

**BZA Results**

**12/20/2018**

**METROPOLITAN BOARD OF ZONING APPEALS**

**P O BOX 196300**

**METRO OFFICE BUILDING**

**NASHVILLE, TENNESSEE 37219-6300**

**Meetings held in the Sonny West Conference Center**

**Howard Office Building, 700 2nd Avenue South**

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**MS. CYNTHIA CHAPPELL**

**MR. DAVID EWING, Chairman**

**MR. DAVID HARPER**

**MS. CHRISTINA KARPYNEC**

**MR. ROSS PEPPER**

**MR. DAVID TAYLOR, Vice-Chair**

**MS. ALMA SANFORD**

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**CASE 2018-566 (Council District - 19)**

**15TH & CHURCH EQUITY INVESTORS**, appellant and **15TH AND CHURCH EQUITY INVESTORS, LLC**, owner of the property located at **1506 CHURCH ST 100**, requesting a variance from parking requirements in the MUI-A District, to construct short term rental condominiums. Referred to the Board under Section 17.20.030. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-MULTI-USE

Map Parcel 09212034000

**RESULT - WITHDRAWN    Withdrawn by applicant**

**CASE 2018-594 (Council District - 12)**

**Alex Stevenson**, appellant and **BRUCE, DONALD & JOY**, owner of the property located at **112 AARONS CRESS BLVD**, requesting a variance from setback requirements in the Cluster Lot RS7.5 District, to construct a roof over a patio. Referred to the Board under Section 17.12.020 a. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 087100A00400CO

**RESULT - GRANTED**

**CASE 2018-628 (Council District - 2)**

**Nick Coleman**, appellant and **L & D HOSPITALITY, LLC**, owner of the property located at **410 DOMINICAN DR**, requesting a variances from the 0-15' build to zone and landscape buffer requirements in the MUG-A District, to construct a hotel. Referred to the Board under Section 17.24.230, 17.12.020 (D). The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Hotel

Map Parcel 08104020600

**RESULT - GRANT\_COND**

**CASE 2018-644 (Council District - 17)**

**Devan McClish**, appellant and **HOPP, STANLEY G.**, owner of the property located at **1044A 2ND AVE S**, requesting variances from front and rear setbacks for two residential units in the R6 District, to permit two already constructed houses. Referred to the Board under Section 17.12.020. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Two-Single Family

Map Parcel 093150D00100CO

**RESULT - DEFERRED**

**CASE 2018-644 (Council District - 17)**

**Devan McClish**, appellant and **HOPP, STANLEY G.**, owner of the property located at **1044B 2ND AVE S**, requesting variances from front and rear setbacks for two residential units in the R6 District, to permit two already constructed houses. Referred to the Board under Section 17.12.020. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Two-Single Family

Map Parcel 093150D00200CO

**RESULT - DEFERRED**

**CASE 2018-676 (Council District - 26)**

**Ben Buchanan**, appellant and **CASTEEL, DANIEL W. & NANETTE A. & REBECCA**, owner of the property located at **402 RITCHIE DR**, requesting variances from side and rear setbacks in the RS20 District, to construct a detached garage. Referred to the Board under Section 17.12.020 a. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 16004009700

**RESULT - GRANTED**

**CASE 2018-700 (Council District - 5)**

**Melissa Chambers**, appellant and **CHAMBERS, AARON & MELISSA**, owner of the property located at **1219 N 7TH ST**, requesting a variance from sidewalk requirements in the SP District, to construct a single family residence without building sidewalks. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 07116025100

**RESULT - DEFERRED**

**CASE 2018-702 (Council District - 13)**

**Manuel Ortiz**, appellant and **ORTIZ, MANUEL E.**, owner of the property located at **504 BEL AIR DR**, requesting a variance from front setback requirements in the RS10 District, to construct a front porch addition. Referred to the Board under Section 17.12.030 C3. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 13401000200

**RESULT - WITHDRAWN no response from appellant**

**CASE 2018-703 (Council District - 3)**

**Omid Saadatyar**, appellant and **CALLAGHAN, RICHARD & SELENA**, owner of the property located at **1294 DICKERSON PIKE**, requesting a variance from distance requirements for auto sales and repair services in the CS District, to obtain a auto sales and repair services permit. Referred to the Board under Section 17.16.070 e. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Auto Sales and Repair

