

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
AUGUST 22, 2024, MEETING
THURSDAY, 3:00 PM, CITY HALL

MEMBERS PRESENT

Jerry McCarter
Matt Zoder
Clay England

MEMBERS ABSENT

Joe Waggoner
Amanda Caton

OTHERS PRESENT

David Burdette
Brennon Garrett

Staff Representative: Gary Carver, Planning Director
Dalton York, Assistant City Planner
Jodi Bible, Executive Secretary

Chairman Matt Zoder called the meeting to order at 3:00 P.M. Mr. Clay England made a motion to approve the minutes of the June 27, 2024, meeting, and Mr. Jerry McCarter provided a second with all members voting, “aye.”

Staff Report

Staff welcomed and thanked Mr. Jerry McCarter, the newest member, to the Municipal Board of Zoning Appeals.

Petitions and Communications from the Public

Old Business

New Business

Review and consideration for a proposed variance to reduce the side yard setback from the required 22.5’ to 9’ for an already constructed accessory structure located at 528 Reba Lane, being Tax Map 117K, Group A, Parcel 5, R-1 Zone, requested by For Rent Properties, LLC.

Staff presented the request to reduce the side yard setback from the required 22.5’ to 9’ for an already constructed accessory structure, porch, located at 528 Reba Lane. The proposal was brought to Staff following a site visit where Staff observed an unpermitted accessory structure had been constructed within the required 15’ side yard setback. The applicant has stated that their reason is “due to the restraints from the topography (steep lot) and an existing non-conforming lot size,” that does not meet today’s current standards. The lot which the variance has been requested for has a slope of approximately 34%. The parcel is currently non-conforming by current standards as its lot size, being 10, 562 square feet (0.24-acre), is approximately 33,105 square feet (0.76-acre) under the current minimum lot size requirement. The Board expressed concern in setting a precedent in approving this variance since the applicant constructed the accessory structure without the appropriate permits and consulting the Building and Planning Department. Applicable regulations pertaining to request are Article VIII, being the Area, Yard, and Height Requirements.

Following a brief discussion, Mr. Clay England 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 to reduce the front yard setback from the required 25’ to 20’, and to reduce the rear yard setback from the required 20’ to 10’ for a proposed single-family dwelling to be constructed at 673 Alta Vista Drive, being Tax Map 127G, Group A, Parcel 23, R-1 Zone, requested David Burdette.

Staff presented the request to reduce the front yard setback from the required 25’ to 20’, and to reduce the rear yard setback from the required 20’ to 10’ for a proposed single-family dwelling to be constructed at 673 Alta Vista Drive. The proposal was brought to Staff following a discussion with the property owner. The request is to replace a dwelling in the location of the previous (burn down) building foundation. The grace period to rebuild on the previous building foundation following the wildfires lapsed in 2018, prompting the property owners to apply for the requested variance. Including in the submittal is a copy of a previous survey of the property demonstrating the original location of the previous structure lost in 2016. The applicant did not provide a hardship for the request. The lot for which the variance has been requested has a slope of approximately 34%. The parcel is currently non-conforming by current standards as its lot size, being 7,405.2 (.17-acre) is approximately 36,154.8 square feet (0.83-acre) under the current lot size requirement. Mr. David Burdette was present to discuss the nature of the request and the specifics regarding the structure to be constructed.

Following a brief discussion, Mr. Clay England made a motion to approve the request as presented. Mr. Jerry McCarter provided a second with all members voting, “aye.”

Review and consideration for a proposed variance to reduce the front yard setback from the required 25’ to 20’, and to reduce the side yard setback from the required 22.5’ to 15’ for a proposed single-family dwelling to be constructed on Lower Alpine Way, being Tax Map 125M, Group E, Parcel 4, R-1 Zone, requested by Mark Maccagno.

Staff presented the request to reduce the front yard setback from the required 25’ to 20’, and to reduce the side yard setback from the required 22.5’ to 15’ for a proposed single-family dwelling to be constructed on Lower Alpine Way. The proposal was to Staff after a preliminary site plan design discussion occurred with the property owner. The request came about due to the proposed structure, being three-stories, prompting the requirement of the additional 7.5’ side yard setback located in footnote #3 of Article VIII of the Gatlinburg Zoning Ordinance. Additionally, the developer is requesting a front yard setback reduction to 15’ due to the steepness of the lot to allow for better placement of the dwelling to maintain the required 48’ height of the R-1 (Low Density Residential) District. The applicant states that the non-conforming, below minimum lot size, steepness, and limited buildable area due to the parcel layout have created a hardship for the property prompting the need to build up rather than out. The parcel is currently non-conforming by current standards as its lot size, being 16,804 square feet (0.39-acre), is approximately 26,756 square feet (0.61-acre) under the current minimum lot size requirement. Staff also reiterated that the structure being proposed is over 4,000 square feet, and while due to the expressed hardship, Staff explained to the Board to consider density and impact to the parcel constructing such a structure with limited buildable area. The Board complimented the requestor for their design and effort in regarding this request. Mr. Jerry McCarter inquired in drainage requirements since this proposed build is located within a critical slope area. Staff informed the Board of the Stormwater Ordinance which will help enforce practical and appropriate drainage approach for this construction.

Following a brief discussion, Mr. Jerry McCarter made a motion to approve the request as presented. Mr. Clay England 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 823 Holston Drive, being Tax Map 137F, Group B, Parcel 22, R1-A Zone, requested by Cindy Werner.

Staff presented the request to reduce the side yard setback from the required 15' to 5' for a proposed accessory structure to be constructed at 823 Holston Drive. The proposal was presented to Staff after a preliminary site plan design discussion occurred with the property owner. The goal is to construct a garage to allow for better parking arrangement and additional storage of personal effects. The applicant states that the non-conforming, below minimum lot size, has created a hardship for the property prompting the need for the variance request. The parcel recently closed an unused City Right-of-Way hoping this would help with their accessory structure addition, but due to the lot size being 10,750 square feet (0.24-acre), is approximately 14,810.4 square feet (0.1-acre) under the current minimum lot size requirement-the variance is requested following the expenditure of various avenues. Staff also mentioned that the request for over the amount possible needed for the structure, but the applicant wanted to ensure that they would have a little bit of wiggle room with the side yard setback.

Following a brief discussion, Mr. Jerry McCarter made a motion to approve the request as presented. Mr. Clay England provided a second with all members voting, "aye."

Unscheduled Items

The meeting was unanimously adjourned at 3:37 p.m. after a motion made by Mr. Jerry McCarter. Mr. Clay England provided a second with all members voting, "aye."

Approved:



MBZA Chairman



Date