

MINUTES OF THE  
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS  
October 22, 2009  
Thursday, 3:00 p.m., City Hall

MEMBERS PRESENT

Kenny Maples, Chairman  
Fred McMahan  
Jack Miller, Jr.

MEMBERS ABSENT

Joe Waggoner  
Jim Johnson

OTHERS PRESENT

Jackie Bohanon

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 September 24, 2009, 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 side yard setback variance, located at 1496 South Baden Drive, zoned R-1, requested by David and Lorie Frost.**

Staff presented the request for a side yard setback variance of 15' from the required 15' side yard setback, leaving a 0' side yard area for a proposed retaining wall. Staff stated that the structure will have a negative impact on open space in the proposed location. Staff noted that the original surveyor certified that the average slope of the property exceeds 30%. Staff also stated that the Board granted a 7' side yard variance along this same property line for a retaining wall on September 27, 2007. Staff explained that since the September 2007 meeting, the contractor and property owner have been working to figure out the best possible solution for the parking and turnaround issue. Staff noted that the latest engineering plan suggests a poured-in-place wall on the downhill side of the existing house and a segmental wall on the upper slope of the property. Staff further explained that both walls project into the South Baden Drive Right-of-Way. Staff stated that a Right-of-Way Use Request was reviewed and approved by City Commission at their October 6, 2009, meeting. Staff noted that the issue before the BZA at this time is the further encroachment of the retaining wall into the side yard setback area. Chairman Maples questioned if the proposed footer for the segmental wall will encroach beyond the property line. Mr. Jackie Bohanon was present and stated that the wall in question is a redi-rock style wall which will not have massive footers and the wall will be maintained on Mr. Frost's property. Staff stated that the City will not approve a permit for the wall to encroach beyond the property line without the appropriate legal easement documentation from the adjoining property owner. After further discussion, Mr. Fred McMahan made the motion to approve as presented. Mr. Jack Miller, Jr. seconded the motion with all members voting aye.

Unscheduled Items

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Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 3:27 p.m., after a motion by Mr. Fred McMahan and a second by Mr. Jack Miller, Jr.

**Approved by:**

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**MBZA CHAIRMAN**

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**DATE**