



**CITY OF BELLE MEADE
BOARD OF ZONING APPEALS
REGULAR MEETING AGENDA PACKET
APRIL 16, 2024, 05:00 PM**



**AGENDA BOARD OF ZONING APPEALS
REGULAR MEETING
APRIL 16, 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 March 19, 2024.

Attachment: [Minutes BZA - with Zabaski Statement - March 19.pdf](#)

III. Old Business - None

IV. New Business

A. The application of Amy and Craig Clark, BZA 2024-5, 403 Sunnyside Drive, for Conditional Use for a garden shed and a Variance for the rear yard setback from 60' to 44'.

Attachment: [APPLICATION PAID.pdf](#)

Attachment: [Letter from Homeowner.docx](#)

Attachment: [Sunnyside Dr 403 - REV 1 - Boundary _ Topographic Survey Revised with Trees.pdf](#)

Attachment: [2024_03_05_403 Sunnyside Shed Siteplan Revised.pdf](#)

Attachment: [STAFF REPORT 403 Sunnyside Drive.pdf](#)

B. The application of Patrick Lowry, BZA 2024-6, 215 Lynwood Terrace, for Conditional Use for a swimming pool and a Variance for a fence in an alternative location.

Attachment: [APPLICATION PAID.pdf](#)

Attachment: [215 Lynwood Ter Site Plan 03292024.pdf](#)

Attachment: [215 Lynwood Terrace BZA 11.27.2019 compiled.pdf](#)

Attachment: [215 Lynwood ter survey mar 2024-signed.pdf](#)

Attachment: [STAFF REPORT 215 Lynwood Terrace.pdf](#)

C. The application of Shelton and Drew Kitchen, BZA 2024-7, 313 Lynwood Boulevard, for two Variances to exceed the maximum retaining wall height of 3' and to exceed the maximum percentage of grading allowed.

Attachment: [PAID APPLICATION.pdf](#)

Attachment: [Kitchen BZA Set .pdf](#)

Attachment: [313 Lynwood - Neighbor Support.pdf](#)

Attachment: [STAFF REPORT 313 Lynwood Blvd.pdf](#)

D. The application of Barry Stowe, BZA 2024-9, 428 Westview Avenue, for a

Variance to exceed the allowable footprint by 12%.

Attachment: [APPLICATION PAID.pdf](#)

Attachment: [STOWE.pdf](#)

Attachment: [Min-BZA-12182001.pdf](#)

Attachment: [STAFF REPORT 428 Westview Avenue.pdf](#)

E.Adoption of By-laws

Attachment: [BZA Rules of Procedure 2024 DB Revisions 04-05-24 27391193.1.docx](#)

V.Other Public Comment

VI.Adjourn

The next regularly scheduled meeting of the Board of Zoning Appeals will be held May 21, 2024 at 5:00 P.M. at Belle Meade City Hall, 4705 Harding Pike, Nashville, TN.



MINUTES
BOARD OF ZONING APPEALS – REGULAR MEETING
MARCH 19, 2024, 5:00 PM
BELLE MEADE CITY HALL, 4705 HARDING PIKE

Call to Order

The meeting was called to order by Chairman Joe Dughman at 5:00 p.m.

Board Members Present

Chairman Joe Dughman
Vice Chairman Pete Zabaski
Chris Tardio
Erick Clifford
Johnny Phipps
Ron Farris

Staff Present

Planning Director Mary Samaniego
City Recorder Rusty Terry
City Attorney Doug Berry

Approval of Minutes

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

Motion to approve: Farris Second: Phipps Vote: All aye

Vice Chairman Pete Zabaski made a statement regarding the Board of Zoning Appeals meeting held on February 2024. (The statement is attached)

Old Business - None

New Business

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.

Gavin Duke, Landscape Architect, Duke Design Group, representing Karyn Frist reviewed the plans as submitted for the swimming pool and fence for the Frist property.

Questions from the board ensued, addressed by Duke and City Attorney Doug Berry.

Public Comment Opened

No Public Comment

Public Comment Closed

Chairman Dughman requested staff recommendation

Planning Director Samaniego provided the staff recommendation, approving both the conditional use for the pool and variance for the fence.

Motion to approve: Farris Second: Zabaski

A discussion of the board ensued, Vice-Chairman Zabaski stated for the record that the fence on the east side of the property was to be raised to six feet.

Vote: All aye

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'.

Board Member Ron Farris recused himself from the board.

Ron Farris, Architect, Farris Concepts in Architecture, reviewed submitted plans, as well as handout materials for the pool cabana, and presenting the case for the variance of the rear yard setback at the home of Stephen and Carolyn Taylor at 1022 Chancery Lane.

A period of questions, addressed by Farris followed the presentation.

Public Comment Opened

Florence McKeithan, resident at 4416 Beekman Drive, located behind the Taylor home, spoke against the proposed location of the cabana.

Elaine Finucane, resident at 4415 Beekman Drive, spoke in favor of the proposal, asking that additional screening be considered.

Public Comment Closed

Vice Chairman Dughman asked for staff recommendation.

Planning Director Samaniego recommended approving the conditional use for the pool cabana, and denial of the variance request to extend the setback.

Tardio addressed questions to City Attorney Berry, which were addressed by Berry.

Motion to bifurcate the application: Zabaski Second: Phipps

Vote: All aye

Motion to approve the cabana within the setback: Phipps Second:

Tardio Vote: All aye

A board discussion ensued about the variance request, which included additional questions of Farris.

Motion to approve variance request: Phipps Second: Tardio

A board discussion ensued.

Chairman Dughman stated that if this is approved, the variance applies only to this trapezoidal lot.

Vote aye: Tardio, Dughman, Phipps Clifford Vote no: Zabaski

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.

Gavin Duke, Landscape Architect, Duke Design Group, reviewed the plans as submitted for the swimming pool and retaining walls at the home of Michael and Yvonne Ralsky located at 606 Westview Avenue.

A period of questions from the board, addressed by Duke followed the presentation.

Public Comment Opened

Planning Director Samaniego read a letter of objection submitted by Tom and Cindy Fort, residents at 604 Westview Avenue.

There were additional questions from the board, addressed by Duke and Ethan Colclasure, representative of Michael and Yvonne Ralsky.

Public Comment Closed

Motion to approve as submitted: Zabaski Second: Farris Vote: All aye

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.

Chris Goldbeck, Architect with P Shea Design and Gavin Duke, Landscape Architect, Duke Design Group representing Ethan Colclasure, representative of Brian and Megan Fox, owners of the property at 550 Belle Meade Boulevard. Goldbeck stated he had designed the house and would speak to the height variance request, and that Duke would speak to the Conditional Use request for the swimming pool. Goldbeck reviewed the plans as submitted as related to the rear setback and the height variance. Duke reviewed the plans as submitted as related to the conditional use request for the swimming pool.

A period of questions from the board ensued, including an explanation of the setbacks and conditions as set by the Municipal Planning Commission by Planning Director Samaniego.

Public Comment Opened

No Public Comment

Public Comment Closed

The application was bifurcated at the request of Phipps, and by unanimous vote of the board.

Motion to approve pool and fence as submitted: Zabaski Second: Clifford

A discussion of the board ensued, which included questions answered by Duke.

Vote: All aye

Motion to approve the height variance request as submitted: Zabaski Second: Clifford

A discussion of the board ensued, which included questions which were answered by Goldbeck.

Vote Aye: Clifford, Tardio, Zabaski, Dughman Vote No: Phipps, Farris

Other Public Comment - None

The Meeting Adjourned at 6:40 p.m.

Chairman Joe Dughman

City Recorder Rusty Terry

Thank you Mr. Chairman.

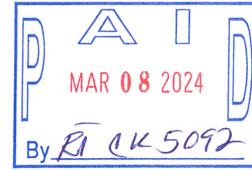
As the acting Chairman of the February 2024 Meeting of the Belle Meade Board of Zoning Appeals, I've been asked to comment on some misleading information, both in narrative and in video, that was emailed to the Mayor of Belle Meade and certain staff members and was then forwarded to the Board. I understand there is also some unnecessary and inaccurate chatter in the community. All of this is in response to one of the unanimous rulings of the Board in February on the property at 402 Brookfield. *AVENUE*

WEST
If you receive any of these communications or have any questions, please watch the recording of the February meeting beginning at 1:17:13 and ending by 1:19 where, during a brief recess, you will see that the video and narrative were taken out of context as the conversation was specifically about the noise from a pickleball court on a neighbor's driveway turnaround, that, incidentally, is not even within the City of Belle Meade. The recording on the City web page is indisputable.

Thank you Mr. Chairman.



CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS

APPEAL # BZA 2024 -5APPEAL FEE: \$500APPLICANT (Owner's Name) Amy and Craig Clark PHONE # 615-500-7603APPLICANT EMAIL ADDRESS amypowellclark@drclarknpa.comPROPERTY ADDRESS: 403 Sunnyside Drive, Belle Meade 37205REQUEST: VARIANCE ☒ CONDITIONAL USE ☐REASON FOR REQUEST: Construction of a 9x6 foot garden shed (54 square feet)
beyond the rear yard setback of existing house

PROJECT CALCULATIONS

LOT SQ. FT:	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA				
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.)				
FRONT YARD AREA				
TOTAL DRIVEWAY AREA				
DRIVEWAY IN FRONT YARD AREA				
HARDSCAPE AREA Max 8% incl Pool	3,206	3,146	54 sf	0%
POOL AREA				
F.A.R. = LOTS <40,000 sq. ft. x .225 = LOTS > 40,000 sq. ft. x .196 =				

Lot Area: 40,075sf Residence B

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?

The existing home predates the current rear yard setback requirements providing extremely limited area in the rear yard for an accessory structure.

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?

With the current rear yard setback requirement there is no reasonable location to locate a small garden shed.

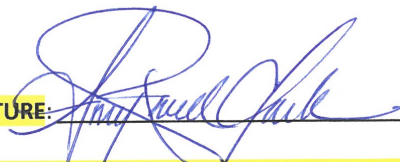
How would the granting of this variance be without detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance of the City?

The proposed location will be as close as possible to the rear facade of the house and further than required from the side yard setback. The shed will not be seen by neighboring properties

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

The proposed, garden shed is in keeping with the architectural styles of the neighborhood and is very limited in its size (LxWxH). It will be constructed of durable materials with windows, on a concrete pad (limited to the size of the shed).

SIGNATURE:



(Owner/Agent)

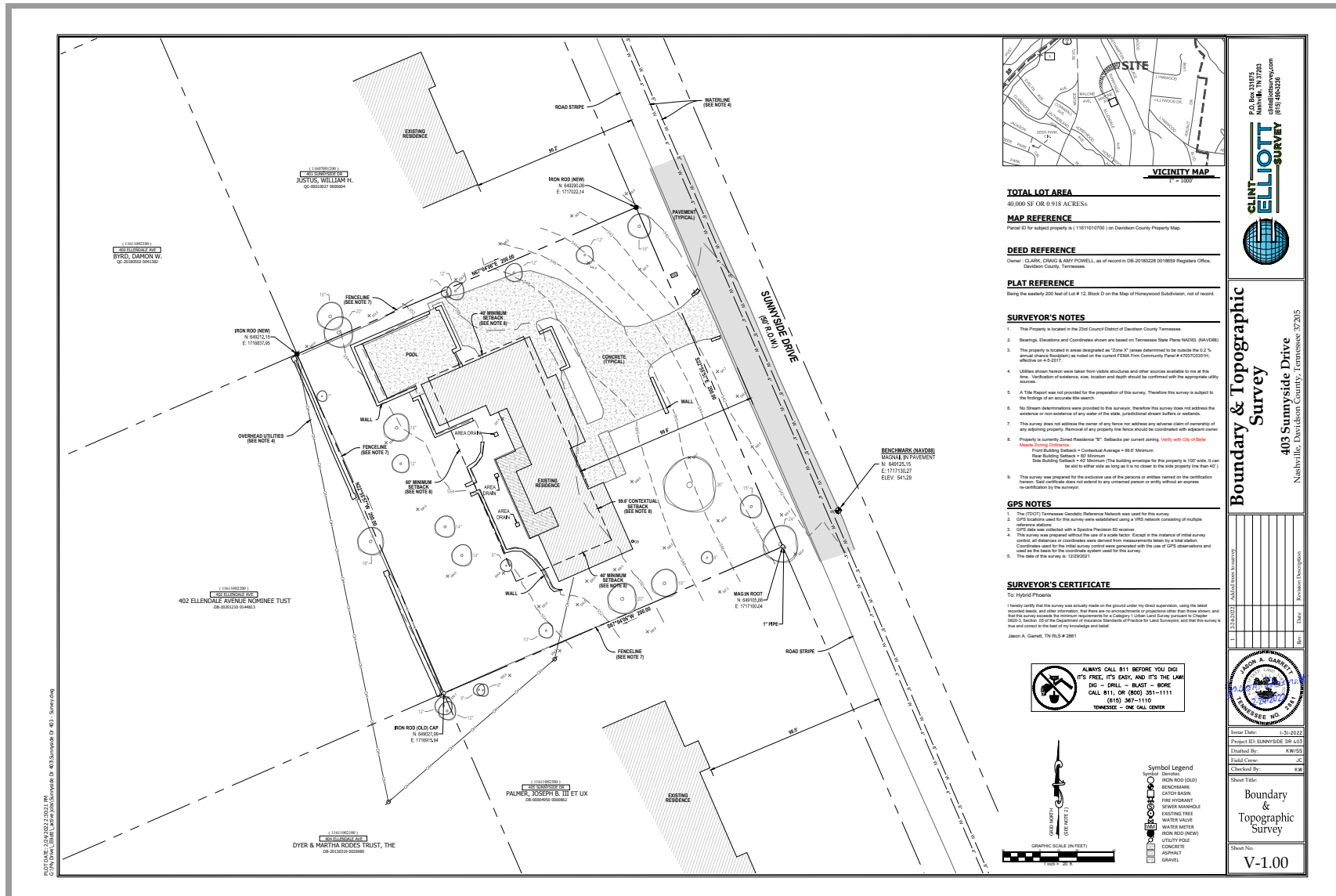
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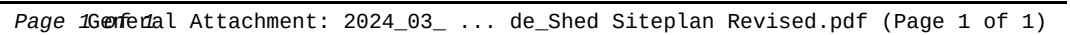
3/7/24

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

The following attachment is not a PDF, so a link to the native file format is being provided instead:

[Letter from Homeowner.docx \(LINK\)](#)





Staff Report

Agenda No.: IV.A.
Case No.: BZA 2024-5
Staff: Mary Samaniego, Planning Director
Applicant: Amy and Craig Clark
Request: Conditional Use approval for a potting shed and a variance for the rear yard setback from 60' to 44'.
Location: 403 Sunnyside Drive

Summary:

The applicants/property owners are requesting Conditional Use approval for the construction of a shed with an associated variance for the rear yard setback from 60' to 44' on the subject property. The existing residence was constructed in 1966. The property owners placed the potting shed within one foot of the rear property line last month and are currently under Code Violation.

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 0.92 acres (40,075 square feet).
2. The property owner is proposing the construction of a potting shed that is 54 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 3,206 square feet and the proposed hardscape is 3,206 square feet.
4. The potting shed (54 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 Residence B zoning district which requires a 60' rear yard setback for structures 25' or less in height. The proposed shed is 10' 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. Similarly, because the potting shed is positioned directly behind the residence, it should not be visible from Sunnyside Drive.
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 potting shed 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: Potting Shed.
Section 14-202(1)(c)(iii)(B) – Potting shed does not have any specific conditions delineated for the Board of Zoning Appeals consideration.

