

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

**AUGUST 18, 2006**

The Forest Hills Board of Zoning Appeals (herein also the “Board”) held its regular monthly meeting on August 18, 2006, at the City’s Offices, 4012 Hillsboro Road, Nashville, Tennessee, and beginning at 8:00 a.m. Chairperson Janie Rowland presided. Also present were Mr. Jim Littlejohn, City Manager Al Deck, and City Assistant Cynthia Despot. Others present are shown on the attached sign-in sheet. A copy of the Agenda is also attached to these minutes.

1. Approval of the minutes of the July 21, 2006 meeting. Upon a motion by, Mr. Jim Littlejohn, which was seconded by Chairperson Janie Rowland, the minutes for the July 21, 2006 meeting were approved.

2. Mr. Frank White, owner of property located at 121 Balleroy Drive, seeks a variance/exception to change the front elevation, due to the house exceeding the 35 foot maximum height. During the presentation, Mr. Littlejohn asked if the building plans were approved---Mr. White said yes sir---Mr. Littlejohn asked, approved by the City, Mr. White’s answer was yes. Mr. Littlejohn asked. . . and this was what was built and Mr. White answered, “Yes Sir, I did not change anything.” (Tape 1, side 1, meter count 32)

Following that exchange, Mr. Littlejohn requested to see the original plans submitted to the City. The City was unable to locate the plans at that moment and the Board moved forward with the request.

Upon motion by Mr. Jim Littlejohn, which was seconded by Chairperson Janie Rowland, the Board of Zoning Appeals unanimously voted to deny the request and required Mr. White to return with a landscaping plan, stamped by a registered Tennessee architect.

Mr. White stated that the City has placed a stop work order on the property and requested it be removed. The City Manager agreed, at the Board's request, to partially lift the order and allow Mr. White to work inside the house, with one exception, and that allowed Mr. White to paint the cornices. Mr. Littlejohn added that any work performed would be entirely at Mr. White's risk during the time the stop work order was in effect. Mr. White was dismissed and the Board moved to the next item on the agenda. During the next agenda item the City located the set of plans that Mr. White submitted for the construction of the house. The height of the house, as measured by the City Engineer from the plans, was 31 feet, or 10 feet less than the house that was actually built. The plan submitted had three levels, including the basement below grade. The house as actually built has three levels above grade, all levels with windows. The house, as built, violates the 35 foot height restriction.

Upon further review, the house Mr. White is building at 100 Balleroy appears to have the exact same violation. The plans show one thing; however, what Mr. White has built is an entirely different structure. The Board suggested the City place a stop work order on the house at 100 Balleroy.

3. Mr. Paul Harvey King seeks a variance to exceed the front setback of his current nonconforming home at 6012 Sherwood Drive. Mr. King wishes to add a porch to the house, which will make the house footprint extend three (3) feet further beyond the setback. After Mr. King completed his presentation, the Board discussed the materials to be used in the construction. Motion by Mr. Jim Littlejohn, which was seconded by Chairperson Janie Rowland, and the Board unanimously voted to allow construction of the porch and a three (3) foot encroachment of the front setback, contingent upon: the use of brick piers for the porch and the brick to be painted to match the house.

4. Dr. Bruce Levy, owner of the property at 108 Bancroft Court is seeking:

- (a) variance for a property line fence that was constructed without a permit
- (b) variance for a playground that was constructed in the front yard, without a permit

Item (a) property line fence -----was deferred.

Item (b) playground equipment-----after a discussion of the Zoning Ordinance restrictions on accessory uses and comments from neighbors the Board took the following action: a motion by Chairperson Janie Rowland, which was seconded by Mr. Jim Littlejohn, the Board unanimously voted to deny the request for a variance to permit playground equipment in the front yard and called for the immediate removal of same.

5. Mr. Marc Barclay, owner of lot 89, 34 Park Meadows and lot 90, 36 park Meadows, seeks permission to build a private driveway, to gain access to the two lots.

Mr. Barclay stated that Otterwood Subdivision never built the street in front of his two lots, as shown on the original plat. Mr. Barclay is willing to built and maintain the drive, in order to build a house for himself and a second house to sell.

Upon motion by Mr. Jim Littlejohn, which was seconded by Chairperson Janie Rowland, the Board unanimously voted to approve the private drive, contingent upon the following:

- a. driveway must be at least twelve (12) feet wide, meet City of Forest Hills specifications, under either the standards for streets with curbs or streets with shoulders, in Article IV,A,4, of the Forest Hills Subdivision Regulations;
- b. drive should be extended to the end of lot 89;
- c. owner to request approval of homeowners association to remove the “turn out”, with a saw cut edge;
- d. provide a landscape plan, by a registered architect (to mitigate the slopes)
- e. property owner shall provide deed restrictions, to establish perpetual maintenance of the drive by all current and future owners of lots 89 & 90, at his own expense;
- f. City Attorney for Forest Hills will have final approval of deed restrictions regarding perpetual maintenance of the private drive;

6. Yap Investments Ltd, owner of the property located at 1224 Otter Creek, seeks a variance to construct a fence, closer than 10 feet to the eastern and western property lines.

Upon a motion by Mr. Jim Littlejohn, which was seconded by Chairperson Janie Rowland, the Board unanimously voted to approve the variance with the following conditions:

- a. the fence be constructed no closer than 2 feet of the property line
- b. no trees or vegetation to removed.

Upon a motion by Mr. Jim Littlejohn, which was seconded by Chairperson Janie Rowland, the Board unanimously also voted to approve a variance for Yap Investments Ltd., and allow the existing column and the proposed gate to exceed the six (6) foot requirement, provided that neither exceed seven (7) feet, and no lights be placed on top of the columns.

There being no further matters to be discussed and there being no further business to come before the Board, the meeting was adjourned.

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Recorder

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Chairperson