

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
JUNE 22, 2023, MEETING,
THURSDAY, 3:00 PM, CITY HALL

MEMBERS PRESENT

Joe Waggoner
Clay England
Amanda Caton
Matt Zoder

MEMBERS ABSENT

Cyndi Bowling

OTHERS PRESENT

Joe Shults

Staff Representative: Jeff Ownby, Building and Planning Director
Dalton York, Assistant City Planner
Jodi Bible, Executive Secretary

Chairman Matt Zoder called the meeting to order at 3:00 P.M. Mrs. Amanda Caton made a motion to approve the minutes of the May 25, 2023, 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 to 15 feet from the required 22.5 feet for a single-family dwelling, located at 336 and 338 Roaring Fork Road, R-2 Zone, requested by Joe Shults.

Staff corrected the request. Initially, both single-family dwellings were going to need a variance, but the owner and contractor decided to keep the residence located at 336 Roaring Fork Road as a two-story single-family dwelling instead of the three-story that is proposed for 338 Roaring Fork Road. Staff presented the request for review and consideration of a proposed 7.5' setback variance from the required 22.5' side yard setback for a proposed single-family dwelling located at 338 Roaring Fork Road. This request will leave a 15' side yard setback for a three-story, single-family residential dwelling. If approved, the applicant would be authorized to continue construction of the three-story residential dwelling with a non-conforming 15' side yard setback. Staff explained that the typical side yard setback in all Residential zones is 15 feet, and though the proposed three-story dwellings would allow for additional room for storage at the properties thus producing an increase in living space for the tenants; the objective of the additional 7.5' setback (to 22.5') for dwellings over two-stories is to allow for adequate light and air to flow between structures and to create a more pleasant community for the City's residents and visitors. The requested variance would hinder the zoning ordinance's intent to provide sufficient open space, a necessity particularly for small lots such as the two being presented for review. Staff mentioned that the adjacent property owners had voiced opposition to the variance being granted; although, the address in question will not impede their parcels directly.

Following a brief discussion, Mr. Joe Waggoner made a motion to approve the request. Mr. Clay

England provided a second with all members voting, "aye."

Review and consideration for a proposed variance for two deck additions in the Bear Cove PUD, one for 12.8 feet instead of the required 25 feet exterior setback, and one for 20.3 feet instead of the required 25 feet, located at 725 Glades Road, C-3 Zone, requested by Perry Smith Development.

Staff presented the request for review and consideration of a proposed 12.5' PUD exterior setback variance from the required 25' setback leaving a 12.5' setback area for a 40'x12.5' deck and handicap ramp addition to unit 10 in the Bears Cove PUD at 725 Glades Road, and a 5' variance from the 25' exterior PUD setback leaving a 20' setback area for a 40'x12.5' deck and handicap ramp addition for unit 9 in the same PUD resort. The deck and ramp additions provide access to these rental cabin units on the second or main level of the cabins. Though the structures were added to provide handicap access, the side of the porch and ramp extends the structures of both units into the required exterior 25' setback. Although, the covered porch and ramp location should have limited impact to the adjoining property, the setback provision for light, air, and open space are compromised with these 40'x12.5' covered porches and the resulting encroachments. The survey information indicates that the property does not have an excessive grade, and the existing grades present no hardship, which is necessary to warrant the variances, as requested. It appears that the deck and ramp additions may have been an afterthought once construction moved towards completion. A simple ramp addition for handicap access would be permitted within the setback areas as an ingress and egress component for the cabins.

A lot of the adjoining parcel owners were present to express their disapproval of the Board granting the variance. The neighboring owners feel that the development is already encroaching and disrupting the neighborhood as it is. Granting the variance will only heighten their overreach according to the neighbors.

Following a discussion, Mrs. Amanda Caton made a motion to deny the request. Mr. Joe Waggoner provided a second with all members voting, "aye."

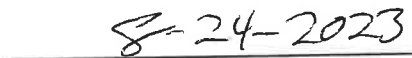
Unscheduled Items

The meeting was unanimously adjourned at 3:28 p.m. after a motion made by Mr. Joe Waggoner and Mr. Clay England provided a second with all members voting, "aye."

Approved:



MBZA Chairman



Date