



**CITY OF BELLE MEADE
BOARD OF ZONING APPEALS
REGULAR MEETING AGENDA PACKET
MARCH 19, 2024, 05:00 PM**



**AGENDA BOARD OF ZONING APPEALS
REGULAR MEETING
MARCH 19, 2024, 05:00 PM
BELLE MEADE CITY HALL, 4705 HARDING PIKE**

TO ALL MEMBERS OF THE BOARD OF ZONING APPEALS AND INTERESTED PARTIES:

This is to notify you of the regularly scheduled meeting of the Board of Zoning Appeals (BZA), with public hearing and public comment on the agenda items. Public comment will also be heard on any matters related to the BZA. Items for consideration are listed below and are available on the city website, www.citybellemeade.org. The meeting will also be available through Live Stream on the city website.

I. Call to Order

II. Approval of Minutes

The minutes of the Board of Zoning Appeals held February 12, 2024.

Attachment: [BZA Minutes - 02122024.pdf](#)

III. Old Business - None

IV. New Business

A. The application of Karyn Frist, BZA 2024-1, 701 Belle Meade Boulevard, for Conditional Use for a swimming pool and a Variance for a fence in an alternative location.

Attachment: [APPLICATION PAID.pdf](#)

Attachment: [Frist BZA Submittal 02-16-2024.pdf](#)

Attachment: [STAFF REPORT 701 BMB.pdf](#)

B. The application of Stephen and Carolyn Taylor, BZA 2024-2, 1022 Chancery Lane, for Conditional Use for a swimming pool cabana and a Variance for the rear yard setback from 90' to 82'.

Attachment: [APPLICATION PAID.pdf](#)

Attachment: [2-16-24 Taylor BZA Set.pdf](#)

Attachment: [Letter of Support.pdf](#)

Attachment: [Taylor letter.pdf](#)

Attachment: [STAFF REPORT 1022 Chancery Ln.pdf](#)

C. The application of Ethan Colclasure representative of Michael and Yvonne Ralsky, BZA 2024-3, 606 Westview Avenue, for Conditional Use for a swimming pool and two Variances for retaining walls over 3' in height and a fence in an alternative location.

Attachment: [APPLICATION PAID.pdf](#)

Attachment: [606 Westview-DDG BZA Submittal 02-16-2024.pdf](#)

Attachment: [STAFF REPORT 606 Westview Ave.pdf](#)

D. The application of Ethan Colclasure representative of Brian and Megan Fox, BZA 2024-4, 550 Belle Meade Boulevard, for Conditional Use for a

swimming pool and two Variances for maximum building height and a fence in an alternative location.

Attachment: [APPLICATION PAID.pdf](#)

Attachment: [550 Belle Meade Blvd-DDG BZA Submittal 02-16-2024.pdf](#)

Attachment: [550 Belle Meade Blvd-P Shea Arch BZA Submittal 02-16-2024.pdf](#)

Attachment: [550 Belle Meade Blvd Site Calculations 02-05-2024.pdf](#)

Attachment: [STAFF REPORT 550 Belle Meade Blvd.pdf](#)

V.Other Public Comment

VI.Adjourn

The next regularly scheduled meeting of the Board of Zoning Appeals will be held April 16, 2024 at 5:00 P.M. at Belle Meade City Hall, 4705 Harding Pike, Nashville, TN.



MINUTES
BOARD OF ZONING APPEALS – SPECIAL CALL MEETING
FEBRUARY 12, 2024, 4:00 PM
BELLE MEADE CITY HALL, 4705 HARDING PIKE

Call to Order

Vice Chairman Pete Zabaski called the meeting to order at 4:00 p.m.

Board Members Present

Vice Chairman Pete Zabaski
Charlie Atwood
Erick Clifford
Ron Farris
Chris Tardio

Staff Present

City Manager Jennifer Moody
Planning Director Mary Samaniego
City Recorder Rusty Terry
City Attorney Doug Berry

Approval of Minutes

Consideration of the minutes of the Board of Zoning Appeals held January 23, 2024.

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

Vice-Chairman Zabaski stated that Board Member Ron Farris had recused himself from the first application, BZA 2023-17; there were no other conflicts of interest.

Old Business - None

New Business

The application of Bill McGugin, representative of Devane Tennessee Community Property Trust, BZA 2023-17, 402 West Brookfield Avenue, for Conditional Use for a swimming pool, pool house, and a tennis court and a Variance for a fence in an alternative location.

Ron Farris, Architect, Farris Concepts in Architecture and Clay Trabue, Landscape Architect with Kaiser Trabue Landscape Architecture representing the applicants, presented plans for the swimming pool, pool house and tennis court. Farris stated that the application seeks one variation on the fence for the pool enclosure, and conditional use requests for the swimming pool, pool house and tennis court.

A period of questions from the board ensued, which were answered by Trabue.

Public Comment Opened

Karen Rich, Trustee for 1114 Nichol Lane Trust, the home is her mother's residence, expressed her concern and displeasure of the proposed tennis court.

Charles Thornburg, resident at 1212 Nichol Lane, stated he was not a direct neighbor, expressed concern over light pollution and noise.

Irvin Small, resident at 409 West Tyne Drive, stated his property backs up to the 402 West Brookfield Avenue property, expressed concern over the tennis court.

Ron Farris addressed the feedback from the residents.

Additional questions from the board addressed by Farris and Trabue ensued.

Public Comment Closed

Vice Chairman Zabaski suggested the application be divided.

Motion to divide and consider the pool first: Tardio

Motion to approve the pool: Tardio Second: Atwood Vote:
All aye

Motion to approve fence as submitted: Atwood Second: Tardio
Vote: All aye

Motion to approve pool house as submitted: Atwood Second: Tardio
Vote: All aye

Motion to approve tennis court as submitted: Atwood Second:
Tardio

A board discussion about the tennis court ensued.

Vote: All aye

Board Member Ron Farris joined the board at 5:17 p.m.

The board took a 3 minute break.

The application of Jack Fleischer BZA 2023-16, 112 Lynwood Boulevard, approval of a Conditional Use for a Swimming Pool and a Variance for a fence in an alternative location.

Rachel Fleischer, daughter of Jack Fleischer, stated they were seeking re-approval of a plan that was approved previously by the Board of Zoning Appeal.

Vice-Chairman Zabaski stated that new board members had been added to the board and she would need to review the plan.

A board discussion ensued with questions which were addressed by Fleischer.

Public Comment Opened

No Public Comment

Public Comment Closed

Motion to approve as submitted: Tardio Second: Clifford

A discussion among the board members ensued.

Vote: All aye.

Other Business: None

Other Public Comment

The meeting adjourned at 5:34 p.m.

Vice Chairman Pete Zabaski

City Recorder Rusty Terry



CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS


APPEAL # BZA 2024-1

APPEAL FEE: \$600

APPLICANT (Owner's Name) Karyn Frist PHONE # (615) 417-6180

APPLICANT EMAIL ADDRESS gavin@dukedesigngroup.com

PROPERTY ADDRESS: 701 Belle Meade Boulevard

REQUEST: VARIANCE ☒ CONDITIONAL USE ☐

REASON FOR REQUEST: Required by Belle Meade regulations to apply for pool

PROJECT CALCULATIONS

LOT SQ. FT: <u>54,162.61 SF</u>	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA	<u>6,499.51 SF</u>	<u>5,371.41 SF</u>	<u>+ 0 SF</u>	<u>0 %</u>
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.)				
FRONT YARD AREA	<u>17,113.10 SF</u>			
TOTAL DRIVEWAY AREA	<u>6,499.51 SF</u>	<u>5,659.78 SF</u>	<u>5,659.78 SF</u>	<u>0%</u>
DRIVEWAY IN FRONT YARD AREA	<u>3,764.89 SF</u>	<u>3,608.68 SF</u>	<u>3,608.68 SF</u>	<u>0%</u>
HARDSCAPE AREA	<u>4,333.00 SF</u>	<u>2,196.39 SF</u>	<u>3,787.87 SF</u>	<u>0%</u>
POOL AREA	<u>1,083.25 SF</u>	<u>0 SF</u>	<u>712.00 SF</u>	<u>0%</u>
F.A.R. = LOTS <40,000 sq. ft. x .225 = LOTS > 40,000 sq. ft. x .196 =				

Complete Check List

- ☐ Survey (signed and sealed by a registered surveyor) of lot and topographic contours
- ☐ Site plan (1 inch = 30 feet)
 - Show existing and proposed structures
 - Building envelope
 - Show all topographic elevations, existing grade, finished grade, Finished Floor Elevations

Variance Approval Criteria

What special circumstances or conditions apply to the building or land by reason of exceptional narrowness, shallowness, exceptional topographic conditions, or other extraordinary and exceptional situation or condition of a specific piece of property?

Required by Belle Meade regulations to apply for pool

How would the strict application of the zoning ordinance result in practical difficulties to or exceptional or undue hardship upon the owner of such property?

Required by Belle Meade regulations to apply for pool

How would the granting of this variance be without detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance of the City?

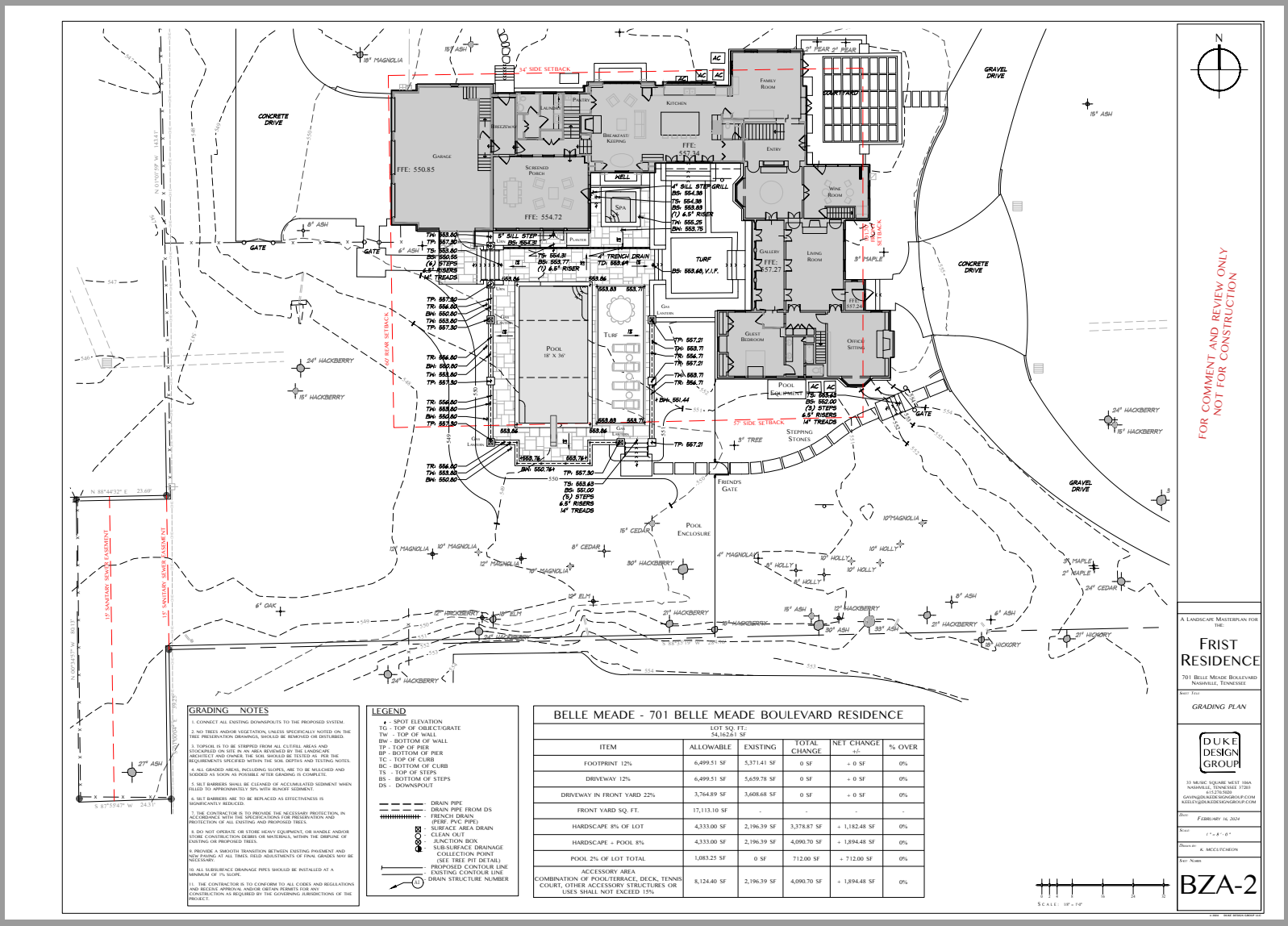
Required by Belle Meade regulations to apply for pool

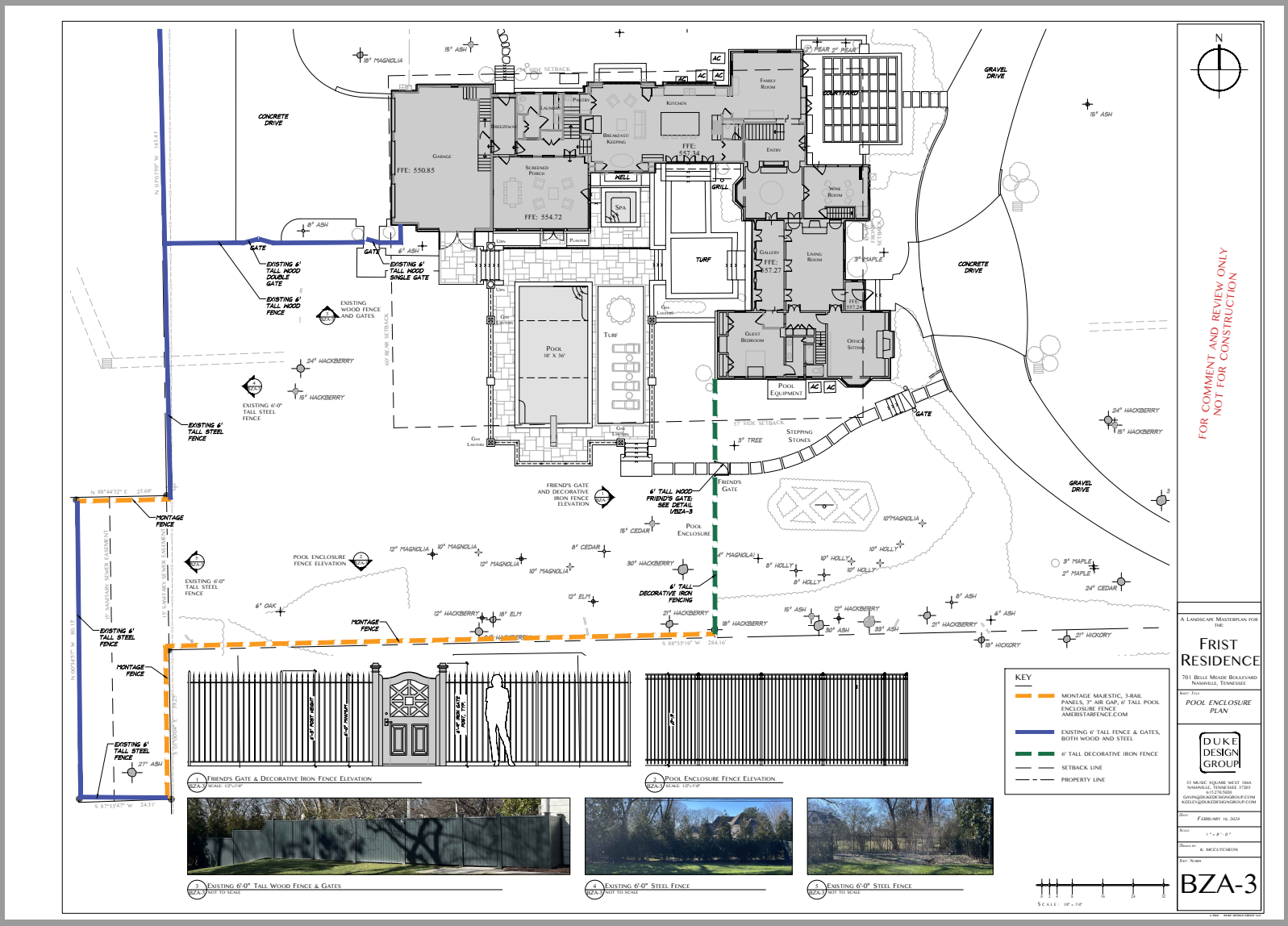
How would the resulting construction not be out of harmony with other homes in the neighborhood?

