



BOARD OF ZONING APPEALS
Meeting Minutes
November 9, 2023

The City of Forest Hills, Tennessee Board of Zoning Appeals met on Friday, November 9, 2023, at 8:00 a.m. at City Hall, 6300 Hillsboro Pike, Nashville, Tennessee 37215. Chairman Mark Banks and member James Lennon were present. Also, present were City Manager Mark Hill, City Attorney Marshall Albritton, and Engineer Brad Bivens from the City Engineering firm of Neel Schaffer. Mr. Banks opened the meeting at 8:00 a.m.

1. Approval of the minutes of October 9, 2023

Upon motion made by Mr. Banks, and seconded by Mr. Lennon, the Board unanimously approved the minutes of the October 2023, meeting.

2. Unfinished Business

31 Annandale #7803 Zone: NC1 Overlay: Hillside Protection

Applicant: Bruce Rainey

Description: Combine lots 31 and 35 in Annandale subdivision

Request: 1) Permission to combine lots 31 and 35

Bruce Rainey presented the plans for approval to re subdivide Lots 14 A & 16A. The 16 A lot would be 2.01 acres so it would be a buildable lot. Banks asked why this was deferred last month, Rainey said he updated the TOPO. Lennon asked who set the setbacks, Rainey said either Forest Hills zoning or the plat. This will now go to the Municipal Planning for their vote.

Banks asked if any neighbors were present, none were.

Upon a motion made by Mr. Lennon, seconded by Mr. Banks, and unanimously passed, the Board approved the plans.

3. New Business

336 White Swans Xing #7827 Zone: EB Overlay: Hillside Protection
Applicant: Wesley and Tracy Campbell

Description: Construct a new swimming pool

Requests: 1) Permission to construct in the Hillside Protection Overlay District
2) Variance for side setback
3) Variance for location of accessory structure

Dindra Murley with Cloverleaf pools presented plans that were previously approved with the BZA but it was longer than 18 months before the homeowner pulled a permit so it expire. The only change will be to use reinforced solid steel piers. The retaining wall will be 10 feet as approved. The area is self-contained, and nothing can be seen from other homes. The pool equipment will be enclosed near the HVAC units hidden in a 4-foot steep slope hidden with landscape. The stucco wall material will match the house. Banks asked if any neighbors were present, none were. Cloverleaf provides the new ISR ratio, a drainage and grading plan

Upon a motion made by Mr. Lennon, seconded by Mr. Banks, and unanimously passed, the Board approved the plans with the condition that in the HVAC wall matches the house in finish and thickness, and screening the enclosure be sufficient height to cover it up.

1553 Harding Pl

#7830

Zone: EB

Overlay: None

Applicant: Aaron Armstrong & Beth Anne Parra

Description: Construct a new home

Requests: 1) Variance for front setback for retaining walls
2) Variance for side setback for retaining walls

Beth Anne Parra presented the plans for a new home on this non-Conforming, under sized lot. Lennon asked the height of the walls, Parra says 5.5 to 8.5 but they will have ivy on them for screening. The retaining wall will be 4 feet and up to 9.5 in the rear. Jason Gabbard spoke as he is the Landscape Architect and plans to have plenty of screening on the wall and base planting of yews. Banks asked about the material for the face of the wall, Gabbard advised it to be veneer. He added that all the formulas are in compliance. There will be trees removed but they are all ash trees. Banks asked if any neighbors were present, none were.

Upon a motion made by Mr. Lennon, seconded by Mr. Banks, and unanimously passed, the Board approved the plans with the condition to add additional landscape at the base of the wall to soften the height and the wall material will be stone veneer.

2005 Otter Valley Ln

#7832

Zone: EB

Overlay: Hillside Protection

Applicant: Jesse Felker

Description: Renovate an existing home and adding half story

Requests: 1) Permission to construct in the Hillside Protection Overlay District
2) Variance for side setback
3) Variance for ISR

Jesse Felker presented his plans for renovating an existing home and add a half story. He is asking for a side setback and ISR variance. The home is presently a long ranch built in 1965 and is already outside of the building envelope. The height of the roof is ok, but a variance will be needed for the pitch or slope. Jesse advised that Eric McNeely will be the civil engineer and updated about the drainage and Storm water plans. They will send updated version of these plans in with the permit. Banks advised him to make sure the water goes where it is supposed to go as the slope is there and to help with the downstream impact for the neighbors. They plan to add a catch basin. Banks asked if any neighbors were present, none were.

