



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



**AGENDA BOARD OF ZONING APPEALS
REGULAR MEETING
JULY 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 June 18, 2024.

Attachment: [Minutes BZA June 18 2024.pdf](#)

III. Old Business - None

IV. New Business

A. The application of Infinity Pools, BZA 2024-20, 923 Westview Avenue, for Conditional Use for a swimming pool and a variance for fence placement and pool equipment placement.

Attachment: [PAID APPLICATION.pdf](#)
Attachment: [Westview Ave 923 - Site Plan - FINAL SET.pdf](#)
Attachment: [STAFF REPORT 923 Westview.pdf](#)
Attachment: [923 Westview - Neighbor Letter 1.pdf](#)
Attachment: [923 Westview - Neighbor Letter 2.pdf](#)
Attachment: [923 Westview - Neighbor Letter 3.pdf](#)
Attachment: [923 Westview - Neighbor Letter 4.pdf](#)
Attachment: [923 Westview - Neighbor Letter 5.pdf](#)

B. The application of Larsen and Heather Fusco, BZA 2024-19, 610 Enquirer Avenue, for a Variance to allowable building footprint, allowable gross floor area, side yard setback, and maximum of 30% flat roof.

Attachment: [PAID APPLICATION.pdf](#)
Attachment: [BZA DRAWINGS 610 ENQUIRER.pdf](#)
Attachment: [STAFF REPORT 610 Enquirer Ave.pdf](#)
Attachment: [MCDUGALL LETTER.pdf](#)
Attachment: [EARTHMAN LETTER .pdf](#)
Attachment: [MCDOWELL LETTER.pdf](#)

C. DEFERRED The application of Nicole Vidalakis, BZA 2024-17, 1225 Chickering Road, for a Variance to the front yard setback and percentage of low-slope roof.

Attachment: [BZA Application Site Plan 1225 Chickering Rd 20240620.pdf](#)
Attachment: [Warner Park Sub.pdf](#)

Attachment: [PAID APPLICATION.pdf](#)

D.The application of Jenny Jacobs, BZA 2024-18, 203 Jackson Boulevard, for Conditional Use for a swimming pool and a variance for fence placement, pool equipment placement and rear yard setback.

Attachment: [PAID APPLICATION.pdf](#)

Attachment: [Jacobs - Existing Boundary Survey.pdf](#)

Attachment: [Jacobs - Proposed Site Plan.pdf](#)

Attachment: [STAFF REPORT 203 Jackson Blvd.pdf](#)

Attachment: [COLLINS LETTER.pdf](#)

V.Other Public Comment

VI.Adjourn

The next regularly scheduled meeting of the Board of Zoning Appeals will be held August 20, 2024 at 5:00 P.M. at Belle Meade City Hall, 4705 Harding Pike, Nashville, TN.



MINUTES
BOARD OF ZONING APPEALS – REGULAR MEETING
JUNE 18, 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
Erick Clifford
Chris Tardio
Johnny Phipps
Charlie Atwood

Board Members Not Present

Ron Farris

Staff Present

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

Approval of Minutes

Motion to approve: Zabaski Second: Atwood Vote: All aye

Old Business - None

New Business

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

Homeowner Sara Perry reviewed the plans, as submitted, for the conditional use request for a swimming pool at 401 Sunnyside Drive.

Public Comment Opened

No Public Comment

Public Comment Closed

Motion to approve as submitted: Tardio Second: Atwood

No Board Discussion

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

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.

Wade Rick, Landscape Architect, Daigh Rick Landscape Architects, representing the Billy Ray Caldwell, reviewed the plans as submitted for the Conditional Use request for a swimming pool and Variance request for fencing.

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

Public Comment Opened

No Public Comment

Public Comment Closed

Motion to approve as submitted: Atwood Second: Zabaski

No Board Discussion

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

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.

Planning Director Mary Samaniego stated she had received an email from the applicant withdrawing the application.

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.

Jason Gabbard, Landscape Architect, representing the Echols, reviewed the plans as submitted. Gabbard covered the Conditional Use request for the swimming pool, and all four variance, 1) fence in alternative location 2) maximum retaining wall height 2) garage door placement and 4) side setback.

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

Public Comment Opened

No Public Comment

Public Comment Closed

Motion to approve as submitted: Atwood Second: Phipps

No Board Discussion

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

Other Public Comment - None

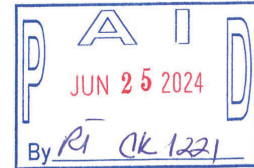
The meeting adjourned at 5:29 p.m.

Chairman Joe Dughman

City Recorder Rusty Terry



CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS



APPEAL # BZA 2024-20 APPEAL FEE: \$500.00

APPLICANT (Owner's Name) Infinity Pools PHONE # 615-975-9777

APPLICANT EMAIL ADDRESS Ethan@InfinityPoolsTN.com

PROPERTY ADDRESS: 923 Westview Ave, Belle Meade, TN

REQUEST: VARIANCE ☒ CONDITIONAL USE ☒

REASON FOR REQUEST: Build a new 18x30 pool in the rear yard of the residence

PROJECT CALCULATIONS

LOT SQ. FT:	24,932	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA			3045		
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.)		5,610			
FRONT YARD AREA					
TOTAL DRIVEWAY AREA			2,628		
DRIVEWAY IN FRONT YARD AREA					
HARDSCAPE AREA		938		938	
POOL AREA		540	0	540	
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?

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?

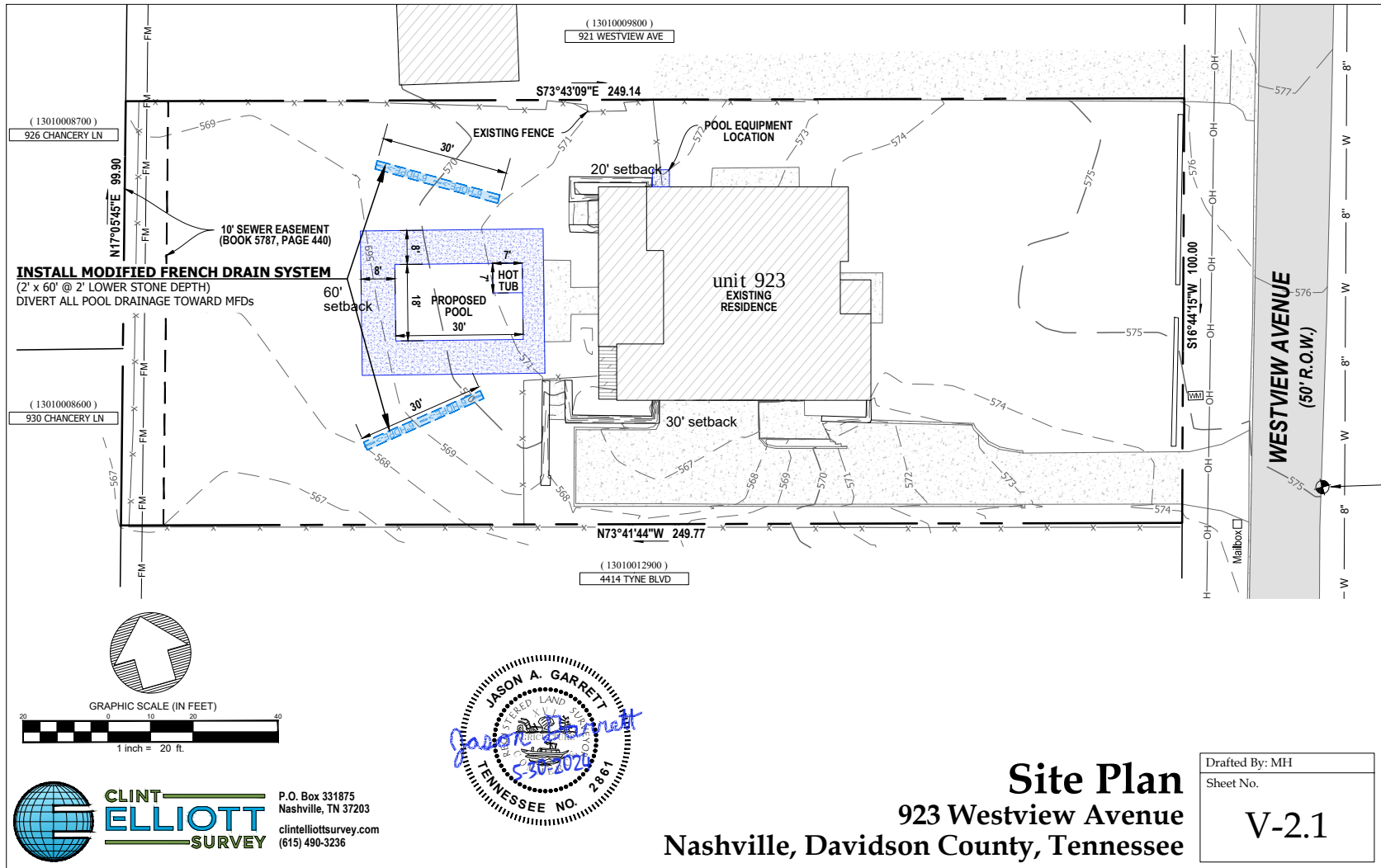
How would the granting of this variance be without detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance of the City?

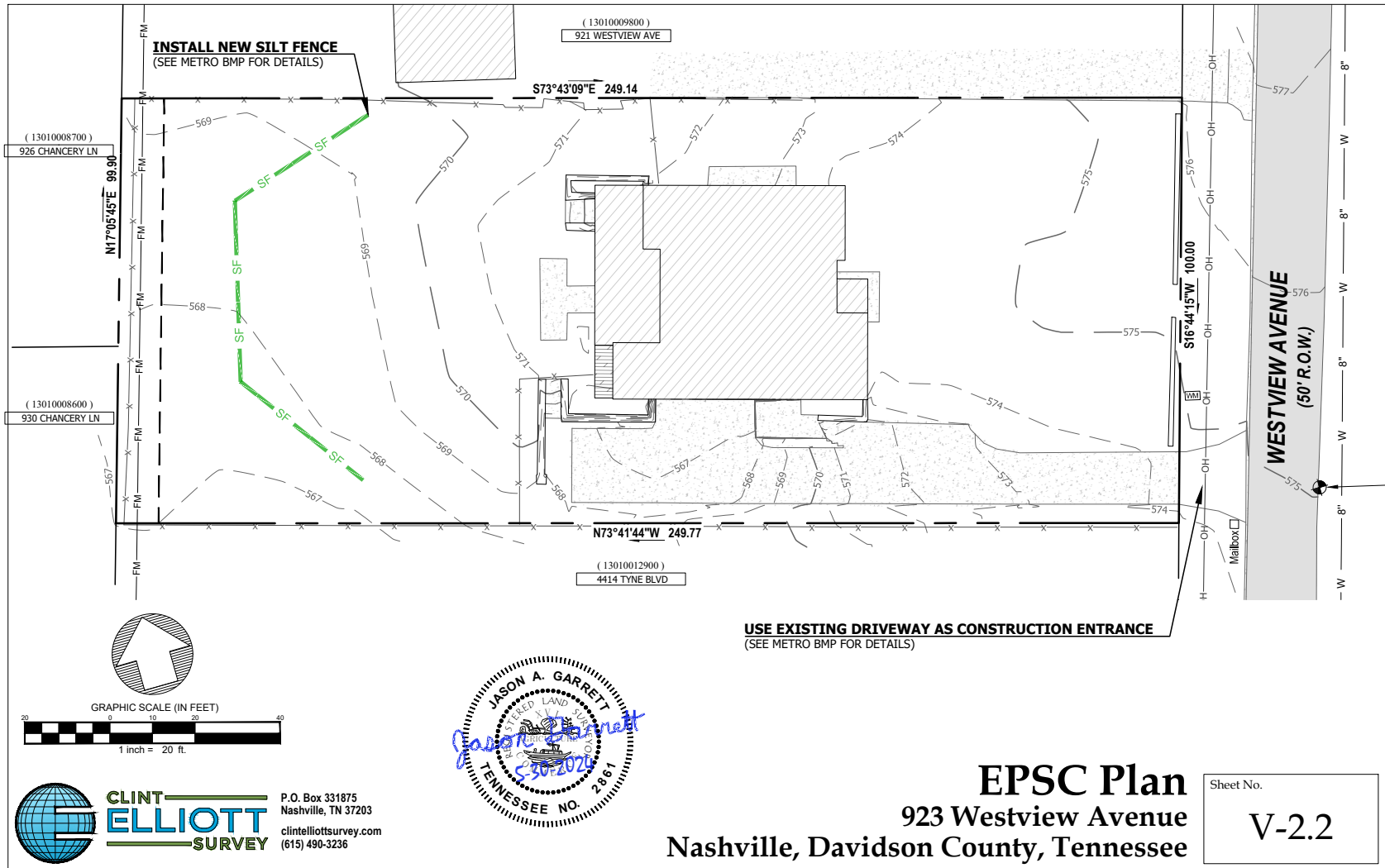
How would the resulting construction not be out of harmony with other homes in the neighborhood?

See neighbor letters attached!

