

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
JANUARY 27, 2022, Meeting,
THURSDAY, 3:00 PM, CITY HALL

MEMBERS PRESENT

Matt Zoder
Jay Horner
Joe Waggoner
Cyndi Bowling

MEMBERS ABSENT

Ron Smith

OTHERS PRESENT

Donnie Allen
Javier Patel

Staff Representative: David Ball, Building & Planning Director
Jodi Bible, Executive Secretary

Chairman Mr. Matt Zoder called the meeting to order at 3:00 P.M. Mr. Joe Waggoner made a motion to approve the minutes of the December 6, 2021, meeting, and Mrs. Cyndi Bowling provided a second.

Staff Report

Petitions and Communications from the Public

Old Business

New Business

Review and consideration for front and side yard setback variance for a single-family dwelling to be located at 409 Forest Springs Drive, Tax Map 127I, Group F, Parcel 4, R-1 Zone, requested by James Goryeb.

Staff presented the request for a front and side yard setback variance for a single-family dwelling to be constructed at 409 Forest Springs Drive. Specifically, Staff noted that the request consists of a 15' front yard setback variance from the required 25' setback, leaving a 10' side yard area for a proposed dwelling. Staff added that the property was previously developed with a residential structure that was destroyed in the 2016 Wildfires. Staff explained that the proposed location of the building appears to be in a similar location as the previous building on the south end of the lot. The proposed building consists of a small one-bedroom dwelling of approximately 800 square feet (28'x28'), which does not appear to create any impacts to the adjoining lot or adjacent public right-of-way area.

Staff noted that the property is long and very narrow, consisting of approximately 50' width with public street surrounding the lot on all but one side of the property. Staff further noted that the proposed building site was the most practical place to construct the home due to the narrowness of the remainder of the lot.

After a brief discussion, Mr. Joe Waggoner made a motion to approve the request as presented and Mr. Jay Horner seconded the motion, which passed unanimously.

Review and consideration for a variance from Article IV, Section 402, being the "Off-Street Parking Requirements" and Section 408, being the "Ingress and Egress" requirements of the

Municipal Zoning Ordinance, for a proposed single-family dwelling to be located at 744 Widows Knob Road, Tax Map 137C, Group B, Parcel 5, C-2 Zone, requested by Donnie Allen.

Staff presented the request for a variance from Article IV, Section 402, being the "Off Street Automobile Parking" provisions, to permit backing into the public right-of-way of Widow's Knob Road for five (5) parking spaces and a variance from Article IV, Section 408, being the limitation of an access point of 26 feet.

Staff explained that the property is zoned for C-2 (General Business) District which is a commercially zoned property. Staff further noted that the request is to permit the utilization of an existing parking deck and retaining wall that is the remnant of the parking structure that was destroyed in the 2016 Wildfires. The plan also depicts an expansion of the parking area on the south end of the existing parking area. Staff explained that the provisions of Section 402 only allow backing into the adjoining public right-of-way in a R-1 (Low Density Residential) District. Staff stated that the request also involves a variance from Article IV, Section 408 being the "Ingress and Egress" provisions to permit the access point to exceed the maximum allotment of 26' in width. The proposed width for the access and parking is shown at approximately 67' in width resulting in a variance of an additional width of 41'.

Staff explained that the property was previously developed with a single-family dwelling that was destroyed in the 2016 Wildfires. The parking area and associated retaining walls were not impacted by the fires and remain on the property. Mr. Donnie Allen, the contractor for the project, was present and explained that an engineer has evaluated the existing structure to determine that the structure could be reused in the reconstruction of the dwelling and parking. Mr. Allen stated that the property owner would like to utilize the existing parking area in the reconstruction of the proposed dwelling and further expand the parking area for additional parking. Staff noted that because the parking area exists, the request would appear to have little or no impact on the adjacent right-of-way area or adjoining properties. Consequently, if the parking area must be relocated or reconfigured, the impacts to the slopes due to additional excavation, etc. could be more of an impact than what exists today. Staff also explained that the property is extremely steep with slopes in excess of 50%. Due to the narrowness of the property, it would be difficult to recreate a parking area that does not require backing into the street.

