

D O C K E T

11/15/2018

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. DAVID TAYLOR, Vice-Chair
MS. ALMA SANFORD**

Previously Heard Cases Requiring Board Action

Case 2018-504 (Rosa L Parks Blvd) This case failed to secure four votes previously heard on 10/18/18

CASE 2018-522 (Council District - 17)

THE MC2 GROUP, INC, appellant and owner of the property located at **1704 CARVELL AVE**, requesting a variance to allow a front loading garage in the R6-A District, to construct a residence. Referred to the Board under Section 17.12.020 (A). The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 10511019200

Results:

CASE 2018-551 (Council District - 6)

MATT MILLSAP, appellant and owner of the property located at **1211 N 14TH ST**, requesting variances from the conditions regarding ownership and occupancy for detached accessory dwelling units in the R6 District, to create a new parcel for the detached accessory dwelling unit. Referred to the Board under Section 17.16.030 G(3)b and c. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use- Detached Accessory Dwelling Unit

Map Parcel 083020P00200CO

Results:

CASE 2018-566 (Council District - 19)

15TH & CHURCH EQUITY INVESTORS, appellant and owner of the property located at **1506 CHURCH ST., #100**, requesting a variance from parking requirements in the MUI-A District, to construct condominiums. Referred to the Board under Section 17.20.030. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-MULTI-USE

Map Parcel 09212034000

Results:

CASE 2018-584 (Council District - 15)

Dale and Associates, appellant and **SILVERMAN, CAROL & MARTIN, TRS.**, owner of the property located at **0 PENNINGTON BEND RD**, requesting a variance from front setback requirements in the R15 District, to construct four single family residences on four parcels with reduced front setbacks. 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

Parcel 06201003300, 06201003400, 06201003500, 06201003600

Results:

CASE 2018-590 (Council District - 24)

Brad Bars, appellant and owner of the property located at **4404 A WESTLAWN DR**, requesting an Item A appeal, challenging the zoning administrator's determination that the duplex is not legally non-conforming. Appellant also requests variances from rear and side setback requirements in the RS7.5 District, to convert a duplex and detached garage into two separate residences. Referred to the Board under Section 17.40.180 A, 17.12.020 A, 17.12.020 A. The appellant alleged the Board has jurisdiction under Section 17.40.180(A).

Use-Two Family

Map Parcel 10308006800

Results:

CASE 2018-593 (Council District - 20)

Gail Wales, appellant and **O.I.C. INDIANA AVENUE COTTAGES**, owner of the property located at **5006 C INDIANA AVE**, requesting a variance from landscape buffer requirements in the R6 District, to construct two single family residences. Referred to the Board under Section 17.24.240 B. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Two- Family

Map Parcel 091110X90000CO

Results:

CASE 2018-597 (Council District - 5)

ERLANGER PROPERTIES, appellant and owner of the property located at **11 LUCILE ST**, requesting a variance from driveway size requirements in the RM20-A District, to construct a multi-family unit. Referred to the Board under Section 17.20.060. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Multi-Family

Map Parcel 07114029300

Results:

CASE 2018-599 (Council District - 16)

Milad Yosef, appellant and owner of the property located at **6 WHITSETT RD**, requesting a front setback variance in the RS10 District, to permit an existing porch. Referred to the Board under Section 17.12.020. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 11907013500

Results:

CASE 2018-600 (Council District - 25)

Brad Van Rassel, appellant and **CARDWELL, CHRISTOPHER W. & GALLAGHER, MARY TAYLOR**, owner of the property located at **2806 22ND AVE S**, requesting a variance from height restrictions in the RS10 District, to construct a detached garage. Referred to the Board under Section 17.12.060 (B). The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Detached Garage

Map Parcel 11702020400

Results:

CASE 2018-603 (Council District - 18)

Jane House, appellant and **HOUSE, GRIFFIN W. & JANE W.**, owner of the property located at **1900 BEECHWOOD AVE**, requesting variances from height and setback requirements in the RS 7.5 District, to obtain a variance for an already existing fence. Referred to the Board under Section 17.12.040(E)26. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 10416017500

Results:

CASE 2018-604 (Council District - 5)

Chelsea Hannah, appellant and **URBAN DWELL HOMES, LP**, owner of the property located at **216 N 9TH ST**, requesting a variance from sidewalk requirements in the RM20 District, to construct a Multi-Family development without paying for or building sidewalks. Referred to the Board under Section 17.16.250. The appellant alleged the Board to have jurisdiction under Section 17.40.180(B).

Use-Multi-Family

Map Parcel 08212010400

Results:

CASE 2018-605 (Council District - 23)

James Haile, appellant and **CJ PARTNERS, LLC**, owner of the property located at **6230 ROBIN HILL RD**, requesting a variance from sidewalk requirements in the RS40 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 11515004900

Results:

CASE 2018-609 (Council District - 18)

Brad Currie, appellant and **CURRIE, J. BRADFORD & LAURA**, owners of the property located at **1721 BEECHWOOD AVE**, requesting a variance from setback requirements in the RS7.5 District, to permit a fence and wall exceeding 30" in height at the requested location on the property. Referred to the Board under Section 17.12.040 E 26. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 10416026400

Results:

CASE 2018-611 (Council District - 11)

Tara Knowles, appellant and **KNOWLES, CHRISTOPHER M.**, owner of the property located at **3606 OLD HICKORY BLVD**, requesting a change in legally nonconforming use in the MUL District, to permit the use of space for a moving company. Referred to the Board under Section 17.08.030. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(D).

Use-Office/Parking

Map Parcel 05316005200

Results:

CASE 2018-612 (Council District - 5)

City Limits Construction, appellant and **RUDOLPH, JOHN**, owner of the property located at **1110 A N 6TH ST**, requesting a variance from setback requirements in a SP Zoning District, to construct a single family home. Referred to the Board under Section 17.12.020 a. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 08204001400

Results:

CASE 2018-613 (Council District - 5)

City Limits Construction, appellant and **RUDOLPH, JOHN**, owner of the property located at **1110 B N 6TH ST**, requesting a variance from setback requirements in a SP Zoning District, to construct a single family home. Referred to the Board under Section 17.12.020 a. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 08204043100

Results:

CASE 2018-614 (Council District - 25)

Michael Robinson, appellant and **COOK, PAUL E. & MCKEE, MICHAEL B.**, owner of the property located at **1488 WOODMONT BLVD**, requesting a variance from front setback requirements in the RS10 District, to construct a single family residence. Referred to the Board under Section 17.12.030(c)3. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 11712019900

Results:

CASE 2018-615 (Council District - 27)

Ali Shaw, appellant and **BALAFKANDEH, EBRAHIM**, owner of the property located at **4401 NOLENSVILLE PIKE**, requesting a variance from sidewalk requirements in the CS District, to construct a new office building 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-Auto Sales

Map Parcel 14707007700

Results:

CASE 2018-617 (Council District - 5)

Max Rubel, appellant and owner of the property located at **929 GRANADA AVE**, requesting an expansion of a legally non-conforming detached garage in the RS5 District, to construct an addition to the legally non-conforming detached garage. Referred to the Board under Section 17.40.660 c. The appellant alleged the Board has jurisdiction under Section 17.40.180(D).

Use-Single Family

Map Parcel 08301012700

Results:

CASE 2018-619 (Council District - 17)

Keith Dowd, appellant and **DREAM, INC.**, owner of the property located at **420 HUMPHREYS ST**, requesting a variance from sidewalk requirements in the MUL District, to construct two residences without paying into the sidewalk fund or constructing sidewalks. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Two Family

Map Parcel 10507001500

Results:

CASE 2018-620 (Council District - 17)

Chris Smith, appellant and **THE LISA WHEELER TRUST, ET AL**, owner of the property located at **2699 8TH AVE S**, requesting a variance from sidewalk requirements in the CS District, to make future renovations to an existing retail office space without constructing 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-Retail

Map Parcel 11806009500

Results:

CASE 2018-621 (Council District - 17)

KISER VOGRIN DESIGN, appellant and **OFFICES AT BRADFORD, LLC, THE**, owner of the property located at **2302 ELLIOTT AVE**, requesting a special exception from front setback requirement in the RM40, to construct a six unit multi-family residential development. Referred to the Board under Section 17.12.035 D1. The appellant alleged the Board would have jurisdiction under Section 17.40.180(C).

Use- MULTI-FAMILY

Map Parcel 10514021000

Results:

CASE 2018-622 (Council District - 19)

Michael D Shmerling Partners, appellant and owner of the property located at **1307 LEBANON PIKE**, requesting a variance from sidewalk requirements in the IWD District, to conduct general renovations to an office space 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-Office

Map Parcel 09400006900

Results:

CASE 2018-623 (Council District - 24)

Fulmer Engineering, LLC, appellant and **SENDER, ARTHUR & ERNA & RBM SQUARED, LLC**, owner of the property located at **3805 CHARLOTTE AVE**, requesting a variance from sidewalk requirements in the CS District, to renovate an existing commercial building without constructing sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Commercial

Map Parcel 09213001300

Results:

CASE 2018-624 (Council District - 5)

Jeremy Seaton, appellant and **SIEGEL, CHARLOTTE & ADAM**, owner of the property located at **307 GRACE ST**, requesting a variance from sidewalk requirements in a SP District, to construct a single family residence without building sidewalks. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 08207034800

Results:

CASE 2018-625 (Council District - 21)

Jeremy Seaton, appellant and **BATTLE, DANIELLE C. & ANTHONY D.**, owner of the property located at **513 DR D.B. TODD JR BLVD**, requesting a variance from sidewalk requirements in the R6 District, to construct a single family residence without constructing sidewalks. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 09208009100

Results:

CASE 2018-628 (Council District - 2)

Nick Coleman, appellant and **L & D HOSPITALITY, LLC**, owner of the property located at **410 DOMINICAN DR**, requesting a variance from landscape buffer requirements in the MUG-A District, to construct a hotel. Referred to the Board under Section 17.24.230, 17.12.020 (D). The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Hotel

Map Parcel 08104020600

Results:

CASE 2018-629 (Council District - 6)

Chris Wright, appellant and **BEASLEY, DELOIS A.**, owner of the property located at **307 S 10TH ST**, requesting a variance from sidewalk requirements in the R6 District, to build two homes without constructing 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-Two-Family

Map Parcel 08313051900

Results:

CASE 2018-630 (Council District - 19)

Tonya Epps, appellant and owner of the property located at **1500 ARTHUR AVE**, requesting variances from setback and sidewalk requirements in the R6-A District, to build a two-family residence without constructing sidewalks. Referred to the Board under Section 17.12.020 a, 17.20.120. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Two-Family

Map Parcel 081120G00400CO

Results:

CASE 2018-631 (Council District - 24)

KE Holdings, appellant and **BUBIS, MARTIN & JAYNE**, owners of the property located at **3717 WEST END AVE**, requesting a variance from setback requirements in the RM40 District, to permit a multi-family development. Referred to the Board under Section 17.12.035(D)1. The appellant alleged the Board has jurisdiction under Section 17.40.180(C).

Use-Multi-Family

Map Parcel 10409018000

Results:

SHORT TERM RENTAL CASES

CASE 2018-595 (Council District - 35)

Tyler Englett, appellant and **ENGLETT, JOHN T.**, owner of the property located at **1414 A BOSCOBEL ST**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Only one short term rental permit is allowed on an HPR lot with two residences. Appellant requests a second short term rental permit on this lot. 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 083130Q00100CO

Results:

CASE 2018-596 (Council District - 27)

Ezra and Jillian Cohen, appellant and owners of the property located at **562 HIGHCREST DR**, 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 14715001300

Results:

CASE 2018-598 (Council District - 16)

Joy Goodwin, appellant and owner of the property located at **510 MCDONALD DR**, 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 12009000900

Results:

CASE 2018-606 (Council District - 18)

Anne Ballard, appellant and owner of the property located at **2619 ESSEX PL**, 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(B).

Use-Short Term Rental

Map Parcel 10411026600

Results:

CASE 2018-618 (Council District - 18)

Donghong Xu, appellant and **DING, SUHUA & XU, DONGHONG**, owners of the property located at **2818 BELCOURT AVE**, requesting an Item A appeal, challenging the zoning administrator's revocation of a short term rental 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 10406030700

Results:

CASE 2018-627 (Council District - 21)

Baker Donelson, appellant and **LAM, ADRIAN & DONALD YUIKI**, owners of the property located at **1822 A 9TH AVE N**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Referred to the Board under Section 17.40.180. The appellant alleged the Board has jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 081083E00100CO

Results:



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 Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Philip Neal

Date: 8/7/18

Property Owner: Richard A. Lewis

Case #: 2018-504

Representative: Philip Neal, Richard A. Lewis

Map & Parcel: 08104022900

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:



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.

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. **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.

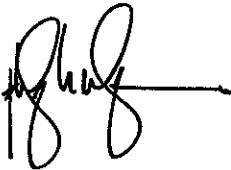
2. **Perimeter Parking Screening Variance** – Code 17.24.150.B requires a perimeter landscape strip to separate parking areas from adjacent property lines. Applicant requests a waiver of perimeter parking area screening along a portion of the rear eastern property line for a length of 90' that coincides 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.

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

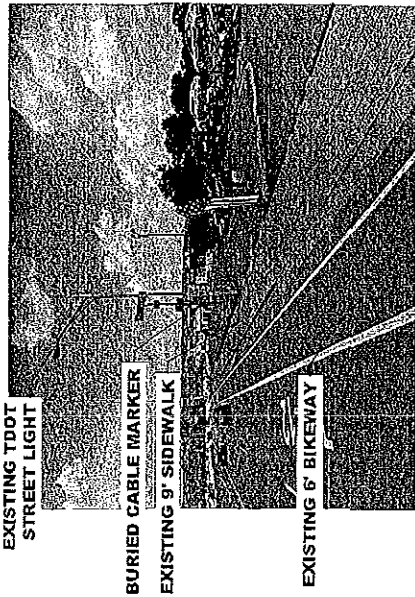


PHOTO 1
NORTH ALONG ROSA L PARKS BLVD

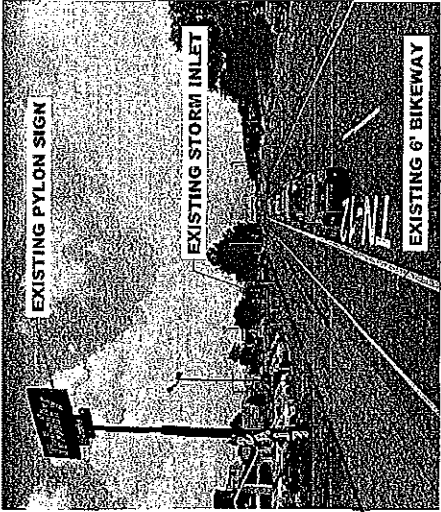


PHOTO 2
SOUTH ALONG ROSA L PARKS BLVD

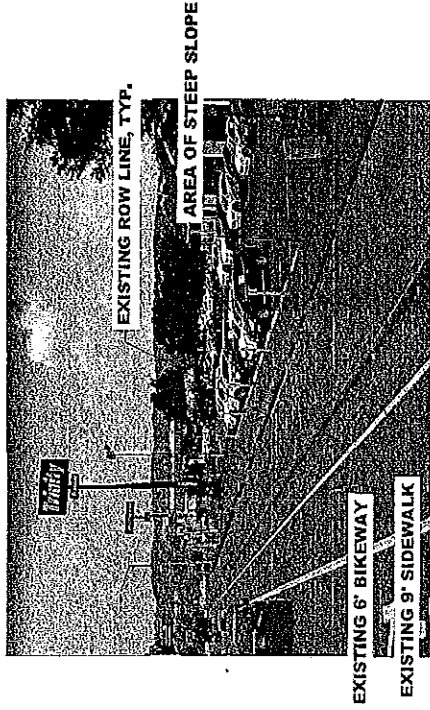
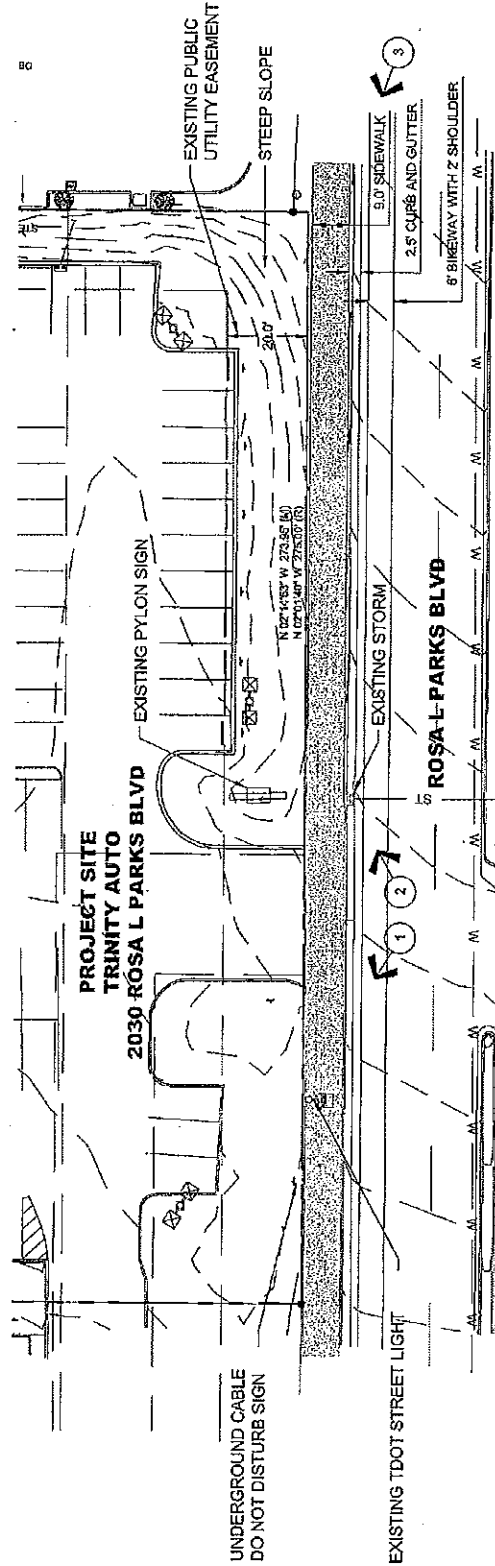


PHOTO 3
NORTH ALONG ROSA L PARKS BLVD



PLAN VIEW
EXISTING CONDITIONS

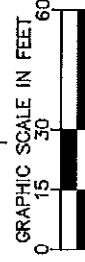
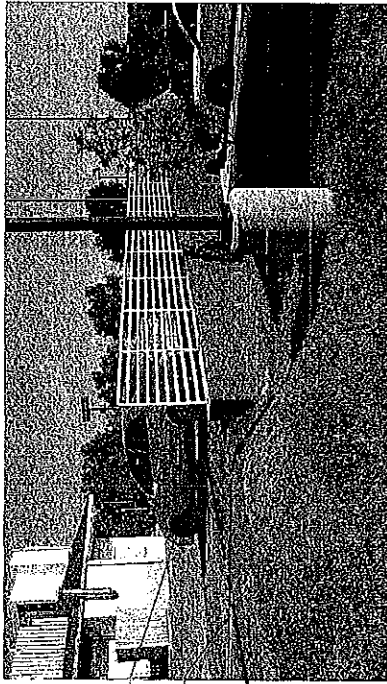


EXHIBIT 1 - SIDEWALK VARIANCE

Kimley»Horn

2030 ROSA L PARKS BLVD, NASHVILLE, TN 37228

AUGUST 7, 2018



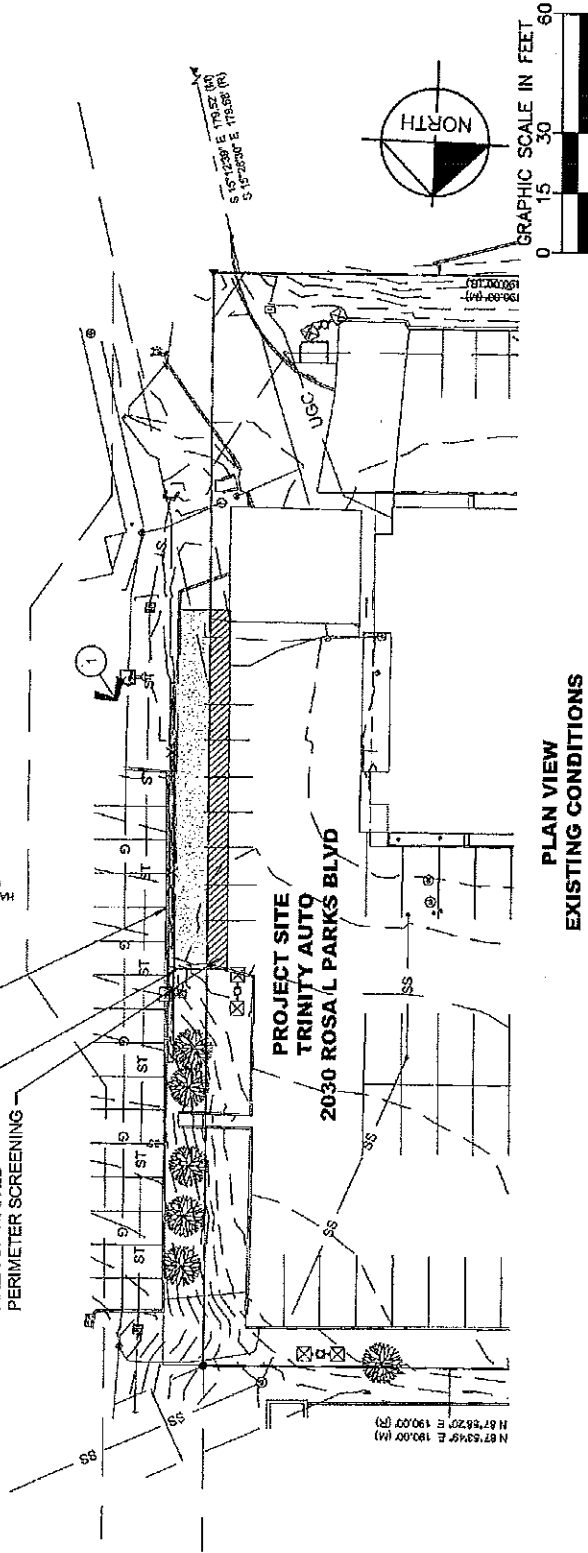
PARKING EASEMENT
PROPERTY LINE

PHOTO 1
NORTH AT REAR PROPERTY LINE

EXISTING 4' - 6'
RETAINING WALL
EXISTING 8' X 90'
PARKING EASEMENT
AREA OF WAIVED
PERIMETER SCREENING

ADJACENT SITE
FAIRFIELD INN AND SUITES
100 FRENCH LANDING DRIVE

LOT 2
METRO CENTER
SECOND REVISION
DB 5109, PG 724
HARLOW HOUSING, LLC
DC-20141124/0107789



PLAN VIEW
EXISTING CONDITIONS

EXHIBIT 2 - PERIMETER PARKING SCREENING VARIANCE

Kimley»Horn

2030 ROSA L PARKS BLVD, DAVIDSON COUNTY, NASHVILLE, TN 37228

AUGUST 7, 2018

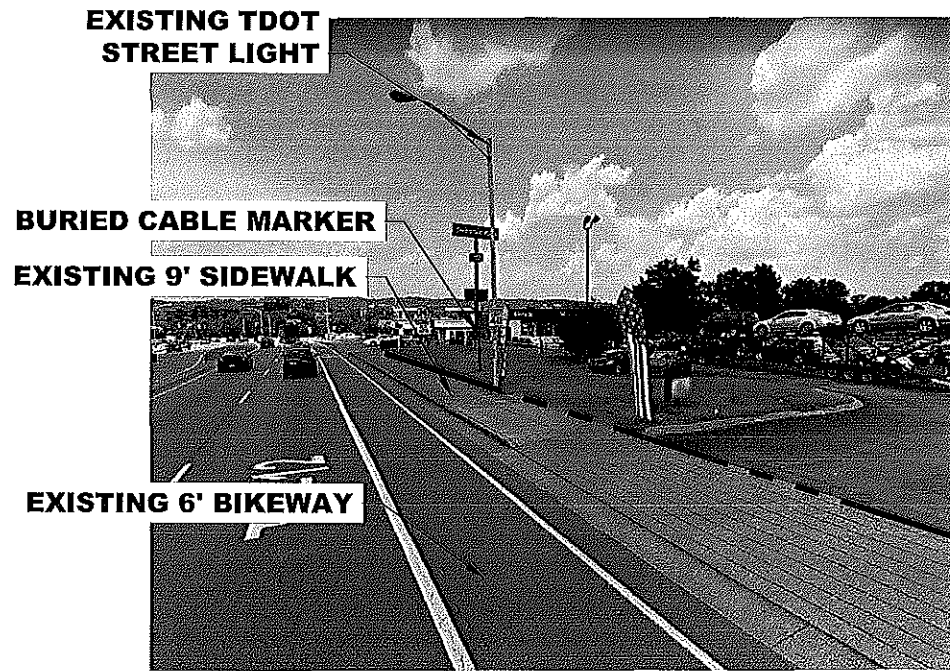


PHOTO 1
NORTH ALONG ROSA L PARKS BLVD



PHOTO 2
SOUTH ALONG ROSA L PARKS BLVD

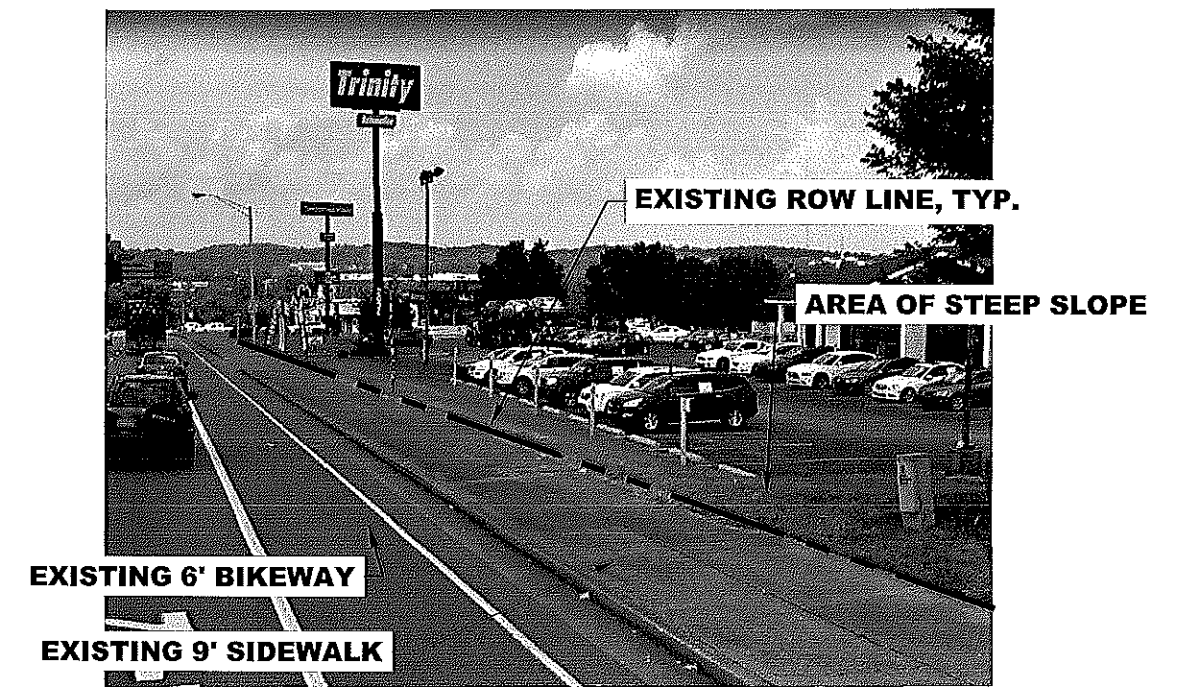
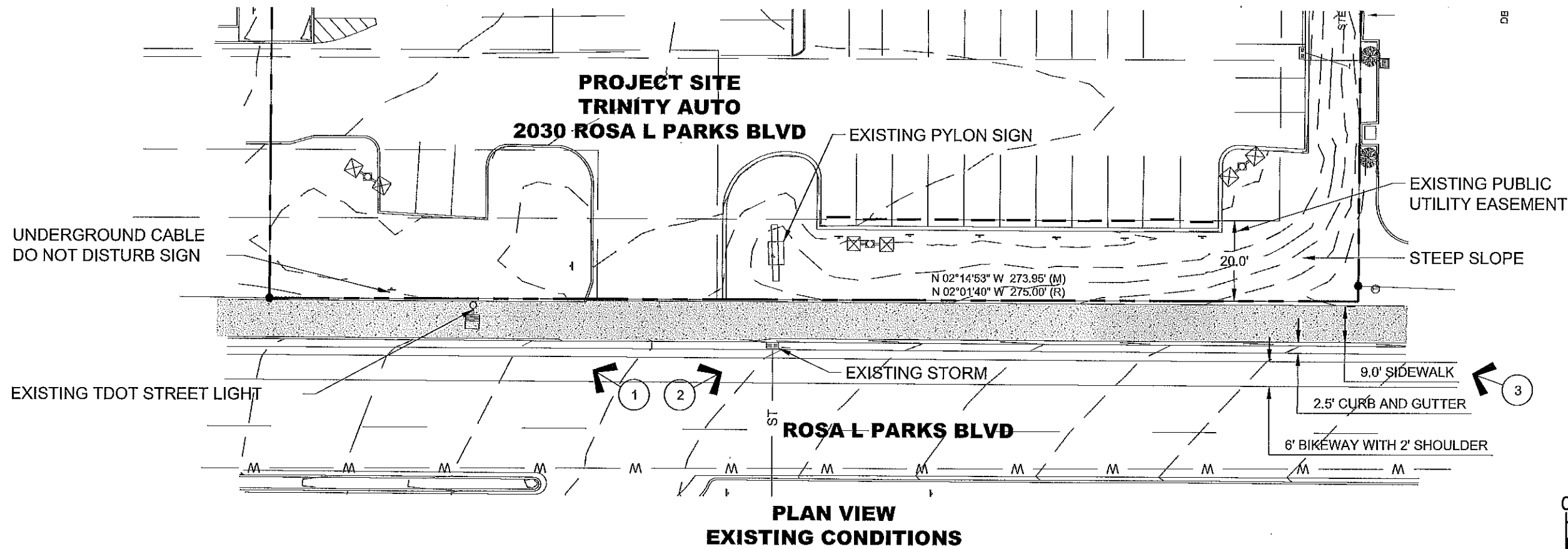


PHOTO 3
NORTH ALONG ROSA L PARKS BLVD



PLAN VIEW
EXISTING CONDITIONS

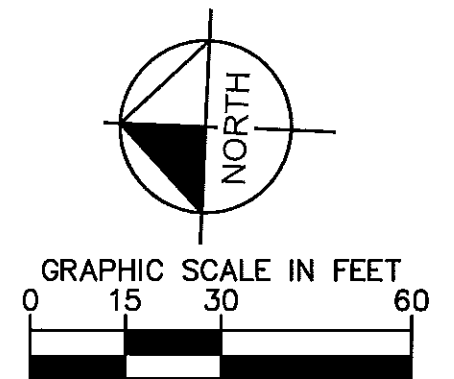
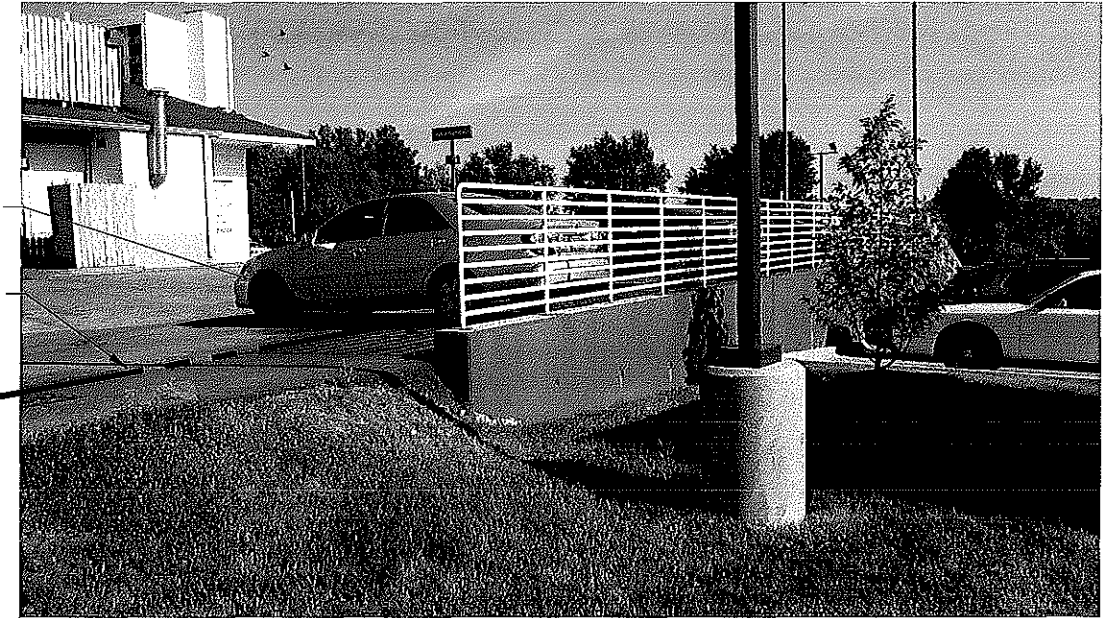


EXHIBIT 1 - SIDEWALK VARIANCE

Kimley»Horn



PARKING EASEMENT

PROPERTY LINE

PHOTO 1
NORTH AT REAR PROPERTY LINE

ADJACENT SITE
FAIRFIELD INN AND SUITES
100 FRENCH LANDING DRIVE

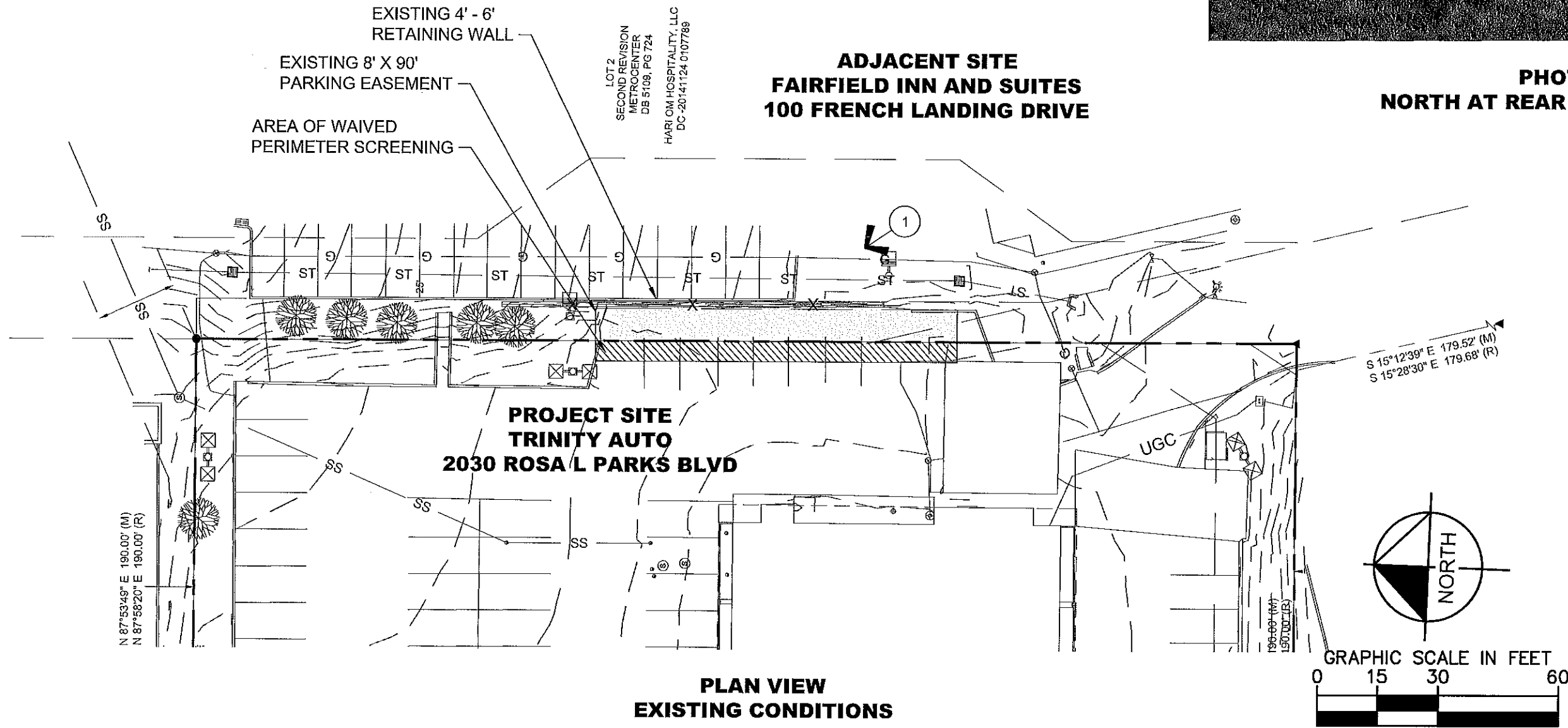


EXHIBIT 2 - PERIMETER PARKING SCREENING VARIANCE

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.**

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



Appellant: Rob Cushman

Date: 8-14-18

Property Owner: The MC2 Group

Case #: 2018-522

Representative: Rob Cushman

Map & Parcel: 105-11-192

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: Requesting variance to allow front loading garage

Activity Type: New Construction - Single Family (HPR)

Location: 1704 Carvell Ave.

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: Zoning does not allow front loading garages

Section(s): 17-12-020(A)

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.

The MC2 Group, Inc.
Appellant Name (Please Print)

Rob Cushman
Representative Name (Please Print)

639 E Main St, Ste B202
Address

1019 Avery Trace Cir
Address

Hendersonville, TN 37075
City, State, Zip Code

Hendersonville, TN 37075
City, State, Zip Code

615-559-2212
Phone Number

615-559-2212
Phone Number

rob@stratosdevelopment.com
Email

rob@stratosdevelopment.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



3545850

ZONING BOARD APPEAL / CAAZ - 20180048569
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10511019200

APPLICATION DATE: 08/14/2018

SITE ADDRESS:

1704 CARVELL AVE NASHVILLE, TN 37203
W SIDE CARVELL AVE S OF SOUTHGATE AVE.

PARCEL OWNER: THE MC2 GROUP, INC

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting variance to allow front loading garage

*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.

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This lot is exceptionally shallow making side or rear entry garage very difficult. Also the topography of the lot makes rear load garage detrimental to height and impervious surfaces.

The lot slopes steeply from the street to the rear of the property, making front load garages more usable.

The other hardships include dedication of ROW to widen the street in the future, sewer easement in the rear of the property making parking in the rear more difficult in the future, and requirement for the appellant to replace the entire water main (1000') down Carvell Ave.

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.)

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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.

Robert A. [Signature]
APPELLANT

8-14-18
DATE

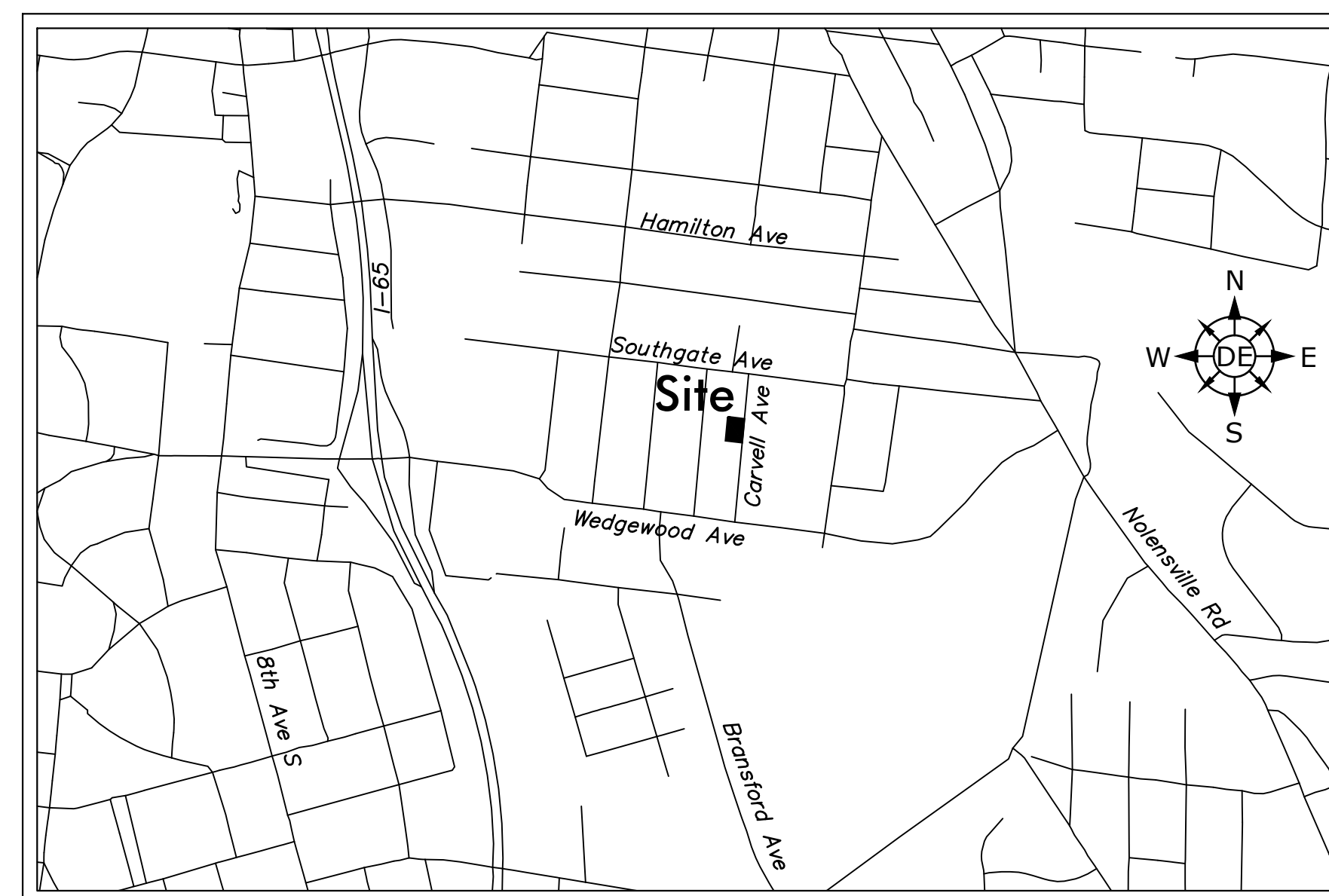
1704 Carvell Ave

Being Parcel 192 on Tax Map 105-11
Nashville, Davidson County, Tennessee

Revisions:

Drawing Notes:

Date: July 27, 2018



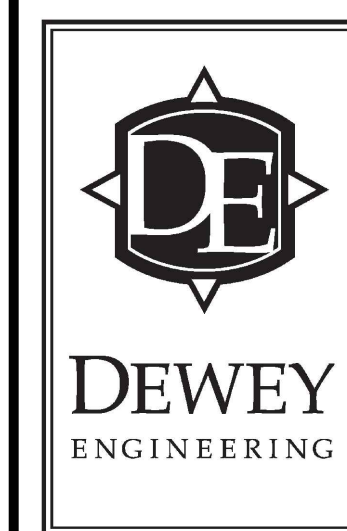
Vicinity Map
N.T.S.

<p>Engineer Dewey Engineering Contact: Michael Dewey, PE 2925 Berry Hill Drive Nashville, TN 37204 Phone: (615) 401-9956</p>	<p>Flood Note This Property is Not Located Within a Flood Hazard Area as Designated by "Zone X" on Firm Panel #47037C0244H. Dated April 5, 2017.</p>
<p>Owner The MC2 Group, Inc 639 E Main St Hendersonville, TN 37075</p>	<p>Site Benchmark Water Meter Lid Located Approximately 32 ft South of the Northeast Corner of the Site NAVD88 Elev. = 493.73</p>

Sheet Schedule

1	C0.0	Cover Sheet
2	C1.0	Existing Conditions and Erosion Control Plan
3	C2.0	Layout and Utilities Plan
4	C3.0	Grading & Drainage Plan
5	C4.0	Details
6	L1.0	Landscape Plan

1704 Carvell Ave
Tax Map 105-11, Parcel 192
Nashville, Davidson County, Tennessee

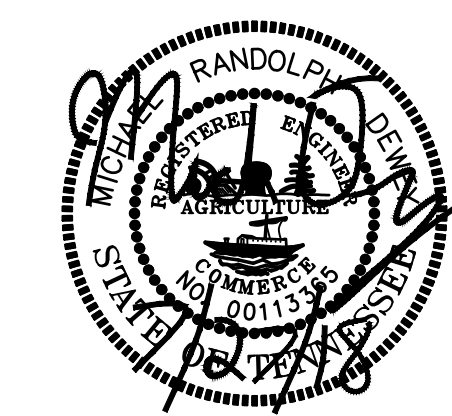
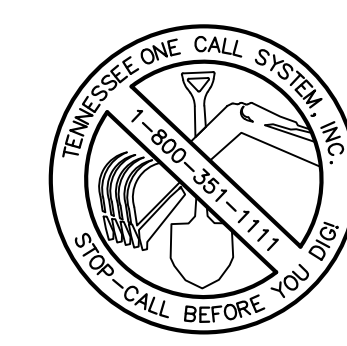


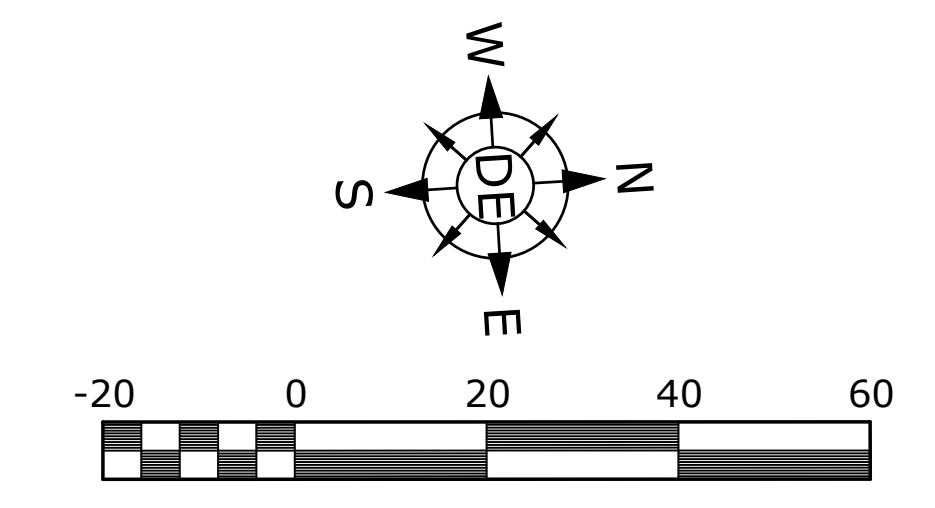
Cover Sheet

Job No. 17037

C0.0

1 of 6



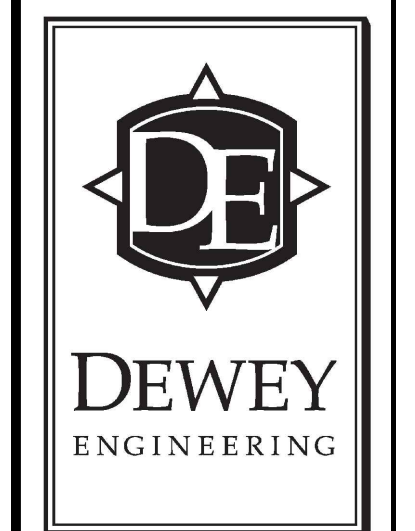


Revisions:

Drawing Notes:

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1704 Carvell Ave
Tax Map 105-11, Parcel 192
Nashville, Davidson County, Tennessee

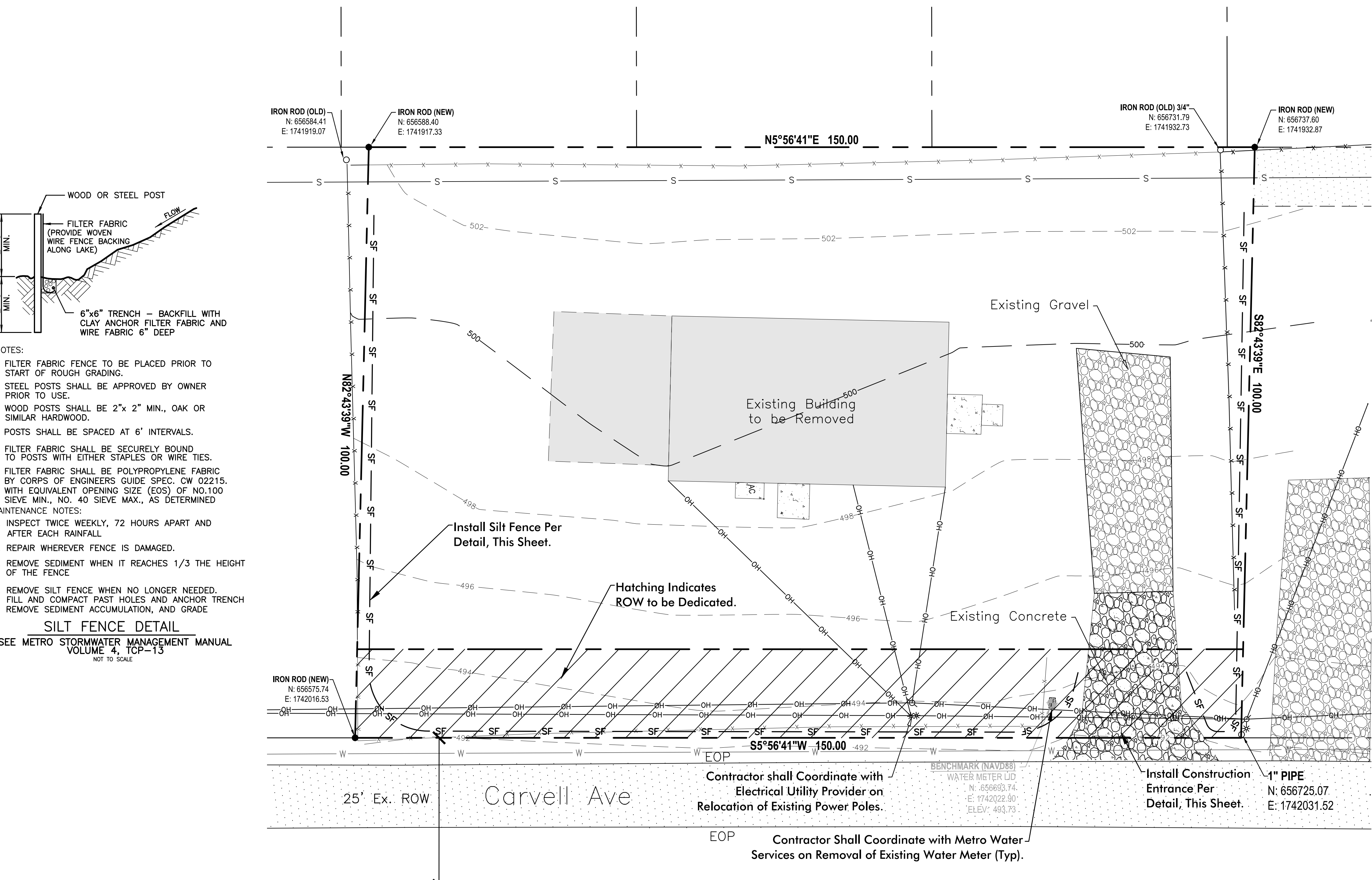


Existing Conditions & Initial Erosion Control Plan

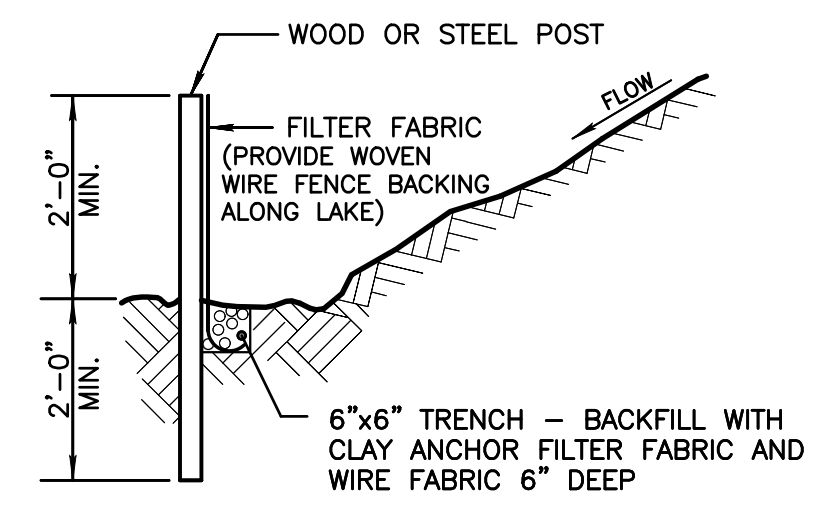
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C1.0

2 of 6

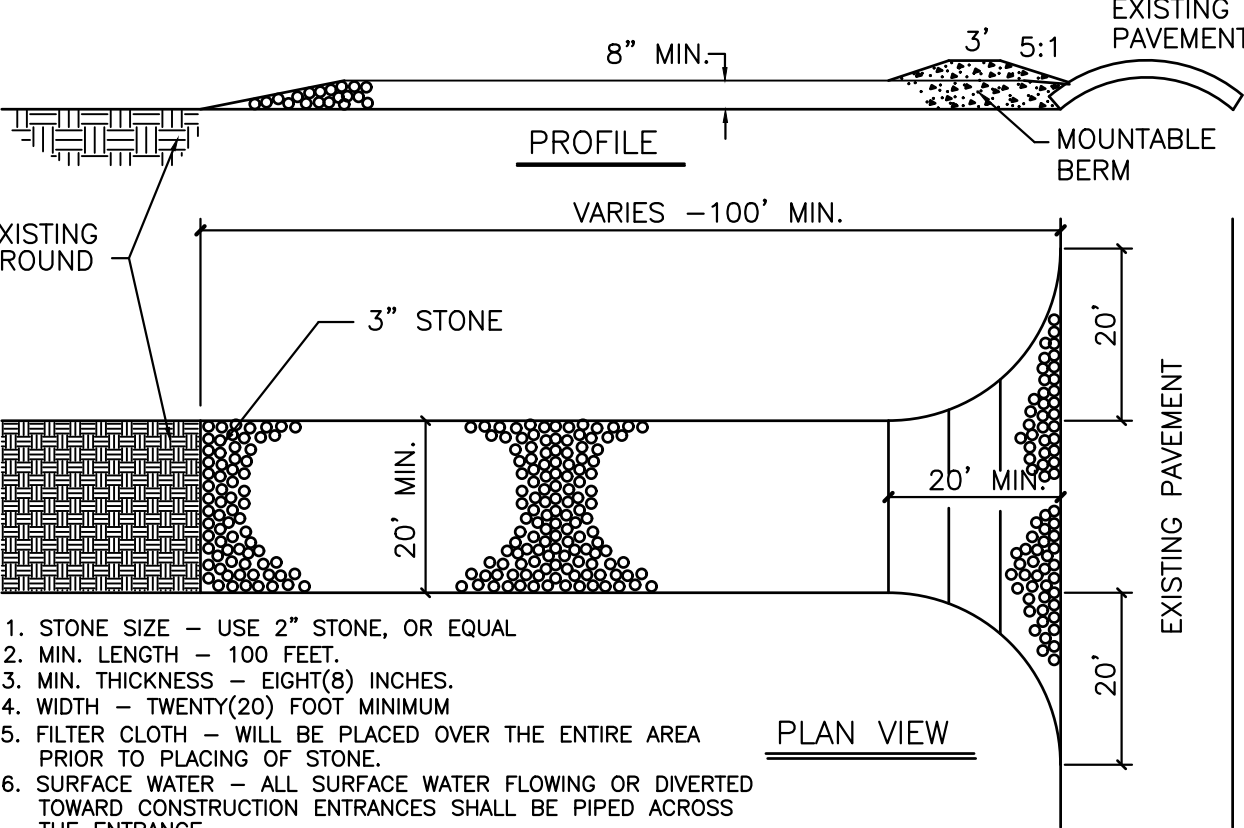


- Erosion Control & Grading Notes:**
- ALL PERIMETER EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO THE COMMENCEMENT OF GRADING.
 - EXPOSE AS SMALL AN AREA OF SOIL AS POSSIBLE ON THE SITE FOR NO MORE THAN 15 DAYS. KEEP DUST WITHIN TOLERABLE LIMITS BY SPRINKLING OR OTHER ACCEPTABLE MEANS.
 - ALL CUT/FILL AREAS TO HAVE A MINIMUM OF 6" OF TOPSOIL COVER. AREAS DRESSED WITH TOPSOIL SHALL RECEIVE 12 POUNDS PER 1000 SQUARE FEET OF 6-12-12 FERTILIZER (UNLESS OTHERWISE SPECIFIED IN WRITTEN SPECIFICATIONS), 5 POUNDS OR MORE OF KENTUCKY 31 FESCUE SEED PER 1000 SQUARE FEET, AND A STRAW MULCH OF 70%-80% COVERAGE (APPROXIMATELY 125 POUNDS PER 1000 SQUARE FEET), UNLESS OTHERWISE NOTED.
 - EROSION CONTROL BARRIER IS CALLED OUT ON THE PLANS AND IS TO COMPLY WITH THE METROPOLITAN STORMWATER MANAGEMENT MANUAL VOLUME FOUR, SECTION TCP-14.
 - DISTURBED AREAS ARE TO BE GRADED TO DRAIN AS INDICATED IN THE PLAN TO SEDIMENT BARRIERS DURING AND UPON THE COMPLETION OF CONSTRUCTION.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION AND THE LOCATION OF ANY EXISTING UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO AVOID DAMAGE TO ALL EXISTING UTILITIES DURING CONSTRUCTION. IF DAMAGE DOES OCCUR TO ANY SUCH INSTALLATION, FULL REPAIR WILL BE ACCOMPLISHED AS PER THE CURRENT SPECIFICATION GOVERNING SUCH WORK.
 - ANY ACCESS ROUTES TO THE SITE SHALL BE BASED WITH CRUSHED STONE, ASTM #1 STONE, 100 FEET LONG AND AT LEAST 8" THICK.
 - THE PLACING AND SPREADING OF ANY FILL MATERIAL IS TO BE STARTED AT THE LOWEST POINT AND BROUGHT UP IN HORIZONTAL LAYERS OF 8" THICKNESS (OR AS DIRECTED BY THE SOILS INVESTIGATIVE REPORT). SAID FILL MATERIAL IS TO BE FREE OF SOD, ROOTS, FROZEN SOILS, OR ANY OTHER DECOMPOSABLE MATERIAL. SAID FILL IS TO BE COMPACTED TO A MINIMUM OF 95% STANDARD PROCTOR, OR AS OTHERWISE SPECIFIED BY THE SOILS REPORT OR WRITTEN SPECIFICATIONS.
 - THE CONTRACTOR SHALL OBTAIN A GRADING PERMIT FROM THE METRO WATER SERVICES NPDES DEPARTMENT (880-2420) PRIOR TO COMMENCING WORK.
 - THE CONTRACTOR SHALL LOCATE AND STAKE THE LAYOUT OF THE SITE IN THE FIELD FOR INSPECTION BY THE ENGINEER. THE CONTRACTOR SHALL CHECK THE GRADES AND FINAL DIMENSIONS ON THE GROUND, AND REPORT ANY DISCREPANCIES TO THE ENGINEER IMMEDIATELY FOR A DECISION.
 - SURPLUS EXCAVATION OF TOPSOIL SHALL BE PLACED ON THE SITE AS APPROVED BY THE OWNER FOR THE PURPOSE OF FUTURE LANDSCAPE USE.
 - THE CONTRACTOR SHALL FURNISH AND INSTALL ALL NECESSARY TEMPORARY WORKS FOR THE PROTECTION OF THE PUBLIC AND EMPLOYEES, INCLUDING WARNING SIGNS AND LIGHTS.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE DONE TO THE PREMISES OR ADJACENT PREMISES OR INJURIES TO THE PUBLIC DURING THE CONSTRUCTION CAUSED BY HIMSELF, HIS SUB-CRACKERS, OR THE CARELESSNESS OF ANY OF HIS EMPLOYEES.
 - ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE APPROVED PLANS AND SHALL BE IN COMPLIANCE WITH THE RULES AND REGULATIONS SET FORTH IN THE METRO WATER SERVICES STORM WATER MANAGEMENT MANUAL. THE CONTRACTOR SHALL GIVE ALL NECESSARY NOTICE, OBTAIN ALL PERMITS, AND PAY FEES REQUIRED FOR THE COMPLETION FOR HIS PORTION OF THE WORK. HE SHALL ALSO COMPLY WITH ALL CITY, COUNTY, AND STATE LAWS AND ORDINANCES OR REGULATIONS RELATING TO PORTIONS OF WORK WHICH HE IS TO PERFORM.
 - ALL EROSION CONTROL MEASURES SHALL REMAIN IN PLACE UNTIL SITE IS STABILIZED AND CONSTRUCTION IS COMPLETE.
 - CONTRACTOR SHALL PROVIDE AN AREA FOR CONCRETE WASH DOWN AND EQUIPMENT FUELING IN ACCORDANCE WITH METRO CP-12 & CP-13. CONTRACTOR TO COORDINATE EXACT LOCATION WITH NPDES DEPARTMENT DURING PRECONSTRUCTION MEETING. CONTROL OF OTHER SITE WASTES SUCH AS DISCARDED BUILDING MATERIALS, CHEMICALS, LITTER, AND SANITARY WASTES THAT MAY CAUSE ADVERSE IMPACTS TO WATER QUALITY IS ALSO REQUIRED BY THE GRADING PERMITEE. LOCATIONS OF AND/OR NOTES REFERRING TO THESE BMP'S SHALL BE SHOWN ON THE EPSC PLAN.
 - IT IS RECOMMENDED THAT THE CONTRACTOR OBTAIN THE SERVICES OF A LICENSED GEOTECHNICAL ENGINEER PRIOR TO COMMENCING WITH CONSTRUCTION TO DETERMINE THE POTENTIAL OF THE EXISTENCE OF UNSUITABLE SOIL MATERIAL ON-SITE. IF IT IS DETERMINED THAT THE SUBSURFACE IS NOT SUITABLE FOR CONSTRUCTION AND UNDERCUTTING IS REQUIRED, THE CONTRACTOR SHALL CONTACT THE OWNER AND THE ENGINEER IMMEDIATELY.
 - THE CONTRACTOR SHALL NOTIFY THE DEPARTMENT OF PUBLIC WORKS PRIOR TO THE COMMENCING OF ANY CONSTRUCTION ACTIVITIES LOCATED WITHIN PUBLIC RIGHT OF WAY.
 - STEEP SLOPES TO BE STABILIZED WITHIN 7 DAYS OF FINAL GRADING.

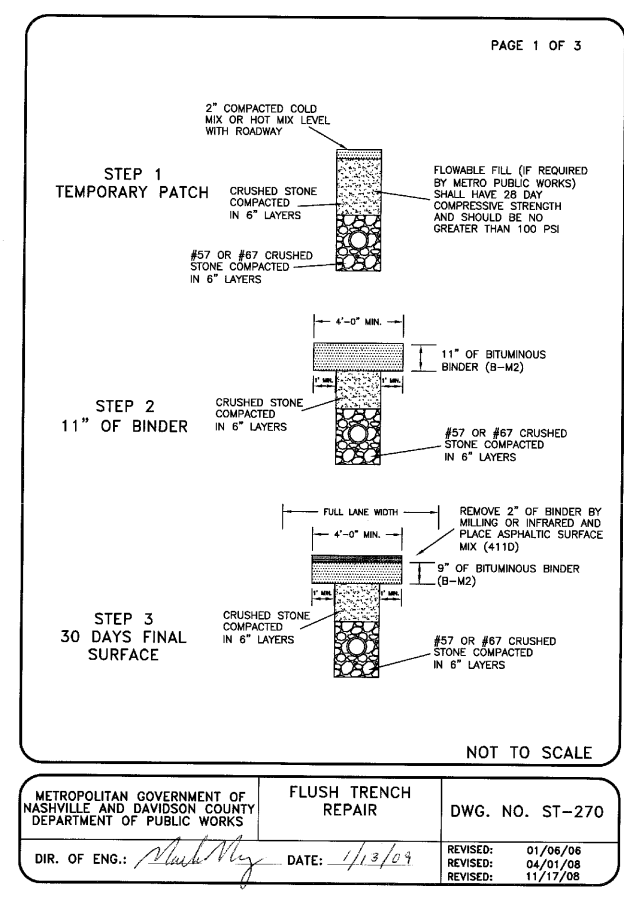


- NOTES:**
- FILTER FABRIC FENCE TO BE PLACED PRIOR TO START OF ROUGH GRADING.
 - STEEL POSTS SHALL BE APPROVED BY OWNER PRIOR TO USE.
 - WOOD POSTS SHALL BE 2" x 2" MIN., OAK OR SIMILAR HARDWOOD.
 - POSTS SHALL BE SPACED AT 6' INTERVALS.
 - FILTER FABRIC SHALL BE SECURELY BOUND TO POSTS WITH EITHER STAPLES OR WIRE TIES.
 - FILTER FABRIC SHALL BE POLYPROPYLENE FABRIC BY CORP'S OF ENGINEERS GUIDE SPEC. CW 02215. WITH EQUIVALENT OPENING SIZE (EOS) OF NO.100 SIEVE MIN., NO. 40 SIEVE MAX., AS DETERMINED
- MAINTENANCE NOTES:**
- INSPECT TWICE WEEKLY, 72 HOURS APART AND AFTER EACH RAINFALL
 - REPAIR WHEREVER FENCE IS DAMAGED.
 - REMOVE SEDIMENT WHEN IT REACHES 1/3 THE HEIGHT OF THE FENCE
 - REMOVE SILT FENCE WHEN NO LONGER NEEDED. FILL AND COMPACT PAST HOLES AND ANCHOR TRENCH REMOVE SEDIMENT ACCUMULATION, AND GRADE

SILT FENCE DETAIL
SEE METRO STORMWATER MANAGEMENT MANUAL VOLUME 4, TCP-13
NOT TO SCALE

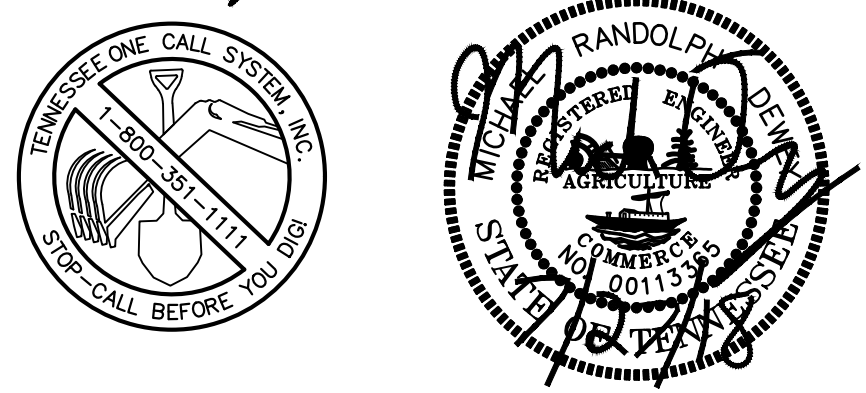


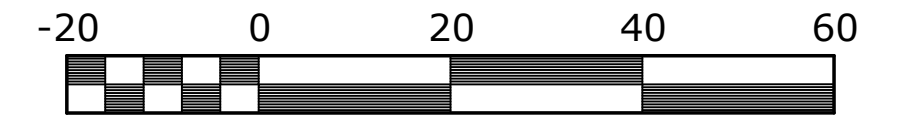
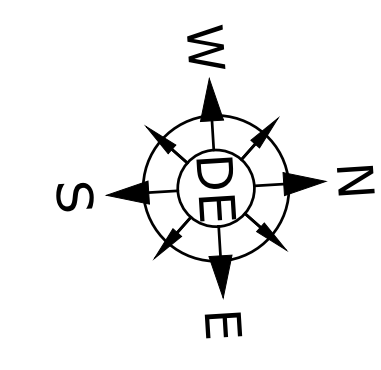
- STONE SIZE - USE 2" STONE, OR EQUAL
 - MIN. LENGTH - 100 FEET.
 - MIN. THICKNESS - EIGHT(8) INCHES.
 - WIDTH - TWENTY(20) FOOT MINIMUM
 - FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
 - SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE.
 - MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND, AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
- TEMPORARY CONSTRUCTION ENTRANCE**
SEE METRO STORMWATER MANAGEMENT MANUAL VOLUME 4, TCP-02
NOT TO SCALE



I, Michael Dewey, AS THE "CERTIFIED" EROSION CONTROL SPECIALIST FOR THIS SITE, HAVE REVIEWED AND APPROVED THE EROSION PREVENTION AND SEDIMENT CONTROL BMP'S OF THIS PLAN ON
DATE 7/27/18

AS THE DESIGN ENGINEER RESPONSIBLE FOR THE DEVELOPMENT OF THESE PLANS, I HEREBY CERTIFY THAT THIS PROJECT DOES NOT REQUIRE COVERAGE UNDER A TENNESSEE CONSTRUCTION GENERAL PERMIT. THE TOTAL DISTURBANCE IS 0.34 ACRES.
Michael Dewey 7/27/18
ENGINEER DATE





Scale 1" = 20'
Total Site Acreage: 0.29 Acres
Limits of Disturbance: 0.34 Acres

Engineer
Dewey Engineering
Contact: Michael Dewey, PE
2925 Berry Hill Drive
Nashville, TN 37204
Phone: (615) 401-9956

Flood Note
This Property is Not Located
Within a Flood Hazard Area as
Designated by "Zone X" on Firm
Panel #47037C0244H.
Dated April 5, 2017.

Owner
The MC2 Group, Inc
639 E Main St
Hendersonville, TN 37075

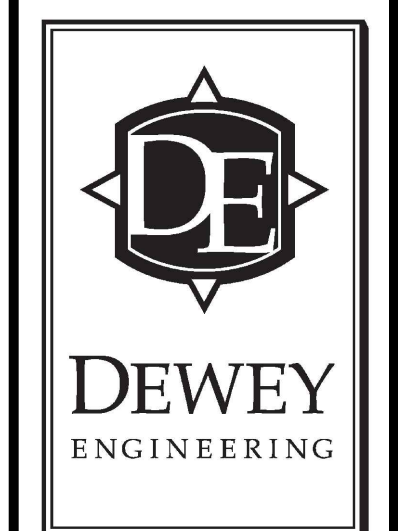
Site Benchmark
Water Meter Lid Located
Approximately 32 ft South of the
Northeast Corner of the Site
NAVD88 Elev. = 493.73

Revisions:

Drawing Notes:

Date: July 27, 2018

1704 Carvell Ave
Tax Map 105-11, Parcel 192
Nashville, Davidson County, Tennessee

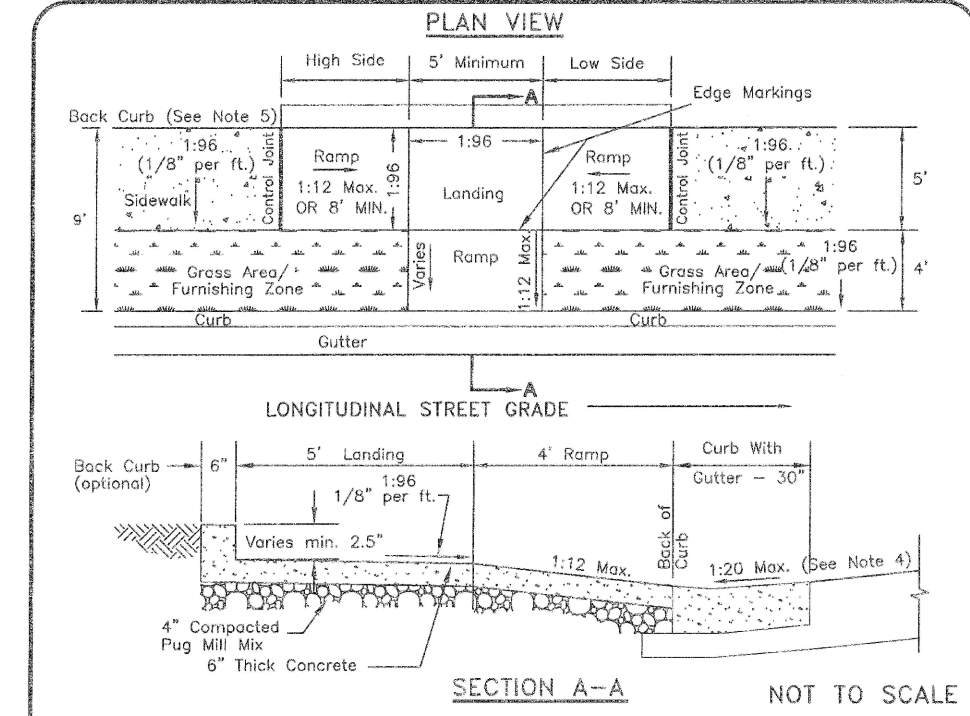


Layout and
Utilities Plan

Job No. 17037

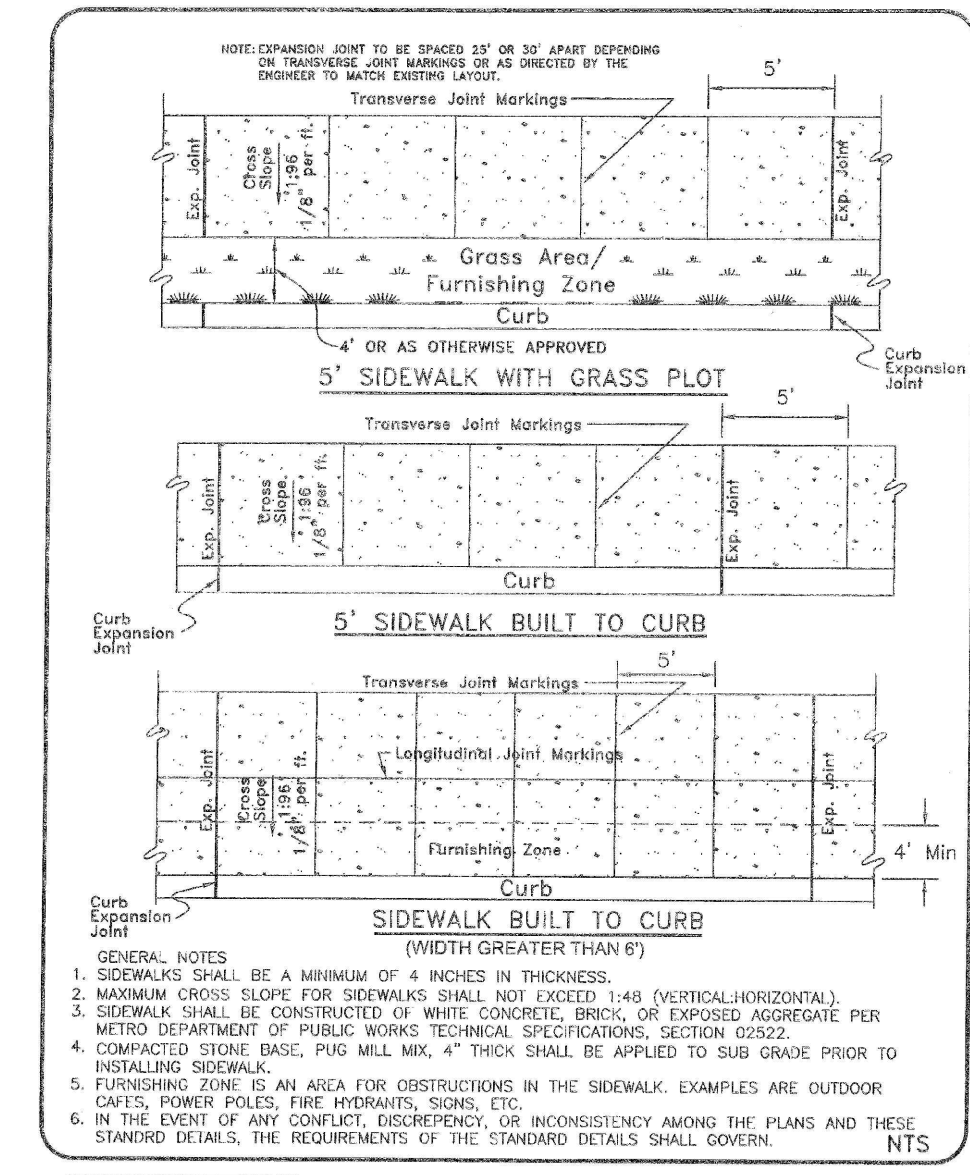
C2.0

3 of 6

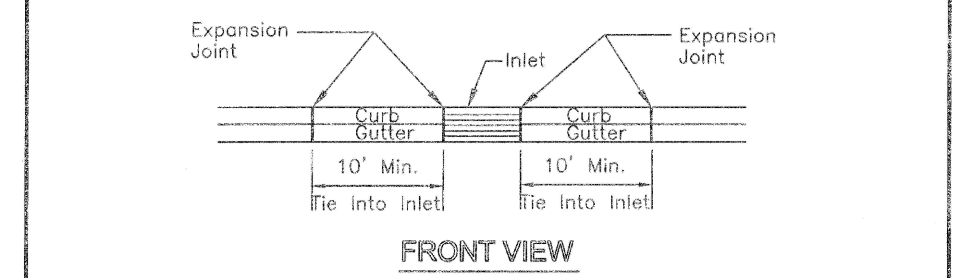
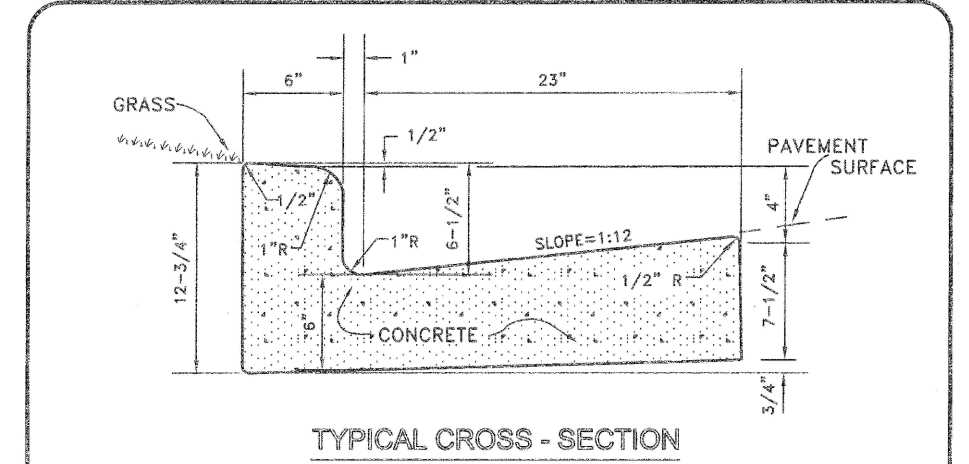
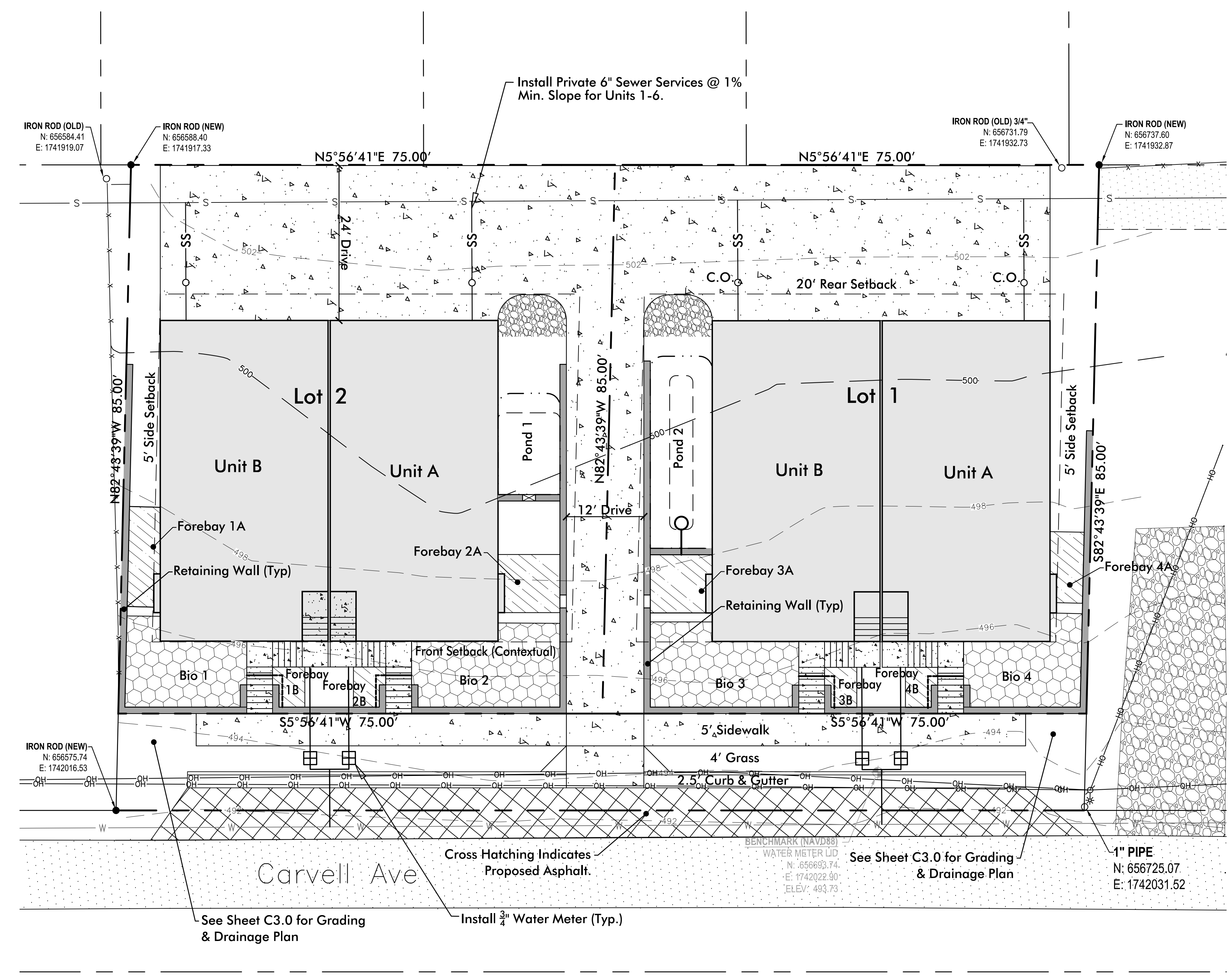


- GENERAL NOTES:
1. Ramp shall be flush with the gutter or edge of pavement.
2. Cross-slope of landing and of sidewalk shall not exceed 1:48 (vertical/horizontal).
3. Surface texture of the curb ramp shall be stable, firm, and slip-resistant. The surface shall be coarse broomed "white" concrete finish transverse to the slope of the ramp.
4. The normal gutter slope of 1:12 (vertical/horizontal) shall be reduced to 1:20 (vertical/horizontal) at the ramp when the curb and gutter is poured before the ramp, or the gutter at the ramp must be cut out, removed, and repoured when the ramp is poured.
5. Back curb shall be constructed at the direction of Public Works, and if required, back curb height along ramp shall transition from 0 inches at expansion joints to the proposed height of back curb at landing and shall be a constant height through landing. Deletion of back curb requires approval of inspector. Removal to be noted in project file and on inspection report.
6. High side and low side ramps shall have a maximum slope of 1:12 (vertical/horizontal) or shall be 8 feet (96 inches) minimum in length.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS	NEW CONSTRUCTION CURB RAMP	DWG. NO. ST-320
DIR. OF ENG.: <i>Mark May</i>	DATE: 5/14/03	REVISED: 07/18/02 REVISED: 05/08/03



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS	SIDEWALK CONSTRUCTION	DWG. NO. ST-210
DIR. OF ENG.: <i>Mark May</i>	DATE: 7/15/06	REVISED: 05/02/03 REVISED: 11/24/03 REVISED: 06/23/04



- GENERAL NOTES:
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 contraction joints to be included in the unit bid price for concrete curb with gutter.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS	STANDARD CURB WITH GUTTER	DWG. NO. ST-200
DIR. OF ENG.: <i>Mark May</i>	DATE: 5/12/03	REVISED: 07/21/00 REVISED: 05/02/03

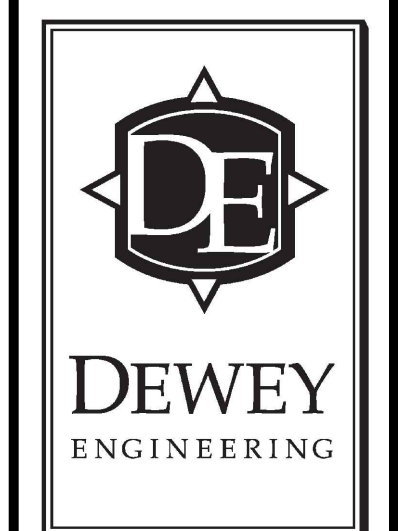


Revisions:

Drawing Notes:

Date: July 27, 2018

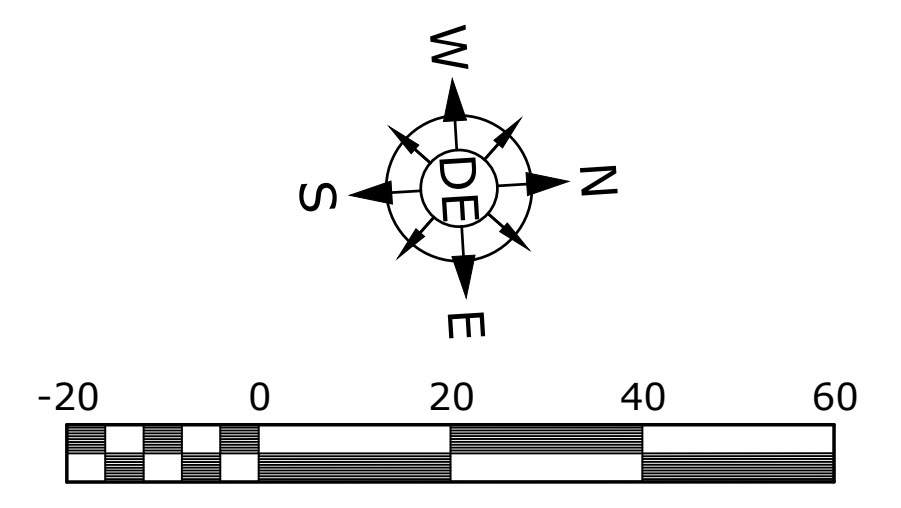
1704 Carvell Ave
 Tax Map 105-11, Parcel 192
 Nashville, Davidson County, Tennessee



Grading & Drainage Plan

Job No. 17037

C3.0



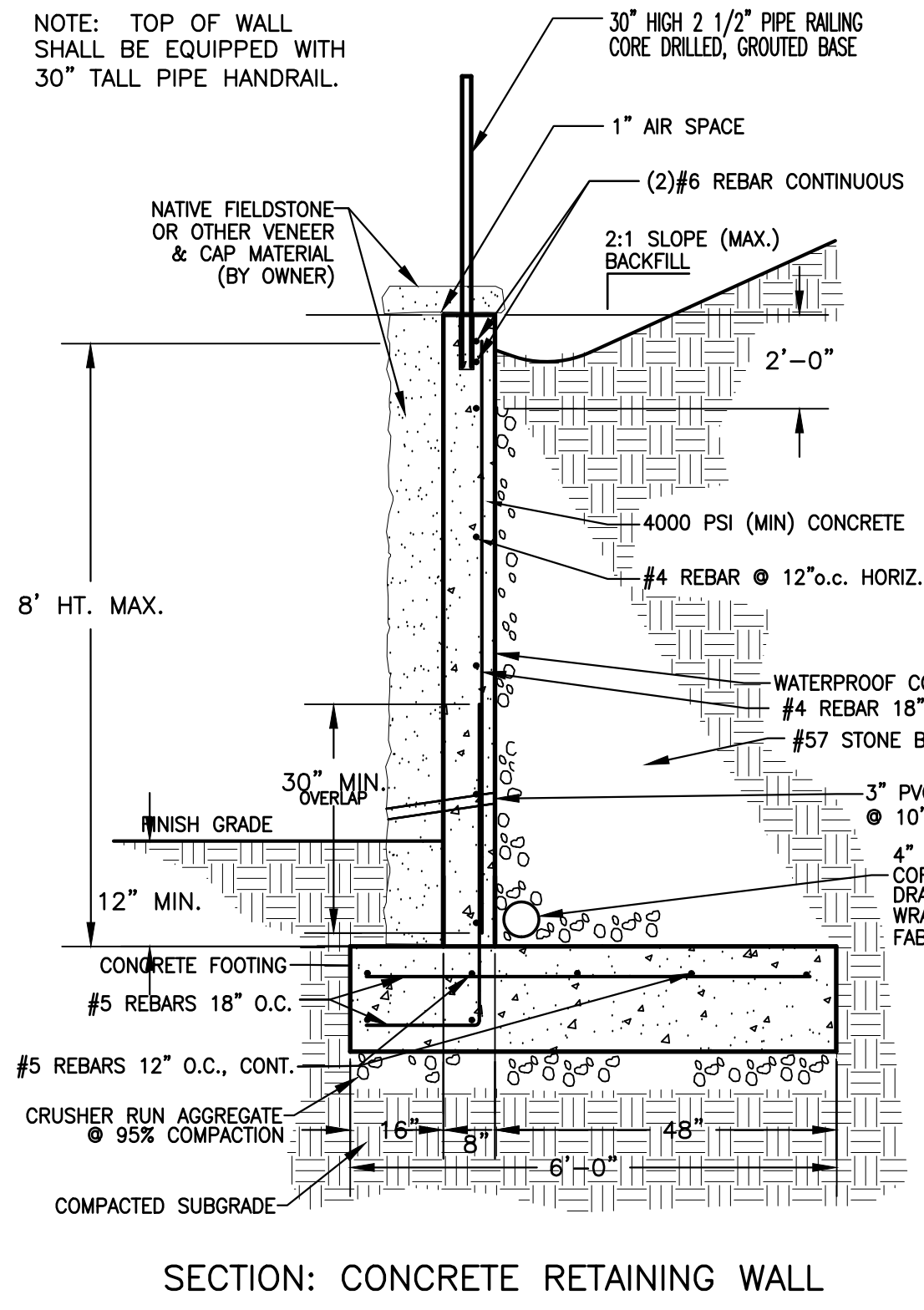
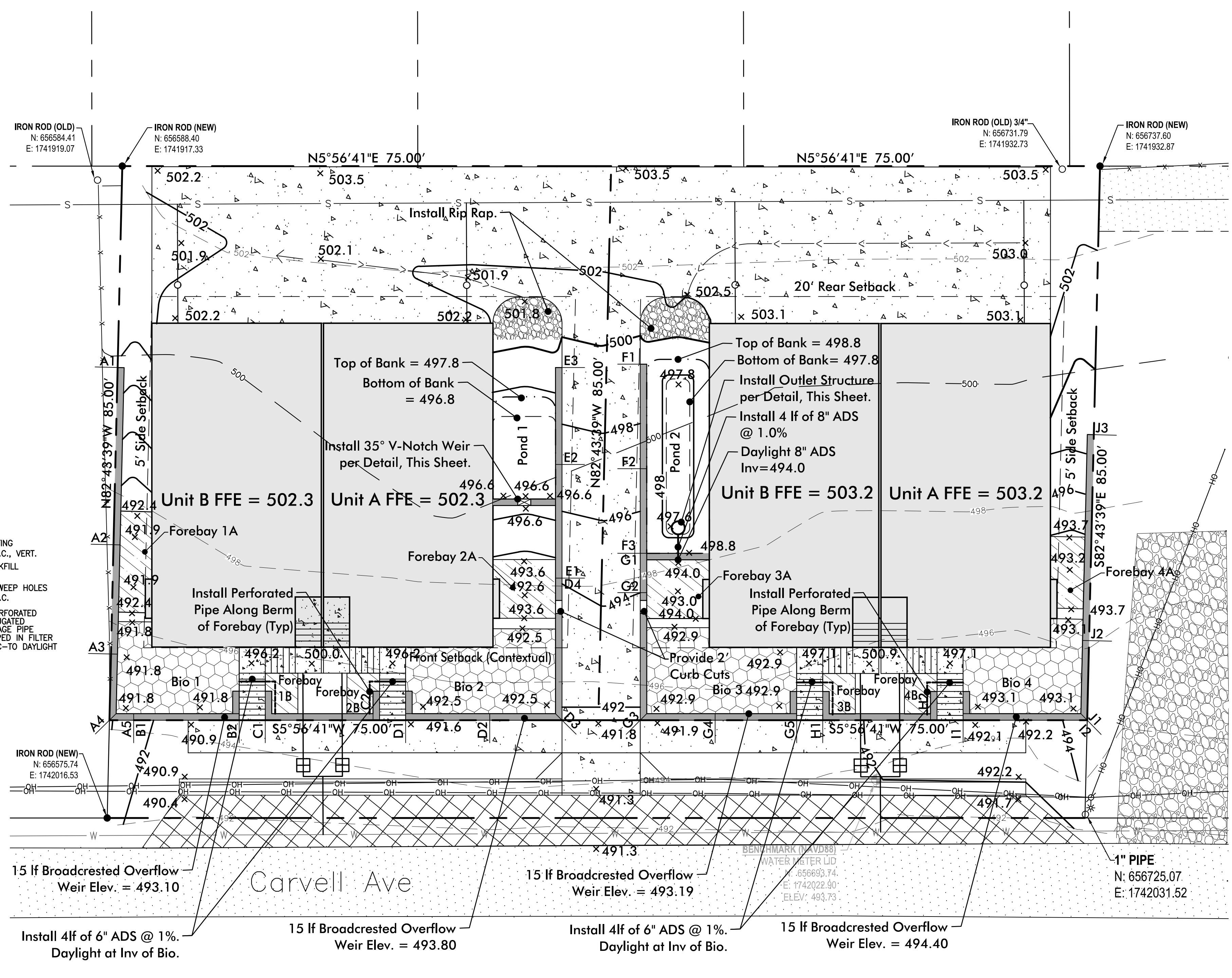
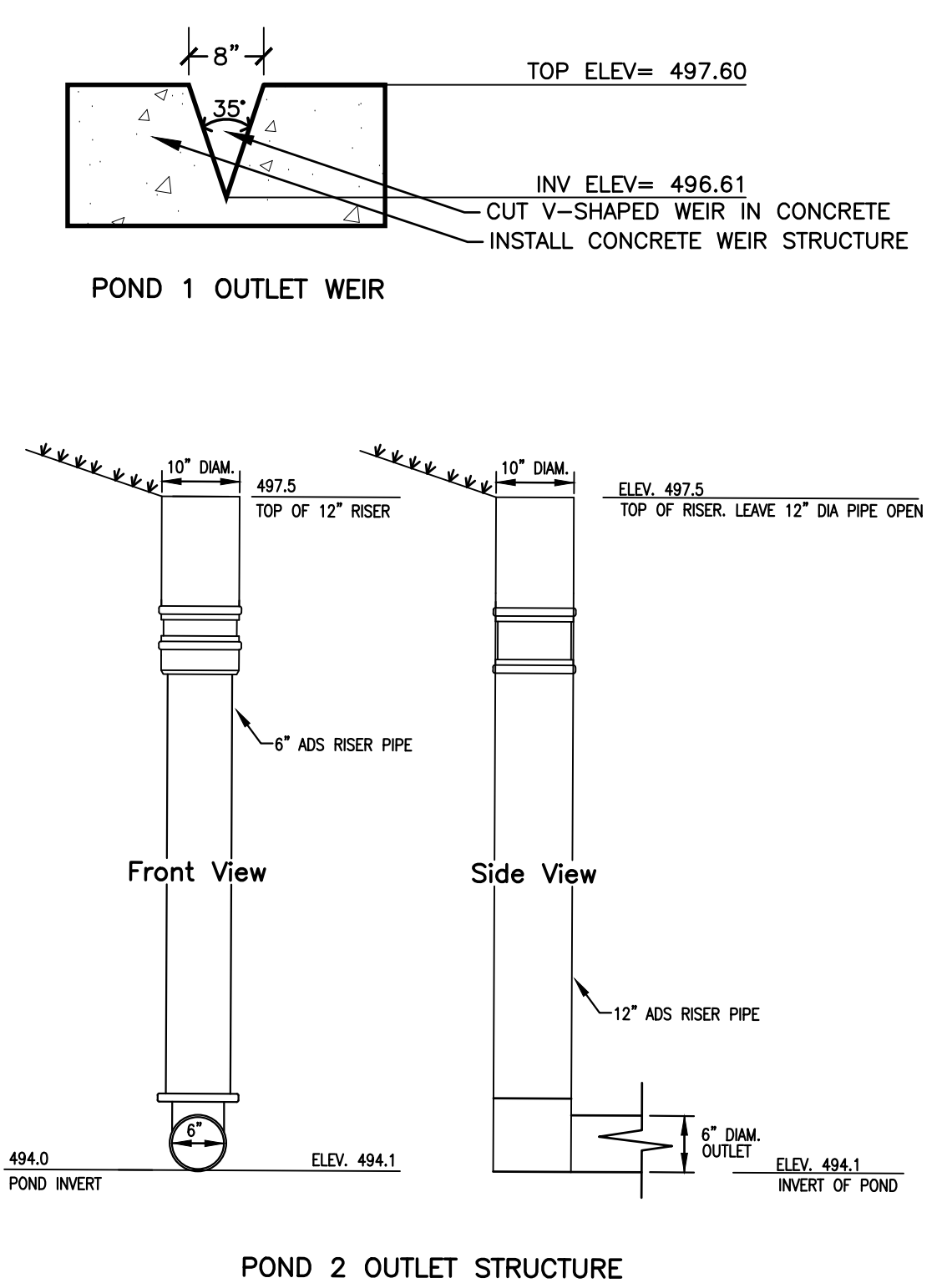
Scale 1" = 20'
 Total Site Acreage: 0.29 Acres
 Limits of Disturbance: 0.34 Acres

Engineer
 Dewey Engineering
 Contact: Michael Dewey, PE
 2925 Berry Hill Drive
 Nashville, TN 37204
 Phone: (615) 401-9956

Flood Note
 This Property is Not Located
 Within a Flood Hazard Area as
 Designated by "Zone X" on Firm
 Panel #47037C0244H.
 Dated April 5, 2017.