SIGNATURE: Ethan Colclasure (Owner/Agent) DATE: 6-21-24

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





SITE DATA: PRE-DEVELOPMENT

Total Site Area 24,932 SF

PRE-DEVELOPMENT IMPERVIOUS: 6,342 SF

Buildings 3,045 SF
 Parking/Drives 2,628 SF
 Walks/Misc Pads 669 SF

SITE DATA: POST-DEVELOPMENT

Total Site Area 24,932 SF

POST-DEVELOPMENT IMPERVIOUS: 7,820 SF (31.4%)

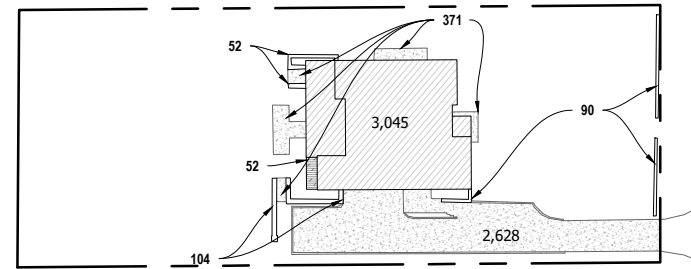
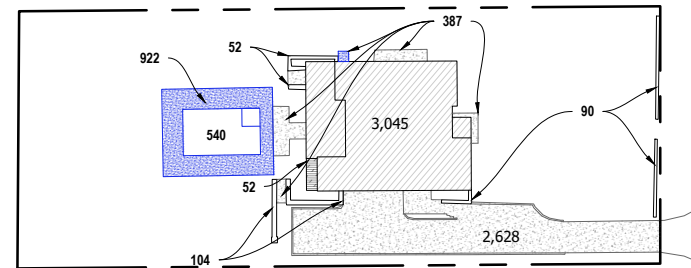
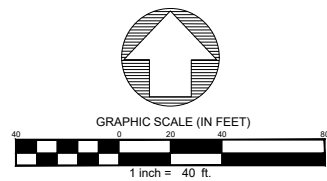
Buildings 3,045 SF
 Parking/Drives 2,628 SF
 Walks/Misc Pads 1,607 SF
 Pool 540 SF

POST- IMPERVIOUS NET GAIN: 1,478 SF (TIER I)**STORMWATER NET GAIN TREATMENT**

Total Site Area 24,932 SF

POST-DEVELOPMENT STORMWATER TREATMENT: 1,478 SF

MODIFIED FRENCH DRAIN REQUIRED: 2' x 60' @ 2' LOWER STONE DEPTH

**PRE-DEVELOPMENT****POST-DEVELOPMENT**

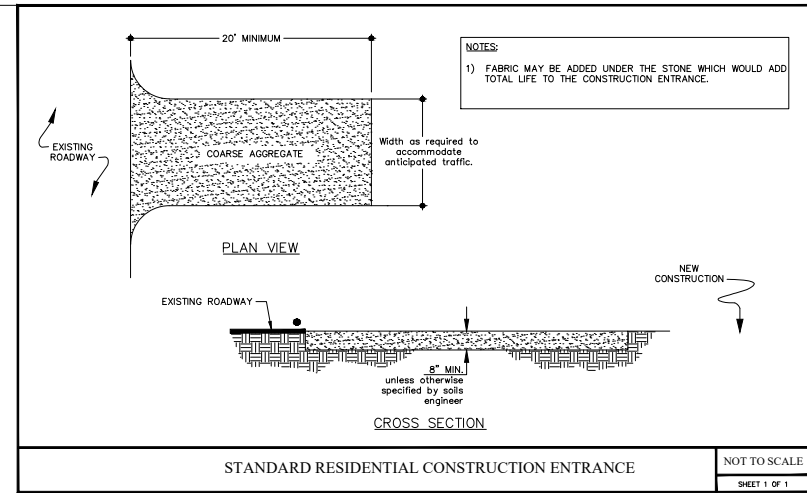
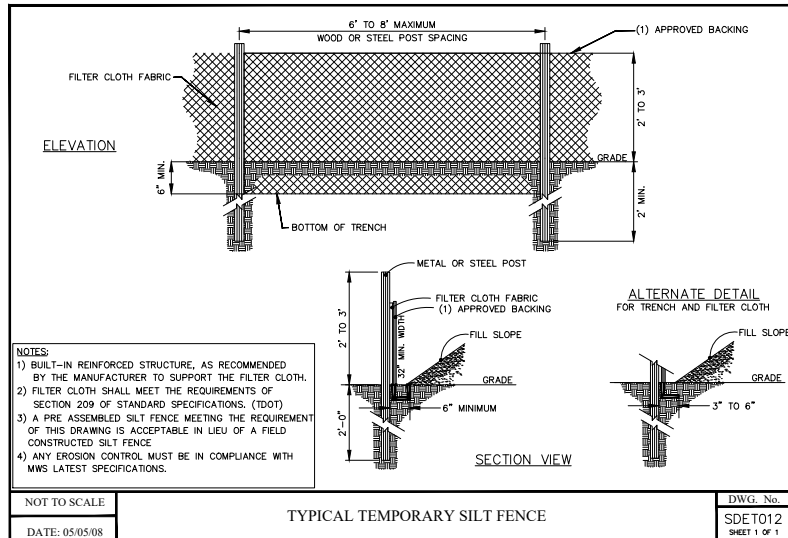
P.O. Box 331875
 Nashville, TN 37203
 clintelliottsury.com
 (615) 490-3236



Impervious Areas
 923 Westview Avenue
 Nashville, Davidson County, Tennessee

Sheet No.

V-2.3

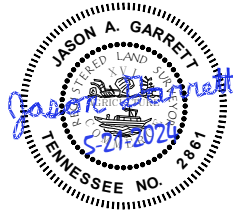


SITE GRADING & EROSION CONTROL NOTES

1. NO PORTION OF THE PROPERTY SHOWN LIES WITHIN A 100 YEAR FLOOD HAZARD AREA AS PER THE CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY, (FIRM) MAP.
2. CLEAN SILT BARRIERS WHEN THEY ARE APPROXIMATELY 33% FILLED WITH SEDIMENT, SILT BARRIERS SHALL BE REPLACED AS EFFECTIVENESS IS SIGNIFICANTLY REDUCED, OR AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
3. REMOVE THE TEMPORARY EROSION AND WATER POLLUTION CONTROL DEVICES ONLY AFTER A SOLID STAND OF GRASS HAS BEEN ESTABLISHED ON GRADED AREAS AND WHEN THEY ARE NO LONGER NEEDED.
4. PROVIDE TEMPORARY CONSTRUCTION ACCESS(ES) AT THE POINT(S) WHERE CONSTRUCTION VEHICLES EXIT THE CONSTRUCTION AREA. MAINTAIN PUBLIC ROADWAYS FREE OF TRACKED MUD AND DIRT.
5. PROVIDE POSITIVE SLOPE (2% MINIMUM) TO DRAIN ALL BALCONIES, DECKS, PATIOS, WALL(S), DRIVEWAYS, GRADE ADJACENT TO BUILDINGS, AND SWALES REGARDLESS WHETHER PLANS GRAPHICALLY PORTRAY OR INDICATE SLOPE. FINAL CONSTRUCTION SHALL NOT PERMIT PONDING OF WATER IN ANY OF FOREGOING AREAS.



IF YOU DIG IN TENNESSEE...
CALL US FIRST!
1-800-351-1111
1-615-366-1987
TENNESSEE ONE CALL
IT'S THE LAW



P.O. Box 331875
Nashville, TN 37203
clintelliotsurvey.com
(615) 490-3236

Site Details
923 Westview Avenue
Nashville, Davidson County, Tennessee

Sheet No.

V-2.4

SKETCH LAYOUT
PROVIDE PLAN AND ELEVATION VIEWS OF MFD AND HOUSE SHOWING ROOF AREA DIRECTED TO
MFD AND KEY DIMENSIONS, CONNECTIONS AND OVERFLOW RELATIVE TO PROPERTY LINE.

Modified French Drain

SIZING CALCULATION:

Rooftop Area (square feet)	Depth of Gravel From Top of Pipe (inches)			
	18	24	30	36
Required Linear Feet of MFD =				
100	6	5	4	3
500	30	25	20	15
1000	60	45	40	35
2000	120	95	75	65
3000	185	140	115	100
4000	245	190	155	130
5000	305	235	195	165

MEASURE CONTRIBUTING DRAINAGE AREA AND READ
AREA FOR GIVEN MEDIA DEPTH.

CONTRIBUTING DRAINAGE AREA= 1,478 SQ FT
DEPTH OF STONE MEDIA= 24 INCHES
WIDTH OF TRENCH= 24 INCHES
LENGTH OF MFD= 60 FT

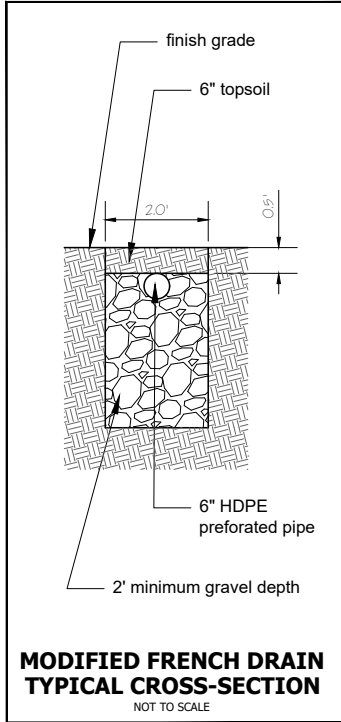
MAINTENANCE:

1. INSPECT GUTTERS AND
DOWNSPOUTS REMOVING
ACCUMULATED LEAVES AND DEBRIS,
CLEANING LEAF REMOVAL SYSTEM(S).
2. IF APPLICABLE, INSPECT
PRETREATMENT DEVICES FOR
SEDIMENT ACCUMULATION. REMOVE
ACCUMULATED TRASH AND DEBRIS.
3. INSPECT MFD FOLLOWING A LARGE
RAINFALL EVENT TO INSURE
OVERFLOW IS OPERATING AND FLOW
IS NOT CAUSING PROBLEMS.

METRO NASHVILLE
DEPARTMENT OF
WATER SERVICES

ATTACHED THIS TWO-PAGE
SPECIFICATION TO HOUSE
PLAN SUBMITTAL

MODIFIED FRENCH DRAIN
SPECIFICATIONS
PAGE 2 OF 2



CLINT
ELLIOTT
SURVEY

P.O. Box 331875
Nashville, TN 37203
clintelliotsurvey.com
(615) 490-3236

Stormwater Details
923 Westview Avenue
Nashville, Davidson County, Tennessee

Sheet No.

V-2.5

Staff Report

Agenda No.: IV.A.
Case No.: BZA 2024-20
Staff: Mary Samaniego, Planning Director
Applicant: Infinity Pools
Request: Approval of a Conditional Use for a swimming pool and a variance for fence placement and pool equipment placement.
Location: 923 Westview Avenue

Summary:

The applicant/property owner is requesting a Conditional Use for the construction of a swimming pool and variance for fence placement and pool equipment placement. The existing residence was constructed in 2015 and is approximately 4,500 square feet in area.

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 0.57 acres (24,932 square feet) and is a rectangular shaped lot with frontage on Westview Avenue.
2. The lot is relatively flat and does not have any regulatory floodplain or water features.
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 499 square feet. The proposed area of water in the swimming pool is 491 square feet. The hot tub is defined as a separate accessory use (not in the swimming pool definition) and is only counted toward hardscape calculations.
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 1,995 square feet. The proposed area of the hardscape including the pool is 1,670 square feet.
5. The proposed pool equipment are entirely outside of the established building envelope (see attached Staff Analysis of Site Plan). Therefore, a variance is required.
6. 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 existing property line hedge and proposed fence should adequately screen the pool and equipment 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 existing landscaping and guest house location will ensure that the pool improvements are adequately buffered from view of adjoining properties.
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:

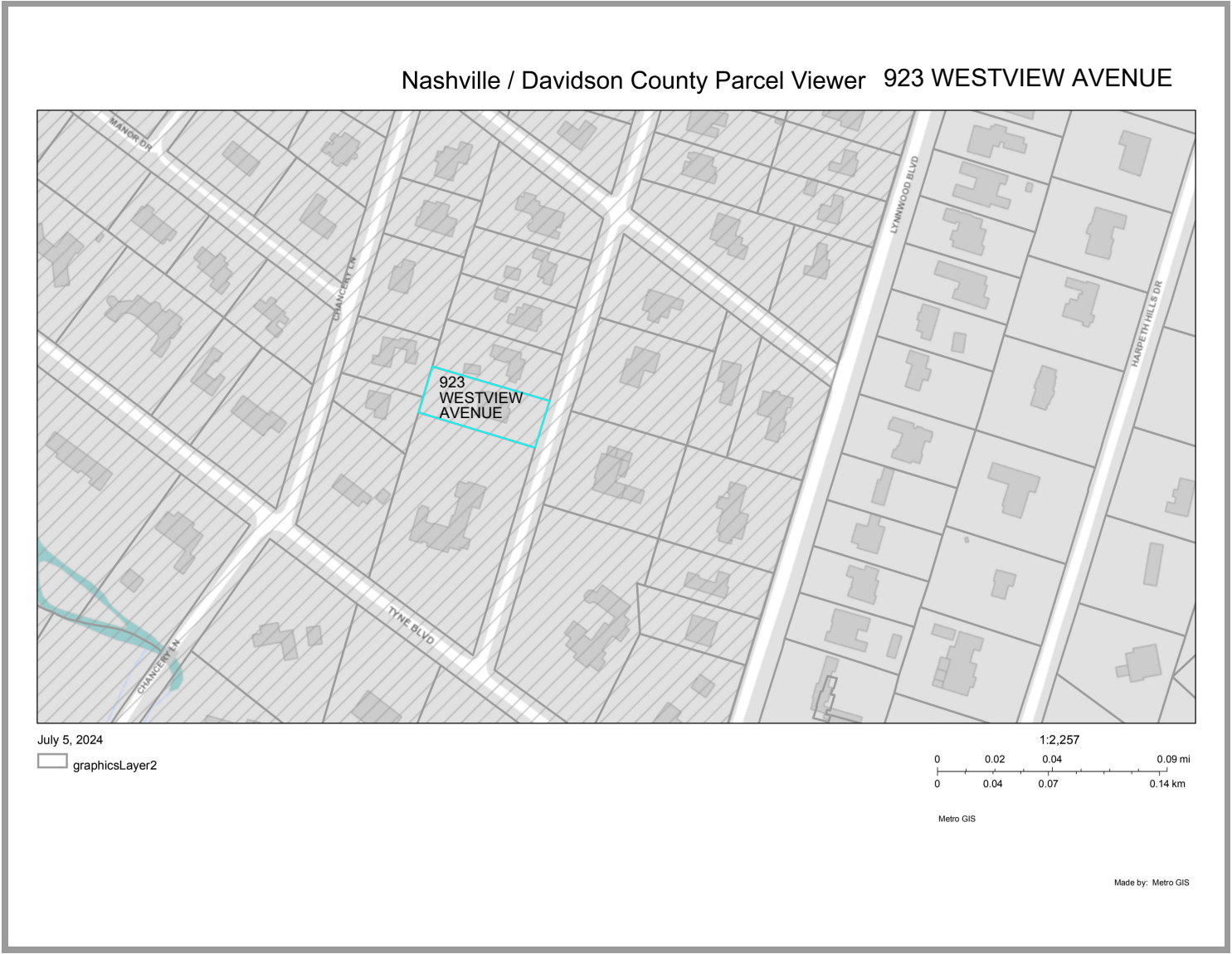
1. The variance shall be granted that will not be a detriment to the public good;
The applicant is proposing to place the fence to the rear of the residence but not at the furthest edge (see application site plan). From Westview Avenue right-of-way, it will appear that the fence is at the back edge because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

