

City of Forest Hills Board of Zoning Appeals Application Packet

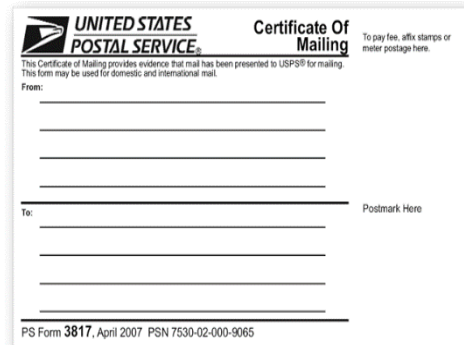


SUBMITTAL DATE: 1ST MONDAY OF EVERY MONTH BY 2:00 PM

1. **Application Due Date:** On the application due date, the following is due:
 - A. Completed Application
 - B. Application fee
 - C. A digital copy of plans and supporting documents **required by the BZA Checklist**
 - D. PDFs of submittal documents emailed to charlotte.hunter@cityofforesthills.com. Drop-Box or WeTransfer are also acceptable ways to transmit plans electronically. **Flash drives, DVRs, etc. are not accepted.**
2. **Review Meeting:** All BZA applicants must participate in an application review meeting with City Staff. During this meeting, City Staff and project representatives with technical knowledge of the project will conduct a technical review of the project. *If any corrections or suggestions are made regarding the application, a date certain shall be established for the corrected materials to be returned to City Hall.*
3. **Public Notification Procedures:** A letter and public notice sign is required pursuant to Forest Hills Municipal Code Section 2-106. The submittal of the Board of Zoning Appeals application to the City satisfies the City's notification obligations to the appellant.
 - A. **Signs:** Each applicant must post a Public Notice sign in such form and size as approved by the City, in accordance with the calendar above. Fast Signs is the City's preferred vendor for sign production. The applicant or a representative thereof must post the sign in front of the property in the right-of-way at least fifteen (15) days before the date of the BZA meeting pursuant to Forest Hills Municipal Code Section 2-106 with a photograph of the posted sign emailed to charlotte.hunter@cityofforesthills.com.
 - B. **Letters:**
 - Applicants are required to notify property owners within 300' of the subject property of the BZA meeting and requests. The 300' requirement applies, even if it means the letter will be addressed to someone outside the Forest Hills City limits. The following website should be used to generate the mailing list: <http://maps.nashville.gov/CreateMailingList/>.
 - The letter must include the date, time, location of the BZA meeting, and a specific description of the type of relief being sought by the applicant (e.g., "a 15' variance

for construction of new house” or “Permission to construct in Hillside Protection Overlay District”.) Applicants are strongly encouraged to email the draft letter to the City Manager review prior to mailing the letter to required recipients.

- *Certificates of Mailing:* Applicant must obtain a *Certificate of Mailing* when letters are sent. This official record shows the date your mail was presented to USPS for mailing and is only available at the Post Office. The mailing date on those Certificates must indicate a date at least thirty (30) days in advance of the scheduled Board of Zoning Appeals meeting pursuant to Forest Hills Municipal Code Section 2-106.



4. **Final Materials:** All materials must be delivered to City Hall in final form and order. City staff is not responsible for the assembly of materials. On the date established by the City Manager, the following is due:
- A. 3 sets of submittal documents - plans should be **folded** and no larger than half size or 11x17. SWPPPs, Geotech reports, etc. need not be bound. **Please provide all materials that the applicant wished the Board of Zoning Appeals to consider. The City will not print any items for the applicant.**
 - B. PDFs of the same emailed to the charlotte.hunter@cityofforesthills.com. Drop-Box or WeTransfer are also acceptable ways to transmit plans electronically.
5. Attendance at the BZA Meeting: The owner's representative must attend the BZA meeting at City Hall to present and discuss the request. If no one appears at the BZA meeting, such absence results in an automatic deferral to the next BZA meeting.

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



Desired BZA Meeting Date: 4/8/25

Property Owner Information

1. Property Owner of Record Name: BAGWELL CONSTRUCTION CO. LLC
2. Mailing Address: 1415 FAIRVIEW DR, MT. JULIET, TN 37122
3. Phone Number: (615) 979.2077
4. Email: BAGWELLBUILT@GMAIL.COM

Applicant's Representative(s):

1. Name: CHRIS BAGWELL, SOLE MEMBER OF BAGWELL CONSTRUCTION CO. LLC
2. Company: BAGWELL CONSTRUCTION CO. LLC
3. Physical Address: 1415 FAIRVIEW DR, MT. JULIET, TN 37122
4. Phone Number: (615) 979.2077
5. Email: BAGWELLBUILT@GMAIL.COM

PARCEL INFORMATION:

1. Zoning Designation: RA
2. Property Address: 2409 HEMINGWAY DR, NASHVILLE TN 37215
3. Is this property located in a floodplain or floodway? Yes No
4. Is this property located within Hillside Protection Overlay District/Steep slopes? Yes No

BASIS OF VARIANCE REQUEST

- | | | |
|---|--|---|
| ☐ Side setback(s) | ☐ Building Coverage | ☐ Location of Accessory Structure |
| ☐ Rear Setback | ☐ Floor Area Ratio | ☐ Permission to Construct in HPOD/Steep Slopes |
| ☒ Front Setback | ☐ Height | |
| ☐ Impervious Surface | ☐ Area of Disturbance | |

APPLICATIONS FOR VARIANCE REQUESTS

We hope that the following information will be of help to you in understanding the variance procedure. If our office can be of further assistance, please do not hesitate to contact us.

Once your application is filed, the staff will review your application to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

The day of the public hearing before the Board, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Ordinance. It may be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

If the Board of Zoning Appeals grants your application, we would remind you that it is your responsibility to obtain the permit for which you have applied.

Anyone who is aggrieved by any final order or judgment of the Board of Zoning Appeals may have the order or judgment reviewed by the courts.

STANDARDS FOR A VARIANCE

The Forest Hills Board of Zoning Appeals is authorized to grant variances from the strict application of the provisions of the Zoning Ordinance based upon certain legal standards. Those standards are contained in Article 8, Section 8.02 of the Zoning Ordinance which reads as follows:

“The Board of Zoning Appeals shall have authority to approve variances from the strict application of this chapter, where, by reason of exceptional narrowness, shallowness, shape, exceptional topographic conditions or other extraordinary and exceptional situation or condition of a specific piece of property, the strict application of the zoning regulations as contained in this chapter would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property, the Board of Zoning Appeals may grant a variance from such strict application so as to relieve such difficulties or hardship; provided that such relief may be granted without detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and zoning ordinance of the City.”

This provision requires three things to justify a variance:

1. There are physical characteristics or other conditions that result in an exceptional or undue hardship to the owner of the property – exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional condition of such property and would result in peculiar and exceptional practical difficulties to, or an exceptional or undue hardship upon the owner of such property.
2. The characteristics or conditions must be unique to the subject property – The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.
3. The variance is not a detriment to the public good and does not impair the intent and purpose of the City's Comprehensive Plan or Zoning Ordinance.
4. Other matters do not provide a basis for finding a legal hardship. They include:

A self-imposed hardship – alleged difficulties or hardships that have been created by the actions of persons having an interest in the property, either current or previous owners.

Expense or financial gain – The need to obtain a financial gain by expanding development on the property beyond that allowed by the Zoning Ordinance.

For the Board to grant you a variance from the Zoning Ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property.

The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. However, to prove a hardship, one or more of these conditions must affect your inability to build or occupy the property.

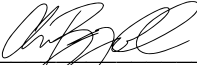
At the public hearing, please be prepared to identify your hardship to the Board, and to convince the Board why you cannot build or improve your property without obtaining a variance. At the meeting it is important that you explain this hardship as effectively as possible.

PLEASE STATE THE SPECIFIC AND UNIQUE CHARACTERISTICS CONSTITUTING A HARDSHIP THAT WOULD AUTHORIZE THE BOARD TO GRANT A VARIANCE UNDER THE STANDARDS OUTLINED ABOVE.

Front setback Variance request:

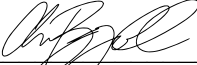
The front setback for an RA Zoning is currently at either 90' or average street setback, whichever is more restrictive. The property located at 2409 Hemingway Dr is currently at 75' from the street, along with an average 75' setback in both directions and most importantly, on this entire "block" of homes from Everett Dr to Arco Dr on the South side of Hemingway Dr. It is my opinion as a Real Estate professional and Homebuilder that 1 home set back to 90' from the street among all the others at 75' would look awkward, non-uniform, and undesirable to current homeowners and the future owner of 2409 Hemingway Dr. Combining this information along with the fact that this lot is a non-conforming lot (because it is .95 acres in the RA zone of 1.25 acre minimum size), this will also provide 2409 Hemingway a more useable and aesthetically pleasing rear yard due to having this additional 15' in the back. This is a true win for the property owner, surrounding property owners, and ultimately the Forest Hills community.

I would also like to point out a show of good faith and desire to be a good neighbor and citizen of Forest Hills, I realize that the ISR portion is important, especially in this area. My ISR is now at 18.1% and I'm bringing in a total impervious area of 7758 ft² where the existing property contains 9359 ft² for an overall reduction of 1601 ft² which is a Net Reduction of 17% AND will include a comprehensive plan to address the water runoff which does not exist today.



Applicant (Property Owner)

3/2/26
Date



Applicant's Representative

3/2/26
Date