

## **BZA Results**

**10/19/2017**

**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 2<sup>nd</sup> Avenue South**

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

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### **CASE 2017-178 (Council District - 24)**

**Scott Reynolds**, appellant and owner of the property located at **105 45th Avenue North**, requesting variances from queing requirements, side buffer/landscape requirements, and parking stall width for a sufrace parking lot in the MUL District. Referred to the Board under Section 17.20.060(G), 17.20.060(F)(6), 17.24.240(A), 17.12.020(C). The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Parking Lot

Map 103-8 Parcel(s) 5

**RESULT-Deferred 11/2/2017**

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CASE 2017-199 (Council District - 14)

**Greg Oakley**, appellant and LMO Properties, owner of the property located at **3535 A Hermitage Industrial Drive**, requesting Item A appeal, challenging requirements for legally non-conforming use of the property and variances from fence perimeter, outside storage and sidewalk requirements in the IWD District, to use existing building for a recycling facility. Referred to the Board under Section 17.40.180(A), 17.16.110(D)(3)(b), 17.16.110(D)(5), and 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A&B).

Use-Recycling Facility

Map 86 Parcel(s) 184

**RESULT-Withdrawn**

CASE 2017-241 (Council District - 11)

**John & Marie Golden**, appellants and owners of the property located at **804 Cerrito Landing**, requesting a variance from front setback requirements in the RS5 District, to construct a single family residence. Referred to the Board under Section 17.12.030(C)(3). The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map 53-12 Parcel(s) 274

**RESULT-Granted**

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 11/2/2017**

CASE 2017-259 (Council District - 19)

**Germantown Commons HOA**, appellant and Germantown Phase II, LLC, owner of the property located at **1318, 1322, & 1326 6th Avenue**, requesting an Item A appeal, challenging zoning administrator's determination that there is not more than one bar on the subject premises. Also, challenging the determination that parking requirements have been met in the MUL-A District. Referred to the Board under Section 17.40.180(A). The appellant alleged the Board has jurisdiction under Section 17.40.180(A).

Use-Commercial

Map 82-9 Parcel(s) 54

**RESULT-Deferred 11/16/17**

CASE 2017-260 (Council District - 01)

**Anthony Eubanks**, appellant and Joe Bond, owner of the property located at **4268 Kings Lane**, requesting a variance from sidewalk requirements in the R15 District, to construct a 3600 square foot single family residence with a 400 square foot garage. Referred to the Board under Section 17.20.120(A)(2). The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Residential

Map 52-14 Parcel(s) 143

**RESULT-Granted**

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. Referred to the Board under Section 17.40.180(A). 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-Case failed to receive 4 votes for any motion. Case will remain open for 30 days for any further action by the board.**

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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. Referred to the Board under Section 17.16.070(J)3. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Car Wash

Map 164 Parcel(s) 3

**RESULT -Deferred 11/16/17**

CASE 2017-273 (Council District - 06)

**Montana Stewart**, appellant and owner of the property located at **1504 Holly 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)(1)(a). The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 83-13 Parcel(s) 369

**RESULT-Upheld the Zoning Administrator- permit available on October 31, 2017**

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 has jurisdiction under Section 17.40.180(B).

Use-Sidewalk

Map 118-16 Parcel(s) 42

**RESULT-Deferred 11/2/2017**

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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 would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map 92-1 Parcel(s) 251/250

**RESULT-Granted**

CASE 2017-276 (Council District - 05)

**Tyler King**, appellant and 89 King Development, owner of the property located at **910 Granada Avenue**, requesting a variance from sidewalk requirements in the RS5 District, to contribute to the sidewalk fund at the rate in effect on the permit application date. Referred to the Board under Section 17.20.120(C). The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Sidewalk

Map 82-4 Parcel(s) 415

**RESULT -Withdrawn**

CASE 2017-277 (Council District - 24)

**Sergey Novitskiy**, appellant and owner of the property located at **3401 Dakota Avenue**, requesting a variance from side setback requirements in the District, to construct a two story addition to the side of the existing residence. Referred to the Board under Section 17.12.020(A). The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map 92-13 Parcel(s) 48

**RESULT-Granted**

**CASE 2017-278 (Council District - 06)**

**Laura Clifford**, appellant and owner of the property located at **713 Newhall 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)(1)(a). The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 831-1 Parcel(s) 142

**RESULT-Upheld the Zoning Administrator-permit available on October 28, 2017**

**CASE 2017-281 (Council District - 21)**

**Rosetta Perry**, appellant and owner of the property located at **1818 Morena Street**, requesting Item A appeal, challenging the zoning administrator's decision not to renew the expired short term rental 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 92-3 Parcel(s) 315

**RESULT-Granted**

**CASE 2017-284 (Council District - 02)**

**Joseph Frierson**, appellant and owner of the property located at **2202 B 24th Avenue North**, requesting a variance from sidewalk requirements, requesting not to build sidewalk or pay to sidewalk fund, to a single family residence. Referred to the Board under Section 17.20.120(A)(2). The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Sidewalk

