

D O C K E T

9/20/2018

1:00 P.M.

**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 Cases Requiring Board Action:

Case 2018-369 (720 McFerrin Ave.) Motion to Set Aside the previous board order previously heard on 7/19/18, regarding sidewalk variance request.

CASE 2018-316 (Council District - 20)

Cleveland Bain, appellant and **ROBERT JOHNSON, ETUX**, owner of the property located at **439 W BEND DR**, 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 has alleged the Board has jurisdiction under Section 17.40.180(B).

Use-single family

Map Parcel 09113021000

RESULTS

CASE 2018-454 (Council District - 19)

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

Use-Duplex

Map Parcel 10501007000

RESULTS

CASE 2018-480 (Council District - 7)

JOHN PIRTLE, appellant and **EASTLAND DEVELOPMENT, LLC**, owner of the property located at **1301 C PORTER RD**, 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 has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Duplex

Map Parcel 083031F00100CO

RESULTS

CASE 2018-486 (Council District - 20)

DANKO, ANNE MARIE, appellant and **DANKO, ANNE MARIE**, owner of the property located at **5636 KENDALL DR**, requesting a variance to accessory building floor area restrictions in the RS7.5 District, to construct a 14 x 18 screened porch addition to detached garage. Referred to the Board under Section 17.12.050. The appellant has alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 10306001000

RESULTS

CASE 2018-487 (Council District - 21)

JEFF STROMATT, appellant and **WOODBINE COMMUNITY ORGANIZATION, INC.**, owner of the property located at **2508 FINLAND ST**, requesting a variance from sidewalk requirements in the RS5 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 has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 08110015000

RESULTS

CASE 2018-488 (Council District - 23)

PRESTON QUIRK, appellant and **COUZINS, JOHN F.**, owner of the property located at **1020 DAVIDSON RD**, requesting a variance from front setback requirements in the RS40 District, to construct a 9x31.5 front porch. Referred to the Board under Section 17.12.030. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 11503010600

RESULTS

CASE 2018-491 (Council District - 17)

KEN BAKER, appellant and **KEVIN E. DUKE**, owner of the property located at **1989 GATLIN DR**, requesting a variance from street setback requirements in the R8 District, to construct a covered front porch. Referred to the Board under Section 17.12.030. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 10614002000

RESULTS

CASE 2018-492 (Council District - 6)

REMICK MOORE, appellant and **MOLLIE MURPHREE & LAURA BENOLD**, owners of the property located at **2505 EASTLAND AVE**, requesting a variance from street setback requirement in the R10 District, to construct an addition to the front and side of existing residence. Referred to the Board under Section 17.12.030. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 08312015600

RESULTS

CASE 2018-493 (Council District - 17)

ADAM SEGER, appellant and **1700 8TH AVE, LLC**, owner of the property located at **1700 8TH AVE S**, requesting an Item D appeal, for a change in the legally non-conforming use in the CS District, for the parking lot to serve the new business at this location. Referred to the Board under Section 17.40.180D. The appellant alleged the Board has jurisdiction under Section 17.40.180(D).

Use-Commercial

Map Parcel 10506020000

RESULTS

CASE 2018-495 (Council District - 16)

CAPRICE PALMER, appellant and **PALMER, CAPRICE & CAMPBELL, DEBORAH**, owner of the property located at **518 ELGIN ST**, requesting a variance from 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 13301036700

RESULTS

CASE 2018-499 (Council District - 20)

ROGER POTTER, appellant and **O.I.C. HOMES AT 5804 MORROW ROAD**, owner of the property located at **5804 C MORROW RD**, requesting a variance from sidewalk requirements in the R6 District, to construct a duplex without building sidewalks or contributing 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 091062G90000CO

RESULTS

CASE 2018-500 (Council District - 17)

TOM FERRELL, appellant and, owner of the property located at **2154 C BYRUM AVE**, requesting a variance from driveway number and width restrictions in the R6-A District, to construct a duplex with two driveways of 22.5' each. Referred to the Board under Section 17.12.020 B. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Duplex

Map Parcel 105112G90000CO

RESULTS

CASE 2018-501 (Council District - 5)

JAY FULMER, appellant and **KEY MOTEL, LLC**, owner of the property located at **1414 DICKERSON PIKE**, requesting a variance from sidewalk requirements in the CS District, to renovate an existing hotel without updating the sidewalks. Referred to the Board under Section 17.12.120. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Motel

Map Parcel 07111000500

RESULTS

CASE 2018-502 (Council District - 21)

JAY FULMER, appellant and **CHABAD JEWISH STUDENT CENTER AT VANDERBILT, INC.**, owner of the property located at **111 23RD AVE N**, requesting variances from setback, drive aisle width, and parking requirements in the MUG-A District, to construct a cultural center. Referred to the Board under Section 17.12.020 (d), 17.12.030, and 17.12.060. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-CULTURAL CENTER

Map Parcel 09215014500

RESULTS

CASE 2018-503 (Council District - 15)

JAY FULMER, appellant and **HJL PROPERTIES, GP**, owner of the property located at **2414 LEBANON PIKE**, requesting a variance from sidewalk requirements in the CL District, to construct an addition to an 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 09504000300

RESULTS

CASE 2018-504 (Council District - 2)

PHILIP NEAL, appellant and **METRO DEE PARTNERS**, owner of the property located at **2030 ROSA L PARKS BLVD**, requesting variances from sidewalk and landscape requirements in the CS District, to construct two commercial buildings without upgrading the existing sidewalks. Referred to the Board under Section 17.24.240 and 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Commercial

Map Parcel 08104022900

RESULTS

CASE 2018-505 (Council District - 17)

KELLY KELLEGG, appellant and **COTTRELL, ANTHONY W.**, owner of the property located at **1995 GATLIN DR**, requesting a variance from sidewalk requirements in the RS10 District, to restore a fire damaged single-family residence without installing 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 10614008200

RESULTS

CASE 2018-506 (Council District - 26)

WILLIAM HAYNES, appellant and **WILLIAM HAYNES & JEFFREY LYNCH**, owners of the property located at **521 ARROWWOOD DR**, requesting a variance from height restrictions in the RS20 District, to construct a detached garage. Referred to the Board under Section 17.12.060 (b). The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 14611009700

RESULTS

CASE 2018-507 (Council District - 19)

WILLIAM REDFORD, appellant and **ROBERT NORMAN**, owner of the property located at **614 GARFIELD ST**, requesting a variance from sidewalk requirements in the R6-A District, to conduct interior rehabilitation to an existing market without building new sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Convenience Market

Map Parcel 08108041400

RESULTS

CASE 2018-508 (Council District - 5)

TRIPP SMITH, appellant and **RHYTHM HOMES AND DEVELOPMENT, LLC**, owner of the property located at **849 CHEROKEE AVE**, requesting variance from landscape buffer requirements in the RM 20-A District, to construct 13 residential units. Referred to the Board under Section 17.24.240. The appellant has alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Multi Family

Map Parcel 07209000300

RESULTS

CASE 2018-509 (Council District - 23)

CIVIL ENVIRONMENTAL CONSULTANTS, appellant and **HILLWOOD COUNTRY CLUB**, owner of the property located at **6201 HICKORY VALLEY RD**, requesting a variance from sidewalk requirements in the RS40 District, to construct an addition to a country club 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-Country Club

Map Parcel 11601001000

RESULTS

CASE 2018-510 (Council District - 23)

DARBY BROWN, appellant and **IROQUOIS PLAZA, LLC**, owner of the property located at **5115 HARDING PIKE**, requesting a variance from sidewalk and bike lane requirements in the CS District, to construct a medical office building. 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-MEDICAL OFFICE

Map Parcel 11613010100

RESULTS

CASE 2018-511 (Council District - 17)

GREEN HOME, appellant and **PATRICK & ERIN BLOCK**, owners of the property located at **908 HALCYON AVE**, requesting Item D appeal in the R8 District, to construct an addition to rear of the existing legally nonconforming structure. Referred to the Board under Section 17.40.660 (c). The appellant has alleged the Board would have jurisdiction under Section 17.40.180(D).

Use-SINGLE FAMILY

Map Parcel 11801032800

RESULTS

CASE 2018-512 (Council District - 6)

SCOTT SMITH, appellant and owner of the property located at **2105 EASTLAND AVE**, requesting a variance from sidewalk requirements in the R6 District, to construct a duplex without building sidewalks or paying 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-SINGLE FAMILY

Map Parcel 083073C00100CO

RESULTS

Short Term Rental Cases

CASE 2018-272 (Council District - 19)

DIANA CATANIA, appellant and **THE DIANA M. CATANIA TRUST**, owner of the property located at **508 A BUCHANAN ST**, 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 Parcel 081082O00100CO

RESULTS

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

Use-Short Term Rental

Map Parcel 052130B42400CO

RESULTS

CASE 2018-482 (Council District - 35)

RODERICK DOUGLAS THURLEY & DAWN JANENE, appellants and owners of the property located at **7668 OLD CHARLOTTE PIKE**, 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 has jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 11400031400

RESULTS

CASE 2018-489 (Council District - 5)

RACHEL BUBIS, appellant and owner of the property located at **1218 LISCHHEY 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. 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 07115046800

RESULTS

CASE 2018-490 (Council District - 21)

AARON MONTY & REBECCA RIENKS, appellants and owners of the property located at **1815 12TH AVE 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 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 08107035100

RESULTS

CASE 2018-496 (Council District - 24)

JONATHAN B. WEAVER, appellant and owner of the property located at **3614 NORMANDY PL 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 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 09213046000

RESULTS

CASE 2018-497 (Council District - 20)

ROSE BOWE, appellant and owner of the property located at **524 SNYDER 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. 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 09110026400

RESULTS

2018-272

Metropolitan Board of Zoning Appeals
Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210
615-862-6530



Appellant : Diana Catania
Property Owner: Diana Catania
Representative: Diana Catania

Date: 4-24-18
Case #: 2018-272
Map & Parcel 081082000100CO

Council District 19

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: To obtain a STRP permit.

Activity Type: Short Term Rental

Location: 508 A Buchanan St.

This property is in the R6-A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

•Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant is not eligible for 2nd STRP permit on HPR property.

Section(s): 17.16.250(E)

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection A of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

P. David L. Roberts 4.24.18
Completed and witnessed, Date

Diana Catania
Name (Please Print)

dcatania@comdevindustries.com

Applicant's e-mail address

Signature

(949) 939-9909

Applicant's phone

508 A Buchanan St.

Mailing Address

Nashville, TN 37208

City, State, Zip Code

(949) 939-9909

Phone Number

This will also serve as a receipt of (cash) (check) to partly compensate for the expenses under this appeal.

Appeal Fee: \$ 100.00



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3487706

ZONING BOARD APPEAL / CAAZ - 20180022835
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 081082000100CO

APPLICATION DATE: 04/24/2018

SITE ADDRESS:

508 A BUCHANAN ST NASHVILLE, TN 37208
UNIT A THE ELEMENT AT BUCHANAN

PARCEL OWNER: CATANIA, DIANA M. 2008 REVOCABLE TR

CONTRACTOR:

APPLICANT:

PURPOSE:

****4-24-18**** Permit application is being generated to allow applicant to appeal to BZA due to zoning examiner rejecting applicants request for STRP permit on HPR property with existing STRP permit.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

2018:27a
oppose

31 July 2018

Metro Board of Zoning Appeals
P.O. Box 196300
Nashville, TN 37219-6300

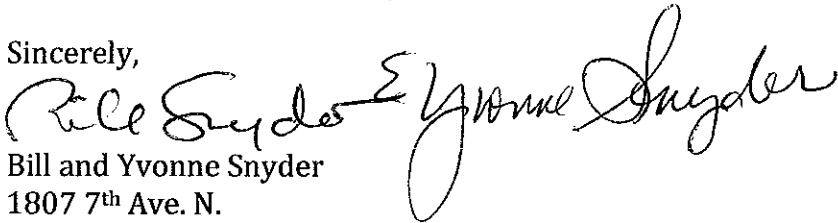
To Whom It Concerns:

We are writing to express our opposition to the appeal by Diana Catania challenging the zoning administrator's denial of a short-term rental permit for her property at 508A Buchanan Street.

We already have enough vacation rentals by owners in our neighborhood. It is our experience that the properties are often unkempt, and renters are often noisy and take up all of the parking spaces on the street.

Thank you for your consideration.

Sincerely,


Bill and Yvonne Snyder
1807 7th Ave. N.
Nashville, TN 37208

Judy Byrne-Mainord
1330 Derby Lane
Cookeville, TN 38506

August 07, 2018

Metropolitan Government of Nashville
Department of Codes & Building Safety
P.O. Box 196300
Nashville, TN 37219-6300

Re: Diana Catania Zoning Appeal
508A Buchanan Street
Appeal Case Number: 2018-272

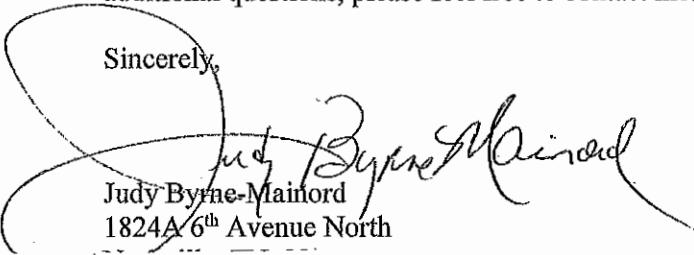
Dear Metropolitan Board of Zoning Appeals:

I would like to thank you for giving me the opportunity to respond. I am empathetic to Ms. Catania's situation, **but I am of the opinion the zoning board's denial should stand as denied.** Ms. Catania knew the requirement when she chose to operate a STRP without the required permit. As a STRP owner, I followed the required regulations and after months of waiting for a permit to become available, the board issued me the required permit.

Ms. Catania appears to have circumvented the rules, regulations, and requirements by operating without the required permit. He was able to avoid the application process as well as not paying the monthly required taxes. **I request that the board's ruling stand as denied.**

I realize you have a different job, but I do appreciate all you do for the City of Nashville. If you have any additional questions, please feel free to contact me.

Sincerely,



Judy Byrne-Mainord
1824A 6th Avenue North

From: Karen Light
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case #2018-272
Date: Wednesday, August 8, 2018 9:12:05 AM

Please add the following correspondence to the formal record regarding this case.

As a nearby resident of this home, I recommend to the board that the permit be denied. This neighborhood continually sees numerous violations of short term rental rules and if the rules are not enforced across the board people will continue to try to take advantage. We must continue to set a precedence that if you operate outside of the governance you will not be allowed to operate at all.

Full time residents are working hard to create community in our urban neighborhood. We have so many non-owner occupied short term rentals and when just one throws a weekend long party it can be disruptive, create trash issues and often times are inappropriate around neighborhood children (drinking, loud offensive singing, etc.). The unit attached to this one is a known party house short term rental that has been a continuing nuance to the neighborhood. The unit in question in this case has been for sale for almost a year and cannot be sold because of that attached unit; no one wants to live full time to next to it proving that short term rentals negatively impact property values. Yet another party house next door will only hurt the neighborhood and this person clearly cannot follow rules and does not have the best interest of the neighborhood in mind.

Karen Light
1812A 6th Ave N

2018-272
oppose

Melinda Quinn
509 Buchanan Street
Nashville, TN 37208
615-653-1093
MLNDKQNN@GMAIL.COM

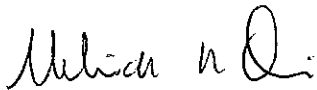
July 31, 2018

Department of Codes
PO Box 196300
Nashville, TN 37219-6300

To Whom it May Concern:

I am writing in regards to the zoning appeal filed by Ms. Catania on 508A Buchanan Street, appeal case number 2018-272. I was disappointed to hear that this active short-term rental has been operating for such a long time without a permit. This home is filled most weekends with a large number of guests. I would like to encourage the board to deny this appeal since the owner failed to follow documented protocol for the operation of a short term rental.

Thank you for your consideration,



Melinda Quinn

Quinn
509 BUCHANAN ST
NASHVILLE TN 37208

NASHVILLE TN 370

RECEIVED 31 JUL 2018 PM 5 L
Codes Administration

AUG 01 2018

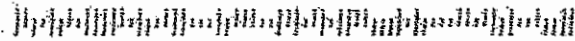


DEPARTMENT OF CODES

P.O. Box 196300

NASHVILLE, TN
37219-6300

37219-630000



2018-272
OPPOSE

ESTEEMED MEMBERS OF THE BOARD :

I REQUEST THAT YOU DENY THE APPELLANT'S REQUEST. TO DO OTHERWISE IS TO CONDONE ILLEGAL BEHAVIOR AND TO CONTINUE THE DEGRADATION OF OUR SENSE OF COMMUNITY AND NEIGHBORLINESS.

WE ARE SURROUNDED BY AIR BNB "DEGRADATIONS," THEIR PARTY "BARGES," AND THEIR CONSTANT WHOOPING AND DRINKING GAME TOMFOOLEY FROM THE ROOFTOP DECKS, ENOUGH ALREADY, PLEASE DENY APPEAL 2018-272.

THANK YOU FOR YOUR TIME,

R.A. Hill

Ruth Hill

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: West Nashville Living

Date: 5-8-18

Property Owner: Robert Johnson

Case #: 2018-316

Representative: Cleveland Bain

Map & Parcel: 91-13-210

Council District 20

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose:

Variance Request to remove sidewalk requirement

Activity Type: New Construction - Single Family

Location: 439 W. Bend Dr.

This property is in the R8 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: variance request to remove sidewalk requirement

Section(s): 17.12.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection _____ Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Cleveland Bain 5-8-18
Completed and witnessed, Date

Cleveland@westnashvillelaw.com
Print Applicant's e-mail address

CLEVELAND D. BAIN, ESQ
Name (Please Print)

Cleveland Bain
Signature

4800 CHARLOTTE AVENUE
Mailing Address

NASHVILLE TN 37209
City, State, Zip Code

(615) 597-6000
Phone Number

(615) 597-6000
Phone Number

This will also serve as a receipt of (cash) (check) to partly compensate for the expenses under this appeal.

Appeal Fee: \$ 100.00



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3499482

ZONING BOARD APPEAL / CAAZ - 20180026252
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09113021000

APPLICATION DATE: 05/08/2018

SITE ADDRESS:

439 W BEND DR NASHVILLE, TN 37209
PT LOT 24 BLK A SEC 1 CROLYWOOD

PARCEL OWNER: JOHNSON, ROBERT L. ETUX

CONTRACTOR:

APPLICANT:

PURPOSE:

variance request to remove sidewalk requirement

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.


APPELLANT

April 25th, 2018
DATE

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions MUST affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

The property has a drain and utility infrastructure located in the
proposed sidewalk area. Further, the topography of the land is very
steep.

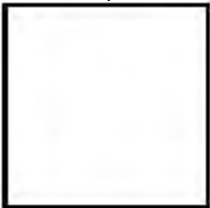
Braisted, Sean (Codes)

From: Herbert, Bill (Codes)
Sent: Tuesday, June 19, 2018 3:24 PM
To: Lifsey, Debbie (Codes); Shepherd, Jessica (Codes)
Cc: Michael, Jon (Codes)
Subject: FW: 2018-316

From: Mary Carolyn Roberts [<mailto:marycarolynroberts@gmail.com>]
Sent: Tuesday, June 19, 2018 10:40 AM
To: Herbert, Bill (Codes); Jon Michael
Subject: 2018-316

I'm very opposed to the variance request on West Bend for Case number 2018-316. There is no other reason besides a financial hardship because it's a corner lot that these developers should not build a sidewalk. I'm unable to attend the BZA meeting on 6/21 but hope you will convey my sentiments.

Thank you,



Mary Carolyn Roberts
Village Real Estate
615-977-9262 (c)
615-383-6964 (w)
Metro Council, District 20

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: ROBERT JOHNSON
439 W. BEND DRIVE

Appeal Case 2018-316

Map Parcel: 09113021000
Zoning Classification: R20

ORDER

This matter came to be heard in public hearing on 8/16/2018, before the Metropolitan Board of Zoning Appeals, upon application for a variance from sidewalk requirements to construct a single family residence.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 (B) of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be DEFERRED. Appellant agreed to send new neighboring notices out.

UPON MOTION BY: David Taylor

Seconded By: David Ewing

Ayes: Christina Karpyneec, Cynthia Chappell

Nays:

Abstaining:

Absent: Richard King, Alma Sanford

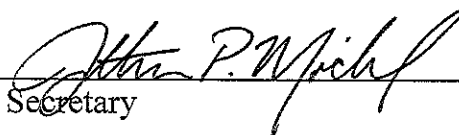
ENTERED THIS 20th DAY OF August, 2018

METROPOLITAN BOARD OF ZONING APPEALS

Chair



Secretary



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-316 (439 West Bend Drive)

Metro Standard:	West Bend Drive - 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
	Obrien Avenue – 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not build sidewalks
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	West Bend Drive - Local Street
	Obrien Avenue – Local Street
Transit:	Approx. ¼ mile from #10 – Charlotte
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant proposes constructing a single family home on the property and requests a variance from constructing sidewalks because of topography and impacts to storm water infrastructure, specifically a ditch that runs along the Obrien Avenue frontage.

Planning evaluated the following factors for the variance request:

- (1) The ditch along Obrien Avenue is typical for residential streets, and the existing cross drain is typical for corner lots. Metro Water Services has confirmed the property is appropriate for sidewalk construction.
- (2) Per the Zoning Ordinance, the applicant is eligible to contribute in lieu of construction. Electing to make the contribution in lieu of construction supplements Metro's annual sidewalk capital program by increasing sidewalk construction funds for areas surrounding this property, which is within one of Metro's sixteen pedestrian benefit zones. Staff finds no unique hardship for the property, as a sidewalk could be constructed on the site.

Given the factors above, staff recommends **disapproval. The applicant shall build sidewalks or contribute in-lieu of constructing sidewalks along the property frontages.**

Braisted, Sean (Codes)

From: Roberts, Mary Carolyn (Council Member)
Sent: Wednesday, August 15, 2018 4:18 PM
To: Michael, Jon (Codes)
Cc: Lifsey, Debbie (Codes)
Subject: RE: BZA Case No. 2018-316-439 W. Bend Drive

Jon Michael and Debbie,

The community and I are completely in opposition of this and I'm unable to attend tomorrow but would love for my recommendation to be read if needed.

Thank you,

Mary Carolyn Roberts
Metro Council, District 20
marycarolynroberts@gmail.com
www.marycarolynroberts.com
615-977-9262

From: Michael, Jon (Codes)
Sent: Wednesday, August 15, 2018 1:41 PM
To: 'Cleveland Bain'
Cc: Lifsey, Debbie (Codes); Roberts, Mary Carolyn (Council Member)
Subject: RE: BZA Case No. 2018-316-439 W. Bend Drive

Cleveland:

Because the case has already been deferred twice (from the 6/21 and 7/5 BZA dockets), you'll need to come make the motion for deferral to the Board. We can handle those administratively the first time, and in some instances a second. But as I'm sure you can appreciate, a third request a full 77 days past its originally scheduled date is something that the Board should decide.

Although you're welcome to file something in writing for the Board, I don't know that it's absolutely necessary. When your case is called, you can just make the motion and explain the request. Let me know if you need to discuss further. Otherwise, we'll see you at the Board meeting tomorrow.

JM.

From: Cleveland Bain [<mailto:cleveland@westnashvillelaw.com>]
Sent: Tuesday, August 14, 2018 5:47 PM
To: Michael, Jon (Codes); Lifsey, Debbie (Codes); Roberts, Mary Carolyn (Council Member)
Subject: RE: BZA Case No. 2018-316-439 W. Bend Drive

Attention: This email originated from a source external to Metro Government. Please exercise caution when opening any attachments or links from external sources.

JM,

I believe this case is on this week's docket, will you defer this until the next meeting please.

Thank you,
CB

--

CLEVELAND D. BAIN, Esq.

Attorney at Law

|
West Nashville Law Group

Office: 615.942.6812 | Facsimile: 615.383.7128

4800 Charlotte Avenue | Nashville, TN 37209 |

www.WestNashvilleLaw.com



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2018-318

Metropolitan Board of Zoning Appeals
Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210
615-862-6530



Appellant : Craig Lizar
Property Owner: Craig Lizar
Representative: Craig Lizar
Date: 5-9-18
Case #: 2018-318
Map & Parcel 052130B42400CO
Council District 15

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: To obtain a STRP permit.
Activity Type: Short Term Rental
Location: 3117 Penn Meade Way

This property is in the RS10 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: 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.

Section(s): 17.16.250(E)

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection A of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

P. David Lubert 5-9-18
Completed and witnessed, Date

Craig Lizar
Name (Please Print)

Signature

craiglizar@yahoo.com
Applicant's e-mail address

(850) 910-2068
Applicant's phone

3117 Penn Meade Way
Mailing Address
Nashville, TN 37214
City, State, Zip Code
(850) 910-2068
Phone Number

This will also serve as a receipt of (cash) (check) to partly compensate for the expenses under this appeal.

Appeal Fee: \$ 100.00



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



3500323

ZONING BOARD APPEAL / CAAZ - 2018002636
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 052130B42400CO

APPLICATION DATE: 05/09/2018

SITE ADDRESS:

3117 PENN MEADE WAY NASHVILLE, TN 37214

LOT 39 RIVER GLEN PHASE 6

PARCEL OWNER: LIZAR, CRAIG M.

CONTRACTOR:

APPLICANT:

PURPOSE:

5-9-18 Permit application is being generated to allow applicant to appeal to BZA for advertising/ operating a STR without a permit.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

DAVID BRILEY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS


METRO OFFICE BUILDING - 3rd FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS

POST OFFICE BOX 196300
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes

NOTICE

Pending your appeal of the denial of your application for a short term rental permit (STRP), you are prohibited from operating the STRP. Should you continue to advertise and/or operate the STRP at the subject property, the matter will be referred to Metro Legal for prosecution in Environmental Court.

 5/9/18

Rental Unit Record

**3117 Penn Meade Way, Nashville, TN
37214, USA**

Removed ✗
Identified ✓
Compliant ✓

PRINT

Airbnb - 23410958



Identified Address

3117 Penn Meade Way, Nashville, TN
37214, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.242253, -86.704274

Parcel Number

052130B42400

Owner Name

LIZAR, CRAIG M.

Owner Address

3117 Penn Meade Way
Nashville, TN 37214, US

Matched Details

Analyst A83X

Explanation

The front exterior of the rental property seen in Airbnb photo #1 (<http://take.ms/VBVgl>) matches the front exterior of the identified address (<http://take.ms/161IV>) seen from Streetview (<https://goo.gl/dFCS2V>).

Listing Photos

Matching 3rd Party Sources



=



Same front exterior

Zip Code Match

Owner Name Match

City Name Match

Timeline of Activity

View the series of events and documentation pertaining to this property

✗ Listing air23410958 Removed
April 12th, 2018

Listing Details

Listing URL	- https://www.airbnb.com/rooms/23410958
Listing Status	● Inactive
Host Compliance Listing ID	- air23410958
Listing Title	- Cozy House Close To Nashville
Listing Info Last Captured	- Apr 06, 2018
Screenshot Last Captured	- Apr 09, 2018
Price	- \$72/night
Cleaning Fee	- \$0

- ✔ Airbnb Letter: Delivered April 9th, 2018
- ✔ First Warning - No STR or Tax: Delivered April 9th, 2018
- ✔ First Warning - No STR or Tax: Sent April 2nd, 2018
- 1 Documented Stay March, 2018
- ✔ Airbnb Letter: Sent March 28th, 2018
- ✔ Listing air23410958 Identified March 19th, 2018
- ✳ Listing air23410958 First Crawled February 26th, 2018
- Listing air23410958 First Activity February 26th, 2018

Information Provided on Listing

Contact Name	- Craig
Latitude, Longitude	- 36.242475, -86.704815
Minimum Stay (# of Nights)	- 2
Max Sleeping Capacity (# of People)	- 4
Number of Reviews	- 1
Last Documented Stay	- 03/2018

Listing Screenshot History

[View Latest Listing Screenshot](#)

March 4

April 2

May 0

April 02, 2018 - 09:00AM America/Chicago



Search

Become a host Help Sign Up Log In
Apr 2, 2018 9:00am America/Chicago

24 Hours 10 Days



Image courtesy of the host

ENTIRE HOUSE

Cozy House Close To Nashville

Nashville



Craig

4 guests 2 bedrooms 2 beds 1 bath

2 Bedroom home 15 minutes from downtown Nashville. Home is 5 minutes from the Grand Ole Opry and The Opry Mills Mall. Only 10 minutes to the airport via Uber.

The space

Home has a 55 inch TV, Wifi, Wood Fireplace, closed in back yard, Kuerig machine, kitchen with fridge use and parking available. Home has a security alarm and key-less entry for easy access. Pet Friendly (no cats). Great for a family or business traveler.

Guest access

Full access to the house with the exception of the Master and the garage. Computer in house with printer for use as needed

Interaction with guests

I am sometimes around but work late nights often so I'm out of the way. I come and go through the garage and use nothing in the house. The fridge, bedrooms, living spaces are all yours as my things are confined in the garage. I make it a point to text first before I come to the house as to not surprise anyone and to let them know I will be there.

Other things to note

Food is less than 5 minutes away in any direction and UberEats delivers to the neighborhood.

From \$80 per night

Dates

Check In → Check Out

Guests

1 guest

Check Availability

Report this listing

Hide ^

Contact host

Amenities

- Free parking on premises
- Indoor fireplace
- Kitchen
- Breakfast
- Wifi
- Iron

Show all 21 amenities

Sleeping arrangements

Bedroom 1 1 queen bed	Bedroom 2 1 queen bed	Common spaces 1 single bed

House Rules

- No smoking
- No parties or events
- Check-in is anytime after 3PM
- Check out by 12PM (noon)

Dogs are great but no Cats please

You must also acknowledge

Some spaces are shared - Kitchen sometimes

Hide rules ^

Cancellations

Flexible

Cancel up to 24 hours before check in and get a full refund (minus service fees). Cancel within 24 hours of your trip and the fir...Read more

Get details

1 Review

Search reviews



Scott
March 2018



Craig's place is such a value over staying downtown. The wifi, the big tv, the amenities were all outstanding. We thoroughly enjoyed staying here.

Hosted by Craig

Nashville, Tennessee, United States · Joined in September 2017



★ 2 Reviews Verified

Laidback and chill

Response rate: 100%

Response time: within an hour

Contact host

Always communicate through Airbnb. To protect your payment, never

Always communicate through Airbnb - to protect your payment, never transfer money or communicate outside of the Airbnb website or app.
[Learn more](#)

The neighborhood

Craig's home is located in Nashville, Tennessee, United States.

Getting around

Car, Uber and Lyft

Hide ^

Things to do in Nashville

Exact location information is provided after a booking is confirmed.

Similar listings

From: Erin Oliver
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Zoning Appeal for 3117 Penn Meade Way Case 2018-318
Date: Tuesday, June 19, 2018 8:02:55 PM
Attachments: [ATT00001.txt](#)

Good evening:

Thank you for the below letter. The properties in my neighborhood are controlled by the Master Deed and By-Laws for River Glen, which restricts the STR (short term rentals) so the property owner mentioned below should not be granted a permit. Regardless, we are a very dense neighborhood with limited street parking so the comings and goings of potentially additional cars would add to the burden. Also, our homes are very close together so noise travels easily, something only long-term residents can truly appreciate, respect, and be held accountable to. STR's tend to attract large groups with sometimes multiple cars and individuals who do not always have an awareness of how their noise carries and disturbs the surrounding residents. In consideration of these points, especially our neighborhood's Master Deed and By-Laws, please do not grant the permit mentioned below. Please let me know if you need any additional information.

Thank you,
Erin Oliver
3204 Penn Meade Way

>

2018-318
OPPOSE

Lifsey, Debbie (Codes)

From: Pamela wilmoth <pamelafaymiller@msn.com>
Sent: Wednesday, June 13, 2018 9:05 PM
To: Board of Zoning Appeals (Codes)
Cc: Syracuse, Jeff (Council Member); Juanita Clancy; Pamela wilmoth
Subject: Appeal Case # 2018-318
Attachments: title 3117 PMW.pdf; Master Deed & By Laws.pdf; River Glen Rules Regulations - Final.pdf

Dear Board of Zoning,

RE: Appeal Case # 2018-318

The property at 3117 Penn Meade Way (owner Craig Lizar), is located in a subdivision that operates under a Horizontal Property Regime. Our Master Deed and By-Laws do not allow for short term rentals. I would like to submit the following documents to support the restrictions against a short-term rental at this address:

1) The property title for 3117 Penn Meade Way. You will notice in the description that the house is subject to the Horizontal Property Regime of River Glen under the Master Deed & By-Laws of Record In Book 7566, page 571.

2) The Master Deed & By-Laws for River Glen. The section that applies to short-term rentals is found on page 19 under (n) Lease. In this paragraph you will read that "no owner may....lease his unit for transient or hotel purposes."

3) The written Rules and Regulations for River Glen Subdivision, based on our governing document (Master Deed and By-Laws). Please see Section VII: Leases/Rentals. This states that no vacation/hotel rentals of property are allowed, no single room rentals are allowed, and no rentals of less than 30 days are allowed.

I believe this documentation is sufficient enough to deny the appeal and to not issue a short-term rental permit for this address. It is clear the applicant should not at any time be operating a short term rental based on property restrictions that are noted in his deed.

If you need additional information, please feel free to contact me.

Sincerely yours,
Pam Miller, President
River Glen Homeowners Association

Bill Garrett Davidson County
 Batch# 48821 DEEDWARR
 01/18/2018 10:35:30 AM 2 pgs
 Fees: \$13.00 Taxes: \$629.00
 20180118-0005229

WARRANTY DEED

STATE OF Tennessee
 COUNTY OF Williamson
 THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS \$170,000.00

ANGELA R. WINDHAM
 STATE OF TENNESSEE
 NOTARY PUBLIC
 WILLIAMSON COUNTY
 MY COMMISSION EXPIRES 01/18/2020

Um
 Affiant
 SO DESCRIBED AND SWORN TO BEFORE ME, THIS THE 18th day of January, 2018.

Notary Public
 MY COMMISSION EXPIRES: 1-11-2020
 (APPX SEAL)

THIS INSTRUMENT WAS PREPARED BY
 Steven P. Dizer, Attorney
 GREATER NASHVILLE TITLE & CLOSING CO.
 200 Madison St
 Madison, TN 37116

ADDRESS NEW OWNER(S) AS FOLLOWS:	SEND TAX BILLS TO:	MAP PARCEL NUMBER
<u>Craig Lizar</u> <small>(NAME)</small>	<u>Heritage Bank</u> <small>(NAME)</small>	062130B42400C0
<u>3117 Penn Meade Way</u> <small>(ADDRESS)</small>	<u>322 Main St.</u> <small>(ADDRESS)</small>	
<u>Nashville, TN 37214</u> <small>(CITY) (STATE) (ZIP)</small>	<u>Clarksville TN 37040</u> <small>(CITY) (STATE) (ZIP)</small>	

FOR AND CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEE, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, I, Brooke A. Miller, F/K/A Brooke A. Sharp A/K/A Brooke Arden Miller, a married woman, HEREINAFTER CALLED THE GRANTOR, HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO Craig M. Lizar, a single man, HEREINAFTER CALLED THE GRANTEE, HIS HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN Davidson COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

Land in Davidson County, Tennessee, BEING Lot 39 on the Plan of River Glen Phase 6, of record in Instrument No. 20080602-0082806 and a part of the Horizontal Property Regime of River Glen, a horizontal property regime created under a Master Deed and By-Laws of record in Book 7688, Page 671, Register's Office for Davidson County, Tennessee, to which River Glen Phase 6 is submitted by Declaration of Submission of Record as Instrument No. 20080718-0081132, Register's Office for Davidson County, Tennessee.

Being the same property conveyed to Brooke A. Sharp, unmarried, by Special Warranty Deed from NVR, Inc., a Virginia Corporation T/A Fox Ridge Homes, of record in instrument no. 20080705-0079845, Register's Office for Davidson County, Tennessee.

THIS CONVEYANCE IS MADE SUBJECT TO NOTES, EASEMENTS, BUILDING SETBACK LINES AND ALL MATTERS SET FORTH ON THE PLAN OF RIVER GLEN PHASE 6, OF RECORD IN INSTRUMENT NO. 20080602-0082806, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE; AND SUBJECT TO EASEMENT AND RESTRICTIONS OF RECORD AND EASEMENTS THAT WOULD BE MADE VISIBLE BY AN INSPECTION OF THE PREMISES.

This property is not now, nor has it ever been, the primary residence of the Grantor.

unimproved
 This is improved property, known as 3117 Penn Meade Way, Nashville, TN 37214
(House Number) (Street) (P.O. Address) (City or Town) (Postal Zip)

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEE, his heirs and assigns forever; and do covenant with the said GRANTEE that lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and do further covenant and bind, heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEE, his heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness my hand this 16th day of January, 2018.

Brooke A. Miller
Brooke A. Miller

STATE OF OREGON

COUNTY OF CLATSOP

On this 16th day of January, 2018, before me a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared Brooke A. Miller, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

WITNESS my hand and Notary Seal at office the day and year above written.

My Commission Expires:
12-26-2020

Dennis F. Bissonette
Notary Public,

Return To:

Greater Nashville Title and Closing Company
200 Madison Street
Madison, TN 37115



True Copy Certification

I, Trette Hethers, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document intended for registration herewith and that this is a true and correct copy of the original document executed and authorized according to law.

Trette Hethers
Signature

State of Tennessee
County of Williamson

Personally appeared before me, Angela R. Windham, a notary public for the State of Tennessee, Trette Hethers who acknowledges that this certification of an electronic document is true and correct as of whose signature I have witnessed.

Angela R. Windham
Notary Signature
My Commission Expires 4-11-2020



Box
50

BOOK 7566 PAGE 571

377.96

This instrument prepared by:
Stokes & Bartholomew, P.A.
424 Church Street
Suite 2600
Nashville, Tennessee 37219

IDENTIFICATION REFERENCE

MASTER DEED AND BYLAWS

JUN 9 11 24 AM '88

FOR

FELIX Z. WILSON IS REGISTER
DAVIDSON COUNTY, TN
279 36798 OLC2. JEDNECK

RIVER GLEN

350-01

A HORIZONTAL PROPERTY REGIME

THIS MASTER DEED, made and entered into by Julius Doochin, Trustee with full power to transfer, sell, convey, lease or mortgage, without joinder of beneficiary (hereinafter referred to as "Doochin") and CES Builders, Inc. (hereinafter referred to as "Developer");

WHEREAS, Developer is the owner of all of that certain real property with the exception of parcels 9, 10, 33, 34, 35, 36, 40, 41, 42 & 43 located in Davidson County, Tennessee, known as Phase One and Boundary Survey of River Glen Planned Unit Development, of record in Plat Book 6900, page 671, Register's Office for Davidson County, Tennessee, a copy of which is attached hereto as Exhibit A, which property has been approved for development under the provisions of a zoning overlay prepared in accordance with the Metropolitan Nashville and Davidson County Comprehensive Zoning Ordinance for Planned Unit Developments and is subject to the terms and conditions of that approval; and,

WHEREAS, Doochin is the owner of parcels 9, 10, 33, 34, 35, 36, 40, 41, 42, and 43 of Phase One and Boundary Survey of River Glen Planned Unit Development.

WHEREAS, Developer and Doochin presently plans to establish a horizontal property regime on said property to be known as River Glen; and,

WHEREAS, Developer and Doochin desire to submit Phase I of the parcel or tract of land, which Phase I is described on Exhibit B attached hereto, together with all buildings, structures, improvements and other permanent fixtures of whatsoever kind thereon, and all rights and privileges belonging or in anyway pertaining thereto (hereinafter called the "Property") to the provisions of the Horizontal Property Act of the State of Tennessee; and,

WHEREAS, Developer and Doochin, further desire to establish for their own benefit, and for the mutual benefit of all future owners or occupants of the Property or any part thereof, certain rights, easements and privileges in, over and upon the said premises, and certain mutually beneficial restrictions and obligations with respect to the proper use, conduct and maintenance thereof, for the purpose of enhancing and perfecting the value, desirability and attractiveness of the Property; and

WHEREAS, Developer may desire in the future to expand the horizontal property regime established hereby and submit additional tracts or parcels of land, together with all buildings, structures, improvements and other permanent fixtures of whatever kind thereon, and all rights and privileges belonging or in anyway pertaining thereto, to the provisions, rights, easements, privileges, restrictions and obligations of this Master Deed.

NOW, THEREFORE, Developer and Doochin declares as follows:

1. Definitions. As used herein, unless the context otherwise requires:

- (a) "Act" means the "Horizontal Property Act" of the State of Tennessee (Tennessee Code Annotated, Section 66-27-101, et. seq.), as the same may be from time to time amended.
- (b) "Association" means River Glen Homeowners' Association, a Tennessee not-for-profit corporation.
- (c) "Board" means the Board of Directors of River Glen Homeowners' Association.
- (d) "Building Envelope" means the shaded area delineated by lines within a Lot which is the intended building site for the separate, free-standing building of one or more floors designated and intended to be used as a single family residence which is to be located on said Lot. The lines delineating a Building Envelope are not lot lines, and the Building Envelope is not a subdivision lot, but is a portion of the Parcel, the boundaries of which are delineated on the Plan solely for purposes of establishing the air space upon the Parcel comprising the boundaries of a Unit as defined in paragraph (r) below.
- (e) "By-Laws" means the By-Laws of the Association attached hereto as Exhibit D and made a part hereof, as amended from time to time. For purposes of the Act, all provisions contained in the body of the Master Deed dealing with the administration and maintenance of the Property shall be deemed to be part of the By-Laws.
- (f) "Common Elements" mean all of the Property except for the Units, and, without limiting the generality of the foregoing, shall include the following:
 - (1) The Parcel;
 - (2) All roads, driveways, walkways, sidewalks, trails, paths, entrances and exits for ingress and egress to and from, over and across, the Parcel and to and from the Units;
 - (3) All utility lines, pipes, ducts, wiring and conduits (except those located within a Unit Building or attached to and serving exclusively a Unit Building);

- (4) Any common walls or fences;
- (5) Any recreational facilities existing on the Parcel for the common use and benefit of the Units Owners; and
- (6) Generally, any devices, improvements or installations existing on the Parcel, desirable or rationally of common use by the Unit Owners or necessary to the existence, upkeep and safety of the horizontal property regime established by this Master Deed.
- (g) "Master Deed" means this instrument by which the Property is submitted to the provisions of the Act, as hereinafter provided, and such Master Deed as amended from time to time.
- (h) "Developer" means Fix Ridge Company, a Tennessee limited partnership, its successors and assigns are designated in writing by Developer as a successor or assign of the rights of Developer set forth herein.
- (i) "Limited Common Elements" means all Common Elements contiguous to and serving exclusively a single Unit as an inseparable appurtenance thereto, the enjoyment, benefit or use of which is reserved exclusively to the lawful Occupants of such Unit either in this Master Deed, on the Plan, or by the Board, and, without limiting the generality of the foregoing, shall include all Common Elements located and situated within the boundaries of the Lot on which such Units is located as shown on the Plan.
- (j) "Lot" means that portion of the Parcel containing one Unit, the boundaries of which are delineated on the Plan, subject to such easements as are set forth elsewhere herein. A Lot herein is not the same as a subdivision lot, but is a portion of the Parcel, the boundaries of which are delineated on the Plan solely for purposes of establishing the Limited Common Elements contiguous to and serving exclusively the Unit located within the boundaries of the Lot.
- (k) "Occupant" means a person or persons in possession of a Unit, regardless of whether said person is a Unit Owner.
- (l) "Parcel" means the parcel or tract or real estate described on Exhibit "B", which is attached to this Master Deed and made a part hereof, and submitted hereby to the provisions of the Act, together with such other parcels or tracts or real estate as are submitted to this Master Deed and the provisions of the Act pursuant to the Developer's right to expand the horizontal property regime created hereby set forth in paragraph 32, below.
- (m) "Person" means a natural individual, corporation, partnership, trustee or other legal entity capable of holding title to real property.

- (n) "Plan" means the plan or survey of the Parcel submitted to this Master Deed and the provisions of the Act entitled Condominium Site Plan, Phase I, River Glen, of record in Plat Book _____, page _____, Register's Office for Davidson County, Tennessee, which shows the number and location of each Unit, and such other plans or surveys as are submitted to this Master Deed and the provisions of the Act pursuant to the Developer's right to expand the horizontal property regime created hereby as set forth in paragraph 32, below. A copy of the Plan, together with information as to the number, location, area and other data necessary for identification of each Unit, is attached hereto as Exhibit "C" and made a part hereof.
- (o) "Property" means all the land, property and space comprising the Parcel, and all improvements and structures erected, constructed or contained therein or thereon, including the Units and all easements, rights and appurtenances belonging to the Units, and also including all improvements, structures, fixtures, furnishings and equipment intended for the mutual use, benefit or enjoyment of Unit Owners, submitted to the provisions of the Act.
- (p) "Record or Recording" refers to the record or recording in the Register's Office for Davidson County, Tennessee.
- (q) "Rules and Regulations" refers to rules and regulations concerning the use of the Units and the Common Elements, as adopted from time to time by the Board in accordance with the Master Deed and By-Laws.
- (r) "Unit" means the separate free-standing building of one or more floors to be located and situated within the Building Envelope shown on each Lot, which is designated and intended for use and occupancy as a single-family residence, together with the air space upon the Parcel located within the boundaries of the Building Envelope and delineated for independent use adjacent to and in connection with such building, all of which is not owned in common with the Unit Owners of other Units. A building shall include, but not be limited to: the foundation, walls, floors, ceilings, roof, pipes, ducts, electrical wiring and conduits located entirely within the building or adjoining the building and serving only such building; separate furnace, air conditioner, and water heater located within the building, attached to the building and serving only such building; and balconies, porches, patios, carports, or garages located within the building or attached to the building and serving only such building; and, the air space encompassed by and located within the perimeter walls, floors and ceilings of the building. Any Unit may be jointly or commonly owned by more than one person. It is intended that the Term "Unit" as used in this Master Deed shall have the same meaning as the term "Apartment" as used in the Act.

(s) "Unit Owner" means the person or persons whose estates or interests, individually or collectively, aggregate fee simple ownership of a Unit and of the undivided percentage interest in the Common Elements appurtenant thereto, and shall be deemed the same as "co-owner" under the Act, but "Unit Owner" shall not mean the Mortgagee or Beneficiary of a recorded mortgage or deed of trust who holds a lien solely for security purposes and does not have possession of the Unit. Unless specifically provided otherwise herein, Developer shall be deemed a Unit Owner so long as it is the legal title holder of any Unit.

2. Submission of Property to the Act. Developer and Doochin, as the legal title holder in fee simple of the Parcel, do hereby submit and subject the Parcel and the Property to the provisions of the Horizontal Property Act of the State of Tennessee, and do hereby establish an expandable horizontal property regime to be known as River Glen.

3. Plan. The Plan sets forth the numbers, areas and location of each Unit and other data as required by the Act.

4. Units. Each Unit is numbered as shown on the Plan and the boundaries of each Unit shall be and are the boundaries of the Building Envelope shown on each Lot and a Unit includes the building located within, and the air space encompassed by, the Building Envelope; provided, however, that in the event of any encroachment outside of the Building Envelope and onto the adjoining Lot by the building as constructed by the Developer, the boundaries of the Unit of which such building is a part shall be extended to include that part of the building located within, and the air space encompassed by, such encroachment. The legal description of each Unit shall consist of the identifying number or symbol of each Unit as shown on the Plan. Every deed, lease, mortgage, deed of trust, or other instrument shall legally describe a Unit by its identifying number as shown on the Plan and every description shall be deemed good and sufficient for all purposes, as provided in the Act. Except as provided by the Act, no Unit Owner shall, by deed, plan, court decree or otherwise, subdivide or in any other manner cause his Unit to be separated into any tracts or parcels different from the whole Unit as shown on the Plan.

5. Association of Unit Owners and Administration and Operation of the Property.

(a) Homeowners' Association. There has been or will be formed an Association having the name "River Glen Homeowners' Association", a Tennessee not-for-profit corporation, which Association shall be the governing body for all Unit Owners, and shall be operated to provide for the maintenance, repair, replacement, administration, operation and care of the Property, as provided in the Act, this Master Deed and the By-Laws. The By-Laws for the Association shall be the By-Laws attached to this Master Deed as Exhibit D and made a part hereof. The Board of Directors of the Association shall be elected and serve in accordance with the provisions of the

By-Laws. The fiscal year of the Association shall be determined by the Board, and may be changed from time to time as the Board deems advisable. The Association shall not be deemed to be conducting a business of any kind. All activities undertaken by the Association shall be for the sole benefit of the Unit Owners, and all funds received by the Association shall be held and applied by it for the use and benefit of Unit Owners, in accordance with the provision of this Declaration and By-Laws. A Unit Owner's membership shall automatically terminate when he ceases to be a Unit Owner. Upon the conveyance or transfer of a Unit Owner's ownership interest to a new Unit Owner, the new Unit Owner shall simultaneously succeed to the former Unit Owner's membership in the Association.

- (b) **Voting Rights.** The Association shall have two (2) classes of voting membership:
- (i) **Class A.** Class A members shall be all unit owners, (including Doochin), with the exception of the Developer, and shall be entitled to one (1) vote for each Unit owned. When one person holds an ownership interest in any Unit, all such persons shall be members of the Association and the vote for such Unit shall be as they determine, but in no event shall more than one (1) vote be cast with respect to such Unit.
 - (ii) **Class B.** The Class B member shall be the Developer who shall be entitled to three (3) votes for each Unit owned; provided, however, that said Class B membership shall be converted to Class A membership not later than the earlier of (a) one hundred twenty (120) days after the date by which the Developer has conveyed and delivered deeds to seventy-five percent (75%) of the Units to Unit purchasers or (b) seven (7) years from the date of the first conveyance and delivery of a deed to a Unit by the Developer to a Unit purchaser. The Units owned by Doochin shall be deemed to constitute Units conveyed by Developer for purposes of this paragraph.
- (c) **Management of Property.** The Board shall have the authority to engage the services of an agent (herein sometimes referred to as the "Managing Agent") to maintain, repair, replace, administer and operate the Property, or any part thereof, to the extent deemed advisable by the Board, subject to the provisions of subparagraph (d) below. The Board shall require that such Managing Agent have fidelity bond coverage on its employees handling Association funds. The cost of such services shall be a common expense, as defined in paragraph 9, below.
- (d) **Initial Management Contract.** Prior to the appointment of the First Board as provided in the Bylaws, the Developer, on behalf

of the Association, may employ a management corporation to act as Managing Agent for the Property provided, however, that such contract may be terminated without penalty at any time, at will, upon not more than ninety (90) days' notice, and for cause at any time upon not more than thirty (30) days' notice to such Managing Agent.

- (e) Use by Developer. During the period of sale by Developer of any Units, Developer, and Developer's agents, employees, contractors and subcontractors, and their respective agents and employees, shall be entitled to access, ingress to and egress from the units and Property as may be required for purposes of sale of the Units. While Developer owns any of the Units, and until each Unit sold by it is occupied by the purchasers, Developer and its employees may use and show one or more of such unsold or unoccupied Units as a model Unit or Units and may use one or more of such unsold or unoccupied Units as a sales office, and may maintain customary signs in connection therewith.
- (f) Non-Liability of Directors, Board, Officers and Developer. To the extent permitted by law, neither the directors, the Board, officers of the Association, nor the Developer shall be personally liable to Unit Owners for any mistake of judgment or for any other acts or omissions of any nature whatsoever as such directors, Board, officers, or Developer except for any acts or omissions found by a court to constitute gross negligence or actual fraud. Unit Owners shall indemnify and hold harmless each of the directors, the Board, the officers, or the Developer, and their respective heirs, executors, administrators, successors and assigns in accordance with the provisions of Article VII of the By-Laws.

6. Ownership of the Common Elements. Each Unit is hereby allocated an undivided percentage interest in the Common Elements, which percentage shall be a fraction, the numerator of which is the number one and the denominator of which is the total number of Units shown on the Plan. Said ownership interest in the Common Elements shall be an undivided interest, and the Common Elements shall be owned by the Unit Owners as tenants in common in accordance with the percentage of interest allocated to each Unit. The percentage of interest in the Common Elements allocated to each Unit at the time of recordation of this Master Deed is as shown on Exhibit "E" attached hereto and made a part hereof. Except in the case of expansion of the horizontal property regime by the Developer as provided in paragraph 32, below, the assigned percentages of interest shall remain constant unless hereafter changed by recorded amendment to this Master Deed consented to in writing by Unit Owners in accordance with paragraph 20 hereof. The ownership of a Unit shall not be conveyed separate from the undivided ownership in the Common Elements appurtenant to such Unit. The undivided interest in the Common Elements appurtenant to any Unit shall be deemed conveyed or encumbered with that Unit, even though the legal description in the instrument conveying or encumbering such Unit may refer only to the fee title to that Unit.

7. Use of the Common Elements; Exclusive Use of Limited Common Elements. Each Unit Owner shall have the right and easement to use the Common Elements (except the Limited Common Elements and portions of the Property subject to leases made by or assigned to the Board) in common with all other Unit Owners, as may be required for the purposes of access, ingress to, egress from, use, occupancy and enjoyment of the respective Unit owned by such Unit Owner. Such right to use the Common Elements shall extend not only to each Unit Owner, but also to his agent, servants, tenants, family members, customers, invitees and licensees. Each Unit Owner shall have the sole and exclusive right and easement to the use and possession of the Limited Common Elements contiguous to and serving such Unit alone for purposes of access, ingress to, egress from, use, occupancy and enjoyment of such Unit; except that as to any privacy fences built and placed by the Developer, or by the adjoining Unit Owners, on a dividing line between Limited Common Elements, the right and easement of use and enjoyment for such shall be shared between the Unit Owners served by such privacy fences. Such rights to use the Common Elements and the Limited Common Elements, shall be subject to and governed by the provisions of the Act, Master Deed, By-Laws, and rules and regulations of the Association. In addition, the Association shall have the authority to lease, grant concessions or grant easements with respect to parts of the Common Elements, subject to the provisions of this Master Deed and By-Laws. All income derived by the Association for leases, concessions or other sources shall be held and used for the benefit of the members of the Association, pursuant to such rules, resolutions and regulations as the Board may adopt or prescribe.

8. Board's Determination Binding. In the event of any dispute or disagreement between any Unit Owners relating to the Property, or any questions of interpretation or application of the provisions of the Master Deed or Bylaws, the determination thereof by the Board shall be final and binding on each and all such Unit Owners.

9. Assessment by the Association for Expenses; Reserve Fund. Each Unit Owner, by acceptance of a deed therefor is deemed to covenant and shall pay his proportionate share of the expense of the administration and operation of the Common Elements and of any other expenses incurred in conformance with this Master Deed and By-Laws (which expenses are herein sometimes referred to as "common expenses") including but not limited to, the maintenance and repair of the Common Elements and any and all replacements and additions thereto. Except for its responsibilities as a Unit Owner, as provided herein, Developer shall not have any responsibility for the maintenance, repair or replacement of any part of the Common Elements after the date the Master Deed is recorded; provided, however, in the event Developer expends any of its own funds for the repair, replacement or maintenance of any of the Common Elements, Developer shall be entitled to a credit for such sums against any common expenses Developer might be required to pay by virtue of being a Unit Owner. Except as to Units owned by the Developer, commencing with the date of ownership of his Unit, each Unit Owner shall be responsible for paying common expenses in the same proportion as his percentage of ownership in the Common Elements. As the Units owned by the Developer, the assessments shall commence as to each Unit when said Unit is completed and ready for occupancy. Assessments for the payment of common expenses shall be in such amounts and shall be payable at

any such times as determined in the manner provided in the By-Laws. No Unit Owner, including Doochin, shall be exempt from payment of his proportionate share of the common expenses by waiver or nonuse or enjoyment of the Common Elements or Limited Common Elements or by abandonment of his Unit. If any Unit Owner shall fail to make such payment of assessments for common expenses when due, the amount thereof, together with any reasonable late charge established by the Board and together with interest at the rate of ten percent (10%) per annum, and costs and reasonable attorney's fees, after said assessments become due and payable, shall constitute a continuing lien on the Unit against which the assessment is made, as provided in the Act. Each Unit Owner shall be personally liable for his portion of each assessment made while he is the owner of a Unit. The Association may bring an action at law against the Unit Owner personally obligated to pay the same, or foreclose the lien against the Unit and there shall be added to the amount of such assessment the costs, including reasonable attorneys fees, of bringing such action or foreclosure. Except as provided herein, the lien for non-payment of common expenses shall not be affected by any sale or transfer of the Unit.

An adequate reserve fund for the maintenance, repair and replacement of items to be maintained, repaired or replaced by the Association pursuant to this Master Deed and the Bylaws shall be established and funded by the regular monthly assessments. In order to assist the funding and establishment of this reserve fund, two (2) months' monthly assessments, to be held in said reserve fund, shall be collected at the closing of the purchase of a Unit.

10. Mortgages; Mortgage and Deed of Trust Protection. Each Unit Owner shall have the right, subject to the provisions herein, to mortgage his Unit together with his respective ownership interest in the Common Elements. No Unit Owner shall have the right or authority to make or create, or cause to be made or created, from the date hereof, any mortgage deed of trust or other lien on or affecting the Property or any part thereof, except to the extent of his own Unit and its respective percentage interest in the Common Elements.

The lien for assessments payable by a Unit Owner shall be subordinate to the lien of a recorded first mortgage or deed of trust on the interest of such Unit Owner, except for the amount of the proportionate share of common expenses which become due and payable from and after the date on which the mortgagee or beneficiary thereunder either takes possession of the Unit encumbered thereby, accepts a conveyance of any interest therein (other than as security) or forecloses its Mortgage or Deed of Trust. This paragraph shall not be amended, changed, modified or rescinded without the prior written consent of all mortgages and beneficiaries of record.

11. Separate Real Estate Taxes. Real estate taxes shall be separately taxed to each Unit Owner for his Unit and his corresponding percentage interest in the the Common Elements, as provided in the Act. In the event that such taxes for any year are not separately taxes to each Unit Owner, but rather are taxed on the Property as a whole, then each Unit Owner shall pay his proportionate share thereof in accordance with his respective percentage of ownership interest in the Common Elements, and, in said event, such taxes shall be a common expense.

12. Association Insurance. The Board shall obtain insurance for the Common Elements (exclusive of the Limited Common Elements) against loss or damage by fire vandalism, malicious mischief and such other hazards as are covered under standard extended coverage provisions, for the full insurable replacement cost of the Common Elements (exclusive of the Limited Common Elements), and against such other hazards and for such amounts as the Board may deem advisable. Insurable replacement cost shall be deemed the cost of restoring the Common Elements (exclusive of the Limited Common Elements), or any part thereof, to substantially the same condition in which they existed prior to damage or destruction. Such insurance shall comply with all applicable insurance laws and shall at a minimum be in an amount at least equal to that which is commonly required by prudent institutional investors in the area. Such insurance coverage shall be written in the name of, and the proceeds thereof shall be payable to, the Board, as the trustee for the Unit Owners in proportion to the Unit Owners' respective percentages of ownership in the Common Elements, as set forth in this Master Deed, and for the holders of mortgages on the Units, if any, and shall include a standard mortgage clause or equivalent endorsement. The policy of insurance shall provide that it may not be cancelled or substantially modified without at least ten (10) days' written notice to the Association and each of the mortgagees listed in the book entitled "Mortgages of Units" as must be established pursuant to the By-Laws. The policy of insurance shall be a "blanket" or "master" type of policy and should also contain a Special Condominium Endorsement including a waiver of subrogation rights by the insurer against the Unit Owners. The premiums for such insurance shall be a common expense. However, at the option of the Board, and upon written notice to all Unit Owners, premiums for such insurance shall be separately billed to Unit Owners based upon their respective percentages of ownership in the Common Elements.

In the event of damage to or destruction of any of the Common Elements (exclusive of the Limited Common Elements) as a result of fire or other casualty covered by insurance proceeds the Board shall, in its sole and absolute discretion, determine and without intervention of any Unit Owner arrange for the prompt repair and restoration of the damaged portions of the Common Elements substantially in accordance with the original plans and specifications therefor. Where the insurance indemnity is insufficient to cover the cost of such repairs and restoration, the deficit shall be paid by all Unit Owners with each Unit Owner to bear a proportion thereof based upon his percentage of ownership in the Common Elements.

The Board shall also obtain comprehensive public liability insurance, in such amounts as it deems desirable, which shall be at least \$1,000,000 for bodily injury, including deaths of persons and property damage arising out of a single occurrence, and workmen's compensation insurance and other liability insurance in such amount as it deems desirable, insuring the Developer, the Association, its members, officers, directors and employees, and the Managing Agent, if any, from liability in connection with the Common Elements and the rights, duties and responsibilities of the Association under this Master Deed, the Bylaws or the Act. The premiums for such insurance shall be a common expense. The policy shall provide that it may not be cancelled or substantially modified without at least ten (10) days' written notice to the Association and each of the mortgagees listed in the book entitled "Mortgages

of Units" as must be established pursuant to the By-Laws. However, at the option of the Board, and upon written notice to all Unit Owners, premiums for such insurance shall be separately billed to each Unit Owner with each Unit Owner to bear a proportion thereof based upon his percentage of ownership in the Common Elements. The Board shall retain in safekeeping any such public liability policy for six (6) years after the expiration date of the policy.

The Board shall also obtain fidelity coverage covering officers, directors, and employees who handle or are responsible for handling Association funds. Such coverage shall be in such amounts as the Board in its best business judgment may determine, but in no event less than the greater of (i) three (3) months' aggregate assessments on all Units, plus reserve funds, or (ii) the estimated maximum of funds, including reserve funds, in the custody of the Association, or the Managing Agent, as the case may be, at any given time during the term of each bond, and shall contain waivers of any defense based upon the exclusion of persons serving without compensation. The fidelity coverage policy shall provide that it may not be cancelled or substantially modified without at least ten (10) days' written notice to the Association and each of the mortgagees listed in the book entitled "Mortgages of Units" as must be established pursuant to the By-Laws.

The Board shall also obtain such other insurance as it deems desirable, in such amounts, from such sources and in such forms as it deems desirable, insuring the Common Elements and each member of the Board and officer of the Association, and each member of any committee appointed pursuant to the By-Laws of the Association, and each member of any committee appointed pursuant to the By-Laws of the Association, from liability arising from the fact that said person is or was a director or officer of the Association, or a member of such a committee. The premiums for such insurance and bonds shall be a common expense.

All insurance obtained by the Board shall provide that there may be named as an insured, on behalf of the Association, the Association's authorized representative who shall have exclusive right to negotiate settlements and to perform such other functions as necessary to accomplish this purpose. The Association or its authorized representative shall act as attorney-in-fact for each Unit Owner under each policy obtained by the Board for all purposes and to the extent permitted by law.

13. Unit Owner Insurance. Each Unit Owner shall obtain insurance for the Limited Common Elements attributable to his Unit against loss or damage by fire, vandalism, malicious mischief and such other hazards as are covered under standard extended coverage provisions for the full insurable replacement cost thereof. Insurable replacement cost shall be deemed to be the cost of restoring the Limited Common Elements or any part thereof to substantially the same condition in which they existed prior to damage or destruction. Such insurance coverage shall be written in the name of, and the proceeds thereof shall be payable to, each Unit Owner and the holders of deeds of trust on his Unit, if any. The policy of insurance should also contain, if possible, a waiver of subrogation rights by the insurer against individual Unit Owners. The premiums for such insurance shall be an individual expense of each Unit Owner and in the event such Unit Owner shall fail to obtain such insurance,

the Association shall have the right, but not the duty, at his option, to obtain such insurance, the cost of which shall be added to and become a part of the assessment to which such Unit shall be subject under this Master Deed and Bylaws.

In the event of damage to or destruction of any Limited Common Elements as a result of fire or other casualty covered by insurance proceeds, each directly affected Unit Owner shall arrange for the prompt repair and restoration of the damaged portions of such Limited Common Elements substantially in accordance with the original plans and specifications therefor. Where the insurance indemnity is insufficient to cover the cost of such repairs and restoration, the deficit shall be paid by all Unit Owners directly affected by the damage. In the event of a dispute as to which Unit Owners are directly affected by the damage, the Board shall have the power, in its sole discretion, to determine which Unit Owners are affected and such determination by the Board shall be binding upon such Unit Owners.

Each Unit Owner shall be responsible for obtaining his own insurance for loss or damage by fire, vandalism, malicious mischief, casualty or other hazards for his Unit and the contents of his Unit, as well as his additions and improvements thereto, decorations, furnishings and personal property therein, and any personal property stored elsewhere on the Property. In addition, each Unit Owner shall be responsible for obtaining his own insurance insuring said Unit Owner personally from liability in connection with the ownership, possession, use and occupancy of his Unit and the Limited Common Elements attributable to his Unit, such insurance shall not be the responsibility of the Association and, by acceptance of a deed to a Unit, each Unit Owner acknowledges that such insurance is and shall be the sole responsibility of said Unit Owner.

In the event of damage or destruction to any Unit, each Unit Owner agrees as follows:

(a) In the event of total destruction, the Unit Owner shall promptly clear the Lot of debris and leave the same in a neat and orderly condition until such time as said Unit Owner might elect to rebuild and reconstruct the Unit. Any such rebuilding or reconstruction shall be accomplished in conformity with the plans and specifications of the original structure so destroyed, subject to any changes or modifications as approved by the architectural control committee provided for in paragraph 16, below. In the event the Unit Owner shall not clear the Lot of debris and leave the same in a neat and orderly condition within sixty (60) days of such destruction, the Association shall have the right to promptly clear the Lot of debris and leave the same in a neat and orderly condition, the cost and expense for which shall be borne by the Unit Owner and shall be a lien upon said Unit.

(b) In the case of partial damage or destruction, the Unit Owner shall as promptly as insurance adjustment may be made cause the damage or destruction to be repaired or restored in a first-class condition in accordance with the plans and specifications of the original structure and in conformity with its original exterior painting and decor. Any change or alteration must be approved by the architectural control committee. In no

event, shall any damaged structure be left unrepaired and unrestored for in excess of sixty (60) days. If so, the Association shall have the right, but not the duty, to promptly clear the Lot of debris and leave the same in a neat and orderly condition, the cost and expense for which shall be borne by the Unit Owner and shall be a lien upon said Unit.

14. Maintenance, Repairs and Replacements; Use of Assessments. Each Unit Owner, at his own expense, shall furnish and be responsible for all maintenance of, repairs to and replacements within his own Unit and all maintenance of, repairs to and replacements of all the Limited Common Elements attributable to his Unit, including but not limited to all walkways, driveways, drainage facilities, utility service pipes or lines or other improvements. Each Unit Owner shall maintain his Unit and the Limited Common Elements attributable to that Unit in good order and repair, including but not limited to the seeding, watering and mowing the lawn, the pruning and cutting of all trees and shrubbery, and the painting (or other appropriate external care) of his Unit, in a manner and with such frequency as is consistent with good property management. The cost of reasonable repair and maintenance of a privacy fence built and placed by the Developer, or by adjoining Unit Owners, on a dividing line between Limited Common Elements shall be shared by the Unit Owners served by such privacy fence. At the discretion of the Board, the Board may direct Unit Owners who stand to be benefitted by such maintenance of, repairs to, and replacements within the Limited Common Elements to arrange for such maintenance, repairs and replacements in the name and for the account of such benefitted Unit Owners and pay the cost thereof with their own funds. Upon request by the Board, each Unit Owner shall procure and deliver to the Board such lien waivers and contractor's and subcontractor's sworn statements as may be required to protect the property from all mechanics' or materialmen's lien claims that may arise therefrom. If any Unit Owner fails to maintain, repair or replace any items required herein to be maintained, repaired or replaced by said Unit Owner, then the Association shall have the right, but not the duty, at its option, to carry out such maintenance, repair or replacement, the cost of which shall be added to and become a part of the assessment to which such Unit shall be subject under this Master Deed and the Bylaws.

The Association shall be responsible for, and the assessments levied by the Association shall be used:

- (a) To promote the recreation, health, safety, and welfare of the Unit Owners;
- (b) To provide for the maintenance, repair and replacement of, and additions to the Common Elements (exclusive of the Limited Common Elements) including but not limited to drainage facilities, lawn maintenance, walkways, driveways, sidewalks, landscaping, and recreational facilities;
- (c) To provide, in the Board's discretion, supplemental maintenance to the unpaved portions of the dedicated roads and rights-of-way as shown on any Plan in the form of landscaping, mowing and beautification, sidewalk maintenance, which supplemental maintenance

shall be over and above that standard of maintenance rendered by the Metropolitan Government of Nashville and Davidson County, Tennessee but which shall not be deemed to include any paving, curbing or other roadbed maintenance;

(d) To pay the fees of any management agent the Association may employ to manage the affairs of the Association; and

(e) To pay such other reasonable and necessary expenses of the Association required or reasonably related to the carrying out of the rights, duties and responsibilities of the Association as provided by this Master Deed, the Bylaws or the Act.

If, due to the act or reflect of a Unit Owner, or of his agent, servant, tenant, family member, invitee, licensee or household pet, damage shall be caused to the Common Elements or to a Unit or Units owned by others, or maintenance, repairs or replacements are required which would otherwise be a common expense, then such Unit Owner shall pay for such damage or such maintenance, repairs and replacement, as may be determined by the Board, to the extent not covered by the Association's insurance.

The authorized representatives of the Association, the Board, or of the Managing Agent with approval of the Board, shall be entitled to reasonable access to the Limited Common Elements as may be required in connection with the preservation of the Limited Common Elements in the event of an emergency, or in connection with the maintenance of, repairs to, or replacement of the Common Elements, Limited Common Elements, or any equipment, facilities or fixtures affecting or serving other Units, Common Elements and Limited Common Elements, or to make any alteration required by any governmental authority.

15. Alterations, Additions or Improvements to Common Elements. No alterations of any Common Elements (other than Limited Common Elements), or any additions or improvements thereto, shall be made by any Unit Owner without the prior written approval of the Board. The Board may authorize and charge as common expenses alterations, additions, and improvements of the Common Elements as provided in the By-Laws.

16. Alterations, Additions or Improvements to Units and Limited Common Elements; Architectural Control. No building, fence, wall, outside antenna, satellite dish or other structure or improvement shall be commenced, erected or maintained upon a Unit or any Limited Common Element; nor shall any Unit Owner alter or add to the drives, walkways, sidewalks, drainage facilities or other improvements installed by the Developer or the Association within the Limited Common Elements; nor shall any Unit Owner alter or add to the plantings, shrubbery or other landscaping installed by the Developer or the Association within the Limited Common Elements (ordinary lawn maintenance excepted); nor shall any Unit Owner alter or add to his building and appurtenances to his Building (ordinary exterior maintenance and interior decorations excepted) if such alteration or addition would change the external appearance of the Unit and appurtenances as installed by the Developer on the Building; until plans and specifications showing the nature, kind, shape, height, materials, and location of the same or the exterior paint color

thereof, have been submitted to and approved in writing as to harmony of external design, location and color in relation to surrounding improvements, structures and topography by the Board of Directors of the Association or by an architectural committee composed of three (3) or more representatives appointed by said Board of Directors. Construction, installation, alterations or additions which must be approved as provided herein include, by way of illustration and not limitation, moving or altering a privacy fence, changing exterior lighting, building a swimming pool, garage or gazebo, planting shrubs, trees or other plants, changing the location of driveways or walkways, or changing or altering the landscaping.

In the event said Board of Directors, or its designated architectural committee, fails to approve or disapprove such construction, installation, alteration or addition within thirty (30) days after said plans and specifications have been submitted to it and the Unit Owner has received a written receipt reflecting such submission to said Board of Directors or architectural committee, approval will not be required and this paragraph 16 will be deemed to have been fully complied with.

Work done by the Developer on the Property shall not be subject to the provisions of this paragraph 16.

Notwithstanding anything to the contrary set forth elsewhere in this Master Deed, the Association shall not be responsible for the maintenance, repair and replacement of any construction, installation, alterations or additions not made in compliance with the provisions of this paragraph.

17. Easements.

(a) Easements for installation and maintenance of public and private utilities and drainage facilities are reserved as shown on the Plan and as otherwise shown by public records. Within these easements, no structure, plant or other materials shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction or flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area within the Limited Common Elements and all improvements in it shall be maintained continuously by the Unit Owner to which such Limited Common Elements are attributable, except for those improvements for which a public authority or utility company is responsible. A right of access by way of a driveway or open lawn area shall also be granted across the Limited Common Elements, from the front Lot line to the rear Lot line, to any private or public utility having an installation in the easement.

(b) An easement is reserved to the Developer to enter the Common Elements (including the Limited Common Elements) during the period of construction and sale of the Property in order to maintain such facilities and perform such operations as in the sole opinion of Developer may be reasonably required, convenient or incidental to the construction of residences, including, without limitation, a business office, sales office, storage area, construction yards, signs and model Units, and thereafter in order to make any

necessary repairs to improvements on the Property which Developer may deem necessary.

(c) In accordance with the specifications of the governmental body or agency having jurisdiction over the construction of public roads, the right is hereby expressly reserved to the Developer to construct all streets, roads, alleys, or the public ways as now, or hereafter may be shown on any plan at such grades or elevations as Developer in its sole discretion may deem proper; and for the purpose of construction such streets, roads, alleys or public ways, Developer additionally shall have an easement, not exceeding ten feet in width, upon and along the Common Elements (including the Limited Common Elements) for the construction of proper bank slopes and no Unit Owner shall have any right of action or claim for damages against anyone on account of the grade or elevation at which such road, street, alley or public way may hereafter be constructed, or on account of the bank slopes constructed within the limits of said ten foot easement. It shall be obligatory upon all Unit Owners to construct or place any driveways, culverts or other structures, or gradings, which are within the limits of any dedicated roadways, in strict accordance with specifications therefore, as set forth on any plan, in order that the roads or streets which may be affected by such placement or construction may not be disqualified for acceptance into the road system of the local government having jurisdiction over such roadways.

(d) Each Lot shall be subject to, and there is hereby reserved, an easement along zero lot line of said Lot for such encroachments onto said Lot created by the construction, settling and overhangs of the building on the adjoining Lot as constructed by the Developer, and any permissible repairs, construction, or alteration thereto. Each Lot shall be subject to, and there is hereby reserved, an easement of ten (10) feet in width along the zero lot line of said Lot for the use and benefit of the adjoining Unit Owner, the Developer or the Association, as the case may be, for the purpose of construction, maintenance, repair or replacement of the Unit on the adjoining Lot that is contiguous to the zero lot line of said Lot.

(e) The Limited Common Elements shall be subject to, and there is hereby reserved, for the use and benefit of the Association, a right and easement to enter onto the Limited Common Elements for the purpose of maintaining, repairing and replacing the lawn and all trees, shrubs, plants, walks, drives, drainage facilities and other landscaping and improvements which make up a part of the Limited Common Elements in the event any Unit Owner shall fail to maintain said Limited Common Elements.

(f) In the event any Unit Owner shall fail to maintain his Unit in such a manner as provided by this Master Deed and Bylaws, upon approval by two-thirds vote of the Board, the Association shall have a right and easement, through its agents and employees, to enter upon said Unit and to repair, maintain and restore the Unit and the exterior of the building which is a part of said Unit. The cost of such exterior maintenance shall be added to and become a part of the assessment to which such Unit is subject under this Master Deed and Bylaws.

18. Use and Occupancy Restrictions; Leases. The following restrictions on the use and occupancy of the Property, or any part thereof, are made a part of this Master Deed, to which Unit Owner shall be subject:

(a) Land Use and Building Type. No Unit shall be used except for residential purposes; provided, however, this shall not preclude the temporary use of a Unit by the Developer, its successors or assigns, for a showcase model Unit or a temporary real estate sales office.

(b) Nuisances. No noxious or offensive activities shall be carried on or in any Unit, the Limited Common Elements, or any of the Property or any public street shown on a Plan, nor shall anything be done thereon, which may be or may become an annoyance or nuisance to the neighborhood.

(c) Temporary and Incomplete Structures. No temporary structure or incomplete structure may be used on the Property at any time temporarily or permanently, as a residence. Specifically, no tent, shack, outbuilding, barn, camper, mobile home, motor home, basement, or dwelling not substantially completed may be used. Provided, however, that this shall not serve to prohibit the Developer, its successors or assigns, from maintaining a temporary structure for the purposes of a sales and/or construction office during development of and construction on the Property.

(d) Signs. Except for signs provided by the Developer or the Association, no signs of any kind shall be displayed to the public view on the Property, except professionally lettered builders or realtors signs in good taste and not exceeding eighteen (18) inches x twenty-four (24) inches in size which must be displayed from inside a building through its windows.

(e) Livestock and Poultry. No animals, livestock or poultry of any kind shall be raised, bred or kept on the Property, except that dogs, cats or other household pets may be kept provided they are confined to the Units, of their owners, or the Limited Common Elements attributable thereto, by lease or fence; provided that such dogs, cats or other household pets are not kept, bred or maintained for any commercial purposes and further provided they are not kept in such numbers as to become a nuisance.

(f) Garbage and Refuse Disposal. The Property shall not be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition and shall be concealed under ground or screened from the view of neighbors or the public.

(g) Clothes lines. Clothes lines will be permitted only if located behind a Unit and provided they are completely hidden by a masonry or wood wall.

(h) Vehicles. Junk vehicles, inoperable vehicles, unlicensed vehicles not for immediate use, or vehicles of any kind in disrepair, may not be kept or parked on the Property or any public street. Moreover, no Unit Owner shall permit any motor vehicles ((operable or inoperable) owned by such Unit Owner, or by any person occupying his Unit or by any person on his premises as guest or invitee) to remain parked on the public streets for more than forty-eight (48) hours. Vehicles may not be assembled, disassembled or serviced on the Property or any public street unless completely hidden from public view. No mobile home, bus, truck of over one ton, tractor/trailer rig (separate or in combination), or house trailer may be parked or stored on the Property or any public street. No boat, trailer, camper or recreational vehicle shall be kept, stored or parked on any public street for more than forty-eight (48) hours.

(i) Water Supply; Sewerage Disposal. No Unit shall be occupied and used unless the same shall be connected with, and served with, water and sewerage from the water and sanitary sewer supply mains provided for the Property.

(j) Sight Distance at Intersection. On corner Lots adjoining two streets, no fence, wall, hedge, planting or structure between a height of two and one-half feet and ten feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by the Lot lines abutting such street and a straight line joining such Lot lines at points that are ten feet distant from the intersection thereof as measured thereon. In the case of a rounded corner at intersecting streets, such measurements shall be made from the point of intersection of the tangents of the curb constituting the rounding. On any Unit having a driveway, no fence, wall, hedge, planting or structure between a height of two and one-half feet and ten feet above the centerline grades of the adjoining street and the driveway shall be erected, placed, or maintained within the triangular area formed by the Lot line abutting the adjoining street and the driveway and the straight line adjoining such Lot line and driveway at points that are ten feet distant from the point of intersection thereof as measured thereon. In the case of a rounded corner at the intersection of a street and driveway, such measurement shall be made from the point of intersection of the tangents of the curve constituting a rounding.

(k) Common Elements. The Common Elements shall be used only by Unit Owners and their agents, servants, tenants, family members, customers, invitees and licensees for access, ingress to and egress from their respective Units and for such other purposes incidental to the use of the Units; provided, however, recreational facilities and other areas designed for a specific use shall be used for the purposes approved by the Board. The use, maintenance and operation of the Common Elements shall not be obstructed, damaged or unreasonably interfered with by any Unit Owner, and shall be subject to any lease, concession, or easement, presently in existence or entered into by the Board or the Developer at such future time, affecting any part or all of said Common Elements.

(l) Building Walls. No Unit Owner shall have the right to attach or affix anything to, or to in any manner make use of, any portion of the building located on an adjoining Lot, notwithstanding that said building may be contiguous to the zero lot line of such Unit Owner's Lot or may encroach onto such Unit Owner's Lot.

(m) Easement Obstruction. No Unit Owner shall cause or permit any structure, trees, shrubs, plants or other materials or improvements to be placed on the Limited Common Elements attributable to his Unit within the easement reserved under paragraph 17(d) above that will obstruct, interfere with or prevent the adjoining Unit Owner, the Developer, or the Association, as the case may be, from making use of such easement for the purposes for which it is reserved, or that will interfere with the quiet use and enjoyment by the adjoining Unit Owner of his Unit, or that might affect the health and safety of the adjoining Unit Owner. The cost of removal of such structure, trees, shrubs, plants or other materials or improvements shall be the responsibility and obligation of the Unit Owner on whose Limited Common Elements they exist. In the event of the failure or refusal of such Unit Owner to effect such removal, the Association may effect such removal, the cost of which shall be added to and become a part of the assessment to which the Unit Owned by such Unit Owner shall be subject under this Master Deed and the Bylaws.

(n) Lease. No Unit, or interest therein, shall be leased by a Unit Owner except by a written lease. The Lessee under such lease shall be bound by and subject to all of the obligations under this Master Deed and Bylaws of the Unit Owner making such lease and the lease shall expressly so provide. Failure to comply with the Master Deed and Bylaws shall be a default under such lease. No Unit Owner may lease less than the entire Unit, nor lease his Unit for transient or hotel purposes. A copy of all such leases shall be furnished to the Board. No lease shall have an initial term of less than thirty (30) days.

19. Remedies.

(a) In the event of any violation of the provisions of the Act, this Master Deed, By-Laws, or rules and regulations of the Association by any Unit Owner (either by his own conduct or by the conduct of any Occupant of his Unit), the Association, or its successors or assigns, and any other Unit Owner aggrieved thereby, including the Developer, shall have each and all of the rights and remedies which may be provided for in the Act, this Master Deed, By-Laws, or said rules and regulations, or which may be available at law or in equity, and may prosecute an action or other proceeding against such defaulting Unit Owner and/or others for enforcement of any lien and the appointment of a receiver for the Unit and ownership interest of such Unit Owner, or for damages or injunction or specific performance, or for judgment for payment of money and collection thereof, or the right to take possession of the Unit and to seal the same as provided hereinafter in this paragraph 19, or for any combination of remedies, or for any other relief. All expenses of the Board in connection with any such actions or proceedings, including court costs and attorney's fees and other fees and expenses and all damages, liquidated or otherwise, together with interest thereon at the rate of ten

percent (10%) per annum or such other uniform lawful rate as the Board shall determine, until paid, shall be charged to and assessed against such defaulting Unit Owner, and shall be added to and deemed part of his respective share of the common expenses, and the Board shall have a lien for all of the same, as well as for nonpayment of common expenses, upon the Unit, and its percentage interest in the Common Elements, of such defaulting Unit Owner and upon all of his additions and improvements thereto and upon all of his personal property in his Unit or located elsewhere on the Property; provided, however, that such lien shall be subordinate to the lien of a recorded first mortgage or deed of trust on the Unit, to the extent hereinabove set forth in paragraph 10 hereof. In the event of any such default by any Unit Owner, the Board and the Manager or Managing Agent, if so authorized by the Board, shall have the authority to correct such default, and to do whatever may be necessary for such purpose and all expenses in connection herewith shall be charged to and assessed against such defaulting Unit Owner. Any and all such rights and remedies may be exercised at any time and from time to time, cumulatively or otherwise, by the Board. This paragraph shall be not amended, changed, modified or rescinded without the prior consent of all holders of record of mortgage and deed of trust liens against the Units.

The violation of any restriction or condition or regulation adopted by the Board or the breach of any covenant or provision herein contained, shall give the Board the right, in addition to any other rights provided for in this Master Deed: (a) to enter (either peaceably or forceably without liability to such Unit Owner for such entry) upon the Unit or the Limited Common Elements, or any portion of the Property upon which or as to which such violation or breach exists, and to summarily abate and remove, at the expense of the defaulting Unit Owner(s), any structure, thing or condition that may exist thereon contrary to the intent and meaning of the provisions hereof, and the Board, or its employees or agents, shall not thereby be deemed guilty in any manner of trespass; or (b) to enjoin, abate or remedy by appropriate legal proceedings, either at law or in equity, the continuance of any breach; or (c) to take possession (either peaceably or forceably without liability to such Unit Owner for such entry) of such Unit Owner's interest in the Property and to maintain an action for possession of such Unit in the manner provided by law.

If any Unit Owner (either by his own conduct or by the conduct of any other Occupant of his Unit) shall violate the Act, or any of the covenants or restrictions or provisions of this Master Deed, the By-Laws, or the Rules and Regulations adopted by the Board, and if such default or violation shall continue for ten (10) days after notice to the Unit Owner in writing from the Board or shall occur repeatedly during any ten (10) day period after such written notice or request to cure such violation from the Board, then the Board shall have the power to issue to said defaulting Unit Owner a notice in writing terminating the right of said defaulting Owner to continue as a Unit Owner and to continue to occupy, use, or control his Unit, and thereupon an action in equity may be filed by the Board against said defaulting Unit Owner for a decree of mandatory injunction against such defaulting Unit Owner or Occupant, or in the alternative, for a control the Unit owned by him on account of said violation, and ordering that all the right, title and interest of said defaulting Unit Owner in the Project shall be sold (subject to the

lien of any existing deed of trust or mortgage) at a judicial sale upon such notice and terms as the court shall determine, except that the court shall enjoin and restrain the said defaulting Unit Owner from reacquiring his interest at such judicial sale. The proceeds of any such judicial sale shall first be paid to discharge court costs, court reporter charges, reasonable attorney's fees and all other expenses of the proceeding and sale, and all such items shall be taxes against said defaulting Unit Owner in said decree. Any balance of proceeds, after satisfaction of such charges and any unpaid assessments hereunder, or any liens, shall be paid to said defaulting Unit Owner. Upon the confirmation of such sale, the purchaser shall thereupon be entitled to a deed to the Unit and the Unit Owner's corresponding percentage of ownership in the Common Elements, and to immediate possession of the Unit sold and may apply to the court for a writ of assistance for the purpose of acquiring such possession, and it shall be a condition of any such sale, and the decree shall so provide, that the purchaser shall take the interest in the Unit Ownership sold subject to this Master Deed.

In the event of any violation of the provisions of the Act, this Master Deed, By-Laws, or rules and regulations of the Association by the Association itself or the Board, any Unit Owner aggrieved thereby shall have all rights and remedies provided for in the Act, the Master Deed, By-Laws, or said rules and regulations, or which may be available at law or in equity.

The failure by the Board, or its successors or assigns, or any Unit Owner, including the Developer, to enforce any covenant or restriction, or Rule and Regulation, provided in or by this Master Deed, the Bylaws or the Act shall in no event be deemed a waiver of the right to do so thereafter.

(b) In the event that the Association, or any successor organization, shall at any time fail to maintain the Common Elements in a reasonable order and condition in accordance with the adopted Master Development Plan for RIVER GLEN approved by the Planning Commission for the Metropolitan Government of Nashville and Davidson County, Tennessee ("Metro"), the zoning administrator for Metro may serve written notice upon such organization and/or the Unit Owners and hold a public hearing. If such deficiencies and maintenance of the Common Elements in question are not corrected within thirty (30) days, then the zoning administrator shall have the right to call upon any public or private agency to maintain the Common Elements in question for a period of one (1) year. Thereafter, if the zoning administrator determines that such organization is not prepared for the maintenance of the Common Elements in question, such agency shall continue maintenance for yearly periods. The cost of such maintenance by such agency shall be assessed proportionately against the Units that have the responsibility for such maintenance of the Common Elements in question and shall become a lien on said Unit.

20. Amendment. Except in the case of expansion of this horizontal property regime provided for in paragraph 32, below, the provisions of this Master Deed may only be amended by an instrument in writing, setting forth such amendment, signed by Unit Owners owing not less than seventy-five percent (75%) of the Units; provided, however, that all lien holders of record have been notified by certified mail of such amendment, and an affidavit by the

Secretary of the Association certifying to such mailing is made a part of such instrument. Except in the case of expansion of this horizontal property regime provided for in paragraph 32, above, in addition to the foregoing approval by Unit Owners:

(i) in the case of any amendment to this Master Deed described in paragraph 25(a)(i), below, the approval of at least fifty-one percent (51%) of the first mortgagees who have requested notice under paragraph 26(2), below, is required for any such amendment, and

(ii) in the case of any amendment to this Master Deed which would change the pro rata interest or obligations of any Unit for the reasons set forth in paragraph 25(c)(i), below, such approval by first mortgagees of Units as is set forth in paragraph 26(c), below, is required for any such amendment.

Any notice requesting the approval of any proposed amendment by any mortgage required under subparagraphs (i) and (ii) above shall advise the mortgagee that the failure of the mortgagee to respond within thirty (30) days of the date of such notice shall be deemed to be the approval of the proposed amendment by said mortgagee. The failure of any mortgagee to whom such notice is given to respond within said thirty (30) day period shall be deemed to be the approval of the proposed amendment by said mortgagee for purposes of subparagraphs (i) and (ii) above.

However, if the Act, this Master Deed or the By-Laws require the consent or agreement of all Unit Owners of all lien holders for any action specified in the Act or in this Master Deed, then any instrument amending any provision of this Master Deed with respect to such action shall be signed by all Unit Owners or all lien holder or both as required by the Act or this Master Deed.

Any amendment shall be effective upon the recording of such instrument in the Register's Office of Davidson County, Tennessee; provided, however, that no provisions in this Master Deed may be amended so as to conflict with the provisions of the Act.

21. Perpetuities and Restraints on Alienation: If any of the options, privileges, covenants or rights created by the Master Deed shall be unlawful, void or voidable for violation of the rule against perpetuities, then such provision shall continue only until twenty-one (21) years after the death of the survivor of the now living descendants of the President of the United States, Ronald E. Reagan.

22. Rights and Obligations. Each grantee of a Unit, by the acceptance of a deed of conveyance, accepts the same subject to all restrictions, conditions, covenants, reservations, liens and charges, and the jurisdiction, rights and powers created or reserved by this Master Deed. All present and future Unit Owners and Occupants shall be subject to and shall comply with the provisions of this Master Deed. Any restrictions or rules in the By-Laws which are more than administrative in nature such as, but not limited to, reservations and future rights of Developer, are hereby incorporated into and made a part of this Master Deed by reference. All restrictions, conditions,

covenants, reservations, liens, charges, rights, benefits and privileges hereby imposed shall be deemed and taken to be covenants running with the land, and shall bind any person having at any time any interest or estate in said land, and shall be binding upon and inure to the benefit of such person in like manner as though the provisions of this Master Deed were recited and stipulated at length in each and every deed of conveyance or contract for conveyance.

All present and Future Unit Owners and Occupants of a Unit shall be subject to, and shall comply with, the provisions of the By-Laws appended hereto and recorded herewith, pursuant to Tennessee Code Annotated, Section 66-27-111, as they may be amended from time to time. The acceptance of a deed of conveyance, devise, or lease to a Unit, or the entering into occupancy of any Unit, shall constitute an agreement that the provisions of the By-Laws, and any Rules and Regulations promulgated thereunder, as they may be amended from time to time, are assumed, accepted and ratified by such Unit Owner or Occupant, and all of such provisions shall be deemed and taken to be covenants running with the land and shall bind any person having at any time any interest or estate in such Unit, as though such provisions were recited and stipulated at length in each and every deed, conveyance or lease thereof.

The terms and conditions of the Master Deed, By-Laws, and Rules and Regulations of the Association may be incorporated by reference in, and become part of, the agreement between any first mortgagee and any present or future Unit Owner who enters into such an agreement with a first mortgagee. When so incorporated, any default in the terms and conditions of this Master Deed, By-Laws, and Rules and Regulations may be considered by the first mortgagee as a default, whereupon said first mortgagee, after exercising its option to declare a default, shall then have all of the right and privileges arising as a result of a default under its agreement with said Unit Owner.

23. Condemnation. In the event of a taking in condemnation or by eminent domain of part of the Common Elements in condemnation or by eminent domain, the award made for such taking shall be payable to the Association. Such payments shall be administered in accordance with paragraph 25(c)(ii) below.

24. Rights Reserved. Any Unit Owner's right of enjoyment in the Common Elements, including the Limited Common Elements attributable to his Unit, shall be subject to:

- (a) The right of the Association, as provided in its By-Laws or Rules and Regulations to suspend the enjoyment right of any member for any period during which any assessment remains unpaid, and for such period as it considers appropriate for any infraction of its published Rules and Regulations;
- (b) The right of the Association to charge reasonable fees for the use of any part or parts of the Common Elements;
- (c) The right of the Association to diminish in any way or to dedicate or transfer all or any part of the Common Elements to

any public agency or authority for such purposes and subject to such conditions as may be agreed to by the members entitled to vote thereon, provided that no such diminution or dedication or transfer or determination as to the purposes or as to the conditions thereof, shall be effective unless members of the Association entitled to cast ninety percent (90%) of the total votes of the Association have agreed to such dedication, transfer, purpose, or condition;

- (d) The right of Developer, at its sole expense, to relocate, expand, modify, reduce, or extend existing driveways, parking areas and year, and to construct, expend, enlarge or relocate sewers, utility lines or service connections, in order to serve the existing Units; and
- (e) The right of the Association to grant such easements and rights-of-way to such utility companies or public agencies or authorities as it shall deem necessary for the proper servicing and maintenance of the Common Elements and the Units.
- (f) The right of the Developer to submit Additional Property to this Master Deed as provided in paragraph 32, below, without the consent of any Unit Owner or mortgagee or beneficiary.
- (g) The right of the Developer to subject the whole Property to such cross easements for access and utilities as may be necessary, or as may be required by the Metropolitan Government of Nashville and Davidson County, to serve the existing Property and Additional Property upon the submission of Additional Property to this Master Deed as provided in paragraph 32, below.

25. Governmental Regulations. Notwithstanding anything to the contrary in the Master Deed or in the By-Laws of the Association, all terms, conditions, regulations, and requirements which are now existing, or which may be amended from time to time by the Veterans Administration ("VA") pertaining to condominiums, are hereby incorporated as terms and conditions of this Master Deed and By-Laws and such shall be governing upon the Project, Developer, and the Association, as long as such terms or conditions are not inconsistent with the laws of the State of Tennessee as found in Tennessee Code Annotated Section 66-27-101, et seq., as amended.

Specifically, without limitation upon the foregoing, the following declarations shall be controlling over any terms of this Master Deed or By-Laws which are in conflict therewith. Any portions of this Master Deed or By-Laws which are in conflict with this paragraph, or any portion of the regulations of the VA pertaining to condominiums, are hereby deleted and the following rights of mortgagees are itemized as follows:

- (a) In addition to the rights herein granted, a first mortgage of a Unit upon written request to the Association (which request

shall state the name and address of such mortgagee and the Unit number) shall be entitled to timely written notice of:

- (i) Any proposed amendment of this Master Deed effecting a change in (a) the boundaries of any Unit or the exclusive easement rights appertaining thereto, (b) the interests in the Common Elements or Limited Common Elements or the liability for common expenses appertaining thereto, (c) the vote in the Association of any Unit, or (d) the purposes to which any Unit or the Common Elements are restricted;
 - (ii) Any proposed termination of this Master Deed and/or the horizontal property regime created under this Master Deed;
 - (iii) Any condemnation loss or any casualty loss which affects a material portion of the Project or any Unit in which such first mortgagee has an interest;
 - (iv) Any delinquency in or default (including any delinquency in the payment of assessments or charges owed) by the mortgagor of such Unit in the performance of such mortgagor's obligations under this Master Deed, By-Laws or condominium documents which is not cured within thirty (30) days;
 - (v) Any lapse, cancellation, or material modification of any insurance policy maintained by the Association.
- (b) Any first mortgagee of a Unit who comes into possession of the Unit pursuant to the remedies provided in the mortgage, or deed of trust, or by foreclosure of the mortgage or deed of trust, or by deed in lieu of foreclosure, shall take the Unit free of any claims for unpaid assessments or charges against the mortgaged Unit which accrue prior to the time such holder comes into possession of the Unit (except for claims for a pro rata share of such assessments or charges resulting from a pro rata reallocation of such assessments or charges to all Units including the mortgaged Unit).
- (c) Unless at least seventy-five percent (75%) of the first mortgagees (based upon one (1) vote for each mortgage owned) of Units have given their prior written approval, the Association shall not be entitled to:
- (1) change the pro rata interest or obligations of any Unit for (a) purposes of levying assessments or charges or allocating distributions of hazard insurance proceeds or condemnation awards, and for (b) determining the pro rata share of each Unit in appurtenant real estate and any improvements thereon, which are owned by Unit Owners in undivided pro rata interests ("Common Elements");

- (ii) use hazard insurance or partial condemnation proceeds for losses to the Project (whether to Units or Common Elements) for other than the repair, replacement, or reconstruction of such improvements, except as provided by Tennessee Code Annotated Section 66-27-118, in case of substantial loss to the Units and/or Common Elements;
- (iii) terminate this Master Deed and/or the horizontal property regime created under this Master Deed.
- (d) First mortgagees shall have the right to examine the books and records of the Association. First mortgagees shall also have the right to require annual reports and other financial data within ninety (90) days of the fiscal year of the Association. Upon request, first mortgagees shall have the right to receive written notice of all meetings of the Association and be permitted to designate a representative to attend all such sessions.
- (e) An adequate reserve fund for the maintenance, repair and replacement of Common Elements will be established and funded by regular monthly payments rather than by special assessments.
- (f) As set forth in Tennessee Code Annotated Section 66-27-120, all taxes, assessments, and charges which may become liens prior to the first mortgage under the laws of the State of Tennessee shall relate only to the Unit and not to the Property as a whole.
- (g) No Unit Owner, or any other party, shall have priority over any rights of the first mortgagees of Units in the case of a distribution to Unit Owners of insurance proceeds or condemnation awards for losses to or a taking of Units and/or Common Elements.
- (h) Any agreement for professional management of the Property, whether it be by Developer, its successors and assigns, or any other person or entity, may be terminated on ninety (90) days' written notice, and for cause upon thirty (30) days' notice, and the terms of any such contract shall so provide and shall not be of a duration in excess of one (1) year. Prior written approval of each institutional first mortgage shall be required in the event of any decision to terminate professional management and assume self-management of the Association.
- (i) The Association shall give to each institutional first mortgagee notice in writing of any loss to or the taking of Common Elements if such loss or taking exceed Ten Thousand (\$10,000.00) Dollars. The Association may rely upon the information contained in the book entitled "Mortgages of Units" as must be established pursuant to the By-Laws, for a list of mortgagees to be notified hereby.

- (j) The interest of a first mortgagee in a mortgaged Unit shall be superior to the interests of any other person, group, partnership, corporation or entity of any kind, including any interest the Association, Developer, or any other Unit Owner may have in any portion of the Property, regardless of the nature of the interest or the manner in which it is acquired.
- (k) Notwithstanding the above, any first mortgagee shall have all of the rights granted to a first mortgagee herein, and in addition shall have all of the rights granted to an institutional first mortgagee under its deed if trust, and under the laws of the State of Tennessee.

26. Trustee as Unit Owner. In the event title to any Unit is conveyed to a land title-holding trust, under the terms of which all power of management, operation and control of the Unit remain vested in the trust beneficiary or beneficiaries, then the beneficiaries thereunder shall be considered Unit Owners for all purposes and they shall be responsible for payment of all obligations, liens, or indebtedness and for the performance of all agreements, covenants and undertakings chargeable or created under this Master Deed against such Unit. No claim shall be made against any such title-holding trustee personally for payment of any lien or obligation hereunder created, and the trustee shall not be obligated to sequester funds or trust property to apply in whole or in part against such lien or obligation. The amount of any such lien or obligation shall continue to be a charge or lien upon the Unit and the beneficiaries of such trust, notwithstanding any transfer of the beneficial interest of any such trust or any transfer of title to such Unit.

27. Right of First Refusal. The Association shall in no event have any right of first refusal to purchase any Unit and no Unit Owner nor the Developer shall have the right to encumber any Unit to any right of first refusal or similar limitation on the sale, conveyance or transfer of any Unit.

28. Notices. Notices provided for in the Act, Master Deed or By-Laws shall be in writing, and shall be addressed to the Association or any Unit Owner, as the case may be, at 6115 Maryland Way, Brentwood, Tennessee, 37027, or at such other address as hereinafter provided. The Association may designate a different address or addresses for notices to it by giving written notice of such change of address to all Unit Owners. Any Unit Owner may designate a different address for notices to him by giving written notice to the Association. Notices addressed as above shall be deemed delivered when mailed by United States registered or certified mail, or when delivered in person with written acknowledgement of the receipt thereof.

Upon written request to the Board, the holder of any recorded mortgage or trust deed encumbering any Unit shall be given a copy of all notices permitted or required by this Master Deed to be given to the Owner or Owners whose Unit is subject to such mortgage or trust deed.

29. Severability. If any provision of this Master Deed or By-Laws, or any section, sentence, clause, phrase, word, or the application thereof in any

circumstance, is held invalid, the validity of the remainder of this Master Deed and the By-Laws and of the application of any such provision, section, sentence, clause, phrase or word in any other circumstances shall not be affected thereby, and the remainder of this Master Deed or the By-Laws shall be construed as if such invalid part was never included therein.

30. Captions. The captions herein are inserted only as a matter of convenience, and in no way define, limit, or describe the scope of these provisions or the intent of any provision hereof.

31. Gender. The use of the masculine gender in this Master Deed and in the By-Laws shall be deemed to include the feminine gender, and the use of the singular shall be deemed to include the plural whenever the context so requires.

32. Developer's Right to Expand the Horizontal Property Regime. Developer hereby explicitly reserves until the seventh anniversary of the recordation of this Master Deed the right, without the consent of any Unit owner or any mortgagee or beneficiary of any mortgage or deed of trust on any Unit, to from time to time expand the horizontal property regime created by this Master Deed by submitting to this Master Deed additional Property within the area shown and described on Exhibit "F" attached hereto and made a part hereof (the "Additional Property"); provided, however, that such expansion is in accord with the Master Development Plan of River Glen as approved by the VA. This right to expand the horizontal property regime created hereby may be terminated prior to such anniversary only upon the filing by Developer of an amendment to this Master Deed terminating said option and right. Developer expressly reserves the right and option to add any or all portions of the Additional Property at any time, at different times, in any order, without limitation; provided, however, that any Additional Property so added shall not exceed the area shown and described on Exhibit "F" attached hereto and made a part hereof. There are no other limitations on the right of Developer to expand the horizontal property regime except as expressed in the Act, this paragraph or by rules and regulations imposed by the VA.

Developer makes no assurances as to the total number of Units which may result from the exercise of Developer's right to expand the horizontal property regime provided by this paragraph except that: (i) the maximum number of Units within this horizontal property regime as a result of the right of expansion provided for herein shall be four hundred and forty (440) Units, which will give each Unit Owner a minimum percentage interest in the Common Elements, which percentage shall be a fraction, the numerator of which is the number one and the denominator of which is the number 440, or 1/440, and (ii) the minimum number of Units in the horizontal property regime created by this Master Deed shall be forty-five (45) Units, which will give each Unit Owner a maximum percentage of interest in Common Elements, which percentage shall be a fraction, the numerator of which is the number one and the denominator of which is the number forty-five (45) or 1/45.

At such time as the horizontal property regime created by this Master Deed is expanded pursuant to the provisions of this paragraph, the percentage of interest in the Common Elements allocated to each Unit shall be reallocated

at that time in accordance with paragraph 6, above, and each Unit Owner's proportionate share of the expense of administration and operation of the Common Elements, and of any other expenses incurred in conformance with this Master Deed and Bylaws, shall be reallocated to reflect the reallocation of his percentage of ownership in the Common Elements. Each Unit Owner, including the Developer, shall be entitled to the voting rights set forth in paragraph (6)(b) above, resulting from such expansion, and the number of votes in the Association shall be increased as a result of the additional Units. The Common Elements of any Property at the time covered by this Master Deed shall inure to the benefit of the Unit Owners of any additional Units which may become subjected to this Master Deed pursuant to this paragraph, and the Common Elements of any Additional Property shall inure to the benefit of the Unit Owners recorded earlier, each to enjoy the Common Elements of the other and to have and to hold the same as if each Unit had been developed and subjected to this Master Deed simultaneously, subject to each Unit Owner's exclusive right and easement of use and possession in and to the Limited Common Elements contiguous to and serving exclusively that Unit.

Developer makes no assurances as to the buildings, including any Units, which will be a part of the Additional Property of their location within the area added, except that any improvements on the Additional Property shall be consistent with the initial improvements in this horizontal property regime in terms of quality of construction. Developer expressly reserves the right to create Limited Common Elements on the Additional Property and to designate Common Elements therein which may be subsequently assigned as Limited Common Elements. Developer makes no assurances as to type, size or maximum number of such Common Elements or Limited Common Elements.

Developer makes no assurances that any or all of the area shown and described on Exhibit "F" will be added to the horizontal property regime created by this Master Deed. In the event that Developer shall not add any of the area shown and described on Exhibit "F" to the horizontal property regime created by this Master Deed, as to such area Developer shall have, and does hereby reserve for itself and any future owners of such property, the right to construct any improvements it desires on said property and to use and operate said property in any manner it deems desirable, without restriction, it being the intent of this paragraph to in any way restrict Developer's right to use, convey, lease, encumber or otherwise deal with all or any portion of the area shown and described on Exhibit "F" not submitted to this Master Deed.

Any Additional Property added to the horizontal property regime created by this Master Deed shall be submitted to and become bound by this Master Deed upon the recording of a document by the Developer subjecting such Additional Property to the provisions of this Master Deed.

33. VA Approval. Except for the right to expand the horizontal property regime provided in paragraph 32 above, the horizontal regime created hereby may not be merged with a successor horizontal property regime without the written approval of the VA. Additionally, for so long as there is a Class B membership with respect to voting rights, the prior approval of the VA shall be required for any amendments to this Master Deed or Bylaws, except for

BOOK 7566 PAGE 630

amendments made by Developer in connection with its right of expansion under paragraph 32, above.

IN WITNESS WHEREOF, Developer and Doochin executed this Master Deed this
27 day of May, 1988.

Julius Doochin
JULIUS DOOCHIN, Trustee

CAS BUILDERS, INC.

By: Alphonse H. Casin
Title: President

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Robert H. [unclear], with whom I am personally acquainted and who, upon oath, acknowledged himself to be the President of C&S Builders, Inc., the bargainer, a Tennessee corporation, and that he as such President, being authorized so to do, executed the within instrument for the purposes therein contained by signing the name of the Corporation, by himself as such President.

WITNESS my hand and official seal at Nashville, TN, this 27 day of May, 1988.

Arne H. McKnight
NOTARY PUBLIC

My commission expires: Jan. 11, 1992



STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, JULIUS DOOCHIN, ^{as} TRUSTEE, with whom I am personally acquainted, the bargainer, executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at Nashville Tennessee, this 27th day of May, 1988.

Suzanne C. Pugh
NOTARY PUBLIC

My commission expires: 1-9-91

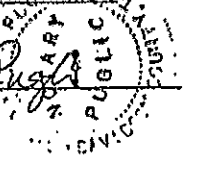


EXHIBIT A (continued)

OWNER'S CERTIFICATE

I, JULIUS DOOCHIN, owner of the above described property, do hereby certify that the same is the same property as that described in the original plat of the subdivision and that the same has not been altered, changed, or otherwise affected in any manner since the date of the original plat of the subdivision.

Dated this 11th day of August, 1958.

Julius Doochin
 By _____

RECORDED

RECORDED IN BOOK 7566 PAGE 603

RECORDED IN BOOK 7566 PAGE 603

RECORDED IN BOOK 7566 PAGE 603

RIVER GLEN PLANNED UNIT DEVELOPMENT

SECTION 1

1. The total area of the above described property is 6.251 acres.

2. The above described property is being subdivided into lots, as shown on the attached plat.

3. The lots are to be used for residential purposes only.

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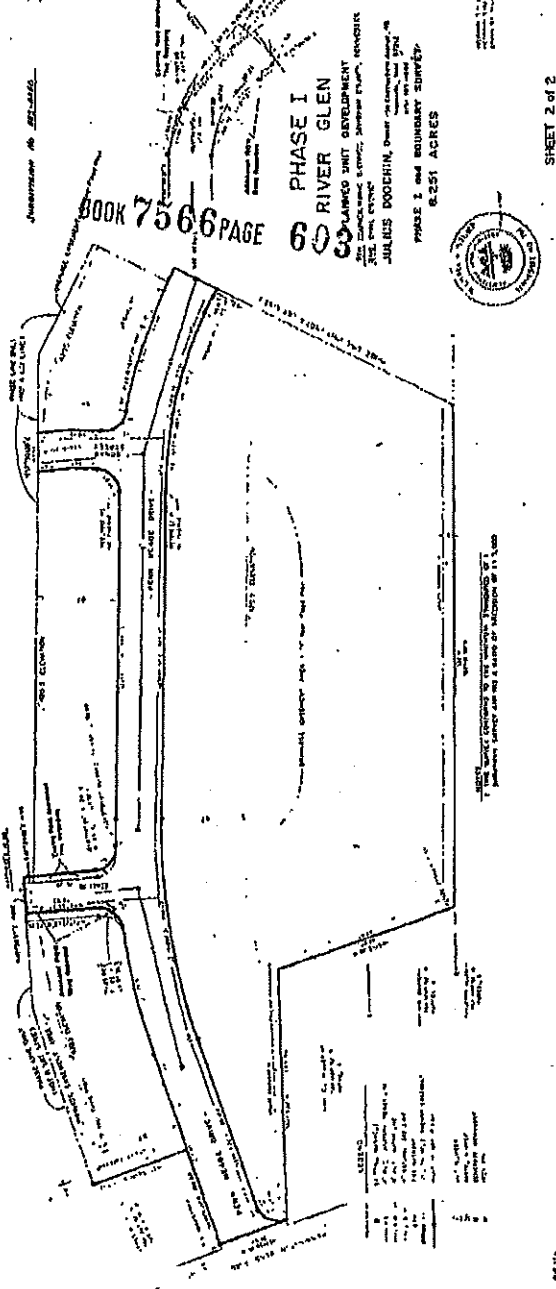
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RECORDER'S MARK:
 Copying in Whole, Type or Part in This
 Document Unlawful When Recorded.

EXHIBIT B

BOOK 7566 PAGE 604

LEGAL DESCRIPTION RIVER GLEN - PHASE ONE

A tract of land in the Second Civil District of Metropolitan Nashville - Davidson County, Tennessee. Being more particularly described as follows:

Beginning at an iron pin on the north right-of-way line of Pennington Bend Road, said iron pin being the southwest property corner of C. L. Miller, et ux Tax Map 52-13 Parcel 3;

Thence, with said right-of-way N57°56'20"W a distance of 76.23' to an iron pin, a common corner with the James P. Stevens' property, Tax Map 52-13 Parcels 75-87;

Thence, Leaving said right-of-way with Stevens' east line N33°09'00"E a distance of 113.88' to an iron pin;

Thence, N57°56'00"W a distance of 107.82' to an iron pin;

Thence, leaving Stevens' boundary along a new line N33°09'00"E a distance of 196.67' to an iron pin;

Thence, N47°36'57"E a distance of 134.23' to an iron pin;

Thence, S42°23'03"E a distance of 11.39' to an iron pin;

Thence, N52°50'00"E a distance of 538.15' to an iron pin;

Thence, N78°40'06"E a distance of 97.97' to an iron pin;

Thence, S11°19'54"E a distance of 88.82' to an iron pin;

Thence, with a curve to the left having a central angle of 16°33'18" and a radius of 331.72' a distance of 43.99' to an iron pin;

Thence, N78°40'06"E a distance of 10.00' to an iron pin;

Thence, S11°19'54"E a distance of 332.41' to an iron pin, said iron pin being in the north boundary line of the Jerry Allen property, Tax Map 52-13 Parcel 5;

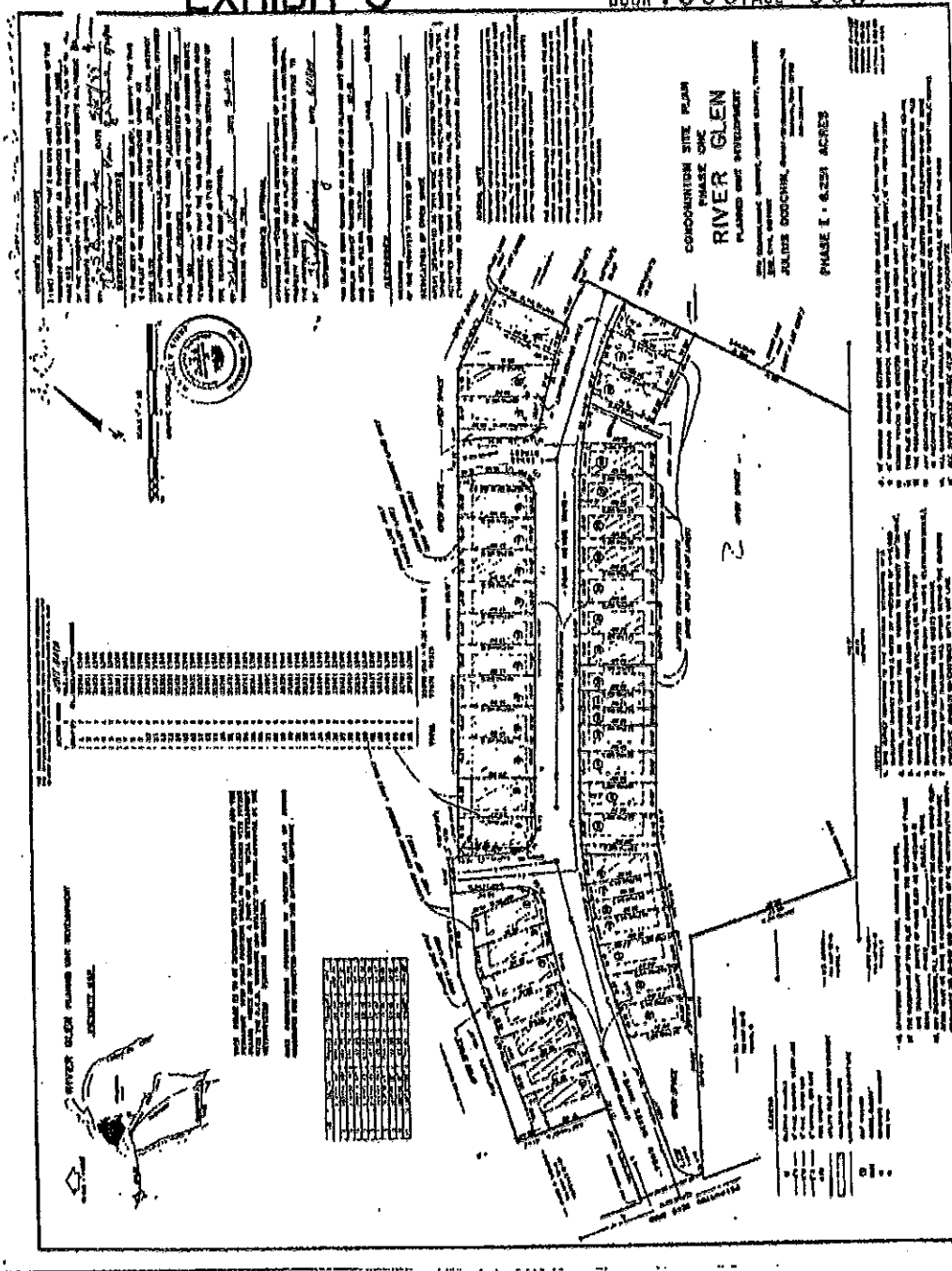
Thence, with Allen's north line S52°02'20"W a distance of 532.51' to an iron pin, said iron pin being a common corner with the M. B. Sawyer property, Tax Map 52-13 Parcel 4;

Thence, with Sawyer's east line and continuing on to the east line of the C. L. Miller property, Tax Map 52-13 Parcel 3, N36°39'00"W a distance of 199.97' to an iron pin;

Thence, S50°15'00"W a distance of 274.87' to the point of beginning and containing 359,413.56 square feet or 8.251 acres more or less.

