



**CITY OF BELLE MEADE
BOARD OF ZONING APPEALS
REGULAR MEETING AGENDA PACKET
NOVEMBER 21, 2023, 05:00 PM**



**AGENDA BOARD OF ZONING APPEALS
REGULAR MEETING
NOVEMBER 21, 2023, 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. Items for consideration are listed below and plans for agenda items are available on the city website, 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 17, 2023.

Attachment: [Minutes BZA October 17 2023.pdf](#)

III. Old Business

A. The application of Mike & Shandra O'Keefe, 0815-2, 627 Royal Oaks Place, for conditional use approval for a swimming pool and cabana and a variance approval for a portion of the pool and cabana outside of the building envelope.

Attachment: [Application paid.pdf](#)

Attachment: [O'Keefe Revised Submittal Concept Design 10.25.23.pdf](#)

Attachment: [Survey.pdf](#)

Attachment: [Houston and Hays Estes - Letter in Support of O'Keefe Variance - 08.15.2023 1.pdf](#)

Attachment: [627 Royal Oaks Place Staff Report NOV.pdf](#)

IV. New Business

A. The application of 216 Jackson Trust, BZA 2023-9, 216 Jackson Boulevard, for three Variances for a retaining wall over 3' in height, to increase the 12% maximum driveway coverage, and to build a fence in an alternative location.

Attachment: [Joyce BZA Application PAID.pdf](#)

Attachment: [Joyce Residence BZA submittal Oct 4 2023 2 .pdf](#)

Attachment: [216 Jackson Blvd Landscape Plan Support from Neighbors 091723.pdf](#)

Attachment: [STAFF REPORT - REVISED.pdf](#)

V. Other Business: None Scheduled

VI. Adjourn

The next regularly scheduled meeting of the Board of Zoning Appeals will be held December 19, 2023 at 5:00 P.M. at Belle Meade City Hall, 4705 Harding Pike, Nashville, TN.



**MINUTES
BOARD OF ZONING APPEALS – REGULAR MEETING
OCTOBER 17, 2023, 5:00 PM
BELLE MEADE CITY HALL, 4705 HARDING PIKE**

Call to Order: The meeting was opened by Chairman Joe Dughman at 5:00 p.m.

Board Members Present:

Chairman Joe Dughman
Vice Chairman Pete Zabaski
Johnny Phipps
Ron Farris
Erick Clifford joined the meeting at 5:02 p.m.

Staff Members Present:

Planning Director Mary Samaniego
City Recorder Rusty Terry

Chairman Dughman inquired if there were any conflicts of interest for board members on the agenda; Ron Farris stated that he would need to recuse himself from item number 5 under new business.

Approval of Minutes

Motion to approve: Zabaski Second: Farris

Old Business

1. The application of Bryan Paylor, 091923-1, 436 Lynwood Boulevard, for Conditional Use approval for a swimming pool and a Special Exception for fence placement.

John Montgomery General Contractor with Montgomery Classic Construction reviewed the re-submitted application indicating the change in the location of the fence placement.

Public Comment Opened

No Public Comment

Public Comment Closed

A brief discussion between board members ensued.

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

New Business

1. The application of Damon and Kimmy Drake, BZA 2023-7, 212 Lynwood Terrace, for Conditional Use approval for a pool house.

Michael Marchetti, Architect, Marchetti Company, representing the Drakes, began by providing the board with additional information and then reviewed the plans for the pool house.

Public Comment Opened

Dale Allen, 208 Lynwood Boulevard, stated he had no opposition to the pool house and wanted to make sure there was a stormwater retention plan in place. Allen stated that he had hired Michael Dewey, and he had also submitted a letter to request that Dewey be allowed to review the stormwater plan.

Chairman Dughman stated that stormwater was not part of the BZA's jurisdiction, but that it would be address.

Planning Director Mary Samaniego stated that she had the letter and would be part of the record.

Public Comment Closed

Questions from the board members ensued and were addressed by Marchetti.

Phipps to Planning Director Samaniego: What is the code about living space in a detached structure with a kitchenette.

Planning Director Samaniego: Reading the code " Under the definition of Pool House, a structure constructed in connection with a swimming pool which may not be used for occupancy as living quarters, but may contain bathrooms, dressing areas and cooking facilities."

Motion to approve as submitted with an understanding that Planning Director Samaniego opens a code investigation on the height of the pool fence:

Zabaski Second: Farris Vote: All aye

2. The application of Dan and Brenda Cook, BZA 2023-5, 332 Walnut Drive, for Conditional Use approval for a swimming pool and a Special Exception approval for a retaining wall over 3' in height.

Mike Kaiser, Landscape Architect, Kaiser Trabue Landscape Architecture, representing the Cooks presented the site plans for the construction of the pool and and the retaining wall.

A discussion about the fence protecting the pool ensued.

Public Comment Opened

No Public Comment

Public Comment Closed

The board continued their discussion about the fence location and if this pool fence was to have been noticed.

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

3. The application of Jim Nantz, BZA 2023-4, 1109 Belle Meade Boulevard, for a Special Exception for gate and fence height for vehicular gate and wall in front yard.

Mike Kaiser, Landscape Architect, Kaiser Trabue Landscape Architects, representing Jim Nantz, stated that they had received approval for this gate and fence assembly in January of 2022, however a permit was not pulled and time had lapsed and Mr. Nantz wanted to move forward with the project. Kaiser went on to review the project, noting that it had not changed from the original submission.

A discussion and questions ensued regarding the height of the gates, the zoning code, which included a reminder of the statements from Mayor Rusty Moore and Commissioner Louise Bryan following the approval of this original request and a subsequent request/application from another resident of the city.

Public Comment Opened

Gavin Duke, representing the Fitzgeralds at 709 Belle Meade Boulevard, stated they are in agreement with the plans.

Public Comment Closed

Motion to approve: Farris Second: Zabaski

Chairman Dughman stated that he did not understand why if had been approved previously why it would not be approved at this time.

Vote: Phipps Nay, Farris Yes, Clifford Yes, Zabaski Nay, Dughman Yes

The motion passed 3 to 2

4. The application of Eric and Kate Schneider, BZA 2023-6, 4304 Iroquois Avenue, for Conditional Use approval for a swimming pool.

Gavin Duke, Landscape Architect, Duke Design Group, representing the Schneiders, reviewed the application for the board members, noted that all calculations were within the square footage allowances, also presenting the landscape plan providing details on the screening.

Public Comment Opened

No Public Comment

Public Comment Closed

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

5. The application of Trut and Jordan Edwards, BZA 2023-8, 4400 Iroquois Avenue, for Conditional Use approval for a swimming pool and a Variance for a retaining wall over 3' in height.

Gavin Duke, Landscape Architect, Duke Design Group representing the Edwards' presented plans for the pool request and retaining wall plans, Duke noted that as a corner lot and the topography presented challenges and this has resulted in the need and request for the variance for the retaining wall height to exceed the three foot height allowed.

Questions and Answers regarding the project between the board and Duke ensued.

