

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
JUNE 27, 2024, MEETING
THURSDAY, 3:00 PM, CITY HALL

MEMBERS PRESENT

Amanda Caton
Matt Zoder
Clay England

MEMBERS ABSENT

Joe Waggoner
Cyndi Bowling

OTHERS PRESENT

Rodney Threatt
Dan Saffelder
Jeremy Puckett
Al Shirley
Miguel Morales

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. Ms. Amanda Caton made a motion to approve the minutes of the May 23, 2024, meeting, and Mr. Clay England provided a second with all members voting, “aye.”

Staff Report

Petitions and Communications from the Public

Old Business

New Business

Review and consideration for a proposed variance to reduce the side yard setback from 15’ to 1’ for an already constructed accessory structure located at 1149 Ski View Drive, being Tax Map 125M, Group B, Parcel 9, R-1 Zone, requested by Miguel Morales.

Staff presented the request for a proposed variance to reduce the side yard setback from 15’ to 1’ for an already constructed accessory located at 1149 Ski View Drive. The request is regarding an already constructed deck at the subject address, the unpermitted deck originally extended over into the neighboring property but was cut back in the meantime to 1’ off the applicant’s property line. The applicant has not provided an identifiable hardship. The property is nonconforming by current standards as the lot size is 0.45-acres at an approximate 48% slope, would not meet the minimum lot size (1-acre) set forth in Article VIII of the Gatlinburg Municipal Zoning Ordinance. The applicable regulations associated with this request are Article VIII, being the Area, Yard, and Height Requirements of the Gatlinburg Municipal Zoning Ordinance.

Following a brief discussion, Mr. Clay England made a motion to deny the request as presented. Mrs. Amanda Caton 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 15’ for a proposed three-story, single-family dwelling to be constructed at 1028

Old Cartertown Road, being Tax Map 117P, Group B, Parcel 3, R-1 Zone, requested by Todd Waroway.

Staff presented the request for a proposed variance to reduce the side yard setback from the required 22.5' to 15' for a proposed three-story, single-family dwelling to be constructed at 1028 Cartertown Road. The property is nonconforming by current standards as the lot size, 0.43-acres at an approximate 48% slope, would not meet the minimum lot size (1-acre) set forth in Article VIII of the Gatlinburg Municipal Zoning Ordinance. The plan was submitted for review by Staff, it was noted that the proposed dwelling would require an additional 7.5' of side yard setback due to the proposed dwelling being three stories in height. The applicant did not provide a hardship in the request, but Mr. Jeremy Puckett, engineer, was present to provide the Board with a hardship. Mr. Puckett explained that Mr. Waroway would utilize a left-over foundation and mentioned that the original plat of record stated a 15' side yard setback for the property. Mr. Puckett explained that the home will appear as a two-story residence since the lot slopes down from the roadway. The applicable regulations pertaining to this variance request are Article VIII, being the Area, Yard, and Height Requirements, Footnote 4 of Article

Following a brief discussion, Ms. Amanda Caton 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 6' for a proposed single-family dwelling to be constructed at 449 Baskins Creek Road, being Tax Map 126M, Group A, Parcel 9, R-2 Zone, requested by Marcos Aleman.

Staff presented the request for a proposed variance to reduce the side yard setback from the required 15' to 6' for a proposed single-family dwelling to be constructed at 449 Baskins Creek Road. The property is a nonconforming lot by current standards as the lot size is 0.13-acres at an approximate 50% slope, would not meet the minimum lot size (2-acres) set forth in Article VIII of the Gatlinburg Municipal Zoning Ordinance. This is common with many lots of records along Baskins Creek Road. A similar variance request was granted for the neighboring parcel, 445 Baskins Creek Road, on October 31, 2023. The applicant identified their hardship as limited lot width in addition to the steep slope and below minimum size of lot. Staff identified the applicable regulations as- Article VIII, being Area, Yard, and Height Requirements of the Gatlinburg Municipal Zoning Ordinance.

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

Administrative review of Staff's interpretation of the Gatlinburg Municipal Ordinance, specifically Article III: Definitions-Mobile Home/Mobile Building, requested by Matthew Mertz.

The City of Gatlinburg does not permit mobile homes, mobile buildings, or other structures as living units which may be transported fully constructed or constructed in parts to a site for installation. It is Staff's interpretation that the container homes are viewed as mobile units, transported to a home site for installation. The type of construction does not preclude the City's consistent determination within the Zoning Ordinance that such homes in containers or ready removable units, or mobile homes are not permitted within the City. Applicable regulations regarding this request-Article III, Definitions-Mobile Home/Mobile Building of the Gatlinburg Municipal Zoning Ordinance. Staff's position stands that the container home is not permissible within the City of Gatlinburg due to the proposed dwelling's ability to be transported fully constructed in parts to a site for installation.

Following a brief discussion, Mr. Clay England made a motion to agree with Staff's interpretation of the Gatlinburg Municipal Ordinance. Ms. Amanda Caton provided a second with all members voting, "aye."

Unscheduled Items

The meeting was unanimously adjourned at 3:22 p.m. after a motion made by Ms. Amanda Caton. Mr. Clay England provided a second with all members voting, "aye."

Approved:



MBZA Chairman

8-22-24

Date

