

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

April 13, 2017

The Forest Hills Board of Zoning Appeals (also referred to herein as the "Board") held its specially set monthly meeting on Thursday, April 13, 2017 at the City's Offices located at 6300 Hillsboro Pike, Nashville, TN, commencing at 8:00 am. Chairperson Janie Rowland presided. Also present were Board Member, Jim Littlejohn; Board Member, Mark Banks; Chad White, City Attorney; and Jamie Dupre, 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 March 10, 2017 meeting.** Mr. Littlejohn motioned to approve the minutes from the March 10, 2017 meeting. Mr. Banks seconded the motion, and the motion passed unanimously.

- 2. Adoption of amended BZA Rules, Regulations, and Procedures.** Mr. White stated that the current rules and procedures are set forth in two separate documents duplicating information and allowing for the potential of inconsistencies. The amended rules and procedures consolidate the information into one document and emphasize precisely what is needed to properly submit and present a Board matter. Mr. White noted two changes to the proposed amended rules. One is the requirement for the applicant to post their sign and supply the City with a photograph or other proof of proper posting, rather than the City's staff posting signs. The second is the updated 37 day filing deadline for complete applications as reflected in the amended Board calendar adopted at the March meeting.

Mr. Littlejohn recommended that economic burden should be included along with inconvenience as factors that do not constitute a basis for approval of a variance. Mr. Littlejohn also suggested that survey(s) to be produced pursuant to the checklist should be recent surveys. There was a brief discussion confirming the appropriateness of the revisions.

Mr. Littlejohn motioned to approve the amended rules and regulations with the inclusion of the two revisions. Mr. Banks seconded the motion, and the motion passed unanimously.

- 3. 23 Inveraray.** Owners seek a variance to exceed the floor area ratio to build a covered porch over an existing uncovered imperious surface. The home is presently nonconforming with a current floor area ratio ("FAR") of 23%. The proposed ratio is 25%.

Mr. White introduced the matter and commented that the desired increase in the non-conforming condition is 2%. Mr. White noted that the FAR standard was recently incorporated into the City's zoning ordinance and that it seeks, in part, to regulate massing upon lots. Mr. White noted that the covered porch would be located in the rear of the home and backs up to a densely wooded unimproved lot owned by the applicant.

Mr. Rick Zehnter, the contractor, and Mr. Jim Rice, the owner, spoke briefly about the desired improvements and variance. Mr. Banks inquired about the construction materials on site shown in photographs submitted to the Board. Mr. Zehnter explained that other work was being performed at the home under a separate permit and that the improvements sought under the variance would be added to the permit, if approved. Mr. Littlejohn inquired about grading and landscaping plans. Mr. Zehnter explained that no material changes were being made to the grading and landscaping, so no plans were submitted.

Mr. Banks motioned to approve the variance with the condition that the materials to comprise the proposed improvement shown on sheet L2 of the plans be consistent with the existing materials presently on site. Mr. Littlejohn seconded the motion, and the motion passed unanimously.

4. **1228 Mary Helen Drive.** Owner, Mary Schatz, seeks a variance for an accessory structure, a sculpture, in the side yard rather than in the rear yard. Mr. White introduced the request and explained staff comments concerning same. Mr. White noted that the shallow and wide nature of the lot does not allow for the accessory structure in the rear yard. There is vegetation that provides some screening for the structure. Twelve neighbors submitted in support of the variance. Three of the letters note that screening of the sculpture is important.

The owner shared some history about the creation of the sculpture by her son in honor and remembrance of her husband who passed in August 2016. Mr. Colin Owen, representing the owner described the efforts to speak with the various neighbors and conditions for placement and screening discussed to gain support for the variance.

Mr. Banks inquired as to what had been shared with the neighbors to give them an understanding of the scale of the sculpture proposed for the side yard. Dr. Schatz and Mr. Owen confirmed that the full packet with site plan showing location and scale was shared with all of the neighbors who wrote in support of the variance. Extensive discussion followed concerning the deciduous nature of the current vegetation providing the current screening and the need for some additional evergreen landscaping to supplement the existing vegetation. Mr. Owen explained that the owner intended to relocate the three 15' to 18' Magnolia trees to accomplish additional screening. Ms. Rowland questioned whether the trees would survive the relocation, and Mr. Littlejohn inquired whether Magnolias were suited for the proposed new location. It was noted that Mary Helen is a secluded cul-de-sac street, which would have little through traffic.

