

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

November 14, 2014

The Forest Hills Board of Zoning Appeals (herein also the “Board”) held its regular monthly meeting Friday, November 14, 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 October 10, 2014.** Mr. Banks made the motion to approve the minutes from October 10, 2014 meeting. Chairperson Rowland seconded the motion and it passed unanimously.
2. **Approval of the 2015 BZA Calendar.** Chairperson Rowland asked if each member had reviewed the proposed calendar. They responded affirmatively. Hearing no objections, she called for a motion. Mr. Littlejohn made the motion, Mr. Banks seconded it, and it was approved unanimously.
3. **Consent Agenda.** Chairperson Rowland asked the City Manager to briefly describe the consent agenda items. Each of the three items were additions to already nonconforming homes. Mrs. Deaton-Moyer briefly explained each item stating that the additions did not increase the nonconformity. The requests required the approval of the Board. Mr. Littlejohn moved for approval. Mr. Banks seconded, and it was approved unanimously.
4. **Ms. Laurie Coderre and Mr. Keith Batson representing the Sherwood Forest Trust, located at 6021 Sherwood Drive,** requested a front setback variance of approximately 16 feet to build a new entrance and addition in connection with a home remodel. Chairperson Rowland asked Mrs. Deaton-Moyer for an explanation and the City’s recommendation. Mrs. Deaton-Moyer explained the project: there was a room addition and a front entry addition that would encroach on the front setback. She added that the property had both hillside protection and floodplain challenges, but the addition did not interact with either. The City recommended approval. Ms. Coderre, architect, provided pictures to the Board and described the project in detail. The project attempted to bring a cohesive identity to the front of the home by streamlining the roofline, reestablishing the entrance, and creating a small addition on the corner. She described the existing front walkway area: it was flat and had a small retaining area. The addition was not proposed to go any further than the already flattened area. The home would be finished with stone and painted brick and wood.

Mr. Littlejohn asked about the drainage. Given the grade, he was concerned that based on the drawings, water would flow closely to the eastside of the home. The proposed french-drain would not be sufficient in his opinion. He suggested bringing the already present swale closer to the home. Mr. Littlejohn also commented on the sparse landscaping at the side of the home.

Chairperson Rowland asked if there were neighbors present to speak to the issue. Mr. Kent Weeks of 6025 Sherwood Drive spoke. He was concerned about the drainage coming on to his property. He stated that the previous owner had worked very hard to correct the drainage, but there was still a great deal of water that came onto his property. Mr. Banks stated that the proposed drainage did not appear to exacerbate drainage on the west side of the home (nearest Mr. Weeks), but he understood the concern. Mr. Weeks thanked the Board for their attention to the drainage.

After additional discussion regarding the drainage Mr. Littlejohn made a motion to approve the project conditioned upon submission of a revised drainage and landscaping plan that sufficiently protected the home from drainage. Chairperson Rowland seconded the motion and it was approved unanimously.

5. **Mr. Terry Bates and Ms. Leah Grummon represented Mr. Aaron Hetrick and Ms. Julia Petrova, owners of the home located at 1603 Tyne Boulevard.** They requested a building permit for a major remodel of their non-conforming existing home (west side setback), located in the Hillside Protection Overlay District. They also requested a six (6) inch height variance. Mr. Bates, architect, described the project. The home would be almost entirely new, but built on the existing foundation. Mr. Bates discussed the home and showed the Board some of the perspectives, detailing the challenge of the expanding into the hill. Mr. Littlejohn asked Mr. Bates for his thought process going back into the hill for the pool. Mr. Bates responded that this made the most sense spatially and allowed for creation of a yard area to the side. Mr. Banks asked about the materials of the proposed walls. Mr. Bates responded that they would be concrete and stone. The purpose of the driveway wall he added was to allow pool access and create a bit more of a side lawn.

Chairperson Rowland asked if there were neighbors present to speak to the issue. Mr. James Moyers of 1607 Tyne Blvd, who lived on the west side of the project property, spoke. He said that he was surprised that they proposed to save any of the older home. He offered that the current home was on a level spot, but behind the house was very wet and liable to cause problems. He discussed a slide that occurred several years ago and warned that it could be a problem with this property. He also questioned the survey because whole proposed home appeared to be closer to his home than in previous surveys. Chairperson Rowland thanked him for his comments.