Owner
 The MC2 Group, Inc
 639 E Main St
 Hendersonville, TN 37075

Site Benchmark
 Water Meter Lid Located
 Approximately 32 If South of the
 Northeast Corner of the Site
 NAVD88 Elev. = 493.73



Retaining Wall 'A' Table

Section	T.O.W.	B.O.W.	Height
A1	499.7	499.7	0.0
A2	497.2	492.4	4.8
A3	495.4	491.8	3.6
A4	494.2	491.8	2.4
A5	493.1	491.8	1.3

Retaining Wall 'B' Table

Section	T.O.W.	B.O.W.	Height
B1	493.1	493.1	0.0
B2	493.1	491.0	2.1

Retaining Wall 'C' Table

Section	T.O.W.	B.O.W.	Height
C1	493.1	491.9	1.2
C2	493.1	491.5	1.6

Retaining Wall 'D' Table

Section	T.O.W.	B.O.W.	Height
D1	493.8	491.6	2.2
D2	493.8	491.7	2.1
D3	493.8	491.8	2.0
D4	494.5	494.0	0.5

Retaining Wall 'E' Table

Section	T.O.W.	B.O.W.	Height
E1	494.5	494.0	0.5
E2	497.5	496.6	0.9
E3	499.8	499.3	0.5

Retaining Wall 'F' Table

Section	T.O.W.	B.O.W.	Height
F1	500.2	499.7	0.5
F2	498.8	497.0	1.8
F3	498.8	494.5	4.3

Retaining Wall 'G' Table

Section	T.O.W.	B.O.W.	Height
G1	495.0	494.0	1.0
G2	494.5	494.0	0.5
G3	494.2	491.8	2.4
G4	494.2	491.9	2.3
G5	494.2	492.0	2.2

Retaining Wall 'H' Table

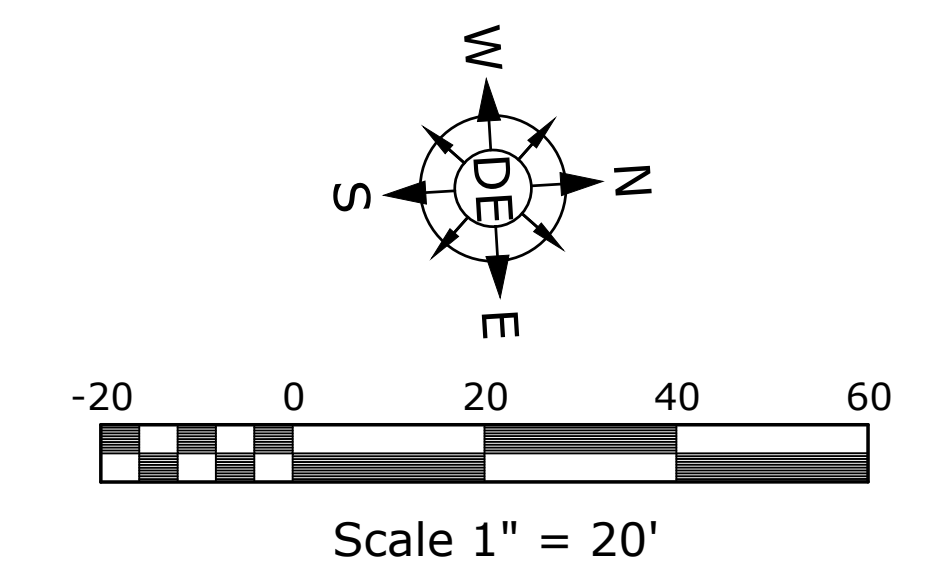
Section	T.O.W.	B.O.W.	Height
H1	493.7	493.5	0.2
H2	493.7	493.7	0.0

Retaining Wall 'I' Table

Section	T.O.W.	B.O.W.	Height
I1	494.4	492.1	2.3
I2	494.4	494.4	0.0

Retaining Wall 'J' Table

Section	T.O.W.	B.O.W.	Height
J1	494.4	494.4	0.0
J2	496.1	493.1	3.0
J3	499.0	499.0	0.0



Revisions:

Drawing Notes:

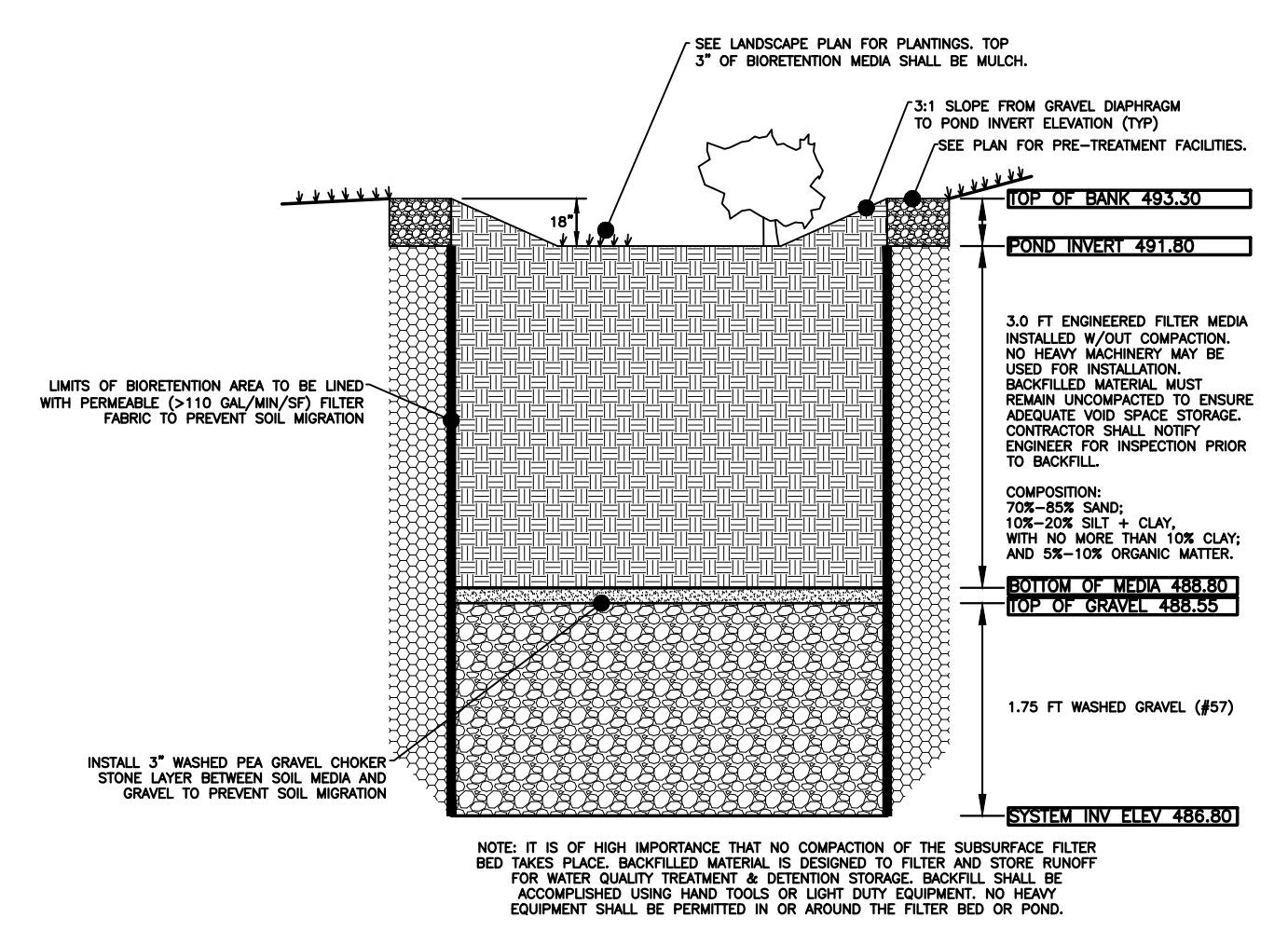
Engineer
 Dewey Engineering
 Contact: Michael Dewey, PE
 2925 Berry Hill Drive
 Nashville, TN 37204
 Phone: (615) 401-9956

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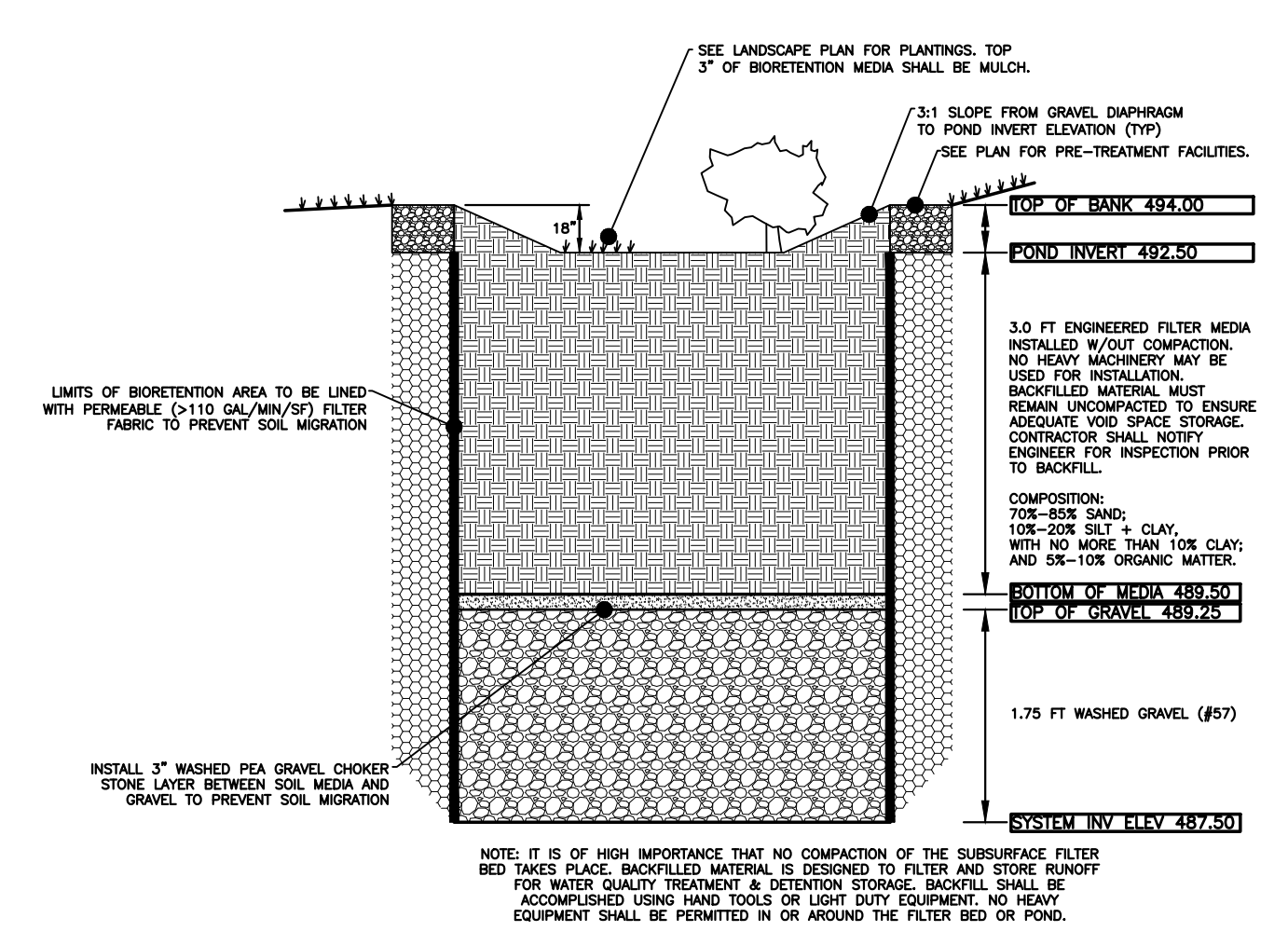
Site Benchmark
 Water Meter Lid Located
 Approximately 32 ft South of the
 Northeast Corner of the Site
 NAVD88 Elev. = 493.73

Date: July 27, 2018



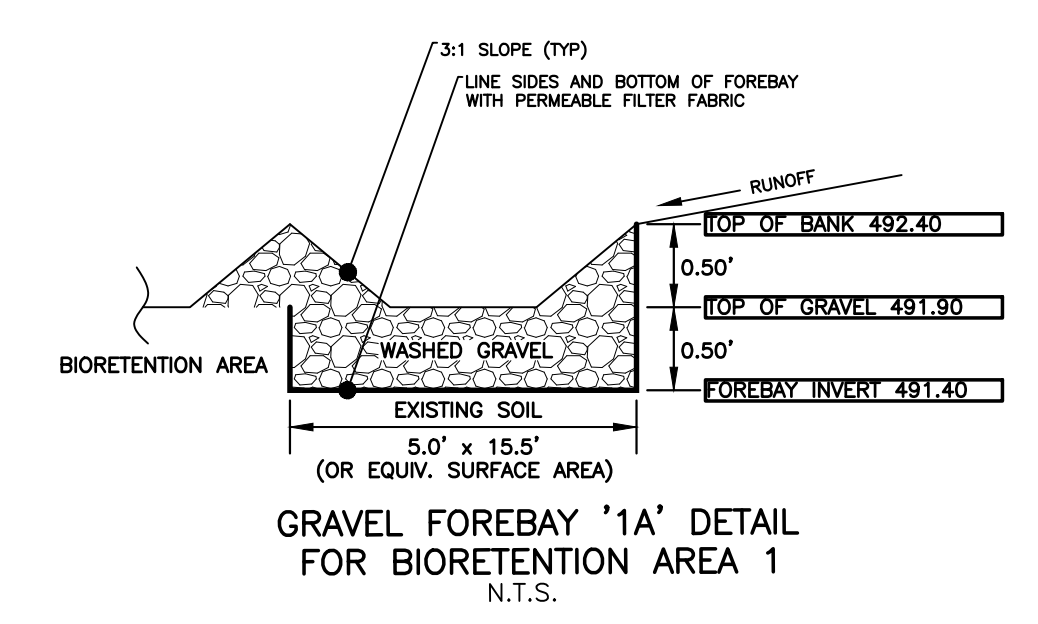
BIORETENTION AREA 1 DETAIL (GIP-01) (LEVEL 2)

MATERIAL SCHEDULE (BIORETENTION AREA 1 ONLY):
 SURFACE AREA = 214 sf
 ENGINEERED FILTER MEDIA = 642 cf (3.00' X 214 sf)
 WASHED GRAVEL (#57) = 375 cf (1.75' X 214 sf)
 CHOKER STONE (#8) = 54 cf (0.25' X 214 sf)

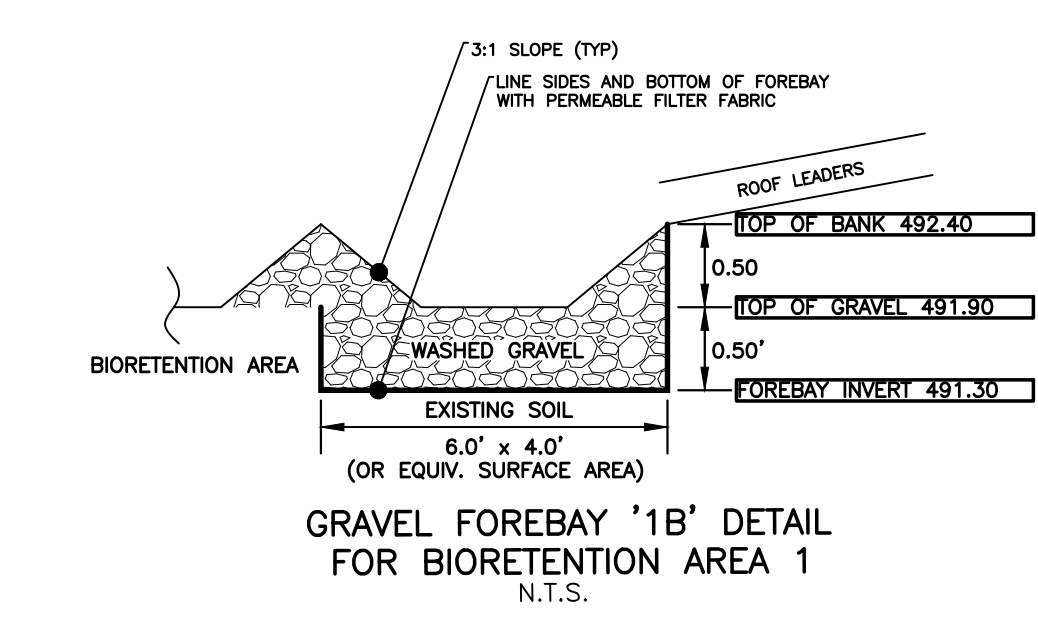


BIORETENTION AREA 2 DETAIL (GIP-01) (LEVEL 2)

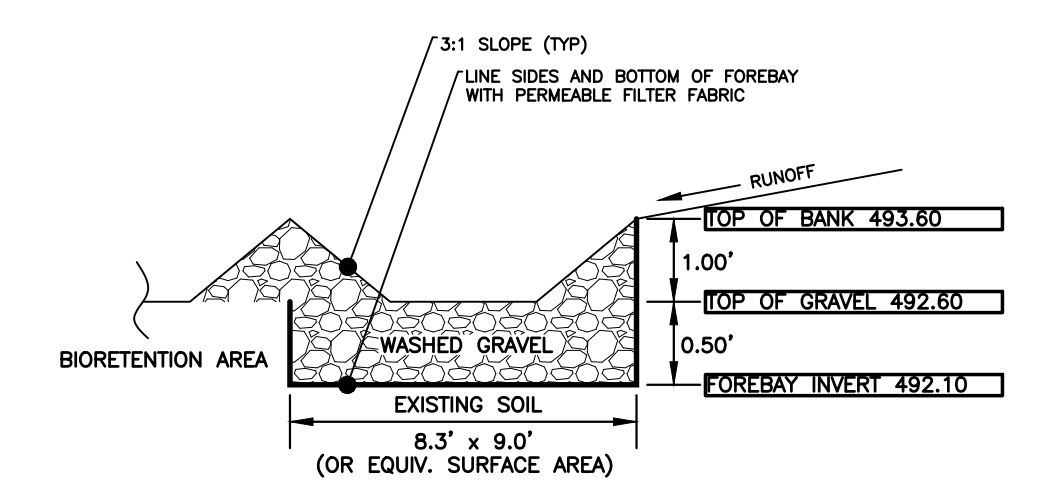
MATERIAL SCHEDULE (BIORETENTION AREA 2 ONLY):
 SURFACE AREA = 277 sf
 ENGINEERED FILTER MEDIA = 831 cf (3.00' X 277 sf)
 WASHED GRAVEL (#57) = 485 cf (1.75' X 277 sf)
 CHOKER STONE (#8) = 70 cf (0.25' X 277 sf)



GRAVEL FOREBAY '1A' DETAIL FOR BIORETENTION AREA 1 N.T.S.



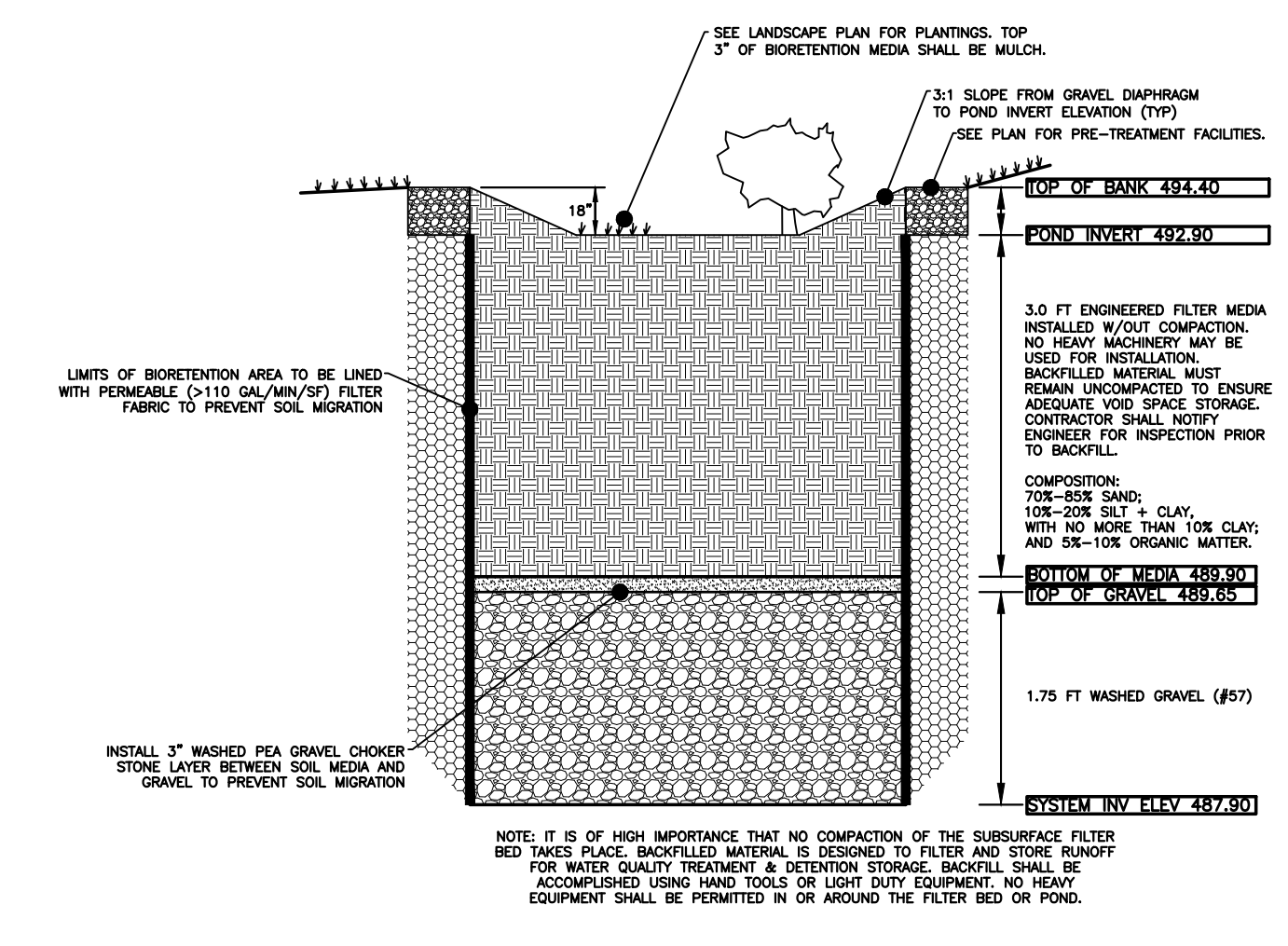
GRAVEL FOREBAY '1B' DETAIL FOR BIORETENTION AREA 1 N.T.S.



GRAVEL FOREBAY '2A' DETAIL FOR BIORETENTION AREA 2 N.T.S.

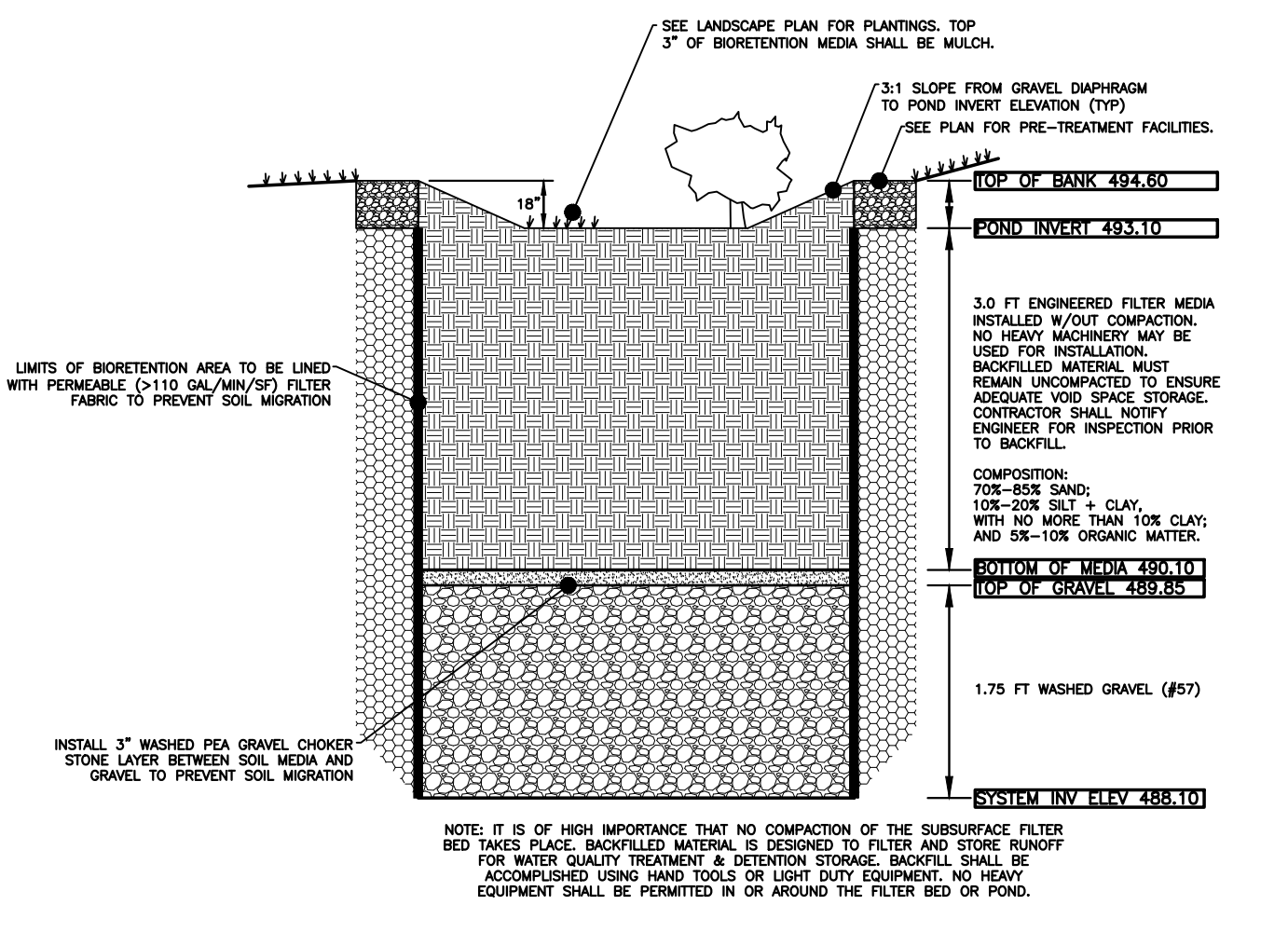


GRAVEL FOREBAY '2B' DETAIL FOR BIORETENTION AREA 2 N.T.S.



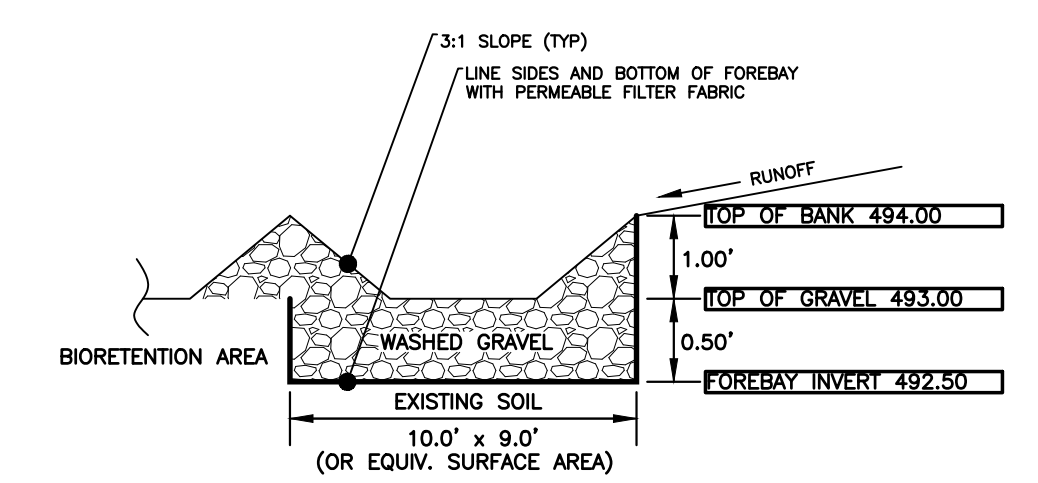
BIORETENTION AREA 3 DETAIL (GIP-01) (LEVEL 2)

MATERIAL SCHEDULE (BIORETENTION AREA 3 ONLY):
 SURFACE AREA = 277 sf
 ENGINEERED FILTER MEDIA = 831 cf (3.00' X 277 sf)
 WASHED GRAVEL (#57) = 485 cf (1.75' X 277 sf)
 CHOKER STONE (#8) = 70 cf (0.25' X 277 sf)

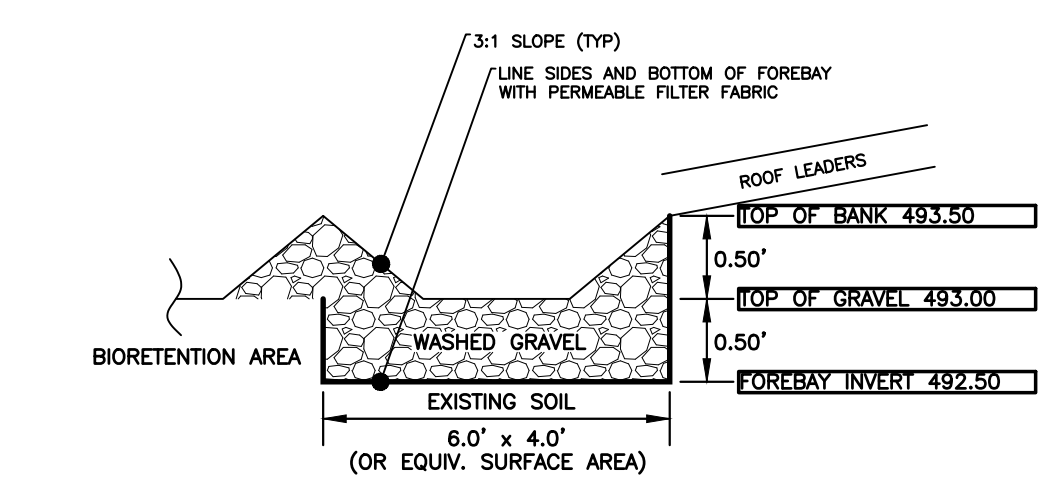


BIORETENTION AREA 4 DETAIL (GIP-01) (LEVEL 2)

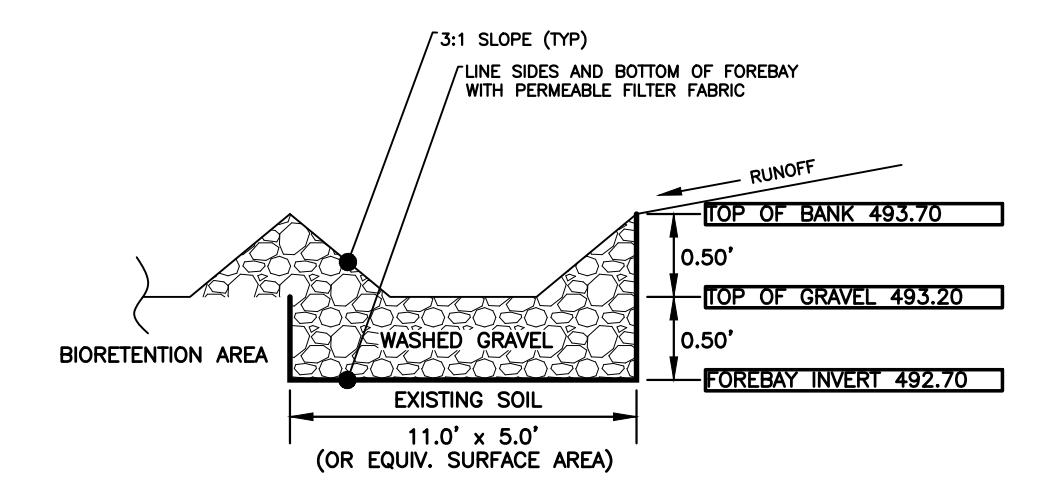
MATERIAL SCHEDULE (BIORETENTION AREA 4 ONLY):
 SURFACE AREA = 207 sf
 ENGINEERED FILTER MEDIA = 621 cf (3.00' X 207 sf)
 WASHED GRAVEL (#57) = 363 cf (1.75' X 207 sf)
 CHOKER STONE (#8) = 52 cf (0.25' X 207 sf)



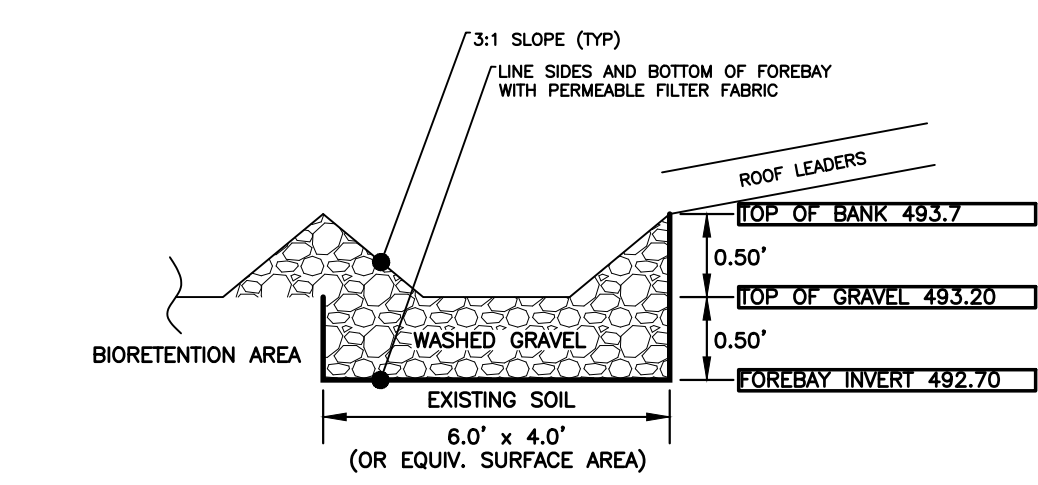
GRAVEL FOREBAY '3A' DETAIL FOR BIORETENTION AREA 3 N.T.S.



GRAVEL FOREBAY '3B' DETAIL FOR BIORETENTION AREA 3 N.T.S.

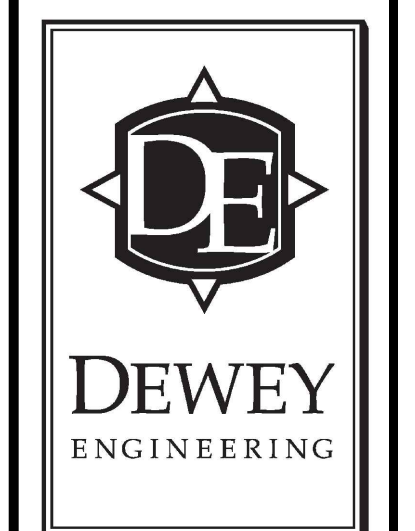


GRAVEL FOREBAY '4A' DETAIL FOR BIORETENTION AREA 4 N.T.S.



GRAVEL FOREBAY '4B' DETAIL FOR BIORETENTION AREA 4 N.T.S.

1704 Carvell Ave
 Tax Map 105-11, Parcel 192
 Nashville, Davidson County, Tennessee

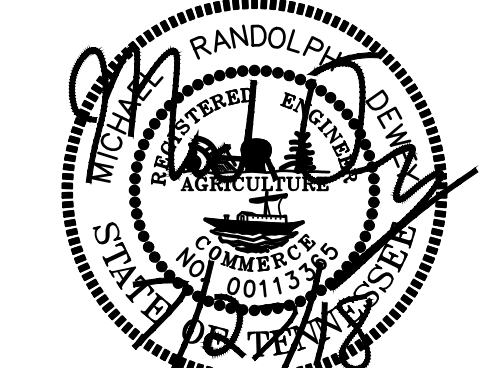


Details

Job No. 17037

C3.0

5 of 6

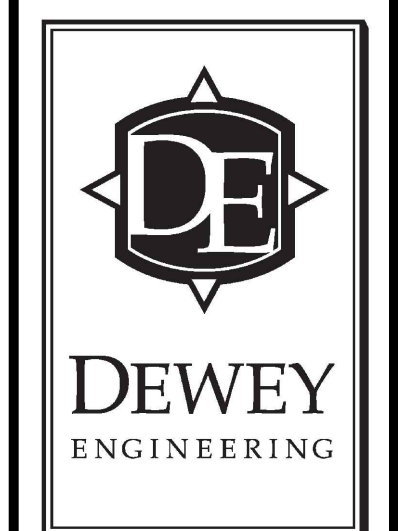


Revisions:

Drawing Notes:

Date: July 27, 2018

1704 Carvell Ave
Tax Map 105-11, Parcel 192
Nashville, Davidson County, Tennessee

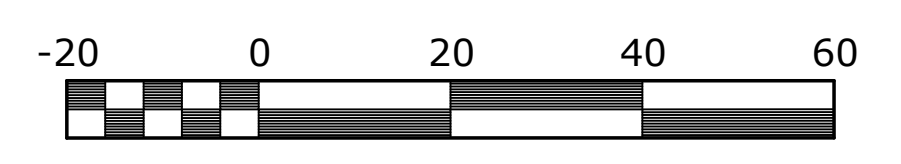
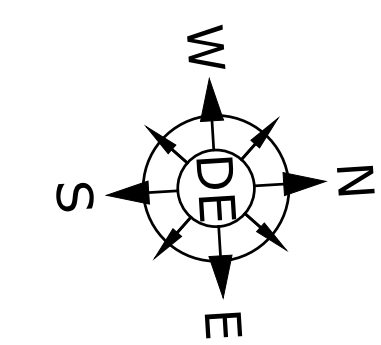


Landscape Plan

Job No. 17037

L1.0

6 of 6



Scale 1" = 20'
Total Site Acreage: 0.29 Acres
Limits of Disturbance: 0.34 Acres

Engineer
Dewey Engineering
Contact: Michael Dewey, PE
2925 Berry Hill Drive
Nashville, TN 37204
Phone: (615) 401-9956

Flood Note
This Property is Not Located
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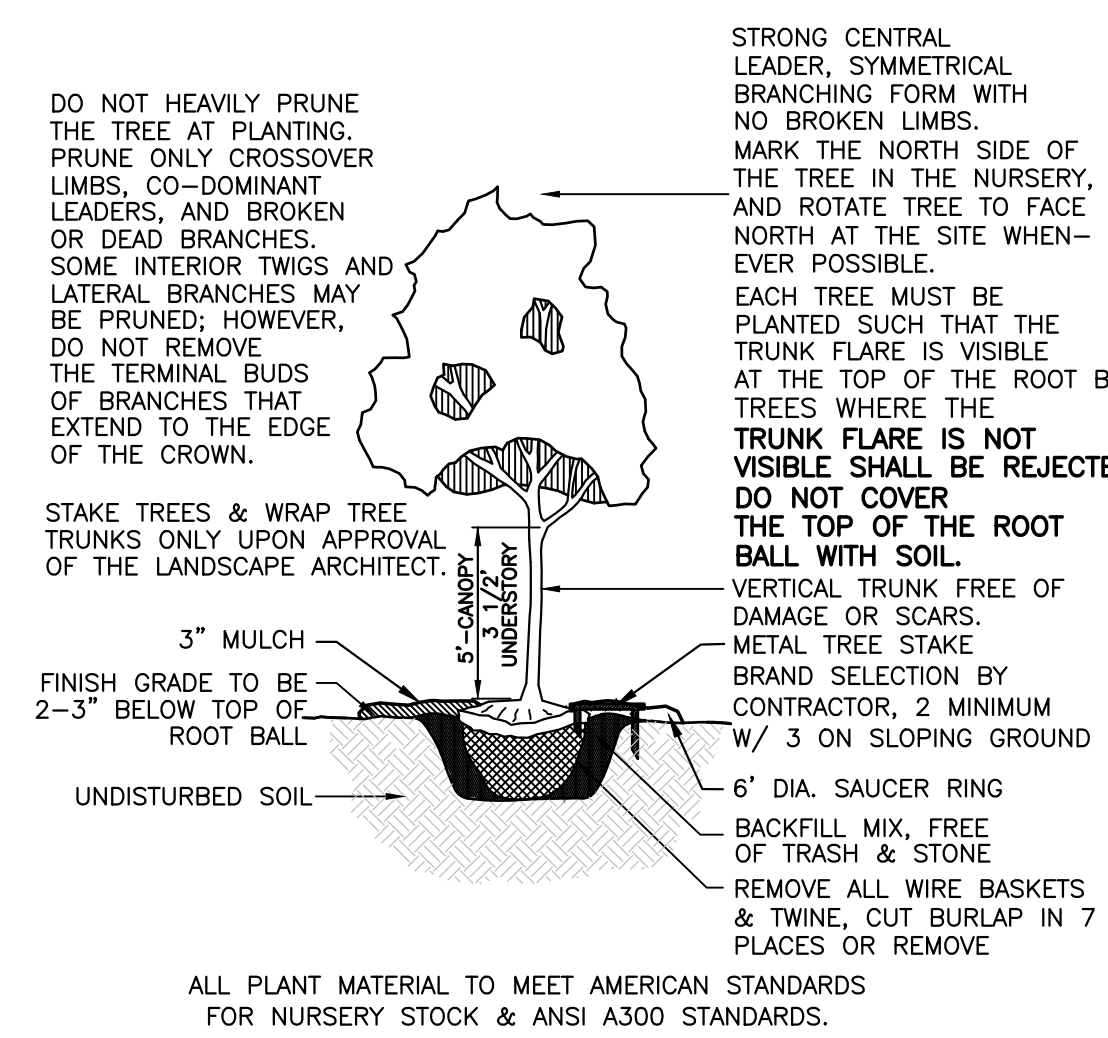
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Approximately 32' If South of the
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NAVD88 Elev. = 493.73

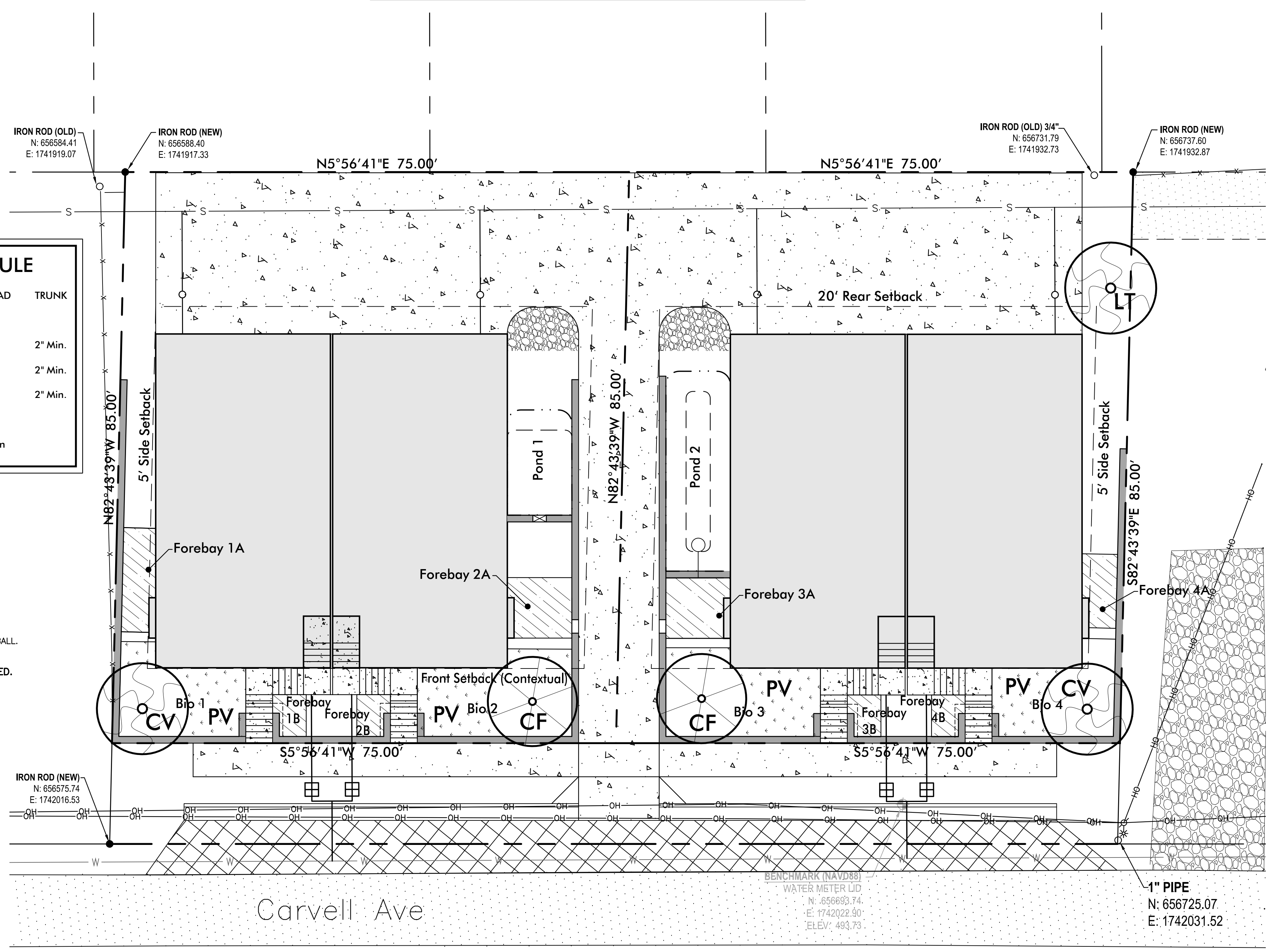
Tree Density Requirements
Site Acreage (0.29 Ac) - Building Coverage (0.12 Ac) = 0.17 Ac of Compliance
Trees Required: 1.4 x 0.17 = 2.38 TDU
Trees Proposed: 5 Trees* @ 0.5 TDU each = 2.5 TDU (OK)

OVERALL LANDSCAPE MATERIALS SCHEDULE

KEY	AMOUNT	SCIENTIFIC NAME/ COMMON NAME	HEIGHT	SPREAD	TRUNK
NATIVE TREES					
CF	3	Cornus florida/ Dogwood	6' Min.	2'-3'	2" Min.
CV	2	Chionanthus virginicus/ Fringetree	6' Min.	2'-3'	2" Min.
LT	1	Liriodendron tulipifera/ Tulip Poplar	12'-14'	6'-7'	2" Min.
NATIVE GRASSES					
PV	71	Panicum virgatum/ Switchgrass	Plugs at 48" O.C. in triangular pattern		



DECIDUOUS TREE PLANTING DETAIL



- LANDSCAPE NOTES**
1. THE LANDSCAPE CONTRACTOR SHALL COORDINATE ALL CONSTRUCTION WITH THE APPROPRIATE UTILITY COMPANY AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES. THE LANDSCAPE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL UTILITIES AND TAKE PRECAUTIONS TO PREVENT DAMAGE TO THE UTILITIES.
 2. ALL PLANTING AND MULCH BEDS SHALL BE HAND WEEDED OR SPRAYED WITH ROUND-UP (CONTRACTOR'S OPTION) PRIOR TO THE INSTALLATION OF MULCH.
 3. PLANT MATERIALS AND STUMPS INDICATED FOR REMOVAL SHALL BE REMOVED AND DISPOSED OFF-SITE BY THE CONTRACTOR. BACKFILL HOLES WITH TOPSOIL FREE OF ROOTS AND ROCKS.
 4. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FINE GRADING OF ALL PLANTING AREAS.
 5. ALL PLANTING AREAS SHALL BE FERTILIZED WITH 12#/1000 S.F. OF 10-10-10 FERTILIZER.
 6. ALL PLANTING BEDS SHALL HAVE A MINIMUM OF 3" DEPTH OF SHREDDED HARDWOOD BARK MULCH.
 7. THE LANDSCAPE CONTRACTOR SHALL VERIFY ALL MATERIAL QUANTITIES. IN THE EVENT OF A DISCREPANCY, THE QUANTITIES SHOWN ON THE PLAN WILL TAKE PRECEDENCE.
 8. THE LANDSCAPE CONTRACTOR SHALL PROVIDE THE OWNER WITH WRITTEN INSTRUCTIONS ON THE PROPER CARE OF ALL SPECIFIED PLANT MATERIALS PRIOR TO FINAL PAYMENT.
 9. ALL DISTURBED AREAS SHALL BE PLANTED WITH TURF AS INDICATED ON THE MATERIALS SCHEDULE.
 10. ALL DECIDUOUS TREES, EXISTING AND PROPOSED SHALL BE PRUNED TO PROVIDE 4' MINIMUM CLEAR TRUNK UNLESS OTHERWISE NOTED.
 11. THE LANDSCAPE CONTRACTOR SHALL PROVIDE A ONE YEAR WARRANTY ON ALL PLANT MATERIALS AND REPLACE ANY DEAD OR DYING MATERIAL WITHIN THAT TIME PERIOD.
 12. NO PLANT MATERIALS SHOULD BE SUBSTITUTED WITHOUT AUTHORIZATION BY THE DESIGN PROFESSIONAL. PLANT SIZES SHOWN ARE MINIMUMS REQUIRED BY THE LOCAL MUNICIPALITY AND MATERIALS SHOWN HAVE BEEN SELECTED SPECIFICALLY FOR THIS PROJECT.
 13. ALL WIRE BASKETS SHALL BE COMPLETELY REMOVED AND DISPOSED OF. BURLAP SHOULD BE REMOVED OR PUNCTURED IN AT LEAST 5 PLACES. REMOVE ALL TWINE FROM BURLAPPED MATERIALS.

BIORETENTION AREA 1 REQUIREMENTS

COVERAGE REQUIREMENTS:	75% IN TWO YEARS
1 TREE PER 400 SF	1/400 SF 214/400 = 1 TREE*
GROUND COVER/GRASSES	30' O.C. 64/100 X 18.5 = 12 PLUGS
SMALL SHRUBS	3' O.C. 0/100 X 12.8 = 0 SHRUBS
MEDIUM SHRUBS	4' O.C. 0/100 X 7.23 = 0 SHRUBS

*EACH TREE IS CALCULATED TO OCCUPY 150 SF AND SUBTRACTED FROM TOTAL SQUARE FOOTAGE PLANTING REQUIREMENTS FOR SHRUBS AND GROUND COVERS.

BIORETENTION AREA 1 REQUIREMENTS

COVERAGE REQUIREMENTS:	75% IN TWO YEARS
1 TREE PER 400 SF	1/400 SF 277/400 = 1 TREE*
GROUND COVER/GRASSES	30' O.C. 127/100 X 18.5 = 24 PLUGS
SMALL SHRUBS	3' O.C. 0/100 X 12.8 = 0 SHRUBS
MEDIUM SHRUBS	4' O.C. 0/100 X 7.23 = 0 SHRUBS

*EACH TREE IS CALCULATED TO OCCUPY 150 SF AND SUBTRACTED FROM TOTAL SQUARE FOOTAGE PLANTING REQUIREMENTS FOR SHRUBS AND GROUND COVERS.

BIORETENTION AREA 1 REQUIREMENTS

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*EACH TREE IS CALCULATED TO OCCUPY 150 SF AND SUBTRACTED FROM TOTAL SQUARE FOOTAGE PLANTING REQUIREMENTS FOR SHRUBS AND GROUND COVERS.

BIORETENTION AREA 1 REQUIREMENTS

COVERAGE REQUIREMENTS:	75% IN TWO YEARS
1 TREE PER 400 SF	1/400 SF 207/400 = 1 TREE*
GROUND COVER/GRASSES	30' O.C. 57/100 X 18.5 = 11 PLUGS
SMALL SHRUBS	3' O.C. 0/100 X 12.8 = 0 SHRUBS
MEDIUM SHRUBS	4' O.C. 0/100 X 7.23 = 0 SHRUBS

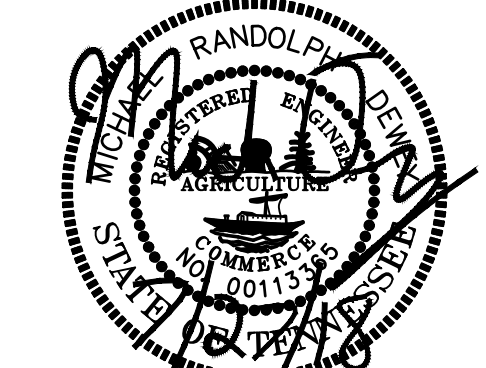
*EACH TREE IS CALCULATED TO OCCUPY 150 SF AND SUBTRACTED FROM TOTAL SQUARE FOOTAGE PLANTING REQUIREMENTS FOR SHRUBS AND GROUND COVERS.

BIORETENTION NOTES

LANDSCAPE MATERIALS HAVE BEEN SELECTED FROM THE VOLUME 5 LID MANUAL.

THE BIORETENTION PLANTING PLAN FOLLOWS A MIXED MEADOW AND ORNAMENTAL PLANTING DESIGN APPROACH.

SEE CIVIL PLANS FOR SECTION, MEDIA BED SPECIFICATIONS, AND UNDERDRAIN DETAILS.



2018-522 CARVER



From: Michael, Jon (Codes)
To: Shepherd, Jessica (Codes); Lifsey, Debbie (Codes)
Subject: FW: 1704 Carvell BZA Variance
Date: Wednesday, September 26, 2018 2:01:19 PM

By copy of this email, I'm forwarding the email to the staff members who will make sure that the information is included in the case file.

JM.

From: rob@stratosdevelopment.com [mailto:rob@stratosdevelopment.com]
Sent: Wednesday, September 26, 2018 1:15 PM
To: Michael, Jon (Codes)
Subject: 1704 Carvell BZA Variance

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

Good Afternoon John;

I wanted to reach out and let you know we met with Councilman Sledge regarding our request for a variance from the rear load garage requirement on 1704 Carvell Ave. After a site walk and brief rundown, CM Sledge told us he is not opposed to our request for front load garages on the 4 houses to be built here. Should I forward this info to anybody else to be part of the review process? Thanks John,

Rob Cushman | Stratos Development

639 East Main St, Ste. B202
Hendersonville, TN 37075
stratosdevelopment.com

(615) 559-2212
rob@stratosdevelopment.com

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Lamb, Emily \(Codes\)](#)
Subject: District 17 items for Nov. 15
Date: Thursday, November 8, 2018 12:35:10 PM

Good afternoon, board members,

I hope you're all having a good week. Here's my position on District 17 items on the Nov. 15 agenda:

Case 2018-522: I continue to be **against** this item.

Case 2018-619: I am **strongly against** this appeal to attempt to build without paying into the fund or constructing sidewalks. This is a tough lot to put two homes on to begin with, but that is no excuse. This street lots leads into a high-pedestrian area of the neighborhood, and the sidewalks should be built. The appellant has not contacted me.

Case 2018-620: As noted before, I am **supportive** of this appeal. The appellant has contacted me.

Case 2018-621: I am **supportive** of this appeal. The appellant did an excellent job keeping me informed and holding a community meeting.

Thanks, as always, for doing this job!

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727
[ColbySledge.com](#)
[Sign up for my weekly newsletter here!](#)



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



3549131

**ZONING BOARD APPEAL / CAAZ - 20180050768
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 083020P00200CO

APPLICATION DATE: 08/23/2018

SITE ADDRESS:

1211 N 14TH ST NASHVILLE, TN 37206
UNIT 1211 MCKENNNIE AVENUE RESIDENCES

PARCEL OWNER:**CONTRACTOR:****APPLICANT:****PURPOSE:**

HISTORICAL HAS APPROVED DADU.

**A DADU CANNOT BE ON AN HPR PROPERTY.

**A DADU CANNOT BE SOLD INDIVIDUALLY.

DENIED;

1.....REQUEST TO SELL OFF INDIVIDUALLY...THEREFORE IT HAS TO HAVE HPR MAP AND PARCEL NUMBERS.

17.16.030 G 3 b and c... see below.

b. The detached accessory dwelling cannot be divided from the property ownership of the principal dwelling.

c. The detached accessory dwelling shall be owned by the same person as the principal structure and one of the two dwellings shall be owner-occupied.

POC: MATT MILLSAP 615-891-2398

matt@buildco7.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.

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.

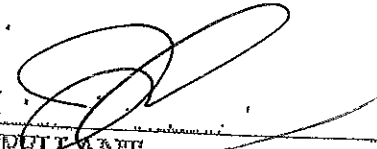
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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.

x 

 APPELLANT

8/23/18

 DATE

Justin Crosswell

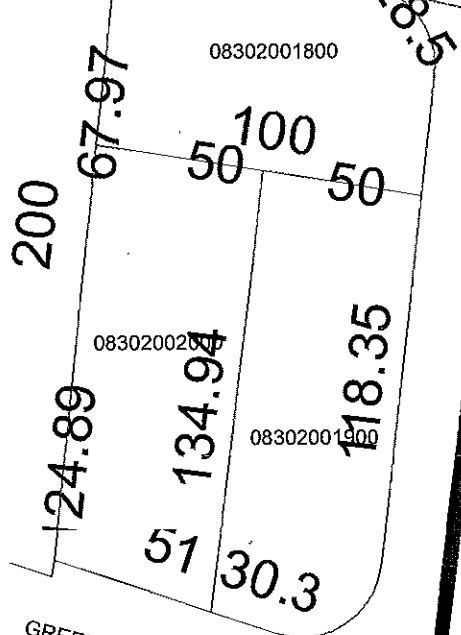
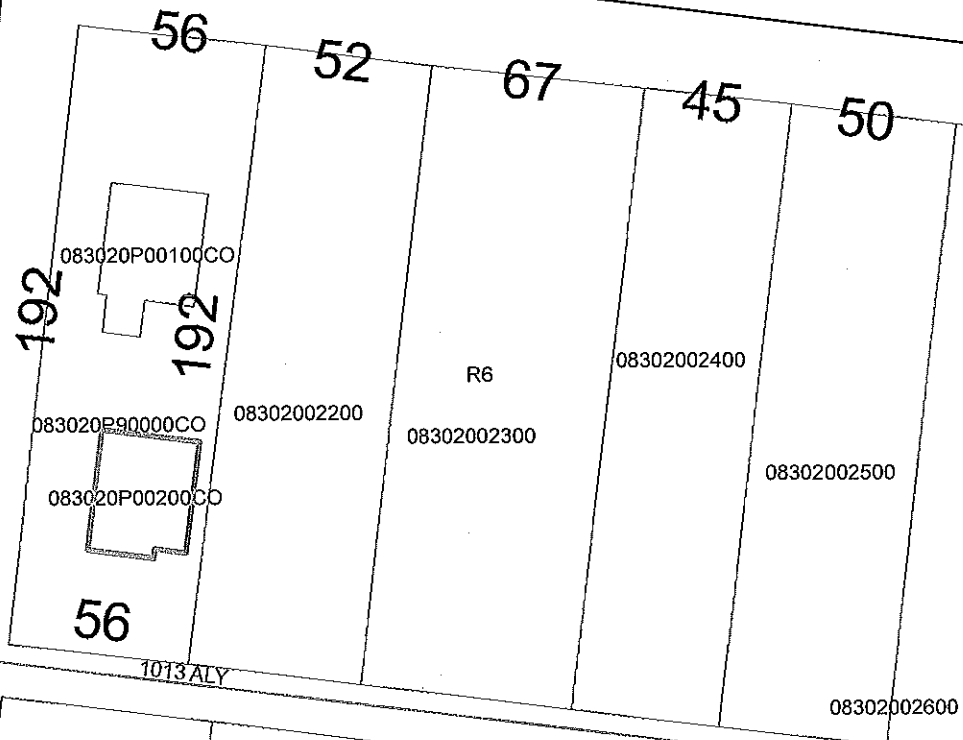
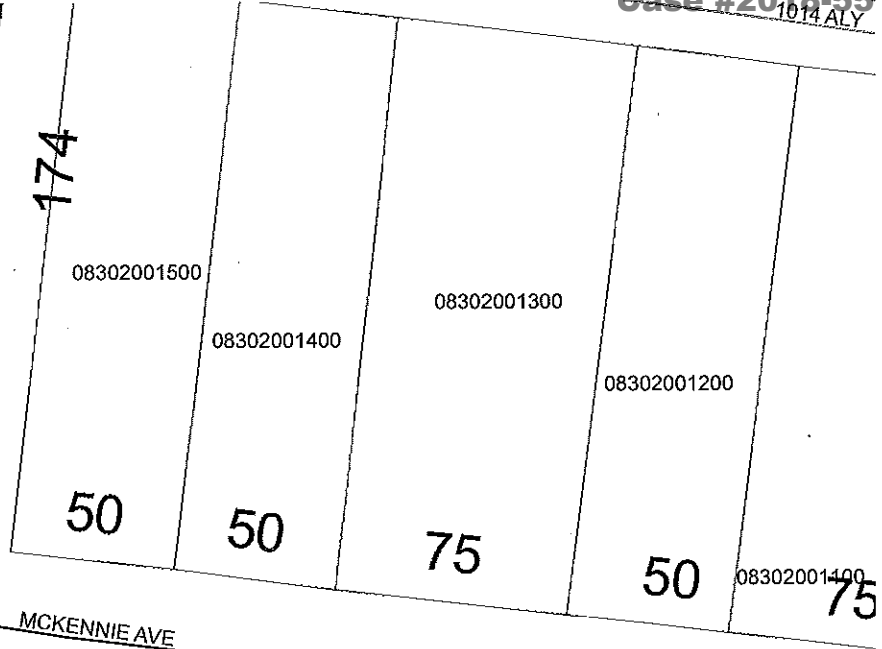
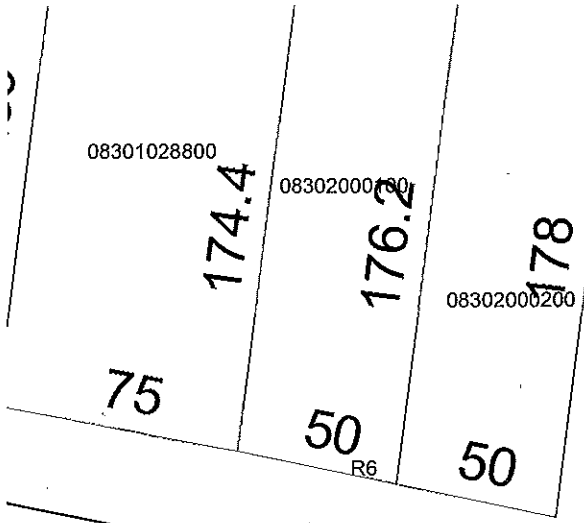
for Matt Millsep

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?

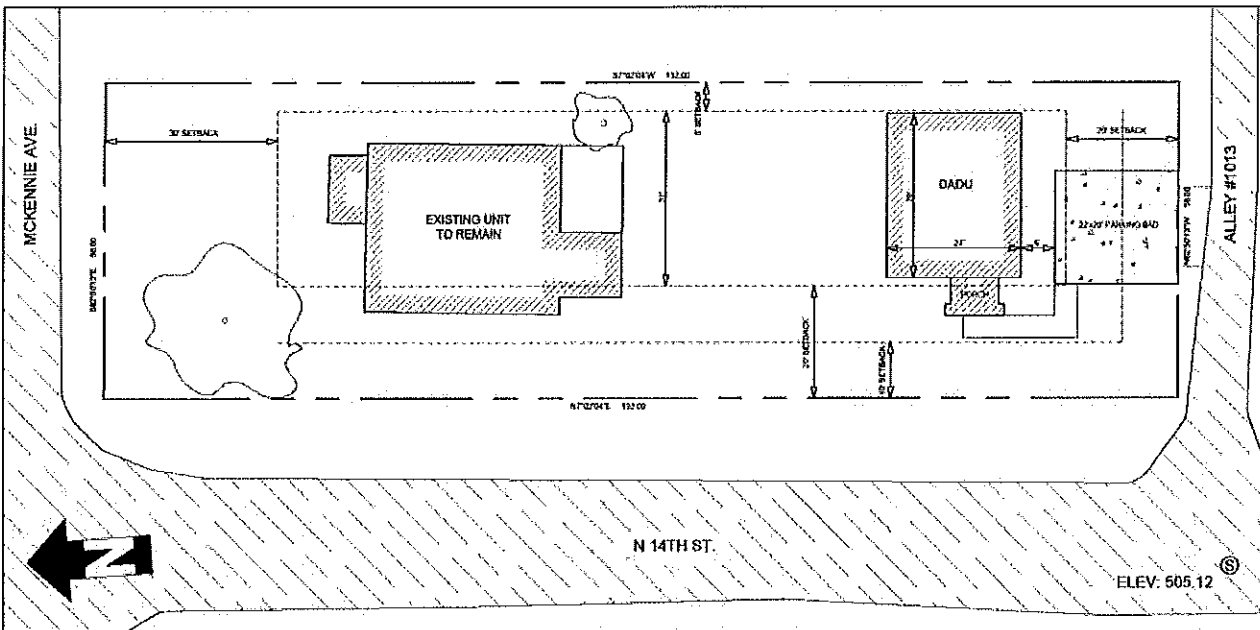


GREENWOOD AVE
R6
T4-R-CA2
08301037800

N 14TH ST
T4-R-CA2

MCKENNIE AVE

1013 ALY



HYBRID PHOENIX
317 ASH STREET
NASHVILLE, TN 37206

1400 MCKENNIE AVE.
NASHVILLE, TN 37206

NO.	DESCRIPTION	DATE

DATE: 12-20-17
SCALE: 1/4" = 1' - 0"
SITE PLAN

A00

HISTORICAL COMMISSION PERMIT 2018001656
CALL 615-862-7970 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS
 1. Please refer to notes on pages 1-2.
 2. Staff must approve the construction progress at the following points:
 a. After the building footprint has been field staked
 b. After the foundation has been constructed
 c. After the rough framing has been completed
 3. The following must be submitted for final approval before purchase:
 a. Windows and doors
 b. Roof color (unless matching house)
 c. Masonry



3437704

METRO HISTORIC ZONING COMMISSION

Sunnyside at Sevier Park
 3000 Granny White Pike
 Nashville TN 37204
 (615) 862-7970
histlap1@nashville.gov

HISTORICAL COMMISSION PERMIT - 2018001656

Entered on: 09-Jan-2018

Site Address:

1400 McKennie Avenue
 Nashville, TN 37206

Historic District:

Eastwood NCZO

Parcel Owner: JONES, KATHERINE M. & TIMOTHY L. & HENRY L. & MARCIA

Purpose: Construct Outbuilding with DADU (See attached architectural plans)

FOUNDATION

- Foundation material shall be split-faced block.

CLADDING & TRIM

- Siding, trim, fascia, soffits, and like features are to be wood or cement fiberboard.
- Wood or cement fiberboard shall be smooth without simulated wood grain pattern or rough, unfinished appearance.
- All exposed exterior lumber should be grade number #1 or #2. Lower grade lumber is unsuitable for exterior work.
- Overlapped siding shall have a reveal of five inches (5"), or match the exposure on the house.

WINDOWS & DOORS

- Window and door selections shall be approved by MHZC Staff prior to purchase/installation.
- Divided-light sashes shall have muntins on the outside and inside surfaces, with a spacer bar between.
- There shall be a four inch (4") mullion between any paired windows.
- Windows on clapboard structures shall not have brick-mold and shall have four inch (4") nominal wood casings.

ROOF

- Roof shall be asphalt shingles.
- Roof color may match the color of the house's roof; or roof color shall be approved by MHZC Staff prior to purchase/installation.

HVAC

- HVAC/Mechanical/Utility vents, pipes, lines, and all associated components, condensers or boxes shall be located behind the midpoint of the building.

3437704

**METRO HISTORIC ZONING COMMISSION**

Sunnyside at Sevier Park
3000 Granny White Pike
Nashville TN 37204
(615) 862-7970
histlap1@nashville.gov

HISTORICAL COMMISSION PERMIT - 2018001656**GENERAL**

MHHC Staff may have added notes to submitted drawings that are a part of this permit. Any substitutions or deviation from the approved work requires further review and approval by the MHHC PRIOR to work being undertaken or materials being purchased.

All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with approved plans at the responsibility of the applicant. Inaccuracies or differences should be reported to MHHC staff prior to continuing with the project.

This permit becomes invalid TWELVE months after issue date. Expired permits must be reissued prior to work being undertaken.

THIS IS NOT A BUILDING PERMIT nor does it permit any particular type of use. No work can begin without the appropriate review and approval by the Metropolitan Department of Codes Administration: Howard School Building Campus (615) 862-6500.

REVIEWS REQUIRED - Call: (615) 862-7970:

ROOFING COLOR APPROVAL PRIOR TO INSTALL

WINDOWS APPROVAL PRIOR TO INSTALL

LIGHTING APPROVAL PRIOR TO INSTALL

DOOR APPROVAL PRIOR TO INSTALL

MASONRY APPROVAL PRIOR TO INSTALL

INSPECTIONS REQUIRED - Call: (615) 862-7970:

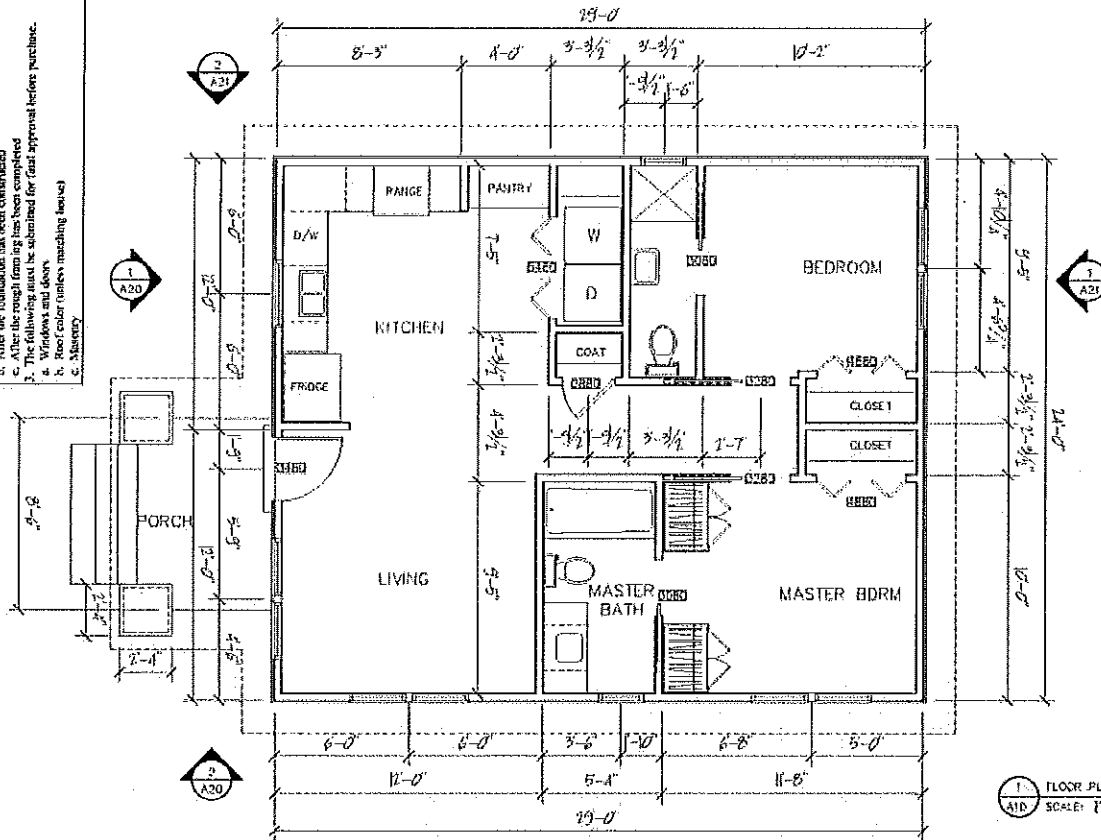
FIELD STAKING INSPECTION

FOUNDATION CHECK INSPECTION

ROUGH FRAMING INSPECTION

APPLICANT: Tim Jones**Issued Date:** 09-Jan-2018 **Issued By:** Sean Alexander

HISTORICAL COMMISSION PERMIT - 21181185A
 CALL 615-862-7979 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS
 1. Please refer to notes on page 1-2.
 2. Staff must approve the construction progress at the three following points:
 a. After the building footprint has been field staked.
 b. After the foundation has been constructed.
 c. After the rough framing has been completed.
 3. The following must be submitted for final approval before purchase:
 a. Windows and doors.
 b. Exterior finishes (matching leaves).
 c. Slatting.



1 FLOOR PLAN
 A10 SCALE: 1" = 1'-0"

HYBRID PHOENIX
 317 ASH STREET
 NASHVILLE, TN 37206

1400 MCKENNIE AVE.
 NASHVILLE, TN 37206

NO.	DESCRIPTION	DATE

DATE: 12-20-17
 SCALE: 1" = 1'-0"

A10



HISTORICAL COMMISSION PERMIT 2018001656

- Structure to be constructed in accordance with attached scaled site plan and elevations. Any deviation from the approved plans could result in changes being requested to reflect the approved drawings.
- All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with approved plans at the responsibility of the applicant. Inaccuracies or differences should be reported to MHZC staff prior to continuing with the project.
- This permit does not regulate use.
- Exterior materials shall be finish grade (smooth and square). Spud wall lumber or embossed wood grain is not appropriate.
- Siding and trim shall be wood or cement-fiberboard. Siding shall have a maximum reveal of five inches (5") or shall match the existing siding.
- Four inch (4" nominal) casings are required around doors, windows and vents within clapboard walls. Windows on brick walls shall have brick-mold.
- Four inch (nominal) corner-boards are required at the face of each exposed corner on frame walls.

CALL 615-861-7970 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS

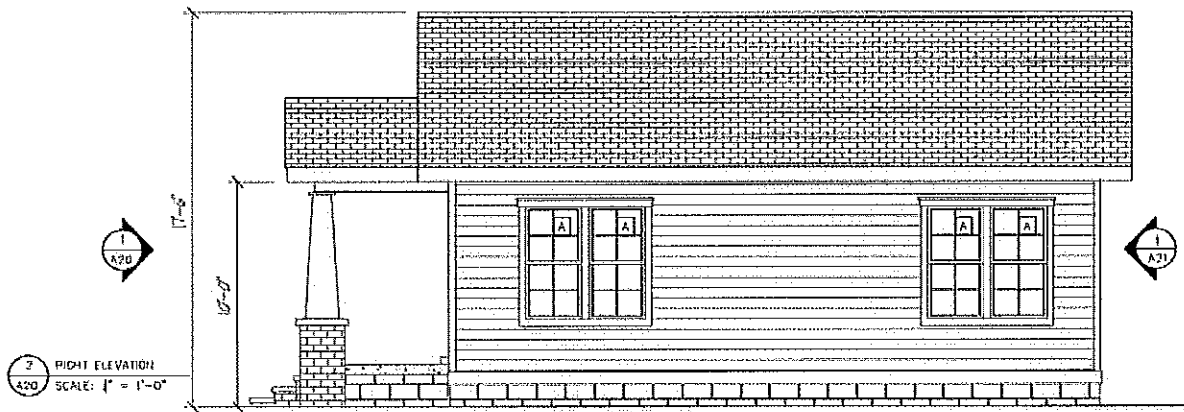
- Please refer to notes on pages 1-2.
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 - After the building footprint has been field staked
 - After the foundation has been constructed
 - After the rough framing has been completed
- The following must be submitted for final approval before purchase:
 - Windows and doors
 - Roof color (unless matching house)
 - Masonry

HYBRID PHOENIX
317 ASH STREET
NASHVILLE, TN 37206

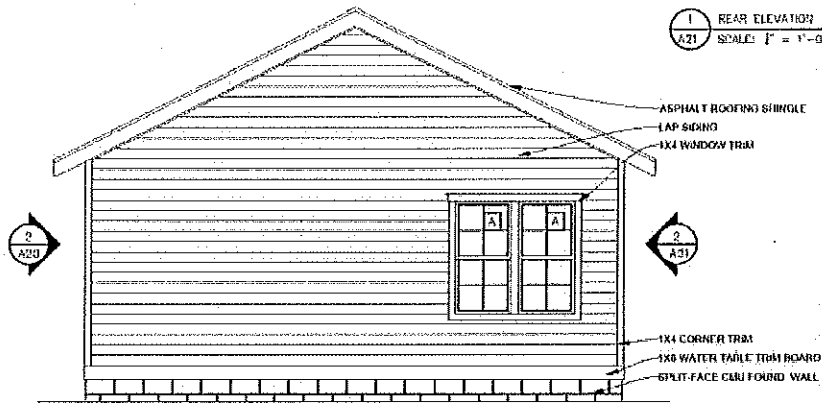
1400 MCKENNIE AVE.
NASHVILLE, TN 37206

NO.	DESCRIPTION	DATE

DATE: 12-20-17
SCALE: 1/4" = 1'-0"
FRONT & RIGHT ELEV



A20

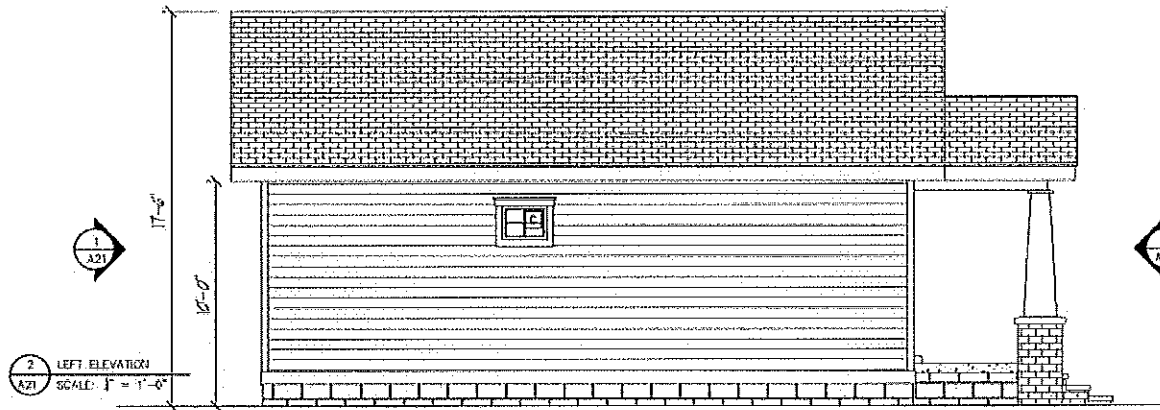


HISTORICAL COMMISSION PERMIT 2018001656

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- All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with approved plans at the responsibility of the applicant. Inaccuracies or differences should be reported to MHZC staff prior to continuing with the project.
- This permit does not regulate use.
- Exterior materials shall be finish grade (smooth and square). Slat wall lumber or embossed wood grain is not appropriate.
- Siding and trim shall be wood or cement-fiberboard. Siding shall have a maximum reveal of five inches (5") or shall match the existing siding.
- Four inch (4" nominal) castings are required around doors, windows and vents within clapboard walls. Windows on brick walls shall have brick-mold.
- Four inch (nominal) corner-boards are required at the face of each exposed corner on frame walls.

CALL 615 862-7970 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS

- Please refer to notes on pages 1-2.
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 - After the building footprint has been field staked
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- The following must be submitted for final approval before purchase:
 - Windows and doors
 - Roof color (unless matching house)
 - Massing

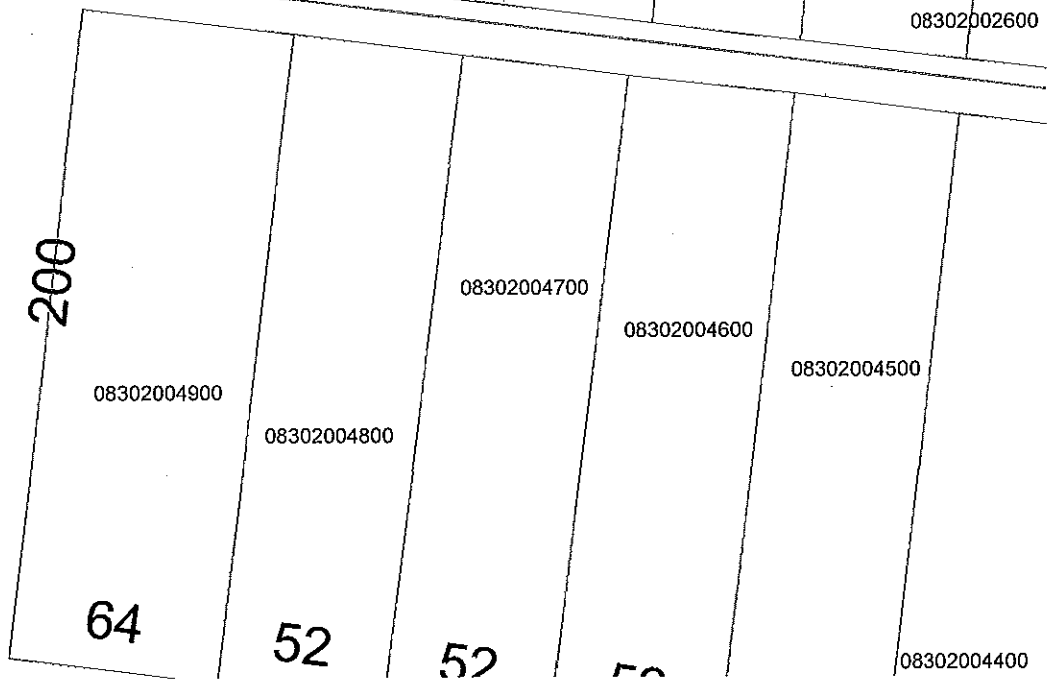
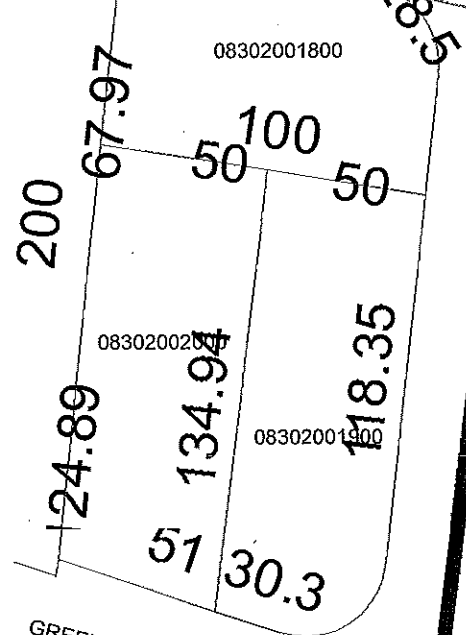
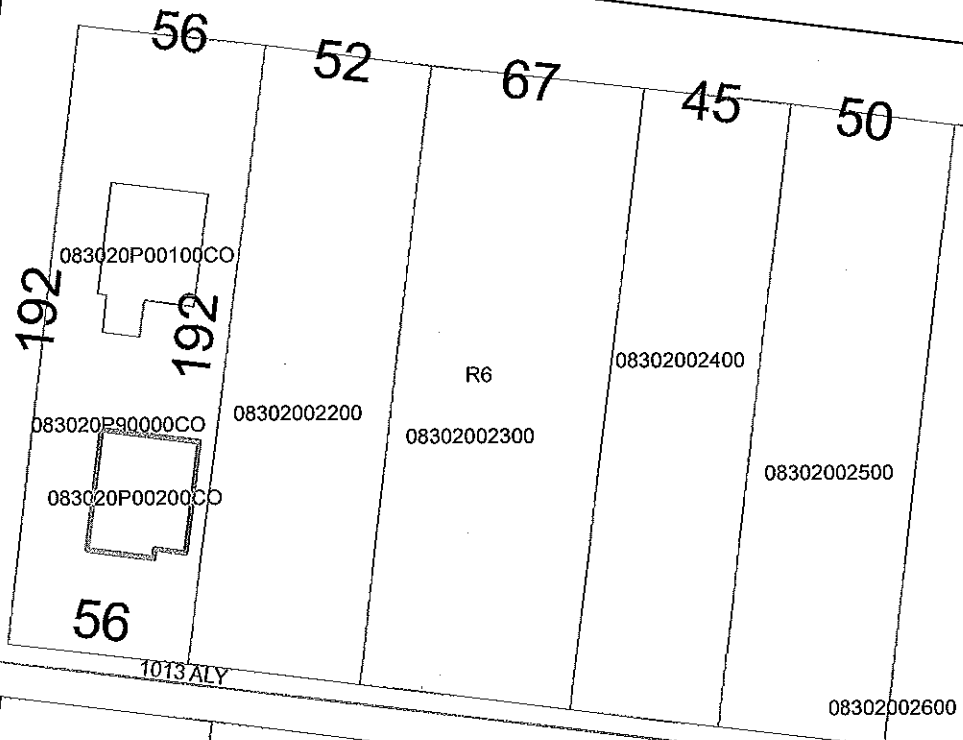
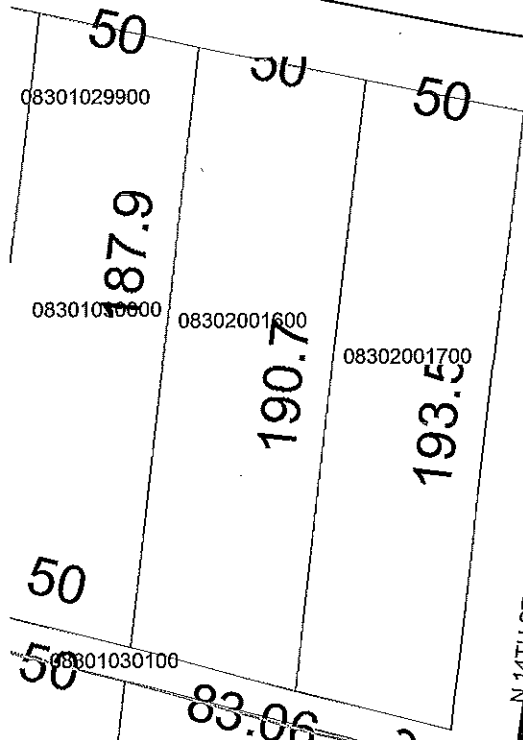
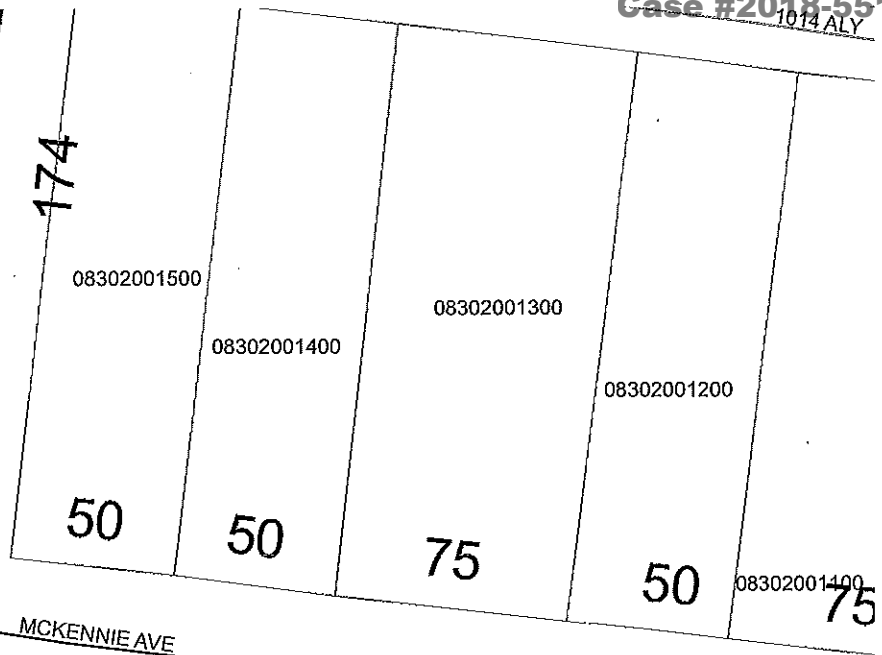
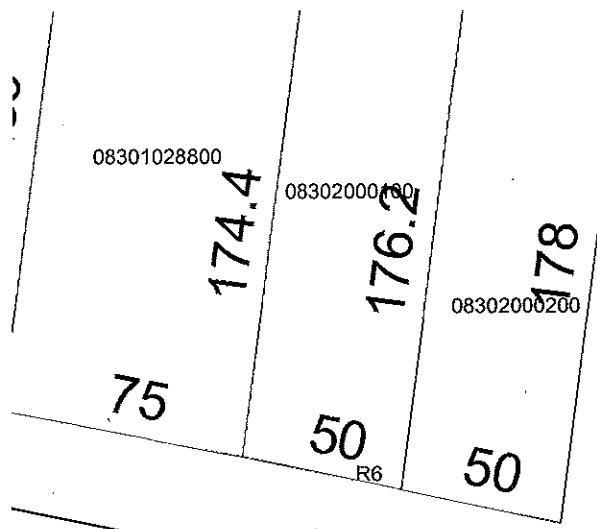


HYBRID PHOENIX
317 ASH STREET
NASHVILLE, TN 37208

1400 MCKENNIE AVE.
NASHVILLE, TN 37206

NO.	DESCRIPTION	DATE
	DATE: 12-20-17	
	SCALE: 1/8" = 1'-0"	
	REAR & LEFT ELEV	

A21

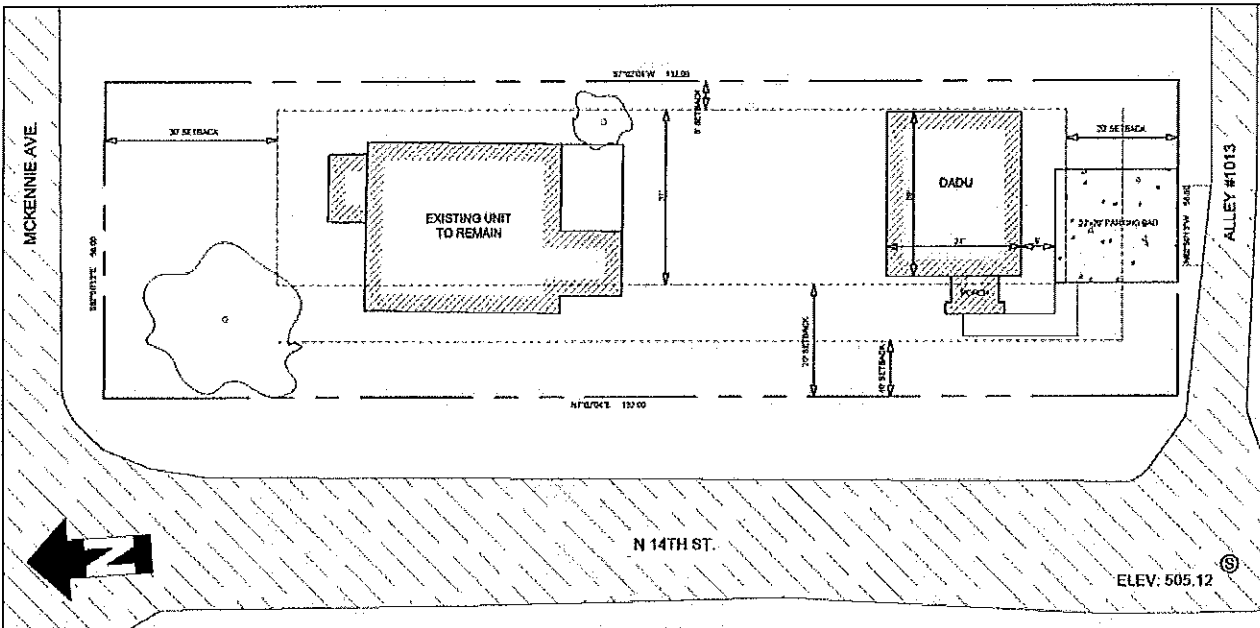


GREENWOOD AVE
R6
T4-R-CA2
08301037800

N 14TH ST
T4-R-CA2

MCKENNIE AVE

1013 ALY



HYBRID PHOENIX
317 ASH STREET
NASHVILLE, TN 37206

1400 MCKENNIE AVE.
NASHVILLE, TN 37206

NO.	DESCRIPTION	DATE
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DATE: 12-20-17

SCALE: 1/4" = 1'-0"

SITE PLAN

A00

HISTORICAL COMMISSION PERMIT 2018001656
CALL 615-462-7970 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS

1. Please refer to notes on pages 1-2.
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 - b. Roof color (unless matching house)
 - c. Masonry



3437704

METRO HISTORIC ZONING COMMISSION

Sunnyside at Sevier Park
 3000 Granny White Pike
 Nashville TN 37204
 (615) 862-7970
histlap1@nashville.gov

HISTORICAL COMMISSION PERMIT - 2018001656

Entered on: 09-Jan-2018

Site Address:

1400 McKennie Avenue
 Nashville, TN 37206

Historic District:

Eastwood NCZO

Parcel Owner: JONES, KATHERINE M. & TIMOTHY L. & HENRY L. & MARCIA

Purpose: Construct Outbuilding with DADU (See attached architectural plans)

FOUNDATION

- Foundation material shall be split-faced block.