Map Parcel 03300009700

**RESULT - WITHDRAWN no response from appellant**

**CASE 2018-706 (Council District - 2)**

**DANIEL KENDRICK**, appellant and **O.I.C. GOFF STREET RESIDENCES I**, owner of the property located at **842B GOFF ST**, requesting a variance from sidewalk requirements in the R6 District, to construct two new single family units and only construct sidewalks along Goff St. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Two-Family

Map Parcel 081072K90000CO

**RESULT - GRANT\_COND** 1.Maintain existing sidewalk conditions in a state of good repair per Public Works final guidance. Any portion of the existing sidewalk along the property frontage that is not ADA compliant is to be removed and replaced in-kind with MPW Detail ST-210 sidewalk.

2.The applicant shall construct 5' wide sidewalks along the Goff Street property frontage.

3.Prior to the issuance of building permits, dedicate right-of-way along the 9th Avenue North frontage to accommodate future sidewalks per the Major and Collector Street Plan.

Case # 2018-706

**CASE 2018-707 (Council District - 6)**

**Thomas McCullough**, appellant and **GATES, SHARON I.**, owner of the property located at **611 ROSEBANK AVE**, requesting a variance from setback requirements in the R10 District, to construct a front porch. Referred to the Board under Section 17.12.030 C3. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 08308014900

**RESULT - GRANTED**

**CASE 2018-709 (Council District - 17)**

**David Powell Hastings**, appellant and **RED HORSE DEVCO., LLC**, owner of the property located at **461 HUMPHREYS ST**, requesting a variance from parking requirements in the MUL-A & CS District, to construct a mixed use development to consist of a congregate living facility to include 152 sleeping units as well as 1405 square feet of commercial space. Referred to the Board under Section 17.20.030. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Proposed Commercial Use

Map Parcel 10507005300

**RESULT - GRANTED**

**CASE 2018-710 (Council District - 30)**

**Matthew Levi Collins**, appellant and **O.I.C. HOMES AT 322 DADE DRIVE**, owner of the property located at **324B DADE DR**, requesting a variance from sidewalk requirements in the R10 District, to construct a single family residence without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 148050C90000CO

**RESULT - GRANT\_COND granted on the condition that the appellant pays for 88 linear feet into the sidewalk fund**

**CASE 2018-711 (Council District - 14)**

**Terri Lasoff**, appellant and **NATIONAL RETAIL PROPERTIES, INC.**, owner of the property located at **4809 OLD HICKORY BLVD**, requesting requesting a variance from sidewalk requirements in the CL District, to renovate an existing bank without building sidewalks. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Financial Institution

Map Parcel 07509026700

**RESULT - GRANT\_COND 1. The applicant shall contribute in lieu of construction for the Old Hickory Boulevard frontage.**

**CASE 2018-715 (Council District - 20)**

**Rogers Group Inc.**, appellant and **ROGERS GROUP, INC.**, owner of the property located at **7177 COCKRILL BEND BLVD**, requesting a special exception in the IR District, to perform mineral extraction. Referred to the Board under Section 17.16.250 b. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Commercial

Map Parcel 09000000700

**RESULT - GRANTED**

**CASE 2018-716 (Council District - 19)**

**Duane Cuthbertson**, appellant and **BUILD NASHVILLE, LLC**, owner of the property located at **1006 11TH AVE N**, requesting a variance from sidewalk requirements in the RS3.75 District, to construct a single family unit without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 08116060200

**RESULT - WITHDRAWN NOTES FROM PLANNING-NO RECOMMENDATION ATTACHED. THIS CASE CAN BE WITHDRAWN. WE IDENTIFY IN MCSP AS LOCAL STREET AND LEAVING SIDEWALKS AT 8' HERE GIVEN REDEVELOPMENT DISTRICT. APPEAL CASE 2018-716 WITHDRAWN**

**CASE 2018-717 (Council District - 10)**

**Scott Denson**, appellant and **SSC RIVERGATE, LLC**, owner of the property located at **1905 GALLATIN PIKE N**, requesting a variance from the number of ground signs allowed in the CS District, to install a second ground sign. Referred to the Board under Section 17.32.130. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Medical Office

