

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

February 13, 2015

The Forest Hills Board of Zoning Appeals (herein also the “Board”) held its regular monthly meeting Friday, February 13, 2015 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. David Waller 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 January 9, 2015.** Mr. Banks motioned to approve the minutes from January 9, 2015 meeting. Chairperson Rowland seconded the motion and it passed unanimously.
2. **Mr. Rob McKelvey representing Mr. and Mrs. Dale Stepniewski, owners of the nonconforming home located at 2052 Timberwood Drive,** requested a front setback variance of approximately six feet. The proposed addition was located in the rear of the home, but the existing, non-conforming home was already over the front setback. Chairperson Rowland asked Mrs. Deaton-Moyer for an explanation and recommendation. The addition encroached on the front set back but was located in the rear of the home. Mrs. Deaton explained that the home was “pinwheel-shaped” and the addition would fit into a corner of the pinwheel. The addition would overlay existing impervious surface. There was only one angle from which a neighbor could see the addition and the applicant proposed evergreen screening for that area. She recommended approval. Mr. McKelvey showed pictures and demonstrated that the neighbors would not see the addition. Only neighbors on the left side of the home would see the addition in the winter, so they proposed a tall hedge wall.

After brief discussion of the addition, Chairperson Rowland asked if there were any neighbors present to speak to the issue. Mr. Stepniewski spoke and told the Board that the addition would give the family more space and connect the kitchen and family room. He added that they loved the area and this additional would allow them to stay in their home.

Mr. Banks asked Mr. Mckelvey about materials of the addition. Mr. McKelvey responded that they would be the same as the home. Mr. Banks asked for detail about the landscaping. Mr. Mckelvey responded that the present cover was deciduous, so they proposed evergreen Hick Yew that would be about 8 feet in height, ideally forming a hedge.

Mr. Banks motioned to approve the application as submitted. Chairperson Rowland seconded it and it was approved unanimously.

3. **Mr. Ron Farris, representing Mr. and Mrs. John Sunday, owners of the lot located at 1624 Chickering Road,** requested a building permit and variances for a proposed new home, a barn and a swimming pool in the front yard (the existing home was to be demolished with a proposed barn to take its’ place). Their requests included: a variance for an accessory structure to be located in the front yard and an impervious surface ratio variance from 14% to 18.18%. Mrs. Deaton-Moyer briefly explained the project. Their impervious surface ratio was over the bulk standard because of an easement drive at the side of the property of which the Sunday’s had no control. Without the coverage of the driveway easement, the project would be in compliance with the impervious surface regulation. Mr. Farris presented this project to the Board during the January 9, 2015 meeting. Due to questions regarding the accessory structure (pool) in the front yard, Mr. Farris asked to defer the project to the next meeting so that those questions could be addressed.

Mr. Farris reminded the Board that they had asked him to consider “flipping the home” to locate the pool in the rear of the home. He reviewed the purpose of placing the home in the middle of the lot which included preservation of two large trees and avoiding steep slope areas. He showed the Board his “flipped” scheme of the house. He suggested that the viewpoints from the adjacent homes would be more exposed if the pool was in the rear yard. This was primarily because the other homes were set further back on their respective lots than the proposed home and neighbors would be looking down and into the pool courtyard as opposed the house itself. Mr. Farris said the flipped version would require significantly more grading and retaining walls due to the slope of the lot. The cut and fill into the hills for the flipped version would increase land

disturbance noticeably. Additionally by flipping the design, all service traffic would take place in the front of the home.

Mr. Farris said the original design had tiered landscaping that would hide the pool, minimize cut and fill, and should be hid from the neighbors by the north and south sides of the home. There would be fewer walls and no service vehicles would be located in front of the home. Mr. Farris added that this design was not being driven by the scale of the home, but rather the land and viewshed.

Chairperson Rowland asked if more landscaping for screening could be included on the northern and southern sides of the home. Mr. Farris said this was agreeable. Chairperson Rowland suggested tall evergreens for screening.

Mr. Banks asked Mr. Farris to review the cross sections of the two different options. The main difference in the two options was that the “flipped” version required increased excavation and land disturbance.

Mr. Waller said that he felt that the pool in the front was preferable. It reduced neighbors’ views of the pool and was designed to look like a reflecting pool in the front of the home. Chairperson Rowland said that she felt the landscaping would properly hide the pool when the project was complete.

