



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



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

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

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

I.Call to Order

II.Approval of Minutes

The minutes of the Board of Zoning Appeals held October 15, 2024.

Attachment: [BZA Minutes October 15 2024.pdf](#)

III.Unfinished Business

A.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. WITHDRAWN

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](#)
Attachment: [221 Evelyn Avenue November BZA Withdrawal .pdf](#)

IV.New Business

A.The application of Chandelier Development Inc., #A24-0018, 105 Bellevue Drive S, for a conditional use for a swimming pool.

Attachment: [105 Bellevue - BZA Application - Pool.PDF](#)
Attachment: [SITE PLAN.pdf](#)
Attachment: [STAFF REPORT 105 Bellevue Drive.pdf](#)
Attachment: [RHODES COMMENTS.pdf](#)

B.The application of Robert and Rebecca Collins, #A24-0019, 205 Jackson Boulevard, a variance for the side yard setback for a generator.

Attachment: [BZA variance application.pdf](#)
Attachment: [Site Plan.pdf](#)
Attachment: [STAFF REPORT 205 Jackson Blvd.pdf](#)
Attachment: [JACOBS COMMENT.pdf](#)

C.The application of Richard and Lauren Jacques, #A24-0020, 911 Westview Avenue, a variance for the front yard setbacks and maximum allowable footprint.

Attachment: [BZA-Application-2024.pdf](#)
Attachment: [911 Westview Site Images.pdf](#)

Attachment: [Jacques Front setback survey-5.pdf](#)

Attachment: [SP1.pdf](#)

Attachment: [STAFF REPORT 911 Westivew Ave.pdf](#)

Attachment: [TIDWELL COMMENTS.pdf](#)

Attachment: [PHIPPS COMMENTS.pdf](#)

Attachment: [Sellers Letter.pdf](#)

Attachment: [DeBona Letter.pdf](#)

Attachment: [CLINE COMMENTS.pdf](#)

Attachment: [INMAN COMMENTS.pdf](#)

Attachment: [BRIGHT COMMENTS.pdf](#)

V.Other Public Comment

VI.Adjourn

The next regularly scheduled meeting of the Board of Zoning Appeals will be held December 17, 2024 at 5:00 P.M. at Belle Meade City Hall, 4705 Harding Pike, Nashville, TN.



MINUTES
BOARD OF ZONING APPEALS – REGULAR MEETING
OCTOBER 15, 2024, 5:00 PM
BELLE MEADE CITY HALL, 4705 HARDING PIKE

Call to Order

Chairman Chris Tardio Called the meeting to order at 5:01 p.m.

Board Members Present

Chairman Chris Tardio

Ron Farris

Johnny Phipps

Marissa Russ

Erick Clifford joined the meeting at 5:03 p.m.

Board Members Not Present

Charlie Atwood

Carter Dawson

City Staff Present

Planning Director Mary Samaniego

City Recorder Rusty Terry

City Attorney Doug Berry

Chairman Tardio asked if there were any conflicts of interest; board member Ron Farris stated that he had a conflict with item C under New Business.

Approval of Minutes

The minutes of the Board of Zoning Appeals held September 17, 2024.

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

Unfinished Business

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.

Tommy Brown, owner of 211 Scotland Place, stated since the original plan was approved that the code had changed affecting the detached garage and rear setback.

Chairman Tardio asked Planning Director Mary Samaniego to review what was still at issue.

Planning Director Samaniego reviewed the variances as submitted on the application: allowable driveway, maximum footprint and rear yard setback.

Chairman Tardio asked Brown to review the three issues.

Brown reviewed each of the requests, noting that all the variance requests hinged on the location of the detached garage.

Public Comment Opened

No Public Comment

Public Comment Closed

Motion to approve: Tardio Second: Farris

A board discussion ensued.

Vote: Clifford aye, Chairman Tardio aye, Russ aye, Farris aye, Phipps aye

New Business

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

Sarah Roth, Head of School for Kehilla High School at The Temple, reviewed the plan for school growth and requesting approval for the expansion over the initial number that had been requested.

Chairman Tardio asked if the number of rooms, buildings, space were changing with 18 students instead of 8. Roth stated they were using a few more rooms. Tardio asked if parking was changing, and she said it did not change anything.

There were no additional questions from the board.

Public Comment Opened

No Public Comment

Public Comment Closed

Motion to approve: Clifford Second: Farris

Vote: Clifford aye, Tardio aye, Russ aye, Farris aye, Phipps aye

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.

Gavin Duke, Landscape Architect Duke Design Group, representing 221 Evelyn Avenue Trust, reviewed the plans as submitted for the storage shed and side yard setback variance requests.

Chairman Tardio asked if the shed would need to be approved even if it were located within the building envelope.

Planning Director Samaniego stated that yes it would need approval from the board.

A period of questions from the board ensued, which were addressed by Duke.

Public Comment Opened

No Public Comment

Public Comment Closed

Motion to approve: Farris Second: Russ

A board discussion ensued.

Chairman Tardio reopened the floor for applicant to address the board discussion.

Motion to postpone: Farris Second: Tardio

Vote: Clifford aye, Tardio aye, Russ aye, Farris aye, Phipps aye

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

Board member Ron Farris stepped down at 5:39 as representative of the applicants.

Ron Farris, Farris Concepts Architecture, reviewed the plans for the request for the conditional use for a swimming pool and pool house at the Paine home located at 4415 Harding Place, noting that the home was constructed in 1920 and designed by historically recognized architect Thomas W. Gardner.

Questions from the board followed the presentation and were addressed by Farris.

Public Comment Opened

No Public Comment

Public Comment Closed

Motion to approve: Clifford Second: Russ

Vote: Clifford aye, Chairman Tardio aye, Russ aye, Phipps aye

Board member Ron Farris rejoined the board at 5:47 p.m.

Election of Vice-Chair.

Planning Director Samaniego stated that the Vice-Chair needed to be elected, and would serve a term for 2 years.

Phipps nominated Marissa Russ.

A brief discussion ensued.

The nomination was seconded by Farris

Vote: Clifford aye, Chairman Tardio aye, Farris aye, Phipps aye

Other Public Comment - None

The meeting adjourned at 5:50 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) 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?

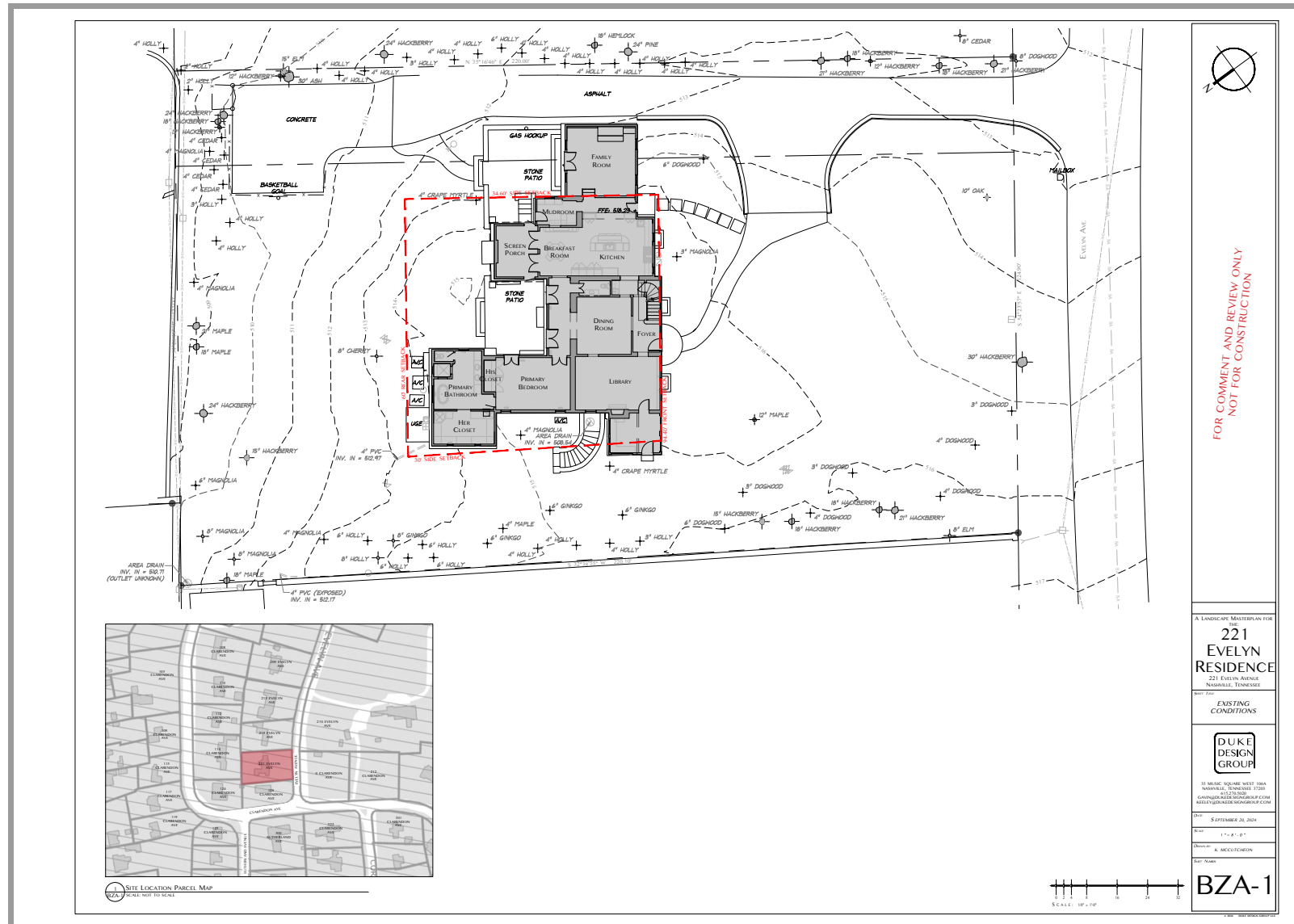
Granting a variance to build the proposed storage building outside of the side setback would be without detriment to the public good or impairing the intent of the zoning ordinance due to the unique circumstances of this lot considering the size, width, depth, and location of the existing house. The 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.

