

D O C K E T

12/6/2018

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. ROSS PEPPER
MS. ALMA SANFORD
MR. DAVID TAYLOR, Vice-Chair**

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

Use-Single Family

Map Parcel 10511019200

Results: Deferred 12/20/18

CASE 2018-560 (Council District - 2)

World Finance Corporation of Tennessee, appellant and **ROSS BROTHERS PROPERTIES, LLC**, owner of the property located at **3134 DICKERSON PIKE**, requesting an Item A appeal, challenging the zoning administrators determination that this is an alternative financial institution. Appellant alleges the actual use will be a financial institution in the CS District, to open a financial institution. Referred to the Board under Section 17.16.050. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-ALTERNATIVE FINANCIAL SERVICE

Map Parcel 06004011200

Results: Withdrawn

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

Use-MULTI-USE

Map Parcel 09212034000

Results:

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

Use-Multi Family

Map Parcel 10308006800

Results:

CASE 2018-597 (Council District - 5)

ERLANGER PROPERTIES, appellant and **ERLANGER PROPERTIES**, 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 has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Multi-Family

Map Parcel 07114029300

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

Use-Multi-Family

Map Parcel 08212010400

Results:

CASE 2018-616 (Council District - 24)

JOHN STANBITZ, appellant and **STAUBITZ, JOHN & JOHANNA MARIE LEE**, owner of the property located at **221 38TH AVE N**, requesting a variance from sidewalk requirements in the RS7.5 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 has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 10401021800

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 construct two homes without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Two-Family

Map Parcel 08313051900

Results:

CASE 2018-632 (Council District - 6)

CHRIS BENDT, appellant and **BENDT, CHRIS & FAITH**, owner of the property located at **1315 GREENWOOD AVE**, requesting a variance from fence height restrictions in the R6 District, to permit an already existing fence 9" above allowable height. Referred to the Board under Section 17.12.040 260 a. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 08302002000

Results:

CASE 2018-635 (Council District - 6)

JESSE BUSHNELL, appellant and **927 WOODLAND STREET, LLC**, owner of the property located at **927 WOODLAND ST**, requesting a variance from sidewalk requirements in the CS District, to conduct commercial renovations without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Commercial Renovation

Map Parcel 08212034300

Results:

CASE 2018-637 (Council District - 17)

CATHERINE RANDOLPH, appellant and **RANDOLPH, CATHERINE & BERGMAN, JACK P.**, owner of the property located at **2251 WINFORD AVE**, requesting variances from sidewalk requirements and from building requirements for animal boarding facilities in the IWD District, to convert existing spaces into an animal boarding facility. Referred to the Board under Section 17.20.120 and 17.16.070 B 1. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Animal Boarding Facility

Map Parcel 11804021600

Results:

CASE 2018-638 (Council District - 17)

NOBILE CONSTRUCTORS, LLC, appellant and **BENTO NASHVILLE II, LLC**, owner of the property located at **1281 3RD AVE S**, requesting a variance from sidewalk requirements in the IWD, UV-UZO District, to construct a restaurant without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Restaurant

Map Parcel 10507044700

Results:

CASE 2018-639 (Council District - 27)

BOUTROS BOUTROS, appellant and **ST. MINA COPTIC ORTHODOX CHURCH**, owner of the property located at **476 MCMURRAY DR**, requesting a special exception to allow construction of two additions to a church, also a variance from sidewalk requirements in the R10 District, to construct church additions. Referred to the Board under Section 17.16.170 e and 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Religious Institution

Map Parcel 16103003101

Results:

CASE 2018-640 (Council District - 21)

ALLISON DAWKINS, appellant and **BOYLE, JESSIE L.**, owner of the property located at **1911 B 9TH AVE N**, requesting a variance from sidewalk requirements in the R6 District, to construct two new single family residences without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Two-Family

Map Parcel 081072S00100CO

Results:

Map Parcel 081072S00200CO

CASE 2018-643 (Council District - 21)

CRAW, ALEX, appellant and **CRAW, ALEX**, owner of the property located at **735 29TH AVE N**, requesting variances from side, front, and rear setback requirements in the RS5 District, to construct a single-family residence. Referred to the Board under Section 17.12.020 A, 12.12.030 C3. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 09206031800

Results:

CASE 2018-644 (Council District - 17)

DEVAN McCLISH, appellant and **HOPP, STANLEY G.**, owner of the property located at **1044 A & B 2ND AVE S**, requesting variances from front and rear setbacks for two residential units in the R6 District, to permit two already constructed houses. Referred to the Board under Section 17.12.020. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Two-Single Family

Map Parcel 093150D00200CO

Results: Deferred 12/20/18

Map Parcel 093150D00100CO

CASE 2018-645 (Council District - 5)

ROBERT BUTLER, appellant and **E TRINITY LN PROJECTS LLC**, owner of the property located at **935 E TRINITY LN**, requesting a variance from sidewalk requirements in the IR District, to renovate existing office space without building sidewalks or paying in the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Office

Map Parcel 07205004000

Results:

CASE 2018-646 (Council District - 30)

JIM GILKEY, appellant and **INTERNATIONAL SWAMINARAYAN SATSANG ORGANISATION CORP**, owner of the property located at **355 HAYWOOD LN**, requesting a special exception in the RS40 District, to construct a new temple. Referred to the Board under Section 17.40.180 C. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(C).

Use-Religious Temple

Map Parcel 14712004300

Results:

CASE 2018-649 (Council District - 34)

DAN ROSENBLATT, appellant and **BEASLEY, MATTHEW LEWIS & RILEY, MARY LOUISE**, owner of the property located at **1209 NICHOL LN**, requesting variance from setback requirements in the RS20 District, to convert existing carport to an enclosed garage. Referred to the Board under Section 17.12.020 A. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Garage

Map Parcel 13009012600

Results:

CASE 2018-650 (Council District - 20)

RICKY SCOTT, appellant and **552 WESTBORO, LLC**, owner of the property located at **6353 B COLUMBIA AVE**, requesting a variance from lot size requirement in the R8 District, to construct a Duplex. Referred to the Board under Section 17.12.020. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Two-Family

Map Parcel 09113003100

Results:

CASE 2018-654 (Council District - 3)

JEREMY NEWTON, appellant and **NEWTON, JEREMY R. & JENNIFER A.**, owner of the property located at **1954 UNION HILL RD**, requesting a variance from side setback requirements in the AR2A District, to construct a garage. Referred to the Board under Section 17.12.020 A. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 01600008000

Results:

CASE 2018-656 (Council District - 24)

MARTIN DILLINGHAM, appellant and **DILLINGHAM, MARTIN, JR.**, owner of the property located at **3509 B WRENWOOD DR**, requesting a variance from side setback requirements in the R6 District, to permit an existing garage. Referred to the Board under Section 17.12.040 E1b. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 10401040800

Results:

CASE 2018-657 (Council District - 21)

ROBERT RODGERS, appellant and **RODGERS, ROBERT W.**, owner of the property located at **1714 12TH AVE N**, requesting a variance from the conditions for a detached garage in the RS5 District, to use existing detached garage structure as an accessory residential dwelling. Referred to the Board under Section 17.16.250 a. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 08111045700

Results:

CASE 2018-664 (Council District - 18)

JAY FULMER, appellant and **TWELVE SOUTH PARTNERS, LLC**, owner of the property located at **2705 12TH AVE S**, requesting a variance from sidewalk requirements in the CS District, to rehab a building for retail space without constructing sidewalks. Referred to the Board under Section 17.12.020. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Retail

Map Parcel 11801004500

Results: Withdrawn

CASE 2018-665 (Council District - 6)

STEPHANIE SHIPPP, appellant and **SHIPP, DANIEL M.**, owner of the property located at **721 GROVES PARK RD**, requesting variances from sidewalk requirements and setback requirements in the R6 District, to construct a single family residence. Referred to the Board under Section 17.36.470 A and 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 08307015300

Results:

CASE 2018-668 (Council District - 8)

SEBAH ABDULLAH, appellant and **RABIEI, MOJTABA**, owner of the property located at **409 GALLATIN PIKE N**, requesting a variance from minimum distance requirements in the CS District, to construct an addition of an auto repair shop to auto sales establishment outside the distance requirements for auto sales. Referred to the Board under Section 17.16.070 E9. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Auto Repair

Map Parcel 04309001400

Results:

CASE 2018-677 (Council District - 17)

MARK WALLACE, appellant and **FRANKLIN SUNAPEE GP**, owner of the property located at **1112 WADE AVE**, requesting variances from lot size and sidewalk requirements in the RM20 District, to construct three residential units without building sidewalks. Referred to the Board under Section 17.20.120 and 17.12.020 B. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Multi-Family

Map Parcel 10505026700

Results:

CASE 2018-678 (Council District - 2)

CAPITAL INVEST, LLC, appellant and **CAPITAL INVEST, LLC**, owner of the property located at **520 WEAKLEY AVE**, requesting a variance from front setback requirements in the RS5 District, to construct a single-family residence. Referred to the Board under Section 17.12.030 C-3. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 07110009601

Results:

CASE 2018-680 (Council District - 5)

PRISM PROPERTIES, appellant and **SCHEIBE, STEVE**, owner of the property located at **0 SHARPE AVE**, requesting a variance from front setback requirements in the RS5 District, to construct a single family residence. Referred to the Board under Section 17.12.020 a. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 08204019500

Results:

CASE 2018-681 (Council District - 21)

TONY McKAY, appellant and **PILLOW, WILLAIM ARMSTEAD III & ET AL**, owner of the property located at **1027 31ST AVE N**, requesting an Item A appeal challenging the zoning administrator's denial of a building permit for three residences on a property zoned for single or two family in the RS5 District, to obtain a permit for a Triplex. Referred to the Board under Section 17.40.180 a. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Multi-Family

Map Parcel 09201009100

Results:

CASE 2018-686 (Council District - 7)

PURSER ARCHITECTURE, appellant and, owner of the property located at **1413 C RIVERSIDE DR**, requesting a variance from rear setback requirements in the R10 District, to construct a 900 sq ft detached accessory building. Referred to the Board under Section 17.12.020. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 083032D90000CO

Results:

CASE 2018-687 (Council District - 6)

MARY COOPER, appellant and **WRIGHT, MARY J.**, owner of the property located at **619 ROSEBANK AVE**, requesting a variance from sidewalk requirements in the R10 District, to construct a second single family residence without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 08308015200

Results:

CASE 2018-688 (Council District - 18)

DAVID HAVERKAMP, appellant and **WATTERSON, DANIEL J., JR.**, owner of the property located at **1704 BLAIR BLVD**, requesting variances from minimum lot size requirements and sidewalks requirements in the RM20 District, to construct two single family units on a parcel with an existing single family unit without building sidewalks or paying in to the sidewalk fund. Referred to the Board under Section 17.20.120 and 17.12.020B. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Multi-Family

Map Parcel 10416004600

Results:

CASE 2018-689 (Council District - 5)

INETTA PRESLEY, appellant and **PRESLEY, INETTA J.**, owner of the property located at **314 DUKE ST**, requesting a variance from minimum lot size requirements in the R6-A District, to pursue a subdivision of the lot and construct 2 HPR's for a total of 4 units. Referred to the Board under Section 17.12.020 a. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 07108004900

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 request a second short term rental permit on this lot. Referred to the Board under Section 17.16.250 e. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 083130Q00100CO

Results:

CASE 2018-596 (Council District - 27)

EZRA & JILLIAN COHEN, appellant and **COHEN, EZRA & JILLIAN**, owner 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 in the R10 District, to obtain a permit. Referred to the Board under Section 17.16.250 e. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 14715001300

Results:

CASE 2018-598 (Council District - 16)

JOY GOODWIN, appellant and **GOODWIN, JOY ELIZABETH**, 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 in the RS15 District, to obtain a permit. Referred to the Board under Section 17.16.250 e. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 12009000900

Results:

CASE 2018-606 (Council District - 18)

ANNE BALLARD, appellant and **BALLARD, ANNE T.**, 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 in the RS7.5 District, to obtain a permit. Referred to the Board under Section 17.16.250 e.

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

Use-Short Term Rental

Map Parcel 10411026600

Results:

CASE 2018-618 (Council District - 18)

DONGHONG XU, appellant and **DING, SUHUA & XU, DONGHONG**, owner 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 has alleged the board would have 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**, owner of the property located at **1822A 9TH AVE N**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit in the R8 District, to obtain a permit. Referred to the Board under Section 17.40.180. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 081083E00100CO

Results:

CASE 2018-636 (Council District - 25)

CARNEY, MATTHEW, appellant and **CARNEY, MATTHEW**, owner of the property located at **1009 BATTLEFIELD 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 in the RS10 District, to obtain a permit. Referred to the Board under Section 17.16.250 E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 11809000100

Results:

CASE 2018-658 (Council District - 4)

ROBIN PERRY, appellant and **PERRY, ROBIN A.**, owner of the property located at **5533 THALMAN 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 in the R15 District, to obtain a permit. Referred to the Board under Section 17.16.250 e. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 16109014400

Results:

CASE 2018-661 (Council District - 5)

COLLINS LEGAL, appellant and **KWONG, KEVIN**, owner of the property located at **1102 A JOSEPH AVE**, requesting an Item A appeal, challenging the cancellation of a short term rental permit. Permit is not allowed within this Specific Plan zoning district in the SP District, to obtain a permit. Referred to the Board under Section MCL 17.16.250 et seq. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 082030B00200CO

Results:

CASE 2018-662 (Council District - 17)

COLLINS LEGAL, LLC, appellant and **TBC I, LLC**, owner of the property located at **1014 B W GROVE AVE**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit in the R8 District, to obtain a permit. Referred to the Board under Section 17.16.250 e. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 105090R00200CO

Results: Deferred 12/20/18

CASE 2018-666 (Council District - 20)

PATRICK THOMAS, appellant and **THOMAS, ALBERT P. IV & HELLSTERN, RONALD A.**, owner of the property located at **647 C JAMES AVE**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit in the R8 District, to obtain a permit. Referred to the Board under Section 17.16.250 e. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 090080K00100CO

Results:

CASE 2018-669 (Council District - 8)

BARRY KING, appellant and **KING, BARRY M. & JERRY & DONNA J.**, owner of the property located at **637 GIBSON 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 in the 8 District, to obtain a permit. Referred to the Board under Section 17.16.250 e. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 05104004200

Results:

CASE 2018-670 (Council District - 8)

STACI KOGER, appellant and **KOGER, RICHARD N. & STACI**, owner of the property located at **4965 SULPHUR CREEK RD**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit in the AR2A District, to obtain a permit. Referred to the Board under Section 17.16.250 e. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 04700010800

Results:

CASE 2018-671 (Council District - 17)

HAROLD JOHNSON, appellant and **JOHNSON, HAROLD**, owner of the property located at **116 9TH CIR S**, requesting an Item A appeal, challenging the zoning administrator's cancellation of a short term rental permit due to ownership change in the R6 District, to obtain a permit. Referred to the Board under Section 17.16.250 e. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 105020C00100CO

Results:

CASE 2018-672 (Council District - 17)

HAROLD JOHNSON, appellant and **JOHNSON, HAROLD**, owner of the property located at **118 9TH CIR S**, requesting an Item A appeal, challenging the zoning administrator's cancellation of a short term rental permit due to ownership change in the R6 District, to obtain a permit. Referred to the Board under Section 17.16.250 e. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 105020C00200CO

Results:

CASE 2018-673 (Council District - 24)

JOHNSON, HAROLD, appellant and **JOHNSON, HAROLD**, owner of the property located at **425 A 36TH AVE N**, requesting an, Item A appeal, challenging the zoning administrator's cancellation of existing STRP permit due to ownership change. in the R6 District, to obtain a permit. Referred to the Board under Section 17.16.250. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 092090U00100CO

Results:

CASE 2018-675 (Council District - 28)

CARL KAHLE, appellant and **KAHLE, CARL**, owner of the property located at **300 LADYBIRD DR**, requesting an Item A appeal, challenging the zoning administrator's cancellation of an existing short term rental permit. Applicant operated on an expired permit in the RS10 District, to obtain a permit. Referred to the Board under Section 17.16.250 e. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 13501007800

Results:

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Rob Cushman

Date: 8-14-18

Property Owner: The MCA 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 MCA 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.

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

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

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

This 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.)

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.

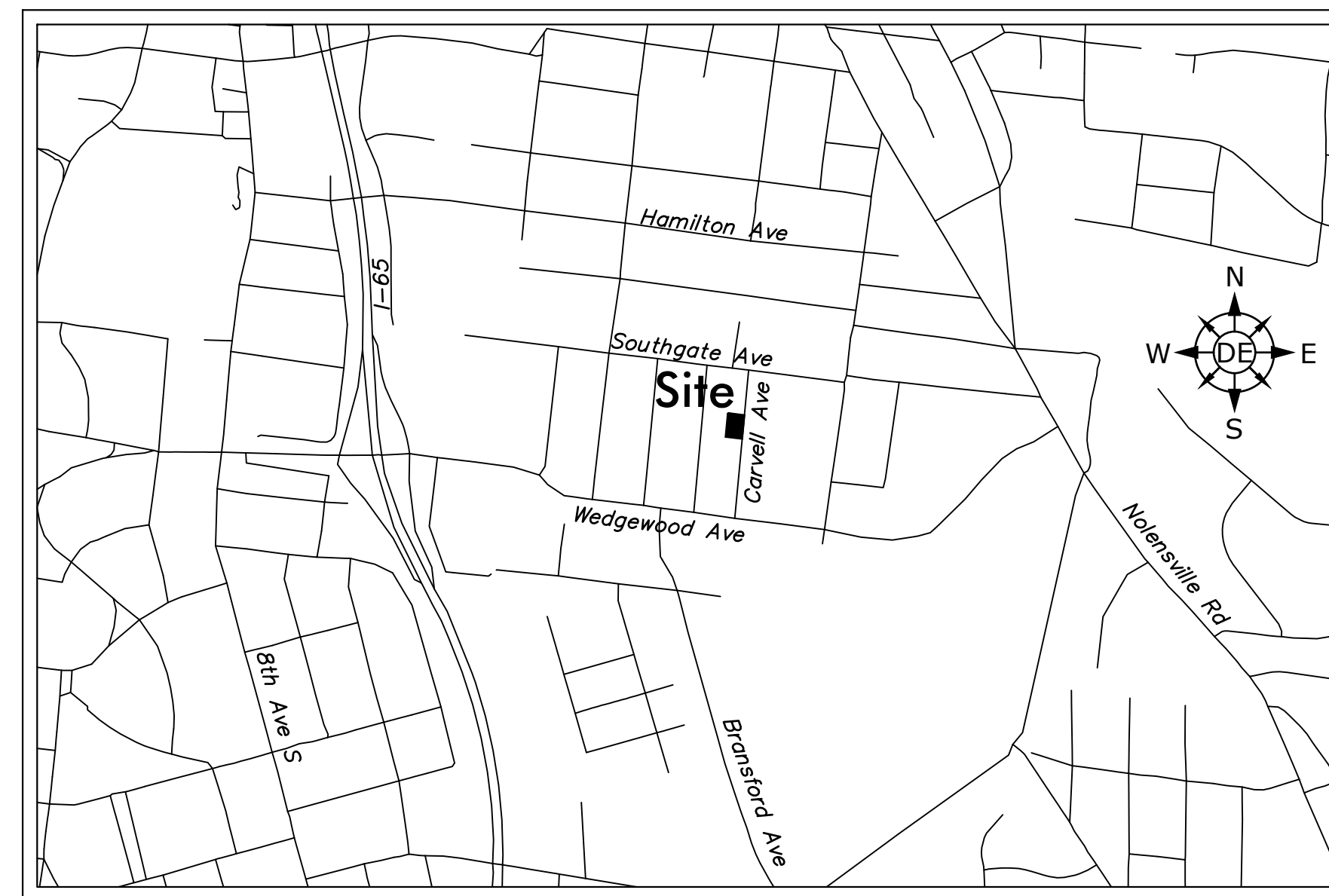
Robert A. [Signature]
APPELLANT

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



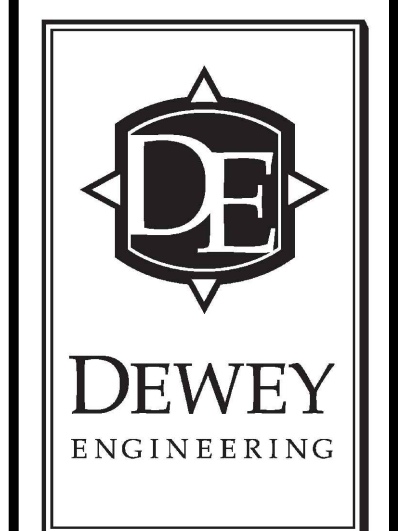
Vicinity Map
N.T.S.

<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

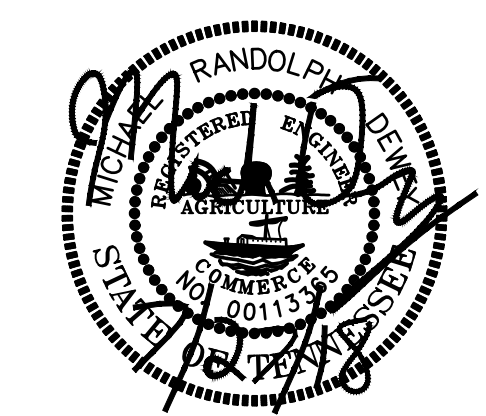
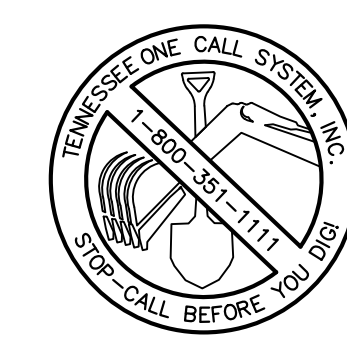


Cover Sheet

Job No. 17037

C0.0

1 of 6

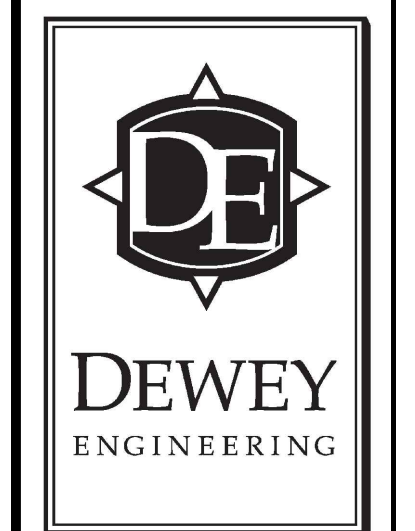


Revisions:

Drawing Notes:

