

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

**September 12, 2014**

The Forest Hills Board of Zoning Appeals (herein also the “Board”) held its regular monthly meeting Friday, September 12, 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. Mark Banks, Mr. Jim Littlejohn, and City Manager, Amanda Deaton-Moyer. 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 August 8, 2014.** Mr. Littlejohn made the motion to approve the minutes from August 8, 2014 meeting. Chairperson Rowland seconded the motion and it passed unanimously.
  
2. **Mr. Jim Nickle represented Mr. Dwaine Anderson and Ms. Leilani Bouleware, owners of 2051 Timberwood Drive,** in their request for variances in connection with a remodel and expansion of an existing home. The variance requests included a front setback variance of eight (8) feet, a side setback variance of 14 feet, and front facing garage doors. Chairperson Rowland asked Mrs. Deaton-Moyer for the City’s recommendation. Mrs. Deaton-Moyer stated the City had reviewed the documents and recommended approval. Mr. Nickle stated that this house was situated below the street and faced the back of the cul-de-sac. The proposal closed the car port and extended the house over the existing gravel drive. The proposed garage doors would face the street at a 45 degree angle, but would not be visible from the street or other neighbors’ homes due to a steep down-slope. He mentioned that the top of the roof was at the same level as the basements of the surrounding homes. Chairperson Rowland asked if there were any neighbors to speak to this issue. No one spoke. Chairperson Rowland stated that given the existing topography, the proposal was a good plan. Mr. Littlejohn and Mr. Banks asked about downhill drainage going toward the garage. Mr. Nickle said the drainage should sheet across the drive, but confirmed that the plans did not show that drainage structure. Mr. Littlejohn commented that the landscaping provided a good barrier, but the rock in the area may provide a challenge. Mr. Littlejohn asked if there was enough space for cars to turn around in the proposed drive. Mr. Nickle responded affirmatively.

*After this discussion, Mr. Littlejohn made a motion to approve the variances and plans based on the following conditions.*

- (i) A revised grading plan showing the water discharged away from the house to be submitted and approved by the City Engineer.*
- (ii) Over-excavation of the rock to ensure the survival of the proposed landscaping.*

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

3. **Mr. Andrew Stone represented Dr. Mary Zutter of 7 Breckenridge Drive** in her request for a building permit to build an attached terrace and outdoor fireplace on her nonconforming home located in the Hillside Protection Overlay District (HPOD). Chairperson Rowland asked Mrs. Deaton-Moyer for the City’s recommendation. Mrs. Deaton-Moyer stated the City had reviewed the documents was concerned about construction in the HPOD, but recommended approval. Mr. Stone briefly described the project, stating that they were replacing the current deck with a larger stone terrace with a built-in fireplace. Mr. Stone detailed the soil testing on the geotechnical report. Access limited the study and more testing would be needed as construction continued. A considerable construction drive would be needed for additional testing and to construct the terrace. Chairperson Rowland asked if there were any neighbors to speak to this issue. Mrs. Deaton-Moyer said she had received a call on this application. Issues raised were the safety of the fireplace and the protection of trees. Scott Stokes, representing the landscape architect on the project, said that only saplings would be removed. He corrected himself to say there was a large maple that would also have to be removed for the construction driveway. Mr. Littlejohn questioned the

scale of the construction driveway for such a small project. Mr. Stone said the steep grade and type of construction vehicles needed dictated the size of the drive. Mr. Littlejohn commented that the disturbance would be really extensive. In response, Mr. Stone noted that the entrance may be reduced as they work through the budget. Mr. Littlejohn stated that would be preferable. Chairperson Rowland asked if they planned to replace the trees being cut. Mr. Stone said they expected to both replace and add more when finished. Mr. Banks asked what plant was proposed to stabilize the disturbed area. Mr. Stone said the planting plan showed stabilization, but more could be added. Mr. Littlejohn and Mr. Banks questioned the final grade when the project was finished.