Findings of Fact and Staff Recommendation:

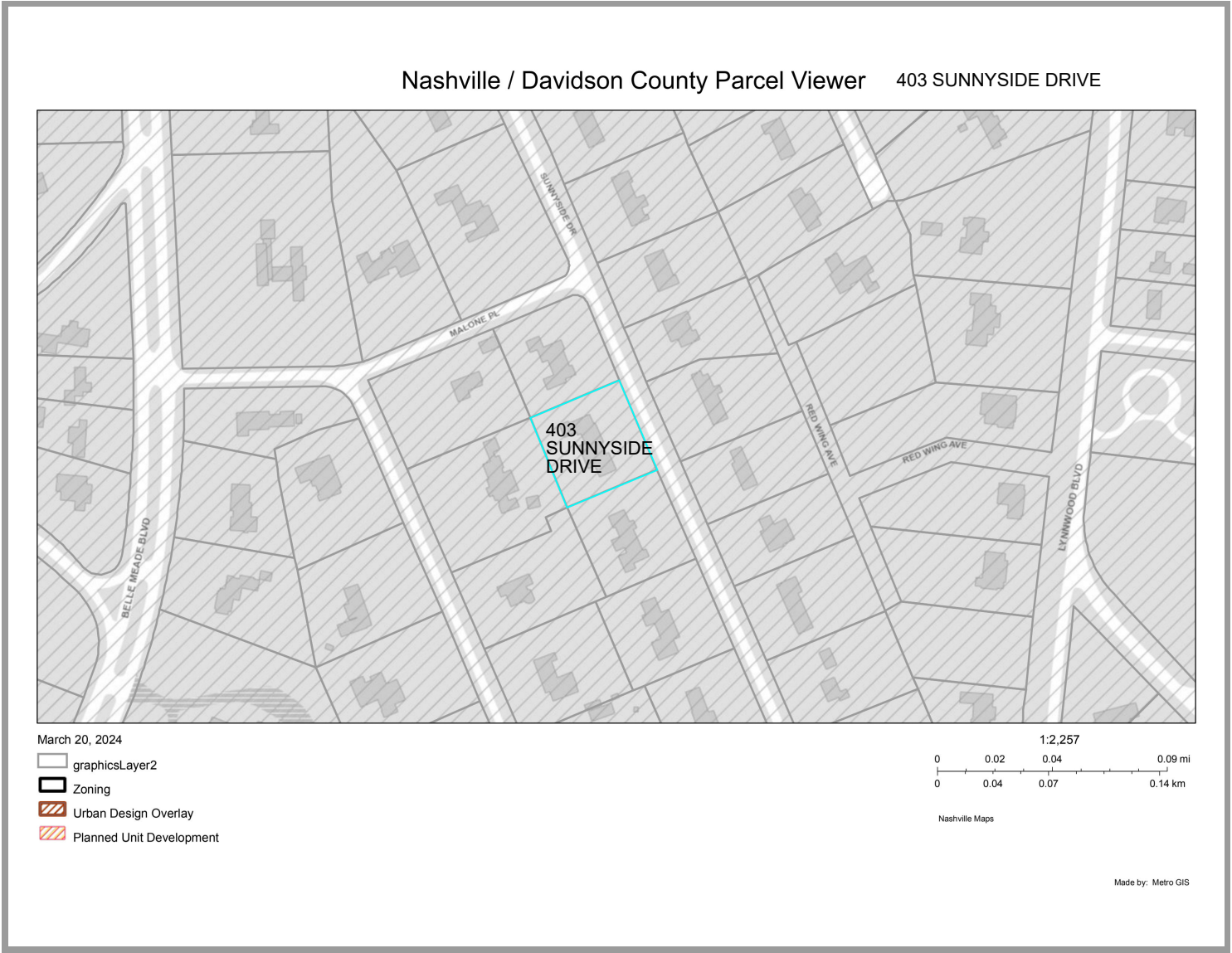
The standards of proof required for Variances are established in the Zoning Ordinance. The Board of Zoning Appeals has the authority to grant such variance as will not be contrary to the public interest and under the restrictions established with the Zoning Ordinance which states that if the property 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:

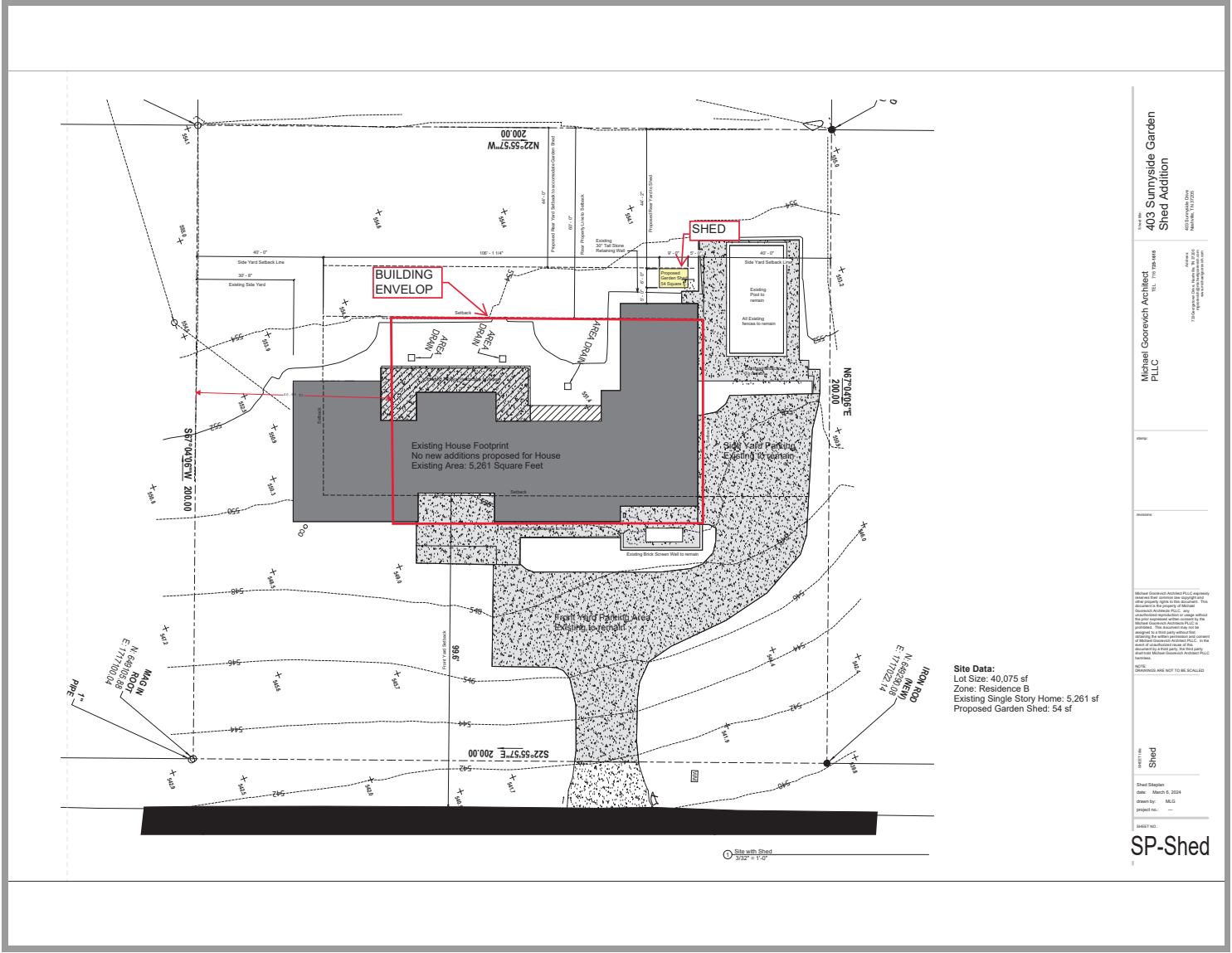
1. The variance shall be granted that will not be a detriment to the public good;
The applicant is proposing to place the potting shed entirely within the required rear yard setback. The criteria established within the Zoning Ordinance for the creation of building envelopes and subsequent requirement for a potting shed 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 potting shed placement is a self-imposed hardship. The structure could be placed in a position to meet the required rear yard setback.
3. The resulting home will not be out of harmony with the other homes in the neighborhood.
The majority of residences on Sunnyside Drive as well as adjoining Ellendale Drive are of a similar shape and size to the subject property. There are no unique features of this lot that would make a rear yard setback variance appropriate.

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:

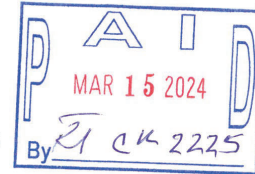
1. Location Map
2. Staff Analysis







CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS



APPEAL # BZA 2024-6

APPEAL FEE: \$600

APPLICANT (Owner's Name) Patrick Lowry PHONE # 423-416-0292

APPLICANT EMAIL ADDRESS polowry@gmail.com

PROPERTY ADDRESS: 215 Lynnwood Terrace

REQUEST: VARIANCE ☒ CONDITIONAL USE ☐

REASON FOR REQUEST: Swimming pool requires BZA approval and fence variance request

PROJECT CALCULATIONS

LOT SQ. FT:	54,404 sf	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA	12%	6,528	4,904	4,904	0
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.)	.196	10,663	5,878	5,878	0
FRONT YARD AREA		12,998	12,998	12,998	
TOTAL DRIVEWAY AREA		6,528	4,975	4,975	0
DRIVEWAY IN FRONT YARD AREA		2,857	1,695	1,695	0
HARDSCAPE AREA	8%	4,352	2,582	3,240	0
POOL AREA	2%	1,088	0	684	0
F.A.R. = LOTS < 40,000 sq. ft. x .225 = LOTS > 40,000 sq. ft. x .196 = 10,663					

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?

The rear fence near Westhampton Place is proposed further in from the property line as specified in order

to align with the natural slope of the rear of the yard. The fence will be placed at the top of the ridge

where the sharp slope of the backyard naturally begins.

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 fence would be below the grade of the pool level of the yard.

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 proposed fence placement will naturally enhance and follow the landscape and be consistent

with fence placement for the neighboring property.

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

The placement of the fence is in line with the gate/wall for the neighboring property.

SIGNATURE:

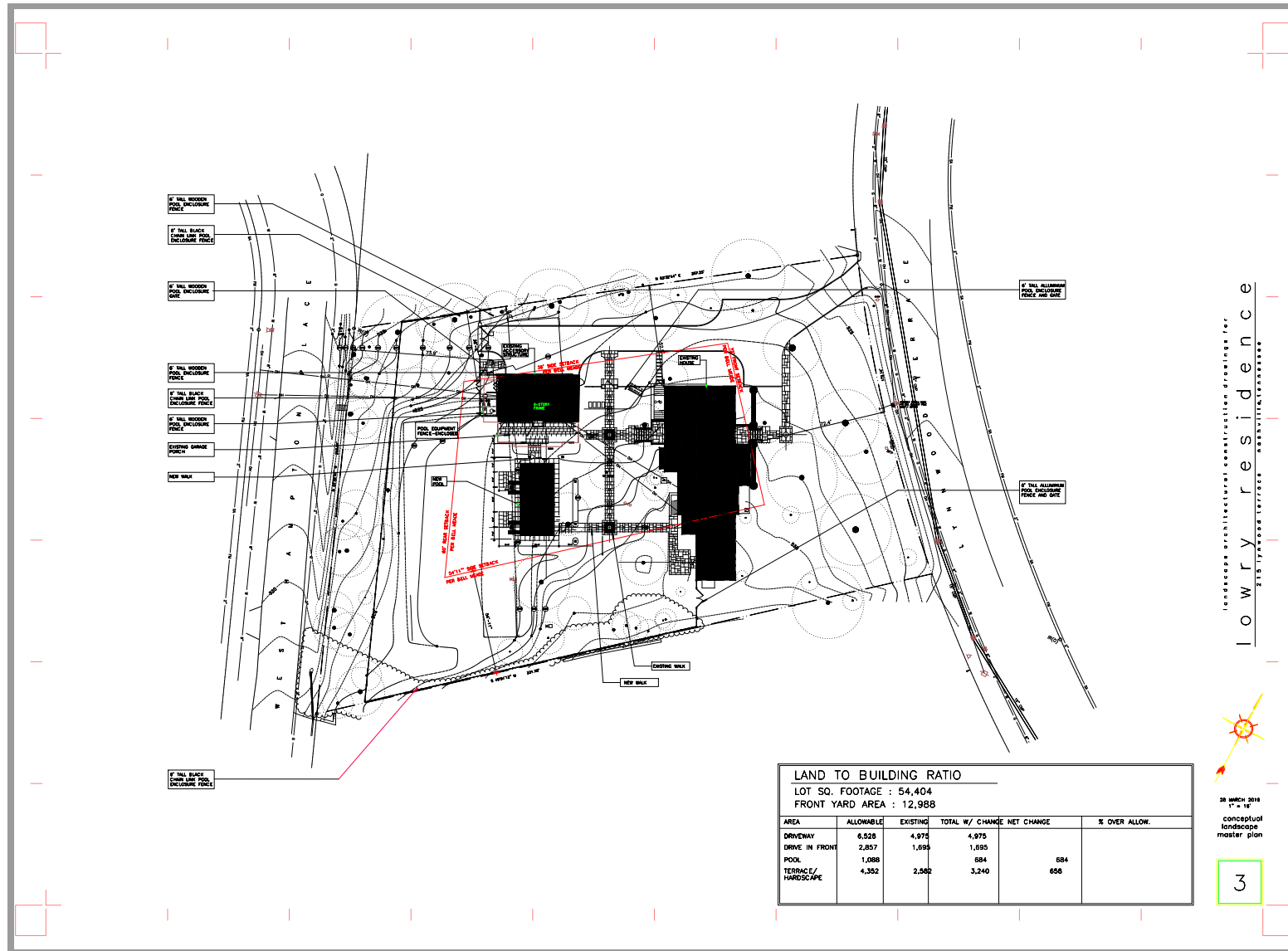


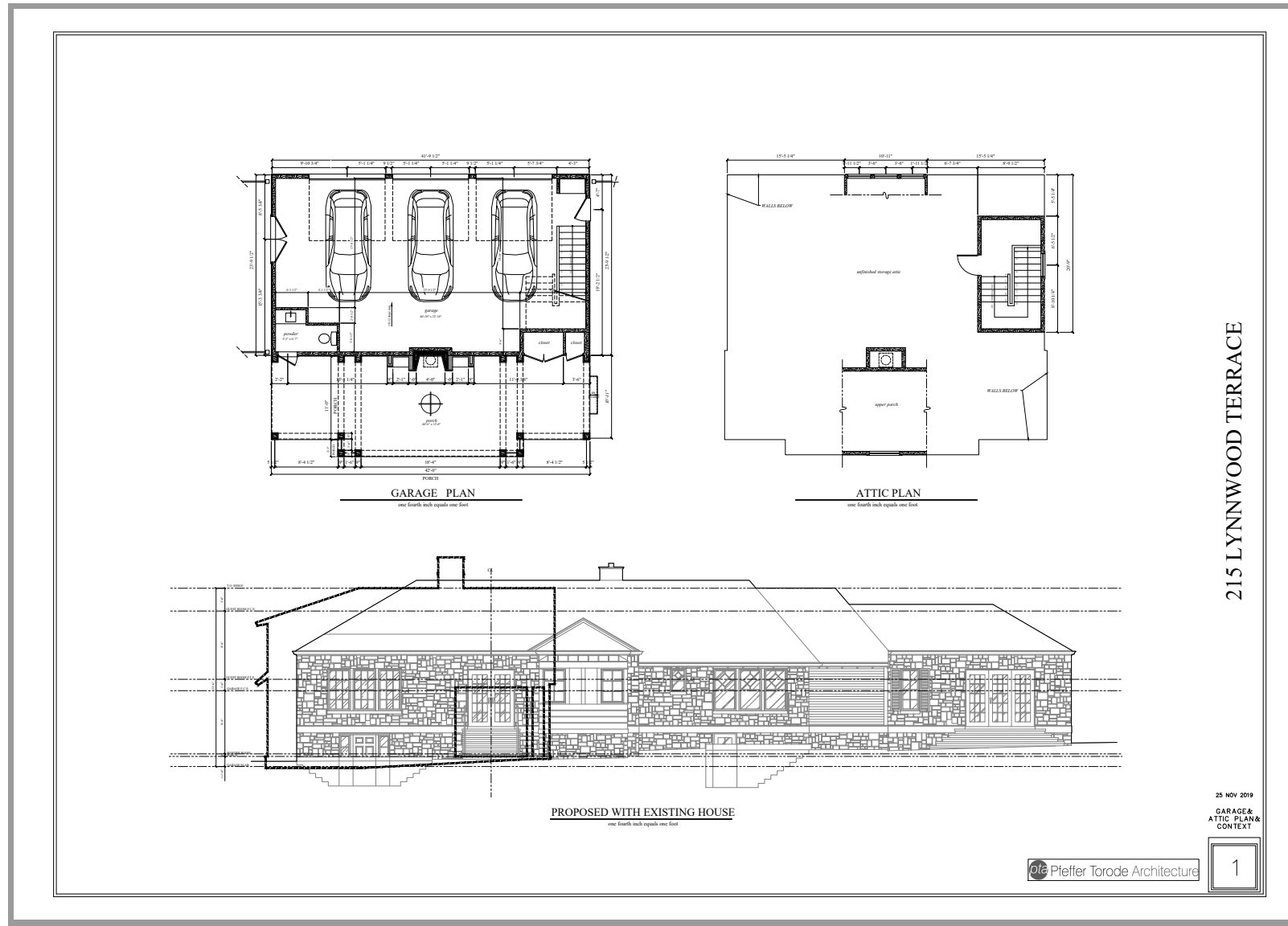
(Owner/Agent)

