

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
January 24, 2019
THURSDAY, 3:00 P.M., CITY HALL

MEMBERS PRESENT

Joe Waggoner
Kenny Maples
Ron Smith
Cyndi Bowling
Jack Miller, Jr.

OTHERS PRESENT

David Carr
Al Shirley
Brennan Garrett
Chad Huskey
Chris Berger
Margaret Clapp
Tim Arrants
Mercadies Berger
Kathy Kress
Racheal Ogle

OTHERS PRESENT

Alva Grimm
Lori Grimm
Albert Harper
Tracy Harper
Alison Dreibelbis
David Clapp
Brent Brown
Jennifer Brown
Dave Kress

Staff Representatives: David Ball, Building & Planning Director

Chairman Mr. Joe Waggoner called the meeting to order at 3:00 P.M. Mr. Kenny Maples, made a motion to approve of the minutes of the December 27, 2018 meeting, and Mr. Ron Smith, seconded the motion.

Staff Report

No Report

Old Business

No Old Business

New Business

Review and consideration for a proposed planned unit development perimeter setback variance for a deck addition for a single family residence located at 531 Hoot Owl Way located in Mountain Shadows Resort, Tax Map 117M, Group E, Parcel 1.00, C-2 Zone, requested by Jerry Sutton.

Staff presented the request and noted that the request consist of a 20' Planned Unit Development (PUD) perimeter setback variance from the required 25' side yard setback leaving a 5' perimeter setback for a proposed deck addition to an existing single family rental cabin. Mr. Brennan Garrett was present as the surveyor for the request and noted that the Home Owners Association has approved the rear deck encroachment. Mr. Garrett noted that the area adjoining the property is commercially zoned and that the area surrounding the cabins in the front and side was limited. Mr. Al Shirley was present and stated that he was the owner of the adjacent property and was not objected to the request.

After a brief discussion, Mr. Ron Smith made a motion to approve the request and Mr. Jack Miller, Jr., seconded the motion which was unanimously approved with all members voting "aye."

Review and consideration for a proposed small stream setback variance for a proposed dwelling located at 1064 Cole Lane, Tax Map 117F, Group A, Parcel 11, R-1 Zone, requested by Michael Berger.

Staff advised that the applicant has requested that the item be removed from the agenda because the unit

located was adjusted so a variance was not needed for the structure.

Review and consideration for a lot size variance from Article VIII, being the Area, Yard, and Height Requirements, to create two (2) lots being “Lot 13R1” and “Lot 13R2” located in Potters Ridge Subdivision, Tax Map 118, Group H, Parcel 13, requested by David Carr.

Staff presented the request and noted that the request consists of the division of a .51 acre or 22,031.9 sq. ft. tract into two (2) lots consisting of .252 acres and .254 acres. Staff added that the proposed lots do not meet the minimum lot size requirements of the current zoning ordinance. The original lots were created under the R-2 zone lot size limitations of 10,000 square feet which is below the minimum lot sizes required in Article VIII which would be a minimum of 32,671 square feet or $\frac{3}{4}$ of an acre. Staff added that “Lot 13R1” will front on Potters Ridge Road while “Lot 13R2” will front on Brent Hills Boulevard.

Mr. Brennon Garrett, the project surveyor, was present and gave a brief overview of the request stating that the original lot sizes for the “Potters Ridge Subdivision” and “Brent Hills Subdivision” were designed under the 10,000 square foot lot size minimums and that the request is to simply subdivide the lot back into a two (2) lot division of no less than 10,000 square feet. Mr. Garrett speculated that the reason the two lots may have been combined had to do with the shared utility easement that extends through both lots from Johnson Lane down to Brent Hills Boulevard. Mr. Garrett added that the existing lots in both subdivisions are very similar in size as the requested lot sizes and had not the previous subdivision occurred, there was the ability to construct two (2) dwellings on the property. The Board asked the purpose for the re-subdivision request. Mr. Garrett confirmed that Mr. Carr would like to construct two (2) dwellings on the property for resale.

At this time the Board acknowledged Ms. Lori Grimm a resident in the Brent Hills Subdivision. Ms. Grimm stated that the residents in Brent Hills Subdivision have a concern about the lot size reduction below the minimum lot size requirements. Ms. Grimm stated that the lot size requirements were changed for a reason and that those changes should be observed and the new lots should follow the current regulations. After several comments related to concerns over the slope of the property and potential failures if the property is excavated, Ms. Grimm concluded her comments that “because something existed in the past is not a reason to change now.”

Ms. Tracy Harper was present and noted that they too had concerns about the subdivision and the reduction of the lot sizes below the minimum standards. Ms. Harper noted that they have rentals in the area and are concerned of what would be constructed in the neighborhood and the effects of that construction on their rental properties. Ms. Harper asked that the Board to just maintain the adopted requirements.

The Board then acknowledged Mr. Brent Brown who asked about the slope of the property and how the Board could take any action without knowing the property slope. Staff explained that the property is definitely above the minimum 19% slope category that would allow even the minimum lot size of 15,000 square feet under the new regulations and therefore it would result in a variance regardless of the slope. Mr. Brown stated that the request is all about making money for the developer and that the standards should be followed as they exist. After several more comments from the audience and Board members, Mr. Kenny Maples stated that he would like more time to

evaluate the request and made a motion to table. Mr. Jack Miller, Jr., seconded the motion and added that he would like to have additional information related to the slope and previous subdivisions. The motion 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 4:15 p.m. after a motion by Mr. Ron Smith and a second by Mr. Kenny Maples.

Approved by:



MBZA CHAIRMAN

2-28-19

DATE