EXHIBIT C

BOOK 7566 PAGE 605



RECORDED IN THE
OFFICE OF THE COUNTY CLERK
ALBANY, NEW YORK
ON 6/28/2010 AT 9:13:56 AM

EXHIBIT "D"
TO MASTER DEED
FOR RIVER GLEN

BY-LAWS OF RIVER GLEN
HOMEOWNERS' ASSOCIATION

ARTICLE I

Members
(Unit Owners)

Section 1. Eligibility. The Members of River Glen Homeowners' Association, a Tennessee not-for-profit corporation, shall consist of the Unit Owners of the horizontal property regime known as River Glen Located in Nashville, Tennessee (the "Property"), which has been submitted to and is subject to the Horizontal Property Act of the State of Tennessee (the "Act"). If a Unit Owner is a trust, then the member shall be a beneficiary of such trust, and if a Unit Owner or such a beneficiary is a corporation or partnership, the member may be an officer, partner or employee of such Unit Owner or beneficiary.

Section 2. Succession. The membership of each Unit Owner shall terminate when he ceases to be a Unit Owner, and upon the sale, transfer or other disposition of his ownership interest in the Property, his membership in the Association shall automatically be transferred to the new Unit Owner succeeding to such ownership interest.

Section 3. Regular Meetings. The first regular annual meeting of Unit Owners (the "First Meeting") shall be held, not less than one (1) year after Developer has conveyed and delivered the deed for the First Unit which it sells subsequent to the date hereof. Subsequent to the First Meeting, there shall be a regular annual meeting of Unit Owners held each year within fifteen (15) days of the anniversary of the First Meeting. All such meetings of Unit Owners shall be held at such place in Davidson County, Tennessee, and at such time as specified in the written notice of such meeting which shall be delivered to all Unit Owners at least ten (10) days prior to the date of such meeting.

Section 4. Special Meetings. Special meetings of Unit Owners may be called by the President or by a majority of the Directors of the Association, or by Unit Owners having at least one-fifth (1/5) of the votes entitled to be cast at such meeting. Special meetings shall be called by delivering written notice to all Unit Owners not less than ten (10) days prior to the meeting, stating the date, time and place of the special meeting and the matters to be considered.

Section 5. Delivery of Notice of Meeting. Notices of meetings shall be delivered either personally or by mail to Unit Owners at the addresses given

to the Board by Unit Owners for such purpose, or to a Unit Owner's Unit if no separate address for such purpose has been given to the Board.

Section 6. Voting. Each Unit Owner, including the Developer, shall be entitled to the number of votes provided for in the Master Deed. If any Unit Owner consists of more than one person, the voting rights of such Unit shall not be divided, but shall be exercised as if all Unit Owners consisted of one person in accordance with the proxy or other designation made by the persons constituting such Unit Owner. In the event of disagreement among such persons, and an attempt by two or more of them to cast such vote, such persons shall not be recognized, and such vote shall not be counted.

At all meetings, each member may vote in person or by proxy. All proxies shall be in writing and filed with the Secretary of the Association prior to such meeting. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his Unit.

No Unit Owner who is in default in the payment of his assessments hereunder shall be entitled to exercise his right to vote until he has cured such default. A Unit Owner shall be deemed to be in default if he has not paid his assessments to the Board, or its agent, within fifteen (15) days after the due date thereof. A Unit Owner may protest the amount of the assessment, but it still must be paid during the pendency of his protest to the Board.

Section 7. Quorum. A quorum of Unit Owners for any meeting shall be constituted by Unit Owners represented in person or by proxy and holding a majority of the votes of the membership of the Association entitled to be cast at such meeting.

ARTICLE II

BOARD OF DIRECTORS

Section 1. Number, Elections and Term of Office. (a) The Board of Directors of the Association (referred to in the Act) as the "board of administrators" and sometimes referred to herein as the "Board" shall consist of seven (7) members (hereinafter referred to as "Directors"). Directors shall be elected at the regular annual meetings of Association members by a plurality of the votes cast, except that until such time as the First Meeting of members is held, the initial Board of Directors (hereinafter called the "First Board" when referring specifically to such Board; otherwise, the term "Board" shall include the "First Board") shall consist of three (3) persons appointed by the Developer. The Developer may, but shall not be obligated to do so, appoint an Advisory Board of Directors, consisting of three Unit Owners, during the term of the First Board. Such Advisory Board shall have no authority to manage the affairs of the Association, but may, upon invitation, meet with the First Board from time to time.

(b) Except for the First Board, those candidates for election as Director receiving the greatest number of votes cast in person or by proxy at the regular annual meeting, or special meeting in the case of removal in the manner elsewhere provided, shall be elected.

(c) Every Director, except for members of the First Board and members of the Board elected at the First Meeting, shall hold office for the terms of three years and until his successor shall be elected and qualified or until he is removed in the manner elsewhere provided. Three (3) members of the Board elected at the First Meeting shall hold office until the second regular annual meeting of Association members, two (2) other members of the Board elected at the First Meeting shall hold office until the third regular annual meeting of Association members, and two (2) other members of the Board elected at the First Meeting shall hold office until the fourth regular annual meeting of Association members. Unless otherwise agreed, the two members of the Board elected at the First Meeting receiving the highest number of votes shall hold office until the fourth regular annual meeting; the two members receiving the next highest number of votes shall hold office until the third regular annual meeting; and the remaining three members shall hold office until the second regular annual meeting.

Section 2. Qualification. Except for members of the First Board, each Director shall be a Unit Owner or the spouse of a Unit Owner (or, if a Unit Owner is a trustee of a trust, a Director may be a beneficiary of such trust; and if a Unit Owner or such a beneficiary is a corporation or partnership, a Director may be an officer, partner or employee of such Unit Owner or beneficiary). If a Director shall cease to meet such qualifications during his term, he shall thereupon cease to be a Director and his place on the Board shall be deemed vacant.

Section 3. Vacancies. Except as to vacancies occasioned by the removal of Directors by Unit Owners, any vacancy occurring in the Board shall be filled by majority vote of the remaining members thereof, except that a vacant position on the Board which was last filled by a member of the First Board may be filled by a person appointed by Developer. Any Director so elected or appointed to fill a vacancy shall hold office for a term equal to the unexpired term of the Director who he succeeds.

Section 4. Nomination. Nomination for election to the Board shall be made by a Nominating Committee which shall consist of three (3) members appointed (i) by the Board to serve from the close of one annual meeting to the close of the succeeding annual meeting, such appointed to be announced at the annual meeting, or (ii) by the First Board prior to the First Meeting. Such appointment shall be announced at the annual meeting. The Nominating Committee may nominate any number of qualified individuals, but no less than the number of Directors to be elected. The nominations shall be made at least thirty (30) days prior to the annual meeting, and a brief statement about the qualifications of each individual so nominated shall be included with the notice of the annual meeting. Nominations shall also be allowed from the members at the regular meeting.

Section 5. Meetings. A regular annual meeting of the Board shall be held within ten (10) days following the regular annual meeting of Unit Owners. Special meetings of the Board shall be held upon call by the President or by a majority of the Board on not less than forty-eight (48) hours' notice in writing to each Director, delivered personally or by mail or telegram. Any Director may waive notice of a meeting, or consent to the holding of a meeting without notice, or consent to any action proposed to be taken by the Board

without a meeting. A Director's attendance at a meeting shall constitute his waiver of notice of said meeting.

Section 6. Removal. Any Director may be removed from office with or without cause by two-thirds (2/3) vote of Unit Owners at a regular or special meeting of the Unit Owners called for that purpose. The vacancy in the Board of Directors so created shall be filled by the Unit Owners at the same meeting.

Section 7. Compensation. Directors shall receive no compensation for their services as Directors, unless expressly provided for in resolutions duly adopted by Unit Owners.

Section 8. Quorum. Except in the case of the First Board, four (4) Directors shall constitute a quorum. Two (2) Directors shall constitute a quorum of the First Board.

Section 9. Powers and Duties. The Board shall have the following powers and duties:

- (a) to elect and remove the officers of the Association;
- (b) to administer the affairs of the Association and the Property;
- (c) to engage the services of an agent (hereinafter sometimes called the "Managing Agent") to maintain, repair, replace, administer and operate the Property or any part thereof for all Unit Owners, upon such terms and for such compensation and with such authority as the Board may approve;
- (d) to formulate policies for the administration, management and operation of the Property and the Common Elements;
- (e) to adopt rules and regulations, with written notice thereof to all Unit Owners, governing the administration, management, operation and use of the Property and the Common Elements, and to amend such rules and regulations from time to time;
- (f) to provide for the maintenance, repair, and replacement of the Common Elements and payments therefor, and to approve payment vouchers or to delegate such approval to the officers or the manager of Managing Agent;
- (g) to provide for the designation, hiring and removal of employees and other personnel, including accountants and attorneys, and to engage or contract for the services of others, and to make purchases for the maintenance, repair, replacement, administration, management and operation of the Property and the Common Elements, and to delegate any such powers to the Managing Agent (and any such employees or other personnel who may be the employees of a Managing Agent);

- (h) to appoint committees of the Board and to delegate to such committees the Board's authority to carry out certain duties of the Board;
- (i) to determine the fiscal year of the Association and to change said fiscal year from time to time as the Board deems advisable;
- (j) to fix the estimated annual budget, and to provide the manner of assessing and collecting from Unit Owners their respective shares of such estimated expenses, as hereinafter provided;
- (k) to enter into any lease agreement for lease of premises suitable for use as guest or custodian apartments, upon such terms as the Board may approve;
- (l) to borrow money for the purpose of repair or restoration of Common Elements without the approval of the members of the Association;
- (m) to secure insurance policies as required by the Master Deed, and in this regard, annually to review the amounts of coverage afforded by such policies.
- (n) unless otherwise provided herein or in the Master Deed, to comply with the instructions expressed in resolutions duly adopted at any annual or special meeting of Unit Owners by a majority vote of the Unit Owners at such meeting;
- (o) to exercise all other powers and duties of Unit Owners as a group referred to in the Horizontal Property Act of the State of Tennessee, or in the Master Deed or these By-Laws.

Section 10. Authority of Board to Act for Association. Whenever in these By-Laws the Association is given the power to take any action, it is the intention of these By-Laws that the Board shall act for the Association in all cases, except and to the extent that it is expressly provided that action be taken upon vote of the Unit Owners.

Section 11. Non-Delegation. Nothing in these By-Laws shall be considered to grant to the Board, the Association, or to the officers of the Association, any powers or duties which, by law, have been delegated to Unit Owners.

ARTICLE III

Officers

Section 1. Designation. At each regular annual meeting of the Board, the Directors present at such meeting shall elect the following officers of the Association by a majority vote:

- (a) a President, who shall be a Director, who shall preside over meetings of the Board and of Unit Owners, and who shall be the chief executive officer of the Association;
- (b) a Secretary, who shall keep the minutes of all meetings of the Board and of Unit Owners, and who shall, in general, perform all the duties incident to the office of Secretary, and who may be a representative of the Managing Agent;
- (c) a Treasurer, who shall be responsible for financial records and books of account and the manner in which such records and books are kept and reported;
- (d) such additional officers as the Board shall see fit to elect.

Prior to the first regular annual meeting of the Board, the officers of the Association shall be elected by a majority vote of the First Board appointed by the Developer.

Section 2. Powers. The respective officers shall have the general powers usually vested in such officers; provided that the Board may delegate any specific powers to any other officer or impose such limitations or restrictions upon the powers of any officer as the Board may see fit.

Section 3. Term of Office. Each officer shall hold office for the term of one (1) year and until his successor shall have been appointed or elected and qualified.

Section 4. Vacancies. Vacancies in any office shall be filled by the Board by a majority vote of the remaining members thereof at a special meeting of said Board. Any person or party so elected to fill a vacancy shall hold office for a term equal to the unexpired term of the officer he succeeds. Any officer may be removed for cause at any time by vote of two-thirds (2/3) of the total membership of the Board at a special meeting thereof.

Section 5. Compensation. The officers shall receive no compensation for their services as officers, unless expressly provided for in a resolution duly adopted by Unit Owners.

ARTICLE IV

Assessments

Section 1. Annual Budget. The Board shall cause to be prepared an estimated annual budget for each fiscal year of the Association. Such budget shall take into account the estimated common expenses and cash requirements for the year, including, but not limited to, salaries, wages, payroll taxes, legal and accounting fees, working capital fund, supplies, materials, parts, services, maintenance, repairs, replacements, landscaping, insurance, fuel, power, and all other common expenses. To the extent that the assessments and other cash income collected from Unit Owners during the preceding year shall

be more or less than the expenditures for such preceding year, the surplus or deficit, as the case may be, shall also be taken into account. The annual budget shall all take into account the estimated net available cash income for the year from the lease, operation or use of the Common Elements. The annual budget shall provide for a reserve for contingencies for the year and replacements, in reasonable amounts as determined by the Board.

Section 2. Assessments. The estimated annual budget for each fiscal year shall be approved by the Board, and, except for the budget for the first fiscal year, copies thereof shall be furnished by the Board to each Unit Owner, not later than thirty (30) days prior to the beginning of such year. On or before the first day of the first month and of each succeeding month of the year covered by the annual budget, each Unit Owner shall pay, as his respective monthly assessment for the common expenses, one-twelfth (1/12) of his proportionate share of the common expenses for such year as shown by the annual budget. The proportionate share for each Unit Owner shall be based upon his respective ownership interest in the Common Elements. In the event that the Board shall not approve an estimated annual budget or shall fail to determine new monthly assessments for any year, or shall be delayed in doing so, each Unit Owner shall continue to pay each month the amount of his respective monthly assessment at last determined. Each Unit Owner shall pay his monthly assessment on or before the first day of each month to the Managing Agent or otherwise as directed by the Board. No Unit Owner shall be relieved of his obligation to pay any assessment by abandoning or not using his Unit, the Common Elements, or the Limited Common Elements.

Section 3. Partial Year or Month. For the first fiscal year, the annual budget shall be as approved by the First Board. If such first fiscal year, or any succeeding fiscal year, shall be less than a full year, then the monthly assessments for each Unit Owner shall be proportionate to the number of months and days in such period covered by such budget. Commencing with the date of ownership of his Unit, each Unit Owner shall pay his assessment for the following month or fraction of a month, which assessment shall be in proportion to his respective ownership interest in the Common Elements and the number of months and days remaining of the period covered by the current annual budget, and which assessment shall be computed by the Board.

Section 4. Annual Report. Within ninety (90) days after the end of each fiscal year covered by an annual budget, or as soon thereafter as practicable, the Board shall cause to be furnished to each Unit Owner a statement for such year, showing the receipts and expenditures and such other information as the Board may deem desirable.

Section 5. Supplemental Budget. In the event that, during the course of any year, it shall appear to the Board that the monthly assessments, determined in accordance with the estimated annual budget for such year, are insufficient or inadequate to cover the estimated common expenses for the remainder of such year, then the Board shall prepare and approve a supplemental budget covering the estimated deficiency for the remainder of such year, copies of which supplemental budget shall be furnished to each Unit Owner, and thereupon a supplemental assessment shall be made to each Unit Owner for his proportionate share of such supplemental budget.

Section 6. Expenditures. Except for the management Agreement described in Article II, Section 9(c) hereof and expenditures and contract specifically authorized by the Master Deed and By-Laws, the Board shall not approve any non-budgeted expenditure in an amount in excess of ten percent (10%) of the annual budget for the then current year, unless required for emergency repair, protection or operation of the Common Elements or Limited Common Elements, nor enter into any contract for more than three (3) years, without the prior approval of two-thirds (2/3) of the votes of Association members who are voting in person or by proxy at a meeting duly called for this purpose.

Section 7. Lien. It shall be the duty of every Unit Owner to pay his proportionate share of the common expenses as provided in the Master Deed, and as assessed in the manner herein provided.

If any Unit Owner shall fail or refuse to make any such payment of assessments when due, such delinquent payment shall be subject to a late charge in an amount established by the Board, and such delinquent payment shall also bear interest at the rate of ten percent (10%) per annum. Such delinquent payment, together with penalty and interest, shall constitute a lien, as provided in the Act, enforceable by the Board, on the interest of such Unit Owner in the Property.

The Association, or its successors and assigns, acting through the Board or its agents, shall have the right to maintain a suit to foreclose any such lien, and there shall be added to the amount due the costs of said suit and other fees and expenses, together with legal interest and reasonable attorney's fees to be fixed by the court. Furthermore, if any Unit Owner shall fail or refuse to pay when due his proportionate share of the common expenses, and such Unit Owner withholds payment thereof after demand by the Association in writing setting forth the amount claimed, the Association shall have the right to possession of such Unit. The Association, acting through the Board, shall have the authority to exercise and enforce any and all rights and remedies as provided for in the Act, the Master Deed, or these By-Laws, or as are otherwise available at law or in equity, for the collection of all unpaid assessments.

Section 8. Records and Statements of Account. The Board shall cause to be kept detailed and accurate records in chronological order of its receipts and expenditures affecting the Common Elements, specifying and itemizing the common expenses incurred. Payment vouchers may be approved in such manner as the Board may determine.

The Board shall, upon receipt of ten (10) days' written notice to the Association and upon payment of a reasonable fee, furnish to any Unit Owner a statement of his account setting forth the amount of any unpaid assessment or other charges due and owing from such Unit Owner.

Section 9. Discharge of Liens. The Board may cause the Association to discharge any mechanic's lien or other encumbrance which in the opinion of the Board may constitute a lien against the Property or the Common Elements, rather than a lien against only a particular Unit. When less than all the Unit Owners are responsible for the existence of any such lien, the Unit

Owners responsible shall be jointly and severally liable for the amount necessary to discharge the same and for all costs and expenses, including attorney's fees, incurred by reason of such lien.

Section 10. Holding of Funds. All funds collected hereunder shall be held and expended for the purpose designated herein, and (except for such special assessments as may be levied hereunder against less than all the Unit Owners and for such adjustments as may be required to reflect delinquent or prepaid assessments) shall be deemed to be held for the benefit, use and account of all the Unit Owners in the percentages set forth on Exhibit E to the Master Deed.

ARTICLE V

Contractual Powers

No contract or other transaction between this Association and one or more of its Directors, or between the Association and any corporation, firm or association in which one or more of the Directors of the Association are Directors, or are financially interested, is voidable because such Director or Directors are present at the meeting of the Board or a committee thereof which authorizes or approves the contract or transaction or because his or their votes are counted, if the circumstances specified in either of the following subparagraphs exists:

- (a) the fact of the common directorship or financial interest is disclosed or known to the Board or committee and noted in the minutes and the Board or committee authorizes, approves or ratifies the contract or transaction in good faith by a vote sufficient for the purpose without counting the vote or votes of such Director or Directors; or
- (b) the contract or transaction is just and reasonable as to the Association at the time it is authorized or approve.

Common or interested Directors may be counted in determining the presence of a quorum at a meeting of the Board or a committee thereof which authorizes, approves or ratifies a contract or transaction.

ARTICLE VI

Amendments

These By-Laws may be amended or modified from time to time by action or approval of not less than sixty-seven percent (67%) of the Unit Owners. Such amendments shall be recorded in the office of the Register's Office, Davidson County, Tennessee.

ARTICLE VII

Indemnification

Section 1. General. To the extent permitted by law, the Association shall indemnify and hold harmless each of its Directors and officers, each member of any committee appointed pursuant to these By-Laws, the Board, and the Developer against all contractual and other liabilities to others arising out of contract made by, or other acts of, such Directors, officers, Board committee members or Developer, for or on behalf of the Unit Owners, or arising out of their status as directors, board officers, committee members or Developer, unless any such contract or act shall have been made fraudulently or with gross negligence or criminal intent. It is intended that the foregoing indemnification shall include indemnification against all costs and expenses (including, but not limited to, counsel fees, amounts of judgments paid and amounts paid in settlement) reasonably incurred in connection with the defense of any claim, action, suit or proceeding, whether civil, criminal, administrative or otherwise, in which any such Director, officer, or committee member may be involved by virtue of such person's being or having been such Director, officer, or committee member, provided, however, the such indemnity shall not be operative with respect to (a) any matter as to which such person shall have been finally adjudged in such action, suit or proceeding to be liable for gross negligence or fraud in the performance of his duties as such Director, officer, or committee member, or (b) any matter settled or compromised, unless, in the opinion of independent counsel selected by or in a manner determined by the Board, there is not reasonable ground for such person's being adjudged liable for gross negligence or fraud in the performance of his duties as such Director, officer, or committee member.

Section 2. Success on Merits. To the extent that a member of the Board, or an officer of the Association, or a member of any committee appointed pursuant to these By-Laws has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in Section 1, or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorney's fees) actually and reasonably incurred by him in connection therewith.

Section 3. Advance Payment. Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the Association in advance of the final disposition of such action, suit or proceeding as authorized by the Board in the specific case upon receipt of an undertaking by or on behalf of the person or entity seeking such indemnification or payment in advance to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the Association as authorized in this Article VII.

Section 4. Miscellaneous. The Association and the Board shall have the power to raise and the responsibility for raising, by special assessment or otherwise, any sums required and discharge its obligations under this Article; provided, however, that the liability of any Unit Owner arising out of any contract made by or other acts of the Directors, officers, or members of such committees, or out of the aforesaid indemnity in favor of the Directors,

officers, or members of such committees, shall be limited to such proportion of the total liability hereunder as said Unit Owner's percentage of interest in the Common Elements bears to the total percentage interest of all Unit Owners in the Common Elements. Every agreement made by the Directors, officers, or members of such committees, or by the Managing Agent on behalf of Unit Owners shall provide that the Directors, officers, members of such committees, or the Managing Agent, as the case may be, are acting only as agents for Unit Owners and shall have no personal liability thereunder (except as Unit Owners), and that each Unit Owner's liability thereunder shall be limited to such proportion of the total liability thereunder as his percentage of interest in the Common Elements bears to the total percentage interest of all Unit Owners in the Common Elements. The indemnification provided by this Article VII shall be deemed exclusive of any other rights to which those seeking indemnification may be entitled under any statute, agreement, vote of members of the Association, or disinterested members of the Board or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office. Such right to indemnification shall continue as to a person or entity who has ceased to be a member of the Board, officer of the Association, or a member of such committee, and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of such person or entity.

ARTICLE VIII Mortgages

Section 1. Notice to Board. A Unit Owner who mortgages his Unit shall notify the Board of the name and address of his mortgagee and shall file a conformed copy of the note and deed of trust or mortgage with the Board; and the Board shall maintain such information in a book entitled "Mortgages of Units."

Section 2. Notice of Unpaid Common Charges. The Board, whenever so requested in writing by a mortgagee of a Unit, shall promptly report any then unpaid common charges due from, or any default by, the owner of the mortgaged Unit.

Section 3. Notice of Default. The Board, when giving notice to a Unit Owner of a default in paying common charges or other default, shall send a copy of such notice to each holder of a mortgage covering such Unit whose name and address has theretofore been furnished to the Board.

Section 4. Examination of Books. Each Unit Owner and each mortgagee of a Unit shall be permitted to examine the books of account of the Association at reasonable times, on business days, but not more often than once a month.

Section 5. Interest of Valid First Mortgagee. The interest of a valid first mortgagee shall be superior to the interest of the Board in the event of a default, and nothing in this instrument shall be construed to the contrary. If the first mortgagee has incorporated the terms of these By-Laws and the Master Deed in its deed of trust, then said first mortgagee may at its option declare a default in its deed of trust by reason of any default hereunder, and

may proceed to enforce its rights according to the terms of the deed of trust notwithstanding any enforcement instituted by the Board.

ARTICLE IX

Definition of Terms

The terms used in these By-Laws, to the extent they are defined therein, shall have the same meaning as set forth in the Master Deed for River Glen of record in the Register's Office of Davidson County, Tennessee.

The term "member" as used in these By-Laws, means "Unit Owner" as defined in the Master Deed.

ARTICLE X

Conflicts

These By-Laws are set forth to comply with the requirements of Section 66-27-101 et seq. of the Tennessee Code Annotated, as it may be amended from time to time, and to allow the By-Laws to control in specific situation where such law allows. In the event any of the By-Laws conflict with the provisions of said statute or of the Master Deed, the provisions of said statute or of the Master Deed, as the case may be, shall control.

BOOK 7566 PAGE 618

EXHIBIT E
PERCENTAGE INTEREST IN COMMON ELEMENTS

Total number of Units shown on Plan - 45
Each Unit's % Interest in Common Elements
(at the time of recordation of this Master Deed) - 1/45th
- 0.0222

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EXHIBIT F**LEGAL DESCRIPTION RIVER GLEN**

A tract of land in the Second Civil District of Metropolitan Nashville - Davidson County, Tennessee. Being more particularly described as follows:

Beginning at an iron pin on the north right-of-way line of Pennington Bend Road, said iron pin being the southwest property corner of C. L. Miller, et ux Tax Map 52-13 Parcel 2;

Thence, with said right-of-way N57°36'20"W a distance of 76.23' to an iron pin, a common corner with the James P. Stevens' property, Tax Map 52-13 Parcels 75-87;

Thence, leaving said right-of-way with Stevens' east line, N33°09'00"E a distance of 113.88' to an iron pin;

Thence, N57°36'00"W a distance of 1,390.37' to an iron pin, said iron pin being in the east line of the B. and V. Enterprises property, Tax Map 52-13 Parcel 59;

Thence, with B. and V. Enterprises east line, N32°06'20"E a distance of 155.14' to an iron pin;

Thence, with B. and V. Enterprises north line, N63°05'00"W a distance of 108.57' to an iron pin, said iron pin being in the east line of Tax Map 52-13 Parcel 52, Julius Doochin Trustee;

Thence, N32°37'40"E a distance of 52.62' to an iron pin, said iron pin being in the east line of the B. and V. Enterprises property, Tax Map 52-13 Parcel 51;

Thence, N42°22'40"E a distance of 676.99' to an iron pin, said iron pin being in the east line of the Buford B. Manning, Jr. property, Tax Map 52-9 Parcel 187;

Thence, N43°24'30"E a distance of 290.13' to an iron pin, said iron pin being a common corner with the Marvin L. Johnson, et ux property, Tax Map 52-9 Parcel 180;

Thence, N49°34'30"E a distance of 436.58' to an iron pin, said iron pin being a common corner with the George N. Gragson, et al property, Tax Map 52-9 Parcel 173;

Thence, N54°34'30"E a distance of 221.41' to an iron pin, said iron pin being a common corner with the George C. Notgrass, et ux property, Tax Map 52-9 Parcel 168;

Thence, N63°49'30"E a distance of 200.00' to an iron pin, said iron pin being a common corner with the Leander A. Wise property, Tax Map 52-9 Parcel 165;

Thence, N16°25'00"W a distance of 94.01' to an iron pin, said iron pin being in the south line of Lock Two Park;

Thence, N73°36'10"E a distance of 50.67' to an iron pin;

EXHIBIT F

LEGAL DESCRIPTION RIVER GLEN (continued)

Thence, N81°05'30"E a distance of 739' to an iron pin on the west right-of-way of Lock Two Road;

Thence, with said right-of-way S10°31'20"E a distance of 1,844.72' to an iron pin, said iron pin being a common corner with the J. L. Thompson, et ux property, Tax Map 32-13 Parcel 8;

Thence, leaving said right-of-way and with the west line of the J. L. Thompson property S34°35'30"W a distance of 205.32' to an iron pin, said iron pin being a common corner with the R. A. Singleton, et ux property, Tax Map 32-13 Parcel 7;

Thence, with the north line of the Singleton property, Tax Map 32-13 Parcel 5 S61°42'30"W a distance of 219.18' to an iron pin, said iron pin being a common corner with the Jerry Allen property, Tax Map 32-13 Parcel 5;

Thence, N30°13'40"W a distance of 82.04' to an iron pin;

Thence, with Allen's north line S52°02'20"W a distance of 698.38' to an iron pin, said iron pin being a common corner with the M. B. Sawyer property, Tax Map 32-13 Parcel 4;

Thence, with Sawyer's east line and continuing on to the east line of the C. L. Miller property, Tax Map 32-13 Parcel 3, N36°59'00"W a distance of 199.97' to an iron pin;

Thence, S30°15'00"W a distance of 274.87' to the point of beginning and containing 3,895,309 square feet or 89.424 acres more or less.

The portion of the above described property which is owned by Julius Doochin, Trustee, is a portion of the property conveyed to Julius Doochin, Trustee with full power to transfer, sell, convey, lease or mortgage, without joinder of beneficiary by deed from Anita Louise Peacher, a widow, of record in Book 5690, page 853, Register's Office of Davidson County, Tennessee.

The portion of the above described property which is owned by C & S Builders, Inc. is the same property conveyed to C & S Builders, Inc. by deed from Julius Doochin, Trustee, of record in Book 7560, page 590, Register's Office of Davidson County, Tennessee.



Architectural Guidelines, Home Maintenance Requirements, & Rules and Regulations

This document complements the Master Deed and Bylaws for River Glen subdivision, outlining the maintenance, use, and restrictions for homes and lots within the community. The intent is to offer homeowners guidelines for acceptable home and lot improvements, as well as, provide the rules governing care and maintenance. If there are any questions, please email the River Glen Homeowners Association (HOA) Board of Directors at BoardRGHOA@gmail.com.

Requests for additions and/or changes to the exterior of your home or lot should be directed to the Architectural Committee using the *Architectural Committee Submission Form* found in the Appendix of this document. This form can be submitted electronically to the email address shown above or mailed to the River Glen's property management company, Community Management Associated, Inc. (CMA) using the following address: River Glen HOA - TN, Architectural Committee, c/o CMA, 1916 Patterson Street, Suite 308, Nashville, TN 37203.

August 1, 2016

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Intent of the Guidelines

The Architectural Guidelines, Home Maintenance Requirements & Rules and Regulations (the guidelines), provide homeowners with suggestions and restrictions that will help protect the atmosphere at River Glen. The intent of the guidelines is to ensure that the homes in River Glen are maintained to the highest standard and continue to complement each other with compatible styling. By harmonizing the homes, we hope to avoid stark contrast that can lead to a cluttered appearance in the neighborhood.

Home and lot improvements, as well as maintenance requirements, are addressed on the following pages. The restrictions on improvements and maintenance standards are aimed at providing an attractive, harmonious physical environment. Size, style, color, materials, parking and other visible elements are addressed, not to restrict personal preferences, but to preserve the unity of River Glen. In limited circumstances, exceptions to these guidelines may be granted by the Architectural Committee. An *Architectural Review Submission Form* may be found in the Appendix of these guidelines for your convenience.

The Architectural Committee will attempt to enforce items that are brought to its attention. However, failure to enforce any portion of these guidelines does not alter the content of the guidelines and does not affect the Architectural Committee's ability to enforce the guidelines in other areas. The Architectural Guidelines may be altered by a majority vote of the residents of River Glen.

These guidelines are provided for the benefit of the homeowners at River Glen, the homeowners are responsible for reporting any violations of the guidelines by using the *Violation Report Form* found in the Appendix of this document. This form can be emailed electronically to BoardRGHOA@gmail.com or mailed to the River Glen's management company, Community Management Associated, Inc. (CMA) using the following address: River Glen HOA - TN, Architectural Committee, c/o CMA, 1916 Patterson Street, Suite 308, Nashville, TN 37203.

Section I: PROPERTY MAINTENANCE

Each Unit Owner, at his own expense, shall furnish and be responsible for all maintenance of, repairs to and replacements within his own Unit and all maintenance of, repairs to and replacements of all of the Limited Common Elements attributable to his Unit, including but not limited to all fences, walkways, driveways, drainage facilities, utility service pipes or lines or other improvements, in a manner and with such frequency as is consistent with good property management. The Architectural Committee reserves the right to require that residents comply with requests to improve the appearance of River Glen Homeowners' homes and lots.

A: Exterior Home Structure Maintenance

1. Homes should be well maintained.
2. Wood trim must be in good condition and painted to match the home.
3. Exterior walls must be clean and free of mildew and algae.
4. All broken windows and screens must be repaired at the earliest convenience within one week of damage.
5. Broken or missing shutters must be repaired or replaced.
6. Siding must be maintained in good condition.
7. Eaves troughs are to be maintained in good condition.

B: Lawns, Landscaping & Lot Maintenance

1. Mowing is to occur at regular intervals, so that grass appears to be trimmed at three to four inches in height.
2. Shrubbery should be neatly pruned.
3. Dead trees, shrubs, and plants must be removed and/or replaced as quickly as possible.
4. Stumps of felled trees must be ground down and the area repaired to match the rest of the landscaping.

C: Garage Doors

1. Garage doors must be maintained free of dirt, dents, broken windows, mildew and the like.

D: Fences (Installing a new fence, refer to Section V: Fences)

1. Fences must be maintained.
2. Fences are to be free of mildew/algae.
3. Broken or sagging gates and boards are to be repaired or replaced.
4. Replacing a fence requires an Architectural Committee Request Form to be submitted.

E: Trash/Recycling Container Storage and Collection

1. All trash, garbage, or other waste should be stored in sanitary containers.
2. Trash/recycling containers may be placed on the curb the evening before pick up.
3. Trash/recycling containers must be removed from the curb within 24 hours of trash/recycling pickup to avoid a fine.
4. No trash items are to be placed on curb that are not in trash containers. Metro Nashville Public Works, Division of Waste Management, will not pick them up.
5. Bulk trash can be placed on the curb for no longer than a week before pick up.
6. No household trash should be placed in the recycling containers. Metro Nashville Public Works, Division of Waste Management will not empty recycle containers until monthly recycle date. They will also not empty recycle containers that obviously have household trash in them.
7. At all times other than trash pickup day, trash/recycling containers must be stored at a location at the rear or side of the premises. (Metro Code)
8. No trash, building materials, broken items or the like are to be stored on the lot. These items are to be stored out of site until trash day or on the day to be hauled away.

F: Miscellaneous Storage

1. Portable moving containers, such as PODS, must be placed in the driveway.
2. Portable moving containers can only be on site for one week. If a longer period is necessary, after loading it must be picked-up and then brought back for unloading. It cannot be stored on the property for more than one week.

G: Dumping Behind Fences

1. Dumping of household trash, construction trash, automotive parts, trees or tree limbs, etc. behind any privacy fences is NOT allowed.

Section II: HOME IMPROVEMENTS and STRUCTURES

No building, fence, wall, outside antenna, satellite dish or other structure or improvement shall be commenced, erected or maintained upon a Unit or any Limited Common Element, nor shall any owner alter or add to the drives, walkways, sidewalks, drainage facilities or any other improvements installed by the Developer or the Association within the Limited Common Elements; nor shall any owner alter or add to his building and appurtenances to his building; until plans and specifications have been submitted to and approved by the Architectural Committee of the Board of Directors of the Homeowners Association.

A: Additions & Porches

1. Room additions and porches should be of similar materials, colors, and styles as the existing home.
2. All new additions must comply with easement and setback restrictions.
3. Samples of all new building materials must be submitted to the Architectural Committee with the completed *Architectural Commission Form*.
4. An estimated date of completion should be included in the architectural approval submission, and all work should be completed within 30 days of the estimated date, weather permitting, unless a longer period is requested and approved by the committee.
5. The Board reserves the right to revoke approval and tear down any incomplete improvements after this 30-day period.

B: Roofing

1. Roofing should be of a consistent color and slope which complements the existing roof line.
2. Flat roofs are not allowed.

C: Overhangs

1. Overhangs and eaves should match the existing structure.

D: Brick & Siding

1. Brick or siding should match the home's materials and be sufficiently reworked to tie into the home in order to blend the new addition with the existing structure.

Section III: SITE IMPROVEMENTS

A: Landscaping

1. Landscaping is encouraged at River Glen.
 - a. The Architectural Committee encourages homeowners who wish to improve their homes through landscaping. Landscaping should be appropriate to maintain River Glen's atmosphere. Due to their visibility, landscaped front yards and corner lots will be more strictly supervised than interior backyard areas.

B: Maintenance of Landscaping

1. All trees, shrubs, and bushes must be trimmed and maintained.
 - a. In addition, all trees, shrubs, and bushes bordering sidewalks, walkways, and common areas need to be trimmed in such a fashion that they do not limit or impede access to sidewalks, walkways, or common areas.

Section IV: FLAGS AND SIGNS

A: Flags

1. All flags must be kept clean and in a good state of repair.
2. Only the following flags can be flown:
 - a. United States
 - b. State of Tennessee,
 - c. US Armed Forces and Reserve branches of these:
 - i. Army,
 - ii. Navy,
 - iii. Air Force,
 - iv. Marines,
 - v. Coast Guard,
 - d. United States, State of Tennessee or US Armed Forces flags may be flown continually.
 - e. Recognized, approved sports at the high school, college, and professional level:
 - i. Hockey, Football, Basketball, and Baseball
 - f. Recognized holidays
 - g. Garden Flags
3. No flags may hang from a mailbox, as prohibited by United States Postal Service regulations.
4. Flags may be displayed celebrating events with flag staffs attached to residences or on appropriately scaled temporary flagpoles.
5. Advertising flags are strictly prohibited on residences.

B: Signs

1. Home for Sale signs are permitted
 - a. Only one Home for Sale sign is allowed in the yard.
 - b. An Open House sign may be placed in the immediate neighborhood of the home for sale.
2. Security Signs
 - a. Security signs are permitted under the following conditions:
 - i. One sign per household.
 - ii. Must be located in the landscaped bed near the front of the home.
3. No other signs are permitted in the yard or on the home; this includes all political campaign signs.
4. No signs or flyers are to be attached to any utility pole, any municipal, street, stop, or yield sign or the like.
5. The HOA Board of Directors may permit signs in the neighborhood to promote or announce a significant community event.
 - a. No signs are to be installed or erected on Community Common Property without the expressed written consent of the Board of Directors.

Section V: FENCES

A: General Fence Rules

1. All fences require approval using the *Architectural Committee Submission Form*.

2. Fences may only be located in the backyard.
 - a. Front yard fences are not permitted.
3. Fences must be located at least eight feet back from the front corner of the house, enclose the backyard and have any fence framing within the fence.

B: Privacy Fences

1. Privacy fences must be six feet tall.
2. Panels should be six-inch western cedar, redwood, or 6-inch pressure treated pine with pressure treated posts set eight feet on center.
3. Fences must be set at least eight feet back from the front corner of the house.
4. Privacy fences must be located on the lot lines
5. It is preferred that all eight-foot fence sections be stepped to maintain a top that is parallel to the horizon.
 - a. Stepping should occur at an even rhythm and should coincide with the 8-foot intervals between posts.
 - b. Where stepping at even intervals is difficult, due to the slope of the ground, fences may slope.
 - c. Fences should maintain an even slope on the top, with any variations in slope being taken from the bottom of the boards.

Section VI: PARKING

A: On Street Parking

Unit Owners, including their family members, guests, agents or invitees, shall park in the Unit Owner's driveway or, on the street in front of the Unit Owner's Unit. If no parking is available in either of those locations, then Unit Owners, including their family members, guests, agents or invitees may park on the street in front of any Common Element. Unit Owners, including their family members, guests, agents or invitees shall not park in the driveway of or in front of any Unit they do not own unless they have received prior permission from the owner of such unit to do so.

1. No inoperable vehicles may be kept within the property or on any public street.
2. At no time shall a vehicle be parked on the street, within 30 feet in front of a Stop Sign (State Law).
3. At no time may vehicles be parked in a homeowner's yard, in any area defined as common area, or on access roads.
4. At no time shall any vehicles be assembled, or disassembled on the Property or on any public Street.
5. At no time shall a vehicle be parked to impede another home owner's driveway (State Law).
6. At no time shall a vehicle be parked in front of community mailboxes for longer than 5 minutes, to pick up your mail.
7. At no time shall a vehicle be parked within 15 feet of a fire hydrant (State Law).
8. At no time shall a vehicle be parked on or block a sidewalk (State Law).
9. No mobile home, bus, truck of over one ton, tractor/trailer rig or house trailer may be parked or stored on the Property or on any public street except for vehicles and equipment necessary for construction or improvements to the property.

10. The Homeowner's Association is authorized to have vehicles parked in any common area or access road, towed at the expense of the vehicle's owner.

B: Boats, Campers, and Trailers

1. No boat, boat trailer, house trailer, horse trailer, trailer, camper, motor home, recreational vehicle or any similar item shall be stored on or at any lot, unless completely enclosed within a garage or approved storage structure, or parked in the lot owners' driveway.
2. No boat, boat trailer, house trailer, horse trailer, trailer, camper, motorhome, recreational vehicle or any similar item may be parked in the grass, in a common area, on an access road, or on a street at any time.
3. Any vehicle or recreational equipment as indicated in 1. above, parked in a common area or access road, may be towed at the expense of the owner.

Section VII: LEASES/RENTALS

No unit, or interest therein, shall be leased/rented by a Unit Owner except by a written lease/rental agreement. The Lessee under such lease shall be bound by and subject to all of the obligations under these Architectural Guidelines and Home Maintenance Requirements as well as the Master Deed and Bylaws of the Unit Owner making such lease and the lease shall expressly so provide. Failure to comply with these Requirements or the Master Deed and Bylaws shall be a default under such lease. No Unit Owner may lease less than the entire Unit, nor lease his Unit for transient or hotel purposes. A copy of all such leases shall be furnished to the HOA Board of Directors. No lease shall have an initial term of less than thirty (30) days.

1. No vacation/hotel rentals of property are allowed.
2. No single room rentals of property allowed.
3. No rentals of less than 30 days.

Section VIII: ENFORCEMENT, FINES, AND APPEALS

Enforcement of the Architectural Guidelines, Home Maintenance Requirements & Rules and Regulations is the responsibility and privilege of every homeowner of River Glen. Any violation of the guidelines may be reported by using the Violation Report Form found in the Appendix of this document. This form can be emailed electronically to BoardRGHOA@gmail.com or mailed to the River Glen's management company, Community Management Associated, Inc. (CMA) using the following address: River Glen HOA - TN, Architectural Committee, c/o CMA, 1916 Patterson Street, Suite 308, Nashville, TN 37203.

Remedies for homeowners not following these guidelines may include corrections made at the homeowner's expense, removal of any item that does not meet the standards outlined in the guidelines at the homeowner's expense and/or a fine.

If a homeowner fails to have proper approval from the Architectural Committee as outlined in this document, the homeowner has committed a violation. The Architectural Committee has the right to fine the homeowner if the violation is not corrected within the given time after notification. If the violation is not remedied within 60 days, the homeowner will be fined a second time. If the violation is not remedied within 90 days a third fine will be levied, a lien will be put on the homeowner's house, and legal action at the expense of the homeowner may commence to correct the violation.

A: Enforcement

1. Periodic inspections of Homes and Lots by the HOA's current property management company, Community Management Associated, Inc. (CMA), will determine noncompliance with and violations of the Master Deed and Bylaws and/or the Architectural Guidelines, Home Maintenance Requirements & Rules and Regulations.
 - a. Homeowners will be given notice of any such noncompliance or violation by mail.
 1. Notice will be sent to the homeowner's address on file with the current property management company, CMA.
 - b. The letters will be sent in stages per the following schedule:

Letter #1 The first letter will be a courtesy letter, entitled Courtesy Request for Compliance, which will include the violation, reference as to where it is found in the Architectural Guidelines, Home Maintenance Requirements & Rules and Regulations, length of time the owner has to cure the violation, the fine added, if not cured within the time period (per the schedule listed below), and a *Homeowner Response Sheet* (located in the Appendix) for any non-compliance requiring more than seven days to correct. The *Homeowner Response Sheet* is due back within ten days and must include the plan for correcting the violation. The *Homeowner Response Sheet*. This form can be emailed electronically to BoardRGHOA@gmail.com or mailed to the River Glen's management company, Community Management Associated, Inc. (CMA) using the following address: River Glen HOA - TN, Architectural Committee, c/o CMA, 1916 Patterson Street, Suite 308, Nashville, TN 37203.

Letter #2 The second violation letter will again state the noncompliance, indicating that the noncompliance has not been remedied or has reoccurred within six (6) months of the last occurrence; provide notification that a fine, in the amount referenced in the courtesy letter, has been added to the homeowner's account for the continued/reoccurring noncompliance; the amount of the next fine should the violation not be cured; the resident's right of appeal to the Board of Directors; and how to schedule this appeal.

Letter #3 The third letter explains everything found in the second letter, indicates that an additional fine has been added to their account, (per the schedule listed below), and indicates the amount of the next fine, (again, from the schedule below), should the violation not be cured. It also indicates the right of the HOA to correct the violation and bill all costs plus 15% to the homeowner, the resident's right of appeal to the Board of Directors and how to schedule this appeal. It will also contain notice that failure to cure the violation and pay the fines would cause the HOA to refer the violation to legal counsel for action. Included in that letter will be the Master Deed and Bylaws that states the resident will be responsible for payment of any legal fees incurred.

Letter #4 The fourth letter will be prepared by and mailed from legal counsel. It will include the violation, time frame to cure the violation and pay the fines, and calculation showing additional costs, if the case would be taken to court and notice that the resident would continue to be responsible for the HOA's legal fees. Legal expense to create and mail this letter will be added to the resident account.

B: Timeframe for Curing Violations/Associated fines for Non-Compliance
LISTING OF VIOLATIONS, FINES AND TIMEFRAMES FOR HOMEOWNER VIOLATIONS
 (Note: Other non-compliant conditions may be addressed with remedies and fines at the Board's direction.)

Guideline	Violation	Correct within	Fine
Sec I A3	Algae/Mildew	30 days	\$35
Sec I E8	Debris in yard	7 days	\$35
Sec 1 G1	Dumping	7 days	\$35
Sec I D1-3	Fence repair	30 days	\$35
Sec IV F1-5	Flags	7 days	\$35
Sec I A1, C1	Home repair	30 days	\$35
Sec I B1-4	Lawn/Landscaping	7 days	\$35
Sec VII	Lease/Rentals	7 days	\$100
Sec VI A1-10	Parking	1 day	\$35
Sec I F1-2	Portable moving containers	7 days	\$35
Sec I B3-4	Removal of trees	30 days	\$35
Sec V B1-5	Signs	1 day	\$35
Sec VI B1-3	Trailer, boat, camper, RV	1 day	\$35
Sec I E1-6	Trash/Recycling container storage and collection	1 day	\$35
	HOA Mowing/trimming/weeds/dumping cleanup		As billed plus 15%

C: Appeals

1. Appeal process

- a. To avoid the fine, the homeowner may submit a request in writing, or by email, through the current property management company, Community Management Associated, Inc., to the Architectural Committee for the "violation" to be reviewed for correctness and/or be withdrawn. The *Homeowner Response Sheet* can be found in the Appendix.
- b. The Architectural Committee will rule on the request.
 - i. If the request is not approved, the homeowner has two options:
 1. Bring the violation into compliance as outlined in these guidelines
 2. Appeal the decision in writing to the Architectural Committee.
 - ii. If the appeal is disapproved the homeowner has two additional options:
 1. Bring the violation into compliance as outlined in these guidelines.
 2. Appeal the decision to the River Glen Homeowners' Board of Directors in writing for review at their next meeting.
 - iii. If the Board declines the appeal, the homeowner:
 1. Must bring the violation into compliance as outlined in these guidelines;

2. Pay the relevant fines assessed;
3. Be prepared for the HOA to cure the violation at the homeowner's expense, and;
4. Be subject to the fining/legal procedures outlined above.

Section IX: COMPLETION OF THE ARCHITECTURAL COMMITTEE SUBMISSION FORM

A: Architectural Committee Submission Form

1. Fill out the form as indicated in the Appendix
 - a. To insure a timely review be sure to include:
 - i. all documentation,
 - ii. drawings,
 - iii. a list of building materials, and
 - iv. colors.
2. Submit the Request form to the HOA Architectural Committee
 - a. Electronically to: BoardRGHOA@gmail.com
 - b. By postal mail to:

River Glen HOA - TN
Architectural Committee
c/o CMA
1916 Patterson Street, Suite 308
Nashville, TN 37203
3. The Architectural Committee has 30 days to approve your request.
 - a. You may be asked to furnish additional information
 - b. If no action is taken by the Architectural Committee within 30 days, the Request is deemed approved
4. Approval of your request does not indicate approval by the City of Nashville, Davidson County or the State of Tennessee.
 - a. The homeowner is responsible that the conditions of all governing agencies are met, including building permits.

APPENDIX

The following documents may be copied, and emailed or mailed.

ARCHITECTURAL COMMITTEE SUBMISSION FORM:

Name: _____

Address: _____

Phone Number: _____

Item for Submission: _____

Approximate Project Start Date: _____

Approximate Project End Date: _____

Type of Material Being Used: _____

Color of Material/Paint Being Used: _____

Where possible, attach a paint and material sample.

Below, draw a lot plan showing where the project will be located at, at the address listed:

Email completed form to: BoardRGHOA@gmail.com or mail to: River Glen HOA - TN, C/O CMA, 1916 Patterson Street, Suite 308, Nashville, TN 37203

River Glen

HOMEOWNER RESPONSE SHEET (For violations taking longer than 7 days to correct)
Response sheet is due back to HOA within 10 days of receiving violation letter

Name of Homeowner: _____

Address of Homeowner: _____

Date on Courtesy Letter: _____

Violation: _____

Plan for correcting the Violation:

Homeowner signature

Email completed form to: BoardRGHOA@gmail.com or mail to: River Glen HOA - TN, C/O CMA, 1916
Patterson Street, Suite 308, Nashville, TN 37203

VIOLATION REPORT

Violation: _____

Address of Violation/Violator (**must be included**): _____

Date Violation witnessed: _____

Any additional information:

Email completed form to: BoardRGHOA@gmail.com or mail to: River Glen HOA - TN, c/o CMA, 1916
Patterson Street, Suite 308, Nashville, TN 37203

Appeal 2018-318

From: Pamela wilmoth [<mailto:pamelafaymiller@msn.com>]
Sent: Wednesday, June 13, 2018 9:05 PM
To: Board of Zoning Appeals (Codes)
Cc: Syracuse, Jeff (Council Member); Juanita Clancy; Pamela wilmoth
Subject: Appeal Case # 2018-318

Dear Board of Zoning,

RE: Appeal Case # 2018-318

The property at 3117 Penn Meade Way (owner Craig Lizar), is located in a subdivision that operates under a Horizontal Property Regime. Our Master Deed and By-Laws do not allow for short term rentals. I would like to submit the following documents to support the restrictions against a short-term rental at this address:

- 1) The property title for 3117 Penn Meade Way. You will notice in the description that the house is subject to the Horizontal Property Regime of River Glen under the Master Deed & By-Laws of Record in Book 7566, page 571.
- 2) The Master Deed & By-Laws for River Glen. The section that applies to short-term rentals is found on page 19 under (n) Lease. In this paragraph you will read that "no owner may....lease his unit for transient or hotel purposes."
- 3) The written Rules and Regulations for River Glen Subdivision, based on our governing document (Master Deed and By-Laws). Please see Section VII: Leases/Rentals. This states that no vacation/hotel rentals of property are allowed, no single room rentals are allowed, and no rentals of less than 30 days are allowed.

I believe this documentation is sufficient enough to deny the appeal and to not issue a short-term rental permit for this address. It is clear the applicant should not at any time be operating a short term rental based on property restrictions that are noted in his deed.

If you need additional information, please feel free to contact me.

Sincerely yours,
Pam Miller, President
River Glen Homeowners Association

2018-369

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Olajinka Onadeko Date: 6/5/18

Property Owner: IC

Case #: 2018-369

Representative: IC

Map & Parcel: 82-8-285

Council District 5

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose:

Construct Duplex attached to rear of Bldg

Activity Type: Medical Office + Duplex

Location: 720 McFerrin Av N.T, 37208

This property is in the CN Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Not to Install + Not to Contribute

Section(s): 17.20.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Completed and witnessed, Date

Dr. Olajinka Onadeko
Name (Please Print)

dekomad@msn.com

[Signature]
Signature

Print Applicant's e-mail address

413 Hampstead S.
Mailing Address

Antioch, TN 37013
City, State, Zip Code

615-973-8940
Phone Number

This will also serve as a receipt of (cash) (check) to partly compensate for the expenses under this appeal.

Appeal Fee: \$ 200⁰⁰

- ① H2C
- ② P.G,
- ③ Storm water



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3518654

**APPLICATION FOR BUILDING COMMERCIAL - ADDITION / CACA - T2018031127
THIS IS NOT A PERMIT**

PARCEL: 08208028500 **APPLICATION DATE:** 05/31/2018

SITE ADDRESS:

720 MCFERRIN AVE NASHVILLE, TN 37206
LOT 11 J W HART ADDITION

PARCEL OWNER: ONADEKO, OLAYINKA ET UX

APPLICANT:

PURPOSE:

EXISTING APPROX 1400 SQFT DUPLEX.

****SEE 2018-031953....

1....RENOVATE THE EXISTING BLDG AND CONVERT TO MEDICAL OFFICE.....UZO....NO PARKING REQUIRED FOR THE MEDICAL OFFICE.

*****THIS PERMIT.....

TO CONSTRUCT A NEW ONE STORY APPROX 1400 SQFT ADDITION ATTACHED TO REAR TO BE USED AS A DUPLEX. UZO...REQUIRED 3 PARKING FOR THE DUPLEX.

SIDEWALKS REQUIRED AND NOT ALLOWED TO CONTRIBUTE...

***COMMERCIAL PROJECT OVER \$25,000 REQUIRES THAT THE PERMIT BE ISSUED TO A LICENSED CONTRACTOR.

DENIED:

SIDEWALKS REQUIRED AND NOT ALLOWED TO CONTRIBUTE.

***REQUEST....NOT TO INSTALL....AND NOT TO CONTRIBUTE...17.20.120

POC:

DR. OLAYINKA ONADEKO 615-973-8940
dekomd@msn.com

*Before a building permit can be issued for this project, the following approvals are required.
The Applicant is responsible for providing any plans or other information to the individual agencies*

[A] Zoning Review		
[A] Site Plan Review		
[B] Building Plans Received		615-862-6614 teresa.patterson@nashville.gov
[B] Building Plans Review		615-862-6581 Teresa.Patterson@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[B] Fire Sprinkler Requirement		862-5230
[D] Grading Plan Review For Bldg App	APPROVED	(615) 862-6038 Logan.Bowman@nashville.gov
BZA Hearing		615-862-6505 Debbie.Lifsey@nashville.gov
[E] Cross Connect Review For Bldg App	COND	615-566-9388 steve.edwards@nashville.gov
[E] Water Availability Review For Bldg	IGNORE	615-566-9388 steve.edwards@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-566-9388 steve.edwards@nashville.gov
[E] Sewer Availability Review For Bldg	IGNORE	615-566-9388 steve.edwards@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-566-9388 steve.edwards@nashville.gov

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.



APPELLANT

6/5/18

DATE

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17.40.370. This Section is included as follows:

Physical characteristics of the property - The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property.

Unique characteristics - The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.

Hardship not self-imposed - The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of this Zoning Code.

Financial gain not only basis - Financial gain is not the sole basis for granting the variance.

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

No harm to public welfare - The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.

Integrity of Master Development Plan - The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions **MUST** affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

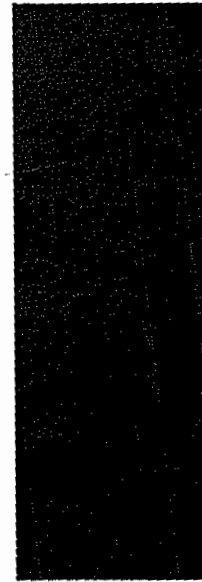
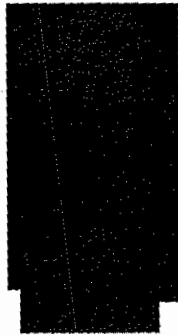
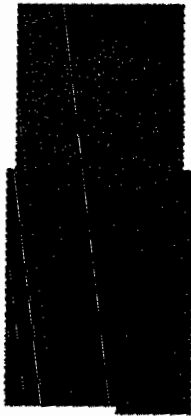
Sidewalks exist

r construction to rear

RSS

722 ALY

SP(O)



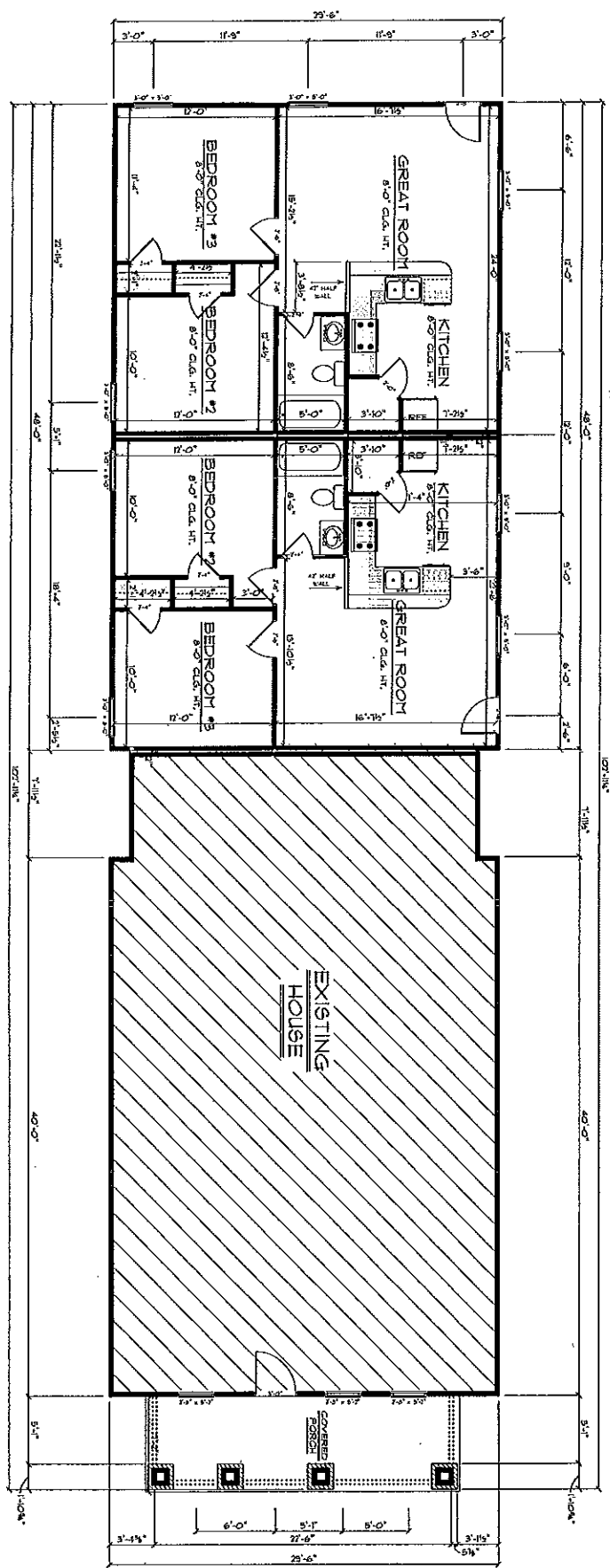
T4-R-CA2

MCFERRIN AVE

T4-M-CA2 T4-M-CA2

1001 ALY

1ST FLOOR PLAN



PLAN NOTES:
 1. THE RESPONSIBILITY OF THE DESIGNER TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT AND PROVIDER TYPES PRIOR TO CONSTRUCTION. PROVIDER AND VERIFY THE CONDITIONS AND ALL DIMENSIONS SHOWN ON THIS DRAWING.

- EXHIBIT A-101:**
1. ALL DIMENSIONS TO FACE OR FINISH.
 2. EXTERIOR WALLS DIMENSIONED + 3/4".
 3. INTERIOR WALLS DIMENSIONED + 3/4".

Main Floor Plan
 Scale 1/4" = 1' ON 24"x36" PAPER
 Scale 1/8" = 1' ON 11"x17" PAPER

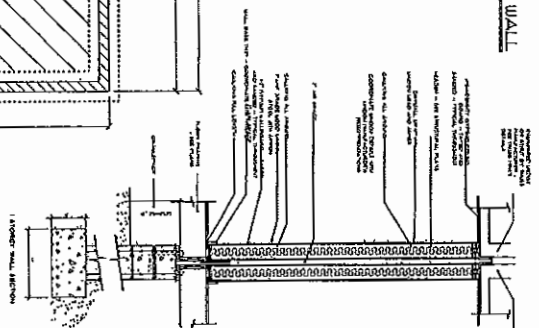
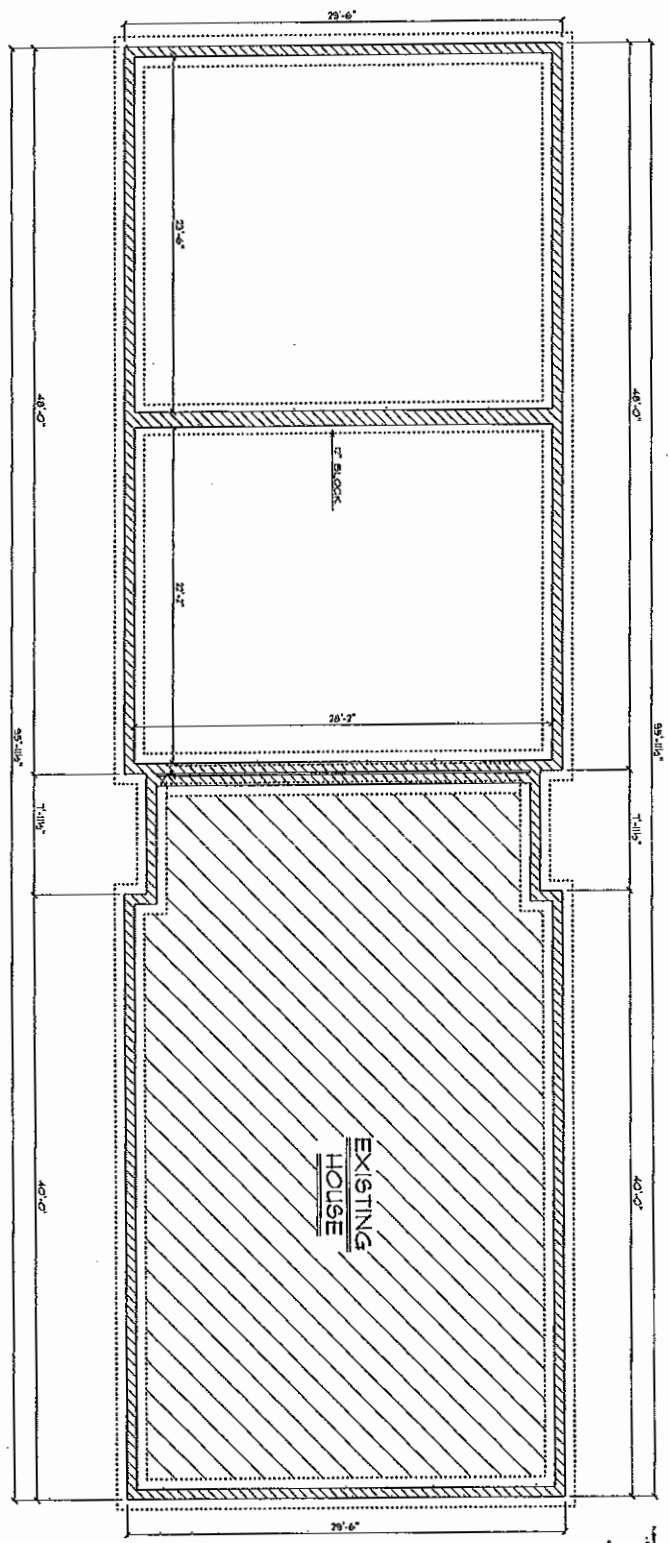
OLAYINKA ONADEKO
 120 McFerrin Ave.
 Nashville, Tn 37206

Exl. Footage	1320 SF
Main	628 SF
Second	2640 SF
Covered Porch	130 SF

THESE DRAWINGS ARE FOR EXAMINATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY CONSTRUCTION PRACTICE OR EXCEEDS ALL CODES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE ALL MECHANICAL, STRUCTURAL, ELECTRICAL, AND SYSTEMS WITH THE ARCHITECTURE AND EXISTING OF THE HOME.

FOUNDATION PLAN

FOUNDATION
 IT IS THE RESPONSIBILITY OF THE BILLER TO VERIFY
 THE ACCURACY OF THE INFORMATION ALL LOCAL
 CODES AND ORDINANCES ARE OBSERVED AND ALL
 DECISIONS MADE PRIOR TO CONSTRUCTION.



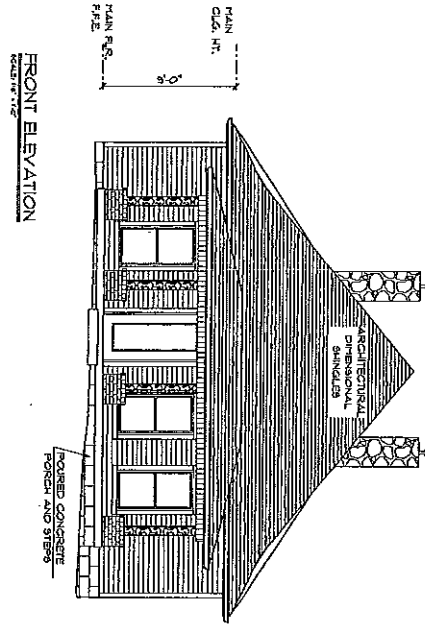
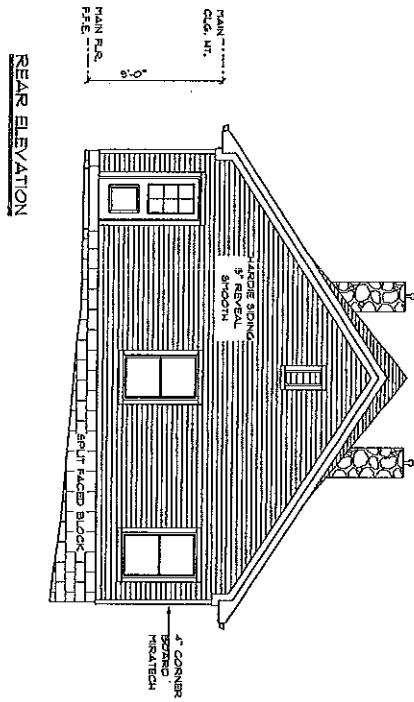
A-2

Foundation Plan
 Scale 1/4" = 1' ON 24"x36" PAPER
 Scale 1/8" = 1' ON 11"x17" PAPER

OLAYINKA ONADEKO
 120 McFerrin Ave.
 Nashville, TN

Ext. Foliage	1320 SF
Main	1200 SF
Total	2520 SF
Covered Porch	130 SF

THESE DRAWINGS ARE FOR DESIGN INTENT ONLY.
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN
 CONSTRUCTION PERMITS OR ENFORCE ALL CODES.
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE
 ALL MECHANICAL, ELECTRICAL, PLUMBING AND SYSTEMS
 WITH THE FOUNDATION AND ASSEMBLY OF THE HOME.



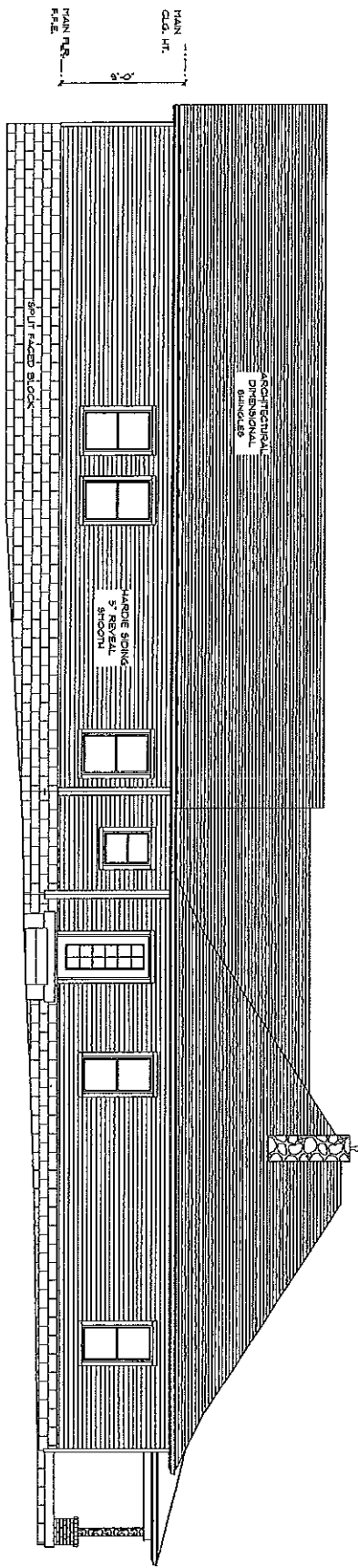
A-3

Front and Rear Elevations
 Scale 1/4" = 1' ON 24"x36" PAPER
 Scale 1/8" = 1' ON 11"x17" PAPER

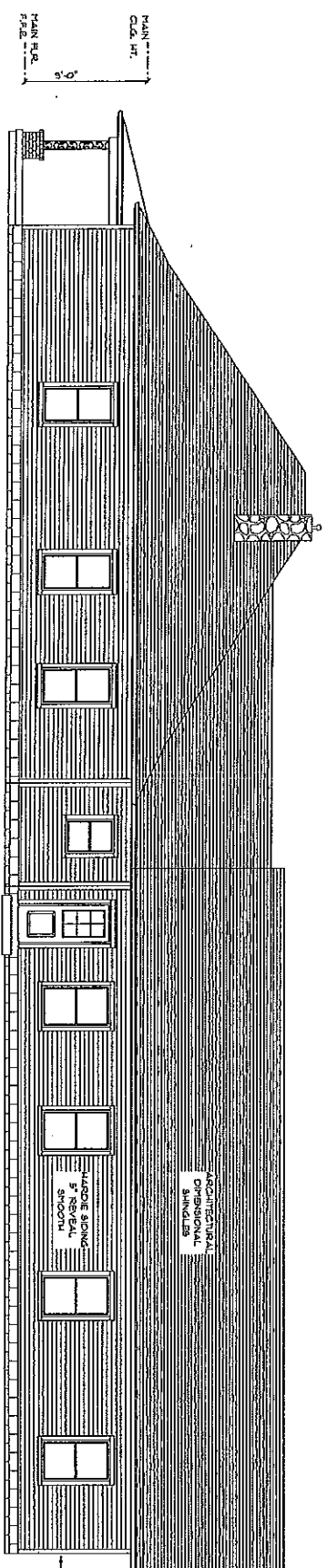
OLAYINKA ONADEKO
 120 McFerrin Ave.
 Nashville, Tn 37206

Est. Footage	1320 SF
Main	1320 SF
Second	1320 SF
Total	2640 SF
Covered Porch	130 SF

THESE DRAWINGS ARE FOR DESIGN INTENT ONLY.
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSURE
 CONSTRUCTION PERMITS OR EXCEEDS ALL CODES.
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE
 ALL MECHANICAL, STRUCTURAL, ELECTRICAL AND SYSTEMS
 WITH THE ARCHITECTURAL AND AESTHETICS OF THIS WORK.



LEFT ELEVATION



RIGHT ELEVATION



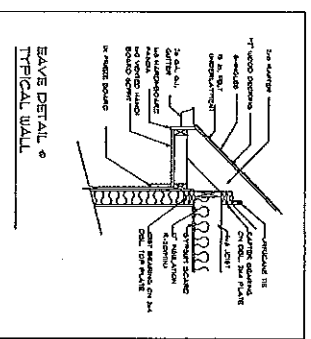
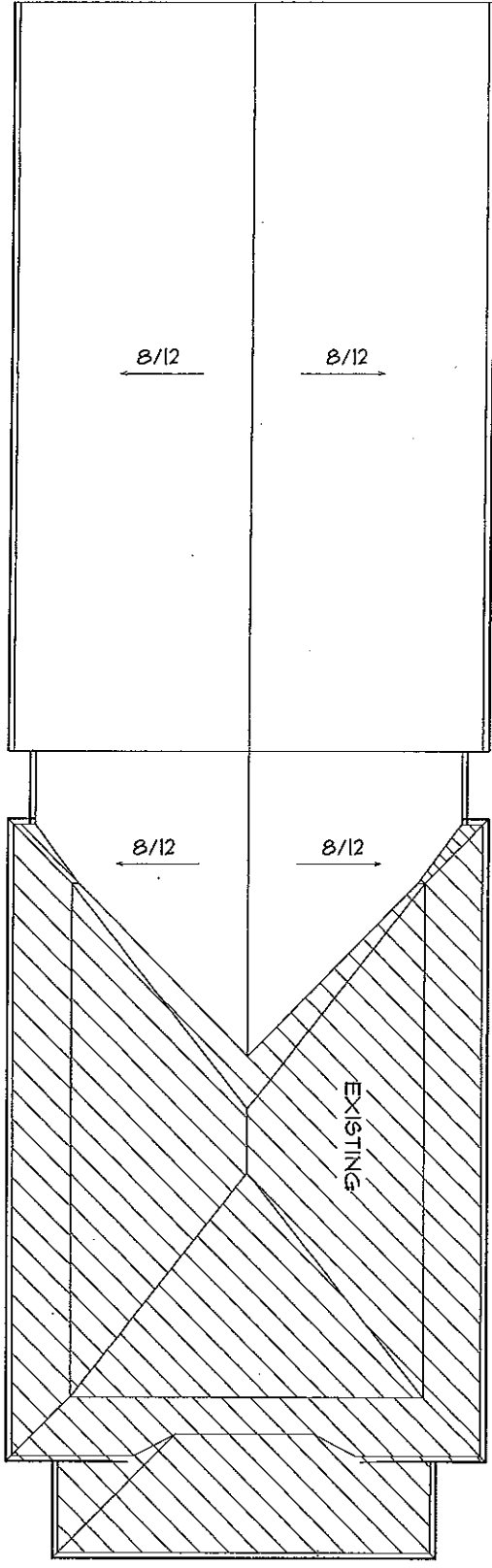
Ext. Footage	
First	1320 SF
Second	1320 SF
Total	2640 SF
Covered Porch	130 SF

THESE DRAWINGS ARE FOR DESIGN INTENT ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE CONSTRUCTION PRACTICE EXCEEDS ALL CODES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE ALL MECHANICAL, STRUCTURAL, ELECTRICAL AND SYSTEMS WITH THE PERFORMANCE AND AESTHETICS OF THIS PROJECT.

OLATINKA ONADEKO
 120 McFerrin Ave.
 Nashville, Tn 37206

Right and Left Elevations
 Scale 1/4" = 1' ON 24"x36" PAPER
 Scale 1/8" = 1' ON 11"x11" PAPER

ROOF PLAN
 1" = 8'-0"



A-5

Roof Plan
 Scale 1/4" = 1' ON 24"x36" PAPER
 Scale 1/8" = 1' ON 11"x17" PAPER

OLAYINKA ONADEKO
 720 McFerrin Ave.
 Nashville, Tn 37206

Est. Footage	1370 SF
1st Flr	1320 SF
2nd Flr	2640 SF
Covered Porch	130 SF

THESE DRAWINGS ARE FOR DESIGN INTENT ONLY.
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSURE
 CONSTRUCTION PRACTICES EXCEED ALL CODES.
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE
 ALL MECHANICAL, STRUCTURAL, ELECTRICAL, AND SYSTEMS
 WITH THE FUNCTIONAL AND AESTHETICS OF THIS HOME

Alley
Back

Parking
space

Parking
space

Parking
space

Parking
space

DRIVEWAY

Addition

Existing
House

DRIVEWAY

Disabled
Parking

Parking
space

Parking
space

Parking
space

SIDEWALK

McFerrin Avenue (street)

front

sidewalks exist



02/26/2018

DAVID BRILEY

MAYOR

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park
3000 Granny White Pike
Nashville, Tennessee 37204
Telephone: (615) 862-7970
Fax: (615) 862-7974

July 12, 2018

Board of Zoning Appeals
c/o Jon Michael

RE: 720 McFerrin Avenue

Dear BZA:

Staff with the MHZC support the request to continue the existing sidewalk at 720 McFerrin in the Maxwell Heights Neighborhood Conservation Zoning Overlay with the same dimensions in the existing location because of the established historic pattern; however, but we do not support the request for front-yard parking as front-yards are not used for parking in this historic district. The parking was not included on the site plan given to us for our review when the addition was proposed.

The majority of homes on this block are contributing buildings, which means there will be few projects that will trigger the new sidewalk dimensions anywhere else on this block-face. If this project is required to adhere to the new standards, there would be one section that did not match the existing sidewalk design.

Because our role is to review design, we are not taking a position on whether or not the applicant should pay in-lieu-of fees or whether or not the existing sidewalk should be repaired or replaced.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin Zeigler". The signature is fluid and cursive, with a large loop at the end.

Robin Zeigler
Historic Zoning Administrator

Braisted, Sean (Codes)

From: David Kern <dfkern@gmail.com>
Sent: Tuesday, June 19, 2018 12:12 PM
To: Board of Zoning Appeals (Codes)
Cc: Davis, Scott (Council Member)
Subject: Please deny Appeal of 2018-369 for 720 McFerrin

Dear Board of Zoning Appeals,

Please deny Appeal of 2018-369 for 720 McFerrin. I own a property right around the corner and desperately feel the need for sidewalks and community improvements. Quality sidewalks are vital for safety and needed for this part of town. Please do not make exceptions to the new law. The new plan will improve the look and feel of our part of town with better sidewalks. This particular area is near many restaurants and high density housing projects both of which produce many pedestrians.

Thank you for your consideration and help with this,

David Kern

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Olayinka Onadeko APPEAL CASE 2018-369
720 McFerrin Avenue
Map: 82-8 Parcel: 285
Zoning Classification: CN

ORDER

This matter came to be heard in public hearing on 7/19/2018, before the Metropolitan Board of Zoning Appeals, upon application for a variance from sidewalk requirements without upgrading the sidewalk.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- 1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- 2) The appellant sought this permit under Section 17.40.180 (B) of the Metropolitan Code.
- 3) The appellant HAS satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be Granted, subject to the following conditions: Appellant shall follow Planning's recommendations.

UPON MOTION BY: David Ewing

Seconded by: David Harper

Ayes: Alma Sanford, Christina Karpynech

Nays:

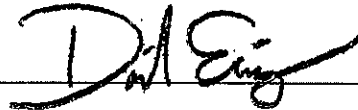
Abstaining:

Absent: Cynthia Chappell, David Taylor, Richard King

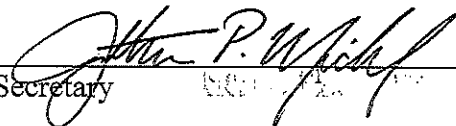
ENTERED THIS 24th DAY OF July, 2018

METROPOLITAN BOARD OF ZONING APPEALS

Chair



Secretary



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-369 (720 McFerrin Avenue)

Metro Standard:	4' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not construct sidewalks; not contribute in lieu of construction (not eligible)
Community Plan Policy:	T4 NC (Urban Neighborhood Center)
MCSP Street Designation:	T4-M-CA2
Transit:	#30 – McFerrin
Bikeway:	Minor Protected Bike Lanes per WalknBike

Planning Staff Recommendation: *Approval with conditions*

Analysis: The applicant is renovating the existing single family home on the property as a medical office, and constructing a new one-story addition at the rear of the existing building to be used as a duplex, and requests not to upgrade sidewalks due to existing sidewalks the fact that the existing building will remain. Planning evaluated the following factors for the variance request:

- (1) 6' sidewalks with no grass strip currently exist on the property frontage. This is consistent with the street and block face.
- (2) Ideally, a Collector-Avenue will include a grass strip to accommodate signs, utility poles, and other obstructions. In this instance, the sidewalk design is well-established with adjacent on-street parking, which provides additional buffer for pedestrians in a more urban context. A contribution in-lieu of construction will supplement Metro's annual sidewalk capital program by increasing sidewalk construction funds for areas surrounding this property.

Given the factors above, staff recommends **approval with conditions:**

1. The applicant shall contribute in lieu of construction for the property frontage.

RSS

122 ALY

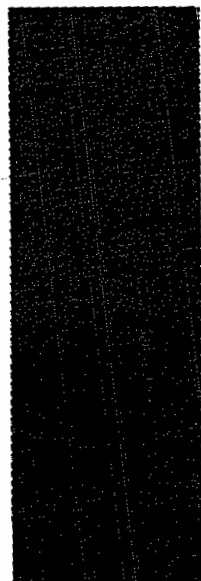
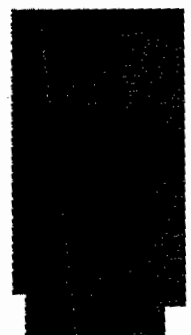
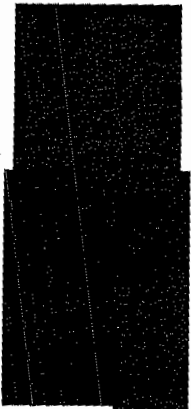
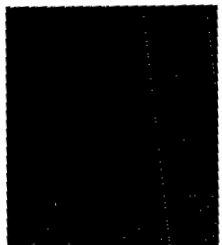
SP(O)

MCFERRIN AVE

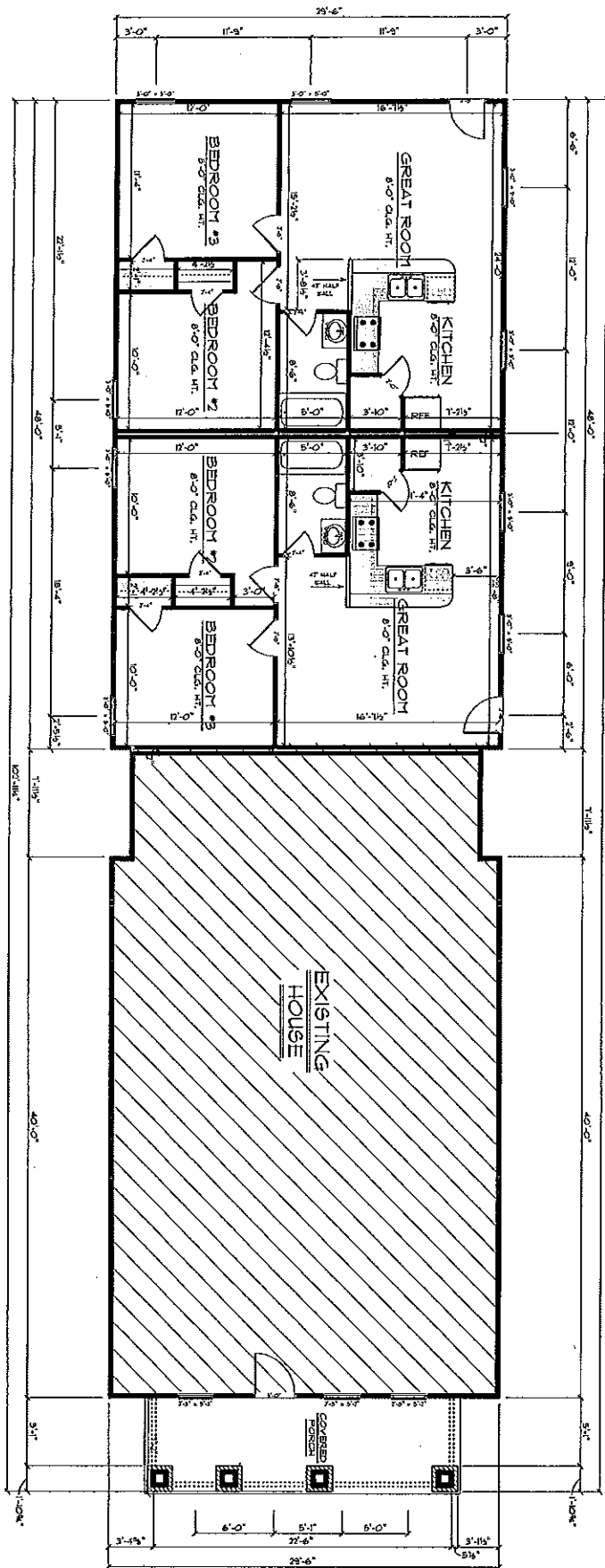
T4-R-CA2

T4-M-CA2 T4-M-CA2

1001 ALY



1ST FLOOR PLAN



MAIN NOTES:
 1. IT IS THE RESPONSIBILITY OF THE BUILDER TO VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION.
 2. ALL DIMENSIONS TO FACE UNLESS NOTED OTHERWISE.
 3. EXTERIOR WALLS DIMENSIONED + 3/8\"/>

- RELATIVE WALLS:**
- 1. ALL DIMENSIONS TO FACE OF FINISHING.
 - 2. EXTERIOR WALLS DIMENSIONED + 3/8\"/>
 - 3. INTERIOR WALLS DIMENSIONED + 3/8\"/>

A-1

Main Floor Plan
 Scale 1/4" = 1' ON 24"x36" PAPER
 Scale 1/8" = 1' ON 11"x17" PAPER

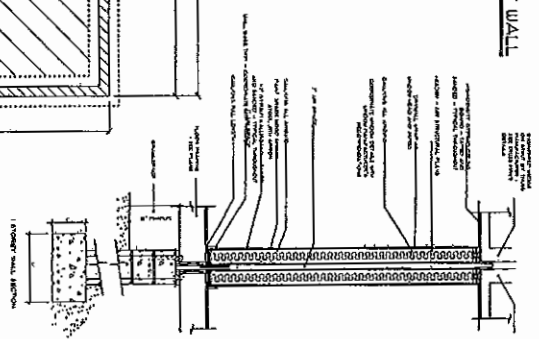
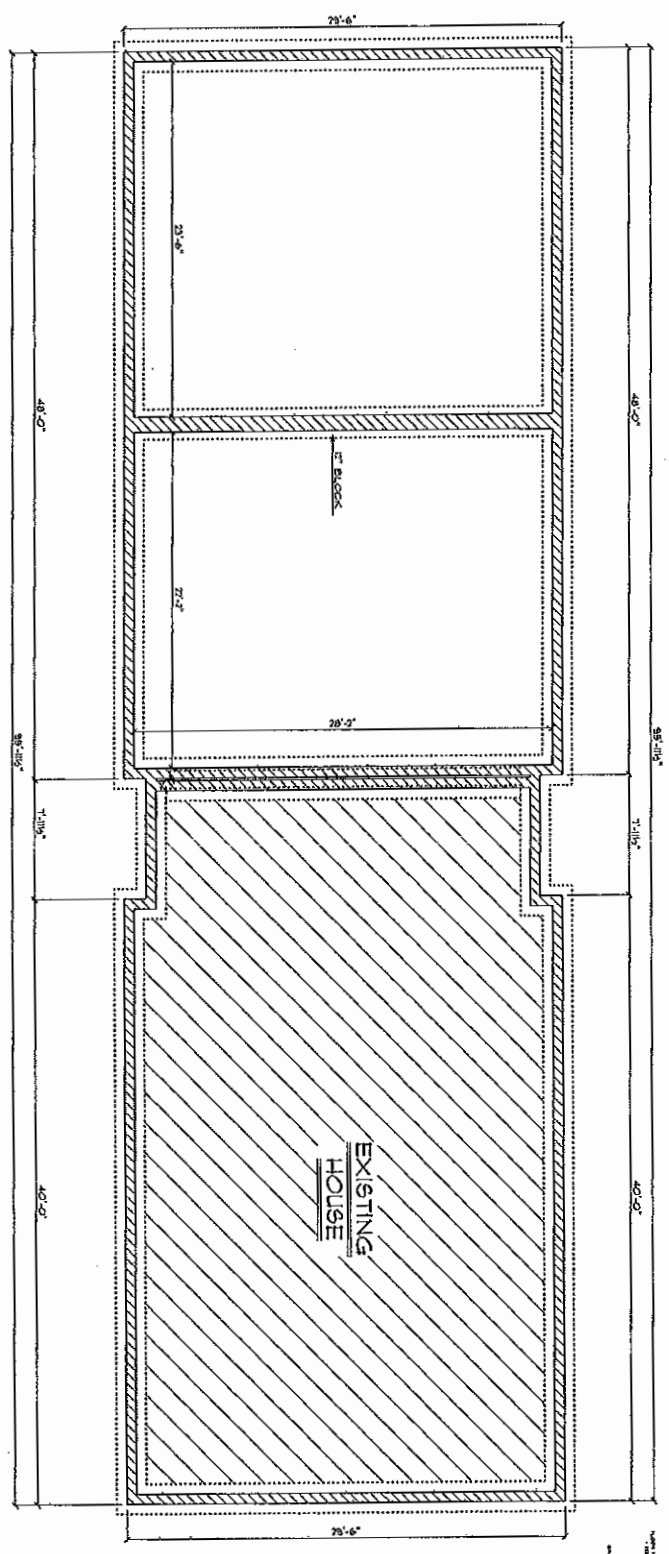
OLAYINKA ONADEKO
 120 McFerrin Ave.
 Nashville, Tn 37206

Ext. Footage	1320 SF
Main	1320 SF
Total	2640 SF
Covered Porch	130 SF

THESE DRAWINGS ARE FOR DESIGN REVIEW ONLY.
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE
 CONSTRUCTION PRACTICES EXCEED ALL CODES.
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE
 ALL MECHANICAL, STRUCTURAL, ELECTRICAL, AND SYSTEMS
 WITH THE ARCHITECTURE AND AESTHETICS OF THIS HOME.

FOUNDATION PLAN

QUALITY
 IT IS THE RESPONSIBILITY OF THE ENGINEER TO VERIFY
 THE ACCURACY OF THE INFORMATION AND DATA FURNISHED
 BY THE CLIENT AND TO BE RESPONSIBLE FOR THE DESIGN.
 ENGINEER SHOULD VERIFY THE CONDITIONS AND ALL
 DIMENSIONS PRIOR TO CONSTRUCTION.



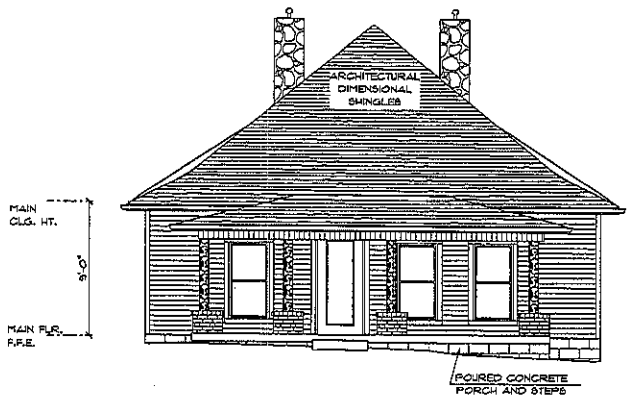
A-2

Foundation Plan
 Scale 1/4" = 1' ON 24"x36" PAPER
 Scale 1/8" = 1' ON 11"x17" PAPER

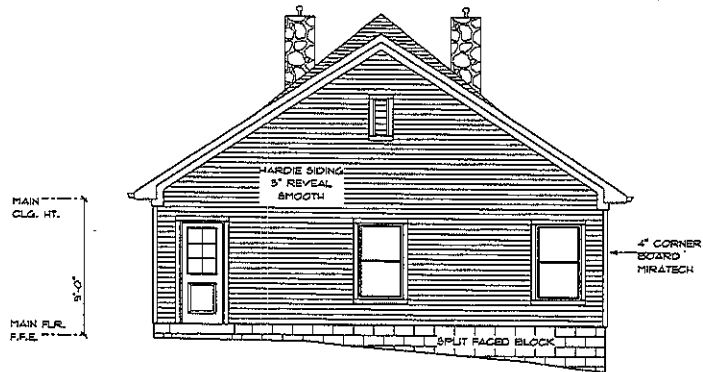
OLAYINKA ONADEKO
 120 McFerrin Ave.
 Nashville, TN

Est. Footage	
Main	1320 SF
Second	1320 SF
Total	2640 SF
Covered Porch	130 SF

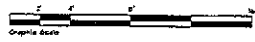
THESE DRAWINGS ARE FOR DESIGN INTENT ONLY.
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE
 CONSTRUCTION PRACTICE ON EXISTING ALL WORK.
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE
 ALL MECHANICAL, ELECTRICAL, AND SYSTEMS
 WITH THE ARCHITECT AND ASSURE THE SUCCESS OF THIS PROJECT.



FRONT ELEVATION
SCALE 1/4" = 1'-0"



REAR ELEVATION



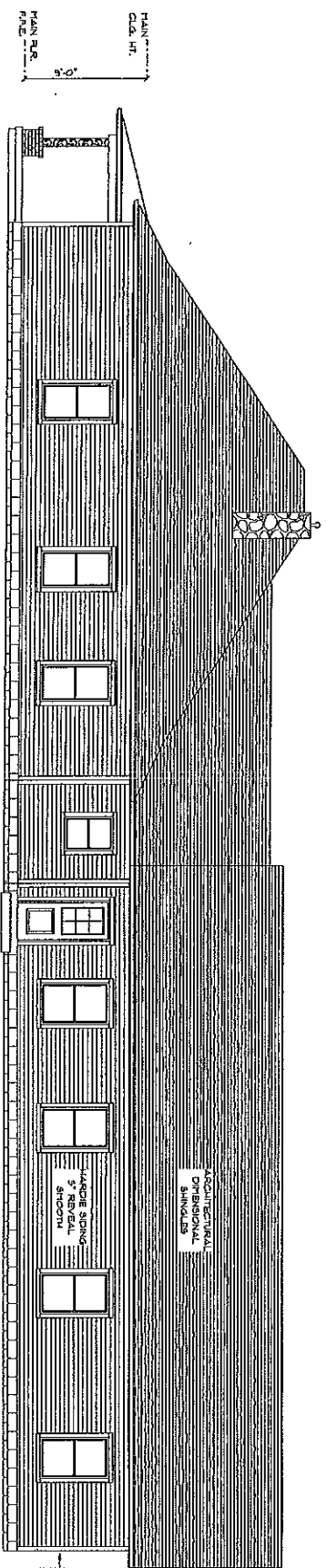
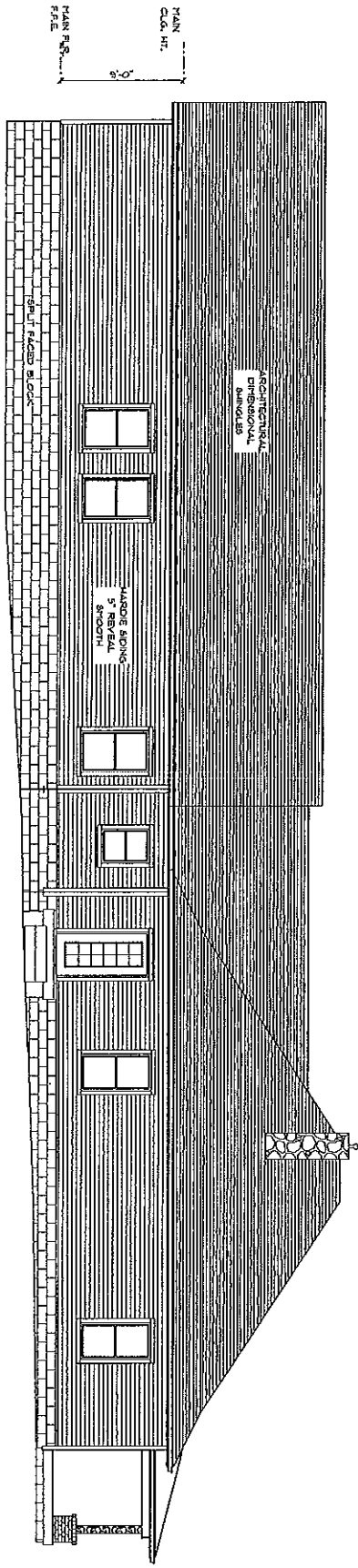
READ DRAWINGS AND SPECIFICATIONS CAREFULLY TO THE CONTRACTOR'S RESPONSIBILITY TO HAVE CONSTRUCTION PERFORMED IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS OF THE WORK.

Est. Footage	1330 SF
Second	1330 SF
Third	2840 SF
Cornered Foot	1330 SF

OLAYINKA ONADEKO
120 McFerrin Ave.
Nashville, Tn 37206

Front and Rear Elevations
Scale 1/4" = 1' ON 24"x36" PAPER
Scale 1/8" = 1' ON 11"x17" PAPER

Date: 4-10-16



A-4

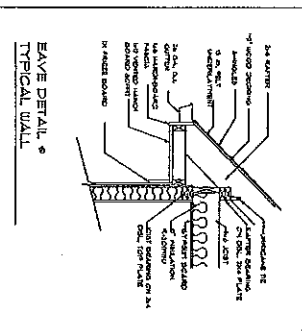
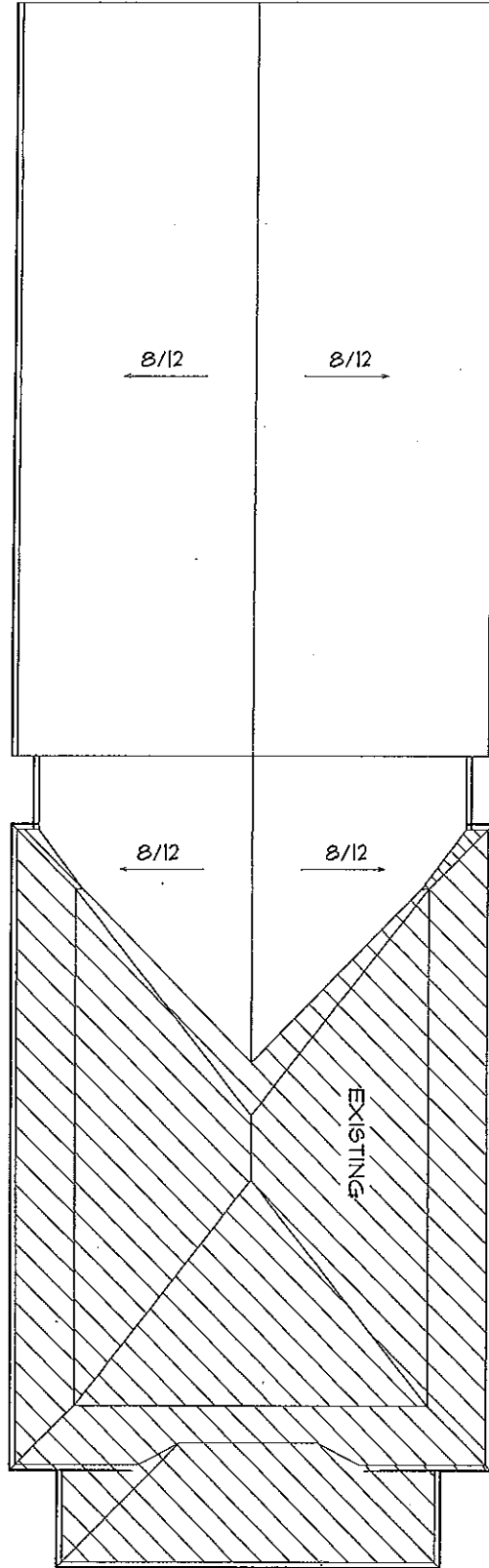
Right and Left Elevations
 Scale 1/4" = 1' ON 24"x36" PAPER
 Scale 1/8" = 1' ON 11"x17" PAPER

OLAYINKA ONADEKO
 120 McFerrin Ave.
 Nashville, Tn 37206

Est. Footage	1320 SF
Main	1320 SF
Second	1320 SF
Total	2640 SF
Covered Foot.	1320 SF

THESE DRAWINGS ARE FOR DESIGN INTENT ONLY.
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN
 CONSTRUCTION PERMITS OR ENDEAVOR TO OBTAIN
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE
 ALL MECHANICAL, STRUCTURAL, ELECTRICAL, AND SYSTEMS
 WITH THE ARCHITECTURE AND AESTHETICS OF THIS HOME

ROOF PLAN
 0" 1" 2" 3" 4" 5" 6" 7" 8" 9" 10"



AS
 Detail Shows
 Roof Plan
 Scale 1/4" = 1' ON 24"x36" PAPER
 Scale 1/8" = 1' ON 11"x17" PAPER

OLAYINKA ONADEKO
 120 McFerrin Ave.
 Nashville, Tn 37206

Ext. Footage	1376 SF
Main	1320 SF
Second	2640 SF
Total	2640 SF
Covered Porch	130 SF

THESE DRAWINGS ARE FOR DESIGN ONLY.
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE
 CONSTRUCTION MEETS OR EXCEEDS ALL CODES.
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE
 ALL MECHANICAL, STRUCTURAL, ELECTRICAL AND OTHER
 WITH THE ARCHITECTURE AND INTERIORS OF THIS HOME.

Alley Back

Parking space

Parking space

Parking space

Parking space

DRIVEWAY

Addition

Existing House

DRIVEWAY

Disabled Parking

Parking space

Parking space

Parking space

SIDEWALK

McFerrin Avenue (Street)

front

sidewalks exist



02/26/2018

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Landmark Homes of TN Date: 7-3-2018
Property Owner: Apey Building Solutions Case #: 2018- 454
Representative: Gary Wisniewski Map & Parcel: 105-01 70
Council District 19

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: NEW CONSTRUCTION RESIDENTIAL HPR
TWO UNITS
REQUEST GARAGE DOORS FACE STREET
REQUEST A 22'-44" WIDE DRIVEWAY

Activity Type: RESIDENTIAL / HPR

Location: 921 13th AVE S.

This property is in the R-6A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: FRONT FACING GARAGE & 12' WIDE DRIVEWAY

Section(s): 17.12.00A NOTE 5 A3 & B2.

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Completed and witnessed, Date

GARY WISNIEWSKI
Name (Please Print)

Shellen@yourlandmark.com
Print Applicant's e-mail address

[Signature]
Signature

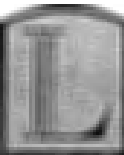
6064 CENTRAL PK
Mailing Address

MT. JULIET TN 37122
City, State, Zip Code

615-773-0700
Phone Number

This will also serve as a receipt of (cash) (check) to partly compensate for the expenses under this appeal.

Appeal Fee: \$ _____



July 3, 2018

Appellant: Landmark Homes of TN

Property location: 921 13th Ave S.

Map: 105-01; Parcel 70

Lot 4 Edgehill Estates

Circumstances (Hardship) exist that would authorize the consideration of the Board under the review standards as outlined?

1. Physical characteristics of the property (attached site plan) – the exceptional narrowness, shallowness and irregular shape of the property
2. Unique characteristics – the specific conditions are unique to the subject property.
3. No injury to neighboring property- The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air adjacent property, or substantially diminish or impair property values within the area.
4. No harm to public welfare – The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning code.

Gary Wronkowski

President

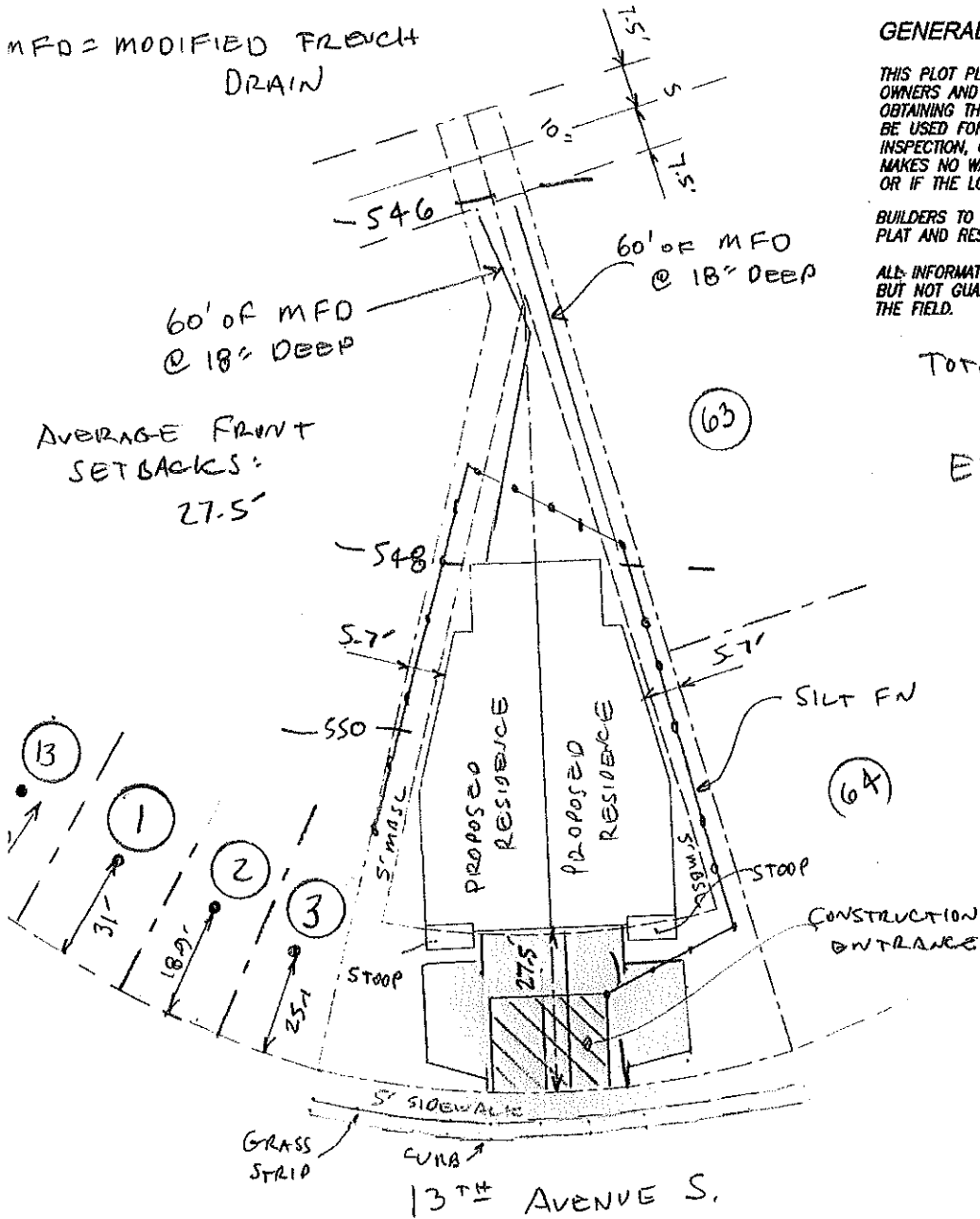
MFO = MODIFIED FRENCH DRAIN

GENERAL NOTES

THIS PLOT PLAN WAS MADE FOR THE CONTRACTOR, PROPERTY OWNERS AND CODES DEPARTMENT AND IS TO BE USED FOR OBTAINING THE BUILDING PERMIT ONLY. THIS PLAN IS NOT TO BE USED FOR A GENERAL PROPERTY SURVEY, MORTGAGE LOAN INSPECTION, OR A FOUNDATION INSPECTION. THE UNDERSIGNED MAKES NO WARRANTY THAT A BUILDING PERMIT WILL BE ISSUED OR IF THE LOT IS BUILDABLE.

BUILDERS TO VERIFY ALL LOT DATA AS SHOWN WITH RECORDED PLAT AND RESTRICTIONS PRIOR TO START OF CONSTRUCTION.

ALL INFORMATION ON PLOT PLAN IS DEEMED TO BE ACCURATE BUT NOT GUARANTEED. HOME IS SUBJECT TO BEING MOVED IN THE FIELD.



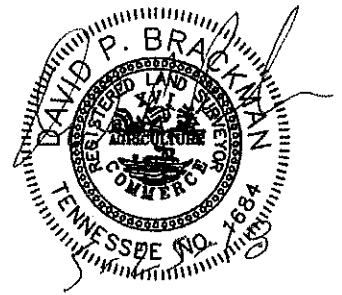
TOTAL LOT AREA: 6,243.47 SQ. FT.

EXISTING IMPERVIOUS: 1,704 ± SQ. FT.

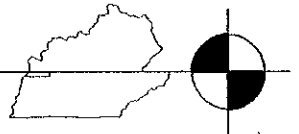
PROPOSED IMPERVIOUS: 2,968 ± SQ. FT.

NET INCREASE OF IMPERVIOUS AREA: 1,264 ± SQ. FT.

PLOT PLAN



BRACKMAN
LAND SURVEYING



DAVID P. BRACKMAN, RLS

1707 Gale Lane
Nashville, TN 37212

PH (615) 476-8107
FAX (615) 298-2605

Email: dbrack@bellsouth.net

OWNER: LANDMARK HOMES

PROPERTY LOCATED: 921 13TH AVE SOUTH

NASHVILLE, DAVIDSON COUNTY, TENNESSEE

PROPERTY: PROPERTY MAP 105-01 PARCEL 70

LOT 4 EDGEHILL ESTATES PB 4300 PG 80

RECORDED: INSTR # 20170713-0070475

SCALE: 1" = 30'

DATE: MAY 25, 2018 Revised 7-2-18

FILE NO. 18-017

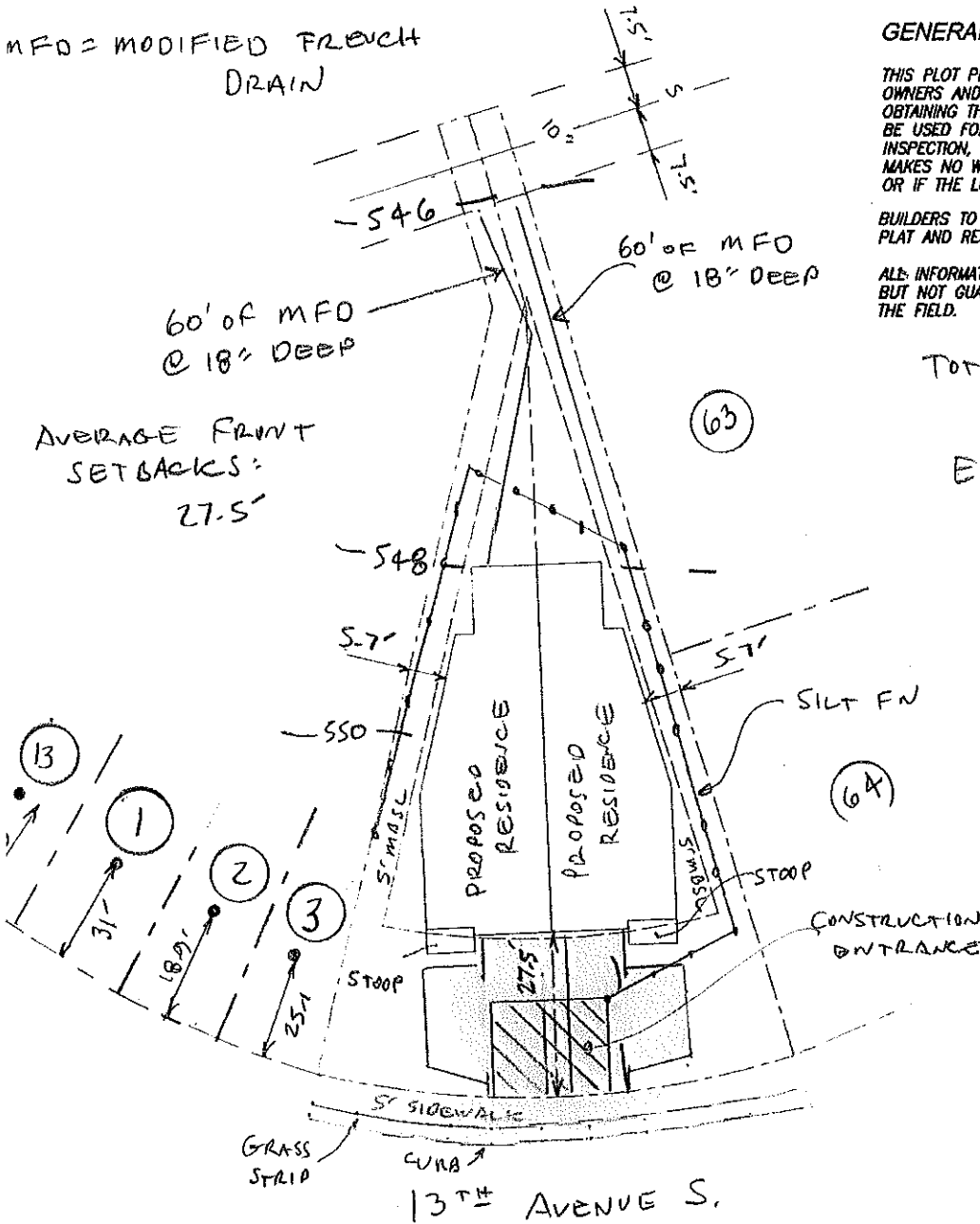
MFO = MODIFIED FRENCH DRAIN

GENERAL NOTES

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BUILDERS TO VERIFY ALL LOT DATA AS SHOWN WITH RECORDED PLAT AND RESTRICTIONS PRIOR TO START OF CONSTRUCTION.

