

BOARD OF ZONING APPEALS

AUGUST 14, 2015

CONSENT AGENDA

CHAIRPERSON JANIE ROWLAND PRESIDING

1. Mr. John TeSelle representing Mr. and Mrs. Zack Crowell, owners of the home located at 2001 Earlington Drive, requests a building permit for a master suite and studio addition. This home is nonconforming due to a setback encroachment of 16 feet on the front of the existing home. The proposed additions are within current setbacks and will not increase nonconformity. Prior to issuance of a permit, plans must be reviewed by the Board of Zoning Appeals.
Section 7.02 (d) requires Board of Zoning Appeals approval for any changes to a non-conforming lot not exempted in Section 7.02c.

This item is on the consent agenda because the home is nonconforming. The proposed bedroom and screened in porch addition *does not increase* the nonconformity, nor require other variances.

2. Mr. Larry Woodson representing Mr. and Mrs. Randy Parker, owners of the home located at 131 Chickering Meadow, requests a building permit for a home and hardscape renovation. Current impervious surface ratio is 22%. After removing 613 square feet of hardscape, the impervious surface ratio will be unchanged. Prior to issuance of a permit, plans must be reviewed by the Board of Zoning Appeals.

Section 4.02 RA Zoning states the Impervious Surface Ratio shall not exceed 20% and Section 7.02 (d) requires Board of Zoning Appeals approval for any changes to a non-conforming dwelling not exempted in Section 7.02c.

This item is on the consent agenda because this dwelling is nonconforming due to an impervious surface ratio of 22%. The proposed renovation *does not increase* the nonconformity.

BOARD OF ZONING APPEALS

AUGUST 14, 2015

AGENDA

CHAIRPERSON JANIE ROWLAND PRESIDING

1. Approval of the minutes of the May 8 and July 10, 2015 meeting.
2. Letters of Credit: Safe Deposit Box (**no action needed**).
3. Consent Agenda.
4. Mr. and Mr. Alexander Haemmerlein, owners of the home located at 4608 Skymont, request a front setback variance for a proposed renovation and addition. The entire home is over the front setback. Using the average of the homes on either side, the setback is 86.12 feet. A proposed front setback to 83.12 is requested, requiring a 3 foot variance.
5. Mr. and Mrs. Luciano Scale, owners of the home located at 1838 Otter Creek Road (a corner lot), request variances for a proposed home remodel and addition. A secondary front setback variance of 27 feet and a rear setback variance of 12 feet 4 inches is requested. The average width of the building envelope is approximately 35 feet and the width of the existing home is approximately 100 feet.
6. Ms. Anne Daigh, Landscape Architect and Ms. Kris Wiseman, Architect, representing Mr. and Mrs. Patrick McKennon, owners of the home located at 1801 Laurel Ridge Drive (located in the Hillside Protection Overlay District), request a front setback variance of 39 feet and for garage doors facing the secondary front in connection with a proposed demolition and new construction on the existing foundation.
7. Mr. Van Pond, Architect, representing the Dale T. Reifschneider Revocable Trust, located at 4606 Skymont Drive, requests a permit to construct a new home and pool in the Hillside Protection Overlay District. Previous plans were presented and approved. The proposed is a significant revision requiring renewed Board Approval.
8. Ms. Susan Wallace of Terry Bates & Associates, representing Mr. and Mrs. Mark Simmons, owners 609 Walnut Grove Circle, requests a building permit for a new home located in the Hillside Protection Overlay District. They also request a variance to disturb approximately 19.6% of area located in steep slopes.
9. Mr. Johnson Bullard of KiserVogrinDesign, representing Mr. and Mrs. Joseph Troutman, owners of the home located at 4617 Tara Drive (a corner lot), requests a variance to build a garage with front facing doors on the secondary front side of their home. The home is non-conforming on both sides of the lot. The request was deferred at the July meeting.
10. Mr. Brett Wright of Castle Homes, representing Mr. and Mrs. Andrew Park, owners of the home located at 2400 Tyne Blvd, requests a variance to build an entrance gate with stone piers. The gate is proposed to be five feet in height. The stacked stone piers are to be 5 feet 10 inches in height.

