

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
June 25, 2020
TUESDAY, 3:00 P.M., CITY HALL

MEMBERS PRESENT

Joe Waggoner
Matt Zoder
Ron Smith
Jay Horner
Cyndi Bowling

MEMBERS ABSENT

OTHERS PRESENT

Anthony Law
Joey Deeb

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

Chairman Mr. Joe Waggoner called the meeting to order at 3:00 P.M. Mr. Ron Smith made a motion to approve the minutes of the June 25, 2020 Meeting. Mr. Matt Zoder, seconded the motion which unanimously passed with all members voting “aye.”

Staff Report

Old Business

New Business

Review and consideration for a side yard setback variance for a proposed deck addition/renovation to an existing single-family dwelling located at 1475 Zurich Road, being Tax Map 126P, Group A, Parcel 56, R-1 Zone, requested by Joey & Gina Deeb.

Staff presented the request for a 1' side yard setback variance from the required 15' side yard setback, leaving a 14'-0" side yard setback area for a proposed deck replacement on a single-family dwelling located at 1475 Zurich Road. Staff stated that the request is to permit the reconstruction of an existing deck back in the original location. The deck is in need of replacement and it has been discovered that the deck slightly encroaches into the side yard setback. Staff noted that due to the fact that the deck has existed since the early 80's and because the owner wishes only to reconstruct the deck in its original location, the impact of the request would seem very minimal. Staff further explained that the lot is small consisting of approximately 11,440 square feet in area and consists of slopes in excess of 30%. The narrow lot configuration is also limiting to the available building area for the dwelling.

After a brief discussion, Mr. Ron Smith 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 front yard and two (2) side yard setback variances for a proposed single-family dwelling to be constructed at 1143 Upper Alpine Way, being Tax Map 125M, Group C, Parcel 17.03, R-2 Zone, requested by Marian Diaconu.

Staff presented the request for a 10'-6" side yard setback variance from the required 22'-6" side yard setback, leaving a 12' side yard setback on the north side boundary line; a 7'-6" side yard setback variance from the required 22'-6" side yard setback, leaving a 15'-0" side yard setback on the south side boundary line; and a 2' front yard setback variance from the required 25' front yard setback, leaving a 23' front yard area for a proposed single-family dwelling to be constructed at 1143 Upper Alpine Way.

Mr. Joe Waggoner ask if this would be a new construction and what was the slope. Staff stated the slope would be 28 to 31%. Mr. Joe Waggoner ask if it would be a walkout basement with a

3rd floor and the 2nd floor at street level. Staff explained that the property is currently vacant with 30% slopes and greater and sloping down from the adjoining street. Staff noted that based on the proposed location of the structure, the building will be located a minimum of 30 + feet away from any other adjoining buildings. Staff added that the property is an existing undeveloped lot consisting of 10,859.7 square feet and consists of natural slopes in excess of 30%. The lot is a long narrow lot that averages just over 60' in width. Staff explained that if the side yard setbacks are fully applied to the property, the width in which to locate a structure will be reduced to approximately 18' in width.

Mr. Diaconu was present and explained that the purpose in the request is to develop the property without having to construct massive retaining walls. Mr. Diaconu provided photos of the property from the neighboring property and stated that the proposed located would not impede the views of the adjoining property. The adjoining property owner, Mr. Law was present and had pictures for the board to view and stated that his main concern is the possibility of a 25-foot retaining wall being constructed in the yard area adjoining his property which in his opinion, would cause a property value decrease of his property. Mr. Matt Zoder ask where the retaining wall would be going and how it would affect the value of his property. Mr. Diaconu stated that he was requesting an easement from another adjoining property owner, Mr. Gilmore, to work out a way to put the driveway in so that he could minimize if not eliminate the retaining walls near Mr. Law's property. Staff stated that driveways are permitted in the setback areas but that retaining walls are only exempted in front yard setback areas if used for driveways and parking areas. Staff noted however, that said retaining walls are not allowed in side yard areas without setback variances. Staff also stated that there could be an evergreen vegetative screen placed on the property adjacent the property boundary to help obscure the view of the retaining wall. Mr. Zoder asked what could be agreed upon that would work for both parties. Mr. Diaconu stated that every effort would be made to minimize if not avoid the placement of a retaining wall that would negatively impact the view of the neighbor.

After a brief discussion, Mr. Matt Zoder 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

There were no petitions or communications from the public.

Unscheduled Item

Staff stated that at the next meeting Officers would be elected for the Board.

Adjournment

The meeting was unanimously adjourned at approximately 3:30 p.m. after a motion by Mr. Matt Zoder and a second by Mr. Jay Horner.

Approved by:



MBZA CHAIRMAN

7-23-2020

DATE