

SEVIERVILLE BOARD OF ZONING APPEALS

August 4, 2016



Board of Zoning Appeals August 4, 2016 Agenda

- A. Call to Order
- B. Approval of Minutes – April 7, 2016
- C. Old Business
- D. New Business
 - 1. Ratification of Committee of the Whole report – July 7, 2016
 - 2. Case Number 16-04 – Brent McMahan requests a front yard setback variance of ten feet – 561 Maggie Mack Lane (City).
 - 3. Other new business
- E. Adjournment



BOARD OF ZONING APPEALS MINUTES April 7, 2016

The regularly scheduled meeting of the Sevierville Board of Zoning Appeals was held at the Civic Center, 130 Gary Wade Blvd., Sevierville, Tennessee on Thursday, April 7, 2016 at 5:08 P.M.

There were present and participating:

MEMBERS PRESENT

Lyle Overbay, Chairman
Jim Arwood, Vice Chairman
Wayne Helton
Vincent Snider
Bryan Atchley, Mayor

MEMBERS ABSENT

Conley T. Murrell, Secretary
Daryl Roberts

STAFF PRESENT

Pam Caskie, Planning Director
Judi Forkner, Senior Planner
Dustin Smith, Planner/Recording Secretary
Butch Stott, Codes Enforcement Director
Jim Ellison, Project Manager

Chairman Overbay declared a quorum present and announced the meeting would proceed.

APPROVAL OF MINUTES

A motion was made by Mayor Atchley, and seconded by Mr. Snider, to approve the minutes from the December 3, 2015 meeting. The motion passed with a unanimous vote.

OLD BUSINESS

None

NEW BUSINESS

Case Number 16-01 – James M. Henry requests a variance of four (4) feet, to install a twelve (12) foot fence in the rear, side, and front yard setback of two lots – 503 & 505 Ownby Drive (City).

Staff Comments and Discussion

Mr. Stott explained that this is an unusual situation due to the lot being in the rear yard of the building however, the lot also has frontage on Ownby Drive. He expressed his concern that the fence height would cause site vision issues for adjoining property owners to get in and out of their driveways. Mr. Stott explained the first question that needs to be answered is whether or not we want to allow the fence to be as high as twelve feet, and the second is where he can put it. He explained, in a commercial zone, an eight foot fence is required to be in the side or rear yard. Mr. Stott, along with Mr. Henry, stated that the purpose of the request was for security reasons. Mr. Stott also stated that our regulations do allow us to grant a twelve feet high fence if it is deemed to be for security purposes. Mr. Henry stated that he is willing to stay further than one foot off of the property line, if need be.

Action Taken

A motion was made by Mayor Atchley, and seconded by Mr. Snider, to approve the variance request to go from eight (8) feet to twelve (12) feet in fence height for security reasons; with the understanding that the fence remains five (5) feet off of the property line that fronts Ownby Drive, allowing the lots to be considered the rear yard.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:16 P.M.

Lyle Overbay, Chairman

Conley T. Murrell, Secretary

Dustin Smith, Recording Secretary



BOARD OF ZONING APPEALS COMMITTEE OF THE WHOLE MINUTES July 7, 2016

The regularly scheduled meeting of the Sevierville Board of Zoning was held as a committee of the whole meeting at the Civic Center, 130 Gary Wade Blvd., Sevierville, Tennessee on Thursday, July 7, 2016 at 5:14 P.M.

There were present and participating:

MEMBERS PRESENT

Lyle Overbay, Chairman
Conley T. Murrell, Secretary
Wayne Helton

MEMBERS ABSENT

Jim Arwood, Vice Chairman
Bryan Atchley, Mayor
Vincent Snider
Daryl Roberts

STAFF PRESENT

Pam Caskie, Development Director
Butch Stott, Director of Code Enforcement
Bryon Fortner, Public Works Director
Judi Forkner, Senior Planner
Dustin Smith, Planner/Recording Secretary
Jim Ellison, Project Manager

Chairman Overbay declared that a quorum was not present and adjourned the meeting into a committee of the whole.

APPROVAL OF MINUTES

Delayed for formal action.

