

BOARD OF ZONING APPEALS

December 11, 2015

AGENDA

CHAIRPERSON JANIE ROWLAND PRESIDING

1. Approval of the minutes of the November 13, 2015 meeting.
2. Letters of Credit: Safe Deposit Box **(no action needed)**.
3. Mr. Moore Russell of Old South Construction, representing Sheriff Investment Group, LLC, owner of the lot located at 1222 Old Hickory Boulevard, requests side 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 18.47 feet on the west side and 15 feet on the east side.

Adjourn Meeting

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

December 11, 2015

The Forest Hills Board of Zoning Appeals (herein also the "Board") held its regular monthly meeting Friday, December 11th, 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 meeting dated November 13, 2015.** Mr. Banks made the motion to approve the minutes from the November meeting. Mr. Littlejohn seconded the motion, and it passed unanimously.

2. **Mr. Bob Hammerlein of Gamble Design, representing Sheriff Investment Group, LLC, owner of the lot located at 1222 Old Hickory Boulevard,** requested side setback variances for a proposed new home. This project had been deferred from the previous meeting. Before Mr. Hammerlein spoke, Chairperson Rowland expressed her severe disappointment in the applicant for misleading the Board about the pile of dirt in the front yard and demolition of the existing home. The applicant promised they would remove the dirt, but instead pushed it around creating a harrowing hill that could drain water on to neighbors. This action had violated the Board's trust. She outlined several conditions to be included with the approval if the Board decided to grant approval of the project.

Mr. Hammerlein stated he would gladly accept those conditions and provided a brief overview of the changes. Mr. Banks asked what had specifically changed between the two plans. Mr. Hammerlein said they had straightened out the garage and repositioned the house. This reduced the setback variance requests (from the previous application) from 25 feet to 18 feet on the west side and 19 feet to 15 feet on the east side and eliminated the need for a rear setback variance.

Mr. Hammerlein said he had erroneously stated no dirt would be needed. He had been informed that once demolished, dirt would be needed to fill in the foundation. Mr. Littlejohn asked if the current home included a basement. Mr. Hammerlein responded that it did not. Mr. Littlejohn said that if there was no basement, then that much dirt would not be required. There was disagreement about the mound of dirt. Mr. Greg Gamble, also representing the owners of 1222 Old Hickory, stated that the process had occurred in an improper order. The contractor made a mistake and should have not placed dirt on the property before the Board of Zoning process. Also, when asked to remove the dirt, they could have handled it differently. As soon as the home was demolished, the dirt would be moved from the front of the lot to the rear and used during construction. That which was not used, would be hauled away.

Attention turned to the swale on the western side of the yard. Mr. Littlejohn asked if it was located on the Watson's property. Mr. Hammerlein stated that it was. Mrs. Deaton-Moyer asked if there was an easement in place or had one been discussed for this grading. Mr. Hammerlein said there was not and no discussion had occurred. The Board asked Mr. Watson, who was in attendance, if he knew anything about the intended swale. He said he did not. The Board was not pleased.

Chairperson Rowland asked if there were residents present to speak to the issue. Mr. John Watson of 1230 Old Hickory Blvd. spoke. He said after the dirt being removed, his largest concern was the placement of the house; he wanted to ensure it was in line with the other homes. The Board said that had been a concern at the prior meeting as well and they felt that it had been addressed. Mr. Watson also noted that the swale along his property line would be okay, but may ruin a garden that he and the previous owner had shared.

Phil Byrn, a representative of Mr. Hamidullah Durani of 1200 Old Hickory Blvd, stated that his client's greatest concern was the dirt/grading and the consequential drainage that might affect his property. Mr. Byrn indicated that if the drainage problem was addressed, Mr. Durani felt the project would be an asset to the neighborhood.

Mr. Banks noted that he saw no finished floor elevation on the grading plan. Mr. Hammerlein agreed it was missing and estimated the elevation to be around 705 feet in elevation. Mr. Banks sought to understand the grading as it tied into the Watson's property. Mr. Littlejohn said he agreed in concept to the side yard variances. However, given the haphazard planning presented to the Board he had concern for the final grading on the property. Mr. Littlejohn said at the very least, the plan needed to be revised to make the sediment trap functional, place the swale on the subject property, and contain the finished floor elevation.

Chairperson Rowland questioned the landscaping submitted. The submitted plan included only screening along the western portion of the lot. Mr. Hammerlein explained that their submission only included the requested improvements from the last meeting. A full landscape plan with the extra screening on the western side and all other aspects could be submitted. Chairperson Rowland and Mr. Banks agreed that the partial plan was confusing to review.

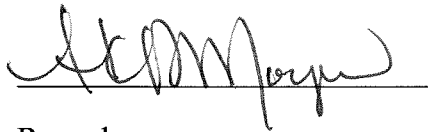
There was discussion about deferring the plan. If the plan was deferred, Mr. Foster suggested that the Board suspend their rules and allow the submission to come back before the Board before the specified six months. Mr. Foster added that the applicants were asking for relief from the narrowness of the lot. He understood that the Board agreed in concept and was comfortable with providing setback variances, but were understandably uncomfortable with the project plans and the process. Chairperson Rowland agreed. Mr. Foster suggested approving the variances in concept, but placing conditions on the project including returning before the Board for plan review. These conditions would be met before permitting took place.

With that Mr. Littlejohn motioned to conditionally approve the variances requested with the following conditions:

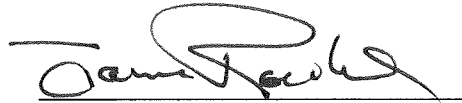
- 1.) Immediate demolition of the existing home, with an appropriate demolition permit, shall be required.*
- 2.) Dirt shall be immediately removed to the desired location behind the home, to include rough grading of the site.*
- 3.) The front part of the yard that was disturbed must be restored as documented in the grading plan.*
- 4.) Complete, detailed grading and landscaping plans shall be completed, submitted, and approved by the Board.
All of the above conditions are to be completed before a building permit is issued.*
- 5.) Weekly site visits and reports documenting progress shall be conducted by the City Engineer at the contractor's expense. This shall be ongoing.*
- 6.) The smaller back lot must be consolidated with the subject before the new home is occupied.*

Mr. Banks seconded the motion and it was approved unanimously.

3. The Meeting was adjourned.



Recorder



Chairperson

SIGN IN SHEET

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

Date: December 11, 2015

NAME:

ADDRESS:

Matt Foster

H³GM.

Phil Byrn

2002 Richard Jones Rd 202-B
37215

Deetta Alpert
Cam Rosta

City Assessor
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[Signature]

FRANKLIN

[Signature]

454 WAREHAM HILLS 37215

[Signature]

2121 Conchering Lane

Moon Powell

FRANKLIN

Jon Watson

1230 old Hickory Blvd.

Mark Banks

City

John Houck

6005 Anderson Dr

[Signature]

CITY

[Signature]

City
