



Labovitz, it is just below the cottage to the left. It can not be seen from the street. That location is probably 20 feet lower than the street.

Zabaski, what is Staff recommendation?

Patterson, Staff recommends approval on the pool. Staff has reservations on the pool equipment and the fence. The existing fence is 54 inches in height. Our ordinance states 72.

Sternberg, the fence is six feet, but the gates are going to be changed?

Fliescher, I am comfortable with changing the whole fence line to the six foot height. We are talking about leaving the rest, updating the gates or any other entrances to the area.

Labovitz, there would be one fence that is 54 inches. It is in a lot of vegetation. You can not really see it.

Fliescher, I sent some pictures to Lyle Patterson of the fence. It is so buried in vegetation that you can not see if from the street. The fence line runs behind the boxwoods down the whole side.

Sternberg, does the fence enclose the whole pool?

Labovitz, yes, it encloses the pool and will have the correct child proof gates on them. On the far left side of the property the fence is already six feet tall. On the far right side of the property the fence is 54 inches and as the photos show, it is covered in vegetation which increases the height to probably 10 or 12 feet tall. Towards the back of the property to the right we will put in a 6 foot fence to meet your code.

Zabaski, the code for a six feet fence can not be changed by this Board. It is not only a Belle Meade code it is also a Metro code. There is no choice in that matter. There has to be a six foot fence enclosing the pool. We can vote on the location of the fence but not the height of the fence that is pre-determined.

Patterson, the IRC states 48 inches, Belle Meade ordinance states 72 inches.

Zabaski, we can not rule less than a six foot fence. Doug Berry is that correct?

Berry, it is part of the zoning code so you possibly could but not a safety type code. You cannot waive that.

Labovitz, safety was set up by the State at 48. I don't know how Belle Meade chose 6 feet.

Berry, local ordinances can differ.

Dughman, why do you have to have the pool equipment outside the building envelope?

Labovitz, we have several things going on. If we put it up close to the house, we have a hydraulic issue because it goes up 14 steps or 10 to 12 feet. We would like to have it blend in by the cottage with all the boxwoods surrounding it and not be sitting out in the open.

Zabaski, the pool equipment location is not on the Agenda. It is not before the board right now.

Fliescher, I did discuss this prior to with Mr. Patterson that this was an area of exception.

Patterson, that discussion took place today and the agenda goes out fifteen days prior to this meeting. I spoke with Paul about this as well.

Labovitz, we had the discussion. I do not know why it is not on the Agenda. We would like to have the discussion now.

Dughman, we can only consider matters that are on the Agenda.

Sternberg, could you move the pool equipment into the building envelope?

Labovitz, we do not care too. But at this point if you cannot discuss it, we will have to bring it up in another meeting. To get approval we can put it in the site plan now.

Sternberg, it is my understanding if it is in the building envelope it would not become an issue.

Berry, if it is outside the building envelope it would require a variance. If it is not it would not be an issue if it is within the building envelope.

**Board Discussion:**

Dughman, the fence is not to Belle Meade Code, is that correct?  
Patterson, that is correct.

Motion to divide the question with the pool and fence: Zabaski  
Second: Sternberg Vote: All aye

Motion to approve the pool as submitted: Zabaski Second: Sternberg  
Vote: All aye

Motion to defer the fence issue: Zabaski Second: Sternberg

Amend Motion to defer the fence issue for 60 days: Zabaski  
Second: Sternberg Vote: All aye

Motion to defer the fence issue for 60 days: Zabaski Second: Sternberg  
Vote: All aye

Tardio, Mr. Berry our ordinance is six feet on the fence. Do we have the authority to waive that? I would consider it a safety ordinance.  
Berry, if it is not in the zoning ordinance, and it is a Safety Code, no, it cannot be waived by this board or modified.  
Patterson, the IRC which is the national standard says four feet. Belle Meade code says 72 inches, six feet.  
Zabaski, page 1416 of the zoning code says every swimming pool shall be completely enclosed either by a structural wall or walls of a dwelling to which it is an accessory or by offensive while not less than six feet in height.  
Berry, if is part of the zoning ordinance it can be varied under the standards for variance, but the outcome would have to show why those criteria had been met and the item would have had to be advertised as requested for variance. I don't see that in the Agenda that it was advertised or analyzed that way. It just says fences and other than permitted location. A valid reason for deferral is that issue. It is not in the separate building code but is in the zoning ordinance.  
Labovitz, if it was advertised and it's been discussed, why are we continuing this?  
Dughman, the BZA is concerned about the height. We are deferring it to give you an opportunity to come back to consider a different height. You know what our regulations require. It is up to you and the applicant. We did not approve the fence which is part of your proposal.  
Fliescher, the vegetation is dense on that side. If we have to pull the fence, we are going to disrupt the vegetation that's been there for decades or more. That is pushback from our neighbors in terms of getting a Fence Company in there and rearranging it. The main issue is the sides of the fence on both property lines because they are heavily embedded within the vegetation that the removal and replacement of them will damage a tremendous amount of existing vegetation.

