

BZA Results

10/5/17

**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**

**MS. CYNTHIA CHAPPELL
MR. DAVID EWING, Chairman
MR. DAVID HARPER
MS. CHRISTINA KARPYNEC
MR. RICHARD KING
MR. DAVID TAYLOR, Vice-Chair
MS. ALMA SANFORD**

CASE 2017-160 (Council District - 12)

Brandon Williams, appellant and New Beginnings International Ministry, Inc, owner of the property located at **3179 Earhart Road**, requesting Special Exception and a variance from sidewalk requirements in the RS15 District, to construct a new 14,400 square foot Church. Referred to the Board under Section 17.16.170 E3,17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180. (B / C).

Use-Religious Institution

Map 98 Parcel(s) 208

RESULT-Deferred 11/2/17

CASE 2017-205 (Council District - 32)

Karen Fairbend, appellant and owner of the property located at **312 Clark Hill Xing**, requesting Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required 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 164-13 Parcel(s) 74

RESULT-Deferred 11/2/2017

CASE 2017-208 (Council District - 06)

Jamie Scarbrough, appellant and owner of the property located at **1409 Greenwood Avenue**, requesting Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required 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 83-2 Parcel(s) 45

RESULT-Upheld Zoning Administrator, However applicant can apply for a permit on October 11, 2017

CASE 2017-224 (Council District - 25)

Midtown Fellowship, Inc., appellant and owner of the property located at **3410 Granny White Pike**, requesting a variance from sidewalk requirements in the R10 District, to complete the surface parking lot. Referred to the Board under Section 17.20.120, 17.24.150. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Religious Institution

Map 118-9 Parcel(s) 33

RESULT-Granted

CASE 2017-230 (Council District - 03)

John Stancil, appellant and Anchor Property Holdings, LLC, owner of the property located at **7435 Old Hickory Blvd**, requesting a variance from sidewalk requirements in the CS District, for already existing 60x200 building with 10 bay doors. Referred to the Board under Section 17.120.120, 17.16.070 E, 17.20.060. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Auto Repair

Map 31 Parcel(s) 68

RESULT- Deferred 11/2/17

CASE 2017-236 (Council District - 24)

Joseph Cacchiola, appellant and owner of the property located at **103 A Cherokee Road**, requesting Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required 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 106-16-J Parcel(s) 2-CO

RESULT-Up held Zoning Administrator, Applicant can apply for a new permit on August 11, 2018

CASE 2017-246 (Council District - 14)

300 Sep, LLC, appellant and Paul J. Heil, owner of the property located at **300 Stewarts Ferry Pike**, requesting a variance from sidewalk requirements in the RM20 District, to construct a 23-unit residential development. Referred to the Board under Section 17.20.120. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Residential

Map 96-07 Parcel(s) 6

RESULT-Deferred 10/19/17

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CASE 2017-251 (Council District - 06)

Martianez Rorie, appellant and owner of the property located at **506 S. 11th Street**, requesting Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit. Referred to the Board under Section 17.16.250 E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 83-13 Parcel(s) 226

RESULT-Upheld Zoning Administrator, applicant can apply for a permit on November 11, 2017

CASE 2017-253 (Council District - 25)

John Rochford, appellant and owner of the property located at **3846 Cross Creek Road**, requesting variance from sidewalk requirements in the R20 District, to construct a single family residence. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map 117-14 Parcel(s) 1

RESULT-Granted

CASE 2017-256 (Council District - 19)

Cody Birdwell, appellant and West Properties, owner of the property located at **131 W. Express Drive**, requesting a variance from sidewalk requirements in the IR District, to construct a 60x70 office building. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Office Building

Map 93-16 Parcel(s) 441

RESULT -Granted

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CASE 2017-257 (Council District - 17)

DY Construction, appellant and owner of the property located at **1433 15th Avenue South**, requesting a variance from height restrictions in the RS5 District, to keep an existing fence. Referred to the Board under Section 17.12.040(E)26. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Fence

Map 105-5 Parcel(s) 73

RESULT-Granted with condition, applicant must remove caps on lift side of property and bring up to codes.

CASE 2017-258 (Council District - 21)

Derrick Salter, appellant and owner of the property located at **1829 B 16th Avenue North**, requesting Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit. Referred to the Board under Section 17.16.250 E(1)(a). The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 81-7-P Parcel(s) 2-CO

RESULT-Upheld Zoning Administrator, applicant can apply for a permit on November 29, 2017

CASE 2017-261 (Council District - 28)

Jose Lopez, appellant and owner of the property located at **124 Apollo Court E**, requesting a variance from rear setback requirements in the RS7.5 District, to attach detached garage to house. 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-Detached Garage

Map 149-9 Parcel(s) 85

RESULT-Granted

CASE 2017-262 (Council District - 25)

Chris Anderson, appellant and TA Properties, LLC, owner of the property located at **4204 Hood Avenue**, requesting a variance from front setback requirements in the R15 District, to construct a duplex. Referred to the Board under Section 17.12.030(A). The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Duplex

