

BOARD OF ZONING APPEALS

Meeting Minutes

November 8, 2024



The City of Forest Hills, Tennessee Board of Zoning Appeals met on Friday, November 8, 2024 at 8:00 a.m. at City Hall, 6300 Hillsboro Pike, Nashville, Tennessee 37215. Chairman Jim Littlejohn with alternate member James Lennon was present. Also present were City Manager Mark Hill, City Attorney Marshall Albritton, City Recorder Charlotte Hunter, and Engineer Luke Sullivan from the City Engineering firm of Neel Schaffer. Mr. Littlejohn opened the meeting at 8:00 a.m.

1. Approval of the minutes of October 8, 2024

Upon motion made by Mr. Lennon , and seconded by Mr. Littlejohn, the Board unanimously approved the minutes of the September 6, 2024 meeting.

2. Unfinished Business

6109 Montcrest Dr #8319 Zone: RA Overlay: None

(October BZA)

Applicant: Peter Anderson

Description: Construct addition

Requests: 1) Variance for side setback

Homeowner Peter Anderson has lived in this home for 22 years. He is requesting an addition and is asking for a variance for the side set back because they have combined 4 children & aging parents. The lot is narrow. He will be reducing the ISR around the pool and deck. Lennon asked about the pipe that is planned to go under the foundation. It will be sleeved. Littlejohn asked if any neighbors were present to speak, none were. Littlejohn asked about a grading plan, Anderson said the lot is flat.

Upon motion made by Mr. Lennon, and seconded by Mr. Littlejohn, the Board unanimously approved the request with the condition of adding additional screening to the HVAC area, adhere to the City's criteria for erosion control, and to have tree protection in place

1913 Kingsbury Dr #8327 Zone: RA Overlay: None

(October BZA)

Applicant: Chris & Jessica Mioton

Description: Construct swimming pool house

- I. **Requests:**
- 1) Variance for side setback
 - 2) Variance to construct swimming pool in front yard (corner lot)

Homeowner Jessica Mioton spoke about her forever home with her 3 small children. This is a corner lot so the pool deck will be in the front yard per se. Littlejohn asked about the garage addition. It will now have 4 spaces.

Littlejohn asked if any neighbors were present to speak, none were. Littlejohn asked about drainage. Screening needs to be added to all 3 sides.

Upon motion made by Mr. Littlejohn, and seconded by Mr. Lennon, the Board unanimously approved the requests with the condition of adding additional landscaping to the front yard to minimize the view on Melbourne.

4708 Stuart Glen Dr #8286 Zone: NC2 Overlay: Hillside Protection

(October BZA)

Applicant: Mike Jones

Description: Deck and stairs

- 1. Requests:**
- 1) Permission to construct
 - 2) Variance for side setback
 - 3) Variance to not tie footings to bedrock

Mike Jones spoke for the homeowners. The lot is already non-conforming. There is no way to get into the back yard unless you walk thru the home. No trees will be removed. Engineer Sullivan says they are satisfied with the geotechnical report.

Littlejohn asked if any neighbors were present to speak, none were present. Lennon asked if the new deck would increase nonconformity. Yes, but if built back like it is then it will be too narrow to be functionable. Littlejohn asked about additional landscaping.

He says good buffers make good neighbors. Jones is good with more evergreens. The homeowners just want outdoor space and to make the house look better. Lennon says hardships make non-conforming lots okay.

Littlejohn suggested they work with the City and engineer for additional screenings for permit.