Mr. Littlejohn made a motion to approve locating the sculpture in the side yard as shown on the submitted plans with the following conditions: (1) that there shall be no lighting of the sculpture, (2) that the Magnolias made be relocated, but if any of them die, they will be replaced; and (3) that additional evergreen landscaping be installed to further screen the view of the sculpture from the neighbors and the street and that a detail identifying the location and species of the additional evergreen landscaping be submitted for approval. Mr. Banks seconded the motion, and the motion was approved unanimously.

5. **2068 Timberwood Drive.** Mr. Gus Duffy, an Architect occupant of the home which is owned by a trust, seeks variances for the front yard and side yard setbacks for a proposed addition of a master bedroom and bath. The addition would encroach upon the front yard setback approximately 15 feet, and the side setback approximately 5 feet. The home is currently nonconforming, and the proposed addition to the side would not encroach any further than the existing home's encroachment.

Mr. White introduced the matter and commented on the recent amendments to the zoning ordinance concerning the manner in which front yard and side yards are calculated. Given the fact that the front yard setback is an average of four like-facing, most adjacent homes, it is notable that half of the homes used for the calculation are closer to the street than the proposed encroachment. Mr. White advised that there are 10 neighbor letters in the file supporting the plans, and one letter that indicates a preference for compliance with the front yard setback. This owner notes that his home is closer to the front setback than the applicant proposes and states that this is an attractive quality.

Mr. Duffy described the proposed improvements. Mr. Littlejohn inquired about the improvements in the rear and the impact on the grading and drainage. Mr. Banks inquired about notes on the plan for fencing and proposed materials. Some of the fencing material is proposed to be wire and some is proposed to be opaque, slatted material. Mr. White confirmed that wire and opaque fencing is not permitted under the zoning ordinance and provided Mr. Duffy page reference in the code for his review. Mr. Littlejohn also inquired about the species and further detail concerning the proposed landscaping. There was discussion concerning these matters of inquiry.

Mr. Littlejohn made a motion to approve the setback variances as shown on the submitted plans with the following conditions: (1) that a survey and grading and drainage plans be submitted for review and approval, (2) that a landscape plan detailing the location and species of proposed vegetation be submitted for review and approval; and (3) that plan detailing the location and materials of all proposed fencing and gate be submitted for review and approval. Mr. Banks seconded the motion, and the motion was approved unanimously.

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


Chair Janie Rowland


Recorder, T. Chad White City Attorney

BOARD OF ZONING APPEALS

April 13, 8:00 AM

AGENDA

CHAIRPERSON JANIE ROWLAND PRESIDING

1. Approval of the minutes of the March 10, 2017 meeting.
2. Adoption of amended BZA Rules, Regulations and Procedures.
3. Mr. Rick Zehntner of Zehntner Construction representing James and Benni Rice, owners of the home located at 23 Inveraray, seeks a variance to exceed the floor area ratio to build a covered porch over existing uncovered imperious surface. The home is nonconforming with a current floor area ratio of 24%. The proposed ratio is 25%. Sec 4.02 of the Bulk Standards NC1 Zoning states the maximum floor area ratio is 18%
4. Mr. Colin Owen representing Mary Schatz, owner of 1228 Mary Helen Drive, seeks a variance for an accessory structure not located in the rear yard. The request is for a proposed sculpture in the side yard of the home. Sec. 4.05 states that all accessory uses shall be located in the rear yard.
5. Mr. Gus Duffy, Architect, representing Faye S. Miller Inter Vivos Trust, owners of the home located at 2068 Timberwood Drive, seeks variances for the front yard and side yard setbacks for a proposed addition of a master bedroom and bath. The addition would encroach the front yard setback approximately 15 feet, and the side setback approximately 5 feet. The home is nonconforming and the side addition would encroach no further than the existing home. Sec 4.02 of the Bulk Standards EB Zoning states side sets backs are 24% of the lot width at the building setback line, with a front yard setback averaging adjacent like-facing homes (113 ft.)
6. Adjourn meeting.

SIGN IN SHEET

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

Date: April 13, 2017

NAME:

ADDRESS:

MARY SCHATZ

1228 MARY Helen DR.

GUS DUFFY

2068 TIMBERWOOD DR

JANIA DUFFY

"

GARY HAWKINS

110 S 10th STREET

Jim Littlejohn

city -

MadeBank

city -

Jamie Rowland

"

Kid Zito

Zelmer Construction

John Ed Rice

Home Owner

Lynette

707 ESTES