

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

April 11, 2014

The Forest Hills Board of Zoning Appeals (herein also the "Board") held its regular monthly meeting Friday, April 11, 2014 at the City's Offices, 6300 Hillsboro Pike, Nashville, Tennessee, beginning at 8:00 a.m. Chairperson Janie Rowland presided. Also present were Mr. David Waller, City Manager, Amanda Deaton-Moyer and City Attorney Matt Foster. Others present are shown on the attached sign-in sheet. A copy of the agenda and the consent agenda is also attached to these minutes.

1. **Approval of the minutes of the meetings dated January 10, 2014.** Chairperson Rowland made the motion to approve the minutes from January 10, 2014 meeting. Mr. Waller seconded the motion and it passed unanimously.
2. **Mr. Joel Lyons of Chandelier Development, representing the owner of the lot located at 1609 Otter Creek,** requested a permit to build a new home located in the Hillside Protection Overlay District. Chairperson Rowland asked Mrs. Deaton-Moyer for the City's recommendation. She responded that the applicant had met the City requirements, but she had some questions about the conclusions the geotechnical report. The conclusion stated that the soil was not unusual for the area and gave few specific recommendations. The report did not address the presence of colluvial soils. Mr. Lyons responded that no colluvium was found on site. He added that each of the test pits reached bedrock at shallow depths. Mr. Waller mentioned that several soil types intersected on the property allowing for different types of bedrock, one of which was shale. He asked how long the test pits were left open. Mr. Davinder Sandhu, engineer on the project stated that they were open for a few hours. Mr. Waller suggested that the bed rock be tested to ensure its stability, especially the shale.

Mr. Waller also raised a concern about the excavation that would need to take place to erect the eastern retaining wall. Given the grade, which ranges from 20% to 40%, construction may have to excavate onto the adjoining lot. Mr. Lyons and Mr. Sandhu said that only a small area would need to be excavated for the wall. Mr. Waller asked them how they were sure of that since no test pits had been dug at the wall location. Mr. Sandhu stated that his experience with geologic formations suggested there was shallow bedrock up the hill. Mr. Waller asked if Mr. Sandhu was a geotechnical engineer. He responded that he was a civil engineer and had done several projects like this one. Mr. Waller asked if a test pit could be dug at the location of the wall. Mr. Lyons agreed.

Chairperson Rowland asked Mr. Lyons what was in the undetailed, but wooded area in front of the house on the landscaping plan. Mr. Lyons responded that it was wooded with a few trees and they would be clearing the underbrush. Chairperson Rowland asked if there was a survey for the area. Mr. Lyons stated that there was not, but could be gotten. Mr. Waller asked about the large Elm located on the western portion of the property. Mr. Lyons indicated that he had planned to remove it, but that he could look into preserving it. Chairperson Rowland stated that keeping large trees and wooded areas was one of the objectives of the zoning ordinance.

Mr. Waller discussed the retaining wall, asking for specific plans. Mr. Sandhu explained that he gave design plans for several walls and they would determine the type during construction. Chairperson Rowland said they were accustomed to receiving specific detail and would like to have it before the application is approved.

Chairperson Rowland asked if there were any neighbors present to speak to the issue. Krista Ramsey of 1607 Otter Creek stood to speak. She said she was the downhill home from the 1609 Otter Creek and she was concerned about risk to the driveway and drainage issues. She asked how the drainage could be diverted and also how construction would be monitored. Mrs. Deaton-Moyer said the City would do considerable progressive inspections reviewing erosion measures. Mrs. Ramsey said she felt that there may be damage to their already degraded private drive. Chairperson Rowland asked if there had ever been an effort to redo or ditch the drive. Mrs. Ramsey said no, this had not occurred. Mr. Waller said that the neighbors should work on a solution together and they could include Mr. Lyons. Mr. Lyons said he would be open to that.

Mrs. Ramsey then said she was worried that her drainage could not handle the additional water placed on her yard from the proposed home. Mr. Waller said that Mr. Lyons could do drainage calculations so that neighbors would know how much water is going into the drainage system.

Chairperson Rowland asked Mrs. Ramsey if she had seen the landscaping plan. She said she had, noting that that on paper, it looked fine, but she will always look up the hill and see the home because of topography. Chairperson Rowland asked about possibly adding a row of Hollies along the western retaining wall, adjacent to the Ramsey's. Mr. Lyons said that a staggered row of Foster Hollies would be easy to add. Chairperson Rowland also addressed erosion fencing, asking for double fencing. Mr. Sandhu offered that woodchips and other natural construction debris could be placed along the fencing to provide additional erosion control. Mrs. Ramsey asked what would be done after construction for erosion and drainage. Mr. Sandhu responded that most of the water would go down the drive, but some would go down the hill toward her home. It could be slowed by an earthen berm. After some additional erosion discussion, Chairperson Rowland noted that there were many things still required for this application to be approved. Mrs. Deaton read those items aloud:

- 1.) Geotechnical report along the proposed retaining walls.
- 2.) A review of the quality of the bedrock found during the initial geotechnical report as well as any additional test pits.
- 3.) Specific construction details of the retaining walls to include outer appearance (brick, concrete, stone, etc.)
- 4.) Drainage Calculations for increased quantities and velocities of water expected to runoff due to added impervious surface.
- 5.) Additional row of Foster Holly's added to side of the western retaining wall
- 6.) A tree inventory of the undetailed area in front of the home and description of intentions for area
- 7.) Additional detail of the columns (walls) at the entrance of the home.

Mr. Lyons asked if these items could be conditions of approval. Chairperson Rowland said that there were too many items for a conditional approval. As such, Mr. Lyons asked for his submission to be deferred to the meeting.

3. **The Meeting was adjourned.**

Recorder

Chairperson