

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

MEMBERS PRESENT

Kenny Maples
Cyndi Bowling
Ron Smith
Matt Zoder

MEMBERS ABSENT

Joe Waggoner

OTHERS PRESENT

Bob Bentz
Carol Muszik
Dennis Sorgatz
Lynda Sorgatz
Joe Lelonek

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

Vice Chairman Mr. Kenny Maples called the meeting to order at 3:00 P.M. Mr. Ron Smith made a motion to approve the minutes of the September 26, 2019 Meeting. Mrs. Cyndi Bowling, seconded the motion which unanimously passed with all members voting "aye."

Staff Report

Staff introduced and welcomed new board member Mr. Matt Zoder.

Old Business

Review and consideration for a variance from Article IV, Section 402, Off-Street Automobile Parking and Section 408, Ingress and Egress Requirements, for a multi-family apartment building to be located at 309 Hughes Road, Tax Map 126N, Group K, Parcel, 018, requested by Gatlinburg Apartments, LLC.

The item was removed from its tabled status and Staff presented the Board with the request for a variance from Article IV, Section 402, being the Off-Street Automobile Parking Requirements to permit backing into the public right-of-way of Circle Drive; and a variance from Article IV, Section 408 – Ingress and Egress Requirements for an access point in excess of 26' in width. Specifically, the applicant is requesting permission to allow approximately 16 automobile parking spaces to back into the right-of-way of Circle Drive. The current parking requirements do not permit backing into public right-of-ways within commercial zoning districts (see attached). Also, the current provisions of Section 408 limits the access point to 26' maximum. Staff added that the item was tabled at the September 26, 2019 meeting. The original parking layout consisted of 90 degree parking with the parking being perpendicular to the street. The proposed parking layout design depicts 16 spaces at an angle to the building and Circle Drive to provide better visibility to the drives on Circle Drive and to the apartment residents when backing into the street. Further, the plan shows that the street adjacent to the angled parking to be at a width of 26 feet.

Mr. Joe Lelonek was present and discussed the request to back into the street with a new parking layout which depicted a 45 degree parking angle in front of the proposed building located on Circle Drive. Mr. Kenny Maples stated that with backing into the street at angle that one would not have to take both lanes of the street. Mr. Lelonek stated that there would be approximately 24' to 26' of paved width with the angled parking spaces. Mr. Matt Zoder stated his concern about the high traffic area and adding signage for children and pedestrians. Staff explained that any street signage would have to be approved and installed by the City Public Works Department. After a brief discussion, Mr. Ron Smith made a motion to approve and Mrs. Cyndi Bowling, seconded the motion which was unanimously approved with all members voting "aye."

New Business

Review and consideration for front and rear yard setback variances from Article VIII – Area, Yard, and Height Requirements, for a single family dwelling to be located at 556 Campbell Lead Road, Tax Map 126K, Group A, Parcel 16 , R-1 Zone, requested by Carol Muszik.

Staff presented the request for a 9.5' front yard setback variance from the required 25' setback area, leaving a 15.5'' front yard area; and a 1' rear yard setback variance from the required 20' setback area, leaving a 19' rear yard area for a proposed single family dwelling to be constructed on Lot 10. Staff stated that the request is to permit the construction of a single family dwelling in place of a dwelling that was destroyed in the wild land fires of 2016. The proposed dwelling will be in the location of the previous structure that existed as depicted on the site plan as "old foundation." The subject property and lot is a lot of record and is depicted as having frontage on an unimproved right-of-way. However, the plat shows that there will be a joint use 20' share easement between lots 9A-R, 9, and 10.

Mr. Matt Zoder ask if the new structure would be used as an overnight rental. Mrs. Carol Muszik stated the property will be used for nightly rentals. Mrs. Cyndi Bowling ask if the building would be going back on the foundation. Mrs. Muszik stated that it would and that the design of the structure had not been completed but that the building footprint would be as the previous structure existed. The Board inquired as to the number of stories of the structure would consists of when completed. Mr. Muszik stated that it would be a two-story structure. 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 front, side and rear yard setback variances from Article VIII – Area, Yard, and Height Requirements, for Tax Map 126K, Group A, Parcel 17, located off Campbell Lead Road, R-1 Zone, requested by Carol Muszik.

Staff presented the request for an 8 foot front yard setback variance from the required 25' setback leaving a 17' front yard area and a 18.5' side yard setback from the required 22.5' side yard area leaving a 4' side yard area; and a 4.6' rear yard setback variance from the required 20' rear yard area leaving a 15.6' rear yard area for a proposed single family dwelling to be built on Lot 9. Note, the lot does not front on a City Street but there will be a shared 20' access easement to serve the property. Ms. Carol Muszik was present and noted that the structure will only be a two-story structure. Staff stated that the side yard setback of 22.5' would not be applicable but there still would be an 11' side yard variance from the 15' setback leaving a 4' side yard area. Staff added that the closest setback encroachment is located to the applicants adjoining Lot 10 to the south which is projected to be approximately 35' from the proposed structure on Lot 10. The structure will be located approximately 35' – 40' away from the property to the north which is the Sorgatz Property.

Mr. Matt Zoder ask if there was a home on the lot before and how big was the plans for the new structure. Mrs. Carol Muszik stated that the new structure would be two-story structure with 4-5 bedrooms and around 4,000 square feet with the first story being a basement. Ms. Muszik added that due to the property terrain the lower level would have to be a basement area, similar to a

walkout basement with the lower level at grade. After a brief discussion, Mrs. Cyndi Bowling made a motion to approve based on the suggestion that Mr. Kenny Maples stated that the motion be specifically for a 2-story structure with no more than 2-stories above street grade. Mr. Matt Zoder, seconded the motion which was unanimously approved with all members voting "aye."

Review and consideration for a side yard setback variance and a lot size variance from Article VIII, Area, Yard, and Height Requirements, Tax Map 126K, Group A, Parcels 18 & 19, located off Campbell Lead Road, R-1 Zone, requested by Carol Muszik.

Staff presented the request for a 5.8' side yard setback variance from the required 22'-6" leaving a side yard setback area of 16.7' and a request that includes a variance from the minimum lot size requirements of 43,560 sq. ft. (1ac.) to a proposed lot size of 36,257 sq. ft. (.83 ac.). Staff added that on October 17, 2019, the Municipal Planning Commission granted subdivision plat approval for the lot consolidation subject to a lot size variance. Ms. Muszik noted that the side yard variance was not needed because the structure had been changed from a three (3) story structure to a two story dwelling to comply with Hillside Overlay District Provisions. Staff noted that the proposed structure is to be located on a new lot configuration which is a result of a proposed subdivision involving lot consolidations of three (3) lots and other property remnants into a single lot. The subdivision involves the consolidation of a portion of Lot 14, 9A, and 10A into a single lot being "Lot 9A-R." The consolidation will have a lessened impact to the area due to the reduction of lots that can be construction on, so a reduced density in the area.

After a brief discussion, Mr. Ron Smith made a motion to approve and Mr. Matt Zoder 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 4:20 p.m. after a motion by Mr. Ron Smith and a second by Mr. Matt Zoder.

Approved by:



MBZA CHAIRMAN

12-10-19

DATE