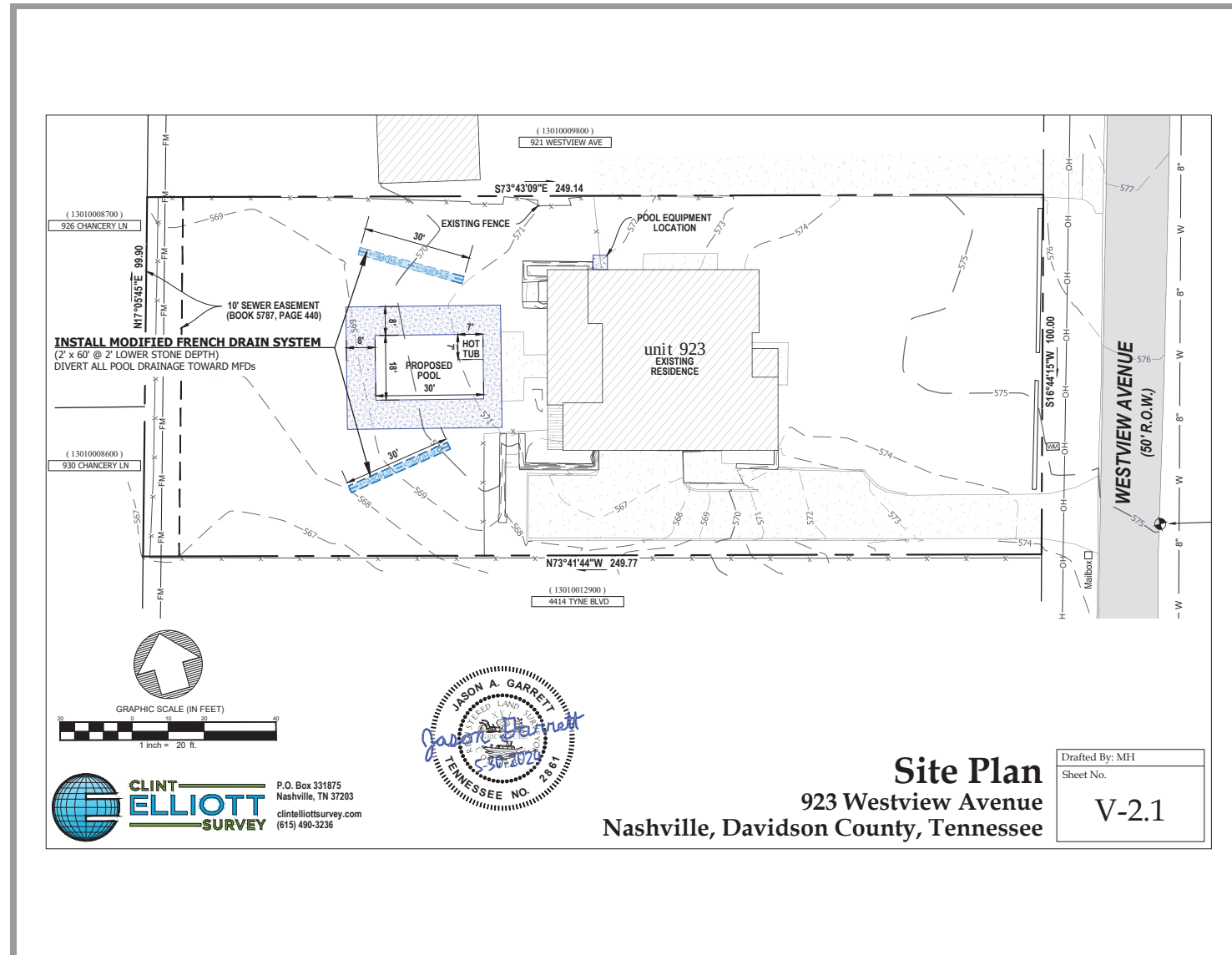
2. The variance shall be granted that will not substantially impairing the intent and purpose of the Zoning Ordinance; and
The proposed fence does not follow furthest building edge as required. The intent and purpose of the fence provision, in staff's professional opinion, is to insure that fences are 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. The pool equipment are outside of the building envelope but will be behind and screened from adjoining properties by an existing hedge.
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 Westview Avenue 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





May 30, 2024

To Whom It May Concern:

Paul and Mary Huddleston, residing at 923 Westview Avenue in Belle Meade, are our direct neighbors. We understand and are aware of their plans to seek approval to build and install a swimming pool in their backyard. We sign this letter to recognize we have been made aware and to show our support of their application.

Name

Address

WALKER EASTHAM 926 CHANCERY LN. JASID. 37205

Signature

WALKER EASTHAM

May 30, 2024

To Whom It May Concern:

Paul and Mary Huddleston, residing at 923 Westview Avenue in Belle Meade, are our direct neighbors. We understand and are aware of their plans to seek approval to build and install a swimming pool in their backyard. We sign this letter to recognize we have been made aware and to show our support of their application.

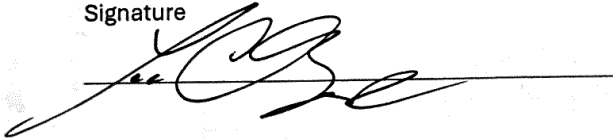
Name

Address

Lee Cole Barfield

4414 Tyne Blvd.

Signature

A handwritten signature in black ink, appearing to read 'Lee Cole Barfield', written over a horizontal line.

May 30, 2024

To Whom It May Concern:

Paul and Mary Huddleston, residing at 923 Westview Avenue in Belle Meade, are our direct neighbors. We understand and are aware of their plans to seek approval to build and install a swimming pool in their backyard. We sign this letter to recognize we have been made aware and to show our support of their application.

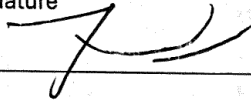
Name

Address

Frank Virgin

917 Westview Ave

Signature



May 30, 2024

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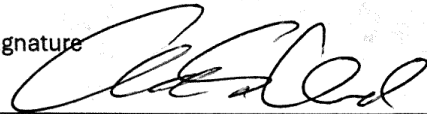
Name

Address

Andrew S. Wood

919 Westview Ave

Signature



May 30, 2024

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Name

Address

Chuck Hoegpreer

921 Westview Avenue
Nashville, TN

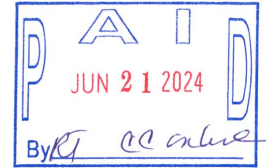
37205

Signature

Chuck Hoegpreer



CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS



APPEAL # BZA 2024-19 APPEAL FEE: \$500

APPLICANT (Owner's Name) Larsen & Heather Fusco PHONE # (415) 699-3408

APPLICANT EMAIL ADDRESS larsenjfusco@gmail.com

PROPERTY ADDRESS: 610 Enquirer Avenue, Nashville, TN 37205

REQUEST: VARIANCE ☒ CONDITIONAL USE ☐

REASON FOR REQUEST: Applicant is proposing to build a new screen porch, front porch, and new garage structure. The proposed additions will exceed the allowable footprint by 19.8% and will exceed the allowable Gross Floor Area by 7.7%. The proposed garage addition is outside of the side yard setback, but does not increase the extent of the existing non-conformity. The added roof will increase the existing non-conformity due to flat roof area from 7.9% over to 32.6% over.

PROJECT CALCULATIONS

LOT SQ. FT: 29,340 s.f.	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA	3,521 s.f.	3,521 s.f.	4,218 s.f.	19.8%
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.)	6,602 s.f.	6,292 s.f.	7,115 s.f.	7.7%
FRONT YARD AREA	8,016 s.f.	-	-	-
TOTAL DRIVEWAY AREA	3,521 s.f.	3,606 s.f.	3,477 s.f.	0%
DRIVEWAY IN FRONT YARD AREA	1,764 s.f.	1,495 s.f.	1,466 s.f.	0%
HARDSCAPE AREA	2,347 s.f.	1,161 s.f.	1,545 s.f.	0%
POOL AREA	587 s.f.	n/a	n/a	n/a
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?

At only 29,340 s.f. and 99' wide, the subject property is exceptionally small and exceptionally narrow.

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 exceptional narrowness creates a hardship with the size of the available building envelope. The resulting building envelope is less than 50' wide and is currently exceeded on both the right and left sides. The narrowness of the lot also creates a very tight path for vehicular circulation, requiring cars to enter on the left side, and cross the behind the house to enter the garage on the right side. This restricts development within the building envelope and necessitates the use of the area to the right side of the side yard setback.

The small lot size also creates a maximum allowable footprint that is inconsistent with the scale of other existing houses, on similar sized lots, on the same street.

The proposed screen porch requires a flat roof in order to allow for drainage off the existing flat roof. Also, the added front porch must have a flat roof to remain below the existing 2nd floor window above.

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?

We believe that the proposed additions would not be a detriment to the public good, or impair the intent of the zoning ordinance for four specific reasons: First, the proposed garage structure would replace an existing open carport, which is a prohibited structure under the City's zoning ordinance. Secondly, while the footprint of the house is increasing, much of the proposed new structure will be built over existing hardscape. The proposed total hardscape is only increasing by 384 s.f., and is still well under the allowable hardscape number. Thirdly, while the proposed new garage structure is outside of the building envelope, we are not increasing the encroachment that currently exists. Finally, we believe that the proposed new front porch will be more consistent with the Georgian style of the existing residence.

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

Property sizes vary greatly along Enquirer avenue, from as small as 0.52 acres to as large as 2.1 acres. Given the variety of property sizes, there is not a consistent scale to the houses along the street.

Furthermore, there is precedent for residences larger than proposed, on similar sized lots, on the street. We therefore believe that our proposed additions would be in harmony with rest of the street.

Also, while the flat roof area does exceed the allowable bulk standards, it does not read as a prominent feature of the house, is not visible from the street, and is in keeping with the architectural style of the house.

SIGNATURE: _____



(Owner/Agent) DATE: 06.21.24

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

Index of Drawings:

Property Information

pg. 1 photos of neighboring houses
pg. 2 photos of neighboring houses
pg. 3 precedent study - 616 Enquirer Avenue
pg. 4 precedent study - 618 Enquirer Avenue
pg. 5 property date - 610 Enquirer Avenue
- site photos

Architecture

A-1 proposed first floor plan (land to building ratio chart)
A-2 proposed second floor plan
A-3 proposed roof plan
A-4 proposed exterior elevations
A-5 proposed exterior elevations
A-6 proposed exterior elevations

Landscape

1 property survey
2 proposed proposed schematic master plan
3 site calculations plan (proposed design)

Board of Zoning Appeal for

FUSCO RESIDENCE

610 Enquirer Avenue | Nashville, Tennessee



RANKIN DESIGNWORKS
ARCHITECTURE

FUSCO RESIDENCE

610 Enquirer Avenue | Nashville, Tennessee

date: 6/21/24

© Rankin Designworks, PLLC
The sole intent of these drawings is for
the construction of the residence at the
address listed. Any reproduction
or use of these documents for any other
purpose is strictly prohibited.

Enquirer Ave

RANKIN DESIGNWORKS
ARCHITECTURE

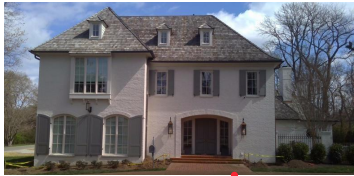


Pg. 1

Enquirer Ave - South

RANKIN DESIGNWORKS
ARCHITECTURE

700 Enquirer



712 Enquirer



718 Enquirer

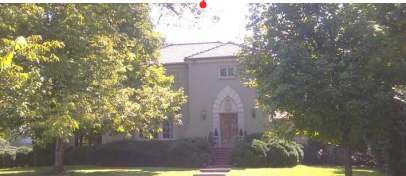


Enquirer Ave

708 Enquirer



716 Enquirer



616 Enquirer Ave

RANKIN DESIGNWORKS
ARCHITECTURE

Lot Area: 0.79 Acres (34,412 Sq. Ft.)

Allowable Footprint (12%): 4,129 Sq. Ft.

Footprint (calculation based on property assessor): 4,872 Sq. Ft.

Footprint (calculation based on GIS map): 4,832 Sq. Ft.

Footprint (average): 4,852 Sq. Ft.

Overage: 723 Sq. Ft. (17.5%)



Pg. 3



618 Enquirer Ave

RANKIN DESIGNWORKS
ARCHITECTURE

Lot Area: 0.79 Acres (30,056 Sq. Ft.)

Allowable Footprint (12%): 3,607 Sq. Ft.

Footprint (calculation based on property assessor): 4,853 Sq. Ft.

Footprint (calculation based on GIS map): 4,893 Sq. Ft.

Footprint (average): 4,873 Sq. Ft.

Overage: 1,266 Sq. Ft. (35.1%)



Pg. 4



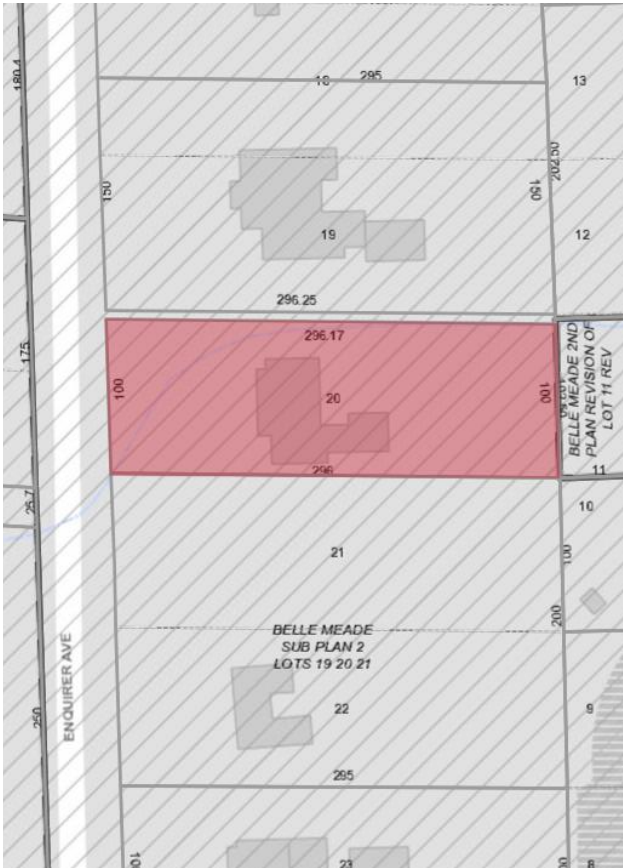
610 Enquirer Ave - Subject Property

RANKIN DESIGNWORKS
ARCHITECTURE

Lot Area: 0.68 Acres (29,340 Sq. Ft.)
 Allowable Footprint (12%): 3,521 Sq. Ft.
 Footprint (existing): 3,521 Sq. Ft.
 Footprint (proposed): 4,218 Sq. Ft.
 Overage: 697 Sq. Ft. (19.8%)



Pg. 5



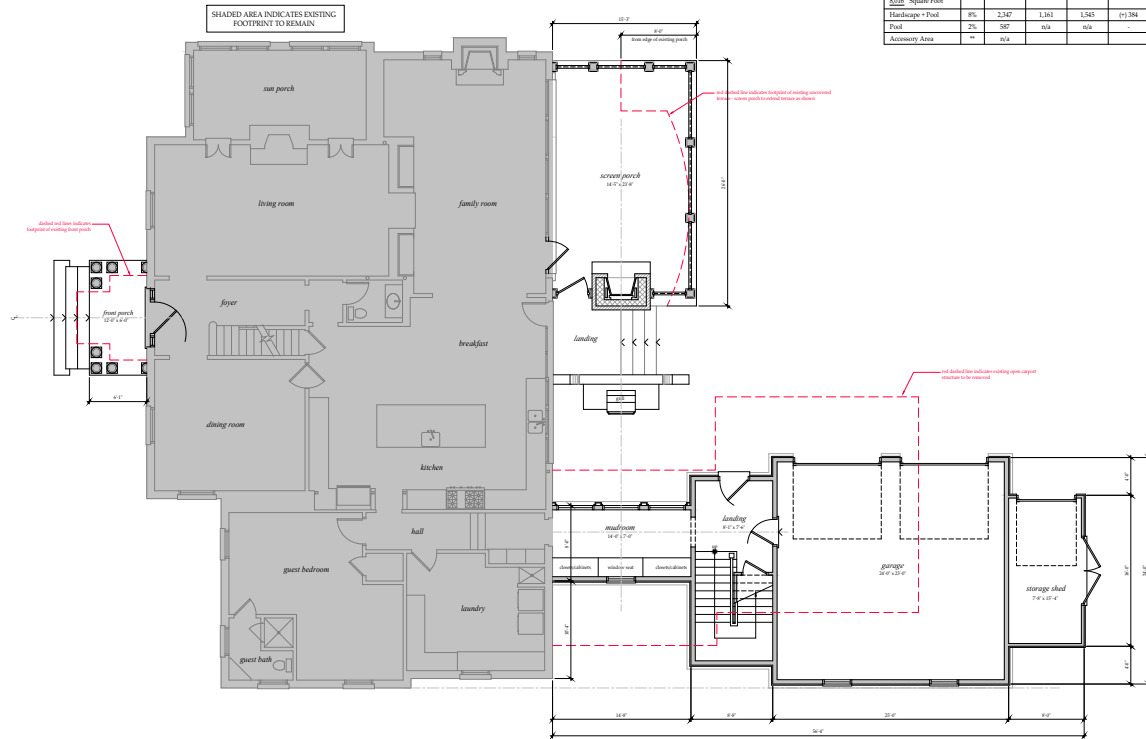
SITE PHOTOS

610 Enquirer Avenue



Historic Picture of House





① FIRST FLOOR PLAN

scale: 1/4" = 1'