2. The application of Vintage South LLC (21012) 113 Bellevue Drive South, for a special exception permitting the construction of entry walls to courtyard and a pier. The building permit has been denied for the following reasons.

A. Courtyard entry wall (inside building envelope) is over allowed height and in other than permitted location.

B. One Pier is over allowed height by 12 inches.

**Presentation:** Ron Farris, Farris Concepts in Architecture, last month this design was reviewed and approved by the Historic Zoning Commission. We were asked to make minor alterations to the style and type of windowpanes, which is reflected in the submission before you this evening. All comments that the Historic Zoning Commission had regarding the project have been revised and updated in this submission. Here tonight we are asking the board to consider the construction of the courtyard walls and two piers. The house footprint is "H" shaped and creates complimentary courtyards both in the front and rear of the residence. The topography of this lot falls from the top left corner to the bottom right corner, or the lot slopes toward the front of the house from the street. We are experiencing some vehicular and pedestrian activity along Bellevue Drive that would look down and into the building envelope and our proposed residence. The proposed courtyard walls help define and create the private entry sequence that was reviewed by the Historic Zoning Commission and commented on as likability. The walls provide additional privacy from activity along Bellevue Drive. And in my opinion, the courtyard walls are a significant component in the style and aesthetic of the residence. The courtyard wall is identifying the entry sequence and creating the inner courtyard. At the first arch window is a small gate that allows you entry into the entry sequence and then underneath that covered portico that heads to the front door. The center arch is an axial and aligned with the front window that is back at the back end of the courtyard. The left arch, the complimentary arch, brings symmetry and balance to that composition of stone and gate materials. These are rendered in stone and articulated with complimentary arches and gates, establishing, and maintaining a design cue that is found on all four elevations. There is a consistency of theme with all four elevations. I am quite excited about how we're using the arches front and back and the stone, as it wraps around and down to create the base of the house. Important to note that the courtyard walls are located within the allowable building envelope and within all setbacks. The courtyard walls are not designed or intended to manipulate grade. It's not their function, their function is for creation of an outdoor space and privacy along the front. And as a compliment and design cue to the overall residents. The two piers, defining and complementing the guest parking and entry sequence are too low console walls. Attached to the two yellow squares are shaped and contoured stone contour walls. The way the grade falls, I'm using the stone console walls and piers to allow for a slight transition up from the guest parking to the walkway that enters the front portico.

In addition, these walls bring definition to the guest parking and passage through for the circle drive. Because of the grade fall, left to right and towards the house, the piers are in compliance on the left side and out of compliance on the right side at four feet. I think these stone piers help bring termination to the console walls and help give definition to that guest parking. We are asking for a slight modification to the three foot requirement just these two areas, two little piers, to go to four feet. They would also allow for the addition and inclusion of two low hanging gas lanterns or the guest parking and eliminating the guest parking in that area. With that, I will open it up for board questions.

#### **Board Questions and Concerns**

Sternberg, on the piers can you explain why one is four foot and one is three foot? Is that because of the grade?

Farris, both of the piers will be four feet, sorry for the confusion.

Sternberg, Mr. Patterson can you give your reasons for approving.  
Patterson, the walls are inside the building envelope and they are part of the house. If a second story or flooring system was on top of this courtyard, we would not be having this discussion.

**Board Discussion:**

**Motion to approve as submitted:**     Zabaski             **Second:**   Clifford  
**Vote:**   All aye

Zabaski, I would agree with Mr. Patterson that it is inside the building envelope. The walls are not abusive at four feet.

Tardio, what is the allowed height of the courtyard entry wall and what is the proposed height?

Patterson, we do not have one specific to courtyard walls. We have a wall ordinance talking mainly about walls coming off the corners of the house running over the property line and that would be three feet. Anything over that would have to come to the board for approval.

Tardio, and these are how tall?

Patterson, it is 10 feet, and the maximum height over the arch is 12 feet 6.

Sternberg, could you clarify why the four foot piers versus the three foot piers?

Patterson, as far as piers go, your fence or wall is allowed to be three feet by right and your columns or piers can be 8 inches taller.

Farris, ordinance allows for three foot walls without review by the board. I am requesting a four inch variance on those piers for a slight bit more height in the inclusion of the light fixture.

Sternberg, is that necessary, will it make that big of a difference?

Farris, I think it will. It gives the piers enough prominence about each of the curved console walls from a scale factor.