SIGNATURE: Gavin Duke (Owner/Agent) **DATE:** 02/16/2024

Submit all information, plans & application via email PDF to: msamaniego@citybellemeade.org

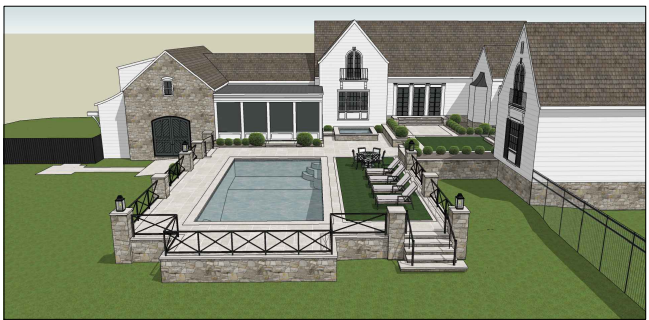








VIEW 1
NOT TO SCALE



VIEW 2
NOT TO SCALE



VIEW 3
NOT TO SCALE



VIEW 4
NOT TO SCALE

FOR COMMENT AND REVIEW ONLY
NOT FOR CONSTRUCTION

A LANDSCAPE MASTERPLAN FOR
THE
FRIST RESIDENCE
701 BULL MEAD BOULEVARD
NASHVILLE, TENNESSEE

Scale: 1/8" = 1'-0"

**PROPOSED
SCHEMATIC 3D
RENDERINGS**

**DUKE
DESIGN
GROUP**

12 BUCKLE SQUARE, SUITE 1000
NASHVILLE, TENNESSEE 37203
(615) 725-2800
LANDSCAPE@DUKEDSGROUP.COM
WWW.DUKEDSGROUP.COM

DATE: FEBRUARY 16, 2024

BY: A.S. KITCHEN

DESIGNED BY: R. MCCUTCHEON

REV: NONE

BZA-5

Staff Report

Agenda No.: IV.A.
Case No.: BZA 2024-1
Staff: Mary Samaniego, Planning Director
Applicant: Karyn Frist
Request: Approval of a conditional use for a Swimming Pool and a variance for a fence in an alternative location.
Location: 701 Belle Meade Boulevard

Summary:

The applicant/property owner is requesting a Conditional Use for the construction of a swimming pool and a variance for a fence in an alternative location. The existing residence was constructed in 1929 and there are no detached accessory structures on the property.

Planning Considerations:

The following general factors, planning concepts, and other facts should be considered in the review of this application:

1. The subject property is 1.24 acres (54,163 square feet).
2. Per Section 14-204(1)(m)(i) of the Zoning Ordinance, the square footage of the surface area of the water in a swimming pool as compared to the lot size shall not exceed two percent (2%) of lot. The allowable area of water within a pool for the proposed lot is 1,083 square feet. The proposed area of water in the swimming pool and detached in-ground spa is 712 square feet.
3. Per Section 14-204(1)(m) of the Zoning Ordinance, the square footage of hardscape, which shall include the maximum swimming pool area, as compared to the lot size shall not exceed eight percent (8%) of the lot area. The allowable area of hardscape including the pool for the proposed lot is 4,333 square feet. The proposed area of the hardscape including the pool is 4,091 square feet.
4. The proposed swimming pool and associated equipment are entirely within the established building envelope (see attached Staff Analysis of Site Plan).
5. The applicant is proposing a combination of existing and proposed 6' wood, panel, steel, and iron fence that will begin slightly jogged from the furthest rear edge (see staff analysis). Therefore, a variance is required.

Findings of Fact and Staff Recommendation:

The standards of proof required for each individual Conditional Use are established in the Zoning Ordinance. The Board of Zoning Appeals shall have power and authority to authorize the issuance of permits for Conditional Use in the following findings of fact for the particular use and/or structure per Section 14-202(1)(c):

1. such conditions and safeguards (specifically including, but not limited to, provisions for vegetative screening and/or lighting) as the board may require to protect the character of the community;
The proposed planting plan as well as existing property line trees should adequately screen the pool and spa improvements from the adjoining properties.
2. a finding by the board that the same will not interfere substantially with the use and enjoyment of adjacent property by its owners and occupants; and,
It is staff's professional opinion that the criteria established within the Zoning Ordinance for the creation of building envelopes and subsequent requirement for pools to be placed within said building envelope adequately provides for substantial use and enjoyment of the adjoining property owners on all sides.
3. the approval by the board of the size, dimensions, and location of the same, the following may be constructed or erected within the building envelope:
(D) Swimming pools, together with all mechanical equipment necessary to the operation of the same; provided that:
 - (1) Every swimming pool shall be completely enclosed, either by the structural wall or walls of the dwelling to which it is an accessory, or by a fence or wall, not less than six feet (6') in height above the exterior adjoining grade, of the type required by the latest edition of the International Residential Code for one (1) and two (2) family dwellings which has been adopted by the City of Belle Meade.
 - (2) Any opening in said enclosure shall be capable of being closed with lock and key and shall be kept so secured at all times, except when attended by the owner of the property or his authorized representative.
 - (3) All pool lighting shall be located within the pool itself or no more than twenty-four inches (24") above ground level around the pool.*The property owner/applicant has illustrated compliance with this standard on the site plan and is aware of the long-term compliance standards.*

Findings of Fact and Staff Recommendation:

The standards of proof required for Variances are established in the Zoning Ordinance. The Board of Zoning Appeals has the authority to grant such variance as will not be contrary to the public interest and under the restrictions established with the Zoning Ordinance which states that if the property had on August 16, 1950, an extraordinarily unusual shape, size or topographic feature(s) as compared to other properties in the immediate neighborhood, then the Board of Zoning Appeals may grant a variance based on the following findings of fact:

1. The variance shall be granted that will not be a detriment to the public good;
The applicant is proposing to place the fence to the rear of the residence but not at the furthest edge (see application site plan). From the Iroquois Avenue right-of-way, it will appear that the fence is at the back edge because the existing fence is inset to the interior of the property.
2. The variance shall be granted that will not substantially impairing the intent and purpose of the Zoning Ordinance; and

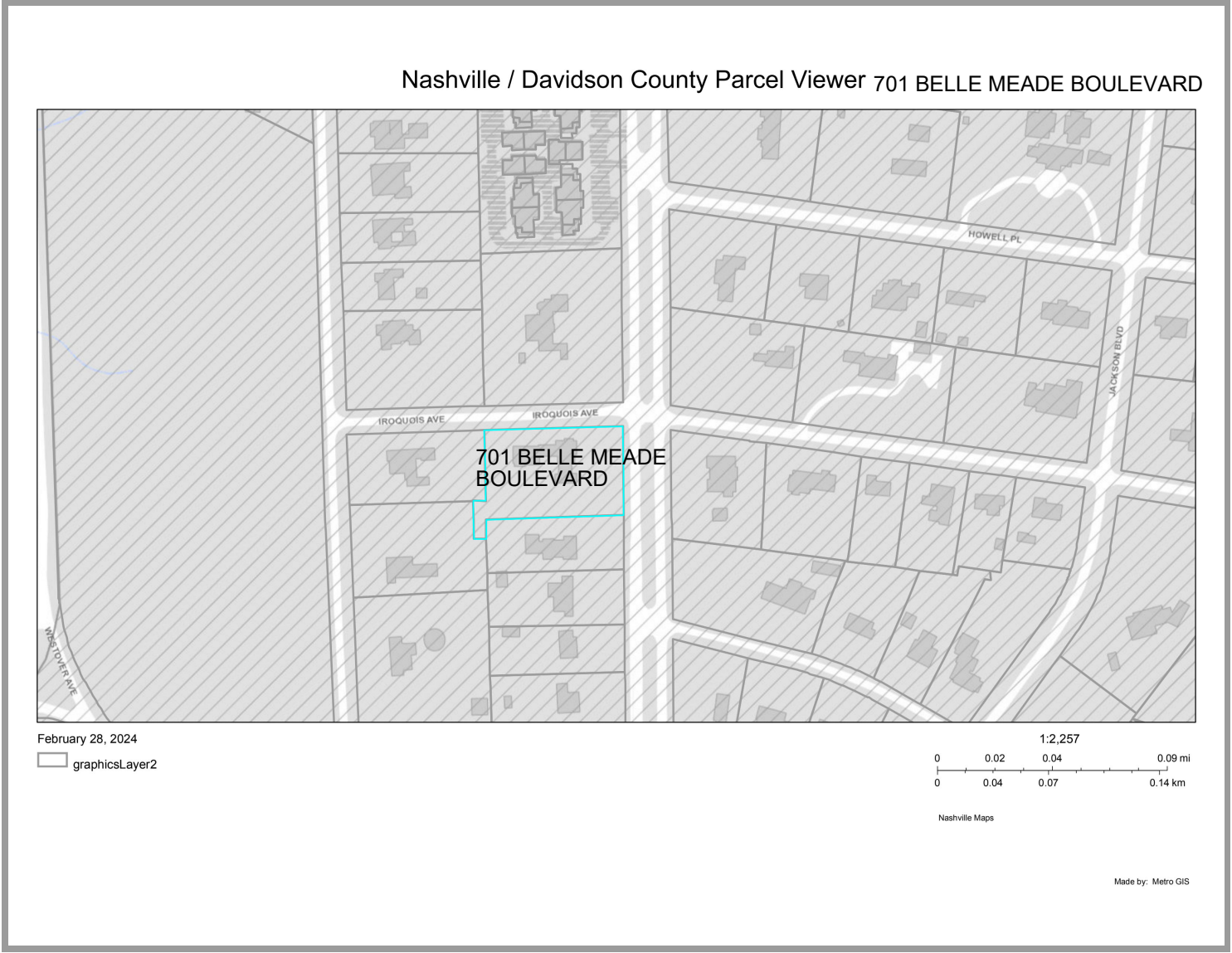
The proposed fence does not follow furthest building edge as required. The intent and purpose of the fence provision, in staff's professional opinion, is to ensure that fences are placed in the rear yard as opposed to side yards. The proposed fence placement in the rear yard behind most of the residence meets this intent.

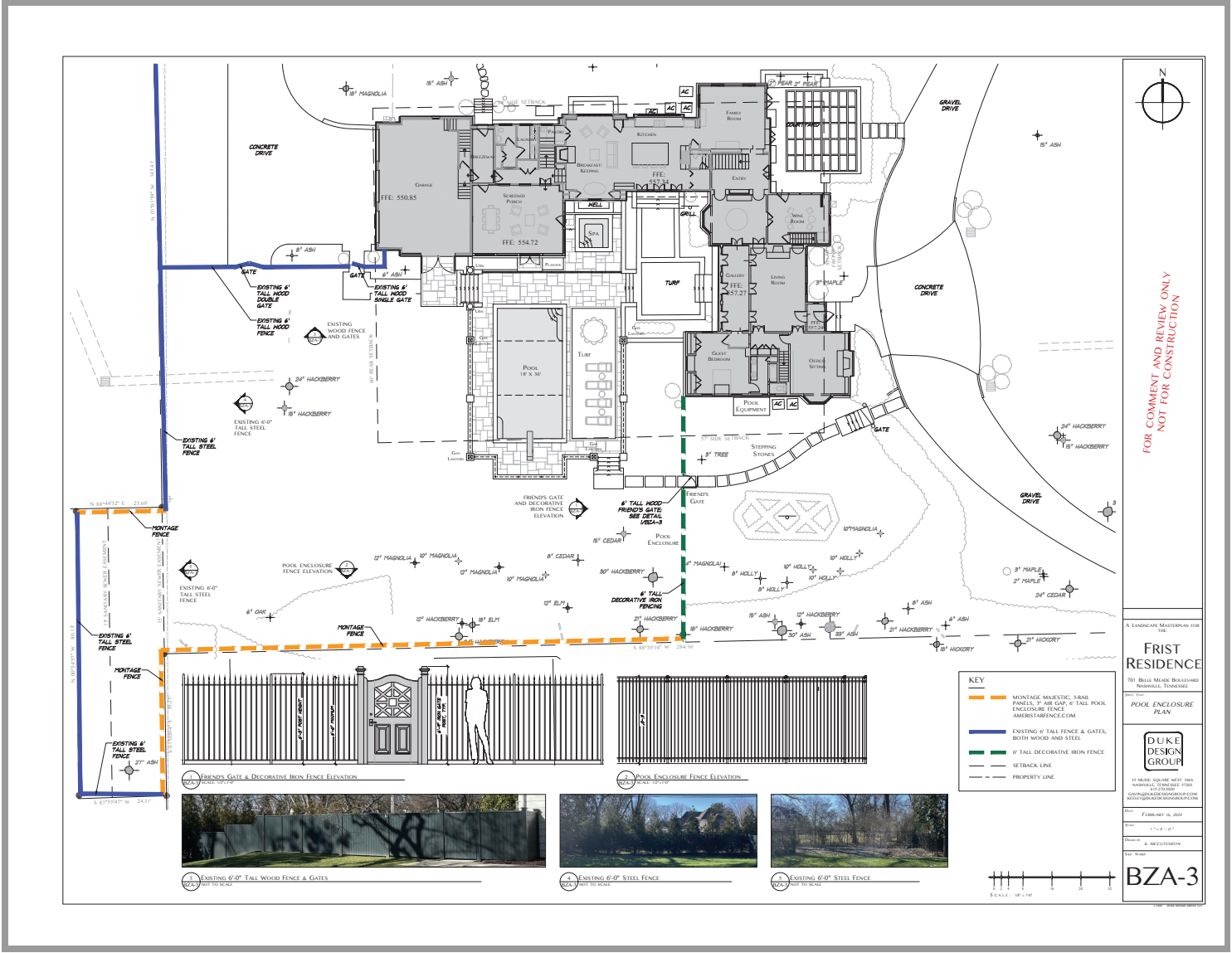
3. The resulting home will not be out of harmony with the other homes in the neighborhood. *The proposed fence will be placed on the lot out of sight of Iroquois Avenue and Belle Meade Boulevard as well as behind existing and proposed vegetation. Given this information, the impact on surrounding properties when viewing the property from the street is negligible in staff's professional opinion.*

Staff recommends approval of the conditional use and the variance request based on the written findings of fact.

Attachments:

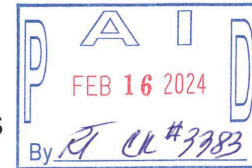
1. Location Map
2. Staff Analysis







CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS



APPEAL # BZA 2024-2 APPEAL FEE: \$500

APPLICANT (Owner's Name) Stephen & Carolyn Taylor PHONE # 615-742-7758

APPLICANT EMAIL ADDRESS ron@farrisarchitecture.com taylorsc@bassberry.com

PROPERTY ADDRESS: 1022 Chancery Lane

REQUEST: VARIANCE ☒ CONDITIONAL USE ☒

REASON FOR REQUEST: New construction of a pool cabana that require Board's approval.

Variance for setback & conditional use for pool cabana.

PROJECT CALCULATIONS

LOT SQ. FT: 75,275	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA	9,033	4,830	506	0%
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.)	14,754	7,792	506	0%
FRONT YARD AREA 24,336 x .22	5,354	4,313	n/a	0%
TOTAL DRIVEWAY AREA	9,033	6,321	n/a	0%
DRIVEWAY IN FRONT YARD AREA 24,336 x .22	5,354	4,313	n/a	0%
HARDSCAPE AREA	6,022	5,035	n/a	0%
POOL AREA	1,506	960	n/a	0%
F.A.R. = LOTS < 40,000 sq. ft. x .225 = LOTS > 40,000 sq. ft. x .196 = 14,754				

Complete Check List

- ☐ Survey (signed and sealed by a registered surveyor) of lot and topographic contours
- ☐ Site plan (1 inch = 30 feet)
 - Show existing and proposed structures
 - Building envelope
 - Show all topographic elevations, existing grade, finished grade, Finished Floor Elevations

Variance Approval Criteria

What special circumstances or conditions apply to the building or land by reason of exceptional narrowness, shallowness, exceptional topographic conditions, or other extraordinary and exceptional situation or condition of a specific piece of property?