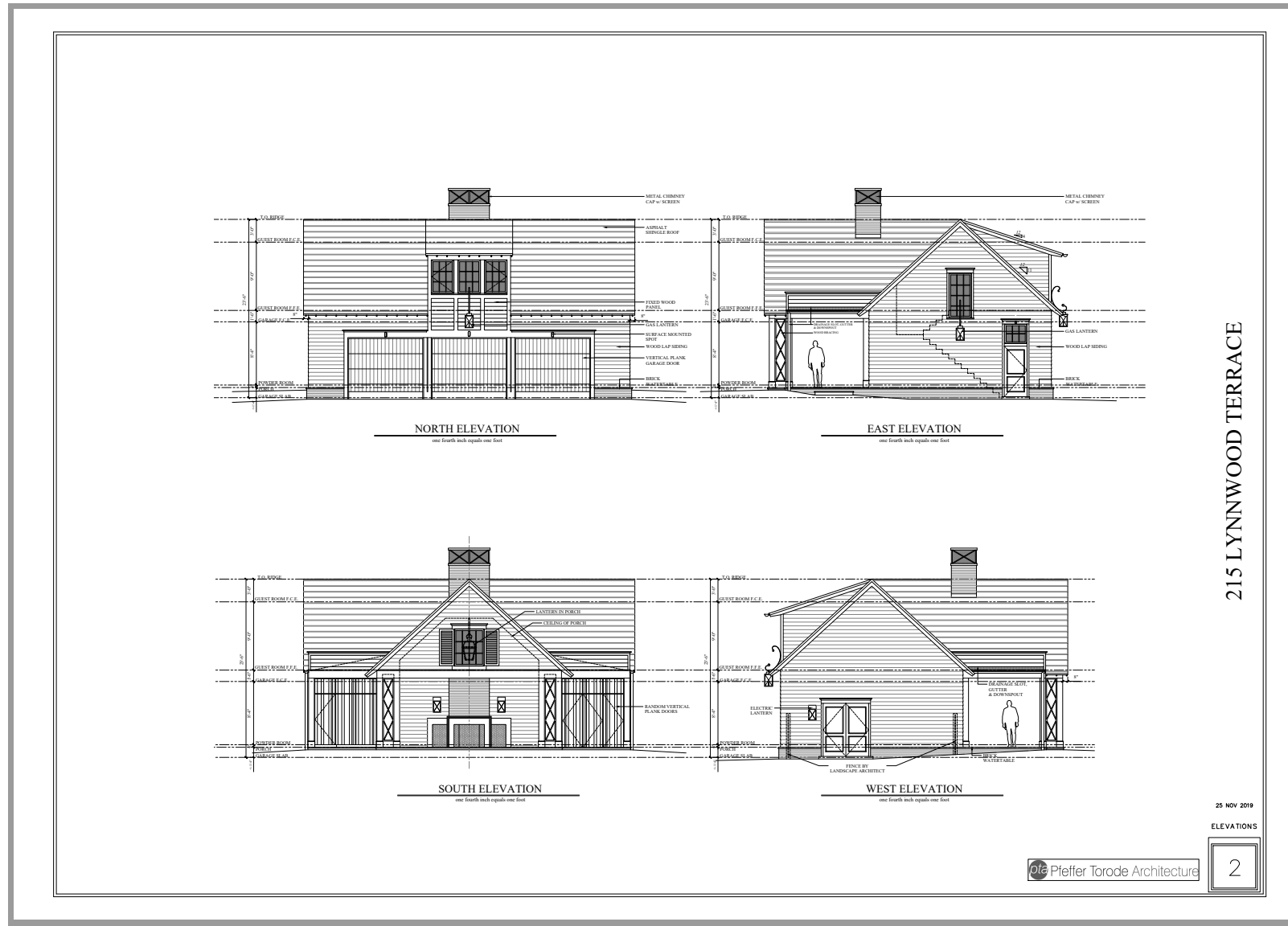
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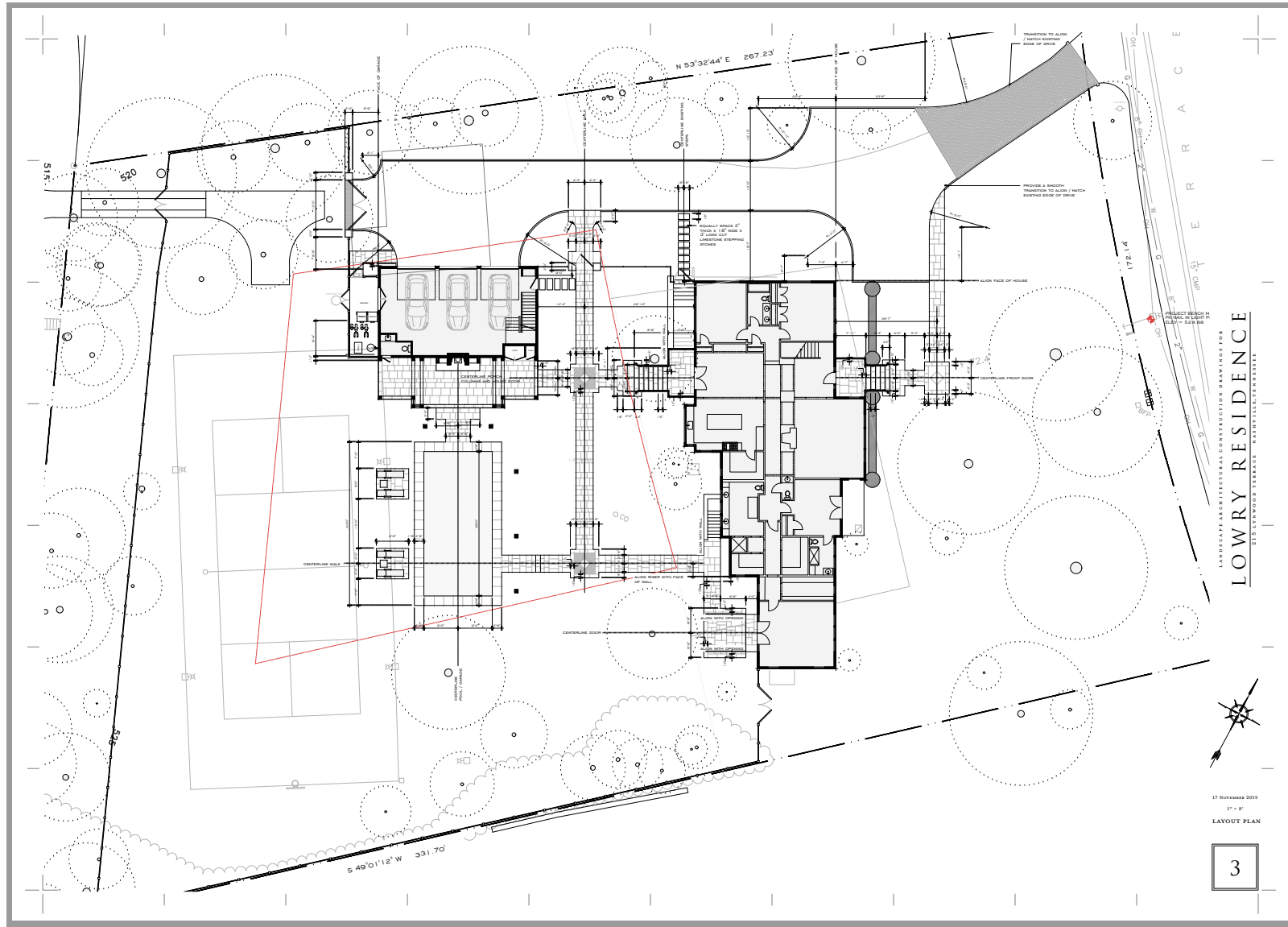
3/14/24

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

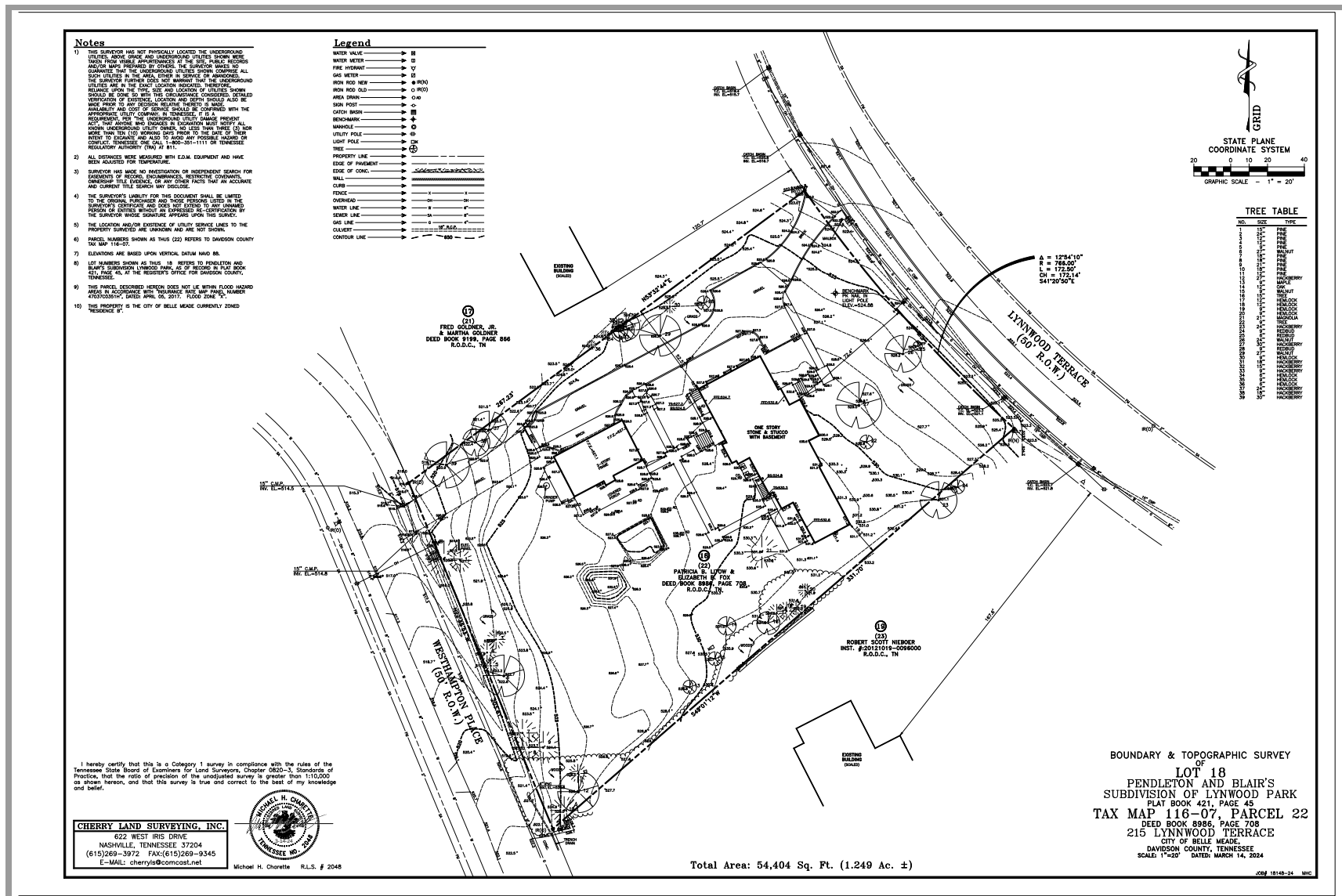












Staff Report

Agenda No.: IV.B.

Case No.: BZA 2024-6

Staff: Mary Samaniego, Planning Director

Applicant: Partick Lowry

Request: Approval of a Conditional Use for a Swimming Pool and a Variance for a fence in an alternative location.

Location: 215 Lynwood Terrace

Summary:

The applicant/property owner is requesting re-approval for a Conditional Use for the construction of a swimming pool as well as Variance for alternative fence placement. The property owner received board of zoning appeals conditional use approval for swimming pool and pool house at the December 2019, meeting. The pool house was constructed but the swimming pool never received a building permit. Therefore, the swimming pool and fence approvals expired per zoning code Section 14-206(3)(ii).

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 1.25 acres (54,404 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 1,088 square feet.
3. The proposed area of water in the swimming pool is 684 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 4,352 square feet.
5. The proposed area of the hardscape including the pool is 3,240 square feet.
6. The proposed swimming pool and pool equipment is entirely within the established building envelope (see attached Staff Analysis).
7. The existing property is a double-frontage lot with the residence facing Lynwood Terrace and Westhampton Place abutting the rear property line.
8. The proposed 6' fence is at both rear/side corners of the residence but not the furthest rear corners. Also, the fence is approximately 24' off of the rear property line which is also the Westhampton Place right-of-way line.

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 existing property line trees should adequately screen the swimming pool 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 swimming 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 owners/applicants are required to illustrate compliance with this standard on the site plan and associated application at the time of building permitting.*

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 follow the required fence placement as close to compliance as possible with an existing fence while also recognizing that the lot is a double-frontage lot. If the

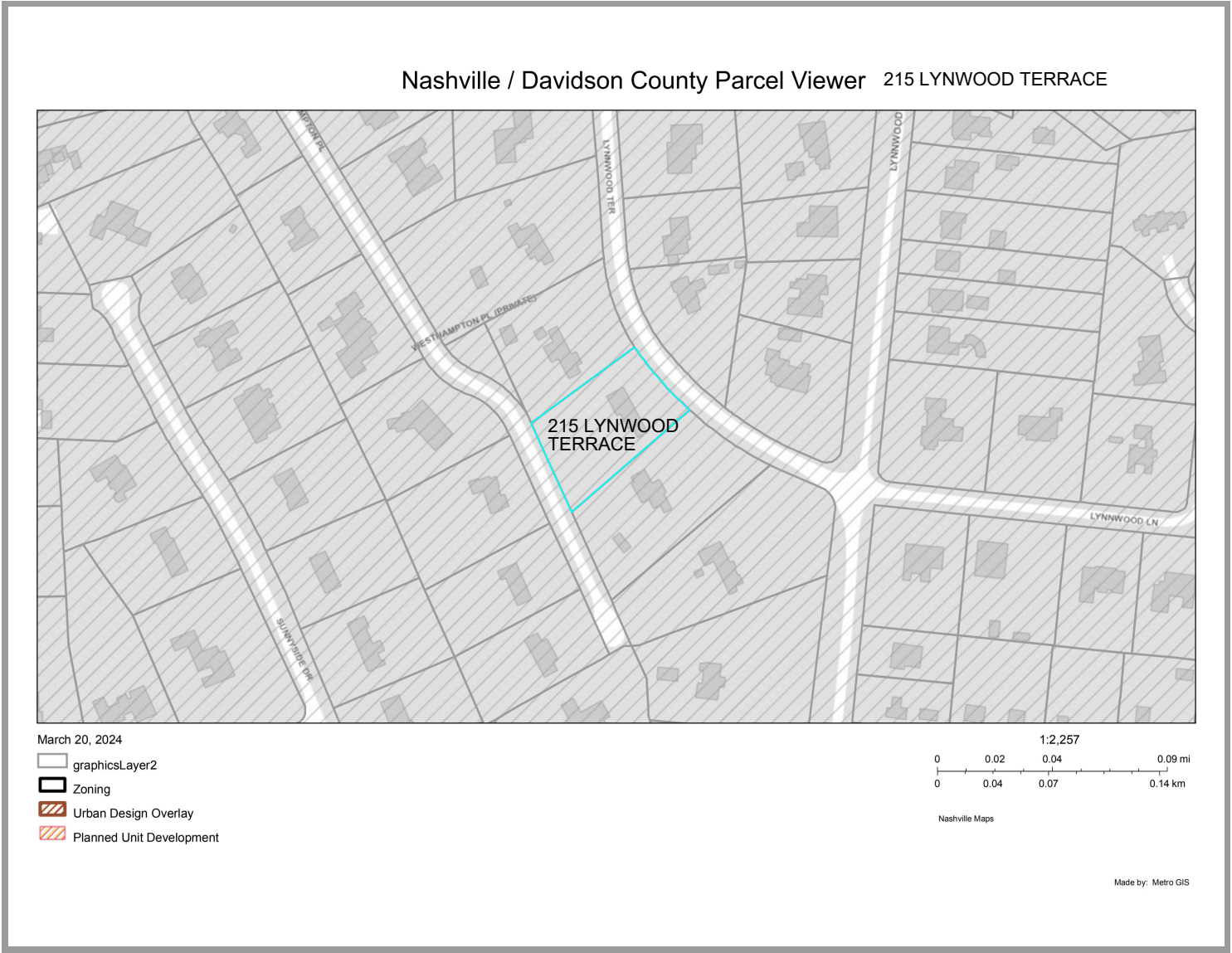
fence were to be placed along the rear property line, it would result in a 6' fence along the Westhampton Place right-of-way. Per the zoning ordinance, the maximum height of fences along all rights-of-way is 3' in height. Therefore, the requirement of a 6' fence along a rear property line that is also a right-of-way line would be detrimental to the public good.

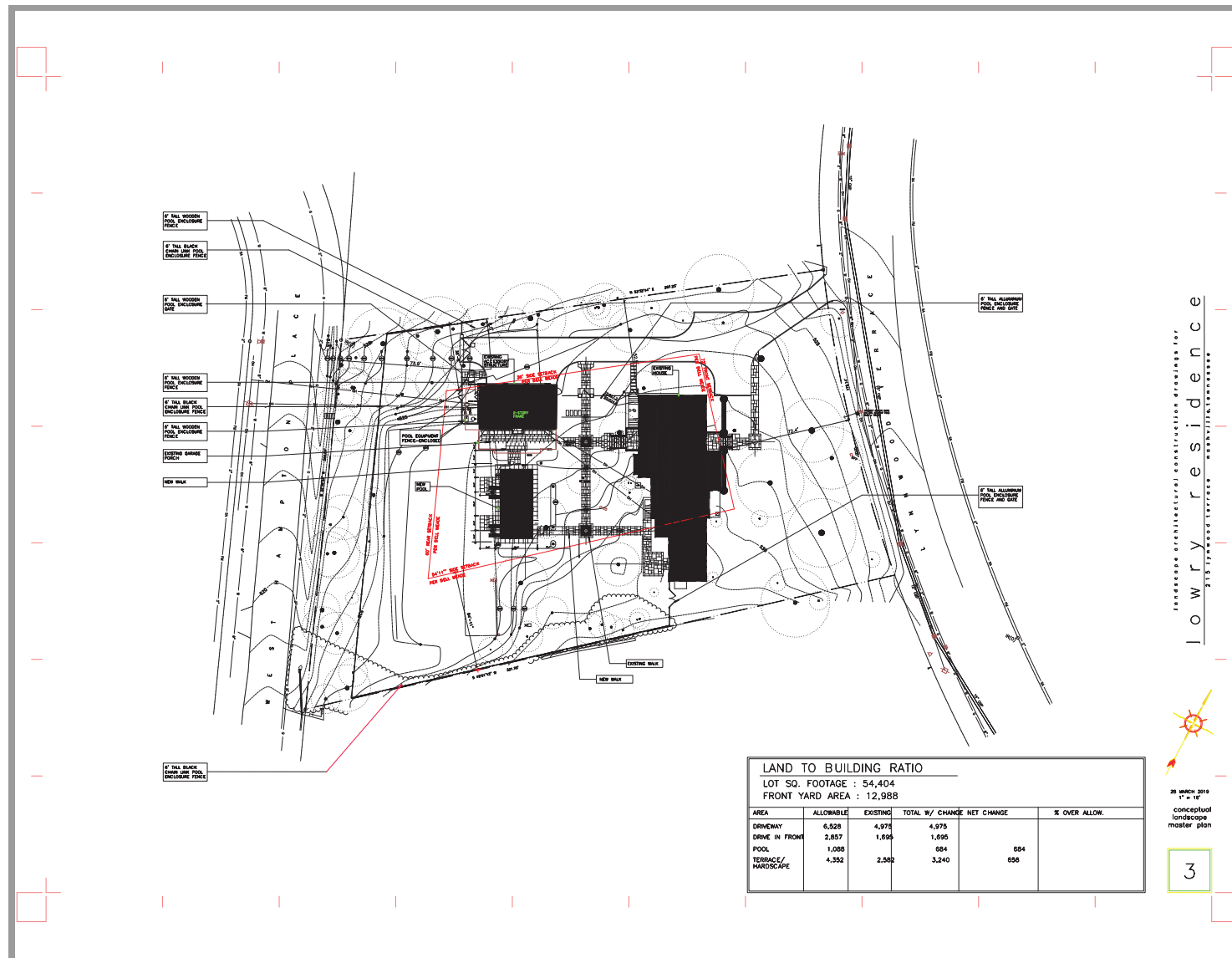
2. The variance shall be granted that will not substantially impairing the intent and purpose of the Zoning Ordinance; and
The proposed fence does not the fence placement line as required. The intent and purpose of the fence provision, in staff's professional opinion, is to ensure that fences are placed in the rear yard as opposed to side yards. The proposed fence placement is in the majority of the rear yard but approximately 24' from the Westhampton Place right-off-way which meets with intention of the zoning ordinance.
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 Lynwood Terrace by the existing landscaping as well as the residence. 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 2024-7 APPEAL FEE: \$500
APPLICANT (Owner's Name) Shelton & Drew Kitchen PHONE # 615-454-4100
APPLICANT EMAIL ADDRESS dkitchen@maynardnexsen.com
PROPERTY ADDRESS: 313 Lynnwood Boulevard, Nashville, Tennessee 37205

REQUEST: VARIANCE ☒ CONDITIONAL USE ☐

REASON FOR REQUEST: As a function of the house, we would like to request a grading variance in order to construct a driveway to access the garage.

