

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

**June 13, 2014**

The Forest Hills Board of Zoning Appeals (herein also the “Board”) held its regular monthly meeting Friday, June 13, 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. Jim Littlejohn, Mr. Mark Banks and City Manager, Amanda Deaton-Moyer. 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 May 9, 2014.** Chairperson Rowland made the motion to approve the minutes from May 9, 2014 meeting. Mr. Littlejohn seconded the motion and it passed unanimously.
2. **Consent Agenda.** Mr. Littlejohn asked for the item on the consent agenda to be described briefly. Mrs. Deaton-Moyer explained that the house was nonconforming but the addition did not add to the conformity. The request required the approval of the Board. Mr. Littlejohn stated it was a good candidate for the consent agenda and moved for approval. Mr. Banks seconded it and it was approved unanimously.
3. **Mr. Isaac Wantland and Mr. Andrew Stone provided an update on the garage and drive addition project located at 5401 Hillsboro Pike.** Mrs. Deaton-Moyer gave some background. At the previous January Board meeting, Mr. Wantland had provided an overview of the project and provided associated plans. At that time, without allowed grading, a full geotechnical analysis was not possible. The Board granted approval conditioned upon a final erosion protection and soil control, grading, and storm water protection plans be submitted along with geotechnical work and final engineering plans. The Board asked Mr. Wantland to return with plans within 90 days. The project team was unable to get all the plans together within 90 days because they waited to receive a state-approved storm water plan. After the brief history, Mr. Wantland told the Board that the plan had changed somewhat since they had last presented: the drive was reduced and the garage was slightly reduced. This changed the requirements of the walls. Mr. Stone addressed the geotechnical analysis. He said he conducted six (6) additional borings and found no colluvium, but did find some clay and hard rock. The retaining walls had now been engineered and they would be pinned to rock.

Mr. Littlejohn asked Mr. Wantland and Mr. Stone about the key changes. Mr. Wantland stated that many of the walls had been significantly reduced and the turn-around at the top of the hill was smaller. Mr. Stone added that the original submission had segmented walls, but now they were planning for cast cement walls. Mr. Littlejohn asked about the cross sections of the walls submitted, requesting the full engineered drawings. Mrs. Deaton-Moyer commented that it was required for permitting. Mr. Banks asked about the materials on the addition. Since the walls had changed, he wondered if the materials would be the same as originally submitted. Mr. Wantland responded that the original house was made of three types of stone or veneer. Their contractor was working to track down all three so that the proper mix would be used to match the home.

This update was a condition of the approval and no additional approvals were necessary.

4. **Mr. and Mrs. Rob Rollins of 5940 Hillsboro Pike requested a permit to build an attached garage addition in the hillside protection overlay district.** Mr. Rollins explained that they had once come before the

Board with a similar request in 2007. The original request was for a suite for their parents. The proposal before the Board was scaled back and meant to be a garage and space for his children to play. Chairperson Rowland asked Mrs. Deaton-Moyer for the City's recommendation. Mrs. Deaton-Moyer stated the City had reviewed the documents and recommended approval.

Chairperson Rowland asked Mr. Clay Trabue, landscape architect on the project to discuss the drainage. He stated that the wall is designed to drain everything from that portion of the lot down to the marshy area at the front of the lot. He said it would require minimum grading. Mr. Banks asked about the pictures submitted by the McKay's, who live at 2020 Otter Creek, an adjacent property. Mr. Littlejohn also wanted to know more about the drainage, questioning if there was a spring in the area. Chairperson Rowland said that some of the pictures presented were not recent. She added that there was once a stream there that drained much of Hillsboro Road. It had been filled up over time. Mr. Rollins agreed that drainage had continually been an issue, but that they have tried to fix it over time. Andrew Stone, geotechnical and civil engineer on the project, stated that the retaining wall would interrupt the sheet flow currently pouring onto the McKay's property. Mr. Littlejohn agreed, but said it would not address all the drainage coming off the back of the lot. He suggested that this may be a great opportunity to help with the neighbors' drainage issues. He asked if they were opposed to adding a swale at the base of the retaining wall to drain the rest of the water from the back side of the home. Mr. Stone added that it would be possible and that a French drain system might also help.