1022 Chancery is in Estates B Zone...and is on the boundary between Residence A & Estates B. Rear yard setback of Residence A = 70'. Rear Yard Set back of Estates B = 90'. It could be argued that subjext property falls more toward a Residence A scale than and Estates B. Property is trapezoidal and unusually shaped. Southern neighbor has tennis court and tennis cabana that violates 90' rear set back.

How would the strict application of the zoning ordinance result in practical difficulties to or exceptional or undue hardship upon the owner of such property?

Stone retaining walls at north & side south side of pool are integral and coordinated to lot topography and the storm water plan. Proposed placement would not disrupt existing storm water & would allow for minimal land disturbance. Alternate location at north end of pool would require disruption to existing retaining wall low level collection area. Location proposed is the least obscure and would not be seen from street view. Architecturally, the proposed placement would align Cabana with centerline of pool...and would be the most balance presentation of the cabana.

How would the granting of this variance be without detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance of the City?

This addition of the pool pavilion continues the existing context and repetition found on Chancery Lane. If this was being added in the same location within a Residence A zone, the cabana would be in compliance.

How would the resulting construction not be out of harmony with other homes in the neighborhood?

As stated above, this is a typical rhythm found on Chancery Lane. 1026, 1034, and 1040 Chancery Lane currently set this as harmony along the street. Again, the southern neighbor has a tennis court and portion of the cabana located outside the 90' rear setback.

SIGNATURE:

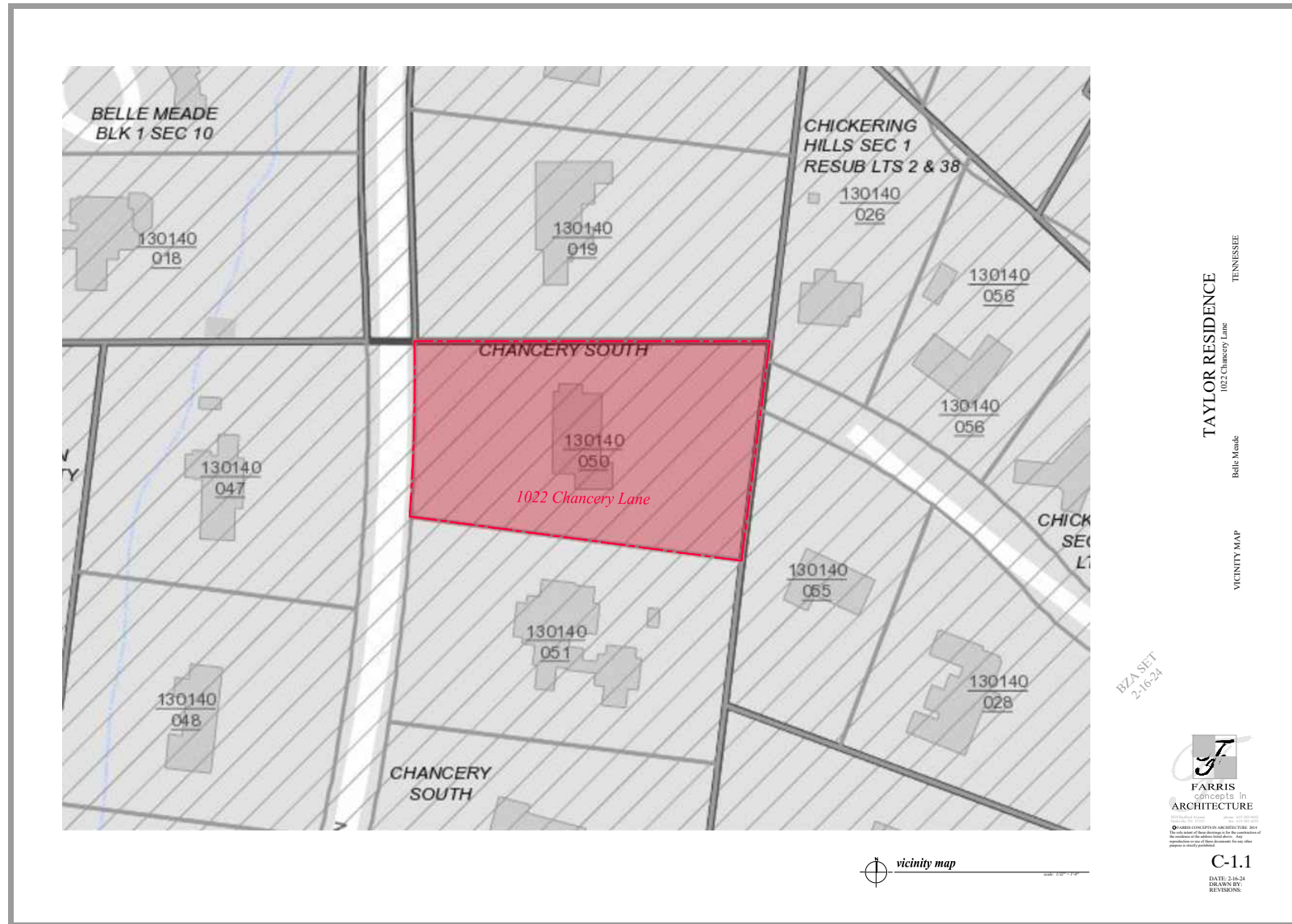


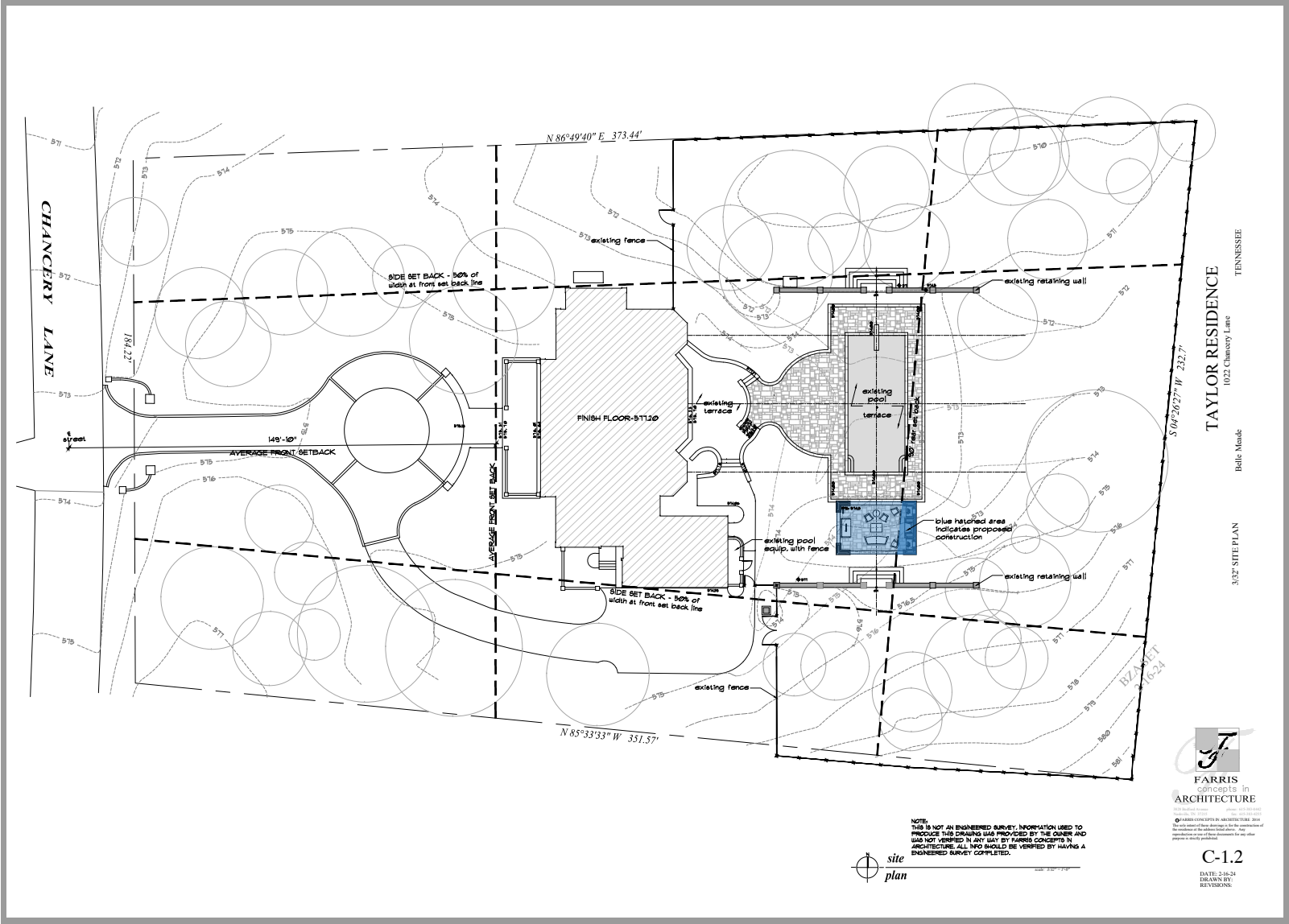
(Owner/Agent)

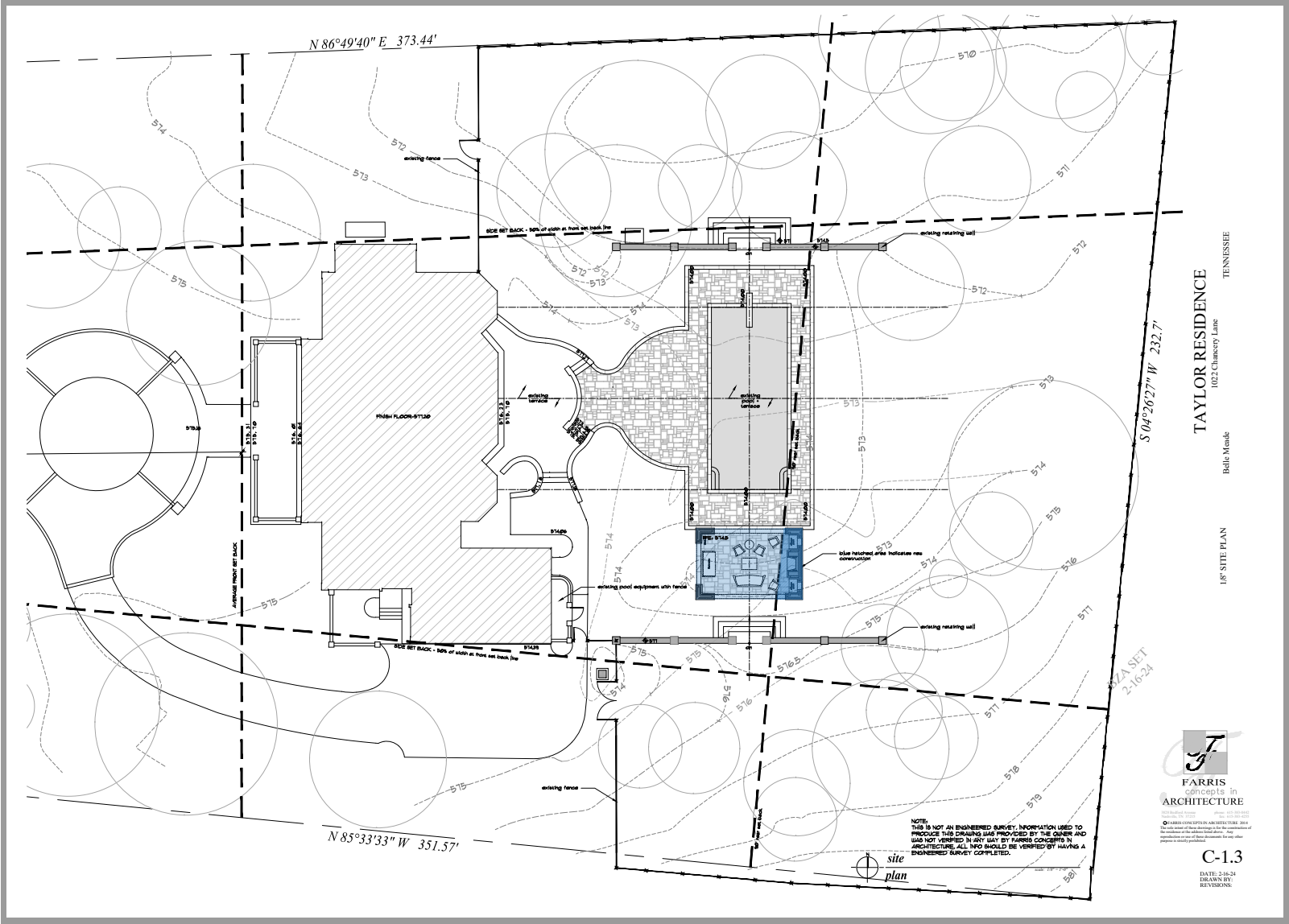
DATE:

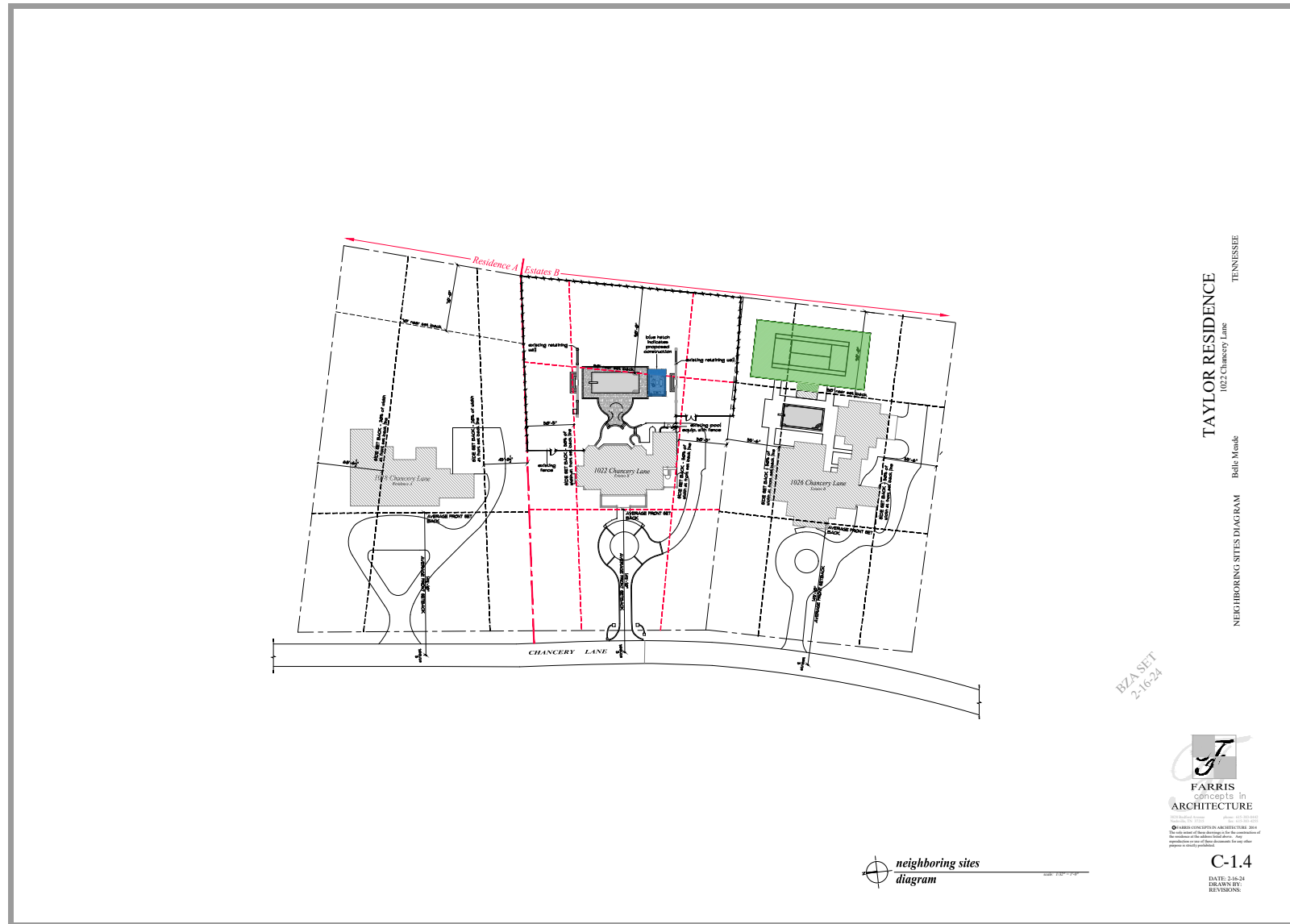
2-14-24

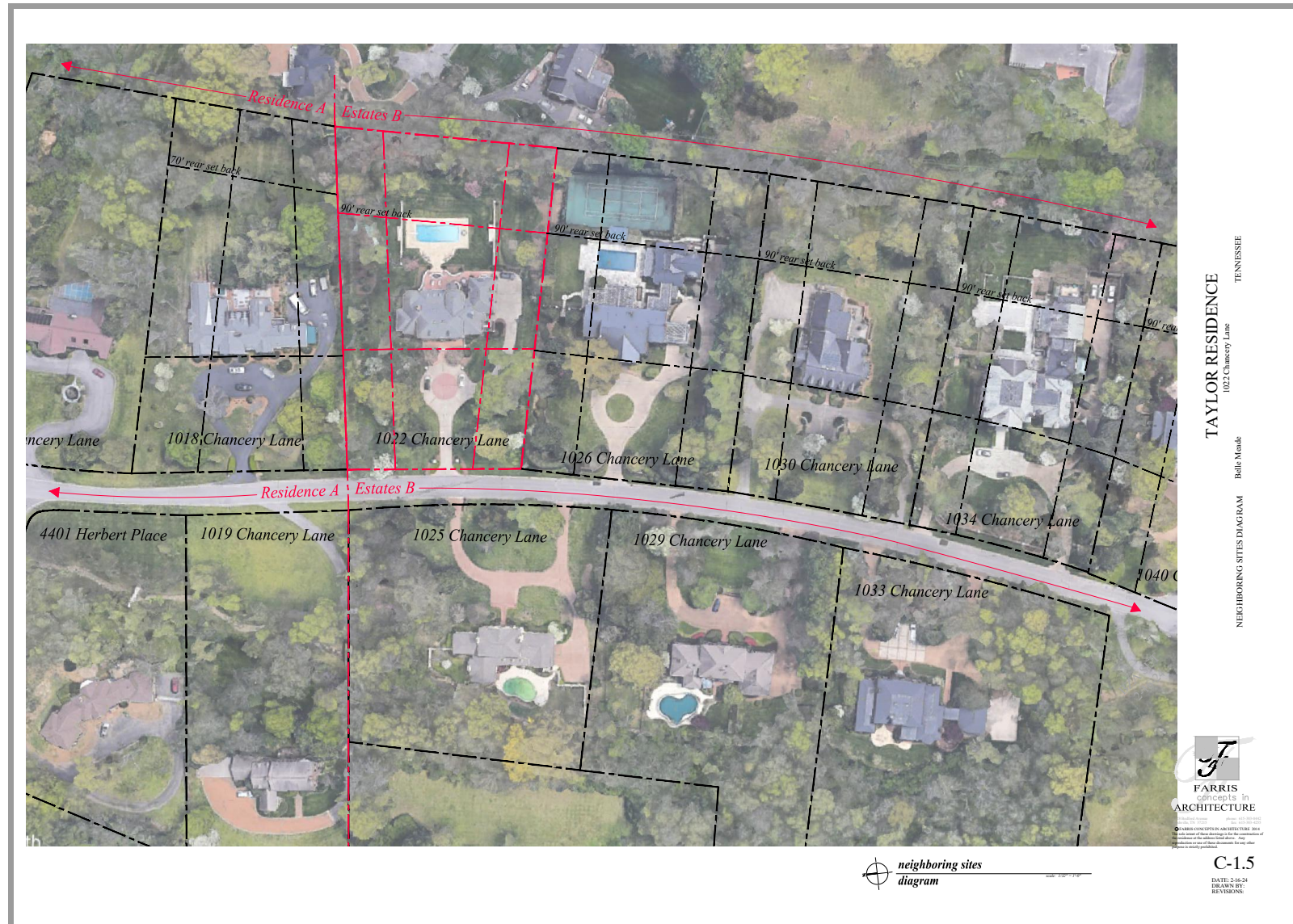
Submit all information, plans & application via email PDF to: msamaniego@citybellemade.org

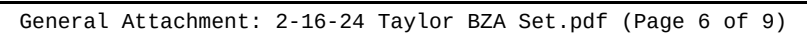


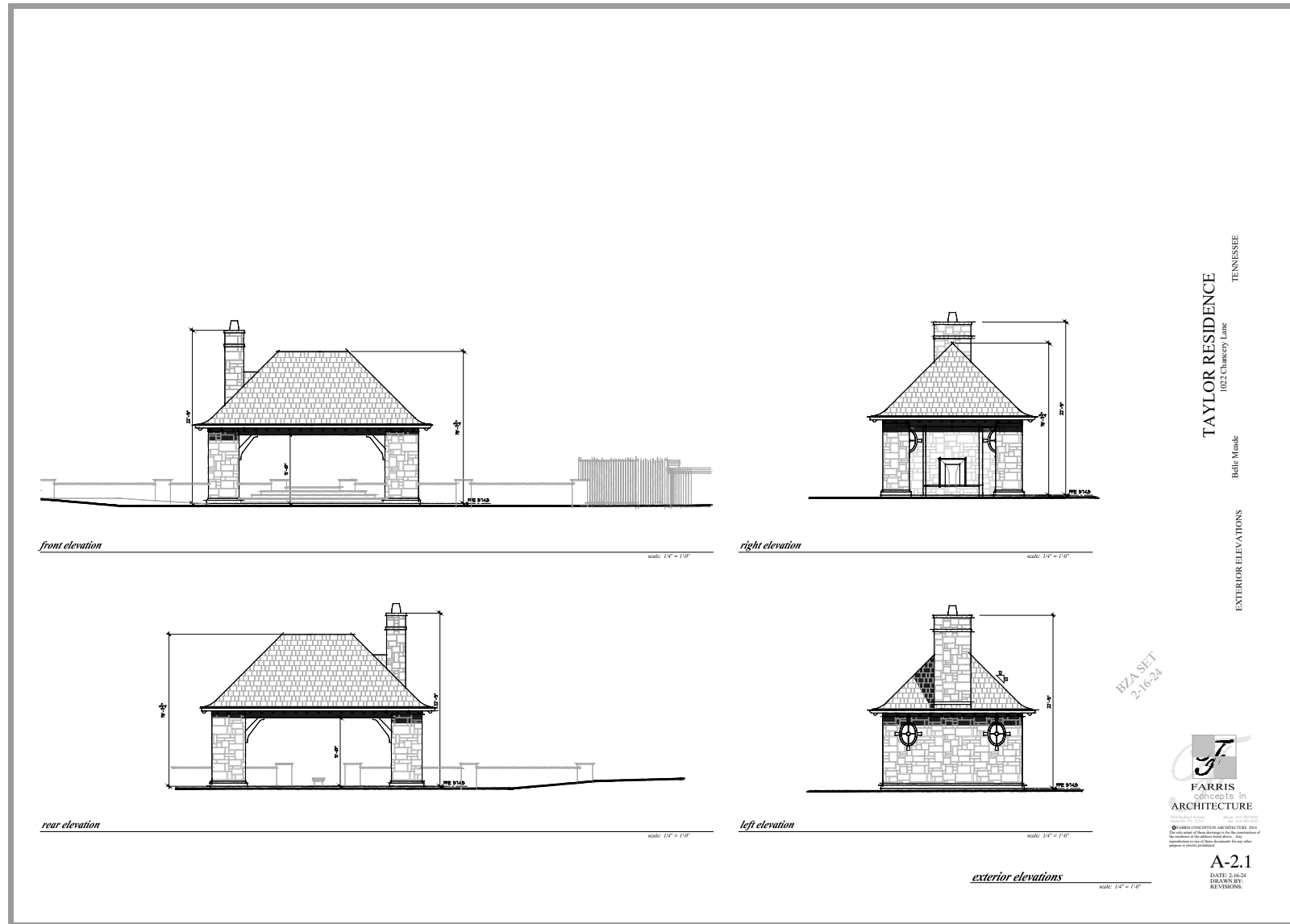


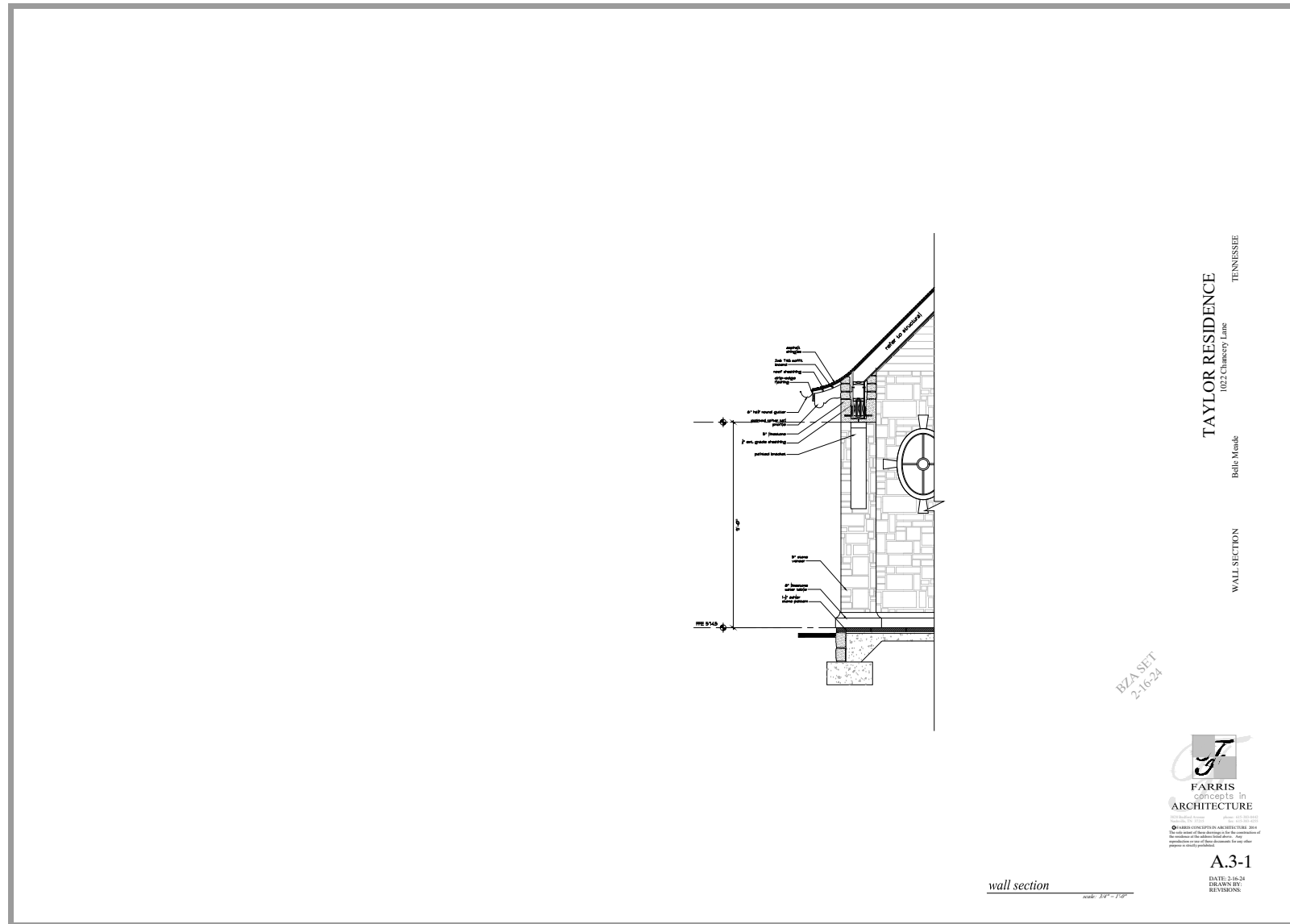














TAYLOR RESIDENCE
1022 Chambers Lane
Belle Meade
TENNESSEE
EXTERIOR RENDERINGS

BZA SET
2-16-24



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A-4.1
DATE: 2-16-24
DRAWN BY:
REVISED:

exterior renderings

1026 Chancery Lane South
Nashville, Tennessee 37215

February 19, 2024

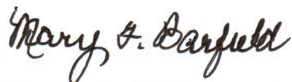
Mary Samaniego
Planning Director
City of Belle Meade
4705 Harding Pike
Nashville, TN 37205
msamaniego@citybellemeade.org

Re: City of Belle Meade Application for Board of Zoning Appeals
BZA 2024-2 -- Stephen & Carolyn Taylor, 1022 Chancery Lane

Dear Ms. Samaniego:

We are writing in support of Application BZA 2024-2 for Stephen & Carolyn Taylor, our neighbors located at 1022 Chancery Lane South. We have reviewed the plans for their proposed pool pavilion and believe it will be in harmony with and not disruptive to our home and other homes in our neighborhood. We also believe that granting the variance will be without detriment to the public good and without substantially impairing the intent and purpose of the City's zoning ordinance.

Best regards,



Mary F. Barfield



H. Lee Barfield II

February 20, 2024

Mary Samaniego
Planning Director
City of Belle Meade
4705 Harding Pike
Nashville, TN 37205
msamaniego@citybellemeade.org

Re: City of Belle Meade Application for Board of Zoning Appeals
BZA 2024-2 -- Stephen & Carolyn Taylor, 1022 Chancery Lane

Dear Ms. Samaniego:

We are writing in support of Application BZA 2024-2 for Stephen & Carolyn Taylor, our neighbors located at 1022 Chancery Lane South. We have reviewed the plans for their proposed pool pavilion and believe it will be in harmony with and not disruptive to our home and other homes in our neighborhood. We also believe that granting the variance will be without detriment to the public good and without substantially impairing the intent and purpose of the City's zoning ordinance.

Best regards,



Nate and Kim Greene
1018 Chancery Lane S
Nashville, Tennessee 37215
615-351-0160
Nategreene356@gmail.com

Staff Report

Agenda No.: IV.B.
Case No.: BZA 2024-2
Staff: Mary Samaniego, Planning Director
Applicant: Stephen and Carolyn Taylor
Request: Conditional Use approval for a cabana and a variance for the rear yard setback from 90' to 82'.
Location: 1022 Chancery Lane

Summary:

The applicants/ property owners are requesting Conditional Use approval for the construction of a cabana with an associated variance for the rear yard setback from 90' to 82' on the subject property. The existing residence was constructed in 1995. The existing swimming pool was constructed in 2016 and approved by the Board of Zoning Appeals in May of 2015.

Planning Considerations:

The following general factors, planning concepts, and other facts should be considered in the review of this application:

1. The subject property is 1.73 acres (75,275 square feet).
2. The property owner is proposing the construction of a cabana that is 506 square feet.
3. Per Section 14-204(1)(m) of the Zoning Ordinance, the square footage of hardscape, which shall include the maximum swimming pool area, as compared to the lot size shall not exceed eight percent (8%) of the lot area. The allowable area of hardscape including the pool for the proposed lot is 6,022 square feet and the proposed hardscape is 5,541 square feet.
4. A portion of the cabana (105 square feet) is within the rear yard setback which required a variance approval by the Board of Zoning Appeals.
5. The property is located in the Estates B zoning district which requires a 90' rear yard setback for structures 25' or less in height. The proposed cabana is 23' in height.
6. The minimum lot size for the Estates B zoning district is 75,000 square feet.
7. The property adjoins the Residence A zoning district to the north which has a 70' rear yard setback for structures 25' or less in height.

Findings of Fact and Staff Recommendation:

The standards of proof required for each individual Conditional Use are established in the Zoning Ordinance. The Board of Zoning Appeals shall have power and authority to authorize the issuance of permits for Conditional Use in the following findings of fact for the particular use and/or structure per Section 14-202(1)(c):

1. such conditions and safeguards (specifically including, but not limited to, provisions for vegetative screening and/or lighting) as the board may require to protect the character of the community;
Upon site visit, staff noted an established vegetative buffer between the subject property and the adjoining properties on all sides (see existing trees illustrated in the site plan). Similarly, because the swimming pool cabana is positioned directly behind the residence, the cabana should not be visible from Chancery Lane.
2. a finding by the board that the same will not interfere substantially with the use and enjoyment of adjacent property by its owners and occupants; and,
It is staff's professional opinion that the criteria established within the Zoning Ordinance for the creation of building envelopes and subsequent requirement for a swimming pool cabana to be placed within said building envelope adequately provides for substantial use and enjoyment of the adjoining property owners.
3. the approval by the Board of the size, dimensions, and location of the same, the following may be constructed or erected within the building envelope: Pool House.
Section 14-202(1)(c)(iii)(C) - Cabana does not have any specific conditions delineated for the Board of Zoning Appeals consideration.

