



**CITY OF BELLE MEADE
BOARD OF ZONING APPEALS
REGULAR MEETING AGENDA PACKET
OCTOBER 15, 2024, 05:00 PM**



**AGENDA BOARD OF ZONING APPEALS
REGULAR MEETING
OCTOBER 15, 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 September 17, 2024.

Attachment: [Minutes BZA September 17 2024.pdf](#)

III. Unfinished Business

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

Attachment: [BM App for Board Zoning Appeals 4-8-24.pdf](#)
Attachment: [211 Scotland Proposed Site Plan 4-8-24.pdf](#)
Attachment: [211 Scotland Survey.pdf](#)
Attachment: [STAFF REPORT 211 Scotland Place REVISED.pdf](#)

IV. New Business

A. The application of Kehilla High School for The Temple, PJ #24-0006, 5015 Harding Pike, for a school use within a religious assembly use.

Attachment: [Zoning Appeal for Kehilla-the Temple.pdf](#)
Attachment: [Activity Permit Request Kehilla High School - BOC.pdf](#)
Attachment: [Floor plans - digital 4-12-22.pdf](#)
Attachment: [Kehilla Calendar 2024-2025 pdf.pdf](#)
Attachment: [2024-2025 KHS Bell Schedule.xlsx - Google Sheets.pdf](#)
Attachment: [STAFF REPORT Temple High School.pdf](#)

B. The application of 221 Evelyn Avenue Trust, #A24-0015, 221 Evelyn Avenue, for a conditional use for a storage shed and a variance for the side yard setback.

Attachment: [221 Evelyn Ave BZA Application 09-19-2024.pdf](#)
Attachment: [221 Evelyn Avenue Trust BZA Submittal 09-19-2024.pdf](#)
Attachment: [STAFF REPORT 221 EVELYN AVE.pdf](#)

C. The application of Carter and Kristin Paine, #A24-0016, 4415 Harding Place, for a conditional use for a swimming pool and a pool house.

Attachment: [Paine Pool House Updated BZA Submission 10-11-24.pdf](#)

Attachment: [BZA-Application-October 2024signed.pdf](#)

Attachment: [Proctor Letter.pdf](#)

Attachment: [STEVENS COMMENT.pdf](#)

Attachment: [STAFF REPORT 4415 HARDING PLACE.pdf](#)

D.Election of Vice-Chair.

Attachment: [BZA Rules of Procedure ADOPTED MAY 2024.pdf](#)

V.Other Public Comment

VI.Adjourn

The next regularly scheduled meeting of the Board of Zoning Appeals will be held November 19, 2024 at 5:00 P.M. at Belle Meade City Hall, 4705 Harding Pike, Nashville, TN.



MINUTES
BOARD OF ZONING APPEALS – REGULAR MEETING
SEPTEMBER 17, 2024, 5:00 PM
BELLE MEADE CITY HALL, 4705 HARDING PIKE

Call to Order

Chairman Chris Tardio called the meeting to order at 5 p.m.

Board Members Present

Chairman Chris Tardio
Charlie Atwood
Eric Clifford
Carter Dawson
Ron Farris
Johnny Phipps
Marissa Russ

Staff Members Present

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

Chairman Tardio inquired of the board members if there were any conflicts of interest, there were none.

Approval of Minutes

The minutes of the Board of Zoning Appeals held August 20, 2024.

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

New Business

The application of Jenney Petrikin for Mark and Caroline McCormack, PJ #24-0003, 110 Bonaventure Place, for a variance to the side yard setback from 40' to 27'.

Jenney Petrikin, Architect JP Designs, reviewed the plans, as submitted for the project at the home of Mark and Caroline McCormack.

Questions from the board were addressed by Petrikin.

Public Comment Opened

No Public Comment

Public Comment Closed

Motion to approve as submitted: Atwood Second: Farris Vote:
All aye (roll call vote)

The application of Kylee Ervin for Colormesonny Legacy Trust, PJ #24-0004, 110 Lynwood Terrace, for a conditional use for a swimming pool and variances for swimming pool and equipment outside the building envelop and a fence in an alternative location.

Jackson Buchanan Nashville Dip Pools, reviewed the plans as submitted for the project at the home located at 110 Lynwood Terrace.

A period of questions and comments from the board, were addressed by Buchanan.

Public Comment Opened

Gavin Duke, resident 407 Lynwood, stated that he had represented another resident with similar lot issues who was granted permission to build a pool.

Public Comment Closed

Motion to approve: Tardio Second: Farris

A board discussion ensued

Public Comment Reopened

Duke again addressed the corner lot at 4401 Georgian Place that had received permission to build a pool.

Vote: Atwood No, Phipps No, Farris No, Russ No, Tardio Yes, Clifford Yes, Dawson No

The application of Gavin Duke for Tom Cox, PJ #24-0005, 421 West Brookfield Avenue, for a conditional use for a swimming pool and variances for a fence in an alternative location.

Gavin Duke, Landscape Architect Duke Design Group, provided history on the previous approval for the swimming pool and reviewed the variance request for the location of the fence.

A period of questions and comments from the board were addressed by Duke.

Public Comment Opened

No Public Comment

Public Comment Closed

Motion to approve as submitted: Atwood Second: Farris Vote:
All aye (roll call vote)

The application of Johnna Scott for 4401 Iroquois Avenue LLC, PJ #24-0009,

4401 Iroquois Avenue, for variances for maximum footprint, maximum gross floor, maximum driveway and turnaround area, and rear yard setback.

Johnna Scott, owner of 4401 Iroquois Avenue, reviewed the plans as submitted for the (renovation) project as submitted.

A period of questions and comments from the board, addressed by Scott, followed the presentation.

Public Comment Opened

Drew Healy, resident 4315 Iroquois Avenue (701 Westview Avenue), spoke in favor of the project.

James Cato, 4307 Iroquois Avenue, spoke in favor of the project.

Public Comment Closed

Motion to approve: Dawson Second: Farris

A board discussion ensued.

Scott addressed concerns expressed by the board during their discussion, answering additional questions and addressing additional concerns of the board.

Vote: All aye (roll call vote)

The application of Kehilla High School for The Temple, PJ #24-0006, 5015 Harding Pike, for a school use within a religious assembly use. DEFERRED

The applicant, in absentia, requested a deferral.

Chairman Tardio: Any opposition to a deferral from the board; by consent we will grant the deferral.

Other Public Comment - None

The meeting Adjourned at 6:15 p.m.

Chairman Chris Tardio

City Recorder Rusty Terry



CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS

APPEAL # _____

APPEAL FEE: _____

APPLICANT (Owner's Name) Tommy & Seaneen Brown PHONE # 615-522-4866

APPLICANT EMAIL ADDRESS seaneenrose@gmail.com

PROPERTY ADDRESS: 211 Scotland Place, Nashville, TN 37205

REQUEST: VARIANCE ☒ CONDITIONAL USE ☐

REASON FOR REQUEST: _____

PROJECT CALCULATIONS

LOT SQ. FT: 17,860 sf	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA	2,160 (12%)	2,420	2,805	30% (+ 645 SF)
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.)	4,050 (x.225)	3,120	4,035	
FRONT YARD AREA		7,750	7,750	
TOTAL DRIVEWAY AREA	2,160 (12%)	1,270	2,270	5% (+ 110 SF)
DRIVEWAY IN FRONT YARD AREA		1,300	1,450	
HARDSCAPE AREA		45	100	
POOL AREA	N.A.	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?

All of the lots in this particular area of Belle Meade are on the smaller side and does not allow for much building beyond the rather stringent design requirements of the neighborhood. Our particular lot is wide and shallow therefore limiting any development beyond a small footprint.

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?

Due to the footprint and volume requirements of our area of Belle Meade, we do not have any outdoor storage and the ability to store lawn equipment or cars. Also, as more and more cars become electric we are currently unable to store and plug in a car to replenish a battery. Having a garage tucked at the rear of our property would allow for these opportunities.

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?

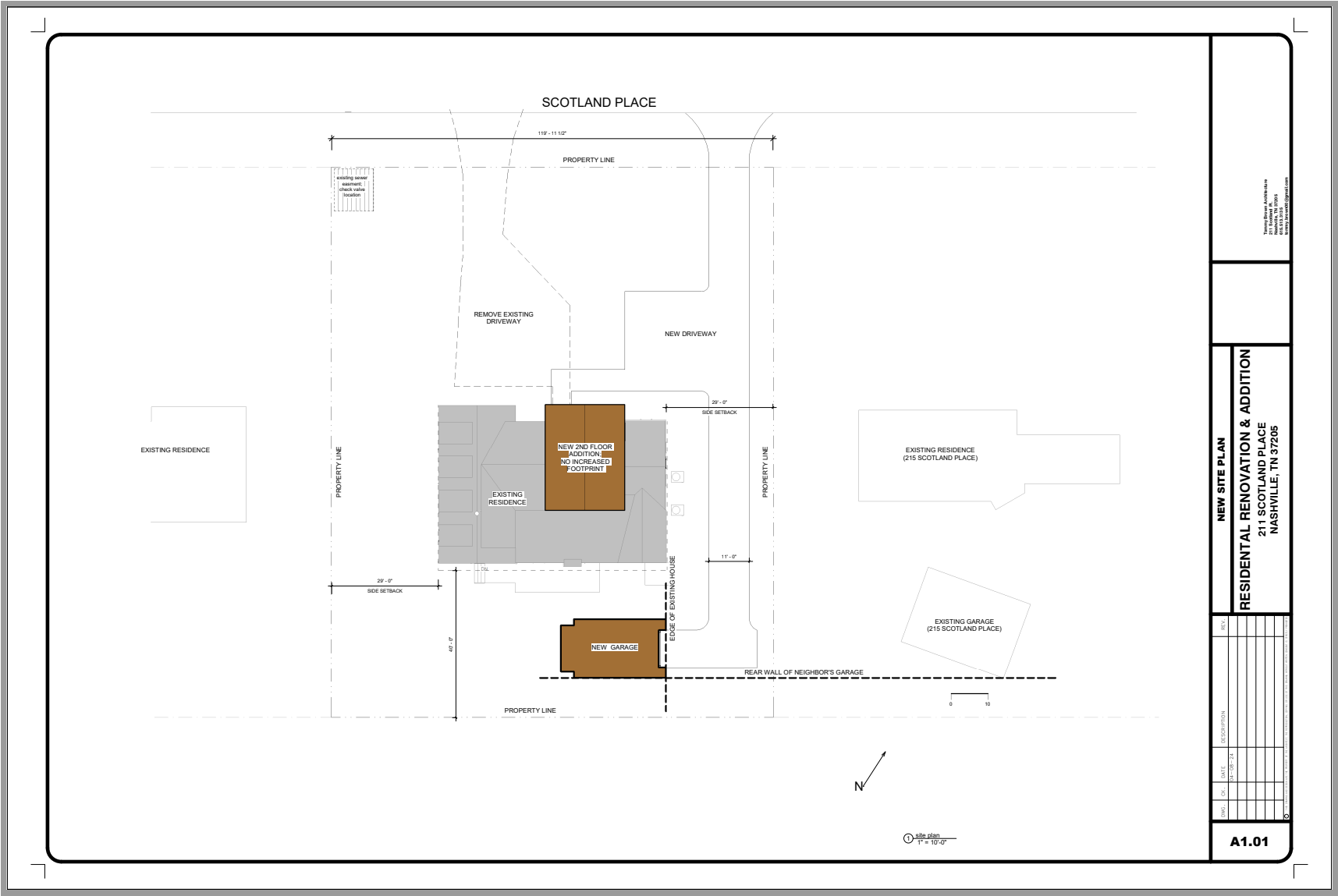
Before undergoing this exercise we reviewed additions and other granted variances in our neighborhood. Our requests for a variance are all in line with approved variances in our neighborhood. There are precedents that have been approved that do exist on these streets and have really improved the quality of the houses in this neighborhood. We are looking to do the same.

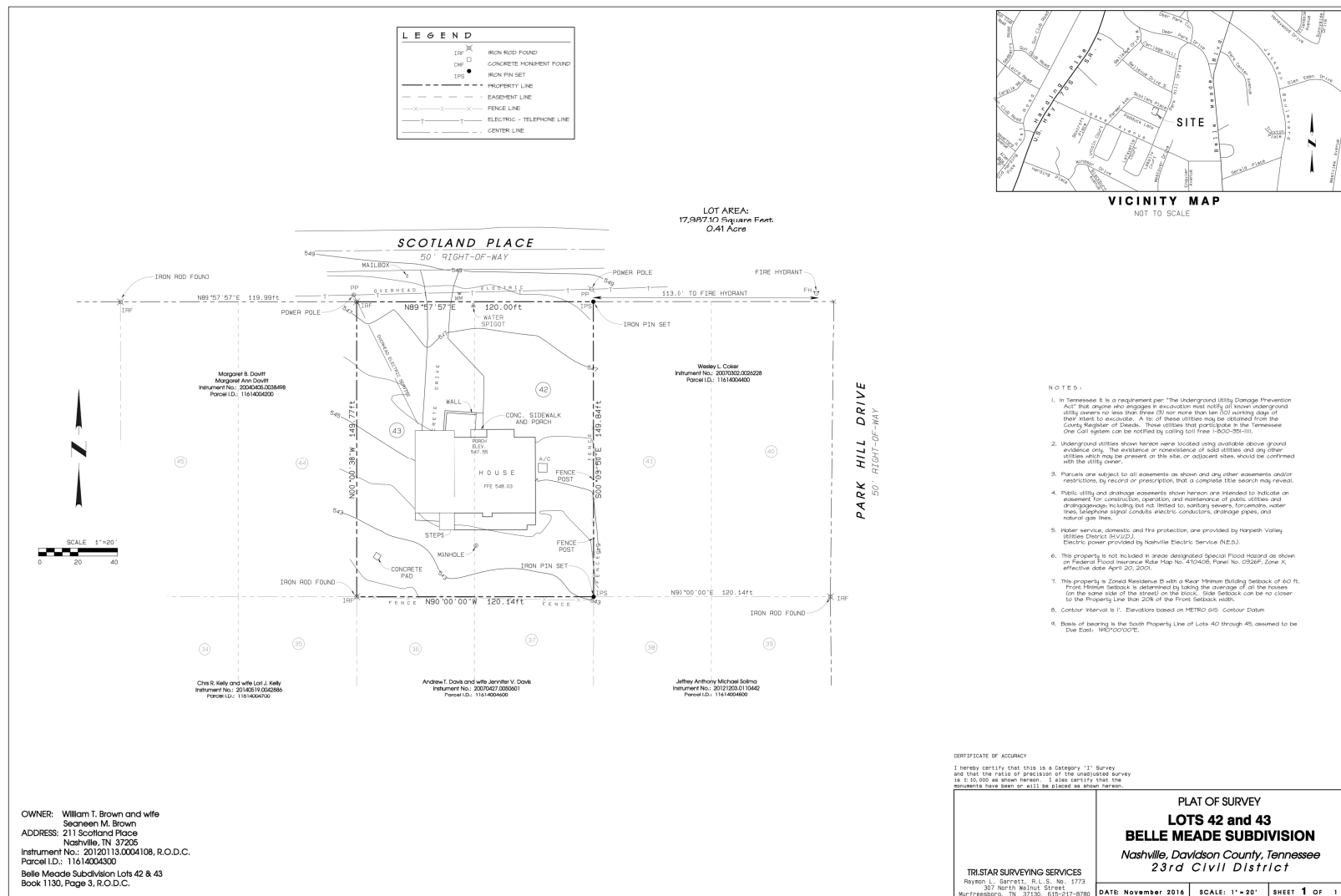
How would the resulting construction not be out of harmony with other homes in the neighborhood?

The proposed garage is not to be visible from the street and will be tucked at the rear of the property adjacent to our neighbors garage location. Our current front elevation has two pitches that are not aligned. The addition would align the pitches and provide a better, more harmonious elevation more in line with the neighborhood.

SIGNATURE: William and Seaneen Brown (Owner/Agent) **DATE:** 4/2/2024

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





Staff Report

Agenda No.: III.A.
Case No.: BZA 2024-10
Staff: Mary Samaniego, Planning Director
Applicant: Tommy and Seaneen Brown
Request: Three Variances to exceed the allowable driveway area by 5%, maximum footprint, and rear yard setback.
Location: 211 Scotland Place

Summary:

The applicants/property owners are requesting three variances for a detached garage with associated driveway that will exceed the maximum allowable parking area, maximum footprint, and rear yard setback. The specific request is to construct a detached garage ten feet (10') from the rear property line and associated driveway in the rear yard will exceed the maximum allowable driveway area by 5%.

