

MINUTES OF THE  
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS  
August 22, 2013  
Thursday, 3:00 p.m., City Hall

MEMBERS PRESENT

Joe Waggoner  
Jack Miller, Jr.  
Cyndi Bowling  
Ron Smith

MEMBERS ABSENT

Kenny Maples

OTHERS PRESENT

Ruth Wellborn  
Pete Lamon  
Deacon Jones

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 November 29, 2012, meeting, were unanimously approved following a motion by Mr. Jack Miller, Jr. and a second by Mrs. Cyndi Bowling.

Petitions and Communications from the public

Staff Report

Staff welcomed two new Board members, Ron Smith and Cyndi Bowling, to the Board.

Old Business

New Business

**a) Review and consideration for a proposed front yard setback variance for “Ely’s Mill,” located at 393 Roaring Fork Road, zoned R-1, requested by Ruth Wellborn.**

Staff presented the request for a 15’ - 0” front yard setback variance from the required 25’ - 0” setback, leaving a 10’ front yard setback area to a proposed 15.77’ x 17.33’ restroom facility at Ely’s Mill. Staff stated that the property is developed with a commercial retail building as well as several accessory structures. Staff explained that the request is to construct an additional restroom facility for the use of customers visiting the retail business. Staff added that the applicant has indicated that the existing facility is inconvenient for customers. Staff noted that the setback areas from the 20’ right-of-way are currently impacted by the various structures that have been built and existed for many years. Staff also stated that an additional structure will impact the open space adjoining the narrow right-of-way. Staff stated that the property currently consists of approximately 13.31 acres and is located adjacent to the National Park. Staff noted that the Roaring Fork Motor Nature Trail discharges onto a 20’ right-of-way area that bisects the subject property. Staff also stated that the property is bounded on the north by Roaring Fork Creek. Staff added that the applicant’s property to the South of the right-of-way area (the majority of the 13.31 acres) is mountainous and undeveloped. Staff also noted that the area where the restroom facility is proposed to be located is at the base of the mountainous terrain. Staff further stated that based on the site plan information, there is very little space located to the

north of the right-of-way to locate any additional structures without encroaching upon the setback area. Staff pointed out that because City sewer utility is unavailable to this property, a septic tank and field line system will be utilized to service the facility. Staff stated that due to the fact that City sewer service is unavailable to this property, a Health Department permit and approval will be required for the new facility. Staff also stated that if the Board wishes to approve the variance request, the variance should be specific to the proposed facility and subject to Health Department approval. Ms. Ruth Wellborn was present and added that currently there is no restroom facility that is conveniently located for customers visiting the mill. Further, Ms. Wellborn stated that often many of the Park visitors leaving the Roaring Fork Motor Nature Trail stop and enquire about restroom facilities. Ms. Wellborn stated that the facility would be available for the public during the mill operating hours. Ms. Wellborn noted that the property, while quite large in area, is mostly mountainous and the proposed location will accommodate the structure and permit the use of the existing septic tank and field line. After further discussion, Mr. Jack Miller, Jr. made the motion to approve as presented based on the hardship created by the steepness of the property and limited building area. Mr. Ron Smith seconded the motion with all members voting aye.

**b) Election of Officers**

Vice Chairman Waggoner called for nominations for Chairman. Mr. Jack Miller, Jr. made a motion to nominate Joe Waggoner for Chairman. There being no further nominations Mr. Ron Smith seconded the motion and the nomination passed with all members voting aye. Chairman Waggoner then called for nominations for Vice Chairman. Mr. Miller made a motion to nominate Mr. Kenny Maples as Vice Chairman. There being no further nominations, Mr. Ron Smith seconded the motion with all members voting aye.

Unscheduled Items

Staff advised the Board of a training opportunity to immediately follow the meeting.

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 3:15 p.m., after a motion by Mr. Jack Miller, Jr. and a second by Mr. Ron Smith.

**Approved by:**

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**MBZA CHAIRMAN**

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**DATE**

MINUTES OF THE  
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS  
September 26, 2013  
Thursday, 3:00 p.m., City Hall

MEMBERS PRESENT

Joe Waggoner, Chairman.  
Kenny Maples  
Ron Smith  
Cyndi Bowling

MEMBERS ABSENT

Jack Miller, Jr.

OTHERS PRESENT

Ruth Wellborn  
Deacon Jones

Staff Representative: Ashley Miller, Assistant City Planner

The meeting was called to order at 3:00 p.m., with Chairman Joe Waggoner presiding. The minutes, of the August 22, 2013, meeting, were unanimously approved following a motion by Mr. Ron Smith and a second by Mr. Kenny Maples.

Petitions and Communications from the public

Staff Report

Old Business

New Business

**a) Review and consideration for a proposed front yard setback variance for “Ely’s Mill,” located at 393 Roaring Fork Road, zoned R-1, requested by Ruth Wellborn.**

Staff presented the request for a 15’- 0” front yard setback variance from the required 25’- 0” setback, leaving a 10’ front yard setback area to a proposed 15.77’ x 19.33’ restroom facility at Ely’s Mill. Staff noted that a setback variance for this property was previously heard and acted on by the Board on August 22, 2013. Staff stated that the previous request consisted of a 15.77’ x 17.33’ restroom facility. Staff pointed out that since the August meeting, the project architect has made a building footprint enlargement of two (2) feet, to meet ADA accessibility design standards. Staff also noted that the additional two (2) feet only expands the length of the building, which is parallel to the right-of-way and setback area, and will not encroach closer to the right-of-way. Staff explained that the previous approved setback variance of 15’ from the required 25’ setback, leaving a 10’ foot setback area will not change as a result of this revised request. Staff added that however, because the footprint is enlarging and the fact that the previous approval of the Board was based on a specific building footprint, Staff feels that the Board should review the changes and request.

Mrs. Wellborn was present and stated that the changes to the footprint from the previous request relate to designing the new facility to meet the ADA Requirements. After further discussion, Mr. Kenny Maples made the motion to approve as presented. Mrs. Cyndi Bowling seconded the motion with all members voting aye.

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Unscheduled Items

The Board congratulated Mr. Kenny Maples on the birth of his newest grandchild.

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 3:03 p.m., after a motion by Mr. Ron Smith and a second by Mr. Kenny Maples.

**Approved by:**

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**MBZA CHAIRMAN**

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**DATE**