

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
October 28, 2021
TUESDAY, 3:00 P.M., CITY HALL

MEMBERS PRESENT

Matt Zoder
Joe Waggoner
Jay Horner
Ron Smith
Cyndi Bowling

MEMBERS ABSENT

OTHERS PRESENT

Terry Tice
Bob Bentz

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 September 23, 2021, meeting. Mr. Jay Horner 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 deck addition to an existing single-family dwelling located at 440 Winfield Heights Road, Tax Map 126O, Group B, Parcel 011.0, R-2 Zone, requested by Terry L. Tice.

Staff presented a request for a variance from Article VIII, being the Area, Yard, and Height Requirements for a proposed deck addition to existing dwelling located at 440 Winfield Heights Road. Specifically, the request consists of a 10' rear yard setback variance from the required 20' rear yard setback, leaving a 10' rear yard area for a proposed 10' by 52' rear deck addition to the existing building. Staff noted that the rear deck, if approved, will be located on the second floor of the dwelling which is currently under construction. Mr. Joe Waggoner asked what was behind the property. Staff stated that property was approximately 15 acres of heavily vegetated and steep terrain. Mr. Joe Waggoner asked what that property was zoned. Staff stated the property was a R-2 Zone.

Staff added that the proposed deck obviously impacts open-space areas but will be located on the second story of the building, several feet above finished grade adjoining the building. Therefore, the impact would seem very minimal. Staff noted that the property is a small, narrow lot with limited building space.

After a brief discussion, Mr. Ron Smith 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 variance from Article VIII, being the "Area, Yard and Height Requirements," of the Municipal Zoning Ordinance, for a proposed reduced lot size, for Tax Map 127P, Group C, Parcel 39.00, R-1 Zone, requested by Robert Bentz.

Staff presented a request for a variance from Article VIII, being the Area, Yard, and Height Requirements, and specifically to permit the creation of a proposed 11,409 square feet lot within the "Settlement at Gatlinburg – Phase 2," subdivision. Specifically, staff stated that the applicant is requesting that "Lot 39" be approved by the Board with reduced minimum lot size of 11,409 square feet which is approximately 32,151 square feet less than the required 43,560 square feet requirement and with a reduced public street frontage of 90 feet which is 10 feet less than the required 100 feet

requirement.

Staff further noted that the lot (Lot 39) was depicted on the original subdivision plat that was created in 2006 but was shown as a future lot and not officially established as a lot of record. Subsequently, a deed was created for the lot and then recorded. The applicant, who is looking to purchase the property, is requesting that the lot be officially established as a lot of record for the purposes of development. The lot as presented does not meet today's lot size and frontage requirements however, when created in the mid 2000's, would have complied with the minimum lot size of 10,000 square feet and 50' of public street frontage. It appears that the lot was withheld during the original subdivision plat approval due to concerns about soil stability and drainage issues. Staff noted that the applicant is currently having a soils engineer conduct an analysis of the lot to ensure the proposed lot area is buildable and doesn't present any unusual or problematic soils condition that would prevent future development. Staff explained that on October 21, 2021, the Municipal Planning Commission approved the subject lot for subdivision subject to the Board's approval of the reduced lot size and public street frontage.

Mr. Matt Zoder asked if the utilities department had approved the lot. Staff stated that the property is served with public water and sewer. Mr. Joe Waggoner asked how large of a house was being built. Staff stated that the building would be limited to the density and setback requirements of the district. Mr. Bob Bentz stated that if the property is developed it would be similar to the surrounding dwellings which were 2 and 3 story cabins. Ms. Cyndi Bowling asked if all the lots were the same size. Staff stated that the surrounding lots were of like size and dimensions. Staff explained that the lots size requirements of the subdivision as originally approved permitted 10,000 square feet lot areas. Mr. Joe Waggoner asked Mr. Bentz if he would be coming back to the Board for setback variances later. Mr. Joe Waggoner stated he was concerned about the setbacks if the lot size is reduced. Mr. Bob Bentz stated he did not foresee coming back for any setbacks that the cabin would be a rental property and similar to the surround properties.

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."

Unscheduled Item

Adjournment

The meeting was unanimously adjourned at approximately 3:20 p.m. after a motion by Mr. Jay Horner and a second by Mr. Ron Smith.

Approved by:



MBZA CHAIRMAN


Vice Chairman



DATE