CLADDING & TRIM

- Siding, trim, fascia, soffits, and like features are to be wood or cement fiberboard.
- Wood or cement fiberboard shall be smooth without simulated wood grain pattern or rough, unfinished appearance.
- All exposed exterior lumber should be grade number #1 or #2. Lower grade lumber is unsuitable for exterior work.
- Overlapped siding shall have a reveal of five inches (5"), or match the exposure on the house.

WINDOWS & DOORS

- Window and door selections shall be approved by MHZC Staff prior to purchase/installation.
- Divided-light sashes shall have muntins on the outside and inside surfaces, with a spacer bar between.
- There shall be a four inch (4") mullion between any paired windows.
- Windows on clapboard structures shall not have brick-mold and shall have four inch (4") nominal wood casings.

ROOF

- Roof shall be asphalt shingles.
- Roof color may match the color of the house's roof; or roof color shall be approved by MHZC Staff prior to purchase/installation.

HVAC

- HVAC/Mechanical/Utility vents, pipes, lines, and all associated components, condensers or boxes shall be located behind the midpoint of the building.

3437704



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histlap1@nashville.gov

HISTORICAL COMMISSION PERMIT - 2018001656

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THIS IS NOT A BUILDING PERMIT nor does it permit any particular type of use. No work can begin without the appropriate review and approval by the Metropolitan Department of Codes Administration; Howard School Building Campus (615) 862-6500.

REVIEWS REQUIRED - Call: (615) 862-7970:

- ROOFING COLOR APPROVAL PRIOR TO INSTALL
- WINDOWS APPROVAL PRIOR TO INSTALL
- LIGHTING APPROVAL PRIOR TO INSTALL
- DOOR APPROVAL PRIOR TO INSTALL
- MASONRY APPROVAL PRIOR TO INSTALL

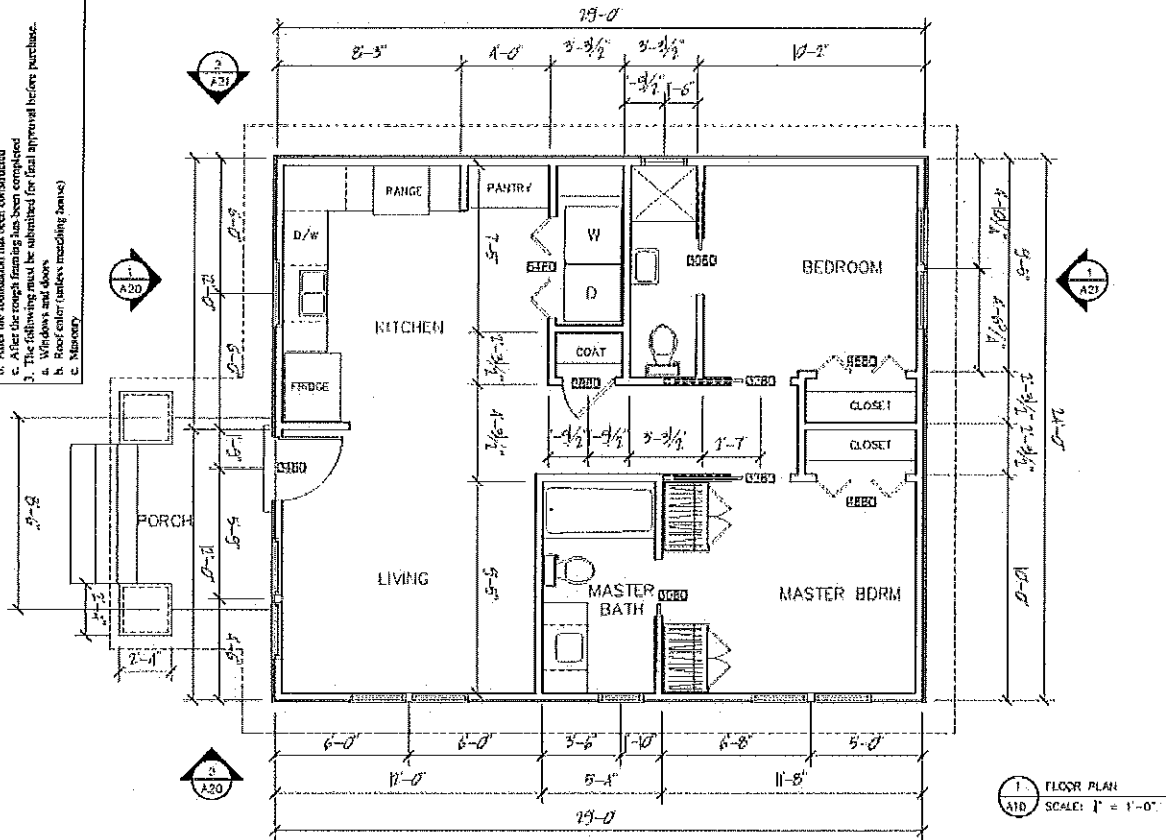
INSPECTIONS REQUIRED - Call: (615) 862-7970:

- FIELD STAKING INSPECTION
- FOUNDATION CHECK INSPECTION
- ROUGH FRAMING INSPECTION

APPLICANT: Tim Jones

Issued Date: 09-Jan-2018 Issued By: Sean Alexander

HISTORICAL COMMISSION PERMIT 2018001666
 CALL 615-962-7979 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS
 1. Please refer to notes on pages 1-2.
 2. Staff must approve the construction progress at the three following points:
 a. After the building footprint has been field marked.
 b. After the foundation has been constructed.
 c. After the rough framing has been completed.
 3. The following must be submitted for final approval before purchase:
 A. Windows and doors.
 B. Siding (match existing finish).
 C. Staircase.



1 FLOOR PLAN
 A10 SCALE: 1" = 1'-0"

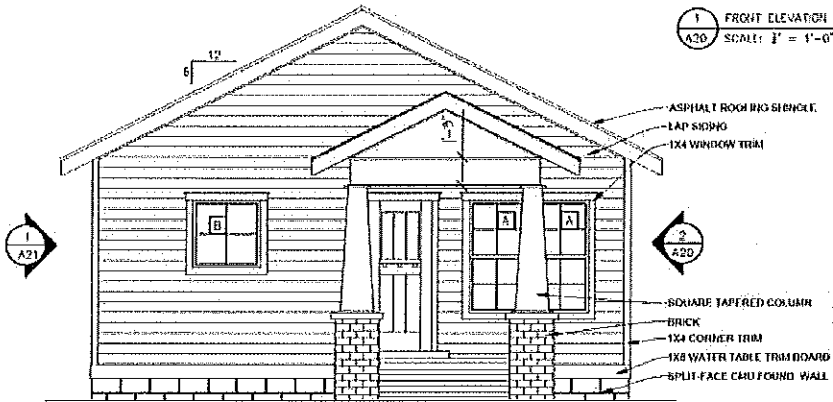
HYBRID PHOENIX
 317 ASH STREET
 NASHVILLE, TN 37206

1400 MCKENNIE AVE.
 NASHVILLE, TN 37206

NO.	DESCRIPTION	DATE

DATE: 12-20-17
 SCALE: 1/4" = 1'-0"
 FLOOR PLAN

A10



HISTORICAL COMMISSION PERMIT 2018001656

- Structure to be constructed in accordance with attached scaled site plan and elevations. Any deviation from the approved plans could result in changes being reversed to reflect the approved drawings.
- All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with approved plans at the responsibility of the applicant. Inaccuracies or differences should be reported to MHZC staff prior to continuing with the project.
- This permit does not regulate use.
- Exterior materials shall be finish grade (smooth and square). Stud wall lumber or embossed wood grain is not appropriate.
- Siding and trim shall be wood or cement-fiberboard. Siding shall have a maximum reveal of five inches (5") or shall match the existing siding.
- Four inch (4") painted casings are required around doors, windows and vents within clapboard walls. Windows on brick walls shall have brick-mold.
- Four inch (nominal) corner-boards are required at the face of each exposed corner on frame walls.

CALL 615-861-7970 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS

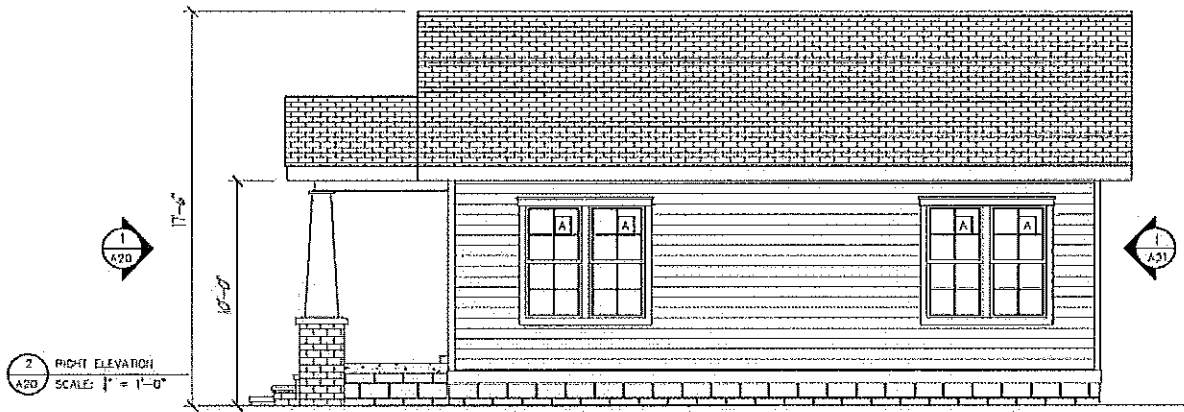
- Please refer to notes on pages 1-2
- Staff must approve the construction progress at the following points:
 - After the building footprint has been field staked
 - After the foundation has been constructed
 - After the rough framing has been completed
- The following must be submitted for final approval before purchase:
 - Window and doors
 - Roof color (unless matching house)
 - Masonry

HYBRID PHOENIX
317 ASH STREET
NASHVILLE, TN 37208

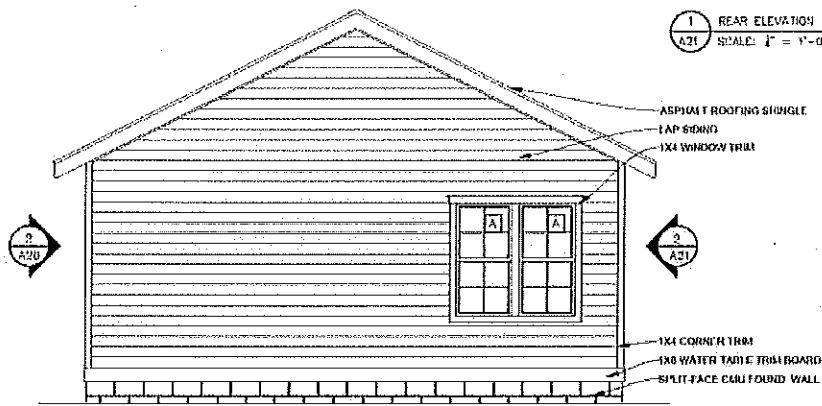
1400 MCKENNIE AVE.
NASHVILLE, TN 37205

NO.	DESCRIPTION	DATE

DATE: 12-20-17
SCALE: 1/4" = 1'-0"
FRONT & RIGHT ELEV



A20



HISTORICAL COMMISSION PERMIT 2018001656

- Structure to be constructed in accordance with attached scaled site plan and elevations. Any deviation from the approved plans could result in changes being required to reflect the approved drawings.
- All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with approved plans at the responsibility of the applicant. Inaccuracies or differences should be reported to MHZCC staff prior to continuing with the project.
- This permit does not regulate use.
- Exterior materials shall be finish grade (smooth and square). Snd wall lumber or embossed wood grain is not appropriate.
- Siding and trim shall be wood or cement-fiberboard. Siding shall have a maximum reveal of five inches (5") or shall match the existing siding.
- Four inch (4" nominal) casings are required around doors, windows and vents within clapboard walls. Windows on brick walls shall have brick-mold.
- Four inch (nominal) corner-boards are required at the face of each exposed corner on frame walls.

CALL 615-862-7970 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS

- Please refer to notes on pages 1-2.
- Staff must approve the construction progress at the following points:
 - After the building footprint has been field staked
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 - After the rough framing has been completed
- The following must be submitted for final approval before purchase:
 - Windows and doors
 - Roof Color (unless matching house)
 - Masonry

HYBRID-PHENIX
317 ASH STREET
NASHVILLE, TN 00000

1400 MCKENNIE AVE.
NASHVILLE, TN 37206

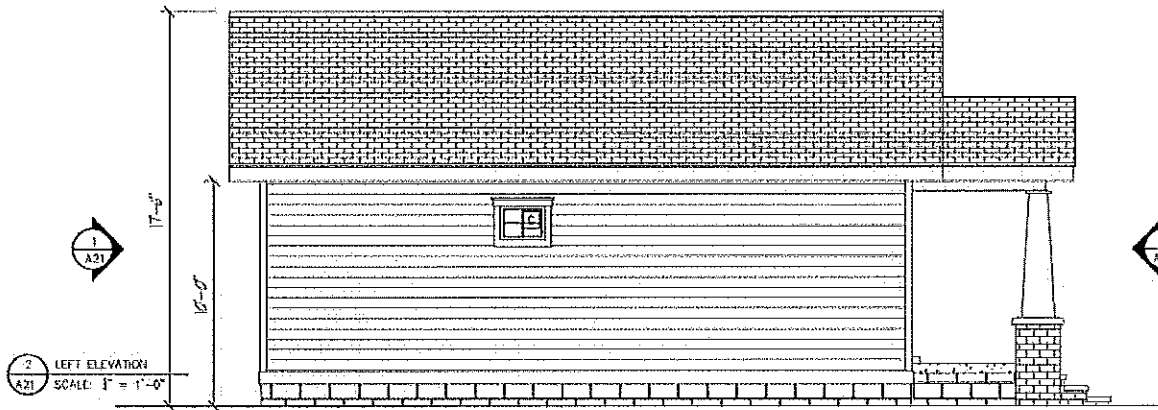
NO.	DESCRIPTION	DATE

DATE: 12-20-17

SCALE: 1/4" = 1'-0"

REAR & LEFT ELEV

A21



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

October 15, 2018

Board of Zoning Appeals
c/o Jon Michael

RE: 1400 McKennie

Dear BZA:

Staff with the MHZC does not support the request for a detached duplex.

At the time the Detached Accessory Dwelling Ordinance (DADU) was created, it was for historic overlays only. Neighborhoods and councilmembers agreed to the allowance of detached units specifically with the conditions that they would not be sold separately and the owner would live in one of the two units, and that is codified in the DADU ordinance. Staff does not recommend a change to that requirement without a larger discussion with those that were promised (neighborhoods and councilmembers) that the two units would not be conveyed separately and without an official change to the ordinance. To grant a variance now may, in a sense, be changing the ordinance without the appropriate process since the proposed hardship has no bearing (a utility easement) on how the property is sold. MHZC is concerned that if the Commission's ability to apply the DADU ordinance is not upheld, it could undermine the Commission's ability to continue to make decisions about the appropriateness of DADUs and the appropriate attachment for 2nd units in the historic overlays.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin Zeigler". The signature is written in a cursive style.

Robin Zeigler
Historic Zoning Administrator

2018-566

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : 15th Church Equity Investors
Property Owner: 15th Church Eq Investors
Representative: Lee Molette

Date: 9/5
Case #: 2018-566
Map & Parcel: 92-12/340

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 reduce parking spaces

Activity Type: Residential - Short Term Rental Condos

Location: 1506 Church St Nashville 37203

This property is in the MU1-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: 17.20.030
Section(s): Variance from parking requirements.

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.

15th Church Equity Investors
Appellant Name (Please Print)

Lee Molette
Representative Name (Please Print)

1506 Church St #130
Address

1506 Church St #131
Address

Nashville, TN 37203
City, State, Zip Code

Nashville, TN 37203
City, State, Zip Code

(615) 300.7862
Phone Number

(615) 300.7862
Phone Number

lee.fs.developers@gmail.com
Email

lee.fs.developers@gmail.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**



3556264

**ZONING BOARD APPEAL / CAAZ - 20180056649
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09212034000

APPLICATION DATE: 09/05/2018

SITE ADDRESS:

1506 CHURCH ST 100 NASHVILLE, TN 37203
LOTS 61 & 62 & PT LOT 60 STATE PRISON

PARCEL OWNER: 15TH AND CHURCH EQUITY INVESTORS, I

CONTRACTOR:

APPLICANT: 15TH & CHURCH EQUITY INVESTORS
LEE MOLETTE
1506 CHURCH ST
Nashville, TN 37203 615-300-7862

PURPOSE:

TO CONSTRUCT SHORT TERM RENTAL CONDOMINIUM BUILDING WITH 50 ONE BEDROOM UNITS, 2 TWO BEDROOM UNITS AND 2000 SQFT OF RETAIL SPACE ON FIRST FLOOR... ..

REQUEST TO PROVIDE 11 PARKING SPACES FOR PROJECT

REJECTED: 17.20.030 MINIMUM 37 PARKING SPACES REQUIRED (53 SPACES ADJUSTED FOR TRANSIT, PEDESTRIAN ACCESS, PUBLIC PARKING TO 37 SPACES)

*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.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.

Frank Stanton Developers, LLC

1506 Church St #130

Nashville, TN 37203

(615) 600.7862

8.31.18

Re: Variance Request

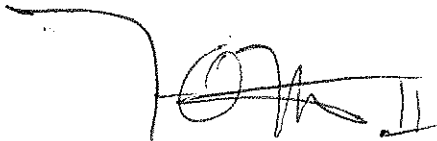
Dear Zoning Appeals Board

The property at 1506 Church is being developed as a Short- term rental condominium building. We are appealing to have the required parking requirement of 53 spaces reduced to 11. This requirement burdens the development with significant excessive parking requirements. We will submit supporting documentation and studies prior to our hearing. However, with the growth of ride-share and other alternative means of transportation including buses, most visitors are no longer driving. Therefore, they do not require as much parking. Our location is within walking distance of the majority of Nashville's entertainment districts & venues for our guests.

This reduction will allow us to create a more pedestrian friendly environment while avoiding both above grade parking and un-utilized building areas.

We respectfully submit this appeal for your consideration.

Warm regards

A handwritten signature in black ink, appearing to read "Lee O. Molette, II". The signature is written in a cursive style with a large initial "L" and "M".

Lee O. Molette, II

President

Frank Stanton Developers, LLC

1506 Church St #130

Nashville, TN 37203

(615) 600.7862

10.14.18

Re: Variance Request Case #2018-566

Dear Zoning Appeals Board

The property at 1506 Church is being developed as a Short-term rental condominium building. We are appealing to have the required parking requirement of 37 spaces reduced to 11. This requirement burdens the development with significant excessive parking requirements. In support of our request, we have provided the following:

- A letter from a seasoned short-term rental management company
- A parking study used to secure a similar request a couple of blocks away
- Several pictures of nearby free and pay parking within 10-500 feet from the site

This reduction will allow us to create a more pedestrian friendly environment while avoiding both above grade parking and un-utilized building areas. Furthermore, this aligns with Metro's objective to promote the use of alternative means of transportation. Finally, urban planners are advising developers we should plan for fewer drivers and even build garages so that can be converted to office or other uses. Especially in neighborhoods like Church Street.

We respectfully submit this appeal for your consideration.

Warm regards



Lee O. Molette, II

President



A Luxury Vacation Rental Management Company

806 Third Avenue South, Nashville, Tennessee 37210

Mr. Lee O Molette II, President
Frank Stanton Developers, LLC
533 Church Street #130
Nashville, Tn 37219

Dear Lee:

It was great speaking with you and discussing our experience with parking for vacation rentals in downtown Nashville. As you know we have managed properties in downtown for over five years. We believe that we understand the market.

After our discussion, I went back and confirmed our experience with downtown guests that stay in our properties. Approximately 30% of the visitors to our properties require parking for their stay. In one building on Second Avenue North, we have 15 units, and we offer parking for guests renting those units. However, we only secured 8 dedicated spaces for the 15 units. We also have additional spaces for the other guests that stay in other downtown properties. In three years of offering these parking options, we have not used all the spaces at one time.

Having nearby pay parking lots and some small percentage of dedicated spaces for guests to purchase would be my recommendation, based on our experience. Please let me know, if we can assist you further.

Sincerely,

Alfonzo Alexander
Chief Executive Officer



Graduate Parking Demand



6/3/2017

Table
Project: Graduate
Description: Mixed-use Development

SHARED PARKING DEMAND SUMMARY

PEAK MONTH: AUGUST - PEAK PERIOD: 9 PM, WEEKEND

Land Use	Project Data Quantity Unit	Weekday					Weekend					Weekday			Weekend		
		Base Rate	Mode Adj	Non-Captive Ratio	Project Rate	Unit	Base Rate	Mode Adj	Non-Captive Ratio	Project Rate	Unit	Peak Hr Adj 9 PM	Peak Mo Adj August	Estimated Parking Demand	Peak Hr Adj 9 PM	Peak Mo Adj August	Estimated Parking Demand
Peak-Leisure	200 Rooms	0.90	0.35	1.00	0.32	Rooms	1.00	0.35	1.00	0.35	Rooms	0.95	1.00	61	0.95	1.00	67
Restaurant/Lounge	5,800 sq GLA	10.00	0.20	0.63	3.00	sq GLA	10.00	0.20	0.60	3.00	sq GLA	0.67	0.99	12	0.67	0.99	12
Conference Ctr/Banquet (20 to 50 sq ft/gst)	7,500 sq GLA	30.00	0.50	0.25	3.75	sq GLA	30.00	0.50	0.25	3.75	sq GLA	1.00	1.00	28	1.00	1.00	28
Employee		0.25	0.50	1.00	0.13	Rooms	0.18	0.60	1.00	0.09	Rooms	0.20	1.00	5	0.55	1.00	10
ULI base data have been modified from default values.											Customer Employee Reserved		101	Customer Employee Reserved		107	
											Total		106	Total		117	

Our review includes both the Nashville Code requirement for a project in the UZO district as well as the "market demand" as prepared by Hastings Architecture. Also, as a comparison of these two methods of determining parking demand, we have also prepared an estimate of the parking needed for the Graduate using the Urban Land Institute's Shared Parking Model. This model allows for using the ULI established baselines for parking demand but also incorporating the variables unique for each development. The variables to be used in the model include estimates of how many of the hotel guests will use alternative methods of transportation to arrive at the hotel (other than personal or rented automobile) and how many of the customers of the restaurant/ bar and meeting space will also be guests of the hotel and therefore not generate additional parking demand. My analysis (using the ULI model) projects the following peak parking demand for the Hotel:

- Hotel - 67 Spaces
 - Employee - 10 Spaces
 - Restaurant/Bar - 12 Spaces
 - Meeting - 28 Spaces
- TOTAL - 117 Spaces

Please note that the variables used in the calculations are based upon our own experience and empirical data of similar product hotels and also reflect the local conditions of this Nashville area.

Using the ULI model calculations and our experience the results are that the estimate for parking demand aligns with the market demand as prepared by Hastings Architecture and that building the requirement per the Nashville UZO code would result in excessive parking supply and the negative impact of wasted land resources, unnecessary maintenance and capital repair/replacement costs.

Please let me know if we can provide further information or clarification for our analysis.

Thanks,
Ryan
Ryan Hunt / COO - Partner / 615-554-7472 / ryan.hunt@premierparking.com
Premier Parking Office: 615-238-2250
421 Church Street / Nashville, TN 37219 / www.premierparking.com

NASHVILLE HOTELS ANALYSIS

DRIVE UP

DRIVE UP

55 PARKING SPACES 44%

68 PARKING SPACES 30%

74 PARKING SPACES 41%

25 PARKING SPACES 20%

HOTEL

FAIRFIELD INN & SUITES/THE GULCH

THOMPSON NASHVILLE

KIMPTON AERTSON

ZIC NASHVILLE

ROOMS

126

224

180

124

AVERAGES

hotel occupancy: 60%

overnight valet rate: \$35

drive up ratio: 30%

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: HP Architecture APPEAL CASE 2017-272
 2000 West End Avenue
 Map: 92-16 Parcel: 4
 Zoning Classification: MUI-A

ORDER

This matter came to be heard in public hearing on 11/16/2017, before the Metropolitan Board of Zoning Appeals, upon application for a variance from parking requirements to reduce parking spaces from 202 to 117.

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.

UPON MOTION BY: David Ewing

Seconded by: Cynthia Chappell

Ayes: David Taylor, Richard King
 Nays: Christina Karpyneec, David Harper
 Abstaining:
 Absent: Alma Sanford

ENTERED THIS 20th DAY OF November, 2017

METROPOLITAN BOARD OF ZONING APPEALS



 Chair



 Secretary

10/12/2018

Up to 15 parking spaces available for development Alto

Photo - Google Photos

Case #2018-566

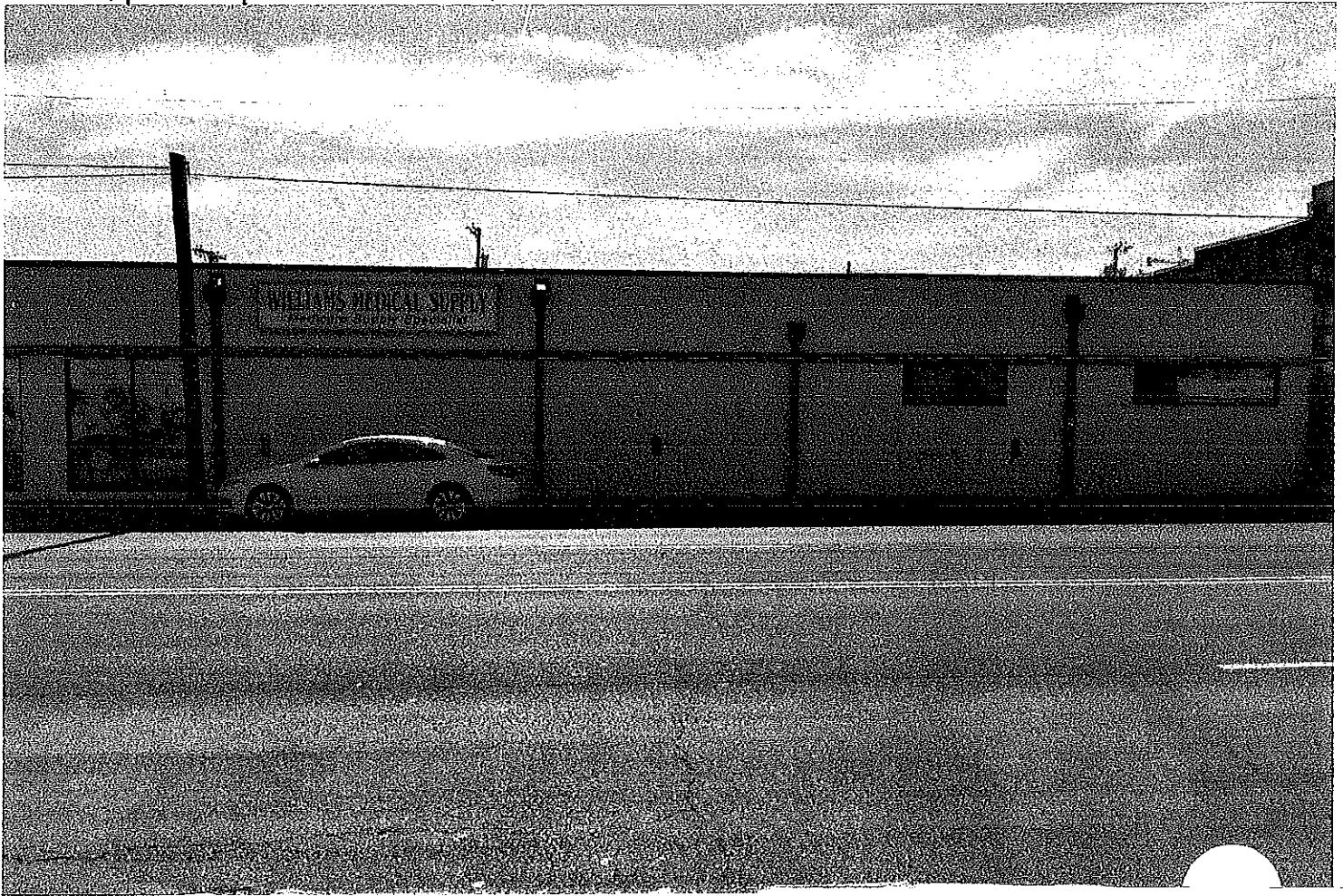


8+ parking spaces on McMillan Contrato is at Church + McMillan

10/12/2018

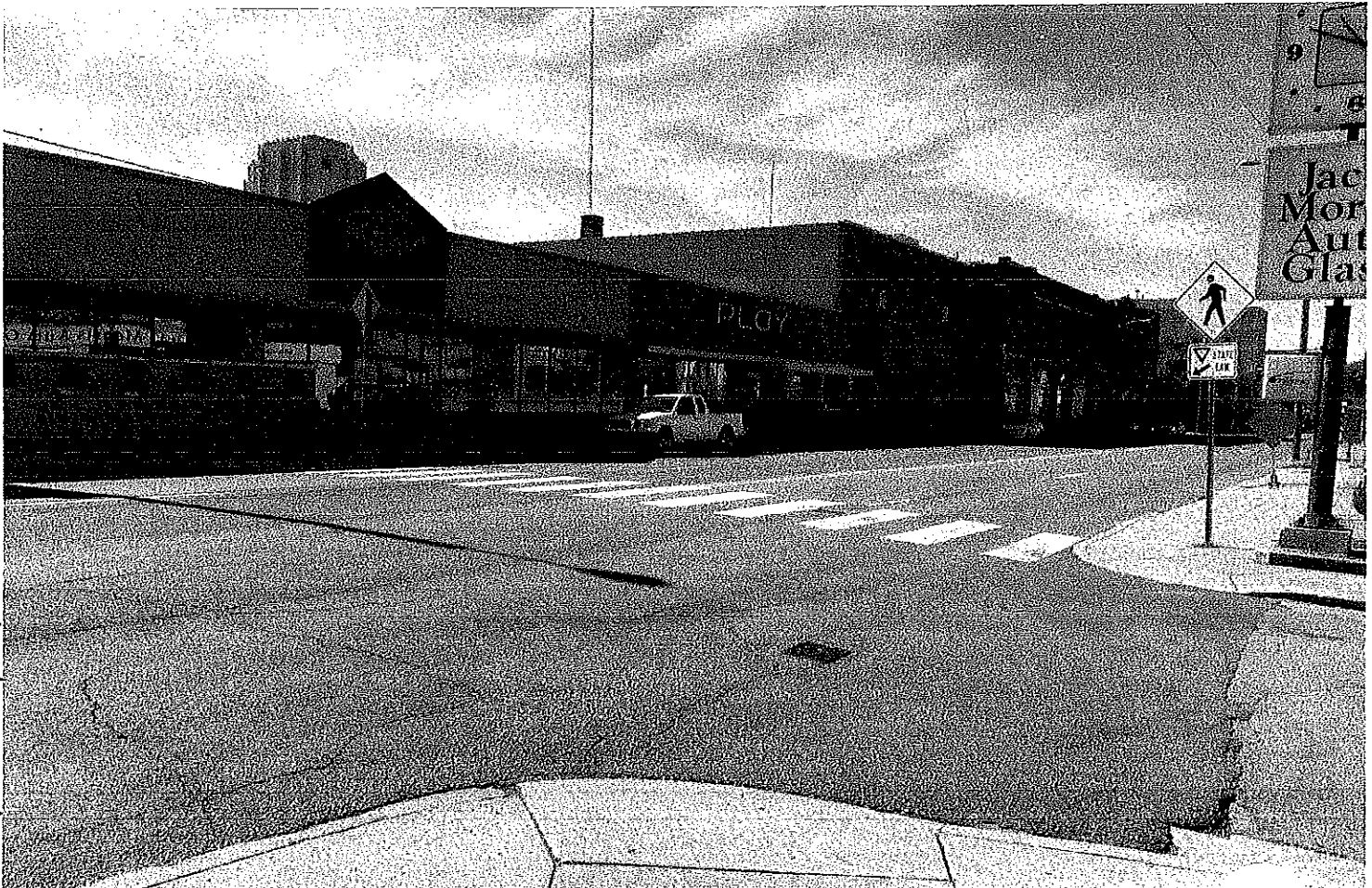
Photo - Google Photos





10/12/2018

Photo - Google Photos



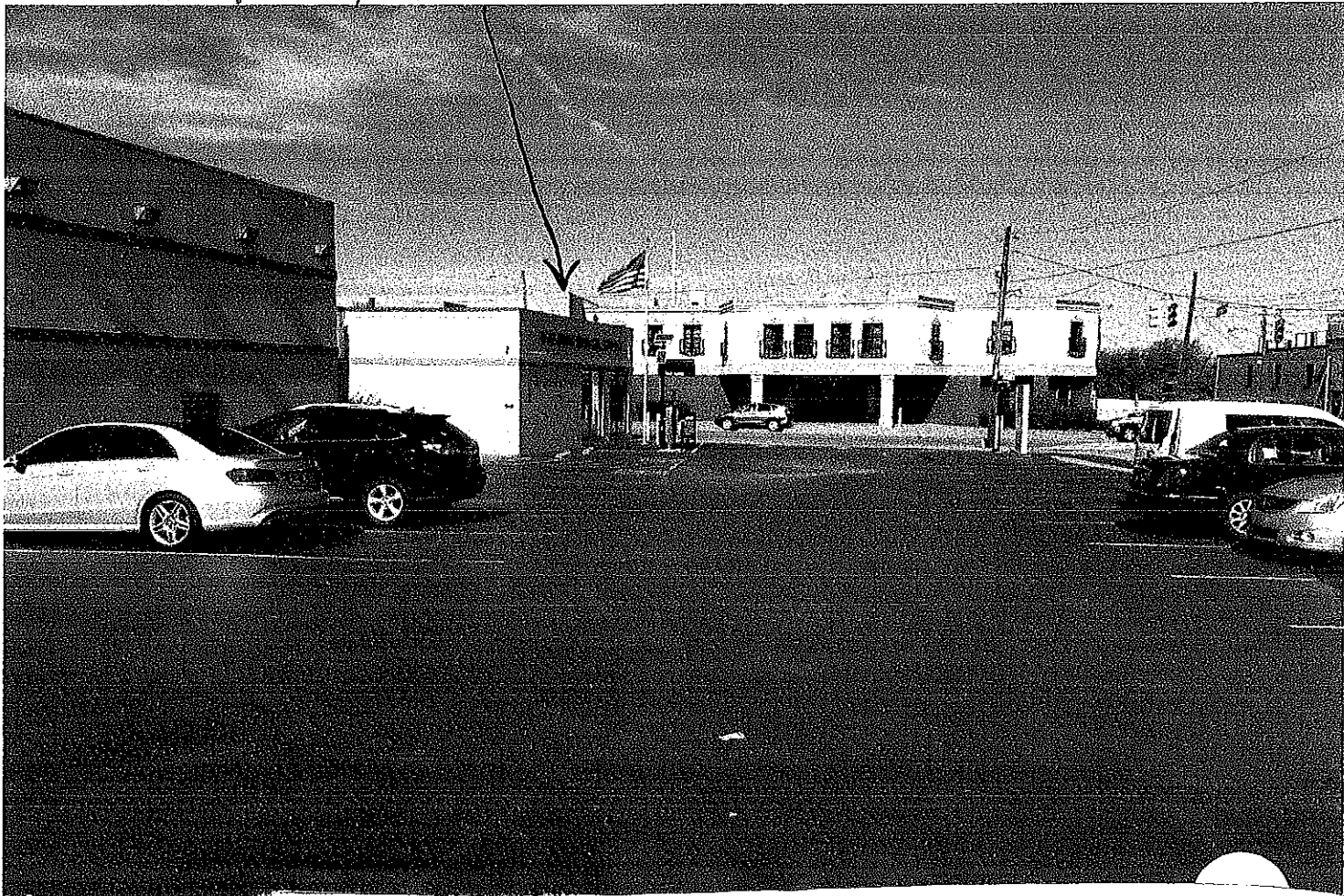
20 parking spaces across the street

Church Street

10/12/2018

33 pay parking spaces across the street
Photo - Google Photos

Case #2018-566



10/12/2018

33 pay parking spaces across the street
Photo - Google Photos



2018 #5018-566
oppose



E.S.S., Inc.
203 McMillin St. • Nashville, TN 37203-2912
(615) 340-9033 • Fax (615) 340-9642
www.essnashville.com

September 27, 2018

RE: Appeal Case Number: 2018-566
1506 Church Street 100
Map parcel 09212034000

To whom it may concern,

We are in receipt of your notice dated September 11th regarding the zoning appeal for a variance from the parking requirements. At this time, we must very firmly state our opposition to the parking variance. ESS owns a lot immediately adjacent to this lot (ours is on McMillin Street and shares the alley with the lot in question), and we already struggle greatly to keep others from parking in our spaces. It is an enormous problem. We frequently have vehicles towed. We have no parking and no trespassing signs. We have also erected physical barriers to try to keep others from parking or trespassing on our lot when we are not here. Nevertheless, people will move those barriers and enter the lot anyway. In one case, a man drove his vehicle over one of our barriers and dragged it down the street. He saw it, stopped and drove over it anyway. It is inevitable that the occupants of this building will need more than 11 spaces and will attempt to use ours and those belonging to others nearby. I see that the regular parking requirements were already reduced to 37 from 53 because of pedestrian access, public transportation access and access to public parking. However, the public parking options in the area are extremely limited and already overwhelmed by the demands of existing businesses – most notably the Déjà vu Gentleman’s Club already located on 15th Avenue. Mr. Mollette is very well aware of the problems we and other businesses have experienced because we have been communicating with each other about it via email. He is extremely aware that there is not enough parking in the neighborhood. As it is, the entire project is extremely ill advised. The very notion of locating an entire building full of short term rental units right across the street from a strip club is not a good idea at all. It would inevitably become a haven for a myriad of various criminal activities. Such a location would not attract desirable short term rental guests and would attract extremely unsavory guests. As it is, other local businesses have had to tolerate drug use and fornication in their parking lots and fire escapes. If this short term rental building were present, it would become a haven for prostitution and illegal drugs. It is my understanding that this short term rental building is in compliance with the STRP regulations as presently written, but I think that this is not a desirable project for the neighborhood or the city. A parking variance would impose undue hardship and inconvenience for existing businesses and residents. Therefore, absolutely no parking variances should be granted under any circumstances.

Sincerely,

Ann E. Braun
Owner & President, ESS Inc.

From: [Ann Braun](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: CAAZ 20180056649 Zoning Appeal for 1506 Church Street
Date: Wednesday, October 17, 2018 2:10:38 PM
Importance: High

To whom it may concern, I sent a letter to your department via USmail on our company letterhead just after I received your notice about this appeal. I want to make sure you got my letter since I am not sure if I will be able to attend the hearing tomorrow. I am pasting the full text below, but I would also like to add more points. The empty lot at 1506 Church Street is presently a significant parking resource for the neighborhood. Once that is gone, the remaining public parking will be even more limited than it is now. Furthermore, I have also heard that the big parking lot owned by Jim Reed is now going to be used for staging equipment for the big tower being built on the Palmer property, so that is yet another parking resource that will be eliminated placing even more strain on local parking resources. Mr. Mollette is extremely aware of the parking challenges in this neighborhood because he has been part of the discussions between myself and other local business owners. I have asked him multiple times why he isn't building a parking garage. I was absolutely astounded that he requested this variance under the circumstances. He is very well aware of the problems we have had here. Furthermore, he also knows about the problems that Déjà vu has had here and persists with this plan nevertheless. As an example of the many problems we have experienced here, Mr Mollette personally witnessed an individual being beaten one night in the street next to his lot by a mob of people that included Déjà vu personnel. He was very afraid that the poor man would get killed, so he yelled that he was going to call the cops and the crowd dispersed. The victim did not press charges, so nothing could be done about what happened, but I can't understand why he thinks his vacation rental plan is a viable one given the level of criminal activity in the neighborhood.

Here is the original text of the letter I sent:

We are in receipt of your notice dated September 11th regarding the zoning appeal for a variance from the parking requirements. At this time, we must very firmly state our opposition to the parking variance. ESS owns a lot immediately adjacent to this lot (ours is on McMillin Street and shares the alley with the lot in question), and we already struggle greatly to keep others from parking in our spaces. It is an enormous problem. We frequently have vehicles towed. We have no parking and no trespassing signs. We have also erected physical barriers to try to keep others from parking or trespassing on our lot when we are not here. Nevertheless, people will move those barriers and enter the lot anyway. In one case, a man drove his vehicle over one of our barriers and dragged it down the street. He saw it, stopped and drove over it anyway. It is inevitable that the occupants of this building will need more than 11 spaces and will attempt to use ours and those belonging to others nearby. I see that the regular parking requirements were already reduced to 37 from 53 because of pedestrian access, public transportation access and access to public parking. However, the public parking options in the area are extremely limited and already overwhelmed by the demands of existing businesses – most notably the Déjà vu Gentleman's Club already located on 15th Avenue. Mr. Mollette is very well aware of the problems we and other businesses have experienced because we have been communicating with each other about it via email. He is extremely aware that there is not enough parking in the neighborhood. As it is, the entire project is extremely ill advised. The very notion of locating an entire building full of short term rental units right across the

street from a strip club is not a good idea at all. It would inevitably become a haven for a myriad of various criminal activities. Such a location would not attract desirable short term rental guests and would attract extremely unsavory guests. As it is, other local businesses have had to tolerate drug use and fornication in their parking lots and fire escapes. If this short term rental building were present, it would become a haven for prostitution and illegal drugs. It is my understanding that this short term rental building is in compliance with the STRP regulations as presently written, but I think that this is not a desirable project for the neighborhood or the city. A parking variance would impose undue hardship and inconvenience for existing businesses and residents. Therefore, absolutely no parking variances should be granted under any circumstances.

Sincerely,

Ann E. Braun
Owner/President
"The Headset Lady"
E.S.S., Inc.
203 McMillin Street
Nashville TN 37203
Ph: 615-340-9033
Fax: 615-340-9642
Cell: 615-305-9931
Email: ABraun@essnashville.com

From: [Patrick Schipani](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case Number 2018-566
Date: Friday, October 5, 2018 11:24:30 AM

Jon Michael, Zoning Administrator

METRO BOARD OF ZONING APPEALS

My wife and I are Frank Moore Holdings, owners of the building at 1500 Church St. that is adjacent to this proposed project. We are opposed to any variance for parking as requested for 1506 Church St. All parking presently in the area is private except on street parking. The demand for this parking is already beyond capacity.

We are opposed to this variance as it will create illegal parking on our property and the surrounding neighbors.

We are not in the core business district that has many public parking garages available for those businesses.

There are no physical or unique characteristics associated with 1506 Church St. that we feel would justify the granting of this proposed variance. We see none listed on the application nor are there any visible unique characteristics at the property.

The VRBO as requested is something like a private residence/hotel. This will bring many renters and their visitors into the area looking for parking even though some will use taxis or Uber/Lyft. The retail will also attract customers along with the employees that will need parking. We need our parking for the employees and staff at 1500 Church.

We feel that if adequate parking is not required it will cause injury to our property and require constant monitoring of illegal parking. We all want to be neighborly.

Church St. is a busy road and the alley in the rear needs to remain open to traffic at all times as we all use it several times a day. I cannot imagine all the renters, customers, employees, repairmen, etc. converging onto 11 parking spaces.

Mr. Lee Molette is a good man and has been a good neighbor to us all. We are not against his project, just very much opposed to the parking variance and the injury it will cause to the neighborhood.

We are opposed to granting any variance as requested in: Appeal Case Number 2018-566.

Thank You

Patrick Schipani
Frank Moore Holdings
1500 Church St./221, 223 15th Ave North. 37203
615.969.0829

From: [Linda Schipani](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case # 2018-566
Date: Thursday, October 4, 2018 3:32:46 PM

To: Metropolitan Board of Zoning Appeals,

I am writing to voice my opposition regarding the variance request by Mr. Lee Molette/ 15th & Church Equity Investors. As we are all painfully aware of the parking issues in our area, I find it inconceivable Mr. Molette would think he could build a short term rental condominium and retail with only 11 parking spaces! I own the parking lot running parallel to the back of proposed building site and need parking for my employees and patients. If there are only 11 parking spaces, my lot would be constantly used by overnight guest and patrons/employees of the potential retail offerings. Even if every unit were filled with shared riders (and this would never be the situation), there would not be enough parking for employees of the retail area much less their customers.

As I understand, most variance request REQUIRE a hardship. What is his specific hardship? I would respectfully ask the hardship to be clearly defined before the board votes.

Also, is the building approved for a condo or is it short term rentals? The proposed building's actual use is stated as an short term rental like VRBO, AirBnB etc. This would be more like a hotel than a residential development. What evidence is there that short-term rental one-bedroom condos would be occupied by people who don't rent/drive cars? How many parking spaces /room are required by hotels?

I am aware the city does allow properties to provide parking as required by codes off-site within a reasonable distance. Why is this property different from these others and why wouldn't the property owner be required to secure parking elsewhere if it's not incorporated in the site?

Lastly, the zoning board should take into consideration the structure of the deeds/condo association rules. Are the rentals restricted to less than 28 days and also are there restrictions regarding condos from being "owner-occupied". What happens if the condo association changes these rules and allows owners to occupy the units? Where is the parking then?

Again, I am apposed to permit # 20180056649/appeal case # 2018-566. I would appreciate your consideration.

Sincerely,
Linda

Linda Moore Schipani, MSN, RN
President & CEO
Clinical Research Associates, Inc.
1500 Church Street
Nashville, TN 37203
615-329-0197

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Dale Assoc.
Property Owner: Silverman
Representative: _____

Date: 9 17 18
Case #: 2018-584
Map & Parcel: 06201 -> 33,34,35,36

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 construct residential dwellings

Activity Type: Residential

Location: 0 Pennington Bend

This property is in the R15 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

Section(s): _____

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.

Adam Seger
Appellant Name (Please Print)

Adam
Representative Name (Please Print)

516 Heather Pl.
Address

Address

Nashville, TN 37204
City, State, Zip Code

City, State, Zip Code

615.297.5166
Phone Number

Phone Number

adam@daleandassocides.com
Email

Email

deuthber@gmail.com

Appeal Fee: _____



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

Case #2018-584



3560122

ZONING BOARD APPEAL / CAAZ - 20180059078
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 06201003300

APPLICATION DATE: 09/17/2018

SITE ADDRESS:

0 PENNINGTON BEND RD NASHVILLE, TN 37214
LOT 101 RIVER VIEW SUB

PARCEL OWNER: SILVERMAN, CAROL KATZMAN & MARTIN CONTRACTOR:

APPLICANT:

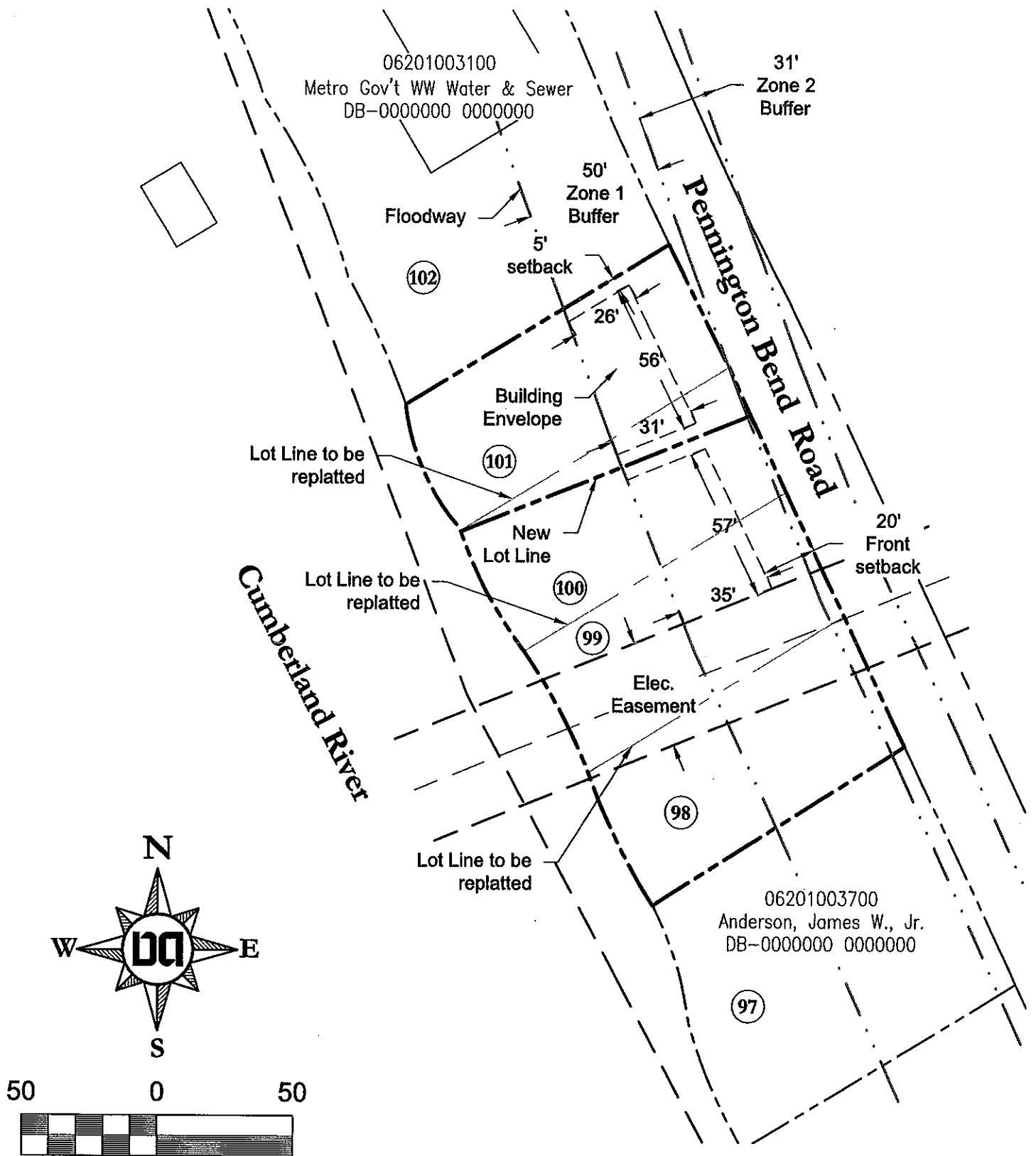
PURPOSE:

Requesting a 40' front s/b variance for parcel. 60' min front s/b required. See METZO table 17.12.020 (a)

*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.*

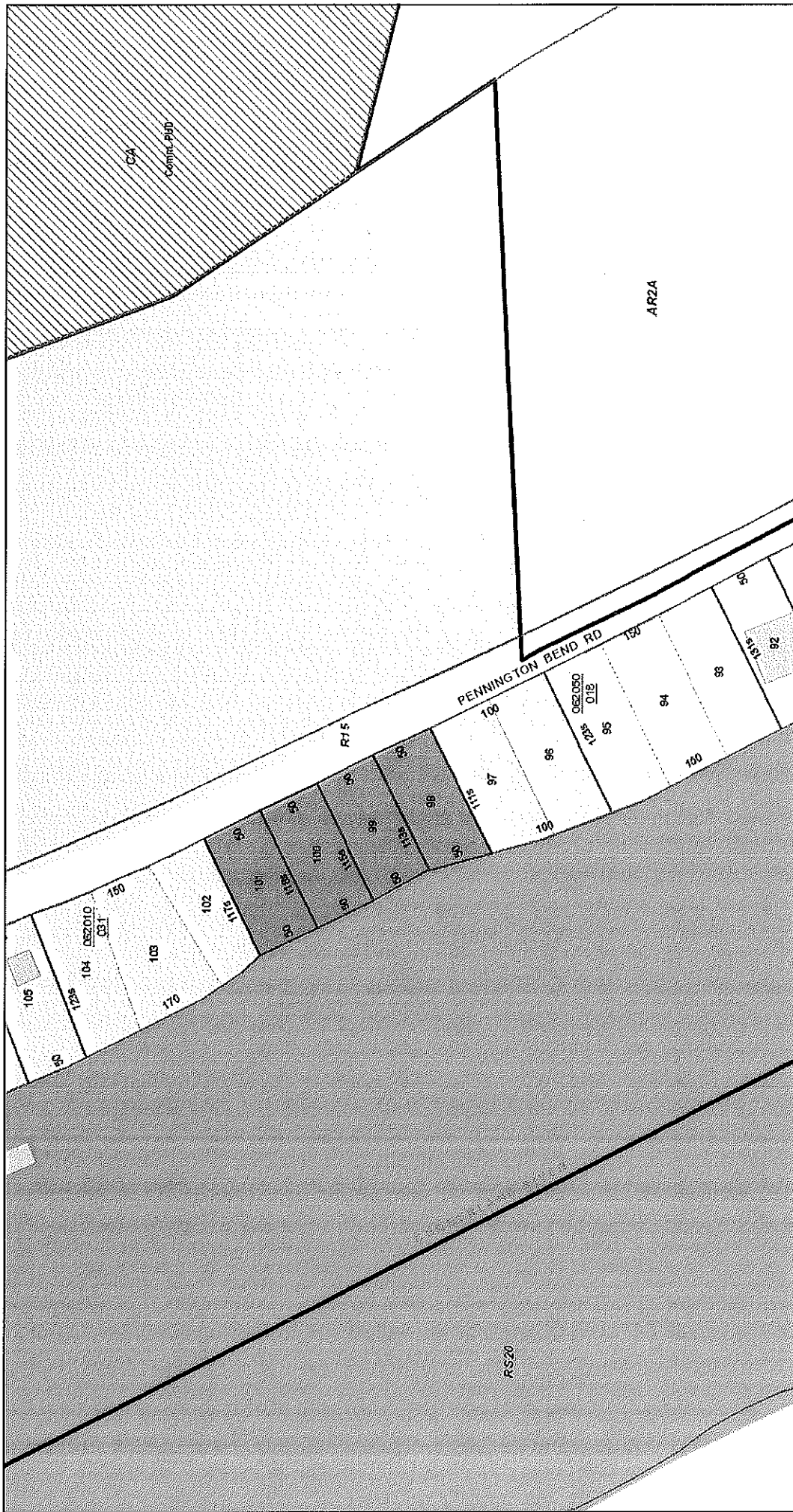
There are currently no required inspections

Inspection requirements may change due to changes during construction.



Lots 98 -101 River View Subdivision

Nashville / Davidson County Parcel Viewer



September 13, 2018

polygonLayer

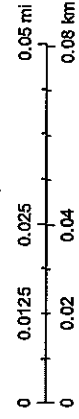
Override 1

Ownership Parcels

Planned Unit Development

Zoning

1:1,128



Nashville Planning Department, MetroGIS
Metro GIS

Made by: Metro GIS

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

9/17/18
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?

The floodway makes the lot unbuildable. We
are requesting a variance to go from 40' front
setback to 20' front setback to allow some room
for a building envelope

From: [Travis Loller](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Richard Loller](#)
Subject: Case Number 2018-584
Date: Saturday, November 10, 2018 8:07:58 PM

Nov. 9, 2018

Board of Zoning Appeals members:

I am writing once again to oppose a poorly thought out plan to build in the flood plain on Pennington Bend Rd. at densities greater than what is allowed by our R-15 zoning. In reference to case number 2018-584, you should deny the requested variances for at least two reasons.

First BZA's Standards for Variance state that the conditions requiring a variance be "unique to the subject property and generally not prevalent to other properties in the general area."

According to Stormwater there are more than 40 lots on Pennington Bend and Miami that are potentially developable with variances. That is too many variances. The property owners need to apply to the Metro Council for an overall solution. Granting numerous variances piecemeal undermines the zoning plan approved by the Council, which intentionally put rules in place after the 2010 flood to prevent another disaster. It is those rules that are prompting developers to seek variances.

Additionally, these variances would help the developers to build at greater density than allowed by R-15 zoning. The only reason for the extra units is to make more money off these properties. But maximizing profit is not a legitimate consideration for variances.

Please deny these variances and help prevent irresponsible development in the floodplain.

Thank you for your consideration.

Sincerely,

Travis Loller
2315 Pennington Bend Rd.
615-484-6233

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF SHIPLEY AND DAVIDSON COUNTY



Appellant : Brad Bers

Date: 9/19/18

Property Owner: " "

Case #: 2018-590

Representative: " "

Map & Parcel: 103-8-68

Council District _____

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

Purpose: NCF Duplex

Activity Type: NCF Duplex

Location: 4404 Westlawn Dr. N.T. 37209

This property is in the R57+ 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:

- 1.....ITEM A....REQUEST NON-CONFORMING DUPLEX BASED ON NES RECCORDS AND LETTERS ...17.40.180 A
- 2.....VARIANCE....REQUIRED REAR SETBACK MIN 20'....REQUEST 3'.....17.12.020 A.
- 3.....VARIANCE....REQUIRED SIDE SETBACK MIN 5'....REQUEST 3'.....17.12.020 A.

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection A+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.

Brad Bers
Appellant Name (Please Print)

Representative Name (Please Print)

4404 Westlawn Dr.
Address

Address

City, State, Zip Code

City, State, Zip Code

615-418-1706
Phone Number

Phone Number

bradbbers31@gmail.com
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**



3560863

**ZONING BOARD APPEAL / CAAZ - 20180059594
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 10308006800

APPLICATION DATE: 09/19/2018

SITE ADDRESS:

4404 A WESTLAWN DR NASHVILLE, TN 37209
LOT 9 RESUB 346 WEST LAWN

PARCEL OWNER: BARS, BRADLEY J. & PROCTOR, ELAINE C.

CONTRACTOR:

APPLICANT:**PURPOSE:**

ZONED RS 7.5

EXISTING DUPLEX RES WITH DETACHED GARAGE WITH 3' REAR AND 3' SIDE SETBACKS.

WILL OBTAIN ADDITIONAL PERMITS TO.

- 1....CONVERT FRONT DUPLEX TO SINGLE FAMILY HOUSE.
- 2....DEMO THE DETACHED GARAGE.
- 3....CONSTRUCT NEW 2ND HOUSE.

THIS PERMIT TO REPLACE THE GARAGE WITH A NEW 2ND HOUSE....25' WIDE WITH 20' DEEP...MAX HT

DENIED:

- 1.....ITEM A....REQUEST NON-CONFORMING DUPLEX BASED ON NES RECCORDS AND LETTERS ...17.40.180 A.
- 2.....VARIANCE....REQUIRED REAR SETBACK MIN 20'....REQUEST 3'.....17.12.020 A.
- 3.....VARIANCE....REQUIRED SIDE SETBACK MIN 5'....REQUEST 3'....17.12.020 A.

POC: BRAD BARS 615-418-1706

bradbars31@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.

P(MU)

RS7.5

WESTLAWN DR

44TH AVE N

CHEROKEE STATION DR

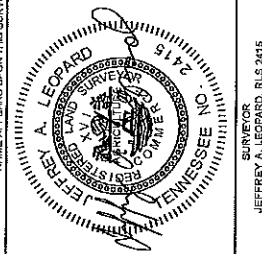
R6





LICENSED IN TN, KY, & AL
1198 OLD PINNACLE RD. DUBLIN, TN 37090
PHONE: (615) 232-5703 E-MAIL: b2l@b2l.com

THE SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE EXTENDED TO ANY UNNAMED PERSON OR ENTITY WITHOUT AN EXPRESSED RESERVATION BY THE SURVEYOR WHOSE NAME APPEARS UPON THIS SURVEY.



SURVEYOR
JEFFREY A. LEOPARD, RLS 2415

GENERAL NOTES:
1) BEARINGS BASED ON TENNESSEE STATE PLANE COORDINATE SYSTEM CALCULATED FROM GPS OBSERVATIONS.
2) ALL DISTANCES MEASURED WITH EDM. EQUIPMENT AND ARE ADJUSTED FOR TEMPERATURE.
3) ALL DISTANCES MEASURED WITH EDM. EQUIPMENT AND ARE ADJUSTED FOR TEMPERATURE.
4) PROPERTY CURRENTLY ZONED: RM (AS PER TAX CARD).
5) THIS DOCUMENT MUST BE COMPARED TO THE ORIGINAL HARD COPY ISSUED BY THE SURVEYOR TO ENSURE ACCURACY.
6) THIS DOCUMENT IS NOT TO BE USED FOR ANY OTHER PURPOSES UNLESS FIRST TRANSMITTED BY COMPUTER OR OTHER ELECTRONIC MEANS UNLESS FIRST APPROVED TO THE ORIGINAL SEALED DOCUMENT ISSUED AT THE TIME OF THE SURVEY.
7) BEARINGS AND DISTANCES SHOWN TAKE PRECEDENCE OVER SCALE.
8) HORIZONTAL DATUM: NAD 83.
9) PROPERTY CURRENTLY ZONED: RM (AS PER TAX CARD).
10) ANY USE OF SAME WITHOUT THE EXPRESS WRITTEN PERMISSION OF B2L HOME AND PROPERTY SOLUTIONS IS PROHIBITED.

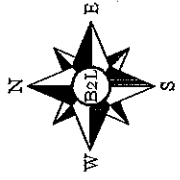
REVISION TABLE

1.	-
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ORDERED BY: BRAD BARS
PROPERTY ADDRESS: 4404 WESTLAWN DRIVE
NASHVILLE, TN 37208
OWNER: BRAD BARS
4404 WESTLAWN DRIVE
NASHVILLE, TENNESSEE

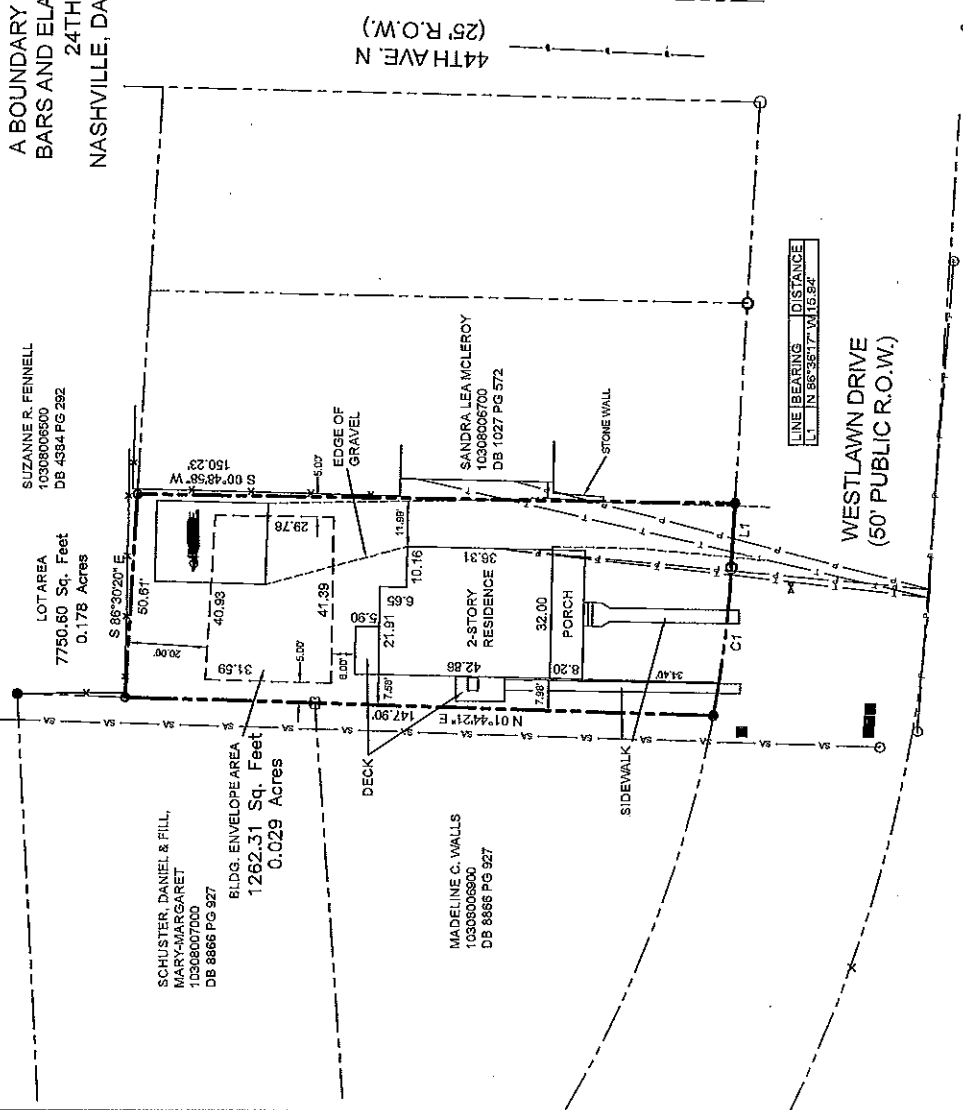
DEED REFERENCE: DEED BOOK 1912 PAGE 111
PLAT REFERENCE: N/A
TAX MAP ID: 1030806680
DAVIDSON COUNTY, TENNESSEE
DRAWINGS SCALE: 1"=50'
DRAWN BY: JL
CHECKED BY: CB
FIELD CREW: JUBB

A BOUNDARY SURVEY OF THE BRADLEY J. BARS AND ELAINE C. PROCTOR PROPERTY 24TH COUNCIL DISTRICT NASHVILLE, DAVIDSON COUNTY TENNESSEE JULY 17, 2018



LEGEND

- These standard symbols will be found in the drawing.
- IRON PIN (FOUND)
 - IRON PIN (SET)
 - IRON PIPE
 - MAGNETIC NAIL
 - ⊕ WATER VALVE
 - ⊕ SANITARY SEWER MANHOLE
 - ⊕ POWER POLE
 - DROP INLET



NOTE: THIS SURVEY WAS PREPARED FROM CURRENT NEEDS AND PLATS OF RECORD AND DOES NOT REPRESENT A TITLE SEARCH OR A GUARANTEE OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS A CURRENT AND ACCURATE SURVEY AND BEING BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE PROVIDED BY OTHERS.
NOTE: THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE FROM THE FIELD DATE SHOWN HEREON.

NOTE: THE CERTIFICATION AS PROVIDED ON THIS SURVEY IS PURELY A TECHNICAL MATTER AND DOES NOT CONSTITUTE A GUARANTEE OF INFORMATION AND BEING BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE PROVIDED BY OTHERS.
NOTE: THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE FROM THE FIELD DATE SHOWN HEREON.

NOTE: UNDER PROVISIONS OF THE TENNESSEE LAND SURVEYING ACT, THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED ON THE CERTIFICATION HEREON. SAID CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESSED REPERMITION BY THE SURVEYOR HEREON SAID.

THIS SURVEY WAS COMPLETED TO THE MINIMUM STANDARDS AS REGULATED UNDER THE AUTHORITY OF SECTION 2602-3-07 OF THE TENNESSEE LAND SURVEYING ACT. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED ON THE CERTIFICATION HEREON. SAID CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESSED REPERMITION BY THE SURVEYOR HEREON SAID.



NASHVILLE ELECTRIC SERVICE

ELECTRIC POWER BOARD OF THE METROPOLITAN
GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

NES Public Records Request Form

Name: Brian Bars

Address: 4404 Westlawn Dr
Nashville TN 37209

Telephone: 6154181706

Form of ID: DL 114117749

Are you a citizen of the state of Tennessee*: YES or NO?

**Requesting parties will be required to provide a photo identification issued by a governmental agency as verification of Tennessee citizenship.*

Is this a request for: Inspection or Copies?

Detailed description of records requested: Copies of premise
records back to 1997. Thank you so much!

Address: 4404 Westlawn Dr > 2 meters
Nashville, TN 37209

~~from~~ There are Two (2) meters I need
plz

Signature of Requestor: Brian Bars

Date of Request: 2/2/2018

Received by: Debra Jones

Date of Receipt: 3/2/18

NO change

10:26:51 Friday, March 02, 2018

PHST
CS512-639NASHVILLE ELECTRIC SERVICE
PREMISE HISTORY3/02/18
10:26:39

PREMISE 52336 LINE _____ METER 138700 CONSTANT 1
 4404 WESTLAWN DR POLE-PAD 95 42 66 1
 NASHVILLE TN 37209-4924 RISER

ITEM	CUST.	CUSTOMER NAME/ALIAS	TURN-ON	TURN-OFF
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01

02

03

04

05

06	52792	TOTTY, S K	4/01/72	1/19/17 TNOF
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07	1332036	BARS, BRADLEY JOSEPH BARS, JOSEPH J	1/19/17 TNNC	
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NO MORE RECORDS EXIST

PF1=HELP 3=RETN 7=BACK 8=FOWD 9=PACT 10=TNON 11=TNOF 12=MENU 13=CHST 14=FACT

10:27:30 Friday, March 02, 2018

PHST
CS512-639NASHVILLE ELECTRIC SERVICE
PREMISE HISTORY3/02/18
10:27:21

PREMISE 52335 LINE _____ METER 144229 CONSTANT 1
 4404 WESTLAWN DR _____ UPPER POLE-PAD 95 42 66 1
 NASHVILLE TN 37209-4924 RISER

ITEM	CUST.	CUSTOMER NAME/ALIAS	TURN-ON	TURN-OFF
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01

02

03

04

05

06	52791	TOTTY, S K	5/29/84	1/19/17 TNOF
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07	1332036	BARS, BRADLEY JOSEPH BARS, JOSEPH J	1/19/17 TNAD	
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NO MORE RECORDS EXIST

PF1=HELP 3=RETN 7=BACK 8=FOWD 9=PACT 10=TNON 11=TNOF 12=MENU 13=CHST 14=FACT

Affidavit
State of Tennessee
County of Davidson

I, Sandra McLeroy, make oath and say:

That 4404 Westlawn Drive, Nashville, TN 37209 has been used as a duplex as long as I have been here.

Sandra McLeroy 27 Aug, 2018

I, Madeline Walls, make oath and say:

That ~~4404~~⁴⁵⁰⁴ Westlawn Drive, Nashville, TN 37209 has been used as a duplex as long as I have been here.

Madeline Walls ~~Sept~~ Sept 10, 2018

Actually, 4404 Westlawn has been used as a duplex for about 45+ years, according to Erla & Kermit Totty, the previous owners.

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

DATE



9/19/18

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:

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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

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

9/19/18

 DATE

November 1, 2018

Appeal Case Number 2018-590

Dear Board of Zoning,

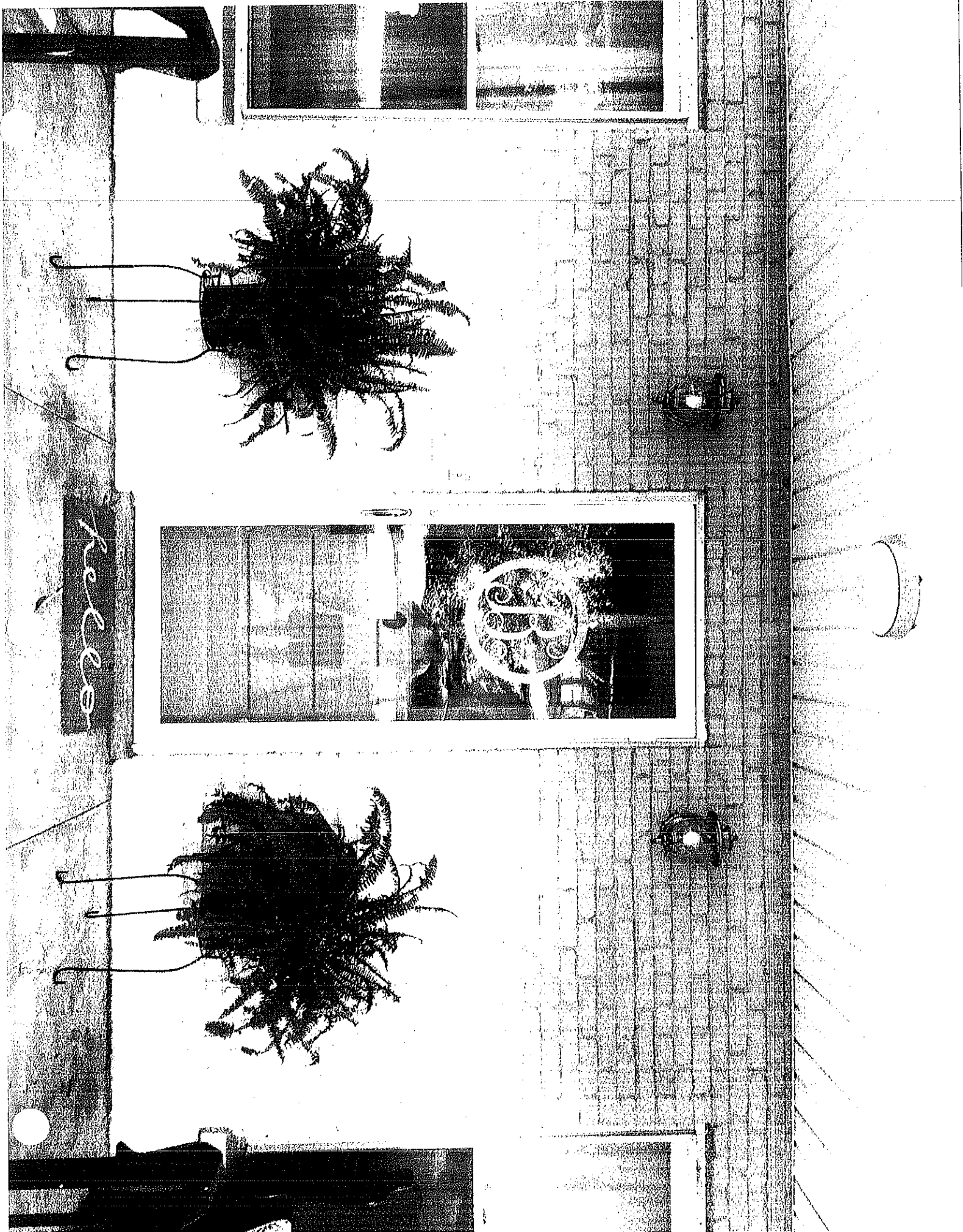
Thank you for your time today. The packet includes pertinent information regarding this case. We hope to improve the neighborhood.

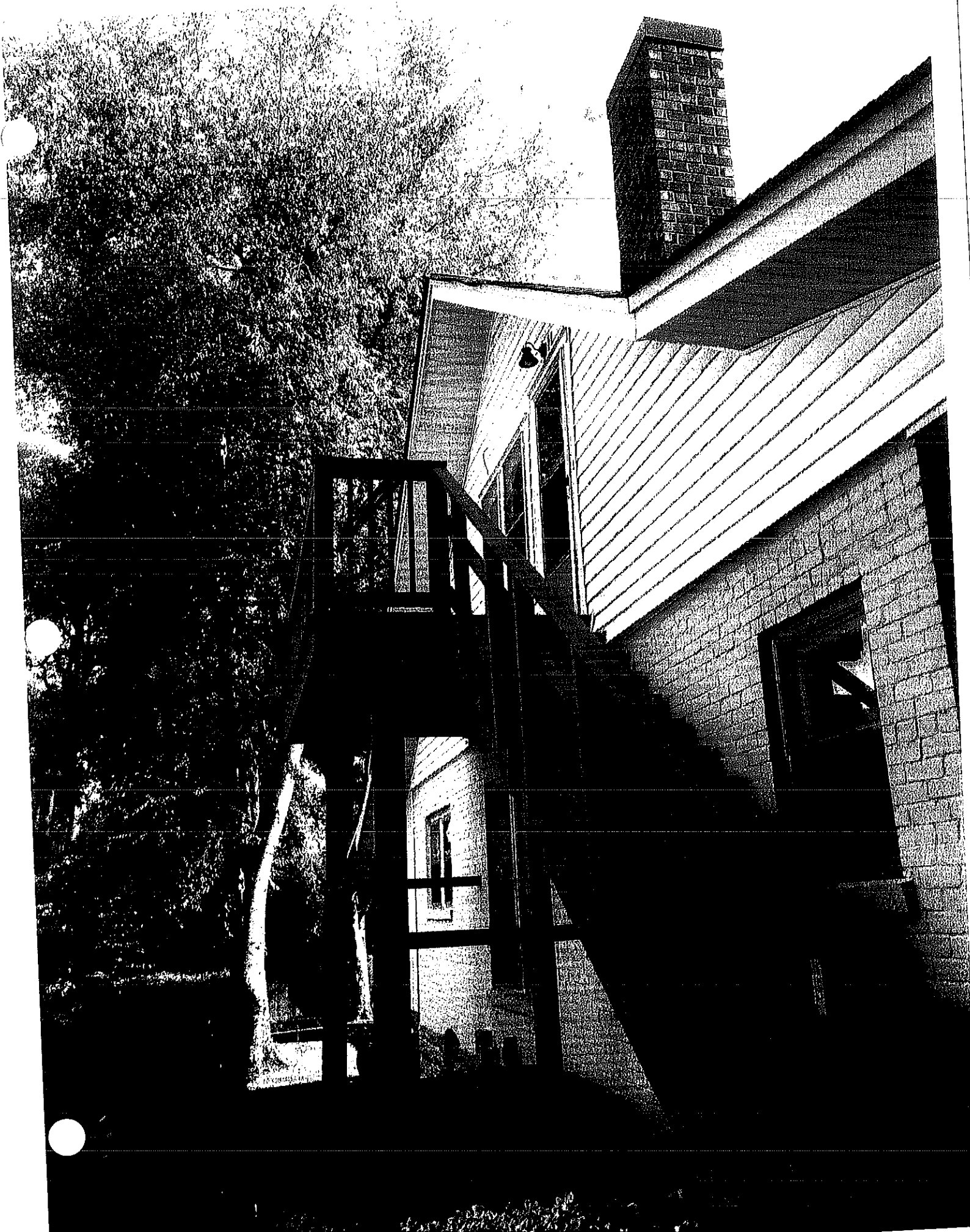
Sincerely,

Alexandria Bars and Brad Bars















10:26:51 Friday, March 02, 2018

3/02/18
10:26:39

PHST
CS512-639

NASHVILLE ELECTRIC SERVICE
PREMISE HISTORY

PREMISE 52336 LINE ---
4404 WESTLAWN DR
NASHVILLE TN 37209-4924

METER 138700 CONSTANT 1
POLE-PAD 95 42 66 1
RISER

TURN-ON TURN-OFF

ITEM CUST. CUSTOMER NAME/ALIAS

01

02

03

04

05

06 52792 TOTTY, S K

4/01/72 1/19/17
TNOF

07 1332036 BARS, BRADLEY JOSEPH
BARS, JOSEPH J

1/19/17
TNNC

NO MORE RECORDS EXIST
PF1=HELP 3=RETN 7=BACK 8=FOWD 9=PACT 10=TNON 11=TNOF 12=MENU 13=CHST 14=FACT

10:27:30 Friday, March 02, 2018

PHST
CS512-639NASHVILLE ELECTRIC SERVICE
PREMISE HISTORY3/02/18
10:27:21

PREMISE 52335 LINE _____ METER 144229 CONSTANT 1
 4404 WESTLAWN DR UPPER POLE-PAD 95 42 66 1
 NASHVILLE TN 37209-4924 RISER

ITEM	CUST.	CUSTOMER NAME/ALIAS	TURN-ON	TURN-OFF
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01

02

03

04

05

06	52791	TOTTY, S K	5/29/84	1/19/17 TNOF
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07	1332036	BARB, BRADLEY JOSEPH BARB, JOSEPH J	1/19/17	TNAD
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NO MORE RECORDS EXIST

PF1=HELP 3=RETN 7=BACK 8=FOWD 9=PACT 10=TNON 11=TNOF 12=MENU 13=CHST 14=FACT

Board of Zoning Appeals Case 2018-590

Regarding 4404 Westlawn Drive, Nashville, TN 37209, it has always been used as a duplex with Totty family and upstairs duplex used for renters the past 65+ years we previously owned it.

Sammie Fulton

POA

Richard Fulton

A handwritten signature in black ink that reads "Richard Fulton". The signature is written in a cursive style with a large initial "R" and "F".

Affidavit
State of Tennessee
County of Davidson

I, Sandra McLeroy, make oath and say:

That 4404 Westlawn Drive, Nashville, TN 37209 has been used as a duplex as long as I have been here.

Sandra McLeroy 27 Aug, 2018

I, Madeline Walls, make oath and say:

That 4404 ~~West~~ Westlawn Drive, Nashville, TN 37209 has been used as a duplex as long as I have been here.

Madeline Walls ~~Sept~~ Sept 10, 2018

Actually, 4404 Westlawn has been used as a duplex for about 45+ years, according to Erla + Kommit Totky, the previous owners.

RESIDENTIAL LEASE AGREEMENT

This Residential Rental Agreement ("Agreement") is entered into by and between **Flip Holsinger** ("Tenant"), and **Brad Bars** ("Landlord"). Landlord and Tenant are collectively referred to in this Agreement as the "Parties". This Agreement shall be effective as of the date executed by Landlord, as set forth below.

For the covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **PREMISES:** The leased premises shall be comprised of that certain personal residence (the upper flat) located at **4404b Westlawn Drive, Nashville TN 37209** ("Premises"). Landlord leases the Premises to Tenant and Tenant leases the Premises from Landlord on the terms and conditions set forth herein.
2. **TERM:** The term of this Agreement shall be a period of month to month, beginning on April 1, 2018, and ending on August 1, 2019. Any holding over after the expiration or earlier termination of the term without Landlord's prior written consent shall be a default of this Agreement and shall not be construed to be a tenancy from month to month, unless Tenant pays and Landlord accepts payment of rent for the next full calendar month (plus, if the term ends on a day other than the last day of the month, rent for the remainder of the month during which the term ends). If such payment of rent is so paid and accepted, this Agreement will automatically renew on a month to month basis, and will continue as such until terminated by either party in accordance with the following: written notice of termination is to be given by either party at least thirty (30) days before the designated date of termination, and the designated date of termination shall be the last day of a calendar month. If notice of termination is given, this Agreement shall terminate on the date for which notice is properly given. Except as otherwise set forth in this Agreement, all of the terms and conditions of this Agreement shall apply during any month to month tenancy.
Stips: Tenant has option to decline the second six months of this lease. He must notify landlord his decision by September 10th.
3. **MONTHLY RENT:** The rent to be paid by Tenant to Landlord throughout the term of this Agreement is **\$1300.00** per month and shall be due on the 1st day of each month. Tenant shall pay a **\$50.00** late fee per day for any rent not received by Landlord by the fifth (5th) day of the month. Tenant shall pay any returned check fees. All delinquent rents or other expenses due from Tenant shall accrue interest at the rate of 15% per year until paid. All interest shall be deemed additional rents. Rent for the first month (or, if applicable, partial month) of the term shall be paid to Landlord at the time this Agreement is executed. Rent for any partial month shall be prorated. Tenant shall not deduct or offset against rent unless expressly permitted by applicable law.

4. **UTILITIES:** Stipulations: Tenant pays for electric, gas, water, yard maintenance, trash, cable. Landlord will keep utilities in his name and give bill to tenant.
5. **HOUSE RULES:** There shall be no smoking anywhere within the house, garage or any other structure located at the Premises. Tenant shall not permit any occupant, guest or invitee to violate this rule. The only use of the Premises shall be as a private residence. Other than Tenant's immediate family members, no other persons shall reside in the Premises without the written consent of Landlord. Up to three guests shall be permitted to stay at the Premises, but not for more than seven days without prior written approval of Landlord. No pets shall be brought or allowed on the Premises without the prior consent of Landlord, in Landlord's sole discretion. Pet privileges, if granted, may be revoked at any time by Landlord if cleanliness or property damage issues arise. Tenant shall not keep or have at or around the Premises any item of a dangerous, flammable or explosive nature that might unreasonably increase the risk of fire or explosion at or around the Premises or that might result in increased premiums or otherwise be considered hazardous by an insurance company. Tenant shall not cause or permit any lien or encumbrance to be filed or recorded against the Premises. Tenant, its occupants, guests and other invitees shall not behave in any manner that is unlawful, disorderly or that disturbs the neighbors or other persons. A copy of the additional house rules and regulations, if any, has been provided to Tenant. Tenant shall abide by, and shall cause Tenant's family members, occupants, guests and other invitees to abide by all house rules, which are incorporated herein by reference and hereby made part of this Agreement. Tenant shall be solely responsible and liable for the conduct of all of Tenant's occupants, guests and other invitees.
- Stips: Parking: Street Parking**

6. **ORDINANCES AND STATUTES; CC&RS; SUBORDINATE; LEAD PAINT:** Tenant shall comply with all applicable laws, codes, and regulations of all municipal, State and Federal authorities. Tenant shall be subject to and shall comply with all rules and regulations set forth in any Covenants, Conditions and Restrictions ("CC&Rs") or other similar documents affecting the Premises, copies of which have been provided to Tenant, if applicable. This Agreement is and shall be subordinate to the lien of any mortgage now or hereafter in effect with regard to the Premises.

To Landlord's knowledge, this house was built before 1978. By signing this Agreement, Tenant acknowledges that it has received the Lead-Based Paint Disclosure and Pamphlet provided by Landlord pursuant to law.

7. **MAINTENANCE AND REPAIRS:** Tenant has had the opportunity to inspect the Premises and accepts the same "as-is" and as being in good order, condition and repair. Tenant shall be responsible, at Tenant's expense, for maintaining the Premises in a clean, orderly manner, and shall maintain all equipment, fixtures, appliances, furniture, furnishings and any other personal property therein in good, clean, well maintained condition, and shall surrender the same (unless owned by Tenant), at termination, in the same condition as they were in when Tenant took possession thereof, normal wear excepted. Tenant shall also be responsible for

maintaining the exterior, including the yard and any landscaping, in a reasonably neat, clean and attractive condition, including without limitation mowing the lawn, if any, and removing weeds. Tenant, at Tenant's cost, shall maintain the Premises free from, and shall eliminate, any pest infestation (including without limitation cockroaches and mice). Tenant shall be responsible, at Tenant's cost, for all repairs required as a result of damages caused by Tenant or Tenant's occupants, guests or other invitees. Tenant shall not remove the Landlord's fixtures, furniture, furnishings and/or any other personal property (including, without limitation, the following: butcher-block table and baskets if any, from the Premises for any purpose. Any maintenance or repairs not performed by Tenant as required by this Agreement, may, in Landlord's discretion (but without any obligation to do so), be performed by Landlord. If so performed by Landlord, Tenant shall reimburse Landlord for the cost of such work within ten (10) days after written notice, which amount shall be considered additional rent. Tenant shall notify the Landlord immediately if Tenant becomes aware of any water leaks or other conditions that may pose a risk of damage to the Premises or any other property.

8. **ENTRY AND INSPECTION:** Tenant shall permit Landlord, or Landlord's agents, to enter the Premises at reasonable times and upon reasonable (not less than 24 hours) notice for the purpose of inspecting the Premises or showing the same to prospective purchasers, or for making repairs to the Premises pursuant to this Agreement. In the case of emergency, no notice shall be required. If a repair is necessary for which Landlord is responsible under this Agreement, Tenant shall give notice thereof to Landlord in a timely manner.
9. **DEPOSIT:** At the signing of this Agreement, Tenant shall deposit with Landlord a security deposit in the amount of \$500 as security for the performance by Tenant of all of the terms and conditions of this Agreement (including without limitation the payment of rent and surrendering the Premises to Landlord in clean condition and good repair) and for any damages caused by Tenant, or Tenant's occupants, guests and other invitees, throughout the term, other than reasonable wear and tear. Landlord may use part or all of the security deposit to repair any such damage to the Premises, and if the cost thereof exceeds the amount of the security deposit Tenant shall remain liable for any balance. The security deposit shall not be applied toward or deducted from any rent due under this Agreement, unless elected by Landlord, in Landlord's sole discretion.
10. **ATTORNEY'S FEES:** In the event action is taken by Landlord to enforce this Agreement, or to enforce any rights arising out of the breach of this Agreement, or to evict Tenant, guests, or other occupants; the Landlord shall be entitled to all costs incurred in connection with such action, including reasonable attorney fees and collection costs, with or without suit.
11. **WAIVER:** No delay or failure of Landlord to enforce any part of this Agreement shall be deemed as a waiver thereof, nor shall any acceptance of any partial payment of rent or any other amount due be deemed a waiver of Landlord's right to the entire amount due.

