

MINUTES  
BOARD OF ZONING APPEALS  
CITY OF BELLE MEADE  
February 21, 2017

**Call to Order**

The meeting was called to order by Brian Smallwood, Chairman, at 5:05pm.

**Board members present**

Brian Smallwood                      Pete Zabaski                      Carole Nelson  
Mary Ann Blaufuss                      Charlie Atwood

**Staff members present**

Lyle Patterson, Building Official                      Bob Patterson, City Attorney  
Beth Reardon, City Manager                      Kemishia Sadler, City Recorder

**OLD BUSINESS**

1. Bunny Blackburn - 4409 Harding Place (16111)  
Conditional Use - Construction of a pool.  
Special Exception - Construction of a fence.  
Building permit has been denied:  
A. Swimming pool requires BZA approval.  
B. Fence is other than permitted location.

**Presentation:**

Bunny Blackburn- Homeowner

A 6' fence is to be constructed off the front corner of the property with a curve to go around large trees.

**Board Questions/ Comments:**

Q: What type of fence are you planning to install on the street side?

A: A type of see through fence. Something attractive though we haven't really decided.

Q: Where will the 6' fence be placed?

A: It will go on our side as close as possible to the property line.

Q: Have we ever allowed the circular fence off the back of the property?

A: B. Patterson: There is nothing that says that a fence has to be straight along the property line. It has to come off the back of the property line but I'm not sure that it says it has to be a straight line coming from the back of the house to the property line.

C: L. Patterson: The International Construction Code has something that states that there has to be a clear separation between the wall and the fence because it defeats the purpose of the protection from the fence.

The fence has to be 48" according to the ICC to be considered protection.

C: A fence in front of the 3' stone wall would allow someone to step up on the rock wall and climb over the fence.

**Audience Questions/ Comments: None**

**Board Discussion/ Questions:**

- I think the curves create a pleasant aesthetic on the proposed fence. That existing stone wall is so fragile and it is really hidden. For someone to climb over it, they would have to know it is there.
- A loop around the tree is necessary in order to keep the big trees.

The motion included direction to the codes official to work on the portion of fence installed next to the stone wall.

Motion to approve: Nelson Second: Atwood Vote: All aye

\*\*\*\*\*

2. Rusty Moore - 4422 East Brookfield Ave. (16114)

Conditional Use - Construction of a pool.

Building permit has been denied:

A. Swimming pool requires BZA approval.

**Presentation:**

Moore Russell- Contractor

The appellant is requesting a pool with coping and privacy landscaping.

**Board Questions/ Comments:**

Q: What is the size of the pool?

A: 32x15' with a 7x7' spa on the rear within the setback. The pool equipment is behind the screened porch up against the house.

Q: What is the distance from the pool to each of the other houses?

A: From the Clement home at 4420 E. Brookfield, 95' and from the Harris home at 4424 E. Brookfield, 106.5'.

Q: So you are prepared to follow through with landscaping design from your plans?

A: Yes.

**Audience Questions/ Comments:**

Boyd Bogle of 1221 Chickering Road, stated that the appellant did not receive a notice of this project from Granberry Jackson at 1223 Chickering Road.

**Board Discussion/ Questions:**

- The most impacted neighbors would be to the north and south in my opinion and they have taken the time to write a letter.
- The Jacksons are a good distance from the pool. The neighbor to the south would be looking right over the pool.

Motion to approve: Zabaski Second: Nelson Vote: All aye except Atwood.

\*\*\*\*\*

3. Jackie Crabtree - 429 Lynwood Blvd. (16122)

Conditional Use - Construction of a pool.

Special Exception - Construction of a fence.

Building permit has been denied:

A. Swimming pool requires BZA approval.

B. Fence is other than permitted location.

**Presentation:**

Alan Ray- Landscape Architect

The existing wall on the property will be reduced from 5' to 3' with a privacy fence around to the back corner of the garage. There will be an automatic gate at the driveway.

**Board Questions/ Comments:**

Q: What is the distance to the north neighbor?

A: 70'.

Q: 70' from the edge of the pool to the edge of the house?

A: Yes.

Q: What is the dimension of the pool?

A: 36' x 12'.

Q: Are you moving the tree on the other side of the driveway?

A: We are planning not to.

Q: Down the property line on the north side of the property, there is a 4' wooden fence in the back yard of the neighbors. Where would your fence be?

A: Right inside the property line.

Q: Will it go inside the shrubbery?

A: All of the shrubs will be removed on our side of the fence.

Q: What is the size of the lot?