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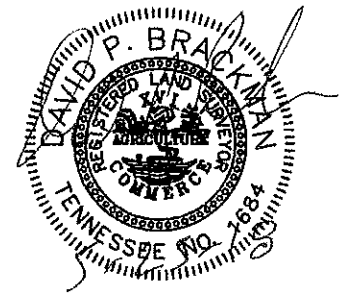
TOTAL LOT AREA: 6,243.47 SQ. FT.

EXISTING IMPERVIOUS: 1,704 ± SQ. FT.

PROPOSED IMPERVIOUS: 2,968 ± SQ. FT.

NET INCREASE OF IMPERVIOUS AREA: 1,264 ± SQ. FT.

PLOT PLAN



DAVID P. BRACKMAN, RLS

1707 Gale Lane Nashville, TN 37212
 PH (615) 476-8107 FAX (615) 298-2605
 Email: dbrack@bellsouth.net

OWNER: LANDMARK HOMES
PROPERTY LOCATED: 921 13TH AVE SOUTH
NASHVILLE, DAVIDSON COUNTY, TENNESSEE
PROPERTY: PROPERTY MAP 105-01 PARCEL 70
LOT 4 EDGEHILL ESTATES PB 4300 PG 80
RECORDED: INSTR # 20170713-0070475
SCALE: 1" = 30'
DATE: MAY 25, 2018 Revised 7-2-18

FILE NO. 18-017

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.

Sully Ave
APPELLANT

7-3-18
DATE

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17.40.370. This Section is included as follows:

★ Physical characteristics of the property - The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property.

★ Unique characteristics - The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.

Hardship not self-imposed - The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of this Zoning Code.

Financial gain not only basis - Financial gain is not the sole basis for granting the variance.

★ No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

★ No harm to public welfare - The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.

Integrity of Master Development Plan - The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions **MUST** affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

SEE ~~AT~~ NOTATIONS ABOVE



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



3532518

ZONING BOARD APPEAL / CAAZ - 20180039441
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10501007000

APPLICATION DATE: 07/09/2018

SITE ADDRESS:

921 13TH AVE S NASHVILLE, TN 37212
LOT 4 EDGEHILL EST SEC. 30

PARCEL OWNER: PAYNE, GREGORY SCOTT

CONTRACTOR:

APPLICANT:

PURPOSE:

TO CONSTRUCT RESIDENTIAL HPR (2 UNITS)

REQUEST GARAGE DOORS FACE STREET...

REJECTED: 17.12020A B.2. ATTACHED GARAGE. THE GARAGE DOOR SHALL FACE THE SIDE OR REAR PROPERTY LINE.

REQUEST SINGLE DRIVEWAY BEING 22' WIDE AT ENTRANCE, 44' WIDE WITH PARKING ALL WITH FRONT SETBACK.
(SEE PLAN)

REJECTED: 17.12020A A.3. PARKING, DRIVEWAYS AND ALL OTHER IMPERVIOUS SURFACES IN THE REQUIRED STREET SETBACK SHALL NOT EXCEED TWELVE FEET IN WIDTH.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



3532518

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Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



3532518

ZONING BOARD APPEAL / CAAZ - 20180039441
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10501007000

APPLICATION DATE: 07/09/2018

SITE ADDRESS:

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PARCEL OWNER: PAYNE, GREGORY SCOTT

CONTRACTOR:

APPLICANT:

PURPOSE:

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REQUEST SINGLE DRIVEWAY BEING 22' WIDE AT ENTRANCE, 44' WIDE WITH PARKING ALL WITH FRONT SETBACK.
(SEE PLAN)

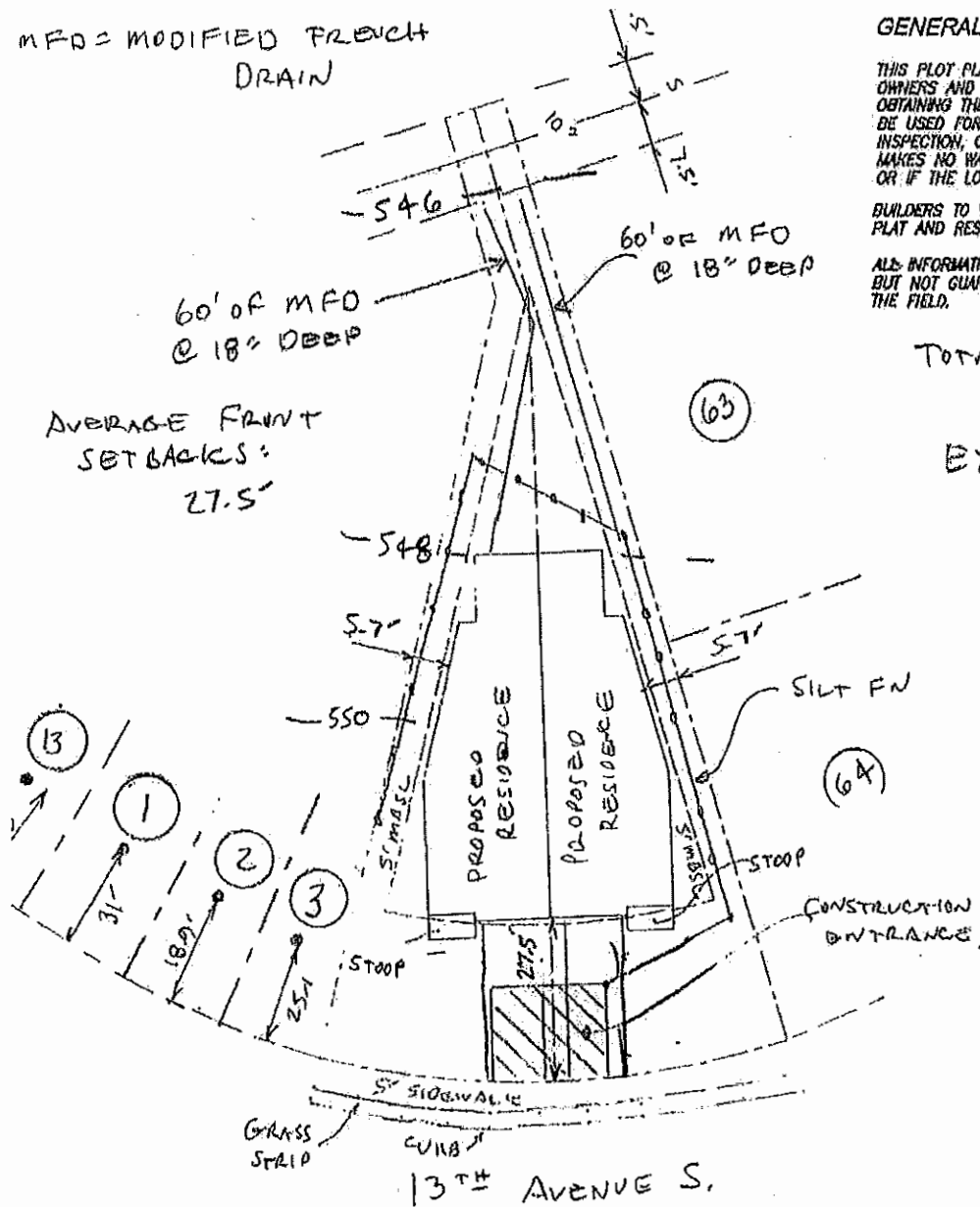
REJECTED: 17.12020A A.3. PARKING, DRIVEWAYS AND ALL OTHER IMPERVIOUS SURFACES IN THE REQUIRED STREET SETBACK SHALL NOT EXCEED TWELVE FEET IN WIDTH.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

MFO = MODIFIED FRENCH DRAIN



GENERAL NOTES

THIS PLOT PLAN WAS MADE FOR THE CONTRACTOR, PROPERTY OWNERS AND CODES DEPARTMENT AND IS TO BE USED FOR OBTAINING THE BUILDING PERMIT ONLY. THIS PLAN IS NOT TO BE USED FOR A GENERAL PROPERTY SURVEY, MORTGAGE LOAN INSPECTION, OR A FOUNDATION INSPECTION. THE UNDERSIGNED MAKES NO WARRANTY THAT A BUILDING PERMIT WILL BE ISSUED OR IF THE LOT IS BUILDABLE.

BUILDERS TO VERIFY ALL LOT DATA AS SHOWN WITH RECORDED PLAT AND RESTRICTIONS PRIOR TO START OF CONSTRUCTION.

ALL INFORMATION ON PLOT PLAN IS DEEMED TO BE ACCURATE BUT NOT GUARANTEED. HOME IS SUBJECT TO BEING MOVED IN THE FIELD.

TOTAL LOT AREA:

6,243.47 SQ. FT.

EXISTING

IMPERVIOUS:

1,704 ± SQ. FT.

PROPOSED

IMPERVIOUS:

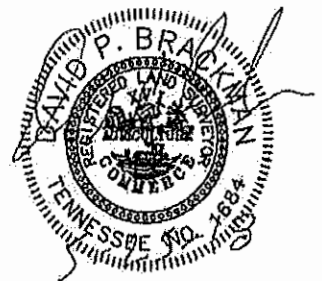
2,488 ± SQ. FT.

NET INCREASE OF

IMPERVIOUS

AREA: 784 ± SQ. FT.

PLOT PLAN



BRACKMAN
LAND SURVEYING



DAVID P. BRACKMAN, RLS

1707 Gale Lane
Nashville, TN 37212

PH (615) 476-8107
FAX (615) 298-2605

Email: dbrack@bellsouth.net

OWNER: LANDMARK HOMES

PROPERTY LOCATED: 921 13TH AVE SOUTH

NASHVILLE, DAVIDSON COUNTY, TENNESSEE

PROPERTY: PROPERTY MAP 105-01 PARCEL 70

LOT 4 EDGEHILL ESTATES PB 4300 PG 80

RECORDED: INSTR # 20170713-0070475

SCALE: 1" = 30'

DATE: MAY 25, 2018 Revised 7-2-18

FILE NO. 18-017

2018-454
OPPOSE

1010-13th Ave So,
Nash, TN 37212
Aug 6 2018

Re: Case # - 2018-454
921-13th Ave So
Map Parcel 10501007000
Zone class R6A
Council Dist 19

I Barbara Com
I wish to show opposition to
the request.

2018-480

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: John Pirtle
Property Owner: Eastland Development
Representative: John Pirtle

Date: 7-24-18
Case #: 2018-480
Map & Parcel: 083031F0010000

Council District 7

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: to construct a new duplex

Activity Type: Duplex - Sidewalks Required + Not Allowed to Contribute

Location: 1301 C Porter Rd

This property is in the R6 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Variance from side walk requirements

Section(s): 17.20.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

John Pirtle
Appellant Name (Please Print)

Same
Representative Name (Please Print)

708 Brackten St
Address

Address

Lebanon, TN. 37087
City, State, Zip Code

City, State, Zip Code

615 425 6599
Phone Number

Phone Number

jpirtle@msn.com
Email

Email

Appeal Fee: 100.00



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3538140

ZONING BOARD APPEAL / CAAZ - 20180043187

ISSUED ON:

I hereby certify that I am the agent of the owner, or other person in control of this property, and that the information given herein, and as shown on the application and the permit, is true; and that I am authorized by said owner, or other person in control of this property, to obtain this permit. I understand that if the construction and/or installation for which this permit is issued is contrary to the requirements of Metropolitan codes or regulations, said violations must be corrected, and the permit may be voided. I further certify that I am in compliance with the State of Tennessee statutes relating to licensing contractors for the work described in this permit. Work must start within six(6) months and must be completed within two(2) years of issue date. Permits become invalid if work does not start within six(6) months or is suspended for one(1) year after start date. Extensions of ninety(90) days each may be allowed in writing by the Director.

Approval (Where Required)

Date

SITE ADDRESS:

1301 C PORTER RD NASHVILLE, TN 37206
UNIT C 1301D PORTER ROAD TOWNHOMES

PARCEL:

083031F00100CO

Tax District:

USD

Census Tr:

37011400

PARCEL OWNER:

PURPOSE:

per METZO section 17.20.120, requesting a sidewalk variance for proposed HPR duplex.

PERMIT DETAILS:

Estimated Value:

Number of Floors:

Const Type:

Sewer or Septic:

Sq Footage:

Total # Buildings:

Parking Required: N

Total # Units:

Parking Provided: N

Garage: N

Sprinklers? N

Number of Bedrooms:

Metro Water:

Number of Kitchens:

Public Constr? N

ZONING ASSIGNMENTS:

OV-COD CONTEXTUAL OVERLAY DISTRICT
OV-UZO URBAN ZONING OVERLAY
R6 ONE&TWO FAMILY 6,000 SQUARE FOOT LOT

Third Coast Builders

708 Brockten St, Lebanon, TN. 37087 615-425-6599

jtpirtle@msn.com TN. Lic # 60437

To Whom It May Concern,

I am requesting relief from building a sidewalk, or contributing to the sidewalk fund for property at 1301 Porter Rd. Nashville, TN. 37206.

The lot is a corner lot and a sidewalk is existing on the portion of the lot that fronts Porter Rd. There is no existing sidewalk on the portion of the lot that fronts Carter Ave. or for that matter, there are no sidewalks on any of the lots on Carter Ave.

The reason for my request is that in order to install a sidewalk that is in compliance with the current metro code, I would be required to remove a significant number of trees, which would alter the overall picturesque scene of this area of east Nashville. In addition, I would be required to change the grade of the existing lot, which would also affect the existing lots and make this lot seem "out of place."

Please consider my request and grant a variance from the metro code for this lot.

Sincerely,

John Pirtle

jtpirtle@msn.com

615-425-6599

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17.40.370. This Section is included as follows:

Physical characteristics of the property - The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property.

Unique characteristics - The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.

Hardship not self-imposed - The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of this Zoning Code.

Financial gain not only basis - Financial gain is not the sole basis for granting the variance.

No injury to neighboring property. - The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

No harm to public welfare - The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.

Integrity of Master Development Plan - The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.


APPELLANT

7/24/18
DATE

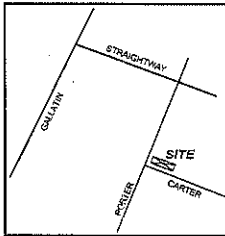
In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions MUST affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

In order to comply with current standards a significant amount of trees would need to be removed which would take away from natural beauty of the area and natural borders. In addition to significant grading and inconsistency w/ surrounding area.



VICINITY MAP

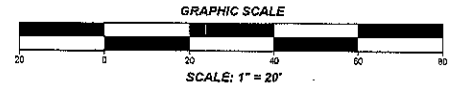
PRE IMPERVIOUS AREAS:
 HOUSE = 2000 SQ.FT.
 GARAGE = 540 SQ.FT.
 WALK = 105 SQ.FT.
 DRIVE = 3957 SQ.FT.
 TOTAL = 6394 SQ.FT.

STORMWATER CALCULATIONS
 HOUSES & WALKS = 4778 SQ.FT.
 DRIVES & WALKS = 5916 SQ.FT.
 TOTAL IMPERVIOUS AREA = 10,694 SQ. FT.

POST IA = 10594 SQ.FT. - 6350 SQ.FT. (PRE IA) = NET IA OF 4244 SQ.FT.

RAIN GARDEN: 5781 SQ.FT. X 0.055 = 317 SQ.FT. OF RAIN GARDEN WITH 18" AMENDED SOIL

PERMEABLE PAVERS: 2892 X .30 = 1050 SQ. FT. OF PAVERS WITH 5" OF LOWER STONE STORAGE



LEGEND

BOUNDARY LINE	---
IRON PIN NEW	⊙ IP(N)
IRON PIN OLD	IP(O) ⊙
MONUMENT OLD	⊠ MON(O)
EASEMENT LINE	---
POWER POLE	⊖

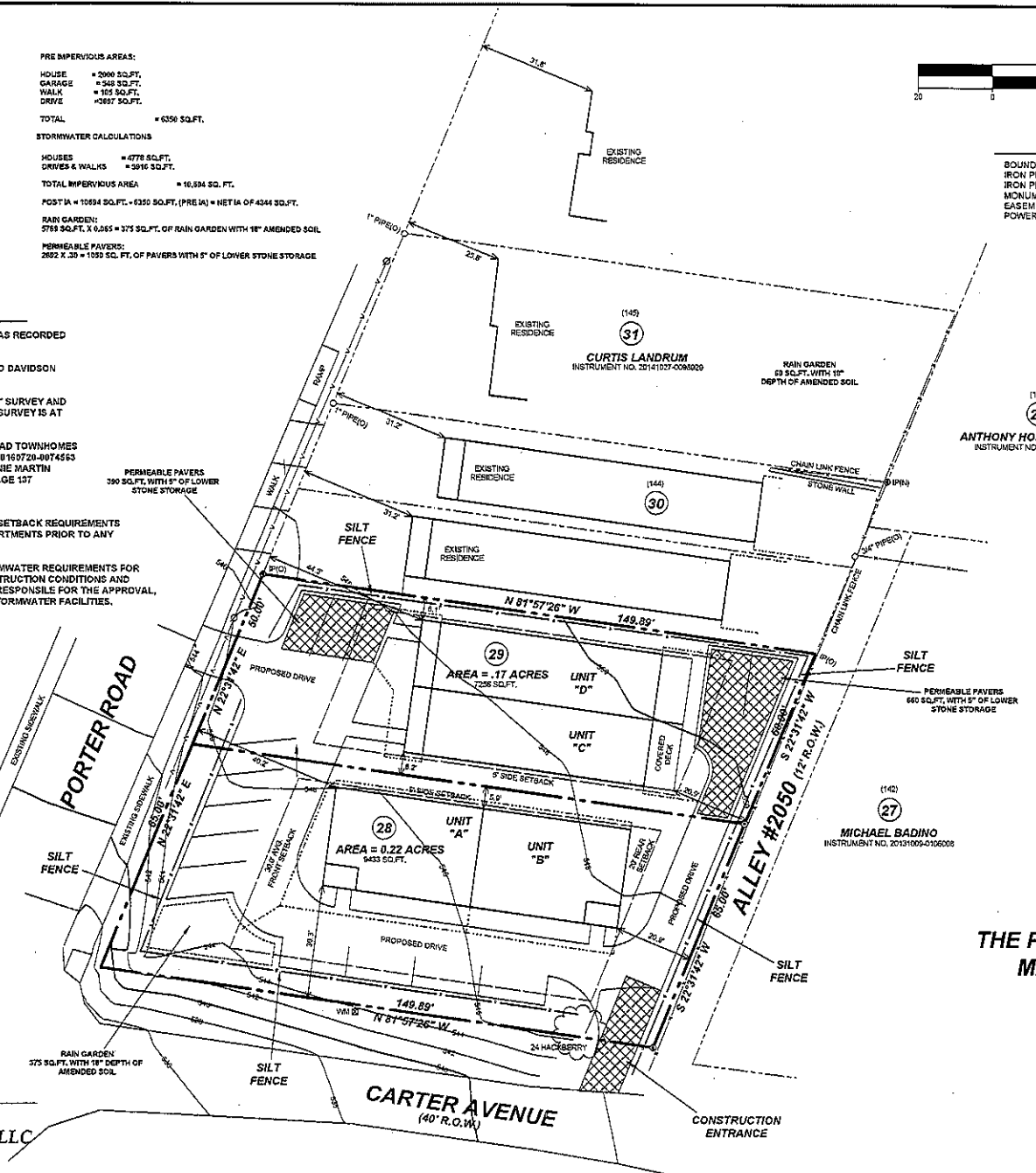
NORTH
SEE NOTE NO. 1

NOTES

- BEARINGS BASED ON 1303 PORTER COTTAGES, AS RECORDED IN INSTRUMENT NO. 20160823-0361634
- PARCEL NUMBERS SHOWN THUS (00) PERTAIN TO DAVIDSON COUNTY TAX MAP NO. 083-43.
- I HEREBY CERTIFY THAT THIS IS A CATEGORY "1" SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS AT LEAST 1:10,000 AS SHOWN HEREON.
- PROPERTY DEED REFERENCE: 1301 PORTER ROAD TOWNHOMES INSTRUMENT NO. 20160720-0074563 PLAN OF MRS MINNIE MARTIN PLAT BOOK 647 PAGE 137
- ZONING: R-6

OWNER / DEVELOPER MUST VERIFY MINIMUM BUILDING SETBACK REQUIREMENTS WITH METRO DAVIDSON COUNTY ZONING / CODES DEPARTMENTS PRIOR TO ANY DESIGN OR CONSTRUCTION OF ANY NEW STRUCTURES.

STORMWATER CALCULATIONS BASED ON METRO STORMWATER REQUIREMENTS FOR IMPERVIOUS AREAS AND WERE TAKEN FROM PRECONSTRUCTION CONDITIONS AND PROPOSED BUILDINGS PLANS. THE SURVEYOR IS NOT RESPONSIBLE FOR THE APPROVAL, DESIGN, INSTALLATION OR MAINTENANCE OF THESE STORMWATER FACILITIES.



**SITE PLAN
 LOT 28 & 29
 THE PLAN OF MRS. MINNIE E.
 MARTIN SUBDIVISION**

1301 PORTER ROAD TOWNHOMES

FOR

ED GAW

PROPERTY ADDRESS:
 1301 PORTER ROAD
 NASHVILLE, TN. 37206

07TH COUNCIL DISTRICT
 NASHVILLE, DAVIDSON COUNTY
 TENNESSEE

DATE: JUNE 26, 2018
 JUNE 28, 2018
 JULY 10, 2018



JASON F. SMITH TN, RLS NO. 1961

SMITH LAND SURVEYING, LLC

7534 PINEWOOD ROAD PRIMA SPRINGS, TN 38476
 TEL: 615-556-3550
 SMITHLANDSURVEYING@COMCAST.NET

Benjamin Fowler
2101 Creighton Ave
Nashville, TN 37206
717-380-4778
Bfowler1994@gmail.com

14 August 2018

Board of Zoning Appeals
Metro Office Building – 3rd Floor
800 Second Avenue, South
Nashville, TN 37210

RE: Appeal Case Number 2018-480
1301C Porter Rd
Map Parcel: 083031F00100CO
Zoning Classification: R6
Council District: 7

Dear Board of Zoning Appeals,

I am writing in opposition to the request for a variance from sidewalk requirements as requested by John Pirtle for the above property. As a homeowner who lives in East Nashville quite near the property in question, I believe that continuity of sidewalks and appearance is an important part of maintaining the character of the neighborhood. Sidewalks improve safety for pedestrians and provide a buffer keeping houses from looming over the road and obscuring the view around corners for drivers. Additionally, I myself utilize the sidewalks frequently to patronize the numerous local businesses within walking distance, instead of contributing to congestion and environmental impacts by driving around Nashville. In light of these views, I would like any new construction to follow the zoning rules and install conforming sidewalks as well as contributing to the sidewalk fund. I encourage the Board to deny this appeal.

Thank you,



Benjamin Fowler

Braisted, Sean (Codes)

From: Jerry Vandiver <jerryvandiver615@gmail.com>
Sent: Monday, August 27, 2018 2:05 PM
To: Board of Zoning Appeals (Codes)
Subject: Appeal case number 2018-480

Hello,

As a nearby property owner I would like to write in opposition to the request for variance from the sidewalk requirements on this development. I feel this developer should follow all the rules every other developer has and there should be no exception here.

I also feel that not putting in a sidewalk for this development would be a detriment to the character of the neighborhood.

Do I need to write a separate formal letter regarding my opposition or will this email suffice?

Thank you,
Jerry Vandiver
2112 Creighton
Nashville, TN
615-414-8356

2018-482

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

615-862-6530

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Dawn Thurley

Date: 7-25-18

Property Owner: Rod & Dawn Thurley

Case #: 2018-482

Representative: Rod & Dawn Thurley

Map & Parcel 11400031400

Council District 35

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: To obtain a STRP permit.

Activity Type: Short Term Rental

Location: 7668 Old Charlotte Pike

This property is in the AR2A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

•Reason: 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.

Section(s): 17.16.250(E)

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection A of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Dawn Thurley 7-25-18
Completed and witnessed, Date

Dawn Thurley
Name (Please Print)

[Signature]
Signature

dawnthurley@yahoo.com

Applicant's e-mail address

(615) 604-7667

Applicant's phone

7668 Old Charlotte Pike
Mailing Address

Nashville, TN 37209
City, State, Zip Code

(615) 604-7667
Phone Number

This will also serve as a receipt of (cash) (check) to partly compensate for the expenses under this appeal.

Appeal Fee: \$ 100.00



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



3538452

ZONING BOARD APPEAL / CAAZ - 20180043433
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11400031400

APPLICATION DATE: 07/25/2018

SITE ADDRESS:

7668 OLD CHARLOTTE PIKE NASHVILLE, TN 37209
N OF OLD CHARLOTTE PK W OF GOWER RD

PARCEL OWNER: THURLEY, RODERICK DOUGLAS & DAWN

CONTRACTOR:

APPLICANT:

PURPOSE:

****7-25-18**** Permit application is being generated to allow applicant to appeal to BZA for advertising/ operating a STR without a permit.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS
METRO OFFICE BUILDING--3rd FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS
POST OFFICE BOX 196300
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes

*APPLICANT HAS AUG 8, 2018
APPEARANCE IN ENVIRONMENTAL COURT*

NOTICE

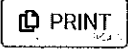
Pending your appeal of the denial of your application for a short term rental permit (STRP), you are prohibited from operating the STRP. Should you continue to advertise and/or operate the STRP at the subject property, the matter will be referred to Metro Legal for prosecution in Environmental Court.

A handwritten signature in black ink, appearing to read "Lance J. Shultz", written in a cursive style.

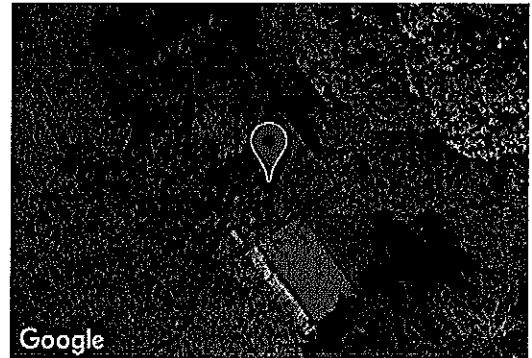
Rental Unit Record

7668 Old Charlotte Pike, Nashville, TN 37209, USA

Active ●
Identified ✓
Compliant X



VRBO - 321.874204.1422143



Identified Address

7668 Old Charlotte Pike, Nashville, TN 37209, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.123774, -86.946632

Parcel Number

11400031400

Owner Name

THURLEY, RODERICK DOUGLAS & DAWN JANENE

Owner Address

7668 Old Charlotte Pike
Nashville, TN 37209, US

Matched Details

Analyst

CHN6

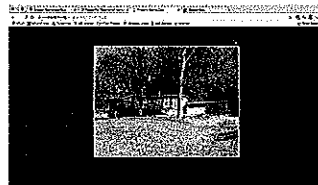
Explanation

Assessors image matches listing image and confirms location.

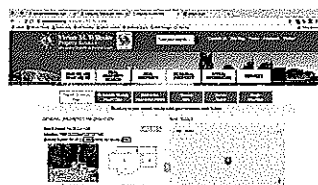
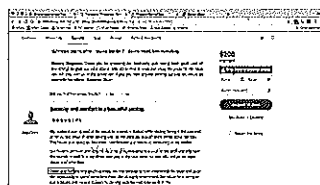
Listing Photos



Matching 3rd Party Sources



Assessors image matches listing image front.



Owner of record matches owner on listing.

Timeline of Activity

View the series of events and documentation pertaining to this property

1 Documented Stay
June, 2018

Listing Details

Listing URL - <https://www.homeaway.com/vacation-rental/p874204vb>

Listing Status ● Active

Host Compliance Listing ID - hma321.874204.1422143

Listing Title - Tranquility "Treehouse" Retreat In West Nashville 15 Min. To downtown Nashville!

Listing Info Last Captured - Jul 22, 2018

Screenshot Last Captured - Jul 15, 2018

Information Provided on Listing

Contact Name - owner/property manager

Latitude, Longitude - 36.119193, -86.948337


Minimum Stay (# of Nights) - 3

Max Sleeping Capacity (# of People) - 6

Number of Reviews - 19

Last Documented Stay - 06/2018


























Listing Screenshot History

 View Latest Listing Screenshot

May 5

June 5

July 3

-  2 Documented Stays
May, 2018
-  1 Documented Stay
April, 2018
-  Airbnb Letter: In Local Area 
April 8th, 2018
-  Airbnb Letter: Sent 
April 3rd, 2018
-  3 Documented Stays
March, 2018
-  First Warning - No STR or Tax: Delivered 
March 10th, 2018
-  First Warning - No STR or Tax: Sent 
March 4th, 2018
-  1 Documented Stay
December, 2017
-  2 Documented Stays
November, 2017
-  Listing hma321.874204.1422143 Identified
October 11th, 2017
-  2 Documented Stays
October, 2017
-  1 Documented Stay
September, 2017
-  1 Documented Stay
August, 2017
-  2 Documented Stays
June, 2017
-  1 Documented Stay
December, 2016
-  1 Documented Stay
November, 2016
-  1 Documented Stay
September, 2016
-  Listing hma321.874204.1422143 First
Crawled
July 20th, 2016
-  Listing hma321.874204.1422143 Reposted
July 20th, 2016
-  Listing hma321.874204.1422143 Removed
July 19th, 2016
-  Listing hma321.874204.1422143 First
Activity
June 14th, 2016

July 15, 2018 - 10:56PM America/Chicago

HomeAway



Trip Boards

Login

Help

List your property



Jul 15, 2018 10:56pm America/Chicago

Where
Bellevue, Nashville, TN, USA

Search



1 / 23

★★★★★ 19 Reviews
Wonderful 4.8/5

Premier Partner

Dates

Guests

Request to Book

Ask Owner a Question

For booking assistance, call 888-829-7076
Property # 874204vb

Overview Amenities Reviews Map Rates & Availability

Tranquility "Treehouse" Retreat In West Nashville 15 Min. To downtown Nashville!

Bellevue, Nashville, TN, USA



House



Bedrooms

2



Sleeps

6



Bathrooms

2



Half Baths

0



Minimum Stay

3 nights

2 Bedrooms, 2 Bathrooms, Sleeps 6

This beautifully fully furnished home is nestled on a hillside in a heavily wooded, 52 acre valley providing a peaceful quiet environment to relax after the hustle, bustle of Nashville. The driveway itself is about a half of a mile long driving through a canopy of trees only to open up into a beautiful valley! Only 3 Miles off the Interstate (I-40 and Charlotte Pike or Old Hickory Blvd) Sams Club, Costco, WalMart, Publix, McKay's, Nashville West Shopping Center, a movie theatre, as well as many restaurants within a 3-4 mile radius. Only 15 minutes from the heart of downtown Nashville, Titan's stadium, Bridgestone Arena, Riverfront Park, The Music City Center, The Ryman, The Country Music

View more

Owner



owner/property manager
Member Since 2016

Ask Owner a Question

Premier Partner

This HomeAway partner has demonstrated and is committed to fast response times, the best rates, and a great guest experience.

Response rate:
100%

Response time:
Within A Few Hours

Speaks:
English

Calendar last updated:
Jul 10, 2018

[View more about owner/property manager](#)

Amenities

Internet

Air Conditioning

Fireplace

TV

Satellite or Cable

Washer & Dryer

Parking

No Smoking

Heater

Bedrooms

bedrooms.sleeps

Bedroom 1

1 king

Bedroom 2

2 double

Bathrooms

bathrooms.choice

Bathroom 1

toilet, tub, shower, Double
Sinks and Large Walk In
Closet!

Bathroom 2

toilet, tub, shower, Double
Sinks and a large walk In closet

Theme

Romantic

Away From It All

Tourist Attractions

Meals

Guests provide their own
meals

General

Fireplace

Air Conditioning

Linens Provided

Washing Machine

Clothes Dryer

Heating

Parking

internet

Towels Provided

Iron & Board

Living Room

Sectional L Shape Sofa, can sleep one if needed. Contemporary rounded chair, Fireplace, 45" Flat Screen TV with DVD Player.

Kitchen

Dishwasher

Refrigerator

Stove

Oven

Microwave

Coffee Maker

Toaster

Dishes & Utensils

Kitchen

Double Door Side by Side Refrigerator with Ice Maker and Filtered Water. Ceramic Stove Top, Oven Dishwasher, Trash Compactor, Coffee Maker, Microwave, Disposal, Great Counter Space and Cabinets.

Dining

Dining Area

Dining

table seats four and bar area seats two.

property.amenities.seating

Entertainment

Television

Living Area Has a 45" flat screen TV with A DVD Player and the Full Size Bedroom also has a flat screen TV with DVD Player. Comcast Xfinity is the service provider

Satellite / Cable

Comcast Xfinity

DVD Player

Books

Games

Outside

Lawn / Garden

Outdoor Grill

Deck / Patio

Suitability

wheelchair inaccessible
Long-term Renters Welcome

Attractions

live theater
arboretum
cinemas
library
marina
museums
water parks
churches
restaurants
synagogues
winery tours
zoo
health/beauty spa
festivals

Leisure Activities

walking
horseback riding
bird watching
outlet shopping
sight seeing
scenic drives
shopping
wildlife viewing

Local Services & Businesses

ATM/bank
fitness center
groceries
hospital
laundromat
Babysitter
massage therapist
medical services

Sports & Adventure Activities

- cycling
- fishing
- golf
- mountain biking
- freshwater fishing
- hiking
- kayaking

House Rules

Check-in: Flexible Check-out: Flexible

Cancellation Policy

100% refund if canceled at least 60 days before arrival date. You must contact the owner directly to request cancellation.

19 Reviews

★★★★★ Wonderful 4.8/5



1 - 6 of 19



Awesome "home" away from home!

5/5 ★★★★★ Stayed Jun 2018

Denise B.

There are not enough characters to do our stay justice! Our original plan was to stay in a hotel, but a friend mentioned looking at rental houses instead. I scrolled past this property several times looking instead for something right near the city. Eventually I opened the info for this one and decided it looked perfect. I'm so happy we made the choice!! The house was spectacular. More a home than just a house. Clean, comfortable, very inviting and close enough to everything, but also peaceful and quiet. We were greeted in the morning and evening by friendly dogs and a deer family. I loved just sitting on the deck listening to all the sounds of nature. Dawn couldn't have been a better host! Although we didn't meet, she texted several times to make sure things were good and that we had all that we needed. Even though I don't actually know her, it always felt like a text exchange with a friend. We will definitely return to the "Treehouse" if we head back to Nashville in the future and I would highly recommend this rental to anyone looking to stay in a home vs. a hotel. Thank you Dawn and Rod for making us feel so incredibly welcome!!!

Submitted Jun 27, 2018

Peaceful Countryside Close to Everything

5/5 ★★★★★ Stayed May 2018

Keith R. Naples, Florida, US

This property is just as described, a Tranquil Retreat just minutes from the heart of Nashville excitement. Sitting out on the deck sipping coffee in the morning or a cocktail in the evening listening the birds was heavenly. Dawn was a wonderful guide, giving us great suggestions for dining, hiking and more. Grocery stores and great dining options are all nearby. The house was very clean & comfortable. We enjoyed playing cards in the living room & slept like babies at night. We highly recommend a stay here and will likely return should we vacation in the Nashville area again.

Submitted May 31, 2018

May 10th - May 13th, 2018.

5/5 ★★★★★ Stayed May 2018

Susan K.

My husband, brother and sister in law stayed there May 10-13. Had a wonderful time. The house is lovely. Had everything there you could possibly need or want. Dawn is a very gracious person. Highly recommend this property.

Submitted May 21, 2018

Owner's Response:

I so enjoyed hearing your laughter on the deck through the trees! Thank you for taking such great care of our "Treehouse" you are welcome back any time!

Blessings,

Dawn

We had an amazing experience.

5/5 ★★★★★ Stayed Apr 2018

Heather K.

We are very pleased with our stay. We loved the dogs that liked to play. House was spotless and very spacious. I'd definitely book this again.

Submitted Apr 30, 2018

Owner's Response:

Thank you Heather! We loved having you and all the girls and so glad you had a great time with us and seeing all of Nashville! Thanks to all of you for taking such good care of our home and we welcome you back any time! Thank you for choosing our Treehouse!

Words can't do this property justice - you have to experience it first hand!

5/5 ★★★★★ Stayed Nov 2017

Andrea B.

I can't say enough about this rental. The property was lovely. We so enjoyed being there that we didn't spend much time in Nashville choosing the quiet of the beautiful home & grounds over the noise! Our hosts were so accommodating and gracious. Dawn is a gem! I highly recommend this property to anyone who appreciates nature but would like the option of going into town readily available. We were only 15 minutes away from everything we wanted to do, toured a plantation, had a wine tasting, & of course the famed barbecue & music of downtown Nashville. A perfect combination!

Submitted Apr 23, 2018

Owner's Response:

Thank You so much Andy! You guys were a dream! I am so glad we were able to find another time for you to come and stay with us when the first dates fell through! A story for all times! Mason, Max, and Django thank you for their gift and are anxiously awaiting your return as we all are! Blessings!

Beautiful setting, quiet, cozy, very comfortable accommodations. Peaceful, lovely.

5/5 ★★★★★ Stayed Mar 2018

Traci H.

Off the beaten track, peaceful, beautiful place about 20-30 minutes from downtown. Extremely clean, spotless actually. Perfect accommodations for our family. We enjoy the city, but prefer a more pastoral place to make our abode. The kitchen was well stocked enough for us to host Easter lunch for our family, living area large but cozy, very comfortable and conducive to good conversation and time well spent with friends and family. The beds were VERY nice, VERY comfortable—hard to leave in the morning! The bathrooms were luxurious! Both with double sinks, walk in showers, and big bathtubs that invite you for a long, relaxing soak. Anything we needed was easy to find as the home is well organized and put together with guests in mind. The owner is quick to respond to questions and eager to please. One word to future vacation renters - this house has lovely, plush, well cared for white carpet in the living areas and bedrooms, so wear shoes you can slip on and off easily in the mud room. Over all, very nice accommodations at which we hope to stay again!

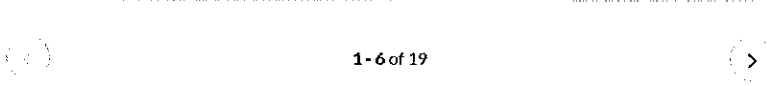
Submitted Apr 2, 2018

Owner's Response:

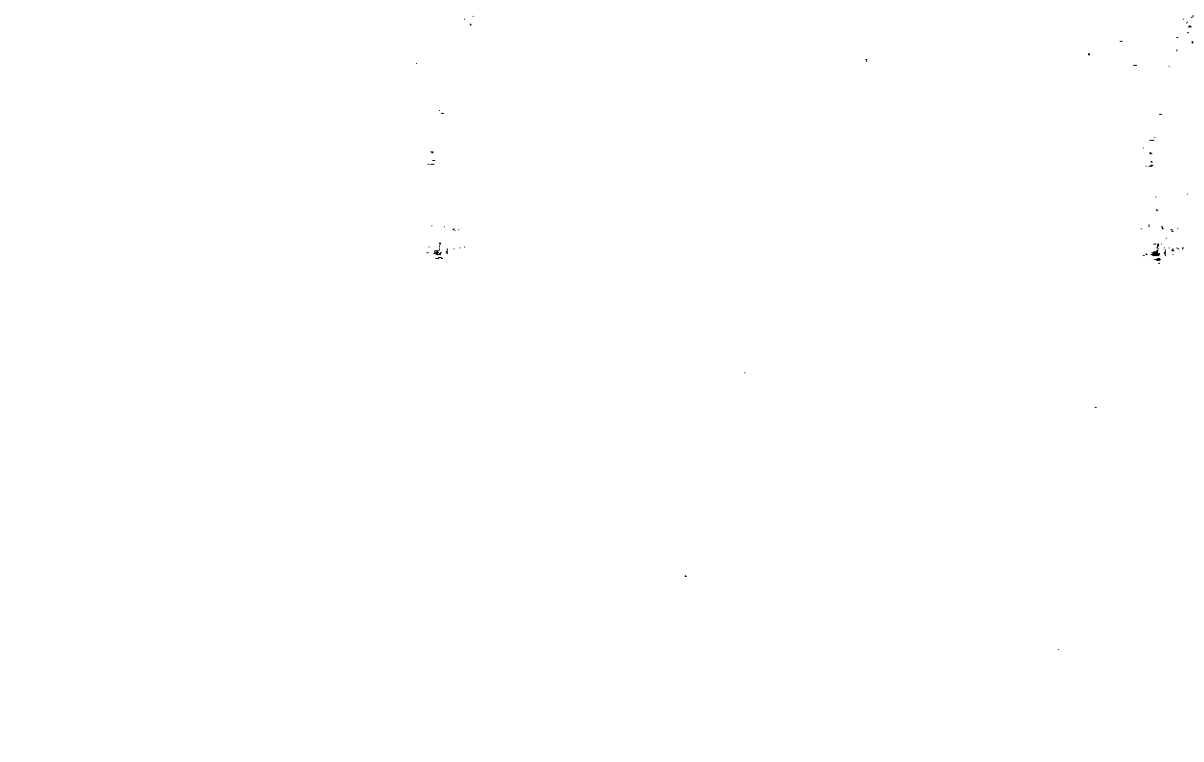
Thank you so much Traci! We loved having you stay with us and extremely happy you found everything easy to find and extra comfortable and cozy! That's what we strive for, is to make this home a retreat that everyone can come together, relax, rejuvenate, and get ready for the next adventure! We would love to have you again!


Blessings,

Dawn



Map



 Bellevue, Nashville, TN, USA

Rates & Availability



Additional Information about rental rates

Cleaning fee	\$100
Damage Deposit	\$500

Special Offers




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Get DOUBLE points on the app. Learn How >

Home Bundle and Save Hotels Cars Flights Cruises Things to Do Discover Vacation Rentals Deals Rewards Mobile Collections

Show us your human side...

We can't tell if you're a human or a bot.



Please upgrade to a supported browser to get a reCAPTCHA challenge.

Alternatively if you think you are getting this page in error, please check your internet connection and reload.

[Why is this happening to me?](#)

Add your property to Expedia

Popular Vacation Destinations ^

Feedback

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210



Appellant: Anne Marie Danko

Date: 8-2-18

Property Owner: Anne Marie Danko

Case #: 2018-486

Representative: Anne Marie Danko

Map & Parcel: 10306001000

Council District 20

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose:

TO CONSTRUCT A 14 X 18 FT
SCREENED PORCH ADDITION TO
DETACHED GARAGE

Activity Type: RESIDENTIAL ADDITION TO ACCESSORY DWELLING

Location: 5636 KENDALL DRIVE

This property is in the R57.5 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: VARIANCE TO ACCESSORY BUILDING FLOOR AREA

Section(s): 17.12-050

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection _____ Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Anne Marie Danko
Appellant Name (Please Print)

Representative Name (Please Print)

5636 Kendall Dr
Address

Address

Nashville, TN 37209
City, State, Zip Code

City, State, Zip Code

586-530-4384
Phone Number

Phone Number

Anne_danko@hotmail.com
Email

Email

Appeal Fee:

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17.40.370. This Section is included as follows:

Physical characteristics of the property - The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property.

Unique characteristics - The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.

Hardship not self-imposed - The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of this Zoning Code.

Financial gain not only basis - Financial gain is not the sole basis for granting the variance.

No injury to neighboring property. - The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

No harm to public welfare - The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.

Integrity of Master Development Plan - The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions MUST affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

Covered deck addition to the back of the existing garage. Exceeds footprint for accessory structures. Currently removed 220 sq ft existing covered deck & replacing it on the patio.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.

Ashlie Marie Demko
APPELLANT

8/2/18
DATE



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3541438

APPLICATION FOR BUILDING RESIDENTIAL - ADDITION / CARA - T2018045485
THIS IS NOT A PERMIT

PARCEL: 10306001000

APPLICATION DATE: 08/02/2018

SITE ADDRESS:

5636 KENDALL DR NASHVILLE, TN 37209

PARCEL 10 BROOKSIDE COURT RESUB OF LOTS 10 & 11

PARCEL OWNER: DANKO, ANNE MARIE

APPLICANT: SELF CONTRACTOR RESIDENTIAL (SEE APPLICANT INFORMATION)
Anne Danko 586-530-4384

PURPOSE:

Rejected due to exceeding allowable Accessory Dwelling Footprint allowed per 17.12.050, allows 722 sq ft of Accessory Dwelling footprints (50% of building coverage) 660 sq ft garage exists, requesting to add 252 sq ft screen porch. Requesting additional 190 sq ft more than allowed per code.
To construct a 14 ft x 18 ft (252 sq ft) screen porch addition to existing detached garage. Removed existing 220 sq ft gazebo and pergola. Must conform to all easements . No trades needed. 5 ft minimum side setbacks and 20 ft minimum rear setback. Maximum building coverage on total parcel not to exceed 45%. Maximum height of 16ft and roof height/slope cannot exceed that of primary residence on property. 1. Acknowledges applying for this self building permit in own name, & will act as own contractor accepting full responsibility for code compliance, for hiring & employing individuals & has ultimate responsibility for my own work & for the work of others. Acting as my own general contractor, I further understand that I may forfeit certain protections, which might be available to me through the State of Tenn general contractor's licensing process. I further acknowledge that as a self building permit holder I am responsible for requesting all required inspections & completing all authorized work in compliance with applicable adopted codes. I further understand that separate permits are required for any proposed electrical, plumbing, & gas/mechanical work and is not part of this building permit...2. Pursuant # 2006-1263 Metro code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. 3...You can dig your footers, but do not pour any concrete until you call for an inspection. Also do not put up any drywall until you call for an inspection. The idea is you do not cover up anything until an inspector has had a chance to review.

*Before a building permit can be issued for this project, the following approvals are required.
The Applicant is responsible for providing any plans or other information to the individual agencies*

[A] Site Plan Review	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Zoning Review		
[A] Bond & License Review On Bldg App		
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov

2018-375



NOTES:

- This survey meets the requirements of a "General Property Survey" as per standards of practice, DB20-3-07 adopted by the Board of Examiners for Land Surveyors, State of Tennessee. This survey also meets the requirements of "Plans and Mapping" as per standards of practice, DB20-3-07 adopted by the Board of Examiners for Land Surveyors, State of Tennessee.
- Bearings are based on the Tennessee State Plane Coordinate System, NAD83 (Horizontal) and NAVD88 (Vertical).
- Distances were measured with E.D.M. equipment and have been corrected for temperature and barometric pressure.
- This survey was made using the latest recorded deeds/plats of record. No other records were reviewed. The location of any utility is shown hereon as based on a professional opinion in regards to information obtained during the survey and does not constitute a warranty or guarantee, expressed or implied.
- This property is located in an area designated "Zone X" as per the National Flood Insurance Rate Map No. 47037C0213 F. Dates: April 20, 2001.
- This surveyor has not physically located the underground utilities. Above grade and underground utilities shown were taken from public records, utility maps, and other maps and are not shown as depicted by others. The location of any utility is shown hereon as based on a professional opinion in regards to information obtained during the survey and does not constitute a warranty or guarantee, expressed or implied.
- The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities are in the exact location indicated. Therefore, reliance upon the type, location and depth of any utility shown hereon should be made only for the location and depth should also be made prior to any excavation relative thereto is made. Availability and cost of service should be confirmed with the appropriate utility company. In Tennessee, it is a requirement per "The Underground Utility Damage Prevention Act", that anyone who engages in excavation must notify all known underground utility owners prior to the date of their work. The surveyor does not warrant any possible hazard or conflict. Tennessee One-call 1-800-367-4111
- Information shown hereon was derived from random shots, cross sections, and radial shots.
- For: Mr. Bailey Neal.
- Zoning: R6 - Medium Density Residential, 6,000 sq.ft.

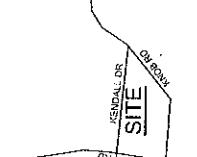
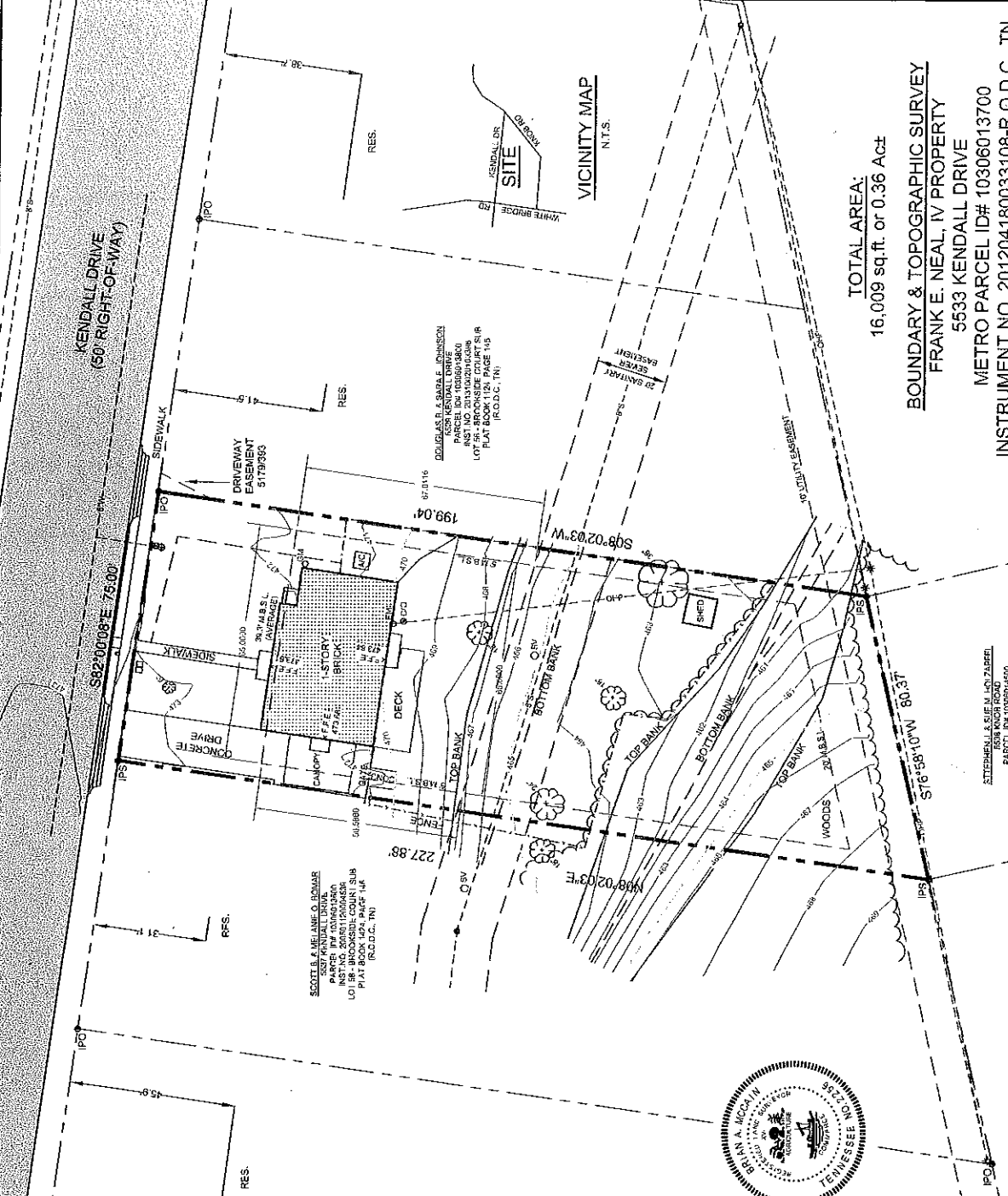
LEGEND

- PROPERTY LINE
- WATER LINE
- SEWER LINE
- FENCE LINE
- OVERHEAD POWER LINE
- PO# IRON PIN OLD
- M.B.S.L. MINIMUM BUILDING SETBACK LINE
- F.F.E. FINISHED FLOOR ELEVATION
- * POWER POLE
- CG# CLEANOUT
- GAS METER
- S/W SEWER VALVE
- DECIDUOUS TREE

SOUTHERN PRECISION
 LAND SURVEYING, INC.
 P.O. BOX 37743-0220
 MEMPHIS, TN 38138-0220
 (615) 962-5600

SURVEYOR'S CERTIFICATE
 (I/WE) HEREBY CERTIFY THAT THIS SURVEY MEETS THE REQUIREMENTS OF AN URBAN LAND SURVEY (CATEGORY I) AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS GREATER THAN 1:10,000 AS SHOWN HEREON.

BY: **BRAN A. MCCAIN, P.L.S.** TN. LICENSE NO. 2265

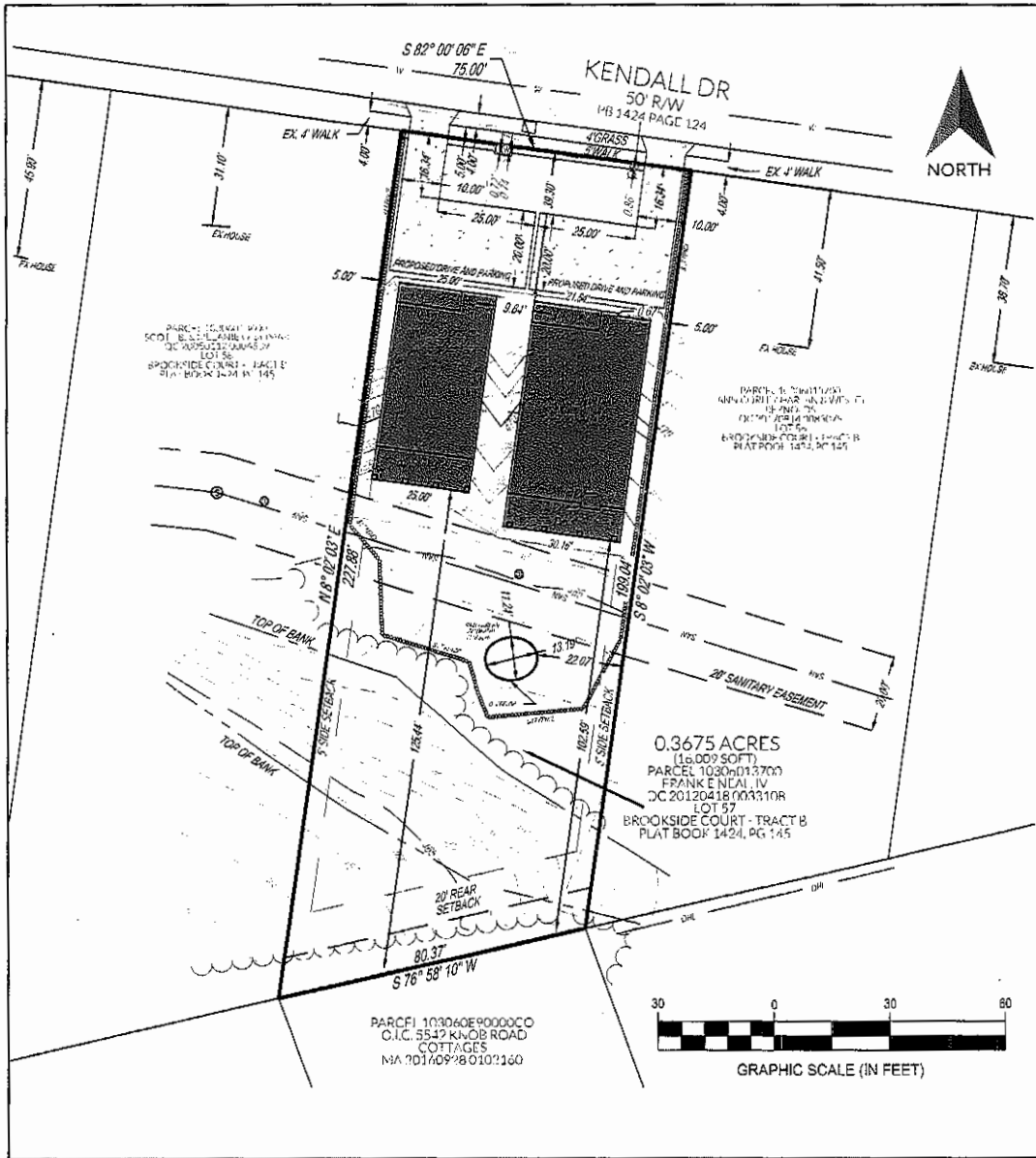


TOTAL AREA:
 16,009 sq. ft. or 0.36 AC

BOUNDARY & TOPOGRAPHIC SURVEY
FRANK E. NEAL, IV PROPERTY
 5533 KENDALL DRIVE
 METRO PARCEL ID# 10306013700
 INSTRUMENT NO. 201204180033108-R.O.D.C., TN.
 LOT 57 - BROOKSIDE COURT SUBDIVISION
 PLAT BOOK 1424, PAGE 145-R.O.D.C., TN.
 24TH CIVIL DISTRICT
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE
 SCALE: 1" = 20' DATE: 7/10/16

SCOTTELLA & MELANIE O. BOWAR
 5537 KENDALL DRIVE
 PARCEL ID# 10306013700
 LOT 58 - BROOKSIDE COURT SUBDIVISION
 PLAT BOOK 1424 PAGE 144
 (R.O.D.C., TN)

DRAWN BY: BAM PROJECT NO. 16-0830



IMPERVIOUS AREA INFORMATION

EXISTING IMPERVIOUS AREA	
HOUSE	1,724 SQFT
CONCRETE DRIVEWAY	931 SQFT
CONCRETE WALK	228 SQFT
TOTAL	2,783 SQFT
PROPOSED IMPERVIOUS AREA	
HOUSE/PORCH	3,061 SQFT
CONCRETE DRIVEWAY	1,726 SQFT
CONCRETE WALK	20 SQFT
TOTAL	4,877 SQFT
CHANGE IN IMPERVIOUS AREA	
ADDITION OF	2,094 SQFT

EXHIBIT TO SHOW VALVE/METER BOX CONFLICT WITH PROPOSED SIDEWALK

DISTANCES SHOWN ARE TAKEN FROM NORTHEN MOST EDGE OF VALVE/METER BOX

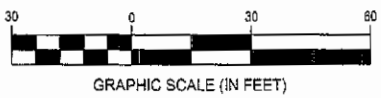
SURVEY NOTES

1. NORTH ANGLE BEARING SYSTEM BASED UPON THE WEST SIGHT OF WA - 1" OF THE PLAN OF BROOKSIDE COURT TRACT B AS RECORDED IN BOOK 1424 PAGE 114 AND AN ALIEN REAL ESTATE SURVEY BY DONOVAN BENSON PROFESSIONAL DATE 11/11/17 WITH REFERENCE TO THE PLAN OF BROOKSIDE COURT TRACT B AS RECORDED IN BOOK 1424 PAGE 114 AND AN ALIEN REAL ESTATE SURVEY BY DONOVAN BENSON PROFESSIONAL DATE 11/11/17.
2. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH, THE SURVEYOR HAS NO INFORMATION REGARDING ENCUMBRANCES AND OTHER DOCUMENTS THAT MIGHT AFFECT THE VALIDITY OF THE LEGAL INTERESTS SHOWN HEREON UNLESS SHOWN BY THE RECORDS.
3. ALL UTILITIES ARE SHOWN TO THE BEST OF CURRENT KNOWLEDGE AND ARE BASED UPON FIELD ACTIONS TAKEN FROM OBSERVATION, VIDEO, AND ONE-NOCT INVESTIGATION. EACH OF THE UTILITIES AT THE UTILITIES SHOWN ARE CORRECT TO THE BEST OF THE SURVEYOR'S KNOWLEDGE.
4. UTILITIES IN THE FORM OF STORM SEWER, SANITARY SEWER, ELECTRICAL, TELEPHONE, CABLE, NATURAL GAS, AND TELEVISION WATER ARE ALL SHOWN AS THEY APPEAR ON THE SURVEY. THE LOCATION WITHIN THE PUBLIC RIGHT-OF-WAY ADJOINING SAME MAY BE DIFFERENT AND ARE NOT GUARANTEED FOR THE PURPOSE OF THIS SURVEY.
5. ALL UTILITIES SHOWN ARE NOT TO BE CONSIDERED AS A GUARANTEE OF LOCATION OR DEPTH. THE LOCATION OF ANY UTILITIES SHOWN ARE NOT TO BE CONSIDERED AS A GUARANTEE OF LOCATION OR DEPTH.
6. ACCESS TO THE SUBJECT PARCEL IS AVAILABLE VIA KENDALL DRIVE.
7. SETBACKS SHOWN ARE BASED ON DISTRICT ZONING TABLES AND THE ZONING CODE OF THE METRO AREA, CAN CONFIRM IT OF HASTINGS AND DAVIDSON COUNTY, TENNESSEE.
8. FRONT SETBACKS SHOWN ARE BASED ON THE LOCATION OF THE FRONT NEIGHBORING HOMES.
9. CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
10. SETBACKS TO BE INSTALLED AROUND PERIMETER OF PROPERTY PRIOR TO CONSTRUCTION. SETBACKS SHOWN.



SIGNED: DONOVAN BENSON
 TN RLS #3046
 BENSON@BALANDPROFESSIONALS.COM
 937.286.5043
 DATE: 06/09/2018

SITE PLAN	
LEGACY SOUTH BUILDERS	
5533 KENDALL DR NASHVILLE	8TH COUNCIL DISTRICT DAVIDSON COUNTY, TENNESSEE
SCALE 1"=30'	DATE 05/09/2018
DESIGN: DPB	JOB NO. 18-0142
DRAWN: DPB	SHEET NO.
CHECKED: JBA	1 OF 3
BA LAND PROFESSIONALS	









Braisted, Sean (Codes)

From: Anne Marie Danko <anne_danko@hotmail.com>
Sent: Monday, August 27, 2018 8:06 AM
To: Shepherd, Jessica (Codes)
Subject: Fwd: PZ WBNA Consent 5636 Kendall Dr 2018-486

----- Forwarded message -----

From: **Mary Carolyn Roberts** <marycarolynroberts@gmail.com>
Date: Tue, Aug 21, 2018 at 10:01 PM
Subject: Fwd: PZ WBNA Consent 5636 Kendall Dr 2018-486
To: Jon Michael <john.michael@nashville.gov>, "Herbert, Bill (Codes)" <bill.herbert@nashville.gov>

I would like to express my full support and the support of the community for 2018-486.
Thank you,

Mary Carolyn Roberts
Village Real Estate
615-977-9262 (c)
615-383-6964 (w)
Metro Council, District 20

----- Forwarded message -----

From: **Danko, Anne Marie** <annemarie.danko@vumc.org>
Date: Tue, Aug 21, 2018 at 11:38 AM
Subject: RE: PZ WBNA Consent [5636 Kendall Dr](#) 2018-486
To: Mary Carolyn Roberts <marycarolynroberts@gmail.com>

Thanks, I think I need clarification on what is left to confirm. The zoning office told me to call you and request your support for the consent agenda. When we last spoke you stated that you would place it on the consent agenda if I first got support from the WBNA and you connected me with Scott. They voted in support last night, what is left to confirm?

From: Mary Carolyn Roberts [marycarolynroberts@gmail.com]
Sent: Tuesday, August 21, 2018 11:31 AM
To: Scott McAnally
Cc: Danko, Anne Marie
Subject: Re: PZ WBNA Consent 5636 Kendall Dr 2018-486

Yes I am confirming that I can support this.

Mary Carolyn Roberts
Metro Council District 20
615-977-9262 (c)
615-383-6864 (w)
Realtor with Village Real Estate

[www.marycarolynroberts.com<https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Foberts.com&data=02%7C01%7Cannemarie.danko%40vumc.org%7Ce577450210c24ed6335708d607839752%7Cef57503014244ed8b83c12c533d879ab%7C0%7C0%7C636704659108178318&sdata=TtkuhJ%2Blm50Ybfz8I55bNRnAEAY7adKpSyuluBmNNdw%3D&reserved=0>](https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Foberts.com&data=02%7C01%7Cannemarie.danko%40vumc.org%7Ce577450210c24ed6335708d607839752%7Cef57503014244ed8b83c12c533d879ab%7C0%7C0%7C636704659108178318&sdata=TtkuhJ%2Blm50Ybfz8I55bNRnAEAY7adKpSyuluBmNNdw%3D&reserved=0)

On Aug 21, 2018, at 10:15 AM, Scott McAnally
<mcanallysj@gmail.com><mailto:mcanallysj@gmail.com>> wrote:

Hey Mary Carolyn,

We don't have the minutes compiled yet, but I can confirm Anne Marie's statement, the motion to approve her request carried unanimously. Please let me know if you need anything else from the Neighborhood Association to get the measure on consent.

Best,
Scott

On Tue, Aug 21, 2018 at 9:28 AM Danko, Anne Marie
<annemarie.danko@vumc.org><mailto:annemarie.danko@vumc.org>> wrote:
Mary Carolyn,

Last night the WBNA provided unanimous consent in support of my case 2018-486. The attached notification will be distributed to neighbors within 600 feet next week. Could you please confirm that this meets your requirements to place this item on the consent agenda for the September zoning appeals meeting?

Thank you,

AM

Anne Marie Danko, MBA, PMP
Managing Director, Operational Performance
Vanderbilt University Medical Center
Annemarie.danko@vumc.org<mailto:Annemarie.danko@vumc.org>
615-322-0006

2018-487

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF DAVIDSON COUNTY



Appellant: WOODBINE COMMUNITY ORG, Date: 8-2-18

Property Owner: SAME

Case #: 2018-487

Representative: JEFF STROMATT

Map & Parcel: 08110015000

Council District 21

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose:

To construct a single family residence

Activity Type: Single Family

Location: 2508 Finland St.

This property is in the RSS Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Variance from sidewalk requirements. Asking not to pay, OR construct sidewalks

Section(s): 17.20.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Completed and witnessed, Date

STROMATT 34@gmail.com

Print Applicant's e-mail address

JEFF STROMATT

Name (Please Print)

Jeff Stromatt

Signature

643 SPENCE LA.

Mailing Address

NASH, TN 37217

City, State, Zip Code

615-509-7905

Phone Number

This will also serve as a receipt of (cash) (check) to partly compensate for the expenses under this appeal.

Appeal Fee: \$ 100.00



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3541612

ZONING BOARD APPEAL / CAAZ - 20180045470
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08110015000

APPLICATION DATE: 08/02/2018

SITE ADDRESS:

2508 FINLAND ST NASHVILLE, TN 37208
LOTS 77 & 78 COBBS SUB OF THE BOSLEY TRACT

PARCEL OWNER: WOODBINE COMMUNITY ORGANIZATION **CONTRACTOR:**

APPLICANT:

PURPOSE:

requesting a sidewalk variance for proposed single family residence per METZO section 17.20.120.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3392789

BUILDING RESIDENTIAL - NEW / CARN - T20170540914
Permit Tracking Checklist

PARCEL: 08110015000

APPLICATION DATE: 08/03/2017

PERMIT TRACKING #: 3392789

SITE ADDRESS:

2508 FINLAND ST NASHVILLE, TN 37208
LOTS 77 & 78 COBBS SUB OF THE BOSLEY TRACT

PARCEL OWNER: METRO GOV'T BT BACK TAX SALE

CONTRACTOR:

APPLICANT:

PURPOSE:

to construct a single family residence with 1150 sf living area and 100 sf porch area. must comply with tree regulations one new two inch tree for every 30' road frontage. 20' min front s/b; 5' min side s/b; 20' min rear s/b. sidewalks required with applicant having the option of paying in lieu of fee.

Before a Building Permit can be issued for this project, the following approvals are required.

<input checked="" type="checkbox"/> [A] Site Plan Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
<input checked="" type="checkbox"/> [X] Zoning Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
<input checked="" type="checkbox"/> [B] Fire Life Safety Review On Bldg App		862-5230
[E] Sewer Availability Review For Bldg		862-7225
[E] Sewer Variance Approval For Bldg		
[E] Water Availability Review For Bldg		862-7225
[E] Water Variance Approval For Bldg		
<input checked="" type="checkbox"/> [A] Bond & License Review On Bldg App		
[F] Address Review On Bldg App		862-8781 bonnie.crumby@nashville.gov
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[C] Flood Plain Review On Bldg App		862-6038 logan.bowman@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsl@nashville.gov
[F] Solid Waste Review On Bldg App		862-8782
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@nashville.gov

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17.40.370. This Section is included as follows:

Physical characteristics of the property - The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property.

Unique characteristics - The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.

Hardship not self-imposed - The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of this Zoning Code.

Financial gain not only basis - Financial gain is not the sole basis for granting the variance.

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

No harm to public welfare - The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.

Integrity of Master Development Plan - The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Notices will be sent to the district council members, *The Tennessean*, and the neighboring property owners within ~~200~~ 200 feet of the property. The neighbor notices will be mailed approximately twenty-three (23) days prior to the public hearing.

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

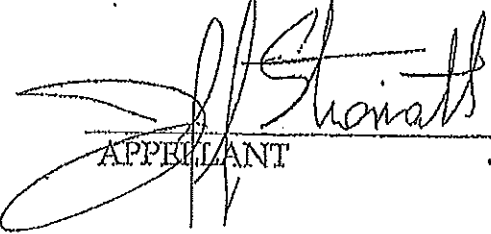
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I HEREBY GIVE PERMISSION TO the Department of Codes and Building Safety to post the required sign(s) on the subject property as required by the Zoning Code. I am aware that I am responsible for removing the sign(s) after the public hearing.


APPELLANT

DATE

2018

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions MUST affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

THIS HOME IS BEING BUILT AS AFFORDABLE HOUSING
SELLING TO PEOPLE MAKING 80% OF MEDIUM INCOME.
BUILT WITH M.D.H.A. AND BARNES FUND.



TENNESSEE DEPARTMENT OF REVENUE

Certificate of Exemption

WOODBINE COMMUNITY ORGANIZATION
222 ORIEL AVE
NASHVILLE TN 37210-4910
|||||

September 20, 2011

Account Type: S&U EXEMPT

Account No.: 780122074

Under the provisions of T.C.A. Section 67-6-322, the organization named above is granted authority from the Tennessee Department of Revenue to make purchases, without payment of the Sales or Use Tax, of tangible personal property or taxable services to be used or consumed by the organization itself or to be given away.

The organization must furnish the suppliers of goods and services with a COPY of this exemption certificate. The lower portion of the certificate must be properly completed. The organization MUST retain the original certificate for copy purposes. The supplier will maintain a file copy as evidence of exemption. Later purchases do not require the submission of additional copies. Invoices must contain the name of the organization and the number given above.

This authority does not extend to purchases made by representatives of the organization when the items purchased or services rendered are paid for with personal funds. It does not extend to items purchased to be resold.

THE ORGANIZATION MUST NOTIFY THE DEPARTMENT IMMEDIATELY IF IT CEASES TO EXIST, MOVES, OR IN ANY WAY CHANGES THE ORGANIZATION FROM ITS PRESENT FORM.

EFFECTIVE DATE July 1, 2011

Richard H. Roberts
COMMISSIONER OF REVENUE

TO BE COMPLETED BY THE ORGANIZATION (please print)

TO: SUPPLIER'S NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

I _____ as an authorized representative of the organization named above affirm that the purchases made under this authority will be used and consumed by the organization or will be given away. I further affirm that the organization will not use this authority to purchase items for resale.

Under penalty of perjury, I affirm this to be a true and correct statement.

PRINT NAME OF ORGANIZATION: Woodbine Community Org

PRINT NAME OF PURCHASER: Cathie Dodd

SIGNATURE OF PURCHASER: Cathie Dodd

1150' ^{long} - 96' ^{Percent}

LEGEND

- Existing Iron Rod - IR(O)
- Existing Iron Pipe - IP(O)
- Iron Rod (New) - IR(N)
- Metal Box (Metal on Pole)
- Sign/Marker Post (Type Shown)
- ⊠ Natural Gas Meter
- ⊠ Water Meter
- ⊠ Water Valve
- ⊠ Fire Hydrant
- ⊠ Anchor or Guy Wire
- ⊠ Utility And Light Pole
- ⊠ Utility Pole
- ⊠ Single Catch Basin
- ⊠ Double Curb Inlet
- ⊠ Sanitary Sewer Manhole
- H.P.R. Horizontal Property Rights
- R.O.D.C. Register's Office Davidson County
- MBSL Minimum Building Setback Line
- SNA Storage Area
- SUNL Sun Room Low
- BFA Building Footprint Area
- STP Covered Concrete Stoop
- Overhead Utility Lines
- Wooden Privacy Fence
- Metals Chainlink Fence
- W Existing Water Main
- SA Existing Sanitary Sewer
- GAS Existing U.G. Gas Line
- Property Lines
- CTS CONTEXTUAL SETBACK
- F Centerline
- SF Silt Fence

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY TO: WOODBINE COMMUNITY ORGANIZATION, INC. THAT THIS LOT SURVEY IS A CATEGORY I SURVEY, THAT THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT STANDARDS OF PRACTICE FOR LAND SURVEYORS IN THE STATE OF TENNESSEE (UNDER THE AUTHORITY OF TCA 62-18-126), AND THE UNADJUSTED ERROR OF CLOSURE EXCEEDS 1:10,000 AS SHOWN HEREON.

BY: **ADVANTAGE LAND SURVEYING** NAME: **WILLIAM B. PERKINS**
 TENNESSEE R.L.S. # 2163
 DATE: **JULY 31, 2017**

PREPARED BY:
ADVANTAGE LAND SURVEYING
 4636 LEBANON PIKE # 327
 PHONE # 615-319-4701

TOTAL AREA IN SURVEYED PREMISES =
13,987.3 S.F. ± OR
Or 0.32' Of An Acre ±

OWNER / DEVELOPER:
METROPOLITAN GOVERNMENT OF NASHVILLE
 P.O. BOX 196300
 NASHVILLE, TN 37219

GENERAL NOTES:

1. BEARINGS ARE BASED ON MAGNETIC NORTH.
2. THE TOTAL AREA WITHIN THE SURVEYED PREMISES (LOT # 77 and 78) IS 13,987.3 S.F.± OR 0.32' OF AN ACRE MORE OR LESS.
3. ALL LOT / PROPERTY CORNERS ARE MARKED AS SHOWN ON THIS SURVEY.
4. FRONT MINIMUM BUILDING SETBACK LINE AS SHOWN HEREON WAS DERIVED FROM THE AVERAGE OF ALL THE RESIDENCES LOCATED ALONG DELMAS AVE. AS SHOWN HEREON. SIDE AND REAR ARE AS PER ZONING CODE.
5. BY GRAPHIC PLOTTING AND MAP SCALING LOCATION ONLY, THIS PROPERTY IS NOT WITHIN AN AREA OF FLOOD INUNDATION AS DESIGNATED BY CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS (FEMA) WHICH MAKE UP A PART OF THE NATIONAL FLOOD INSURANCE ADMINISTRATION REPORT AS SHOWN ON FEMA MAP NUMBER 4703700237H WHICH IS THE MOST CURRENT (VIA THE FEMA WEB-SITE) FOR WHICH THE SURVEYED PREMISES IS SITUATED IN. THE SURVEYED PREMISES LIES ENTIRELY WITHIN ZONE "X".
6. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN HEREON WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS, AND/OR MAPS PREPARED BY OTHERS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION AS INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. COORDINATE WITH TENNESSEE ONE-CALL SYSTEM, INC. - PHONE: 811.
7. ANY EXCAVATION, FILL OR DISTURBANCE OF THE EXISTING GROUND ELEVATION MUST BE DONE IN ACCORDANCE WITH STORM WATER MANAGEMENT ORDINANCE NO. 78-840 AND APPROVED BY THE METROPOLITAN DEPARTMENT OF WATER SERVICES.
8. SIZE DRIVEWAY CULVERTS PER THE DESIGN CRITERIA SET FORTH BY THE METRO STORM WATER MANAGEMENT MANUAL (MINIMUM DRIVEWAY CULVERT SIZE IN METRO R.O.W. IS 15" CMP).
9. ANY DEVELOPMENT OF THIS PROJECT SHALL COMPLY WITH REQUIREMENTS OF THE ADOPTED TREE ORDINANCE 094-1104 (METRO CODE CHAPTER 17.24, ARTICLE II, TREE PROTECTION AND REPLACEMENT; CHAPTER 17.40, ARTICLE X, TREE PROTECTION AND REPLACEMENT PROCEDURES).
10. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH / REPORT MAY DISCLOSE.; THEREFORE, THIS SURVEY IS SUBJECT TO ALL MATTERS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY REVEAL.
11. THE SURVEYED PREMISES IS SUBJECT TO ALL GOVERNMENTAL AGENCIES REQUIREMENTS FOR ANY TYPE OF EXCAVATION, IMPROVEMENTS, DEMOLITION



William B. Perkins

GOOGLE EARTH INC.
 METRO PARCEL ID# 08110039500
 INSTRUMENT No. 201602110013101
 (R.O.D.C., TN)

DEBORAH J. WHITLEY AND N. P. GRANBERRY
 METRO PARCEL ID# 08110014600
 DEED BOOK 6852, PAGE 225
 (R.O.D.C., TN)

JUANITA WEBB
 METRO PARCEL ID# 08110014800
 INSTRUMENT No. 200902220017044
 (R.O.D.C., TN)

BUILDING SETBACK NOTE:

ALL MBSL DISTANCES AS SHOWN HEREON ARE SUBJECT TO THE ZONING CODE AND WILL HAVE TO BE APPROVED BY THE CODES DEPARTMENT PRIOR TO CONSTRUCTION.

POST IMPERVIOUS AREAS:

HOUSE: 746.0 sq. ft.
 PARKING AREA: 537.4 sq. ft.
 TOTAL AREA: 1,283.4 sq. ft.

PROPERTY ADDRESS:

2508 FINLAND STREET
 NASHVILLE, TN 37208

PROPERTY TITLE REFERENCE:

THE SURVEYED PREMISES IS ALL OF THE SAME PROPERTY AS CONVEYED TO: METROPOLITAN GOVERNMENT OF NASHVILLE, DAVIDSON COUNTY, TENNESSEE AS OF RECORD IN INST. No. 200702080017337 REGISTER'S OFFICE, DAVIDSON COUNTY, TN.

N.E.S. NOTE:

N.E.S HAS AUTHORITY TO CLEAR OR TRIM ANYTHING WITHIN 5' TO 10' OF A POWER LINE, WHETHER OF RECORD EASEMENT OR NOT, EVEN IF THE POWER LINE IS NOT CENTERED DIRECTLY WITHIN THE EASEMENT.

LOT SURVEY

LOT No. 77 AND 78 OF
 THE HARDING'S BOSLEY TRACT

RECORDED IN PLAT BOOK 161, PAGE 155, R.O.D.C., TN.
 METRO PARCEL IDENTIFICATION No. 08110015000
 21th COUNCIL DISTRICT - METROPOLITAN NASHVILLE,
 DAVIDSON COUNTY, TENNESSEE



DRAWN BY: D. R. CLAYBROOKS
 CHECKED BY: BILLY PERKINS

GRAPHIC SCALE - 1" = 30 FEET
 Sheet 1 Of 1

DATE: JULY 31, 2017
 JOB NO. 4-2017g

1150
 100

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-487 (2508 Finland Street)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Local Street Standard
Requested Variance:	Not construct sidewalks; not contribute in lieu of construction (eligible)
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	Local Street
Transit:	200' from #42 – St. Cecilia/Cumberland
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant is constructing a new single family structure on the property through the Barnes Housing Trust Fund, which helps to provide more affordable housing in the city. Planning evaluated the following factors for the variance request:

- (1) A right-of-way dedication will ensure that Metro does not have to purchase a portion of the property in the future to construct sidewalks.
- (2) Requiring additional infrastructure on properties already donated by Metro through the Barnes Fund for affordable housing competes with Metro's priority to provide more affordable housing in Nashville.

Given the factors above, staff recommends **approval with conditions:**

1. The applicant shall dedicate right-of-way across the property's frontage to accommodate a future 4' grass strip and 5' sidewalk.

1150+ wing - 96' Porch

LEGEND

- Existing Iron Rod - IR(O)
- Existing Iron Pipe - IP(O)
- Iron Rod (New) - IR(N)
- ⊕ Mailbox (Metal on Pole)
- + Sign/Marker Post (Type Shown)
- ⊠ Natural Gas Meter
- ⊠ Water Meter
- ⊠ Water Valve
- ⊠ Fire Hydrant
- ⊠ Anchor or Guy Wire
- ⊠ Utility And Light Pole
- ⊠ Utility Pole
- ⊠ Single Catch Basin
- ⊠ Double Curb Inlet
- ⊠ Sanitary Sewer Manhole
- H.P.R. Horizontal Property Regime
- R.O.D.C. Registrar's Office Davidson County
- MBSL Minimum Building Setback Line
- SAA Storage Area
- SUNL Sun Room Low
- BFA Building Footprint Area
- STP Covered Concrete Stoop
- OHL Overhead Utility Lines
- Wooden Privacy Fence
- Metal Chainlink Fence
- W Existing Water Main
- SA Existing Sanitary Sewer
- GAS Existing U.G. Gas Line
- Property Lines
- CTS CONTEXTUAL SETBACK
- ⊕ Centerline
- SF Silt Fence

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY TO: WOODBINE COMMUNITY ORGANIZATION, INC, THAT THIS LOT SURVEY IS A CATEGORY I SURVEY; THAT THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT STANDARDS OF PRACTICE FOR LAND SURVEYORS IN THE STATE OF TENNESSEE (UNDER THE AUTHORITY OF TCA 62-18-126), AND THE UNADJUSTED ERROR OF CLOSURE EXCEEDS 1:10,000 AS SHOWN HEREON.

BY: ADVANTAGE LAND SURVEYING NAME: WILLIAM B. PERKINS
TENNESSEE R.L.S. # 2163
DATE: JULY 31, 2017

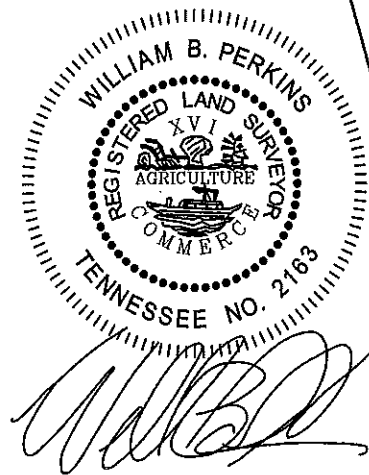
PREPARED BY:
ADVANTAGE LAND SURVEYING
4636 LEBANON PIKE # 327
PHONE # 615-319-4701

TOTAL AREA IN
SURVEYED PREMISES =
13,987.3 S.F. ± OR
Or 0.32' Of An Acre ±

OWNER / DEVELOPER:
METROPOLITAN GOVERNMENT OF
NASHVILLE DAVIDSON COUNTY TENNESSEE
P.O. BOX 196300
NASHVILLE, TN 37219

GENERAL NOTES:

1. BEARINGS ARE BASED ON MAGNETIC NORTH.
2. THE TOTAL AREA WITHIN THE SURVEYED PREMISES (LOT # 77 and 78) IS 13,987.3 S.F.± OR 0.32' OF AN ACRE MORE OR LESS.
3. ALL LOT / PROPERTY CORNERS ARE MARKED AS SHOWN ON THIS SURVEY.
4. FRONT MINIMUM BUILDING SETBACK LINE AS SHOWN HEREON WAS DERIVED FROM THE AVERAGE OF ALL THE RESIDENCES LOCATED ALONG DELMAS AVE. AS SHOWN HEREON. SIDE AND REAR ARE AS PER ZONING CODE.
5. BY GRAPHIC PLOTTING AND MAP SCALING LOCATION ONLY, THIS PROPERTY IS NOT WITHIN AN AREA OF FLOOD INUNDATION AS DESIGNATED BY CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS (FEMA) WHICH MAKE UP A PART OF THE NATIONAL FLOOD INSURANCE ADMINISTRATION REPORT AS SHOWN ON FEMA MAP NUMBER 47037C0237H WHICH IS THE MOST CURRENT (VIA THE FEMA WEB-SITE) FOR WHICH THE SURVEYED PREMISES IS SITUATED IN. THE SURVEYED PREMISES LIES ENTIRELY WITHIN ZONE "X".
6. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN HEREON WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS, AND/OR MAPS PREPARED BY OTHERS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION AS INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. COORDINATE WITH TENNESSEE ONE-CALL SYSTEM, INC. - PHONE: 811.
7. ANY EXCAVATION, FILL OR DISTURBANCE OF THE EXISTING GROUND ELEVATION MUST BE DONE IN ACCORDANCE WITH STORM WATER MANAGEMENT ORDINANCE NO. 78-840 AND APPROVED BY THE METROPOLITAN DEPARTMENT OF WATER SERVICES.
8. SIZE DRIVEWAY CULVERTS PER THE DESIGN CRITERIA SET FORTH BY THE METRO STORM WATER MANAGEMENT MANUAL. (MINIMUM DRIVEWAY CULVERT SIZE IN METRO R.O.W. IS 15" CMP).
9. ANY DEVELOPMENT OF THIS PROJECT SHALL COMPLY WITH REQUIREMENTS OF THE ADOPTED TREE ORDINANCE 094-1104 (METRO CODE CHAPTER 17.24. ARTICLE II, TREE PROTECTION AND REPLACEMENT; CHAPTER 17.40, ARTICLE X, TREE PROTECTION AND REPLACEMENT PROCEDURES).
10. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH / REPORT MAY DISCLOSE.; THEREFORE, THIS SURVEY IS SUBJECT TO ALL MATTERS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY REVEAL.
11. THE SURVEYED PREMISES IS SUBJECT TO ALL GOVERNMENTAL AGENCIES REQUIREMENTS FOR ANY TYPE OF EXCAVATION, IMPROVEMENTS, DEMOLITION



GOOGLE FIBER INC.
METRO PARCEL ID# 08110039500
INSTRUMENT No. 201602110013101
(R.O.D.C., TN)

DEBORAH J. WHITLEY AND N. P. GRANBERRY
METRO PARCEL ID# 08110014600
DEED BOOK 6852, PAGE 225
(R.O.D.C., TN)

JUANITA WEBB
METRO PARCEL ID# 08110014800
INSTRUMENT No. 200002220017044
(R.O.D.C., TN)

BUILDING SETBACK NOTE:

ALL MBSL DISTANCES AS SHOWN HEREON ARE SUBJECT TO THE ZONING CODE AND WILL HAVE TO BE APPROVED BY THE CODES DEPARTMENT PRIOR TO CONSTRUCTION.

POST IMPERVIOUS AREAS:

HOUSE: 746.0 sq. ft.
PARKING AREA: 537.4 sq. ft.
TOTAL AREA: 1,283.4 sq. ft.

PROPERTY ADDRESS:

2508 FINLAND STREET
NASHVILLE, TN 37208

PROPERTY TITLE REFERENCE:

THE SURVEYED PREMISES IS ALL OF THE SAME PROPERTY AS CONVEYED TO: METROPOLITAN GOVERNMENT OF NASHVILLE, DAVIDSON COUNTY TENNESSEE AS OF RECORD IN INST. No. 200702090017337 REGISTER'S OFFICE, DAVIDSON COUNTY, TN.

N.E.S. NOTE:

N.E.S HAS AUTHORITY TO CLEAR OR TRIM ANYTHING WITHIN 5' TO 10' OF A POWER LINE, WHETHER OF RECORD EASEMENT OR NOT, EVEN IF THE POWER LINE IS NOT CENTERED DIRECTLY WITHIN THE EASEMENT.



DRAWN BY: D. R. CLAYBROOKS
CHECKED BY: BILLY PERKINS

GRAPHIC SCALE - 1" = 30 FEET
Sheet 1 Of 1

DATE: JULY 31, 2017
JOB NO. 4-2017g

1150
100

2018-488

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: PRESTON QUIRK
Property Owner: JOHN COZINS
Representative: PRESTON QUIRK

Date: 8-3-18
Case #: 2018-488
Map & Parcel: 115-03010600

Council District 23

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose:

TO CONSTRUCT A 9 FT X 31.5 FT
FRONT PORCH ON EXISTING SINGLE
FAMILY RESIDENCE.

Activity Type: RES. CONSTRUCTION

Location: 1020 DAVIDSON RD

This property is in the RS40 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: SETBACK VARIANCE

Section(s): 17.12.030

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

PRESTON QUIRK
Appellant Name (Please Print)

Representative Name (Please Print)

2931 BERRY HILL DR. SUITE 200
Address

SAME
Address

NASHVILLE, TN 37204
City, State, Zip Code

City, State, Zip Code

615-568-0343
Phone Number

Phone Number

quirkdesigns@comcast.net
Email

Email

Appeal Fee: _____



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3541946

**APPLICATION FOR BUILDING RESIDENTIAL - ADDITION / CARA - T2018045855
THIS IS NOT A PERMIT**

PARCEL: 11503010600

APPLICATION DATE: 08/03/2018

SITE ADDRESS:

1020 DAVIDSON RD NASHVILLE, TN 37205
LOT 32 SEC 1 CREST MEADE

PARCEL OWNER: COUZINS, JOHN F.

APPLICANT:

PURPOSE:

BZA Appeal of 17.12.030 Setback Requirement of 95 ft per average, requesting 55'-8 1/2".

To construct a 9 ft x 31.5 ft (283 sq ft) front porch to existing single family residence. Minimum 95 ft front setback per survey average. Minimum 15 ft side setbacks. Must conform with all easements on property. ... Pursuant # 2006-1263 Metro Code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metro Code.

*Before a building permit can be issued for this project, the following approvals are required.
The Applicant is responsible for providing any plans or other information to the individual agencies*

[A] Site Plan Review	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[A] Zoning Review		
[A] Bond & License Review On Bldg App		

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17.40.370. This Section is included as follows:

Physical characteristics of the property - The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property.

Unique characteristics - The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.

Hardship not self-imposed - The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of this Zoning Code.

Financial gain not only basis - Financial gain is not the sole basis for granting the variance.

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

No harm to public welfare - The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.

Integrity of Master Development Plan - The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions **MUST** affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

LOCATION OF EXISTING HOUSE ON LOT

± SHALLOW/NARROW FRONT YARD

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

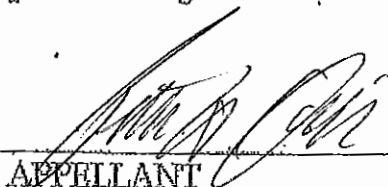
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

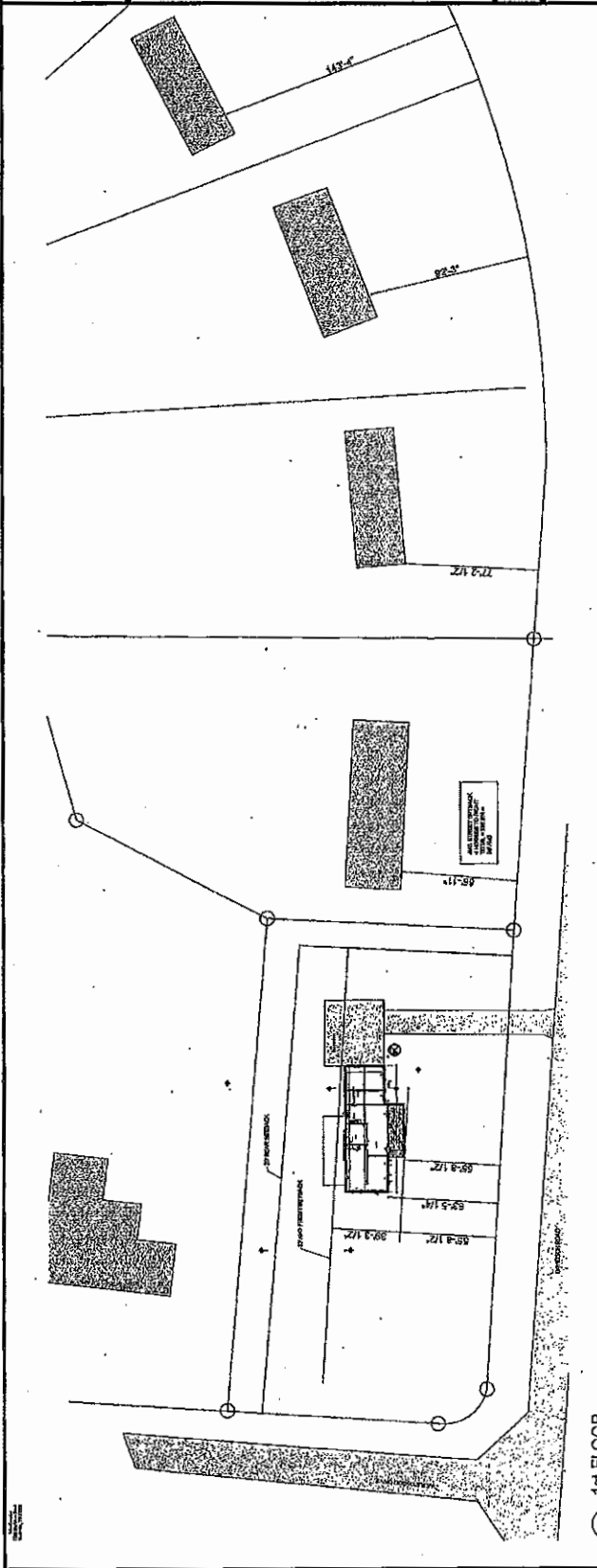
We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.


APPELLANT

8/3/18
DATE

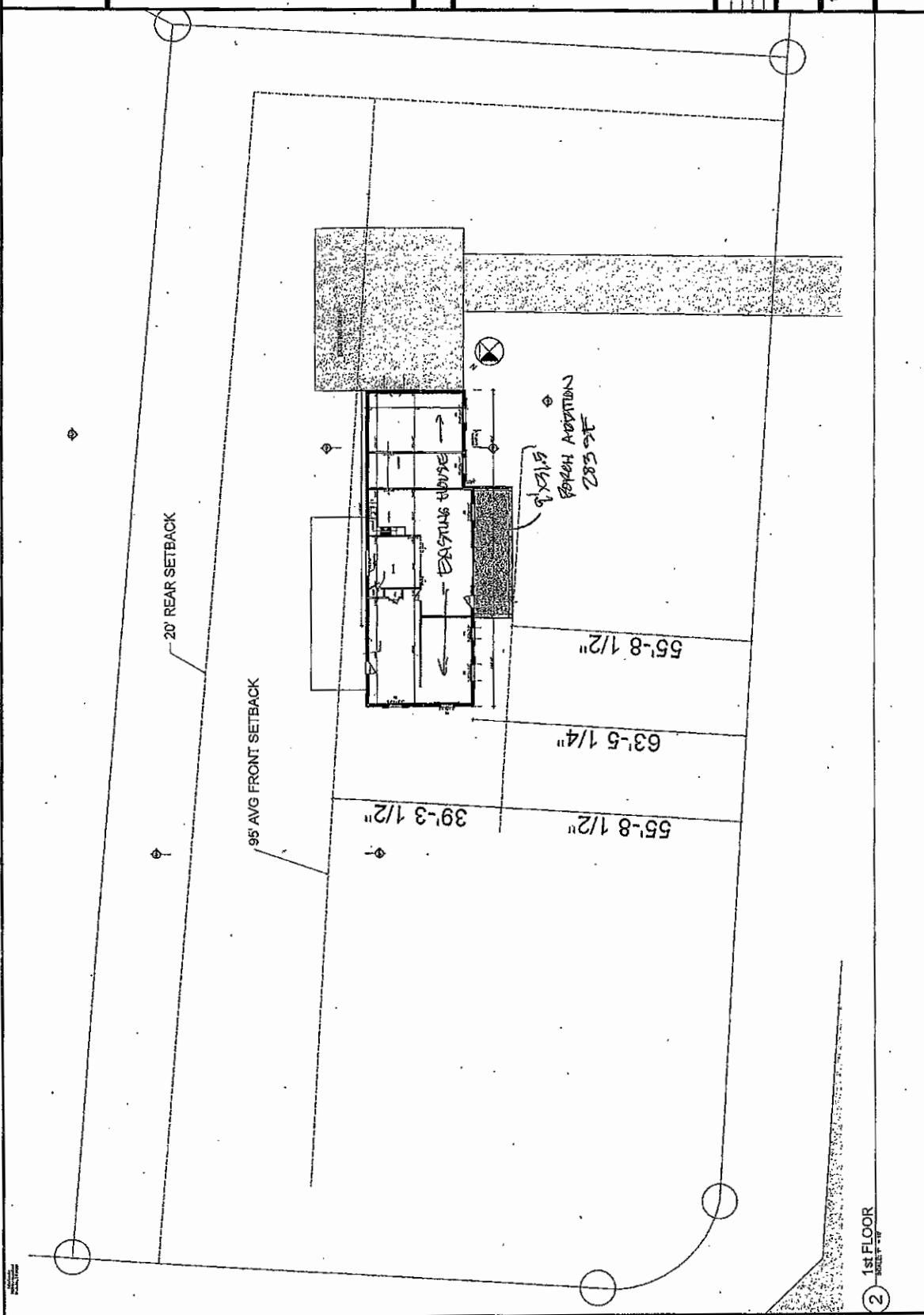


1 1st FLOOR

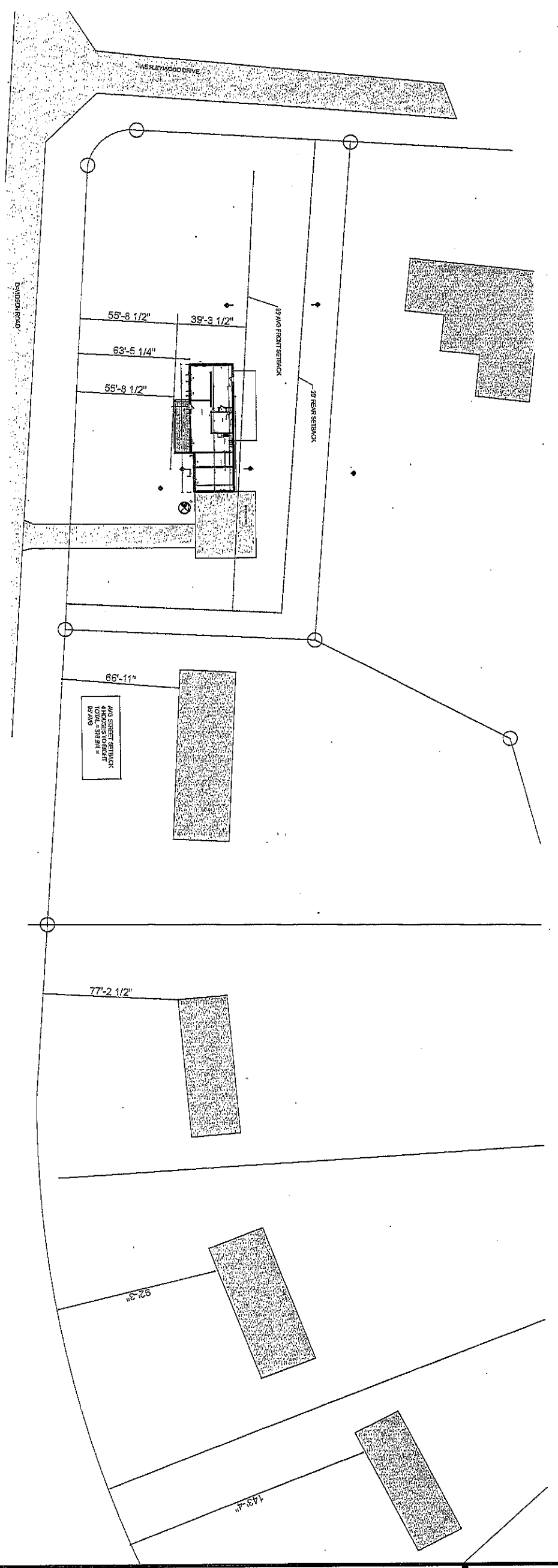
New Front Porch
John Cousins
1020 Davidson Road
Nashville, TN 37205

QUIRK DESIGNS

200 BENTON BLVD
NASHVILLE, TN 37203
615-259-1100
www.quirkdesigns.com



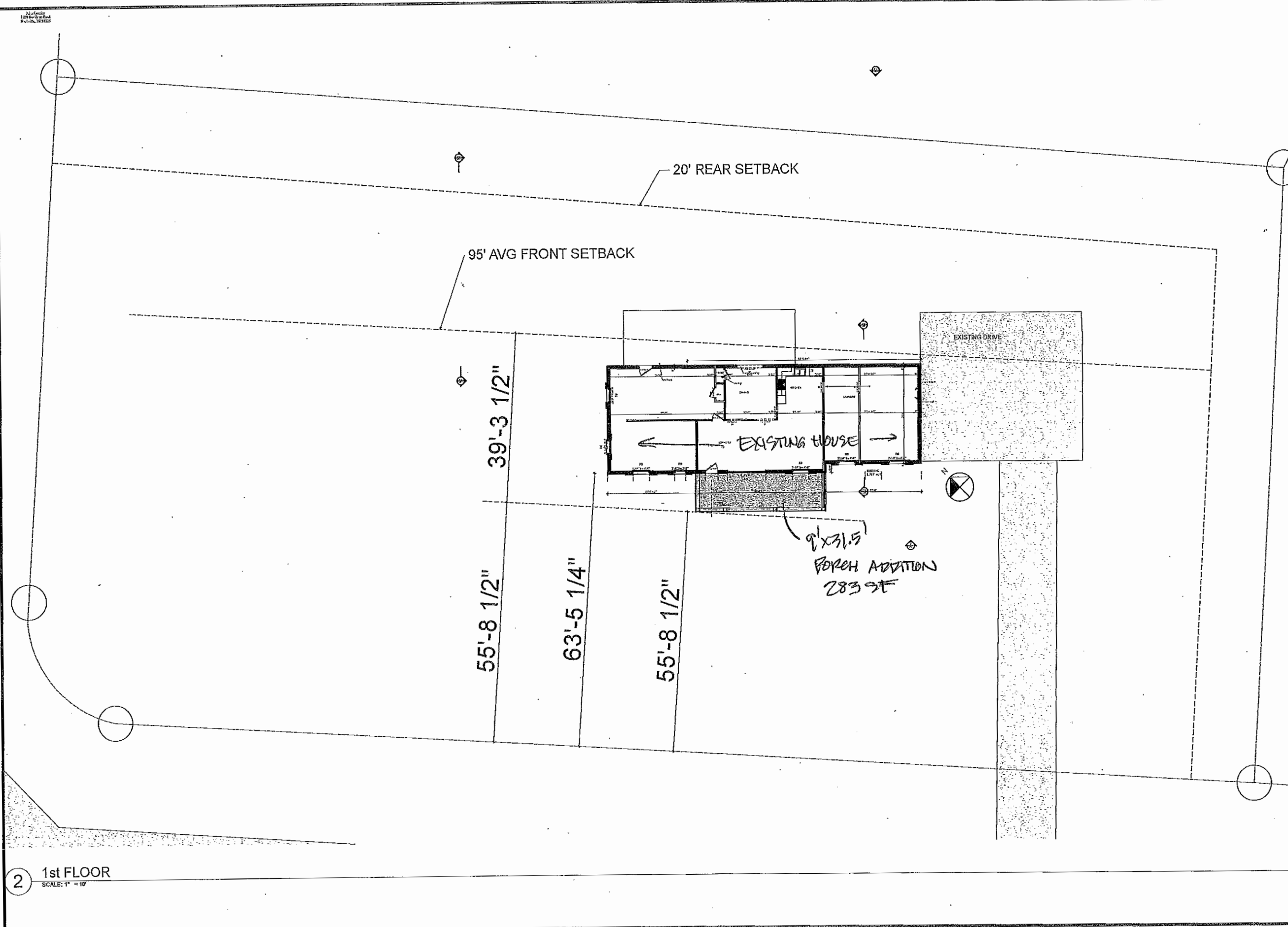
1
1st FLOOR
SCALE: 1" = 30'



18-054-01

C1	SITE PLAN	PROJECT NO: 18-054	DATE: 8/2/18	New Front Porch	2931 BERRY HILL DRIVE SUITE 200 NASHVILLE, TN 37204 Phone: (615) 259-8248 Fax: (615) 627-1298 email: quirkdesigns@comcast.net
		COPYRIGHT 8/2/18 QUIRK DESIGNS			

2018-08-21 10:58 AM



2831 BERRY HILL DRIVE
 NASHVILLE, TN 37204
 Phone: (615) 299-9249 Fax: (615) 627-1288
 email: cal@quirkdesigns.com



New Front Porch
 John Couzins
 1020 Davidson Road
 Nashville, TN 37205

DATE: 8/2/18
 REVISION

PROJECT NO: 18-054
 COPYRIGHT 8/2/18
 QUIRK DESIGNS

1st FLOOR PLAN

2 1st FLOOR
 SCALE: 1" = 10'

A1

CAD FILE: 20180821 10:58 AM

2018-489

Metropolitan Board of Zoning Appeals
Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210
615-862-6530



Appellant : Rachel Bubis
Property Owner: Rachel Bubis
Representative: Rachel Bubis

Date: 8-3-18
Case #: 2018-489
Map & Parcel 07115046800

Council District 05

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: To obtain a STRP permit.

Activity Type: Short Term Rental

Location: 1218 Lischey Ave.

This property is in the SP Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

•Reason: 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.

Section(s): 17.16.250(E)

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection A of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

R. David Sealant 8-3-18
Completed and witnessed, Date

Rachel Bubis
Name (Please Print)

Rachel Bubis
Signature

ray.bubis@gmail.com
Applicant's e-mail address

(615) 310-6533
Applicant's phone

1218 Lischey Ave.
Mailing Address
Nashville, TN 37207
City, State, Zip Code
(615) 310-6533
Phone Number

This will also serve as a receipt of (cash) (check) to partly compensate for the expenses under this appeal.

Appeal Fee: \$ 100.00



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3541978

**ZONING BOARD APPEAL / CAAZ - 20180045879
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 07115046800

APPLICATION DATE: 08/03/2018

SITE ADDRESS:

1218 LISHEY AVE NASHVILLE, TN 37207
PT LOTS 35 & 36, SHARPE & HORNS FIRST ADDN

PARCEL OWNER: BUBIS, RACHEL

CONTRACTOR:

APPLICANT:

PURPOSE:

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.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS
METRO OFFICE BUILDING--3rd FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS
POST OFFICE BOX 196300
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes

NOTICE

Pending your appeal of the denial of your application for a short term rental permit (STRP), you are prohibited from operating the STRP. Should you continue to advertise and/or operate the STRP at the subject property, the matter will be referred to Metro Legal for prosecution in Environmental Court.

TRACER BUBIS

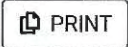
A handwritten signature in cursive script, appearing to read "Tracer Bubis".

813118

Rental Unit Record

1218 Lischey Ave, Nashville, TN 37207, USA

Removed ✗
Identified ✓
Compliant ✓



Airbnb - 23874740



Matched Details

Analyst F8LU

Explanation
The exterior photo from the listing matches Google Streetview. The home structure, front door, trees, landscaping, etc. are all identical. The address number can be seen on the exterior of the home in a photo on this listing. The host of this listing and the owner of the property at the provided address are both named Rachel.

Listing Photos



Matching 3rd Party Sources



The home's structure, landscaping, tree, walkway etc. are all identical. A matching address number can be seen on the exterior of the home.

Zip Code Match

Owner Name Match

City Name Match

Identified Address

1218 Lischey Ave, Nashville, TN 37207, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.193107, -86.763539

Parcel Number

07115046800

Owner Name

BUBIS, RACHEL

Owner Address

1218 Lischey Ave
Nashville, TN 37207, US




Timeline of Activity

View the series of events and documentation pertaining to this property

✗ Listing air23874740 Removed July 9th, 2018

Listing Details


Listing URL	- https://www.airbnb.com/rooms/23874740
Listing Status	● Inactive
Host Compliance Listing ID	- air23874740
Listing Title	- Charming Victorian Home in East Nashville
Property type	- House
Room type	- Entire home/apt
Listing Info Last Captured	- Jul 01, 2018
Screenshot Last Captured	- Jul 05, 2018
Price	- \$145/night
Cleaning Fee	- \$50

- 🚩 First Warning - No STR or Tax: Delivered  July 9th, 2018
- 🚩 First Warning - No STR or Tax: Sent  July 3rd, 2018
-  3 Documented Stays June, 2018
- ✓ Listing air23874740 Identified June 8th, 2018
- ✳ Listing air23874740 First Crawled May 26th, 2018
- Listing air23874740 First Activity May 26th, 2018

Information Provided on Listing

Contact Name	- Rachel
Latitude, Longitude	- 36.194226, -86.764571
Minimum Stay (# of Nights)	- 1
Max Sleeping Capacity (# of People)	- 4
Number of Reviews	- 3
Last Documented Stay	- 06/2018

Listing Screenshot History

 [View Latest Listing Screenshot](#)

June 5

July 1

August 0

July 05, 2018 - 08:08AM America/Chicago



Anywhere

Become a host Earn credit Help Sign up Log in

Jul 5, 2018 8:08am America/Chicago

Share

Save



View Photos

ENTIRE HOUSE

Charming Victorian Home in East Nashville

Nashville



Rachel

4 guests 2 bedrooms 2 beds 2 baths

HOME HIGHLIGHTS

Sparkling clean - 2 recent guests have said that this home was sparkling clean.

Helpful Not helpful

Great check-in experience - 100% of recent guests gave this home's check-in process a 5-star rating.

Helpful Not helpful

Indoor fireplace - This is one of few homes in this area that has this feature.

Helpful Not helpful

Completely renovated 2 bedroom 2 bath 1910 Victorian house in East Nashville's Cleveland Park neighborhood. Only an 8 minute drive from downtown Nashville! Features 11-foot high ceilings, mahogany pocket doors, wood floors, a screened in deck and large fenced in yard. Decorated with cool art and high end mid-century and antique furnishings.

*Please note that I do not have WIFI set up at this time.

Interaction with guests

I'm a Nashville native that works in the visual art and furniture design fields. I would love to give you my perspective on the best music, coffee bars and

Dates

Check In → Check Out

Guests

1 guest

Request to Book

You won't be charged yet

Report this listing

...to give you my perspective on the best music, coffee, and dining eateries in town and point you in the right direction to best enjoy Nashville. Look forward to meeting you!

[Hide ^](#)

[Contact host](#)

Amenities

- Free parking on premises
- Laptop friendly workspace
- Kitchen
- TV
- Indoor fireplace
- Dryer

[Show all 24 amenities](#)

Sleeping arrangements

 Bedroom 1 1 double bed	 Bedroom 2 1 queen bed	 Common spaces 1 couch
--------------------------------------	-------------------------------------	-------------------------------------

House Rules

- No smoking
- Not suitable for pets
- No parties or events
- Check-in is anytime after 3PM
- Check out by 11AM

You must also acknowledge

Security Deposit - if you damage the home, you may be charged up to \$500

[Hide rules ^](#)

Availability

4 Reviews ★★★★★

Accuracy	★★★★★	Location	★★★★★
Communication	★★★★★	Check-in	★★★★★
Cleanliness	★★★★★	Value	★★★★★

Robbe
July 2018

Very comfortable house.



Billy
June 2018



This place is awesome! Beautiful home. Great location. Nice back porch. Loved the neighborhood. 100% will stay here again.



Clayton
June 2018



Enjoyed staying at Rachel's place...very cool home. Would recommend.



Madison
June 2018



Rachel's place was perfect for our weekend trip to Nashville! The house was clean, well decorated, spacious and we felt right at home! It was just a short Uber ride downtown with plenty to eat and see around the area as well! Would definitely stay here again!