12. **SEVERABILITY:** Should any provision of this Agreement be held invalid or unenforceable, the remainder of the Agreement shall not be affected thereby and shall continue in full force and effect.
13. **NOTICES:** All notices shall be given by mailing the same, postage prepaid, to Tenant at the Premises or to the Landlord at the address shown below Landlord's signature or at such other places as may be designated by a party in writing.
14. **LANDLORD SHALL NOT BE LIABLE:** Landlord shall not be liable for any damages or losses to Tenant, its occupants, guests, invitees or other persons regardless of the cause. Tenant shall indemnify, defend and hold Landlord harmless from any and all loss, damage or claims of any type due to the actions of Tenant, its occupants, guests or other invitees resulting in damage to any person or property. Landlord shall not be liable for personal injury or damages or loss of Tenant's personal property (furniture, jewelry, clothing, etc.) due to theft, vandalism, fire, water, rain, hail, smoke, explosions, sonic booms or other causes whatsoever, including the negligence of Landlord, whether occurring at the Premises, or within or about the exterior yard area located at the residence. Tenant shall secure renter's insurance to protect Tenant against liabilities and occurrences. Landlord will not be responsible to provide any services such as moving vehicles, handling furniture, cleaning, delivering packages, or any other services.
15. **DEFAULT BY TENANT:** Landlord may, upon written notice to Tenant, terminate this Agreement and Tenant's right to occupancy of the Premises if any one of the following conditions of default occur: (1) Tenant fails to pay rent or any other charges due under this Agreement within ten (10) days after the due date; (2) Tenant, or Tenant's occupants, guests or other invitees, violates any term or condition of this Agreement, Landlord's rules and regulations, the CC&Rs or applicable State and local laws and fails to cure the same within five (5) days after written notice thereof from Landlord (however in the event the same default occurs more than twice in any six month period, the third default may, at Landlord's election, be deemed a non-curable default); (3) Tenant abandons the Premises; (4) Tenant, or Tenant's occupants, guests or other invitees commits a crime at the Premises; or (5) Tenant, or Tenant's occupants, guests or other invitees threaten to assault or use abusive language against Landlord. Landlord shall have all remedies at law and in equity in the event of Tenant's default.
16. **DAMAGES:** Upon termination of this Agreement for any reason, Tenant shall remain fully liable to the Landlord for (i) any lost rent and any other financial obligation imposed by this Agreement; (ii) Landlord's cost of reletting the Premises including but not limited to leasing fees, utility charges, and any other fees necessary to relet the Premises; (iii) repairs to the Premises for Tenant's use that are beyond normal wear and tear (iv) all of Landlord's costs associated with evicting Tenant, including but not limited to court costs, costs of service, prejudgment interest, and reasonable attorney's fees; (v) all of Landlord's costs associated with collecting amounts due under this Agreement, including but not limited to debt collection fees, late charges, and returned check charges; (vi) and any other recovery to

which Landlord is entitled by law or in equity. Landlord is obligated to make reasonable effort to mitigate any damage or loss resulting from Tenant's breach by attempting to relet the Premises to acceptable tenants and thereby reducing Tenant's liability.

17. **ABANDONMENT:** Abandonment shall have occurred if, (1) without notifying the Landlord, Tenant is absent from the Premises for 15 days while rent is due and Tenant's possessions have not been removed from the Premises, or (2) without notifying the Landlord, Tenant is absent for 1 day while rent is due and Tenant's possessions have been removed from the Premises.
18. **TIME:** Time is of the essence in this Agreement.
19. **SECURITY NOT PROMISED:** Notwithstanding anything herein to the contrary, the Parties hereby expressly acknowledge that the Premises (including both the interior and the exterior yard area) do not include any security system and are not to be considered a secure building or area which would subject Landlord to any degree of care. Tenant shall be solely responsible for the safekeeping of Tenant's property, and Landlord shall have no liability in connection therewith.
20. **NO ALTERATIONS:** Tenant shall not make any alterations to the Premises, including but not limited to painting, wallpapering, installing new locks, etc., without first obtaining prior written consent from the Landlord. Tenant may have pictures on walls but shall repair and paint all holes or other damage to walls. Tenant shall not install any appliances which attach to walls or structures, including satellite dishes, without Landlord's prior written consent.
21. **ILLEGAL ACTIVITY:** Tenant understands and agrees that this Agreement, and Tenant's occupancy rights, may be terminated immediately upon written notice, for any illegal activity conducted by Tenant, or by any occupant, guest or other invitee of Tenant whether or not such activity is cited by a police authority.
22. **RENTER'S INSURANCE:** Tenant is advised and understands that the personal property of Tenant is not insured by the Landlord against any damage or loss, and Tenant agrees that Landlord shall have no liability in connection with any such damage or loss. Tenant shall procure renter's insurance to protect the Tenant's property and for liability claims, and shall provide evidence thereof to Landlord upon Landlord's request.
23. **SMOKE DETECTORS:** Tenant shall inspect and certify that the Premises has a working smoke detector or detectors within three (3) days after taking possession thereof. If such detector(s) are not working Tenant shall notify Landlord promptly. Tenant shall be responsible for keeping all smoke detectors in working order and with working batteries. Tenant shall not disable or alter such detector(s).

- 23. **MOLD WAIVER:** Tenant waives any and all claims against Landlord and further agrees that Landlord shall not be liable for any damages to Tenant or any property within the Premises resulting from mold or mildew. Tenant shall indemnify Landlord from any liability related to mold or mildew resulting from damages to any person or property within the Premises as a result of or arising out of the growth or proliferation of mold or mildew caused by actions or negligence of Tenant or any occupant, guest or other invitee of Tenant.
- 24. **ASSIGNMENT AND SUBLETTING:** Tenant shall not assign this Agreement or sublet any portion of the Premises without prior written consent of the Landlord, which shall not be unreasonably withheld.
- 25. **JOINT AND SEVERAL:** If Tenant is comprised of more than one person, each person shall be jointly and severally liable under this Agreement.
- 26. **GOVERNING LAW:** This Agreement shall be governed by the laws of the jurisdiction in which the Premises is located.
- 27. **ENTIRE AGREEMENT:** This document constitutes the entire agreement and may be modified or amended only by written agreement signed by both Parties. There are no oral agreements between the Parties.

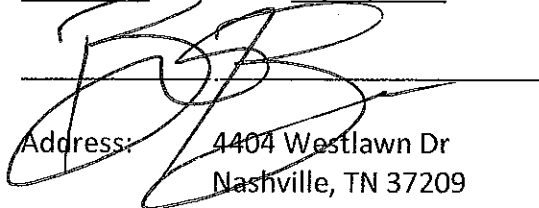
IN WITNESS THEREOF, the Parties have caused this Agreement to be executed on the dates set forth below.

This is a binding legal document. Tenant acknowledges reading all of this agreement carefully, and obtaining advice of counsel, if desired, before signing.

SIGNED:

Landlord:

Brad Bars Date: **03/30/2018**




Address: 4404 Westlawn Dr
Nashville, TN 37209

Phone: 615-418-1706

Tenant:

Flip Hoisinger Date: 02/26/2018

 26 Feb 2018

Phone: 740-285-0292

LEASE AGREEMENT

THIS IS A RESIDENTIAL LEASE. IT IS A LEGALLY BINDING CONTRACT BETWEEN THE LANDLORD AND EACH TENANT. EACH TENANT SHOULD READ THIS LEASE CAREFULLY.

THIS RESIDENTIAL LEASE CONTAINS WAIVERS OF YOUR RIGHTS AS A TENANT. EACH TENANT SHOULD NOT SIGN THIS LEASE UNTIL EACH TENANT UNDERSTANDS ALL OF THE AGREEMENTS IN THIS LEASE.

1. NAMES OF LANDLORD AND TENANT

Name of Landlord: **4404 Westlawn Drive, Nashville, TN 37209, Brad Bars**

Name(s) of tenants (herein referred to as tenant throughout the remainder of this agreement):

Name: **Mr. Chris Saxon**

2. LEASED PREMISES

The **leased** premise is the place that the **landlord** agrees to lease to **tenant**. The leased premise is located at:

4404 Westlawn Drive, Nashville, TN 37209

3. STARTING AND ENDING DATES OF LEASE AGREEMENT

This lease starts on: ^{1 day} April 1, 2017

This lease ends on: March 31, 2018

The first rent payment is due on: ^{1 day} April 1

4. RENT

The amount of rent due **per tenant** is \$1400 a month.

Tenant agrees to pay the rent in advance on or before the 1st day of each month via check, cash, or wiring.

Landlord does not have to ask (**MAKE DEMAND UPON**) **tenant** to pay the rent. **Tenant** agrees to pay the rent to the **landlord**.

Tenant agrees to pay a **LATE CHARGE** of \$25 per day if **tenant** does not pay the rent on time.

5. SECURITY DEPOSIT

Tenant agrees to pay a security deposit of \$1400. **Tenant** agrees to pay the security deposit to **landlord** before the lease starts and before the **landlord** gives

Landlord can take money from the **tenant's** security deposit to pay for any damages caused by the **tenant, tenant family, or tenant** guests. **Landlord** may take the security deposit to pay for any unpaid rent.

After taking out for damages and unpaid rent, **landlord** agrees to send to **tenant** any security deposit money left over. **Landlord** will send the remaining security deposit money to **tenant** no later than 30 days after the lease ends and **tenant** leaves. **Landlord** also agrees to send to **tenant** written list of damages and amounts of money from the security deposit.

Tenant agrees to give **landlord** a written forwarding address when **tenant** leaves and lease ends.

Tenant may **NOT** use the security deposit as payment of the last month's rent.

6. LANDLORD'S DUTY AT THE START OF THE LEASE

Landlord agrees to give **tenant** possession of the leased premises on the starting date of the lease.

7. DAMAGE TO LEASED PREMISES

Tenant agrees to notify **landlord** immediately if the leased premises is damaged by fire or other extreme cause. **Tenant** agrees to notify **landlord** if there is any condition in the leased premises that *could* damage the leased premises or harm **tenant** or others. If **tenant** cannot live in the whole leased premises because it is damaged or destroyed, **tenant** may:

1) live in undamaged part of leased premises and pay less rent until the leased premise is repaired.

OR

2) end lease and leave the leased premises.

Tenant agrees that if the leased premises is damaged or destroyed and the **tenant** ends the lease, **landlord** has no further responsibility to **tenant**.

8. INSURANCE

Landlord agrees to have insurance on the building where the leased premise is located. **Tenant's** own property is **NOT** insured by **landlord's** insurance. **Tenant** is responsible for **tenant's** own property that is located in the leased premises.

9. ASSIGNMENTS OR SUBLEASES BY TENANT

Assignment or **assign** are the legal terms for a transfer of the lease from the **tenant** to another person. This other person then becomes the **landlord's** new **tenant** and takes over the lease. **Tenant** agrees **NOT** to transfer (**assign**) this lease to anyone else without written permission of the **landlord**.

A *sublease* is a separate lease between the **tenant** and another person who leases all or a part of the leased premises from the **tenant**.

Tenant agrees **NOT** to lease (*sublease*) all or any part of the leased premises to anyone else without the written consent of the **landlord**. **Tenant** agrees that if **tenant** transfers this lease (*assigns*) or leases all or a part of the leased premises to another (*sublease*), **tenant** has violated this lease.

10. RESPONSIBILITY FOR DAMAGE TO PROPERTY OR INJURY TO PEOPLE

Landlord is responsible for all damage to property or injury to people caused by **landlord** (or **landlord's** representatives) intentional or negligent acts at the leased premises. **Tenant** is responsible for all damage to the leased premises and injury to people caused by **tenant**, **tenant's family** or **guests**.

Tenant agrees that the **landlord** is not responsible to **tenant**, **tenant's family** or **guests** for damage or injury caused by water, snow, or ice that comes on leased premises unless **landlord** was negligent and will be subject to damages due **landlord** which may include legal costs and other costs indeterminable until incurred. **Tenant** acknowledges it is responsible for paying all associated costs.

11. USE OF LEASED PREMISES

Tenant agrees to use the leased premises only as a residence. **Tenant** agrees to obey all federal, state and local laws and regulations when using the leased premises. **Tenant** agrees not to store and flammable, hazardous, or toxic chemicals or substances in or around the leased premises. *No grill on wood deck → landlord will get fined Below is OK*

Tenant agrees not to do any activities in or around the leased premises which could harm anyone or damage any property.

Tenant agrees that **tenant** will not allow additional people to occupy the leased premises without letting the landlord know, and getting approval. *An additional tenant will cost \$500 a month and must be approved by landlord.*

12. LANDLORD'S RIGHT TO MORTGAGE THE LEASED PREMISES (SUBORDINATION)

Subordinate and *subordination* are legal terms that mean that this lease does not have any effect upon the rights of the **landlord's** mortgage company. In other words, **tenant's** rights under this lease are *subordinate* to **landlord's** mortgage company. If **landlord** does not make the mortgage payments, the mortgage company may have the right to end the **landlord's** ownership of the leased premises. If the mortgage company sells the leased premises at a mortgage foreclosure sale, the lease *may* end.

Tenant agrees that **landlord** has the right to mortgage the leased premises. If **landlord** has a mortgage on the leased premises now, or if **landlord** gets a mortgage in the future, **tenant** agrees that this lease is *subordinate* to the **landlord's** mortgage.

13. CARE OF LEASED PREMISES

At all times, **tenant** shall keep the rental property clean and orderly. If unit is not kept in satisfactory condition as determined by **landlord**, **tenant** agrees to pay for professional services rendered. **Tenant** is responsible for, and will take good care of, the leased premises and all of the property in and around the leased premises. **Tenant** agrees to pay for any damages caused by **tenant, tenant's family and tenant's guests**. **Tenant** agrees to turn over possession of leased premises to landlord when the lease ends.

14. LANDLORD'S RIGHT TO ENTER LEASED PREMISES

Tenant agrees that **landlord** and **landlord's** representatives have the right to enter the leased premises at reasonable times and with advanced notice. **Landlord** and **landlord's** representatives have right to inspect, to make repairs, to do painting and maintenance, and to show the leased premises to others with advanced notice.

15. UTILITY SERVICES

Landlord and **tenant** agree to pay for the charges for utilities and services supplied to the leased premises as follows:

CHARGE OR SERVICE	PAID BY
Television (Cable)	Tenant
Internet Service	Tenant
Telephone	Tenant
Electric to premises	Tenant
Water Service	Landlord
Gas (heat)	Landlord
Lawn Maintenance	Landlord

Landlord has the right to turn off temporarily any utility or other service to the leased premises in order to make repairs or perform maintenance with notice.

16. GOVERNMENTAL POWER OF EMINENT DOMAIN

Eminent domain is the legal name for the right of a government such as the state or county or city to take private property for public use. The government must pay fair compensation to anyone who has any right in the property that is taken by the government. If all or any part of the leased premise (or the building within which the leased premises is located) is taken by eminent domain, this lease will end automatically. **Landlord** and **tenant** agree to release each other from any responsibility because leased premise is taken by eminent domain and the lease has ended.

17. VIOLATIONS OF THIS LEASE

When either the **landlord** or **tenant** does not do something that they have agreed to do, it is a violation of this lease. If **tenant** violates this lease, **tenant** may lose **tenant's** security deposit. If **tenant** violates this lease, **landlord** also can sue **tenant** for other expenses and may sue to **evict tenant**.

Tenant agrees that if any violations of the current lease occur by **tenant** or **their guests**, **landlord** reserves the right to terminate this lease and any new lease or deny any application as not acceptable at the sole option of **landlord** upon written notice to the **tenant**. In other words, a violation of the current lease may eliminate any chance for renewal for the following year.

If this is **NOT** a **JOINT AND SEVERAL LEASE**, then the landlord can only sue one tenant for the **tenant's** violation of the lease.

TENANT VIOLATES THIS LEASE IF TENANT:

- 1) Fails to pay rent or other charges to **landlord** on time or,
- 2) Leaves (abandons) the leased premises without the **landlord's** permission before the end of the lease or,
- 3) Does not leave the leased premises at the end of the lease or,
- 4) Does not do all of the thing the **tenant** agreed to do in this lease.

If **tenant** violates the lease, each **tenant** agrees to waive **NOTICE TO QUIT**. This means that the **landlord** may file a complaint in court asking for an order evicting each **tenant** from the leased premises without giving each tenant **NOTICE TO QUIT** first. **Landlord** does **NOT** **NOTICE TO QUIT** first. **Landlord** does **NOT** have the right to throw **tenant** out of the leased premises (**SELF-HELP EVICTION**). The **landlord** can **ONLY EVICT TENANT BY COURT ACTION**.

The **landlord** does not have the right to sue in court for eviction unless **tenant** has violated the agreements in this lease. Even though each **tenant** is waiving **NOTICE TO QUIT**, each **tenant** will have a chance in court to challenge the **landlord's** claim for eviction.

If **tenant** violates the lease agreement, the **landlord** may sue each **tenant** in court:

- 1) To collect overdue rent, late charges and money damages caused by **tenant's** violation of the agreements of this lease.
- 2) To recover possession of the leased premises (eviction).
- 3) To collect for unpaid rent until the end of the lease or until another person takes possession of the leased premises as a new **tenant**.

Tenant agrees that **landlord** may receive reasonable attorney's fees as part of a court judgment in a lawsuit against tenant for violation of the agreements of the lease. **Tenant** agrees that **landlord** may receive from **tenant** fees charged by a collection agency for violation of agreements of the lease.

18. OTHER AGREEMENTS BETWEEN LANDLORD AND TENANT

Landlord and tenant agree that the additional agreements marked with a "yes" are part of this agreement.

- YES Check-in and check-out procedures
- YES Rules and regulations
- YES Tenant's right to continue lease for another year
- NO Pet agreement
- YES Guaranty
- NO Other

BY SIGNING THIS LEASE AGREEMENT, EACH TENANT AGREES THAT THE TENANT HAS READ AND UNDERSTANDS ALL OF THE AGREEMENTS IN THIS LEASE.

DATE SIGNED BY LANDLORD: April 27, 2017

LANDLORD: [Signature]

TENANT: [Signature]

DATE: 4-27-17

Phone

E-mail

Immediate neighbors
that confirm it has
always been **rented,**
used, and occupied as
duplex. These letters
were please asked to
be noted by the board.

4408 Westlawn Drive, Nashville, TN 37209

October 16th, 2018

RE: Appeal Case Number 2018-590
4404 Westlawn Drive

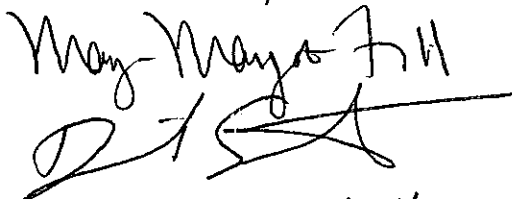
Dear Zoning Committee,

This letter, in lieu of my personal appearance, is to inform you that 4404 Westlawn Drive has been used as a duplex with renters and I support Mr. Bars' setback requests from rear and side for the structure to replace carport.

Please make record of my approval for Mr. Bars' request.

Thank you,

The Schuster Family

A handwritten signature in black ink, appearing to read "Mary-Ann Schuster". The signature is written in a cursive style with a long horizontal line extending from the end.

4408 Westlawn Dr.
Nashville, TN 37209

October 23, 2018

Appeal Case Number 2018-590

Dear Zoning Committee,

This letter, in lieu of my appearance, is to inform you that 4404 Westlawn is a duplex and I support Mr. Bars' setback requests from rear and side for the structure.

Please make record of my approval for Mr. Bars' request.

Thank you.

Allyson + Josh Hobbs

4409 Westlawn Drive, Nashville, TN 37209

4411 Westlawn Drive, Nashville, TN 37209

4603 Sloan Road, Nashville, TN 37209

October 16th, 2018

RE: Appeal Case Number 2018-590
4404 Westlawn Drive


Dear Zoning Committee,

This letter, in lieu of my personal appearance, is to inform you that 4404 Westlawn Drive has been used as a duplex with constant renters and I support Mr. Bars' setback requests from rear and side.

Please make record of my approval for Mr. Bars' request.

Thank you,

LL&E Holdings


Managing Partner
LL&E Holdings

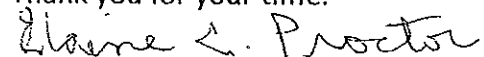
Appeal 4404 Westlawn Drive, Nashville, TN 37209

To whom it may concern,

In lieu of my personal appearance,

I am writing you to say that I support the variance requests and that the home has always been used at a duplex. I co-sign for my grandson when he got cut from the NFL and I am on board with Brad's request. Also, it has been rented for our time owning it and while speaking to Sammie Fulton during renovation, she stated that it has always been rented by Vanderbilt nurses, students, or family members from Dickson County dating back to when first purchase. She said it had been occupied constantly with the longest break being 8 months if that matters.

Thank you for your time.


Elaine C. Proctor

4400 Westlawn Drive
Nashville, TN 37209

October 12, 2018

RE: Appeal Case Number 2018-590
4404A WESTLAWN DR
Map Parcel: 10308006800
Zoning Classification OV-UZO, RS7.5
Council District 24

Dear Madam and or Sir,

This letter, in lieu of my personal appearance, is to inform you that I have no objections to the appeal filed by Mr. Brad Bars. He has made tremendous improvements to our neighborhood, which I am confident he will continue to do.

Please make record of my approval of Mr. Bar's request.

Thank you,

Wendy White

From: **White, Wendy L** wendy.l.white@vanderbilt.edu
Subject: zoning
Date: October 12, 2018 at 12:49 PM
To: bradbars31@gmail.com



Exciting news!
I will send this letter in, but I wanted to check with you that I worded it properly-
Wendy

Wendy White



**VANDERBILT
UNIVERSITY**
Department of Biochemistry
Mass Spectrometry Research Center
465 21st Ave South
9110 MRBIII
Nashville, TN 37240-7916
Office: 615-875-8051 / Fax: 615-343-8372

Wendy.L.White@Vanderbilt.edu



BB_zoning
appeal.docx

4407 Westlawn Drive
Nashville, TN 37209

October 15, 2018

RE: Appeal Case Number 2018-590
4404A WESTLAWN DR
Map Parcel: 10308006800
Zoning Classification OV-UZO, RS7.5
Council District 24

Dear Madam and or Sir,

This letter, in lieu of my personal appearance, is to inform you that I have no objections to the appeal filed by Mr. Brad Bars. The house, 4404 Westlawn, has always been occupied and used as a duplex with tenants above and below and I support the setback request from Mr. Bars for the new construction.

Please make record of my approval of Mr. Bars' request.

Thank you,

Zeita Jones

A handwritten signature in black ink, appearing to read "Zeita Jones", written over a light blue horizontal line.

Immediate neighbors
that support the Bars'
request for variance
setbacks and please
asked to be noted by
the BZA.

October 30, 2018

Appeal Case Number 2018-590

Dear Zoning Committee,

Please make record of my approval and support for Mr. and Mrs. Bars' request for the variance setbacks.

Thank you.

Madeline Walls

A handwritten signature in black ink that reads "Madeline Walls". The signature is written in a cursive style with a prominent initial "M".

October 23, 2018

Appeal Case Number 2018-590

Dear Zoning Committee,

This letter, in lieu of my appearance, is to inform you that 4404 Westlawn is a duplex and I support Mr. Bars' setback requests from rear and side for the structure.

Please make record of my approval for Mr. Bars' request.

Thank you.

Allyson + Josh Hobbs

4408 Westlawn Drive, Nashville, TN 37209

October 16th, 2018

RE: Appeal Case Number 2018-590
4404 Westlawn Drive


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Please make record of my approval for Mr. Bars' request.

Thank you,

The Schuster Family

May-Mayo Hill


4408 Westlawn Dr.
Nashville, TN 37209

4409 Westlawn Drive, Nashville, TN 37209

4411 Westlawn Drive, Nashville, TN 37209

4603 Sloan Road, Nashville, TN 37209

October 16th, 2018

RE: Appeal Case Number 2018-590
4404 Westlawn Drive


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Please make record of my approval for Mr. Bars' request.

Thank you,

LL&E Holdings


Managing Partner
LL&E Holdings

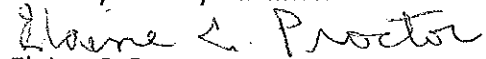
Appeal 4404 Westlawn Drive, Nashville, TN 37209

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In lieu of my personal appearance,

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Thank you for your time.


Elaine C. Proctor

4407 Westlawn Drive
Nashville, TN 37209

October 15, 2018

RE: Appeal Case Number 2018-590
4404A WESTLAWN DR
Map Parcel: 10308006800
Zoning Classification OV-UZO, RS7.5
Council District 24

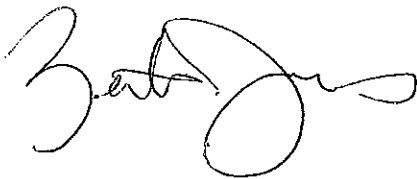
Dear Madam and or Sir,

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Please make record of my approval of Mr. Bars' request.

Thank you,

Zeita Jones

A handwritten signature in black ink, appearing to read "Zeita Jones", written in a cursive style.

4400 Westlawn Drive
Nashville, TN 37209

October 12, 2018

RE: Appeal Case Number 2018-590
4404A WESTLAWN DR
Map Parcel: 10308006800
Zoning Classification OV-UZO, RS7.5
Council District 24

Dear Madam and or Sir,

This letter, in lieu of my personal appearance, is to inform you that I have no objections to the appeal filed by Mr. Brad Bars. He has made tremendous improvements to our neighborhood, which I am confident he will continue to do.

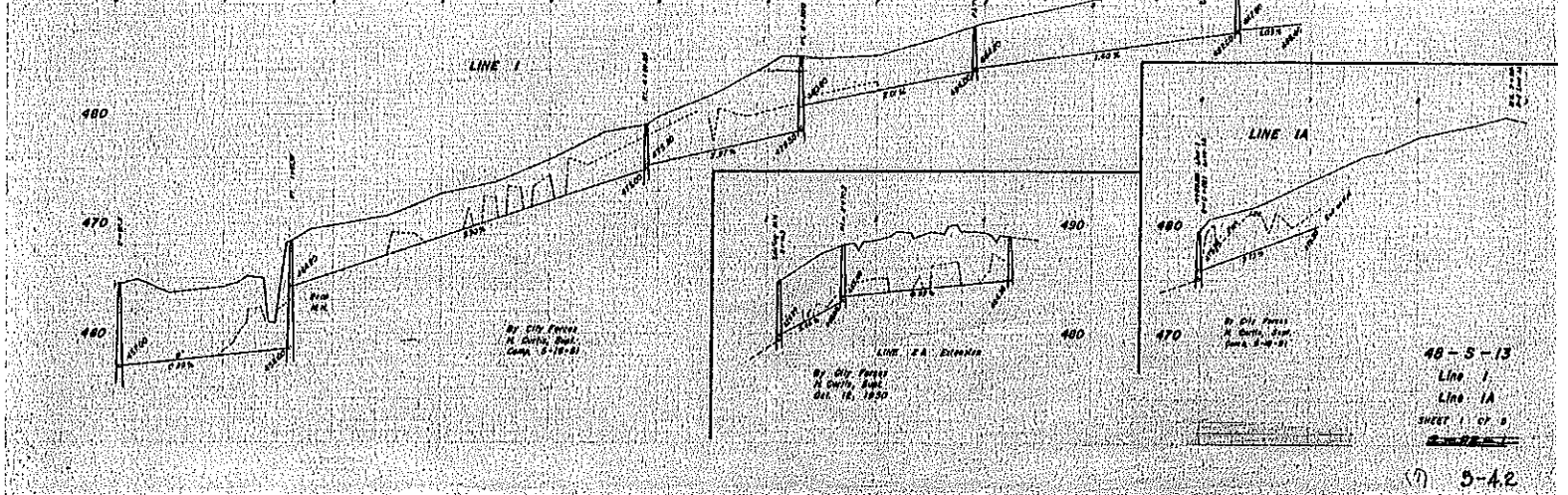
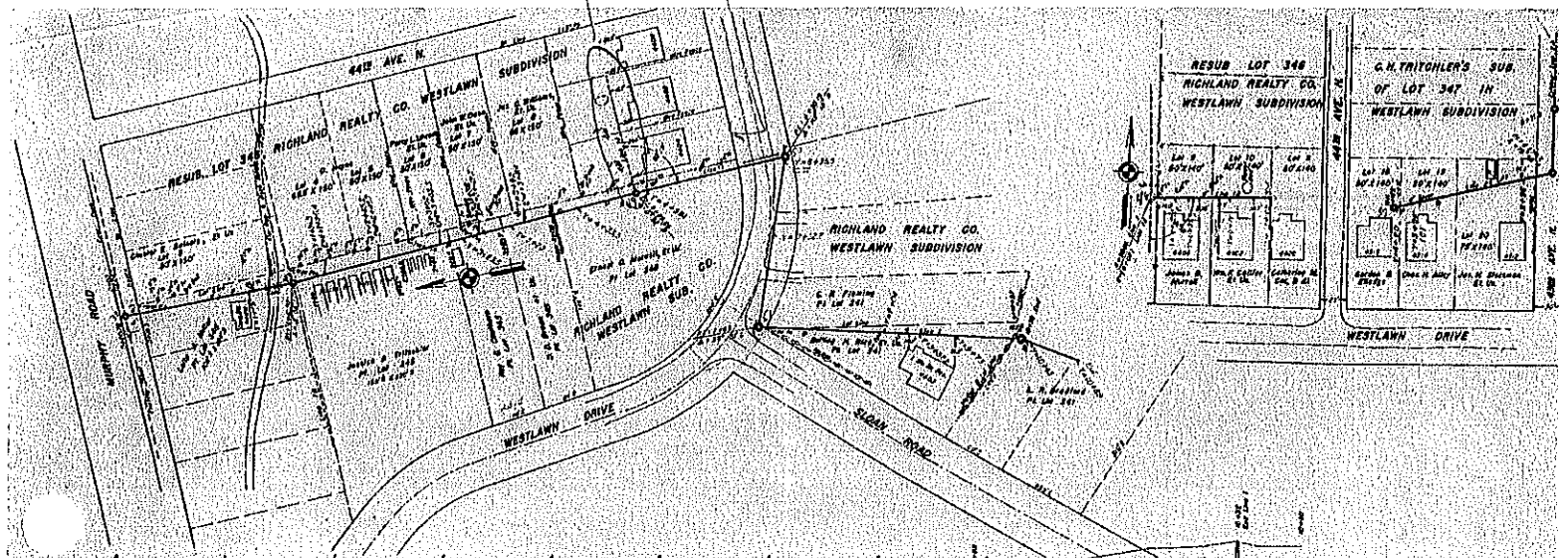
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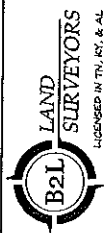
Thank you,

Wendy White

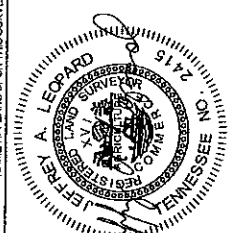
Sewer Line Through Middle of the Backyard, Metro Water, and Survey

Sewer
440' Westlawn





B2L LAND SURVEYORS
 LICENSED IN TN, KY, & AL
 1188 OLD PINNACLE RD., JOSEFON, TN 37088
 PHONE: (615) 212-5708 & MAIL: b2l@b2l.com



JEFFREY A. LEOPARD, RLS 2415

I hereby certify that this is a Category 1 survey as defined by the Standards of Practice as adopted by the Tennessee Board of Examiners for Land Surveyors, and the ratio of precision of this survey is greater than 1:10,000 as shown herein.

GENERAL NOTES:

- 1) BEARINGS BASED ON TENNESSEE STATE PLANE COORDINATE SYSTEM CALCULATED FROM GPS OBSERVATIONS.
- 2) NO TITLE REPORT FURNISHED TO THIS SURVEYOR, THEREFORE THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE SEARCH.
- 3) ALL DISTANCES MEASURED WITH EDM EQUIPMENT AND ADJUSTED FOR TEMPERATURE.
- 4) THE PROPERTY SHOWN ON THIS PLAN IS SUBJECT TO ALL COVENANTS, RESTRICTIONS, EASEMENTS, ZONING, AND RESTRICTIONS OF RECORD.
- 5) THIS DOCUMENT MUST BE COMPARED TO THE ORIGINAL HARD COPY ISSUED AT THE SURVEY DATE WITH THE ORIGINAL SEAL TO INSURE THE ACCURACY OF THE INFORMATION AND NO RELIANCE SHOULD BE MADE ON A DOCUMENT TRANSMITTED BY ANY MEANS INCLUDING BUT NOT LIMITED TO ELECTRONIC MEANS COMPARED TO THE ORIGINAL SEALED DOCUMENT ISSUED AT THE TIME OF THE SURVEY.
- 6) ALL DISTANCES AND BEARINGS SHOWN THE PRECEDENCE OVER SCALE.
- 7) HORIZONTAL DIMENSIONS SHOWN THE PRECEDENCE OVER SCALE.
- 8) PROPERTY CURRENTLY ZONED R3 (AS PER TAX CARD)
- 9) SUBSURFACE AND ENVIRONMENTAL CONDITIONS HAVE NOT BEEN EXAMINED AND THEREFORE THE SURVEYOR MAKES NO STATEMENT AS TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THE TRACT.

HEREON DEPICTION IS SUBJECT TO FEDERAL COPYRIGHT LAWS. REPRODUCTION FOR ANY PURPOSES, INCLUDING REAL ESTATE HOME AND PROPERTY SOLUTIONS IS PROHIBITED.

ANY USE OF THIS SURVEY FOR ANY PURPOSES OTHER THAN THAT AUTHORIZED BY THE SURVEYOR IS PROHIBITED.

REVISION TABLE

1.	
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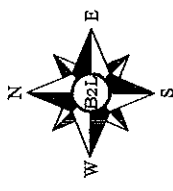
ORDERED BY: BRAD BARS
 PROPERTY ADDRESS: 4404 WESTLAWN DRIVE
 NASHVILLE, TN 37209

OWNER: BRAD BARS
 4404 WESTLAWN DRIVE
 NASHVILLE, TENNESSEE

DEED REFERENCE: DEED BOOK 1912 PAGE 111
 TAX MAP ID: 1030B006900
 DAVIDSON COUNTY, TENNESSEE

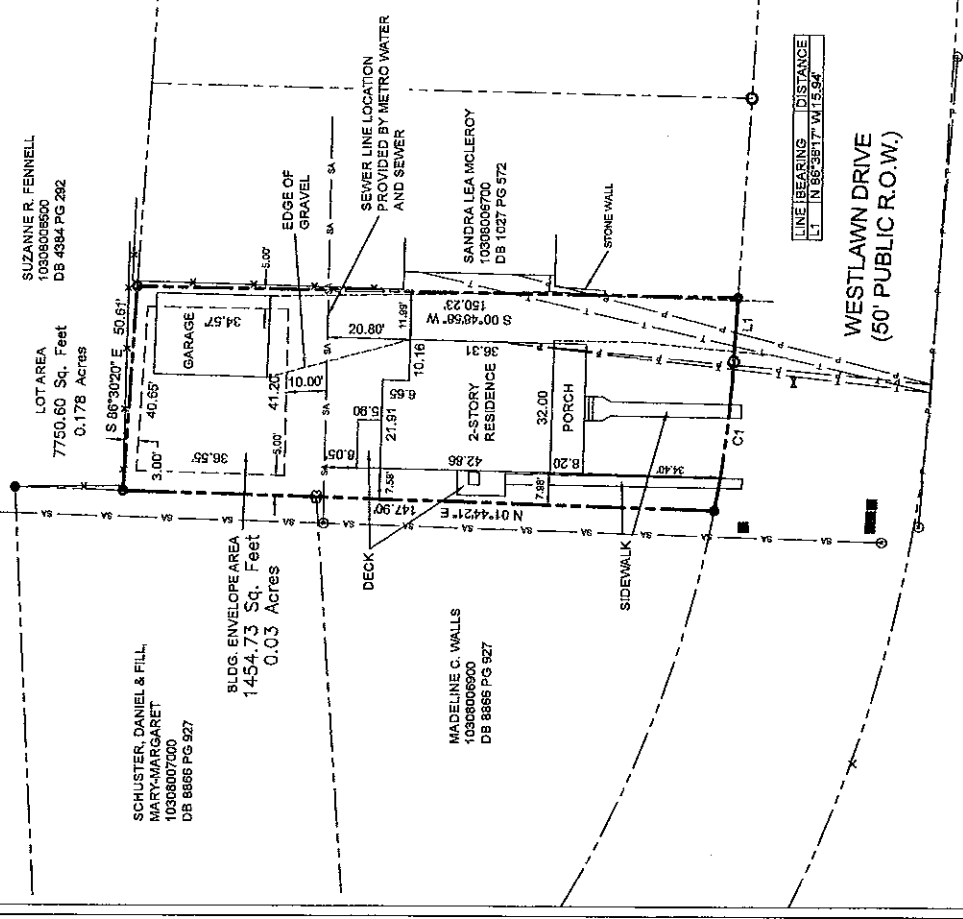
DRAWING SCALE: 1" = 30'
 DRAWN BY: JL
 DATE: 7-29-18
 CHECKED BY: CB
 DATE: 7-29-18
 FIELD CREW: ALBB
 DATE: 7-17-18

A BOUNDARY SURVEY OF THE BRADLEY J. BARS AND ELAINE C. PROCTOR PROPERTY 24TH COUNCIL DISTRICT NASHVILLE, DAVIDSON COUNTY TENNESSEE JULY 17, 2018



LEGEND

- These standard symbols will be found in the drawing.
- IRON PIN (FOUND)
 - IRON PIN (SET)
 - IRON PIPE
 - MAGNETIC NAIL
 - WATER VALVE
 - SANITARY SEWER MANHOLE
 - POWER POLE
 - DROP INLET



NOTE: THIS SURVEY WAS PREPARED FROM CURRENT DEEDS AND PLATS OF RECORD AND DOES NOT REPRESENT A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE AND SEARCH MAY REVEAL DOCUMENTARY EVIDENCE PROVIDED BY OTHERS. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE FROM THE FIELD DATE SHOWN HEREON.

NOTE: THIS SURVEY WAS PREPARED FOR THE MINIMUM STANDARDS AS REGULATED UNDER CHAPTER 802 OF THE TENNESSEE LAND SURVEYING ACT. THIS SURVEY IS SUBJECT TO THE RESTRICTIONS AND REGULATIONS SET FORTH IN THE TENNESSEE LAND SURVEYING ACT. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED ON THE CERTIFICATION HEREON. SAID SURVEYOR MAKES NO STATEMENT AS TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THE TRACT.

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NOTE: CONTACT PROPER AUTHORITIES BEFORE CONSTRUCTING NEAR UTILITY LINES FOR PROPER EASEMENT WIDTHS & RESTRICTIONS.

NOTE: CONTACT PROPER AUTHORITIES BEFORE CONSTRUCTING NEAR UTILITY LINES FOR PROPER EASEMENT WIDTHS & RESTRICTIONS.

CURVE ARC LENGTH RADIUS DELTA ANGLE CHORD CHORD LENGTH

C1	37.28	1299.09	77.0947	N 85°01'24" W	37.29
L1				N 86°39'17" W	15.94

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Brad Bars Appeal Case 2018-590
4404 A WESTLAWN DR
Map Parcel: 10308006800
Zoning Classification: OV-UZO, RS7.5

ORDER

This matter came to be heard in public hearing on 11/1/2018, before the Metropolitan Board of Zoning Appeals, upon application for an Item A appeal, challenging the zoning administrator's determination that the duplex is not legally non-conforming. Appellant is also requesting rear and side setback variances to convert a duplex and detached garage into two separate residences.

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

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.

The appellant sought this permit under Section 17.40.180 (A) of the Metropolitan Code.

It is ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be DEFERRED.

UPON MOTION BY: David Taylor

Seconded By: David Harper

Ayes: David Ewing, Cynthia Chappell

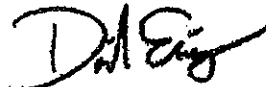
Nays:

Abstaining:

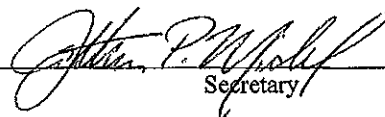
Absent: Christina Karpyneec, Alma Sanford

ENTERED THIS 8th DAY OF November, 2018

METROPOLITAN BOARD OF ZONING APPEALS



Chair



Secretary

Case #2018-590
2018-590
Support

4400 Westlawn Drive
Nashville, TN 37209

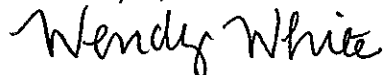
October 12, 2018

RE: Appeal Case Number 2018-590
4404A WESTLAWN DR
Map Parcel: 10308006800
Zoning Classification OV-UZO, RS7.5
Council District 24
Permit# 20180059594

Dear Metropolitan Board of Zoning Appeals,

This letter, in lieu of my personal appearance, is to inform you that I have no objections to the appeal filed by Mr. Brad Bars. He has made tremendous improvements to our neighborhood, which I am confident he will continue to do.

Please make record of my approval of Mr. Bar's request.

Thank you,

Wendy White

From: [Suzanne Fennell](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Murphy, Kathleen \(Council Member\)](#)
Subject: BZA Case# 2018-590 - Opposition
Date: Monday, October 29, 2018 8:56:09 AM

Dear BZA,

This email is being sent to state my objection to the Zoning Appeal Case Number **2018-590**. My property is directly behind the property at **4404 A Westlawn Drive** (the entire left side of my backyard). We share a fence. My address is 90 44th Ave North.

I do not know the validity of whether the property is truly a duplex so I'm not speaking to that.

However, I will firmly oppose the request for a rear and side setback of 3' to build a two story single family home. This is in a **backyard** not side by side other homes. No specific architectural plans have been provided, with the ultimate height and design of the house unknown. To have a 2 story house within almost an arms reach covering 25 feet of my left side of yard, towering over my backyard, will diminish privacy and possibly decrease my property value. My neighbor (Sandy Mcleroy) at 4402 will even more significantly be impacted, since it's a smaller backyard and almost the entire left side of her backyard will have a 2 story building covering it, 3 ft from the fence. It will possibly require the significant trimming a beautiful tree in her backyard very close to where this house will be built.

I'm hoping to attend the BZA appeal public hearing but am unsure if I can leave work for the afternoon. Please consider this letter in my absence.

Thank you,

Suzanne R. Fennell
90 44th Ave North
Nashville, TN 37209
cell 615-812-3954

29 Oct 2018

Metro Government of Nashville and Davidson County
Department of Codes & Building Safety
P.O. Box 196300
Nashville, TN 37219-6300

Re: Appeal Case Number: 2018-590
4404A Westlawn Dr
Map Parcel: 10308006800
Zoning Classification: OV-UZO, RS7.5
Council District: 24

To the Board:

I am the next door neighbor to the property at 4404 Westlawn Dr. I am at 4402 Westlawn Dr. I have lived at this property since 1993. The zoning appeal would affect my back left side.

Upon much deliberation, I have decided I am against the zoning appeal for the following reasons:

1. My understanding is that there is a request to tear down the existing garage and replace it with another garage and apartment above the garage per Mr. Bars. At the present time the existing garage is approximately 29 – 30 inches from my side property line. Mr. Bars has told me that he wants the new structure to be constructed on the same footprint as the existing garage. I firmly believe that if a new structure is built, the setback should be according to codes which is 5 feet.
2. I also want to make it clear that I am against a second home being built on the property as per the appeal. I would probably be ok with the proposal of a garage with a garage apartment per verbal discussion with Mr. Bars, although cannot commit to agreement on this without seeing the final plans. I do know that I am firmly against a second home being built on the property per the appeal notice.

Thank you very much for the opportunity to voice my opinion on this appeal.

Sandra McLeroy
4402 Westlawn Dr.
Nashville, Tn 37209
615-294-9877

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Gail Wales Date: 9/20/18
Property Owner: OIC Indiana Av Case #: 2018-593
Representative: Gail Wales Map & Parcel: 91-11-0-X
900 00
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

Activity Type: HPR
Location: 5006 C Indiana Av 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: 5' Buffer B with 6' Solid Fence along West lot Line
Section(s): 17.24.240B

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.

Gail Wales
Appellant Name (Please Print)
200 Carleu Av
Address
N.T. 37205
City, State, Zip Code
615-500-7325
Phone Number

Representative Name (Please Print)

Address

City, State, Zip Code

Phone Number

2ndbear@gmail.com
Email

Email
Appeal Fee: 100⁰⁰



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



3562001

ZONING BOARD APPEAL / CAAZ - 20180060396
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 091110X90000CO

APPLICATION DATE: 09/21/2018

SITE ADDRESS:

5006 C INDIANA AVE NASHVILLE, TN 37209
COMMON AREA INDIANA AVENUE COTTAGES

PARCEL OWNER: O.I.C. INDIANA AVENUE COTTAGES

CONTRACTOR:

APPLICANT:**PURPOSE:**

HPR PROPERTY.

WEST LOT LINE ADJACENT TO PROPERTY ZONED CS.
REQUIRES A 5' BUFFER B WITH 6' SOLID FENCE.

DENIED: REQUIRED A 5' BUFFER B WITH 6' SOLID FENCE..
REQUEST NO BUFFER AND NO FENCE.
17.24.240 B.

POC: GAIL WALES 615-500-7325
2ndbean@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.

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?

Commercial Next Door

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.

x *Paul Walter*

APPELLANT

9/21/18

DATE

091110J00100CO

09111010700

091110J00200CO

09

091110J00300CO

09111011000

09111010800

09111011300

09111010900

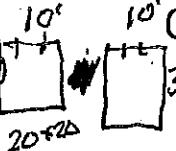
091110390

204 ALY

09111015700

09111015900

5'



20' x 20'

091110F

09111015600

091110X90000CO

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F

09111000100CO

091110R0

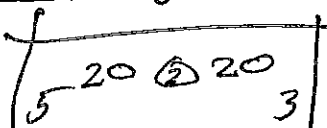
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INDIANA AVE

50



76 2/3

CS

RM40

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09111022300

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T4-M-AB4
31ST AVENUE N

EXHIBIT "B"

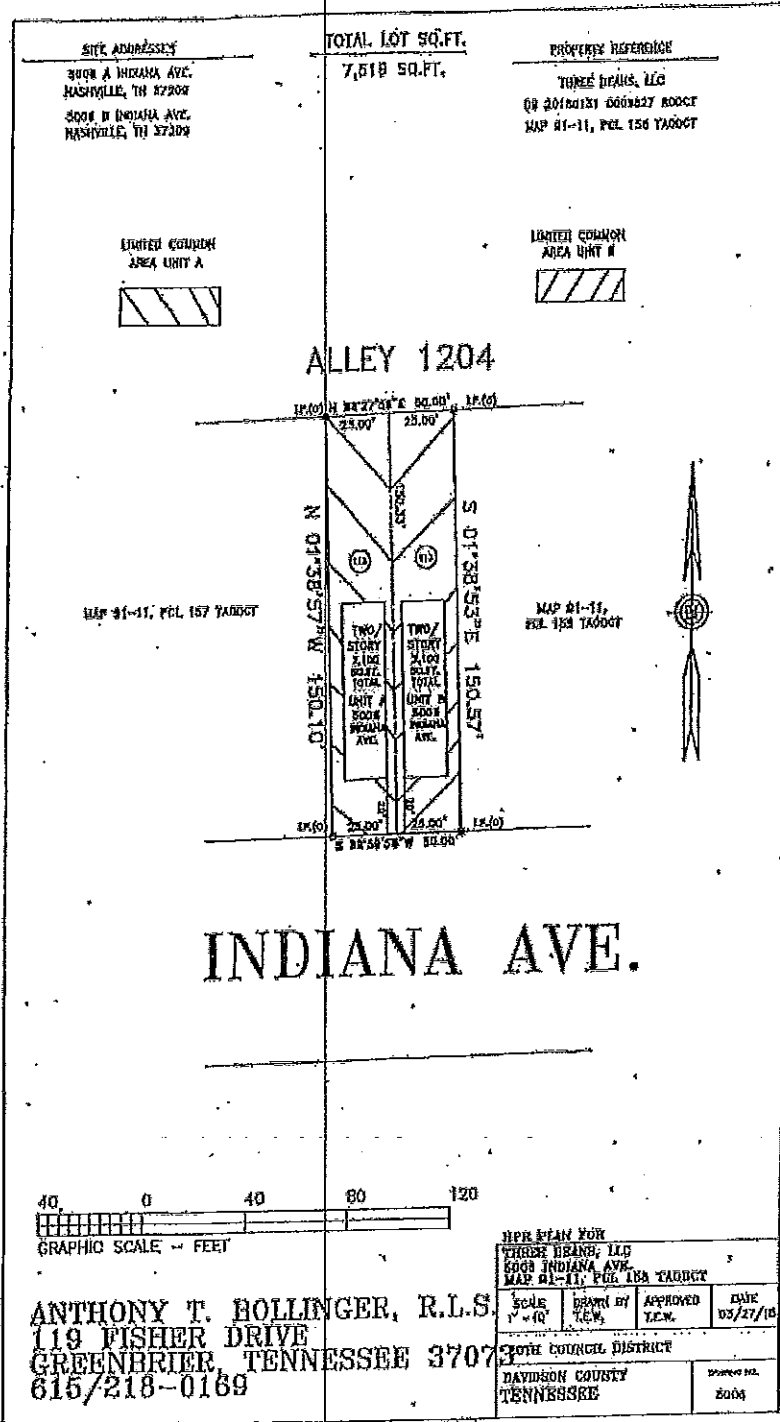
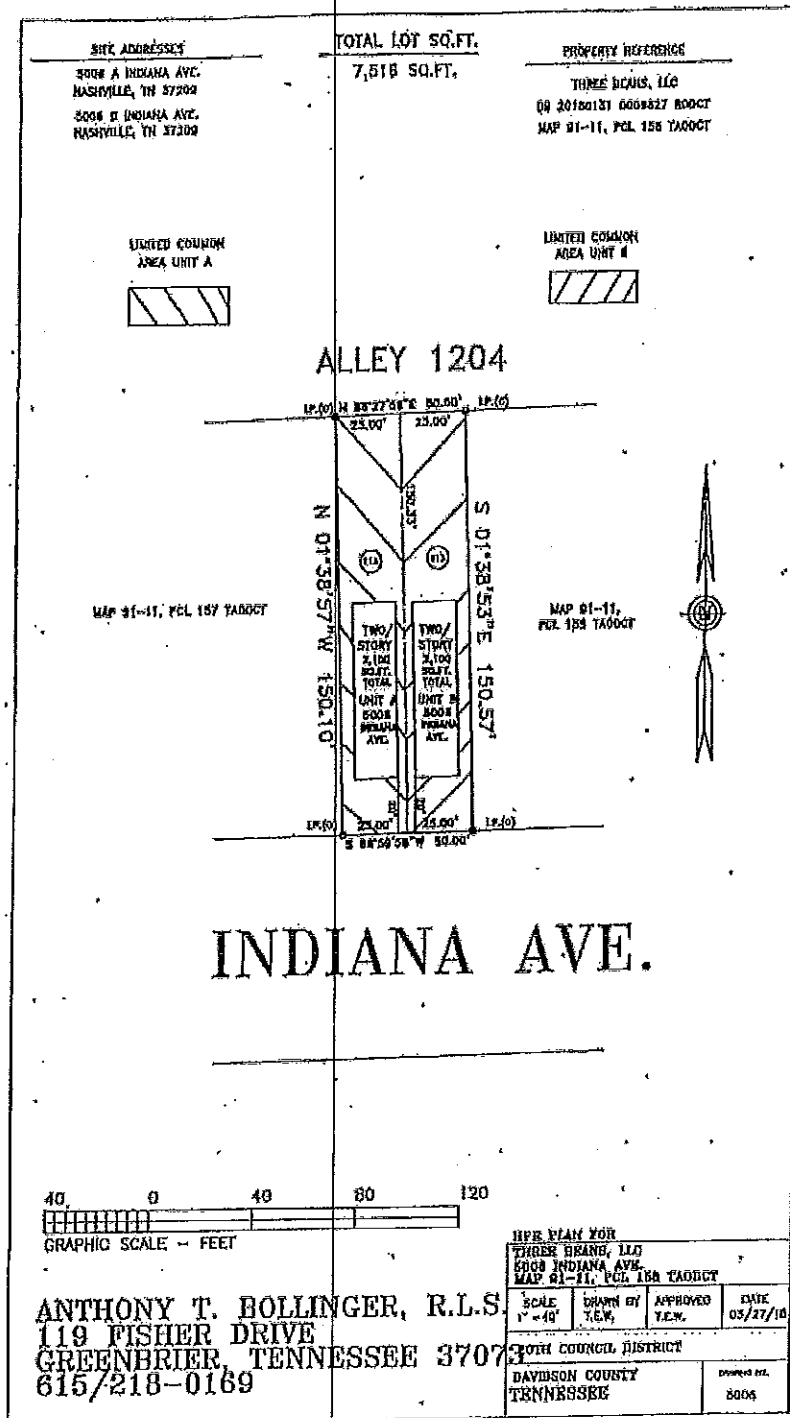


EXHIBIT "B"



Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Erlanger Properties, LLC Date: 09/25/2018
Property Owner: Erlanger Properties, LLC Case #: 2018-597
Representative: ORCA Building Group, LLC Map & Parcel: 07114029300

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: 24 ft driveway req'd for new multi family development

Activity Type: Multi Family New construction

Location: 11 Lucile St Nashville TN

This property is in the EM20A 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: Narrow lot, need to construct 12' drive to service back unit

Section(s): 17.20.060

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.

Erlanger Properties, LLC
Appellant Name (Please Print)

ORCA Building Group, LLC
Representative Name (Please Print)

1512 Herwood Dr
Address

4100 Brandywine Pointe Blvd
Address

Nashville TN 37206
City, State, Zip Code

Old Hickory TN 37138
City, State, Zip Code

(347) 514-0103
Phone Number

615 347 5043
Phone Number

james@erlangerproperties.com
Email

daniel@orcabuildinggroup.com
Email

Appeal Fee: \$200.00

From: [Herbert, Bill \(Codes\)](#)
To: [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Cc: [Lifsey, Debbie \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#); [Kivett, Stephan \(Codes\)](#)
Subject: FW: 5006C Indiana Ave
Date: Tuesday, November 13, 2018 8:04:08 AM


From: Mary Carolyn Roberts [mailto:marycarolynroberts@gmail.com]
Sent: Saturday, November 10, 2018 11:24 AM
To: Kivett, Stephan (Codes); Herbert, Bill (Codes)
Subject: 5006C Indiana Ave

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

Good morning,

My community leaders and I agree that we need to oppose them. They need to build the buffer because it wouldn't be fair to leave landscaping between "C" and the commercial lot at Indiana and 51st to the future home owner or assume a commercial property owner would do it. I'm happy to write a letter if you need for me to do so.

Thank you,


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



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



3562773

ZONING BOARD APPEAL / CAAZ - 20180060911
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 07114029300

APPLICATION DATE: 09/25/2018

SITE ADDRESS:

11 LUCILE ST NASHVILLE, TN 37207
LOT 11 BLK E EAST VIEW SUB

PARCEL OWNER: ERLANGER PROPERTIES

CONTRACTOR:

APPLICANT:

CONTACT: ORCA BUILDING GROUP, LLC
DANIEL OWEN
4100 BRANDYWINE POINTE BLVD
OLD HICKORY, TN 37138

PURPOSE:

NEW MULTI-FAMILY CONSTRUCTION (5 UNITS)

REQUIRED: 24' WIDE DRIVEWAY REQUIRED PER 17.20.060 TO SERVICE MULTI-FAMILY DEVELOPMENT

REQUEST: TO CONSTRUCT 12' WIDE DRIVEWAY ALONG EASTERLY SIDE OF PROPERTY TO SERVICE PROPOSED MULTI-FAMILY DEVELOPMENT... ..

*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?

Narrowness of lot w/ existing structure.
cannot service proposed back units

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.

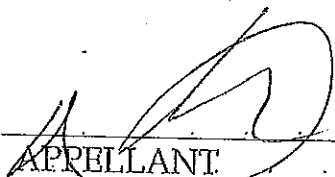
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

09/25/18

 DATE

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Milad yosef
Property Owner: Milad yosef
Representative: Milad yosef

Date: 9-25-18
Case #: 2018-599
Map & Parcel: 11907013500

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 a 3.5' front setback
variance to an already existing
front porch.

Activity Type: single family

Location: 6 whitsett Rd Nashville TN 37210

This property is in the _____ 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 front setback variance

Section(s): 17.12.020

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.

Milad yosef
Appellant Name (Please Print)

same
Representative Name (Please Print)

6 whitsett Rd
Address

Address

37210
City, State, Zip Code

City, State, Zip Code

Phone Number

Phone Number

milad.halim 234

Email @ yahoo.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**

Case #2018-599



3562877

**ZONING BOARD APPEAL / CAAZ - 20180060978
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 11907013500

APPLICATION DATE: 09/25/2018

SITE ADDRESS:

6 WHITSETT RD NASHVILLE, TN 37210
LOT 28 ROSEWOOD EST SEC 1

PARCEL OWNER: MEKEEL, NADIA & YOSEF, MILAD

CONTRACTOR:

APPLICANT:

PURPOSE:

Requesting a 3.5' front setback variance for proposed front porch addition. 30' min required providing 26.5'. IF BZA GRANTS APPEAL, APPLICANT WILL NEED TO AMEND SUB PLAT THROUGH METRO PLANNING. SEE METZO SECTION 17.12.020 (A).

*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.)

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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.

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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.

Milad yosef
APPELLANT

9-23-18
DATE

SEPT. 22, 2018

MILAD YOSEF
6 WHITSETT RD
NASHVILLE, TN

TO: BOARD OF ZONING APPEALS

RE: PORCH SETBACK @ WHITSETT RD.

I WOULD LIKE TO APPEAL THE SETBACK DISTANCE FOR 6 WHITSETT ROAD FROM THE SUBDIVISION PLAT OF 30 FEET. THE METRO CODES DEPT ISSUED A BUILDING PERMIT FOR A PORCH, I UNDERSTOOD THE SETBACK TO BE 30 FEET, BUT I MEASURED FROM THE CURB TO WHERE I EVIDENTUALLY CONSTRUCTED THE PORCH TO BE 38 FEET. I THOUGH THE ROAD CURB WAS WHAT THEY WERE TALKING ABOUT.

AFTER HAVING IT SURVEYED I WAS INFORMED THAT THE SETBACK OF 30 FEET WAS FROM A RIGHT OF WAY THAT WAS 25 FEET FROM CENTERLINE AND DID NOT HAVE ANYTHING TO DO WITH THE CURB LINE. THE PORCH HAS BEEN CONSTRUCTED AND IS 26.5 FEET FROM RIGHT OF WAY. THIS IS A 3.5 FOOT ENCROACHMENT OF THE 30 FOOT SETBACK.

I WOULD LIKE TO HAVE A VARIANCE TO ALLOW MY PORCH TO STAY AS IT IS CONSTRUCTED, BECAUSE THIS LOT WAS RECORDED IN 1976 AS A 30 FOOT SETBACK, BUT METRO HAS REZONED IT TO RS10 WHICH HAS A BASE SETBACK OF 20 FEET. WE ARE THE ONLY HOUSE ON OUR BLOCK TO FACE WHITSETT ROAD. THE LOTS ON BOTH SIDES OF OUR HOUSE ARE CORNER LOTS AND SET FACING BOTH STREETS. SO AN AVERAGE OF THE HOUSES ON OUR BLOCK WOULD ONLY CONSIST OF MY HOUSE. LEAVING THE PORCH AS IS WOULD NOT CREATE ANY INJURY TO THE NEIGHBORING PROPERTIES OR WOULD IT CREATE ANY HARM TO PUBLIC WELFARE.

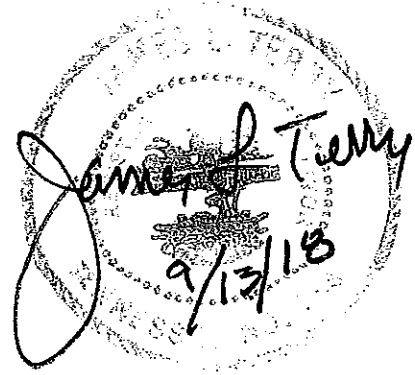
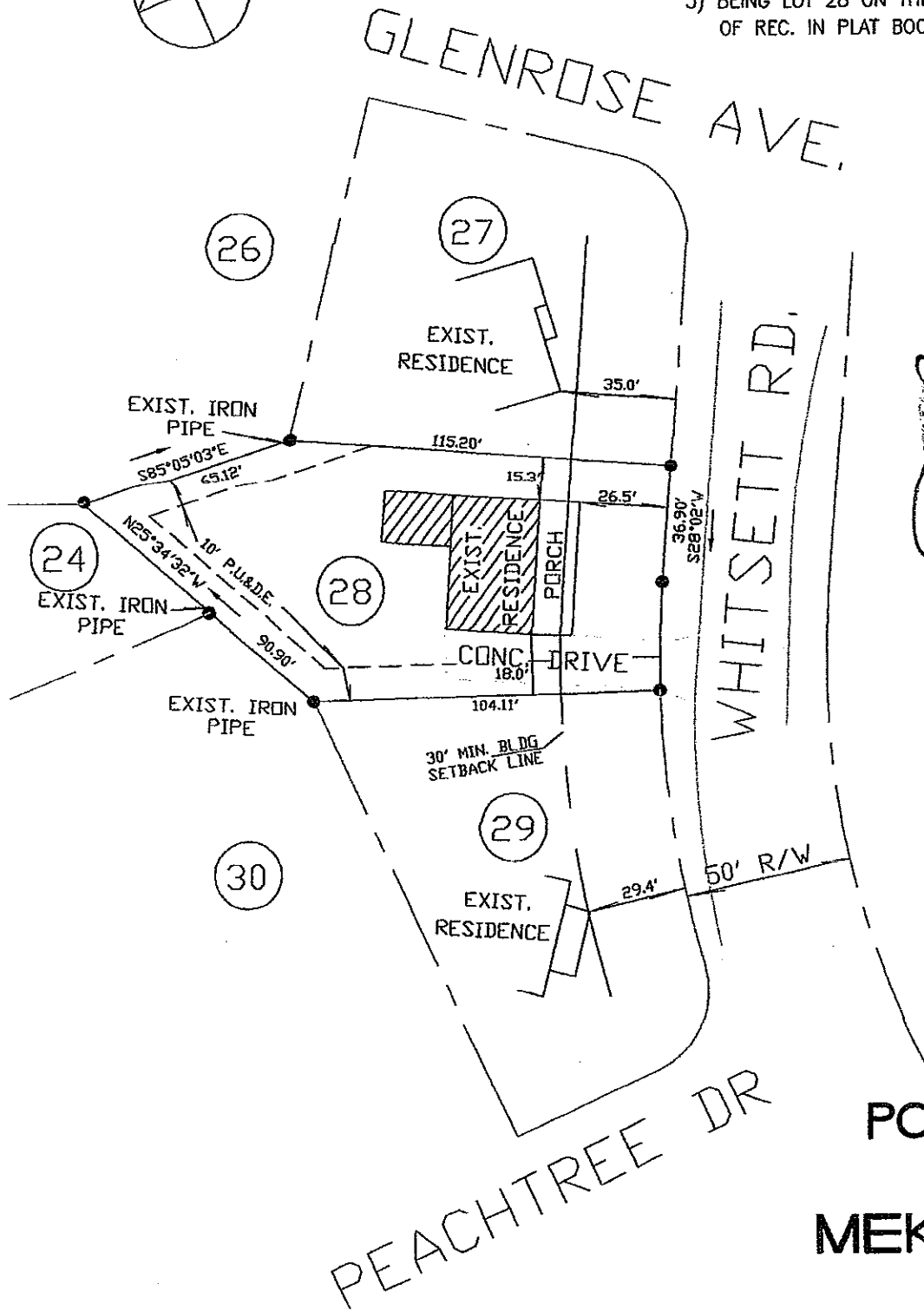
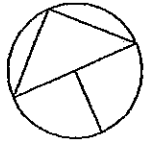
FOR THE ABOVE REASONS, I WOULD ASK YOU TO ALLOW MY PORCH TO STAY AS CONSTRUCTED.

THANK YOU

Milad Yosef

NOTES:

- 1) DEED REFERENCES: DB. 20061016-0128013, R.O.D.C., TN.
- 2) PROPERTY IS DESCRIBED AS BEING MAP 119-07, PARCEL 135.
- 3) ALL BOUNDARY INFORMATION FROM RECORDED PLAT.
- 4) PROPERTY ZONED RS-10
- 5) BEING LOT 28 ON THE PLAN OF ROSEWOOD EST., SECT. 1, AS OF REC. IN PLAT BOOK 4955, PG. 29, R.O.D.C., TN.



PORCH LOCATION

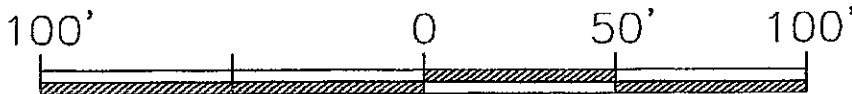
OF THE

MEKEEL + YOSEF PROPERTY

6 WHITSETT RD.
NASHVILLE, TENNESSEE

DATE: 9/13/18 SCALE: 1"=100'
DAVIDSON COUNTY, TENN.

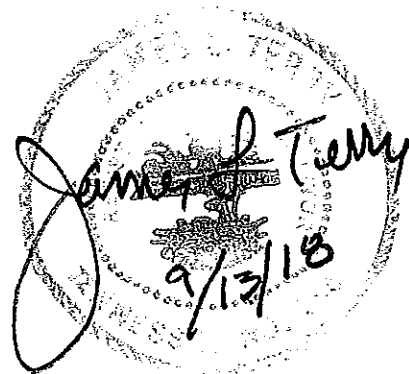
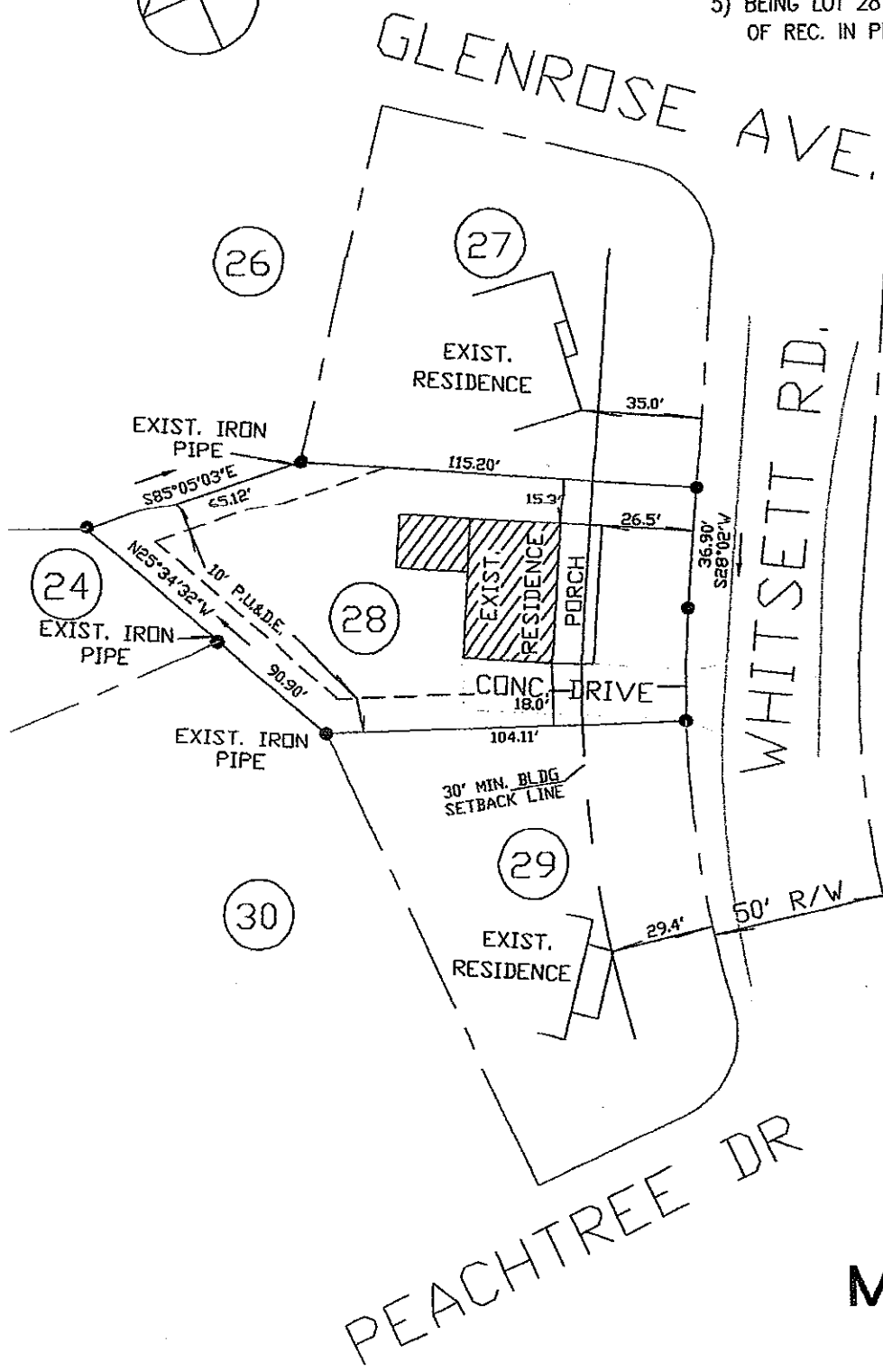
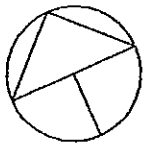
PREPARED BY: JAMES L. TERRY
2812 BRANWOOD DRIVE
NASHVILLE, TENN 37214
615-405-7525



1" = 50'

NOTES:

- 1) DEED REFERENCES: DB. 20061016-0128013, R.O.D.C., TN.
- 2) PROPERTY IS DESCRIBED AS BEING MAP 119-07, PARCEL 135.
- 3) ALL BOUNDARY INFORMATION FROM RECORDED PLAT.
- 4) PROPERTY ZONED RS-10
- 5) BEING LOT 28 ON THE PLAN OF ROSEWOOD EST., SECT. 1, AS OF REC. IN PLAT BOOK 4955, PG. 29, R.O.D.C., TN.



PORCH LOCATION

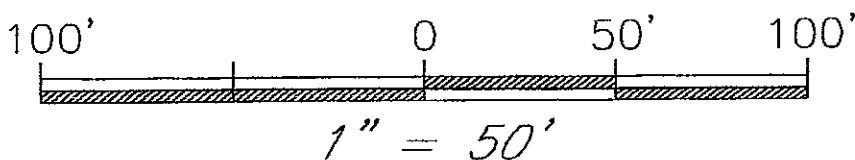
OF THE

MEKEEL + YOSEF PROPERTY

6 WHITSETT RD.
NASHVILLE, TENNESSEE

DATE: 9/13/18 SCALE: 1"=100'
DAVIDSON COUNTY, TENN.

PREPARED BY: JAMES L. TERRY
2812 BRANWOOD DRIVE
NASHVILLE, TENN 37214
615-405-7525



Braisted, Sean (Codes)

From: Marina Yousef <marinamyousef@gmail.com>
Sent: Wednesday, September 26, 2018 5:00 PM
To: Shepherd, Jessica (Codes)
Subject: Porch Appeal

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

Good evening, Mrs. Shepherd,

My name is Marina Yousef, Milad Yosef's daughter. My father stopped by your office yesterday afternoon to apply for an appeal. Below I have attached the pictures of the porch. He also mentioned that you suggested that we get in contact with a council person to help us. Can you give me the name or maybe give me a direction to help me find that person who can help?

- I would like to personally extend thanks for your kindness towards my father yesterday. This has been a hard process on him with little help throughout the way. Thank you for your help, patience, and kindness.

With gratitude,
Marina Yousef



Marina Yousef, C'20
Associate Justice, Tennessee Intercollegiate
Supreme Court | Regional Director of
Tennessee, Orthodox Christian Campus
Ministries | Chairman, Diversity Council | Peer
Mentor | Student Chair, Pre-Law Society |
History Major and Public Policy Minor















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



Appellant: BRAD VAN RASSEL

Date: 9/2

Property Owner: CARDWELL

Case #: 2018-600

Representative: Brad Van Rassel

Map & Parcel: 112-2-204

Council District 25

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' 8" detached garage building height.

Activity Type: New Construction - Detached Garage

Location: 2806 22nd Ave. S.

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: Does not meet height requirements

Section(s): 17.12.060(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.

Same
Appellant Name (Please Print)

BRAD VAN RASSEL (BONADIES ARCHITECT)
Representative Name (Please Print)

Address

1521 DALLAS AVE
Address

City, State, Zip Code

NASHVILLE TN 37212
City, State, Zip Code

Phone Number

954-854-8908
Phone Number

Email

brad@bonadiesarchitect.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



3563139

ZONING BOARD APPEAL / CAAZ - 20180061164
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11702020400

APPLICATION DATE: 09/26/2018

SITE ADDRESS:

2806 22ND AVE S NASHVILLE, TN 37215
LOT 24 BLK 2 HILLSBORO HIGHLANDS

PARCEL OWNER: CARDWELL, CHRISTOPHER W. & GALLAG

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting height variance to allow construction of detached garage to 20'8". maximum building height is 16' to ridge line, this represents a 4' 8" in total height variance request.

*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.

BRAD VAN RASSEL

APPELLANT

9/26/18

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?

SEE ATTACHED LETTER

variance request

2806 22nd Ave S, Nashville, TN 37215

Zoning: RS10

Parcel ID: 11702020400

Lot 24 BLK 2 Hillsboro Highlands

.81 acres

Applicable Code:

17.12.060.B Special Height Regulations For Single-Family and Two-Family Dwellings. Single-family and two-family dwellings shall not exceed three stories. **In all districts with a minimum lot size of less than forty thousand square feet, assessors structures shall not exceed one story or sixteen feet in height, whichever is less.** In all residential districts with a minimum lot size of at least forty thousand square feet, accessory structures located to the rear of the principal dwelling may be two stories or twenty-four feet in height, whichever is less, provided that the full side and rear setbacks required by the applicable district are provided and the lot has an area of at least forty thousand square feet. If not so established in the historic overlay districts, the zoning administrator shall establish height regulations based upon the recommendation of the historic zoning commission.

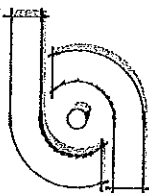
Hardship:

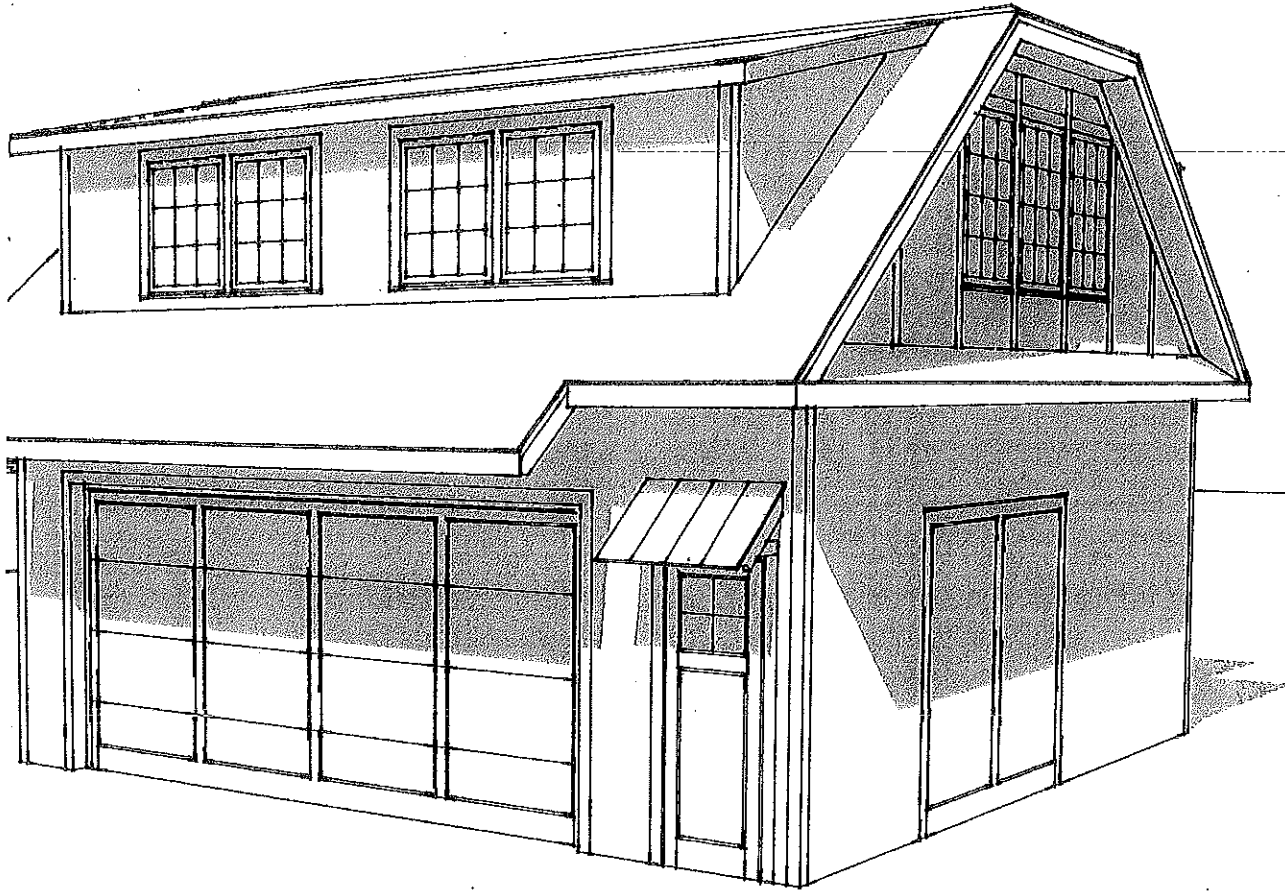
2806 22nd Ave S is a lot situated approximately 1000 feet south of the Urban Zoning Overlay District. The current owners plan to renovate the existing home and construct an addition and a detached garage to the rear of the principal dwelling.

We are seeking a variance to allow the garage to be a 2-story structure by allowing the ridge to rise roughly 5' above the 16'-0" height limit imposed on lots of this size outside of the UZO. Had the lot been inside the UZO, which it sits just 1000 ft away from, the proposed garage would be well within the zoning guidelines. The specific circumstances that would authorize the board to consider this variance are as follows.

Financial gain is not the sole basis for requesting this variance, as it will provide more space for the current home owners who are long term residents on the property. There is no developer profit motive involved, rather it is an end user investment into the property that would build equity on the property and in the neighborhood.

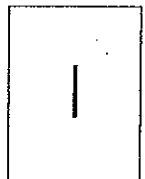
The variance would not negatively impact the neighboring properties, the neighborhood as a whole, or the public welfare. The garage has been thoughtfully designed to be architecturally appropriate, fit into the surrounding neighborhood context, and be subordinate to the principal dwelling.

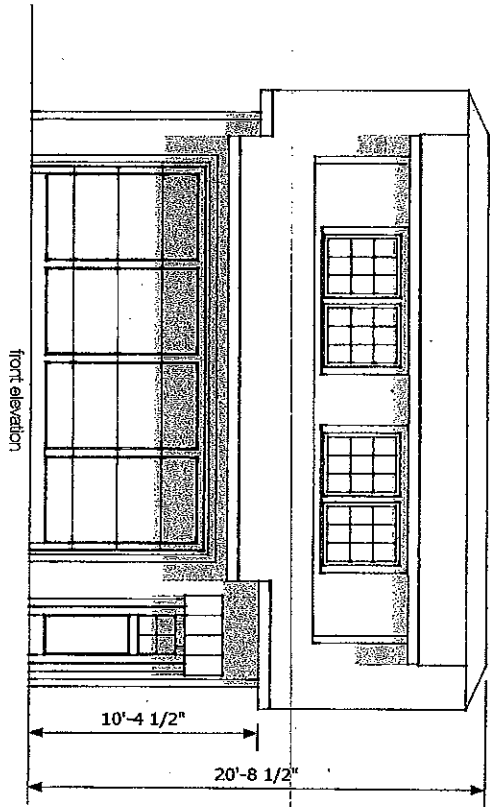
**bonadies architect**1521 dallas ave
nashville, tn 37212615.269.4673
bonadiesarchitect.com



cardwell residence

2806 22nd ave s, nashville tn

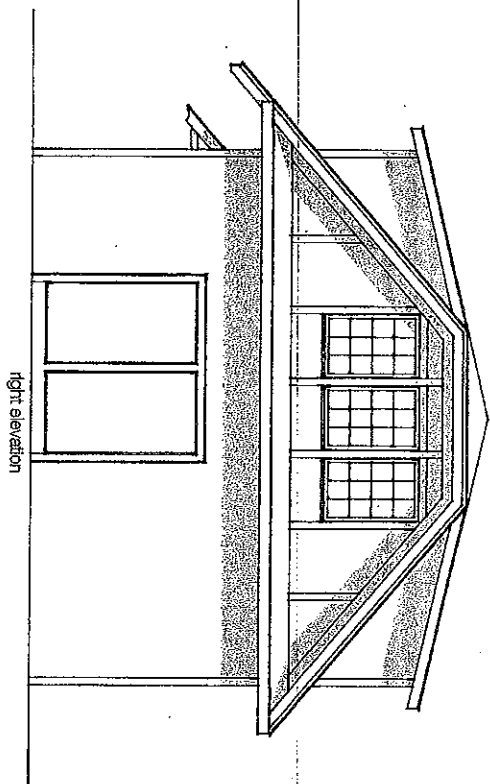




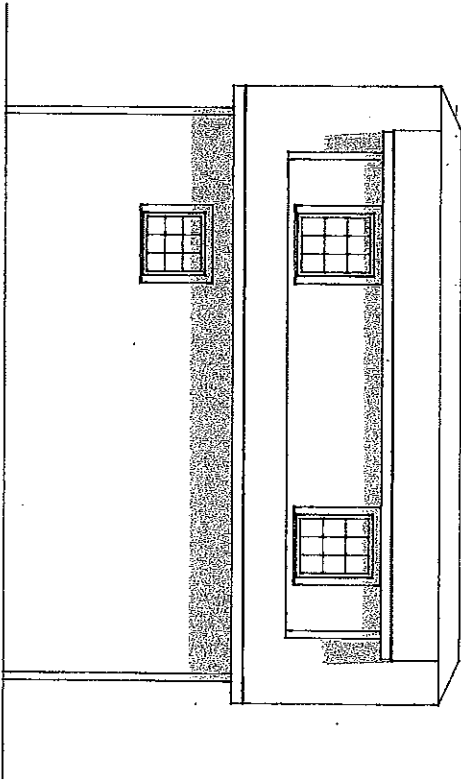
front elevation

10'-4 1/2"

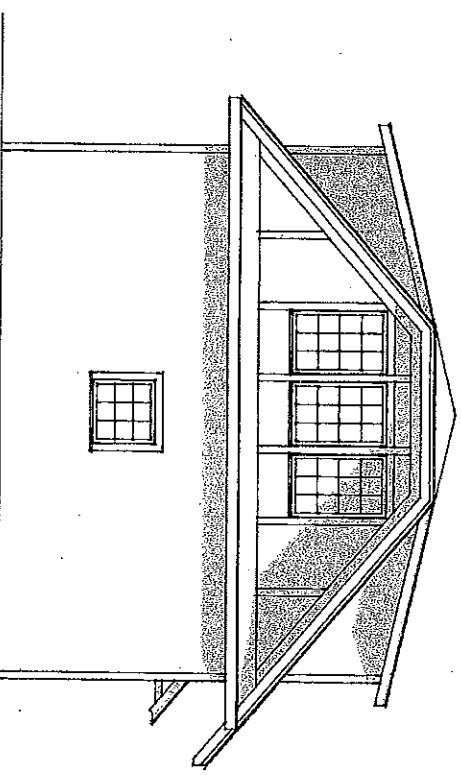
20'-8 1/2"



right elevation



rear elevation



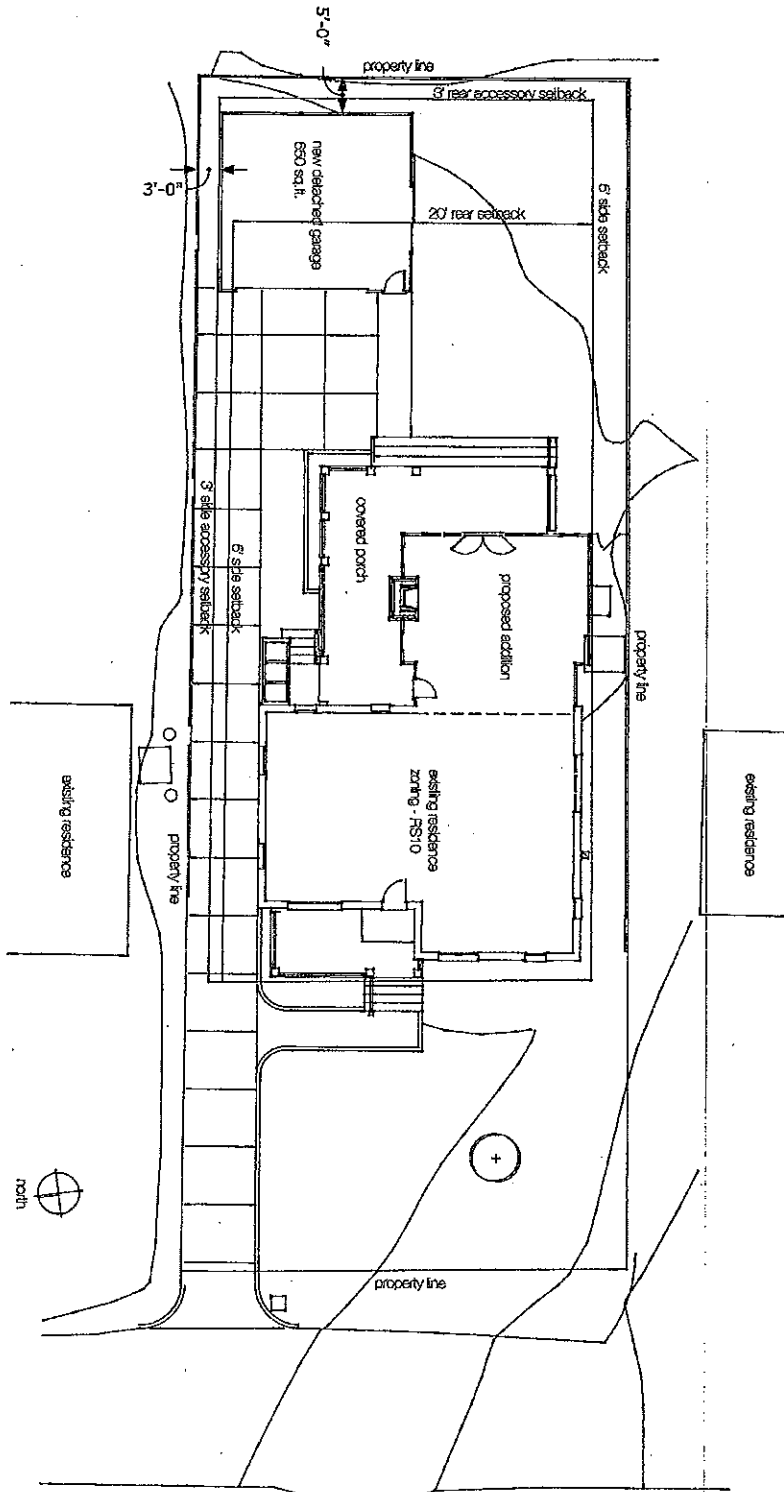
left elevation

bonadies architect
 1521 dallas ave
 nashville, tn 37212
 615.269.4673
 bonadiesarchitect.com

Elevations
 Scale: 3/16" = 1'-0"

cardwell residence
 2805 22nd ave s, nashville tn

bonadies architect
 1521 delos ave
 nashville, tn 37212
 615.269.4873
 bonadiesarchitect.com



Site Plan
 Scale: 1/4" = 1'-0"

cardwell residence
 2805 23rd ave s, nashville tn

variance request

2806 22nd Ave S, Nashville, TN 37215

Zoning: RS10

Parcel ID: 11702020400

Lot 24 BLK 2 Hillsboro Highlands

.81 acres

Applicable Code:

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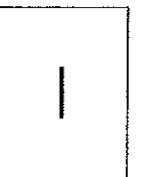
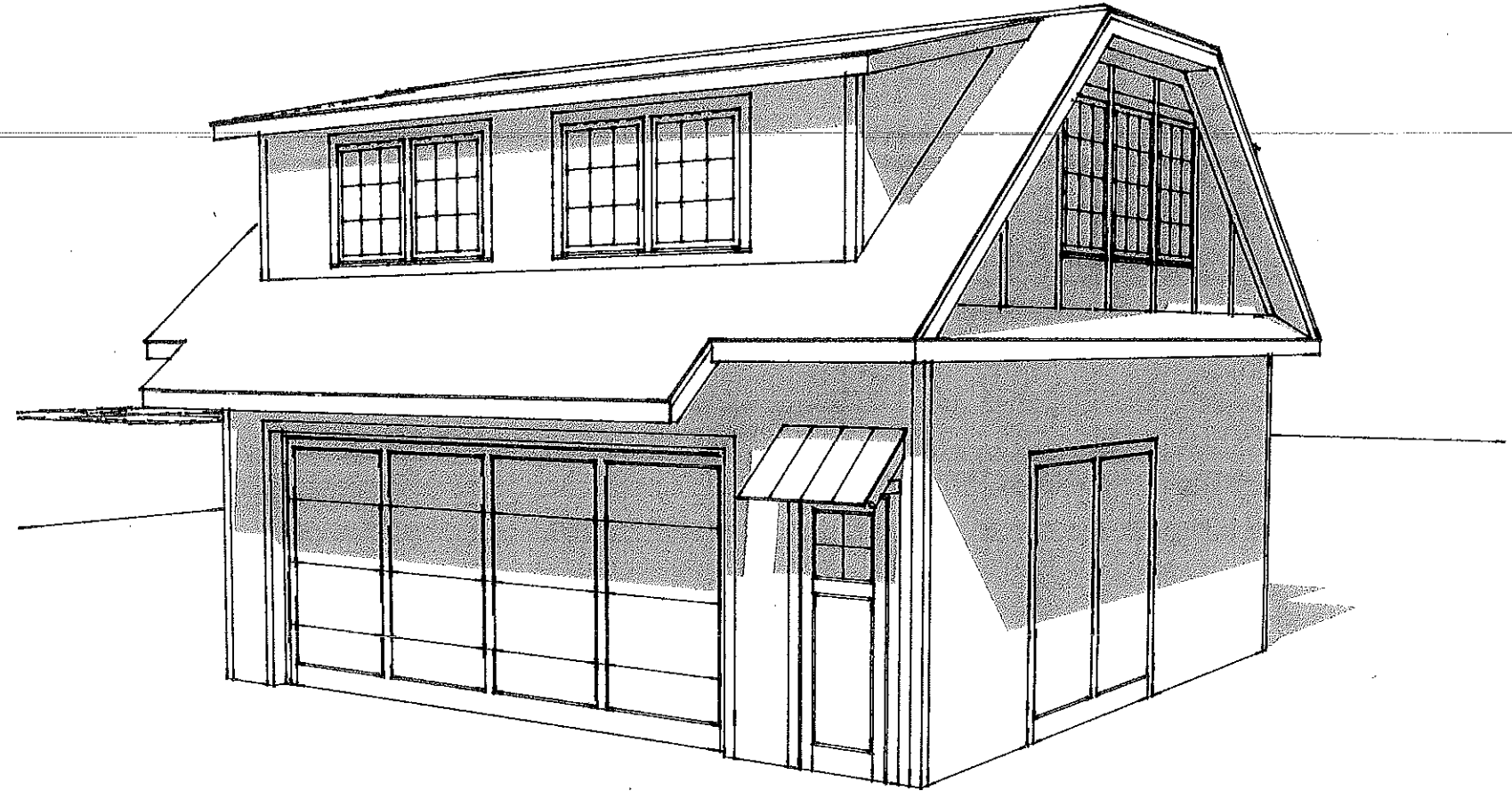
Hardship:

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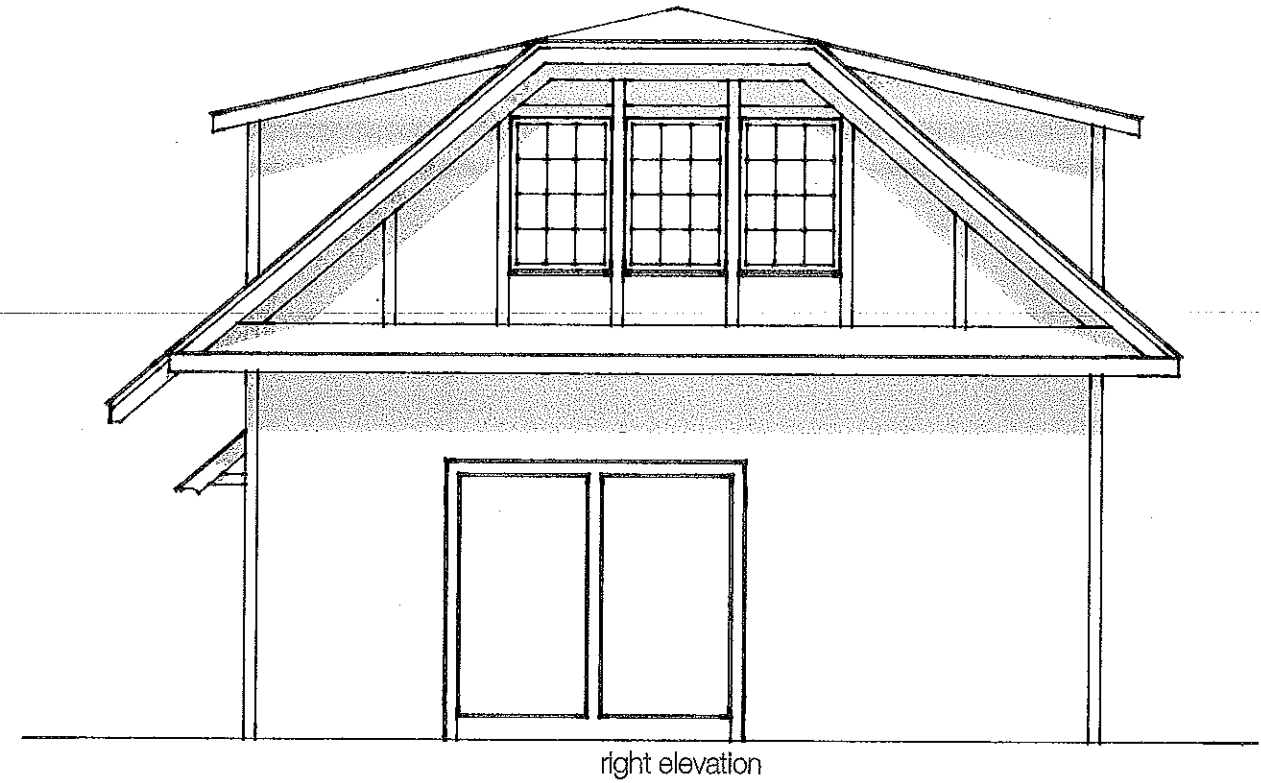
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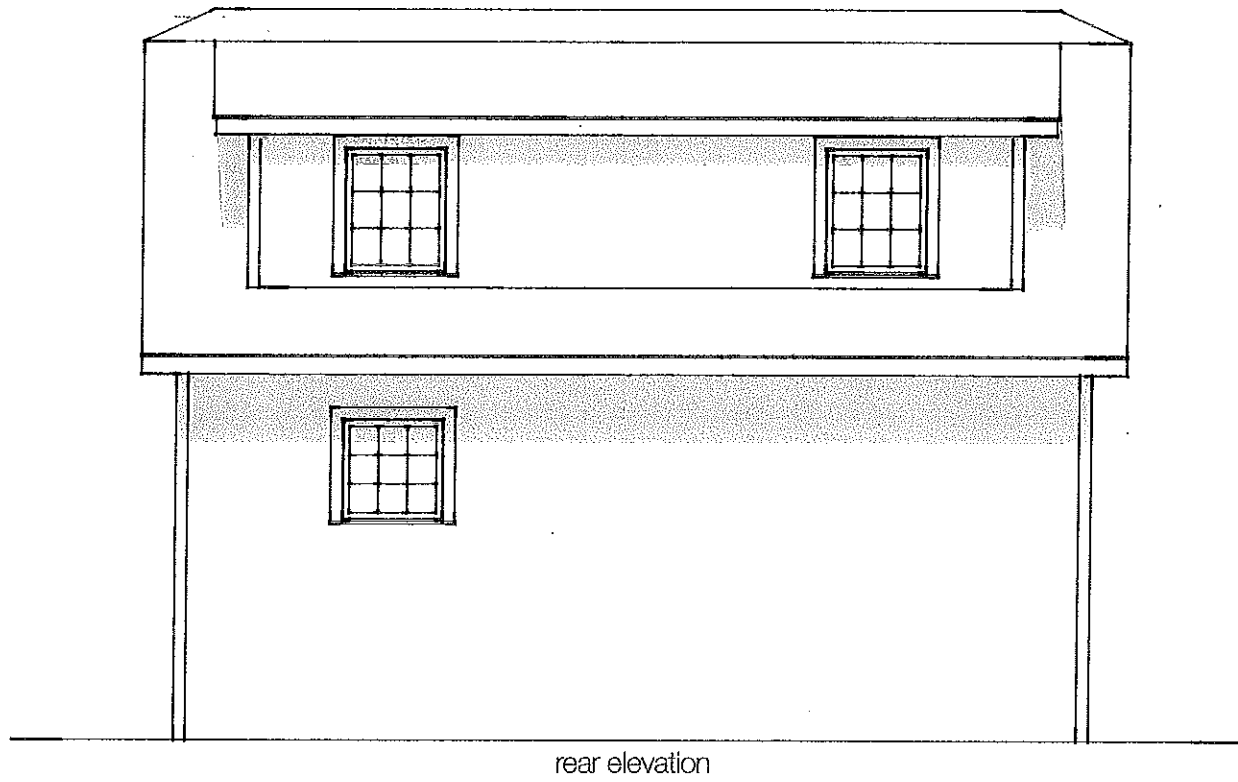




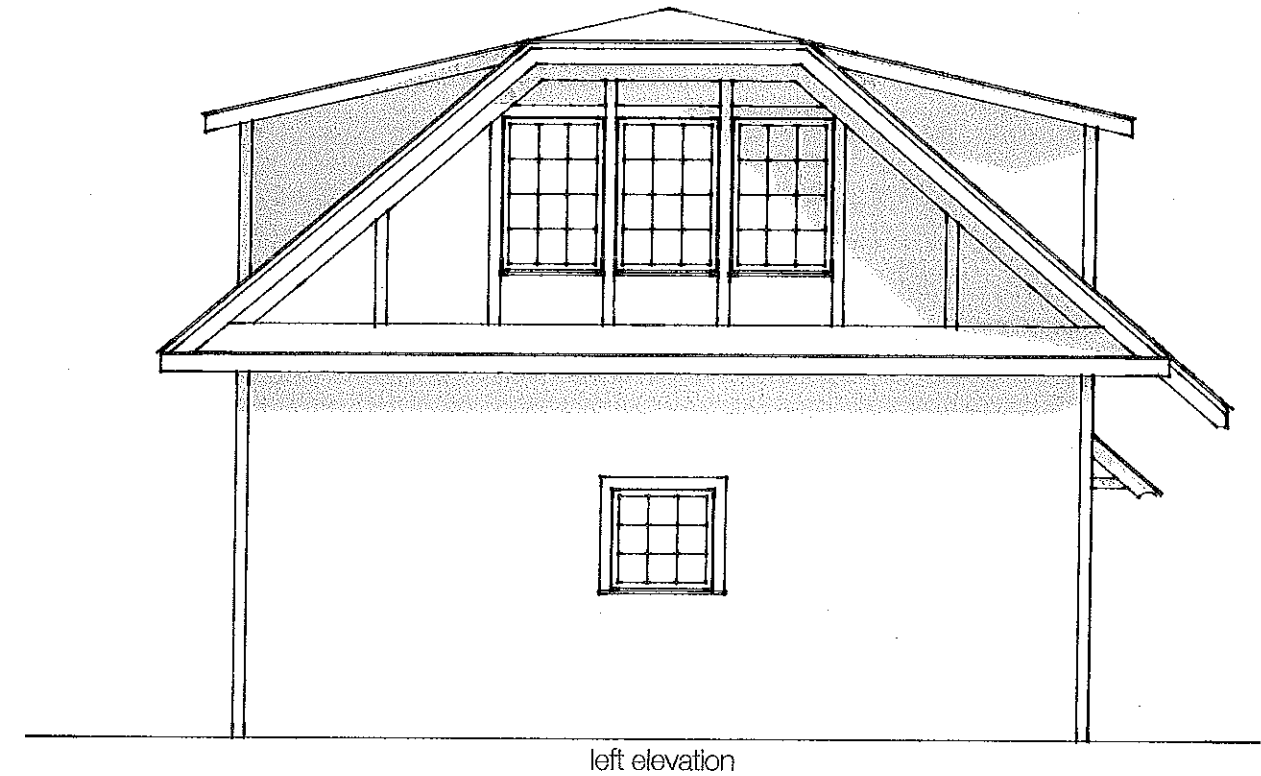
front elevation



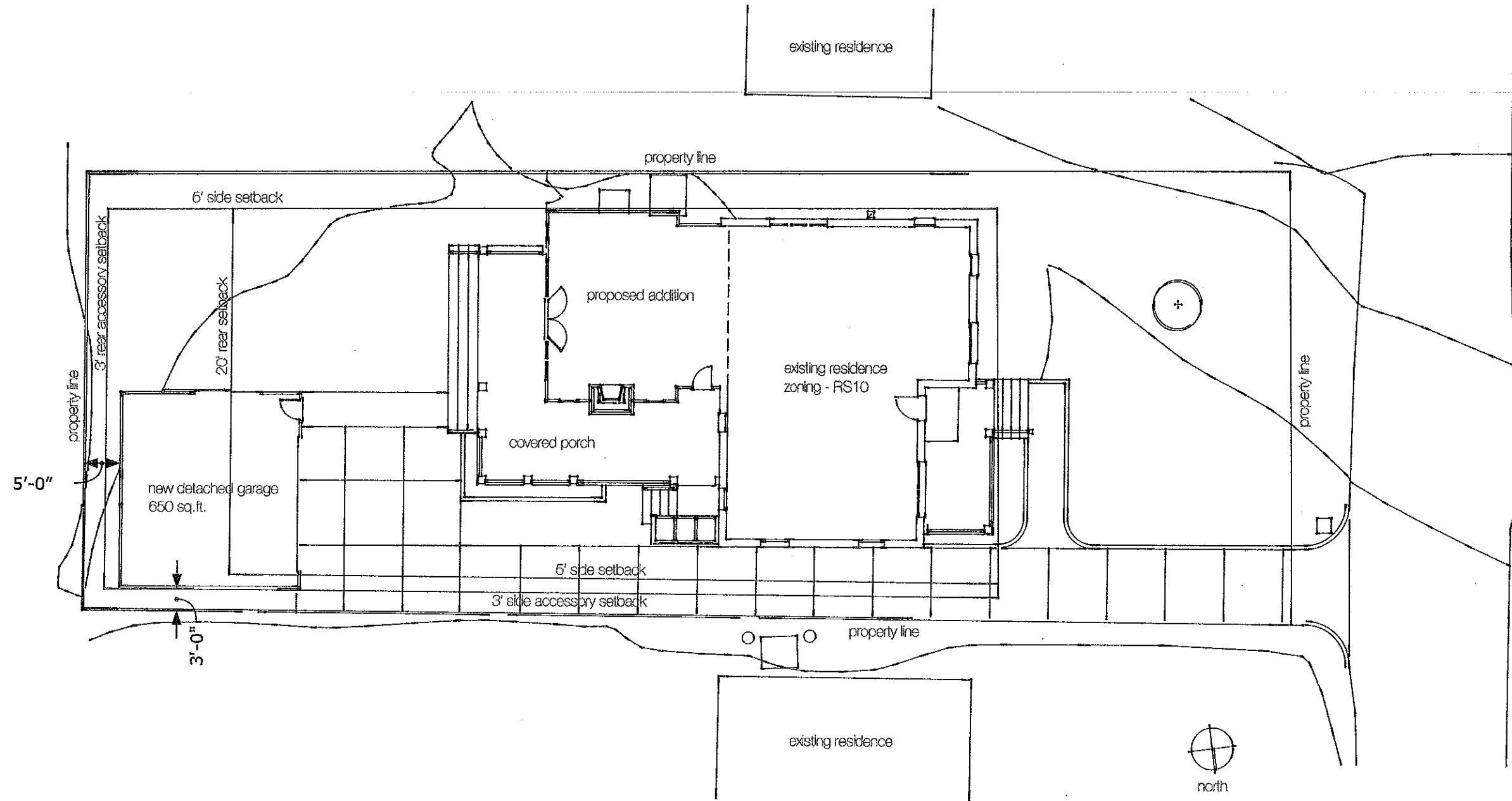
right elevation



rear elevation



left elevation



From: [Tom Cash](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: 2018-600
Date: Tuesday, November 13, 2018 8:51:09 AM

Commissioners-

On behalf of the Hillsboro West End Neighbors board of Directors, I write about the above case relating to the height variance request for a garage at 2806 22nd Ave South. At the request of neighbors, I looked at the case materials and do not see evidence of a hardship to increase the height of the garage beyond proper regulations. Being near but not within a different zoning district is not a hardship. If no hardship exists, it is incumbent upon you to reject the request.