Findings of Fact and Staff Recommendation:

The standards of proof required for Variances are established in the Zoning Ordinance. The Board of Zoning Appeals has the authority to grant such variance as will not be contrary to the public interest and under the restrictions established with the Zoning Ordinance which states that if the property had on August 16, 1950, an extraordinarily unusual shape, size or topographic feature(s) as compared to other properties in the immediate neighborhood, then the Board of Zoning Appeals may grant a variance based on the following findings of fact:

1. The variance shall be granted that will not be a detriment to the public good;
The applicant is proposing to place a portion of the cabana in the required rear yard setback. The criteria established within the Zoning Ordinance for the creation of building envelopes and subsequent requirement for a cabana to be placed within said building envelope adequately provides for substantial use and enjoyment of the adjoining property owners.
2. The variance shall be granted that will not substantially impairing the intent and purpose of the Zoning Ordinance; and
The proposed cabana placement is a self-imposed hardship. The cabana could be approximately 6' to the west and meet the required rear yard setback. Similarly, the cabana could be reduced in area by 105 square feet and meet the required rear yard setback.
3. The resulting home will not be out of harmony with the other homes in the neighborhood.
While the property does adjoin the Residence A zoning district, this property is a conforming lot in the existing Estates B zoning district. The property is rectangular in shape and similar

to size and topography with the other lots along this portion of Chancery Lane in the Estates B zoning district.

Staff recommends approval of the conditional use request based on the written findings of fact and denial of the variance request based on the written findings of fact.

Attachments:

1. Location Map
2. Staff Analysis

Nashville / Davidson County Parcel Viewer 1022 CHANCERY LANE



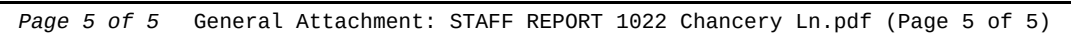
February 28, 2024

graphicsLayer2

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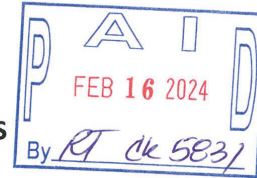
Nashville Maps

Made by: Metro GIS





CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS

APPEAL # BZA2024-3APPEAL FEE: \$1600APPLICANT (Owner's Name) Ethan Colclasure PHONE # 615-975-9777APPLICANT EMAIL ADDRESS ethan@colclasureco.comPROPERTY ADDRESS: 606 WestviewREQUEST: VARIANCE ☒ CONDITIONAL USE ☒REASON FOR REQUEST: Pool and walls taller than 3 feet

PROJECT CALCULATIONS

LOT SQ. FT:	48,990.36 sf	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA		5,878.84 sf or 12%	2,024.64 sf	5,720.10 sf	0%
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.)					
FRONT YARD AREA		16,905.32 sf			
TOTAL DRIVEWAY AREA		5,878.84 sf or 12%	3,984.96 sf	3,644.33 sf	0%
DRIVEWAY IN FRONT YARD AREA		3,719.17 sf or 22%	1,725.80 sf	2,071.15 sf	0%
HARDSCAPE AREA		3,919.23 sf or 8%	1,021.37 sf	3,771.25 sf	0%
POOL AREA		979.81 sf or 2%	0 sf	600 sf	0%
F.A.R. = LOTS <40,000 sq. ft. x .225 = LOTS > 40,000 sq. ft. x .196 =					

Complete Check List

- ☐ Survey (signed and sealed by a registered surveyor) of lot and topographic contours
- ☐ Site plan (1 inch = 30 feet)
- Show existing and proposed structures
 - Building envelope
 - Show all topographic elevations, existing grade, finished grade, Finished Floor Elevations

Variance Approval Criteria

What special circumstances or conditions apply to the building or land by reason of exceptional narrowness, shallowness, exceptional topographic conditions, or other extraordinary and exceptional situation or condition of a specific piece of property?

This lot has 32' of total elevation change across this 1 acre lot.

How would the strict application of the zoning ordinance result in practical difficulties to or exceptional or undue hardship upon the owner of such property?

It would cause us to have to remove most trees on the property as well as disturb most of the

property's soils.

How would the granting of this variance be without detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance of the City?

Most homes in Belle Meade need some sort of retaining wall. These retaining walls keep the drive

and walks at a safe slope and won't pose threats to the public good.

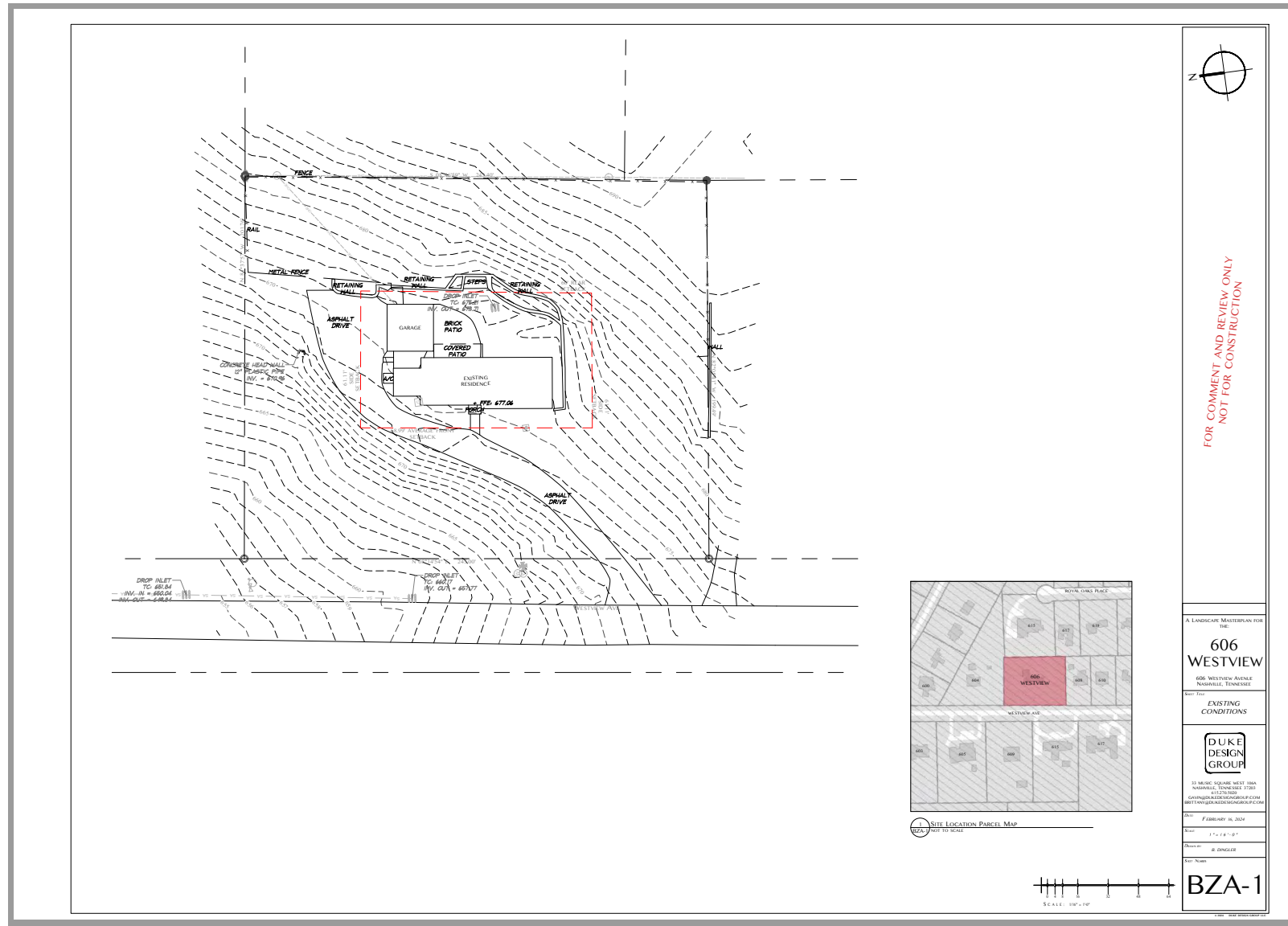
How would the resulting construction not be out of harmony with other homes in the neighborhood?

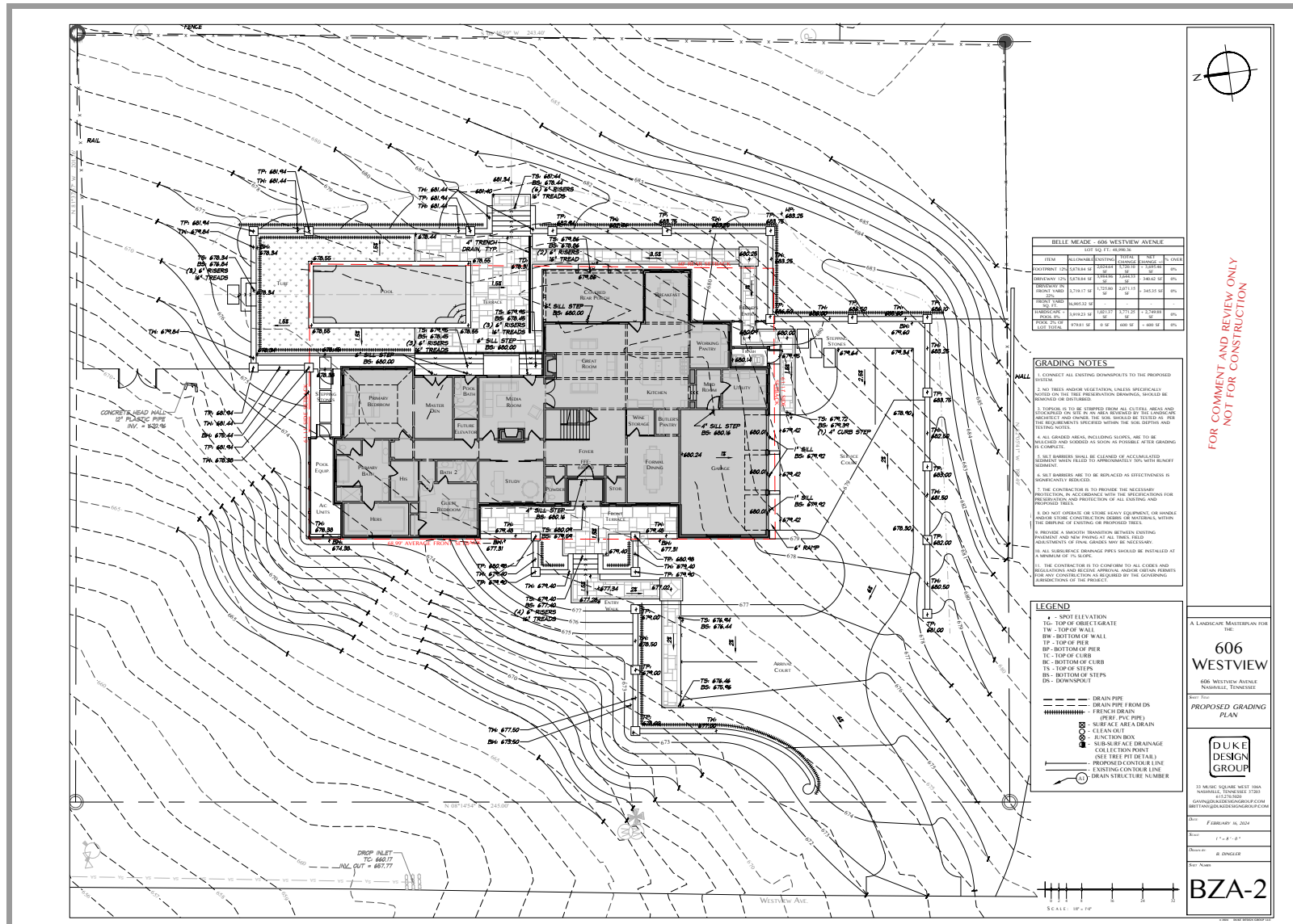
Most of the homes on this street nearby have retaining walls and the wall heights we are asking

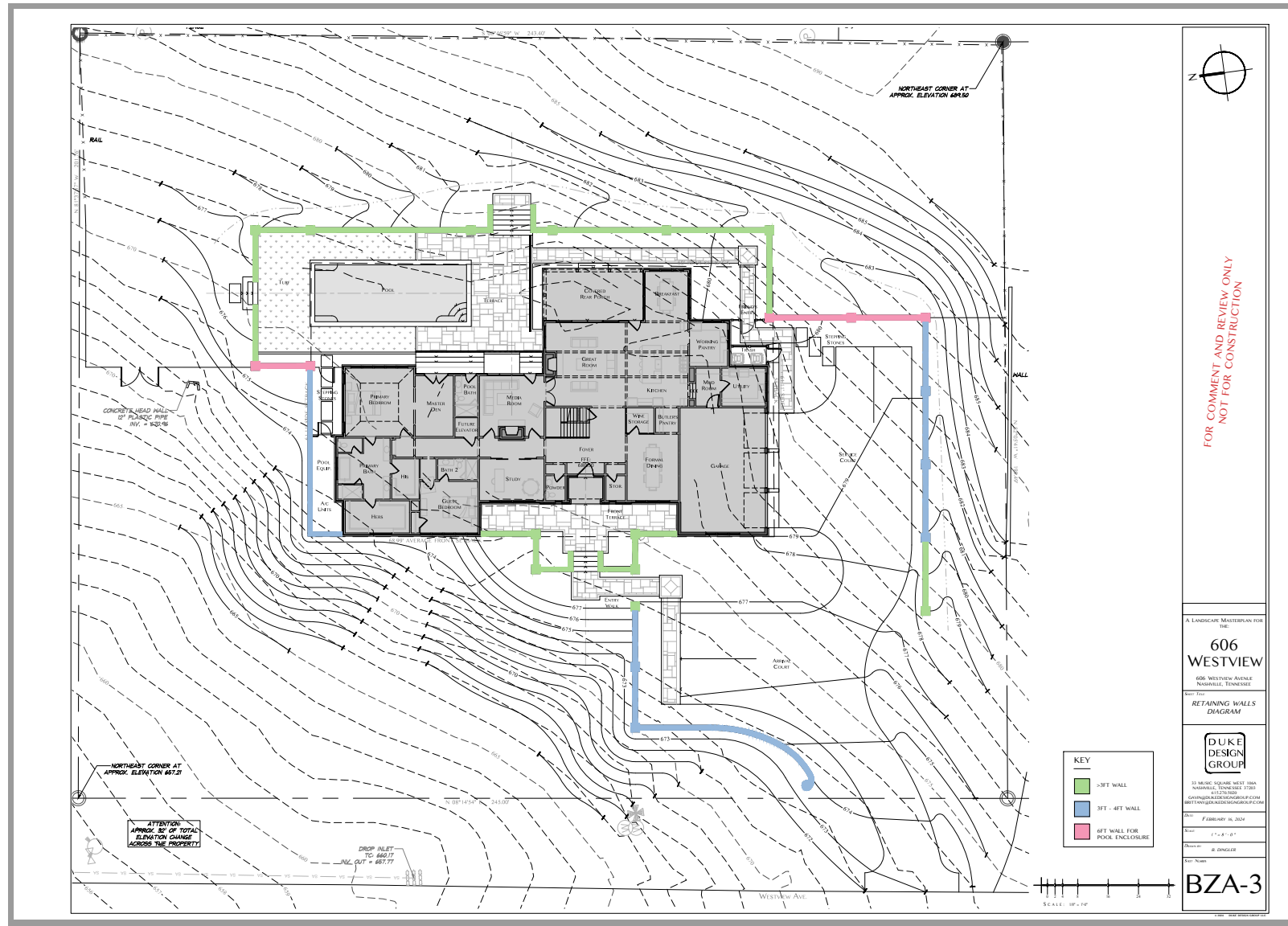
are not out of character.

