

MINUTES OF THE
GATLINBURG BOARD OF APPEALS
SPECIAL CALL MEETING
July 9, 2015

MEMBERS PRESENT

David Hadden
Garry Shultz
Mike Smelcer
Lonnie Privitt

MEMBERS ABSENT

David Ogle

OTHERS PRESENT

Marcus Whaley
Tim Donovan
Jeff Murrell
Kelly Johnson

STAFF REPRESENTATIVES

David Ball, Building & Planning
Jay Horner, Building Official

The Gatlinburg Board of Appeals met in a special call meeting on July 9, 2015 at 1230 East Parkway, Gatlinburg City Hall. Chairperson Garry Shultz called the meeting to order at 3:03 p.m. After brief discussion, a motion was made by Mr. Mike Smelcer to table the approval of the minutes of the previous meeting of April 28, 2015. Motion was seconded by Mr. David Hadden, All members voted aye, and the motion passed unanimously.

PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

None

STAFF REPORT

Mr. David Ball welcomed the newest Board Member, Mr. Lonnie Privitt.

Mr. Jay Horner provided a copy of the results of a an appeal concerning a lawsuit that Mr. Kaplow and Mr. Greenstein had filed against the Board from a previous meeting, where the Board upheld the ruling of the Building Official and was supported by an independent Structural Engineer, Mr. Todd Duncan, that related to the appellant's property. Mr. Horner noted that Mr. Kaplow's and Mr. Greenstein's suit against the Board was heard by Circuit Court Judge Rex Henry Ogle, and the Appeals Court in Knoxville. Mr. Horner advised that the Boards action was upheld by the Courts and the law suit dismissed against the Board of Appeals.

OLD BUSINESS

None

NEW BUSINESS

6 a) Review and consideration for a proposed variance from the Gatlinburg Storm Water Ordinance, Section 8, being the “Stream-side Buffer” requirements, for “Mad Dogs” located at the 705 E. Parkway (at the Alamo Steakhouse), C-2 Zone, requested by Marcus Whaley, W. C. Whaley Inc.

Staff presented the request for buffer variance for a proposed building addition to the existing developed property. Mr. Marcus Whaley, the project engineer, gave a brief overview of the proposal and presented to the board a survey map showing the conditions as they exist and the buffer conditions if the variance were to be approved by the Board. Mr. Whaley explained that the proposed request would actually improve the current site conditions and buffer zone area due to the proposal to replace existing impervious surfaces with proposed pervious landscaped surfaces. Mr. Whaley stated that the request was evaluated based on the criteria for a buffer variance and would not create any deterioration of existing culverts, bridges, dams and other structures, degradation of biological functions or habitat, accelerate stream bank or streambed erosion or siltation, or increase threat of flood damage to public health, life, and property. Mr. Whaley noted that the building footprint would be within current developed areas and that no increase to impervious area would occur as a result of the request. The Board asked if the site runoff conditions would be negatively impacted by the proposed development. Mr. Whaley noted that the post site runoff conditions would be improved due to the introduction of additional pervious surfaces. Mr. Whaley added that runoff patterns would not change except for the concentration of the roof runoff through the downspout structures. Mr. Whaley stated that the downspout water would need to be captured and carried to the existing discharge points. A discussion ensued, and Mr. David Hadden made a motion to approve based on the fact that the buffer area was being improved over the existing conditions and provided that the gutter downspouts were not allowed to concentrate onto the stream bank that could result in stream bank deterioration. Mr. Mike Smelcer seconded the motion and the vote was unanimous.

UNSCHEDULED ITEMS

None

ADJOURNMENT

With no further business to come before the Board, Mr. Mike Smelcer made a motion to adjourn. Mr. David Hadden provided a second, and by a unanimous vote the meeting was adjourned at 3:25 p.m.

Approved:

BOA Chairman

Date