Planning Considerations:

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

1. The subject property is 0.41 acres (17,860 square feet).
2. The existing dwelling was constructed in 1940 and does not include any garage or accessory structures.
3. According to Table 2 of the new Zoning Ordinance, detached garages are included in overall footprint calculations. Per Section 14-205(1)(b)(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 2,160 square feet. The existing residence has a building footprint of 2,420 square feet and is proposed to remain unchanged. However, the new detached garage will increase the footprint an additional 385 square feet. Therefore, the total footprint for the property will be over the maximum allowable by 645 square feet or 30%.
4. According to Table 2 of the new Zoning Ordinance, detached garages are included in overall gross floor area calculations. Per Section 14-205(1)(b)(ii)(B) of the Zoning Ordinance, the allowable Floor Area Ratio (FAR) for the Residence C zoning district is .225. For the subject property, the allowable area per the FAR equation is 4,050 square feet. The existing residence has a building area of 3,120 square feet and the proposed gross floor area (including garage) is 4,035.
5. Per Table 1 of the new Zoning Ordinance, the Residence C zoning district requires a rear yard setback of sixty feet (40'). The proposed detached garage is ten feet (10') from the rear property line and is in compliance with the side yard setback.

6. Per Section 14-204(1)(d)(4) of the Zoning Ordinance, The total of all drive and parking areas on any lot shall not exceed twelve (12) percent of the total lot area. The allowable area of parking area for the proposed lot is 2,160 square feet.
7. The proposed area of drive and parking area is 2,270 square feet, which is over the requirement by 110 square feet.

Findings of Fact and Staff Recommendation:

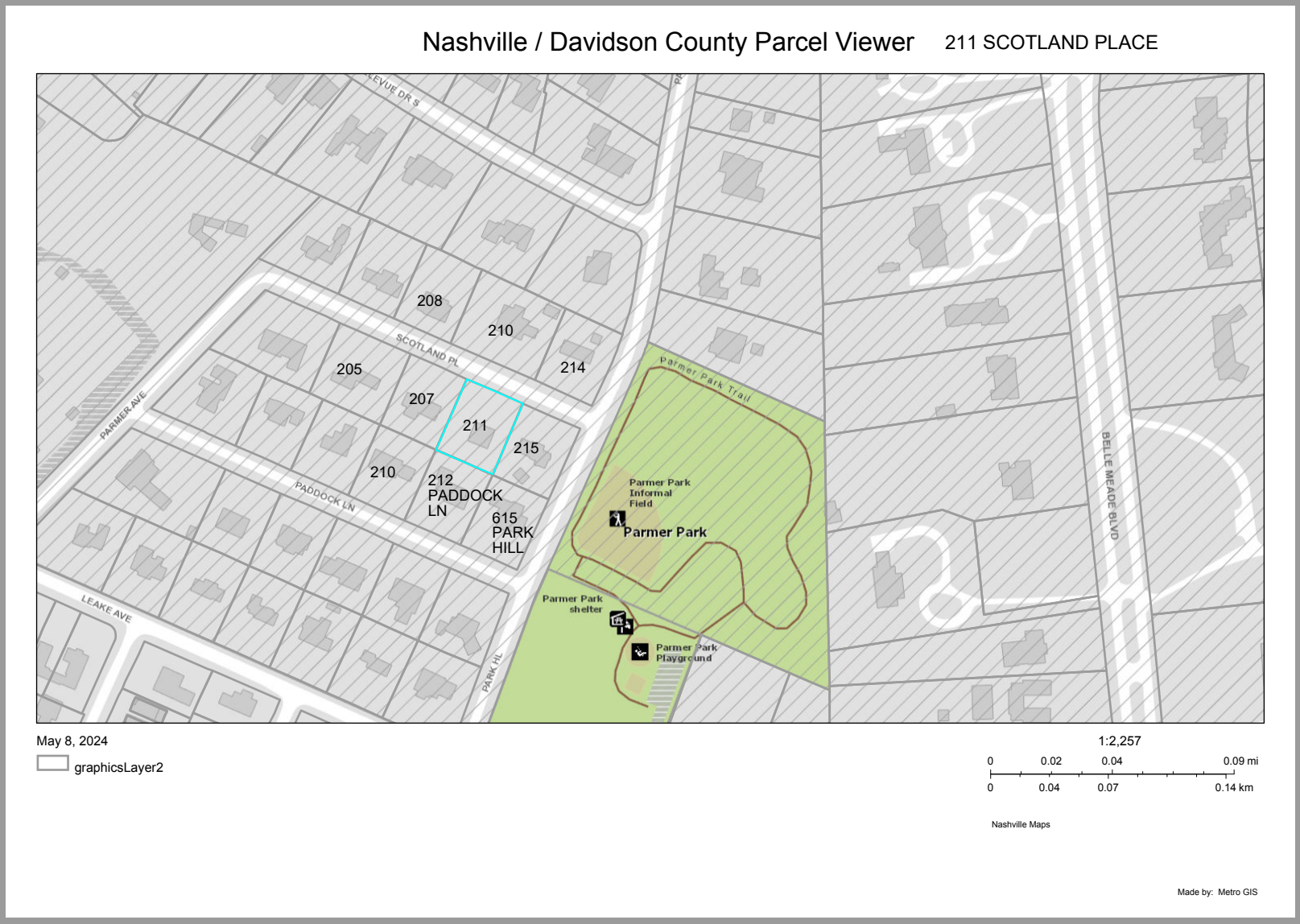
The standards of proof required for Variances are established in the Zoning Ordinance. The Board of Zoning Appeals has the authority to grant such variance as will not be contrary to the public interest and under the restrictions established with the Zoning Ordinance which states that if the property 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 allowable parking area and setback that were adopted in the Zoning Ordinance to benefit the public good. However, the total amount of driveway in the front yard is proposed to be reduced and the amount of total driveway over the maximum allowable is marginal at 110 square feet.
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 parking area and setbacks is to limit the amount of hardscape and structure within proximity of property lines. However, the City has a Zoning Code requirement that all residences should have at least a one-car garage that does not face the street. The size and depth of the lots in this neighborhood creates a hardship with trying to maneuver a vehicle into a side facing garage while at the same time complying with rear yard setbacks and parking area maximums. The intent and purpose of these design and bulk provision, in staff's professional opinion, is to ensure that the placement and scales of structures ensures this development pattern of large, open yards.
3. The resulting home will not be out of harmony with the other homes in the neighborhood.
The slight increase in the turnaround area adjoining the detach garage is necessary to facilitate turning movements on a solid surface and not the yard. Although the amount of drive and parking area is over the requirement by 110 square feet, the amount of parking in the front yard is following City standards. The proposed rear yard setback of 10' is generally in compliance with the development pattern in the immediate area.

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

Attachments:

1. Location Map
2. Staff Analysis of Site Plan





CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS

APPEAL # _____ APPEAL FEE: _____

APPLICANT (Owner's Name) Saran Roth + Mark Shephard PHONE # 615 352 7620

APPLICANT EMAIL ADDRESS sroth@nashvillejhs.org

PROPERTY ADDRESS: 505 Harding Pike Nashville TN 37205

REQUEST: VARIANCE ☐ CONDITIONAL USE ☒

REASON FOR REQUEST: renewal of permission for Kehilla
High School to use the premises

PROJECT CALCULATIONS

LOT SQ. FT:	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA				
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.)				
FRONT YARD AREA				
TOTAL DRIVEWAY AREA				
DRIVEWAY IN FRONT YARD AREA				
HARDSCAPE AREA				
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 Temple has ample space available during the business week to partner with a mission-appropriate Jewish school and would like to provide that.

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?

Kehilla High School's use of the Temple's space during the significant time each week that it is not in use improves the Temple's financial and sustainability outlook, and helps meet the mission of serving the local community.

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?

Kehilla High School's student and staff population
is under 30. We do not anticipate any
significant increase in traffic, parking, or
security, and the students have created no
detrimental impact on the neighborhood of
the Temple. Like the Temple's preschool,
Kehilla High School provides an educational
resource to the community of Belle Meade while
falling under the Temple's religious use purpose.

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

No construction is required.

SIGNATURE:  (Owner/Agent) DATE: 8/1/24

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



August 1, 2024

Dear Board of Commissioners, City of Belle Meade:

I write to you on behalf of Mark Shepard, the Director of Facility Management of Temple Ohabei Shalom of Belle Meade, and myself to request an activity permit for the coming year allowing Kehilla High School (KHS) to operate on the premises of the Temple. I am aware there has been a gap in the permitted activity of KHS at the Temple site and as the newly appointed head of school, I will ensure that we are in compliance at all times should the activity permit be granted. Please find the details of the requested activity below.

Kehilla High School will operate daily from 7:45am to 4:15pm during the academic year, which will run from August 12, 2024, to May 23, 2024. I have sent our academic calendar and daily schedule should you wish to consult those. As of today, Kehilla will have 18 students enrolled grades 9-11 as well as 4 full-time faculty/staff and 4 part-time faculty. We anticipate using a maximum of 15 parking spots on a regular basis, which will be readily accommodated by the Temple's existing lot during our hours of operation. The vast majority of Kehilla activities will take place inside the Temple, making regular use of 8 rooms. Students will occasionally spend class periods outdoors on the Temple grounds under faculty supervision; these infrequent occasions will require no set-up, will not be visible to anyone not already on the Temple's premises, and will incur no additional traffic or security needs beyond what the Temple already has. Should Kehilla wish to hold any additional activities that go beyond what is described here, we will work with Mark Shepard to ensure that these are planned and permitted appropriately through the City. Head of School Sarah Roth can be contacted at any time about KHS activities at (734) 417-5751 or stroth@nashvillejhs.org.

In addition to the activity permit, we request permission to place a sign indicating the location of KHS of no greater dimensions than 3'x2' at the location where the current Temple sign stands, at the corner of the Temple's drive and Harding Pike. Thank you very much for considering this application.

All the best,

A handwritten signature in black ink, appearing to read 'SRoth', is placed above the typed name.

Dr. Sarah Roth
Head of School, Kehilla High School

Kehilla Calendar 2024-2025

August 2024						
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September 2024						
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October 2024						
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November 2024						
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December 2024						
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January 2025						
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February 2025						
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April 2025						
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May 2025						
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August 8-9 – professional development (students do not report)
 August 12 – First Day of School
 January 3 – Professional Development (students do not report)
 March 10-14 Professional development/Spring Break (students do not report)
 May 23 – Last Day of School/half day

Calendar Days – 180

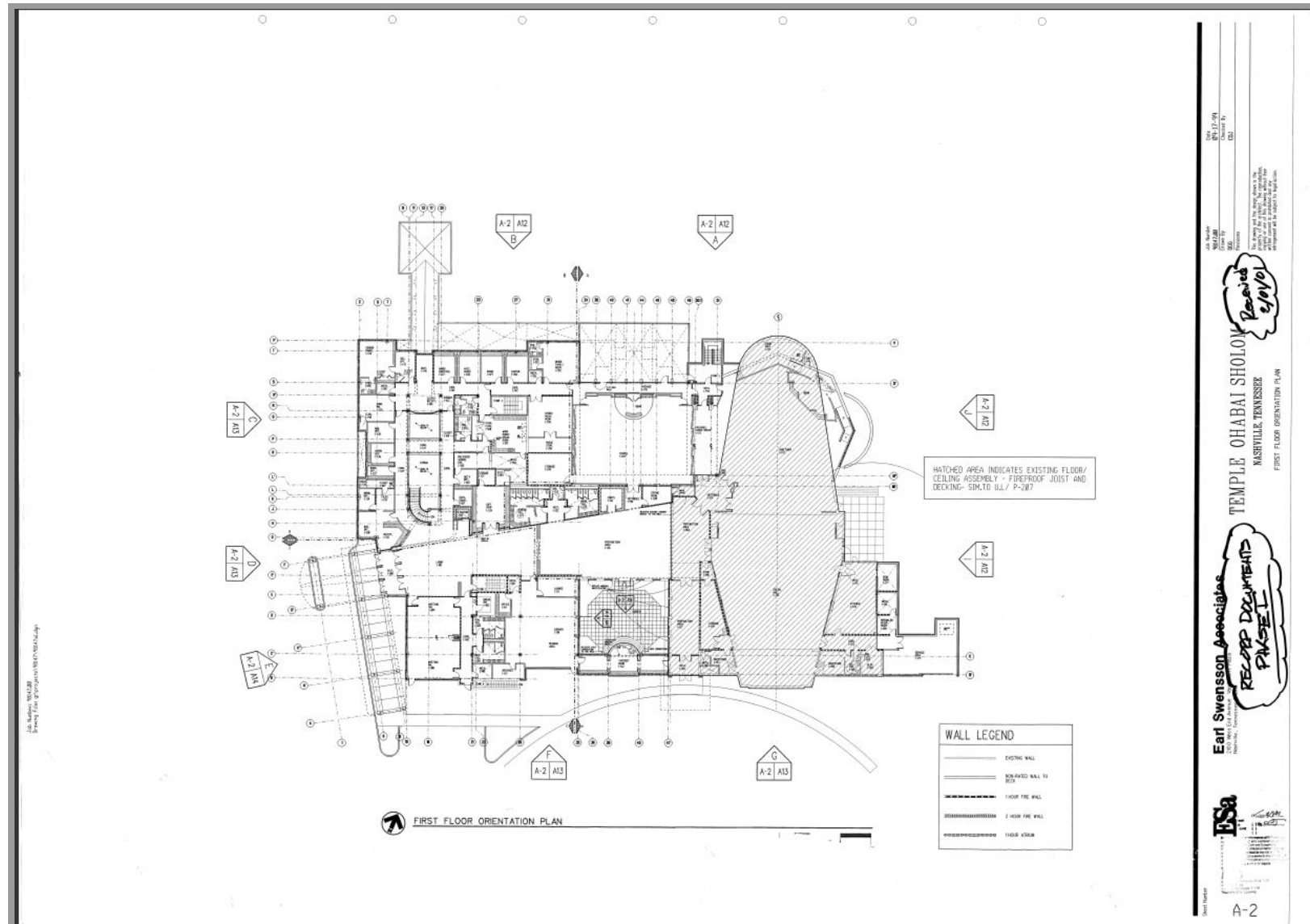
Days Off/Half Days

Sept 2 – Labor Day (no school)
 Oct 3 – 4 – Rosh Hoshana (no school)
 Oct 17-18 – Sukkot No School
 Oct 24-25 – Sukkot No School

