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**MINUTES OF A MEETING OF
THE BOARD OF ZONING APPEALS
THE CITY OF FOREST HILLS**

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July 19, 2013

6 The Forest Hills Board of Zoning Appeals (herein also the “Board”) held its regular monthly
7 meeting on July 19, 2013 at the City’s Offices, 6300 Hillsboro Pike, Nashville, Tennessee,
8 beginning at 8:00 a.m. Chairperson Janie Rowland presided. Also present were Mr. Jim
9 Littlejohn, City Manager Amanda Deaton, and City Attorney Mr. Matt Foster. Others present are
shown on the attached sign-in sheet. A copy of the Agenda is also attached to these minutes.

10 1. **Approval of the minutes of the June 21, 2013 Meeting.** Approval of minutes
11 were deferred because Chairperson Rowland was not present at the June 21
12 meeting.

13 2. **Letter of Credit** - No action needed, no action was taken.

14 3. **Mr. and Mrs. Paul Sachtleben of 2004 Stonehurst Drive** requested an
15 additional 36 linear feet of six-foot privacy fence to match existing fence and a
16 pedestrian arbor of approximately seven feet in height. Mr. Sachtleben explained
17 that there was an existing six-foot privacy fence when the house was purchased.
18 The fence had become old and dilapidated and needed replacement. Mr.
19 Littlejohn asked about the existing fence and the duration it had been down during
20 replacement. Mr. Sachtleben responded that the fence had been down for less than
21 48 hours and it currently appeared noticeable because it had not yet been stained.
22 Chairperson Rowland asked if the Sachtlebens would consider landscaping the
23 fence. Mr. Sachtleben responded in the affirmative.

24 Mr. Sheridan of 2008 Stonehurst, a neighbor, expressed support as long as the
25 additional fence was no more than 4 feet high. This was agreed.

26 Mr. Littlejohn made a motion to approve the extension of the fence and 7 foot
27 pedestrian arbor with the condition that landscaping be conducted during the fall
28 planting season and the left side of the house be completed with 4 foot high
29 fencing in accordance with the zoning code. Chairperson Rowland seconded the
30 motion. The motion carried unanimously.

31 4. **Mr. and Mrs. McInteer, owners of the lot located at 3 Goldstone Court**
32 requested a variance of approximately 10 feet on both sides of the lot for the
33 construction of their proposed new home. Mr. McInteer purchased the lot in 1999
34 when the setbacks were at 40 feet and they are now 50 feet. He continued that
35 there are sink holes and depressions in the back part of the property. Mr.
36 McInteer followed that all the neighbors had written letters of support for the
37 construction. Chairperson Rowland asked if the house could be designed to meet
38 the setback requirements. Mr. McInteer stated that he did not want to change the
39 design.

40 Mr. McInteer requested an explanation of the increased setbacks. Mr. Jim
41 Littlejohn responded that it was in effort to increase the open space in Forest Hills
42 and that this was done though dedicated space (parks) and borrowed space
43 between houses.

44 The discussion of the housing envelope continued: Chairperson Rowland asked
45 about the presence of large trees in lot. Mr. McInteer responded that there were
46 several trees of over 12 caliper inches. Chairperson Rowland requested the
47 topology map with trees indicated. Chairperson Rowland and Mr. Littlejohn
48 reviewed the plans and considered that it may not require the requested setbacks.
49 Mr. McInteer asked if he returned new plans before the next meeting, could they
50 be considered. Mr. Littlejohn responded affirmatively.

51 Mr. McInteer asked to defer. The board agreed to defer the request for one month.

52 5. **Mr. Giachery Lizzaraga of Hybrid Builders who represented the owners of**
53 **1608 Tynwood Drive** requested a rear setback variance of approximately 25 feet
54 for construction of a proposed new home. Mr. Lizzaraga explained that this lot
55 had an existing home that was demolished over five years ago and the new
56 construction has gone through over 4 revisions resulting in a footprint under 2,500
57 feet including garage. Mr. Lizzaraga also presented letters of support from
58 surrounding neighbors. Chairperson Rowland questioned the look of the retaining
59 walls and Mr. Lizzaraga responded that they would be finished with a brick
60 veneer. Mr. Littlejohn requested the grading plan that included the retaining walls.
61 Mr. Lizzaraga did not have the grading plans presently but could get them.