Public Comment Opened

No Public Comment

Public Comment Closed

Motion to approve: Zabaski Second: Phipps Vote: Clifford
Yes, Zabaski Yes, Phipps Yes, Dughman Yes
Farris had recused himself from voting

Other Business: None

The meeting adjourned at 6:11 p.m.

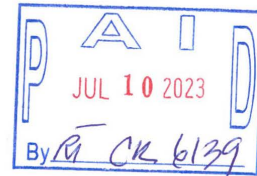
Chairman Joe Dughman

City Recorder Rusty Terry



\$600.00

**CITY OF BELLE MEADE
APPLICATION FOR BOARD OF ZONING APPEALS**



Subject to the provisions of the Code of the City of Belle Meade as they may be amended from time to time, the following general criteria are considered:

APPEAL # 0815-2

APPEAL FEE: 600.00

APPLICANT (Owner's Name) MIKE & SHANDRA O'KEEFE / PHONE # 615-739-7100
D. BROWNLEE DESIGN

APPLICANT EMAIL ADDRESS JASON@DBROWNLEEDESIGN.COM

PROPERTY ADDRESS: 627 ROYAL OAKS PL. BELLE MEADE

REQUEST: SPECIAL EXCEPTION ☐ VARIANCE ☒ CONDITIONAL USE ☒

REASON FOR APPEAL – Be Specific MITIGATE DRAINAGE / STORM EVENT ISSUES;
CONSTRUCT POOL / HARDSCAPE, ACCESSORY USE STRUCTURE, RET. WALLS,
NEW DRAINAGE; EXCEED CURRENT BUILDING ENVELOPE (FLOODING ISSUES)

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

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

Example: .57 acres x 43,560 sq. ft. = 24,829 lot sq. ft. / 24,829 x 12% = 2,979 footprint of house / 24,829 x .225 = 5,586 total house.

LOT SQ. FT: { 32,121 }	ALLOWABLE	EXISTING	TOTAL CHANGE	NET CHANGE +/-	% OVER
FOOTPRINT 12%	3855	3359	N/A	N/A	N/A
ESTATE A 8%					

F.A.R. X LOT SQ. FT.					
LOTS <40,000 sq. ft. x .225 =					
LOTS > 40,000 sq. ft. x .196 =					

TOTAL ROOF AREA					
% of Low Slope Roof					
AREAS <6/12 Pitch 30%					

DRIVEWAY 12%	3855	3330			
DRIVEWAY IN FRONT YARD 22%					
FRONT YARD SQ. FT.					

HARDSCAPE 8% OF LOT	2570				
HARDSCAPE + POOL 8%	2570		2455	+ 2455	N/A
POOL 2% OF LOT TOTAL	642	0	625	+ 625	N/A
***ACCESSORY AREA					

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

Continued on the next page

City of Belle Meade
Application for Board of Zoning Appeals
Page Two

Complete Check List

- ☒ Plot plan 1 inch = 30 feet "Show Magnetic North" ☒ Show proposed structure shaded with setbacks (building envelope)
☒ Show neighbor's house & measurements to it ☒ Show all detached structures with elevations
☒ Landscape design ☒ Survey of lot, lot square feet with contours, average natural grade
☒ Building envelope highlighted ☒ Show all elevations, existing grade, finished grade, FFE's
☒ Highlight coverages in grade change (Inside building envelope 6% of the lot up to 48 inches), (Outside building envelope 4% of lot up to 36 inches), (20 ft. off property line up to 24 inches). Does not include grade changes needed for the foundation.
☒ Submittal, along with appeal fee 15 days prior to the third Tuesday of the month.
***MANDATORY** - Clearly highlight the areas that will be discussed in a bright color on the plans. INITIAL HG

What special circumstances or conditions, applying to the building or land in question, are peculiar to such building or land, and do not apply generally to other buildings or land in the vicinity (including size, shape, topography, location or surroundings, trees?)

SHAPE OF LOT, TOPO - DRAINAGE ISSUES (13' SLOPING TO EXIS. HOUSE), REAR PROPERTY LINES / BUILDING ENVELOPE

Was the condition from which relief is sought a result of action by the applicant? (i.e., self-imposed hardship such as: (converted existing garage to living space and now seeking a variance to construct a new garage in a required setback?)

NO - EXISTING TOPOGRAPHY OF ADJACENT PROPERTIES

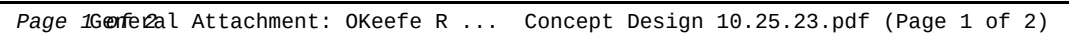
How would the granting of this variance be consistent with the purpose and intent of the Zoning Regulations?

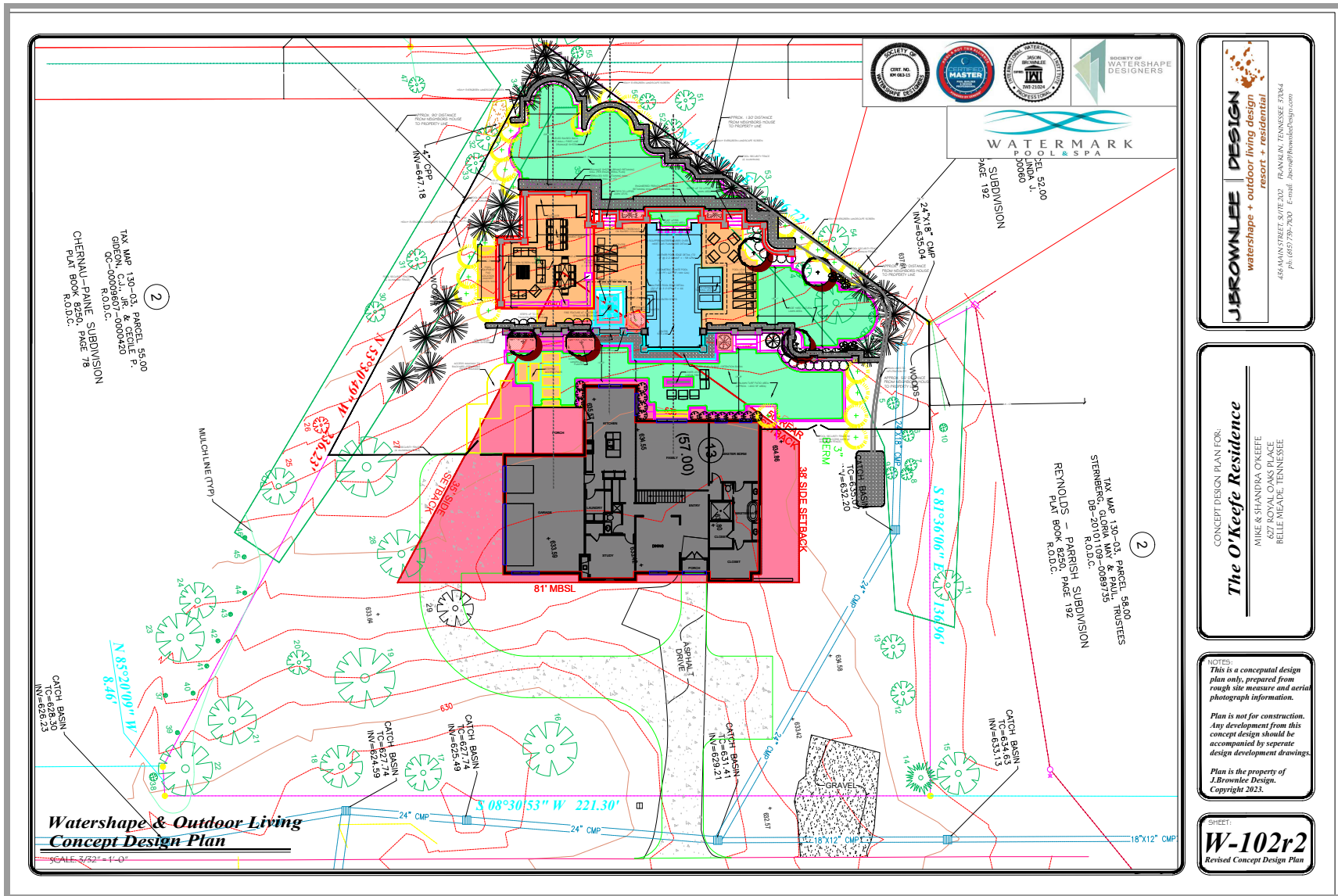
BY USE OF COORDINATED EFFORTS AND A SURVEY OF EXISTING CONDITIONS, WE WILL BEST PROMOTE HEALTH, SAFETY & GENERAL WELFARE THROUGH GOOD DESIGN / BUILDING PRACTICE -

