

**MINUTES**  
**BOARD OF ZONING APPEALS**  
**BELLE MEADE CITY HALL**  
**JANUARY 15, 2019**

**Call to Order**

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

**Board members present**

Pete Zabaski	Jeanette Whitson	James Edwards
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

**CONSIDERATION OF THE MINUTES:**

1. The minutes of the regular meeting of the Board of Zoning Appeals held November 20, 2018.

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

2. The minutes of the regular meeting of the Board of Zoning Appeals held December 18, 2018.

**Motion to Approve:** Edwards    **Second:** Sternberg    **Vote:** All Aye

**OLD BUSINESS:**

1. 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:**

Cam Sorenson, Senior Warden at St. George's introduces Leigh Spruill, the Senior Pastor

The church has been working on the idea of this project since 2014 for the future vision of the church to build the Parish Life Center, add a second story to the kindergarten area for more admin offices with meeting spaces, and recreation center that will include a worship area (The Table) for about 400 people. We plan to demolish 104 Belle Meade Blvd. and add more parking.

We have shifted this new plan closer to Belle Meade Blvd. (315 feet from Belle Meade Blvd.) This will add over 100 new parking spots. (From 289 to 386) It is now closer to Mrs. Garrett's house (219 feet)

Chip Jones with Orcutt Winslow

The south property line will have a 30 foot buffer towards Mrs. Garrett's house at 106 Belle Meade Blvd. The structure will be 38 feet tall. The current sanctuary is currently 52 feet tall. The new entrance will be on the West side of the building and most of the parking is there too. The mechanical equipment will be in an enclosed brick enclosure. The new chiller equipment is quieter too. There will be 4 additional roof top units on the Harding Road side and blocked by the buildings and we will landscape it too. We have done a traffic study and the new building will not lower the level of service to the church property. The sounds will be lower than they are now. No negative effect on property values of nearby homes. We feel this plan is quite an improvement from the previous one we submitted. Thank you all.

**Board Questions/ Comments:**

Q: Will it have a covered access to the building?

A: Yes.

Q: Why was the traffic study only done on Sunday? The new space will have basketball games on other days of the week too.

A: We don't plan on weekday events, mostly weekends. Traffic counts will only peak on Sundays. So that's why we only did Sunday as that will be the busiest day for the church with over 400 people each Sunday. The new center will never be as busy as a typical Sunday.

Q: What will be the lighting like for the neighbors?

A: Lights will have low cut off and won't bleed into the neighbors and have timers.

**Audience Questions/ Comments:**

Not Supporting:

Attorney George Dean speaking on behalf of June Garrett of 106 Belle Meade Blvd. requesting a deferral since Mrs. Garrett was not aware of the new building plans. Issues concerning Mrs. Garrett are:  
parking lot, traffic noise and the 250 foot requirement.

Supporting:

Govan White, 114 Belle Meade Blvd.

Steve Fridrich, 4431 Tyne Blvd.

Carole Nelson, 103 Westhampton Place

Kristin Skeeters, 1202 Nichol Lane

Barbara Daane, 102 Westhampton Place

Sally Nesbitt, 21 Lynwood Lane

Jason Cowden, Attorney for St. George's

The factors about the 250 foot line variance are:

1. Impair light or air
2. Increase congestion of traffic
3. Increase public danger
4. Diminish property values

5. Any other impairments for health or welfare of the City

**Board Discussions:**

Sternberg: I would like Doug Berry to address the variance

Attorney Doug Berry states the last set of language that Jason read is what the board must make specific findings about, not the variance. There is flexibility built into the language of the ordinance with typical standards. I interpret it for the board to be able to grant the conditional use permit.

See Attached Letter from James Edwards for his approval comments.

Wall: This is clearly within the justifications for the 250 feet. None of the factors are an issue.

Zabaski: I am in agreement for approval.

**Motion to Approve with Criteria in Section 1, Appendix A have been met and the variance in subsection 5 have been met:**

**Vote: Wall Second: Whitson Vote: All Aye**

**NEW BUSINESS**

1. The application of Castle Homes (19011) 725 Westview Ave., for a special exception for the construction of a fence. The building permit has been denied for the following reason.
  - A. Fence is in other than permitted location to give relieve to the Stone's Throw condominiums.

**Presentation:** Lyle Patterson presented for Alan Looney of Castle Homes the request for a fence to aid neighbors in backing out of their carport. The fence will be 18 inches inside building envelope.

**Board Questions/ Comments:**

Q: Who will be responsible for maintaining the lawn care on the other side of the fence?

A: The homeowner of 725 will be responsible for the care.

**Audience Questions/ Comments:** None

**Board Discussions:** None

**Motion to Approve with owner of 725 Westview Ave to maintain landscaping on both sides of fence: Edwards Second: Sternberg Vote: All aye**

2. The application of Will Morrow (19012) 4417 Shepard Place, for a conditional use for the construction of a pool/spa and cabana and a

variance for a terrace wall. The building permit has been denied for the following reasons.

- A. Pool/ spa requires BZA approval.
- B. Cabana Requires BZA approval.
- C. Terrace wall is over allowed height.

**Presentation:**

Brian Smallwood, Architect

Mr. Smallwood is requesting a pool and spa for the almost full acre square lot. The wall will serve as a barrier for the pool and the 6 foot rule. It also allows the terrace to integrate the house with the pool as an extension of the first floor. The cabana will keep wet suits out of the home.

**Board Questions/ Comments:**

Q: What is the grade change?

A: Front property line to back property line is 9 feet or so. Top right to bottom left is 15 feet.

Q: you have raised everything up?

A: Yes.

Q: What is the material of the piers? Height?

A: Wrought iron & brick, 7 feet to 9 feet, 42 inches for the lights

Q: This is outside of the building envelope, is there any way to push it inside it? The terrace could be outside of the envelope?

A: Yes, we could do that. We would have to use landscape to soften.

Q: The low wall on elevation on the right side, how high is that?

A: 7 feet on exterior, this section doesn't have the wrought iron.

Q: How wide is the pool deck?

A: 8 feet

Q: Would the stairs still work if they were just inside the building envelope?

A: They would have to shift.

**Audience Questions/ Comments:** None

**Board Discussions:**

Zabaski: Problem with it being outside of building envelope, if moved it inside by 2 feet, I'd be ok with it. A 9 foot wall outside of the envelope when it doesn't have to be is the problem. I think to take 2 feet from the cabana would work.

Edwards: Very similar to last meeting.

Sternberg: The height of the wall is an issue. It needs to be adjusted.

Mr. Smallwood says the grade on the site is quite a hardship so asking for an exception due to the large slope.

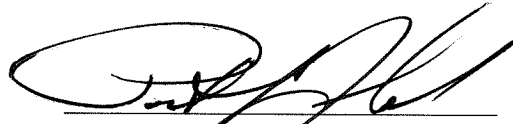
Whitson: We can raise the grade to 3 feet outside, 4 feet on the inside so the wall isn't perceived so high. The rule has changed from 21 inches to 3 feet to help with this.

Edwards: Is there an out building that will be removed?

Yes, it will be returned to green space.

Motion to Approve with wall moved 2 feet inside building envelope:  
Zabaski      Second: Sternberg      Vote: Wall, opposed

Meeting adjourned at 6:30pm.



Chairman Pete Zabaski



City Recorder Charlotte Hunter