Map 81-2-4 A Parcel(s) 2-CO

**RESULT-Denied, subject to the following conditions: Must build or pay into the sidewalk fund.**

CASE 2017-285 (Council District - 20)

**Jody Roberts**, appellant and Anthony Ewing, owner of the property located at **643 Vernon Avenue**, requesting variances from buffer and fence requirements, height restriction at front setback, and height restrictions at northern lot line in the RM20 District, to construct two duplexes and one single family home, for a total of five units. Referred to the Board under Section 17.12.020B, 17.24.240B, 17.12.020B, 17.12.020B. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Map 91-5 Parcel(s) 128

**RESULT-Granted**

CASE 2017-286 (Council District - 20)

**Jody Roberts**, appellant and Ewing Holdings, owner of the property located at **641 Vernon Avenue**, requesting variances from front setback requirements and height restrictions in the R8 District, to construct two duplexes and one single family residence, for a total of five units. Referred to the Board under Section 17.12.020(A) note 4. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Duplex

Map 91-5 Parcel(s) 129

**RESULT-Granted, subject to the following conditions: Height restriction granted only.**

CASE 2017-287 (Council District - 21)

**Benjamin Vaughn**, appellant and Cap Holdings, LLC, owner of the property located at **201 23rd Avenue N.**, requesting a variance from sidewalk requirements in the MUG-A District, to construct interior renovations to existing high rise. 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 92-15 Parcel(s) 41

**RESULT-Granted, subject to the following conditions: Applicant does not have to contribute to the sidewalk fund.**

CASE 2017-288 (Council District - 06)

**Drew Sloss**, appellant and Jon Bennett Fuqua, owner of the property located at **422 N 16th Street**, requesting a variance from sidewalk requirements in the R6 District, to construct a single family residence. 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 83-6 Parcel(s) 442

**RESULT-Withdrawn**

CASE 2017-290 (Council District - 19)

**Gong Yu Hsu**, appellant and Grand 7 Development, LLC, owner of the property located at **1305 Grand Avenue**, with a Motion to Rehear the case for this proposed project in the R6-A District.

Map 105-11-F Parcel(s) 1-CO

**RESULT-Deferred 11/16/17**

CASE 2017-291 (Council District - 18)

**Hastings Architecture**, appellant and Vanderbilt University, owner of the property located at **0 Vanderbilt Place**, requesting a special exception from height requirements in the MUI District, to construct a 20 story dormitory. Referred to the Board under Section 17.12.020(C). The appellant alleged the Board would have jurisdiction under Section 17.40.180(C).

Use-University

Map 104-4 Parcel(s) 1

**RESULT-Granted**



CASE 2017-292 (Council District - 02)

**Mark Wright**, appellant owner of the property located at **2127 C 14th Avenue North**, requesting a variance from sidewalk requirements in the R6 District, to construct two single family houses. Referred to the Board under Section 17.20.120(A)(2). The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Sidewalk

Map 81-33-D Parcel(s) 9-CO

**RESULT-Denied**

CASE 2017-294 (Council District - 17)

**Joseph Conrad**, appellant and owner of the property located at **823 Horner Avenue**, requesting variance from lot size requirements in the R10 District, to construct a second single family house on property. 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 118-2 Parcel(s) 15

**RESULT-Granted**

CASE 2017-295 (Council District - 19)

**Anthony Owens**, appellant and owner of the property located at **1504 Arthur 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)(1)(a). The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 811-2-G Parcel(s) 2-CO

**RESULT-Upheld the Zoning Administrator, applicant can apply for a permit on December 14, 2017.**

CASE 2017-296 (Council District - 17)

**Land Development Group**, appellant and Mac, LLC, owner of the property located at **147 A & B Rains Avenue**, requesting a variance from sidewalk requirements in the District, to construct two single family residences. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Sidewalk

Map 105-11-2 Parcel(s) 1CO/2-CO

**RESULT-Granted, subject to the following conditions: Applicant agrees to pay the into the sidewalk fund.**

CASE 2017-297 (Council District - 06)

**Baker Donelson**, appellant and Brian Jernigan, owner of the property located at **811 Gallatin Avenue**, requesting a variance from sidewalk requirements in the MUG-A District, to allow use of the existing building without new 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-Sidewalk

Map 83-5 Parcel(s) 182

**RESULT-Granted, subject to the following conditions: Applicant agrees to follow all of Planning's recommendations.**

CASE 2017-298 (Council District - 17)

**Province Builders**, appellant and owner of the property located at **1428 11th Avenue South**, requesting a variance from sidewalk requirements in the R8 District, to construct a new single family residence. 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 105-54-G Parcel(s) 2-CO

**RESULT-Granted, subject to the following conditions: Must follow Planning's recommendations.**

CASE 2017-299 (Council District - 29)

**Brad Bork**, appellant and 2156 Associates, LTD, owner of the property located at **2156 Murfreesboro Pike**, requesting a variance from sidewalk requirements in the R10 District and Commercial PUD, to construct a two floor storage 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 135 Parcel(s) 244

**RESULT-Granted, subject to the following conditions: Must follow Planning's recommendations to use revised site plan with alternate sidewalks.**