

**MINUTES
BOARD OF ZONING APPEALS
BELLE MEADE CITY HALL
MAY 21, 2019**

Call to Order

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

Board members present

Joe Dughman Pete Zabaski
Haley Dale Charlie Atwood

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 Defer 30 days: Zabaski Second: Dale Vote: All Aye

1. **OLD BUSINESS:** The application of Dean Chase (19042), 407 Jackson Blvd., for a conditional use 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 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 300 years old. The pool will be 8 x 16 and only 4 feet deep.

Board Questions/ Comments:

Zabaski asked Attorney Doug Berry if this board has the power to authorize outside of the setbacks.

Doug Berry says it is necessary on the original application was to construct a pool outside of setbacks. The new application On May 6th asked for a variance but no documentation for criteria to prove hardship was given to support the request. (unusual topographical for hardship of the lot) It was advertised as conditional use so we have to stay with that today. It should be deferred so it can be heard as a variance.

Lyle says they were told last time the setbacks were incorrect and are now asking for a variance.

Zabaski says that a variance is due to a hardship, what is your hardship? As far as we know, the board has never approved a pool outside of setbacks.

Dale says there was no notice given to qualify for a variance since they didn't apply for a variance so it needs to be deferred.

Audience Questions/ Comments: None

Board Discussions:

It is interesting that the pool equipment is the same size as the pool.

Motion to Defer 30 Days: Atwood Second: Zabaski Vote: All Aye

NEW BUSINESS:

1. The application of Martin Blakely (19051), 308 Walnut Drive, for a conditional use permitting the construction of a swimming pool and a special exception permitting the construction of driveway and grade change. The building permit has been denied for the following reasons.
 - A. Swimming pool requires BZA approval.
 - B. Driveway is over allowed square feet but under the existing footprint.

Grade change is over the allowed 2 feet at the 20 foot buffer zone at property line

Presentation:

Wade Rick requested a pool off of the family room. It will be 12' x 32' with a small terrace around the pool. The Grade Change that is over the allowance of the line and exceed the 20 foot buffer grade change by .8 inches. The driveway will have the same footprint but will have permeable pavers to help dissipate water during heavy rains. This will help with run off for Stormwater.

Board Questions/ Comments:

Atwood: How far from property line is the edge of pool?

Rick: Almost 23 feet.

Dughman: Is the driveway bigger?

Rick: Yes, but will have less pavement.

Dughman: Where will the pool equipment be located?

Rick: It will be in an underground vault by the garage. We will also have plenty of screening with plants and trees.

Audience Questions/ Comments:

Three letters from neighbors were presented in favor of this pool.

Board Discussions: None

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

Other Business: Pete Zabaski would like to discuss making changes to two Ordinances that he feels are confusing. The first is about the garages that face a street, but what about corner houses? The rule conflicts itself. Example: 725 Westview Ave.

The Ordinance with churches that can't build within 250 feet. All three churches have had issues with this rule.

Patterson made comments about the Chase's pool:

- 1: The setbacks were wrong in the first meeting
- 2: The pool is outside of the building envelope
- 3: They have given the board nothing to prove the variance and they need to prove that point.

Motion to Adjourn at 5:35pm: Zabaski Second: Dale Vote: All Aye

Chairman Joe Dughman

City Recorder Charlotte Hunter