SIGNATURE: Ethan Colclasure (Owner/Agent) **DATE:** 02/16/2024

Submit all information, plans & application via email PDF to: msamaniego@citybellemead.org









Staff Report

Agenda No.: IV.C.
Case No.: BZA 2024-3
Staff: Mary Samaniego, Planning Director
Applicant: Ethan Colclasure
Request: Conditional Use approval for a swimming pool and two Variance approvals for a retaining wall over 3' in height and a fence in an alternative location
Location: 606 Westview Avenue

Summary:

The applicant on behalf of the property owners (Michael and Yvonne Ralsky) is requesting a Conditional Use approval for the construction of a swimming pool and two Variance approvals for a retaining wall over 3' in height and a fence in an alternative location. This property was reviewed and approved by the Historic Zoning Commission (HZC) at the November 2023 meeting for demolition of the existing dwelling (1951 – Ranch). The new residence with an English Arts and Crafts architectural style was approved at the February 2024 HZA meeting.

Planning Considerations:

The following general factors, planning concepts, and other facts should be considered in the review of this application:

1. The subject property is 1.12 acres (48,990 square feet - SF) and is rectangular shaped with 245' of frontage on Westview Avenue.
2. The footprint proposed for the residence is approximately 5,720 square feet (5,879 square feet allowed) and the total gross floor area is 8,930 square feet (9,602 square feet allowed).
3. Per Section 14-204(1)(m)(i) of the Zoning Ordinance, the square footage of the surface area of the water in a swimming pool as compared to the lot size shall not exceed two percent (2%) of lot. The allowable area of water within a pool for the proposed lot is 980 square feet. The proposed area of the water in the swimming pool is 600 square feet.
4. Per Section 14-204(1)(m) of the Zoning Ordinance, the square footage of hardscape, which shall include the maximum swimming pool area, as compared to the lot size shall not exceed eight percent (8%) of the lot area. The allowable area of hardscape including the pool for the proposed lot is 3,919 square feet. The proposed area of the hardscape including the pool is 3,771 square feet.
5. The proposed swimming pool and associated equipment are inside the established building envelope (see attached Staff Analysis).
6. Per Section 14-204(1)(g) of the Zoning Ordinance, multiple retaining walls which alter the average existing grade in excess of three feet (3') will be treated as a single wall and may only be constructed with the approval of the Board of Zoning Appeals.

7. The proposed retaining walls range in height from 6' to 3'.
8. The lot has 32' elevation changes from the southeast corner at 690' above mean sea level (amsl) falling to the northwest at 658' amsl.
9. The applicant is proposing a combination of existing and proposed 6' wood, panel, steel, and iron fence that will begin from a rear edge of the residence but not the furthest rear edge (see staff analysis). Therefore, a variance is required.
10. There is a significant number of mature trees throughout the property (see applicant submit site plan).

Findings of Fact and Staff Recommendation:

The standards of proof required for each individual Conditional Use are established in the Zoning Ordinance. The Board of Zoning Appeals shall have power and authority to authorize the issuance of permits for Conditional Use in the following findings of fact for the particular use and/or structure per Section 14-202(1)(c):

1. such conditions and safeguards (specifically including, but not limited to, provisions for vegetative screening and/or lighting) as the board may require to protect the character of the community;
Upon site visit, staff noted an established vegetative buffer between the subject property and the adjoining properties on all sides.
2. a finding by the board that the same will not interfere substantially with the use and enjoyment of adjacent property by its owners and occupants; and,
It is staff's professional opinion that the criteria established within the Zoning Ordinance for the creation of building envelopes and subsequent requirement for pools to be placed within said building envelope adequately provides for substantial use and enjoyment of the adjoining property owners.
3. the approval by the board of the size, dimensions and location of the same, the following may be constructed or erected within the building envelope:
(D) Swimming pools, together with all mechanical equipment necessary to the operation of the same; provided that:
 - (1) Every swimming pool shall be completely enclosed, either by the structural wall or walls of the dwelling to which it is an accessory, or by a fence or wall, not less than six feet (6') in height above the exterior adjoining grade, of the type required by the latest edition of the International Residential Code for one (1) and two (2) family dwellings which has been adopted by the City of Belle Meade.
 - (2) Any opening in said enclosure shall be capable of being closed with lock and key and shall be kept so secured at all times, except when attended by the owner of the property or his authorized representative.
 - (3) All pool lighting shall be located within the pool itself or no more than twenty-four inches (24") above ground level around the pool.

The property owner/applicant is required to illustrate compliance with this standard on the site plan and associated application at the time of building permitting. The pool is illustrated to be completely within a 6' high fence.

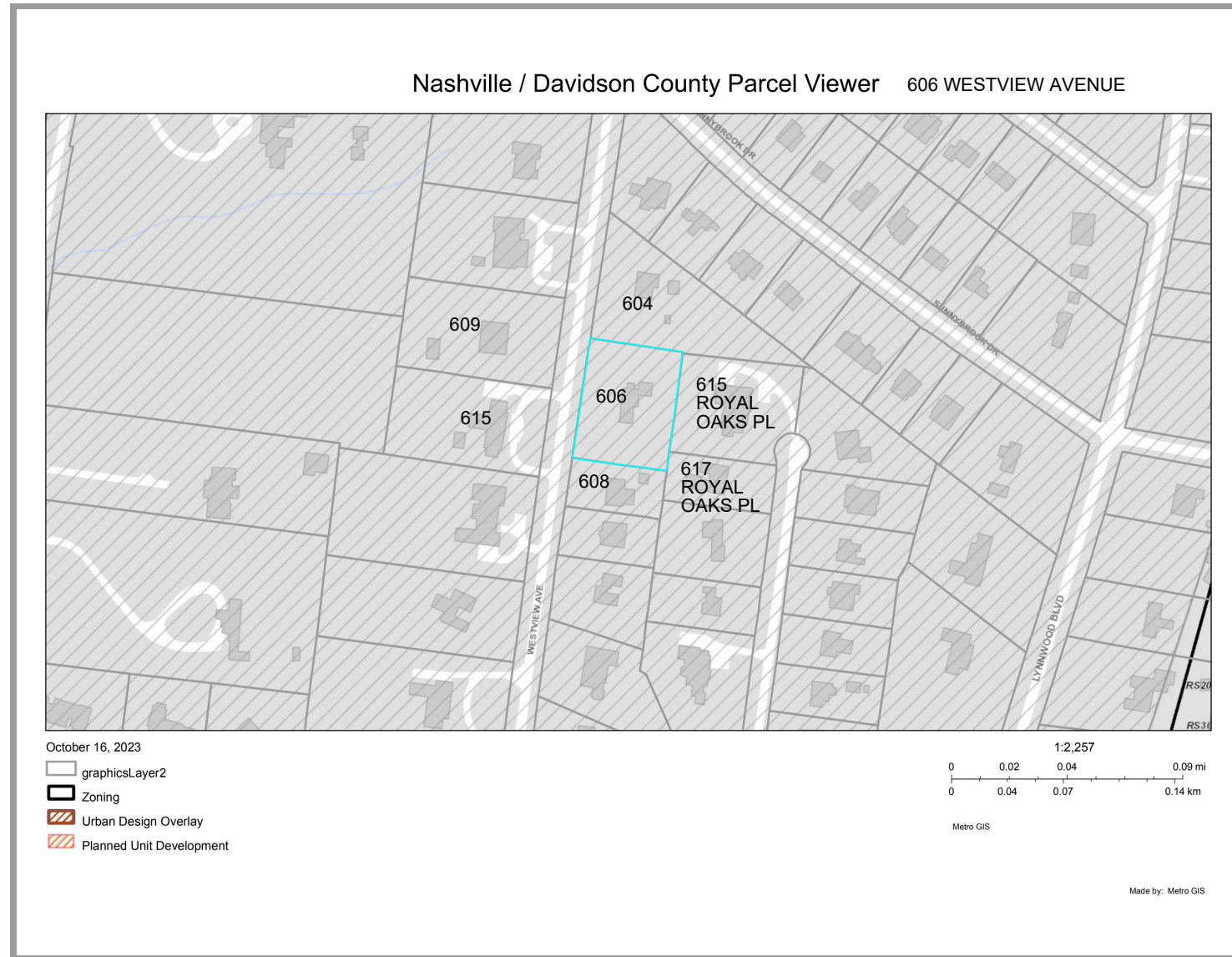
The standards of proof required for Variances are established in the Zoning Ordinance. The Board of Zoning Appeals has the authority to grant such variance as will not be contrary to the public interest and under the restrictions established with the Zoning Ordinance which states that if the property had on August 16, 1950, an extraordinarily unusual shape, size or topographic feature(s) as compared to other properties in the immediate neighborhood, then the Board of Zoning Appeals may grant a variance based on the following findings of fact:

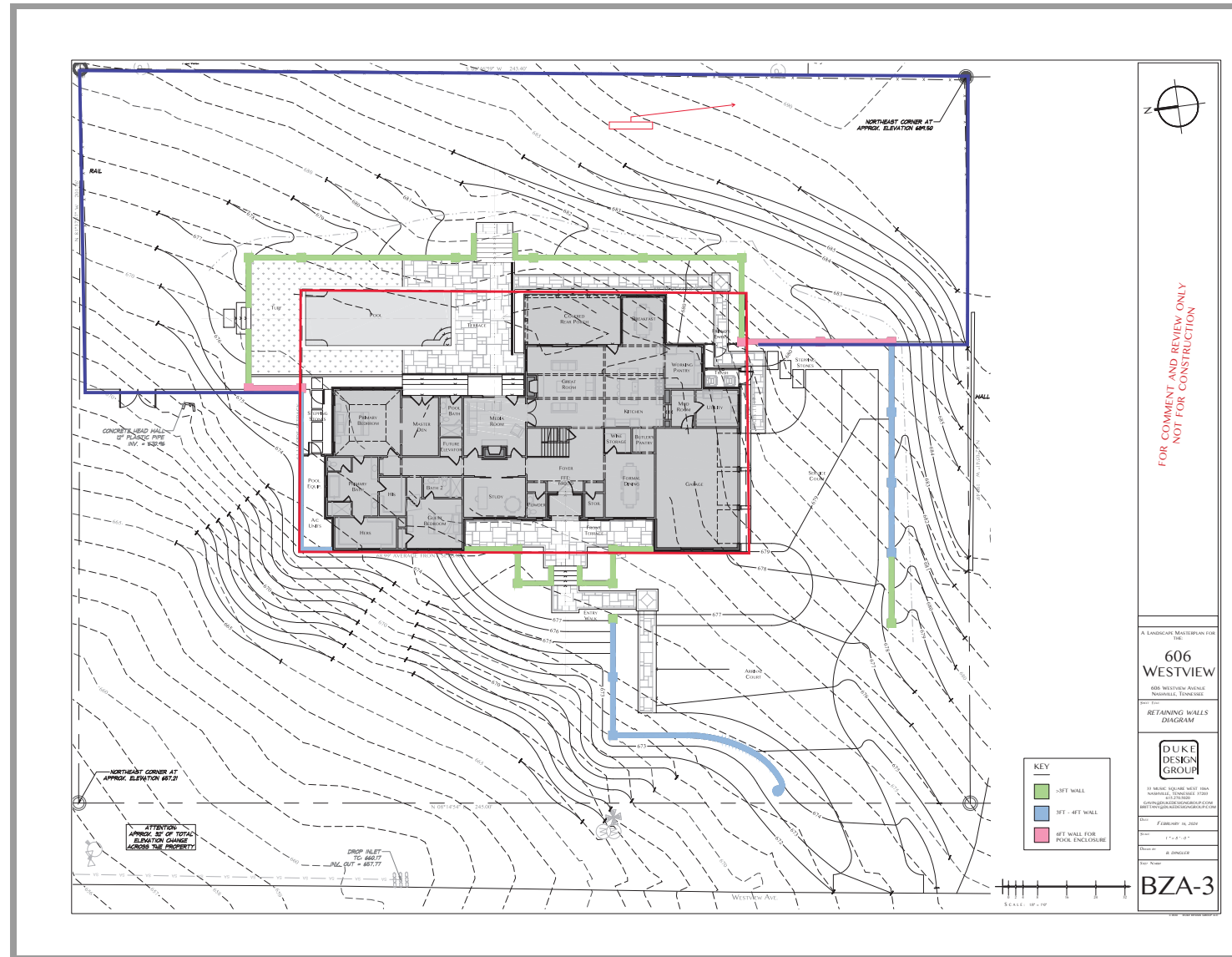
1. The variance shall be granted that will not be a detriment to the public good;
The applicant is proposing to follow the existing topographic contours for the proposed construction with the use of some retaining walls over 3' in height. Given the significant natural grade of the site with a 32' elevation falls towards the road, the retaining walls will create level development areas (see application site plan). While the proposed fence does not meet the technical requirements of the zoning ordinance, the proposed placement meets the intent of primarily enclosing the rear yard.
2. The variance shall be granted that will not substantially impairing the intent and purpose of the Zoning Ordinance; and
It is staff's professional opinion that the requirement for retaining wall height is to limit mass grading and elevation changes within a given site. The City of Belle Meade enjoys varying topography that contributes to the City identity. While the applicant is proposing an increase in retaining wall heights, the overall development will be placed on the lot in continuity with the existing topography. The proposed fence does not follow furthest building edge as required. The intent and purpose of the fence provision, in staff's professional opinion, is to ensure that fences are placed in the rear yard as opposed to side yards. The proposed fence placement in the rear yard adjacent to the outermost rear corner of the residence meets this intent.
3. The resulting home will not be out of harmony with the other homes in the neighborhood.
From Westview Avenue, the general public and adjoining property owners will see low sections to the retaining walls that actually average to be approximately 4' in height. The most significant wall height will be observed from the rear of the property at 6' at the highest point which will also serve as part of the required pool enclosure. However, there are a significant number of trees proposed to be retained between the retaining wall and adjoining property to the south that will serve as a visual buffer. The proposed fence will be placed on the lot adjacent to the outermost edges of the residence as well as behind existing and proposed vegetation. The perceived fence location is from the outmost edges of the residence as opposed to technical furthest rear edges.

Staff recommends approval of the Conditional Use and the two Variance requests based on the written findings of fact.

Attachments:

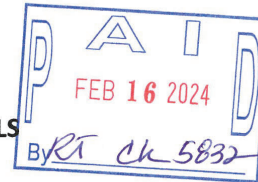
1. Location Map
2. Staff Analysis







CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS

APPEAL # B7A-2024-4APPEAL FEE: \$600APPLICANT (Owner's Name) Ethan ColclasurePHONE # 615-975-9777APPLICANT EMAIL ADDRESS ethan@colclasureco.comPROPERTY ADDRESS: 550 Belle Meade BlvdREQUEST: VARIANCE ☒ CONDITIONAL USE ☐REASON FOR REQUEST: Pool and rear roof height

PROJECT CALCULATIONS

LOT SQ. FT: <u>26,897.00 sf</u>	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA	3,227.64 sf or 12%	0 sf	3,223.90 sf	0%
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.)				
FRONT YARD AREA	8,803.15 sf			
TOTAL DRIVEWAY AREA	3,227.64 sf or 12%	2,361.67 sf	3,148.67sf	0%
DRIVEWAY IN FRONT YARD AREA	1,936.70 sf or 22%	0 sf	1,833.89 sf	0%
HARDSCAPE AREA	2,151.76 sf or 8%	0 sf	2,086.72 sf	0%
POOL AREA	537.94 sf or 2%	0 sf	336 sf	0%
F.A.R. = LOTS <40,000 sq. ft. x .225 = LOTS > 40,000 sq. ft. x .196 =				

Complete Check List

- ☐ Survey (signed and sealed by a registered surveyor) of lot and topographic contours
- ☐ Site plan (1 inch = 30 feet)
 - Show existing and proposed structures
 - Building envelope
 - Show all topographic elevations, existing grade, finished grade, Finished Floor Elevations

Variance Approval Criteria

What special circumstances or conditions apply to the building or land by reason of exceptional narrowness, shallowness, exceptional topographic conditions, or other extraordinary and exceptional situation or condition of a specific piece of property?

Size of the lot is non-conforming; it is exceptionally small for Belle Meade Blvd on top of being a corner lot. If the lot were large, the height zone would likely be a non-issue. The house massing is designed to be in-keeping with the style and be attractive from both Belle Meade Blvd and Gerald Place.

How would the strict application of the zoning ordinance result in practical difficulties to or exceptional or undue hardship upon the owner of such property?

The Historic Zoning Commission has directed us to pay extra attention to the right side elevation (Gerald Place side) as it is a corner lot. A strict interpretation of the zoning ordinance would result in massing that is unattractive and inappropriate.

How would the granting of this variance be without detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance of the City?

The variance will benefit the general public in that if it is granted, it will enhance the appearance of the house and add value to both streets. The impetus for the variance request is purely aesthetic. It is not being sought as a means to somehow gain more square footage.

