

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
May 27, 2021
TUESDAY, 3:00 P.M., CITY HALL

MEMBERS PRESENT

Matt Zoder
Jay Horner
Cyndi Bowling
Joe Waggoner
Ron Smith

MEMBERS ABSENT

OTHERS PRESENT

Gary Moyers
Todd Mallicoat
Jim Odle
Mike Patel
Bob Krusenklau

Staff Representatives: David Ball, Building & Planning Director
Penny Douglas, Executive Secretary

Chairman Mr. Matt Zoder called the meeting to order at 3:00 P.M. Mr. Jay Horner made a motion to approve the minutes for the April 22, 2021, meeting. Mrs. Cyndi Bowling seconded the motion which passed with all members voting "aye."

Staff Report

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 single-family dwelling to be constructed on Clabo Loop Road, Lot 20, Tax Map 127H, Group D, Parcel 024.00, R-1 Zone, requested by Jessica Brumbaugh.

Staff presented the request for a variance from Article VIII, being the Area, Yard, and Height Requirements for a side yard setback variance. Staff explained that the request consists of 6' side yard setback variance from the required 15' side yard setback, leaving a 9' side yard area for a proposed 22' x 40' single-family dwelling to be located on Woodland Drive and Clabo Loop Road. Staff stated that the property is steep and is bisected with a natural ravine which limits the buildable area of the lot to the northeast corner of the lot. Staff noted that the topography of the property is approximately 40% and greater. Staff added that the proposed dwelling is shown to be located 10 to 15 feet below Woodland Drive and the property slopes approximately 40% downward from the City Street in the location of the proposed dwelling. Staff further noted that the site plan indicates that the adjoining property to the east, which is owned by the applicant, will be used as a field line area for the subject property. As such, the area will not be usable for the placement of a structure and therefore should serve as a buffer to any future buildings on the adjacent lot. Mr. Joe Waggoner asked what if they chose to sell one of the lots with the encroachment of the field line area. Staff stated that they should establish an easement for the encroachment if the lots are sold independently.

After a brief discussion, Mr. Joe Waggoner made a motion to approve and Mr. Jay Horner, seconded the motion which was unanimously approved with all members voting "aye."

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 single-family dwelling to be constructed on Hemlock Street, Tax Map 126E, Group A, Parcel 008.00, C-2

Zone, requested by Jim Odle for Manubhai Patel.

Staff presented the request for a variance from Article VIII, being the Area, Yard, and Height Requirements for a front yard setback variance. Staff explained that the request consists of a 10' front yard setback variance from the required 15' setback, leaving a 5' front yard area for a proposed 3-story, single-family dwelling to be constructed on Hemlock Street. Staff explained that the actual building would be located at the 15' front yard setback and that the eight (8) feet, open-air decks located on the first and second floors would be located into the required setback area. Staff also stated that it appears that the applicant is not providing a turnaround on site and therefore will require a variance from Article IV, Section 402 being the Off-Street Automobile Parking Requirements to back into the public street.

Mr. Jim Odle stated the owner would like to build a 7 Bedroom with 5 car parking with 3 underneath the home. Mr. Odle stated that the house was on a dead-end street and the lot was a 60% slope. Staff stated this was a C-2 Zoning that did not allow backing into the street. Mr. Joe Waggoner asked how far away the driveway would be from the curve. Staff stated that it would be about 100 feet. Mr. Waggoner ask if parking on the street was an option. Staff stated that parking on the street was not allowed per the Zoning Ordinance. Mr. Matt Zoder ask if they would be leaving the wooded area located to the north of the lot undisturbed. Mr. Odle stated that did not have plans to bother that area and that the vegetation near the street was located on the adjacent property. Mr. Matt Zoder ask if the curve was a blind curve coming from the Red Bud. Staff stated that this area is a low traffic area but that there was a short site distance to the curve which made backing into the street questionable. Mr. Odle stated that most of the properties did back into the right-of-way along the street. Staff agreed but noted that those properties were located on the other side of the street which permitted a better site distance to the curve. Staff asked if the parking area could be enlarged to provide turnaround on site. Mr. Odle stated that there could be a retaining wall push back on the lot creating more depth to the parking area. Mr. Joe Waggoner ask how many spaces of parking would be required for 7-bedroom dwelling. Staff stated that five (5) spaces would be required for the dwelling. Staff also noted that and the access point on the public street was limited to a maximum of 26' and so the concept of creating a large parking area under the unit with no controlled access point would be an issue. Mr. Odle stated that there could possibly be a controlled access design implemented on the property. Staff stated that the idea to raise the house was to address the flood hazard area elevation requirement and to provide parking opportunities for the site. Staff stated that an adjoining neighbor was concerned about the street parking and sent an email about the concerns. Staff gave the Board members a copy of the email.

Staff explained that the property is extremely steep and very narrow which limits buildable areas. The front portion along Hemlock Street is reasonably flat for the first 30 to 35 feet but then becomes extremely steep at grades well in excess of 50% and greater. After a brief discussion, Mr. Jay Horner made a motion to approve the setback only and Mr. Ron Smith, seconded the motion which was unanimously approved with all members voting "aye."

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 single-family dwelling to be constructed at 1470 South Baden, Tax Map 126D, Group F, Parcel 12, R-2 Zone, requested by Bradley and Elizabeth Jones.

