

BOARD OF ZONING APPEALS

APRIL 8, 2016

CONSENT AGENDA

CHAIRPERSON JANIE ROWLAND PRESIDING

Brock Bodart, owner of the home located at 6132 Hillsboro Pike (a nonconforming dwelling due to an impervious surface ratio of 17.89%). Plans to remove and replace hardscape in connection with a swimming pool and pool decking renovation/addition. The proposed plan will have the same impervious surface ratio of 17.89%.

Section 4.02 EA Zoning states the Impervious Surface Ratio shall not exceed 16%. 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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April 8, 2016

AGENDA

CHAIRPERSON JANIE ROWLAND PRESIDING

1. Approval of the minutes of the August 14, 2015 meeting.
2. Approval of the minutes of the March 11, 2016 meeting.
3. Consent Agenda.
4. Mr. Bill Johnson, Architect and Mr. Michael Hasty, owner of 6104 Gardendale Drive request a variance to remodel and build an addition to the existing nonconforming home that is over the side setbacks. This lot is located in the floodplain and a portion of the proposed addition will be one foot away from the floodplain and 24 feet within the floodplain buffer.
5. Mr. and Mrs. Luciano Scale, owners of the home located at 1838 Otter Creek Road (a corner lot), requests review and approval for a guest entrance off of Otter Creek Road.
6. Mr. Joel Lyons and Mr. Ray Tarkington (owner of the lot located at 2105 Timberwood Drive), request variances for a south side setback variance of approximately 30 feet and a north side setback of approximately 7 feet. This non-conforming lot is approximately 130 feet in width at the front setback. This project has been revised after January and February Board of Zoning Appeals concerns.
7. Appeal of Penalty Fee for 1907 Tyne Boulevard. Contractor built a sport court without a permit, the City assessed the fee and penalty according to the Fee Resolution. Mr. Josh McKenzie seeks to appeal the penalty assessed on the project.
8. Adjourn Meeting

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

April 8, 2016

The Forest Hills Board of Zoning Appeals (herein also the “Board”) held its regular monthly meeting Friday, April 8, 2016 at the City Office, 6300 Hillsboro Pike, Nashville, Tennessee, beginning at 8:00 a.m. Vice Chairman Jim Littlejohn presided. Also present were Mr. Scott Hayduk, City Attorney, Chad White, and City Manager, Amanda Deaton-Moyer. Others present are shown on the attached sign-in sheet. A copy of the agenda is attached to these minutes.

1. **Approval of the minutes of the meetings dated August 14, 2015 and March 11, 2016.** Approval of the minutes were deferred due to the absence of Chairperson Rowland.
2. **Consent Agenda.** Mrs. Deaton-Moyer indicated the item on the consent agenda was a pool remodel. The dwelling was nonconforming due to an impervious surface ratio of 17.89%. The plan would not increase the impervious surface ratio.

Vice Chairman Littlejohn verified that the impervious surface would not increase. Mrs. Deaton-Moyer confirmed that the plans kept the impervious surface the exact same. *Mr. Hayduk motioned to approve the consent agenda and Vice Chairman Littlejohn seconded it. The motion was approved unanimously.*

3. **Mr. Bill Johnson, Architect and Mr. Michael Hasty, owner of 6104 Gardendale Drive** requested a variance to remodel and build an addition to the existing nonconforming home that was over its side setbacks. This lot was located in the floodplain and a portion of the proposed addition was proposed to be one foot away from the floodplain and 24 feet within the floodplain buffer. Mrs. Deaton-Moyer explained that addition would be in the front of the home, but within the front setbacks. She discussed the location of the floodplain on the site plan and the future floodplain maps that were expected to be approved in January of 2017. The current maps located the addition a foot away from the flood plain, but the future flood map would make the addition further away from the flood plain. Vice-Chairman Littlejohn asked a number of questions regarding the finished floor elevations and the base flood elevations.

