

BOARD OF ZONING APPEALS

OCTOBER 14, 2016, 8:00 AM

AGENDA

CHAIRPERSON JANIE ROWLAND PRESIDING

1. Approval of the minutes of the September 9, 2016 meeting.
2. Consent Agenda.
3. Mr. Mike Jones, and Mr. and Mrs. Whit Wilson, of 5426 Stanford Drive (a non-conforming home in the Hillside Protection Overlay District) request front and side setback variances. Currently the home is approximately 24 feet in front of the front setback and is approximately 27.10 feet over the side setback line with variances being requested for both of those. The proposed addition would be no closer to the side lot line than the existing home. A variance for a 5 foot rear yard fence, not connected to the rear corners of the home is also requested.
4. Mr. Garrett Jackson of RSU Contractors, representing Ms. Therese Tlapek of 2400 Hemingway Drive, (a non-conforming dwelling and a corner lot) requests a variance for a proposed family room with covered patio addition in the rear. The home is over the west side setback and the secondary front (east side). They request an approximate 2 foot variance on the secondary front for the covered patio addition.
5. Mr. Daniel Burton, owner of the home located at 5898 East Ashland Drive, requests variances for his non-conforming home which is on a corner. Currently the home is almost completely in front of the building envelope and requires front and side setback variances of approximately 49 feet and 28 feet respectively, allowing for the proposed renovation and a second floor.
6. Adjourn Meeting.

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

October 14, 2016

The Forest Hills Board of Zoning Appeals (herein also the "Board") held its regular monthly meeting beginning at 8:00 a.m. on Friday, October 14, 2016 at the City Office, located at 6300 Hillsboro Pike in Nashville, Tennessee. 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 attached to these minutes.

1. **Approval of the minutes of the meeting dated September 9, 2016.** Mr. Littlejohn motioned to approve the minutes from the September 2016 meeting. Chairperson Rowland seconded the motion and it was approved unanimously.
2. **Consent Agenda.** Mrs. Deaton-Moyer indicated that the consent agenda had two items. The first item on the consent agenda, a project at 2004 Priest Road, was an addition where the dwelling was nonconforming due to encroachments on the side and front setbacks. The proposed plan would not increase the nonconformity. The second item, a porch addition at 2012 Tyne Boulevard, was located on a lot that presently exceeded the allowable impervious surface. The addition would not increase the impervious surface because it was proposed be built over existing concrete. Three adjacent neighbors submitted letters of support for the project. After brief discussions, Mr. Waller *motioned to approve the consent agenda.* Mr. Littlejohn *seconded it and the motion was approved unanimously.*
3. **Mr. Mike Jones represented Mr. and Mrs. Whit Wilson of 5426 Stanford Drive** in their request for side and front setback variances associated with a proposed renovation/addition. The existing home, located in the Hillside Protection overlay, was sited approximately 24 feet in front of the front setback and 27 feet over the side setback. Variances were requested to not exceed the existing side setback encroachment. They also requested a 5-foot rear fence that would not connect to the rear corners of the yard. Mr. Jones presented the addition and detailed the thought process behind the placement of the addition. In conjunction with project, they would move and rebuild the rear retaining wall, which would vary in height between three and one half to five and one half feet. Part of that wall would encroach into areas of steep slopes. A geotechnical study had been conducted that provided construction detail to minimize disturbance. Mr. Littlejohn asked about details regarding the wall and requested more information be provided. Mr. Jones said that was easily attainable.

Mr. Littlejohn asked about the grade on the right side of the home. Mr. Jones stated that while they were repairing the wall in that area, they were not altering the

grade. Mr. Littlejohn said that if they did not address the grade on the far side of the home, there was risk of water choking up at the north side of the home, causing drainage issues. He asked if they planned on disturbing the soil on the rear side of the wall. Mr. Jones said they were not. Mr. Littlejohn encouraged them to consider a new grading plan to address any problems while they were completing the full project. It would protect the homeowners in the long run. Mr. Waller suggested that they do some research on the drainage during the 2010 Flood. Mr. Littlejohn asked if they had planned for energy dissipation. Ryan Shields, engineer on the project drew the Board's attention the drainage plan that included a level spreader to interrupt the water.