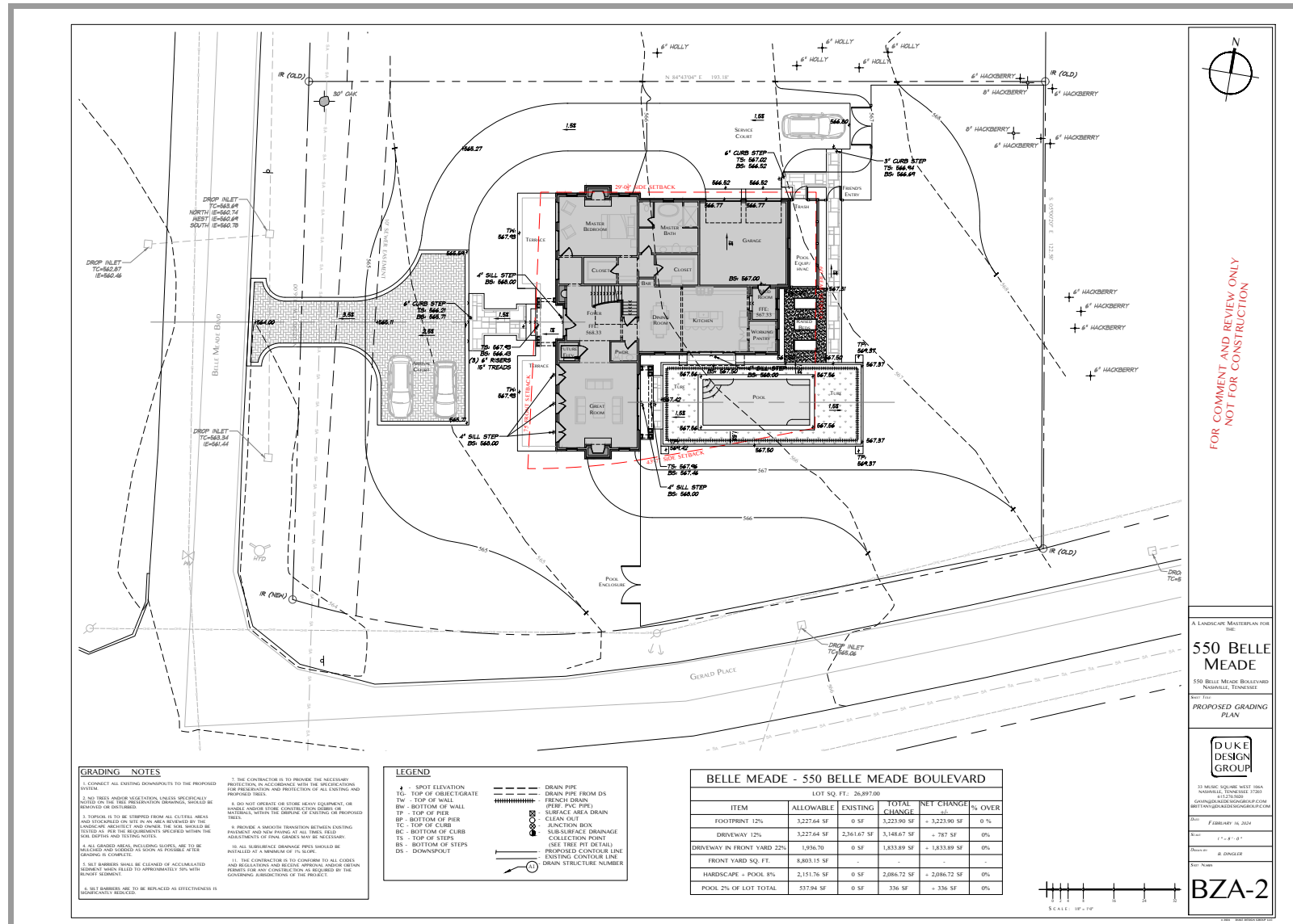
How would the resulting construction not be out of harmony with other homes in the neighborhood?

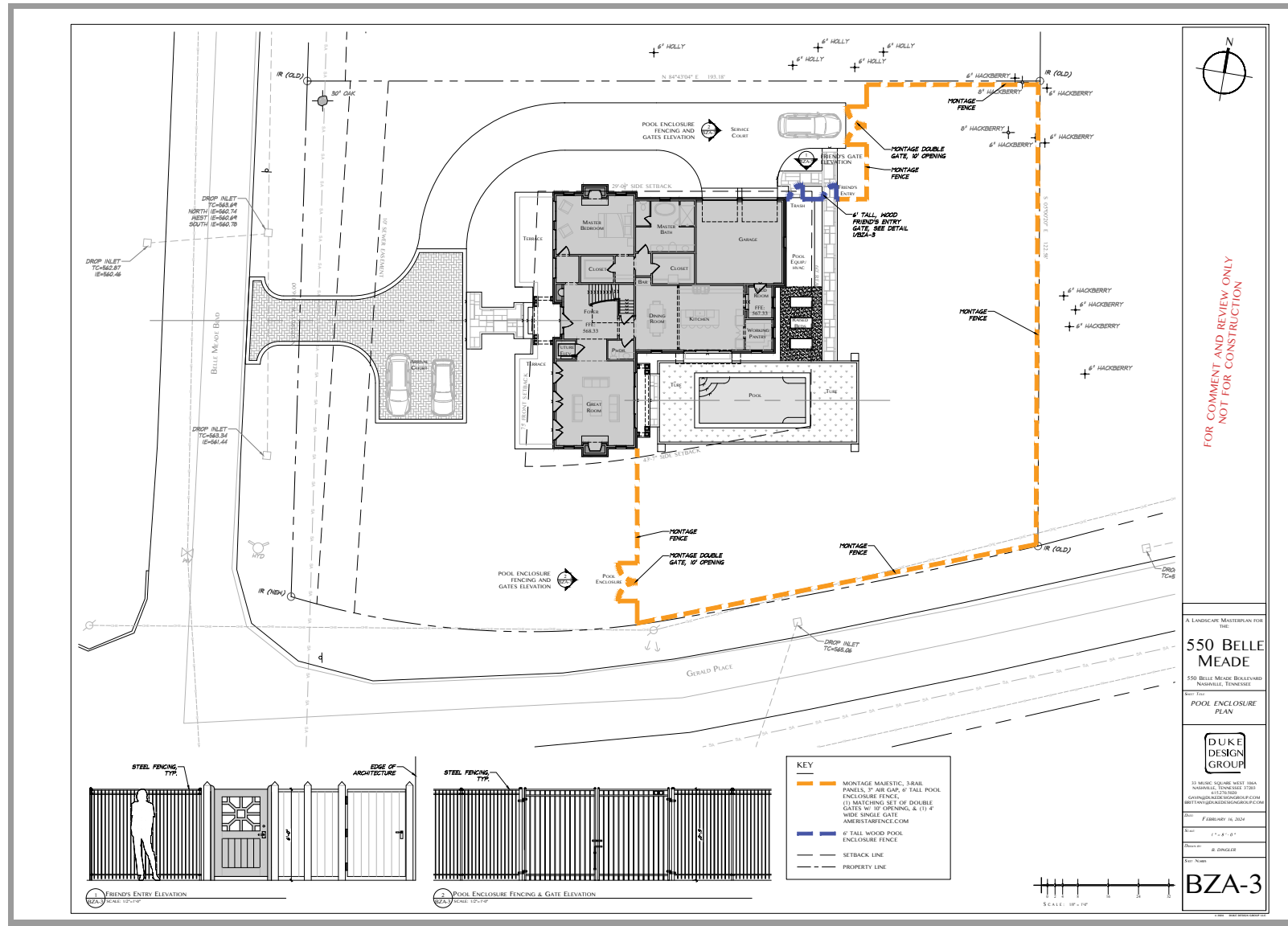
The type of massing we are seeking already exists across the street at 601 Belle Meade Blvd.

SIGNATURE: Chan Colclasure (Owner/Agent) **DATE:** 02/16/2024

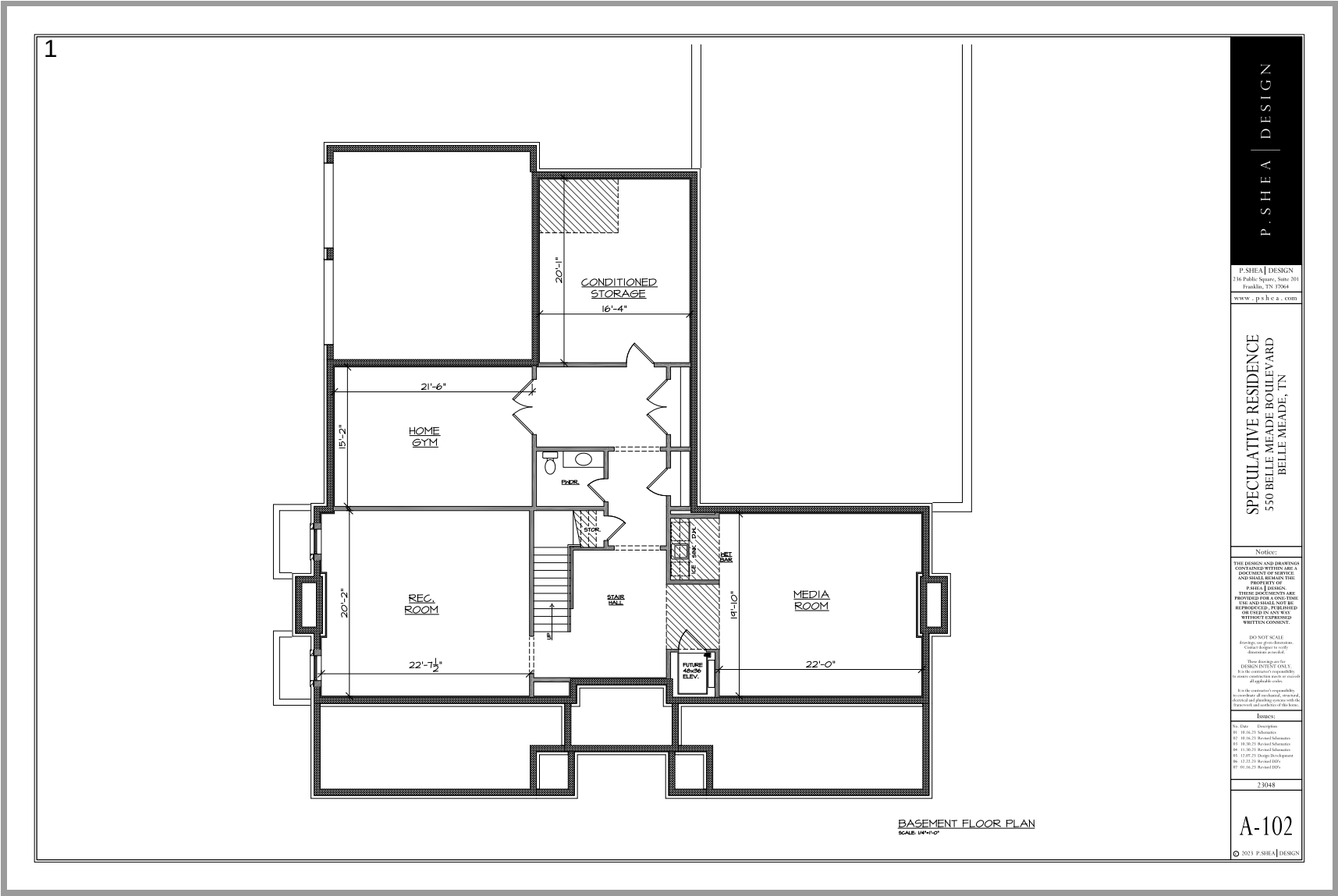
Submit all information, plans & application via email PDF to: msamaniego@citybellemeade.org

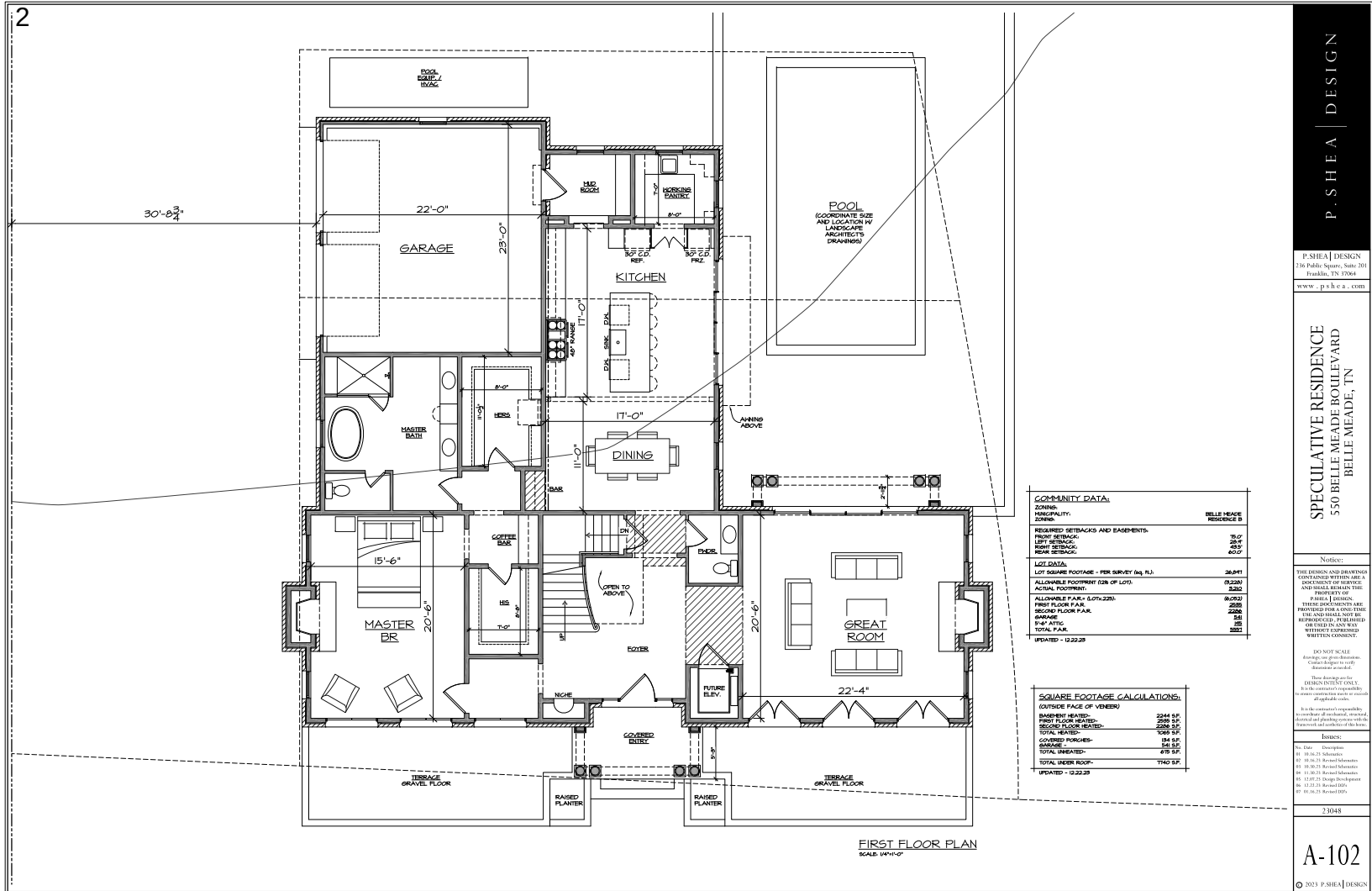




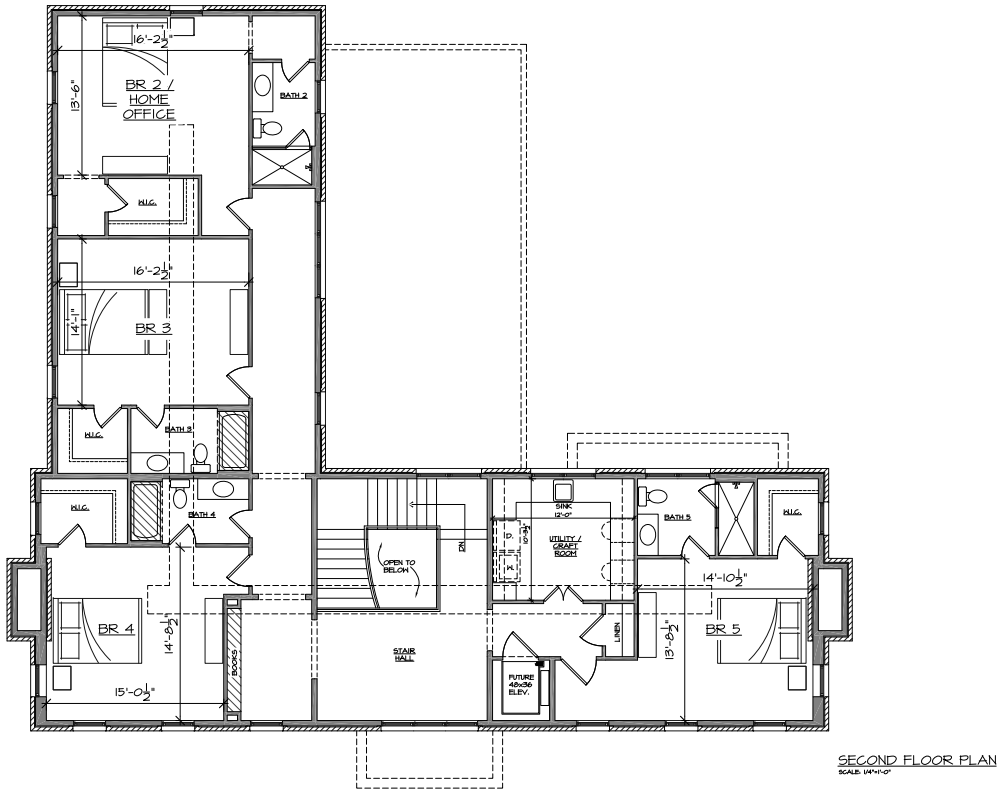








3



P. S H E A | D E S I G N

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216 Public Square, Suite 201
Franklin, TN 37064
www.p.s.h.e.a.com

SPECULATIVE RESIDENCE
550 BELLE MEADE BOULEVARD
BELLE MEADE, TN

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Dimensions shown on
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as the basis for construction.
It is the contractor's responsibility
to verify dimensions and
conditions of work prior to
construction.