OLD BUSINESS

None

NEW BUSINESS

CASE NUMBER 16-02 – SHARON STAPLETON REQUESTS A VARIANCE TO PLACE AN ACCESSORY BUILDING IN THE SIDE YARD OF THE PROPERTY – 1713 PRIMROSE COURT (CITY).

Presentation

Bill Shields, representative for the request, explained that he was unaware of the requirement to place the accessory structure in the rear yard. He explained they had already began building the structure when they were made aware of this regulation. He explained that he is located on a corner lot and that he has spoken with his surrounding neighbors and they agree that the current location of the shed is the most aesthetic and out of site.

Mr. Stott explained that even though it may be the best aesthetic location for the site, but our regulations require there to be some type of hardship in order to grant a variance and he sees no grounds to recommend for such a variance in this case.

Recommendation

A motion was made by Mr. Murrell, and seconded by Mr. Helton, to deny the variance request. The motion passed with a unanimous vote.

CASE NUMBER 16-03 – MICHAEL LACHER OF HARBOR FREIGHT REQUESTS A VARIANCE TO SECTION 409.3.2 OF THE ZONING ORDINANCE PERTAINING TO MAXIMUM WALL SIGN AREA.

Presentation

Mr. Stott explained that the original design submitted for the Harbor Freight sign was too large and denied. Upon denial a new design was resubmitted that met our regulations and a permit was granted. Once the letters of the sign were installed it was realized they were larger than the design the permit was granted on. Mr. Stott explained that if the sign is left as is it will be in conformity with our regulations, but there is a tagline requesting to be placed underneath the letters that will cause the amount of square footage allowed to be exceeded. He stated the allowed amount of signage is 226 square feet and the amount being requested is 363 square feet. Mr. Stott explained that he saw no grounds to grant the request.

A representative for the request explained that the wrong letters had been installed and they would like to not have to remove the letters and reinstall new ones. He explained Harbor Freight requires the tag line to be placed with the letters and stated they would move the tagline up to allowing it to touch the letters reducing the square footage as much as possible.

Recommendation

A motion was made by Mr. Murrell, and seconded by Mr. Helton, to deny the variance request. The motion passed with a unanimous vote.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:37 P.M.



City of Sevierville

T E N N E S S E E

Board of Zoning Appeals

Case Number 16-04 Fee Paid \$100.00

Action Requested

- Interpretation/Administrative Review
- Variance Request
- Map Interpretation
- Special Exception Request

Owner BRENT McMAHAN

Address 561 MAGGIE MACK LN. SEV., TN. 37862 Lot No./Parcel No. 30/30

Tax Map :62-P BLK:A Lot Size .94 AC Zoning District R-1

Lessee _____

Address _____

The aforesaid applicant requested a building permit on the _____ day of _____, 20____

And was denied said permit for the following reason(s): _____

The applicant is requesting consideration (excepting special exception requests) FOR A FRONT YARD SETBACK VARIANCE OF TEN FEET DUE TO TOPOGRAPHIC ISSUES AND UTILITY EASEMENTS.

