**MINUTES**

**BOARD OF ZONING APPEALS**

**ST.GEORGE’S CHURCH**

**MAY 15, 2018**

**Call to Order**

The meeting was called to order by Pete Zabaski, Chairman, at 5:01pm.

**Board members present**

Pete Zabaski Joe Dughman

Craig Andreen Charlie Atwood

**Staff members present**

Beth Reardon, City Manager Doug Berry, City Attorney

Lyle Patterson, Building Official Charlotte Hunter, City Recorder

**CONFLICTS:** None

**CONSIDERATION OF THE MINUTES:**

1. The minutes of the regular meeting of the Board of Zoning Appeals held July , 2018.

Motion to Approve: Dughman Second: Andreen Vote: All Aye

**OLD BUSINESS:**

 1. The application of Roger Higgins (18041) 504 Belle Meade Blvd., or a special exception for the construction of walls. The building permit has been denied for the following reason.

 A. Walls are in other than permitted location and over in height.

**Presentation:**

Jeff Kinman for Roger Higgins and Anne Shipp asking for walls for privacy and to screen the service, HVAC and trash area from the lawn activities. The wall at the end of the driveway to the motor court area is the one you can see in the photo looking at the house from the back.

**Board Questions/ Comments:**

Q: Will wall connect to the fence that is already in back year?

A: It would stand in front of the fence.

Q: Can wall not go on the property line for the same effect?

A: We want to keep it square for symmetry, for the lower walls and you’d have an angle effect to it.

Q: What is the distance between the wall and the fence?

A: about 3 feet at the top

Q: What about the “dead space” between wall and fence maintenance?

A: My company will be handling the landscaping. It will look nice. There are many declining trees on his property but we will have proper screening.

Q: How do you provide privacy for one area?

A: There are 25 holly trees that will be planted on that side, along the

burning chimney?

A: Yes.

**Audience Questions/ Comments:** None

**Board Discussions**:

* Dughman says he doesn’t understand the wall not coming off back of house.
* Andreen says the yard is tight for there to be a wall that is not off of the fence. It is not a hardship.
* Dughman, asked what is the elevation at foundation? What is the view for the neighbors? Kinman says the neighbors won’t be able to see it except from Belle Meade Blvd.
* Zabaski agrees not compelling reason to have the wall in mid yard as it will look out of place.

Motion to Approve walls in back of property excluding decorative wall that is connecting to property fence:

Vote: Andreen Second: Dughman Vote: Zabaski, Andreen, Dughman

Abstain: Atwood

Walls will not be higher than 6 feet 8 inches with cap.

**NEW BUSINESS:**

2. The application of Connie Schimmel (18051) 215 Jackson Blvd. for a conditional use for the construction of a swimming pool and a special exception for the construction of a wall. The building permit has been denied for the following reasons.

 A. Swimming pool requires BZA approval.

 B. Wall is in other than permitted location.

**Presentation:**

Gavin Duke says he has tried many alternatives to this home. Tried screened porch off garage but they are limited due to set backs. Screen porch will be off the den area. There is now a green hedge about 10 feet tall screening the driveway that will be maintained. The new structure is within setbacks. The look will be louvered to create air flow. The pool will be 10 x 25 and it is maxed out. It is more of a lap pool. The structure will also serve as a barrier but will have locking, solid wood gates.

**Board Questions/ Comments:**

Q: Show us the wall on the plans.

A: It is a 6 foot brick wall behind the evergreen hedge. It will be painted dark green.

Q: What material is the existing fence? It is a chain link?

A: The fences are slats of western cedar and is in good repair.

Q: Is there a plan showing the setbacks on the site plan? Elevations?

A: Yes, shown in applications on page 2. The setback goes thru the house on the front. The lot sits diagonally.

Q: With the addition, how wide will the house be? Not including the pool equipment.

A: 102 back from the property line

Q: The width of the house as you are proposing and the width of the lot, what is the percentage of the width of the lot?
A: 103 lot is 165
Q: You are allowed 83 feet of width on the house & you area asking for 20 feet more than that.
A: Yes.

Q: It is awkward because the left side of the house is outside of setbacks and right side you have existing foundation setbacks inside the side setbacks. What is the most important feature? Is it the new room (screened porch) or the pool? If it is the pool, could you run the pool perpendicular to the street and closer to the house? And not make the house be so wide and get it below 83? feet.

Q: You are allowed to put a gazebo up and it doesn’t have to inside the building envelope. And it can be up to 250 square feet, 10 feet off the back property line. Zabaski hesitates to making this house so wide on that lot because others on the street may want it too.

A: Could we cut that screen porch from the house?

Q: Gavin explained that using the connector off the house & made it less than 250 square feet. Is that any different than being a pavilion or accessory structure?

A: On the front of the house?

Q: It is behind front set back, on the side.

Zabaski is trying to get entire project under 83 feet.

A: What is on the agenda today?

Q: Pool and fence

A: Then how are we discussing the rest of this?

Q: We don’t have to approve the pool, we could say house is too wide & pool doesn’t work.

A: But pool is inside envelope.

Q: But other side of house outside of building envelope.

A: Code says the house can be 50% width of total lot. It is awkward because codes says you can build within building envelope or setbacks. It is a conflict with this. One codes says both 50% of the width of the lot and another code says within building envelope. It would be good to get in below 83 feet.

Q: Why are we trying to reduce the size?

A: To half the width of the lot.

Q: What is your concern? The paillon or the pool?

A: One doesn’t require a variance. We are limited to what is before us and we can’t do this. Conditional use is permitted. Dughman would like Attorney Doug Berry’s opinion.

Berry: We aren’t discussing the size of the structure.

You can’t say no to the pool if you meet the conditions. The fence is a separate matter.

Q: What is the width of the house currently?

A: 75 feet

codes limits to 50% which is 83, we are talking about 20 feet.

Q: Does the screen porch line up with the pool? Does it go to the end?

A: We have a lot of yard left. The pool equipment will be enclosed to be quiet and behind tall evergreens.

Q: What is the length of the screen porch?

A: 24 x 14, under the 250 required.

Q: Could you reduce the size of the screen porch? And make the new building not attach to the house, possibly a gazebo.

A: Not looking for an unattached room. The house won’t flow. We have given Patterson four scenarios to find the best fit for this house and yard. This plan is the best for the building set back.

A pool can’t be approved outside of setbacks.

A building could be approved outside setbacks but not further than existing.

Gavin didn’t know there was an issue with the length of the house.

The screened porch will act as a sound barrier for the pool enclosure.

Q: What is percentage of the screened porch?

A: 280 square foot, talking 30 square feet

**Audience Questions/ Comments:** House build in 1934 and Schimmel says she is restrained due to the lot.

**Board Discussion/ Questions:**

Zabaski questions if the 50% rule has nothing to do with this house.

Motion to Approve: Dughman Second: Atwood Vote: All Aye

Meeting adjourned at 6:08pm.

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