Sincerely,
Tom Cash
Hillsboro West End Neighbors

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Jane House
Property Owner: " "
Representative: " "

Date: 9/27/18
Case #: 2018-603
Map & Parcel: 104-16-0 175 00

Council District 18

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

Purpose: Privacy Fence

Activity Type: S.F
Location: 1900 Beechwood Ave N.T. 37212

This property is in the B27.5 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: 1) 30" Max HT. Request 47"
Section(s): OR 2) 10' STBY request 0'

17.12.040
E26

IF they comply with either 1 or 2 No Need for Appeal

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.

Jane House
Appellant Name (Please Print)
1900 Beechwood Av
Address
N.T. 37212
City, State, Zip Code
415-730-2505
Phone Number

Representative Name (Please Print)
Address
City, State, Zip Code
Phone Number

janehouse18@gmail.com
Email

Email
Appeal Fee: 100 or check 1081



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



3563654

ZONING BOARD APPEAL / CAAZ - 20180061522
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10416017500

APPLICATION DATE: 09/27/2018

SITE ADDRESS:

1900 BEECHWOOD AVE NASHVILLE, TN 37212
LOT 215 BELMONT LAND CO

PARCEL OWNER: HOUSE, GRIFFIN W. & JANE W.

CONTRACTOR:

APPLICANT:**PURPOSE:**

CORNER LOT....
EXISTING 45 TO 47 " PRIVACY FENCE...
DENIED: REQUIRED MAX HT 30"REQUEST 47"
OR STREET SETBACKS FOR BOTH STREETS MIN 10'...REQUEST 0'.
17.12.040 E 26.
POC: JANE HOUSE 415-730-2505
janehouse18@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?

Existing Privacy Fence



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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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.

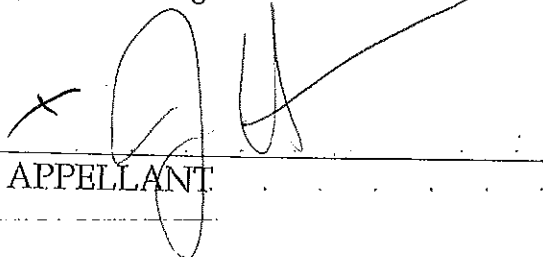
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Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

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

9/22/18

DATE

From: [Sharon Safer](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: 1900 Beechwood Zoning Appeal 11/15/18
Date: Friday, November 9, 2018 10:28:31 AM

My name is Sharon Woodard-Safer. I have owned the house located at 1903 Beechwood Ave., which is directly across the street from the subject property, since 1999.

I am writing in support of Ms. Griffin's variance appeal.

The fence in question was built about fifteen years ago; almost ten years prior to Ms. Griffin's purchase of the property, so it seems that had the City found the fence to be in violation of zoning, that violation should have been addressed long before Ms. Griffin purchased home.

The fence is well kept; recently painted; and the pickets are spaced in such a manner to afford easy visibility through it from the yard and from the sidewalk.

I hope that the BZA will grant Ms. Griffin's appeal and allow her to maintain the fence that was in place many years before she purchased this property, and which adds beauty to our block of Beechwood Ave.

Sincerely,
Sharon Safer
1903 Beechwood Ave.
Nashville, TN 37212

From: [Jane House](#)
To: [Shepherd, Jessica \(Codes\)](#)
Subject: Re: Appeal # 2018-603// Jane House: picket fence
Date: Thursday, November 8, 2018 6:15:28 AM

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

Hi Jessica!
Just making sure you received this. ?
Thanks!
Jane House

On Sat, Nov 3, 2018 at 7:10 AM Jane House <janehouse18@gmail.com> wrote:

Hello Jessica!
Would you please include this letter from our next door neighbor into our file?
Thank you!
Jane House

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

From: **Amanda Wentworth** <aawatermelon@hotmail.com>
Date: Fri, Nov 2, 2018 at 10:13 PM
Subject: House picket fence
To: Jane House <janehouse18@gmail.com>

Hello Jane,
I am writing to say how much we, your neighbors, love the picket fence in your front yard. It does nothing but add character and charm to our corner of the neighborhood. We have lived in 1820 Beechwood Ave, directly across Altura Place from your house, since 2010 and never once found the fence to cause problems. My stepfather has owned this house since the 1970s and our family has always found your house and yard to uphold the qualities of a beautiful and safe neighborhood, especially the picket fence in the front yard since about 2003. This is a neighborhood in which I feel so lucky to raise our children safely together, and your fence only adds to this.
Thanks, Amanda Wentworth
(1820 Beechwood Ave.)

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Chelsea Hannan
Property Owner: URBAN DWELL HOMES
Representative: Jeff Parnell

Date: 9/28/18
Case #: 2018-604
Map & Parcel: 08212010400

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 a future 4 unit development

Activity Type: Multi-Family

Location: 216 North 9th St

This property is in the UFO 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 requirements

Section(s): 17.16.250

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.

Chelsea Hannan
Appellant Name (Please Print)

Jeff Parnell
Representative Name (Please Print)

2200 Rosa L Parks Blvd
Address

2200 Rosa L Parks Blvd
Address

Nashville, TN 37228
City, State, Zip Code

Nashville, TN 37228
City, State, Zip Code

615-244-2040
Phone Number

615-244-2040
Phone Number

channan@dbsengr.com
Email

jparnell@dbsengr.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



3564083

ZONING BOARD APPEAL / CAAZ - 20180061818
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08212010400

APPLICATION DATE: 09/28/2018

SITE ADDRESS:

216 N 9TH ST NASHVILLE, TN 37206
LOT 11 NEIL S BROWN

PARCEL OWNER: URBAN DWELL HOMES, LP

CONTRACTOR:

APPLICANT:**PURPOSE:**

Requesting a sidewalk variance along both North 9th street and Smiley for future four (4) unit development. See 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

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STANDARDS FOR A VARIANCE

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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.

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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.

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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?

Requesting sidewalk variance to keep existing sidewalk in place in
order to keep consistency in the neighborhood, and to keep the existing
retaining wall in place

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

9-28-18

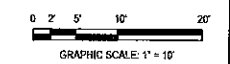
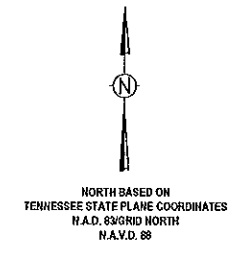
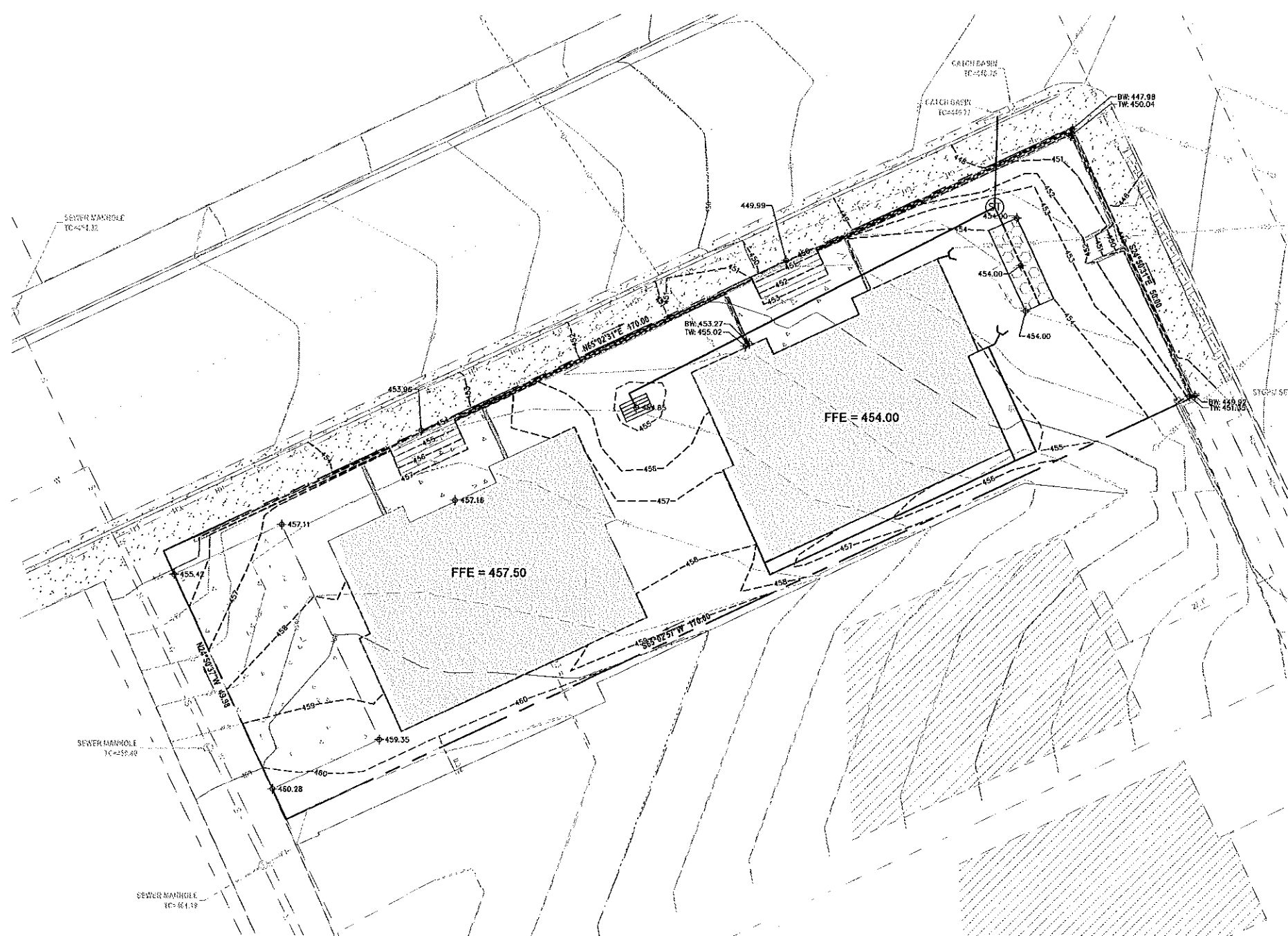
 DATE

SITE LEGEND

	BOUNDARY LINE		PROPERTY LINE
	EXISTING CURB AND GUTTER		EXISTING CURB
	EXISTING EDGE OF PAVEMENT		EXISTING FENCE
	EXISTING GAS LINE		EXISTING OVERHEAD POWER LINE
	EXISTING SANITARY SEWER		EXISTING STORM SEWER
	EXISTING WATER LINE		EXISTING CONTOUR
	PROPOSED CONTOUR		PROPOSED CURB AND GUTTER
	PROPOSED CURB		PROPOSED STORM PIPE
	TW: TOP OF WALL		PROPOSED SPOT ELEVATION
	BW: BOTTOM OF WALL		
	PROPOSED CATCH BASIN		PROPOSED COMBINATION INLET
	GAS VALVE		GAS METER
	WATER VALVE		WATER METER
	FIRE HYDRANT		UTILITY POLE
	SANITARY SEWER MANHOLE		GUY WIRE
	TELEPHONE MANHOLE		BENCHMARK
	STORM SEWER CATCH BASIN		
	TREE		PERMEABLE PAVERS
	BUILDING		ASPHALT
	CONCRETE		

GENERAL NOTES:

- FFE IS SHOWN TO BE SLAB ELEVATION. SEE ARCHITECTURAL PLANS FOR DETAILS.
- THE FOUNDATION BEARING DEPTH FOR FOUNDATIONS ADJOINING THE SEWER EASEMENT SHOULD BE A MAXIMUM OF 2 FT ABOVE THE SEWER LINE INVERT ELEVATION WHICH VARIES IN DEPTH. SEE UTILITY PLANS FOR SEWER INVERT ELEVATIONS.
- ALL UTILITY LOCATIONS ARE APPROXIMATE AND ARE DEPICTED BASED ON LOCATION OF UTILITIES BY LOCAL UTILITY AUTHORITIES, VISIBLE APURTANCES, OR MAPS PREPARED BY OTHERS. THESE LOCATIONS ARE NO GUARANTEE THAT THERE ARE NO OTHER UTILITIES, EITHER PUBLIC OR PRIVATE, THAT ARE NOT SHOWN ON THIS SURVEY. ALL UTILITY LOCATIONS SHALL BE FIELD VERIFIED BEFORE CONSTRUCTION BEGINS. SHOULD A CONFLICT ARISE, NOTIFY THE ENGINEER IMMEDIATELY.
- CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO BEGINNING CONSTRUCTION, AND SHALL BE RESPONSIBLE FOR MAKING THE NECESSARY ARRANGEMENTS WITH THE GOVERNING UTILITY COMPANY FOR UTILITIES REQUIRING RELOCATION.
- SIDE SLOPES SHALL BE AS INDICATED ON PLAN.
- ALL PROPOSED SPOT ELEVATIONS AT TO FINISH GRADE OF ASPHALT IN PARKING AREAS OR FINISH GRADE OF SOIL IN GRASS AREAS UNLESS NOTED OTHERWISE. SEE SURFACE MATERIALS SHEET.
- FINAL GRADES AS SHOWN INCLUDE TOPSOIL AT A MINIMUM THICKNESS OF 5 INCHES.
- SEE PHASED EROSION CONTROL SHEETS FOR EROSION CONTROL MEASURES.
- ALL DOWNSPOUTS IN UNPAVED AREAS SHALL SPLASH ON TO SPASH BLOCKS, UNLESS NOTED OTHERWISE.
- ALL CLEANOUTS IN PAVED AREAS SHALL BE INSTALLED WITH MB-9 LITTLE RINKO WATER VALVE BOX OR APPROVED EQUAL. SEE EXTERIOR CLEANOUT DETAIL.
- ALL STORM WATER RUNOFF FROM ROOFTOPS OF BUILDING SHALL BE ROUTED TO DOWNSPOUTS AND TIED INTO BIORETENTION AS SHOWN.
- THE UNDERDRAINS FROM BIORETENTION AREAS DIRECTLY INTO STORM SEWER PIPE. INSTALL CLEANOUT AT CONNECTION.
- UNDERDRAINS SHALL BE 6" PERFORATED PVC AT 0.5% MINIMUM. SEE METRO STORM WATER MANAGEMENT MANUAL VOLUME 5, GIP-01, & GIP-02 FOR OTHER REQUIREMENTS.
- A NOC IS NOT REQUIRED BECAUSE THE PROJECT DISTURBANCE IS LESS THAN 1 ACRE.



2200 Rosa Parks Blvd
Nashville, TN 37228
www.dbsengr.com
Phone (615) 244-2040



216 NORTH 9TH STREET
GRADING & DRAINAGE
216 NORTH 9TH STREET, NASHVILLE
DAVIDSON COUNTY, TENNESSEE
September 27, 2018

REVISIONS

DRAWN BY: CPH
CHECKED BY: JAP

C 3.00

SWGR #
Sewer #

216 NORTH 9TH STREET, NASHVILLE, TN 37203, PLOTTED: 8/27/2018 4:48 PM USER: CHELSEA LUNNAN

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-604 (216 North 9th Street)

Metro Standard:	North 9 th Street - 4' grass strip, 5' sidewalk, as defined by the Local Street standard Smiley Street - 4' grass strip, 5' sidewalk, as defined by the Local Street standard
Requested Variance:	Not upgrade sidewalks
Zoning	RM20
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	North 9 th Street - Local Street Smiley Street - Local Street
Transit:	300' from #30 - McFerrin
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant is constructing a new multi-family development with four units, and requests a variance from constructing sidewalks due to existing sidewalks on both frontages, as well as topography and a retaining wall.

- (1) The North 9th Street frontage has a 2' grass strip and 5' sidewalk that contains all obstructions. A small wall is located at the back of this sidewalk, so upgrading the sidewalk with a wider grass strip will adversely impact adjacent properties.
- (2) Smiley Street has no grass strip and a 5' sidewalk, and the sidewalk is impeded by a stop sign and two utility poles. A retaining wall is located at the back of the existing sidewalk along Smiley Street. This hardship is further challenged by the topography and width of the lot.

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 contribute in-lieu of construction for the North 9th Street property frontage.
3. Prior to the issuance of building permits, dedicate right-of-way along both property frontages to accommodate future sidewalks per the Local Street Standard.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: JB Haile

Date: 9-27-18

Property Owner: _____

Case #: 2018-605

Representative: JB Haile

Map & Parcel: 115-15/49

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:

SINGLE FAMILY RESIDENCE
NEW CONSTRUCTION

Activity Type:

RESIDENTIAL/SINGLE FAMILY

Location:

6230 Robin Hill 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: REQUEST NOT TO INSTALL SIDEWALKS & 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.

JAMES HAILE

Appellant Name (Please Print)

HAILE CONSTRUCTION LLC

PO BOX 59015

Address

Representative Name (Please Print)

Address

NASHVILLE TN

City, State, Zip Code

City, State, Zip Code

615.593.2806

Phone Number

Phone Number

jb.haile@gmail.com

Email

Email

Appeal Fee: 100.00

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.)

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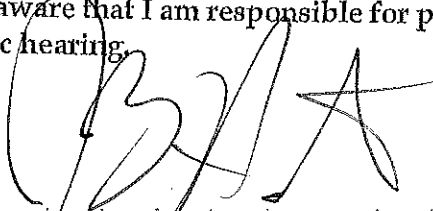
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METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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



APPELLANT

9.26.18

DATE

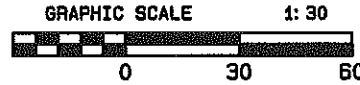
In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, 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.

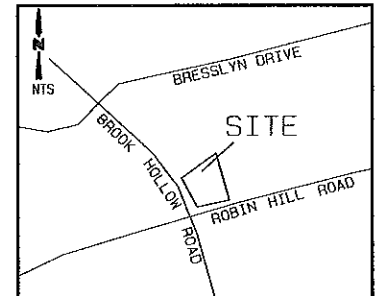
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

Neighboring lots either side have no sidewalk.
If forced to build side walks they would lead to
neighbors yard and not continuous path.



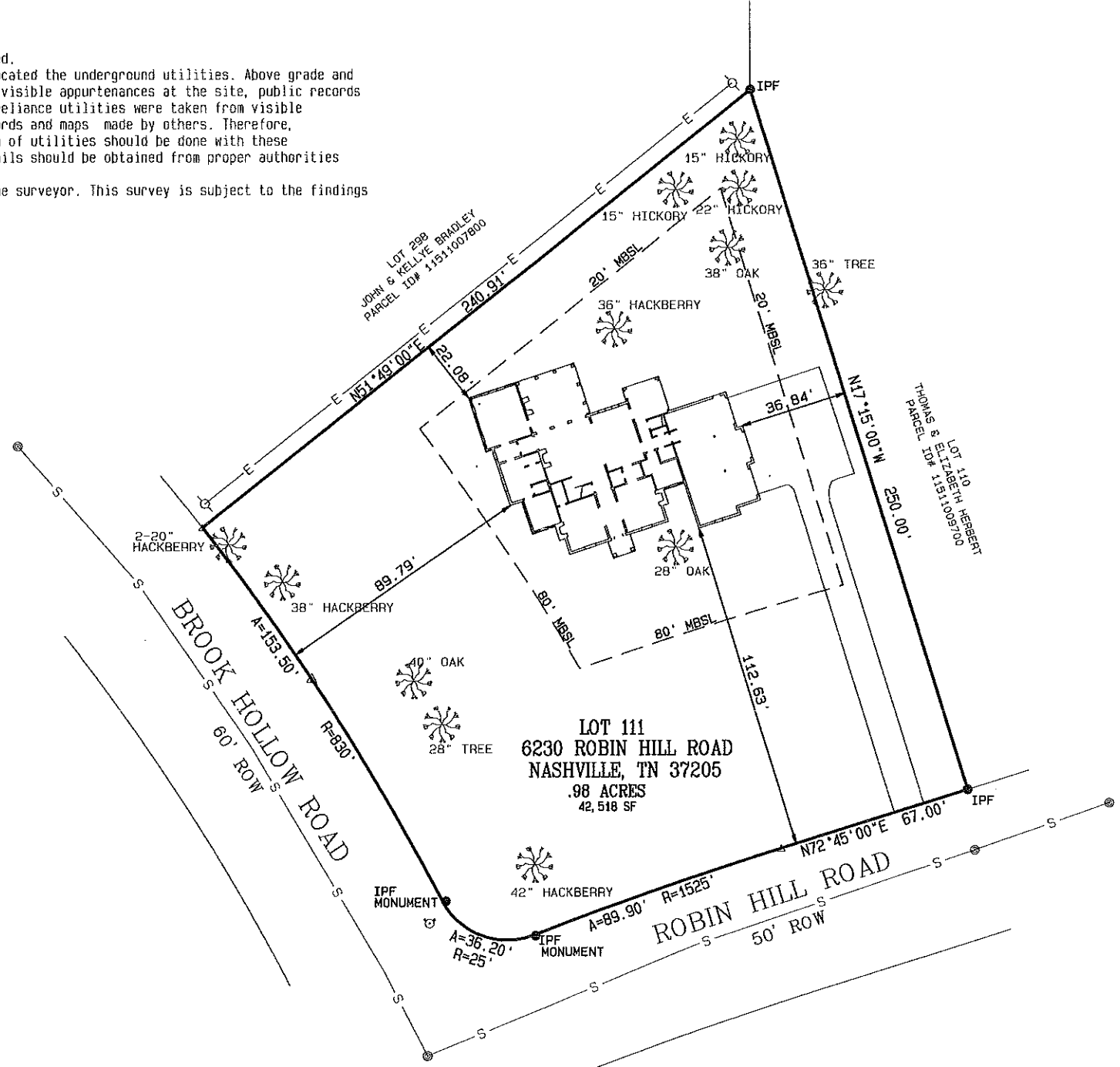
NOTES

1. Bearings are based on record of deed.
2. This surveyor has not physically located the underground utilities. Above grade and underground utilities were taken from visible appurtenances at the site, public records and maps made by others. Therefore, reliance utilities were taken from visible appurtenances at the site, public records and maps made by others. Therefore, reliance upon type, size, and location of utilities should be done with these circumstances considered. Utility details should be obtained from proper authorities before any relative decision is made.
3. No title report was furnished to the surveyor. This survey is subject to the findings of an accurate title search.



LEGEND

- IRON PIN SET
- IRON PIN FOUND
- ⊕ UTILITY POLE
- OHE OVERHEAD ELECTRIC
- △ CALCULATED POINT
- ⊕ FIRE HYDRANT
- △ WATER METER
- ⊙ SANITARY SEWER MANHOLE



08/29/2018
 ARROWHEAD SURVEY
 4151 OLD HILLSBORO RD
 FRANKLIN, TN 37064
 615-599-7347



SURVEYOR'S CERTIFICATE
 I hereby certify to Old Republic Title that this is a Category I survey, that the ratio of precision of the unadjusted survey is better than 1:1500, and is in compliance with the current "Tennessee Standards of Practice for Land Surveying".

J. Mark Cantrell
 J. MARK CANTRELL, TN PLS# 1859

SITE PLAN
 LOT 111
 WEST MEADE FARMS, INC
 SECTION E
 PLAT BOOK 1835, PAGE 70
 PARCEL ID# 11515004900
 OWNER: CJ PARTNERS, LLC
 DEED BOOK 2091, PAGE 215
 23RD COUNCIL DISTRICT
 DAVIDSON COUNTY, TENNESSEE

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-605 (6230 Robin Hill Road)

Metro Standard:	Brook Hollow Road - 6' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan
	Robin Hill Road - 4' grass strip, 5' sidewalk, as defined by the Local Street standard
Requested Variance:	Not construct sidewalks; not contribute in-lieu of construction (eligible)
Zoning	RS40
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	Brook Hollow Road – T3-R-CA2
	Robin Hill Road – Local Street
Transit:	None existing; none planned
Bikeway:	Minor separated bikeway on Brook Hollow Road planned per WalknBike

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant is constructing a single family dwelling, and requests a variance from constructing sidewalks due to the lack of existing sidewalks and topography along both streets.

- (1) The property has frontages on Brook Hollow Road and Robin Hill Road. Both street frontages do not have sidewalks which are consistent patterns with adjacent parcels to the north and east.
- (2) Both Brook Hollow Road and Robin Hill Road property frontages have drainage ditches which channel stormwater along each respective corridor. Strict adherence to the sidewalk requirement would require drainage facilities to be reconfigured or relocated which would, in turn, impact adjacent properties to the north and east.
- (3) Along large, corner lots, priority should be given to streets with a higher functional classification identified in the Major and Collector Street Plan. In this instance, Brook Hollow Road is a Collector-Avenue, so emphasis for constructing sidewalks should be along Brook Hollow Road which is likely to have more traffic.

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

1. The applicant shall contribute in-lieu of construction for the Brook Hollow Road property frontage.
2. Prior to the issuance of building permits, dedicate right-of-way along both property frontages to accommodate future sidewalks per the Major and Collector Street Plan and Local Street standards respectively.

2018-609

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Brad Currie
Property Owner: " "
Representative: " "

Date: 10/1/18
Case #: 2018-609
Map & Parcel: 104-16-264

Council District 18

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

Purpose: S.F. Corner lot

*****CORNER LOT*****
WOODEN PRIVACY FENCE AND BRICK WALL OVER 30" IN HEIGHT ALONG THE LOT LINE ON BOTH STREETS.

Activity Type: S.F.
Location: 1721 Beechwood Av N.T. 37212

This property is in the B57+ 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:

DENIED: REQUIRED LOT LINE SETBACK ALONG BOTH STREETS AT 10'....17.12.040 E 26
POC: BRAD CURRIE 615-406-7052
jbc4415@att.net

Based on powers and jurisdiction of the Board of Zoning Appeals under 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.

Appellant Name (Please Print) Brad Currie Representative Name (Please Print) _____
Address 1721 Beechwood Av Address _____
City, State, Zip Code N.T. 37212 City, State, Zip Code _____
Phone Number 615-406-7052 Phone Number _____
Email jbc4415@ATT.NET Email _____

Appeal Fee: _____

Need Traffic + Parking Recommendation

Ali Afis
Nashville.gov
615-862-8787



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



3564425

ZONING BOARD APPEAL / CAAZ - 20180062045
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10416026400

APPLICATION DATE: 10/01/2018

SITE ADDRESS:

1721 BEECHWOOD AVE NASHVILLE, TN 37212
PT LOT 229 BELMONT LAND CO

PARCEL OWNER: CURRIE, J. BRADFORD & LAURA

CONTRACTOR:

APPLICANT:

PURPOSE:

*****CORNER LOT*****

WOODEN PRIVACY FENCE AND BRICK WALL OVER 30" IN HEIGHT ALONG THE LOT LINE ON BOTH STREETS.

*****NEED TRAFFIC AND PARKING RECOMMENDATION

ALI AFFIS.

DENIED: REQUIRED LOT LINE SETBACK ALONG BOTH STREETS AT 10'....17.12.040 E 26

POC: BRAD CURRIE 615-406-7052

jbc4415@att.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.

STANDARDS FOR A VARIANCE

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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.

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METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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X *M. Amin*
APPELLANT

10/10/18
DATE

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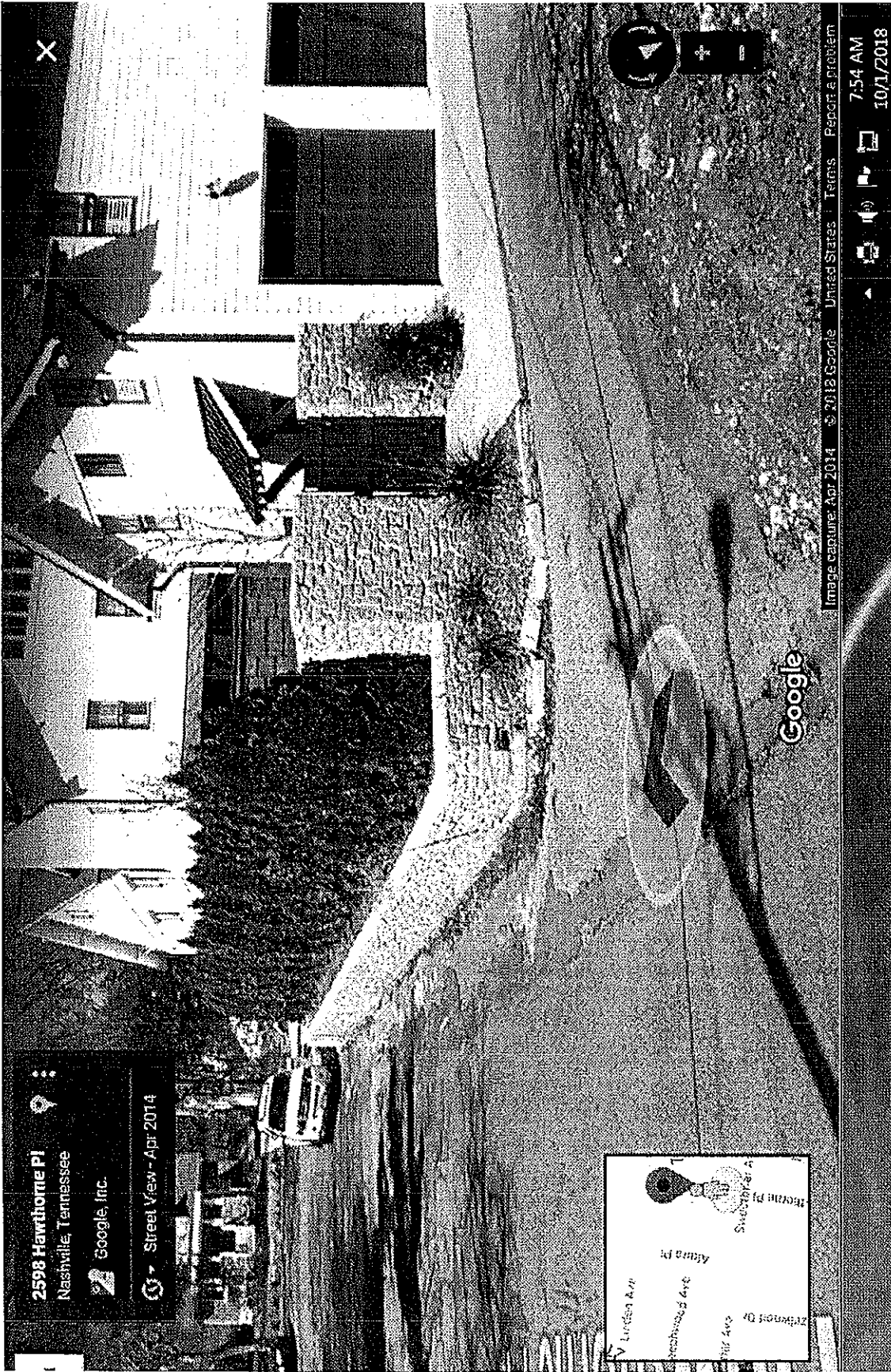
11704000600

11704000700

11704000800

11704000900

NO THANKS YES



2598 Hawthorne Pl
Nashville, Tennessee

Google, Inc.

Street View - Apr 2014

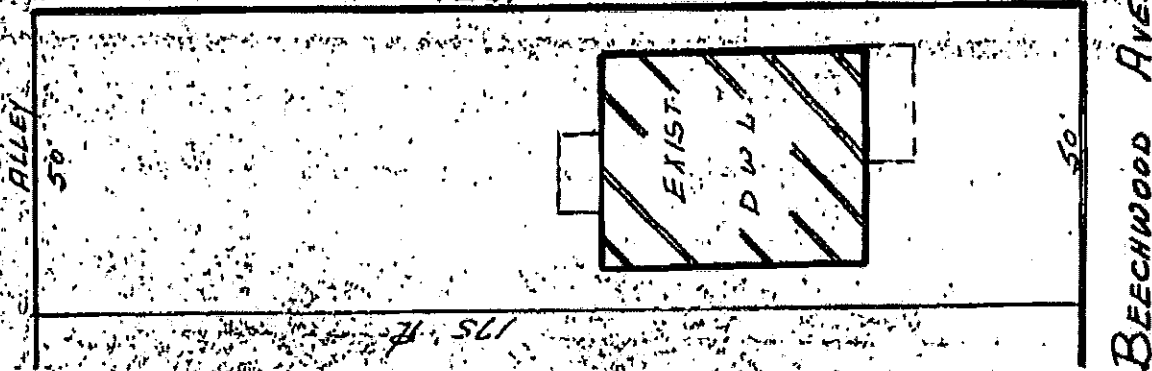
Google

Image capture: Apr 2014 © 2018 Google United States Terms Report a problem

7:54 AM
10/1/2018

85-339
CONDITIONAL USE

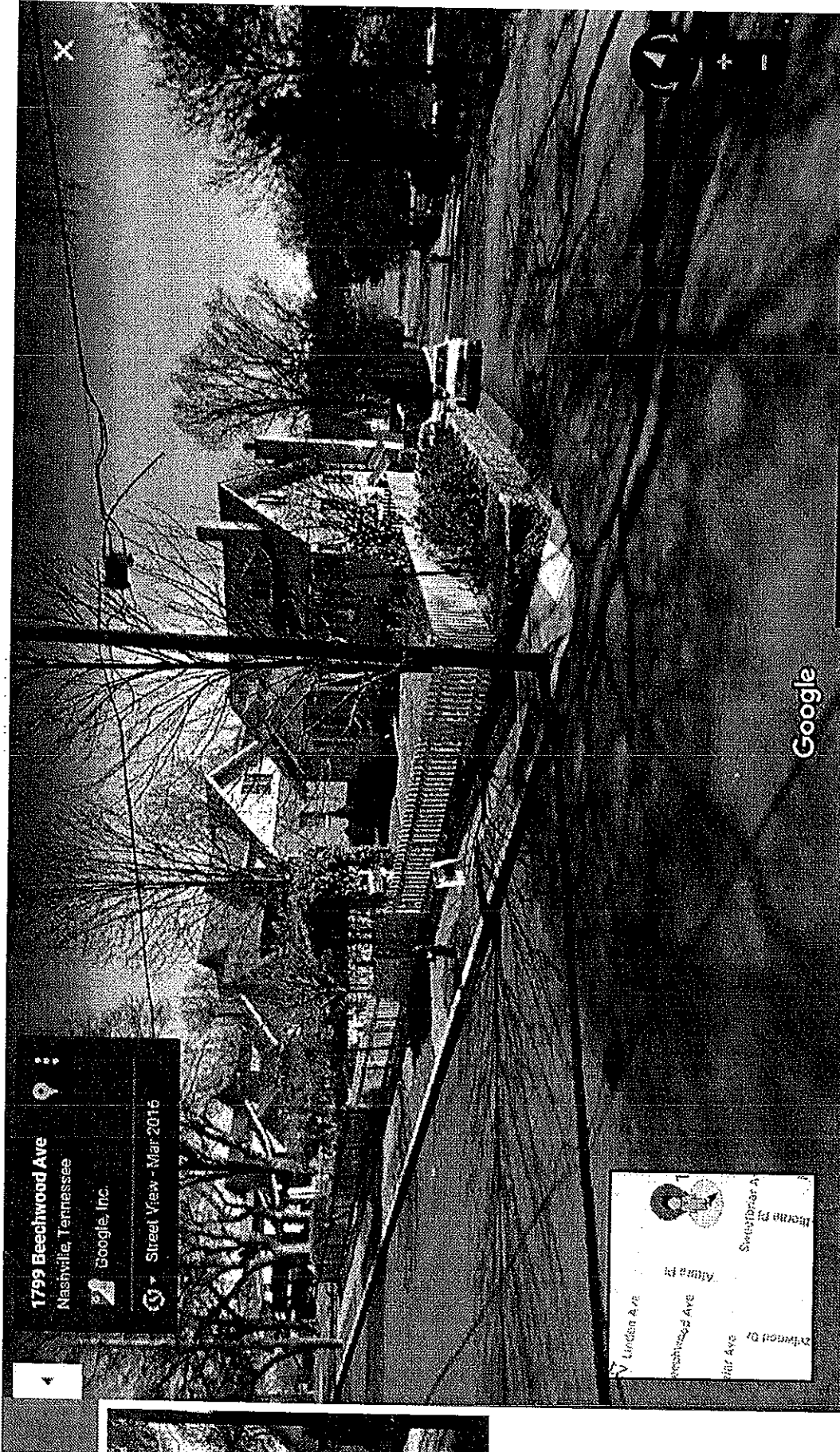
HAWTHORNE AVE.



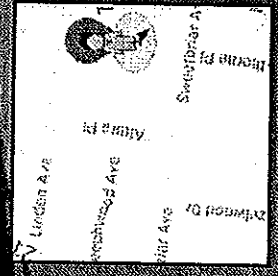
dd



NO THANKS YES



1799 Beechwood Ave
 Nashville, Tennessee
 Google, Inc.
 Street View - Mar 2016

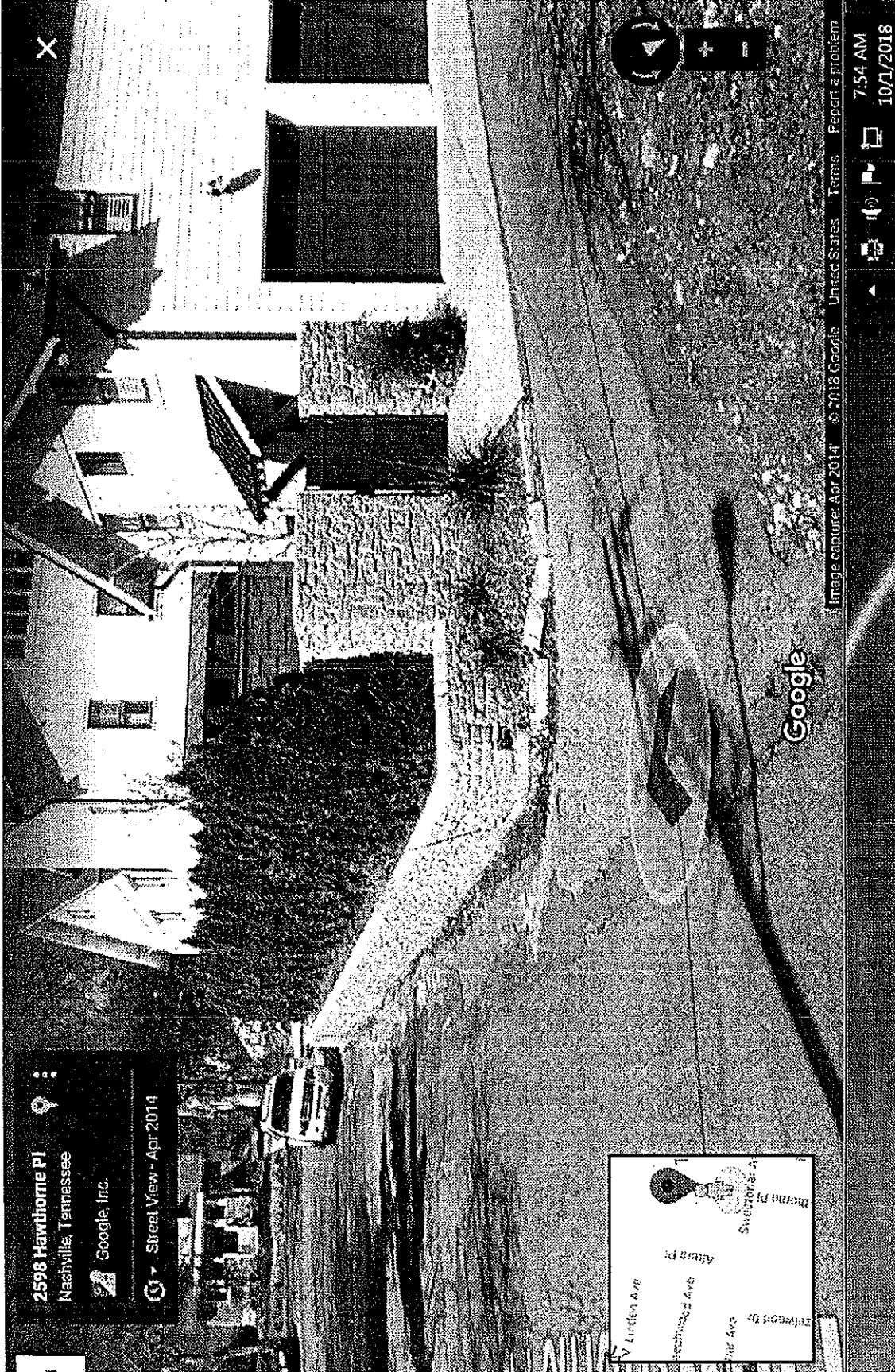


Google

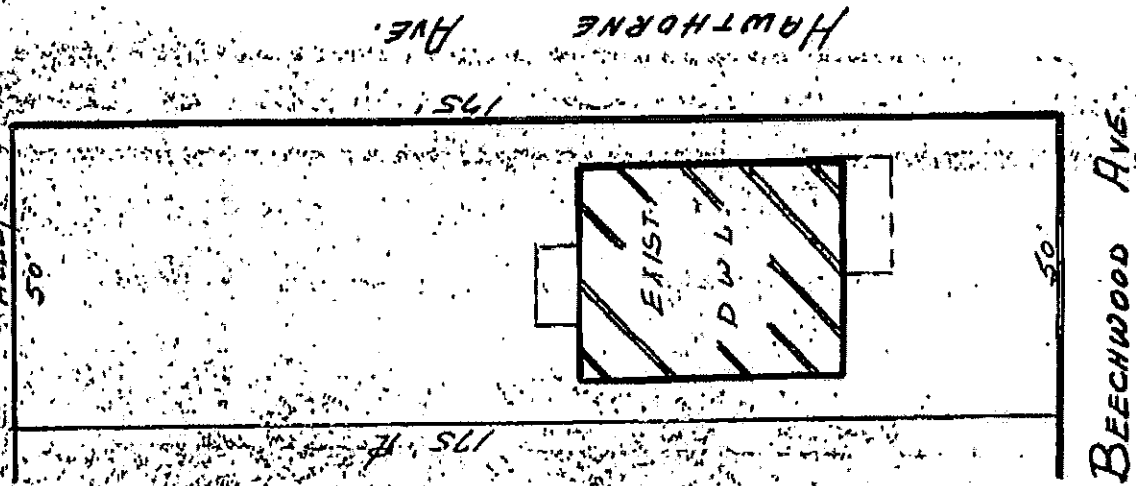
Image capture: Mar 2016 © 2018 Google United States Terms Report a problem

7:53 AM 10/1/2018

NO THANKS YES



85-339
CONDITIONAL USE

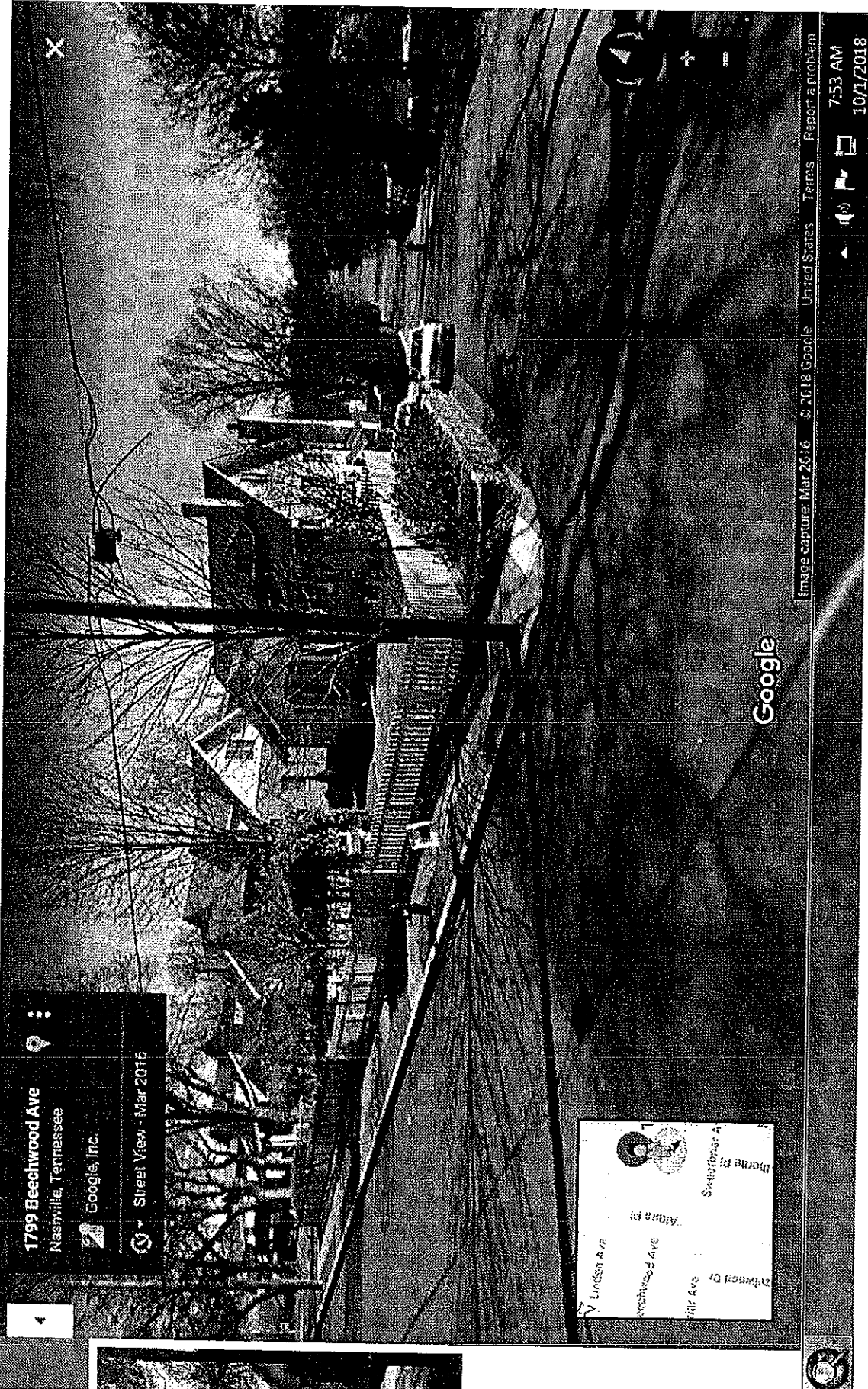


dd



NO THANKS

YES



1799 Beechwood Ave

Nashville, Tennessee

Google, Inc.

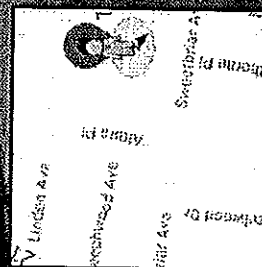
Street View - Mar 2016

Google

Image capture: Mar 2016 © 2018 Google United States Texas Report a problem

7:53 AM

10/1/2018



November 1, 2018

1715 Beechwood Avenue
Nashville TN 37212
615-481-8633
vivien.g.fryd@vanderiblt.edu

Department of Codes & Building Safety
Metro Office Building
Nashville TN 37210


RE: Appeal Case Number 2018-609
1721 Beechwood Avenue 10416026400
Zoning Classification RS7
Council District 18

Dear Sir or Madam,

I STRONGLY OPPOSE the appeal for this property to be granted a variance from setback requirements to create a privacy fence and brick wall over 30" in height. This will not adhere to the architectural and property cohesiveness founds in this historical district.

Feel free to contact me with any questions.

Best,


Vivien Green Fryd

615-481-8633
vivien.g.fryd@vanderiblt.edu

2018-611

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Tara Knowles Date: 10/01/18
Property Owner: Chris Knowles Case #: 2018- 611
Representative: John Dewaal Map & Parcel: 5316005200
Council District 11

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

Purpose:

Change nonconforming use (Auto Repair Company) to a different nonconforming use (Moving Company). Allowed under 17.40.650-Nonconforming uses, Section C.4 New nonconforming use will be more compatible with surrounding land uses than the existing nonconforming use.

Activity Type: Office Building / Parking

Location: 3606 Old Hickory Blvd. Old Hickory, TN 37138

This property is in the MUL 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: Zoning examiner stated classification of moving company as 'Building Contractor' which is not permitted within 'MUL' zone.

Section(s): 17.08.030 - District Land Use Table

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.

Completed and witnessed, Date

Tara@truefriendsmoving.com

Print Applicant's e-mail address

Tara Knowles
Name (Please Print)

Tara Knowles
Signature

801 East Old Hickory Blvd. Suite 130

Mailing Address

Madison, TN 37115

City, State, Zip Code

615-479-5667

Phone Number

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

Appeal Fee: \$ 200



10/01/2018

True Friends Moving Company
801 East Old Hickory Blvd. Suite 130
Madison, TN 37115
Phone: 855-MOVE-615

Board of Zoning Appeal,

True Friends Moving Company is submitting a zoning appeal for the land at 3606 Old Hickory Blvd. Old Hickory, TN 37138. Included in the appeal form is a letter with signatures from the surrounding businesses that approve of our building plans. I, Tara Knowles, went door to door around the neighborhood to get approving signatures. I showed them our site plan along with picture ideas of our future building, our True Friends team and our moving trucks. I was able to get seven supporting signatures on 07/13/18.

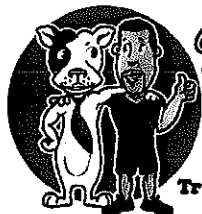
I attempted to get a few signatures from the surrounding neighbors but most of them were working during the day. I did get in touch with Ms. Pamela Burton Sowa and she had many questions concerning our building plans. I reached out to Larry Hagar (councilmember) to plan a community meeting to give the neighbors an opportunity to discuss their concerns with our building plans. He scheduled the meeting on August 23rd. I have attached the information sheet that was posted on multiple social media pages and an attendance sheet of those who attended the meeting along with my speech and the packet that I handed out at the meeting.

A few concerns that were mentioned: 1. buffers (we agreed to add additional buffers to the right side of the lot) 2. Fence (a 6-foot fence will be installed to both sides and the back of the lot) 3. dumpster location and pickup time (one dumpster will be placed at the back of our lot) 4. visibility of moving trucks (trees will be planted to block the view of our trucks). True Friends Moving is willing to make changes to site plan, if needed, to receive approval for building plans.

Sincerely,



Tara Knowles, Office Manager
Tara@truefriendsmoving.com
Direct Line: 615-479-5667



True Friends Moving Company

Because when it's time to move,
True Friends are always there for you

07/13/18

True Friends Moving Company
801 East Old Hickory Blvd. Suite 130
Madison, TN 37115
Phone: 855-MOVE-615

Board of Zoning Appeals,

I have reviewed True Friends Moving Company's building plan for 3606 Old Hickory Blvd, Old Hickory, TN 37138. I support their plan to build an office building on the lot and provide parking for their moving trucks. I believe their business plan will benefit our community in a positive way.

Supporting Business / Address:

3600 old Hickory Blvd
 3608 Old Hickory Blvd
 124 ANTHONY ST
 3418 Old Hickory Blvd
 3416 Old Hickory Blvd
 3400 Old Hickory Blvd
 95 Anthony St

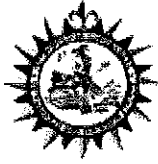
Supporting Signature:

[Signature] 08/03/18
[Signature] 8-3-18
[Signature] 8/3/18
 Jay Sayrehan 8/3/18
 William Jim 8-3-18
 Lisa Greene 8-3-18
 Nina Bope 8-3-18

Date:

Sincerely,

Tara Knowles, Office Manager
Tara@truefriendsmoving.com
Direct Line: 615-479-5667



DISTRICT 11 COMMUNITY MEETING

Thursday, August 23, 2018

6:00 p.m. – 7:00 p.m.

**Old Hickory Community Center
1050 Donelson Avenue - Old Hickory, TN 37138**

The purpose of this meeting is to discuss a proposal before the Board of Zoning Appeals for True Friends Moving Company at 3606 Old Hickory Boulevard. This will be an opportunity to receive information and ask questions.

This is an important meeting and I hope you will make plans to attend.

**FACILITATED BY
*Councilmember Larry Hagar***

Email: larry.hagar@nashville.gov to receive electronic notices for future meetings and community news or call 615.972.4335

Community Meeting - August 23rd

Thank you for coming today to hear about our building plans

I am Tara Knowles and this is my husband, Chris Knowles.

We own True Friends Moving Company and the land at 3606 Old Hickory Blvd.

- I am from the Old Hickory Village and have lived here since 1988.
- I grew up on Fowler Street, used to cheer for the Old Hickory Bulldogs.
- I hung out at this community center all the time with friends.
- My first job was at the McDonalds when it was first built.
- I have watched as Old Hickory has grown over the years.
- We hope to be a part of the growth and to benefit the community in a positive way.

- Chris started True Friends Moving Company out of our home in Waterford back in 2012.
- Top sales guy, at a Fortune 500 company, making good money and one day decided to take a risk at starting his own company.
- He bought a 16-foot truck, created a website and started moving customers with only 1 employee.
- We currently rent an office building with parking in Madison.
- We can provide full-time hours for the young men in our community. A lot of them are from Old Hickory or the Madison area.
- We feel blessed to be able to give back to the community.

- Goal is to transform the land at 3606 into something the community can be proud of.
- We will remove the big orange building that has been vacant for nearly a decade. The buildings roof is caving in and it's a real eye sore.
- Removing the building alone should help with the surrounding property value.
- We plan to provide a nice office building with parking for our trucks.
- During the day, the only people who will be on the lot is the office workers. Our movers start the day between 7am – 8am so the trucks will be off the lot most of the day. They usually arrive to park the trucks anywhere between 5pm – 8pm. Our movers go home as soon as they park the trucks so there shouldn't be any noise coming from our lot at night.
- We will be respectful to the surrounding neighbors, we will not bring any additional noise to the area, only growth to our community.

Let's look over and discuss the sheets that have been passed out to everyone.

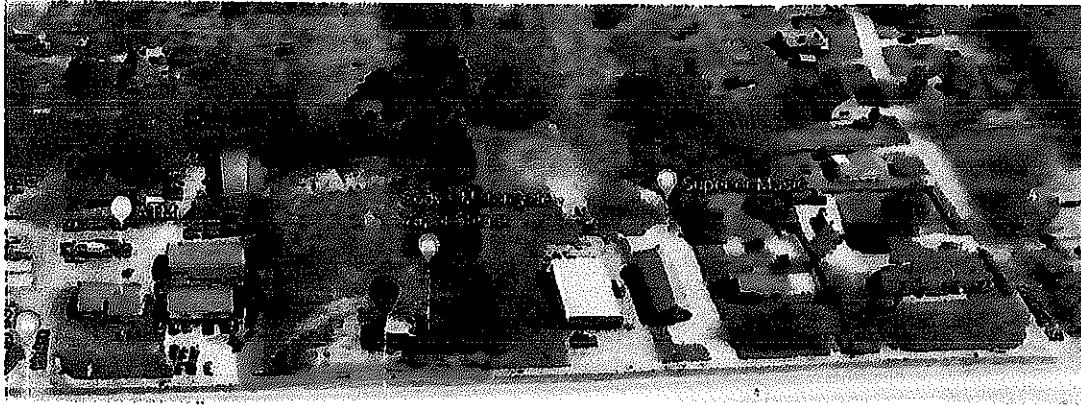
True Friends Moving - Building Plan

3606 Old Hickory Blvd

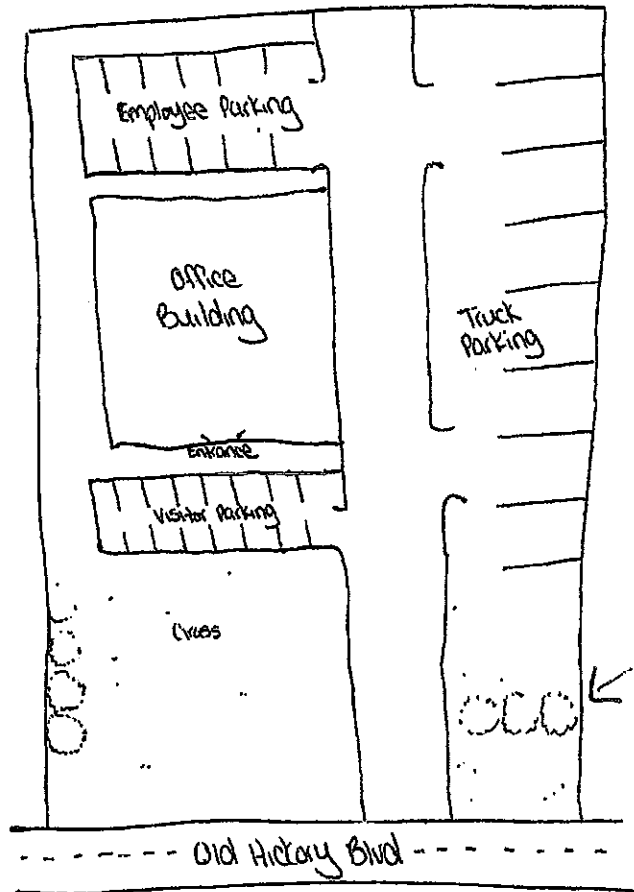
Remove orange building



our Land outlined in blue



your home location



plant trees to block view of moving trucks

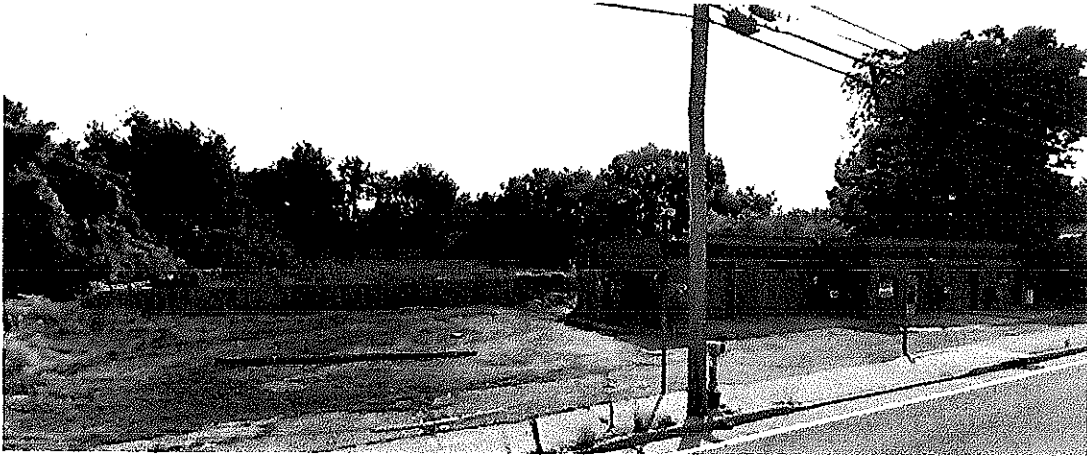
True Friends Moving - Building Plan

Case #2018-611

Current Buffer/Trees at 3606 Old Hickory Blvd

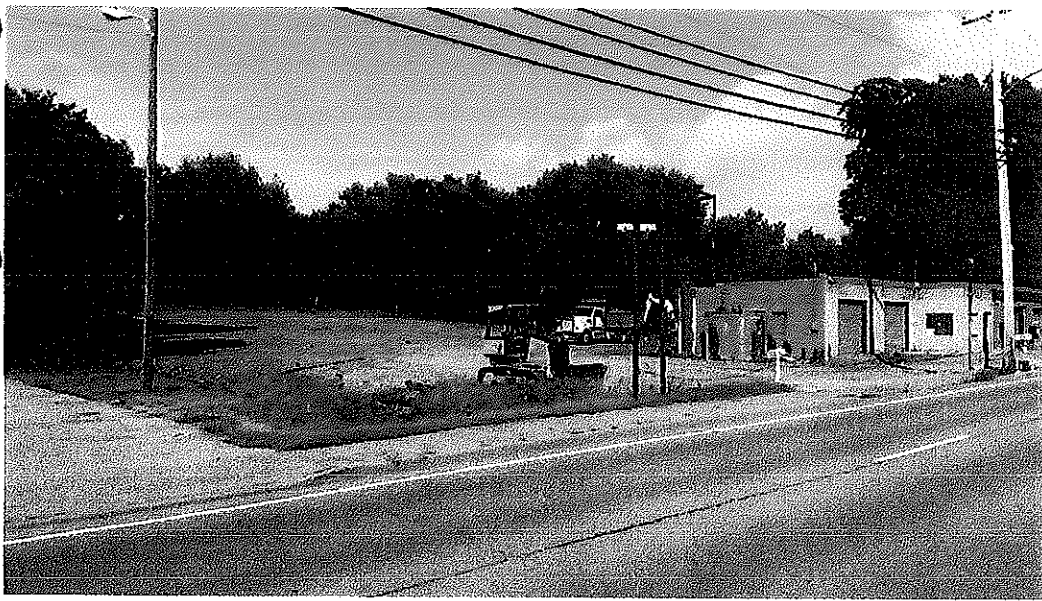
(Private maps)

Existing Property



(2015)

Removed fence / debris from property to improve appearance



(June 2018)

Trees not disturbed

Keep the surrounding beauty in tact



In addition to maintaining the trees we want to install a 4-6 foot fence around the parameter.

True Friends Moving - Building Plan

Our Trucks



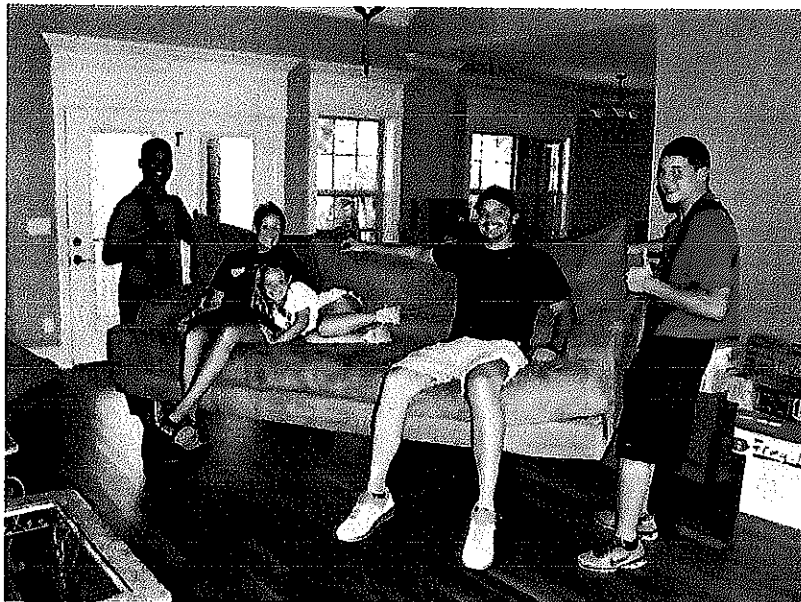
Our Team



Our Mission

we care about our company appearance & will maintain our lot in the same manner.

It will always be kept clean and in good condition 😊



We now welcome any questions or concerns that you have with our building plan.

“When it’s time to move, True Friends are always there for you”

8-23-18 @ 6pm

Case #2018-611

Community Meeting - True Friends

Pamela Gustafson 103 Anthony 615 293 6234 =

Susan Thomas 1403 Riverside 703-786 0690

Amanda Rainey 101 Anthony St.
amrainey85@yahoo.com

GREG HITCHCOCK 101 ANTHONY ST GREG.HITCHCOCK@SIRDID
YMW.
COM

H.V. Lawson 123 Anthony Ave. hlawson52@comcast.net

R.E. Hofmann 4240 Old Hickory Blvd

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.

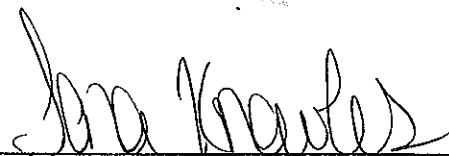
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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.



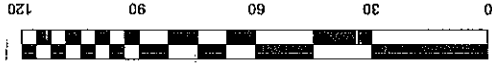
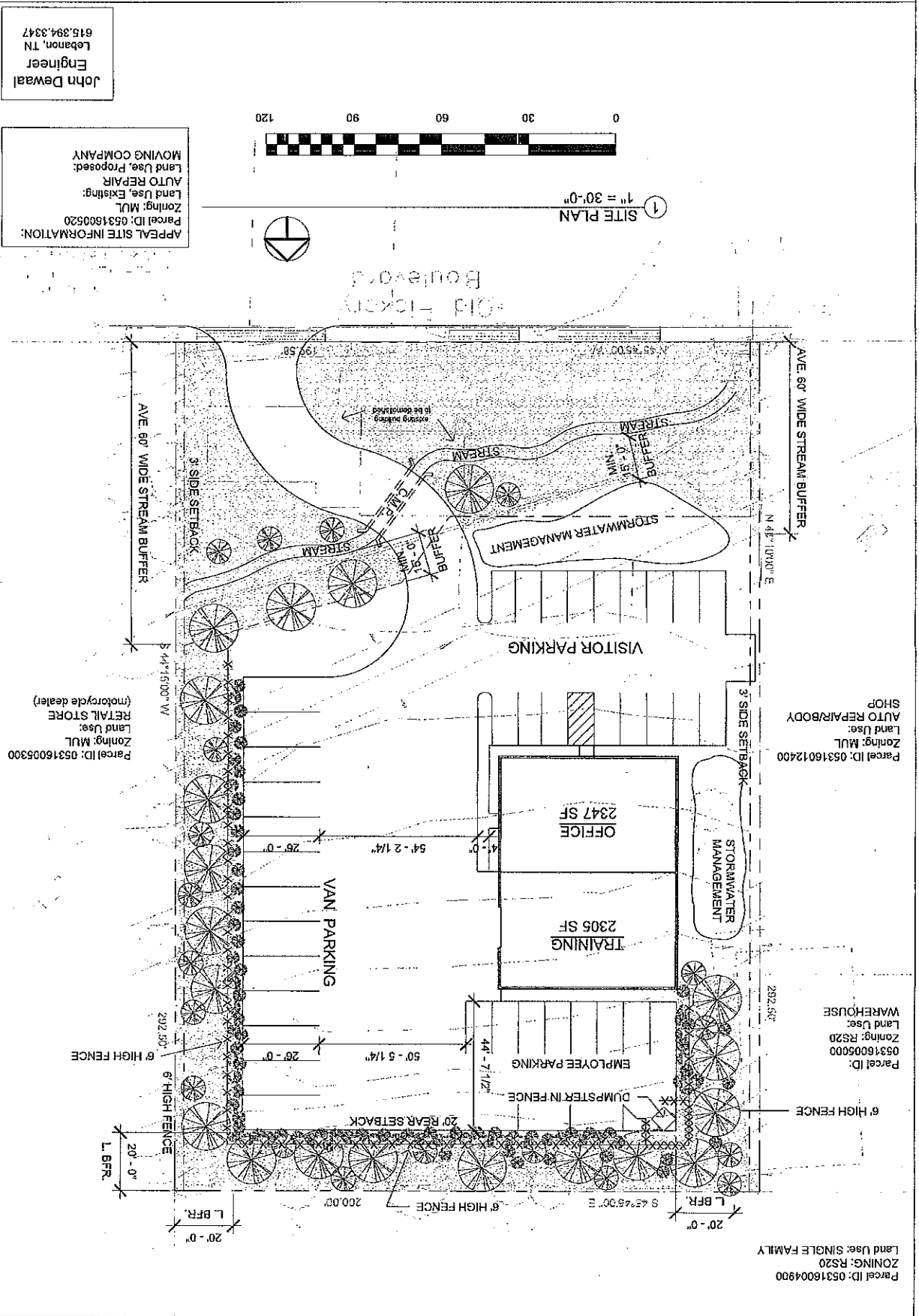
APPELLANT

10-01-18

DATE

9/28/2018 2:58:28 PM

A0 ZONING APPEAL SITE PLAN Scale: 1" = 30'-0" 9/28/18 Date	Design by J.D./ A.D./ Date	No. 1 Description 1 Date 1	TRUE FRIENDS MOVING Christopher and Tara Knowles 3606 OLD HICKORY BLVD. NASHVILLE, TENNESSEE			Alan@DA-Arc.com (615)975-2137 Dooley Architecture
						John Dewaal Engineer Lebanon, TN 615.394.3347



① SITE PLAN
 1" = 30'-0"

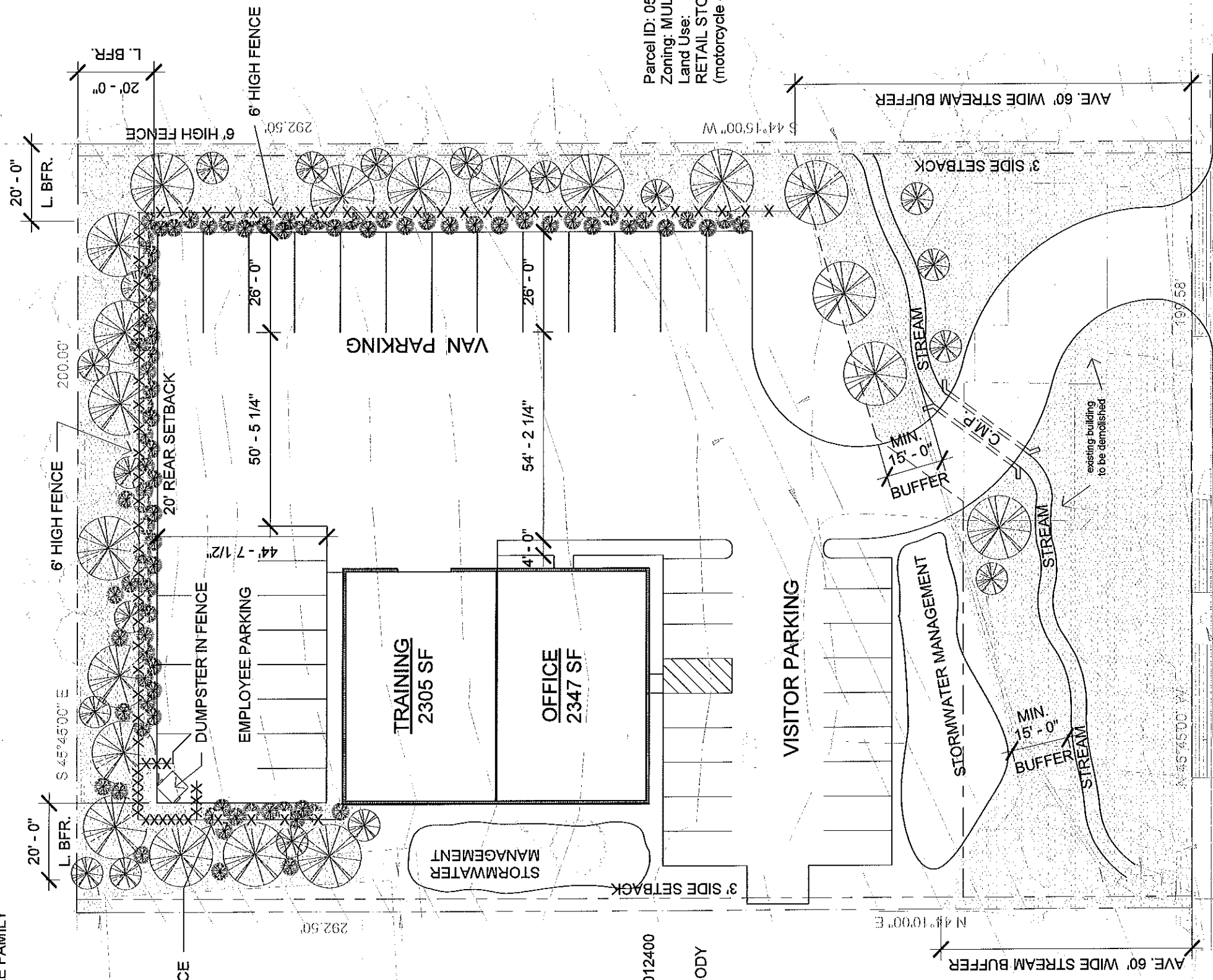


Parcel ID: 05316004900
 ZONING: RS20
 Land Use: SINGLE FAMILY

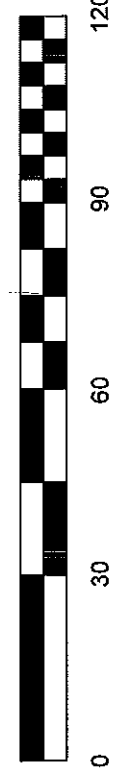
Parcel ID: 05316005000
 Zoning: RS20
 Land Use: WAREHOUSE

Parcel ID: 05316012400
 Zoning: MUL
 Land Use: AUTO REPAIR/BODY SHOP

Parcel ID: 05316005300
 Zoning: MUL
 Land Use: RETAIL STORE (motorcycle dealer)



1 SITE PLAN
 1" = 30'-0"



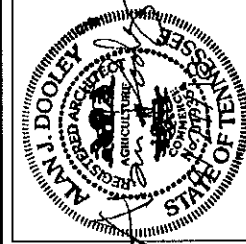
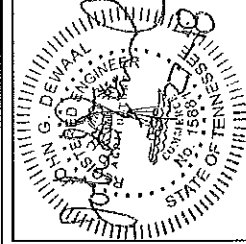
APPEAL SITE INFORMATION:
 Parcel ID: 0531600520
 Zoning: MUL
 Land Use, Existing: AUTO REPAIR
 Land Use, Proposed: MOVING COMPANY

John Dewaal
 Engineer
 Lebanon, TN
 615.394.3347

No.	Description	Date
1	Revision 1	Date 1

A0	Design by	J. D. / A. D.	Date	9/28/18
	ZONING APPEAL SITE PLAN	Scale: 1" = 30'-0"	9/28/2018 2:56:26 PM	

TRUE FRIENDS MOVING
 Christopher and Tara Knowles
 3606 OLD HICKORY BLVD.,
 NASHVILLE, TENNESSEE



da
 Dooley Architecture
 (615)975-2137
 www.DA-Arc.com
 Alan@DA-Arc.com

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: City Limits Construction

Date: 10-1-18

Property Owner: John Rudolph

Case #: 2018- 612

Representative: Britt Deprust

Map & Parcel: 08204001400

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: house set back

Activity Type: single family

Location: 1110 N WTH ST A

This property is in the SP, OV-120 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: set back

Section(s): 17.12.020 (A)

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.

City Limits Construction
Appellant Name (Please Print)

Britt Deprust
Representative Name (Please Print)

PO box 40406
Address

village real estate services.
Address

Nashville, TN 37204
City, State, Zip Code

City, State, Zip Code

615-926-9895
Phone Number

615-217-7727
Phone Number

lonoadinvoices@comcast.net
Email

Britt@brittdeprust.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



Case #2018-612

3559123

ZONING BOARD APPEAL / CAAZ - 20180058528
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08204001400 APPLICATION DATE: 09/13/2018

SITE ADDRESS:

1110 A N 6TH ST NASHVILLE, TN 37207
LOT 133 OAKWOOD PARK

PARCEL OWNER: RUDOLPH, JOHN

CONTRACTOR:

APPLICANT:

PURPOSE:

Requesting an 11.2' min front variance for proposed residence required front setback is 46' providing 35.8' per METZO Section Table 17.12.020 (a).

*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.

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.

CITY LIMITS CONSTRUCTION
APPELLANT

10-1-18
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.

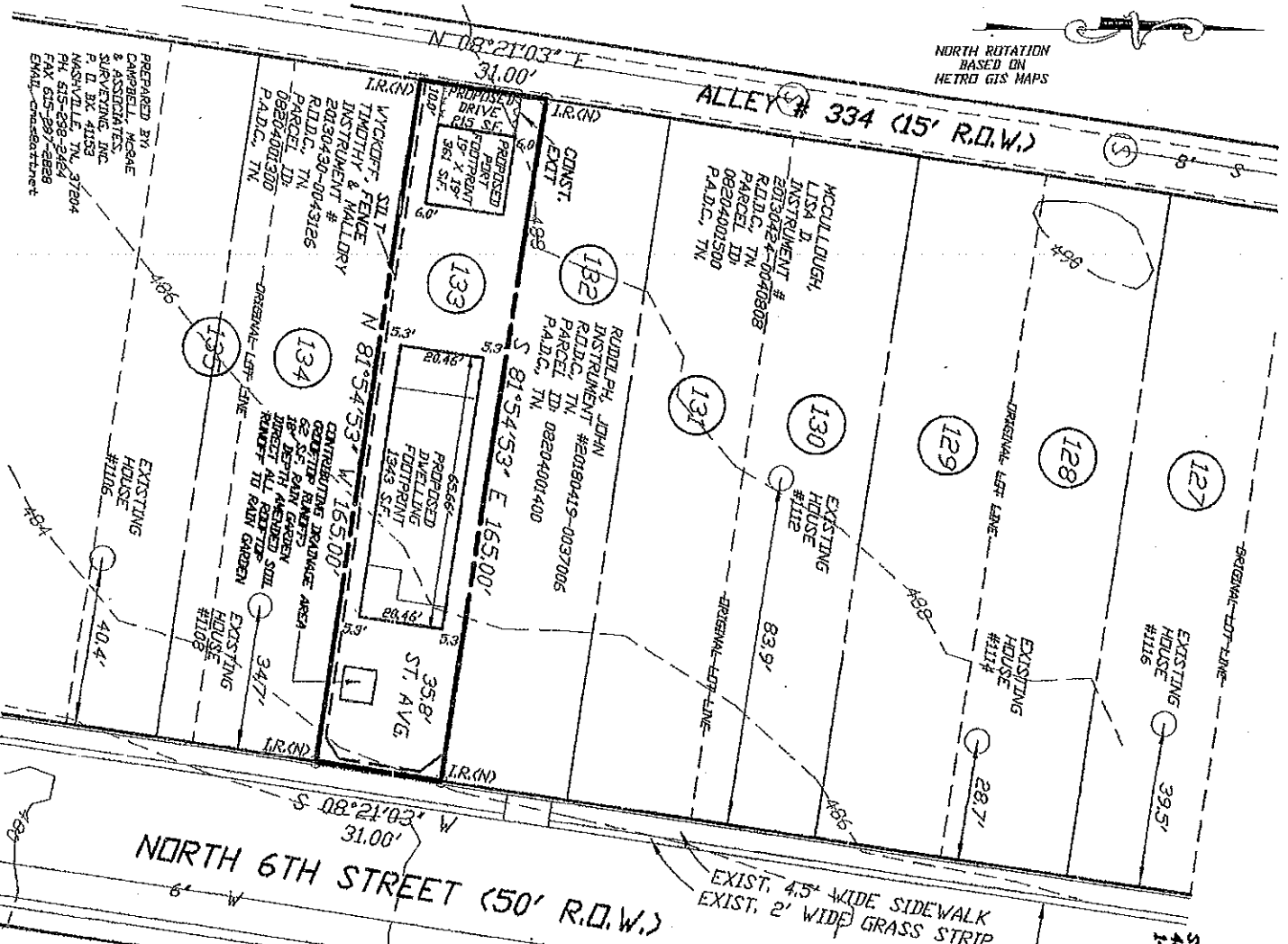
At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

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?

house set back

NORTH ROTATION
BASED ON
METRO GIS MAPS

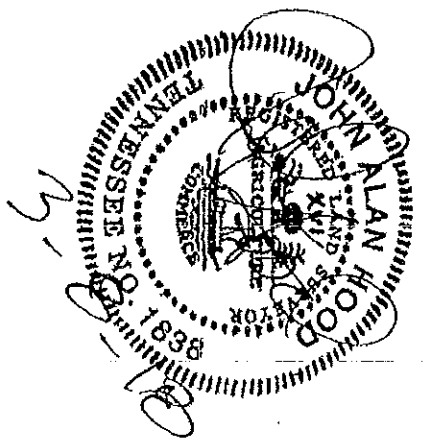


STREET AVERAGE SUMMARY
 40.4' + 34.7' + 28.7' + 33.5' = 143.30'
 143.30' / 4 = 35.82'

SITE DATA
 ORIGINAL PARCEL ID: 08204001400
 P.A.D.C., TN: 5115100
 012 ADDRESS: EXISTING LA HOUSE - 1375 S.F. DRIVE - 848 S.F. SHED - 130 S.F. TOTAL EXISTING LA 2554 S.F.
 1/2 OF EXISTING LA 1275 S.F.
 PROPOSED LA HOUSE - 1343 S.F. PORCH - 361 S.F. DRIVE - 215 S.F. TOTAL PROPOSED LA 2519 S.F.
 NET NEW 2519 S.F. NET LOSS 35 S.F.

ACCORDING TO METRO GIS MAPS PROPERTY IS ZONED R55 SETBACKS FOR R55 ZONING TAKEN FROM DISTRICT BULK TABLES TITLE 17 ZONING CHAPTER 1712
 REAR = 5'
 FRONT = STREET AVERAGE
 SIDING = 5'
 REAR = 20'
 VERIFY SETBACKS WITH CUES BEFORE DESIGN OR CONSTRUCTION DECISIONS ARE MADE
 BY GRAPING SCALING FROM THE LATEST FIELD PROPERTY IS NOT LISTED IN A F.E.A.C. FIELD SPREAD IN ZONE UNSHADED AREA PROPERTY IS LOCATED IN ZONE UNSHADED EFFECTIVE DATE = 4-5-17

THIS SURVEY WAS PREPARED FROM THE LATEST RECORDED RECORDS. THIS SURVEY IS SUBJECT TO THE FINDINGS OF A CURRENT TITLE EXAMINATION. FINDINGS IN THIS REPORT WAS FURNISHED PRIOR TO THE SURVEY.
 UTILITIES SHOWN WERE TAKEN FROM PUBLIC AS-BUILT RECORDS & FIELD LOCATION. THERE MAY BE UTILITIES OR EASEMENTS PRESENT THAT ARE NOT SHOWN IN THIS SURVEY. CONTRACT THE TENNESSEE ONE CALL SYSTEM PRIOR TO ANY CONSTRUCTION OR DIGGING.
LEGEND
 IRON-IRON ROD GILD
 IRON-IRON ROD GILD
 W-WATER LINE (RECORDED)
 S-SEWER LINE (RECORDED)
 OH-OVERHEAD LINES
 EP-EDGE PAVEMENT

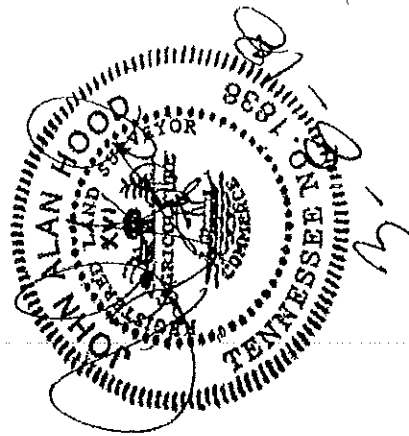


I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY, WITH THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY BEING 1:18,000. THIS SURVEY WAS DONE IN COMPLIANCE WITH THE CURRENT STANDARDS OF PRACTICE ADOPTED BY THE TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS.
 JOHN ALAN HOOD
 TN. R.L.S.#1838

BOUNDARY SURVEY OF
 LOTS 133,
 DAKWOOD PARKS
 BOOK 421, PAGE 12
 R.O.D.C., TN.
PROPERTY LOCATED IN THE
 5TH COUNCIL DISTRICT
 OF NASHVILLE, DAVIDSON
 COUNTY TENNESSEE
 ON THE WESTERLY
 MARGIN OF NORTH
 6TH STREET, NORTH
 OF EVANSTON AVENUE
PROPERTY ADDRESS:
 1110 NORTH 6TH AVENUE,
 NASHVILLE, TN, 37207
DEED REFERENCE:
 INSTRUMENT #
 20180419-0037006
 R.O.D.C., TN.
ORIGINAL
 PARCEL ID: 08204001400
 P.A.D.C., TN.
 DATE: 3-8-18
 SCALE: 1"=40'
PREPARED FOR:
 CITY LIMITS CONSTRUCTION



PREPARED BY
 CAMPBELL, MCGAHEE
 & ASSOCIATES,
 SURVEYING, INC.
 P. O. BOX 41053
 NASHVILLE, TN, 37204
 FAX: 615-258-2464
 EMAIL: ccampbell@casurveys.com



I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY WITH THE RATED OF PRECISION OF THE UNADJUSTED SURVEY BEING 1:18,000. THIS SURVEY WAS DONE IN COMPLIANCE WITH THE CURRENT STANDARDS OF PRACTICE ADOPTED BY THE TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS.