BY EMAIL
Applicant's Signature

7 / 14 / 16
Date

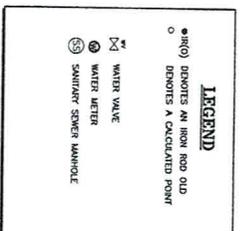
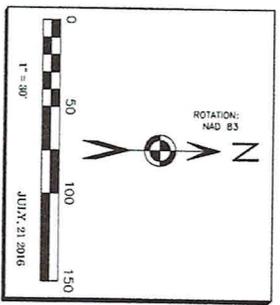
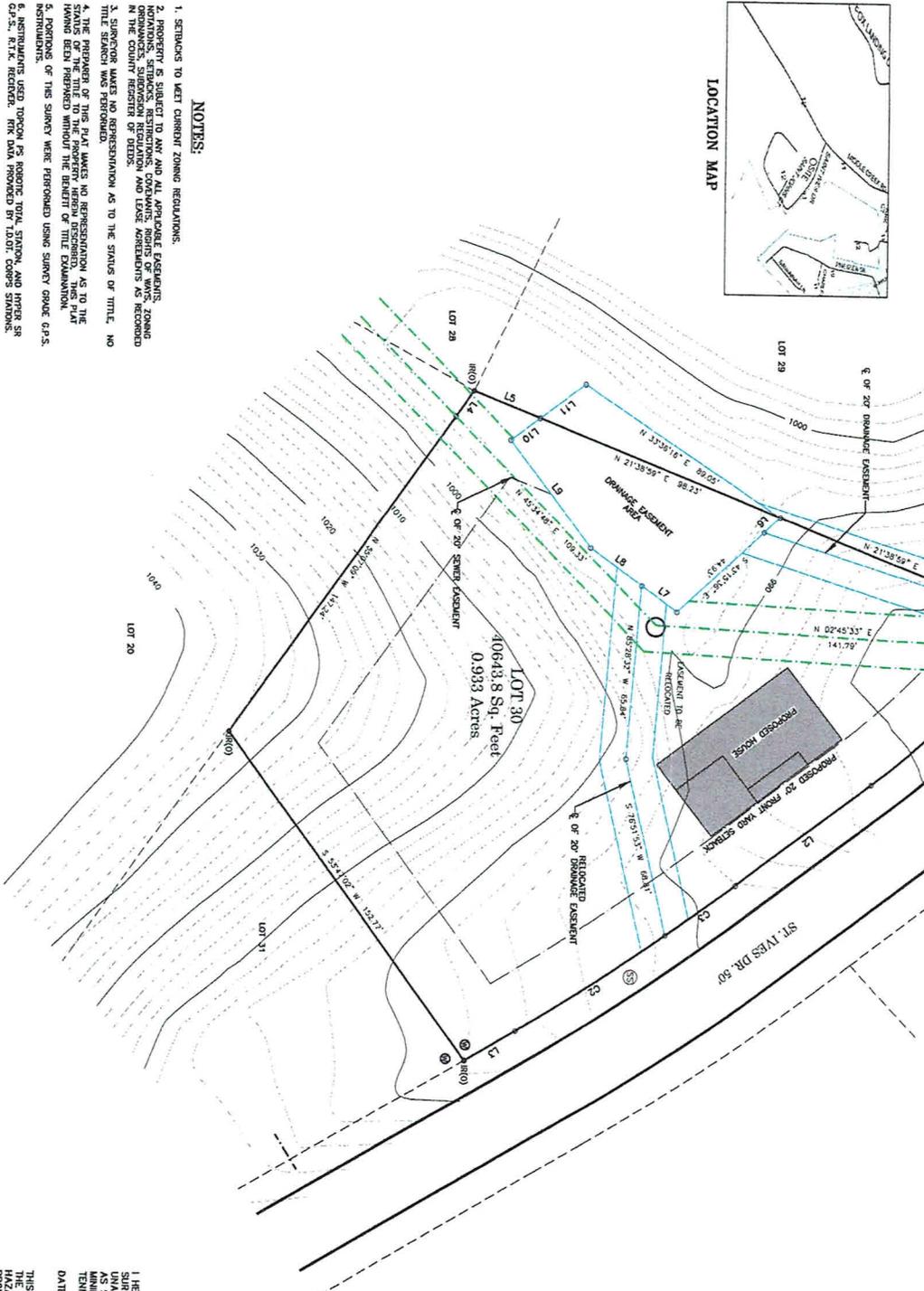
Granted: _____ Reasons: _____ Denied: _____ Minutes: _____

-----Notice-----

1. The Sevierville Board of Zoning Appeals requests that you or your agent be present at this meeting to be held at 5:00 p.m. on AUG. 4, 2016 in the Sevierville Civic Center, 200 Gary Wade Blvd.
2. Postponement requests for deferred action on any application will be granted one month only (or the next regularly scheduled board meeting, if that should occur on a different date). A completely new application must be submitted for consideration beyond that time.
3. A re-application request cannot be accepted for consideration after an application has been denied.
4. The work or use authorized under an approved Special Exception Application must be commenced or implemented within six (6) months from the date of Board of Zoning Appeals approval, and once commenced or implemented, must be completed within two (2) years from the date of the original application approval.

