

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
December 26, 2019
THURSDAY, 3:00 P.M., CITY HALL

MEMBERS PRESENT

Kenny Maples
Matt Zoder
Ron Smith

MEMBERS ABSENT

Joe Waggoner
Cyndi Bowling

OTHERS PRESENT

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 December 10, 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 a variance from Article IV, Section 406.2.5 being the Planned Unit Development "Height, Density, and Area Regulations," for the single family dwelling unit additions to the "Gatlinburg Apartments, LLC," Development, located at 437 and 439 Cherokee Orchard Road, Tax Map 126N, Group K, Parcel 36.00, C-2 Zone, requested by Gatlinburg Apartments, LLC.

Staff presented the request and noted that the request consists of an 8.5' setback variance from the required 25' PUD perimeter setback leaving, a 16.5' setback area for "Building E - Northern;" and a 12.7' setback variance from the required 25' perimeter setback for "Building F - Southern," leaving a 12.3' setback area; for the two (2) single family dwelling additions to the proposed "Gatlinburg Apartment, LLC" development.

Staff explained that the Municipal Zoning Ordinance Article IV, Section 406.2.5, being the Planned Unit Development (PUD) Height, Density, and Area Regulations, establish certain setbacks for PUD developments. The provision is as follows:

"406.2.5 HEIGHT, DENSITY, AND AREA REGULATIONS. No building project shall exceed the height restrictions of the zoning district in which the PUD is located. All PUDs shall have a minimum development site of one (1) acre; and, each PUD shall adhere to the density requirements for the zoning district in which it is located. No freestanding buildings shall be closer than twenty-five (25) feet to any exterior property line or public street right-of-way and no closer than fifteen (15) feet to any private street edge. No freestanding building shall be closer than twenty (20) feet to any other freestanding building. Provided, however, PUDs, not including single-family and/or two family/duplex dwelling units, within the C-1 and C-2 districts shall adhere to the setback requirements within their respective districts except where adjoining residential districts, in which case the 25 foot setback shall be required from the residential zoning district property."

Staff further noted that in this instance, the property is located in a C-2 Zone where the district setbacks are 15' front yard, 0' side yard, and 0' rear yard. Staff added that the request is to rebuild two single family dwellings that were destroyed in the 2016 Wildfires back where the existing foundations still exists. Mr. Joe Lelonek was present and stated that the existing foundations have been evaluated by a structural engineer who has cleared the foundations to be reused in the rebuilding of the structures. Mr. Lelonek also stated that the building footprints would match the previous buildings footprints, but the exterior aesthetics would be similar to the apartment development located off Circle Drive. Staff explained that the PUD regulations require the buildings to be 25' from the perimeter of the property because the buildings are single family dwellings, but if the C-2 setbacks were applied rather than the PUD setbacks, the two dwellings would meet the 15' front yard setback requirement of the C-2 District. Staff added that the two dwellings are part of the larger development consisting of multi-family buildings which are accessed from Circle Drive just east of the proposed dwelling locations.

Staff noted that due to the fact that the foundations of the previous buildings are still intact, that the existing foundations do meet the C-2 Zone setback requirements, and that all adjacent properties are zoned C-2, the rebuilding of the two dwellings would appear to have little or no impact to the surrounding area. Staff also stated that the property below and to the east of the proposed building locations is very steep. The relocation of the dwellings to meet the 25' perimeter setback would create the need for larger retaining walls to support the structures and would result in more land disturbance of the property.

After a brief discussion, Mr. Matt Zoder made a motion to approve to approve based on the steep topography of the property. 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.

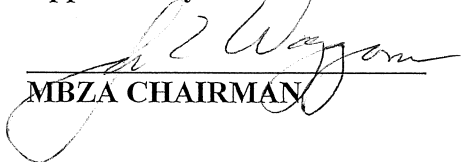
Unscheduled Item

There were no unscheduled items

Adjournment

The meeting was unanimously adjourned at approximately 3:25 p.m. after a motion by Mr. Ron Smith and a second by Mr. Matt Zoder.

Approved by:


MBZA CHAIRMAN

1-23-2020
DATE