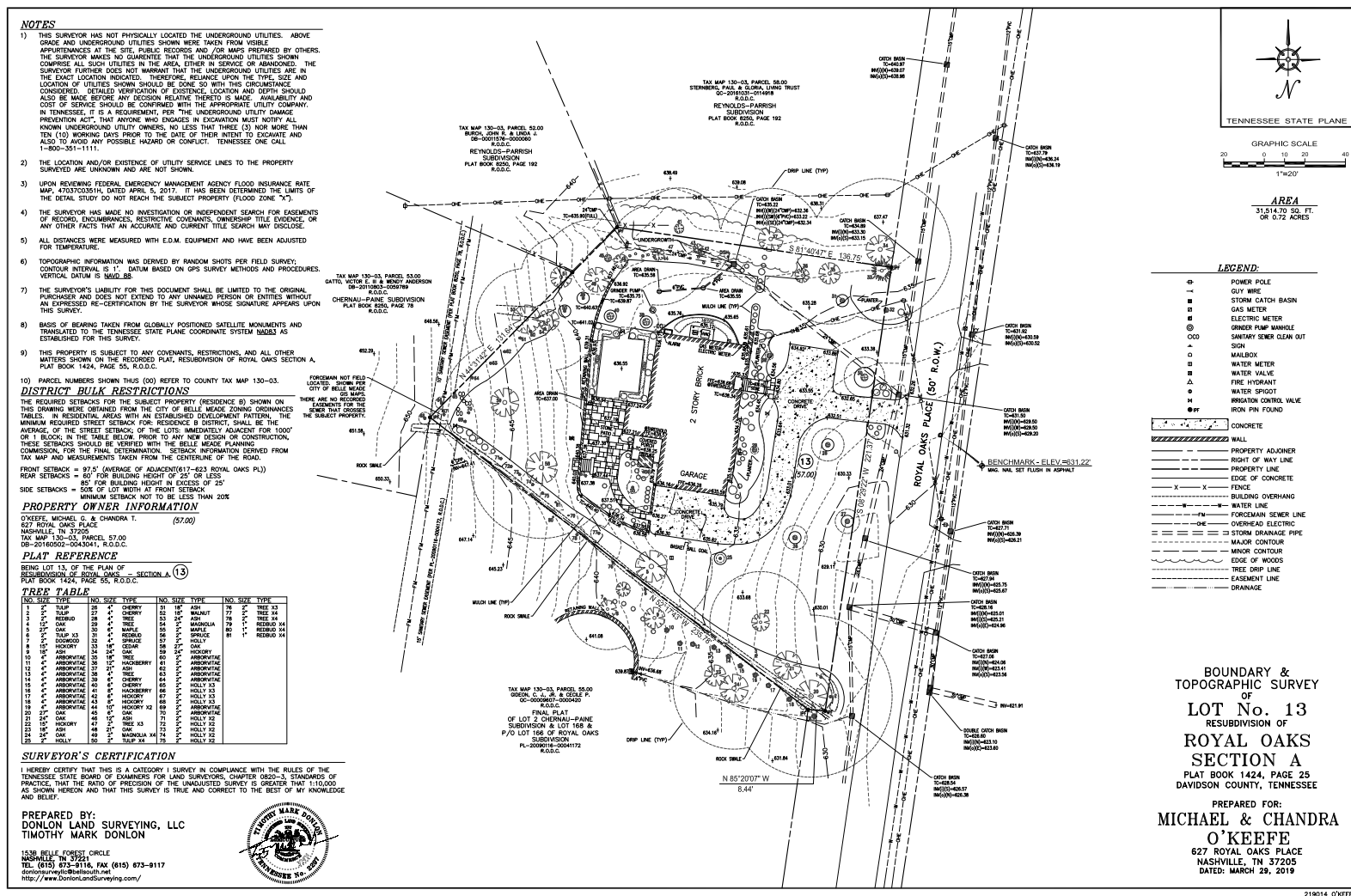
SIGNATURE: J. BROWNE DESIGN (Owner/Agent) DATE: JULY 10, 2023

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

BZA meets the third Tuesday of each month @ 5:00 p.m.
Cut off for submittal is 15 days prior by 12:00 p.m., no exceptions.







Houston and Hays Estes
630 Royal Oaks Place
615.351.7951
Houston.estes@me.com

August 15, 2023

City of Belle Meade
Board of Zoning Appeals

Re: 627 Royal Oaks Place Variance Request

Dear Board Members:

We are neighbors to the O'Keefes (627 Royal Oaks Place) and are aware of the variance request before the Board tonight. Sadly, we are unable to attend the meeting. That said, we find the O'Keefes to be lovely people, responsible homeowners, and great Americans. We fully support their variance request and appreciate their willingness to address certain drainage issues that affect their home and our street. Additionally, we look forward to using their swimming pool at odd hours of the day and night.

All The Best

A handwritten signature in black ink, appearing to read "M. Houston Estes". The signature is fluid and cursive, with the first name "M." and last name "Estes" being clearly legible.

M. Houston Estes

Staff Report

Agenda No.: III.1.
Case No.: 0815-2
Staff: Mary Samaniego, Planning Director
Applicant: Mike & Shandra O'Keefe
Request: Conditional Use approval for a swimming pool and cabana and a Variance approval for a portion the swimming pool and cabana outside of the building envelope
Location: 627 Royal Oaks Place

Summary:

The applicant on behalf of the property owners is requesting a Conditional Use approval for the construction of a swimming pool and a cabana as well as a Variance for a portion of said swimming pool to be outside of the building envelope on the subject property. The existing single-family dwelling was constructed in 2016.