Adjourn Meeting

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

August 14, 2015

The Forest Hills Board of Zoning Appeals (herein also the "Board") held its regular monthly meeting A, 2015 at the City's Offices, 6300 Hillsboro Pike, Nashville, Tennessee, beginning at 8:00 a.m. Chairperson Janie Rowland presided. Also present were Scott Hayduk, 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:** approval of the minutes were postponed to a later meeting.
2. **Consent Agenda.** Chairperson Rowland asked the City Manager to briefly describe the consent agenda items. Mrs. Deaton-Moyer explained that the home located at 2001 Earlington was nonconforming on the front setback but the addition would be to side of the home, not increasing the nonconformity. The other item on the consent agenda was a proposed addition to the home at 131 Chickering Meadow. The home was non-conforming because the impervious surface ratio was 22%. The project included reducing impervious surface so to not exceed 22%. Mrs. Deaton-Moyer stated that she recommended approval. *Mr. Hayduk motioned to approve the consent agenda. Chairperson Rowland seconded it and it was approved unanimously.*
3. **Mr. and Mrs. Alexander Haemmerlein, owners of the home located at 4608 Skymont,** requested a front setback variance for a proposed renovation and addition. The entire home was over the front setback. Using the average of the homes on either side, the setback was 86.12 feet. A proposed front setback variance of three feet was requested. Mrs. Deaton-Moyer gave a description of the project, detailing its elevation below the road. Mr. Haemmerlein explained the purpose of the addition and the landscaping and drainage plans. Mr. Hayduk asked Mr. Haemmerlein to explain the height of the addition as it related to the backyard neighbors. Mr. Hayduk was concerned about the neighbors looking up at a tall home. Mr. Haemmerlein stated that it would be aligned with the existing home and the heavily wooded nature of the lot would mitigate this concern. *There was discussion and Mr. Hayduk made a motion to approve as submitted. Chairperson Rowland seconded it and it was approved unanimously.*
4. **Mr. and Mrs. Luciano Scala, owners of the home located at 1838 Otter Creek Road** (a corner lot), requested variances for a proposed home remodel and addition. A secondary front setback variance of 27 feet and a rear setback variance of 12 feet 4 inches was requested. The width of the building envelope was approximately 35 feet and the width of the existing home was approximately 100 feet. Mrs. Deaton-Moyer described the project. She said that the newer setbacks on this lot created a restrictive envelope. The home went over the secondary front setback significantly. The reason for their variance was a small kitchen addition that was in the rear of the home, but extended over the secondary front setback. The kitchen addition was part of a much larger renovation of the house that would see a changed roof line and front façade. One part of this addition that caused pause was the guest entrance from Otter Creek. Because of the vegetation and the curve in the road, ingress and egress was perceived as dangerous. Mrs. Deaton-Moyer stated that other than the drive, which might bear further review, she recommended approval. Mr. Scala presented his project. Chairperson Rowland and Mr. Haduk asked Mr. Scala if he would be open to redesigning his drive to come off of Timothy Drive. He said that he did not like that idea because he was trying to preserve as much yard as possible. Mrs. Deaton-Moyer said that the line of sight needed to be investigated. There was more discussion regarding the drive. Chairperson Rowland reviewed the landscaping plan and found it acceptable. She asked if there were neighbors present to speak to the issue. *Hearing none, Mr. Hayduk made a motion to approve the renovation and addition of the home, and the drive be allowed after a study of the line of sight was conducted and found to*

be satisfactory. Chairperson Rowland seconded it and it was approved unanimously.

5. **Ms. Anne Daigh, Landscape Architect and Ms. Kris Wiseman, Architect, represented Mr. and Mrs. Patrick McKennon, owners of the home located at 1801 Laurel Ridge Drive** (located in the Hillside Protection Overlay District). They requested variances for a front setback of 39 feet and front-facing garage doors (on the secondary front) in connection with a proposed demolition and new construction on existing foundation. Mrs. Deaton-Moyer explained that the McKennons sought to demolish the house down to the foundation and build a new home on the existing foundation, save a small expansion to the garage area. They also requested to build a pool in the rear yard. A geotechnical analysis had been conducted and the City's consultant had reviewed it and found it satisfactory. The house was located in the flattest portion of the lot, sloping downward at a steep grade in the middle of the lot. Ms. Daigh showed landscaping that had already been added to hide the garage doors. She showed a drawing of the current landscaping and what would be added to shield the garage from public view. Ms. Daigh showed elevations as disturbance drawings as well. Mr. Hayduk asked about what they would be doing with the crumbling wall in the rear of the property. Ms. Daigh said they would be rebuilding it further back with sturdier material and engineered strength. By keeping the house where it was, they were seeking to maintain the integrity of the land. Chairperson Rowland asked how the drainage would be addressed on the back of the lot. Mr. Andrew Stone described the drainage plan which included level spreaders and drains that would distribute the water evenly across the downhill portion of the lot. Chairperson Rowland asked if there were neighbors present to speak to the issue. There were no neighbors present and Ms. Daigh presented neighbor letters of support. There was additional discussion about the original home location and continuing that placement. *Mr. Hayduk motioned to approve the application as submitted. Chairperson Rowland seconded it and it was approved unanimously.*