*After considerable discussion on the grade, planting, and finished drainage, Mr. Banks made a motion to approve the proposal based on the following condition: The City must be presented with a grading and draining plan for the construction drive approved by the City Engineer. Mr. Littlejohn seconded the motion and it was approved unanimously.*

4. **Mr. Isaac Wantland represented the owners of the home located at 5401 Hillsboro Road** in their requests for variances related to the construction of a pool. The variances included an accessory structure not located in the rear yard and a retaining wall of 18 feet. The structure would also be located in the HPOD. They also sought a reaffirmation of their previous 17.1% impervious surface ratio variance. Mrs. Deaton-Moyer gave the Board a brief history of this project. An 17.1% impervious surface ratio variance had been granted in January. The Board also heard an update from the team in April after they were able to get additional geotechnical information and had better formulated their plan. They were now coming to request variances in connection with a proposed pool. Mr. Wantland stated that there had been a programmatic change in the project and they requested the Board's approval to add a pool. The pool project required approval now because it needed to be incorporated into the overall construction.

Chairperson Rowland asked if there were any neighbors to speak to this issue. Mr. John Ellis of 3350 Hillsboro Pike expressed severe displeasure with the project this far. His chief complaint was the "excruciating" noise that emanated from the construction as they dug into the rock. He told the Board he enjoyed being outside and being in his yard, and his entire summer was ruined by the noise. His wife had recently come home to convalesce after heart surgery and he was so pleased to find the noise had ceased. He was unsure whether it was because he asked or they were finished. But this addition would most certainly bring a return of extensive noise. He worried for his wife and his sanity. Mr. Ellis stated that he called the City Manager numerous times, but she was only able to hold them to construction hours. She was also unable to give a correct estimate of how long it would take. Mrs. Deaton-Moyer corroborated these assertions.

Mr. Andrew Stone, engineer on the project, stated they had encountered very hard and thick limestone. The hammering occurred much longer than expected. He added that there existed means of construction that involved drilling before hammering that could lessen the time hammering, but hammering would still be required for the pool. Mr. Wantland said that some of the hammering for this portion was already complete because of the work done on the addition.

The Board discussed the variance of an accessory structure in the rear. Mr. Wantland commented that the front of the home was really in the rear yard. The Board generally concurred with this point of view. The home was not visible from the street. Chairperson Rowland asked how this might look in the winter when leaves fall. Mr. Wantland offered that they could plant additional evergreens on the hill to further screen the dwelling. He thought that he could augment the planned magnolias. The plan called for ivy to grow up the retaining wall and would also soften the view. Chairperson Rowland commented that she wanted to ensure the gaps were filled.

Mr. Littlejohn said that he did not have a problem with the design, but he questioned the implementation. Mr. Stone offered to call out the means of

construction to include some of the other methods of hammering as discussed previously. Mr. Littlejohn said he would like for them to return with the contractor to discuss means/measures of construction and how they can reduce noise.

Mr. Wantland asked for a deferral. The Board granted the deferral unanimously.

5. **Mr. Thomas Rhodes represented Mrs. Glynis Sandler and Mrs. Kim Rhodes, owners of the lot located at 37 Annandale**, in their request to build a home in the HPOD. He also requested a variance to disturb 34% of the area of steep slopes. Chairperson Rowland asked Mrs. Deaton-Moyer for the City's recommendation. Mrs. Deaton-Moyer stated that there is significant disturbance in the steep slope area, so the City wants to ensure that the geotechnical report be followed very closely. She said that the Otterwood Home Owners Association had submitted a letter outlining a few issues of which they were concerned. Those issues included the drive being too curvy and narrow for heavy vehicles, and the position of the house that creates the need for terraced retaining walls. With adherence to a geotechnical engineers requirements, the City recommended approval. Mr. Rhodes introduced his team that included landscape architect, Bob Hammerline. Mr. Hammerline explained that the house was placed based on protecting the trees and staying away from the steepest portions of the lot. The drive was also cited to be considerate of trees and slope. The driveway was designed to allow triple axel normal vehicles, but not tractor trailers. The guest parking was located on the backside, he noted. Mr. Hammerline continued that the building site was tough, but they could mitigate some of the challenges by making contractors carpool and minimize equipment on site. He estimated that the project would be take 9 to 10 months.