Map Parcel 03402010600

**RESULT - BZA\_DENIED**

**CASE 2018-718 (Council District - 10)**

**Chick-fil-A, Inc**, appellant and **KDI RIVERGATE MALL, LLC**, owner of the property located at **2000 GALLATIN PIKE N**, requesting a variance from sidewalk requirements in the SCR District, to make renovations to existing restaurant without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Restaurant

Map Parcel 02614004800

**RESULT - GRANT\_COND Appellant must pay into the sidewalk fund for 300ft**

**CASE 2018-719 (Council District - 24)**

**Frederick Stevenhagen**, appellant and **STEVENHAGEN, FREDERICK BONHAM & CARRIE ENGLAND**, owner of the property located at **725 PARK CIR**, requesting a variance from sidewalk requirements in the R6 District, to construct a single family residence without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 10402000300

**RESULT - GRANT\_COND The applicant shall contribute in-lieu of construction or build sidewalks for the McAdoo Avenue property frontage**

**CASE 2018-720 (Council District - 21)**

**Jeremy Payton**, appellant and **BETTY, DOUG & LAURA**, owner of the property located at **802 28TH AVE N**, requesting a variance from sidewalk requirements in the RS5 District, to construct single family units without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Two-Family

Map Parcel 09206042400

**RESULT - GRANT\_COND The applicant shall construct an alternative sidewalk design as shown on the attached site plan.**



**CASE 2018-720 (Council District - 21)**

**Jeremy Payton**, appellant and **BETTY, DOUG & LAURA**, owner of the property located at **804A 28TH AVE N**, requesting a variance from sidewalk requirements in the RS5 District, to construct single family units without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Two-Family

Map Parcel 092060D00100CO

**RESULT - GRANT\_COND The applicant shall construct an alternative sidewalk design as approved by planning.**

**CASE 2018-721 (Council District - 21)**

**Jeremy Payton**, appellant and **BETTY, DOUGLAS E. & LAURA R.**, owner of the property located at **806 28TH AVE N**, requesting variances from sidewalk and setback requirements in the RS5 District, to construct a single family residence without building sidewalks. Referred to the Board under Section 17.12.120 and 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 09206042200

**RESULT - GRANT\_COND Setback variance granted and the applicant shall construct an alternative sidewalk design as approved by planning**

**CASE 2018-722 (Council District - 13)**

**PLEASANT HILL CHURCH OF CHRIST**, appellant and **WALDEN, ROBERT & WEAVER, MILTON ETAL TRS**, owner of the property located at **3354 BELL RD**, requesting a variance from sidewalk requirements in the R15 District, to construct a new church without building sidewalks or paying into the sidewalk funds. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Religious Institution

Map Parcel 10800014700

**RESULT - GRANTED**

**CASE 2018-723 (Council District - 24)**

**WORLD OF LIFE CHRISTIAN CENTER**, appellant and **WORD OF LIFE CHRISTIAN CENTER, INC.**, owner of the property located at **4100 CLARKSVILLE PIKE**, requesting a variance from sidewalk requirements in the CS District, to construct an addition to a church without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Religious Institution

Map Parcel 05800018100

**RESULT - GRANTED**

**CASE 2018-724 (Council District - 7)**

**Tripp Smith**, appellant and **MIDDLE TENNESSEE FOUNDATION HOLDINGS, LLC**, owner of the property located at **1600 RIVERSIDE DR**, requesting a variance from sidewalk requirements in the R6, R10, CL District, to renovate an existing building with an alternative sidewalk design. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-

Map Parcel 07215018800

**RESULT - GRANT\_COND The applicant shall follow planning's recommendation**

**CASE 2018-725 (Council District - 17)**

**Josh Hellmer**, appellant and **CAROTHERS, JOHN E. & GLADYS O. & KINNARD, TIMOTHY ETA**, owner of the property located at **45 WHARF AVE**, requesting variances from sidewalk and front setback requirements in the R6 District, to construct a single family unit without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.030 C 3 and 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 10503013100

**RESULT - GRANT\_COND The applicant shall construct an alternative sidewalk design that utilizes the existing grass strip and expands the sidewalk to 8' wide.**

**CASE 2018-727 (Council District - 18)**

**William Hart**, appellant and **2305 12 AVENUE SOUTH PARTNERS, LLC**, owner of the property located at **2305 12TH AVE S**, requesting a special exception from front setback requirements in the CS District, to construct a covered patio. Referred to the Board under Section 17.12.035. The appellant alleged the Board would have jurisdiction under Section 17.40.180().

