

BOARD OF ZONING APPEALS

February 12, 2016

CONSENT AGENDA

CHAIRPERSON JANIE ROWLAND PRESIDING

1. Mr. Worcester Bryan of Bryan & Myers, representing Mr. and Mrs. Bart Johnston, owners of the home located at 1005 Foxwood Drive, a nonconforming dwelling due to a setback encroachment on both sides and impervious surface coverage, requests addition of living space and new garage that will not increase the non-conformity of the home, and will bring the ISR into conformity.

Forest Hills Zoning Regulations 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.

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AGENDA

CHAIRPERSON JANIE ROWLAND PRESIDING

1. Approval of the minutes of the January 8, 2016 meeting.
2. Letters of Credit: Safe Deposit Box **(no action needed)**.
3. Consent Agenda.
4. Mr. Sid Smith, representing Hillsboro Church of Christ, request variances for proposed new signage for the church larger than allowed by Institutional Zoning (25 square feet). Proposed cut stone signage is 24 square feet with stacked stone pillars on each side (one being 4 feet in height by 2 feet wide, the other being 6 feet in height by 2.8 feet wide). Section 2.08 requires an integrated landscape plan for any additions or changes in Institutional Zoning.
5. Mr. Isaac Wantland, representing Josh & Carly Kear, of 1520 Chickering Road, requests a permit for a proposed new home located in the Hillside Protection Overlay District and variances for an accessory structure (garden shed) in the side yard and privacy fencing over five feet.
6. Mr. Joel Lyons and Mr. Ray Tarkington (owner of the lot located at 2105 Timberwood Drive), request variances for a west side setback variance of approximately 28.5 feet and an east side setback of approximately 10 feet. This non-conforming lot is approximately 130 feet in width at the front setback. This was deferred from the January meeting.
7. Mr. Andy Stone, representing Mr. and Mrs. Mark Simmons, owners 609 Walnut Grove Circle, was granted approval on August 14, 2015 to build a home in the Hillside Protection Overlay District and approved to disturb approximately 19.6 % of areas located in steep slopes. He will give an update concerning retaining walls.

Adjourn Meeting

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

February 12, 2016

The Forest Hills Board of Zoning Appeals (herein also the "Board") held its regular monthly meeting Friday, February 12, 2016 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. 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 8, 2016.** Mr. Littlejohn asked the Board if they would defer the minutes so he could read them more in-depth. Chairperson Rowland agreed. Minutes were deferred until the next meeting.
2. Worcester Bryan of Bryan & Myers represented Mr. and Mrs. Bart Johnston, owners of the home located at 1005 Foxwood Drive, a nonconforming dwelling due to setbacks encroachments and impervious surface coverage. They requested permission to build an addition of new living space and garage. The addition did not increase the nonconformity. The project would also bring the impervious surface ratio into compliance. Mrs. Deaton-Moyer briefly explained the project. Mr. Littlejohn motioned to approve the consent agenda. Mr. Waller seconded the motion and it was approved unanimously.
3. **Mr. Sid Smith, represented Hillsboro Church of Christ** and requested variances for proposed new signage for the church larger than allowed by Institutional Zoning (25 square feet). The proposal included cut stone signage of 24 square feet with stacked stone pillars on each side (one being 4 feet in height by 2 feet wide, the other being 6 feet in height by 2.8 feet wide).

Mr. Smith described the project stating that the goal was to make it emulate Mr. Jackson's property across the street, which included stacked stone and black wooden fencing. The stone for the pillars would come from the chimney of the old cabin that had been on the church property. The cut stone would be polished granite. Four-board, black fencing would connect the two signs. He noted that lighting had not been decided upon. He understood the City was very sensitive about lighting. When preferences for lighting were determined, he said they would work with City and come before the Board as necessary.

Chairperson Rowland asked why they proposed taller posts than the sign. Mr. Smith responded that the taller posts would draw attention to the signs and provide context on the larger property. Chairperson Rowland asked if there were neighbors present to speak to the proposal.

Mrs. Joy Flynn of 1908 Tyne Blvd. complimented the Church on their approach to signage. She suggested that instead of fencing between the two signs, rather place a low stone stacked wall like the ones across the street. She added that if the

applicant's true intent was to be contextual, then stone stacked fencing would be the best route because two other sides of the corner already displayed this type of fencing.

Mr. Smith said he was not inclined to go that direction because such a wall might detract from the signage. Mr. Littlejohn stated that he could see Mrs. Flynn's perspective, but respected the difference in opinions. Mr. Waller said that the signage may be more desirable without any connector piece at all. Mr. Smith said he had no objection

Mr. Littlejohn made a motion to approve the application without the linking fencing with the condition that all lighting to be presented to the Board of Zoning Appeals for approval. Mr. Waller seconded the motion and it was approved unanimously.