Following a brief discussion, Mr. Jay Horner made a motion to approve the request as presented and Mr. Matt Zoder provided a second, which passed unanimously with all members voting, "aye."

Review and consideration of a variance from Article VII, Section 712.2, being the "FP-1 Floodplain District" overlay district provisions, for a proposed pedestrian bridge and riverwalk sidewalk improvement to be located at 333 Parkway, C-1 Zone, requested by Robert G. Campbell.

Staff presented the request for a variance from Article VII, Section 712.2, being the "Floodplain Overlay District" use provisions of the Zoning Ordinance. Specifically, the request consists of a variance from Section 712.2 requirements which prohibits encroachments beyond the top of the natural stream bank, to permit the construction of a pedestrian bridge (6' wide by 80' long) and a section of riverwalk along the West Prong Little Pigeon River (see enclosed map). Staff noted that the property is the former "Rocky Waters Motel" which is located along the east and west sides of the West Prong Little Pigeon River. Staff stated that the applicant is requesting to place a pedestrian bridge across the West Prong Little Pigeon River to provide a pedestrian path from the hotel structures located on the east and west sides of the river. Staff also noted that the riverwalk improvement is proposed to be located on the east side of the river on the north portion of the property.

Staff discussed with the Board that the variance request is to permit the encroachments to be placed above and within the channel area of the West Prong Little Pigeon River. Staff noted that the provisions of 712.2 relate to an appendix diagram (see attached) that were designed to prevent unnecessary encroachments such as buildings and building elements from projecting into the vertical areas of the river channel. Staff further noted that the diagram depicts an element such as a deck projection as the example of prohibited encroachment. Staff explained that the strict application of this provision in Section 712.2 would obviously prevent any encroachments or ability to cross any river channel within the City. Staff stated that the application is to request a variance to permit the river crossing and riverwalk improvement to the property. Staff further stated that the applicant's property line boundaries extend to the centerline of the stream. However, the West Prong Little Pigeon River is considered a "water of the state" and any development associated to the stream areas will involve a permitting process through the State of Tennessee's Department of Environment and Conservation and possibly the Army Corp of Engineers. Staff also added that if approved, the applicant will be required to conduct a flood study of the channel with the proposed improvements to prove "no impact" to the flood hazard area associated to the stream.

Staff noted that the bridge could have a visual impact upon the river channel but the riverwalk will not present a visual impact from public right-of-way of Parkway because it will be located well below street level. Staff further reiterated that any physical impacts would have to be assessed by a civil engineer to show "no impact / no rise" to the flood hazard area associated to the West Prong Little Pigeon River. If the hydrologic study conducted by the project engineer does not result in a "no impact," the improvements will not be permitted by the City or FEMA.

Staff explained that the ordinance, under the strictest of interpretation, does not permit the ability to cross any waterway with pedestrian or vehicular bridges. These crossings have obviously been permitted in other instances throughout the City and are often a necessary means to access the property. The applicant has indicated that the bridge will provide an alternative means for the guests to traverse to and from the hotel improvements located on the east and west side of the river.

The Board inquired about the bridge design that would be used in the construction. Javier Patel of Rocky Waters was present to provide additional remarks on aesthetic and clarification for the pedestrian bridge.

Following the discussion between Mr. Javier Patel, Staff and Board Members, Mr. Joe Waggoner made a motion to approve the request as presented, and Mr. Jay Horner second the motion, which passed unanimously by all members saying, "aye."

Unscheduled Items

Adjournment

The meeting was unanimously adjourned at approximately 3:25 p.m. after a motion by Mr. Jay Horner and a second from Mr. Joe Waggoner.

Approved:



MBZA Chairman

2-24-2022

Date