

Minutes
Historic Zoning Commission
City of Belle Meade
April 13, 2021

Call to order

The meeting was called to order by Mal Wall, Chairman, at 3:00pm via "Zoom".

Commission members present

Mal Wall, Chairman

Jeanette Whitson, Vice Chairman

Ron Farris

Gavin Duke

Bunny Blackburn

Staff Members present

Lyle Patterson, Building Official and Assistant City Manager

Beth Reardon, City Manager

Doug Berry, City Attorney

Edie Glaser, City Recorder

Consideration of the Minutes

Minutes of the HZC meeting held March 9, 2021

Old Business:

1. The application for a certificate of appropriateness for Province Builders, (21022) 903 Lynwood Blvd., to construct a new single-family home. *Demolition was granted at the January 2021 HZC meeting.*

Presentation: Chris Goldbeck with P. Shea Designs, at last months meeting we were deferred over concerns raised centered around the overall height of the house, the space between the top of the dormers and the ridge, the roof form, the volume of the back section of the house, the nonfunctional chimneys, and the shallowness of the roof pitch on the back porch. We have since lowered the roof pitch on the main house from 14/12 pitch to 11/12 pitch. This lowered the overall height from finish grade from 35 feet 3 inches to 31 feet 6 inches. Almost four feet. This reduced the amount of roof that was there between the top of the dormers and the ridge. On the back of the house, we lowered the roof over the utility and stairwell to a 3/12 roof as opposed to what had been a continuous hipped roof. We changed the hipped roof to gable roof and lowered the pitch from 8 ½ to 7/12 so that the back section of the house is more subservient to the main form. We have made the chimneys brick. They are nonfunctional. We understand the board wants all chimneys to be functional and we can remove those if necessary. Lastly, in regard to the pitch of the roof on the back porch. I was unable to raise that pitch because of the height restrictions at the back porch.

Steven Mason, 901 Lynwood Boulevard (next door neighbor), the elevation is going up three feet in the front. We are concerned about the amount of runoff rainwater that would be sent our way since the house will be substantially higher than we are next to it. We were hoping they would put a curb on that driveway to keep that water from running over towards us.

Wall, we on this Commission cannot address stormwater management. That is a separate issue with the City.

Patterson, I will flag this as a concern and bring it to our City Attorney's attention. The stormwater plan will take into consideration all contiguous neighbors around this property.

Mason, I do believe this Commission has the authority over this house being raised three feet above grade.

Board Questions and Comments:

- Blackburn, what is the architectural style of this house?
- Goldbeck, French Normandy, the brick will be a medium whitewash.
- Duke, can you add shutters on the left side elevation toward the main body of the front?
- Goldbeck, yes.
- Farris, to the neighbor who asked about grade raise being in our overview, it is in our consideration as we look at it from a style standpoint, but the grading and drainage will all be part of the stormwater plan. If they have raised the grade such that it is not going to pass the stormwater that will come back through stormwater review.
- Duke, if you change the grade more than 30inches is that part of stormwater or is that part of BZA approval?
- Whitson, how high is the house and where are you measuring this height from?
- Goldbeck, the height is 33.2 from the average natural grade.
- Duke, I personally like it without the chimneys, it is more of a clean design.
- Blackburn, I agree. Why does it have to be built up three feet?
- Goldbeck, the basement ceiling height is nine feet, the ceilings on main floor are ten feet.
- Duke, if you were to take a dimension from the top of that ridge down to the garage elevation. What is that dimension?
- Goldbeck, it is just shy of 40ft from the main ridge to the garage sled. Regarding the grading, the house is set back 15 feet from the front setback because the grade does fall a little as you get back on the lot. We pushed it back and set the garage elevation based on the lower areas there. We built up the grade a bit in the front accordingly. Nothing falls outside of what is allowed with the zoning ordinance.
- Blackburn, what is the ceiling height of the third floor?
- Goldbeck, nine feet.
- Whitson, do you have something planned already for foundation plantings that will help disguise this three foot elevation?
- Goldberg, I have submitted a drawing to the civil engineer to work on the stormwater and grading plan.
- Swift, we have not engaged anyone but the civil engineer at this point for fear of not knowing what would be approved.
- Farris, I think there are things that could be addressed in its planter walls that might help the filling component from average natural grade up to the proposed finished grade. I am not troubled by the height.
- Whitson, I agree with Farris, I am not concerned with the height. We are looking at a stark rendering without the benefit of a landscape plan. I would want to approve this with some type of understanding that there would be landscape planning to minimize the impact of the raised foundation walls.
- Duke, and add screening for the neighbor. I would like to see in the strip that is between the drive some benefit of plantings to happen there for the neighbor.