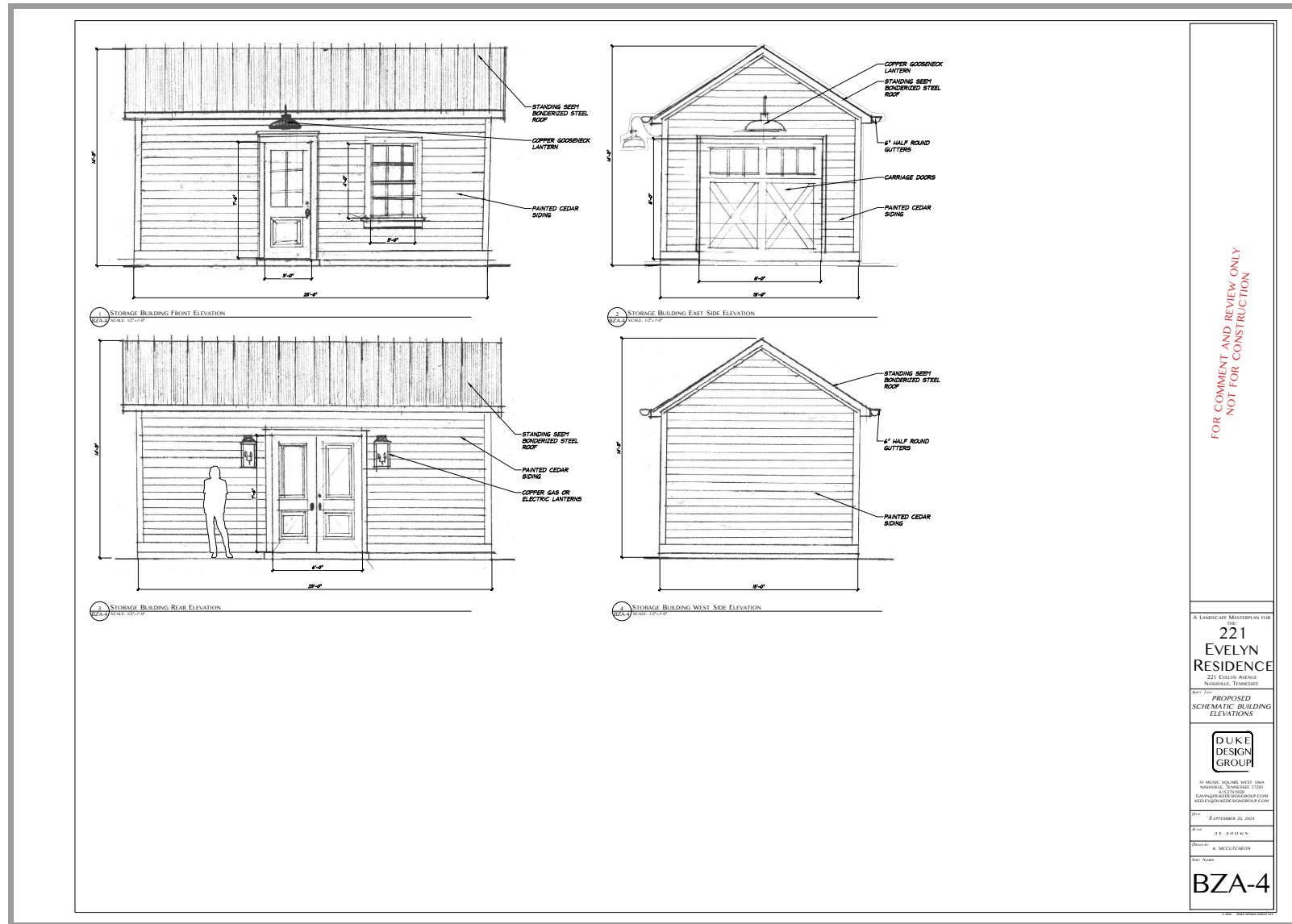
SIGNATURE: Gavin Duke (Owner/Agent) **DATE:** 09/19/2024

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:

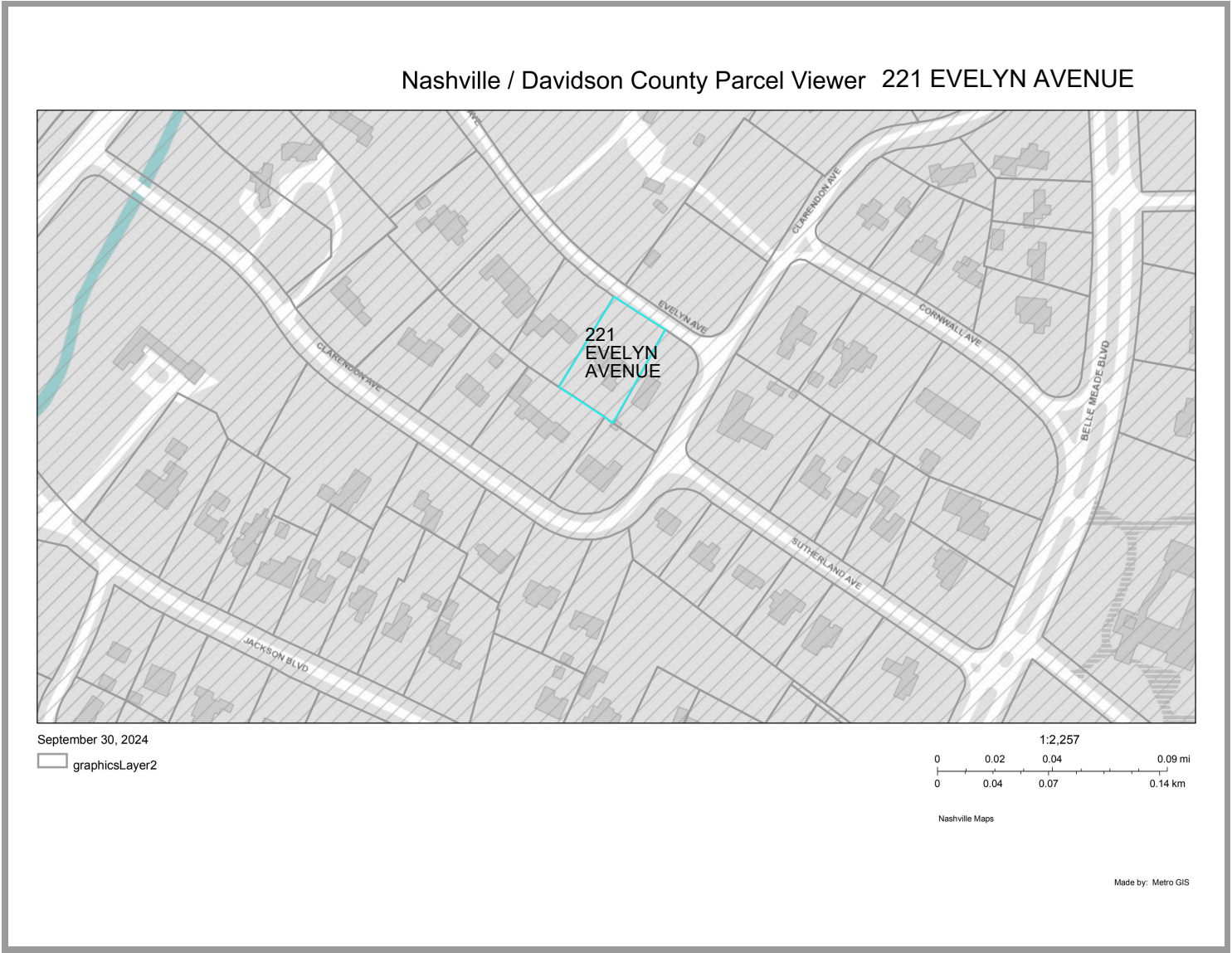
The standards of proof required for Variances are established in the Zoning Ordinance. The Board of Zoning Appeals has the authority to grant such variance as will not be contrary to the public interest and under the restrictions established with the Zoning Ordinance which states that if the property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

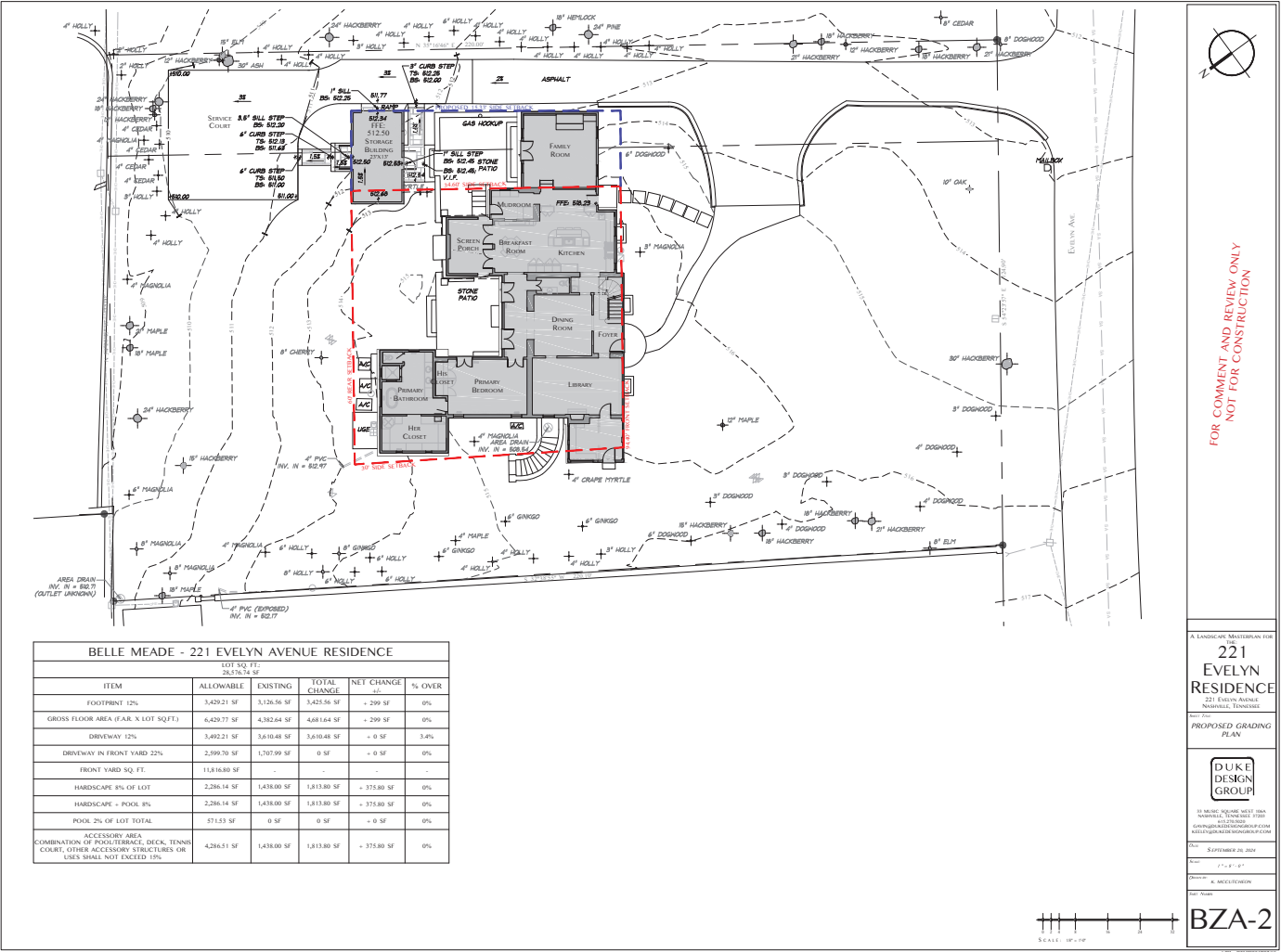
1. The variance shall be granted that will not be a detriment to the public good; *The applicant is proposing to exceed the maximum setbacks that were adopted in the Zoning Ordinance to benefit the public good. There are no unique features of this property that would warrant a variance approval.*
2. 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