Upon a motion made by Mr. Lennon, seconded by Mr. Banks, and unanimously passed, the Board approved the plans with the condition to follow the geo plan and to have geo on site if they are not going to tie to bedrock. The Stormwater plans that were submitted to Metro will satisfy our engineer.

6123 Stonehaven Dr #7834

Zone: EB

Overlay: Hillside Protection

Overlay: Flood Plain

Applicant: Betsy Pogue

Description: Construct additions, accessory structure and reconfigure driveway

Requests: 1) Permission to construct in the Hillside Protection Overlay District
2) Variance to disturb more than 10% of the property's steep slopes
3) Variance to construct an accessory structure in the side yard

Betsy Pogue presented the plans for the Dew family. They hope to reconfigure their dilapidated driveway and add an accessory structure. The present driveway is too steep and is need of repair. The Dew's also own the lot next door so the accessory structure will be in the side yard versus the setback. Lennon asked the purpose of the accessory structure; Pogue advised it will be an art studio for Mrs. Dew and a woodworking room for Mr. Dew. It will never be a garage. Banks asked if any neighbors were present, none were. The driveway will not disturb more than 10% of the steep slope.

Upon a motion made by Mr. Lennon, seconded by Mr. Banks, and unanimously passed, the Board approved the plans with the condition to add additional screening to soften, and the accessory structure will not be a garage.

1242 Jefferson Davis Ct #7835 Zone: RA Overlay: Hillside Protection

Applicant: Byron Houston

Description: Construct new retaining walls

Request: 1) Permission to construct in the Hillside Protection Overlay District
2) Variance for front setback for retaining wall
3) Variance for side setback for retaining wall

Dylan Walker explained that the house was built in 1971 and they used railroad ties which are now failing so they want to use 3 terraced walls with 3 levels of approximately 10 feet each. They will tie to bedrock. The homeowners have already removed about 30 trees. Lennon asked why the desire to have the walls, is it a necessity for settlement? Is there a less disruptive way? Are you trying to extend your backyard for your children? A 30 or 40 foot backyard in this type of slope is not possible. This plan is very intrusive. Walker explained that 3 walls are needed since only 10 feet of walls are allowed. Lennon doesn't see hardship as a flat lot in hillside is not one. A failing wall is one issue so the homeowner is trying to solve two problems. The driveway is also disintegrating as it has settled over 2 feet. We'd like to stabilize the driveway and the foundation. Lennon says creating the flat backyard is the issue and the foundation and driveway would be minimal disturbance.

The applicant requested a deferral and agreed to hear the matter at the next Board meeting.

2112 Timberwood Pl #7837 Zone: EB Overlay: None

Applicant: Mike Jones

Description: Renovate existing accessory structures hardscape and construct outdoor kitchen

Request: 1) Variance for side setback for outdoor kitchen
2) Variance for Impervious Surface Ratio
3) Variance for height of existing wall

Mike Jones presented his plans for this EB lot. The hardship is the 1-acre lot, not 2 acres. The lot is also very narrow. The ISR is going to be reduced with this plan and no tree removal. The generator will be behind an existing wall. The pool equipment will be hidden behind a 4-foot wall but they may move it so it is within the setbacks. Jones asked for approval of both options today so they don't have to come back to the BZA for this minor change. Banks asked if any neighbors were present, none were.

Upon a motion made by Mr. Lennon, seconded by Mr. Banks, and unanimously passed, the Board approved the plans with the condition to add additional screening of the pool equipment or if it stays as planned, let it be a 4-foot wall

14 Castlewood Ct

#7838

Zone: NC1 Overlay: None

Applicant: Mike Jones

Description: Permission to modify previously approved plans (11/10/2022 BZA Approval)

Request: 1) Variance for location solid 5' high privacy fence around pool equipment
2) Variance for ISR (reduction from previous approval)

Mike Jones appeared today to ask for modifications to a previously approved BZA. The homeowners are asking for the pool equipment to be placed behind the new addition. The new plan will reduce the ISR.

Upon a motion made by Mr. Banks, seconded by Mr. Lennon, and unanimously passed, the Board approved the plans.

With no further items of business before the Board, the meeting was adjourned.


Chair Mark Banks


City Recorder Charlotte Hunter