

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

Board Members present

Pete Zabaski, Acting Chairman Chris Tardio Puneet Mishra

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 Acting Chairman Pete Chairman Zabaski at 5:00 p.m. There were no conflicts of interest from the board members.

Consideration of the minutes June 21, 2022

Motion to approve: Tardio **Second:** Mishra **Vote:** All aye

New Business:

1. The application of Josh Payne (22071) 607 Belle Meade Blvd., for a special exception permitting the construction of a roof over existing raised stone patio. The building permit has been denied for the following reason.
 - A. Existing footprint is over by 344 feet, asking for an additional 481 feet. Addition of roof will be over allowable footprint by 825 feet, for a total of 13%.

Presentation: Jason Broderick, Broderick Builders
Broderick stated that he is the builder on this portion of the project, which is to build a metal roof over the existing stone patio.

Board Comments and Questions

- Chairman Zabaski: Can you explain the difference between the two elevation drawings.
- Broderick: One was drawn to provide information to the owner showing the ceiling height would be 11 feet, the height of the porch rack is 10 feet.
- Mishra: Do you have a view showing how the sight looks and what the proposed change would look like after the cover is added.
- Broderick: Yes. Elevation plans were provided showing the existing patio, and the proposed cover over the patio.
- Mishra: Is the change visible to the neighbors.
- Broderick: The neighbors to the left would be the only neighbors who would see the area, trees provide screening around the rest of the property.
- Tardio: The application is for a special exception and requires showing the reason to except the property from the applicable

regulations. Can you provide the basis for the exception because you are over on the footprint?

- Broderick: They are looking a way to provide shading on the back side of the home.
- Mishra: Have there been any comments from any of the neighbors.
- Building Official Patterson: None.

No Public Comment

- Chairman Zabaski: to Patterson, I have been asked for the staff recommendation.
- Patterson: Staff does not recommend approval.
- Tardio: What is the reason for not recommending approval?
- Patterson: The footprint is already over the allowed amount.

Motion to approve: Tardio Second: Mishra

- Tardio: If the chairman feels it appropriate, I would like to call the applicant back up. Before we can approve the application, we need something in our record that establishes the criteria to except this from the code. Tardio listed the criteria from the code.
- Chairman Zabaski: Would you like for him to answer to each criterion individually?
- Tardio: I don't think we can approve it without that information.
- Chairman Zabaski: Mr. Broderick returned to the front, Chairman Zabaski stated that Mr. Tardio would lay out the code and ask him to respond to each point.
- Tardio: The first criterion; the proposed use will not be out of harmony with the existing development in the neighborhood and is so designed and located that the public health safety and welfare will be protected.
- Broderick: The structure on the backside of a house would not affect the public safety or well being and it will be constructed so that it matches the home and is not out of the ordinary, and I don't believe it would be out of harmony with the neighborhood.
- Tardio: The second criterion, the granting of the exception will not adversely impact the abutting properties, including those across street frontages or other properties in the immediate area.
- Broderick: I don't believe it will affect any adjoining properties to the side or across the street. It does not create excessive water flow; it does not block anyone's view.
- Tardio: The third criterion, is that the characteristics of the proposed use or structure are architecturally compatible with other orientation, landscaping, drainage, access, and circulation, bulk height, scale, and other like features. Which I read to mean that it is in keeping with the rest of the property.
- Broderick: It is proportionate to the house, it does not rise above the existing roof line, or ridgeline, it is not wider than the existing house, it does not encroach on any side or rear setbacks. Broderick added that the existing patio is already a part of the existing

footprint and that the roof cover will only be over the patio, and not extend past that existing footprint.

Board Discussion

- Mishra: My main concern is the precedent it would set. And I feel that unless the city addresses the ordinances, it would open floodgates for adding roofing to outdoor areas. Without there being a specific hardship, I think it might set a precedent that the board does not want.
- Chairman Zabaski: Unfortunately, there is already at least one precedent I can think of. We talk about the intent of the ordinance, and I don't think the intent is to prevent anyone from enjoying their property. The intent is for green space, to not become a walled city, to not encroach on the neighbors. Mr. Tardio went through the criteria for a special exception, and I believe it meets that. I think the ordinance tells a homeowner what he can do, and it is our responsibility to determine if they are allowed to do something outside the ordinance. I also don't think the ordinance is intended to prevent homeowner from improving their property if it doesn't affect anybody else in the area. That is how I interpret the ordinance. It seems this does not affect greenspace, it does not add any square footage on the ground, it is just a cover. We have allowed this before, but each case is different.

