



**CITY OF BELLE MEADE
BOARD OF ZONING APPEALS
REGULAR MEETING AGENDA PACKET
JUNE 18, 2024, 05:00 PM**



**AGENDA BOARD OF ZONING APPEALS
REGULAR MEETING
JUNE 18, 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 May 21, 2024.

Attachment: [Minutes BZA May 21 2024.pdf](#)

III. Old Business - None

IV. New Business

A. The application of Sara Perry, BZA 2024-10, 401 Sunnyside Drive, for Conditional Use for a swimming pool.

Attachment: [APPLICATION PAID.pdf](#)

Attachment: [401SunnysideBZA-17may2024combinepdf.pdf](#)

Attachment: [STAFF ANALYSIS.pdf](#)

Attachment: [STAFF REPORT 401 Sunnyside Dr.pdf](#)

B. The application of Billy Ray Caldwell, BZA 2024-15, 508 Park Center Drive, for Conditional use for a swimming pool and a variance for a fence in an alternative location.

Attachment: [508 Park Center Drive - BZA Set.pdf](#)

Attachment: [PAID APPLICATION.pdf](#)

Attachment: [KloeppeL Letter.pdf](#)

Attachment: [STAFF REPORT 508 Park Center Dr.pdf](#)

**C. The application of Richard and Lauren Jacques, BZA 2024-15, 911 Westview Avenue, for a variances to exceed the allowable footprint by 12%.
CONTINUED TO JULY 16, 2024 BOARD OF ZONING APPEALS MEETING.**

Attachment: [PAID APPLICATION.pdf](#)

Attachment: [A1.pdf](#)

Attachment: [PRESENTATION MATERIALS.pdf](#)

Attachment: [FLOYD COMMENTS.pdf](#)

Attachment: [INMAN LETTER.pdf](#)

D. The application of Robert Echols, BZA 2024-15, 4444 Tyne Boulevard, for Conditional use for a swimming pool and four variances for a fence in an

alternative location, maximum retaining wall height, garage door placement, and side setback.

Attachment: [PAID APPLICATION.pdf](#)

Attachment: [4444 Tyne 2024.06.18 BZA submission.pdf](#)

Attachment: [STAFF REPORT 4444 Tyne Blvd.pdf](#)

V.Other Public Comment

VI.Adjourn

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



MINUTES
BOARD OF ZONING APPEALS – REGULAR MEETING
MAY 21, 2024, 5:00 PM
BELLE MEADE CITY HALL, 4705 HARDING PIKE

Call to Order

Chairman Joe Dughman called the meeting to order at 5:00 p.m.

Board Members Present

Chairman Joe Dughman
Vice-Chairman Pete Zabaski
Charlie Atwood
Ron Farris
Johnny Phipps
Chris Tardio

Members Not Present

Erick Clifford

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 April 16, 2024.

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

Chairman Dughman asked if there were any conflicts of interest.

Farris stated that he had conflicts with items C, D and E on the Agenda.

Phipps stated he had a conflict with item E on the Agenda.

Old Business - None

New Business

The application of Tommy and Seaneen Brown, BZA 2024-10, 211 Scotland Place, for two variances to exceed the allowable driveway area by 5%, and rear yard setback.

Tommy Brown, homeowner at 211 Scotland Place, reviewed the plans as submitted for the requested variances for the driveway area and rear yard setback.

A period of questions, from the board and answered by Brown followed the presentation.

Public Comment Opened

Bob Napier, resident 210 Scotland Place, spoke in favor of the project at 211 Scotland Place.

Public Comment Closed

A period of questions from the board and answered by Brown ensued.

Motion to approve as submitted: Atwood Second: Zabaski

A period of discussion, and additional questions regarding the project and answered by Brown ensued.

Atwood called for the question, all aye

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

Discussion ensued regarding submittal, the fact that the new zoning ordinance allows a detached garage, which included discussion with City Attorney Berry.

Motion to reconsider the vote: Farris Second: Zabaski Vote: All aye

Motion to defer for sixty days: Zabaski Second: Farris Vote: All aye

The application of Patricia Johnston, BZA 2024-11, 4424 Forsythe Place, for a variances to exceed the allowable footprint by 17%.

Nancy Moore reviewed the plans as submitted for the requested variance to exceed the allowable footprint.

Public Comment Opened

No Public Comment

Public Comment Closed

A period of discussion among the board ensued.

**Motion to approve as submitted: Atwood Second: Farris
Vote: Atwood Aye, Phipps Aye, Farris Aye, Zabaski Aye, Tardio Aye, Dughman No**

The application of Hayes and Houston Estes, BZA 2024-12, 630 Royal Oaks Place, for two variances to exceed the allowable side yard setback by 1.5' and to exceed the allowable front yard setback by 3'.

Ron Farris stepped down at from the dias at 5:36 p.m.

Ron Farris, Farris Concepts in Architecture, reviewed the plans as submitted for the requested variances to exceed the side and front yard setbacks.

A period of questions from the board, answered by Farris, followed the presentation.

Public Comment Opened

No Public Comment

Public Comment Closed

Motion to approve: Phipps Second: Atwood

Vote: Atwood Aye, Phipps Aye, Zabaski Aye, Tardio Aye, Dughman Aye

The application of Steve and Lyn Cates, BZA 2024-13, 215 Lynwood Terrace, for a variance to exceed the allowable side yard setback by 13'.

Ron Farris, Farris Concepts in Architecture, reviewed the plans as submitted for a variance to exceed the side yard setback.

A period of questions from the board, answered by Farris, followed the presentation.

Public Comment Opened

No Public Comment

Public Comment Closed

Motion to approve as submitted: Atwood Second: Phipps

Vote: Tardio Aye, Zabaski Aye, Phipps Aye, Atwood Aye, Dughman Aye

The application of Keith and Susan Hoogland, BZA 2024-14, 116 Jackson Boulevard, for a variances for fence placement in an alternative location.

Johnny Phipps stepped down from the dias at 5:52 p.m.

Clay Trabue, Landscape Architect with Kaiser Trabue Landscape Architecture, reviewed the plans as submitted for the variance request on fence placement.

A period of questions from the board, answered by Trabue, followed the presentation.

Public Comment Opened

No Public Comment

Public Comment Closed

Motion to approve as submitted: Zabaski Second: Atwood

Vote: Tardio Aye, Zabaski Aye, Atwood Aye, Dughman Aye

Adoption of By-laws

Farris and Phipps rejoined the board on the dias at 6:00 p.m.

Motion to place no time limit, ask that responses be succinct with both A and

B: Zabaski Second: Atwood

A discussion of the board ensued

**Motion to amend the motion to say that the applicants shall have a reasonable amount of time at the discretion of the chair: Dughman Second: Farris
Vote: All aye**

Motion to amend Boarders under 5C to read Board Members: Atwood All aye

**Motion to approve the bylaws with the two amendments: Farris Second:
Phipps Vote: All aye**

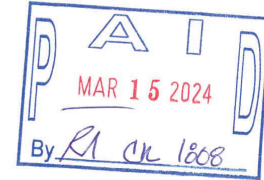
The meeting adjourned at 6:04 p.m.

Chairman Joe Dughman

City Recorder Rusty Terry



CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS



APPEAL # B2A 2024-10 APPEAL FEE: \$600

APPLICANT (Owner's Name) SARA PERRY PHONE # 917.575.9419

APPLICANT EMAIL ADDRESS sara.gooch@gmail.com

PROPERTY ADDRESS: 401 Sunnyside Drive

REQUEST: VARIANCE ☐ CONDITIONAL USE ☒

REASON FOR REQUEST: seeking approval for existing front facade of house to be the new front setback
and to provide a new pool in the rear yard within the building envelope with fencing and grading

PROJECT CALCULATIONS

LOT SQ. FT: 39,825 sf	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA 12%	4,779.00	4,597.00	4,788.00	na
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.) .225	8,961.00	4,597.00	8,704.00	na
FRONT YARD AREA				
TOTAL DRIVEWAY AREA 12%	4,779.00	2,921.00	3,180.00	na
DRIVEWAY IN FRONT YARD AREA				
HARDSCAPE AREA 8%	3,186.00	1,063.00	2,225.00	na
POOL AREA 2%	796.50		512.00	na
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?

corner lot with a minimal building envelope

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?

current zoning for this property is limits the building envelope to an impracticle size

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?

Owner is seeking to align new second story addition with existing front facade.

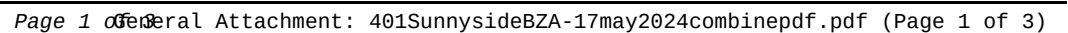
This would maintain the same character of existing homes on the street

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

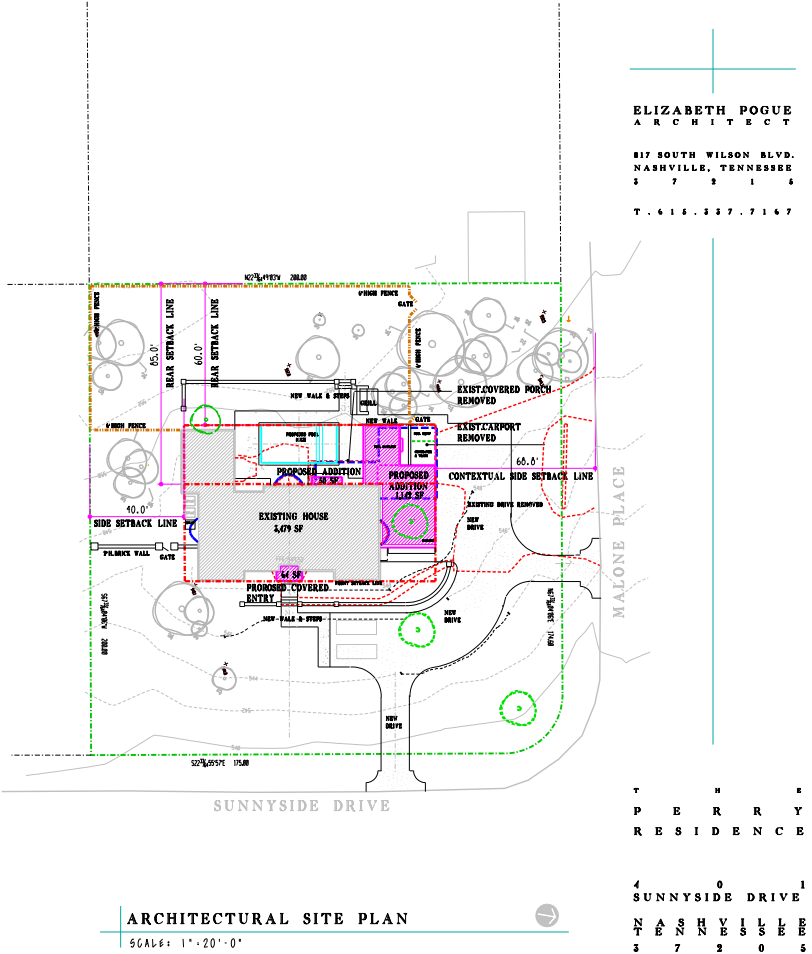
By aligning with current front facade, the propose new upper addition will not impair sitelines for adjacent houses.

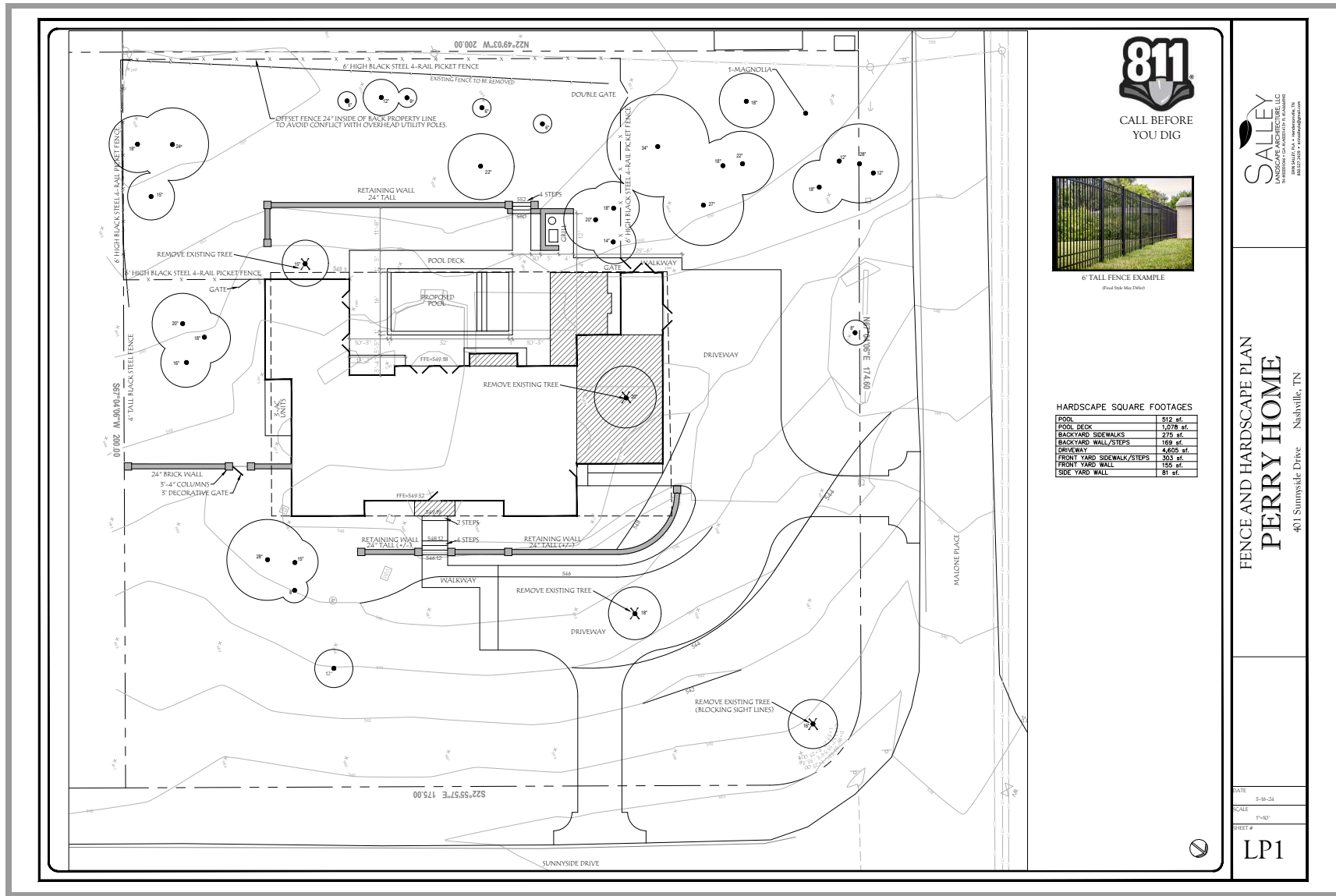
SIGNATURE: Elizabeth Pogue (Owner/Agent) **DATE:** 15 March 2024

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

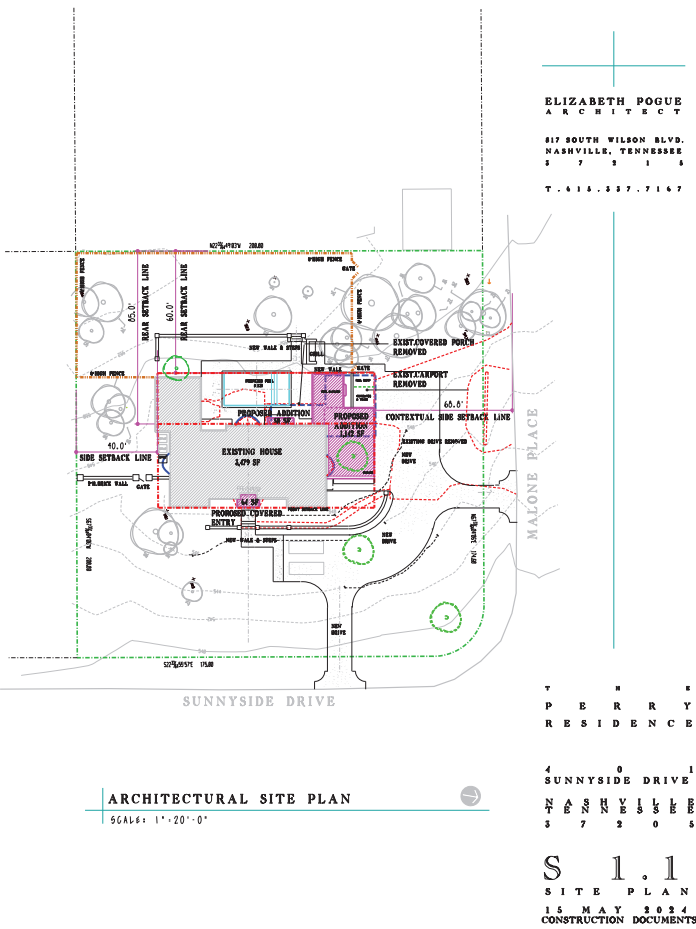


TOTAL LOT AREA 39,825 SF				
FOOTPRINT - 12% ALLOWABLE FOOTPRINT 4,779.00 SF				
EXISTING	4,597.00 SF	TOTAL CHANGE	4,735.00 SF	NET CHANGE + 138 SF
FRONT PORCH	0.00 SF	FRONT PORCH	64.00 SF	
HOUSE	3,623.00 SF	HOUSE	3,479.00 SF	
REAR PORCH	250.00 SF	NEW GARAGE & PORCH	1,142.00 SF	
CARPORT	716.00 SF	KITCHEN ADDITION	50.00 SF	
FAR ALLOWABLE FAR - .225 8,961.00 SF				
EXISTING	3,623.00 SF	TOTAL CHANGE	8,547.00 SF	NET CHANGE + 4,924 SF
HOUSE	3,623.00 SF	HOUSE-MAIN	3,479.00 SF	
		HOUSE-UPPER	2,090.00 SF	
		HOUSE-ATTIC	1,290.00 SF	
		NEW GARAGE	830.00 SF	
		KITCHEN ADDITION	50.00 SF	
ROOF AREA <6/12 PITCH 30% TOTAL ROOF AREA 6,008.00 SF ALLOWABLE LESS THAN 6/12 1,802.40 SF				
EXISTING LOW SLOPE	2,474.00 SF	TOTAL CHANGE	520 SF	NET CHANGE -1,946 SF
DRIVEWAY 12% ALLOWABLE DRIVE 4,779.00 SF				
EXISTING	2,040.00 SF	TOTAL CHANGE	4,605.00 SF	NET CHANGE +1,765.00 SF
DRIVE IN FRONT 22% FRONT YARD 50 FT. 14,300.00 SF ALLOWABLE DRIVE 3,196.00 SF				
EXISTING	0.00 SF	TOTAL CHANGE	2,360.00 SF	NET CHANGE 2,360.00 SF
HARDSCAPE & POOL -8% ALLOWABLE HARDSCAPE 3,186.00 SF				
EXISTING	1,063.00 SF	TOTAL CHANGE	2,949.00 SF	NET CHANGE+ 1,886.00 SF
FRONT PORCH	80.00 SF	FRONT PORCH	64.00 SF	
REAR PORCH	250.00 SF	NEW POOL PORCH	312.00 SF	
REAR TERRACE	420.00 SF	POOL DECK	1,070.00 SF	
WALKS, PADS & WALLS	305.00 SF	BACKYARD SIDEWALKS	275.00 SF	
		BACKYARD WALLS/SIERS	169.00 SF	
		FRONTYARD WALKS/SIERS	303.00 SF	
		FRONTYARD WALL	155.00 SF	
		SIDYARD WALL	81.00 SF	
		POOL	512.00 SF	
POOL 2% ALLOWABLE POOL 796.50 SF				
EXISTING	NA	TOTAL CHANGE	512.00 SF	NET CHANGE +512.00 SF





TOTAL LOT AREA		39,825 SF	
FOOTPRINT - 12 %		ALLOWABLE FOOTPRINT 4,779.00 SF	
EXISTING	4,597.00 SF	TOTAL CHANGE	4,735.00 SF
FRONT PORCH	0.00 SF	FRONT PORCH	61.00 SF
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CARPORT	716.00 SF	KITCHEN ADDITION	50.00 SF
FAR		ALLOWABLE FAR - .225 8,961.00 SF	
EXISTING	3,623.00 SF	TOTAL CHANGE	6,517.00 SF
HOUSE	3,623.00 SF	HOUSE-MAIN	3,479.00 SF
		HOUSE-UPPER	2,898.00 SF
		HOUSE-ATCIG	1,290.00 SF
		NEW GARAGE	830.00 SF
		KITCHEN ADDITION	50.00 SF
ROOF AREA -6/12 PITCH 30 %		TOTAL ROOF AREA 6,008.00 SF	
		ALLOWABLE LESS THAN 6/12 1,802.10 SF	
EXISTING LOW SLOPE	2,474.00 SF	TOTAL CHANGE	528 SF
		NET CHANGE	-1,946 SF
DRIVEWAY 12 %		ALLOWABLE DRIVE 4,779.00 SF	
EXISTING	2,640.00 SF	TOTAL CHANGE	4,605.00 SF
		NET CHANGE	-1,765.00 SF
DRIVE IN FRONT 22 %		FRONT YARD 50. FT. 14,300.00 SF	
		ALLOWABLE DRIVE 3,116.00 SF	
EXISTING	0.00 SF	TOTAL CHANGE	2,368.00 SF
		NET CHANGE	2,368.00 SF
HARDSCAPE & POOL -8%		ALLOWABLE HARDSCAPE 3,186.00 SF	
EXISTING	1,063.00 SF	TOTAL CHANGE	2,949.00 SF
FRONT PORCH	80.00 SF	FRONT PORCH	61.00 SF
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		BACKYARD WALLS/STEPS	169.00 SF
		FRONTYARD WALKS/STEPS	303.00 SF
		FRONTYARD WALL	155.00 SF
		SIDYARD WALL	81.00 SF
		POOL	512.00 SF
POOL 2 %		ALLOWABLE POOL 796.50 SF	
EXISTING	NA	TOTAL CHANGE	512.00 SF
		NET CHANGE	-512.00 SF



Staff Report

Agenda No.: IV.A.
Case No.: BZA 2024-10
Staff: Mary Samaniego, Planning Director
Applicant: Sara Perry
Request: Approval of a conditional use for a Swimming Pool.
Location: 401 Sunnyside Drive

Summary:

The applicant/property owner is requesting a Conditional Use for the construction of a swimming pool. The existing residence was constructed in 1959 and proposed additions to the residence was approved at the June 2024 Historic Zoning Commission 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 0.91 acres (39,825 square feet) and the existing residence is 3,623 square feet in size.
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 797 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 3,186 square feet. The proposed area of the hardscape including the pool is 2,225 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 6' fence that will begin at furthest rear edges of the residence and travel along the side and rear property lines per Zoning Ordinance requirements.