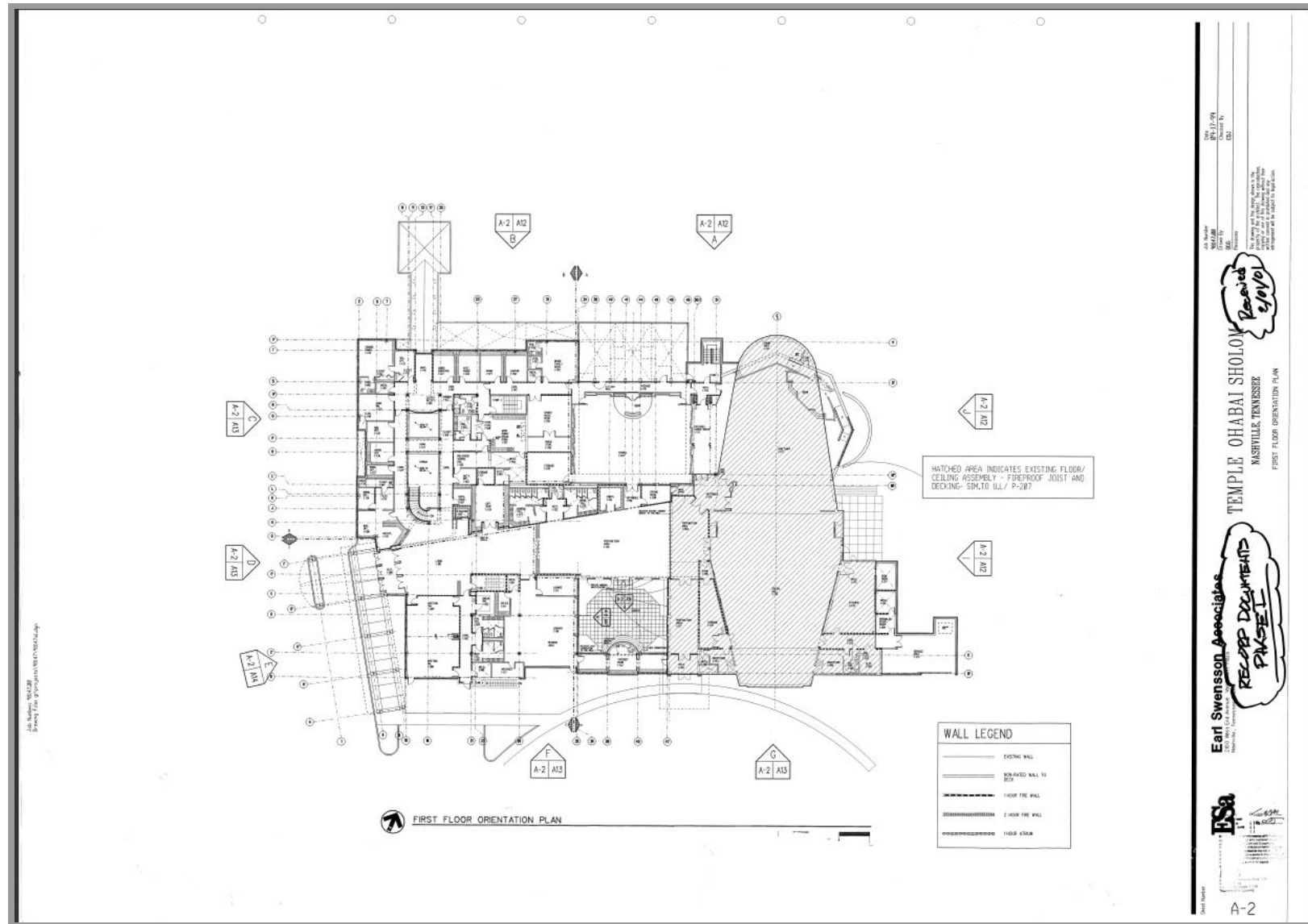
Nov 25-27 – Teacher in-service (no school)
 Nov 28-29 – Thanksgiving (no school)
 Dec 18-20 – Exams/half days
 Dec 23 - Jan 3 – Winter Break (no school)
 Jan 20 – MLK Day (no school)

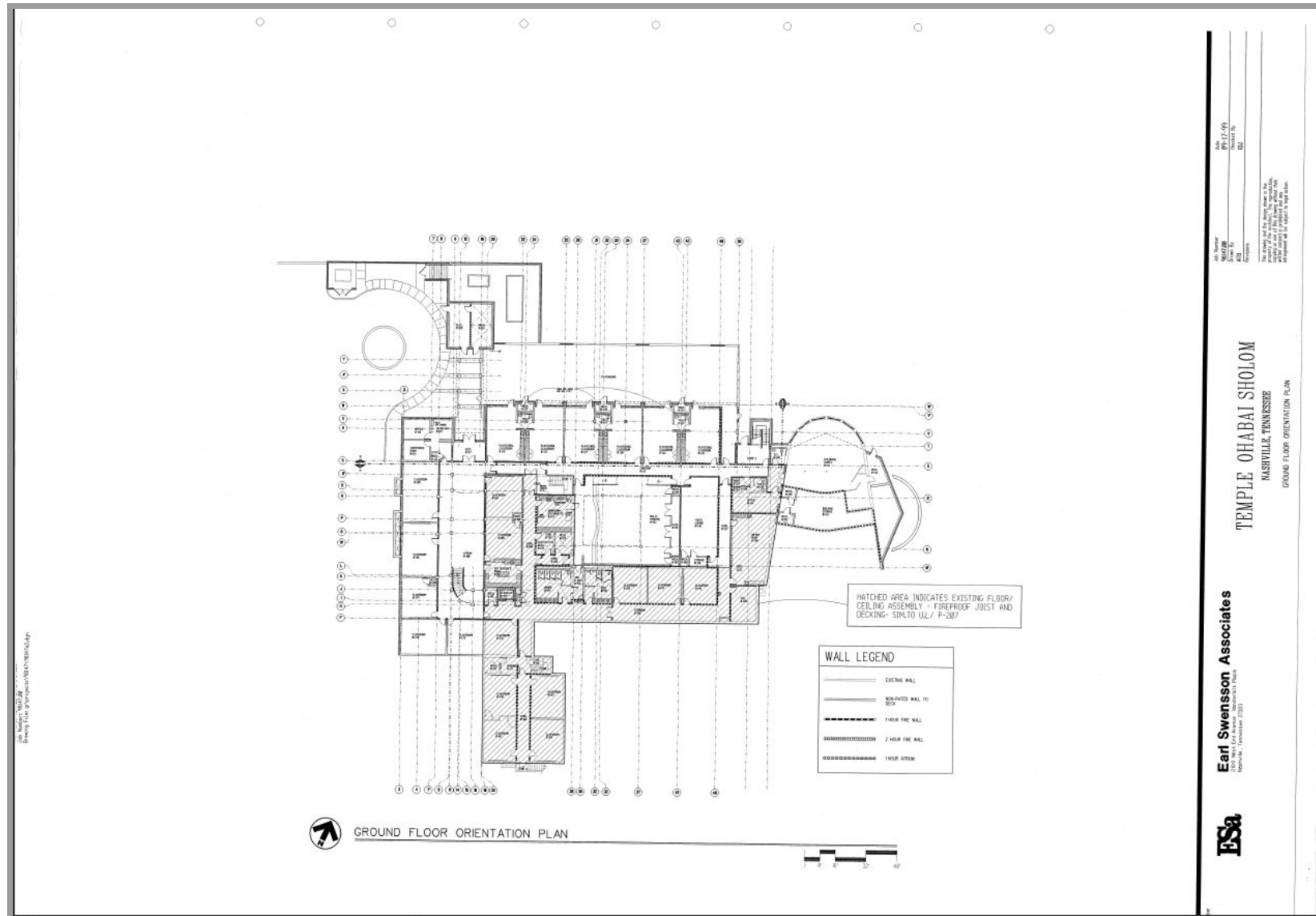
Feb 17 – President's Day (no school)
 March 10-14 – Spring Break (no school)
 April 11 – Passover (half day)
 April 14-18 -Passover (no school)
 May 21-23 Exams (half days)

				Kehilla High School Weekly Schedule							
Hour	Time	Monday	Tuesday	Wednesday	Thursday	Flex Friday		Time	Hour		
Tefilah/ Ohalim	7:45-8:15AM							7:45-8:15AM	Arriva		
Alef	8:20-9:10AM			JCC Movement Morning		AP Lit	Math 2	8:20-9:10AM	Alef		
Bet	9:12-10:02AM					APUSH	Algebra 1	9:12-10:02AM	Bet		
AM Break	10:03-10:18AM						Flex Friday	10:03-10:18AM			
Gimel	10:18-11:08AM					10:18-11:08AM		Gime			
Daled	11:10AM-12PM					11:10AM-12PM		Daled			
Lunch	12-12:25PM							12-12:25PM	Lunch		
Ohalim	12:25-12:55PM	Town Hall Ohalim						12:25-12:55PM	Ohalim		
Hay	12:55-1:45PM						12:55-1:45PM	Hay			
Va'av	1:47-2:37PM					JCC	1:47-2:37PM	Va'av			
Zayin	2:40-3:30PM						2:40-3:30PM	Zayin			
Dismissal / Clubs	3:30-4:15PM						3:30-4:15PM	Dismiss Clubs			









Kehilla Calendar 2024-2025

August 2024						
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October 2024						
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March 2025						
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April 2025						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			
				17		

May 2025						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
				17		

August 8-9 – professional development (students do not report)
 August 12 – First Day of School
 January 3 – Professional Development (students do not report)
 March 10-14 Professional development/Spring Break (students do not report)
 May 23 – Last Day of School/half day
 Calendar Days – 180

Days Off/Half Days

Sept 2 – Labor Day (no school)
 Oct 3 – 4 – Rosh Hoshana (no school)
 Oct 17-18 – Sukkot No School
 Oct 24-25 – Sukkot No School

Nov 25-27 – Teacher in-service (no school)
 Nov 28-29 – Thanksgiving (no school)
 Dec 18-20 – Exams/half days
 Dec 23 - Jan 3 – Winter Break (no school)
 Jan 20 – MLK Day (no school)

Feb 17 – President's Day (no school)
 March 10-14 – Spring Break (no school)
 April 11 – Passover (half day)
 April 14-18 -Passover (no school)
 May 21-23 Exams (half days)

				Kehilla High School Weekly Schedule							
Hour	Time	Monday	Tuesday	Wednesday	Thursday	Flex Friday		Time	Hour		
Tefilah/ Ohalim	7:45-8:15AM							7:45-8:15AM	Arrival		
Alef	8:20-9:10AM			JCC Movement Morning		AP Lit	Math 2	8:20-9:10AM	Alef		
Bet	9:12-10:02AM					APUSH	Algebra 1	9:12-10:02AM	Bet		
AM Break	10:03-10:18AM					Flex Friday		10:03-10:18AM			
Gimel	10:18-11:08AM							10:18-11:08AM	Gimel		
Daled	11:10AM-12PM							11:10AM-12PM	Daled		
Lunch	12-12:25PM								12-12:25PM	Lunch	
Ohalim	12:25-12:55PM	Town Hall Ohalim							12:25-12:55PM	Ohalim	
Hay	12:55-1:45PM					JCC		12:55-1:45PM	Hay		
Va'av	1:47-2:37PM								1:47-2:37PM	Va'av	
Zayin	2:40-3:30PM								2:40-3:30PM	Zayin	
Dismissal / Clubs	3:30-4:15PM							3:30-4:15PM	Dismissal/ Clubs		

Staff Report

Agenda No.: III.E.
Case No.: 24-0006
Staff: Mary Samaniego, Planning Director
Applicant: Kehilla High School at the Temple
Request: Approval for a school use (expansion)
Location: 5015 Harding Pike

Summary:

The applicant on behalf of the property owners are requesting an approval for an expansion of a school use at the Temple per Zoning Ordinance Appendix A. There are no alterations to the existing site or structures proposed with this application.

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 9.30 acres.
2. The Kehilla High School was last approved by the Board of Zoning Appeals (BZA) in July 2022, to establish Kehilla High School. That approval was for a maximum of three rooms within the existing Temple building campus to be used for a total of 8 ninth grade students. No onsite improvements were required or proposed and the approval was for two years.
3. The current application is to seek BZA approval for the current school year for a total of 18 students in grades ninth through eleventh. There are four full-time faculty and four part-time staff.
4. The initial activity permit for this school use with 8 students as required in Zoning Ordinance Appendix A (8) was reviewed and approved by the Board of Commissioner in July 2022. The proposed expansion of the school use to 18 students was reviewed and approved by the Board of Commissioner in August 2024.

Findings of Fact and Staff Recommendation:

The standards of proof required for each individual use are established in the Zoning Ordinance. The Board of Zoning Appeals shall have power and authority to authorize the issuance of permits for a School use in the following findings of fact for the particular use and/or structure per Appendix A (1) and (3):

The Board of Zoning Appeals of the City of Belle Meade shall have exclusive jurisdiction and authority to grant a permit for the erection of churches and school buildings, including all accessory buildings and structures, parking areas, walkways, entrances, exits and driveways constructed in conjunction therewith. The board shall

authorize such a permit only if it is the finding of the board that such proposed use and/or buildings will not impair an adequate supply of light and air to adjacent property, or materially increase the congestion of public streets, or increase the public danger by reason of fire, or impair the public safety, or tend to impair the public health by creating a smoke nuisance, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health safety, comfort, morals, and welfare of the community. The board of zoning appeals may, in addition to the specific requirements of the applicable ordinances, require, as a condition for the approval of a permit, such provisions and safeguards as will preserve the integrity and character of the district, and as will prevent the proposed use from imposing any undue financial burden upon the city. In exercising the foregoing authority, the concurring vote of at least two thirds (2/3rds) of the members of the board of zoning appeals shall be required for the authorization of such permit.

The property owner/applicant is proposing a small school uses within an existing building without any exterior additions or renovations. The building plans and permits have been reviewed by the Belle Meade Building Department and State Fire Marshall's Office. It is not anticipated that the school with 18 students and up to 8 staff persons will generate enough activity to become a nuisance to the surrounding property owners.

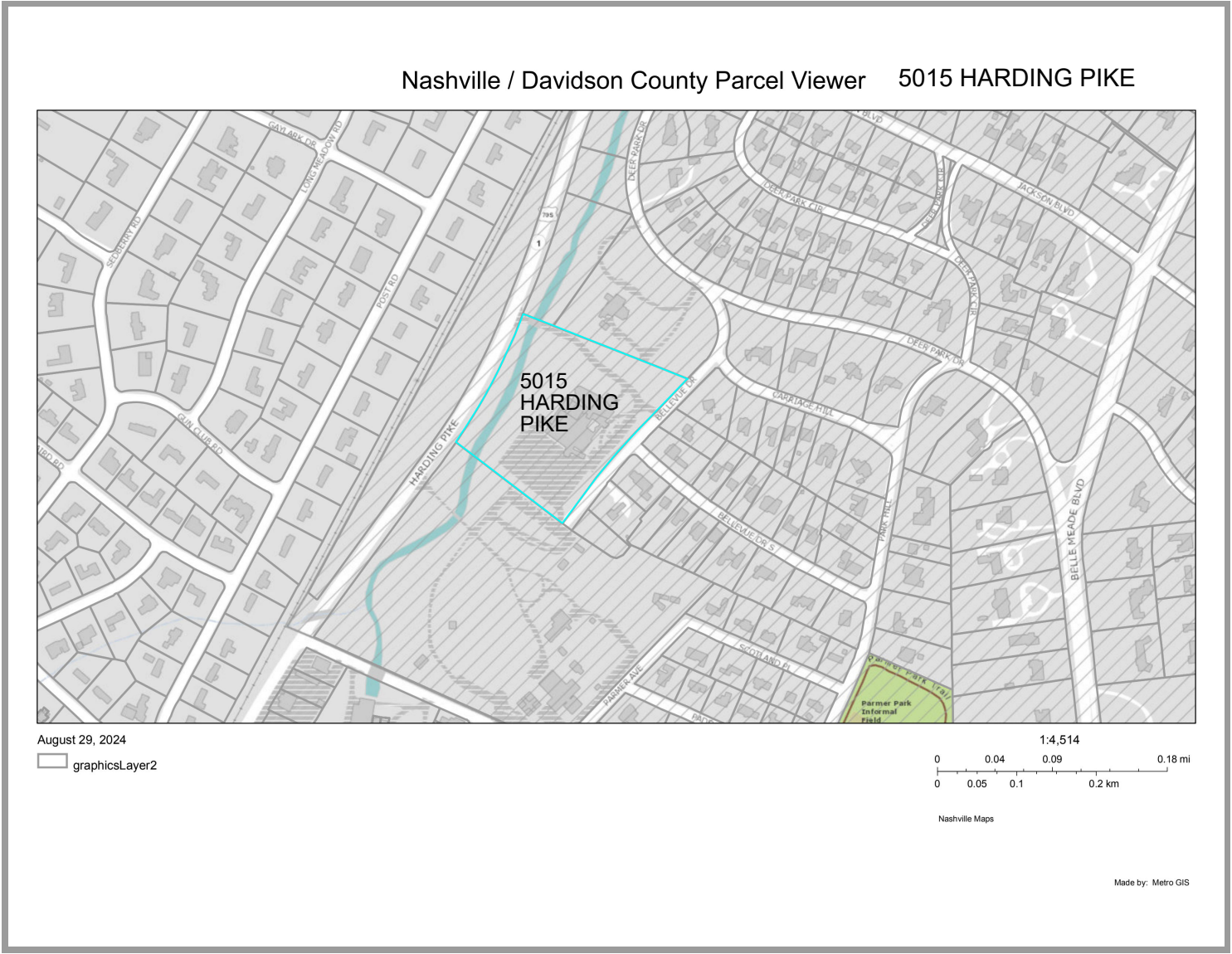
(3) Parking areas shall be provided for all premises proposed to be used as a church or other place of worship, school, or any other permitted use whose activities regularly involve the assembly or gathering of more than twenty-five (25) people. In the case of a church, or other place of worship, there shall be provided and constructed, on the lot or site so proposed to be used, available automobile parking space for one (1) automobile for each four (4) seats or seating spaces to be provided for in the main auditorium, sanctuary, or assembly room in such church or other place of worship or existing building proposed to be used as such. A seating space shall be deemed to require ten (10) square feet of floor space in the main auditorium, sanctuary, or assembly room. In the case of a school, parking space shall be provided for each three (3) employees, and such additional space for students, visitors, and others as the board of zoning appeals shall find appropriate, commensurate with the intended use.