Hosted by Rachel



Nashville, Tennessee, United States - Joined in September 2015

★ 7 Reviews

Response rate: 100%

Response time: within an hour

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. [Learn more](#)

The neighborhood

Rachel's home is located in Nashville, Tennessee, United States.

[Things to do in Nashville](#)

Exact location information is provided after a booking is confirmed.

Explore other options in and around Nashville

More places to stay in Nashville: [Apartments](#) · [Bed and breakfasts](#) · [Lofts](#) · [Villas](#) · [Condominiums](#)

2018-490

Metropolitan Board of Zoning Appeals
Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210
615-862-6530



Appellant : Aaron Monty
Property Owner: Aaron Monty
Representative: Aaron Monty

Date: 8-3-18
Case #: 2018-490
Map & Parcel 08107035100

Council District 21

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: To obtain a STRP permit.

Activity Type: Short Term Rental

Location: 1815 12th Ave. N

This property is in the R6 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

•Reason: 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.

Section(s): 17.16.250(E)

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection A of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Aaron Monty
Completed and witnessed, Date

Aaron Monty
Name (Please Print)
[Signature]
Signature

aaron@tohzt.com
Applicant's e-mail address

(213) 268-9427
Applicant's phone

1815 12th Ave. N
Mailing Address
Nashville, TN 37208
City, State, Zip Code
(213) 268-9427
Phone Number

This will also serve as a receipt of (cash) (check) to partly compensate for the expenses under this appeal.

Appeal Fee: \$ 100.00



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS
METRO OFFICE BUILDING--3rd FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS
POST OFFICE BOX 196300
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes

NOTICE

Pending your appeal of the denial of your application for a short term rental permit (STRP), you are prohibited from operating the STRP. Should you continue to advertise and/or operate the STRP at the subject property, the matter will be referred to Metro Legal for prosecution in Environmental Court.

AWM 8-3-18



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



3542026

ZONING BOARD APPEAL / CAAZ - 20180045914
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08107035100

APPLICATION DATE: 08/03/2018

SITE ADDRESS:

1815 12TH AVE N NASHVILLE, TN 37208
LOT 84 CEPHAS WOODARD SUB

PARCEL OWNER: MONTY, AARON & RIENKS, REBECCA

CONTRACTOR:

APPLICANT:

PURPOSE:

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.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

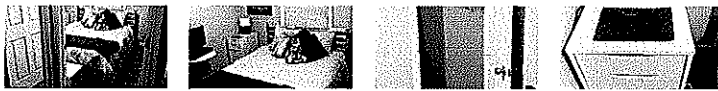
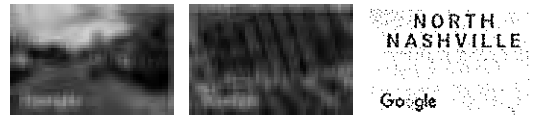
Rental Unit Record

1815 12th Ave N, Nashville, TN 37208, USA

Removed ✗
Identified ✓
Compliant ✓



Airbnb - 24993316



Identified Address

1815 12th Ave N, Nashville, TN 37208, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.181163, -86.807203

Parcel Number

08107035100

Owner Name

MONTY, AARON & RIENKS, REBECCA

Owner Address

1815 12th Ave N
Nashville, TN 37208, US

Matched Details

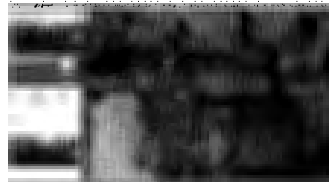
Analyst LYY3

Explanation

Matched satellite imagery to listing photo. Matched name (Aaron) to parcel records (Owner #1: MONTY, AARON & RIENKS, REBECCA).

Listing Photos

Matching 3rd Party Sources



Same rear deck and cement area inside fence.

Zip Code Match

Owner Name Match

City Name Match

Timeline of Activity

View the series of events and documentation pertaining to this property

✗ Listing air24993316 Removed July 9th, 2018

Listing Details

Listing URL - <https://www.airbnb.com/rooms/24993316>

Listing Status ● Inactive

Host Compliance Listing ID - air24993316

Listing Title - Music Lover's Room w/ Private Bath - Near Downtown

Property type - House





Room type - Private room

Listing Info Last Captured - Jul 01, 2018

Screenshot Last Captured - Jul 07, 2018

Price - \$100/night

Cleaning Fee - \$25

- ✔ First Warning - No STR or Tax: Delivered  July 9th, 2018
- ✔ First Warning - No STR or Tax: Sent  July 3rd, 2018
- Listing air24993316 Reposted June 23rd, 2018
- ✘ Listing air24993316 Removed June 22nd, 2018
-  3 Documented Stays June, 2018
- ✔ Listing air24993316 Identified June 8th, 2018
-  1 Documented Stay May, 2018
- * Listing air24993316 First Crawled May 15th, 2018
- Listing air24993316 First Activity May 10th, 2018

Information Provided on Listing

Contact Name - Aaron

Latitude, Longitude - 36.180191, -86.806147


Minimum Stay (# of Nights) - 1

Max Sleeping Capacity (# of People) - 2

Number of Reviews - 4

Last Documented Stay - 06/2018

Listing Screenshot History

 View Latest Listing Screenshot

June 4

July 2

August 0

July 07, 2018 - 06:04AM America/Chicago



PRIVATE ROOM IN HOUSE

Music Lover's Room w/ Private Bath - Near Downtown

Nashville



Aaron

2 guests 1 bedroom 1 bed 1 private bath

HOME HIGHLIGHTS

Self check-in - Easily check yourself in with the smartlock.

Helpful Not helpful

Great check-in experience - 100% of recent guests gave this home's check-in process a 5-star rating.

Helpful Not helpful

Stay in a music and modern art lover's room in the up and coming Buchanan Arts District. The house is a short walk to The Southern V (vegan), Slim and Husky's (pizza), and Elephant Art Gallery. A mile from the heart of Germantown and a short/cheap Lyft ride to most hotspots in Nashville, the location is perfectly central. You'll have your own room, bathroom, and access to the kitchen and washer/dryer during your stay.

Guest access

Feel free to place your bags in the room adjacent to the bathroom if you need more space.

Interaction with guests

Please call or text me at (Phone number hidden by Airbnb) if you need anything while you are here.

Dates

Check In → Check Out

Guests

1 guest

Request to Book

You won't be charged yet

Report this listing

Hide ^

Contact host

Amenities

-  Kitchen
-  TV
-  Wifi
-  Dryer
-  Iron
-  Hangers

Show all 28 amenities

Sleeping arrangements



Bedroom 1
1 queen bed

House Rules

- Not safe or suitable for children (0-12 years)
- No smoking
- Not suitable for pets
- No parties or events
- Check-in is anytime after 2PM
- Check out by 12PM (noon)
- Self check-in with smart lock

Please place all used dishes in dishwasher.

You must also acknowledge

Pet(s) live on property - Jam (@jamtheboxer) will be in the house. Feel free to take a pic and tag him on Instagram.

Some spaces are shared

Hide rules ^

Accessibility


Step-free access to the bedroom

Step-free access to the bathroom

4 Reviews ★★★★★

Search reviews

Accuracy	★★★★★	Location	★★★★★
Communication	★★★★★	Check-in	★★★★★
Cleanliness	★★★★★	Value	★★★★★



Evan
June 2018

Aaron was incredibly accommodating and helpful, and he had some great tips to help us enjoy the city. His place is in North Nashville, less than 10 minutes from downtown by car and about 20 minutes from the airport by car. There are some great food options nearby, and rideshare was always nearby. The room and bathroom were great, and were stocked full of amenities and extra pillows, and had a nice ceiling fan to keep you cool at night. Thanks for the great stay Aaron!



Nina
June 2018

Aaron's place has everything you need if you're looking to stay in Nashville for a couple of days

couple of days.



Anette
June 2018

Aaron is a great host! Super responsive and willing to help coordinate. The location of his place is perfect if you're trying to be close to downtown, literally 2 minutes from the music festival I was in town for. Overall, highly recommend! Great Value! Great Experience!



Renick
May 2018

Aaron's place was awesome. The room was really comfortable, and though we didn't get to meet him, he responded to any questions we had almost immediately and was really helpful. The house is just a short car ride from downtown and restaurants/bars and all that, but also far enough away from all the noise. It's in a great location for anyone who wants to experience more than just the Broadway/touristy parts of the city.

Hosted by Aaron



Nashville, Tennessee, United States · Joined in November 2011

★ 5 Reviews ✨ Verified

Response rate: 100%

Response time: within an hour

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. Learn more

The neighborhood

Aaron's home is located in Nashville, Tennessee, United States.

The Buchanan Arts District is an up and coming neighborhood in North Nashville. It's minutes from downtown and home to new business such as Nisolo, Minerva Speakeasy, Silm & Husky's, and The Rollout. It's close to freeways and just minutes from downtown via Rosa Parks.

Getting around

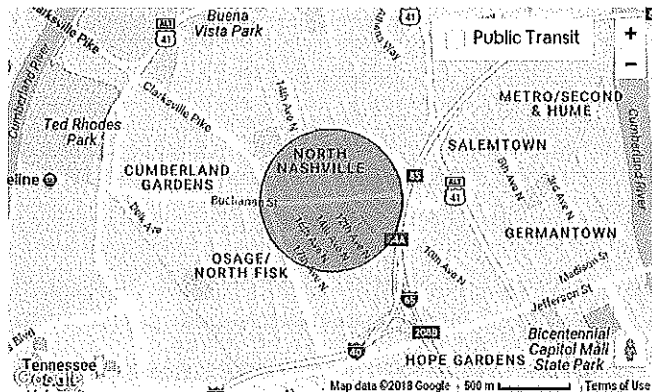
NEAREST BUS STOP:
Buchanan St/11th Ave

BIRD SCOOTERS:
(Website hidden by Airbnb)

LYFT:
(Website hidden by Airbnb)
(discount code AARON168406)

Hide ^

Things to do in Nashville



Exact location information is provided after a booking is confirmed.

Similar listings



PRIVATE ROOM - 1 BED
East Nashville Cozy Room Breakfast
Included y'all!
 \$49 per night
 ★★★★★ 312



PRIVATE ROOM - 1 BED
Contemporary-Mod Paradise w/Private
Bathroom
 \$89 per night
 ★★★★★ 173



PRIVATE ROOM - 1 BED
Modern loft for one, private rooftop deck,
12South
 \$90 per night
 ★★★★★ 140

Explore other options in and around Nashville

More places to stay in Nashville: Apartments · Bed and breakfasts · Lofts · Villas · Condominiums

Asheville Vacation Rentals
 Gardena
 Castro Valley
 St. Louis
 Memphis
 Greenwood

Vergennes Vacation Rentals
 Louisville
 Fredericksburg
 Morrisville
 Ellicottville
 Atlanta

Sanibel Vacation Rentals
 Poulsbo
 Nashville
 Lawrence
 Des Moines
 Wilmore

Airbnb

Discover

Hosting



2018-491

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Ken Baker
Property Owner: Kevin Duke
Representative: Kevin Duke

Date: 8-1-18
Case #: 2018-491
Map & Parcel: 10614002000

Council District 17

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose:

TO CONSTRUCT A 10 FT X 38 FT
COUSSED FRONT PORCH

Activity Type: RESIDENTIAL ADDITION

Location: 1989 GATLIN DR

This property is in the R8 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: STREET SETBACK VARIANCE

Section(s): 17.12.030

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Ken Baker
Appellant Name (Please Print)

Kevin Duke
Representative Name (Please Print)

6745 Loud Cook Rd
Address

1989 Gatlin Dr
Address

Springfield TN 37172
City, State, Zip Code

Nashville TN 37210
City, State, Zip Code

615 405 2336
Phone Number

615 347 4779
Phone Number

Ken Baker @ BellSouth.net
Email

Boofont @ Comcast.net
Email

Appeal Fee: 100.00



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3537164

**BUILDING RESIDENTIAL - ADDITION / CARA - 2018042496
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 10614002000

APPLICATION DATE: 07/20/2018

SITE ADDRESS:

1989 GATLIN DR NASHVILLE, TN 37210
LOT 7 RAYMOND HGTS

PARCEL OWNER: DUKE, KEVIN E.

CONTRACTOR:

APPLICANT: SELF CONTRACTOR RESIDENTIAL (SEE
APPLICANT INFORMATION)
SELF RESIDENTIAL
, 5555555555

SELF CONTRACTOR RESIDENTIAL (SEI MCN00000

PURPOSE:

to construct a 10 x 33 covered front porch to residence. 44.3' min front s/b. remains single family residence.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

Building Framing - Ceiling	615-862-6566 Edward.Simpkins@nashville.gov
Building Final	615-862-6566 Edward.Simpkins@nashville.gov
Building Floor Elevation	615-862-6566 Edward.Simpkins@nashville.gov
Building Footing	615-862-6566 Edward.Simpkins@nashville.gov
Building Foundation	615-862-6566 Edward.Simpkins@nashville.gov
Building Framing	615-862-6566 Edward.Simpkins@nashville.gov
Building Framing - Wall	615-862-6566 Edward.Simpkins@nashville.gov
CA Building Progress Inspection	615-862-6566 Edward.Simpkins@nashville.gov
Building Slab	615-862-6566 Edward.Simpkins@nashville.gov
U&O Letter	(615) 862-6527 Carmina.Howell@nashville.gov

Inspection requirements may change due to changes during construction.



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



3541059

ZONING BOARD APPEAL / CAAZ - 20180045234
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10614002000

APPLICATION DATE: 08/01/2018

SITE ADDRESS:

1989 GATLIN DR NASHVILLE, TN 37210
LOT 7 RAYMOND HGTS

PARCEL OWNER: DUKE, KEVIN E.

CONTRACTOR:

APPLICANT:

PURPOSE:

BZA Appeal of 17.12.030 street setback requirement of 44 ft 4 inches per survey. Requesting a reduced street setback of 41 ft 10 inches, a difference of 2 ft 6 inches.

to construct a 10 x 33 covered front porch to residence. 44.3' min front s/b. remains single family residence.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17.40.370. This Section is included as follows:

Physical characteristics of the property - The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property.

Unique characteristics - The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.

Hardship not self-imposed - The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of this Zoning Code.

Financial gain not only basis - Financial gain is not the sole basis for granting the variance.

No injury to neighboring property. - The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

No harm to public welfare - The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.

Integrity of Master Development Plan - The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions MUST affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

IRREGULAR PROPERTY SHAPE. FRONT PORCH WOULD BE APPROX. 55' 7" FROM ROAD AND 57' 10" FROM ROAD LOOKING AT HOUSE.

I AM ALSO REPLACING THE SIDING & WINDOWS ON HOUSE. HOUSE

& CURB APPEAL WILL APPEAR NEW. NEIGHBOR HAS A 12 X 12 FRONT PORCH / DECK THAT EXTENDS PAST WHERE MY PROPOSED PORCH WILL BE. OTHER NEIGHBOR HAS DECK THAT WOULD BE IN LINE WITH MY PROPOSED PORCH.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

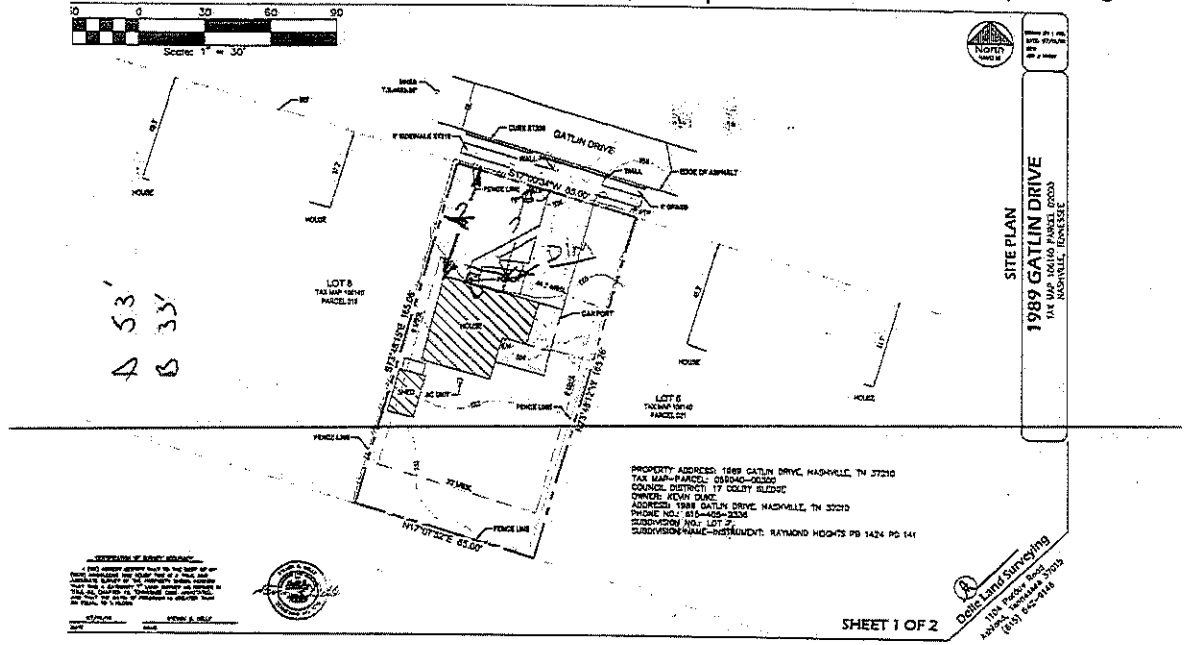
METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.


APPELLANT

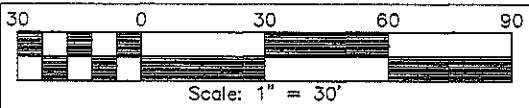
8-6-18
DATE

1. WHAT DIM / WHERE FOR FORCH
2. DISTANCE TO THE FRONT PROP LINE



A 53'
B 35'

44.3

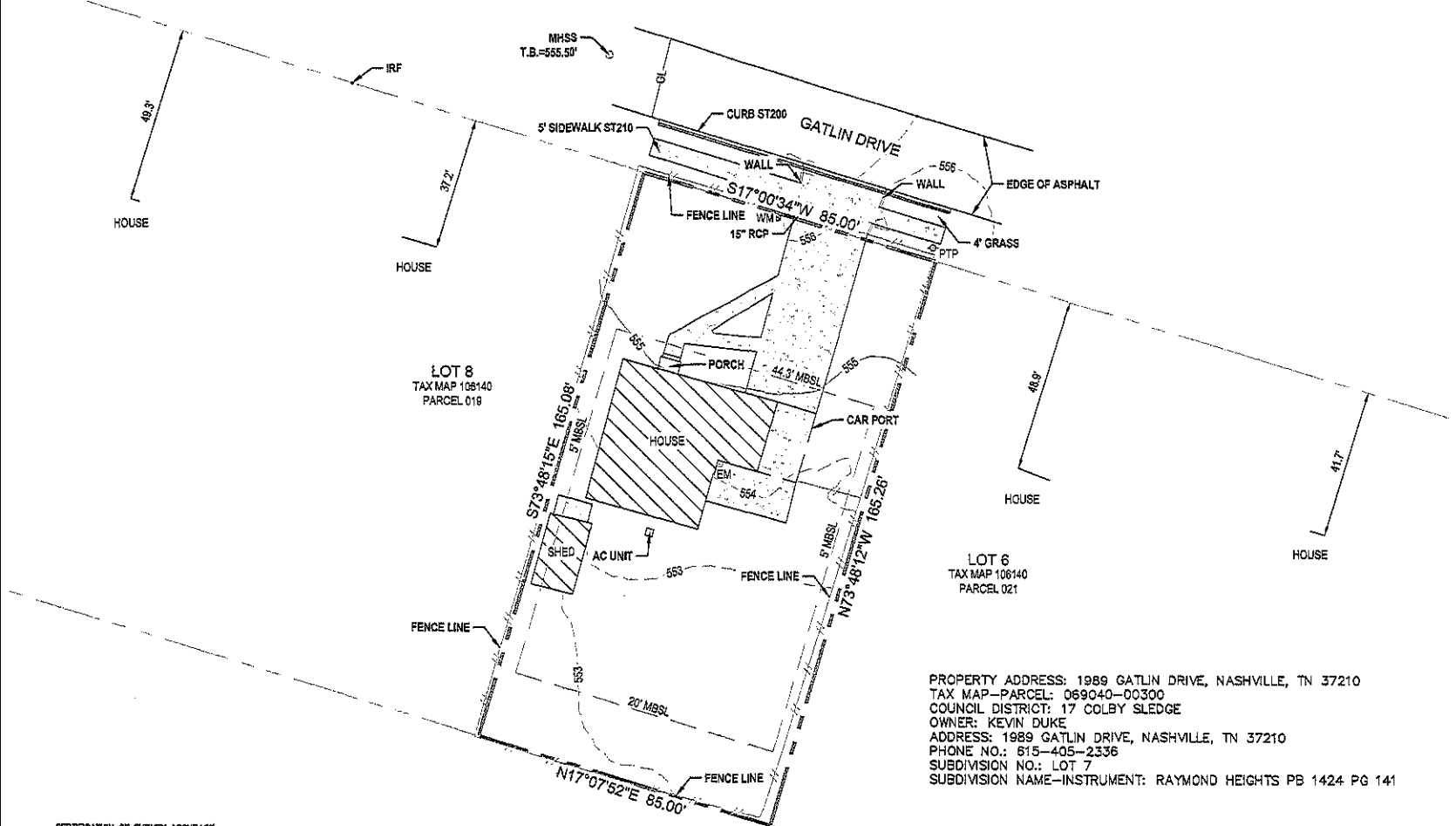


DRAWN BY: KSL
 DATE: 07/18/18
 REV:
 JOB # 18088

SITE PLAN

1989 GATLIN DRIVE

TAX MAP 106140 PARCEL 02000
 NASHVILLE, TENNESSEE



PROPERTY ADDRESS: 1989 GATLIN DRIVE, NASHVILLE, TN 37210
 TAX MAP-PARCEL: 069040-00300
 COUNCIL DISTRICT: 17 COLBY SLEDGE
 OWNER: KEVIN DUKE
 ADDRESS: 1989 GATLIN DRIVE, NASHVILLE, TN 37210
 PHONE NO.: 615-405-2336
 SUBDIVISION NO.: LOT 7
 SUBDIVISION NAME-INSTRUMENT: RAYMOND HEIGHTS PB 1424 PG 141

CERTIFICATION OF SURVEY ACCURACY

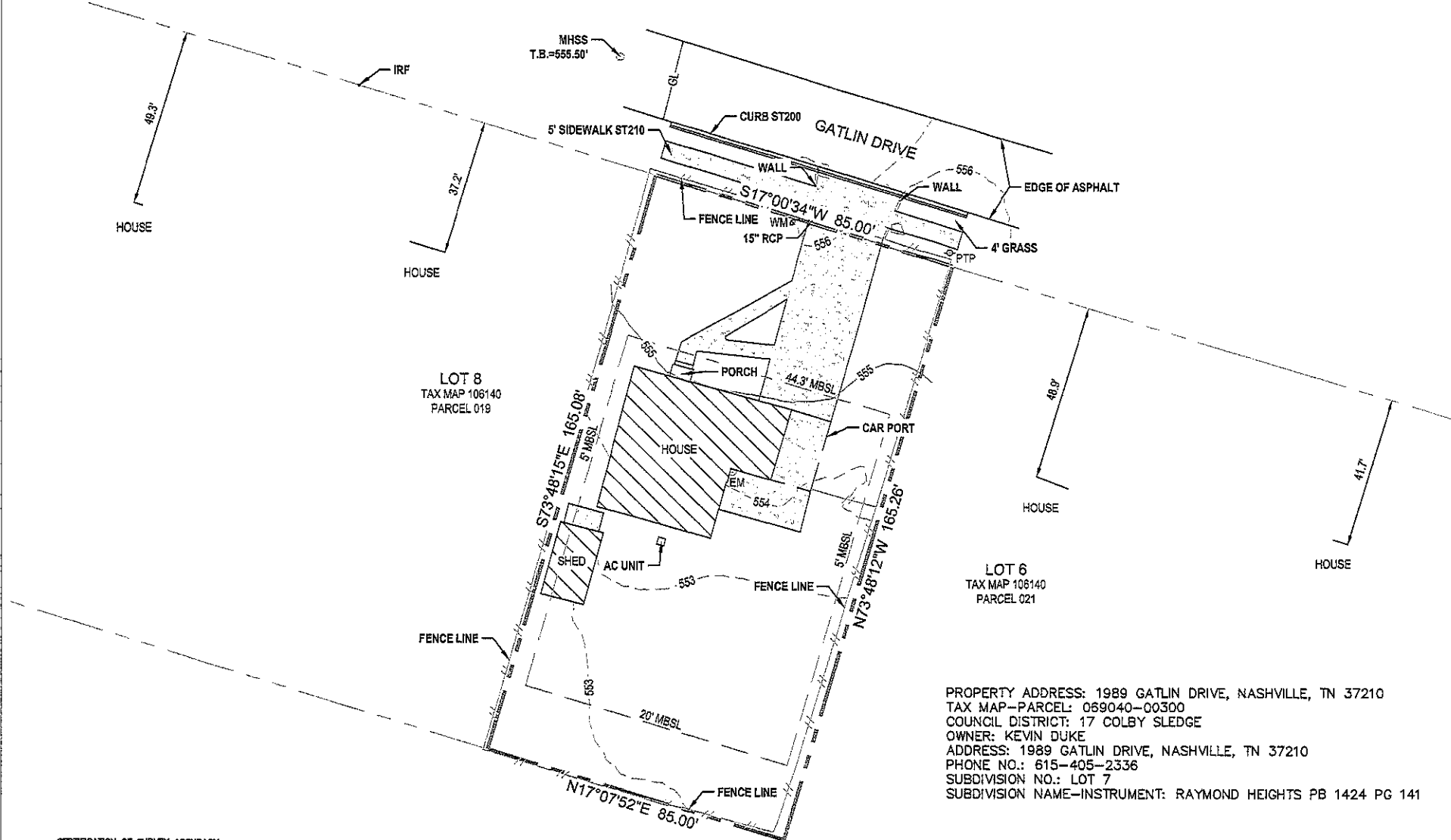
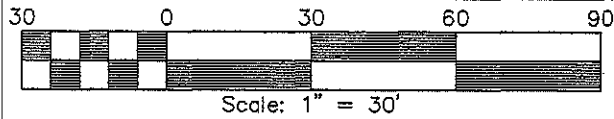
I (WE) HEREBY CERTIFY THAT TO THE BEST OF MY (OUR) KNOWLEDGE AND BELIEF THIS IS A TRUE AND ACCURATE SURVEY OF THE PROPERTY SHOWN HEREON; THAT THIS A CATEGORY "P" LAND SURVEY AS DEFINED IN TITLE 62, CHAPTER 18, TENNESSEE CODE ANNOTATED, AND THAT THE RATIO OF PRECISION IS GREATER THAN OR EQUAL TO 1:10,000.



DATE: 07/18/18 NAME: STEVEN D. DELLE

SHEET 1 OF 2

Delle Land Surveying
 1104 Parvane Road
 Ashland, Tennessee 37015
 (615) 642-9146



LOT 8
TAX MAP 108140
PARCEL 019

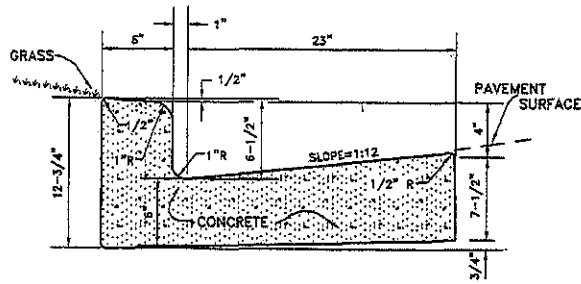
LOT 6
TAX MAP 108140
PARCEL 021

PROPERTY ADDRESS: 1989 GATLIN DRIVE, NASHVILLE, TN 37210
 TAX MAP-PARCEL: 059040-00300
 COUNCIL DISTRICT: 17 COLBY SLEDGE
 OWNER: KEVIN DUKE
 ADDRESS: 1989 GATLIN DRIVE, NASHVILLE, TN 37210
 PHONE NO.: 615-405-2336
 SUBDIVISION NO.: LOT 7
 SUBDIVISION NAME-INSTRUMENT: RAYMOND HEIGHTS PB 1424 PG 141

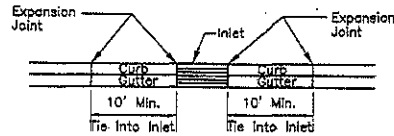
CERTIFICATION OF SURVEY ACCURACY

I (WE) HEREBY CERTIFY THAT TO THE BEST OF MY (OUR) KNOWLEDGE AND BELIEF THIS IS A TRUE AND ACCURATE SURVEY OF THE PROPERTY SHOWN HEREON; THAT THIS A CATEGORY "1" LAND SURVEY AS DEFINED IN TITLE 62, CHAPTER 18, TENNESSEE CODE ANNOTATED, AND THAT THE RATIO OF PRECISION IS GREATER THAN OR EQUAL TO 1-10,000.





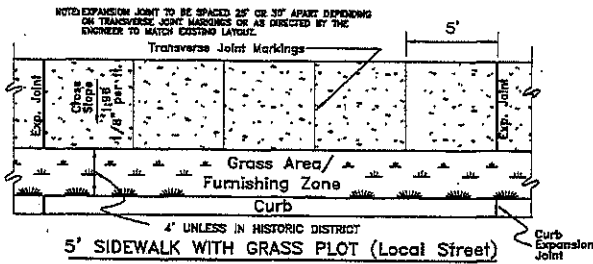
TYPICAL CROSS-SECTION



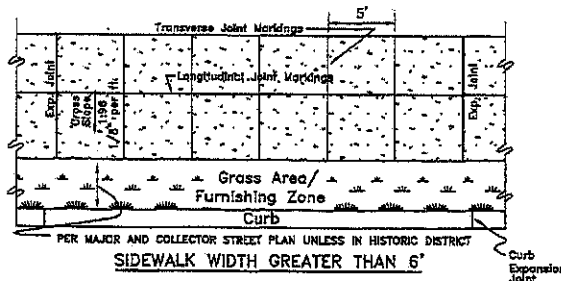
FRONT VIEW

GENERAL NOTES (STANDARD CURB WITH GUTTER ST-200)

1. EXPANSION JOINTS TO BE SPACED A MAXIMUM OF 100 FEET APART OR AS DIRECTED BY THE ENGINEER.
2. EXPANSION JOINTS WILL ALSO BE REQUIRED AT TANGENT POINTS, RAMPS, AND INLETS.
3. CONTRACTION JOINTS ARE TO BE CUT INTO CURB AND GUTTER EVERY 10 FEET TO A DEPTH OF D/4, WHERE D EQUALS THE THICKNESS OF THE SECTION. THE SPACING OF 10 FEET MAY BE REDUCED AT CLOSURES BUT NO SECTION OF CURB AND GUTTER SHALL BE LESS THAN 10 FEET.
4. THERE WILL BE A MINIMUM OF 10 FEET TIE IN AT CURB INLETS ON EACH SIDE OF THE INLET. AN EXPANSION JOINT WILL BE USED ON EACH SIDE OF THE TIE IN.
5. COST OF CONSTRUCTION JOINTS TO BE INCLUDED IN THE UNIT BID PRICE FOR CONCRETE CURB WITH GUTTER.



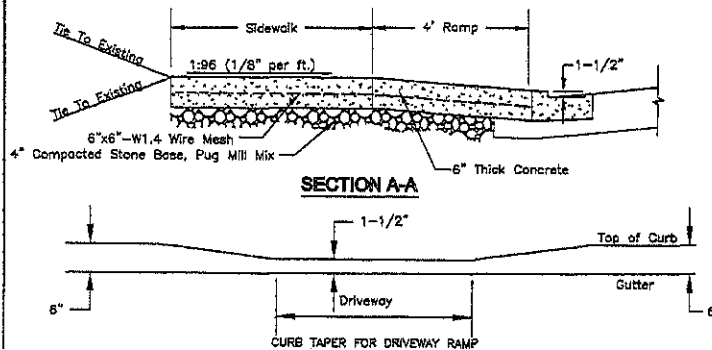
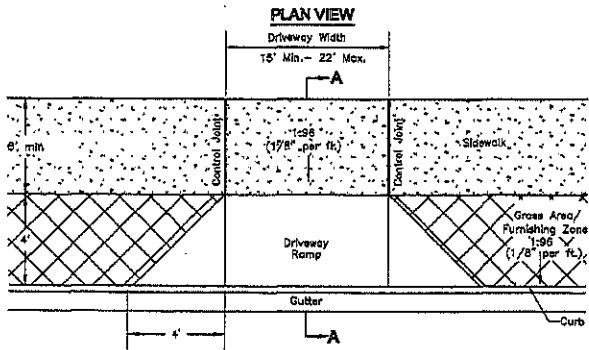
5' SIDEWALK WITH GRASS PLOT (Local Street)



PER MAJOR AND COLLECTOR STREET PLAN UNLESS IN HISTORIC DISTRICT
 SIDEWALK WIDTH GREATER THAN 6'

GENERAL NOTES (SIDEWALK CONSTRUCTION ST-210)

1. SIDEWALK SHALL BE A MINIMUM OF 4 INCHES IN THICKNESS.
2. MAXIMUM CROSS SLOPE FOR SIDEWALK SHALL NOT EXCEED 1:48 (VERTICAL:HORIZONTAL)
3. IN HISTORIC DISTRICTS THE STANDARD SHALL BE THE PREVAILING CHARACTERISTIC OF THE BLOCK FACE.
4. SIDEWALK SHALL BE CONSTRUCTED OF WHITE CONCRETE, BRICK, OR EXPOSED AGGREGATE PER METRO DEPARTMENT OF PUBLIC WORKS TECHNICAL SPECIFICATIONS, SECTION 02522.
5. IF APPROVED THE FURNISHING ZONE MAY CONTAIN HARDSCAPE MATERIALS SUCH AS CONCRETE, BRICK, OR PAVERS.
6. COMPACTED STONE BASE, PUG MILL MIX, 4" THICK SHALL BE APPLIED TO SUB GRADE PRIOR TO INSTALLING SIDEWALK.
7. FURNISHING ZONE IS AN AREA FOR OBSTRUCTIONS IN THE SIDEWALK, EXAMPLES ARE OUTDOOR CAFES, POWER POLES, FIRE HYDRANTS, SIGNS, ETC.
8. IN THE EVENT OF ANY CONFLICT, DISCREPANCY, OR INCONSISTENCY AMONG THE PLANS AND THESE STANDARD DETAILS, THE REQUIREMENTS OF THE STANDARD DETAILS SHALL GOVERN.



GENERAL NOTES (NEW CONSTRUCTION RESIDENTIAL DRIVEWAY RAMP ST-322)

1. CROSS-SLOPE OF SIDEWALK SHALL NOT EXCEED 1:48 (VERTICAL:HORIZONTAL).
2. FIBER MESH REINFORCEMENT IS AN APPROVED ALTERNATIVE FOR THE WIRE MESH. FIBER MESH REINFORCEMENT WILL BE ADDED TO THE CONCRETE AT THE BATCH PLANT AT THE RATE OF 1 1/2 POUNDS PER CUBIC YARD.
3. CONCRETE SHALL BE 6 INCHES THICK.

Braisted, Sean (Codes)

From: Sledge, Colby (Council Member)
Sent: Wednesday, September 12, 2018 12:00 PM
To: Board of Zoning Appeals (Codes)
Cc: Michael, Jon (Codes)
Subject: Letter of support for upcoming item

Board members,

I write in support of an upcoming agenda item (I believe a setback appeal) at 1989 Gatlin Dr. in District 17. The applicant has been thorough in his communication with his neighbors and me, and his request is modest. I would appreciate your support.

Thanks so much,

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727
ColbySledge.com
[Sign up for my weekly newsletter here!](#)

2018-491
Support

Lifsey, Debbie (Codes)

From: Sledge, Colby (Council Member)
Sent: Thursday, September 13, 2018 4:05 PM
To: Board of Zoning Appeals (Codes)
Cc: Michael, Jon (Codes)
Subject: D17 items for Sept. 20

Board members,

Good afternoon. Here are my stances for the Sept. 20 meeting; thanks, as always, for your service.

- 2018-491: **Support**, as I have talked with property owner and he has reached out for neighbor support.
- 2018-493: **Oppose**, as a rental car company is not the best use for this property, and they have not reached out to me or neighbors.
- 2018-500: **Oppose**, as this goes against the R6-A zoning the neighborhood requested.
- 2018-505: **Support**, as I don't want the homeowner to have to pay into the sidewalk fund due to a residential fire.
- 2018-511: **Support**, as I haven't heard any issues regarding the addition.

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727
ColbySledge.com
[Sign up for my weekly newsletter here!](#)

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: REMICK MOORE

Date: 8.6.18

Property Owner: LAURA BENOLD

Case #: 2018-1792

Representative: _____

Map & Parcel: 08312015600

Council District 06

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose:

TO CONSTRUCT A 640 SQ FT
ADDITION TO FRONT AND SIDE
OF EXISTING SINGLE FAMILY RESIDENCE.

Activity Type: RESIDENTIAL

Location: 2505 EASTLAND AVE

This property is in the R10 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: SETBACK VARIANCE

Section(s): 17.12.030

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection _____ Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

REMICK MOORE

Appellant Name (Please Print)

LAURA BENOLD

Representative Name (Please Print)
OWNER

315 MADISON ST

Address

2505 EASTLAND AVE

Address

NASHVILLE 37208

City, State, Zip Code

NASHVILLE 37206

City, State, Zip Code

615-205-2335

Phone Number

615-450-8960

Phone Number

REMICK@REMICK
MOOREARCHITECT.COM

Email

LAURABENOLD@
ME.COM

Email

Appeal Fee: \$100

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17.40.370. This Section is included as follows:

Physical characteristics of the property - The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property.

Unique characteristics - The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.

Hardship not self-imposed - The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of this Zoning Code.

Financial gain not only basis - Financial gain is not the sole basis for granting the variance.

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

No harm to public welfare - The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.

Integrity of Master Development Plan - The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.B.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions MUST affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

SEE ATTACHED LETTER

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

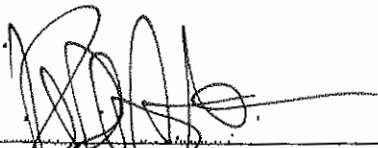
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.



APPELLANT
REMIK MOORE

8.6.18

DATE



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3542168

**ZONING BOARD APPEAL / CAAZ - 20180046014
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08312015600

APPLICATION DATE: 08/03/2018

SITE ADDRESS:

2505 EASTLAND AVE NASHVILLE, TN 37206
LOT 1 EASTLAND ACRES SECTION 4 RESERVE PARCEL 2

PARCEL OWNER: MURPHREE, MOLLIE & BENOLD, LAURA

CONTRACTOR:

APPLICANT:

PURPOSE:

NEED SITEPLAN WITH SETBACKS DIMENSIONED.

BZA Appeal of 17.12.030 Street Setback requirements. 94.4 ft required per average (survey) requesting XXXXX

To construct a 640 sq ft single story addition to front and side of existing single family residence. Minimum 94.4 ft front setback per avg. survey 5 ft side setbacks and 20 ft minimum rear setback. Must conform with all easements on property. Remains single family, no second kitchen or commercial use permitted.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3542152

**APPLICATION FOR BUILDING RESIDENTIAL - ADDITION / CARA - T2018046005
THIS IS NOT A PERMIT**

PARCEL: 08312015600

APPLICATION DATE: 08/03/2018

SITE ADDRESS:

2505 EASTLAND AVE NASHVILLE, TN 37206
LOT 1 EASTLAND ACRES SECTION 4 RESERVE PARCEL 2

PARCEL OWNER: MURPHREE, MOLLIE & BENOLD, LAURA

APPLICANT:

PURPOSE:

NEED SITEPLAN WITH SETBACKS DIMENSIONED.

BZA Appeal of 17.12.030 Street Setback requirements. 94.4 ft required per average (survey) requesting XXXXX

To construct a 640 sq ft single story addition to front and side of existing single family residence. Minimum 94.4 ft front setback per avg. survey 5 ft side setbacks and 20 ft minimum rear setback. Must conform with all easements on property. Remains single family, no second kitchen or commercial use permitted.

*Before a building permit can be issued for this project, the following approvals are required.
The Applicant is responsible for providing any plans or other information to the individual agencies*

[A] Site Plan Review	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[C] Flood Plain Review On Bldg App		862-6038 logan.bowman@nashville.gov
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[A] Zoning Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
CA - Zoning Sidewalk Requirement Review		
[B] Fire Life Safety Review On Bldg App		862-5230
[A] Bond & License Review On Bldg App		



REMICK MOORE
ARCHITECT

Variance Request Letter

Project: 2505 Eastland Ave

Client: Mollie Murphy & Laura Benold
2505 Eastland Ave
Nashville, TN 37206

My client wishes to add 650sf of conditioned space with connecting porches onto the existing house (see site plan L1). There is currently an addition on the house that we plan to remove and build a new/larger addition on the same side of the house. The addition will provide more useable living space and increase value and salability of the property. The existing house is situated on a fairly steep lot and the natural topography limits the areas that are easily buildable. The addition was designed within the Platted Setback (80' from front property line) and other standard rear and side setbacks for the zoning designation (20' and 5' respectively). When the client received a more recent survey it was discovered that the contextual setback is 94.4' from the front property line.

We approach the Board of Zoning Appeals to apply for a Variance Request for the above stated project for the following reasons:

- Existing contextual setback hardship
 - Contextual setback is extreme and intersects the existing house
- Site Hardship - topography
 - Extreme topography of the site limits the areas for expansion.

Sincerely,

Remick Moore 8/6/18



1 SITE PLAN
W.P.1



315 Madison St.
Nashville, TN 37206
remick@remickmoorearchitect.com
615-305-2335

2505 EASTLAND AVE

plans

A1
construction documents
7-18-2016

(0000)

10' PUE

S81°43'56"E
207.03

10' PUE

ASPHALT DRIVEWAY

20' PUE

80' MBL

ASPHALT DRIVEWAY

EASTLAND AVE (ROW VARIES)

MAP 083-12, PARCEL (156.00)
GAMMANS
DEED BOOK 4524 / PAGE 617
SECTION FOUR EASTLAND ACRES
PLAT BOOK 2331 / PAGE 94
23194 ST
0.5325 ACRES

COVERED PORCH

STAIRS

1ST STORY BRICK RES.
WITH BASEMENT

BED

BED

BED

BED

BED

BED

BED

BED

148.06
N63°38'54.7"E

10' PUE

N44°50'49"E
74.14

10' PUE

(000)

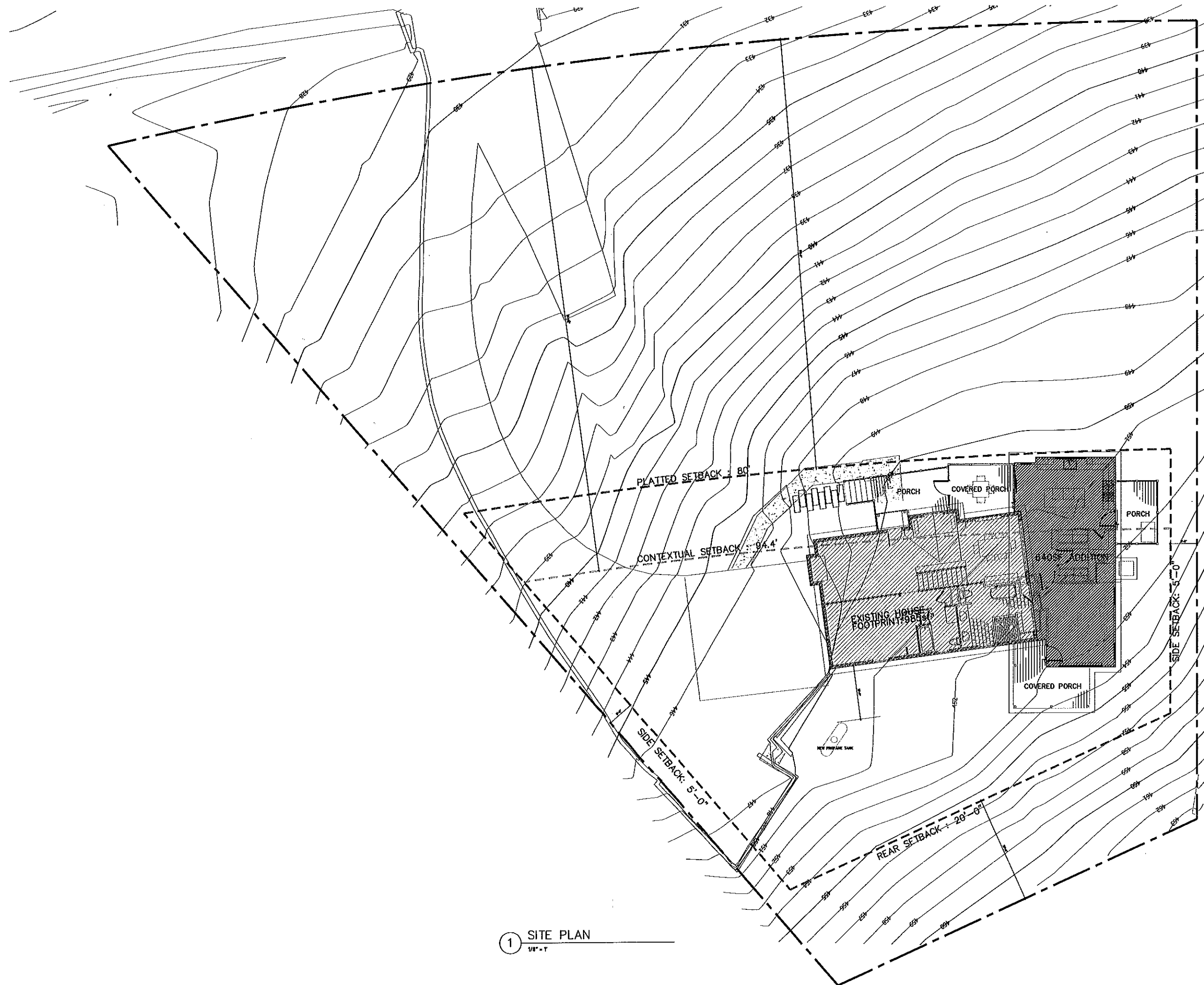
COORDINATE SYSTEM
983 (NAD83)

MAP 083-12, PARCEL (155.00)
CHRISTON AND HAYES
DEED BOOK 9469 / PAGE 413
SECTION FOUR EASTLAND ACRES
PLAT BOOK 2331 / PAGE 94



REMICK MOORE
ARCHITECT

315 Madison St.
Nashville, TN 37206
remick@
remickmoorearchitect.com
615-305-2335



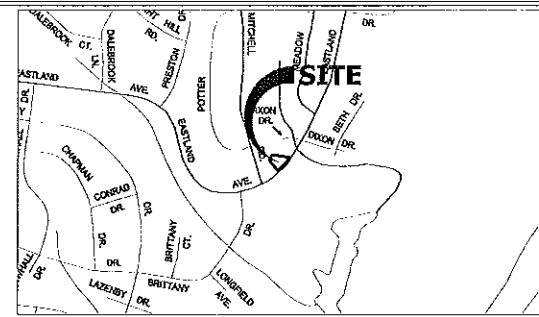
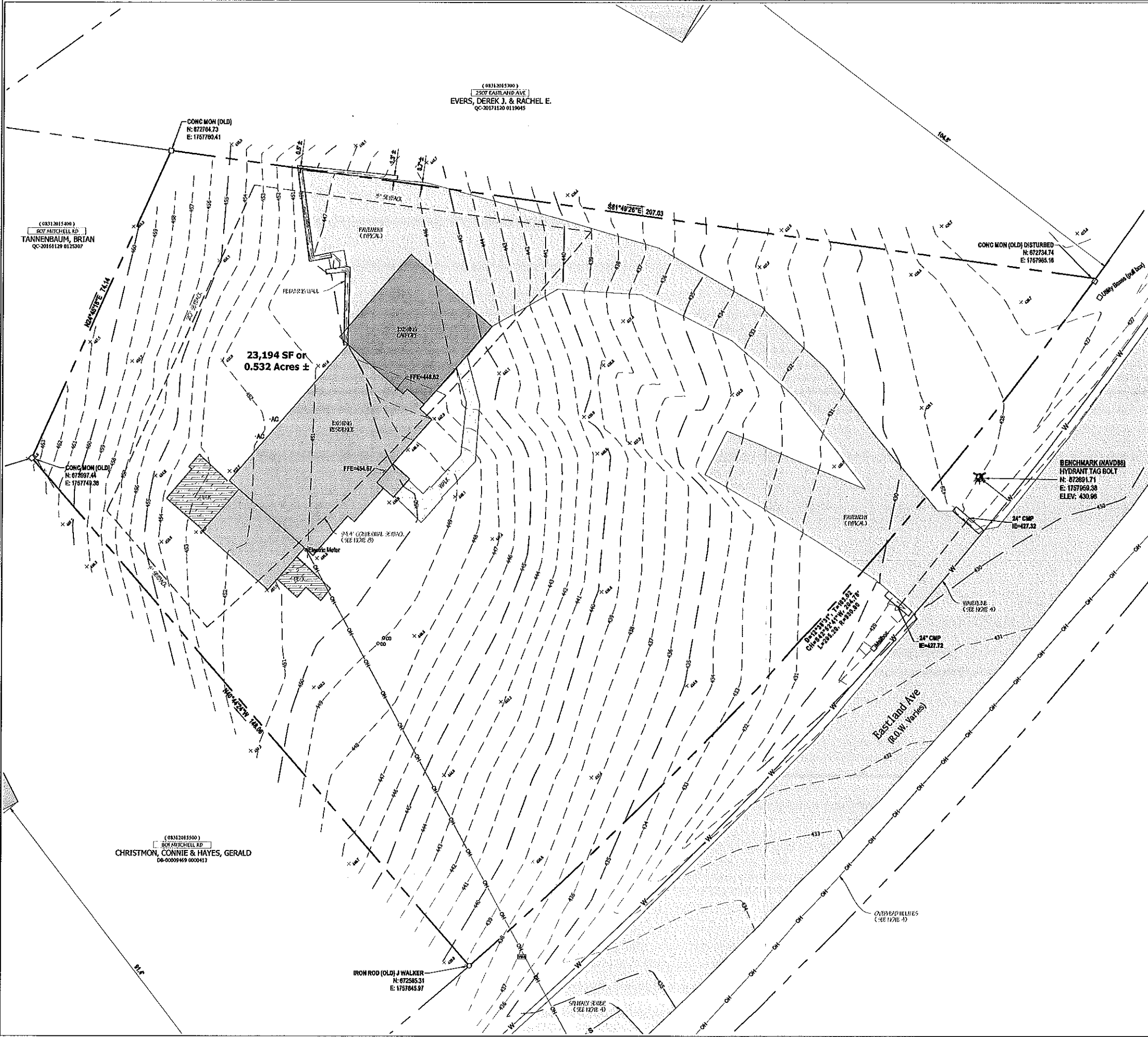
2505 EASTLAND AVE

plans

A1
construction documents
7-18-2018

1 SITE PLAN
1/8" = 1'

PLOT DATE: 8/2/2018 3:38:53 PM
G:\My Drive\Elliott\above jobs\Eastland 2505\Eastland Ave 2505 - Survey.dwg



MAP REFERENCE

Parcel ID for subject property is (08312015600) on Davidson County Property Map.

DEED REFERENCE

Owner: MURPHY, BRUCE, MOLLAIE & BENJELD, LAURA, as of record in DD-20161201 0126078 Registers Office, Davidson County, Tennessee.

PLAT REFERENCE

Being Lot # 1 on the Plan of Minor Subdivision Final Plat of Re-Subdivision of Reserve Parcel 2 on the Plan of Eastland Acres, Section IV, as of record in Book 94, and revised in Plat Instrument No. 20131010-0106341, Register's Office for Davidson County, Tn.

SURVEYOR'S NOTES

1. This Property is located in the 6th Council District of Davidson County Tennessee.
2. Bearings, Elevations and Coordinates shown are based on Tennessee State Plane NAD83, (NAV838)
3. The property is located in areas designated as "Zone X" (areas determined to be outside the 0.2% annual chance flood plain) as noted on the current FEMA Firm Community Panel # 47037C026211, effective on 4-5-2017.
4. Utilities shown herein were taken from visible structures and other sources available to me at this time. Verification of existence, size, location and depth should be confirmed with the appropriate utility sources.
5. A Title Report was not provided for the preparation of this survey, therefore this survey is subject to the findings of an accurate title search.
6. No Stream determinations were provided to this surveyor, therefore this survey does not address the existence or non-existence of any water of the state, jurisdictional stream buffers or wetlands.
7. This survey does not address the owner of any fence nor address any adverse claim of ownership of any adjoining property. Removal of any property line fence should be coordinated with adjacent owner.
8. Property is currently Zoned R10. Setbacks per current zoning, verify with Metro Codes Administration.
Front Building Setback = Conceptual Average - 94.4' Minimum
Rear Building Setback = 20' Minimum
Side Building Setback = 5' Minimum

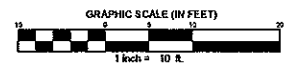
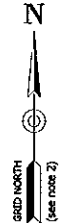
SURVEYOR'S CERTIFICATE

I hereby certify that this survey was actually made on the ground under my direct supervision, using the latest recorded deeds, and other information; that there are no encroachments or projections other than those shown; and that this survey exceeds the minimum requirements for a Category 1 Urban Land Survey pursuant to Chapter 0820-3, Section .05 of the Department of Insurance Standards of Practice for Land Surveyors; and that this survey is true and correct to the best of my knowledge and belief.

Jason A. Garrett, TN RLS # 2861

Symbol Legend

Symbol	Denotes
(Circle with dot)	IRON ROD (OLD)
(Circle with cross)	BENCHMARK
(Square with X)	CATCH BASIN
(Circle with cross)	FIRE HYDRANT
(Circle with X)	SEWER MANHOLE
(Circle with X)	EXISTING TREE
(Circle with X)	WATER VALVE
(Circle with X)	WATER METER
(Circle with X)	IRON ROD (NEW)
(Circle with X)	UTILITY POLE
(Dashed line)	Grade
(Dotted line)	Aspalt
(Dotted line)	Gravel



1711 Hayes Street
Nashville, TN 37203
clint@elliottsurvey.com
(615) 490-3235

CLINT ELLIOTT SURVEY



Boundary & Topographic Survey

2505 Eastland Avenue
Nashville, Davidson County, Tennessee 37206

Rev.	Date	Revision Description



Issue Date:	8-2-08
Project ID:	EASTLAND 2505
Drafted By:	JG
Field Crew:	AK
Checked By:	JG

Sheet Title:
Boundary & Topographic Survey

Sheet No.
V-1.00

00)

10' PUE

S81° 43' 56" E
207.03'

10' PUE

ASPHALT DRIVEWAY

COVERED CARPORT

80' MBSL

20' PUDE

ASPHALT DRIVEWAY

24" CMP

20' PUDE

EASTLAND AVE (ROW VARIES)

C1

OHP/T

GUARD RAIL

STONE WALL

STONE WALL

STONE WALL

CONCRETE SIDEWALK

1ST STORY BRICK RES. WITH BASEMENT

DECK

SUN ROOM

DECK

N24° 50' 48" E
74.14'

10' PUE

10' PUE

MON(O)

COORDINATE SYSTEM
983 (NAD83)

N40° 58' 54" W
148.06'

MAP 083-12, PARCEL (156.00)
GAMMANS
DEED BOOK 4624 / PAGE 617
SECTION FOUR EASTLAND ACRES
PLAT BOOK 2331 / PAGE 94
23194 SF
0.5325 ACRES

MAP 083-12, PARCEL (155.00)
CHRISTMON AND HAYES
DEED BOOK 9469 / PAGE 413
SECTION FOUR EASTLAND ACRES
PLAT BOOK 2331 / PAGE 94

MON(O)

WIN

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Adam Seger
Property Owner: 1700 8th Ave LLC
Representative: Adam Seger

Date: 8/6/18
Case #: 2018-493
Map & Parcel: 1050602000

Council District 17

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose:

PAVE AND LANDSCAPE THE R6 PARKING LOT SECTION.
AND APPEAL AS AN ITEM D CONVERTING THE USE OF THE PARKING LOT FROM RETAIL/RESTAURANT TO VEHICULAR RENTAL....

Activity Type: Vehicular Rental

Location: 1700 8th Ave. S.

This property is in the CS Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Item D

Section(s): 17.40.180D

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection D Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Adam Seger

Appellant Name (Please Print)

Representative Name (Please Print)

Dale + Associates

Address

Address

516 Heather PL

City, State, Zip Code

City, State, Zip Code

N.T. 37204

Phone Number

Phone Number

615-297-5166 Ext 104

Email

Email

adam@daleandassociates.net

Appeal Fee: 200.00



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3542541

**APPLICATION FOR BUILDING USE & OCCUPANCY / CAUO - T2018046279
THIS IS NOT A PERMIT**

PARCEL: 10506020000

APPLICATION DATE: 08/06/2018

SITE ADDRESS:

1700 8TH AVE S NASHVILLE, TN 37203
LOT 7 8 9 PT 6 MATTHEWS SUB WAVERLY

PARCEL OWNER: 1700 8TH AVE, LLC

APPLICANT:

PURPOSE:

- ***EXISTING BLDG ON CS PORTION OF PROPERTY AND
- ***EXISTING GRAVEL PARKING LOT ON R6 PORTION OF PROPERTY.
- ***PREVIOUS RETAIL AND RESTURANT USED ON PROPERTY.
- ****2018-020502---FOR ENTERPRISE RENTAL.

*******THIS PERMIT*******

PAVE AND LANDSCAPE THE R6 PARKING LOT SECTION.
AND APPEAL AS AN ITEM D CONVERTING THE USE OF THE PARKING LOT FROM RETAIL/RESTAURANT TO VEHICULAR RENTAL....

*****ITEM D APPEAL.....17.40.180 D...
AND CHANGE FROM ONE NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE.....
POC: ADAM SEGER 615-297-5166 EXT 104
adam@daleandassociates.net

*Before a building permit can be issued for this project, the following approvals are required.
The Applicant is responsible for providing any plans or other information to the individual agencies*

[A] Site Plan Review	
[A] Zoning Review	
[B] Building Plans Received	615-862-6614 teresa.patterson@nashville.gov
[B] Building Plans Review	615-862-6581 Teresa.Patterson@nashville.gov
[B] Fire Life Safety Review On Bldg App	862-5230
[B] Fire Sprinkler Requirement	862-5230
[B] Fire Sprinkler Review On Bldg App	862-5230
[D] Grading Plan Review For Bldg App	(615) 862-6038 Logan.Bowman@nashville.gov
[E] Cross Connect Review For Bldg App	862-7225
[F] Ramps & Curb Cuts Review For Bldg A	862-8782 PWPPermitsl@nashville.gov
[A] Bond & License Review On Bldg App	
Landscaping & Tree Review	862-6488 stephen.kivett@nashville.gov
[B] Plans Picked Up By Customer	615-880-2649 Ronya.Sykes@nashville.gov
[C] Flood Plain Review On Bldg App	862-6038 logan.bowman@nashville.gov
BZA Hearing	615-862-6505 Debbie.Lifsey@nashville.gov

APPLICATIONS FOR INTERPRETATION AGAINST THE ZONING ADMINISTRATOR AND NON-COMPLYING / NON-CONFORMING USES

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board your request and the reasons for this request. In the case of questioning the Zoning Administrator in his interpretation of the Zoning Code, it is your job to explain to the Board why he is wrong and you are right. In the case of a non-conforming or non-complying structure, it is your job to explain to the Board how this change/enlargement, etc. would result in less of an impact on the surrounding area. It would be to your benefit to contact your neighbors and explain to them what you are doing and attempt to obtain their support and evidence that support in some form at the public hearing.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

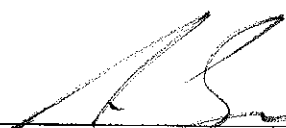
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

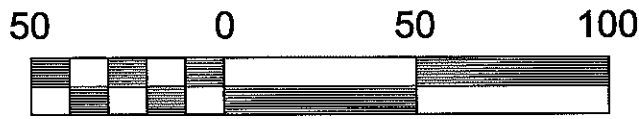
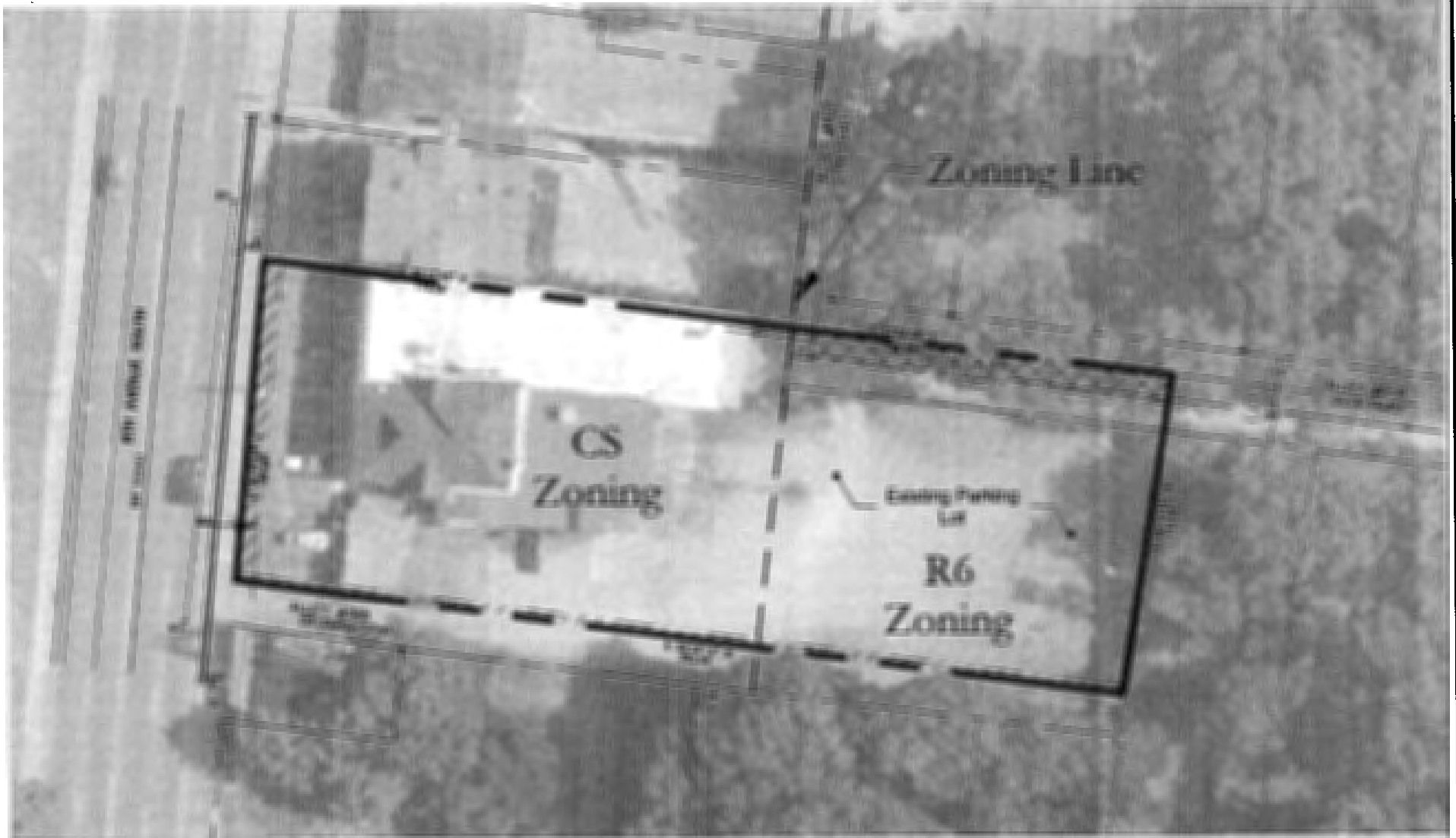
I HEREBY GIVE PERMISSION TO the Department of Codes and Building Safety to post the required sign(s) on the subject property as required by the Zoning Code. I am aware that I am responsible for removing the sign(s) after the public hearing.



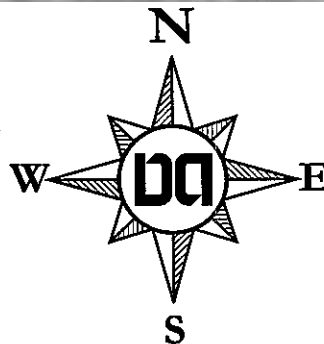
APPELLANT

8/2/18

DATE



Scale 1" = 50'

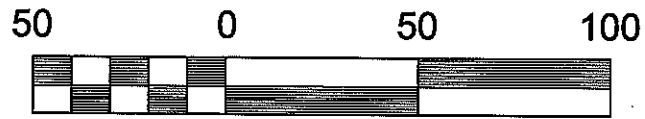
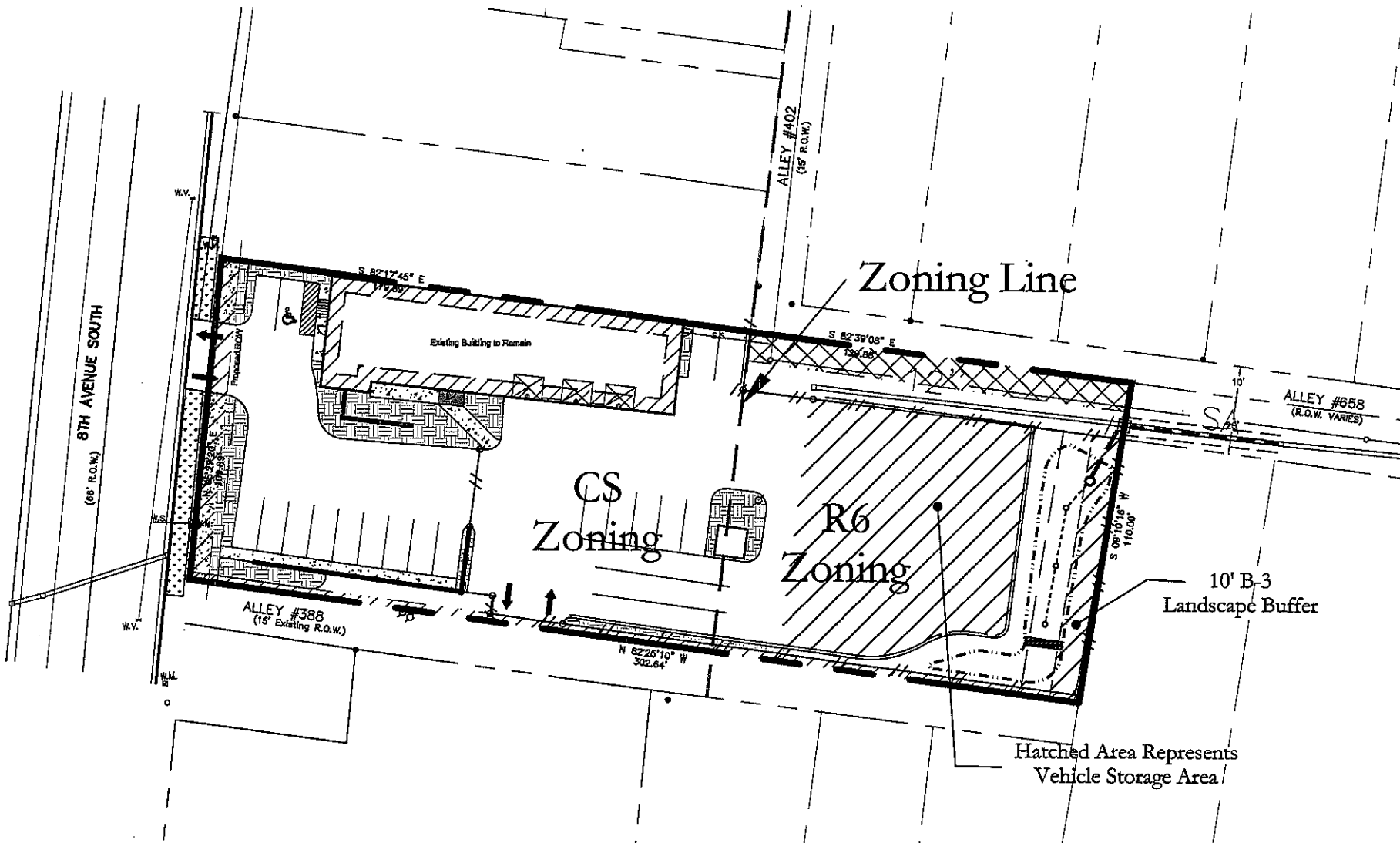


1700 8th Ave S

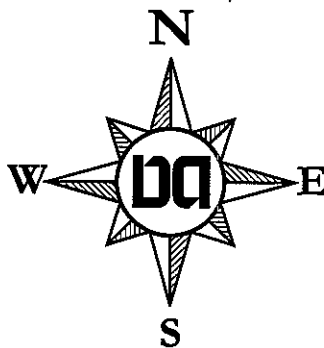
BZA Exhibit 1

Dale & Associates

Date: 8/1/2018



Scale 1" = 50'



1700 8th Ave S

BZA Exhibit 2

Dale & Associates

Date: 8/1/2018

ALLOWAY ST

8

Paved

FP

CS

Paved

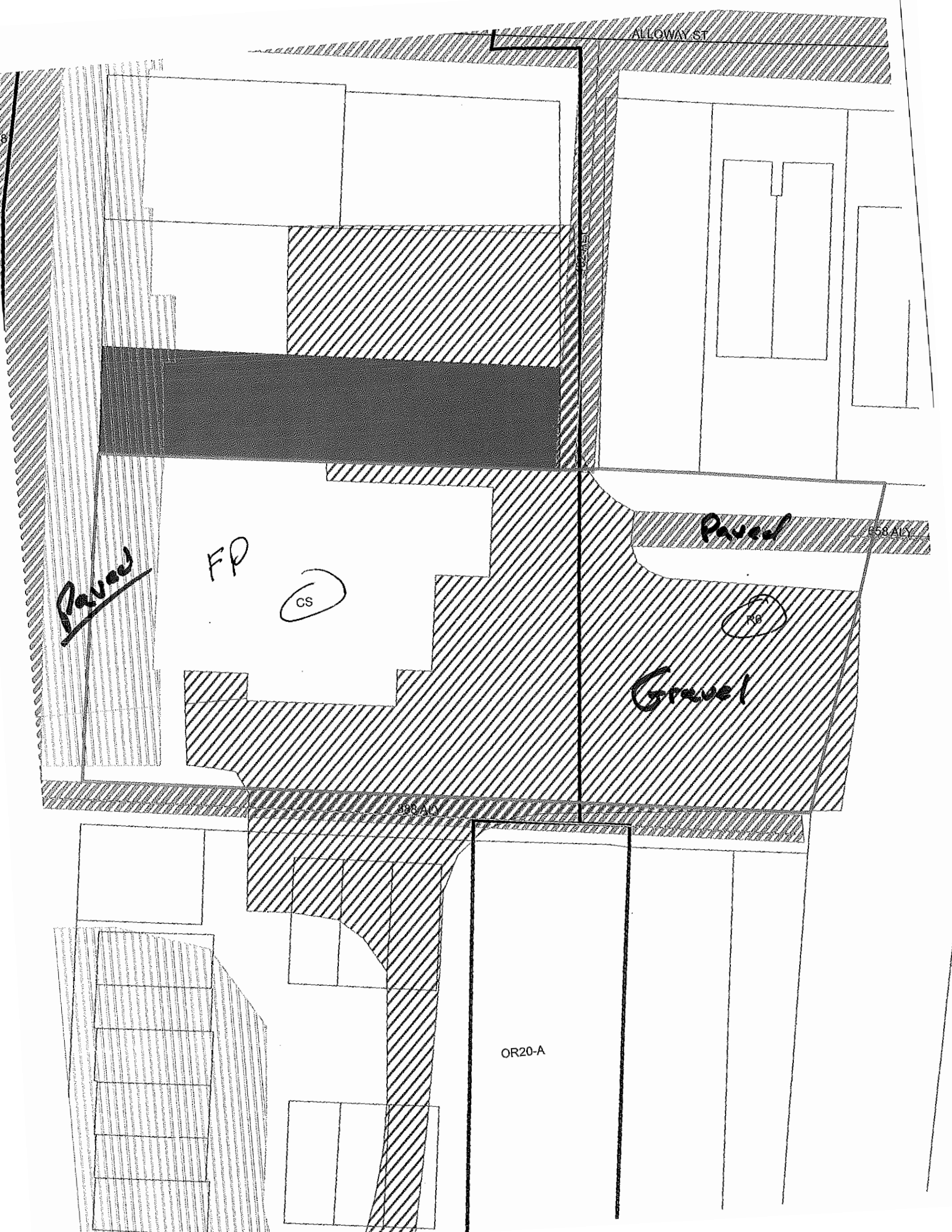
58A16

RB

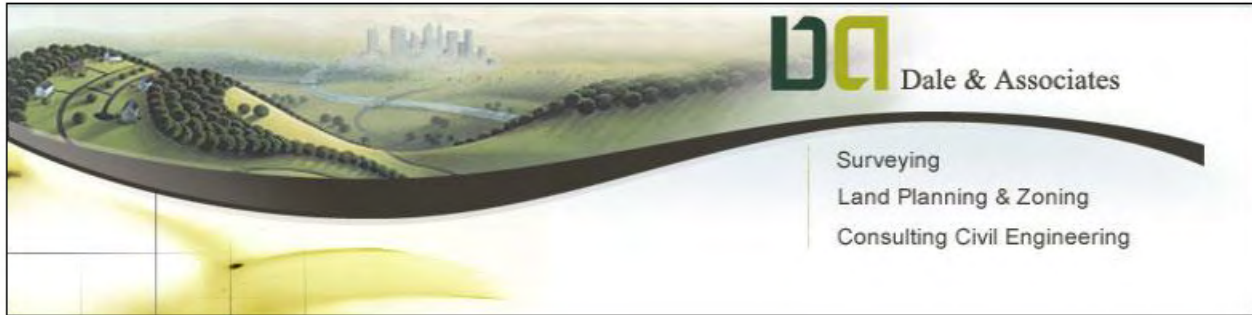
Gravel

58A16

OR20-A







August 6, 2018

Metro Codes Department
Attn: Debbie Lifsey
800 2nd Ave. S.
Nashville, TN 37208

RE: 1700 8th Ave S. – BZA Case #2018-493

Dear Debbie,

I met with Richard to complete the application form for a BZA type D Appeal. He informed me I need to send you a letter describing the project and appeal.

The subject property is an existing retail use in the CS district that utilizes a parking lot both in front of the building along 8th, and also a larger parking lot in the rear of the building accessed by alley. The proposed project is to renovate the existing building and continue to use the parking lot in the rear. The property is split zoned (CS along 8th, and R6 on the back (east) half). The main issue on this appeal is that the rear parking lot exists in the R6 zoned portion of the property.

We received a letter from Mr. Jon Michael dated July 11, 2017 that confirms the parking lot is being used as a legally non-conforming use, and that the parking lot can continue to be used as an accessory use to the main commercial use.

The new project will remain commercial, but it will change the use from 'Retail/Restaurant' to 'Automotive Rental' for Enterprise Rent A Car. This new user will continue to utilize this rear parking lot for vehicles. However, the new user may utilize some of these spaces for 'vehicular storage' rather than 'vehicular parking', which creates somewhat of a technicality in the code.

Therefore, this application is to obtain approval from the BZA to continue to allow the parking lot to be utilized, but will now also include 'vehicular storage' along with 'vehicular parking' so that Enterprise may store their rental vehicles in that back parking lot.

Sincerely,

Adam Seger

Adam Seger, PE

MEGAN BARRY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS
METRO OFFICE BUILDING – 3rd FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS
POST OFFICE BOX 196300
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes

July 11, 2017

R. Patrick Parker, Attorney
Parker & Associates
1517 Hunt Club Boulevard
Gallatin, Tennessee 37066

RE: 1700 8th Avenue South

Dear Mr. Parker:

The above referenced property is, as we previously discussed, situated on a split zoned lot. Based on our staff's review of historic data, mapping documentation, and the latest information available in our office, the parking lot use on the rear portion of this lot appears to be a legally non-conforming use.

That use can therefore continue as an accessory use to the main commercial use at the primary structure on the property.

Sincerely,

A handwritten signature in black ink, appearing to read "Jen Michael", with a horizontal line underneath.

Jen Michael
Metro Codes Department

Braisted, Sean (Codes)

From: Sledge, Colby (Council Member)
Sent: Thursday, September 13, 2018 4:05 PM
To: Board of Zoning Appeals (Codes)
Cc: Michael, Jon (Codes)
Subject: D17 items for Sept. 20

Board members,

Good afternoon. Here are my stances for the Sept. 20 meeting; thanks, as always, for your service.

2018-491: **Support**, as I have talked with property owner and he has reached out for neighbor support.

2018-493: **Oppose**, as a rental car company is not the best use for this property, and they have not reached out to me or neighbors.

2018-500: **Oppose**, as this goes against the R6-A zoning the neighborhood requested.

2018-505: **Support**, as I don't want the homeowner to have to pay into the sidewalk fund due to a residential fire.

2018-511: **Support**, as I haven't heard any issues regarding the addition.

Colby

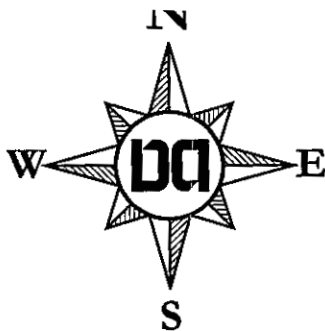
Colby Sledge
Metro Council, District 17
(615) 442-3727

ColbySledge.com

[Sign up for my weekly newsletter here!](#)



Scale 1" = 50'

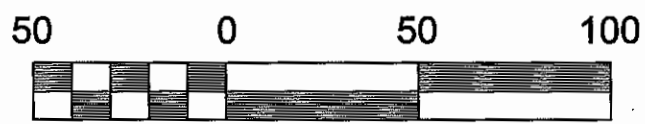
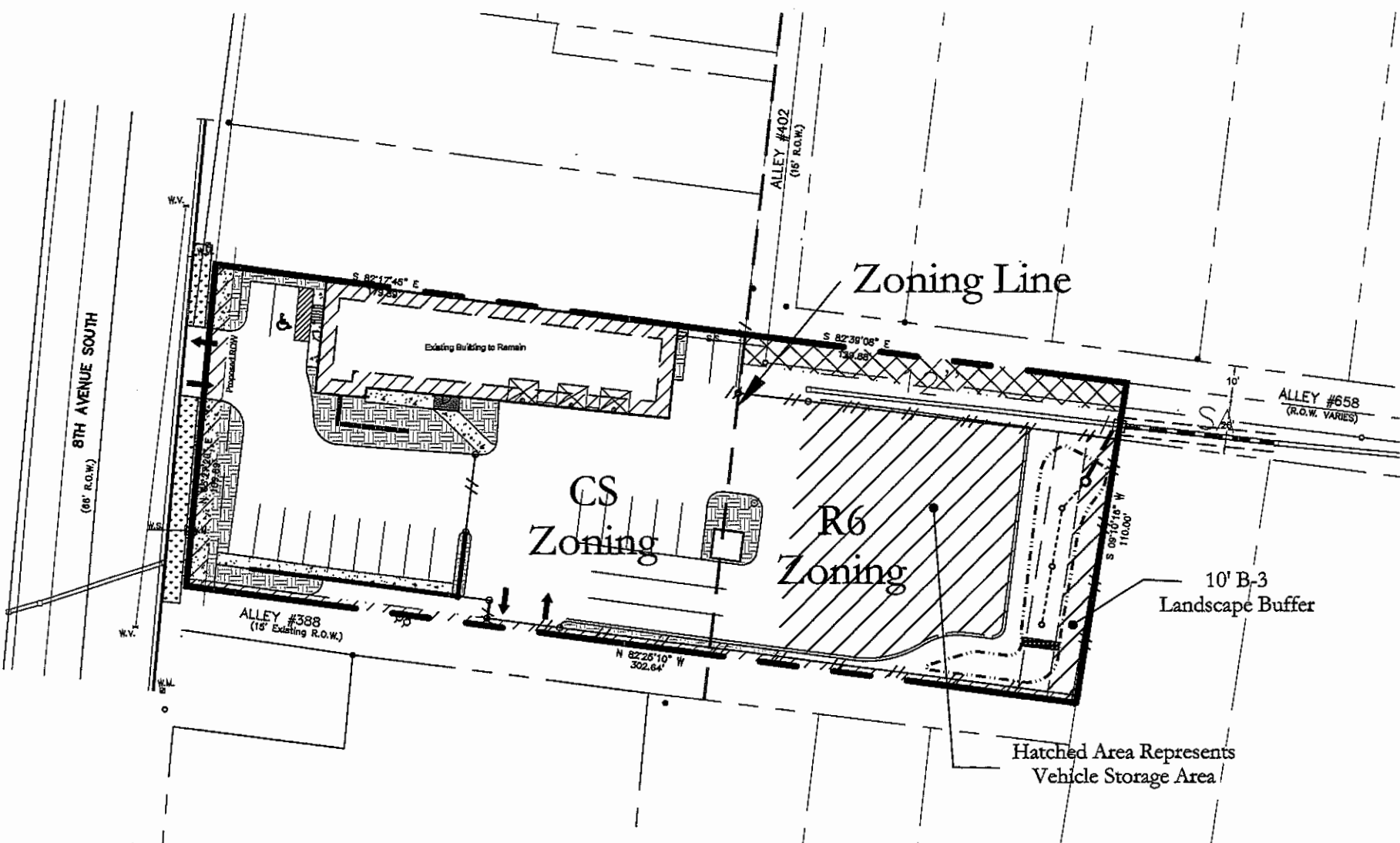


1700 8th Ave S

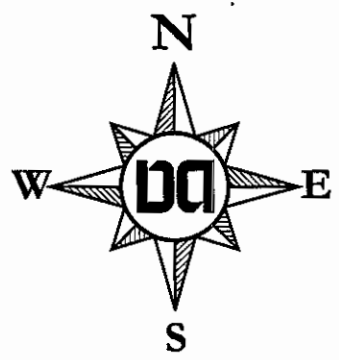
BZA Exhibit 1

Dale & Associates

Date: 8/1/2018



Scale 1" = 50'



1700 8th Ave S

BZA Exhibit 2

Dale & Associates

Date: 8/1/2018

ALLOWAY ST

R8

Paved

FP

CS

Paved

R8 ALY

R8

Gravel

R8 ALY

OR20-A





Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Caprice Palmer

Date: 8-6-18

Property Owner: " "

Case #: 2018-495

Representative: " "

Map & Parcel: 133-1-367

Council District 16

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose:

Requesting front setback reduction of 12.2' from 43.1' to 25.9'

Activity Type: New Construction - Single Family

Location: 518 Elgin St.

This property is in the RS 2.5 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Does not meet minimum front setback

Section(s): 12.12.030(c) 3

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection _____ Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Caprice Palmer
Appellant Name (Please Print)

Joseph E Rollins Jr
Representative Name (Please Print)

2516 Weston Hills
Address

360 Freehand Rd
Address

Nashville, TN 37214
City, State, Zip Code

Portland TN 37148
City, State, Zip Code

615-533-5223
Phone Number

615 712 0494
Phone Number

Caprice@EnchantedFlorestaTN.com
Email

jrollinsco@aol.com
Email

Appeal Fee: \$100.00



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



3542366

ZONING BOARD APPEAL / CAAZ - 20180046156
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 13301036700

APPLICATION DATE: 08/06/2018

SITE ADDRESS:

518 ELGIN ST NASHVILLE, TN 37211

LOT 2 SUNRISE HEIGHTS RESUB LTS 429 & 430

PARCEL OWNER: PALMER, CAPRICE & CAMPBELL, DEBORA

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting front setback reduction of 17.2' from 43.1' (street avg.) to 25.9'.

Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.

Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.

There are currently no required inspections

Inspection requirements may change due to changes during construction.



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3542358

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2018046152
THIS IS NOT A PERMIT**

PARCEL: 13301036700

APPLICATION DATE: 08/06/2018

SITE ADDRESS:

518 ELGIN ST NASHVILLE, TN 37211
LOT 2 SUNRISE HEIGHTS RESUB LTS 429 & 430

PARCEL OWNER: PALMER, CAPRICE & CAMPBELL, DEBORA

APPLICANT: ROLLINS, JOEY CONSTRUCTION

PORTLAND, TN 37148 6157120494

PURPOSE:

to construct 1940SF single family residence with 140SF porches. 5' min. side setback, 20' min. rear setback, front setback at 43.1' per avg. not to be over any easements.

Sidewalks are required, applicant may pay in lieu of sidewalk requirements

***PURSUANT TO ORDINANCE NO 2008-1263 of the Metropolitan Code of Laws, I, holder of this permit, hereby certify that all construction and demolition waste generated by any and all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction or demolition waste shall be stored on the property in violation of any provisions of the Metropolitan Code* For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property.*

*Before a building permit can be issued for this project, the following approvals are required.
The Applicant is responsible for providing any plans or other information to the individual agencies*

[A] Site Plan Review		
[A] Zoning Review	APPROVED	clint.harper@nashville.gov
CA - Zoning Sidewalk Requirement Review		
[B] Fire Life Safety Review On Bldg App		862-5230
[E] Sewer Availability Review For Bldg		862-7225
[E] Sewer Variance Approval For Bldg		
[E] Water Availability Review For Bldg		862-7225
[E] Water Variance Approval For Bldg		
[A] Bond & License Review On Bldg App	APPROVED	clint.harper@nashville.gov
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@nashville.gov
[F] Address Review On Bldg App		862-8781 bonnie.crumby@nashville.gov
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPPermitsl@nashville.gov

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions **MUST** affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

Depth of our lot is not as deep as the
30th. prop. to right, our build envelope is closer to
S20 Elgin + Try to keep street integrity - so reqs
Set back same as S20 Elgin.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff..

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

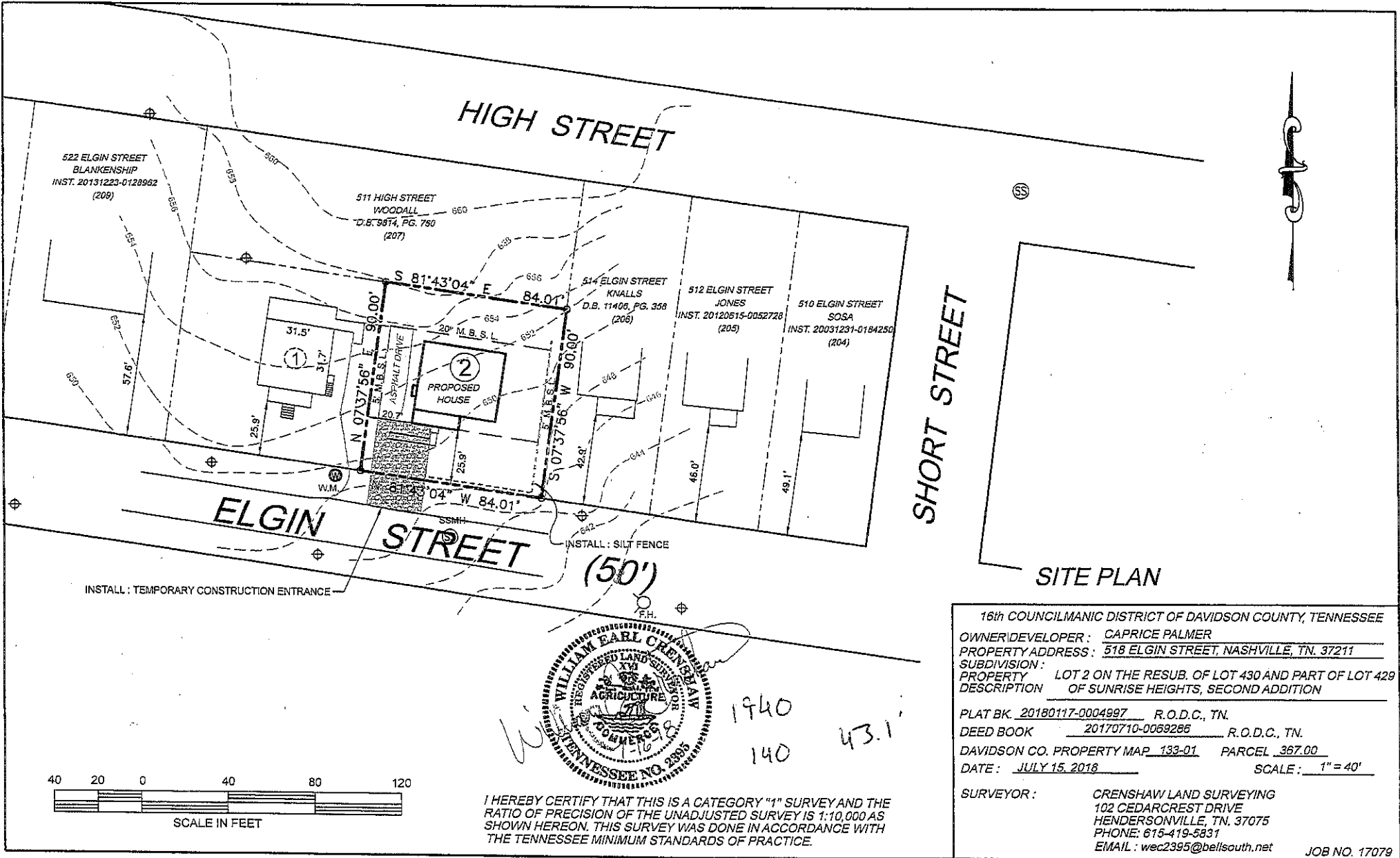
I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.



APPELLANT

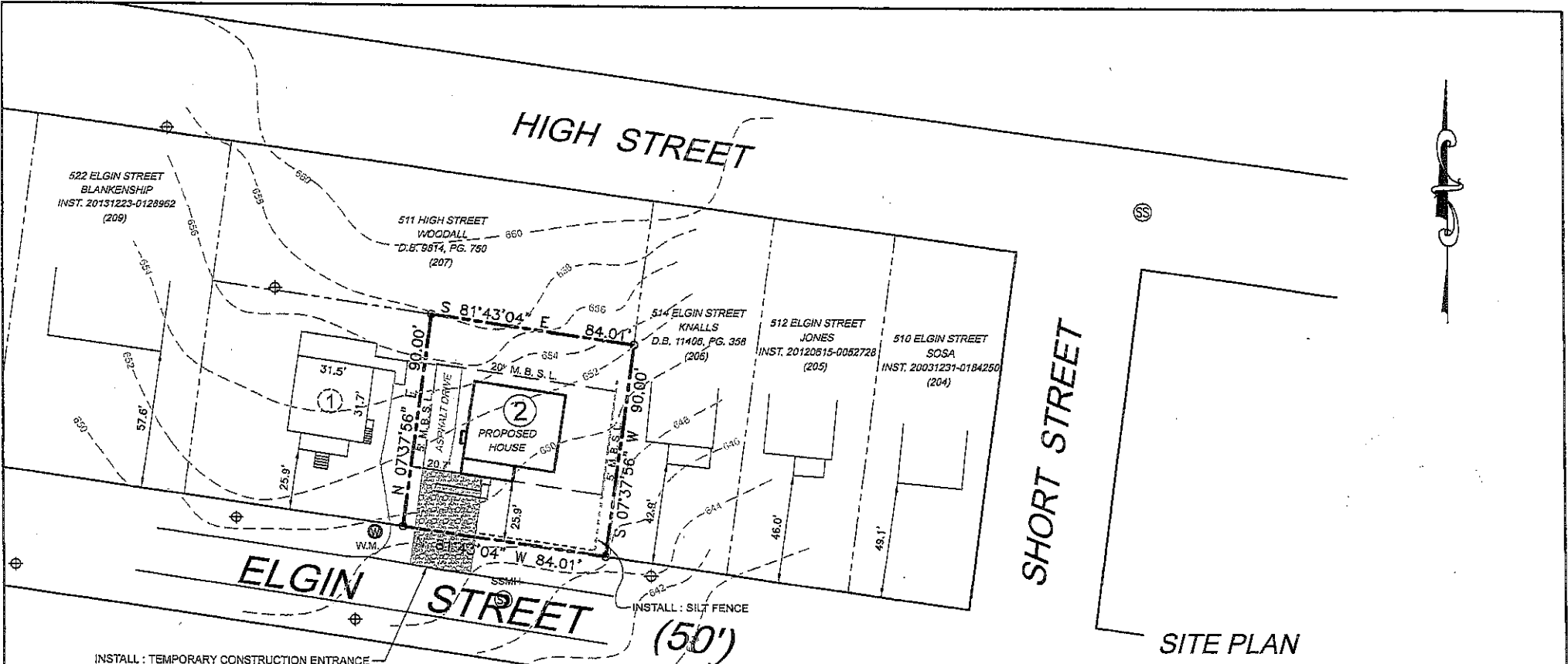
8-6-18

DATE



16th COUNCILMANIC DISTRICT OF DAVIDSON COUNTY, TENNESSEE
 OWNER/DEVELOPER: CAPRICE PALMER
 PROPERTY ADDRESS: 518 ELGIN STREET, NASHVILLE, TN. 37211
 SUBDIVISION: _____
 PROPERTY DESCRIPTION: LOT 2 ON THE RESUB. OF LOT 430 AND PART OF LOT 429 OF SUNRISE HEIGHTS, SECOND ADDITION
 PLAT BK. 20180117-0004997 R.O.D.C., TN.
 DEED BOOK 20170710-0069286 R.O.D.C., TN.
 DAVIDSON CO. PROPERTY MAP 133-01 PARCEL 367.00
 DATE: JULY 15, 2018 SCALE: 1" = 40'
 SURVEYOR: CRENSHAW LAND SURVEYING
102 CEDARCREST DRIVE
HENDERSONVILLE, TN. 37075
PHONE: 615-419-5831
EMAIL: wec2395@bellsouth.net JOB NO. 17079

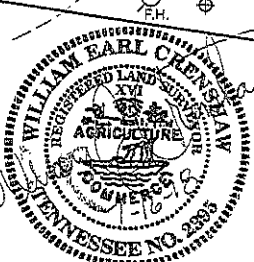
I HEREBY CERTIFY THAT THIS IS A CATEGORY "1" SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 AS SHOWN HEREON. THIS SURVEY WAS DONE IN ACCORDANCE WITH THE TENNESSEE MINIMUM STANDARDS OF PRACTICE.



SHORT STREET

SITE PLAN

16th COUNCILMANIC DISTRICT OF DAVIDSON COUNTY, TENNESSEE
 OWNER/DEVELOPER : CAPRICE PALMER
 PROPERTY ADDRESS : 518 ELGIN STREET, NASHVILLE, TN, 37211
 SUBDIVISION :
 PROPERTY DESCRIPTION : LOT 2 ON THE RESUB. OF LOT 430 AND PART OF LOT 429 OF SUNRISE HEIGHTS, SECOND ADDITION
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 DEED BOOK 20170710-0069286 R.O.D.C., TN.
 DAVIDSON CO. PROPERTY MAP 133-01 PARCEL 367.00
 DATE : JULY 15, 2018 SCALE : 1" = 40'
 SURVEYOR : CRENSHAW LAND SURVEYING
102 CEDARCREST DRIVE
HENDERSONVILLE, TN, 37075
PHONE: 615-419-5831
EMAIL : wcc2395@bellsouth.net



I HEREBY CERTIFY THAT THIS IS A CATEGORY "1" SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 AS SHOWN HEREON. THIS SURVEY WAS DONE IN ACCORDANCE WITH THE TENNESSEE MINIMUM STANDARDS OF PRACTICE.



JOB NO. 17079

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210
615-862-6530



Appellant : Jonathan Weaver

Date: 8-6-18

Property Owner: Jonathan Weaver

Case #: 2018-496

Representative: Jonathan Weaver

Map & Parcel 09213046000

Council District 24

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: To obtain a STRP permit.

Activity Type: Short Term Rental

Location: 3614 Normandy Pl. N

This property is in the RS5 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

•Reason: 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.

Section(s): 17.16.250(E)

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection A of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

A. David Leabart 8-6-18
Completed and witnessed, Date

Jonathan Weaver
Name (Please Print)

Jonathan Weaver
Signature

weav1983@gmail.com
Applicant's e-mail address

(918) 289-8553
Applicant's phone

3614 Normandy Pl. N
Mailing Address

Nashville, TN 37209
City, State, Zip Code

(918) 289-8553
Phone Number

This will also serve as a receipt of (cash) (check) to partly compensate for the expenses under this appeal.

Appeal Fee: \$ 100.00



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



3542438

ZONING BOARD APPEAL / CAAZ - 20180046204
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09213046000

APPLICATION DATE: 08/06/2018

SITE ADDRESS:

3614 NORMANDY PL N NASHVILLE, TN 37209
LOT 4 WEST END LAND CO RE-SUB

PARCEL OWNER: WEAVER, JONATHAN B.

CONTRACTOR:

APPLICANT:

PURPOSE:

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.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS
METRO OFFICE BUILDING--3rd FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS
POST OFFICE BOX 196300
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes

NOTICE

Pending your appeal of the denial of your application for a short term rental permit (STRP), you are prohibited from operating the STRP. Should you continue to advertise and/or operate the STRP at the subject property, the matter will be referred to Metro Legal for prosecution in Environmental Court.

J. N. [Signature]
8/6/17

Rental Unit Record

3614 Normandy PI N, Nashville, TN 37209, USA

Active ●
Identified ✓
Compliant X

PRINT

Airbnb - 6276671



Identified Address

3614 Normandy PI N, Nashville, TN 37209, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.147907, -86.827188

Parcel Number

09213046000

Owner Name

WEAVER, JONATHAN B.

Owner Address

3614 Normandy PI N
Nashville, TN 37209, US

Matched Details

Analyst

WVG

Explanation

The exterior shown on the listing is a match with Google street view. We are able to see the same windows to the right of the residence. To the left of the residence we see the same windows with their shutters. We can also see to the left dark red stairs.

Listing Photos



Matching 3rd Party Sources



Same exterior.

Zip Code Match

Owner Name Match

City Name Match

Timeline of Activity

View the series of events and documentation pertaining to this property








- Listing air6276671 Reposted June 23rd, 2018

Listing Details

Listing URL	— https://www.airbnb.com/rooms/6276671
Listing Status	● Active
Host Compliance Listing ID	— air6276671
Listing Title	— Best location! Charm with hot tub!
Property type	— House
Room type	— Entire home/apt
Listing Info Last Captured	— Aug 04, 2018
Screenshot Last Captured	— Aug 05, 2018
Price	— \$499/night
Cleaning Fee	— \$20

Information Provided on Listing

Contact Name	— Jonathan
Latitude, Longitude	— 36.148336, -86.828172
Minimum Stay (# of Nights)	— 1
Max Sleeping Capacity (# of People)	— 5
Number of Reviews	— 4
Last Documented Stay	— 08/2017

- ✘ Listing air6276671 Removed
June 22nd, 2018
- ✔ Airbnb Letter: Delivered 
April 8th, 2018
- ✔ Airbnb Letter: Sent 
March 29th, 2018
- ✔ First Warning - No STR or Tax: Delivered 
February 17th, 2018
- ✔ First Warning - No STR or Tax: Sent 
February 10th, 2018
- Listing air6276671 Reposted
February 5th, 2018
- ✘ Listing air6276671 Removed
January 31st, 2018
-  1 Documented Stay
August, 2017
- ✔ Listing air6276671 Identified
August 14th, 2017
- ✱ Listing air6276671 First Crawled
July 21st, 2016
-  1 Documented Stay
June, 2015
-  2 Documented Stays
May, 2015
- Listing air6276671 First Activity
May 10th, 2015

Listing Screenshot History

 [View Latest Listing Screenshot](#)

June 5

July 4

August 1

August 05, 2018 - 08:09PM America/Chicago



ENTIRE HOUSE

Best location! Charm with hot tub!

Nashville



Jonathan

5 guests 3 bedrooms 2 beds 2 baths

Welcome! I love living in my home! The location is convenient to everywhere in Nashville, the neighborhood is very safe, the house is clean and modern. High tech home with deck, speakers, and apple TV, built for entertaining and comfort!

The space

Open space, open floor plan, big backyard, the deck is the favorite hangout spot! Built in speakers on the deck allow you to play music from your smartphone inside or outside the house, or both!

Guest access

House, backyard, deck, and free parking! driveway can accommodate up to 4 cars, and if necessary street parking is free and always available. The neighbors are so sweet!

Interaction with guests

I would like to meet each guest, whether for 5 min for a quick tour, or hangout for a bit on the deck. I think the best experience is to show you all the amenities the house offers, how to use them, and then let you enjoy and maximize your comfortable stay!

Other things to note

You are welcome to have my cell to reach me at anytime to ensure I can make your stay as comfortable as possible

Hide ^

★★★★☆ 4

Dates

Check In → Check Out

Guests

1 guest

Request to Book

You won't be charged yet

[Report this listing](#)

Contact host

Amenities

- Free parking on premises Wifi
- Kitchen Indoor fireplace
- Hot tub Cable TV

Show all 16 amenities

House Rules

Have fun first and foremost! Please respect the house, treat it like your own. Music can be played at night on the deck for a good time, just please nothing excessively loud out of respect for the neighbors.

Hide rules ^

Availability

4 Reviews ★★★★★

Search reviews

Accuracy	★★★★☆	Location	★★★★★
Communication	★★★★★	Check-in	★★★★★
Cleanliness	★★★★☆	Value	★★★★☆

Allison
August 2017

Jonathan was lovely! Location was great, back patio was the best part. Unfortunately the hot tub didn't work, which was a bit disappointing :(There was also some home improvements going on which was a bit inconvenient, but in the future the improvements will be great.



Response from Jonathan:

I did have a painting crew at my house the day of checkin, but I reassured Allison that the project would be complete by 3pm, which is the regular check in time. I graciously allowed her party to check in 1.5 hours early at 130pm to be nice to my guests, letting them know that there may be work still being completed up until 3pm. My hot tub has worked for every previous guest I have had, but yes, the pump malfunctioned, and I called a repairman ASAP but he did not have the parts on a Sunday to repair it in time. I do apologize for that and will continue to strive to make sure my guests have the best experience possible staying in my home. The hot tub is now fixed and running very well.

August 2017

Brendan
June 2015

Jonathan was awesome! This was my first time using Airbnb and I am definitely going to use it more often now due to him! He helped us have an absolute blast down in Nashville for CMA weekend and made us feel like we never left our own house. I definitely would recommend Jonathan to any and everyone because he made this weekend a very fun time!



Brandon
May 2015

Very welcoming and great host.



Susan
May 2015

Jonathan saved our wedding. I'll explain. A downtown listing failed to mention keeping a cat in the apartment, and my husband is allergic. Airbnb called around Nashville on Friday night trying desperately to find another place for us to stay. Jonathan came through in a big way. His place was perfect for hosting all the ladies getting ready the next morning--an outdoor seating area for natural lighting, an amazing sound system, and comfortable couches. On a moment's notice, his place was clean and comfortable. He was also extremely warm and went so far out of his way to make us feel at home. The weekend was a success, and we owe him a huge debt of gratitude. Needless to say, I highly recommend Jonathan's listing.

Hosted by Jonathan



Nashville, Tennessee, United States · Joined in May 2015

★ 6 Reviews ✨ Verified

physician from Vanderbilt, loves to travel, drink wine, outgoing, outdoorsy, exercises, loves fine dining, and meeting new people!

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. Learn more

The neighborhood

Jonathan's home is located in Nashville, Tennessee, United States.

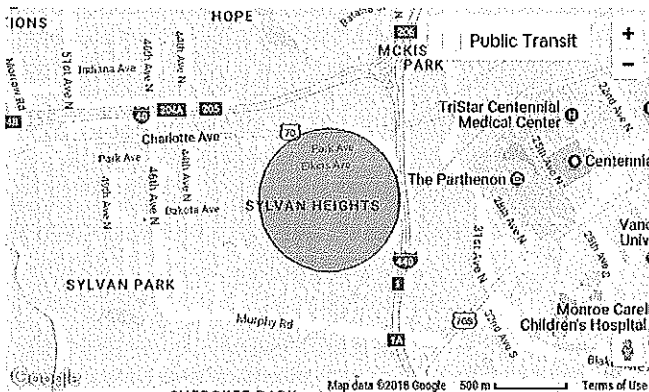
Charm! nice neighbors, gold course is very close! restaurant and bars are 3 min away, great for walks, and above all safe!

Getting around

Very convenient for Uber or Lyft to find if you want transportation around town. I also know a personal Uber black driver I can put you in touch with. By car, traffic is minimal, parking at the house is free and easy, and 1 minute from the highway!

Hide ^

Jonathan's Guidebook Things to do in Nashville



Exact location information is provided after a booking is confirmed.

Explore other options in and around Nashville

More places to stay in Nashville: Apartments · Bed and breakfasts · Lofts · Villas · Condominiums

Asheville Vacation Rentals
Lancaster
Nashville
St Louis
Memphis
Wildomar

Water Mill Vacation Rentals
Louisville
Cape Elizabeth
El Cerrito
Evansville
Hidden Hills

Longboat Key Vacation Rentals
Manhattan
Pflugerville
Atlanta
Tyndall Air Force Base
Ocean View

[Airbnb](#)

[Discover](#)

[Hosting](#)



2018-496
OPPOSE

JOSIE E.L. BEARD
3425 DAKOTA AVE
NASHVILLE, TN 37209

SEPTEMBER 6, 2018

BOARD OF ZONING APPEALS
800 SECOND AVE SOUTH
NASHVILLE, TN 37219-6300

DEAR BOARD OF ZONING APPEALS,

I, JOSIE BEARD, property owner
of 3425 DAKOTA AVE, hereby express
my OPPOSITION of APPEAL CASE# 2018-496
as filed by my neighbor JONATHAN WEAVER
scheduled for public hearing THURSDAY, 9-20-2018.

SINCERELY
Josie E. L. Beard

JOSIE E. L. BEARD

2018-497

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210
615-862-6530

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Rose Bowe

Date: 8-6-18

Property Owner: Rose Bowe

Case #: 2018-497

Representative: Rose Bowe

Map & Parcel 09110026400

Council District 20

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: To obtain a STRP permit.

Activity Type: Short Term Rental

Location: 524 Snyder Ave.

This property is in the R8 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

•Reason: 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.

Section(s): 17.16.250(E)

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection A of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

[Signature]
Completed and witnessed, Date

Rose Bowe
Name (Please Print)

[Signature]
Signature

rosebowe@gmail.com
Applicant's e-mail address

(702) 604-2248
Applicant's phone

524 Snyder Ave.
Mailing Address

Nashville, TN 37209
City, State, Zip Code

(702) 604-2248
Phone Number

This will also serve as a receipt of (cash) (check) to partly compensate for the expenses under this appeal.

Appeal Fee: \$ 100.00



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



3542533

ZONING BOARD APPEAL / CAAZ - 20180046276
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 0911.0026400

APPLICATION DATE: 08/06/2018

SITE ADDRESS:

524 SNYDER AVE NASHVILLE, TN 37209
PT LOT 10 B F COCKRILL FARM

PARCEL OWNER: BOWE, ROSE UTLEY & DAVID L.

CONTRACTOR:

APPLICANT:

PURPOSE:

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.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS
METRO OFFICE BUILDING--3rd FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS
POST OFFICE BOX 196300
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes

NOTICE

Pending your appeal of the denial of your application for a short term rental permit (STRP), you are prohibited from operating the STRP. Should you continue to advertise and/or operate the STRP at the subject property, the matter will be referred to Metro Legal for prosecution in Environmental Court.

Robb Jones
August 6, 2018

Rental Unit Record

524 Snyder Ave, Nashville, TN 37209, USA

Active ●
Identified ✓
Compliant X

PRINT

Airbnb - 24263457



Identified Address

524 Snyder Ave, Nashville, TN 37209, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.153916, -86.860222

Parcel Number

09110026400

Owner Name

BOWE, ROSE UTLEY & DAVID L.

Owner Address

524 Snyder Ave
Nashville, TN 37209, US

Matched Details

Analyst CHN6

Explanation
Zillow images match listing images.

Listing Photos



Matching 3rd Party Sources



Exterior is the same and shows street number in listing photo.

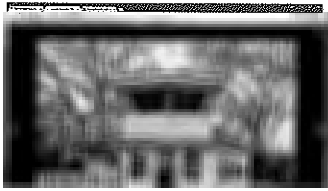


Bedroom matches.

Timeline of Activity

View the series of events and documentation pertaining to this property

10 Documented Stays
July, 2018



Exterior is same as listing.

Zip Code Match

City Name Match

Listing Details

Listing URL	— https://www.airbnb.com/rooms/24263457
Listing Status	● Active
Host Compliance Listing ID	— air24263457
Listing Title	— Uniquely decorated 3Bed Loft-Minutes from Downtown
Property type	— House
Room type	— Entire home/apt
Listing Info Last Captured	— Aug 04, 2018
Screenshot Last Captured	— Jul 30, 2018
Price	— \$85/night
Cleaning Fee	— \$

Information Provided on Listing

Contact Name	— Tenasia
Latitude, Longitude	— 36.153489, -86.861174
Minimum Stay (# of Nights)	— 1
Max Sleeping Capacity (# of People)	— 4
Number of Reviews	— 43
Last Documented Stay	— 07/2018

Listing Screenshot History

View Latest Listing Screenshot

June 5

July 4

August 0

- 12 Documented Stays
June, 2018
- Listing air24263457 Reposted
June 23rd, 2018
- ✕ Listing air24263457 Removed
June 22nd, 2018
- ✔ First Warning - No STR or Tax: Delivered
June 9th, 2018
- ✔ First Warning - No STR or Tax: Sent
June 1st, 2018
- 14 Documented Stays
May, 2018
- ✔ Listing air24263457 Identified
May 24th, 2018
- 7 Documented Stays
April, 2018
- * Listing air24263457 First Crawled
April 12th, 2018
- Listing air24263457 First Activity
April 9th, 2018

July 30, 2018 - 02:06AM America/Chicago



ENTIRE HOUSE

Uniquely decorated 3Bed Loft-Minutes from Downtown

Nashville



Tenasia

4 guests 2 bedrooms 3 beds 1 bath

Located less than a quarter mile off highway 40 & roughly 10 minutes from downtown Nashville. A uniquely decorated space with quick, convenient access to anywhere in the city. Private entrance & amenities included.



Contact host

Amenities

- Free parking on premises
- Laptop friendly workspace
- Kitchen
- Hair dryer
- Wifi
- Shampoo

Show all 14 amenities

Sleeping arrangements

 Bedroom 1 1 queen bed	 Bedroom 2 2 single beds
--	--

Dates

Check In → Check Out

Guests

1 guest

Request to Book

You won't be charged yet

Report this listing

House Rules

- No smoking
- Not suitable for pets
- No parties or events
- Check-in time is flexible

You must also acknowledge

- Pet(s) live on property - One long cloud boi
- Potential for noise - Roommates live downstairs and come home late from work.
- Must climb stairs - Two flights, back private entrance
- Hide rules ^

Availability

...


41 Reviews ★★★★★

Search reviews


Accuracy	★★★★★	Location	★★★★★
Communication	★★★★☆	Check-in	★★★★☆
Cleanliness	★★★★☆	Value	★★★★★

 **Laura**
July 2018

Cheap and easy to get to. Wouldn't recommend if you plan on spending a significant amount of time in. Okay for in and out but this place was not made for lounging. Shower needs work. Down stairs roommates allow dog waste to collect on lower patio and bake in the hot sun.

 **Claire**
July 2018

The space was clean, fun and inviting. We loved the decorating and distance from the city center

 **Treyvion**
July 2018

So the stay at the location was pretty nice and had a feel to it that I really loved, the only concern was that he was almost completely unresponsive up to the day of the stay when I contacted to Airbnb to contact her and we didn't have any check in information. She could have been going through personal things and that conflicted so don't completely hold it against her, but other than that there isn't a stove.

 **Gina**
July 2018

Such a cute little apartment! Comfortable beds in a nice neighborhood that's a

short Uber drive to all the action. Tenasie is a great host and I hope to come back and visit!



Erin
July 2018

Lovely place and decorated very well! Nice location would recommend to anyone staying in the area.



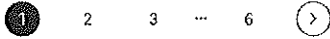
Chris And Rachel
July 2018

Fun, funky place with working musicians down below. Good communication, short drive to good food. Would definitely perch here again, though maybe not for light sleepers.



Maile
July 2018

From the second I walked in, I felt right at home. This spot was a unique and comfortable stay, about 15 minutes from downtown Nashville, which was awesome! I really loved the entire vibe of Tenasie's house, I would absolutely love to stay here again!



Hosted by Tenasie



Joined in April 2018

★ 41 Reviews

Response rate: 95%

Response time: within an hour

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. [Learn more](#)

The neighborhood

Tenasie's home is located in Nashville, Tennessee, United States.

Things to do in Nashville

Exact location information is provided after a booking is confirmed.

