

BZA Results

8/16/2018

**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**

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

Previously Heard Case Requiring Board Action

**Case 2018 379-(4019 Vailwood Dr.) Sidewalk variance previously heard on 8/2/2018
Results: On 8/16/18 Case did not receive the required votes.**

CASE 2018-307 (Council District - 5)

Shawn Ireland, appellant and owner of the property located at **804 C CHEROKEE AVENUE**, requesting a sidewalk variance to construct a duplex in the MUN-A district, 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-duplex

Map Parcel 071120C90000CO

Results: Withdrawn

CASE 2018-316 (Council District - 20)

CLEVELAND BAIN, appellant and **JOHNSON, ROBERT L. ETUX**, owner of the property located at **439 W. BEND DRIVE**, requesting a variance from sidewalk requirements in the R8 District, to construct a single family residence without meeting the sidewalk requirements. 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 09113021000

Results: Deferred. Appellant agreed to send new notices out.

CASE 2018-366 (Council District - 18)

ETHAN COLCLASURE, appellant and **GINA M. NAPOLI DECLARATION OF TRUST**, owner of property located at **2812 HILLSIDE DRIVE**, requesting a variance from sidewalk requirements in the RS7.5 District, to construct single family residences without 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-Single Family

Map Parcel 10410020900

Results: Deferred 9/6/2018

CASE 2018-380 (Council District - 17)

DUANE CUTHBERTSON, appellant and **ASPEN CONSTRUCTION HOLDINGS, LLC**, owner of property located at **851 CLAYTON AVENUE**, requesting a variance from side setback requirements in the R10 District, for a constructed single family residence. 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 118050S00200CO

Results: Granted

CASE 2018-381 (Council District - 8)

RYAN SANCHEZ, appellant and owner of the property located at **1024 W. KIRKLAND AVENUE**, requesting a variance from sidewalk requirements in the OR20 District, to construct a porch addition. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Porch

Map Parcel 07202003900

Results: Grated with Conditions: Must follow planning's recommendations.

CASE 2018-394 (Council District - 9)

JENNIFER SPEER, appellant and **INNOVATIVE RESOLUTIONS, LLC**, owner of the property located at **296 RIO VISTA DRIVE**, requesting a variance from front setback requirements in the RS7.5 District, to construct a single family residence. Referred to the Board under Section 17.12.030 (c) 3. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 04311008600

Results: Granted variance from front setback from 35' to 20'.

CASE 2018-395 (Council District - 9)

JENNIFER SPEER, appellant and **COMPLETE HOME SOLUTIONS 2011, LLC**, owner of the property located at **0 RIO VISTA DR**, requesting a variance from front setback requirements in the RS7.5 District, to construct a single family residence. Referred to the Board under Section 17.12.030 (c) 3. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 04307010700

Results: Granted

CASE 2018-396 (Council District - 9)

JENNIFER SPEER, appellant and **COMPLETE HOME SOLUTIONS 2011, LLC**, owner of the property located at **0 RIO VISTA DR**, requesting a variance from front setback requirements in the RS7.5 District, to construct a single family residence. Referred to the Board under Section 17.12.030 (c) 3. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 04307010800

Results: Granted

CASE 2018-397 (Council District - 9)

JENNIFER SPEER, appellant and **COMPLETE HOME SOLUTIONS 2011, LLC**, owner of the property located at **0 RIO VISTA DR**, requesting a variance from front setback requirements in the RS7.5 District, to construct a single family residence. Referred to the Board under Section 17.12.030 (c) 3. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-single family

Map Parcel 04307010900

Results: Granted

CASE 2018-398 (Council District - 9)

JENNIFER SPEER, appellant and **COMPLETE HOME SOLUTIONS 2011, LLC**, owner of the property located at **0 RIO VISTA DR**, requesting a variance from front setback requirements in the RS7.5 District, to construct a single family residence. Referred to the Board under Section 17.12.030 (c) 3. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family Residence

Map Parcel 04307011000

Results: Granted

CASE 2018-399 (Council District - 9)