Date: July 27, 2018

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

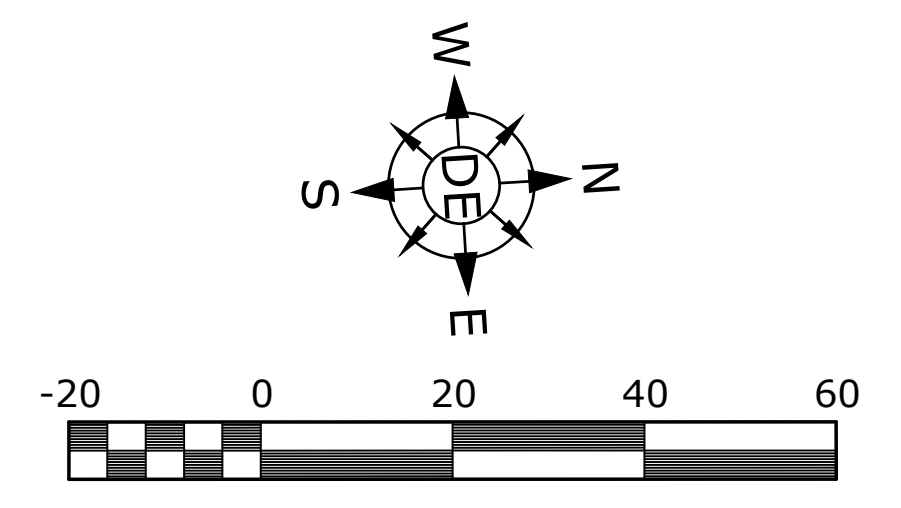


Existing Conditions & Initial Erosion Control Plan

Job No. 17037

C1.0

2 of 6



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

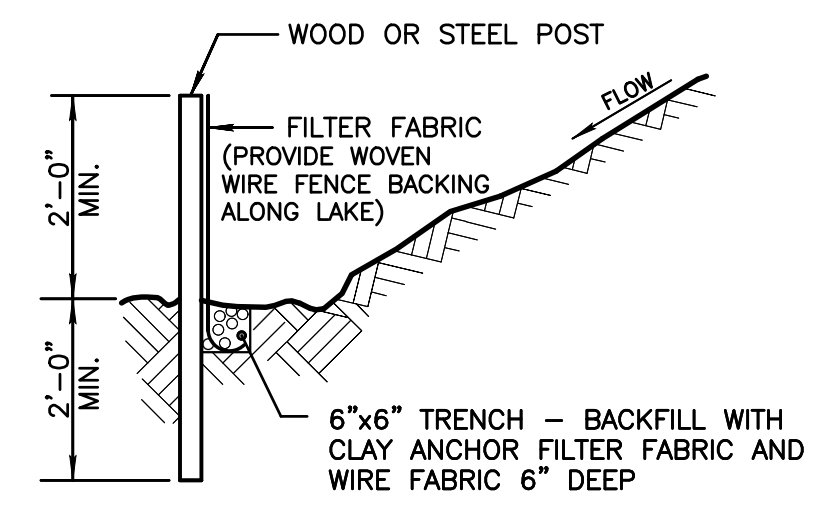
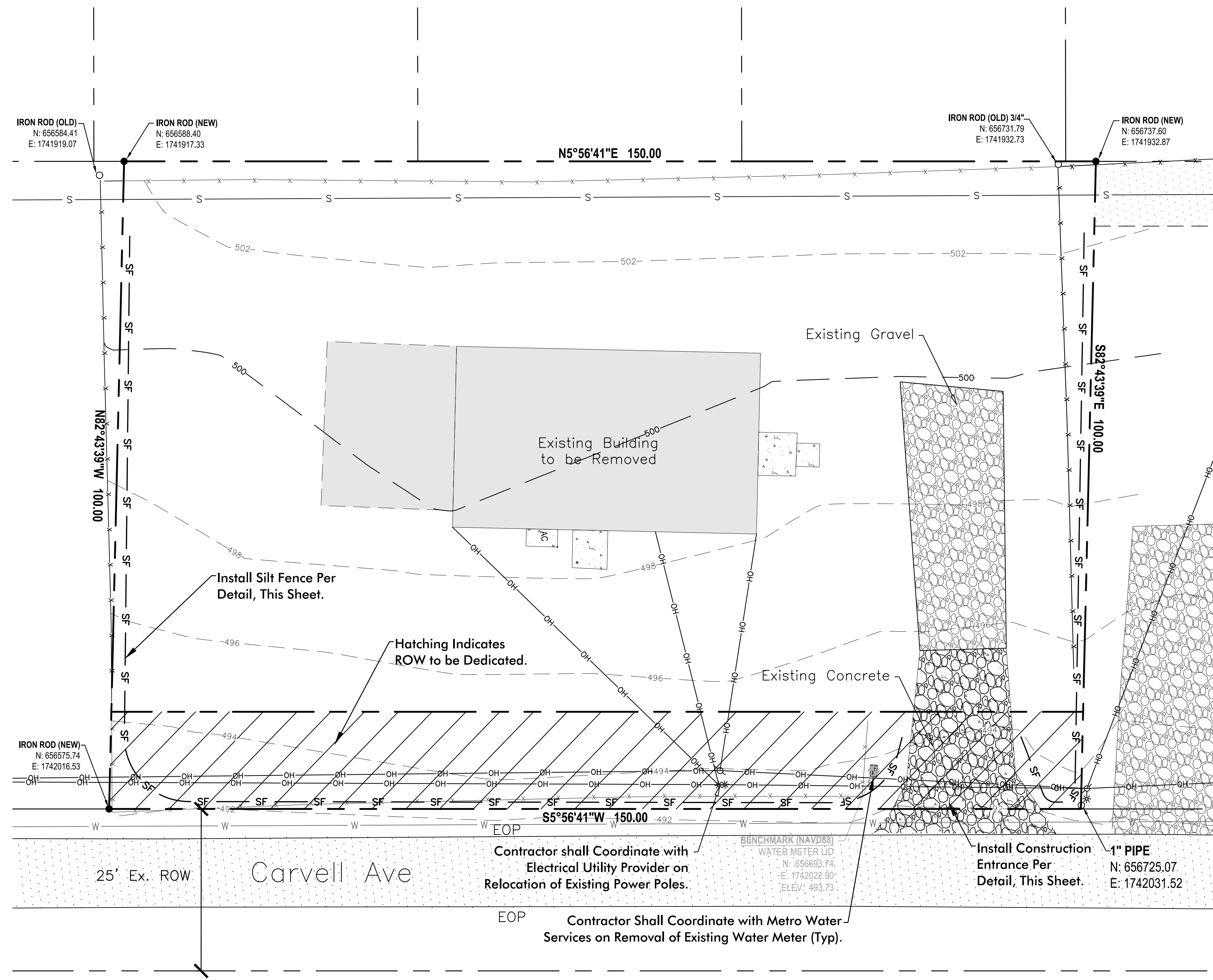
Flood Note
This Property is Not Located Within a Flood Hazard Area as Designated by "Zone X" on Firm Panel #47037C0244H. Dated April 5, 2017.

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

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

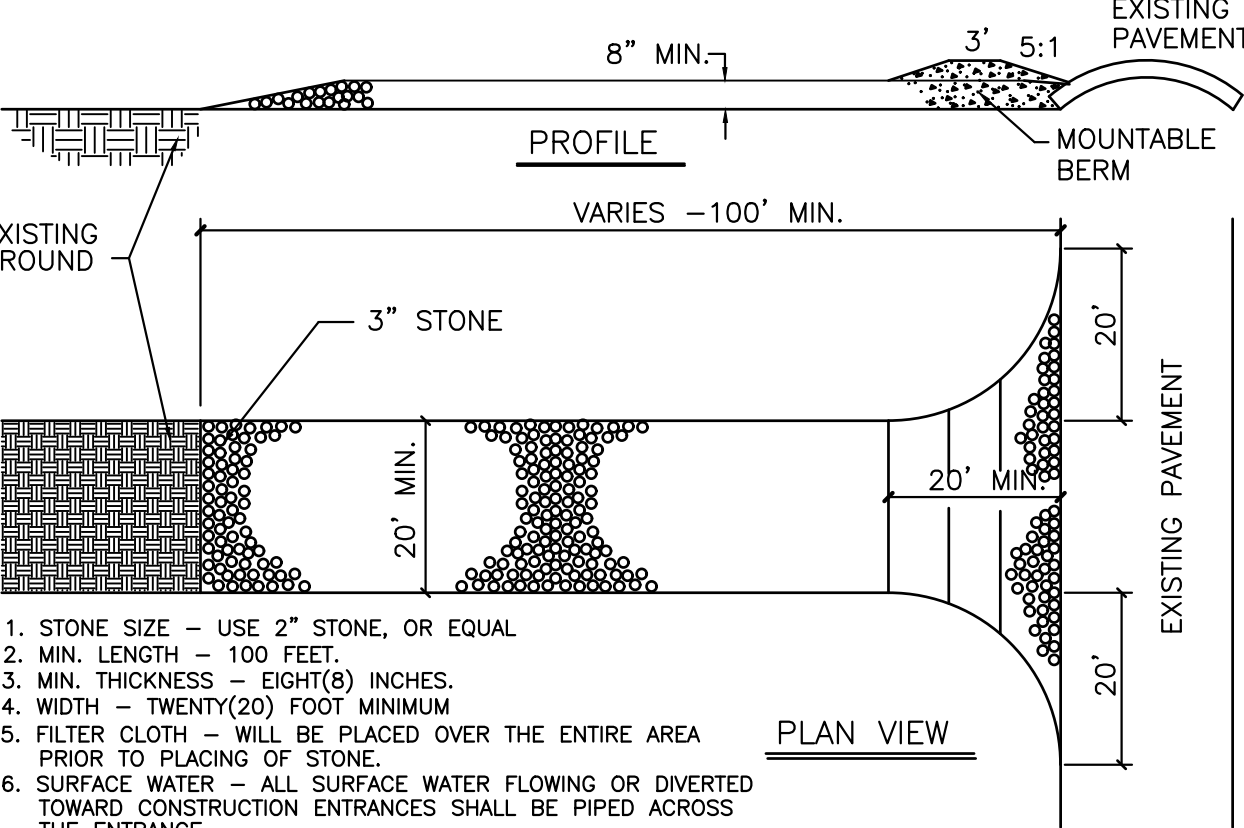
Erosion Control & Grading Notes:

- 1. ALL PERIMETER EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO THE COMMENCEMENT OF GRADING.
- 2. 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.
- 3. 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.
- 4. EROSION CONTROL BARRIER IS CALLED OUT ON THE PLANS AND IS TO COMPLY WITH THE METROPOLITAN STORMWATER MANAGEMENT MANUAL VOLUME FOUR, SECTION TCP-14.
- 5. DISTURBED AREAS ARE TO BE GRADED TO DRAIN AS INDICATED IN THE PLAN TO SEDIMENT BARRIERS DURING AND UPON THE COMPLETION OF CONSTRUCTION.
- 6. 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.
- 7. ANY ACCESS ROUTES TO THE SITE SHALL BE BASED WITH CRUSHED STONE, ASTM #1 STONE, 100 FEET LONG AND AT LEAST 8" THICK.
- 8. 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.
- 9. THE CONTRACTOR SHALL OBTAIN A GRADING PERMIT FROM THE METRO WATER SERVICES NPDES DEPARTMENT (880-2420) PRIOR TO COMMENCING WORK.
- 10. 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.
- 11. SURPLUS EXCAVATION OF TOPSOIL SHALL BE PLACED ON THE SITE AS APPROVED BY THE OWNER FOR THE PURPOSE OF FUTURE LANDSCAPE USE.
- 12. THE CONTRACTOR SHALL FURNISH AND INSTALL ALL NECESSARY TEMPORARY WORKS FOR THE PROTECTION OF THE PUBLIC AND EMPLOYEES, INCLUDING WARNING SIGNS AND LIGHTS.
- 13. 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.
- 14. 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.
- 15. ALL EROSION CONTROL MEASURES SHALL REMAIN IN PLACE UNTIL SITE IS STABILIZED AND CONSTRUCTION IS COMPLETE.
- 16. 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.
- 17. 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.
- 18. THE CONTRACTOR SHALL NOTIFY THE DEPARTMENT OF PUBLIC WORKS PRIOR TO THE COMMENCING OF ANY CONSTRUCTION ACTIVITIES LOCATED WITHIN PUBLIC RIGHT OF WAY.
- 19. STEEP SLOPES TO BE STABILIZED WITHIN 7 DAYS OF FINAL GRADING.



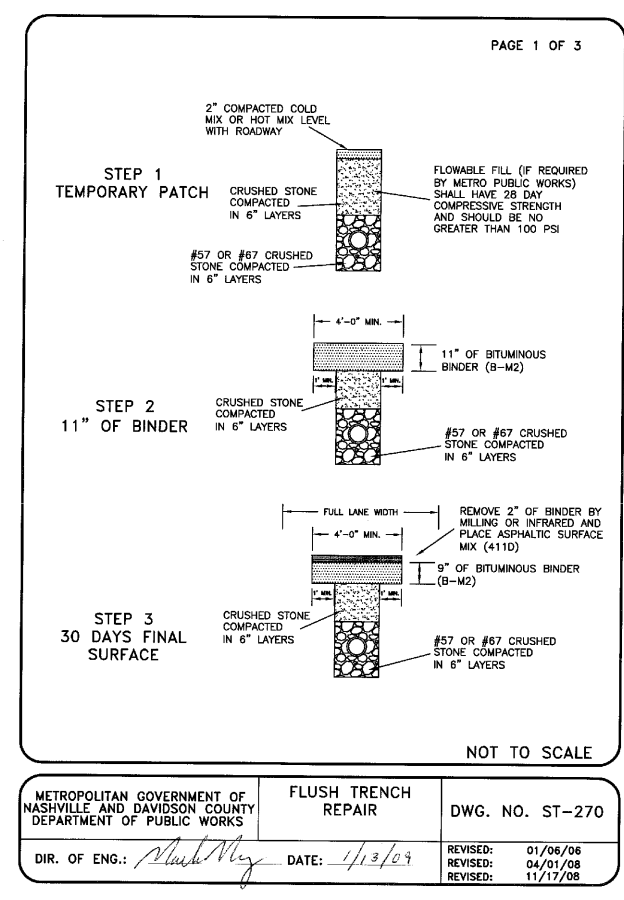
- NOTES:**
- 1. FILTER FABRIC FENCE TO BE PLACED PRIOR TO START OF ROUGH GRADING.
 - 2. STEEL POSTS SHALL BE APPROVED BY OWNER PRIOR TO USE.
 - 3. WOOD POSTS SHALL BE 2" x 2" MIN., OAK OR SIMILAR HARDWOOD.
 - 4. POSTS SHALL BE SPACED AT 6' INTERVALS.
 - 5. FILTER FABRIC SHALL BE SECURELY BOUND TO POSTS WITH EITHER STAPLES OR WIRE TIES.
 - 6. 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:**
- 1. INSPECT TWICE WEEKLY, 72 HOURS APART AND AFTER EACH RAINFALL
 - 2. REPAIR WHEREVER FENCE IS DAMAGED.
 - 3. REMOVE SEDIMENT WHEN IT REACHES 1/3 THE HEIGHT OF THE FENCE
 - 4. 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



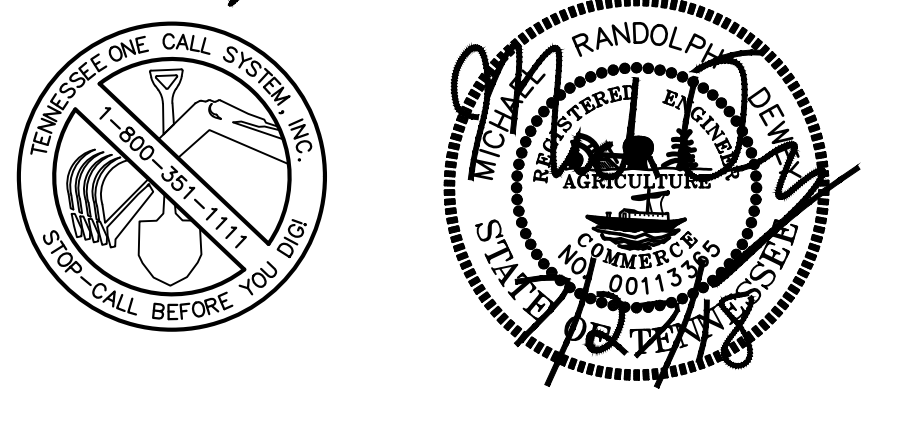
- 1. STONE SIZE - USE 2" STONE, OR EQUAL
- 2. MIN. LENGTH - 100 FEET.
- 3. MIN. THICKNESS - EIGHT(8) INCHES.
- 4. WIDTH - TWENTY(20) FOOT MINIMUM
- 5. FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
- 6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE.
- 7. 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.

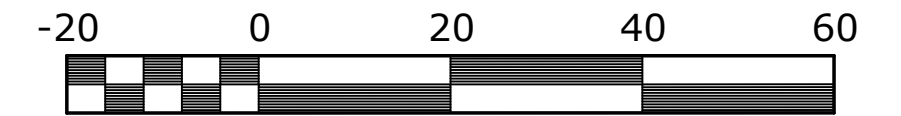
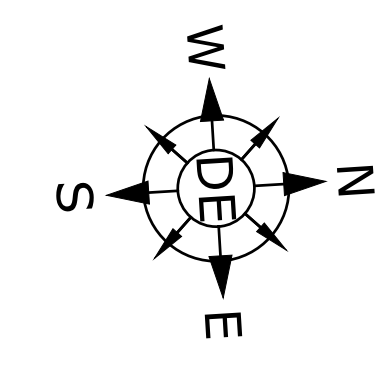
TEMPORARY CONSTRUCTION ENTRANCE
SEE METRO STORMWATER MANAGEMENT MANUAL VOLUME 4, TCP-02
NOT TO SCALE



FLUSH TRENCH REPAIR
DWG. NO. ST-270
DATE: 1/1/13

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

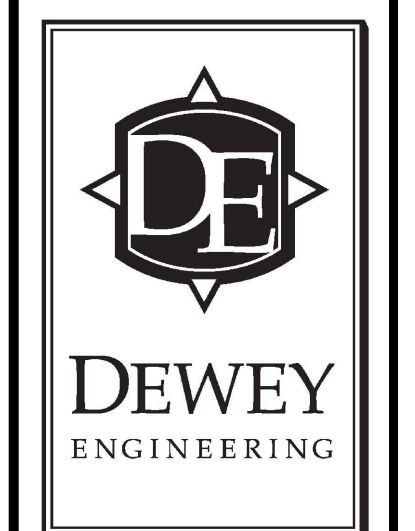
Site Benchmark
Water Meter Lid Located
Approximately 32 ft South of the
Northeast Corner of the Site
NAVD88 Elev. = 493.73

Revisions:

Drawing Notes:

Date: July 27, 2018

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

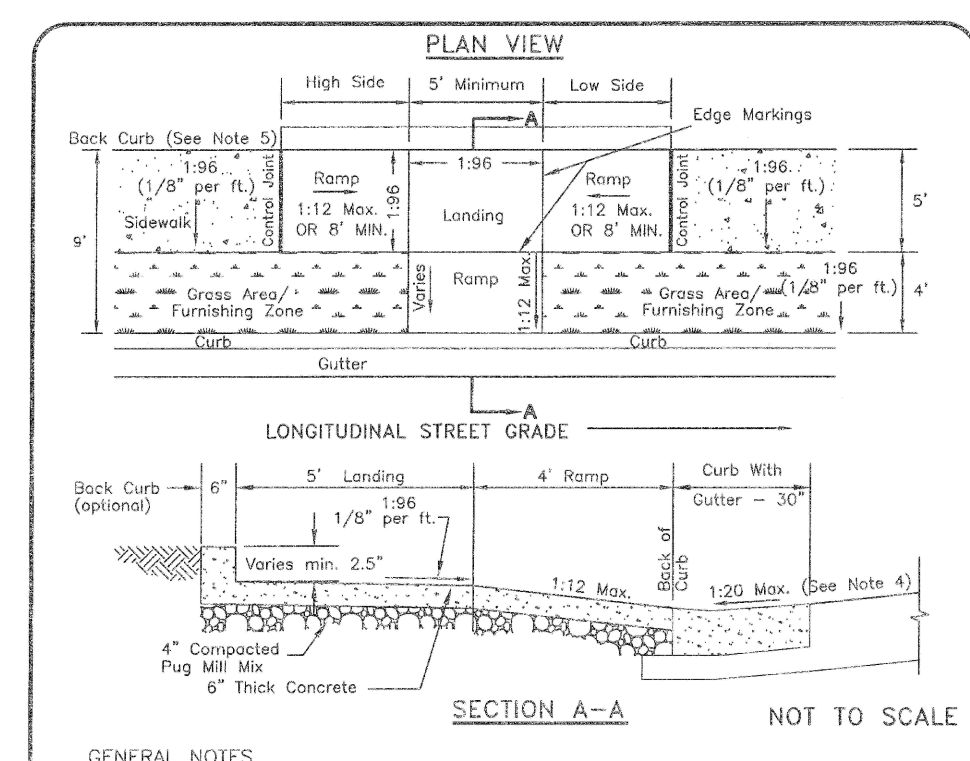


Layout and
Utilities Plan

Job No. 17037

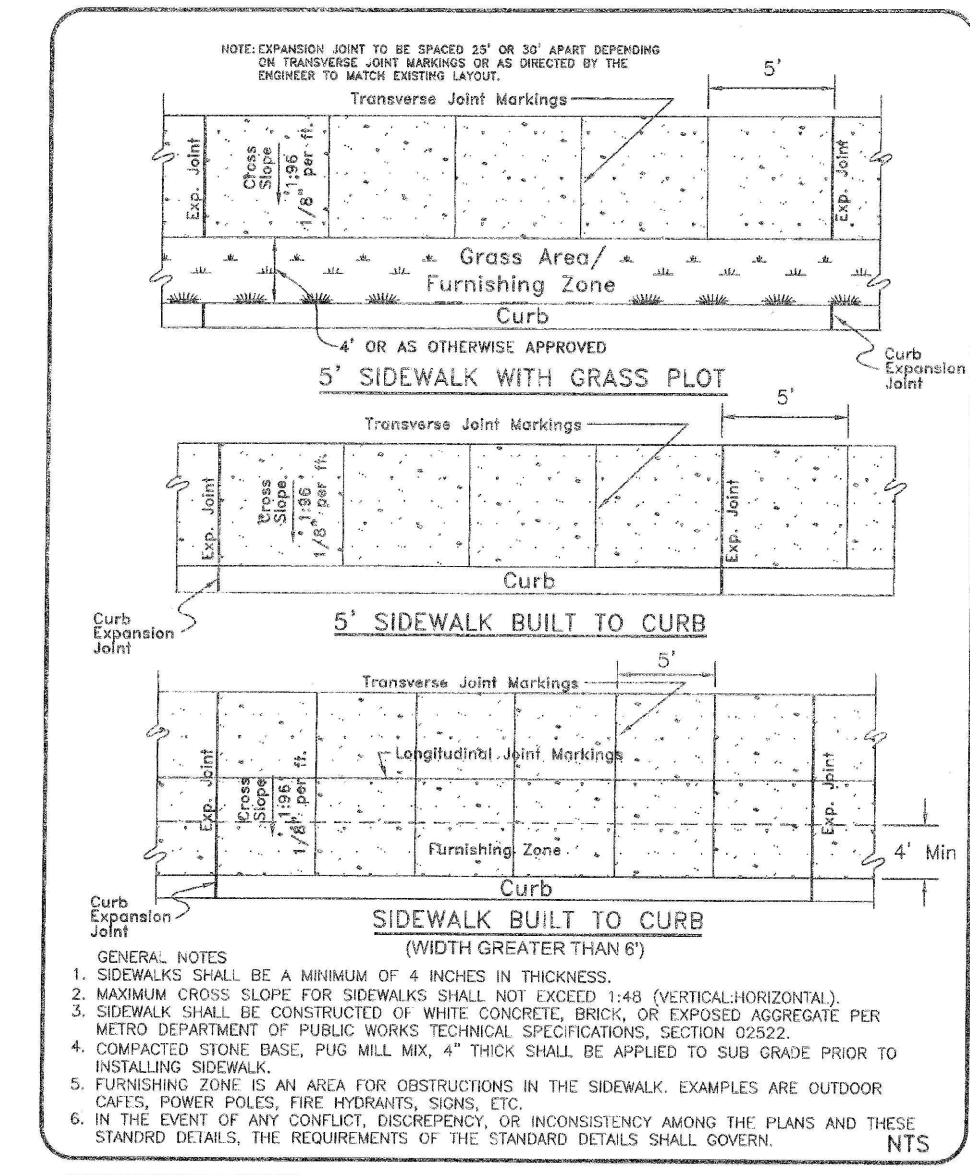
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3 of 6

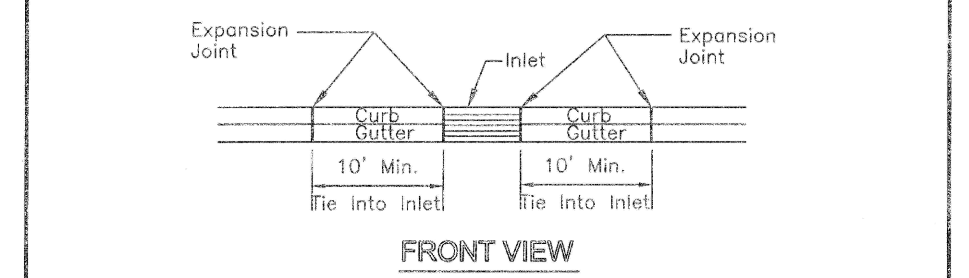
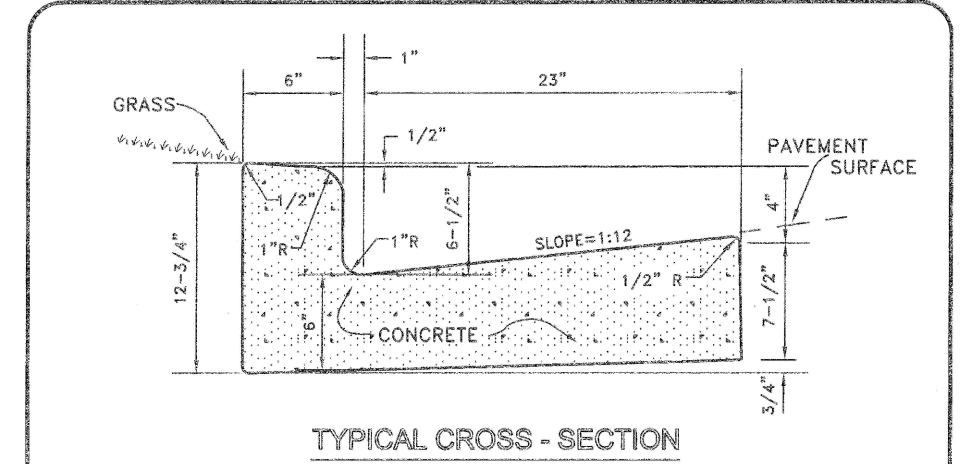
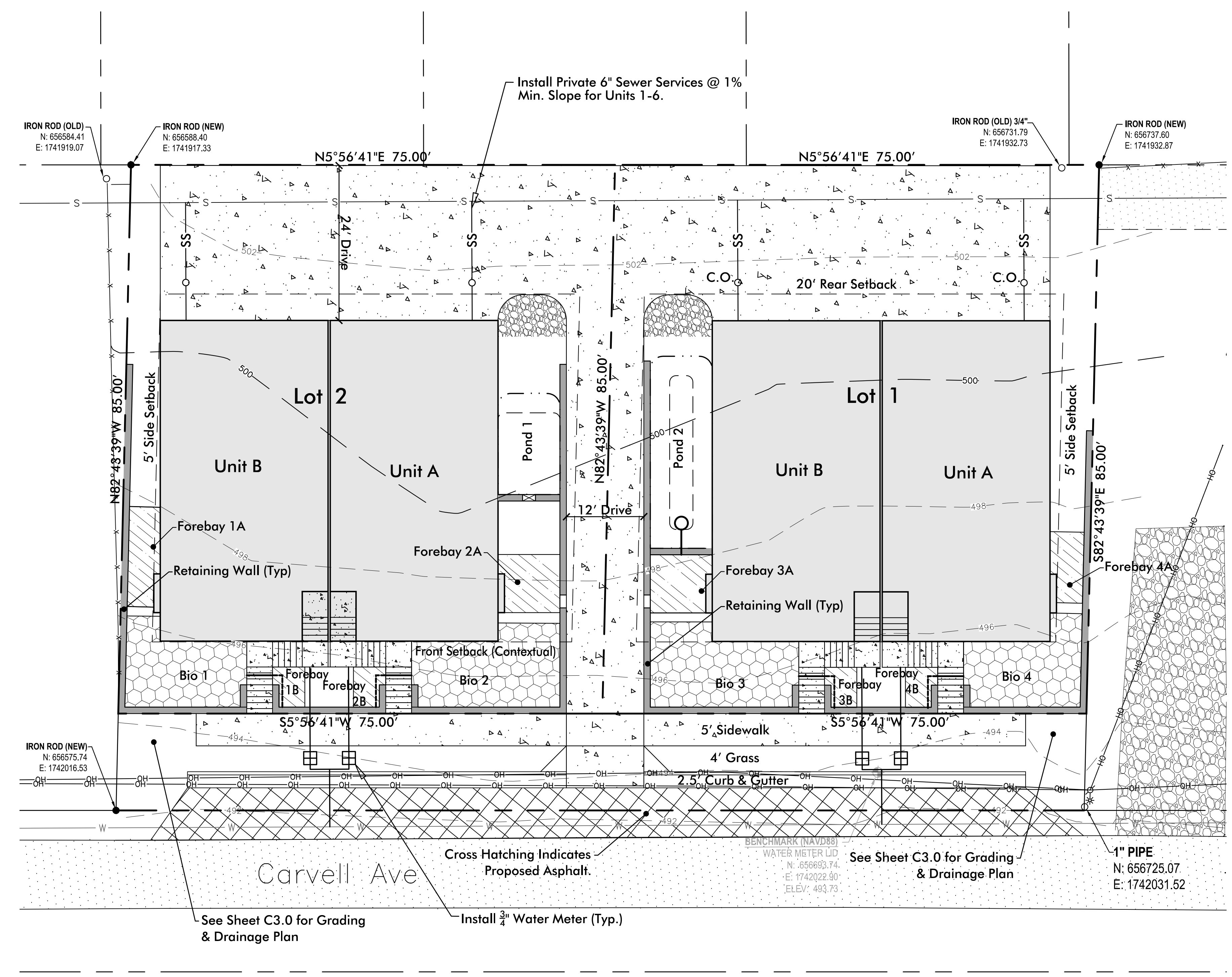