Mr. Littlejohn asked for an associated grading plan for the project. Mr. Johnson said there would be limited grading so there was not a specific grading plan present. Mr. Littlejohn did not think the driveway could be accomplished without a grading plan. The proposed small retaining wall near the turn of the drive may be eliminated or revised with proper grading. Mr. Hayduk asked if the new drive would aim water toward the creek or more toward the adjacent neighbor. Mr. Hasty responded that he expected that drive would be tilted just enough that water would drain to the back of the property and not to the adjacent neighbor. Vice Chairman Littlejohn said a grading plan would describe that “tilting” in detail.

Vice Chairman asked if there were neighbors present to speak to the issue. There were none.

The proposal showed the driveway pavement placed all the way to the exterior of the addition. Mr. Hasty said this basement portion of the addition was not for a garage. Mr. Hayduk suggested that the pavement stop short of the addition and instead a walk way and landscaping be placed there to soften the driveway. Mr. Hasty and Mr. Johnson did not voice objections to this scenario.

After discussion Vice Chairman Littlejohn motioned to approve the application with the following conditions:

- a.) Grading plans must be submitted, reviewed, and approved. Grading plans must include driveway contours and swales that will direct water away from the home.*
- b.) The driveway area nearest the addition must be revised, replacing it with landscaping and a walkway. The landscape plan should be revised to show this revision.*

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

4. Mr. and Mrs. Luciano Scale, owners of the home located at 1838 Otter Creek Road (a corner lot), requested review and approval for a guest entrance off of Otter Creek Road. Mr. Scala presented his proposal to have a direct entrance for guests to his home on Otter Creek. Mrs. Deaton-Moyer provided the history on the project: the home remodel had been approved by the Board previously, but the drive was not approved due to concerns regarding the safety of the proposed drive. The City Engineer had provided guidance to Mr. Scala regarding this issue. Since then, Mr. Scala had cleared much of the under growth in the line of sight. Additionally, the City had cut back the right of way along Otter Creek, improving the line of site. The Manual on Unified Traffic Control Devices (MUTCD) specified the required line of sight distance for entrances on a 35mph designated road of this type. Since the removal of undergrowth and cutting the right of way, the line of sight distance had been achieved. Mr. Hayduk expressed significant concern regarding the entrance location at the curve in the road. He suggested that UPS and other deliveries entering the drive could cause hazards. Mr. Scala said that he was planning to place a gate at the entrance to deter deliveries; deliveries would come to the Timothy Drive-side of the home. Vice Chairman Littlejohn asked where the gate was notated on the plans. Mr. Scala said that it was not currently on the plans, but would be done after the drive was complete.

Mr. Hayduk asked what would prevent Mr. Scala from letting the undergrowth he had removed from growing back into place. Mrs. Deaton-Moyer stated that if necessary, an affidavit could be obtained.

There was discussion about whether the guest entrance could come off of Timothy Drive. Mr. Scala said that it would limit his front yard, require him to remove trees,

and would offset the balance of his home. Mr. Scala was opposed to having the drive off of Timothy. Vice Chairman Littlejohn asked if there were any neighbors present to speak to the issue. There were none.

Mr. Hayduk voiced his concerns over the scenario but said that other drives would eventually be erected on this portion of Otter Creek and this problem would need to be addressed each time. He understood that the entrance met MUTCD requirements, but would remain concerned as cars exceeded the posted speed limit regularly.

Vice Chairman Littlejohn motioned to approve the drive with the following conditions:

a.) All entrygates/walls etc shall be submitted to the City for approval and reviewed for impact to the line of site.

b.) Vegetation must be maintained.

Mr. Hayduk seconded the motion and it as approved unanimously.