JENNIFER SPEER, appellant and **COMPLETE HOME SOLUTIONS 2011, LLC**, owner of the property located at **0 RIO VISTA DR**, requesting a variance from front setback requirements in the RS7.5 District, to construct a single family residence. Referred to the Board under Section 17.12.030 (c) 3. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 04307011200

Results: Granted

CASE 2018-400 (Council District - 9)

JENNIFER SPEER, appellant and **COMPLETE HOME SOLUTIONS 2011, LLC**, owner of the property located at **0 RIO VISTA DR**, requesting a variance from front setback requirements in the RS7.5 District, to construct a single family residence. Referred to the Board under Section 17.12.030 (c) 3. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 04307011300

Results: Granted

CASE 2018-401 (Council District - 9)

JENNIFER SPEER, appellant and **COMPLETE HOME SOLUTIONS 2011, LLC**, owner of the property located at **0 RIO VISTA DR**, requesting a variance from front setback requirements in the RS7.5 District, to construct a single family residence. Referred to the Board under Section 17.12.030 (c) 3. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family Residence

Map Parcel 04307011400

Results: Granted

CASE 2018-409 (Council District - 35)

SMITH PACKET, appellant and **V.C. DAUGHERTY, ETUX**, owner of the property located at **8234 HIGHWAY 100**, requesting a variance from floor area ratio in the AR2A District, to construct an assisted care living facility. Referred to the Board under Section 17.12.020 (b). The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Assisted Care

Map Parcel 15500010900

Results: Granted with Condition: Must follow each of the specifically identified approved site Plan changes.

CASE 2018-413 (Council District - 06)

MANLEY SEALE, appellant and **ROBERT ACUFF**, owner of the property located at **912 MAIN STREET**, requesting a variance from sidewalk and parking requirement in the MUG-A District, to rehab existing building for a proposed bar. Referred to the board under Section 17.20.120 and 12.20.030. The appellant alleged the board has jurisdiction under Section 17.40.180(B).

Use-Bar

Map Parcel 08212031700

Results: Deferred 9/6/18

CASE 2018-417 (Council District - 21)

KEITH DAVID, appellant and **DOWD DEVELOPMENT & DESIGN, LLC**, owner of the property located at **4313 ALBION STREET**, requesting a variance from sidewalk requirements requesting not to contribute or build sidewalks 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-Commercial

Map Parcel 09108023100

Results: Granted, Applicant agrees to pay itn in-lieu fee

CASE 2018-422 (Council District - 24)

ROBERT E. PHIPPS, appellant and owner of the property located at **108 39TH AVENUE N.**, requesting a variance from sidewalk requirements in the RS7.5 District, to construct a single family residence. 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 10405001700

Results: Denied

CASE 2018-424 (Council District - 19)

JASON GULLO, appellant and **MODERNDEAVOR, LLC**, owner of the property located at **1825 A 4TH AVENUE N**, requesting a variance from sidewalk requirements in the R6-A District, to construct two single family residences without constructing 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 081082Z00100CO

Results: Deferred 9/6/18

CASE 2018-427 (Council District - 5)

BONNIE LOCKLEAR, appellant and owner of the property located at **2109 SULTANA AVENUE**, requesting a variance from the conditions for placement of accessory structure in the R-6A District, to construct a detached garage. 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 Parcel 07107004200

Results: Granted

CASE 2018-429 (Council District - 8)

GRAYSTONE PROPERTIES & CONSTRUCTION, appellant and owner of the property located at **1017 CURDWOOD BOULEVARD**, requesting a variance from sidewalk requirements in the RS7.5 District, to conduct renovations on a legally non-conforming triplex without building sidewalks or contributing into the sidewalk fund. 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-Multi-Family

Map Parcel 06111016500

Results: Granted with Conditions: Must follow planning's recommendations.

