

Minutes
Board of Zoning Appeals
Belle Meade City Hall
Tuesday, May 19, 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	Pete Zabaski, Vice Chairman
Gloria Sternberg	Haley Dale Johnny Phipps

Staff Members present

Beth Reardon, City Manager	Doug Berry, City Attorney
Lyle Patterson, Assistant City Manager and Building Official	
Edie Glaser, City Recorder	

Conflicts: None

Old Business:

None

New Business:

1. The application of Todd Huber (20051), 4410 Iroquois Avenue for a special exception permitting the construction of an addition to a home being renovated (Property of Conservation). The Building permit has been denied for the following reason.

A. The addition is over on allowable footprint but under the FAR.
Staff recommends approval

Presentation: Tyler Stevens stated this is a one and half story home. The addition has been designed to stay in scale and character of the neighborhood with the existing house there. It does not read as a large house, so we felt that the overage of the footprint was justified because it allows us to keep the existing structure and keep the character. We do have two letters from the neighbors in favor of the project.

Board Questions and Comments:

- Zabaski, the new addition is inside the setbacks?
- Stevens, yes
- Dale, asked L. Patterson to explain his recommendation for approval.
- L. Patterson commented that part of the reason the Historic Zoning Commission was formed was to preserve the integrity of some of these older homes in Belle Meade. Tyler has gone to great lengths to do that with this home. He has incorporated the existing home in the new addition design. It is in keeping with the neighborhood. I would recommend approval.
- Zabaski, Agenda reads this is a Property of Conservation. Is this because it has been to the Historic Zoning Commission?
- L. Patterson, yes
- Sternberg, when it goes before the HZC are they looking at the setbacks?
- Patterson, no that job is left up to the BZA. The first step is to go to the HZC then the BZA if necessary.

Public Comment:

James and Lindsay Hundley, 4407 Howell Place, our family is in favor of the project.

Erick Clifford, 712 Belle Meade Boulevard, commented he attended the HZC meeting and saw the presentation on the home and landscaping design. He feels the design, especially the landscaping, will be a nice addition to that corner of the street.

Board Discussion:

Motion to approve: Dale **Second:** Zabaski **Vote:** All aye

2. The application of Susan Geraghty (20052), 312 Deer Park Circle, for a conditional use permitting the construction of a pool and pool equipment. The building permit has been denied for the following reasons.

A. Pool is outside the building envelope.

B. Pool equipment is outside the building envelope.

Staff DOES NOT recommend approval.

Presentation: Ben Page with Page/Duke Architects, we are proposing to do a very small pool, 16 x 32 feet. We have a canvas of 300 feet to work with to create a garden like design. The pool will be 36 feet from the back of the property line and 37 feet from the side property line. Adjacent to the side of the house is the pool equipment that is 28 feet 9 inches from the property line. We are under on all the requirements for square footage on hardscape. We feel comfortable that we are within the harmony of the neighborhood with this pool design. This is a complex corner lot.

Board Questions and Discussions:

Zabaski, this board does not have the authority to approve a conditional use of a pool outside of the setbacks.

Mr. Geraghty, 312 Deer Park Circle, the way I read the rules the proposal would be in harmony with the existing development. We have submitted two letters from our neighbors that are fully supportive of us doing this. We have lived in this house for fifteen years and committed to staying but want to enhance it to provide some additional exercise and small family gatherings. Grandchildren live close by. Most of our neighbors have pools and most of them are short in distances from the lot lines. Our back yard is surrounded by a 6ft brick wall on all sides. It is completely enclosed and no issue with noise traveling or visible from the street.

The way I read it the board does have the authority to approve a variance to the rules that were adopted after this house was built provided, we maintain harmony with the neighbors.

Berry, you are making some good arguments for a variance in this presentation, but this was not presented as a variance. This is not something you can do without proper notice.

Dughman, this is not a variance proposal. The lot has to meet the criteria of a variance.

Page, we would then like to request a deferral so that we can get with L. Patterson to discuss the proper procedure.

Board Discussion:

Motion to defer for sixty days: Zabaski **Second:** Sternberg

Vote: All aye

3. The application of David Ingram (20053) 4421 Tyne Boulevard, for a special exception permitting the construction of an addition. The building permit has been denied for the following reason.

A. The addition is outside the building envelope but within the existing footprint.

Staff recommends approval.