- GENERAL NOTES: 1. Ramp shall be flush with the gutter or edge of pavement. 2. Cross-slope of landing and of sidewalk shall not exceed 1:48 (vertical:horizontal). 3. Surface texture of the curb ramp shall be stable, firm, and slip-resistant. 4. The normal gutter slope of 1:12 (vertical:horizontal) shall be reduced to 1:20 (vertical:horizontal) of 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

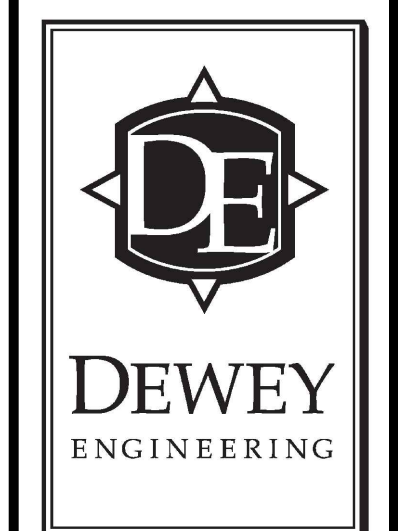


Revisions:

Drawing Notes:

Date: July 27, 2018

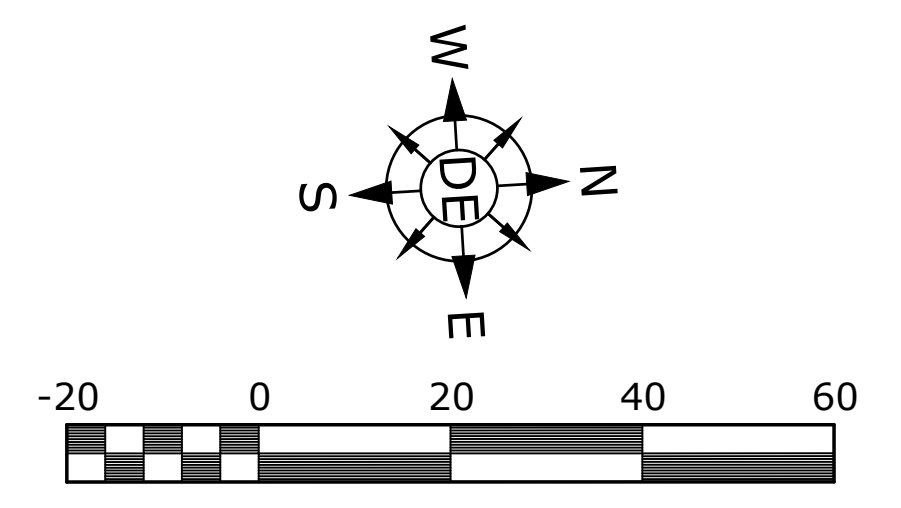
1704 Carvell Ave
 Tax Map 105-11, Parcel 192
 Nashville, Davidson County, Tennessee



Grading & Drainage Plan

Job No. 17037

C3.0

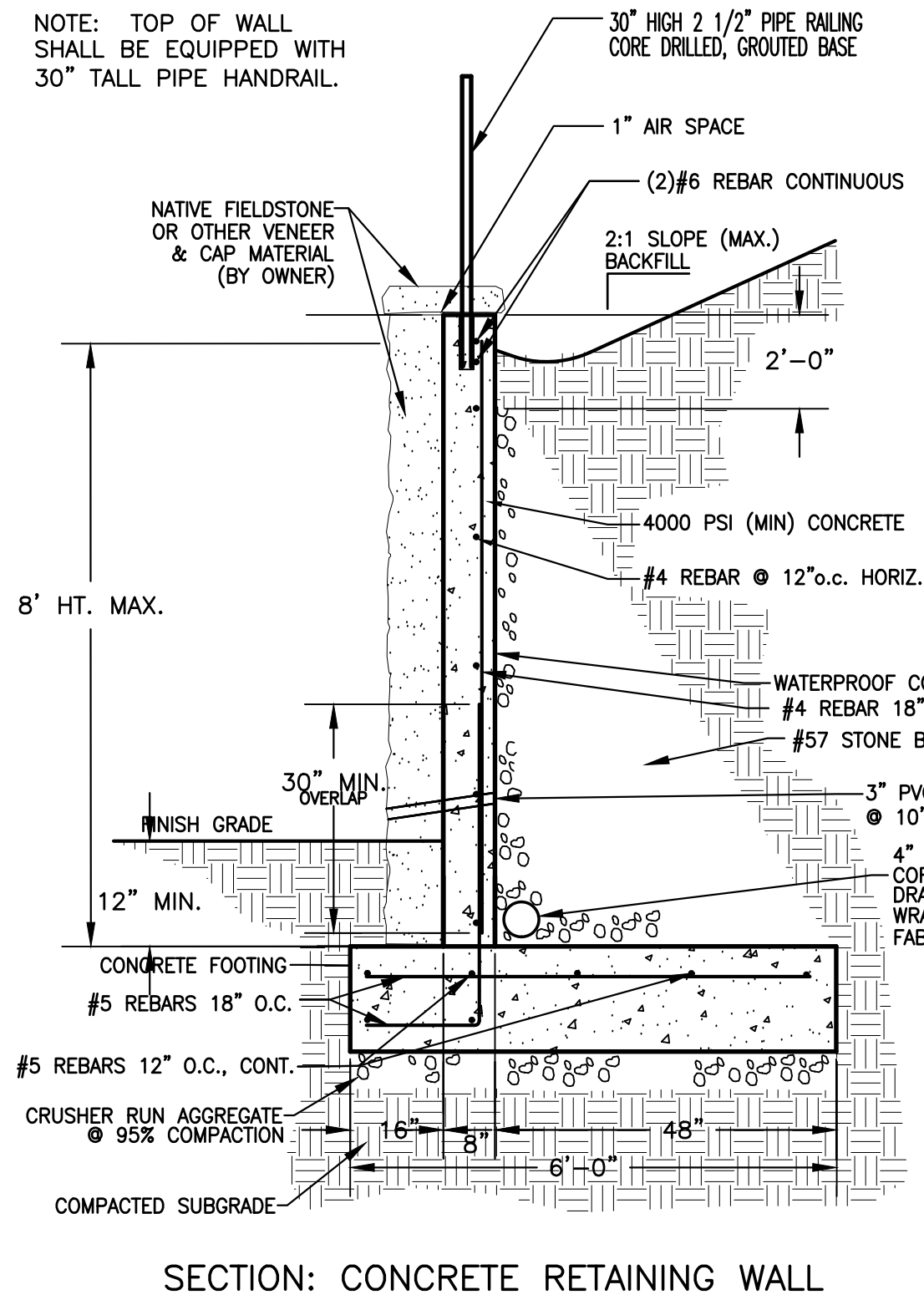
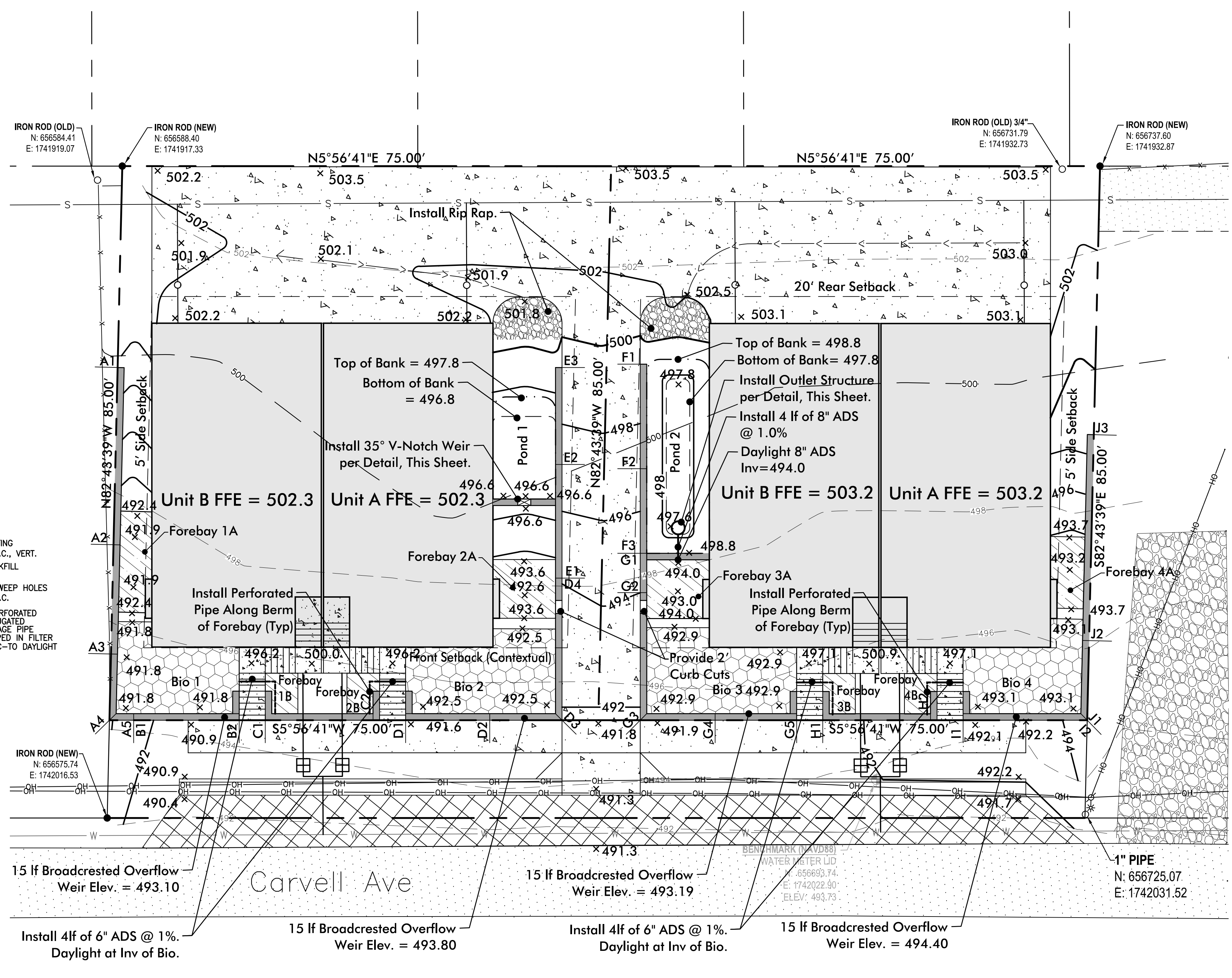
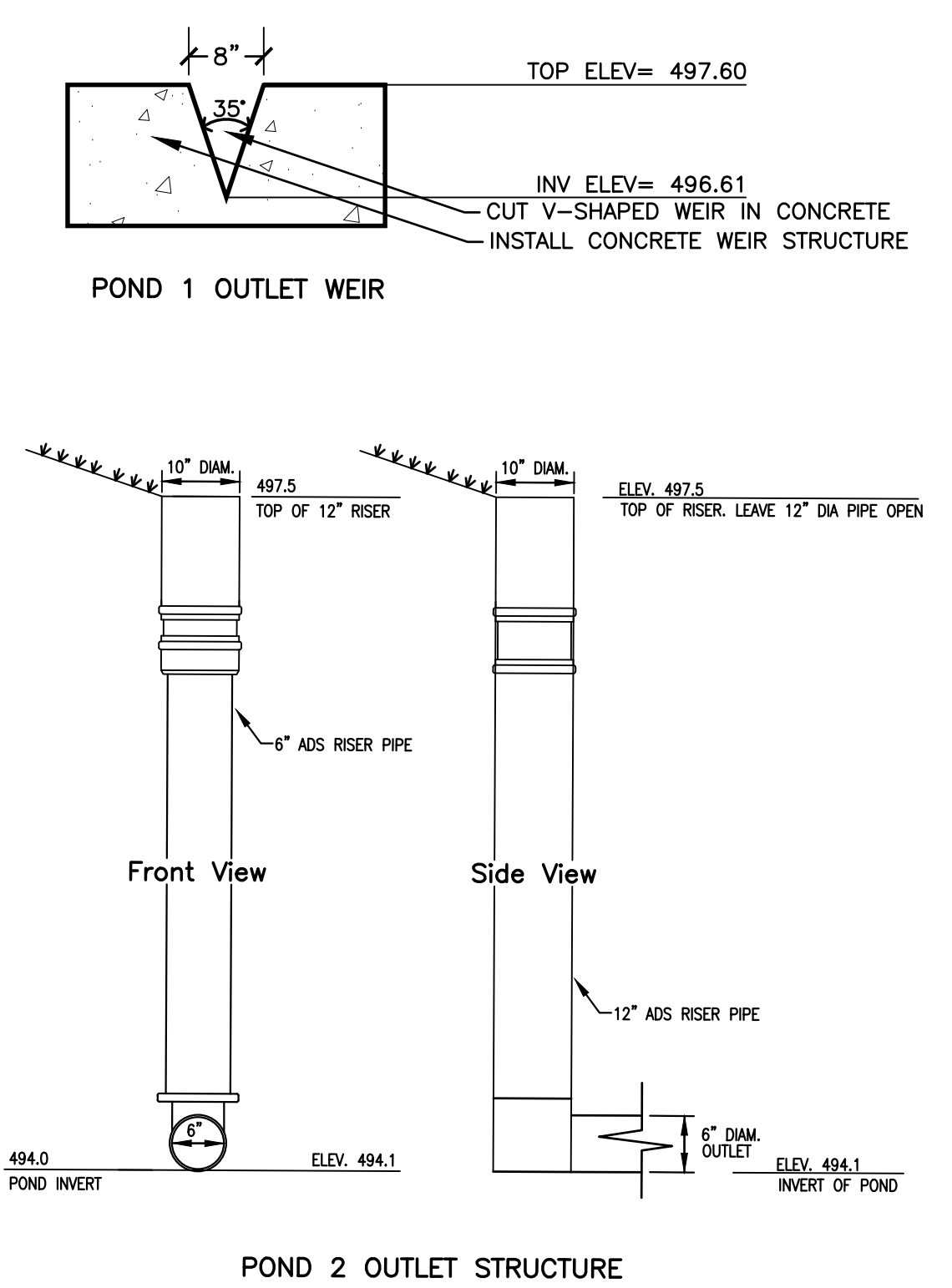


Engineer
 Dewey Engineering
 Contact: Michael Dewey, PE
 2925 Berry Hill Drive
 Nashville, TN 37204
 Phone: (615) 401-9956

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

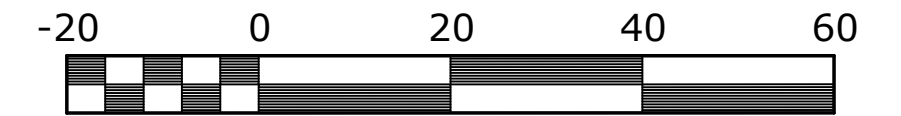
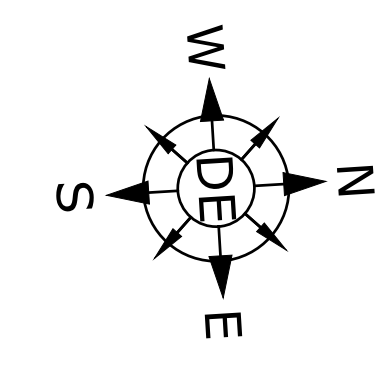
Section	T.O.W.	B.O.W.	Height
H1	493.7	493.5	0.2
H2	493.7	493.7	0.0

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



Scale 1" = 20'

Revisions:

Drawing Notes:

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

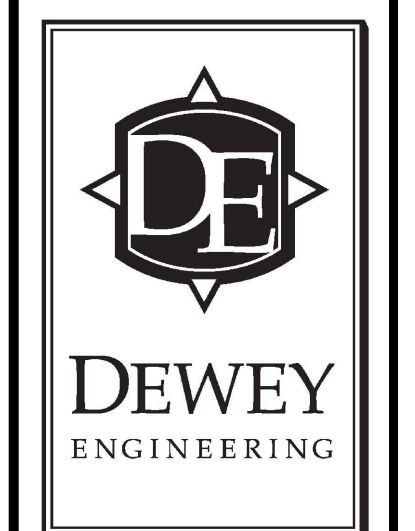
Flood Note
This Property is Not Located
Within a Flood Hazard Area as
Designated by "Zone X" on Firm
Panel #47037C0244H.
Dated April 5, 2017.

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

Date: July 27, 2018

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

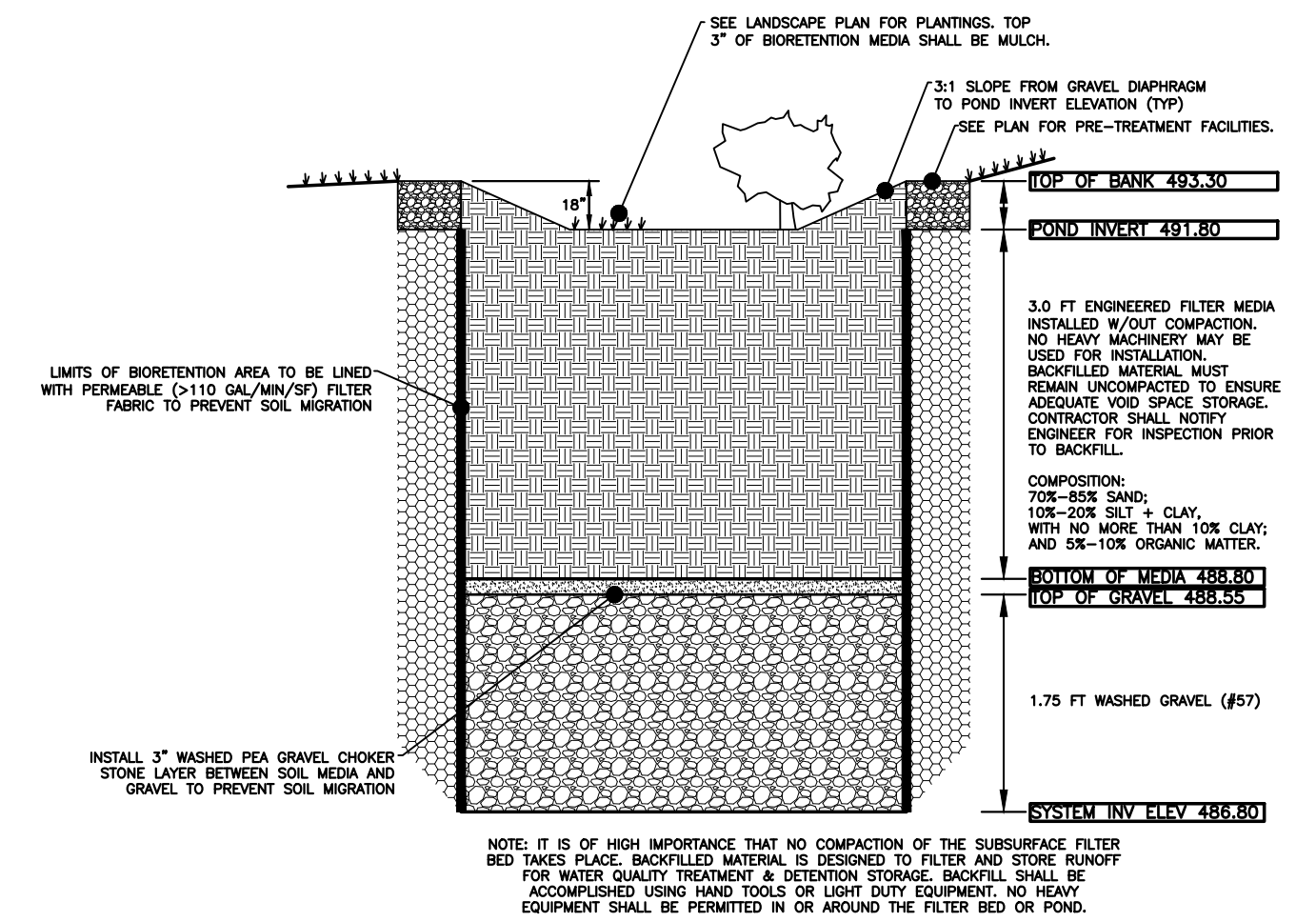


Details

Job No. 17037

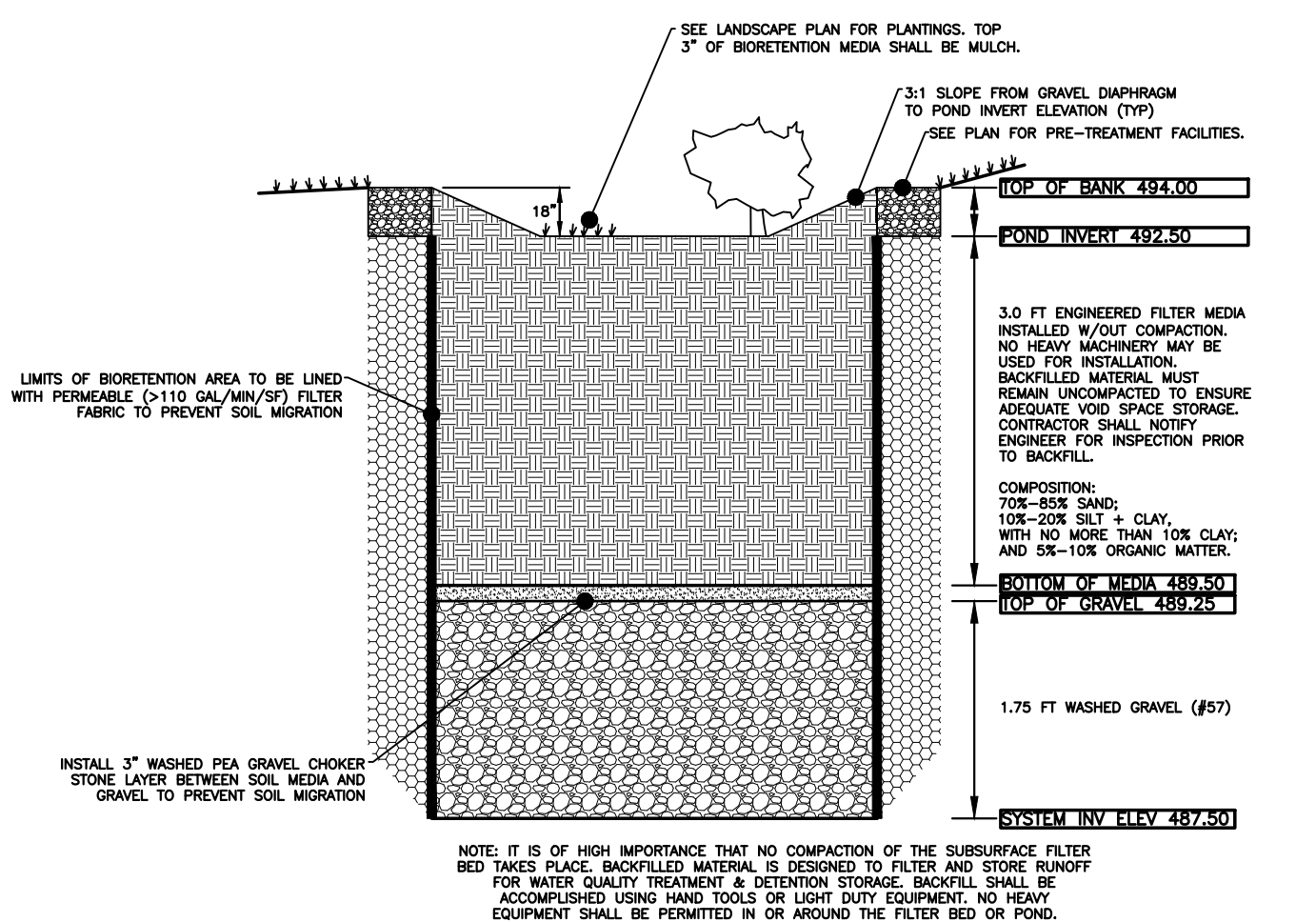
C3.0

5 of 6



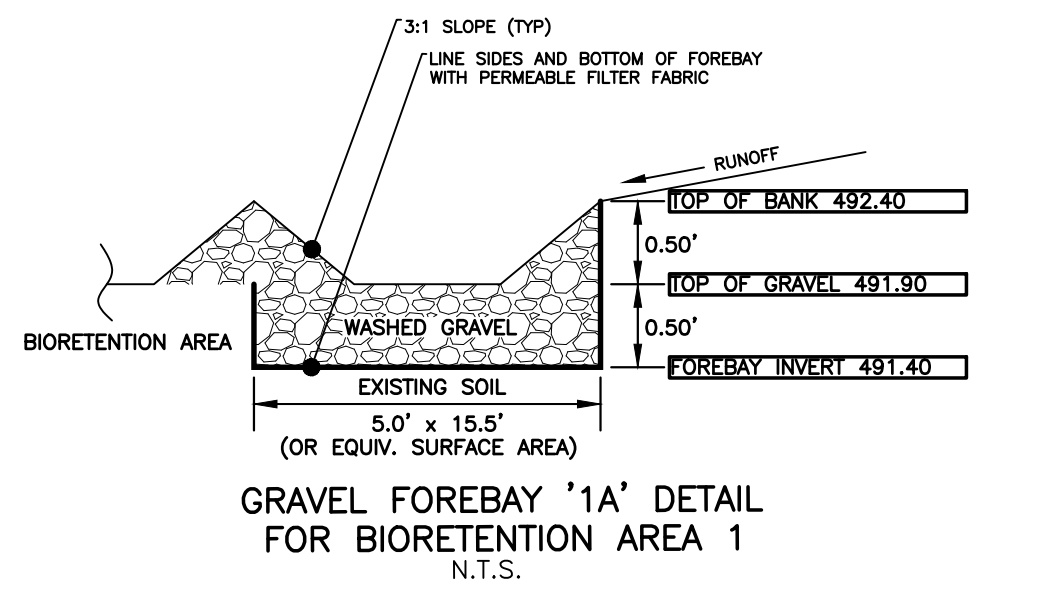
BIORETENTION AREA 1 DETAIL (GIP-01) (LEVEL 2)