A: .71 acres.

**Audience Questions/ Comments:** None

**Board Discussion/ Questions:**

- .71 acres is not a lot of land for a pool.
- A. Ray commented that the lot had a pool previously before the current house was built.
- The conditional use for the pre-existing pool was abolished after the pool was taken out. The noise generated from that pool has a wall from the house to reflect off of and would be much more directed towards the area of the neighbors.
- I'm concerned about the neighbors. The pool equipment in the back inside a U-shape will direct more noise towards the neighbors.
- From a precedent issue, an application came before the board with a lot that was similar. It had a configuration very similar. The building acted as a boundary to the pool. It was denied due to the noise that would be generated.

Motion to deny: Blaufuss                      Second: Atwood                      Vote: All aye

\*\*\*\*\*

4. Walker Eastham - 926 Chancery Lane (17011)

Special Exception - Construction of an addition.

Building permit has been denied:

A. Addition is outside building envelope but within existing setback.

**Presentation:**

Alan Looney- Architect

Kevin Coffey-Architect

The renovations will use the exact square footage determined by the existing structure. The appellants would like to create a back yard area and relocate the driveway. They would also like to build a second story over the main area of the house and add a garage using the back wall of the existing carport. The goal is to keep the existing footprint while removing or rearranging some portions.

**Board Questions/ Comments:**

Q: The existing house is over the allowed footprint by 25%?

A: Yes.

Q: You would like to demolish some of the building but not all of it and put back square footage on both the one and two story footprints and not exceed the existing footprint number?

A: Correct. The pieces that we've added are one story elements.

Q: Is the lot size 20,000 square feet?

A: Yes. 20,986 square feet.

Q: According to the application, you are outside of the footprint but within the existing setbacks?

A: Yes. There is an extension on the right side that is outside of the footprint and setbacks. We are about 31.8' off the property line. The setback line there is 35.98'.

Q: (Referring to the diagram) That extension is coming out right?

A: There is a small portion of that area that is coming out.

**Audience Questions/ Comments:** None

**Board Discussion/ Questions:**

The Board expressed concerns that the plans were not drawn according to what was presented.

- The structure is noncompliant with existing setbacks.
- Taking advantage of the 25% in overage concerns me somewhat.
- I appreciate that they are not asking to build on the property outside of the footprint. The lot to the left is a large lot and there is a large separation between the two lots and that is a plus.

Q: How far is the driveway from the neighbor to the property line?

A: 5'.

- There have been a lot of questions raised that we cannot see in the drawings. The bay window is outside of the setbacks, which means the appeal was improperly noticed.

Motion to defer 60 days to resubmit drawings: Atwood Second: Nelson

Vote: All aye

**NEW BUSINESS****Presentation:**

1. Bob McDugald - 4317 Signal Hill Dr. (17021)  
Special Exception - Construction of a fence.  
Building permit has been denied;  
A. Fence requires BZA approval.

**Presentation:** Jeanette McDugald- Homeowner

There is an existing fence on either side of the property around the stairs and landing. The McDugalds would like to tie the two sides together using a black aluminum fence with an 8' wide gate for safety in front of the steps. The height of the fence will be 5'.

Board Questions/ Comments:

Q: Are you proposing to take the fence around the trees?

A: Yes in half circles so that the trees still have space.

Audience Questions/ Comments:

Mrs. Ann Harmer of 4321 Signal Hill Drive, asked Mrs. McDugald about landscaping around the air conditioning unit and her side of the property. Mrs. McDugald suggested that they may put a wood fence around the unit or eventually replace it with a new, quieter model.

Board Discussion/ Comments:

Motion to defer for detailed landscaping plans: Atwood Second: None  
Motion failed to lack of second.

The Board asked the Building Official ensure that a landscape buffer is installed upon approval of application.

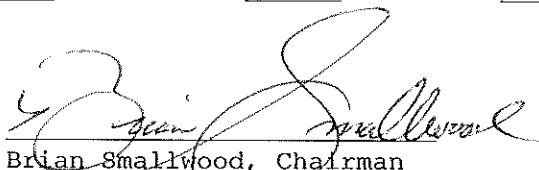
Motion to approve: Zabaski Second: Nelson Vote: All aye except Atwood.

\*\*\*\*\*

2. Approval of Minutes from December 20, 2016 and January 17, 2017.

Motion to approve as amended: Blaufuss Second: Nelson Vote: All aye

Meeting adjourned at 6:36pm.

  
Brian Smallwood, Chairman

  
Kemishia Sadler, City Recorder