

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
January 23, 2020
TUESDAY, 3:00 P.M., CITY HALL

MEMBERS PRESENT

Joe Waggoner
Cyndi Bowling
Ron Smith
Matt Zoder

MEMBERS ABSENT

Kenny Maples

OTHERS PRESENT

Jake Comstock
Joyce Meredith
Richard Meredith

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 December 26, 2019 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 front yard setback variances from Article VIII, being the Area, Yard, and Height Requirements of the Municipal Zoning Ordinance, for Tax Map 127G, Group A, Parcels 001.00, located at 724 Ellis Ogle Road, R-1 Zone, requested by Phillip Derosia.

Staff presented the request for a 5' front yard setback variance from the required 25' setback area, leaving a 20' front yard area; and a 10' front yard setback variance from the required 25' setback area, leaving a 15' front yard area for a proposed single-family dwelling to be constructed at 724 Ellis Ogle Road. Staff explained that the request is to permit the construction of a single-family dwelling on the existing .35-acre lot. Staff further noted that the lot is a narrow undeveloped parcel that fronts on both Ellis Ogle Road and Thompson Road. The proposed structure is a 24' by 34' footprint that is proposed for the northeast portion of the lot. Staff explained that most of the properties in the vicinity of the proposed property appear to be developed in similar fashion with the structures located near the adjoining street to better access the units and due to the slope of the properties. Staff stated that the proposed location does not appear to create any significant impact to the adjoining right-of-way areas. Staff noted that the property is approximately 25% – 30% slope and is a long narrow lot. The deepest portion of the lot is in the location of the proposed structure which is around 66' deep. The narrowness of the lot and the septic and field line installation will limit building areas on the property.

Mr. Richard Meredith was present and was acknowledged by Chairman Waggoner. Mr. Meredith explained that he was the neighboring property owner and expressed concerns about the variance. Mr. Meredith stated that he couldn't understand how the Board could grant a variance when the applicant is a recent owner of the property and should have researched the requirements before purchasing the lot to know what could be built upon the lot. The Board expressed to Mr. Meredith that variances are based upon physical hardships in the property and that the ownership nor the length of ownership of the lot had any bearing on the Board's decision.

After a brief discussion, Mr. Matt Zoder made a motion to approve and Mr. Ron Smith, seconded the motion which was unanimously approved with all members voting “aye.”

Review and consideration for a side yard setback variance for a single-family residence located at 420 Greystone Heights Road, Tax Map 126F, Group B, Parcel 013.00, R-1 Zone, requested by Jake Comstock.

Staff presented the request for a 7’-4” side yard setback variance from the required 22’-6” setback area, leaving a 15’-2” side yard setback area for a proposed 3-story single-family dwelling to be constructed at 420 Greystone Heights Road. Staff stated that the property was previously developed with a dwelling that was destroyed in the 2016 Wildfires. Mr. Jake Comstock was present to answer questions from the Board. Mr. Matt Zoder ask if this was going to be a private residence or a rental property. Mr. Comstock stated it would be a rental property. Mr. Joe Waggoner ask if the previous structure was a 2-story. Mr. Comstock could not confirm whether the previous structure was a two or three story building but stated the new structure would be a 3 story.

Staff added that the proposed structure appears to be in a similar location as the previous structure but as a different building footprint. Staff noted that the previous structure may have been a 2-story structure rather than a 3-story, but the location was similar to what is being proposed with the same driveway access to Greystone Heights Road. Staff also noted that the encroachment appeared to be an open deck. Mr. Comstock stated the deck would be open. Staff noted however, because the structure is a 3-story building, the additional 7.5’ of side yard setback is applicable to the dwelling. Staff added that the building will be located a minimum of 15’ from the property line as proposed and based on the there being a previous building located within 15’ of the side yard, the proposed request should have very little impact to the surrounding properties.

Staff explained that the property is in well in excess of 30% natural slope and buildable areas are limited due to existing driveway cuts and previous building footprints. After a brief discussion, Mrs. Cyndi Bowling made a motion to approve and Mr. Ron Smith, seconded the motion which was unanimously approved with all members voting “aye.”

Review and consideration for a side yard setback variance for a single-family residence located at 461 Winfield Heights Road, Tax Map 126O, Group B, Parcel 029.00, R-2 Zone, requested by Cody Carmean.

Staff presented the request for a 4’ side yard setback variance from the required 15’ leaving a side yard setback area of 11’ to reconstruct a single-family dwelling at 461 Winfield Heights Road. Staff explained that the applicant is requesting to rebuild a structure that was destroyed in the 2016 Wildfires in the same footprint that existed prior to the fires. Mr. Joe Waggoner asked if this was previously a single family or 2 family dwelling. Staff stated it was a single-family dwelling.

Staff stated that the structure is proposed in the location of the previous building footprint as it existed prior to the wildland fires of 2016. The 4’ encroachment consists of a covered walkway which does not extend for the full length of the house. As such, there appears to be little or no impact to any adjoining properties with the request. Staff noted that the property is slightly sloping

from right to left in the front yard with steeper slopes in the rear of the property in excess of a 40% natural slope.

After a brief discussion, Mr. Matt Zoder 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

There were no petitions or communications from the public.

Unscheduled Item

There were no unscheduled items

Adjournment

The meeting was unanimously adjourned at approximately 3:40 p.m. after a motion by Mr. Ron Smith and a second by Mrs. Cyndi Bowling.

Approved by:



MBZA CHAIRMAN

2-27-20

DATE