Upon motion made by Mr. Littlejohn, and seconded by Mr. Lennon, the Board unanimously approved the requests with the condition of adding additional evergreen landscaping and other plantings to soften the masses

1416 Chickering Rd **#8282**

Zone: E1A

Overlay: Hillside Protection

(Unfinished from October)

Applicant: Gaffnery Marks Construction

Description: Construct new house and accessory structures

- I. **Requests:** 1) Permission to construct
 2) Variance for structure (bridge) in front yard

Gavin Duke spoke as the Landscape architect. He says they are in front of the Board due to the request to build in Hillside Protection Overlay District. The last time we were at the BZA we didn't ask for any variances as we were under bulk standards. The Board previously asked for the plans to have the house moved further back in line with the other homes to keep the integrity of the front yard and preserve trees. The new plans did not represent this. Lennon read the definition of Hillside Protection from the City's Ordinance. He said that this building does not fit within the neighborhood, and it has a large visual impact on the neighborhood. Littlejohn asked for neighbor input. Many neighbors voiced deep concern over the size of the project and disruption in the flow of the park like street and neighborhood.

Katie & Ben Gambill 1418 Chickering Road

Gilbert Smith 4401 Chickering Lane

Alex Joyce 1404 Chickering Road

David Mason 1318 & 1500 Chickering Road

Ben & Mary Gambill 4419 Chickering Lane

Littlejohn moved to deny the request as it is the charge of the Board to take care of neighborhoods. The City's comprehensive plan and Hillside Protection Overlay along with all the zoning regulations help guide the Board to make their decisions.

Upon a motion made by Mr. Littlejohn, and seconded by Mr. Lennon, the Board unanimously denied the request.

2126 Old Hickory Blvd

#8267

Zone: RA

Overlay: Floodplain

(Unfinished from October)

Applicant: John Helmer

Description: Construct new house

Requests: 1) Variance for side setback

Josh Hellmer and Turner Binkley presented their plans for the new build. They have made the changes requested from the previous BZA meeting. Lennon asked if they were within Height requirements, yes, 12/12 and 16/12. It was previously at 18/12. The hardship is the narrow lot.

Littlejohn asked about the mass of the building in the center. Is there a way to scale it back and get the square footage out of the center. Littlejohn asked if any neighbors were present to speak, none were present, but 2 letters of approvals from next door neighbor on each side.

Upon motion made by Mr. Lennon, and seconded by Mr. Littlejohn, the Board unanimously approved the request

6249 Hillsboro Pk _____

#8347

Zone: EA

Overlay: Floodplain

Applicant: Troy Outman

Description: Deck addition

1. **Requests:**
 - 1) Variance for side setback
 - 2) Variance to construct in stream buffer

Troy Outman spoke about the failing deck of the home of the Curci's. The current deck is only 4 feet above the floodplain. No piers will be placed in the floodplain. The deck will be at basement level of the house and the living quarters are on the 2nd floor. They will have a small spiral staircase to get the lower level. They plan on using 6–8-inch #57 stone rift rap. Littlejohn says a structural engineer will need to be involved. Littlejohn asked if there were any neighbors present, none were.

Upon a motion made by Mr. Littlejohn, and seconded by Mr. Lennon, the Board unanimously approved the request.

2004 Kingsbury Dr _____

#8380

Zone: RA

Overlay: None

Applicant: Kate Reynolds

Description: Construct patio and parking area

1. **Requests:**
 - 1) Variance for rear setback
 - 2) Variance for side setback
 - 3) Construct in side yard

Kate Reynolds would like to improve this remodel. Currently it is outside of setbacks on a narrow lot. She would like to add a covered patio with a covered part of the side and add an additional parking area. The plans are also to add more magnolia trees for screening.

Littlejohn asked if there were any neighbors present. Ben Huddleston lives behind the mentioned home at 2005 Stonehurst. He says the house on Kingsbury is too tall and asking for 26 more feet is too much. He presented a letter from his brother that is a Engineer stating the drainage for the house on Kingbury is not sufficient. He also states the Storm water run off will increase. Lennon says these issues need to be address for an approval.

The applicant requested this item be deferred until the next meeting.

1712 Tyne Blvd #8381 Zone: EB Overlay: Hillside Protection

Applicant: Mike Jones

Description: Construct a pool

- Requests:**
1. Permission to construct
 2. Variance to not tie pool equipment and pergola foundation to bedrock

Mike Jones presented the plans for the Spencer's to add a small pool that will add 202 square feet in ISR. The pool will be supported by micro piles. Lennon asked about gravity of the wall. 18 inches tall and housing the pool equipment. They haven't had any issues with standing water previously. Engineer Sullivan says they follow the guidelines given by the engineer. Littlejohn asked if any neighbors were present to speak, none were present.

