

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

August 16, 2013

The Forest Hills Board of Zoning Appeals (herein also the “Board”) held its regular monthly meeting on August 16th, 2013 at the City’s Offices, 6300 Hillsboro Pike, Nashville, Tennessee, beginning at 8:00 a.m. Chairperson Janie Rowland presided. Also present were Mr. Jim Littlejohn, Mr. Mark Banks, 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.

1. **Approval of the minutes of the meetings dated June 21, July 19 and August 8, 2013.** Each meeting minutes were voted on separately. Chairperson Rowland made the motion to approve the June 21 minutes, Mr. Banks seconded, and the motion was approved unanimously. Mr. Littlejohn made the motion to approve the July 19 minutes, Chairperson Rowland seconded, and the motion was approved unanimously. Mr. Littlejohn made the motion to approve the July 19 minutes, Chairperson Rowland seconded, and the motion was approved unanimously.
2. **Letter of Credit** - No action needed, no action was taken.
3. **Mr. and Mrs. Chad Pearman, owners of the home located at 5617 Granny White Pike, requested** a five foot side setback variance for a proposed home remodel and a thirteen foot, seven inch variance for a pool deck remodel on the south side of their home. Mr. Pearman explained the deck was already encroaching into the side setback. They are attempting to take out wood and replace it with concrete. Currently, the pool has decking on two sides: this plan calls for three sides of decking. Mr. Banks asked Mr. Pearman if he was referring to the accessory setbacks or the primary dwelling setbacks. Mr. Pearman confirmed he was using the accessory setbacks to request the variance. The issue was under question because the property is on a corner lot. Mr. Pearman continued that he intended to build a small retaining wall to help with some of the drainage issues that occur during heavy rains and flooding. The proposed wall is on the long side of the pool. Mr. Pearman explained that he would have to take out a big bush, but there is a landscaping plan to ensure proper coverage.

Chairperson Rowland asked if there was anyone to speak to the issue. One person who identified himself as a neighbor said he had no objections.

Chairperson Rowland made the motion to approve Mr. and Mrs. Pearman’s request, Mr. Littlejohn seconded, and the motion passed unanimously.

4. **Mr. Johnny Paulk of Siteworks, LLC, who represented Mr. and Mrs. Christopher White, owners of the home under construction at 4386 Chickering Lane** requested permission to add a pool to the approved plans. The pool would be within 50 feet of a steep slope. Because Mr. Littlejohn’s firm had done some work on the site, he recused himself. Mr. Paulk explained that the Board had already reviewed and approved sophisticated plans during a previous meeting (*See minutes from July 26, 2012*). At that time, the White’s elected to leave out the pool, although it was in original plan. As the owners have gotten into construction, they have decided to include the pool. Mr. Paulk mentioned that

the pool is still in the building envelope and falls within the coverage ratio. Mr. Paulk drew the Board's attention to the drainage plans that are in place for the construction. Mr. Banks asked if the pool would sit on top of the drainage plan and Mr. Paulk responded in the affirmative. Chairperson Rowland asked if there was anyone to speak to the issue. There were none. Mr. Banks mentioned he wanted to make sure the geotechnical report recommendations made it into the actual construction process.

Chairperson Rowland made the motion to approve Mr. and Mrs. White's request, Mr. Banks seconded, and the motion passed unanimously.

5. **Ms. Anne Daigh represented Mr. and Mrs. Brian Wilcox, owners of the home located at 1105 Lynnwood Blvd.** This lot is located in the Hillside Protection Overlay District. They requested permission for accessory uses: to build a covered pavilion, and outdoor pergola, and water feature to be located in the side yard. They also requested a seven foot variance of the front set back to build additional garage space. Ms. Daigh showed the lot at 1105 Lynnwood indicating that there were 7 surrounding neighbors and that the house faced the long driveway as opposed the road. The house was situated on the lot in an odd, but good way.

The existing garage already encroaches into the setback by two feet. The addition would encroach an additional five feet. The new garage space is coming into the existing driveway.

The covered pavilion, pergola and water feature will be placed in the existing terrace with little additional land disturbance. Ms. Daigh indicated that placing these items in the side yard is more appropriate because the back yard has steep slopes, this is the entrance area, and it reduces land disturbance.

Chairperson Rowland made the motion to approve Mr. and Mrs. Wilcox's request, Mr. Banks seconded, and the motion passed unanimously.