Explore other options in and around Nashville

More places to stay in Nashville: Apartments · Bed and breakfasts · Lofts · Villas · Condominiums

2018-499

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Roger Potter
Property Owner: " "
Representative: Roger Potter

Date: 8/6/18
Case #: 2018-499
Map & Parcel: 91-6-2 G 900
001
002

Council District 20

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: HPR Duplex

Activity Type: HPR Duplex

Location: 5804 Morrow Rd N.T. 37209

This property is in the R6 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Sidewalks Required + Not Allowed to contribute
Section(s): 17, 20, 120 request Not to install +
Not to contribute

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Roger Potter
Appellant Name (Please Print)

Representative Name (Please Print)

7003 Old Clarksville P
Address

Address

Joelton, TN 37080
City, State, Zip Code

City, State, Zip Code

615-394-7606
Phone Number

Phone Number

rogerpotter82@gmail.com
Email

Email

Appeal Fee: 200⁰⁰



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



3542817

ZONING BOARD APPEAL / CAAZ - 2018006665
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 091062G90000CO

APPLICATION DATE: 08/06/2018

SITE ADDRESS:

5804 C MORROW RD NASHVILLE, TN 37209
COMMON AREA HOMES AT 5804 MORROW ROAD

PARCEL OWNER: O.I.C. HOMES AT 5804 MORROW ROAD

CONTRACTOR:

APPLICANT:

PURPOSE:

TO CONSTRUCT ...TWO... NEW SINGLE FAMILY RES AT 1957 SQFT WITH AN ATTACHED GARAGE AT 250 SQFT WITH PORCHES AND DECKS.....SPLIT FROM 91-6-39....MIN 6' BETWEEN HOUSES....SIDE STREET (58TH AVE N)....MIN 10'...REAR MIN 20'...SIDE MIN 5'...FRONT MIN 33.3'.....

*****SIDEWALKS REQUIRED AND NOT ALLOWED TO CONTRIBUTE*****

WIDTH OF HOUSE AT 30' WITH A MAX HT AT 2 STORIES AND 30.5'.

*****DENIED: SIDEWALKS REQUIRED AND NOT ALLOWED TO CONTRIBUTE.....17.20.120.

POC:

ROGER POTTER.....615-394-7606

rogerpotter82@gmail.com

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17.40.370. This Section is included as follows:

Physical characteristics of the property - The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property.

Unique characteristics - The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.

Hardship not self-imposed - The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of this Zoning Code.

Financial gain not only basis - Financial gain is not the sole basis for granting the variance.

No injury to neighboring property. - The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

No harm to public welfare - The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.

Integrity of Master Development Plan - The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions **MUST** affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

See Letter

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

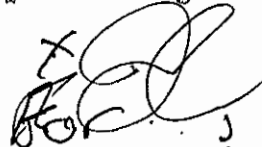
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.

 JUSTIN CRANDALL

APPELLANT


Roger Potte


DATE

8/16/18

O.I.O. TREATY OAKS COTTAGES
 PARCEL ID: 091080L9000000
 INSTRUMENT NO.
 20141120-0107174
 (R.O.D.C., TN)

STORMWATER MANAGEMENT IMPERVIOUS AREA (IA) BREAKDOWN

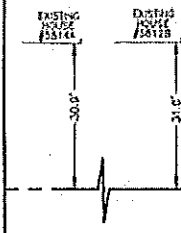
 = EXISTING IA = 2,184 SQ.FT.± (STRUCTURES, DRIVEWAY)

 = PROPOSED IA = 3,628 SQ.FT.± (STRUCTURES, DRIVEWAY, WALK)

ADDITIONAL IA = 1,444 SQ.FT.±

* TWO 6'X7'X18" DEEP RAIN GARDENS TO BE CONSTRUCTED TO CAPTURE 1,444 S.F.± OF ADDL. IA PER METRO STORMWATER MANUAL *

MARK H. BARRETT AND MELISSA STANSELL BARRETT
 PARCEL ID: 09100003800
 INSTRUMENT NO.
 20120813-0072080
 (R.O.D.C., TN)



NOTE: TWO 7'X7'X18" DEEP RAIN GARDENS TO CAPTURE 1,444 SQ.FT.± OF ADDED IMPERVIOUS AREA.

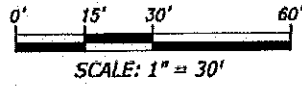
MORROW ROAD
 60' RIGHT-OF-WAY

STREET SETBACK TABLE	ADDRESS	SETBACK
	#5808 MORROW RD	40.1'
	#5812A MORROW RD	31.2'
	#5812B MORROW RD	31.0'
	#5814A MORROW RD	30.9'
	AVERAGE SETBACK =	33.3'

NOTE A: FRONT/STREET SETBACK PER METRO GOVERNMENT OF NASHVILLE MUNICIPAL CODES, CHAPTER 17.12.030, NOTE C(3) PER ORDINANCE NO. BL2014-725

SETBACKS
 FRONT/STREET: SEE NOTE A
 SIDE: 5'
 REAR: 20'

NOTE: CONTRACTOR ASSUMES SOLE RESPONSIBILITY TO ENSURE THAT CONSTRUCTION ADHERES TO M.B.S.L.'S



THE BUILDER IS SOLELY RESPONSIBLE FOR CONFORMING TO ALL ZONING REGULATIONS INCLUDING BUT NOT LIMITED TO BUILDING SETBACK LINES, EASEMENTS AND OTHER BUILDING IMPROVEMENTS AND PROPERTY RESTRICTIONS AS WELL AS ANY OTHER CONDITIONS AS SET FORTH OR NOTED ON THE SUBDIVISION PLAT AND OTHER LOCAL, STATE OR FEDERAL POLICIES, REGULATIONS AND ORDINANCES THAT MAY APPLY TO THE SUBJECT PROPERTY. THIS PLOT PLAN WAS GENERATED FROM THE FOUNDATION PLAN AS PROVIDED BY OTHERS. THE BUILDER IS RESPONSIBLE FOR VERIFYING ALL BUILDING DIMENSIONS SHOWN AND SHALL REPORT ANY DISCREPANCIES TO H&H LAND SURVEYING BEFORE BEGINNING CONSTRUCTION. THE SHAPE, SIZE AND PLACEMENT OF THE PROPOSED STRUCTURE AND IMPROVEMENTS MAY CHANGE DUE TO LOT CONDITIONS OR OTHER MATTERS THAT MAY AFFECT THE SUBJECT PROPERTY. ALL LOT AND UTILITY INFORMATION SHOWN IS PER PLAT. THE LOCATION OF THE HOUSE AND IMPROVEMENTS SHOWN HEREON IS AS SPECIFIED AND DIRECTED BY THE BUILDER/CONTRACTOR. THE SUBJECT PROPERTY AND IMPROVEMENTS SHOWN HEREON ARE SUBJECT TO SUCH STATE OF FACT AS AN ACCURATE TITLE SEARCH, FLOOD STUDY, COMPREHENSIVE SURVEY, GEOLOGIC AND SOILS STUDY MAY REVEAL. THIS DOCUMENT IS NOT AUTHORIZED FOR USE IN DETERMINING ANY MATTERS RELATED TO ANY FLOOD ASSESSMENTS OF THE SUBJECT PROPERTY AND IMPROVEMENTS.

PLOT PLAN

THIS PLOT PLAN WAS MADE FOR THE CONTRACTOR, PROPERTY OWNERS AND CODES DEPT. AND IS TO BE USED FOR OBTAINING THE BUILDING PERMIT ONLY. THIS PLAN IS NOT TO BE USED FOR A GENERAL PROPERTY SURVEY, MORTGAGE LOAN INSPECTION, OR A FOUNDATION INSPECTION SINCE NO IMPROVEMENTS EXIST AT THIS TIME.

OWNER: POTTER BROTHERS CONSTRUCTION, LLC
 ADDRESS: 5804 MORROW ROAD
 CITY: NASHVILLE, DAVIDSON COUNTY, TENNESSEE
 LOT #17

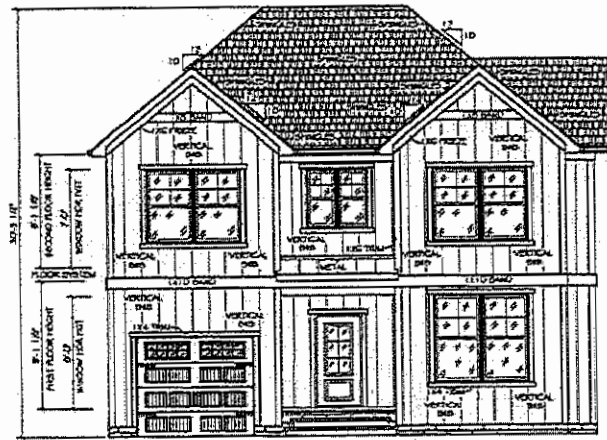
SUBD. REVISED PRELIMINARY PLAN OF THE MORROW ROAD SUBDIVISION
 RECORD: NOT OF RECORD - (R.O.D.C., TN)
 DEED: INSTRUMENT NO. 20180525-0050553 (R.O.D.C., TN)
 SCALE: 1"=30'. DATE: JUNE 25, 2018
 MAP: 091-00 PARCEL: 039.00
 AREA: 8,627 SQ.FT. OR 0.20 AC.±



H & H LAND SURVEYING INC.
 612 A FITZHUGH BLVD.
 SMYRNA, TENNESSEE 37167
 PHONE: 615-355-6905 EMAIL: handhland@bellecouth.net
 JOB: 2018-0371 DRAWN BY: MAF

101754
 97959

R3-1957(1)
 u 250 91-6-2-G 112
 91-6-39
 506 (2)
 238



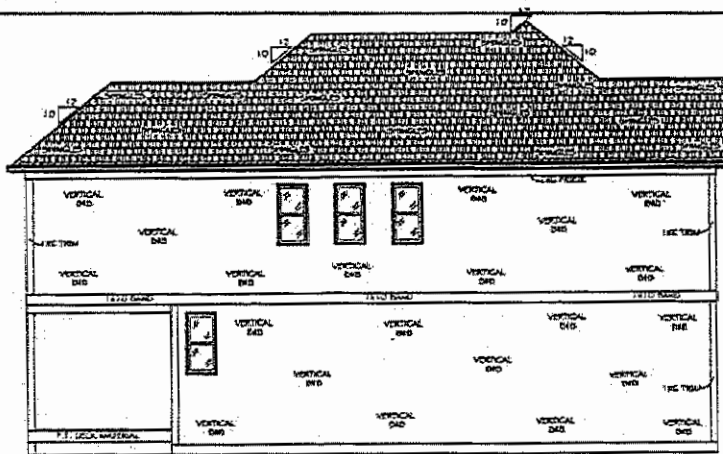
FRONT ELEVATION - 'A'

1/8" = 1'-0"



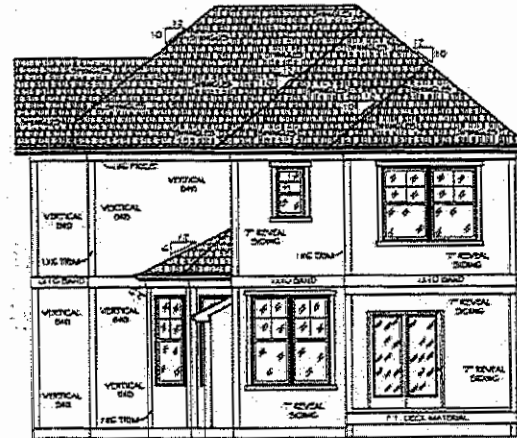
RIGHT ELEVATION

1/8" = 1'-0"



LEFT ELEVATION

1/8" = 1'-0"



REAR ELEVATION

1/8" = 1'-0"



ProMark
Home Designs LLC

P.O. Box 169144 Nashville, TN 37216

Proudly working with:

5804 Morrow Road,
Nashville, TN

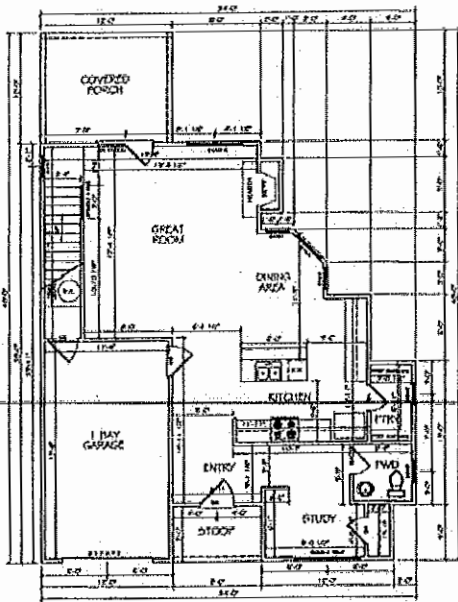
It is the intent of these documents to provide sufficient information to the architect to insure his / her responsibility in verifying accuracy and compliance with all regulatory codes prior to construction and their respective plans and procedures are those shown.

DRAWN BY:
J.W.

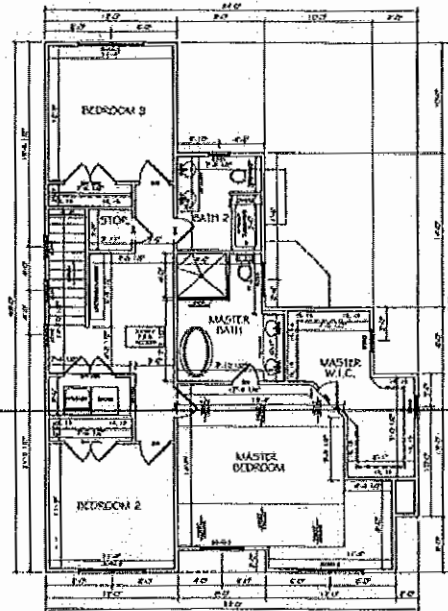
PLAN NUMBER:
5804 Morrow

DATE 02/18

AREA CALCULATIONS	
Overall Area	3400
Living Area	1800
Bedroom Area	1000
Bath Area	200
Kitchen Area	300
Garage Area	300
Staircase Area	100
Other Area	100
Total Area	3400



FIRST FLOOR PLAN - 'A'
1/8" = 1'-0"



SECOND FLOOR PLAN - 'A'
1/8" = 1'-0"

- NOTES:
1. ALL FINISHES AND DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED TO BE OF CONTRARY EFFECT.
 2. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED TO BE TO CENTERLINE OR TO OTHER POINT.
 3. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED TO BE TO CENTERLINE OR TO OTHER POINT.
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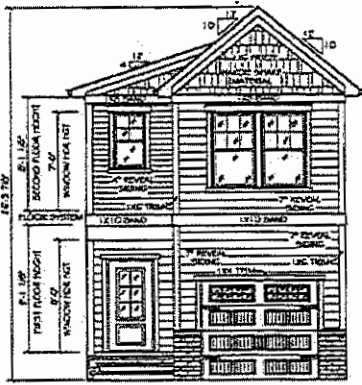
ProMark
Home Designs LLC
P.O. Box 10000 Nashville, TN 37210
Hand-drawn drawings only.

5804 Normandy Road,
Nashville, TN
This drawing is the property of ProMark Home Designs LLC. It is to be used only for the project and location specified. No part of this drawing may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of ProMark Home Designs LLC.

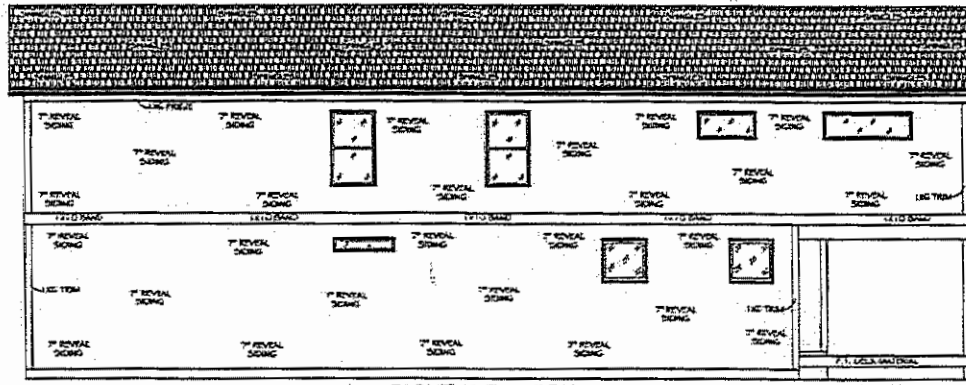
DRAWN BY:
J.M.

PLAN NUMBER:
1801-0000

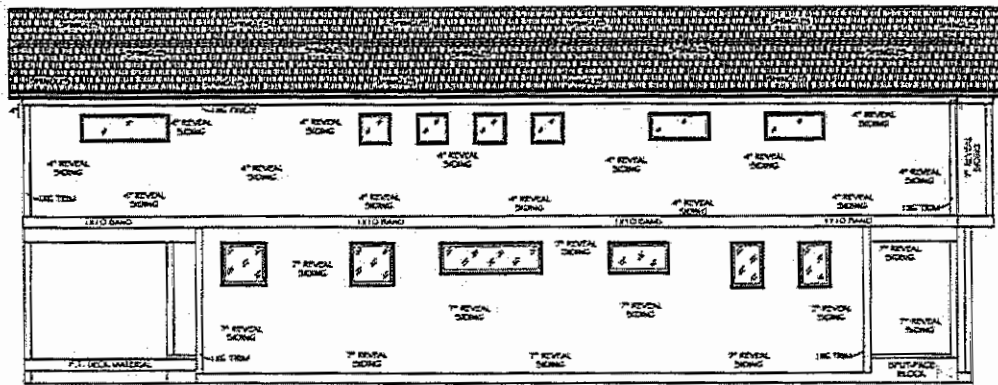
DATE: 02/01



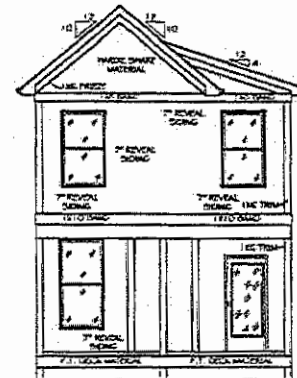
FRONT ELEVATION - 'B'
1/8" = 1'-0"



RIGHT ELEVATION
1/8" = 1'-0"



LEFT ELEVATION
1/8" = 1'-0"



REAR ELEVATION
1/8" = 1'-0"



ProMark
Home Designs LLC
P.O. Box 189144 Nashville, TN 37216
ProMark is proudly working with:

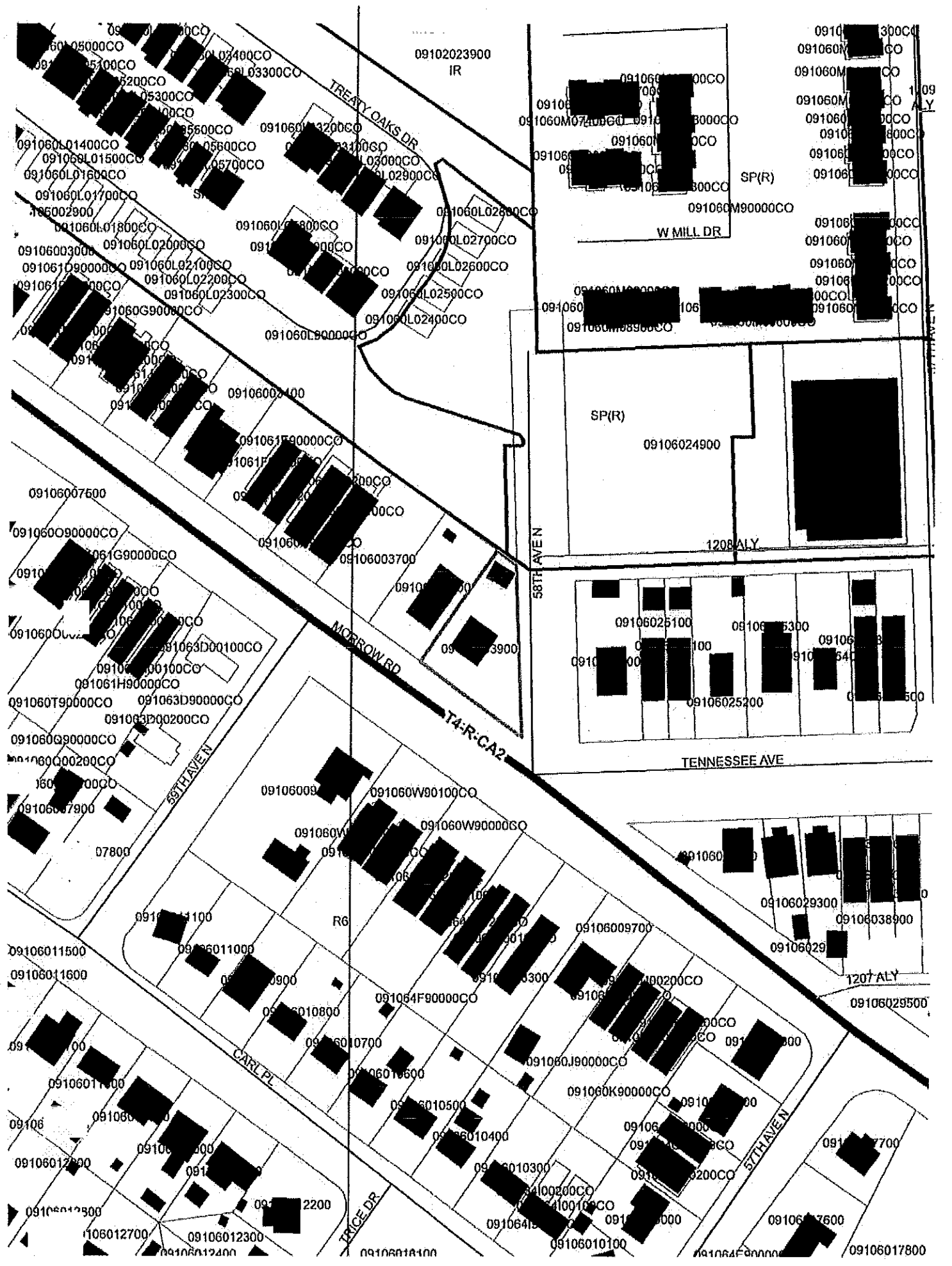
5804 Morrow Road,
Nashville, TN

It is the intent of these documents to provide sufficient information to the architect to allow them to proceed with their regulatory agency and compliance with all their requirements. Use as shown.

DRAWN BY:
210

PLAN NUMBER:
5804 Morrow

DATE: 02/21/18



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1208 ALY

TENNESSEE AVE

58TH AVE

MORROW RD

TAR-CA2

58TH AVE

CARL PL

57TH AVE

1207 ALY

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MORROW RD
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From: [Herbert, Bill \(Codes\)](#)
To: [Lifsey, Debbie \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#)
Subject: FW: CASE 2018-499
Date: Monday, September 17, 2018 8:33:54 AM

From: Mary Carolyn Roberts [mailto:marycarolynroberts@gmail.com]
Sent: Saturday, September 15, 2018 9:02 PM
To: Jon Michael; Herbert, Bill (Codes)
Subject: CASE 2018-499

Attention: This email originated from a source external to Metro Government. Please exercise caution when opening any attachments or links from external sources.

I'm opposed to the Potter Brothers not building a sidewalk in this very needed area.

Thank you,


Mary Carolyn Roberts
Village Real Estate
615-977-9262 (c)
615-383-6964 (w)
Metro Council, District 20

From: [Herbert, Bill \(Codes\)](#)
To: [Michael, Jon \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#)
Cc: [Roberts, Mary Carolyn \(Council Member\)](#)
Subject: FW: 5804 Morrow Rd / BZA Request
Date: Friday, August 31, 2018 8:09:19 AM

Could ya'll please send an email letting Mary Carolyn know when this matter is expected to be heard. Thanks! Bill

From: Roberts, Mary Carolyn (Council Member)
Sent: Thursday, August 30, 2018 3:51 PM
To: Herbert, Bill (Codes); Jon Michael; matthew.g.segal@gmail.com
Subject: Fwd: 5804 Morrow Rd / BZA Request

Please let this serve as my official letter that I'm 100% opposed to this request in the email below requesting not to build sidewalks or pay into the in lieu fund.

Can you confirm when they are on the agenda because my neighbors and I would like to attend.

Mary Carolyn Roberts
Metro Council District 20
615-977-9262 (c)
615-383-6864 (w)
Realtor with Village Real Estate
www.marycarolynroberts.com

Begin forwarded message:

From: Roger Potter <rogerpotter82@gmail.com>
Date: August 30, 2018 at 3:23:32 PM CDT
To: <marycarolyn.roberts@nashville.gov>
Subject: 5804 Morrow Rd / BZA Request

Attention: This email originated from a source external to Metro Government. Please exercise caution when opening any attachments or links from external sources.

Hello Mary Carolyn Roberts ,
My name is Roger Potter and me and my brother Bobby Potter are owners of Potter Brothers construction . I am writing you in regard to a Board of zoning appeals case (2018-499) that is located at 5804 Morrow rd and we are presenting to the BZA that the project should not require side walks on the side of the lot that is along 58th ave north. The existing condition of 58th avenue north is that of a much smaller road of approximately 15 feet wide and I was told that public works did not want this road to be treated as a road and denied the new development behind 5804 Morrow road access for an entry point to this development because it was not being treated as a road. My request is not to install the sidewalk on the 58th avenue side of the project and also not to contribute. Please let me know if you need any other information.

Thank you
Roger Potter
Rogerpotter82@gmail.com
615-394-7606

From: liz Parrott
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: APPEAL Case Number 2018-499
Date: Monday, August 27, 2018 11:07:02 AM

I am writing in opposition to the Zoning appeal in the above case. Currently there is a partial sidewalk in front of this property along Morrow road (the only part missing is right at the corner) which it appears the developers are wanting to remove. Metro's goal is to eventually put sidewalks everywhere - not remove them - the compromise was that developers could put them in themselves or pay into the sidewalk fund. By allowing him to remove an existing sidewalk, it defeats the whole purpose of the bill.

This property is at the corner of Tennessee Ave and Morrow road. The new houses two doors down on Tennessee do not have sidewalks now because the developer removed them. Personally that defeats the whole purpose. It broke up an existing sidewalk instead of adding to the sidewalk system.

In this case, Morrow road has sidewalks for all but about 2 1/2 blocks - these sections should be connected and not further removed. The only portion of the sidewalk on this property that is not complete is the corner section on Tennessee/Morrow/58th. This intersection is already a very dangerous section given the way the roads are connected without a four way stop and the lack of sidewalks. By removing this section on Morrow and not replacing or donating to the fund only makes the intersection worse and defeats the spirit of the requirement.

This developer recently built two beautiful homes on the Corner of Tennessee and 57th (one block from this intersection) and built a wonderful replacement sidewalk and additional sidewalk along 57th. They have had experience in this area and fulfilled the requirement previously. This builder currently has at least 2 other projects along Tennessee Ave That will need to meet this requirement as well.

Therefore my neighbors and I strongly argue against the appeal and hope that you will vote against it.

Thank you in advance for your consideration.

Liz Parrott

--

Weinstein & Riley PS, Managing Attorney TN office
(licensed in GA, MS, NC, SC and TN)
615-742-9220 office

Nations Neighborhood Association, Inc. Founding member and crime prevention chair

West Nashville Night Out Against Crime, chair

Nashville Crime Stoppers Inc, Chair

FBI Citizens Academy Alumni Association - Nashville Chapter - Secretary

Metro Historical Commission Foundation - Treasurer

Daughters of American Revolution - Sarah Polk Chapter

Nashville Sports Council - Volunteer; Individual Membership Committee

From: Karita Waters
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Permit # 20180046445
Date: Sunday, August 26, 2018 9:38:27 PM

I own property at 913 Morrow Road and would be in OPPOSITION to my neighbor's request for a variance from sidewalk requirements.

Appeal Case Number: 2018-499
5804C Morrow Road
Map Parcel: 091062G90000CO
Classification: R6
District: 20

Please make this communication part of the record.

Thank you.

Karita M. Waters

2018-499
OPPOSE

AUGUST 24, 2018

ANDREW A. MEZEI
5804 CARL PLACE
NASHVILLE, TN. 37209-1943

TO: BOARD OF ZONING APPEALS
METRO OFFICE BUILDING
800 SECOND AVE. SOUTH
P.O. Box 196300
NASHVILLE, TN. 37219-6300
CASE# 2018-499

I HAVE AN OPPOSITION TO HIS REQUEST.
WE NEED SIDEWALKS ON MORROW ROAD, PEOPLE ARE WALKING
ON THE ROAD AND PEOPLE ARE GETTING HILLED IN NASHVILLE
BECAUSE WE ARE JUST STARTING TO PUT IN SIDEWALKS. NASHVILLE
IS THE WORST CITY IN THE COUNTY FOR NO SIDEWALKS. I LIVED
HERE SINCE 1976 I BOUGHT HOUSE IN 1979.

THANK YOU FOR YOUR TIME.

Andrew A. Mezei

30 AUGUST 2018

RE: APPEAL CASE # 2018-499

To whom it may concern,

I am writing to express my disapproval of the request in discussion. I am proud to live in one of Nashville's thriving and quickly developing communities. One of the great things that makes the Nations an inviting and active community is its walkability. The quiet, residential grid between 51st and Morrow make this easy enough with their wide roads and slow traffic. Especially as the Nations continues to grow, however, our busier thoroughways, like Morrow, become more and more heavily trafficked and rely on well-maintained sidewalks to allow safe pedestrian passage. My girlfriend and I frequently take walks down Morrow by the property in question and lament the lack of a sidewalk there. On our walks we see couples pushing strollers, folks out with their dogs, and children on their way to West Park forced to walk out onto Morrow because of the missing sidewalk.

I am excited to welcome more growth and new neighbors to our communities but ask that they fairly contribute to the infrastructure I believe will help ensure we continue to foster that growth and accessibility.

Your Neighbor,



MARIO ARSONA

RESIDENT, 1021 TREATY OAKS DR.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-499 (5804 Morrow Road)

Metro Standard:	Morrow Road – 6' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan
	58 th Avenue North – 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not upgrade sidewalks; not contribute in-lieu of construction (not eligible)
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Morrow Road – T4-R-CA2
	58 th Avenue North – Local Street
Transit:	#19 – Herman
Bikeway:	Minor separated bikeway planned per WalknBike plan

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing two single family units on the property and requests not to upgrade the existing sidewalks and not to contribute in-lieu of constructing sidewalks to the Collector-Avenue standard due to the presence of an existing sidewalk along the frontage of the site. Planning evaluated the following factors for the variance request:


- (1) A 3' grass strip and 5' sidewalk exists along Morrow Road for the majority of the block face from 60th Avenue North to Tennessee Avenue.
- (2) The existing 3' grass strip and 5' sidewalk along the property frontage terminates approximately 11' west of a utility pole located at the southeastern corner of the parcel. A marked crosswalk extends across Morrow Road from the subject parcel to the property located to the south.
- (3) The property has dual frontages with Morrow Road and 58th Avenue North. Although 58th Avenue North is located within the public right of way with an approximate width of 55', the local street is not built with pavement, sidewalks, or curb and gutter.


Given the factors above, staff recommends **approval with conditions:**

1. Extend current sidewalk design along Morrow Road eastward to existing crosswalk located at the southeastern corner of the property and provide pedestrian curb ramp per MPW Detail ST-215.
2. Construct sidewalks along 58th Avenue North per the Metro Local Street Standard.
3. 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.

O.I.C. TREATY OAKS COTTAGES
 PARCEL ID: 09106018000000
 INSTRUMENT NO.
 20141120-0107174
 (R.O.D.C., TN)

STORMWATER MANAGEMENT IMPERVIOUS AREA (IA) BREAKDOWN

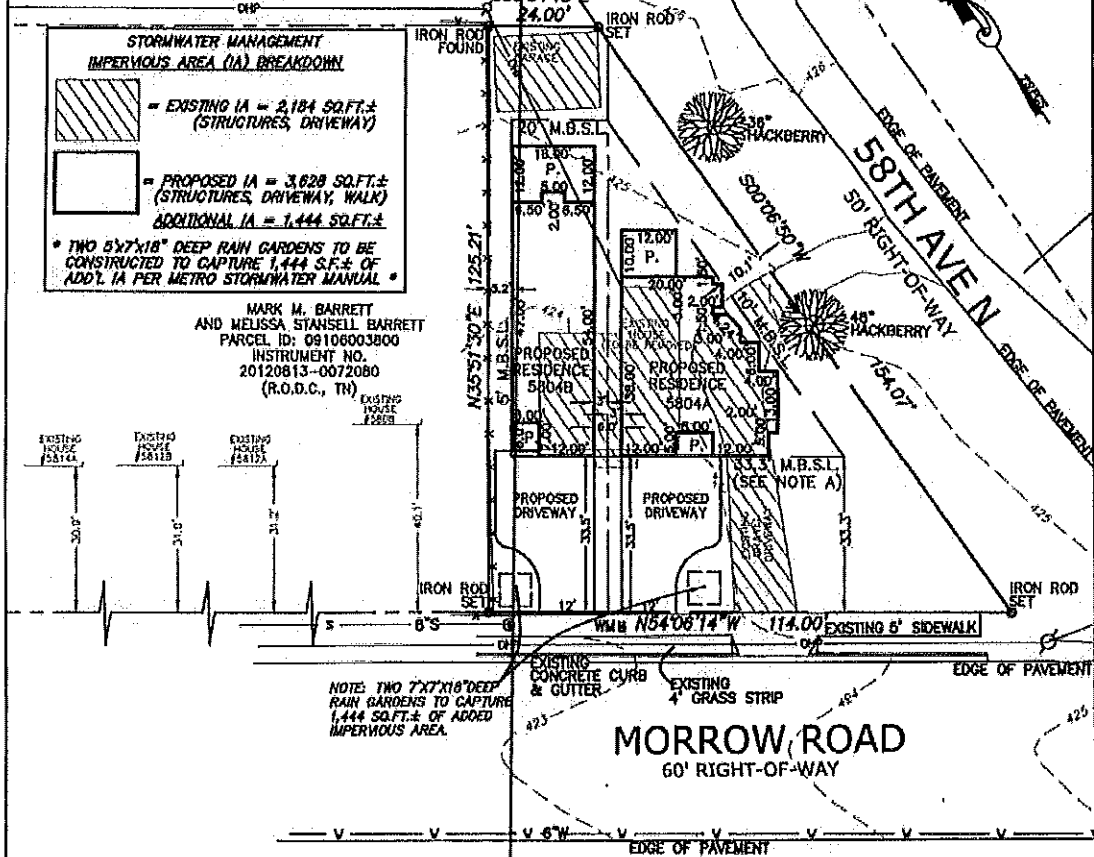
 = EXISTING IA = 2,184 SQ.FT.± (STRUCTURES, DRIVEWAY)

 = PROPOSED IA = 3,628 SQ.FT.± (STRUCTURES, DRIVEWAY, WALK)

ADDITIONAL IA = 1,444 SQ.FT.±

* TWO 5'x7'x18" DEEP RAIN GARDENS TO BE CONSTRUCTED TO CAPTURE 1,444 S.F.± OF ADDL. IA PER METRO STORMWATER MANUAL *

MARK M. BARRETT AND MELISSA STANSELL BARRETT
 PARCEL ID: 09106003800
 INSTRUMENT NO.
 20120813-0072080
 (R.O.D.C., TN)



NOTE: TWO 7'x7'x18" DEEP RAIN GARDENS TO CAPTURE 1,444 SQ.FT.± OF ADDED IMPERVIOUS AREA.

MORROW ROAD
 60' RIGHT-OF-WAY

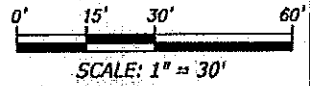
STREET	SETBACK
#5808 MORROW RD	40.1'
#5812A MORROW RD	31.2'
#5812B MORROW RD	31.0'
#5814A MORROW RD	30.9'
AVERAGE SETBACK	= 33.3'

NOTE A: FRONT/STREET SETBACK PER METRO GOVERNMENT OF NASHVILLE MUNICIPAL CODES, CHAPTER 17.12.030, NOTE C(3) PER ORDINANCE NO. BL2014-725

SETBACKS

FRONT/STREET: SEE NOTE A
 SIDE: 5'
 REAR: 20'

NOTE: CONTRACTOR ASSUMES SOLE RESPONSIBILITY TO ENSURE THAT CONSTRUCTION ADHERES TO M.B.S.L.'S



THE BUILDER IS SOLELY RESPONSIBLE FOR CONFORMING TO ALL ZONING REGULATIONS INCLUDING BUT NOT LIMITED TO BUILDING SETBACK LINES, CASEMENTS AND OTHER BUILDING IMPROVEMENTS AND PROPERTY RESTRICTIONS AS WELL AS ANY OTHER CONDITIONS AS SET FORTH OR NOTED ON THE SUBDIVISION PLAN AND OTHER LOCAL, STATE OR FEDERAL POLICIES, REGULATIONS AND ORDINANCES THAT MAY APPLY TO THE SUBJECT PROPERTY. THIS PLOT PLAN WAS GENERATED FROM THE FOUNDATION PLAN AS PROVIDED BY OTHERS. THE BUILDER IS RESPONSIBLE FOR VERIFYING ALL BUILDING DIMENSIONS SHOWN AND SHALL REPORT ANY DISCREPANCIES TO HIGH LAND SURVEYING BEFORE BEGINNING CONSTRUCTION. THE SHAPE, SIZE AND PLACEMENT OF THE PROPOSED STRUCTURE AND IMPROVEMENTS MAY CHANGE DUE TO LOT CONDITIONS OR OTHER MATTERS THAT MAY AFFECT THE SUBJECT PROPERTY. ALL LOT AND UTILITY INFORMATION SHOWN IS PER PLAN. THE LOCATION OF THE HOUSE AND IMPROVEMENTS SHOWN HEREON IS AS SPECIFIED AND DIRECTED BY THE BUILDER/CONTRACTOR. THE SUBJECT PROPERTY AND IMPROVEMENTS SHOWN HEREON ARE SUBJECT TO SUCH STATE OF FACT AS AN ACCURATE TITLE SEARCH, FLOOD STUDY, COMPREHENSIVE SURVEY, GEOLOGIC AND SOILS STUDY MAY REVEAL. THIS DOCUMENT IS NOT AUTHORIZED FOR USE IN DETERMINING ANY MATTERS RELATED TO ANY FLOOD ASSESSMENTS OF THE SUBJECT PROPERTY AND IMPROVEMENTS.

PLOT PLAN

THIS PLOT PLAN WAS MADE FOR THE CONTRACTOR, PROPERTY OWNERS AND CODES DEPT. AND IS TO BE USED FOR OBTAINING THE BUILDING PERMIT ONLY. THIS PLAN IS NOT TO BE USED FOR A GENERAL PROPERTY SURVEY, MORTGAGE LOAN INSPECTION, OR A FOUNDATION INSPECTION SINCE NO IMPROVEMENTS EXIST AT THIS TIME.

OWNER: POTTER BROTHERS CONSTRUCTION, LLC
 ADDRESS: 5804 MORROW ROAD
 CITY: NASHVILLE, DAVIDSON COUNTY, TENNESSEE
 LOT #12

SUBD. REVISED PRELIMINARY PLAN OF THE MORROW ROAD SUBDIVISION
 RECORD: NOT OF RECORD - (R.O.D.C., TN)
 DEED: INSTRUMENT NO. 20180525-0090553 (R.O.D.C., TN)
 SCALE: 1" = 30', DATE: JUNE 25, 2018
 MAP: 091-08 PARCEL: 039.00
 AREA: 8,627 SQ.FT. OR 0.20 AC.±



H & H LAND SURVEYING INC.
 612 A FITZHUGH BLVD.
 SMYRNA, TENNESSEE 37167
 PHONE: 615-355-8905 EMAIL: handhland@bellsouth.net
 JOB: 2018-0371 DRAWN BY: MAF

101754
 97959

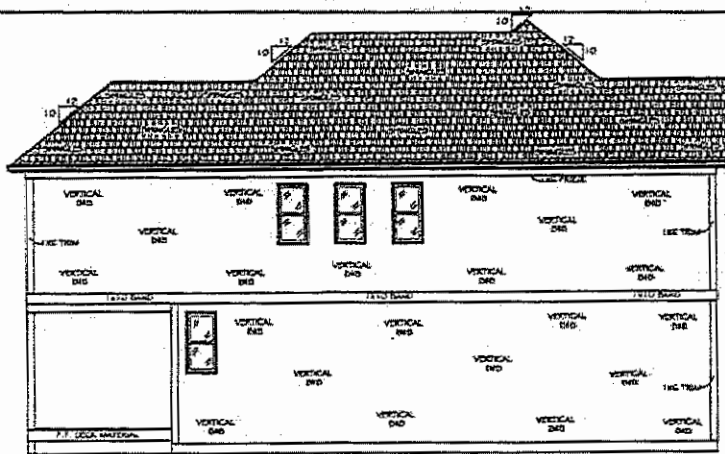
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 91-6-39
 506 (2)
 238



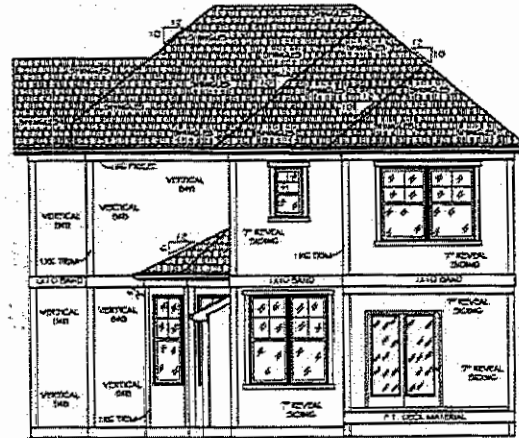
FRONT ELEVATION - 'A'
1/8" = 1'-0"



RIGHT ELEVATION
1/8" = 1'-0"



LEFT ELEVATION
1/8" = 1'-0"



REAR ELEVATION
1/8" = 1'-0"



ProMark
Home Designs LLC
P.O. Box 150144 Nashville, TN 37215

Proudly working with:

5804 Morrow Road,
Nashville, TN

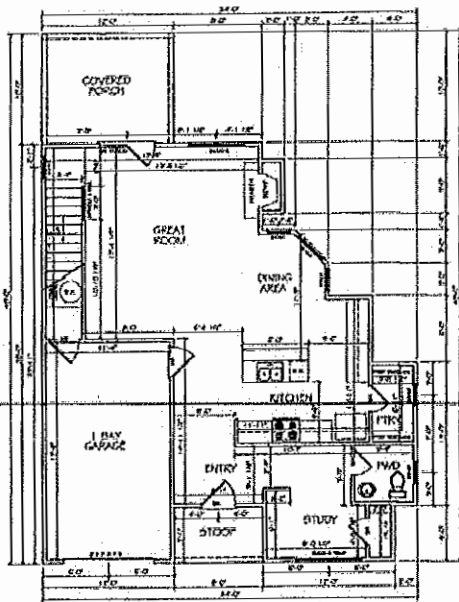
It is the intent of these documents to provide sufficient information to the applicant/builder to construct the project without the need for further clarification. ProMark Home Designs LLC / its responsibility is to supply accurate and complete information and its responsibility is to ensure that their requirements must take precedence over those shown.

DRAWN BY:
L.W.

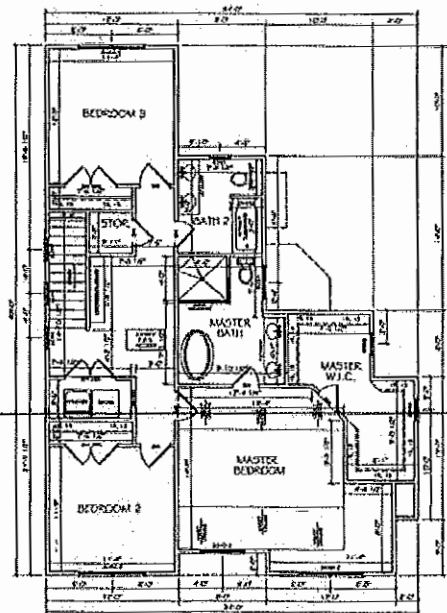
PLAN NUMBER:
5804 Morrow

DATE: 6/22/11

AREA CALCULATIONS	
COVERED PORCH	100
GREAT ROOM	1000
DINING AREA	1000
KITCHEN	1000
STUDY	1000
ENTRY	1000
STOOP	1000
1 BAY GARAGE	1000
TOTAL	10000



FIRST FLOOR PLAN - 'A'
1/8" = 1'-0"



SECOND FLOOR PLAN - 'A'
1/8" = 1'-0"

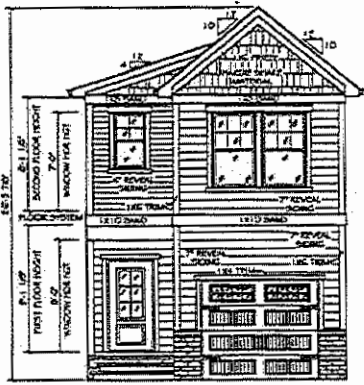
- NOTES:
1. ALL FINISHES SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS SHALL BE TO THE CENTER UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS SHALL BE TO THE CENTER UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS SHALL BE TO THE CENTER UNLESS OTHERWISE NOTED.
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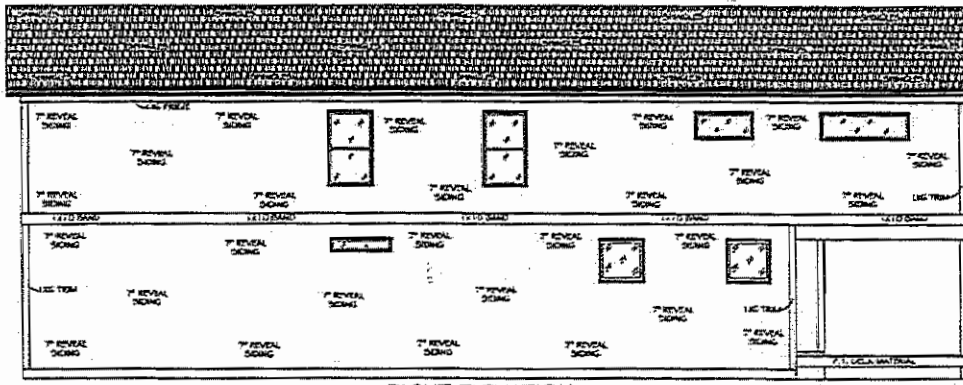
ProMark Home Designs LLC
P.O. Box 10104 Nashville, TN 37211
Proudly working with...

5804 Morrow Road,
Nashville, TN

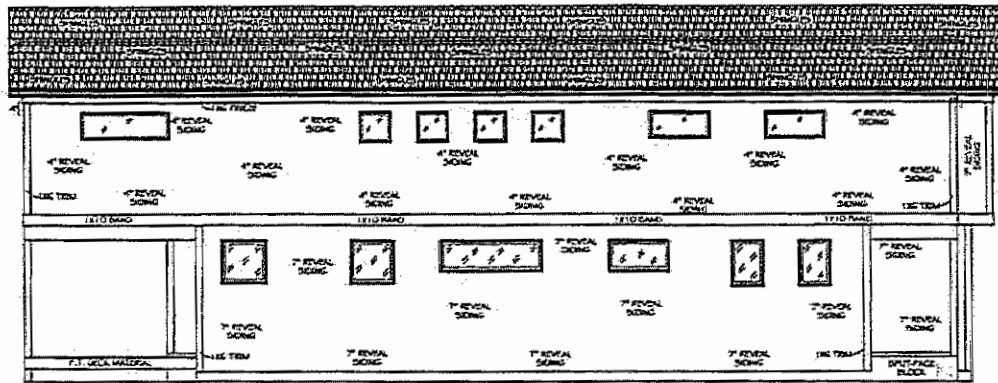
DRAWN BY:
J.M.
PLAN NUMBER:
1001 Morrow
DATE: 02/24



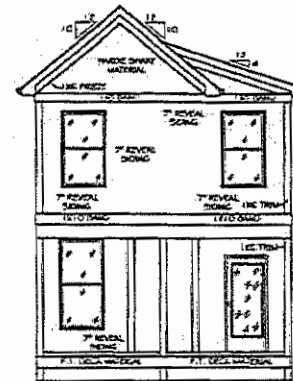
FRONT ELEVATION - 'B'
1/8" = 1'-0"



RIGHT ELEVATION
1/8" = 1'-0"



LEFT ELEVATION
1/8" = 1'-0"



REAR ELEVATION
1/8" = 1'-0"



Potter Brothers

ProMark
Home Designs LLC

P.O. Box 190144 Nashville, TN 37215

Proudly working with:

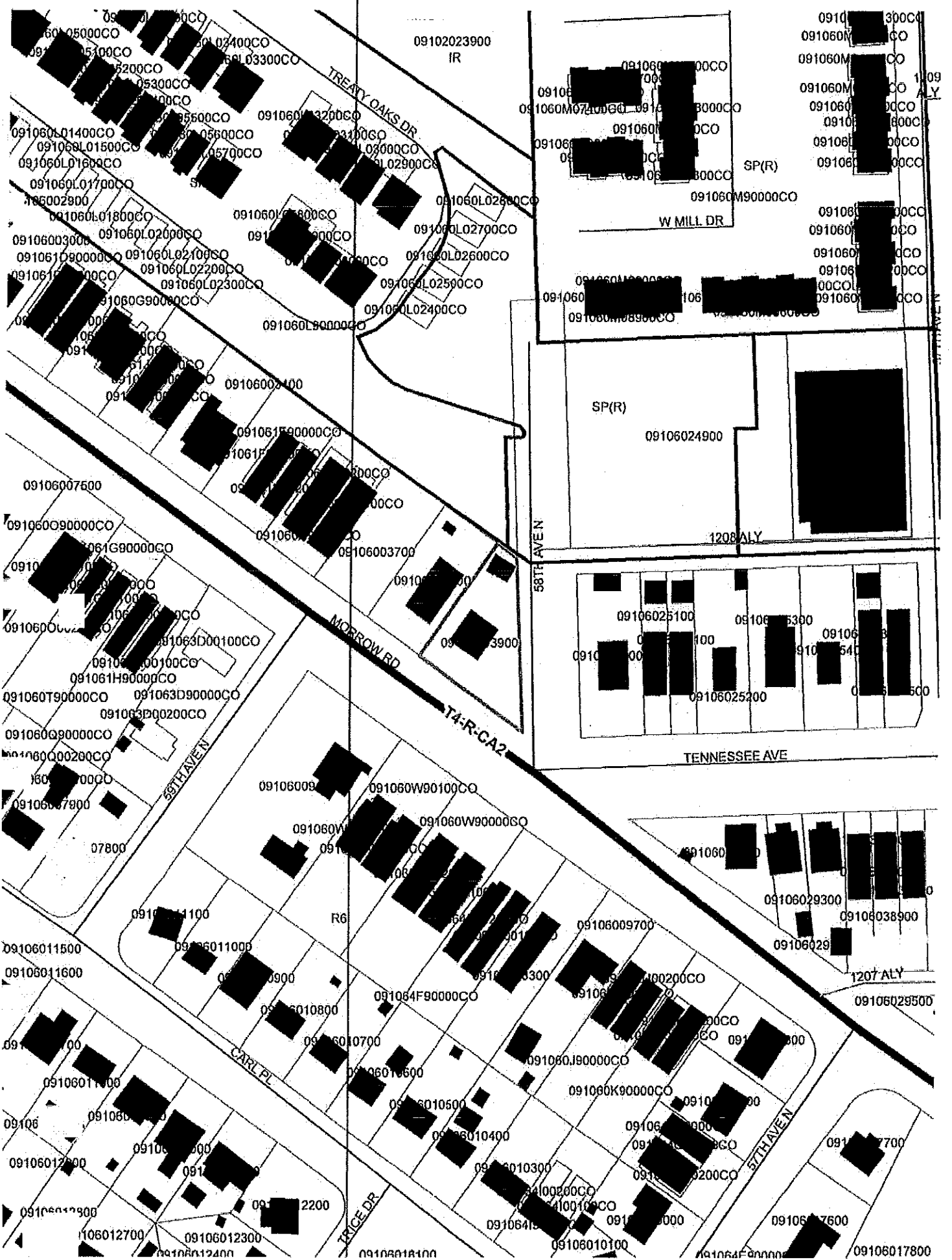
5804 Morrow Road,
Nashville, TN

It is the intent of these documents to provide accurate information to the client. It is the responsibility of the client to verify accuracy and compliance with all regulatory agencies prior to construction and their implementation. Use them.

DRAWN BY:
LW

PLAN NUMBER:
5804 Morrow

DATE: 6/22/14



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09106013600

TREATY OAKS DR

W MILL DR

58TH AVE

MORROW RD

T4-R-CA2

TENNESSEE AVE

58TH AVE

CARL PL

TRICE DR

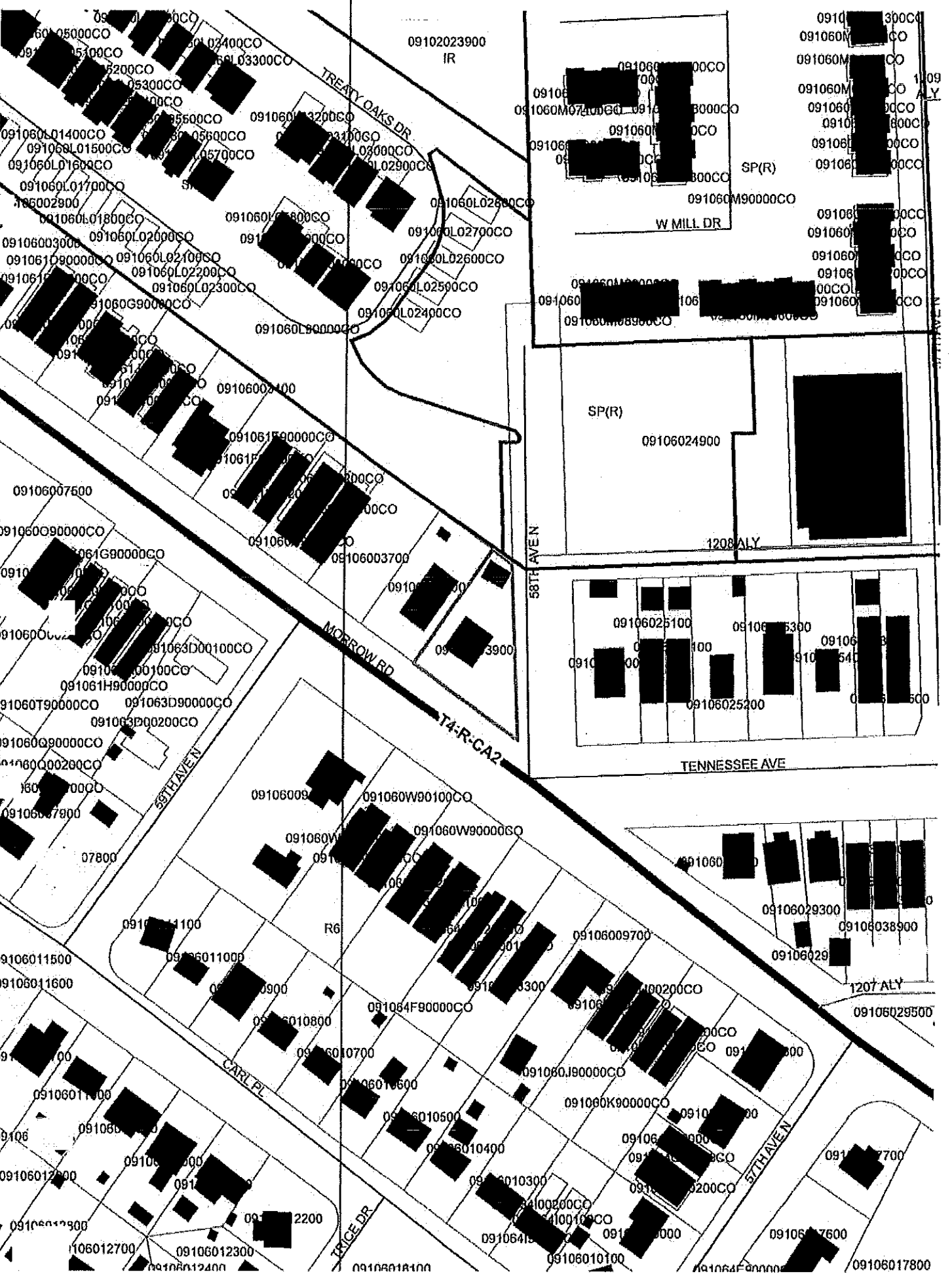
57TH AVE

SP(R)

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1207 ALY

57TH AVE



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SP(R)

09106024900

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(R)

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N 58TH AVE

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MORROW RD
T4-R-CA2

TENNESSEE AVE

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091060W90000CO

09106029400

091064F90000CO

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09106029700

09106043300

2018-500

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Tom Ferrell

Date: Aug 6, 2018

Property Owner: _____

Case #: 2018-500

Representative: Tom Ferrell

Map & Parcel: 105-11-2-G 900.00
001.00
002.00

Council District 17

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: (HPR) Duplex

Activity Type: (HPR) Duplex

Location: 2154 A+B Byrum Ave N.T. 37203

This property is in the R6-A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Zoned R6-A → Max 12' wide driveway,
Section(s): 17.12.020 B Note 8 / Request 45' wide

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Tom Ferrell
Appellant Name (Please Print)

Representative Name (Please Print)

932 Tyree Springs Rd
Address

Address

White House TN 37218
City, State, Zip Code

City, State, Zip Code

615-977-6500
Phone Number

Phone Number

legacybuilders@comcast.net
Email

Email

Appeal Fee: 200.00

Sidewalks required but allowed to contribute

3



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



3542774

ZONING BOARD APPEAL / CAAZ - 20180046419
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 105112G90000CO

APPLICATION DATE: 08/06/2018

SITE ADDRESS:

2154 C BYRUM AVE NASHVILLE, TN 37203
COMMON AREA HOMES AT 2154 BYRUM AVENUE

PARCEL OWNER:

CONTRACTOR:

APPLICANT:

PURPOSE:

THIS PROPERTY WAS SPLIT FROM INACTIVE MAP AND PARCEL... 105-1-226...

*****REQUEST TWO SINGLE FAMILY HOUSES CONNECTED SIDE BY SIDE...APPROX.2300 SQFT EACH WITHOUT GARAGES...ON CONDO MAP AND PARCELS...105-1.1-2-G 1 AND 2.

DENIED: ZONED R6-A.

ALLEY DOES NOT EXIST.

REQUIRED FRONT SETBACK BASED ON AVERAGE=34'.

ONLY ALLOWED ONE 12' WIDE DRIVEWAY WITHIN THIS 34' STREET SETBACK....REQUEST TWO DRIVEWAYS WITH EACH AT 22.5' WIDE = 45'....OVER BY 33'.

17.12.020 B..NOTE 8...

POC:

TOM FERRELL 615-977-6500
legacybuilders@comcast.net

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

FRONT SETBACK AVG.

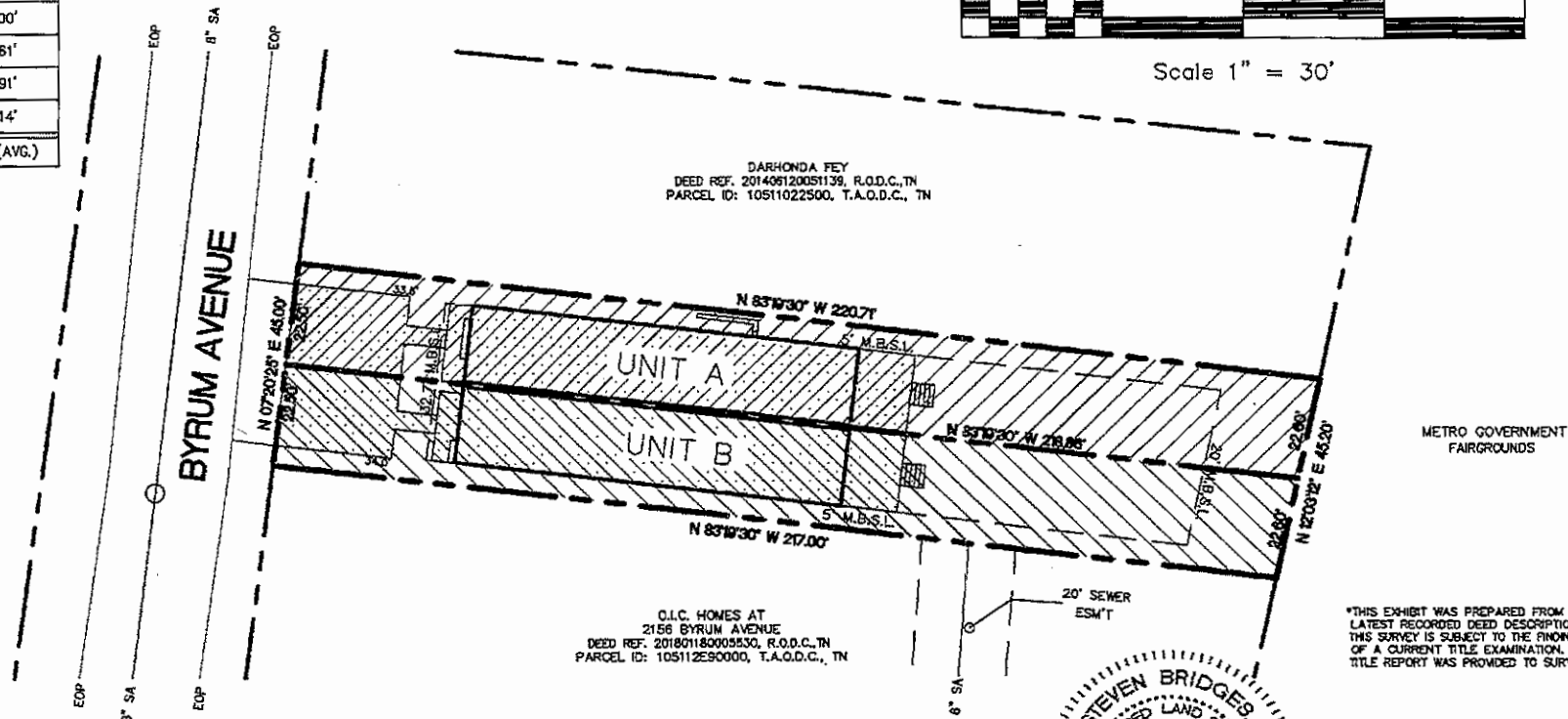
2150 BYRUM	27.95'
2152 BYRUM	28.00'
2154 BYRUM	32.61'
2156 BYRUM	36.91'
2160 BYRUM	38.14'
<hr/>	
163.61' ÷ 5 = 32.72' (AVG.)	

EXHIBIT DRAWING

GRAPHIC SCALE



Scale 1" = 30'



DARHONDA FEY
DEED REF. 201406120051139, R.O.D.C., TN
PARCEL ID: 10511022500, T.A.O.D.C., TN

O.L.C. HOMES AT
2156 BYRUM AVENUE
DEED REF. 201801180005530, R.O.D.C., TN
PARCEL ID: 105112ES0000, T.A.O.D.C., TN

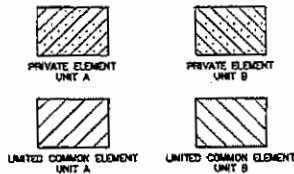
METRO GOVERNMENT
FAIRGROUNDS

*THIS EXHIBIT WAS PREPARED FROM THE
LATEST RECORDED DEED DESCRIPTION.
THIS SURVEY IS SUBJECT TO THE FINDINGS
OF A CURRENT TITLE EXAMINATION. NO
TITLE REPORT WAS PROVIDED TO SURVEYOR.

*UTILITIES SHOWN WERE TAKEN FROM PUBLIC
AS-BUILT RECORDS & FIELD LOCATION. THERE
MAY BE UTILITIES OR EASEMENTS PRESENT THAT
ARE NOT SHOWN ON THIS EXHIBIT. CONTACT
THE TENNESSEE ONE CALL SYSTEM PRIOR TO ANY
CONSTRUCTION OR DIGGING AT 1-800-351-1111.

OWNER INFORMATION

Owner: Bob Poole Investments
Property Address: 2154 Byrum Avenue,
Property: Nashville, Davidson Co., TN., 37203.
Property: p/o lots 50-53, Aldrich Brothers and Myers' Subd.
Recorded: Plat Book: 161, Pg. 44, R.O.D.C., TN.
Parcel ID: 10511022600, T.A.O.D.C., TN.



2154 BYRUM TOWNHOMES

A HORIZONTAL PROPERTY REGIME
WITH PRIVATE ELEMENTS

DATE: JULY 12, 2018 JOB: 5274



PREPARED BY:
L. STEVEN BRIDGES, JR.
LAND SURVEYING AND CONSULTING



305 NERVEN DRIVE
HERNDONVILLE TENNESSEE 37075-3518
PHONE:(615) 822-5394 FAX:(615) 826-2386

1021400

1021500

10511022300

SP(R) 230

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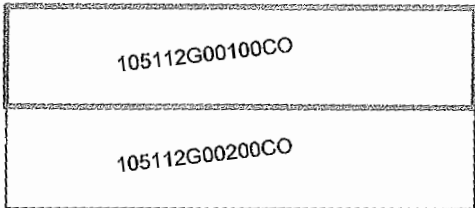
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BYRUM AVE

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105-11-226

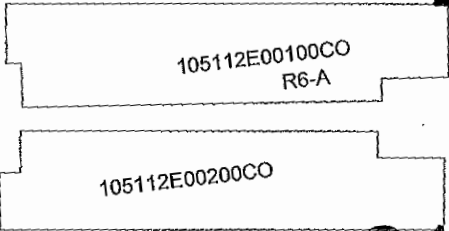
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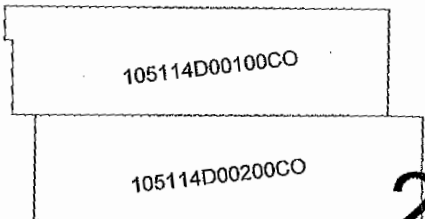
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Note 5: In RS3.75-A, RS5-A, RS7.5-A; R6-A and R8-A districts, the following standards shall apply:

a. Access and Driveways.

1. Where existing, access shall be from an improved alley only. Where no improved alley exists, one driveway within the street setback may be permitted.
2. For a corner lot, the driveway shall be located within thirty feet of the rear property line.
3. Parking, driveways and all other impervious surfaces in the required street setback shall not exceed twelve feet in width.

b. Garages.

1. Detached. The front of any detached garage shall be located behind the rear of the primary structure. The garage door of a detached garage may face the street.
 2. Attached. The garage door shall face the side or rear property line.
- c. A minimum raised foundation of 18-36" is required.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.


APPELLANT

Justin Crowell
8/16/18
DATE

For Tom Ferrell

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17.40.370. This Section is included as follows:

Physical characteristics of the property - The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property.

Unique characteristics - The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.

Hardship not self-imposed - The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of this Zoning Code.

Financial gain not only basis - Financial gain is not the sole basis for granting the variance.

No injury to neighboring property. - The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

No harm to public welfare - The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.

Integrity of Master Development Plan - The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions MUST affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

Sewer Easement in middle
of property

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#)
Subject: D17 items for Sept. 20
Date: Thursday, September 13, 2018 4:04:56 PM

Board members,

Good afternoon. Here are my stances for the Sept. 20 meeting; thanks, as always, for your service.

2018-491: **Support**, as I have talked with property owner and he has reached out for neighbor support.

2018-493: **Oppose**, as a rental car company is not the best use for this property, and they have not reached out to me or neighbors.

2018-500: **Oppose**, as this goes against the R6-A zoning the neighborhood requested.

2018-505: **Support**, as I don't want the homeowner to have to pay into the sidewalk fund due to a residential fire.

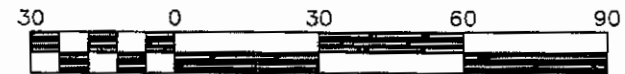
2018-511: **Support**, as I haven't heard any issues regarding the addition.

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727
ColbySledge.com
[Sign up for my weekly newsletter here!](#)

EXHIBIT DRAWING

GRAPHIC SCALE

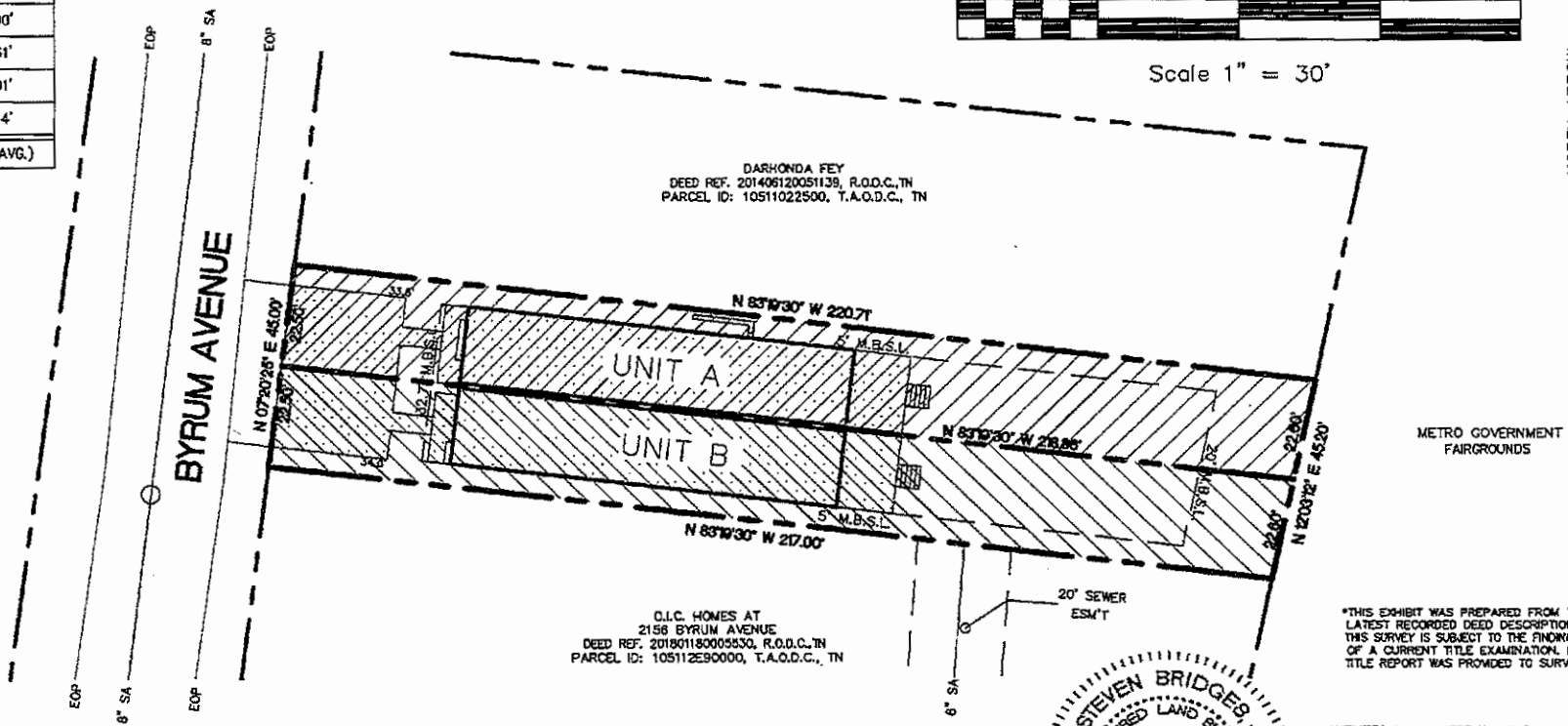


Scale 1" = 30'



FRONT SETBACK AVG.

2150 BYRUM	27.95'
2152 BYRUM	28.00'
2154 BYRUM	32.61'
2156 BYRUM	36.91'
2160 BYRUM	38.14'
163.61' ÷ 5 = 32.72' (AVG.)	



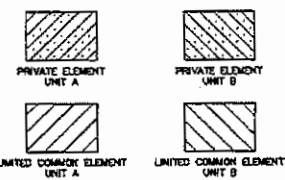
DARHONDA FEY
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PARCEL ID: 10511022500, T.A.O.D.C., TN

O.L.C. HOMES AT
2156 BYRUM AVENUE
DEED REF. 201801180005530, R.O.D.C., TN
PARCEL ID: 105112E90000, T.A.O.D.C., TN

METRO GOVERNMENT
FAIRGROUNDS

*THIS EXHIBIT WAS PREPARED FROM THE LATEST RECORDED DEED DESCRIPTION. THIS SURVEY IS SUBJECT TO THE FINDINGS OF A CURRENT TITLE EXAMINATION. NO TITLE REPORT WAS PROVIDED TO SURVEYOR.

*UTILITIES SHOWN WERE TAKEN FROM PUBLIC AS-BUILT RECORDS & FIELD LOCATION. THERE MAY BE UTILITIES OR EASEMENTS PRESENT THAT ARE NOT SHOWN ON THIS EXHIBIT. CONTACT THE TENNESSEE ONE CALL SYSTEM PRIOR TO ANY CONSTRUCTION OR DIGGING AT 1-800-351-1111.



OWNER INFORMATION

Owner: Bob Poole Investments
Property Address: 2154 Byrum Avenue,
Nashville, Davidson Co., TN, 37203.
Property: p/o lots 50-53, Aldrich Brothers and Myers' Subd.
Recorded: Plat Book 161, Pg. 44, R.O.D.C., TN.
Parcel ID: 10511022600, T.A.O.D.C., TN.

2154 BYRUM TOWNHOMES

A HORIZONTAL PROPERTY REGIME
WITH PRIVATE ELEMENTS

DATE: JULY 12, 2018 JOB: 5274

PREPARED BY:
L. STEVEN BRIDGES, JR.
LAND SURVEYING AND CONSULTING



205 BELLEVUE DRIVE
HENDERSONVILLE, TENNESSEE 37075-3518
PHONE:(615) 822-5394 FAX:(615) 836-2596

1021400

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SP(R) 230

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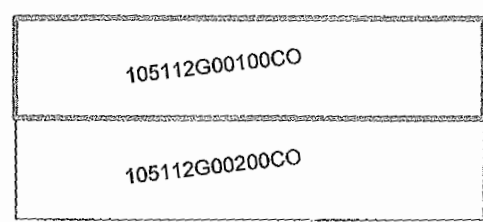
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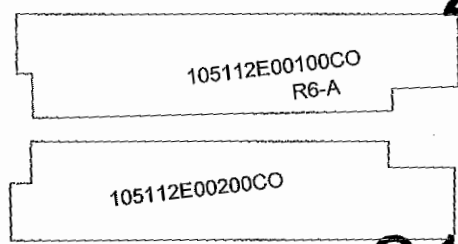
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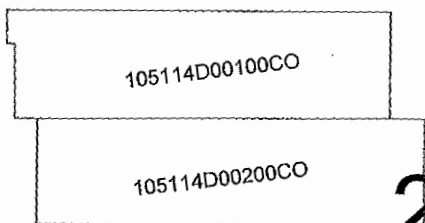
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Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Jay Fulmer Date: 8-7-18
Property Owner: Key Motel, LLC Case #: 2018-501
Representative: Jay Fulmer Map & Parcel: 71-11-5

Council District 05

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: Requesting variance from sidewalk requirement on previously issued permit 2018012638.

Activity Type: Commercial Rehab - Hotel

Location: 1414 Dickerson Pike

This property is in the CS Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Requesting variance from sidewalk requirement

Section(s): 17.12.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Same
Appellant Name (Please Print)

JAY FULMER
Representative Name (Please Print)

Address

2002 RICHMOND JONES RD C304
Address

City, State, Zip Code

NASHVILLE, TN 37215
City, State, Zip Code

Phone Number

615-345-3771
Phone Number

Email

JAY@FULMERENG.COM
Email

Appeal Fee: \$200.00



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3542932

ZONING BOARD APPEAL / CAAZ - 20180046522
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 07111000500

APPLICATION DATE: 08/07/2018

SITE ADDRESS:

1414 DICKERSON PIKE NASHVILLE, TN 37207
WEST SIDE DICKERSON PIKE NORTH OF FERN AVENUE

PARCEL OWNER: KEY MOTEL, LLC

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting variance from sidewalk requirement on previously issued permit of 2018012638.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions **MUST** affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

SIDEWALK IS IN CONFLICT WITH EXISTING SIGNS
AND UTILITY POLES. IF POLES ARE MOVED, THEN
EASEMENTS WOULD BE REQUIRED ON ADJACENT
PROPERTY, ORIGINAL DESIGN WAS BUILT OFF
DRIVE LANE STRIPING SHOWN, AND FIELD
VERIFICATION IDENTIFIED CONFLICTS WITH
SIGNS AND POLES.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff..

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6580

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.


APPELLANT

8/7/18
DATE



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3452671

BUILDING COMMERCIAL - REHAB / CAOR - 2018012638
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 07111000500

APPLICATION DATE: 03/07/2018

SITE ADDRESS:

1414 DICKERSON PIKE NASHVILLE, TN 37207
WEST SIDE DICKERSON PIKE NORTH OF FERN AVENUE

PARCEL OWNER: KEY MOTEL, LLC

CONTRACTOR:

APPLICANT: PHIPPS CONSTRUCTION CO INC

PHIPPS CONSTRUCTION CO INC

03090 STBC

P O BOX 50026
NASHVILLE, TN 37205 (615)352-5292

PURPOSE:

EXISTING MOTEL IN THREE BLDGS.
THIS PERMIT TO RENOVATE ALL THREE BLDGS.....19 UNITS IN ONE BLDG....6 IN ONE BLDG AND 2 IN THE OTHER BLDG.

****SIDEWALKS REQUIRED AND NOT ALLOWED TO CONTRIBUTE...

**TRIPLE FEE PER BLDG.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

U&O PW Sidewalk FA - CA Final Approval		862-8758 Benjamin.york@nashville.gov
U&O Life Safety Final Approval		615-862-5230 FMORrequest@nashville.gov
U&O Cross Connect Final Approval		862-7225
Commerical Building Framing -Ceiling	APPROVED	615-862-6568 Joe.Bone@nashville.gov
Commercial Building Footing	APPROVED	615-862-6568 Joe.Bone@nashville.gov
Commercial Building Final		615-862-6568 Joe.Bone@nashville.gov
Commercial Building Framing	APPROVED	615-862-6568 Joe.Bone@nashville.gov
Commercial Building Framing - Wall	REJ-NOFEE	615-862-6568 Joe.Bone@nashville.gov
Commercial Building Progress	APPROVED	615-862-6568 Joe.Bone@nashville.gov
Commercial Building Slab	APPROVED	615-862-6568 Joe.Bone@nashville.gov
Commercial Temporary Final		615-862-6568 Joe.Bone@nashville.gov
Building Zoning Final		615-862-6568 Joe.Bone@nashville.gov
U&O Letter		(615) 862-6527 Carmina.Howell@nashville.gov

Inspection requirements may change due to changes during construction.

From: [Michael, Jon \(Codes\)](#)
To: [Lifsey, Debbie \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#)
Subject: FW: BZA Case 2018-501
Date: Monday, September 17, 2018 9:32:07 AM

From: Jay Fulmer [mailto:jay@fulmereng.com]
Sent: Monday, September 17, 2018 9:29 AM
To: Bird, Peter (Planning)
Cc: Briggs, Michael (Planning); Shawn R. Henry; McClain Towery; Michael, Jon (Codes)
Subject: BZA Case 2018-501

Peter,

Will you please defer this case one meeting to be on the October 4th meeting date? We'd like to allow for more time to work with you, Public Works and Stormwater on a deviation from the MCSP standard.

Thank you,
Jay

Jay Fulmer, PE
Fulmer Engineering, LLC
2002 Richard Jones Road
Suite C-304
Nashville, Tennessee 37215
Office: (615) 345-3771
Mobile: (615) 516-8477
jay@fulmereng.com
www.fulmereng.com

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Jay Fulmer Date: 8-7-18
Property Owner: Chabad Jewish Center Case #: 2018-502
Representative: Jay Fulmer Map & Parcel: 92-15-145

Council District 21

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose:

Reduction of Rear Setback to 0', reduction of parking from 21 to 3, and reduction of two way drive aisle from 24' to 12' in width.

Activity Type: New Construction - Cultural Center

Location: 111 23rd Ave. N.

This property is in the MUG-A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Does not meet setbacks, parking, or drive aisle

Section(s): 12.12.020 (D), 17.12.030, 17.12.060

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Same
Appellant Name (Please Print)

JAY FULMER
Representative Name (Please Print)

Address

2002 RICHARD JONES RD C304
Address

City, State, Zip Code

NASHVILLE, TN 37215
City, State, Zip Code

Phone Number

615-345-3771
Phone Number

Email

JAY@FULMEREVS.COM
Email

Appeal Fee: \$ 200.00



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



3542908

ZONING BOARD APPEAL / CAAZ - 20180086510
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09215014500

APPLICATION DATE: 08/07/2018

SITE ADDRESS:

111 23RD AVE N NASHVILLE, TN 37203
W SIDE 23RD AVE N & S OF ELLISTON PL

PARCEL OWNER: CHABAD JEWISH STUDENT CENTER AT V/

CONTRACTOR:

APPLICANT:

PURPOSE:

Reduction of rear setback to 0', reduction of drive aisle from 24' for two way traffic to 12', and reduction of required parking form 21 to 3.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
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There are currently no required inspections

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WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

NARROWNESS AND SHAPE OF LOT PREVENT FULL DRIVE
ABLE WIDTH AS IT WOULD BE DETRIMENT TO PROGRAMMING
OF CHABAD HOUSE, PATRONS WALK, AND PARKING
IS ONLY NEEDED FOR THE RABBI'S QUARTERS.

APPLICATIONS FOR VARIANCE REQUESTS

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Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

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METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.



APPELLANT

8/7/18

DATE



James L. Murphy III
Direct: (615) 252-2303
Fax: (615) 252-6303
jmurphy@bradley.com

September 18, 2018

VIA EMAIL

Jon Michael
Secretary
Metropolitan Board of Zoning Appeals
800 Second Avenue South
Nashville, Tennessee 3721

RE: Case No. 2018-502-Variances for Rohr Chabad House at Vanderbilt University,
111 23rd Avenue North, Nashville, Tennessee.

Dear Jon:

I represent Rohr Chabad House at Vanderbilt University (the "Rohr Chabad House"), the owner of the property located at 111 23rd Avenue North, Nashville, Tennessee (the "Property"). The Rohr Chabad House is the successor by corporate name change to the Chabad Jewish Student Center at Vanderbilt, Inc. Jay Fulmer has applied for variances from the rear yard setback, drive aisle width and parking requirements in the MUG-A zoning district in order to permit the construction of a new religious facility for the Rohr Chabad House on the Property. I am providing this letter to the Board of Zoning Appeals ("BZA") to address application of the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C.A. § 2000cc ("RLUIPA"), and Tennessee's Religious Freedom Restoration Act, Tenn. Code Ann. § 4-1-407 ("TRFRA") in this case.

As discussed in the attached Affidavit of Rabbi Shlomo Rothstein, the Rabbi at the Rohr Chabad House, the current structure on the Property has been used as a Chabad House designated for Vanderbilt University students since 2012. The current structure on the Property is inadequate to permit the Rohr Chabad House to meet the religious needs of the Vanderbilt students who wish to utilize the facility. For example, the current structure has no sanctuary, and the closest sanctuary is about 2 miles away, which makes it difficult for students who want to attend services in a real sanctuary. There is not a Mikvah in the current facility which is needed for ritual cleansing, so the Rabbi has to walk several miles round trip to the closest Mikvah on Shabbat and Holidays which takes away time from other needs and is too daunting for students. There is only a very small kosher kitchen in the current facility which is not adequate for the cooking required for Shabbat and Jewish Holiday meals or to service the kosher meal plan program for Vanderbilt students provided by the Rohr Chabad House. For the main Jewish Holidays, Rohr Chabad House has to put up a tent outside to hold all the participants. The Rohr Chabad House as no other locating to locate the needed religious facility other than the Property.

The proposed new facility will include a welcoming entrance for the Vanderbilt students and a Mikvah for ritual cleansing on the first floor, which is the only religiously permissible

location for a Mikvah. Due to the size of the Property, meeting the parking requirements would eliminate the space needed for the Mikvah and take away the welcoming entrance to the facility. These alterations to the proposed facility would place a substantial burden on the ability to exercise the religious beliefs of the Rohr Chabad House at this facility.

The new facility will include dedicated sanctuary and an adjacent multipurpose room so the sanctuary space can be enlarged for accommodate more students for services during the High Holidays. The new multipurpose room will accommodate larger Shabbat and Holiday meals. The new kosher commercial kitchen will allow Rohr Chabad House to serve free Shabbat meals to students weekly and dozens of Holiday meals throughout the year. The kitchen will be open to the multipurpose space so the food can be easily served to the participants. All of these facilities need to be located in close proximity on the same floor which can only be accomplished if the building extends to the property lines on the sides and rear. Due to the size of our property, meeting the rear yard setback requirements would eliminate much of the needed programming space and would result in the separation of the second floor facilities that need to be located in close proximity on the same floor. These alterations to the proposed facility would place a substantial burden on the ability to exercise the religious beliefs of the Rohr Chabad House at this facility.

RLUIPA provides that a local land use regulation may not impose a substantial burden on a religious institution unless the burden is in furtherance of compelling governmental interest and is the least restrictive manner for furthering that interest: The applicable language from RLUIPA is as follows:

(a) Substantial burdens

(1) General rule

No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution--

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(2) Scope of application

This subsection applies in any case in which--

(A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

(B) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden result: from a rule of general applicability; or

(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under

which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individuated assessments of the proposed uses for the property involved.

(b) Discrimination and exclusion

(1) Equal terms

No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

(2) Nondiscrimination

No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

(3) Exclusions and limits

No government shall impose or implement a land use regulation that--

(A) totally excludes religious assemblies from a jurisdiction; or

(B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

42 U.S.C.A. § 2000cc

In determining whether a land use regulation places a substantial burden on religious activities, the courts consider the following factors:

- whether the religious institution has a feasible alternative location from which it can carry its mission,
- whether the religious institution will suffer substantial delay, uncertainty, and expense due to the imposition of the regulation,
- whether the religious institution imposed the burden upon itself (for example, obtaining an interest in land without a reasonable expectation of being able to use that land for religious purposes),
- whether there is evidence that the municipality's decision-making process was arbitrary, capricious, or discriminatory.

Livingston Christian Sch. v. Genoa Charter Twp., 858 F.3d 996, 1004 (6th Cir. 2017).

The limitation on land use regulations found in TRFRA is more restrictive than the limitation found in RLUIPA. TRFRA provides in relevant part as follows:

(b) Except as provided in subsection (c), no government entity shall substantially burden a person's free exercise of religion even if the burden results from a rule of general applicability.

(c) No government entity shall substantially burden a person's free exercise of religion unless it demonstrates that application of the burden to the person is:

(1) Essential to further a compelling governmental interest; and

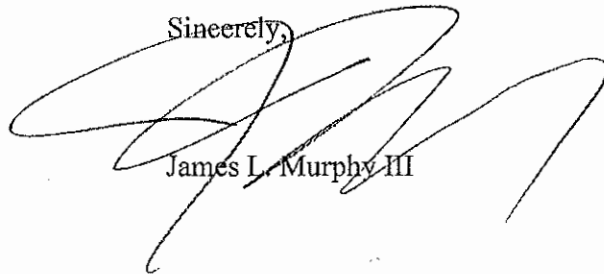
(2) The least restrictive means of furthering that compelling governmental interest.

Tenn. Code Ann. § 4-1-407(b) and (c).

A substantial burden is defined to mean “to inhibit or curtail religiously motivated practice.” Tenn. Code Ann. § 4-1-407(a)(7). Under TRFRA, the local government must show that that a burden resulting from a land use regulation is “essential to further a compelling governmental interest.” Tenn. Code Ann. § 4-1-407(c)(2) (emphasis added). This requirement that the land use regulation is essential to further a compelling governmental interest is more restrictive than the requirement under RLUIPA that the government must demonstrate that a burden is in furtherance of a compelling governmental interest.

Here the Rohr Chabad House has no feasible alternative location from which it can carry its mission, and will obviously experience delay, uncertainty, and expense if the proposed facility must meet the setback, drive aisle width and parking requirements. The Rohr Chabad House did not impose the burden on itself as it had a reasonable expectation of being able to use the Property for religious purposes since it has been used for that purpose since 2012. There is no compelling governmental interest in requiring that the new facility must meet the setback, drive aisle width and parking requirements and meeting those requirements will impose a substantial burden on the religious activities of the Chabad House. Therefore in order to comply with RLUIPA and TRFA, the requested variances should be granted.

Sincerely,



James L. Murphy III

JLM

Enclosure

cc: Rabbi Shlomo Rothstein (via email, w/out attachment)
Jay Fulmer (via email, w/out attachment)
Jared Bradley (via email, w/out attachment)

AFFIDAVIT OF RABBI SHLOMO ROTHSTEIN

The undersigned, being duly sworn, states that the matters set forth in this Affidavit are true and correct, are made on the basis of personal knowledge, and if called upon to testify, undersigned's testimony would be as follows:

1. I am an adult resident of Nashville, Tennessee. I am the Rabbi of the Rohr Chabad House at Vanderbilt University located at 111 23rd Avenue North, Nashville, Tennessee. The Rohr Chabad House at Vanderbilt University is the successor by corporate name change to the Chabad Jewish Student Center at Vanderbilt, Inc.

2. The current house at 111 23rd Avenue North, Nashville, Tennessee has been used as a Chabad House since the Rohr Chabad House at Vanderbilt University purchased the property in 2012. Our Chabad House is designated for Vanderbilt students. Since 2012, we have been working on developing a proper facility to further our religious mission since our current facility is inadequate to permit us to meet the religious needs of the Vanderbilt students who wish to utilize our facility.

3. The property located at 111 23rd Avenue North, Nashville, Tennessee is the only property owned by the Rohr Chabad House at Vanderbilt University, so there is no alternative site available for a new Chabad House that would meet the religious needs of the Vanderbilt students who wish to utilize our facility.

4. At the Chabad House, we currently conduct prayer services, prepare and serve Shabbat and Holiday meals, which are traditional and full of prayers and customs, conduct Torah classes and religious discussions, foster Jewish faith and practice, provide guidance and counseling to Vanderbilt students and foster a religious community. The Chabad House also

serves as a parsonage for me and my family so that students will have access to clergy 24 hours per day, 7 days a week.

5. As mentioned above, the existing Chabad House is not adequate for our religious activities. We have no sanctuary within the facility, and the closest sanctuary is about 2 miles away, which makes it difficult for students who want to attend services in a real sanctuary. We use classrooms on campus for Holiday prayers which is less than ideal and not the same as a sanctuary, or we use our multipurpose space -- but it is also not a sanctuary. We have one multipurpose room that we have to use for everything, which leads to lots of complications, constraints and lost opportunities. We often need to cook, meet with students, have prayers, host religious meals and give classes during the same time periods like weekends and Jewish Holidays and it is impossible to do those activities at the same time in our current facility. We have no Mikvah in the facility which is needed for ritual cleansing, so we have to walk several miles round trip to the closest Mikvah on Shabbat and Holidays which takes away time from other needs and is too daunting for students. We have a small kitchen and cooking for Shabbat and Jewish Holiday meals takes about 4 times as long as it would with an appropriately-sized commercial kitchen. In addition we also run a Kosher meal plan program for Vanderbilt students and we need a kosher commercial kitchen to do this properly. For the main Jewish Holidays, we have to put up a tent outside to hold all the participants.

6. We have now designed a new Chabad House for the use of Vanderbilt students. The plans for the new Chabad House are attached hereto as Exhibit 1. The proposed new Chabad House is designed to permit us to conduct most if not all of our religious services and activities at the Chabad House.

7. We propose to add welcoming entrance for the Vanderbilt students and a Mikvah for ritual cleansing on the first floor, which is the only appropriate location for a Mikvah permitted by our religious beliefs. We will also add a dedicated sanctuary for prayers, a Jewish religious library a new multipurpose room, a commercial kosher kitchen and restrooms on the second floor. The new multipurpose room will accommodate larger Shabbat and Holiday meals in a way that we can't now. The new sanctuary will open to the multipurpose space so we can accommodate more students for services during the High Holidays – likewise we can accommodate more students for a Shabbat or Holiday dinner. The new kosher commercial kitchen will allow us to serve free Shabbat meals to students weekly and dozens of Holiday meals throughout the year. The kitchen needs to open to the multipurpose space so we can bring the food straight out and serve it to the participants. All of these facilities need to be located in close proximity on the same floor which can only be accomplished if the building extends to the property lines on the sides and rear. Due to the size of our property, meeting the rear yard setback requirements would eliminate much of the needed programming space and would result in the separation of the second floor facilities that need to be located in close proximity on the same floor. These alterations to the proposed facility would place a substantial burden on our ability to exercise our religion at this facility.

8. The third and fourth floors of the new Chabad House will be used for a parsonage for the clergy running the Chabad House so that students will have access to clergy 24 hours per day, 7 days a week. The balcony on the third floor level will also be the location for a Sukkah, which is used for religious purposes during the Sukkot Holiday.

9. Currently we have only 2 on-site parking spaces on the Chabad House property. The plans for the new Chabad House provide for 4 on-site parking spaces for use by the staff of

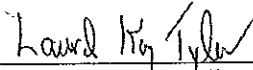
the Chabad House. Since we only serve Vanderbilt students, our clientele lives within walking distance and will either walk or use Uber. In addition, there is a lot with metered parking just behind the Chabad House where visitors can park and we can arrange to use the West End Church parking lot for event parking for special occasions. Due to the size of our property, meeting the parking requirements would eliminate the space needed for the Mikvah and take away the welcoming entrance to the facility. These alterations to the proposed facility would place a substantial burden on our ability to exercise our religion at this facility.

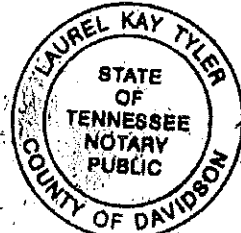
FURTHER AFFIANT SAITH NOT.



Rabbi Shlomo Rothstein

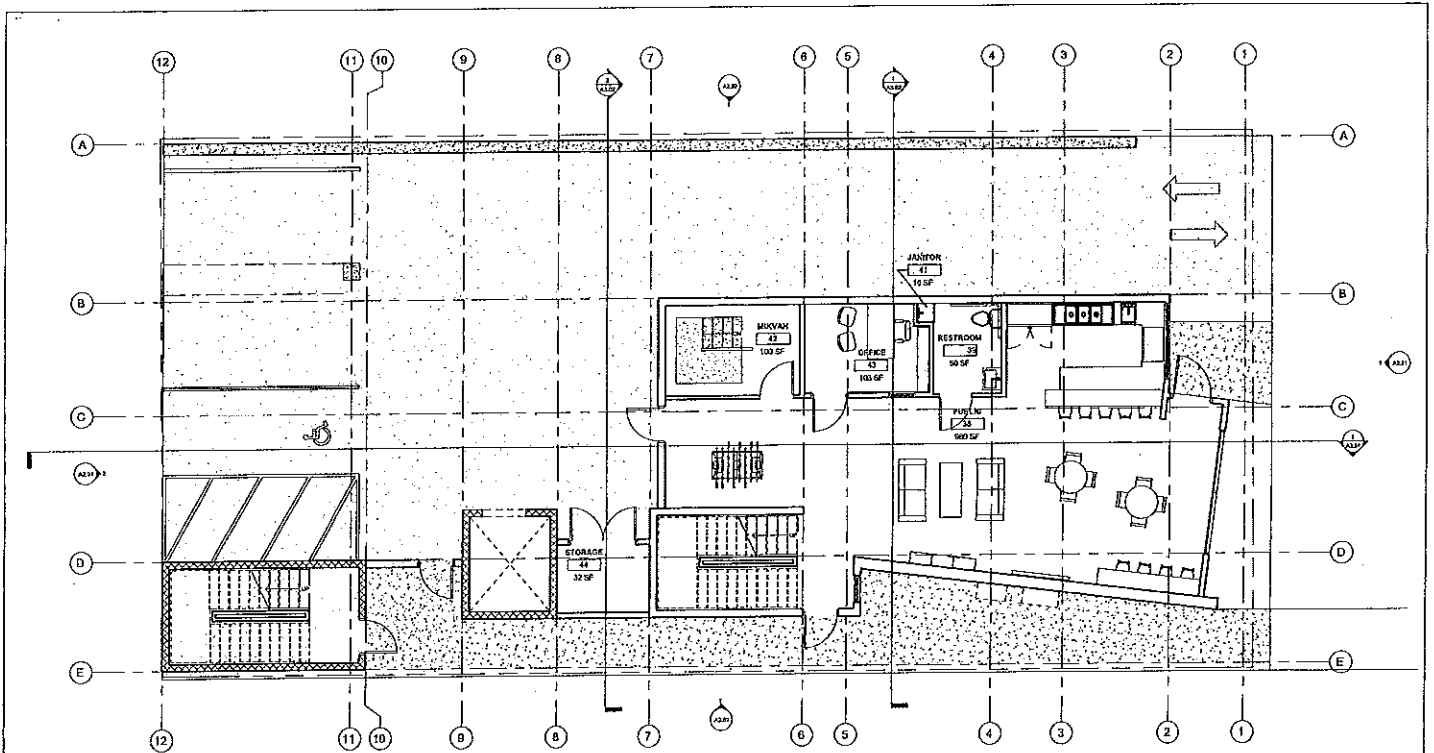
Sworn to and subscribed before me
this 17th day of September, 2018.



