

BZA Results

11/15/2018

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

**Meetings held in the Sonny West Conference Center
Howard Office Building, 700 2nd Avenue South**

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

CASE 2018-504 (Council District - 2)

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

Use-Commercial

Map Parcel 08104022900

RESULT - GRANTED

CASE 2018-522 (Council District - 17)

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

Use-Single Family

Map Parcel 10511019200

RESULT - DEFERRED

CASE 2018-551 (Council District - 6)

MATT MILLSAP, appellant and, owner of the property located at **1211 N 14TH ST**, requesting a variance from the conditions that restrict 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 would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 083020P00200CO

RESULT - BZA_DENIED

CASE 2018-566 (Council District - 19)

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

Use-MULTI-USE

Map Parcel 09212034000

RESULT - DEFERRED

CASE 2018-584 (Council District - 15)

Dale and Associates, appellant and **SILVERMAN, CAROL KATZMAN & 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 4 single family residences on 4 different 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

Map Parcel 06201003300

RESULT - BZA_DENIED

CASE 2018-584 (Council District - 15)

Dale and Associates, appellant and **SILVERMAN, CAROL KATZMAN & 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 4 single family residences on 4 different 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

Map Parcel 06201003500

RESULT - BZA_DENIED

CASE 2018-584 (Council District - 15)

Dale and Associates, appellant and **SILVERMAN, CAROL KATZMAN & 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 4 single family residences on 4 different 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

Map Parcel 06201003600

RESULT - BZA_DENIED

CASE 2018-584 (Council District - 15)

Dale and Associates, appellant and **SILVERMAN, CAROL KATZMAN & 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 4 single family residences on 4 different 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

Map Parcel 06201003400

RESULT - BZA_DENIED

CASE 2018-590 (Council District - 24)

Brad Bars, appellant and **BARS, BRADLEY J. & PROCTOR, ELAINE C.**, 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 is also requesting rear and side setback variances in the OV-UZO, 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 would have jurisdiction under Section 17.40.180(A).

Use-Multi Family

Map Parcel 10308006800

RESULT -DEFERRED

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

RESULT - GRANT_COND- Appellant must build fence along the length of the house and work with the Urban Forrester to come to an agreement on where to place the trees and shrubs along the property however the same number of trees and shrubs must be used as required in the ordinance.

CASE 2018-599 (Council District - 16)

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

Use-Single Family

Map Parcel 11907013500

RESULT – GRANTED- front setback reduction of 3.5' for a porch

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 would have jurisdiction under Section 17.40.180(B).

Use-Detached Garage

Map Parcel 11702020400

RESULT – GRANTED-height variance 16' to 20'8 for a detached garage

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 would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 10416017500

RESULT - GRANTED

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 would have jurisdiction under Section 17.40.180(B).

Use-Multi-Family

Map Parcel 08212010400

RESULT - DEFERRED

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 would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 11515004900

RESULT - GRANT_COND- granted with condition appellant must follow planning recommendations

CASE 2018-609 (Council District - 18)

Brad Currie, appellant and **CURRIE, J. BRADFORD & LAURA**, owner of the property located at **1721 BEECHWOOD AVE**, requesting a variance from setback requirements in the RS7 District, to permit a privacy fence and brick wall over 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

RESULT - GRANTED

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

Use-Office/Parking

Map Parcel 05316005200

RESULT - GRANTED

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 the SP District, to construct a single family home. Referred to the Board under Section 17.12.020 a. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 08204001400

RESULT - GRANTED -front setback variance from 46' to 35.8

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 front setback requirements in the SP District, to construct a single-family residence. Referred to the Board under Section 17.12.020 a. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 08204043100

RESULT – GRANTED- front setback variance from 46' to 35.8

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 c3. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 11712019900

RESULT – GRANTED- front setback variance from 81.6 to 76.6

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

RESULT - GRANT_COND -sidewalk variance, planning supports using the new site plan alternative construction

CASE 2018-617 (Council District - 5)

Max Rubel, appellant and **RUBEL, MAX**, 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 would have jurisdiction under Section 17.40.180(D).

Use-Single Family

Map Parcel 08301012700

RESULT - GRANTED

CASE 2018-620 (Council District - 17)

Chris Smith, appellant and **WHEELER, LISA T. NON-EXEMPT 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 building sidewalks or paying into the sidewalk fund. Referred to the Board under Section . The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Commercial Renovations

Map Parcel 11806009500

RESULT - GRANT_COND-sidewalk variance using the alternative construction plan.

CASE 2018-621 (Council District - 17)

KISER VOGGRIN 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, OV-UZO District, 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-COMMERCIAL MULTI-FAMILY CONSTRUCT

Map Parcel 10514021000

RESULT - GRANTED -special exception from front setback

CASE 2018-622 (Council District - 19)

Michael D Shmerling Partners, appellant and **SHMERLING, MICHAEL D PARTNERS, GP**, 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

RESULT - GRANT_COND -sidewalk variance appellant agrees to updated planning recommendations

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 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-Commercial

Map Parcel 09213001300

RESULT - GRANT_COND 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.

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 the 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

RESULT - GRANT_COND- Appellant does not have to pay into the sidewalk fund however they must relocate the water meter to the grass strip or the lawn

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 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 09208009100

RESULT - GRANT_COND- Appellant must repair and maintain existing sidewalk, and dedicate future right of way, create an ADA compliant corner but does not need to pay into the sidewalk fund

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 variances from the 0-15' build to zone and 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 would have jurisdiction under Section 17.40.180(B).

Use-Hotel

Map Parcel 08104020600

RESULT - DEFERRED

CASE 2018-630 (Council District - 19)

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

Use-Two-Family

Map Parcel 081120G00400CO

RESULT - GRANT_COND- with condition must follow planning's recommendations