

1  
2  
3  
4

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

**November 15, 2013**

5 The Forest Hills Board of Zoning Appeals (herein also the “Board”) held its regular monthly  
6 meeting Friday, November, 15th at the City’s Offices, 6300 Hillsboro Pike, Nashville,  
7 Tennessee, beginning at 8:00 a.m. Chairperson Janie Rowland presided. Also present were Mr.  
8 Jim Littlejohn, Mr. Mark Banks, and City Manager, Amanda Deaton. Others present are shown  
9 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 meetings dated October 23rd.** Mr. Littlejohn  
11 made the motion to approve the October 23, 2013 minutes, Mr. Banks seconded,  
12 and the motion was approved unanimously.

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

14 3. **Mr. Ed Tessier of Page Duke Landscape Architecture represented Mr. and**  
15 **Mrs. Scott Portis, owners of the home located at 6205 Hillsboro Road.** He  
16 requested a variance to build two accessory buildings (a garage and detached  
17 workshop) in the side yard. The detached garage was proposed to have front  
18 facing doors, for which he also requested a variance.

19 Mr. Tessier explained that they had conducted a comprehensive geotechnical  
20 study that included borings in and around the areas of the detached structures.  
21 They looked at several angles and methods for placing the structures, but  
22 concluded that this placement optimized the current drainage system.

23 Mr. Tessier continued that the workshop would be a two tiered garage-like  
24 structure with car bays below and a loft space above. The loft space above would  
25 be for entertaining and the below would for working on a number of hobbies. The  
26 existing trees will make the structure almost completely hidden, but they proposed  
27 to place additional trees to ensure coverage.

28 Chairperson Rowland asked if there were neighbors to speak about this project.  
29 No neighbors spoke.

30 Mr. Banks asked if the loft space was ever intended for an accessory apartment or  
31 would be able to be used as an additional residence. Mr. Tessier responded in the  
32 negative. Mrs. Deaton added that they could require an affidavit stating that the  
33 building would not, nor could be, used as an accessory dwelling.

34 Mr. Littlejohn asked for clarification about the use of the lower part of workshop.  
35 Mr. Tessier explained that it had garage bays for items like go-carts and other  
36 small machinery that would come in and out of the hobby area.

37 Mr. Banks asked if a safety fence would be installed on the proposed retaining  
38 wall. Mr. Tessier stated that he would definitely install a fence on the wall. It was  
39 not drawn on the plan, but it was considered part of the overall plan.

40 Mr. Littlejohn and Mr. Banks asked about the possibility of rotating the garage 90  
41 degrees so as to face the side yard and join with the house. Mr. Tessier responded  
42 that such a rotated placement would cut into the hillside and disrupt the current  
43 swale system. He also added that several neighbors had warned about cutting into  
44 this hill based on experience they had had uphill from the Portis's home. He  
45 added that the garage doors were front facing on a private drive.

46 Mr. Marc Leap, a neighbor asked to speak to this issue. Chairperson Rowland  
47 acknowledged him and he stated that he was in the process of purchasing a piece  
48 of property behind the Portis's home. He had already noticed substantial settling  
49 and breaking in the drive. Cutting into the hill would surely increase this  
50 degradation.

51 After more conversation regarding the placement of the detached garage,  
52 Chairperson Rowland stated that given the odd shape of the lot and the private  
53 drive, she did not have an issue with the front facing doors or the placement of the  
54 garage.

55 Mr. Banks explained that beyond the detachment, he did not want to set a  
56 precedent for four out buildings from the house. Mr. Banks asked Mr. Tessier  
57 with what type of materials would the structures be built. Mr. Tessier replied that  
58 it would be with brick and brick veneer. Mr. Banks returned that the building  
59 materials were not indicated in the application package and that was important.  
60 Chairperson Rowland noted that she was not worried about precedent because this  
61 was a large piece of land largely hidden from the road. Mr. Littlejohn asked about  
62 the size of the lot. "Nine acres," Mr. Tessier responded. Mr. Littlejohn and Mr.  
63 Banks agreed that additional screening would be needed to ensure decreased  
64 visibility for neighbors.

65 Mr. Banks offered a motion of approval based on the following conditions:

66 (a) Additional Screening be added to both structures to reduce visibility. This  
67 plan is to be approved by the City before a building permit is issued.

