

MINUTES OF THE  
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS  
September 24, 2009  
Thursday, 3:00 p.m., City Hall

MEMBERS PRESENT

Jim Johnson  
Fred McMahan  
Jack Miller, Jr.  
Joe Waggoner

MEMBERS ABSENT

Kenny Maples

OTHERS PRESENT

Sandra Hankins  
Tommy Ownby

Staff Representatives: Ashley Miller, Assistant City Planner

The meeting was called to order at 3:00 p.m., with Vice Chairman Waggoner presiding. The minutes, of the August 27, 2009, meeting, were unanimously approved following a motion by Mr. Jim Johnson and a second by Mr. Jack Miller, Jr.

Petitions and Communications from the public

Staff Report

Old Business

New Business

**a) Review and consideration for a side yard setback variance, located at 916 Cove Lane, R-1 zone, requested by Billy Rogers.**

Staff presented the request for a side yard setback variance of 5.6' from the required 15' side yard setback, leaving a 9.4' side yard area for an 8'x 36' addition to an existing single-family residence. Staff stated that the structure will have a negative impact on open space in the proposed location. Staff added that no physical hardship has been presented at this time. Staff noted that according to the data in the City's GIS, it appears that the property slopes down from Cove Lane to Heiden Circle at about 31%. The Board discussed the exact location of the encroachment. Further, the Board questioned if the adjoining property owner had been notified about the variance request. Staff stated that the owner of Lot 7, Mr. John Harris, was notified and contacted staff with no object to the request. After further discussion, Mr. Jack Miller, Jr. made the motion to approve the side yard setback variance of 5.6', leaving a 9.4' side yard area for an 8'x 36' addition to an existing single-family residence. Mr. Fred McMahan seconded the motion with all members voting aye.

**b) Review and consideration for a side and rear yard setback variance, located at 808 LeConte Drive, R-1A zone, requested by Sandra Hankins.**

Staff presented the request for a 10' side yard and an 18' rear yard setback variance from the required 15' side and 20' rear yard setback areas, leaving a 5' side yard and a 2' rear yard setback areas for a proposed porch and storage area. Staff noted that the requested additions are to the accessory building located in the rear of the property. Staff pointed out that the current accessory building is currently 5' off the side and rear property lines. Staff added that the structure will have a negative impact on open space in the proposed location. Staff also stated that the property is located in the Special Flood Hazard Area of LeConte Creek. Staff passed out a letter of opposition from Mr. and Mrs. Charles Sixbury, the property owners along the rear property line. Staff noted the Sixbury's concerns about additional drainage and the potential fire hazard. Staff further noted that the Deputy Building Official has advised that the building must have a 1 hour fire rating in order to be located 2' off the property line, and added that if the 1 hour fire rating was unattainable, then based on the Building Code, the structure will have to be a minimum of 5' off the property line. Staff asked Mr. Tommy Ownby if the additions are to have a 1 hour fire rating. Mr. Ownby stated that there will be a 1 hour fire rating on the storage area and wall. Mr. Joe Waggoner questioned if downspouts will be placed on the structure to help divert any runoff. Mr. Ownby stated that the improvements will include downspouts. After further discussion, Mr. Fred McMahan made the motion to approve a 10' side yard and an 18' rear yard setback variance, leaving a 5' side yard and a 2' rear yard setback areas for a proposed porch and storage area. 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 3:21 p.m., after a motion by Mr. Jim Johnson and a second by Mr. Jack Miller, Jr.

**Approved by:**

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**MBZA CHAIRMAN**

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**DATE**