Mr. Littlejohn asked Mr. Bates if a geotechnical study had been obtained. Mr. Bates directed him to the letter from Mr. Garman. Mr. Littlejohn said that there was very little use in the document because it made no indications about what might be encountered and what should be done to mitigate these issues. The report needed much more detail. Mr. Bates responded that the geotechnical engineer would be present during the grading and construction of the site to make recommendations as needed. Mr. Littlejohn said a geotechnical engineer should be consulted to make recommendations about *how and where* to grade instead of making alterations and comments as part of the process.

The Board reviewed the landscape design and the drainage plan. After discussion they concluded that more screening was needed on the west side of the property to protect the existing swale.

Hearing the Boards comments, Mr. Bates asked to defer the project. The Board granted the request.

6. Mr. Aaron Holladay, representing Mr. and Mrs. Craig Cole, owners of the lot located at 1427 Tyne Boulevard, requested a building permit and variances for a proposed new home, located in the Hillside Protection Overlay District. A front setback variance of 25 feet and a west side setback variance of 20 feet were requested to avoid construction in a steeper area of the lot. Mr. Holladay briefly described the proposed new construction, stating that they tried placement in several different ways, but the detention pond created a barrier and they worked to keep the majority of the home out the 20% slope area. Working with their geotechnical engineer, Dan Terranova, they determined the proposed placement was the best option based on his exploration of the soils on site. Mr. Littlejohn commented that they were about 30 feet off the property line. Mr. Banks asked what was worse: tall retaining walls or a setback variance. Mr. Holladay responded that the house to the west was placed in the back corner of the lot, making the home feel as if it was not that close to the property line. Additionally the detention ponded created a natural barrier.

Mr. Banks asked Mr. Holladay if they considered pushing the home back. Mr. Holladay responded that the average height would go up and they would be into the 20% grade. Similarly, Mr. Littlejohn and Chairperson Rowland asked if they had considered changing the depth of the home. Mr. Cole said that if they lengthened the house they would have similar issues. Mr. Cole added that they

had actually started with a much deeper home, but had compromised with this design. Chairperson Rowland asked if they planned to keep the wooded area. They responded that they planned to keep the wooded area. Mr. Cole added that they intended to screen the garage on the west side of the home.

Mr. Littlejohn stated that it was a thoughtful proposal, but he was concerned about proximity to the road. Chairperson agreed and asked if more trees could be added to the front. This was generally acceptable. There was brief discussion about the drainage of the project. Mr. Littlejohn made a motion to approve conditioned upon removing the existing culvert (to be replaced to lawn) and submitted a revised landscape plan that included screening reinforcements in the front and northwest side of the property. Mr. Banks seconded the motion and it was approved.

7. **Mr. George Dean, representing Mr. and Mrs. Bill Freeman owners of the home located at 6114 Hillsboro Pike,** requested two variances in connection with plans for remodeling the existing garage of a non-conforming home into living space and for a proposed new garage area. The garage was proposed to be in line with the existing dwelling that is approximately 54 feet from the north side of property, requiring a setback variance of 6 feet. Also requested was an impervious surface coverage ratio variance from 16% to 19%. Chairperson Rowland asked Mrs. Deaton-Moyer for an explanation and the City's recommendation. Mrs. Deaton-Moyer said that the applicant had taken the Board's comments and revised the project. While the project still had variances, they were much less extreme than previously requested. She asked the Board to take a careful look at the revision. Mr. Dean stated that the Freeman's preferred the first version, but they understand and respect the need to be more compliant with the Code. The Board reviewed the new plans, seeing that garage attached to the home, no longer an accessory structure. They also found that the structure was no longer 3 feet off of the property line, but in line with the home extending to the rear. Mrs. Deaton-Moyer said that the impervious surface could be reduced if pervious pavers were implemented or pavement was removed.

Chairperson Rowland asked Mr. Ireland, architect, about the parking area and the space needed for a vehicle to turn. He responded that most of the space was needed but about three feet the length of the parking area could be removed. The Board expressed concern regarding the turn-around drive's proximity to the neighbor's property. Additional landscaping of evergreens for screening was discussed. Chairperson Rowland asked the Freeman representatives if removing a portion of the drive and replacing it with evergreens would be amenable. They said it would be possible. They also added that if needed, they would be willing to implement pervious pavers in appropriate areas to reduce the impervious surface area. This was discussed at length and it was determined that if they took out a portion (at least 3 by 10) of the drive closest to the Messina's property then pervious pavers would not be necessary.

Mr. Banks motioned to approve the application conditioned upon the submission of plans to include the removal of a portion of the driveway turn-around/parking area (at least 3 by 10) and to plant evergreen trees to screen this area. Mr. Littlejohn seconded the motion and it was approved unanimously.

8. **The Meeting was adjourned.**

Recorder

Chairperson