

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
AUGUST 5, 2025
TUESDAY, 3:00 PM, CITY HALL

MEMBERS PRESENT

Amanda Caton
Matt Zoder
Clay England
Jerry McCarter

MEMBERS ABSENT

Maggie Bowers

OTHERS PRESENT

Andy Foust
F. Russell Foust
Byron Foust
Josh McKinney
Dan Riley
Grant Curran

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

Chairman Matt Zoder called the meeting to order at 3:00 P.M. Mr. Jerry McCarter made a motion to approve the minutes of the July 1, 2025, meeting, and Ms. Amanda Caton provided a second with all members voting, "aye."

Staff Report

Petitions and Communications from the Public

Old Business

Review and consideration for a proposed variance to reduce the side yard setback from the required 25' to 15' for a proposed single-family dwelling (4-story structure) to be constructed at 760 Ellis Ogle Road, being Tax Map 126, Parcel 29.02 (lot 2A), R-1 Zone, requested by Grant Curran.

Staff presented the request for a proposed variance to reduce the side yard setback from the required 25' to 15' for a proposed single-family dwelling (four-story structure) to be constructed at 760 Ellis Ogle Road. The subject parcel is 2-acres (87,120 square feet) with most of the lot being certified 30% or greater in slope. The request encompasses a four-story dwelling, due to the proposed stories (four), per footnote 4 of Article VIII, an additional 7.5 feet of side yard setback shall be required for each additional building floor above two (2) stories, up to a 25' side yard setback. The applicant is seeking the current side yard setback, noting the applicant has placed the structure close to the inner property line, causing the applicant to encroach on themselves more than the adjoining property owners. Concurring, the side yard for lot 2A is 21' on the neighboring property side still below the minimum 25' required. Staff did note that the lot does have topographical limitation regarding house seat placement. Staff also further reiterated that although the structure is proposed to be four-story that the applicant must remain within the R-1 (Low Density Residential) District height maximum of 48 feet. Applicable regulations: Article VIII, being the Area, Yard, and Height Requirements

Following a brief discussion, Ms. Amanda Caton made a motion to approve the side yard setback reduction contingent upon the applicant receiving right-of-way use approval from Planning Commission and Board of Commissioners. 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 22.5' to 9' for a proposed single-family dwelling (3-story structure) to be constructed at 760 Ellis Ogle Road, being Tax Map 126, Parcel 29.02 (lot 2b), R-1 Zone, requested by Grant Curran.

Staff presented the request for a proposed variance to reduce the side yard setback from the required 22.5' to 9' for a proposed single-family dwelling to be constructed at 760 Ellis Ogle Road. The subject parcel is 2.10-acres (91,572 square feet) with most of the lot being certified 30% or greater in average slope. The request encompasses a three-story dwelling, due to the proposed stories being, per footnote 4 of Article VIII, an additional 7.5 feet of side yard setback shall be required for each additional building floor above two (2) stories, up to 25' side yard setback. Staff did receive some negative correspondence from neighboring property owners regarding this variance request. Applicable Regulations: Article VIII, being the Area, Yard, and Height Requirements.

Following a brief discussion, Ms. Amanda Caton made a motion to approve the side yard setback reduction contingent upon the applicant receiving right-of-way use approval from Planning Commission and Board of Commissioners. Mr. Jerry McCarter provided a second with all members voting, "aye."

New Business

Review and consideration for a proposed variance to reduce the front yard setback from the required 15' to 5' for a proposed single-family dwelling to be constructed at 425 Moody Drive, being Tax Map 117M, Group A, Parcel 8, R-1 Zone, requested by Ben Vaughn.

Staff presented the request for a proposed variance to reduce the front yard setback from the required 15' 5' for a proposed single-family dwelling to be constructed at 425 Moody Drive. The subject parcel is 0.35-acres (14,810 square feet), a non-conforming lot of record. The survey provided does note an average slope of 70% for the parcel, therefore calculation 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 to 15' due to the lot fronting on a 40' right-of-way with the natural topography being 30% or more. The applicant did not provide a hardship for the request, and no building elevations were provided. Staff did mention that a turn around area would be required for the dwelling due to no backing in the roadway (Section 408.4, Gatlinburg Zoning Ordinance).