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:

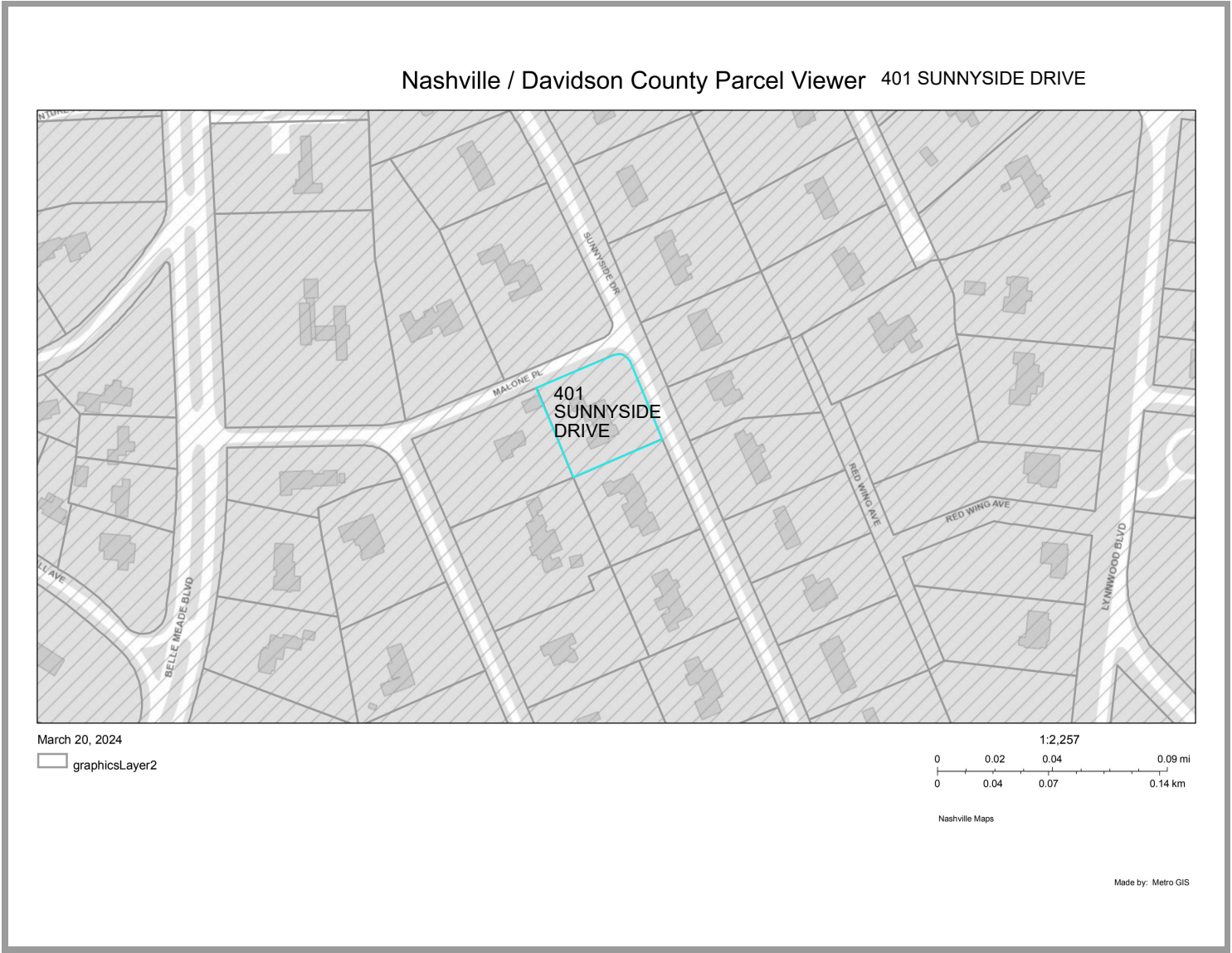
- (1) Every swimming pool shall be completely enclosed, either by the structural wall or walls of the dwelling to which it is an accessory, or by a fence or wall, not less than six feet (6') in height above the exterior adjoining grade, of the type required by the latest edition of the International 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.

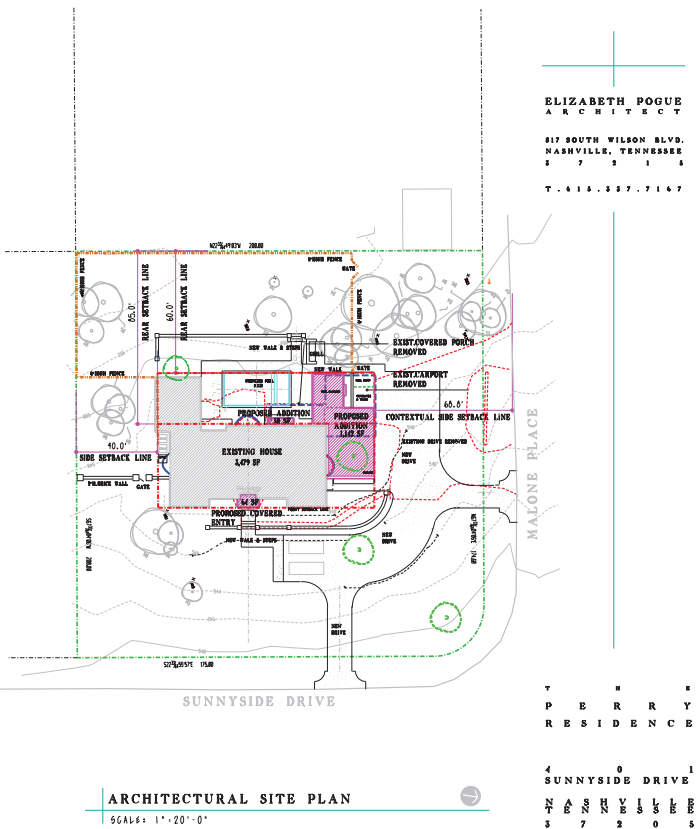
Staff recommends approval of the conditional use and the variance request based on the written findings of fact.

Attachments:

1. Location Map
2. Staff Analysis



TOTAL LOT AREA		39,825 SF	
FOOTPRINT - 12 %		ALLOWABLE FOOTPRINT 4,779.00 SF	
EXISTING	4,597.00 SF	TOTAL CHANGE	4,735.00 SF
FRONT PORCH	0.00 SF	FRONT PORCH	61.00 SF
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CARPORT	716.00 SF	KITCHEN ADDITION	50.00 SF
NET CHANGE		-138 SF	
Z OVER		NA	
FAR		ALLOWABLE FAR - .225 8,961.00 SF	
EXISTING	3,623.00 SF	TOTAL CHANGE	6,517.00 SF
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		HOUSE-UPPER	2,898.00 SF
		HOUSE-ATTC	1,290.00 SF
		NEW GARAGE	830.00 SF
		KITCHEN ADDITION	50.00 SF
NET CHANGE		4,924 SF	
Z OVER		NA	
ROOF AREA -6/12 PITCH 30 %		TOTAL ROOF AREA 6,008.00 SF	
		ALLOWABLE LESS THAN 6/12 1,802.10 SF	
EXISTING LOW SLOPE	2,474.00 SF	TOTAL CHANGE	528 SF
NET CHANGE		-1,946 SF	
Z OVER		NA	
DRIVEWAY 12 %		ALLOWABLE DRIVE 4,779.00 SF	
EXISTING	2,840.00 SF	TOTAL CHANGE	4,605.00 SF
NET CHANGE		-1,765.00 SF	
Z OVER		NA	
DRIVE IN FRONT 22 %		FRONT YARD 50. FT. 14,300.00 SF	
		ALLOWABLE DRIVE 3,116.00 SF	
EXISTING	0.00 SF	TOTAL CHANGE	2,368.00 SF
NET CHANGE		2,368.00 SF	
Z OVER		NA	
HARDSCAPE & POOL -8 %		ALLOWABLE HARDSCAPE 3,186.00 SF	
EXISTING	1,063.00 SF	TOTAL CHANGE	2,949.00 SF
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		FRONTYARD WALL	155.00 SF
		SIDEPYARD WALL	81.00 SF
		POOL	512.00 SF
NET CHANGE		1,886.00 SF	
Z OVER		NA	
POOL 2 %		ALLOWABLE POOL 796.50 SF	
EXISTING	NA	TOTAL CHANGE	512.00 SF
NET CHANGE		-512.00 SF	
Z OVER		NA	



ELIZABETH POGUE

ARCHITECT

817 SOUTH WILSON BLVD.
NASHVILLE, TENNESSEE
37215

T. 615.337.7167

PERERRY
RESIDENCE

401
SUNNYSIDE DRIVE
NASHVILLE, TN 37215

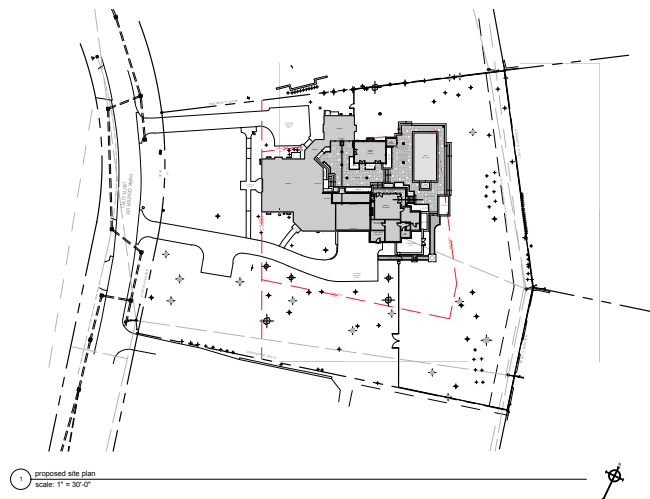
S1.1
SITE PLAN
15 MAY 2024
CONSTRUCTION DOCUMENTS



a landscape construction document set for the:

CALDWELL RESIDENCE

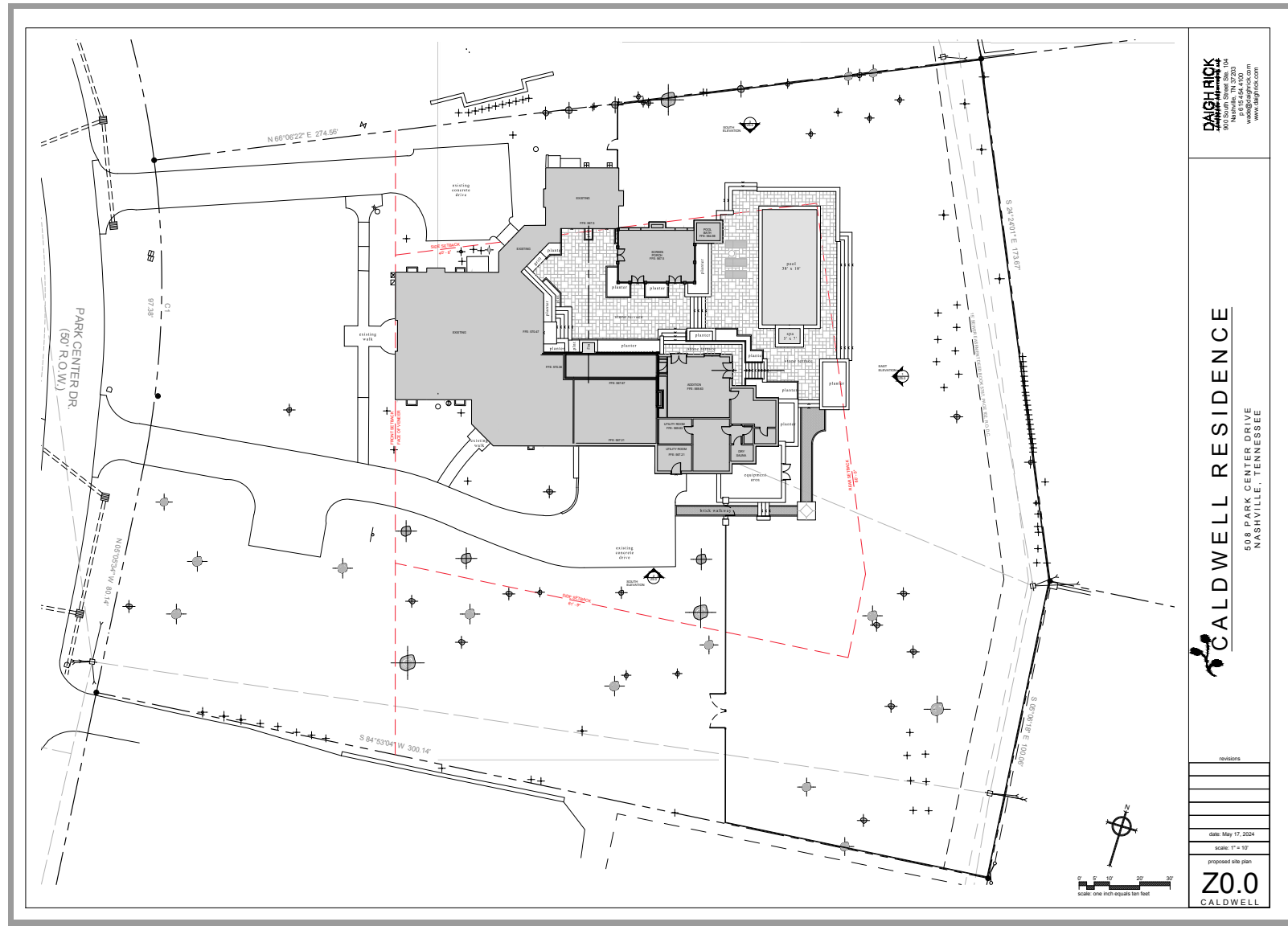
508 PARK CENTER DRIVE
NASHVILLE, TN 37205



AN INDEX OF DRAWINGS:

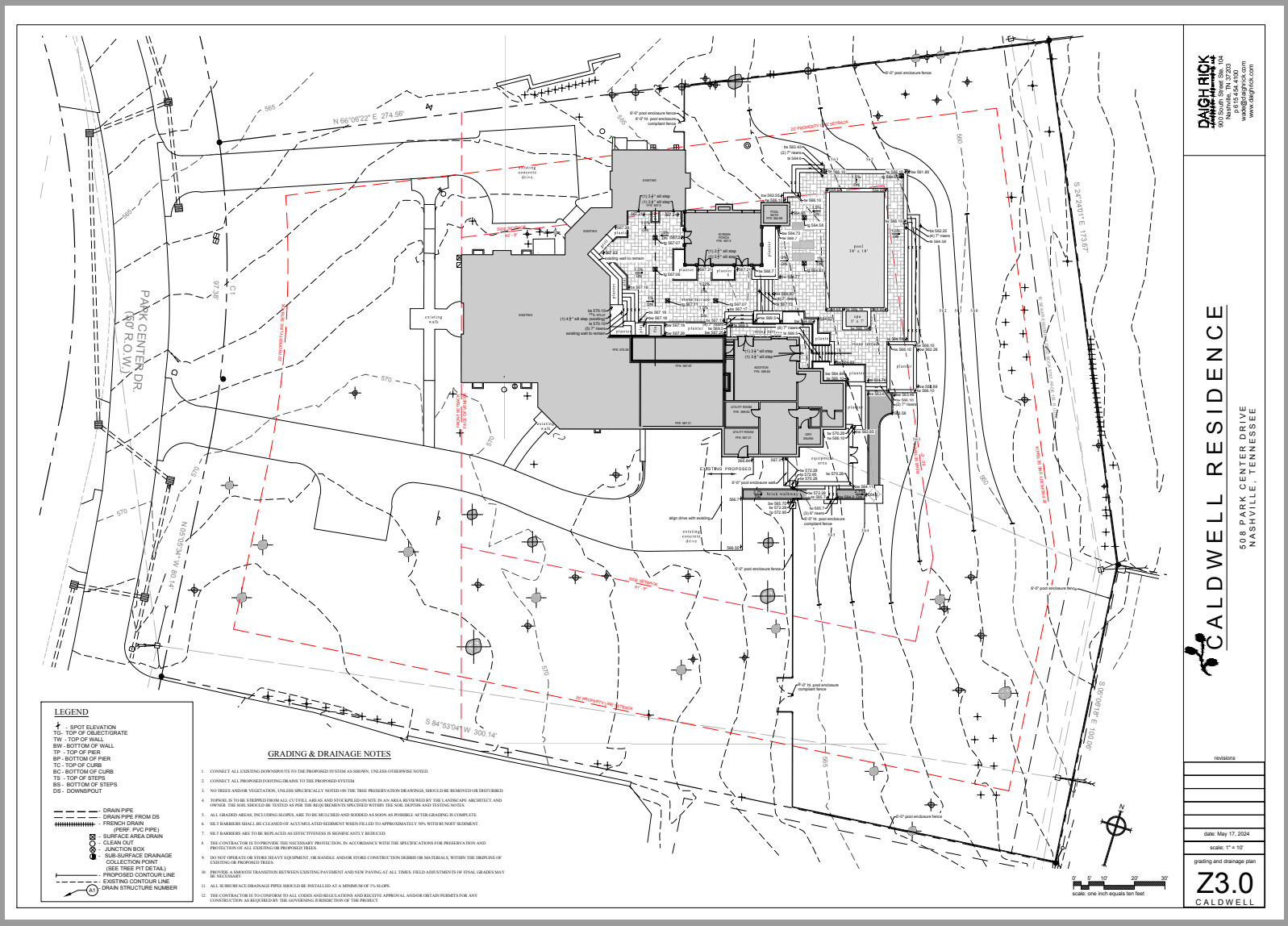
- Z0.0 PROPOSED SITE PLAN
- Z1.0 EXISTING CONDITIONS PLAN
- Z2.0 IMPERVIOUS SURFACE RATIO PLAN
- Z3.0 GRADING AND DRAINAGE PLAN
- Z4.0 PROPOSED SCHEMATIC SITE PLAN
- Z5.0 ELEVATIONS
- Z6.0 SITE PHOTOS

CALDWELL
May 17, 2024















1 site photo
26.0 not to scale



2
26.0
site photo
not to scale



3 site photo not to scale

26.0



4 site photo
26.0 not to scale



5 site photo
26.0 not to scale



6 site photo
26.0 not to scale

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

 CALDWELL RESIDENCE

508 PARK CENTER DRIVE
NASHVILLE, TENNESSEE

revisions

date: May 17, 2021

scale: as noted

site photos

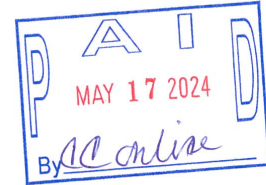
760

26.0

C A L D W E L L



CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS

APPEAL # B2A2024-15APPEAL FEE: \$500APPLICANT (Owner's Name) Maria & Billy Ray CaldwellPHONE # 615-454-4100APPLICANT EMAIL ADDRESS mcaldwell@nasba.orgPROPERTY ADDRESS: 508 Park Center Drive, Nashville, Tennessee 37205REQUEST: VARIANCE ☐CONDITIONAL USE ☒

REASON FOR REQUEST: This is a request for a conditional use to construct a swimming pool.
The project consists of an addition to the existing house, along with the
construction of a swimming pool and associated hardscape. The project meets
all applicable codes and allowable ISR requirements.

PROJECT CALCULATIONS

LOT SQ. FT:	65,137	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA		7816	3981	6050	0
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.)		12,767	6714	8538	0
FRONT YARD AREA		16,080	-	-	-
TOTAL DRIVEWAY AREA		7816	5763	5661	0
DRIVEWAY IN FRONT YARD AREA		3537	2519	2519	0
HARDSCAPE AREA		5211	2721	5192	0
POOL AREA		1303	0	719	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 is a conditional use request to construct a swimming pool. The project meets all applicable codes and allowable ISR requirements.

