

**MINUTES  
BOARD OF ZONING APPEALS  
BELLE MEADE CITY HALL  
FEBRUARY 20, 2019**

**Call to Order**

The meeting was called to order by Pete Zabaski, Chairman, at 5:05pm.

**Board members present**

Pete Zabaski                      Haley Dale                      James Edwards  
Gloria Sternberg                  Mal Wall

**Staff members present**

Beth Reardon, City Manager                      Doug Berry, City Attorney  
Lyle Patterson, Building Official                  Charlotte Hunter, City Recorder

**CONFLICTS:** Gloria Sternberg knows Kristin Taylor from Cheekwood, but it will not be a problem.

**CONSIDERATION OF THE MINUTES:**

1. The minutes of the regular meeting of the Board of Zoning Appeals held January 15, 2019

**Motion to Defer 30 days:** Sternberg    **Second:** Zabaski    **Vote:** All Aye

**OLD BUSINESS:**

1. The application of Jimmy Ward (19021) 412 West Brookfield Ave., for a special exception permitting construction of columns. The permit has been denied for the following reason.
  - A. Columns at drive/street entrance are over allowed height of 3'8".

**Presentation:**

Eric Stangel, Architect

The homeowners would like a stone wall with the corner piers 5 feet tall to mark the entrance at the front of the property line. Lots of neighbors on this street also have similar columns ranging in size from 6'4" to 8', 5'6" to 5'8", 5'6" to 5'10". The next door neighbors is 8' 6".

**Board Questions/ Comments:**

Q: Will there be anything on top of the piers like a light?

A: No. A rock cap only

Q: This is all new work?

A: Yes.

Q: Was it build after new zoning?

A: No.

Q: Is there a reason they need to be 5 feet?

A: With traditional architectural it will mark the entrance. These will look normal with all of them around the city.

**Audience Questions/ Comments:** None

**Board Discussions:**

Zabaski said he has driven in the neighborhood and this request is not unusual in this City with many low walls and higher columns. Edwards we have approved columns & walls higher than this if it fits the neighborhood.

Sternberg asked, why do we have ordinances if we just approve them anyway. Zabaski answered her with it gives the board some control of where they put the columns & walls. There isn't an ordinance to fit every situation. Attorney Doug Berry says a special exception is to make judgements for harmony of the neighborhood. It is better to have an ordinance than not. Dale said it is very consistent with the neighbors and area.

**Motion to Approve: Vote: Edwards Second: Dale Vote: All Aye**

**NEW BUSINESS**

2. The application of Kristen Paine (19022) 4415 Harding Place, for a special exception permitting the construction of an addition. The building permit has been denied for the following reason.

A. The addition is outside the building envelope but within the existing building footprint on the right rear.

**Presentation:**

Ron Farris, architect

The home as built in 1916, the Paine's have been there for 7 years. This is now a 3 bedroom house that will add a much needed family room/study breakfast room, and a fourth bedroom on the 2<sup>nd</sup> floor. We have an allowable 94'2" to use using the 50% new rule. We are under the FAR & footprint. The fireplace is within the setbacks even though it is allowed outside setback. The size and scale of the historic home is very modest.

**Board Questions/ Comments:**

Q: What is the distance from the proposed addition to the property line?

A: Closest is 31'8" feet, and increases by 3 feet in the back.

**Audience Questions/ Comments:** Three Letters from neighbors approving the design.

**Board Discussions:**

Edwards said nice presentation, good job.

Sternberg agrees that it is over existing building, so it is fine.

**Motion to Approve: Dale Second: Edwards Vote: All aye**

3. The application of Brian O'Shaughnessy (19023) 708 Enquire Ave., for a special exception permitting the construction of a dormer and a variance for the construction of an addition. The building permit has been denied for the following reason.

B. Second floor dormer addition is outside the building envelope.

C. The addition exceeds 50% of the width of the building envelope by 13' 3".

**Presentation:**

Charlie Rankin, Architect

This house was built in 1925 and the right side covered porch is already over the setback by almost 19' but was built before any zoning laws. A later addition was added in the back in 2006. Homeowners are requesting to tear down an existing wood deck, add a family room and a bedroom suite.

The dormer is outside of the building envelope. It doesn't come any closer to the neighbor. Currently there is a dormer up there with no windows. They will turn current attic space & dormer into a bedroom.

Variance request is for the left side of the house. The addition is within building envelope, allowable FAR & allowable footprint. The issues are with the new 50% lot width ordinance. We are exceeding this new rule by 13'3" feet.