Mr. Littlejohn asked what type of wall would be erected. Mr. Trabue responded that it would be poured concrete with brick veneer. Mr. Littlejohn asked about how high the curb would be. Mr. Trabue pointed to a note on the diagram marking 20 inches and said this ensured drainage to the catch basins on the drive.

Mr. Littlejohn asked Mr. Stone about the colluvium he found when doing his geotechnical analysis. Mr. Stone said that he called for removal of the material and replacement with fill material. The garage will be largely on that fill, he added.

Chairperson Rowland asked about the type of trees planned for outside of the wall. Mr. Trabue responded that it would be Japanese cryptomeria. He added that these trees are between 30-40 feet at maturity. Chairperson Rowland asked if there was a reason for the open spacing in the trees. Mr. Trabue responded that they needed room to expand and that they were placed for maximum coverage of the wall. Chairperson Rowland was concerned that the neighbor would see the garage window from their house because of the height of the addition. Mr. Blaine Bonadies, architect on the project, said that they matched the pitch with the current house and designed the addition to work with the grade. Changing the pitch would change the use and the look of the addition. Chairperson Rowland asked if the ceilings were vaulted. Responding in the affirmative, he said this was for bike storage, a place to work on bikes, and a place for the children to play when it rains. He said they had considered a bathroom but had not yet decided on whether that would be needed. Mr. Banks asked if it would have any other plumbing. Mr. Bonadies said that it was not planned. Mr. Banks explained that any changes beyond a toilet and sink would need an additional approval. Mr. Bonadies said he understood.

Mr. Littlejohn stated that having the drive closer would make the grade easier. He asked about the reasoning for adding the paved "arm" of the drive. Mr. Trabue agreed the "arm" made the drive steeper, but that it was preferred. Mr. Rollins stated that he could not ask guests to park on Hillsboro road, so this area allowed for more parking for guests. The drive follows the contours of the grade.

*After this discussion, Mr. Littlejohn made a motion to approve the plan based on the following condition.*

- A Revised drainage and grading plan must be submitted that includes a swale (or similar drainage method) on the right side of the proposed retaining wall on the south portion of the lot. (the city was to email to the Board and City Engineer for approval).*

5. **Ms. Janice Cotton of 1525 Dresden Circle** requested a rear setback variance of 19.5 feet for a proposed screened in addition to the rear of their home. Mrs. Deaton-Moyer briefly explained the project: the house was placed on the lot in a diagonal manner to take advantage of the view and topography. In doing so, any expansion to the home on the backside would require a setback variance. She mentioned the home was already nonconforming due to a carport on the north side of the home. Additionally, the present elevation and vegetation of the backyard were positioned such that downhill neighbors cannot see the home. The elevation had a steep downhill slope in the back and it was lined with a grove of mature pine trees. The addition would be a six (6) foot kitchen expansion, which would encroach onto the current deck. Ms. Cotton wished to keep the deck's size, so the deck also expands by six (6) feet. This deck expansion encroaches into the rear yard setback. The City recommended approval she said.

Mr. Littlejohn asked if this was before them so just so that neighbors would have a chance to review the plan. Mrs. Deaton-Moyer said that it was a setback variance request and though it was simple, still required a variance. Chairperson Rowland asked if there were any neighbors to speak to the project. Mr. Littlejohn and Mr. Banks said they had no issues with the plan. Chairperson Rowland made a motion to approved variances as requested, Mr. Banks seconded it, and it was approved unanimously.