6. **Mr. Van Pond, Architect, representing the Dale T. Reifschneider Revocable Trust, located at 4606 Skymont Drive**, requested a permit to construct a new home and pool in the Hillside Protection Overlay District. Previous plans were presented and approved. The proposed plan was a significant revision and required renewed Board approval. Mrs. Deaton-Moyer reminded the Board of the January, 2015 meeting when they approved a previous plan for this lot. Concerns at time were landscaping along the pool wall and visibility for the neighbors. She stated that this footprint was scaled down in size compared to the previous submission. A geotechnical analysis had been conducted and the City's consultant had reviewed it and found it satisfactory. Mrs. Deaton-Moyer said that as long as the Board was comfortable with the landscaping, she recommended approval. Mr. Pond described the home and detailed the landscaping around the pool area. Evergreen trees would surround the pool area. Chairperson Rowland asked about the type of plant to be used. Mr. Pond responded with Foster Hollies. He added that during the winter the pool would be somewhat visible, but that would be a low use time. Mr. Hayduk asked about the height of the home. Mr. Pond said that due to the steep topography, the ridge of the home would be about three feet above the road in elevation. Mr. Hayduk asked for the size of the footprint. It was 2234 square feet. In discussions regarding the drainage, Mr. Pond showed the Board where the water would run into a rain garden. Chairperson Rowland asked if there were neighbors present to speak to the issue. There were no neighbors present and Mr. Pond presented neighbor letters of support. *After discussion, Mr. Hayduk motioned to approve the application as submitted. Chairperson Rowland seconded it and it was approved unanimously.*

7. **Terry Bates of Terry Bates & Associates, represented Mr. and Mrs. Mark Simmons, owners 609 Walnut Grove Circle**. They requested a building permit for a new home located in the Hillside Protection Overlay District. They also requested a variance to disturb approximately 19.6% of area located in steep slopes. Mrs. Deaton-Moyer described the project. It was a large, new construction in Tyne Estates, an area where the global drainage mechanism had already been designed. The submitted drainage plan aligned with the subdivision drainage

infrastructure. During the submittal period there had been some question regarding the attached patio/carport on the right side of the home. The final submission included a carport that met the approval of the Tyne Estates Homeowners Association and complied with the Zoning Code. A geotechnical analysis had been conducted and the City's consultant had reviewed it and found a few areas of caution and supplied recommendations. Mrs. Deaton-Moyer ask to incorporate those recommendations into a conditional approval if it the Board chose to approve the application.

Mr. Bates described the project in detail. He said they tried to get the main floor of the home as close to the existing grade as possible. He also explained the progression of program and design that allowed them to arrive at the carport. Mr. Hayduk asked about the size of home. The proposed included a 5600 square foot footprint and the whole space was about 7000 square feet. Chairperson Rowland asked about the retaining walls. Mr. Bates stated that all walls were under 10 feet and would be clad to match the home. Chairperson Rowland asked if there were neighbors present to speak to the issue. Mr. Allen Brown of 1815 Laurel Ridge wanted clarification about the placement of the home. Mr. Bates showed him the site plan and he was satisfied.

Mr. Hayduk asked about how the drainage would work. Mr. Andrew Stone, engineer, explained that water would be piped from the home to level spreaders that would appropriate water across the lot. Water would then drain to the Tyne Estates Detention Pond. After more discussion regarding the drainage, *Mr. Hayduk motioned to approve the application as submitted. Chairperson Rowland seconded it and it was approved unanimously.*

8. **Mr. Johnson Bullard of KiserVogrinDesign, represented Mr. and Mrs. Joseph Troutman, owners of the home located at 4617 Tara Drive** (a corner lot), and requested a variance to build a garage with front facing doors on the secondary-front side of their home. The home was non-conforming on both sides of the lot. This had been deferred from the July meeting. Mrs. Deaton-Moyer described the front facing garage addition. The project had been deferred because the Board was unsure about the style of the addition as it related to the rest of the home. Mr. Bullard provided pictures of the existing home and renderings of the proposed addition to show continuity of style and form. This largely satisfied the Board's outstanding questions regarding the project. Mr. Hayduk asked about the timeline for construction and landscaping. Mr. Bullard said that he expected this would take place very soon. *Mr. Hayduk motioned to approve the application as conditioned upon landscaping being installed in the nearest viable planting season. Chairperson Rowland seconded it and it was approved unanimously*

