

MINUTES
BOARD OF ZONING APPEALS
CITY OF BELLE MEADE
May 16, 2017

Call to Order

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

Board members present

Pete Zabaski Carole Nelson Charlie Atwood
Mary Ann Blaufuss Mal Wall

Staff members present

Lyle Patterson, Building Official Bob Patterson, City Attorney
Kemishia Sadler, City Recorder

Conflicts: None

OLD 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:

Gavin Duke- Landscape Architect

The current home sits on three acres partially outside the building envelope. The existing pool and tennis court are out of compliance on a separate lot. The homeowners have combined the two lots with plans to rebuild the home more towards the center of the property. Some doors, windows, and the existing stone from the outside of the home will be repurposed in the new home. The driveway will be brought up the side of the property to create more green space in the front. There is an overall 11.7% grade change for the entire site. The proposed pool is within the setbacks. The proposed fence is placed 5' from the stone wall and connects to a wall at the house to create a pool enclosure.

Board Questions/ Comments:

- Q: Does the footprint data include the accessory structure?
A: Yes.
Q: What is the square footage of the accessory structure?
A: About 850 square feet.
Q: How close is the driveway to the neighbors?
A: 10'.
Q: What is the maximum height of the existing retaining walls?
A: 7' 6".

Audience Questions/ Comments:

Tom Cowan of 710 Westview Ave spoke in opposition of tearing the house down and considered the existing home to be a historic piece of the city.

Chairman Pete Zabaski stated the BZA does not control the act of tearing down houses. The homeowner has a right to manipulate a structure within the boundaries of the building envelope.

Board Discussion/ Questions:

- I am thrilled that they are using the stone.
- It is a beautiful plan but I think that it will adversely affect the neighbors along the northern side.

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

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.

Building permit has been denied:

- A. Pool/spa requires BZA approval.
- B. Accessory structure requires BZA approval
- C. Grade change requires BZA approval.
- D. Wall is over allowed height.

Presentation:

Ben Rechter- Property Owner

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. Ben Rechter stated his objective is to build a home with a pool and pool house utilizing the property that exists. The issues that the Board had with the project had been addressed and that he hoped that they will be pleased with the changes made. Ron Farris stated the grade change has been revised to include 21% of the lot with the house included instead of 25% of the lot as presented before. R. Farris provided street facing elevation drawings starting at 505 Jackson Blvd. continuing down and through 501 Jackson Blvd. to illustrate that the grade change would be the same if not as much. The point was made that the property was more appealing with a level front entry. Mr. Farris gave examples of grade changes throughout the City including 425 Jackson Blvd., where the same conveyance ditch ran through the property and was covered with a driveway in the front. Mr. Farris also provided drawings for the Allen's property at 326 Lynwood Blvd., where a 35% overall lot grade change was approved by the BZA to build a house and tennis court. The highest retaining wall was brought down to 7' 6" as opposed to 11'. The wall will taper down and be screened with landscaping from the neighbors. He listed similar instances of topography changes that have taken place over the years to emphasize the need of retaining walls at 501 Jackson Blvd. Ron Hale worked with the City's engineering consultant, Steve Casey, to conduct a survey on the drainage swale. They determined that the drainage swale is not water from the community or the state therefore, there are no restrictions on manipulating the discharge point to be spread over the entire property and improve drainage.

Board Questions/ Comments:

Q: The pool house has a laundry area, bathrooms, and bedrooms. Will it be used as a residential feature?

A: R. Farris-It will be for the owner's personal use. The laundry room is for pool towels and the rooms are for extra space for his family.

Q: Are you willing to accept a deed restriction?

A: Yes.

Q: What is the rectangle at the very back of the lot?

A: It is a bocce ball court.

Q: (To B. Patterson) Does the bocce ball court need to be noticed?

A: (B. Patterson) If it is allowable in the City of Belle Meade then it has to be noticed as an accessory use.

Audience Questions/ Comments:

Phillip Brown of 518 Park Center spoke about concerns with NES gaining access to their pole with a transformer that has been out a few times on the side of the property. Clay Trabue answered that gated access is available.

Board Discussion/ Questions:

- Changing the topography bothers me.

Discussion continued related to the Board's concerns about excessive grade changes, design features, and retaining walls. The point was made about many cut and fill percentages throughout the City. The Nicol's case, which was approved tonight, was 11.7% of the total lot, the Allen's 326 Lynwood Blvd. was 35%, and Ben Rechter's 501 Jackson Blvd is 18%.

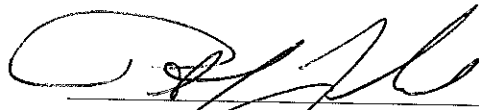
Motion to approve plans with the exclusion of the Bocce ball court, but with placement of a deed restriction on the pool house limiting it to personal use:

Atwood Second: Wall Vote: All aye except Nelson and Zabaski

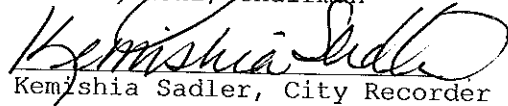
2. Approval of Minutes from April 18, 2017.

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

Meeting adjourned at 6:38pm.



Pete Zabaski, Chairman



Kemishia Sadler, City Recorder