5. Mr. Joel Lyons and Mr. Ray Tarkington (owner of the lot located at 2105 Timberwood Drive), requested variances for a south side-setback variance of approximately 30 feet and a north side-setback variance of approximately 7 feet. The non-conforming lot was approximately 130 feet in width at the front setback. This project had been revised after concerns voiced in the January and February Board of Zoning Appeals meetings.

Mr. Lyons showed the changes in the current plan as they compared to previous submissions. The footprint and height were altered. The overall square-footage of the home was reduced. Vice Chairman Littlejohn explained the concerns the Board had voiced at previous meetings for Mr. Hayduk's benefit. Vice Chairman Littlejohn indicated that this was an improvement over the last submission, though he still had concerns. His first concern regarded the corrugated metal pipe planned in the front of the yard. It was proposed to be open and then sheet flow toward the back of the home. Vice Chairman Littlejohn wondered why the pipe could not be continued to the back of the home, so a large pipe with a rocky area was not a front yard feature. There was also discussion regarding the proposed roof drains.

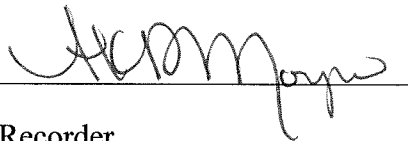
Secondly, Vice Chairman Littlejohn was concerned about the landscaping on the south and rear of the home. He felt that the side and rear of the home should be landscaped in the same manner as the front and north side of the home. The Board emphasized that rear and side landscaping should be done with the same themes as the already-planned landscaping. Mrs. Deaton-Moyer reminded the Board of a previous meeting where the adjacent neighbor had voiced concerns about the large Oak tree that bordered the north side of the property. The residents of 2107 Timberwood wanted to ensure that the root systems of the tree were not damaged. Vice Chairman Littlejohn asked Mr. Lyons if he was opposed to placing tree protection along the dripline of the tree. He was happy to comply.

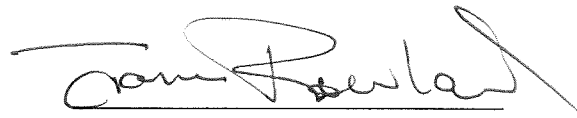
Vice Chairman Littlejohn motioned to approve the New Construction with the following conditions:

- a) Tree protection along the drip line of the oak along the north side of the lot must be in place before construction begins. Additionally, you must coordinate with neighbors regarding the placement of the landscaping along the property line.*
- b) The 24 inch CMP cross drain must be extended beyond the home. Plans must be submitted with this revision.*
- c) All sides of the home must be landscaped with the same landscaping themes as the front and north side of the home. A revised landscape plan that reflects this addition must be submitted to the City.*

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

- 6. **Appeal of Penalty Fee for 1907 Tyne Boulevard.** Contractor, Josh McKenzie built a sport court without a permit; the City assessed the fee and penalty according to the Fee Resolution. Mr. Josh McKenzie sought to appeal the penalty assessed on the project. Mr. Josh McKenzie did not appear for his appeal. The Board took no action, upholding the City's decision.
- 7. **The Meeting was adjourned.**


Recorder


Chairperson

SIGN IN SHEET

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

Date: A-8-16

NAME:

ADDRESS:

[Signature]

2005 Anderson Dr

Leslie Smith

2100 Timberwood Dr.

LUCIANO SCALA

1838 OTTER CREEK RD

Michael Hasty

6104 Gardendale Drive

Jim Littlejohn

221 Chickering Ln.

Brook Boda

6132 Hillsboro Pike

Scott Peterson

2071 Timber Wood Dr

Scott Hayduk

5901 Robert E Lee Ct

JERRY TRESSCOTT

1913 KINGSBURY DR

Bill Johnson

POB 121613 Hosh. TN 37212

Joel Lyons

PO Box 120024 Nashville, TN 37210

Tom Brazner

5473 Pinesboro Rd Frankl. TN 37067

Ray Harwood

4029 Dorcas Dr 37215

Joe [Signature]

2618 SUNSET PL 37212