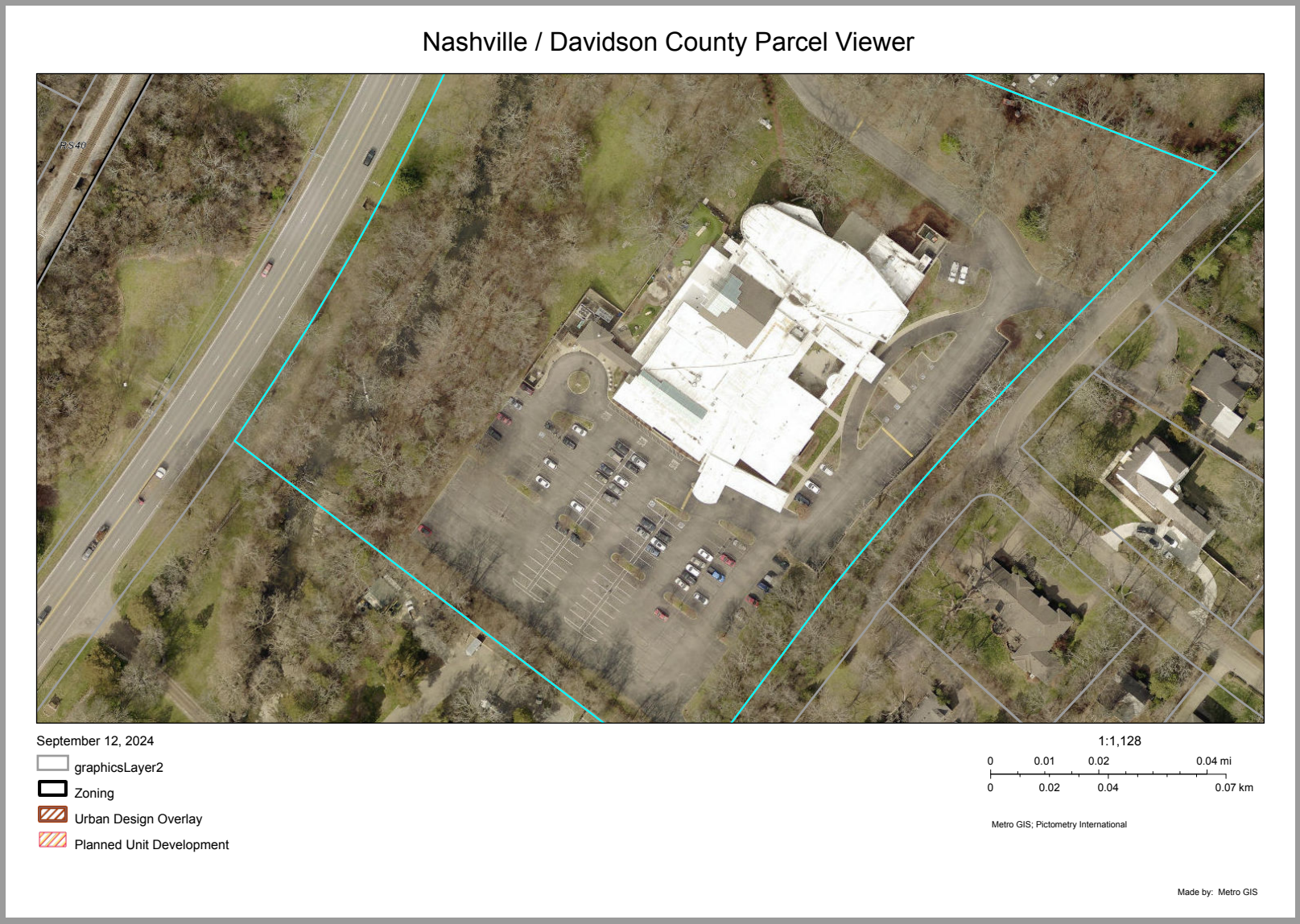
The Temple campus has approximately 211 parking spaces which will adequately serve the school use with classroom hours during the day on weekdays.

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

Attachments:

1. Location Map







CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS

APPEAL # _____

APPEAL FEE: _____

APPLICANT (Owner's Name) 221 Evelyn Avenue Trust PHONE # (615) 417-6180APPLICANT EMAIL ADDRESS gavin@dukedesignngroup.comPROPERTY ADDRESS: 221 Evelyn AvenueREQUEST: VARIANCE ☒CONDITIONAL USE ☒

REASON FOR REQUEST: We are asking for a conditional use to construct a storage building in
the rear of the property. We are also seeking a variance to build the structure outside of the
building envelope.

PROJECT CALCULATIONS

LOT SQ. FT: <u>28,576.74 SF</u>	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA	3,429.21 SF	3,126.56 SF	3,425.56 SF	0%
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.)	6,429.77 SF	4,382.64 SF	4,681.64 SF	0%
FRONT YARD AREA	11,816.80 SF			
TOTAL DRIVEWAY AREA	3,492.21 SF	3,610.48 SF	3,610.48 SF	3.4%
DRIVEWAY IN FRONT YARD AREA	2,599.70 SF	1,707.99 SF	1,707.99 SF	0%
HARDSCAPE AREA	2,286.14 SF	1,438.00 SF	1,813.80 SF	0%
POOL AREA	571.53 SF	0 SF	0 SF	0%
F.A.R. = LOTS <40,000 sq. ft. x .225 = LOTS > 40,000 sq. ft. x .196 =				

Complete Check List

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

Variance Approval Criteria

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

At 28,576.74 sf, this lot is significantly smaller than the minimum lot size for its zoning district, Residence B, of 40,000 sf. This lot is also right at the minimum lot width for its district at 125 ft. Due to the size of the lot and its width, with a shallow rear yard, we are asking to construct the proposed 299 sf storage building outside of the building envelope, but in alignment with the existing house which sits outside of the building envelope. The proposed footprint of this structure will not encroach on the 60' rear setback, nor will it exceed any of the allowable lot square footages, or height restrictions for the zoning district.

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 current Belle Meade Zoning Ordinance requires all newly constructed residences to include at minimum one garage attached or detached. This property does not have a garage, and due to the limited building footprint square footage available and a tight building envelope (that of which the existing residence does not conform to), building a proper garage would put us over the allowable lot square footage. The unique size and proportions of this lot makes it difficult to incorporate a garage or any type accessory storage structure, which the zoning ordinance has acknowledged is an important site element.

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?

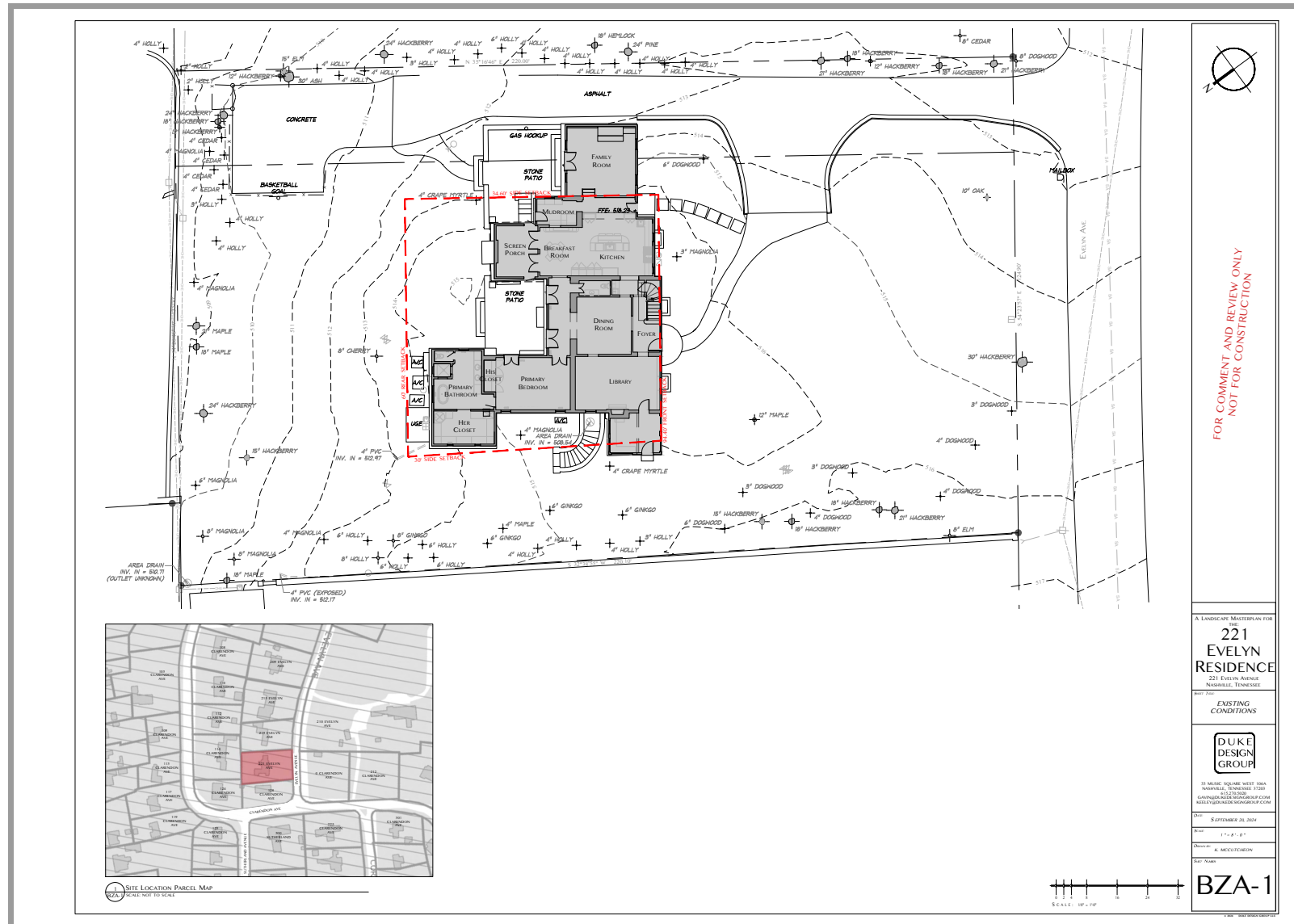
Granting a variance to build the proposed storage building outside of the side setback would be without detriment to the public good or impairing the intent of the zoning ordinance due to the unique circumstances of this lot considering the size, width, depth, and location of the existing house. The proposed structure would not be any closer to the East side neighboring property than the existing structure and would within the 60' rear setback for the lot.

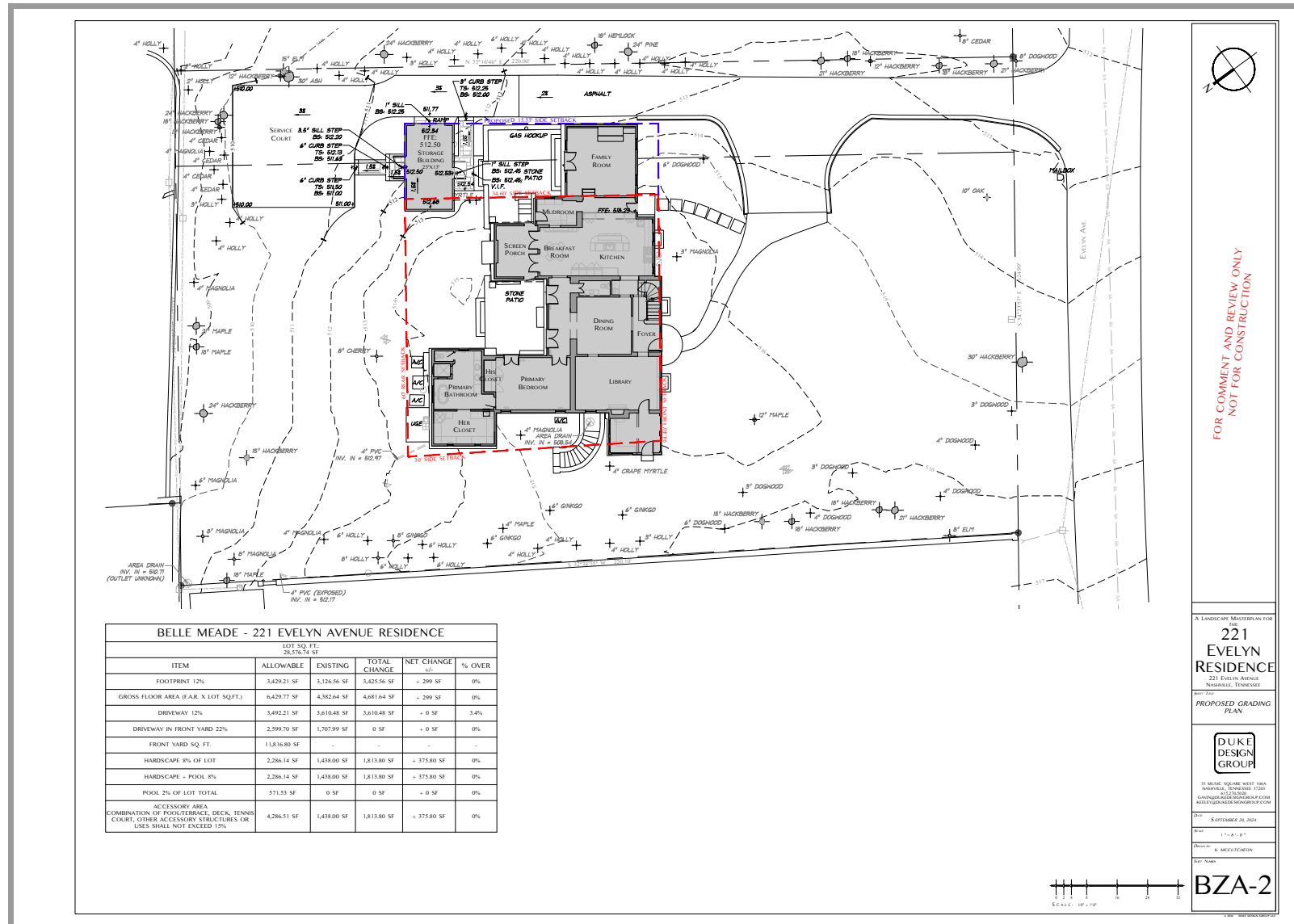
How would the resulting construction not be out of harmony with other homes in the neighborhood?

The proposed storage building would not extend past the edge of the existing house, which sits outside of the building envelope. Additionally, the proposed structure does not encroach on the 60' rear setback, nor does it exceed any of the allowable lot square footages, or the height restrictions for the 'Residence B' zoning district. Seeing as the proposed structure would be concealed by the existing house, therefore making it not visible from the street, this structure would not disturb the harmony of the other homes in the neighborhood.