Upon a motion made by Mr. Littlejohn, and seconded by Mr. Lennon, the Board unanimously approved the requests

2615 Hemingway Dr #8383 Zone: RA Overlay: None

Applicant: Mike Jones

Description: Install a generator and pad

1. **Requests:**
 1. Variance for accessory set back
 2. Accessory in side yard

Mike Jones, Ray Cash and the homeowner presented plans to add to the previously approved BZA plans for a pad for a generator. The enclosure will be 30 inches tall with 4 feet tongue and groove

wall like the home. The fence will be aligned with the rear of the generator & be 5 feet tall as per the regulations for a generator. Littlejohn asked if any neighbors were present to speak, none were present.

Upon a motion made by Mr. Littlejohn, and seconded by Mr. Lennon, the Board unanimously approved the requests with the condition that the enclosure material be the same as the house.

39 Bancroft Pl #8384 Zone: EB Overlay: Hillside Protection

Applicant: Wade Rick

Description: Construct retaining walls

Requests: 1) Permission to construct
2) Variance to construct in front yard – retaining wall

Wade Rick explained the 8.05 acre lot that has had previous slippage. It is a dangerous backyard. He is trying to alleviate weight of retaining walls and all the walls will be tied to bed rock. Engineer Sullivan says the walls will require modifications for stability.

HOA has approved the plans and no neighbors were at the meeting to speak. The walls can only be 5 feet in height. Littlejohn prefers lots of screening. Littlejohn asked if any neighbors were present to speak, none were present.

Upon a motion made by Mr. Littlejohn, and seconded by Mr. Lennon, the Board unanimously approved the requests with the condition they follow engineering

1112 Park Ridge Dr #8386 Zone: EB Overlay: Hillside Protection

Applicant: Wade Rick

Description: Construct pool and hardscape

1. **Requests:** 1) Permission to construct
2) Variance to construct in front yard – pool
3) Construct retaining walls

Wade Rick explained this is a mid -century modern house on the corner of Balbade. The pool would be placed in the front yard. They would disturb 9.8% of steep slope.

Littlejohn would prefer more screening on the Balbade side with a mix of evergreens. Littlejohn asked if any neighbors were present to speak, none were present.

Upon motion made by Mr. Lennon, and seconded by Mr. Littlejohn, the Board unanimously approved the request

1944 Edenbridge Way #8378

Zone: RA

Overlay: Hillside Protection

Applicant: Amanda Stone

Description: Construct a pool

1. **Requests:**
 - 1) Permission to construct
 - 2) Variance for ISR
 - 3) Variance to not tie to bedrock

Amanda Stone with the pool company presented her plans to decrease the ISR to 22% from 23% that is already over due to a non-permitted project. The drainage plan will include a swale. Lennon confirmed that the lot will need to be at 20% for approval.

Engineer Sullivan says the plans meet the city's geotechnical requirements. Littlejohn asked if the homeowner could take out the parking pad to get the ISR down.

The applicant requested this item be deferred until the next meeting.

4335 Chickering Ln #8379

Zone: EB

Overlay: Hillside Protection

Applicant: Amanda Stone

Description: Construct a pool

1. **Requests:**
 - 1) Permission to construct
 - 2) Variance for side setback

Amanda Stone with the pool company presented the plans to add a pool in the flat area of the property. The pool equipment will be with the HVAC which is inside an existing retaining wall.

Engineer Sullivan says the plans meet the requirements. Littlejohn asked if any neighbors were present to speak, none were present.

Upon motion made by Mr. Lennon, and seconded by Mr. Littlejohn, the Board unanimously approved the requests.

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

Chairman Jim Littlejohn

City Recorder Charlotte Hunter