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 0.74 acres (32,121 square feet).
2. Per Section 14-204(1)(m)(i) of the Zoning Ordinance, the square footage of the surface area of the water in a swimming pool as compared to the lot size shall not exceed two percent (2%) of lot. The allowable area of water within a pool for the proposed lot is 642 square feet.
3. The proposed area of the water in the swimming pool is 625 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 2,570 square feet.
5. The proposed area of the hardscape including the pool is 2,455 square feet.
6. The proposed swimming pool is significantly outside the established building envelope (see attached Staff Analysis of Site Plan).
7. The subject property is irregularly shaped (obtuse trapezoid) compared to the typical rectangular shaped lots in the surrounding area.

Findings of Fact and Staff Recommendation:

The standards of proof required for each individual Conditional Use are established in the Zoning Ordinance. The Board of Zoning Appeals shall have power and authority to authorize the issuance of permits for Conditional Use in the following findings of fact for the particular use

and/or structure per Section 14-202(1)(c):

1. such conditions and safeguards (specifically including, but not limited to, provisions for vegetative screening and/or lighting) as the board may require to protect the character of the community;

Upon site visit, staff noted an established vegetative buffer between the subject property and the adjoining properties on all sides. Additionally, the applicant is proposing the installation of trees and shrubs around the completed swimming pool that will provide extra screening from adjoining property owners.

2. a finding by the board that the same will not interfere substantially with the use and enjoyment of adjacent property by its owners and occupants; and,

It is staff's professional opinion that the criteria established within the Zoning Ordinance for the creation of building envelopes and subsequent requirement for pools to be placed within said building envelope adequately provides for substantial use and enjoyment of the adjoining property owners. The significant deviation from the placement of the swimming pool and cabana in the building envelope will impact the adjoining property owners.

3. the approval by the board of the size, dimensions, and location of the same, the following may be constructed or erected within the building envelope:

(D) Swimming pools, together with all mechanical equipment necessary to the operation of the same; provided that:

- (1) Every swimming pool shall be completely enclosed, either by the structural wall or walls of the dwelling to which it is an accessory, or by a fence or wall, not less than six feet (6') in height above the exterior adjoining grade, of the type required by the latest edition of the International Residential Code for one (1) and two (2) family dwellings which has been adopted by the City of Belle Meade.
- (2) Any opening in said enclosure shall be capable of being closed with lock and key and shall be kept so secured at all times, except when attended by the owner of the property or his authorized representative.
- (3) All pool lighting shall be located within the pool itself or no more than twenty-four inches (24") above ground level around the pool.

The property owner/applicant is required to illustrate compliance with this standard on the site plan and associated application at the time of building permitting.

The 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 subject property was platted in 1948 (Lot 13, Section A, Resub Royal Oak). The irregular shape of the lot is an obtuse trapezoid that angles inward along the rear property line.

2. The variance shall be granted that will not substantially impairing the intent and purpose of the Zoning Ordinance; and

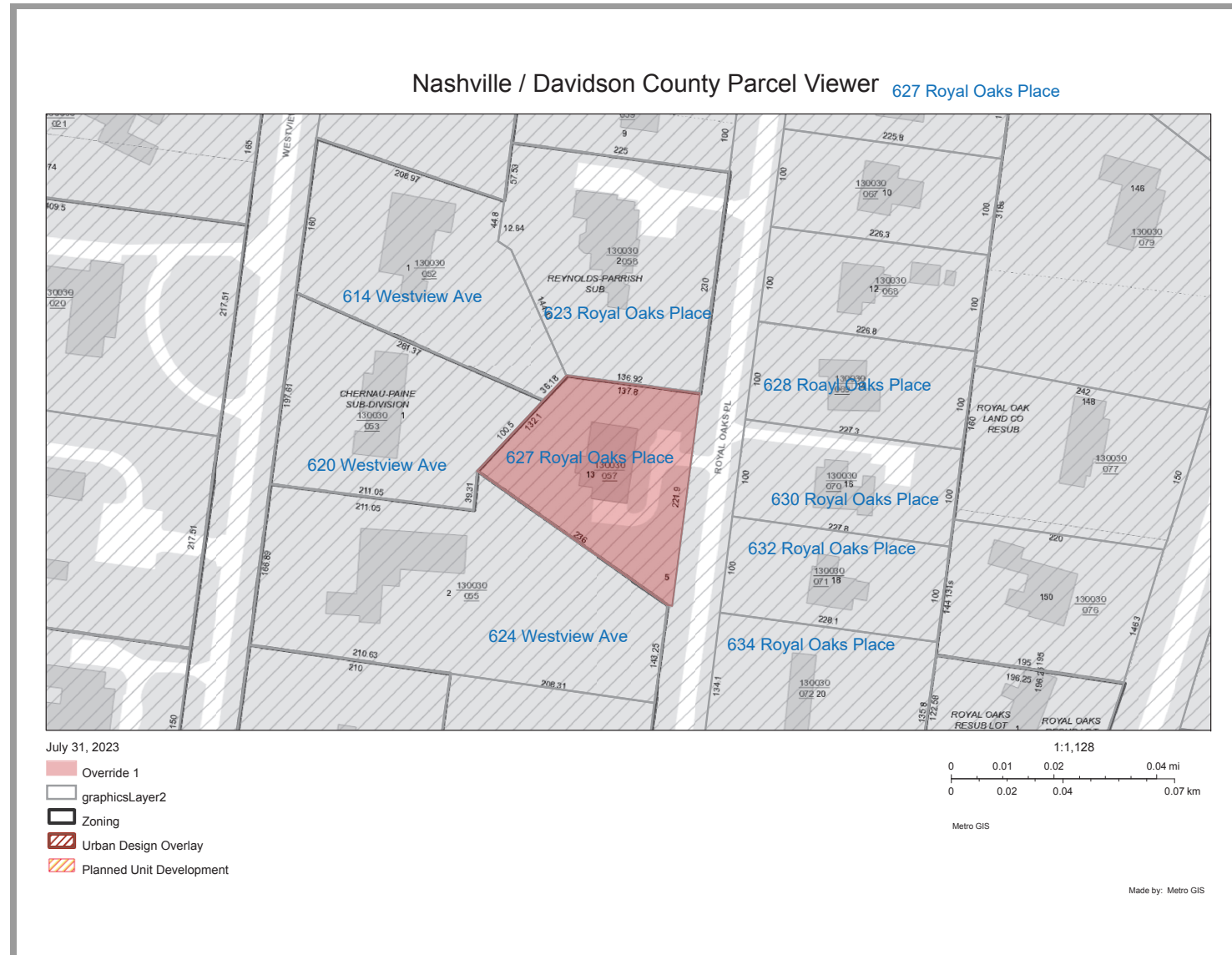
It is staff's professional opinion that the requirement for swimming pools to be placed within the building envelope was to ensure that use would not negatively affect adjoining properties. Typical negative effects of swimming pools include noise, drainage/stormwater runoff, and visibility. Most of the swimming pool is outside the building envelope with respect to the rear property line. The three properties along the rear property line are also irregularly shaped (see location map). Given the proposed placement of the swimming pool and the shapes and associated setbacks of the adjoining properties, the intent of providing adequate protection from negative effects detailed above are not met.