Use-Commercial

Map Parcel 10513009600

**RESULT - GRANT\_COND granted provided that the patio is no closet to the road than 1ft from the corner of the Franklin building**

**CASE 2018-728 (Council District - 21)**

**Patrick Martin**, appellant and **RMRTN, LLC**, owner of the property located at **2404 ELLISTON PL**, requesting a variance from sidewalk requirements in the MUG-A District, to make improvements to an existing restaurant without building sidewalks. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Commercial

Map Parcel 09215006600

**RESULT - WITHDRAWN No response from appellant**

**CASE 2018-660 (Council District - 6)**

**PANTHEON DEVELOPMENT, LLC**, appellant and **PANTHEON DEVELOPMENT, LLC**, owner of the property located at **408 RUDOLPH AVE**, requesting an Item A appeal, challenging the zoning administrator's denial of the attempted renewal of a short term rental permit. Appellant missed the renewal deadline, let the permit expire, then continued operating without the legally required permit in the R6 District, to obtain a permit. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180().

Use-Short Term Rental

Map Parcel 08310037100

**RESULT - WITHDRAWN no response from appellant**

**CASE 2018-662 (Council District - 17)**

**Collins Legal, LLC**, appellant and **TBC I, LLC**, owner of the property located at **1014B W GROVE AVE**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit in the R8 District, to obtain a permit. Referred to the Board under Section 17.16.250 e. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 105090R00200CO

**RESULT - DEFERRED**

**CASE 2018-666 (Council District - 20)**

**Patrick Thomas**, appellant and **THOMAS, ALBERT P. IV & HELLSTERN, RONALD A.**, owner of the property located at **647C JAMES AVE**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit in the R8 District, to obtain a permit. Referred to the Board under Section 17.16.250 e. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 090080K00100CO

**RESULT - UPHELD** Appellant able to apply for a permit on 1/2/19

**CASE 2018-695 (Council District - 6)**

**Brendan Donelson**, appellant and **DONELSON, BRENDAN**, owner of the property located at **1108A LILLIAN ST**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated after the issued STRP permit was cancelled due to change of ownership in the R6 District, to obtain a permit. Referred to the Board under Section 17.16.250 e. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 083131A00100CO

**RESULT - WITHDRAWN** no response from appellant

**CASE 2018-697 (Council District - 5)**

**Amy Pickard**, appellant and **PICKARD, AMY & MCSWAIN, BRANDON**, owner of the property located at **731 JOSEPH AVE**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated after the issued STRP permit was cancelled due to a change of ownership in the RM20 District, to obtain a permit. Referred to the Board under Section 17.16.250 e. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 08207019200

**RESULT - UPHELD Able to apply for a permit on 12/26/18**

**CASE 2018-698 (Council District - 3)**

**Antonisha Newman**, appellant and **NEWMAN, ANTONISHA**, owner of the property located at **500 W VAILVIEW CT**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit in the RS10 District, to obtain a permit. Referred to the Board under Section 17.16.250 e. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 050160A01100CO

**RESULT - UPHELD Able to apply for a permit on 12/26/18**

**CASE 2018-705 (Council District - 25)**

**RICHEY, LINDSLEY**, appellant and **RICHEY, LINDSLEY**, owner of the property located at **3709 HILLDALE DR**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated after the issued short term rental permit has expired in the RS-20 District, to obtain a permit. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 11709002800

**RESULT - UPHELD Able to apply for permit on 12/26/18**

**CASE 2018-712 (Council District - 22)**

**Un Hui Gastiger**, appellant and **GASTIGER, MARK A. & UN HUI**, owner of the property located at **8054 REGENCY DR**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit in the RS15 District, to obtain a permit. Referred to the Board under Section 17.16.250. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 12814015100

**RESULT - WITHDRAWN**

**CASE 2018-714 (Council District - 5)**

**Shirlee Burch Stevens**, appellant and **BURCH-STEVEN, SHIRLEE**, owner of the property located at **2253 LUSTER RD**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit in the AR2A District, to obtain a permit. Referred to the Board under Section 17.16.250 e. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 01700026200

**RESULT - WITHDRAWN no response from appellant**