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)

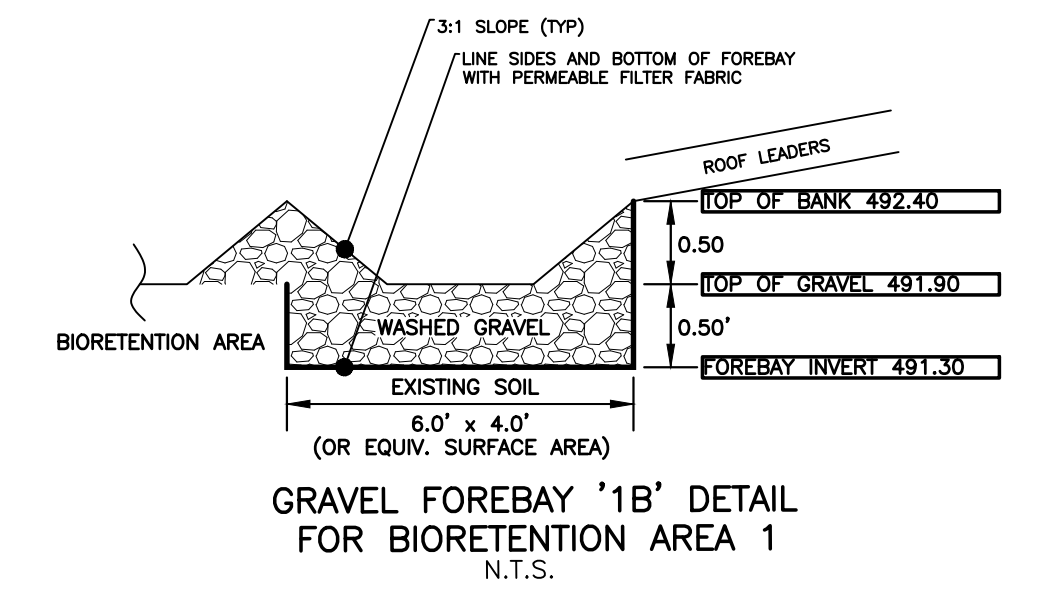


BIORETENTION AREA 2 DETAIL (GIP-01) (LEVEL 2)

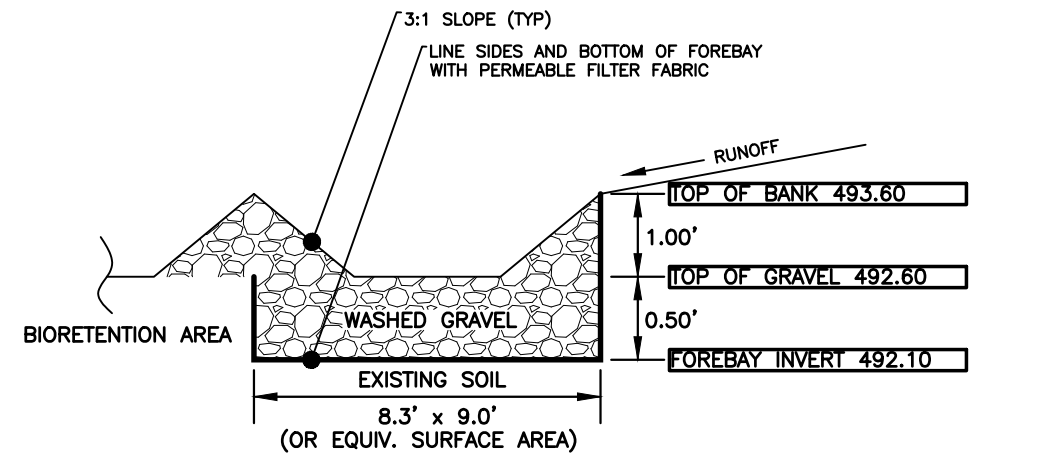
MATERIAL SCHEDULE (BIORETENTION AREA 2 ONLY):
SURFACE AREA = 277 sf
ENGINEERED FILTER MEDIA = 831 cf (3.00' X 277 sf)
WASHED GRAVEL (#57) = 485 cf (1.75' X 277 sf)
CHOKER STONE (#8) = 70 cf (0.25' X 277 sf)



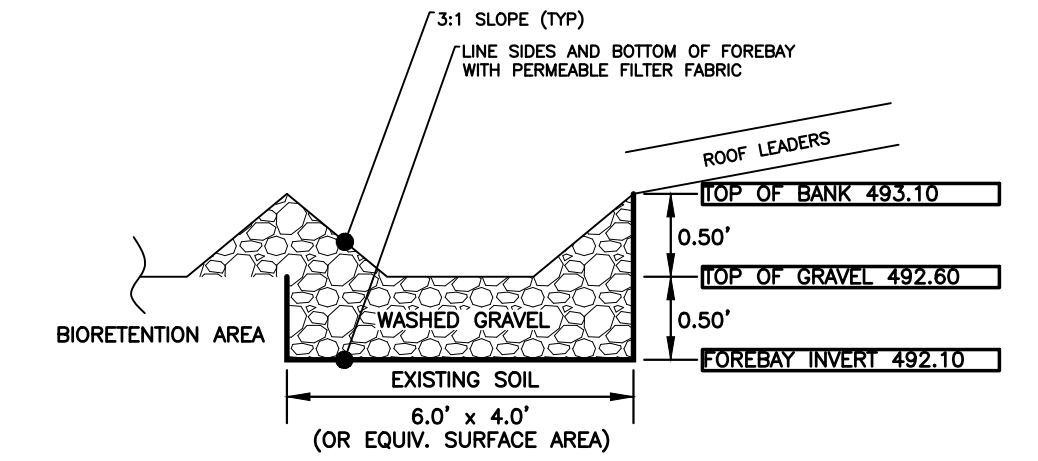
GRAVEL FOREBAY '1A' DETAIL FOR BIORETENTION AREA 1 N.T.S.



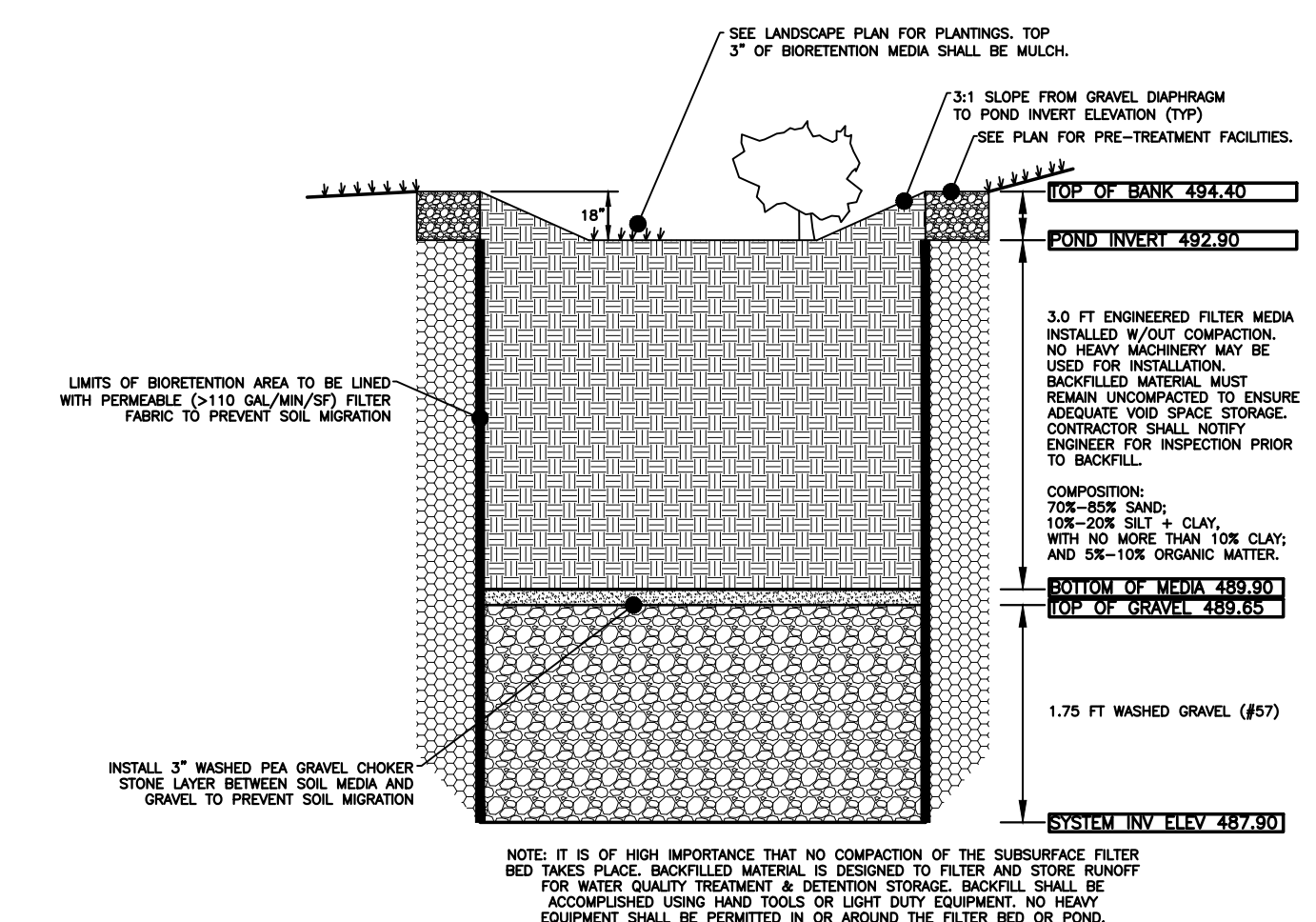
GRAVEL FOREBAY '1B' DETAIL FOR BIORETENTION AREA 1 N.T.S.



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

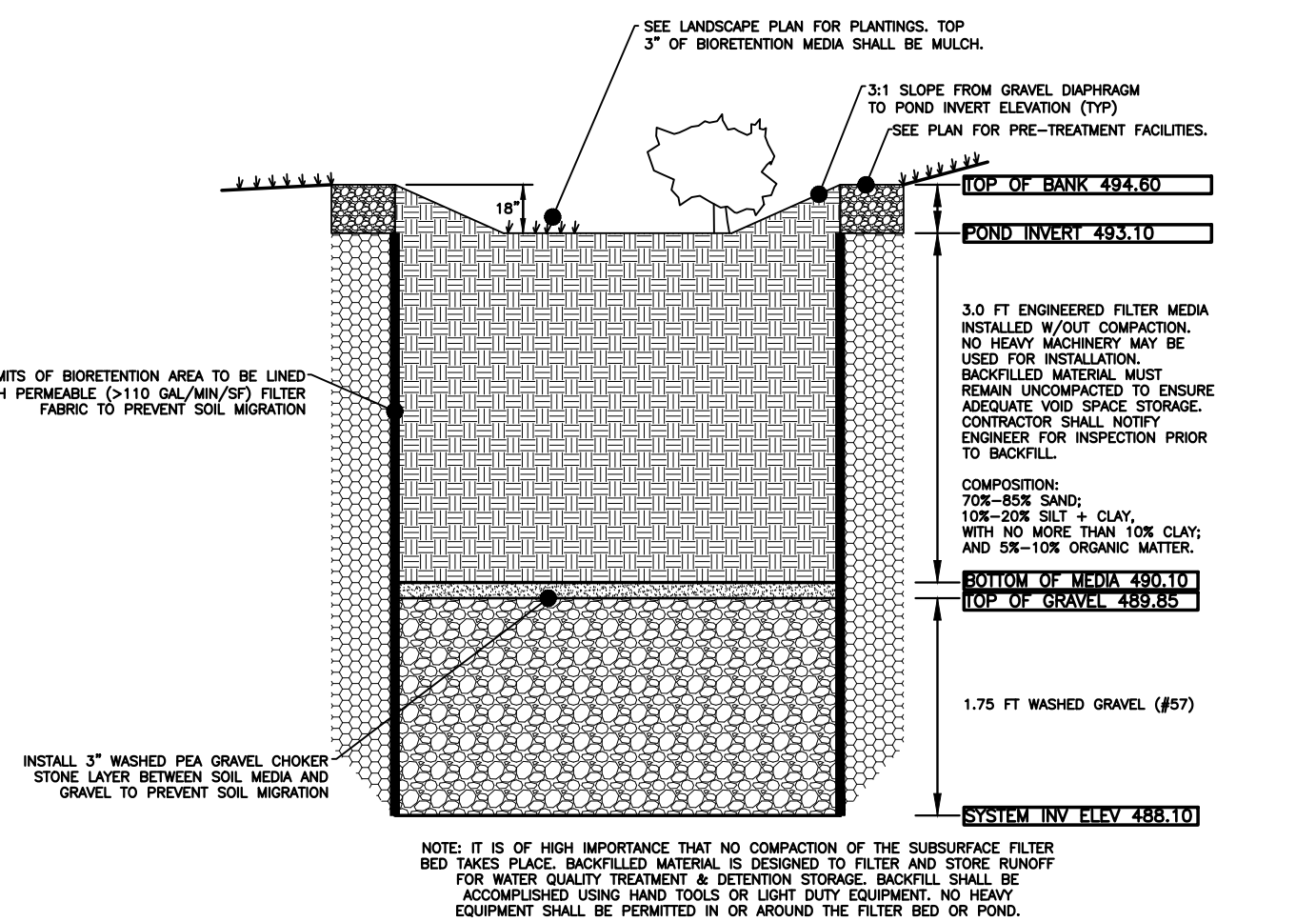


GRAVEL FOREBAY '2B' DETAIL FOR BIORETENTION AREA 2 N.T.S.



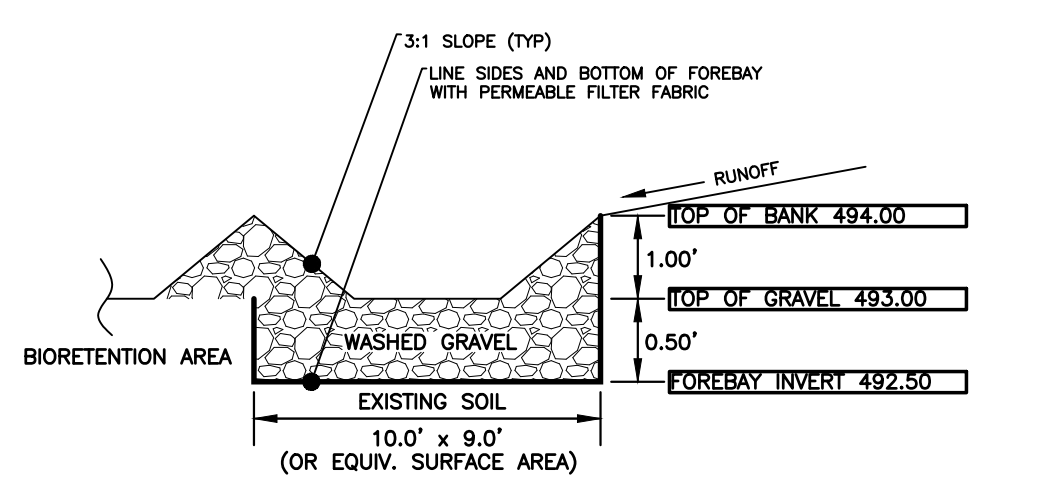
BIORETENTION AREA 3 DETAIL (GIP-01) (LEVEL 2)

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)

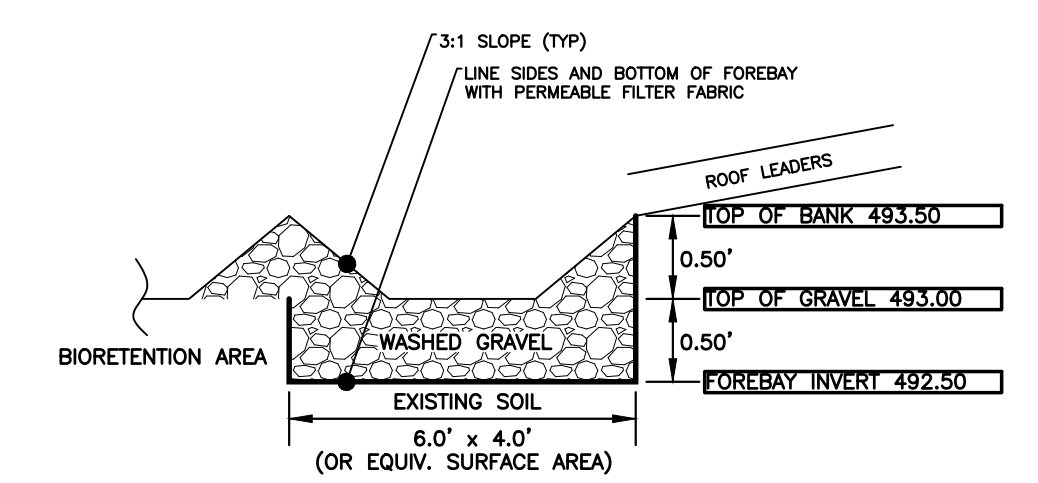


BIORETENTION AREA 4 DETAIL (GIP-01) (LEVEL 2)

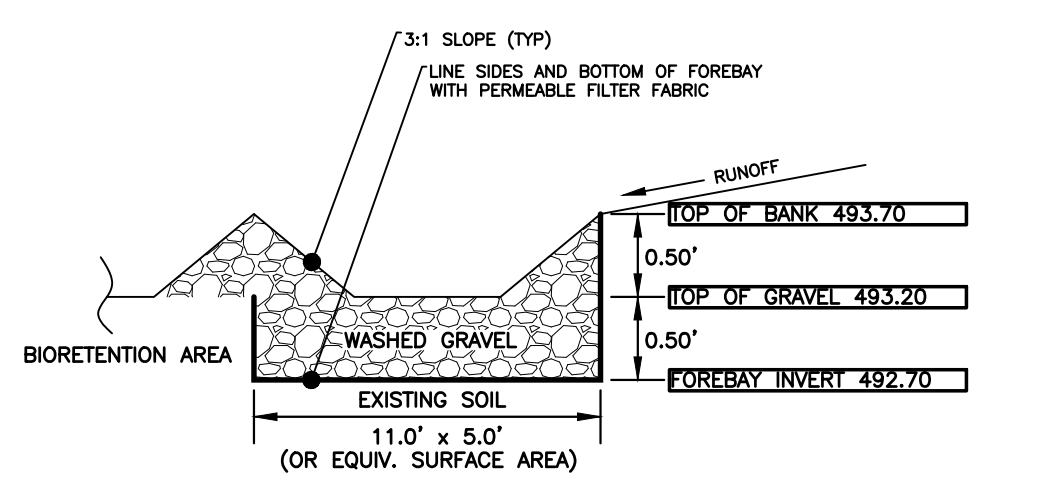
MATERIAL SCHEDULE (BIORETENTION AREA 4 ONLY):
SURFACE AREA = 207 sf
ENGINEERED FILTER MEDIA = 621 cf (3.00' X 207 sf)
WASHED GRAVEL (#57) = 363 cf (1.75' X 207 sf)
CHOKER STONE (#8) = 52 cf (0.25' X 207 sf)



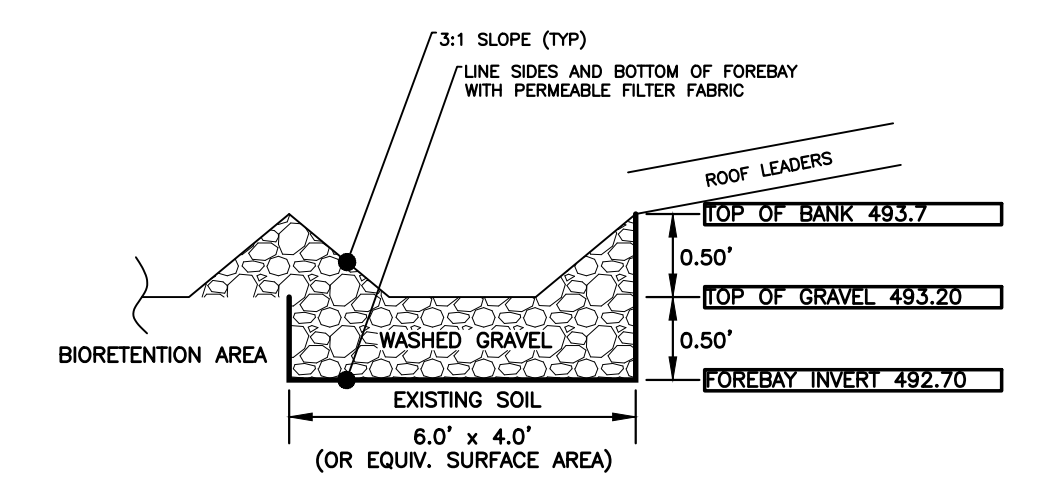
GRAVEL FOREBAY '3A' DETAIL FOR BIORETENTION AREA 3 N.T.S.



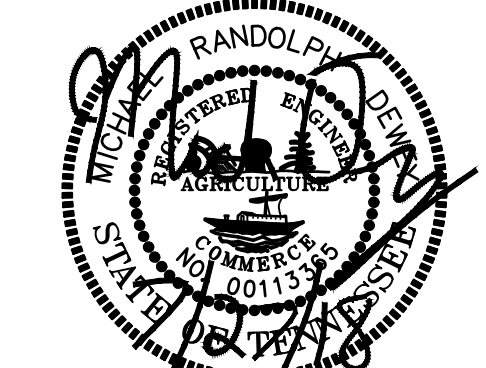
GRAVEL FOREBAY '3B' DETAIL FOR BIORETENTION AREA 3 N.T.S.



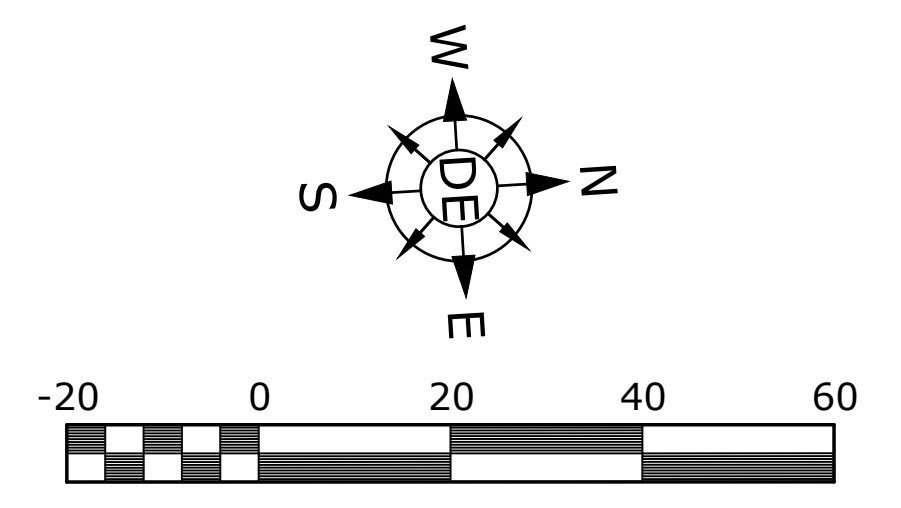
GRAVEL FOREBAY '4A' DETAIL FOR BIORETENTION AREA 4 N.T.S.