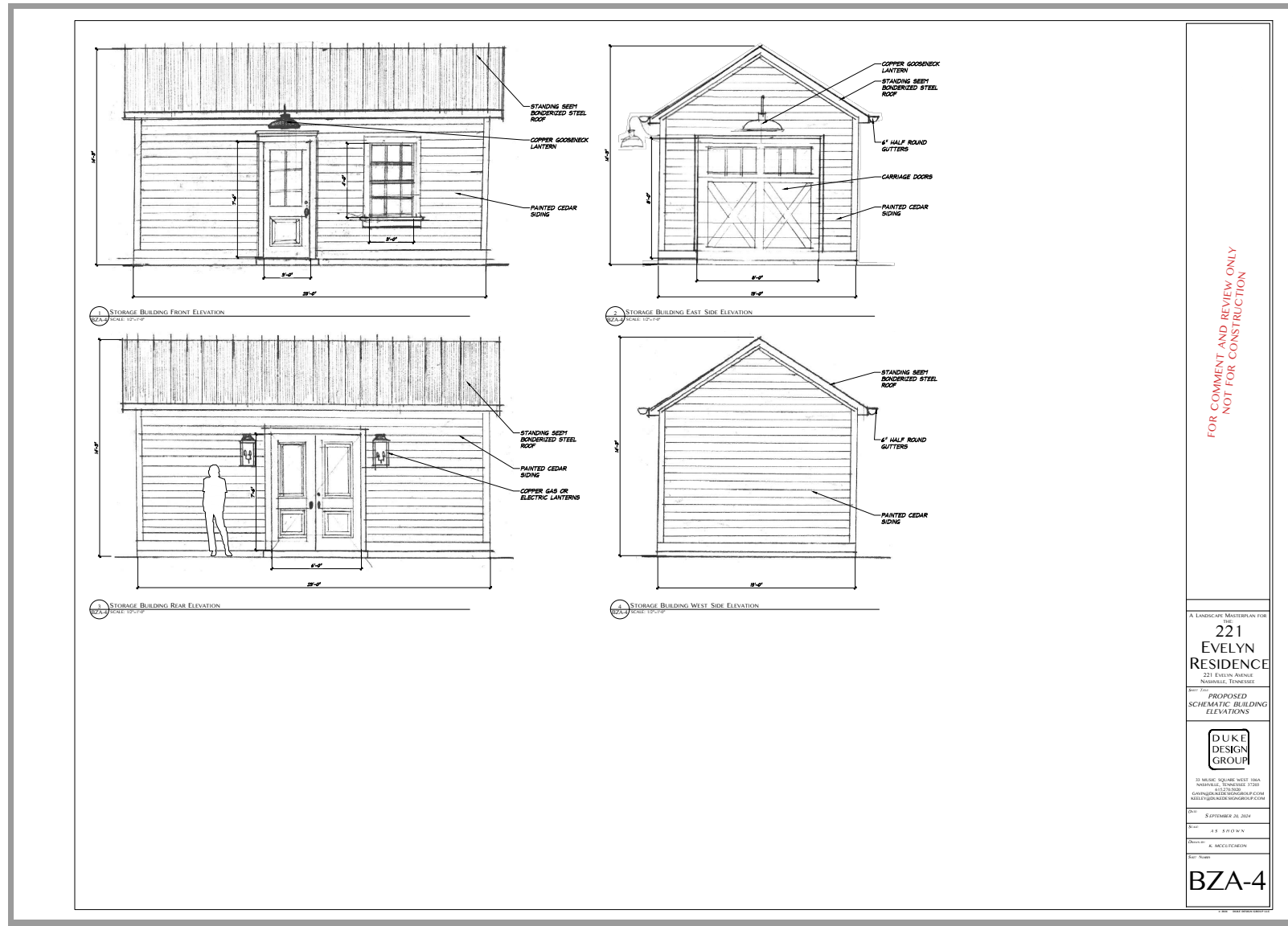
SIGNATURE: Gavin Duke (Owner/Agent) **DATE:** 09/19/2024

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









Staff Report

Agenda No.: IV.B.
Case No.: A24-0015
Staff: Mary Samaniego, Planning Director
Applicant: 221 Evelyn Avenue Trust
Request: Conditional use for a storage shed and a variance for the side yard setback.
Location: 221 Evelyn Avenue

Summary:

The applicants/property owners are requesting a conditional use approval for a storage shed and variance for the side yard setback. The specific request is to construct a storage building 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 0.65 acres (28,577 square feet).
2. The existing dwelling was constructed in 1930 and does not have a garage or any accessory structures.
3. Per Section 14-205(1)(c) of the Zoning Ordinance, the square footage of hardscape, which shall include the maximum swimming pool area, as compared to the lot size shall not exceed eight percent (8%) of the lot area. The allowable area of hardscape including the pool for the proposed lot is 2,286 square feet. The proposed area of the hardscape including the storage structure is 1,814 square feet.
4. 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.
5. The required side yard setback on the west property line is 35'. The existing residence is 15' from the side property line and the proposed storage structure is 15' from the side property line. New construction must meet required setback and are not automatically allowed to follow existing building encroachments.

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 14-208(4) and Table 2:

1. The grant of any conditional use permit shall be subject to such conditions and safeguards as the board may require for the protection of the character of the community, including but not limited to provisions for vegetative screening, controls on lighting, a finding by the board that the conditional use will not interfere substantially with the use and enjoyment of their property by adjacent owners and a finding that the proposed use also meets all specific standards for such use found in this chapter and in Appendices A-F. *There is a driveway between the location of the proposed storage structure and the side property line. There is no proposed planting plan or existing property line landscaping that would adequately screen the storage building from the adjoining properties.*
2. Storage sheds must be within the building envelope and included in hardscape calculations. *The proposed storage shed is 376 square feet and is outside the established building envelope because of the side yard encroachment (see attached Staff Analysis of Site Plan). Further, the shed is within the allowable hardscape maximums per the Zoning Ordinance.*

Findings of Fact and Staff Recommendation:

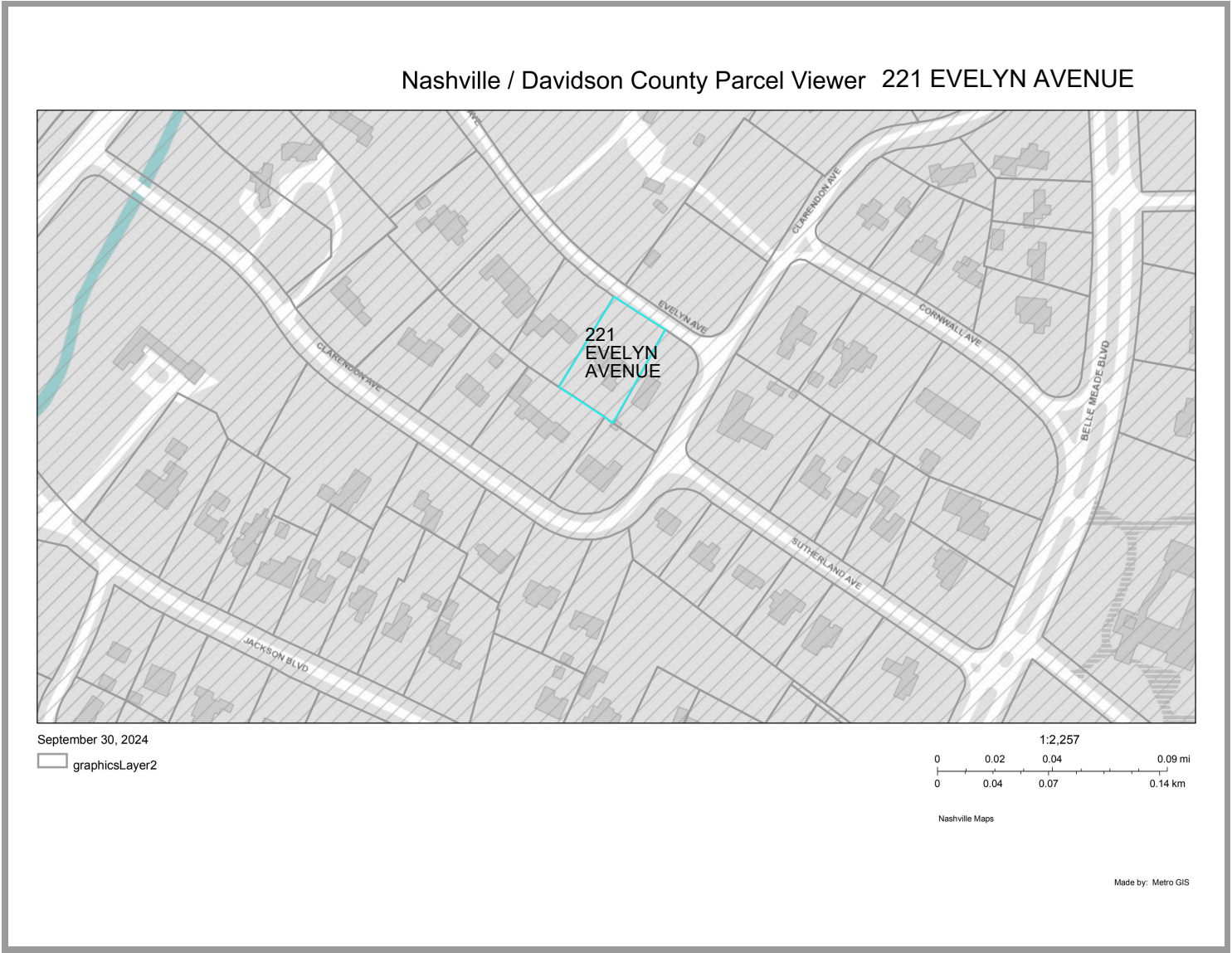
The standards of proof required for Variances are established in the Zoning Ordinance. The Board of Zoning Appeals has the authority to grant such variance as will not be contrary to the public interest and under the restrictions established with the Zoning Ordinance which states that if the property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

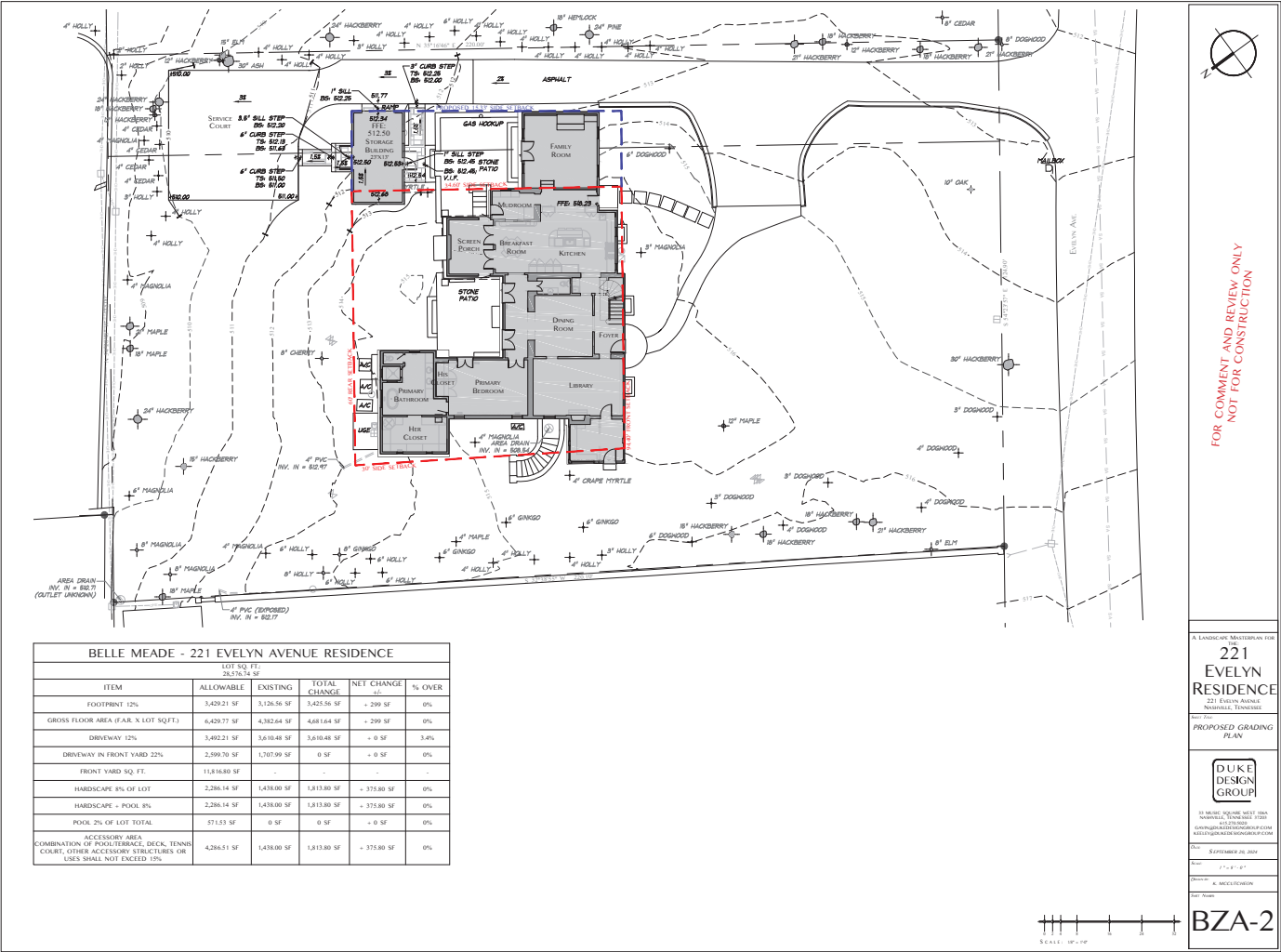
1. The variance shall be granted that will not be a detriment to the public good; *The applicant is proposing to exceed the maximum setbacks that were adopted in the Zoning Ordinance to benefit the public good. There are no unique features of this property that would warrant a variance approval.*
2. 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 setbacks is to limit the massing and scale of dwellings and structures 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 and structures ensures this development pattern of large, open yards. The proposed variance do not meet this intent as it provides a storage shed on a 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 and lot sizes are of similar scale to the proposed project. However, many 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. * Upon review of the site plan, there is adequate space within the building envelope to construct the building if it were moved 20' to the east.*

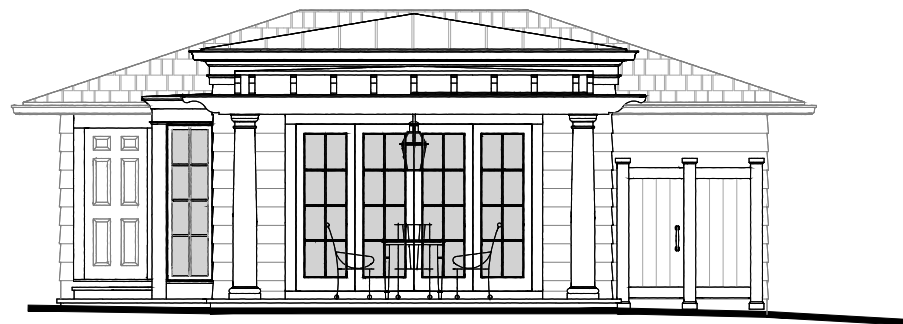
Staff recommends denial of the conditional use and variance based on the written findings of fact.

Attachments:

1. Location Map
2. Staff Analysis







4415 Harding Place
BZA Set 10-15-24





vicinity map

PAINE RESIDENCE POOL HOUSE
4415 HARDING PLACE
NASHVILLE
TENNESSEE

VICINITY MAP


FARRIS
concepts in
ARCHITECTURE
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C.1-0

DATE: 09-20-24
DRAWN BY:
REVISIONS:



overhead context

Paine Residence Pool House
4415 Harding Place
Nashville, Tennessee

OVERHEAD CONTEXT

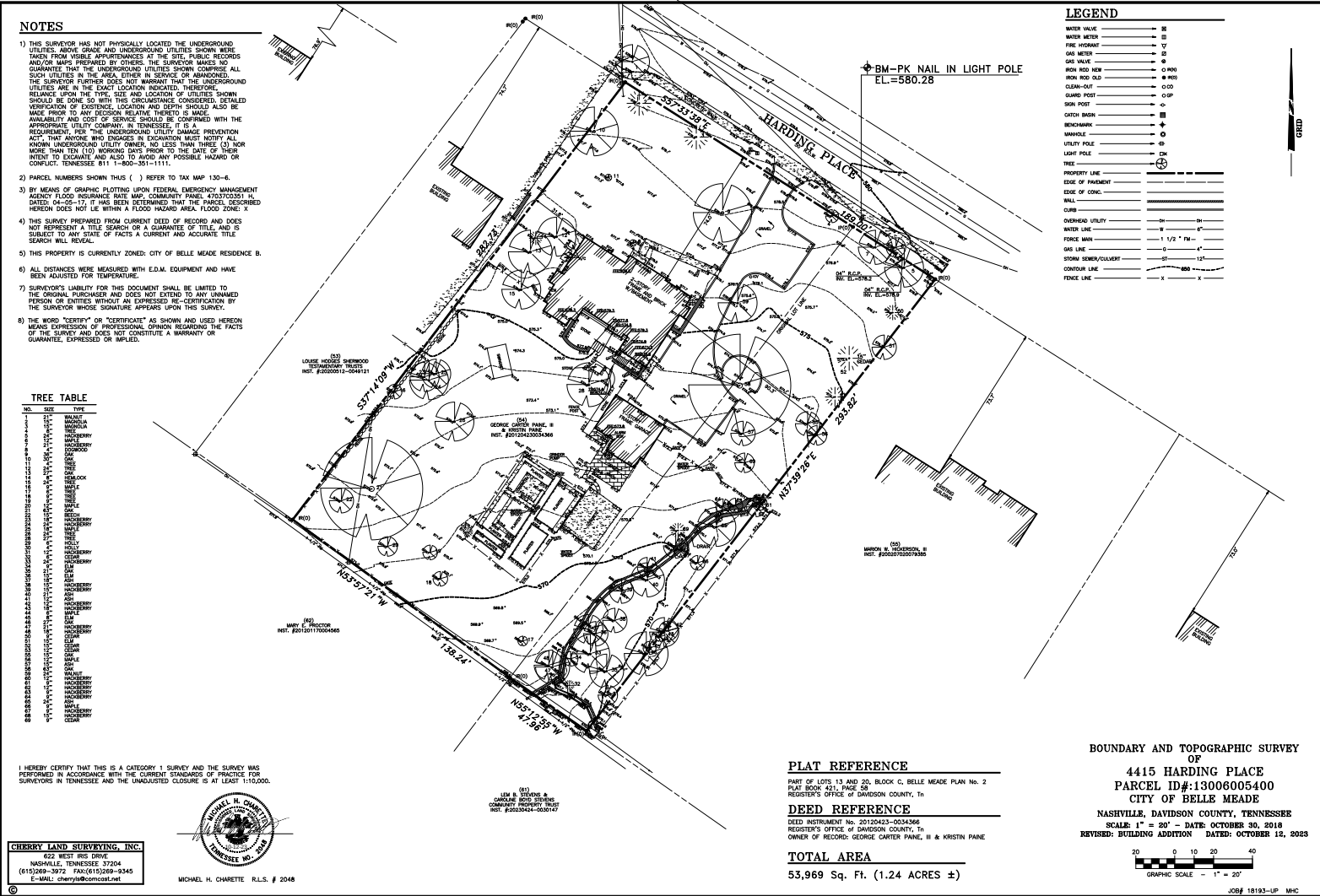
BZA SET
10-15-24

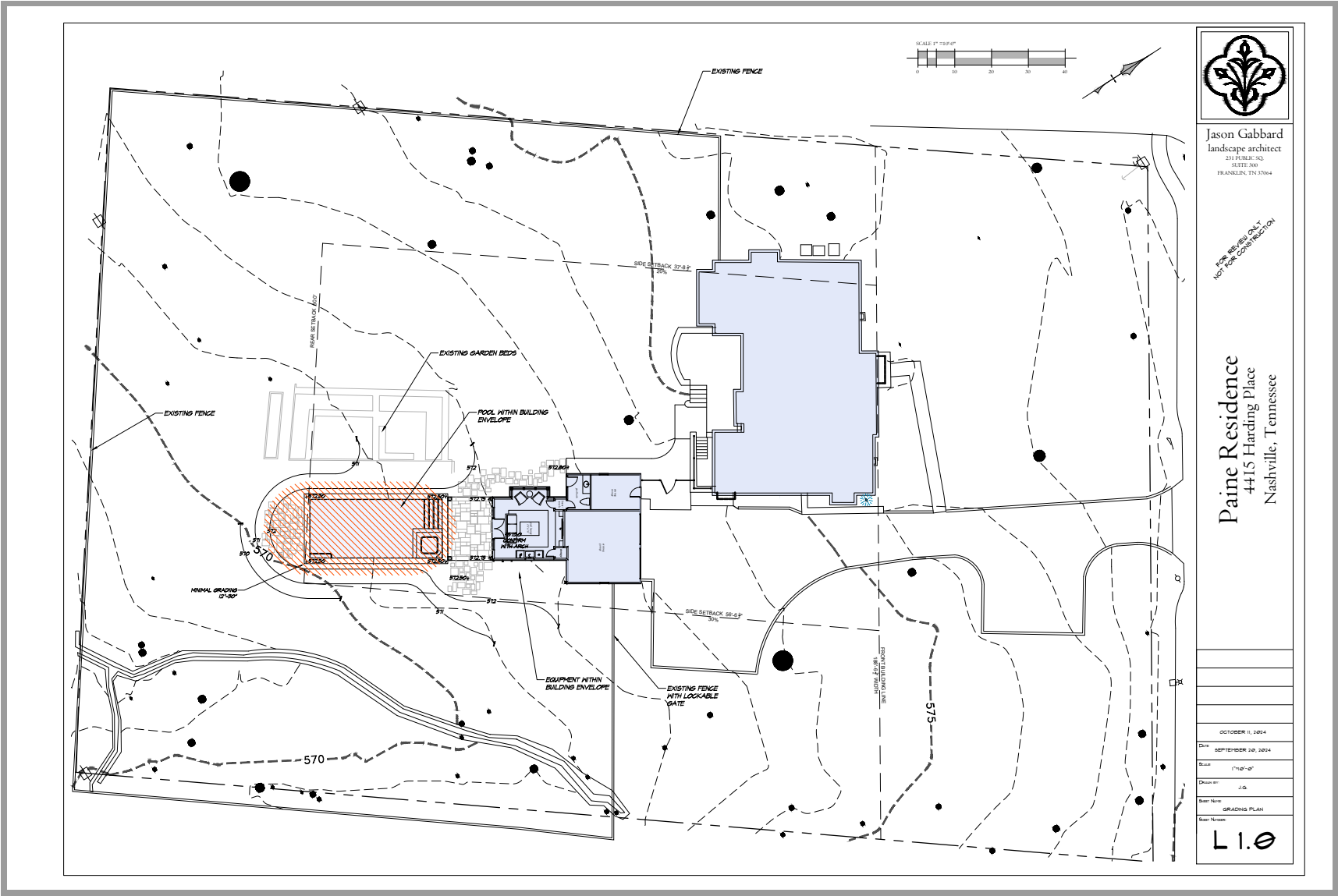


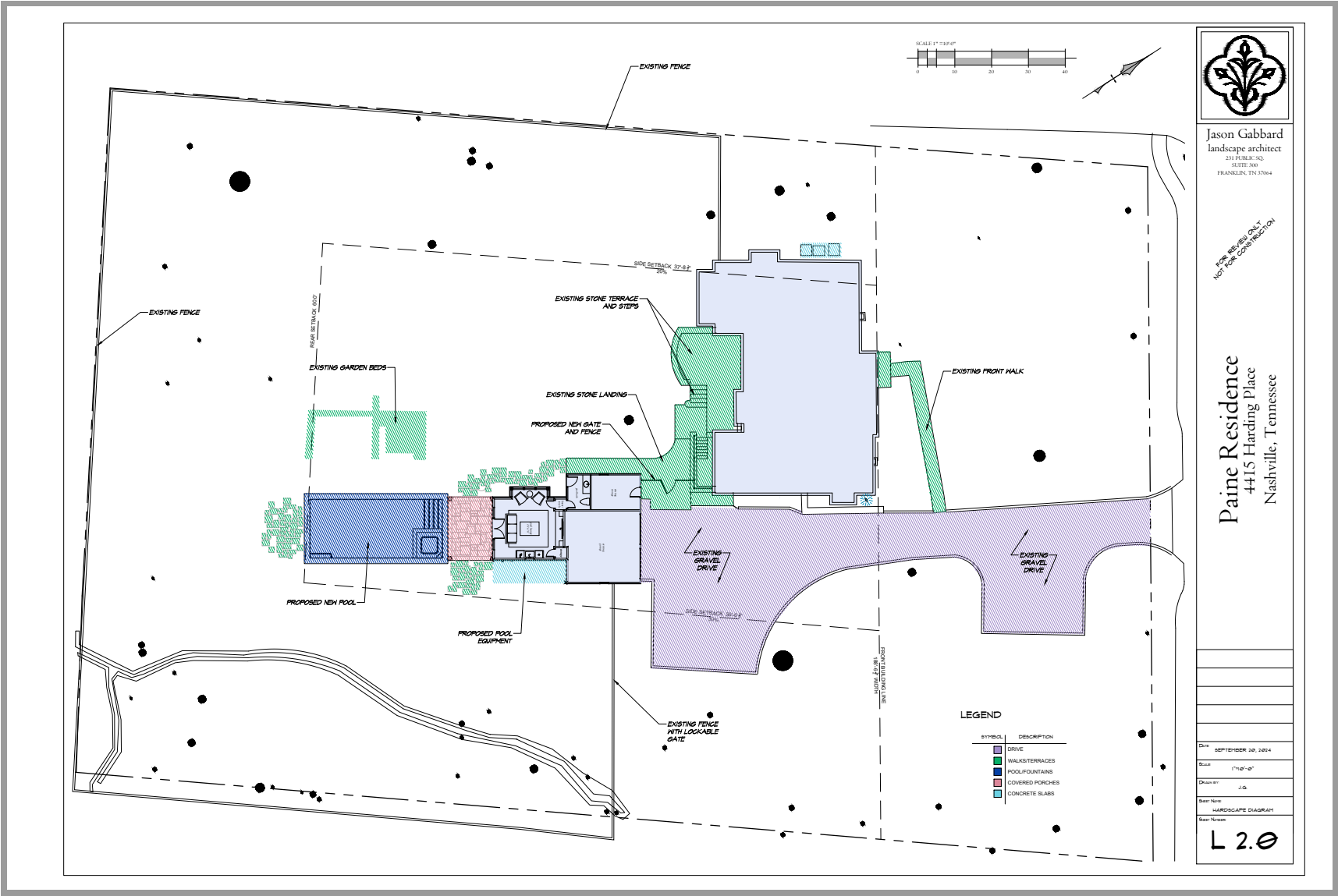
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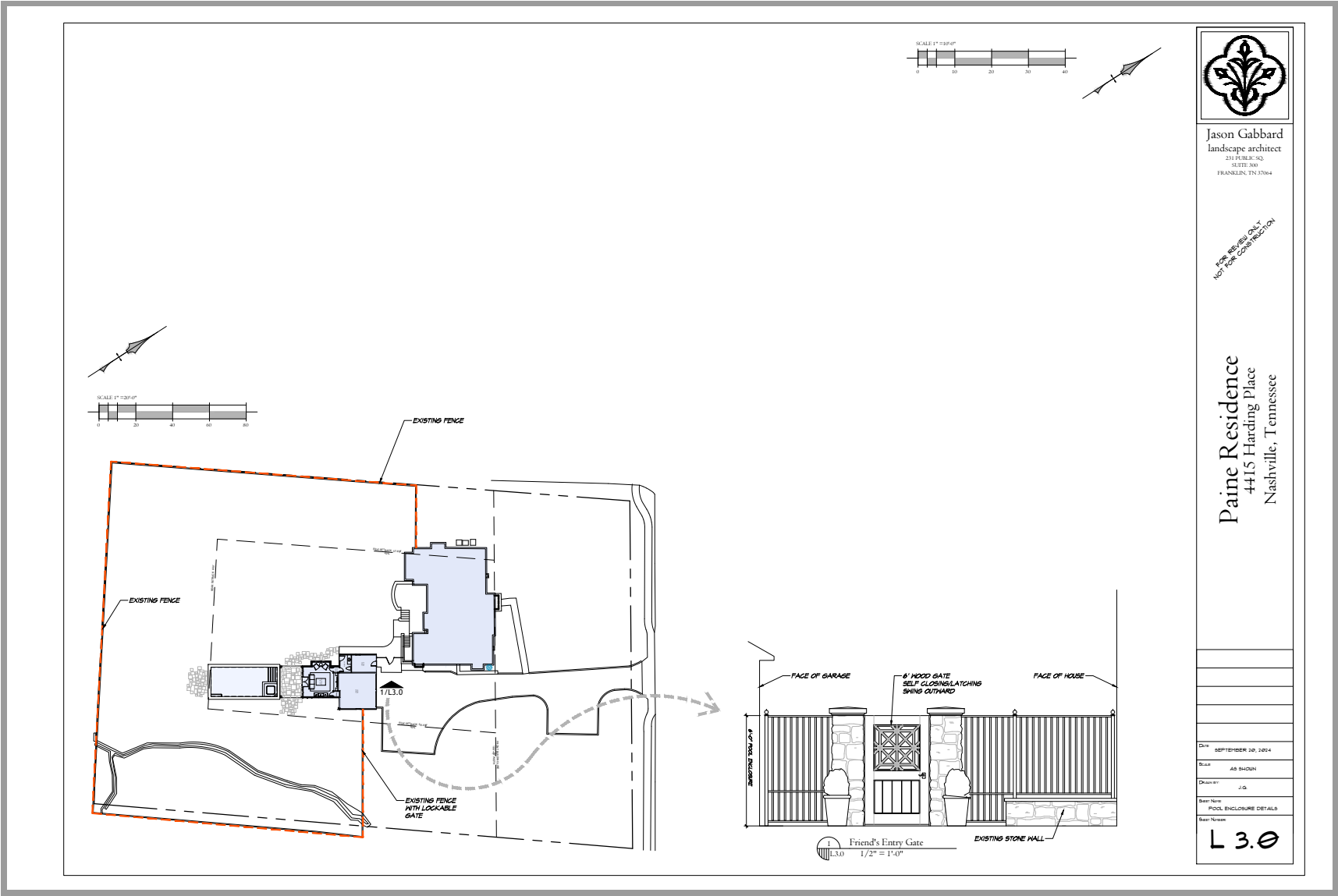
C.1-1

DATE: 09-20-24
DRAWN BY:
REVISIONS:

