

JOHN COOPER
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF WATER AND SEWERAGE SERVICES
Development Services
800 Second Avenue South
P.O. Box 196300
Nashville, Tennessee 37219-6300

**Minutes
of the
Stormwater Management Committee (SWMC)
August 6, 2020

**8:15 AM
Place**

Meeting took place via Teleconference and aired live on Comcast channel 3. A livestream of the meeting was simulcast on Nashville.gov with a remote station set up at the Sonny West Conference Center (700 2nd Avenue South) for anyone who was unable to submit their comments electronically and wished to make comments in that manner. Social distance recommendations were implemented at the remote station.

**STORMWATER MANAGEMENT COMMITTEE
(Quorum Required: Four Members)**

Committee Members Present:

- Mr. Dodd Galbreath –Chair
- Ms. Anna Maddox, P. E. – Vice Chair
- Mr. Roy Dale, P. E.
- Ms. Ronette Adams-Taylor

Committee Members Absent:

- Ms. Carrie Stokes, P. E.
- Mr. Jesus Gomez-Velez, P. E.

I. CALL TO ORDER

Mr. Dodd Galbreath, (chair) called meeting to order at 8:15 a.m. with roll call of committee members. Mr. Galbreath and Ms. Theresa Costonis (Metro Legal) stated that the first order of business would be a motion to determine that due to Governor Lee’s Executive Order No. 16, being extended by Executive Orders Nos. 34 and 51 that the meeting agenda constitutes essential business of this Board and meeting electronically is necessary to protect the health, safety, and welfare of Tennesseans in light of the COVID-19 outbreak. Ms. Anna Maddox moved for approval. Ms. Ronette Adams-Taylor seconded and the Board approved without objection.



If you need assistance or an accommodation, please contact Metro Water Services, at 615-862-4862, 1600 Second Avenue North, Nashville, Tennessee 37208.

II. APPROVAL OF MAY 7, 2020 MEETING MINUTES & DECISION LETTERS

A motion was made by Ms. Ronette Adams-Taylor and seconded by Ms. Anna Maddox on approval of the version of the Minutes presented on August 6, 2020 with correction to the titles of committee members Mr. Dodd Galbreath and Ms. Anna Maddox as Chair and Vice Chair of the Stormwater Management Committee. Mr. Roy Dale, Mr. Dodd Galbreath, Ms. Maddox, and Ms. Adams-Taylor voted in favor of the motion. The motion carried.

A motion was made by Ms. Anna Maddox and seconded by Ms. Ronette Adams-Taylor on the approval of Decision Letters presented at August 6, 2020 Stormwater Management Committee Meeting, excluding Decision Letter River North - Phase 1 case 202000001. Mr. Roy Dale, Mr. Dodd Galbreath, Ms. Maddox, and Ms. Adams-Taylor voted in favor of the motion. The motion carried.

A motion was made by Mr. Roy Dale and seconded by Ms. Anna Maddox for a rehearing of case 202000001 River North – Phase 1. Stormwater Management Committee Members request to revisit prior motion approving variance. The members believed in making the motion itself, they forgot to state one of the conditions that they meant to include. Ms. Ronette Adams-Taylor, Ms. Maddox, Mr. Dale, and Mr. Dodd Galbreath voted in favor of the motion. The motion carried.

The committee members believe, clarity is needed to condition #'s 6 and 7 of case 202000001 River North – Phase 1 in both the Minutes and Decision Letter. In the discussion, Ms. Anna Maddox stated there was redundancy in conditions 6 and 7 and suggested that either condition be removed. It should then be clarified if it is a restrictive covenant or a long term maintain agreement and feels it could be approved by staff. Mr. Dodd Galbreath and Ms. Anna Maddox acknowledge that there was a slight difference in the wording of the conditions 6 and 7 between the Minutes and the Decision Letter.

III. APPROVAL OF JULY 2, 2020 MEETING MINUTES & DECISION LETTERS

A motion was made by Ms. Anna Maddox and seconded by Ms. Ronette Adams-Taylor on approval of the July 2, 2020 Stormwater Management Committee Meeting minutes and decision letters with the following corrections to the minutes.

- 1) Correction to the titles of committee members Mr. Dodd Galbreath and Ms. Anna Maddox as Chair and Vice Chair of the Stormwater Management Committee.
- 2) Correction to page 6; condition #5 of approval given to variance case # 202000007 The Mansion at Fontanel that should read, “As a condition of returning to the Stormwater Management Committee with a final variance request submittal The Appellant must provide image of area where Bungalow’s will be placed.”

- 3) Correction to page 8, Items of Business statement made by Mr. Dodd Galbreath to read; “Mr. Dodd Galbreath stated a concern to Stormwater Management Committee Members and Metro Staff of having a discussion at one of the future Stormwater Management Meetings to get more of a clear guideline or templet for mitigation on cases requesting a variance. Mr. Galbreath feels more of a guideline should be given to the applicant.”

Mr. Roy Dale, Mr. Dodd Galbreath, Ms. Maddox, and Ms. Adams-Taylor voted in favor of the motion. The motion carried.