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



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)



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
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 Northeast Corner of the Site
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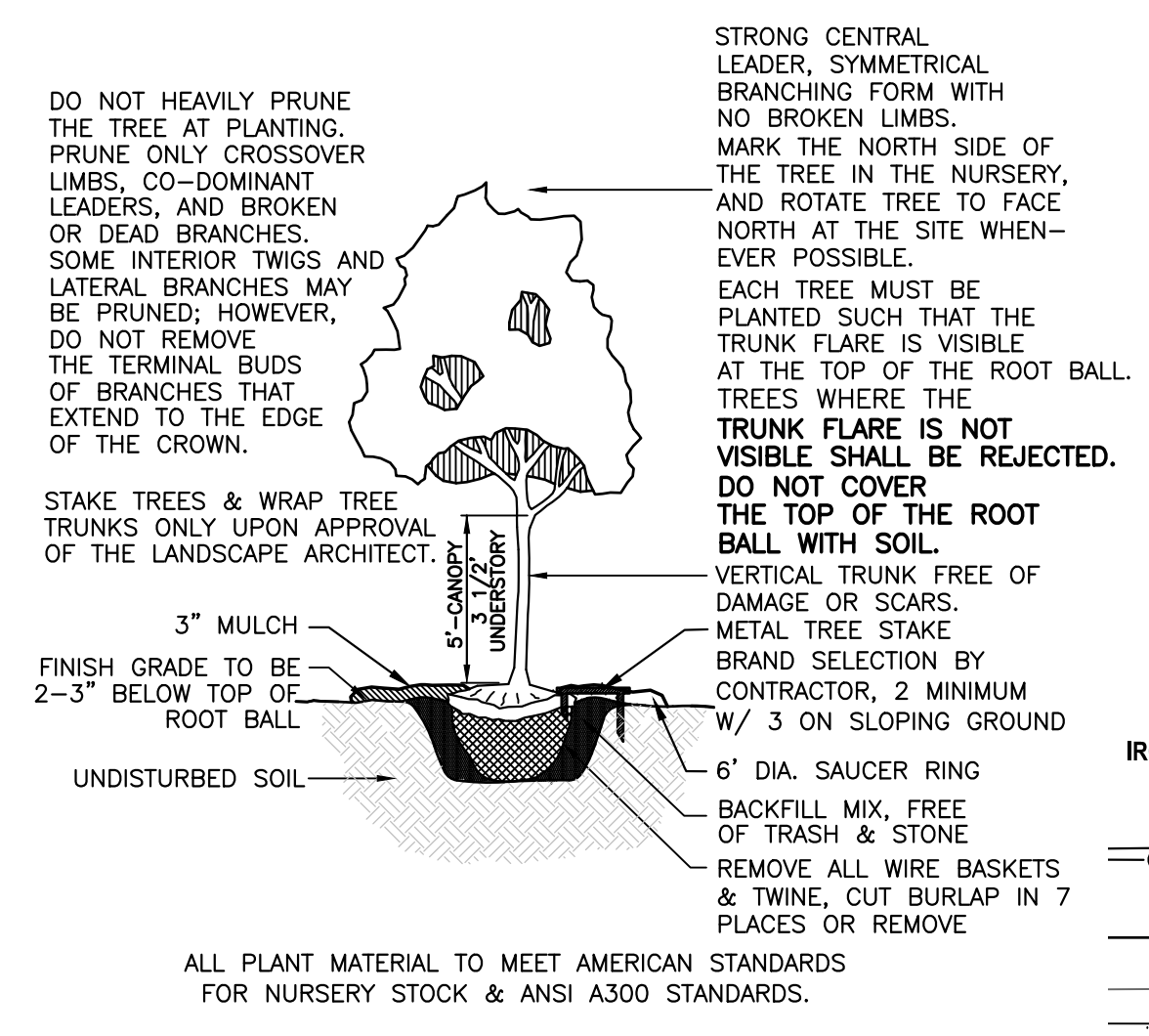
Revisions:

Drawing Notes:

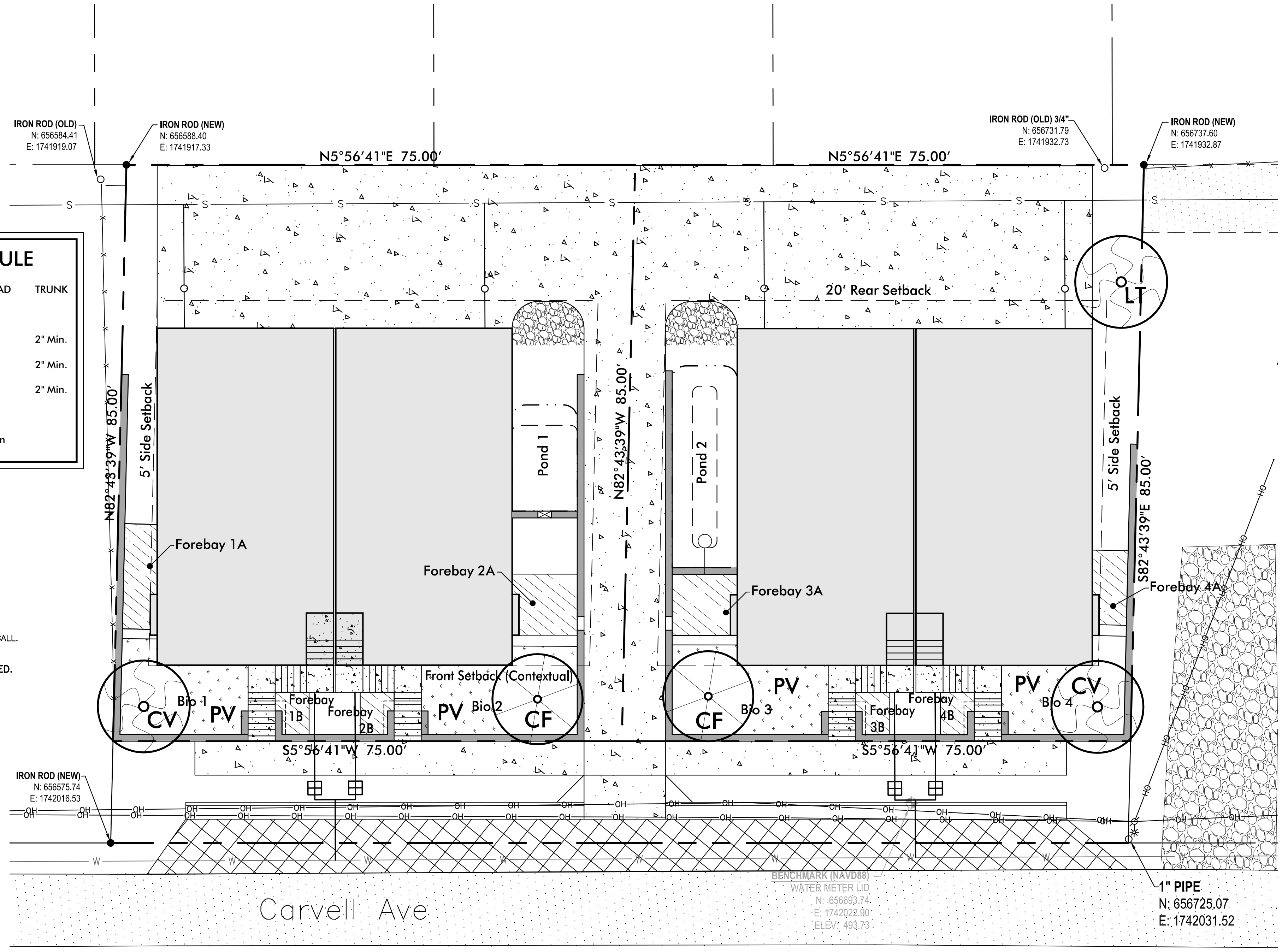
Date: July 27, 2018

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.

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

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

COVERAGE REQUIREMENTS:	75% IN TWO YEARS
1 TREE PER 400 SF	1/400 SF 277/400 = 1 TREE*
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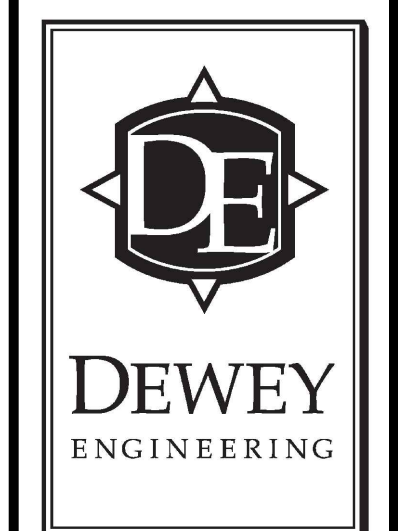
BIORETENTION AREA 1 REQUIREMENTS

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.



Landscape Plan

Job No. 17037

L1.0

6 of 6



From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Subject: BZA positions for Dec. 6 meeting
Date: Tuesday, November 20, 2018 7:31:14 PM

Board members,

You have quite the task ahead of you for this meeting's agenda! Below are my positions on the District 17 items on the Dec. 6 agenda:

2018-522: **Deny**
2018-619: **Strongly deny**
2018-637: **Support**, as applicant has spoken with me
2018-638: **Deny**
2018-644: **Deny**
2018-662: **Strongly deny** based on resident complaints
2018-671: **Deny**
2018-672: **Deny**
2018-677: **Strongly deny**

Thank you, as always, for your service, and Happy Thanksgiving!

Colby

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

2018-522

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 Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

World Finance Corporation of

METROPOLITAN GOVERNMENT OF SHIPLEY AND DAVIDSON COUNTY



Appellant : Tennessee Date: 8/29/18
 Property Owner: Ross Brothers Properties LLC Case #: 2018-560
 Representative: Tim Graves Map & Parcel: 0600401120

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: Renovations and Use & Occupancy for World Finance Corporation of Tennessee

Activity Type: Commercial Renovation & Use and Occupancy

Location: 3134 Dickerson Pike, Nashville

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 Permitted with Conditions

Section(s): 17.16.050 D1

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.

World Finance Corporation of Tennessee
Appellant Name (Please Print)

Tim Graves
Representative Name (Please Print)

108 Frederick Street
Address

8 Industrial Park
Address

Greenville SC 29607
City, State, Zip Code

Hendersonville TN 37075
City, State, Zip Code

864-298-9800 ext 608
Phone Number

615-512-2901
Phone Number

sestes@worldacceptance.com
Email

tim.graves@worldacceptance.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**



3542561

**APPLICATION FOR BUILDING COMMERCIAL - REHAB / CACR - T2018046294
THIS IS NOT A PERMIT**

PARCEL: 06004011200

APPLICATION DATE: 08/06/2018

SITE ADDRESS:

3134 DICKERSON PIKE NASHVILLE, TN 37207
LOT 3 COATS INDUSTRIAL PARK 1ST REV

PARCEL OWNER: ROSS BROTHERS PROPERTIES, LLC

APPLICANT:**PURPOSE:**

Need survey to reflect distance from ALL other alternative financial services establishments. 3101 Dickerson Pike is a SPEEDY CASH, CASH LOAN an alternative financial services business.

Tenant improvement of existing space for World Finance

POC: Beverly Washington 615-504-6009

office 615-255-7725**

*PURSUANT TO ORDINANCE NO 2008-1263 of the Metropolitan Code of Laws, I, holder of this permit, hereby certify that all construction and demolition waste generated by any and all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction or demolition waste shall be stored on the property in violation of any provisions of the Metropolitan Code

*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	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[F] Address Review On Bldg App		862-8781 bonnie.crumby@nashville.gov
CA - Zoning Sidewalk Requirement Review		
[B] Building Plans Received		615-862-6614 teresa.patterson@nashville.gov
[B] Building Plans Review		615-862-6581 Teresa.Patterson@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[B] Fire Sprinkler Requirement		862-5230
[E] Cross Connect Review For Bldg App	COND	615-862-6825 Sara.Jinnette@nashville.gov
[A] Bond & License Review On Bldg App		
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[E] Grease Control Review On Bldg App		862-4590 ECO@nashville.gov
[D] Grading Plan Review For Bldg App	APPROVED	(615) 862-6038 Logan.Bowman@nashville.gov

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.R.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 letter sent to Lisa Butler, Zoning Examiner I, on

August 20, 2018 outlining how our business model is substantially different than Speedy Cash, Cash & Title Loans; the distance is only 264 feet short of the required 1320 feet; and past tenants classified as "alternative financial services have been allowed to operate at this location in the recent past.

APPLICATIONS FOR VARIANCE REQUESTS

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

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

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

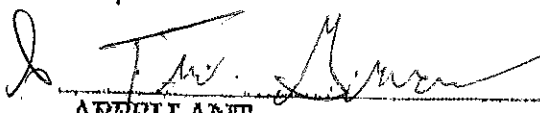
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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



APPELLANT

Tim Graves on behalf of World Finance
Corporation of Tennessee

DATE

8/29/18

Measure District

1200

17.16.060

6. Community education facilities having a valid use and occupancy permit on the effective date of the ordinance codified in this code, and which cannot satisfy the locational or design standards of this section, may petition the board of zoning appeals as a special exception use under the provisions of Article III of this chapter.

7. Required School Site Dedications. All required school site dedications shall follow the zoning requirements in effect at the time the dedication requirement was approved by the metropolitan council through the adoption of an amendment to the official zoning map, or the current requirements of Section 17.16.040, whichever is the least restrictive.

8. Adaptive Reuse. Community education facilities shall be permitted to operate within an existing structure, regardless of lot size, subject to the following conditions:

a. A valid use and occupancy permit was issued for the structure for use as a community education facility or a religious institution at any point within the previous five year period.

b. The property upon which the structure is located has not been subdivided since the cessation of the previous use as a community education facility or religious institution in such a manner so as to reduce the lot size below the minimum lot size for community education facilities provided in this section.

B. Vocational School.

1. Landscape Buffer Yard. Screening in the form of landscape buffer yard B shall be applied along common property lines.

2. Setback. Whenever a vocational school structure intended for vehicle repair, truck driving, manufacturing, production, or industrial equipment abuts a residential zone district or district permitting residential use, there shall be a minimum setback of fifty feet.

3. Street Standard. At a minimum, a vocational school shall have driveway access on a collector street. (Ord. BL2015-1098 §§ 2, 3, 2015; Amdt. 1 with Ord. BL2002-1273 § 6, 2003; Amdt. 1, 2 with Ord. BL2002-1171 § 6, 2002; Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 4.2(B), 1997)

17.16.050 Office uses.

(Refer to zoning district land use table)

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B. General Office. A general office shall be limited to two thousand five hundred square feet of gross floor area per establishment.

C. Leasing/Sales Office. A leasing/sales office shall be limited to two thousand five hundred square feet of gross floor area per establishment.

D. Alternative Financial Services.

1. No alternative financial services establishment shall be located less than one thousand three hundred twenty linear feet from the property line of another property upon which another alternative financial services establishment is located.

2. Alternative financial services establishments in the MUN, MUN-A, ON, and CN zoning districts shall be limited to two thousand five hundred square feet of gross floor area per establishment. (Ord. BL2016-132 § 5, 2016; Amdt. 1 to Ord. BL2016-117 § 4, 2016; Ord. BL2016-117 § 4, 2016; Ord. BL2015-1153 § 15, 2015; Ord. BL2014-908 § 3, 2014; Ord. BL2008-169 § 3, 2008; Ord. 96-555 § 4.2(C), 1997)

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(Refer to zoning district land use table)

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B. Veterinarian. The building footprint of veterinary offices and facilities shall be limited to two thousand five hundred square feet with no more than two establishments per lot. The following shall apply:

1. Animal boarding shall occur within completely enclosed structures.

2. Landscape Buffer Yard. Outdoor exercise yards shall be completely fenced and used only between seven a.m. and seven p.m. Where such outdoor activities abut a residential zone district or district permitting residential use, landscape buffer yard Standard B shall apply along common property lines. A six-foot opaque vertical fence may substitute for landscaping; however the buffer yard width of landscape buffer yard Standard B shall still apply along common property lines.

3. Boarding Kennel. Kennels for the boarding of companion animals not undergoing medical treatment are permitted as an ancillary use subject to the following conditions.

a. No more than thirty percent of the gross floor area of the veterinary clinic may be used as a boarding kennel.

b. No outdoor kennels or runs are permitted.

c. No part of any building or structure in which animals are housed shall be closer than fifty feet from any existing residence located on an adjacent parcel.

d. Cages. For a kennel, each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to



World Acceptance Corporation

Post Office Box 6429 · Greenville, South Carolina 29606

August 20, 2018

VIA USPS and Email (lisa.butler@nashville.gov)

Metropolitan Government of Nashville and Davidson County
 ATTN: Lisa Butler, Zoning Examiner II
 Department of Codes & Building Safety
 PO Box 196300
 Nashville, TN 37219

RE: 3134 Dickerson Pike
 Request for Variance of Zoning Ordinance 17.16.050 D(1)

Dear Ms. Butler:

World Finance Corporation of Tennessee d/b/a World Finance Loan and Taxes ("World") is in the midst of negotiating a lease agreement for the property known as 3134 Dickerson Pike. In doing so, it has come to our attention that there is a Zoning Ordinance 17.16.050 D(1) ("Ordinance") which may impact our plans to use this space.

The location's previous tenant was Advance America which was offering title loans. Speedy Cash, Cash & Title Loans ("Speedy Cash") is currently offering title loans at 3101 Dickerson Pike. These similar businesses are located 0.2 miles or 1,056 feet from one another and were both in operation as recently as November 2017 (see attached **Exhibit A**).

World is requesting a variance on the grounds stated below.

1. While we understand that World and Speedy Cash are both considered "alternative financial services", our company does not offer title loans. World offers installment loans and tax preparation services which we believe makes our business model substantially different than Speedy Cash.
2. The distance between the two properties is only 264 feet short of the required 1,320 feet set forth in the Ordinance.
3. Past tenants classified as "alternative financial services" have been allowed to do business at this location.

Please let World know if you need any further information or have any questions about our company as we would like to continue to grow and support the Nashville area. Our aim is to be a good corporate citizen and assist the local government as best we can.

Feel free to contact me to discuss. My telephone number is 864-298-9801 ext. 216 or you may email me at rknight@worldacceptance.com. Thank you in advance for your time and consideration. I look forward to hearing from you.

Best regards,

Roland Knight
 Corporate Counsel

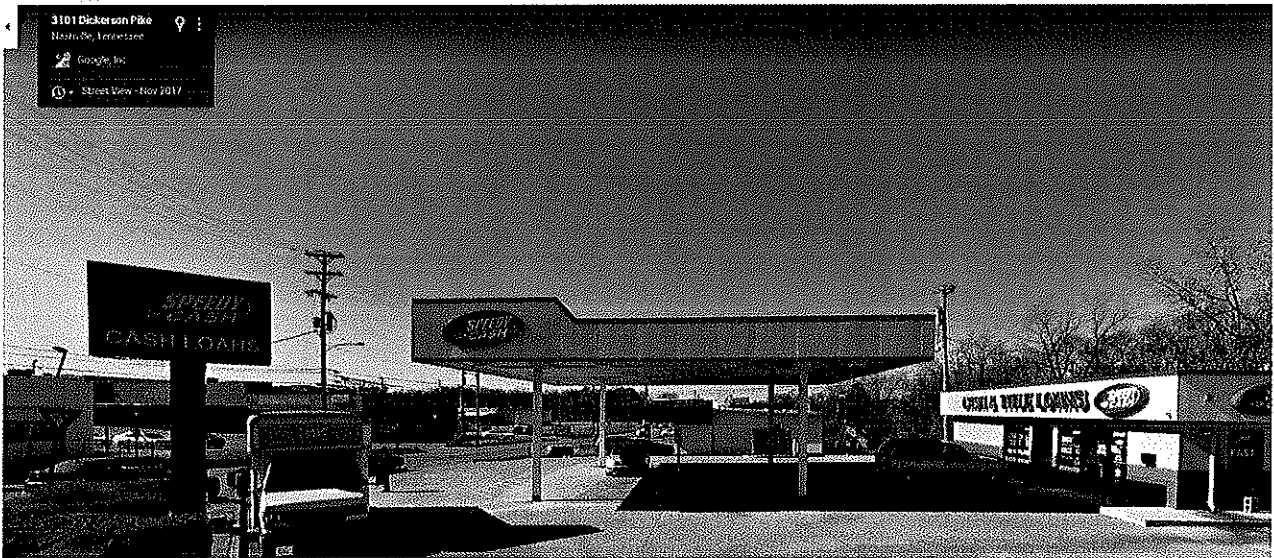
cc: Stacey Estes, Vice President Lease Administration

Enclosure

Exhibit A



3134 Dickerson Pike as of November 2017



3101 Dickerson Pike as of November 2017

Nashville / Davidson County Parcel Viewer



August 24, 2018

Ownership Parcels

Planned Unit Development

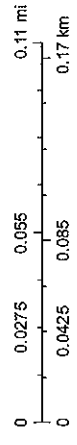
Zoning

Ownership Parcels

Planned Unit Development

Zoning

1:2,257



Nashville Planning Department, MetroGIS
Metro GIS

Made by: Metro GIS



World Acceptance Corporation

Post Office Box 6429 · Greenville, South Carolina 29606

August 20, 2018

VIA USPS and Email (lisa.butler@nashville.gov)

Metropolitan Government of Nashville and Davidson County
ATTN: Lisa Butler, Zoning Examiner II
Department of Codes & Building Safety
PO Box 196300
Nashville, TN 37219

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Roland Knight
Corporate Counsel

cc: Stacey Estes, Vice President Lease Administration

Enclosure

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3101 Dickerson Pike as of November 2017

Nashville / Davidson County Parcel Viewer



August 24, 2018

polygonLayer

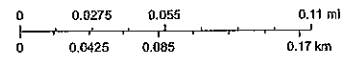
Override 1

Ownership Parcels

Planned Unit Development

Zoning

1:2,257



Nashville Planning Department, MetroGIS
Metro GIS

Made by: Metro GIS

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, w location designated people (within 300 on the mail list, giv there is opposition, hearing.

You must make do these people. Failur

Not sure if they need this form? if so please sign and attach. Otherwise toss. Thank you, Betty

persons within 300 feet of the quired by law to notify these hat you contact those persons a and discuss your request. If r concerns prior to the public

arning your efforts to contact of your request.

Signature of Appellant or Representative

From: [Ammarell, Beverly \(Public Works\)](#)
To: [Lifsey, Debbie \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#)
Cc: [Doyle, Devin \(Public Works\)](#)
Subject: 10/18/18 BZA meeting
Date: Friday, September 28, 2018 2:34:07 PM

2018-560 3134 Dickerson PK World Finance Renovations and U&O

Variance: 17.16.050 D1 variance to permitted with conditions

Response: Public Works takes no exception. This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

2018-565 829 Lischey Ave residential and office mixed use

Variance: 17.12.035D front setback; 17.12.060F height variance

Response: Public Works takes no exception. This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

SunTrust Plaza
401 Commerce Street
Suite 800
Nashville, TN 37219
(615) 782-2200
(615) 782-2371 Fax

Appeal Case #2018-560

J. David Wicker
(615) 782-2294
dwicker@stites.com

Jon Michael
Secretary
Metropolitan Board of Zoning Appeals
800 Second Avenue South
Nashville, Tennessee 37210

Re: Item A Appeal (Parcel ID # 06004011200)

Dear Jon:

I represent World Finance Corporation of Tennessee, a Tennessee corporation, d/b/a World Finance Loan and Taxes ("World Finance"), in connection with its rejected Application for Building Commercial – Rehab / CACR - T2018046294, dated August 6, 2018 (the "Application"), by the Department of Codes and Building Safety ("Metro Codes"). A copy of the Application is attached hereto as Exhibit A. As part of the zoning review, it was determined that World Finance is required to submit a survey reflecting distance from all other alternative financial services establishments and that 3101 Dickerson Pike is an alternative financial service less than 900 feet away from the site address. However, World Finance is not an "alternative financial service" and thus is not subject to this requirement and/or restriction. World Finance appeals the zoning administrators determination to classify World Finance as an "alternative financial institution" and not a "financial institution" pursuant to Section 17.40.180A of the Zoning Code and Tennessee Code Annotated 13-7-207.

Background

On August 29, 2018, World Finance filed its appeal pursuant to Section 17.40.180B of the Zoning Code in regards to this matter and requested a variance to Section 17.16.050 of the Zoning Code (the "Appeal"). A copy of the Appeal is attached hereto as Exhibit B. In the Appeal, World Finance erroneously argued that it was an alternative financial service while noting in fact that it only offers installment loans and tax preparation. After review of the facts, the Appeal, Ordinance No. BL2018-1279 (attached hereto as Exhibit C), and the definitions of "alternative financial services" and "financial institution" of Section 17.16.060 of the Zoning Code, it was determined that World Finance should have filed the Appeal as an Item A appeal. Accordingly, updated notices were drafted on November 8, 2018 and this matter was continued December 6, 2018.

Jon Michael
Appeal Case #2018-560
Page 2

Facts

World Finance has operated continuously in Tennessee since 1993 and operates over 100 licensed Tennessee industrial loan and thrift company (“TILT”) locations in the state, as regulated by Tennessee Code Annotated 45-5-100 *et al.* The property in question is intended to serve as a relocation of World Finance’s current location downtown at 304 Church Street, Nashville, Tennessee 37201 operating under license no. 809.