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 project meets all applicable codes and allowable ISR requirements, and therefore meets the application of the zoning ordinance.

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 project meets all applicable codes and allowable ISR requirements, and therefore would not be a detriment to the public good.

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

The project meets all applicable codes and allowable ISR requirements. The addition of a pool will be in harmony with the other homes in the neighborhood.

SIGNATURE:



(Owner/Agent)

DATE:

May 17, 2024

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

From: [David Kloeppel](#)
To: [Mary Samaniego](#)
Cc: [Ann Kloeppel](#)
Subject: 508 Park Center Ave Project
Date: Saturday, June 8, 2024 10:51:44 AM

Hello,

We live at 506C Park Center Ave, next door to the Caldwells, who are planning a construction project at their home. We are writing a letter of support of the project. We had discussed the plans at length with the Caldwells and are enthusiastic supporters of the improvements they are planning.

Please do not hesitate to reach out to us if you have any questions.

Warm regards,
David and Ann Kloeppel

Sent from my iPad

Staff Report

Agenda No.: IV.B.
Case No.: BZA 2024-15
Staff: Mary Samaniego, Planning Director
Applicant: Billy Ray Caldwell
Request: Approval of a conditional use for a Swimming Pool and a variance for a fence in an alternative location.
Location: 508 Park Center Drive

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 1937 and proposed additions to the residence was approved at the June 2024 Historic Zoning Commission 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 1.51 acres (65,137 square feet) and the existing residence is 6,714 square feet in size.
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 1,303 square feet. The proposed area of water in the swimming pool and detached in-ground spa is 719 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 5,211 square feet. The proposed area of the hardscape including the pool is 5,192 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 6' fence that will begin at side edges of the residence but not the furthest rear edge of the structure. 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 Park Center Drive 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.

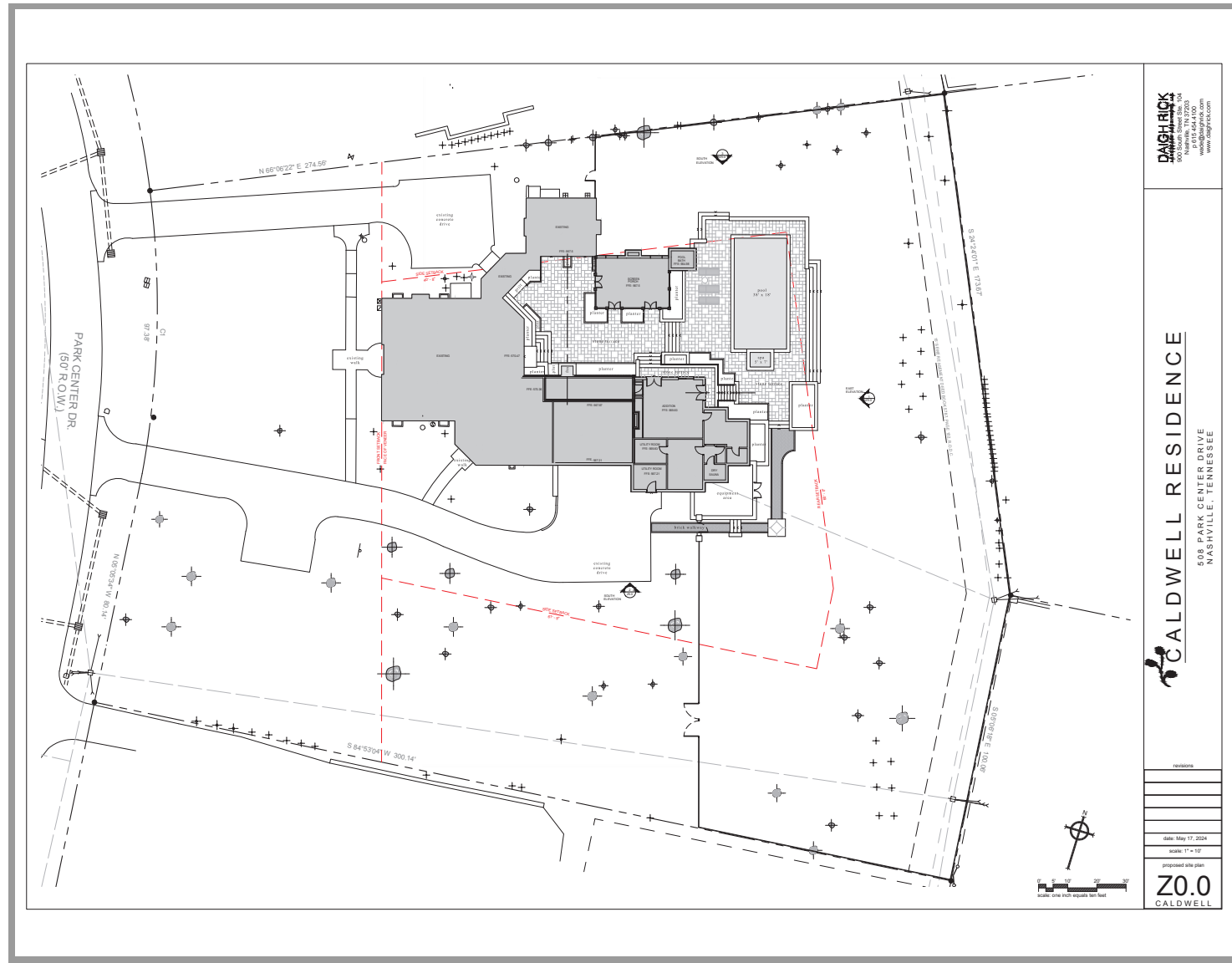
2. The variance shall be granted that will not substantially impairing the intent and purpose of the Zoning Ordinance; and
The proposed fence does not follow furthest building edge as required. The intent and purpose of the fence provision, in staff's professional opinion, is to ensure that fences are 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 Park Center Drive 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:

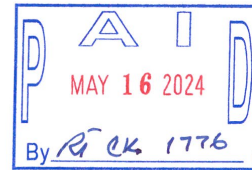
1. Location Map
2. Staff Analysis







CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS



APPEAL # BZA2024-15 APPEAL FEE: \$500

APPLICANT (Owner's Name) Richard and Lauren Jacques PHONE # 615.852.0647

APPLICANT EMAIL ADDRESS ljacques@bradley.com

PROPERTY ADDRESS: 911 Westview Avenue

REQUEST: VARIANCE ☒ CONDITIONAL USE ☐

REASON FOR REQUEST: Footprint

PROJECT CALCULATIONS

LOT SQ. FT: 25,524 sq ft	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA	3,062	2,396	3,430	12%
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.)				
FRONT YARD AREA				
TOTAL DRIVEWAY AREA				
DRIVEWAY IN FRONT YARD AREA				
HARDSCAPE AREA				
POOL AREA				
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 lot is small, at 25,524 square feet, and the left side angles in substantially from the front to the 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?

N/A

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 footprint of the home has been designed in order for the massing of the home to feel as small as possible on the lot.

Only the middle portion of the home will be two stories. The two side wings near Forsythe and 909 Westview will be

pulled down to 1.5 story structures. The proposed garage is detached, in an effort for the main house to feel

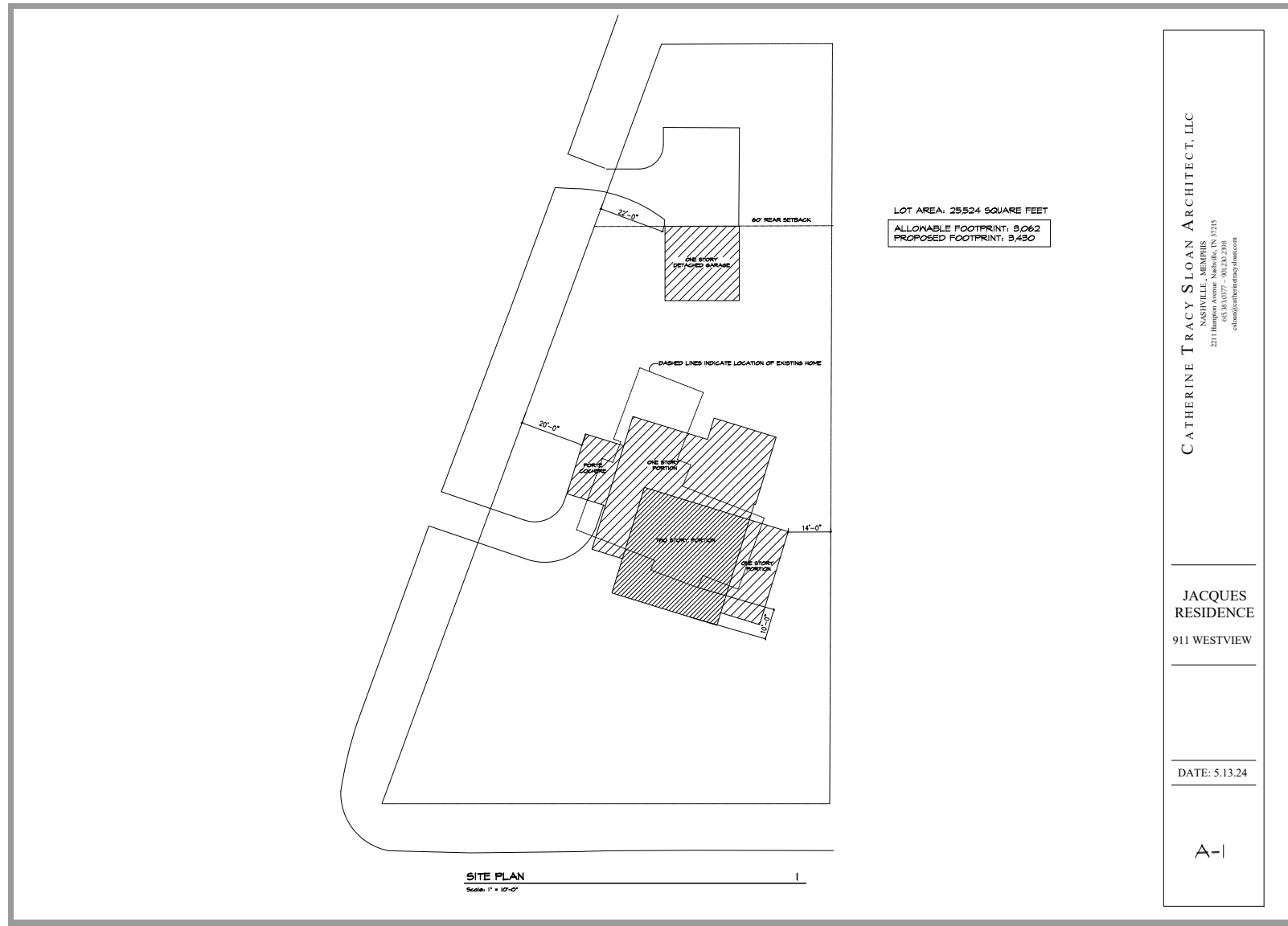
proportional to the lot size. We are not proposing any other detached structures.

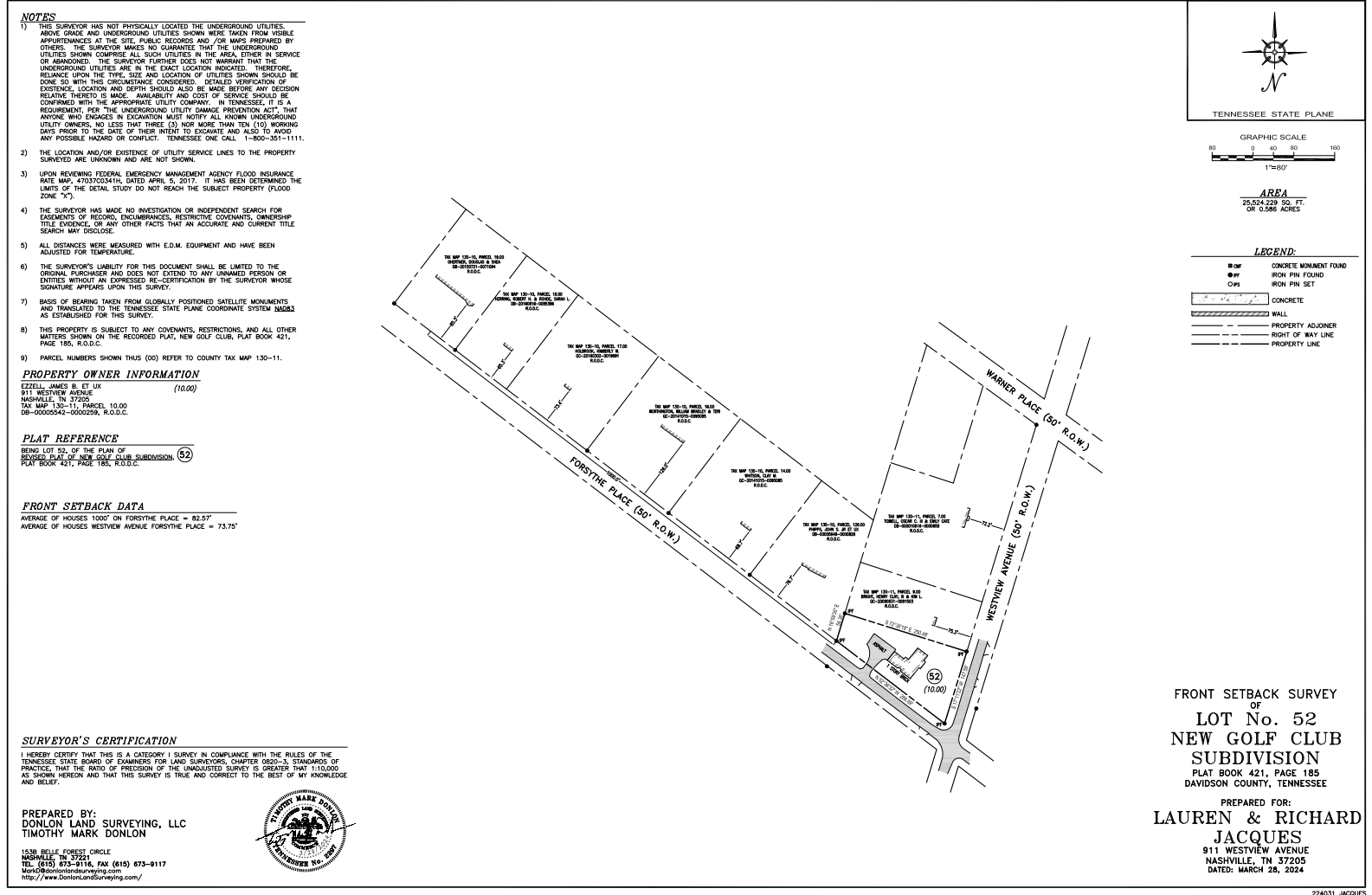
How would the resulting construction not be out of harmony with other homes in the neighborhood?

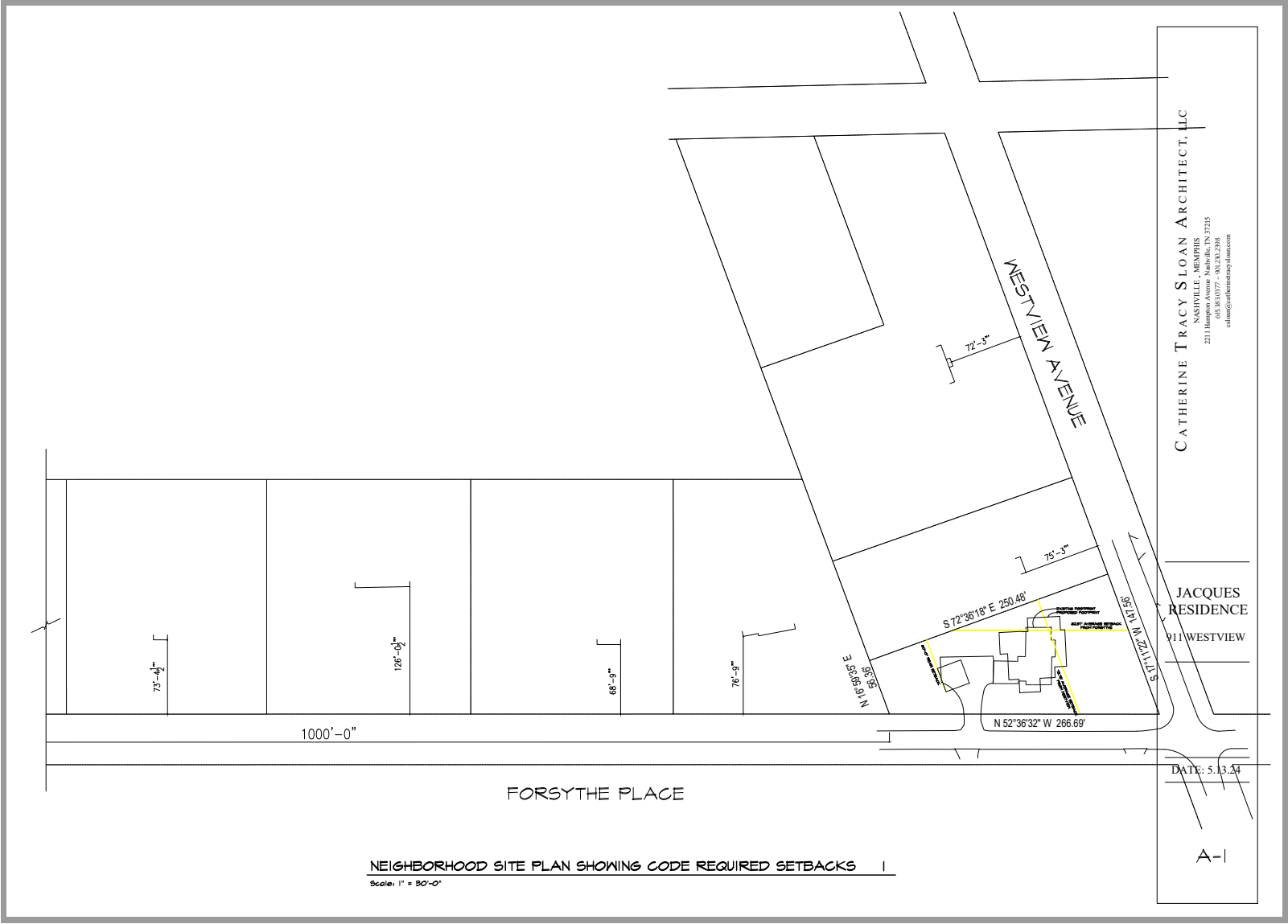
The proposed home will be smaller in proportion to the lot size than many other homes in the neighborhood, and will also be further from the street as well as the side property line than many other houses in the neighborhood. Nearby houses that are over in footprint include 4415 Forsythe Place (+/- 39%), 4419 Forsythe (+/- 43%), and 926 Chancery (+/- 19%). Nearby houses that are closer to the street or the side property line than the house that we are proposing include 4415 Forsythe Place (+/- 10' from Forsythe Place), 908 Westview Avenue (+/- 10' from the side property line), 906 Westview Avenue (+/- 5' from the side property line), and 4410 Warner Place (+/- 10' from the side property line).

