

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
APRIL 28, 2022, Meeting,
THURSDAY, 3:00 PM, CITY HALL

MEMBERS PRESENT

Matt Zoder
Cyndi Bowling
Joe Waggoner
Jay Horner

MEMBERS ABSENT

Ron Smith

OTHER PRESENT

David Davis
Bob Naberhaus
Randy Harley
Eddie Vandore

Staff Representative: David Ball, Building & Planning Director
Gary Brackins, Assistant City Planner

Chairman Mr. Matt Zoder called the meeting to order at 3:00 P.M. Mr. Jay Horner made a motion to approve the minutes of the March 24, 2022, meeting, and Mrs. Cyndi Bowling provided a second.

Staff Report

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 single-family dwelling to be constructed at 110 W. Holly Ridge Rd., Tax Map 126N Group E, Parcel 126, R-2 Zone, requested by Marty Phillips.

Staff presented the request for a variance from Article VIII, being the Area, Yard, and Height Requirements for a side yard setback variance. Specifically, the request consists of a two (2), 22’ side yard setback variances from the required 22.5’ setback, leaving a 6” side yard area; and a 19.6’ rear yard setback from the required 20’ setback, leaving a 6” rear yard for a proposed single-family dwelling, outdoor swimming pool, and associated retaining walls, to be constructed at 110 W. Holly Ridge Rd. Staff noted, the variances all relate to the retaining walls and swimming pool.

Staff explained that the property is currently an undeveloped parcel located on West Holly Ridge Road. The property was previously developed with a single-family dwelling that was destroyed in the 2016 Wildfires. Due to the size and location of the proposed structures, there is a potential for impact to the open-space areas of the property in comparison to the previous development that existed on the property. The lot is approximately 10, 441 square feet in size. The designer indicates that the proposed dwelling is 5,120 square feet which is just below the allowable maximum density for the property. The

property is relatively flat with a grade of approximately 13% slope. Staff noted that no physical hardship has been presented for this request.

After considerable discussion regarding the request, Chairman Zoder called for a motion. However, no motion was made and therefore, the request was denied for lack of a motion.

Review and consideration for a 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 355 Shields View Dr., Tax Map 117L, Group A, Parcel 7, R-1 Zone, requested by For Rent Properties, LLC.

Staff presented the request for a variance from Article VIII, being the Area, Yard, and Height Requirements for side and rear yard setback variances. Specifically, the request consists of a 15’ front yard setback from the required 25’ setback, leaving a 10’ front yard area; a 10’ side yard setback variance from the required 22.5’ setback, leaving a 12.5’ side yard area; and a 10’ rear yard setback variance from the required 20’ setback, leaving a 10’ rear yard setback area for a proposed single-family dwelling. Staff noted that the side and rear yard setback variances relate to a retaining wall to be placed on the property to retain the slope behind the structure and required parking area.

Staff explained the lot is a vacant lot consisting of 11,331 square feet. The property slopes up from Shields View Drive and Maples Road at a slope of approximately 32%. Staff explained that the actual dwelling only encroaches into the front yard setback area. The building will be located approximately 30’ from paved street edge of Maples Road and therefore will have little to no impact to the use of the adjoining right-of-way area. The remaining setback encroachments relate to the proposed retaining wall that is located in the north (rear) and west portions of the property that provide slope retention around the building and parking area. Based on the topography, the wall would only be visible to the occupants of the subject property and therefore little to no impact to the adjacent properties. The property is small, and the building area is limited by the individual septic tank and field line area location as well as the driveway and parking for the site.

After a brief discussion, Mr. Jay Horner made a motion to approve the request, and Mr. Joe Waggoner provided a second, which passed unanimously with all members voting, “aye.”

Review and consideration for a 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 349 Shield View Dr., Tax Map 117L, Group A, Parcel 6, R-1 Zone, request by For Rent Properties, LLC.

Staff presented the request for a variance from Article VIII, being the Area, Yard, and Height Requirements for side and rear yard setback variance. Specifically, the request consists of a 19’ side yard setback variance from the required 22.5’ setback, leaving a 3.5’ side yard area for a proposed single-family dwelling. Staff explained that the side yard variance relates to a retaining wall that is proposed to create the parking area for the dwelling.

Staff explained that the lot is a vacant lot consisting of 11,573 square feet. The property slopes up from Shields View Drive at a slope of approximately 21%. The setback encroachment consists of a retaining wall that is proposed on the east portion of the property to create the two (2) car parking area. Based on the topography, the wall would only be visible to the occupants of the subject property and therefore little to no impact to the adjacent properties. The property is small, and the building area is limited by the individual septic tank and field line area location as well as driveway and parking for the site.

Following a brief discussion, Mr. Jay Horner made a motion to approve the item, and Mrs. Cyndi Bowling provided a second with all members voting, "aye."

Review and consideration for a variance from Article VIII, being the "Area, Yard, and Height Requirements," of the Municipal Zoning Ordinance, for additions to an existing single-family dwelling located at 1447 N. Arbon Lane, Tax Map 136D, Group A, Parcel 66, R-1 Zone, requested by Robert Naberhaus.

Staff presented a request for a variance from Article VIII, being the Area, Yard, and Height Requirements for a side yard setback variance. Specifically, the request consists of a 12.3' side yard setback variance from the required 15' setback, leaving a 2.7' side yard area for a proposed garage addition to a single-family dwelling located at 1447 N. Arbon Lane.

Staff explained that the lot is currently developed with an existing single-family dwelling which was constructed in the early 1980's. Staff further noted that in the eighties, a variance was granted for a retaining wall to create a foundation for parking space in the location of the proposed garage. The wall was constructed in the side yard to create the space and now the owner wishes to create a single car garage onto the existing retaining wall foundation. The adjacent dwelling, located on 1439, appears to be located approximately 20 – 25 feet away from the property line. With the existing foundation wall being located on the property, the additional single floor garage does not seem to create any more impact to the adjoining property. The applicant has indicated that the garage will provide a needed cover for the parking space. The proposed garage, if approved, will have to be fire rated construction due to the proximity to the property line. The property is located at the end of N. Arbon Lane adjacent to a platted cul-de-sac turnaround area. The property is a steep with a natural grade of approximately 41% slope. Staff noted that the dwelling was constructed up near North Arbon Lane due to the topography and parking areas are limited to the front and sides of the structure. The Board inquired about whether the neighbor has any objection. Staff explained that the neighbor has contacted staff about the request but was agreeable based on the ability to be able to make additions to their dwelling without restrictions provided they could meet setbacks.

Following a brief discussion, Mr. Jay Horner made a motion to approve the request. Mrs. Cyndi Bowling provided a second with all members voting, "aye."

Unscheduled Items

Adjournment

The meeting was unanimously adjourned at 3:30 p.m. after a motion made by Mrs. Cyndi Bowling and a second by Mr. Jay Horner.

Approved:



MBZA Chairman

5-26-2022

Date