6. **Mr. Jerry Johnson of Brentwood Builders, who represented Rodney Hamilton, owner lot 33 in the Otterwood Subdivision** requested permission to build in the Hillside Protection Overlay as the building envelope is within 50 feet of a steep slope. Mr. Johnson said that this was a new construction and that they had approval from the Otterwood Home Owner's Association (HOA). The City of Forest Hills had received a letter confirming their approval and it was given to the Board.

Mr. Littlejohn asked about the retaining walls and their association with the grading plan. Mr. Littlejohn expressed that the plan showed the need to go onto other property to construct the retaining walls. He asked Mr. Johnson if the proper easements were in place with the neighboring property. Mr. Johnson responded in the negative, but mentioned the plan could be revised so as to not need an easement.

Mr. Littlejohn commented that the plan calls for disturbing a great deal of area and he wondered what was going to be done about the drainage. He saw no plan for basins or ditches on the plan. Mr. Johnson responded that he had a person on staff whose job it will be to control drainage with silt fences, hay barriers and the like. Mr. Littlejohn asked what would be done with the top soil and the colluvial soil under the driveway. Mr. Johnson responded that top soil would be stripped and distributed. He also explained that while the Geotechnical Study did not

require removal of the colluvium, it would be removed in the driveway area. Further, Mr. Johnson commented that they will cut through colluvial and set everything on residual soils.

Mr. Littlejohn commented that this is a tough lot and there should be a method of construction. Mr. Johnson responded that the retaining walls will be put in place first. They will be made of different materials that match the house: stucco, stone, and brick. Mr. Banks noted that there was little plan for actual construction such as where the construction silt fences would go and it increased his concern about the grading plan. Mr. Littlejohn explained that there are more options than silt fences and a construction/erosion plan is needed.

Mr. Littlejohn asked about the Cherry trees on the side of the drive indicated on the landscape plan. Mr. Johnson noted that the Cherry trees complement the existing vegetation. Mr. Littlejohn said he would like to see more evergreens along the drive to ensure privacy and greenery.

Mr. Johnson asked for conditional approval conditioned on an acceptable erosion/construction plan and a revised landscaping plan. Mr. Banks and Mr. Littlejohn both said they could not recommend approval without these items in hand and reviewed. Chairperson Rowland concurred.

Mr. Johnson noted that the homeowner had a locked in rate for the next two and a half weeks and wondered if there was a way to get approval before that time passed. Mr. Littlejohn said that they had recently traveled down that route. That route was not effective and it would be best to go through the normal procedure. Mr. Johnson asked for a deferral.

7. **Mr. and Mrs. McInteer, owners of the lot located at 3 Goldstone Court,** requested a variance of the side setbacks of approximately two and a half feet on each side for the construction of their proposed new home. Mr. McInteer explained that the plan as proposed would allow them to keep more trees and set the house in line with the rest of the houses in the neighborhood. Mr. Littlejohn gave a brief history outlining that this was a newer subdivision and that when the McInteers bought the lot, the side setbacks were 40 feet and they had recently been changed to 50 feet. He also stated that originally they had asked to ten feet variances on each side, but really only needed two and half feet. The McInteers had also produced the grading plan as requested.

Chairperson Rowland made the motion to approve Mr. and Mrs. McInteers request, Mr. Banks seconded, and the motion passed unanimously.

8. **Mr. Giachery Lizzaraga of Hybrid Builders who represented the owners of 1608 Tynewood Drive** requested a rear setback variance of approximately 25 feet for construction of a proposed new home. This was deferred from the July 19 meeting. Mr. Littlejohn had requested the grading plan that included the retaining walls in the previous regular scheduled meeting. Mr. Lizzaraga produced the grading plan and explained that the retaining wall would be in the worst case scenario. He did not think it would be needed but wanted to include it as a construction contingency.

Mr. Banks asked for an explanation landscape plan along the driveway. Mr. Lizzaraga explained that the plan maintains the canopy and the plant material along the drive had been approved by neighbors. Mr. Littlejohn asked if more evergreen material could follow the last quarter to third of the right edge of the drive. Mr. Lizzaraga responded in the affirmative.

Mr. Littlejohn made a motion to approve on the condition that evergreen shrubbery be installed on the right edge on the back third of the driveway. Mr. Banks seconded the motion and it was approved unanimously.

9. **Chairperson Rowland asked that the review of the Board of Zoning Appeals Rules and Procedures** be postponed until the next regularly scheduled meeting. All agreed.
10. **The meeting was adjourned.**

Recorder

Chairperson