**3. The application of Jay Sangervasi (21013) 1104 Belle Meade Boulevard, for a conditional use permitting the construction of a swimming pool and a variance/conditional use for a pool house.**

**A. Swimming pools require BZA approval.**

**B. Pool house is outside rear setback due to irregular shaped lot and trees.**

**Presentation:** Ron Farris, Farris Concepts in Architecture, requesting to add an addition of a pool and a pool house. This property is located in residence A District. It has 70 foot and 100 foot rear setbacks. The pool portion of the improvements is placed inside the 70 foot rear setback. For the pool house to be inside the rear setback we would be impacting two existing mature trees. One a pecan and the other a large magnolia. We would like to allow those trees to remain and be unimpacted for the pool house placement. Both trees contribute significantly to the character of their rear garden, shading and buffering between their side yard neighbor. As proposed the pool house falls in a position that we feel is least impactful to either side yard neighbor. The properties along Belle Meade Boulevard and Chickering are irregular and with angled rear property lines resulting in several of the properties having narrowed or shallow rear yards when you apply the resident A setback to them. It puts several of the components not only on this property but others, in noncomplying category.

The pool house was intentionally designed to be two small scaled cabanas with an open trellis between them for shaded outdoor sitting. This type of design results in a pool house of reduced scale and smaller massing and in short, precludes the pool house from being a large single mast structure. It is our

goal for the pool house items to read as twin garden follies and to be an overall complement to the pool and garden experience with the rear yard. The rear neighbors would be the most impacted by the pool and the pool house. This has been discussed with them. There are existing single line trees that serve as buffering to the rear neighbors. The rear neighbors have issued a letter in favor of the proposal.

#### **Board Questions and Concerns**

Zabaski, what is the hardship on this lot that qualifies it as a variance?

Farris, physical items on the site, weather it's shape or physical elements that create hardship, those are the tree and the particular shape of the property.

Zabaski, are you saying every lot on that plot, with maybe the exception of the corner lot, qualified as a variance?

Farris, from my experience with residence A Districts and the setbacks is that these lots were created prior to an overlay of the Residence A and the 70 foot rear setback. Because of their irregularity starting with 1100, then 1205, 1207, and 1104 you can see that those four particular pieces of property have unique shallowness to them. It grows worse on properties 100 and 1205. Had those lots been regular shaped and deep the 70 foot rear setback would put our proposed pool house in compliance.

Dughman, what is the potential impact to the side neighbor's yard?

Farris, currently it is screened with some additional vegetation and fencing. If the pool house is constructed there it begins to be a permanent physical mass that you will not be able to see through even if it's filtered. In the backyard there is additional vegetation, even below the existing trees that I think really compliment that whole experience from the neighbor.

Dughman, do you have any pictures of the trees in that area?

Farris, yes (photos displayed)

Sternberg, where is the pool equipment? What is the height of the existing wall?

Farris, the wall is 6 feet. The pool equipment will be placed in the top right portion of the building envelope.

Dughman, could you move the pool to get the pool house in a little better without disturbing the trees?

Farris, there is some fine tuning of the pool position and pool house as proposed. The pool and the pool house are all centered on a composition about the existing terrace. There are two bays in the existing terrace and in the middle of those two bays is the centerline of the pool and the pool house. That orientation to me is the architectural moment that I would hate to disrupt.

Dughman, I understand the architectural aspect of it and appreciate it. The pool is 42 feet long. Could you shorten the pool to fit the pool house in without disturbing the trees? I am just asking hypothetically.

Farris, looking at the drip line of the trees, particularly the pecan, the pool house would have to be slid well out from underneath the drip line for those trees to remain. The pool house would be slid in front of and in conflict with the existing terrace/courtyard. The code does allow for Gazebos of 250 square feet which this is what is lying between these two structures. The gazebo portion of this could be slid and moved all the way back to the rear property line and be 10 feet off of the property line. We looked at that but felt that was not the right move for it as well. Many considerations in terms of how we placed this structure and recognize the difficulty of our request.

Board Discussion:

Motion to divide the question, motion to divide the pool from the pool house:  
Zabaski Second: Tardio Vote: All aye

Motion to approve the pool as submitted: Zabaski Second: Sternberg  
Vote: All aye

Motion to approve as submitted: Zabaski Second: Sternberg  
Vote: All aye

Dughman, I don't see any irregularity in this lot compared to the other ones. But on the other hand, if this is considered an irregular lot, in and of itself, I understand the argument. Chris I am curious to know your interpretation of variance statute. Do you interpret it to mean that this lot in question, in and of itself has to be irregular compared to the others or that all the others to be taken into consideration together?

Tardio, in my opinion, if you can qualify it under either of those tests, so to speak, it would be, it could qualify as a variance. I do not know that it is one or the other.

Sternberg, it appears that the variance is established.

Tardio, are Pete and Gloria considering both the shape of the lot and the trees to constitute the variance?

Sternberg, yes

Zabaski, yes, it is a narrow approval of a variance but in my opinion can qualify as a variance.

Tardio, I agree.

Meeting adjourned at 6:22pm

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Chairman Joe Dughman

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City Recorder Edie Glaser