JOHN ALAN HOOD
TN. R.L.S.#1838

BOUNDARY SURVEY OF

LOTS 132, 133, 134, 135
OAKWOOD PARKS
BOOK 421, PAGE 12
R.O.D.C., TN.

PROPERTY LOCATED IN THE
5TH COUNCIL DISTRICT
OF NASHVILLE, DAVIDSON
COUNTY TENNESSEE
ON THE WESTERLY
MARGIN OF NORTH
6TH STREET, NORTH
OF EVANSTON AVENUE

PROPERTY ADDRESS:
110A NORTH 6TH AVENUE,
NASHVILLE, TN, 37207

DEED REFERENCE:
INSTRUMENT #
20180419-0037006
R.O.D.C., TN.

ORIGINAL
PARCEL ID: 08204001400
P.A.D.C., TN.

DATE: 3-8-18
SCALE: 1"=40'

PREPARED FOR:
CITY LIMITS CONSTRUCTION



STREET AVERAGE SUMMARY
40.4' + 34.7' + 39.5' = 114.6'
114.6' / 4 = 28.65'

SITE DATA

ORIGINAL
PARCEL ID
08204001400
P.A.D.C., TN
515.00
S.F. OR
0.12 ACRES

EXISTING IA
HOUSE - 1375 S.F.
DRIVE - 848 S.F.
SHED - 130 S.F.
TOTAL EXISTING IA
2354 S.F.

1/2 OF EXISTING IA
1177 S.F.

PROPOSED IA
HOUSE - 1343 S.F.
PDR - 361 S.F.
DRIVE - 215 S.F.
TOTAL PROPOSED IA
1919 S.F.

NET NEW IA
1919 - 1177 = 742
742 S.F.

ACCORDING TO METRO GIS MAPS
PROPERTY IS ZONED RS3
SETBACKS FOR RS3 ZONING TAKEN FROM
DISTRICT BULK TABLES TITLE 17 ZONING
CHAPTER 17.02

FRONT = STREET AVERAGE
SIDES = 5'
REAR = 20'

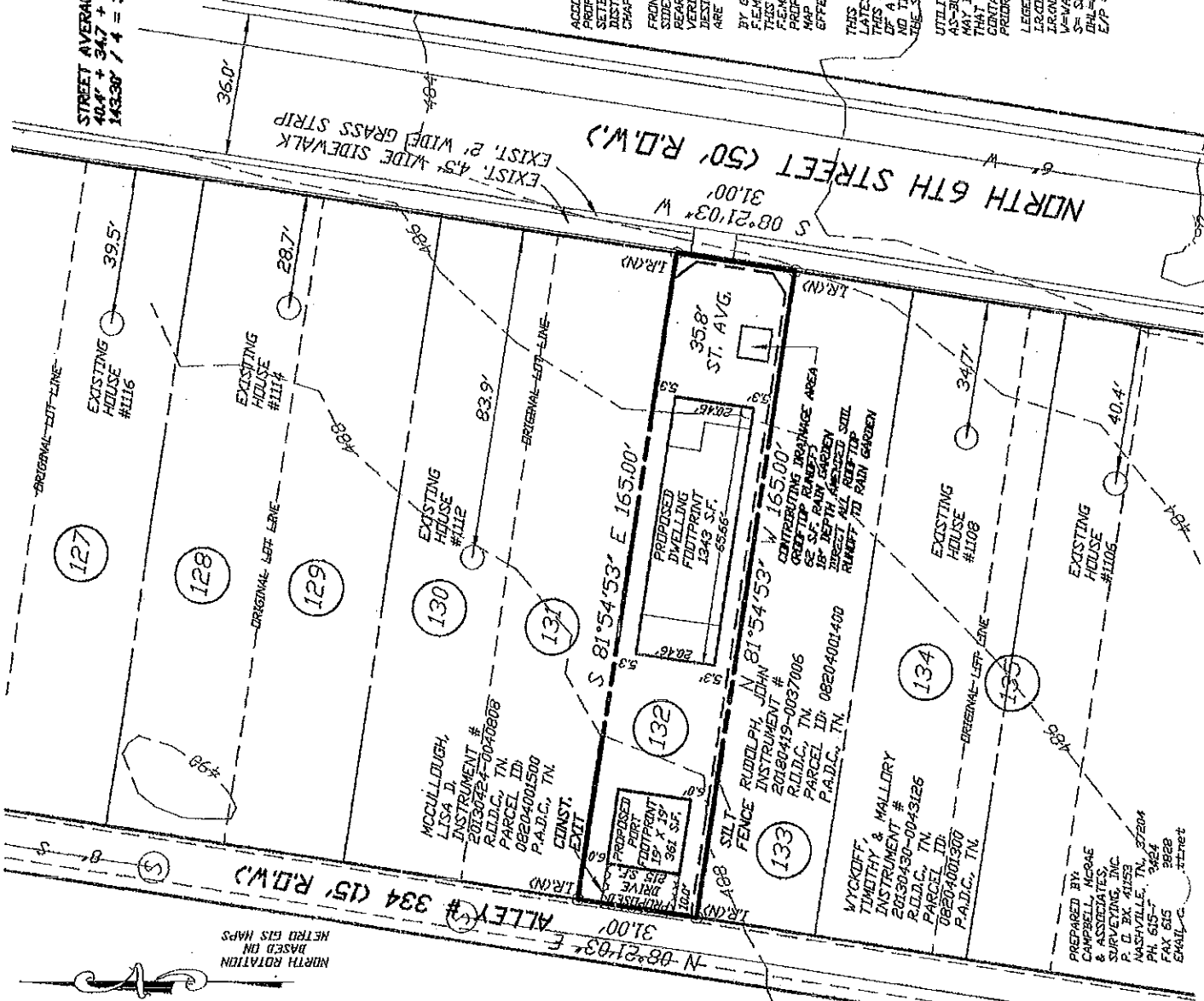
VERIFY SETBACKS WITH CODES BEFORE
DESIGN OR CONSTRUCTION DECISIONS
ARE MADE

BY GRAPHIC SCALING FROM THE LATEST
FEMA / FLOID INSURANCE RATE MAP
THIS PROPERTY IS NOT LOCATED IN A
FLOOD HAZARD AREA. SPECIAL FLOOD HAZARD AREA
PROPERTY IS LOCATED IN ZONE X UNSHADED
MAP 17000A PANEL 0284H
EFFECTIVE DATE = 4-5-17

THIS SURVEY WAS PREPARED FROM THE
LATEST AVAILABLE RECORDS AND FIELD NOTES.
THIS SURVEY IS SUBJECT TO THE FINDINGS
OF A CURRENT TITLE EXAMINATION.
NO TITLE REPORT WAS FURNISHED PRIOR TO
THIS SURVEY.

UTILITIES SHOWN WERE TAKEN FROM PUBLIC
AS-BUILT RECORDS & FIELD LOCATION. THERE
MAY BE UTILITIES OR EASEMENTS PRESENT
THAT ARE NOT SHOWN ON THIS SURVEY.
CONTACT THE TENNESSEE ONE CALL SYSTEM
PRIOR TO ANY CONSTRUCTION OR DIGGING.

LEGEND
L=LOW-VOLTAGE RED
H=HIGH-VOLTAGE RED
W=WATER LINE (GREEN)
S=SEWER LINE (RED)
D=OVERHEAD LINES
E/P=EDGE PAYMENT



NORTH ROTATION
BASED ON
METRO GIS MAPS

PREPARED BY:
CAMPBELL, McRAE
& ASSOCIATES,
SURVEYING, INC.
P. O. BOX 4155
NASHVILLE, TN, 37204
PH 615-251-3824
FAX 615-251-3828
Email: c. titret

Hello,

I am writing in response to a letter I received in the mail about a zoning appeal. The appeal case numbers are 2018-612 and 2018-613, and are for the address 1110 A/B North 6th Street. It states that the variance being requested is for front setback requirements. I'm not certain of what exactly that means, but what I wish to convey is my deep concern about two homes being built on this small property. Our neighborhood has very few driveways and even fewer garages, and most residents must park in the street (where space is already at a premium). Adding two homes on a lot that has previously only held one will only add to this issue if there are no driveways or garages in the plans.

As the direct next door neighbors to this property, my husband and I are concerned and frustrated for our sake as well as the other neighbors around this property. The income potential for builders should not be of greater concern than the neighborhoods and citizens impacted by those builders' choices.

Please let me know if there is further communication needed in order to present my concerns to the board. Thank you for your time.

Sincerely,

Mallory Wyckoff
1108 N. 6th Street
mallory.wyckoff@gmail.com

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: CITY LIMITS CONSTRUCTION

Date: 10-1-18

Property Owner: John Rudolph

Case #: 2018- 613

Representative: Britt Depriest

Map & Parcel: 092 0404 3100

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: house set back

Activity Type: single family

Location: 110 NORTH ST B

This property is in the SP, U, OZO 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

Section(s): 17.12.020 (A)

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.

CITY LIMITS CONSTRUCTION
Appellant Name (Please Print)

Britt Depriest
Representative Name (Please Print)

PO BOX 40466
Address

Village Real Estate Services
Address

Nashville, TN 37204
City, State, Zip Code

City, State, Zip Code

615 926 9895
Phone Number

615 931-217-7727
Phone Number

lwnoakinvoiles@comcast.net
Email

Britt@brittdepriest.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



Case #2018-613

3559132

ZONING BOARD APPEAL / CAAZ - 20180058532
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08204043100 APPLICATION DATE: 09/13/2018

SITE ADDRESS:

1110 B N 6TH ST NASHVILLE, TN 37207
LOT 132 OAKWOOD PARK

PARCEL OWNER: RUDOLPH, JOHN

CONTRACTOR:

APPLICANT:

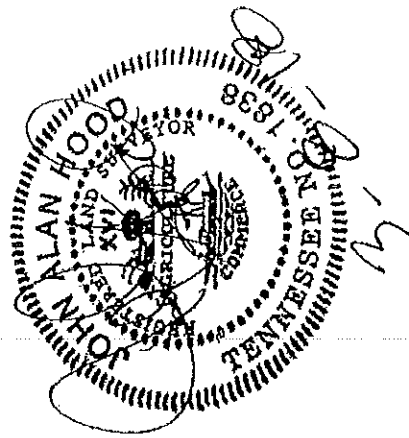
PURPOSE:

requesting a front setback variance of 11.2' for proposed residence. required front setback is 47' providing 35.8'.

*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.



I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY WITH THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY BEING 1:18,000. THIS SURVEY WAS DONE IN COMPLIANCE WITH THE CURRENT STANDARDS OF PRACTICE ADOPTED BY THE TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS.

JOHN ALAN HOOD
T.N. R.L.S.#1828

BOUNDARY SURVEY OF
LOTS 132,
OAKWOOD PARKS
BOOK 42L, PAGE 12
R.O.D.C., TN.
PROPERTY LOCATED IN THE
5TH COUNCIL DISTRICT
OF NASHVILLE, DAVIDSON
COUNTY TENNESSEE
IN THE WESTERLY
MARGIN OF NORTH
6TH STREET, NORTH
OF EVANSTON AVENUE
PROPERTY ADDRESS
1110A NORTH 6TH AVENUE,
NASHVILLE, TN, 37207
DEED REFERENCE
INSTRUMENT #
20180419-0037006
R.O.D.C., TN.
ORIGINAL
PARCEL ID# 08204001400
P.A.D.C., TN.
DATE: 3-8-18
SCALE: 1"=40'
PREPARED FOR:
CITY LIMITS CONSTRUCTION

STREET AVERAGE SUMMARY
 $40.4' + 34.7' + 28.7' + 35.5' = 143.30'$
 $143.30' / 4 = 35.82'$

SITE DATA
 ORIGINAL PARCEL ID 08204001400
 P.A.D.C. TN 5015.00
 S.F. OR 0.12 ACRES±
EXISTING IA
 HOUSE - 1375 S.F.
 DRIVE - 848 S.F.
 SHED - 130 S.F.
TOTAL EXISTING IA
2354 S.F.
1/2 OF EXISTING IA
1177 S.F.
PROPOSED IA
 HOUSE - 1343 S.F.
 PORCH - 361 S.F.
 DRIVE - 215 S.F.
TOTAL PROPOSED IA
1919 S.F.
 1919 / 1177 = 742
NET NEW IA
742 S.F.

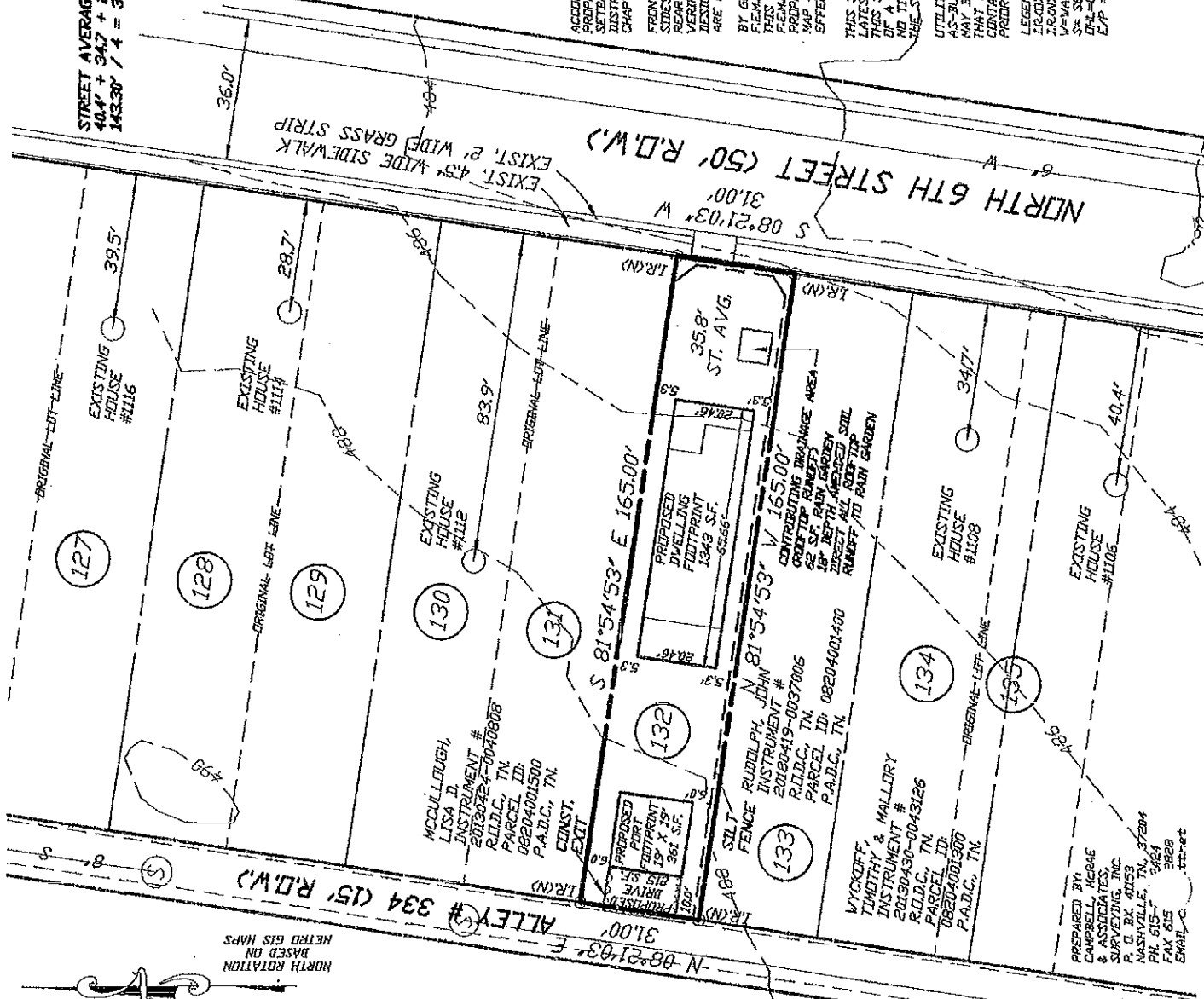
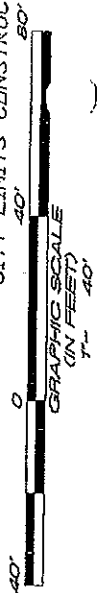
ACCORDING TO METRO GIS MAPS PROPERTY IS ZONED R3S SETBACKS FOR R3S ZONING TAKEN FROM DISTRICT BULK TABLES TITLE 17 ZONING CHAPTER 17.12
 FRONT = STREET AVERAGE
 SIDES = 5'
 REAR = 20'
 VERIFY SETBACKS WITH CODES BEFORE DESIGN OR CONSTRUCTION DECISIONS ARE MADE.

BY GRAPHIC SCALING FROM THE LATEST FEMA FLOOD INSURANCE RATE MAP (FIRM) PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA. FLOOD HAZARD AREA PROPERTY IS LOCATED IN ZONE X UNSHADED MAP 470948 PANEL 08241
 EFFECTIVE DATE = 9-5-17

THIS SURVEY WAS PREPARED FROM THE LATEST RECORDS & FIELD LOCATION. THERE MAY BE UTILITIES OR EASEMENTS PRESENT THAT ARE NOT SHOWN ON THIS SURVEY. CONTACT THE TENNESSEE ONE CALL SYSTEM PRIOR TO ANY CONSTRUCTION OR DIGGING.

LEGEND
 LRND=IRON ROD (OLD)
 TRND=IRON ROD (NEW)
 W=WATER LINE (RECORDED)
 S=SEWER LINE (RECORDED)
 OHL=OVERHEAD LINES
 E/P=EDGE PAVEMENT

GRAPHIC SCALE
 1" = 40'



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.

CITY LIMITS CONSTRUCTION

APPELLANT

10-1-18

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?

house set back

Hello,

I am writing in response to a letter I received in the mail about a zoning appeal. The appeal case numbers are 2018-612 and 2018-613, and are for the address 1110 A/B North 6th Street. It states that the variance being requested is for front setback requirements. I'm not certain of what exactly that means, but what I wish to convey is my deep concern about two homes being built on this small property. Our neighborhood has very few driveways and even fewer garages, and most residents must park in the street (where space is already at a premium). Adding two homes on a lot that has previously only held one will only add to this issue if there are no driveways or garages in the plans.

As the direct next door neighbors to this property, my husband and I are concerned and frustrated for our sake as well as the other neighbors around this property. The income potential for builders should not be of greater concern than the neighborhoods and citizens impacted by those builders' choices.

Please let me know if there is further communication needed in order to present my concerns to the board. Thank you for your time.

Sincerely,

Mallory Wyckoff
1108 N. 6th Street
mallory.wyckoff@gmail.com

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Michael Robinson Date: 10-1-2018
Property Owner: Robinson Developments Case #: 2018- 614
Representative: Melissa Robinson LLC Map & Parcel: 11712019900

Council District 25

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 ON VACANT LOT. REQUIRED SETBACK 81'-6" PER SETBACK AVERAGE SURVEY, REQUESTING 76'-6" SETBACK (5 FT DIFFERENCE)

Activity Type: RESIDENTIAL CONSTRUCTION

Location: 1488 WOODMONT BLVD.

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: FRONT SETBACK VARIANCE

Section(s): 17.12.030 C3

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.

Michael Robinson
Appellant Name (Please Print)

Melissa Robinson
Representative Name (Please Print)

1400 N Mt. Juliet Rd.
Address # 200

1400 N Mt Juliet Rd #200
Address

Mt. Juliet, TN 37122
City, State, Zip Code

Mt Juliet, TN 37122
City, State, Zip Code

615.642.3030
Phone Number

615.406.0846
Phone Number

Michael@robinson
Email properties.com

melissa@robinsonproperties.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.

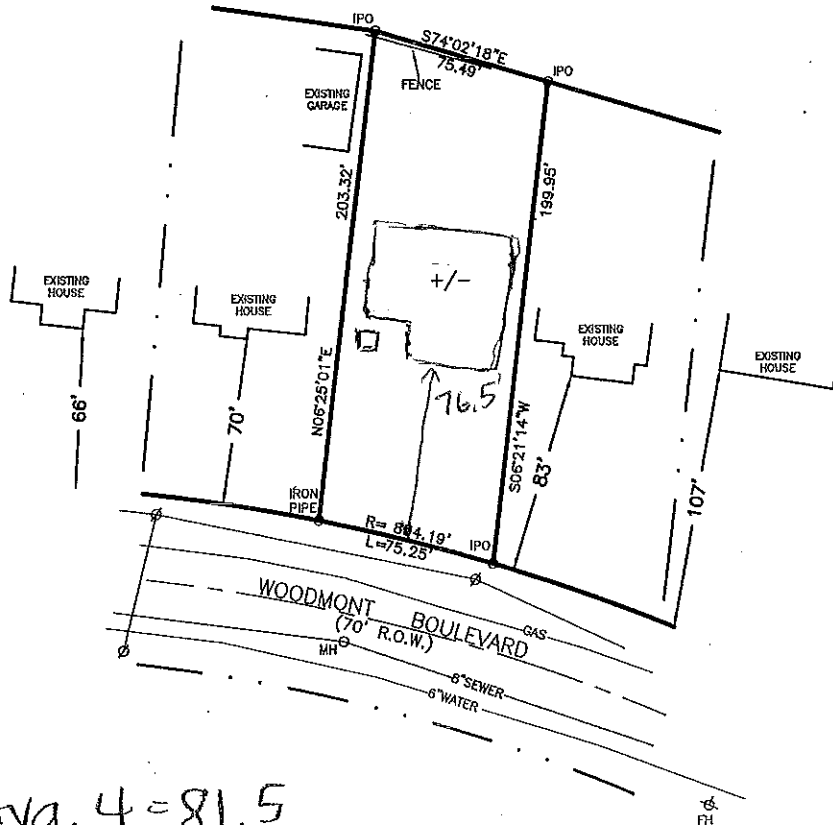
Integrity of Master Development Plan - The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.

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.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.

SITE PLAN



SOURCE OF NORTH
TN STATE PLANE
(NAD 83)



Avg. 4 = 81.5
Avg. 2 = 76.5

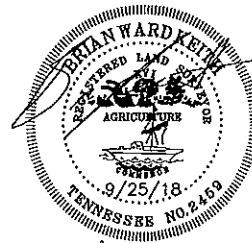
NOTES:

1. The survey, shown hereon, represents Parcel 199, of Map 117-12.
2. Bearings for this survey were obtained from TN State Plane Coordinates. Field work for this survey performed Sept. 2018.
3. All corners are "I" rebar with cap set by this surveyor, unless noted otherwise.
4. The underground utilities have not been physically located. Above grade and underground utilities shown were taken from visible appearances at the site, public records, and/or maps prepared by others. This surveyor makes no guarantee that the underground utilities shown represent all such utilities in the area or that the underground utilities shown are in the exact location indicated. The appropriate utility provider must be contacted to confirm availability and location of utilities.
5. Any and all utilities may carry one or more easements. Property owner must contact the appropriate utility authority for the exact location of these easements.
6. Federal Flood Note: This property is not in an area designated as a special flood area as shown on Community NFIP Map No. 4706100311 F. Effective Date April 20, 2001.
7. This survey was performed without benefit of title search, therefore this property is subject to any findings that a current and accurate title search might reveal.
8. This map may not be altered without consent of this surveyor.

Certificate of Accuracy

I hereby certify that this is a Category I survey shown and described hereon and is a true and accurate survey to the best of my knowledge. The unadjusted closure ratio of the survey shown hereon meets and/or exceeds 1:10,000.

Brian Ward Keith
 Brian Ward Keith, TN RLS# 2459 Date 9/25/18
 Office Phone 615-443-7796
 1012 Sparta Pike
 Lebanon, TN 37087



K&A Land Surveying
 1012 Sparta Pike Lebanon TN, 37087
 Office Phone- 615-443-7796

541 N Mt. Juliet Rd

Ste. 1102

Mt. Juliet, TN 37122

Phone: (615)288-3094 Fax: (615)246-3189

Settlement Date: 09/27/2018
 Escrow officer/Closer: Julia Hirt
 Order Number: FND-187398BSO
 Buyer: Robinson Developments, LP
 1400 N. Mt. Juliet Rd
 Ste 200
 Mount Juliet, TN 37122
 Seller: Adex Corporation
 2713 Greystone Rd.
 Nashville, TN 37204
 Property location: 1488 Woodmont Blvd.
 Nashville, TN 37215

Seller			Buyer	
Debit	Credit		Debit	Credit
		Financial Consideration		
	292,000.00	Sale Price of Property	292,000.00	
		Deposit		5,000.00
5,000.00		Excess Deposit		
		Prorations/Adjustments		
1,458.65		County Taxes 01/01/18 - 09/28/18		1,458.65
		Commissions		
10.00		Selling Broker Commission to Robinson Properties		
		Escrow/Title Charges		
1,160.60		Owner's Title Insurance to Foundation Title and Escrow Mt. Juliet Coverage: 292,000.00 Premium: 1,160.60 Version: ALTA Owners Policy (06/17/06)		
		Recording Charges		
		Recording Fees to Davidson County Register of Deeds	18.00	
17.00		REcord QCD to Davidson County Register of Deeds		
		State Tax Stamp - Deed to Davidson County Register of Deeds	1,080.40	
7,646.25	292,000.00	Subtotals	293,098.40	6,458.65
		Balance Due FROM Buyer		286,639.75
284,353.75		Balance Due TO Seller		
292,000.00	292,000.00	TOTALS	293,098.40	293,098.40

Seller

Adex Corporation

BY:

Michael B. McKee
Member

Buyer

Robinson Developments, LP

BY:

Chris Robinson
Partner

Foundation Title & Escrow Series, LLC
Settlement Agent

From: [Brian Yoeckel](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Re: Zoning Appeal
Date: Tuesday, November 6, 2018 11:11:55 AM

The appeal case number is 2018-614 and address is 1488 Woodmont Blvd.

I oppose the appeal as I would like to maintain the overall unison of the current neighborhood. To allow a variance to the front setback requirement would disrupt that.

Best,
Brian Yoeckel

> On Nov 6, 2018, at 7:24 AM, Board of Zoning Appeals (Codes) <bza@nashville.gov> wrote:

>

> Need to know the appeal case number or address of property

>

> -----Original Message-----

> From: Brian Yoeckel <byoeckel@gmail.com>

> Sent: Monday, November 5, 2018 1:20 PM

> To: Board of Zoning Appeals (Codes) <bza@nashville.gov>

> Subject: Zoning Appeal

>

> Good afternoon. I received Zoning Appeal notice in which the appellant is requesting a variance from front setback requirements. I would like to go on record as opposing this request but I'm unable to attend the hearing in person. Is there an appropriate email address to submit a written opposition?

>

> Best,

> Brian Yoeckel

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Ali Shaw Date: 10/1/18
Property Owner: Ebrahim Balstkanich Case #: 2018- 615
Representative: Ali Shaw Map & Parcel: 147-2-27

Council District 27

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

Purpose: Auto Car Sales

Activity Type: Auto Sales

Location: 4401 Nolensville, N.T. 37211

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: Not to Install + Not to contribute

Section(s): 12, 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.

Ali Shaw
Appellant Name (Please Print)

Representative Name (Please Print)

1707 Stillwater Cr
Address

Address

Brentwood TN 37027
City, State, Zip Code

City, State, Zip Code

615-482-0939
Phone Number

Phone Number

ali_shaw3666@yahoo.com
Email

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**



3557497

**APPLICATION FOR BUILDING COMMERCIAL - NEW / CACN - T2018057494
THIS IS NOT A PERMIT**

PARCEL: 14707007700

APPLICATION DATE: 09/10/2018

SITE ADDRESS:

4401 NOLENSVILLE PIKE NASHVILLE, TN 37211
LOT 6 T C COOKS RESUB

PARCEL OWNER: BALAFKANDEH, EBRAHIM

APPLICANT:**PURPOSE:**

to install a new 300 sf office building on property for Payless Auto Sales #2. URBAN FORRESTER DO NOT IGNORE THIS APPLICATION. PUBLIC WORKS STAFF PLEASE NOTE: FULL COMPLIANCE WITH METRO COUNCIL BILL 2016-493 IS REQUIRED FOR BOTH STREETS. PLEASE REVIEW ACCORDINGLY. Eddie Balfkandeh 615-400-6114

DENIED: SIDEWALKS REQUIRED AND NOT ALLOWED TO CONTRIBUTE TO FUND...17.20.120.

POC: ALI SHAW....615-482-0939

ali_shaw3666@yahoo.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] Site Plan Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[A] Zoning Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[B] Fire Sprinkler Requirement		862-5230
[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
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[E] Cross Connect Review For Bldg App	COND	615-566-9388 steve.edwards@nashville.gov
[E] Sewer Availability Review For Bldg	COND	615-566-9388 steve.edwards@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-566-9388 steve.edwards@nashville.gov
[E] Water Availability Review For Bldg	COND	615-566-9388 steve.edwards@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-566-9388 steve.edwards@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-862-6545 Richard.Thomopoulos@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		
[F] Address Review On Bldg App		862-8781 bonnie.crumby@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsl@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
NES Review on Building Application		DSampson@NESPOWER.COM
[C] Flood Plain Review On Bldg App		862-6038 logan.bowman@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.

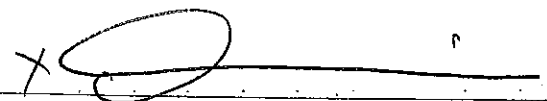
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

10/1/18

 DATE

Ali Shaw

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?

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.



41A TAMMABSLM 31A 11

GOINS RD

31A TAMMABSLM

11 41A

465.8

297.5

309.6

314.75
370s

51

54

75

8109

85-92

14707007800

14707024000

PROVIDENCE HTS

http://maps.metrogis.com/sidewalkRequirements Sidewalk Requirements

Sidewalk Requirements

Required by Section 17.20.120 of the Metropolitan Code of Laws. Does not include sidewalks required by other development regulations.
View Major and Collector Street Plan requirements

Search

4401 NOLENSVILLE PIKE BALAFKANDEH, EBRAHIM
14707007700

Choose the Development Type
Multi-Family or Non-Residential

Calculate Requirements

Sidewalks ARE required for this project because the frontage of this parcel is within a 1/4 mile of a Nashville Next Center.

You are NOT eligible to contribute to the Pedestrian Benefit Zone In-lieu of construction because the parcel is on a

Legend

4401 NOLENSVILLE PIKE

Parcel ID: 14707007700
Owner: BALAFKANDEH, EBRAHIM
Address: 4401 NOLENSVILLE PIKE, NASHVILLE, TN 37211
Zoom to

Metro GIS | MetroGIS | Nashville Planning Department | Planning Department | esri

12:04 PM 10/1/2018

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-615 (4401 Nolensville Pike)

Metro Standard:	Nolensville Pike – 6' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
	Providence Heights - 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not construct sidewalks; not contribute in lieu of construction (not eligible)
Zoning:	CS
Community Plan Policy:	T3 CM (Suburban Mixed Use Corridor)
	CO (Conservation: stream at rear of property)
MCSP Street Designation:	Nolensville Pike – T3-M-AB5-LM
	Providence Heights – Local Street
Transit:	#52 – Nolensville Pike BRT Lite; Future High Capacity Transit planned per nMotion
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to construct a building for auto sales and requests a variance from constructing sidewalks along Providence Heights due to right of way constraints and a stream crossing along the property's frontage. Planning evaluated the following factors for the variance request:

- (1) The applicant proposes to construct a 6' grass strip and 8' sidewalk along the Nolensville Pike property frontage which meets the Major and Collector Street Plan standard.
- (2) Providence Heights is approximately 18' wide, which dead ends approximately 1,060' from Nolensville Pike. Furthermore, a stream crosses under an approximately 19'-wide bridge along Providence Heights adjacent to the property's rear frontage. Strict adherence to the sidewalk requirement would necessitate in the reconstruction of Providence Heights to meet Metro Public Works standard detail ST-251.

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

1. The applicant shall construct a 6' grass strip and 8' sidewalk along the Nolensville Pike property frontage which meets the Major and Collector Street Plan.
2. The applicant shall contribute in-lieu of construction for the Providence Heights property frontage.
3. Prior to the issuance of building permits, dedicate right-of-way along the Providence Heights property frontage to accommodate a future 5' sidewalk without a grass strip.

From: [Christin Shatzer](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: against zoning appeal case number 2018-615
Date: Saturday, October 27, 2018 12:44:23 PM

Dear Zoning Board,

I own my home at 4427 Providence Heights and I received notice of the zoning appeal where Ali Shaw has requested a variance from sidewalk requirements (zoning appeal case number 2018-615).

I am strongly against the approval of this appeal. This would not be a sidewalk to no where-- there is new development on the street so there are more residents needing sidewalk access on Providence Heights.

Further, there are approximately 10 schoolchildren who reside on this street and need more sidewalk access to walk to their bus stop at the corner of Providence Heights and Nolensville.

The sidewalk also adds to overall safety of this community. I ask you to refuse this appeal.

Many thanks,
Christin Shatzer
4427 Providence Heights
Nashville 37211

2018-615
OPPOSE

Bob & Isabelle Armstrong
4419 JJ Watson Ave.
Nashville, Tennessee 37211

November 10, 2018

To: Board of Zoning Appeals, Metro Office Building, Nashville, TN

Dear Board of Zoning Appeals:

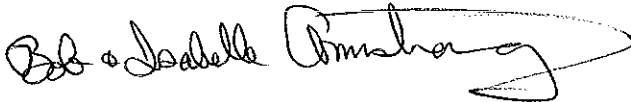
We oppose Ali Shaw's request to construct a new office building without building sidewalks or contributing to the sidewalk fund. We have no issue with the proposed building itself.

Please ensure this written communication is part of the record for the relevant public hearing on the issue – case #2018-615. We state strongly but respectfully that the sidewalk should be built for the planned property at 4401 Nolensville Pike.

Nashville does not have enough sidewalks, so providing a sidewalk for this Nolensville community is a good thing. They provide safe walking areas for our neighbours, everyone's children, grandchildren, and the general public. They add to the calmness and sense of community overall.

We moved here 15 months ago, and we love the Nolensville Pike area. It has history, it is very diverse, and is thriving. However, it needs more sidewalks. Ali Shaw's new building will benefit also. With sidewalks around the new business building, it will show that it is part of the community and making a needed contribution.

Sincerely,



Bob & Isabelle Armstrong

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: MAX RUBEL

Date: 10/01/2018

Property Owner: MAX RUBEL

Case #: 2018-6017

Representative: CHRISTOPHER DIEHL

Map & Parcel: 08301012700

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:

an addition to detached garage

Activity Type:

Single family

Location: 929 GRANADA AVE.; NASHVILLE, TN 37206

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:

an expansion to a nonconforming detached garage

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.

MAX RUBEL
Appellant Name (Please Print)

CHRISTOPHER DIEHL
Representative Name (Please Print)

929 GRANADA AVE.
Address

220 25TH AVEN.; STE 609
Address

NASHVILLE, TN 37206
City, State, Zip Code

NASHVILLE, TN 37203
City, State, Zip Code

(310) 922-8379
Phone Number

(216) 556-1109
Phone Number

maxrubel1@gmail.com
Email

DIEHL10@gmail.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**



3564701

**ZONING BOARD APPEAL / CAAZ - 20180062245
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08301012700 **APPLICATION DATE:** 10/01/2018

SITE ADDRESS:

929 GRANADA AVE NASHVILLE, TN 37206
PT LOTS 30 32 W H HYRONEMUS ADDN

PARCEL OWNER: RUBEL, MAX

CONTRACTOR:

APPLICANT:

PURPOSE:

Per METZO section 17.40 660 (C), requesting a 486 sf expansion to existing nonconforming detached garage.

*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 RESIDENTIAL - ADDITION / CARA - T2018062239
Permit Tracking Checklist**

PARCEL: 08301012700 **APPLICATION DATE:** 10/01/2018 **PERMIT TRACKING #:** 3564695

SITE ADDRESS:

929 GRANADA AVE NASHVILLE, TN 37206
PT LOTS 30 32 W H HYRONEMUS ADDN

PARCEL OWNER: RUBEL, MAX

CONTRACTOR:

APPLICANT:

PURPOSE:

to construct a 486 sf addition to side of existing nonconforming detached garage to rear of residence. Requesting BZA review per METZO Section 17.40.660.

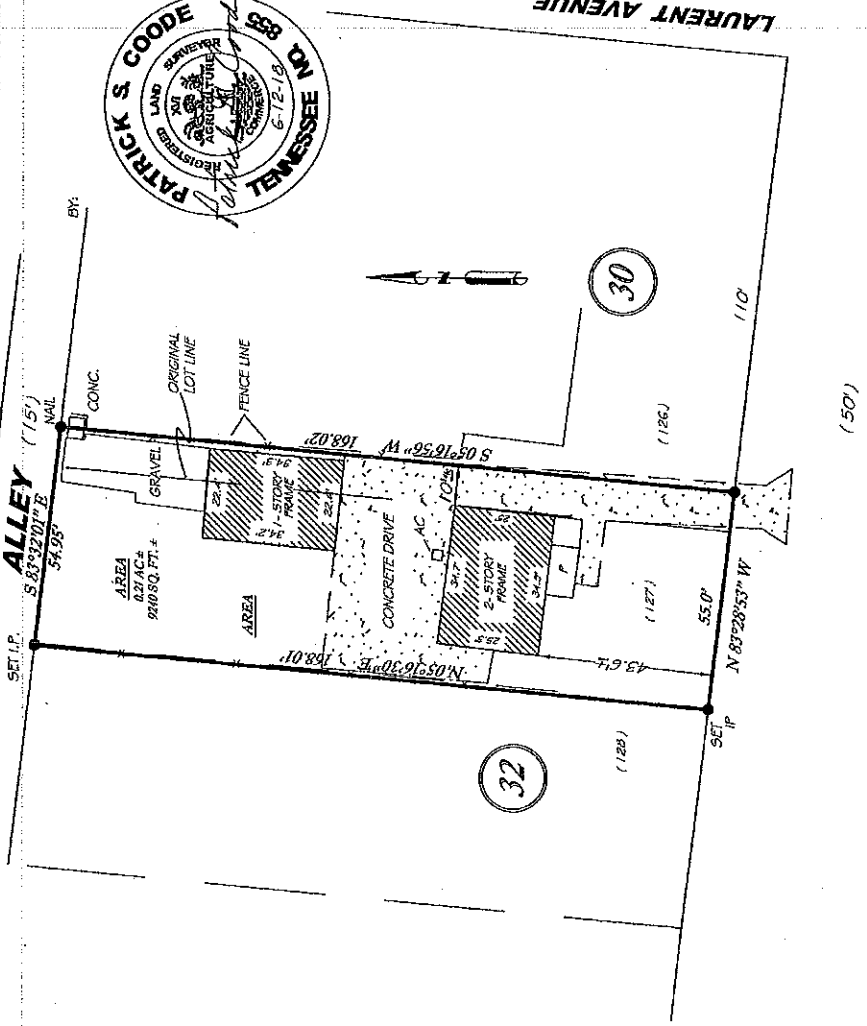
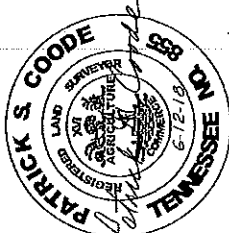
Before a Building Permit can be issued for this project, the following approvals are required.

- [A] Site Plan Review
- [A] Zoning Review
- [A] Bond & License Review On Bldg App
- [C] Flood Plain Review On Blgd App
- [D] Grading Plan Review For Bldg App
- BZA Hearing

862-6038 logan.bowman@nashville.gov
(615) 862-6038 Logan.Bowman@nashville.gov
615-862-6505 Debbie.Lifsey@nashville.gov

2018-617

SURVEYOR'S CERTIFICATE
 WE HEREBY STATE THAT THIS SURVEY HAS BEEN MADE USING THE PLAT OF RECORD, AS RECORDED IN BOOK 4175, PAGE 19, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE; AND IS ACCURATE TO THE BEST OF OUR KNOWLEDGE, INFORMATION, BELIEF AND OUR PROFESSIONAL OPINION.



SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITY WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR WHOSE NAME APPEARS UPON THIS SURVEY.

NOTES:
 1. THIS SURVEY MEETS OR EXCEEDS THE REQUIREMENTS OF A CATEGORY 1, URBAN AND SUBDIVISION LAND SURVEY, AS PER THE STANDARDS OF PRACTICE, AS REVISED AND ADOPTED BY THE BOARD OF EXAMINERS FOR LAND SURVEYORS, STATE OF TENNESSEE (EFFECTIVE JANUARY 4, 1992)
 2. THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS GREATER THAN 1:15000 OR DOES NOT EXCEED 1/10 OF A FOOT OF POSITION ERROR AT ANY CORNER.
 3. BEARING SYSTEM IS DERIVED FROM STATE PLANE COORDINATES.
 4. NUMBERS SHOWN THUS (00) PERTAIN TO DAVIDSON COUNTY PROPERTY TAX MAP NUMBER 09-1.
 5. PROPERTY SUBJECT TO ANY AND ALL FINDINGS OF A CURRBENT AND ACCURATE TITLE SEARCH, NO TITLE REPORT FURNISHED TO SURVEYOR PRIOR TO SURVEY.
 6. IN TENNESSEE IT IS A REQUIREMENT OF THE "UNDERGROUND UTILITY DAMAGE PREVENT ACT" THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS, NO LESS THAN (3) NOR MORE THAN (10) WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY HAZARD OR CONFLICT. UTILITIES NOT CHECKED. TENNESSEE ONE CALL 1-800-351-1111

PROPERTY SURVEY
 FOR
MAX RUBEL
 LOCATED
 929 GRANADA AVENUE
 NASHVILLE, TENNESSEE 37206
 DATE, JUNE 12, 2018
 SCALE: 1"=30'
 FILE NO. 218-021
 SHOWING
PART OF LOTS 30 & 32 ON THE PLAN OF W.H. HYDNOR'S ADDITION
 BOOK 161, PAGE 174
 REGISTER'S OFFICE FOR DAVIDSON COUNTY
 © 2018 PATRICK COODE

- LEGEND**
- PROPERTY LINE
 - (P.U. & D.E.) PUBLIC UTILITY EASEMENT
 - (M.B.S.L.) MINIMUM BUILDING SETBACK LINE
 - - - - - FENCE LINE
 - IRON PIN (OLD)
 - IRON PIN (NEW)
 - FIRE HYDRANT
 - POWER POLE
 - GAS METER
 - WATER VALVE
 - MAN HOLE
 - DROP INLET
- SCALE 1"=30'
- 0 15 30 60

PATRICK COODE AND COMPANY, LLC
 144 SPRING VALLEY ROAD - NASHVILLE, TENNESSEE 37214
 EMAIL: PSCOODE@COKONET.NET PH: 615 974-1814 FX: 615 739-6464

AREA OUTLINES

- 9,240sf Property
- 840sf 1st Floor Area Principal Structure
- 713sf Outbuilding
- +486sf Addition to Outbuilding
- 1,199sf Outbuilding Total Area

Per 17.12.050

Accessory Floor Area Controls

On all lots with a size of less than forty thousand square feet, the building coverage of an accessory structure located to the rear of the principal dwelling and complying with the district setbacks shall be limited to seven hundred square feet or fifty percent of the building coverage of the principal dwelling, whichever is greater, but in no case shall exceed two-thousand five-hundred square feet.

AREA CALCS

- a 420sf Limit to Outbuilding
- 293sf Amount over Existing
- 779sf Amount over w/ addition
- b 2,500sf Limit to Outbuilding
- 1,199sf Outbuilding w/ Addition
- 1,301sf Unused capacity

RUBEL LISTENING ROOM

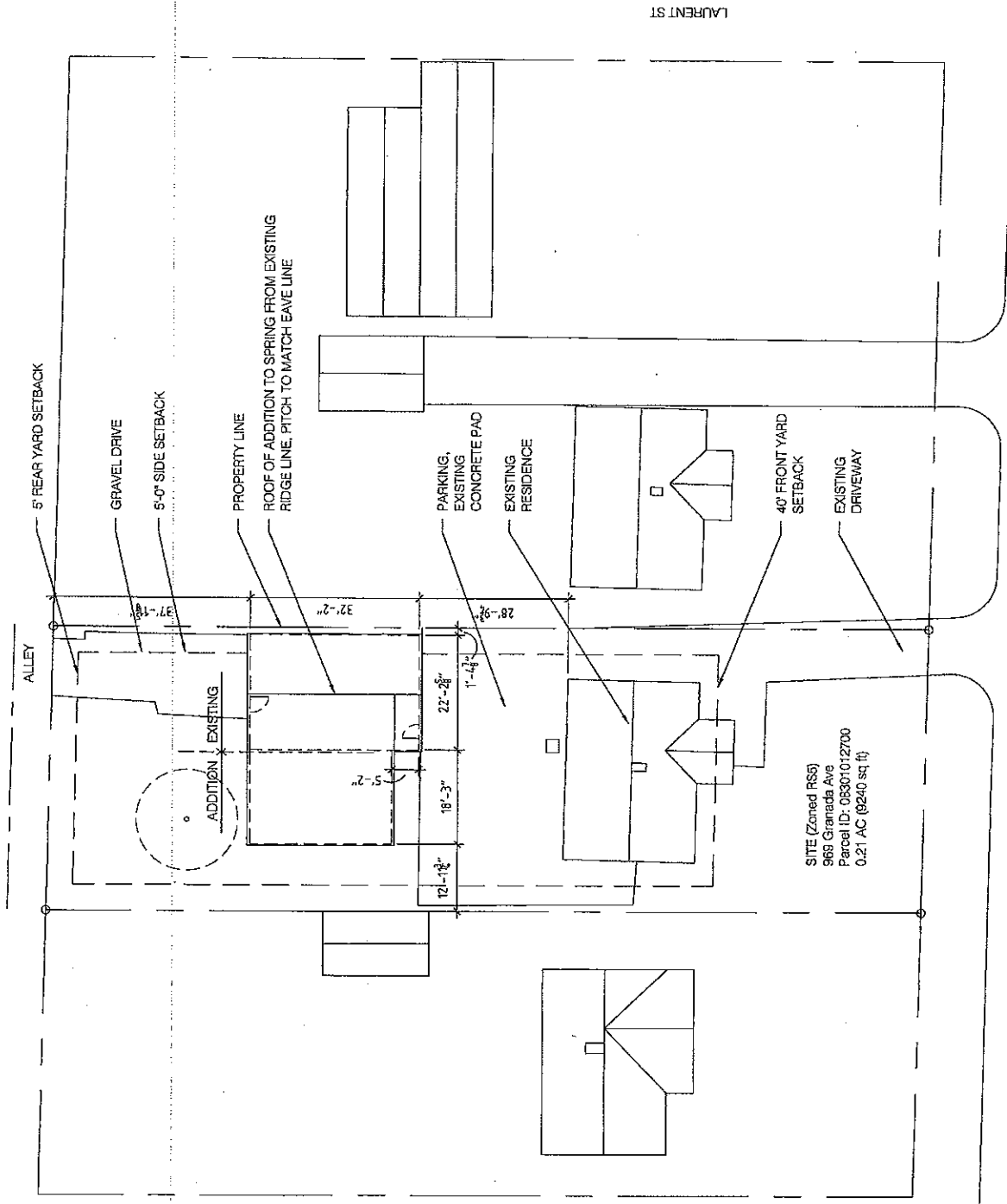
592 Granada Ave, Nashville, TN 37206
 CHRISTOPHER DIEHL DESIGN
 cdiehl@gmail.com 216.558.1108

SITE PLAN
 proposed



SCALE: 1"=20'
 DATE: 10/21/18
 REV:

A.001



Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Keith Dows
Property Owner: DREAM INC
Representative: Keith Dows

Date: 10-1-2018
Case #: 2018-619
Map & Parcel: 10507001500

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:

BUILD RESIDENTIAL - to construct 2 single family residences.

Activity Type: Single Family

Location: 420 HUMPHREYS

This property is in the MUL 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

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.

KEITH DOWS
Appellant Name (Please Print)

Representative Name (Please Print)

1516 CLAYTON AVE
Address

Address

NASH TN 37212
City, State, Zip Code

City, State, Zip Code

615-481-2485
Phone Number

Phone Number

KeithDows@gmail.com
Email

Email

annie.dobson@comcast.net

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



3564753

ZONING BOARD APPEAL / CAAZ - 20180062284
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10507001500

APPLICATION DATE: 10/01/2018

SITE ADDRESS:

420 HUMPHREYS ST NASHVILLE, TN 37203

PT LOT 72 HUMPHREY HOUSTON & MARTIN, ADDN TO SOUTH NASHVILLE

PARCEL OWNER: DREAMINC.

CONTRACTOR:

APPLICANT:**PURPOSE:**

variance from sidewalk requirements to construct two single family residences without sidewalks or paying into the fund. No building permit started

*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.

420 HUMPHREYS

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

10-1-18

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.

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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.

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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 WOULD LIKE REQUEST A VARIANCE FROM HAVING TO BUILD SIDEWALKS ON PILLOW STREET AND WOULD LIKE TO PAY THE IN LIEV FUND ON PILLOW INSTEAD. NOTE WE ARE NOT REQUESTING ANY VARIANCE ON HUMPHREYS.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-619 (420 Humphreys Street)

Metro Standard:	Humphreys Street – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street standard
	Pillow Street – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Contribute in-lieu of constructing sidewalks along Pillow Street (eligible)
Zoning:	MUL
Community Plan Policy:	T4 MU (Urban Mixed Use Neighborhood)
MCSP Street Designation:	Humphreys Street – Local Street
	Pillow Street – Local Street
Transit:	Property approximately 415’ west of #52 – Nolensville Pike BRT Lite; Future high capacity transit per nMotion Plan.
Bikeway:	None existing; none planned.

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing two residential units and requests a variance to contribute in-lieu of constructing a sidewalk along the property’s frontage with Pillow Street.

Planning evaluated the following factors for the variance request:

- (1) The property currently has a 9’ sidewalk without a grass strip along the Humphreys Street frontage which is consistent with properties to the east along the block face. Meanwhile, the property does not have a sidewalk along the Pillow Street frontage.
- (2) The property is located within the South Nashville – Wedgewood Houston first tier Nashville Next Center. Establishing a connected sidewalk network within a neighborhood that is experiencing substantial mixed use redevelopment in close proximity to existing and future high capacity transit is crucial.

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

1. The applicant shall contribute in-lieu of construction for the Pillow Street property frontage.
2. Prior to the issuance of building permits, dedicate right-of-way along the Pillow Street property frontage to accommodate future sidewalks per the Local Street Standard.

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Lamb, Emily \(Codes\)](#)
Subject: District 17 items for Nov. 15
Date: Thursday, November 8, 2018 12:35:10 PM

Good afternoon, board members,

I hope you're all having a good week. Here's my position on District 17 items on the Nov. 15 agenda:

Case 2018-522: I continue to be **against** this item.

Case 2018-619: I am **strongly against** this appeal to attempt to build without paying into the fund or constructing sidewalks. This is a tough lot to put two homes on to begin with, but that is no excuse. This street lots leads into a high-pedestrian area of the neighborhood, and the sidewalks should be built. The appellant has not contacted me.

Case 2018-620: As noted before, I am **supportive** of this appeal. The appellant has contacted me.

Case 2018-621: I am **supportive** of this appeal. The appellant did an excellent job keeping me informed and holding a community meeting.

Thanks, as always, for doing this job!

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: CHRIS SMITH
Property Owner: FIDELITY
Representative: KIMLEY-HORN

Date: 10-1-18
Case #: 2018-620
Map & Parcel: 118 06 00 9500

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: APPEALING SIDEWALK REQUIREMENT FOR FUTURE RENOVATIONS TO EXISTING RETAIL BUILDING.

Activity Type: COMMERCIAL RENOVATION

Location: 2699 8TH AVE S.

This property is in the CS433 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 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.

CHRIS SMITH
Appellant Name (Please Print)

KIMLEY-HORN
Representative Name (Please Print)

102 WOODMONT BUD SUITE
Address

514 OCEANSIDE DRIVE
Address

NASHVILLE, TN 37205
City, State, Zip Code

NASHVILLE, TN 37204
City, State, Zip Code

615-297-7400
Phone Number

615-564-2875
Phone Number

CSMITH@FIDELITYREG.COM
Email

NATE.SWEITLER@KIMLEY-HORN.COM
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



3561894

ZONING BOARD APPEAL / CAAZ - 20180060330
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11806009500

APPLICATION DATE: 09/21/2018

SITE ADDRESS:

2699 8TH AVE S NASHVILLE, TN 37204

S/W COR GALE LN & FRANKLIN PK (SPECIAL INT BERRY HILL/U.S.D.)

PARCEL OWNER: WHEELER, LISA T. NON-EXEMPT TRUST E CONTRACTOR:

APPLICANT:

PURPOSE:

Appealing Sidewalk Requirements per 17.20.120 for future renovations to existing Retail Building.
Sidewalks required, requesting to build along 8th Avenue S. and Not to Build Sidewalks along Gale Lane. No permit started. No building permit started

*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:

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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

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 APPELLANT

10/01/18

 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.

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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?

See attached letter

Kimley»Horn

October 1, 2018

Metro Nashville Board of Zoning Appeals
Department of Codes Administration
800 2nd Avenue South
Nashville, TN

RE: *BZA hardship Letter*
 Parcel ID 11806009500
 2699 8th Avenue South Renovation

This letter provides a summary of the project requirements, the site considerations, and the subsequent request for a variance to the City of Nashville Board of Zoning Appeals to allow the property improvements and the renovations to the existing retail center located at 2699 8th Avenue, Nashville TN.

The site is bounded by Gale Lane to the north and west, a retail building to the south, and Franklin Pike to the east. A portion of the site is within the Metro Nashville Jurisdiction while a portion is located within Berry Hill. Approximately 64 percent of the property is within Metro Nashville. 8th Avenue sidewalk and property frontage is within the City of Berry Hill. The subject site currently consists of an existing ±17,460 SF retail building developed in 1988 with a total site area of ±1.29 AC. A portion of the existing parking lot and building currently sits on top of the 43' Brown's Creek box culvert. The proposed development consists of the renovation of the 17,460 sf existing building, parking, landscape improvements and the closure of 2 driveways.

Per sub-section C.1 of Ordinance No. BL2016-493., Public Sidewalk Installation, the construction of new sidewalks is required along the property frontage when the property lies along a street in the Major and Collector Street Plan. For this requirement, the sidewalk design standards on section C.2. require that "sidewalk dimensions and required elements shall comply with the Major and Collector Street Plan." Gale Lane is classified as a Collector-Avenue and identified as T4-M-CA-2 which specifically requires a pedestrian travel way (Sidewalk) of 8 feet, a planting strip of 4 feet, a frontage zone of 4 feet, and a bikeway with of 5 feet for the length of property. Franklin Pike is under Berry Hill jurisdiction and will require a pedestrian travel way of 8 feet with a 4-foot planting strip.

The hardship imposed by the existing Brown's Creek box culvert elevation and location creates the need for the modified Gale Lane cross section. The box culvert sits roughly 0.5-1.5 feet higher than the road and is located 12-18 feet from the edge of pavement along the property line. In order to comply with the intent of the code, the applicant proposes to construct the 5-foot sidewalk and 4 foot minimum planting strip within the public right-of-way along the Gale Lane frontage for Parcel 11806009500 and 11806017400. Please refer to the attached exhibit variance plan exhibit included with this application package.

The proposed sidewalk will complete the pedestrian connection along the east side of Gale Lane between the adjacent parcels to the south and the 8th Avenue South intersection. The sidewalk cross section fronting the Bel Gale Lofts property (parcel 11806017300), directly south of the subject parcels, currently has a 5 foot sidewalk with a 4 foot grass strip matching the proposed cross section.



BZA Hardship Letter, October 1, 2018, Page 2 of 2

Please contact me at (615)564-2706 or john.patterson@kimley-horn.com should you have any questions.

Sincerely,

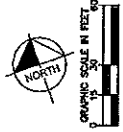
A handwritten signature in black ink, appearing to read "John R. Patterson".

John Richard Patterson, PE
Kimley-Horn

A handwritten signature in black ink, appearing to read "Nate Sweitzer".

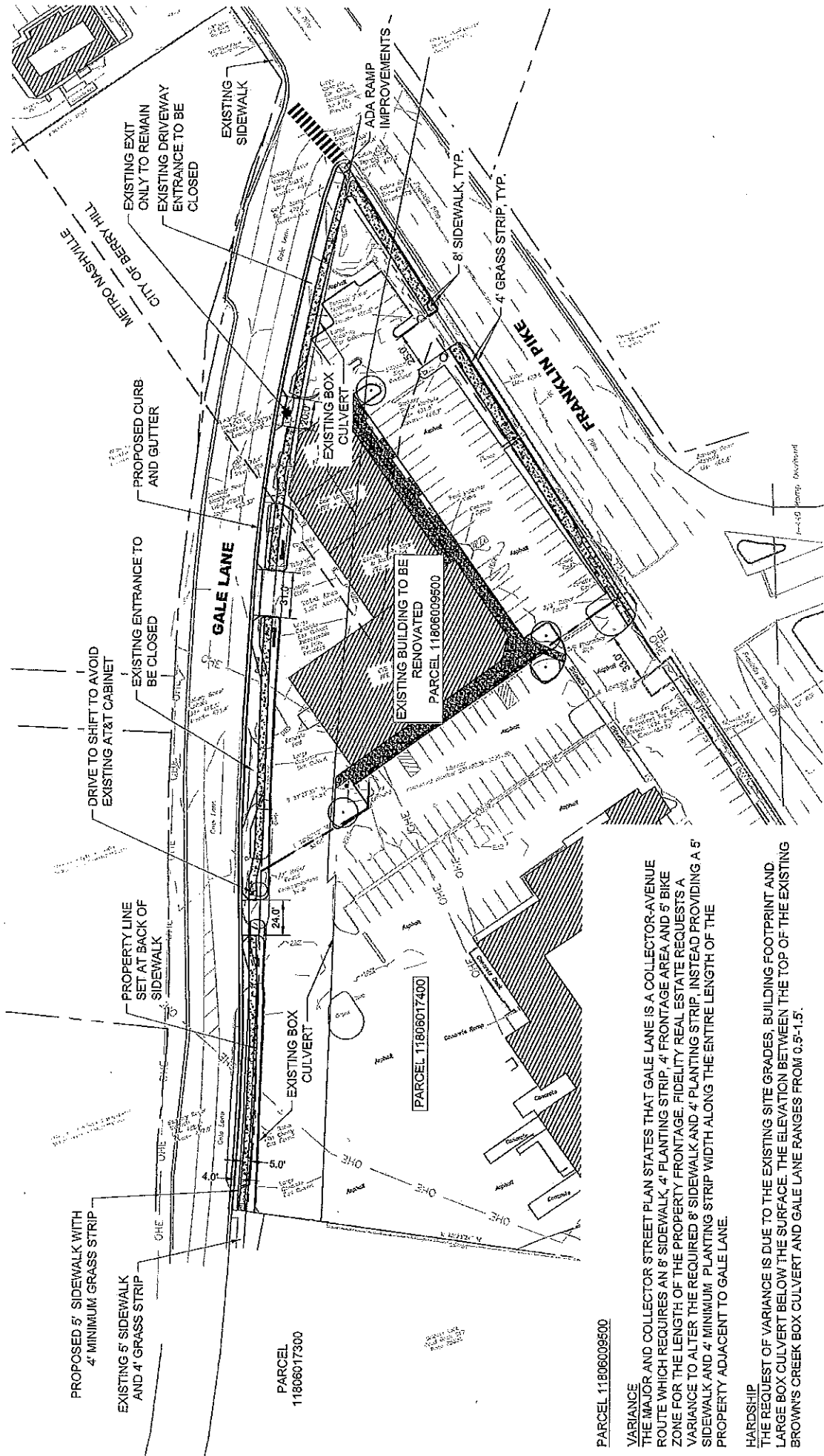
Nate Sweitzer, ASLA Associate
Kimley-Horn

CC. Mr. Joe Baker, City of Berry Hill
jbaker@berryhilltn.net



Kimley»Horn

OCTOBER 1, 2018



PROPOSED 5' SIDEWALK WITH 4' MINIMUM GRASS STRIP

EXISTING 5' SIDEWALK AND 4' GRASS STRIP

PARCEL 11806017300

PARCEL 11806017400

EXISTING BUILDING TO BE RENOVATED PARCEL 11806009500

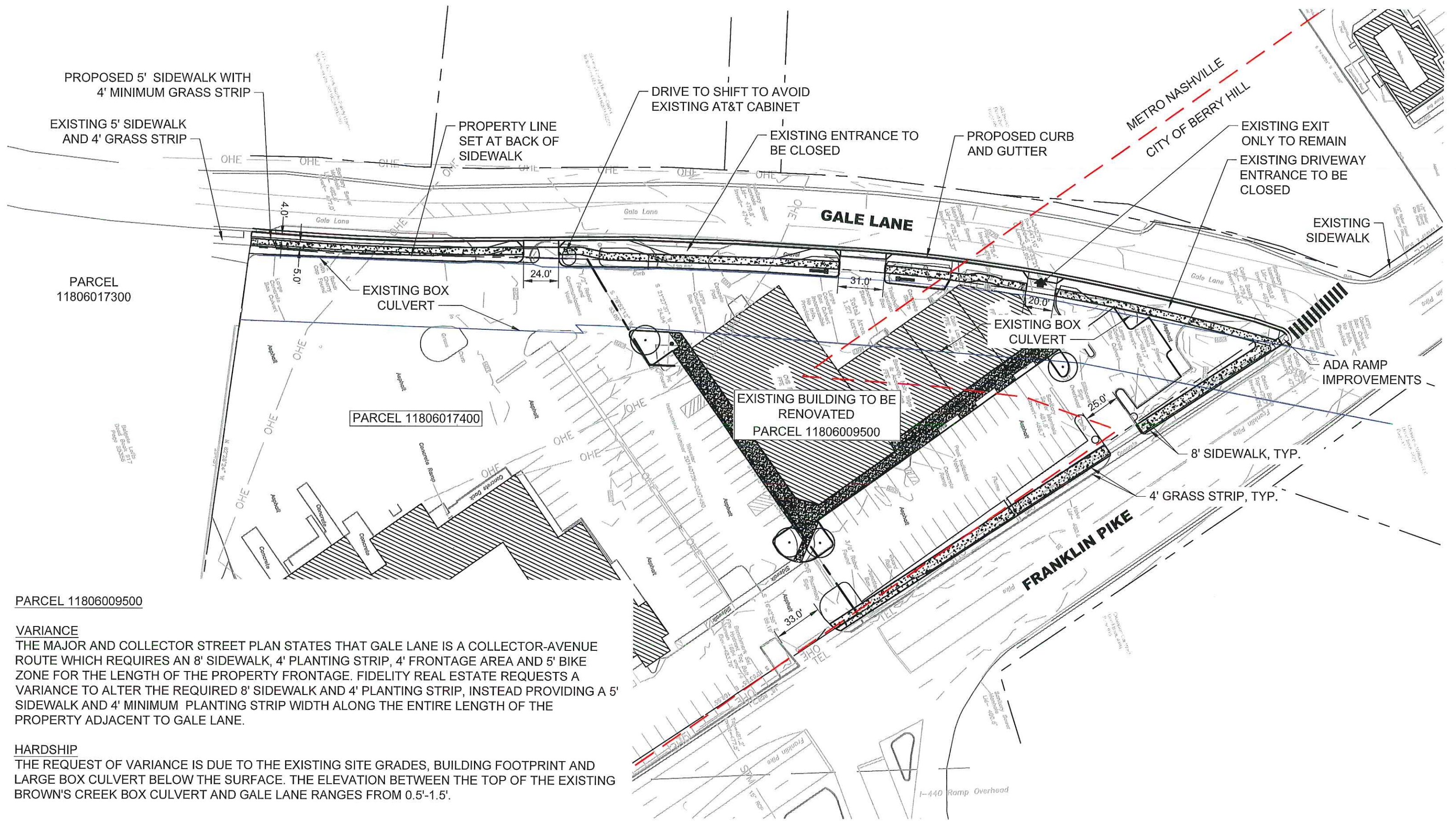
PARCEL 11806009500

VARIANCE
 THE MAJOR AND COLLECTOR STREET PLAN STATES THAT GALE LANE IS A COLLECTOR-AVENUE ROUTE WHICH REQUIRES AN 8' SIDEWALK, 4' PLANTING STRIP, 4' FRONTAGE AREA AND 5' BIKE ZONE FOR THE LENGTH OF THE PROPERTY FRONTAGE. FIDELITY REAL ESTATE REQUESTS A VARIANCE TO ALTER THE REQUIRED 8' SIDEWALK AND 4' PLANTING STRIP, INSTEAD PROVIDING A 5' SIDEWALK AND 4' MINIMUM PLANTING STRIP WIDTH ALONG THE ENTIRE LENGTH OF THE PROPERTY ADJACENT TO GALE LANE.

HARDSHIP
 THE REQUEST OF VARIANCE IS DUE TO THE EXISTING SITE GRADES, BUILDING FOOTPRINT AND LARGE BOX CULVERT BELOW THE SURFACE. THE ELEVATION BETWEEN THE TOP OF THE EXISTING BROWN'S CREEK BOX CULVERT AND GALE LANE RANGES FROM 0.5'-1.5'.

BZA SIDEWALK VARIANCE REQUEST

2699 8th AVENUE SOUTH, NASHVILLE, TN 37204



PARCEL 11806009500

VARIANCE

THE MAJOR AND COLLECTOR STREET PLAN STATES THAT GALE LANE IS A COLLECTOR-AVENUE ROUTE WHICH REQUIRES AN 8' SIDEWALK, 4' PLANTING STRIP, 4' FRONTAGE AREA AND 5' BIKE ZONE FOR THE LENGTH OF THE PROPERTY FRONTAGE. FIDELITY REAL ESTATE REQUESTS A VARIANCE TO ALTER THE REQUIRED 8' SIDEWALK AND 4' PLANTING STRIP, INSTEAD PROVIDING A 5' SIDEWALK AND 4' MINIMUM PLANTING STRIP WIDTH ALONG THE ENTIRE LENGTH OF THE PROPERTY ADJACENT TO GALE LANE.

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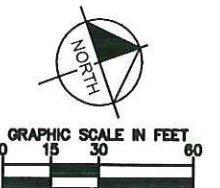
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BZA SIDEWALK VARIANCE REQUEST

2699 8th AVENUE SOUTH, NASHVILLE, TN 37204



OCTOBER 1, 2018



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-620 (2699 8th Avenue South)

Metro Standard:	8th Avenue South – 4’ grass strip, 8’ sidewalk, as defined by the Major and Collector Street Plan
	Gale Lane - 4’ grass strip, 8’ sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Construct alternative sidewalk design along Gale Lane
Zoning:	CS; a portion of the parcel is within the city limits of Berry Hill
Community Plan Policy:	T4 CC (Urban Community Center)
MCSP Street Designation:	8 th Avenue South – T4-M-AB4-IM
	Gale Lane - T4-M-CA2
Transit:	#8 – 8 th Avenue South
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

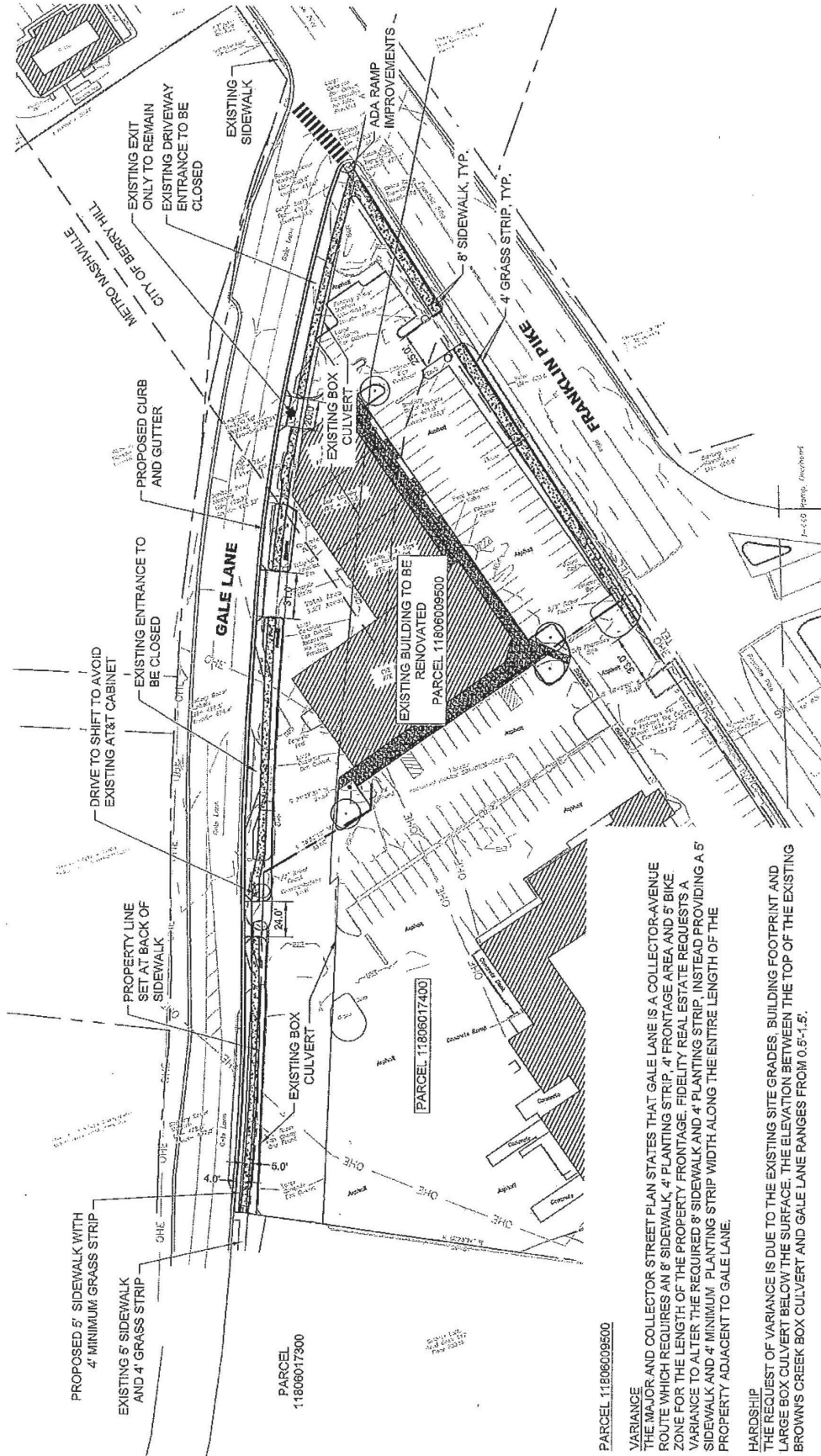
Analysis: The applicant proposes renovating a 17,000 square foot commercial building and requests a variance from upgrading sidewalks on Gale Lane to the Major and Collector Street Plan standard due to the presence of an existing box culvert along the frontage of the site. Instead, the applicant requests to construct a 5’ sidewalk and 4’ grass strip. Planning evaluated the following factors for the variance request:

- (1) The applicant proposes upgrading sidewalks along 8th Avenue South to the Major and Collector Street Plan standard.
- (2) The applicant has worked with Metro Public Works and Planning to address the constraints involving the box culvert and utilities along the Gale Lane frontage. The alternative sidewalk design proposed addresses these concerns and the intent of the Major and Collector Street Plan. The proposed sidewalks will closely match the sidewalk design on adjacent properties along Gale Lane.

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

1. Construct the alternative sidewalk design as indicated on the attached site plan.

2699 8th Avenue South – Site Plan Depicting Alternative Sidewalk Design



Kimley»Horn

OCTOBER 1, 2018

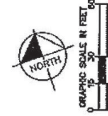
BZA SIDEWALK VARIANCE REQUEST

2699 8th AVENUE SOUTH, NASHVILLE, TN 37204

PARCEL 1180609500

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From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Lamb, Emily \(Codes\)](#)
Subject: District 17 items for Nov. 15
Date: Thursday, November 8, 2018 12:35:10 PM

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Thanks, as always, for doing this job!

Colby

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Metro Council, District 17
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[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 HAMPSHIRE AND DAVIDSON COUNTY



Appellant: KATIE RUDOWSKY Date: 10/02/2018
Property Owner: The Offices of Bradford, LLC Case #: 2018-621
Representative: KATIE RUDOWSKY Map & Parcel: 108140210.00

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:

6 UNIT RESIDENTIAL DEVELOPMENT.
NO BUILDING PERMIT STARTED YET.
* 30 FT. REQUIRED STREET / FRONT SETBACK,
REQUESTING 10 FT.

Activity Type: COMMERCIAL - Multi-Family

Location: 2302 ELLIOTT AVE

This property is in the RM40 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: SPECIAL EXCEPTION - FRONT SETBACK

Section(s): 17.12.035 D1

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.

SAME
Appellant Name (Please Print)

KATIE RUDOWSKY
Representative Name (Please Print)

Address

5005 MERIDIAN BLVD. STE. 100
Address

City, State, Zip Code

FRANKLIN, TN 37067
City, State, Zip Code

Phone Number

301.904.0158
Phone Number

Email

KATIE@KISERVNOGRIN.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



3564885

ZONING BOARD APPEAL / CAAZ - 20180062374
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10514021000

APPLICATION DATE: 10/02/2018

SITE ADDRESS:

2302 ELLIOTT AVE NASHVILLE, TN 37204
LOT 13 NASH TRUST CO RESUB ELLIOTT

PARCEL OWNER: OFFICES AT BRADFORD, LLC, THE

CONTRACTOR:

APPLICANT:**PURPOSE:**

PROPOSED 6 UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT

REQUEST 10' FRONT SETBACK (SPECIAL EXCEPTION PER 17.12.035 D-1)

REJECTED: 30' FRONT SETBACK REQUIRED PER TABLE 17.12.030 B

*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 SPECIAL EXCEPTION 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 councilmember, *The Tennessean*, and the neighboring property owners within 300 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.

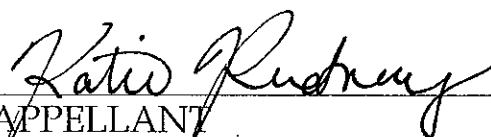
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

10/02/2018
DATE

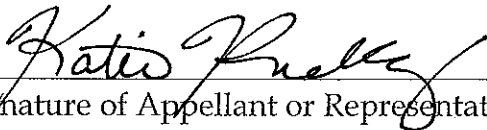
SPECIAL EXCEPTION REQUESTS

On May 1, 2003, the Board of Zoning Appeals approved a new condition/requirement for all special exception applications. It reads as follows:

"BZA Rules of Procedure Item 9. (2) e In the interest of having informed stake holders in special exception cases, it is required that the appellant make contact with the district councilperson and neighbors within 300 feet of the subject property from a mailing list provided by the board staff. Information to be furnished by the applicant shall include a contact person and include a reasonable representation of your proposal and hold a meeting at a geographically convenient place, date and time. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

In other words, we will provide you a mail list of those persons within 300 feet of the location designated for a special exception permit. We are required by law to notify these people (within 300 feet) of your request. The Board requires that you contact those persons on the mail list, give them a date, time, place to meet with you and discuss your request. If there is opposition, this will give you a chance to address their concerns prior to the public hearing.

You must make documentation to present to the Board concerning your efforts to contact these people. Failure to do so can result in a deferral or denial of your request.



Signature of Appellant or Representative



October 2, 2018

Mr. David Ewing
 Chairman
 Metropolitan Board of Zoning Appeals
 Metro Office Building
 Nashville, TN 37219

RE: Special Exception Request – Front Yard Setback
2302 Elliott Avenue

Dear Mr. Ewing,

On behalf of our client, The Offices at Bradford, LLC, we are submitting a Special Exception Request for the proposed redevelopment of the existing parcel, located at 2302 Elliott Avenue, Map 105140, Parcel 21000 with an anticipated meeting date of 11/15/2018. The existing site conditions and special exception request are as follows:

- A. **Existing Conditions** – The existing parcel is approximately 0.16 acres (141'x50'), is currently zoned RM40, and falls within Metro UZO overlay. The Community Character Manual area (CCM) is T4 NE Urban Neighborhood Evolving. The parcel has two utility easements which cross the site in the rear of the lot, impacting 66' of the 141' length of the site. This infrastructure connects from the adjacent properties 807 Bradford Avenue and 2301 8th Avenue South. Please refer to the attached Exhibit 1 – Existing Conditions for further review of the existing site conditions.
- B. **Special Exception Request** - The current zoning requires a front yard setback of thirty (30) feet as per Table 17.12.030B. The UZO allows a Special Setback Regulation for All Uses within the Urban Zoning Overlay District shown in 17.12.035 (D1). For this reason we are asking for a 10' building front yard setback in order to maintain all other regulations of the Metro Nashville Zoning Ordinance and the UZO. These conditions are as follows:
 1. **Existing Hardships** – The existing site conditions carry several hardships to meet compliance within the UZO requirements.
 - **Infrastructure Hardship:** The two utility easements which cross the site in the rear third of the lot removes approximately 66' of the 141' of the site, or 630 SF of buildable area from the lot. If we were given a 10' front yard setback this would eliminate any issues we face with the current required building setbacks.
 - **Exceptional Narrowness:** The parcel is of exceptional narrowness at 50' in width as compared to the remaining parcels located on Elliott Avenue, which hold a 75' width or greater.
 2. **Parking Requirements** – Following Table 17.20.030: Parking Requirements, we anticipate this site to hold 8 parking spaces in the rear of the property to meet compliance under the UZO. In addition the T4 NE Urban Neighborhood Evolving CCM suggests that parking for multifamily building is accessed via alleys or consolidated access from side streets. In order to maintain these requirements we propose to park in the rear with access of these stalls from 805 Bradford, also owned by our client. An easement will be put in place to ensure access. Please refer to the attached Exhibit 2 – Proposed Site Plan.



Considering these existing conditions, the Special Setback Regulation for All Uses within the UZO, and most importantly our intent to maintain all other Metro Nashville Zoning Ordinance and UZO compliance, we ask that the Board of Zoning Appeals consider and grant our request to use a 10' building setback from Elliott Avenue.

With this letter, please find the attached items:

1. (8) Hard Copies of Scaled Site Plans – Exhibits 1 & 2
2. Submittal Fee Check
3. Special Exception Request Application

Please contact me at (301) 904-0158 or katie@kiservogrin.com for any questions you may have. Thank you for your time and we look forward to working with you on this project.

Sincerely,

A handwritten signature in black ink that reads 'Katie Rudowsky'. The signature is written in a cursive, flowing style.

Katie Rudowsky

2302 ELLIOTT AVENUE SITE DATA

Site Acreage: 0.16 AC (+/- 7,032 SF)
 Zoning: RM-40
 Overlay: Urban Zoning Overlay (UZO)
 Adopted Community Character: T4 NE Urban
 Neighborhood Evolving
 Required Building Setback: 30'
 Required Building Height: 3 Stories
 Required Buffer Type: A

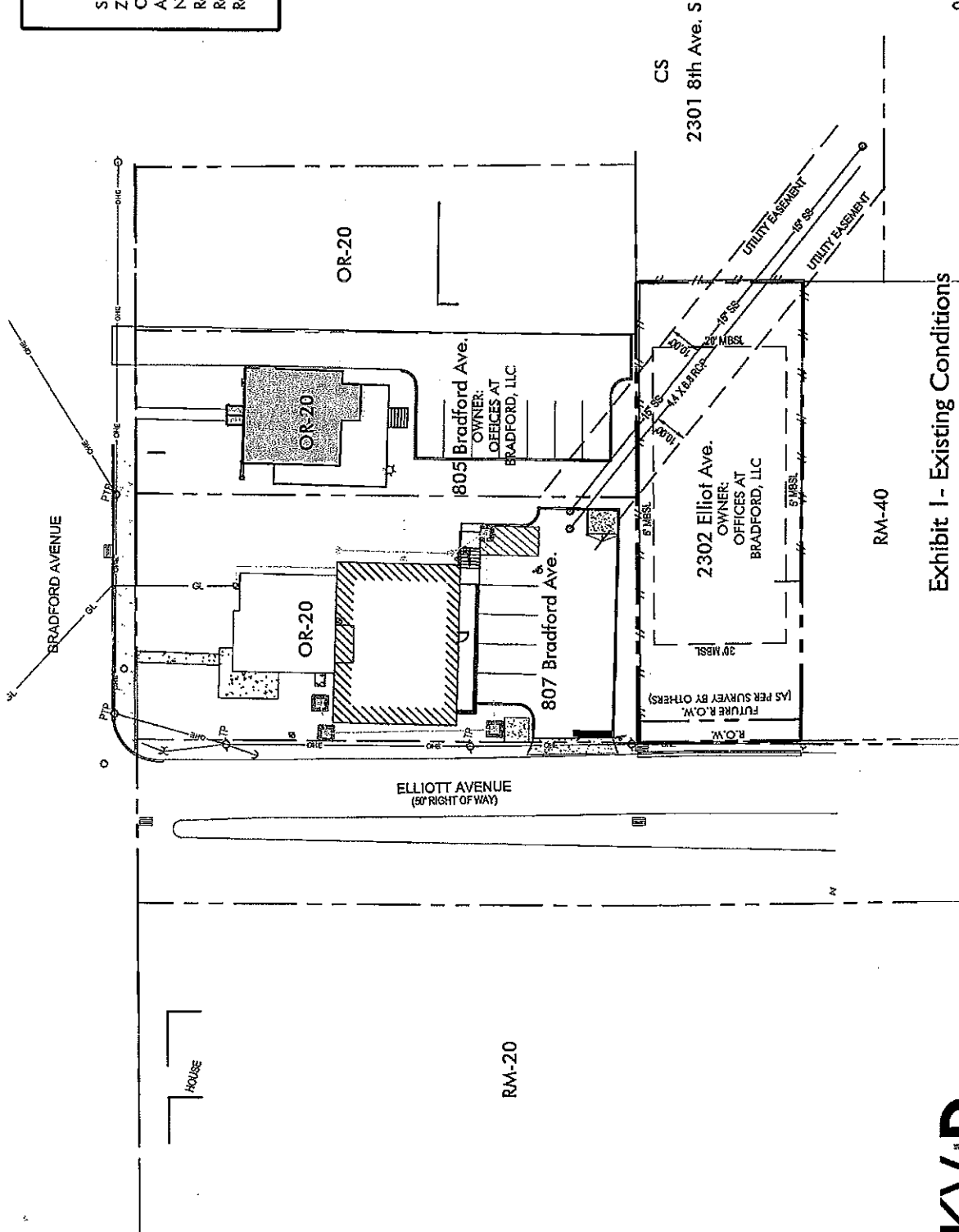



Exhibit 1 - Existing Conditions
2302 ELLIOTT AVENUE
 NASHVILLE, DAVIDSON CO., TN

October 02, 2018
 Project #18089



2302 ELLIOTT AVENUE SITE DATA

Site Acreage: 0.16 AC (+/- 7,032 SF)
 Zoning: RM-40
 Owner: Offices of Bradford, LLC
 Overlay: Urban Zoning Overlay (UZO)
 Adopted Community Character: T4 NE Urban
 Neighborhood Evolving
 Required Building Setback: 30'
 Proposed Building Setback: 10'
 Required Building Height: 3 Stories
 Proposed Building Height: 3 Stories
 Required Parking: 7.5 Spaces
 (1 x (3) 1-Bedroom Units = 3 Spaces)
 (1.5 x (3) 2-Bedroom Units = 4.5 Spaces)
 Proposed Parking: 8 Spaces
 Required Buffer Type: A
 Proposed Buffer Type: A-3 (5' min. with fence)

PROPOSED BUFFER- 

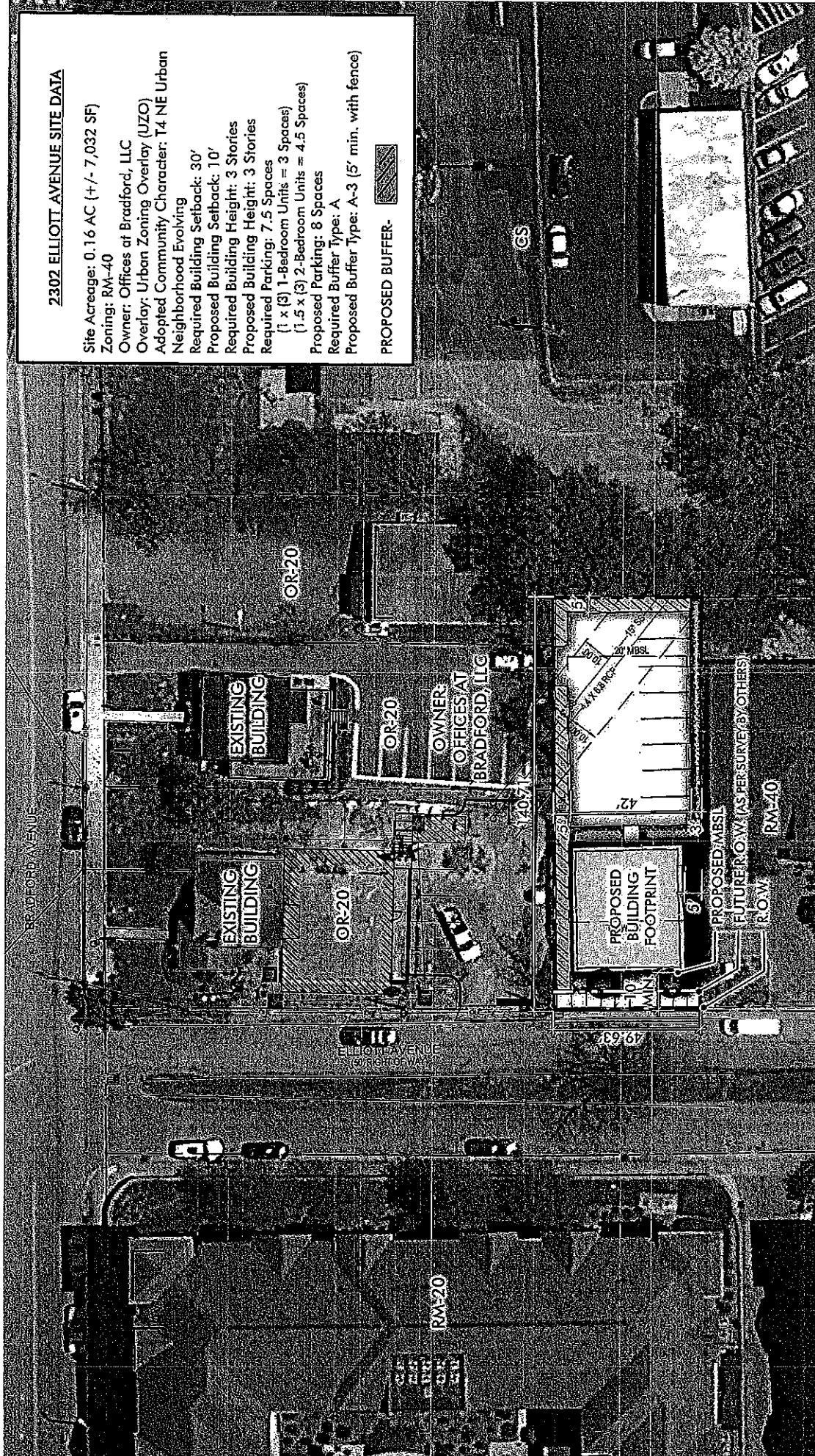


Exhibit 2- Proposed Site Plan

2302 ELLIOTT AVENUE
NASHVILLE, DAVIDSON CO., TN

October 02, 2018
 Project #18089



2302 ELLIOTT AVENUE SITE DATA

Site Acreage: 0.16 AC (+/- 7,032 SF)
Zoning: RM-40
Overlay: Urban Zoning Overlay (UZO)
Adopted Community Character: T4 NE Urban
Neighborhood Evolving
Required Building Setback: 30'
Required Building Height: 3 Stories
Required Buffer Type: A

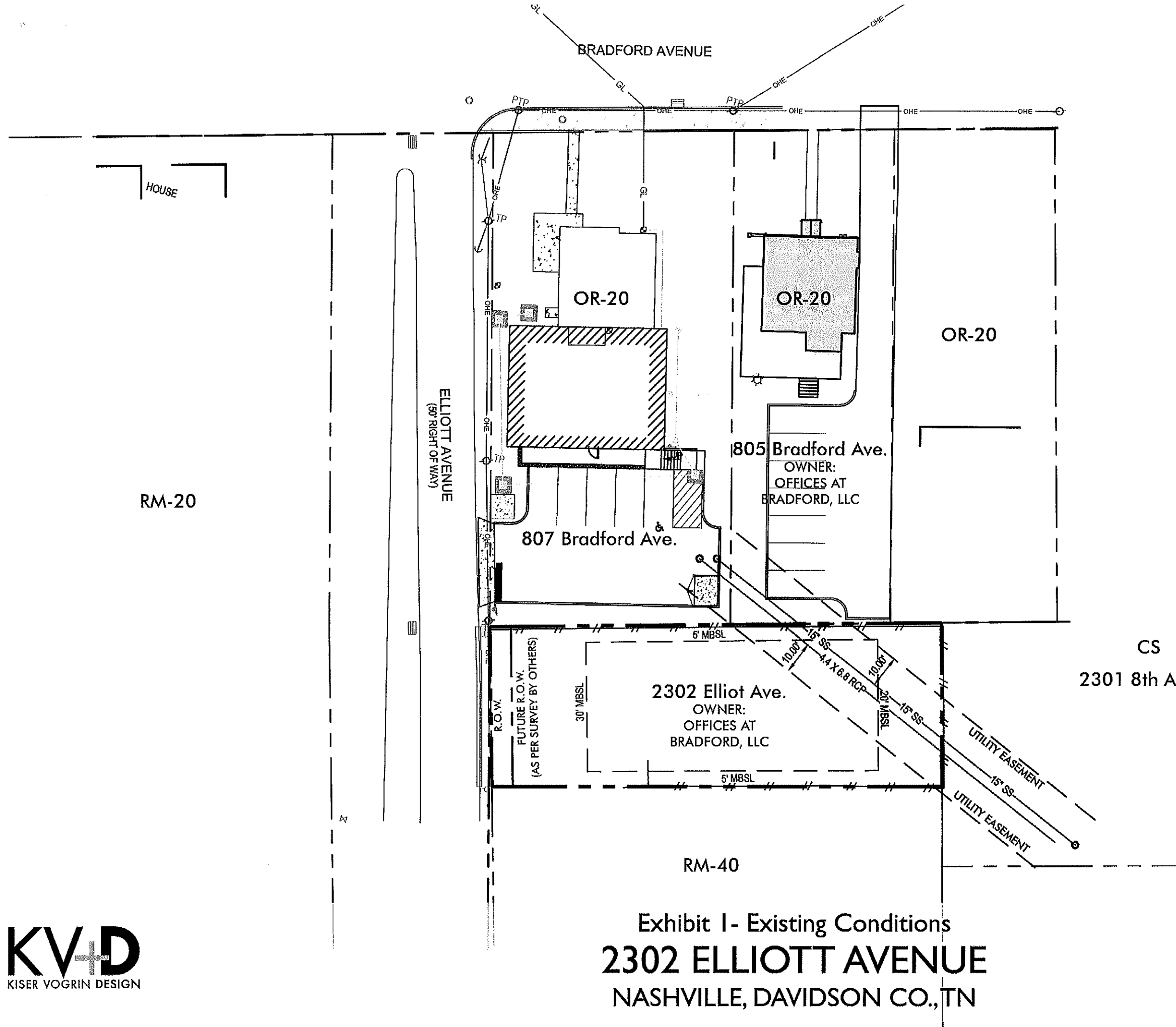
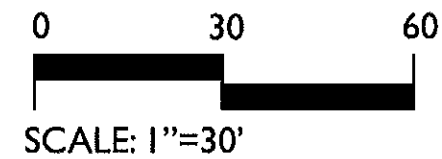


Exhibit I- Existing Conditions
2302 ELLIOTT AVENUE
NASHVILLE, DAVIDSON CO., TN



October 02, 2018
Project #18089



2302 ELLIOTT AVENUE SITE DATA

Site Acreage: 0.16 AC (+/- 7,032 SF)
 Zoning: RM-40
 Owner: Offices at Bradford, LLC
 Overlay: Urban Zoning Overlay (UZO)
 Adopted Community Character: T4 NE Urban
 Neighborhood Evolving
 Required Building Setback: 30'
 Proposed Building Setback: 10'
 Required Building Height: 3 Stories
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 Required Parking: 7.5 Spaces
 (1 x (3) 1-Bedroom Units = 3 Spaces)
 (1.5 x (3) 2-Bedroom Units = 4.5 Spaces)
 Proposed Parking: 8 Spaces
 Required Buffer Type: A
 Proposed Buffer Type: A-3 (5' min. with fence)

PROPOSED BUFFER- 

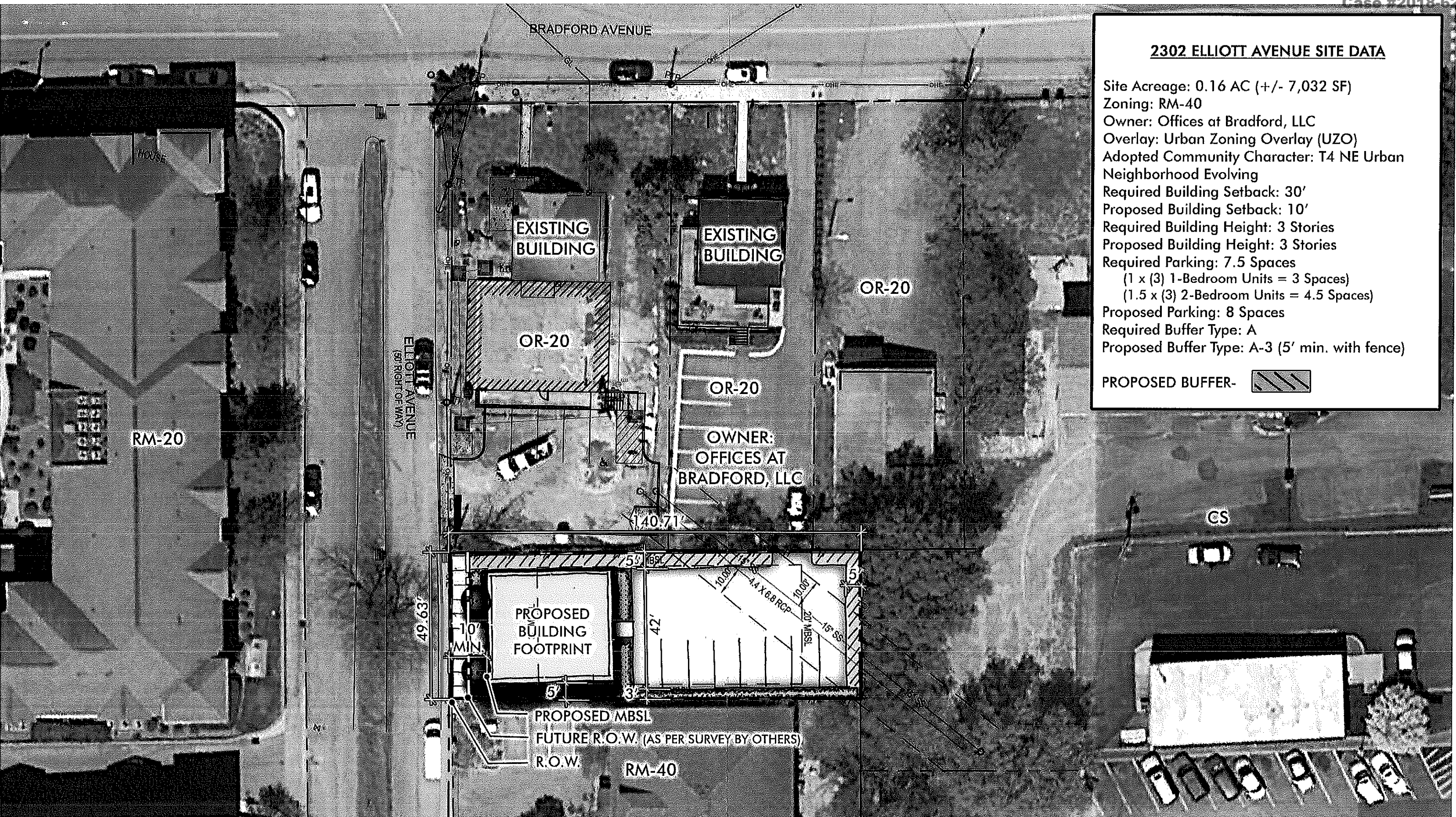



Exhibit 2- Proposed Site Plan
2302 ELLIOTT AVENUE
 NASHVILLE, DAVIDSON CO., TN

October 02, 2018
 Project #18089

0 30 60
 SCALE: 1"=30'



Lifsey, Debbie (Codes)

From: Katie Rudowsky <katie@kiservogrin.com>
Sent: Thursday, November 8, 2018 9:59 AM
To: Board of Zoning Appeals (Codes)
Cc: Trevor J. Garrett
Subject: 2018-621 2302 Elliott Avenue Special Exception Request
Attachments: 2018-621 Exhibit 1 - Existing Conditions.pdf; 2018-621 Exhibit 2 - Proposed Site Plan.pdf; 2018-621 Exhibit 3 - Elliott Ave Street Section.pdf; 2018-621 Neighborhood Meeting Sign in Sheet.pdf

To Whom It May Concern at the Board of Zoning Appeals,

After discussing the project with our district councilmember, Colby Sledge, he suggested creating a third exhibit to better understand the streetscape and sidewalk requirements along Elliott Avenue. We would like to include this third exhibit (2018-621 Exhibit 3) for our hearing on 11/15. Please find this exhibit attached, along with exhibits 1 and 2 for your convenience.