Chairperson Rowland asked if there were any neighbors to speak to this issue. Mr. Brian Ansley of 39 Annandale came to the podium. He explained that he had moved into his home during the 30-day notice period and was unhappy to find there was a building coming up beside him. His main concern was that he did not want to see a garage outside of his master bedroom or from his backyard. His secondary concern was that 34% disturbance of hill side seemed extensive. He witnessed a substantial landslide and was weary of building in the hillside. He also had questions about the contractor doing the work.

Mr. Littlejohn asked Mr. Hammerline to explain the sediment control plan. Mr. Hammerline said there would be silt fencing as needed, check dams along the swales, and the level area for parking/staging would be covered in gravel and shot rock to slow the velocity and volume of water going into the street.

There was discussion about the placement of the retaining walls and the footing that would be required. As presented, plans appeared to have footers for walls on the other resident's property. Mr. Littlejohn also asked why the geotechnical recommendations were not on the plan. There was also questions about the detail of each of the plans. The grading, landscaping, erosion plans were separate. Chairperson Rowland suggested that plans be combined onto one so the Board could see it all.

Mr. Rhodes asked for a deferral. The Board granted the deferral unanimously.

Mr. Littlejohn had to leave for another engagement.

6. **Mr. Kevin Coffey, representing Mr. and Mrs. Brian Weissman, owners of the lot located at 1 Litchfield Way**, requested a front setback variance of 25 feet and a variance permitting the applicant to construct a residence within 25 feet of the floodplain. Chairperson Rowland asked Mrs. Deaton-Moyer for the City's recommendation. Mrs. Deaton-Moyer stated that this plan was very much like the home that the Board had approved in the previous meeting. They were requesting the same variances and they were still contending with the floodplain.

This home was situated better than the previous one because the floodplain was further from the structure and there was no need to change the grade of the finished home. The City recommended approval. Mr. Coffey stated that the first rendition of this home was much bigger. They scaled back the project, reducing the size of the pool and eliminating an additional garage. Chairperson Rowland asked if there were any neighbors to speak to this issue. No one spoke. Chairperson Rowland asked about screening along Hillsboro Pike. Mr. Coffey said there definitely could be additional screening. Mr. Banks asked if the landscaping on the eastern side of the home would be enough to screen the garage from the neighbor. Mr. Coffey stated he thought it would be sufficient but that they could add some evergreen trees to add to the screening. Mr. Banks noted that this one was so similar to the other that he felt like it had been properly vetted. Chairperson Rowland agreed.

*Chairperson Rowland made a motion to approve the application based on the following condition: A landscaping plan that provides additional screening on Hillsboro Pike and the southeast side of the home must be submitted and approved by the City arborist. Mr. Banks seconded it, and it was approved unanimously.*

7. **Mr. Ron Farris, represented Mr. and Mrs. John Sunday, owners of 1624 Chickering Rd.** Mr. Farris came before the Board for an information session, presenting a concept plan for consideration and requesting feedback. Mr. Farris said his clients sought to repurpose the current residence on the property as a barn and build a new structure closer to the street. In considering the impervious surface coverage, he found that a paved driveway to an adjoining property made his ratios over the bulk standards for the zone. The driveway was in an easement that could not be used by the new residents nor negotiated for reduction. Mr. Farris said that his plans would not exceed the impervious surface ratio requirement if there were no other driveway. He asked the Board if they would consider this situation a hardship. Both Chairperson Rowland and Mr. Banks believed this would be considered a hardship.

Mr. Farris outlined his current plans for the home which included a pool in the front yard. He said that his clients wanted to view the park from the pool. The Board noted that significant screening would be needed and the grading and drainage would need to be worked out, but as a concept, it was not opposed. Mr. Farris explained the expected drive, garage, and rest of the home. There was some discussion regarding the location of the home and the size of the lot.

8. **The Meeting was adjourned.**

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Recorder

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Chairperson