

MINUTES OF THE  
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS  
March 26, 2009  
Thursday, 3:00 p.m., City Hall

MEMBERS PRESENT

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

MEMBERS ABSENT

OTHERS PRESENT

Logan Coykendall  
Jay DeFoe

Staff Representatives: Ashley Miller, Assistant City Planner

The meeting was called to order at 3:00 p.m., with Chairman Kenny Maples presiding. The minutes, of the December 4, 2008, 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 variance from the Ingress and Egress Provisions, being Article IV, Section 408.1 of the Gatlinburg Municipal Zoning Ordinance for “The Open Hearth,” located at 1138 Parkway, zoned C-1, requested by Trotter and Associates.**

Staff presented the request for a variance from the 26’ maximum width for a point of ingress and egress onto a public street, Article IV, Section 408.1, for a 44’ point of ingress and egress at Traffic Light #10. Staff stated that currently the property is being considered for redevelopment with a porch addition and a reconfiguration of the driveway system. Staff added that the curb cut at the southern end of the property is the point of ingress and egress that is proposed to be widened by the redevelopment. Staff explained that the developer is proposing to bring the driveway from this point to the building and improve the interior vehicular circulation of the property. Staff noted that the design reflects the driveway and parking area to be accessed from the point of ingress and egress at Traffic Light #10. Staff also stated that the applicant has indicated that due to the connection point being used to access both the driveway and parking area and the proposed location for the retaining wall structure for the driveway system, an 18’ width variance is needed to create a functional driveway system. Staff further stated that the architect has indicated that the additional width is especially critical to improve turning radiuses into the lower parking area. Staff added that there was no significant negative impact identified by staff. Staff finally stated that the slope of the property and the need to align the point of

ingress and egress with the existing traffic signal. Mr. Jay DeFoe was present and provided an overview of the project. Mr. DeFoe stated that the need for the wide curb cut is to accommodate the Y-shape split of the drive isle once on the property. Mr. DeFoe added that by narrowing the point of ingress and egress, the driveway grade up to the building will have to be steeper which will be problematic for the Fire Department. After further discussion, Mr. Jack Miller, Jr. made the motion to approve an 18' width variance for the curb cut leaving a 44' point of ingress and egress. Mr. Fred McMahan seconded the motion with all members voting aye.

**b) Review and consideration for a proposed sign height variance for "Hilton Garden Inn," located at 635 River Road, C-1 zone, requested by Trotter and Associates.**

Staff presented the request for a variance from the sign height provision (Article IV, Section 411.3.4), which allows for a maximum sign height of 25' from average grade for all signage, for a proposed 46'-2" high wall sign. Staff stated that the applicant has proposed to place the sign on the facade of the building at a height of 46'-2", which is 21'-2" higher than the current regulations allow. Staff added that the lighted sign could have a negative visual impact, especially at night. Staff further stated that no physical hardship has been submitted that will warrant a variance from the sign height provision.

Mr. Jay DeFoe provided a brief overview of the request. Mr. DeFoe stated that the property is located in a curve on River Road and therefore the business is limited on sign placement. Mr. DeFoe further stated that from the former Christus Gardens property once could see a portion of the proposed wall sign. The Board questioned the location of the freestanding sign. Mr. DeFoe explained that the freestanding sign is located at the portico at the front of the building. Mr. DeFoe added that the owner's concern is that guests to the hotel will miss the turn for the property at the first access point. The Board discussed past sign height variances and the associated hardships. Chairman Maples questioned if the sign could be placed in another location on the building. Mr. Joe Waggoner questioned if the sign would still be visible at 36'. Mr. Logan Coykendall was present and stated at 36' the sign could be located on the color change of the building and would look odd. Mr. Jack Miller, Jr., asked if the wall sign would be a simple, backlit sign. Mr. Coykendall stated that the sign would be a backlit sign having the traditional Hilton Garden Inn look. Mr. Coykendall explained that he had really fought hard with Hilton's corporate office for the aesthetics of the building; however one of their requirements is a wall sign. After further discussion, Mr. Joe Waggoner made the motion to approve the sign height variance of 21'-2" for a maximum sign height of 46'-2" for the proposed wall sign. Mr. Fred McMahan seconded the motion with all members voting aye. Chairman Maples noted that the reasoning for granting this variance was due to side of the Hilton Garden Inn being obstructed by other buildings along River Road. Chairman Maples further noted that had it not been for the obstructions then the sign could have been placed on the building to meet the maximum sign height. Chairman Maples also stated that another reason for granting the variance was due to the entrance to the property being located in the curve on River Road and the location of the freestanding sign.

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**c) Election of Officers**

Mr. Joe Waggoner made a motion to re-elect Mr. Kenny Maples as Chairman. Mr. Jack Miller, Jr. seconded the motion with all members voting aye.

Mr. Jack Miller, Jr. made a motion to elect Mr. Joe Waggoner as Vice-Chairman. Mr. Jim Johnson 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 3:43 p.m., after a motion by Mr. Joe Waggoner and a second by Mr. Jim Johnson.

**Approved by:**

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**MBZA CHAIRMAN**

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**DATE**