68 (b) Materials of the buildings and retaining walls must be detailed and  
69 approved

70 (c) A safety fence must be planned and installed

71 (d) An Affidavit must be completed stating no building will be used as an  
72 accessory dwelling.

73 *Mr. Littlejohn seconded the motion and it was approved unanimously.*

74 4. **Mr. Bradley Whitfield, owner of the lot located at 21 Annandale**, requested a  
75 permit to build within the Hillside Protection Overlay. Mr. Whitfield began by  
76 saying that nothing in the 800 foot or above elevation area would be disturbed and  
77 that proper silt fencing and other drainage measures would be present. Mr.  
78 Littlejohn asked about the grade of the driveway. Mr. Whitfield responded that  
79 the plans said 2%. Mr. Littlejohn commented that 2% is way off given the  
80 topographical markings. The scale and slope were off tremendously.

81 Mr. Littlejohn asked about the constructability of the house: would there be  
82 temporary easements required to build? Mr. Whitfield responded that this would  
83 not be necessary. Mr. Banks stated that it seemed impossible to build the structure  
84 without going on to the adjoining lot.

85 At this time, Neighbor Chuck Blank who resides at 6014 Sherwood Court spoke.  
86 He said that he had not seen the plans, but was concerned that the house would  
87 not be in line with the others on the street. Particularly, he did not want the  
88 dwelling to be recessed into the hill. Mr. Whitfield assured him that this was not  
89 the case.

90 Given the slope and scale, Mr. Littlejohn recommended denial of this application  
91 at this time. There were considerable questions about drainage, slope, and  
92 construction. *Mr. Whitfield asked for a deferral.*

93 5. **Mr. Mitchell Barnett of, Mitchell Barnett Architect PC, represented Mr. and**  
94 **Mrs. Richards, owners of 2012 Stonehurst Drive.** He requested variances of  
95 five (5) feet on the north side setback and four (4) feet on the front setback. Mr.  
96 Barnett explained that the dwelling was a 1952 construction with a carport in the  
97 back. The homeowners would like to expand and have a garage. The addition is  
98 challenging because there is an existing pool. The garage is the only portion of the  
99 addition that goes over the setback. There is a slight change to the motor court to  
100 preserve an older oak tree, Mr. Barnett added.

101 Mr. Barnett then addressed the front setback variance. The front setback variance  
102 is needed because the Richards are changing the roof line of their house. The back  
103 addition changes the character of the house, but the Richards want to ensure the  
104 house fits in with the neighborhood which meant extending the front porch.

105 Mr. Littlejohn asked about impervious surface. Mr. Barnett explained that it was  
106 close but within guidelines. Mrs. Deaton commented that this was a  
107 nonconforming lot and had researched the impervious ratio. It was acceptable and  
108 did not need a variance.

109 Mr. Banks asked about landscaping and noted that there was not extensive  
110 planting in the application package. Mr. Richards noted that there was screening  
111 by large honeysuckle bushes and privet. Mr. Littlejohn explained that those were  
112 invasive species and that the City had spent much time trying to remove  
113 honeysuckle. Mr. Richards said he was not opposed to adding additional

114 landscaping; however, much of the needed changes were along the lot line in his  
115 neighbor's yard.

116 Mr. Banks offered a motion of approval based on the following condition:

117 (a) Additional Screening to the rear and left side of the addition mitigating the  
118 variance in those areas. The plan is to be approved by the City before a building  
119 permit is issued.

120 *Mr. Banks second the motion and it was approved unanimously.*

121 6. **Approval of the 2014 Calendar.** Mrs. Deaton noted that meetings were  
122 scheduled on the second Friday of the month instead of the third Friday. The  
123 calendar outlined dates of meetings and deadlines for submission. Chairperson  
124 Rowland made a motion for approval, Mr. Banks seconded it, and it was approved  
125 unanimously.

126 7. **Approval of Rules and Procedures.** Mrs. Deaton explained that this was the  
127 edited version after the last discussion to meet their concerns. The only that issue  
128 had not been completely resolved was the responsibility of sign placement. After  
129 brief discussion, it was determined that the City would place the signs after the  
130 applicant purchased and brought the signs to City Hall. With this change, Mr.  
131 Banks made a motion to approve the Rules and Procedures, it was seconded by  
132 Mr. Littlejohn and approved unanimously.

133 8. **The meeting was adjourned.**

134  
135 \_\_\_\_\_

136 Recorder Chairperson

137