**MINUTES
Board of Zoning Appeals**

 **city of belle meade**

**OCTOBER 17, 2017**

**Call to Order**

The meeting was called to order by Pete Zabaski, Chairman, at 5:02pm.

**Board members present**

Pete Zabaski Carole Nelson Gloria Sternberg

Joe Dughman James Edwards

**Staff members present**

Beth Reardon, City Manager Doug Berry, City Attorney

Lyle Patterson, Building Official Charlotte Hunter, City Recorder

**CONFLICTS:**Zabaski recuses himself from the St George’s application (17103), as his wife is on staff.

**OLD BUSINESS:** None

**NEW BUSINESS:**

1. The Application of Ann Heise- 325 Lynwood Blvd. (17101) for a special exception for the construction of a fence. The building permit has been denied for the following reason.

 a. Fence is other than permitted location.

**Presentation:**

### Marty DeHart – Landscape Designer, David Humphreys Landscaping

Marty plans to put a black chain link fence as close to the property line as possible on both sides and the rear of the back yard. There are many trees along the property line, and the fence is designed to straddle these to avoid cutting them down. In addition, the very back of the property slopes and has a small stream that floods during heavy rains.

**Board Questions/ Comments:**

Q: What is the distance of fence to side property line?

A: It will be 2-4 feet at the most.

Q: Why is the fence so far from the back property line?

A: Fence is 30 feet at most from property line. Lots of honeysuckle & jungle like area. It has been overgrown for over 30 years. The area is low and it floods in the spring. There is a grove of trees on both sides of the fence. We will maintain both areas on each side of fence with 2 gates for access.

Q: Who will take care of “dead” area between fence and back neighbor’s property?

A: Ann (homeowner) will hire us to do it. The project will be to first demo the area and plant a wild flower garden on the back side, fence the area for the dog and add more landscaping.

Q: Why not put the wild flower garden in the fenced area?

A: Prevent dog from running through and destroying. A fence is an investment. There is too much water for a garden.

Q: Can you put fence posts on other side of trees?

A: No, posts will be in concrete. Roots flair out and posts could hurt trees. In addition, this is the low area where stream floods, and posts would not stay anchored in ground.

**Audience Questions/ Comments:** Statement made by homeowner: There is a very old Historical fence with mesh wire that is now nailed to the present trees. The current laws allow her to put up chicken wire but she has already spent $11,000 on clearing this back area. The dog knocked her down and she has been in a wheel chair since she moved here in April.

**Board Discussion/ Questions:**

* Zabaski stated it is difficult for Board to make a decision due to property line stakes not visible at site visit, and the drawings presented do not have dimensions and proposed distance of fence from the property lines and trees.
* City Attorney stated it is best to have appellant present detailed plans and/or pictures versus a site visit.

Motion to defer up to 60 days: Dughman Second: Nelson Vote: all aye

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2. The application of Tom and Nan Cox – 417 West Brookfield Ave. (17102)

for the conditional use for the construction of a swimming pool. The building permit has been denied for the following reason.

 a. Swimming pool requires BZA approval.

**Presentation:**

Gavin Duke- Landscape Architect, Page|Duke

 A 20x40 standard pool is proposed off master bedroom and garage. It will have a fence to property line that meets requirements within set-backs. New fence on back of property line.

**Board Questions/ Comments:**

Q: What about the pool equipment? Sound proof?

A: Tucked away by garage, with evergreen planting. Soundproofing can be added.

Q: Will the pool equipment have a solid wood fence & gate?

A: Yes, we can do that.

**Audience Questions/ Comments:** NONE

**Board Discussion/ Questions:**

* Dughman wants to make sure the equipment is sound proof.
* Board wants them to turn the doors facing the rear & use sound proof blocks.

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

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1. The application of St. George’s Episcopal Church (17103)for a

special exception to erect informational signs. St George’s is governed under the zoning ordinance, appendix A, churches and schools.

The building permit denied for the following reasons.

1. Signs are larger than the allowed eight square feet.

**Presentation:**

Martha Rhodes, Senior Warden and also a resident of Belle Meade at 404 Ellendale. The plan is to replace 4 existing signs. The new signs will be larger than 8 feet square and add a few more directional details such as parking. Emergency vehicles have had hard times finding the correct areas.

Q: Will you be using parts of the existing signage?

A: Yes.

Q: Will the lettering be the same?

A: No, the letters will be larger so it is visible while driving. The structure is the same width, just taller.

**Board Questions/Comments:**

Safety is the main concern.

**Audience Questions/Comments:** NONE

**Board Discussion/ Questions:** NONE

Motion to approve: Nelson Second: Dughman Vote: 4 Ayes, Recused: Zabaski

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**Consideration of the Minutes**

4. Minutes from regular meeting held September 19, 2017.

Motion to approve: Edwards Second: Sternberg Vote: All aye

Meeting adjourned at 5:53pm.

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