Board Discussion:

Motion to approve with the stipulations of the landscape, the shutter added on left elevation, chimneys eliminated, and complies with the exterior finish option that was presented: Duke Second: Whitson

Vote: 4 yes 1 opposed

New Business:

1. The application for a certificate of appropriateness for Anthony Tavakoli, (21041) 510 Park Hill, for demolition of an existing home (Property of Significance).

Presenter: Anthony Tavakoli, I plan to build a new construction single family home of highest quality that will blend with the character of Belle Meade. The subject property is approximately 2600 square feet and sits on a little over an acre lot. The original part of this house was 1,770 square feet built in 1925. In the 80's there was an addition that added 900 square feet. This included a garage. The exterior material is a combination of wood and concrete board siding. The ceiling heights are a little under nine feet. The garage ceiling is seven and half feet. This is an average structure that seems to be in average condition but does not seem to blend with the architectural character of Belle Meade.

Michael Hassell (owner), we think we live on an estate property with a non estate house. About a third of the square footage in this property is in the basement. It is a two plat property. This home is crunched on one plat. We are about 30 feet from our neighbor's house at 508 Park Hill. I think that the requirement would be that the replacement would move to the center of the lot and conform more to the setbacks of the typical settings for estate homes in Belle Meade.

Board Questions and Comments:

- Wall, what is the size of the two lots combined?
- Hassell, it is 1.01 acres.
- Whitson, are there two actual lots or is this one lot in Belle Meade?
- Hassell, it is combined, and you can only build one house on them together.

Board Discussion:

Whitson, I think it should be approved. I do not see anything with the exception of the date it was built that makes it an architecturally worthy structure or worthy of conservation.

Mal, I would agree.

Blackburn, I disagree, I think it is a lovely cottage. The way it sits on the lot is very attractive. This is a house from the 1920's. It would be a great house to renovate. I do not support demolition.

Duke, do we have proof that this lot is combined?

Patterson, technically this is one lot. I am not sure if it is combined, that is a matter for the next owner and the Planning Commission. They can not build two houses on this property.

Map/Parcel 1161401380 this lot is made up of two parcels that will need to be combined before a permit can be issued.

Duke, I think the house is non-conforming the way it is now. For the future it would be more conforming with the setbacks if it were demolished and brought more to the center to provide a buffer for the neighbors.

Farris, as a study of craftsman bungalow, I do not find it having or checking many boxes that I would put into a category of significance. The addition is not a compliment to the original structure in my opinion. It is utilitarian as a bungalow.

Board Discussion:

Motion to defer. It is up to the applicant to submit to the board and go through the list that we have to make his case that this is not a property of significance: Farris Second: Blackburn

Public Portion Re-Opened:

Hassell, on page four of the application we go through the criteria.
(Chairman Mal Wall reads the criteria)

Board Discussion:

Motion to approve the demolition: Whitson Second: Duke Vote: 4 yes
1 opposed

2. The application for a certificate of appropriateness for William Frank (21042) 1108 Nichol Lane, for demolition of an existing home (Property of Conservation) and construct a new single-family home.

Presentation: Champ W. Webb, C.W. Designs, and Billy Frank, we are local builders in this market and have purchased the property at 1108 Nichol Lane. The home was built in 1951. It is a traditional style redbrick house. It is in somewhat disrepair but is not uninhabitable. It has 8 foot ceilings. It is currently occupied by a renter. The property was purchased by an individual two or three years ago that we now have under contract. We have been working with a gentleman and his family on a custom house that we have designed with Champ Webb being the architect. We have included these designs in your packet. We anticipate that the plans may change to an extent therefor we are just asking for a demolition today. The new design will be a very custom high end classic design. It will be Georgian architecture.