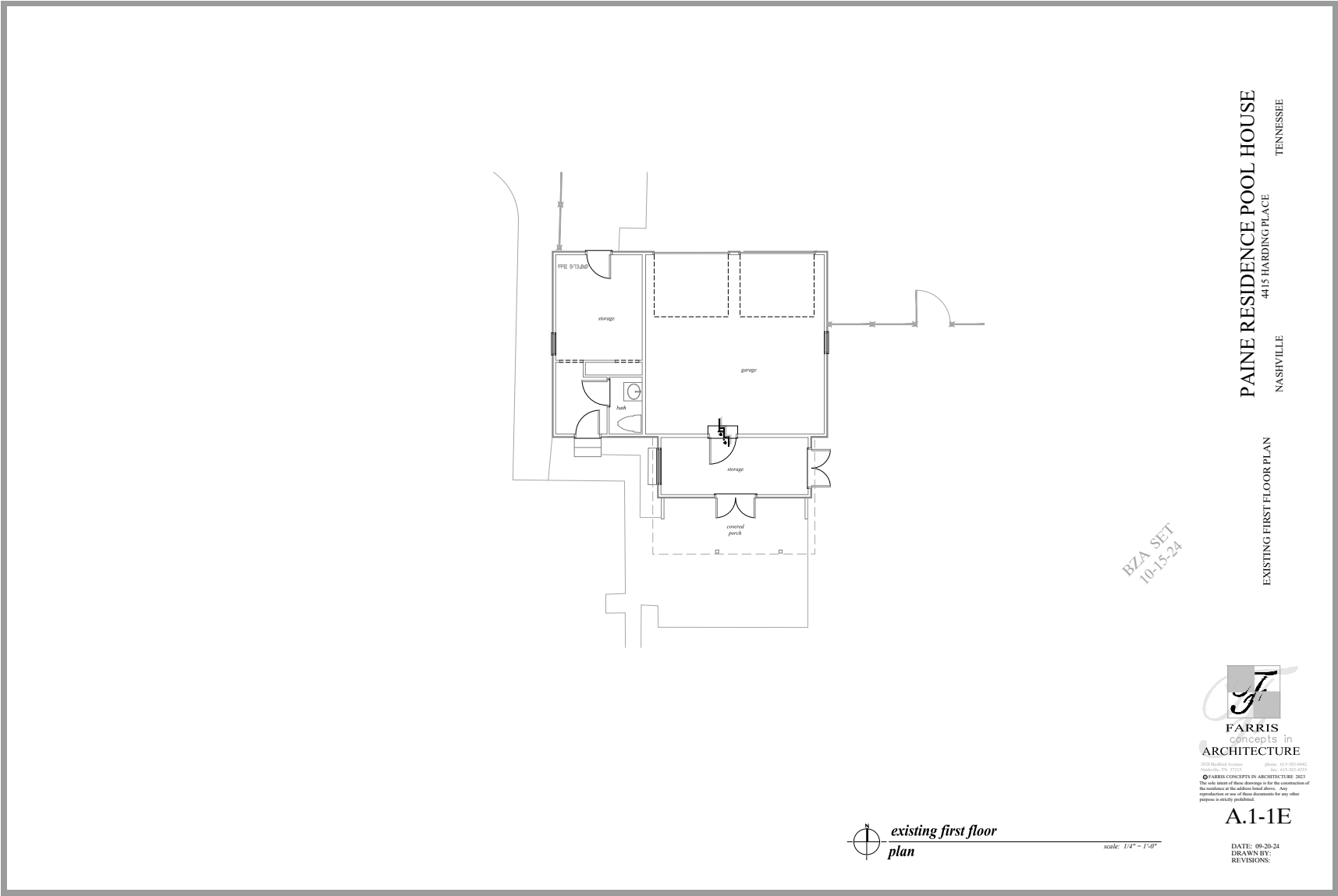


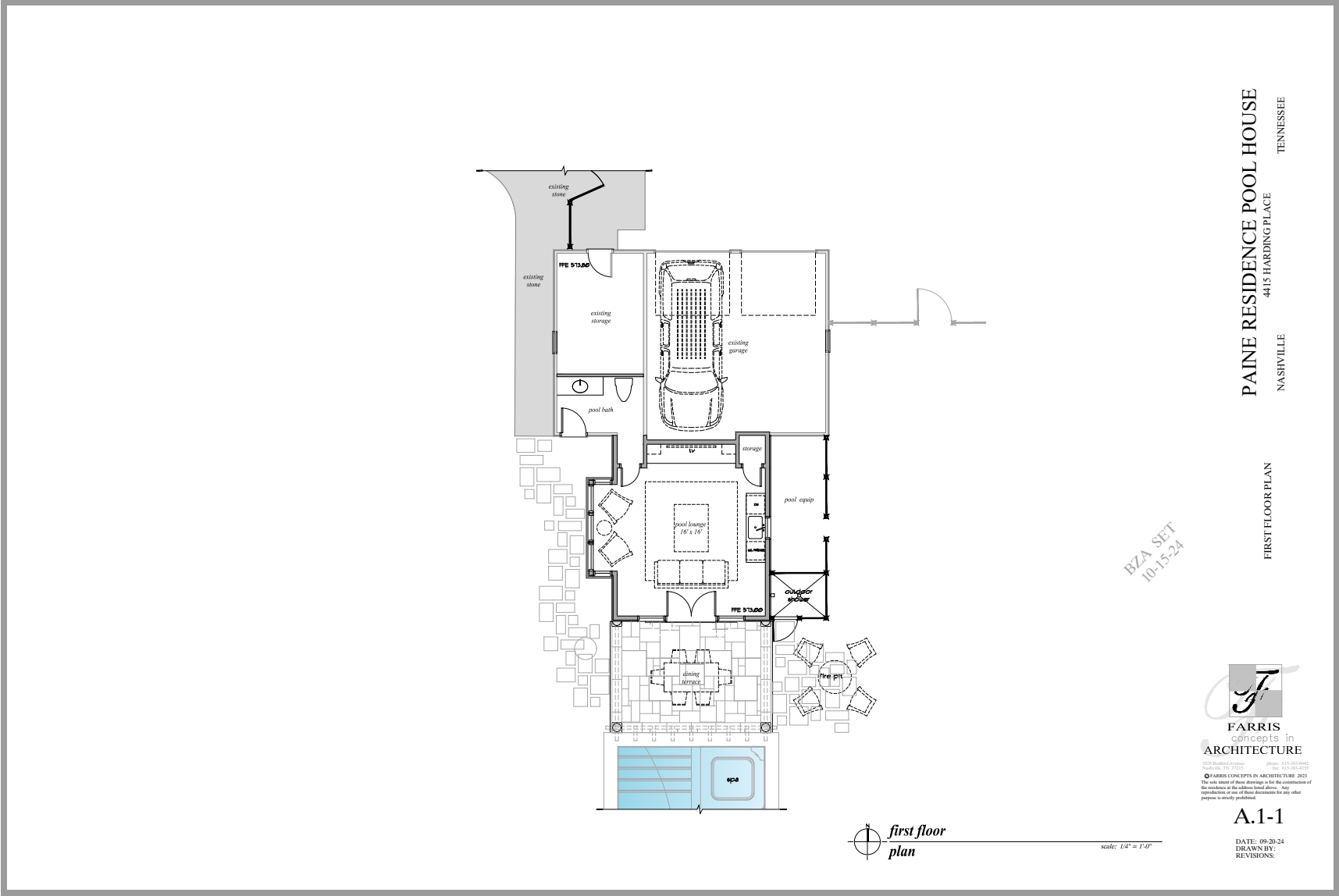


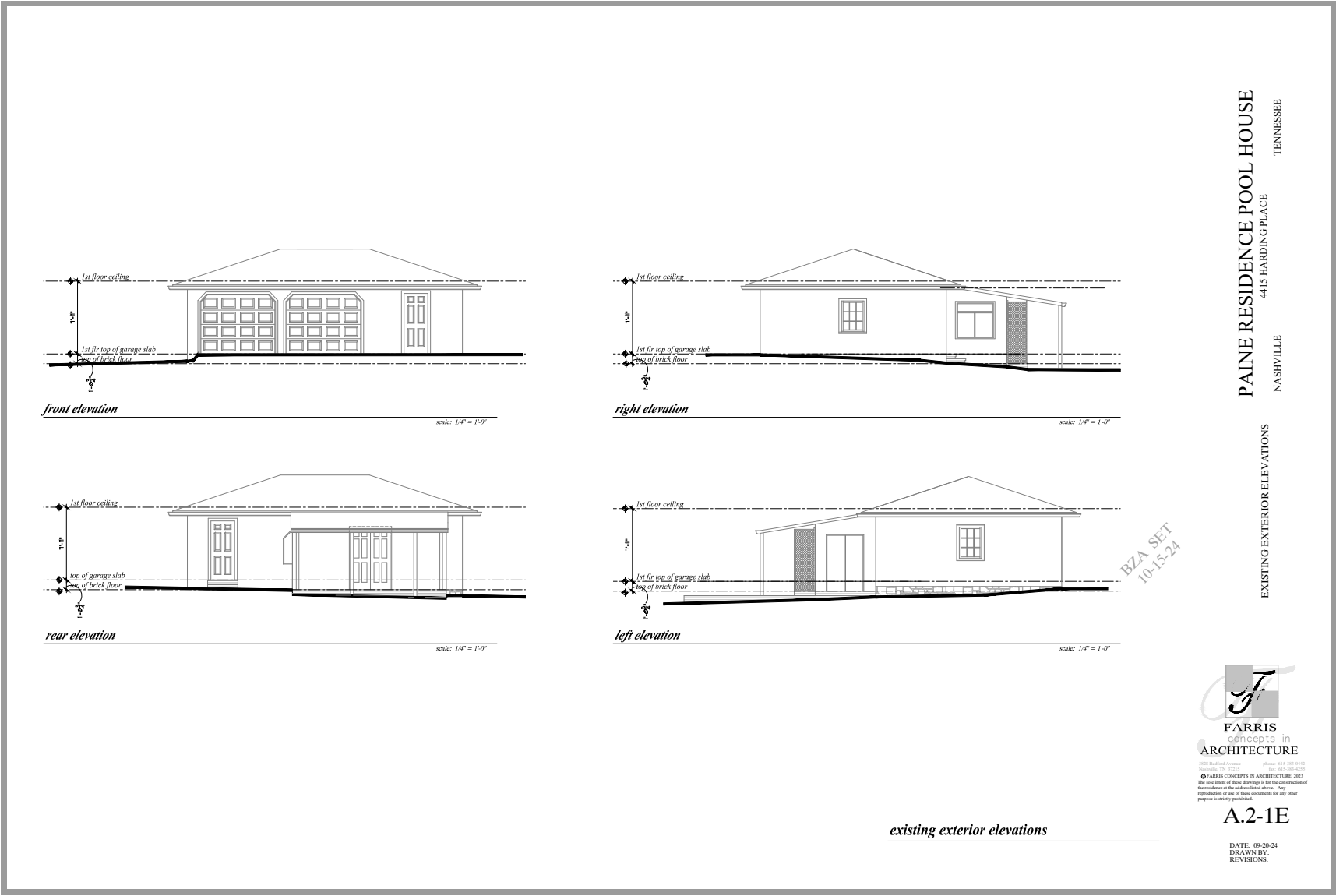


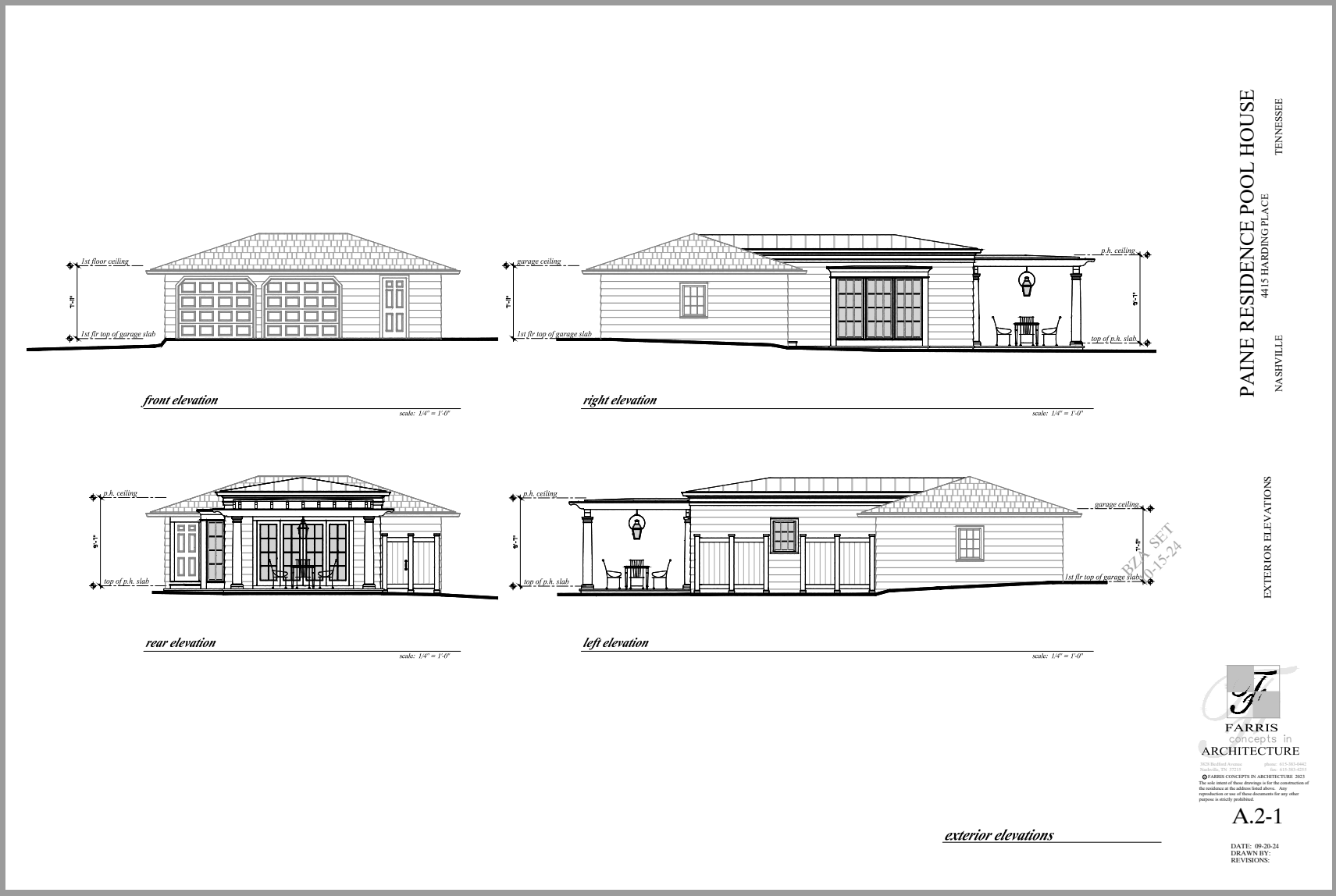














front elevation



right elevation



rear elevation



left elevation

existing garage imagery

Paine Residence Pool House
4415 Harding Place
Nashville, Tennessee

EXISTING GARAGE IMAGERY



1025 Bedford Avenue
Nashville, TN 37211
Phone: 615-262-0422
Fax: 615-262-0423
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A.2-2

DATE: 09-20-24
DRAWN BY:
REVISIONS:



CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS

APPEAL # _____ **APPEAL FEE:** \$500.00

APPLICANT (Owner's Name) Carter & Kristin Paine **PHONE #** 615-383-0442

APPLICANT EMAIL ADDRESS ron@farrisarchitecture.com

PROPERTY ADDRESS: 4415 Harding Place

REQUEST: **VARIANCE** ☒ **CONDITIONAL USE** ☒

REASON FOR REQUEST: Existing fence in other than allowable location with added portion to enclose,
new swimming pool, pool house / cabana attached to rear of detached garage
within allowable setbacks.

PROJECT CALCULATIONS

LOT SQ. FT: 53,969 sqft	ALLOWABLE	EXISTING	PROPOSED	% OVER
FOOTPRINT AREA	6476	3291	3677	0
GROSS FLOOR AREA (F.A.R. X LOT SQ. FT.)	10578	5262	5607	0
FRONT YARD AREA		13971		
TOTAL DRIVEWAY AREA	6476	3580	n/a	
DRIVEWAY IN FRONT YARD AREA	3073	1567	n/a	
HARDSCAPE AREA	4317	2154	2464	0
POOL AREA	1079	0	741	0
F.A.R. = LOTS <40,000 sq. ft. x .225 = LOTS > 40,000 sq. ft. x .196 = 53,969 x .196 = 10,578				

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 the existing architectural footprint of the main house and garage, a new fence/gate location is shown to complete the pool area enclosure in a most discreet way.

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?

As written 14-204 section 1(g)(ii) the code would require the pool fence location to be parallel to the front lot line which would cause the fence to cross over the existing drive/motorcourt causing the existing garage and backup space to be unusable.

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 new pool fence/gate is located at the rear corner of the house and is discreetly connected to the garage.

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

The pool, pool house / cabana, and new fence/gate are located to the rear of the property, behind the house, and with adequate screen planting at the street and property lines.

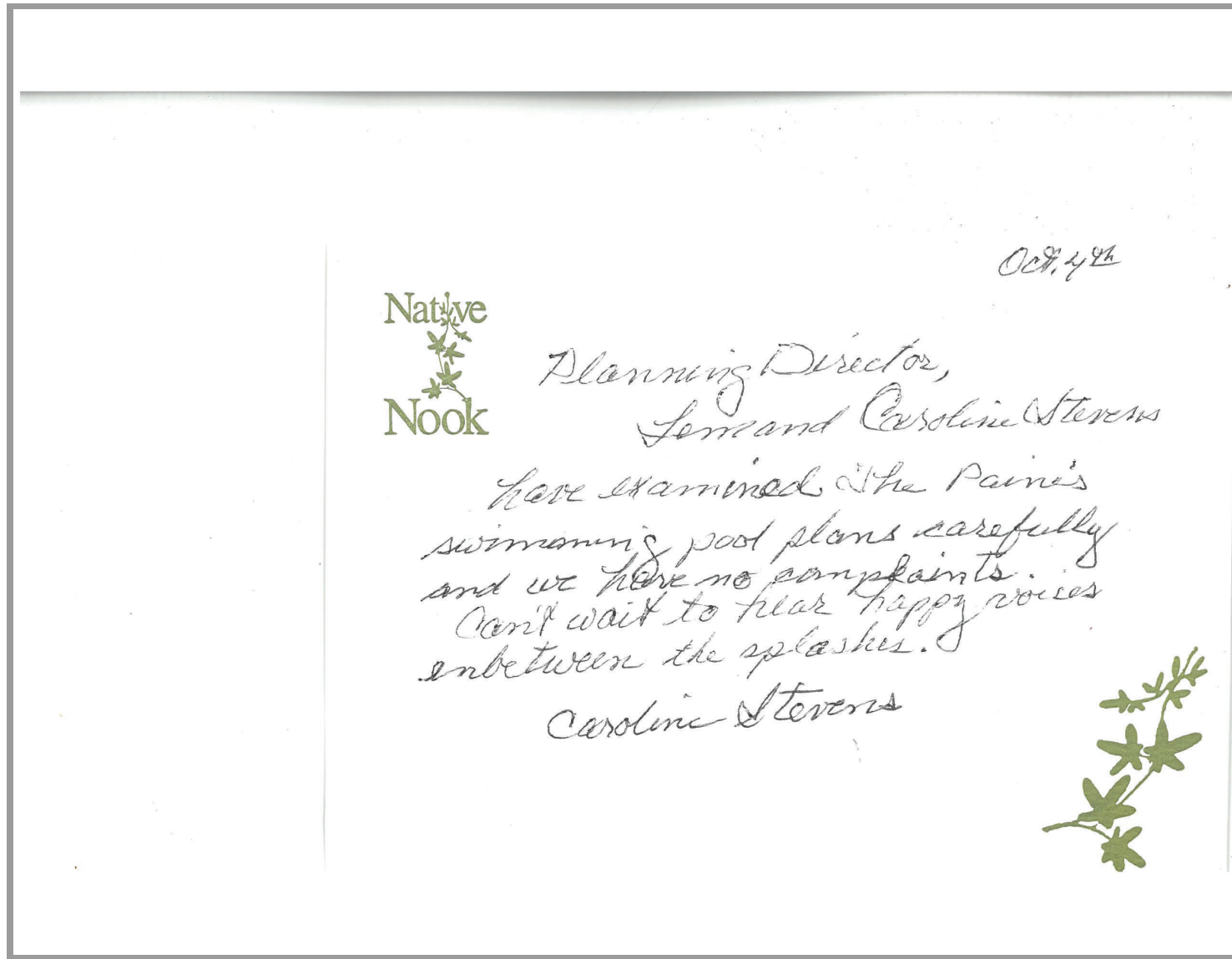
SIGNATURE: _____ (Owner/Agent) **DATE:** _____

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

From: [Mary](#)
To: [Mary Samaniego](#)
Subject: 4415 Harding Place
Date: Tuesday, September 24, 2024 11:50:47 AM

We live at 4426 Warner Place directly behind 4415 Harding Pl.
Kristin and Carter Paine live on Harding Place and have submitted plans for a pool and an addition to their garage.
Every change they have made to their hundred year-old house has been in perfect keeping with the style of the existing structure. The changes they want for the garage only enhance the property and create an attractive compliment to the home. We think both the pool and addition will ensure that this is a
“Forever” home for the Paines, and we look forward to hearing the “cannon-balls” in the pool.
Bama & Peeps, Mary & David Proctor

Sent from my iPhone



Staff Report

Agenda No.: IV.C.

