

**MINUTES OF THE  
CITY OF PIGEON FORGE PLANNING COMMISSION  
AND BOARD OF ZONING APPEALS  
TUESDAY OCTOBER 23, 2012, 3:00 P.M.  
CITY HALL, PIGEON FORGE, TENNESSEE**

MEMBERS PRESENT

Bill Bradley, Chairman  
Robert Young, Vice Chair  
Kevin McClure  
Jerry Clark  
Jay Ogle  
Judy Harrell

MEMBERS ABSENT

OTHERS PRESENT

David Taylor, Karl Kreis, Mike Beagan, Terersa Hughes, Pete Smith, Charlene Gibson, Robert Brumm, Al Crumley, Mimi Kulp, and others.

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**PLANNING COMMISSION**

CALL TO ORDER

Chairman Bradley noted that a quorum was present.

APPROVAL OF MINUTES

The minutes of the meeting September 25, 2012 were approved on a motion by Commissioner Young. Commissioner Harrell seconded and all voted in favor.

NEW BUSINESS

**City of Pigeon Forge Items**

**A. Special events**

- 1. Pigeon Forge Police Dept. – Safety Day, Saturday, October 27, 2012, Walgreens – corner of Jake Thomas and Parkway, Officer Donnie Mashburn.**

Mr. Mashburn was present.

STAFF RECOMMENDATION

Staff recommended in favor of the yearly event.

ACTION TAKEN

Commissioner McClure made a motion to approve the request.  
Commissioner Young seconded and all voted in favor.

- 2. Book Warehouse – Alewine Pottery Days, Wednesday, October 31 through Sunday, November 4, 2012, 9 a.m. – 12 a.m., 3127 Parkway, Steve Slack.**

Mr. Mike Beagan was present.

STAFF RECOMMENDATION

Staff recommended in favor of the request.

ACTION TAKEN

Commissioner Harrell made a motion to approve the request.

- 3. Book Warehouse – MoonPie Christmas Event, Wednesday, November 28 through Sunday, December 2, 2012, 9 a.m. – 12 a.m., 3127 Parkway, Steve Slack.**

Mr. Mike Beagan was present.

STAFF RECOMMENDATION

Staff recommended in favor of the request.

ACTION TAKEN

Commissioner Young made a motion to approve the request.  
Commissioner Harrell seconded and all voted in favor.

- 4. Smoky Mountain Harley Davidson – Feed the Veterans, Saturday, November 11, 2012, 12 p.m. – 2 p.m., 105 Waldens Main Street, Steve Ownby.**

Mr. Ownby was not present.

STAFF RECOMMENDATION

Staff recommended in favor of the request.

ACTION TAKEN

Commissioner McClure made a motion to approve the event.  
Commissioner Harrell seconded and all voted in favor.

**5. The Christmas Place at Bell Tower Square – Secondary Market/Tent Sale, Saturday, November 3 – Sunday December 3, 2012, 9 a.m.- 9 p.m., 2470 Parkway, Teresa Hughes.**

Ms. Hughes was present.

STAFF RECOMMENDATION

This was deferred from the previous month. The Commission wanted more information on this event, especially the need for a month long event. Board members expressed that until a special event is more defined by placing time limits they would likely have to approve some longer events.

ACTION TAKEN

Commissioner Young made a motion to approve the request.  
Commissioner McClure seconded and all voted to approve the request.

**6. Smoky Mountain Convention Center - Yama-Con: Comic and Anime Convention –Saturday, December 8 – Sunday, December 9, 2012, 4010 Parkway, Pete Smith.**

Mr. Smith was present.

STAFF RECOMMENDATION

Staff recommended in favor of the request.

ACTION TAKEN

Commissioner Young made a motion to approve the request.  
Commissioner McClure seconded and all voted in favor.

**7. Holy Cross Catholic Church – The Annual Our Lady of Guadalupe Procession/parade, Wednesday, December 12, 2012, 144 Wears Valley Road, Rigoberto Ricardo.**

Mr. Ricardo was not present.

STAFF RECOMMENDATION

Staff recommended in favor of the yearly event.

ACTION TAKEN

Commissioner Ogle made a motion to approve the request. Commissioner Young seconded and all voted in favor.

**8. First United Methodist Church – Light Over Darkness Event, Sunday, October, 28, 2012, 111 Methodist Street, Pastor C. Dennis Ford.**

No one was present.

STAFF RECOMMENDATION

Mr. Taylor stated that since no one was present at the meeting he would go to the church and speak with the pastor and could review and approve the item "in-house" as a non-profit event.

ACTION TAKEN

No action was necessary.

**B. Subdivisions**

1. None.

**C. Planned Unit Developments (PUD)**

1. None.

**D. Site Plans**

- 1. Steak and Shake Restaurant, Site Plan, Parkway, Brennon Garrett, The Land Surveyors, Inc.**

Mr. Garrett was present.

STAFF RECOMMENDATION

Mr. Taylor stated that the site plan had been reviewed and he could recommend approval. Mr. Taylor also pointed out because they moved the building to the front of the lot that locating a ground or monument sign would be limited.

ACTION TAKEN

Commissioner McClure made a motion to approve the request. Commissioner Harrell seconded and all voted in favor.