Board Questions and Comments:

- Farris, I have been by the house. I am sure it was a nice house in it's day, but I do not see it presenting a style being worthy of conservation.
- Wall, yes, it is a 50's ranch house.
- Whitson, I agree. I went by the house and did not see anything that was architecturally significant.

Board Discussion:

Motion to approve the demolition: Farris Second: Whitson Vote: All aye

3. The application for a certificate of appropriateness for Dave Arnholt (21043) 717 Westview Avenue, to construct a new single family home.

Presentation: Alexandros Darsinos, the lot is right under 2 acres. We have looked at how a Provence style of architecture could work with the design that we are trying to propose. A lot of the images we are showing are from the South of France. They show a lot of stucco, stone, steel windows or aluminum clad windows with antique barrel tiles, and a lot of landscape to match, compliment,

and work with the architecture. We are proposing the front door to be an antique steel door with limestone coping. We have hand selected the materials and had delivered from France. We are going to have a lot of strong limestone details that are going to brace in the façade and the window details. We have a larger window cut on the right side that exits in a spiral staircase that rises up to the second floor. The roof will be hand selected antiques barrel tiles also from France. We are proposing a pergola with landscaping to soften some of the façade in the front and a very authentic fountain from Provence probably in the hexagonal style in the front.

In the rear there is a pool with a covered area that has arches that are softened very much in the Provence style. There is a pool house that is there mainly to hide the garage on the lot that is directly behind the property. The barrel tiles, strong stucco and working on the window arrangements are the main features. We have shutters designed as well. We will incorporate a landscape with hydrangeas that are of Provence style with authentic vases and stone around the pool. The floor plan has changed slightly after our first meeting. We homed in on a lot of the comments and worked on the architecture mostly. We incorporated the hipped roof that has the flat portion behind it. It is a low gable, low sloped, 4/12 pitch with authentic barrel tiles all around. All the walls are double thick. We have at times over two foot of thickness on all our wall thresholds to create an authentic feel. The stucco will feel more like masonry stucco. The chimneys will be minimal with a limestone cap across the top and clay flues that will be painted in the soft tone of the stucco. The landscape walls are going to be bracing around the house. Our landscape architect designed a few retaining walls that have a roughness to the base and are important for the elevation changes and the overall footprint. The smaller windows will be of a simulated steel window package in a lighter tone to soften the façade and not have any strong contrast. The larger windows and most of the operable windows we are hoping to execute them in steel done in the same color and tone as the smaller windows. There are two balconies from bedrooms up on the second floor that we think will add some character to the interior courtyard. The front door surround will be in limestone. A minimal limestone coping will be used for the larger arched openings. We are hoping to have a detached catch basin with a copper downspout that will give more of an authentic look to the façade. The half rounds will hopefully be done out of copper. Gas lanterns will be expressed around the façade as well. The pergola on the front is a lite steal pergola that we are hoping to be dressed in green and vines to soften up the façade and to give some privacy to the courtyard on the front. The driveway will be a fine gravel with edging of limestone. We are exploring that detail currently. Limestone pool tiles will be used around the pool area and the front courtyard. There will be a hexagonal fountain that will be authentic and true in the Provence style. The pool house and water edge will be done in strong stone.

Board Questions and Comments:

- Blackburn, thank you for addressing the concerns that we expressed in the last meeting.
- Whitson, are there any issues that will go before the BZA other than the pool?
- Patterson, no
- Darsinos, we went to the BZA before the HZC.
- Whitson, you use the word hoping when speaking of the materials list. If we approve something with a specific materials list, you will be held to that. If you deviate from it, you have to go to Lyle Patterson for approval. We love what you have presented we are just going to hold you to it.

- Darsinos, yes, we understand how important it is to get it right in the presentation.
- Whitson, adding the landscape package to this design really helps show how the house is going to sit within the lot.
- Darsinos, we have a design package as well if anyone would like to see and go through it.
- Farris, I want to compliment the thoroughness of the follow up from our first meeting. The cleanup and development of it is quite successful. The success of the project is going to be in the details so I would ask if down the road there are things that are going to be revised that you be sure to advise Lyle Patterson.