From: [Keeley McCutcheon](#)
To: [Mary Samaniego](#)
Cc: [Gavin Duke](#)
Subject: 221 Evelyn Avenue November BZA Withdrawal
Date: Thursday, October 31, 2024 12:01:54 PM

Mary,

Good afternoon! Please accept this email as our formal withdrawal from the November BZA meeting for 221 Evelyn Avenue.

Again, we appreciate you taking your time to review the drawings for this site and we look forward to moving forward with the building permit process in the coming months.

Thank you,
Keeley McCutcheon



CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS

APPEAL # _____ APPEAL FEE: _____

APPLICANT (Owner's Name) Chandelier Development Inc. PHONE # 615 804 8789

APPLICANT EMAIL ADDRESS jlyons@chandelierdevelopment.com

PROPERTY ADDRESS: 105 Bellevue Drive

REQUEST: VARIANCE ☐ CONDITIONAL USE ☒

REASON FOR REQUEST: Approval to add a pool

PROJECT CALCULATIONS

LOT SQ. FT: <u>22,215.60</u>	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	<u>2,221.56</u>	<u>—</u>	<u>1,606</u>	<u>—</u>
POOL AREA	<u>444.31</u>	<u>—</u>	<u>436</u>	<u>—</u>
F.A.R. = LOTS <40,000 sq. ft. x .225 = LOTS > 40,000 sq. ft. x .196 =				

Complete Check List

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

Variance Approval Criteria

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

N/A - Requesting Approval of Pool only w/ no variances

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

N/A

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

N/A

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

N/A

SIGNATURE: Thyane (Owner/Agent) DATE: 9/24/24

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

Parcel ID: 11614002100
Nashville, Davidson County, Tennessee

Parcel ID: 11614002100

Nashville, Davidson County, Tennessee



Vicinity Map
1" = 1,000'

Sheet Schedule	
1	C0.0 Cover Sheet
2	C1.0 Existing Conditions & Initial Erosion Control Plan
3	C2.0 Grading and Drainage Plan

Engineer
Dewey Engineering
10000 Highway 100
29215 Berry Hill Dr.
Nashville, TN 37204
(615) 401-9956

Flood Note
This Property is Not Located
in a Flood Hazard Zone as
Indicated by "Zone X" on Firm
Dated 4/7/03/CQ341.
Date 4/7/03/CQ341.

Benchmark
Magnum at Aschut Near the
former site of the old
Hornum and Woodland Lane of
Bellevue Dr S
NAVD83 Elev = 544.50

