

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
June 28, 2012
Thursday, 3:00 p.m., City Hall

MEMBERS PRESENT

Kenny Maples, Chairman
Jim Johnson
Joe Waggoner
Jack Miller, Jr.

MEMBERS ABSENT

Fred McMahan

OTHERS PRESENT

Phil Baird
Kevin Coleman

Staff Representative: David Ball, City Planner

The meeting was called to order at 3:00 p.m., with Chairman Kenny Maples presiding. The minutes, of the February 23, 2012, meeting, were unanimously approved following a motion by Mr. Jack Miller, Jr. and a second by Mr. Joe Waggoner.

Petitions and Communications from the public

Staff Report

Old Business

New Business

a) Review and consideration for a proposed height variance from the Article 411.3.4, of the Municipal Zoning Ordinance, for a wall sign for “Oak Square Condominiums,” located at 685 River Road, zoned C-1, requested by Phillip Baird of Signco.

Staff presented the request for a 12 foot height variance from Article IV, Section 411.3.4, being the Sign Height Provisions of the Municipal Zoning Ordinance. Staff stated that the current provisions have established the maximum sign height of twenty five (25) feet for all signs except in cases of unique topography or congestion where the sign height may be extended to a maximum of thirty (30) feet above grade. Staff added that the existing sign (see attachment) was just recently approved and installed to meet the ordinance requirement. Staff pointed out that the request is to raise the existing sign to a height of 37’feet which is twelve (12) feet above the permitted height limitations of 411.3.4. Staff also stated that the sign is a wall sign consisting of channel letters, lit with low voltage LED lighting. Staff further stated that the purpose of limiting sign height to lower heights is to reduce their visual impact. Staff finally stated that the additional height does have the potential to create a negative visual impact to the area aesthetics. Staff added that there has been no physical hardship presented with this request that constitutes a variance for additional height.

Mr. Phil Baird was present and stated that if the variance was granted the sign would be visible from three locations. Mr. Baird stated that the additional height would make the sign visible from north and south bound traffic along River Road and from the intersection of River Road and

Long Branch Road. Mr. Kevin Coleman, representing Oak Square Condominiums was present and stated that the purpose of the request is to raise the wall sign above the existing freestanding Oak Square Condominium sign and the cottage structure located on the adjoining property. The Board noted that the vegetation located on the cottage and other surrounding properties seem to obstruct of the visibility of the sign than any other factor. Further, the Board noted that because the Condominium Property does not control the adjoining properties and because tree protection ordinances generally prevent the unnecessary removal of trees in the City, the height variance does not seem validated because the trees will still obstruct the view of the sign. Mr. Kenny Maples noted that he can see that the cottage would be an obstruction of the sign for vehicular traffic in the south bound on River Road and especially upon approaching the intersection of River Road and Long Branch Road in the same direction. After further discussion by the Board, the request was denied due to lack of a motion.

Unscheduled Items

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 3:30 p.m., after a motion by Mr. Joe Waggoner and a second by Mr. Jack Miller, Jr.

Approved by:

MBZA CHAIRMAN

DATE

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
September 27, 2012
Thursday, 3:00 p.m., City Hall

MEMBERS PRESENT

Fred McMahan
Jack Miller, Jr.
Joe Waggoner

MEMBERS ABSENT

Kenny Maples
Jim Johnson

OTHERS PRESENT

John K. Jones
Joe Shults

Staff Representative: David Ball, City Planner

The meeting was called to order at 3:00 p.m., with Vice Chairman Joe Waggoner presiding. The minutes, of the June 28, 2012, meeting, were unanimously approved following a motion by Mr. Jack Miller, Jr. and a second by Mr. Fred McMahan.

Petitions and Communications from the public

Staff Report

Old Business

New Business

a) Review and consideration for a proposed side yard setback variance for Tax Map 136D, Group G, Parcel 19, located at 2120 Luzerne Drive, Zoned R-1, requested by John K. Jones.

