

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

**SEPTEMBER 19, 2008**

The Forest Hills Board of Zoning Appeals (herein also the “Board”) held its regular monthly meeting on September 19, 2008 at the City’s Offices, 4012 Hillsboro Road, Nashville, Tennessee, and beginning at 8:00 a.m. Vice Chairman Jim Littlejohn presided. Also present were 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 August 15, 2008 meeting. Upon a motion by Mr. Tim Douglas, which was seconded by Mr. Jim Littlejohn, the minutes for the August 15, 2008 meeting were approved.

2. Mr. Drew Beck, of Schneider Corp., represented Mr. Ford Ebner and Ms. Leslie Smith, owners of the two lots (10-C and 10-B) located at 2100 Timberwood Drive, in their variance request to seek approval of a single driveway serving two lots. Mr. Ebner has been before the Planning Commission for approval of a development plan and a preliminary plat, to reconfigure the lot line between the two parcels. Mr. Beck presented the request and after discussing and questioning the proposal, the Members had concerns about drainage and the build-ability of the lot due to the extremely steep slopes and wooded character of the odd shaped lot. The Members requested detailed engineered plans for the vacant lot prior to considering the variance request. Mr. Beck requested a deferral, in order to check with his clients.

3. Mr. Mitchell Barnett, represented Mr. and Mrs. Brett Young, owners of the home located at 1601 Harding Place, requested a variance regarding the height of the proposed home and also seeks an interpretation from the Board of Zoning Appeals regarding the use of carports, and if allowed the preferred location. The existing home is located on a corner lot and is to be demolished, prior to new construction. Although the height of the proposed home on the Harding Place side falls within height requirements, (35 feet) the height from Toddington Drive (the side street) measures approximately 41 feet.

Mr. Barnett began his presentation by explaining the process he used in determining the average grade, on the side facing Toddington Dr. He included the topographical lines on the elevation view of the house, and demonstrated the average height was less than 35 feet. At that point the City Manager explained that the Young's are appearing before the Board of Zoning Appeals for two reasons. The Zoning Ordinance was revised by the Board of Commissioners and final reading of Ordinance 08-180 was held on June 19, 2008. The Young's plan was submitted July 15, 2008. One of the revisions to the Zoning Ordinance modified the maximum building height, as follows:

“ . . . If the building is visible from more than one street, the Building Height shall be measured from the side visible from a street that yields the greatest Building Height.”

Prior to this change, the City only considered the height on the front and did not consider the height of the house on a side street. Secondly, the City used a simpler method of determining the maximum height. While Mr. Barnett's method is more exact and preferred, it is not practical for application in the field by the inspector or review, unless

the topographical detail is included on the plan. Previously the City simply determined the mid point of the house and measured the height at that location. The Manager requested the Board of Zoning Appeals approve implementing a change in the method of establishing the maximum building height. Adoption of this change would be included in the minutes and officially acknowledge the change in measurement of the maximum building height, as approved by the Board of Zoning Appeals.

Upon motion by Mr. Tim Douglas, which was seconded by Mr. Jim Littlejohn, the Board unanimously voted to approve determining the average grade, by topographical lines of two-foot increments, and required the average finish grade to be provided on all future plans by the architect or engineer, and the Board accepted the submission of Mr. Barnett for the Young's house as meeting the maximum height, at less than 35 feet.

The second issue for Mr. Barnett was a proposed carport. Previously the Board of Zoning Appeals had never approved a request for a carport and the City Manager requested the Board to establish a ruling on permitting carports and under what circumstances. Mr. Douglas stated he opposed detached carports, but would consider attached units, under certain circumstances. Following a discussion, Mr. Douglas offered a motion to approve attached carports, if a knee wall (at least three feet high) is included on the wall exposed to the front of the house. Mr. Littlejohn seconded the motion; on condition the applicants furnish a landscape plan, by a Tennessee Landscape Architect, which would screen the carport, paved areas, and the terrace on the front side of the house. Mr. Douglas agreed with the condition, which was proposed by Mr. Littlejohn, and the Board unanimously voted to approve of the attached carport, with a knee wall and a landscape plan.

4. Mr. Steve Durden, of Durden Architecture, represented Mr. and Mrs. Richard Davis who reside at 1220 Taggartwood Road, and requested a variance (on an already nonconforming home) to exceed the front and rear setback requirement on a home that is build completely outside the building envelope. The front of the house is currently 51 feet from the front setback and the proposed porch addition would make the home 43 feet from the front setback, requiring a 47 foot variance. The rear setback requirement is 50 feet and is currently 20.3 feet from the rear and the proposed kitchen addition would be no closer to the setback than the home is currently. This would require a variance of approximately 20.07 feet. This home is located at the end of a cul-de-sac.

Following the presentation and discussion of the plan, Mr. Tim Douglas offered a motion to approve the requested variance of 43 feet on the front and 20 feet on the rear, conditioned on the submittal of a landscape plan by a Tennessee Registered Landscape Architect. Mr. Jim Littlejohn seconded the motion, and the Board unanimously voted to approve the variance, subject to a landscape, to be reviewed by the City Manager or the City Arborist.

5. Mr. J. Brian Jones, owner of the property located at 2122 Old Hickory Boulevard, requested a variance on the front setback of his lot. Previously the Planning Commission required establishment of a 125 foot setback in addition to a 25 foot setback right-of-way reservation by T.D.O.T, in the event of eventual widening of Old Hickory Boulevard.

The Members listened to the applicant's request to reduce the front setback. Following the discussion, the Members expressed a concern about the intent of the

condition placed by the Planning Commission. Mr. Jim Littlejohn offered a motion, which was seconded by Mr. Tim Douglas, and the Board unanimously voted to deny Mr. Jones' request for a reduction of the front setback.

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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Vice Chair