Notary Public

My Comm. Expires
November 8, 2021

My Commission Expires: 11/08/21



1530 SF FIRST FLOOR
(2680 PARKING/UTILITY AREA)

THE BRADLEY PROJECTS
Architecture + Planning + Development
P.O. Box 111010
San Diego, CA 92110
www.bradley.com (619) 763-7300
(619) 714-4381

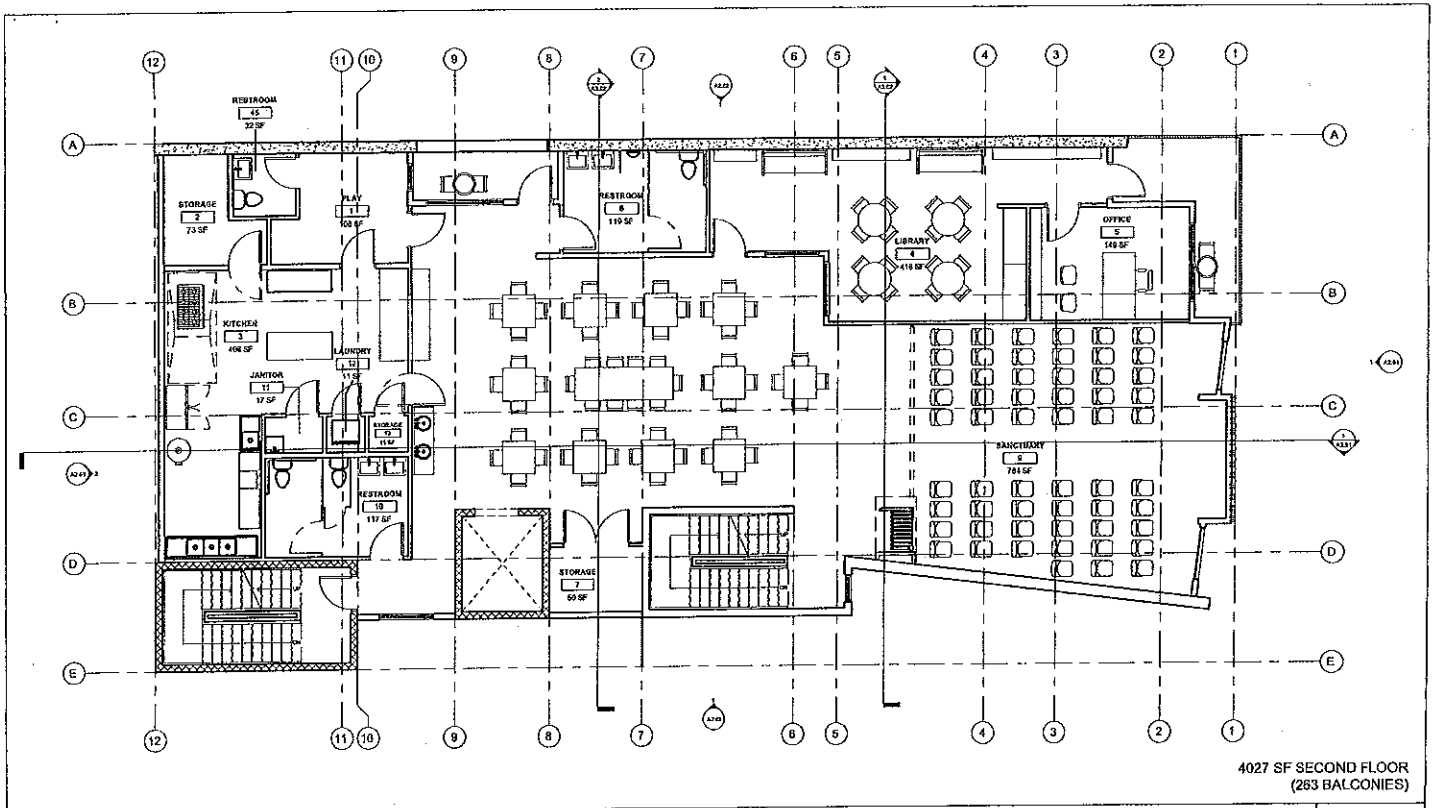
ROHR CHABAD HOUSE
wisdom + understanding + knowledge
@vanderbilt
111 5th AVENUE NORTH NASHVILLE, TN 37203

PROPOSED GROUND FLOOR PLAN
PROPOSED CHABAD HOUSE
SCALE: 1/8" = 1'-0" @ 11X17
PRELIMINARY LAYOUT STUDIES

01



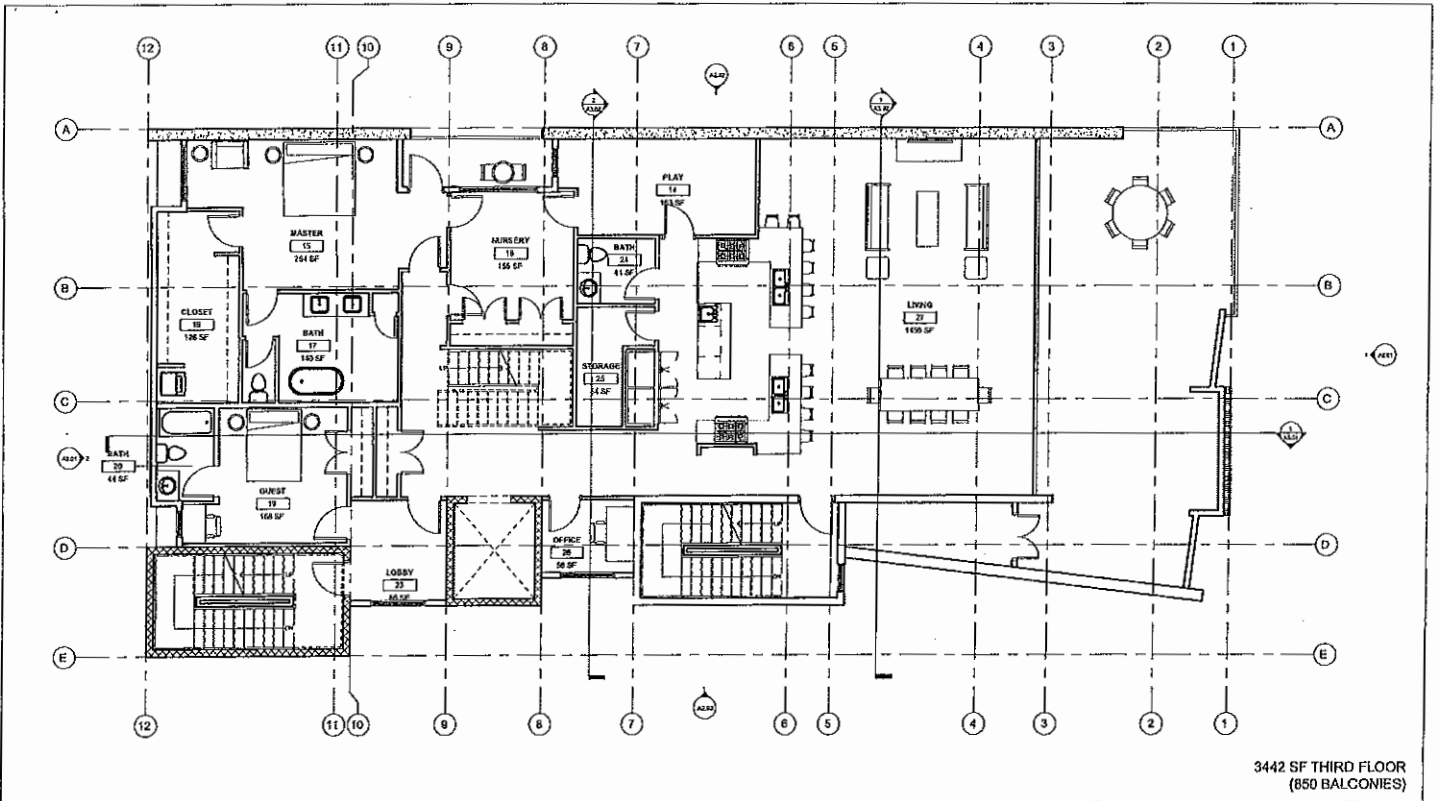
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4027 SF SECOND FLOOR
(263 BALCONIES)

	<p>ROHR CHABAD HOUSE wisdom + understanding + knowledge @vanderbilt 111 23rd AVENUE NORTH NASHVILLE TN 37203</p>	<p>PROPOSED SECOND FLOOR PLAN PROPOSED CHABAD HOUSE SCALE: 1/8" = 1'-0" @ 11X17 PRELIMINARY LAYOUT STUDIES</p>	<p>02</p>
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3442 SF THIRD FLOOR
(850 BALCONIES)

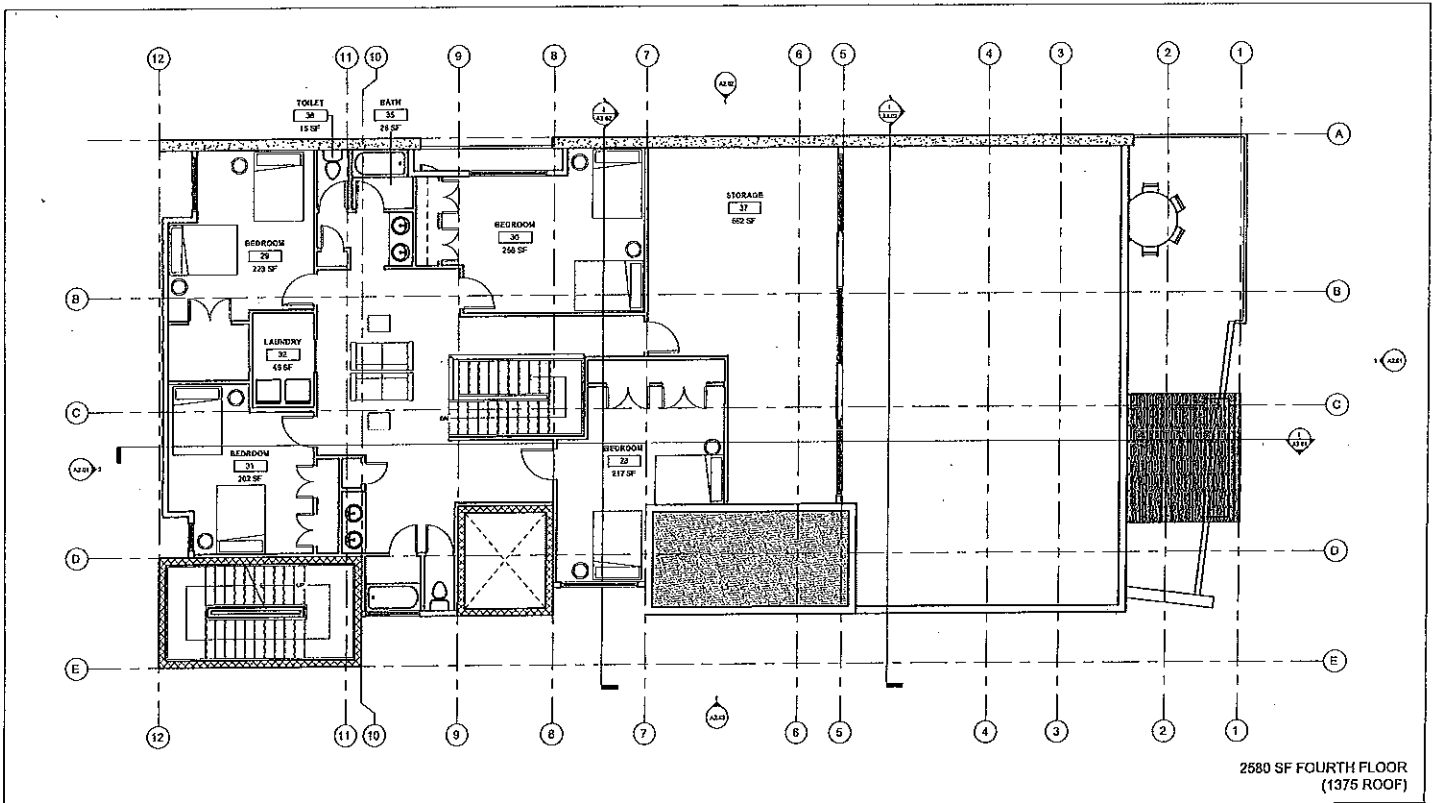
THE BRADLEY PROJECTS
Architecture + Planning + Development
P.O. Box 41107
San Diego, CA 92168
www.bradley.com
619.718.3000
619.718.3001

ROHR CHABAD HOUSE
vision • understanding • knowledge
@vanderbilt
111 23RD AVENUE NORTH NASHVILLE, TN 37203

PROPOSED THIRD FLOOR PLAN
PROPOSED CHABAD HOUSE
SCALE: 1/8" = 1'-0" @ 11x17
PRELIMINARY LAYOUT STUDIES

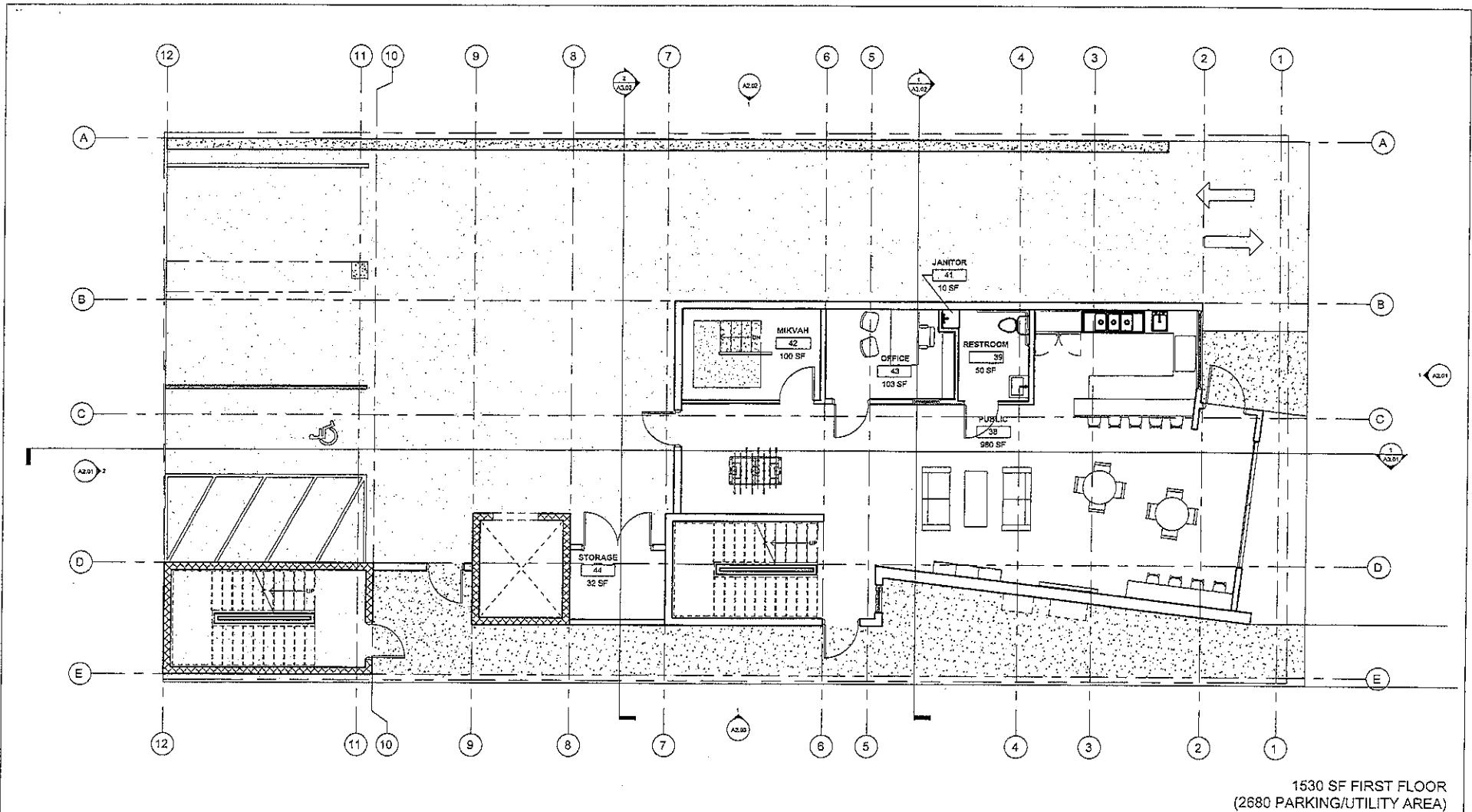
03

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	<p>ROHR CHABAD HOUSE wisdom • understanding • knowledge @vanderbilt 111 20th AVENUE NORTH NASHVILLE TN 37203</p>	<p>PROPOSED FOURTH FLOOR PLAN PROPOSED CHABAD HOUSE SCALE: 1/8" = 1'-0" @ 1/16"</p> <p>PRELIMINARY LAYOUT STUDIES</p>	<p>04</p>
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1530 SF FIRST FLOOR
 (2680 PARKING/UTILITY AREA)

THE BRADLEY PROJECTS
 Architecture + Planning + Development
 P.O. Box 122197
 San Diego, CA 92195
 (619) 219-2242
 (619) 746-7466

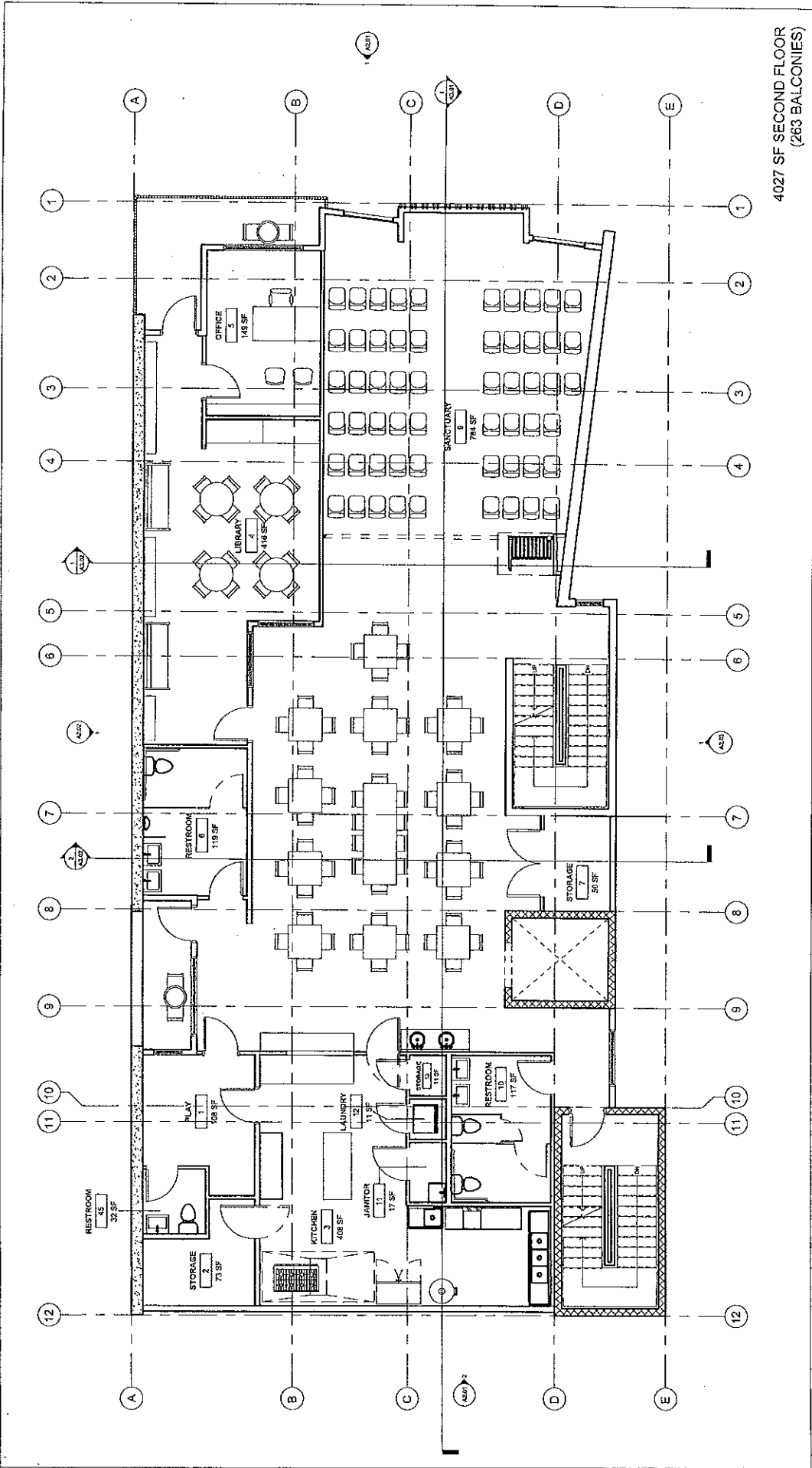
ROHR CHABAD HOUSE
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 @vanderbilt
 111 HOWLAND AVENUE NORTH - NASHVILLE, TN 37203

PROPOSED GROUND FLOOR PLAN
 PROPOSED CHABAD HOUSE
 SCALE: 1/8" = 1'-0" @ 11X17
PRELIMINARY LAYOUT STUDIES

01



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4027 SF SECOND FLOOR
(263 BALCONIES)

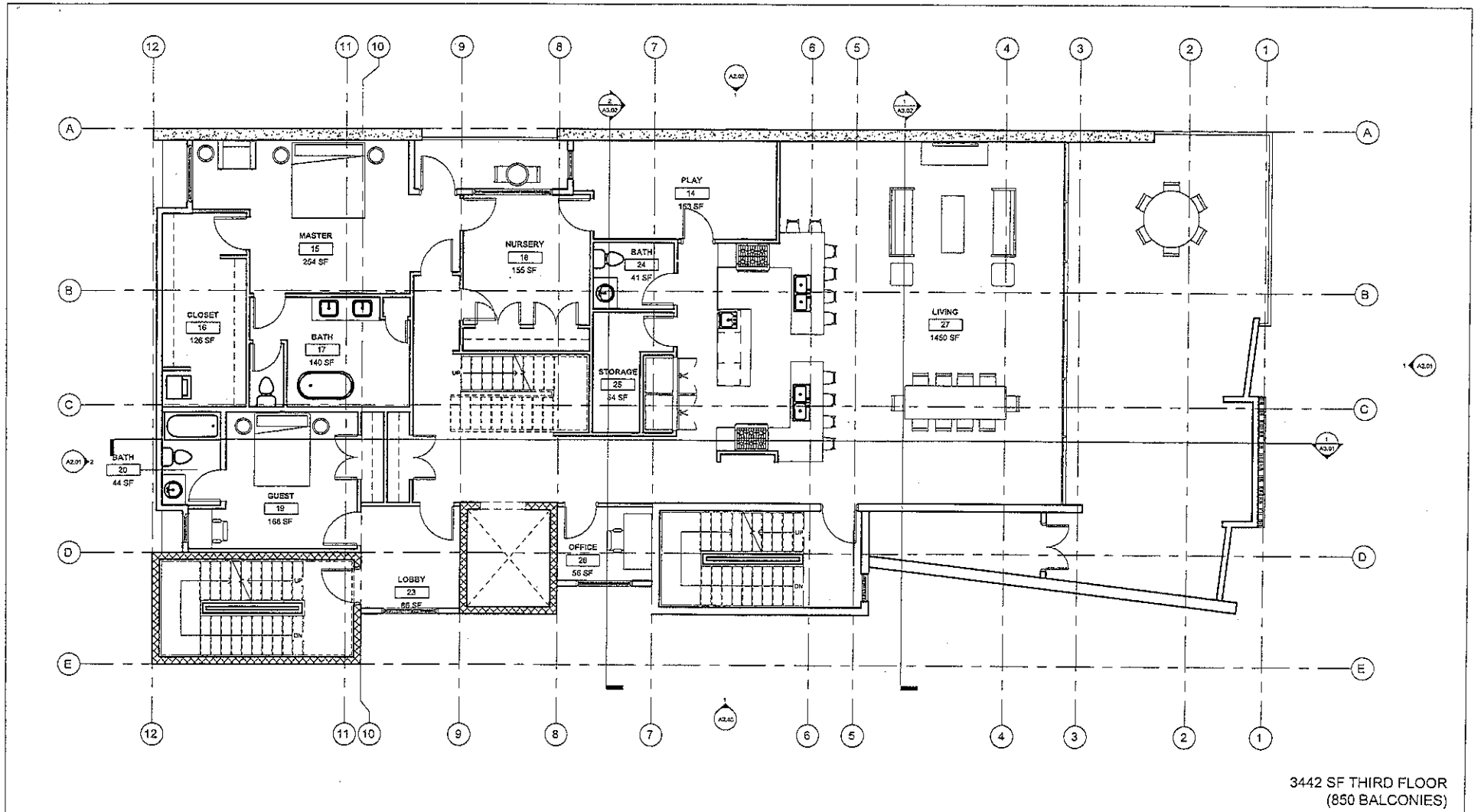
ROHR CHABAD HOUSE

PROPOSED SECOND FLOOR PLAN
PROPOSED CHABAD HOUSE
SCALE: 1/8" = 1'-0" @ 11X17
PRELIMINARY LAYOUT STUDIES

02

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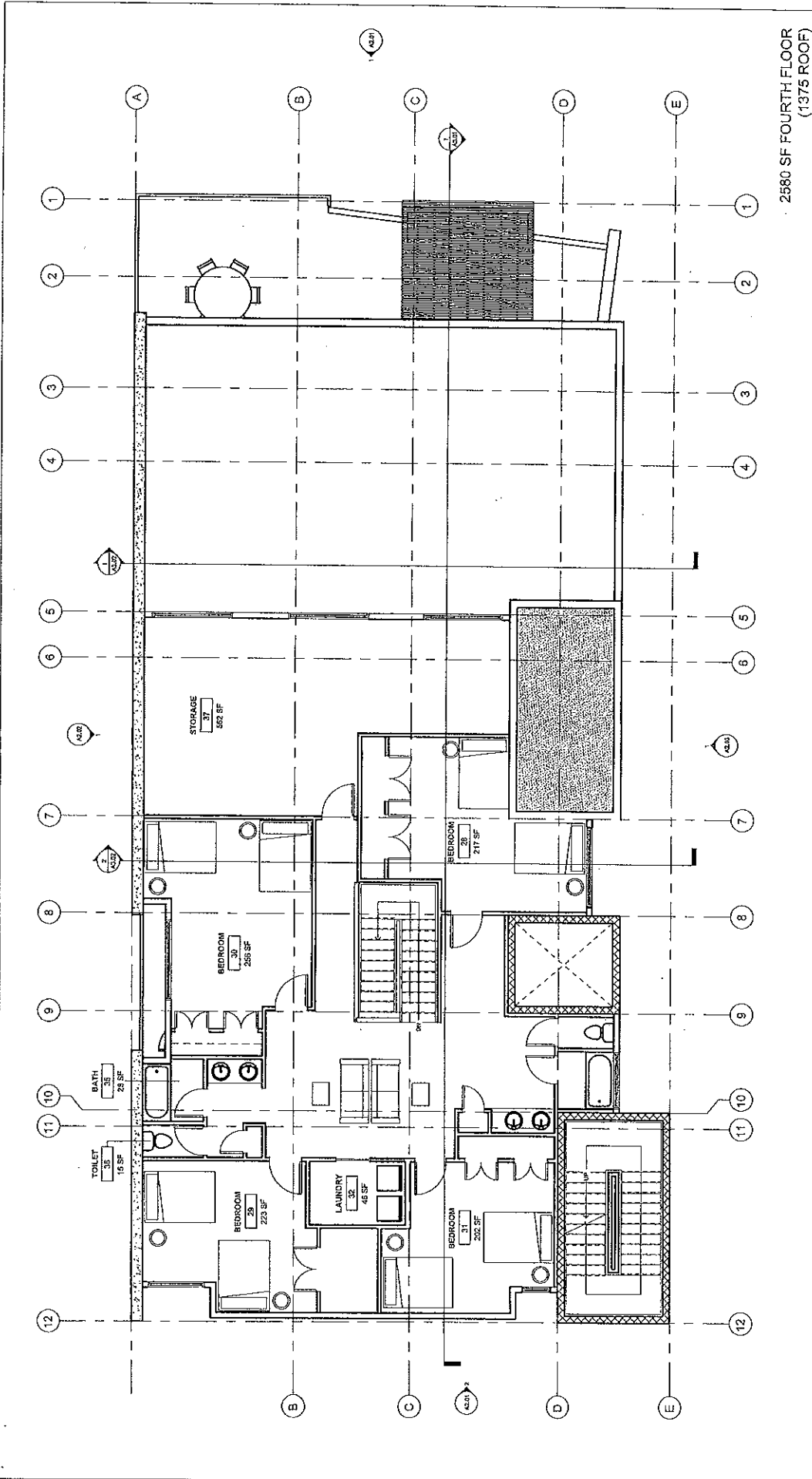
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ROHR CHABAD HOUSE
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 @vanderbilt
 11133 AVENUE NORTH NASHVILLE TN 37203

PROPOSED THIRD FLOOR PLAN
 PROPOSED CHABAD HOUSE
 SCALE: 1/8" = 1'-0" @ 11X17
 PRELIMINARY LAYOUT STUDIES

03

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2580 SF FOURTH FLOOR
(1375 ROOF)

PROPOSED FOURTH FLOOR PLAN
 PROPOSED CHABAD HOUSE
 SCALE: 1/8" = 1'-0" @ 11x17
 PRELIMINARY LAYOUT STUDIES

04

ROHR CHABAD HOUSE
 wisdom + understanding + knowledge
 @ VAJRA BHUTTI
 111 DONG WENHUI MUSEUM MANSVILLE NH 03243

THE BRADLEY PROJECTS
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 (619) 519-2024
 (619) 519-0881

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Notes

- 1) THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE. PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED. THEREFORE RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY IN TENNESSEE, IT IS A REQUIREMENT, PER "THE UNDERGROUND UTILITY DAMAGE PREVENT ACT", THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNER, NO LESS THAN THREE (3) NOR MORE THAN TEN (10) WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT. TENNESSEE ONE CALL 1-800-351-1111 OR TENNESSEE REGULATORY AUTHORITY (TRA) AT 811.
- 2) ALL DISTANCES WERE MEASURED WITH E.D.M. EQUIPMENT AND HAVE BEEN ADJUSTED FOR TEMPERATURE.
- 3) SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- 4) THE SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER AND THOSE PERSONS LISTED IN THE SURVEYOR'S CERTIFICATE AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITIES WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR WHOSE SIGNATURE APPEARS UPON THIS SURVEY.
- 5) THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY SURVEYED ARE UNKNOWN AND ARE NOT SHOWN.
- 6) PARCEL NUMBERS SHOWN AS THUS (145) REFERS TO DAVIDSON COUNTY TAX MAP 92-15.
- 7) THIS PROPERTY IS CURRENTLY ZONED "MUG-A" (MIXED USE GENERAL) IS INTENDED FOR A MODERATELY HIGH INTENSITY MIXTURE OF RESIDENTIAL, RETAIL, AND OFFICE USES. ALTERNATIVE DISTRICTS PROMOTE ALTERNATIVE MODES OF TRANSPORTATION.
- 8) THIS PARCEL DESCRIBED HEREIN DOES NOT LIE WITHIN FLOOD HAZARD AREAS IN ACCORDANCE WITH "INSURANCE RATE MAP PANEL NUMBER 47037C0243H", NOT IN PRINT, "FLOOD ZONE X".
- 9) THERE ARE NO MARKED PARKING SPACES ON SITE.

Legend

WATER VALVE	→	□
WATER METER	→	□
FIRE HYDRANT	→	□
GAS METER	→	□
IRON ROD NEW	→	● IR(N)
IRON ROD OLD	→	○ IR(O)
IRON PIPE OLD	→	○ IP(O)
PK NAIL NEW	→	● PK(N)
BENCHMARK	→	⊕
UTILITY POLE	→	⊕
LIGHT POLE	→	⊕
TREE	→	⊕
PROPERTY LINE	→	---
EDGE OF PAVEMENT	→	---
EASEMENT LINE	→	---
EDGE OF CONC.	→	---
WALL	→	---
CURB	→	---
FENCE	→	---
OVERHEAD	→	---
WATER LINE	→	---
SEWER LINE	→	---
GAS LINE	→	---
CONTOUR LINE	→	---

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and include items 1,2,3,4,5,6(a),7(a),8,9,11 & 13 of Table A thereof. The field work was completed on May 14, 2018.

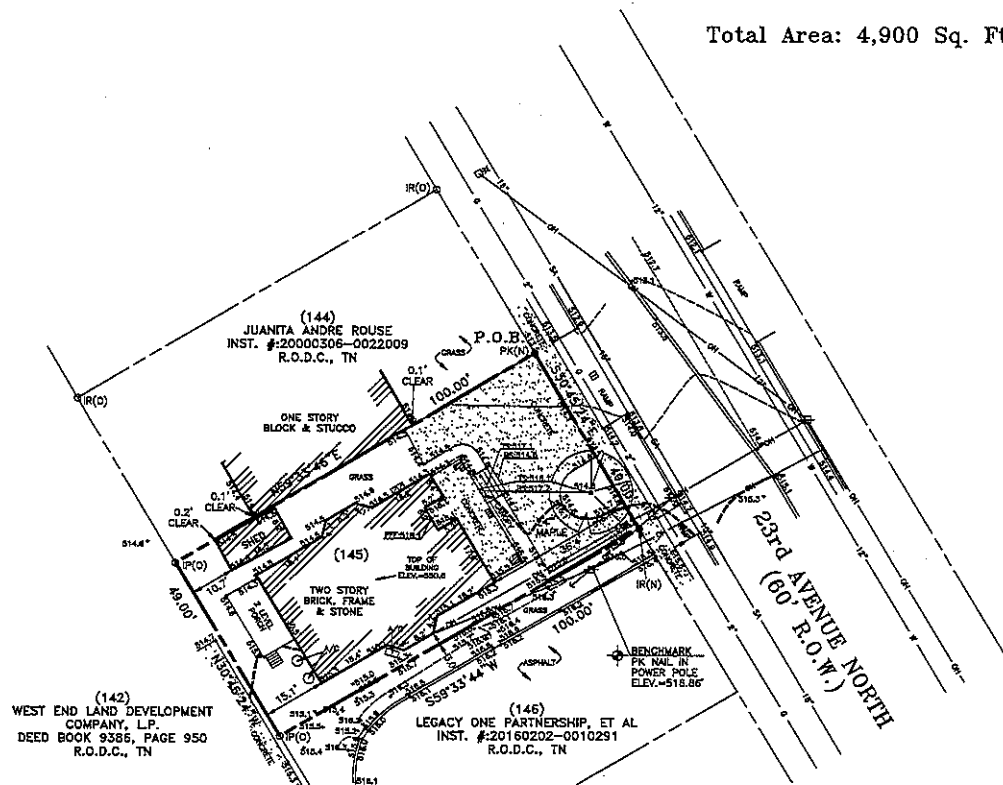
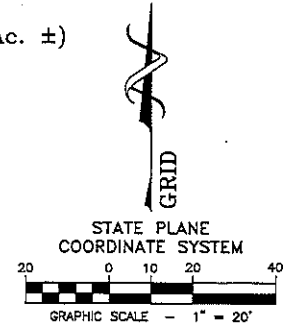
I hereby certify that this is a Category 1 Survey and the survey was performed in accordance with the current standards of practice for surveyors in Tennessee and the unadjusted closure is at least 1:10,000.

CHERRY LAND SURVEYING, INC.
 622 WEST IRIS DRIVE
 NASHVILLE, TENNESSEE 37204
 (615)269-3972 FAX:(615)269-9345
 E-MAIL: cheryls@comcast.net



Michael H. Charette R.L.S. # 2048

Total Area: 4,900 Sq. Ft. (0.113 Ac. ±)



Deed Reference

Deed reference for this property is Instrument Number: 20120731-0067519, at the Register's Office for Davidson County, Tennessee. Owner of record being: Chabad Jewish Student Center at Vanderbilt, Inc.

Plat Reference

This property is part of Lot No. 14 of Elliston Addition to Nashville, as of record in Plat Book 21, Page 141, at the Register's Office for Davidson County, Tennessee.

Property Description

Being a tract of land lying in Nashville, Davidson County, Tennessee, and being more particularly described as follows:

Beginning at a pk nail set in the westerly right-of-way line of 23rd Avenue North, at a corner common with Juanita Andre Rouse, as of record in Instrument Number: 20000306-0022009, at the Register's Office for Davidson County, Tennessee;

Thence leaving the westerly right-of-way line of 23rd Avenue North, South 30 deg 45 min 24 sec East, 49.00 feet to an iron rod set at a corner common with Legacy One Partnership, Et Al, as of record in Instrument Number: 20150202-0010291, at the Register's Office for Davidson County, Tennessee;

Thence leaving the westerly right-of-way line of 23rd Avenue North, with the northerly property line of Legacy One Partnership, Et Al, South 59 deg 33 min 44 sec West, 100.00 feet to an iron pipe in the easterly property line of West End Land Development Company, L.P., as of record in Deed Book 9386, Page 950, at the Register's Office for Davidson County, Tennessee;

Thence with the easterly property line of West End Land Development Company, L.P., North 30 deg 45 min 24 sec West, 49.00 feet to an existing iron pipe, at a corner common with Juanita Andre Rouse;

Thence with the southerly property line of Juanita Andre Rouse, North 59 deg 33 min 46 sec East, 100.00 feet to the POINT OF BEGINNING. Containing 4,900 square feet or 0.113 acres more or less.

Being the same property conveyed to Chabad Jewish Student Center at Vanderbilt, Inc., as of record in Instrument Number: 20120731-0067519, at the Register's Office for Davidson County, Tennessee.



VICINITY MAP NOT TO SCALE

ALTA/NSPS LAND TITLE SURVEY
 OF
TAX MAP 92-15,
PARCEL 145
 INSTRUMENT #:20120731-0067519
111 23RD AVENUE NORTH
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE
 SCALE: 1"=20' DATED: MAY 17, 2018

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: FULMER ENGINEERING
Property Owner: HIL PROPERTIES
Representative: SHAWN HENRY

Date: 8/7/18
Case #: 2018-503
Map & Parcel: 095-04000300

Council District 15

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: Requesting variance of sidewalk requirement.

Activity Type: Commercial addition - Restaurant

Location: 2414 Lebanon Pike

This property is in the C1 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Requesting variance of sidewalk requirement

Section(s): 17.12.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Same
Appellant Name (Please Print)

JAY FULMER
Representative Name (Please Print)

Address

2002 RICHARD JONES RD ST. C304
Address

City, State, Zip Code

NASHVILLE, TN 37215
City, State, Zip Code

Phone Number

615-345-3771
Phone Number

Email

JAY@FULMERENG.COM
Email

Appeal Fee: \$200.00



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



3542896

ZONING BOARD APPEAL / CAAZ - 20180046499
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09504000300

APPLICATION DATE: 08/07/2018

SITE ADDRESS:

2414 LEBANON PIKE NASHVILLE, TN 37214
LOT 4 RESUB BAINRIDGE & SATTERFIELD

PARCEL OWNER: HJL PROPERTIES, GP

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting variance for sidewalk requirement.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions **MUST** affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

IDOT RECENTLY CONSTRUCTED SIDEWALKS WHICH ARE NOW COMPLIANT IN SECTION. EXISTING UTILITIES ARE IN CONFLICT WITH COMPLIANT SECTION.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.



APPELLANT

8/7/18

DATE

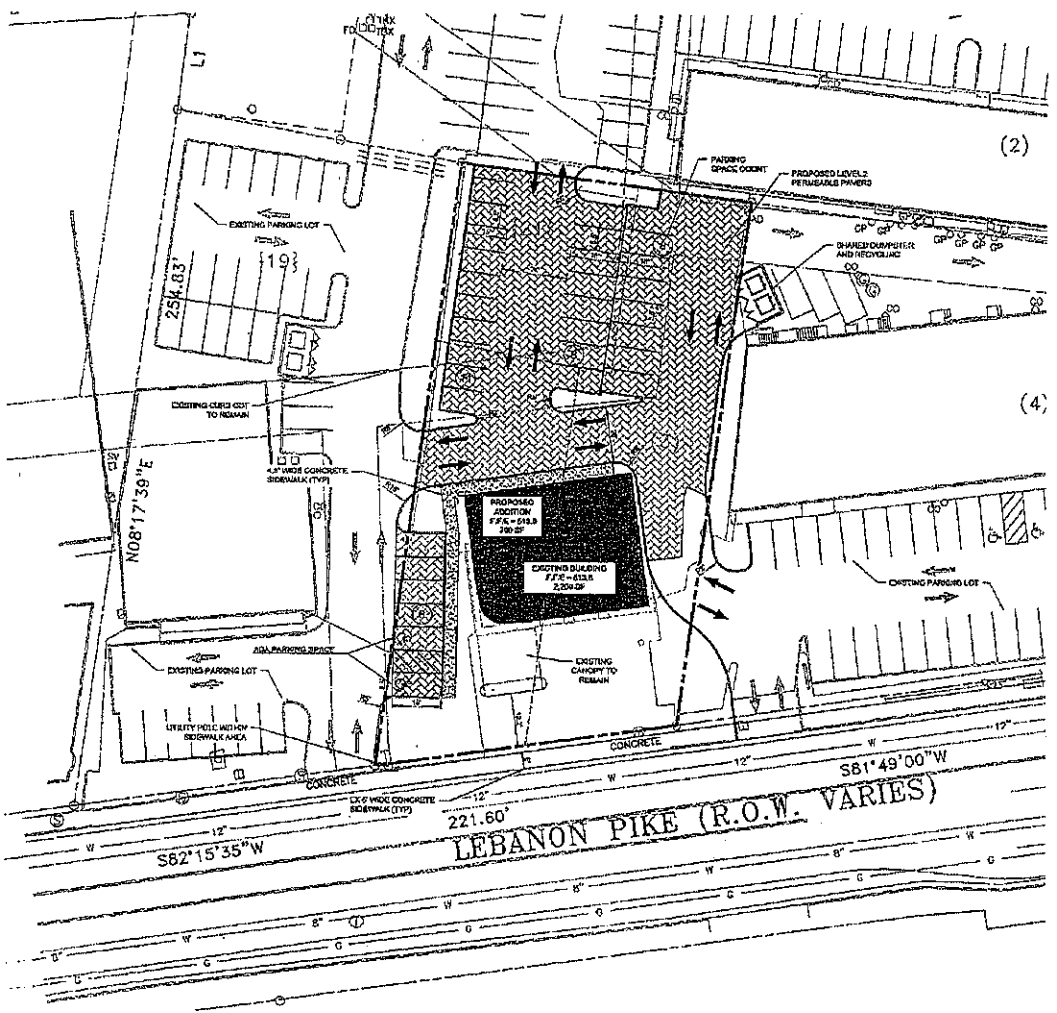
LEGEND

- REINFORCED
- ◆ REINFORCED
- CEMENT BARS
- FRESH CONCRETE
- SCHEDULED
- EXISTING TREE
- EXISTING UTILITY
- REINFORCED
- UTILITY POLE

PAVING LEGEND

- PERVIOUS PAVEMENT
- SEMI-RIGID SECTION
- HEAVY DUTY CONCRETE
- HEAVY DUTY ASPHALT
- LIGHT DUTY ASPHALT

APPLICATION #:	PROJECT NAME: 2414 LEBANON PIKE														
MAP #/PAGE: IC 980000010, 984500010 & 084500010	DATE: 11/11/2014														
<table border="1"> <thead> <tr> <th>LINE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>PERVIOUS PAVEMENT</td> </tr> <tr> <td>2</td> <td>CONCRETE LIMITED (10'x10' & OVER) BASE AT 2" MINIMUM</td> </tr> <tr> <td>3</td> <td>SEMI-RIGID SECTION</td> </tr> <tr> <td>4</td> <td>HEAVY DUTY CONCRETE</td> </tr> <tr> <td>5</td> <td>HEAVY DUTY ASPHALT</td> </tr> <tr> <td>6</td> <td>LIGHT DUTY ASPHALT</td> </tr> </tbody> </table>		LINE	DESCRIPTION	1	PERVIOUS PAVEMENT	2	CONCRETE LIMITED (10'x10' & OVER) BASE AT 2" MINIMUM	3	SEMI-RIGID SECTION	4	HEAVY DUTY CONCRETE	5	HEAVY DUTY ASPHALT	6	LIGHT DUTY ASPHALT
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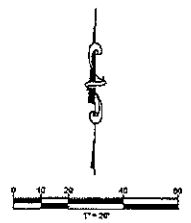
- NOTES:**
- CONTRACTOR SHALL CHECK ALL FINISHED GRADES AND ELEVATIONS IN THE FIELD AND REPORT ANY DISCREPANCIES TO THE OWNER REPRESENTATIVE PRIOR TO BEGINNING WORK.
 - THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION AND DEPTH OF ALL EXISTING UTILITIES AND OTHER DRAINAGE. TAKE CARE TO PROTECT UTILITIES THAT ARE TO REMAIN. REPAIR CONTRACTOR CAUSED DAMAGE ACCORDING TO LOCAL STANDARDS AND AT THE CONTRACTOR'S EXPENSE. COORDINATE ALL CONSTRUCTION WITH THE APPROPRIATE UTILITY COMPANY.
 - THE CONTRACTOR SHALL CONFORM TO ALL LOCAL CODES AND OBTAIN ALL PERMITS PRIOR TO BEGINNING WORK.
 - PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING PAVEMENT AND NEW PAVEMENT. FIELD ADJUSTMENT OF FINAL GRADES MAY BE NECESSARY. INSTALL ALL UTILITIES PRIOR TO INSTALLATION OF FINAL PAVEMENT.
 - CONCRETE WALLS AND FLOOD SHALL HAVE A DRAIN FRENCH. ALL CONCRETE SHALL BE CLASS "W" (4,000 PSI) UNLESS OTHERWISE NOTED.
 - ALL DAMAGE TO EXISTING ASPHALT PAVEMENT TO REMAIN WHICH OCCURS FROM NEW CONSTRUCTION SHALL BE REPAIRED WITH EQUALITY AT THE CONTRACTOR'S EXPENSE.
 - ALL CURBS ARE TO THE FACE OF CURB, EDGE OF CONCOURSE, OR TO THE FACE OF CURBLINE, UNLESS OTHERWISE NOTED.
 - ALL CURB TURNOUT, EDGE OF PAVEMENT, AND STRIPING MARKING FOUR FEET (4') UNLESS OTHERWISE NOTED.
 - CONTRACTOR TO VERIFY ALL REQUIRED CLEARANCES FROM OVERHEAD POWER LINES PRIOR TO THE START OF CONSTRUCTION.
 - CONTRACTOR SHALL EXERCISE EXTREME CAUTION IN THE USE OF EQUIPMENT ON AND AROUND OVERHEAD OR UNDERGROUND ELECTRICAL WIRES AND SERVICES. IF AT ANY TIME IN THE PURSUIT OF THIS WORK, THE CONTRACTOR MUST WORK IN CLOSE PROXIMITY OF THE ABOVE NOTED WIRES, THE ELECTRICAL COMPANY SHALL BE CONTACTED PRIOR TO SUCH WORK AND THE PROPER SAFETY MEASURES MUST BE TAKEN.
 - IN EXERCISE AND PROTECTION, CONTRACTOR SHALL PROTECT AND RESTORE SAID PROPERTY TO A CONDITION SIMILAR OR EQUAL TO THAT EXISTING AT THE COMMENCEMENT OF CONSTRUCTION, EXCEPT AS NOTED.
 - THE CONTRACTOR SHALL COMPLY WITH ALL PERMITS PROVIDED BY THE "MANUAL OF ADEQUATE PREVENTION IN CONSTRUCTION" ISSUED BY THE U.S. DEPARTMENT OF LABOR.
 - SURPLUS MATERIALS REQUIRED FOR SITE CONSTRUCTION SHALL BE EXPOSED OF BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE AFTER THE OWNER'S APPROVAL, AT A PROPERLY MARKED LOCATION.
 - ALL MATERIALS REQUIRED SHALL BE BORROWED AT THE CONTRACTOR'S EXPENSE.
 - TRAFFIC CONTROL, IF REQUIRED, SHALL BE PROVIDED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.
 - IN THE EVENT OF ANY DISCREPANCY AND/OR ERROR FOUND IN THE DRAWINGS, OR IF CONDITIONS ARE UNUSUAL OR UNUSUAL CONSTRUCTION, THE CONTRACTOR SHALL BE REQUIRED TO NOTIFY THE OWNER IN WRITING IN-ONE PROCESSING WITH THE WORK. IF THE OWNER IS NOT NOTIFIED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF ANY REWORK.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR THE WORK IN ACCORDANCE WITH ALL LOCAL, STATE, AND NATIONAL CODES AND THE REQUIREMENTS OF THE LOCAL UTILITY COMPANIES.
 - TRUCKING CONTROL POINTS, GRADE AND OFFSET STRIPS ARE TO BE SET BY THE CONTRACTOR.
 - PROVIDE AT LEAST ONE END OF ALL CURBS THAT REMAIN.
 - ALL CURB MARKING THE PUBLIC ROW ARE TO BESET, DETECTABLE WARNING PER MUTUAL PUBLIC WORKS SPECIFICATIONS SECTION 0205.

FULMER ENGINEERING
 200 RICHARD JONES RD., SUITE 205
 NASHVILLE, TENNESSEE 37215
 INFO@FULMERENGINEERING.COM (615) 485-9779



SITE PLAN

SITE DEVELOPMENT PLANS FOR:
 2414 LEBANON PIKE
 NASHVILLE, DAVIDSON, TENNESSEE 37214



C1.1

1414 2414 LEBANON PIKE
 2018-503

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-503 (2414 Lebanon Pike)

Metro Standard:	4' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Construct alternative sidewalk design with a 6' sidewalk without a grass strip
Community Plan Policy:	T4 CC (Urban Community Center)
MCSP Street Designation:	T4-M-AB5-IM
Transit:	#6 – Lebanon Pike and #34 – Opry Mills
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to repurpose a former automobile repair building for a restaurant use and requests to requests to build an alternative sidewalk design along the frontage of the property.

Planning evaluated the following factors for the variance request:

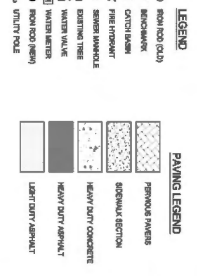
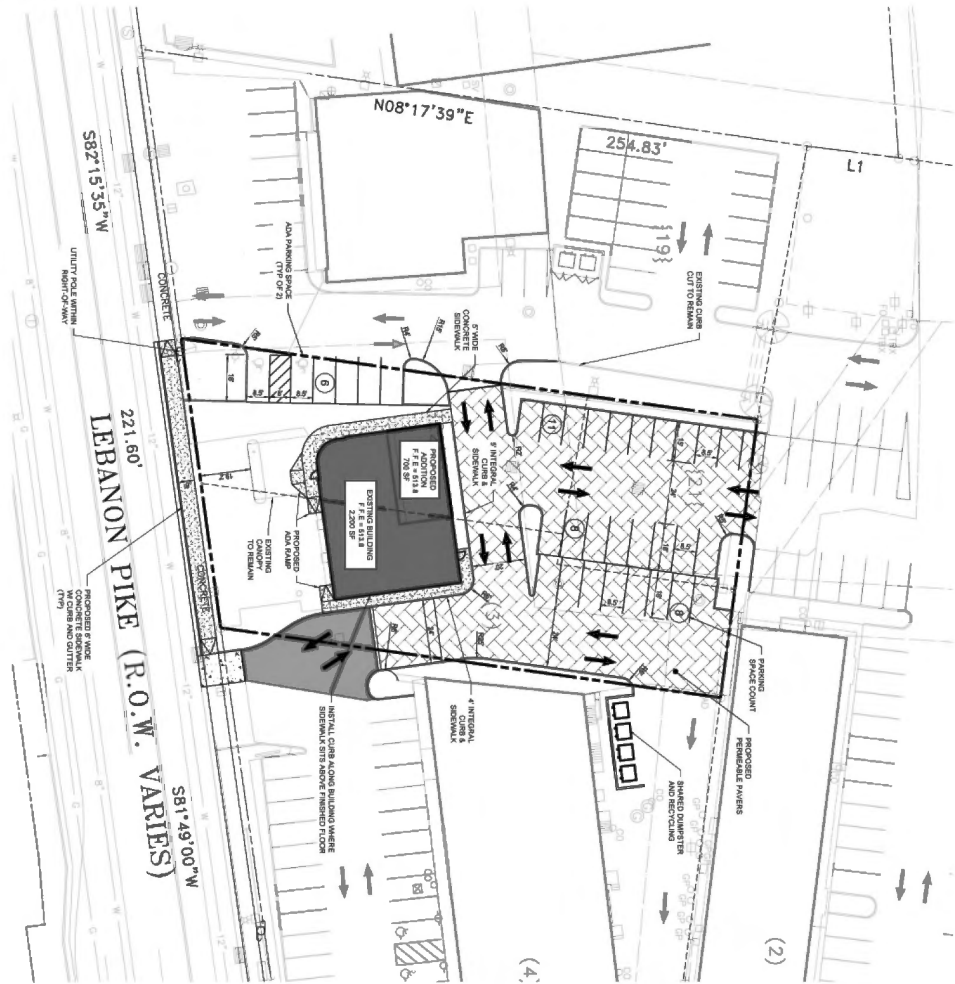
- (1) The applicant proposes to remove the existing driveway access to Lebanon Pike and construct a 6' sidewalk without a grass strip within the existing concrete width. This condition is consistent with the property located adjacent to the east and terminates at the paved driveway access to the west.
- (2) Utility poles are currently located to the rear of the 6' concrete area. Adherence to the Arterial-Boulevard standard would require relocation of utilities within a grass strip zone or the installation of a wider grass strip in order to prevent utilities from being located within the sidewalk space.
- (3) Given the scale of the proposed improvements, the applicant is restricting access to Lebanon Pike reducing conflicts and improving the path of travel for pedestrians.

Given the factors above, staff recommends **approval with conditions:**

1. Construct the alternative sidewalk design as indicated on the attached site plan.

2414 Lebanon Pike – Site Plan Depicting Alternative Sidewalk Design

Issued: August 18, 2016
 Project Name: 2414 Lebanon Pike (R.O.W. Varies)



- NOTES:**
1. CONTRACTOR SHALL VERIFY ALL SHARED UTILITIES AND DEVIATIONS IN THE FIELD AND REPORT ANY DISCREPANCIES TO THE ENGINEER REPRESENTATIVE PRIOR TO BEGINNING WORK.
 2. THE CONTRACTOR SHALL VERIFY THE EXISTING LOCATION AND DEPTH OF ALL EXISTING UTILITIES AND OTHER CONDUITS, MANHOLES AND AT THE CONTRACTOR'S EXPENSE. COMMENTS AND/OR ALL INFORMATION TO BE OBTAINED FROM THE CITY OF NASHVILLE SHALL BE OBTAINED TO ALL LOCAL CODES AND OTHER ALL APPLICABLE TO BEGINNING WORK.
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APPLICATION #	PROJECT NAME
APR016011 & 0200000001 & 0300000001 & 0400000001	2414 LEBANON PIKE
DATE	DATE
18/08/2016	18/08/2016
DESCRIPTION	DESCRIPTION
2414 LEBANON PIKE	2414 LEBANON PIKE
PROJECT NUMBER	PROJECT NUMBER
2414 LEBANON PIKE	2414 LEBANON PIKE
PROJECT LOCATION	PROJECT LOCATION
2414 LEBANON PIKE	2414 LEBANON PIKE
PROJECT OWNER	PROJECT OWNER
2414 LEBANON PIKE	2414 LEBANON PIKE
PROJECT CONTACT	PROJECT CONTACT
2414 LEBANON PIKE	2414 LEBANON PIKE
PROJECT ADDRESS	PROJECT ADDRESS
2414 LEBANON PIKE	2414 LEBANON PIKE
PROJECT CITY	PROJECT CITY
2414 LEBANON PIKE	2414 LEBANON PIKE
PROJECT STATE	PROJECT STATE
2414 LEBANON PIKE	2414 LEBANON PIKE
PROJECT ZIP	PROJECT ZIP
2414 LEBANON PIKE	2414 LEBANON PIKE
PROJECT COUNTY	PROJECT COUNTY
2414 LEBANON PIKE	2414 LEBANON PIKE
PROJECT COUNTRY	PROJECT COUNTRY
2414 LEBANON PIKE	2414 LEBANON PIKE



DR.	DATE	DESCRIPTION
CA.	08/18/16	INITIAL METRO WATER SUBMITTAL
CA.	08/18/16	INITIAL CROSS CONNECT SUBMITTAL

SITE PLAN

SITE DEVELOPMENT PLANS FOR:
 2414 LEBANON PIKE
 NASHVILLE, DAVIDSON, TENNESSEE 37214



FULMER ENGINEERING

2002 RICHARD JONES RD - SUITE C304
 NASHVILLE, TENNESSEE 37215
 INFO@FULMERENG.COM - (615) 345-3770

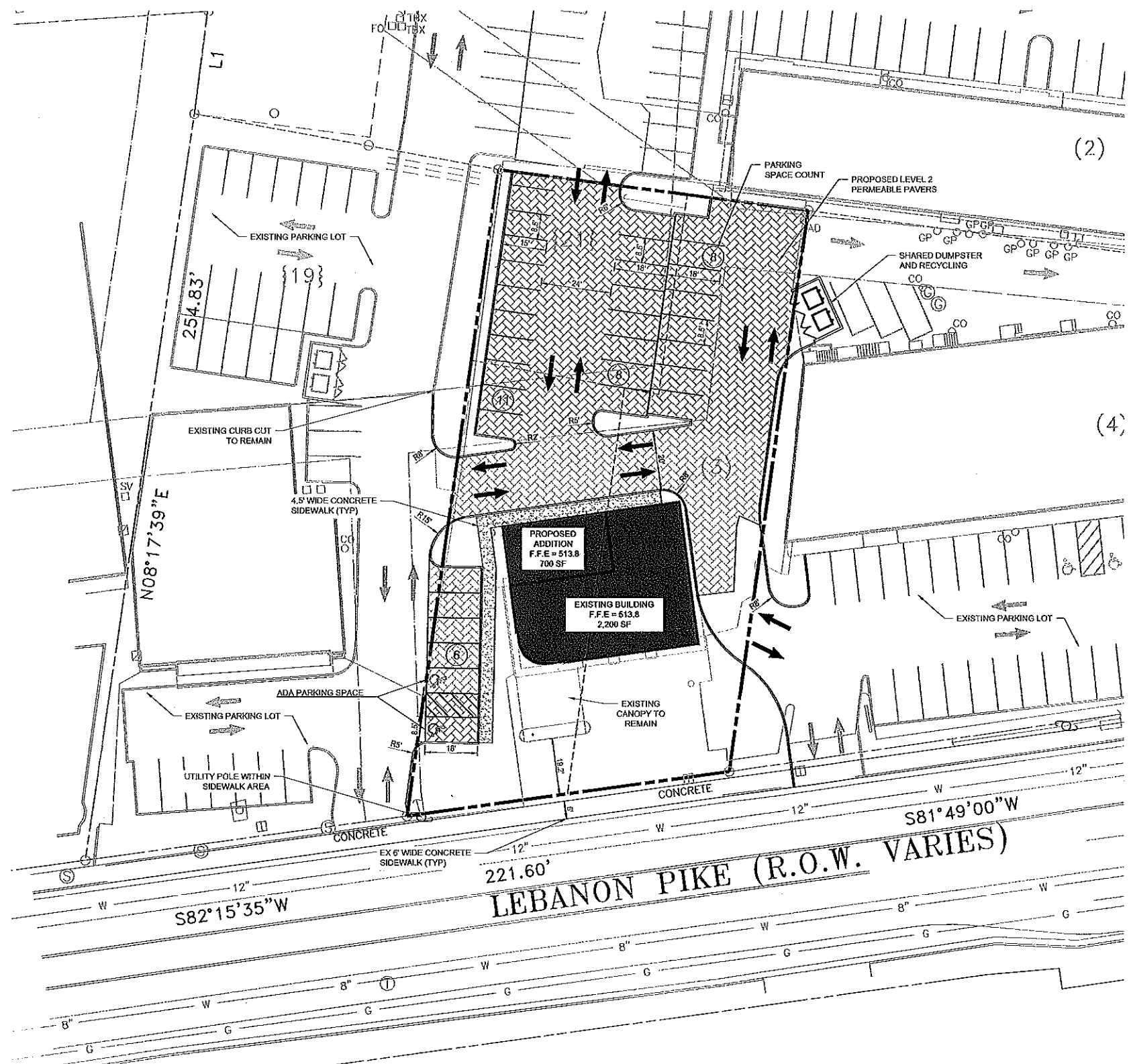
LEGEND

- IRON ROD (OLD)
- ◆ BENCHMARK
- CATCH BASIN
- ⊕ FIRE HYDRANT
- ⊙ SEWER MANHOLE
- ⊗ EXISTING TREE
- ⊕ WATER VALVE
- ⊕ WATER METER
- IRON ROD (NEW)
- ⊕ UTILITY POLE

PAVING LEGEND

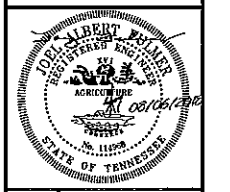
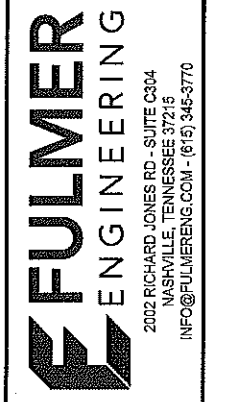
- PERVIOUS PAVERS
- SIDEWALK SECTION
- HEAVY DUTY CONCRETE
- HEAVY DUTY ASPHALT
- LIGHT DUTY ASPHALT

APPLICATION #:	PROJECT NAME: 2414 LEBANON PIKE
MAP/PARCEL #: 09504000300, 950300220 & 09503002100	EXAMINER:
USE	
DETERMINE THE USE	RESTAURANT
PROPERTY ZONING (OVERLAYS)	CL - COMMERCIAL LIMITED (CV-ARR & OV-UD)
SURROUNDING ZONING	SAME AS SUBJECT PROPERTY
USE CHARTS: P	
SITE CRITERIA	
MAP & PARCEL NO.	09504000300, 950300220 & 09503002100
COUNCIL DISTRICT	15 - JEFF SYRACUSE
LOT SIZE:	21,938 SF / 0.50 AC (NO MINIMUM PER CODE)
FAR	0.13 FAR / 2,833 SF FOOTPRINT (MAX FAR: 0.6)
ISR	0.46 (0.9 MAX)
STREET SETBACK/STREET TYPE(S)	15'
SIDE YARD	NONE REQUIRED
REAR YARD	20'
HEIGHT STANDARDS	30' @ SETBACK W/ 1.5V:1H PLANE (EX BLDG COMPLIES)
PARKING AND ACCESS	
RAMP LOCATION & NUMBER	0 NEW RAMPS
DISTANCE TO NEAREST EXISTING RAMP	N/A
DISTANCE TO INTERSECTIONS:	330' TO HOGANOVK PIKE AND 420' TO FAIRWAY DR
MINOR STREET COLLECTOR	ARTERIAL STREET CONTROLLED ACCESS RAMP
REQUIRED PARKING BASED ON USES	29 SPACES
PARKING PROVIDED	31 STANDARD PARKING STALLS 2 ACCESSIBLE PARKING STALLS 33 TOTAL STALLS PROVIDED
REQUIRED LOADING BASED ON USES	N/A
SURFACING OVER 5 SPACES 1,750 SQ. FT.	PROVIDED
SPACE SIZES, ANGLE WIDTHS, ANGLE DATA	18' x 8' 6" (80' STANDARD) 24' MIN. TWO-WAY DRIVE
QUEUING LANES	N/A
OVER 10 SPACES 20' QUEUING AT EXIT	PROVIDED
NUMBER OF COMPACT SPACES / %	0 COMPACT SPACES / 0% OF REQUIRED
NUMBER OF ACCESSIBLE SPACES	2 PROVIDED / 2 REQUIRED
SIDEWALKS REQUIRED-INTERNAL/PUBLIC	EXISTING ALONG LEBANON PIKE
LANDSCAPING STANDARDS	REFER TO LANDSCAPE PLAN



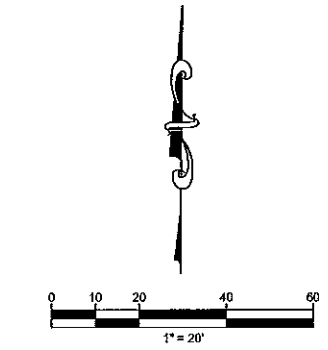
NOTES:

1. CONTRACTOR SHALL CHECK ALL FINISHED GRADES AND DIMENSION IN THE FIELD AND REPORT ANY DISCREPANCIES TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.
2. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION AND INVERT OF ALL EXISTING UTILITIES AND STORM DRAINAGE. TAKE CARE TO PROTECT UTILITIES THAT ARE TO REMAIN. REPAIR CONTRACTOR CAUSED DAMAGE ACCORDING TO LOCAL STANDARDS AND AT THE CONTRACTOR'S EXPENSE. COORDINATE ALL CONSTRUCTION WITH THE APPROPRIATE UTILITY COMPANY.
3. THE CONTRACTOR SHALL CONFORM TO ALL LOCAL CODES AND OBTAIN ALL PERMITS PRIOR TO BEGINNING WORK.
4. PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING PAVEMENT AND NEW PAVEMENT. FIELD ADJUSTMENT OF FINAL GRADES MAYBE NECESSARY. INSTALL ALL UTILITIES PRIOR TO INSTALLATION OF FINAL PAVEMENT.
5. CONCRETE WALKS AND PADS SHALL HAVE A BROOM FINISH. ALL CONCRETE SHALL BE CLASS "A" (4,000 PSI) UNLESS OTHERWISE NOTED.
6. ALL DAMAGE TO EXISTING ASPHALT PAVEMENT TO REMAIN WHICH RESULTS FROM NEW CONSTRUCTION SHALL BE REPLACED WITH LIKE MATERIALS AT THE CONTRACTOR'S EXPENSE.
7. DIMENSIONS ARE TO THE FACE OF CURBS, EDGE OF CONCRETE, OR TO THE FACE OF BUILDING, UNLESS OTHERWISE NOTED.
8. ALL CURB TURNOUT, EDGE OF PAVEMENT, AND STRIPING RADII ARE FOUR FEET (4') UNLESS OTHERWISE NOTED.
9. CONTRACTOR TO VERIFY ALL REQUIRED CLEARANCES FROM OVERHEAD POWER LINES PRIOR TO THE START OF CONSTRUCTION.
10. CONTRACTOR SHALL EXERCISE EXTREME CAUTION IN THE USE OF EQUIPMENT IN AND AROUND OVERHEAD OR UNDERGROUND ELECTRICAL WIRES AND SERVICES. IF AT ANY TIME IN THE PURSUIT OF THIS WORK, THE CONTRACTOR MUST WORK IN CLOSE PROXIMITY OF THE ABOVE NOTED WIRES, THE ELECTRICAL COMPANY SHALL BE CONTACTED PRIOR TO SUCH WORK AND THE PROPER SAFETY MEASURES MUST BE TAKEN.
11. IN EASEMENTS AND RIGHTS-OF-WAYS, CONTRACTOR SHALL PROTECT AND RESTORE SAID PROPERTY TO A CONDITION SIMILAR OR EQUAL TO THAT EXISTING AT THE COMMENCEMENT OF CONSTRUCTION, EXCEPT AS NOTED.
12. THE CONTRACTOR SHALL COMPLY WITH ALL PERTINENT PROVISIONS OF THE 'MANUAL OF ACCIDENT PREVENTION IN CONSTRUCTION' ISSUED BY AC OF AMERICA, INC. AND THE 'SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION' ISSUED BY THE U.S. DEPARTMENT OF LABOR.
13. SURPLUS MATERIAL NOT REQUIRED FOR SITE CONSTRUCTION SHALL BE DISPOSED OF BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE AFTER THE OWNER'S APPROVAL AT A PROPERLY PERMITTED LOCATION.
14. FILL MATERIAL REQUIRED SHALL BE BORROWED AT THE CONTRACTOR'S EXPENSE.
15. TRAFFIC CONTROL, IF REQUIRED, SHALL BE PROVIDED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.
16. IN THE EVENT OF ANY DISCREPANCY AND/OR ERROR FOUND IN THE DRAWINGS, OR IF PROBLEMS ARE ENCOUNTERED DURING CONSTRUCTION, THE CONTRACTOR SHALL BE REQUIRED TO NOTIFY THE ENGINEER IN WRITING BEFORE PROCEEDING WITH THE WORK. IF THE ENGINEER IS NOT NOTIFIED, THE CONTRACTOR SHALL TAKE RESPONSIBILITY FOR THE COST OF ANY REVISION.
17. CONTRACTOR SHALL BID AND PERFORM THE WORK IN ACCORDANCE WITH ALL LOCAL, STATE, AND NATIONAL CODES AND THE REQUIREMENTS OF THE LOCAL UTILITY COMPANIES.
18. BUILDING CONTROL POINTS, GRADE AND OFFSET STAKES ARE TO BE SET BY THE CONTRACTOR.
19. PROVIDE 24" TAPER ON ENDS OF ALL CURBS THAT TERMINATE.
20. ALL CURB RAMPS IN THE PUBLIC ROW ARE TO RECEIVE DETECTABLE WARNINGS PER METRO PUBLIC WORKS SPECIFICATIONS SECTION 02523 (<http://www.nashville.gov/Public-Works/Developer-Services/Engineering-Details-and-Specifications.aspx>).



SITE PLAN
 SITE DEVELOPMENT PLANS FOR:
 2414 LEBANON PIKE
 NASHVILLE, DAVIDSON, TENNESSEE 37214

DR	DATE	DESCRIPTION



SURVEY INFO
 PROVIDED BY: CHERRY LAND SURVEYING, INC.
 DATUM: TENNESSEE STATE PLANE (NAD83 & NAVD 88)

C1.1



1049_05 2414 LEBANON PIKE
 2018-503

From: [Syracuse, Jeff \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#)
Subject: Fwd: BZA Meeting Agenda items for September 20, 2018
Date: Friday, September 7, 2018 3:13:56 PM
Attachments: [2018-503 neighboring letter.pdf](#)
[ATT00001.htm](#)
[2018-503 application.pdf](#)
[ATT00002.htm](#)

BZA Commissioners,

I'm not able to attend this hearing, however I write to express my full support for this variance. New Sidewalk and Stormwater infrastructure was installed here not too long ago.

The property owner has a great concept and vision for use of their property here and their adjoining properties and has the community's full support as well and we all want to support this effort. I've received zero inquiries or concern here. In no way would this variance negate a safe and accessible sidewalk. Thanks for your consideration of this variance request.

Regards,
Jeff Syracuse
CM D15
615-886-9906

Sent from my iPhone

Begin forwarded message:

From: "Fuqua, Barbara (Council Office)" <barbara.fuqua@nashville.gov>
Date: September 7, 2018 at 3:03:27 PM CDT
To: "Syracuse, Jeff (Council Member)" <Jeff.Syracuse@nashville.gov>
Subject: BZA Meeting Agenda items for September 20, 2018

Please see attached.

*Barbara Fuqua
Metro Council Office
204 Metro Courthouse
615-862-6780*

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Philip Neal

Date: 8/7/18

Property Owner: Richard A. Lewis

Case #: 2018- 504

Representative: Philip Neal, Richard A. Lewis

Map & Parcel: 0 8104022900

Council District 02

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose:

TO CONSTRUCT 2 COMMERCIAL BUILDINGS FOR 2 RESTAURANTS AND 1 RETAIL BUSINESS

Activity Type: NEW COMMERCIAL CONSTRUCTION

Location: 2030 ROSA PARKS BLVD

This property is in the CS Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: LANDSCAPE AND SIDEWALK VARIANCES

Section(s): 17.24.240 AND 17.12.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection _____ Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Philip Neal
Appellant Name (Please Print)

Representative Name (Please Print)

214 Oceanside Drive
Address

Address

Nashville, TN, 37204
City, State, Zip Code

City, State, Zip Code

615-564-2711
Phone Number

Phone Number

philipneal@kimley-horn.com
Email

Email

Appeal Fee: _____



August 20, 2018

Mr. David Ewing
Chairman
Metropolitan Board of Zoning Appeals
Metro Office Building
Nashville, TN 37219

**RE: *Variance Requests– Sidewalk and Perimeter Landscaping
2030 Rosa L. Parks Blvd.***

Dear Mr. Ewing,

On behalf of our client, Richard A. Lewis, we are submitting a Variance Request for the proposed redevelopment of the existing Trinity Automotive, located at 2030 Rosa L Parks Blvd, Map 081, Parcel 900. The variances requested are as follows:

1. **Sidewalk Variance** – The adopted Master Collector and Street Plan (MCSP) identifies a standard ROW section including 6' bikeway width, 6' grass strip width, and 8' sidewalk width. The Applicant proposes to use the existing 9' sidewalk and 8' bikeway (6' striped lane + 2' shoulder to gutter line) as is rather than building a new 8' sidewalk with 6' grass strip behind curb as outlined in the MCSP and BL2016-493. This proposal does not include any modification or disturbance to existing features within ROW or the dedication of additional ROW. This variance is requested for the following reasons and hardships:
 - a. **Topographic Hardship:** Due to steep slopes at the southern property frontage, the addition of ROW and sidewalk width will require approximately 250 sf of retaining wall with subgrade reinforcement materials that will likely encroach into the TDOT ROW. TDOT is resistant to accepting retaining walls in their ROW.
 - b. **Infrastructure Hardship:** The construction of a new sidewalk will severely impact existing city and municipality owned infrastructure resulting in relocation and re-working of large storm water and electric service lines that service several businesses up-and-down Rosa Parks Blvd. Additionally, the new sidewalk would require the relocation of TDOT street lighting and the existing 60' tall pylon sign.
 - c. **Existing Conditions:** The existing conditions feature a sidewalk of 9' width along the entire property frontage (larger than current code requires), and an 8' bikeway (6' striped lane + 2' shoulder to gutter line) on pavement. The existing conditions provide very accessible 2-way pedestrian traffic on the sidewalk and the recently installed TDOT bike lane not only provides safe conditions for bikers, but is an excellent buffer for pedestrian traffic from the vehicular traffic. The existing conditions substantially provide all of the benefits of the new sidewalk section.

These items are also outlined in the attached Exhibit 1. Considering these hardships, using the existing sidewalk section, with the addition of a 10' perimeter landscape strip behind the sidewalk will meet the intent of the sidewalk ordinance, maintain consistency with adjacent

sidewalk network, and provide a safe means of alternate transportation methods for the Metrocenter community. For the reasons outlined above, we ask that the Board of Zoning Appeals consider and grant our request to use the existing 9' sidewalk and 6' bikeway with redevelopment of this parcel.

2. **Perimeter Parking Screening Variance** – Code 17.24.150.B requires a perimeter landscape strip to separate parking areas from adjacent property lines. Applicant requests a waiver of perimeter parking area screening along a portion of the rear eastern property line for a length of 90' that coincides with the existing 90' x 8' parking easement on the adjacent property (Parcel 08104003700). The applicant intends to continue using the existing parking easement as it is used currently. This parking area is also elevated by an existing retaining wall approximately 6' from the adjacent property's average grade at the face of wall which inherently provides sufficient screening as confirmed by code verbiage in 17.24.150.A.3. Waiving perimeter screening in this circumstance is also consistent with the intent of Code 17.24.150.E which applies to conditions where easements are in place that make the relationship of parking areas with nearest property line unique. These circumstances are illustrated in the attached Exhibit 2.

With this letter, please find the attached items:

1. Variance Exhibits 1 and 2
2. \$200 Submittal Fee check
3. Variance request application

Please contact me at (615) 564-2711 or philip.neal@kimley-horn.com should you have any questions. Thank you and we look forward to working with you on this project.

Sincerely,



Philip Neal, P.E.



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3542962

ZONING BOARD APPEAL / CAAZ - 20180046531
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08104022900

APPLICATION DATE: 08/07/2018

SITE ADDRESS:

2030 ROSA L PARKS BLVD NASHVILLE, TN 37228
LOT 1 RE-SUB METROCENTER TRACT 21-B

PARCEL OWNER: METRO DEE PARTNERS

CONTRACTOR:

APPLICANT:

PURPOSE:

BZA Appeal of (1) 17.24.240 Required 5 ft landscape buffer along rear property line. Requesting a 0 ft buffer for 90 linear foot section containing a parking easement (see plans)

(2) 17.12.120 Variance to Sidewalk Requirements. Requesting to use existing sidewalks.

No Permit Application on file.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

Kimley»Horn

Transmittal

Date: 8/7/2018 Job Number: 118267000
 Project Name: Bullseye Center
 To: Bill Herbert
 Metropolitan Board of Zoning Appeals
 Nashville, TN

We are sending these by

- US Mail FedEx UPS
 Hand Deliver Courier Other

We are sending you

- Attached Under separate cover via _____ the following items
 Shop drawings Prints/Plans Samples Specifications Change Order Other

Number	Date	Copy	Description
1	8/7/18	1	Bullseye Center Variance Request Letter
2	8/7/18	8	Bullseye Center Variance Sidewalk Variance
3	8/7/18	8	Bullseye Center Variance Screening Variance
4	8/7/18	1	Bullseye Center Variance Request Application

These are transmitted as checked below:

- For your use Approved as submitted Resubmit
 As requested Approved as noted Submit
 For review and comment Returned for corrections Return
 Copies for approval Copies for distribution Corrected prints

Copy to:

Signature:

Phone: (615) 564-2711

Print Name: Philip Neal, P.E.

Kimley»»Horn

August 7, 2018

Mr. David Ewing
Chairman
Metropolitan Board of Zoning Appeals
Metro Office Building
Nashville, TN 37219

**RE: *Variance Requests – Sidewalk and Perimeter Landscaping*
*2030 Rosa L. Parks Blvd.***

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 - a. **Existing Sidewalk and Bikeway:** The existing conditions feature a sidewalk of 9' width along the entire property frontage, and a 8' bikeway (6' striped lane + 2' shoulder to gutter line) on pavement. Building a new sidewalk will result in a substantial disturbance of existing features, adjacent roadway, storm infrastructure, TDOT street lighting, and underground cables as marked.
 - b. **Steep Slopes:** Due to steep slopes at the southern property frontage, the addition of ROW and sidewalk width will require approximately 250 sf of retaining wall with subgrade reinforcement materials likely encroaching in ROW.
 - c. **Existing Pylon Sign:** The existing pylon sign is within approximately 4' of the existing ROW line. Adding sidewalk width and dedicating additional ROW will create a sign encroachment onto TDOT ROW and violate code setbacks.

These items are also outlined in the attached Exhibit 1. Considering these hardships, using the existing sidewalk section, with the addition of a 10' perimeter landscape strip behind the sidewalk will meet the intent of the sidewalk ordinance, maintain consistency with adjacent sidewalk network, and provide a safe means of alternate transportation methods for the Metrocenter community. For the reasons outlined above, we ask that the Board of Zoning Appeals consider and grant our request to use the existing 9' sidewalk and 6' bikeway with redevelopment of this parcel.

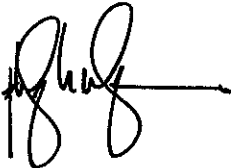
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Please contact me at (615) 564-2711 or philip.neal@kimley-horn.com should you have any questions. Thank you and we look forward to working with you on this project.

Sincerely,



Philip Neal, P.E.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.

Richard A. Lewis

APPELLANT

8/07/2018

DATE

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17.40.370. This Section is included as follows:

Physical characteristics of the property - The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property.

Unique characteristics - The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.

Hardship not self-imposed - The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of this Zoning Code.

Financial gain not only basis - Financial gain is not the sole basis for granting the variance.

No injury to neighboring property. - The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

No harm to public welfare - The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.

Integrity of Master Development Plan - The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.B.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions **MUST** affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

1. EXISTING CONDITIONS: EXISTING SIDEWALK AND BIKELANE, TOPOGRAPHIC AND UTILITY CONFLICTS
2. EXISTING PARKING EASEMENT ON ADJACENT PROPERTY

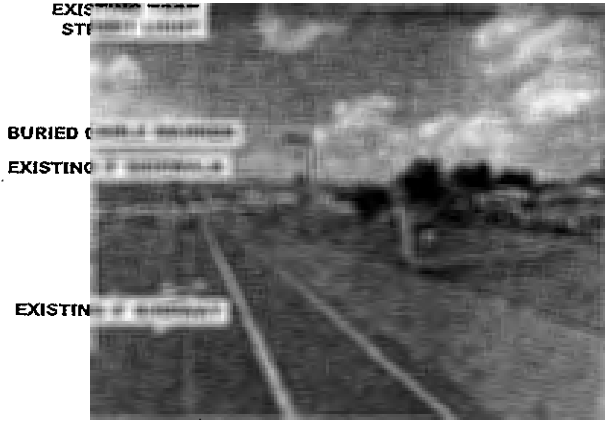


PHOTO 1
NORTH ALONG ROSA L PARKS BLVD



PHOTO 2
SOUTH ALONG ROSA L PARKS BLVD



PHOTO 3
NORTH ALONG ROSA L PARKS BLVD

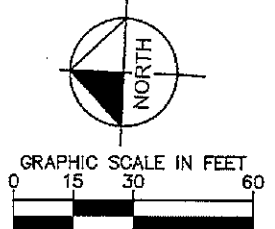
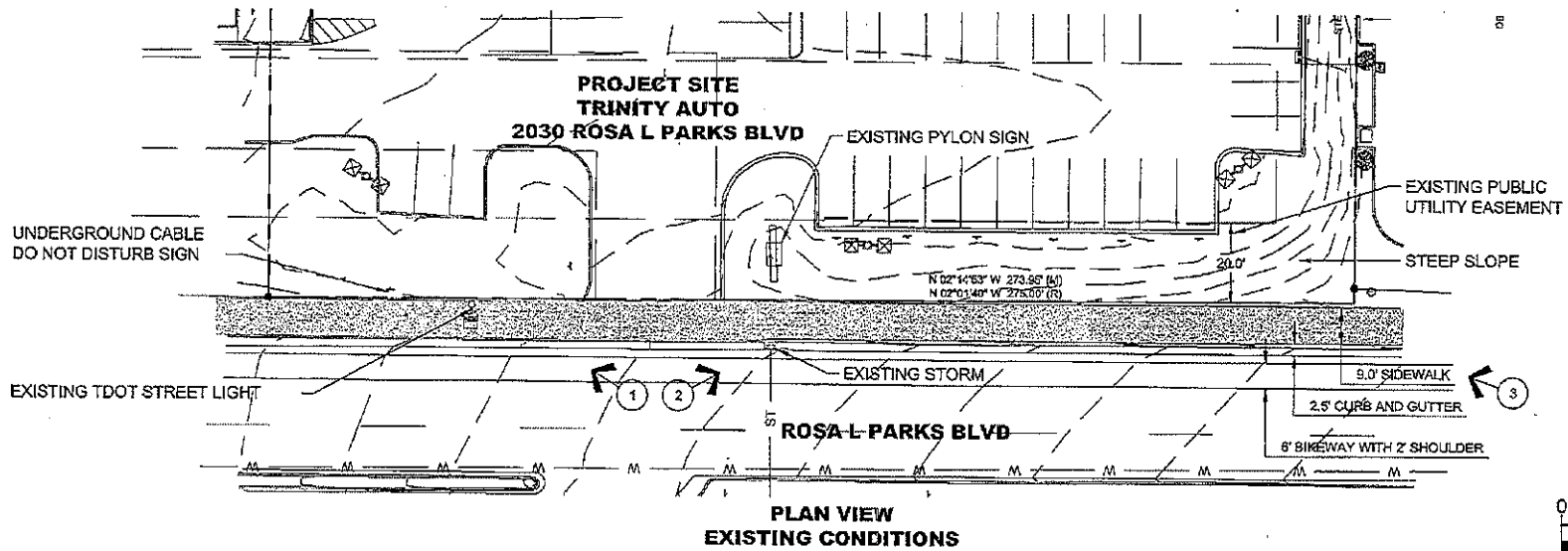


EXHIBIT 1 - SIDEWALK VARIANCE

2030 ROSA L PARKS BLVD, NASHVILLE, TN 37228

Kimley»Horn

AUGUST 7, 2018

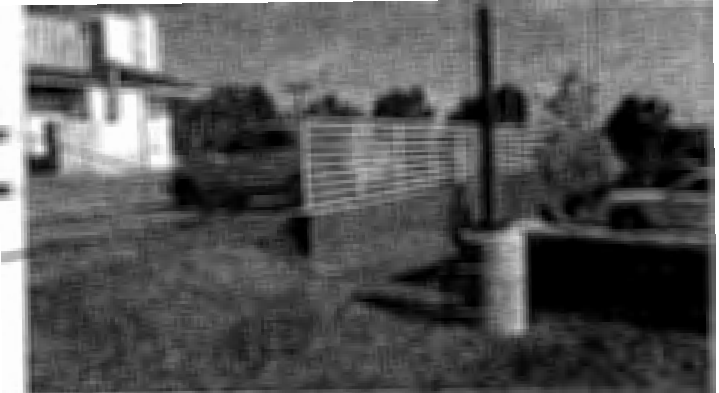
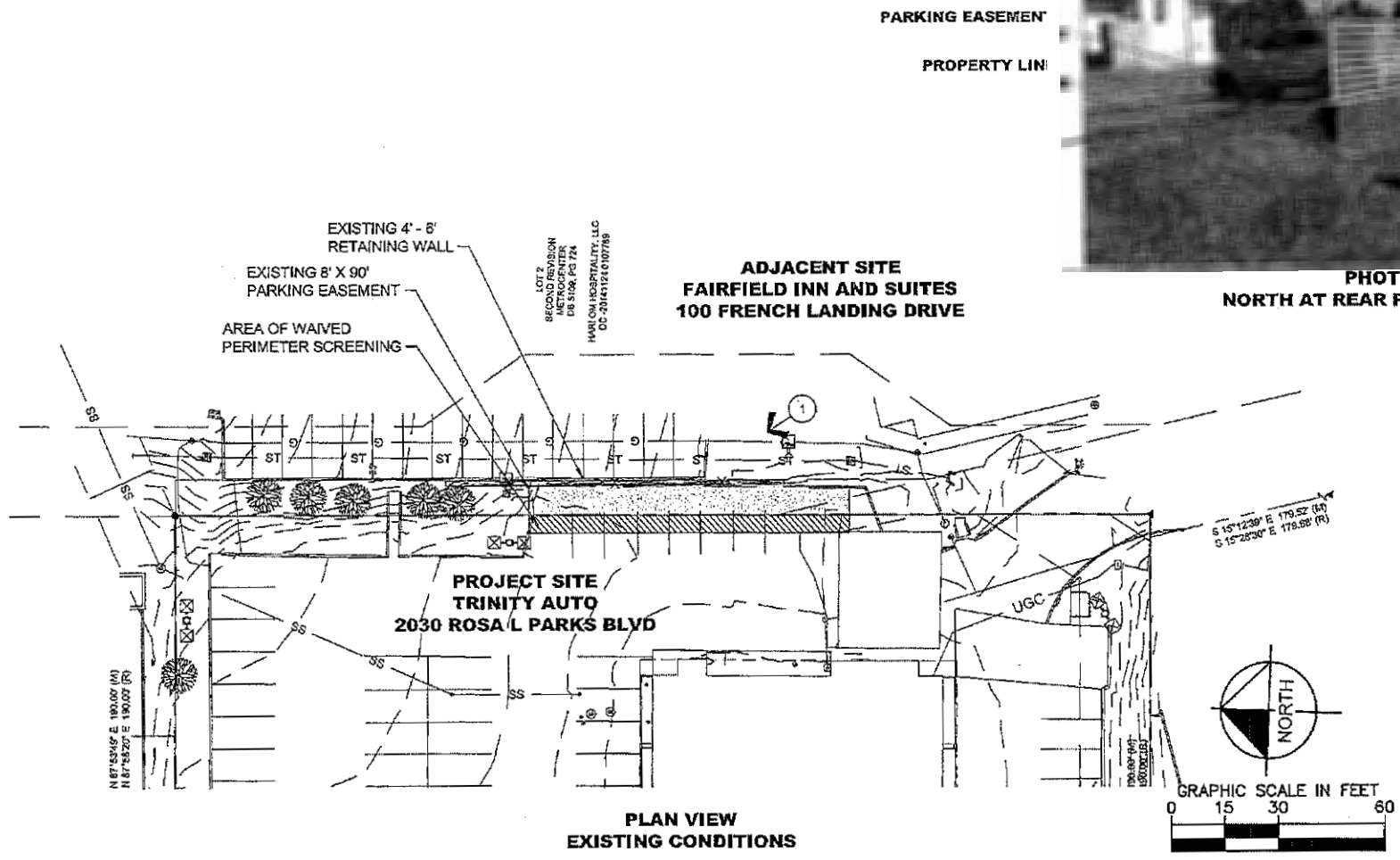


PHOTO 1
NORTH AT REAR PROPERTY LINE

EXHIBIT 2 - PERIMETER PARKING SCREENING VARIANCE

Kimley»Horn

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-504 (2030 Rosa Parks Boulevard)

Metro Standard:	6' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalks; construct a 10' landscape buffer behind existing sidewalks
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	T3-M-AB4-LM
Transit:	400' from #42 – St. Cecilia/Cumberland
Bikeway:	Existing Bike Lane

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant proposes constructing two commercial buildings to accommodate two restaurants and four retail businesses, and requests not to construct sidewalks to the Arterial-Boulevard standard due to the presence of an existing sidewalk along the frontage of the site, steep slopes, and the potential encroachment into the clear zone of TDOT right-of-way. Planning evaluated the following factors for the variance request:

- (1) A 9' sidewalk with no grass strip exists, as well as an 8' bike lane, along Rosa Parks Boulevard for the entire block from Vantage Way to 3rd Avenue North.
- (2) The applicant proposes constructing a 10' landscape buffer behind the existing sidewalk. This infrastructure would ideally separate the travel lanes from the sidewalk. Along an Arterial-Boulevard in this location, this solution does not contribute to a more comfortable walking environment.

Given the factors above, staff recommends **disapproval and recommends that the applicant construct the sidewalks to the Major and Collector Street Plan standard for the property frontage along Rosa L. Parks Boulevard. If the Board of Zoning Appeals finds that the variance should be granted based on the Review Standards of Section 17.40.370 of the Metro Zoning Code, staff recommends that the applicant pay the in-lieu contribution and dedicate right-of-way for future sidewalk construction.**



**PHOTO 1
NORTH ALONG ROSA L PARKS BLVD**



**PHOTO 2
SOUTH ALONG ROSA L PARKS BLVD**



**PHOTO 3
NORTH ALONG ROSA L PARKS BLVD**

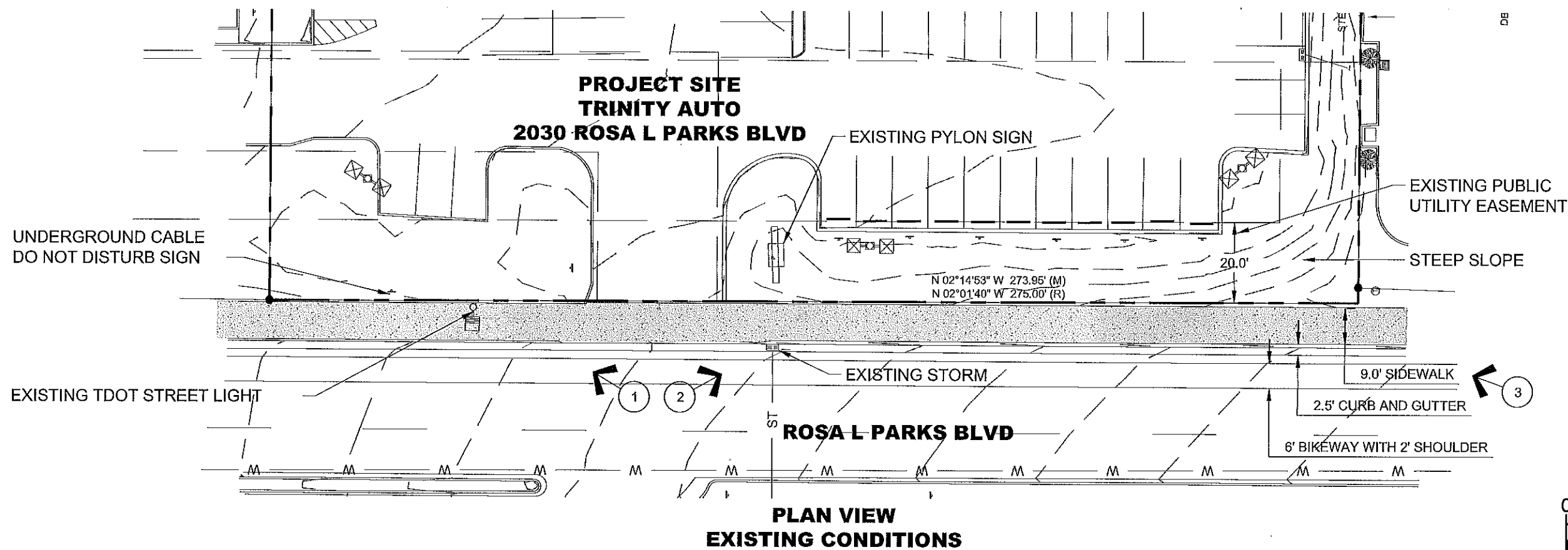


EXHIBIT 1 - SIDEWALK VARIANCE

Kimley»Horn



**PHOTO 1
NORTH AT REAR PROPERTY LINE**

PARKING EASEMENT

PROPERTY LINE

**ADJACENT SITE
FAIRFIELD INN AND SUITES
100 FRENCH LANDING DRIVE**

LOT 2
SECOND REVISION
METROCENTER
DB 5109, PG 724
HARI OM HOSPITALITY, LLC
DC-20141124.0107789

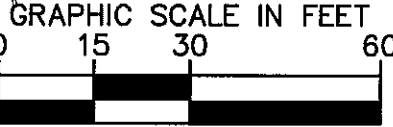
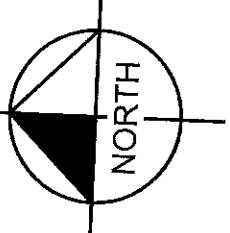
EXISTING 4' - 6'
RETAINING WALL

EXISTING 8' X 90'
PARKING EASEMENT

AREA OF WAIVED
PERIMETER SCREENING

**PROJECT SITE
TRINITY AUTO
2030 ROSA L PARKS BLVD**

S 15°12'39" E 179.52' (M)
S 15°28'30" E 179.68' (R)



**PLAN VIEW
EXISTING CONDITIONS**

EXHIBIT 2 - PERIMETER PARKING SCREENING VARIANCE

Kimley»Horn

2018-505

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Kelly Kellogg
Property Owner: Mike Cottrell
Representative: Kelly Kellogg

Date: 8-7-2018
Case #: 2018-505
Map & Parcel: 10614008200

Council District 17

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: to rehab fire damage single family residence

Activity Type: Single Family
Location: 1995 Gatlin Rd

This property is in the RS10 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: requesting not to install or contribute
Section(s): 17.20.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Kelly Kellogg
Appellant Name (Please Print)

Representative Name (Please Print)

1995 Gatlin Drive
Address

same
Address

Nashville TN 37210
City, State, Zip Code

City, State, Zip Code

615-499-0553
Phone Number

Phone Number

Kelly Kellogg12@gmail.com
Email

Email

Appeal Fee: 100.00



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3424156

BUILDING RESIDENTIAL - FIRE DAMAGE / CARJ - 2017073456

Inspection Checklist for Use and Occupancy

This is not a Use and Occupancy Notification

PARCEL: 10614008200

APPLICATION DATE: 11/15/2017

SITE ADDRESS:

1995 GATLIN DR NASHVILLE, TN 37210
LOT 4 RAYMOND HGTS

PARCEL OWNER: COTTRELL, ANTHONY W.

CONTRACTOR:

APPLICANT: PUROCLEAN EMERGENCY PROPERTY
RECOVERY DBA THE K GROUP, LLC
JESSICA EPLING

PUROCLEAN EMERGENCY PROPERTY 66718 STBC-A

NASHVILLE, TN 37207 615-932-2400

PURPOSE:

to conduct repair and rehab from fire damage residence. no change to footprint, to remain single family.

Sidewalks are required, applicant may pay in lieu of sidewalk requirements

***PURSUANT TO ORDINANCE NO 2008-1263 of the Metropolitan Code of Laws, I, holder of this permit, hereby certify that all construction and demolition waste generated by any and all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction or demolition waste shall be stored on the property in violation of any provisions of the Metropolitan Code. For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property.*

Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.

Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.

Building Framing - Ceiling		615-862-6566 Edward.Simpkins@nashville.gov
Building Final	REJECTED	615-862-6547 Sid.Hinkle@nashville.gov
Building Floor Elevation		615-862-6566 Edward.Simpkins@nashville.gov
Building Footing		615-862-6566 Edward.Simpkins@nashville.gov
Building Foundation		615-862-6566 Edward.Simpkins@nashville.gov
Building Framing	APPROVED	615-862-6547 Sid.Hinkle@nashville.gov
Building Framing - Wall		615-862-6566 Edward.Simpkins@nashville.gov
CA Building Progress Inspection	APPROVED	615-862-6566 Edward.Simpkins@nashville.gov
Building Slab		615-862-6566 Edward.Simpkins@nashville.gov
U&O Letter		(615) 862-6527 Carmina.Howell@nashville.gov

Inspection requirements may change due to changes during construction.

Need Site Plan

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17A0.370. This Section is included as follows:

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WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

Sidewalks are required on the building permit.
There is no sidewalks in the entire subdivision.
Two permits have been pulled after ones and
they don't require sidewalks on their's.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

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METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.


APPELLANT

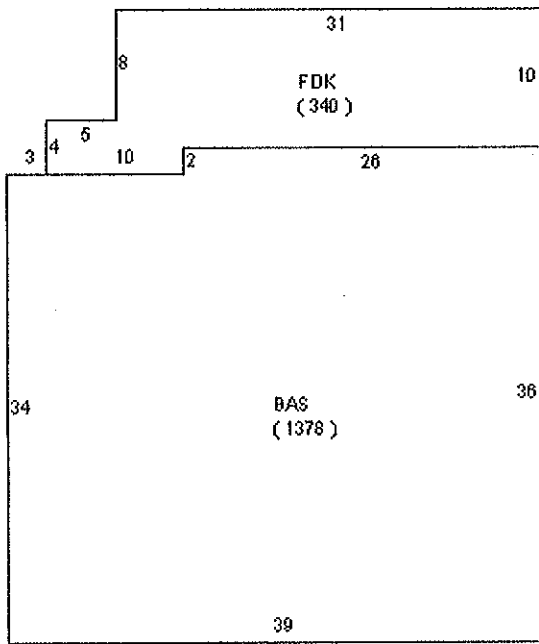
8-7-2012
DATE

Cottrell

Site Plan



02/26/2018





(<http://www.padctn.org>)



[Page \(/prc/property/117040/card/1\)](#)

[Record Card \(/prc/property/117040/print\)](#)

[Building and Improvement Details \(/prc/property/117040/card/1/interior\)](#)

[Historical Data \(/prc/property/117040/card/1/historical\)](#)

[Review/ Appeal \(/prc/property/117040/card/1/review\)](#)

[Google/ Bing Maps \(/prc/property/117040/card/1/map\)](#)

To return to your search results click your browsers back button

GENERAL PROPERTY INFORMATION

Map & Parcel: 106 14 0 082.00

Card 1 of 1 ▾

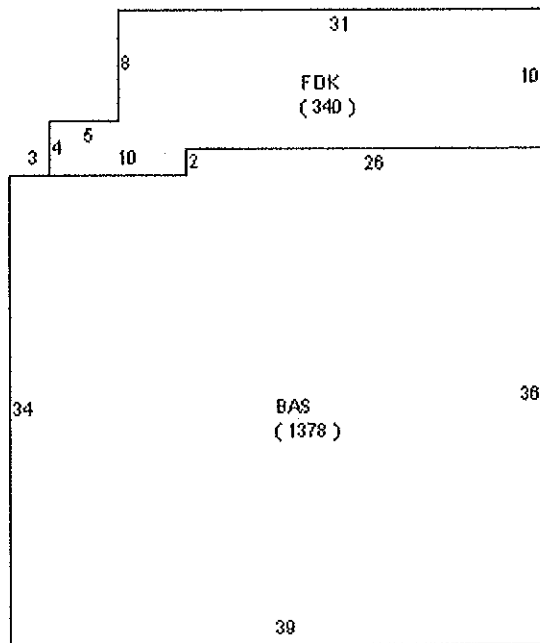
Location: 1995 GATLIN DR

Current Owner: COTTRELL, ANTHONY W.



(http://www.padctn.org/prc/Image_2018_May\117000\40001.JPG)

Click to Enlarge (http://www.padctn.org/prc/Image_2018_May\117000\40001.JPG)



(http://www.padctn.org/prc/Sketch_2018_May\117000\40001.jpg)

Click to Enlarge (http://www.padctn.org/prc/Sketch_2018_May\117000\40001.jpg)

Sketch Details (</prc/property/117040/card/1/interior>)

Mailing Address: 1995 GATLIN DR, NASHVILLE, TN 37210

Legal Description: LOT 4 RAYMOND HGTS 072X167XIR

Tax District: USD [View Tax Record \(https://nashville-tn.mygovonline.com/mod.php?mod=propertytax&mode=public_lookup\)](https://nashville-tn.mygovonline.com/mod.php?mod=propertytax&mode=public_lookup)

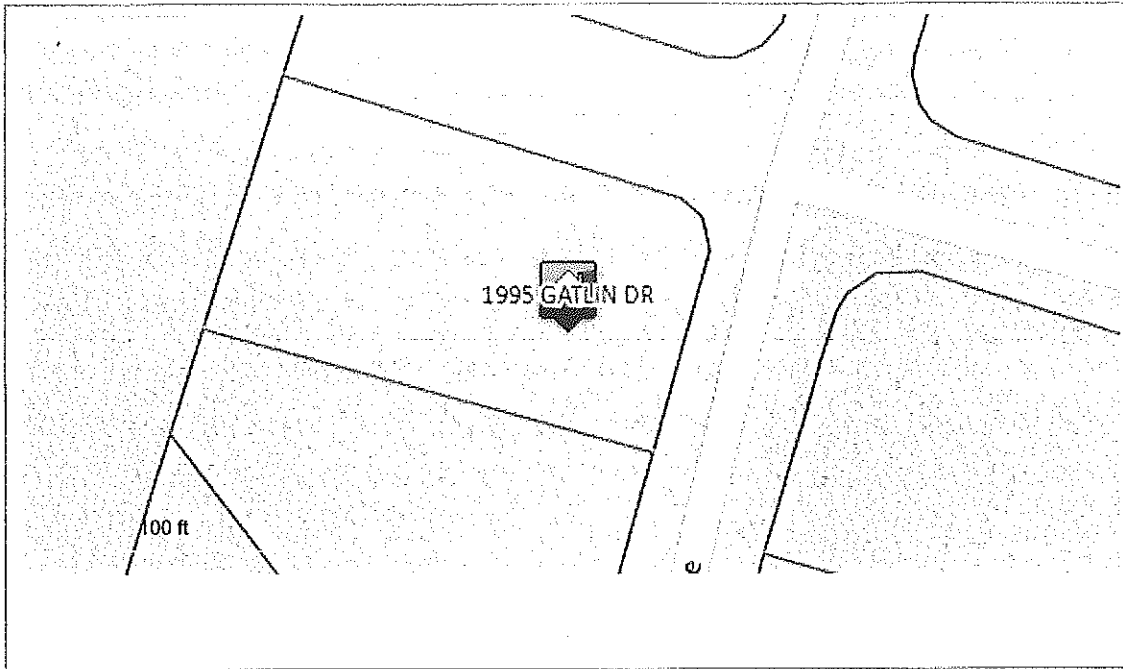
Assessment Classification*: RES

Legal Reference: 20061114-0141245 [View Deed \(https://www.davidsonportal.com/gis/file.php?file=200611140141245\)](https://www.davidsonportal.com/gis/file.php?file=200611140141245)

Sale Date: 11/10/2006

Sale Price: \$0

MAP TOOLS



Comper
 Sales Search (<http://davidson-tn-citizen.comper.info/template.aspx?propertyID=10614008200>)

Pictometry
 Aerial Photos (<http://community.spatiallest.com/tn/davidson/pictometry.php?y=36.128533&x=-86.736620>)

Metro
 Maps (<https://maps.nashville.gov/ParcelViewer/?parcelID=10614008200>)

To view data for another property click in map to select

*This classification is for assessment purposes only and is not a zoning designation, nor does it speak to the legality of the current use of the subject property.

TOTAL PROPERTY APPRAISAL / ASSESSMENT

- Assessment Year:** 2018
- Last Reappraisal Year:** 2017
- Improvement Value:** \$11,000
- Land Value:** \$60,000
- Total Appraisal Value:** \$71,000
- Assessed Value:** \$17,750
- Property Use:** SINGLE FAMILY
- Zone:** 1
- Neighborhood:** 3132

Land Area: 0.35 Acres

GENERAL ATTRIBUTES - CARD 1

Property Type: SINGLE FAM

Number of Rooms: 5

Year Built: 1950

Number of Beds: 2

Square Footage: 1,378

Number of Baths: 1

Exterior Wall: FRAME

Number of Half Bath: 1

Story Height: ONE STY

Number of Fixtures: 7

Building Condition: Average

Foundation Type: CRAWL

PADCTN.ORG

Home (<http://www.padctn.org>)

Who We Are, What We Do (<http://www.padctn.org/general/>)

Real Property Search (<http://www.padctn.org/real-property-search/>)

Real Property (<http://www.padctn.org/real-property/>)

Personal Property (<http://www.padctn.org/personal-property/>)

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System Requirements (<http://www.padctn.org/system-requirements/>)

Annual Paper Reduction Report (<http://www.padctn.org/annual-paper-reduction-report/>)

QUICK LINKS

Metro Sites (<http://www.padctn.org/general/topic-index-and-links/>)

Surrounding Counties (<http://www.padctn.org/general/topic-index-and-links/>)

State Sites (<http://www.padctn.org/general/topic-index-and-links/>)

CONTACT

Staff Directory (<http://www.padctn.org/staff-directory/>)

Directions (<http://www.padctn.org/directions/>)

Survey (<http://www.padctn.org/survey/>)



E-mail Customer Service (<mailto:assessorweb@nashville.gov>)

Facebook (<https://www.facebook.com/metronashvilleassessorofproperty/>)

Twitter (<https://twitter.com/NSHPropAssessor>)

Main Line: (615) 862-6080 Fax: (615) 862-6057 Open Monday - Friday, 8:00 am-
4:30 pm (Except Holidays)

Mailing: P.O. Box 196305 Nashville, TN 37219-6305 Physical: 700 2nd Ave S, Suite
210, Nashville, TN 37210

 For ADA assistance: please contact Kristina Ratcliff at (615) 862-6998.

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12547663

Visitors to the site

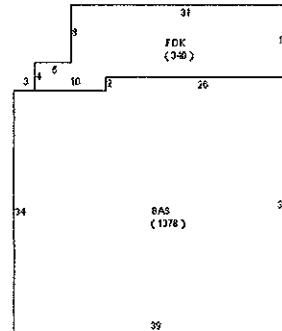
Map & Parcel No.: 106 14 0 082.00

Location Address: 1995 GATLIN DR NASHVILLE

Building Square Footage

Sub Area *	Sketched Area	Finished Area
BAS BASE AREA	1,378	1,378
FDK FDK	340	0
Total	1,718	1,378

Building Sketch



Building Attributes

Property Type: SINGLE FAM
Year Built: 1950
Story Height: ONE STY
Living Units: 1
Exterior Wall: FRAME
Building Condition: Average
Foundation Type: CRAWL
Roof Cover: ASPHALT

Room and Baths

Number of Rooms: 5
Number of Beds: 2
Number of Baths: 1
Number of Half Bath: 1
Number of Fixtures: 7

Building Special Features

Improvement Type	Quantity	Units	Condition
CCAI - CENT AIR	1	1,378	AV

Supporting Improvements

Improvement Type	Quantity	Units	Condition	Year Built**
------------------	----------	-------	-----------	--------------

*Square Footage may include more than one of this sub area type.

**The Assessor's Office did not begin entering certain "Improvement Type" data until 1998. As a result, some improvements completed prior to 1998 indicate a year "Built" of 1998.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-505 (1995 Gatlin Drive)

Metro Standard:	Gatlin Drive – 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
	Scobey Drive – 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not construct sidewalks; not contribute in lieu of construction (eligible)
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	Gatlin Drive – Local Street
	Scobey Drive – Local Street
Transit:	None existing; none planned
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve.*

Analysis: The applicant is reconstructing a single family house which was destroyed by a recent structure fire. The variance request is not the result of an expansion to the use or an increase in units.

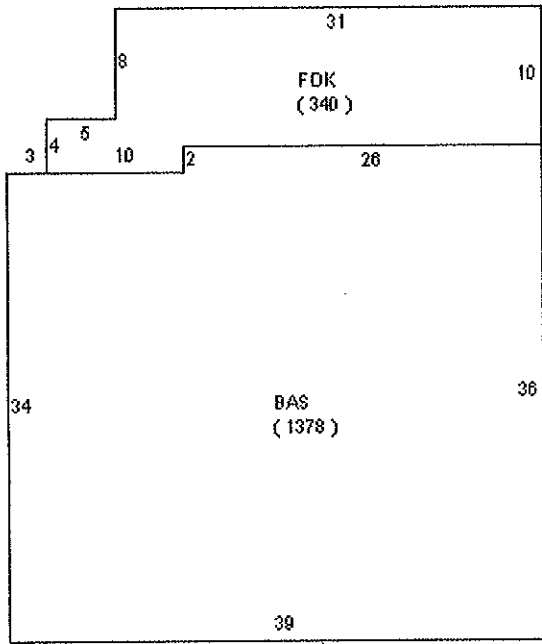
Given the factor above, staff recommends **approval**.

Cottrell

Site Plan



02/26/2018





(<http://www.padctn.org>)



[Page \(/prc/property/117040/card/1\)](/prc/property/117040/card/1)

[Record Card \(/prc/property/117040/print\)](/prc/property/117040/print)

[Building and Improvement Details \(/prc/property/117040/card/1/interior\)](/prc/property/117040/card/1/interior)

[Historical Data \(/prc/property/117040/card/1/historical\)](/prc/property/117040/card/1/historical)

[Review/ Appeal \(/prc/property/117040/card/1/review\)](/prc/property/117040/card/1/review)

[Google/ Bing Maps \(/prc/property/117040/card/1/map\)](/prc/property/117040/card/1/map)

To return to your search results click your browsers back button

GENERAL PROPERTY INFORMATION

Map & Parcel: 106 14 0 082.00

Card 1 of 1 ▾

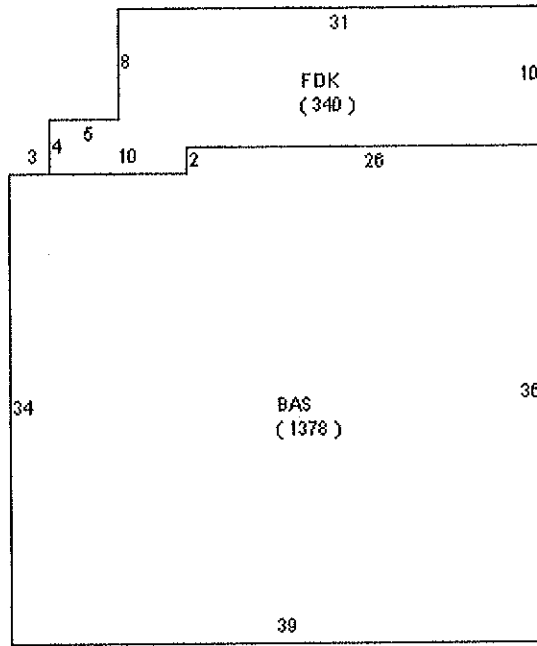
Location: 1995 GATLIN DR

Current Owner: COTTRELL, ANTHONY W.



(http://www.padctn.org/prc/Image_2018_May\117000\40001.JPG)

Click to Enlarge (http://www.padctn.org/prc/Image_2018_May\117000\40001.JPG)



(http://www.padctn.org/prc/Sketch_2018_May\117000\40001.jpg)

Click to Enlarge (http://www.padctn.org/prc/Sketch_2018_May\117000\40001.jpg)

Sketch Details (<prc/property/117040/card/1/interior>)

Mailing Address: 1995 GATLIN DR, NASHVILLE, TN 37210

Legal Description: LOT 4 RAYMOND HGTS 072X167XIR

Tax District: USD [View Tax Record \(https://nashville-tn.mygovonline.com/mod.php?mod=propertytax&mode=public_lookup\)](https://nashville-tn.mygovonline.com/mod.php?mod=propertytax&mode=public_lookup)

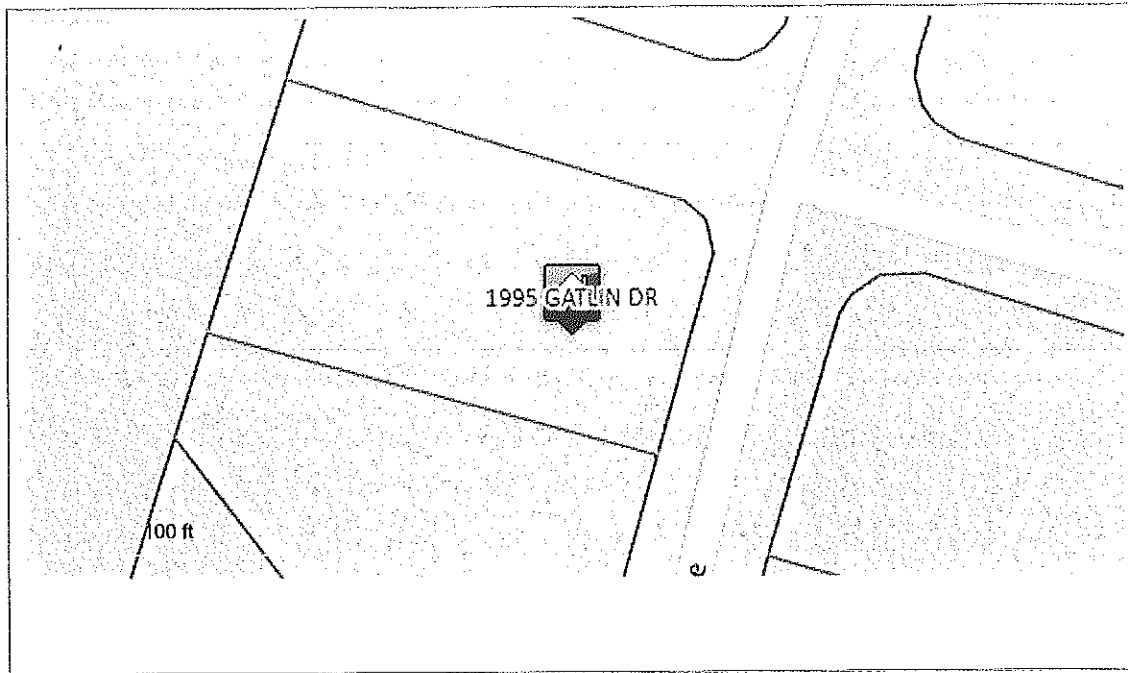
Assessment Classification*: RES

Legal Reference: 20061114-0141245 [View Deed \(https://www.davidsonportal.com/gis/file.php?file=200611140141245\)](https://www.davidsonportal.com/gis/file.php?file=200611140141245)

Sale Date: 11/10/2006

Sale Price: \$0

MAP TOOLS



Comper

Sales Search (<http://davidson-tn-citizen.comper.info/template.aspx?propertyID=10614008200>)

Pictometry

Aerial Photos (<http://community.spatalest.com/tn/davidson/pictometry.php?y=36.128533&x=-86.736620>)

Metro

Maps (<https://maps.nashville.gov/ParcelViewer/?parcelID=10614008200>)

To view data for another property click in map to select

*This classification is for assessment purposes only and is not a zoning designation, nor does it speak to the legality of the current use of the subject property.

TOTAL PROPERTY APPRAISAL / ASSESSMENT

Assessment Year: 2018

Last Reappraisal Year: 2017

Improvement Value: \$11,000

Land Value: \$60,000

Total Appraisal Value: \$71,000

Assessed Value: \$17,750

Property Use: SINGLE FAMILY

Zone: 1

Neighborhood: 3132

Land Area: 0.35 Acres

GENERAL ATTRIBUTES - CARD 1

Property Type: SINGLE FAM

Number of Rooms: 5

Year Built: 1950

Number of Beds: 2

Square Footage: 1,378

Number of Baths: 1

Exterior Wall: FRAME

Number of Half Bath: 1

Story Height: ONE STY

Number of Fixtures: 7

Building Condition: Average

Foundation Type: CRAWL

PADCTN.ORG

Home (<http://www.padctn.org>)

Who We Are, What We Do (<http://www.padctn.org/general/>)

Real Property Search (<http://www.padctn.org/real-property-search/>)

Real Property (<http://www.padctn.org/real-property/>)

Personal Property (<http://www.padctn.org/personal-property/>)

Appeal Information (<http://www.padctn.org/review-appeal/>)

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Terms of Use (<http://www.padctn.org/terms-of-use/>)

System Requirements (<http://www.padctn.org/system-requirements/>)

Annual Paper Reduction Report (<http://www.padctn.org/annual-paper-reduction-report/>)

QUICK LINKS

Metro Sites (<http://www.padctn.org/general/topic-index-and-links/>)

Surrounding Counties (<http://www.padctn.org/general/topic-index-and-links/>)

State Sites (<http://www.padctn.org/general/topic-index-and-links/>)

CONTACT

Staff Directory (<http://www.padctn.org/staff-directory/>)

Directions (<http://www.padctn.org/directions/>)

Survey (<http://www.padctn.org/survey/>)


 E-mail Customer Service (<mailto:assessorweb@nashville.gov>)

Facebook (<https://www.facebook.com/metronashvilleassessorofproperty/>)

Twitter (<https://twitter.com/NSHPropAssessor>)

Main Line: (615) 862-6080 Fax: (615) 862-6057 Open Monday - Friday, 8:00 am-
4:30 pm (Except Holidays)

Mailing: P.O. Box 196305 Nashville, TN 37219-6305 Physical: 700 2nd Ave S, Suite
210, Nashville, TN 37210

 For ADA assistance: please contact Kristina Ratcliff at (615) 862-6998.

© Copyright Nashville Assessor of Property 2015

12547663

Visitors to the site

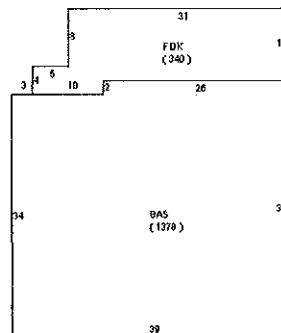
Map & Parcel No.: 106 14 0 082.00

Location Address: 1995 GATLIN DR NASHVILLE

Building Square Footage

Sub Area *	Sketched Area	Finished Area
BAS BASE AREA	1,378	1,378
FDK FDK	340	0
Total	1,718	1,378

Building Sketch



Building Attributes

Property Type: SINGLE FAM
Year Built: 1950
Story Height: ONE STY
Living Units: 1
Exterior Wall: FRAME
Building Condition: Average
Foundation Type: CRAWL
Roof Cover: ASPHALT

Room and Baths

Number of Rooms: 5
Number of Beds: 2
Number of Baths: 1
Number of Half Bath: 1
Number of Fixtures: 7

Building Special Features

Improvement Type	Quantity	Units	Condition
CCAI - CENT AIR	1	1,378	AV

Supporting Improvements

Improvement Type	Quantity	Units	Condition	Year Built**
------------------	----------	-------	-----------	--------------

*Square Footage may include more than one of this sub area type.

**The Assessor's Office did not begin entering certain "Improvement Type" data until 1998. As a result, some improvements completed prior to 1998 indicate a year "Built" of 1998.

2018-505
Support

Lifsey, Debbie (Codes)

From: Sledge, Colby (Council Member)
Sent: Thursday, September 13, 2018 4:05 PM
To: Board of Zoning Appeals (Codes)
Cc: Michael, Jon (Codes)
Subject: D17 items for Sept. 20

Board members,

Good afternoon. Here are my stances for the Sept. 20 meeting; thanks, as always, for your service.

2018-491: **Support**, as I have talked with property owner and he has reached out for neighbor support.

2018-493: **Oppose**, as a rental car company is not the best use for this property, and they have not reached out to me or neighbors.

2018-500: **Oppose**, as this goes against the R6-A zoning the neighborhood requested.

2018-505: **Support**, as I don't want the homeowner to have to pay into the sidewalk fund due to a residential fire.

2018-511: **Support**, as I haven't heard any issues regarding the addition.

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727
ColbySledge.com
[Sign up for my weekly newsletter here!](#)

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: William Haynes
Property Owner: " "
Representative: " "

Date: 8-7-18
Case #: 2018-506
Map & Parcel: 146-11-97

Council District 26

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: Requesting Height variance to allow 20' height for detached garage. Maximum height 16'

Activity Type: New Construction - Garage

Location: 521 Arrowhead Dr.

This property is in the R520 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Does not meet maximum height

Section(s): 12.12.060(B)

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection _____ Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

William Jackson Haynes
Appellant Name (Please Print)

Same
Representative Name (Please Print)

521 Arrowhead Dr.
Address

Address

Nashville, TN 37220
City, State, Zip Code

City, State, Zip Code

615-330-5929
Phone Number

Phone Number

Jack@nextlevelfitness.com
Email

Email

Appeal Fee: \$100.00

1118



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



ZONING BOARD APPEAL / CAAZ - 20180046615
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 14611009700

APPLICATION DATE: 08/07/2018

SITE ADDRESS:

521 ARROWWOOD DR NASHVILLE, TN 37220
LOT 269 SEC 4 CRIEVE HALL EST

PARCEL OWNER: HAYNES, WILLIAM J. & LYNCH, JEFFREY C

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting variance to allow 20' height for detached garage structure. Max height 16'.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions **MUST** affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

Most of the front of the property is
unusable due to the waterway / flood zone
and we need more space.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.



APPELLANT

8/7/18

DATE

2018-506

From: Elrod, Jeremy (Council Member) Jeremy.Elrod@nashville.gov
Subject: CASE 2018-410 - I Support
Date: August 1, 2018 at 1:44 PM
To: Board of Zoning Appeals (Codes) bza@nashville.gov
Cc: jack@nextlevelfitness.com



Dear Board of Zoning Appeals,

I am writing in support of CASE 2018-410 on your August 2 agenda.

Mr. Haynes would like to build a garage at the rear of his property. The front of his property is largely unusable due to the creek, thus it needing to be located at the very rear of the property. Mr. Haynes would like to build it to a height of 24 feet for use as a bonus room, and he has stated he will not be renting it out. He plans to brick the garage, which will match the characteristics of the street and neighborhood.

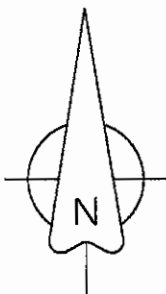
Because of these factors, I support the variance and request your approval.

Thanks,

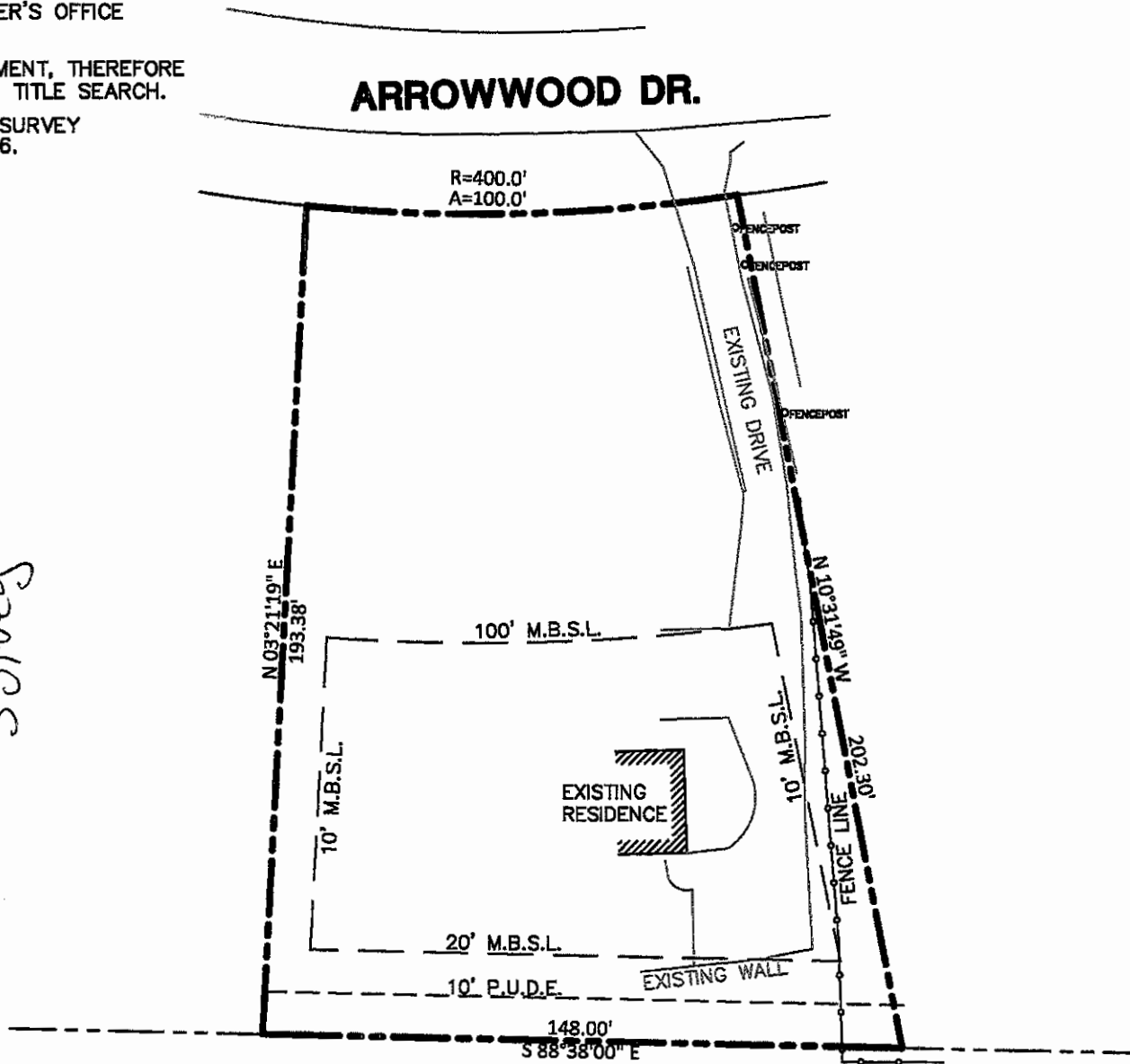
Jeremy L. Elrod
Nashville Metro Councilman, District 26
mobile 615.852.7197 | office 615.862.6780
JeremyElrod26.com | facebook.com/JeremyElrod26 | twitter.com/jeremyelrod26

1. PARCEL NUMBERS SHOWN AS THUS (00) REFER TO DAVIDSON COUNTY
2. ALL DEED & PLAT REFERENCES ARE MADE TO THE REGISTER'S OFFICE DAVIDSON COUNTY, TENNESSEE.
3. THIS SURVEYOR WAS NOT PROVIDED WITH A TITLE COMMITMENT, THEREFORE THIS SURVEY IS SUBJECT TO THE FINDINGS OF A DETAILED TITLE SEARCH.
4. THIS IS NOT INTENDED TO REPRESENT A FULL BOUNDARY SURVEY AND WAS DONE UNDER THE AUTHORITY OF TCA 62-18-126.

7018.506



Boundary Survey



PARCEL ID. 14611009700
 WILLIAM J. HAYNES
 JEFFREY C. LYNCH
 IN. 20150805 0077711
 LOT 269
 CRIEVE HALL ESTATES
 PBK. 2133, PG. 80

STIVERS LAND SURVEYING

JASON STIVERS, FLS 2210
 1134 LAKEWOOD DR.
 GALLATIN, TN. 37066
 615-630-1171
 stiverslandsurveying@gmail.com

LOT 269 CRIEVE HALL ESTATES

BOUNDARY EXHIBIT
 621 ARROWWOOD DR.
 NASHVILLE, 26TH COUNCIL DISTRICT
 DAVIDSON COUNTY, TENNESSEE

EXHIBIT "A"
 BOUNDARY EXHIBIT
 DATE: 7-30-18
 JOB #18-050
 SCALE: 1"=40'
 SHEET 1 OF 1

R=400.0'
A=100.0'

Survey
(Zoomed in)

N 03°21'19" E
193.38'

10' M.B.S.L.