Vote: All aye

2. The application of John Shearer (22072) 1108 Nichol Lane, 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: Wade Rick, Daigh Rick Landscape Architects
Rick provided drawings showing the proposed home and the pool and spa which are within the building envelope, as well as the pool equipment. Rick also provided the planting proposal showing heavy screening.

No Public Comment

Motion to approve: **Mishra** **Second:** Tardio **Vote:** All aye

3. The application of Patrick Hitt (22073) 621 Lynwood Blvd., for a special exception permitting the construction of a roof over an existing raised deck. The building permit has been denied for the following reason.

A. Existing footprint is over by 856 feet, asking for additional 450 feet. Addition of roof will be over allowable footprint by 1,306 sq. ft. for a total of 47%.

Presentation: Katy Hitt and Patrick Hitt, homeowners

Hitt stated that she and her husband Patrick and their family have lived in the 1947 home for seven years, noting that the original cottage home had been added on to previously and is now a ranch style home. The raised deck on the back of the house was also added by previous owners and is accessed from the primary bedroom and the den.

We are asking for an exception to cover and screen the existing deck that is built into the existing footprint. Screening the space would also allow us to use the deck for the majority of the year. The deck is surrounded on three sides by the existing brick home. We would be adding a sloped roof, which would go into the existing roofline, and a screen across the open end of the deck. We don't believe this will have a negative impact on our neighbors; it cannot be seen from next door or by across street neighbors or our neighbors to the rear. There is heavy landscaping and screening at the rear of the property. We recognize that we are asking for an exception to the footprint allowance. The house is currently 31% over the allowable footprint, covering the 450 square foot space will raise that to 47% over the allowable footprint. Even with the increase in footprint overage we are still below FAR by 874 square feet. No additional greenspace would be used for this exception. Photo handouts were provided to the board and staff.

Board Comments and Questions

- Chairman Zabaski: Are you enclosing or just covering?
- Patrick Hitt: A cover and screen on one side.
- Chairman Zabaski: It would be completely enclosed?
- P. Hitt: Yes.
- Chairman Zabaski: The screen will come out to the existing rail and stairs. Will they remain as they are?
- P. Hitt: Yes. The plan is to leave the deck as it is, attach the roof to the house, and there will be supports that will come through the deck.
- Chairman Zabaski: How will you support the roof on the back side?
- P. Hitt: The supports will go to the ground.
- Jennifer Bagwell, Bagwell Design: I assisted the Hitts with the design. The columns will go through the deck, to the ground with a new foundation to support the new roof, it will not use the existing roof for support. It will be self-supporting.
- Chairman Zabaski: Does the deck cover, cover the roof in the back?
- Bagwell: By a small amount, there is an existing roof I believe it is 7 and 12, and there is a shed, we are coming up to just below the windows on the shed.
- Chairman Zabaski: What is the pitch of that roof?
- Bagwell: It is 1 and 12.
- Chairman Zabaski: to Building Official Patterson: Is that considered a flat roof?
- Building Official Patterson: Yes.
- Chairman Zabaski: There is another flat roof above that, do you know the square footage of that roof?
- Bagwell: I don't believe they are over the allowed footage for flat roof.

- Building Official Patterson: They are adding 600 square feet, they are still under the allowable low slope roof number.

No Public Comment

Motion to approve: Tardio Second: Mishra

Board Discussion

- Mishra: It is similar to the first application, it is not visible, there is no opposition. It is not protruding out.
- Tardio: I do agree. You apply common sense, and this is something that should qualify for an exception.

Vote: All aye

4. The application of the Temple (22074) 5015 Harding Pike, for a special exception for a change of use within the building and to erect an informational sign. The Temple is governed under zoning ordinance Appendix A., churches, schools, and other places of worship.
 - A. The Temple would like to convert a portion of rooms to class/school rooms.
 - B. Erect a sign for nine months designating a Jewish High School.

Presentation: Mark Shepard, Facility Manager, The Temple and Ron Heady, head of the Jewish High School
 Shepard stated that The Temple has offered 2 to 3 rooms to the Jewish High School for classroom use, 8:30 a.m. to 4 p.m., 5 days a week. As far as the request for the sign, The Temple's board denied that request from the high school. We are only asking to allow the school to use the rooms inside the building for the next year, possibly two years. There will be a maximum of 8 students, and it will not affect our operations. They are ninth grade students and do not drive.

No Public Comment

Board Comment and Questions

Tardio: What are the rooms being used for now?
 Shepard: They are used by our religious school on Sundays.

Motion to approve: Mishra Second: Tardio Vote: All aye

OTHER BUSINESS: NONE

Acting Chairman Zabaski adjourned the meeting at 5:43 p.m.

Acting Chairman Pete Zabaski

City Recorder Rusty Terry