Looking at the location for the new addition, we found several locations, non-conforming with porch on left side, topography with awkward lot shape & size (24 foot notch in the rear of the property), and garage doors. A new proposed driveway will go under the area of the family room and bedroom. They want the bedroom separated from the rest of the house so he is not disturbed as they are both on call doctors. This could also be an in law suite for their aging parents. It is 93 feet from the neighbor at 700 Enquirer which is same distance and 113 feet on the other side. This house is very much in harmony with the neighborhood.

**Board Questions/ Comments:**

Q: What is the purpose of the wall that extends beyond the building envelope and what is the height?

A: The purpose is to provide extra visual support to this wing. It is 3 feet tall and slopes to attach to the house.

Q: What is the depth of the covered porch

A: 11' 10" from the main body of the house.

Q: How large is the family room?

A: 24 feet, width is 34, the arch is about 20 feet wide for 2 cars to park or pass.

Q: What are the dimensions of the new room?

A: Guest bedroom will be 15 feet.

Q: Regarding the dormer, will you add windows?

A: Yes.

Q: Is this the only place you could do the addition?

A: Yes, no other options due to garage doors in rear and lower basement level, basement height is 7'5", 24' notch out of back yard is hardship.

Q: Is wing wall included in calculations?

A: No, since it is an exterior wall. It is an Architectural part of the house.

Q: Is there an outside entrance to the new bedroom suite?

A: Yes, thru the basement

Q: If you knew this was over by 13 feet, why did you think we would approve it?

A: We started on these plans long before the new ordinance. We started last Spring.

Q: Back to the dormer, with adding a new dormer & windows to the old one, will you have a better view of the neighbors? We frown upon this for the benefit of the neighbors. To add windows you wouldn't have to come in front of the board.

A: We are sympathetic with the neighbors, but this is not in a high traffic area and a teenager room.

Neighbor Mr. Cheek, 712 Enquirer Avenue, says he doesn't want the window dormers for privacy issues. It overlooks his back yard which has a pool and pond and many outdoor living areas. He has a historic rock garden that has been featured in many magazines. He is for the new addition going over by 13 feet.

Q: would you prefer windows or the space?

A: Space.

Q: Are there any other kind of glass windows to prevent looking in or out and only for light?

A: Yes, they do make them but they are probably not for this project.

**Audience Questions/ Comments:** Letters from Davis at 700 Enquirer approving. Neighbor Mr. Will Cheek, 712 Enquirer Avenue, says he doesn't want the window dormers for privacy issues. It overlooks his back yard which has a pool and pond and many outdoor living areas. He has a historic rock garden that has been featured in many magazines. He is for the new addition going over by 13 feet.

#### **Board Discussions:**

Edwards suggest he reduce the generous size of the rooms.

Dale states this will not be out of harmony of the neighborhood. It is outside of the building envelope but within the setbacks and that is a compelling reason to approve it. They couldn't help the house being built outside the envelope. Zabaski explained it would have been approved prior to new ordinance about 50% rule because it is within the envelope. FAR, footprint & height are all ok.

Zabaski asked about landscaping for the new windows for the neighbor. Wade Richt says that large privacy trees could reach the 20' needed for privacy, but would be very expensive. Arborvitae Trees grow very quickly.

Zabaski says make this a 2 votes:

1: Addition: glad 50% rule is in place so they have to come to the board. 34 feet is large space but why spend \$1.5 addition why only get 4 feet. Knowing it would have been approved, because no place else to put it & topographies, I will approve it.

2: Dormer: I understand the neighbor's complaint since they use their back yard so much.

Sternberg mentioned why do have ordinances if we just approve ones that come to the board.

Attorney Doug Berry reminded board the reason you have ordinance is to evaluate each case.

Edwards agrees there is no other place to add the addition except this location. The topography is a hardship. It could be redesigned to reduce the

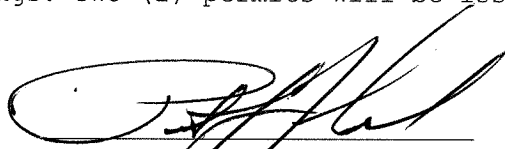
size. On the Dormer, privacy is an issue but a room without a window on the 2<sup>nd</sup> floor is not feasible. You can already see in the backyard. Dale says she added many arborvitae trees to her home so she can't see so much of the neighbors. This age of this homes makes her a fan of the rebuild versus of a tear down.

Patterson suggest approving the dormer with the condition that he will not issue a permit until both parties agree on the type and size of arborvitae.

**Motion to Approve Addition: Dale      Second: Wall   &   Zabaski**  
**Opposed: Sternberg & Edwards**  
**Vote: Passes**

**Motion to Approve Dormer: Dale      Second: Zabaski    Vote: All Aye**  
Neighbors need to agree on plantings. Two (2) permits will be issued.

Meeting adjourned at 6:30pm.



Chairman Pete Zabaski



City Recorder Charlotte Hunter