PROJECT CALCULATIONS

LOT SQ. FT:	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA	5431	2989	4211	0
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.)	8871	5165	6387	0
FRONT YARD AREA	21,038	-	-	-
TOTAL DRIVEWAY AREA	5431	2098	3883	0
DRIVEWAY IN FRONT YARD AREA	4628	2098	2155	0
HARDSCAPE AREA	3621	3032	3520	0
POOL AREA	905	693	693	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?

The change in topography at the proposed location for the driveway necessary to access the garage is in excess of what is allowed to be modified at that location. Placement of the driveway on the side proposed allows the preservation of the mature trees on the opposite side of the house.

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 not be feasible to add a driveway to access the garage.

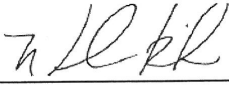
How would the granting of this variance be without detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance of the City?

Driveway access is allowed along the side of the property to access rear garages throughout Belle Meade. The grade variance request is only for a very small portion of the lot. Planting will be installed along the driveway and will screen the wall and associated grade change necessary for the construction of the driveway.

Please see attached for a note of support from the next door neighbor at 301 Westview Avenue, who is adjacent to the proposed work.

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

Driveway access is allowed along the side of the property to access rear garages throughout Belle Meade. This configuration is similar to the rhythm and layout of adjacent neighbors, neighbors along Lynnwood, as well as throughout Belle Meade.

SIGNATURE:  (Owner/Agent) DATE: 03-15-2024

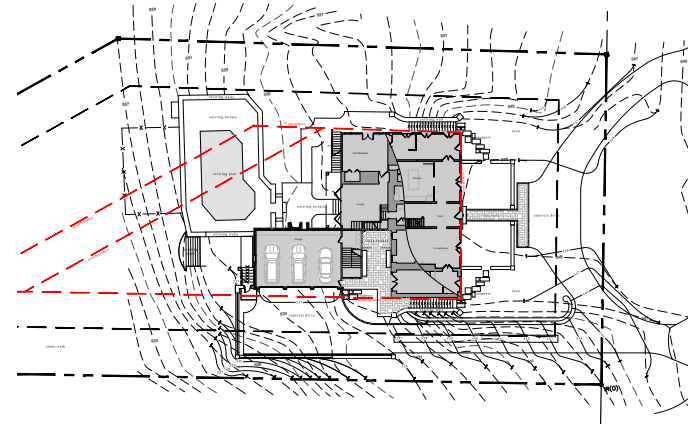
Submit all information, plans & application via email PDF to: msamaniego@citybellemead.org



a zoning appeals package for the:
KITCHEN RESIDENCE
 313 LYNNWOOD BOULEVARD
 BELLE MEADE, TN

I N D E X O F D R A W I N G S

- L0.0 PROPOSED SITE PLAN
- L1.0 EXISTING CONDITIONS PLAN
- L2.0 GRADING PLAN
- L3.0 ISR PLAN
- L4.0 ELEVATIONS
- L5.0 SCHEMATIC LANDSCAPE PLAN
- L6.0 SITE PHOTOS



1 proposed plan
 scale: $\frac{1}{16}" = 1'-0"$

P R O J E C T T E A M

L A N D S C A P E A R C H I T E C T

Wade Rick
 Daigh Rick Landscape Architects, LLC
 900 South Street, Suite 104
 Nashville, TN 37203
 (615) 454-4100
 wade@daighrick.com

C O N T R A C T O R

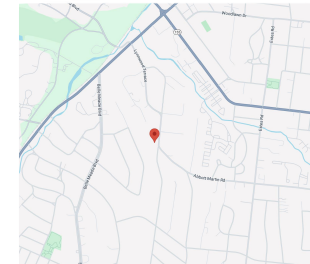
Perry Leonard
 Complete Builders, LLC
 3521 Lanawood Drive
 Nashville, TN 37217
 perryleonard@comcast.net

A R C H I T E C T

Jamie Pfeffer
 Pfeffer Torode Architects
 921 B Woodland Street
 Nashville, TN 37206
 (615) 667-0808
 Jamie@pfeffertorode.com

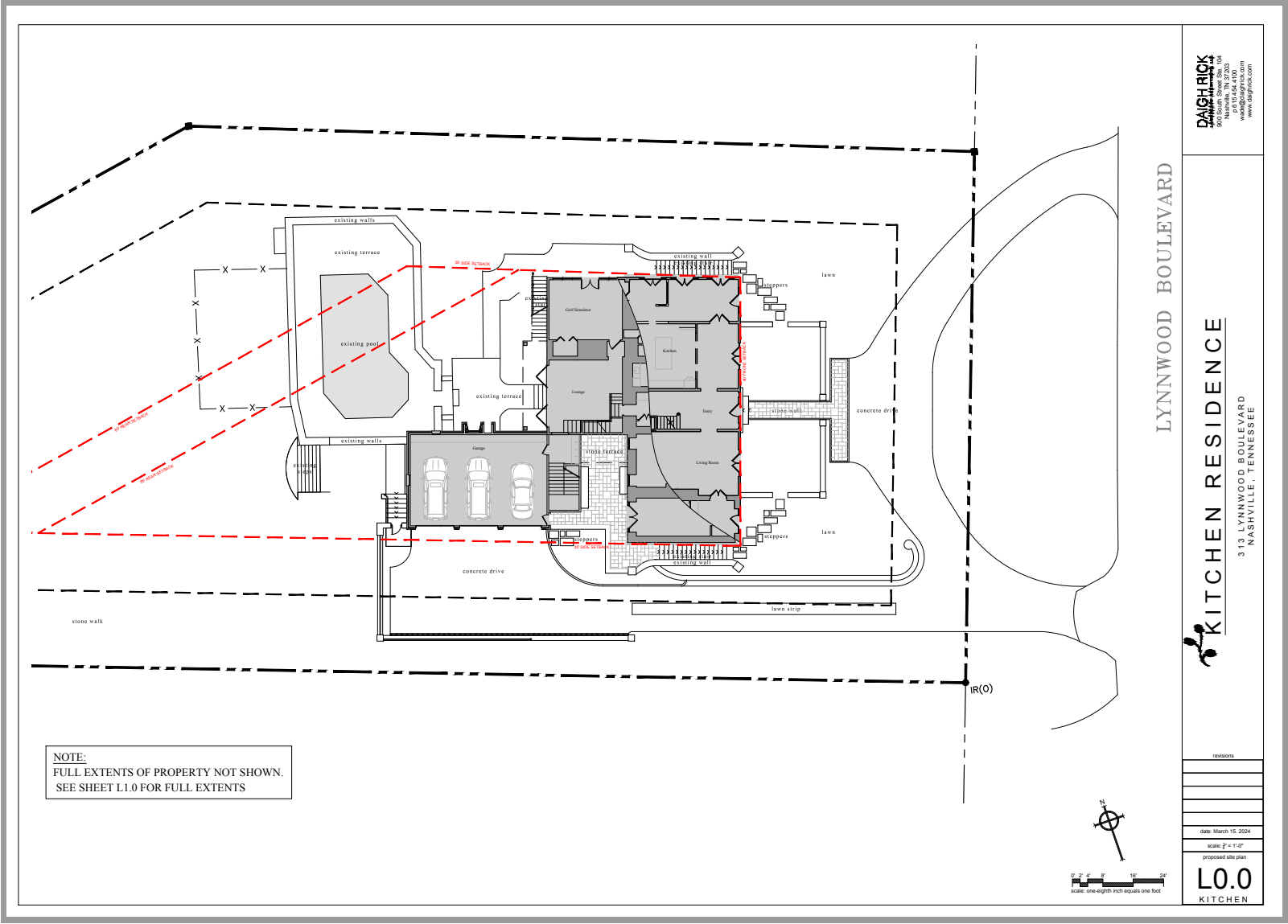


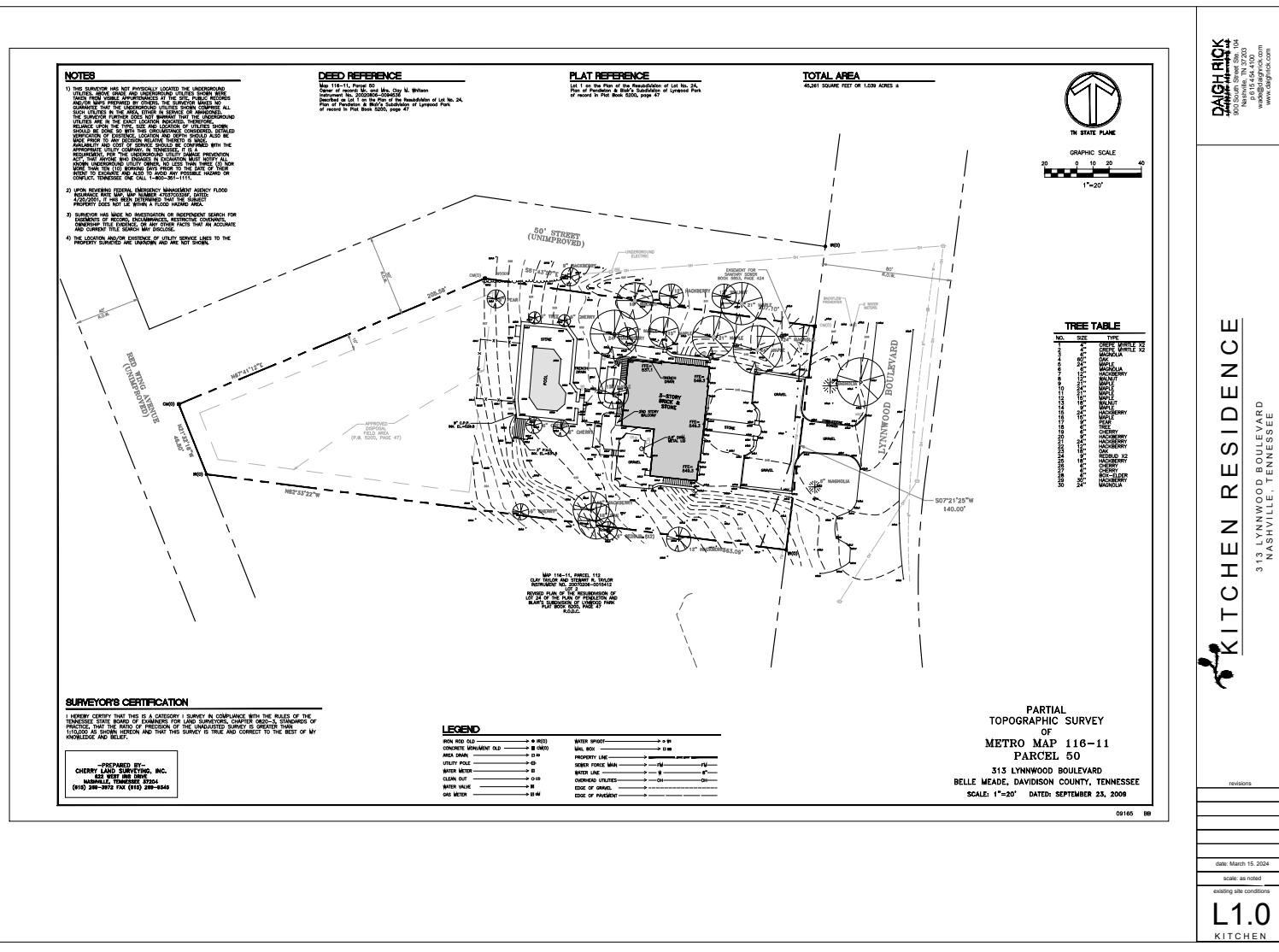
2 neighborhood site plan
 scale: $1" = 150' - 0"$