Ordinance No. BL2018-1279 was approved this year to clarify this exact issue. Its purpose, among other things, was to amend sections 17.04.060 and 17.16.050 of the Zoning Code relative to the definition of alternative financial services and financial institution. Per the legal analysis for BL2018-1279, the definition of “alternative financial services” would be amended to exclude an “industrial loan and thrift company” defined under state law to refer to businesses engaged in making loans and imposing interest rates and loan charges authorized under Title 45, Chapter 5 of the Tennessee Code Annotated and providing only the services authorized under that chapter. A copy of the legal analysis is attached hereto as Exhibit D. Furthermore, it was noted that an “industrial loan and thrift company” would be included in the definition of “financial institution.” Lastly, as noted therein, ordinance further amends the definition of “alternative financial institutions” to include any entity offering financial services that is not determined to be a “financial institution.”

World Finance is a TILT and only offers installment loans as a lending product. Accordingly, it meets the definition of a “financial institution” therefore cannot be an “alternative financial institution”. Therefore the Board of Zoning Appeals should find that the zoning administrators determination to classify World Finance as an “alternative financial institution” and not a “financial institution” was issued in error. It should be determined that World Finance is a “financial institution”, is therefore not subject to the restrictions of Section 17.16.050 of the Zoning Code, and its Application should be approved.

Very truly yours,

J. David Wicker

JDW:tbw

::

Exhibit A



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



3542561

APPLICATION FOR BUILDING COMMERCIAL - REHAB / CACR - T2018046294

THIS IS NOT A PERMIT

PARCEL: 06004011200

APPLICATION DATE: 08/06/2018

SITE ADDRESS:

3134 DICKERSON PIKE NASHVILLE, TN 37207
LOT 3 COATS INDUSTRIAL PARK 1ST REV

PARCEL OWNER: ROSS BROTHERS PROPERTIES, LLC

APPLICANT:**PURPOSE:**

Need survey to reflect distance from ALL other alternative financial services establishments. 3101 Dickerson Pike is a SPEEDY CASH, CASH LOAN an alternative financial services business.

Tenant improvement of existing space for World Finance

POC: Beverly Washington 615-504-6009

office 615-255-7725**

*PURSUANT TO ORDINANCE NO 2008-1263 of the Metropolitan Code of Laws, I, holder of this permit, hereby certify that all construction and demolition waste generated by any and all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction or demolition waste shall be stored on the property in violation of any provisions of the Metropolitan Code

*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	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[F] Address Review On Bldg App		862-8781 bonnie.crumby@nashville.gov
CA - Zoning Sidewalk Requirement Review		
[B] Building Plans Received		615-862-6614 teresa.patterson@nashville.gov
[B] Building Plans Review		615-862-6581 Teresa.Patterson@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[B] Fire Sprinkler Requirement		862-5230
[E] Cross Connect Review For Bldg App	COND	615-862-6825 Sara.JInnette@nashville.gov
[A] Bond & License Review On Bldg App		
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[E] Grease Control Review On Bldg App		862-4590 ECO@nashville.gov
[D] Grading Plan Review For Bldg App	APPROVED	(615) 862-6038 Logan.Bowman@nashville.gov

Exhibit B

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF METRO AND DAVIDSON COUNTY



World Finance Corporation of

Appellant: Tennessee Date: 8/29/18
Property Owner: Ross Brothers Properties LLC Case #: 2018-560
Representative: Tim Graves Map & Parcel: 0600401120

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: Renovations and Use & Occupancy for World Finance Corporation of Tennessee

Activity Type: Commercial Renovation & Use and Occupancy

Location: 3134 Dickerson Pike, Nashville

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 Permitted with Conditions
Section(s): 17.16.050 D1

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.

World Finance Corporation of Tennessee
Appellant Name (Please Print)

108 Frederick Street
Address

Greenville SC 29607
City, State, Zip Code

864-298-9800 ext 608
Phone Number

sestes@worldacceptance.com
Email

Tim Graves
Representative Name (Please Print)

8 Industrial Park
Address

Hendersonville TN 37075
City, State, Zip Code

615-512-2901
Phone Number

tim.graves@worldacceptance.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**



3542561

APPLICATION FOR BUILDING COMMERCIAL - REHAB / CACR - T2018046294

THIS IS NOT A PERMIT

PARCEL: 06004011200

APPLICATION DATE: 08/06/2018

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3134 DICKERSON PIKE NASHVILLE, TN 37207
LOT 3 COATS INDUSTRIAL PARK 1ST REV

PARCEL OWNER: ROSS BROTHERS PROPERTIES, LLC

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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 2.8, 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 letter sent to Lisa Butler, Zoning Examiner I, on

August 20, 2018 outlining how our business model is substantially different than Speedy Cash, Cash & Title Loans; the distance is only 264 feet short of the required 1320 feet; and past tenants classified as "alternative financial services have been allowed to operate at this location in the recent past.

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 sign 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) 862-6830

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


APPELLANT

Tim Graves on behalf of World Finance
Corporation of Tennessee

8/29/18
DATE

Measure District

1200

17.16.060

6. Community education facilities having a valid use and occupancy permit on the effective date of the ordinance codified in this code, and which cannot satisfy the locational or design standards of this section, may petition the board of zoning appeals as a special exception use under the provisions of Article III of this chapter.

7. Required School Site Dedications. All required school site dedications shall follow the zoning requirements in effect at the time the dedication requirement was approved by the metropolitan council through the adoption of an amendment to the official zoning map, or the current requirements of Section 17.16.040, whichever is the least restrictive.

8. Adaptive Reuse. Community education facilities shall be permitted to operate within an existing structure, regardless of lot size, subject to the following conditions:

a. A valid use and occupancy permit was issued for the structure for use as a community education facility or a religious institution at any point within the previous five year period.

b. The property upon which the structure is located has not been subdivided since the cessation of the previous use as a community education facility or religious institution in such a manner so as to reduce the lot size below the minimum lot size for community education facilities provided in this section.

B. Vocational School.

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(Refer to zoning district land use table)

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1. Animal boarding shall occur within completely enclosed structures.

2. Landscape Buffer Yard. Outdoor exercise yards shall be completely fenced and used only between seven a.m. and seven p.m. Where such outdoor activities abut a residential zone district or district permitting residential use, landscape buffer yard Standard B shall apply along common property lines. A six-foot opaque vertical fence may substitute for landscaping; however the buffer yard width of landscape buffer yard Standard B shall still apply along common property lines.

3. Boarding Kennel. Kennels for the boarding of companion animals not undergoing medical treatment are permitted as an ancillary use subject to the following conditions.

a. No more than thirty percent of the gross floor area of the veterinary clinic may be used as a boarding kennel.

b. No outdoor kennels or runs are permitted.

c. No part of any building or structure in which animals are housed shall be closer than fifty feet from any existing residence located on an adjacent parcel.

d. Cages. For a kennel, each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to



World Acceptance Corporation

Post Office Box 6429 · Greenville, South Carolina 29606

August 20, 2018

VIA USPS and Email (lisa.butler@nashville.gov)

Metropolitan Government of Nashville and Davidson County
ATTN: Lisa Butler, Zoning Examiner II
Department of Codes & Building Safety
PO Box 196300
Nashville, TN 37219

RE: 3134 Dickerson Pike
Request for Variance of Zoning Ordinance 17.16.050 D(1)

Dear Ms. Butler:

World Finance Corporation of Tennessee d/b/a World Finance Loan and Taxes ("World") is in the midst of negotiating a lease agreement for the property known as 3134 Dickerson Pike. In doing so, it has come to our attention that there is a Zoning Ordinance 17.16.050 D(1) ("Ordinance") which may impact our plans to use this space.

The location's previous tenant was Advance America which was offering title loans. Speedy Cash, Cash & Title Loans ("Speedy Cash") is currently offering title loans at 3101 Dickerson Pike. These similar businesses are located 0.2 miles or 1,056 feet from one another and were both in operation as recently as November 2017 (see attached Exhibit A).

World is requesting a variance on the grounds stated below.

1. While we understand that World and Speedy Cash are both considered "alternative financial services", our company does not offer title loans. World offers installment loans and tax preparation services which we believe makes our business model substantially different than Speedy Cash.
2. The distance between the two properties is only 264 feet short of the required 1,320 feet set forth in the Ordinance.
3. Past tenants classified as "alternative financial services" have been allowed to do business at this location.

Please let World know if you need any further information or have any questions about our company as we would like to continue to grow and support the Nashville area. Our aim is to be a good corporate citizen and assist the local government as best we can.

Feel free to contact me to discuss. My telephone number is 864-298-9801 ext. 216 or you may email me at rknight@worldacceptance.com. Thank you in advance for your time and consideration. I look forward to hearing from you.

Best regards,


Roland Knight
Corporate Counsel

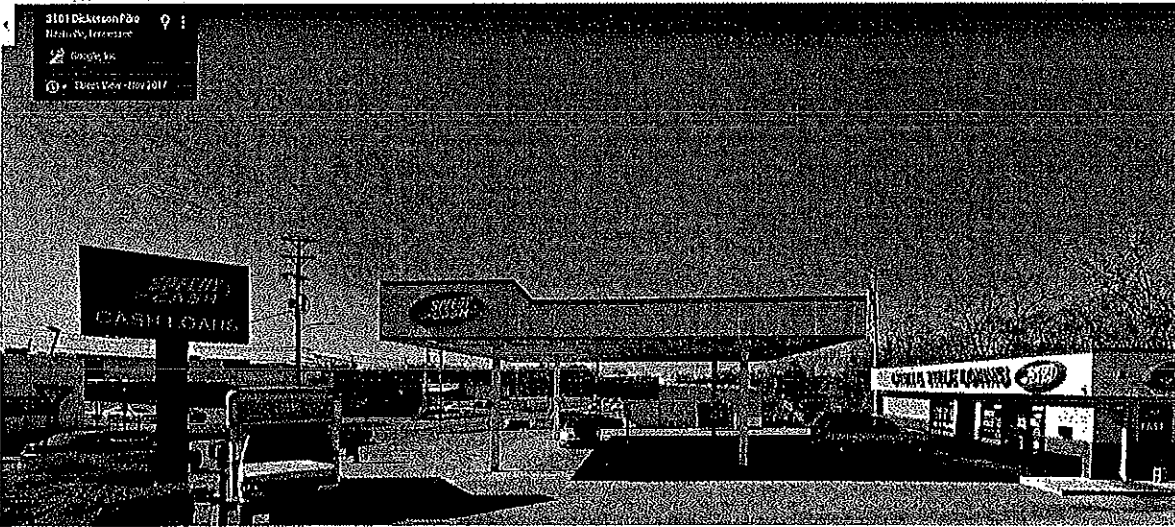
cc: Stacey Estes, Vice President Lease Administration

Enclosure

Exhibit A



3134 Dickerson Pike as of November 2017



3101 Dickerson Pike as of November 2017

Nashville / Davidson County Parcel Viewer



August 24, 2018

polygonLayer

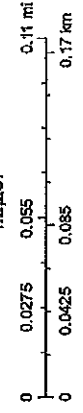
Override 1

Ownership Parcels

Planned Unit Development

Zoning

1:2,257



Nashville Planning Department, MetroGIS
Metro GIS

Made by: Metro GIS



World Acceptance Corporation

Post Office Box 6429 · Greenville, South Carolina 29606

August 20, 2018

VIA USPS and Email (lisa.butler@nashville.gov)

Metropolitan Government of Nashville and Davidson County
ATTN: Lisa Butler, Zoning Examiner II
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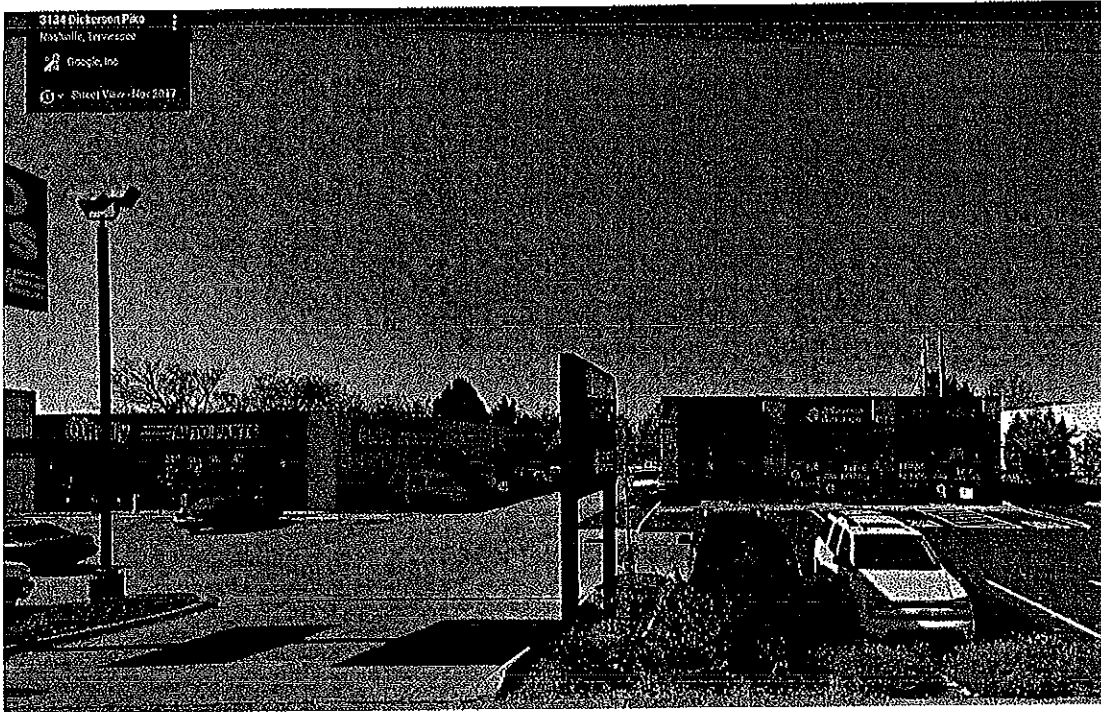
Best regards,

Roland Knight
Corporate Counsel

cc: Stacey Estes, Vice President Lease Administration

Enclosure

Exhibit A



3134 Dickerson Pike as of November 2017



3101 Dickerson Pike as of November 2017

Nashville / Davidson County Parcel Viewer



August 24, 2018

polygentlayer

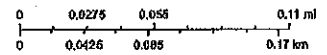
Override 1

Ownership Parcels

Planned Unit Development

Zoning

1:2,257



Nashville Planning Department, MetroGIS
Metro GIS

Made by: Metro GIS

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, w
location designated
people (within 300
on the mail list, giv
there is opposition,
hearing.

You must make do
these people. Failur

Not sure if
they need this
form? if so
please sign and
attach. Otherwise toss.
Thank you, Betty

persons within 300 feet of the
quired by law to notify these
hat you contact those persons
a and discuss your request. If
r concerns prior to the public

urning your efforts to contact
of your request.

Signature of Appellant or Representative

From: Ammareli, Beverly (Public Works)
To: Lifsey, Debbie (Codes); Shepherd, Jessica (Codes)
Cc: Doyle, Devin (Public Works)
Subject: 10/18/18 BZA meeting
Date: Friday, September 28, 2018 2:34:07 PM

2018-560 3134 Dickerson PK World Finance Renovations and U&O

Variance: 17.16.050 D1 variance to permitted with conditions

Response: Public Works takes no exception. This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

2018-565 829 Lischev Ave residential and office mixed use

Variance: 17.12.035D front setback; 17.12.060F height variance

Response: Public Works takes no exception. This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

Exhibit C

[Faint, illegible text block]

ORDINANCE NO. BL2018-1279

An ordinance to amend Metropolitan Code of Laws sections 17.04.060 and 17.16.050 relative to the definition of alternative financial services and financial institution and location restrictions. (Proposal No. 2018Z-004TX-001).

NOW, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 17.04.060 of the Metropolitan Code of Laws be amended by deleting the definition of "Alternative financial services" and substituting in lieu thereof the following:

"Alternative financial services" means any building, room, space or portion thereof where an establishment provides a variety of financial services, including but not limited to cash advance, title loans, check cashing, pawnshops and flex loans, and such establishment is not a state or federally chartered bank, a savings and loan association, industrial loan and thrift company licensed by the state of Tennessee under Title 45, Chapter 5 of the Tennessee Code Annotated and providing only the services authorized under that chapter, or credit union, a mortgage company, a financial institution whose services are insured by an agency of the United States government, or any other entity offering financial services that is not determined to be a financial institution as defined under this section.

Section 2. That Section 17.04.060 be further amended by deleting the definition of "Financial Services" and substituting in lieu thereof the following:

"Financial institution" means any building, room, space or portion thereof where an establishment provides a variety of financial services and is a state or federally chartered bank, savings and loan association, industrial loan and thrift company licensed by the State of Tennessee under Title 45, Chapter 5 of Tennessee Code Annotated and providing only the services authorized under that chapter, or credit union, a mortgage company, or other financial institution whose services are insured by an agency of the United States government, but excluding alternative financial services.

Section 3. That Section 17.16.050 of the Metropolitan Code of Laws be amended by deleting subsection D.1 in its entirety and substituting in lieu thereof the following:

D. Alternative Financial Services.

1. No alternative financial services establishment shall be located less than one thousand three hundred twenty linear feet from the property line of another property upon which another alternative financial services establishment is located. No more than one (1) such establishment shall be located upon a single parcel.

Section 4. This Ordinance shall take effect from and after its passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Bob Mendes
Member of Council, At-Large

Jeff Syracuse

Exhibit D

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Faint, illegible text on the right side of the page.

BILL NO. BL2018-1279 (MENDES & SYRACUSE) – This ordinance would amend the definitions of “alternative financial services” and “financial institution” in Title 17 of the Metropolitan Code of Laws. This ordinance would also clarify that no more than one alternative financial services establishment may be located upon a single parcel.

The definition of “alternative financial services” would be amended to exclude an “industrial loan and thrift company” defined under state law to refer to businesses engaged in making loans and imposing interest rates and loan charges authorized under Title 45, Chapter 5 of the Tennessee Code Annotated and providing only the services authorized under that chapter. An “industrial loan and thrift company” would be included in the definition of “financial institution.”

The ordinance further amends the definition of “alternative financial institutions” to include any entity offering financial services that is *not* determined to be a “financial institution.” In other words, institutions could no longer claim to be in an unregulated “gray zone” not fitting either definition.

Additionally, the ordinance would address concerns arising from current distance requirements whereby “alternative financial institutions” must be 1,320 feet apart *measured from property line to property line*. Because that requirement would theoretically allow multiple alternative financial institutions to be located within a single parcel, the proposed text change would additionally prohibit more than one such institution on any single parcel.

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**

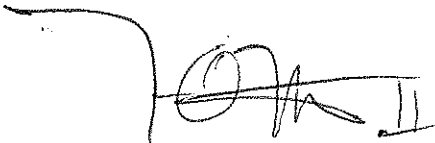
Dear Zoning Appeals Board

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 stylized and includes 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

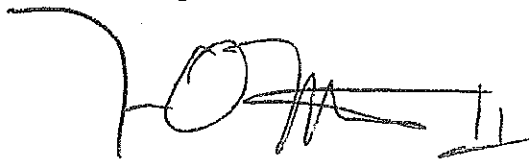
The property at 1506 Church is being developed as a Short-term rental condominium building. We are appealing to have the required parking requirement of 37 spaces reduced to 11. This requirement burdens the development with significant excessive parking requirements. In support of our request, we have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



P R O P E R T I E S

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,

A handwritten signature in black ink that reads "Alfonzo Alexander". The signature is written in a fluid, cursive style.

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 Reserved	101	Customer Reserved	107			
											Employee Reserved	5	Employee Reserved	10			
											Total	0	Total	0			
											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 Case # 2018-566