CASE 2018-433 (Council District - 34)

PROVINCE BUILDERS, LLC, appellant and owner of the property located at **3938 CROSS CREEK ROAD**, requesting a variance from sidewalk requirements in the R20 District, to construct a single family residence without constructing 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 11714007800

Results: Denied

CASE 2018-434 (Council District - 17)

PROVINCE BUILDERS, LLC, appellant and owner of the property located at **1427 14TH AVENUE S**, requesting a variance from sidewalk requirements in the R6-A District, to construct a single family residence without constructing 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 105053G00100CO

Results: Grated, Applicant has the choice to pay the in-lieu fee for build sidewalks

CASE 2018-435 (Council District - 34)

PROVINCE BUILDING, LLC & CHRIS CANTRELL, appellants and owners of the property located at **100 TAGGART AVENUE**, requesting a variance from sidewalk requirements in the RS20 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 has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 12908010800

Results: Granted with conditions: Applicant has the option to pay the in-lieu fee or build Sidewalks along Taggart Ave. Applicant does not have to pay or build sidewalks along Highway 100.

CASE 2018-436 (Council District - 2)

JACOB STOCK, appellant and **APPALACHIAN CULTIVATION FUND, LLC**, owner of the property located at **2319 WOODRIDGE DRIVE**, requesting a variance from front and rear setback restrictions as well as sidewalk requirements in the RS7.5 District, to construct a single family home without constructing sidewalks. Referred to the Board under Section 17.12.030, 17.12.020, 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 07101014100

Results: Granted with conditions: Appellant may pay into the sidewalk fund or construct Sidewalks.

CASE 2018-439 (Council District - 23)

DAVID TUDOR, appellant and **MIKE & ELIZABETH TUDOR**, owners of the property located at **742 W. MEADE DRIVE**, requesting a variance from front setback requirements in the RS40 District, to construct a new single family residence. 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 11507007000

Results: Granted

CASE 2018-440 (Council District - 20)

STEVE HATCHER, appellant and **MKN PROPERTIES, LLC**, owner of the property located at **5801 MACKIE PLACE**, requesting a variance from front setback requirements in the R8 District, to construct a single family residence. Referred to the Board under Section 17.12.030(C)3. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 09110004100

Results: Granted, variance granted from 43' 8" to 41'

CASE 2018-442 (Council District - 17)

DUANE CUTHBERTSON, appellant and **PATRICK RYAN LEDDIN & JAMIE PARKS**, owners of the property located at **1014 PARIS AVENUE**, requesting a variance from minimum lot size requirements in the R8 District, to permit a detached accessory dwelling unit. 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-DADU

Map Parcel 11801023600

Results: Granted

CASE 2018-444 (Council District - 22)

TONY SNYDER, appellant and **SOUTHEASTERN SIKH RELIGIOUS SOCIETY**, owner of the property located at **7647 SAWYER BROWN ROAD**, requesting a variance from sidewalk requirements in the R20 District, to construct a Religious Institution 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-Religious Initiation

Map Parcel 12800003200

Results: Granted

CASE 2018-445 (Council District - 27)

HILLCREST UNITED METHODIST CHURCH, TRS., appellant and owner of the Property located at **373 TUSCULUM ROAD**, requesting a variance from signage size restrictions in the RS10 District, to install a ground sign. Referred to the Board under Section 17.32.110. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Sign

Map Parcel 16104014800

Results: Granted

CASE 2018-446 (Council District - 9)

PRESTON QUIRK, appellant and **BRENNON R. MOBLEY & LILLIAN WAITES**, owner of the property located at **118 4TH AVENUE**, requesting a variance from side setback requirements in the RS5 District, to create a new lot beside the existing residence. 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-Sign
Results: Granted

Map Parcel 04313009900

CASE 2018-454 (Council District - 19)

LANDMARK HOMES OF TN, appellant and **GREGORY SCOTT PAYNE**, owner of the property located at **921 13TH AVENUE S**, requesting variances from garage orientation requirements and driveway size requirements in the R-6A District, to construct two single family residences on one lot. Referred to the Board under Section 17.12020(A) & B.2 and B.3. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Two-Family Residence

Map Parcel 10501007000

Results:

SHORT TERM RENTAL CASES

CASE 2018-271 (Council District - 7)

JULIA RICARDA CUMMINGS, appellant and owner of the property located at **1927 RIVERWOOD 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 short term rental 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 07301001800

Results: Denied, Appellant can apply for a permit on 8/23/18

CASE 2018-272 (Council District - 19)

DIANA CATANIA, appellant and **DIANA M. CATANIA REVOCABLE TRUST**, owner of the property located at **508 A BUCHANAN 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 short term rental permit in the R6-A District, to obtain a 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
Results: Deferred 9/20/18

Map Parcel 081082000100CO

CASE 2018-291 (Council District - 29)

MARTIN RULE appellant and owner of the property located at **288 CLEARLAKE DRIVE W.**, 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. 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
Results: Denied-Appellant received a one year penalty form date of application

Map Parcel 052130B42400CO

CASE 2018-318 (Council District - 15)

CRAIG M. LIZAR, appellant and owner of the property located at **3117 PENN MEADE WAY**, 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 has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental
Results: Deferred 9/6/18

Map Parcel 052130B42400CO

CASE 2018-340 (Council District - 6)

JHAVERI, SHEETAL Y., appellant and owner of the property located at **1101 SHELBY AVENUE**, 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 OR20 District, to obtain a 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
Results: Denied, Appellant can apply for a permit on 8/9/18

Map Parcel 08313022000

CASE 2018-376 (Council District - 7)

JOEL HOOD & NORA THOMAS, appellants and owners of the property located at **1626 A NORTHVIEW 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 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 072100M00200CO

Results: Denied, Applicant can apply for a permit on 8/20/18

CASE 2018-382 (Council District - 30)

BARRETT & WHITNEY WILSON, appellants and owners of the property located at **3745 FAULKNER DRIVE**, 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 . The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 14708013500

Results: Denied, Applicant can apply for a permit on 9/9/18

CASE 2018-387 (Council District - 3)

MI'KAEL REED, appellant and owner of the property located at **3240 DOVERSIDE DRIVE**, 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 RS7.5 District, to obtain a permit. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board has jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 05014008200

Results: Denied, Appellant failed to appeal for the hearing on two separate dates

CASE 2018-390 (Council District - 2)

WAYNE & DORA MOORE, appellants and owners of the property located at **908 A YOUNGS LANE**, 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. 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 Parcel 070070A00500CO

Results: Denied, Appellant can apply for a permit on 12/14/18

CASE 2018-391 (Council District - 19)

NATALIE ANN FREE, appellant and owner of the property located at **1109 JACKSON STREET**, 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. 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 Parcel 09204023400

Results: Denied, Appellant can apply for a permit on 8/23/18, on the condition, on the Condition that the permit on Stainback avenue is cancelled first.

CASE 2018-430 (Council District - 33)

TRAVIS M. RICE, appellant and owner of the property located at **3213 BROOKMONT CIRCLE**, 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. 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 15004002100

Results: Denied, Appellant can apply for a permit on 9/9/18

CASE 2018-431 (Council District - 17)

IVY MONIER ARNOLD, appellant and owner of the property located at **1111 ARCHER STREET**, 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 RM20 District, to obtain a 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 Parcel 105014A00600CO

Results: Denied, Appellant can apply for a permit on 8/2/18

CASE 218-437 (Council District - 19)

PATSY STUESSI, appellant and **GAVI RMH, LLC**, owner of the property located at **500 ROLLING MILL HILL ROAD**, 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 permits for units 202, 204, 205, 220, 221, 311, 321, 502, 504, 604, and 611. 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 09311025200

Results: Denied, Appellant can apply for a permit on 11/2/18

CASE 2018-438 (Council District - 21)

PATSY STUESSI, appellant and **GL ELLISTON 23 APARTMENTS, LLC**, owner of the property located at **2312 ELLISTON PLACE # 100**, 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 permits for units 210, 310 and 428. 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 09215021000

Results: Denied, Appellant can apply for a permit on 11/14/18