Owner
103 Bellvue Partners
1001 Bellvue Dr. S
Nashville, TN 37215

105 Bellevue Drive South
Parcel ID: 11614002100
City of Belle Meade, Davidson County, Tennessee

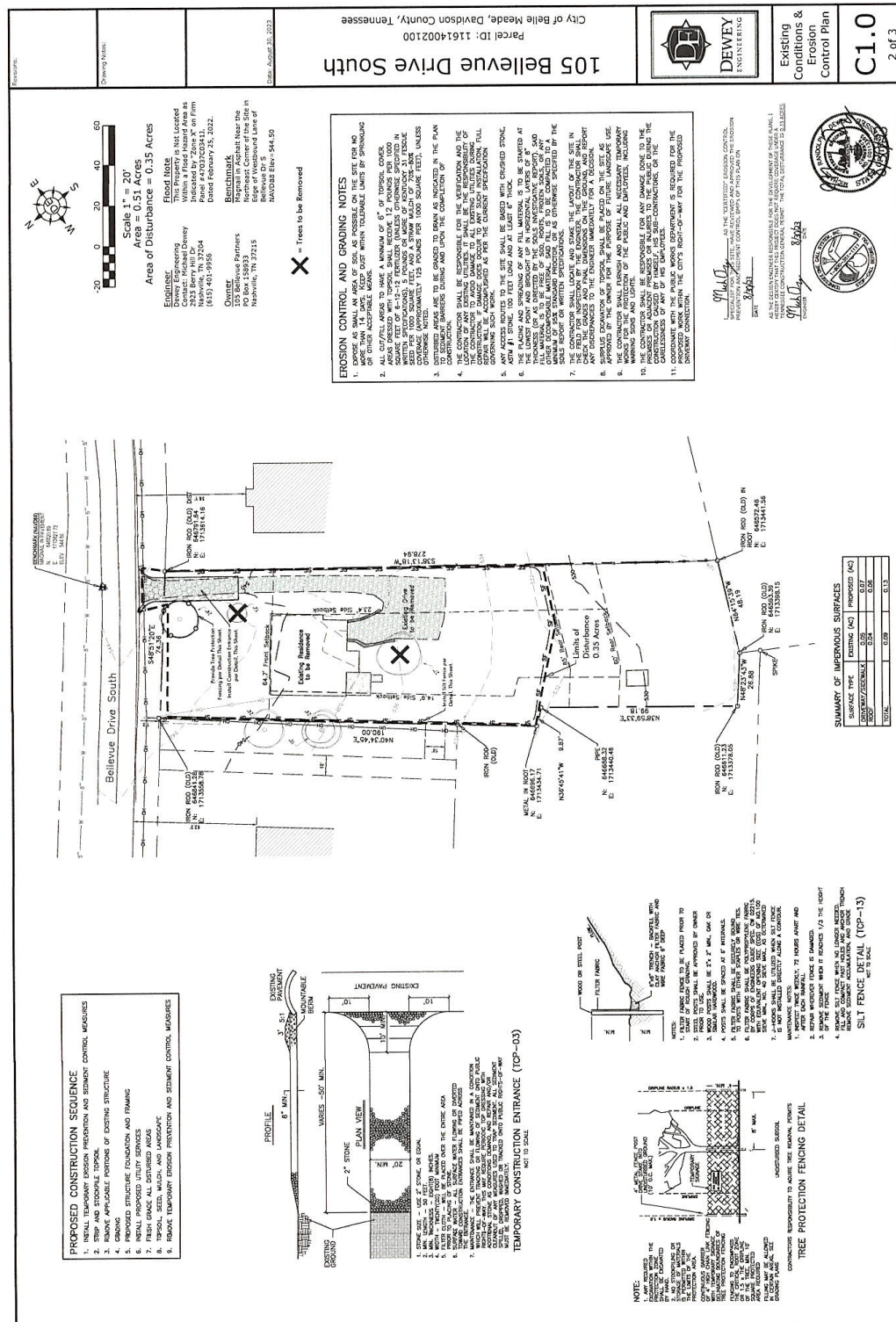


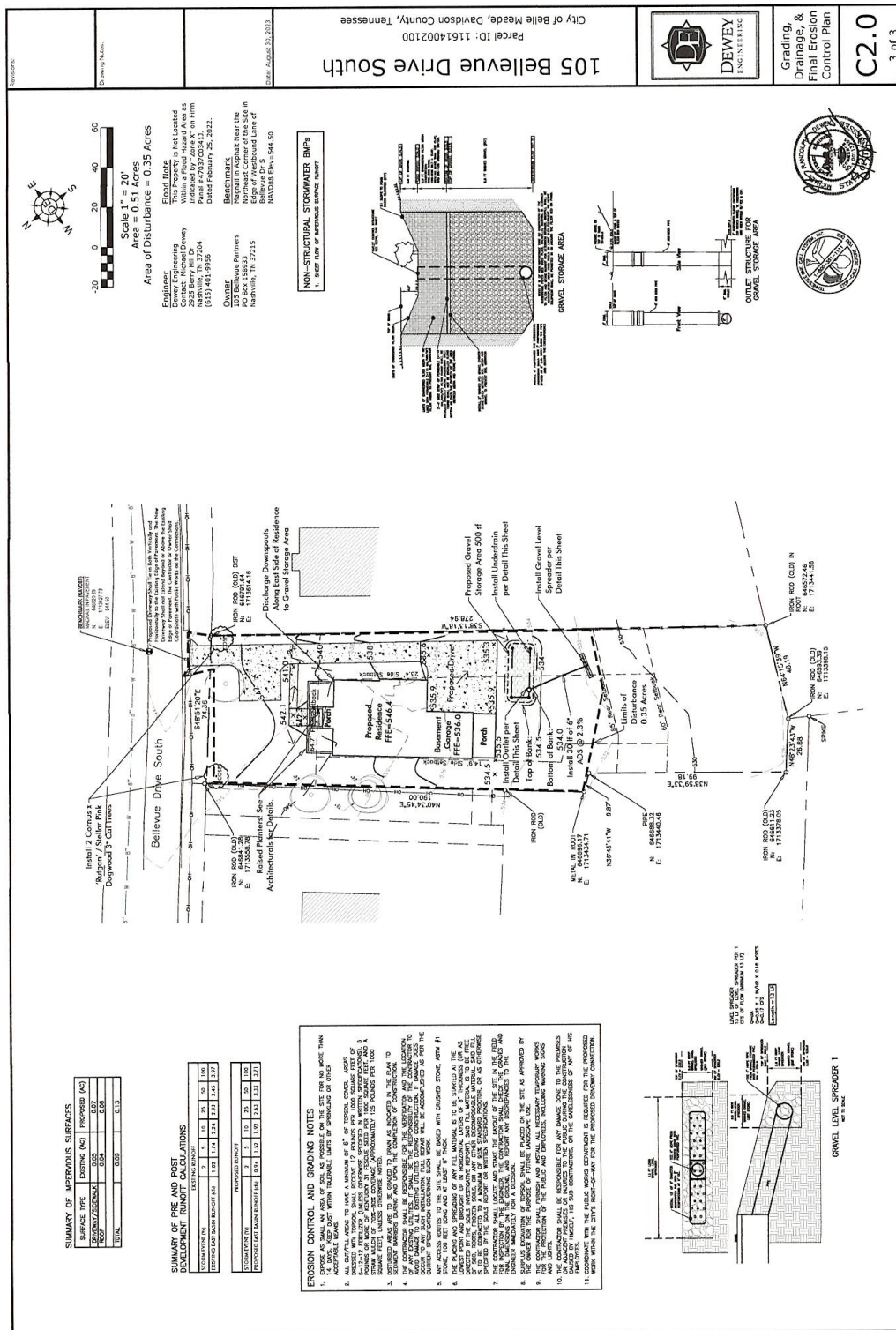
DEWEY
ENGINEERING

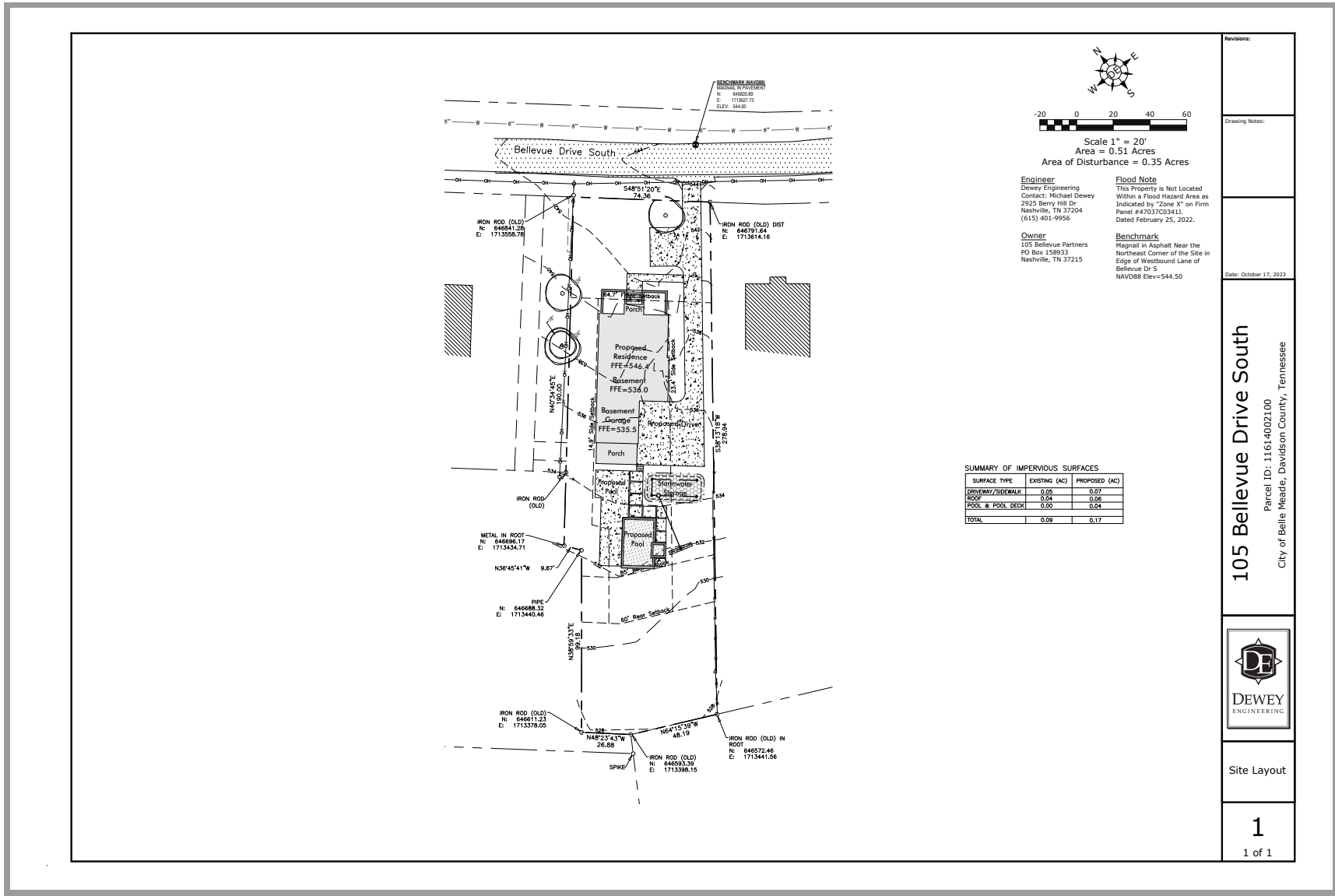
Cover Sheet

CO.0
1 of 3









Staff Report

Agenda No.: IV.A.
Case No.: A24-18
Staff: Mary Samaniego, Planning Director
Applicant: Chandelier Development Inc.
Request: Approval of a Conditional Use for a swimming pool.
Location: 105 Bellevue Drive S

Summary:

The applicant and property owner are requesting a Conditional Use for the construction of a swimming pool. The existing residence is currently under construction and is approximately 5,400 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 0.51 acres (22,215 square feet) and is a rectangular shaped lot with frontage on Bellevue Drive S.
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 444 square feet. The proposed area of water in the swimming pool is 436 square feet.
4. Per Section 14-204(1)(m) of the Zoning Ordinance, the square footage of hardscape, which shall include the maximum swimming pool area, as compared to the lot size shall not exceed eight percent (8%) of the lot area. The allowable area of hardscape including the pool for the proposed lot is 1,777 square feet. The proposed area of the hardscape including the pool is 1,606 square feet. **Note that the application has the erroneous allowable amount of 2,221 square feet (10%).
5. The applicant is proposing a 6' fence that will begin at the two side edges of the residence and completely surrounds the backyard in compliance with Section 14-205(1)(h).

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. 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; and

The proposed property line hedge and proposed fence should adequately screen the pool and equipment from the adjoining properties. It is staff's professional opinion that these screening measures will ensure that the pool improvements are adequately buffered from view of adjoining properties

2. Enclosed by a fence or wall not less than six feet (6') in height above the exterior adjoining grade.

The property owner/applicant has illustrated compliance with this standard on the site plan and is aware of the long-term compliance standards.

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

Attachments:

1. Location Map
2. Staff Analysis

Nashville / Davidson County Parcel Viewer



February 3, 2023

- Override 1
- graphicsLayer2
- Zoning
- Urban Design Overlay
- Planned Unit Development

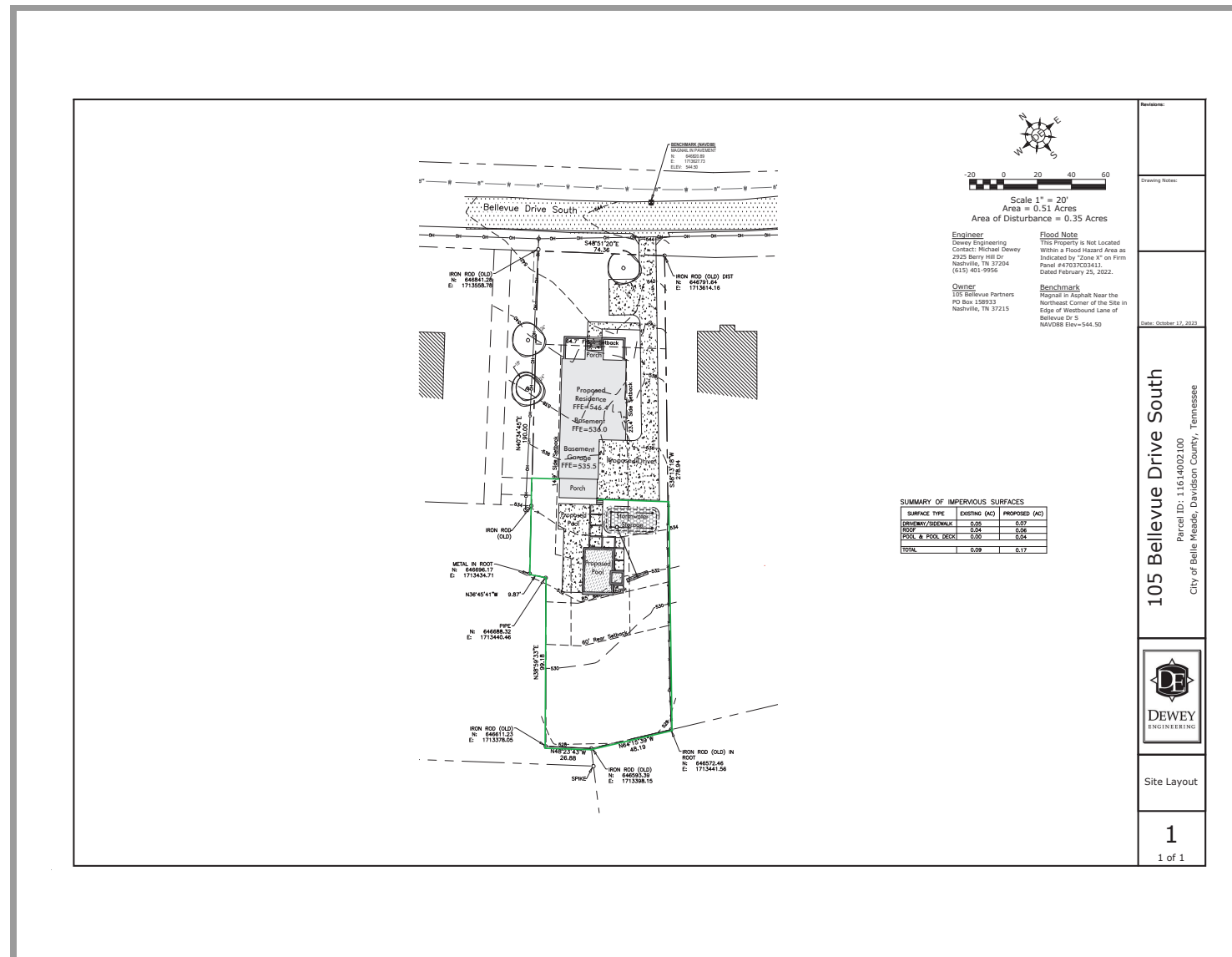
1:1,128

0 0.01 0.02 0.04 mi

0 0.02 0.04 0.07 km

Metro GIS

Made by: Metro GIS



From: [laurabrhodes](#)
To: [Mary Samaniego](#)
Subject: Board of Zoning Appeal for 105 Bellevue Drive South
Date: Monday, November 18, 2024 11:09:53 PM

To: The Board of Zoning Appeals, City of Belle Meade

From: Laura and Al Rhodes, residing at 101 Bellevue Drive South

Regarding: Conditional Use application to add a pool to the spec house being developed and owned by Chandelier Development at 105 Bellevue Drive South

We live next door to the property being developed by Chandelier Development at 105 Bellevue Drive South.

