

D O C K E T

9/6/2018

1:00 P.M.

**METROPOLITAN BOARD OF ZONING APPEALS
P O BOX 196300
METRO OFFICE BUILDING
NASHVILLE, TENNESSEE 37219-6300**

**Meetings at the MNPS Board of Education Meeting Room
2601 Bransford Avenue**

**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 2018-366 (Council District - 18)

ETHAN COLCLASURE, appellant and, **GINA NAPOLI, 2012 TRUST**, owner of the property located at **2812 HILLSIDE DRIVE**, requesting a variance from sidewalk requirements in the RS7.5 District, to construct a single-family residence without sidewalks. Referred to the Board under Section 17.12.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 10410020900

RESULTS:

CASE 2018-384 (Council District - 23)

PATRICK & SHERRY TERRY, appellants and owners of the property located at **6521 JOCELYN HOLLOW ROAD**, requesting to a variance from setback requirements to construct a detached garage in the RS40 District. Referred to the Board under Section 17.12.020 A. The appellant has alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 12902001700

RESULTS:

CASE 2018-403 (Council District - 21)

JIMMY LARKIN, appellant and **UNITED PRIMITIVE BAPTIST CHURCH**, owner of the property located at **2407 BOOKER STREET**, requesting a special exception in the RS5 District, to construct a new church. Referred to the Board under Section. The appellant alleged the Board would have jurisdiction under Section 17.40.180(C).

Use-Religious Institution

Map Parcel 09207024100

RESULTS:

CASE 2018-411 (Council District - 8)

CALVIN ECKER, appellant and **ANDREW ECKER**, owner of the property located at **1026 IVERSON AVENUE**, requesting a variance from foot print, height and setback requirements in the RS7.5 District, to construct an addition to an existing detached garage. Referred to the Board under Section 17.12.050, 17.12.060 b, 17.12.040 e. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 07206003700

RESULTS:

CASE 2018-413 (Council District - 6)

MANLEY SEALE, appellant and **ROBERT & FRANK ACUFF**, owners of the property located at **912 MAIN STREET**, requesting a variance from sidewalk and parking requirements in the MUG-A District, to rehab existing non-residential building for a proposed bar. Referred to the Board under Section 17.20.120 and 12.20.030. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Bar

Map Parcel 08212031700

RESULTS: WITHDRAWN

CASE 2018-414 (Council District - 5)

BEN KELLY, appellant and owner of the property located at **220 DUKE STREET**, requesting a variance from sidewalk requirements in the R6-A District, to construct two residential units on one parcel. Referred to the Board under Section. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Two Family

Map Parcel 071070E00100CO

RESULTS:

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 has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Two Family

Map Parcel 081082Z00100CO

RESULTS:

CASE 2018-441 (Council District - 17)

DUANE CUTHBERTSON, appellant and **CLAY KELTON**, owner of the property located at **1702 CARVELL AVENUE**, requesting an Item A appeal, challenging the Zoning Administrator's interpretation of zoning law regarding the permitting of this residential development in the R6-A District, to complete the construction of two single family residences. Referred to the Board under Section 17.40.180. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Single Family

Map Parcel 105112F00200CO

RESULTS:

CASE 2018-448 (Council District - 9)

ISUARO MARTINEZ, appellant and owner of the property located at **312 SINGER 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. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 04306006600

RESULTS:

CASE 2018-451 (Council District - 24)

JEFF PARNELL, appellant and **GARY & DIANE GOBER**, owners of the property located at **3964 WOODLAWN DRIVE**, requesting a variance from sidewalk requirements in the R40 District, to construct 3 single family residences on three adjacent properties without building sidewalks or contributing to 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 11604029900

Map Parcel 11604000100

Map Parcel 11604029800

Results-Withdrawn

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 17.12020A B.2 and B.3. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Two Family Residence

Map Parcel 10501007000

RESULTS:

CASE 2018-456 (Council District - 24)

HENDRICK WEITKAMP, appellant and **JOERN-HENDRIK & ASLI WEITKAMP**, owners of the property located at **804 TIMBER LANE**, requesting a variance from front setback requirements in the RS20 District, to construct a single family addition. 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 11701013800

RESULTS:

CASE 2018-457 (Council District - 2)

DANIEL KENDRICK, appellant and **KENDRICK GROUP, LLC**, owner of the property located at **2004 A 9TH AVENUE N**, requesting a variance from sidewalk requirements in the R6 District, to construct a single-family residence and pay into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 081072000100CO