RANKIN DESIGNWORKS
ARCHITECTURE

Nashville, TN

FUSCO RESIDENCE

ON KESIDE
NOT FOR CONSTRUCTION

610 Enquirer Ave

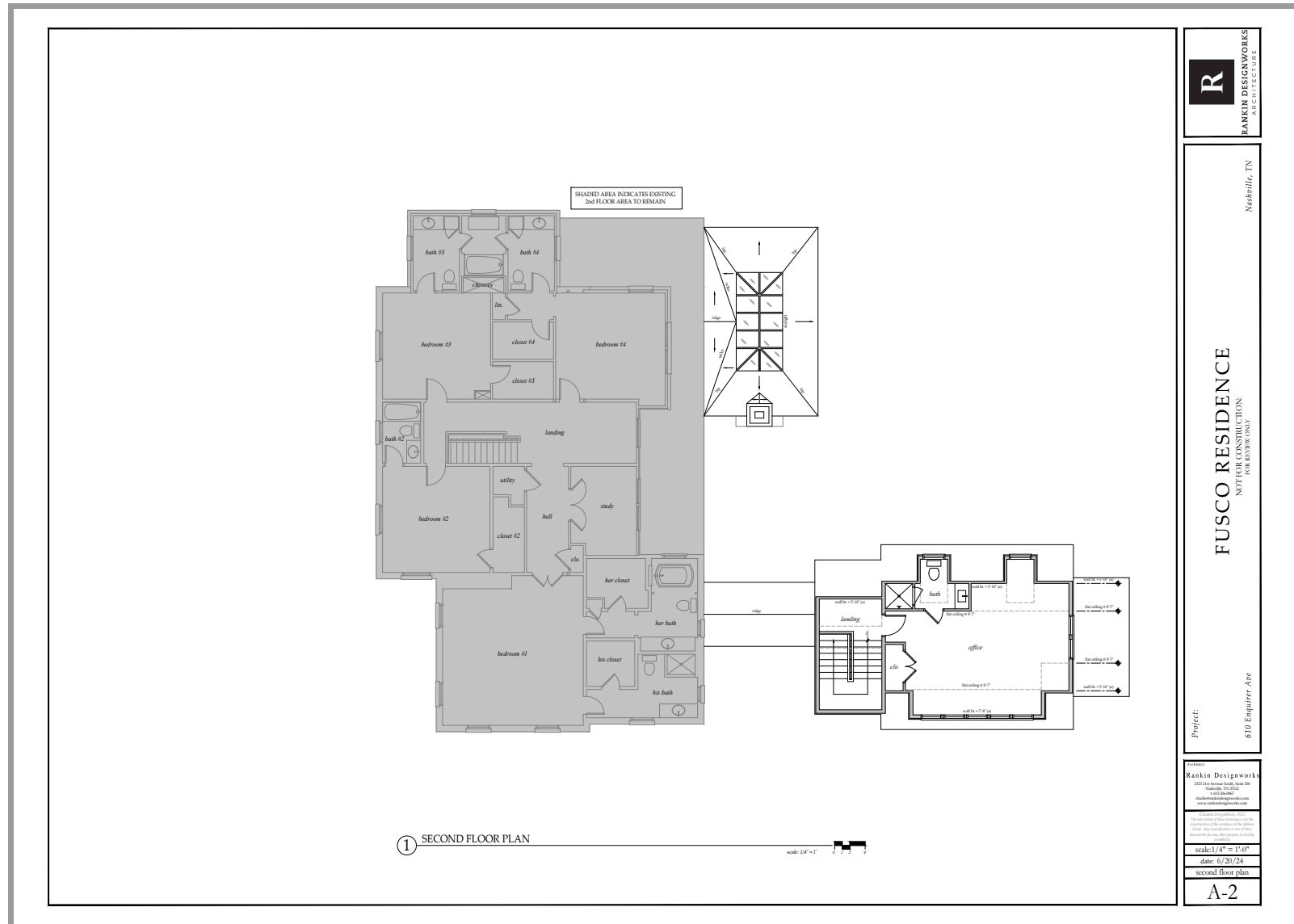
Project:

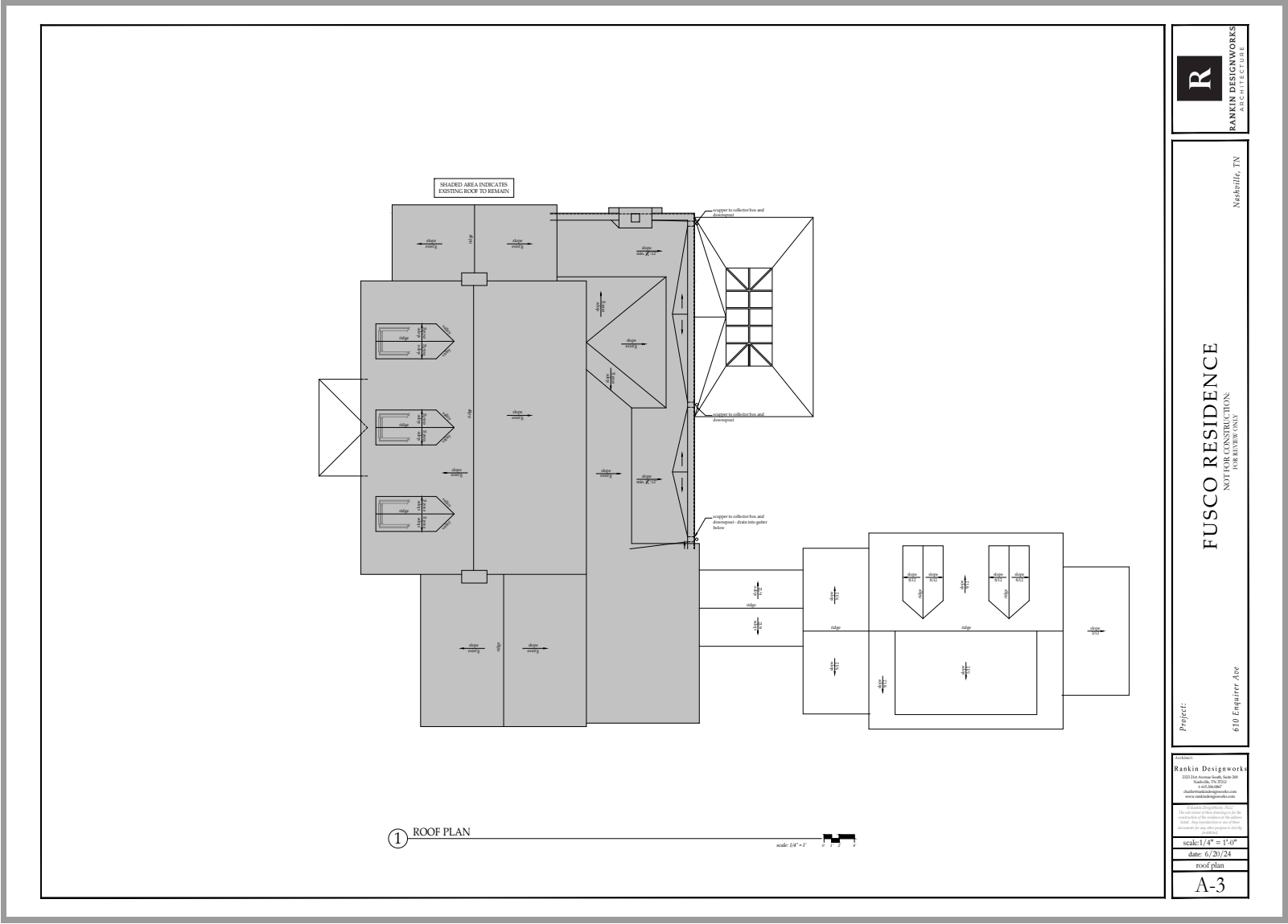
Rankin Designworks
2323 21st Avenue South, Suite 200
Nashville, TN 37212
t 615.326.0867
charlie@rankindesignworks.com
www.rankindesignworks.com

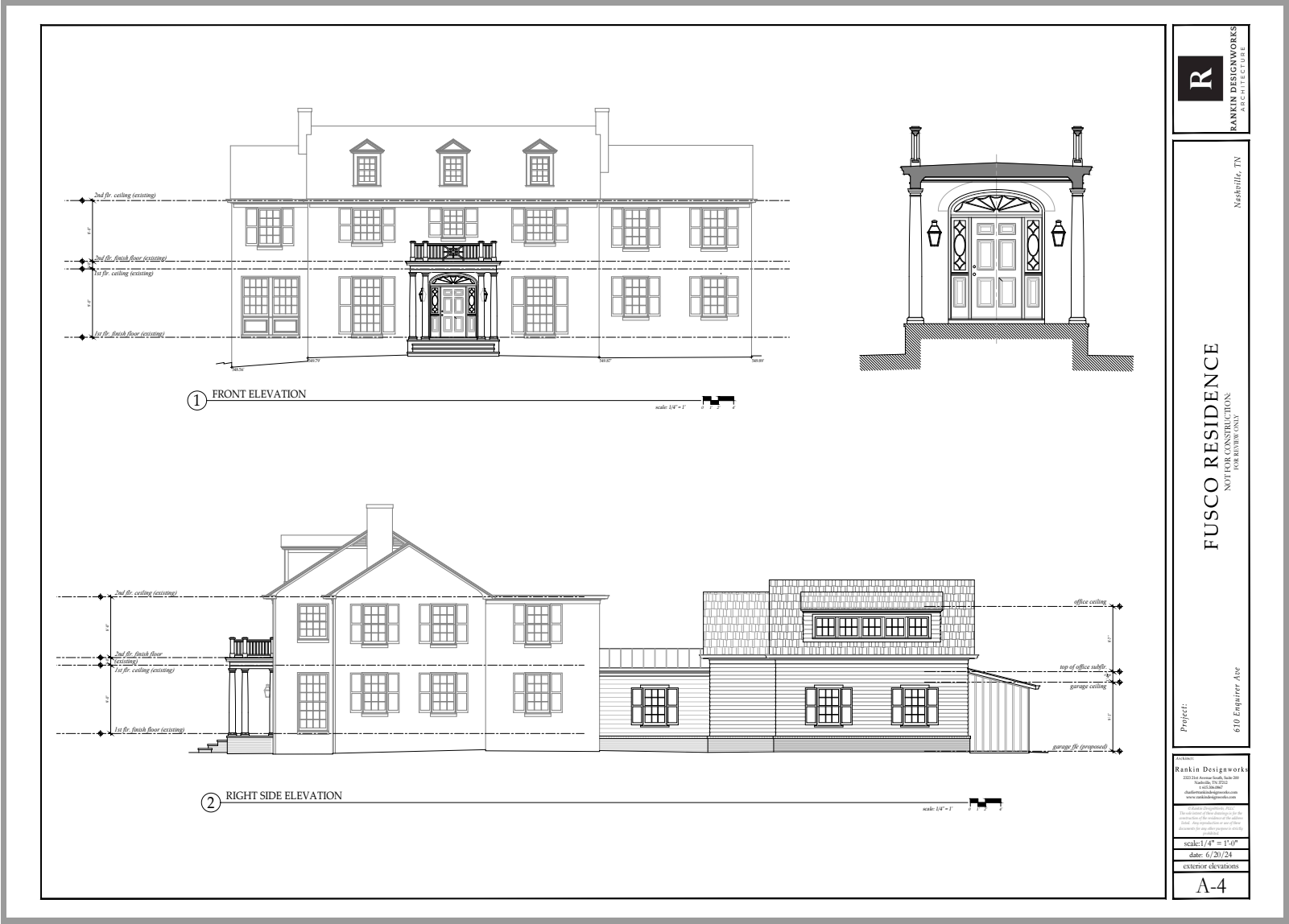
*© Rand in Design/Write, PLLC
The sole intent of these drawings is for the
construction of the residence at the address
listed. Any reproduction or use of these
documents for any other purpose is strictly
prohibited.*

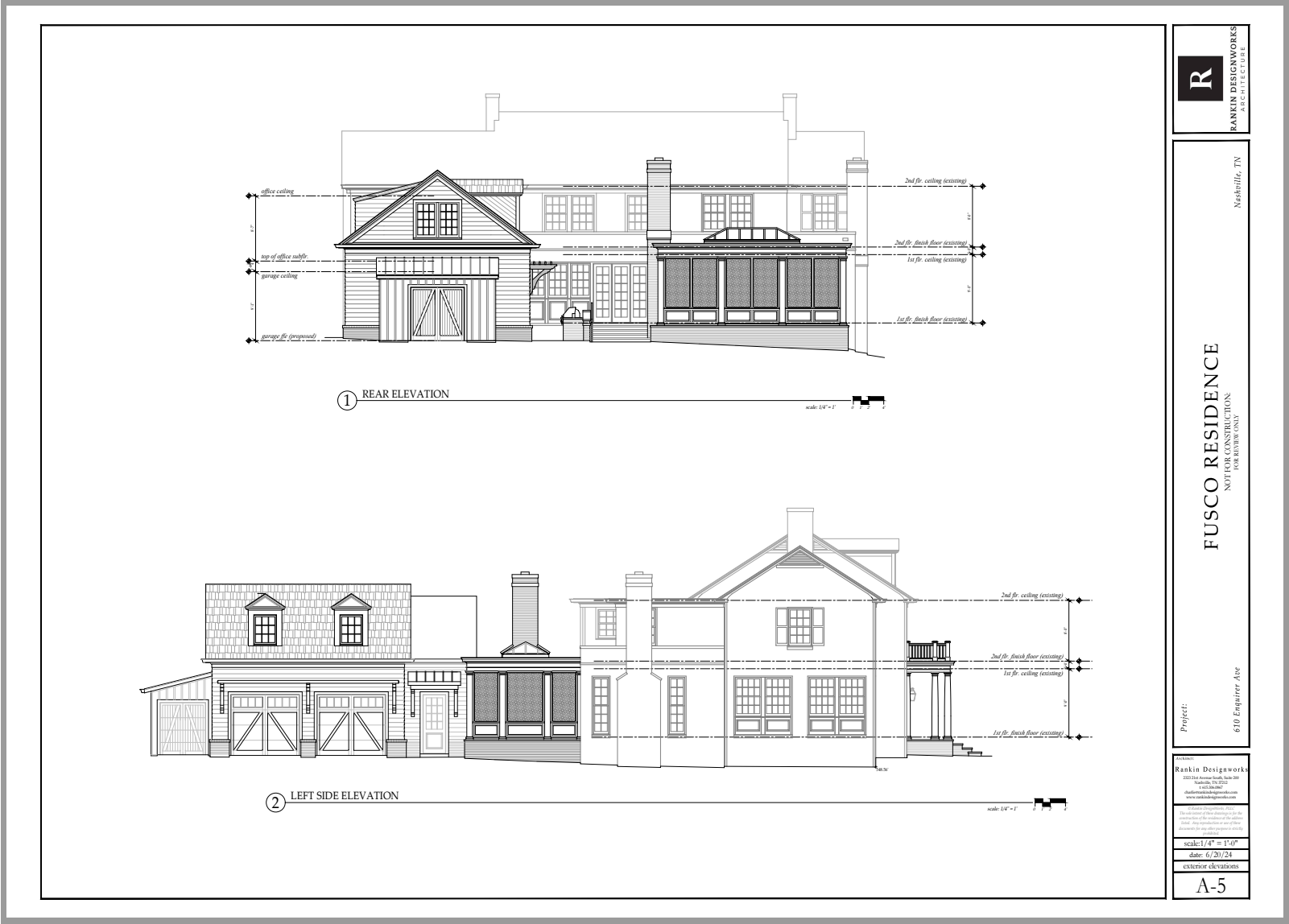
scale: 1/4" = 1'-0"
date: 6/20/24
first floor plan