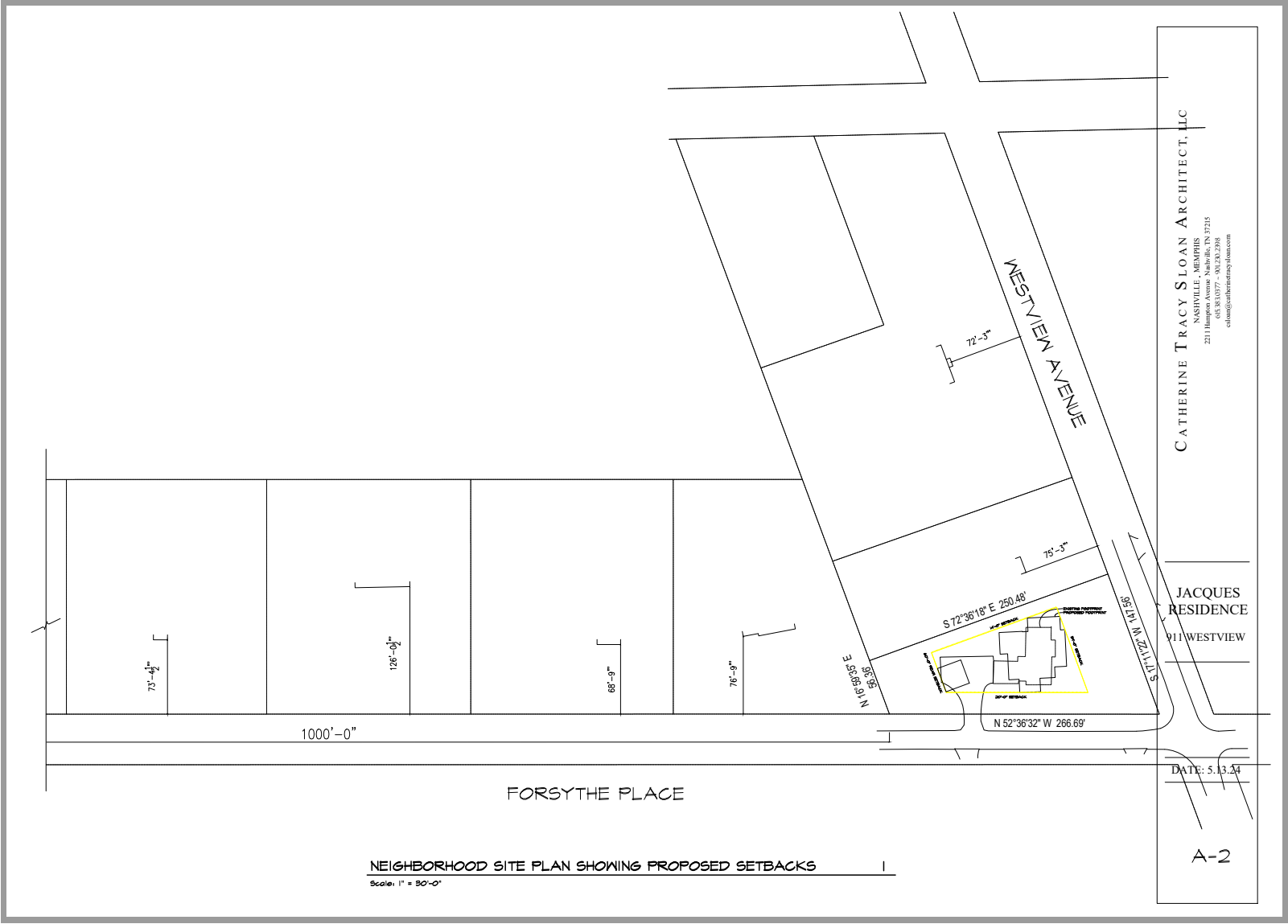
SIGNATURE: Catherine Sloan (Owner/Agent) **DATE:** 5.13.2024

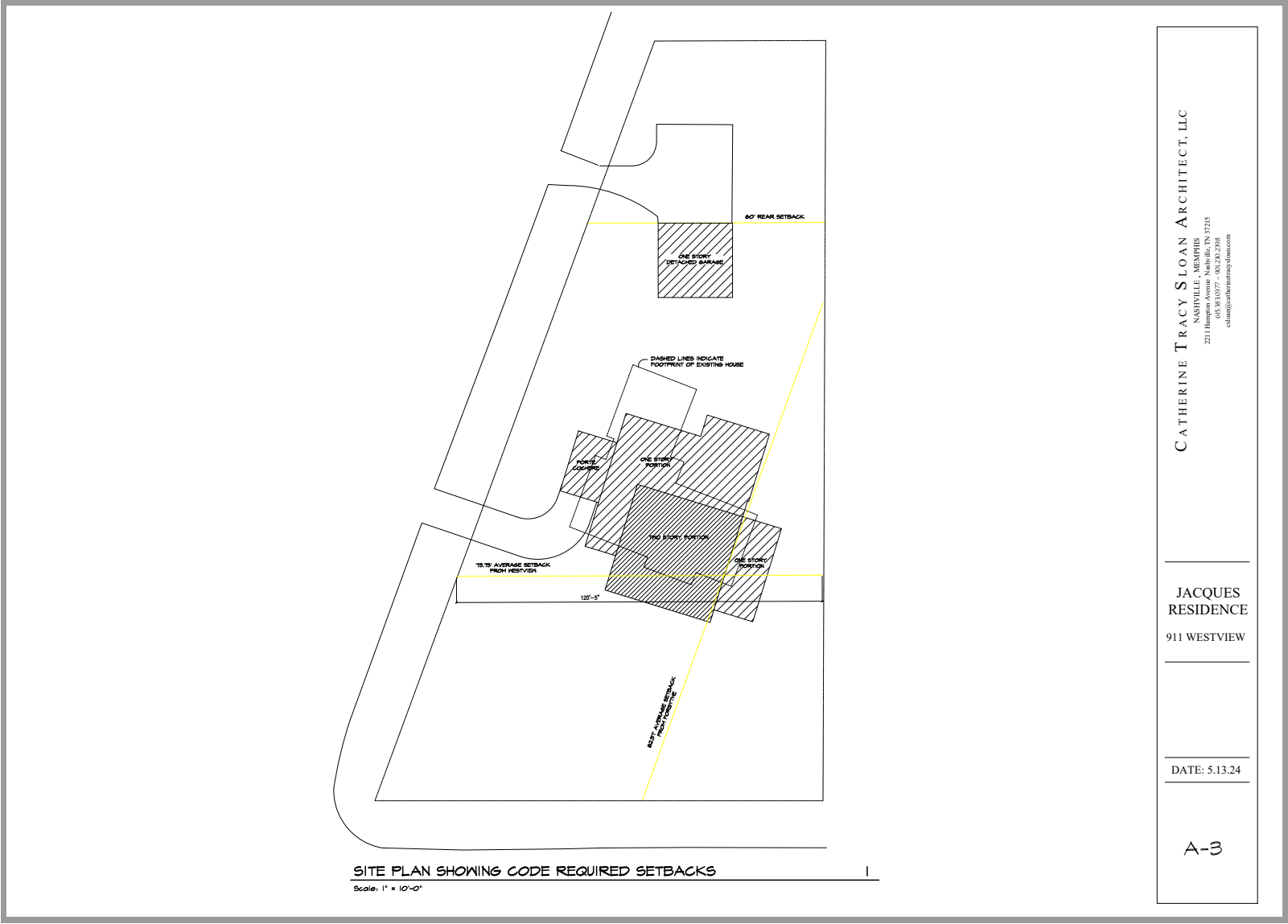
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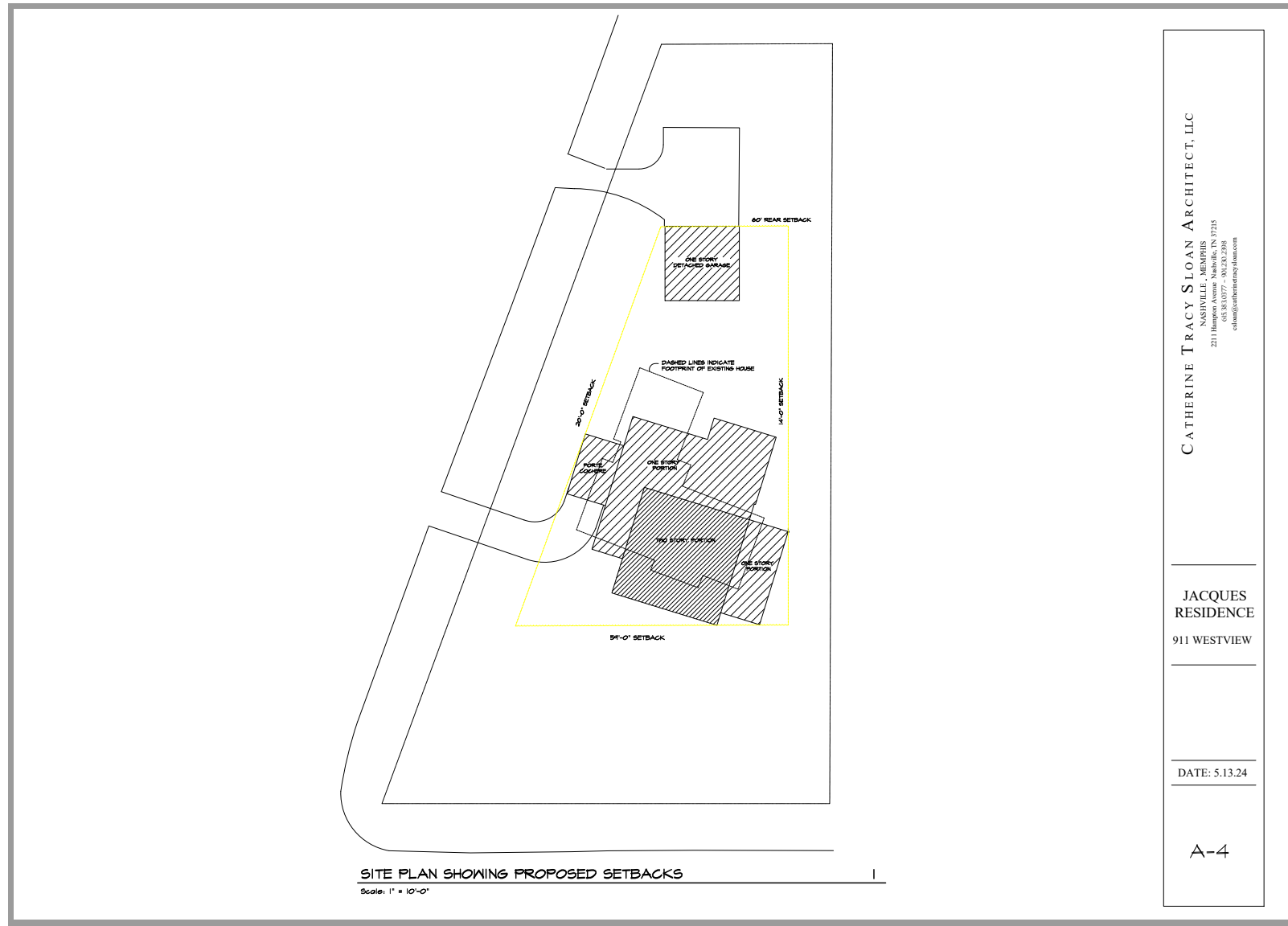












From: [Mary Samaniego](#)
To: [frank floyd](#)
Subject: RE: Zoning Appeal 911 Westview Avenue
Date: Wednesday, June 5, 2024 7:45:00 AM

Mr. Floyd - thank you for your input of the zoning applications for the above referenced project. Any property owner in Belle Meade has the legal right to request a variance to Zoning Code provisions as well as to request a building envelope determination if a corner lot. The two requests are being made by the new potential property owners and not the City or myself. I do not know why previous staff did not inform you of your option to request a variance to the Zoning Code provisions for footprint and/or your garage project. I will place your comments in the file for consideration by the Board of Zoning Appeals and Municipal Planning Commission regarding the project at 911 Westview Avenue.

Thank you for your time and attention,

Mary Samaniego
Planning Director
City of Belle Meade
4705 Harding Road, Nashville, TN 37205
Phone 615-297-2364 Fax 615-297-0255

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[Click to follow us on YouTube](#)

"This message may contain confidential and/or proprietary information and is intended for the person/entity to which it was originally addressed. Any use by others is strictly prohibited."

-----Original Message-----

From: frank floyd <floyd37205@icloud.com>
Sent: Tuesday, June 4, 2024 8:06 PM
To: Mary Samaniego <msamaniego@citybellemeade.org>
Subject: Zoning Appeal 911 Westview Avenue

Good Morning Mary,

My name is Frank Floyd. I am the current owner and 40 year resident at 908 Westview Ave. Because my property was used as a non compliant reference in the zoning appeal for 911 Westview I wanted to offer the following comments and enter them into the appeal record.

For many years my wife and I have wanted to remodel our house...adding a useable garage. We have been told countless times that we had to work within the existing footprint and that "detached" structures would not be allowed. As a result we did a smaller remodel project adding additional living space. That project was limited to the existing foundation and a maximum volume requirement.....but no useable garage was possible.

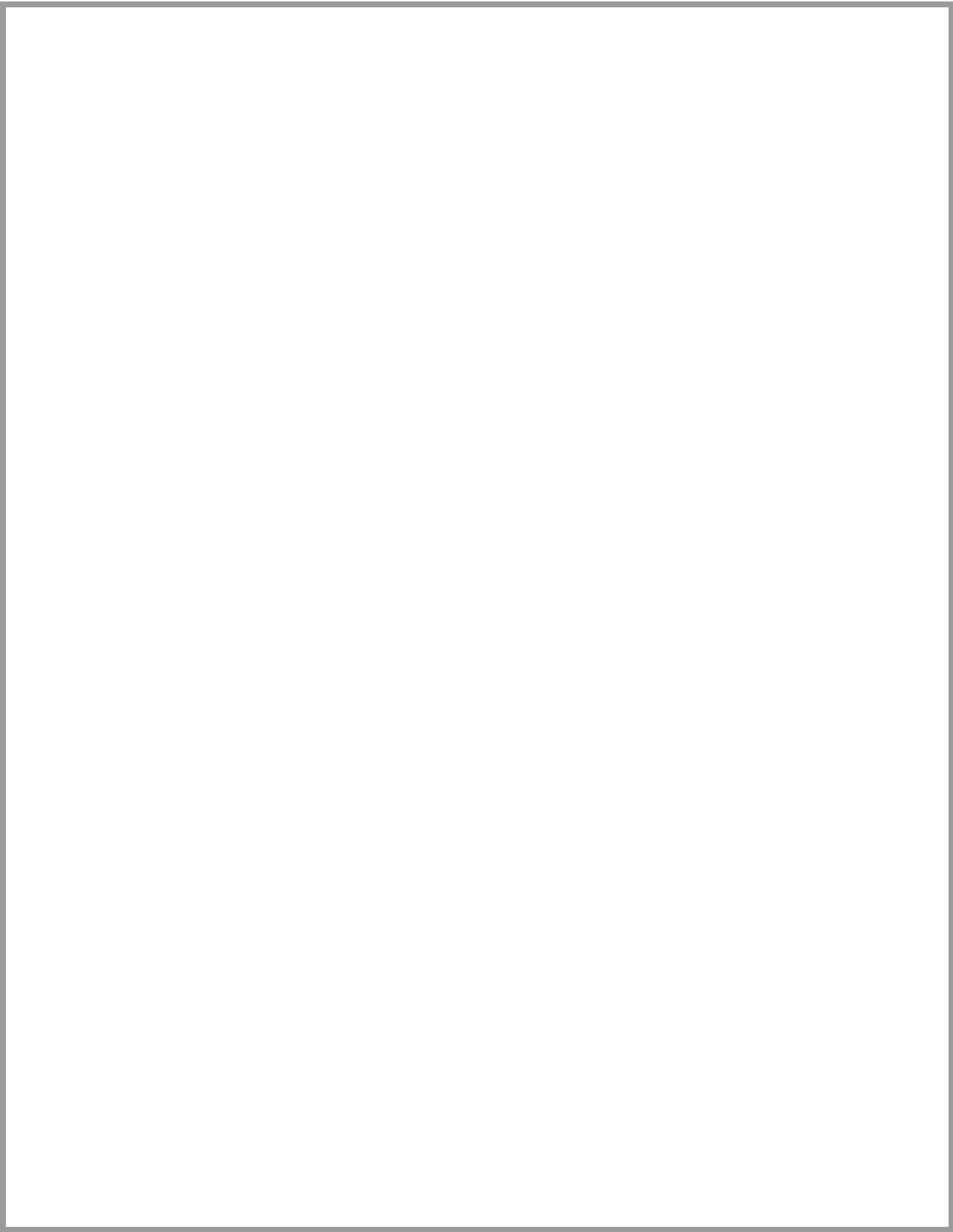
Looking at the proposed application for the 911 Westview, the existing footprint is being expanded in all 4 directions, the allowable square footage formula is being exceeded, and a detached garage is being Included. I don't necessarily object to the appeal but request that if It is granted then I can be next in line for a similar project.

Additionally, both the side street setback and the front street setback seem to further block the sight lines of the adjacent neighbors. Both set backs extend well beyond the existing structure. In other words, the proposed structures further block the lateral views of the 2 adjacent neighbors when standing on their front porches. Although it's not affecting me it doesn't seem fair to them.

Finally, the street setbacks on Forsyth of 20 and 22 feet seem to be closer the any other setbacks in the city. At least I have not found one yet. This affects everyone who walks and drives that street on a daily basis.

Again, I am not offering an objection or a remedy. My main point is that if these exceptions pass I want to be able to do the same thing. In order to get my garage I would need the same detached structure exception, the same volume exception, and the same setback exception.

Thank you for the work that you do for our city. Frank Floyd



From: [Elizabeth Inman](#)
To: [Mary Samaniego](#)
Cc: johnmarkinman@gmail.com
Subject: 911 Westview
Date: Monday, June 17, 2024 10:33:00 AM

Good morning,

My name is Elizabeth Inman, and my husband John and I live at 4422 Forsythe Place. I write to inform you that we are in FULL support of the Jacques' proposed project at 911 Westview. Please let me know if you have any questions for us or need additional information.

Best,
Elizabeth

Elizabeth Saxton Inman
Vice President & Assistant Corporate Secretary
Dollar General Corporation
100 Mission Ridge
Goodlettsville, TN 37072
615-855-5263 (phone); 615-855-5180 (fax)
einman@dollargeneral.com



CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS



APPEAL # BZA 2024-15

APPEAL FEE: \$ 500

APPLICANT (Owner's Name) Robert Echols

PHONE # 615-594-8153

APPLICANT EMAIL ADDRESS robert@echols.com jason@jgla.design

PROPERTY ADDRESS: 4444 Tyne Blvd Nashville, TN 37215

REQUEST: VARIANCE ☒

CONDITIONAL USE ☒

REASON FOR REQUEST: New Swimming Pool, Pool Enclosure, Retaining Wall Height, Side Setback,
garage door placement

PROJECT CALCULATIONS

LOT SQ. FT: 155,654	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA	12% 18678		8396	(na)
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.)	30508		11637	(na)
FRONT YARD AREA		39928		
TOTAL DRIVEWAY AREA	11996	8343	8450	(na)
DRIVEWAY IN FRONT YARD AREA	8784	5638	5311	(na)
HARDSCAPE AREA	12452 *	8273	6301	(na)
POOL AREA	3113	1364	921	(na)
F.A.R. = LOTS <40,000 sq. ft. x .225 = LOTS > 40,000 sq. ft. x .196 =				

*overall hardscape incl pool



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?

Due to an existing creek and irregular shaped setbacks and boundaries this lot has exceptional

shallowness and topographic conditions which require board review.

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?

Strict application of the zoning ordinance would require excess disturbance in a protected creek

watershed.

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?

Considering this pool/rear project is within the confines of the existing home and pool area,

as well as out of view from neighboring properties and roads, we feel this is a reasonable

request for the Board.

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

The proposed project is within the boundaries of similarly sized homes/pools and within the allowable

size (sqft) for lots of this size. The proposed pool is hidden from view from all neighbors.