9. **Mr. Brett Wright of Castle Homes, represented Mr. and Mrs. Andrew Park, owners of the home located at 2400 Tyne Blvd,** requested a variance to build an entrance gate with stone piers. The gate was proposed to be five feet in height. The stacked stone piers were to be 5 feet 10 inches in height. They had previously requested an opaque 6 foot fence with 6 and a half foot piers. That request was denied. Chairperson Rowland asked Mrs. Deaton-Moyer for a description and the City's recommendation. Mrs. Deaton-Moyer stated that the applicants had redesigned their gate to be shorter and transparent. While, they were still requesting a variance for a foot on the gates and piers, this was a vast improvement. She recommended approval. Brandon Peppenhorst, Landscape Architect, stated that one of the Board's greatest concerns was the mass of the gate. For this reason, the piers were simplified, removing the attached winged walls, and the gate was open and shorter. Mr. Peppenhorst reiterated the purposes of the gate: privacy and security. Chairperson Rowland asked if there were neighbors present to speak to the issue. Mr. John Geer asked Mr. Park when the construction would finally be complete. Mr. Wright stated completion was expected within two weeks. Next, Bolin Stumb of 2500 Tyne spoke. She stated that when she and her husband chose

to renovate they worked to stay within Forest Hills regulations and they were quite happy with the results. She wondered why the Parks could not conform as they had. Then Mary Kay Hunt 2604 Tyne Blvd. stated houses and projects such as these have ruined the integrity of the neighborhood. They moved there because they wanted trees over houses not houses over trees. She maintained that this home would reduce property values.

Mr. Hayduk asked Mr. Peppenhorst and Mr. Park why they could not simply comply with the rules. Mr. Park said that he had kids that were athletic and liked to climb things. He wanted the gate to complement the home and be functional. Chairperson Rowland said that it was clear that the Parks heard the Board's comments and tried to reach equilibrium. She also asked Mr. Peppenhorst to walk her through the landscaping. When he was complete, she asked him to bolster the number of bushes along the piers. *Mr. Hayduk motioned to approve the application as conditioned upon additional landscaping along the piers. Chairperson Rowland seconded it and it was approved unanimously.*

10. The Meeting was adjourned.



Recorder



Chairperson

SIGN IN SHEET

City of Forest Hills
Board of Zoning Appeals Meeting
Date: August 14, 2015

NAME:	ADDRESS:
SCOTT HAYDUK	5901 Robert G Lee CT
Stephen Dept	City Commission
Clair Turner	131 Chickering Meadows
LARRY WATSON	4021 2151 AVE SOUTH
Pat Rowan	303 Woodmont Circle
JASON GABBAUD	519 PRINCE WALES CT FRANKLIN.
Alex Hammerstein	4608 Skymont Drive
TAYLOR BUTLER	ANNE DAUNT LANDSCAPE ARCHITECT
GAVIN DEKE	PAGE/DUKES 1206 17th AVE S.
Eto Hammerlein	441 HARBETH HILLS DR.
John Tesella	405 Fairfax Ave.
ZACH ROWELL	2001 Earlington
COURTNEY CROWELL	2001 Earlington
Anne Dargh	ADLA
JANSON BUTLER	KN+D / WHEFFENY HILLS PR
Paula Pappaniet	1625 Robin Dale
SUSAN WALKER	FERRY BAKER & WALKER
LUCIANO SCALA	1838 OTTER CREEK
EMRIQUE SCALA	" " "
Annem Star	A. Stone Engineering

SIGN IN SHEET

City of Forest Hills
Board of Zoning Appeals Meeting
Date: August 14, 2015

NAME:	ADDRESS:
John Bean	2223 Hemingway Dr
PATRICK MCKENNON	1801 LAUREL RIDGE
GILL COSTELLO	1694 Old Hillsboro Rd Franklin
John hood	4005 Anderson Dr
BEET WRIGHT	307 Mayhew St
Arlyn Pade	2400 Tyac
Mrs. Tilden Curry	1605 Ash Valley Dr.
FRIS WISEMAN	1304 Barnestocks Ct N.
Allen Brown	1815 Lame / Ridge
Chp Howorth	2737 Lerner Drive 37204
Rythy Mckennm	1801 Laurel Ridge Drive
Sissy: Mark Simmons	78 Comrod Park W. 37215
J. Terry Bates	1705 14th Av. So. Nashville
Van Pond Jr.	2929 Sides Drive, Nashville 37204
RELIUS STUMB	2500 Tye Blvd.
Davis Kay Kay Hunt	2604 Tye Blvd.
John Sprague	1609 Ash Valley Dr
Dan Fabis	5912 Hillsboro Rd