Photo - Google Photos

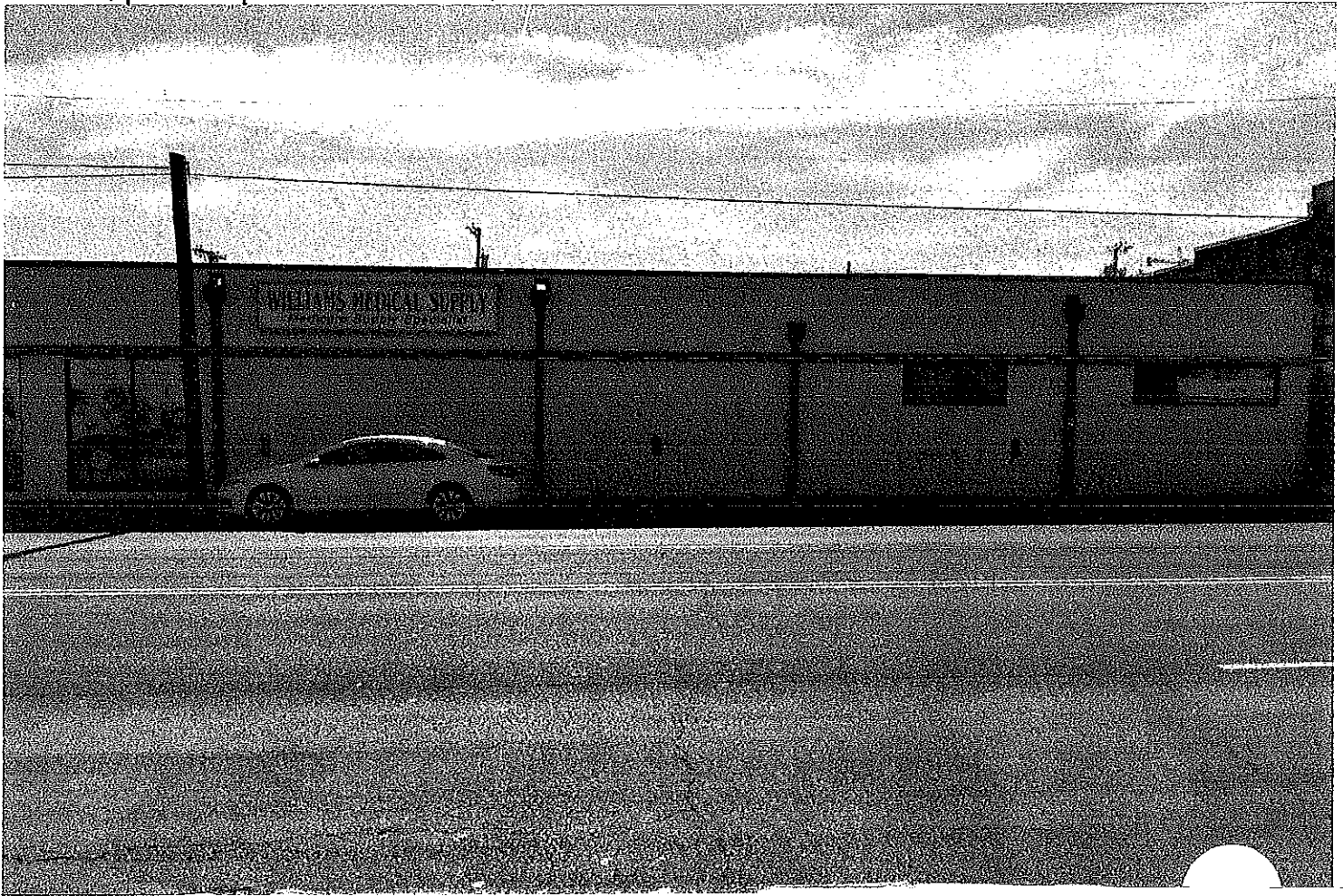


8+ parking spaces on McMillan Contrato is at Church + McMillan

10/12/2018

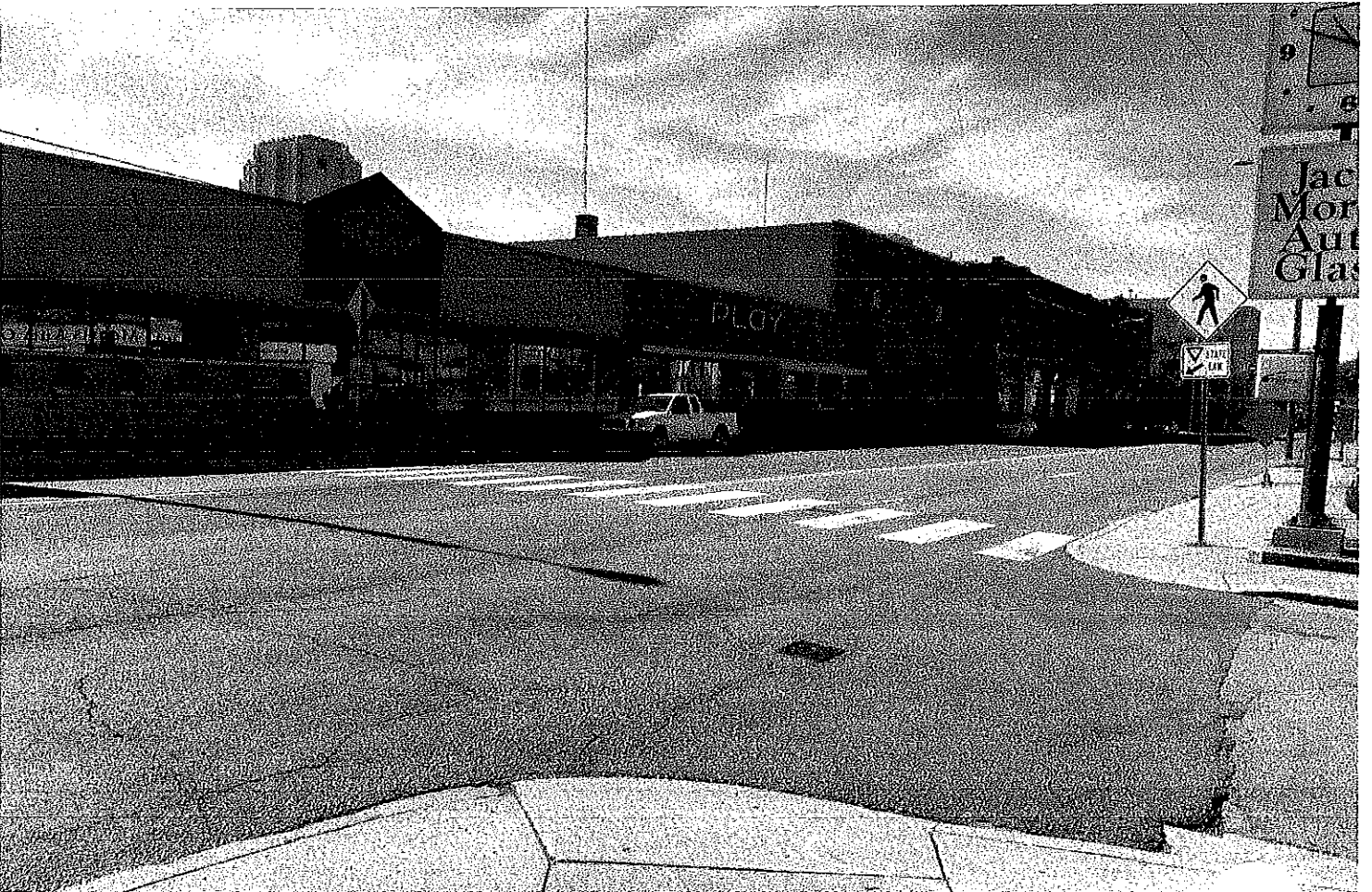
Photo - Google Photos





10/12/2018

Photo - Google Photos



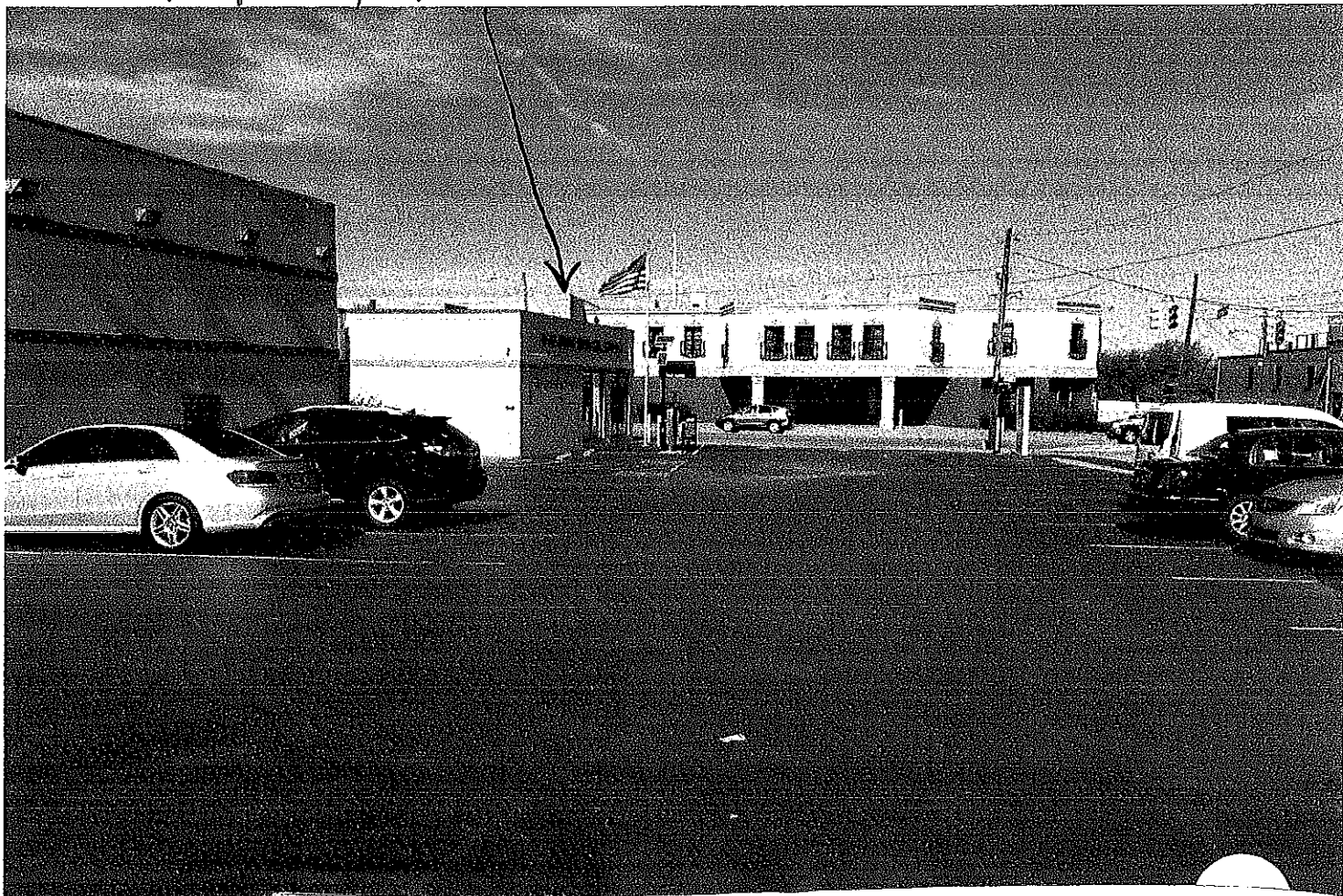
20 parking spaces across the street

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



Support

Lifsey, Debbie (Codes)

From: Justin W. Leach <jleach@mckenzielaird.com>
Sent: Monday, October 1, 2018 1:05 PM
To: Board of Zoning Appeals (Codes)
Subject: 2018-566 / 15th & Church Equity Investors

To Whom It May Concern:

I am a neighbor to the subject property owner. I own a historic home located at 227 15th Avenue North, and I support the appellant's request for a variance from parking requirements. This neighborhood needs more thoughtful development like that contemplated by the appellant.

Please feel free to contact me with any questions. Thank you.

Sincerely,
Justin Leach

oppose

Lifsey, Debbie (Codes)

From: Ann Braun <abraun@essnashville.com>
Sent: Wednesday, October 17, 2018 2:16 PM
To: Board of Zoning Appeals (Codes)
Subject: CAAZ 20180056649 Zoning Appeal for 1506 Church Street

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

2018-566
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,

A handwritten signature in black ink, appearing to read "Ann E. Braun", written over a horizontal line.

Ann E. Braun

Owner & President, ESS Inc.

oppose

Lifsey, Debbie (Codes)

From: Linda Schipani <cralms@aol.com>
Sent: Thursday, October 4, 2018 3:33 PM
To: Board of Zoning Appeals (Codes)
Subject: Appeal Case # 2018-566

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 over-night 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

oppose

Lifsey, Debbie (Codes)

From: Patrick Schipani <phschipani@aol.com>
Sent: Friday, October 5, 2018 11:24 AM
To: Board of Zoning Appeals (Codes)
Subject: Appeal Case Number 2018-566

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

November 30, 2018

VIA EMAIL (bza@nashville.gov)

Dear Board of Zoning Appeals Members:

Equitable Trust Company, Trustee of the J. M. Wilkerson, Jr. Trusts, is the owner of the parcels located at 1515, 1517, and 1519 Church Street. After reviewing the recording of the November 15th hearing, I am writing today to express our strong opposition to the parking variance request from 15th & Church Equity Investors at 1506 Church Street – BZA Case 2018-566. Here are our reasons:

OWNER HAS THE ABILITY TO SOLVE THIS REQUEST HIMSELF. Mr. Molette stated in the November 15th hearing that he owned property adjacent to this project's property on which he intended to build 74 condos. He stated that this project was required to have 70 spaces, and he was providing 105 spaces, for a gain of 35 spaces over code requirements.

It is my understanding that the property owner has the right to find parking at another location within a certain distance of his property to meet the parking requirements of this project. Based upon Mr. Molette's testimony, it would appear that he has the ability between these two projects to provide ample parking for both buildings and thus does not need a parking variance for the Church Street project. He should work this out with his investors and the Codes Department and not through the BZA.

NEARLY EVERY NEIGHBOR OPPOSED. It is my understanding that nearly every adjacent business to this project is now on record opposing this variance request. That should be a clear indication of the negative impact that this variance will have on his neighbors and the neighborhood.

It is my understanding that one of the requirements for the variance, in addition to proving a hardship, is "no injury to neighboring property." The property owner clearly shows our buildings in his example of "ample street parking," which means he clearly wants to use that street parking for *his* tenants. It is my belief that this will directly impact *our* tenants' businesses in a negative way.

PARKING REQUIREMENT ALREADY REDUCED. This project will have 52 units, which are required by Codes to have 53 spaces. That number has **ALREADY BEEN REDUCED** to a Code-required 37 spaces based on public access and transit reductions. Codes already allows for 30% of the units (16) in this building to NOT have a parking space. If the variance is granted, only 20%

Board of Zoning Appeals
November 30, 2018
Page Two

of the units would have a parking space with NO spaces at all for the retail space. We believe that this is excessive.

PRIVATE CONDOS / NOT A HOTEL. It was argued at the November 15th hearing that this would be similar to the Graduate Hotel parking variance that was given by the BZA in November 2017. However, it is my understanding that the Graduate Hotel variance asked to provide 57% of the required parking spaces (provide 117 of the 202 required) based on the fact that the hotel was only blocks away from a different zone that required fewer spaces AND sister hotel data showing actual parking needs that were less than what was required by codes in this zone.

The Church Street project at issue is asking to provide only 30% of the required spaces (11 of 37) and, to my knowledge, has provided no evidence that this project will be limited permanently to being short-term, hotel-like rentals. There are no known covenants that restrict an owner's use, and therefore the comparison to a hotel, in my opinion, is simply not accurate.

Even if the Board were to believe that the proposed short-term rental use will happen in perpetuity, the owner is asking for a far greater variance than was approved for the Graduate Hotel.

COMPLETE LACK OF HARDSHIP. The owner has not described a legitimate hardship that would warrant a parking variance, especially since he has a remedy in which he is in full control.

While we are generally pleased to support the development of this land, and wish Mr. Molette and his investors well in this project, we cannot support the request for less parking than required by Metro Codes. We urge you to vote "No" on this request.

Sincerely,

Equitable Trust Company, Trustee

By: 
W. Keith Keisling, Vice President & Trust Officer

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



Appellant: Brad Bers
Property Owner: " "
Representative: " "

Date: 9/19/18
Case #: 2018-590
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

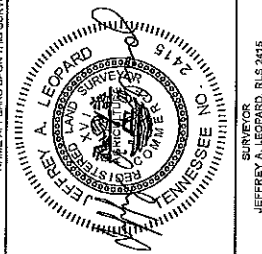
R6





LICENSED IN TN, KY, & AL
1198 OLD PINNACLE RD. DUBLIN, TN 37000
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 RECIPIENT BY THE SURVEYOR WHOSE NAME APPEARS UPON THIS SURVEY.



SURVEYOR
JEFFREY A. LEOPARD, RLS 2415

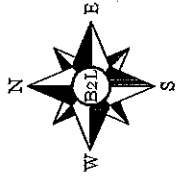
GENERAL NOTES:
1) BEARINGS BASED ON TENNESSEE STATE PLANE COORDINATE SYSTEM CALCULATED FROM GPS OBSERVATIONS.
2) ALL DISTANCES MEASURED WITH EDM. EQUIPMENT AND ARE ADJUSTED FOR TEMPERATURE.
3) ALL DISTANCES MEASURED WITH EDM. EQUIPMENT AND ARE ADJUSTED FOR TEMPERATURE.
4) ALL DISTANCES MEASURED WITH EDM. EQUIPMENT AND ARE ADJUSTED FOR TEMPERATURE.
5) THIS DOCUMENT MUST BE COMPARED TO THE ORIGINAL HARD COPY ISSUED BY THE SURVEYOR TO THE ORIGINAL HARD COPY TO INSURE THE ACCURACY OF THE INFORMATION AND TO INSURE THE ORIGINAL HARD COPY IS THE ORIGINAL HARD COPY.
6) BEARINGS AND DISTANCES SHOWN TAKE PRECEDENCE OVER SCALE.
7) HORIZONTAL DATUM: NAD 83.
8) PROPERTY CURRENTLY ZONED: RM (AS PER TAX CARD).
9) THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE TENNESSEE SURVEYING ACT AND IS CONSIDERED AS PART OF THE SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OF FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THE TRACT.

REVISION TABLE
1. -
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
TAX MAP ID: 1030806680
DAVIDSON COUNTY, TENNESSEE
DRAWING SCALE: 1"=50'
DRAWN BY: JL
CHECKED BY: CS
FIELD CREW: JUBB

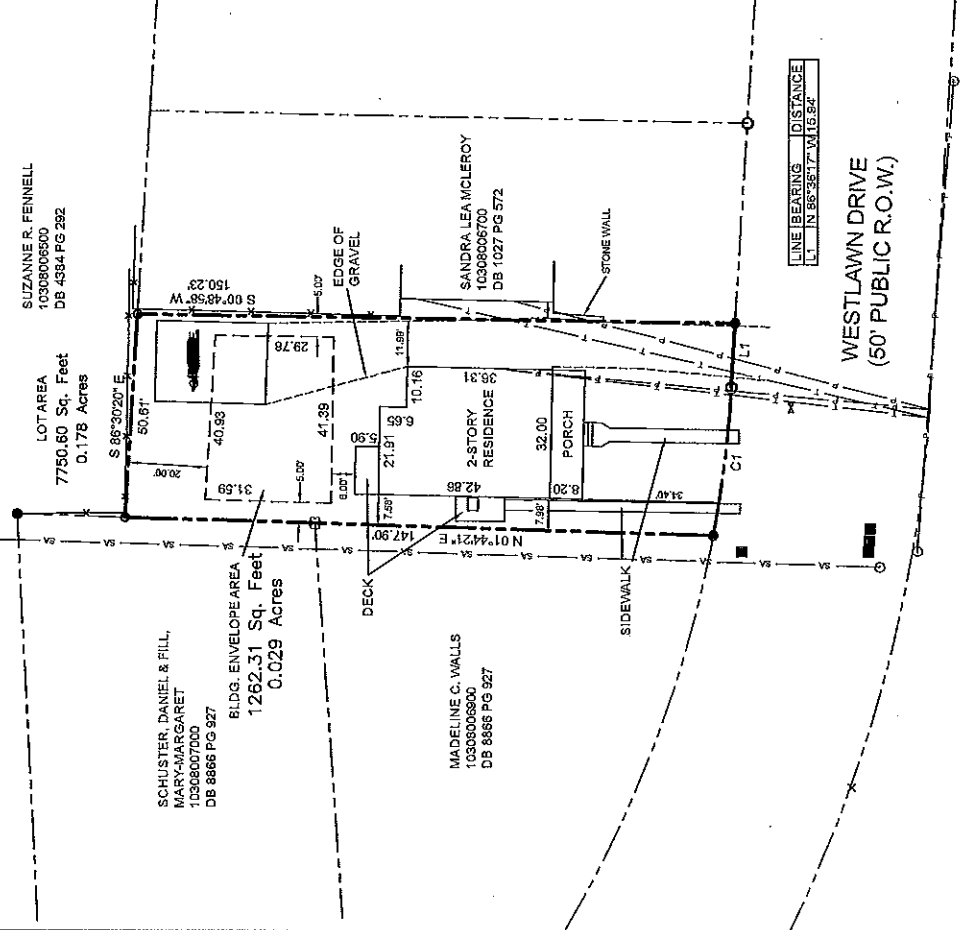
PROJ. # : 087E
DATE: 7-25-18
DATE: 7-25-18
DATE: 7-17-18

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 NEEDS AND PLATS OF RECORD AND DOES NOT REPRESENT A TITLE SEARCH OR A GUARANTEE OF TITLE. IT IS SUBJECT TO ANY STATE OF FACTS A CURRENT AND ACCURATE TITLE SEARCH AND RECORDS REVEALS. NO LIABILITY WILL BE ACCEPTED BEYOND THAT OF THE SURVEYOR UNDER THE STATUTE OF LIMITATIONS (T.C.A. 26-2-114 & T.C.A. 26-2-202) ORIGINATING FROM THE FIELD DATE SHOWN HEREON.

NOTE: THE CERTIFICATION PROVIDED ON THIS SURVEY IS PURELY A STATEMENT OF FACTS AND DOES NOT CONSTITUTE A GUARANTEE OF INFORMATION AND BEARS BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE PROVIDED BY OTHERS. NOTE: THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.

NOTE: UNDER PROVISIONS OF THE TENNESSEE LAND SURVEYING ACT AND REGULATIONS SET FORTH BY THE NASHVILLE/DAVIDSON COUNTY REGIONAL PLANNING COMMISSION. NOTE: CONTACT PROPER AUTHORITIES BEFORE CONSULTING NEAR UTILITY LINES FOR PROPER EASEMENT WIDTHS & RESTRICTIONS.

THIS SURVEY WAS COMPLETED TO THE MINIMUM STANDARDS AS REGULATED UNDER THE AUTHORITY OF SECTION 26-2-3-07 OF THE TENNESSEE LAND SURVEYING ACT AND REGULATIONS SET FORTH BY THE NASHVILLE/DAVIDSON COUNTY REGIONAL PLANNING COMMISSION. NOTE: 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 RECIPIENT BY THE SURVEYOR WHOSE NAME APPEARS UPON THIS SURVEY.



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: 

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
CS512-639

NASHVILLE ELECTRIC SERVICE
PREMISE HISTORY

3/02/18
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

01

02

03

04

05

06 52792 TOTTY, S K 4/01/72 1/19/17
TNOF

07 1332036 BARS, BRADLEY JOSEPH 1/19/17
BARS, JOSEPH J 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
CS512-639

NASHVILLE ELECTRIC SERVICE
PREMISE HISTORY

3/02/18
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

01

02

03

04

05

06 52791 TOTTY, S K 5/29/84 1/19/17
TNOF

07 1332036 BARS, BRADLEY JOSEPH 1/19/17
BARS, JOSEPH J TNAD

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

9/19/18

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?

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

General Affidavit

State of TENNESSEE
County of DAVIDSON

Before the undersigned, an officer duly commissioned by the laws of TENNESSEE, on this 2nd day of NOVEMBER, 2018, personally appeared

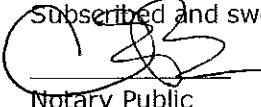
MADELINE WALLS who having been first duly sworn depose and say:

4404 Westlawn Dr is a duplex that has always been rented by the Totty's from 90s - 2017. The renters were Evelyn and Carmen and they were nurses at Centennial for that time. In 2017 it was rented to Chris Soren and 2018 to Flip Holsinger.

Madeline Walls
Maker of Affidavit

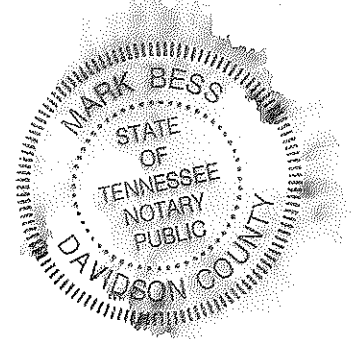
2015 nw 112-118

Subscribed and sworn to before me this 2nd day of NOVEMBER, 2018.



Notary Public

My Commission Expires on: July 9 2022



My Commission Expires
July 09, 2022

General Affidavit

State of Tennessee
County of Davidson

Before the undersigned, an officer duly commissioned by the laws of Tennessee, on this 2nd day of November, 2018, personally appeared Richard Fulton POA Sammie Fulton who having been first duly sworn depose and say:

As previous owner of 4404 Westlawn Drive, Nashville, TN 37209, I, Sammie (Totty) Fulton and the Totty family rented out the upstairs part of the duplex to Centennial and Vanderbilt shift nurses from 1992- September 2015 with the longest gap between tenants being 3 months. It was just simply easier to keep the power in our name since they were mostly shift nurses and tenants would change

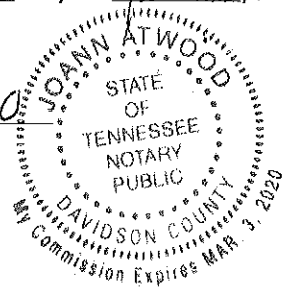
Before 1992, it was also rented out to family from Dickson County as they were tenants with similar situation and gap as the nurses.

Richard Fulton Full Fulton
Maker of Affidavit

Subscribed and sworn to before me this 2nd day of November 2018.

JoAnn Atwood
Notary Public

My Commission Expires on: 3/3/2020



PHILIP L. HOLSINGER
1366 HINKLEY HOLLOW RD.
PORTSMOUTH, OH 45682-8870

81-43/829

NOV 24 518

Part of
The Order of
One Thousand and Three Hundred
\$ 1,300.00

Heat Sensitive Ink

Simmons Bank
MEMBER FDIC



MEMBER

Kent

[Signature]

MP

:08 290043 2: :

607268211 0518

LOOK FOR PRINTED FEELING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT SENSITIVE INK DETAILS ON BACK

© DELLOE deltax.com/checks ANTICOUNT SECURITY

ROBERT C SAXON
1313 General George Patton Rd
Nashville, TN 37221

165
87-1/640

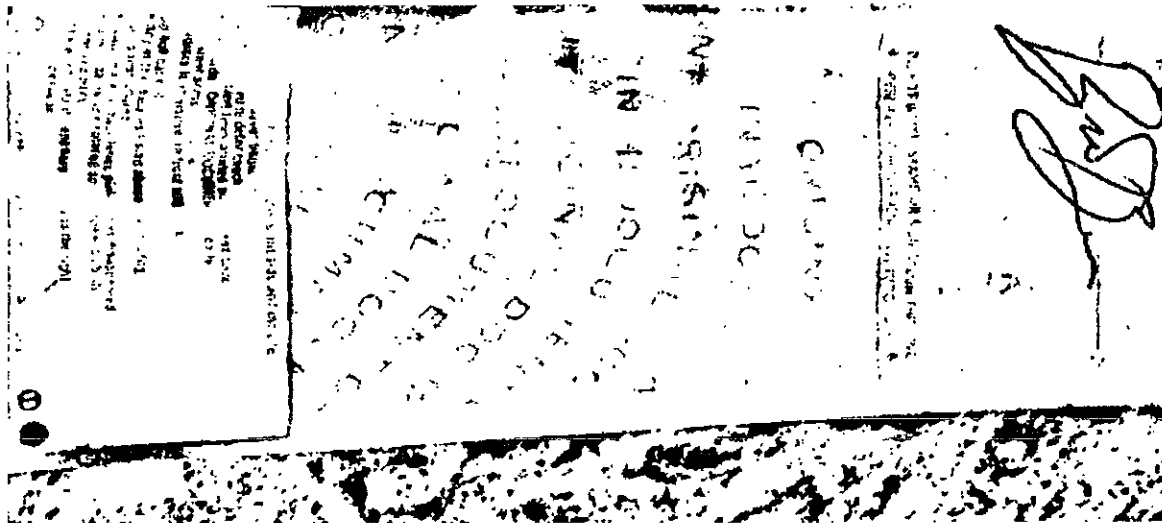
4-29-17
DATE

PAY TO THE ORDER OF BRAD BIRDS
ONE THOUSAND FOUR HUNDRED & 00/100 \$ 1,400.00/100 DOLLARS



Robert C. Saxon
FOR _____

⑆064000017⑆ 0217776562⑈00165



Posting Date	2017 May 01
DB/CR Indicator	Debit
Amount	\$1,400.00
Posting Check Number	165
Posting Account Number	0
Posting Seq Number	65436515
Tran Code	165
ABA/RT Number	6400001

November 1, 2018

Appeal Case Number 2018-590

Dear Board of Zoning,

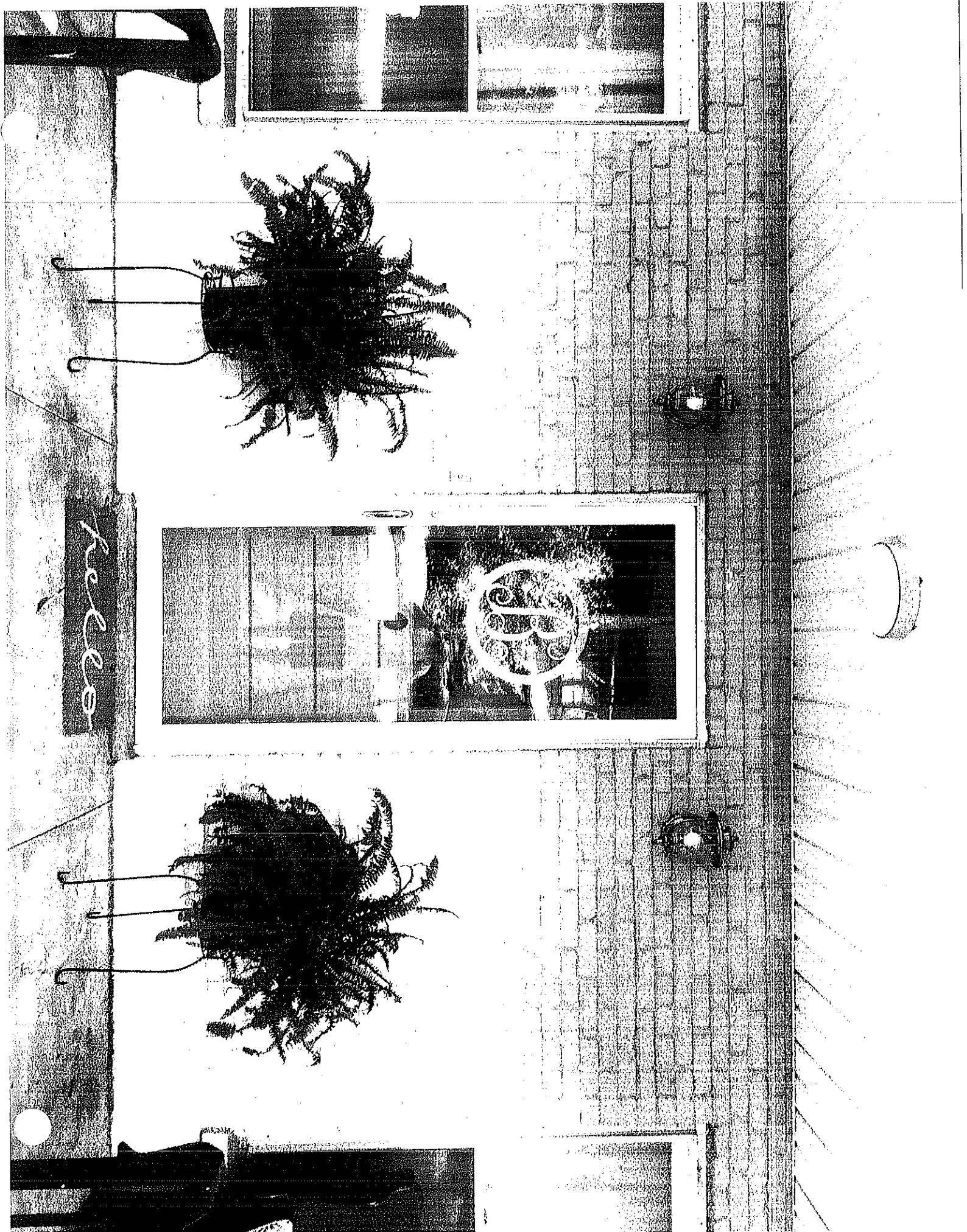
Thank you for your time today. The packet includes pertinent information regarding this case. We hope to improve the neighborhood.