This item was pull from the agenda by the applicate.

Review and consideration for a setback variance for a proposed addition to an existing single-family dwelling, located at 901 Moyers Drive, Tax Map 118, Parcel 006.02, R-1 Zone, requested by Gary Moyers.

Staff presented a request for a variance from Article VIII, being the Area, Yard, and Height Requirements for a front yard setback variance. Specifically, Staff stated that the request consists of a 20' front yard setback variance from the required 25' setback, leaving a 5' side yard area for a proposed deck addition to an existing single-family dwelling, located at 901 Moyers Drive. Mr. Gary Moyers stated that house was built in 1949 and was just looking to build a 6' x 12' deck with a 5' setback. Staff noted that the proposed entry deck is an addition to the existing structure to provide access to the building from the upper parking level. The property slightly slopes upward from Moyers Drive at approximate 30% slopes.

After a brief discussion, Mr. Jay Horner made a motion to approve and Mrs. Cyndi Bowling, seconded the motion which was unanimously approved with all members voting "aye."

Review and consideration for a proposed variance from Article VIII, being the "Area, Yard, and Height Requirements" of the Municipal Zoning Ordinance, for an existing single-family dwelling at 417 Smoky View Road, Tax Map 126K, Group B, Parcel 013.00, R-1 Zone, requested by Jay Horner for Andre Therrien.

Staff presented a request for a variance from Article VIII, being the Area, Yard, and Height Requirements for a building height variance. Staff noted that the request consists of a 13' height variance over the allowed 48' maximum building height limitations for R-1 District, for a total building height of 61' above finished grade for recently completed dwelling. Staff advised that the project was permitted under designs that met the adopted zoning height limitations for the R-1 District. Mr. Jay Horner recused himself from the Board to assume the role of representative of the applicant.

Mr. Horner explained that the original plan was to install the foundation and raise the finished grade around the foundation to maintain required building heights. Mr. Horner further explained that the project engineer required more depth to the foundation to ensure the building was on solid constructed on adequate load bearing soils which inadvertently changed the height of the foundation that resulted in the additional 13' building height. Mr. Jay Horner gave the Board pictures of the foundation and newly planted landscaping showing that Leyland Cypress trees have been planted below and adjacent the foundation walls to obscure the visibility of the walls. Mr. Horner stated that the hope is the rapid growth vegetation will grow approximately 4' a year to provide a screen for the foundation and provide visual relief to the extra building height. The Board inquired about the additional structures being constructed in vicinity of the existing dwelling. Mr. Horner stated that it is the same property owner constructing the additional dwellings and that earth tone colors are being used on the building exteriors and a dark brown dye packet is being used in the concrete for the retaining walls to comply with the Hillside Overlay District provisions to blend the structures with the natural environment. Mrs. Cyndi Bowling ask how many bedrooms were in property. Mr. Jay Horner stated that there were 4 bedrooms. The Board discussed the extreme slopes and the fact that much of the vegetation in the Greystone

Heights area had been lost in the wildfires. After a brief discussion, Mr. Joe Waggoner made a motion to approve the height variance and Mr. Matt Zoder, seconded the motion which was unanimously approved with all members voting "aye." Mr. Jay Horner abstained from the vote.

Review and consideration for a setback variance for a proposed retaining wall structure to be constructed on Tax Map 127H, Group D, Parcel 24, located at 1924 Tamins Court, R-1 Zone, requested by James Witherington.

Staff presented the request for a variance from Article VIII, being the Area, Yard, and Height Requirements, for a rear yard setback variance. Staff explained that the request consists of 10' rear yard setback variance from the required 20' rear yard setback, leaving a 10' rear yard area for a proposed retaining wall structure addition to be located at 1924 Tamins Court. Staff noted that recently, during the construction of a dwelling located at 1924 Tamins Court, a slope failure occurred at the rear of the property along the west property line boundary. Staff explained that the slope failure requires the construction of a retaining wall to stabilize the slope and prevent future failures and to stabilize the adjoining property owner's property. Staff explained that due to the topography and the fact that the wall is located on the downslope of the failure, the wall will only be visible from the subject property so the impact to neighboring properties is very minimal.

Mr. Bob Krusenklau was present and stated that there would be a retaining wall on the property line, one (1) retaining wall between setback line and property line, and a retaining wall on the setback line. Staff stated that the owner has only requested permission to place a wall between the setback line and the property line which requires the 10-foot setback variance. Staff explained that the second wall, which was the foundation wall of the house, was shown to meet the 20' setback and therefore did not require a variance. Staff further stated that no request has been made to place a wall on the property line between the neighboring property. Mr. Krusenklau stated the reason for the retaining walls was to restore the property and the neighboring property where the land slide area has extended up to the neighbor's property. Staff asked what would be done to restore the slide onto the adjoining property. Mr. Krusenklau stated that once everything was complete that they would use topsoil and revegetate the property.

After a brief discussion, Mr. Jay Horner made a motion to approve and Mr. Ron Smith, seconded the motion which was unanimously approved with all members voting "aye."

Petitions and Communications from the Public

Unscheduled Item

Adjournment

The meeting was unanimously adjourned at approximately 3:50 p.m. after a motion by Mr. Ron Smith and a second by Mr. Joe Waggoner.

Approved by:



MBZA CHAIRMAN

6-24-2021

DATE