

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

May 8, 2015

The Forest Hills Board of Zoning Appeals (herein also the “Board”) held its regular monthly meeting May 8, 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. Jim Littlejohn, Mr. Mark Banks, Mr. David Waller and Amanda Deaton-Moyer, City Manager. 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 April 17, 2015.** Mr. Littlejohn motioned to approve the minutes from April 17, 2015 meeting. Mr. Banks seconded the motion and it passed unanimously.
2. **Mr. Tom King represented Mr. and Mrs. Greg Allen, owners of the property located at 1400 Old Hickory Boulevard.** They sought approval to build in the Hillside Protection Overlay District (HPOD) and requested two variances: a pool to be located in the side yard and to allow footings to not be tied to bedrock.

Chairperson Rowland asked Mrs. Deaton-Moyer to give an explanation of the project. She discussed the lot consolidation that had previously passed the Planning Commission that had reduced the number of lots from five (5) to three (3). As a result of this process, several notes on the plat needed to be considered with the Board of Zoning Appeals application. She presented those items in a memo attached in these minutes herein. The proposed home was sited on the largest of the three lots and was in the HPOD. She recommended approval with the conditions listed in the memo.

Mr. King recounted the process with the City and Planning Commission. The drive to the home would be curvilinear to save trees and lessen drainage problems. There was an extensive plan to stabilize and contain the hillside with a number of traditional walls and a soil nail wall. The front two lots were vacant. Mr. King said the construction and the pool would not visually impact the view from Old Hickory Boulevard. He demonstrated this point with a short video. He also showed the home from each elevation. Chairperson Rowland asked about the visual impact from the easement drive. Would the drivers-by see the pool and pool equipment? Johnathan Sanders, landscape architect on the project, said the pool would be submerged behind a wall, but the pool equipment may be visible. This could be addressed with more evergreen trees.

Mr. Littlejohn asked about the geotechnical study. Mr. Bob Stickney, geotech engineer for the project, said that the most critical factor would be the initial grading and the construction of the upper walls. There would a soil nail wall and traditional wall in front of it that must be built first. Mr. Littlejohn commented that there was a great deal of colluvium and asked for him to discuss the soil nail wall. Mr. Stickney said that the nails would be grouted into the soil and would be the required length as determined by their engineer. The wall was not designed to be permanent. The permanent wall would go in front of the soil nail wall. Chairperson Rowland asked about the height of the wall. Mr. Stickney responded that it would be six (6) feet at its highest point and taper down to two (2) feet.

Mr. Littlejohn asked City geotechnical consultant, Rick Heckel, to address the project. Rick said there had been several iterations of the geotechnical report addressing many of the City’s initial concerns. Originally, the safety factor was too low and there was no recommendation for top-down wall construction. Additional modeling had been done to ensure minimized risk to the easement drive. Mr. Littlejohn asked Mr. Heckel if he was comfortable with soil nail depth. Mr. Heckel responded that he believed the nails would be going into rock or proof-tested for the appropriate strength. Mr. Eric Snyder would be doing the work and he felt very confident in Mr. Snyder’s judgement and skill. After brief discussion

about environmental concerns, Mr. Heckel said it would be best if this construction occurred before the wet season began, or November.

Chairperson Rowland asked if there were any neighbors present to speak to the project. Mr. Lanson Hyde of 1436 Old Hickory Blvd. spoke. Mr. Hyde's property was contiguous to the subject property. He said he had been at all the meetings for the Planning Commission and reviewed the plans extensively. He was in favor of the project moving forward.

Mr. Bank asked about the required performance bond. Mr. Bivens, City Engineer described the purpose, which was to ensure uninterrupted access to the easement drive. This would be especially important during construction, but would remain a concern through a maintenance period. Bonds would be required for both periods. Mr. Banks asked how the performance bond would be reviewed. There was additional discussion about the length of the bond and the specific language. The Board agreed that the wording for the bond needed to address any failure, not just negligence or mistakes by the contractor.

After discussion, Mr. Littlejohn made a motion to approve the project with the following conditions.

- *A performance bond of the appropriate sum and with acceptable language must be provided to ensure no interruption of access to the easement drive prior to issuance of a permit. This bond must be reviewed by the Board of Zoning Appeals, should adhere to guidance of the City's subdivision regulations, and have a performance period and a maintenance period of at least 2 years post construction. The Bond shall be released by action of the Board of Zoning Appeals.*
- *Notice of Coverage for a general NPDES Permit for stormwater discharge for construction activities must be provided prior to permitting. (State SWPPP)*
- *In accordance with the SWPPP, Drainage facilities such as the detention pond and construction drive, must be installed before initiating other construction activities.*
- *In accordance with the SWPPP, check dams are required along OHB (SR 254).*
- *Proof of TDOT driveway permit for access to OHB (SR 254) approval must be provided prior to permitting.*
- *The old foundation on property must be removed.*
- *The well must be capped prior to construction.*
- *Weekly reports of the required daily inspections of the retaining wall construction must be submitted to the City.*
- *Reports will be reviewed and verified by the City's Geotechnical Consultant who will conduct periodic site visits.*
- *Any landslides, slope failures must be reported to the City.*
- *Retaining walls will be clad with stone.*
- *On the soil nail wall- nails should either reach rock or be proof-tested to the structural engineer and City's satisfaction.*
- *Excavation is to occur during the dry months (before November).*
- *Landscaping should be planned and installed to screen the pool on the northeastern side. This plan must be reviewed and approved by the City Arborist.*

Mr. Banks seconded the motion and it passed unanimously.