6. **Mr. Brett Wright, of Castle Homes, represented Mr. and Mrs. Andrew Park, owners of the lot located at 2400 Tyne Boulevard,** for their request of two variances: increase in building coverage ratio from 10% to 12.3% and an increase in total impervious surface ratio increase from 20% to 22.9%. Chairperson Rowland asked Mrs. Deaton-Moyer for the City's recommendation. Mrs. Deaton-Moyer responded that the applicant had submitted the proper documentation and the City could recommend approval with proper explanation of the hardship needed for the variances. Mr. Wright explained that the zoning area was zoned for homes that a minimum of 1.25 acres, but the lot in question had .98 acres. If the lot had the full size, then it would be well under the requirements. Mrs. Deaton-Moyer also informed the Board that they were using platted setbacks for front and side yard, which was allowed in the zoning code. Mr. Banks asked about that portion of the code and Mrs. Deaton-Moyer read it to him for clarity.

Mr. Banks asked about how the height was measured. Mrs. Deaton-Moyer stated that it was done on an average height of the gables from average grade six feet from the front of the house. She added this had been interpreted two ways, and in this case, both ways had the roof line below the bulk standard requirement. Mr. Banks said that in commercial building there were no averages and wondered about the definition. Mr. Littlejohn stated that resident relied on averages to create neighborhood diversity.

Mr. Banks asked about the materials used for the house because he noticed they were not called out on the drawings. Mr. Wright responded that the materials would be brick and stone.

Mr. Littlejohn said his greatest concern was the mass of the project. He was concerned that there was a pattern of this type of development in this

portion of the City. Referencing a recent project, (the Wilts- 2612 Tyne) where an impervious surface variance has been granted, he wondered whether this was something that the Planning Commission might need to consider. He noted that there were no topographic hardships. He asked Mr. Wright whether the home had an owner. Mr. Andrew Park, owner, stood up and introduced himself. Mr. Wright responded to Mr. Littlejohn's previous comments explaining that they had tried to keep the home as compact as possible, but ensuring the garage did not face the street made that difficult. Mr. Littlejohn asked what the impact of holding to the ordinance would have. Mr. Wright said that it would require a full redesign. Mr. Littlejohn asked about the possibility of using pervious surfaces to reduce the ratio. Mr. Wright said that they already were using pervious material for the front sidewalk, but were hesitant to use it in the driveway because Mr. Park's girls would be using it to ride bikes and play sports- and a concrete surface was needed. Chairperson Rowland asked if they could get close to the impervious surface ratio of 20% (the bulk standard) by using pervious pavers. Mr. Wright did some calculations and found that it might be possible.

Mr. Park stated that there were a number of very large houses on this street. The one previously approved with an impervious surface variance was only 7-8 houses from their lot. At that time, Ms. Cynthia Despot, City Assistant gave Mrs. Deaton-Moyer the minutes from the March meeting where, the 2612 Tyne had been given a 22.5% impervious surface variance but no building coverage ratio variance. Mr. Park asked if they could be given the same variance as the 2612 Tyne home. Mr. Littlejohn responded that each proposal was taken on a case by case basis.

Chairperson Rowland asked if there were any neighbors present to speak to the issue. Clay Jackson of 5819 Hillsboro Road was present and commented that the house currently there had run its cycle and that he was in favor of anything that improved the neighborhood and he felt like this proposal was a good one.

There was some additional discussion about the zoning code and the intent to create more open space. Mr. Littlejohn wondered whether this particular area needed to be reviewed for its standards. He said he would try to discuss with planning commission.

*Chairperson Rowland made the motion to approve the maximum building cover ratio variance as requested and approved the impervious surface ratio of "close to 20%" (defined as within 1-2%) on the following conditions:*

- (a) That materials be called out on all plan*
- (b) That pervious paving methods are used to bring the impervious surface ratio into compliance of the variance granted.*

*Mr. Littlejohn seconded it and it was approved unanimously.*

Mr. Wright asked for clarification on the motion, asking if pervious methods could be used on the pool deck. The Board agreed. He also asked if that meant they have the same impervious ratio as the 2612 proposal. The Board nodded at the intent, but the motion stood at "close to 20 percent" as defined above.

**7. The Meeting was adjourned.**

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Recorder

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Chairperson