SIGNATURE:



(Owner/Agent)

DATE: 5/17/2024

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





CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS

APPEAL # _____

APPEAL FEE: _____

APPLICANT (Owner's Name) Robert EcholsPHONE # 615-594-8153APPLICANT EMAIL ADDRESS robert@echols.com jason@jgla.designPROPERTY ADDRESS: 4444 Tyne Blvd Nashville, TN 37215REQUEST: **VARIANCE** ☒**CONDITIONAL USE** ☒REASON FOR REQUEST: New Swimming Pool, Pool Enclosure, Retaining Wall Height, Side Setback

PROJECT CALCULATIONS

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SIGNATURE:



(Owner/Agent)

DATE:

5/17/2024

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



JASON GABBARD
LANDSCAPE ARCHITECT

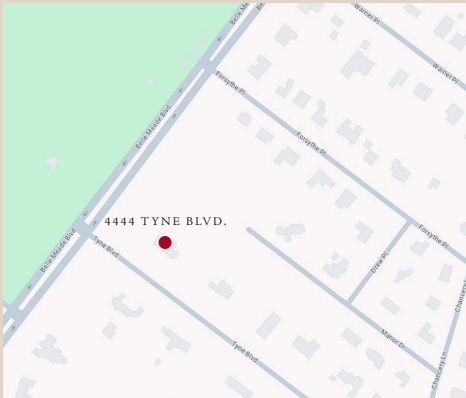
ECHOLS RESIDENCE

4444 TYNE BOULEVARD, NASHVILLE, TN 37215

BELLE MEADE BOARD OF ZONING APPEALS
SUBMISSION

DRAWING INDEX

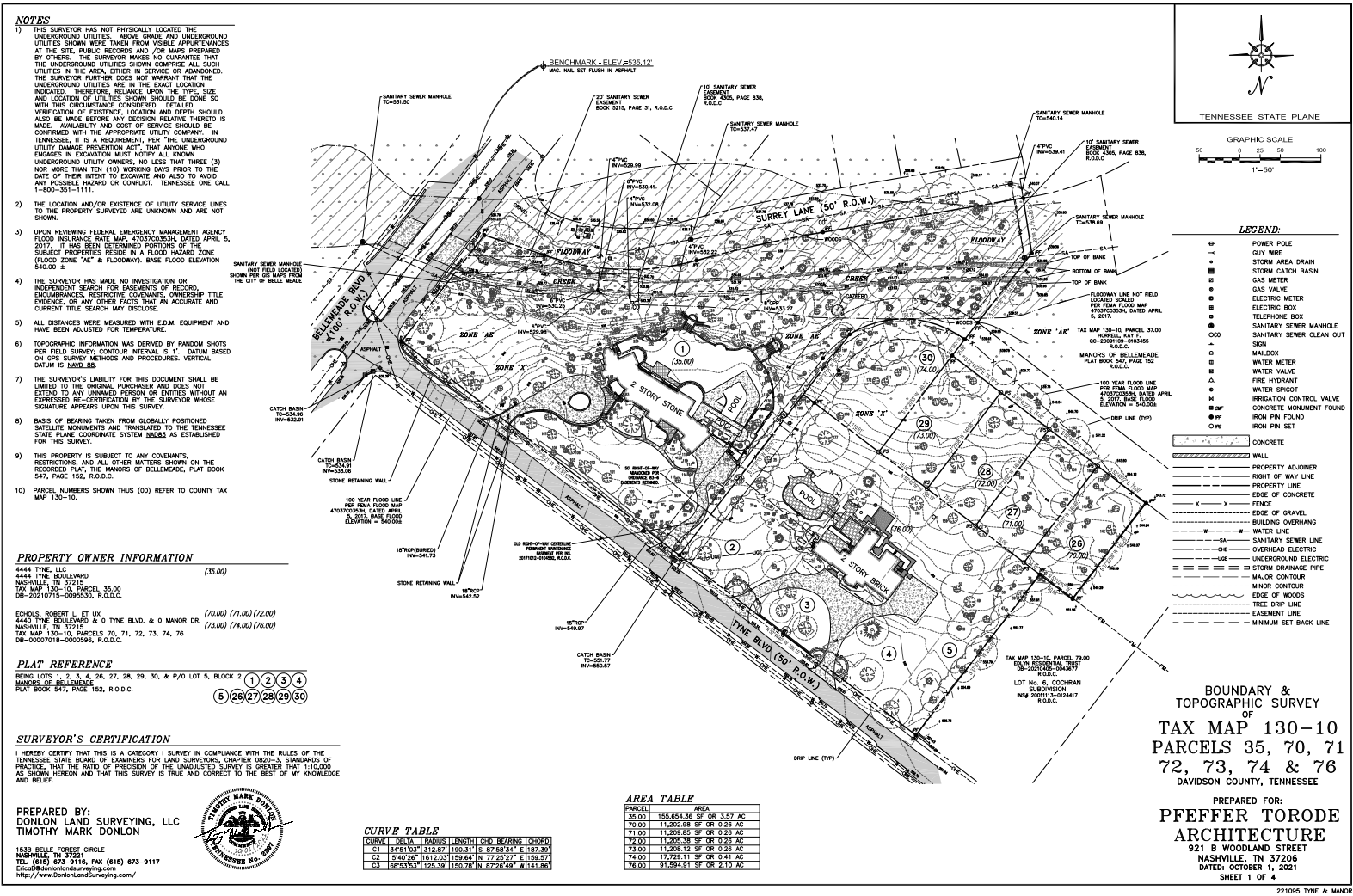
- 1. INDEX
- 2. EXISTING SURVEY
- 3. FLOOD PLAIN BUFFER DIAGRAM
- 4. LANDSCAPE MASTER PLAN
- 5. HARDSCAPE DIAGRAM
- 6. FOOTPRINT AND AREA DIAGRAM
- 7. SET BACK ANALYSIS
- 8. SETBACK DIAGRAM
- 9. GRADING DIAGRAM
- 10. GRADING PLAN
- 11. POOL ENCLOSURE AND ELEVATION
- 12. PLANTING PLAN
- 13-22. FLOOR PLANS
- 22-28. ELEVATIONS



VICINITY MAP

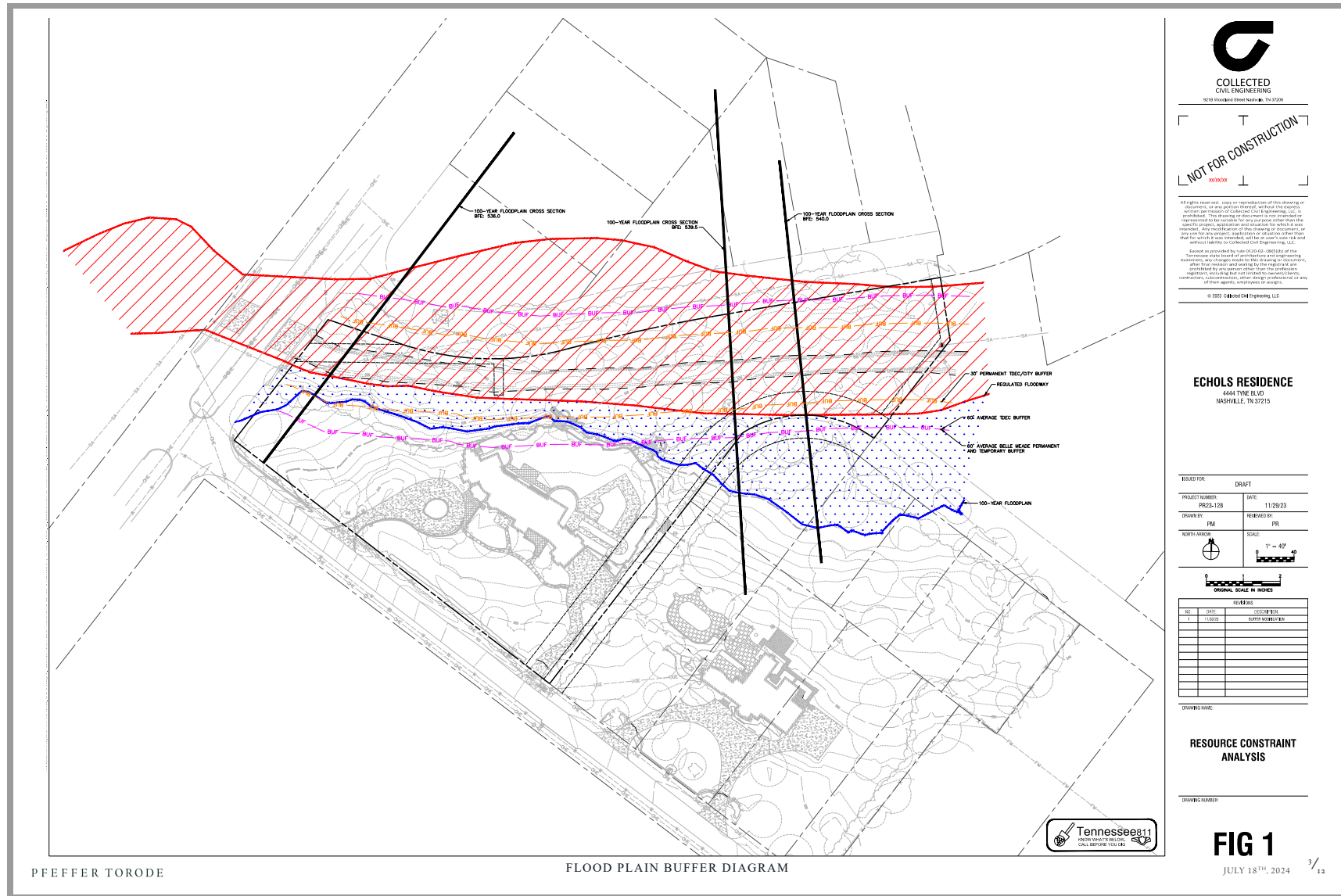
PROJECT TEAM

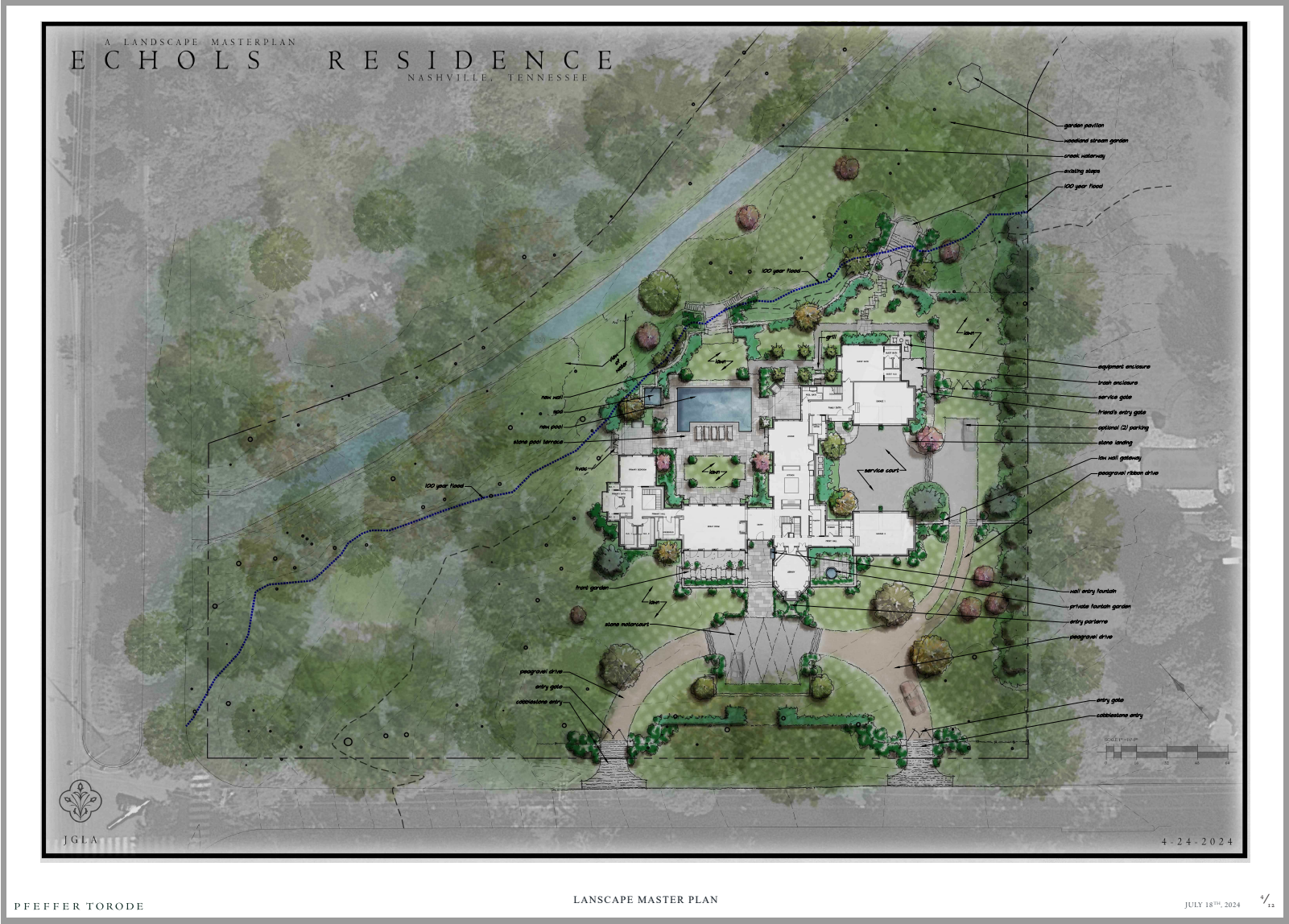
ARCHITECT	LANDSCAPE ARCHITECT	CIVIL ENGINEER
PFEFFER TORODE 921B WOODLAND ST NASHVILLE, TN 37206	JASON GABBARD 231PUBLICSQUARE SUITE 300 #14 FRANKLIN, TN 37064	COLLECTED CIVIL 921B WOODLAND ST NASHVILLE, TN 37206

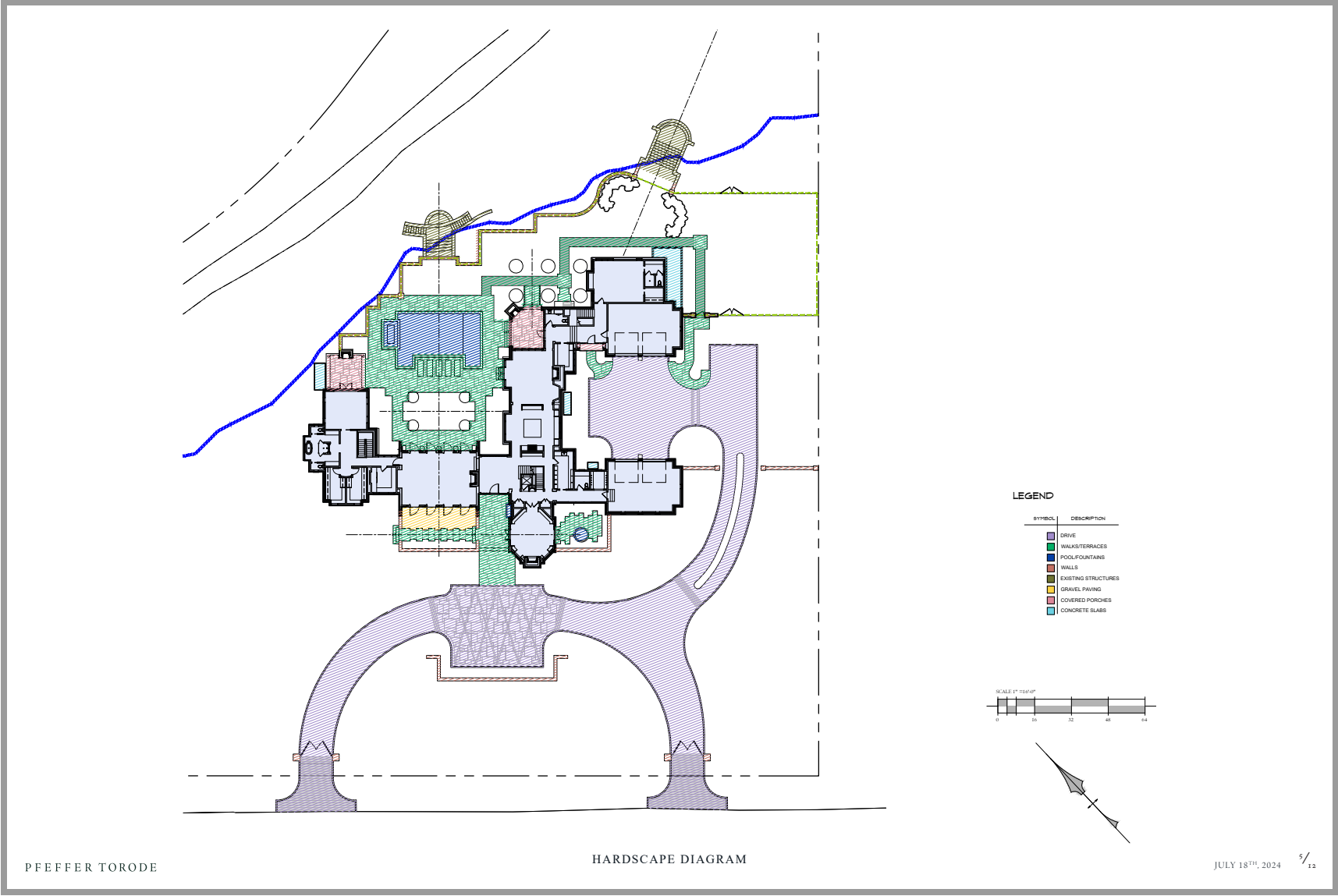


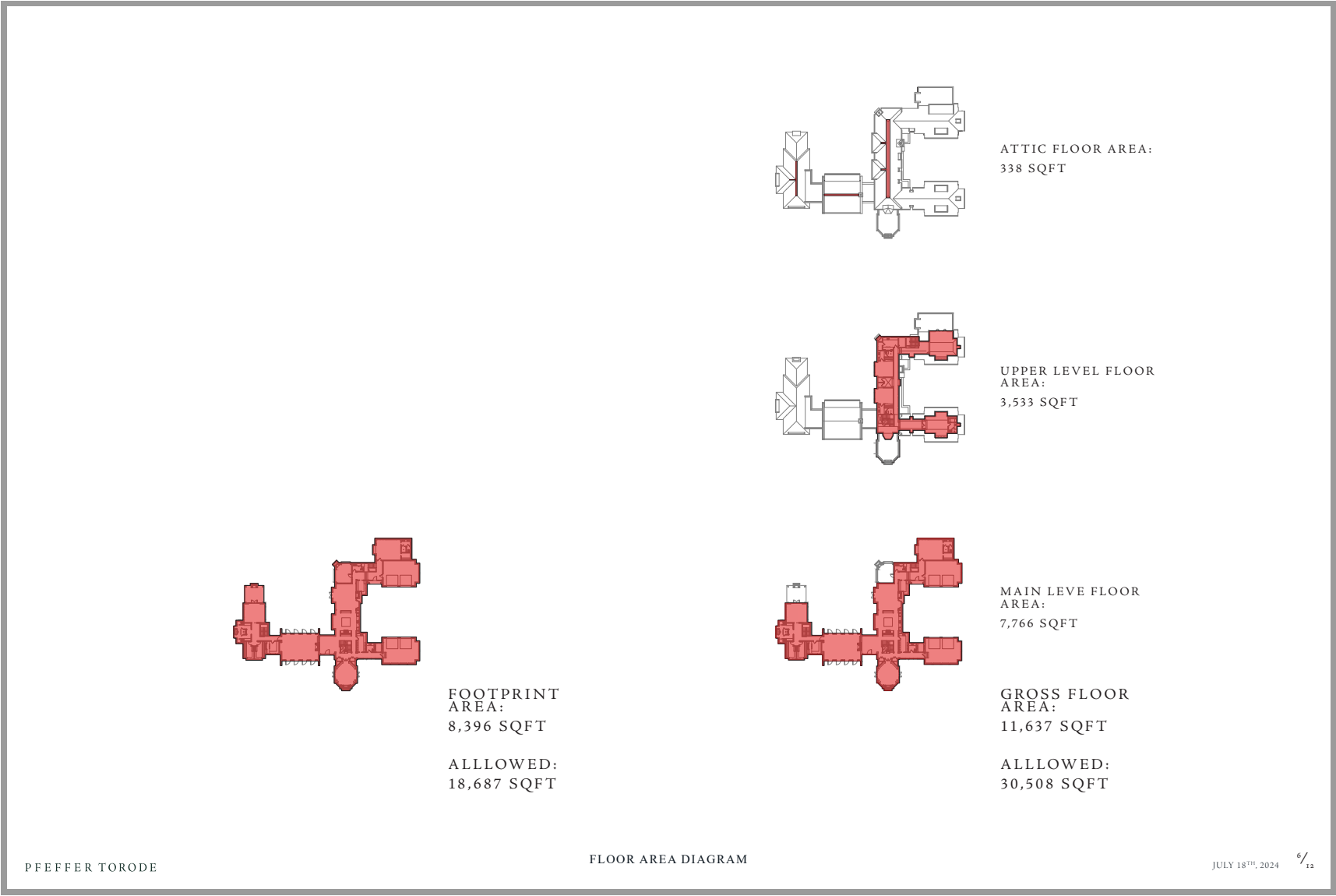
PFEFFER TORODE

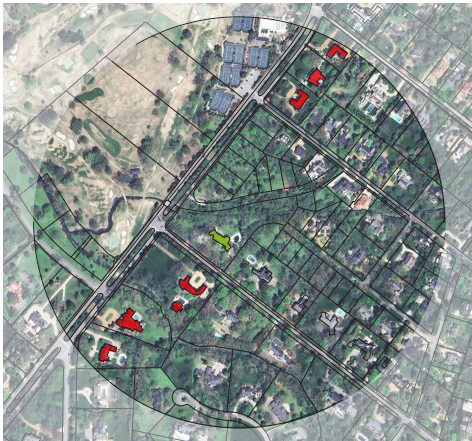
SITE SURVEY





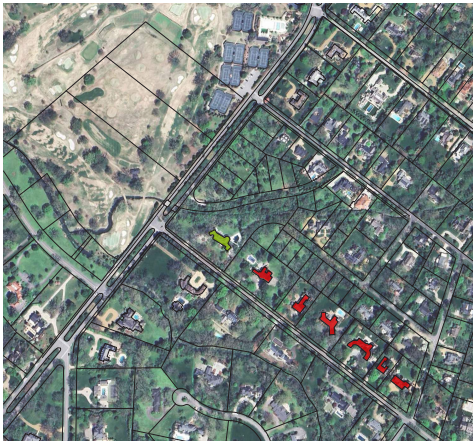






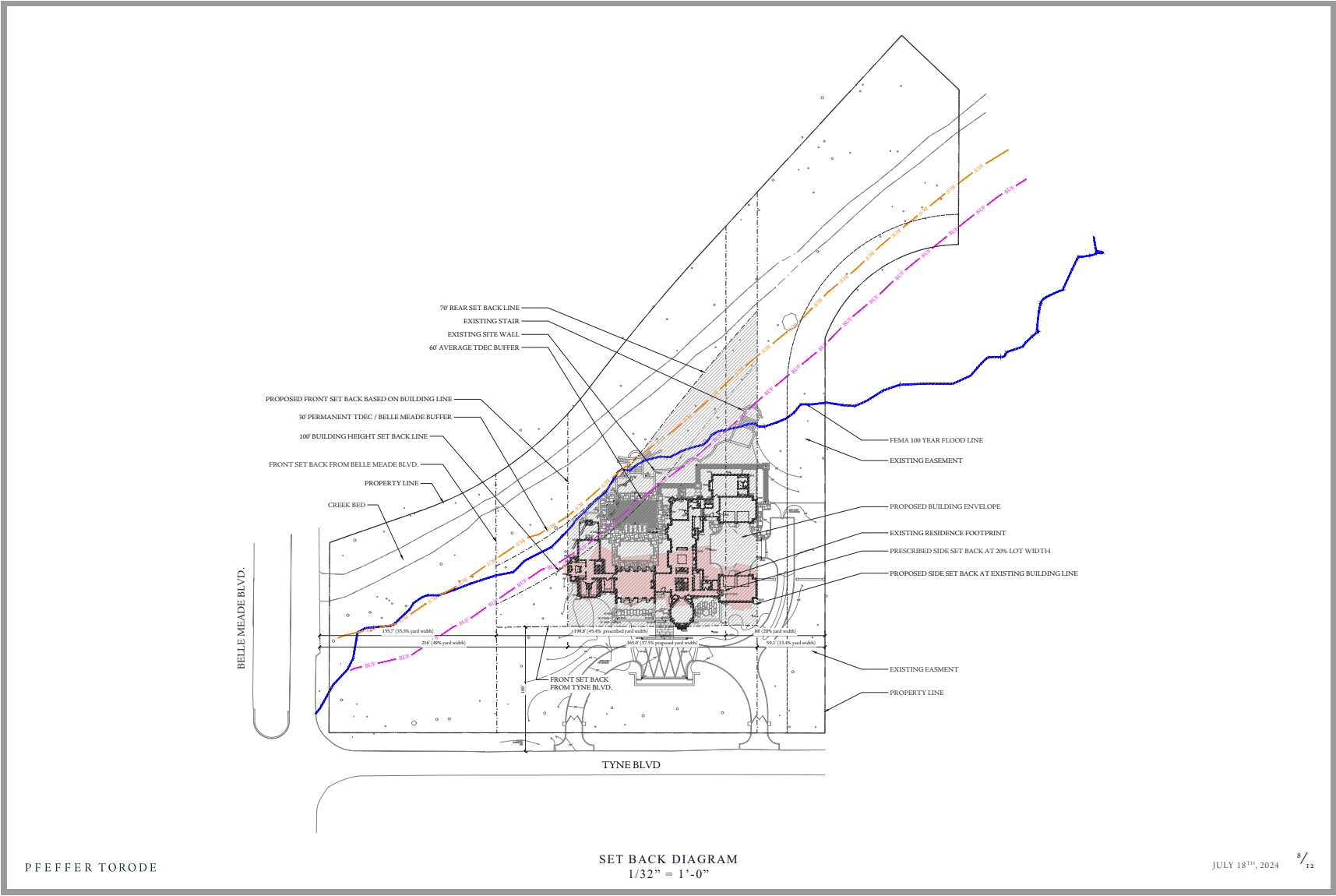
BELLE MEADE BLVD. SETBACK
n.t.s.