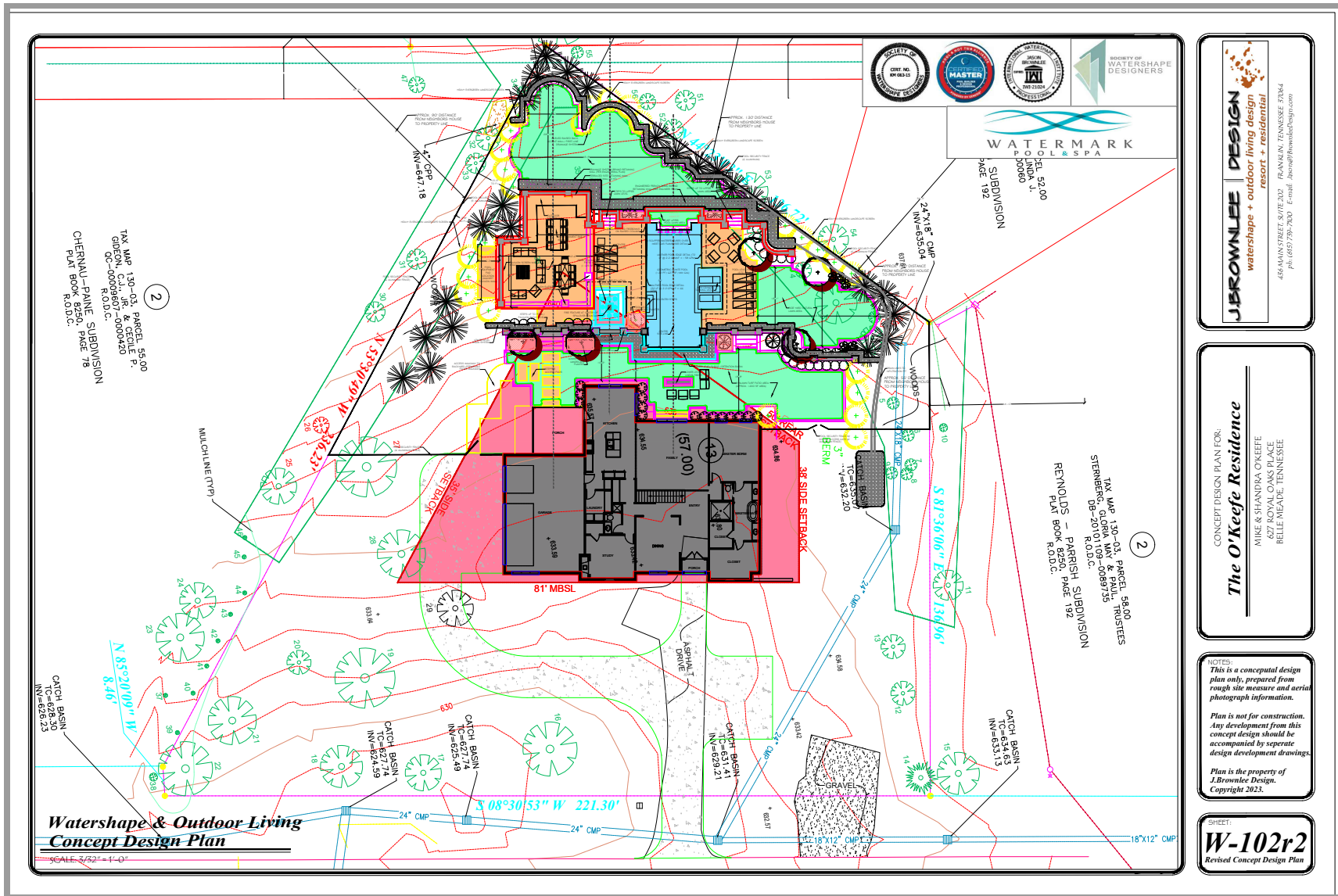
3. The resulting home will not be out of harmony with the other homes in the neighborhood. *As stated, most of the platted lots in the surrounding area are rectangular in shape. The subject property is in a small enclave of trapezoidal lots (see location map). It is staff's professional opinion that the typical building envelope requirements in the Zoning Ordinance were based on a presumed rectangular lot. In practical terms, the basic intent is for swimming pools and cabanas to be in the back yard of the dwelling as opposed to the side yards. The proposed swimming pool is entirely behind the existing dwelling and will not be generally visible from Royal Oaks Place.*

Staff recommends denial of the Conditional Use and Variance request 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



Subject to the provisions of the Code of the City of Belle Meade as they may be amended from time to time, the following general criteria are considered:

APPEAL # 2023-9 _____

APPEAL FEE: \$800

APPLICANT (Owner's Name) Douglas Joyce 216 JACKSON TRUST

PHONE # (615)-585-2556

APPLICANT EMAIL ADDRESS djoyce@dhjoyce.com

PROPERTY ADDRESS: 216 Jackson Blvd, Nashville, TN, 37205

REQUEST: SPECIAL EXCEPTION ☐ VARIANCE: X ☒ CONDITIONAL USE ☐

REASON FOR APPEAL – Be Specific

Page Landscape, on behalf of Douglas Joyce, is requesting three variances to construct a new driveway and parking area at the Joyce Residence. We are requesting a variance regarding the max retaining wall height of 3 feet as the proposed wall is 5 feet at its tallest. We are also requesting a variance regarding the 12% maximum driveway coverage. Additionally, we are requesting permission to remove an 18" diameter magnolia.

The final variance is for alternative location of fencing dues to steep slopes

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

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

Example: .57 acres x 43,560 sq. ft. = 24,829 lot sq. ft. / 24,829 x 12% = 2,979 footprint of house / 24,829 x .225 = 5,586 total house.

LOT SQ. FT: { 33,670 }	ALLOWABLE	EXISTING	TOTAL CHANGE	NET CHANGE +/-	% OVER
FOOTPRINT 12%	-	-	-	-	-
ESTATE A 8%					

F.A.R. X LOT SQ. FT.					
LOTS <40,000 sq. ft. x .225 =	-	-	-	-	-
LOTS > 40,000 sq. ft. x .196 =	-	-	-	-	-

TOTAL ROOF AREA					
% of Low Slope Roof AREAS <6/12 Pitch 30%	-	-	-	-	-

DRIVEWAY 12%	4,048 SF	4,958 SF	4,745 SF	-213 SF	2%
DRIVEWAY IN FRONT YARD 22%	3,047 SF	2,211 SF	2,615 SF	+404 SF	0%
FRONT YARD SQ. FT.	-	14,266 SF	-	-	-

HARDSCAPE 8% OF LOT	2,693 SF	1,149 SF	1,459 SF	+310	0%
HARDSCAPE + POOL 8%	-	-	-	-	-
POOL 2% OF LOT TOTAL	-	-	-	-	-
***ACCESSORY AREA	-	-	-	-	-

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

Continued on the next page

City of Belle Meade
 Application for Board of Zoning Appeals
 Page Two

Complete Check List

- ☐ Plot plan 1 inch = 30 feet "Show Magnetic North" ☐ Show proposed structure shaded with setbacks (building envelope)
 - ☐ Show neighbor's house & measurements to it ☐ Show all detached structures with elevations
 - ☐ Landscape design ☐ Survey of lot, lot square feet with contours, average natural grade
 - ☐ Building envelope *highlighted* ☐ Show all elevations, existing grade, finished grade, FFE's
 - ☐ Highlight coverages in grade change (Inside building envelope 6% of the lot up to 48 inches), (Outside building envelope 4% of lot up to 36 inches), (20 ft. off property line up to 24 inches). Does not include grade changes needed for the foundation.
 - ☐ Submittal, along with appeal fee the first Friday the month prior to the month of the scheduled hearing date.
- *MANDATORY – Clearly highlight the areas that will be discussed in a bright color on the plans. **INITIAL BGP**

What special circumstances or conditions, applying to the building or land in question, are peculiar to such building or land, and do not apply generally to other buildings or land in the vicinity (including size, shape, topography, location or surroundings, trees?)

