MINUTES BOARD OF ZONING APPEALS BELLE MEADE CITY HALL NOVEMBER 20, 2018

Call to Order

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

Board members present

Pete Zabaski

Joe Dughman

Gloria Sternberg

Mal Wall

Staff members present

Beth Reardon, City Manager

Doug Berry, City Attorney

Lyle Patterson, Building Official

Charlotte Hunter, City Recorder

CONFLICTS: None

OTHER BUSINESS: Letter of acknowledgement for Carole Nelson's Service

CONSIDERATION OF THE MINUTES:

1. The minutes of the regular meeting of the Board of Zoning Appeals held October 16, 2018.

Motion to Approve: <u>Dughman</u> Second: <u>Wall</u> Vote: All Aye

OLD BUSINESS:

- 1. The application of Steve Cates (18103) 200 Jackson Blvd., for a 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.
 - B. Wall is in other than permitted location. (Retaining earth for pool/terrace).
 - C. Wall over allowed height. (Retaining earth front drive).

Presentation:

Taylor Butler representing Steve Cates says the pool will be within the setbacks on the side of the house. The garage is lower at grade and there is a need for a wall coming off that corner for support. The steps have been flipped to the other side of the pool deck to allow the walls to be lower. Instead of one tall wall, we are constructing two 3 foot terrace walls separated by 7 feet of green space.

Board Questions/ Comments:

- Q: What is the height of the 2 walls combined?
- A: 6 feet and they aren't visible from the street.
- Q: Where is the 6 foot fence?

A: The wall is three feet so a guard of additional three feet will be added to the top of the wall, so it will be 6 feet total.

Q: At the previous meeting, the fence was 6 feet plus a 3 foot iron gate, where is that?

A: It is not needed since we flipped the steps.

Q: Are both of these walls inside the building envelope?

A: Yes, The wall at the front drive has been lowered to 4'6. The wall will transition with landscape and it will act as a retaining wall.

Audience Questions/ Comments: None

Board Discussions:

Dughman: Nice design.

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

NEW BUSINESS

1. The application of Allen Looney (18111) 725 Westview Ave., for a conditional use for the construction of a swimming pool. The building permit has been denied for the following reason.

A. Swimming pools require BZA approval.

Presentation:

Ed Tester with Page Duke Landscaping and Alan Looney of Castle Homes plan to demolish present house on the lot to reposition it and center it on the corner lot. The pool will be within building envelope. We have a big planting for back yard with dense magnolias and evergreen shrubs to soften the new motor court. The new building envelope was approved today during the MPC meeting. The pool equipment will be behind the garage with a 6 foot wall.

Board Questions/ Comments:

Q: Is the board here to vote only about the pool?

A: Yes.

Q: Has the property line been determined?

A: Yes, there was a survey done.

Q: How deep is the turn around area?

A: It could be about 25-30 feet.

Audience Questions/ Comments:

Doris Mathews lives next door in Stone's Throw Condominiums 4402 Harding Place. Her condo overlooks this property. She is worried about privacy, safety and Stormwater issues. Since the trees have all been cut down her garage is exposed to 10,000 cars a day. There could be issues with water since removal of all vegetation. She is not sure about a property line as the deeds are so old.

Alan Looney responded to her concerns and will meet with her at the property to consider them. He promises her it will look better than it does now.

Board Discussions:

Motion to Approve: <u>Dughman</u> Second: <u>Sternberg</u> Vote: <u>All Aye</u>

2. The application of Marissa Russ (18112) 503 Park Hill Dr., for a conditional use for the construction of a swimming pool. The building permit has been denied for the following reason.

a. Swimming pools require BZA approval.

Presentation:

Marissa Russ of 503 Park Hill would like to add a pool. It is within the setbacks and only using 2% of her lot. The pool equipment will be enclosed and also within the building envelope. The pool will be next to the carport.

Board Questions/ Comments:

Q: Has the Board approved pools on half acre lots?

A: Yes.

Q: What about water run-off and Stormwater issues?

A: Lyle Patterson says the Russ's will have to get a Stormwater plan that will address all of the water issues.

Audience Questions/ Comments:

An email from the neighbors, Jan and Robert Dale of 507 Park Hill with concerns about the water issues.

A letter with support from Dr. and Mrs. Robert Mallard of 501 Park Hill.

Board Discussions: None

Motion to Approve: Sternberg Dughman Second: Wall Vote: All Aye

3. The application of St. George's Episcopal Church (18113) 4715 Harding Road, for a variance for the construction of the "Parrish Life Center"/Gym. St. George's is governed under the zoning ordinance Appendix A, churches and schools. The building permit has been denied for the following reason.

The BZA shall have the jurisdiction and authority to grant a permit for the erection of churches and school buildings, including all accessory buildings and structures, parking areas, walkways, entrances, exits and driveways constructed in conjunction therewith.