We do not want a pool to be allowed to be added to this development.

Pools add an unnecessary risk to any property. Pools are full of liability, and having one next door to us brings liability risk to our property. We are concerned that someone visiting us or being in our backyard would be able to access the pool and possibly drown.

We also don't want the added noise of an outdoor pool next door. This is a quiet neighborhood. Outdoor pools can add considerable noise.

The builder already dramatically increased the footprint and the height of this house compared to the prior house on the property. Much of our backyard privacy has been lost due to the builders choices and Belle Meade's approval. We don't want added noise, too.

We don't think this developer should get special approval to add a pool.

Signed,
Laura and Al Rhodes

Sent from my Verizon, Samsung Galaxy smartphone



CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS

APPEAL # _____

APPEAL FEE: _____

APPLICANT (Owner's Name) Robert D./Rebecca H. Collins PHONE # 601-212-6577APPLICANT EMAIL ADDRESS rebeccahiattcollins@gmail.comPROPERTY ADDRESS: 205 Jackson Blvd.REQUEST: VARIANCE ☒ CONDITIONAL USE ☐REASON FOR REQUEST: Installation of on-demand generator

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~~ $1/8" = 1'-0"$)
- Show existing and proposed structures
 - Building envelope
 - Show all topographic elevations, existing grade, finished grade, Finished Floor Elevations

Variance Approval Criteria

1. 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?

1. The house at 205 Jackson Blvd. already fills the envelope allowed for construction. This prevents and precludes necessary improvements. Even the pre-existing mechanical equipment we inherited, which is of course essential (air conditioning, spa pump), sits outside the zone envelope.

2. 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?

2. The strict application of the zoning ordinance would preclude our having air conditioning, heat, or spa equipment which are outside the zoned envelope. The strict application of this ordinance would also prevent the installation of an on-demand generator.

3,
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?

3. Granting this variance would not be detrimental into the public good or substantially impair the intent or purpose of the zoning ordinance of the city. _____

- a. The generator would be installed at the Southeast corner of the house. It extends 3 feet less far from the house wall than does the pre-existing mechanical equipment. _____
- b. The generator will be invisible from the street. _____
 - i. This invisibility is the result of the pre-existing concrete block perimeter wall which surrounds the back and side yards, and which will also mitigate the sound of the generator. _____
- c. The generator is an on-demand generator and will not operate except during power outages. _____

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

4. The installation of an on-demand generator would not be out of harmony with other homes in the neighborhood. _____

- a. 4 nearby homes have newly installed generators added in the last 12 months. _____
- b. The generator is hidden, and its sound shielded from all sides by the house to the west, and by the perimeter wall, which encloses the side yard and backyard to a depth of 86 feet, to the east and south. _____

SIGNATURE: Robert D. Glavin, Jr. (Owner/Agent) DATE: September 23, 2024

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



Staff Report

Agenda No.: IV.B.
Case No.: A24-19
Staff: Mary Samaniego, Planning Director
Applicant: Robert and Rebecca Collins
Request: Approval of a variances for the side yard setback for a generator.
Location: 205 Jackson Boulevard

Summary:

The applicants/property owners are requesting a variance to construct a generator (mechanical equipment) in the side yard setback. The existing single-story residence is 2,500 square feet and was constructed in 1924.

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 0.46 acres (20,000 square feet) and is a rectangular shaped with frontage on Jackson Boulevard.
2. The required side yard setback in the Residence B zoning district is twenty percent (20%) of the lot width at the front setback line and that the sum of the widths of both side yards shall be at least fifty percent (50%) of the lot width at the front setback line.
3. For the subject property, given the placement of the existing house, the west side setback is 24' and the east side setback is 26'. The applicant is proposing to place the generator 22' from the east side property line or 4' into the required side yard setback.
4. Per Table 2 of the Zoning Ordinance, *All compressors, generators, or other equipment necessary to the operation of the heating, ventilating and air conditioning equipment and/or other mechanical systems included in a building or structure shall be located at or below ground level within the building envelope in which such building or structure is also located.*

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. As to any piece of property existing as a separate lot or tract as of the date of adoption of this ordinance, the board of zoning appeals shall have power and authority to approve

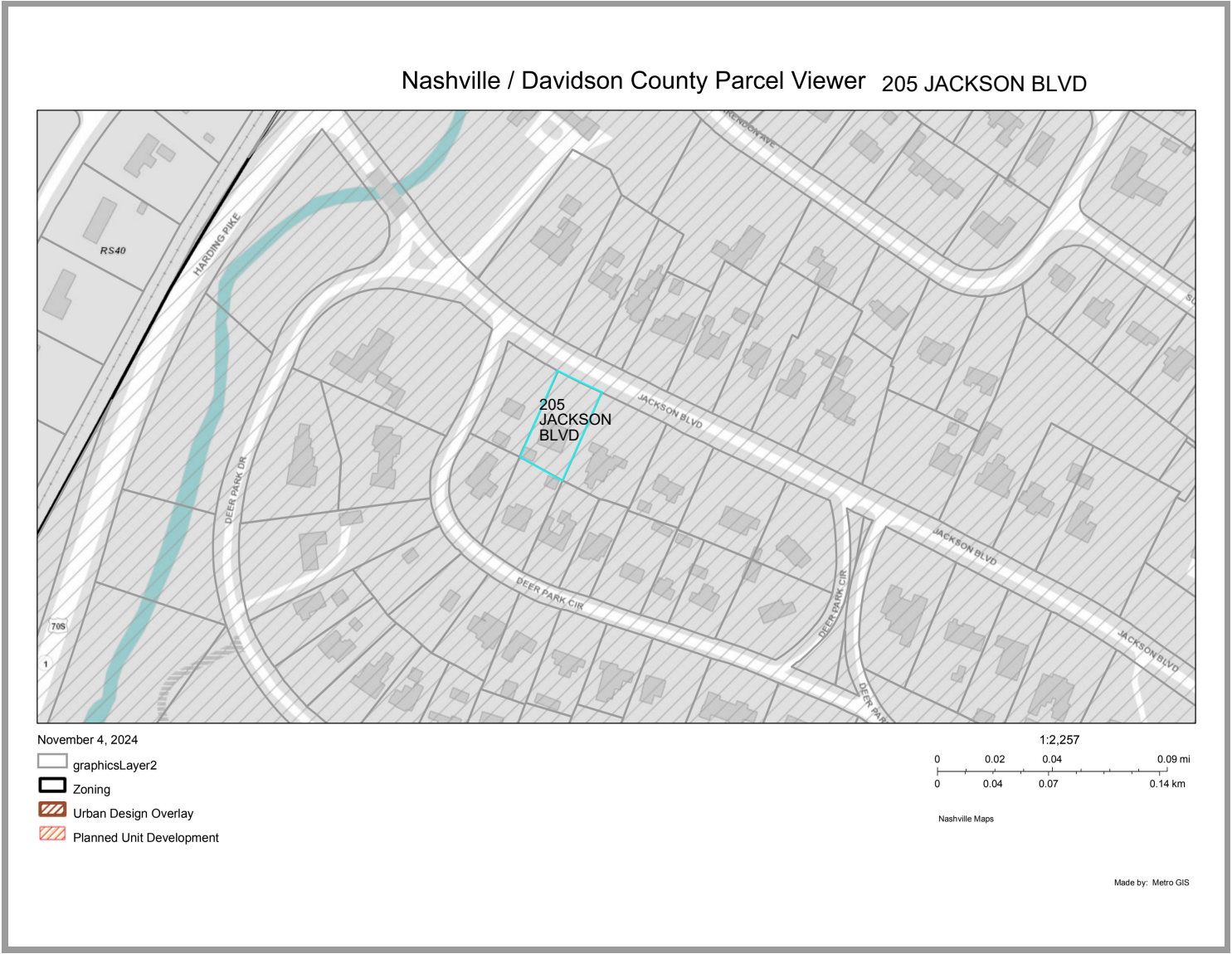
variances from the strict application of this chapter, where, by reason of exceptional narrowness, shallowness, exceptional topographic conditions, or other extraordinary and exceptional situation or condition of a specific piece of property, the strict application of the zoning ordinance would result in practical difficulties to or exceptional or undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance of the City, and such resulting construction will not be out of harmony with other homes in the neighborhood.

The applicant is proposing to place the generator within the required setback. The provisions of the zoning ordinance specifically require generators and other similar pieces of mechanical equipment to be within the required setbacks/building envelope. It is staff's professional opinion that this requirement is intended to protect adjoining property owners, as well as Belle Meade residents in general, from visual and noise adverse effects. The generator will not be visible from Jackson Boulevard and will be behind a wall along the property lines. Therefore, the visual impact will be minimum. However, the placement of the generator closer to the side property line could create adverse effects related to noise. Staff recognizes that the applicants/property owners have a building envelope that is small than their existing historic house. However, a portable generator should be used by the applicants/property owners in times of need and stored within the existing garage. The limited building envelope in conjunction to the generator installation does not rise to the level of a practical difficulty to warrant a variance approval.

