. Matt Zoder asked if the footprint of the proposed is the same size as the previous house. Mr. Gentry noted that the new footprint is larger than the previous. Mr. Gentry also noted that the house would be longer, toward the back-property line, and that

efforts were made to leave a large tree between the subject property and neighboring property owner. Mr. and Mrs. Larry Claiborne were present and voiced concerns about the new location of the structure being closer to the adjoining property line than the previous dwelling. Mr. Claiborne stated that the previous house was 13' from the property line and the request is to move the house to within 4' of the property line. Mr. Craig Belitz, contractor for Mr. Gentry, stated that the house plan has been revised to a smaller width which would give addition setback area between the Gentry's and Claiborne's common property line. The Board discussed with the Claiborne's what would be an acceptable setback. Mr. Claiborne noted that in another variance request he had agreed to an 8' setback variance and he felt that a setback of 9' to the building would be acceptable. Staff asked if that included the roof overhang and it was determined that the setbacks would be to the walls of the buildings, not the roof overhangs. After a brief discussion, Mr. Joe Waggoner made a motion to approve with the contingency that Mr. Lee Gentry stay at least 9 feet from the property line adjacent the Claiborne property on the east boundary with the exterior building walls. Mr. Jay Horner, seconded the motion which was unanimously approved with all members voting "aye."

Review and consideration for a front yard setback variance for a proposed porch addition to a single-family dwelling, located at 841 Wesley Drive, being Tax Map 137F, Group C, Parcel 14, R-1A Zone, requested by C & C Construction, for Robert Goodwin.

Staff presented the request for a 7.5' front yard setback variance from the 25' front yard setback requirement leaving a 17.5' front yard setback area for a proposed 7' X 10' porch addition to an existing single-family dwelling located at 841 Wesley Drive. Staff explained that the lot is a corner lot and the existing dwelling slightly encroaches into the front yard setback area as it currently exists. Staff noted that the porch addition will be located approximately 17.5' from the common line of the property and Wesley Drive Right-of-way and approximately 22' to 23' from the edge of the existing paved street. The porch addition does not appear to create any negative impact to the visibility or use of the adjacent public street or to a neighboring property. Staff further noted that the property is approximately 12,000 square feet and is long and narrow. The slope of the property is approximately 7.5%.

After a brief discussion, Mr. Jay Horner a motion to approve as proposed and Mr. Joe Waggoner, seconded the motion which was unanimously approved with all members voting "aye."

Review and consideration for a side yard setback variance for a proposed deck addition to a single-family dwelling, located at 314 Pinnacle Drive, being Tax Map 127A, Group A, Parcel 29.18, R-2 Zone, requested by Joe Shults. This item was removed from the agenda.

Petitions and Communications from the Public

There were no petitions or communications from the public other than those presented for and during the agenda items.

Unscheduled Item

Staff stated that Ms. Rebekah Morlock was present to discuss an item that was previously revised and approved by the Board at 667 Turkey's Nest. Staff noted that upon review of the survey

information it was discovered that the surveyor's scale was incorrect and that the setback encroachments were slightly closer than originally presented. Staff noted however, the plan is to rebuild on the existing building foundation, so the actual encroachments are no different than what existed with the previous building. Ms. Rebekah Morlock, project engineer, was present and noted that contact had been made with the adjoining neighbor who has provided a signed document stating that they have no objection to the proposed reconstruction of a single family dwelling back onto the existing foundation as the current foundation location. Staff stated that the owners wanted to simply advise the Board that a second request would be presented at the next month's meeting and wanted to see if the Board foresees any major concerns. The Board indicated that provided the neighbors have no issues, they did not foresee any major concerns with the request.

Adjournment

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

Approved by:



MBZA CHAIRMAN

11-24-2020

DATE