**E. Requests for Rezoning**

1. None.

**F. Miscellaneous Requests or Required Actions**

- 1. Request for annexation, approximately 76 acres of Wears Farm Park (tax map 83, a portion of parcel 51.00), Wears Valley Road, City of Pigeon Forge.**

STAFF RECOMMENDATION

Staff Planner Taylor stated that this is a portion of Wears Farm Park that is located outside city limits. He said it logically should be part of the city like the rest of the park. Staff recommended in favor of the annexation. Commissioner McClure asked what the property will be zoned if approved by City Commission. Staff responded R-1 per zoning text until otherwise classified.

ACTION TAKEN

Commissioner McClure made a motion to recommend the annexation request to the City Commission. Commissioner Ogle seconded and all voted in favor.

- 2. Confirm date and time for the December planning commission meeting.**

STAFF RECOMMENDATION

Staff recommended that the November and December meetings be combined and held on Tuesday, December 11, 2012 at 3p.m.

ACTION TAKEN

Commissioner Young made a motion to approve the request. Commissioner Young seconded and all voted in favor.

**Planning Region Items**

**A. Subdivisions**

2. None.

**B. Planned Unit Developments (PUD)**

1. None.

**C. Site Plans**

1. None.

**D. Requests for Rezoning**

1. None.

**BOARD OF ZONING APPEALS**

CALL TO ORDER

Chairman Bradley opened the Board of Zoning Appeals Meeting.

NEW BUSINESS

- A. New York New York Retail Store, Request for a 30 feet high sign under Section 408.2.9.2 of the zoning text due to topography or congestion, Jimmy Taylor.**

Mr. Taylor was present.

STAFF RECOMMENDATION

Staff Planner Taylor reminded the Board that a statue 37 feet height was originally proposed. He explained that this statue is considered a sign and not theming due to last month's BZA ruling and as such, must be less than 25 feet high. He said they are now asking for a sign height increase under the Section 408.2.9.2 of the zoning from 25 feet to 30 feet. He continued that to do that they have to demonstrate "topography issues or congestion." Discussion ensued. Petitioner Mr. Taylor said that the sign location is below the grade of the Parkway. Commissioner McClure said that the developer has been acting in good faith throughout the process and he felt the increase in sign height due to topography considerations should be granted. Others agreed.

ACTION TAKEN

Commissioner McClure made a motion to approve the request. Commissioner Ogle seconded and all voted in favor.

**B. Interpretation the definition of Section 408.8.2 as it relates to an additional sign at the entrance to the store at the Kitchen Collection in Shops of Pigeon Forge, Doug Green – Southern Signs.**

Charlene Gibson was present.

STAFF RECOMMENDATION

Staff Planner Taylor explained to the Board that this is a very unusual situation where the building front for the store is in a corner. He said that wall sign size in a C-4 is determined by a percentage of square footage of front facades, which in this case was only the doorway area. He felt this creates undue hardship on the store owners as other building can normally include a whole length of a wall. Discussion ensued as to what area should be included. After much discussion, it was decided that the wall areas beyond the doorway that included the windows be considered the front facade, but not the brick only areas beyond the windows.

ACTION TAKEN

Commissioner Harrell made a motion to approve the above stated interpretation. Commissioner Ogle seconded and all voted in favor.

**C. Request for variance to allow a 8.37 feet sideyard setback instead of the required 15 feet and driveway encroachment in a R-1 district, 845 Gold Dust Trail, Robert Brumm.**

Mr. Brumm was present. He talked at length about his situation and how his house got built in the "wrong area." Basically, he said it was a mistake by his contractor. He said upon discovering the mistake that his wife and he have been upset. As it stands now, he said he could not sell the property and does not want to burden his wife if something should happen to him. He asked the Board to approve his request, so they can get peace about the situation.

STAFF RECOMMENDATION

Staff Planner Taylor said that Mr. Brumm has not provided any documentation to base a property hardship on. He said that the land has some topographical issues, but it is unclear whether he has the 30% slope that the Board normally grants variances. It was suggested that he obtain a survey showing topographical hardship and return to the Board next meeting.

ACTION TAKEN

After much discussion, the item was withdrawn.

**D. Request for variance to allow a 15 feet rearyard setback instead of the required 25 feet in a R-2 district, Lot 14 Hillside Subdivision on Royal Coachman, Al Crumley.**

Mr. Crumley was present. He said that building can be built much easier to the back of the property where it is less steep.

STAFF RECOMMENDATION

Staff Planner Taylor stated that Mr. Crumley has provided the documentation showing greater than 30% slope that variances are generally based. However, he was not sure why the back of the property is better than any other part of the property. Discussion ensued.

ACTION TAKEN



Commissioner Ogle made a motion to approve the request based on the demonstrated topographical hardship. Commissioner McClure seconded and all voted in favor.

**E. Request for interpretation/variance to allow wall sign replacement on a building encroaching Parkway right-of-way, Ofir Marsiano.**

Mr. Marsiano was not present.

ACTION TAKEN

No action was necessary.

The meeting was adjourned at 4:15 p.m.

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Bill Bradley, Chairman

Attest: \_\_\_\_\_