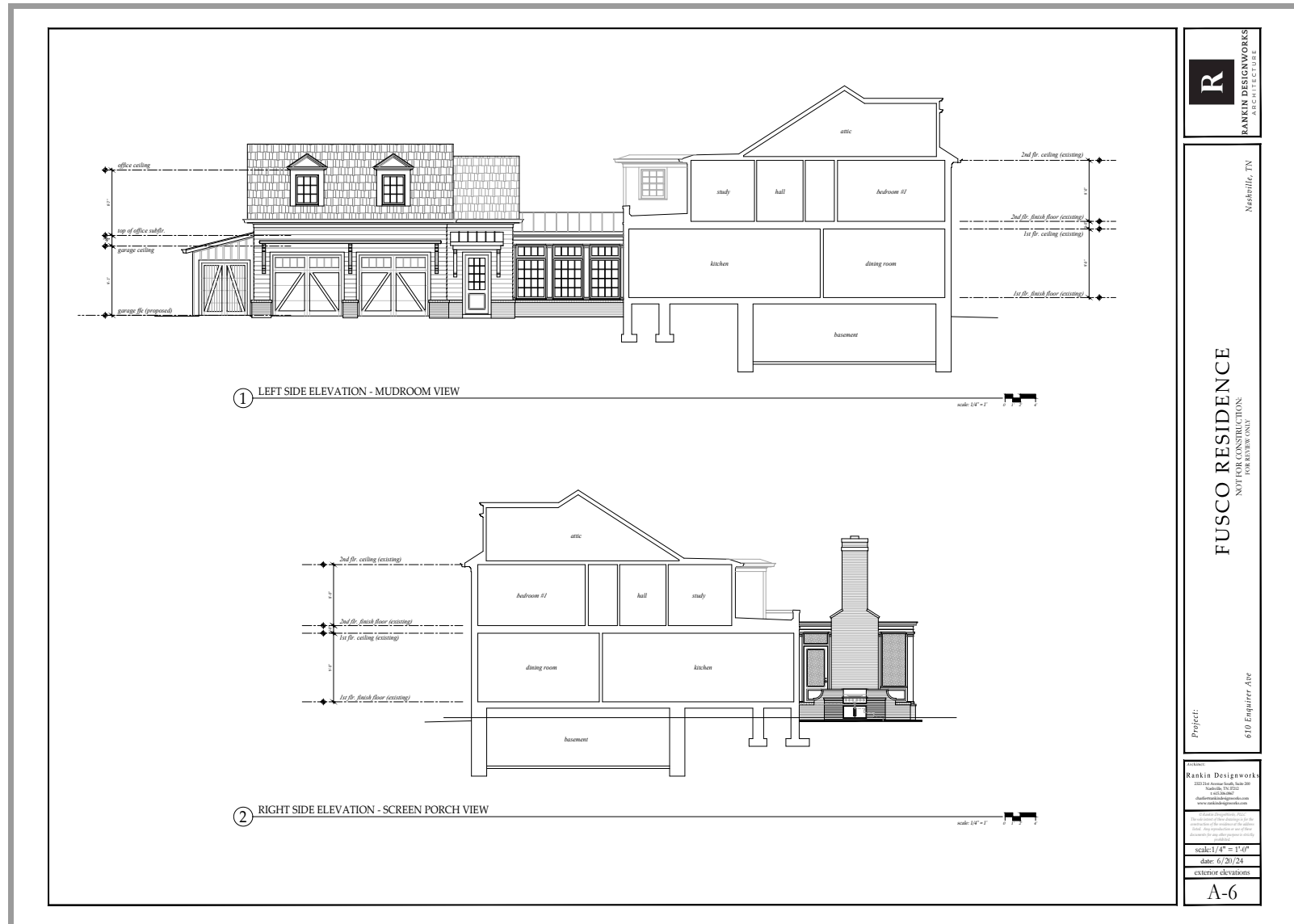
A-1



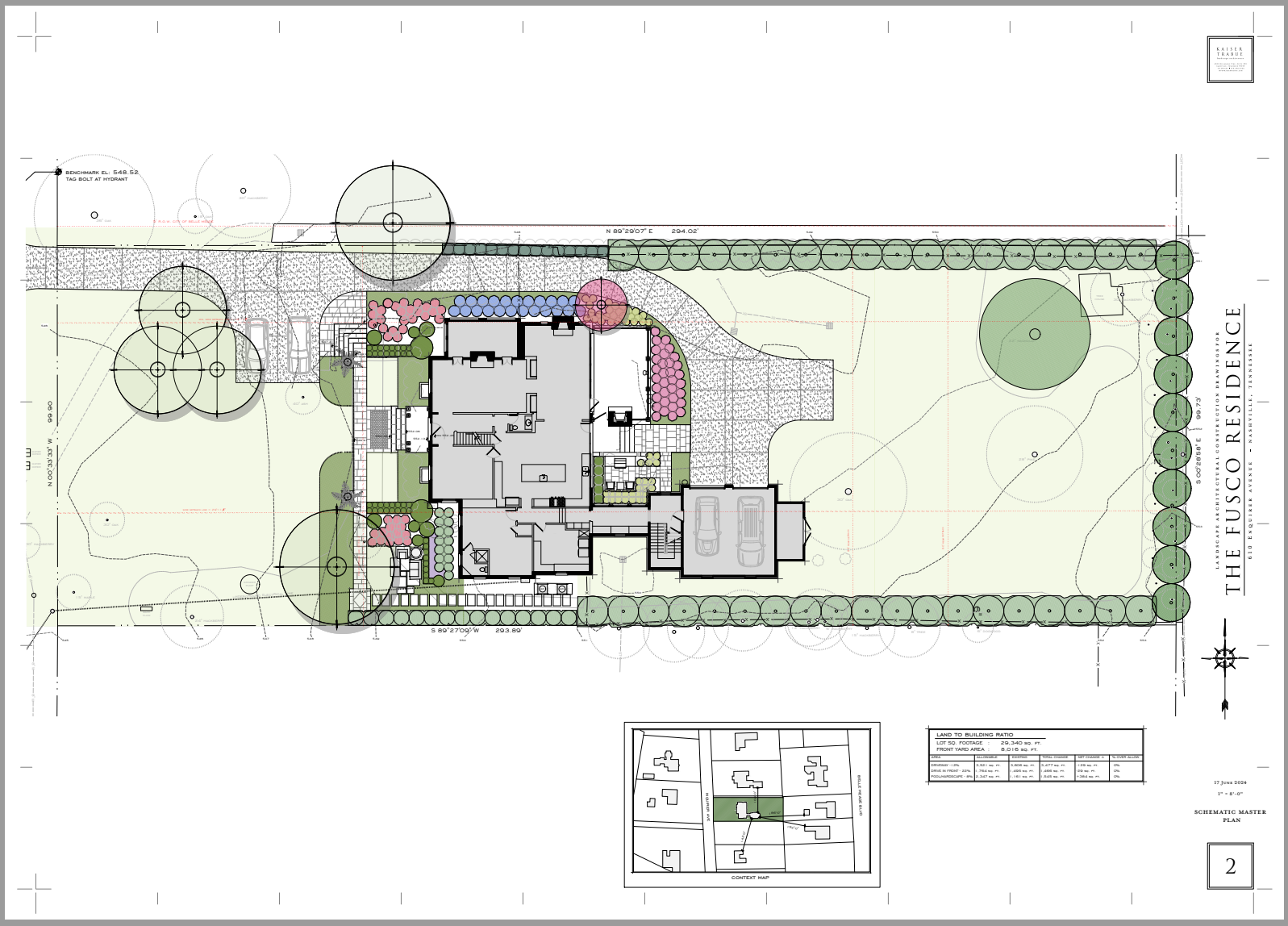


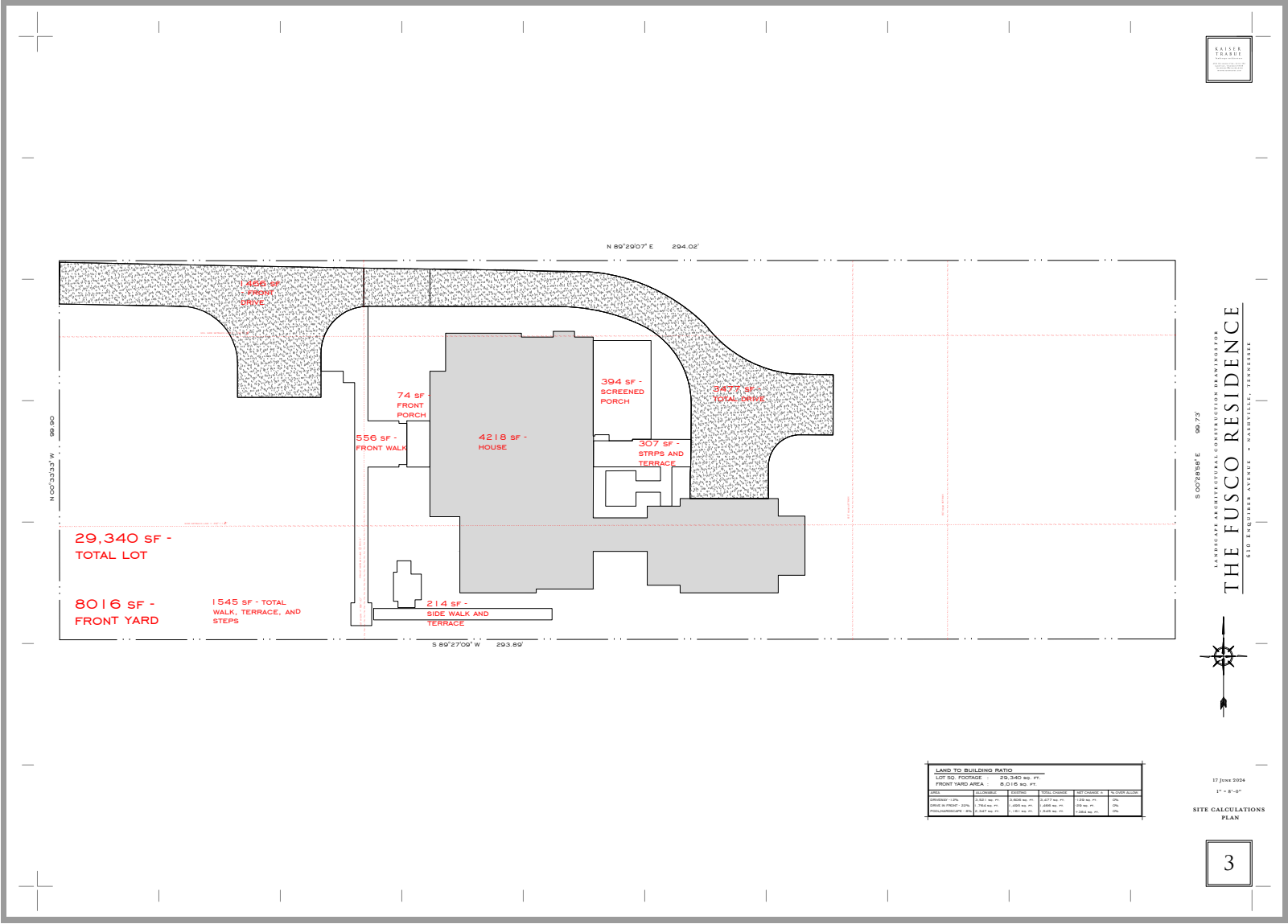












Staff Report

Agenda No.: IV.B.
Case No.: BZA 2024-19
Staff: Mary Samaniego, Planning Director
Applicant: Laren and Heather Fusco
Request: Four Variances for Variance to allowable building footprint, allowable gross floor area, side yard setback, and maximum of 30% flat roof.
Location: 610 Enquirer Avenue

Summary:

The applicants/property owners are requesting variances for an additional that exceeds the maximum allowable building footprint, allowable gross floor area, side yard setback, and maximum of 30% flat roof. The specific request is to construct a garage on to the rear of the existing residence that already exceeds that required side yard setback.

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 0.67 acres (29,340 square feet).
2. The existing dwelling was constructed in 1935 and includes a two-car attached carport.
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 3,521 square feet.
4. The existing residence has a building footprint of 3,521 square feet and the proposed addition of 697 square feet will then provide as overall building footprint of 4,218 square feet (697 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 forty thousand (40,000) square feet or less is .225. For the subject property, the allowable area per the FAR equation is 6,602 square feet.
6. The existing residence has a building area of 6,292 square feet and the proposed addition of 823 square feet will then provide as overall building footprint of 7,115 square feet (823 square feet over the maximum allowable).
7. Per Section 14-204(2)(d)(3), the Residence B zoning district requires a side yard setback of 50% of the lot width at the building line with no one side being less than 20% of the lot width.
8. Th required side yard setback on the south property line is 30'. The existing residence is 12' from the rear property line and the proposed addition is 12' from the side property line. Addition must meet required setback are not automatically allowed to follow existing building encroachments.

9. Per Section 14-204(1)(d)(iii), no more than thirty percent (30%) of the total roof area shall be allowed to be a low slope roof. With the proposed addition, the percentage of low slope roof will be 32.6%.