100' M.B.S.L.

EXISTING RESIDENCE

20' M.B.S.L.

10' P.U.D.E.

148.00'

S 88°38'00" E

FENCEPOST

FENCEPOST

FENCEPOST

EXISTING DRIVE

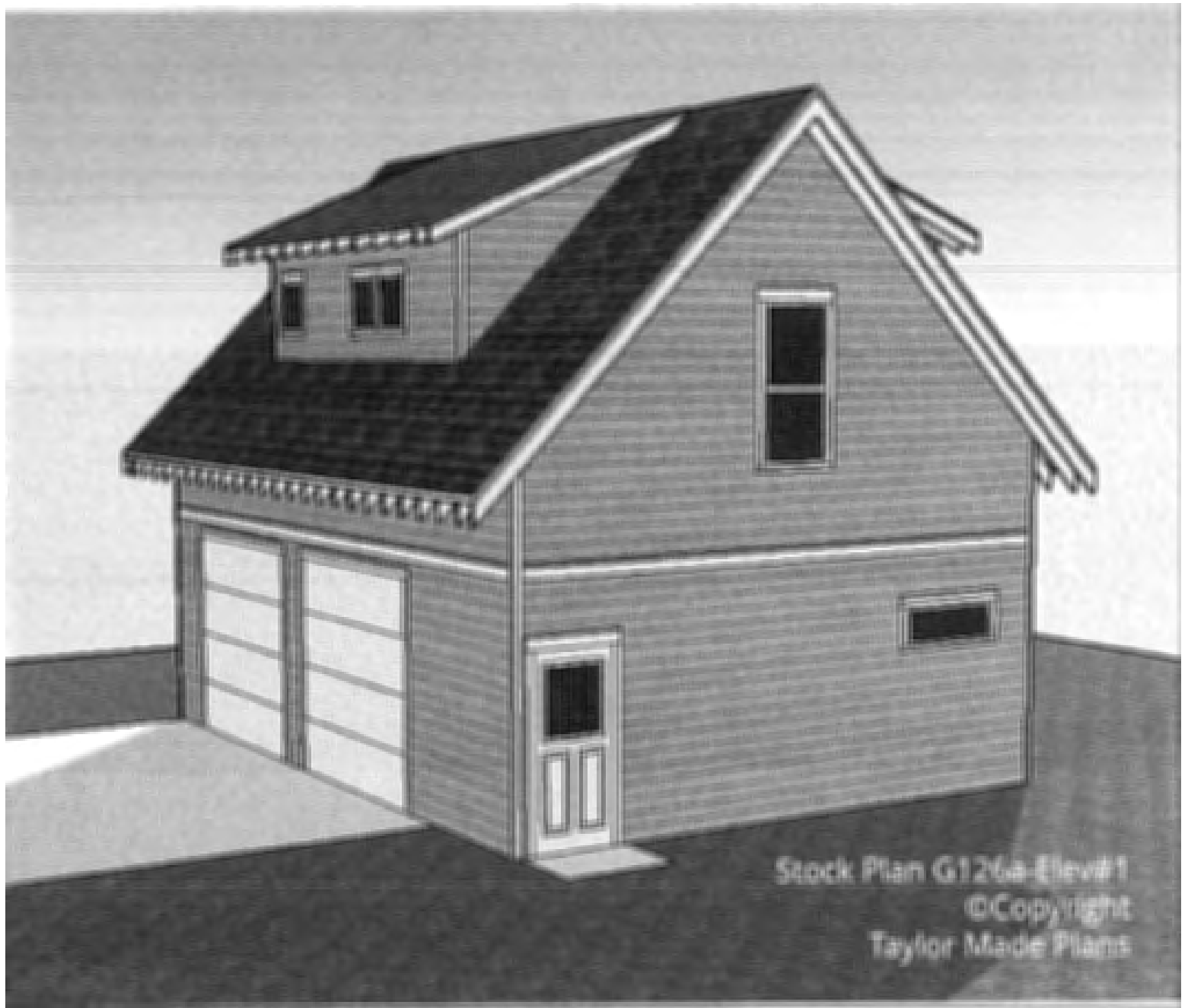
N 10°31'49" W

7.5' M.B.S.L. 01

202.30'

FENCE LINE

EXISTING WALL



Example A

- Detached garage with dormers

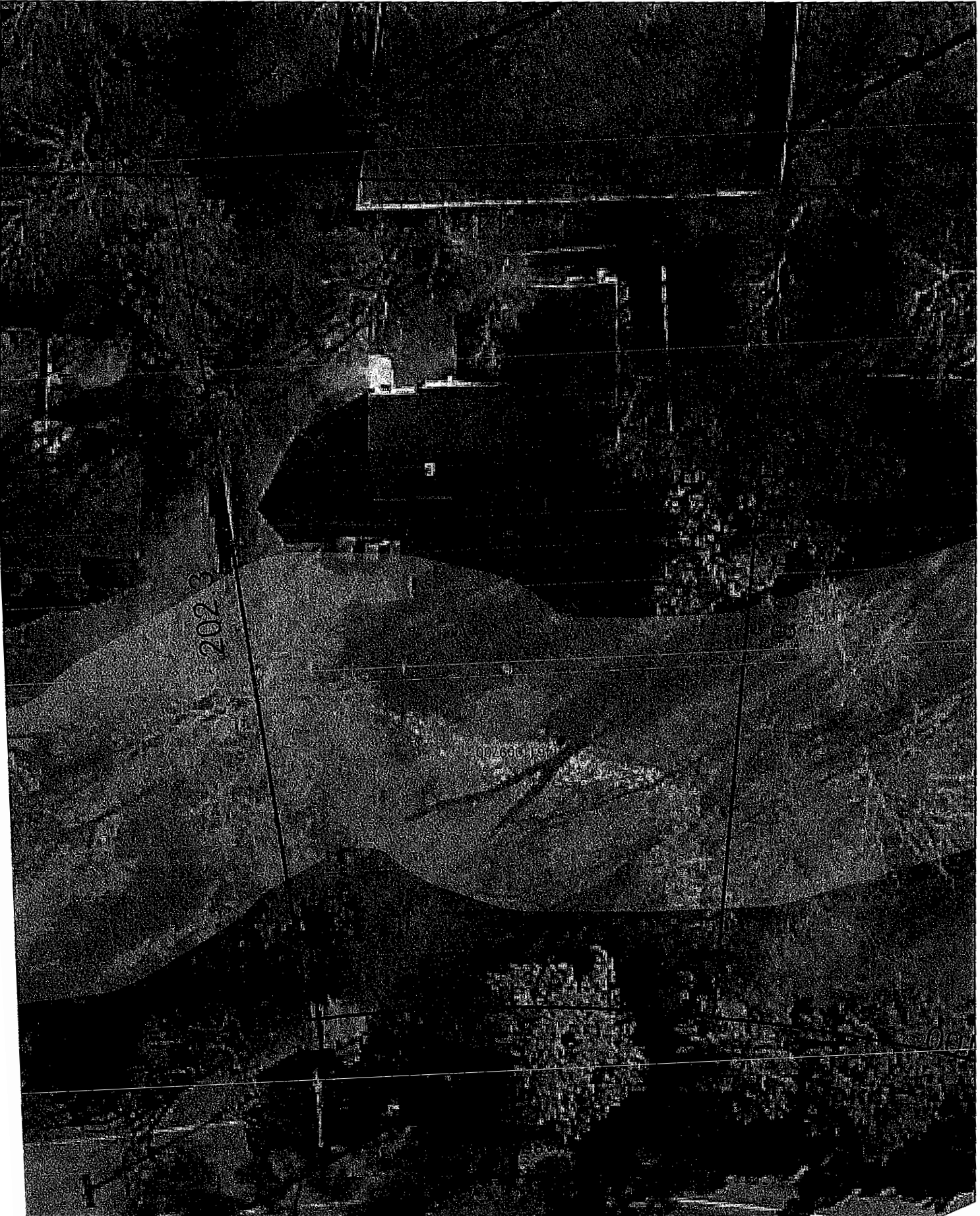


Example B

- Detached garage with dormers



1 inch = 30 feet



2023

002680 131

2018-506

Austin Marcum

514 Arrowwood Drive
Nashville, TN 37220

marcum.austin@gmail.com

August 16, 2018

Dear Metro Zone Board,

My name is Austin Marcum. I currently own the house at 514 Arrowwood Dr., almost directly across from Jack and Melissa Haynes' home. Not only do I currently own the Arrowwood Home, I also grew up on Stillwood Dr. only 100 yards away from the Haynes' front lawn.

I am in complete support of their proposed addition of a garage and above bonus room. The area of their land they have chosen to build the detached garage on is an ideal spot for it and will only add value to their home along with those around it. Over the past 5+ years, many of the residents in the Crieve Hall community have added additional garages/ detached storage buildings. These additions have increased the value of the homes and added more curb appeal to the homes/neighborhood.

Sincerely yours,

Austin Marcum

A handwritten signature in black ink, appearing to read 'Austin Marcum', with a long, sweeping horizontal stroke extending to the right.

2018-506

David Harvick

4929 Monterey Drive
Nashville, TN 37220

david.harvick@gmail.com

August 2, 2018

To Whom it may concern,

My name is David Harvick and I live at 4929 Monterey Dr, which is diagonally across from Jack and Melissa Haynes' home. I am in support of their garage addition, and am unaware of any opposition from any of our neighbors. Their home sits back a good distance from Arrowwood Dr and backs up to a large tree lined hill. In my opinion, based off their topography and the layout of their land, this would be the most fitting placement of a garage and will not detract from any of our surrounding homes. In addition there are already 3 homes on our street that are 2 stories, including my own home. Therefore I feel they would be in conformity with these homes as well.

Sincerely,

A handwritten signature in black ink, appearing to read "David Harvick", with a stylized flourish at the end.

David Harvick

2018-506

Eva Close, Attorney-at-Law
5013 Stillwood Drive
Nashville, TN 37220

615.333.2211

September 4, 2018

In RE: 14611009700 Parcel Number
521 Arrowwood Drive
20180046615 Zoning Case Number

Metro Office Building, 3rd Floor
P. O. Box 196300
Nashville, TN 37219-6300

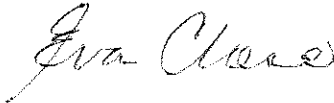
To Whom It May Concern:

We do not have a problem with this zoning variance request.

I talked to the wife yesterday (9.3.18) and it sounds like it's not even high enough to equal a 2-story home, of which there are several in the Crieve Hall area. It's just a little garage bonus room on top of the proposed garage for their 2 young sons.

Difficult topo. We wish this young couple the very best.

Respectfully,



Eva Close, ESQ.

2018-506

August 28, 2018

RE: In Support of Jack and Melissa Hayne's Appeal
Case Number: 2018-506

My name is the Reverend Thomas McKenzie, and I have lived in my home near Briarwood Drive and Trousdale since 2004. We are just about a minute away from the Hayne's home.

The Haynes have done a great job with their house. When they bought it, it was in sad shape. What they have done is amazing, both inside and outside of the home. You should see it, from the building itself to the landscaping, the whole thing. It's my opinion that they have great taste, they do fine work, and they are brining up the value of entire neighborhood.

I'm writing to voice my full support of their garage addition. I can't see any legitimate reason why anyone would oppose it.

Thanks for your attention

R Tho McKenzie

The Reverend Thomas McKenzie
4828 Briarwood Drive, 37211

2018-506
Support

Lawrence A Bullock
5013 Stillwood Dr
Nashville, TN 37220

Metropolitan Government of Nashville & Davidson County
Department of Codes and Building Safety
P. O. Box 196300
Nashville, TN 37219-6300

September 10, 2018

Ref: Your letter of August 13, 2018

I am writing in regard to the Appeal Case Number 2018-506, a zoning variance request for the residence at 521 Arrowwood Drive, Map Parcel 14611009700.

I have no problem or issue with the zoning variance request.

Sincerely,

A handwritten signature in cursive script that reads "Lawrence A Bullock".

Lawrence A Bullock

2018-506

To whom it may concern,

August 14, 2018

My name is Philip Codington, and I live at 5020 Stillwood Drive, which is on the opposite side of the same block as Jack and Melissa Haynes' home. Since being in the neighborhood, Jack and Melissa have done a tremendous job with renovating their home and improving their yard and landscaping – and as a result, bringing new life to their street. Their yard is always very well maintained, and as a neighbor, I believe the efforts they have put into their home as increased the property values of the homes around them.

As it relates to Appeal Case # is 2018-506, Jack and Melissa are seeking approval to build a garage on the back of their property. I am in support of their garage addition, and am unaware of any opposition from any of our neighbors. Their home sits back a good distance from Arrowwood Drive and backs up to a large tree lined hill (which backs up against the back of my property). In my opinion, based off their topography and the layout of their land, this would be the most fitting placement of a garage and will not detract from any of our surrounding homes. In addition there are already 3 homes on Arrowwood Drive that are 2 stories. Therefore, I feel that the garage addition would be in conformity with the existing homes in the neighborhood.

Please consider this my approval in favor of Jack and Melissa's appeal case.

Sincerely,

A handwritten signature in black ink that reads "Philip Codington". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Philip & Rachel Codington

5020 Stillwood Drive
Nashville, TN 37220
(423) 504 5600

Metropolitan Board of Zoning Appeals
Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: William Radford Date: 8-7-18
Property Owner: William Radford + Kenny Norman Case #: 2018-507
Representative: Karla Newman Map & Parcel: 08108041400
Tifnic Capehart
Council District 19

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: to conduct interior rehab to existing structure

Activity Type: _____

Location: 604 Garfield St.

This property is in the R6A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: requesting not to install or contribute

Section(s): 17.20.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

William Radford
Appellant Name (Please Print)

Karla Newman
Representative Name (Please Print)

1703 5th Ave N
Address

4012 Calumet Dr
Address

Nashville, TN 37208
City, State, Zip Code

Antioch TN 37013
City, State, Zip Code

615-497-4647
Phone Number

615-474-8406
Phone Number

william.a.radford@gmail.com
Email

K.Newman73@Rocketmail.com
Email

Appeal Fee: 200.00



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



ZONING BOARD APPEAL / CAAZ - 20180046867
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08108041400

APPLICATION DATE: 08/08/2018

SITE ADDRESS:

614 GARFIELD ST NASHVILLE, TN 37208
LT PT 219 217 215 NORTH NASH REAL EST CO

PARCEL OWNER: NORMAN, ROBERT K.

CONTRACTOR:

APPLICANT:

PURPOSE:

to conduct interior rehab to existing structure for convenience market without gasoline. This is non conforming use as it was previously a market of the same type.

no change to footprint.

Sidewalks are required, not eligible for fund

***PURSUANT TO ORDINANCE NO 2008-1263 of the Metropolitan Code of Laws, I, holder of this permit, hereby certify that all construction and demolition waste generated by any and all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction or demolition waste shall be stored on the property in violation of any provisions of the Metropolitan Code. For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property.*

Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.

Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.

There are currently no required inspections

Inspection requirements may change due to changes during construction.



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



**BUILDING COMMERCIAL - REHAB / CACR - 2018007135
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08108041400

APPLICATION DATE: 02/07/2018

SITE ADDRESS:

614 GARFIELD ST NASHVILLE, TN 37208
LT PT 219 217 215 NORTH NASH REAL EST CO

PARCEL OWNER: NORMAN, ROBERT K.

CONTRACTOR:

APPLICANT: AIRTIGHT RESOURCES, INC

AIRTIGHT RESOURCES, INC

65697 STBC

NASHVILLE, TN 37204 615-218-4300

PURPOSE:

to conduct interior rehab to existing structure for convenience market without gasoline. This is non conforming use as it was previously a market of the same type.
no change to footprint.

Sidewalks are required, not eligible for fund

***PURSUANT TO ORDINANCE NO 2008-1263 of the Metropolitan Code of Laws, I, holder of this permit, hereby certify that all construction and demolition waste generated by any and all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction or demolition waste shall be stored on the property in violation of any provisions of the Metropolitan Code. For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property.*

Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.

Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.

U&O Life Safety Final Approval	615-862-5230 FMORquest@nashville.gov
U&O Cross Connect Final Approval	862-7225
U&O PW Sidewalk FA - CA Final Approval	862-8758 Benjamin.york@nashville.gov
Commerical Building Framing -Ceiling	(615)862-6550 John.Puckett@nashville.gov
Commercial Building Final	(615)862-6550 John.Puckett@nashville.gov
Commercial Building Footing	(615)862-6550 John.Puckett@nashville.gov
Commercial Building Framing	(615)862-6550 John.Puckett@nashville.gov
Commercial Building Framing - Wall	(615)862-6550 John.Puckett@nashville.gov
Commercial Building Progress	(615)862-6550 John.Puckett@nashville.gov
Commercial Building Slab	(615)862-6550 John.Puckett@nashville.gov
Commercial Temporary Final	(615)862-6550 John.Puckett@nashville.gov
Building Zoning Final	(615)862-6550 John.Puckett@nashville.gov
U&O Letter	(615) 862-6527 Carmina.Howell@nashville.gov
Landscaping & Tree Review	862-6488 stephen.kivett@nashville.gov
U&O Grease Control Final Approval - CA	862-4590 ECO@nashville.gov

Inspection requirements may change due to changes during construction.

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions MUST affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

The existing building, which is being renovated is located too close to street to construct the required sidewalk/grass design. The building is less than 9 feet from the street (8'-6" approx.).

Proposal is to construct wider sidewalk at sides of building to comply with requirement and keep existing sidewalk in place. This recommendation came after meetings with Metro Staff members Ben York.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

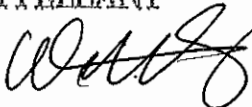
METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.

William Radford + Kenny Norman 8-7-18

APPELLANT

DATE



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-507 (614 Garfield Street)

Metro Standard:	4' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Construct an alternative sidewalk design on Garfield Street
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	Garfield Street – T4-R-CA2
Transit:	400' from #42 – St. Cecilia/Cumberland
Bikeway:	None existing; Minor Protected Bike Lane planned to be constructed fall 2018

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes an internal renovation for a convenience market, and requests to construct an alternative sidewalk design due to limited space between the street and the renovated building. The applicant requests to keep the existing sidewalk where constrained by the existing building, but expand the sidewalk along the Garfield Street frontage not constrained by the existing building. Planning evaluated the following factors for the variance request:

- (1) An 8' sidewalk with no grass strip currently exists along Garfield Street for the entire block from 7th Avenue North to 6th Avenue North. The applicant proposes to expand the sidewalks to 13' wide in areas not constrained by the existing building's footprint.
- (2) This proposal best meets the MCSP requirements, given the site constraints of the existing building, which will remain.

Given the factors above, staff recommends approval with conditions:

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 the alternative sidewalk design as indicated on the attached site plan.

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Tripp Smith

Date: 8

Property Owner: Rhythm Homes

Case #: 2018-508

Representative: Tripp Smith

Map & Parcel: 07209000300

Council District 05

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose:

TO CONSTRUCT 13 UNITS WITHIN
4 BUILDINGS FOR CHEROKEE AVENUE

Activity Type: COMMERCIAL NEW CONSTRUCTION

Location: 849 CHEROKEE AVE

This property is in the RM20-A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: VARIANCE TO LANDSCAPE BUFFER

Section(s): 17.24.240 B 2E

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection _____ Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Tripp Smith
Appellant Name (Please Print)

Tripp Smith
Representative Name (Please Print)

2606 Eugenia Ave
Address

2606 Eugenia Ave
Address

Nashville TN 37211
City, State, Zip Code

Nashville TN 37211
City, State, Zip Code

615-647-8577
Phone Number

615-647-8577
Phone Number

tripp@shgroupllc.com
Email

tripp@shgroupllc.com
Email

Appeal Fee: 200.00 1103

August 6, 2018

Board of Zoning Appeals
800 2nd Ave S
Nashville, TN 37210

Re: 849 Cherokee Ave
Parcel No. 07209000300

To Whom It May Concern:

On behalf of our client, we are submitting the referenced project for a Variance Request from Chapter 17.24 of the Metropolitan Code pertaining to landscaping, buffering and tree replacement. Due to the unique circumstance of existing adjacent IWD zoning and a hardship related to landscape buffer requirements, we are requesting a Standard "A" Landscape Buffer be considered and accepted in lieu of the required Standard "C". Please consider this letter and the enclosed documents as our Variance Application. Please find our unique circumstance (hardship) description below and enclosed the following:

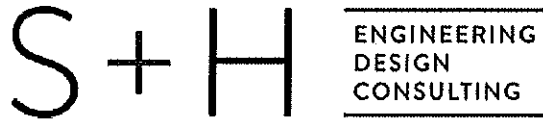
1. Eight (8) copies of the Site Plan
2. Site Photos at Street View
3. Board of Zoning Appeals Checklist
4. Application for Variance Request
5. Check in the amount of \$200.00 to Board of Zoning

Unique Circumstance (Hardship)

The unique circumstance (hardships) that affect the property is the inconsistent and alternating zoning of adjacent properties in regards to the current and planned future use of the adjacent properties. Accordingly, these zoning designations result in landscape buffer requirements that create a property hardship related to narrowness of the lots for the proposed project, as well as, the adjacent lots if developed according to the zoning classification.

The two adjoining lots for the proposed project, 849 and 851 Cherokee Ave., are zoned for medium high-density residential use (RM-20A). The properties have recently been consolidated into one lot and the property at 849 Cherokee was recently rezoned from IWD. The neighboring properties on either side of these lots, Parcel ID 07209000500 to the east and Parcel IDs 07209000200 and 07209000100 to the west exhibit this pattern of alternating zoned RM-20A and Industrial Warehousing/Distribution (IWD). Prior to 1998, many of these properties were historically zoned residential (R6), and are still currently being used as single-family residential properties. Per the NashvilleNext East Nashville Community Plan, this area is a T4 NE Urban Neighborhood Evolving.

Given the above information, we would anticipate the referenced properties to continue the current use and function as residential properties and the IWD zoning to likely undergo a zoning change in the future. Additionally, if these properties were not rezoned and developed under the IWD zoning they would be



2606 Eugenia Ave · Nashville, TN 37211 · 615.645.1560 · www.shgroupllc.com

subject to similar landscape buffer requirements as the proposed project properties. Each lot would be required to implement a minimum 20-foot landscape buffer per Standard C on either one or both sides of the property. As many of these lots are only 50 feet wide, this would result in a buildable width of only 10 feet for any proposed industrial warehouse facility. This provides further justification that these properties would likely be rezoned for residential use, or a variance granted to reduce or eliminate buffer requirements.

Accordingly, the proposed project property would be affected in a similar manner due to the corresponding width of the required landscape buffers. The property would be subject to a minimum 20-foot buffer at the side shared boundary with the referenced IWD property, as well as a 15-foot Standard B-2 buffer (reduced per Metro Code 17.24.200) at the front zoning boundary. Per the buffer widths, this would reduce the available building area by 7,400 SF, resulting in a buffer yard in excess of 20% of the total lot. Per Metro Code 17.24.240, *"in circumstances where the ground area required for the landscape buffer yard exceeds twenty percent of the total lot area, the width and the number of trees and shrubs within the yard may be reduced up to fifty percent provided that a solid wall or closed wooden fence at least six feet in height is provided along the length of the reduced landscape buffer yard."* Accordingly, it is our understanding from experience that the side yard buffer could be reduced by half, but the front yard buffer could not be reduced because of the opaque fence requirement and a fence would not be permitted along the street. Additionally, the required front yard buffer conflicts with the intent of the alternative zoning district designation and the desire to push development closer to the street. Further, if these lots had not been recently consolidated and rezoned, the reduced buffer yard per code would still be in excess of 20% of the total lot area for the property.

For the reasons presented above and our understanding of the unique circumstances and resulting hardship, we are requesting a Standard A-3 Landscape Buffer with opaque fence be considered and the front buffer yard requirement be removed with a 5-foot setback and streetscape planting area located behind the back edge of new sidewalk.

If you have any questions or concerns, please call or email me at 615-390-0139 and tripp@shgroupllc.com.

Sincerely,

TRIPP SMITH

Frank (Tripp) P. Smith, III, PE
Principal, Director of Operations

cc: Chip Howorth, Principal



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



3542074

ZONING BOARD APPEAL / CAAZ - 20180045940
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 07209000300

APPLICATION DATE: 08/03/2018

SITE ADDRESS:

849 CHEROKEE AVE NASHVILLE, TN 37207
PART OF LOTS 35 & 37 WALNUT GROVE

PARCEL OWNER: RHYTHM HOMES AND DEVELOPMENT, LI CONTRACTOR:

APPLICANT:

PURPOSE:

BZA Appeal of 17.24.240B 2E Landscape Buffer requirements. Required 10 ft reduced "C" level buffer per 2E of 17.24.240B, requesting 5 ft buffer.

master permit to construct 13 units in 4 bldgs. for Cherokee Avenue.
33 required parking spaces.
Sidewalks are required, applicant may pay in lieu of sidewalk requirements
no construction this permit.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

B. Allowable Design Variations. The landscape buffer yard is normally calculated as parallel to the property line. However, design variations, especially when used to incorporate native vegetation into the yard area, shall be considered. The edges of the landscape buffer yard may meander provided that:

1. The total area of the yard is equal to or greater than the total area of the required landscape buffer yard; and
2. The yard measures no less than the minimum width permitted by the applicable landscape buffer yard standard at all points along the perimeter of the property line requiring a landscape buffer yard.

C. Fractional Requirements. When the requirements of this article result in a fractional number of plantings, the fraction shall be rounded to one.

D. Planned Unit Development Districts. Notwithstanding any other provision of this title to the contrary, the landscaping buffer yard requirements for a PUD originally approved by the metropolitan council under a previous Zoning Code shall be provided as required by this code or as required in the originally approved PUD, whichever is greater. If a PUD approved under a previous Zoning Code provides for commercial and/or industrial uses within such PUD, and the underlying base zoning of the property on which the PUD district exists is an agricultural or residential zoning district, then the commercial and/or industrial zoning district which best accommodates the land uses permitted within the PUD shall be the "Zoning District Providing Buffer Yard" for the purposes of Table 17.24.230.

E. Yard Exceeds Twenty Percent of Lot Area. In circumstances where the ground area required for the landscape buffer yard exceeds twenty percent of the total lot area, the width and the number of trees and shrubs within the yard may be reduced up to fifty percent provided that a solid wall or closed wooden fence at least six feet in height is provided along the length of the reduced landscape buffer yard.

F. Grading and Use of Berms. Proposals for grading within a landscape buffer yard shall demonstrate superior enhancement of the buffer function compared to retention of the existing grades. Grading should not endanger or remove existing trees which occur within a landscape buffer yard, unless the proposal clearly demonstrates an enhanced buffer. The use of earthen berms within a landscape buffer yard is encouraged when disturbance to existing vegetation can be minimized. Where berms are incorporated into the yard, the required plantings may have a lesser mature height, provided that

the combined height of the berm and plantings will equal the required mature heights of plantings as set forth in Section 17.24.210B and C.

G. Waiver of Landscape Buffer Yard. Landscape buffer yard requirements may be waived by a demonstration of unusual site grade conditions which would clearly negate the effects of the required yard. The applicant shall furnish sections or profiles (drawn to scale) through the property line along the yard which is proposed for waiver. These drawings shall demonstrate the existing and proposed grades on both sides of the property line, as well as the principal structures on both properties. The sections or profiles shall show the line of sight for a pedestrian (taken at four and one-half feet above grade) from principal entrances and from the highest point on the site to be buffered. Such profiles or sections shall clearly demonstrate that the effect of the change in grade would negate the effect of a mature landscape buffer yard thirty feet in height. (Ord. 2001-750 §§ 15-31, 2001; Ord. BL2000-364 § 1 (part), 2000; Amdt. 2 (part) with Ord. 98-1323 § 4, 1998; Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 6.5(G), 1997)



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3499033

**APPLICATION FOR BUILDING USE & OCCUPANCY / CAUD - T2918026093
THIS IS NOT A PERMIT**

PARCEL: 07209000300

APPLICATION DATE: 05/08/2018

SITE ADDRESS:

849 CHEROKEE AVE NASHVILLE, TN 37207
PART OF LOTS 35 & 37 WALNUT GROVE

PARCEL OWNER: RHYTHM HOMES AND DEVELOPMENT, LI

APPLICANT: Ryan Shields

PURPOSE:

master permit to construct 13 units in 4 bldgs. for Cherokee Avenue.
33 required parking spaces.
Sidewalks are required, applicant may pay in lieu of sidewalk requirements
no construction this permit.

*Before a building permit can be issued for this project, the following approvals are required.
The Applicant is responsible for providing any plans or other information to the individual agencies*

-
- | | |
|---|---|
| [A] Site Plan Review | |
| [A] Zoning Review | |
| [B] Building Plans Received | 615-862-6614 teresa.patterson@nashville.gov |
| [B] Plans Picked Up By Customer | 615-880-2649 Ronya.Sykes@nashville.gov |
| [B] Building Plans Review | 615-862-6581 Teresa.Patterson@nashville.gov |
| [B] Fire Life Safety Review On Bldg App | 862-5230 |
| [B] Fire Sprinkler Requirement | 862-5230 |
| [B] Fire Sprinkler Review On Bldg App | 862-5230 |
| [D] Grading Plan Review For Bldg App | (615) 862-6038 Logan.Bowman@nashville.gov |
| [E] Cross Connect Review For Bldg App | 862-7225 |
| [E] Grease Control Review On Bldg App | 862-4590 ECO@nashville.gov |
| [E] Sewer Availability Review For Bldg | 862-7225 |
| [E] Sewer Variance Approval For Bldg | |
| [E] Water Availability Review For Bldg | 862-7225 |
| [E] Water Variance Approval For Bldg | |
| [F] Address Review On Bldg App | 862-8781 bonnie.crumby@nashville.gov |
| [F] Ramps & Curb Cuts Review For Bldg A | 862-8782 PWPPermitsl@nashville.gov |
| [F] Solid Waste Review On Bldg App | 862-8782 |
| [A] Bond & License Review On Bldg App | |
| Landscaping & Tree Review | 862-6488 stephen.kivett@nashville.gov |
| [F] Sidewalk Review For Bldg App | 862-8758 Benjamin.york@nashville.gov |

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17.40.370. This Section is included as follows:

Physical characteristics of the property - The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property.

Unique characteristics - The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.

Hardship not self-imposed - The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of this Zoning Code.

Financial gain not only basis - Financial gain is not the sole basis for granting the variance.

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

No harm to public welfare - The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.

Integrity of Master Development Plan - The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions **MUST** affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

APPLICATIONS FOR VARIANCE REQUESTS

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Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.

S+H Group, LLC
APPELLANT

8/7/18
DATE

Department of Codes Administration
800 2nd Avenue South
Metro Office Building

Board of Zoning Appeals Checklist

The following items **must** be provided with submittal prior to acceptance by the Board of Zoning Appeals.

All appeal cases must be reviewed by a Zoning Examiner prior to scheduling for a BZA docket. The Zoning Examiner will start the application. However failure to provide any of the items under your appeal type listed below will be deemed an incomplete submittal and will not be scheduled for a docket.

Item A Appeal

- Letter detailing the bases for the appeal. The letter must specifically address the error in the interpretation or application of law made by the zoning staff.

Variance Requests

- Scaled Site Plan (Drawn to engineer's or architect's scale) 8 hard copies
Minimum Size 8.5" x 11"
Maximum Size of 11 x 17. **See following page for specific requirements.**
- Hardship Form or Letter (Available online at www.nashville.gov/codes.bza)

Special Exceptions

- Scaled Site Plan (Drawn to engineer's or architect's scale) 8 hard copies.
Minimum Size 8.5" x 11"
Maximum Size of 11 x 17.

- Neighborhood meeting will take place after application but before BZA hearing date.

Item D Appeals (Non-Conforming Uses/Structures)

- Scaled Site Plan (Drawn to engineer's or architect's scale) 8 copies
Minimum Size 8.5" x 11"
Maximum Size of 11 x 17.



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



3542074

ZONING BOARD APPEAL / CAAZ - 20180045940
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 07209000300

APPLICATION DATE: 08/03/2018

SITE ADDRESS:

849 CHEROKEE AVE NASHVILLE, TN 37207
PART OF LOTS 35 & 37 WALNUT GROVE

PARCEL OWNER: RHYTHM HOMES AND DEVELOPMENT, LI CONTRACTOR:

APPLICANT:

PURPOSE:

BZA Appeal of 17.24.240B 2E Landscape Buffer requirements. Required 10 ft reduced "C" level buffer per 2E of 17.24.240B, requesting 5 ft buffer.

master permit to construct 13 units in 4 bldgs. for Cherokee Avenue.

33 required parking spaces.

Sidewalks are required, applicant may pay in lieu of sidewalk requirements
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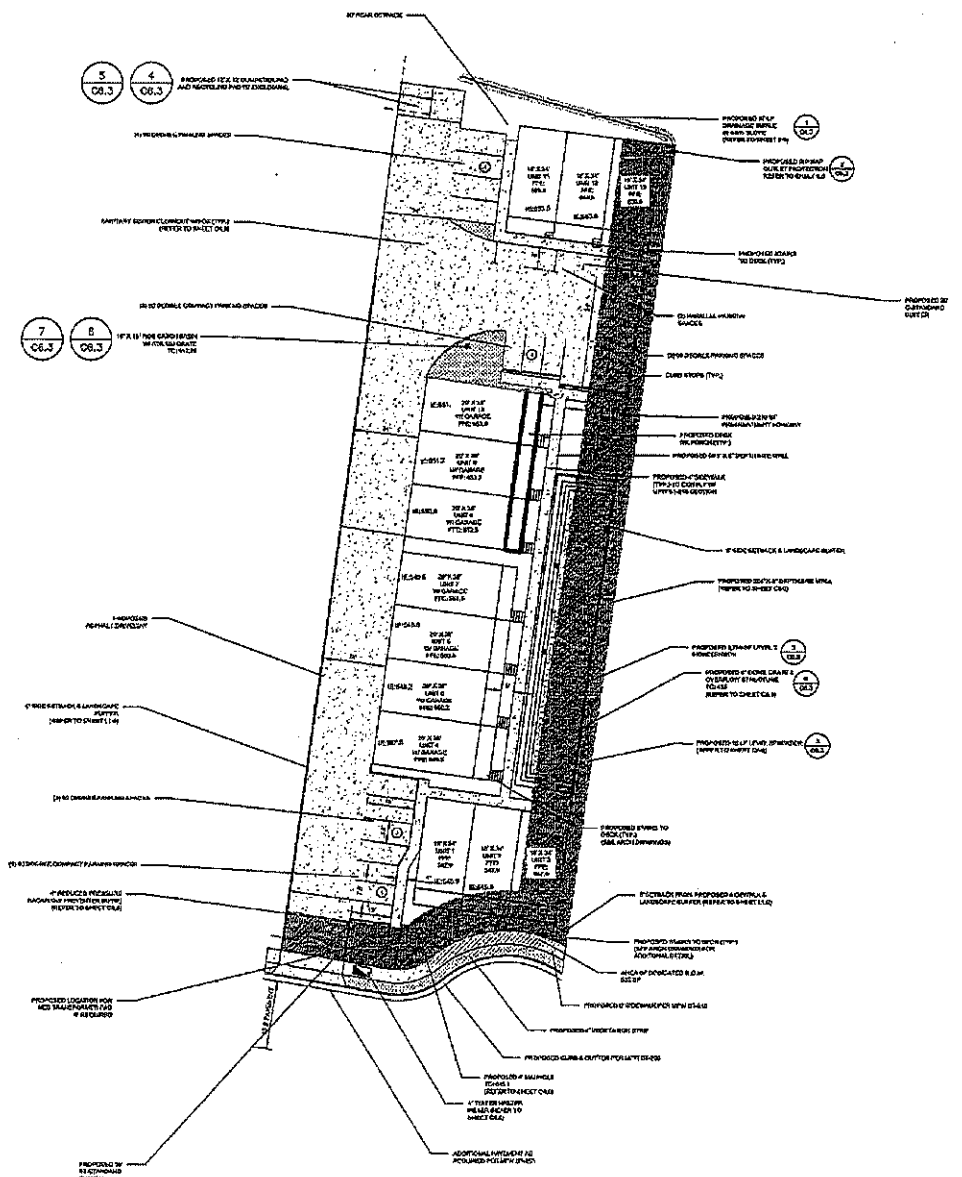
*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
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LEGEND:

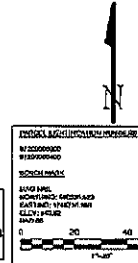
- CONCRETE
- CONCRETE ON ASPHALT PAVEMENT
- ASPHALT PAVEMENT
- AREA OF P.C.M. APPLICATION



- METRO PUBLIC WORKS NOTES:**
1. ALL WORK SHALL OCCUR FULL TIME BETWEEN 6:00 AM AND 6:00 PM.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH ALL METRO STREET CLOSURE ORDINANCES.
 3. ALL PUBLIC UTILITIES SHALL BE MAINTAINED AT ALL TIMES UNLESS OTHERWISE NOTED.
 4. ALL PUBLIC UTILITIES SHALL BE MAINTAINED AT ALL TIMES UNLESS OTHERWISE NOTED.
 5. ALL PUBLIC UTILITIES SHALL BE MAINTAINED AT ALL TIMES UNLESS OTHERWISE NOTED.
 6. ALL PUBLIC UTILITIES SHALL BE MAINTAINED AT ALL TIMES UNLESS OTHERWISE NOTED.
 7. ALL PUBLIC UTILITIES SHALL BE MAINTAINED AT ALL TIMES UNLESS OTHERWISE NOTED.
 8. ALL PUBLIC UTILITIES SHALL BE MAINTAINED AT ALL TIMES UNLESS OTHERWISE NOTED.





CHEROKEE AVENUE
 AREA OF PROPOSED IMPROVEMENTS
 MULTIPLE STAGE PLAN
 SITE LAYOUT PLAN

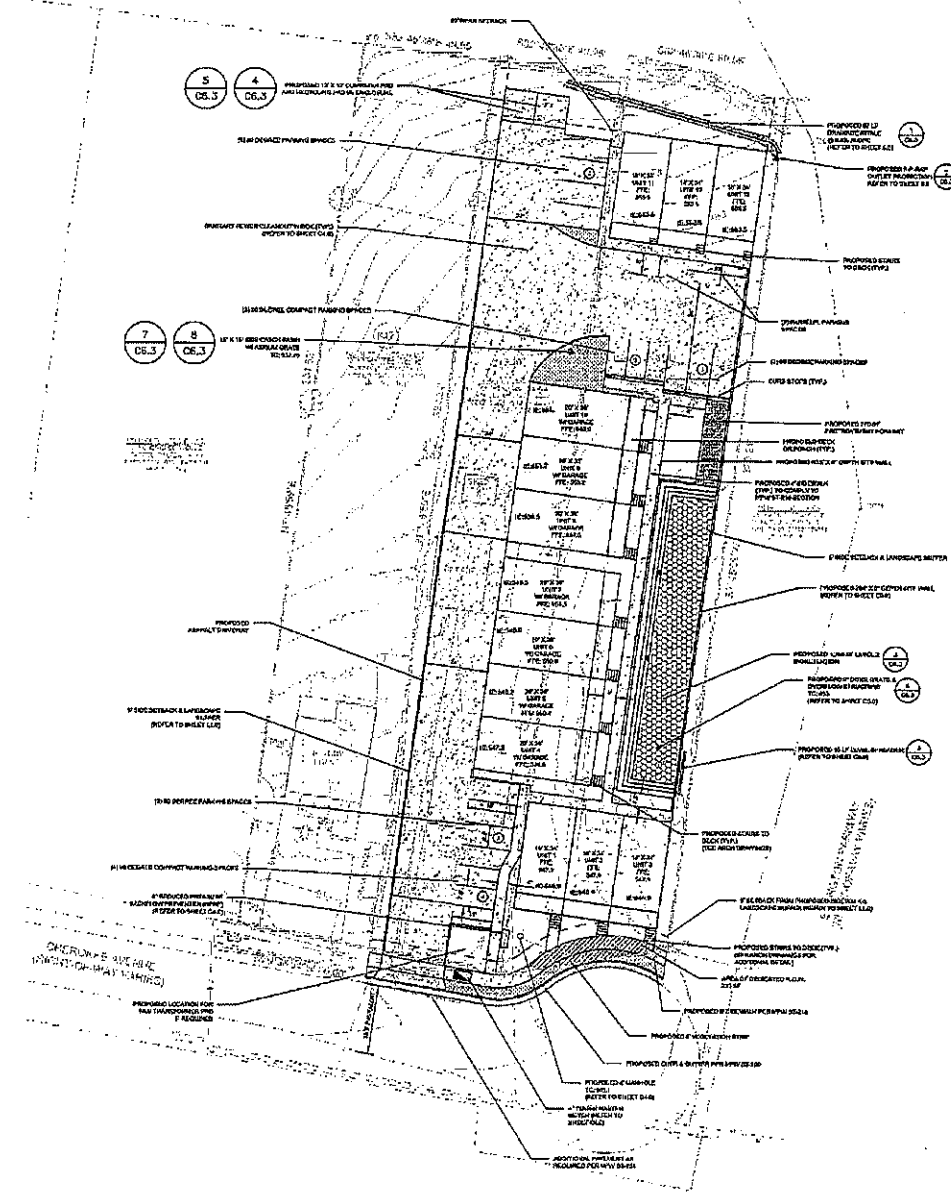
S+H CONSULTANTS
 1000 N. W. 10th St.
 Fort Lauderdale, FL 33304
 Phone: (954) 574-1100
 Fax: (954) 574-1101
 Website: www.shconsultants.com



C3.0

LEGEND:

-  ROOFING
-  EXPOSED BRICK/PAVEMENT
-  LANDSCAPE/PAVEMENT/VEGETATION STRIP
-  AREA OF EXISTING BUILDING



- METRO PUBLIC WORKS NOTES:**
1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE METRO PUBLIC WORKS SPECIFICATIONS.
 2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE METRO PUBLIC WORKS SPECIFICATIONS.
 3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE METRO PUBLIC WORKS SPECIFICATIONS.
 4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE METRO PUBLIC WORKS SPECIFICATIONS.
 5. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE METRO PUBLIC WORKS SPECIFICATIONS.
 6. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE METRO PUBLIC WORKS SPECIFICATIONS.
 7. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE METRO PUBLIC WORKS SPECIFICATIONS.
 8. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE METRO PUBLIC WORKS SPECIFICATIONS.

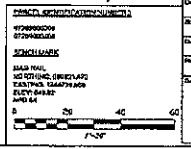
CHEROKEE AVENUE
 1/4 SECTION 10, TOWN OF CHATTANOOGA, METRO CHATTANOOGA

DATE: JUNE 18, 2018
 SCALE: 1/4" = 1'-0"

S+H
 SITE LAYOUT PLAN

DATE: JUNE 18, 2018
 SCALE: 1/4" = 1'-0"

C3.0



Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: CIVIL & ENVIRONMENTAL CONSULTANTS

Date: 8/7/18

Property Owner: _____

Case #: 2018-509

Representative: BERT MORTON

Map & Parcel: 116.0.100.1000

Council District 23

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: to construct addition to country club.

Activity Type: Country Club

Location: 6201 Hickory Valley Road

This property is in the RS40 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: a variance from sidewalk requirements

Section(s): 17.20.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection _____ Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

CIVIL & ENVIRONMENTAL CONSULTANTS
Appellant Name (Please Print)

BERT MORTON
Representative Name (Please Print)

325 SEABOARD LN
Address

325 SEABOARD LN
Address

FRANKLIN, TN
City, State, Zip Code

FRANKLIN, TN
City, State, Zip Code

615-333-7796
Phone Number

615-333-7796
Phone Number

BMORTON@CECINC.COM
Email

BMORTON@CECINC.COM
Email

Appeal Fee: _____



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3543301

ZONING BOARD APPEAL / CAAZ - 20180066759
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11601001000

APPLICATION DATE: 08/07/2018

SITE ADDRESS:

6201 HICKORY VALLEY RD NASHVILLE, TN 37205
E/S HICKORY VALLEY RD N OF ELIZABETHAN DR & PT CL ST

PARCEL OWNER: HILLWOOD COUNTRY CLUB

CONTRACTOR:

APPLICANT:

PURPOSE:

Requesting a sidewalk variance for proposed addition/improvements for Hillwood Country Club per METZO section 17.20.120

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

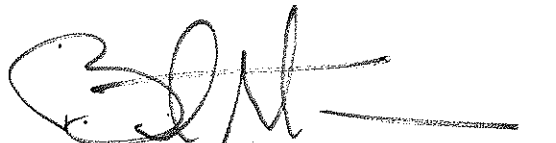
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.



APPELLANT

8/7/2018

DATE

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17.40.370. This Section is included as follows:

Physical characteristics of the property - The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property.

Unique characteristics - The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.

Hardship not self-imposed - The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of this Zoning Code.

Financial gain not only basis - Financial gain is not the sole basis for granting the variance.

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

No harm to public welfare - The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.

Integrity of Master Development Plan - The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.B.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness; irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions MUST affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

See attached Sidewalk Waiver Request Letter for detailed description. Sidewalk construction would cause undue injury to the local vegetative buffer, and are not warranted by Metro planning documents.



August 7, 2018

Board of Zoning Appeals
Metropolitan Codes Department
800 2nd Avenue South
Nashville, TN 37210

Subject: Sidewalk Waiver Request Letter
Hillwood Country Club
6201 Hickory Valley Road
Metropolitan Nashville, Davidson County, Tennessee
CEC Project No. 183-702

Board Members:

Please allow this letter to serve as a request for waiver from the Metropolitan Nashville sidewalk requirements listed in Section 17.20.120 of the Metropolitan Nashville Zoning Code, "Provision of Sidewalks." The conditions supporting our request are explained below.

The project associated with this request involves interior improvements to the existing clubhouse at Hillwood Country Club. Since the building improvements are far away from Hickory Valley Road, there is no increased need for a sidewalk to serve the property; moreover, the project is not expected to increase vehicle or pedestrian traffic in the area.

The area around Hillwood Country Club does not have sidewalks. The nearest sidewalk is more than a mile away on Post Road. Sidewalk is currently proposed for a portion of Davidson Road (located about four tenths of a mile away) on a capital improvements project, but the sidewalk for which we are requesting a waiver would not connect to that or any other sidewalk. Hillwood Country Club is in a residential area where building turnaround is low, so it will likely be a long time before another property in the area is redeveloped with sidewalk.

Nashville's WalknBike Plan outlines the priority levels for sidewalk on Nashville's roadways. The plan describes the different need characteristics, and complies them to give each road a priority score. Some of the factors for need, and the total priority are listed below:

- The WalknBike Plan conducted a survey of Nashville residents and classified sidewalk and bike needs based on resident input. This was used to create the attached map, Public Input: Pedestrian Needs. Hickory Valley Road is not listed as a "route that could be improved for pedestrians" or "barrier to walking."
- The WalknBike Plan reviewed Nashville's pedestrian and bike crash history, and generated a map indicating areas of low and high crash frequency for bikes and pedestrians. The attached maps, Crash Analysis - Bike Crash Frequency, and Crash Analysis - Pedestrian Crash Frequency, show pedestrian and bike crash rates of 0 for the area surrounding the site.

- The WalknBike Plan references the 2014 MPO Regional Bicycle and Pedestrian Study's Health Priority Area map. This map shows areas with a higher need for sidewalks based on poverty, unemployment, access to a vehicle, and aging populations. The attached map shows a health priority score of two. The plan calls for a focus on areas scoring three or above.
- The WalknBike Plan also references the 2014 MPO Regional Bicycle and Pedestrian Study's Non-Motorized Demand map. The attached map shows the demand for non-motorized transit; the plan shows a non-motorized demand of between 5 and 50. This is the second lowest of the five categories.
- The WalknBike Plan includes a map showing the Pedestrian Level of Service for pedestrians on various routes throughout Nashville. The plan does not show a pedestrian level of service for Hickory Valley Road, indicating that this roadway does not constitute need to accommodate pedestrian traffic.
- The WalknBike Plan includes a Pedestrian Supply and Demand map that classifies the supply and demand for sidewalks as either low or high. The map does not show Hickory Valley Road; however, Hillwood Blvd, and Davidson Rd. are shown as low demand and low supply roadways, and are a lower priority.
- As step three in the process of prioritizing sidewalks, each road was assigned a priority level from 0-195. Hickory Valley Road a priority scored between 26 and 45, as shown on the attached map. This is the second lowest of four priority categories.
- The WalknBike Plan concluded with the attached map, Prioritized Sidewalk Network: Central Nashville. The map does not show Hickory Valley Road, Hillwood Road, or Davidson Road. as priorities.

Several functional obstacles exist for sidewalk construction. Sidewalk construction requires the provision of curb and gutter, a six-foot wide grassed strip, and a six-foot wide sidewalk. This additional twelve feet of developed area will cause drainage, slope, buffer and utility issues. The curb and gutter will require underground piping to drain the roadway, and this piping will need to discharge on the Hillwood Country Club property. Since stormwater currently sheet flows onto the property, there is not a defined drainage channel on the site. Although erosion control measures would be designed at the outfall of new drainage system, concentrating stormwater runoff from the roadway has the potential to degrade water quality in the area.

The existing topography in the area where sidewalk is required slopes away from Hickory Valley Road at a significant slope, especially at the north and south ends of the property. Sidewalk construction would require fill be brought to the site, and further extend disturbance onto the property. In this case, the project will disturb enough area to require a grading permit from Metro Public Works, a permit that is not currently warranted, based on the present scope of work.

Currently, the property has an extensive vegetative buffer that separates the road from the golf course and clubhouse; construction of a sidewalk would destroy a significant amount of those buffers, and cause for the removal of many mature trees. Removal of these trees would open views of the existing parking lot, creating undesirable views for the neighborhood. Further, if new plant

Board of Zoning Appeals
Metro Nashville
Page 3
August 7, 2018

material is installed after construction, the appearance would be awkward and out of place for many years. Letting the existing material remain would be ideal for the continuity of the neighborhood.

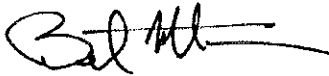
There are many utility appurtenances in the path of the proposed sidewalk would need to be relocated. There are utility poles along the entire property that are ten to fourteen feet from the existing edge of road. These poles will either need to be moved out of the proposed sidewalk, and/or adjusted to allow for the change in grade associated with the sidewalk project. There is also a backflow preventer, a traffic calming device, and a fire hydrant that will likely need to be relocated.

In closing, we appreciate your attention to this sidewalk waiver request. While Hillwood Country Club appreciates Nashville's efforts to promote a more walkable community, it is evident that incorporation of a sidewalk along the property line will not provide the benefits for which the program is intended. We are hopeful that you will agree, and will waive the sidewalk requirement for this property.

If you have any questions or require additional information, please do not hesitate to contact me by telephone at (615) 333-7797.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.



Bert Morton, PE
Project Manager

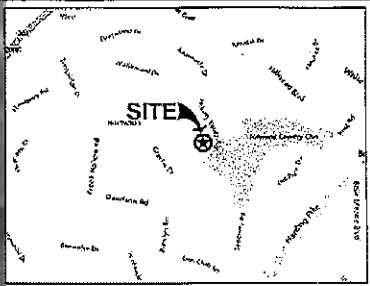
Attachments:
Site Layout Plan
WalkNBike Maps
Site Photographs



1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS SET FORTH IN THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS OF THE STATE OF TENNESSEE, LATEST EDITION, AS AMENDED.



ENGINEER'S SEAL AND SIGNATURE AREA.

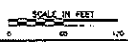


VICINITY MAP
 80201 HICKORY VALLEY ROAD
 NASHVILLE, TN 37087
 SCALE: 1"=1,000'

SITE DATA CHART	
SITE DATA	
ADDRESS:	80201 HICKORY VALLEY RD
LOT AREA:	64,500 SQ. FT. (1.48 AC)
DEVELOPMENT:	HILLWOOD COUNTRY CLUB
PARCELS:	1 (100% INTEREST)
LOT AREA:	64,500
CITY:	NASHVILLE
COUNTY:	DAVENPORT
STATE:	TENNESSEE
ZONING DISTRICT:	RE-1
SITE LOCATION:	200
PLAT NUMBER:	200
ZONING CLASSIFICATION	
CLASSIFICATION:	RE-1 (RESIDENTIAL SINGLE-FAMILY)
DESIGN USE:	COUNTRY CLUB
PROPOSED USE:	COUNTRY CLUB-RESIDENTIAL
EXISTING AREA	
BUILDING SQUARE FOOTAGE:	N/A
FLOOR AREA BASED VOLUME:	N/A
FLOOR AREA BASED PROPOSED:	N/A
BEARING HEIGHT (FT) @ SETBACK (1/2) (CONTROL PLUMB):	N/A
SQUARE FOOTAGE PER FLOOR:	N/A
EXISTING INFRASTRUCTURE	
WATER MAINS:	N/A
SEWER MAINS:	N/A
ADJACENT PARCELS NUMBER:	N/A

- STANDARD NOTES:**
1. THERE SHALL BE NO VERTICAL CONSTRUCTION WITHIN THE ZONING DISTRICT UNLESS THE CONTRACTOR SHALL OBTAIN PERMITS FROM THE ZONING DEPARTMENT AT 100-1-100-001 OR SUBSEQUENTLY, PRIOR TO ANY CONSTRUCTION.
 2. SETBACKS SHALL BE AS SHOWN ON THE PLAT.
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS OF THE STATE OF TENNESSEE, LATEST EDITION, AS AMENDED.
 4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS OF THE STATE OF TENNESSEE, LATEST EDITION, AS AMENDED.

- NOTES:**
1. CONTRACTOR SHALL OBTAIN PERMITS FROM THE ZONING DEPARTMENT AT 100-1-100-001 OR SUBSEQUENTLY, PRIOR TO ANY CONSTRUCTION.
 2. SETBACKS SHALL BE AS SHOWN ON THE PLAT.



NO.	DATE	REVISION	RECORD

CCC
 Civil & Environmental Consultants, Inc.
 305 S. HUBBARD LANE - SUITE 110 - FRANKLIN, TN 37067
 615-332-7777 • 615-332-2334
 www.cccinc.com

HILLWOOD COUNTRY CLUB
 SIDEWALK
 80201 HICKORY VALLEY ROAD
 NASHVILLE, TENNESSEE

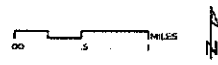
DATE	PROJECT NO.	SCALE	DATE	PROJECT NO.

C200

PUBLIC INPUT: PEDESTRIAN NEEDS

"Route that could be improved for pedestrians" or "Barrier to walking"

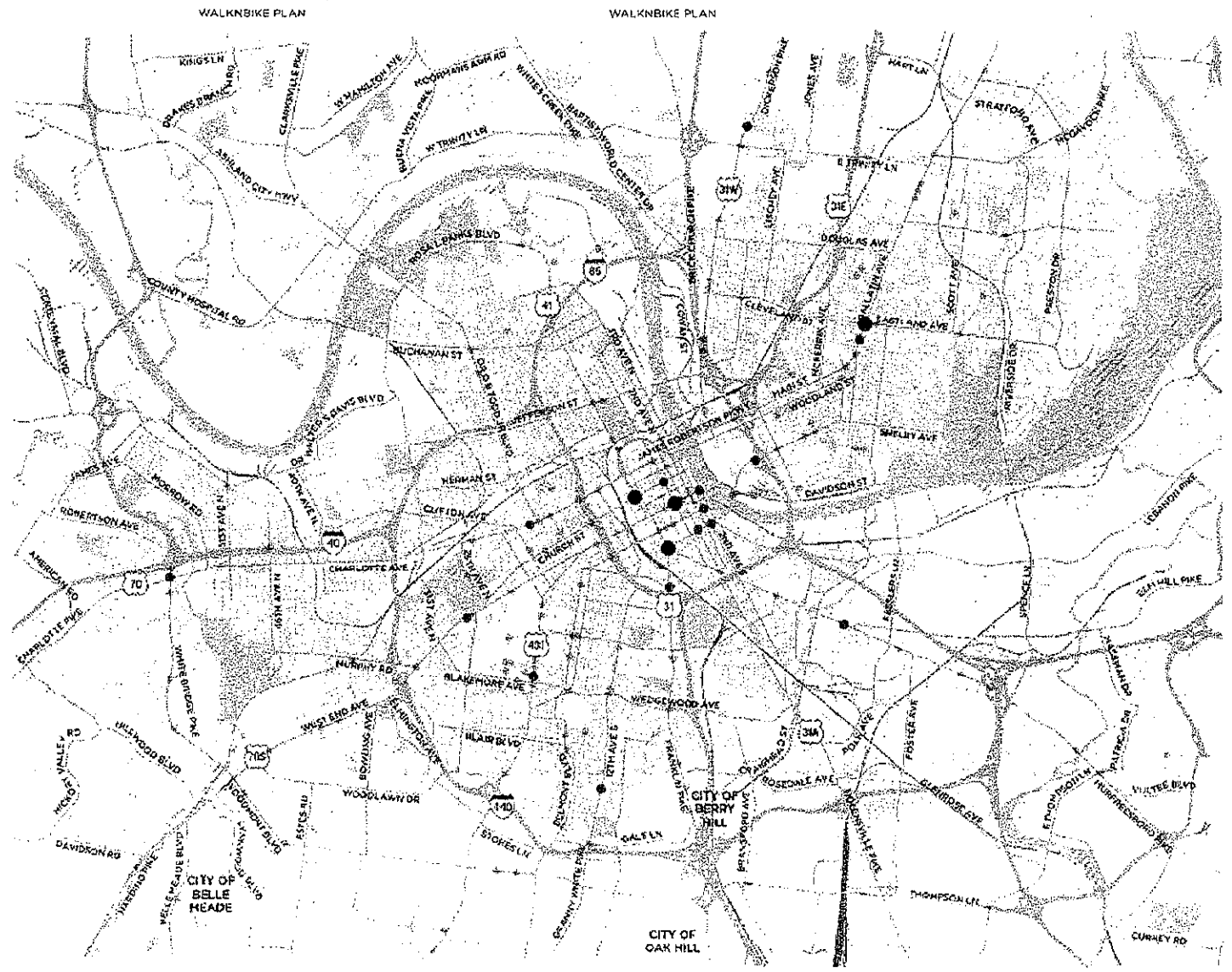
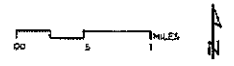
-  Highest Support
-  Medium Support
-  Lowest Support



CRASH ANALYSIS

BIKE CRASH FREQUENCY

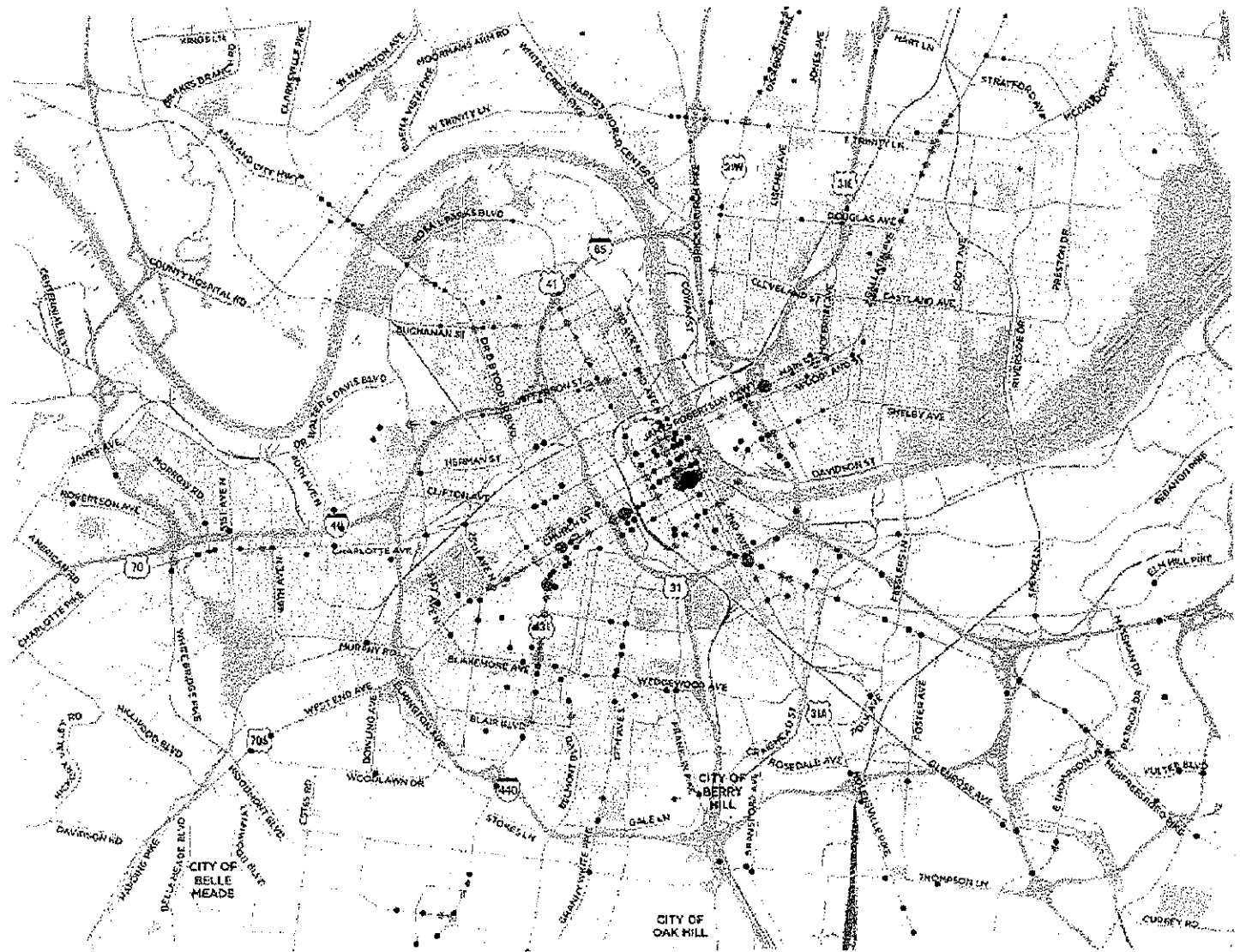
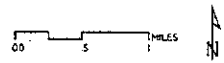
- 1
- 2
- 3

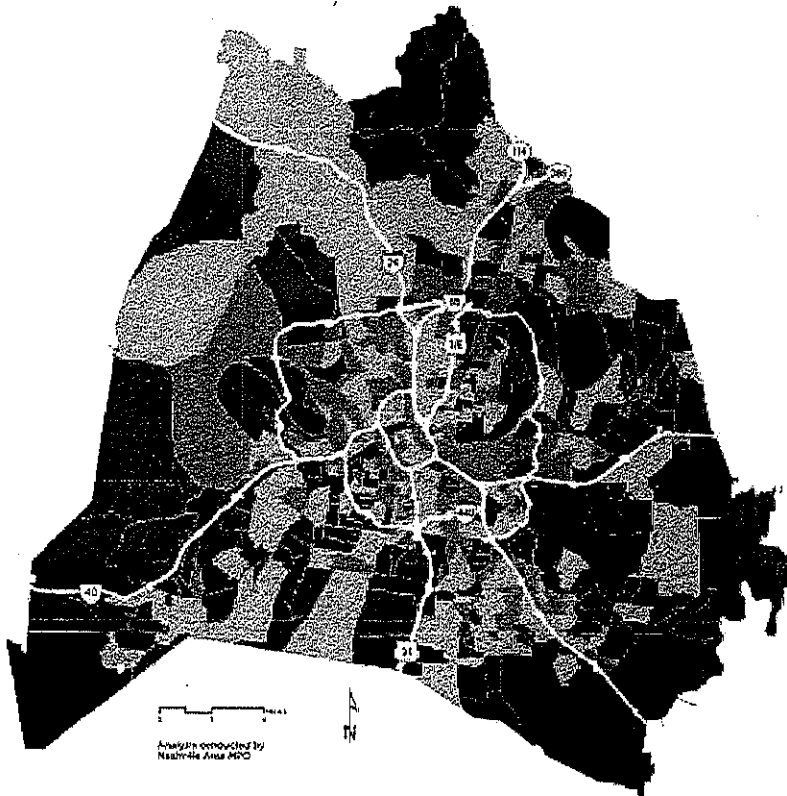


CRASH ANALYSIS

PEDESTRIAN CRASH FREQUENCY

- 1
- 2
- 3-4
- 5-8
- 9-11





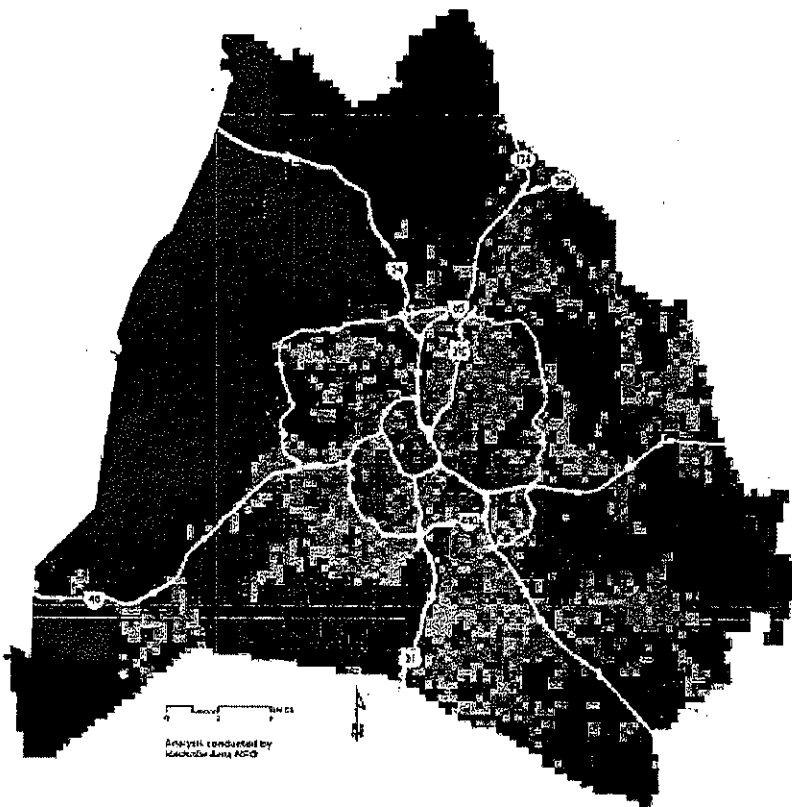
HEALTH PRIORITY AREAS

2014 MPO REGIONAL BICYCLE
AND PEDESTRIAN STUDY



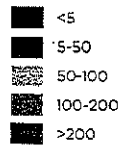
CATEGORIES

- Households in poverty
- Unemployed population
- Households without access to a vehicle
- Aging population (>65)



NON-MOTORIZED DEMAND

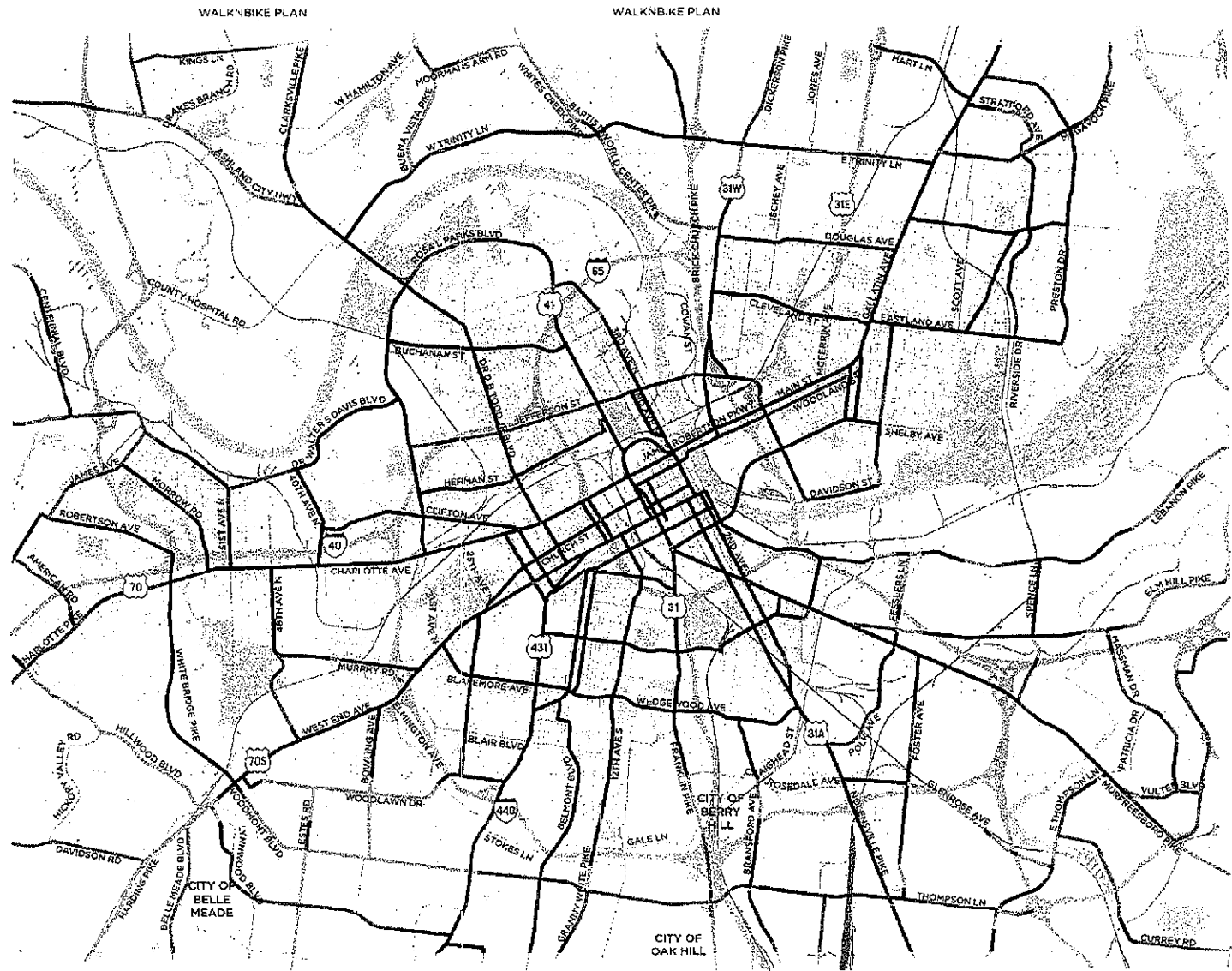
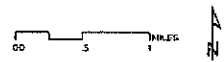
2014 MPO REGIONAL BICYCLE
AND PEDESTRIAN STUDY

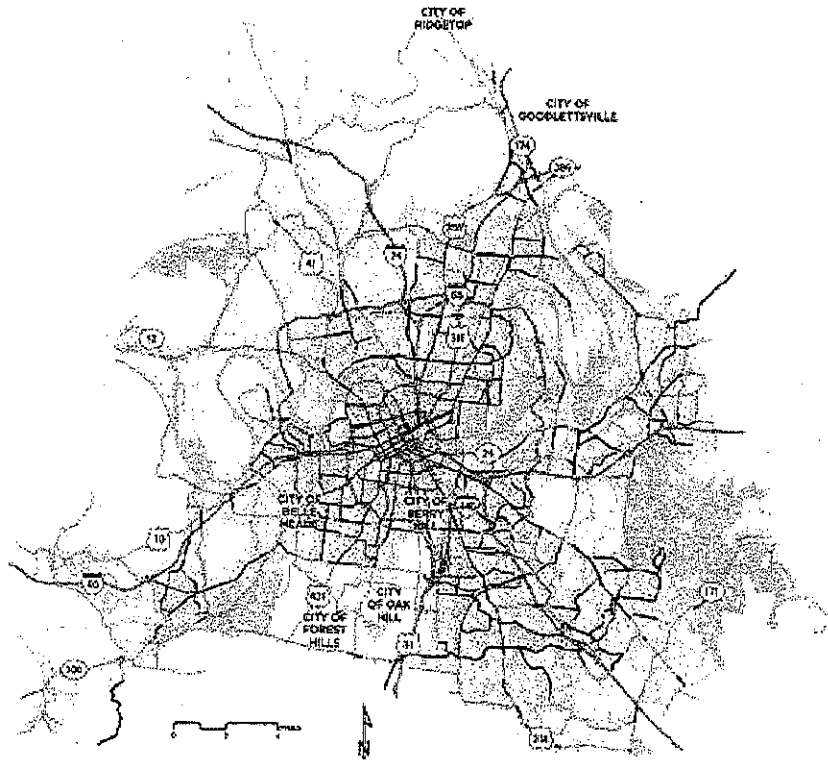


PEDESTRIAN LEVEL OF SERVICE

LEVEL OF SERVICE

- A
- B
- C
- D
- E
- F





PEDESTRIAN SUPPLY AND DEMAND

- High demand/low supply
- High demand/high supply
- Low demand/low supply
- Low demand/ high supply

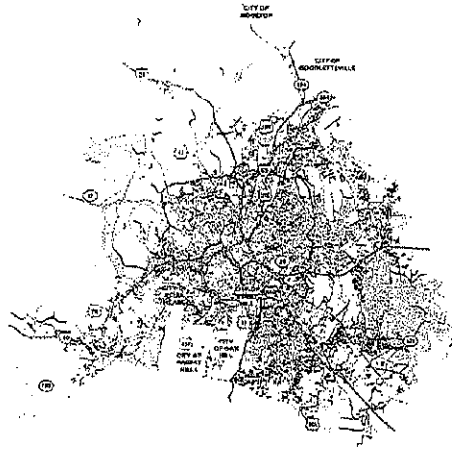
Step 3

Prioritize Projects

Priority Score

- 0 - 25
- 26 - 45
- 46 - 109
- 110 - 195

1,900 MILES
\$10.3 BILLION

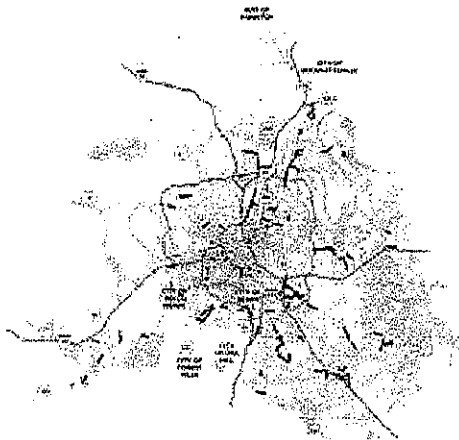


Step 4

Select Priority Sidewalk Network

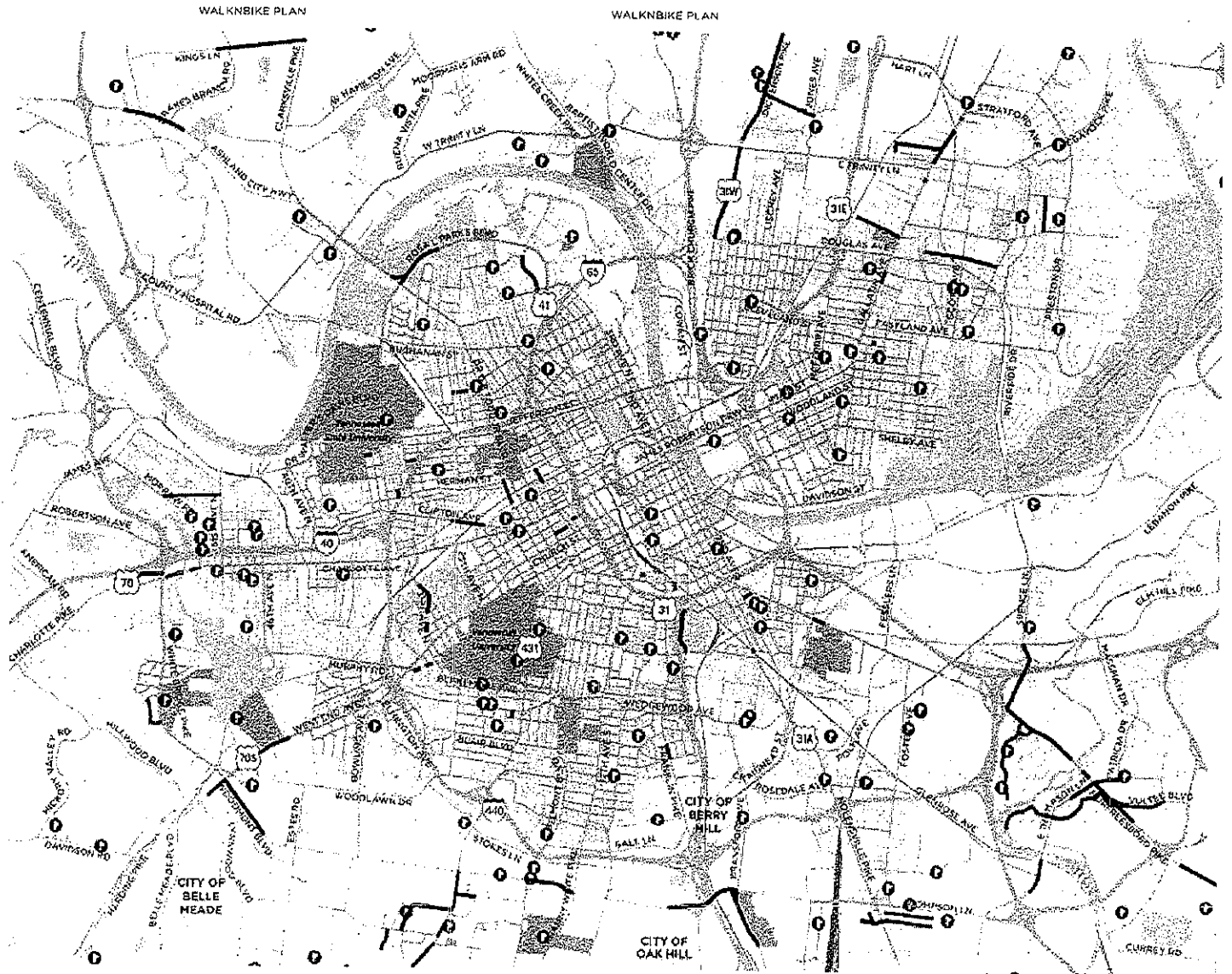
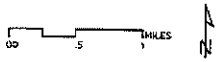
- Destination + Transit Access Projects
- School Connection Projects
- Vision Zero Projects
- Sidewalk Gap Projects

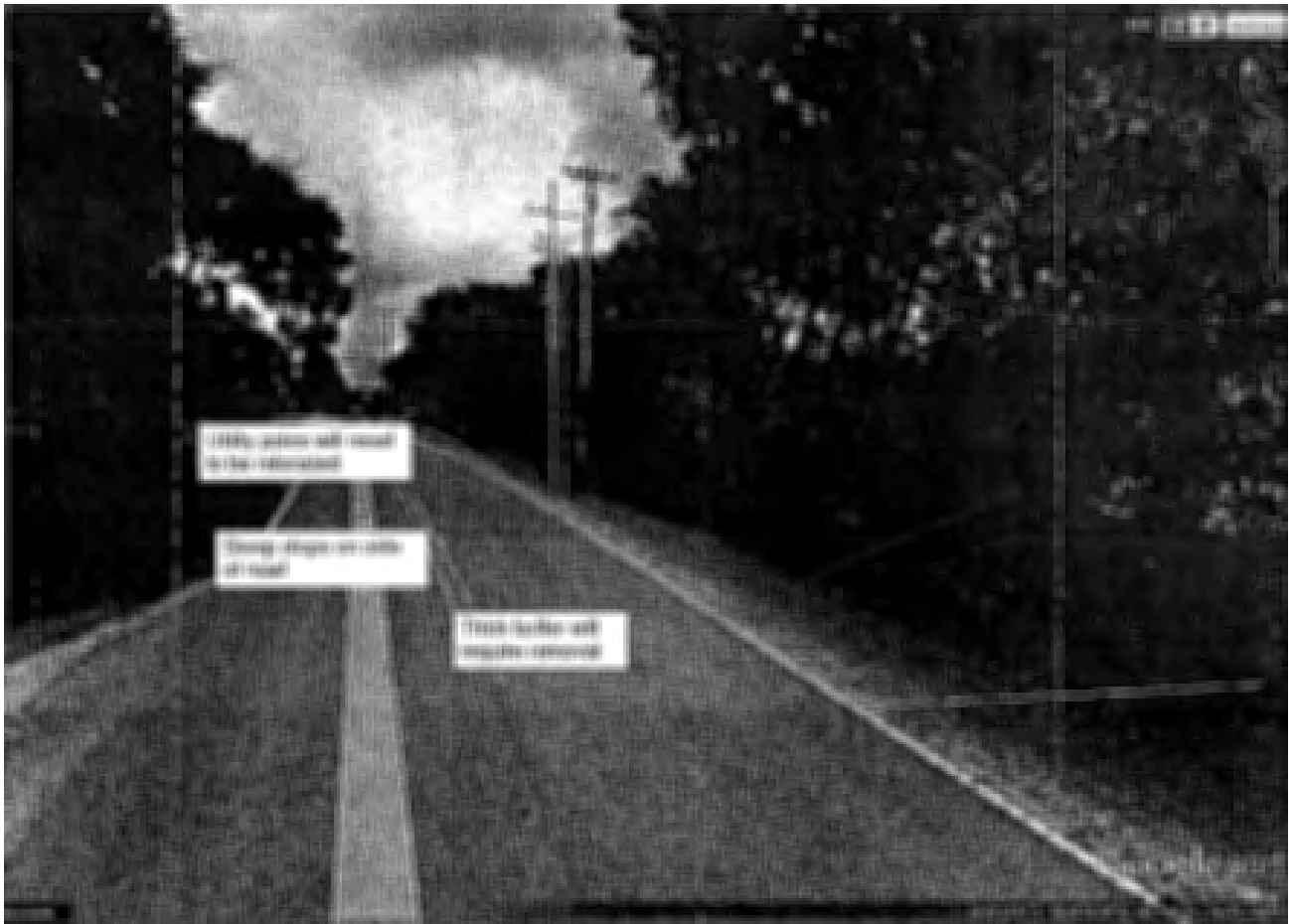
71 MILES
\$150,000,000



PRIORITIZED SIDEWALK NETWORK: CENTRAL NASHVILLE

-  Destination + Transit Access Projects
-  School Connection Projects
-  Vision Zero Projects
-  Sidewalk Gap Projects
-  Existing sidewalk
-  College/university
-  K-12 school

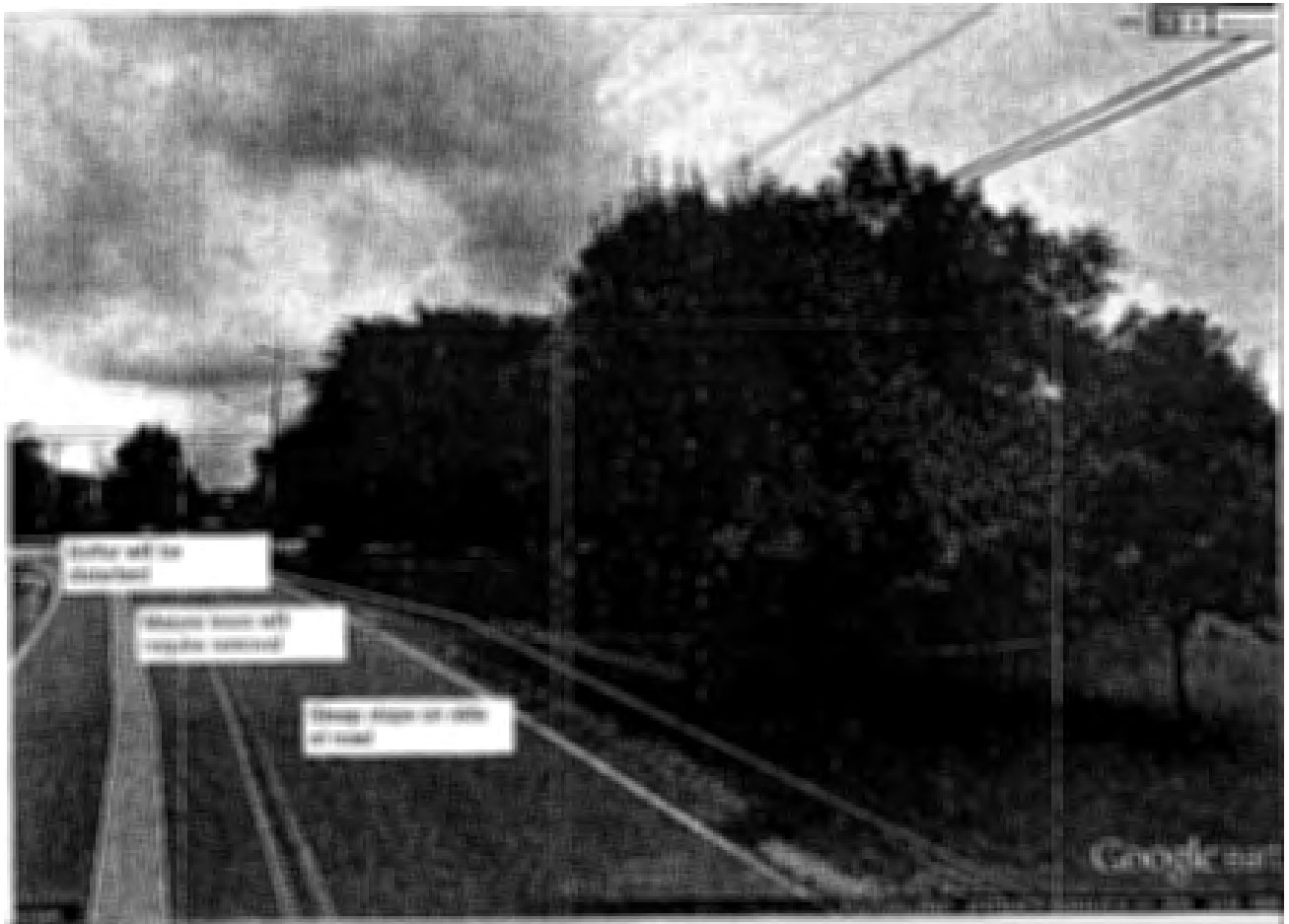


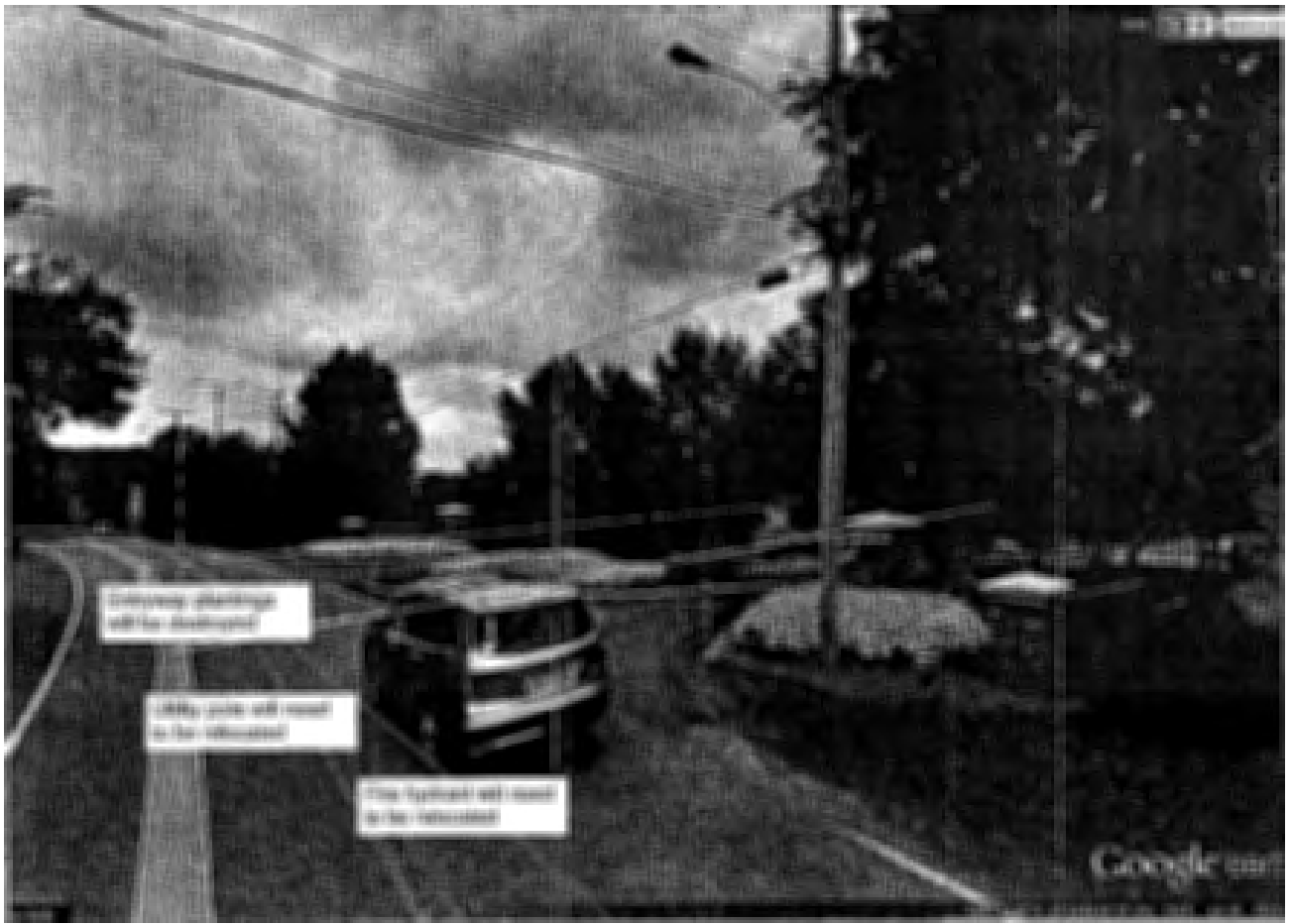


Center line with raised
to the shoulders

Edge stripes on both
of road

Dark surface with
white markings





Concrete planters will be destroyed

All the poles will need to be relocated

The sidewalk will need to be relocated

Google



Text overlay 1
with some text to be
observed

Text overlay 2
with some text to be
observed

Text overlay 3
with some text to be
observed

Google



Foundation and rebar

Google

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-509 (6201 Hickory Valley Road)

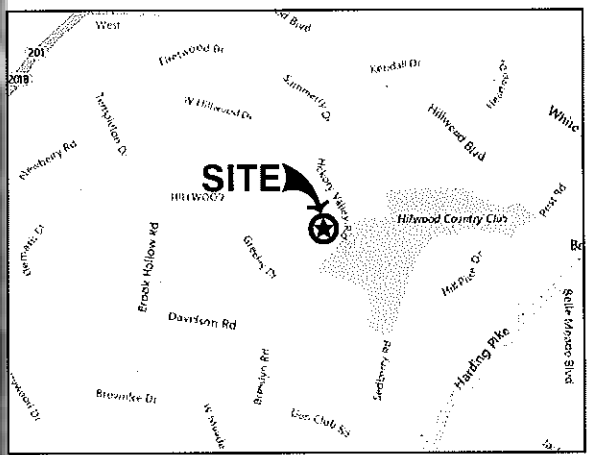
Metro Standard:	6' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not construct sidewalks; not contribute in lieu of construction (not eligible)
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	T3-R-CA2
Transit:	None existing; none planned
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve.*

Analysis: The applicant is conducting interior renovations within an existing golf course clubhouse and requests a variance from constructing sidewalks due to the lack of existing sidewalks along the block face and impacts to a vegetative buffer screening the development. Planning evaluated the following factors for the variance request:

- (1) Given the location of the golf course within a Suburban Neighborhood Maintenance policy area and the unlikelihood of future redevelopment for residential or mixed use development, construction of sidewalks is premature without a change in the land use policy or zoning in the area.
- (2) The property has a frontage length of approximately 779' along the eastern portion of Hickory Valley Road. Given the proposed improvements, ideally right-of-way dedication would facilitate future sidewalk construction along Hickory Valley Road. In this instance, there is a range of 10' to 17' or more of additional space in right-of-way on the east side making the construction of sidewalks feasible within the right-of-way.

Given the factors above, staff recommends **approval**.



VICINITY MAP
REFERENCE: METRO NASHVILLE GIS
SCALE: 1"=2,000'

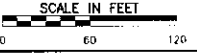
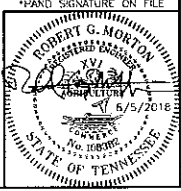
NO.	DATE	DESCRIPTION

C&E
Civil & Environmental Consultants, Inc.
325 Seaboard Lane - Suite 170 - Franklin, TN 37067
615-333-7797 - 800-763-2326
www.cceinc.com

SITE DATA CHART	
SITE DATA	
ADDRESS:	6201 HICKORY VALLEY RD
LOT AREA:	(631,184 S.F.) 14.49 ACRES
DEVELOPMENT:	HILLWOOD COUNTRY CLUB
PARCEL:	11601001000
TAX MAP:	116
CITY:	NASHVILLE
COUNTY:	DAVIDSON
STATE:	TENNESSEE
STREET SETBACK:	40'
SIDE SETBACK:	25'
REAR SETBACK:	20'
ZONING CLASSIFICATION	
JURISDICTION:	CITY OF NASHVILLE
EXISTING ZONING:	RS40 (MULTI-FAMILY RESIDENTIAL)
EXISTING USE:	COUNTRY CLUB
PROPOSED USE:	COUNTRY CLUB-SIDEWALK
BUILDING AREA	
BUILDING SQUARE FOOTAGE:	N/A
FLOOR AREA RATIO (MAX.):	N/A
FLOOR AREA RATIO PROVIDED:	N/A
BUILDING HEIGHT (20' @ SETBACK W/ 2:1 CONTROL PLANE):	N/A
SQUARE FOOTAGE PER FLOOR:	N/A
PARKING SUMMARY	
PARKING REQUIRED:	N/A
STANDARD PARKING PROVIDED:	N/A
HANDICAPPED PARKING PROVIDED:	N/A

HILLWOOD COUNTRY CLUB
SIDEWALK
6201 HICKORY VALLEY ROAD
NASHVILLE, TENNESSEE

- STANDARD NOTES:**
1. THERE SHALL BE NO VERTICAL OBSTRUCTIONS WITHIN THE SIDEWALK.
 2. THE CONTRACTOR SHALL CALL PUBLIC WORKS FOR A FORMS INSPECTION AT 615-456-3724 OR 615-456-4095, PRIOR TO POURING CONCRETE.
 3. SIDEWALK CROSS SLOPE SHALL NOT EXCEED 2%.
 4. ALL CONSTRUCTION WITHIN THE RIGHT-OF-WAY SHALL COMPLY WITH THE AMERICANS WITH DISABILITIES ACT (ADA) IN EFFECT AT THE TIME ACTIVITIES ARE PERFORMED.
- NOTES:**
1. DEVELOPER WILL SEEK VARIANCE FOR RELIEF FROM THE SIDEWALK ORDINANCE.
 2. LENGTH OF NEW SIDEWALK = 780 FT.



SITE LAYOUT PLAN

DATE: AUGUST 2018 | DRAWN BY: AS SHOWN | CHECKED BY: [Signature]

DWG. SCALE: [Blank] | PROJECT NO: 189-702

* RCM





APPROVED BY: [Signature]

DRAWING NO: **C200**

1/2018 (18-702) - 0201 (08/18) - 0101 (08/18) - 0201 (08/18) - 0301 (08/18) - 0401 (08/18) - 0501 (08/18) - 0601 (08/18) - 0701 (08/18) - 0801 (08/18) - 0901 (08/18) - 1001 (08/18) - 1101 (08/18) - 1201 (08/18) - 1301 (08/18) - 1401 (08/18) - 1501 (08/18) - 1601 (08/18) - 1701 (08/18) - 1801 (08/18) - 1901 (08/18) - 2001 (08/18) - 2101 (08/18) - 2201 (08/18) - 2301 (08/18) - 2401 (08/18) - 2501 (08/18) - 2601 (08/18) - 2701 (08/18) - 2801 (08/18) - 2901 (08/18) - 3001 (08/18) - 3101 (08/18) - 3201 (08/18) - 3301 (08/18) - 3401 (08/18) - 3501 (08/18) - 3601 (08/18) - 3701 (08/18) - 3801 (08/18) - 3901 (08/18) - 4001 (08/18) - 4101 (08/18) - 4201 (08/18) - 4301 (08/18) - 4401 (08/18) - 4501 (08/18) - 4601 (08/18) - 4701 (08/18) - 4801 (08/18) - 4901 (08/18) - 5001 (08/18) - 5101 (08/18) - 5201 (08/18) - 5301 (08/18) - 5401 (08/18) - 5501 (08/18) - 5601 (08/18) - 5701 (08/18) - 5801 (08/18) - 5901 (08/18) - 6001 (08/18) - 6101 (08/18) - 6201 (08/18) - 6301 (08/18) - 6401 (08/18) - 6501 (08/18) - 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PUBLIC INPUT: PEDESTRIAN NEEDS

"Route that could be improved for pedestrians" or "Barrier to walking"

-  Highest Support
-  High Support
-  Low Support
-  Lowest Support

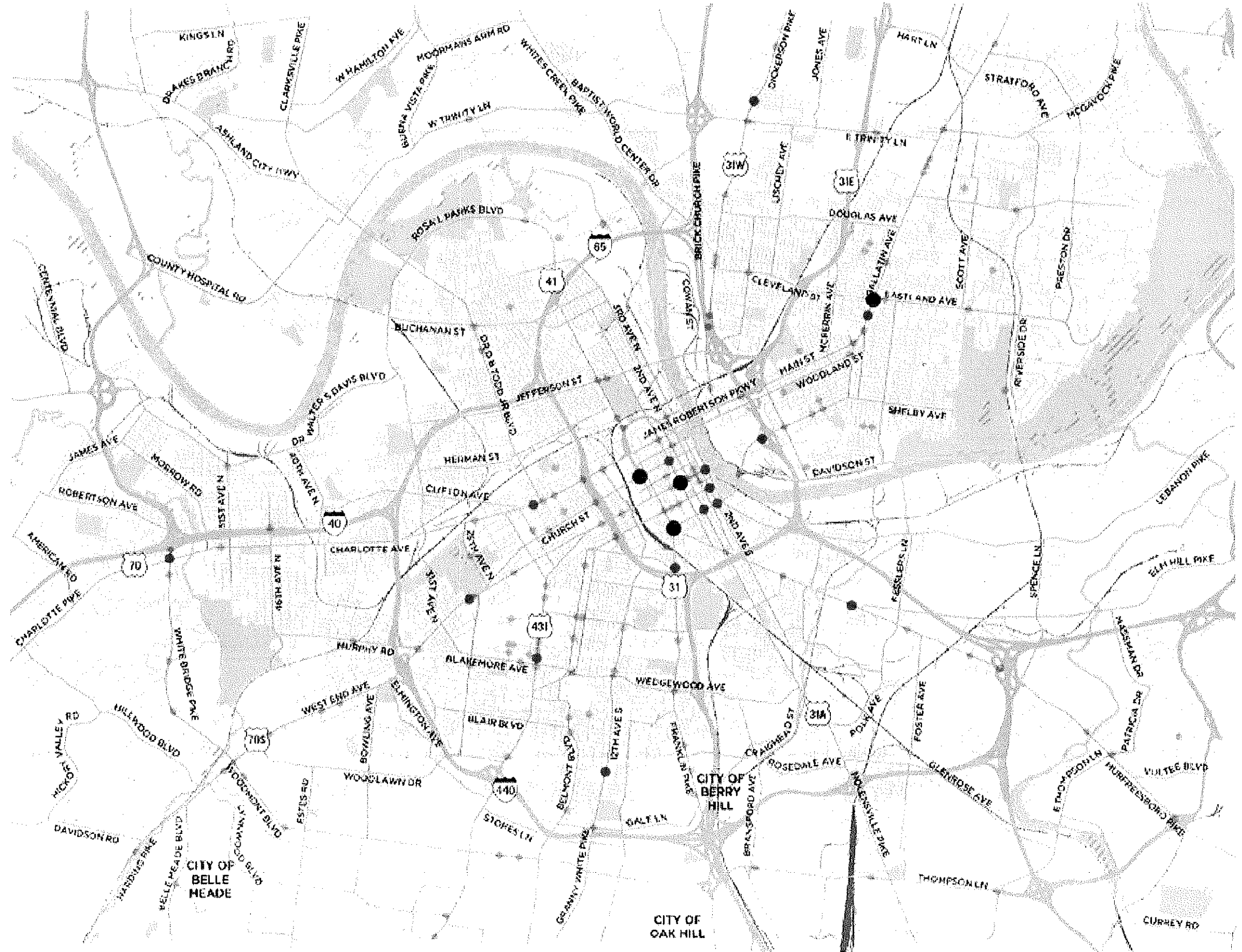
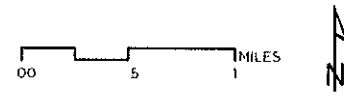
0 0.5 1 MILES



CRASH ANALYSIS

BIKE CRASH FREQUENCY

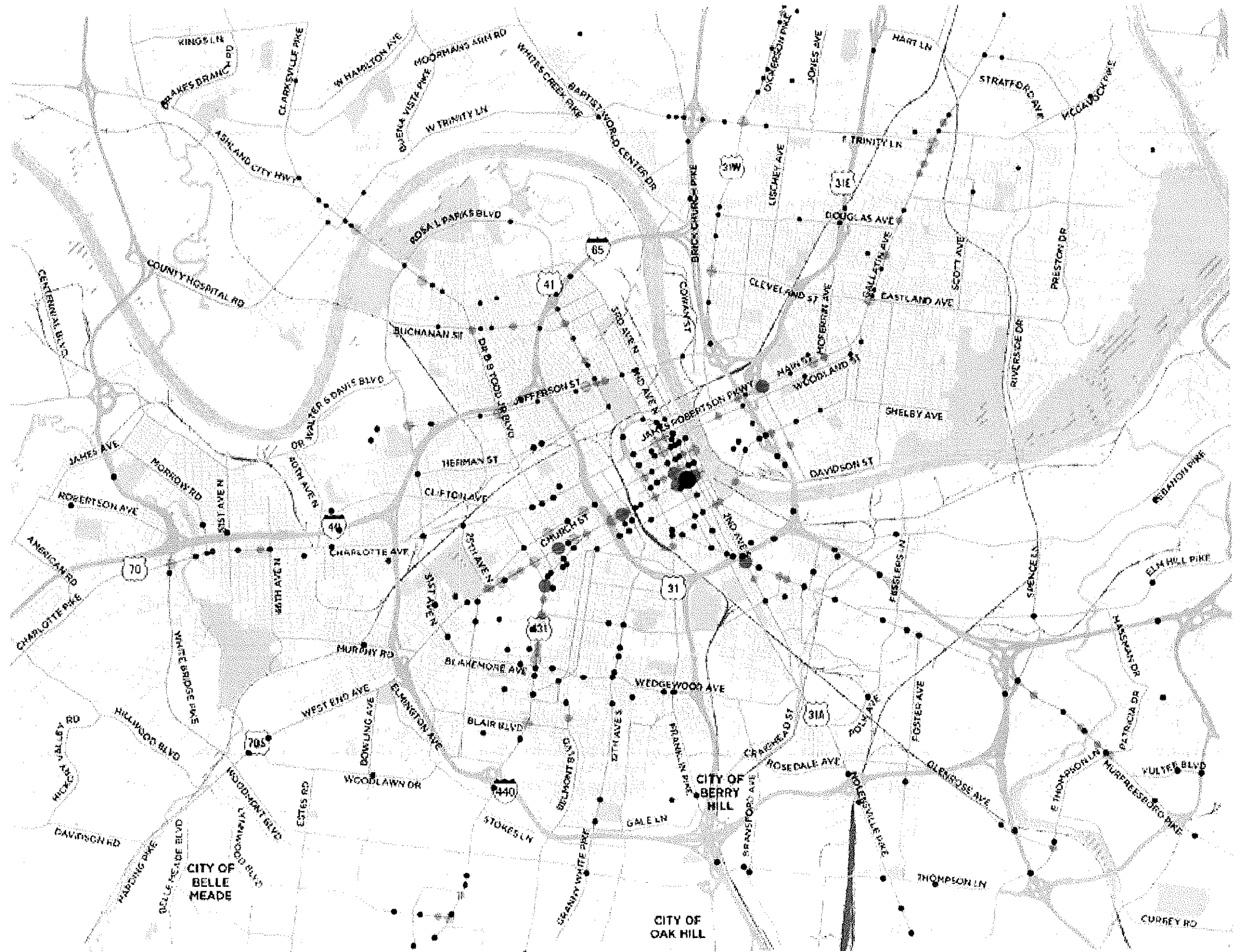
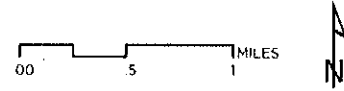
- 1
- 2
- 3

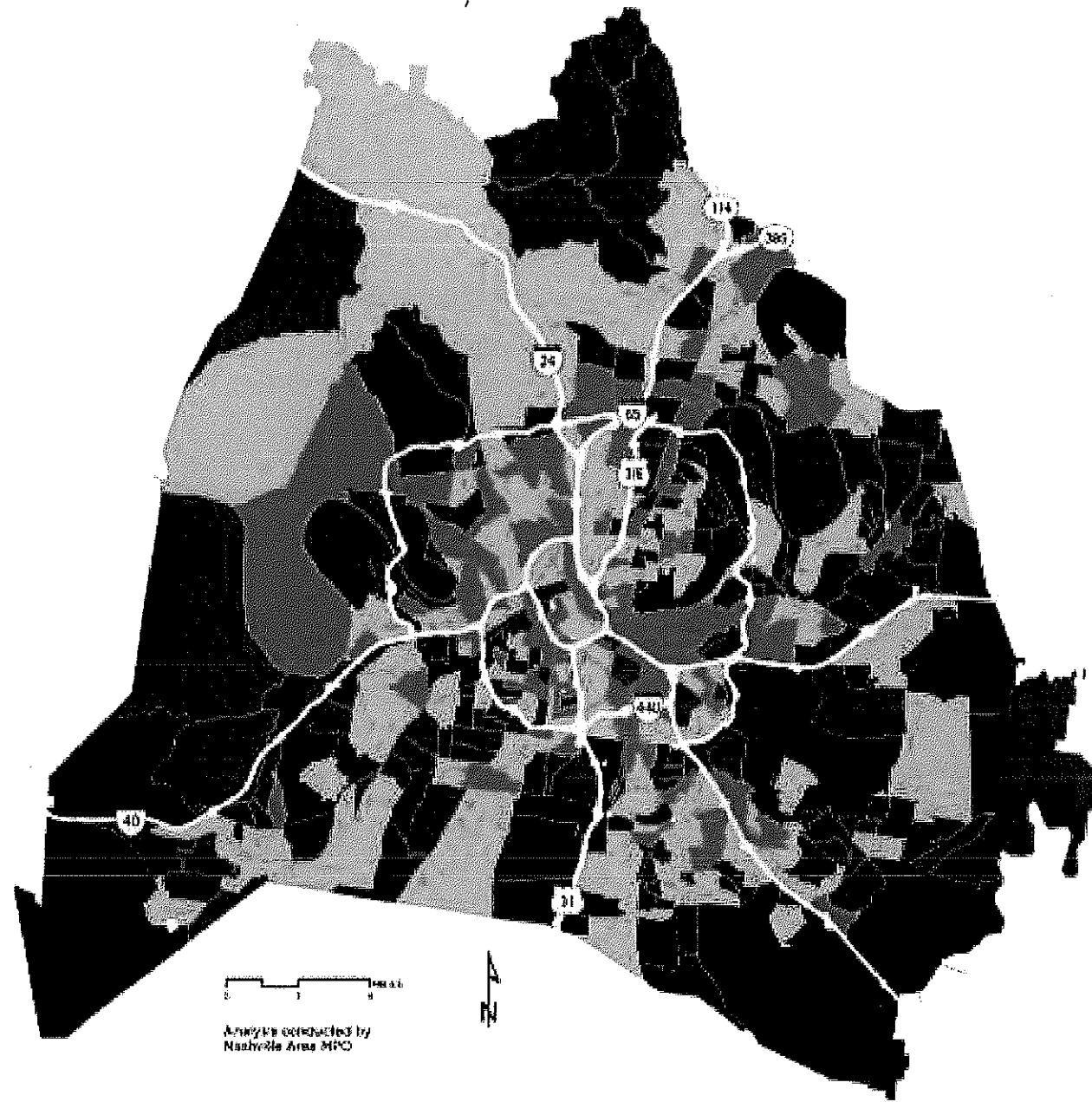


CRASH ANALYSIS

PEDESTRIAN CRASH FREQUENCY

- 1
- 2
- 3-4
- 5-8
- 9-11

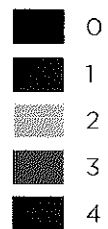




Analysis conducted by
Nashville Area MPO

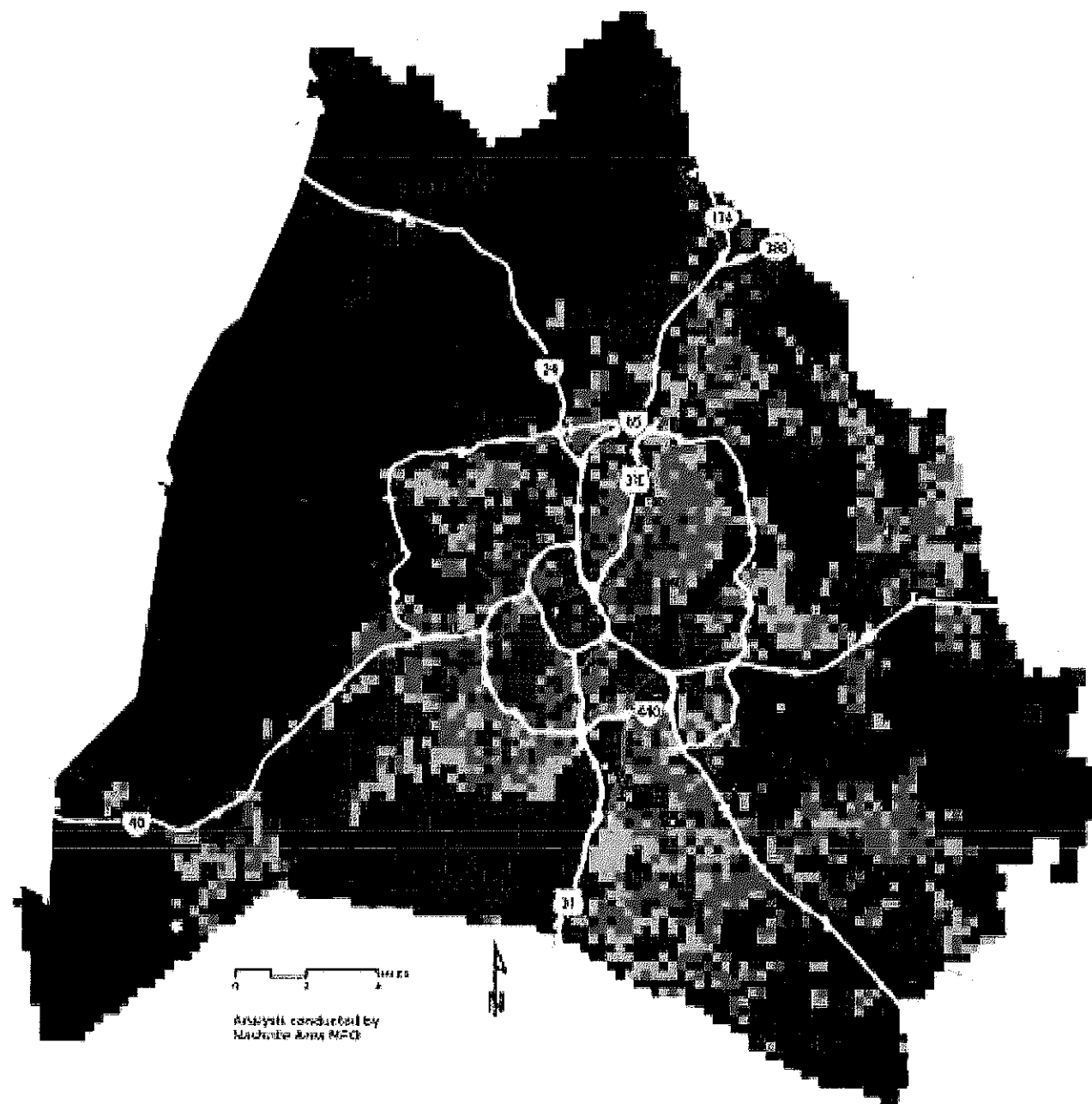
HEALTH PRIORITY AREAS

2014 MPO REGIONAL BICYCLE AND PEDESTRIAN STUDY



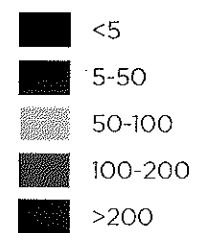
CATEGORIES

- Households in poverty
- Unemployed population
- Households without access to a vehicle
- Aging population (>65)



