

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
FEBRUARY 17, 2026
TUESDAY, 3:00 PM, CITY HALL

MEMBERS PRESENT

Amanda Caton
Maggie Bowers
Jerry McCarter
Matt Zoder
Clay England

MEMBERS ABSENT

OTHERS PRESENT

David Burdette

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 January 6, 2026, meeting, and Ms. Amanda Caton provided a second with all members voting, "aye."

Staff Report

Staff informed the Board that the new Zoning Ordinance Revisions are now effective as of January 28, 2026.

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 15' for a proposed single-family dwelling to be constructed at 1012 Heiden Circle, being Tax Map 137A, Group D, Parcel 6, R-1 Zone, requested by David Burdette.

Staff presented the request for a proposed variance to reduce the side yard setback from the required 22.5' to 15' for a proposed single-family dwelling to be constructed at 1012 Heiden Circle. The subject request involves a 0.34-acre (14,599.8 square feet) that is located within the Critical Slope Floating Zone per the City's GIS software, though a formal average slope calculation has not been provided for the parcel. Based on the data available, the lot appears to be below minimum lot size for a parcel by current standards, which would typically require a minimum of one-acre for the lots with an average slope of 30% or greater.

The proposal is for a three-story, four-bedroom single-family residence encompassing 3,838 square feet of enclosed area, which the property owners intend to reserve for private use rather than adding it to the overnight rental program. Notably, the new proposed dwelling will significantly improve the previous non-conforming conditions of the lot by moving the footprint fully onto the subject property, correcting the previous 1969 structure's encroachment onto the neighboring parcel. In support of this request, the contractor has provided a letter stating their intention to replace the original non-conforming structure. The letter notes that the current design was developed over a 12-month period using established engineering practices and previously discussed setbacks. The contractor further states

that moving the structure at this stage would require a complete redesign of the house and its foundation, and the applicant is requesting the project be approved under the criteria active when the process was initiated in April 2024. Applicable Regulations: Article VIII being Area, Yard, and Height Requirements.

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

Review and consideration for a proposed to reduce the side yard setback from the required 15' to 2.5' for a proposed retaining wall to be constructed at 565 Baskins Creek Road, being Tax Map 126M, Group A, Parcel 31, R-1 Zone, requested by Silverbell Investments, LLC.

Staff presented the request for a proposed variance to reduce the side yard setback from the required 15' to 2.5' for a proposed retaining wall to be constructed at 565 Baskins Creek Road. The subject request involves a recently subdivided 1.09-acre lot (Lot 1-R), which currently contains an existing single-family dwelling. The parcel is characterized by a significant 30% average slope, particularly extending from the rear of the dwelling toward the northern property line. Due to this steep topography, the site is governed by the regulatory standards of the Critical Slope Floating Zone. Under current R-1 zoning requirements, a lot with an average slope of 30% or greater must be at least one-acre in size, a standard which this property satisfies.

The primary purpose of this variance request is to allow for the construction of wing walls that are physically integrated into the house foundation. Under the current Zoning Ordinance, if these walls were constructed as a separate, detached structure, the wing walls would be classified as standard retaining structure and could be placed within the side yard without requiring a variance. However, because the applicant intends to physically tie them into the house foundation for increased stability, the code classifies them as a part of the principal dwelling. This classification triggers the requirement to adhere to the standard 15' house setback rather than the flexible rules allowed for detached wall, resulting in the current request to reduce the setback to 2.5'.

Per the applicant, the proposal to connect these walls is based on engineering practices and the intent of building a safer, more stable structure on a difficult site. The applicant has stated that by tying the parking area's support walls into the foundation, the developer creates a single, strong unit that handles the pressure of the steep slope much more effectively than two separate walls could. From practical maintenance standpoint, this unified pour would eliminate the gap or joint between the house and a separate wall, which typically leads to water infiltration and requires constant resealing over time. 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 contingent upon enhanced landscaping, shielding the retaining wall by 75% from the adjoining property owners referencing Hillside Overlay District Option #2. Mr. Clay England provided a second with all members voting, "aye."

Unscheduled Items

Mr. Jerry McCarter inquired into landscaping regulations and requirements for commercial developments. Planning Director, Dalton York, explained the current regulations and their enforcement parameters. Mr. Jerry McCarter inquired about how the City could better implement more stringent landscaping measures to mitigate erosion issues and clear cutting of lots.

The meeting was unanimously adjourned at 3:36 p.m. after a motion made by Ms. Maggie Bowers and Mr. Jerry McCarter provided a second with all members voting, "aye."

Approved:



MBZA Chairman

4-7-26

Date