Public Comments

Louise Bryan, 4314 Iroquois Avenue, I would like to get the Boards opinion of the fountain in the front. I believe a few things about the design look a little contrived. I also do not understand the process of going to the BZA first, is that something that is an option for certain builders?

Patterson, the applicants came to the HZC in November.

Blackburn, we recognize that there is a broad range of different architectural types and values and though there are some that are really prevalent, like a Georgian, there is value in having different architectural styles. The Perkins house has a fountain in front of it. There is some precedents for that. When they first presented to us back in the Fall, we did not feel like it fit in at all. It had a flat roof on it. It did not look like something you would see driving through Belle Meade. But I think they really did listen to our concerns and I feel like there are some other similar houses in Belle Meade. They do not all have to be Georgian. It is Belle Meade and we do have several different architectural styles in the City, and we try to be open to that.

Bryan, if you have already considered the fountain, I think that is fine. I trust that and absolutely appreciate the quality of care taken into this.

Duke, I will recuse myself from the vote. I did the landscaping plan. We took this to the BZA for the pool and spa. There was no other issue with the house. We had to get approval for the fencing. It is an irregular shape lot. There was no house issue submitted.

Patterson, that is correct.

Board Discussion:

Motion to approve the plan as submitted with the applicant notifying the Building Official if any material changes are made: Blackburn

Second: Whitson Vote: All Aye

4. The application of the neighbors of Walnut drive (21044) asking the Historic Zoning Commission to reconsider its decision granting the construction of 325 Walnut Drive.

Chairman, Mal Wall, the Commission has received a written request for an appeal that is being treated as a request to reconsider. The chair has been

informed by counsel that an oral presentation of their request is not required. But the Commission will allow a short one for both parties. The motion will be, does the Commission want to rehear 325 Walnut. The public portion would be closed. The chair will entertain a motion to rehear and if it carries the case will be reheard under the same procedures as a new case. In the public portion of that rehearing anyone wishing to speak may do so. Please remember the Commission does not consider stormwater or flooding issues.

Phillip Trella, 328 Walnut Drive, I have been asked to speak for the Walnut neighbors and thank you for putting us on your agenda today. I know it's difficult, and particularly after listening for ninety minutes. I find it illuminating and I certainly respect all that you do. My objective is merely to summarize our appeal to you and hope that you will consider our petition. You have had our documents for two weeks. The objective of Walnut is very simply to build a house that is harmonious with prevalent architectural styles of Belle Meade, and avoid the damaging effects of the introduction of a speculative style. It sounds like I took that exactly from your playbook, which I have. We find some examples of departures from this objective in the following. It is the relative height of the house with grade that towers over adjacent neighbors. We look at it with the relative values these be an absolute focus. Mr. Farris has come back and tried to make some corrections. I am not sure that they are sufficient. You have photographs of relevant comparisons in the file. Second, the density of the coverage will likely be twice that of the previous home, and a 7000 square foot home on seven tenths of an acre when no other home that size on Walnut has less than an acre, is frankly problematic and inconsistent with the neighborhood. While I realize the drainage and stormwater issues are separate having a footprint that is large, does have an impact, a significant impact. And then ultimately, the position that we have is that notice was clearly deficient from my point of view. I got my notice the day after the hearing and that citizens had no time to repair. Frankly, we did not understand the level of sophistication of this group or the requirements on how to do it. Over the last three weeks, we have got a pretty quick study on how we had to do it to present alternative point of view for your consideration and, meet the process standards. And then we also feel that as outlined in the document, the appearance of serious conflicts of interest and very nervous about how that looks for the City of Belle Meade and makes me apprehensive about any ultimate decisions. It is a serious cause for concern. Therefore, we ask that the prior vote be set aside due to flawed design, insufficient notice, and apparent conflict of interest, schedule another hearing as soon as practicable with another mutually agreed upon architect. Ask friends of the developer to step aside too. Halt construction until resolution of this matter in a fair and impartial, unbiased manner is disposed of and behave in a manner consistent with frequently stated standard of verities of the Historic Zoning Commission. You said you would protect against speculative designs. We trust you. You said you would assure that new homes that are built are consistent with prevalent architecture. You said then and only then might we update Belle Meade Together. We strongly believe that not doing so will start us on the slippery slide across Belle Meade and who knows where that will lead us. All I can think about is the tall and skinny homes, like the ones in Sylvan Park and Green Hills. Do you have any questions or comments? I relinquish.