Presentation:

Leigh Spruill, Sr. Rector at St. George's Episcopal Church spoke about his vital and growing congregation. This has been a big vision and long planned for the church and next generations. They have outgrown some space and need room for more classrooms, office and storage. This will enhance the educational experience for the kindergarten.

Cam Sorenson (106 Bellevue Drive South) Senior Warden at St. George's The Family Life Center will increase the Table Service from about 200 people

to 400 on Sundays. It will be a recreation area for the kindergarten. We want to have a second story for musical rehearsal rooms, youth group and more admin areas. We will add about 30% more parking. We have had 2 neighborhood meetings. No Church in Belle Meade is within the 250' setback. With this addition it will be 41 feet from the property line but we will have significant landscaping. We want to have a sense of belonging and consecutiveness to the current building. The church has offered Carole Nelson a contract that she not lose any money on the sale of her house within five years of the "FLC" being built. They would have an appraisal done on the house now and guarantee her the same amount of money if she decides to sell.

Zee Pendleton Director of the Kindergarten would like to enhance and benefit the school of 350 children. If it too hot, too cold, or pouring rain the Family Life Center would benefit the children. If there is a funeral, any kindergarten activities planned in the larger rooms of the church get bumped for all funerals.

Dan Barge with Barge Cauthren & Assoc. Civil Engineer Says there are a few challenges in this building like the creek and culvert. This would be an easy area for drop off for church and kindergarten. There will be a sloped parking lot to keep car lights away from the homes nearby. We plan to install pervious paver to help with excessive rain.

Chris Barkley with Hodgson & Douglas Landscaping plans with buffers all around the property line. There will be dense, lush evergreens.

Baird Dixon with Orcutt/Winslow Architecture Firm wants to keep the new building near the heart of the present church with a covered and secure drop off area.

Chris Whitson 802 Westview Avenue is a church member. He read paragraph 2 of the ordinance stating the church meets all the requirements. The language regarding the 250 feet is not an absolute. The church has offered Carole Nelson a contract that she not lose any money on the sale of her house within five years of the "FLC" being built. They would have an appraisal done on the house now and guarantee her the same amount of money if she decides to sell.

Board Questions/ Comments:

- Q: Did you work with Lyle Patterson prior to presenting these plans?
- A: No.
- Q: Did anybody review city codes or ordinances?
- A: Yes. All 3 of the religious properties are all out of bounds.
- Q: What is the purpose of the Life Center?
- A: It will be multi-purpose. A gym, religious events and activity center for the kindergarten. It will seat 400 people.
- Q: Was there a traffic study done?
- A: Yes, and we plan on 30% more parking spots.
- Q: What will happen to the structure at 104 Belle Meade Blvd.

A: It will be torn down.

Q: Are you compliant with parking spaces per the ordinance with this addition?

A: Yes. We will have over the required spaces. Some of our current spaces will go back to green space.

Q: The Family Life Center or is it a GYM? Neighbors have asked about noise. How will it affect the neighbors?

A: All of the noise should be in the interior only of the building.

Q: What about HVAC units?

A: Not determined as of yet.

Q: Could they be put in an enclosed shed?

A: Yes, we could work that out.

Q: Will this Family Life Center be offered for use for groups outside of church?

A: No, basketball games on Saturday but no night time events due to having to set up the chairs for the early Sunday morning service.

Spoke on Opposition of the new building: Carole Nelson 103 Westhampton Place Ellen Nelson 103 Westhampton Place Randy Elder 117 Westhampton Place Anita Elder 117 Westhampton Place Barbara Daane 102 Westhampton Place Gloria Sir 101 Westhampton Place

Spoke in Favor of the new building: James Hundley 4407 Howell Place

Audience Questions/ Comments:

Many emails and letters attached to file.

Board Discussions:

Zabaski: This may need to be deferred.

Dughman: There is no public safety as an issue as stated in paragraph 1. Paragraph 5 says there needs to be balance as a board, wishes of the parish & neighborhood. Noise is an issue (could get insulation)

no congestion and no disturbances.

Gloria Sternberg: she is concerned of the disregard for the zoning codes. The church is already 98% outside of envelope as it stands now.

Mal Wall: Too much missing information missing, (traffic study, Appraisal of Nelson home, placement of HVAC units, this needs to be deferred.

Pete Zabaski:

Appendix A gives board jurisdiction. 250 feet or such it is a privacy issue all around. There are ways to deal with that, Very difficult decision. We need to bring the community together and find solutions. It seems property value, street congestion and noise are the biggest issues now.

Motion to Defer 30 days: <u>Dughman</u> Second: <u>Wall</u> Vote: <u>Deferred 30 days</u>

Meeting adjourned at 7:00pm.

Chairman Pete Zabaski

City Recorder Charlotte Hunter