

## BOARD OF ZONING APPEALS

November 13, 2015

### AGENDA

#### CHAIRPERSON JANIE ROWLAND PRESIDING

1. Approval of the minutes of the October 9, 2015 meeting.
2. Letters of Credit: Safe Deposit Box **(no action needed)**.
3. Adoption of the 2016 Calendar.
4. Consent Agenda.
5. Mr. Charles Coorts, Farm Manager, representing Joel William Vuylsteke, Trustee for 6238 and 6242 Hillsboro Pike, request variances for the fencing around the property located at 6238 Hillsboro Pike to mirror adjoining property fence 6242 Hillsboro Pike and fence an adjoining golf cart path between the properties. Existing fencing height is 54" to 56" depending on topography. Also requested is reaffirmation of fencing not previously installed and an interior 'wire' livestock fence to be installed at 6242 Hillsboro in order to create a paddock for horses.
6. Ms. Jennifer Bagwell of Bagwell Design, representing Mr. and Mrs. Lee Blank of 2211 Hemingway Drive, request front and side setback variances for an existing non-conforming home. Currently the home is over the west side setback by 20 feet and the east side by approximately 5 feet. The proposed guest suite renovation would be no closer to the west property line than the existing home. Using the averages of the houses on either side, the front setback is 84 feet and 4 inches. The proposed master bath addition would be an additional 3 feet bringing the front setback to 81 feet 4 inches.
7. Mr. Moore Russell of Old South Construction, representing Sheriff Investment Group, LLC, owner of the lot located at 1222 Old Hickory Boulevard, requests side and rear setback variances for a proposed new home. This is a non-conforming lot and the existing home is to be demolished. The existing home is over both side setbacks (approximately 28 feet on the west and 25 feet on the east). The proposed home requires a variance of 24.57 feet on the west, 19.49 feet on the east and 5.4 feet on the rear.

Adjourn Meeting

**BOARD OF ZONING APPEALS**  
**NOVEMBER 13, 2015**  
**CONSENT AGENDA**  
**CHAIRPERSON JANIE ROWLAND PRESIDING**

1. Mr. and Mrs. Jacob Radford, owners of the home located at 1801 Cromwell Drive, a non-conforming home on a corner lot, request a variance for dormers to be added to the front of the home in conjunction with an interior remodel. Currently the home is over the rear setback at 74.1 feet.

Forest Hills Zoning Regulations Table 4.02 states EB Zoning rear setbacks of 75 feet. Section 7.02(d) states that if an owner wishes to alter, change, or expand any nonconforming dwelling, then plans must be reviewed by the Board of Zoning Appeals prior to issuance of a permit.

This item is on the consent agenda because the home is non-conforming on the rear. The proposed dormer addition *does not increase* the nonconformity.

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

**November 13, 2015**

The Forest Hills Board of Zoning Appeals (herein also the "Board") held its regular monthly meeting Friday, November 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. 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 9, 2015.** Mr. Banks made the motion to approve the minutes from the October meeting. Mr. Littlejohn seconded the motion and it passed unanimously.
2. **Approval of 2016 Calendar.** Mr. Littlejohn made a motion to approve the 2016 Calendar. Mr. Banks seconded it and it was approved unanimously.
3. **Consent Agenda:** Mr. and Mrs. Jacob Radford, owners of the home located at 1801 Cromwell Drive, a non-conforming home on a corner lot, requested a variance for dormers to be added to the front of the home in conjunction with an interior remodel. Currently the home is over the rear setback at 74.1 feet. Mrs. Deaton-Moyer stated that because the home was nonconforming, it needed Board of Zoning Appeals approval. The proposed addition would not increase the nonconformity. Mrs. Deaton-Moyer recommended approval.

*Mr. Banks motioned to approve the consent agenda. Mr. Littlejohn seconded the motion and it was approved unanimously.*

4. **Mr. Charles Coorts, Farm Manager, representing Joel William Vuylsteke, Trustee for 6238 and 6242 Hillsboro Pike,** requested variances to add fencing around both properties to emulate existing fencing which was 54 to 56 inches in height depending on topography. The proposed placement of fencing was along a golf cart path adjoining the properties and on the front of the property extending toward the creek. Also requested was reaffirmation of fencing not previously installed (along the southern portion of 6238 Hillboro Pike) and an interior 'wire' livestock fence to be installed at 6242 Hillsboro in order to create a paddock for horses.

Mrs. Deaton-Moyer summarized the project and stated that the Zoning Code allowance for perimeter fencing was up to 48 inches in height. The applicant's request was for up to 56 inches in height. Mr. Littlejohn stated that he felt the increase in height of the fencing was ameliorated by the size of the lot. Mr. Littlejohn asked Mr. Coorts if he was concerned about the fences proximity to the creek. Mr. Coorts said he planned on staying far enough away from the creek and not obstructing any type of flowing debris. Mr. Banks asked about the materials that would be used to make the path between the two homes. Mr. Coorts responded

that it would emulate the pea gravel entrance that came off Hillsboro Road. The path was for the resident's parents who were elderly and would travel between the two homes by golf cart.

Chairperson Rowland asked if neighbors were present to speak to the issue. Mrs. Smiley of 6 Bridleway said she was opposed to the fencing in the back of her home because approval would render her home surrounded by fencing on three sides. She asked that the applicant consider moving the fencing back eight feet so that it would not be seen. Mr. Coorts responded that moving the fence back would place it in a wet weather conveyance. Additionally, the base of the conveyance was stone, so posts would be difficult to place. Mr. Coorts and Mrs. Smiley discussed tradeoffs associated with different placements of the fencing. Chairperson Rowland suggested that the placement stay the same but landscaping be added to block the view.