Case No.: A24-0016

Staff: Mary Samaniego, Planning Director

Applicant: Carter and Kristin Paine

Request: Approval of a conditional use for a Swimming Pool and Pool house

Location: 4415 Harding Place

Summary:

The applicant/property owner is requesting a Conditional Use for the construction of a swimming pool and pool house. The existing residence was constructed in 1916 by architect Thomas W. Gardner. There is an existing detached garage within the rear yard.

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 1.23 acres (53,969 square feet) and the existing residence is 5,175 square feet in size.
2. Per Section 14-205(1)(d) 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 1,079 square feet. The proposed area of water in the swimming pool is 741 square feet.
3. Per Section 14-205(1)(c) of the Zoning Ordinance, the square footage of hardscape, which shall include the maximum swimming pool area, as compared to the lot size shall not exceed eight percent (8%) of the lot area. The allowable area of hardscape including the pool for the proposed lot is 4,317 square feet. The proposed area of the hardscape including the pool is 2,669 square feet.
4. According to Table 2 of the new Zoning Ordinance, pool houses are included in overall footprint calculations. Per Section 14-205(1)(b)(i) of the Zoning Ordinance, the square footage of footprint shall not exceed twelve percent (12%) of the lot area. The allowable footprint for the proposed lot is 6,476 square feet. The existing residence and detached garage has a building footprint of 3,204 square feet. The proposed footprint (with pool house) is 3,468 square feet.
5. According to Table 2 of the new Zoning Ordinance, pool houses are included in overall gross floor area calculations. Per Section 14-205(1)(b)(ii)(A) of the Zoning Ordinance, the allowable Floor Area Ratio (FAR) for the Residence B zoning district and over 40,000 square feet in area is .20. For the subject property, the allowable area per the FAR equation is 10,794 square feet. The existing residence and detached garage has a building area of 5,175 square feet and the proposed gross floor area (including garage) is 5,402.

6. The proposed pool house is 464 square feet and is entirely within the established building envelope (see attached Staff Analysis of Site Plan).

Findings of Fact and Staff Recommendation:

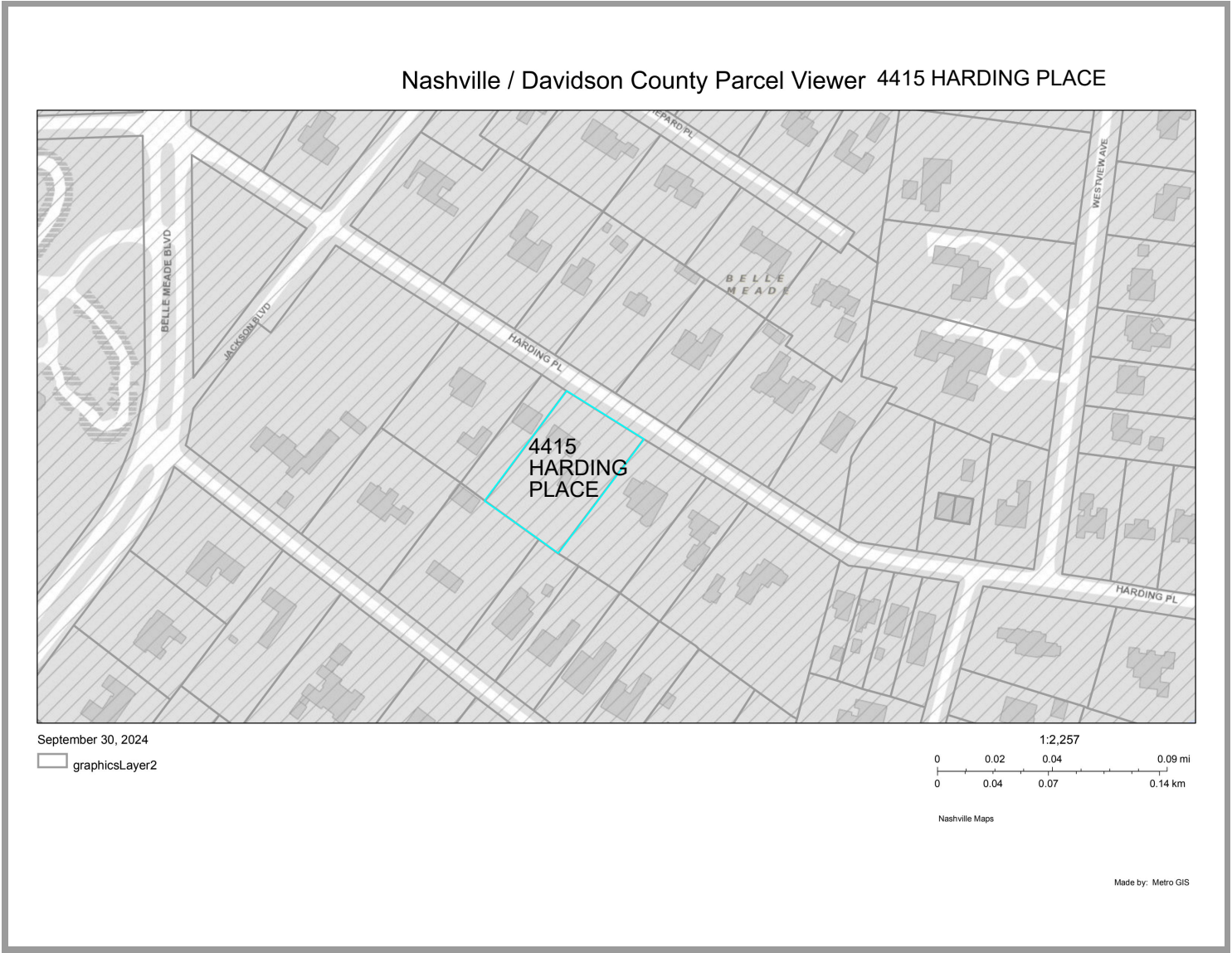
The standards of proof required for each individual Conditional Use are established in the Zoning Ordinance. The Board of Zoning Appeals shall have power and authority to authorize the issuance of permits for Conditional Use in the following findings of fact for the particular use and/or structure per Section 14-208(4) and Table 2:

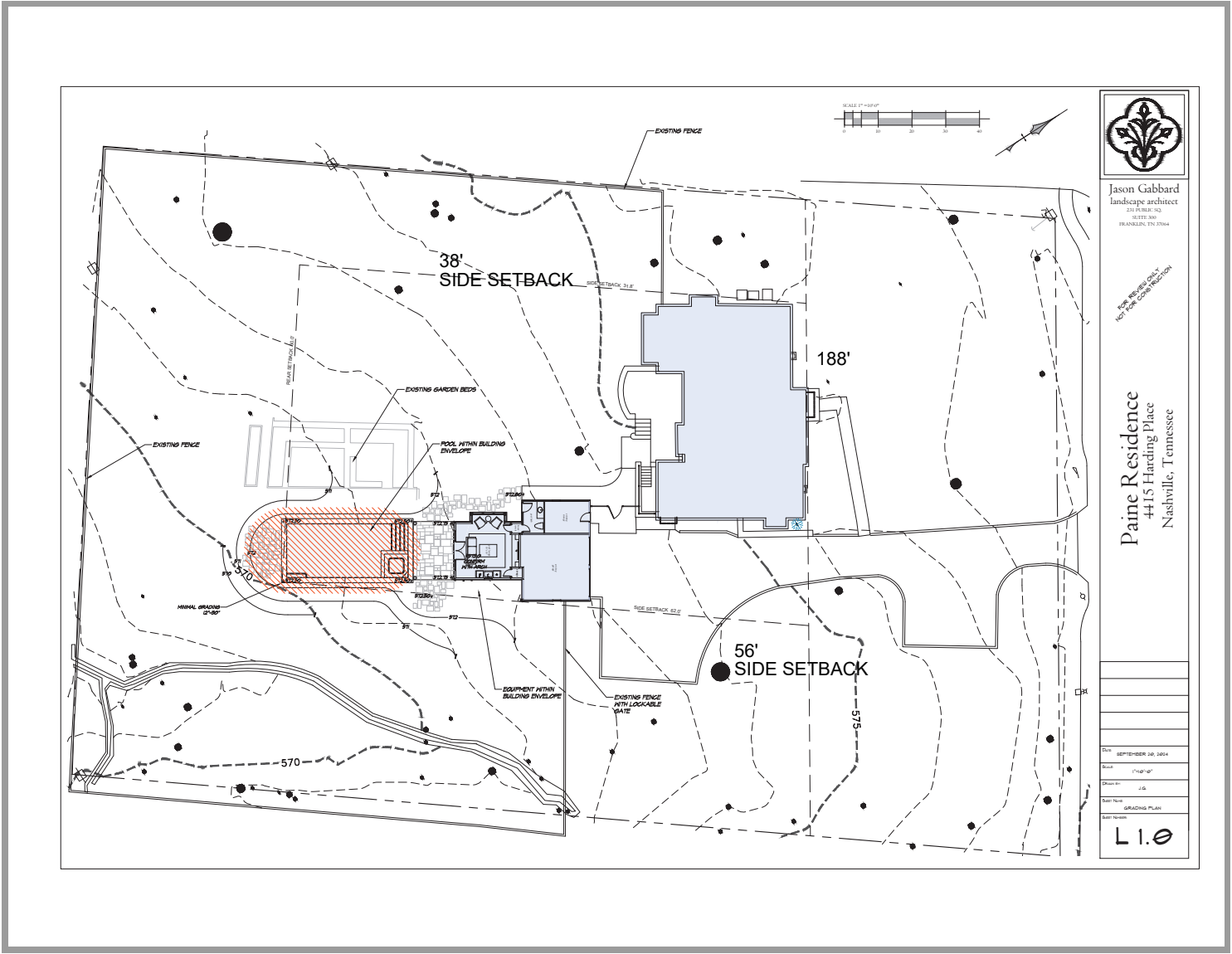
1. The grant of any conditional use permit shall be subject to such conditions and safeguards as the board may require for the protection of the character of the community, including but not limited to provisions for vegetative screening, controls on lighting, a finding by the board that the conditional use will not interfere substantially with the use and enjoyment of their property by adjacent owners and a finding that the proposed use also meets all specific standards for such use found in this chapter and in Appendices A-F. *The proposed planting plan as well as existing property line trees should adequately screen the swimming pool and pool house improvements from the adjoining properties.*
2. Pool houses must be within the building envelope and included in footprint and gross floor area calculations. *The proposed pool house is 464 square feet and is entirely within the established building envelope (see attached Staff Analysis of Site Plan). Further, the pool house footprint and gross floor area are within the allowable maximums per the Zoning Ordinance.*
3. Swimming pools must be within the building envelope and included in hardscape calculations. Also, swimming pools must be enclosed by a fence or wall not less than six feet (6') in height above the exterior adjoining grade. *The proposed swimming pool is 741 square feet and is entirely within the established building envelope (see attached Staff Analysis of Site Plan). Further, the swimming pool area is within the allowable hardscape maximums per the Zoning Ordinance.*

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

Attachments:

1. Location Map
2. Staff Analysis





**CITY OF BELLE MEADE BOARD OF ZONING APPEALS
RULES OF ORDER AND PROCEDURE**

I. PURPOSE AND AUTHORITY

To establish procedures under which the board of zoning appeals, hereinafter referenced to as the Board, shall execute those duties and functions authorized in Sections 13-7-201 to 207 of the Tennessee Code Annotated and set forth in the Section 14-206 of the Zoning Code.

II. MEMBERS, OFFICERS AND DUTIES

- A. Chair. A chair shall be appointed by the Mayor for a two-year term and shall be eligible for re-election. The chair shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time.
- B. Vice Chair. A vice-chair shall be elected for a two-year term and shall be eligible for re-election. He/she shall serve as acting chair in the absence of the chair, and at such times he/she shall have the same powers and duties as the chair.
- C. Elections. Election of officers shall be in September and the terms of officers shall begin upon election.
- D. Manner of Voting. The voting on all questions coming before the board shall be entered into the minutes reflecting the ayes and noes unless it is unanimous. A majority of the total members of the board shall constitute a quorum for the transaction of its business. A majority vote of four (4) of those members present and constituting a quorum shall constitute final action of the board on any matter before it.
- E. Conduct. Board members shall not discuss an application with any parties prior to the board's deliberations on such application. Members may seek and/or receive information pertaining to the application from its staff or legal counsel prior to the hearing.

III. ETHICAL STANDARDS

- A. Conflict of interest. Any member who has a *financial* interest in any property that is the subject matter of a decision of the board is disqualified from participating in the discussion, decision, and/or proceedings of the Board in connection with that property. The board member shall disclose the interest prior to any hearing on the matter.

- B. *Ex Parte* Communications. Members shall not have *ex parte* contact with anyone regarding any application for preservation permit related to any building or other permit in any historic district. If inadvertent contact does occur on such applications, the member of the board shall report on that contact in full to the Board prior to any action on the matter.

IV. STAFF

- A. Staff functions shall be performed by the City Planning Director.
- B. The Planning Director shall prepare agendas and minutes, provide comments or recommendations regarding applications before the Board, and perform other administrative activities as may be necessary or directed by the board.

V. MEETINGS

- A. Regular. Regular meetings shall be the third Tuesday of every month at 5:00 p.m. at Belle Meade City Hall unless otherwise announced.
- B. Called. Special meetings may be called as necessary on the request of a majority of the board members; or in the chair's discretion. In the case of special meetings, the time limits for submittal and notice shall be the same as those for regular meetings.
- C. Site Visits. Boarders may independently visit the site of any application for preservation permit scheduled to come before them, but should not discuss the project, outside of the public hearing.
- D. Cancellation. When there is no business for the board, the Planning Director may dispense with a regular meeting by giving notice to all members and the public not less than 24 hours prior to the time set for the meeting.
- E. Conduct of meetings. All meetings shall be open to the public. The order of business at regular meetings shall be as follow:
 - 1. Call to order
 - 2. Correction and approval of minutes
 - 3. Old business.
 - 4. New business.
 - a. Applicant presentations and response to Board
 - b. Comments by members of the public

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- c. Applicant rebuttal
- d. Staff presentation
- e. Board discussion and vote, which shall be governed by Roberts Rules of Order

5. Other

6. Adjourn

- G. Deferrals. The applicant may request, and the board may grant, up to two deferrals. Any request for a deferral after the second deferral shall be treated as a withdrawal.
- H. Withdrawals. An applicant may withdraw their application once, without prejudice, at any time prior to the public hearing on the case. A public hearing is deemed to have begun after any opening remarks requiring evidence have been made by the applicant. If a second application is withdrawn, the Board will not accept a new application, the same or similar, by anyone relating to the same property for six months from the date of the requested referral.

VI. AMENDMENTS

Rules of Order and Procedure may be amended at a regular or called meeting of the board by no amendment shall be adopted unless at least five days' written notice thereof has been previously given to all members of the board.

VII. INTERPRETATION OF RULES

The board is the final authority as to the meaning of these rules. From time to time, the board may make an exception to these rules for extraordinary cases, setting out the reasons thereof.

Adopted: _____
Chairman Date