

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

MEMBERS PRESENT

Joe Waggoner  
Matt Zoder  
Ron Smith  
Jay Horner  
Cyndi Bowling

MEMBERS ABSENT

OTHERS PRESENT

David Marshall  
Mark Kravig  
Shelly Kravig

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. Jay Horner made a motion to approve the minutes of the June 25, 2020 Meeting. Mr. Ron Smith, seconded the motion which unanimously passed with all members voting “aye.”

**Staff Report**

**Old Business**

**New Business**

**Review and consideration for a front yard setback variance for an existing deck addition to a single-family dwelling, located at 1110 Lower Alpine Way, being Tax Map 125M, Group C, Parcel 39.00, R-1 Zone, requested by Mark Kravig.**

Staff presented the request consisting of a 21' front yard setback variance from the required 25' front yard setback, leaving a 4'-0" front yard setback area for an existing deck for a single-family dwelling located at 1110 Lower Alpine Way. Staff noted that the deck is a new deck that was constructed to replace a deck that has been in existence since the original house was constructed in the 1960's. Staff explained that the owners have expanded the deck into the setback area to accommodate a hot tub. The expansion was performed without a permit and discovered after the construction was completed.

Mr. Joe Waggoner asked if the work had been done without a permit and if so, was there a fine for working without a permit. Staff stated that permit fees could be doubled if the property owners knowingly performed the work without the proper permits or after a notice to cease work had been issued by the Building Official. Mr. Mark Kravig stated that the contractor that was originally hired for the work is no longer on the job and he has hired a new contractor to complete the job with the proper permits. Staff stated that often times this happens when the property owner lives out of state and is not aware that the contractor has not complied with proper guidelines.

Staff noted that since the deck has existed since the early 60's and because the deck location is approximately 8' – 10' above the adjoining street and approximately 15' away from the adjoining street, the impact of the request would seem very minimal. Staff further noted that the lot is approximately 18,776.8 square feet in size and is a corner lot which consists of slopes in excess of 30%. The narrow lot configuration is also limiting to the available building area for the dwelling due to having a front yard setback for the majority of the lot area.

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 side yard setback variance for a proposed porch addition to a single-family dwelling, located at 210 Pine Street, being Tax Map 127I, Group D, Parcel 37.00, R-1 Zone, requested by David & Kimberly Marshall.**

Staff presented the request for a 7’ side yard setback variance from the required 15’ side yard setback, leaving an 8’ side yard setback on the northeast side boundary line for a proposed porch addition to a single-family dwelling under construction at 210 Pine Street. Staff explained that the applicant wishes to reconstruct the cabin, which meets the setbacks but will require a variance for the porch. According to the property boundary information, the property previously included structure in the area of question. The proposed location of the structure will be approximately 150 to 250 feet from adjoining buildings and due to the terrain and location of the building, the impact to adjoining property owners would seem very minimal.

Staff presented information received from the neighboring property owner’s, Mr. and Mrs. Whiteside regarding the variance request and the removal of trees in the area of the proposed porch addition. Chairman Waggoner asked about the removal of the trees. Mr. Marshall stated that there were about 20 plus trees that was needing to be taken down. Mr. Marshall stated that he hired someone to take them down and that he had spoken to Mr. Larry Whiteside about removal of the trees. Mr. Matt Zoder stated so you had trees taken down on the neighbor’s property. Mr. Marshall stated that he had spoken to Mr. Whiteside and they were both in agreement that he would plant back a tree line of about 75 trees in the fall, but he had deleted their text messages where they had agreed upon this and the Whiteside’s where just upset that the second house would be a rental. Mr. Matt Zoder ask how far that the Whiteside home was from the tree line. Staff stated approximately 150 feet away. Mr. Joe Waggoner stated that if we pass this it will be contingent to Mr. Marshall planting back a tree buffer in a timely manner. Staff stated that the building permit could stipulate final approval subject to the planting. Mr. Marshall reiterated that his intention was to replant the trees as agreed upon but wanted to complete the construct to properly site the trees to avoid a conflict with the building location and to plant during the appropriate planting season. The lot was previously developed with a rental cabin that was destroyed in the 2016 Wildfires.

After a brief discussion, Mr. Matt Zoder a motion to approve with the contingency that Mr. Marshall replant the tree line as a buffer between the properties and Mr. Jay Horner, seconded the motion which was unanimously approved with all members voting “aye.”

**Election of Officers.**

Mr. Jay Horner nominated Mr. Matt Zoder to be the Chairman and Mr. Ron Smith gave a second to the motion which was unanimously approved with all members voting “aye.” Mrs. Cyndi Bowling nominated Mr. Jay Horner as the Vice Chairman and Mr. Matt Zoder gave a second to 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 other than those presented for and during the agenda items.

**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. Ron Smith and a second by Mr. Jay Horner.

**Approved by:**

  
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MBZA CHAIRMAN

8-07-2020  
\_\_\_\_\_  
DATE