| LINE BEARING | DISTANCE |
|--------------|-----------------------|
| L1 | S 31°53'34" E 200.00' |
| L2 | S 72°22'24" E 150.00' |
| L3 | S 72°22'24" E 150.00' |
| L4 | N 56°07'09" W 111.87' |
| L5 | N 21°58'59" E 272.01' |
| L6 | S 57°21'28" W 118.00' |
| L7 | S 57°21'28" W 118.00' |
| L8 | S 57°21'28" W 118.00' |
| L9 | S 57°21'28" W 118.00' |
| L10 | S 57°21'28" W 118.00' |
| L11 | N 37°16'22" W 123.44' |

| CURVE DATA | LENGTH | CHORD | BEARING | DELTA | ANGULAR | PERCENTAGE |
|------------|---------|--------|---------------|------------|---------|------------|
| C1 | 275.00' | 67.18' | S 44°39'38" E | 120°15'11" | 133.95° | 13.53% |
| C2 | 180.00' | 52.57' | S 30°07'10" E | 97°02'55" | 133.98° | 10.29% |
| C3 | 180.00' | 52.57' | S 30°07'10" E | 97°02'55" | 133.98° | 10.29% |



ZONING BUILDING SETBACKS
 ZONING: R-1
 BUILDING SETBACKS: 10'
 FRONT YARD: 35'
 REAR YARD: 30'
 EASEMENT ALONG ALL INTERIOR LOT LINES 15' ALONG ALL DIVISION LOT LINES.

NOTES:

1. SETBACKS TO MEET CURRENT ZONING REGULATIONS.
2. PROPERTY IS SUBJECT TO ANY AND ALL APPLICABLE EASEMENTS, RESTRICTIONS, COVENANTS, RIGHTS OF WAY, ZONING ORDINANCES, RECORD EASEMENTS, AND LIENS AS RECORDED IN THE COUNTY REGISTER OF DEEDS. NO LIENS OR EASEMENTS WERE FOUND BY THIS SURVEYOR.
3. SURVEYOR MAKES NO REPRESENTATION AS TO THE STATUS OF TITLE. NO TITLE SEARCH WAS PERFORMED.
4. THE PREPARER OF THIS PLAN MAKES NO REPRESENTATION AS TO THE STATUS OF THE TITLE TO THE PROPERTY HEREIN DESCRIBED. THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF TITLE EXAMINATION. NO RECORDS OF THIS SURVEY WERE PERFORMED USING SURVEY GRADE G.P.S. MEASUREMENTS.
5. INSTRUMENTS USED: TOPCON TS 8000S TOTAL STATION, AND TRIPPLER SR G.P.S., RTK RECEIVER. TIN DATA PROVIDED BY 15407F, COORS STATION.

DATE: _____
 SURVEYOR CERTIFICATION
 IS NOT

I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THAT THE UNADJUSTED SURVEY IS GREATER THAN 1:10,000 AS SHOWN HEREON. THIS SURVEY MEETS THE STANDARDS OF THE STATE OF TENNESSEE.

DATE: _____
 J. BRENNON GARRETT, RLS# 2340
 THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD MAP AND THAT THE DESCRIBED PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD AREA.

REGISTERED LAND SURVEYOR
 J. BRENNON GARRETT, RLS# 2340
 410 W. MAIN ST.
 GATLINBURG, TN 37738
 OFFICE (865) 809-6468
 THELANDSURVEYORS.COM