In addition, I have also included the neighborhood meeting sign-in sheet that was held on October 22. We had two neighbors attend the meeting who, to our understanding, are both in support of the project.

We look forward to meeting with you on Thursday, 11/15. Please let me know if you have any questions in the meantime.

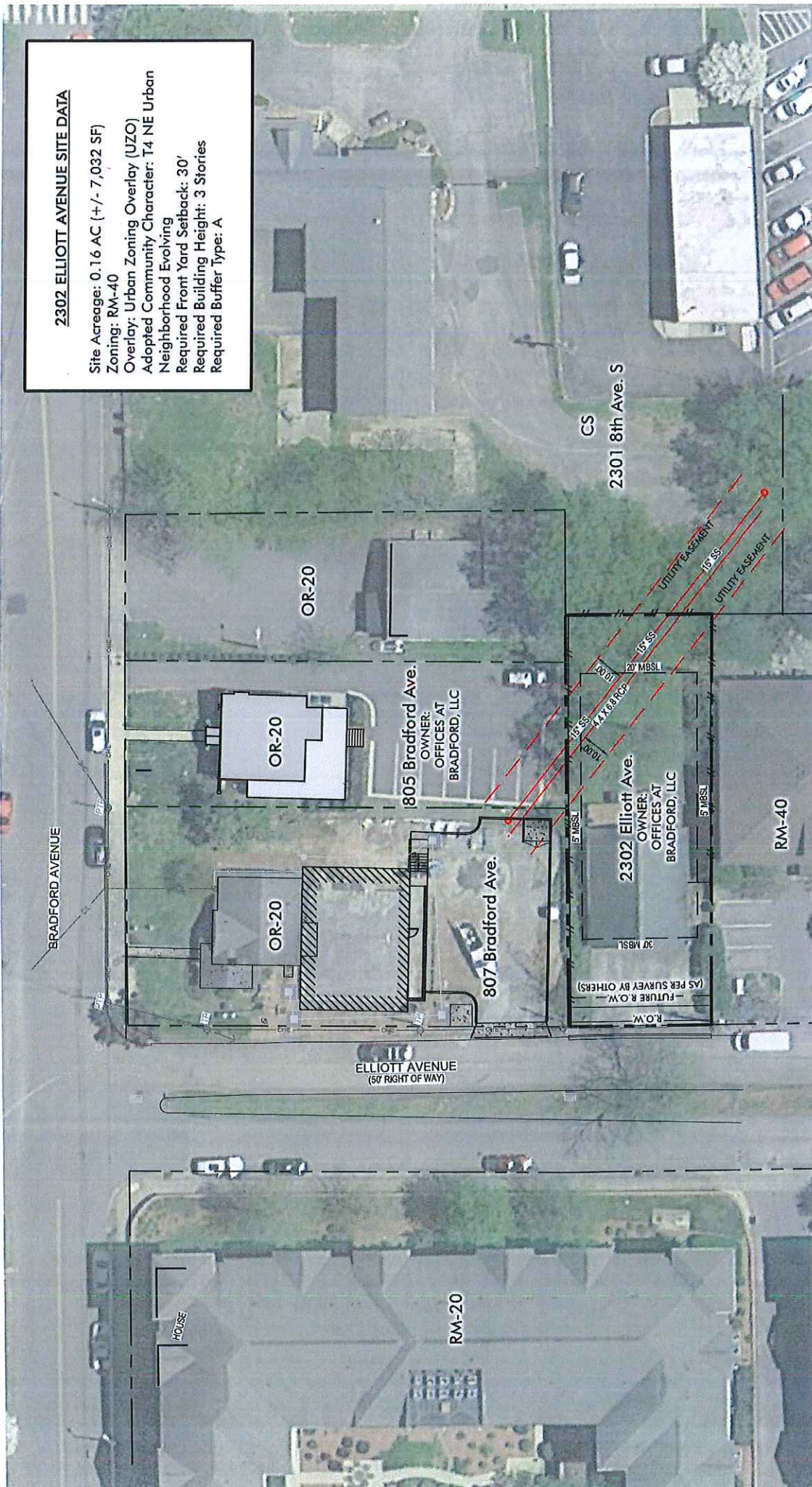
Katie Rudowsky | Project Manager
BLA, Associate ASLA



M: 301.904.0158
www.kiservogrin.com

2302 ELLIOTT AVENUE SITE DATA

Site Acreage: 0.16 AC (+/- 7,032 SF)
Zoning: RM-40
Overlay: Urban Zoning Overlay (UZO)
Adopted Community Character: T4 NE Urban Neighborhood Evolving
Required Front Yard Setback: 30'
Required Building Height: 3 Stories
Required Buffer Type: A



October 02, 2018
Project #18089



Exhibit 1 - Existing Conditions
2302 ELLIOTT AVENUE
NASHVILLE, DAVIDSON CO., TN

October 18, 2018
Project #18089

NOT TO SCALE



2302
ELLIOTT AVE.
PROPOSED BUILDING
45' MAX. HT.

PROPOSED 10'
FRONTYARD
SETBACK

EXISTING
R.O.W.

Exhibit 3 - Elliott Avenue Streetscape Section
2302 ELLIOTT AVENUE
NASHVILLE, DAVIDSON CO., TN

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201
615.862.7150
615.862.7209

Memo

To: Metropolitan Nashville Board of Zoning Appeals
From: Metropolitan Nashville Planning Department
CC: Jon Michael
Date: October 31, 2018
BZA Hearing Date: November 15, 2018
Re: Planning Department Recommendation for Special Exception Case 2018-621

Pursuant to Section 17.40.300 of the Metro Zoning Code, the Metropolitan Planning Department is providing recommendations on the following Special Exception cases:

Case 2018-621 - Street Setback for Multi-family Residential Units (2302 Elliot Avenue)

Request: To reduce the required street setback along Elliot Avenue.

Zoning: Multi-Family Residential (RM40) is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre. *RM40 would permit a maximum of 6 units.*

Land Use Policy: T4 Urban Neighborhood Evolving (T4 NE) is intended to create and enhance urban residential neighborhoods that provide more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate to high density development patterns with shallow setbacks and minimal spacing between buildings. T4 NE areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. T4 NE policy may be applied either to undeveloped or substantially under-developed “greenfield” areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network and block structure and proximity to centers and corridors.

Existing Context:

The property is located at 2302 Elliot Avenue along the northeast side of the block face. The site contains approximately 0.15 acres and an existing office. Surrounding land uses include office, multi-family, and single-family structures. The site is located within the (UZO) Urban Zoning Overlay.

Proposal: The applicant is requesting a reduced street setback along Elliot Avenue. The required street setback is 30 feet. The applicant has requested a minimum 10 foot street setback. The site plan provided with the application indicates a single driveway will provide access to a surface parking lot at the rear of the site. An A-3 landscape buffer will be provided along the sides and rear of the property. The site plan also indicates a portion of the property will be dedicated as right-of-way to accommodate the required sidewalk. The frontage of this site requires a 5 foot wide sidewalk and a 4 foot wide planting strip, consistent with the local street standard.

Planning Department Analysis:

- The required setback along Elliot Avenue is 30 feet from the standard right-of-way- line, which coincides with the property line. The applicant is requesting a minimum setback of 10 feet. The site contains two utility easements which are located in the northeast portion of the site. The location of these easements significantly reduces the buildable footprint of the lot given the 30 ft. front setback requirement. Reducing the front setback and placing the parking at the rear of the site will create a form and scale which is consistent with the T4 NE policy. Upgrading sidewalks to the local street standard will be required when the building permit application is filed.

Staff finds that the requested setback is appropriate given the reduced setback for the existing multi-family residential units to the west of the site and the current multi-family zoning surrounding the site. Allowing a similar setback for the proposed units will provide for an appropriate character and form consistent with the T4 NE policy.

Planning Recommendation: Approve the requested exception for a reduced setback along Elliot Avenue.

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Lamb, Emily \(Codes\)](#)
Subject: District 17 items for Nov. 15
Date: Thursday, November 8, 2018 12:35:10 PM

Good afternoon, board members,

I hope you're all having a good week. Here's my position on District 17 items on the Nov. 15 agenda:

Case 2018-522: I continue to be **against** this item.

Case 2018-619: I am **strongly against** this appeal to attempt to build without paying into the fund or constructing sidewalks. This is a tough lot to put two homes on to begin with, but that is no excuse. This street lots leads into a high-pedestrian area of the neighborhood, and the sidewalks should be built. The appellant has not contacted me.

Case 2018-620: As noted before, I am **supportive** of this appeal. The appellant has contacted me.

Case 2018-621: I am **supportive** of this appeal. The appellant did an excellent job keeping me informed and holding a community meeting.

Thanks, as always, for doing this job!

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727
[ColbySledge.com](#)
[Sign up for my weekly newsletter here!](#)

2018-622

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Michael D. Shmerling Partners Date: 8/1/18
Property Owner: Michael D. Shmerling Partners Case #: 2018-622
Representative: Henry Menge Map & Parcel: 094 00006900

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 general renovations of a non-residential building for office space.

Activity Type: _____

Location: 1307 Lebanon Pike

This property is in the IWD 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 requesting not to build or pay

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.

C. Michael D. Shmerling Partners, G.P.
Appellant Name (Please Print)

Henry Menge
Representative Name (Please Print) YM

Address

618 Church Street #220
Address

City, State, Zip Code

Nashville, TN 37219
City, State, Zip Code

Phone Number

615-250-7783
Phone Number

Email

henrym@kftngemprop.com
Email

Appeal Fee: \$ 200



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



3565230

**ZONING BOARD APPEAL / CAAZ - 20180062619
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09400006900

APPLICATION DATE: 10/02/2018

SITE ADDRESS:

1307 LEBANON PIKE NASHVILLE, TN 37210
S SIDE LEBANON PIKE W OF SPENCE LANE

PARCEL OWNER: SHMERLING, MICHAEL D PARTNERS, GP

CONTRACTOR:

APPLICANT:**PURPOSE:**

PERMIT TO CONDUCT GENERAL RENOVATIONS TO 6,980 SQFT NON-RESIDENTIAL BUILDING... ..GENERAL
OFFICE... ..

ASSESSED VALUE OF EXISTING IMPROVEMENTS \$206,840.00 (4/14/17)

SIDEWALKS ARE REQUIRED FOR THIS PROJECT BECAUSE THIS PARCEL FRONTS ON A STREET IN THE MAJOR AND
COLLECTOR STREET PLAN.

YOU ARE NOT ELIGIBLE TO CONTRIBUTE TO THE PEDESTRIAN BENEFIT ZONE IN-LIEU OF CONSTRUCTION BECAUSE
THE PARCEL IS ON A STREET IN THE MAJOR AND COLLECTOR STREET PLAN.

*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**



**APPLICATION FOR BUILDING COMMERCIAL - REHAB / CACR - T2018039902
THIS IS NOT A PERMIT**

PARCEL: 09400006900

APPLICATION DATE: 07/10/2018

SITE ADDRESS:

1307 LEBANON PIKE NASHVILLE, TN 37210
S SIDE LEBANON PIKE W OF SPENCE LANE

PARCEL OWNER: SHMERLING, MICHAEL D PARTNERS, GP

APPLICANT:

PURPOSE:

PERMIT TO CONDUCT GENERAL RENOVATIONS TO 6,980 SQFT NON-RESIDENTIAL BUILDING... ..GENERAL OFFICE... ..

ASSESSED VALUE OF EXISTING IMPROVEMENTS \$206,840.00 (4/14/17)

SIDEWALKS ARE REQUIRED FOR THIS PROJECT BECAUSE THIS PARCEL FRONTS ON A STREET IN THE MAJOR AND COLLECTOR STREET PLAN.

YOU ARE NOT ELIGIBLE TO CONTRIBUTE TO THE PEDESTRIAN BENEFIT ZONE IN-LIEU OF CONSTRUCTION BECAUSE THE PARCEL IS ON A STREET IN THE MAJOR AND COLLECTOR STREET PLAN.

*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		
[B] Building Plans Received	PAPERPLANS	615-862-6581 Teresa.Patterson@nashville.gov
[B] Building Plans Review	APPROVED	615-862-6588 Jimmy.Stephens@nashville.gov
CA - Zoning Sidewalk Requirement Review	BZAVARAPP	Thomas.Corcoran@nashville.gov
[B] Fire Life Safety Review On Bldg App		615-862-6612 Chanda.Williams@nashville.gov
[B] Fire Sprinkler Requirement		615-862-6612 Chanda.Williams@nashville.gov
[E] Cross Connect Review For Bldg App		862-7225
[A] Bond & License Review On Bldg App		
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@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

8-1-18

DATE

UNIQUE CIRCUMSTANCES OF PROPERTY

1307 Lebanon Pike and adjacent parcels

The subject property, 1307 Lebanon Pike, is part of a larger 20-acre assemblage for the headquarters of Gray Line of Tennessee. When completed, the facility will be used for the Gray Line's corporate offices and for the support and maintenance of their fleet numbering nearly 200 vehicles of varying sizes.

The standards for variance according to the BZA guidelines are as follows:

Unique Characteristics

The subject property is zoned IWD and sits in a stretch of Lebanon Pike that consists of properties of similar zoning and use: vehicle maintenance and repair, light industrial, distribution, etc. The Mt. Olivet Cemetery is also located just to the west of 1307 Lebanon Pike. Once operational, Gray Line will dispatch its entire fleet from this location which will account for dozens of trips into and out of this facility during a normal business day. As such, the design of the site will need to account for the various sizes and turning radii of the fleet through wider/larger ramps for entrance and exists. Our plan also envisions the addition of a central turn lane along Lebanon Pike to better facilitate and more safely manage the vehicle ingress/egress onto the property. This entire design is intended to provide for the safety of Gray Line employees and the public—our goal is to maximize visibility and better control the vehicle access points on the property.

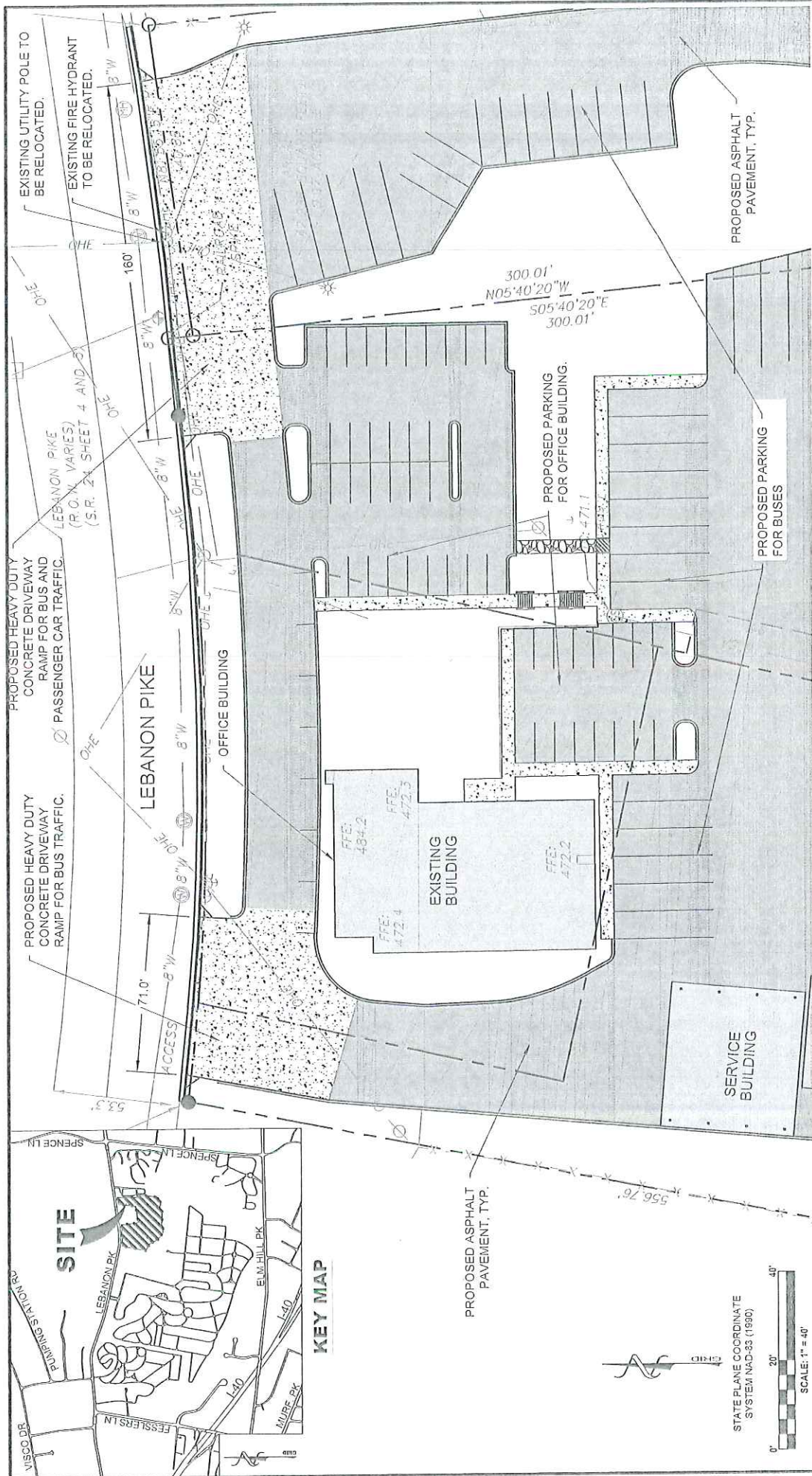
No Injury to Neighboring Property

All properties adjacent to 1307 Lebanon Pike share similar characteristics—industrial operations catering to a specific commercial function and clientele. There are no adjoining properties that currently cater to pedestrian traffic and there are no adjacent properties that currently have sidewalks in place. Our proposed site plan and significant economic investment will serve to *improve* the overall operations and appearance in the area, not diminish it.

No Harm to Public Welfare

Our plans in no way cause harm to the public welfare. To the contrary, our main focus is on the public welfare and we have focused our plans for ingress/egress to help manage and prepare for improved safety. The subject property is simply not a pedestrian area and we wish to manage the issues of public safety as comprehensively as possible.

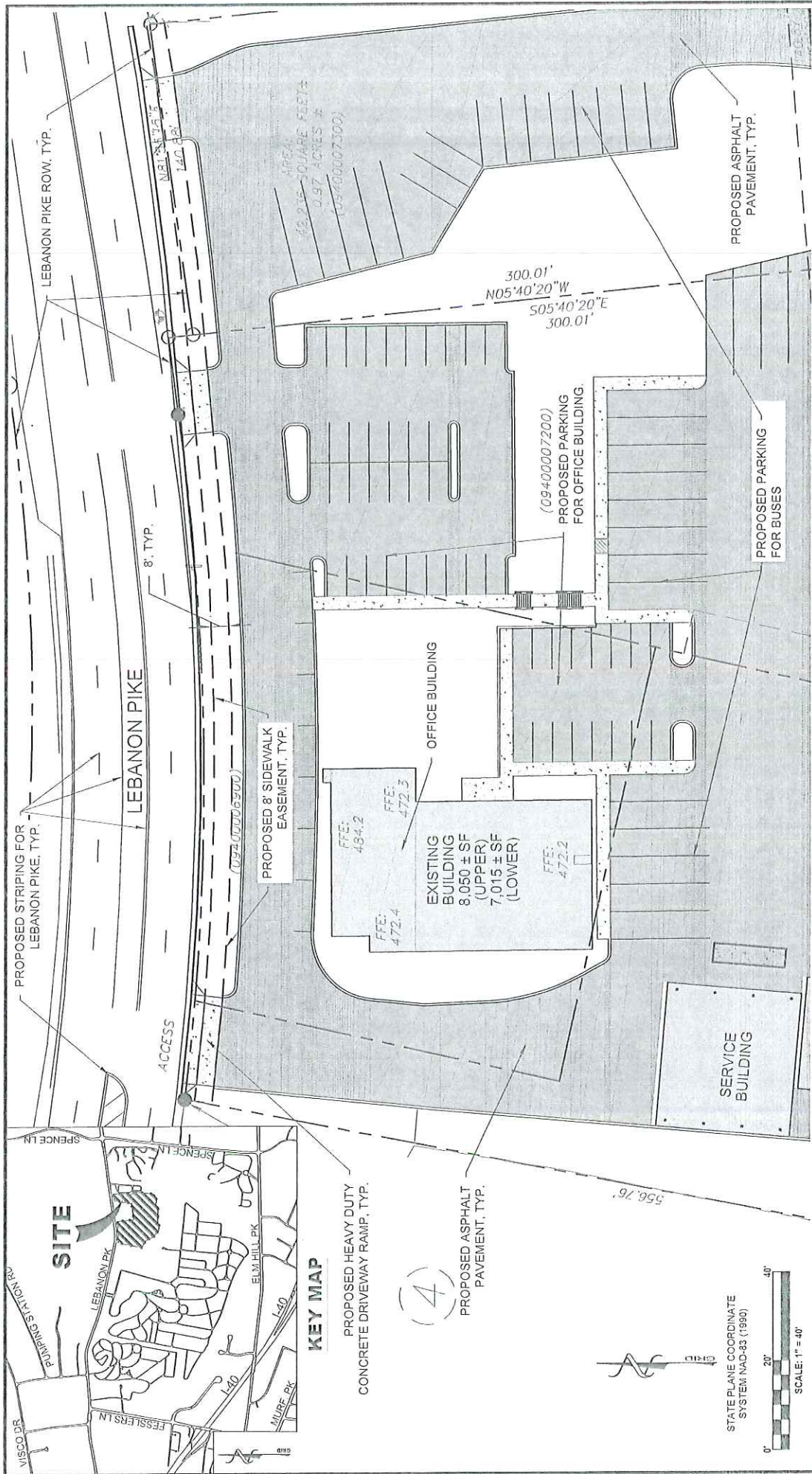
However, we recognize that neighborhoods evolve and change over time. The property owner would be agreeable to establishing a dedicated sidewalk easement to plan for the incorporation of sidewalks when their development in this area is justified.



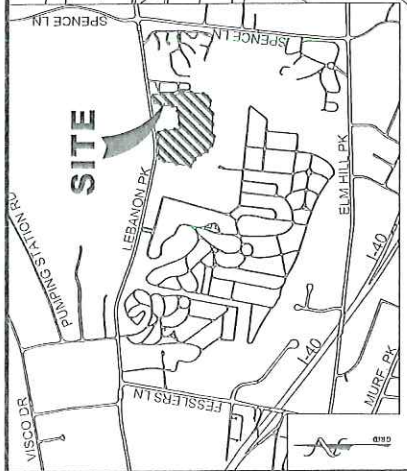
BZA EXHIBIT - VARIANCE FROM SIDEWALK ORDINANCE

GRAY LINE BUS FACILITY IMPROVEMENTS

1301, 1307, 1309, AND 1403 LEBANON PIKE
 NASHVILLE, TENNESSEE, 37210

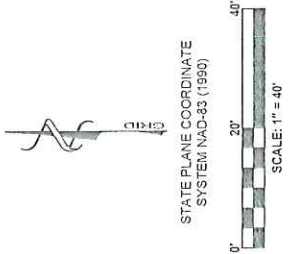


SIDEWALK EASEMENT EXHIBIT
GRAY LINE BUS FACILITY IMPROVEMENTS
 1301, 1307, 1309, AND 1403 LEBANON PIKE
 NASHVILLE, TENNESSEE, 37210



KEY MAP

(4)



STATE PLANE COORDINATE SYSTEM NAD-83 (1990)
 SCALE: 1" = 40'

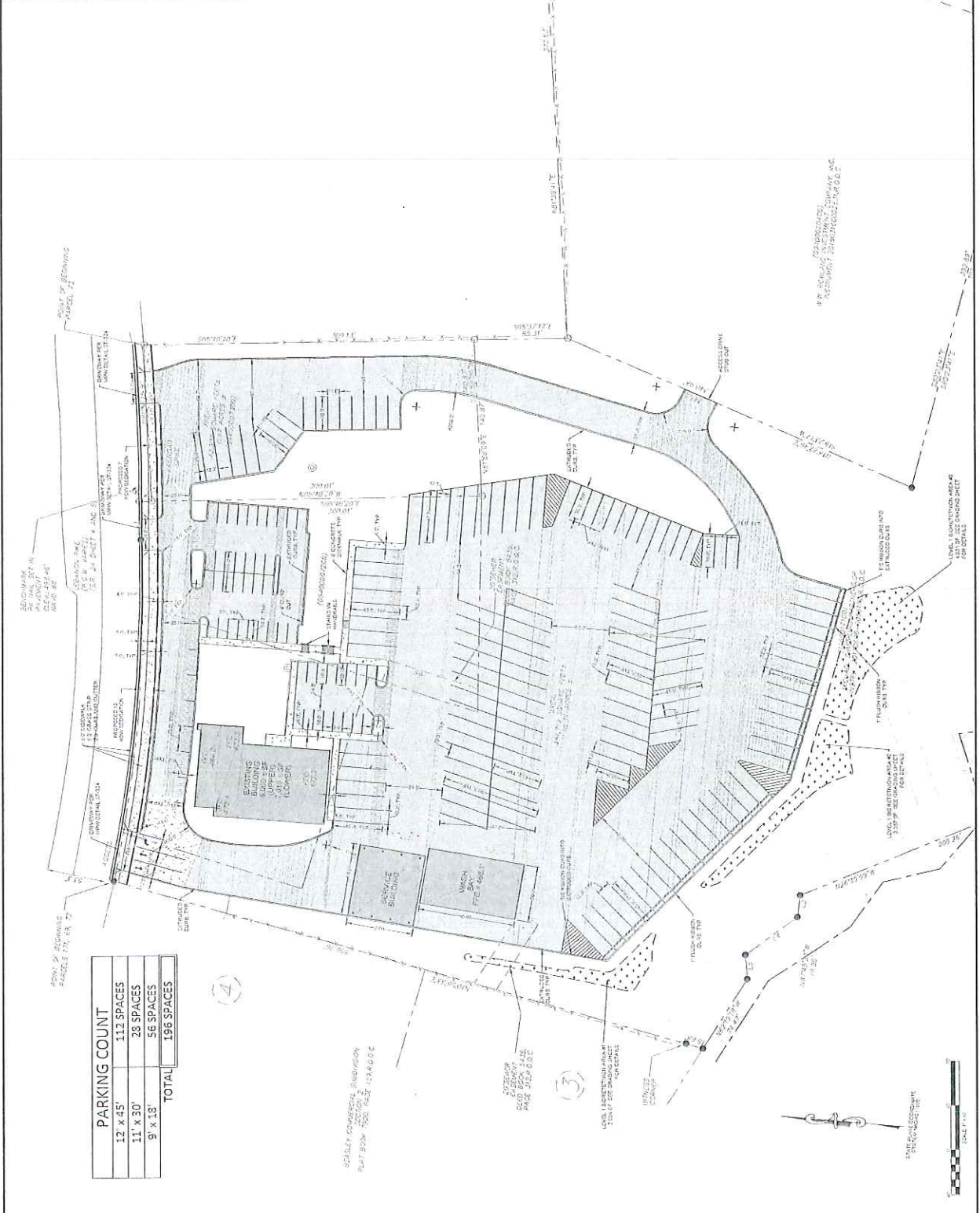
C1.0
SHEET NO. 1 OF 2

OVERALL SITE LAYOUT

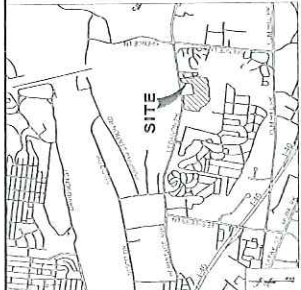
GRAY LINE BUS FACILITY IMPROVEMENTS
1301 & 1307 LEBANON PIKE
NASHVILLE, TENNESSEE 37210

Barge
CAUTHERN
ASSOCIATES

1 Civil Engineers
1555 WEST END AVENUE, SUITE 200
NASHVILLE, TENNESSEE 37203
615.259.4797 FAX 615.259.4798



PARKING COUNT	
12' x 45'	112 SPACES
11' x 30'	23 SPACES
9' x 18'	56 SPACES
TOTAL	196 SPACES



- METRO PUBLIC WORKS NOTES:**
 1. THE EXISTING BUILDING AND DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
 2. THE EXISTING DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
 3. THE EXISTING DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
 4. THE EXISTING DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
- METRO PLANNING NOTE:**
 1. THE EXISTING BUILDING AND DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
 2. THE EXISTING DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
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 4. THE EXISTING DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
- FEMA NOTE:**
 1. THE EXISTING BUILDING AND DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
 2. THE EXISTING DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
 3. THE EXISTING DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
 4. THE EXISTING DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
- METRO WATER SERVICES NOTES:**
 1. THE EXISTING BUILDING AND DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
 2. THE EXISTING DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
 3. THE EXISTING DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
 4. THE EXISTING DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
- STORMWATER NOTES:**
 1. THE EXISTING BUILDING AND DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
 2. THE EXISTING DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
 3. THE EXISTING DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
 4. THE EXISTING DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
- ON-SITE PARKING NOTE:**
 1. THE EXISTING BUILDING AND DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
 2. THE EXISTING DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
 3. THE EXISTING DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
 4. THE EXISTING DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
- FIRE MARSHAL NOTES:**
 1. THE EXISTING BUILDING AND DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
 2. THE EXISTING DRIVEWAY SHALL BE DEMOLISHED AND THE AREA REPAVED WITH ASPHALT.
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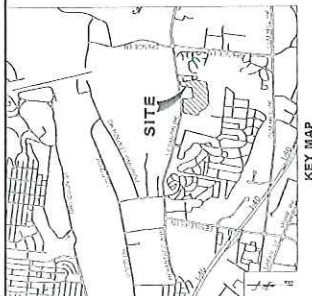
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SCALE: 1/4" = 1'-0"

REV	DATE	DESCRIPTION

OVERALL UTILITY PLAN
GRAY LINE BUS FACILITY IMPROVEMENTS
1301 & 1307 LEBANON PIKE
NASHVILLE, TENNESSEE 37210



Barge Caughen ASSOCIATES
 615.252.6727 F.A.S.
 615.252.9311 PHONE
 615.252.9312 FAX
 615.252.9313 WEBSITE
 1 Civil Engineers



- GENERAL UTILITY NOTES**
1. THE CONTRACTOR SHALL VERIFY ALL UTILITIES SHOWN ON THIS PLAN.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES AND UTILITIES.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES AND UTILITIES.
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 19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES AND UTILITIES.
 20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES AND UTILITIES.
- METRO WATER SERVICES STANDARD NOTES**
1. ALL WATER LINES SHALL BE INSTALLED TO THE PROPERTY LINE.
 2. ALL WATER LINES SHALL BE INSTALLED TO THE PROPERTY LINE.
 3. ALL WATER LINES SHALL BE INSTALLED TO THE PROPERTY LINE.
 4. ALL WATER LINES SHALL BE INSTALLED TO THE PROPERTY LINE.
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 16. ALL WATER LINES SHALL BE INSTALLED TO THE PROPERTY LINE.
 17. ALL WATER LINES SHALL BE INSTALLED TO THE PROPERTY LINE.
 18. ALL WATER LINES SHALL BE INSTALLED TO THE PROPERTY LINE.
 19. ALL WATER LINES SHALL BE INSTALLED TO THE PROPERTY LINE.
 20. ALL WATER LINES SHALL BE INSTALLED TO THE PROPERTY LINE.



1 CONCRETE CURB CUT

2 INTEGRAL CONCRETE CURB & WALK

3 POST CURB

FINISH	1/2"	3/4"	1"	1 1/4"	1 1/2"	2"	2 1/2"	3"	3 1/2"	4"	4 1/2"	5"	5 1/2"	6"
CONCRETE	1/2"	3/4"	1"	1 1/4"	1 1/2"	2"	2 1/2"	3"	3 1/2"	4"	4 1/2"	5"	5 1/2"	6"
FINISH	1/2"	3/4"	1"	1 1/4"	1 1/2"	2"	2 1/2"	3"	3 1/2"	4"	4 1/2"	5"	5 1/2"	6"

4 CONCRETE PAVEMENT

NOTE:
 1. CONCRETE SHALL BE 4000 PSI STRENGTH CONCRETE.
 2. CONCRETE SHALL BE PLACED AND FINISHED WITH A FINISH.

5 LIGHT DUTY PAVEMENT

6 HEAVY DUTY PAVEMENT

NOTE:
 1. CONCRETE SHALL BE 4000 PSI STRENGTH CONCRETE.
 2. CONCRETE SHALL BE PLACED AND FINISHED WITH A FINISH.

7 FLOW THRU CURB ISLAND

8 CONCRETE HEADWALL

9 SINGLE INLET - JUNCTION BOX

10 FLUSH RIBBON CURB

11 8" - 15" NYLOPLAST DRAIN BASIN

NOTE:
 1. NYLOPLAST SHALL BE MANUFACTURED BY NYLOPLAST MANUFACTURING CO.
 2. NYLOPLAST SHALL BE 8" - 15" IN SIZE.
 3. NYLOPLAST SHALL BE 1/2" THICK.
 4. NYLOPLAST SHALL BE 1/2" HIGH.
 5. NYLOPLAST SHALL BE 1/2" WIDE.
 6. NYLOPLAST SHALL BE 1/2" DEEP.
 7. NYLOPLAST SHALL BE 1/2" LONG.
 8. NYLOPLAST SHALL BE 1/2" WIDE.
 9. NYLOPLAST SHALL BE 1/2" DEEP.
 10. NYLOPLAST SHALL BE 1/2" LONG.

SITE DETAILS

1301 & 1307 LEBANON PIKE
 NASHVILLE, TENNESSEE 37210

BARGE
 CAUTHERN ASSOCIATES
 1 Civil Engineers
 1000 EAST BENTLEY BLVD. STE. 110
 NASHVILLE, TENNESSEE 37203
 615.352.9711 PHONE
 615.352.9727 FAX

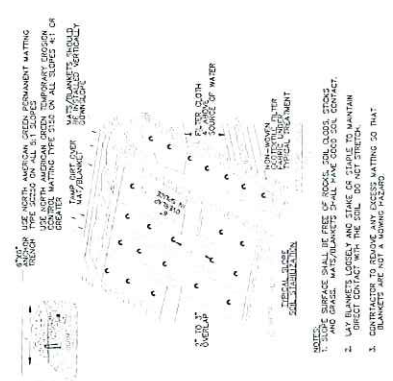
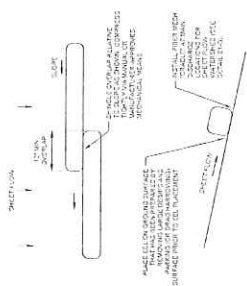
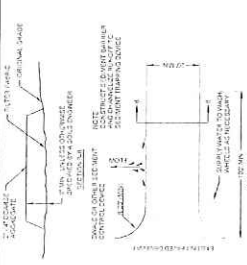
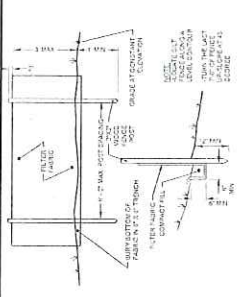
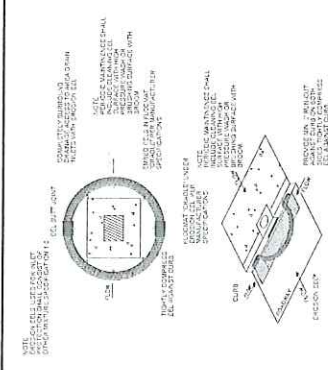
DATE: _____
 CHECKED BY: _____
 DESIGNED BY: _____

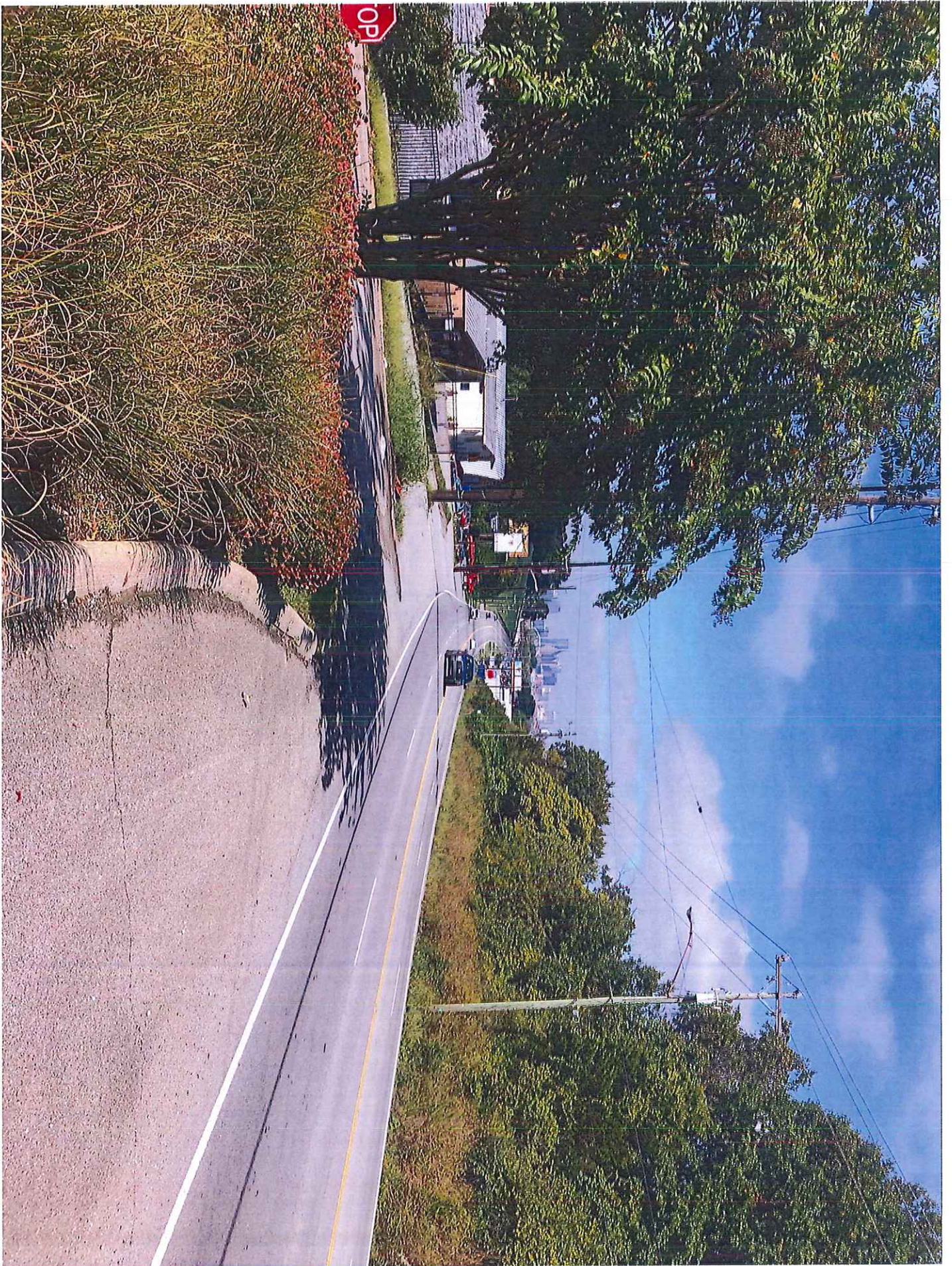
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19	DATE	
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SITE DETAILS





Current Conditions in Front of Subject Property Facing West



Current Conditions in Front of Subject Property Facing East





Current Conditions of Lebanon Pike and Across Street

Current Conditions of Metro Facility Across Street, closer to Spence Lane



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-622 (1307 Lebanon Pike)

Metro Standard:	6' grass strip, 8' sidewalk as defined by the Major and Collector Street Plan
Requested Variance:	Not construct sidewalks; contribute in-lieu of construction (not eligible)
Zoning:	IWD
Community Plan Policy:	D IN (District Industrial)
MCSP Street Designation:	D-I-AB4-IM
Transit:	#6 – Lebanon Pike and #34 – Opry Mills; Future Rapid Bus per nMotion Plan
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant is conducting interior renovations to an existing 6,980 square foot former religious institution and requests a variance from sidewalk requirements. Planning evaluated the following factors for the variance request:

- (1) No sidewalk currently exists along the frontage of the applicant's property however, a 6' grass strip and 8' sidewalk was recently constructed along the block face of a neighboring property approximately 370' to the east.
- (2) Currently, the applicant proposes renovation of the existing structure along Lebanon Pike with the intent to add new structures in the rear with an overall redevelopment for a new office campus and bus maintenance facility. Because of the scale of the overall proposed improvements, the industrial nature of the immediate area and the fact that the applicant is maintaining the existing structure for an office use, construction of sidewalks is premature at this first phase of renovation and construction. Staff will reevaluate future construction phases for overall sidewalk improvements.

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

1. The applicant shall provide a pedestrian access easement to accommodate a future 6' grass strip and 8' sidewalk along Lebanon Pike.
2. With the final phase of overall site improvements, the applicant shall construct sidewalks to the Major and Collector Street Plan standard or contribute in-lieu of constructing sidewalks unless a new sidewalk variance is granted by the Board of Zoning Appeals.

2018-623

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Fulmer Engineering, LLC Date: 10-1-18

Property Owner: SENDER ANTHONY & ELINOR BIRMINGHAM, LLC Case #: 2018-623

Representative: JAY FULMER Map & Parcel: 092/3001300

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: RENOVATIONS TO EXISTING COMMERCIAL BUILDING. NO PERMIT APPLICATION STARTED.

Activity Type: COMMERCIAL / MIXED USE REHABILITATION

Location: 3805 CHARLOTTE

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: VARIANCE TO 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.

JAY FULMER
Appellant Name (Please Print)

SAMUEL S. APPENDANT
Representative Name (Please Print)

2002 RICHARD JAMES RD
Address CS04

Address

NASHVILLE, TN 37215
City, State, Zip Code

City, State, Zip Code

615-516-8477
Phone Number

Phone Number

SAT@FULMERENG.COM
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



3565009

ZONING BOARD APPEAL / CAAZ - 20180062459
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09213001300

APPLICATION DATE: 10/02/2018

SITE ADDRESS:

3805 CHARLOTTE AVE NASHVILLE, TN 37209
LOT 3 BLOCK 4 CHARLOTTE PARK 2ND ADDN

PARCEL OWNER: SENDER, ARTHUR & ERNA & RBM SQUAR

CONTRACTOR:

APPLICANT:**PURPOSE:**

to renovate existing commercial building. Requesting not to contribute or construct sidewalks. No permit started

*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?

TOPOGRAPHY AND ADJACENT RETAINING WALL
PRESENT HARDSHIP FOR CONSTRUCTION OF
SIDEWALKS.

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

10/11/18
DATE



LOCATION MAP NOT TO SCALE

TABLE A - INFORMATION

Item 3: FEMA Map No: 47037C0239 H
Panel 239 of 478
Dated: MAP REVISED APRIL 5, 2017

Item 4: Parcel Area: 7502.79 SQUARE FEET MORE OR LESS

Item 6: (a) Zoning provided to Surveyor -CS
Setbacks
Front 15'
Rear 20'
Side Not required

Item 7: Single Story Brick Building 1945.61 SQUARE FEET +/-

Item 9: NO DEFINED PARKING GRAVEL AND GRASS AT REAR

POTENTIAL ENCROACHMENTS
ADJACENT BUILDING 0.15'+ OVER PROPERTY LINE

SURVEYOR NOTES:

- The location of the property boundaries depicted hereon, based on the appropriate boundary law principles governed by the facts and evidence gathered during the course of this survey. Per accuracy and precision required by the State of Tennessee, in the opinion of this surveyor the monuments shown represents corners of the property. Corners have been found or set as indicated hereon. As a professional opinion, this survey carries no guarantees or warranties, expressed or implied.
- Any improvements depicted may be demolished. The depiction of any improvement on this plat does not create any easement, setback, bulkhead, or other right.
- Survey monuments are shown as indicated hereon.
- All easements are shown as indicated hereon.
- This survey is based on the best available information.
- This survey is based on the best available information.
- As shown.

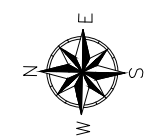
LAND DESCRIPTION PER SURVEY

Beginning at a found 5/8" diameter iron rebar with Cummings Cap RLS 2351 in the south right of way line of Charlotte Avenue, common corner with William W. Inman and Nancy E. Inman (Parcel ID: 09213001400) recorded in Deed Instrument Number 20060825-0105129 in the Davidson County Register of Deeds said corner being located 100 feet more or less from the point of intersection with the west right of way of 38th Avenue North, thence with the line of Inman South 01 Degrees 55 Minutes 55 Seconds East for 150.04 feet to a found 5/8" diameter iron rebar with Cummings Cap RLS 2351 in the north right of way line of METRO Alley Number 1199;



Existing Retaining Wall

Replace Curb Cut with Sidewalk to Match Elevations on Each Side



Source of North
TN STATE PLANE
SPC (4100 TN)
NAVD88
GEOID12B
NAD83

PROPERTY INFORMATION
LOT 3, BLOCK 4, OF THE PLAN OF CHARLOTTE PARK
PLAT BOOK 57, PAGES 160-161
Parcel ID: 09213001300
Address: 3805 CHARLOTTE AVE
DEED INSTRUMENT NUMBER: 20180118-0005495

UTILITY DISCLAIMER:
TTL, Inc and Land surveyor does not guarantee accuracy of marked underground utility locations on surface and location of all underground utilities not visible including underground services. Lines shall not be relied upon without verification from proper utility authority having jurisdiction. TTL, Inc 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. TTL, Inc. makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. TTL, Inc further does not warrant that the underground utilities are in the exact location indicated. Therefore, reliance upon size and location of utilities shown shall be done so with this circumstance considered. Detailed verification of existence, location and depth must be made prior to any decisions relative thereto are made. Availability and cost of service should be confirmed with the appropriate utility accompany. 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, no less than three (3) or more than (10) working days prior to the date of their intent to excavate and also to avoid any possible hazard or conflict. TENNESSEE ONE CALL 811

I hereby certify that this is a Category 1 Survey and was done in compliance with the Rules of Tennessee State Board of Examiners for Land Surveyors Chapter (0820-03) Standards of Practice and (0820-03-07) Survey Types and Requirements The ratio of precision for this unadjusted survey is 1:92,578 as shown hereon.



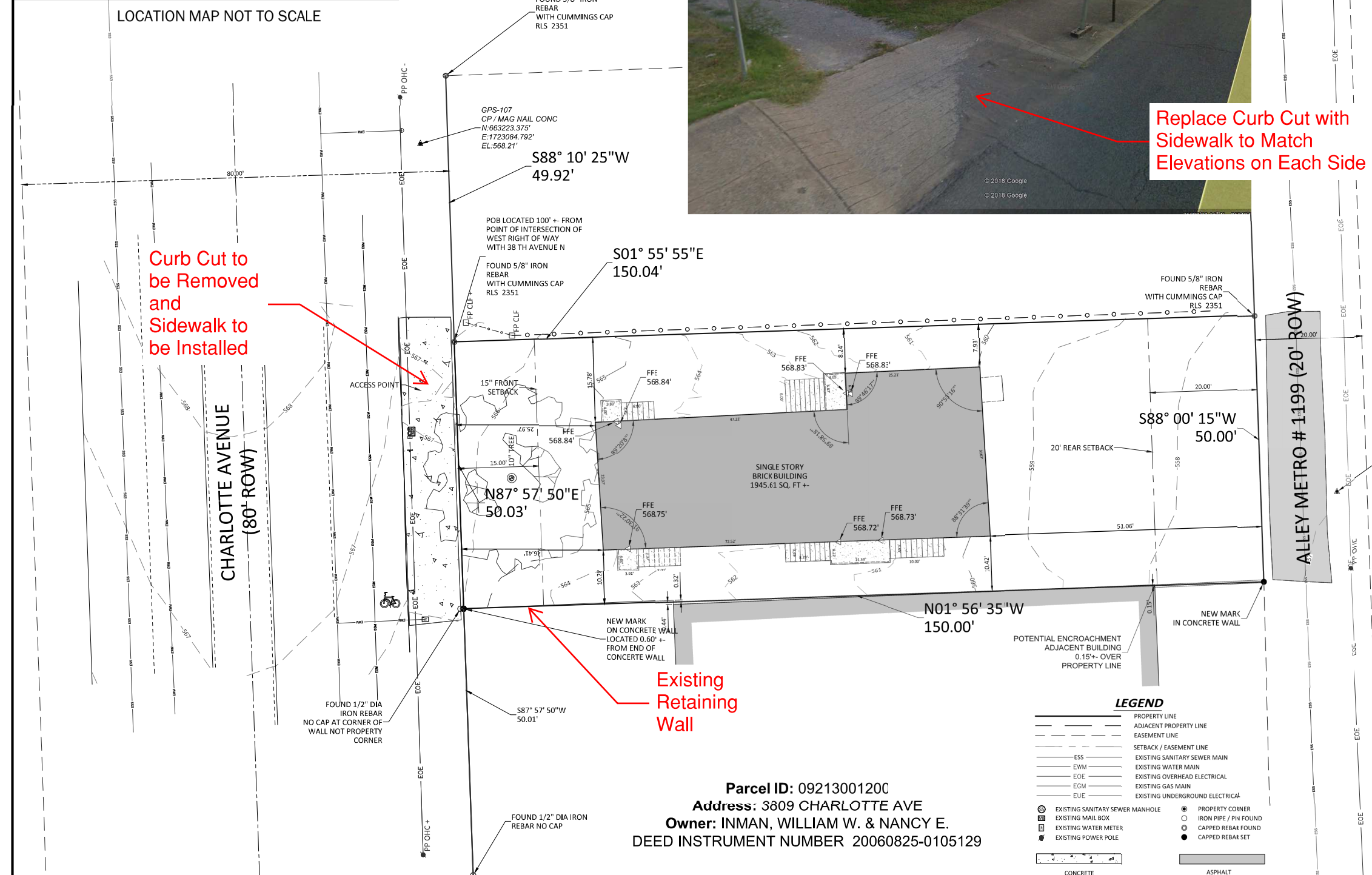
Kenneth D. Church, RLS TN 1004
5010 Linbar Drive Suite #153 | Nashville, TN 37211
Office Phone: 615.331.7770
Cell Phone: 615-332-2651
Kchurch@ttsusa.com

TO: _____
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 includes items 1, 2, 3, 4, 5, 6(a)(b), 7(a)(b), 8, 9, 13, and 14 Table A thereof. The ratio of precision for this unadjusted survey is 1:92,578 as shown hereon.

The field work was completed on 8/28/18
Date of Plat or Map: 8/30/18

Kenneth D. Church, TN RLS #1004
Survey Manager TTL
Kchurch@ttsusa.com

PRELIMINARY FOR REVIEW ONLY



Parcel ID: 09213001200
Address: 3805 CHARLOTTE AVE
Owner: INMAN, WILLIAM W. & NANCY E.
DEED INSTRUMENT NUMBER 20060825-0105129

LEGEND

---	PROPERTY LINE	---	EXISTING SANITARY SEWER MANHOLE
---	ADJACENT PROPERTY LINE	○	EXISTING MAIL BOX
---	EASEMENT LINE	□	EXISTING WATER METER
---	SETBACK / EASEMENT LINE	⊙	EXISTING POWER POLE
---	EXISTING SANITARY SEWER MAIN	○	PROPERTY CORNER
---	EXISTING WATER MAIN	○	IRON PIPE / PIN FOUND
---	EXISTING OVERHEAD ELECTRICAL	○	CAPPED REBAR FOUND
---	EXISTING GAS MAIN	○	CAPPED REBAR SET
---	EXISTING UNDERGROUND ELECTRICAL	○	

CONCRETE ASPHALT

ADDRESS: 3805 CHARLOTTE AVENUE
PARCEL ID: 09213001300
OWNER: RBM SQUARED, LLC
DEED INSTRUMENT NUMBER # 20180118-0005495
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

ALTA/NSPS LAND TITLE SURVEY

No.	Date	Revision Description

Drawn By: DRAWNBY: _____
 Date Drawn: DATEDRAWN: _____
 Scale: SCALE: _____
 Checked By: _____
 Date Surveyed: _____
 Proj. No.: _____
 File Name: _____

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-623 (3805 Charlotte Pike)

Metro Standard:	4' grass strip, 10' sidewalk as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	CS
Community Plan Policy:	T4 CM (Urban Mixed Use Corridor) Special Policy Area (07-T4-CM-01)
MCSP Street Designation:	T4-M-AB5-IM
Transit:	#50 – Charlotte Pike BRT; Future Light Rail per nMotion plan
Bikeway:	None existing; major separated bikeway planned per community policy update

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant is conducting interior renovations to an existing commercial building and requests a variance from sidewalk requirements due to an existing sidewalk, as well as a retaining wall and topography on the adjacent property. Planning evaluated the following factors for the variance request:

- (1) Charlotte Avenue is a primary multimodal corridor identified for future mass transit improvements per the nMotion plan with additional housing and jobs growth per the NashvilleNext plan.
- (2) A 9' wide sidewalk with no grass strip exists along the frontage of the applicant's property.
- (3) In this location with a 50' wide frontage located mid-block, there will be infrastructure challenges in accommodating driveway access, parking, and wider sidewalks. With this combination of factors, a contribution in lieu of constructing sidewalks will help improve walking infrastructure area-wide to accommodate future mass transit and growth needs.

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 contribute in lieu of construction for the property frontage.
3. Prior to the issuance of building permits, dedicate right-of-way along the property frontage to accommodate future sidewalks per the Major and Collector Street Plan standard.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Jeremy Seaton

Date: 10-2-18

Property Owner: Siegel, Charlotte & Adam

Case #: 2018-624

Representative: Jeremy Seaton

Map & Parcel: 82-7-348

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: Requesting variance from sidewalk requirement.

Activity Type: New Construction Single Family

Location: 309 Grace St.

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: 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 _____ 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.

JEREMY SEATON
Appellant Name (Please Print)

Same
Representative Name (Please Print)

109 SPENCE LN
Address

Address

Nashville TN 37210
City, State, Zip Code

City, State, Zip Code

865-389-0061
Phone Number

Phone Number

seaton.jeremy@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



3565001

ZONING BOARD APPEAL / CAAZ - 20180062453
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08207034800

APPLICATION DATE: 10/02/2018

SITE ADDRESS:

307 GRACE ST NASHVILLE, TN 37207
N SIDE GRACE ST E OF MERIDIAN ST

PARCEL OWNER: SIEGEL, CHARLOTTE & ADAM

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting variance from sidewalk requirements.

*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

DATE

10/2/18

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?

Existing Property has a perfectly maintained sidewalk with an extremely tall well maintained retaining wall. Moving the existing sidewalk would destroy the continuity of the sidewalks and neighborhood.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-624 (307 Grace Street)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not upgrade sidewalk; contribute in-lieu of construction (not eligible)
Zoning:	SP
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	Property approximately 185' east from #28 – Meridian
Bikeway:	Bike boulevard planned per WalknBike

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing a single family dwelling and requests a variance from upgrading sidewalks to the Metro Local Street standard due to the presence of an existing sidewalk along the frontage of the site. The applicant requests to provide a contribution in-lieu of construction. Planning evaluated the following factors for the variance request:

- (1) A 2' grass strip and 4' sidewalk currently exists along Grace Street for the entire block from Meridian Street to Lischey Avenue.
- (2) The applicant has indicated they will relocate utilities that are presently located within the sidewalk space to the existing grass strip area and internal to their property.

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. Relocate existing utilities from the current 4' sidewalk space as indicated within variance application.
3. Prior to the issuance of building permits, dedicate right-of-way along the Grace Street property frontage to accommodate future sidewalks per the Local Street Standard.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Jeremy Seaton Date: 10-2-18
Property Owner: Batte, Danielle & Anthony Case #: 2018-625
Representative: Jeremy Seaton Map & Parcel: 92-8-91

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: Requesting variance from sidewalk requirement

Activity Type: New Construction - Single family

Location: 513 Dr. D.B. Todd Jr. Blvd.

This property is in the RC 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 _____ 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.

Jeremy Seaton
Appellant Name (Please Print)

Same
Representative Name (Please Print)

109 Spence Ln
Address

Address

Nashville TN 37210
City, State, Zip Code

City, State, Zip Code

865-389-0061
Phone Number

Phone Number

seaton.jeremy@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



3565013

ZONING BOARD APPEAL / CAAZ - 20180062462
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09208009100**APPLICATION DATE:** 10/02/2018**SITE ADDRESS:**

513 DR D B TODD JR BLVD NASHVILLE, TN 37203
LOT 28 POWER

PARCEL OWNER: BATTLE, DANIELLE C. & ANTHONY D.**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting variance from sidewalk requirements

*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

DATE

10/2/18

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?

307 Grace St - Property has an existing sidewalk with approx 24" grass strip. We are asking to leave the sidewalk in existing location - and moving all of our utilities out of the sidewalk. Neighborhood walkability and continuity is our goal. This project is a custom build for a family who has lived on Grace St for years. ~~Important~~

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-625 (513 Dr. DB Todd Jr. Boulevard)

Metro Standard:	4' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalk
Zoning:	R6
Community Plan Policy:	T4 MU (Urban Mixed Use Neighborhood) Special Policy Area (08-T4-MU-01)
MCSP Street Designation:	T4-M-AB3-IM
Transit:	#25 – Midtown
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing a single family dwelling and requests a variance from upgrading sidewalks to the Major and Collector Street Plan standard due to the presence of an existing sidewalk along the frontage of the site, as well as a retaining wall at the back of the existing sidewalk. Planning evaluated the following factors for the variance request:

- (1) A 6' sidewalk currently exists along Dr. DB Todd Jr. Boulevard for the entire block from Jo Johnston Avenue to Pearl Street.
- (2) The existing sidewalk has a retaining wall and steps located at the back of the sidewalk that provides access to the property. This condition is consistent across several properties along this block face. Upgrading the sidewalks to the Major and Collector Street Plan standard and moving the retaining wall back on the property will impact adjacent parcels to the south.

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 contribute in lieu of construction for the property frontage.
3. Prior to the issuance of building permits, dedicate right-of-way along the property frontage to accommodate future sidewalks per the Major and Collector Street Plan standard.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Nick Coleman
Property Owner: L&D Hospitality
Representative: Nick Coleman

Date: 10-2-18
Case #: 2018-628
Map & Parcel: 81-4-206

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:

Requesting variance from the 0-15' build to zone along the street frontage as well as a variance from landscape buffer requirements from the 36 portion of shared property line.

Activity Type: New Construction - Hotel/Motel

Location: 410 Dominican Dr.

This property is in the MD6-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 Build to & Buffer zone Requirements

Section(s): 17.24.230, 17.12.020(D)

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.

Nick Coleman
Appellant Name (Please Print)

Same
Representative Name (Please Print)

9160 Coopers Parkway
Address

Address

Franklin TN 37067
City, State, Zip Code

City, State, Zip Code

615 305 1103
Phone Number

Phone Number

NColeman@Biscanconstruction.com
Email

Email

NColeman@Biscanconstruction.com
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



3565084

ZONING BOARD APPEAL / CAAZ - 20180062516
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08104020600

APPLICATION DATE: 10/02/2018

SITE ADDRESS:

410 DOMINICAN DR NASHVILLE, TN 37228
N/S DOMINICAN DR E OF FRENCH LANDING DR

PARCEL OWNER: L & D HOSPITALITY, LLC

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting variance from the 0-15' build to zone as well as a variance from landscape buffer requirement along the R6 zoned portion of property line.

*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.

Harper, Clint (Codes)

From: Nicholas Coleman <ncoleman@biscanconstruction.com>
Sent: Tuesday, October 02, 2018 12:00 PM
To: Harper, Clint (Codes)
Subject: Fwd: Variance

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

Sent from my iPhone

Begin forwarded message:

From: Doug Jenkins <djenkins@sec-civil.com>
Date: August 8, 2018 at 1:14:25 PM CDT
To: Kal Patel <kal.patel@imaginehospitality.com>
Cc: Nicholas Coleman <ncoleman@biscanconstruction.com>
Subject: RE: Variance

The following are the variances granted taken from letter dated January 2017 to the Board of Zoning appeals:

Therefore, we are still requesting variances on the following two items:

1. Landscape Buffer Yards – Section 17.24.240, Table 17.24.230

An R6 zoning district abuts our property (zoned MUG-A) along the southwestern corner. An MUG-A zoning district abutting an R6 district requires a 30' minimum D-type landscape buffer yard. According to the Metro Planning Department and the attached plat for the Sexual Assault Center, a 50-foot wide strip of land abutting the southwest corner of our site is public property that set aside for a portion of 3rd Avenue North that is now closed. The 50-foot strip separates our site from the nearest property within the R6 zoning district.

It is the developer's intention to provide sufficient landscaping along this corner of the property to create a buffer between our site and adjacent properties. Since this corner of our property abuts public land, Section 17.24.150 the Code allows for perimeter landscaping strips to be a minimum 5' wide. This minimum width may be further reduced by half (2.5' minimum) if the overall proposed site elevation is lower than the roadway (which it is designed to be) and if trees will be planted in the parking islands (which is our intent).

Therefore, we request that the 30' landscape buffer yard requirement for MUG-A zoning districts abutting R6 zoning districts be waived along this portion of the site.

2. Build-to Zone – Section 17.12.020

According to Section 17.12.020, the Build-to Zone for an MUG-A zoning district is 0-15 feet. Additionally, Note 3.i.ii under Table 17.12.020D in the Code, allows for a “module” of parking between the building and the street. A module is defined as two rows of parking spaces and a drive aisle. Based on our interpretation of the Code, we meet the Build-to Zone requirements with the exception of a small portion of site frontage at the entrance drive (see updated site plan attached).

Due to the irregular shape of the property frontage, we request a waiver on the Build-to Zone requirement for this site.

From: Kal Patel [<mailto:kal.patel@imaginehospitality.com>]
Sent: Wednesday, August 08, 2018 11:21 AM
To: Doug Jenkins <djenkins@sec-civil.com>
Cc: Nicholas Coleman <ncoleman@biscanconstruction.com>
Subject: Variance

Doug,

What all Variance do we have on our home2 site?

Kal Patel
615-707-0586
615-552-0000 (fax)
www.imaginehospitality.com

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.

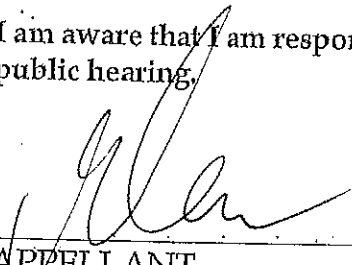
Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff..

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


Nick Coleman

DATE

10/2/18

ras

S 39°57'12" E
7.34'

S44°13'00" E 301.90'

MAP 81-04, PARCEL 203,206,207,208
L & D HOSPITALITY, LLC
INSTRUMENT # 20180624-0064751

5' SIDEWALK

PROPOSED SEWER
EASEMENT

PROPOSED RI
WALL W/ GUN

S41°25'56" W
140.65'

N=87611
E=1733X

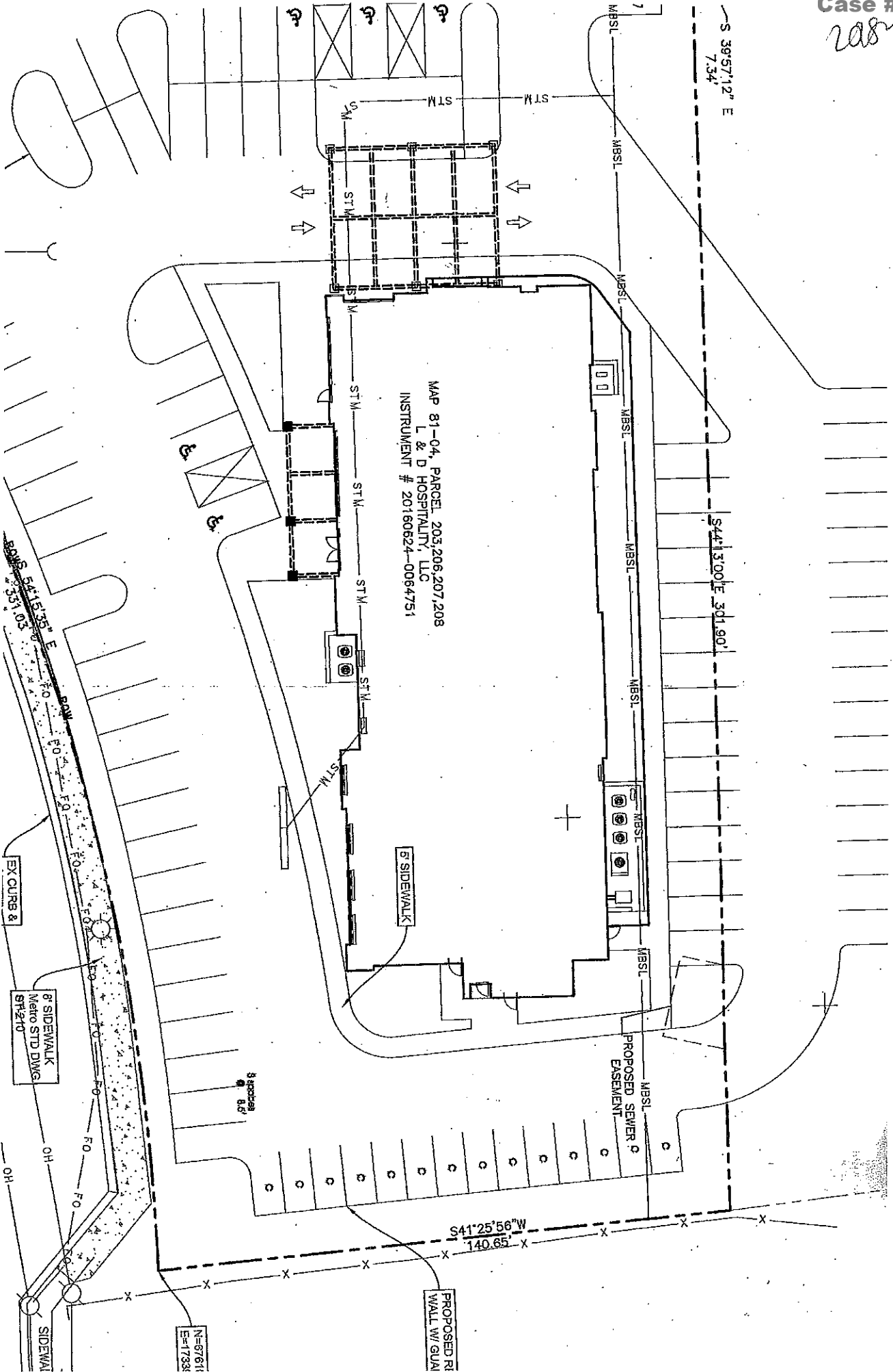
S05°41'53" E
351.03'

EX CURVE &

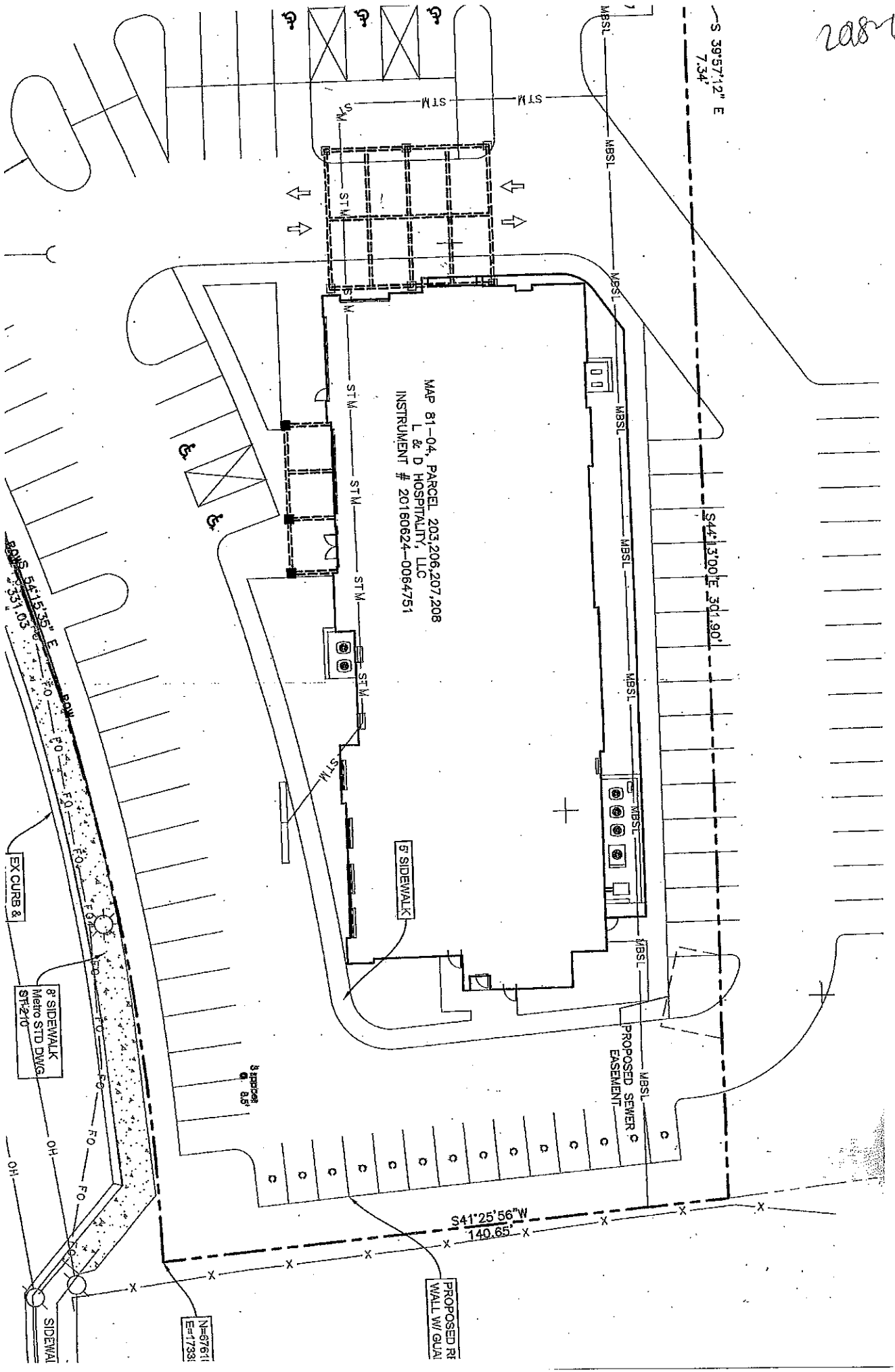
6' SIDEWALK
Metro STD DWG.
SH-210

OH

SIDEWALK



2018/11/28



N=67611
E=17331

PROPOSED RT
WALL W/ GUAI

PROPOSED SEWER
EASEMENT

R SIDEWALK

EX CURB &

R SIDEWALK
Metro STD DWG.
SH-210

MAP 81-04, PARCEL 203,206,207,208
L & D HOSPITALITY, LLC
INSTRUMENT # 20180624-0064751

Zoning Appeal: Case 2018-628- Oppose

410 DOMINICAN DR

Map Parcel: 08104020600

This appeal is in regards to the above mentioned Case.

The Landscaping Buffer is a requirement that the ownership group of 301 Clay Street AND other neighbors currently abide by and respect.

The integrity and beautification of the metroCenter area is strictly contingent on ALL developers abiding by the building requirements and Guidelines. In this case, THE LANDSCAPE BUFFER LINE VARIANCE REQUEST...

In order to have consistency within our community development, is it the belief that the proposed hotel at 410 Dominican Drive should adhere to the same guidelines written out by Metro Public Works.

With Best Regards,

B. Kumar



November 8, 2018

RE: Appeal Case Number 2018-628

Dear Board of Zoning Appeals:

I am the President and CEO of the Sexual Assault Center, located at 101 French Landing Drive. Our property backs into the property at 410 Dominican Drive, on which the construction of a hotel is being proposed and a variance from landscape buffer requirements is being requested.

The Sexual Assault Center, in its 40th year of operation, provides healing to children, adults and families affected by sexual assault and works to end sexual violence through counseling, education and advocacy. We have been located at 101 French Landing Drive for 10 years, since 2008. Last year, we served approximately 1,000 sexually abused children and adults throughout Middle Tennessee in this office location. In September 2018, we opened the doors to our SAFE (Sexual Assault Forensic Exam) Clinic. The SAFE Clinic provides medical legal rape exams to rape victims after the victimization of sexual assault. The SAFE Clinic is operational 24 hours a day, 7 days a week. The entrance to the SAFE Clinic is at the back of our property, along with our playground for child clients who have experienced sexual abuse; the driveway and gated parking lot back up to the landscape and property at 410 Dominican Drive.

It is my understanding that the request of the appellant is to remove the landscape buffer between our properties. I kindly request that the board consider the extremely sensitive and confidential nature of the work we do at the Sexual Assault Center and the levels of fear and trauma individuals are experiencing as they enter our SAFE Clinic. The layout of our property, the landscaping and the intentional creation of a safe space for children and adults to come after experiencing the devastation of sexual assault is meant to provide safety and security to trauma victims in their moments of greatest need. The work of the Sexual Assault Center is vital to the safety of our City and the health and wellbeing of victims/survivors of sexual assault; maintaining a safe and confidential space is central to the success of this work. I appreciate your consideration of the impact this request could have on the Sexual Assault Center and those we serve.

Sincerely,

Rachel C. Freeman, LCSW
President & CEO



Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Chris Wright
Property Owner: Debis Beasley
Representative: Chris Wright

Date: 10-2-18
Case #: 2018-629
Map & Parcel: 083130S1900

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:

APPEAL OF SIDEWALK REQUIREMENTS
RELATED TO FUTURE DEVELOPMENT
OF 2 HOUSES ON ONE LOT
REQUESTS TO KEEP EXISTING SIDEWALK.

Activity Type: RESIDENTIAL CONSTRUCTION

Location: 307 S 10TH ST

This property is in the R4 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: SIDEWALK VARIANCE

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.

Chris Wright
Appellant Name (Please Print)

Address

City, State, Zip Code

Phone Number

Email

Chris Wright
Representative Name (Please Print)

Address

City, State, Zip Code

Phone Number

Email

2204 Eastland Ave.

Nashville, TN 37206

615-512-2777

chris@wrightdeals.com

Appeal Fee: _____



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



3565101

ZONING BOARD APPEAL / CAAZ - 20180062527
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08313051900

APPLICATION DATE: 10/02/2018

SITE ADDRESS:

307 S 10TH ST NASHVILLE, TN 37206
LOT 2 SHELBY HILLS SEC 3

PARCEL OWNER: BEASLEY, DELOIS A.

CONTRACTOR:

APPLICANT:**PURPOSE:**

to construct two home on one lot.

*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.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?

** please see attached*

"sidewalk variance circumstances" 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.

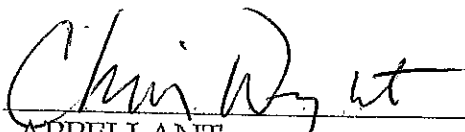
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

10-2-18
 DATE

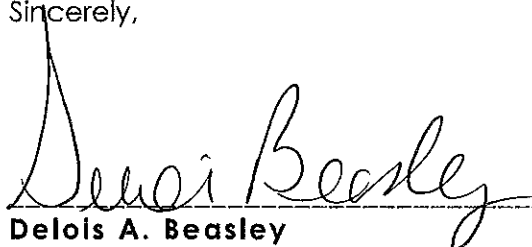
**PERMISSION TO FILE A
BOARD OF ZONING APPEALS REQUEST**

Metropolitan Board of Zoning Appeals
Metro Howard Building
800 Second Avenue South
Nashville, TN. 37210

Dear Recipient:

I, Delois A. Beasley ("seller"), current owner of 307 S. 10th St. Nashville TN. 37206, do hereby give my permission to Andrew Bufford, Chris Wright & Ke Qin ("buyers") to file a Board of Zoning appeals request for a sidewalk variance at the property 307 S. 10th St.

Sincerely,



Delois A. Beasley

9/28/18

Date

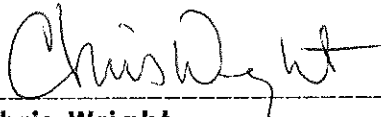
BOARD OF ZONING APPEALS SIDEWALK VARIANCE CIRCUMSTANCES

Metropolitan Board of Zoning Appeals
Metro Howard Building
800 Second Avenue South
Nashville, TN. 37210

Dear Board Members:

For my sidewalk variance request at 307 S. 10th St. I'm asking the board that I not be required to build new sidewalks, nor pay an in lieu-of fee, as there is already an existing sidewalk, grass strip, sewers & gutters in place on S. 10th between Fatherland St. and Shelby Ave. where this home exists. Building a new sidewalk in front of this property would not keep the alignment of the current sidewalk, and would be more disruptive to the flow of this existing sidewalk rather than improving the walkway. In lieu of building a new sidewalk and not paying a sidewalk in-lieu of fee, the applicant will dedicate the right of way to the city for future sidewalk improvements.

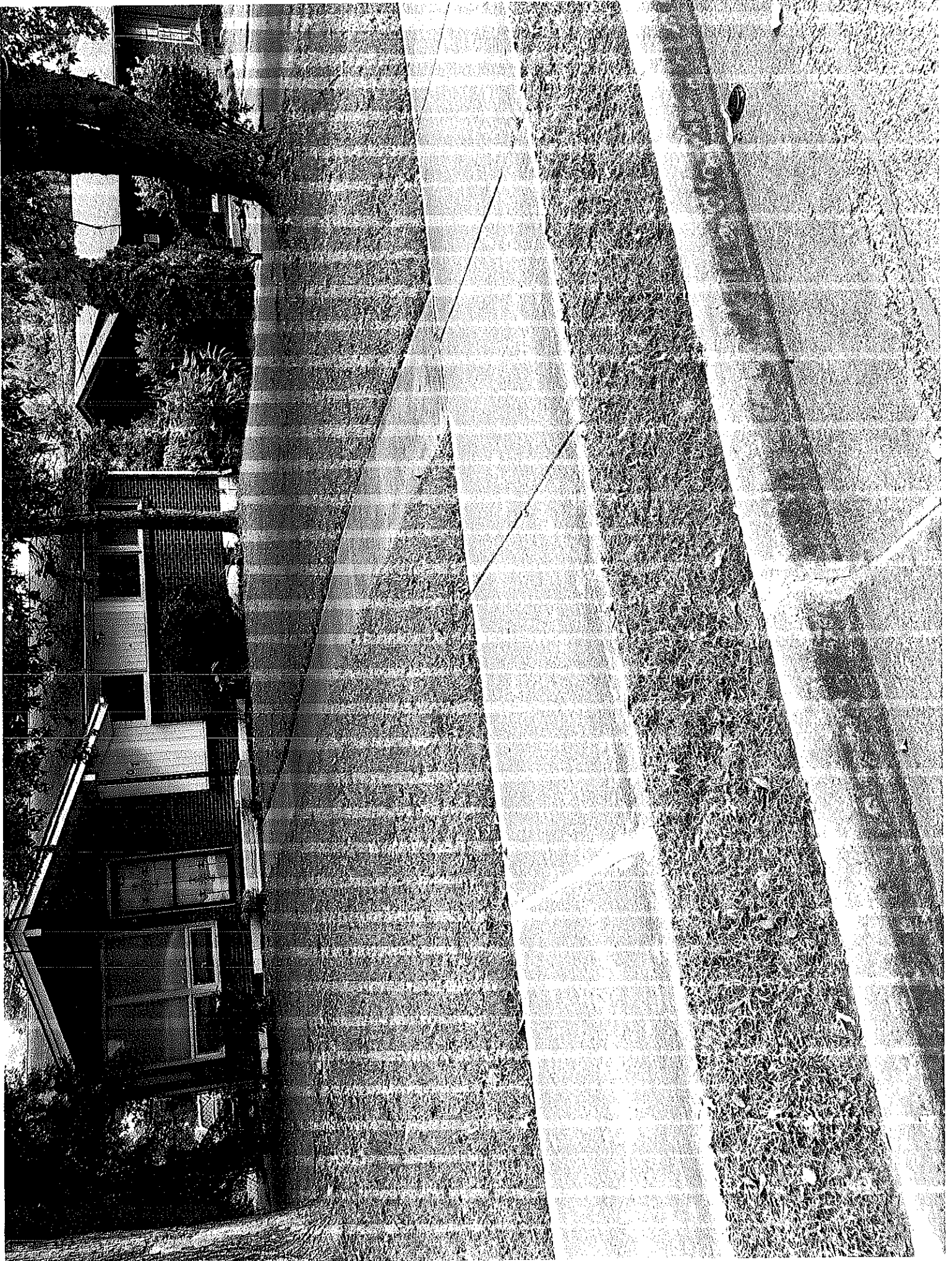
Sincerely,



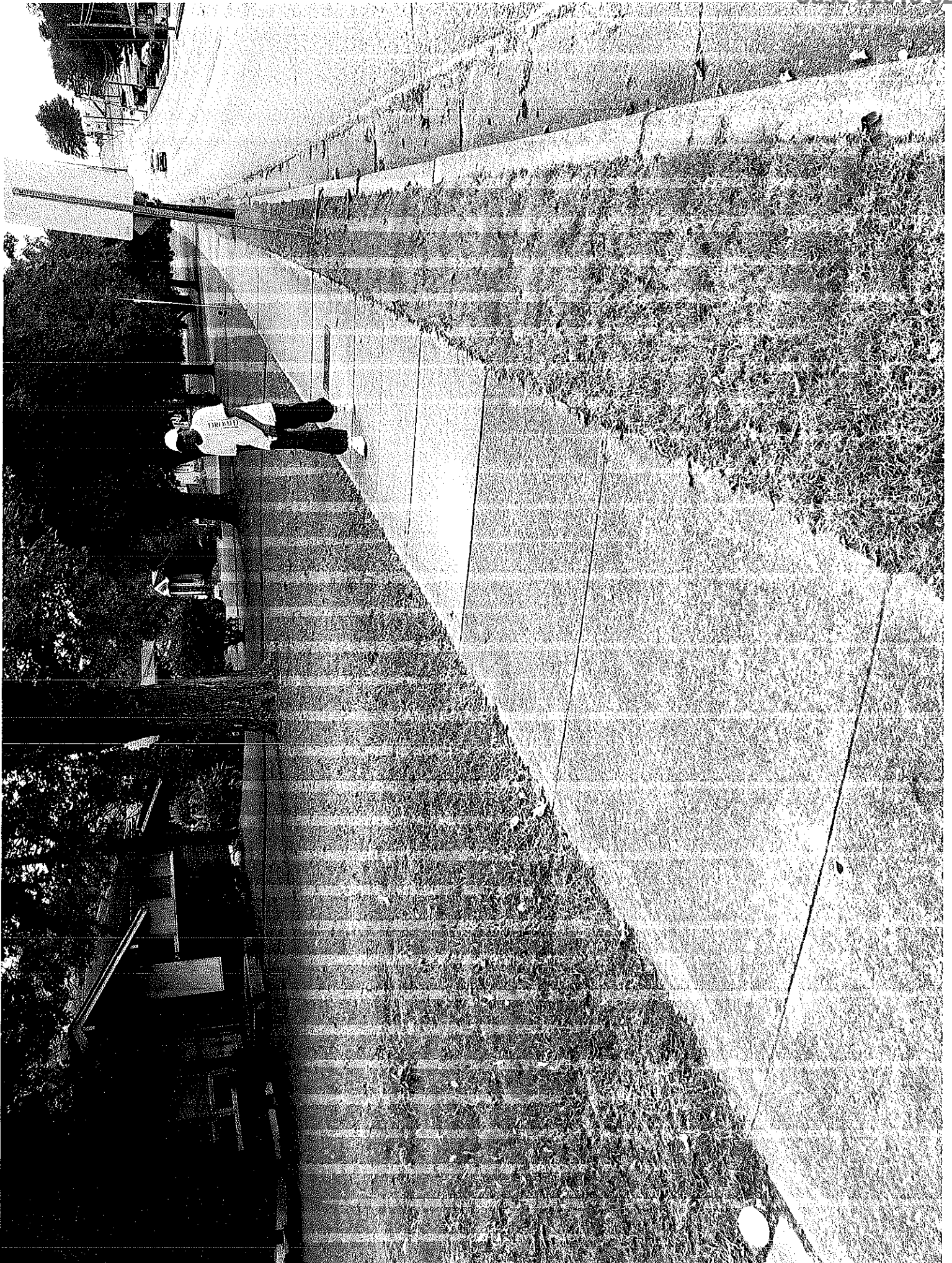
Chris Wright

10-2-18

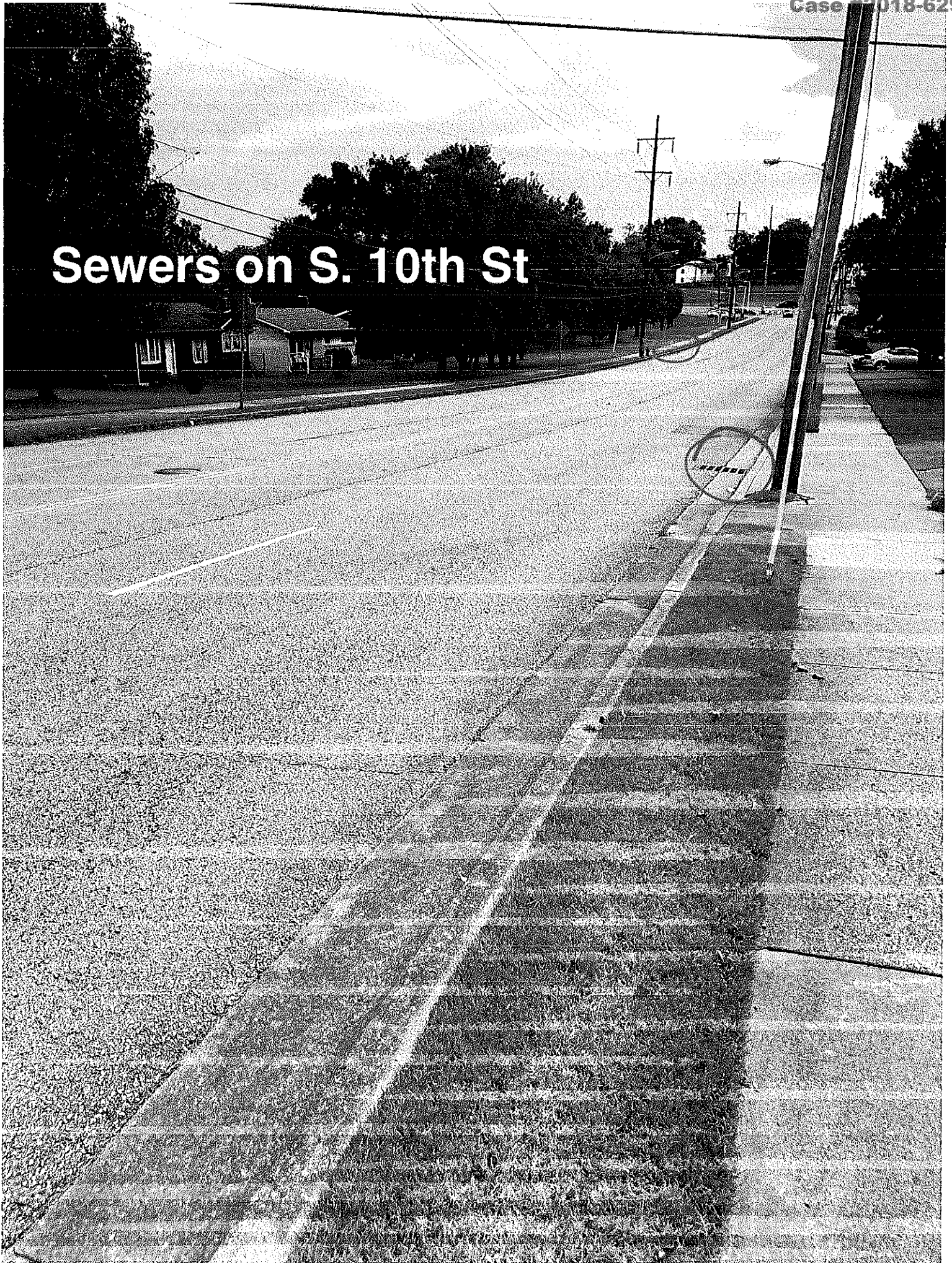
Date





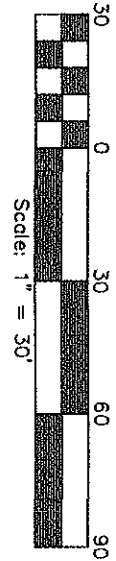


Sewers on S. 10th St

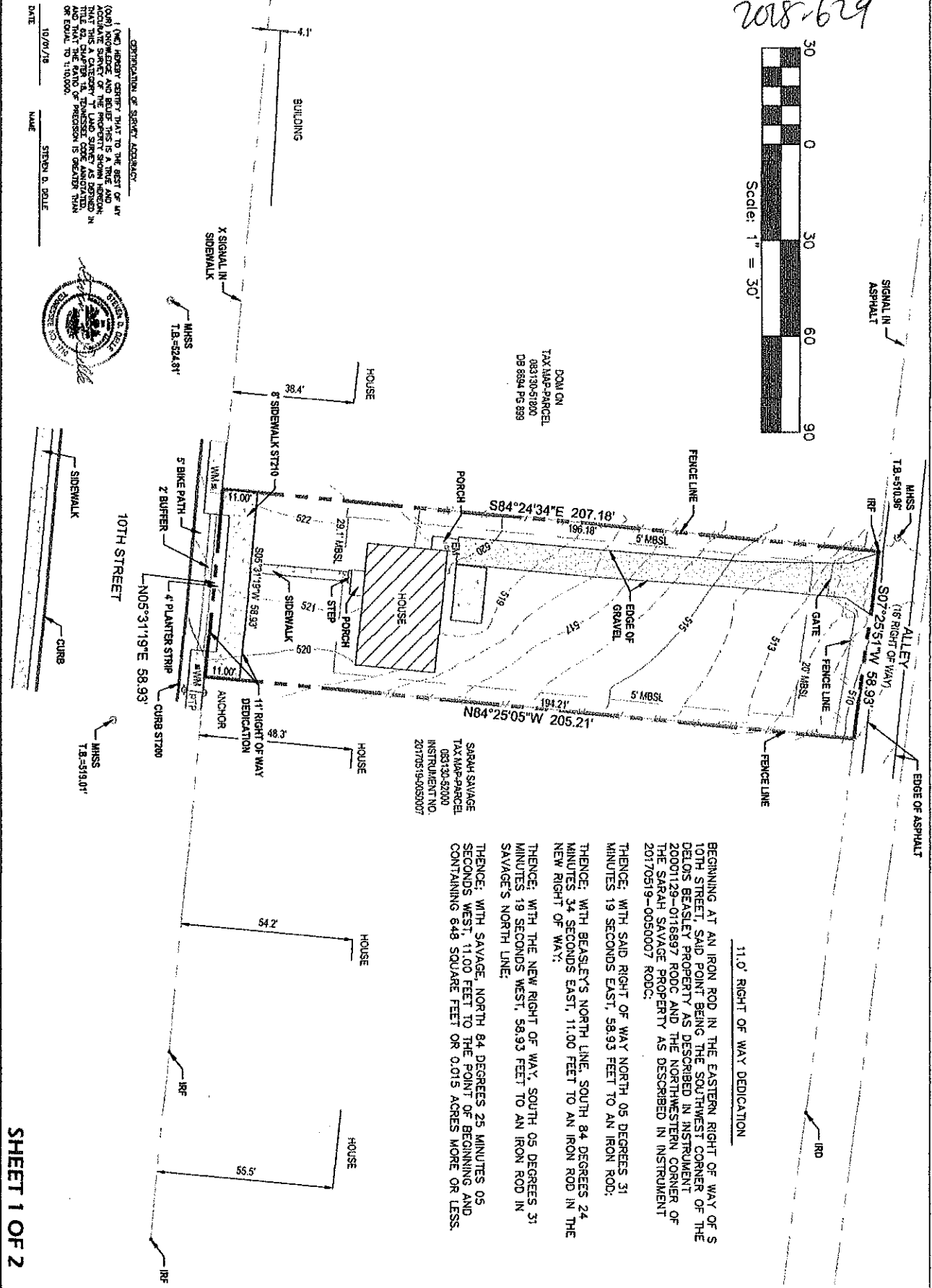




2018-629



DATE 10/09/18 NAME STRYKER, D. BOYLE
 CERTIFICATION OF SURVEY ACCURACY
 (AND HEREBY CERTIFY THAT TO THE BEST OF MY
 (OUR) KNOWLEDGE AND BELIEF THIS IS A TRUE AND
 ACCURATE SURVEY OF THE PROPERTY SHOWN HEREON,
 AND THAT THE RATIO OF PRECISION IS GREATER THAN
 OR EQUAL TO 1:10,000.