4. **Mr. Isaac Wantland, representing Josh & Carly Kear, of 1520 Chickering Road,** requested a permit for a proposed new home located in the Hillside Protection Overlay District and variances for an accessory structure (garden shed) in the side yard and privacy fencing over five feet. Mr. Wantland described the project. They had recently demolished the home on the property. The new home on the site would disturb less than 1% of the steep slopes. The garden shed structure and portions of the retaining walls were proposed to be built in steep slopes. The home would be built with a new septic system. A detailed analysis in concert with metro water and the health department had determined this was the best course of action.

Mr. Wantland drew the Board's attention to the slope analysis. If the garden shed was moved to the rear of the home, the encroachment into steep slopes would be much greater than proposed. They sought to avoid disturbance beyond the existing retaining wall (from the previous home). The existing wall was studied and determined to be sound.

Mr. Wantland indicated where the fencing under consideration for variance would be located. He described elevations and the steps down to the parking area. As the wall dropped down, the fence became taller. The fencing on the back was four feet and made of wire mesh. Planting was planned on each side of the fencing. To keep that four-foot straight plane as the elevation dropped down, the wall becomes taller than allowed. It was planned to be opaque to hide condensing units. Mrs. Deaton-Moyer clarified why this fencing required a variance. Mr. Wantland said that the alternatives were open wooden slats or iron. Neither of the options matched the character of the home. Mr. Waller asked if the style of the fencing at the side of the home the same style of that behind the pool. Mr. Wantland showed where the point where it changed and the portion of the fencing followed through.

Chairperson Rowland asked if there were neighbors present to speak to the proposal. There were no neighbors present.

Mr. Littlejohn asked questions regarding the geotechnical report. He said that the City Consultant Rick Heckel indicated there may be Chattanooga shale in the area. Mr. Andrew Stone responded that the existing home sat upon bed rock and the proposed home would be in nearly the same area. He added that no shale was discovered in the test pits. Mr. Littlejohn asked if all the new foundation would rest on bedrock. Mr. Stone said that was the plan. Mr. Littlejohn stated building under Chattanooga shale was always a red flag. He asked Mrs. Deaton if Mr. Heckel usually inspected foundations and excavations during construction. Mrs. Deaton-Moyer responded that he could if the Board requested it.

The Board discussed the drainage plan. A swale would be reestablished behind the existing wall behind the home. They would be using the existing flumes on both sides of the drive and the north side of the property. Mr. Littlejohn asked if they were proposing to use energy dissipaters in the flumes. Mr. Stone confirmed that intent. Mr. Littlejohn asked how this would be accomplished without replacing the whole flume. Mr. Stone responded that portions of the flume would have to be dug out and replaced. Mr. Littlejohn asked if the same goal could be accomplished with a softer material such as grass and stabilization matting. Mr. Stone said they were trying to limit disturbance in the steep areas of the drive. Mr. Littlejohn stated they would be disturbing the area inserting energy dissipaters the distance of the flumes. Mr. Waller said that a softer approach was preferable. After more discussion on the drainage, it was determined that drainage numbers would be reviewed to assess a softer approach for the flume system.

Mr. Waller made a motion to approve the proposal with following conditions:

- (a) There must be strict adherence to the Geotechnical Report as submitted and regular reports from the Geotechnical Engineer during excavation and foundation phases of the project. The City's Geotechnical Consultant, Rick Heckel, shall review reports.
- (b) The flume systems at the sides of the drive and north portion of the lot should be analyzed to determine if a reinforced grass line ditch would be possible. If the volumes and velocities in the hydraulic analysis meet acceptable thresholds, then this solution should be implemented. The analysis should be provided to the City and reviewed by the City Engineer.

Mr. Littlejohn seconded the motion, and it was approved unanimously.

5. **Mr. Joel Lyons and Mr. Ray Tarkington (owner of the lot located at 2105 Timberwood Drive)**, requested variances for a west side setback variance of approximately 28.5 feet and an east side setback of approximately 10 feet. The non-conforming lot was approximately 130 feet in width at the front setback. This was deferred from the January meeting.

Joel Lyons explained his project. Since the Board had reviewed the project at the January meeting, the overall height had been reduced two feet and the home had reduced in width by four feet. Mr. Lyons said he had addressed the concerns of the Board.

Chairperson Rowland said she appreciated that the applicant had technically addressed some of the issues; however, she felt the massing of the home had not been addressed. The home resembled a large, tall box across the front setback line. Mr. Littlejohn stated that in comparison to what was submitted last time, very little had changed in terms of massing or design. Mr. Waller asked for Mr. Lyons to explain the setback requests. There was a four foot difference on the left side.