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

Review and consideration for a proposed special exception from Section 402, being Off-Street Automobile Parking, to back into the roadway for a proposed multi-family dwelling to be constructed at 215 Circle Drive, being Tax Map 126M, Group C, Parcel 1, C-2 Zone, requested by Dustin Cole.

Staff presented the request for a proposed special exception from Section 402, Off-Street Automobile Parking, to back into roadway for a proposed multi-family dwelling to be constructed at 215 Circle Drive. The subject parcel is zoned C-2 (General Business) District and is located within a Special Hazard Area (SFHA) because the parcel adjoins Baskins Creek. The subject parcel received approval for a 12-unit townhome development from the Planning Commission on October 17, 2024. The applicant is seeking an exemption from Section 402 of the Gatlinburg Zoning Ordinance; this regulation prohibits tenants from backing into the public right-of-way.

At the time of Planning Commission approval, the planned access for the development consisted of one access road connecting to Circle Drive and providing individual access to each unit's lower story

garage. The plan also encompassed a large landscaping island separating the private access road and Circle Drive. However, due to Flood Plain Regulations requiring the structure to be elevated one foot above the Base Flood Elevation (BFE), following site preparations, a modification of the structure's location and elevation was required. The plan provided with the current request shows a near parcel-wide driveway, measuring approximately 208', 4" in width. The new plan encompasses minor landscaped islands separating each unit's entrance.

Staff has jointly reviewed this request with the Police and Fire Department to ensure safe and adequate sight distance. Each department provided a memo stating their opinions, and both found the request to be acceptable. The new proposal presented to the Board will still require Planning Commission approval as it represents a significant modification to the developer's previously approved landscaping plan. Applicable regulations: Section 402, being Off-Street Automobile Parking.

Following a brief discussion, Mr. Jerry McCarter made a motion to approve the exemption as presented. Ms. Amanda Caton provided a second with all members voting, "aye."

Review and consideration for a proposed special exception from Section 402, being Off-Street Automobile Parking, to back into roadway for a proposed single-family dwelling to be constructed at 615 Turkey Nest Road, being Tax Map 126N, Group K, Parcel 27.01, C-2 Zone, requested by Andrew Foust.

Staff presented the request for a special exception from Section 402, being Off-Street Automobile Parking, to back into the roadway for a proposed single-family dwelling to be constructed at 615 Turkey Nest Road. The subject parcel is zoned C-2 and is entirely located within the Critical Slope Floating Zone, as the parcel is 30% or greater in average slope. The applicant is seeking an exemption from Section 402 of the Gatlinburg Zoning Ordinance; this regulation prohibits tenants from backing into the public right-of-way. Neither the house location nor the intended driveway was noted on the site plan provided. During discussions with the applicant, the intention is utilizing the previous house site location and driveway location. The previous driveway /parking location was situated in a way that provided no turnaround and allowed tenants to back directly onto roadway.

Staff has jointly reviewed this request with the Police and Fire Department to ensure safe and adequate site distance to accommodate the request. Both departments provided the Planning Staff with remarks stating concerns with safe and adequate site distance. The applicants/property owners were present to discuss the request. The applicant stated this is family residence and has been in their family since the early 1980s. The applicant stated that the intent is to rebuild a residence as similar as possible to the original structure. Applicable regulations: Section 402, being Off-Street Automobile Parking.

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

Review and consideration for a proposed variance to reduce the front yard from the required 15' to 13' for a proposed single-family dwelling to be constructed at 615 Turkey Nest Road, being Tax Map 126N, Group K, Parcel 27.01, C-2 Zone, requested by Andrew Foust.

Staff presented the request for a proposed variance to reduce the front yard setback from the required 15' to 13' for a proposed single-family dwelling to be constructed at 615 Turkey Nest Road. As previously discussed, the subject parcel is located the C-2 Zoning District as well as, is entirely located within the Critical Slope Floating Zone, as the parcel is 30% or greater in average slope. The request is to rebuild their family cabin that was lost to the 2016 Wildfires. Staff received no negative

correspondence from adjoining property holders regarding the request. Applicable regulations: Article VIII, being the Area, Yard, and Height Requirements.

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

Unscheduled Items

The meeting was unanimously adjourned at 3:20 p.m. after a motion made by Mr. Clay England and Ms. Amanda Caton provided a second with all members voting, "aye."

Approved:



MBZA Chairman



Date