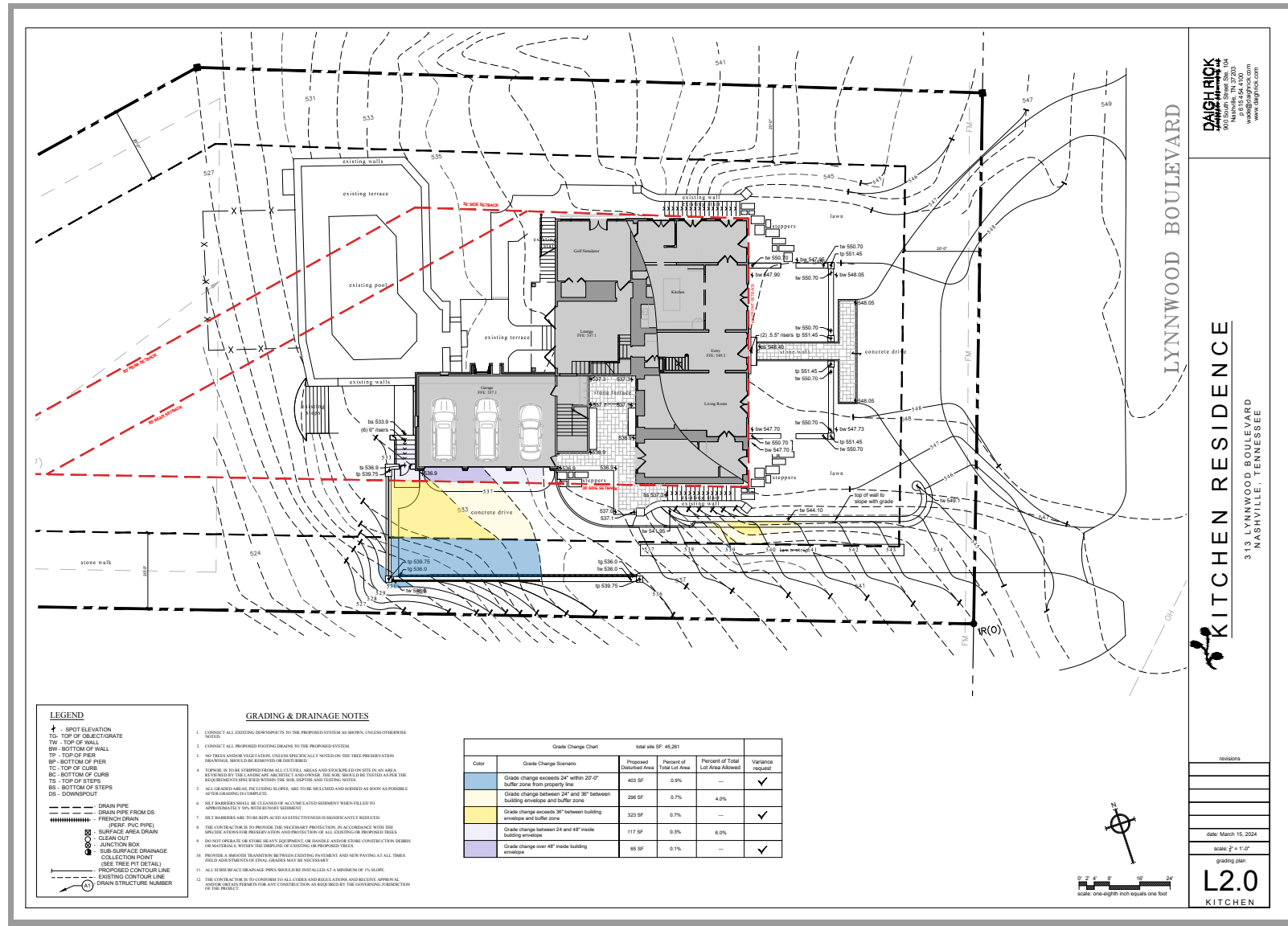


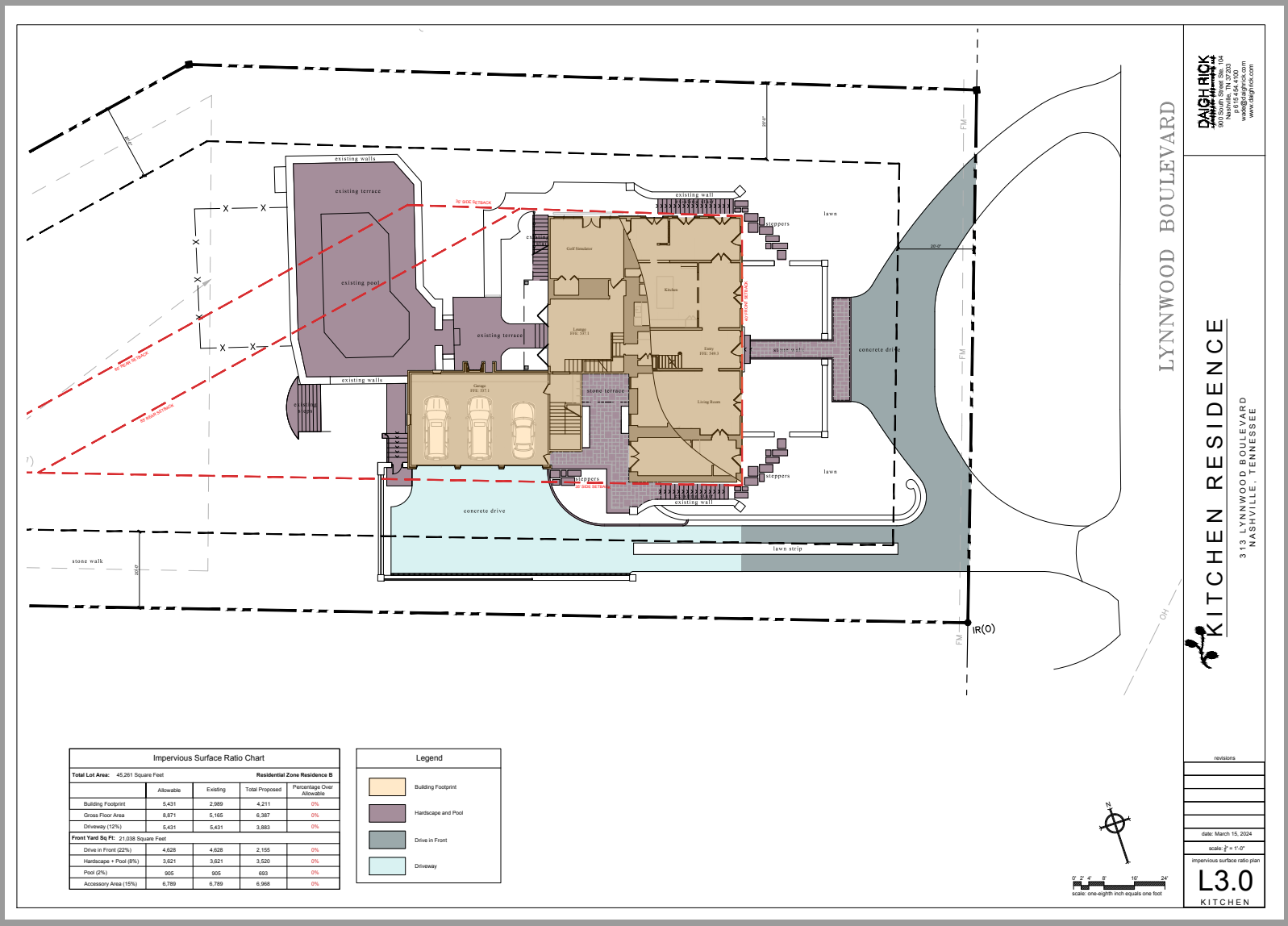
3 vicinity map
 scale: not to scale

KITCHEN
 March 15, 2024

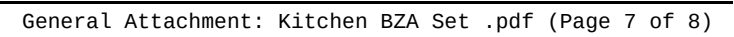














1 site photo
L6.0 not to scale



2 site photo
L6.0 not to scale



3 site photo
L6.0 not to scale



4 site photo
L5.0 not to scale



5 site photo
L.B.O. not to scale



6 site photo
15.0 not to scale

DAIGH RICK
 900 South Street Ste. 104
 Nashville, TN 37203
 p 615.454.4100
 wade@daighrick.com
 www.daighrick.com

KITCHEN RESIDENCE

313 LYNNWOOD BOULEVARD
NASHVILLE, TENNESSEE

revisions

date: March 15, 2024

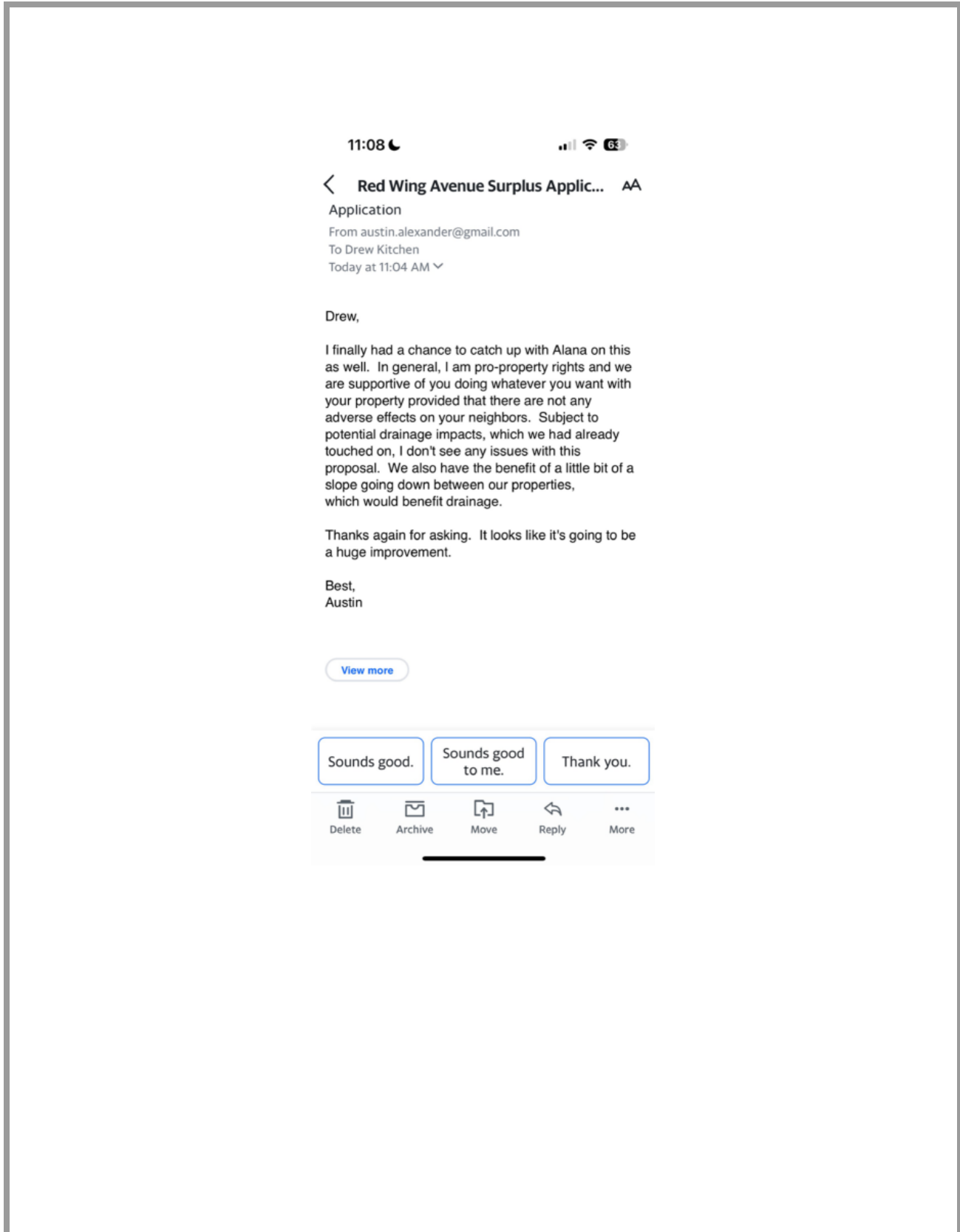
scale: not to scale

site photos

160

L6.0

KITCHEN



Staff Report

Agenda No.: IV.C.
Case No.: BZA 2024-7
Staff: Mary Samaniego, Planning Director
Applicant: Shelton and Drew Kitchen
Request: Variance approval to exceed the maximum retaining wall height of 3' and to exceed the maximum percentage of grading allowed.
Location: 313 Lynwood Boulevard

Summary:

The applicants/property owners are requesting a Variance for a related retaining wall over 3' in height and to increase the maximum percentage of grading allowed. The existing driveway on the property only access the front of the residence as there is no existing garage for the property. The property owners are proposing the construction of a three-car attached garage on the south side of the residence. This addition to the residence was heard at the March and April 2024 Historic Zoning Commission meetings and was approved. The applicant wished to construct driveway to include a parking/turnaround area in the side yard of the property to access the new garage.

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 1.04 acres (45,261 square feet) and the residence is 5,165 square feet in size.
2. The lot has 42 feet elevation change from the front property line to the rear property line.
3. Per Section 14-204(1)(g) of the Zoning Ordinance, within the building envelope up to a total area of six percent (6%) of the entire square footage of the lot, an additional two feet (24") elevation change shall be permitted. The proposal indicates an additional three feet (36") in a portion of the driveway adjacent to the garage doors.
4. Per Section 14-204(1)(g) of the Zoning Ordinance, an additional one foot (12") of elevation change shall be permitted on an area up to four percent (4%) of the entire square footage of the lot in the area outside the building envelope but not extending into a buffer zone extending twenty feet (20') from all property line. The proposal indicates an additional three feet (36") of grade change within the buffer zone as well as outside the buffer zone within 5' of the property line for the driveway turnaround area.
5. Per Section 14-204(1)(c) 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.
6. The proposed retaining wall maximum height is 6' at the southwest corner of the retaining wall. On top of the retaining wall will be 3' iron railing.

Findings of Fact and Staff Recommendation:

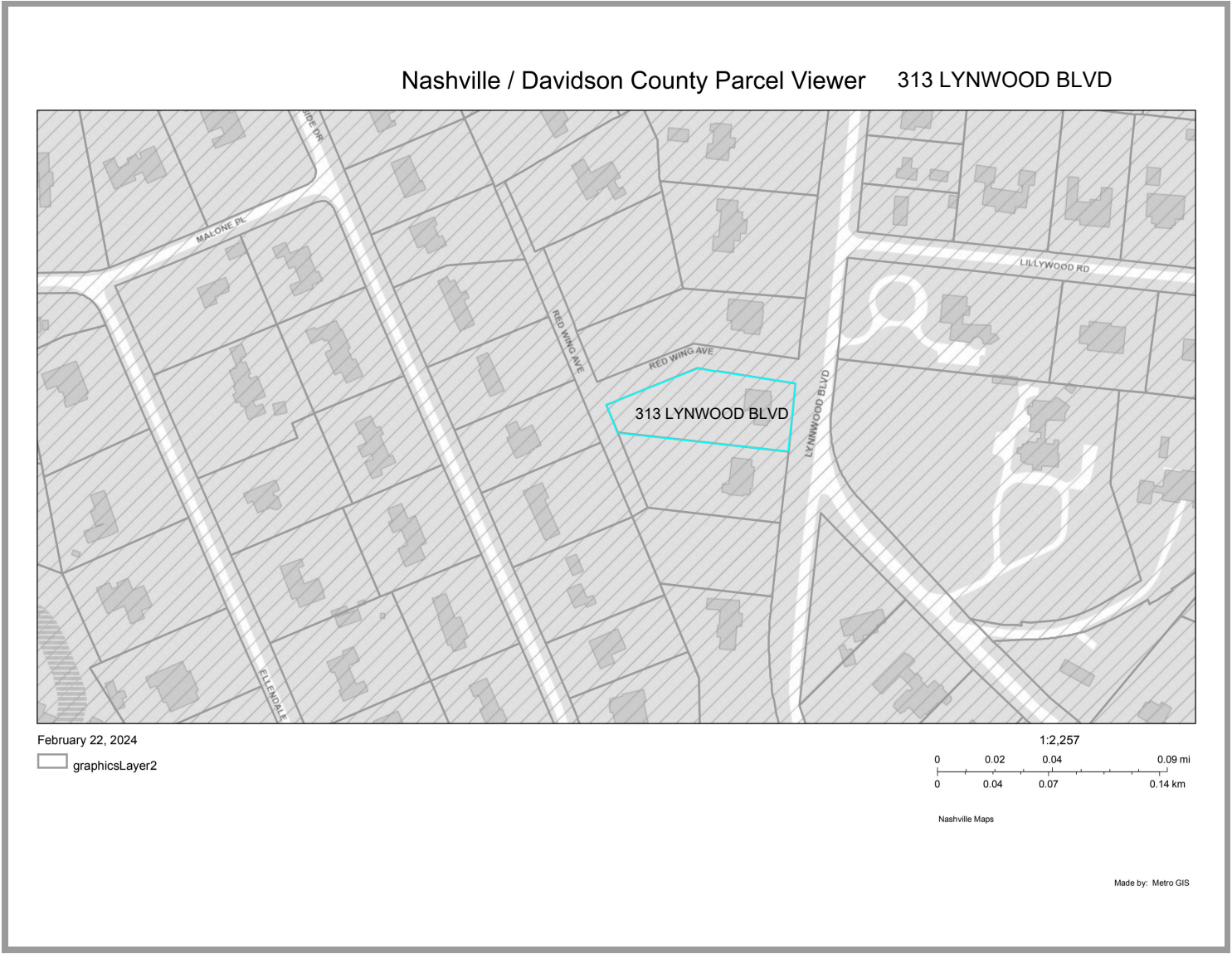
The standards of proof required for Variances are established in the Zoning Ordinance. The Board of Zoning Appeals has the authority to grant such variance as will not be contrary to the public interest and under the restrictions established with the Zoning Ordinance which states that if the property 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:

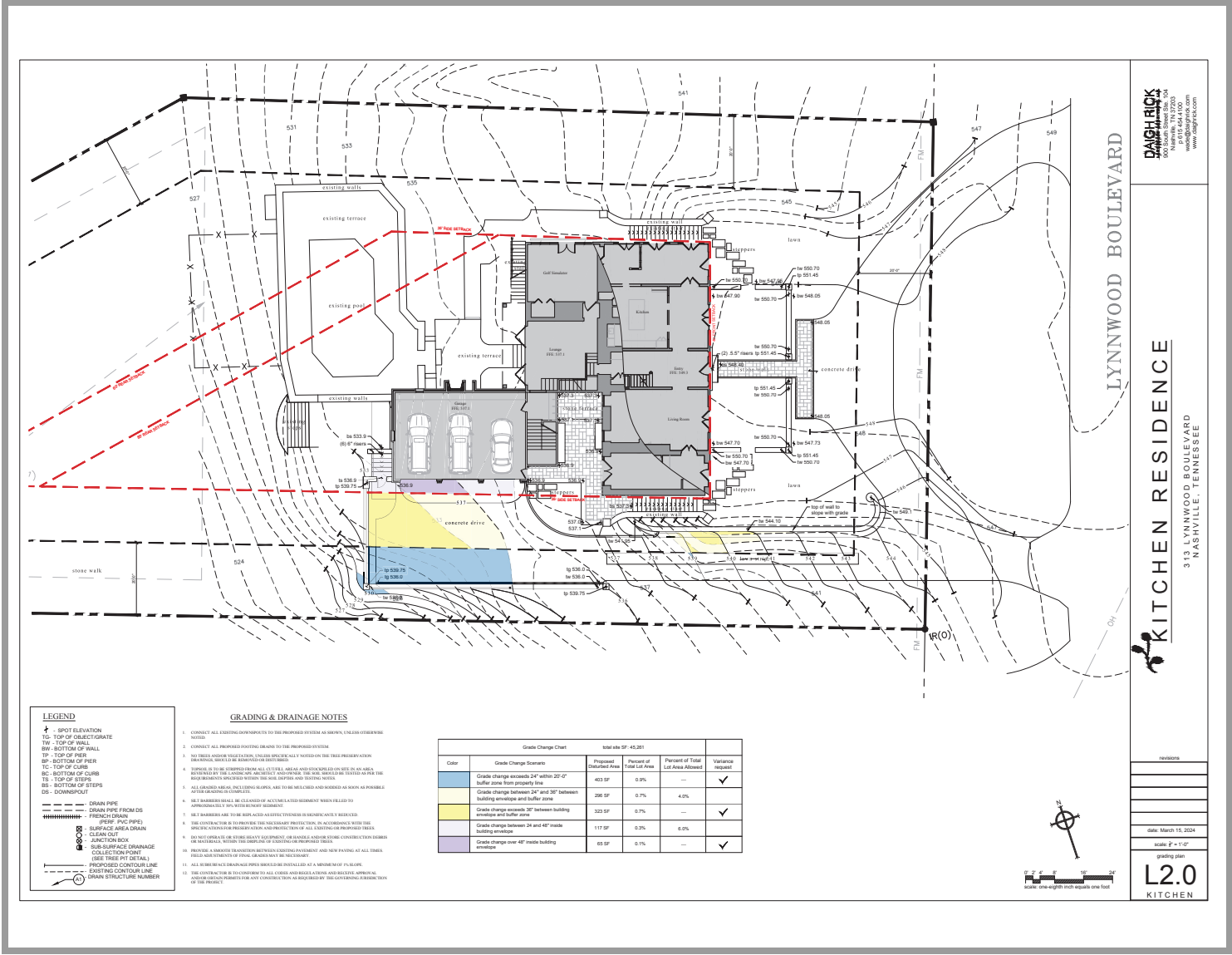
1. The variance shall be granted that will not be a detriment to the public good;
The applicant is proposing to follow the existing topographic contours for the proposed construction while at the same time creating level development areas (see application site plan). Within the property there is a 42 feet elevation change.
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. Similarly, the existing residence does not have a garage, which is a current zoning ordinance requirement. Therefore, the addition of the three-car garage will bring the property into compliance with that Code provision as well as conformity with most other residences throughout the City.
3. The resulting home will not be out of harmony with the other homes in the neighborhood.
The existing residence has only a turnaround in the front of the property for vehicle parking and storage. A slight increase in the turnaround area adjoining the attached garage is necessary to facilitate turning movements as well as integrating the garage into the existing architecture/construction of the residence. 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 Variance requests based on the written findings of fact.