IV. STORMWATER MANAGEMENT COMMITTEE AGENDA

Comments were solicited from the Planning and Codes Departments for the following Agenda items.

1. **202000009 2509 W Linden Ave**
2509 W Linden Ave
Inspector: (Kimberly Hayes)

Single Family Residential
APN: 10415031100
CD-18 (Tom Cash)

APPLICANT’S REQUEST: Is to allow the following:

1. Disturbance of Buffer Area

APPELLANT: Jonathan Swafford (Owner)

REPRESENTATIVE: Randy Robinson (Robinson Construction)

COMMENTS:

SW STAFF: Buffer signs should be place on undisturbed portion of buffer.

CODES: No comment provided.

PLANNING: Site is zoned RS7.5 defer to Stormwater for review.

GREENWAYS: No comment provided.

Mr. Jonathan Swafford (Owner) and Mr. Randy Robinson (Robinson Construction) spoke on behalf of the request at the location of 2509 W Linden Avenue. Mr. Robinson stated that the residence resides in a historic overlay, which does not allow the homeowner to build taller and maintain the character of the home. Because the stream has, a slight angle the buffer is effectively 42’, which only leaves 44’ usable space on the front of the property and 28’ usable space on the rear of the property. The buffer results in an extreme loss of buildable area, especially since it is located in the middle the property. The homeowner is not able to build a garage in rear of property without paving over a significant amount of the buffer zone, as other neighbors have done.

Mr. Swafford (homeowner) stated that he and his wife have been working on plans since 2017 that could meet all the requirements they were looking for and staying within the restriction on the location. As of this time they have not be able to come up with such a set of plans.

Mr. Swafford stated that the real hardship in building anything is that the stream pretty much bisects the property.

After discussion during the Executive Session of the Committee on August 6, 2020 and review of the information presented Ms. Anna Maddox made a motion to deny based on an adequate plan not being presented for the location, and seconded by Mr. Roy Dale. Ms. Ronette Adams-Taylor, Ms. Maddox, Mr. Dale, and Mr. Dodd Galbreath voted in favor of the motion. The motion carried.

NOW THEREFORE, it is the decision of the Committee that the request in Variance Request No. 202000009 as set out above and further described in the case record, be and is hereby **DENIED.**”

The Appellant is reminded that this decision of the Committee is contingent upon approval of the meeting minutes for the above referenced Executive Session.

The Appellant is reminded that no construction or disturbance shall commence prior to obtaining the required permits from Metro Water Services or Metro Codes (e.g. Grading Permit, Stormwater Single Family Permit, or Building Permit).

2. 202000010 1103 Due West Ave N
1103 Due West Ave N
Inspector: (Kimberly Hayes)

Single Family Residential
APN 05004002600
CD-08 (Nancy VanReece)

APPLICANT’S REQUEST: Is to allow the following:

1. Disturbance of zone 1 and zone 2 buffer for construction of single family home.

APPELLANT: Burnett Builders, Inc.

REPRESENTATIVE: Kyle Schneider (Klober Engineering)

COMMENTS:

SW STAFF: 1) Staff requests an unmowed area adjacent to creek. 2) Buffer signs should be placed adjacent to unmowed vegetation.

CODES: No comment provided.

PLANNING: Site is zoned RS20, defer to Stormwater for review.

GREENWAYS: No comment provided.

Mr. Matt Burnett (Burnett Builders), and Mr. Kyle Schneider (Klober Engineering) spoke on behalf of the request at the location of 1103 Due West Avenue N. Mr. Burnett stated the proposed residence would be constructed in the footprint of the existing house to limit disturbance of buffer areas. A variance is being requested due to the tight constraints of the site from the topography of the property. A small tributary stream runs directly across the site at approximately 70’ south of the north property line. The site is approximately 230’ deep, the rear 90’ of the site slopes up at a near 1:1 grade. Nearly the entire rest of the property lies within either the zone 1 or zone 2 buffers.

After discussion during the Executive Session of the Committee on August 6, 2020 and review of the information presented Mr. Roy Dale made a motion to defer, Ms. Anna Maddox seconded the motion. Mr. Dodd Galbreath, Ms. Maddox, Ms. Ronette Adams-Taylor, and Mr. Dale voted in favor of the motion. The motion carried.

NOW THEREFORE, it is the decision of the Committee that the request in Variance Request No. 202000010 as set out above and further described in the case record, be and is hereby **DEFERRED.**”

The Appellant is reminded that this decision of the Committee is contingent upon approval of the meeting minutes for the above referenced Executive Session.

The Appellant is reminded that no construction or disturbance shall commence prior to obtaining the required permits from Metro Water Services or Metro Codes (e.g. Grading Permit, Stormwater Single Family Permit, or Building Permit).

V. ITEMS OF BUSINESS

VI. ADJOURNMENT

The meeting adjourned at 10:40 a.m.

Metropolitan Stormwater Management Committee
Approved:

By: Peninsula Gilbert
Secretary

Date: 9/3/2020