

**Minutes
City of Belle Meade
Board of Zoning Appeals
October 18, 2022**

Board Members present

Chairman Doug Hale Vice Chairman Joe Dughman Gloria Sternberg
Chris Tardio Erick Clifford

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.

There were no conflicts of interest of the board members.

Consideration of the minutes September 20, 2022

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

New Business:

1. The application of the Belle Meade Country Club (22101) 815 Belle Meade Blvd., for a special exception permitting the construction of new interior space, a new covered terrace and new covered walkway. The building permit has been denied for the following reason.

- A. Under appendix D, Country Clubs construction or improvements upon a country club site requires BZA approval.

Presentation: Buddy Best, President Belle Meade Country Club, provided detailed information on the proposed work as listed on the application; this project will include the renovation and expansion of the ladies locker room; a 21 foot wide x 5 1/2 feet deep covered walkway to allow direct access for the kitchen to provide to-go orders to members and a 2300 square foot rear upper patio that will be torn down and replaced with a new 2300 square foot patio with a flat roof. Best stated the projects are on the rear of the club and are not in view of any residents.

Board Questions and Comments

- Sternberg: Will the roof be used for seating?
- Best: No, but there will be stairs leading up to it where 10-12 people can view the golf course, there will be access also from the Fairway room to the roof area.

No Public Comment

Motion to Approve: Tardio **Second:** Sternberg **Vote Aye:**
Clifford, Dughman, Sternberg, Tardio; **Abstain:** Hale

2. The application of the Belle Meade Historic Site (22102) 5025 Harding Pike, seeking special exception approval for six construction projects, Icehouse, Fox Run & Pavilion, Coop n' Scoop, Loft and Outdoor Wine Venue.
 - A. Under appendix C, no addition or structure on the Historic Site may be altered or added to, and no new building or structure shall be constructed, without the approval of the BZA as to its purpose and location and must be architecturally compatible with original buildings.

Presentation: Michael Hedges, CFO Belle Meade Historic Site, first apologized for failure to follow the proper procedures by obtaining the appropriate permits for renovation and construction projects on the grounds of the Historic Site, that were done to improve visitor experience.

Chairman Hale: Are all of the items listed, improvements that have been completed?

Hedges: Yes, not all of them are operable at this time.

Chairman Hale: Has all construction been completed?

Hedges: Yes.

Chairman Hale: Are these items in compliance with our building codes?

Hedges: Yes.

Chairman Hale: Mr. Patterson, have any variances been requested?

Building Official Patterson: No.

Chairman Hale: Mr. Hedges, you are here asking for forgiveness?

Hedges: Yes.

No Public Comment

Board Questions and Comments

- Vice Chairman Dughman: I know you have been before this board for other projects, I would like to know what happened.
- Hedges: We perceived the projects to be small in nature, and did not merit a building permit, we were clearly incorrect.
- Chairman Hale: Have you received any comments or objections from neighbors.
- Hedges: No, we have had questions, but everything has been well received, and we do keep a wall of screening vegetation between the site and Parmer Avenue.
- Sternberg: I would like to ask what Mr. Patterson's recommendation is.
- Building Official Patterson: Staff recuses.
- City Attorney Berry: The city staff and myself have been working with the staff at the Historic Site and Winery to bring this into compliance on the Building Code side. The City Manager and I recommend approval of this application. We will continue to work on the other piece of this.
- Chairman Hale: Let the record reflect that everything subject of this item is in compliance with our building code.
- City Attorney Berry: We are working to obtain the final architect certification of the work; we have had other professionals who have certified that the work is in compliance and safe. The venues have been closed since May. For this board, it is simply about whether the use should be approved in terms of potential adverse impact on the neighborhood, and there appears to be no proof of that.

- Tardio: What do we do procedurally about the time these facilities were operational without our approval?
- City Attorney Berry: You do not need to do anything; the city is negotiating a civil penalty.
- Tardio: So, the only thing we are deciding is whether on this record from today forward the conditional use applies.
- City Attorney Berry: You are treating this as if it had been timely filed prior to construction.

Board Questions and Comments

Tardio: I feel that the standards have been met by the materials we have viewed, and impact on the neighbors is non-existent.