Attachments:

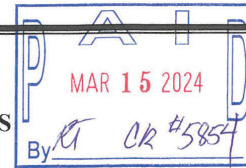
1. Location Map
2. Staff Analysis







CITY OF BELLE MEADE APPLICATION FOR BOARD OF ZONING APPEALS



BZA meets the third Tuesday of each month @5:00pm, cut off for submittal is 15 days prior by 12:00pm, no exceptions.
Subject to the provisions of the Code of the City of Belle Meade as they may be amended from time-to-time, the following general criteria are considered:

APPEAL #: BZA 2024-9

APPEAL FEE: \$500⁰⁰

APPLICANT (Owner's Name) BARRY STONE PHONE# 615-856-1421

ADDRESS OF PROPERTY NEEDING APPEAL: 428 WESTVIEW AVE

REQUEST BEING MADE: SPECIAL EXEMPTION [] VARIANCE ☒ CONDITIONAL USE []

REASON FOR APPEAL: PROPOSED PORCH ADDITION OVER THE MAX.

ALLOWABLE FOOTPRINT.

LAND TO BUILDING FLOOR AREA RATIO F.A.R.

LOT SQ. FOOTAGE	<u>51,773.3</u>				
	ALLOWABLE	EXISTING	TOTAL WITH CHANGE	NET CHANGE + OR -	% OVER ALLOWABLE
FOOT PRINT 12%	<u>6,212.8</u>	<u>6,858.8</u>	<u>6,987.8</u>	<u>+130.2</u>	<u>12%</u>
ESTATE A 8%					
*F.A.R. X LOT SQ. FT.					
LOTS <40,000 X .225					
LOTS >40,000 X .196	<u>10,147.6</u>	<u>8,129.6</u>	<u>7,206.8</u>	<u>-922.8</u>	<u>0%</u>
TOTAL ROOF AREA:					
TOTAL % OF LOW SLOPE AREA <6/12 PITCH 30%	<u>2,057</u>	<u>1,686.5</u>	<u>1,816.7</u>	<u>+130.2</u>	<u>0%</u>
DRIVEWAY 12%	<u>621.2</u>	<u>685.4</u>	<u>—</u>	<u>—</u>	<u>N/A</u>
FRONT YARD SQ FT:					
DRIVE IN FRONT 22%	<u>3,792</u>	<u>4,637</u>	<u>—</u>	<u>—</u>	<u>N/A</u>
**HARDSCAPE + POOL 8%	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
POOL 2% OF LOT	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
***ACCESSORY AREA	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

*FAR IS ALL COVERED STRUCTURES, MEASURED TO THE OUTSIDE WALLS, AND WILL INCLUDE ATTIC HEIGHT OF 5'6" AND ABOVE, ACCESSABLE OR NOT. DOES NOT INCL. BASEMENTS OR GARAGE UNDER HOUSE.

**HARDSCAPE INCLUDES ALL PORCHES, TERRACES AND SCREENED PORCHES OPEN TO THE ELEMENTS.

***COMBINATION OF POOL / TERRACE, DECK, TENNIS COURT AND OTHER ACCESSORY STRUCTURES OR USES SHALL NOT EXCEED 15%.

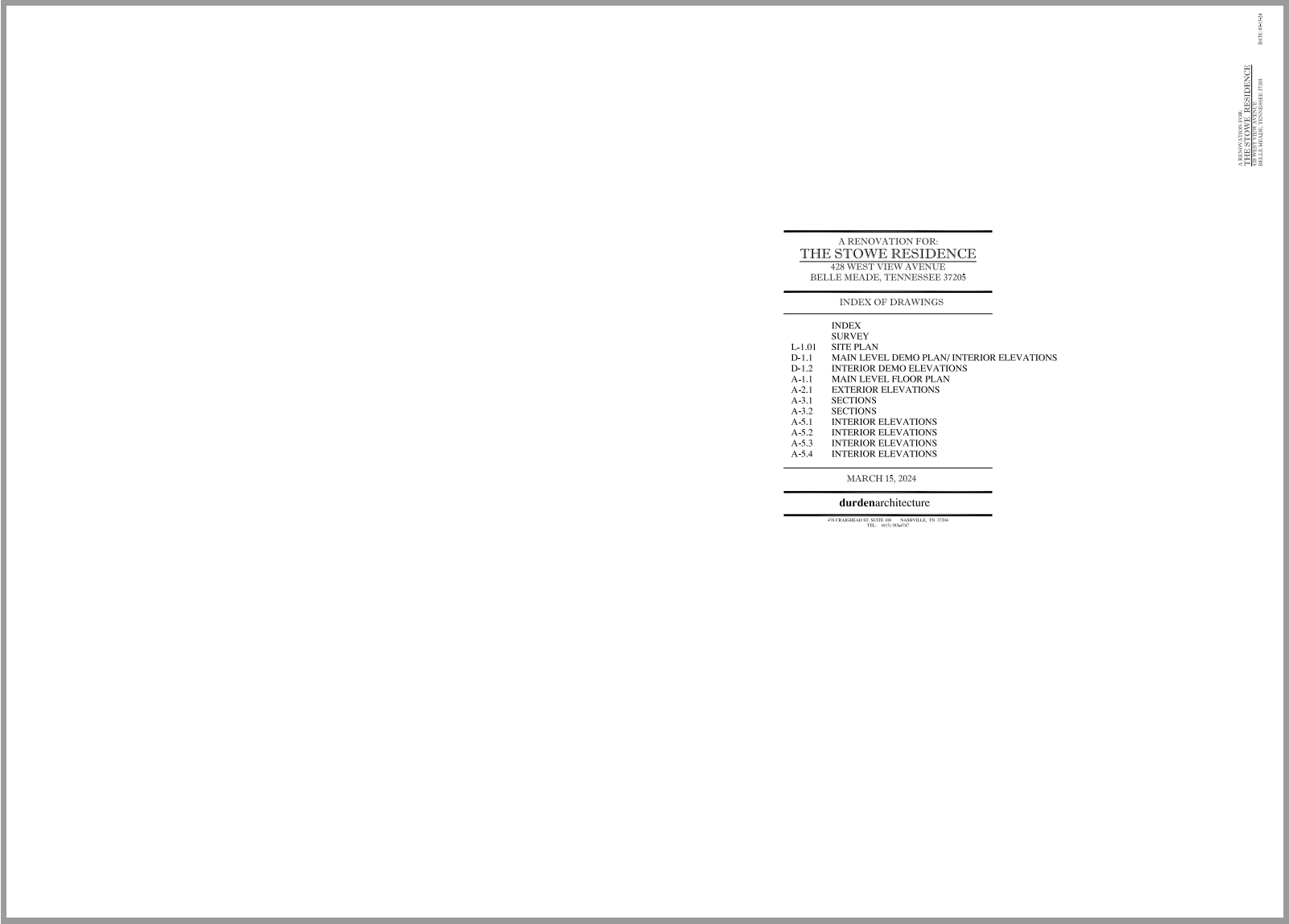
Check off each item or N/A and submit with this application:

- [] (2) sets of plans & (1) set submitted PDF format in a merged file.
- [] Plot plan 1 Inch = 30 Feet "Show Magnetic North".
- [] Plans submitted on paper no larger than 30"x 42"
- [] Show proposed structure in shaded area with setbacks.
- [] Survey of lot and lot square footage with contours and average natural grade and show building envelope.
- [] Show neighbor's house and measurements to it
- [] Show all elevations of structures with contours, average natural grade, existing grade, finish grade, finish floor.
- [] Show any detached structures with all elevations
- [] Grade changes more than 21 inches clearly shown in each area labeled in 1 inch increments; +2 +3 +4 etc...
- [] Landscape Design
- [] Submittal, along with appeal fee 15 days prior to BZA.

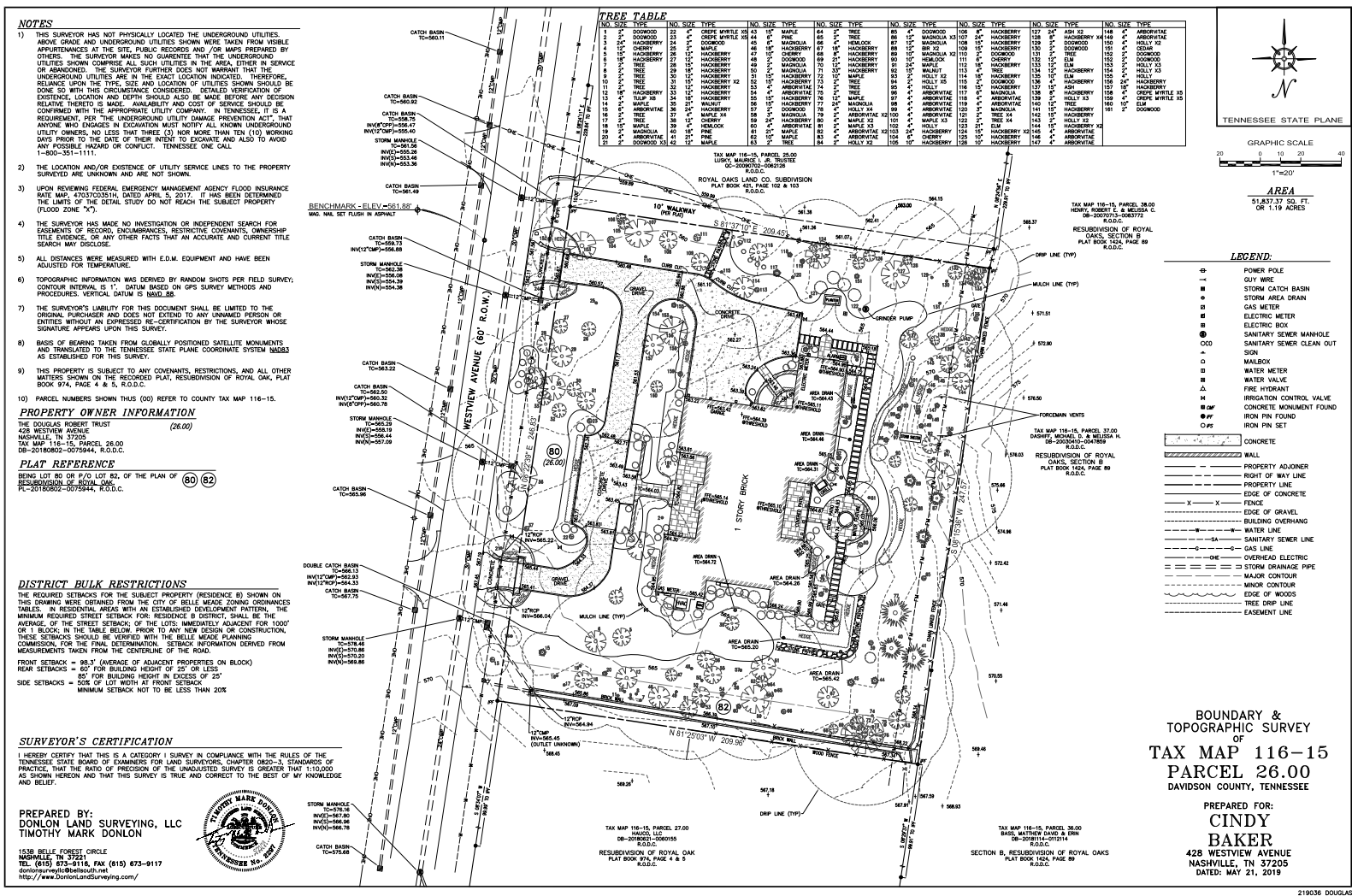
It is the responsibility of the applicant to provide access to the property for the Board's review on the Sunday before the meeting. The Board may defer the request if access is unattainable.

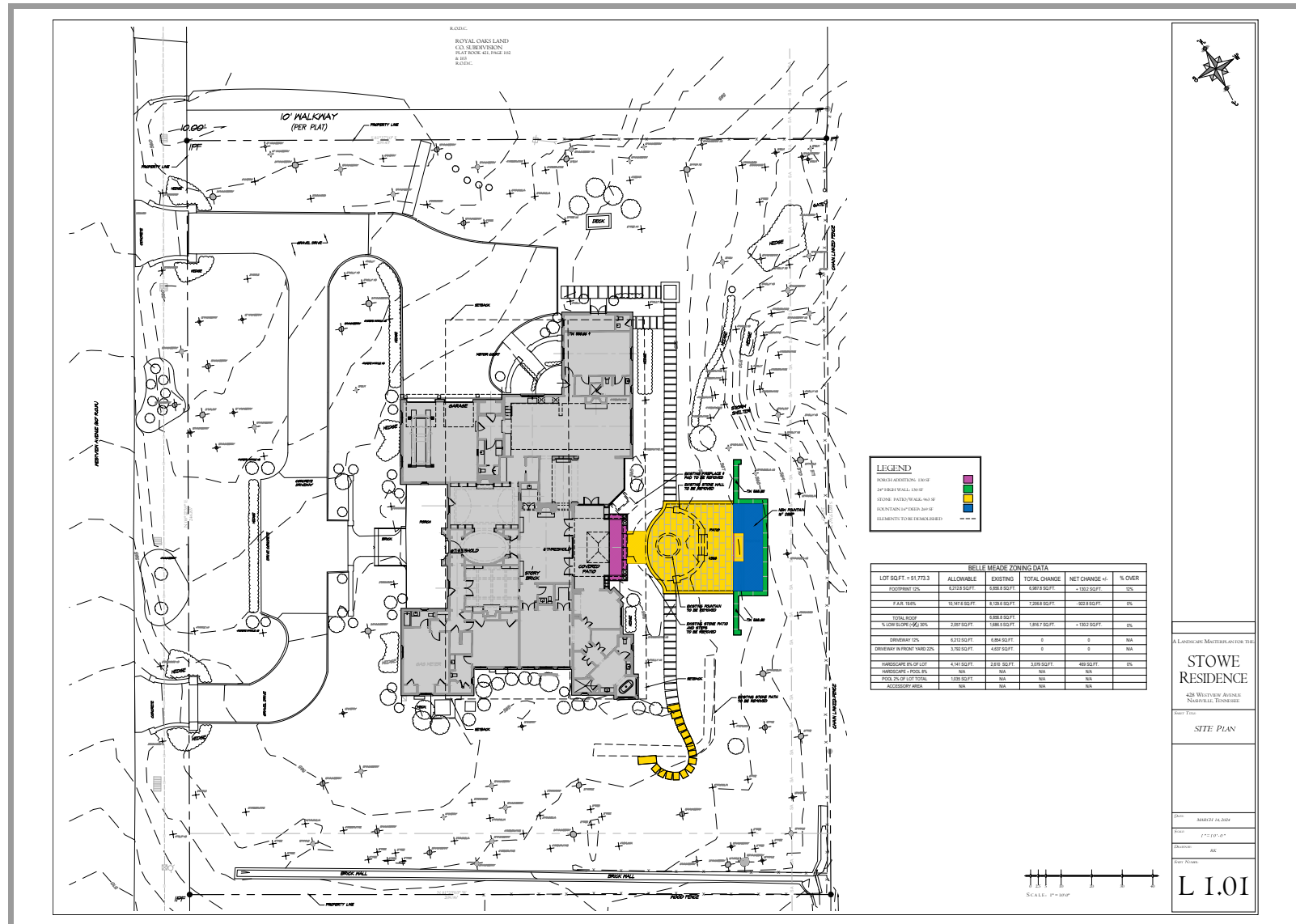
In order that I might construct the above structure as proposed and shown on the attachment, I hereby seek review before and approval by Board of Zoning Appeals for City of Belle Meade.

