

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

SEPTEMBER 15, 2006

The Forest Hills Board of Zoning Appeals (herein also the "Board") held its regular monthly meeting on September 15, 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, Mr. Jack Freeman, City Manager Al Deck, Brad Bivens, City Engineer 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 August 18, 2006 meeting. Upon a motion by Mr. Jim Littlejohn, which was seconded by Mr. Jack Freeman, the minutes for the August 18, 2006 meeting were approved.

2. Ms. Sharon Pigott, representing Mr. & Mrs. McCrae, 4513 Everett requested two items: front set back variance of 12 feet and permission to move the existing house. Three neighbors spoke regarding grading and drainage.

The board requested plans for grading, drainage, and landscaping the front yard, and identification of trees on the lot. Ms. Pigott requested deferral of this item to allow time to prepare the requested items.

Ms. Pigott and Attorney Shawn Henry addressed the Board regarding moving the house @ 4513 Everett. The McCrea's had considered both demolition and removal of the

house. Their current request to the Board was for removal of the house. The City Manager provided the history of the property and that the house mover started work without a permit. The house is currently on rails and ready to move; however, the manager placed a stop work order on the property due to the lack of a permit.

After a lengthy discussion, Mr. Jack Freeman made a motion, which was seconded by Mr. Jim Littlejohn and the Board unanimously voted to approve the removal of the house, contingent upon the following conditions being met and items provided to the City Manager:

- a. contract stating the cost and terms to remove the house
- b. Metro/State contract for moving the house
- c. future location of the relocated house
- d. land disturbance permit be acquired
- e. silt fence and erosion controls in place
- f. double fee for the removal of the house
- g. the house be removed and all cleanup accomplished within 10 days of issuance of the permit.
- h. letter of credit, in the amount of the moving contract

3. Mr. Tom White representing Mr. & Mrs. Michael Goldston of Cambridge Downs, requesting a variance on previously constructed stone & wrought iron gate and entryway.

At the request of Mayor Evers, Mr. Jack Freeman made a motion, which was seconded by Mr. Jim Littlejohn, and the Board unanimously voted to reverse its previous decision

to deny the request for variance and to defer this matter indefinitely, to which Mr. White did not object and waived any objection, without prejudice to the Board's right to address this matter in the future.

4. Mr. Frank White, 121 Balleroy Drive, requesting a variance/special exception to change the front elevation, due to exceeding the maximum building height. The Board spoke to Mr. White about changing the plans he submitted. The Board then produced the original plans that illustrated a two story façade on the front of the house and then addressed the fact that he had constructed a house with three levels, and all three levels have windows on the front, thereby also exceeding the maximum building height of 35 feet.

Mr. White submitted a landscaping plan to mitigate the steep slope and partially cover the exposed first level on the front of the house. The Board rejected the plan.

The City Manager dealt with the fact that Mr. White violated the stop work order by bringing in dirt and working to distribute and stockpile the material. The manager informed the Board that this was the second time Mr. White had violated the stop work order and informed Mr. White that violation of a stop work order is a class C misdemeanor.

Chairperson Janie Rowland stated that any future violation of the stop work order would be met by the City Attorney with an injunction, seeking relief.

Motion by Mr. Jack Freeman, which was seconded by Mr. Jim Littlejohn, and the Board unanimously voted to place the following requirements on the property and Mr. White:

- a. reinstated a full stop work order

- b. required Mr. White to produce a new set of building plans, stamped by a Tennessee architect, that represents the as-built condition of the house
- c. purchase a new building permit
- d. produce a new landscaping plan, stamped by a Tennessee landscape architect and properly engineered to ensure that the fill material will not slide
- e. close and fill the window on the first floor
- f. all plans to be submitted to the City Engineer for review and resubmitted with the City Engineer's comments to the next Board of Zoning Appeals meeting, coinciding with completion of the plans

5. Mr. Eric Ericson, owner of a lot at 21 Northumberland, requesting a variance to exceed the maximum 12% building coverage ratio and increasing the coverage to 19% and an exception to the prohibition of garage doors facing the street. Motion by Mr. Jack Freeman, which was seconded by Mr. Jim Littlejohn, and the Board unanimously voted to approve exceeding the building coverage ratio to 19% and front facing garage doors.

6. Mr. Brannon White & Mr. Scott Nickles, owners of the home under construction at 3807 Harding Place, requesting a variance to build an attached Porte cache to the eastern side of the home, and encroach into the side setback. This is a

nonconforming lot and previously had been granted a reduction in side setback from 50 to 20 feet. The Board stated they did not have adequate information and requested additional work by the presenters. Motion by Mr. Jim Littlejohn, which was seconded by Mr. Jack Freeman, and the Board unanimously voted to deny the request.

7. Mr. Marc Barclay, owner of the lots located at 34 and 36 Park Meadows, sought an opportunity to address The Board, regarding the response of the Otter Wood Homeowners' Association. Mr. Barclay informed the Board that the HOA rejected the Board of Zoning Appeals' requirement that he remove the turn around at the end of Park Meadows. Mr. Barclay has addressed all other requirements and requested that the Board rescind its previous requirement to remove the turn around.

Motion by Chairperson Janie Rowland, which was seconded by Mr. Jack Freeman, and the Board unanimously voted to delete the removal of the turn around and upon recommendation of the City Engineer, also allowed a reduction of the width of the driveway from 12 feet to 10 feet.

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

Recorder

Chairperson