The property slopes dramatically on the East side, up to 20% slope in the proposed parking area. In order to construct a level and safe parking area, we will need to construct a stone retaining wall reaching 5 feet at its highest. The current parking layout forces users to often reverse all the way out to the road, which is both inconvenient and unsafe.

The 18" diameter magnolia at the front of the property also contributes to the unsafe use of the existing drive by blocking views to the road. We are proposing to remove this tree and replace it with 9 Chionanthus trees in addition to other ornamental plantings.

The existing driveway already violates the 12% of lot coverage ratio. We are proposing to reduce the driveway square footage by over 200 square feet, while using the driveway area far more efficiently. However, we will still exceed the 12% coverage by 2%.

Is the request for a variance the result of a self-induced hardship by the applicant?

No.

How would the granting of this variance be consistent with the purpose and intent of the Zoning Regulations?

"The proposed use will not be out of harmony with the existing development in the neighborhood and is so designed and located that the public health, safety, and welfare will be protected" 14-37. The proposed driveway will allow for safer use and will have a positive impact on the aesthetics of the neighborhood by reducing the overall amount of paving.

"The physical characteristics of the proposed use or structure are architecturally compatible with other properties in the area... including landscape, height, scale" 14-37. The proposed retaining wall will be clad in a natural stone with a stone cap that will match the character of the neighborhood and will be reminiscent of the historic stonework present throughout Belle Meade. The scale and height of the wall will be softened by ornamental plantings of flowering trees, shrubs, and perennials. The parking layout is in harmony with the adjacent neighbor as well.

SIGNATURE: Bryan L. Pagli (Owner/Agent) DATE: 10.4.13

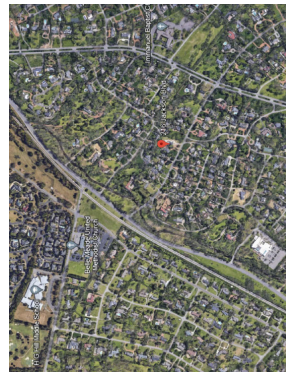
Submit all information, plans & application via email PDF to: inspector@citybellemeade.org

BZA meets the third Tuesday of each month @ 5:00 p.m.

Submittal deadline is the first Friday of the month prior to the month of the scheduled hearing date.