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

Attachments:

1. Location Map
2. Staff Analysis





From: [Jenny Jacobs](#)
To: [Mary Samaniego](#)
Subject: 205 Jackson Blvd
Date: Wednesday, November 13, 2024 2:56:51 PM
Attachments: [image693309.png](#)

Hello Mary,

My neighbors, The Collin's, are going before the Board next week to seek approval for a variance for a generator.

I live next door, and want to express my support for them.

I will do my best to make it to the meeting, but in the event that I cannot, I want the Board to know I have zero issue.

Thank you,
Jenny Jacobs
203 Jackson Blvd

Jenny Jacobs
Enterprise Account Executive

Monotype
Nashville, Tennessee 37215

Monotype.com



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

[BZA-Application-2024.pdf \(LINK\)](#)

911 WESTVIEW SITE IMAGES



FRONT RIGHT CORNER OF LOT LOOKING TOWARD EXISTING HOME



FRONT RIGHT CORNER OF LOT LOOKING TOWARD EXISTING HOME



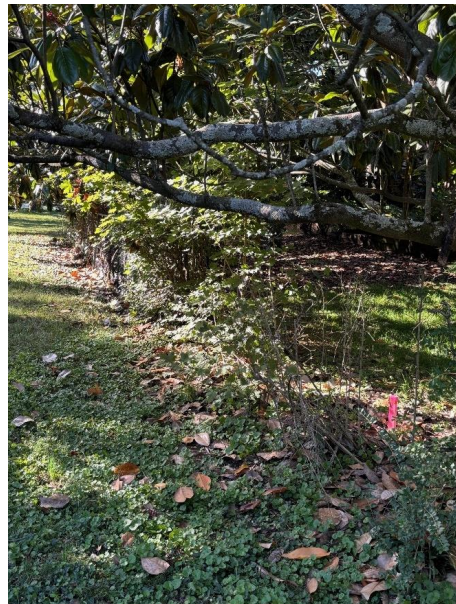
MIDDLE RIGHT OF LOT LOOKING TOWARD FORSYTHE PLACE



RIGHT PROPERTY LINE LOOKING TOWARD FORSYTHE PLACE



SCREENING ALONG RIGHT PROPERTY LINE



STAKE SHOWING RIGHT PROPERTY LINE



RIGHT PROPERTY LINE LOOKING TOWARD EXISTING HOUSE



RIGHT PROPERTY LINE LOOKING TOWARD FORSYTHE PLACE



RIGHT WALL OF EXISTING HOUSE LOOKING TOWARD RIGHT PROPERTY LINE



FRONT LEFT CORNER OF LOT LOOKING TOWARD RIGHT PROPERTY LINE



LEFT OF LOT LOOKING TOWARD EXISTING HOUSE



REAR LEFT OF LOT LOOKING TOWARD RIGHT PROPERTY LINE



LOCATION OF REAR LEFT CORNER OF NEW GARAGE (ORANGE TAG ON DRIVE)



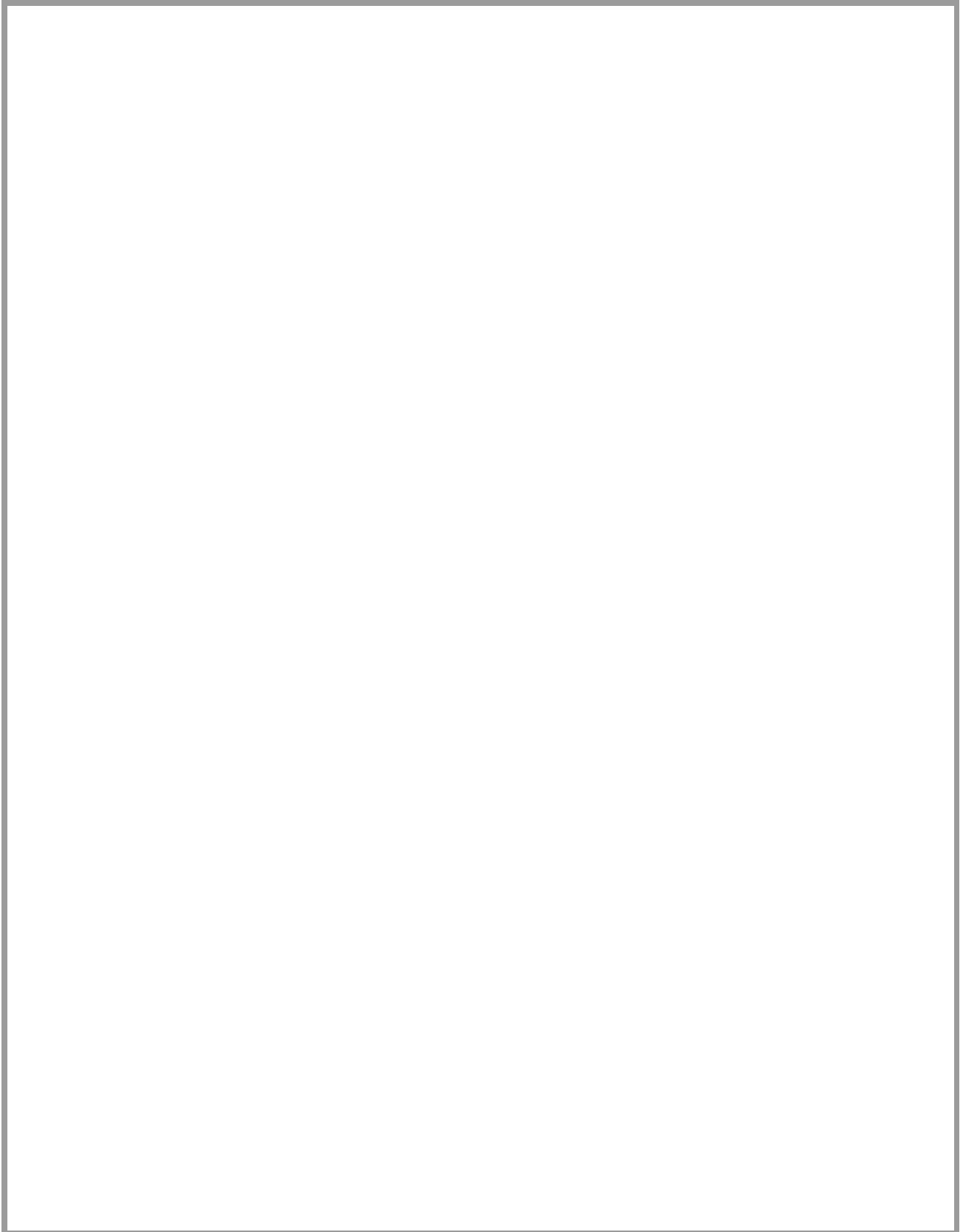
PORCH LOCATION IN RELATION TO EXISTING PATIO



PORCH LOCATION IN RELATION TO EXISTING PATIO



PORCH LOCATION IN RELATION TO EXISTING PATIO



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 /OR 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, 47037C0341H, 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 NAD83 AS ESTABLISHED FOR THIS SURVEY.
- 8) THIS PROPERTY IS SUBJECT TO ANY COVENANTS, RESTRICTIONS, AND ALL OTHER MATTERS SHOWN ON THE RECORDED NEW GOLF CLUB, PLAT BOOK 421, PAGE 185, R.O.D.C.
- 9) PARCEL NUMBERS SHOWN THUS (00) REFER TO COUNTY TAX MAP 130-11.

PROPERTY OWNER INFORMATION

EZZELL, JAMES B. ET UX (10.00)
811 WESTVIEW AVENUE
NASHVILLE, TN 37205
TAX MAP 130-11, PARCEL 10.00
DB-0000542-0000259, R.O.D.C.

PLAT REFERENCE

BEING LOT 52, OF THE PLAN OF
REVISED PLAT OF NEW GOLF CLUB SUBDIVISION (52)
PLAT BOOK 421, PAGE 185, R.O.D.C.

FRONT SETBACK DATA

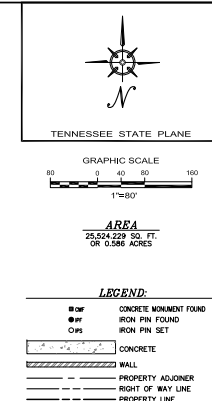
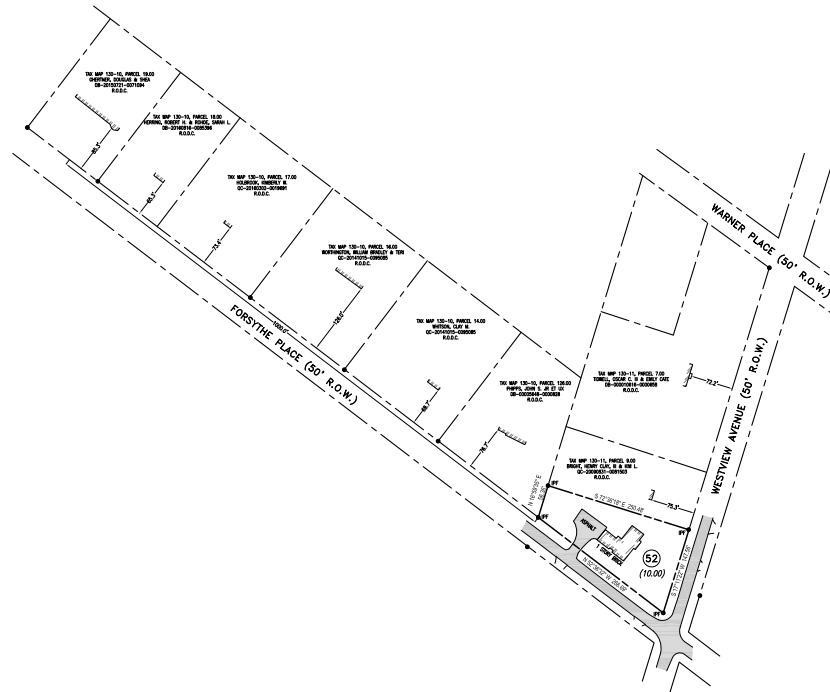
AVERAGE OF HOUSES 1000' ON FORSYTHE PLACE = 82.57'
AVERAGE OF HOUSES WESTVIEW AVENUE FORSYTHE PLACE = 73.75'