RESULTS:

CASE 2018-459 (Council District - 5)

KRUPHA WOJTLE, appellant and **321 DUKE STREET, LLC**, owner of the property located at **321 A & B DUKE STREET**, requesting a variance from height restrictions in the R6-A District, to construct two single family residences. Referred to the Board under Section 17.12.020 A. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 071080M00100CO

RESULTS: WITHDRAWN

CASE 2018-460 (Council District - 5)

THOMAS J. WOFFORD, appellant and owner of the property located at **904 N. 5TH STREET**, requesting a variance from sidewalk requirements in the RS5 District, to continue construction of an already permitted 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-Single Family

Map Parcel 08203047900

RESULTS: WITHDRAWN

CASE 2018-464 (Council District - 28)

TERESA MARLENE VITE, appellant and owner of the property located at **481 FRANKLIN LIMESTONE ROAD**, requesting a variance from sidewalk requirements in the AR20 District, to construct a single family residence without meeting the sidewalk requirements. 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 13500003200

RESULTS:

CASE 2018-467 (Council District - 19)

STEPHEN BRETT McCORD, appellant and **LANE MOTOR MUSEUM**, owner of the property located at **702 MURFREESBORO PIKE**, requesting a variance from sidewalk requirements in the IR District, to construct a new commercial building without meeting the sidewalk requirements. Referred to the Board under Section 17.12.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Commercial Warehouse

Map Parcel 10606001200

RESULTS:

CASE 2018-469 (Council District - 17)

DAVID SALIMI, appellant and **BEST BUILT CONSTRUCTION, INC.**, owner of the property located at **1215 A 14TH AVENUE S**, requesting variances from sidewalk, rear setback, and side setback requirements in the R6-A District, to construct two new houses on one parcel without building sidewalks or contributing to 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&D).

Use-TWO FAMILY

Map Parcel 105051A00100CO

RESULTS:

CASE 2018-470 (Council District - 17)

DAVID SALIMI, appellant and **BEST BUILT CONSTRUCTION, INC.**, owner of the property located at **1217 B 14TH AVE S**, requesting variances from sidewalk, rear setback, and side setback requirements in the R6-A District, to construct two new houses on one parcel without building sidewalks or contributing to 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&D).

Use-Two-Family

Map Parcel 105051B00100CO

RESULTS:

CASE 2018-471 (Council District - 7)

DAVID SALIMI, appellant and **JAVAD SALIMI & HAMIDREZA PARSA**, owners of the property located at **1907 A & B CAHAL AVE**, requesting a variance from sidewalk requirements in the R6 District, to construct two new single family houses on one parcel without building sidewalks or contributing to 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(A).

Use-Duplex

Map Parcel 072151F00100CO

RESULTS:

CASE 2018-472 (Council District - 34)

DAVID SALIMI, appellant and **MOHAMMAD T. OFTADEAH**, owner of the property located at **3310 HOBBS ROAD**, requesting a variance from sidewalk requirements in the R20 District, to construct two houses on one parcel without building sidewalks or contributing to 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(A).

Use-TWO FAMILY

Map Parcel 131011C00100CO

RESULTS: WITHDRAWN

CASE 2018-472 (Council District - 34)

DAVID SALIMI, appellant and **MOHAMMAD T. OFTADEAH**, owner of the property located at **3308 HOBBS ROAD**, requesting a variance from sidewalk requirements in the R20 District, to construct two houses on one parcel without building sidewalks or contributing to 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(A).

Use-TWO FAMILY

Map Parcel 131011C00200CO

RESULTS: WITHDRAWN

CASE 2018-473 (Council District - 5)

BAKER DONELSON, appellant and **PIERCE DEVELOPMENT GROUP, LLC**, owner of the property located at **1101 N 7TH STREET**, requesting a variance from side street setback and sidewalk requirements in the R6 District, to construct a new single family residence. Referred to the Board under Section 17.12.030 and 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 08204005200

RESULTS:

CASE 2018-474 (Council District - 5)

BAKER DONELSON, appellant and **PAULO PRODUCTS COMPANY**, owner of the property located at **3300 AMBROSE AVENUE**, requesting a variance from sidewalk requirements in the IR District, to conduct interior renovations to an existing building without installing the required sidewalk. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-MANUFACTURING

Map Parcel 07200008600

RESULTS:

CASE 2018-475 (Council District - 24)

OLD SOUTH CONSTRUCTION, LLC, appellant and owner of the property located at **4701 DAKOTA AVENUE**, requesting a variance from sidewalk requirements in the RS7.5 District, to construct a sidewalk with an alternative design. 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 09115037100