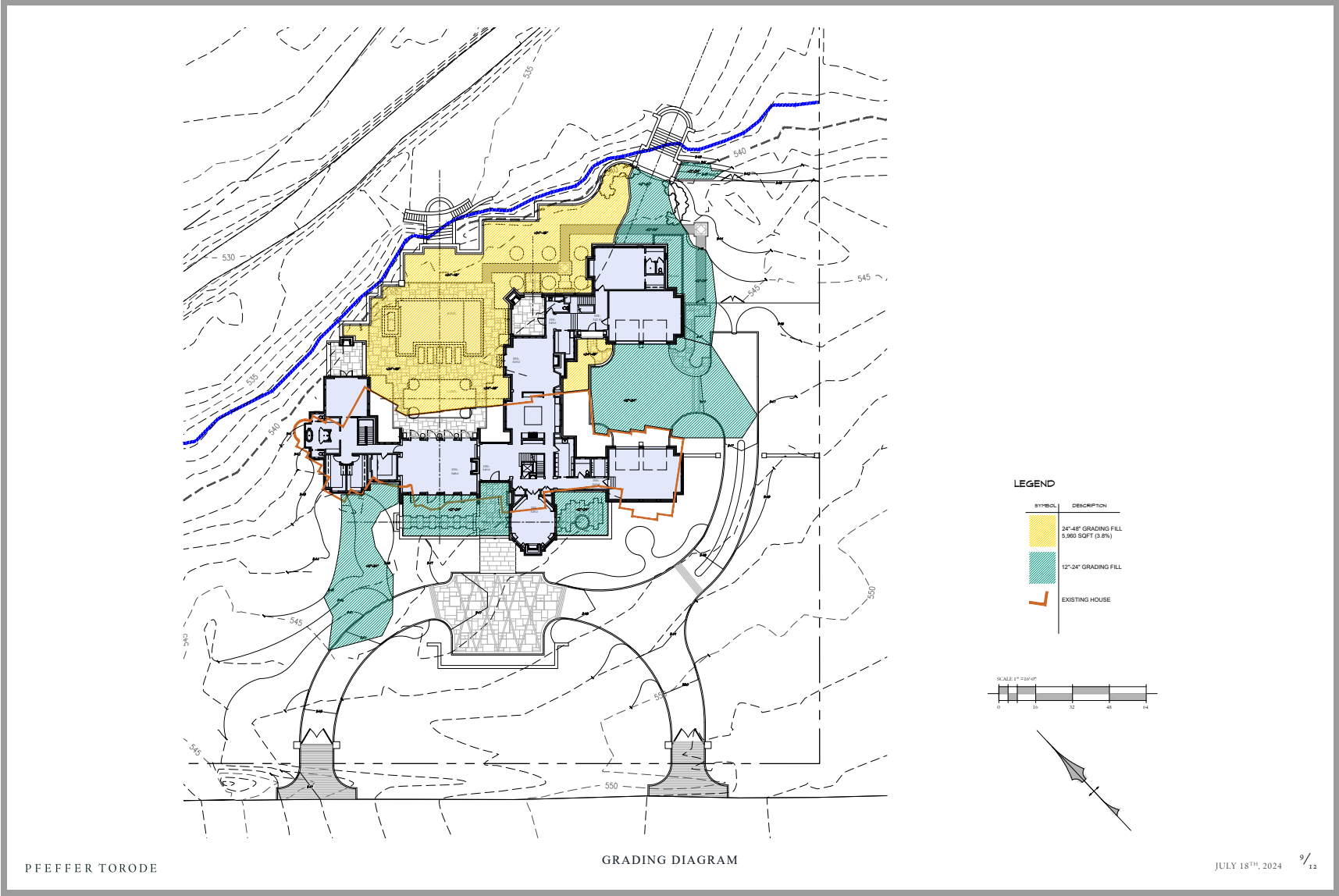
AVERAGE BUILDING LINE OF HOUSES WITHIN 1000'	
828 BELLE MEADE BLVD	130.6'
824 BELLE MEADE BLVD	126.1'
820 BELLE MEADE BLVD	128.2'
4431 TYNE BLVD	264.3'
922 BELLE MEADE BLVD	133.6'
930 BELLE MEADE BLVD	151.2'
AVERAGE	155.7'

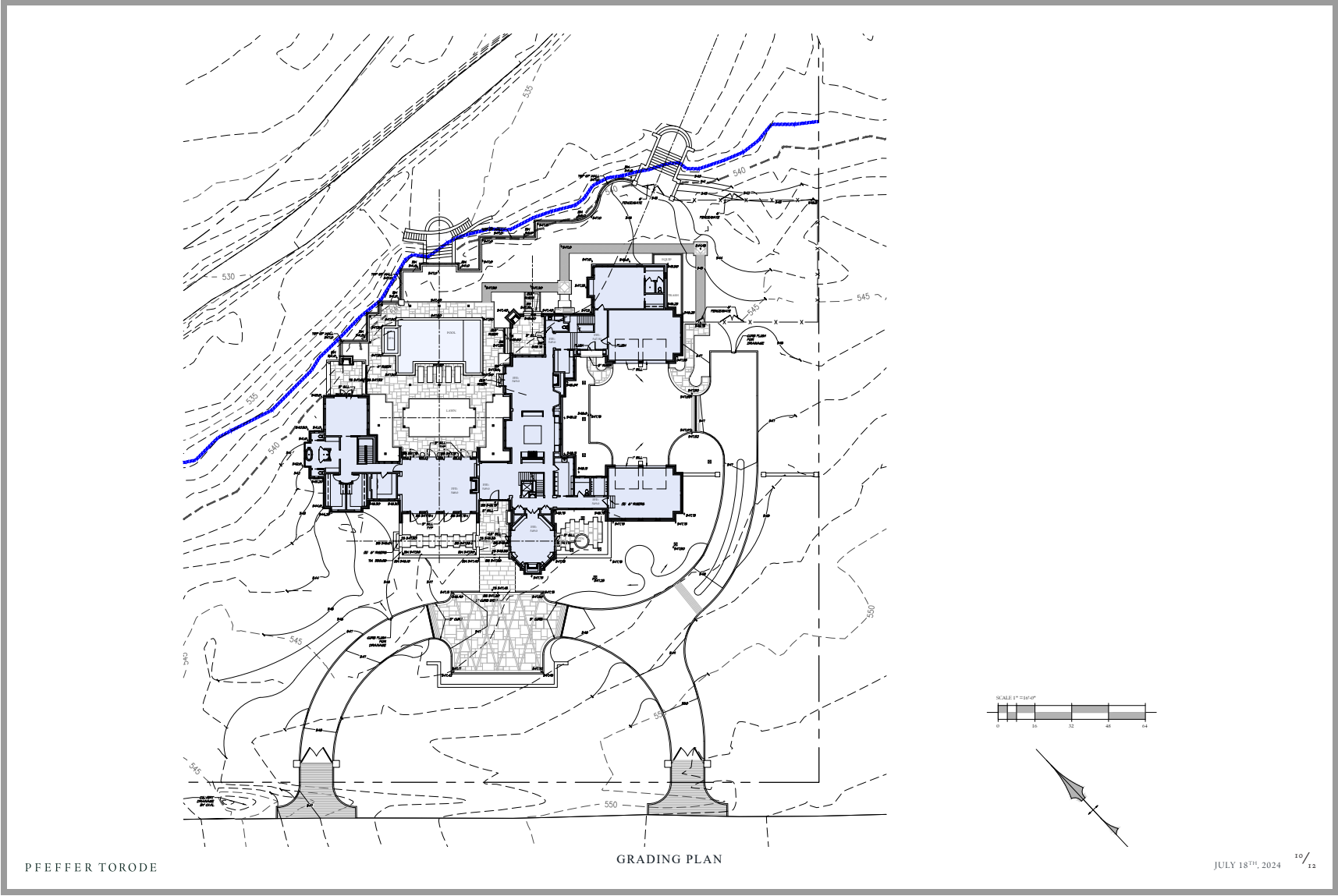


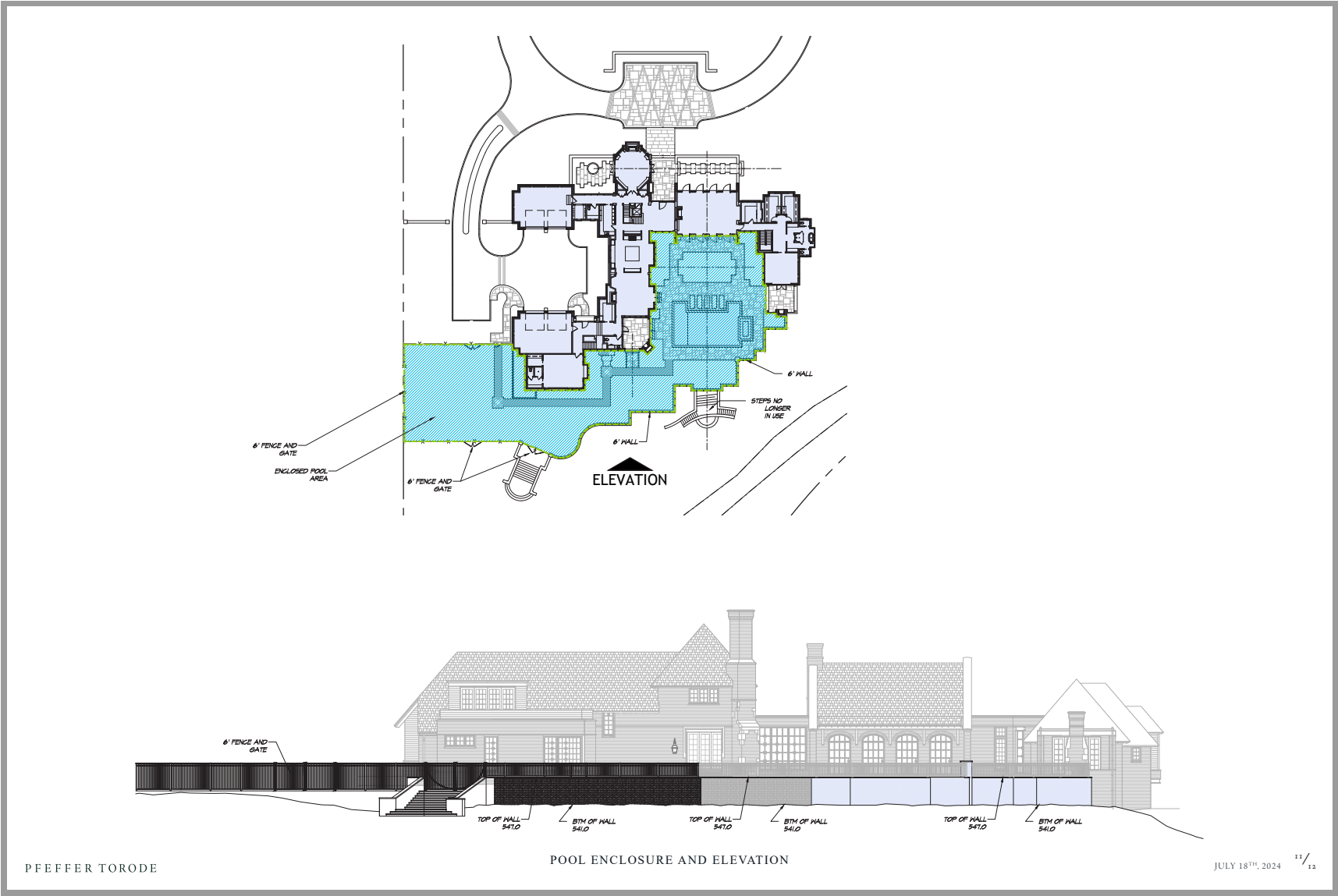
TYNE BLVD. SETBACK
n.t.s.

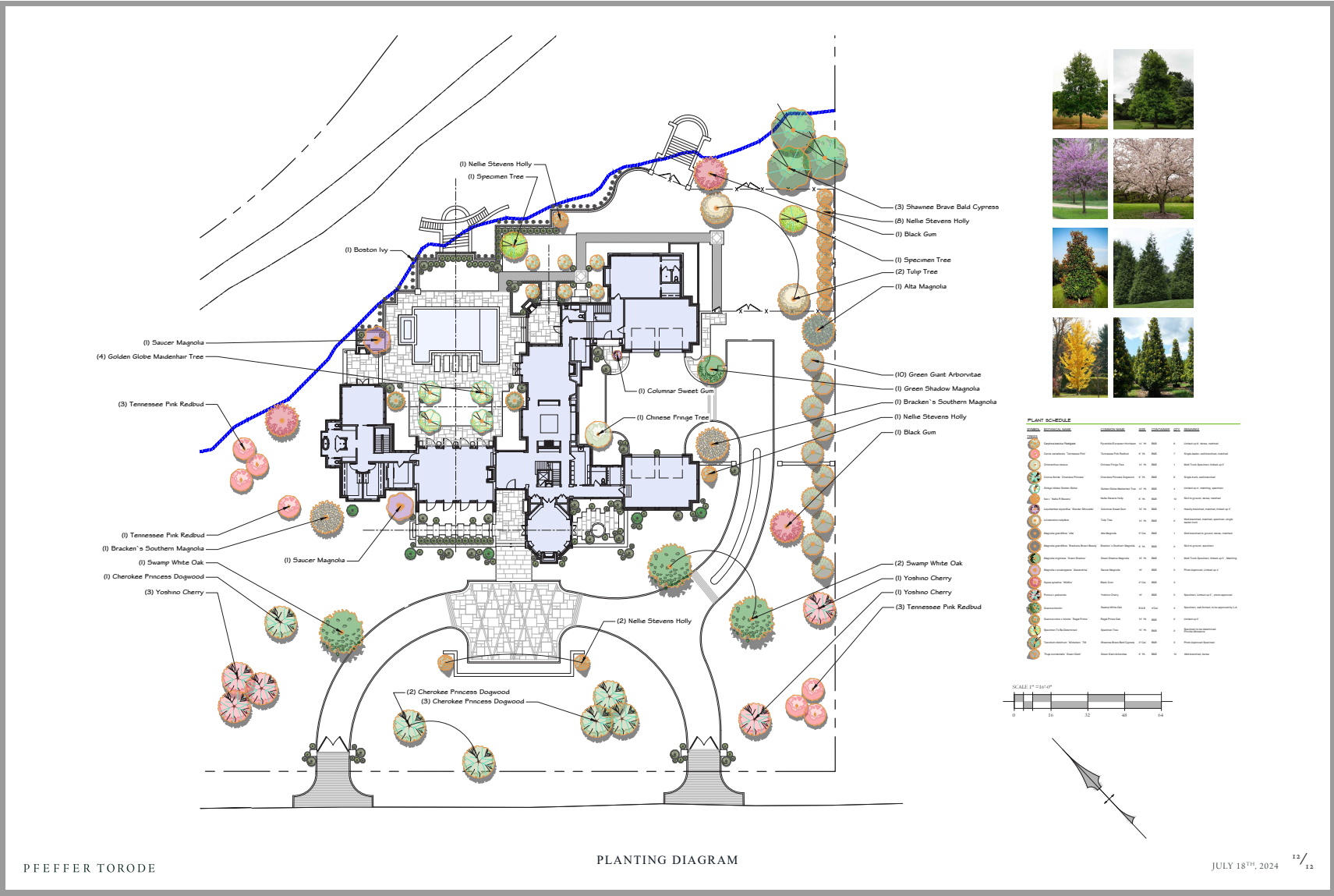
AVERAGE BUILDING LINE OF HOUSES ON THE BLOCK	
4440 TYNE BLVD	111.6'
4436 TYNE BLVD	93.8'
4434 TYNE BLVD	99.7'
4432 TYNE BLVD	115.7'
4430 TYNE BLVD	116.8'
4426 TYNE BLVD	110.2'
AVERAGE	108'