After discussion Mr. Littlejohn motioned to approved based on the following conditions:

- 1.) *Provide a more detailed grading plan to the City that addresses the grading on the north side of the home.*
- 2.) *Provide a full detail of the proposed wall.*

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

4. **Mr. Garret Jackson of RSU Contractors represented Mrs. Therese Tlapek of 2400 Hemingway Drive** and requested a two-foot variance of the secondary front setback for a family room/ covered porch addition. The nonconforming home was over the side and secondary front setbacks. Mrs. Deaton-Moyer explained the plan and recommended its approval. Mr. Jackson presented his plan and showed where the patio would encroach over the setback. He mentioned that it had been redesigned to minimize this encroachment. Mr. Littlejohn asked if there was a landscape plan. Mr. Jackson drew his attention to the grading plan, but noted they were not planning to add additional plant matter to the property. Mr. Waller said that the home was already heavily landscaped and this approach made sense. In reviewing the grading plan, Mr. Littlejohn commented that the swale in the rear pointed toward the house and created risk for water issues. Mr. Littlejohn discussed this issue and said it needed to be addressed along with the project.

After discussion Mr. Littlejohn motioned to approved based on the following condition:

- 3.) *Provide a more detailed grading plan on the rear of the home so that water does not drain toward the home.*

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

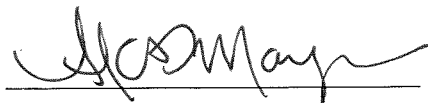
5. **Mr. Daniel Burton, owner of 5898 East Ashland Drive**, requested a variance to renovate and build a second level on his nonconforming home, located on a corner. The home was located completely in front of the building envelope and required front and side setback variances of 49 and 28 feet respectively. This project had been deferred from the previous meeting. Mr. Burton said since the last visit with

Board, he dropped the pool as a part of the project and reached out to neighbors-most of which were in support of the project. He wanted the home to be an asset to the community. He said the current floor plan was chopped-up; the new plan would be open and have five bedrooms. Mr. Littlejohn and Mr. Waller questioned the silt fencing along the drive. It was explained that this project was meant to minimize disturbance, so silt barriers lined the drive indicating that no machinery or trucks would leave the drive.

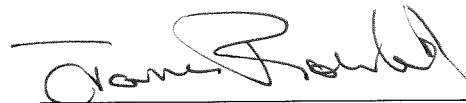
Mr. Littlejohn asked if they would be preserving the extra garage on the rear of the home and the drive that crosses the back yard to access it. Mr. Burton said he would like to keep the drive so that he could store things like four wheelers.

Chairperson Rowland asked if there were neighbors present to speak to the issue. Mr. Thackston of 2010 Priest Road, said that their original concern was the swimming pool and the retainage of the privet hedge. After discussion about the hedge, Mrs. Deaton-Moyer encouraged the Board to make landscaping requirements, but not to tie them to specific plants, especially invasive species like honey suckle. There was discussion of what would go in the rear of the yard if there were no hedge. Mrs. Deaton-Moyer and Mr. Burton reminded the Board that the addition in question no longer included the pool. The Board wanted to know what the ultimate intention was for that area of the yard so that Mr. Thackston's concern could be addressed. Mr. Littlejohn made a motion to deny the application based on the missing landscaping in the rear of the home. Mr. Waller seconded the motion and it was approved unanimously. Mrs. Deaton-Moyer asked if the Board would be willing to suspend the rules and allow Mr. Burton to return during the next meeting. They were amenable to the suspension.

6. **The Meeting was adjourned.**



Recorder



Chairperson