

MINUTES
BOARD OF ZONING APPEALS
CITY OF BELLE MEADE
April 18, 2017

Call to Order

The meeting was called to order by Brian Smallwood, Chairman, at 5:00pm.

Board members present

Brian Smallwood Pete Zabaski Carole Nelson
Mary Ann Blaufuss Mal Wall

Staff members present

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

Conflicts: None

After the meeting was called to order, Commissioner Gray Thornburg recognized and honored the contributions of Chairman Brian Smallwood for his seven years of service on the Board of Zoning Appeals. She presented him with Resolution 2017-06 on behalf of the Commissioners.

OLD BUSINESS

- 1. John Sifford - 4425 Warner Place (17031)
 Conditional Use - Construction of a pool/ spa.
 Special Exception - Construction of a house.
 Grade Change
Building permit has been denied:
 A. Swimming pool/ Spa requires BZA approval.
 B. Grade change requires BZA approval.

Presentation:

Gavin Duke- Landscape Architect
The original proposed home was 3' over the setback line. The house was shifted back 3' so that the plans did not exceed the front setback line. The screened porch was altered to address the grading concerns on the back of the property.

Board Questions/ Comments: None

Audience Questions/ Comments: None

Board Discussion/ Questions:

- They have adjusted things and it's the best that it could be.
- I appreciate that they listened to our concerns.

Motion to approve: Wall 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. The new home will be built closer to the front so that the plans do not exceed the side and rear setbacks. Landscaping will be put in place for views from Nichol Lane.

Board Questions/ Comments:

Q: Does the proposed home move closer to the street than the line established by the existing residence on Canterbury Drive?

A: No. We are back about 6' from where the existing residence is.

Q: As far as the other setbacks, you're not pushing back any further to the rear?

A: We are closer to the setback but well within the envelope.

Q: Are you as far back as the existing structure on the north side of the property?

A: The existing structure exceeds the setback by 2' so we are further back from that side too.

Q: Is this the same house plan that you brought last month except that it is located differently on the lot?

A: Yes.

Q: Is there a swimming pool as well?

A: The swimming pool is located within the setback lines.

Q: How big is the pool?

A: 12x25.

Q: What is the location of the fence?

A: It will go along the perimeter of the property; off the garage and along the property line.

Audience Questions/ Comments: None

Board Discussion/ Questions:

The Board received a letter from a neighbor regarding landscaping along the pool fence. Mr. Barnett expressed that the appellants would be willing to speak with the neighbors about landscaping solutions for the property.

- I like the way that they moved the house forward.
- I think it shows sensitivity to the neighbors.

Motion to approve: Wall Second: Nelson Vote: All aye.

NEW BUSINESS

1. Mark Nicol - 705 Westview Ave (17041)
 Conditional Use - Construction of a pool.
 Special Exception - Grade change, fence, and construction of a house.
Building permit has been denied:
 A. Swimming pool requires BZA approval.
 B. Grade change over 21 inches requires BZA approval.
 C. Fence is other than permitted location.

Presentation:

L. Patterson requested a 60-day deferral due to the applicant's property not being accessible to the Board on the day of their site visit.

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

Charlie Atwood thanked Brian Smallwood for his service on the Board of Zoning Appeals.

- 2. Ben Rechter - 501 Jackson Blvd (17042)
 - Conditional Use - Construction of a pool/spa.
 - Special Exception - Construction of a house, grade change, and stone walls.
 - Variance - To build an addition outside the building envelope.
 - Building permit has been denied:
 - A. Pool requires BZA approval.
 - B. Grade change requires BZA approval.
 - C. Wall is over allowed height.

Presentation:

- Ron Farris- Architect
- Clay Trabue- Landscape Architect
- Ron Hale- Civil Engineer

The appellants are requesting to tear down an existing home and build a new home on a lot that presents topography and grading issues. The existing residence sits below grade and sits back 264' from the property line. The proposed residence will sit on the higher side which is the south west portion of the property. The lower portion of the property will be used for a walk out basement. This property and its immediate neighbors have a significant topography slope. There is a drainage swale on the property that directs water flow towards a convergence under Jackson Blvd. 22% of the site will be manipulated; 10% cut and 12% fill. There is an 8'6" wall facing Jackson Blvd. and a total of three retaining walls greater than 3' that are not visible from the street. Heavy landscaping will be used as screening for the retaining walls. The pool/spa is within the setbacks. There will be a 6' tall retaining wall in the back that transitions to a free standing wall on the west side of the property. It will screen the HVAC, pool equipment, and generator.

Board Questions/ Comments:

- Q: How large is the lot?
- A: 2.5 acres. The topography change exists primarily within the building envelope.
- Q: What percentage of the property is the building footprint?
- A: The house footprint is about 8.5% of the lot.
- C: So the total percentage of cut and fill would be closer to 30%.
- Q: What is the maximum cut?
- A: 6'.
- Q: What is the maximum fill?
- A: 9'.
- Q: Is there a natural depression in the middle of the property?
- A: Yes. The front third of the building envelope.
- Q: Will there be fencing for the pool enclosure?

A: A 6' masonry wall with wrought iron up to the property line following the property line to the back corner of the house.

Audience Questions/ Comments: None

Board Discussion/ Questions:

- It is a difficult lot.
- It is a lot of moving of dirt.
- I think improving the view from Jackson Blvd is a good thing.

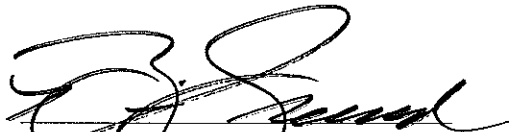
Discussion continued related to the Board's concerns about excessive grade changes and retaining walls.

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

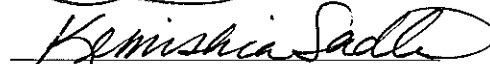
2. Approval of Minutes from March 21, 2017.

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

Meeting adjourned at 6:18pm.



Brian Smallwood, Chairman



Kemishia Sadler, City Recorder