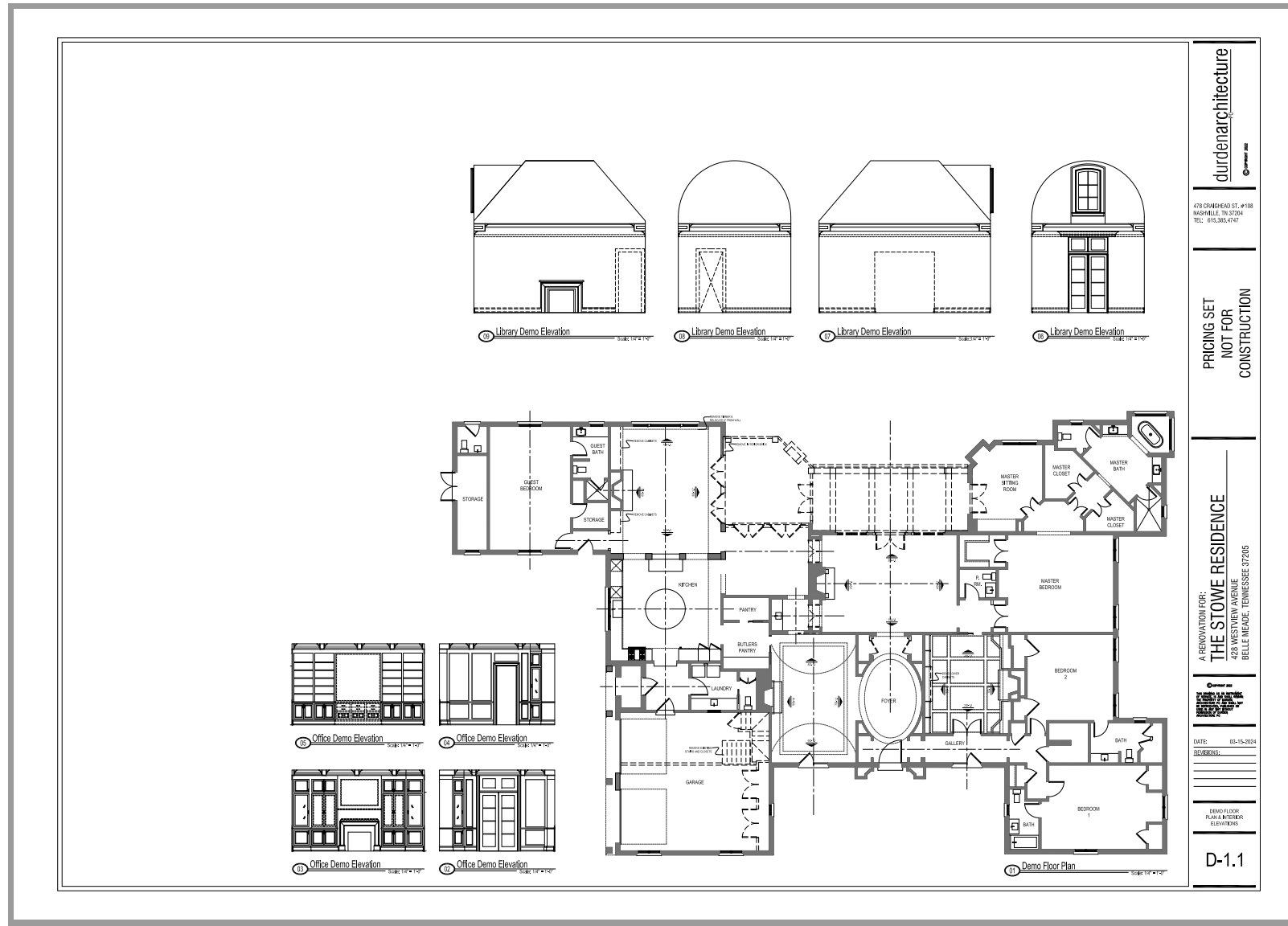
SIGNATURE: [signature] (Owner/Agent) DATE: 03/15/24



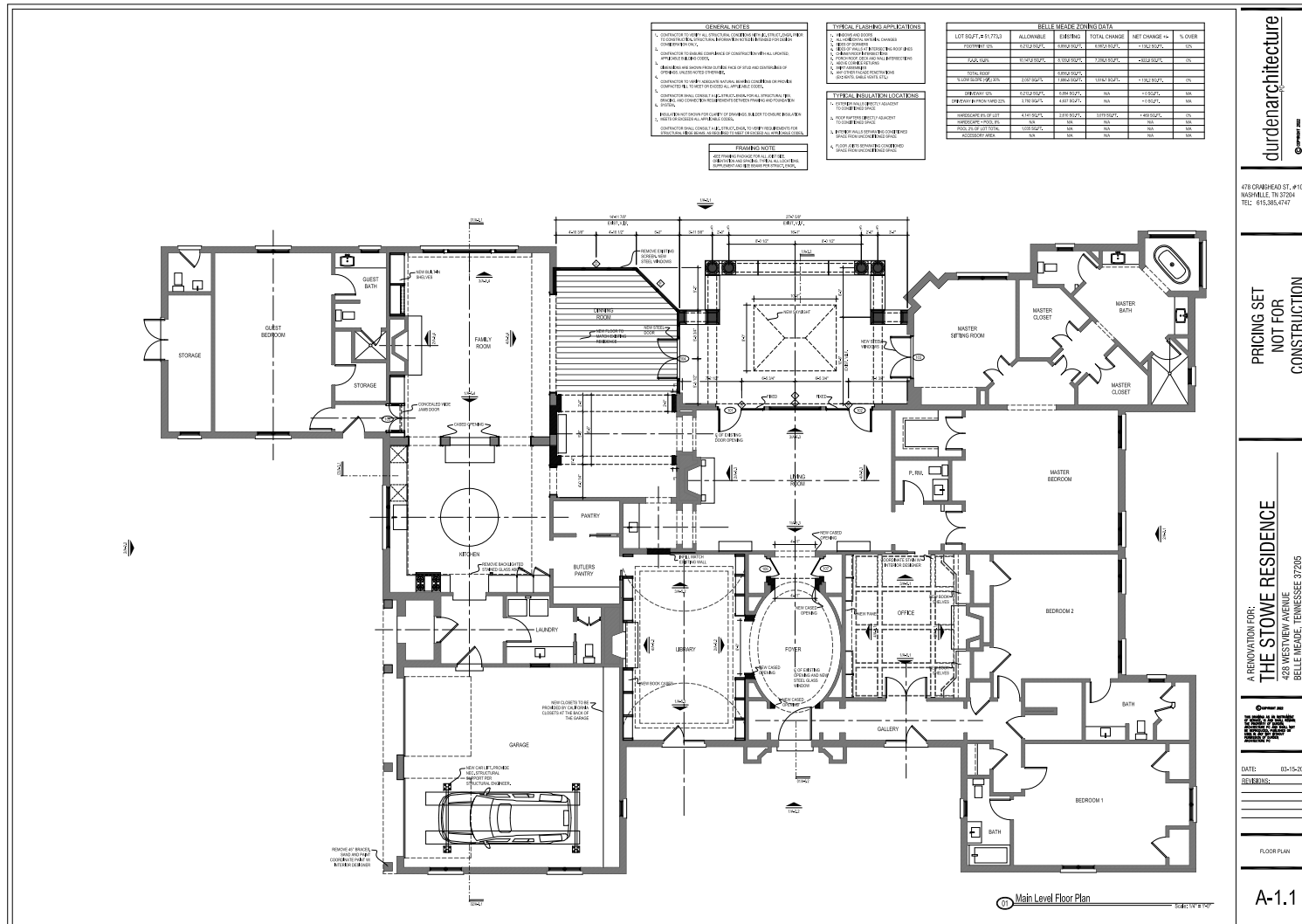
[illegible]





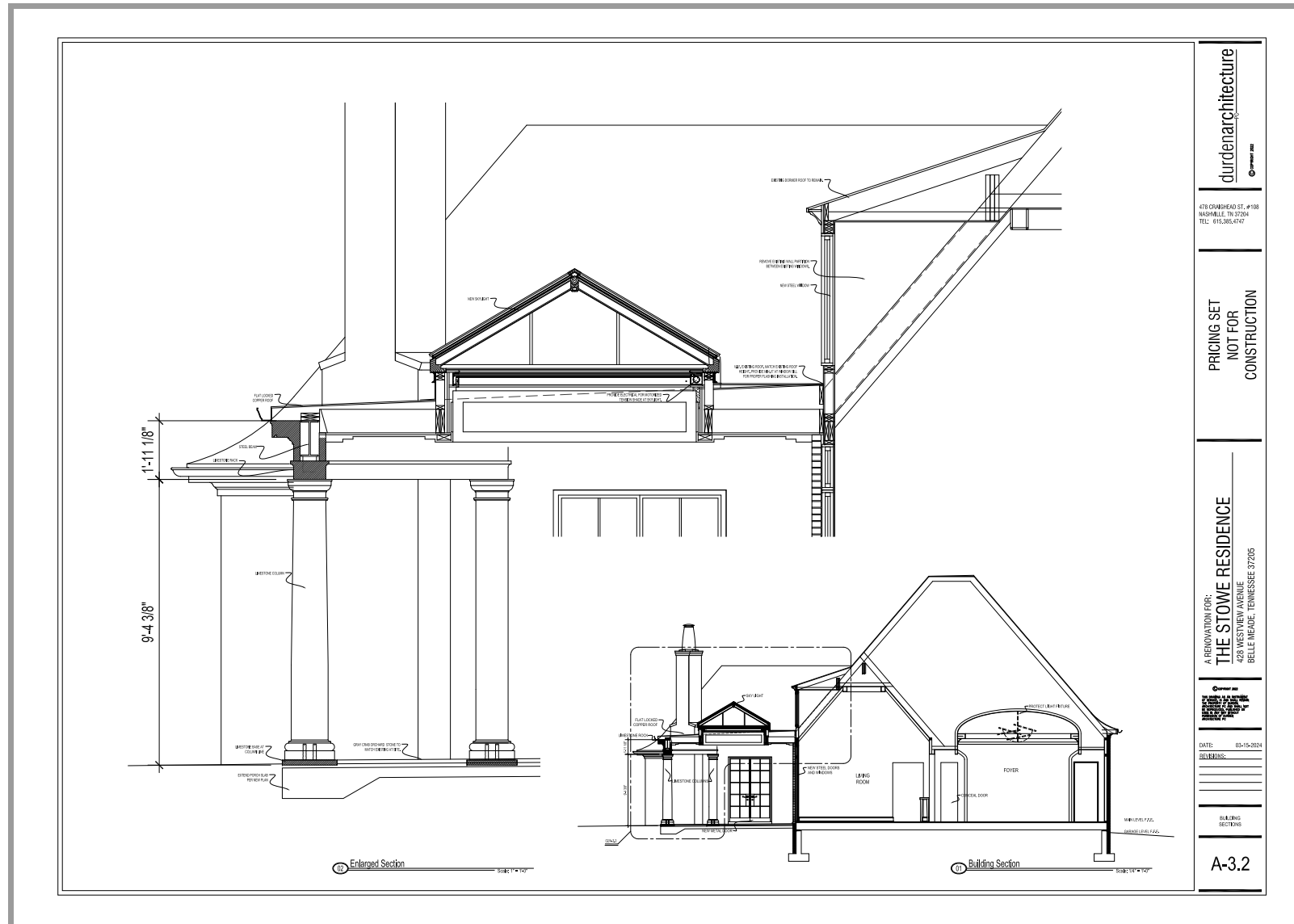


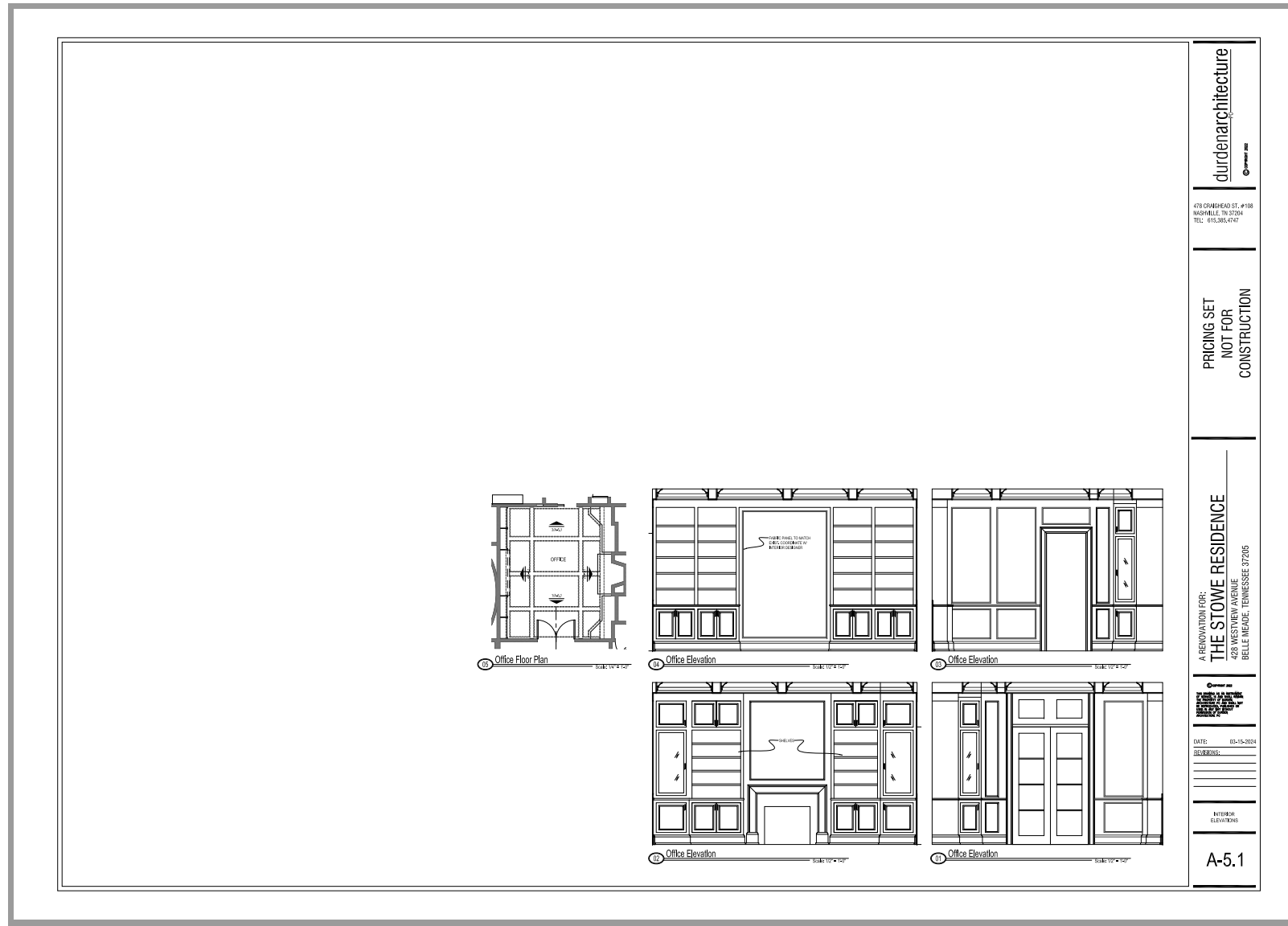




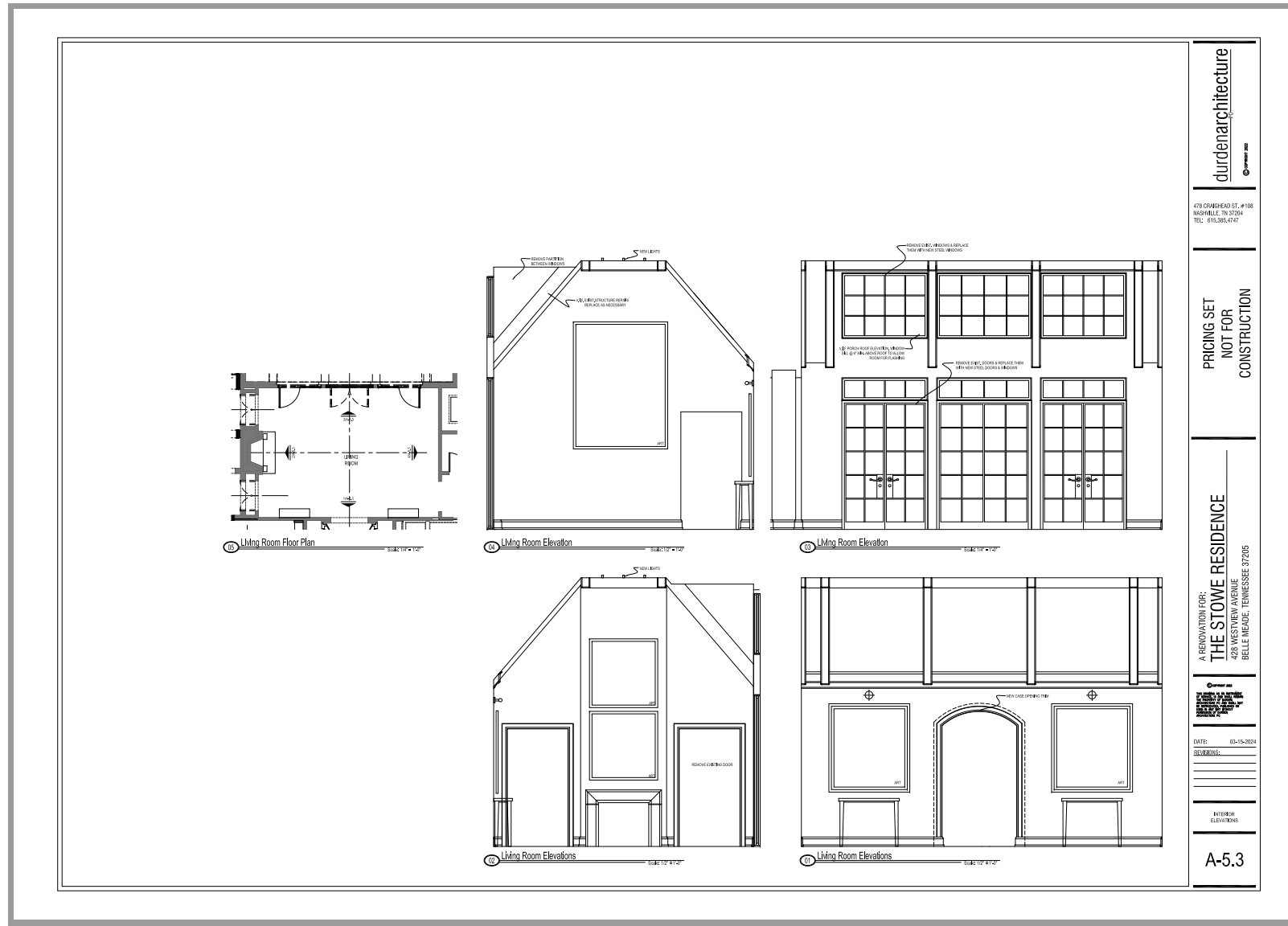














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MINUTES OF REGULAR MONTHLY MEETING
OF THE BOARD OF ZONING APPEALS
OF THE CITY OF BELLE MEADE

(Held Tuesday, December 18, 2001)

Pursuant to written notice and supplemental notice issued by the City Building Official at the direction of the Chairman, Steve Rick, the regular meeting and public hearing of the Board of Zoning Appeals of the City of Belle Meade was held at Belle Meade City Hall on Tuesday, December 18, 2001, commencing at 7:30 p.m.

Present were the Chairman Steve Rick, and Board Members Kim Davis, Tim Douglas, Ellen Hudson, and Martin Roberts. Also present were City Manager Beth Reardon, City Recorder Dorothy Wheeler and City Building Official Terry Franklin.

The Chairman called the meeting to order and noted that a quorum was present. He then asked the Board Members if there were any conflicts of interest. Mrs. Davis stated she had a conflict with the appeal of E. W. Wendell.

The Chairman then convened the Public Hearing for consideration of Old Business and introduced the City Recorder who read the names of those to whom notices had been sent.

The first matter for consideration was the application of Owen Shell, Jr., 4412 Chickering Lane, for a special exception

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permitting the construction of columns and gates. The building permit has been denied for the following reason:

- (a) Columns and gates are other than in a permitted location and higher than 3'.

