

MINUTES
BOARD OF ZONING APPEALS
THE CITY OF BELLE MEADE
APRIL 21, 2015

Call to Order

The meeting was called to order by Brian Smallwood, Chairman, at 7:00pm.

Board members present

Mary Ann Blaufuss Brian Smallwood Pete Zabaski
Carole Nelson Mal Wall

Staff members present

Lyle Patterson, Building Official Beth Reardon, City Manager/Treasurer
Bob Patterson, City Attorney Linda Berner, City Recorder

Conflicts - None

New Business

- 1. Jordan Bingham - 412 Lynwood Boulevard (15041)
Special Exception - wall, grade change
Building permit denied:
 - A. Wall is other than in permitted location.
 - B. Grade change more than 21" requires BZA approval.

L. Patterson stated this appeal is deferred for lack of appellant getting the neighbor notifications in on time.

- 2. Michael Savona - 716 Westview Avenue (15042)
Special Exception - parking space/drive
Building permit denied:
 - A. Parking space is other than in permitted location.

Presentation: Michael Savona-owner
He has a long, narrow driveway and needed a place for guests to park that wasn't in the mud. Savona did not want to disturb a rare Diadora Spruce tree. The parking pad was installed 11.5 feet from the street instead of the code required 20 feet. Savona said he did not know a permit was required.

Board Questions/Comments:

- Q: Have you looked at the prospect of moving the tree?
- A: Yes, and was told there was a 50/50 chance of killing the tree.
- Q: If you remove the 8.5 feet of non-compliance pavers, could you still park a car there?
- A: It would basically be a motorcycle parking spot.
- Q: What about widening the driveway since you are under the 22% allowable?
- A: It would not be financially feasible.

Audience question/comments: NONE

Board Discussion/Findings

- It is a clear violation, but pleasing to the neighbors. We (the Board) have to be careful to respect the zoning ordinance.
- Sympathetic to the cost involved, but we are being asked to approve something after it is built. This would set a precedent.

Motion to **DENY: Wall** Second: **Nelson** Vote: **All aye**

3. Laura Niewold - 423 Jackson Boulevard (15043)
 Special Exception - wall
Building permit denied:
 A. Wall is other than in permitted location.

Presentation: Todd Breyer, architect

The wall, which will match the existing architecture, will connect the guest house to the back of the main house. By adding the wall, the driveway will be reduced by 20%.

Board Questions/Comments:

Q: What is the height of the wall?

A: Six feet except over the door it will go to 9.6 feet (9 foot section).

Q: What happens if it is not allowed to go to 9.6 feet in that area?

A: Then we would have an even wall, even though the owner likes that architectural feature.

Audience question/comments: NONE

Board Discussion/Findings

- Likes the idea of removing a lot of that driveway, but the bump-up (9.6 ft area) is a problem.

Motion to approve **JUST A 6' WALL: Nelson** Second: **Wall** Vote: **All Aye**

4. Allen Lawson - 326 Lynwood Boulevard (15044)
 Special Exception or variance- garage, wall
Building permit denied:
 A. Garage shall have its door opening facing to the side or rear of the property.
 B. Wall is other than in permitted location.

Presentation: Lawson Allen, owner; Ron Farris, architect; Ben Page, landscape architect; George Dean, attorney

Allen stated the garage has been moved to the location he believes has the most harmony with the neighborhood and has the least impact to the

neighbors. He gave his interpretation of the garage portion of the zoning code as it applies to his uniquely shaped and located property. The new location of the garage is tucked back closer to the tennis courts, lowered by seven feet into the ground, and not seen by any neighbor. He handed out a bird's eye view of his property and the surrounding neighbors.

Attorney Dean gave his legal interpretation of the definition of the term "variance", and how it pertains to this property.

Farris stated that by putting the garage in the plane with the front door of the residence, the Walnut Drive neighbors will experience a shorter vision of the house, front to back. The garage will be buffered with extensive landscaping, as well as being tucked into the hillside.

