

MINUTES OF THE
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS
August 28, 2014
Thursday, 3:00 p.m., City Hall

MEMBERS PRESENT

Kenny Maples
Jack Miller, Jr.
Ron Smith
Cyndi Bowling

MEMBERS ABSENT

Joe Waggoner, Chairman

OTHERS PRESENT

Donald Allen
Robert Krusenklous
Heath Soehn
Tracy Taylor

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 July 24, 2014, meeting, were unanimously approved following a motion by Mr. Jack Miller, Jr. and a second by Mr. Ron Smith.

Petitions and Communications from the public

Staff Report

Old Business

New Business

a) Review and consideration for a proposed front yard setback variance for a proposed single family residence, located at Palmer Road, R-1 Zoned, requested by Tracy P. Taylor.

Staff stated that the applicant is requesting relief from front yard setback provisions of Article VIII, being the Area, Yard, and Height Provisions of the Municipal Zoning Ordinance. Staff explained that the request consist of a five foot (5') setback variance from the required 25' front yard setback leaving a 20' front yard setback from Palmer Road Right-of-way, for a proposed single family residence. Staff added that the encroachment is a 5' X 25' covered porch which serves as the entry to the residence. Staff noted that the applicant has indicated that the rear of the property is steep and in order to maintain a rear ingress and egress the setback variance is necessary to avoid having to excavate and disturb the embankment.

Staff further stated that the request does not appear to pose any negative impact to the use of the adjoining right-of-way due to the proposed location of the structure and height above the public road. Staff finally stated that the lot is narrow and steep in the rear setback area of the lot.

After further discussion, Mr. Ron Smith made the motion to approve the five foot (5') setback variance from the required 25' front yard setback leaving a 20' front yard setback from Palmer Road Right-of-way, for a proposed single family residence. Mrs. Cyndi Boling seconded the motion with all members voting aye.

b) Review and consideration for a proposed variance from the height requirements of Article VIII, for a proposed single family residence to be located at 1454 Nordic Drive, R-1 Zoned, requested by Donald Allen.

Staff stated that the proposed request is a variance from the average height requirements of Article VIII, of the Municipal Zoning Ordinance, being the Area, Yard, and Height Requirements. Staff noted that the applicant is requesting a variance from the R-1 (Low Density) Residential District, average height requirements to permit a residential structure. Staff further noted that the original request included a variance from the maximum height variance but that the structure design had been adjusted so that the maximum height will not be exceeded. Mr. Donnie Allen and Mr. Robert Krusenklau were present and gave a brief overview of the project and the purpose of the request. Mr. Allen stated that the structure will not be visible from any significant road or highway in regard to the Hillside Overlay District. Further, Mr. Allen noted that the building will only be two (2) stories above the street. Mr. Krusenklau noted that due to the extreme steepness of the site it is difficult to make any further adjustments to the building without affecting the parking structure and its connection to the building. Mr. Krusenklau noted that the roof of the building had been adjusted to meet the maximum limitations but that the additional six feet could not be made up in the roof structure. Mr. Allen noted that the Chalet Village Home Owners Association has approved a right-of-way easement for the encroachment with the parking deck which also provides access to the property. Staff also stated that the structure is proposed to be placed on an extremely steep slope below the existing roadbed. Staff added that the applicant has noted that due to the steepness of the lot, only one (1) level of the structure will be above street grade with one story being located below street level. Staff noted that the adjoining right-of-way area is a platted but unimproved street. Staff further stated that the lot is extremely steep as is most adjoining properties in this area.

After further discussion, Mr. Jack Miller, Jr. made the motion to approve the request for a height variance on a residential structure, but not to exceed the maximum of 48 feet. Mrs. Cyndi Boling seconded the motion with all members voting aye.

c) Review and consideration for a proposed side yard setback variance for additions to an existing single family residence, located at 730 Dogwood Lane, R-1A Zoned, requested by Heath Soehn.

Staff stated that specifically, the applicant is requesting a variance from the R-1A (Low Density) Residential District, side yard setback requirements to construct an 87" X 123" deck addition on to an existing single family residence. Staff also stated that the applicant has indicated that the proposed deck will be added to the existing deck structure to the south corner of the structure in the side yard area. Staff pointed out that if approved, the remaining side yard setback after construction would be 1'-9". Staff noted that the lot is narrow with slopes in the rear portion of the property. Staff added that the deck will be elevated approximately 6 to 8 feet above the ground. Staff explained that the proposed structure will extend approximately 25" beyond the existing stair and walkway construction located in the south side yard area.

Staff also noted that the lot is narrow and small and consisting of only .11 acres (4997.76 sq. ft.). Staff finally stated that the original home was built after setback variances had been obtained from the M.B.Z.A. in the front, side and rear yard areas. Mr. Soehn was present and stated that the adjoining property owner, being his mother, has no issue with the proposed addition. Further, Mr. Soehn added that he has written correspondence from Mrs. Soehn to that effect.

After further discussion, Mr. Jack Miller, Jr. made the motion to approve the side yard setback, noting after construction, the setback would be 1'-9". Mr. Ron Smith 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 3:30 p.m., after a motion by Mr. Ron Smith and a second by Mr. Jack Miller, Jr.

Approved by:

MBZA CHAIRMAN

DATE