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

3. The application of Chandelier Development (22103) 712 Lynwood Blvd., 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: Joel Lyons, Chandelier Development, stated that the pool and equipment are within the building setbacks, indicating the location on the plans provided; he also indicated the location of fencing. Lyons also stated they are not asking for any type of variance.

No Public Comment

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

4. The application of Keith Hoogland (22104) 116 Jackson Blvd., for a conditional use, special exception & a variance. The building permit has been denied for the following reasons.

- A. Swimming pools require BZA approval.
- B. Fence and gate are in other than permitted location.
- C. Garage addition is outside the building setbacks.

Presentation, Ron Farris, architect at Farris Concepts in Architecture, and Clay Trabue, landscape architect at Kaiser Trabue Landscape Architecture. Farris began with a history, sharing the original master plan for the home and also providing plans and detailing the renovation and new construction projects requested.

Farris noted that the existing motor court, which is the original, cannot be seen from Jackson Boulevard, Harding Pike or Clarendon Avenue and the old Deer Park. Using the plans, he showed how the motor court was hidden by the original architects. Farris stated that by doing this the original plans protected the watershed and maximized green space on the property. Farris stated that they did investigate the possibility of moving the garage toward Clarendon, and it was decided to keep the alignment of the new garage in line with the existing carriage house, as it respects the classical geometry of the existing 100-year-old home, noting that the existing topography will continue to help hide the garage. We have discussed with the immediate

neighbor most impacted and have a letter of support for the project from them.

Farris also provided details on the other projects for the property, stating they were all within existing setbacks.

Trabue provided an overview of the landscape plans for the property stating that the entry walls and gates, the approach, forecourt and fountain, existing walls, garden spaces and terraces facing Richland Creek, trellises off the drawing room and iron work will be preserved. There will be a new terrace at the family room addition, a swimming pool and spa with an adjacent terrace and walkways and fences and gates for the pool enclosure; a retaining wall is proposed for the pool terrace. There is an existing wrought iron pavilion, which is referred to as the "Summer House" on the original plans> This structure will be moved, refurbished or replicated, and will be placed on top of the proposed retaining wall. Trabue stated that the pool and equipment are all located within building setbacks.

No Public Comment

Board Questions and Comment

Motion to split application into 3 items, A, B and C as listed on the agenda:

Sternberg Second: Dughman Vote: All aye

- Vice Chairman Dughman: What is staff's recommendation?
- Building Official Patterson: Staff approves A and B, staff does not approve C.

**Motion to approve swimming pool: Clifford Second: Dughman
Vote: All aye**

**Motion to approve fence and gates: Dughman Second: Clifford
Vote: All aye**

Board Discussion - Garage Addition

- Sternberg: Did you look at other options for the garage?
- Farris: Yes, we made a careful study, it cannot be done and maintain the existing geometry of the home. It is a small overage, and the neighbor has no issue.
- Trabue: If you move the garage over, you will take away greenspace, require approval for a retaining wall and a grading variance.
- Tardio: Is it possible to reduce the size of the garage to a three-car garage?
- Farris: It was a consideration, but the client wants a four-car garage.
- Vice Chairman Dughman: We are here to determine if this is a variance, the small area they are asking for outside the existing setbacks and the question is should we approve it.
- Chairman Hale: The lot falls within the definition of an irregular shaped lot, it is difficult for the homeowner to make use of it in a meaningful manner. We need to determine if this is a hardship due to the shape of the lot.
- Vice-Chairman Dughman: I believe it creates a problem.

Motion to approve variance for garage addition: Dughman
Second: Clifford

Board Discussion

- Clifford: I view the lot as an unusual shape and the topography is difficult, based on the letter from the neighbor, and the positioning as described by both the architect and landscape architect. I believe they have worked hard to try to position this in a place that will not affect surrounding neighbors and preserve the architectural integrity of this historical property.
- Sternberg: I still have an issue with it being outside the building envelope and outside the current structure. We have been told that with the addition of a retaining wall it could be shifted.
- Tardio: The lot is topographically unusual, and I believe it meets the variance standard.

Vote Aye: Clifford, Dughman, Tardio, Hale **No:** Sternberg

Old Business: None

Other Business: None Scheduled

Chairman Hale adjourned the meeting at 6:31 p.m.

Chairman Doug Hale

City Recorder Rusty Terry