*After more discussion, Mr. Littlejohn motioned to approve all portions of the fence except for that behind 6 Bridleway. The approval of this motion was conditioned on the cart path matching the entrance in materials. Mr. Banks seconded the motion and it was approved unanimously. Regarding the portion of the fencing behind 6 Bridleway: the Board encouraged the neighbors to develop a compromise. Mr. Coorts asked for a deferral on that portion of the fencing so that he could work with the neighbor.*

5. **Ms. Jennifer Bagwell of Bagwell Design, representing Mr. and Mrs. Lee Blank of 2211 Hemingway Drive,** requested front and side setback variances for an existing, non-conforming home. Currently the home is over the west side setback by 20 feet and the east side by approximately 5 feet. The proposed guest suite renovation would be no closer to the west property line than the existing home. Using the averages of the houses on either side, the front setback was 84 feet and 4 inches. The proposed master bath addition was an additional 3 feet bringing the front setback to 81 feet 4 inches. Mr. Blank described his project in detail. Mr. Banks commended the Blanks for working with the home that was presently on the land. Mrs. Rowland asked if they would be saving the large oak on the side of the home. Mr. Blank said they would be preserving that tree, but there was a smaller tree that would be removed. Mr. Littlejohn said that the project seemed well-thought-out and straight forward. The other members of the Board concurred.

*Mr. Banks made a motion to approve the application. Mr. Littlejohn seconded it and it was approved unanimously.*

6. **Mr. Bob Hammerlein of Gamble Design, representing Sheriff Investment Group, LLC, owner of the lot located at 1222 Old Hickory Boulevard,** requested side and rear setback variances for a proposed new home. The existing home was proposed to be demolished. The existing home is over both side

setbacks (approximately 28 feet on the west and 25 feet on the east). The proposed home requires a variance of 24.57 feet on the west, 19.49 feet on the east and 5.4 feet on the rear. Mrs. Deaton-Moyer described the project. The lot was narrow. The proposed home was going to be closer to setback compliance than the existing home but would still require a variance. The lot connected to a small .2 acre parcel also owned by the applicant. If that portion of the lot were consolidated, no rear variance would be required. Mrs. Deaton-Moyer also indicated to the Board that a large mound of dirt had been placed on the property, and that it would have to be removed before any work would take place.

Mr. Hammerlein addressed the dirt stating that the owner of the lot thought that the home may have required dirt for grading and filling in the yard. The owner had dirt from another site, so he placed it on the lot. The need for grading in the front yard was inaccurate and almost all of the dirt would be removed before construction. The front yard would not be graded, other than to drain to the existing conveyance.

Chairperson Rowland asked Mr. Hammerlein why he could not move the home closer to the road to avoid a rear setback issue. Mr. Hammerlein responded that they did not want to disturb the wet weather conveyance on the front of the property. The Board discussed landscaping and placement of the home. Mr. Littlejohn asked if they had reviewed other floor plans that would fit closer to the setbacks. Mr. Hammerlein responded that this floor plan was the most marketable and was the narrowest they could find. Mr. Banks responded that the marketability of the floor plan was not the Board's concern. The Board understood that the home was a speculation build.

Chairperson Rowland asked if there were neighbors present to speak to the proposal. Mr. Durani of 1200 Old Hickory Blvd. asked why the home was not centered on the lot, further away from his home. Mr. Banks showed Mr. Durani the site plan where the proposed house was away from his home. Next, Mr. John Watson of 1230 Old Hickory Blvd. spoke. He stated that he did not want the home to be moved up any more than it was sited. The wet weather conveyance was important and he wanted the new house to be in line with the other homes. He also asked about the intention of the mound of dirt. Mr. Hammerlein responded that it would be largely hauled off during demolition.

Mr. Littlejohn said that the grading plan was explanatory, but that more drainage along the west side of the house may be needed. Mr. Hammerlein agreed and stated a 4 to 1 swale could be graded along the side of the house to divert water.

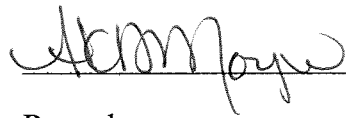
Chairperson Rowland asked about the hardship that was being presented. Mr. Hammerlein stated that the lot was too narrow to place a contextually sized home. He added that no one wants a "shot gun" house in this area and that is what would come of complying with these setbacks that allow for a twenty-foot-wide building envelope. Mr. Littlejohn said he understood the point. He asked Mr. Hammerlein to find a way to convince him that this was the most compliant a home could be

on this lot. Chairperson Rowland added that she would also like to be convinced that the bulk and height were necessary. Mr. Littlejohn added that once a house was demolished, the land was a blank slate that welcomed compliance. Mr. Hammerlein discussed some options, such as the angle of the garage that may reduce the setback encroachments.

Chairperson Rowland asked if they were willing to put more screening on the western side of the property. Mr. Hammerlein agreed that a few rows of evergreens might improve the privacy.

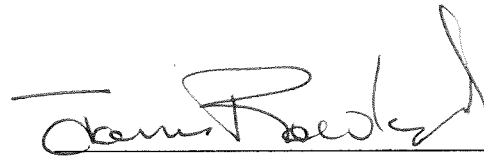
*After discussion, Mr. Hammerlein asked for a deferral so that he could implement additional landscaping, drainage, and consider the size and bulk of the home in relationship to the setbacks.*

**7. The Meeting was adjourned.**



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Recorder



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Chairperson

**SIGN IN SHEET**

**City of Forest Hills  
Board of Zoning Appeals Meeting**

**Date:** November 13, 2015

**NAME:**

**ADDRESS:**

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6204 Melba Ave.