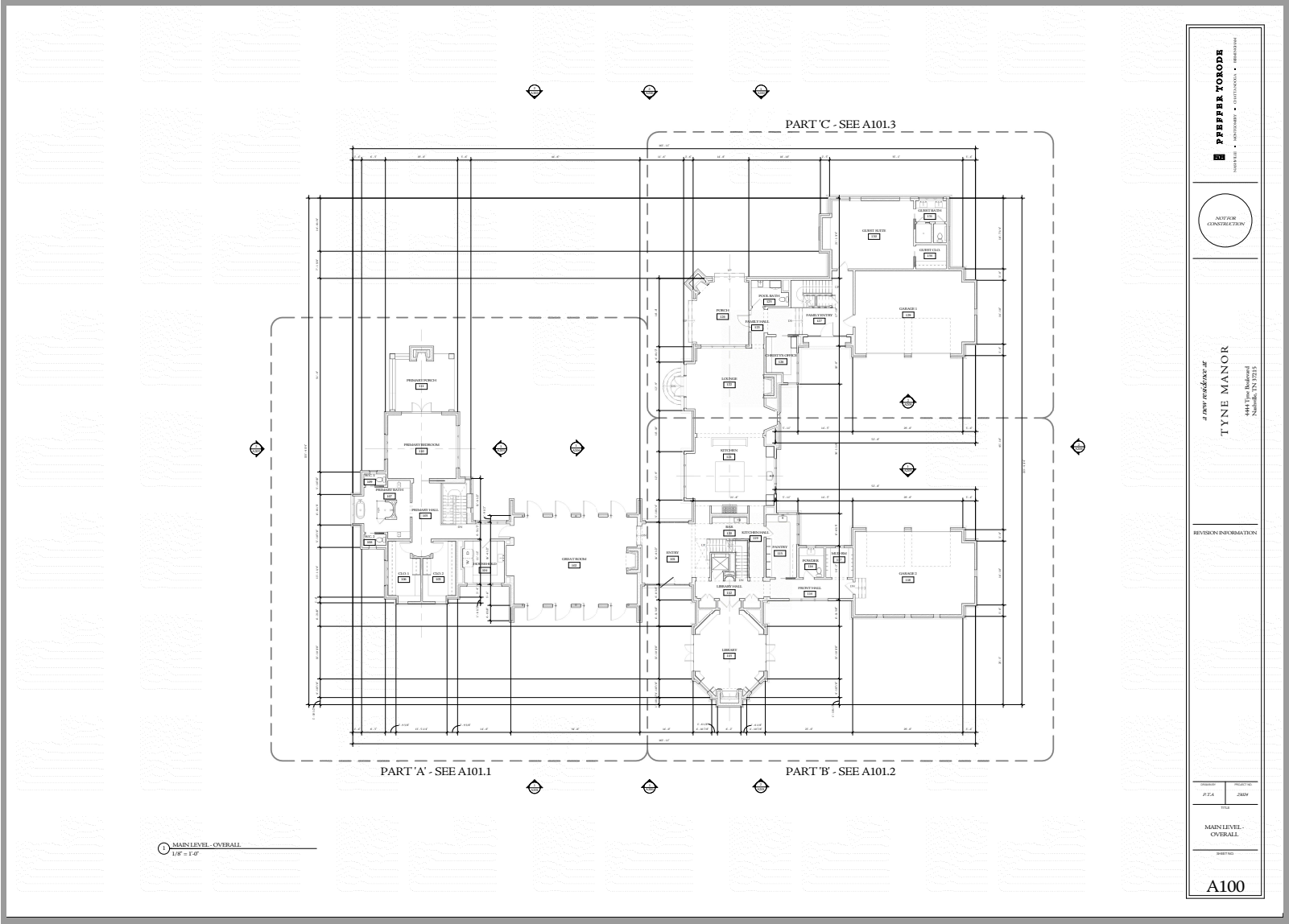


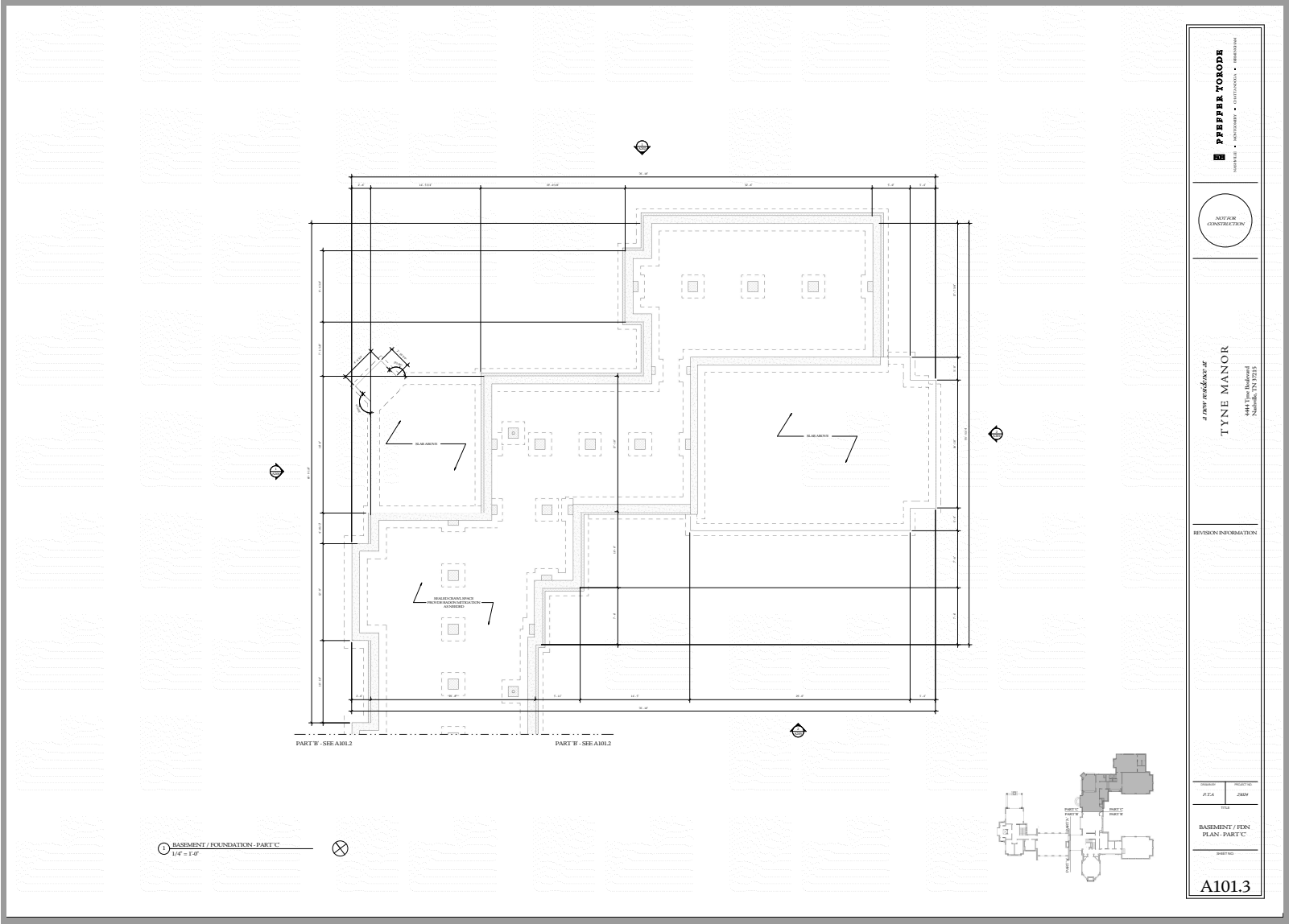


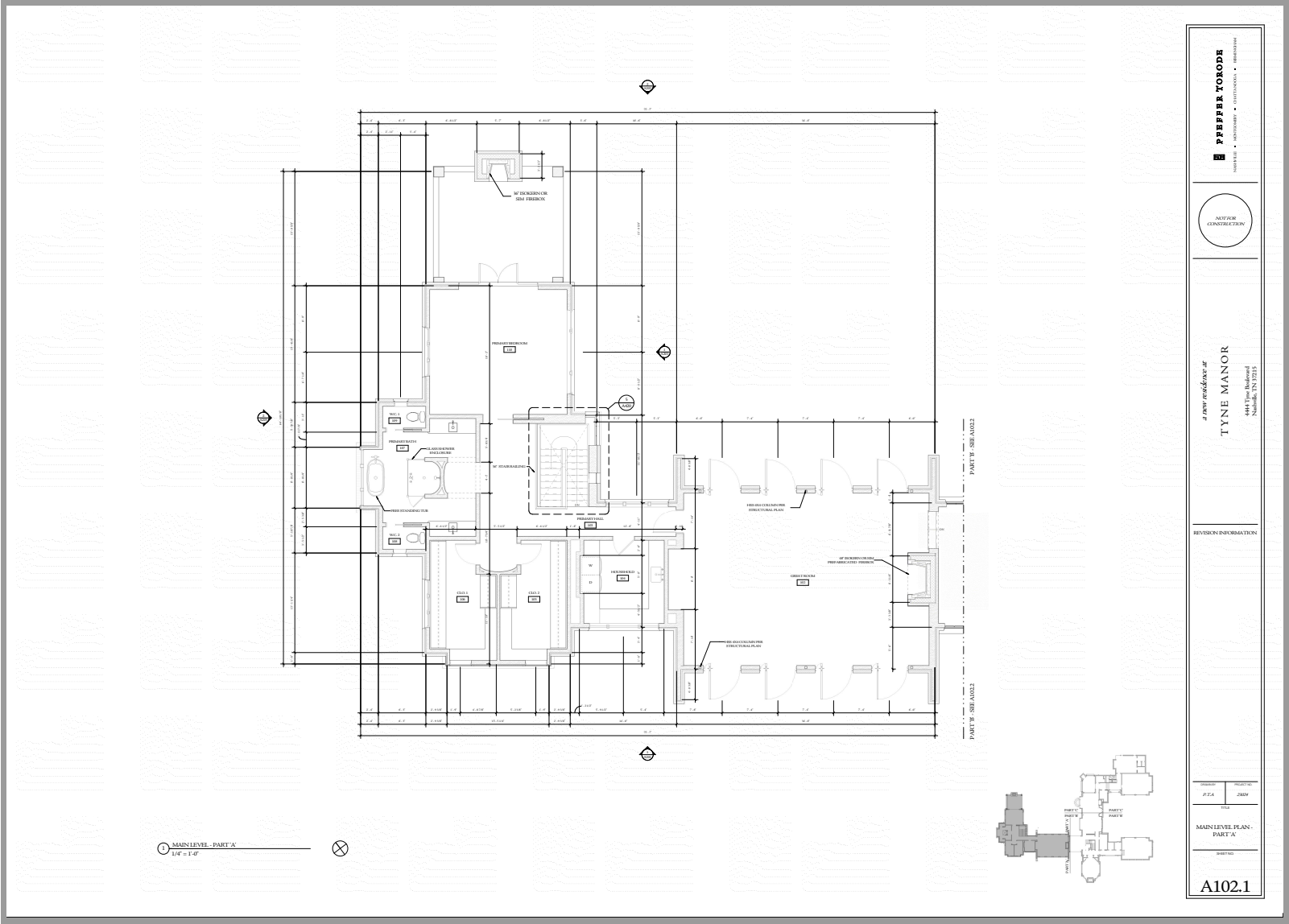


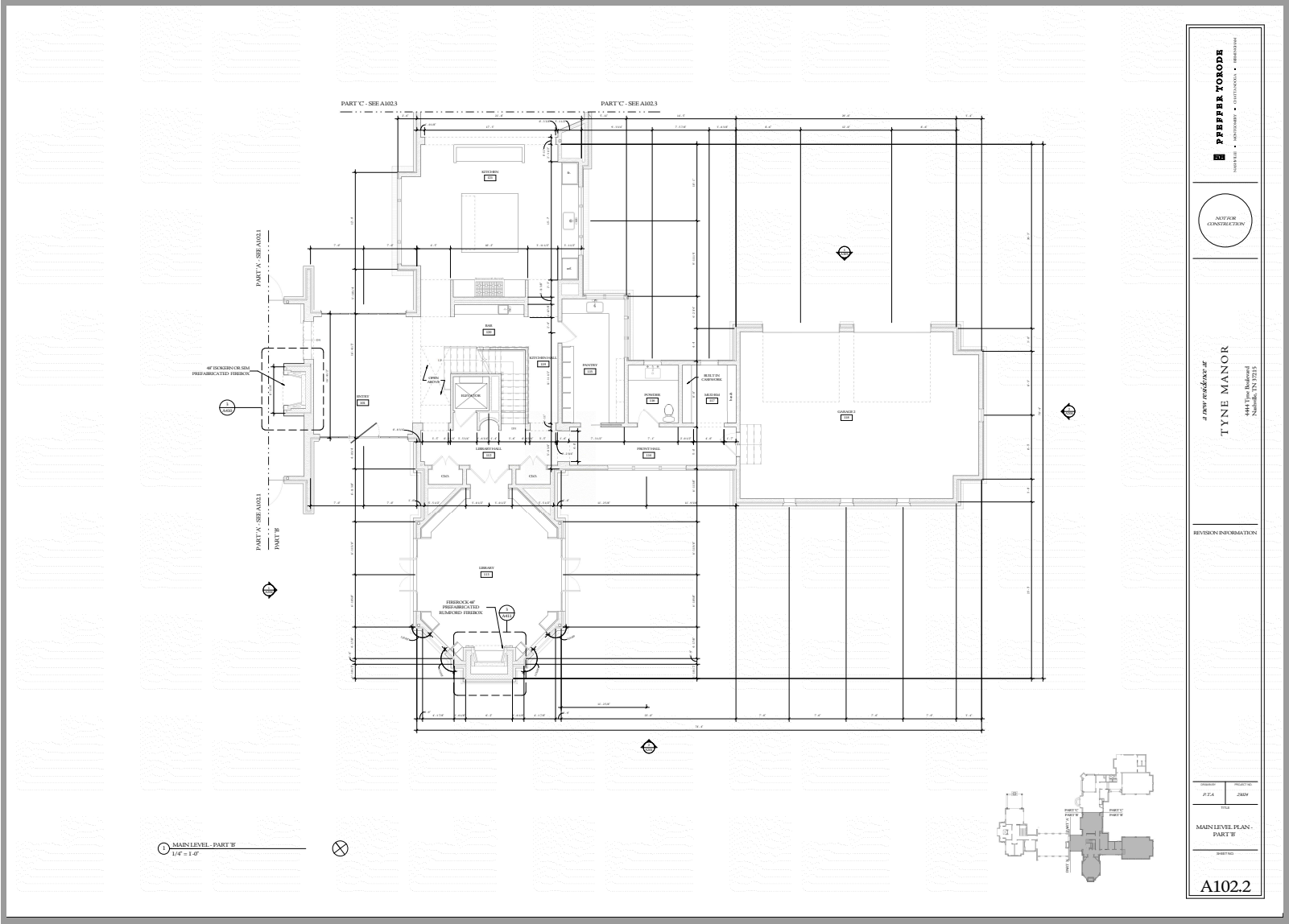


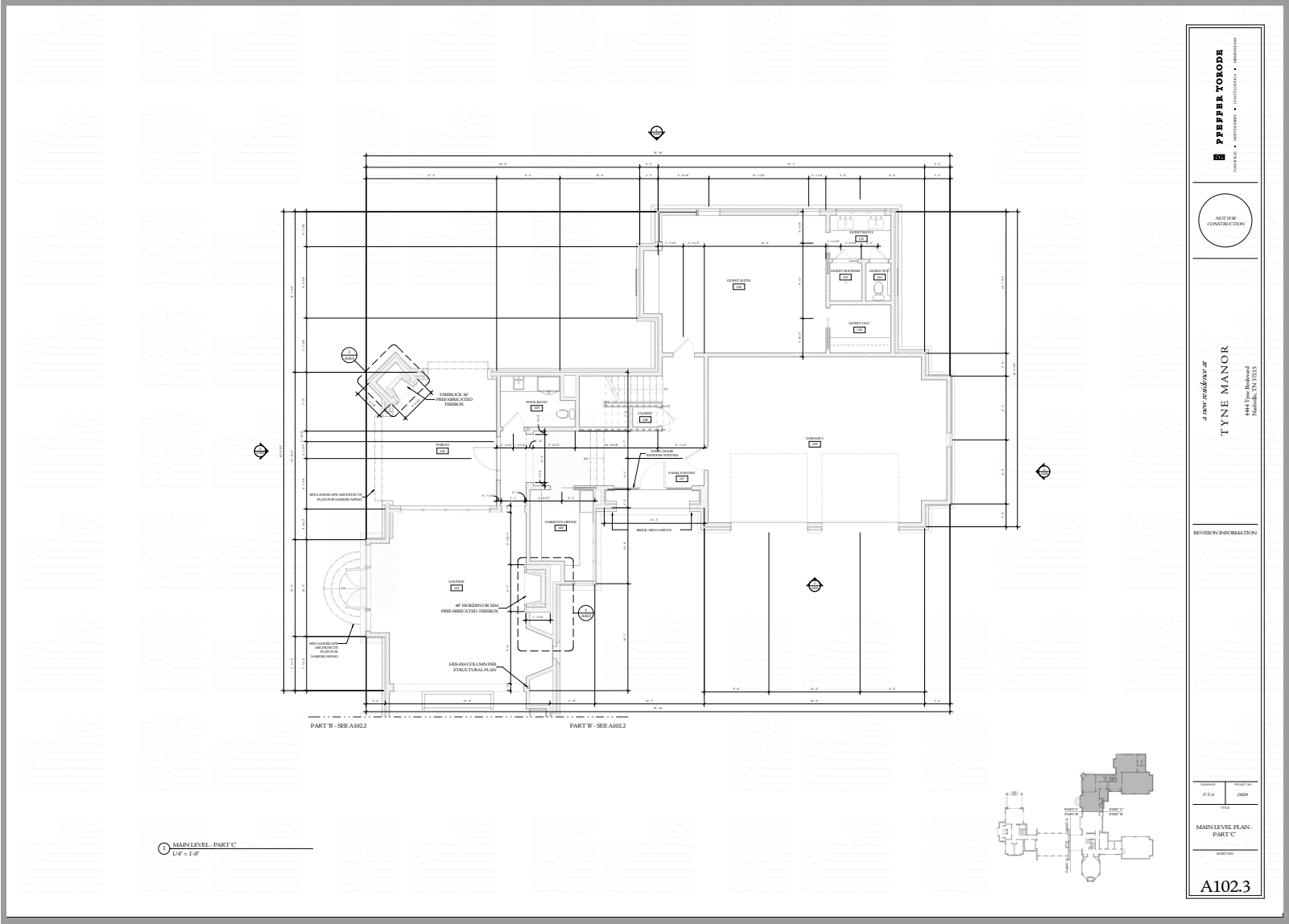


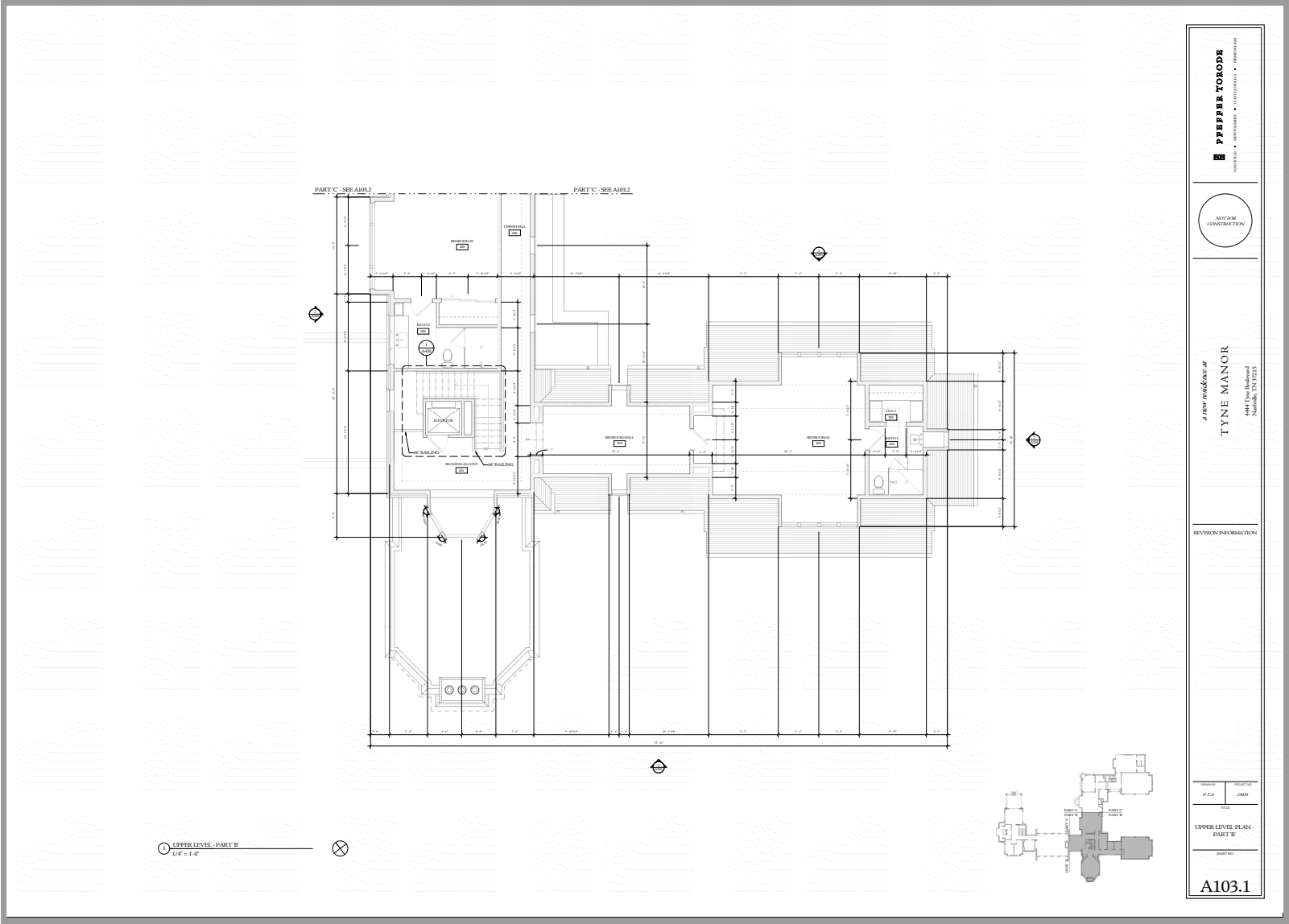


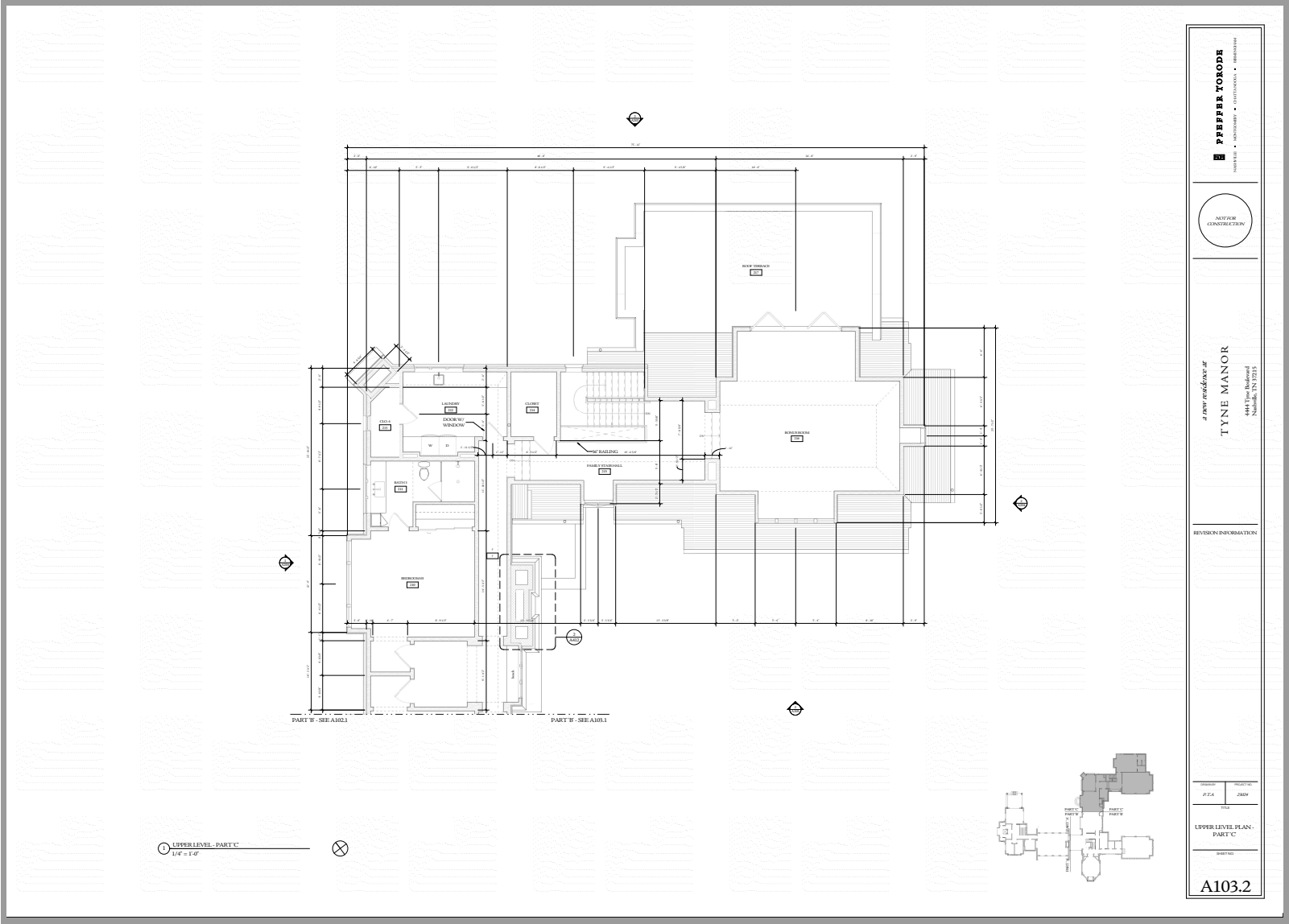


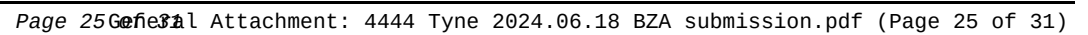


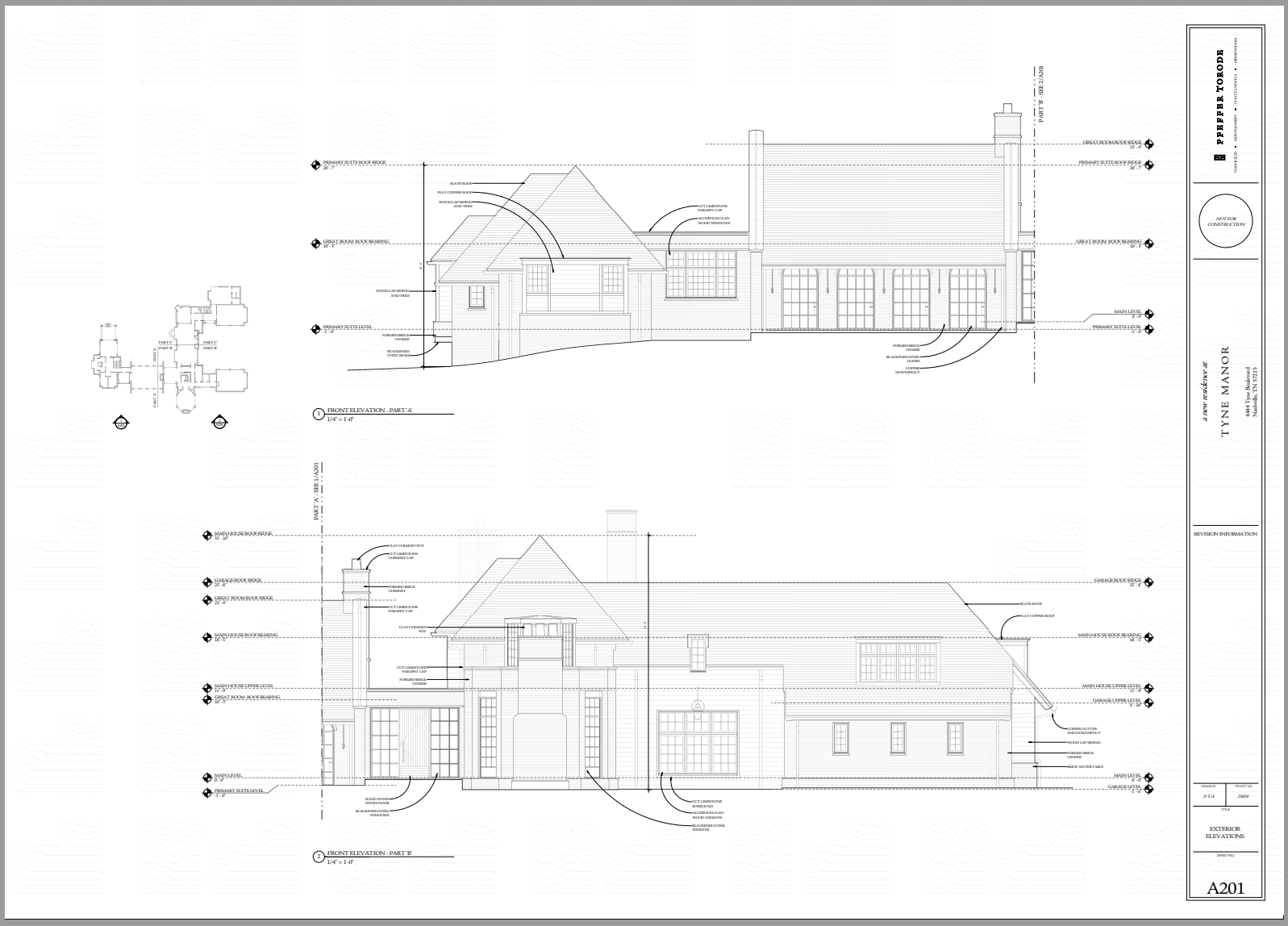


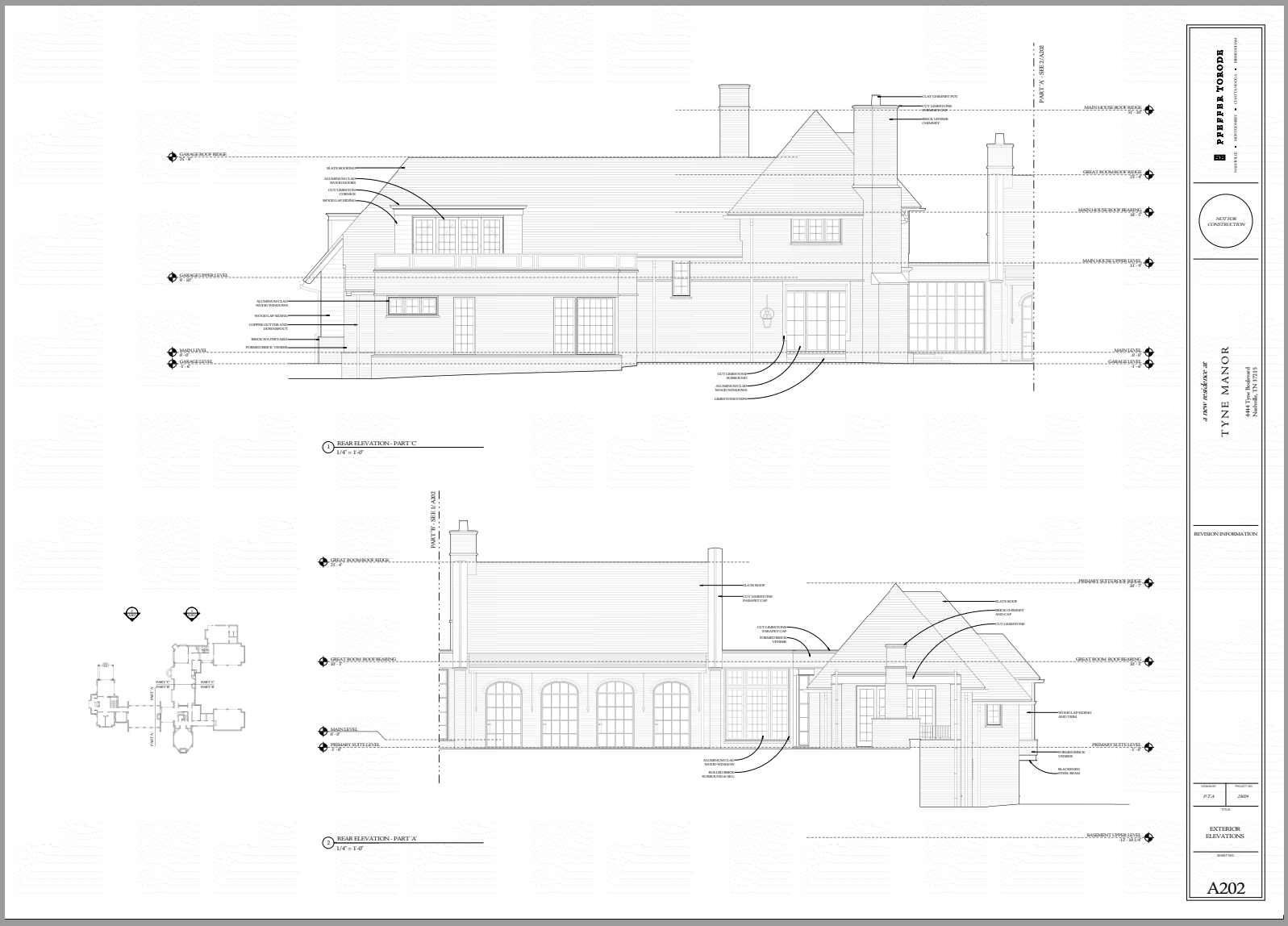


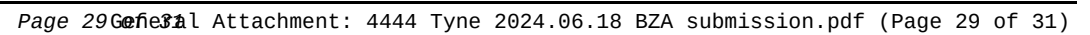




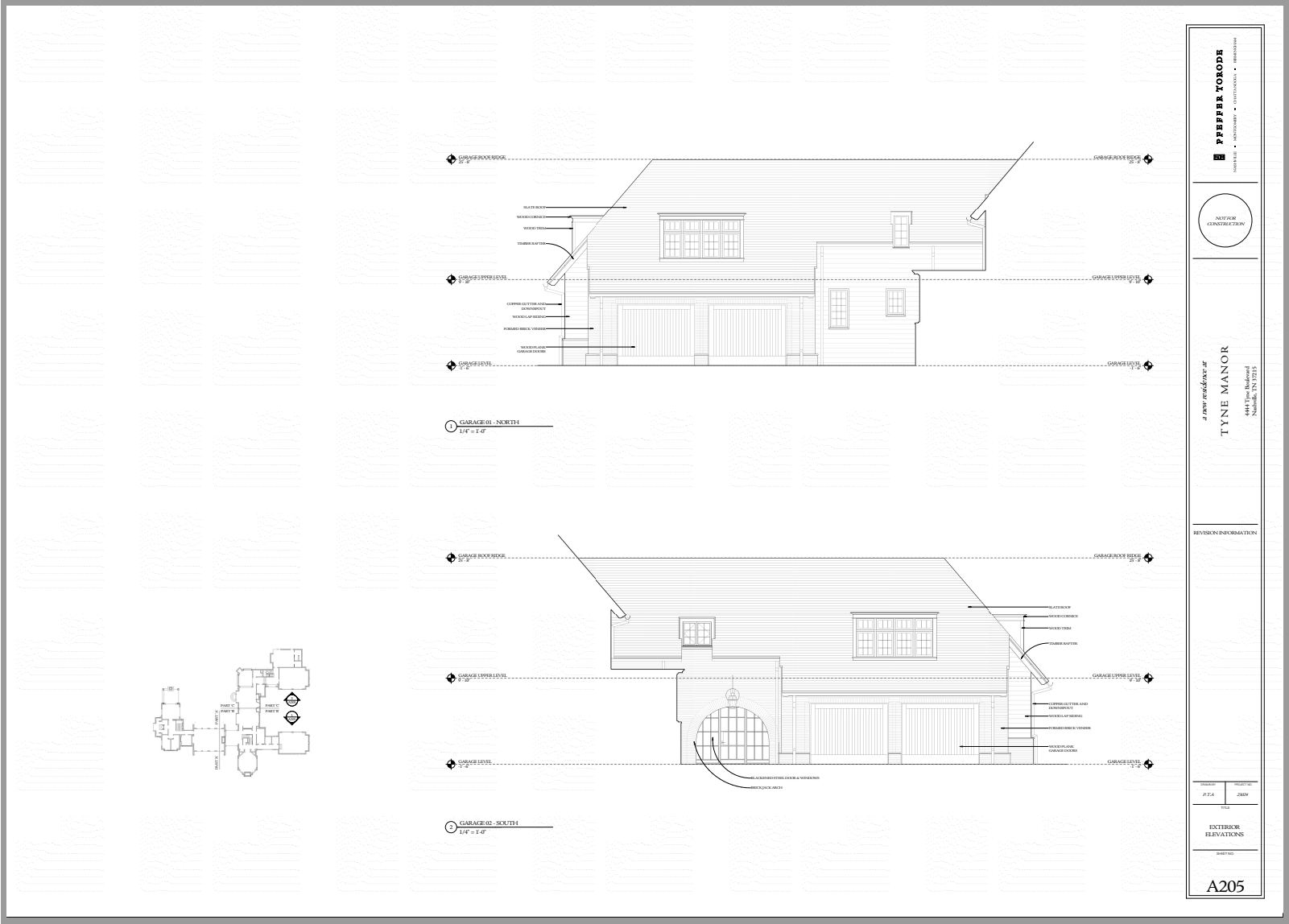












Staff Report

Agenda No.: IV.D.
Case No.: BZA 2024-15
Staff: Mary Samaniego, Planning Director
Applicant: Robert Echols
Request: Conditional use for a swimming pool and four variances for a fence in an alternative location, maximum retaining wall height, garage door placement, and side setback.
Location: 4444 Tyne Boulevard

Summary:

The applicant/property owner is requesting a Conditional Use approval for the construction of a swimming pool and four variances for a fence in an alternative location, maximum retaining wall height, garage door placement, and side setback. The existing residence was approved for demolition by the Historic Zoning Commission in August 2023. The proposed architectural style of the new residence is early 20th century English Arts and Crafts was approved at the June 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 3.57 acres (155,654 square feet - SF) and is irregularly shaped with frontage on both Tyne Boulevard and Belle Meade Boulevard.
2. The footprint proposed for the residence is approximately 8,396 square feet (18,678 square feet allowed) and the total proposed gross floor area is 11,637 square feet (30,508 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 3,113 square feet. The proposed area of the water in the swimming pool is 1,364 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 12,452 square feet. The proposed area of the hardscape including the pool is 6,301 square feet.
5. The proposed swimming is inside the established building envelope however the pool equipment is outside the side yard setback and is subject to the variance request (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. The proposed retaining walls that are a combination of reconstructed and new walls are 6' in height.
7. A significant portion of the front and side of the property is in the regulatory FEMA floodplain for Richland Creek fork. The lot has 20' elevation changes from the bed of the creek that traverses the site at 530' above mean sea level (amsl) rising to the south at 550' amsl.
8. The applicant is proposing a combination of existing and proposed 6' retaining walls, walls, and fences that will begin from a rear edge of the residence but not the furthest rear edge due to the FEMA floodplain (see staff analysis). Therefore, a variance is required.