Findings of Fact and Staff Recommendation:

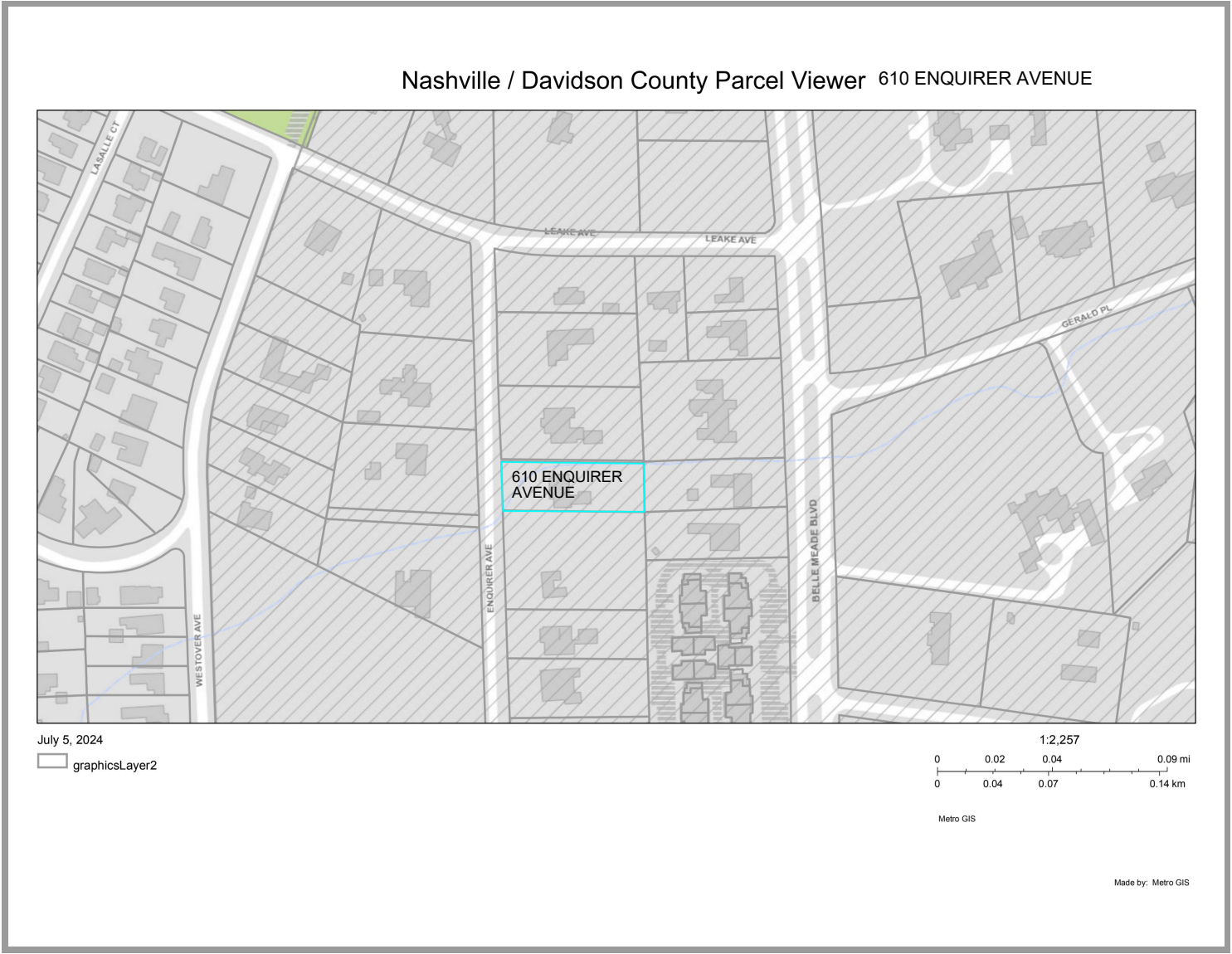
The standards of proof required for Variances are established in the Zoning Ordinance. The Board of Zoning Appeals has the authority to grant such variance as will not be contrary to the public interest and under the restrictions established with the Zoning Ordinance which states that if the property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

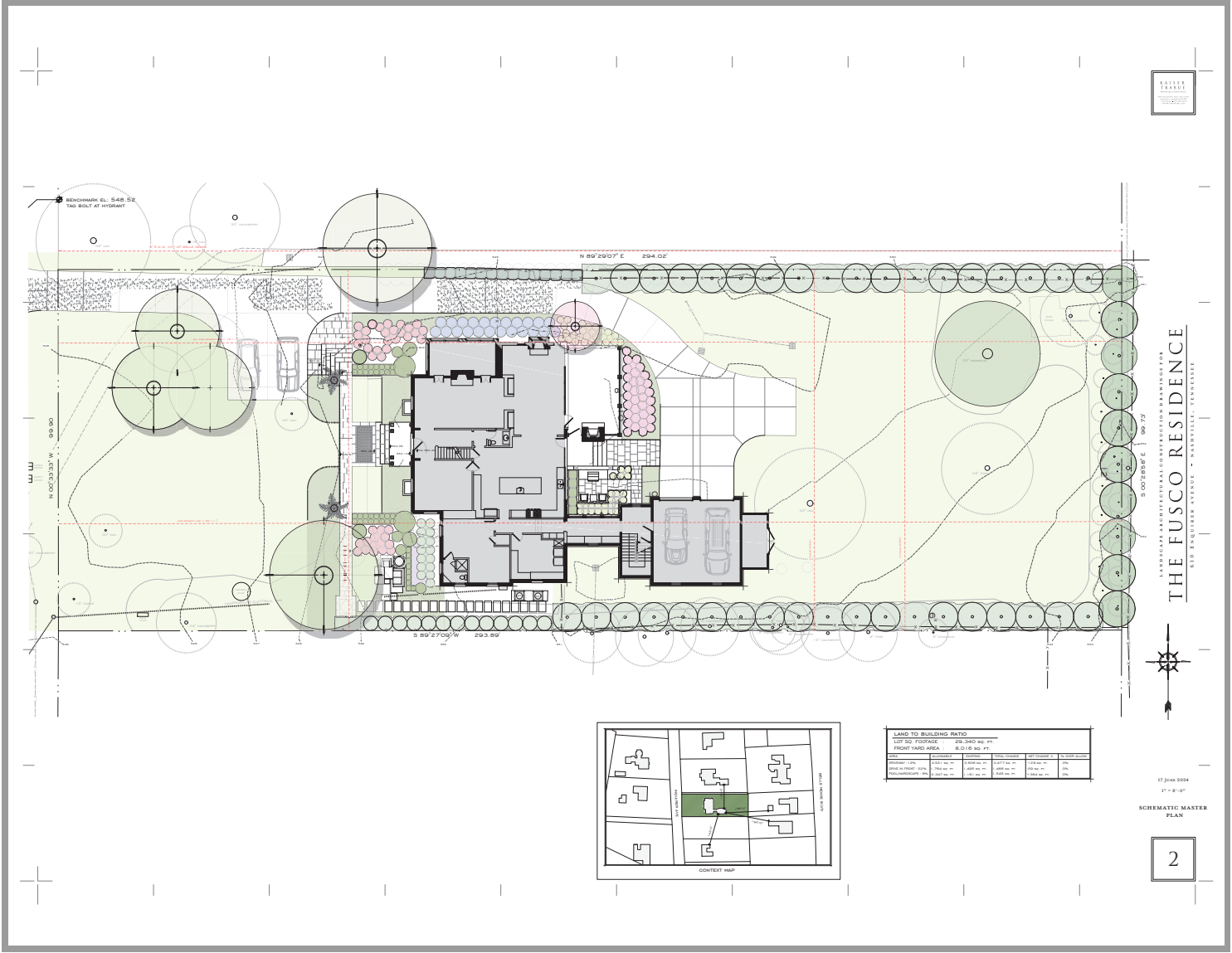
1. The variance shall be granted that will not be a detriment to the public good;
The applicant is proposing to exceed the maximum footprint, building area, setbacks, and low slope roofs that were adopted in the Zoning Ordinance to benefit the public good. There are no unique features of this property that would warrant a variance approval.
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 footprint, building area, setbacks, and low slope roofs is 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 variances do not meet this intent as it provides a large dwelling on a smaller lot near the side property line.
3. The resulting home will not be out of harmony with the other homes in the neighborhood.
Upon review of the existing development pattern within the immediate area, it appears that the surrounding dwellings are of similar scale to the proposed project. However, most of these surrounding dwellings are either non-conforming with the footprint, building area, and setback standards of the current Zoning Code or were the result of previous Board of Zoning Appeals approvals.

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

Attachments:

1. Location Map
2. Staff Analysis of Site Plan





Debbie McDougall
615 Enquirer Avenue
Nashville, Tennessee 37205

July 8, 2024

Dear Mary,

I am writing on behalf of our neighbors, Heather and Larsen Lusco, at 610 Enquirer Av.

Their family has been a delightful addition to our neighborhood.

My husband, Wylie McDougall, and I admire their taste. We hope that their home remodeling plans will be approved.

Sincerely,
Debbie McDougall

From: [Sandra Earthman](#)
To: [Mary Samaniego](#)
Subject: Letter to Board of Zoning Appeals regarding variance at 610 Enquirer Avenue
Date: Thursday, July 11, 2024 1:49:35 PM

I am writing to let you know that I have seen the plans that have been submitted to the board and fully support the requested variance at 610 Enquirer Avenue. Larsen and Heather Fusco have been wonderful neighbors and everything they have done at 610 Enquirer Avenue has improved both their house and our street greatly. The improvements they are currently proposing will make their home much more livable for their family of five and will enhance the curb appeal of their house. I am totally in favor of this variance.

Thank you,
Sandra Earthman
607 Enquirer Avenue
615-210-6860

From: [Tricia McDowell](#)
To: [Mary Samaniego](#)
Cc: [Doug McDowell](#)
Subject: Board of Zoning Appeal meeting Tuesday, July 16, 2024
Date: Friday, July 12, 2024 2:47:43 PM

Mary,

I am writing as a neighbor of the Fusco Family, who is planning a construction project at their home directly across the street from us and requesting approval of a variance from the City's Board of Zoning Appeals.

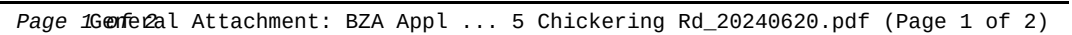
My husband, Doug, and I live at 609 Enquirer Avenue. The proposed project's property owners are Heather and Larsen Fusco at 610 Enquirer Avenue.

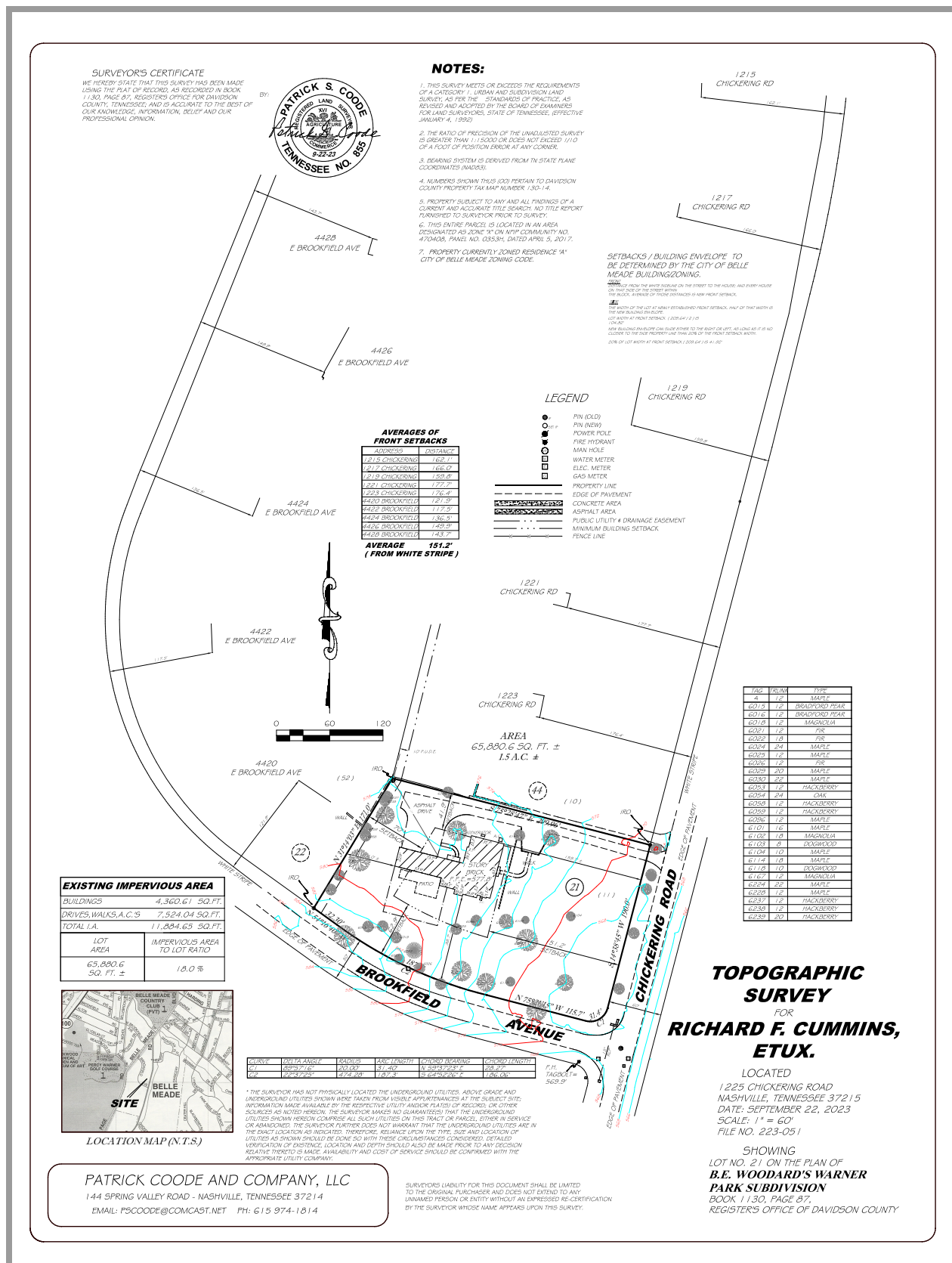
I am not certain if we will be able to attend the Zoning Appeals meeting on July 16, 2024 so wanted to let you know we have reviewed the plans with the Fuscos and absolutely have no problem with their proposed project. Their plans will enhance the beauty and functionality of their home and are in keeping with the character of our neighborhood and street. Everything they have done to the property since moving in has been tasteful and improved the curb appeal of their lovely home.

