

MINUTES
BOARD OF ZONING APPEALS
BELLE MEADE CITY HALL
October 15, 2019

Call to Order

The meeting was called to order by Joe Dughman, Chairman, at 5:01pm.

Board members present

Joe Dughman Haley Dale Johnny Phipps, Alternate
Pete Zabaski Mal Wall, Alternate

Staff members present

Lyle Patterson, Building Official Beth Reardon, City Mgr./acting Recorder
Doug Berry, City Attorney

CONFLICTS: None

CONSIDERATION OF THE MINUTES:

Chairman Dughman will move approval of minutes to the end of the agenda.

OLD BUSINESS: None

NEW BUSINESS:

1. The application of Richard McRae, (19101) 621 Westview Ave., for a conditional use for the construction of a swimming pool and pool houses, a variance for grade changes and walls over allowed height, a special exception for low slope roof and gate entry. The building permit has been denied for the following reasons:
 - A. Swimming pool required BZA approval.
 - B. Pool house requires BZA approval.
 - C. Grade change is over the allowance of 4 feet inside the building envelope, over the 3 feet allowance outside building envelope, and over the 2-foot allowance at the 2-foot border of property.
 - D. Wall over allowed height a drive and pool terrace.
 - E. Roof of home is over allowed low slope by + 4%.
 - F. Gate entry is over allowed height.

Presentation: (1) Allen Harris and Allison Ford of McAlpine Architects. Requesting overage for pool house, which is classified as a gazebo under Belle Meade zoning, with a 250 sq. foot limitation. Proposed pool house is at 1,248 square feet. Residential structure is slightly over on roof pitch; all low slope and flat roof additions are not visible from the street. Pool house is over the 18-foot height limit by 3 feet - asking for 21-foot height.

(2) Wade Rick of Daigh Rick Landscape Architects
House sits at one of the highest points in the City. In order to have adequate turnaround space at one of the garage entrances, a retaining wall is required, and a portion of that wall is within the 20-foot border to the property line. Formal lawn in back will be flat. Given topography of site, there are two small areas within the building envelope where the 4 feet of grade change allowed will be exceeded. The pediment over the friends' entry gate is the only spot that exceeds the 6-foot limit, by 6 inches. Several

small areas outside of building envelope were identified that will require more than the 3-foot allowance for grade change.

Board Questions/ Comments:

Q. Dale - clarify the overage of low slope/ flat roof sections; agenda states overage of 4%.

A. Harris - There was no revision to plans, but our calculations were incorrect. After recalculations, the actual roof overage is 1.8%.

Q. Zabaski - Referring to the drawings, what is between the pool house and the other two structures?

A. Harris - Pool house has a roofed breezeway with open sides between it and two enclosed areas containing a study, exercise room and bathroom. Roof over breezeway is pitched to match house.

Q. Wall - Plans show finished floor elevation at 680, but dirt is at 678. Why are you raising the house elevation?

A. Rick - Existing house is 681. We are pushing excess dirt to back of house to create a flat lawn and lower the house on the lot by a foot, to 680.

Q. Patterson asked the Chairman for permission to verify to the Board all areas over the grade allowances, and locations of walls. Grade allowance overage areas noted on plans are inside the setbacks, and all proposed retaining walls are inside the building envelope, ranging from just over 4 feet to 7.5 feet.

Q. Phipps - Why is wall at entry gate 6 inches over the allowable 6 feet?

A. Rick - Design stays in keeping with house.

Q. Zabaski - Does flat roof affect the F.A.R.?

A. Harris - Including the pool house, we are 30% under the F.A.R.

Audience Questions/ Comments: None

Board Deliberation:

Dughman read the letter from neighbors Keith & Deby Pitts, 625 Westview, noting their concern with water runoff from the McRae property. Patterson confirmed the stormwater plan will address and greatly reduce the runoff to neighbors. Zabaski stated the overage of the gate entry was not necessary, as Code clearly says 6 feet. Phipps felt an overage of 6 inches on a property of this size was not significant enough to be noticed. Dughman verified the location of the pool equipment and was told near the pool house and within building envelope.

Motion to Approve as submitted: Phipps **Second:** Dale **Vote:** All Aye

2. The application of Harrison Frist, (19102) 1216 Canterbury Dr., for a conditional use for the construction of a swimming pool. The building permit has been denied for the following reasons:

A. Swimming pool requires BZA approval.

Presentation: Gavin Duke of Page/Duke Landscape Architects.

Duke states there are unusual conditions with this request in that house has existing conditions that are outside the building envelope. House is in Residence A zoning district. Proposed pool is 4-1/2 feet outside but does not exceed the back of the house which has a 70-foot rear setback. Proposed plans include reducing some of the existing paving and hardscape, installing

pool equipment next to existing fountain equipment in a covered area underneath the house. Duke states this is really the only area on the lot where a pool will fit.

Board Questions/ Comments: None

Q. Zabaski - asked City Attorney to verify if the Board could vote on a pool outside of setback regulations but inside the existing setbacks.

A. Berry - treat pool as a non-conforming structure, which in this case does not further violate existing setback violations.

Audience Questions/ Comments: None

Board Deliberations: None

Motion to Approve as a non-conforming use that doesn't further violate the setback regulation: Wall Second: Zabaski Vote: All Aye

CONSIDERATION OF THE MINUTES:

1. Minutes of the regular meeting of the BZA held June 18, 2019.
2. Minutes of the regular meeting of the BZA held August 20, 2019.

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

Other Business: None Scheduled

Motion to Adjourn at 5:53pm: Dughman Second: Dale Vote: All aye

Chairman Joe Dughman

City Manager Beth Reardon