FOR SOURCE OF TITLE SEE:
 DEED BOOK 4340 PAGE 420

FOR MAP REFERENCE SEE:
 LARGE MAP BOOK 3 PAGE 180

PARCEL INFORMATION:
 TAX MAP 62P GROUP A PARCEL 30.00

FOURTH CIVIL DISTRICT
 SEVIER COUNTY, TENNESSEE

FRONT YARD VARIANCE REQUEST
 AND
 DRAINAGE EASEMENT RELOCATION
 LOT 30
SIMS VISTA

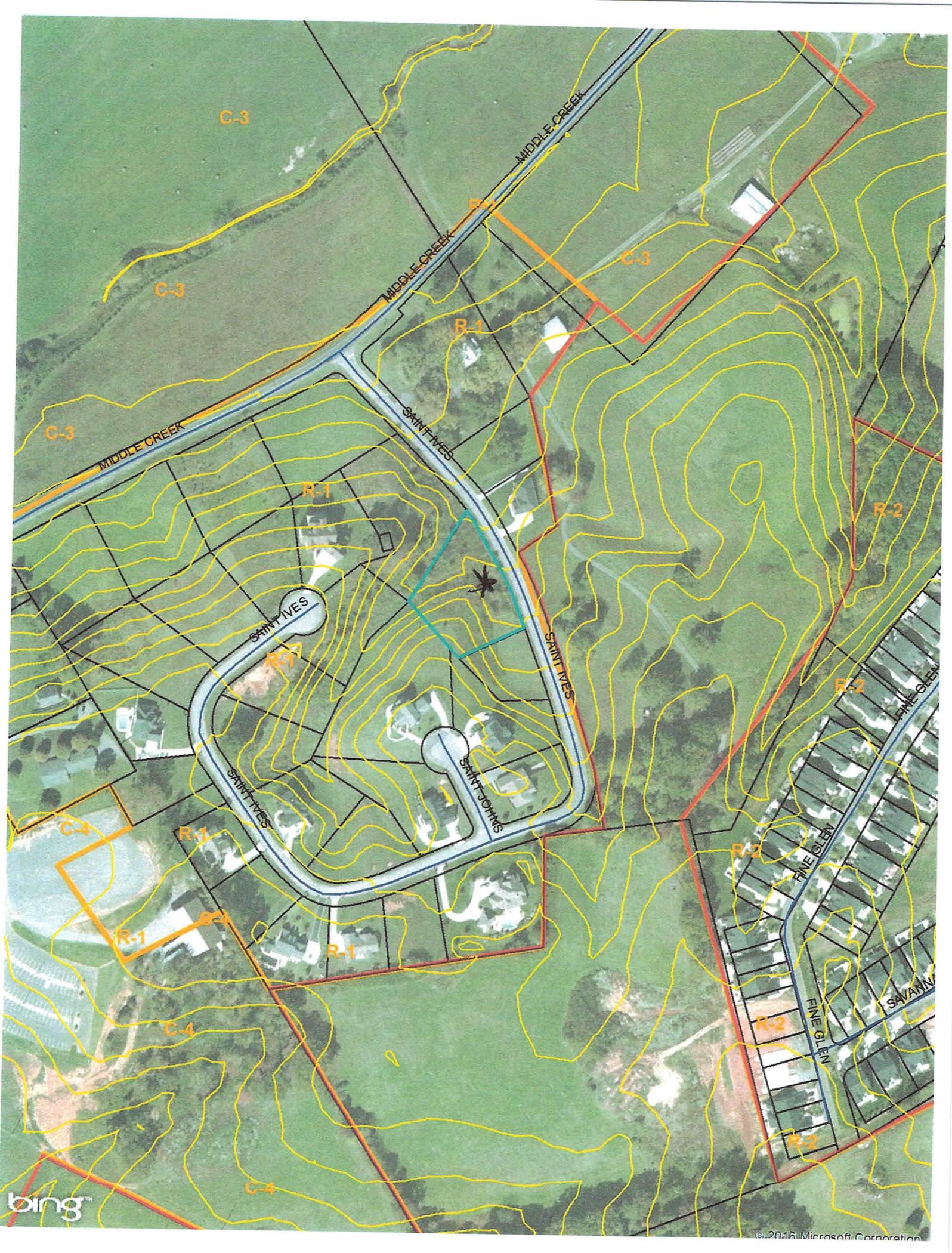


THE LAND SURVEYORS, INC.
 649 OWNSBY DRIVE GATLINBURG, TN 37738
 OFFICE (865) 809-6468



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C-3

MIDDLE CREEK

C-3

R-1

C-3

C-3

MIDDLE CREEK

R-1

SAINT IVES

R-2

SAINT IVES

SAINT IVES

R-1

SAINT JOHN'S

R-2

C-4

R-1

SAINT IVES

R-2

FINE GLEN

R-1

R-1

FINE GLEN

C-4

SAVANNAH

C-4

R-2