Mr. Littlejohn said that the Board recognized it was a tough lot that. However, the home presented was not designed for this lot, rather it was a home that was altered to be placed on the lot. The lot called for a special design with unique architectural features. He did not think the house presented was intended for this lot. The underlying concern of massing was still a concern.

Mr. Lyons asked if there was anything particular they could point to for him to address. Mr. Littlejohn said that it was not so much elevations, but the design. The question asked during the last meeting of "How can a house be designed more appropriately for the lot?" was still a key question. Mr. Littlejohn said that depth and design needed to be considered.

Mr. Lyons said that he had met with both neighbors and he had their support. He had agreed to work on some landscaping issues for the neighbor to the left.

Chairperson Rowland asked if there were neighbors present to speak to the proposal.

Mr. Scott Peterson of 2071 Timberwood Drive spoke. He confirmed that Mr. Lyons met with them. He wanted to clarify that he and his wife did not support the project; rather they did not oppose the project. He did not want to be characterized in support. His issue was the proposed home's proximity to his home. A landscaping buffer was very important to him.

Mr. Ray Tarkington of 4029 Dorcas gave the Board some history of the property. A previous plan existed for the lot. He built the same house intended for the lot on Dorcas, where he lived. He said that the distance from the proposed home to the Lipscomb's was extensive because of the way it was oriented on the corner. Mr. Lyons showed a site plan that detailed the distance from the proposed plan to the other houses.

Mr. Littlejohn said that the lot was a legitimate building lot, but it was unique. A home specifically designed for the lot needed to be proposed. From an aesthetic and footprint sense, there is extensive mass. How can the footprint and architecture be improved to fit the lot better? The presentation today does not respond to the

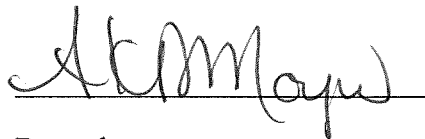
mass concern. Mr. Littlejohn's recommendation was to have the architect start fresh.

Chairperson Rowland and Mr. Littlejohn agreed that the lot begged for a unique architectural solution. Mr. Lyons made suggestions. Mr. Littlejohn said Mr. Lyons was constrained in his mind by the footprint he had presented.

Chairperson Rowland asked the other Board members if they were willing to suspend the rules and allow the applicant to come back before the requisite 6-month period. (Board Rules require applicants that present more than twice without approval to wait for six months before presenting again). The Board agreed that rules would be suspended for the project.

Mr. Littlejohn made a motion to deny the project. Mr. Waller seconded and it was approved unanimously.

6. **Mr. Andy Stone, representing Mr. and Mrs. Mark Simmons, owners 609 Walnut Grove Circle**, was granted approval on August 14, 2015 to build a home in the Hillside Protection Overlay District and approved to disturb approximately 19.6 % of areas located in steep slopes. He gave an update concerning retaining walls. The contractor began excavation work before notifying the engineers. The vertical cuts were not done as according to plan. In investigating the slope stability, they discovered a significant survey bust. Both the City Engineer and the Geotechnical Consultant had reviewed the site and stabilization plan for these issues. The situation was being monitored carefully and the walls would have to be adjusted to the new survey. He cautioned that they may return to the Board asking for an eleven foot wall as opposed to a planned nine foot wall. Mrs. Deaton-Moyer commended the engineers on their honesty and bringing it the City's attention.
7. **The Meeting was adjourned.**



Recorder



Chairperson

SIGN IN SHEET

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

Date: February 12, 2016

NAME:

ADDRESS:

Gary Moody

on behalf of Cheryl Crow
6855 Hydrology - Hendersonville
TN

Pat Smith

REPRESENTING MRS BENS CHURCH

David Waller

1809 Kingsbury Dr.

Chris Nework

2426 Trimbale Rd

Sam Williams

620 8th Ave S NASHVILLE TN 37203

MATT CLARK

620 8th AVE S NASHVILLE

Anthony Despot

City of Forest Hills

Gary Sharp

1908 TYNE BLVD

Joy Glenn

1908 Tyne Blvd.

West Bryan

623. West chris Dr.

Tom Rowland

City

Chuck Cooper

1 OLDFIELD

Ryan Shields

456 Summit Oaks

Scott Peters

2071 Timberwood Drive

SIGN IN SHEET

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

Date: Feb 12, 2016

NAME:

ADDRESS:

Joel Lyons

Po Box 120024, Nashville TN 37212

BART JOHNSTON

Ray TALKINGTON

4029 Dorcas

Bruce Norris

620 8th Ave S.

Andrew See

1737 LAMON AVE -

Josh Davis

620 8th AVE. S.

Jay Fumora

2002 Rich. Jones Rd 37215

LANSON HUDR

CITY
