

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

**AUGUST 17, 2007**

The Forest Hills Board of Zoning Appeals (herein also the “Board”) held its regular monthly meeting on August 17, 2007 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. Tim Douglas, 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 June 15, 2007 meeting. Upon a motion by Mr. Jim Littlejohn, which was seconded by Mr. Tim Douglas, the minutes for the June 15, 2007 meeting were approved.

2. Letters of Credit---no action required

3. Percy Priest Elementary School, represented by Mr. Bruce Spaulding, asking for a variance for a proposed flagstone outdoor classroom, which is located in the flood plain. Upon motion by Mr. Jim Littlejohn, which was seconded by Mr. Tim Douglas, the Board unanimously voted to approve a variance for location of the flagstone courtyard in the front lawn of the Percy Priest lawn.

4. M & M Bruce McCreae, 4513 Everett, represented by Mr. Rogan Allen, asking for a variance to locate a backyard fence one foot off the property line. The fence

will tie into the house on each side. Upon motion by Mr. Tim Douglas, which was seconded by Mr. Jim Littlejohn, the Board unanimously voted to approve a variance to locate a backyard fence only one foot from the rear and side property lines.

5. Mr. Larry Lipman, 5906 Hillsboro Road, represented by Mr. Dewayne Clayton, asking for a variance for an ornamental stone and wrought iron gate and entranceway, built without a permit, at a height of nine feet, exceeding the allowable height by one foot. Upon motion by Mr. Jim Littlejohn, which was seconded by Mr. Tim Douglas, the Board unanimously voted to approve a variance of one foot for a gate and entranceway, which exceeded the Zoning Ordinance maximum height of eight feet.

6. Mr. Steve Kress, 5315 Confederate Drive is asking for a 20 foot variance on the rear setback. The purpose of the variance is to facilitate the construction of a proposed kitchen addition. Upon motion by Mr. Tim Douglas, which was seconded by Mr. Jim Littlejohn, the Board unanimously voted to approve a twenty foot variance on the rear setback.

7. Ms. Mary Duanich & Mr. Terry Young, 2223 Chickering Lane, represented by Ms. Sharon Pigott, are asking for a 20 foot variance on the rear setback to build a porte-cochere, enabling them to convert the existing garage into living space. After a lengthy discussion of the topography, visibility from the front, open sides, and the possible lack of maneuvering space, the Board was unwilling to approve the request as presented. Ms. Pigott requested this matter be deferred, in order to reevaluate the proposal.

8. RE-EL Topsoil, owners of the property at 1746 Kingsbury, represented by Mr. Michael Davis, Architect, seeking a seven (7) foot variance on the front setback, for a nonconforming house. After a lengthy discussion of the history of this project, and a lack of information, Mr. Davis requested a deferral of this matter. The Board was agreeable; however, Mr. Jim Littlejohn offered a recommendation of what information the Board requires prior to deciding the request. That information should include:

- a. Owners must present a landscape plan by a TN certified landscape architect.
- b. Owners must revise the landscaping plan to indicate more screening at the driveway and parking area.
- c. Owners must revise the grading plan to ensure the survival of the mature hardwood trees and report to Board on such plans.
- d. Landscape plan must show erosion controls to be utilized.
- e. Owners must establish a timetable acceptable to the City for the completion of the project and submit monthly progress reports. Failure to make substantial progress will result in the loss of the variance

As the Board of Zoning Appeals completed the business on the agenda, Mr. Shawn Henry of Tune, Entekin & White, requested permission to address the Board. Mr. Henry was not officially on the Board's agenda. Notice of Mr. Henry's request had not been mailed to area residents. Mr. Henry, representing Mr. Brannon White, contractor for the house at 3808 Harding Place, requested the Board reverse its requirement for Mr. White to relocate the driveway and shift it to the west by 10 to 15 feet. Mr. Henry submitted an engineering study stating that the drive, which was replaced in its original location, posed no safety hazard. Mr. Henry stated this single item is all that prevents Mr. White from receiving a Certificate of Use & Occupancy. The Board reviewed the reasoning for the previous request and agreed to a compromise. Since the builder added a substantial amount of impervious surface to the property, the Board was concerned about runoff into Harding Place. The compromise requires Mr. White to do the following:

Establish an area drain, located in the lawn, between the two driveways. The drain should be at least 24 inches by 24 inches. The contractor will dig down to the culvert, cut into the culvert and build a brick & mortar box, and set the drain slightly below grade. The area above the drain should be graded, as required, to direct the flow to the drain.

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