

**BOARD OF ZONING APPEALS**

**June 10, 2016, 8:00 AM**

**AGENDA**

**CHAIRPERSON JANIE ROWLAND PRESIDING**

1. Approval of the minutes of the August 14, 2015 meeting.
2. Approval of the minutes of the April 8, 2016 meeting.
3. Approval of the minutes of the May 13, 2016 meeting.
4. Mr. Steve Snoddy, representing Mr. and Mrs. Zack Crowell of 2001 Earlington Drive, requests a variance for a proposed front porch addition. The front porch addition would be approximately 25.5 feet over the front setback line. The non-conforming home is currently 17.1 feet over the front setback line. This is a corner lot.
5. Mr. Wade Rick, representing Mr. and Mrs. Jim Kerrigan, who have the property at 1260 Saxon Drive under contract, requests a building permit and variances to the platted setbacks of this lot, located in the Hillside Protection Overlay District. Note 4 of the Plat states that setbacks will be determined by the Board of Zoning Appeals. The applicant seeks approval to build in the Hillside Protection Overlay District and disturb 14% of areas classified as steep slopes.
6. Adjourn Meeting.

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

**June 10, 2016**

The Forest Hills Board of Zoning Appeals (also referred to herein as the "Board") held its regular monthly meeting on Friday, June 10, 2016 at the City's Offices located at 6300 Hillsboro Pike, Nashville, TN, commencing at 8:00 am. Chairperson Janie Rowland presided. Also present were Commissioner Mark Banks; specially appointed Commissioner Scott Hayduk; Chad White, City Attorney; and Cynthia Despot, City Assistant Manager. Others present at the meeting are as shown on the attached sign-in sheet. A copy of the agenda for the meeting is also attached to these Minutes.

1. **Approval of the minutes of the August 14, 2015 meeting.** Mr. Hayduk motioned to approve the minutes from the August 14, 2015 meeting. Mr. Banks seconded the motion, and the motion passed unanimously.
2. **Approval of minutes of the April 8, 2016 meeting.** Mr. Banks motioned to approve the minutes from the April 8, 2016 meeting. Mr. Hayduk seconded the motion and the motion passed unanimously.
3. **Approval of the minutes of the May 13, 2016 meeting.** Mr. Banks motioned to approve the minutes from the May 13, 2016 meeting. Mr. Hayduk seconded the motion and the motion passed unanimously.
4. **Mr. and Mrs. Zack Crowell of 2001 Earlington Drive** requested a variance for a proposed front porch addition, which would encroach 25.5' over the front setback line. The existing home is non-conforming and currently extends 17.1' beyond the front setback line. Chairperson Rowland requested that Mr. White provide background on the project and requested variance, as well as staff recommendations concerning same. Mr. White gave a brief history concerning ongoing significant addition and remodel on the home, as well as the current non-conforming status. The proposed improvements that were the subject of the variance were reviewed from the projector along with the landscape plan and illustrations of the porch.

A brief presentation was made on behalf of the applicant concerning the desired porch and additional landscaping to be installed upon the lot. Mr. Hayduk inquired about the intention with respect to two existing trees. It was reported that the trees were in poor health and would be removed. Significant additional landscaping would be installed to offset the removal. Chairperson Rowland indicated that she was pleased with the proposed landscaping plan.

Mr. Hayduk inquired about contractor vehicles that were parked onsite. Tim Costello, the applicant's contractor indicated that the trucks were not related to applicant's project, but rather the fiber installation project. Mr. Costello and the property owner gave permission to the fiber contractor to park vehicle on the site over the holiday weekend. Despite this limited permission, the vehicles remain on the site. Mr. Costello indicated that he would contact the fiber installation contractor and inform him that the vehicles needed to be removed. Mr. Banks made a general inquiry concerning drainage, and a brief explanation of the relatively flat nature of the lot and storm water plan were given.

*Mr. Banks made a motion to approve the 25.5' variance concerning the front setback line to accommodate the applicant's proposed front porch. Mr. Hayduk seconded the motion, and the motion was approved unanimously.*

5. **Mr. and Mrs. Jim Kerrigan, 1260 Saxon Drive**, requested a building permit and variance from the steep slope restrictions applicable to the Hillside Protection Overlay District. The applicant sought to disturb 14% of the steep slope areas. Chairperson Rowland requested that Mr. White provide information concerning the request and staff's recommendations concerning same.

Mr. White reminded the Commissioners that a similar version of the proposed home was before the BZA in January 2015. Mr. White confirmed that this lot was consolidated with another lot in December 2014 and that Note 4 on the plat requires the setbacks to be set by the BZA and that Note 7 required a geotechnical study to be performed. Mr. White identified that the applicant had a geotechnical report prepared by Dan Terranova, PE, and the City retained Rick Heckel with Ardent Consulting to review and write an opinion concerning Mr. Terranova's geotechnical report.

