

Minutes
Board of Zoning Appeals
Belle Meade City Hall
November 19, 2019

Call to Order

The meeting was called to order by Vice Chairman, Pete Zabaski, at 5:00pm.

Board members present

Mal Wall, alternate Haley Dale Gloria Sternberg
Pete Zabaski

Staff members present

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

Conflicts: None

Consideration of the Minutes - October 15, 2019

Motion to Approve: Wall Second: Dale Vote: All Aye

Old Business: None

NEW BUSINESS;

1. The application of Chip Conk (19111), 327 Lynnwood Boulevard, for a conditional use of the construction of a swimming pool, and a special exception for gate and columns. The building permit has been denied for the following reasons:

- A. Swimming pool requires BZA approval.
- B. Gate and Columns are over allowed height.

Presentation: Scott Dismukes, with Principal Landscape Architecture, is requesting a 6-foot-tall fence to come off the front of the house and over to the side of the property. This will allow for full enclosure of the pool equipment and closet that they would like to incorporate in the pool area. He is also requesting at the front of the property two 8-foot columns with a gate 7 ½ feet tall.

Board Questions/ Comments:

Q. Why are you coming off the front corner of the house with the 6-foot fence and not the back corner of the house?

A. We are trying to get the utility closet, the pool, and the pool equipment inside the enclosure, due to the unusual shape of the home's foundation.

Q. Do you have a gate that goes into the pool area and is it no higher than 6 feet?

A. Yes

Q. The front gate is how far off the street?

A. The front gate is about 25 feet off the street.

Q. Why the 8-foot columns?

A. The eight-foot columns would create more security and privacy to the owners. Home is located at a busy intersection. Aesthetically the height of the columns goes with the height of the house.

Q. I believe a five or six-foot column would serve the same purpose as an 8-foot column. The Board has approved, not always, but up to 6-feet with an 8-inch cap. It is asking a lot from the Board for 8-foot columns right off the

street. There needs to be a compelling reason for the 8-foot columns. The ordinance needs to be considered. Would 6-foot columns work and the maximum height of the gate, at the tallest point, no more than six feet?

A. Yes, we could make that work. It was more of an aesthetic and proportional decision that we recommended to the client to take it to this height. Proportionally we could make it work to reduce the column height not to exceed 6 feet and the top of the gate below 6 feet. We should be able to easily modify the elevation.

Audience Questions/ Comments: None

Board Discussions:

Zabaski: Believes the design makes sense with the pool equipment and closet being incorporated in the pool area. It is an odd shaped lot and not much room for this behind the house.

Sternberg: Agrees the pool equipment and pool closet need to be by the pool.

Wall: Regarding the front entrance gate and column's, I don't see a compelling reason why the height should exceed the ordinance allowance. Dale and Sternberg agree.

Dale: We have never approved this height. The gate functions the same way if it is higher or lower.

Wall: If we have approved over the ordinance height it has been because the fence has been pushed back further into the property. Al Gore's fence is a good example for this street. His fence is only 3 feet.

Motion to Approve the location and height of the pool enclosure fence and the pool: Wall Second: Sternberg Vote: All Aye

Motion to Approve the columns no higher than 6 feet, the gate no higher than 6 feet and the wing wall transition down to a 3-foot gate: Zabaski
Second: Wall Vote: All Aye

2. The application of John Howard (19112), 1205 Chickering Road, for a conditional use for the construction of a swimming pool and a special exception for an addition. The building permit has been denied for the following reasons.

A. The swimming pool requires BZA approval.

B. Addition is outside the building setbacks but within the original footprint.

Presentation: Kyle McKiness, with 5.13 Architecture, is proposing a swimming pool and addition to existing residence, as well as a terrace. It is an odd, trapezoid shaped lot. We are using as much allowable square footage that we can to squeeze the pool on the property. All numbers are under the allowable, terrace, pool, and addition under FAR. The only thing that is over is the existing driveway. We are not modifying anything for the house other than the addition.

Board Questions/ Comments:

Q. The driveway is over on hardscape. Terrace being added is within the allowable amount of hardscape. The addition of another room is not part of the hardscape number?

A. Yes

Q. You are asking the Board to add more hardscape than the ordinance allows because your driveway is over? If your driveway was not over it would not be an issue. With the addition of the terrace and extra room on the rear of the house you are asking the Board to increase hardscape?

A. I was not aware that the driveway number could be included in the hardscape number.

Q. They are not. They are separate, but we are referring to the total hardscape on the lot. You are adding the terrace at 1527, increasing it to 4339. You are allowed 4346. You are adding hardscape and at the same time you are asking the Board to add additional hardscape by approving an addition to the back of the house?

A. That counts as FAR.

Q. Yes, but it also covers property.

A. Brian Smallwood, architect, approached the podium with presenter. He stated part of the issue you bring up is an interesting one because the rationale of that if we were to combine hardscape into a total ISR number then I think you would be exactly right. But I think one of the unique factors of Belle Meade is that it does allow for individual components to establish an aggregate. There is nothing we can do about the existing driveway. But everything we do in terms of FAR (hardscape, terrace and pool) must be within the confines and that is what we have done. Is the issue the terrace or the driveway?

Q. The building you want to put outside the building envelope takes up land that creates hardscape.

A. There does seem to be a contradiction of penalizing the owner for the existing driveway when it comes to adding a terrace to the rear of the house that is compliant with the code.

Q. Is the setback at 70 feet?

A. Yes

Q. Why is it a Residence "A"?

A. That is the way it is marked on the map.

Q. Is it over seventy thousand square feet?

A. No, it is fifty-four.

Q. Is any of the hardscape negotiable?

A. We are asking for as much as what we interpreted as the allowable under the code. The design works very well as it is. There is not much real-estate to work with in the back. Pool is honestly a little closer to the house than you would normally see.

Q. Is the carport open?

A. It is open on one side.

Audience Questions/ Comments: None

Board Discussions:

Zabaski: The hardscape is within the allowable. It benefits the City when the City allows the homeowners to increase the value of the property without it obstructing the neighbors. I was curious if any of the hardscape could be negotiable and the answer was no.

Audience Questions/ Comments: None

Board Questions/ Comments: None

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

3. The application of Karly Hart (19113) 422 Ellendale Avenue, for a conditional use for the construction of a swimming pool. The building permit has been denied for the following reason.

A. swimming pool requires BZA approval.

Presentation: Clay Hart, representing me and my wife Karly for approval to construct a pool within our home. The pool is within the allowance. The pool itself is within the building envelope.

Motion to approve: Dale Second: Wall Vote: All Aye

Other Business: None

Motion to adjourn at 5:49pm: Berry Second: Wall Vote: All Aye

Vice Chairman, Peter Zabaski

City Manager, Beth Reardon