DOMIN
 TAX MAP-PARCEL
 083130-51800
 DB 6694 PG 689

SARAH SAVAGE
 TAX MAP-PARCEL
 083130-52000
 INSTRUMENT NO.
 20170519-0050007

11.0' RIGHT OF WAY DEDICATION

BEGINNING AT AN IRON ROD IN THE EASTERN RIGHT OF WAY OF S 10TH STREET, SAID POINT BEING THE SOUTHWEST CORNER OF THE DELOIS BEASLEY PROPERTY AS DESCRIBED IN INSTRUMENT 20001129-0116897 RODC AND THE NORTHWEST CORNER OF THE SARAH SAVAGE PROPERTY AS DESCRIBED IN INSTRUMENT 20170519-0050007 RODC.

THENCE: WITH SAID RIGHT OF WAY NORTH 05 DEGREES 31 MINUTES 19 SECONDS EAST, 58.93 FEET TO AN IRON ROD;

THENCE: WITH BEASLEY'S NORTH LINE, SOUTH 84 DEGREES 24 MINUTES 34 SECONDS EAST, 11.00 FEET TO AN IRON ROD IN THE NEW RIGHT OF WAY;

THENCE: WITH THE NEW RIGHT OF WAY, SOUTH 05 DEGREES 31 MINUTES 19 SECONDS WEST, 58.93 FEET TO AN IRON ROD IN SAVAGE'S NORTH LINE;

THENCE: WITH SAVAGE, NORTH 84 DEGREES 25 MINUTES 05 SECONDS WEST, 11.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 648 SQUARE FEET OR 0.015 ACRES MORE OR LESS.

SHEET 1 OF 2

Delle Land Surveying
 1104 Pardue Road
 Ashland, Tennessee 37015
 (615) 642-9146



SITE PLAN

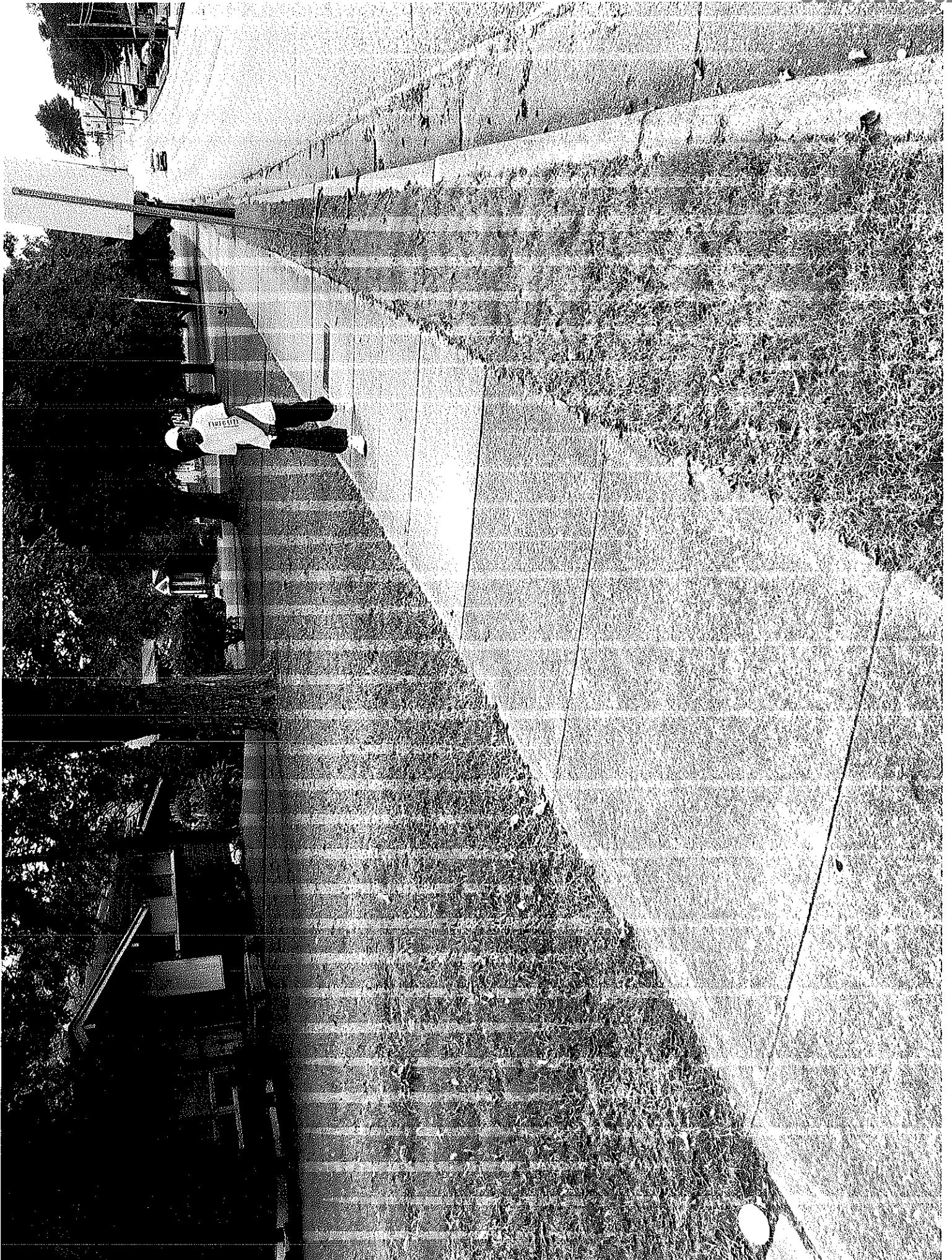
307 SOUTH 10TH STREET

TAX MAP-PARCEL 083130-51900
 NASHVILLE, TENNESSEE

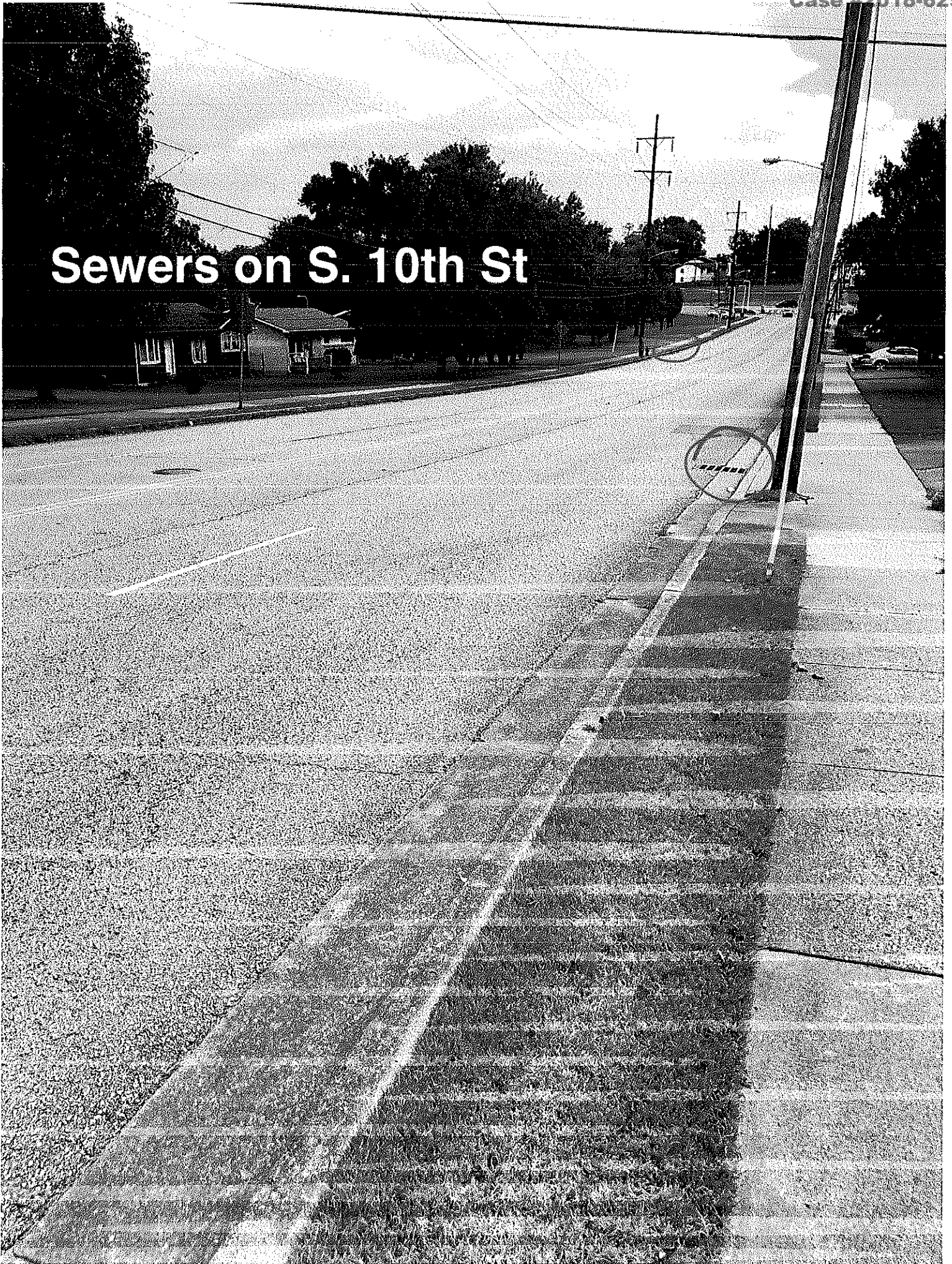
DRAWN BY: JS
 DATE: 10/09/18
 PLOT: 1
 SHEET: 1 OF 2







Sewers on S. 10th St





St. Michaels

From: [Withers, Brett \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#); rem3studio@att.net
Subject: Letter in opposition to case 2018-629, 307 S 10th Street in District 6
Date: Tuesday, November 13, 2018 8:24:57 AM

Members of the Board of Zoning Appeals:

I am writing in opposition to the sidewalk variance request for property located at 307 S 10th Street in District 6, which is case number 2018-629. South 10th Street is classified as an Arterial Boulevard in the Major and Collector Street Plan and with the recent growth of the Five Points business and mixed-use district along 10th Street, pedestrian activity on this corridor is increasing daily. And while there are sidewalks present on S 10th Street today, they do not meet the Arterial Boulevard standards of a four-foot planting strip with an eight-foot sidewalk.

As pedestrian activity along S 10th Street increases linking residents of the Cayce Homes and the Shelby Hills neighborhood to access school at the corner of 10th/Fatherland a few steps north of this property or East High School a few blocks further along 10th, not to mention local businesses, the need for sidewalks of adequate width for families with children to walk safely is increasing.

I would also point out that the properties on each side of the corner of 10th/Shelby a few steps south of this property already have a Neighborhood Center land use policy and have commercial zoning in place, and so those properties could redevelop into relatively dense, mixed-use community at any time.

The houses that were built along S 10th Street between Shelby and Fatherland in the mid-20th Century were intended to be safe, affordable housing. Today those houses can all be removed because they are not listed as contributing structures to the Lockeland Springs-East End Conservation Overlay District. Therefore, there is the potential that each of these modest-sized houses on South 10th could be redeveloped into two-family homes in the coming years. This redevelopment will further increase pedestrian activity along this stretch of South 10th Street and will increase the need to adequate sidewalks to connect the residential and commercial nodes along this corridor.

For all of these reasons, the applicant could reasonably be required to construct new sidewalks to current standard; however, the Planning Department staff recommendation is to permit a contribution to the in-lieu fund. I support the staff recommendation and oppose this appeal. Several nearby neighbors have also written in to oppose this appeal as well.

I would ask the Board to deny this appeal and require the applicant to contribute to the in-lieu sidewalk fund. If it is easier or cheaper for the applicant to construct new sidewalks to current standard, than that would be an acceptable alternative.

Thank you for your consideration.

Brett A. Withers

Metro Council, District 6

Mobile (615) 427-5946 | [facebook.com/Brett A. Withers](https://www.facebook.com/Brett.A.Withers) | [twitter.com @brettawithers](https://twitter.com/brettawithers)

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-629 (307 South 10th Street)

Metro Standard:	4' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalk; dedicate right of way
Zoning:	R6
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	T4-R-AB4
Transit:	Property approximately 785' north from #4 – Shelby
Bikeway:	Minor separated bikeway planned per WalknBike

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing a two family dwelling and requests a variance from upgrading sidewalks to the Arterial Boulevard standard due to the presence of an existing sidewalk along the frontage of the site. The applicant requests to provide a dedication of right of way in-lieu of upgrading the existing sidewalk. Planning evaluated the following factors for the variance request:

- (1) A 2' grass strip and 5' sidewalk currently exists along South 10th Street for the entire block from Fatherland Street to Shelby Avenue.
- (2) The applicant has indicated that they would support dedicating the right of way needed to accommodate a future 4' grass strip and 8' sidewalk along the South 10th Street frontage. Right of way acquisition continues to serve as a challenge for the construction of new publicly-built sidewalks throughout Davidson County. Acquiring right-of-way while a parcel is under redevelopment will assist with future sidewalk expansion in the area.

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

1. The applicant shall contribute in-lieu of construction for the South 10th Street property frontage.
2. Prior to the issuance of building permits, dedicate right-of-way along the South 10th Street property frontage to accommodate future sidewalks per the Local Street Standard.

1015 Fatherland St
Apt 209
Nashville, TN 37206

Board of Zoning Appeals
Metropolitan Government of Nashville & Davidson County
Department of Codes & Building Safety
Post Office Box 196300
Nashville, TN 37219-6300

RE: Appeal Case Number 2018-629
307 S 10TH ST
Map Parcel: 08313051900

Please note that **I am in opposition** to the request from Chris Wright to construct two homes without building sidewalks or paying into the sidewalk fund on the parcel at 307 S 10th St. , Nashville, TN 37206.

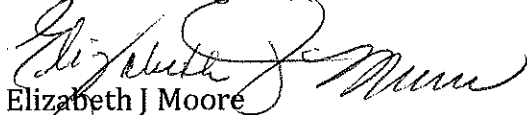
I **oppose** approval of this request because it will:

- Impact the walkability of the street and neighborhood
- Set a precedent for future approvals of large construction projects on small lots without replacing the sidewalk(s) and/or paying into the sidewalk fund

Other large projects in the neighborhood and adjoining streets have maintained the sidewalks that are an asset to the community and property owners.

Please do not approve this appeal.

With sincere regards,



Elizabeth J Moore
1015 Fatherland St, Apt 209

24 October 2018

October 16, 2018

Metropolitan Board of Zoning Appeals

Appeal Case Number: **2018-629**

307 S. 10th Street

Map Parcel: 08313051900

Zoning Classification: R6

Council District: 6

To whom it may concern,

As property owners on Russell Street, and frequent walkers of all surrounding streets, we are very opposed to having a set of "tall and skinnys" built on a main artery leading into 5 Points. Those houses lack character and 10th street should be treated as an entrance to East Nashville. That said we are further opposed to any lack of sidewalks. One of the draws to East Nashville is the abundance of sidewalks that allows walking to almost anywhere one wants to go. Please stop allowing "tall and skinnys", but if we can't stop that let's ensure that we keep sidewalks and add sidewalks everywhere that we can.

Thank you for your consideration.


Jay and Kelly Mallison

From: [Kev Erreger](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: 2018-629 / 307 S 10th St
Date: Wednesday, October 17, 2018 6:47:06 PM

Hello,

I live at and own 1106 Fatherland St. I would like to voice my opposition to the request to exempt 307 S 10th St from the normal sidewalk requirements.

I have 2 young children and the sidewalks in our neighborhood are critical to their safe mobility. The existing sidewalks in most of the neighborhood are an important part of the quality of life for my family and I. It is important that we have a network of safe sidewalks as the safety of any walking trip is dictated by its weakest link.

Thank you for your consideration.

Sincerely,
Kevin Erreger
1106 Fatherland St
615 969 7594

TERRI FRICON

November 1, 2018

Metropolitan Board of Zoning Appeals
Metropolitan Government of Nashville and Davidson County
Post Office Box 196300
Nashville, TN 37219-6300

Re: Appeal Case Number 2018-629

Dear Members of the Board of Zoning Appeals:

I own the property located at 220 South 11th Street and I am opposed to granting a variance from sidewalk requirements to Chris Wright for his property located at 307 South 10th Street in the above referenced appeal case.

Thank you.

Sincerely,



Terri Fricon

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: TONYA EPPS

Date: 10/2/18

Property Owner: TONYA EPPS

Case #: 2018-630

Representative: ROGER LIGON, JR

Map & Parcel: 08112060040000

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: HPR CONSTRUCTION

Activity Type: HPR/RESIDENTIAL CONSTRUCTION
Location: 1500 ARTHUR AVE

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: SIDE/STREET SETBACK & NOT TO BUILD SIDEWALKS
Section(s): 17.12.020 A 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.

TONYA EPPS
Appellant Name (Please Print)

ROGER T. LIGON JR
Representative Name (Please Print)

1703 11th Ave North
Address

3401 JOHN MALLETT DR.
Address

NASHVILLE, TN. 37218
City, State, Zip Code

NASHVILLE, TN. 37218
City, State, Zip Code

615-293-3779
Phone Number

615-883-7338
Phone Number

rligonjr@icfbuildersinc.com
Email

rligonjr@icfbuildersinc.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



3563621

ZONING BOARD APPEAL / CAAZ - 20180061497
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 081120G00400CO

APPLICATION DATE: 09/27/2018

SITE ADDRESS:

1500 ARTHUR AVE NASHVILLE, TN 37208
UNIT 1500B ARTHUR STREET CONDOMINIUM AMENDED

PARCEL OWNER: EPPS, TONYA MICHELE

CONTRACTOR:

APPLICANT:**PURPOSE:**

Requesting a side street setback variance for proposed HPR duplex. 10' min side street setback required providing 7' for a 3' variance per METZO section 17.12.020 (A). also requesting a sidewalk variance along Cheatham Place per METZO section 17.20.120. applicant will provide required sidewalks along Arthur Avenue.

*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:

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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.

CAAZ
2018
00694007

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.

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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?

SEE ATTACHED

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.)

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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.

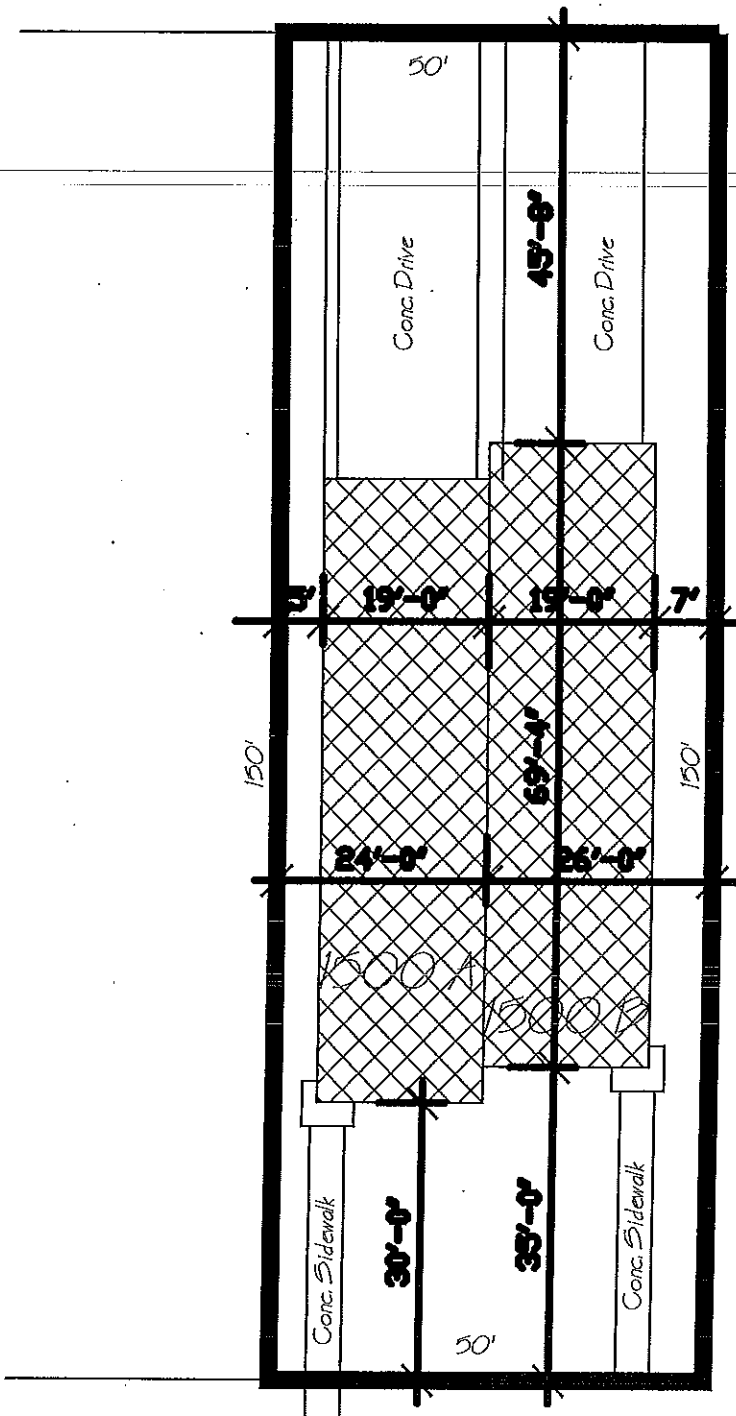
Jay M. [Signature]
APPELLANT

10/1/18
DATE

We are requesting a variance of the requirement of a ten foot setback for 1500 B Arthur Avenue.

We are requesting that the ten foot setback at Cheatham Place be amended to seven foot which would require a variance of three feet. We are attempting to construct two horizontal property regime units at 1500 A and B Arthur Avenue. Not granting the variance to a set-back of seven foot would

make this construction less feasible due to unit size and scope of work constraints. We will be taking permanent residence in the property we are requesting the variance on, and would very much like for the board to consider our request. We are also requesting that the need for sidewalks on the Cheatham Street side of the lot be waived due to there currently being serviceable and functional side walks currently on the street.



CHEATHAM PL.

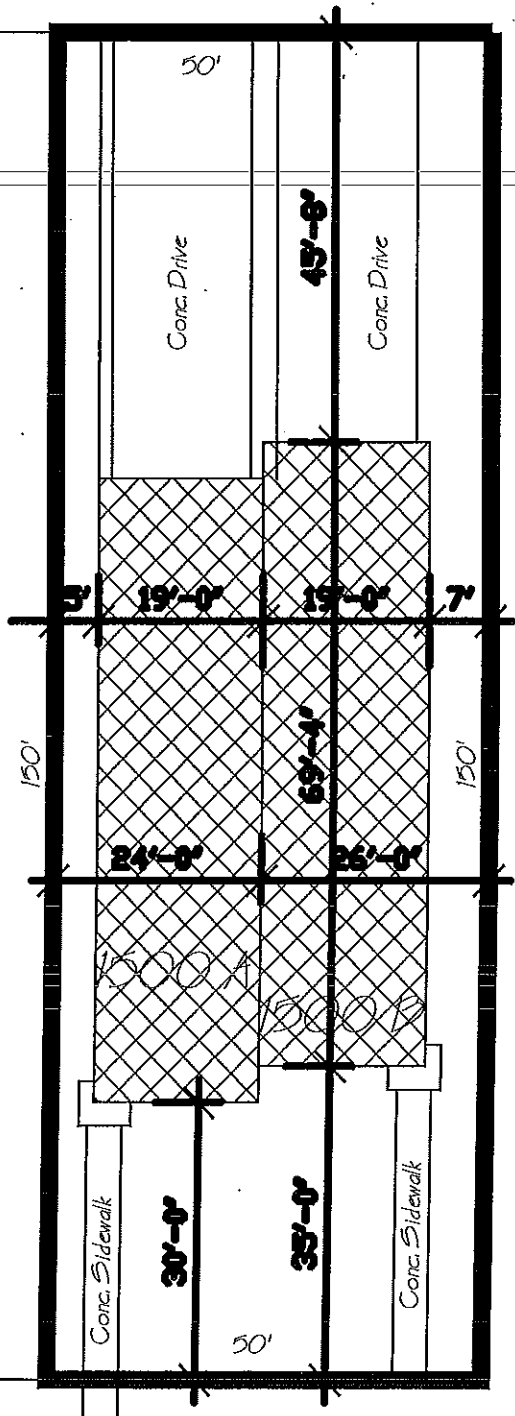
1500 ARTHUR AVENUE

SITE PLAN



North

2018-630



CHEATHAM PL.

1500 ARTHUR AVENUE

SITE PLAN



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-630 (1500 Arthur Avenue)

Metro Standard:	Arthur Avenue – 4’ grass strip, 5’ sidewalk, as defined by the Local Street Standard Cheatham Place - 4' grass strip, 5’ sidewalk, as defined by the Local Street Standard
Requested Variance:	Not upgrade sidewalks along Cheatham Place
Zoning:	R6-A
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	Arthur Avenue - Local Street Cheatham Place – Local Street
Transit:	#42 – St Cecilia/Cumberland
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing two residential units and requests a variance from upgrading sidewalks to the Metro Local Street 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) The existing sidewalks along Arthur Avenue exceed the Local Street standard.
- (2) A 6’ sidewalk exists along Cheatham Place for the entire block from Arthur Avenue to 10th Avenue South. Ideally, the sidewalk would have a grass strip to accommodate utilities and obstructions. There are water utilities within the existing sidewalk. Because of the location of these boxes, the utilities will fall partially within the new grass strip and within the new sidewalk. This is a unique condition in this location where new sidewalks would also require the relocation of water lines and boxes.

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. Prior to the issuance of building permits, dedicate right-of-way along the property frontage to accommodate future sidewalks per the Local Street standard.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: KE Holdings LLC
Property Owner: Martin & Jane Bubis
Representative: Duane Cuthbertson

Date: 10-2-18
Case #: 2018-631
Map & Parcel: 10409 - (180) & (277)

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:

Street setback reduction
to permit a multi-family development

Activity Type: Multi-family Residential

Location: 3717 West End Ave. & 101 Leonard Av.

This property is in the RM40 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: Special Green Setback along Leonard

Section(s): 17.12.035.D.1

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.

KE Holdings
Appellant Name (Please Print)

Address

City, State, Zip Code

662.832.8635
Phone Number

toddbpaine@gmail.com
Email

Duane Cuthbertson
Representative Name (Please Print)

2814 12th Av. S.
Address

Nashville, TN 37204
City, State, Zip Code

615 924 9618
Phone Number

dcuthber@gmail.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



ZONING BOARD APPEAL / CAAZ - 20180062623
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10409018000

APPLICATION DATE: 10/02/2018

SITE ADDRESS:

3717 WEST END AVE NASHVILLE, TN 37205
LOT 1 3717 WEST END AVENUE

PARCEL OWNER: BUBIS, MARTIN & JAYNE

CONTRACTOR:

APPLICANT:

PURPOSE:

30' STREET SETBACK (TABLE 17.12.030 B) ALONG LEONARD AVE REQUIRED.

REQUEST 10' FRONT SETBACK PER 17.12.035 D-1

*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.

Special exception within the Rm40 district

APPLICATIONS FOR SPECIAL EXCEPTION 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.) Finally, BZA Rules require that you conduct a neighborhood meeting regarding the special exception request before the BZA hearing date.

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. I am aware that I am required to conduct a neighborhood meeting.



 APPELLANT

10.2.18

 DATE

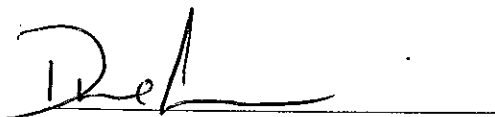
SPECIAL EXCEPTION REQUESTS

BZA Rules of Procedure, Item 9 (2) (e) requires BZA appellants to conduct neighborhood meetings regarding the case that will later appear before the BZA. The BZA Rule specifies, "In the interest of having informed stake holders in special exception cases, it is required that the appellant make contact with the district councilperson and neighbors within 400 feet of the subject property from a mailing list provided by the board staff. Information to be furnished by the applicant shall include a contact person and include a reasonable representation of your proposal and hold a meeting at a geographically convenient place, date, and time. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

Zoning staff will provide you a mailing list of property owners in proximity to the location designated for a special exception permit. The BZA Rule then requires you to contact those persons on the mail list, provide them with the date time and place to meet, and discuss your BZA request accordingly. If there is opposition to your case, this meeting gives you the chance to address those concerns prior to the public hearing at the BZA meeting.

You must create and provide documentation of your efforts to contact the neighboring property owners for the neighborhood meeting. Failure to do so can result in a deferral or denial of your appeal to the BZA.

I ACKNOWLEDGE MY RESONSIBILITIES regarding the neighborhood meeting preceding the public hearing for my BZA appeal for a special exception.



APPELLANT (or representative)

10.2.18

DATE

WEST END AV

LEONARD AV

6 FLATS

1

2

3

4

5

7 CAR GARAGE
W/ 2 FLATS

OPTION "A"
WEST END & LEONARD
1"=30'
#18179
ZONING: RM40
0.44 AC
13 UNITS



2018-637

WEST END AV

LEONARD AV

6 FLATS

1

2

3

4

5

7 CAR GARAGE
W/ 4 FLATS

OPTION "A"
WEST END & LEONARD
1"=30'
#18179
ZONING: RM40
0.44 AC
13 UNITS



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201
615.862.7150
615.862.7209

Memo

To: Metropolitan Nashville Board of Zoning Appeals
From: Metropolitan Nashville Planning Department
CC: Jon Michael
Date: October 31, 2018
BZA Hearing Date: November 15, 2018
Re: Planning Department Recommendation for Special Exception Case 2018-631

Pursuant to Section 17.40.300 of the Metro Zoning Code, the Metropolitan Planning Department is providing recommendations on the following Special Exception cases:

Case 2018-631 - Street Setback for Multi-family Residential Units (3717 West End Avenue, 101 Leonard Avenue)

Request: To reduce the required street setback along Leonard Avenue.

Zoning: Multi-Family Residential (RM40) is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre. *RM40 would permit a maximum of 18 units.*

Land Use Policy: T4 Urban Residential Corridor (T4 RC) is intended to maintain, enhance and create urban residential corridors. T4 RC areas are located along prominent arterial-boulevard or collector-avenue corridors that are served by multiple modes of transportation and are designed and operated to enable safe, attractive and comfortable access and travel for all users. T4 RC areas provide high access management and are served by moderately connected street networks, sidewalks, and existing or planned mass transit.

Existing Context:

The property is located at 3717 West End Avenue along the southeast side of the block face. The site consists of two parcels totaling 0.15 acres. There are three existing structures on the site, each structure contains two units for a total of 6 units. The site is surrounded by single and multi-

family uses along West End Avenue. Leonard Avenue contains single and two-family residential uses to the southeast of the site. The site is located within the (UZO) Urban Zoning Overlay

Proposal: The applicant is requesting a reduced street setback along Leonard Avenue. The required street setback is 30 feet. The applicant has requested a minimum 10 foot street setback on Leonard. A total of 13 multi-family units within 4 separate structures are proposed for the site. The unit types will consist of stacked flats and townhomes. The site plan provided with the application indicates a single driveway will provide access to a rear loaded garages as well as detached structure with additional garage parking. The frontage of this site along West End Avenue requires a 5 foot wide bike lane, an 8 foot wide planting strip, and an 8 foot wide sidewalk consistent with the standards of the Major and Collector Street Plan. The frontage of this site along Leonard Avenue requires a 5 foot wide sidewalk and a 4 foot wide planting strip, consistent with the local street standard.

Planning Department Analysis:

- The required setback along Leonard Avenue is 30 feet from the standard right-of-way-line, which coincides with the property line. The applicant is requesting a minimum setback of 10 feet. Reducing the front setback will facilitate a consistent pattern of development for this portion of Leonard Avenue. The site plan as proposed will create a form and scale which is consistent with the T4 RC policy. Upgrading the sidewalks will be required when the building permit application is filed.

Staff finds that the requested setback is appropriate given the reduced setback for the existing two-family residential units to the southeast of the site and the current two-family zoning adjacent to the site. Allowing a similar setback for the proposed units will provide for an appropriate character and form consistent with the T4 RC policy.

Planning Recommendation: Approve with conditions the requested exception for a reduced setback along Leonard Avenue.

Conditions

1. Provide sidewalk and grass strip along West End Avenue consistent with the requirements of the Major and Collector Street Plan.

TO: THE BOARD OF ZONING APPEALS

I VEHEMENTLY OBJECT TO KE HOLDINGS FILING OF AN APPEAL FOR A VARIANCE FROM SETBACK REQUIREMENTS ALLOWING A MULTI-FAMILY DEVELOPMENT.

Appeal Case Number: 2018-631

191 Leonard Ave

Mao Parcel: 10409027700

Zoning Classification RM40

Council District 24

I AM OPPOSED TO THIS REQUEST.



NANCY PETERSON HEARN

3701 WEST END AVENUE

THREE WHIEHALL

NASHVILLE, TN 37205

10-29-18

From: [Dianne Neal](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Case No. 2018-631 at 101 Leonard Avenue
Date: Monday, November 12, 2018 8:14:14 PM

To the members of the Board,

I wanted to present some concerns about this request for a special exception only to find that my work prevents me from attending the hearing scheduled for Thursday, November 15 at 1. I read that you do accept written communications and, given that today was Veterans' Day, I am sending this to you before noon on Tuesday, November 13.

1. Safety for pedestrian, bikes, and cars on any corner on West End Avenue is a concern for those of us who live there. The requested exception on Leonard is an issue that needs input from Traffic and Parking. To questions from the neighborhood, the developer and the consultant did not seem to realize the safety implications of their plan.
2. I am a 29-year owner of the property immediately adjacent at 3721 West End Avenue. On our side of West End, every developer from Bowling to Montgomery Bell Academy has kept the same setback in the elegant and functional context of more than 30 feet. This developer has said that they will not maintain that but will instead build out to the sidewalk.
3. When asked to allow us to look at some other building and development he has done, the builder/developer could not give us an address or even a general neighborhood that we might see.
4. An architect in the neighborhood meeting questioned the physical ability to put 6 1 bedroom flats in the space the drawings indicated. First the developer insisted they could do that, then they said that what we were viewing were drawings but might not represent the actual development.
5. What they drew on paper was not in context with the several blocks between Bowling and MBA. This area is prime well-built but elegant property: this developer is not ready to build a quality structure or series of structure.
6. A sewer line will have to be moved yet the developer never mentioned that to the neighborhood.

West End is a wide boulevard, it is a Scenic Highway, by law, and it is State Highway 1. Cheap development lessens the regard that constituents should have for the zoning and planning process. I am asking that you deny this request.

Dianne Neal
3721 C West End Avenue
Nashville, TN 37205
615-390-1107

From: [EMILY J REYNOLDS](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: BZA: 2018-631, 3737 West End Ave & 101 Leonard Ave
Date: Saturday, November 10, 2018 1:14:47 PM

I am writing to express my concern about the potential for approval of a special exception to reduce the side street setback, only along Leonard Avenue, from 30' to 10'.

I attended a meeting this week hosted by Councilman Murphy where numerous concerns were raised.

While I agree that the property is in need of improvement, my concern is that the proposed development may not be in the best interest of the neighborhood and in keeping with the look of the 3700 block of West End Avenue. The proposal may also complicate traffic on an already narrow Leonard Avenue.

I appreciated the opportunity to attend the meeting to learn more, and after careful consideration, request the BZA to deny the request for a special exception.

Thank you for your service to our city.

Emily Reynolds
1 Peach Blossom Square
Nashville, TN 37205

From: randyalmadge@aol.com
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Fwd: Metro Board of Zoning Appeals (Special Exception) 101 Leonard Ave. / 3717 West End Ave Nashville 37205
Date: Saturday, November 10, 2018 2:01:57 PM

-----Original Message-----

From: randyalmadge <randyalmadge@aol.com>
To: bz <bz@nashville.gov>; kathleen.murphy <kathleen.murphy@nashville.gov>
Sent: Fri, Nov 9, 2018 2:19 pm
Subject: Metro Board of Zoning Appeals (Special Exception) 101 Leonard Ave. / 3717 West End Ave Nashville 37205

To Kathleen, and To Whom It May Concern,
Thank you for your time last evening at Blakemore United Methodist Church regarding the Special Exception Request to reduce the setback on 101 Leonard Ave.

After hearing the various comments on both the need by the owner/contractor to have this Special Exception setback, and the effect this proposed setback would have on the safety of our neighborhood we came away feeling this request would not be advantageous to the safety of the many families who live and travel this street.

Leonard Ave already has issues in this block beginning at West End down to Whitland. Leonard is already the narrowest street in the entire area. Also, because of the unusual layout of this block my wife and I feel adamant that adding an entry / exit with numerous new families into this existing bottleneck area would not only be very dangerous to the many families that presently walk their children to Church, and to the Temple at the next corner, it would add to the already dangerous driving conditions of this street.

Leonard Ave. is the only street in this neighborhood which is not a dead end. Therefore, many drivers use Leonard to travel to Green Hills from West End rather than by taking either Wilson, or Bowling. Traffic is greater on Leonard than any other street in this neighborhood, however, it is the narrowest street.

Adding multi-family units to this property means adding additional vehicles. Having access on West End for this property would be safer.

This decision is up to the Zoning Board, however, we would like to register our response that we DO NOT AGREE that having this Special Exception Setback at 101 Leonard Ave. would be safe and therefore vote no.

Thank you for your time and attention to this important matter.

Randy Talmadge
Travilyn Livingston
206 Leonard Ave.
Nashville, TN 37205

From: [Rick French](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Fwd: BZA Hearing regarding 3717 West End
Date: Saturday, November 10, 2018 11:45:18 AM

BZA

The intent of this email is to submit written communication to the Board for the Meeting on Thursday November 15, 2018 in the event I am unable to attend.

RE: Appeal Case Number: 2018-631

3717 West End Avenue

Submitted by: Richard French, 3713 West End Avenue

Board Members:

Your help is requested. The appeal to the BZA for a 'Special Exception' to the setback on Leonard Avenue is scheduled for November 15th.

There is NO hardship in this project, only a desire to increase profit for the builder/developer. The appeal, if successful, awards the builder/developer approximately 30% more marketable square footage by increasing the building envelope. Unfortunately, his gain is a direct loss to the green space buffer established to enhance the neighborhood, and breaks precedent established decades ago. There has not been a successful challenge to the setbacks in over 30 years. Even John Rochford respected the established lines with his Southgate project!

More specifically, I have sold this corner for development three times since 2006. All the owners prepared various plans, without variations from set backs, for four to twelve units. All understood, after conversations with Planning and neighbors how important the setbacks are. If the desire is to break the consistency and rhythm along West End by thrusting the buildings toward Leonard to "enhance the pedestrian experience" then relocate the 20 foot green space/set back to the West side of the parcel, not absorb it for builder/developer gain.

This side setback reduction could result in up to 18 units on the site according to the builder/developer. The opportunity arising from this set back concession becomes particularly egregious in light of the non-owner occupied, short term rental opportunities available in this Rm40:Multi-Family Zoning. As permits are readily available, passage of this 'special exception' could allow for the hosting of over 72 guests on this corner. While the builder/developer stated he is not interested in renting, but prefers selling, the ultimate purchasers will have the right to maximize their investment!

In addition, the bulging and unique ROW on Leonard does present a Public Works challenge. However, let us not conflate this existing issue with the builder/developer's request for a 66% reduction in the established side setback.

You must prevent the passage of this 'special exception'.

Rick French

rick@frenchking.com

frenchking.com

Mobile: 615.604.2323

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Tyler Englett
Property Owner: Tyler Englett
Representative: Tyler Englett

Date: 9-24-18
Case #: 2018-595
Map & Parcel: 083130Q00200CO

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: 1414 B Boscobel St.

This property is in the R2 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. Only 1 STRP permit is allowed on HPR. Applicant would be second STRP permit on lot.

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.

Tyler Englett
Appellant Name (Please Print)

Same as Appellant
Representative Name (Please Print)

1414 B Boscobel St.
Address

Address

Nashville, TN 37206
City, State, Zip Code

City, State, Zip Code

(615) 218-8773
Phone Number

Phone Number

jtenglett@kw.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



3562149

ZONING BOARD APPEAL / CAAZ - 20180060498
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 083130Q00200CO

APPLICATION DATE: 09/24/2018

SITE ADDRESS:

1414 B BOSCOBEL ST NASHVILLE, TN 37206
UNIT B HOMES AT 1414 BOSCOBEL STREET

PARCEL OWNER: TM INVESTMENT, LLC

CONTRACTOR:

APPLICANT:

PURPOSE:

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Only 1 STRP permit is allowed on HPR. Applicant would be second STRP permit on lot.

*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. Tyler Enfield

9-24-18

From: [Withers, Brett \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#); [Nathan Oliver](#); [Elizabeth Smith](#)
Subject: Letter of opposition to Case 2018-595, 1414A Boscobel
Date: Thursday, November 8, 2018 10:16:23 AM

Members of the Board of Zoning Appeals:

I am writing to express that I cannot support the appeal to allow an STR permit at 1414A Boscobel Street as there is already an STR Permit at 1414B Boscobel on that same duplex-zoned parcel. The Metro Council early on in the current term agreed to limit STR permits to no more than one permit per lot. I joined CM Burkley Allen as the cosponsor of Ordinance BL2015-94 https://www.nashville.gov/mc/ordinances/term_2015_2019/bl2015_94.htm which added this one-permit-per-lot cap and which passed third and final reading in January of 2016. From time to time I receive requests from homeowners of HPR duplexes to revisit this provision; however, I believe you would agree that the tenor of discussions about STRs in Nashville has not presently reached a comfort level within which to discuss expanding eligibility for STR permits. As a city we are still grappling with enforcement of the current regulations.

I have also received emails from neighbors living on the same block as this property expressing opposition to this appeal, and therefore I must join the neighbors in opposition. Thank you for your service.

Brett A. Withers
Metro Council, District 6
615.427.5946 | [Facebook.com/ Brett A. Withers](https://www.facebook.com/Brett.A.Withers) | [twitter.com/@brettawithers](https://twitter.com/brettawithers)

Sent via iPhone

TO: Metro Board of Zoning Appeals

RE: 20180060498-1414 A Boscobel St.

This letter is to express my opposition to another short-term rental permit at 1414A Lillian ST. My specific concerns are due to the following:

- 1) Lack of a neighbors. This is a neighborhood and not a hotel district. Visitors do not contribute to the overall community of this area. We do not need another business in this area.
- 2) Parking in this area is becoming tighter and tighter and to add additional cars to this area with possibly each visitor driving separately.
- 3) Trash. The amount of trash/recycling produced and not properly placed in the cans can be excessive. This alley floods frequently with heavy downpours, which in turn knocks over the trashcans. With no one living in these units, the trash is then left for others to clean up or it does not happen at all. (There is currently a piece of furniture that has been there since this summer.)
- 4) Party like atmosphere. Most of the visitors have been respectful of the noise, and the current owners have been willing to address these issues when needed. However, when 8-10 people gather in the yard and celebrate, it becomes noisy.
- 5) The rumor that visitors from unit B broke into unit A is also a concern. There is nothing officially reported, so it may only be a rumor.

To summarize, I am opposed to another short-term rental on this lot.

Sincerely,

Tami Lakins

318 S. 15th ST

From: [Mark Krause](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Fwd: Letter of opposition to Case 2018-595, 1414A Boscobel
Date: Monday, November 12, 2018 10:41:39 AM

Members of the Board of Zoning Appeals.

As a neighbor of the property at 1414A Boscobel (we are at 1408A Boscobel), I am also asking that you denial the appeal for a STR permit on this property. As our Metro Council Representative, Mr Brett Withers states we have a regulation that only allows one STR per lot. When this property was first purchased they applied for a second permit, 1414B already has a permit, they were denied. Not that that has stopped them from renting 1414A on most weekends. Now they again are asking for a second permit. So I ask that you again site the existing Ordinance and reject their application. Thank you for the consideration and your service.

Mark Krause
 1408A Boscobel Street.

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

From: **Withers, Brett (Council Member)** <Brett.Withers@nashville.gov>
Date: Thu, Nov 8, 2018 at 12:08 PM
Subject: Fwd: Letter of opposition to Case 2018-595, 1414A Boscobel
To: Mark Krause <markfkrause@gmail.com>

FYI-

Brett A. Withers
 Metro Council, District 6
 615.427.5946 | Facebook.com/ Brett A. Withers | twitter.com/@brettawithers

Sent via iPhone

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

From: "Withers, Brett (Council Member)"
 <Brett.Withers@nashville.gov<mailto:Brett.Withers@nashville.gov>>
Date: Thu, Nov 8, 2018 at 10:16 AM -0600
Subject: Letter of opposition to Case 2018-595, 1414A Boscobel
To: "Board of Zoning Appeals (Codes)" <bza@nashville.gov<mailto:bza@nashville.gov>>
Cc: "Michael, Jon (Codes)"
 <Jon.Michael@nashville.gov<mailto:Jon.Michael@nashville.gov>>, "Lamb, Emily (Codes)"
 <Emily.Lamb@nashville.gov<mailto:Emily.Lamb@nashville.gov>>, "Shepherd, Jessica
 (Codes)" <Jessica.Shepherd@nashville.gov<mailto:Jessica.Shepherd@nashville.gov>>,
 "Nathan Oliver" <nathandoliver@gmail.com<mailto:nathandoliver@gmail.com>>, "Elizabeth
 Smith" <e.smith.3060@gmail.com<mailto:e.smith.3060@gmail.com>>

Members of the Board of Zoning Appeals:

I am writing to express that I cannot support the appeal to allow an STR permit at 1414A Boscobel Street as there is already an STR Permit at 1414B Boscobel on that same duplex-zoned parcel. The Metro Council early on in the current term agreed to limit STR permits to no more than one permit per lot. I joined CM Burkley Allen as the cosponsor of Ordinance BL2015-94 https://www.nashville.gov/mc/ordinances/term_2015_2019/bl2015_94.htm which added this one-permit-per-lot cap and which passed third and final reading in January of 2016. From time to time I receive requests from homeowners of HPR duplexes to revisit this provision; however, I believe you would agree that the tenor of discussions about STRs in Nashville has not presently reached a comfort level within which to discuss expanding eligibility for STR permits. As a city we are still grappling with enforcement of the current regulations.

I have also received emails from neighbors living on the same block as this property expressing opposition to this appeal, and therefore I must join the neighbors in opposition. Thank you for your service.

Brett A. Withers
Metro Council, District 6
615.427.5946 | Facebook.com/ Brett A. Withers | twitter.com/@brettawithers

Sent via iPhone

--

Mark F Krause
General Manager
McLanahan Corp.
615-651-0762

From: [Dees, Susan](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: appeal case number 2018-595
Date: Tuesday, November 13, 2018 7:15:42 AM

Board of zoning appeals:

I live at 406 south 15th street my backyard is adjacent to the property in question.

I would like to give a few reasons why this appeal should be denied.

1. The traffic has increased in the area since short term rentals have been allowed. Boscobel Street was a very quiet street. Now congested with parked cars and heavy traffic in the area.
2. I was outside with my dogs when that house was broken into and it scares me that crime is now more prevalent in out once quiet area of Lockland Springs, but now it is in my backyard.
3. The builders built a fence which is on my property line and they put a gate that opens up into my yard. One step out of the gate they are on my property. I have to trust that the owners will not open that gate. Having a constant turn of short term rentals inhabiting the property I am concerned for the safety for myself and my family.
These are my concerns. I believe the simple fact that the owner is not on property this request should be denied.

Thank you ,

Susan Dees

Accounts Payable
Schatten Properties Management company
1514 South Street
Nashville, TN 37212
P: 615-329-3011 x3324
F: 615-327-2343
susan.dees@schattenproperties.com

.Life isn't about waiting for the storm to pass, it's about learning to dance in the rain. – Vivian

Greene

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Ezra & Jillian Cohen
Property Owner: Ezra & Jillian Cohen
Representative: Ezra & Jillian Cohen

Date: 9-24-18
Case #: 2018-596
Map & Parcel: 14715001300

Council District 27

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: 562 Highcrest Dr.

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: 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.

Ezra & Jillian Cohen
Appellant Name (Please Print)

Same as Appellant
Representative Name (Please Print)

562 Highcrest Dr.
Address

Address

Nashville, TN 37211
City, State, Zip Code

City, State, Zip Code

(940) 206-6351
Phone Number

Phone Number

ezra@ezracohen.tv
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



3562482

ZONING BOARD APPEAL / CAAZ - 20180060730
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 14715001300

APPLICATION DATE: 09/24/2018

SITE ADDRESS:

562 HIGHCREST DR NASHVILLE, TN 37211

LOT 52 SEC 1 WHISPERING HILLS

PARCEL OWNER: COHEN, EZRA & JILLIAN

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



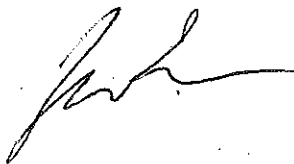
DEPARTMENT OF CODES & BUILDING SAFETY

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.

 9-24-18

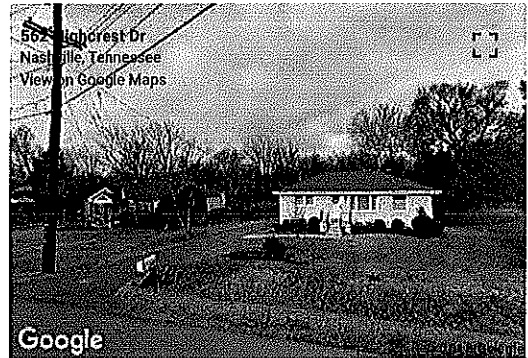
Rental Unit Record

562 Highcrest Dr, Nashville, TN 37211, USA

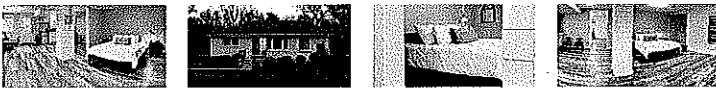
Removed X
Identified ✓
Compliant ✓



Airbnb - 12990616



WHISPERING HILLS
Google



Identified Address

562 Highcrest Dr, Nashville, TN 37211, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.064349, -86.728202

Parcel Number

14715001300

Owner Name

COHEN, EZRA & JILLIAN

Owner Address

562 Highcrest Dr
Nashville, TN 37211, US

Matched Details

Analyst

QZ4P

Explanation

The property was successfully identified after finding the home via google maps then validating the address with the pictures on the listing and the images from google street view, then getting all other information from the tax assessor site.

Listing Photos



Same property.

Matching 3rd Party Sources



Zip Code Match

Owner Name Match

City Name Match

Timeline of Activity

View the series of events and documentation pertaining to this property

X Listing air12990616 Removed
September 22nd, 2018


Listing Details

Listing URL	— https://www.airbnb.com/rooms/12990616
Listing Status	● Inactive
Host Compliance Listing ID	— air12990616
Listing Title	— Spacious Home in Beautiful South Nashville
Property type	— Guest suite
Room type	— Entire home/apt
Listing Info Last Captured	— Sep 16, 2018
Screenshot Last Captured	— Sep 22, 2018
Price	— \$70/night
Cleaning Fee	— \$25

Information Provided on Listing

Contact Name	— Ezra & Jillian
Latitude, Longitude	— 36.063764, -86.728759
Minimum Stay (# of Nights)	— 1
Max Sleeping Capacity (# of People)	— 4
Number of Reviews	— 6
Last Documented Stay	— 08/2018











Listing Screenshot History

 [View Latest Listing Screenshot](#)

July 4

August 3

September 2

-  First Warning - No STR or Tax: Delivered  September 13th, 2018
-  First Warning - No STR or Tax: Sent  September 5th, 2018
-  5 Documented Stays August, 2018
-  1 Documented Stay July, 2018
-  Listing air12990616 Identified July 13th, 2018
-  Listing air12990616 First Crawled June 6th, 2018
-  Listing air12990616 Reposted June 6th, 2018
-  Listing air12990616 Removed June 1st, 2018
-  Listing air12990616 First Activity May 29th, 2018

September 04, 2018 - 11:08PM America/Chicago



Search

Become a host Earn credit Help Sign up Log in

Sep 4, 2018 11:08pm America/Chicago

Share

Save



View Photos

ENTIRE GUEST SUITE

Spacious Home in Beautiful South Nashville

Nashville



Ezra & Jillian

4 guests 1 bedroom 2 beds 1 bath

HOME HIGHLIGHTS

Self check-in - Easily check yourself in with the lockbox.

Helpful Not helpful

Sparkling clean - 4 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

Modern + spacious (900 square feet) guest suite with private entrance located just 12-15 minutes from downtown, 12 South, and Broadway. The space features a comfy bed, kitchenette, laundry room, covered parking, and 50" TV as well as a large backyard!

Amazing for couples, solo adventurers, & business travelers.

Read more about the space

Contact host

\$70 per night

★★★★★ 5

Dates

Check in → Check out

Guests

1 guest

Book

You won't be charged yet

This home is on people's minds. It's been viewed 141 times in the past week.

Report this listing

Amenities

- Free parking on premises
- Iron
- Kitchen
- Laptop friendly workspace
- Wifi
- TV

Show all 25 amenities

Sleeping arrangements



Bedroom 1
1 queen bed



Common spaces
1 air mattress

Availability

Updated 2 days ago

September 2018							October 2018						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1				3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			

6 Reviews ★★★★★

Search reviews

- Accuracy ★★★★★
- Location ★★★★★
- Communication ★★★★★
- Check-in ★★★★★
- Cleanliness ★★★★★
- Value ★★★★★

Stephon
August 2018

photos are accurate of the place. Respond to all questions and concerns in a very timely manner. Place was clean and close to lot of attractions we visited on our stay. Would recommend as a booking destination if coming to nashville

Melissa
August 2018

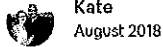
Ezra & Jillian's place was very homey, easy to get to, spacious, and very clean. Will definitely be recommending to others!

Julia
August 2018

Great place close to city center! Space was clean and open, quiet neighborhood and easily accessible to uber!

Jacquelyn
August 2018

Loved their place! It felt like a home away from home. We mainly visited East Nashville and Lake Radner which ranged from 15-30 minutes away but it never felt like a "hike". Access was super easy, would definitely stay there again.



Kate
August 2018

The place was well renovated and the car canopy was perfect for when it rained.



Haley
July 2018

We had a great stay at Ezra & Jillian's place! We were staying for a long weekend for work and were grateful for the spacious layout to relax, get work done, etc. The space is so well decorated and calming, too. The kitchen was stocked with everything we needed to heat up quick m...Read more

Hosted by Ezra & Jillian

Nashville, Tennessee, United States · Joined in June 2015



★ 8 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

Ezra & Jillian's home is located in Nashville, Tennessee, United States.

Peaceful neighborhood! Amazing for walks. Large 1/2 acre property in beautiful Whispering Hills.

Read more about the neighborhood ▾

Ezra & Jillian's Guidebook Things to do in Nashville

Exact location information is provided after a booking is confirmed.

Policies

House Rules

Not suitable for infants (under 2 years) - The house is not baby-proofed

No smoking

No pets

No parties or events

Check-in is anytime after 3PM

Check out by 10AM

Self check-in with lockbox

Read all rules ▾

Cancellations

Flexible - Free cancellation for 48 hours

After that, cancel up to 24 hours before check-in and get a full refund, minus the service fee.

[Read more about the policy](#) ▾

Metropolitan Government of Nashville and Davidson County
Department of Codes and Building Safety
Metro Office Building-3rd Floor
Nashville TN 37210

RE: Appeal Case Number 2018-596

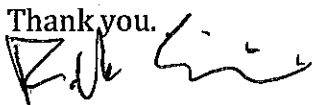
While I am all in favor of earning an income, I oppose zoning 562 Highcrest Drive for a short-term rental permit. As I live within 600 feet of the property, I am concerned what short-term renters impact will be to the rest of the residents of Highcrest Drive.

The increased traffic that comes with short-term rentals as partiers pack into Nashville every weekend is a concern. Certain times of the year (CMA Week, 4th of July for example) will mean the house will be rented and will impact how Highcrest residents enjoy their holiday. The street itself has enough traffic to certain houses that increased traffic will be a problem. Short-term renters are only there for a few days while they are on vacation, so they do not have any concern for the neighborhood. As a result, the parties tend to be long and loud with cars in and out of the residence. At other short-term rentals, there have been reports of weekend partiers urinating on neighboring lawns, and I do not want to see this at any time.

In addition, thinking into the future, those of us that do not want to earn an income and choose to live full time in our homes do not want the area zoned for Short Term rental.

As I said earlier, I'm all in favor of earning an income, but not at this expense. If this were to be a long-term rental, I would not be as concerned. I hope the residents do not take this opposition personally.

Thank you.



Ron DiCianni
565 Highcrest Drive
Nashville TN

2018-596
OPPOSE

I strongly oppose this property
being rental property!

11/8/18

Thank you,
Connie Carter

(sorry, printer is broken)

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Joy Goodwin

Date: 9-25-18

Property Owner: Joy Goodwin

Case #: 2018-598

Representative: Joy Goodwin

Map & Parcel: 12009000900

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: To obtain a STRP permit.

Activity Type: Short Term Rental

Location: 510 McDonald

This property is in the RS15 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.

Joy Goodwin
Appellant Name (Please Print)

Same as Appellant
Representative Name (Please Print)

510 McDonald
Address

Address

Nashville, TN 37217
City, State, Zip Code

City, State, Zip Code

(678) 794-3774
Phone Number

Phone Number

honeyhousebnb@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



3562838

ZONING BOARD APPEAL / CAAZ - 20180060956
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 12009000900

APPLICATION DATE: 09/25/2018

SITE ADDRESS:

510 MCDONALD DR NASHVILLE, TN 37217
LOT 413 SEC 4 GLENGARRY PARK

PARCEL OWNER: GOODWIN, JOY ELIZABETH

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.

9-25-18

Rental Unit Record

510 Mc Donald Dr, Nashville, TN 37217, USA

Removed
Identified
Compliant

PRINT

Airbnb - 19802101



Identified Address

510 Mc Donald Dr, Nashville, TN 37217, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.115136, -86.706993

Parcel Number

12009000900

Owner Name

GOODWIN, JOY ELIZABETH

Owner Address

510 McDonald Dr
Nashville, TN 37217, US

Matched Details

Analyst

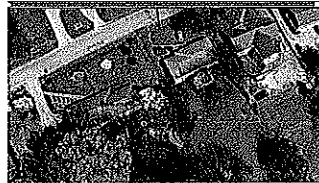
QHQC

Explanation

Exterior image from the listing matches aerial view image.

Listing Photos

Matching 3rd Party Sources



Same back yard, firepit, neighboring homes

Zip Code Match

Owner Name Match

City Name Match

Timeline of Activity

View the series of events and documentation pertaining to this property

Listing Details

Listing air19802101 Removed
June 12th, 2018

9/25/2018

Matched property listing

Listing URL	- https://www.airbnb.com/rooms/19802101
Listing Status	● Inactive
Host Compliance Listing ID	- air19802101
Listing Title	- The Honey House Studio
Property type	- House
Room type	- Entire home/apt
Listing Info Last Captured	- Jun 06, 2018
Screenshot Last Captured	- Jun 07, 2018
Price	- \$85/night
Cleaning Fee	- \$60

- ✈ First Warning - No STR or Tax: Delivered
June 9th, 2018
- ✈ First Warning - No STR or Tax: Sent
June 1st, 2018
- 6 Documented Stays
May, 2018
- ✓ Listing air19802101 Identified
May 24th, 2018
- 5 Documented Stays
April, 2018
- 7 Documented Stays
March, 2018
- 3 Documented Stays
February, 2018
- Listing air19802101 Reposted
February 5th, 2018
- ✘ Listing air19802101 Removed
January 31st, 2018
- 4 Documented Stays
January, 2018
- 3 Documented Stays
December, 2017
- ✳ Listing air19802101 First Crawled
November 18th, 2017
- Listing air19802101 First Activity
November 17th, 2017

Information Provided on Listing

Contact Name	- Joy
Latitude, Longitude	- 36.114085, -86.706311
Minimum Stay (# of Nights)	- 2
Max Sleeping Capacity (# of People)	- 5
Number of Reviews	- 28
Last Documented Stay	- 05/2018

Listing Screenshot History

 [View Latest Listing Screenshot](#)

July

August

September

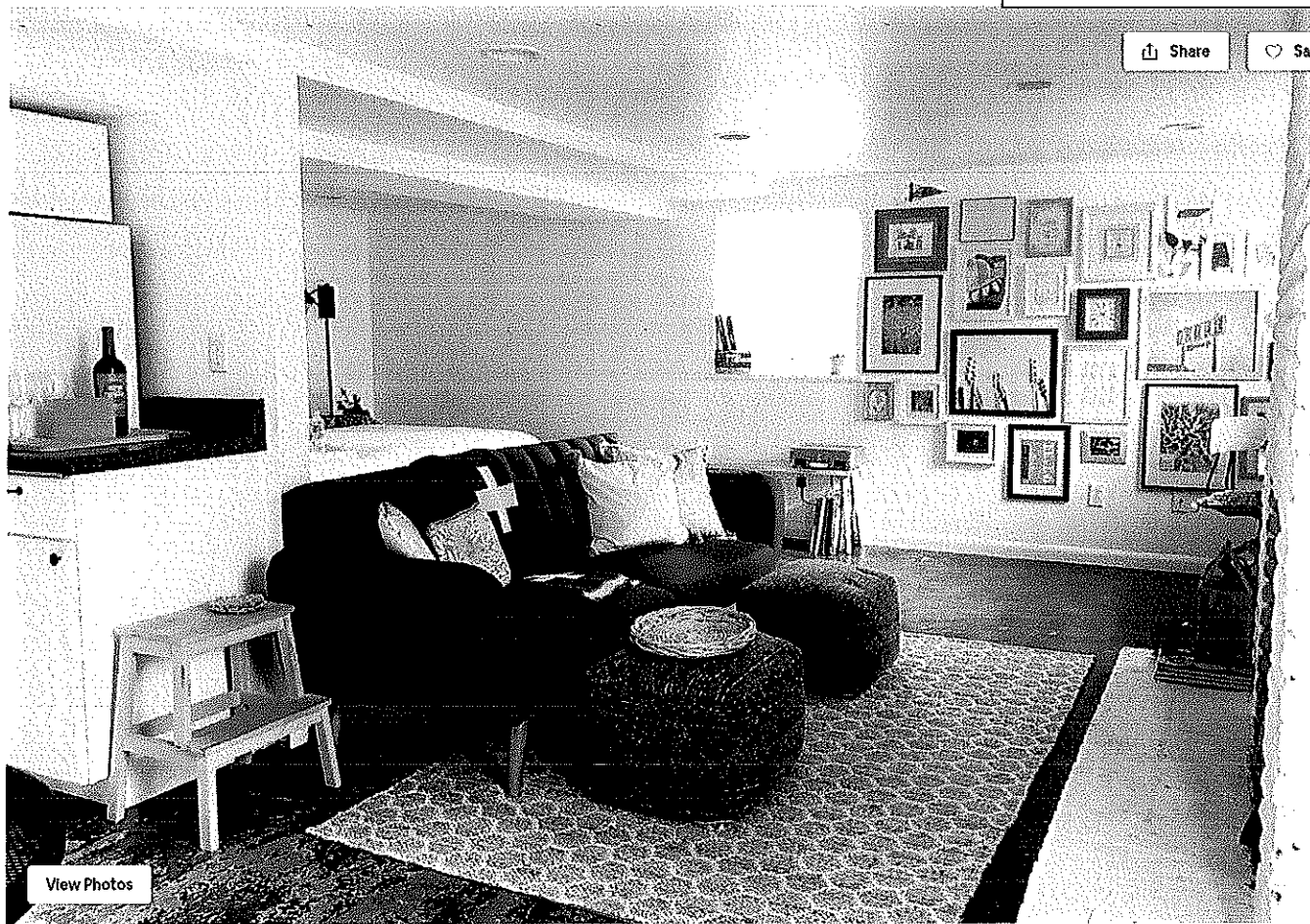
June 07, 2018 - 11:51AM America/Chicago

Anywhere

Become a host Earn credit Help Sign up Log in

Jun 7, 2018 11:51am America/Chicago

Share Save



ENTIRE HOUSE

The Honey House Studio

Nashville



Joy

5 guests Studio 1 bed 1 bath

HOME HIGHLIGHTS

Sparkling clean · 16 recent guests have said that this home was sparkling clean.

Helpful · Not helpful

Self check-in · Easily check yourself in with the keypad.

Helpful · Not helpful

Joy is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Helpful · Not helpful

★★★★★ 28

Dates

Check In → Check Out

Guests

1 guest

Request to Book

You won't be charged yet

Report this listing

Welcome to The Honey House! This is a studio space that easily sleeps 3 and can accommodate 2 additional guests with the queen air mattress. We are located in a quiet neighborhood just 5 miles from downtown Nashville. Lots of personal touches will make this a sweet home away from home!

The space

The Honey House is a 1960's ranch with the studio apartment in the basement. We are located in a quiet neighborhood just a few miles from downtown Nashville. There are so many wonderful things to do in Nashville and I am happy to suggest restaurants or anything else you are looking for. The studio is ideal for 1-3 guests, but can accommodate up to 5. The studio has a TV with access to movies and streaming apps (no cable). We have some board games, vinyl

records, and a few other little fun things to entertain you during your stay. I love to grow flowers & bake yummy treats and look forward to sharing those with our guests when available. We hope to provide you with a home sweet home away from home!

Guest access

Guests have access to the studio apartment with private entry and full kitchen/bath, backyard with fire pit, swing, play set, and hammock. Washer and Dryer available upon request.

Other things to note

I am a single mom and my daughter is with me most of the time. She is adorable and loves to meet new people but don't worry- she has years of practice being quiet in the mornings as to not wake our friends staying in the basement. We do use the stairs in the garage that are located by the studio door, but we will be as quiet as possible when coming and going as to not disturb.

Wheelchair friendly.

We do NOT allow pets or smoking.







Studio does not have its own thermostat, but I can control it via my Nest so you can message me if there is an issue with the temperature. Space heater and fan provided.

Price includes taxes.

Hide ^

Contact host

Amenities

-  Free parking on premises
-  Iron
-  Kitchen
-  Laptop friendly workspace
-  Wifi
-  TV

Show all 29 amenities

Sleeping arrangements



Common spaces
1 king bed, 1 sofa bed, 1 floor mattress

House Rules

- No smoking
- Not suitable for pets
- No parties or events
- Check-in is anytime after 3PM
- Check out by 11AM
- Self check-in with keypad

- Self check-in with key pad

You must also acknowledge

Amenity limitations - Thermostat is controlled upstairs in my personal residence. I can adjust it via my phone so let me know if there is an issue. Space heater provided.

Potential for noise - The studio is directly under our family room, so there may be some noise but we will do our best to keep it to a minimum!

Hide rules ^

Accessibility

Step free access to the home's Wide doorway to the home's

step-free access to the home's entrance

wide doorway to the home's entrance

Show all

Availability

..


28 Reviews ★★★★★

Search reviews

Accuracy	★★★★★	Location	★★★★★
Communication	★★★★★	Check-in	★★★★★
Cleanliness	★★★★★	Value	★★★★★

 Sherrie
May 2018

The Honey House was perfect and exactly what my best friend and I needed for our girls trip. An adorable space in a great location! We couldn't have been more satisfied with our choice!

 Jeremy
May 2018

Great space. Really cozy

 Rena
May 2018


Joy's place was one of the best Airbnb/place we've stayed at thus far. Her attention to detail, from the soft towels to the comfortable sheets and bed made our stay in Nashville more enjoyable. Her place is closer to airport and 15 minutes to downtown which allowed us to get away from the hustle and bustle and enjoy quietness of the suburbs at night or just a short car ride to nightlife. Our favorite part of the Airbnb is the large backyard with a small campfire setup with seats. We will definitely stay here again when we come back to Nashville!



Response from Joy:

Thank you so much for your kind words Rena! I am so glad you had a great time and I hope to host you again in the future!

May 2018

 Aaron
May 2018


This place is amazing. Joy was so helpful and made the stay super easy and stress free. If you are heading to Nashville stay here!!



Response from Joy:

Thanks so much Aaron! Glad you enjoyed your stay and hope you come back again!

May 2018

 Roxanne
May 2018

I booked this space for my parents who were coming to visit and Joy took great care of them! The Honey House was clean, super cute, and in exactly the right location for us. Joy is a great hostess and I will definitely recommend her place to visiting friends in the future!



Mallory
May 2018

Our stay at the Honey House was so enjoyable! There were a lot of personal touches that made us feel welcome and appreciated. This was our first Airbnb and we really enjoyed you sweet and safe stay.



Response from Joy:
I am so glad you had a great first Airbnb experience!
May 2018



Jeanne
April 2018

The Honey House was just as expected - clean, comfy, and with lovely personal touches! It was perfect for our girls weekend in Nashville.



Response from Joy:
Thanks so much Jeanne! Glad you enjoyed your stay :)
April 2018



Hosted by Joy

Nashville, Tennessee, United States · Joined in July 2017

★ 29 Reviews · Verified



Joy is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

I love my darling daughter, growing flowers, baking cakes, and having dance parties in the living room- disco ball included!

Joy supports the Living Wage Pledge
People who clean this host's listing are paid a living wage. Learn more

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

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

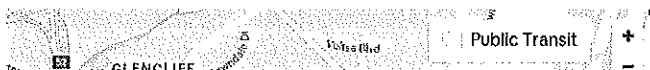
The Honey House is located in a quiet neighborhood 5 miles south of downtown Nashville. We are convenient to the airport, all major highways, and just a \$10 uber ride downtown.

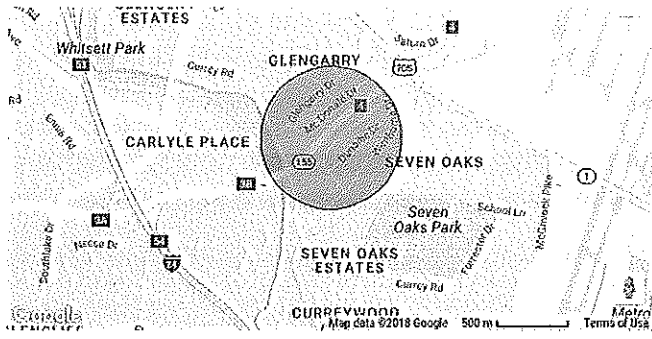
Getting around

The Honey House has up to 2 parking spaces for you. Uber or Lyft are super convenient as well.

Hide ^

Things to do in Nashville





Exact location information is provided after a booking is confirmed.

2018-598
OPPOSE

Hasan M. Obedala

Ruth G. Obedala

507 McDonald Dr

Nashville, TN, 37217

October 20,2018

Tel. 615-360-2299

Re: Zoning Appeal Case # 2018-598

510 McDonald Dr, Nashville TN

Zoning Classification RS15

Dear members of Metropolitan Board of Zoning Appeals:

This is in response to your letter dated October 8, 2018 regarding the appeal scheduled for November 15,2018.

After reviewing the requested change of classification, we oppose the change 100%. We agree with the initial decision of the zoning board denial of the short term rental permit.

The volume of traffic and the ambiance of the area will be impacted. Also this will affect the value of our property in a negative way.

In addition, the change might encourage other neighbors to do the same with or without owners being present on their property . This will definitely impact the classification of the residential codes RS15.

We Like our neighborhood and we are satisfied with present residential codes.

Again we oppose the change.

We appreciate your cooperation and consideration of this matter.

Best Regards,

Hasan and Ruth Obedala

Hasan M. Obedala
Ruth Obedala

October 29, 2018

Rudy Celada
505 Dunailie Drive
Nashville, TN 37217

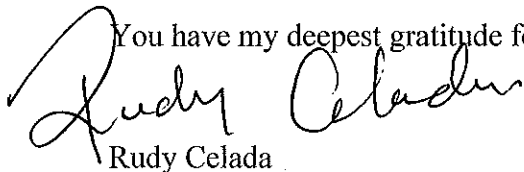
Department of Codes and Building Safety
Metro Office Building-3rd Floor
800 Second Avenue, South
Nashville, Tennessee 37210

To the Board of Zoning Appeals,

This letter is regarding the request for the opinion of homeowners located within 600' of 510 McDonald Drive Nashville, TN 37217. I wish this letter to clearly elucidate my complete opposition to said owner's request. The long-standing tainted reputation of short term rental properties is widely known and the source of my opposition. Although counterarguments would point to the fact that homeowners who are renting their properties can set clear expectations and guest requirements, these enacted "requirements" are left to the homeowners' discretion. The set house rules are neither standardized by short term rental companies, apart from overt common courtesy platitudes i.e. larceny prohibited, nor is the homeowner in most cases present in order to enforce their own set rules, should there have been any set in place to begin with. Thusly the behavior of renters is solely left to the kindness and respectfulness of strangers, who have absolutely no reason to take pride in nor feel any loyalty toward the neighborhood in which they are only temporary inhabitants. In turn, this leaves room for guests to have free reign for any and all disturbances and debauchery that will in turn affect surrounding neighbors.

I implore that these serious concerns be taken into account as allowing such a permit to be granted will have lasting negative consequences for not only myself but every neighbor in the vicinity. **I firmly request that the Board of Zoning Appeals deny the short term rental permit to Joy Goodwin, homeowner of 510 McDonald Drive.**

You have my deepest gratitude for taking time to hear my concerns,


Rudy Celada

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : Renee MaxDate: 9-28-18Property Owner: Anne BallardCase #: 2018-606Representative: Renee MaxMap & Parcel: 10411026600Council District 18

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 RentalLocation: 2619 Essex Pl.

This property is in the RS7.5 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: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated on an expired 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.

Renee Max

Appellant Name (Please Print)

Same as Appellant

Representative Name (Please Print)

718 Starlit

Address

Address

Nashville, TN 37205

City, State, Zip Code

City, State, Zip Code

(615) 975-7043

Phone Number

Phone Number

songbirdstudios@att.net

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



3564222

ZONING BOARD APPEAL / CAAZ - 20180061907
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10411026600

APPLICATION DATE: 09/28/2018

SITE ADDRESS:

2619 ESSEX PL NASHVILLE, TN 37212

LOT 126 BRANS RLTY CO SUB OF, EDGAR JONES HOME PLACE

PARCEL OWNER: BALLARD, ANNE T.

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

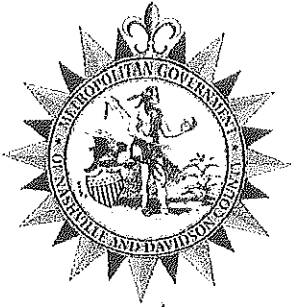
OFFICE ADDRESS
METRO OFFICE BUILDING -- 3rd FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS
POST OFFICE BOX 196900
NASHVILLE, TENNESSEE 37219-6900
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.

Kenley representing *Lenne Becklund*



AFFIDAVIT FOR SHORT TERM RENTAL

I, Anne Ballard hereby authorize Renee May to apply for a Short Term Rental Permit for my property located at 2619 Essex Pl Nashville, TN 37212

[Signature]
Signature

9-25-18
Date

Affiant's PRINTED Name Aubrey Hand
Affiant's Address 73 White Bridge Rd. #103 Nashville, TN 37205

Representative's Email songbirdstudios@att.net
Phone 615.975.7043

Notary Public on continued page...



AFFIDAVIT FOR SHORT TERM RENTAL

COUNTY OF DAVIDSON

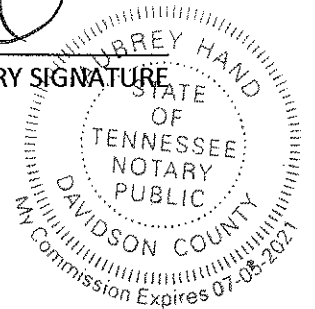
STATE OF TENNESSEE

Before me, Aubrey Hand, a Notary Public for said County and said State, appeared [Signature], with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who acknowledged that he/she is the Representative for STRP Permit# 100, and that in the capacity of Representative executed the foregoing Affidavit for the purposes therein contained.

This the 25 day of Sept., 2018.

[Signature]

NOTARY SIGNATURE



My Commission Expires: 07.05.21

Braisted, Sean (Codes)

Sent: Monday, November 5, 2018 1:22 PM
To: Board of Zoning Appeals (Codes)
Subject: 2018-606-Oppose

Thank you for the notice of of zoning appeal on map parcel 10411026600

I won't be able to attend the meeting but I wanted to express that I prefer to not have short term rentals on this close to my home and in this thriving neighborhood. (Permit # 20180061907)

Sincerely,

Arunima Orr
2606 Essex Place
Nashville TN

From: [Huneycutt David](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Permit number 20180061907
Date: Thursday, October 25, 2018 6:12:55 PM

I live next-door to 2619 Essex place with permit number referenced above. I received written notification regarding a zoning appeal. This stated that the property owner did not apply for the permit prior to renting.

My understanding was that in order to have a new short term rental, the home must be "owner occupied." The owner currently resides out of state.

Thank you for any information you can provide regarding this regulation.

Dave Huneycutt

Sent from my iPhone

From: [Jay Ress](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Permit # 20180061907 Map Parcel 10411026600
Date: Thursday, October 25, 2018 3:31:09 PM

Re: Permit # 20180061907 Map Parcel 10411026600
Request for Short Term Rental License

I am Jay Ress, living across the street from this property at 2622 Essex Place. I would like to strongly oppose this request.

1. This is a quiet residential street with many families with small children and long time elder residents. Not suited at all to transient renters.
2. There have already been issues with traffic, parking, and noise associated with this property since its use as an (unlicensed) short term rental. I have two middle school children, and they should not be subjected to the risks and inconvenience of a short term rental right across the street.
3. This part of the street is already stressed by construction that does not comply with our zoning due to "grandfathered" properties being torn down and rebuilt with high density and zero yard space. This will just make matters worse.
4. There is no indication that an absentee landlord could properly manage or respond to concerns.

Thanks on behalf of myself, my children, and the other families on this street for considering these factors in your decision.

Best wishes,

Jay Ress
2622 Essex Place
Nashville, TN 37212
jayresspmp@gmail.com

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Donghong Xu
Property Owner: Donghong Xu
Representative: : Jamie R. Hollin

Date: Oct. 1, 2018
Case #: 2018-618
Map & Parcel: 10406030700

Council District 18

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

Purpose: revocation of a short-term rental permit which is issued.

Activity Type: _____
Location: 2818 Belcourt Ave

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: "transfer" of ownership, despite no actual change.
Section(s): 17.16.250.E, and TCA 13-7-603

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.

Donghong Xu
Appellant Name (Please Print)

Jamie R. Hollin, Esq.
Representative Name (Please Print)

2818 Belcourt Ave.
Address

511 Rosebank Ave.
Address

Nashville, TN 37212
City, State, Zip Code

Nashville, TN 37206
City, State, Zip Code

650-291-3129
Phone Number

615-870-4660
Phone Number

dhxu123@gmail.com
Email

j.hollin@mc.com
Email

Appeal Fee: _____

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

July 16th, 2018

Gaungdou Xu
82 Heaton Close
Franklin, TN 37069

RE: Permit CASR #201514605
2818 Belcourt Ave

Dear Mr. Guangdou Xu:

Pursuant to Section 17.16.250(E) of the Metropolitan Code of Laws, this letter serves as your formal notice of the cancellation of the above referenced STRP permit. This property changed ownership after the date of permit issuance. Since the law does not allow any transfers of STRP permits, this permit has been invalid since the July 18th, 2015 ownership change.

All short term rental advertising, operations, and actual renting at this address must cease immediately. Any such actions at the subject address will be a violation of law and subject you to court proceedings. You have the right to appeal this action at the Board of Zoning Appeals.

Sincerely,

Jon Michael
Metro Codes

CC: The Eric and Jeffrey Family Trust

Search...

Address

SUMMARY

APN 10406030700 2818 BELCOURT AVE

- Address
- Owner
- Property
- Parcel Genealogy
- Comments
- Land Use
- Tax Assessments
- Flags
- Geographic Areas
- Zoning
- Permits / RFS

CURRENT OWNER

DING, SUHUA & XU, DONGHONG
 860 BANBURY LN
 MILLBRAE, CA 94030

Sale Code	Source	Instrument	Acquired	
		Quit Claim Deed	08-15-2018	
Valid Sale		QC-20180816 0081447 Q	Historical	No

Previous Owners

ERIC AND JEFFREY FAMILY TRUST, THE
 860 BANBURY LN
 MILLBRAE, CA 94030

Sale Code	Source	Instrument	Acquired	
		Quit Claim Deed	07-18-2015	
Valid Sale		QC-20150724 0072745 Q	Historical	08-15-2018

DING, SUHUA & XU, DONGHONG
 2818 BELCOURT AVE
 NASHVILLE, TN 37212

Sale Code	Source	Instrument	Acquired	
		Deed	04-15-2015	
Valid Sale	\$695,000	DB-20150416 0033695 Q	Historical	07-18-2015

From: [MEREDITH GOULD](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case number 2018-618
Date: Monday, October 29, 2018 4:36:43 PM

I am unable to attend the hearing in person so I am writing in support of my neighbor's appeal request to maintain the STRP at 2818 Belcourt Ave. The guests have been courteous and respectful of the neighbors and the property is kept clean and well-maintained. There is also ample parking so the street does not become congested with parked cars belonging to the guests. I think it is fine for this business to continue operating and it does not infringe on neighboring properties. I feel that I can speak with conviction as I live directly across the street on Belcourt and the deck of their house is in full view of my porch. I have no issues with this STRP.

Although this is slightly off topic but still to the point...the long term rental properties with college tenants is a BIG problem. The parking is ridiculous and seriously blocks 32nd Ave. The yards are unkempt and the trash is not picked up from overflowing bins. The parties get really LOUD. I would prefer it if these types of houses were short term rentals instead because they can be better maintained and monitored.

Sincerely,

Meredith Gould

2817 Belcourt Ave

From: [Danzo, Ben](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Danzo, Ben](#)
Subject: appeal case number: 2018-618
Date: Wednesday, November 7, 2018 4:19:00 PM

To Whom It May Concern:

I am opposed to granting a short term rental permit for the property located at 2018 Belcourt Avenue (referenced above). This neighborhood consists primarily of single family homes and duplexes. It is a prime area for speculators to purchase homes to be used as short term rentals because of its proximity to universities, downtown Nashville, etc. If we are not careful, the area will become a haven for short term rentals, thus disrupting the character of the neighborhood.

I hope that you will consider my objections when arriving at a decision concerning the aforementioned property.

Sincerely yours,

Ben Danzo

Benjamin J. Danzo, Ph.D.
Professor of Obstetrics and Gynecology, Emeritus,
Research Professor of Biochemistry, Emeritus,
Vanderbilt University School of Medicine,
Suite 210, Oxford House,
1313 21st Avenue South,
Nashville, TN 37232-4245
Phone: (615) 936-0717
Fax: (615) 936-3027

My home address is:
3205 ½ Acklen Avenue
Nashville, TN 37212

From: [Nora Liggett](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Short term rental appeal for 2818 Belcourt Avenue
Date: Wednesday, October 31, 2018 11:55:58 AM
Attachments: [image001.png](#)

Dear Board of Zoning Appeals:

My name is Nora Liggett and I live at 2805 Belcourt Avenue. I am writing to let you know I am OPPOSED to your overturning the zoning administrator's revocation of a short term rental permit for 2818 Belcourt Avenue. This has been a problem bachelorette and bachelor party house in the past, with loud drunken parties and more guests than the short term rental regulations allow. I believe the property has had four codes type complaints lodged against it in the past.

Please uphold the zoning administrator's decision to revoke the permit.

Thanks,

Nora Liggett

Nora L. Liggett, Esq.
Partner

waller

[Waller Lansden Dortch & Davis, LLP](#)

511 Union Street, Suite 2700

Nashville, TN 37219

615.850.8908 |

nora.liggett@wallerlaw.com

[vCard](#)

The information contained in this message and any attachments is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you have received this message in error, you are prohibited from copying, distributing, or using the information. Please contact the sender immediately by return e-mail and delete the original message.

From: [Daniela Popa](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: opposing permit 20180062854
Date: Sunday, October 28, 2018 1:38:26 PM

Hello,

We live 1 house away from the address 2818 Belcourt Ave and my family opposes the permit for rental at this property because in the past there were many occasions when there was excessive noise and big parties late at night and large groups of people making loud noise. Our neighborhood is usually quiet and some people including my husband work at Vanderbilt or other hospitals as physicians on call and they need to get rest at night and during weekends in order to take care of patients.

This rental property does not fit into the neighborhood because it causes too many disturbances of peace and there were more than 4 complaints for this property.

Thank you for your consideration and help with this matter.

Kind Regards,
Daniela Popa

Sent from [Outlook](#)

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



Appellant: Baker Donelson
Property Owner: Adrian Lam
Representative: Joey Hargis

Date: 10.2.18
Case #: 2018-627
Map & Parcel: 06-0-3-13001.C0

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: Item A Appeal - Short term rental in regards to owner's non-owner occupied.

Activity Type: Short Term Rental Permits

Location: 1872 A 9th Ave N

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

Section(s): 17.40.180

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.

Joey Hargis
Appellant Name (Please Print)

Representative Name (Please Print)

211 Commerce St. Ste 800
Address

Address

Nashville TN 37072
City, State, Zip Code

City, State, Zip Code

615-726-7391
Phone Number

Phone Number

jhargis@bakerdonelson.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**



3413840

**RESIDENTIAL SHORT TERM RENTAL / CASR - 2017065779
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 081083E00100CO

APPLICATION DATE: 10/11/2017

SITE ADDRESS:

1822 A 9TH AVE N NASHVILLE, TN 37208
UNIT A 1822 9TH AVENUE NORTH HOMES

PARCEL OWNER: LAM, ADRIAN & DONALD YUIKI

CONTRACTOR:

APPLICANT:

CONTACT: Domio, Inc.
8 Acadamy Pl.
Nashville, TN 37210

PURPOSE:

By making this application for a Type 1 Residential Short Term Rental permit, I certify that I will comply with all requirements of Ordinance BL2014-951.

Property is Owner occupied, 3 sleeping rooms, 10 person maximum occupancy.

Proof of residence has been verified.

Owner compliance letter verified.

Floor Plan and smoke detectors verified.

Notification to adjacent residences confirmed.

Homeowner has confirmed that subject property is not in violation of a Homeowners Association

*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.*

Renew Short Term Rental Permit

Inspection requirements may change due to changes during construction.

BAKER DONELSON
BEARMAN, CALDWELL & BERKOWITZ, PC

BAKER DONELSON CENTER,
SUITE 800
211 COMMERCE STREET
NASHVILLE, TENNESSEE 37201

MAILING ADDRESS:
P.O. BOX 190613
NASHVILLE, TENNESSEE 37219

PHONE: 615.726.5600
FAX: 615.726.0464

www.bakerdonelson.com

JOEL K. HARGIS, ATTORNEY
Direct Dial: 615.726.7391
Direct Fax: 615.744.7391
E-Mail Address: jhargis@bakerdonelson.com

October 2, 2018

Mr. Jon Michael
Metro Codes
800 2nd Avenue South
Nashville, TN 37210

Re: Item A Appeal for Short Term Rental Permits

Dear Mr. Michael and Members of the Board of Zoning Appeals

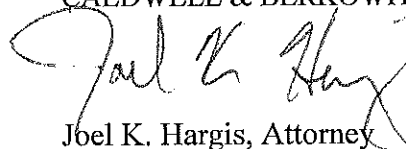
On behalf of our client, Adrian Lam, we respectfully wish to appeal the Zoning Administrator's interpretation regarding short term rental permits.

Enclosed is our filing fee of \$100 for the administrative appeal.

Please confirm that the materials enclosed with this letter are complete and that you do not need any further information from me in order for the BZA to consider our client's request at its meeting on November 15, 2018. If additional information is needed, please contact me and I will deliver it to you as soon as possible. Thank you very much for your kind assistance regarding this matter.

Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC



Joel K. Hargis, Attorney

JKH01:jkh01

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.

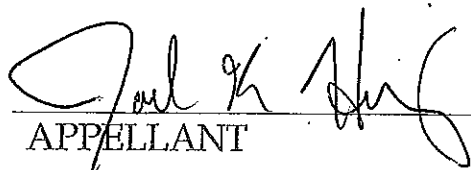
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

10-2-18

 DATE

2018-627
OPPOSE

11/04/2018

Metro Board of Zoning Appeals,

Permit #20180063166

Appeal Case Number #2018-627

I have received a letter, concerning 1822A 9th Ave North, Zoning Classification R8

Council District 21

I am going to go straight to the point; we don't need another boarding house on or near 9th Avenue North.

1. It is right next to Jones Elementary School with a playground.
2. The children during the week and weekend are known to go over to play there will no problems, but now, you would like to change that, safe place to play during the week and weekend. Also, is there going to be individual walking around all night, like we have on the other end of 9th Avenue, breaking in cars with liquor bottles in their hands. What is positive about have several boarding houses on one street (NOTHING). Why don't you take it to another neighborhood! Like Brentwood? Please.
3. There are several Air B and B's in the area. We find them in our yard drunk sometimes, or trash everywhere.
4. Individual breaking into our cars, check the car doors to see if they are lock.
5. Bring down the value of our homes, is another issue, why.

Why don't you bring your kids or grand kids in the area sometime and let them play, with no problems.

We are a community in that area, that tries to value what we have. And we like our neighbors like you do.

My family and neighbors **would not** like to have another boarding house in the neighborhood.

S. Johnson Gresham
1815 9th Ave North
Nashville, Tennessee

Thank you