George Dean, representative for Mr. and Mrs. Steve Cates, 325 Walnut Drive, the Commission has heard this before and already ruled on the application. While the board, under certain circumstances, boards retain the right to come back and look at things if they desire to do so. Usually, most boards

exercise that power only when there is new evidence which could not have been presented at the original hearing. The reason for that is pretty obvious. Otherwise, you never reach a final decision. People can continue to come back and back and back again. In many places that is actually codified into the ordinance. I do not know the process very well, but I think Mr. Patterson sends these notices out the same way the Board of Zoning Appeals notices are sent, perhaps Mr. Patterson could address that, but as I understand the Board of Zoning Appeals has an ordinance that requires five days' notice. I think that is what was done here. That notice may not be as good as what would be liked by everyone. But I would also add that it is on the internet. It is up on the website for the City a couple of weeks, as I understand it, before the hearing takes place. So that the interested parties can look at the website and find out that there is something of interest coming up. As you mentioned yourself, stormwater does not really apply here. But I would like the board to know that my client has been approved by the stormwater management authorities at Belle Meade. The building permit actually issued, and work has begun under the auspices of that building permit. Footers are already poured. They are not totally installed but work is proceeding. Finally, let me just say as the conflict of interest, I understand the neighbor's point of view there. But let me say this is an area of the law that I specialize in and when you look at the cases, and I'm talking across the country, there is absolutely nothing wrong with a member of a board who has a special expertise over above what he does with the board to appear before the board having stepped out of his role as a board member. That is entirely appropriate. The stormwater management committee in Metro Nashville, a number of those engineers step off of that board to do similar kinds of things representing a party before the board. There are only so many stormwater management engineers around. For those reasons we ask that the board not reconsider this case and deny the application. Thank you.

Phillip Trella, no one should profit from their role on a commission like this.

Bunny Blackburn, you already have stormwater approval?

George Dean, yes.

Bunny Blackburn, how did he get that so quickly?

Lyle Patterson, we had a pre-con meeting which I highly recommend to all stormwater engineers, that helps to eliminate about four to five weeks of review. Mr. Cates requested that pre-con meeting with his engineer. We walked the lot for about an hour and looked at the contours and suggestions made then it went into review. I think it was passed the 8th of April.

Bunny Blackburn, walking the lot gets you stormwater approval?

Lyle Patterson, for a first pre-con meeting, yes. I highly recommend it.

Alex Wade, 323 Walnut, as the digging for the foundation progressed, there appeared two stone boxes that were laid that directed water coming from downhill. Is this something to do with drainage or an old foundation?

Lyle Patterson, it sounds like an old septic tank system. I can be wrong on that, but it is not the beginnings of stormwater plan.

Alex Wade, would you mind looking into it? It is something that bothers me because it is three feet below the surface, it is hand laid, there is no

concrete, all the stones are similar in size and it goes right into the basement of this new house.

Lyle Patterson, absolutely.