Board Questions/Comments:

Q: Point to what you (Farris) consider the front door, front elevation of the house, rear elevation of the house, and side elevations of the house.

A: (Farris pointed to each element on the plans).

Q: Do the garage doors show on the front elevation?

A: Without the landscaping, yes.

C: But they will not be seen because of the landscaping.

Q: Have the landscape plans changed from the previous plans?

A: Slightly tweaked but it is literally packed with plant communities.

Q: Do you want a special exception or a variance?

A: Either/or. Appears the only option is the interpretation of a variance.

C: Also, we don't want to set a precedent by asking for a special exception.

Q: The previous plans showed garage at an angle, is this new design preferred instead?

A: Yes, because it is more in harmony with the neighborhood. Also, if the Board is going to struggle with side facing/front facing, then this plan is preferred because the garage is now tucked further back in to the lot.

Q: Did you look at rotating the garage 90 degrees clockwise?

A: Yes, but it would bring the garage well in front of the house and be more visible to the Walnut neighbors.

Q: What is the width of the area between the house and garage?

A: Believe it to be 20 to 21 feet, this version is shorter than the previous one.

Q: What are the dimensions of the garage?

A: 24' by 37'

C: Given the numbers, I am having a hard time figuring out why the whole garage cannot be turned.

A: It is because of the necessary 36' back out capacity; the garage would have to be moved forward to accommodate vehicles getting out of the garage.

C: By code, the back out capacity is 25'.

Audience question/comments: NONE

Board Discussion/Findings

- Agree with the appeal being treated as a variance, and likes the way the garage is tucked back into the hill.
- This is going to be a precedent that will have to be explained when the next guy wants his garage doors facing the street.
- If you turn the garage to the side, it would have to be moved more to the front of the property.
- The house is not built yet. The lot clearly affords the capacity to satisfy the orientation of the garage.
- We can have a lot of discussion on what are the sides, front, and rear of the property, and it would come down to a difference of opinion. It is a variance. It has a front yard setback, it has a front yard, it has a lot of things that face a front. As Farris said, he placed the garage in the same plane as the front of the house and the front door. The garage faces the front. The question is if the topography is so egregious that the only solution in terms of accommodating the project is to accommodate the garage orientation. The applicants have clearly shown there is enough screening. When it comes to any application, the Board asks for a compelling argument and (I) don't personally see one for a special exception and facing the side. Variances are somewhat specific as Dean pointed out; our ordinance is more specific than a lot of other cities but there still is a great deal of ambiguity in them as well. It is hard to write an ordinance that takes care of every situation, so the vagueness is left to a level of interpretation. Our job tonight is to identify if the shape, topography and the general condition of this lot is such that it compels us to both understand and accept the orientation of the garage with the rest of the house.

Call for motion:

Approve as submitted: Zabaski Second: Smallwood
 Vote: Zabaski and Smallwood vote aye
 Wall, Nelson, and Blaufuss vote nay.

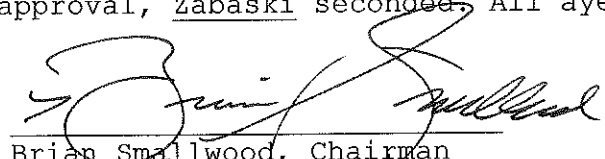
Motion failed for lack of majority. Appeal denied.

Consideration of the Minutes

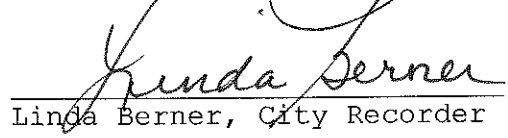
Minutes 3/17/2015 Wall motioned approval, Zabaski seconded. All aye.

Meeting adjourned at 8:32pm.

Approved at the
May 19, 2015 meeting



 Brian Smallwood, Chairman



 Linda Berner, City Recorder