



Tom Cowhey, owner 1 Webster Lane, gave a brief update on the stormwater issue, stating that he had required that it be corrected before purchasing the property and also stating that he would maintain the land on the back side of the fence.

**Public Comment Closed**

- Sternberg: What does staff recommend?
- Building Official Patterson: Staff recommends approval.
- Vice Chairman Dughman: Why can the proposed spa not be in the setback area.
- Tessier: There is a bay window and placing the spa in the setback area would place the spa very close to the house. The current plan is to create a landscape and greenery area to keep the spa from being right up against the house.
- Vice Chairman Dughman: What is the distance between house and spa now.
- Tessier: About 6 feet.
- Vice Chairman Dughman: Tell us again why you want to add more hardscape area to the property.
- Tessier: Using the submitted diagrams provided the information on the expansion of the motor court area.

**Motion to approve as submitted: Dughman      Second: Sternberg**

**Vote: All aye**

2. The application of Ray Hayles (22082) 1207 Canterbury Drive, 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.
  - B. A portion of the pools sun shelf is outside the rear building setback but under the maximum depth of 18 inches.

Presentation Gavin Duke, Duke Design Group

Duke stated that the plan is within the square footage allowances for the hardscape, pool and spa, and are requesting to add a sun shelf, noting that the ordinance states that anything under 18 inches is not considered a pool; this is the same type of sun shelf that was recently approved for the Jeff Orr home. Duke also stated that there are stormwater issues that will come up and they have hired Ron Hales, a Civil Engineer to do a full stormwater study that will benefit the neighbors.

- Chairman Hale: Asked for Duke to use the plans to show the location of the sun shelf.
- Duke: Pointed this out
- Tardio: Is the sun shelf the only piece outside of the building envelope?
- Duke: Yes.
- Vice Chairman Dughman: Mr. Chairman, whether or not the sun shelf is part of the pool or not, it is still outside the building envelope, correct?

- Duke: It (the ordinance) does not state anything about a fountain having to be within the building envelope.
- Vice Chairman Dughman: This pool is 37 feet long, why can't the pool be reduced by five feet.
- Duke: A standard pool is 25' x 40' and we are trying to get as much room as we can, they have a large family.
- Vice Chairman Dughman: I am only asking to see if the pool size can be reduced to be in the building envelope.
- Duke: Yes, the pool is pretty close to the house, we are only about 10 feet from the covered porch, and yes we are trying to put a lot in a small area.
- Tardio: Did we approve the similar project you mentioned?
- Duke: Yes, it was approved.
- Sternberg: Mr. Patterson, what does the staff recommend.
- Building Official Patterson: Staff recommends approval.

#### **Public Comment**

Charlie Thornburg, 1212 Nichol Lane, stated they are opposed to the pool, primarily because of the noise; also noting that there are significant stormwater/drainage issues which is also of concern.

#### **Public Comment Closed**

#### **Board Discussion**

- Tardio: To City Attorney Berry: from and interpretation of the ordinance perspective; hypothetically if this sun shelf were separate from the rest of the pool, we wouldn't have to approve it.
- City Attorney Berry: That is correct.
- Tardio: I know we are not responsible for the stormwater plan, but it does factor into this; is that going to address the pool drainage, is the pool considered in the stormwater plan?
- Building Official Patterson: Yes, it is.
- Tardio: If hypothetically we approve the pool, the plan will include the pool drainage.
- Building Official Patterson: Yes
- Tardio: How are you addressing the noise, is there a buffer?
- Duke: We will have an adequate back screen, which we will begin planting soon. There will be 14- to 16-foot magnolias which will help to keep the noise level down.
- Chairman Hale: Is the pool at grade?
- Duke: It is close to grade, but we do have a five-foot elevation between the front and back so it may be slightly elevated. The grading plan has been turned over to the civil engineer.
- Mishra: Can you indicate, on the plan, where the pool equipment will be, and will it be enclosed?
- Duke: Indicating the location Duke stated that it will be fenced in a six-foot enclosure.
- Dughman: We have an ordinance and a setback line for a reason, I am very sensitive to people who don't have room for a pool, and they are

limited because of the size of the lot, but I do not see that as the case with this application. And to me with the sun shelf, which is part of the pool, the pool is over the setback.

**Motion to defer up to sixty days:**            Sternberg            **Second:**    Dughman  
**Vote:** All Aye

3. The application of Alison Uchrin (22083) 22 Lynwood 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, Gavin Duke, Duke Design Group

We are asking for a pool, it is all within square footage allowance, and it is within the building setback. We do have a proper fence enclosure; the pool equipment is within the building setback. We do have the screening shown on the landscape plan for the neighbors.

**No Public Comment**

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

4. The application of Patrick Lewis (22084) 705 Belle Meade Blvd., for a conditional use permitting the construction of a swimming pool. The building permit has been denied for the following reasons.

A. Swimming pools require BZA approval.

Presentation, Gavin Duke, Duke Design Group

We are asking for an approval for a pool, it is within the building envelope, we are under square footage allowances; we have the pool equipment within the building envelope, and the landscape plans is also available.

**No Public Comment**

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

**OTHER BUSINESS: NONE**

Chairman Hale adjourned the meeting at 5:52 p.m.

---

Chairman Doug Hale

---

City Recorder Rusty Terry