Louise Bryan, 4314 Iroquois Avenue, first of all thank you for your service. It is service as you volunteer your time and expertise in the area of design for the future of Belle Meade, your contribution is vital for everything that we are trying to do in Belle Meade to preserve the elegant green and architecturally significant beauty of our community. Your contribution is also subjective. And this is based on your proven experience in design, and citizens like me, trust your conclusions. Your contribution is not to repeat, or to remind us what the Board of Zoning Appeals will do or has done. The whole reason Historic Zoning Commission was formed is to be different and separate from the Board of Zoning Appeals. That is why the Historic Zoning Commission was created to be separate from the Board of Zoning Appeals. I recommend highly that you catch yourself and say oh, that's actually not the reason I'm here. I'm here because I'm a designer. I have a design eye. I'm not part of the BZA. The design guidelines include character and compatibility discussed on page 10. 325 Walnut is stunning. It is an English arts and crafts design. It has a place in Belle Meade, we are fortunate to have that kind of quality and that kind of beauty. The house that is proposed is as tall as it is wide right now. The other houses on the street, which are compatible with that street are much wider than they are tall. The houses on Walnut are three times as wide as they are tall, 328, 313, 305 Walnut they are all much wider than they are tall. That is the houses on that delicate, beautiful, residential street. There are a lot of tall houses in Belle Meade, and you can build a tall house in Belle Meade, right, forty feet tall. But you are being asked to review whether or not that house belongs on that street between those two houses. 325 Walnut as proposed is the sight line of two other homes. Both homes are within very little distance. The view is not appealing to look at that house between those two houses. It is not balanced. It does not have a good rhythm. It does not have a strong compatibility. We are trying to build a pattern of beauty in Belle Meade. We are not trying to build cookie cutter houses getting back to earlier comments. I respectfully ask that you reconsider the decision made of 325 Walnut.

Jeanette Whitson, I think we have delved into the merits of the case and really what we are deciding right now is whether or not we are going to revisit our decision. I read the applicants memorandum concerning this and I really want to look at it in a procedural way. I looked back through our statute that gives us our power and I did not see anything that allows us to revisit a decision that we have already made. The grievances are notice and conflict of interest. I am not convinced that proper notice was not given. I have spoken to Lyle and notice was given and he can enumerate on this. I don't agree that having Ron Farris speak is a conflict of interest. I definitely think, as he recused himself, and that we are all going to be Belle Meade neighbors and are all going to have a vested interest in these decisions. Most of the problems that the neighbors see in this house is the height and the FAR. These are things that are decided at a basic level through the Municipal Planning Commission. You can not have this body enforcing things that I think, if there are problems with the FAR and the height restrictions, those things need to go to the Municipal Planning Commission, and they need to go to stormwater and the BZA. The Historic Zoning Commission is not going to take on all those issues. We are looking at design only. Not only design on the street,

but we are also looking at a design that is compatible with other properties of significance in Belle Meade. It is not limited and does not include every house on the street.

Bunny Blackburn, I think we can rehear this.

Board Discussion:

Motion to rehear the approval of this project: Blackburn **Second:** Wall
Vote: Yes (Blackburn, Wall) Opposed (Duke, Whitson)
Motion Fails

Lyle Patterson, the cut off date for submittal is fifteen days prior to the meeting, which would have been February 22. I make the Agenda the next day, which would have been February 23. The notice went out to the neighbors on February 25th, 13 days prior to the meeting. It is also posted on the city website and in our monthly newsletter. It is adequate notification.

Bunny Blackburn, the integrity of this committee to be objective is I think extremely important, and I think perception is extremely important. My concern is if it appears that there is a conflict of interest, and if the citizens on that street want to be heard again, I want to know more about where the conflict of interest is. I understand Ron Farris because he is the architect and he presented but he did not vote. I do not want any citizen in Belle Meade to think things are being pushed through because of relationship. If there is any relationship that we are unaware of I think this Board should be made aware of it.

Jeanette Whitson, I think the only conflict that is a valid issue is Ron Farris. We went back and looked at how that was handled, and it was handled appropriately. He recused himself and did not vote and we all accepted that. I don't think we can say that if you're a member of the board, then you can not work professionally on any property in Belle Meade. That is not a requirement or law here.

Gavin Duke, I would look at the house the same way. I came into it fresh. I looked at the proportions, scale, design. We made request for shutters on the side that faces Lynwood. They brought down some of the height. I don't know that my opinion would have changed in any way.

Lyle Paterson, I have letters in support of this house from some neighbors on Walnut. Not everyone on Walnut is opposed to this as has been led to believe. I have been asked not to reveal who they are or to drive a wedge between neighbors.

Motion to adjourn at 5:00pm: Duke **Second:** Whitson **Vote:** All aye

Mal Wall, Chairman

Edie Glaser, City Recorder