

Minutes
Board of Zoning Appeals
Tuesday, July 21, 2020

Call to order

The "Zoom" platform meeting was called to order by Chairman Joe Dughman at 5:00pm

Board Members present

Joe Dughman, Chairman
Gloria Sternberg

Pete Zabaski
Haley Dale

Chris Tardio

Conflicts: None

Consideration of the Minutes held June 16, 2020

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

Old Business: No Matters

New Business:

1. The application of St. George's Episcopal Church (20071) 4715 Harding Pike, for a special exception permitting the use of a temporary tent for worship services. The Building permit has been denied for the following reason.

A. Appendix A, churches and schools, construction and alteration require BZA approval.

Presentation: Martha Rodes, Director of Lay Ministry Engagement with St. George's Episcopal Church, we are requesting to put a tent up in the parking lot through September 21st, 2020 to enable us to have worship services and maintain social distancing. We have put the tent up two times and then taken it down. We are requesting the permit, so we are able to keep the tent up without the expense of taking up and down.

Board Questions/Comments:

Dale, what is the number of people the tent can accommodate?

Rodes, I am guessing around eighty people.

Sternberg, do you expect an issue with neighbors and the noise?

Rodes, we have had some services outside recently and have not had any complaints that I am aware of.

Johnny Phipps commented that he thinks it is admirable for St. George's to make this attempt to attract more people to the services during their construction period. I think some members would feel more comfortable being outside at this time.

Board Discussions:

Dughman, there is a Memorandum from the Church that is requesting to use the tent on Sundays due to the Covid 19 Pandemic. The tent will be no longer than 47x80.

Dale, Lyle did they submit a photograph of the tent?

Patterson, they did not but I have seen the tent. They are requesting to keep the tent up until September 21, 2020. It is less expensive for them to be able to keep the tent up then taking it up and down.

Gloria, is there a liability to us with the Church's use of the tent?

Berry, Cities do not have liability connected with any permits they issue.

Dughman, Lyle do you have a recommendation?

Patterson, I recommend approval.

Zabaski, they asked for September 21, 2020, does this Board have the authority to move that date out without a permit?

Berry, does the Agenda state September 21, 2020?

Patterson, no it does not.

Berry, it was not advertised for September 21, 2020 but safest course would be to leave it as it is. In the event they want to leave it up past the September 21st date they would need to come back.

Motion to approve as submitted and approving beyond the September 21st date until the next Board Meeting and we find that all the ordinance requirements have been met under Appendix A: Zabaski Second: Dale Vote: All aye

2. The application of David Farrar (20072) 421 Ellendale Avenue, for a special exception permitting the construction of an addition. The building permit has been denied for the following reason.

A. Addition is outside the building envelope but within the existing footprint. Staff recommends approval.

Presentation: Gavin Duke with Page Duke Architects, we are requesting to extend the kitchen further out but not extend it further than the existing sunroom. It is a small pie shape that falls outside the building envelope but does not extend beyond the existing structure.

Board Discussions:

Motion to approve as submitted: Sternberg Second: Dale Vote: All Aye

3. The application of Bill Wilson (20073) 700 Belle Meade Boulevard, for a conditional use permitting the construction of a swimming pool, a permit has been denied for the following reasons.

A. A swimming pool requires BZA approval.

B. Walls are in other than permitted location.

C. Walls are over allowed height.

D. Pool equipment is outside building envelope.

Staff does not recommend wall height or location of pool equipment.

Presentation: Mike Kaiser, architect on the property, we are proposing the construction of a small plunge pool in a courtyard between the main house and the existing garage. The pool itself is within the building envelope. The enclosure fence that will create the pool enclosure we are proposing a masonry wall that will connect the front corner of the house to the front corner of the garage. On the back side there will be a wrought iron fence that ties into a stucco wall which ties into an existing wall that currently houses an enclosure for the generator and the trash cans. Because that enclosure is already existing, we are proposing to expand it by 3 feet and accommodate the pool equipment. Right now, that wall enclosure is not compliant with the six foot requirement so we will need to raise those. For proportion reasons we are recommending that the wall on the front side of the house be constructed at a height of seven feet so that the gate can maintain a height of six feet and the wall would be a little taller than the gate itself. This makes us one foot taller than is required. Given the proportions of the building we feel that the height is justified.

Board Questions and Comments:

Dale, how is the pool enclosed from the rear?

Kaiser, the wrong iron fence and part of the garage.

Dughman, why are you putting the pool equipment on the outside of the building envelope?

Kaiser, there is an existing enclosure already on the property that we would like to expand to house the equipment. It is a convenient location to use.

It is not visible from the neighbors or the street.

Sternberg, how far is the enclosure from the neighbors?

Kaiser, the enclosure will abate the noise from the neighbors.

Sternberg, did you consider another location on the property for the equipment?

Kaiser, there is a small location near the kitchen however this location is not ideal due to the many windows in the kitchen.

Sternberg, our code says 6ft on the fences.

Kaiser, it is a modest request given the size and scale of the house.

Zabaski, the pillars can be six feet tall and you can put a cap of eight inches above the pillar. The pillar itself can be taller than the gate because of the cap.

Kaiser, in an effort to architecturally relate to the building it is an aesthetic judgment and a proportional judgement more than the functionality of the gate.

Zabaski, will the pool equipment be encased in a soundproof cabinet, are you familiar with that?

Kaiser, I am familiar with subterranean vaults that can house equipment. We only have an enclosure that can accommodate the equipment. We can do a sound wave block inside that enclosure and take other measures to mitigate the noise but again those walls will do a great deal to force the sound up instead of out laterally.

Patterson, this house came before the BZA in 2003 asking for a detached garage because there is an encased creek running through the center of the property. This is why the pool is situated where it is. There is not really any room in the building envelope for the pool equipment. If it was not for the encased creek the garage would be against the house and you could probably get your pool and pool equipment in the envelope.

Board Discussions:

Zabaski, I would like the applicant to come back with a drawing with a maximum 6ft wall and some detail with the pool equipment.

Sternberg, I agree with Pete Zabaski.

Tardio, I don't know if we can approve this if the sole reason is aesthetic?

Berry, regarding the fence it is being treated as a special exception. The only item on the application for which a variance is required is to have the pool equipment outside the building envelope.

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

Motion to defer sixty days the walls B and C on the Agenda: Zabaski
Second: Sternberg Vote: All aye

Motion to defer up to sixty days for pool equipment outside the building envelope: Zabaski Second: Sternberg Vote: All aye

4. The application of Adam Dretler (20074) 4420 Warner Place, for a conditional use permitting the construction of a swimming pool. The building permit has been denied for the following reason.

A. Swimming pool required BZA approval. Staff recommends approval.

Presentation: Gavin Duke with Page Duke Architects, we are proposing to do a pool at 4420 Warner Place. We are within all of our allowables. Our pool equipment is within the building envelope. There is a six foot fence. The pool is within the building setbacks.

Board Discussion:

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

Motion to adjourn: Sternberg Second: Dale Vote: All aye

Chairman Joe Dughman

City Recorder Edie Glaser