Mr. Franklin stated Mr. Shell has made some alterations to his plans since last month, which Mr. Shell will explain.

Mr. Shell introduced himself and explained the columns will be 260' from the street and will be slightly less than 6' in height. He stated there were three other similar columns and gates along Chickering.

The Chairman asked if any member of the Board had questions or comments. Mr. Douglas questioned the height of the gate. Mr. Shell said 5' 6" and noted they would not be seen from the street.

The Chairman asked if anyone present had any comments in favor of or in opposition to the proposal. There were none.

The next matter for consideration was the application of Rogers Caldwell, 224 Deer Park Circle, for a special exception permitting the construction of an addition. The building permit has been denied for the following reason:

- (a) Addition exceeds land to building ratio for volume.

...r
lbd

Mr. Franklin stated the Caldwell's are still over on volume but changes have been made with the plans and the calculations have been redone.

Mr. Preston Quirk introduced himself and explained he has set back the second floor addition by 5-1/2' and has taken 129 square feet out of the second floor. He noted the rear porch would now be open trelliswork. Mr. Quirk stated last month the volume was exceeded by 24% but now is only 18% over and is comparable to other houses on the street.

The Chairman asked if any member of the Board had questions or comments. Mr. Douglas noted that the volume had been reduced substantially and is now comparable to other houses in the neighborhood. Mrs. Davis noted that the Board had approved a similar house with the same percentage coverage down the street. Mr. Rick stated Mr. Quirk has reduced the volume as was requested from last months meeting.

The Chairman asked if anyone present had any comments in favor of or in opposition to the proposal. There were none.

The Chairman then closed the public hearing for Old Business and announced that, since there were no other matters of Old Business, the Board would proceed with its deliberation and voting. He called for consideration of the appeal of Owen Shell and asked if any member of the Board had further

1

questions, comments or motions. Mrs. Hudson commented that this plan is more in keeping with the neighborhood. Mr. Douglas moved approval and Mrs. Davis seconded. Upon vote, the motion was unanimously approved.

The next matter was consideration of the appeal of Rogers Caldwell. The Chairman asked if any member of the Board had further questions, comments or motions. Mrs. Hudson noted another porch was removed further reducing the volume overage and the other was the trelliswork over the existing porch. Mr. Douglas commented that this plan is more consistent with other homes in this special exception area of Belle Meade. Mr. Douglas moved approval and Mrs. Hudson seconded. Upon vote, the motion was unanimously approved.

There being no other Old Business, the Chairman called for consideration of New Business.

The first matter for consideration was the application of Donald Orr, 700 Belle Meade Boulevard, for a special exception permitting the replacement of an existing residential structure with a new residential structure; provided that no pre-existing non-conforming use, structure and/or variance from the provisions of the Zoning Ordinance will be extended closer to the property line by reasons of the construction of such new

1

structure. The building permit had been denied for the following reason:

(a) The replacement of an existing residential structure with a new residential structure, under the foregoing condition, requires approval of the Board of Zoning Appeals.

Mr. Franklin stated the Orr's had come before the Board several months ago and obtained a special exception to make certain modifications to the existing house. In the process of construction, they found considerable termite damage and are now requesting permission to entirely replace the house.

Mr. William T. Baker, architect, explained that in the demolition process they found structural and framing damage and that it would be impossible to rebuild from the walls remaining. He stated the Orr's wish to essentially replicate the house as it presently appears, along with the fill-in, which the Board previously approved and to maintain the historical appearance. Mr. Baker noted the Orr's plan to maintain the second floor height but the first floor height would be 10'.

The Chairman asked if any member of the Board had questions or comments. Mr. Douglas noted the home would be 14" higher and asked Mr. Baker to explain the rear of the proposed home. Mr. Baker stated there would be two entrances, one off Belle Meade

Boulevard and one off Iroquois. They propose a 4' stucco wall in front of the garage for privacy, noting the garage is placed well off the street. Mr. Baker stated they also propose a 6' wall on the opposite side of the house, going towards the Boulevard, tying into the existing fence for the security and privacy of the pool area. Full discussion followed relative to (i) the 4' stucco wall at the garage area, which Mr. Baker felt would be very important to the people driving on Iroquois hiding the garage, (ii) proposed landscaping plans in place as part of the project, (iii) changing the location of the garage doors, and (iv) the minor changes between the previously approved plan and the plans presented.

The Chairman asked if anyone present had any comments in favor of or in opposition to the proposal. There were none.

The next matter for consideration was the application of Mike Dobbs, 4424 East Brookfield, for a special exception permitting the construction of a fence. The building permit has been denied for the following reasons:

- (a) Fence is other than in permitted location and higher than 3'.

Mr. Franklin explained that the proposed location of the fence is in violation.

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Mrs. Charlotte Terrell introduced herself and stated if she had known about a 3' fence they would have utilized that instead of 4'. She explained that the fence is wood square picket, double gated with scooped top. It extends from the front corner of the house with 4' posts and is strictly aesthetic.

The Chairman asked if any member of the Board had questions or comments. Mr. Douglas asked if the front of the home would be impacted if the fence were brought down to 3'. Mrs. Terrell stated most likely would not but she would prefer the plans as presented. Mr. Roberts questioned the finish of the fence. Mrs. Terrell stated it would be painted the color of the trim of the house.

The Chairman asked if anyone present had any comments in favor of or in opposition to the proposal. There were none.

The Chairman noted Mrs. Davis would not participate in the next matter, which was consideration of the application of E. W. Wendell, 428 Westview Avenue, for a special exception permitting the construction of an addition. The building permit has been denied for the following reason:

- (a) Addition exceeds the land to building ratio for footprint.

Mr. Franklin explained that the proposal is 8.5% over on footprint and has to come before the Board.

Mr. Mike Marchetti introduced himself and distributed waivers from surrounding neighbors. He explained there is an existing violation noting the house extends over the front yard setback. The Wendell's wished to add a sitting room/master bath, which complies with the requirements of the Zoning Code. In keeping the house symmetrical, however, they propose to add a screened porch and porte cochere. Mr. Marchetti noted the driveway has been reduced and is within the requirements. He compared this proposal with others in the neighborhood, with some homes under the allowable and some over. He informed the Board members all the neighbors were very excited about the plans.

The Chairman asked if any member of the Board had questions or comments. Mr. Douglas asked the height of the house and if there will be living space on the second floor. Mr. Marchetti said it was 32' to the very top and that there is no second floor, the plans calling for 15' to 16' high vaulted ceilings. Full discussion followed regarding the overage on footprint, the size and shape of the lot, the flow of water and the symmetry of the proposed plans. Mr. Rick stated that the plans meet the five areas in the special exception section of the zoning code. Mrs. Hudson asked what would happen to the 6' high fence across the front of the home. Mr. Marchetti said that the fence would

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be removed. Another question was asked if this was going to be a "tear down". Mr. Marchetti stated, "no" that this is a great street, great house and a great lot.

The Chairman asked if anyone present had any comments in favor of or in opposition to the proposal. Mr. Wendell stated when he and his wife purchased the home, it looked like it had been stepped on, but that, and after working with Mr. Marchetti, he now feels it would be a fine attraction to the neighborhood.

The next matter was consideration of the application of Alphonse Davis, 711 Lynwood Boulevard, for a special exception permitting the construction of a garage. The building permit has been denied for the following reason:

(a) Relocating an existing detached garage requires Board approval.

Mr. Franklin stated there is an existing detached garage and Mr. Davis wants to move the garage and relocate it inside the building envelope.

Mr. Rick noted the house was permitted in June.

Mr. Roger Waynick introduced himself and explained that by relocating the garage within the building envelope, it would not be visible from the street.

The Chairman asked if any member of the Board had questions or comments. Mr. Douglas asked if the existing garage would

1

just be moved or would it be new. Mr. Waynick stated it would be a new structure but the same size as the existing garage. Mr. Douglas explained that the Board tries to dissuade homeowners from constructing detached garages. Mr. Rick asked if there was any possible way to attach the proposed garage to the house.

The Chairman asked if anyone present had any comments in favor of or in opposition to the proposal. There were none.

The next matter for consideration was the application of Richard Frances, for a special exception permitting the construction of a pool and walls. The building permit had been denied for the following reasons:

- (a) Pool requires Board approval.
- (b) Walls are other than in permitted location and higher than 3'.

Mr. Franklin stated Mr. Francis is asking for a one-month Board deferral.

This completed the agenda before the Board at this meeting and the Chairman then closed the Public Hearing and called for the deliberation and voting upon the appeals presented.

The first appeal to be considered was Donald Orr. The Chairman asked if any members had further questions, comments or motions. Mr. Douglas stated that for all practical purposes the

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Orr's are building a new house and the garage is not in compliance. He stated the 4' wall was not a concern but after the ditch was reworked, the 6' wall is visible. One of the Board's main concern was the lack of landscaping plans for both the motor court wall and pool area wall. It was noted there is just a slight difference between the proposed plans for the new house and the previously approved plans. Mr. Roberts then moved approval. Mr. Rick stated he would like to see some landscaping plans. Mr. Douglas seconded the motion but made the stipulation to the motion that the house be approved but not the walls until landscape plans are approved by the Board for both the pool wall and the motor court wall. Upon vote, the motion was unanimously approved, as stipulated.

The next matter was the appeal of Mike Dobbs. The Chairman asked if any member had further questions, comments or motions. Mr. Douglas moved approval subject to the front wall being brought down to 3'. Mrs. Davis seconded. Upon vote, the motion was unanimously approved with Mrs. Hudson stating the stipulation be so marked on the plans.

The next matter was the appeal of E. W. Wendell. The Chairman noted Mrs. Davis would not be participating or voting in this appeal and asked if any other members had further questions, comments or motions. The Board members addressed the

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five points in the zoning code being met for a special exception with the proposed plans and Mr. Douglas's only concern is setting a precedent. Mr. Roberts was concerned with the size of the house. Mr. Rick stated he disagreed with that because across the street there are several houses that are large, and that this proposed plan has a lot of roof but just a different shape. He further stated that this proposed house is located in the middle of the lot, is also located well off the street and on a wooded lot. Mr. Douglas moved approval noting that if more lot coverage was proposed it would have to come before the Board. Mr. Rick seconded. Upon vote, the motion was approved with three voting aye, Mr. Roberts voting nay and Mrs. Davis recusing herself.

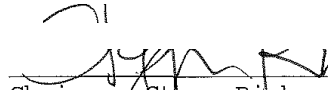
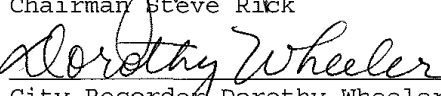
The next matter was the appeal of Alphonse Davis. The Chairman asked if any member had further questions, comments or motions. Brief discussion followed relative to attaching the garage and the orientation not facing the street, which the Board preferred. Mr. Rick moved approving the change with the stipulation that the Board also allows him to attach the garage to the house in the same basic orientation and the same size. Mr. Douglas seconded. Upon vote the motion was unanimously approved.

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The next matter was the appeal of Richard Francis. The Chairman asked if any member had further questions, comments or motions. Mrs. Hudson moved for a one month Board deferral. Mrs. Davis seconded. Upon vote, the motion was unanimously approved.

The next matter was the approval of the minutes of the regular meeting of November 27, 2001. Mr. Rick made a motion to approve the minutes as corrected. Mrs. Davis seconded and, upon vote, the minutes were unanimously approved.

There being no further business to come before the meeting, it thereupon adjourned.


Chairman Steve Rick

City Recorder Dorothy Wheeler

Staff Report

Agenda No.: IV.D.
Case No.: BZA 2024-9
Staff: Mary Samaniego, Planning Director
Applicant: Barry Stowe
Request: A variance approval for an additional that exceeds the maximum allowable building footprint.
Location: 428 Westview Avenue

Summary:

The applicant/property owner is requesting a variance for an additional that exceeds the maximum allowable building footprint by 12%. The specific request is to construct a screened porch on to the rear of the existing residence that already exceeds that maximum allowed footprint. The residence was approved for a special exception in December of 2001 to exceed the maximum permitted footprint by 8.5%.

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 1.19 acres (51,773 square feet).
2. The existing dwelling was constructed in 2003 and includes a two-car attached garage.
3. Per Section 14-204(1)(d)(i) of the Zoning Ordinance, the square footage of footprint shall not exceed twelve percent (12%) of the lot area. The allowable footprint for the proposed lot is 6,213 square feet.
4. The existing residence has a building footprint of 6,857 square feet and the proposed porch addition of 130 square feet will then provide as overall building footprint of 6,987- square feet (774 square feet over the maximum allowable).
5. Per Section 14-204(1)(d)(ii) of the Zoning Ordinance, the allowable Floor Area Ratio (FAR) for lots more than 40,000 square feet is .196. For the subject property, the allowable area per the FAR equation is 10,148 square feet.
6. The existing residence with the proposed addition and some interior renovations will be 7,207 square feet.
7. The proposed addition is within the required building envelope.

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

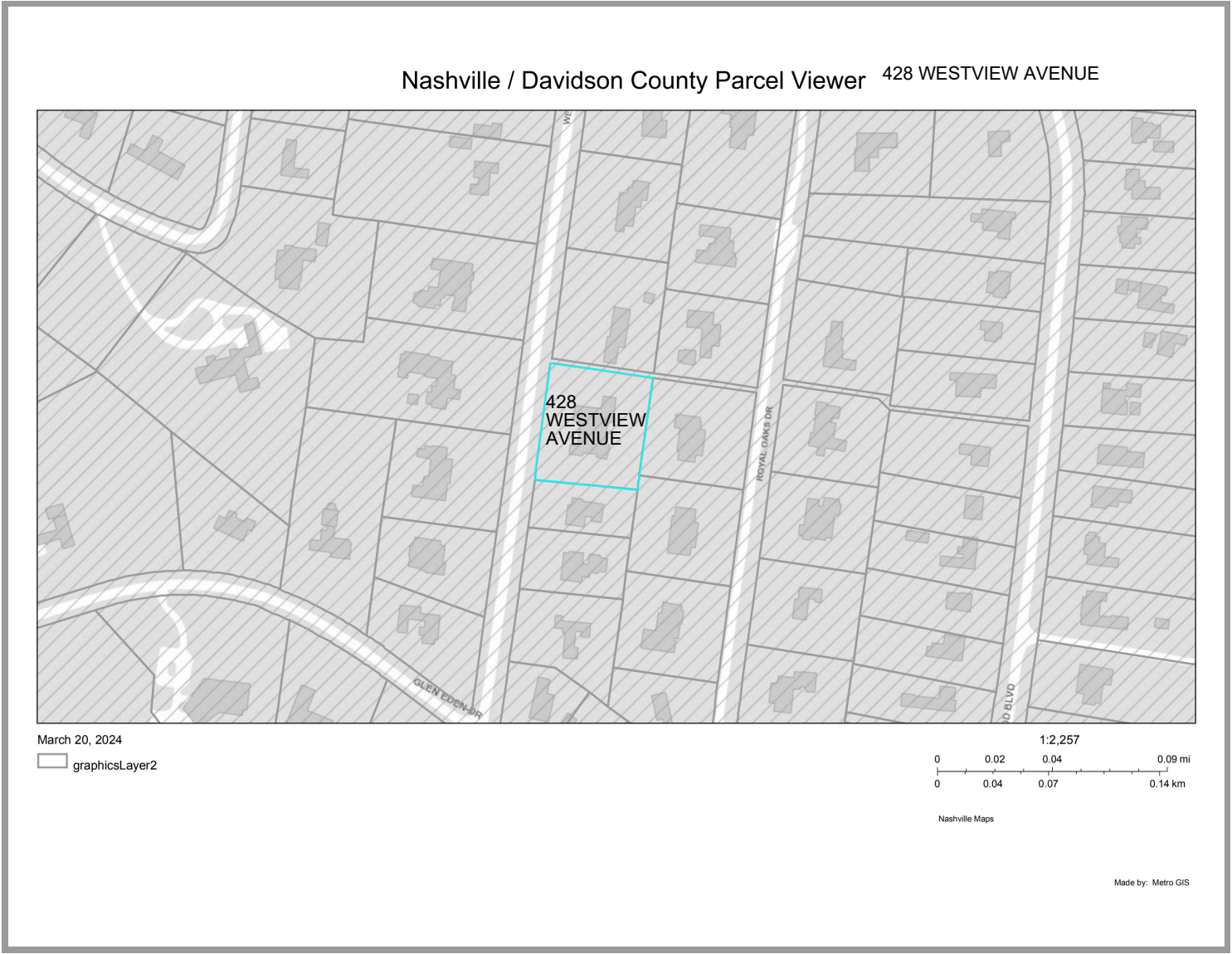
Zoning Appeals may grant a variance based on the following findings of fact:

1. The variance shall be granted that will not be a detriment to the public good;
The applicant is proposing to exceed the maximum footprint that were adopted in the Zoning Ordinance to benefit the public good.
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 building footprint to limit the massing and scale of dwellings within a given site. The City of Belle Meade enjoys large sprawling yards that contributes to the City identity. The intent and purpose of these design and bulk provision, in staff's professional opinion, is to ensure that the placement and scales of dwellings ensures this development pattern of large, open yards. The proposed variance does not meet this intent as it provides a large dwelling on a smaller lot near the rear property line.
3. The resulting home will not be out of harmony with the other homes in the neighborhood.
The subject property was granted a variance in 2001 to exceed the allowable building footprint by 8.5%. The further expansion of the footprint to the proposed 12% will bring this property further out of compliance with zoning standards required by adjoining properties.

Staff recommends denial of the variance request based on the written findings of fact.

Attachments:

1. Location Map
2. Staff Analysis



The following attachment is not a PDF, so a link to the native file format is being provided instead:

[BZA Rules of Procedure 2024 DB Revisions 04-05-24_27391193.1_.docx \(LINK\)](#)