

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:**

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**MBZA CHAIRMAN**

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**DATE**