

MINUTES
BOARD OF ZONING APPEALS
THE CITY OF BELLE MEADE
APRIL 19, 2016

Call to Order

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

Board members present

Mary Ann Blaufuss Brian Smallwood Pete Zabaski
Carole Nelson Mal Wall

Staff members present

Lyle Patterson, Building Official Linda Berner, City Recorder
Beth Reardon, City Manager Bob Patterson, City Attorney
Kemishia Sadler, City Court Clerk

Conflicts - None

OLD BUSINESS

- 1. James Hundley - 4407 Howell Pl (16032)
Special Exception - addition
Building permit denied:
A. Addition is outside the building envelope but within existing setbacks.
B. House exceeds maximum height.

Appellants are asking for a 30 day deferral.

Motion to defer: Blaufuss Second: Wall Vote: All aye

NEW BUSINESS

- 1. Lawson Allen - 326 Lynwood Blvd (16041)
Conditional Use - Tennis cabana, pool, tennis court/ lighting
Special Exception - fence/wall
Variance - grade change, drive way
Building permit denied:
A. Accessory structure requires BZA approval.
B. Swimming pool requires BZA approval.
C. Tennis court requires BZA approval.
D. Tennis court lighting requires BZA approval.
E. Wall other than permitted location.
F. Wall exceeds allowed height.
G. Grade change more than 21 inches requires BZA approval.
H. Driveway exceeds ratio allowed in front yard.

Building official requested 30 day deferral

Motion to defer: Nelson Second: Zabaski Vote: All aye

- 2. Edith Kirkland - 406 West Brookfield (16042)
Conditional Use - Swimming Pool
Building permit denied:
A. Swimming pool requires BZA approval

Presentation: Michael Jones - Landscape Architect

The appellants are asking for a 19'x42' pool, located to the north side of the property within the building envelope. The pool equipment will be housed in a

structure with a 14'x6' footprint, built of materials to match the house. A 6' fence encloses the property; the right portion will be replaced.

Board Questions/Comments:

Q: What is the size of the lot?

A: 1.3 acres

Audience question/comments: None

Board Discussion/Findings:

- Attractive addition

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

3. Edward Coble - 1104 Nichol Lane (16043)

Special exception - Construction of a house.

Building permit denied:

- A. House is outside building envelope but within existing setback.

Presentation: Sharon Pigott - Architect

The appellants want to replace an existing house with a new house. The current house has a portion in the front that is outside the building envelope, and they request that the new structure's entire front portion of the house will be outside the front building envelope but extend no further than the current portion.

Board Questions/Comments:

Q: Is the dotted line on the drawing the building envelope?

A: Yes

Q: So the addition of the structure is not any closer to the property line?

A: That is correct.

Audience Question/Comments: None

Board Discussion/Findings: None

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

4. Luka Duggan - 310 Walnut Drive (16044)

Conditional Use - Swimming pool

Special Exception - Addition

Building permit denied:

- A. Swimming pool requires BZA approval
- B. Addition is outside building envelope but within existing setback.

Presentation: Catherine Sloan - architect, Tara Armistead - landscape architect

The request is to extend the second story across the whole of the house since they cannot add more footprint. The second part of the appeal refers to constructing an 18'x36' swimming pool within the building envelope.

Board Questions/Comments:

Q: Does the 18'x36" account for inside the coping or outside the coping?

A: Outside.

Q: Will there be decking around the pool?

A: No, only grass.

Q: Will this include pavers?

A: No, there will just be coping.

Q: Is there a garage on the property?

A: No. There is an existing deck and the driveway goes under it. You can park under the deck.

Q: Are you tearing that deck down?

A: Yes. Except for a portion on the left side.

Q: Are you providing parking under the new deck?

A: Yes, the same as existing.

Q: Is the deck working as a carport?

A: They are not using it as a carport but you can park under it.

Q: Where will the owners park?

A: There is a concrete pad in the rear of the property but they could park under the deck if it is raining.

Q: What is the size of the lot?

A: 21,000 square feet.

Q: This is a carport, and the Board does not have the authority to approve a carport.

A: The existing deck was in decay, and the owners want to replace it. They don't care about parking under it; they just want the deck.

C: (Bob Patterson) There is an existing non-conforming use, and they are improving what is there. The Board cannot create a bigger non-conforming use. The provision in the code on carports, under accessory uses statute, refers to garages and carports, which are allowed as an accessory use. The prohibited use section of the code states that you cannot have a carport which is open and/ or of metal frame, canvas or column construction. The structure the appellants are requesting is consistent with the accessory use statute.

Q: So since this is not noticed as an accessory structure, the Board cannot hear it?

A: (Lyle Patterson) In my opinion, this is a deck.

C: (Bob Patterson) Accessory uses are allowed as a matter of right; they don't have to come before the BZA. The building official gets to decide what the use is, whether it is something that would require a conditional use permit or special exception permit.

C: It seems like a large pool on that lot.

A: This pool is smaller than average and the lot (back yard) is deep.

Q: This is the lower side of Walnut Drive that floods easily, and this is a steep lot. Is the pool in the flood plain?

A: No.

Audience Questions/Comments: None

Board Discussion/ Findings:

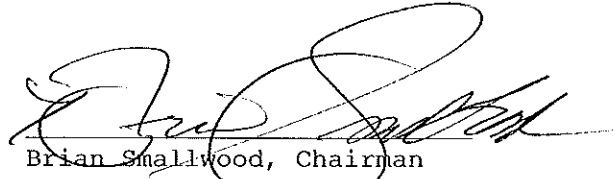
- I don't have a problem with the deck, even if they park cars under it. But I have a problem with the pool on a half-acre lot.
- I agree with the addition. But it is a very small lot, and even though it seems like a deep lot, the pool is close to the side neighbors.

Motion to deny item A: Wall Second: Blaufuss Vote: All aye
 Motion to approve item B: Wall Second: Nelson Vote: All aye

Consideration of the Minutes:

Nelson motioned approval as amended, Wall seconded. Vote: All aye

Meeting adjourned at 5:47pm.



Brian Smallwood, Chairman


Kemishia Sadler, City Recorder