RESULTS:

CASE 2018-476 (Council District - 2)

MATTHEW HAMBY, appellant and **EZELL, LLC**, owner of the property located at **3304 DICKERSON PIKE**, requesting a variance from sidewalk requirements in the CL District, to rehab an existing Waffle House 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- Restaurant

Map Parcel 05016002700

RESULTS:

CASE 2018-477 (Council District - 27)

BRADLEY BORK, appellant and **HICKORY STATION LLC**, owner of the property located at **5753 NOLENSVILLE PIKE**, requesting a variance from sidewalk requirements in the SCR District, to construct a restaurant and retail space without building sidewalks or contributing to 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 and Retail

Map Parcel 16100016300

RESULTS:

CASE 2018-478 (Council District - 16)

JASON & EMILY MCCOY, appellant and owners of the property located at **205 MORTON AVENUE**, requesting a variance from height restrictions in the RS7.5 District, to keep existing detached garage at current height. Referred to the Board under Section 17.12.060. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Detached Garage

Map Parcel 11914033600

RESULTS:

CASE 2018-479 (Council District - 19)

REGIONS BANK, appellant and **PRIM ONE NASHVILLE PLACE, LLC**, owner of the property located at **150 4TH AVENUE N**, requesting an Item A appeal, challenging the zoning administrator's issuance of a sign permit in the DTC District for two skyline signs. 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-Commercial Sign

Map Parcel 09306110300

RESULTS: DEFER 10/4

CASE 2018-480 (Council District - 7)

JOHN PIRTLE, appellant and **EASTLAND DEVELOPMENT, LLC**, owner of the property located at **1301 C PORTER ROAD**, requesting a variance from sidewalk requirements in the R6 District, to construct a duplex without constructing 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 083031F00100CO

RESULTS:

CASE 2018-481 (Council District - 20)

JOHN PIRTLE, appellant and **6108 CALIFORNIA AVENUE COTTAGES**, owner of the property located at **6108 C CALIFORNIA AVENUE**, requesting a variance from sidewalk requirements in the R6 District, to construct a duplex without constructing 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 091022P90000CO

RESULTS:

CASE 2018-483 (Council District - 6)

927 WOODLAND ST, LLC, appellant and owner of the property located at **927 WOODLAND ST**, requesting a variance from parking requirements in the CS District, to rehab existing space to open a restaurant. Referred to the Board under Section 17.20.030. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Restaurant

Map Parcel 08212034300

RESULTS:

CASE 2018-484 (Council District - 31)

NORA EL-CHAER, appellant and **WARDEN, KIMBERLY & CHARLES WARDEN**, owners of the property located at **6391 PETTUS ROAD**, requesting a special exception in the AR2A District, to operate a kennel. Referred to the Board under Section 17.16.175 (a). The appellant alleged the Board would have jurisdiction under Section 17.40.180(C).

Use-Kennel

Map Parcel 18100022500

RESULTS:

SHORT TERM RENTAL CASES

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. 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 052130B42400CO

RESULTS:

CASE 2018-449 (Council District - 13)

CRISTINA MIGLIACCIO, appellant and owner of the property located at **1906 DABBS 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. 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 10705000400

RESULTS:

CASE 2018-450 (Council District - 17)

WILLIAM TIMOTHY LOWERY, appellant and owner of the property located at **925 WEDGEWOOD 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. 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 10509036900

RESULTS:

CASE 2018-455 (Council District - 24)

JENNA WEDGEWORTH, appellant and co-owner of the property located at **5620 STONEWAY TRAIL**, 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 17.12.250 E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 10306018200

RESULTS:

CASE 2018-461 (Council District - 23)

MAHMOUD AFSHARI, appellant and owner of the property located at **1104 SHILOH 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. 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 10214010300

RESULTS:

CASE 2018-465 (Council District - 2)

CANDICE SALTER, appellant and **DERRICK SALTER and KRYSTAL DUNCAN**, owners of the property located at **2165 24TH AVENUE N**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally 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 081020W00100CO

RESULTS:

CASE 2018-466 (Council District - 17)

CASEY CULVER, appellant and owner of the property located at **2111 B 10TH AVENUE S**, 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 105130G00200CO

RESULTS:

CASE 2018-468 (Council District - 13)

JAMES WIGGINTON, appellant and owner of the property located at **1613 ELM RUN**, 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 10812019600

RESULTS: