

**MINUTES
BOARD OF ZONING APPEALS
BELLE MEADE CITY HALL
JUNE 18, 2019**

Call to Order

The meeting was called to order by Joe Dughman, Chairman, at 5:02pm.

Board members present

Joe Dughman Pete Zabaski Gloria Sternberg
Haley Dale 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. Minutes of the regular meeting of the Board of Zoning Appeals held April 19, 2019.

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

2. Minutes of the regular meeting of the Board of Zoning Appeals held May 19, 2019.

Motion to Defer: Wall **Second:** Dale **Vote:** All Aye

1. **OLD BUSINESS:** The application of Dean Chase (19042), 407 Jackson Blvd., for a variance permitting the construction of a swimming pool. The building permit has been denied for the following reason.
 - A. Swimming pool requires BZA approval.
 - B. The body of water is outside the building envelope (setbacks).

Presentation:

Ed Graham with Siteworks is requesting a variance for a pool that is outside of the setbacks because there is no other place in yard to put it. There is a tree in the way that is over 100 years old. The shape of the lot is irregular.

Dean Chase, Homeowner, says the lot is unusual, not a rectangle shape. House built in 1994 as part of the house on the corner that they subdivide. All the other houses on the property already had garages and other out buildings and this was only place to put the house. It is 27 feet from the neighbor. This pool is not unreasonable and not offensive to the neighbors. The other accessory buildings on the other properties are very large and 2 stories tall.

Lyle Patterson says the lot was created in 1959. The lot setbacks apply to today's codes perfectly.

Board Questions/ Comments:

Dale: How do we have the authority to vote on this? As it was written post 1950 with an unusual shape.

Doug Berry: Ask yourself: Did the property have an unusual shape back in 1950? No, the lot wasn't created yet. Every property owner has a right to ask for a variance. But does this lot have the unusable shape after 1950? Are these the same setbacks lines from the first application?

Lyle: not sure, they built this house corner to corner inside the building envelope. The house fits the property perfectly inside the setbacks.

A lot is a lot of record on the date it was created. This ordinance was created before this lot was built. So the lot isn't a lot of record. We can't grant a variance on this lot because of the way that ordinance was written.

Zabaski asked Attorney Doug Berry can the homeowner get his lot re plotted and reestablish new setbacks? We want to help homeowners but this is above the board's authority.

Audience Questions/ Comments: Letter from Rawleigh Pyne (405 Jackson Blvd.) of approval.

Motion to Deny because inability to act on this Ordinance as written:

Dale Second: Wall Vote: All Aye

NEW BUSINESS:

1. The application of Mark Dominik (19061), 915 Drew Place, for a special exception permitting the construction of an addition and reconfigure driveway. The building permit has been denied for the following reasons.

A. Addition is outside the building setbacks but within the existing footprint.

B. Reconfigure driveway that is over allowed square feet.

Presentation:

Katherine Sloan with Gavin Duke described the existing home is outside of the envelope but inside the existing setbacks. They will be adding a porte cochere. We are over 450 square feet of the allowance but will reconfigure the driveway. We will break even with the changes.

Board Questions/ Comments:

Q: Zabaski: Is the driveway still within the 25' turn around?

A: Yes, and ok on FAR & footprint.

Audience Questions/ Comments: None

Board Discussions: None

Motion to Approve: Zabaski Second: Sternberg Vote: All Aye

NEW BUSINESS:

2. The application of Clay Sifford (19062), 4425 Warner Place, for a special exception permitting the construction of a gate. The building permit has been denied for the following reason.

A. Gate is over allowed height, proposed height of 5' graduating down to 3'9".

Presentation:

Gavin Duke with Page Duke Landscape Architects

The Sifford's love the character of the street and they have an existing wall that they want to replace and cover it with ivy. Wall will be 5 feet but the panel will be 3 feet. The pillars will be 5 feet down to 3 feet 9 inches. He gave examples of like gates on Jackson Blvd, Chickering, and Warner Place.

Board Questions/ Comments:

Q: Are we approving the gates?

A: Yes.

Q: So are you replacing what's existing and adding gates?

A: Yes, we are restoring the old walls.

Q: What material is the wall now?

A: Wrought iron & concrete.

Q: What will the material be?

A: Brick with slather, same appearance because of the ivy.

Audience Questions/ Comments: None

Board Discussions: None

Motion to Approve: Sternberg Second: Zabaski Vote: All Aye

Other Business:

Dale suggests gates and wall should have their own listing.

In regards to variances, the board can't grant on any variance if built after August of 1950. The zoning codes redone in 1993, why wasn't that ordinances looked at? We need to look at them all. Building envelope is corner to corner. We need to clearly define irregular lot. (shape, size, features of trees or creeks)

Motion to Adjourn at 5:55pm: Dughman Second: Zabaski Vote: All Aye

Chairman Joe Dughman

City Recorder Charlotte Hunter