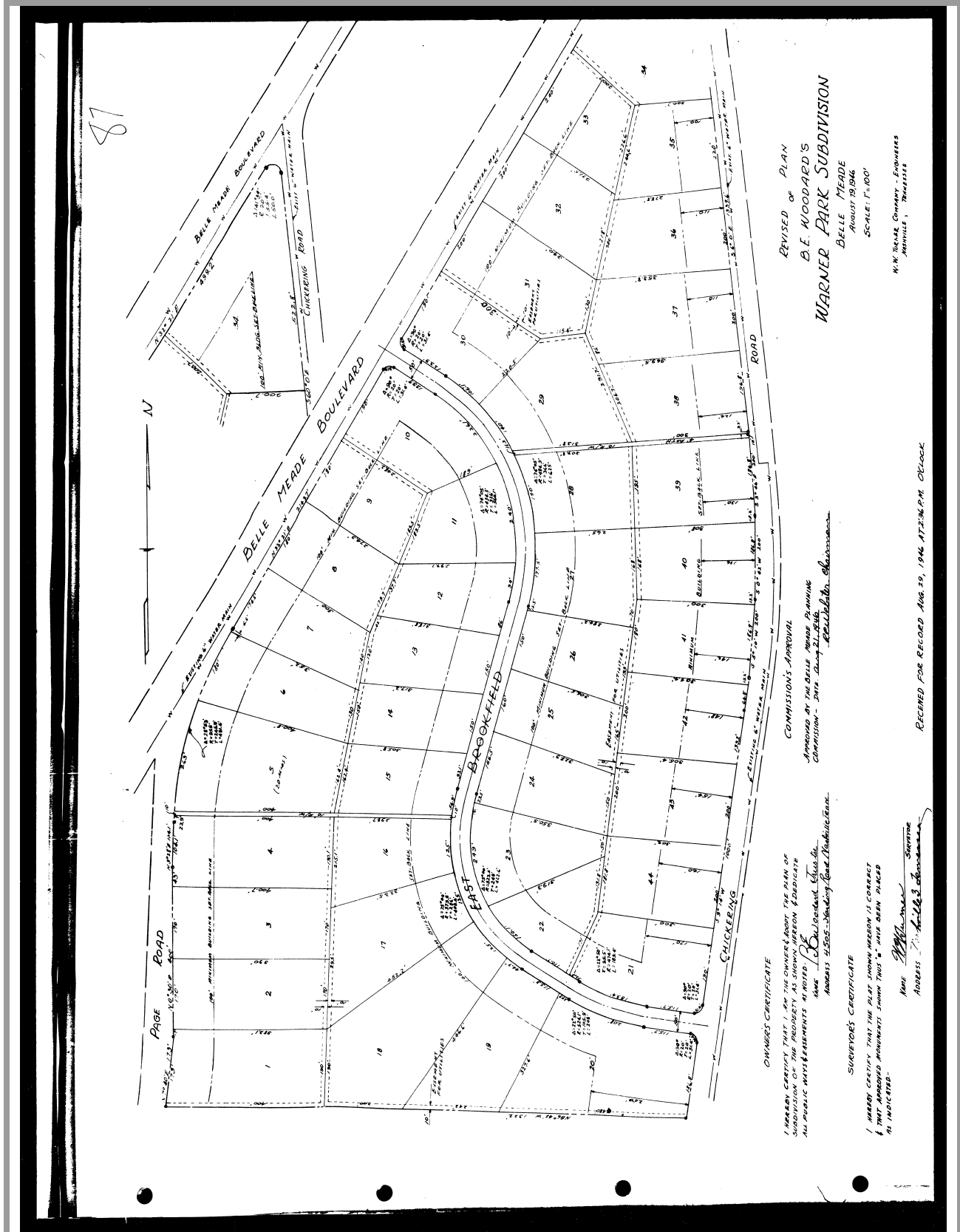
As City of Belle Meade residents since 1987, we appreciate the care your Board takes in maintaining the beauty and character of this special place. Thank you for reaching out to us, and please let me know if you have any questions.

Best wishes,
Tricia and Doug McDowell
609 Enquirer Avenue

Sent from my iPad

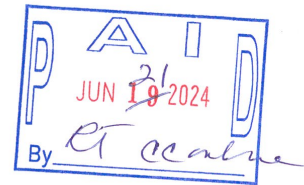








CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS

APPEAL # BZA2024-17APPEAL FEE: \$500APPLICANT (Owner's Name) Nicole Vidalakis PHONE # 415 515-8447APPLICANT EMAIL ADDRESS nicole@vidalakis.orgPROPERTY ADDRESS: 1225 Chickering Road, Nashville TN 37215REQUEST: VARIANCE ☒ CONDITIONAL USE ☐REASON FOR REQUEST: Variances for Front yard setback and percentage of low-slope roof.

The proposed home is sited on a corner lot which requires two front setbacks. This requirement significantly limits the size of buildable land on this property because of the shallow dimension of the subject property.

PROJECT CALCULATIONS

LOT SQ. FT:	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA	7,683 SF		7,144 SF shown up to 7,683 SF	
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.)	12,551 SF		8,737 SF shown up to 12,551 SF	
FRONT YARD AREA	N/A		31,645 SF	
TOTAL DRIVEWAY AREA	7,680 SF		6,640 SF shown up to 7,680 SF	
DRIVEWAY IN FRONT YARD AREA	6,962 SF		3,964 SF shown up to 6,962 SF	
HARDSCAPE AREA	5,123 SF		2,444 SF shown up to 5,123 SF	
POOL AREA	1,280 SF		690 SF shown up to 1,280 SF	
F.A.R. = LOTS <40,000 sq. ft. x .225 = LOTS > 40,000 sq. ft. x .196 = 64,033.2 SF x .196 = 12,551 SF				

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 proposed home is sited on a corner lot which requires two front setbacks. Because the lot is irregularly

shaped and narrow on the East Brookfield side this requirement would significantly limit the depth of the allowable

buildable area on the property. See the attached diagram (Exhibit 1) that shows adjacent lot depths on E

Brookfield average 300' compared to 210' for the subject property.

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 setback requirements severely limit the developable area of the property. Using the Belle Mead Plat Map (See

Exhibit 2) 100' setback the allowable building footprint would be reduced by 21'-1" which would result in a hardship for

the Property Owner to develop their land in a scale similar to neighboring properties.

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 design proposes to tread lightly on the land, with the footprint on the lower level being largely open. New vegetation

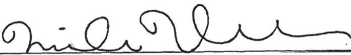
similar to that of the neighborhood will be provided to blend the building with its surroundings and mitigate any perceived

detriment to the neighborhood's public good.

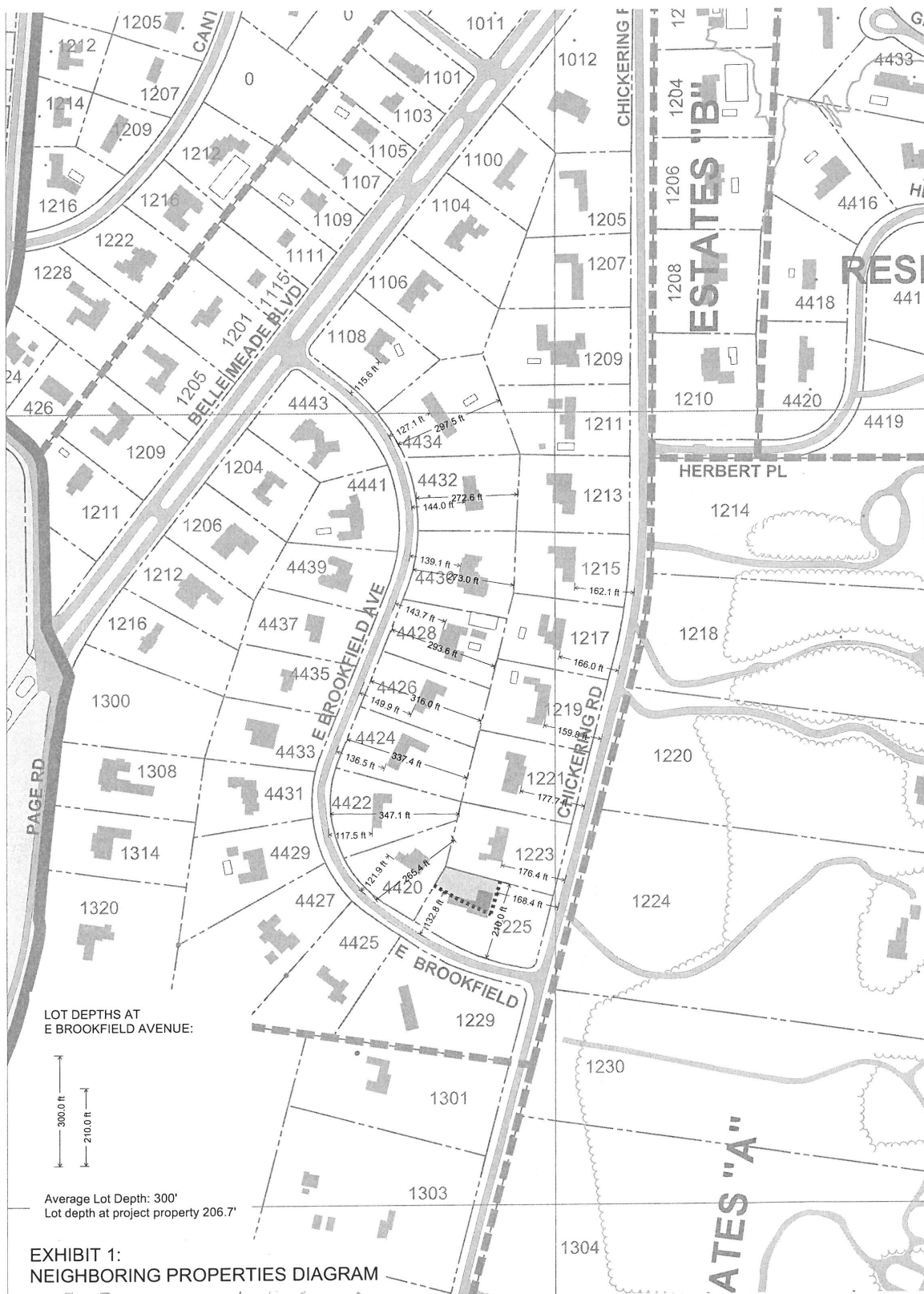
How would the resulting construction not be out of harmony with other homes in the neighborhood?

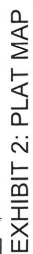
The resulting construction will allow for the proportions and massing of the proposed new home to be appropriate with

that of adjacent properties which will maintain the consistent scale of the architecture of the neighborhood.

SIGNATURE:  (Owner/Agent) DATE: 06/20/2024

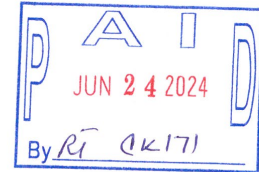
Submit all information, plans & application via email PDF to: msamaniego@citybellemead.org







CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS



APPEAL # BZA2024-18 APPEAL FEE: \$500

APPLICANT (Owner's Name) Jenny Jacobs PHONE # 629-247-0458

APPLICANT EMAIL ADDRESS jennyjacobs113@gmail.com

PROPERTY ADDRESS: 203 Jackson Boulevard

REQUEST: ARIANCE ☐ ~~CONDITIONAL USE~~ ☒

REASON FOR REQUEST: Conditional use for construction of a swimming pool. Variances for construction
of a swimming pool outside the building envelope & for 6' fencing in a location other than allowable.

PROJECT CALCULATIONS

LOT SQ. FT:	<u>22,390</u>	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA		2,686.8	1,782	N/A	
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.)		N/A			
FRONT YARD AREA			11,396.5		
TOTAL DRIVEWAY AREA		2,686.8	2,025	2,025	N/A
DRIVEWAY IN FRONT YARD AREA		2,507	0	0	N/A
HARDSCAPE AREA		1,791.2	803.4	1,103.4	N/A
POOL AREA		447.8	0	300	N/A
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 property is a corner lot that has a building envelope that is far smaller than the existing site

conditions. The existing main house exceeds the building envelope, even though the home itself is under the allowable footprint area. There is an existing back building that will remain and this provides visual

screening to the interior courtyard where a pool could reside between the main house and back building. Natural tree screening provides full privacy along the East property line.

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 existing conditions of the property and it's building envelope for a corner lot are such that even for a home and pool to be of allowable size, the building envelope makes new construction prohibitive.

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 main house and back building of 203 Jackson create an existing interior courtyard effect to the living area of the property that is already privately screened by fencing & trees on the East side and will be privately enclosed by fencing on the west side along the driveway. The pool & equipment would be fenced in by a 6' enclosure and the back building creates a sound & visual barrier already with adequate space to store the equipment. Additionally, the pool equipment would not extend beyond the extended alignment of the side yard setback of 23' towards the East neighbor nor does it extend beyond the back building deeper into the rear setback than the existing condition.

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

There are existing conditions on Jackson that provide a similar circumstance and hardship as the property at 203 Jackson. The neighbor directly East (205 Jackson) has an existing structure that sits on the shared property line, even further encroaching the neighborhoods' allowed setbacks for structures, pools or equipment locations for both side and rear setbacks. That same property also has a pool within 60' of the rear property line. There are quite a few homes East of 205 that face both Jackson & Deer Park Circle that have existing structures closer than 60' from the rear of the property - confirming the uniqueness and seemingly uniform shallowness of the lots around the Jackson Blvd/Deer Park Circle area provide a significant range of interior potential in design without a lot of open space and building envelope availability; even with the home sizes being relatively uniform in this block.

SIGNATURE: Mamie Finch (Owner/Agent) DATE: June 20, 2024

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

NOTES

- 1) THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPEARANCES AT THE SITE, PUBLIC RECORDS AND FOR MAPS PREPARED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE BEFORE ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. IN TENNESSEE, IT IS A REQUIREMENT, PER THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT, THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS, NO LESS THAN THREE (3) NOR MORE THAN TEN (10) WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT. TENNESSEE ONE CALL 1-800-351-1111.
- 2) THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY SURVEYED ARE UNKNOWN AND ARE NOT SHOWN.
- 3) UPON REVIEWING FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, 47037C0351H, DATED APRIL 5, 2017, IT HAS BEEN DETERMINED THE LIMITS OF THE DETAIL STUDY DO NOT REACH THE SUBJECT PROPERTY (FLOOD ZONE "X").
- 4) THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- 5) ALL DISTANCES WERE MEASURED WITH E.D.M. EQUIPMENT AND HAVE BEEN ADJUSTED FOR TEMPERATURE.
- 6) THE SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITIES WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR WHOSE SIGNATURE APPEARS UPON THIS SURVEY.
- 7) BASES OF BEARING TAKEN FROM GLOBALLY POSITIONED SATELLITE MONUMENTS AND TRANSLATED TO THE TENNESSEE STATE PLANE COORDINATE SYSTEM AS ESTABLISHED FOR THIS SURVEY.
- 8) THIS PROPERTY IS SUBJECT TO ANY COVENANTS, RESTRICTIONS, AND ALL OTHER MATTERS SHOWN ON THE RECORDED PLAT, FIRST BELLE MEADE SUBDIVISION, PLAT BOOK 421, PAGE 139, R.O.D.C.
- 9) PARCEL NUMBERS SHOWN THUS (00) REFER TO COUNTY TAX MAP 116-10.

CURVE TABLE

CURSET BELLE 1 (ARCUS) [LENGTH] CHD BEARING [CHORD]
C1 956'42" 1130.00 117.25° S 57°16'37" E 856'42"

PROPERTY OWNER INFORMATION

JACOBS, JENNIFER B. & LEGG, TOLBERT WOOLY (83.00)
203 JACKSON BOULEVARD
NASHVILLE, TN 37205
TAX MAP 116-10, PARCEL 83.00
00-20200826-0096924, R.O.D.C.

PLAT REFERENCE

BEING 1/10 LOT 19, OF THE PLAN OF
A.M. BRANSON'S SUBDIVISION OF LOT 29 TO 34,
PLAT BOOK 421, PAGE 139, R.O.D.C.

