

Minutes of a meeting of the Board of Zoning and Appeals of the City of Forest Hills

January 21, 2011

The Forest Hills Board of Zoning Appeals (herein also the "Board") held its regular monthly meeting on, January 21, 2011 at the City's Offices, 4012 Hillsboro Road, Nashville, Tennessee, beginning at 8:00 a.m. Chairperson Janie Rowland presided. Also present were Mr. Jim Littlejohn, Mr. Lanson Hyde, City Manager Al Deck, and City Assistant Cynthia Despot. Others present are shown on the attached sign-in sheet. A copy of the Agenda is also attached to these minutes.

1. Approval of the minutes of the November 19, 2010 meeting. Upon a motion by Mr. Jim Littlejohn, which was seconded by Mr. Lanson Hyde, the minutes for the November 19, 2010 meeting were approved.

2. Letters of Credit: none

3. Mr. Dean Davenport of Construction Unlimited, Inc. represented Mr. and Mrs. Ralph Levy of 4 Glen Abbey in requesting a variance for reconstruction of a failed retaining wall. The original wall was approximately 50 feet long and 7 feet high. Thirty feet of the original wall failed during the May flood. The proposed replacement wall will be approximately 50 in length and increased to eight feet in height.

Mr. Davenport outlined the process of replacing the retaining wall and the increase height. The project is being handled by TTL. Upon motion by Mr. Jim Littlejohn, which was seconded by Mr. Lanson Hyde, the Members unanimously voted to approve the motion to exceed the maximum height of 4 feet, subject to TTL providing a log report of inspections and a final report on the project. The Members also commended Mr. Davenport on using boulders on the facade of the wall.

4. Mr. John C. Hayes III, owner of the home located at 4602 Skymont Drive, requested a variance to allow for two retaining walls. The original wall was repaired without a permit. It is approximately 25 ½ feet long and ranges from 2 to 5 ½ feet in height. The new retaining wall, also built without a permit, is approximately 110 feet long and ranges from 2 feet to 5 ¾ feet in height.

Mr. Hayes described the condition of the property when he purchased it and the improvements he made. All other repairs to the house and property were made without permits as well. Upon motion by Mr. Jim Littlejohn, which was seconded by Mr. Lanson Hyde, the Members unanimously voted to approve and grant a variance for the two retaining walls in excess of 4 feet in height, subject to applicant's compliance with the city's letter outlining requirements for permitting this project.

Mr. Thomas Frist, III, owner of the property located at 1900 Chickering Road seeks to renew a conditional use permit to use the Property for a recreational use. Section 402(G) of the Forest Hills Zoning Ordinance prohibits the completion of any accessory building prior to the commencement of construction of a principal dwelling. The Property, being zoned Estates 1A, supports only residential uses. In May, 2009, the Forest Hills Board of Zoning Appeals ("BZA") granted the Applicant's request for such a conditional use permit to complete the construction of an accessory use barn ("Barn") which was residentially appropriate and conformed to the rural aesthetic of the neighborhood with several conditions as follows:

The Barn may not be used as a dwelling, or for any overnight habitation. The Barn may have a lavatory and sink, but will not have a kitchen, kitchenette, or other food storage and preparation area. The Barn may not have any bedrooms.

The Barn must comply with all other Zoning Ordinance requirements, including, but not limited to, the lighting and noise requirements of the Zoning Ordinance.

The Property may have paved parking spaces to accommodate up to eight (8) vehicles. Total impervious roof surface area may not exceed 4180 square feet.

The Property may be used only by the Owners' immediate family and their guests.

The Property may be used only for purposes customarily incidental to a single-family residence. The Property may not be used for organized games or sporting competitions of any kind, whether sanctioned or not.

This conditional use permit expires eighteen months after issuance.

The Members heard from Mr. Frist and next door neighbor Mr. Douglas Joyce. Upon motion by Mr. Lanson Hyde, which was seconded by Mr. Jim Littlejohn, the Members unanimously voted to approve the conditional use permit for 18 months. Mr. Joyce asked if the permit could be made permanent, or at least modified so that it could be extended beyond 18 months to at least 24 or 36 months. The City Manager promised to obtain legal opinion and respond at the next meeting, if the members would approve this request as presented. Per the City Attorney, the conditional use permit may be granted to continue as long as the property is owned by the Firsts, but will expire on sale of the property. The Conditional Use document should be recorded to make potential buyers aware of the restrictions on the property.

There being no further matters to be discussed and no further business to come before the Board, the meeting was adjourned.