

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
JUNE 23, 2022, Meeting,
THURSDAY, 3:00 PM, CITY HALL

MEMBERS PRESENT

Matt Zoder
Joe Waggoner
Jay Horner
Cyndi Bowling
Amanda Caton

MEMBERS ABSENT

OTHERS PRESENT

Randy Watson
Hank Byma
Oliver Morton
Robert Bentz
Bryce Bentz
Michele Canney
Joe Lelonek
Chuck Starritt
Brian Davis

Staff Representative: Jeff Ownby, Building & Planning Director
Gary Brackins, Assistant City Planner
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 May 26, 2022, meeting, and Mr. Jay Horner provided a second.

Staff Report

Staff welcomed and introduced the Municipal Board of Zoning Appeals newest member, Amanda Caton.

Petitions and Communications from the Public

Old Business

New Business

Review and consideration for a proposed variance from Article VIII, being the “Area, Yard, and Height Requirements,” of the Municipal Zoning Ordinance, for a proposed pedestrian bridge and observation tower location at Campbell Lead Road, Tax Map 126, Parcel 1, C-2 Zone, requested by Randy Watson for Boyne Resorts.

Staff presented a request for a proposed variance from Article VIII, being the “Area, Yard, and Height Requirements,” of the Municipal Zoning Ordinance. A 29’ height variance above the allowable 84’ maximum height, for a total height of 113’ for a proposed pedestrian bridge and observation area. Staff did explain that the request is for a height variance specifically regarding the middle portion of a pedestrian bridge and the observation deck in the middle portion of the pedestrian bridge. The deck’s length is around 600’; the section above the height requirement, which is 84’, is an 85’ section in the middle due the ravine they are proposing to build the bridge over. Mr. Hank Byma, the architect, was present to give a presentation of the proposal. Mr. Hank Byma gave a detailed and thorough presentation explaining the request, the hardship, and stressed the modifications that had taken place since the item had been presented at the May 19, 2022, Planning Commission meeting where the Board made a motion to grant preliminary PUD approval for the River Parcel portion of the proposal and deny the Ridge 2 Development. With the Planning Commission not willing to pass the preliminary PUD

commercial site plan for the Ridge 2 portion of the development: Mr. Hank Byma discussed the changes and the Planning Commission's concerns, he felt that had been addressed in the new proposal that was discussed and presented to the Municipal Board of Zoning Appeals.

Following the presentation, the Board opened the floor for any petitions from the public. There were six people present to voice opposition for the height variance.

In conclusion of the discussion amongst the Board and the public, Mr. Joe Waggoner made a motion to approve the variance; no other Board member provided a second, which resulted in no action on the proposed variance.

Review and consideration for a proposed variance from Article VIII, being the "Area, Yard, and Height Requirements," of the Municipal Zoning Ordinance, for a proposed wireless tower located at 907 Whittlers Way, Tax Map 117, Parcel 194, C-2 Zone, requested by Peoria Communications, LLC.

Staff presented a request for a proposed variance from Article VIII, being the "Area, Yard, and Height Requirements," of the Municipal Zoning Ordinance for a proposed wireless tower located at 907 Whittlers Way. A 48.5' height variance from the required 150' height variance, with the wireless tower being located 48.5' feet from the closest residence in the development. The location of the wireless tower is to provide cell/internet service to Laurel Estates in the Glades. The Staff mentioned there is not a height requirement in our Zoning Ordinance that addresses the height of wireless towers. The variance is for the fall zone setback that was established around forty years ago in relation to wireless towers. Most regulations throughout the country have that fall zone area in their ordinances, however, in today's design wireless towers are designed to collapse within the footprint they are designed in. Mr. Joe Waggoner did mention that if wireless tower design has evolved in such a way that towers fall within their footprint that we should consider changing the regulations to reflect that evolution. Staff also agreed to modifying the regulations. Mr. Paul Adekoya, CEO of Peoria Communications, was present to discuss the details and rationale of the request. Mr. Adekoya did state he spoke with all three (3) homeowners within the fall zone, and he obtained signatures with their acceptance of the wireless tower addition.

Following a discussion, Mr. Joe Waggoner made a motion to approve the request as presented. Mr. Jay Horner provided a second with all members voting, "aye."

Review and consideration for a proposed variance from Article IV, Section 411 being the "Sign Regulations," of the Municipal Zoning Ordinance, for use of additional super graphics located at 467 Parkway, Tax Map 126L, Group A, Parcels 21, 22, 13, R-1 Zone, requested by Oliver Morton.

Staff presented a request for a proposed variance from Article IV, Section 411 being the "Sign Regulations." A 266 square foot variance above the allowable 70 square feet, for a total super graphic square footage of 336 square feet. The request is a unique one, as Staff mentioned. The commercial business is Speedworkx: Exotic Car Museum located at 467 Parkway. The request is to add additional protection to help control the light and to minimize the ultraviolet light coming into the building to maintain the vehicles being used inside. The super graphics are a matte finish, vinyl wrap that will be used on the middle section of the glass on the front of the business. This item was presented and approved by our Environmental Design Review Board for signage and aesthetic subject to approval

from the Municipal Board of Zoning Appeals for the use of additional super graphics. The need for the request is to provide additional protection to the exotic cars inside the museum. Mr. Oliver Morton was present to offer insight to the relevance and to provide additional information pertaining to the request. Mr. Morton also explained that the scene to be used in the super graphics will be shot on the Foothills Parkway in vehicles like the ones that will be displayed inside the museum.

Following a discussion amongst the Board, Staff and Mr. Oliver Morton, Mr. Joe Waggoner made a motion to approve the request. Mr. Jay Horner provided a second with all members voting, "aye."

Review and consideration of a proposed variance from Article IV, being the "General Provisions," of the Municipal Zoning Ordinance for a proposed lot size variance located on Smoky View Court, Tax Map 126K, Group B, Parcels 21, 22, and 13, R-1 Zone, requested by Cantrell Engineering & Surveying, PLLC.

Staff presented a request for a proposed variance from Article IV, being the "General Provisions," of the Municipal Zoning Ordinance for a proposed lot size variance located on Smoky View Court. The proposal asks the Board to acknowledge three original lots from 1963 creating three lots (8, 9, and 12) off Greystone Heights along with an improvement of adding a turnaround at the end of the right-of-way. Two of those lots were combined into one (lots 8 and 9) and a portion of the right-of-way was given back to the property owner during the mid-eighties. The variance being requested is because lot 9R no longer meets the requirements because we now have Hillside Regulations that require a lot to be two (2) acres. The request is to return the lots back to their original plat and improving it by adding the turnaround, which never existed originally. The addition of the turnaround is to help achieve the variance and add Emergency accessibility to an otherwise inaccessible area. The owner expressed that they had met with the Fire Department to discuss size of the turnaround to accommodate their vehicles. Then in the mid-eighties two of those lots were combined into one (lots 8 and 9) and a portion of the right-of-way was given back to the property owner. The new lot being presented will be larger than the original lot 9R.

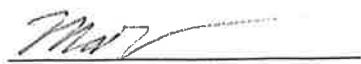
Following a brief discussion, Mr. Jay Horner excused himself from the vote. Mr. Joe Waggoner made a motion to approve the request as presented, and Mrs. Cyndi Bowling provided a second with all members voting, "aye."

Unscheduled Items

Adjournment

The meeting was unanimously adjourned at 4:30 p.m. after a motion made by Mr. Jay Horner and Mr. Joe Waggoner provided a second with all members voting, "aye."

Approved:



MBZA Chairman



Date