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY IN COMPLIANCE WITH THE RULES OF THE TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS, CHAPTER 0820-3, STANDARDS OF PRACTICE, THAT THE RATE 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

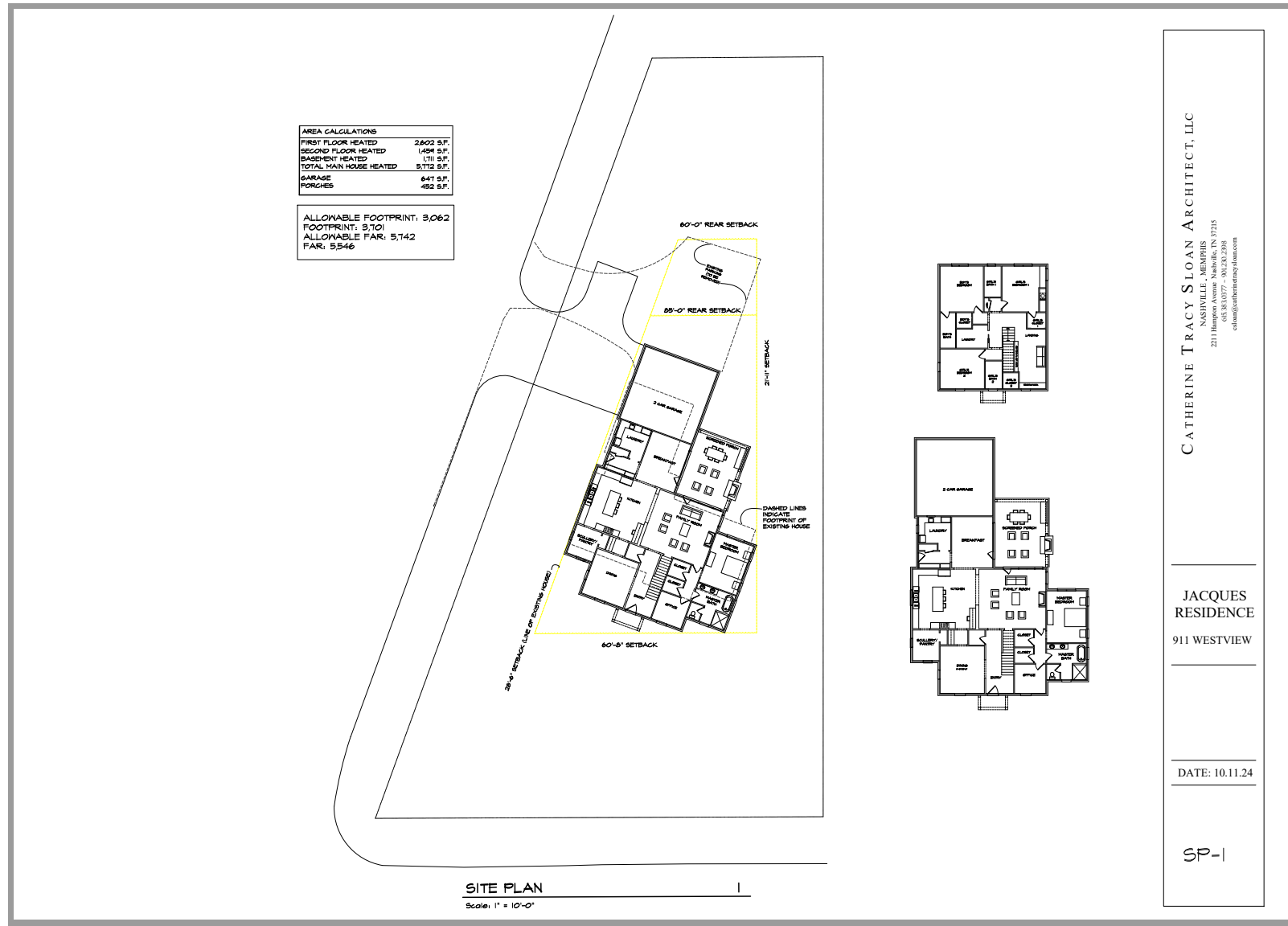
1530 BELLE FOREST CIRCLE
NASHVILLE, TN 37211
TEL. (615) 673-1116, FAX (615) 673-0117
Mark@donlonlandsurveying.com
http://www.donlonlandsurveying.com/



FRONT SETBACK SURVEY
OF
LOT No. 52
NEW GOLF CLUB
SUBDIVISION
PLAT BOOK 421, PAGE 185
DAVIDSON COUNTY, TENNESSEE

PREPARED FOR:
LAUREN & RICHARD
JACQUES
911 WESTVIEW AVENUE
NASHVILLE, TN 37205
DATED: MARCH 28, 2024

224031 JACQUES



Staff Report

Agenda No.: IIV.C.
Case No.: A24-20
Staff: Mary Samaniego, Planning Director
Applicant: Richard and Lauren Jacques
Request: Variances for maximum footprint and front yard setback.
Location: 911 Westview Avenue

Summary:

The applicants are requesting variances from the maximum allowable building footprint and front yard setback in order to construct a new residence. The existing residence was approved for demolition by the Historic Zoning Commission in February 2024. Under the previous zoning ordinance, corner lots could have their setbacks designated by the Municipal Planning Commission. The Municipal Planning Commission (MPC) approved setbacks for this property associated with the proposed new residence in August 2024. Under the current (new) zoning ordinance, an amendment or relief from the setbacks established by the MPC are heard as setback variances by the Board of Zoning Appeals. The specific request is to construct a two-story residence with an attached garage. If the variances are approved, the new residence design will be heard for approval at a future Historic Zoning Commission meeting.

Planning Considerations:

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

1. The subject property is 0.59 acres (25,524 square feet - SF) and trapezoidal in shape with frontage on Westview Avenue and Forsythe Place.
2. 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 3,062 square feet. The proposed footprint is 3,701 square feet (639 square feet over the maximum allowable). Variance approval is required.
3. Per the MPC approval, the required front yard setback from Westview Avenue is 70'8". The applicants are requesting a variance to allow for a 60'8" setback (a 10' allowance.)
4. Per the MPC approval, the required front yard setback from Forsythe Place is 30'. The applicants are requesting a variance to allow for a 28'6" setback (a 1'6" allowance.)
5. The proposed site plan indicates compliance with all other applicable zoning requirements.

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. As to any piece of property existing as a separate lot or tract as of the date of adoption of this ordinance, the board of zoning appeals shall have power and authority to approve variances from the strict application of this chapter, where, by reason of exceptional narrowness, shallowness, exceptional topographic conditions, or other extraordinary and exceptional situation or condition of a specific piece of property, the strict application of the zoning ordinance would result in practical difficulties to or exceptional or undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance of the City, and such resulting construction will not be out of harmony with other homes in the neighborhood.

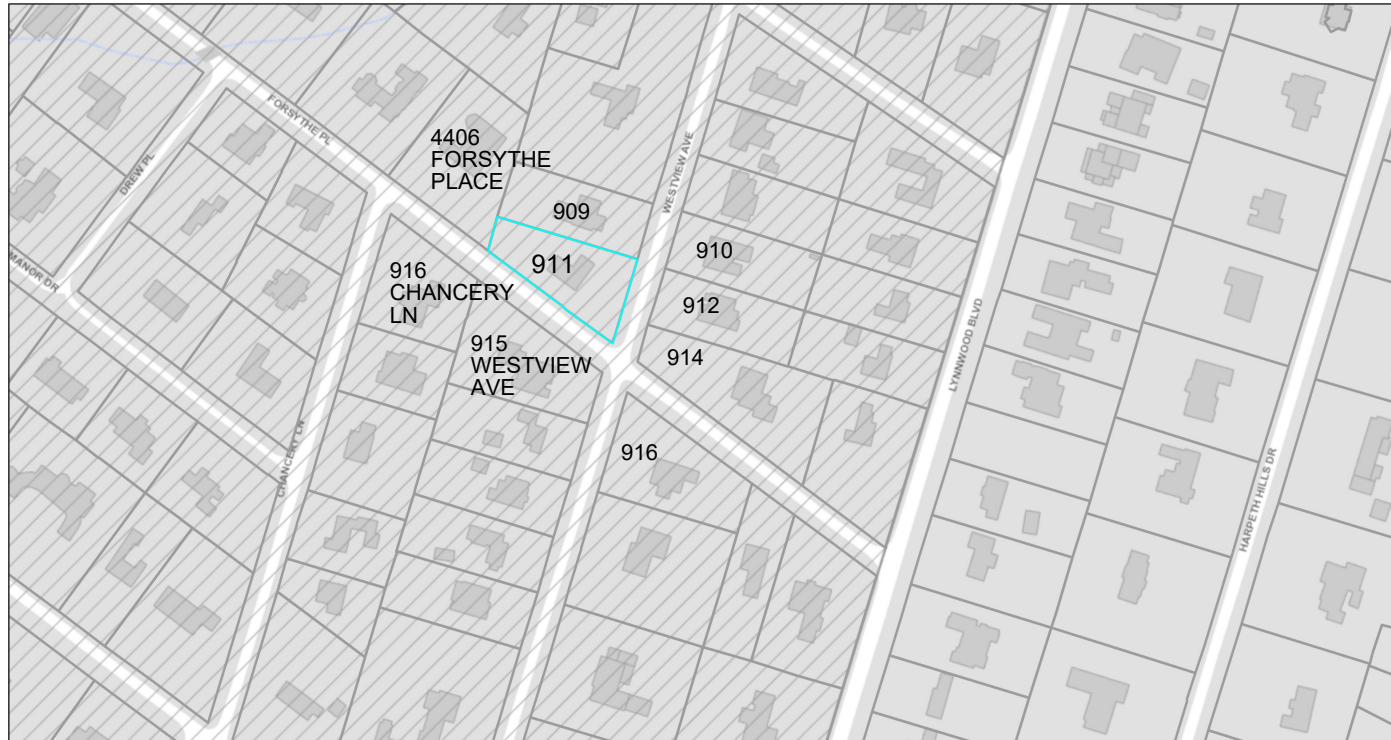
The applicant is proposing to exceed the maximum footprint and setback that were adopted in the Zoning Ordinance to benefit the public good. Much of Belle Meade enjoys large sprawling yards that contributes to the City identity. However, there are a significant number of properties in the City that are relatively small and therefore have their own character. The subject property is at the corner of Westview Avenue and Forsythe Place. Westview Avenue has generally similarly sized smaller lots as the subject property however the lots along Forsythe Place are larger in size and scale. The subject property has unique constraints due to being an irregular shape, small in acreage, and on a corner that makes construction of a new residence difficult within the parameters of expected residences size and scale in Belle Meade. The applicants are requesting an increase of 639 square feet to provide for a 3,701 square feet footprint. Upon review of the existing development pattern within the immediate area, it appears that many of the surrounding dwellings are similar or larger in footprint size. Therefore, the proposed addition while exceeding the parameters within the site will not be out of character with the surrounding area as far as size. The applicant in proposing to match the front setback of the existing residence on Forsythe Avenue. The existing residence is 70' from Westview Avenue and the proposed setback is 60'8" from Westview Avenue. The deduction in setback on Westview Avenue is a result of the narrowing of the lot toward to rear as it is trapezoidal in shape. The intent and purpose of setback provisions, in staff's professional opinion, is to ensure that the placement of dwellings creates a pattern of large, open yards. The reduction of the front yard setback along Westview Avenue will not be significantly out of character with nearby residences along the street while providing for an appropriately sized and usable rear yard.