62 A deferral was requested. The board agreed to defer the request for one month.

63 6. **Mr. John Hayes representing Mr. Don Hayes (unrelated) owner of the lot**
64 **located at 2108 Timberwood Place** requested a variance for a 54 foot front yard
65 setback for a proposed new home. Mr. Hayes presented the board with letters of
66 support from surrounding neighbors. Mr. Hayes also stated that this setback
67 request was made to be consistent with neighboring structures. The previous
68 house on the lot had been demolished. Mr. Foster, the City Attorney, asked Mr.
69 Hayes if he was aware of the lien on the property regarding demolition. Mr.
70 Hayes stated yes and that title insurance would be handling that lien. Mr. Foster
71 recommended that the City not issue a building permit until the lien is released.
72 Mr. Littlejohn requested the grading plan.

73 Mr. Jim Littlejohn made a motion to approve the variance as requested.
74 Chairperson Rowland seconded it. The motion passed unanimously.

75 7. **Mr. Preston Quirk, representing Mr. and Mrs. Nathan Yi, the owners of the**
76 **lot located at 22 Annandale**, requested variances for a five foot side setback on
77 the north side of the lot, a driveway slope over 20% grade, a retaining wall of
78 approximately 11 feet in height and requested a building permit be issued for this
79 site which is in the hillside protection overlay district. Mr. Quirk presented a
80 packet of information that listed changes that had been made since the last Board
81 meeting. They included raising height of the house two feet, providing rail on all
82 walls over 30 inches high, disturbing 39% of lot area, landscaping areas to screen
83 the retaining walls, decreasing the house width by 1%, moving the retaining wall
84 away from adjacent property, drainage calculations, and revised driveway
85 alternatives. The new plans containing these changes were presented to the board.
86 Mr. Quirk noted that he had a previous letter from the Otterwood Home Owners
87 Association (HOA) that expressed approval of the project. However, Mr. Quirk
88 also informed the board that an email had been received by the City which
89 expressed the HOA disapproval without reviewing further plans. Until the HOA-
90 Structural and Architectural Review Board (SARB) reviewed the new plans, the
91 HOA would not approve.

92 John Nanni, a neighbor, spoke to the issue. He noted the neighborhood had not
93 yet seen this version of the plans. He also expressed his opinion that the Hillside
94 Protection Overlay was important and should be strictly applied when necessary
95 (in this case).

96 Steve Kirkham, a neighbor, spoke to the issue. He had not seen this version of the
97 plans so he could not comment and that was a problem. He asked questions
98 regarding the height of the retaining wall and its proximity to the footing of his
99 house. He requested that the SARB be able to review the plans before approval.

100 Chairperson Rowland expressed concern regarding the retaining wall's proximity
101 to the neighboring property. Mr. Foster, City Attorney, was asked about the
102 requirement of the HOA approval. He responded that it was not required but that
103 past practice had shown preference for HOA approval. Chairperson Rowland
104 asked that due diligence be carried out by seeking HOA approval.

105 Mr. Quirk asked for a deferral and the possibility of a special called meeting. The
106 board agreed to defer the request until the next meeting. The board agreed that
107 they would consider a special called meeting.

108 8. **Mr. Gavin Duke and Mr. Steve Durden, representing the owners of 4321**
109 **Chickering Lane**, requested variances for retaining walls in excess of ten feet,
110 accessory uses not located in the rear yard, and to permit the for roof to exceed 35
111 feet if necessary, and building in the hillside protection overlay district. Several
112 retaining walls are proposed for this project some of which are meant to hide the
113 front-sided accessory uses which Mr. Duke identified as parking and a possible
114 basketball court for the resident's young sons. Mr. Duke showed the approval of
115 the Home Owners Association and neighbor Mr. Warner Bass.

116 Mr. Littlejohn moved to approve the requests, Chairperson Rowland seconded,
117 and the motion carried unanimously.

118 9. **There was a motion to adjourn, it was seconded, and passed unanimously.**

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