

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

Call to Order

The meeting was called to order by Pete Zabaski, Vice Chairman, at 5:00pm.

Board members present

Pete Zabaski Carole Nelson James Edwards
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. Walker Eastham - 926 Chancery Lane (17011)
Special Exception - Construction of an addition.
Building permit has been denied:
A. Addition is outside the building envelope but within existing setback.

Presentation:

Kevin Coffey- Architect

The main goal of this project is to keep the existing square footage of the house and remodel the home adding a second level. The appellants would like to add a garage in place of the existing carport and move the driveway to come down the left side of the property. The drawings were edited to detail walls to be removed. The bay window outside of the setback line was also removed.

Board Questions/ Comments: None

Audience Questions/ Comments: None

Board Discussion/ Questions: None

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

NEW BUSINESS

- 1. John Sifford - 4425 Warner Place (17031)
Conditional Use - Construction of a pool.
Special Exception - Construction of a house.
Grade Change
Building permit has been denied:
A. Swimming pool requires BZA approval.
B. House is outside building envelope but within existing setback.
C. Grade change requires BZA approval.

Presentation:

Gavin Duke- Landscape Architect

The existing 6' wall at the rear of the house will be taken down to 3'. They are requesting to bring the garage forward to the line of the existing home, which is

3' outside of the setback line, due to grading and a 15' NES easement on the rear of the property. The pool/spa is inside the building envelope and meets all of the requirements. The grade change is up to a 24" cut to the right side of the house and up to a 60" of fill in the pool/ terrace area.

Board Questions/ Comments:

The Board expressed concerns about the fence not being properly noticed because it does not come off the rear of the house.

B. Patterson stated: It is the Boards decision on whether this is a material change to the application that was noticed.

Q: Beyond the setback on the front of the house, how many feet is that?

A: 3'.

Q: Could you push the whole plan back 3' and be within the ordinance without the Board approving it?

A: The grade change will increase if it is pushed back.

Q: Are there walls around the spa?

A: Yes. They are flush with the pool.

Some Board members had concerns about whether the spa was properly noticed.

B. Patterson- The spa is inside the building envelope and considered to be an accessory use.

Q: What is the size of the pool?

A: 25x48' where it will be big enough to make room for the 9' area for chaise lounges.

Q: How wide is the drive through for the garage?

A: 16'.

Q: Could you move the garage down?

A: The garage on the front of the property is an architectural feature. I would need to discuss that with the architect for the project.

Audience Questions/ Comments: None

Board Discussion/ Questions:

- Looking at the plans and sizes of things, there are places where adjustments could be made to bring the 3' back into the building envelope.
- I am conflicted about making an architect push the whole thing back.

The Board members would like to see if modifications could be made by the architect to avoid the 3' encroachment of the setback line.

Motion to defer 60 days: Blaufuss Second: Nelson Vote: All aye.

2. Frank Adelman - 1221 Canterbury Drive (17032)

Conditional Use - Construction of a pool.

Variance - Construct a new house outside of the building envelope due to the shape of the property.

Building permit has been denied:

A. Swimming pool requires BZA approval.

B. Due to the location and configuration of the property, applicant seeks permission to build a house outside the building envelope.

Presentation:

Mitchell Barnett- Architect

The appellants are requesting to tear down the existing home and construct a new home. Two potential plans were submitted to establish setback lines for the home to be built on the lot.

Board Questions/ Comments:

Vice Chairman Zabaski stated that the Board of Zoning Appeals cannot establish setback lines or a building envelope. The appellants will have to go before the Municipal Planning Commission. Vice Chairman Zabaski did note that the Board of Zoning Appeals can approve a house plan outside of the building envelope on a lot.

B. Patterson stated: If the Planning Commission redefines the building envelope to accommodate the house that they've designed, then there is no reason to deny the building permit and bring it to the BZA other than to request the conditional use for a pool.

Audience Questions/ Comments: None

Board Discussion/ Questions: None

Motion to defer 60 days: Nelson Second: Blaufuss Vote: All aye

3. Mark Price - 403 West Tyne Drive (17033)

Special Exception - Construction of an addition with low slope roof.

Variance - To build an addition outside the building envelope.

Building permit has been denied:

A. Low slope roof exceeds the allowed 30%.

B. Due to the location of the property, applicant seeks a variance to build an addition outside the building envelope.

Presentation:

Susan Hager- Architect

The appellants are requesting to tear down a carport and build a garage on the side of the house outside of the building envelope.

Board Questions/ Comments:

Q: Will that include grade changes?

A: No. The grade outside of the building envelope will not change. The new garage will be at basement level of the existing drive at the end of the house.

Q: The drive will enter from the side and past that point there will only be what you need to turn around?

A: Yes.

Q: What will happen to the area where the carport is now?

A: It will become a part of the yard.

C: There is a lack of windows for the upper level space in the garage.

A: For now, the space above the garage will remain unfinished.

Q: Are you putting plumbing upstairs?

A: There will be a space for a laundry room but not over the main body of the garage.

Q: Are you planning to add landscaping to the outside of the garage?

A: Yes.

Audience Questions/ Comments: None

Board Discussion/ Questions:

- It will be an improvement.

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

4. Brian Ehrig - 4405 Shepard Place (17034)
 Conditional Use - Construction of a pool.
Building permit has been denied:
 A. Pool requires BZA approval.

Presentation:

Richard Jones- Landscape Architect

Shelly Carter- Architect

The owners would like to build a pool and spa inside the building envelope. The pool meets all requirements of the BZA. The fence enclosure will be along the rear portion of the house around the property line.

Board Questions/ Comments:

Q: Are there any gates on the fence?

A: There will be gates between garage and main residence.

Q: Is the stone wall on your property line?

A: It is on and off the property line.

Q: You have a wall on the outside of the fence in the back yard, is that correct?

A: There might be a case where that could happen. We could move the fence in a few feet to prohibit that. We do not want to alter the wall in any way.

Q: What is the distance that is required between the wall and the fence?

A: It does not say specifically. It is up to the Board to determine a safe distance to keep people from using the wall to climb the fence.

Q: What type of fence is going on the back of the property?

A: It is a proposed tall wooden fence.

Board members expressed concerns about approving a fence that had not been noticed. B. Patterson stated that approval of the fence was based on the condition of the pool and that it did not need to be noticed.

Q: On the lower portion of the yard, you are running the fence on the far side of the old fence. Is there a reason that you wouldn't continue it on the outside?

A: No. I have spoken to the neighbors about it and they are willing to work something out regarding placing the fence on the property line.

Q: L. Patterson- Do you need a lockable gate at the end of the drive to be able to cut the grass?

A: That would be our preference.

Audience Questions/ Comments: None

Board Discussion/ Comments:

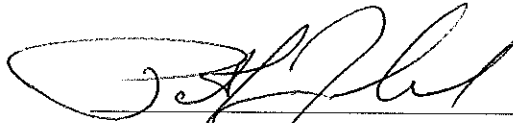
Motion to approve with the stipulation that the perimeter fencing be subject to the approval of the City Building Official: Atwood Second: Nelson

Vote: All aye.

2. Approval of Minutes from February 21, 2017.

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

Meeting adjourned at 6:26pm.



Pete Zabaski, Vice Chairman



Kemishia Sadler, City Recorder