

BOARD OF ZONING APPEALS
Meeting Minutes
April 8, 2026



The City of Forest Hills, Tennessee Board of Zoning Appeals met on Wednesday, April 8, 2026 at 8:30 a.m. at City Hall, 6300 Hillsboro Pike, Nashville, Tennessee 37215. Acting Chairman Jim Littlejohn, member James Lennon, and member Martin Roberts, were present. Also present were City Manager Mark Hill, City Attorney Marshall Albritton, and Engineer Luke Sullivan from the City Engineering firm of Neel Schaffer. Mr. Littlejohn opened the meeting at 8:30 a.m.

1. Approval of the minutes of March 11, 2026

Upon motion made by Mr. Lennon, and seconded by Mr. Roberts, the Board unanimously approved the minutes of the March 11, 2026 meeting.

2. New Business

A. 2409 Hemingway Drive #9050 (RA) – *Chris Bagwell represented Bagwell Construction Company, the owner.*

1. Variance for front setback

Mr. Bagwell described the proposed project to demolish the existing residential structure and to construct a new residential structure. Since the previous presentation before the Board, the height of the structure and the first and second interior levels had been reduced to address previous concerns expressed by the Board.

Chairman Littlejohn opened the hearing for public comment. The owner of 4518 Carlton Drive was the only member of the public who spoke, and she was present only to observe the proceedings.

The Board members noted that the drawings of the proposed structure were incomplete, the survey was difficult to read, and that the landscape plan did not contain adequate information.

The owner elected to defer to address concerns expressed by the Board regarding the drawings and other items in the package presented to support the request.

B. 6203 Gardendale Drive #9048 (RA) – *Mr. Jonathan Rogers and Mrs. Lou Alice Rogers, the owners, made the presentation to the Board.*

1. Variance for side setback

2. Variance for location of accessory structure

Mr. and Mrs. Rogers described the proposed project involving the construction of a new accessory structure, a garden shed. The unusual shape of the lot, the topography, and the location of the garden, which has been on the parcel for several years, and the wooded areas nearby, all combined to present a hardship to complying with the side setback and the required rear yard location of the proposed shed.

No members of the public provided comment on the application.

Upon consideration of the application and the presentation, and upon the motion of Mr. Lennon, duly seconded by Mr. Roberts, the Board unanimously approved the requests for the variances with the condition the proposed structure would be no closer than fifteen feet (15') to the neighboring property line, as determined by the foundation inspections by the City's Code Inspector.

C. 1212 Taggartwood Road #9047 (RA) – *Landscape Architect Mike Jones presented the application.*

1. Permission to construct in Hillside Protection Overlay District
2. Variance for front setback
3. Variance for footings not tying to bedrock

Mr. Jones presented the project which involved the construction of modifications to an existing structure by converting the existing garage into living space and constructing a new attached garage and the construction of hardscape improvements.

No members of the public provided comment on the application.

City geotechnical engineering consultant Rick Heckel, P.E., of TTL, Inc., told the Board that strength tests performed on the soil showed the site had adequate strength to support the proposed modification and improvements.

Upon the motion of Mr. Littlejohn, duly seconded by Mr. Roberts, the Board unanimously approved the variance requests subject to: 1) an update of the civil engineering plans relating to the foundation of the structure, the water flow near the rear patio surfaces, a cross section of a ditch behind the garage, and armoring the proposed ditch to prevent scouring of the hillside; 2) providing for the landscaping of areas to the left of the new proposed garage; and 3) abiding by the recommendations in the letter that was submitted to the Board by the City's consulting geotechnical engineer.

D. 1242 Jefferson Davis #8631 (RA) – *Attorney Matthew Moushon represented the owners, Shaun and Katherine Melby.*

1. Permission to construct in Hillside Protection Overlay District
2. Variance for fence height

The application involves efforts to stabilize a home, driveway, and a slope when the slope failed during construction. The contractor was able to stabilize the slope but in the process erected a fence that was taller than what is permitted by the Zoning Ordinance and what had been approved by the Board previously. The owners averred that the higher fence is safer in this case because of the steep slope and wall on the other side of the fence. A taller fence, they argue, makes it more difficult for people and animals to scale the fence and fall from a great height off the slope. The owners submitted a letter from a professional engineer opining that safety was enhanced due to the taller fence in this situation.

No members of the public provided comment on the application.

During discussion of the requested variance, the Board noted that the slope on site, as constructed, varied from the original Board approval. The property owner's counsel acknowledged that due to the slope failure, the repair made it necessary to construct one wall, as opposed to two (which had been approved originally), to stabilize the slope.

The Board members expressed some sense of agreement with the idea that a taller fence would be safer in this case, but declined to vote on the variance because the Board members also wanted to address the wall that had been constructed, which differed from what the Board had originally approved. The Board wanted to review information showing that the wall was properly constructed and landscaped. The Board asked the owners to submit: 1) a revised landscaping plan which would include reforestation of the slope, and 2) information regarding construction of the wall, including the anchoring behind the wall.

The owners elected to defer the variance request for thirty (30) days.

E. 5871 Fredricksburg Drive #9033 (RA) – *Ryan Miller represented the owners.*

1. Permission to construct in Hillside Protection Overlay District

This application involves the demolition of an existing residential structure and the construction of a new residential structure.

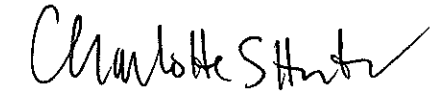
No members of the public provided comment on the application.

Upon consideration of the application and the presentation, and upon the motion of Mr. Littlejohn, duly seconded by Mr. Lennon, the Board unanimously approved the application, subject to strict compliance with geotechnical recommendations of the applicant's and the City's geotechnical engineers, and landscaping the retaining walls to the City's satisfaction.

There being no further business before the Board, the meeting was adjourned.



Chairwoman Jane S. Rowland



City Recorder