DISTRICT BULK RESTRICTIONS

THE REQUIRED SETBACKS FOR THE SUBJECT PROPERTY (RESIDENCE B) SHOWN ON THIS DRAWING WERE OBTAINED FROM THE CITY OF BELLE MEADE ZONING ORDINANCES TABLES. IN RESIDENTIAL AREAS WITH AN ESTABLISHED DEVELOPMENT PATTERN, THE MINIMUM REQUIRED STREET SETBACK FOR RESIDENCE B DISTRICT SHALL BE THE AVERAGE OF THE STREET SETBACKS OF THE LOTS IMMEDIATELY ADJACENT FOR 100' OR 1 BLOCK; IN THE TABLE BELOW PRIOR TO ANY NEW DESIGN OR CONSTRUCTION, THESE SETBACKS SHOULD BE VERIFIED WITH THE BELLE MEADE PLANNING COMMISSION, FOR THE FINAL DETERMINATION.

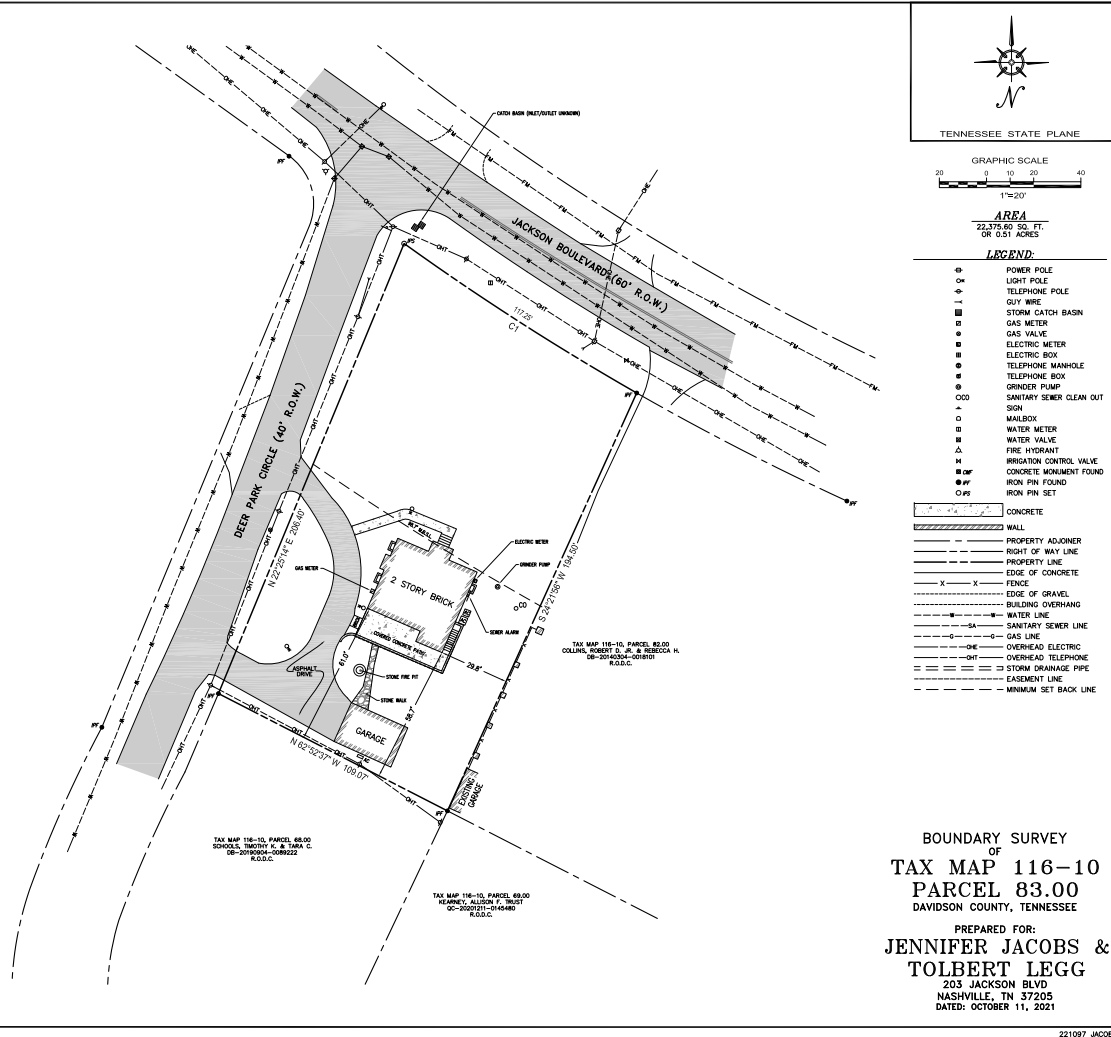
FRONT SETBACK = 88.7' (AVERAGE OF ADJACENT PROPERTIES)
REAR SETBACKS = 80' FOR BUILDING HEIGHT OF 25' OR LESS
85' FOR BUILDING HEIGHT IN EXCESS OF 25'
SIDE SETBACKS = 50% OF LOT WIDTH AT FRONT SETBACK
MINIMUM SETBACK NOT TO BE LESS THAN 20'

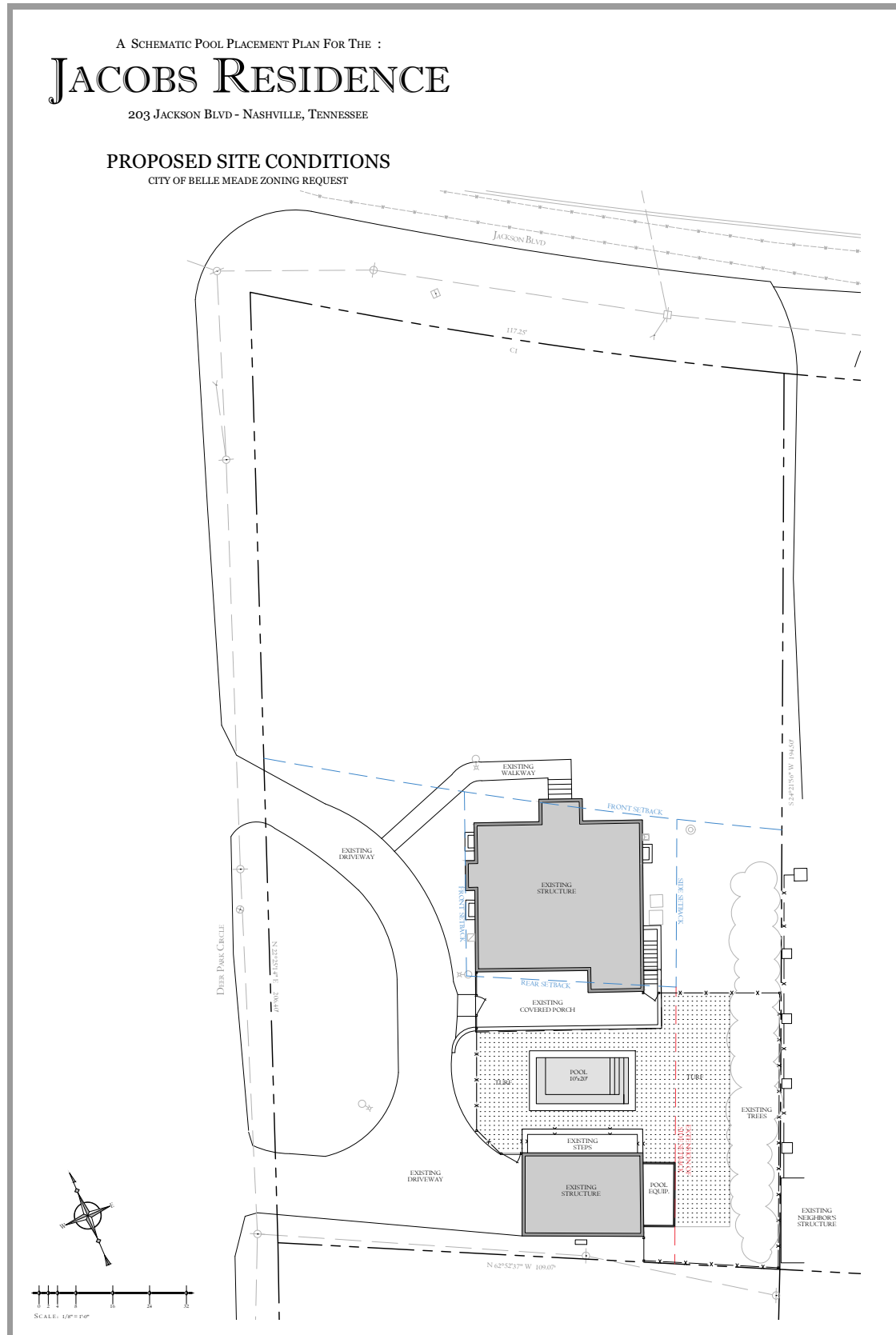
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY IN COMPLIANCE WITH THE RULES OF THE TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS, CHAPTER 0800-3, STANDARDS OF PRACTICE, THAT THE MATH OF PRECISION OF THE UNADJUSTED SURVEY IS GREATER THAN 1:10,000 AS SHOWN HEREON AND THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PREPARED BY:
DONLON LAND SURVEYING, LLC
TIMOTHY MARK DONLON

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NASHVILLE, TN 37211
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Eric@donlonlandsurveying.com
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Staff Report

Agenda No.: IV.D.
Case No.: BZA 2024-18
Staff: Mary Samaniego, Planning Director
Applicant: Jenny Jacobs
Request: Approval of a Conditional Use for a swimming pool and a variance for fence placement, pool equipment placement and rear yard setback.
Location: 203 Jackson Boulevard

Summary:

The applicant/property owner is requesting a Conditional Use for the construction of a swimming pool and variance for fence placement, pool equipment placement and rear yard setback. The existing residence and associate guest house were constructed in 1920.

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 0.51 acres (22,390 square feet) and is a rectangular shaped corner lot with frontage on Jackson Boulevard and Deer Park Circle.
2. The lot is relatively flat and does not have any regulatory floodplain or water features.
3. There is an existing 438 square feet guest house also constructed in 1920 that is approximately 5' from the rear property line.
4. 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 448 square feet. The proposed area of water in the swimming pool and detached in-ground spa is 300 square feet.
5. 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 1,791 square feet. The proposed area of the hardscape including the pool is 1,103 square feet.
6. The proposed swimming pool and associated equipment are entirely outside of the established building envelope (see attached Staff Analysis of Site Plan). The pool placement and the associated pool equipment placement requires variance approvals.
7. 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 existing property line hedge and proposed fence should adequately screen the pool and equipment 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 existing landscaping and guest house location will ensure that the pool improvements are adequately buffered from view of adjoining properties.
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 Deer Park Circle 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. The rear yard setback for the pool and equipment are actually an infill development as the guest house is closer to the rear property line at 5'.

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 insure 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. The actual building envelope for this property was established in 1920 when the residence and guest house were sited. The pool and associated equipment are within that historical building envelope.
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 Deer Park Circle 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:

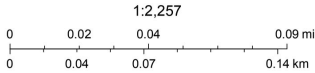
1. Location Map
2. Staff Analysis

Nashville / Davidson County Parcel Viewer 203 JACKSON BOULEVARD



July 5, 2024

graphicsLayer2

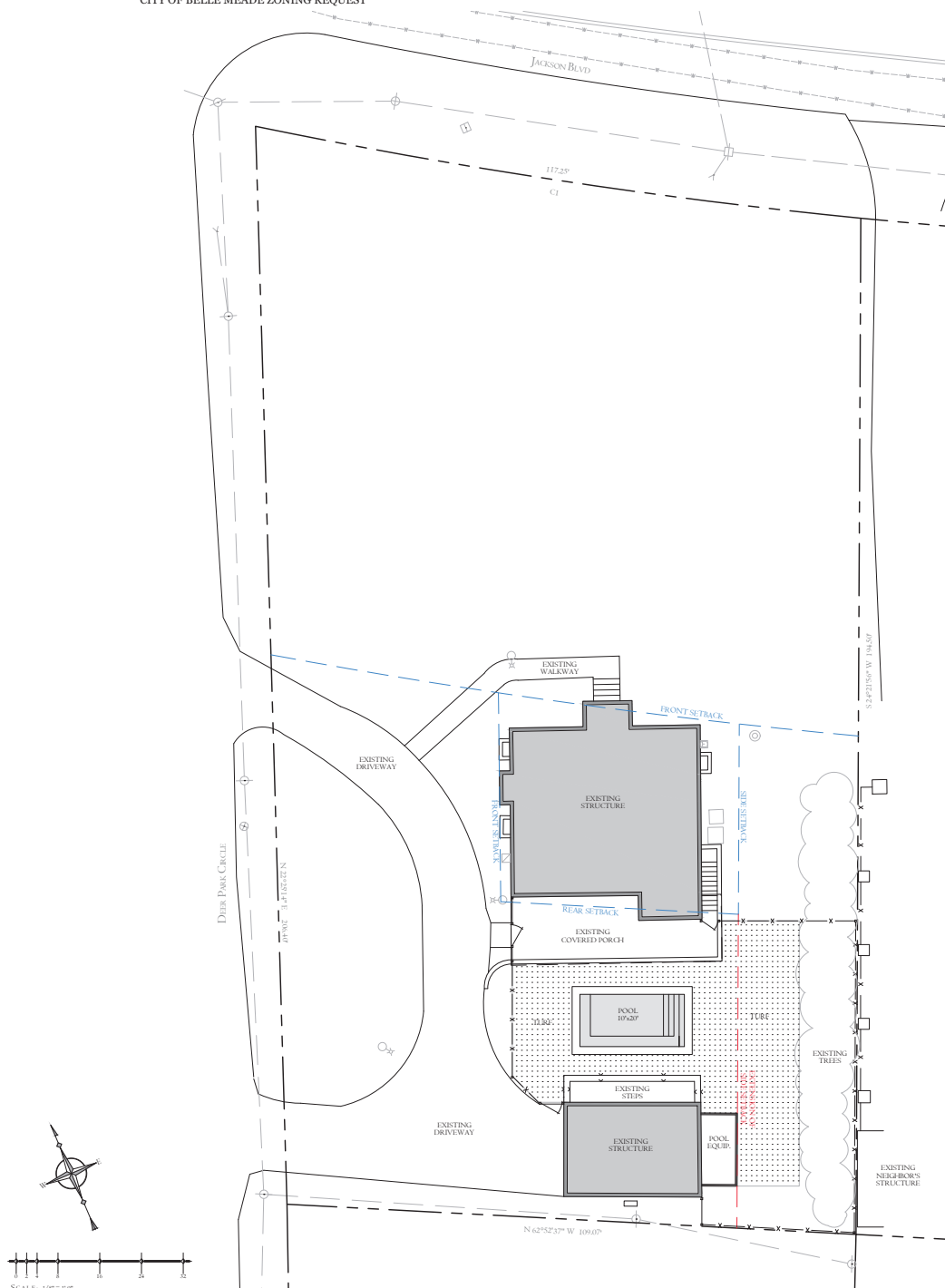


Metro GIS

Made by: Metro GIS

PROPOSED SITE CONDITIONS

CITY OF BELLE MEADE ZONING REQUEST



From: [Rebecca Collins](#)
To: [Mary Samaniego](#)
Subject: Building Permit Request
Date: Saturday, July 13, 2024 4:42:37 PM

I am writing in support of the pool construction request by my next door neighbors, Jennifer Jacobs and Wolly Legg, at 201 Jackson Blvd. I recommend that a building permit be issued.

Rebecca Collins
205 Jackson Blvd
Nashville, TN 37205

Property Owners: Rebecca and Dr. Robert Deaver Collins, Jr.