NON-MOTORIZED DEMAND

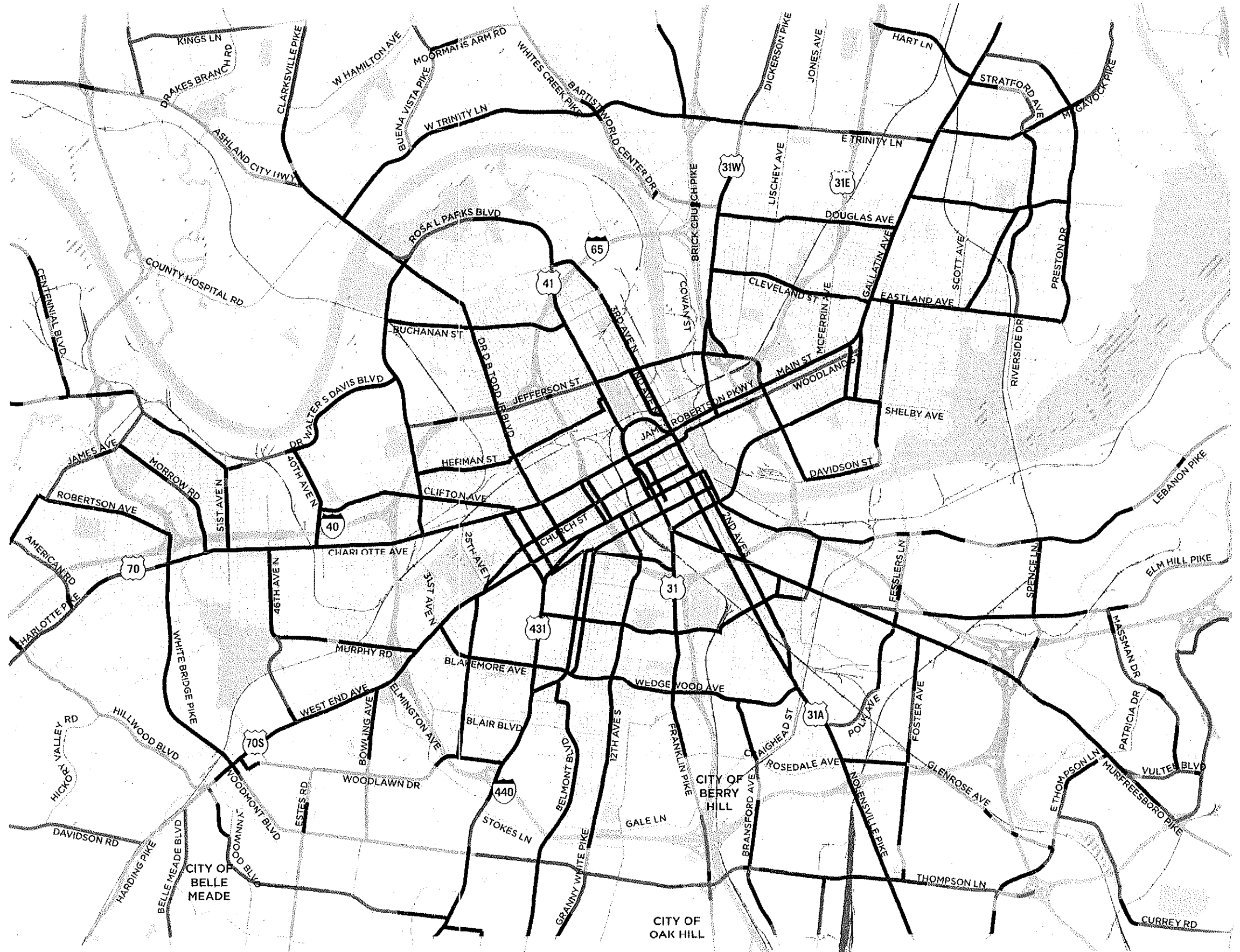
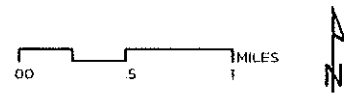
2014 MPO REGIONAL BICYCLE
AND PEDESTRIAN STUDY

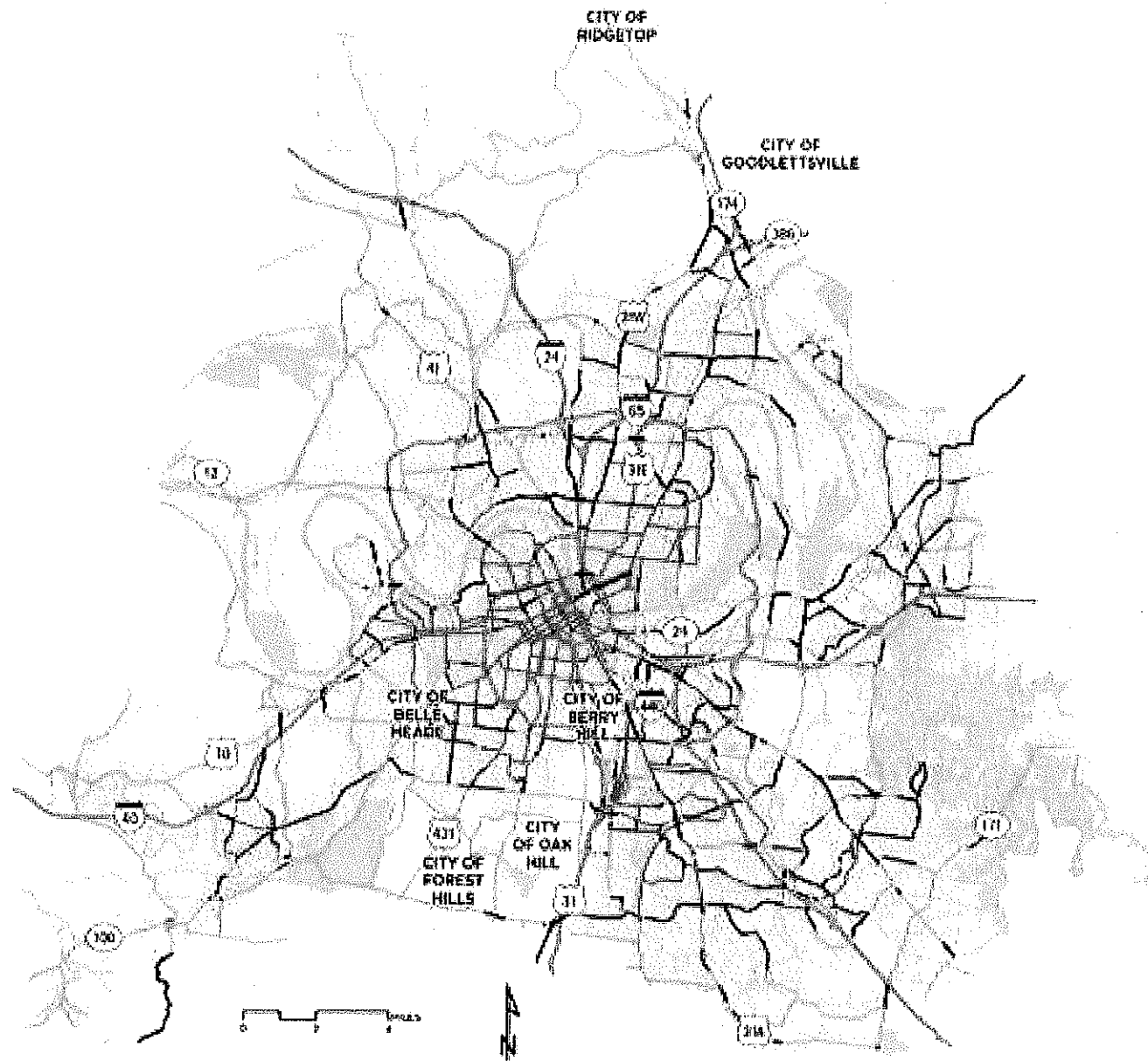


PEDESTRIAN LEVEL OF SERVICE

LEVEL OF SERVICE

- A
- B
- C
- D
- E
- F





PEDESTRIAN SUPPLY AND DEMAND

- High demand/low supply
- High demand/high supply
- Low demand/low supply
- Low demand/ high supply

Step 3

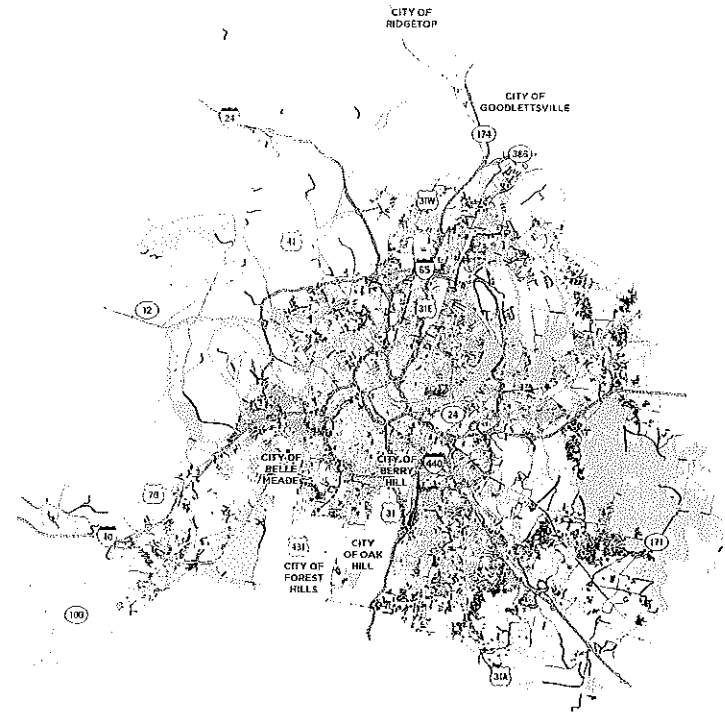
Prioritize Projects

Priority Score

- 0 - 25
- 26 - 45
- 46 - 109
- 110 - 195

1,900 MILES

\$10.3 BILLION



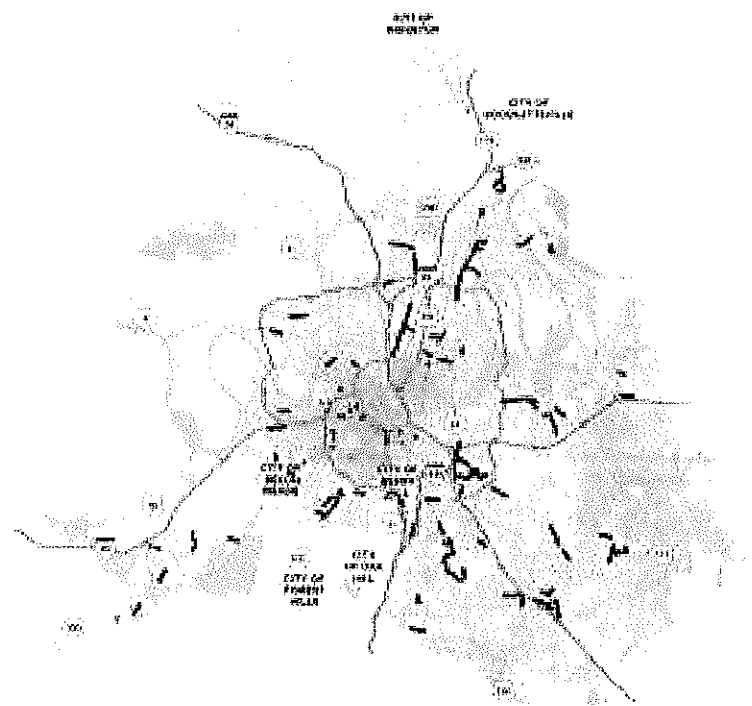
Step 4

Select Priority Sidewalk Network

- Destination + Transit Access Projects
- School Connection Projects
- Vision Zero Projects
- Sidewalk Gap Projects

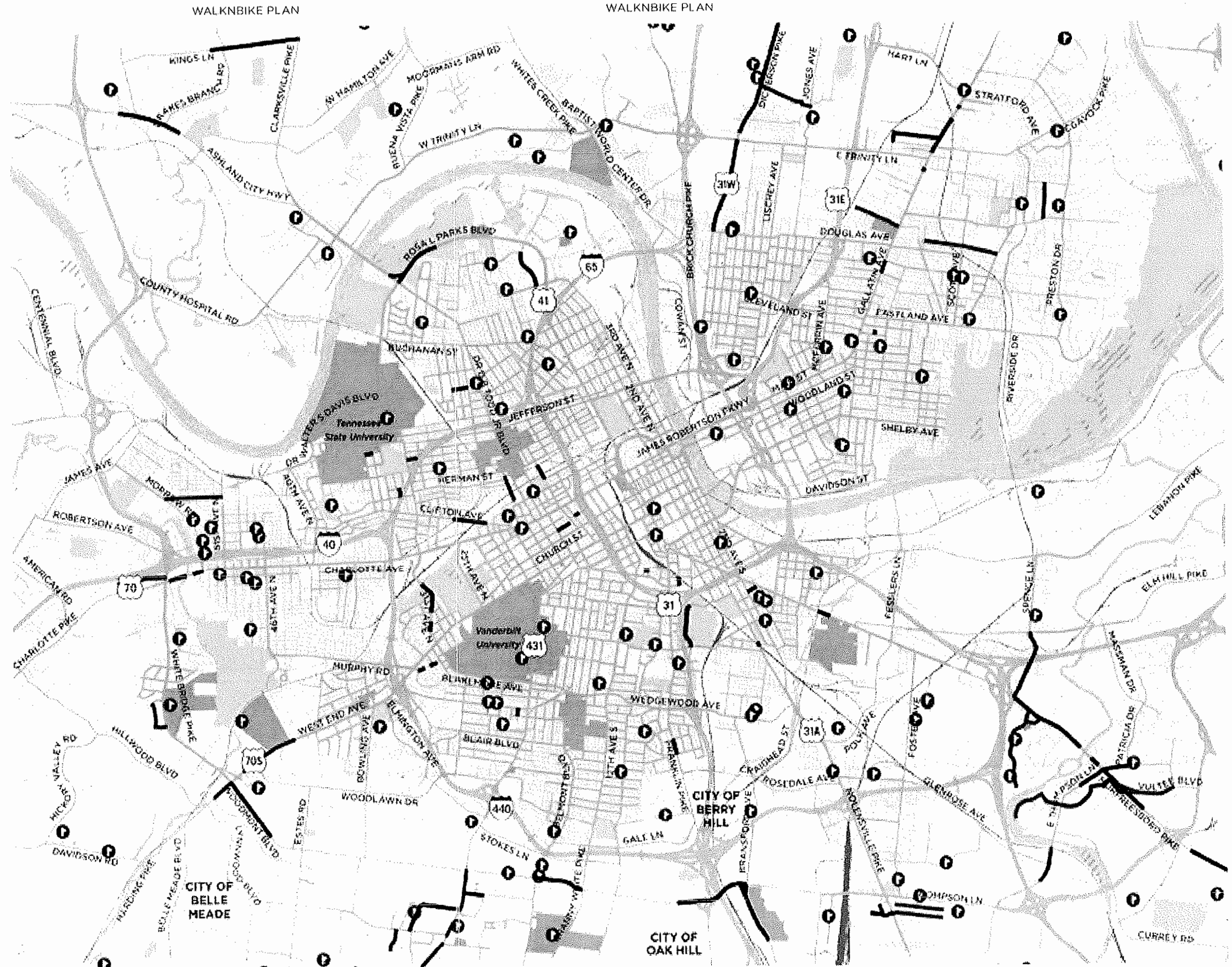
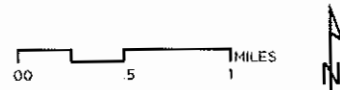
71 MILES

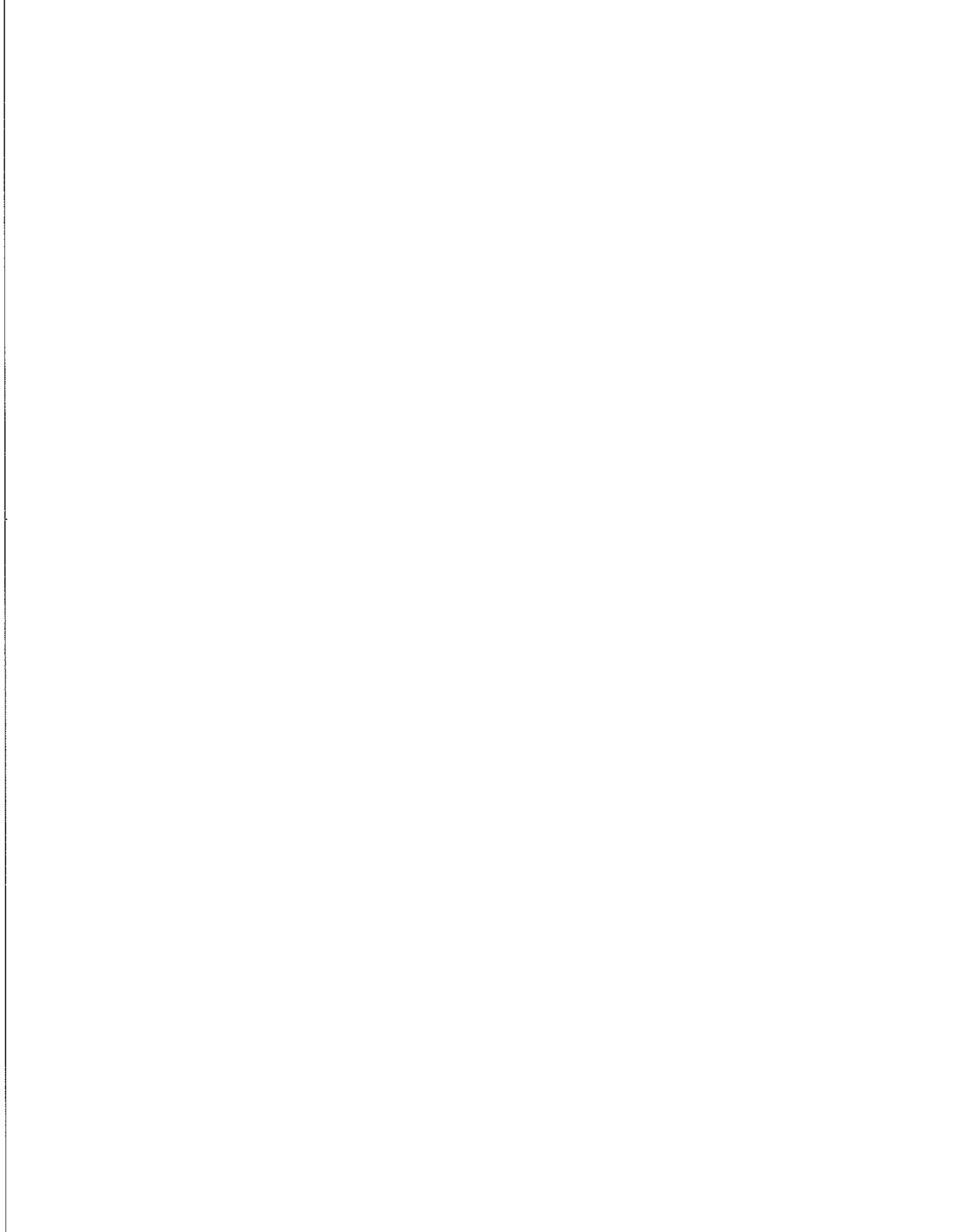
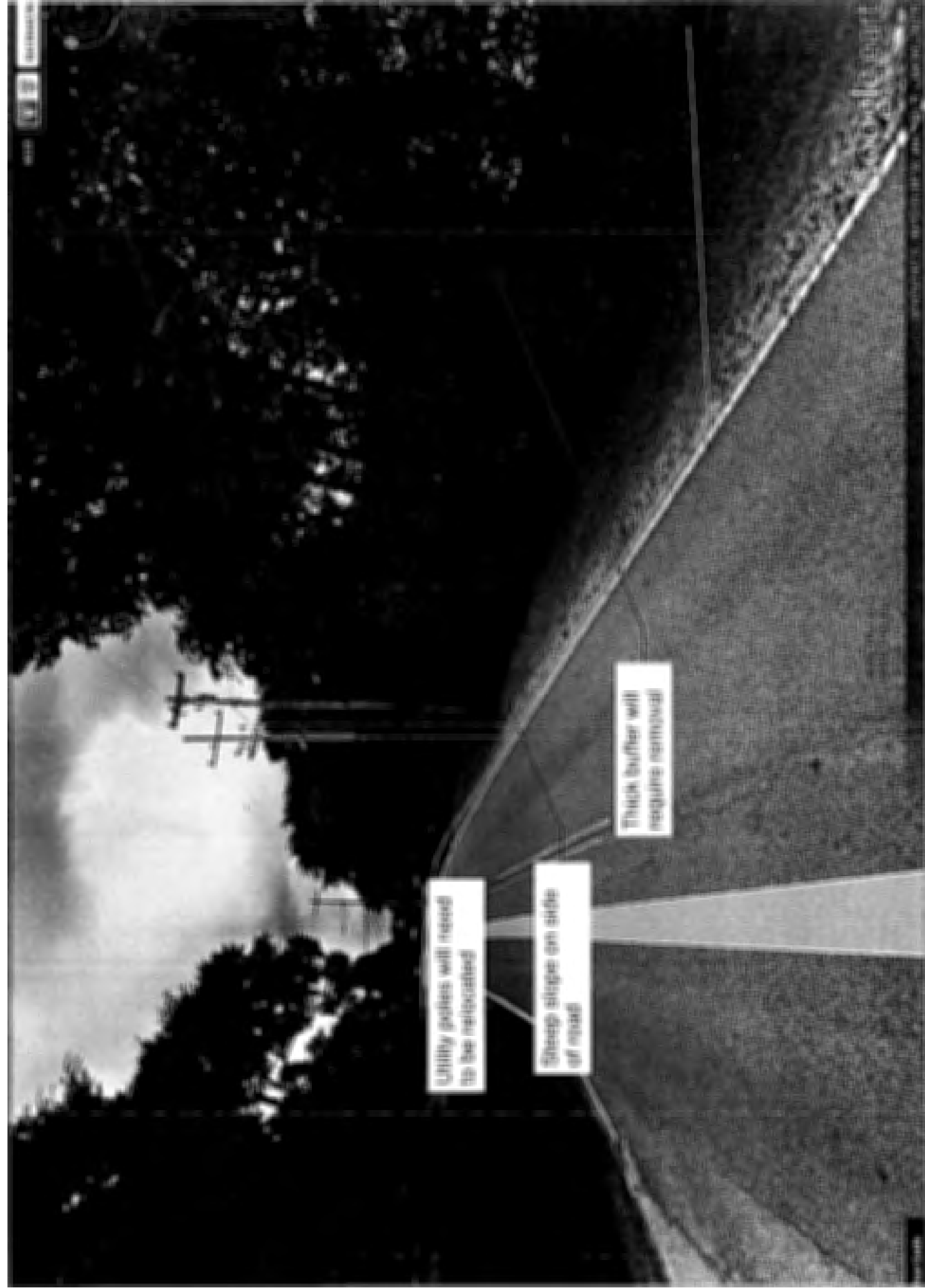
\$460,000,000

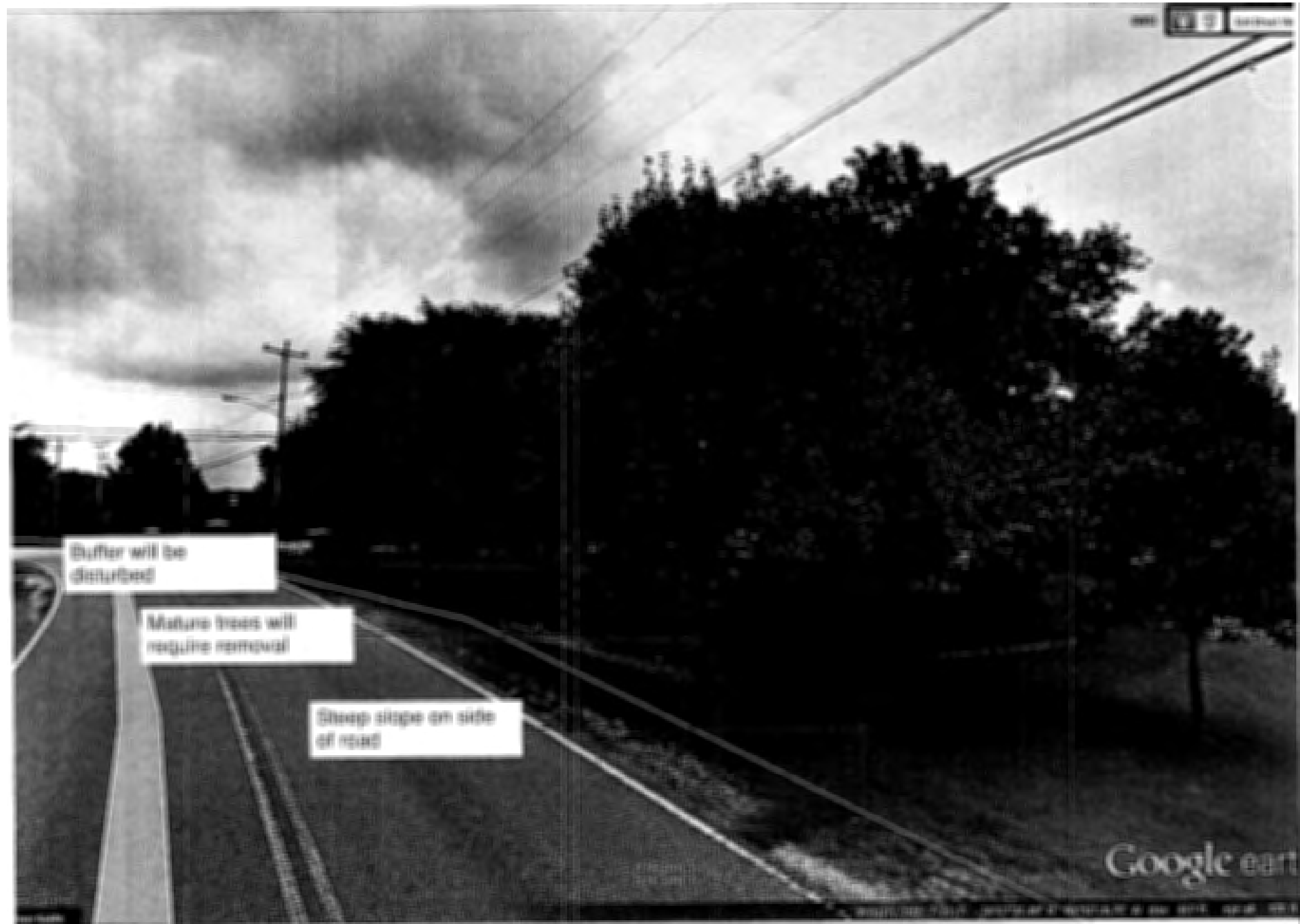


PRIORITIZED SIDEWALK NETWORK: CENTRAL NASHVILLE

-  Destination + Transit Access Projects
-  School Connection Projects
-  Vision Zero Projects
-  Sidewalk Gap Projects
-  Existing sidewalk
-  College/university
-  K-12 school





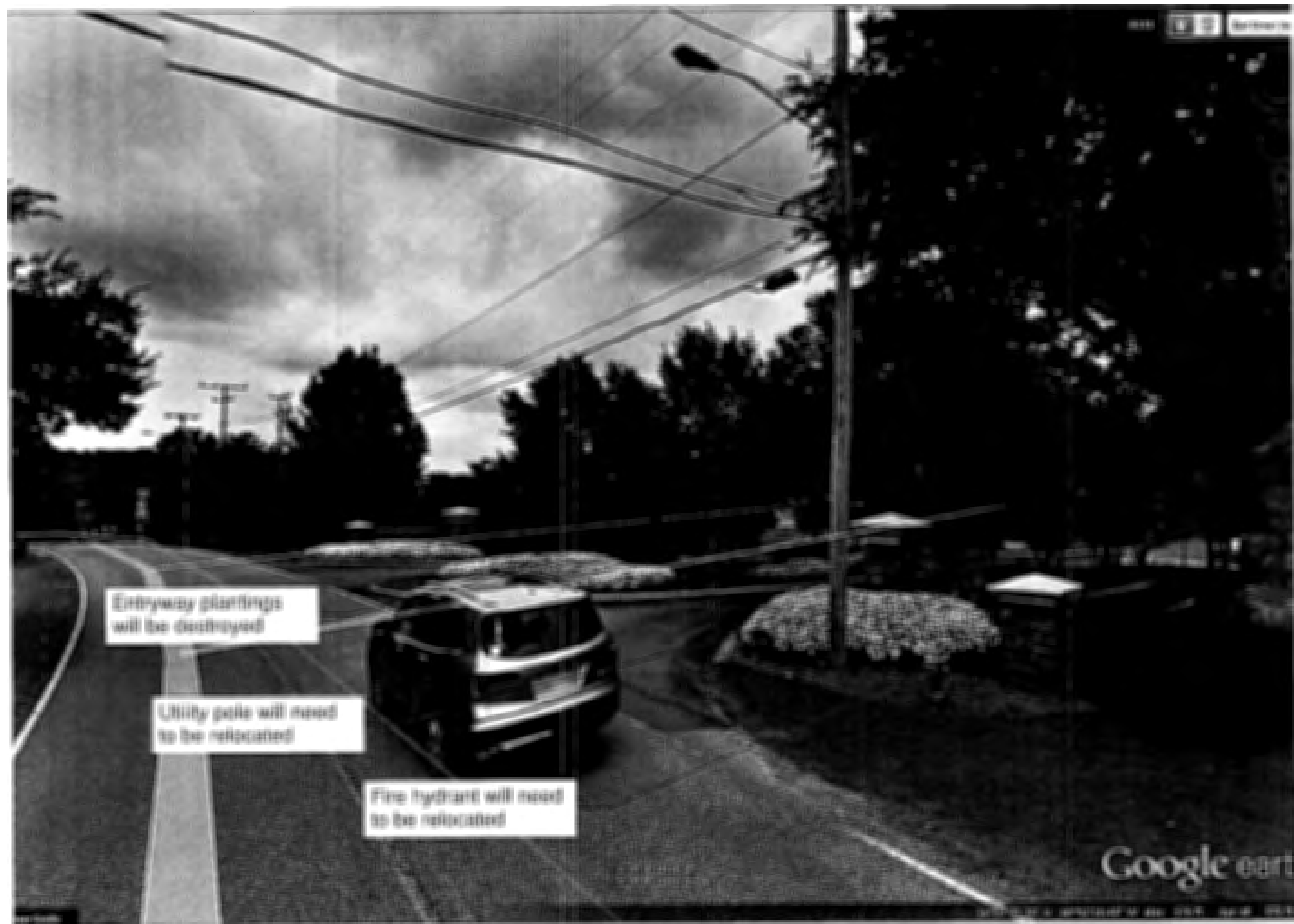


Buffer will be disturbed

Mature trees will require removal

Steep slope on side of road

Google earth

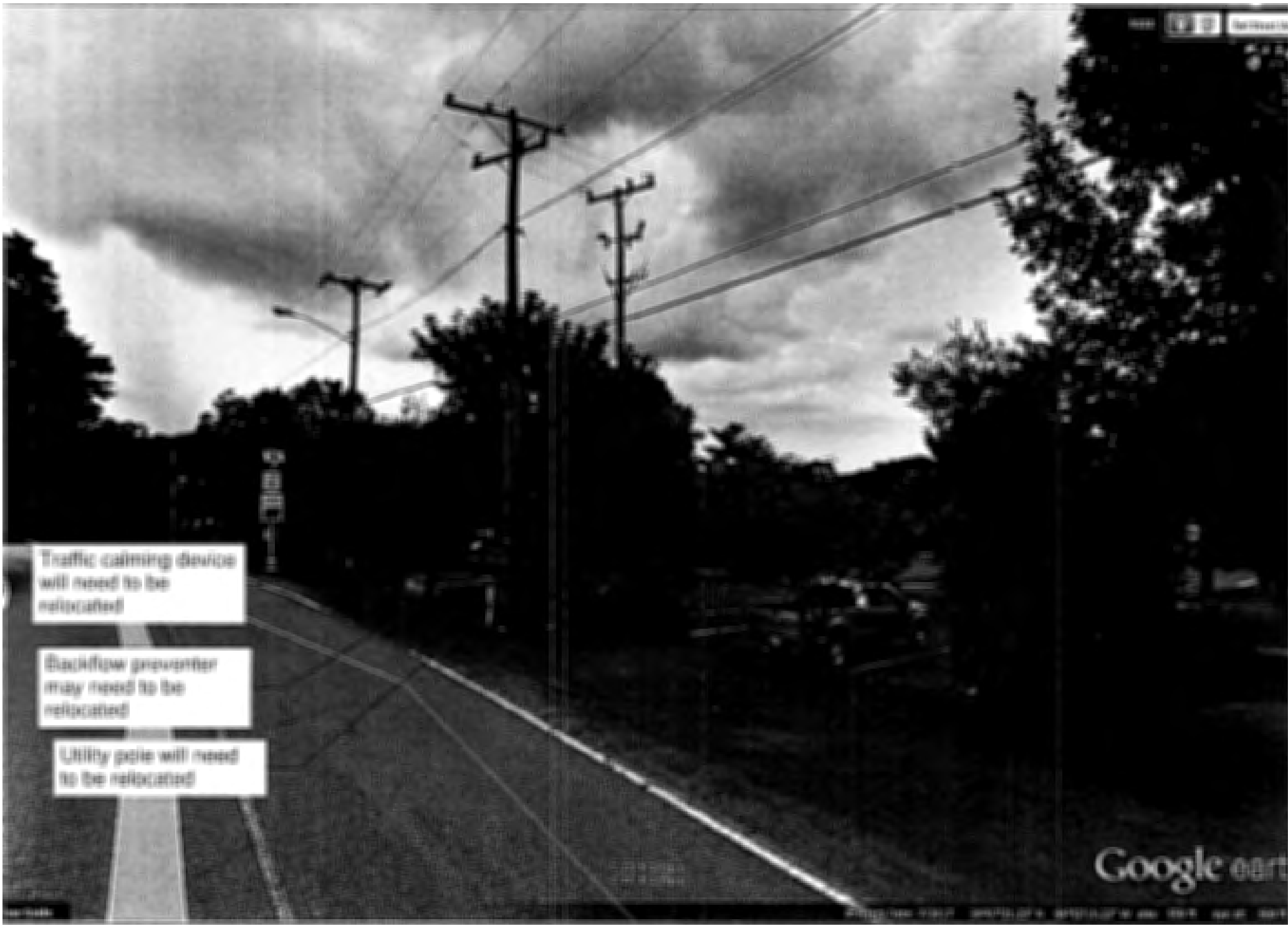


Entryway plantings will be destroyed

Utility pole will need to be relocated

Fire hydrant will need to be relocated

Google earth



Traffic calming device
will need to be
relocated

Backflow preventer
may need to be
relocated

Utility pole will need
to be relocated

Google earth



Tree buffer will be disturbed

Google earth

From: [Michael, Jon \(Codes\)](#)
To: [Lifsey, Debbie \(Codes\)](#)
Cc: [Shepherd, Jessica \(Codes\)](#)
Subject: FW: Sidewalk variance District 23
Date: Wednesday, September 19, 2018 4:51:27 PM
Attachments: [BZA2018-509 Sidewalk rec. Planning FINAL.pdf](#)
[BZA2018-510 Sidewalk Rec. Planning FINAL.pdf](#)

Let's include this email for the Board members as a hand out tomorrow.

From: Johnson, Mina (Council Member)
Sent: Wednesday, September 19, 2018 3:33 PM
To: Michael, Jon (Codes)
Cc: Herbert, Bill (Codes)
Subject: Sidewalk variance District 23

Jon Michael,

I have been in discussion with both the applicant and Planning staff on these sidewalk variance.

Harding Pk. sidewalk is the first sidewalk to be installed in that area and it will set the standard for other sidewalks to come when development occurs. There might be some minor adjustment on the actual design but we all are on the same page that the variance is needed to have right balance to minimize grading in the flood plain while accommodating the most appropriate sidewalk width.

On the Hillwood County Club sidewalks, I believe the applicant provided more than reasonable case why variance is appropriate.

I fully support planning department's recommendation on both items and ask the board of zoning appeal to grant the variance on both cases.

Mina Johnson
Councilmember, District 23
(615) 429-7857
[Sign up for District 23 Update](#)

From: Briggs, Michael (Planning)
Sent: Monday, September 17, 2018 9:49 AM
To: Johnson, Mina (Council Member)
Subject: Sidewalk Recommendations - District 23

CM Johnson –

In an effort to keep Council Members informed of issues since the passage of [BL2016-493](#), I've attached the Planning Department's recommendations to the Board of Zoning Appeals for the following cases:

2018-509 6201 Hickory Valley Rd
2018-510 5115 Harding Pike

They will be heard at BZA this Thursday, September 20 at 1 pm.

Let me know if you have any questions.

Best,
Michael

Michael Briggs, AICP

Manager of Multimodal Transportation Planning & Programming

Metro Nashville Planning Department with Metro Public Works Division of Transportation

800 Second Avenue South | P.O. Box 196300 | Nashville, TN 37219-6300

615.862.7219 | michael.briggs@nashville.gov | www.nashville.gov/MPC | www.nashville.gov/Public-Works

[Bronze Bicycle Friendly Business](#)

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: DARBY BROWN

Date: 8/7/18

Property Owner: DARBY BROWN

Case #: 2018- 510

Representative: JAMIE GILLESPIE

Map & Parcel: 116/30/0100

Council District 23

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose:

Activity Type: _____

Location: 5115 HARDING PIKE

This property is in the CS Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: requesting a variance from sidewalk and bike lane requirements.

Section(s): 17.20.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection _____ Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

DARBY BROWN
Appellant Name (Please Print)

JAMIE GILLESPIE
Representative Name (Please Print)

Address

ONE VANTAGE WAY, SUITE E-220
Address

City, State, Zip Code

NASHVILLE, TN 37228
City, State, Zip Code

615-438-9028
Phone Number

615-417-5056
Phone Number

Email

JAMIE.GILLESPIE@JAMESPLUS.NET
Email

Appeal Fee: _____

Iroquois Development LLC

August 7, 2018


Jon Michael
Metro Codes Department
800 2nd Ave. South
Nashville, TN 37210

**RE: BZA Submittal – 5115 Harding Pike Site Plan – Parcel ID#11613010100 -Request for Variance from
Bike Lane and Sidewalk Requirement**

Dear Mr. Michael,

This letter is to authorize Jamie Gillespie, James + Associates, Inc., to act on my behalf in the submission of the subject variance request to the Metro Board of Zoning Appeals.

Sincerely,



Darby Brown
Iroquois Development
615-438-9028
Managing Partner



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



3543312

ZONING BOARD APPEAL / CAAZ - 20180046764
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11613010100

APPLICATION DATE: 08/07/2018

SITE ADDRESS:

5115 HARDING PIKE NASHVILLE, TN 37205
LOTS 7TH 10 ALEXANDER SUB MARTIN

PARCEL OWNER: IROQUOIS PLAZA, LLC

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting width of sidewalk and bike lane variance per METZO Section 17.20.120.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.



APPELLANT

8/7/18

DATE

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17.40.370. This Section is included as follows:

Physical characteristics of the property - The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property.

Unique characteristics - The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.

Hardship not self-imposed - The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of this Zoning Code.

Financial gain not only basis - Financial gain is not the sole basis for granting the variance.

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

No harm to public welfare - The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.

Integrity of Master Development Plan - The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.B.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions MUST affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

Based on the street classification, Arterial-Boulevard- (T3-M-AB5) the development will require a 5' bike lane, curb and gutter, 6' grass strip, and 8' sidewalk. The project is within the 100 year floodplain and the addition of this infrastructure is increasing the amount of fill that must be compensated for within the site. We are requesting consideration for a variance to eliminate the 5' bike lane and include the curb and gutter with a reduced grass strip of 4' and reduced sidewalk width of 5'. This will result in a decrease of approximately 10' of proposed width that will significantly reduce the amount of fill required for compensation.

Jamie Gillespie

From: York, Benjamin (Public Works) <ben.york@nashville.gov>
Sent: Thursday, August 2, 2018 11:40 AM
To: Jamie Gillespie
Cc: File
Subject: Re: 5115 Harding Pike - Sidewalk Question - JA# 1556-22
Attachments: image001.png

We have historically omitted the bike lane in these instances. I believe this required a BZA variance. For a vertical drop we require TDOT retaining walls and MPW standard handrails.

Thanks
Ben

Sent from my iPhone

On Aug 2, 2018, at 10:27 AM, Jamie Gillespie <jamie.gillespie@jamesplus.net<mailto:jamie.gillespie@jamesplus.net>> wrote:

Hey Ben, we are working on a site plan at the subject property and based on roadway classification information from Michael Briggs it appears we will need to leave room for a 5' bike lane, 6' grass strip and 8' sidewalk. This is presenting a bit of an issue for us because the site is in the floodplain and we are working on the compensating cut/fill requirement. The proposed addition of this infrastructure is resulting in additional fill and I am trying to determine how we can accommodate it. We know we have the option of requesting a variance and we may end up doing that but I wanted to talk with you about how you have handled public sidewalks with a vertical drop at the back of the sidewalk. I would appreciate it if you would give me a call so we can discuss this or if there is someone that deals with this type thing more specifically if you can put me in touch with them. Thanks for your consideration in this matter.

Jamie Gillespie, PE, CPESC
<image001.png> James + Associates, Inc.
One Vantage Way, Suite E-220
Nashville, TN 37228
615.726.4848 (ph.)
615-726-8630 (fax)
615-417-5056 (mobile)
www.jamesplus.net<<http://www.jamesplus.net/>>
jamie.gillespie@jamesplus.net<<mailto:jamie.gillespie@jamesplus.net>>

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-510 (5115 Harding Pike)

Metro Standard:	6' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Construct alternate sidewalk design with a 3' grass strip, 7' sidewalk
Community Plan Policy:	T3 NC (Suburban Neighborhood Center) CO (Conservation: Floodplain)
MCSP Street Designation:	T3-M-AB5
Transit:	#5 – West End/Bellevue
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing a medical office use and requests a variance to construct an alternative sidewalk design along the property frontage. Planning evaluated the following factors for the variance request:

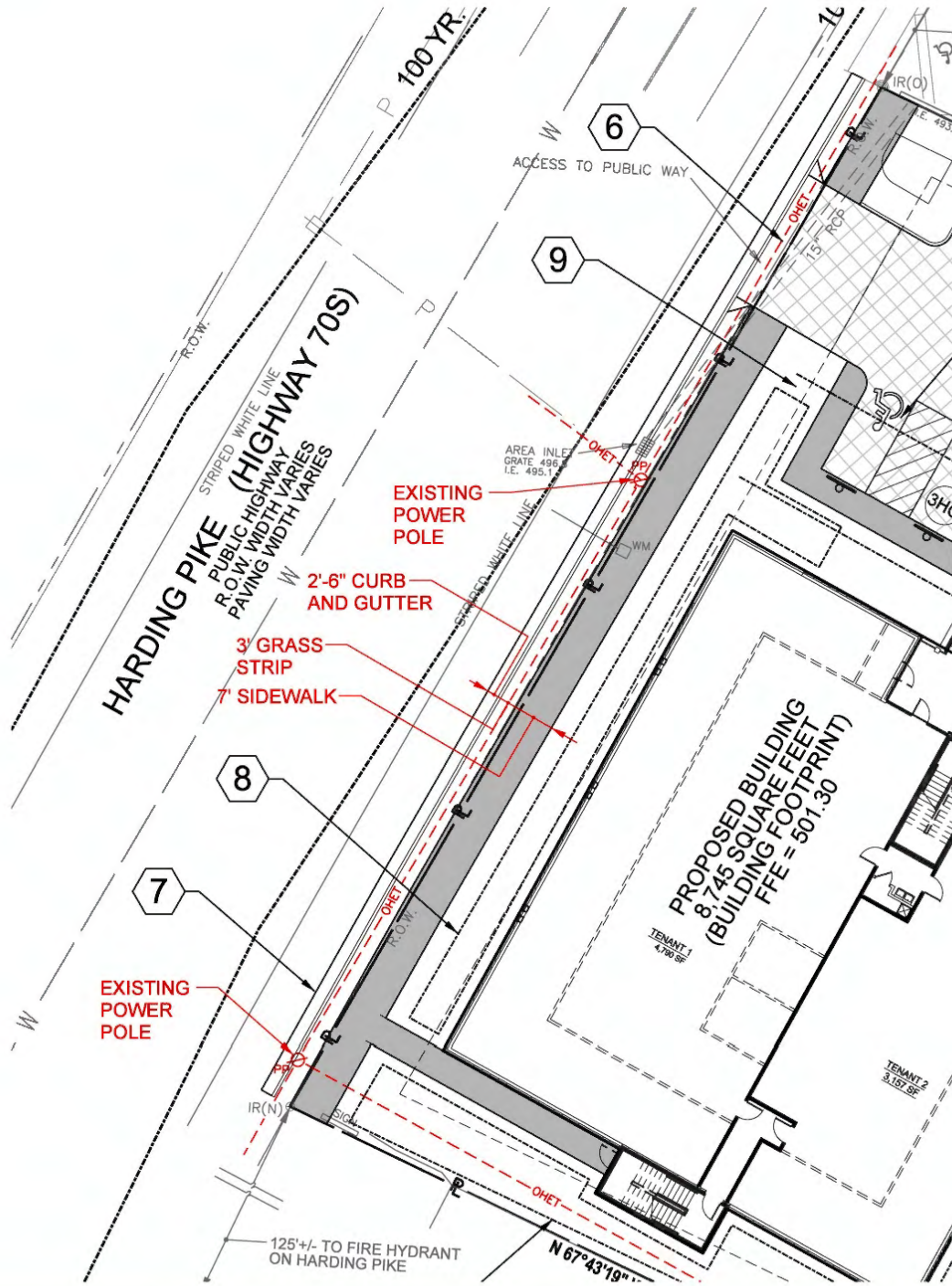
- (1) A continuous curb cut exists along the frontage of the property. No sidewalks exist for the entire block face along adjacent properties to the north and south.
- (2) The property is located within a 100-year floodplain due to its proximity to Richland Creek. Given the constraints of providing stormwater infrastructure and the location of utility poles along the frontage of the parcel, the applicant proposes to construct a 3' grass strip and 7' sidewalk design.
- (3) As identified on the attached site plan, existing utilities shall be placed within the 3' grass strip area providing a clear 7' sidewalk pedestrian pathway to support Suburban Neighborhood Center policy area priorities.

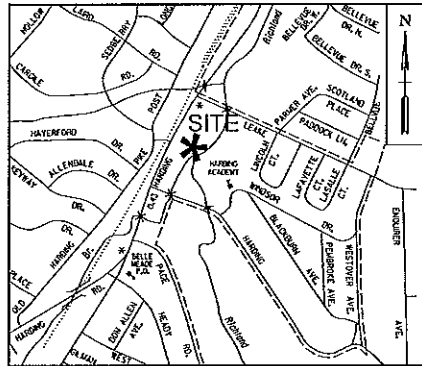
Given the factors above, staff recommends **approval with conditions:**

1. Construct the alternative sidewalk design as indicated on the attached site plan.

5115 Harding Pike – Site Plan Depicting Alternative Sidewalk Design

5115 HARDING PIKE
BZA CASE 2018-510
SEPT. 12, 2018
SIDEWALK OPTION- 2'-6" CURB AND GUTTER, 3' GRASS STRIP, 7' SIDEWALK
JA# 1556-22





VICINITY MAP
NOT TO SCALE

SITE DATA AND NOTES:

1. THE SUBJECT PROPERTY IS PARCEL ID# 1513010100 IN THE METRO DAVIDSON COUNTY TAX MAP SYSTEM. IT IS CURRENTLY ZONED: CS (COMMERCIAL SERVICE). TOTAL SITE ACREAGE IS 0.84 (36,590 S.F.).
2. BASED ON REVIEW OF THE FEMA FLOOD INSURANCE RATE MAP NUMBER 47037C0328F, EFFECTIVE DATE APRIL 20, 2001, IT APPEARS THE SUBJECT PROPERTY IS IN ZONE X.
3. THE PROPOSED CONSTRUCTION WILL CONSIST OF: GRADING, DRAINAGE, UTILITIES, AND NEW BUILDING CONSTRUCTION.
4. CONTACT INFORMATION:

ENGINEER: JAMIE GILLESPIE, P.E. JAMES + ASSOCIATES, INC. 1 VANTAGE WAY, SUITE 6-220 NASHVILLE, TN 37228 615-226-4848 JAMIE.GILLESPIE@JAMESPLUS.NET	PROJECT ARCHITECT: JIM NICKLE SMALLWOOD NICKLE ARCHITECTS, PLLC 1612 SEVENTEENTH AVENUE SOUTH NASHVILLE, TN 37212 615-289-3130 JNR@smallwoodnickle.com
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5. DIMENSIONS SHOWN ARE TO FACE OF CURB, EDGE OF CONCRETE AND CORNERS OF THE BUILDING UNLESS SHOWN OTHERWISE.
6. PARKING REQUIREMENTS - MEDICAL OFFICE:
TOTAL PARKING SPACES REQUIRED 87 PARKING SPACES
1 SPACE PER 200 SF = 17,380 SF / 200 = 86.90

ACTUAL PARKING SPACES PROVIDED ON SITE = 87 PARKING SPACES
SHARED = 32 PARKING SPACES - RECORDED SHARED PARKING EASEMENT REQUIRED
- MINIMUM PARKING SPACE SIZE 18'-0" x 8'-6"
MINIMUM COMPACT PARKING SPACE SIZE 18'-0" x 7'-6" (30% OF SPACES MAXIMUM)
- HANDICAP SPACES REQUIRED 1 SPACE PER 25 (ON SITE)
HANDICAP SPACES PROVIDED 3 SPACES
HANDICAP SPACE SIZE 18'-0" x 8'-0" WITH 18'-0" x 5'-0" ACCESS AISLE
- LOADING SPACE REQUIRED 1 LOADING SPACE
LOADING SPACE SIZE 10'-0" x 25'-0"
- VEHICLE ACCESS CONTROL REQUIREMENT:
DRIVEWAYS (HARDING PIKE) 2 PERMITTED
ARTERIAL ROAD 1 PROVIDED BASED ON SITE LAYOUT RESTRICTIONS
150 FT TO 200 FT OF FRONTAGE
DRIVEWAY EXTENSION INTO SITE 20'-0" MINIMUM (FROM PROPERTY LINE)
DRIVEWAY WIDTH 24'-0" MINIMUM FOR TWO-WAY TRAFFIC
ACTUAL INTERNAL DRIVE WIDTH 24'-0" FOR TWO-WAY TRAFFIC
- LANDSCAPE REQUIREMENTS:
BUFFER SCREEN REQUIRED CS TO CS NONE
PARKING SCREENING 10'-0" PLANTING STRIP ALONG HARDING PIKE
6'-0" PLANTING STRIP ALONG SIDE PROPERTY LINE
2'-6" PLANTING STRIP ALONG REAR PROPERTY LINE
WITH TREES IN PARKING LOT ISLANDS
1 TREE ISLAND PER 15 PARKING SPACES
- INTERIOR PLANTING
SIGNAGE RESTRICTIONS:
ON-PREMISES SIGNS PERMITTED 2 PERMANENT SIGNS
MAXIMUM AREA FOR ANY ONE SIGN 288 SF
MAXIMUM AREA FOR ALL SIGNS 208 SF
MINIMUM SIDE SIGN SETBACK 10'-0"
MAXIMUM HEIGHT ALLOWED 40'-0"

7. SITE DATA:
EXISTING LOT ZONING: CS - COMMERCIAL SERVICE
ADJACENT LOTS ZONING: CS - COMMERCIAL SERVICE
PERMITTED USES: MEDICAL OFFICE USE PERMITTED
ZONING RESTRICTIONS:
MINIMUM LOT AREA NO MINIMUM
ACTUAL LOT AREA 36,590 SR = 0.84 ACRES

BUILDING SQUARE FOOTAGE:
FIRST FLOOR 8,635 S.F.
SECOND FLOOR 8,635 S.F.
ELEVATOR 110 S.F.
TOTAL SQUARE FOOTAGE 17,380 S.F.

STREET SETBACK (HARDING PIKE)
MINIMUM SIDE SETBACK 15'-0" (ARTERIAL - FROM STANDARD RIGHT OF WAY)
MINIMUM REAR SETBACK 0'-0" (FROM PROPERTY LINE - SEE LANDSCAPE BUFFER)
MAXIMUM HEIGHT 30'-0" (FROM PROPERTY LINE)
ACTUAL HEIGHT AT SETBACK SEE ARCHITECTURAL DRAWINGS
MAXIMUM FAR 0.60 (21,954 SF)
ACTUAL FAR 0.48 (17,380 SF)
MAXIMUM ISR 0.90 (32,531 SF)
ACTUAL ISR 0.77 (28,175 SF)
8. REGULAR PARKING SPACES SHALL BE 8.5' X 18' UNLESS SHOWN OTHERWISE. ALL PARKING STRIPING SHALL BE 4" WHITE PAINTED STRIPING. STRIPING FOR ADA ACCESSIBLE AREAS SHALL BE PER ADA GUIDELINES AND REQUIREMENTS. STRIPING FOR CHANNELIZATION AND ISLAND DELINEATION SHALL BE 4" YELLOW STRIPING.
9. UTILITY INFORMATION SHOWN WAS DERIVED FROM VARIOUS SOURCES INCLUDING FIELD RUN SURVEY, MAPPING AND OWNER INFORMATION. THE CONTRACTOR SHALL BE REQUIRED TO LOCATE EXISTING UTILITIES PRIOR TO BEGINNING OPERATIONS.
10. TENNESSEE STATE PLANE COORDINATE SYSTEM
NAD-83 HORIZONTAL
NAVD-88 VERTICAL

SITE KEY NOTES

1. CONSTRUCT PERVIOUS PAVERS IN AREAS SHOWN - SEE SHEET C4.0/1.
2. CONSTRUCT POST CURB IN AREAS THAT CONTAIN PERVIOUS PAVERS - SEE SHEET C4.0/2 AND 3.
3. EXISTING CONCRETE PAVEMENT TO REMAIN IN AREAS SHOWN.
4. CONSTRUCT CONCRETE SIDEWALK, WIDTH MAY VARY CONFIRM WITH PLANS - SEE SHEET C4.0/5 AND 6.
5. CONSTRUCT HANDICAP PARKING PER ADA STANDARDS AND GUIDELINES - SEE SHEET C4.0/7 THRU 10.
6. CONSTRUCT DRIVEWAY ENTRANCE PER METRO STANDARD FOR COMMERCIAL ENTRANCE STD. ST-324 - SEE SHEET C4.1/1.
7. CONSTRUCT CURB AND GUTTER, 4' GRASS STRIP AND 5' WIDE SIDEWALK PER METRO STANDARDS - SEE SHEET C4.1/2.
8. CONSTRUCT WATER QUALITY SWALE PER METRO STANDARD - SEE SHEET C4.1/5 AND 6.
9. CONSTRUCT SITE SIGN PER METRO SIGN ORDINANCE. COORDINATE WITH ARCHITECTURAL PLANS FOR DETAILS.
10. CONSTRUCT SCREENED CONCRETE DUMPSTER PAD - SEE SHEET C4.0/13-16.

FLOOD ZONE

A FIELD SURVEY WAS NOT CONDUCTED TO DETERMINE THE FLOOD ZONE AREAS. ANY FLOOD ZONE LINES DISTINGUISHING BETWEEN FLOOD AREAS ARE GRAPHICALLY PLOTTED FROM FEMA FLOOD INSURANCE RATE MAPS (FIRM). A FLOOD ELEVATION CERTIFICATE MAY BE NEEDED TO DETERMINE OR VERIFY THE LOCATION OF THE FLOOD AREAS. THE SUBJECT PROPERTY'S COMMUNITY DOES PARTICIPATE IN THE PROGRAM. IT IS DETERMINED THAT THE SUBJECT PROPERTY RESIDES IN FLOOD ZONE AE AS DETERMINED BY OR SHOWN BY FIRM COMMUNITY PANEL NO. 47037C0328F DATED 04/20/01 AND IS IN A FLOOD ZONE AREA. THE FLOOD INSURANCE RATE PROGRAM WAS CONTACTED ON 06/21/16 BY TELEPHONE OR EMAIL (www.fema.gov)

JAMES + ASSOCIATES, INC.
Engineers
Planners and
Computer Applications
PROJECT NO. 1658-22

LEGEND

PL - PROPERTY LINE	ST - STORM LINE	S - SEWER LINE	W - WATER LINE	G - GAS LINE	F - FENCE LINE	OMP/T - POWER OR TELE.	U/G FOC - U/G FIBER OPTIC	CONTOUR LINE	MON. - CONC. MONUMENT	IFO - IRON PIN	IPS - IRON PIN SET	FH - FIRE HYDRANT	PP - POWER POLE	CONC. - CONCRETE	FLOW PATH	LP - LIGHT POLE	EB - ELECTRIC BOX	EM - ELECTRIC METER	SS - SANITARY SEWER	CB - CATCH BASIN	WV - WATER VALVE	WM - WATER METER	GV - GAS VALVE	GM - GAS METER	SIGN	TMH - TELE. MANHOLE	MB - MAILBOX	BW - BENCHMARK	CO - CLEAN-OUT
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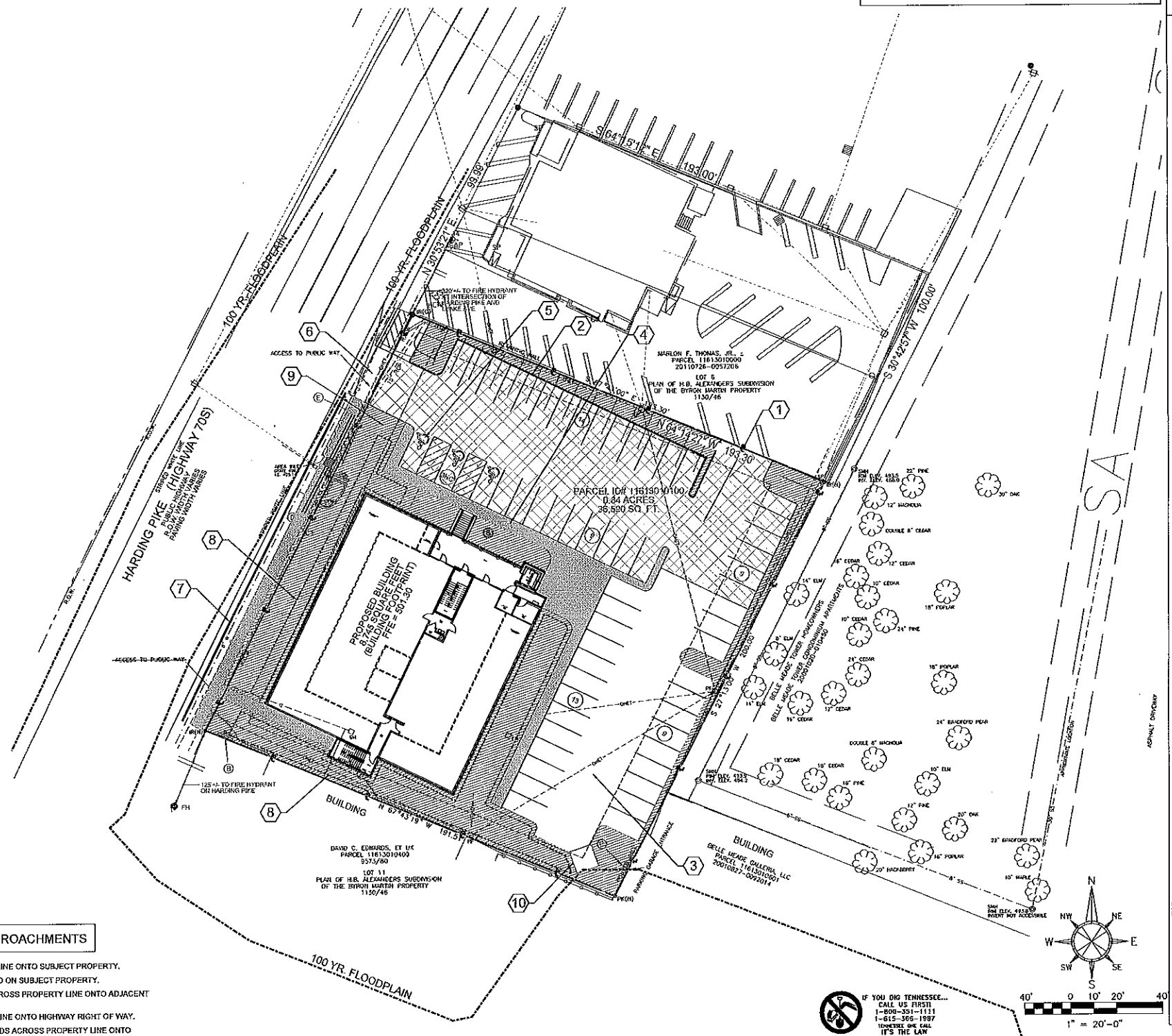
SMALLWOOD NICKLE ARCHITECTS

1115 SEVENTEENTH AVENUE SOUTH
NASHVILLE, TN 37212
615-289-3130

STATE OF TENNESSEE
REGISTERED PROFESSIONAL ARCHITECT
08-06-18

THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND CONTRACT DOCUMENTS FOR THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONTRACT DOCUMENTS FOR THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONTRACT DOCUMENTS FOR THE PROJECT.

MEDICAL OFFICE BUILDING
3118 HARDING PIKE
NASHVILLE, TN 37205



STATEMENT OF ENCROACHMENTS

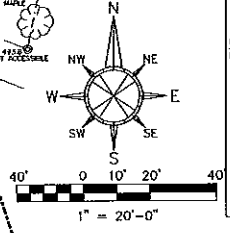
- A. BUILDING EXTENDS ACROSS PROPERTY LINE ONTO SUBJECT PROPERTY.
- B. SIGN FOR ADJACENT PROPERTY LOCATED ON SUBJECT PROPERTY.
- C. PORTION OF POURED WALL EXTENDS ACROSS PROPERTY LINE ONTO ADJACENT PROPERTY.
- D. PLANTER EXTENDS ACROSS PROPERTY LINE ONTO HIGHWAY RIGHT OF WAY.
- E. CONCRETE PAVING AND STRIPING EXTENDS ACROSS PROPERTY LINE ONTO HIGHWAY RIGHT OF WAY.

BZA SUBMITTAL

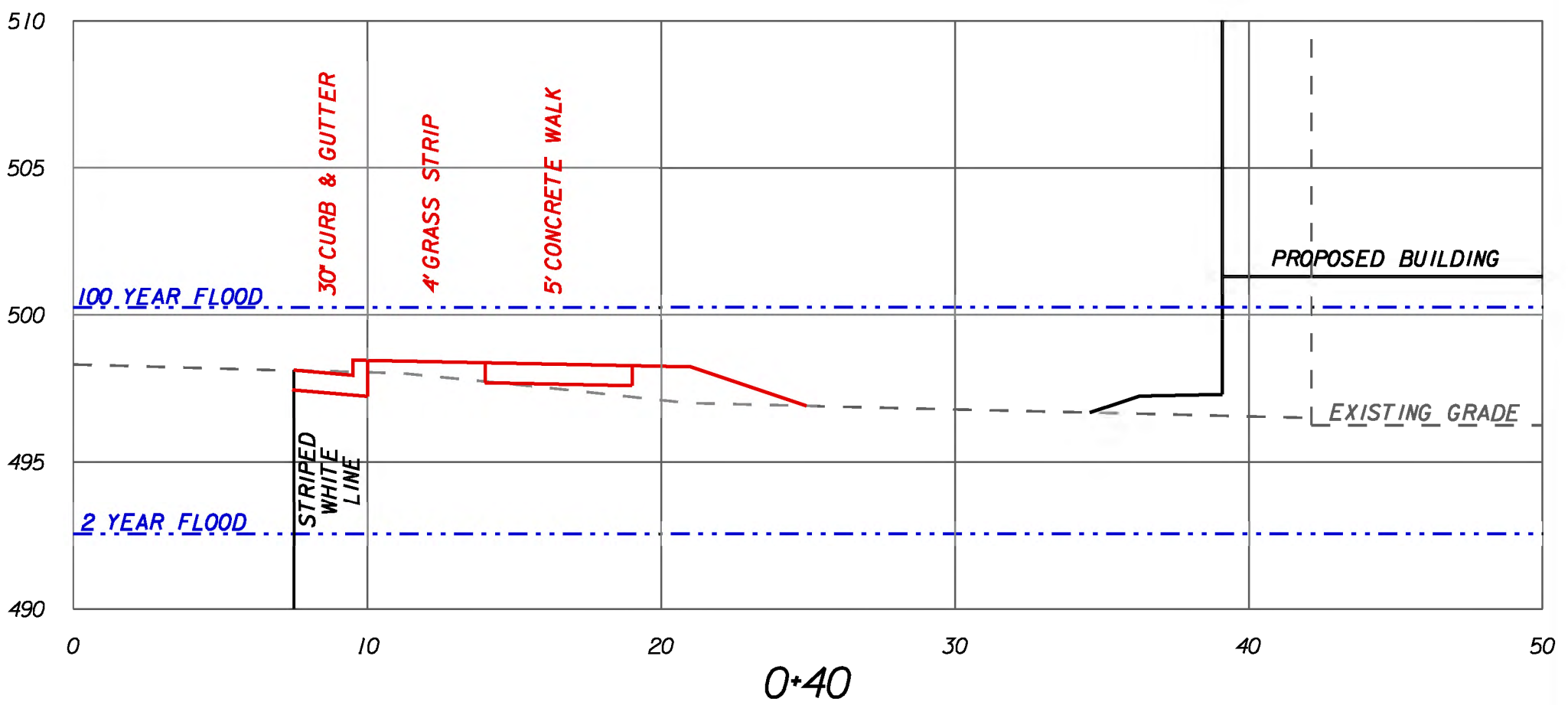
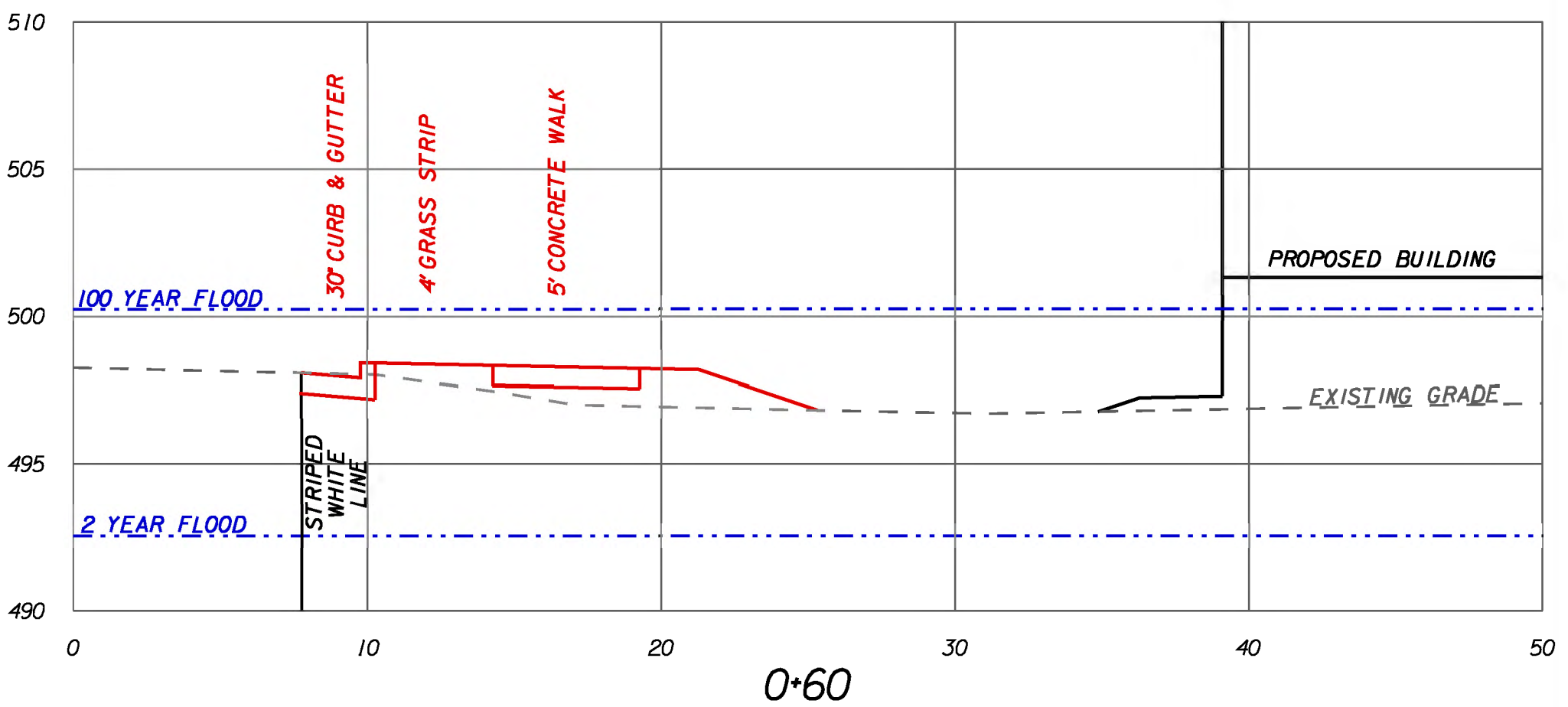
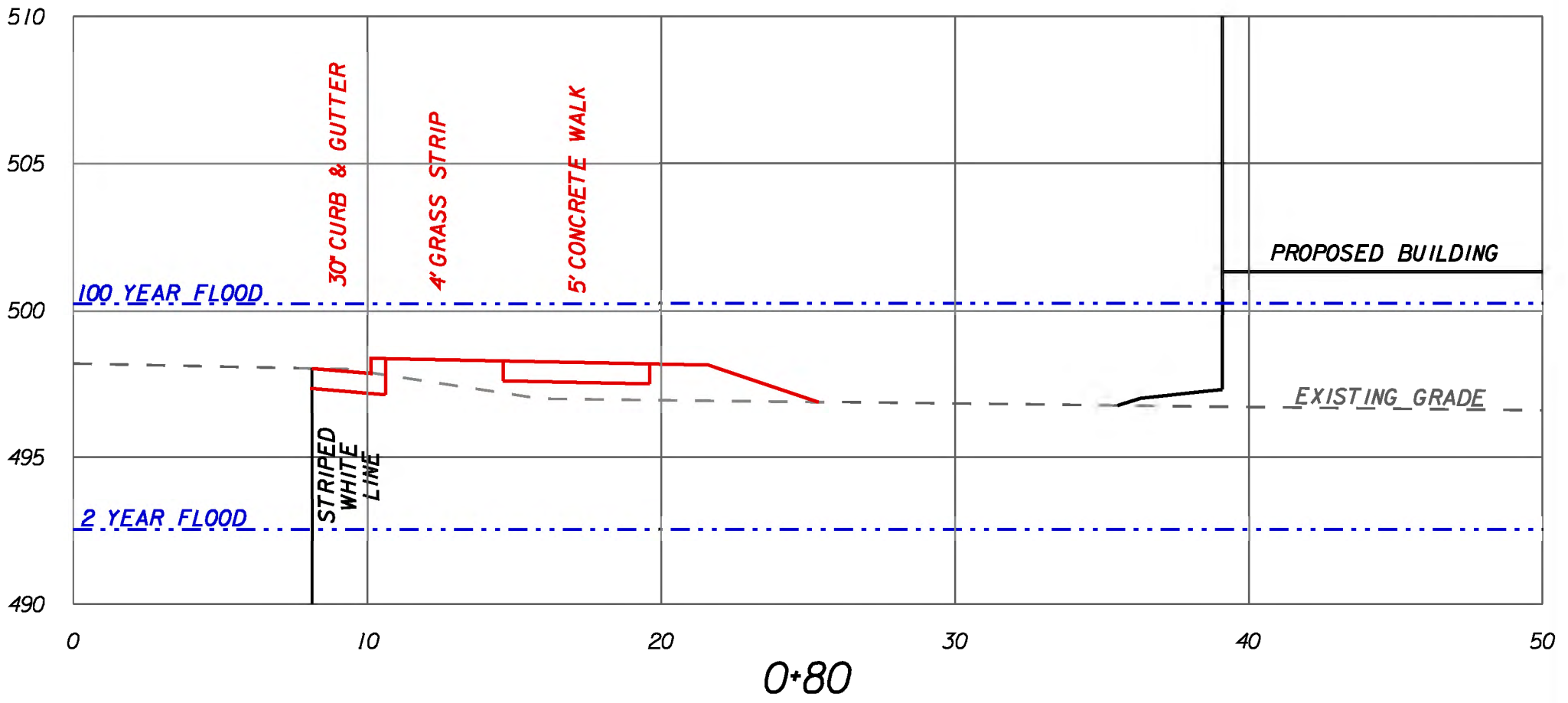
ISSUED PROJECT# 07 JUL 2018 1607

C1.0

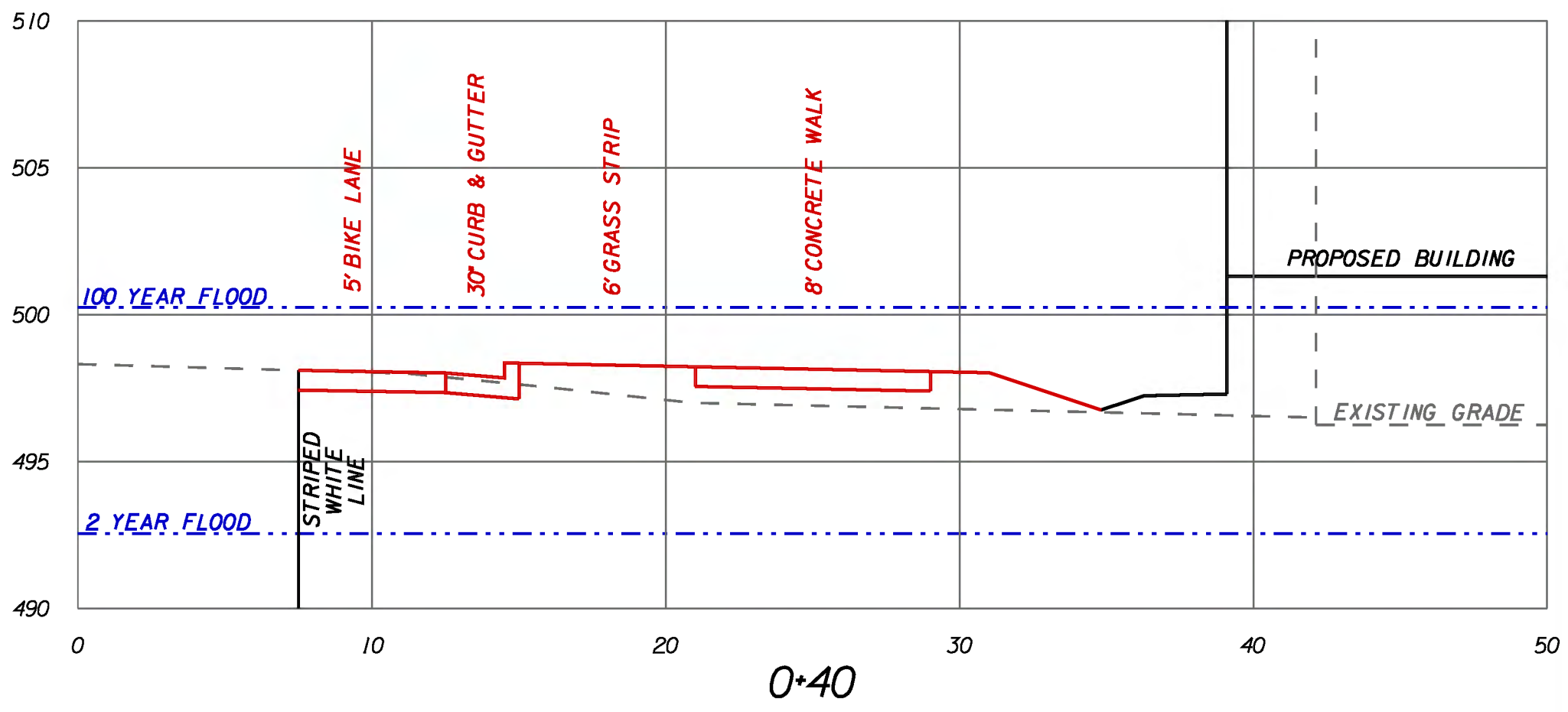
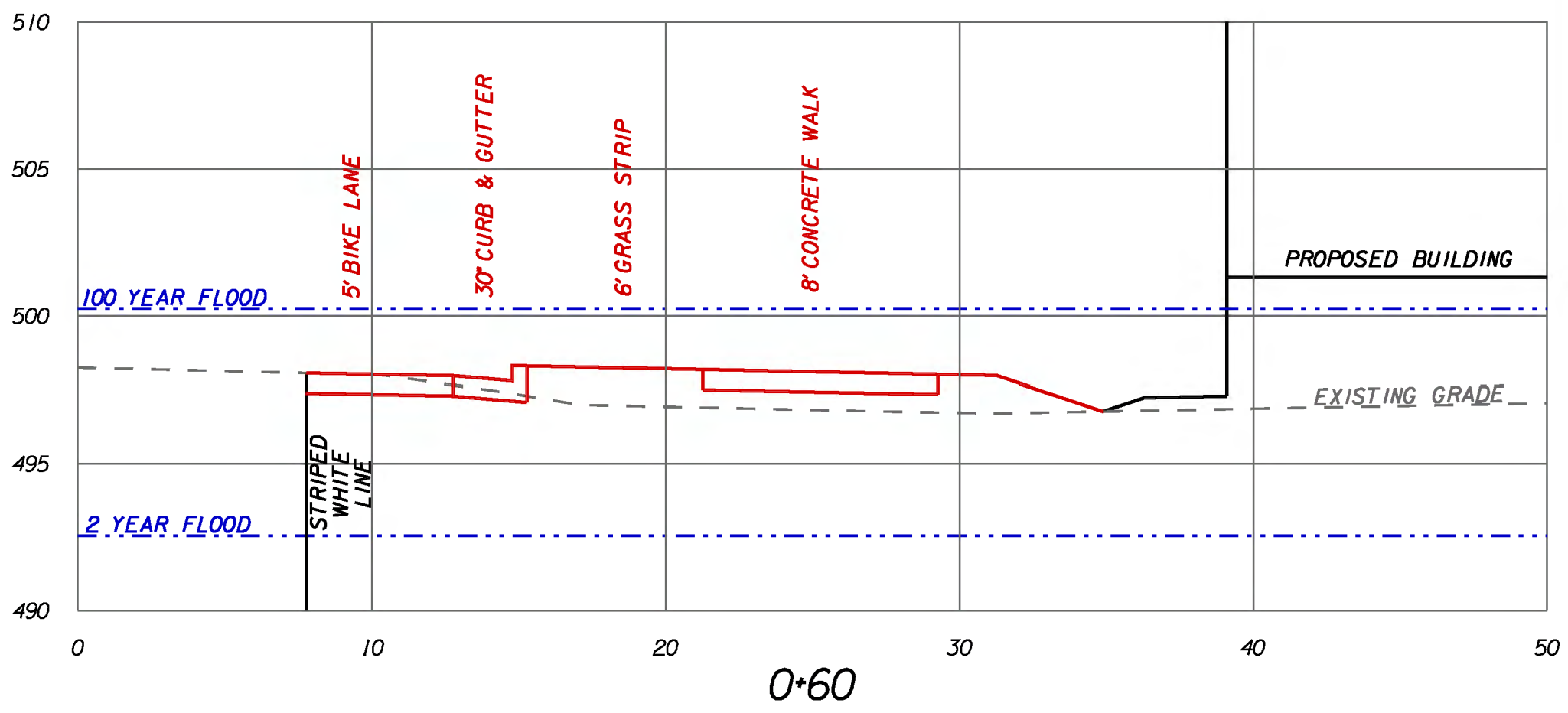
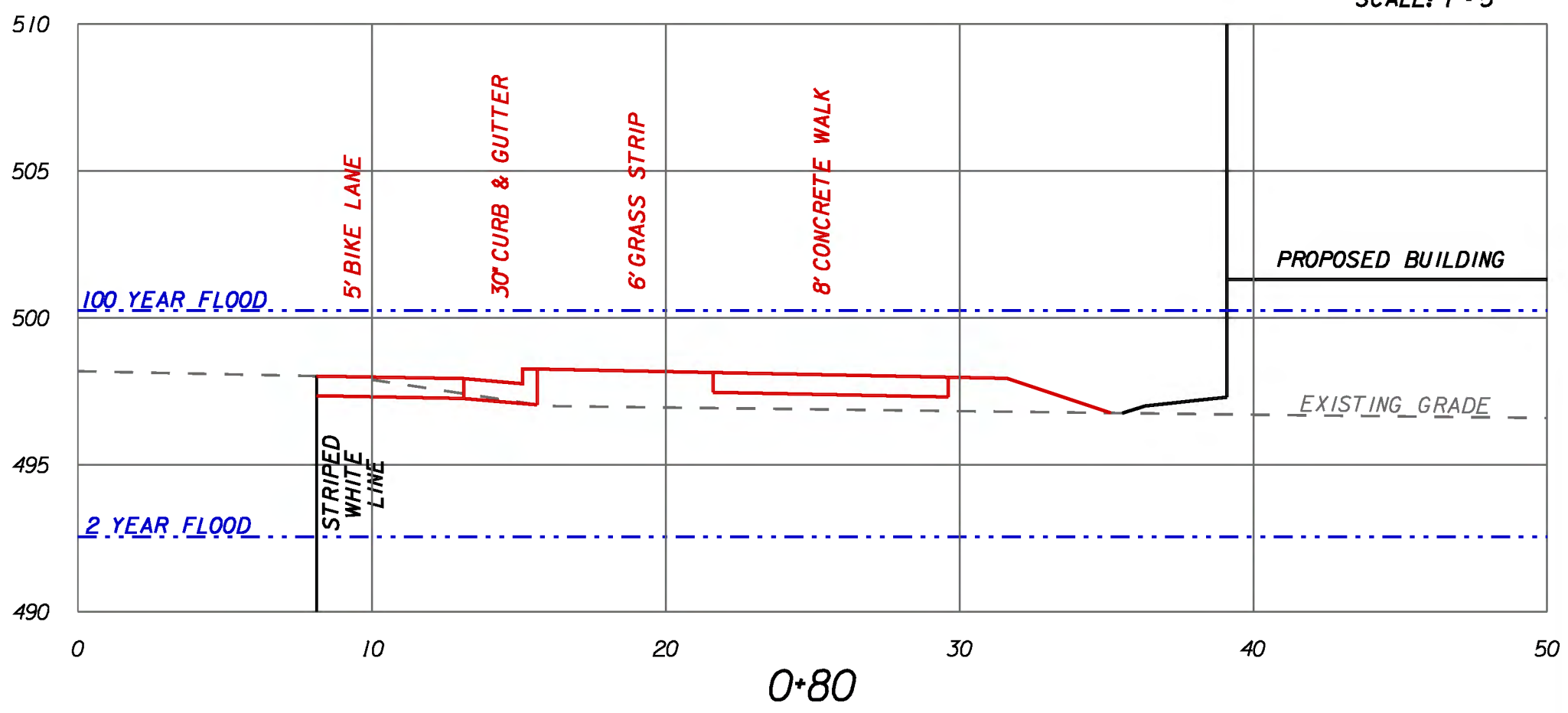
SITE PLAN



IF YOU DIG TENNESSEE...
CALL US FIRST!
1-800-351-1111
1-615-366-1987
WHENEVER YOU CALL IT'S THE LAW



REQUESTED SECTION



STANDARD SECTION

From: [Michael, Jon \(Codes\)](#)
To: [Lifsey, Debbie \(Codes\)](#)
Cc: [Shepherd, Jessica \(Codes\)](#)
Subject: FW: Sidewalk variance District 23
Date: Wednesday, September 19, 2018 4:51:27 PM
Attachments: [BZA2018-509 Sidewalk rec. Planning FINAL.pdf](#)
[BZA2018-510 Sidewalk Rec. Planning FINAL.pdf](#)

Let's include this email for the Board members as a hand out tomorrow.

From: Johnson, Mina (Council Member)
Sent: Wednesday, September 19, 2018 3:33 PM
To: Michael, Jon (Codes)
Cc: Herbert, Bill (Codes)
Subject: Sidewalk variance District 23

Jon Michael,

I have been in discussion with both the applicant and Planning staff on these sidewalk variance.

Harding Pk. sidewalk is the first sidewalk to be installed in that area and it will set the standard for other sidewalks to come when development occurs. There might be some minor adjustment on the actual design but we all are on the same page that the variance is needed to have right balance to minimize grading in the flood plain while accommodating the most appropriate sidewalk width.

On the Hillwood County Club sidewalks, I believe the applicant provided more than reasonable case why variance is appropriate.

I fully support planning department's recommendation on both items and ask the board of zoning appeal to grant the variance on both cases.

Mina Johnson
Councilmember, District 23
(615) 429-7857
[Sign up for District 23 Update](#)

From: Briggs, Michael (Planning)
Sent: Monday, September 17, 2018 9:49 AM
To: Johnson, Mina (Council Member)
Subject: Sidewalk Recommendations - District 23

CM Johnson –

In an effort to keep Council Members informed of issues since the passage of [BL2016-493](#), I've attached the Planning Department's recommendations to the Board of Zoning Appeals for the following cases:

2018-509 6201 Hickory Valley Rd
2018-510 5115 Harding Pike

They will be heard at BZA this Thursday, September 20 at 1 pm.

Let me know if you have any questions.

Best,
Michael

Michael Briggs, AICP

Manager of Multimodal Transportation Planning & Programming

Metro Nashville Planning Department with Metro Public Works Division of Transportation

800 Second Avenue South | P.O. Box 196300 | Nashville, TN 37219-6300

615.862.7219 | michael.briggs@nashville.gov | www.nashville.gov/MPC | www.nashville.gov/Public-Works

[Bronze Bicycle Friendly Business](#)

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: X Green Home
Property Owner: Patrick & Erin Block
Representative: X Ryan Nichols

Date: 8/7/18
Case #: 2018-511
Map & Parcel: 11801032800

Council District 17

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: to construct an addition to rear of existing non conforming structure/ residence.

Activity Type: Single family

Location: X 908 Halcyon Ave 37204

This property is in the 17-01-020 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: item D appeal

Section(s): 17.40.660 (c)

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection _____ Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

X Green Home
Appellant Name (Please Print)
501 Village Ct.
Address
Nashville, TN 37206
City, State, Zip Code
615-823-0940
Phone Number
ryan@hellogreenhome.com
Email

X Ryan Nichols
Representative Name (Please Print)
same
Address
"
City, State, Zip Code
"
Phone Number
"
Email

Appeal Fee: 100.-

2294



Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210



3543274

ZONING BOARD APPEAL / CAAZ - 20180066768
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11801032800

APPLICATION DATE: 08/07/2018

SITE ADDRESS:

08 HALCYON AVE NASHVILLE, TN 37204
LOT 40 GALES KIRKWOOD

PARCEL OWNER: BLOCK, PATRICK & ERIN

CONTRACTOR:

APPLICANT:

PURPOSE:

Requesting an item D appeal to construct an addition to rear of existing nonconforming structure/residence per METZO
Section 17.40.660 (C) providing 3.7' feet with 5' required.

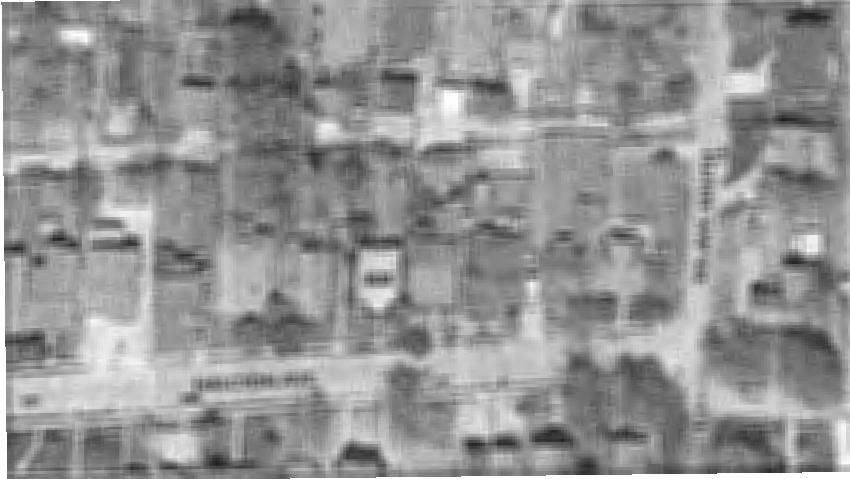
Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.

Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.

There are currently no required inspections

Inspection requirements may change due to changes during construction.

VICINITY MAP



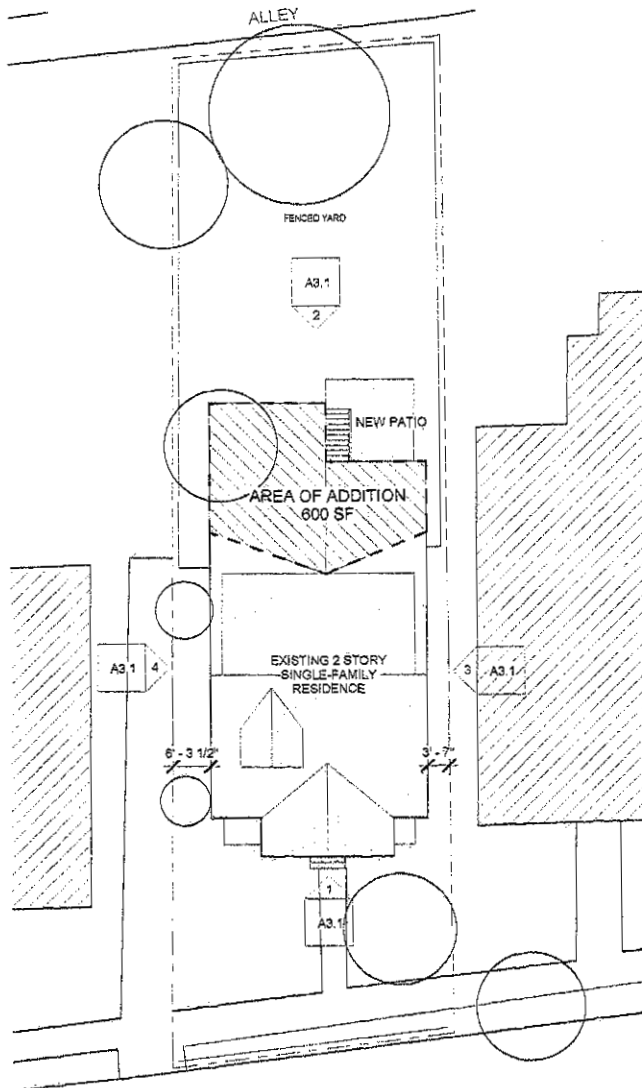
BLOCKS' ADDITION
908 Halcyon Ave
Nashville, TN 37204

8/22/2018 3:35:23 AM

Owner
Erin + Patrick Block
908 Halcyon Ave.
Nashville, TN 37204
646.382.6067

Design-Builder
Green Home
Ryan Nichols
615.823.0940

Architect
Kevin Meyer
312.730.4426



HALCYON AVE.



1 ARCHITECTURAL SITE PLAN
1/16" = 1'-0"

DRAWING ISSUANCES

A1.0
ARCHITECTURAL
SITE PLAN

VICINITY MAP



BLOCKS' ADDITION
908 Halcyon Ave
Nashville, TN 37204

8/20/18 3:35:23 AM

Owner

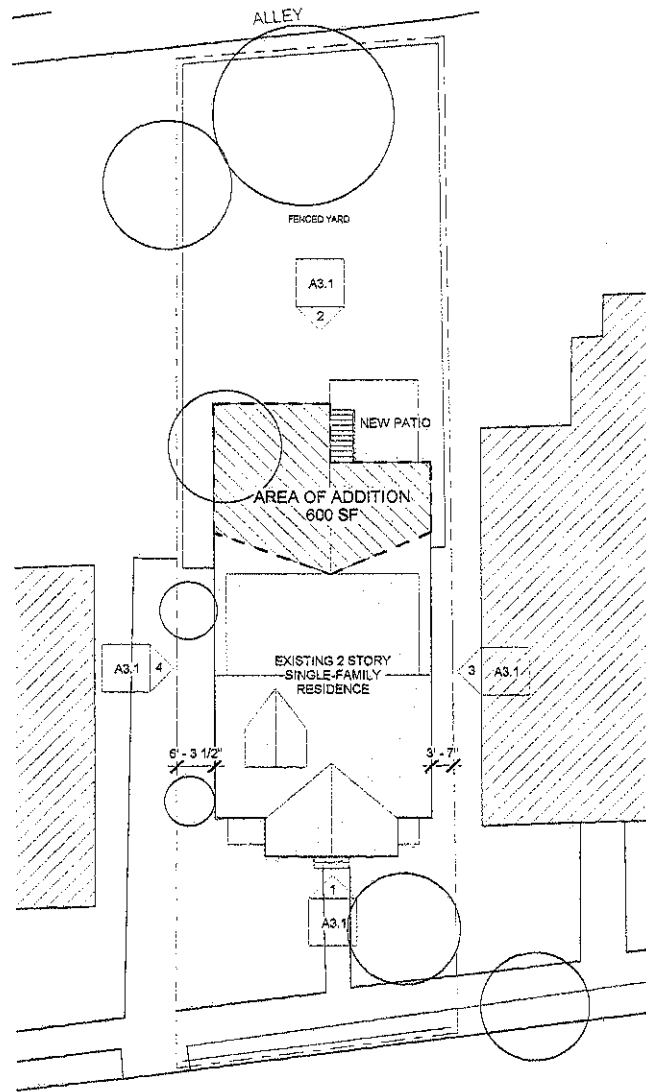
Erin + Patrick Block
908 Halcyon Ave.
Nashville, TN 37204
646.382.6067

Design-Builder

Green Home
Ryan Nichols
615.823.0940

Architect

Kevin Meyer
312.730.4426



HALCYON AVE.



① ARCHITECTURAL SITE PLAN
1/16" = 1'-0"

DRAWING ISSUANCES

A1.0
ARCHITECTURAL
SITE PLAN

2018-511
Support

Lifsey, Debbie (Codes)

From: Sledge, Colby (Council Member)
Sent: Thursday, September 13, 2018 4:05 PM
To: Board of Zoning Appeals (Codes)
Cc: Michael, Jon (Codes)
Subject: D17 items for Sept. 20

Board members,

Good afternoon. Here are my stances for the Sept. 20 meeting; thanks, as always, for your service.

2018-491: **Support**, as I have talked with property owner and he has reached out for neighbor support.

2018-493: **Oppose**, as a rental car company is not the best use for this property, and they have not reached out to me or neighbors.

2018-500: **Oppose**, as this goes against the R6-A zoning the neighborhood requested.

2018-505: **Support**, as I don't want the homeowner to have to pay into the sidewalk fund due to a residential fire.

2018-511: **Support**, as I haven't heard any issues regarding the addition.

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727
ColbySledge.com
[Sign up for my weekly newsletter here!](#)

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Scott Smith
Property Owner: Scott Smith
Representative: Will Creason

Date: 8/6/18
Case #: 2018- 512
Map & Parcel: 083073C00100C0

Council District B6

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose: HPR

Activity Type: new construction single family
Location: 205 Eastland Ave.

This property is in the B6 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: variance from sidewalk requirements *no build no pay*
Section(s): 17.20.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection _____ Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Scott Smith
Appellant Name (Please Print)

Will Creason
Representative Name (Please Print)

12014 Pebble Hill Dr
Address

2139A Utopia Ave
Address

Houston, TX 77024
City, State, Zip Code

Nashville, TN 37211
City, State, Zip Code

Phone Number

615 945-9556
Phone Number

smith1115@yahoo.com
Email

will@cygnusconstructionllc.com
Email

Appeal Fee: _____

5158



**Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
800 Second Avenue South, Nashville, TN 37210**



3414541

**BUILDING RESIDENTIAL - NEW / CARN - 2017064335
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 083073C00100CO

APPLICATION DATE: 10/13/2017

SITE ADDRESS:

2105 EASTLAND AVE NASHVILLE, TN 37206
UNIT 2105 HOMES AT 2105 & 2107 EASTLAND AVE

PARCEL OWNER: SUPPORTIVE HOUSING SYSTEMS, LLC

CONTRACTOR:

APPLICANT: CYGNUS CONSTRUCTION, LLC
ASHLEY QUINN

CYGNUS CONSTRUCTION, LLC

67874 STBC

NASHVILLE, TN 37211 615-210-8227

PURPOSE:

To construct 2105 Eastland Avenue of new HPR/duplex family residence with 3499 ft of living space and 408 sq ft of porches and decks. Minimum 5' side setbacks, minimum of 6 ft between detached units 40 ft minimum front setback and 20' minimum rear setback. Must comply with Contextual Overlay BL2014-771. Contextual Overlay coverage Maximum footprint of all building (excluding open porches and decks) not to exceed 2855 sq ft. Maximum Height of 35 ft from natural Grade.

Must conform with Contextual Overlay Ordinance

BL2014-771. Pursuant # 2006-1263 Metro Code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metro Code.; For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property. Sidewalks ARE required for this project because this parcel is within the UZO. You are NOT eligible to contribute to the Pedestrian Benefit Zone in-lieu of construction.

Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.

Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.

U&O Sewer Availability Final Approval		862-7225
U&O Water Availability Final Approval		862-7225
SWGR U&O Sign-off	APPROVED	615-862-4703 Jimmie.Fitzgerald@nashville.gov
U&O PW Sidewalk FA - CA Final Approval		862-8758 Benjamin.york@nashville.gov
Building Framing - Ceiling		615-862-6570 Larry.Dennis@nashville.gov
Building Floor Elevation		615-862-6570 Larry.Dennis@nashville.gov
Building Footing		615-862-6570 Larry.Dennis@nashville.gov
Building Foundation		615-862-6570 Larry.Dennis@nashville.gov
Building Framing	APPROVED	615-862-6570 Larry.Dennis@nashville.gov
Building Framing - Wall		615-862-6570 Larry.Dennis@nashville.gov
CA Building Progress Inspection		615-862-6570 Larry.Dennis@nashville.gov
Building Slab		615-862-6570 Larry.Dennis@nashville.gov
Building Final	REJECTED	615-862-6570 Larry.Dennis@nashville.gov
U&O Letter		(615) 862-6527 Carmina.Howell@nashville.gov

Inspection requirements may change due to changes during construction.

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17.40.370. This Section is included as follows:

Physical characteristics of the property - The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property.

Unique characteristics - The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.

Hardship not self-imposed - The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of this Zoning Code.

Financial gain not only basis - Financial gain is not the sole basis for granting the variance.

No injury to neighboring property. - The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

No harm to public welfare - The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.

Integrity of Master Development Plan - The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions MUST affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

We believe adhering to the sidewalk requirements in
this instance would cause hardship for pedestrians
running, especially those with strollers and on
bikes. When

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.


APPELLANT

8/6/2018
DATE

CLINT T. ELLIOTT
REGISTERED LAND SURVEYOR
1711 HAYS ST. #301 NASHVILLE, TN 37203
(615) 490-3236
clint@clintelliottsurvey.com

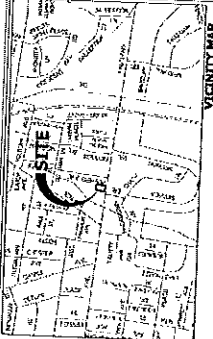


Public Sidewalk Improvement Plan

2105 Eastland Avenue
Nashville, Davidson County, Tennessee 37206

REV.	DATE	DESCRIPTION
1	05/18/22	ISSUED FOR PERMITS
2	05/18/22	ISSUED FOR PERMITS
3	05/18/22	ISSUED FOR PERMITS
4	05/18/22	ISSUED FOR PERMITS
5	05/18/22	ISSUED FOR PERMITS

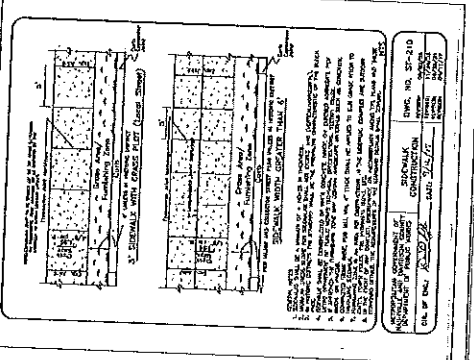
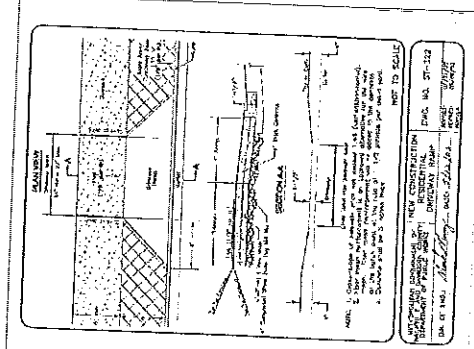
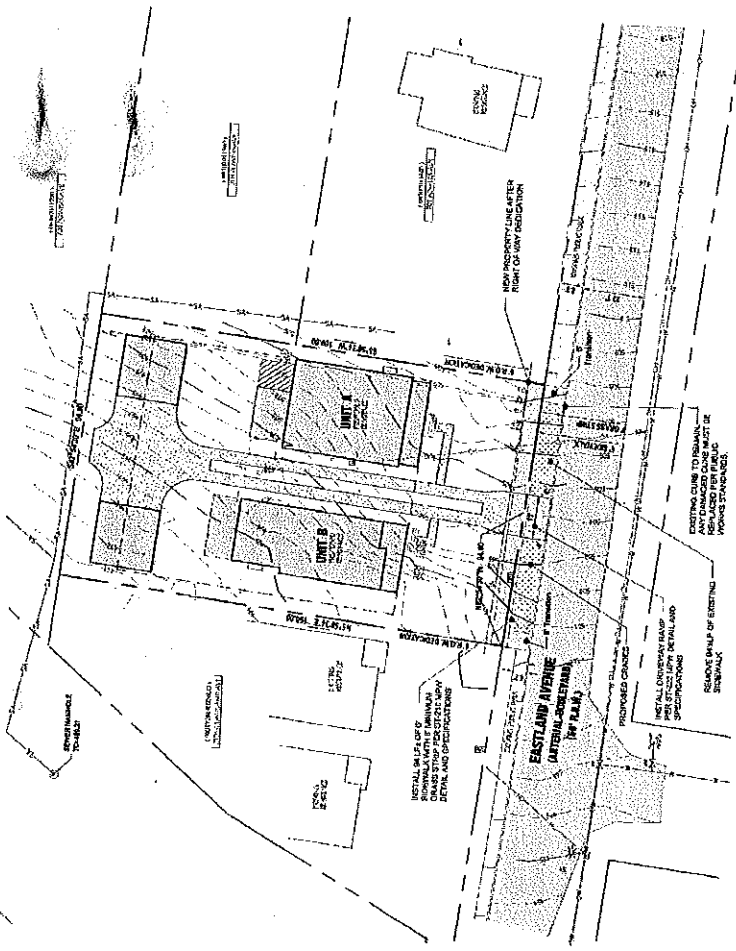
Public Sidewalk Improvement Plan
Sheet No. V-1.00



MAP REFERENCE
Parcel ID for subject property: 14 (DPN)2019000200 from Davidson County Property Map.

DEED REFERENCE
Owner: T.T.C. Owners of 2105 Eastland Avenue and others in Map 87116 in Davidson County, Tennessee.

PLAT REFERENCE
Map 87116 of the subject site of 2105 Eastland Ave. T.T.C. Owners, et al., is shown in the vicinity map of Unit 10 in Davidson County, Tennessee.



Electric Service
Nashville Electric Service (NES)
124 Church Street
Nashville, Tennessee 37204
615-257-6087

Gas Service
Nashville Gas System
1000 West End
Nashville, TN 37203
615-259-4024

Water Service
Metro Water Service
1000 West End
Nashville, Tennessee 37203
615-259-4024

Sewer Service
Metro Water Service
1000 West End
Nashville, Tennessee 37203
615-259-4024

Telephone Service
AT&T
1000 West End
Nashville, Tennessee 37203
615-259-4024

Utility Location
Tennessee OneCall
800-551-1111

Property Information
Nashville, Tennessee 37206
3145 Eastland Avenue
General Electric Co

Owners of Record
T.T.C. OWNERS OF 2105 EASTLAND AVENUE
NASHVILLE, TN 37206

Surveyor
CLINT T. ELLIOTT, SLS
1711 HAYS STREET
NASHVILLE, TENNESSEE 37203
Phone: (615) 490-3236
Email: clint@clintelliottsurvey.com

Council Info
Council District: 08
Council Member: Brent Winfrey

Building Permit No.
2021070803

- Metro Public Works Notes:**
1. There shall be no vertical obstructions within the sidewalk.
 2. The Contractor must call Public Works for a Permit Inspection at least 72 hours prior to paving the sidewalk.
 3. Slope shall be 2% minimum and 4% maximum.
 4. Slopes from grading shall not exceed 1:1.
 5. All construction within the right-of-way shall comply with the American Standard Specifications for Public Works District Work as published.



2018-512
oppose

Danielle N. Schoen

703B Skyview Drive, Nashville TN 37206 | 615-920-2146 | dschoen1016@gmail.com

September 4th, 2018

Metropolitan Board of Zoning Appeals

Case Number 2018-512

Nashville Metro

800 Second Ave, South

Nashville, TN 37210

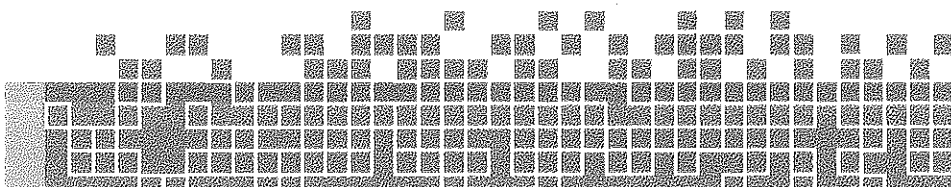
To whom it may concern,

I **oppose** my neighbor's request to vary from sidewalk requirements. I do not wish their request to be approved. If they are building a duplex they should be required to either build a sidewalk or pay into the sidewalk fund. I am a neighbor within 600' of the subject location.

Appeal Case Number	2018-512
Address	2105 Eastland Ave
Map Parcel	083073C00100CO
Zoning Classification	R6
Council District	6

Sincerely,

Danielle Schoen



oppose
2018-512

Appeal Case Number 2018-512

2105 Eastland Ave

Map Parcel: 083073C00100CO

Zoning Classification: R6

Council District: 6

Zoning Appeal

To whom it may concern,

I am writing to with respect to the zoning appeal for Scott Smith's appeal for a variance from sidewalk requirements. I would STRONGLY DISAGREE with this appeal. The sidewalk that the builders destroyed, and what I assume they would like exemption from repairing, had just been replaced a few months ago. In fact, it was the newest section of sidewalk within a few hundred feet in either direction. As a resident of 2108 Eastland Ave, who uses this sidewalk frequently, I believe Scott Smith should be 100% liable to replace the sidewalk or pay into the sidewalk fund. This section of street only has 1 side of the street with a sidewalk and the city should not have to pay for these greedy builders dropping 2 McMansions onto ¼ acre lots all over town.

Kevin Albino

2108 Eastland Ave



From: jim jirjis
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal
Date: Tuesday, September 11, 2018 6:28:26 AM

I live at 2103 A Eastland Avenue in Nashville and it has come to my attention that there is a zoning appeal scheduled for case number 2018-512.

My understanding also is that the request would allow the applicant to construct a duplex without building sidewalks or paying into the sidewalk fund.

I do not understand why this request would be entertained. It is not fair, it does not set a good precedent, and it is not good for the safety and aesthetics of the neighborhood.

I will be unable to be at the hearing, but wanted my voice to be heard, hence this communication.

Please feel free to contact me at any of my contact methods below.

Jim Jirjis
Cell 615 636 6095
jim.jirjis@me.com

From: Katherine Sjoblom
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: oppose a zOPPOSING ZONING APPEAL # 2018-512 (for September 20, 2018)
Date: Monday, September 10, 2018 4:31:39 PM
Attachments: [Zoning appeal - 2105 Eastland Ave - sidewalk waiver requested.pdf](#)

I am writing in reference to the owner of 2105 Eastland Ave (zip code 27206) who has filed Appeal # 2018-512, requesting a variance from the sidewalk requirements.

We, as neighbors, oppose this variance. This is a much used sidewalk (in an neighborhood without many sidewalks) and is a very busy street so people walk, ride bikes and push strollers on this sidewalk.

This is not an individual homeowner but a developer who constructed a duplex where a single family he used to be. If the owner can afford to build a duplex on the property, then s/he should either build sidewalks or pay into the sidewalk fund. It is not right for a builder to generate personal profit, without participating in the cost of ensuring appropriate sidewalks from their building.

I am asking that you do not approve this appeal. The cost of repair should be on the owner/ developer to correct what was damaged.

Sincerely,
Katherine Sjoblom
Jason Powell
718 Powers Ave.
Nashville, TN 37206

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-512 (2105 Eastland Avenue)

Metro Standard:	8' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Construct alternative design of 8' sidewalk , no grass strip
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	T4-R-AB2
Transit:	#4 – McFerrin
Bikeway:	Bike route existing

Planning Staff Recommendation: *Approve.*

Analysis: The applicant proposes constructing two single family units and requests to construct an alternative 8' sidewalk design on Eastland Avenue due to the design of an existing sidewalk on the neighboring property.

Planning evaluated the following factors for the variance request:

- (1) A 5' sidewalk with no grass strip currently exists along Eastland Avenue from the property to Porter Road, however, the adjacent property has an 8' sidewalk with no grass strip.
- (2) Eastland Avenue is an Arterial-Boulevard, so a wider sidewalk outlined in the Major and Collector Street Plan creates additional buffer between higher-speed traffic and pedestrians. This design will better accommodate future growth in the area.
- (3) An 8' wide sidewalk with no grass strip matches the adjacent property and meets the intent of improving walkability in the area.

Given the factors above, staff recommends **approval**.

From: [Withers, Brett \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#)
Subject: Letter of support for Planning staff recommendation for case 2018-512: sidewalk variance at 2105 Eastland Ave
Date: Monday, September 17, 2018 10:22:22 AM

Members of the Board of Zoning Appeals:

I am writing to you today in support of the Planning staff recommendation for the sidewalk variance case at 2105 Eastland Ave. This portion of Eastland Ave sits in a valley and walking on the existing sidewalks on the north side of the street can already be challenging. Furthermore, some of the sidewalks are in a poor state of repair. I support the staff recommendation that the applicant should construct new 8' sidewalks along this property frontage. Thank you for your consideration.

Brett A. Withers

Metro Council, District 6

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2018-512

Shepherd, Jessica (Codes)

From: Michael, Jon (Codes)
Sent: Wednesday, September 19, 2018 8:40 AM
To: Shepherd, Jessica (Codes); Lifsey, Debbie (Codes)
Subject: FW: 2105 Eastland Ave. Appeal Case #2018-512
Attachments: 20180911_174226.jpg; 20180911_174250.jpg

For case 512.

From: Danny Daniel [mailto:ddaniel@scottmurphydaniel.com]
Sent: Tuesday, September 18, 2018 5:27 PM
To: Michael, Jon (Codes)
Subject: 2105 Eastland Ave. Appeal Case #2018-512

Attention: This email originated from a source external to Metro Government. Please exercise caution when opening any attachments or links from external sources.

I am an out of State (KY) property owner, however, my Son is the occupant of the residence next door to the above subject address. I am somewhat confused by the appellant that is requesting a variance from the sidewalk requirements.

First of all, why would they not be REQUIRED to build the sidewalks and pay into the fund just like everyone else? I see no reason they should be exempt from this requirement. I am one of only two owners in this immediate area, that have constructed "new" homes. We both demolished the old sidewalk from property line to property line, and poured back brand new, what I'll call "City Sidewalks".

If you'll observe the attached pictures, I'm miffed as to why occupancy was granted, based on what my builder told me needed to be complete, prior to inspections! There is a patch of blacktop in the sidewalk, then there is about a 6-8 foot stretch of gravel, then the divided concrete drive begins. You can also see where my 2 year old sidewalk, is broken from construction traffic, that I was expecting to be repaired when they "re-did" THEIR front sidewalk. You can also see where the "old sidewalk" was an entrance that actually extends back 2-3 feet beyond every else's sidewalk.

I think it goes without saying, this property along the front, is an absolute eyesore as it exists!!! I hope I have misunderstood the intent of this variance, but if that is the case, it still disturbs me that occupancy has been granted, prior to all the required construction being completed. But misunderstanding or not, why should this property owner NOT pay into the sidewalk fund, if in fact all others do?

I must go on record that I adamantly disapprove of this variance being granted, and I ask that you vote to disapprove.

Sincerely
Danny Daniel

Danny Daniel
President
Scott, Murphy & Daniel, LLC
2335 Barren River Road
Bowling Green, KY 42101

