

**Minutes  
City of Belle Meade  
Board of Zoning Appeals  
April 19, 2022**

**Board Members present**

Doug Hale, Chairman      Joe Dughman, Vice Chairman      Gloria Sternberg  
Chris Tardio      Pete Zabaski

**Staff Members present**

Beth Reardon, City Manager      Lyle Patterson, Building Official  
Rusty Terry, City Recorder      Doug Berry, City Attorney

**Call to Order:** The meeting was opened by Chairman Doug Hale at 5:00 p.m.

**Consideration of the minutes March 15, 2022**

**Motion to approve:**      Sternberg      **Second:**      Zabaski      **Vote:** All aye.

**Old Business:**

**NONE**

**New Business:**

1. **The application of Eric Alldredge (22041)209 Paddock Lane, for a special exception permitting the construction of an addition. The building permit has been denied for the following reason.**
  - A. **Addition is outside the rear setback.**
  - B. **Addition is over on allowable footprint.**

**Presentation:** Rachel Martin with Pfeffer Torode Architecture  
Martin began by showing the existing residence, and location of neighbors. Switching to the overall site plan Martin provided information on the existing patio stating the Alldredge's wish to enclose the patio to create a dining room, using additional plans to point out the existing setbacks. Martin used a plan of the existing home to point out the interior space, noting that the desire to enclose the patio was to create a dining room which is currently non-existent. Martin presented the plan for the exterior of the addition, stating that the Alldredge's wanted to stay within the style of the existing house and the character of the neighborhood. Martin noted they are within the FAR. Martin stated that they have six letters from neighbors in support of the project.

**Board Questions and Comments**

Zabaski: Does the footprint include the covered porch.  
Martin: No, it does not.  
Zabaski: Is the patio hardscaped?  
Martin: It is.  
Zabaski: Is the roof on the addition flat?  
Martin: It will be flat but sloped to drain.  
Zabaski: Is it a flat roof to keep it from going over FAR?  
Martin: No, there is an upstairs dormer that will look out over the roof, and two prominent gables on the house that we did not want to compete with.  
Zabaski: That will be the only flat roof on the house?  
Martin: Yes.

**No Public Comment**

**Board Discussion**

- Tardio: It seems to be a reasonable request considering the limitations of the house and the lot.
- Chairman Hale: The applicant did point out there doesn't seem to be a variation in the rear setback from adjoining properties. The addition doesn't seem to be out of harmony with the neighboring setbacks.
- Sternberg: I would agree, while they are asking to go over 287 square feet, but they are still not exceeding FAR.
- Chairman Hale: The applicant has been sensitive to the intent of the ordinance.
- Tardio: What is Building Official Patterson's recommendation?
- Building Official Patterson: The staff recommends approval.

**Motion to approve in that it meets the requirements of the ordinance for a special exception: Dughman Second: Sternberg Vote: All aye**

- 2. The application of Nathan Lyons (22042) 113 Bellevue Drive S., for a conditional use permitting the construction of a swimming pool. The building permit has been denied for the following reason.**
  - A. Swimming pools require BZA approval.**

Presentation: Andrew Moreton, with Vintage South  
Using the Building Permit application, Moreton stated that the pool is using the allowed 2% of the total lot, or 720 square feet, noting the pool was also in the original architectural plans approved by the Historical Zoning Commission. The house is under construction, Fulmer Lucas Engineering, LLC is their civil engineer, and the pool was calculated in the original stormwater plan. Jay Fulmer is working with Steve Casey on the approvals. Using submitted plans, Moreton pointed out the pool design at the back of the house, a landscape plan has been submitted as well. Using the landscape plan, Moreton showed the location of the master bedroom suite at the left rear corner with the pool directly outside the master bedroom, indicating hardscaping around the pool.

- Dughman: Can you show us the location of the pool equipment?
- Moreton: It is located in the lower right corner of the pool surrounded by bushes.
- Zabaski: How high is the pool equipment off the ground?
- Moreton: The water level of the pool is approximately 10-foot from grade, and the pool equipment will be much lower.
- Building Official Patterson: Do you have a rear elevation?
- Moreton: Not that was submitted, but I have it here on my computer.
- Zabaski: May we see that.
- Moreton: Providing his computer Moreton stated the rear elevation of the house is three stories, there is a basement level on the rear due to the drop of the grade level. The pool will be elevated to the elevation of the first floor. There is a retaining wall that holds the

pool in, and the pool equipment will be behind the retaining wall at finished grade, there is landscaped around the pool equipment.

- Sternberg: Are you considering the retaining wall instead of a fence. There is no fence on the agenda, is there an additional fence?
- Moreton: There is a fence around the pool.
- Building Official Patterson: That is all that is required.
- Sternberg: Is there a gate?
- Moreton: There is a gate at the bottom of the steps.

#### **Public Comment**

Rusty Moore, resident at 4422 East Brookfield, asked the board to consider how the height of the pool would affect the neighbors to the rear.

Matt Garvey, resident 200 Scotland Place, directly to the rear of the property, stated that the height would place the pool 10-feet above the ground and that his concern would be privacy and also asked to see the landscaping plan. Garvey also asked about the retention pond, stating that he was concerned about the drainage coming into his yard as well as mosquito issues with the retention pond.

- Zabaski: What is the distance from the back of the Garvey house to the back of this house?
- Moreton: It is greater than 150 feet.
- Zabaski: Do you have the plat.
- Moreton: I do not have the plat; the information is in a separate attachment.
- Building Official Patterson: Reading from the information provided stated that from the corner of the house to the rear property line is 72.5 feet.
- Zabaski: Is there screening at the back of the house that will block the view to the neighbors?
- Moreton: There was a full tree line that was across the rear of the property, some of those trees were removed for the bio-pond. It is partially screened at the moment.
- Zabaski: Are there plans to replace them.
- Moreton: There will be new trees behind the bio-pond.
- Chairman Hale: Can we look at the rear elevation as it exists without the trees.
- Zabaski: Does this elevation show the pool?
- Moreton: The house was designed with the pool. The grading plan shows from the rear of the house the slope from right to left, and slopes down closer to Harding. The wall will be less than ten feet where the pool is.
- Chairman: The wall will be ten foot with or without the pool?
- Moreton: Correct.
- Sternberg: What is staff recommendation?
- Building Official Patterson: The staff recommends approval, though there are concerns with stormwater which are currently being addressed by the two engineers working together.

Bea Fillebrown Isenhour, resident at 204 Scotland, next door to the Garvey residence. Expressed displeasure about adding another pool in the neighborhood, as well as the size of the home.

**Public Comment Closed**

**Board Comment & Questions**

- Zabaski: How big is the lot, was the setback changed?
- Building Official Patterson: It was not. They are completely inside the building envelope.
- Tardio: Including the pool?
- Building Official Patterson: Yes. They are 10 feet away from the setback from the rear of the house.
- Dughman: Referring to the conditional use ordinance, asked if the board should consider a plan for vegetative screening to protect the neighbors.
- Zabaski: I agree, my concern is that the neighbors are here and are concerned, and the pool is ten feet off the ground. We are not able to see what is being planted from the plans submitted. A detailed landscape plan would be useful.
- Sternberg: If there is still a concern about stormwater, and I don't know if that fits in with vegetation; my question is should we defer until we know more and can see a landscape and make sure there is comfort with the retaining pond.
- Zabaski: Does stormwater impact our decision.
- Building official Patterson: It does not.
- Dughman: I would make a motion to defer until we can see a landscaping plan.
- Moreton: That is the landscaping plan.
- Chairman Hale: Mr. Moreton, can you come to the podium and give us the specifics regarding the plantings that are intended to create a vegetative screen of this area.
- Moreton: Moreton used the landscape plan and indicated the type, location and height of the plants that are planned to create a screen.
- Chairman Hale: Is that the extent of the vegetative screen?
- Moreton: There are existing trees.
- Chairman Hale: Have those been keyed?
- Moreton: Yes they have been keyed on the landscape plan.
- Chairman Hale: We are trying to understand if the vegetative screens along the rear will effectively screen the property.
- Dughman: Is the bio-pond temporary.
- Moreton: No, it is required by the stormwater plan.
- Sternberg: What about trees on the side, are they listed in the plan
- Moreton: Yes, both sides will be fully screened.
- Tardio: The concern is the privacy between the neighbor's house and the pool. Do you think the planned screening will resolve that concern?
- Moreton: I believe the screening will resolve that.

- Tardio: It will be fully screened when finished?
- Moreton: Yes.
- Tardio: Are the trees going to minimize noise from the pool to the house at the rear.
- Moreton: We are 150 feet to the rear neighbor, 67 feet to the neighbor to the right and 222 feet from the pool to the neighbor to the left.

**Board Discussion**

- Sternberg: The pool and the equipment is all within the code, we do have a noise ordinance in the code, the screening appears to be adequate.
- Zabaski: We have, in the past, had landscape plans that showed the trees from an elevation point of view. Without that I am not positive it is adequate. I would like to see a landscape plan that shows the elevation of the plantings.
- Chairman Hale: It seems like a landscape plan as Mr. Zabaski describes would be very appropriate and completes our record. I would also like to see that plan.

**Motion to defer until the applicant submits a conceptual landscape plan showing elevations and how it will screen the neighbors to the rear:**

**Dughman                      Second:                      Zabaski                      Vote:                      All aye**

- 3. The application of Wilson Sisk (22043) 112 Lynwood Terrace, for a variance in grade change and a conditional use permitting the construction of a swimming pool and changing room. The building permit has been denied for the following reasons.**
  - A. Grade change is over the allowable.**
  - B. Swimming pools require BZA approval.**
  - C. Changing room/Pool House requires BZA approval.**

Presentation: Clay Trabue, Landscape Architect  
 Trabue stated they are asking for a variance of around 7,000 square feet the does not comply with the Belle Meade Ordinance. The hardship is the site is 59,600 square feet, and the lowest spot on the front is 486.5 feet and the highest spot on the back right corner is 511 feet, it is a 24- and one-half feet fall, it's an average of 2% to grade from front to back, which is pretty constant and creates difficulty when designing a home. Those are the constraints.

Using the plans Trabue presented their solution to the grading issue, stating the driveway square footage is under allowed. Trabue noted that without the requested grading fill, the property would require 2 large retaining walls. The solution does require two 3-foot walls.

The pool is a modest size, all within the 60-foot rear setback. The pool equipment is also within the setback and is on the right-hand corner of the house. The changing room is 12 foot by 12 foot and serves more as a partition to create the courtyard effect of the pool. Using the plans, Trabue noted the pool enclosure wall, noting the wood screen fence that covers the pool equipment and trash cans, the remaining fence is iron.

**Board Questions and Comments**

- Chairman Doug Hale: What is the height of the wall?
- Trabue: It is six feet tall, and as the grade changes it rolls with the grade at a constant height of six feet.
- Zabaski: What is the staff's recommendation?
- Building Official Patterson: Staff recommends approval. It is a challenging lot.

**Public Comment**

Michael Connolly, resident at 200 Lynwood Terrace, expressed concern about stormwater and how it would be controlled. Connolly also requested information and clarity on the grading change.

Trabue addressed the concerns of Connolly, stating that there will be robust plantings; the plans are in compliance with the Belle Meade grading ordinance and are only changing the grading by two feet.

- Sternberg: The wall on the right, is it a three-foot retaining wall?
- Trabue: At the top it starts as a 6-inch curb and as it comes down it is maximum 3 feet and then goes down to 12 inches.
- Chairman Hale: Would you show us the landscaping of that area again?
- Trabue: This is a conceptual plan, it does not have the wall, but it shows the area heavily planted with evergreens.
- Zabaski: What is the drop-off on the other side of the trees?
- Trabue: It is a slope.

Neil Hafer, resident at 110 Lynwood Terrace, stated he wanted to make sure that the grading changes did not exacerbate the issues with pooling water at the lower left corner of the property. Hafer also inquired about the exact location of the iron fence.

Trabue explained the fencing on the property.

**Public Comment Closed**

**Motion to approve as submitted: Zabaski Second: Dughman  
Vote: All aye**

4. The application of Tarek El Gammal (22044) 4434 Shepard Place, for a variance permitting the construction of a wall and addition building height, and a conditional use for a swimming pool. The building permit has been denied for the following reasons.
  - A. Wall is over allowed height.
  - B. Addition is over the allowed 25-foot height between the 60-85-foot zone.
  - C. Swimming pool requires BZA approval.

**Motion to defer for 60 days at request of applicant: Zabaski  
Second: Sternberg Vote: All aye**

5. The application of Donald Moody (22045) 601 Belle Meade Blvd., for a special exception for an addition. The building permit has been denied for the following reason.

**A. Addition is over the building setback but within the existing footprint.**

Presentation, Van Pond, architect

Pond stated that the home was built in 1921, it is a corner lot, the front and side yard setbacks are dictated by setbacks on the streets. The lot immediately behind this home on Leake Avenue is much deeper and therefore sits back much further. Pond noted that the building envelope is very small, and they are asking for an exception for a small footprint addition to the house following the setbacks established by the side and rear yard on the existing structure. Pond stated that the proposed addition is 598 square feet. Pond noted that the home does not have a garage or a downstairs bedroom. Pond also stated that the addition plans would reduce the size of the driveway by about 700 square feet returning green space to the property.

**No Public Comment**

**Board Comment and Questions**

Sternberg: The addition is at the back of the existing home

Chairman Hale: The addition is not out of harmony with the home and does not affect the character of the neighborhood.

**Motion to approve:           Dughman           Second:           Sternberg           Vote: All aye**

**OTHER BUSINESS: NONE**

Chairman Hale adjourned the meeting at 6:35 p.m.

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Chairman Doug Hale

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City Recorder Rusty Terry