Chairperson Rowland asked if there was anyone present to speak on the issue. Mrs. Andrews of 1620 Chickering Rd. spoke. She stated their concerns were unchanged. They were sure that the Sondays would do the plan justice and maintain the proposed landscaping; however, they were worried about the next owner that may not understand the importance of the screening proposed. Mrs. Andrews also briefly discussed the utilities that run under the easement drive on the subject property.

After the discussion, Mr. Waller made a motion to approve the application with the accessory structure in the front yard conditioned upon adding additional ever green screening on the northern and southern portions of the home and lot. Chairperson Rowland seconded the motion. Chairperson Rowland and Mr. Waller voted in favor. Mr. Banks was not in favor of the motion. The motion passed 2-1.

4. **Mr. Charlie Rankin representing Mr. and Mrs. Jess Andrews, owners of the non-conforming home located at 1305 Tyne Blvd,** requested variances in connection with a proposed home remodel. The home was non-conforming encroaching over front and side setbacks. They requested a front setback variance of an additional 3.3 feet, and a building cover variance of 8.5% (8% max). There was no additional encroachment on the side setbacks and they proposed to reduce their impervious surface from 22.7% to 22.5% (this was still exceeding the maximum). Chairperson Rowland asked Mrs. Deaton-Moyer for an explanation and recommendation. Mrs. Deaton-Moyer directed the Board to the site plan to review the building envelop. At its’ widest part, the building envelop was 35 feet in length and diminished toward to back of the lot (triangular shaped). The home had surpassed the side setbacks and they were not proposing to make any further encroachments. The 3.3 front setback variance was for a study. The proposed project was to build a master suite in the existing garage, build a new garage, and move rooms to create a better flow of the home. After site visits and reviewing the existing conditions of the home and surrounding homes, the City recommended approval.

Mr. Rankin explained that the Andrews wanted to rearrange the layout of their home so that bedrooms would be away from the front door. The chief reason for this request was for safety, but an additional reason was to create a quieter atmosphere for their young children. They proposed the new garage on existing impervious surface and sought to minimize the expansion of the footprint overall. An existing shed was proposed to be removed and replaced with a garden. Mr. Rankin discussed the drainage and commented on the planned trench drain across the driveway, the two backyard swales and the pipe that released into geofabric pad in the east portion of the lot. Mr. Banks asked about the sheet flow that would come down between the two backyard swales. Mr. Rankin said that water would come to the drive way and be diverted to the trench drain and piped to the front yard. Mr. Waller asked if the swales could be connected so that sheet flow was not directed toward the home. Mr. Rankin agreed.

Chairperson Rowland asked if there was anyone to speak to the issue. Steve Brandt of 1301 Tyne Blvd stated that he had reviewed the plan and looked

forward to the addition. Mr. Matt Dozier of 1307 Tyne also said he was supportive of the Andrews' Plan.

Mr. Banks made a motion to approve the application for variances conditioned upon connecting the two swales in the back yard. Mr. Waller seconded it 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. This was deferred from the November 14, 2014 meeting. 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. Bates said the chief reason for the deferral was the geotechnical work needed to be more precise and there were some questions about the placement of the retaining wall on the east side of the home. Mr. Bates walked the Board through his presentation. The residents had decided to use the existing foundation, but only retain on portion of the walls of the existing home. The procedure would reduce risk to the hillside.

Mr. Banks asked about how they had adjusted the wall. Mr. Bates responded that they had pulled it in off the property line so no easements would be needed for construction. Mr. Waller asked about the heights of the walls. Mr. Bates responded that the tallest retaining wall was 10 feet. Mrs. Deaton-Moyer asked if that was the exact height because retaining walls measuring 10 feet and taller required consideration of a variance. Mr. Bates responded that the tallest wall was probably a bit shorter than 10 feet because the grade lines showed a small discrepancy.

Chairperson Rowland turned her attention to the landscaping plan and asked Mr. Alan Ray about some of the proposed plantings. She found a small error in plant types and asked about how it was to be corrected. Mr. Ray accepted the error and discussed the grading and placement of plant material in the rear of the yard against the steep slope. There was discussion about the proposed pool and associated walls. Mr. Banks asked about the material for the large wall near the drive. Mr. Bates responded that it was planned to be natural fill stone.

Mr. Banks motioned to approve the variance provided that all walls dimensions of the walls were as stated, below 10 feet. Mr. Waller seconded the motion and it was approved unanimously.

- 6. The Meeting was adjourned.**

Recorder

Chairperson