Presentation:

Van Pond with Van Pond Architects, we are proposing a rear addition that is outside the allowed building envelope but inside the shadow of the existing structure. We are doing a one story addition.

Board Discussions/Comments:

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

4. The application of Brian Fox (20054) 610 Belle Meade Boulevard for a special exception for the construction of additions, and a conditional use for the construction of a pool partially outside the building envelope. The building envelope has been denied for the following reasons.

A. Additions are outside the building envelope but within the existing footprint.

B. Pool requires BZA approval.

Staff recommends approval.

Presentation:

Catherine Sloan, architect for the project, this is a 1927 historical home. The lot at one time was two lots. We are asking to do a small one story addition that is outside the building envelope but no more non-conforming than the existing footprint.

Gavin Duke, we are requesting a pool that is slightly outside the building envelope but no further than any of the other non-conforming elements.

All of the pool equipment is within the building envelope. We are trying to line the pool off of the center line of the pool house and the center line of the front door when you enter the historic part of the home.

We are going to reuse the existing gates and boxwoods.

Board Questions/Comments:

Zabaski, is the 6 foot wall already there?

Duke, no but there is one on the property.

Sternberg, we would need to approve the new wall. It is not on the agenda.

Duke, it is a low knee wall, about 18 inches, with a 6ft enclosure fencing.

It will be wrought iron to meet pool code.

L. Patterson, the wall in question has to be all the same material. You cannot have a foot hold or a toe hold. You cannot have a masonry stone wall with a wrought iron fence on top of that because that negates the 72 inch rule.

Duke, if the fence is 6 feet on top of that is that still in code?

L. Patterson, yes that is in code but the BZA would have to approve it.

Zabaski, we have no special direction from the Commissioners regarding homes in the Historic Zoning Commission that are outside the building envelope.

This pool is outside the building envelope. We don't have the authority to approve.

Berry, it has to be a variance if outside the building envelope otherwise you can't act on it.

Duke, if we bring it back and the pool is within the building envelope what would we need to do for the fencing to be heard?

L. Patterson, we would write it as fence location is other than permitted. It would need to be compliant in height and not have a foot hold. The pool is partially outside the building envelope it would have to come back as a variance.

Zabaski, the lot has to be approved as a variance first, then approve the pool.

Sloan, the addition is a small one story laundry room on the existing garage side of the property. It is outside the building envelope. It is no more non-conforming than the existing guest house and existing garage.

Sternberg, is the addition just a connector?

Sloan, there is an existing connector. We are just adding on to the bottom of that for a laundry room and screened porch.

L. Patterson, how many acers is this property?

Duke, it is 5 acres on this side of the street.

Sloan, we are adding on 2100 square feet including the portion that is inside the envelope. We are keeping it as minimal as possible with the hip roof one story so not to compete with the existing architecture of the existing home. The roof lines are low.

Sternberg, there is a lot of area within the building envelope. Is there not another area you can put all of this?

Sloan, we would like to put the laundry room near the rear entry like a mud room space. The right side of the house is a formal conservatory and master bedroom.

Sternberg, is this the building envelope for both lots?

Sloan, we did not want to put anything in the front of the house because it is such a strong, symmetrical, Greek revival style that we want to maintain. We tucked in the addition in the back behind the breeze way that is existing.

Sternberg, was the Belle Meade Boulevard side of the house a consideration?

Duke, there is an existing rose garden that is well established. We want to preserve and save that along with a lot of the integrity of the planting around that area.

L. Patterson, they are preserving the majority of the house. The house is a house of historic significance. I took into consideration that this is a huge expansive property, almost six acers. It used to be 11 or 12 acers at one time. The house is situated in the center of that 12 acer property and was subdivided. In trying to keep the historical value of this home I would move for approval.

Board Discussions:

Motion to approve the construction of additions to the house only: Dale

Second: Sternberg Vote: All aye

Motion to defer the pool for sixty days: Sternberg Second: Zabaski

Vote: All aye

Motion to approve the February Minutes with corrections: Zabaski

Second: Dale Vote: All aye

Motion to approve the April Minutes: Dale Second: Zabaski
Vote: All aye

Motion to Adjourn: Zabaski Second: Dale Vote: All aye

Joe Dughman, Chairman

Edie Glaser, City Recorder