

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

**October 23, 2013**

The Forest Hills Board of Zoning Appeals (herein also the “Board”) held its regular monthly meeting Wednesday, October 23, 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. 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 September 20th.** Mr. Banks made the motion to approve the September 20, 2013 minutes, Mr. Littlejohn seconded, and the motion was approved unanimously.
2. **Letter of Credit** - No action needed, no action was taken.
3. **Mr. Preston Quirk, representing Mr. and Mrs. Nathan Yi, the owners of the lot located at 22 Annandale,** requested three variances. He requested to disturb more than 10% of the land in a steep slope area (35%), to build a drive way over 20% grade (average 24% grade), and to build within fifty (50) feet of a steep slope area.

A proposal for this lot had been heard three times previously. This application was new and represented substantial changes to the originally presented plan. Mr. Quirk outlined the substantial changes made to the dwelling. The floor plan had changed and the angle and placement of the garages had been altered such that no set back variances were needed. There was no longer a need for a retaining wall variance because the newly placed garage acts as a retaining wall in that area. Previously, the plan called for disturbing 39% of the steep slope area, but the plan has reduced the disturbance to 35%. Mr. Quirk continued that the construction will require the removal of only six (6) trees over 8 inches in caliper.

Mr. Quirk also showed the Board that he had updated the Geotechnical Analysis. Six additional borings were conducted. Nothing from the additional borings was drastically different from the others. There was one boring that demonstrated residual soils at a 7.1 feet depth and construction in that area needed to be conducted accordingly. Mr. Quirk explained that the retaining walls were engineered according to the analysis and extensive landscaping would be placed on the walls to provide cover and increase aesthetics.

Mr. Quirk also drew the Board’s attention to the Otterwood Homeowner’s Association’s approval letter.

Chairperson Rowland asked if there were any neighbors present to speak to the issue. John Nanni, an Otterwood neighbor spoke. He explained that while the project had been changed to meet criteria, he still had significant concerns about

the Hillside Protection Overlay. Thirty-five percent (35%) disturbance of the steep slope area is still substantially over 10%, he remarked. The lot should not have a building on it. If the City is going to allow this type of building, then why is there a Hillside Protection overlay in the first place? He was especially concerned about property values in the event of a landslide.

Mr. Steve Kirkham, an Otterwood neighbor, also spoke. Addressing Mr. Quirk directly, he asked for details on the walls and the vicinity of the lot line. Mr. Quirk explained to Mr. Kirkham and the Board that area of disturbance would be about 11-15 feet and if further stabilization was needed, then that is the course they would follow. He also commented that the disturbance would be perpendicular to slope making it more stable. Mr. Banks asked Mr. Quirk and Mr. Kirkham if they had met before this meeting. They commented affirmatively. Mr. Littlejohn asked Mr. Kirkham what he thought of the landscape design. Mr. Kirkham responded that Mr. Yi has reinforced the property line with additional screening.

Mr. Littlejohn explained that the City, Otterwood, and Mr. Yi have gone through a lengthy process and as a result have a better product. The reoriented elements of the design are good. He also commented that the purpose of the Hillside Protection Overlay is to ensure that Forest Hills' environmental resources are respected in the development process. Each application is taken individually and considered related to degree of hardship and development goals. This involves a lot of gray area. The determination is whether something reasonable can be done on the lot within reason of the guidelines. This application, in particular, has made good progress. He regretted that it took 3 meetings and a new application, but the product is sound.

Mr. Banks noted that generally, the application is good, but that he would like something in writing regarding the stabilization and erosion control.

The motion was crafted as follows: The Application is given conditional approval based on two conditions:

- (1) All necessary erosion measures must be in place before construction begins and they must be maintained throughout construction.
- (2) The City engineer must verify plans for handling velocities and quantities of drainage before a permit is issued.

Mr. Littlejohn made the motion, Mr. Banks seconded it, and it was approved unanimously.

4. **Mr. Dustin Timmons represented Mr. Alexander Assouad and Ms. Nancy Youssef, owners of the home located at 5910 Wilshire Dr.** They were before the board to request approval to build a detached garage with front facing garage doors.

This application was deferred from the last meeting waiting on complete landscape drawings and a more sophisticated drawing of the proposed detached garage. The Board reviewed the plans and asked a couple questions about the non-existent road in front of their house. They responded that it was a platted right of way, but no road was present at this time, but there was a landscaping screen anyway.

Mr. Banks asked for what the area above the garage would be used. Mr. Assouad responded that his house was a converted barn and so there was very little storage. The above area of the garage would be for additional storage. Mr. Banks wanted to be sure it would not be used for an accessory dwelling. Ms. Deaton commented that the City could get an affidavit to that effect.

One Neighbor spoke to the application and said that she had no issues.

Chairperson Rowland made the motion to approve, Mr. Banks seconded it, and it was approved unanimously.

5. **The meeting was adjourned.**

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Recorder

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Chairperson