Staff presented the request for a proposed 6' – 10" side yard setback variance from the required 15' setback for a proposed deck with access steps and landing area addition to a single family residence located at 2120 Luzerne Drive, leaving an 8'– 2" setback. Staff explained that the request consists of the construction of a basement level deck with the accompanying stair and landing areas to an existing structure. Staff added that the existing structure has just recently undergone a remodeling where the previous post and beam foundation was replaced with a block foundation. Staff noted that the area where the proposed deck is to be located is referred to as a basement area due to the fact that the area is below the main entry area to the residence. Staff also stated that the area which was previously an open area is now enclosed to create livable space and the applicant is requesting to extend a deck around the structure with access stairs to the main level of the structure. Staff pointed out that the new deck will impact open space area within the side yard area and will not be visible from the right-of-way and is well below street grade level. Staff finally stated that the lot is small (10,018 sq. ft.) and has only 84' of street frontage and the property is steeply sloped downward from the right-of-way area. Mr. John K. Jones was present and stated that he had spoken to his neighbor, who had no objections to the variance request. After further discussion, Mr. Joe Waggoner made the motion to approve the 6' – 10" side yard setback variance from the required 15' setback for a proposed deck with access steps and landing area addition to a single family residence located at 2120 Luzerne Drive, leaving an 8'– 2" setback. Mr. Fred McMahan seconded the motion with all members voting aye.

b) Review and consideration for a proposed rear yard setback variance for Lot 29R, located on Galloway Lane, Zoned R-1A, requested by Joe Shults.

Staff presented the request for a proposed 10' rear yard setback variance from the required 20' setback for a proposed single family residence to be located on Galloway Lane. Staff stated that the request consists of the construction of a 30' x 60' residential structure on a 1.432 acre lot. Staff noted that a house bench has been excavated upon entering the property from the access easement from the adjoining lot. Staff added that the plan depicts the creation of a retaining wall with the rear wall of the structure to serve as stabilization to the vertical cut slope on the west portion of the property and running parallel the property line adjoining lots 41 and 42. Staff noted that the structure will impact open space area within the rear yard area. Staff pointed out that the lot is in excess of 30 percent slope and slopes from west to east. The Board inquired if the neighboring property owner had been notified and whether or not any objections had been made to the request. Staff stated that a notice had been sent to the adjoining property owners but no response or objection had been filed with the Planning Department. After further discussion, Mr. Jack Miller, Jr. made the motion to approve 10' rear yard setback variance from the required 20' setback for a proposed single family residence to be located on Galloway Lane. Mr. Fred McMahan 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 3:25 p.m., after a motion by Mr. Jack Miller, Jr. and a second by Mr. Fred McMahan.

Approved by:

MBZA CHAIRMAN

DATE

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
November 29, 2012
Thursday, 3:00 p.m., City Hall

MEMBERS PRESENT

Jim Johnson
Joe Waggoner
Jack Miller, Jr.

MEMBERS ABSENT

Kenny Maples
Fred McMahan

OTHERS PRESENT

David Hurst

Staff Representative: David Ball, City Planner

The meeting was called to order at 3:00 p.m., with Vice Chairman Joe Waggoner presiding. The minutes, of the September 28, 2012, meeting, were unanimously approved following a motion by Mr. Jack Miller, Jr., and a second by Mr. Jim Johnson.

Petitions and Communications from the public

Staff Report

Old Business

New Business

a) Review and consideration for a proposed a lot size variance from Article VIII, of the Municipal Zoning Ordinance, for Lots 23 and 24, located on Hilltop Road, Zoned R-1, requested by Norvell and Poe Engineering.

Staff presented the request for review and consideration for a proposed lot size variance from Article VIII, of the Municipal Zoning Ordinance. Staff stated that the applicant is requesting a variance from the minimum lot size requirements of 15,000 square feet for Lots 23 and 24, located off Hilltop Road. Staff noted that the proposed lot sizes are as follows:

Lot 23 – 9,920 square feet

Lot 24 – 9,875 square feet

Staff also noted that the lots are existing lots of record which were originally creation in 1965. Staff pointed out that a subsequent re-subdivision relocating the interior lot line (depicted in the grey shaded area) to transfer area from Lot 24 to Lot 23, constitutes a subdivision of the properties and therefore requires a variance from the current adopted lot standards due to the nonconformance with the current standards. Staff explained that due to the fact that the lots are existing lots and because Lot 23 is currently developed with a single family residence, there is little or no impact of the request to adjoining properties or existing lot standards. After further discussion, Mr. Jim Johnson made the motion to approve a proposed lot size variance for Lots 23 and 24, located off Hilltop Road as presented and depicted on the subdivision plat. 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 3:08 p.m., after a motion by Mr. Jack Miller, Jr., and a second by Mr. Jim Johnson.

Approved by:

MBZA CHAIRMAN

DATE