Mr. White said the lot was located in the Tyne Estates HOA and that the applicant's proposed plans had been reviewed and approved by the HOA's Architectural Committee. The written approval by Mitch Barnett is included with the applicant's submittal. Mr. White identified concerns related to the proposed footings to be located on compacted backfill as opposed to bedrock as required by the Zoning Ordinance at 6.03(b)(ii). Mr. White suggested that the applicant request an amendment to the present application to include a variance from the footing tied to bedrock requirement. Mr. White identified the intent to have the basement wall designed with appropriate lateral earth pressure parameters and provisions for wall drainage, and staff's recommendation that the drainage not be tied into the foundation. Mr. White identified staff's recommendation that applicant's geotechnical engineer of record be onsite during excavation and erection of foundation and wall systems and to submit regular reports to the City. Mr. White reported that the drainage system serving the slot was originally designed to serve two lots, which has now been consolidated, resulting in a benefit related to storm water runoff and surrounding neighbors. Mr. White noted staff's recommendation to approve with conditions. Finally, Mr. White identified that six neighboring home owners signed a short letter simply requesting that the BZA keep in mind the Hillside Protection regulations as the Commission considered the variance request in relation to surrounding neighbors. A copy of this letter dated June 7, 2016 is included in applicant's file.

Wade Rick, with Anne Daigh, Landscape Architect, presented on behalf of the applicant. Mr. Rick gave an overview of the project, the intentional preservation of green space and retention of trees to maintain a natural buffer. Mr. Hayduk inquired about soil removal and staging of same during construction, as well as concerns about heavy trucks and equipment and potential damage to the roadway. Joseph Donnelly, the Kerrigan's general contractor, stated that the dirt would be staged and remain onsite until same was backfilled and/or graded over the lot. Mr. Donnelly also indicated that the trucks and equipment to be used in connection with this project would be relatively smaller (e.g., D4 bulldozer as opposed to a D8 bulldozer or larger). There was discussion about damage to the roadway and responsibility for repairing same. Mr. Andy Stone indicated that the roadway is currently in its binder coat status and that the top coat would be added at a later time. Inquiry was made as to the ultimate intention with respect to the roadway as either a private drive or publically dedicated right-of-way clarification on this inquiry will be provided. Mr. White spoke generally about developer/builder obligations with respect to damage costs to roadways during construction, as well as the enforcement mechanisms available to the HOA in the event of damage to a roadway owned by the Association.

Mr. Banks and Mr. Hayduk addressed concerns about steep slopes and soils on the site. Mr. Terranova, the applicant's engineer, spoke about these issues and his meetings and cooperative efforts with the City's engineer, as well as the willingness and intention to be onsite during the excavation and backfilling. To address concerns related to a change of condition discovered during construction, Mr. White recommended that a condition of approval be that should a change of condition be discovered

during construction that would require alternative course of action not presently contemplated by Mr. Terranova and Mr. Heckel, then the engineers and the City would agree to revisions to the plans.

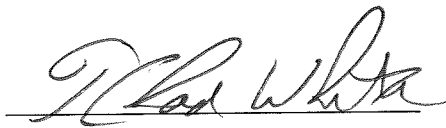
Mr. Banks raised the issue of drainage and runoff. Mr. Ryan Shields for the applicant explained the storm water system proposed for the site. Mr. Hayduk brought attention to the fact that the fire hydrant appears considerably far from the residence and suggested that the owner make inquiry concerning same for future fire protection. Mr. Banks inquired about retaining wall heights and proposed materials for same.

*Mr. Banks motioned to approve the Kerrigan's variance request (as amended to include the variance from Zoning Ordinance Section 6.03(b)(ii)) with the following conditions:*

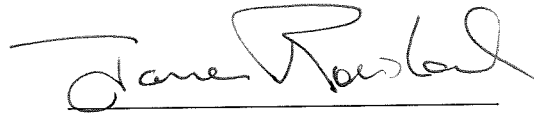
- 1) The owners' engineer regularly monitor the site during construction and provide periodic reports to the City;*
- 2) In the event of change of condition discovered during construction, not anticipated by the current construction plans, the owner's engineer, the City's engineer, and the City will mutually agree upon an appropriate revision to the construction plans to address the change of condition;*
- 3) The wall drainage will not tie into the foundation drain;*
- 4) The building materials to be incorporated into retaining walls will be identified prior to issuance of permit;*
- 5) Applicant will strictly adhere to the geotechnical report.*

*Mr. Hayduk seconded the motion, and the motion passed unanimously.*

**6. Adjournment.** The meeting was adjourned.



Recorder



Chairperson

**SIGN IN SHEET**

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

Date: Friday June 10, 2016

**NAME:**

**ADDRESS:**

Janie Rowland

City

Chris Goldbeck

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Allen Brown

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DAN TERRANOVA

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ZACH CROWELL

2001 Earlington Dr

TIM COSTELLO

1694 OLD HILLSBORO RD FRANKLIN 37069

ANDY STONE

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" " " " "

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