

MINUTES
BOARD OF ZONING APPEALS
THE CITY OF BELLE MEADE
NOVEMBER 15, 2016

Call to Order

The meeting was called to order by Brian Smallwood, Chairman, at 5:09pm.

Board members present

Brian Smallwood Pete Zabaski Carole Nelson
Mary Ann Blaufuss James Edwards

Staff members present

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

Conflicts - Smallwood to recuse himself from the Hart appeal.

NEW 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. Pool requires BZA approval.
 - B. Fence is other than permitted location.

Appellants are requesting a 30 day deferral.

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

- 2. Vicky McCluggage - 1311 Chickering Road (16112)
Conditional Use - Construction of a swimming pool.
Special Exception- Construction of gates.
Building permit has been denied:
 - A. Swimming pool requires BZA approval.
 - B. Gate/ walls other than permitted location.

Presentation:

Clay Trabue- Landscape Architect
The pool is within the setbacks with a pool enclosure fence existing. The location for the pool was excavated when the house was built. A 6' wrought iron fence and existing masonry is at the Chickering Road entrance. The tallest part is 4' 8" and scales down to 3'. The new gates to be tucked into four symmetrical existing magnolias and small retaining walls. The homeowners are concerned about security and safety.

Board Question/ Comments:

Q: Would a 3' fence do the same thing from a security standpoint?
A: It would.
Q: How large is the site?
A: It is 2.87 acres.
Q: Are you doing anything to the driveway? It is over its allowed square footage.
A: The McCluggage's have a considerable amount of reclaimed cobblestones. There are areas that we are just going to put the cobblestones down as pavement and replace some of the asphalt that is there.
Q: Are you removing asphalt and laying down cobblestones on both sides?
A: Yes but using the same outline of the driveway.

Q: The gates swing out because of the topography. Is there sufficient room for a vehicle to clear the street so that the gates can open? 101

A: I think it is pretty comfortable.

A: I think its 37'.

Q: Will the gate have a call box?

A: There will be one but we haven't gotten that far in construction.

Q: Are you going to have the pool equipment inside the building envelope?

A: Yes.

Audience Questions/ Comments: NONE

Board Discussion/ Questions:

Q: Is the height 4' 6"?

A: I think it is 4' at its highest point and then it steps down to 3'.

Q: Is that the gate or the pillars?

A: The gate is 4' 10" and the pillars are 8" higher.

Discussion followed regarding precedent for gates on Chickering Road.

Motion to approve: Edwards Second: Nelson Vote: For; Edwards, Nelson, and Zabaski. Against: Smallwood and Blaufuss. Motion passes.

3. Nathan Lyons- 108 Belle Meade Blvd (16113)
Conditional Use- Construction of a pool house.
Special Exception- Construction of a house and fence.
Building permit has been denied:

A. Swimming pool requires BZA approval.

B. Accessory buildings and detached structures require BZA approval.

C. House is outside building envelope but within existing setback.

Presentation:

Nathan Lyons- Homeowner

The swimming pool is existing and within the setbacks. The pool house is within current setbacks and under 18'. The home will be built where the current home is and within the setbacks. The fence will be located around the existing pool on the back of the property for safety.

Board Questions/ Comments:

Q: Could you point out exactly where the fence will go?

A: It will go around the pool and back to the pool house.

Q: Is there anything on the other side?

A: We will have steps coming down from the pool house. Referring to the plan, this will be a 42" enclosure.

Q: Do you have your elevations for the wall and the steps area?

A: Yes. From the side of the pool house, there is a wall leading towards the back yard. There is a gate at the top of the stairs.

Q: So it is 42" from the pool deck?

A: That is correct.

Q: Is that an existing condition?

A: It is not.

Q: How tall is the wall?

A: About 12-13'

Q: What part is new and what part is existing?

A: The entire pool house and that wall is new.

Q: To the right of the pool in the yard, will you actually see a three story house at that level?

A: It will be a walk out here so roughly in this area (pointing to the plans) and then it will start to go down. It will only be a two story.

Q: At what height?

A: The side height is within current standards. I think about 45'.

Q: Do you have any idea how long that elevation is for the proposed house?

A: 111' 5".

Q: How far are you from the property line?

A: About 39'.

Q: How far is the building envelope from the property line without the existing setbacks?

A: 54'.

Q: You're just going to tear that house down?

A: Yes.

Q: So you are trying to get us to approve the building envelope based on the existing house and build outside the footprint?

A: That is correct.

Q: Why didn't you decide something within the existing envelope?

A: Because we had this existing pool here and we wanted to design respectively to the master suite looking over the pool.

Q: It is all because of the swimming pool?

A: Yes. We made a decision because it is a nice pool. It does need some updating but overall it is a very nice pool. Very traditional.

Q: What is going to happen to the tree in the front yard?

A: We have not determined that yet.

Q: Does the new house footprint fall over the tree?

A: No sir. The new home is close to the tree but it is not where the tree is. Did you consider that the house design could be consolidated somehow so as not to present such a large facade to the side neighbor?

A: When we started the designing process knowing that we had to build within the current setbacks and the way that the pool is situated, we felt like there was no way around that. One thing we did consider was that we could have gone as much as 45' up the side and we chose not to do that. We did keep our neighbors in mind when we started designing the house.

Q: Have you talked to any of the neighbors, the one to the left (106 Belle Meade Blvd- June Garrett)?

A: Yes. I actually met with her here tonight. She has seen our plans and Lyle spoke with her. She was very complimentary that we were going to do something to the property. I talked to the neighbors on the other side and Mrs. Sheffield who lives on Sunnyside Drive. They are both excited that we are doing something.

Audience Questions/ Comments: NONE

Board Discussion/ Findings:

Discussion centered on setback issues and the proposed house being in such close proximity to the side neighbor, 15 feet closer than existing structure.

- It was suggested this applicant be given an opportunity to consider altering the design to save the tree and perhaps see if that extensive encroachment to the side setback could be mitigated.

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

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

Conditional Use- Swimming 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.

Appellants are requesting a 30 day referral.

Motion to defer: Zabaski Second: Blaufuss Vote: All Aye.

- 5. Rhodes Hart - 425 Westview Ave (16115)
 Conditional Use- Construction of a Pool.
Building permit has been denied:
 A. Pool requires BZA approval.

Appellants are requesting a 30 day deferral.

Motion to defer: Blaufuss Second: Edwards Vote: All aye.

Consideration of the Minutes:

Minutes 9/20/2016

Minutes 10/17/2016

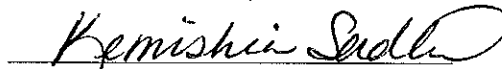
Motion to approve minutes as corrected: Nelson Second: Smallwood

Vote: All aye.

Meeting adjourned at 6:15pm.



Brian Smallwood, Chairman



Kemishia Sadler, City Recorder