Revisions:
No. Date Description
01 10-16-23 Schematic
02 11-16-23 Revised Schematic
03 11-16-23 Revised Schematic
04 11-16-23 Revised Schematic
05 11-16-23 Design Development
06 11-16-23 Revised DD
07 11-16-23 Revised DD

73048

A-103

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It is the contractor's responsibility
to ensure compliance with all applicable
codes and regulations.

For the contractor's responsibility,
a complete set of mechanical, electrical,
plumbing and fire protection drawings
shall be provided by the contractor.

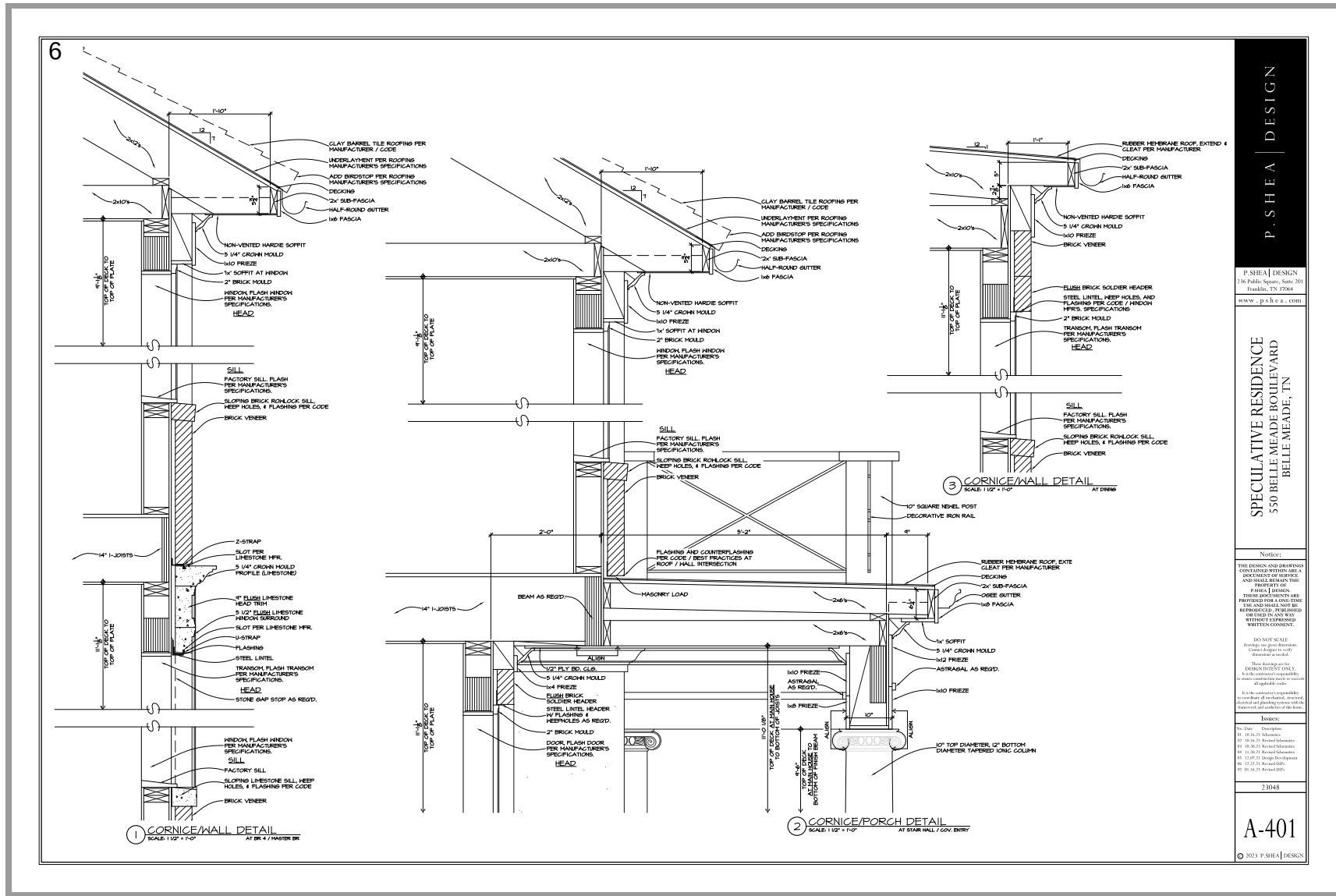
Revisions:

No.	Date	Description
01	10-16-23	Schematic
02	10-16-23	Revised Schematic
03	10-16-23	Revised Schematic
04	10-16-23	Revised Schematic
05	10-16-23	Design Development
06	10-16-23	Revised DD
07	10-16-23	Revised DD

73048

A-202

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SITE PHOTOS

BELLE MEADE, TN
21048

216 public square, suite 201 - franklin tn 37064

550 BELLE MEADE BLVD.
BELLE MEADE, TN

P. SHEA | DESIGN

HISTORIC ZONING SUBMITTAL
01/02/24

p. 615.599.5950 - f. 615.599.5905 - www.pshea.com

8



540 BELLE MEADE BLVD.



610 BELLE MEADE BLVD.



530 BELLE MEADE BLVD.



4420 GERALD PLACE



605 BELLE MEADE BLVD.



603 BELLE MEADE BLVD.



601 BELLE MEADE BLVD.

NEIGHBORHOOD PHOTOS

BELLE MEADE, TN
23048

236 public square, suite 201 - franklin tn 37064

550 BELLE MEADE BLVD.
BELLE MEADE, TN

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109 LYNNWOOD TERRACE



NOT LOCAL



NOT LOCAL



506C PARK CENTER



FIELD GUIDE EXAMPLE



NOT LOCAL

INSPIRATION PHOTOS

BELLE MEADE, TN
23048

236 public square, suite 201 - franklin tn 37064

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BELLE MEADE, TN

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10



601 BELLE MEADE BLVD. - COMPARABLE NEIGHBORHOOD EXAMPLE

BELLE MEADE, TN
23048

236 public square, suite 201 - franklin tn 37064

550 BELLE MEADE BLVD.
BELLE MEADE, TN

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01/02/24

p. 615.599.5950 - f. 615.599.5905 - www.pshea.com

BELLE MEADE - 550 BELLE MEADE BOULEVARD					
LOT SQ. FT.: 26,897.00					
ITEM	ALLOWABLE	EXISTING	TOTAL CHANGE	NET CHANGE +/-	% OVER
FOOTPRINT 12%	3,227.64 SF	0 SF	3,223.90 SF	+ 3,223.90 SF	0 %
DRIVEWAY 12%	3,227.64 SF	2,361.67 SF	3,148.67 SF	+ 787 SF	0%
DRIVEWAY IN FRONT YARD 22%	1,936.70	0 SF	1,833.89 SF	+ 1,833.89 SF	0%
FRONT YARD SQ. FT.	8,803.15 SF	-	-	-	-
HARDSCAPE + POOL 8%	2,151.76 SF	0 SF	2,086.72 SF	+ 2,086.72 SF	0%
POOL 2% OF LOT TOTAL	537.94 SF	0 SF	336 SF	+ 336 SF	0%
ACCESSORY AREA COMBINATION OF POOL/TERRACE, DECK, TENNIS COURT, OTHER ACC. STRUCT. OR USES SHALL NOT EXCEED 15%	4,034.55 SF	0 SF	2,086.72 SF	+ 2,086.72 SF	0%



Staff Report

Agenda No.: IV.D.
Case No.: BZA 2024-4
Staff: Mary Samaniego, Planning Director
Applicant: Brian and Megan Fox
Request: Conditional Use approval for a swimming pool and two Variance approvals for maximum building height and a fence in an alternative location
Location: 550 Belle Meade Boulevard

Summary:

The applicants/property owners (Brian and Megan Fox) are requesting a conditional use approval for the construction of a swimming pool and two variances for maximum building height and a fence in an alternative location. The applicants received Certificate of Appropriateness approval for the construction of a new single-family residence at the February 2024 Historic Zoning Commission meeting. The proposed architectural style is Italian Renaissance. This vacant property was reviewed and approved for a building envelope by the Municipal Planning Commission (MPC) at the November 2023 meeting.

Planning Considerations:

The following general factors, planning concepts, and other facts should be considered in the review of this application:

1. The subject property is 0.60 acres (26,897 square feet - SF) and is rectangular shaped with frontage on Belle Meade Boulevard and Gerald Place.
2. The footprint proposed for the residence is approximately 3,210 square feet (3,228 square feet allowed) and the total gross floor area is 5,557 square feet (6,052 square feet allowed).
3. The height along the front elevation is approximately 33' (40' allowed) and approximately 33' in height (25' allowed) along the rear elevation. *The increase in height based on the rear yard setback (at 60' rear yard depth) will require a variance approval by the Board of Zoning Appeals.
4. Approximately 21% of the entire roof system is low slope with 30% allowed by the Zoning Ordinance.
5. The site plan indicates a service court leading from Belle Meade Boulevard to a two-bay attached garage on the north side of the residence (MPC condition of approval). The total area of driveways and parking areas is 3,149 square feet or 12% of the lot (maximum allowable).
6. Per Section 14-204(1)(m)(i) of the Zoning Ordinance, the square footage of the surface area of the water in a swimming pool as compared to the lot size shall not exceed two percent (2%) of lot. The allowable area of water within a pool for the proposed lot is 538 square feet. The proposed area of the water in the swimming pool is 336 square feet.
7. Per Section 14-204(1)(m) of the Zoning Ordinance, the square footage of hardscape, which shall include the maximum swimming pool area, as compared to the lot size shall not exceed

eight percent (8%) of the lot area. The allowable area of hardscape including the pool for the proposed lot is 2,152 square feet. The proposed area of the hardscape including the pool is 2,087 square feet.

8. The proposed swimming pool and associated equipment is inside the established building envelope (see attached Staff Analysis).
9. The applicant is proposing a combination of existing and proposed 6' galvanized steel, 3-rail panel fence that will begin from a rear edge of the residence but not the furthest rear edge (see staff analysis). Therefore, a variance is required.

Findings of Fact and Staff Recommendation:

The standards of proof required for each individual Conditional Use are established in the Zoning Ordinance. The Board of Zoning Appeals shall have power and authority to authorize the issuance of permits for Conditional Use in the following findings of fact for the particular use and/or structure per Section 14-202(1)(c):

1. such conditions and safeguards (specifically including, but not limited to, provisions for vegetative screening and/or lighting) as the board may require to protect the character of the community;
Upon site visit, staff noted a lack of established vegetative buffer between the subject property and the adjoining properties on all sides. However, the landscaping plan submitted by the applicant does indicate a solid tree planting around the north, south and east property lines that will visually buffer the pool area from surrounding properties.
2. a finding by the board that the same will not interfere substantially with the use and enjoyment of adjacent property by its owners and occupants; and,
It is staff's professional opinion that the criteria established within the Zoning Ordinance for the creation of building envelopes and subsequent requirement for pools to be placed within said building envelope adequately provides for substantial use and enjoyment of the adjoining property owners.
3. the approval by the board of the size, dimensions, and location of the same, the following may be constructed or erected within the building envelope:
(D) Swimming pools, together with all mechanical equipment necessary to the operation of the same; provided that:
 - (1) Every swimming pool shall be completely enclosed, either by the structural wall or walls of the dwelling to which it is an accessory, or by a fence or wall, not less than six feet (6') in height above the exterior adjoining grade, of the type required by the latest edition of the International Residential Code for one (1) and two (2) family dwellings which has been adopted by the City of Belle Meade.
 - (2) Any opening in said enclosure shall be capable of being closed with lock and key and shall be kept so secured at all times, except when attended by the owner of the property or his authorized representative.
 - (3) All pool lighting shall be located within the pool itself or no more than twenty-four inches (24") above ground level around the pool.*The property owner/applicant is required to illustrate compliance with this standard on the site plan and associated application at the time of building permitting. The pool is illustrated to be completely within a 6' high fence.*

The standards of proof required for Variances are established in the Zoning Ordinance. The Board of Zoning Appeals has the authority to grant such variance as will not be contrary to the public interest and under the restrictions established with the Zoning Ordinance which states that if the property had on August 16, 1950, an extraordinarily unusual shape, size or topographic feature(s) as compared to other properties in the immediate neighborhood, then the Board of Zoning Appeals may grant a variance based on the following findings of fact:

1. The variance shall be granted that will not be a detriment to the public good;
The applicant's proposed fence placement will accommodate the required parking pad to the north and as well as visually screen the pool from Gerald Place. It is in the intent of the Zoning Code that pools are not visible from rights-of-way (Gerald Place). The proposed fence location with associated landscaping will significantly reduce the ability to see the pool from Gerald Place as well as from surrounding properties. The applicant is proposing to place a portion of the residence that is 33' in height in the required 60' rear yard setback for structures under 25' in height. The subject property at 0.66 acre and 200' in depth is considerably smaller than surrounding properties on this side of Belle Meade Boulevard. There is an expectation that a new residence on Belle Meade Boulevard will have similar massing and scale to the existing residences that are on much larger lots. The increase in height for a portion of the residence in the rear yard will not be out of character with the surrounding area and therefore, not detrimental to the public good.
2. The variance shall be granted that will not substantially impairing the intent and purpose of the Zoning Ordinance; and
The proposed fence does not follow furthest building edge as required. The intent and purpose of the fence provision is to ensure that fences are placed in the rear yard as opposed to side yards. While the fence is to the rear of the residence it is still technically in a side yard because it is on a corner lot. Given that the residence faces Belle Meade Boulevard, the fence in practical terms appears to include the rear yard only and therefore the intent of the Zoning Ordinance is achieved.
3. The resulting home will not be out of harmony with the other homes in the neighborhood.
From Gerald Place, the public and adjoining property owners will see a black steel fence with heavy tree plantings and landscaping. The proposed fence will be placed on the lot adjacent to the outermost edges of the residence as well as behind existing and proposed vegetation. The perceived fence location is from the outmost edges of the residence as opposed to technical furthest rear edges. The increase in height to 33' from 25' is to allow for a roof type conducive to Italian Renaissance architecture. There will be no windows or balcony/porch features within the 8' variance area that will affect the surrounding property owners. The proposed two-story residence with the slight increase in height will not be out of harmony within the neighborhood.

Staff recommends approval of the Conditional Use and the two Variance requests based on the written findings of fact.

Attachments:

1. Location Map
2. Staff Analysis

