

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
October 23, 2014
Thursday, 3:00 p.m., City Hall

MEMBERS PRESENT

Kenny Maples
Jack Miller, Jr.
Cyndi Bowling

MEMBERS ABSENT

Joe Waggoner, Chairman
Ron Smith

OTHERS PRESENT

Karen Bentz
Donna Cantrell

Staff Representative: David Ball, City Planner

The meeting was called to order at 3:00 p.m., with Vice Chairman Kenny Maples presiding. The minutes, of the September 25, 2014, meeting, were unanimously approved following a motion by Mr. Jack Miller, Jr. and a second by Ms. Cyndi Bowling.

Petitions and Communications from the public

Staff Report

Old Business

New Business

a) Review and consideration for a proposed front yard setback variance, for “Pi Beta Phi Tract 1, Lot 3,” located at the intersection of Parkway and Cherokee Orchard Road, C-1 Zoned, requested by Silverbell Parkway, LLC.

Staff presented the request for a ten (10) feet front yard setback variance for a proposed retaining wall (to replace an existing wall), leaving a zero feet setback area. Staff stated that the request consists of the construction of a retaining wall at the property line boundary which is the common line to the Parkway Right-of-way boundary. Staff explained that the purpose of the wall is to create a retaining element so that the adjoining property grade can be raised to an elevation that is above the 500 and 100 year flood elevations thus removing the property from a Special Flood Hazard Area (SFHA) as identified by the FEMA Flood Maps. Staff pointed out that currently the Flood Insurance Rate Maps (FIRM’s) depict the property as being impacted with the 500yr and 100yr flood fringe as a result of the two (2) converging streams of Baskins Creek and West Prong Little Pigeon River. Staff also stated that the property owner is requesting that the retaining wall be permitted in order to create a barrier and a retaining element in conjunction with other public right-of-way improvements so that the finished grade of the property may be elevated above the applicable flood elevations. Staff further stated that if approved, the applicant will then submit a CLOMR-F application to FEMA to have the removed from the Special Flood Hazard Area.

Staff noted that the property is currently bounded with existing walls immediately adjacent the public sidewalk areas along Parkway. Staff added that there are two (2) existing walls located on the property which create the property elevation changes above the public sidewalk area. Staff stated that the existing wall located at the back edge of the public sidewalk area is the proposed location of the new wall which will be constructed at a higher elevation with an elevated public sidewalk area to reach the needed elevation above the flood hazard elevations. Staff also stated that the impact is minimal due to the fact that a wall currently exists in this location. The wall will be higher in elevation by a few feet over the current wall.

Staff explained that in this instance, an exceptional or extraordinary site condition exists whereby the retaining wall has already been placed within the front yard setback area and the property is currently impacted with the Special Flood Hazard Area. Staff noted that the applicant has indicated that the retaining wall is necessary to achieve the desire elevation above the flood elevation and to create easier pedestrian access to the property as future development takes place. Please note, any public right-of-way improvements related to the sidewalk, utilities, etc., will require the approval of the City Commission. Staff pointed out that this request relates specifically with the retaining wall that is on private property within the 10' setback area.

Mrs. Karen Bentz and Ms. Donna Cantrell were present and gave brief overviews of the proposed development. Mrs. Bentz explained that the first steps involved seeking approvals of the City Commission for certain public right-of-way improvements which consists of sidewalk, cross-walk and a pedestrian foot bridge to the development. Mrs. Bentz further explained that the sidewalk improvements are being proposed in conjunction with a CLOMR-F submittal to FEMA which relates to changing the property flood hazard designation. Mrs. Bentz explained that the proposal includes raising the sidewalk utilizing ADA compliant ramps and stairs and installing retaining walls along the common property line. Mrs. Cantrell then gave a brief overview of the proposal to get the property reclassified as it relates to the floodplain boundary as recognized by the FEMA Flood Insurance Rate Maps. Mrs. Cantrell explained that the property is currently located in a special flood hazard area. Further, Mrs. Cantrell noted that the objective with the walls and sidewalk improvements was to elevate the public sidewalk area immediately adjacent the property so that the property grade elevations could be raised with fill material above the 100 and 500 year flood elevations for the future development on the property.

After further discussion regarding the proposed wall and the existing floodplain boundaries, Mr. Jack Miller, Jr. made a motion to approve the request based on the extraordinary site conditions with the existing walls and floodplain boundary impacts to the property. The motion was seconded by Mrs. Cyndi Bowling and approved with all members voting aye.

Unscheduled Items

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 3:45 p.m., after a motion by Mr. Jack Miller, Jr. and a second by Mrs. Cyndi Bowling.

Approved by:

MBZA CHAIRMAN

DATE