Mr. Banks left and Mr. David Waller took his place on the Board.

3. **The 5854 Fredricksburg Drive Trust** requested variances for a five foot aluminum clad and chain link perimeter fence combination. Unique to the shape of this lot, there was no rear yard. Mrs. Eryn Johnston, resident at 5854

Fredricksburg said the proposed project would have two concentric fences: an inner aluminum clad fence and an outer fence of aluminum cladding and chain link in the more dense areas. She said the chain-link areas were very dense and steep.

Chair Person Rowland asked Mrs. Deaton-Moyer for the City's position. She responded that the zoning code allowed up to four (4) feet on perimeter fences. She asked the Board to hold the applicant to that standard. Mrs. Deaton-Moyer also detailed the shape of the lot stating that the City considered all frontage to be Fredricksburg side yard.

Mrs. Johnston said she would be fine with a four foot fence in front. She stated that the reasons for her request were concern for her dogs (a Siberian husky and Australian Sheppard), reduction in litter, and security. Mr. Littlejohn asked Mrs. Johnston to detail exactly where the fence would be placed in the hillside. She approached and described to the Board. She stated she expected to keep the back completely natural, save some clearing of underbrush.

Chairperson Rowland asked if there were neighbors here to speak to the issues. Harry Nichol of 1824 Laurel Ridge, Jack Fisher of 5867 Fredricksburg, Kim Stagg of 5840 Fredricksburg, Mike Kelly of 1818 Laurel Ridge, Jeffery Bates of 1845 Laurel Ridge, Bill Yeaman of 1825 Laurel Ridge, and Linda Doochin of 5870 Fredricksburg all spoke against the project. Mrs. Deaton-Moyer also mentioned two emails she had received from Mrs. Kay Simmons and Mr. Greg Walker, both in opposition.

Mr. Littlejohn stated it was clear the community was very cohesive. Mr. David Waller suggested that this project might lend itself to a two-phase approach. Mr. Littlejohn agreed and stated that if they wanted a full perimeter fence, they would need to provide elevations of the fencing and be more specific about location.

Mr. Littlejohn made a motion to allow the applicant to build a 4-foot rod iron fence around the home as proposed. Mr. Waller seconded the motion and it passed unanimously.

4. **Ms. Emily Dyer represented Mr. and Mrs. Chad Pearman, owners of the home located at 5617 Granny White Pike** in their request for front facing garage doors in connection with a proposed renovation and addition. The current home, located on a corner, was non-conforming because the house and pool were over setback lines. Ms. Dyer stated the goal was to make the best use of existing drive and space. The existing garage already faced the corner and the new garage was proposed to be built on existing drive to limit disturbance. The doors would be carriage style doors and would be obscured as much as possible by landscaping and existing trees. Additionally, this placement would save a few of the larger trees on property.

Mr. Littlejohn asked about rotating the garage. Mr. Jay Fulmer, engineer on the project, stated that rotation presented a grading challenge. The drive would be much steeper and more driveway would have to be added. There was brief discussion on the landscaping plans.

Mr. Littlejohn motioned to approve the project as submitted. Mr. Waller seconded the motion and it passed unanimously.

5. **Steve Williams of Aesthetic Fence represented Mr. and Mrs. Andrew Kautz of 1215 Mary Helen Drive** and requested a variance for an existing five foot western cedar fence and gate across the front of their property which was built without knowledge of height restrictions or permitting procedures. Chairperson Rowland asked Mrs. Deaton-Moyer to give a synopsis. She stated that this fence was built without permit and violated the zoning ordinance. While building without a permit was a serious offense that should be punished, the fence complemented the scale of the house. Mr. Williams said that he knew he was on the border of Forest Hills but thought he was in Metro. The fence was meant to be

a replication of the one going up on Old Hickory Boulevard. He stated it would be very difficult to change the height. The whole fence would have to be scrapped and restarted. Mr. Waller asked if there were plans to continue the fence because there was a string line at the side of the fence. Mr. Williams responded that there were no plans at the time.

Mr. Littlejohn motioned to approve the fence retroactively. Mr. Waller seconded the motion and it passed unanimously.

6. **Mr. Doug Arnold, Landscape Architect, represented Mr. and Mrs. Rocky Tannehill, owners of the home located at 6028 Hillsboro Pike** in their request for a north side setback of 24 feet in relationship to a swimming pool addition. The project was deferred from the April meeting and a more complete drainage and grading plan was requested. Mr. Arnold showed the additional plans and described the project. He showed the proposed screening from Kingsbury and the north property. Mr. Littlejohn commented that it was easier to understand the screening with the grading plan. Chairperson Rowland asked for additional screening than what was provided on each side. Mr. Arnold said that more landscaping was agreeable.

Chairperson Rowland motioned to approve with the following condition.

- Landscape plans must be provided that include additional screening on the eastern portion of the lot (facing neighbors that front on Kingsbury).

Jim Littlejohn seconded the motion and it was approved unanimously.

7. Mrs. Deaton-Moyer introduced Scott Hayduk who had be appointed by Mayor Lovell to serve as an alternate for the Board of Zoning Appeals when needed. Chairperson Rowland welcomed him and the Board greeted him after adjournment.

8. **The Meeting was adjourned.**

Recorder

Chairperson