DOUGLAS JOYCE RESIDENCE

216 JACKSON BLVD, NASHVILLE, TENNESSEE

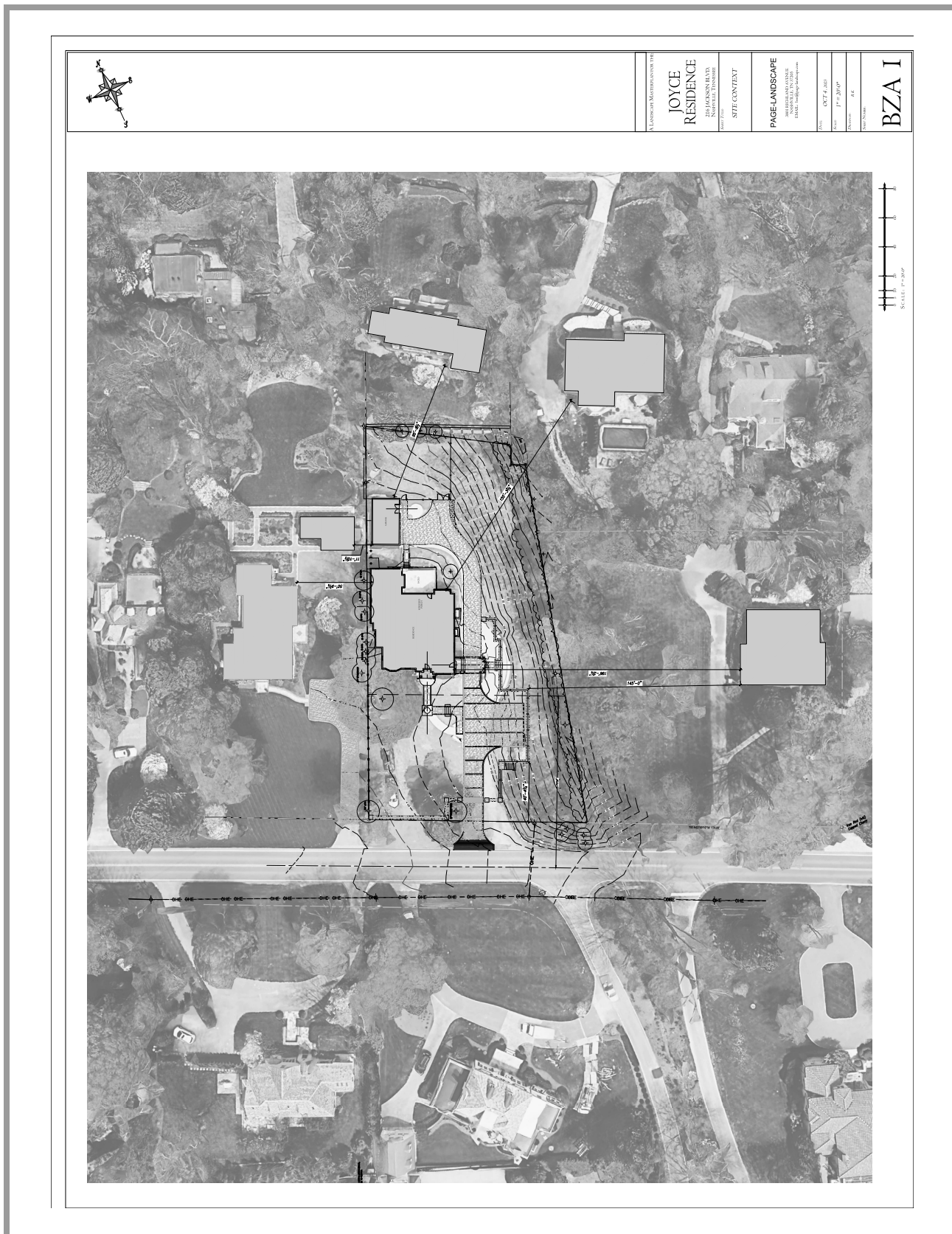


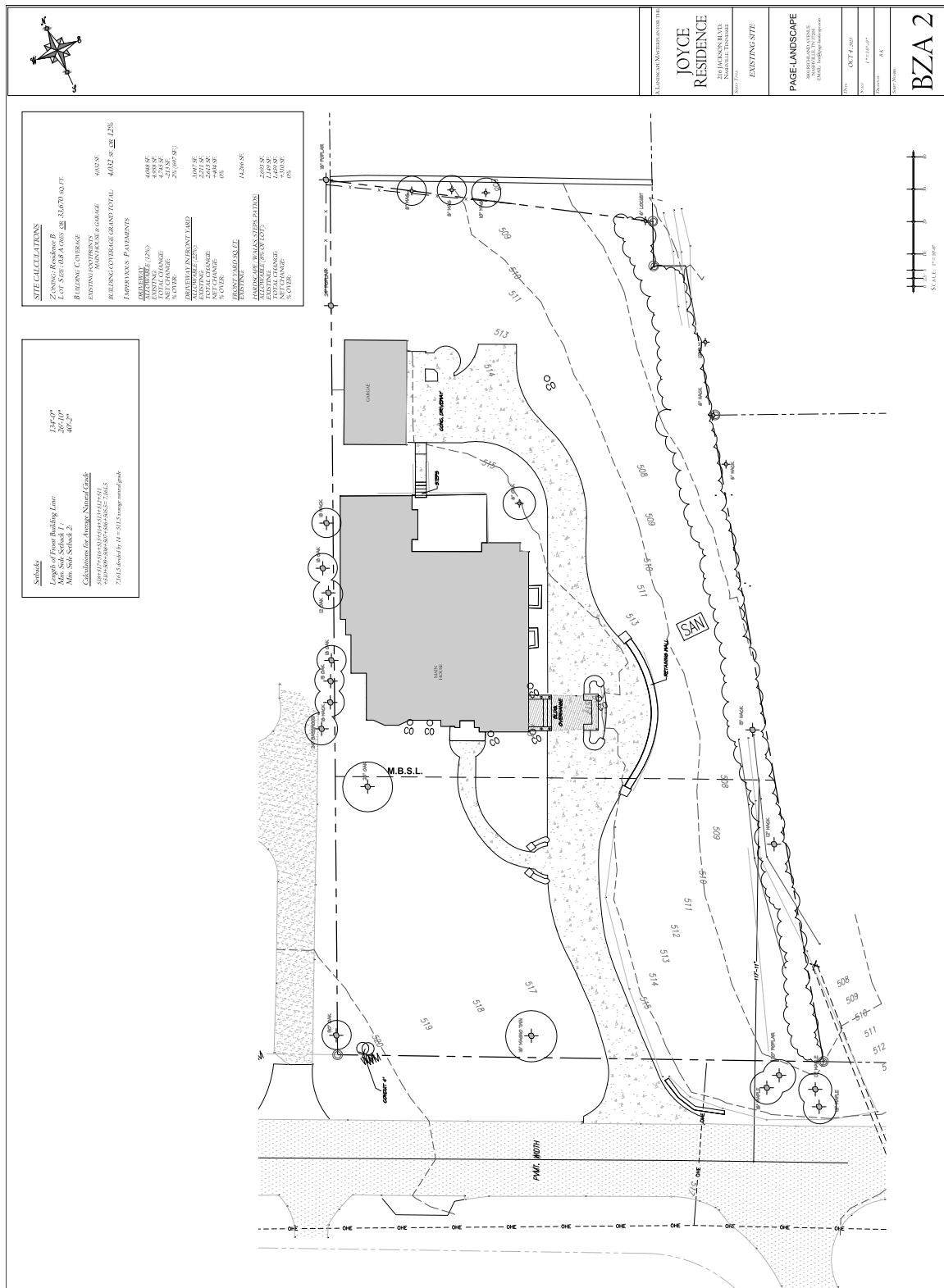
SITE VICINITY MAP

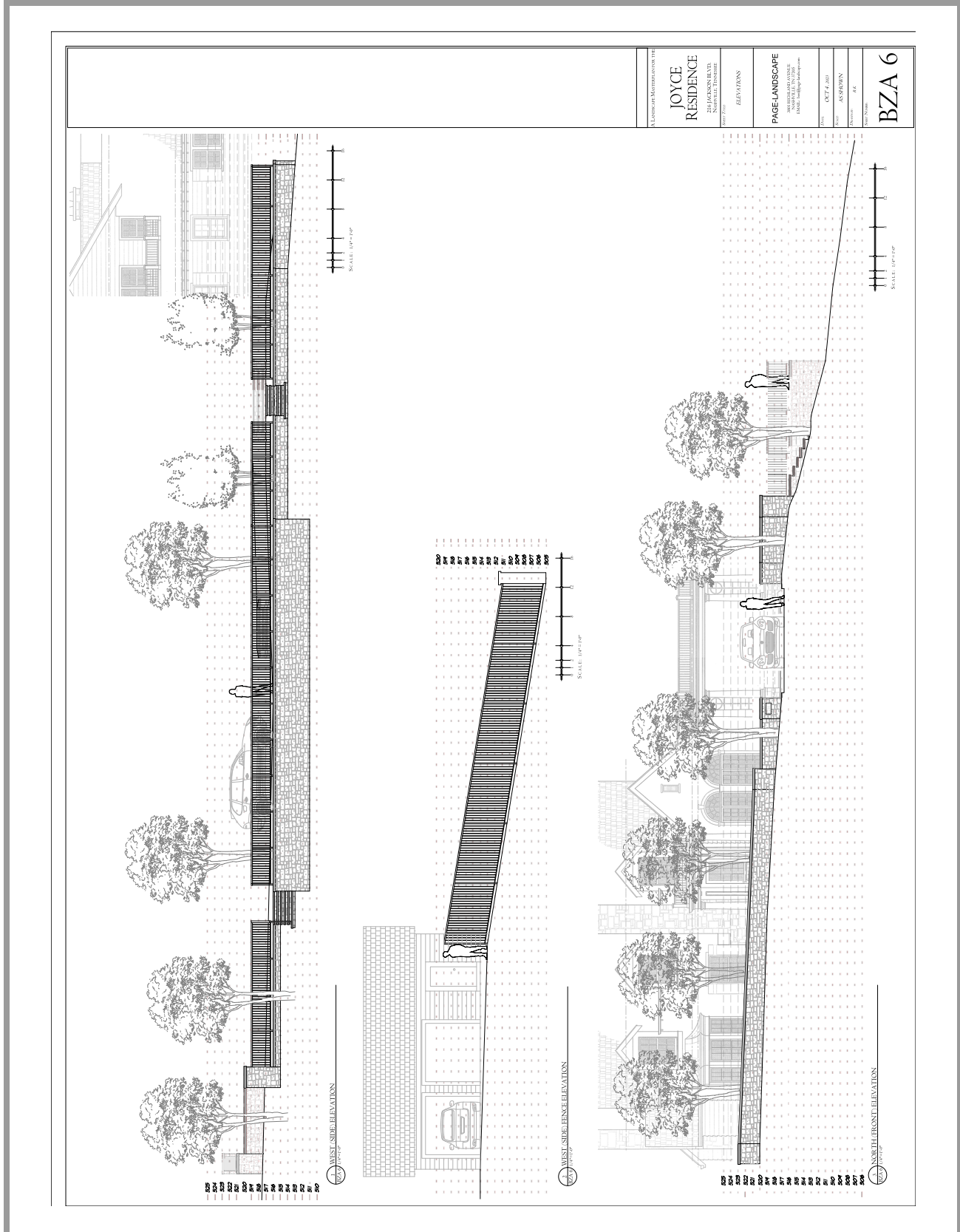
INDEX OF DRAWINGS:

0	COVER SHEET
RZA-1	SITE CONTEXT
RZA-2	EXISTING SITE CONDITIONS
RZA-3	DEMOLITION
RZA-4	PROPOSED WALLS
RZA-5	SITE GRADING
RZA-6	ELEVATIONS
RZA-7	PLANTING PLAN AND SCHEDULE

A LANDSCAPE MASTERPLAN FOR THE JOYCE RESIDENCE 216 JACKSON BLVD, NASHVILLE, TENNESSEE <i>Summer 2020</i>	PAGE-LANDSCAPE 3000 HUGHES AVE AND 1500 E NASHVILLE, TN 37205 (615) 611-1177 landpage.com	Date: OCT 4, 2021 Scale: Drawn: R.K. Sheet Name:
COVER		



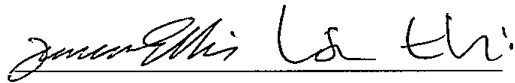




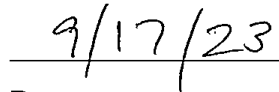


To Whom It May Concern,

I have reviewed the landscape plan with the Joyce's for their home at 216 Jackson Blvd.,
and as a neighbor approve the plan.



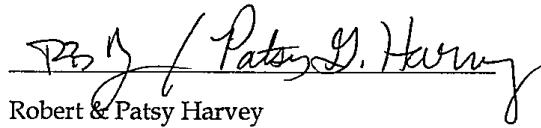
Junius & Lisa Ellis
214 Jackson Blvd
Nashville, TN 37205



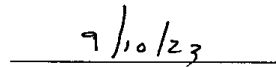
Date

To Whom It May Concern,

I have reviewed the landscape plan with the Joyce's for their home at 216 Jackson Blvd.,
and as a neighbor approve the plan.

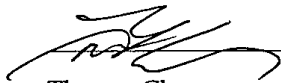


Robert & Patsy Harvey
219 Jackson Blvd.
Nashville, TN 37205


Date

To Whom It May Concern,

I have reviewed the landscape plan with the Joyce's for their home at 216 Jackson Blvd.,
and as a neighbor approve the plan.



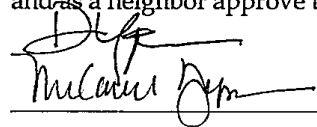
Thomas Chapman
300 Jackson Blvd
Nashville, TN 37205

9/9/2023

Date

To Whom It May Concern,

I have reviewed the landscape plan with the Joyce's for their home at 216 Jackson Blvd.,
and as a neighbor approve the plan.



Darrin & Melanie Yappen
301 Jackson Blvd.
Nashville, TN 37205

9/9/23
Date

Staff Report

Agenda No.: IV.A
Case No.: BZA 2023-9
Staff: Mary Samaniego, Planning Director
Applicant: 216 Jackson Trust
Request: Variance approval for a retaining wall over 3' in height and to increase the 12% maximum driveway coverage and for fence placement in other than allowed location.
Location: 216 Jackson Boulevard

Summary:

The applicant on behalf of the property owners is requesting a Variance for a related retaining wall over 3' in height and to increase the 12% maximum driveway coverage. The existing driveway on the property with associate retaining wall is no longer practical for use by the property owners. Specifically, the turnaround outside of the garage as well as the driveway layout itself does not function for use by multiple vehicles. The applicant wished to reconstruct the driveway to include a parking/turnaround area in the front yard of the property as well as the turnaround area adjoining the detached garage. An unassociated request is to fence in a portion of the backyard that does not terminate at the edge of the residence due to site topography.

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 0.80 acres (34,848 square feet).
2. The existing dwelling was constructed in the 1930's and includes a single vehicle porte cochere.
3. 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 drive and parking area for the proposed lot is 4,048 square feet.
4. The proposed area of drive and parking area is 4,745 square feet, which is over the requirement by 697 square feet. It is noted that the existing drive and parking area that is to be reconfigured is nonconforming with this requirement at 4,958 square feet.
5. Per Section 14-204(1)(g) of the Zoning Ordinance, multiple retaining walls which alter the average existing grade in excess of three feet (3') will be treated as a single wall and may only be constructed with the approval of the Board of Zoning Appeals.
6. The proposed retaining wall maximum height is 5' at the east side of the project. All other associated retaining walls for this drive reconfiguration project are at or below 3' in height.
7. The lot has 9 feet elevation change from the proposed drive to the property line to the east.

8. The Zoning Ordinance requires that no more than 22% of the front yard can be driveway and parking is in compliance (3,047 square feet allowed and 2,615 square feet proposed).
9. The applicant is proposing a 6' metal fence starting at the back edge of the detached garage, to the end of the driveway, to the rear property line, along the side property line, and then terminating at the other back edge of the detached garage.
10. The backyard area that will be fenced in is approximately 3,000 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 follow the existing topographic contours for the proposed construction while at the same time creating level development areas (see application site plan).
2. The variance shall be granted that will not substantially impairing the intent and purpose of the Zoning Ordinance; and
It is staff's professional opinion that the requirement for retaining wall height is to limit mass grading and elevation changes within a given site. The City of Belle Meade enjoys varying topography that contributes to the City identity. While the applicant is proposing an increase in retaining wall heights, the overall development will be placed on the lot in continuity with the existing topography. The proposed fence does not follow the eastern property line as required. Because of the sloping topography to the east, the only relatively flat area in the backyard is to the north of the detached garage. The intent and purpose of the fence provision, in staff's professional opinion, is to ensure that fences are placed in the rear yard as opposed to side yards. The proposed fence placement in the rear yard behind both the residence and the detached garage meets this intent.
3. The resulting home will not be out of harmony with the other homes in the neighborhood.
The existing house has a historic porte cochere attached to the east side. Likewise, the detached garage at the rear of the property is historic as well. To facilitate two-way traffic within the property, it is necessary to include a second portion of the drive adjoining the porte cochere. Similarly, a slight increase in the turnaround area adjoining the detached 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 697 square feet, the amount of parking in the front yard is in compliance with City standards. The proposed fence will be placed on the lot out of sight of Jackson Boulevard as well as behind existing vegetation to the west, north and east. Given this information, the impact on surrounding properties when viewing the property from the street is negligible in staff's professional opinion.

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

Attachments:

1. Location Map and Aerial Map
2. Staff Analysis of Site Plan