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

Attachments:

1. Location Map
2. Staff Analysis of Site Plan

Nashville / Davidson County Parcel Viewer 911 WESTVIEW AVENUE



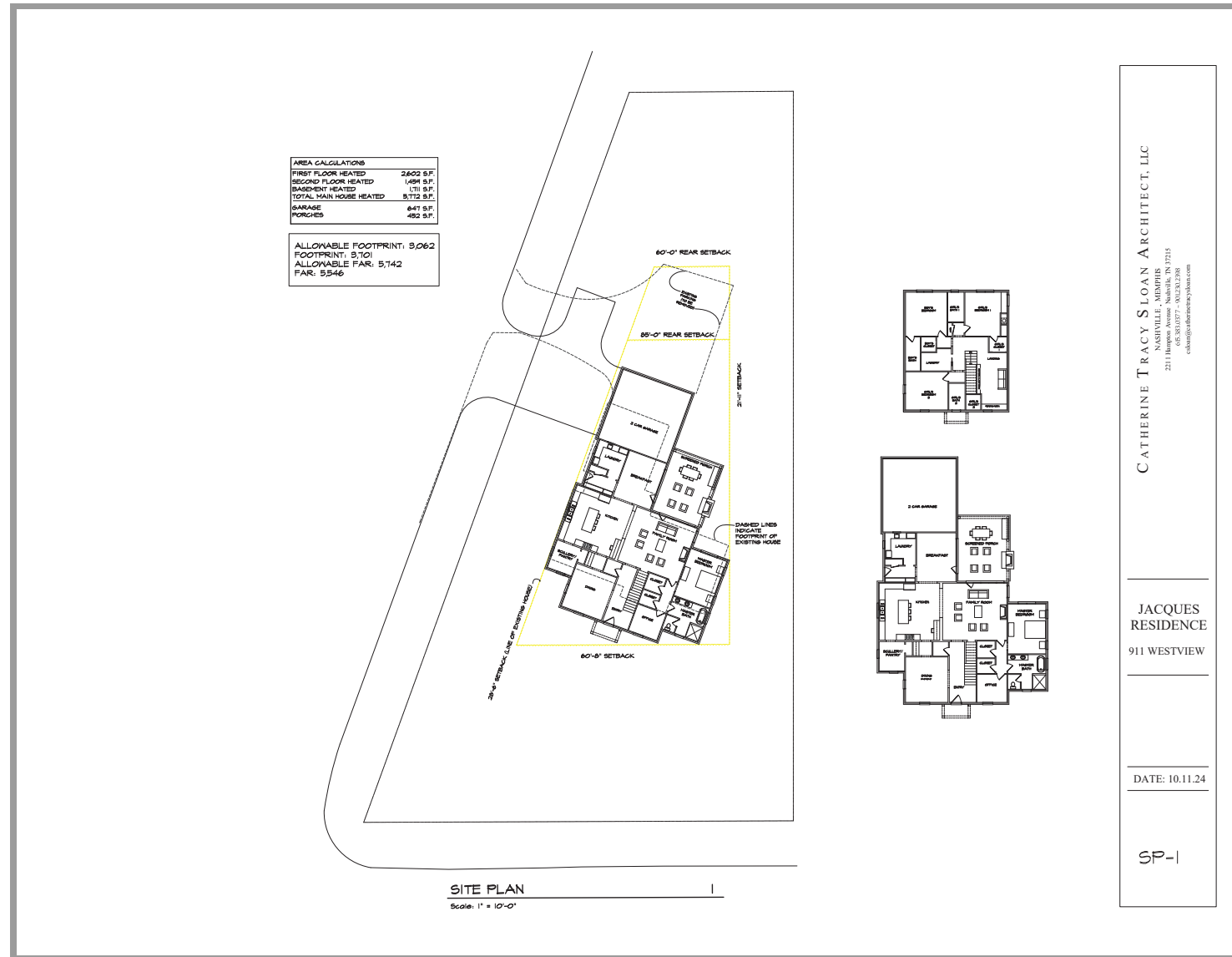
January 22, 2024

graphicsLayer2

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0 0.04 0.07 0.14 km

Nashville Maps

Made by: Metro GIS



Date: October 20, 2024

To: Mary Samaniego
Belle Meade City Planning Director

Re: 911 Westview Ave. – Revised Construction Plans

From: Emily Tidwell

On October 10, 2024, Lauren and Richard Jacques met with Crom and me to share revised construction plans for 911 Westview Ave. Those revised plans address the majority of issues raised by us, the Brights and the Phipps. We understand that portions of the front of the house will extend 10 feet beyond the allowable building envelope. Otherwise, the house will be contained within the building envelope and the garage will be attached to the house. We accept this one variation.

We appreciate that the Jacques heard our concerns and incorporated the changes into their revised construction plans. We look forward to having the Jacques as neighbors.

MRS. JOHN S. PHIPPS, JR.
4406 FORSYTHE PL.
NASHVILLE, TN 37205

November 5, 2024

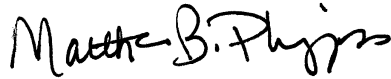
To: City of Belle Meade

Re: 911 Westview Ave Appeal BZA #A24-0020

All:

1. I have resided at 4406 Forsythe Place for 40+ years. Our property is adjacent to the rear of 911 Westview
2. I am in favor of the Jacques Design of house and location at 911 Westview
3. I would like to thank the Jacques and their design team for working with the neighbors to resolve earlier issues on a difficult lot.

Sincerely,

A handwritten signature in black ink that reads "Martha B. Phipps". The signature is written in a cursive, flowing style.

Martha B. Phipps

LESLIE O. SELLERS

October 18, 2024

Mary Samaniego
City of Belle Meade
4705 Harding Road
Nashville, TN 37205

Dear Ms. Samaniego,

This letter is in support of the proposed demolition followed by new construction to be completed at 911 Westview Avenue. I am the owner of 912 Westview Avenue and live directly across the street from the subject property.

During a recent meeting with the Jacques, my husband and I reviewed the site plan, walked the entire property (they have staked the areas which show the boundaries of the new house that would be larger than the existing structure), and discussed the overall plan. It would be a much-improved property, and we fully support the Jacques efforts.

Please let me know if you require additional information.
Thank you.

Sincerely,



912 Westview Avenue
Nashville, TN 37205

From: [Jill DeBona](#)
To: [Mary Samaniego](#)
Subject: 911 Westview Ave
Date: Sunday, October 20, 2024 4:36:41 PM

Hi,

We live at 915 Westview Ave and had the pleasure of meeting with Lauren Jacques last week. We are impressed by the changes in the building plan. The house design will add beauty to the neighborhood. Additionally, their young family will enliven the milieu.

We welcome permanent residents to 911 Westview Ave. In fact, we are willing to accept a 3 ft extension towards Forsythe, if necessary.

We strongly support the Jacques' design proposal and are eager to welcome the family to our neighborhood.

Sincerely,

Mark Zenker, MD

Jill DeBona, MD

From: [John Cline](#)
To: [Mary Samaniego](#)
Cc: [Ansel Cline](#)
Subject: 911 Westview Ave
Date: Monday, October 7, 2024 4:15:28 PM

I live directly across the street from this address, at 914 Westview Ave. I have absolutely no issue with them going forward with their project. The Jacques have been incredibly open and informative about all the caveats that go along with it. I have my head in a set of blueprints everyday for my profession, so I completely understand everything that they have shared with me. I love the plans they have had drawn up and I'm also a big fan of everything that their architect (Catherine Sloan) does. It will be a wonderful addition to our neighborhood by eliminating an old structure with a beautifully designed new home. I also have a hard time understanding how anyone around them would take issue with it. The Jacques have my full support to move forward. You are welcome to email or call me with any questions or concerns. Thank you for all that you do for our community!!! John Cline
615-207-8636

Sent from my iPhone

From: [Elizabeth Inman](#)
To: [Mary Samaniego](#)
Cc: [Jacques, Lauren](#); johnmarkinman@gmail.com
Subject: 911 Westview Project (BZA Application)
Date: Friday, November 15, 2024 10:42:24 AM

Good morning, Mary.

I hope that this email finds you doing well. I've emailed in the past re: the Jacques' 911 Westview project, but as a reminder, my name is Elizabeth Inman, and my husband John and I live at 4422 Forsythe Place. I write today to inform you that we have reviewed the Jacques' revised proposed plans for 911 Westview and fully support them and the related BZA application. Please let me know if you have any questions for us or need additional information.

Best,
Elizabeth

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

From: [Bright, Clay](#)
To: [Mary Samaniego](#)
Cc: [Kim Bright](#)
Subject: Board of Zoning Appeals - 911 Westview Avenue
Date: Tuesday, November 19, 2024 8:52:36 AM

Ms. Samaniego,
We are in support of the proposed setbacks at 911 Westview after review with the Jacques onsite.
Thank you.

Kim & Clay Bright
909 Westview Avenue

Sent from my iPad

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, or distribution of all or part of the transmitted information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by responding to this transmission. Thank you.