

MINUTES OF THE  
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS  
January 22, 2015  
Thursday, 3:00 p.m., City Hall

MEMBERS PRESENT

Joe Waggoner, Chairman  
Jack Miller, Jr.  
Ron Smith  
Cyndi Bowling

MEMBERS ABSENT

Kenny Maples

OTHERS PRESENT

Bruce Cantrell  
David Dixon  
Stan Sorey  
Ronnie Barrett  
Brennon Garret  
David Rhodes

Staff Representative: David Ball, City Planner

The meeting was called to order at 3:00 p.m., with Chairman Joe Waggoner presiding. The minutes, of the December 4, 2014, meeting, were unanimously approved following a motion by Mr. Ron Smith and a second by Mr. Jack Miller, Jr.

Petitions and Communications from the public

Staff Report

Staff welcomed back Board Member Joe Waggoner.

Old Business

New Business

**a) Review and consideration for a proposed rear yard setback variance, located at 450 Silverbell Heights Lane, Zoned R-1, requested by Bob Bentz.**

Staff presented the request for review and consideration for a proposed 10' rear yard setback variance from the required 20' setback, leaving a 10' setback area for a proposed detached garage addition to a single family residence located at 450 Silverbell Heights Lane.

Staff stated that the proposed request is to construct a detached garage as an accessory structure to the existing single family residence. Staff also stated that the existing residence is located 12 feet from the property line and therefore presents a current impact to the rear yard setback area. Staff added that the garage will be approximately two (2) feet closer to the property line boundary than the existing residence. Staff noted that currently there are no structures located on the property immediately adjacent the proposed garage location.

Staff pointed out that the applicant has recently resubdivided the subject property, along with the adjoining two (2) lots, to reduce the number of lots from three (3) lots to two lots. Staff explained that the resubdivision was done in an effort to increase the lot area and provide for additional space for the placement of the garage structure. Staff added that due to the fact that

the original three (3) lot areas were substandard in size and that two (2) of the lots have existing structures located on them, and there was very little lot reconfiguration that could occur to provide for much needed lot area. Staff further stated that the subject property is steep, odd shaped, and impeded by a right-of-way easement along the east boundary adjoining Silverbell Heights Lane which limits buildable areas.

The Board inquired about the adjoining property and whether notification had been sent to the property owner. Staff explained that notice of the request had been sent but that no response had been received by Staff. After further discussion, Mr. Ron Smith made the motion to approve as presented. Mrs. Cyndi Bowling seconded the motion with all members voting aye.

**b) Review and consideration for a sign height variance from the Municipal Zoning Ordinance, Article IV, Section 411.3.4, for “Country Inn & Suites,” Zoned C-1, requested by T & T Signs.**

Staff presented the request for review and consideration for a proposed variance from Article IV, Section 411.3.4, being the “Sign Height” provisions of the Municipal Zoning Ordinance, which establishes the maximum sign height of 25 feet. Staff stated that the request is to place a wall sign on the existing building at a height of 52’ which is 27’ above the maximum permitted.

Staff also stated that the proposed request is to place a wall sign on the elevator shaft of the existing building at a height of 52 feet. Staff added that due to the fact that the building is an existing structure, the vertical visual element already exists and therefore the sign does not create any additional visual impacts.

Staff explained that due to the applicant has indicated that due to the surrounding buildings and limited street frontage, the business is difficult to locate. Staff further stated that the subject building previously was included and operated as part of the Ramada Inn Property which fronts on Parkway. Staff noted that however, due to the subdivision and sale of the property, the subject building is no longer accessed via Parkway but rather Reagan Lane. Staff explained that the applicant has indicated that an on premise sign at the permitted sign height of 25’ is not visible from the adjoining streets which provide access to the property i.e. Reagan Drive and Parkway, due to the surrounding building structures.

Mr. David Dixon was present as a representative of the property owner and noted that there just was no way to effectively sign the business without placing the sign on the wall of the elevator shaft. Mr. Dixon further noted that the request was for a single sign that would only be visible from Historic Nature Trail/Airport Road and Reagan Drive. After further discussion, Mr. Jack Miller, Jr., made the motion to approve as presented due to the hardship and minimum impact of the sign location. Mr. Ron Smith seconded the motion with all members voting aye.

**c) Review and consideration for a proposed front yard setback variance, located at 467 Gatlin Drive, Zoned R-1A, requested by Ronnie Barrett.**

Staff presented the request for review and consideration for a proposed 9' front yard setback variance from the 25' front yard setback requirement, for a proposed deck and patio addition to a single family structure. Staff stated that the applicant is currently constructing a single family home and proposes to add a deck and patio area along the portion of the residence that adjoins Gatlin Drive.

Staff noted that the structure is a two-story home with a basement level. Staff also stated that the patio will be located on the bottom floor at the basement level and the deck will be on the main floor level of the home. Staff explained that the proposed deck and patio will be located well above the adjacent public street and approximately 25 – 30 feet from the actual paved street surface. Staff added that due to the elevation difference and distance to the actual paved street edge, the impact is very minimal.

Staff also noted that the subject lot is a corner lot surrounded by public right-of-way area on all but one (1) side of the property. Staff added that the lot configuration is odd-shaped and narrows at the corner of the lot which limits building areas. Staff finally stated that the area where the deck and patio are proposed slopes down to the Gatlin Drive at approximately 30% slope.

After further discussion, Mrs. Cyndi Bowling made the motion to approve as presented. Jack Miller, Jr., seconded the motion with all members voting aye, except Mr. Ron Smith who abstained.

**d) Review and consideration for a proposed front yard setback variance, located at 873 Wesley Drive, Zoned R-1A, requested by David Rhodes.**

Staff presented the request for Review and consideration for a proposed 5' front yard setback variance from the required 25' front yard setback requirement for a proposed porch addition to an existing nonconforming residential structure. Staff stated that the portion of the porch addition that encroaches into the setback is only a 3' by 5' in area.

Staff noted that the existing residence is a nonconforming structure due to the current encroachment into the setback area. Staff added that the structure has existed on the property since the 1940's and was part of the original Mynatt Park development. Staff explained that the addition does not extend into the setback any further than the existing building line and therefore the impact is very minimal. Staff further stated that the right-of-way area that adjoins this portion of the lot is platted but is an unpaved section of right-of-way. Staff pointed out that the lots in this area are substandard in size compared to the minimum lot size requirements for today's standards. Staff finally stated that due to the narrowness and limited lot area, it is difficult to build or expand existing buildings without some setback encroachment. After further discussion, Mr. Ron Smith made the motion to approve as presented. Mr. Jack Miller, Jr., seconded the motion with all members voting aye.

Unscheduled Items

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 3:50 p.m., after a motion by Mr. Jack Miller, Jr. and a second by Mrs. Cyndi Bowling.

**Approved by:**

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**MBZA CHAIRMAN**

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**DATE**