Map 131-6 Parcel(s) 12

RESULT-Deferred 11/2/17

CASE 2017-263 (Council District - 24)

Kristyn Osborn, appellant and owner of the property located at **226 Lauderdale Road**, requesting Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit. Referred to the Board under Section 17.16.250 E(1)(a). The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 103-12 Parcel(s) 128

RESULT-Upheld Zoning Administrator, applicant can apply for a permit on November 28, 2017

CASE 2017-264 (Council District - 26)

Marci Angevine, appellant and owner of the property located at **3517 Donna Kay Drive**, requesting Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required 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 134-5 Parcel(s) 30

RESULT-Upheld Zoning Administrator, applicant can apply for a permit on October 6, 2017

CASE 2017-265 (Council District - 06)

Jason P. Wiley, appellant and Jason Wiley & Jeffrey Stoner, owners of the property located at **96 North 8th Street**, requesting Item A appeal, challenging the Codes Department determination that this scenario constitutes one strike against the short term rental permit in the MUG-A District, to cancel 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 82-12-H Parcel(s) 2-CO

RESULT-Deferred 10/19/17

CASE 2017-266 (Council District - 06)

Jordan Zelhart, appellant and owner of the property located at **107 Creighton Avenue**, requesting Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required. Referred to the Board under Section 17.16.250(E)(1)(a). The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 83-31-E Parcel(s) 1-CO

RESULT-Upheld Zoning Administrator, applicant can apply for a permit on October 14, 2017

CASE 2017-267 (Council District - 24)

Joel K. Rogers, appellant and owner of the property located at **611 Wilson Blvd.**, requesting change in legally non-conforming use in the RS15 District, to construct a 625 square foot addition to rear of residence. Referred to the Board under Section 17.40.180(D). The appellant alleged the Board would have jurisdiction under Section 17.40.180(D).

Use-Single Family

Map 116-4 Parcel(s) 15

RESULT-Granted

CASE 2017-268 (Council District - 17)

Land Development Solution, appellant and 409 Merritt Merritt, owner of the property located at **409 E Merritt Ave, Unit A & C**, requesting a variance from street setback requirements in the R6-A District, to construct a duplex. 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-Duplex

Map 105-74-M Parcel(s) 9-CO

RESULT-Granted

CASE 2017-269 (Council District - 17)

Land Development Solution, appellant and 409 Merritt Merritt, owner of the property located at **409 F Merritt Ave, Unit A & C**, requesting a variance from street setback requirements in the R6-A District, to construct a duplex. 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-Duplex

Map 105-74-L Parcel(s) 9-CO

RESULT-Granted

CASE 2017-270 (Council District - 32)

Abraham Whitaker, appellant and Steve Adams, owner of the property located at **3501 Murfreesboro Pike**, requesting a variance from the required condition to operate within a structure in the CS District, for a car wash use. Referred to the Board under Section 17.16.070(J)(3). The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Car Wash

Map 164 Parcel(s) 3

RESULT - Deferred 10/19/17

CASE 2017-271 (Council District - 21)

Kevin Dattilo, appellant and O.I.C 1820 16th Avenue North, owner of the property located at **1820 C 16th Avenue North**, requesting a variance from sidewalk requirements in the R6 District, to allow applicant to contribute to sidewalk fund at the previous rate. Referred to the Board under Section 17.20.120 A & C. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Sidewalk

Map 81-72 Parcel(s) E9-CO

RESULT-Granted

CASE 2017-272 (Council District - 21)

Hartshorne Plunkard Architecture, appellant and AJ Capital, owner of the property located at **2000 West End Avenue** requesting variance from parking requirements in the MUI-A District, to reduce parking spaces from 202 to 117. Referred to the Board under Section 17.20.030. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Hotel

Map 92-16 Parcel(s) 4

RESULT- Deferred 11/2/17

CASE 2017-274 (Council District - 16)

Stone & Horworth, appellant and Compass Partners, LLC, owner of the property located at **2926 Foster Creighton Dr.**, requesting a variance from sidewalk requirements in the IR District, to construct a two story office building. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Sidewalk

Map 118-16 Parcel(s) 42

RESULT-Deferred 10/19/17

CASE 2017-275 (Council District - 21)

Build Nashville, appellant and owner of the property located at **2720 & 2718 Delaware Ave**, requesting a variance from height restrictions in the RM20-A District, to construct eight townhomes. Referred to the Board under Section 17.12.020(D). The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map 92-1 Parcel(s) 251/250

RESULT -Deferred 10/19/17

SHOW CAUSE HEARING - CASE 2017-183

Andrea Smith, appellant and Thomas Bauer, owner of the property located at 5229 Earhart Road. This hearing will address information regarding this BZA Case that was not presented to the Board at its August 17, 2017 hearing of the Iem A case involving an STRP permit.

RESULT-Deferred 11/2/17