9. The required front yard setbacks from Belle Meade Boulevard is 155' and from Tyne Boulevard is 108' due the required block averaging.
10. The required side yard setback along the east property line is 88' due to the long lot width along Tyne Boulevard (445'). A portion of the proposed residence and pool equipment is within this 88' side yard setback at 59' to the closest point of the structures to the side property line. Therefore, a variance is required.
11. Per Section 14-202(1)(b)(i) of the Zoning Ordinance, Garages and carports shall have their doors or openings facing to the side or rear of the property. The proposed residence has a service motor court with two sections of garages with two bays each. The doors of garage 1 technically face the front property line however garage 2 will block the view of garage 1 from Tyne Boulevard.
12. 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 combination of fence and walls.

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 four variance requests are a direct result on the irregular shape of this corner lot and the presence of regulated FEMA floodplain. The approved variances will ensure that the regulated floodplain is protected from structures and development obstructions in compliance with federal, state, and local laws. This compliance with significant stormwater and environmental regulations is beneficial to 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 retaining wall height is to limit mass grading and elevation changes within a given site. The function of the 6' retaining walls is for retention purposes of a stream bank and not mass site grading per the providing grading plan. The fence placement variance is in direct compliance with FEMA floodplain regulations to not impede the flow of water in waters of the state. The variance for side yard setback is in direct response the excess lot width of the site as well as the required front yard setback for Belle Meade Boulevard. Lastly, while one of the two garages will technically face Tyne Boulevard it will be screened by a structure and will therefore not be visible from the street.
3. The resulting home will not be out of harmony with the other homes in the neighborhood.

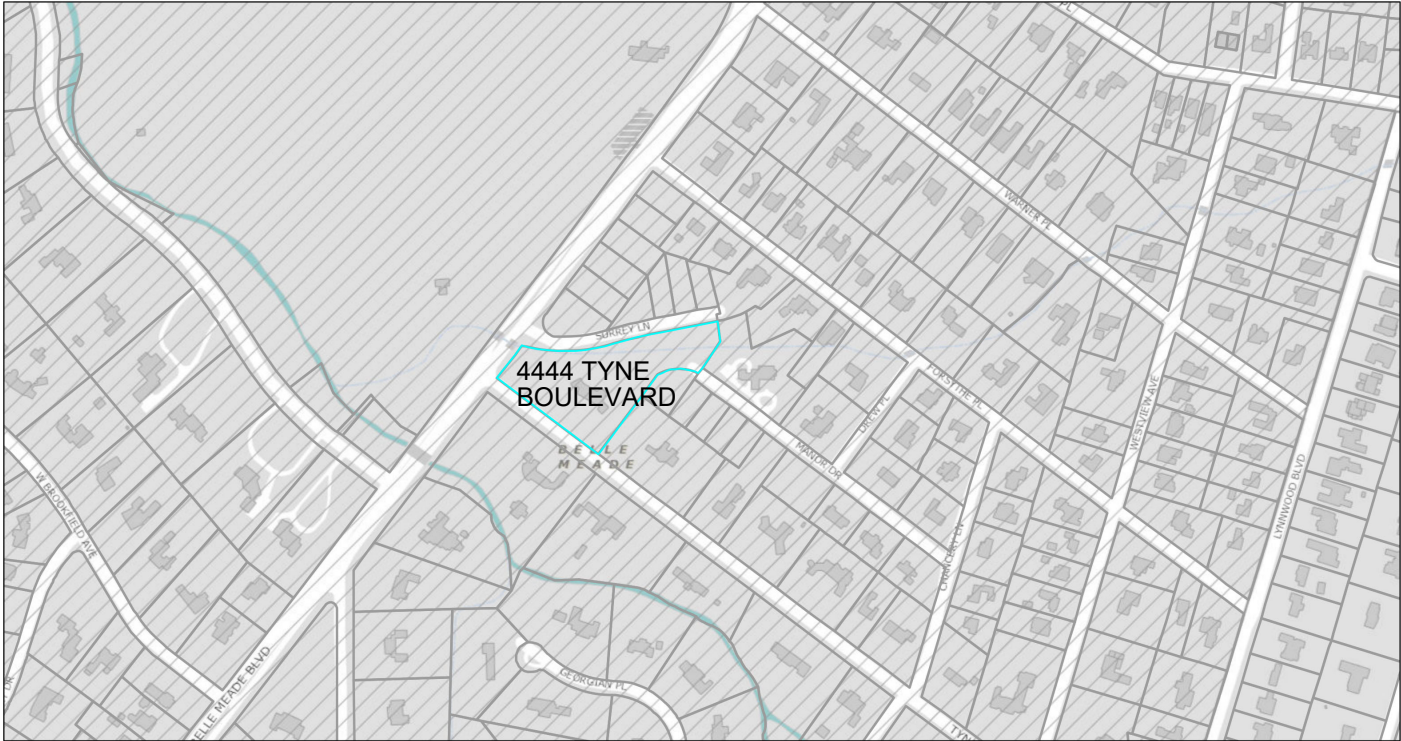
The proposed variance approvals will result in a residence that is in harmony with the immediate area. The proposed residence footprint and position on the lot closely matches the footprint and lot placement of the existing residence which was constructed in 1929.

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

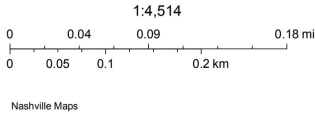
Attachments:

1. Location Map
2. Staff Analysis

Nashville / Davidson County Parcel Viewer 4444 TYNE BOULEVARD



May 21, 2024
graphicsLayer2



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