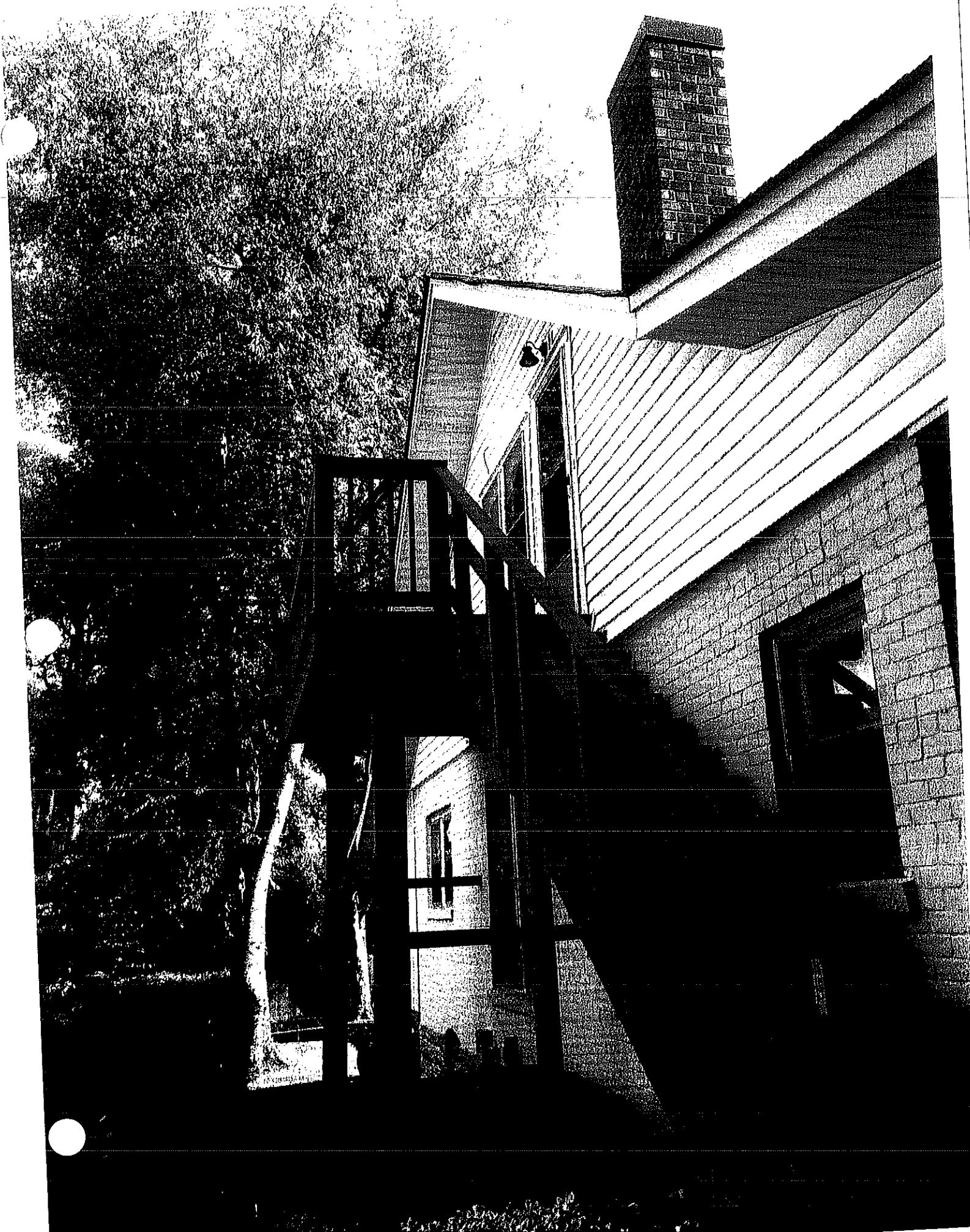
Sincerely,

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
CS512-639

NASHVILLE ELECTRIC SERVICE
PREMISE HISTORY

3/02/18
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 -----

01

02

03

04

05

06 52791 TOTTY, S K 5/29/84 1/19/17
TNOF

07 1332036 BARS, BRADLEY JOSEPH 1/19/17
BARS, JOSEPH J TNAD

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, appearing to read "Richard Fulton", written over the printed name.

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 + Komit 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:

- 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.
- 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.
- 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.

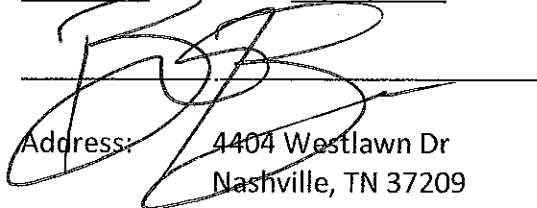
IN WITNESS THEREOF, the Parties have caused this Agreement to be executed on the dates set forth below.

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 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

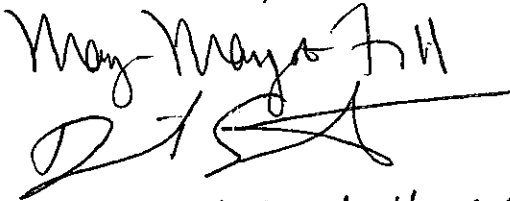
Dear Zoning Committee,

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

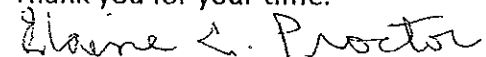
Appeal 4404 Westlawn Drive, Nashville, TN 37209

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 in a cursive style.

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 long horizontal flourish at the end.

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


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

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

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

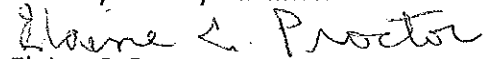
Appeal 4404 Westlawn Drive, Nashville, TN 37209

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

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 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.

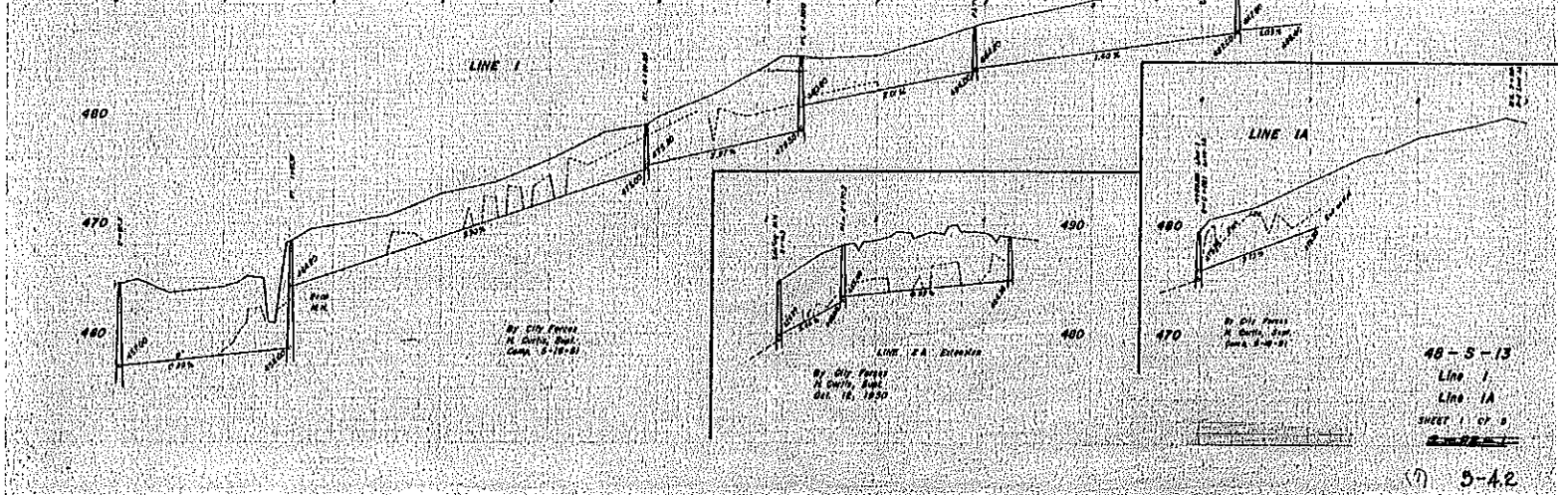
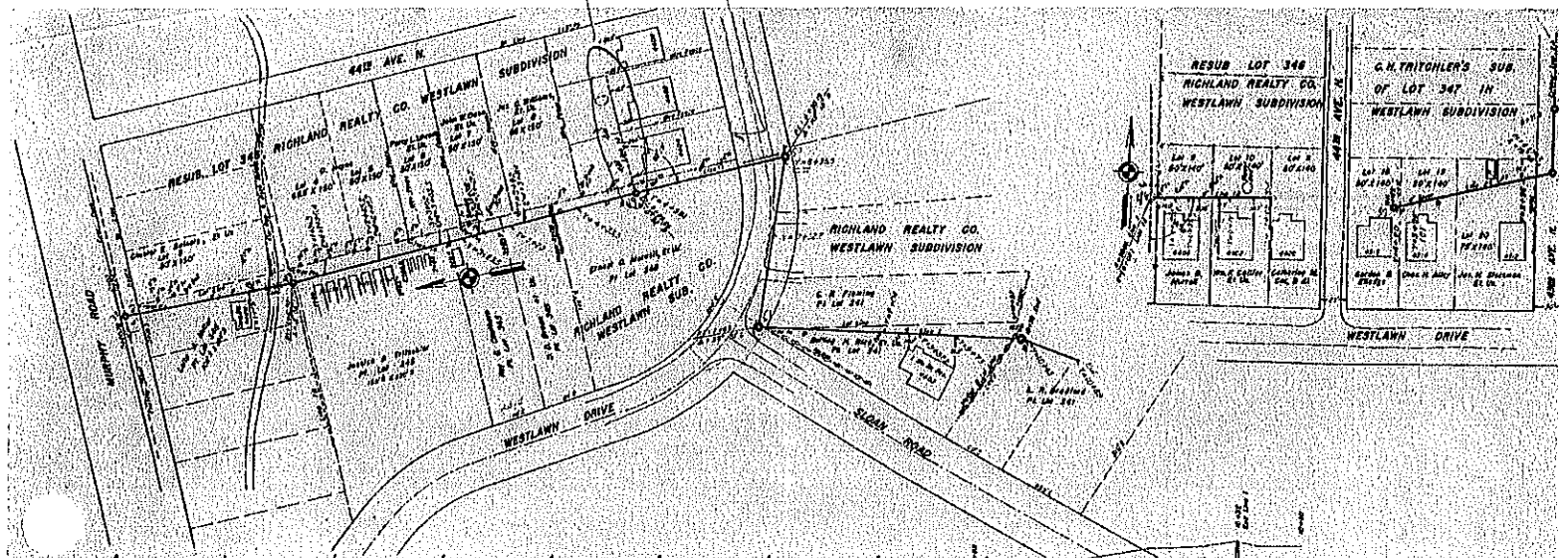
Please make record of my approval of Mr. Bar's request.

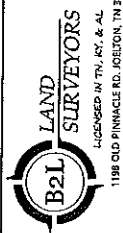
Thank you,

Wendy White

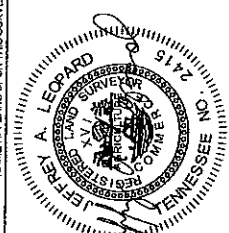
Sewer Line Through Middle of the Backyard, Metro Water, and Survey

Sewer
4101 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
 Registered Professional Land Surveyor
 No. 2416
 State of Tennessee

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 title of this survey is: **BOUNDARY SURVEY OF THE BRADLEY J. BARS AND ELAINE C. PROCTOR PROPERTY 24TH COUNCIL DISTRICT NASHVILLE, DAVIDSON COUNTY TENNESSEE JULY 17, 2018**

THE SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER AND DOES NOT EXTEND TO ANY OTHER PARTY UNLESS IT IS SPECIFICALLY EXPRESSED IN THE CERTIFICATION BY THE SURVEYOR WHOSE NAME APPEARS UPON THIS SURVEY.

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.
 6) THIS SURVEY IS SUBJECT TO THE ORIGINAL SEALED DOCUMENT ISSUED AT THE TIME OF THE SURVEY.
 7) REVISIONS AND CHANGES SHOWN THE PRECEDENCE OVER SCALE.
 8) PROPERTY CURRENTLY ZONED R8 (AS PER TAX CARD).
 9) SUBSURFACE AND ENVIRONMENTAL CONDITIONS HAVE NOT BEEN EXAMINED AND THEREFORE THE SURVEYOR'S STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND UTILITIES OR OTHER FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THE TRACT.

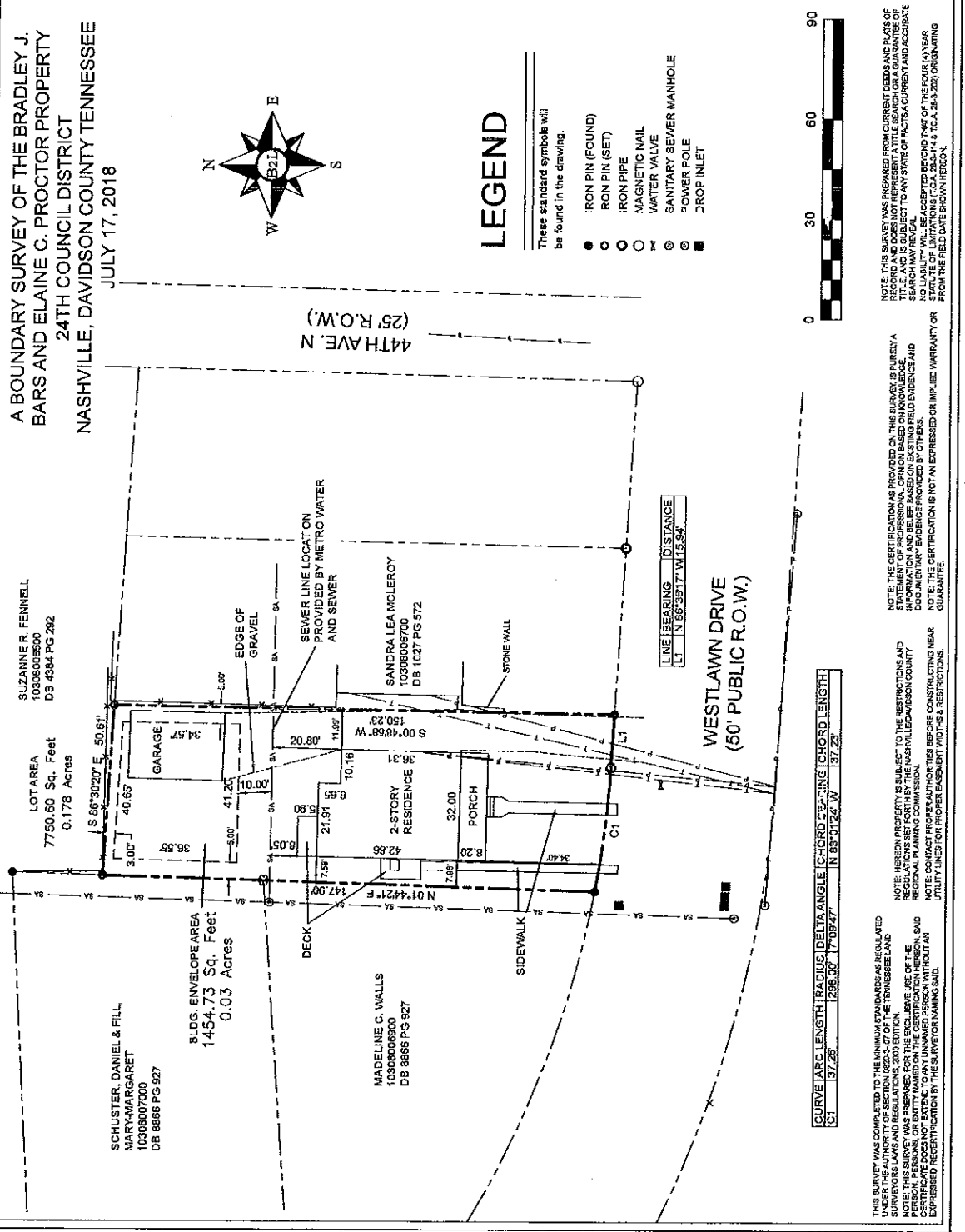
HEREON DEPICTION IS SUBJECT TO FEDERAL COPYRIGHT LAWS. ANY USE OF SAME FOR REPRODUCTION, SALE, HOME AND PROPERTY SOLUTIONS IS PROHIBITED.

REVISION TABLE
 1. -

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



2018-590
Support

4400 Westlawn Drive
Nashville, TN 37209

October 12, 2018

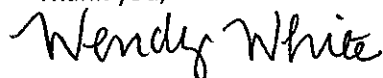
RE: Appeal Case Number 2018-590
4404A WESTLAWN DR
Map Parcel: 10308006800
Zoning Classification OV-UZO, RS7.5
Council District 24
Permit# 20180059594

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



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



**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.

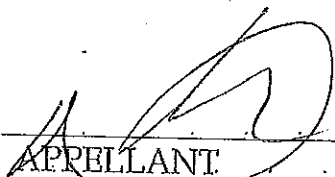
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

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

SCHEDULE B, SECTION II ITEMS

As This Report is submitted to the
STATEMENT OF ENCROACHMENTS.
CHANGING THESE ENCROACHMENTS ONTO ADJACENT PROPERTY
3.2% AT THIS POINT.

DEED REFERENCE

Refer to the deed recorded as Book 266, Page 24 as recorded in the
Register's Office, Davidson County, Tennessee.

PROPERTY MAP REFERENCE

The property is shown on the "Map of Nashville, Tennessee"

PLAT REFERENCE

Refer to the plat recorded as Book 266, Page 24 as recorded in the
Register's Office, Davidson County, Tennessee.

FLOOD NOTICE

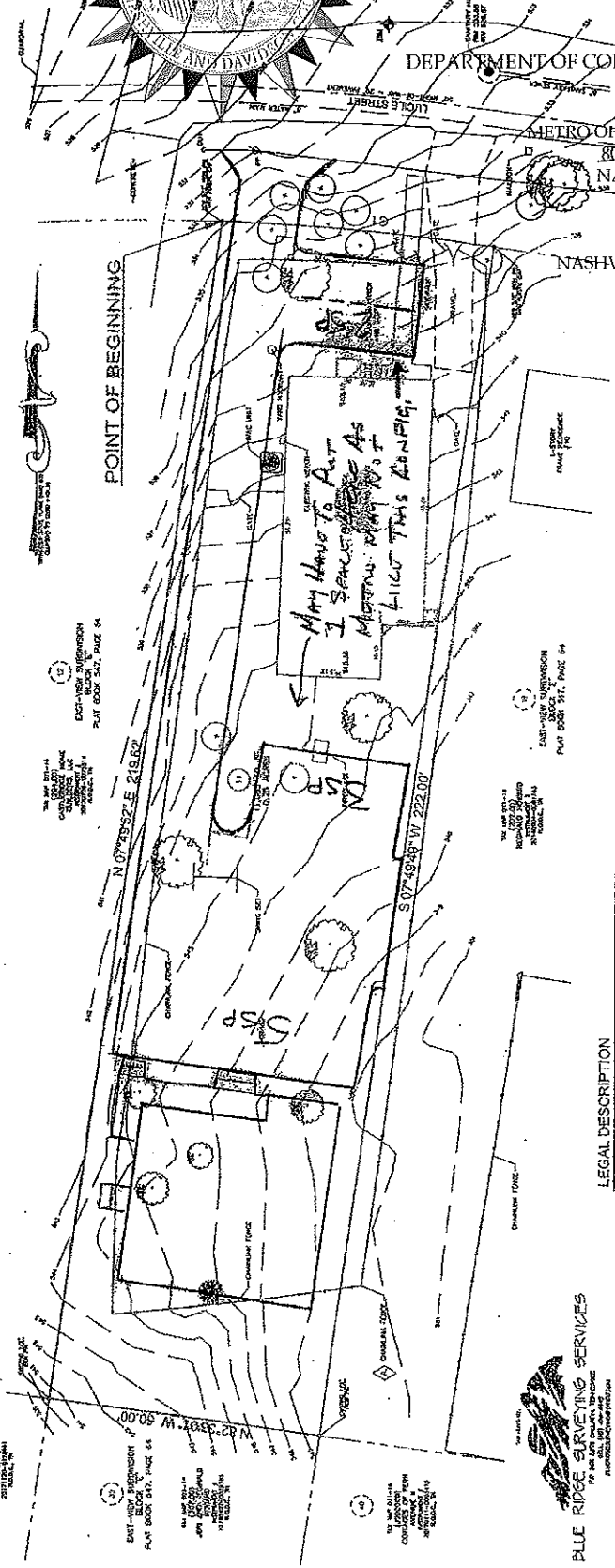
Refer to the Flood Hazard Map of Davidson County, Tennessee, as published by the
Flood Control District, Nashville, Tennessee.

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE	TANGENT
C1	420.00'	50.10'	S 85° 21' 33" E	9' 52.43"	9° 22.43'	23.80'

ADJUSTED NOTES

- The utility information shown on this plat was obtained from the utility records of the City of Nashville, Tennessee, and is shown for informational purposes only. The utility records are not guaranteed to be accurate and the utility records are not shown for the purpose of determining the location of any utility. The utility records are not shown for the purpose of determining the location of any utility.
- Substance and mechanical conditions, such as encroachments, are not shown on this plat. The utility records are not shown for the purpose of determining the location of any utility.
- This drawing was prepared in accordance with the standards of the Surveying Profession. The utility records are not shown for the purpose of determining the location of any utility.

- 1. TRAP AND RISE
- 2. SET AND SET
- 3. CD LAMP
- 4. BATTERY
- 5. AIR CONDITIONER
- 6. AIR CONDITIONER
- 7. AIR CONDITIONER
- 8. AIR CONDITIONER
- 9. AIR CONDITIONER
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- 46. AIR CONDITIONER
- 47. AIR CONDITIONER
- 48. AIR CONDITIONER
- 49. AIR CONDITIONER
- 50. AIR CONDITIONER



SURVEYOR'S CERTIFICATION

I, **Blair J. Blanton**, Surveyor, do hereby certify that the above is a true and correct copy of the original survey plat as recorded in the Register's Office, Davidson County, Tennessee, and that the same is a true and correct copy of the original survey plat as recorded in the Register's Office, Davidson County, Tennessee.

LEGAL DESCRIPTION

The above plat is a true and correct copy of the original survey plat as recorded in the Register's Office, Davidson County, Tennessee, and that the same is a true and correct copy of the original survey plat as recorded in the Register's Office, Davidson County, Tennessee.

BLUE RIDGE SURVEYING SERVICES
1750 W. 10th St., Suite 100
Nashville, Tennessee 37203
615-259-1111

UTILITY NOTES AND OWNERS

This utility information shown on this plat was obtained from the utility records of the City of Nashville, Tennessee, and is shown for informational purposes only. The utility records are not guaranteed to be accurate and the utility records are not shown for the purpose of determining the location of any utility. The utility records are not shown for the purpose of determining the location of any utility.

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

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.

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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.

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.

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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?

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.)

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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.



 APPELLANT

9-28-18

 DATE

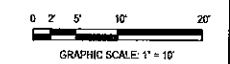
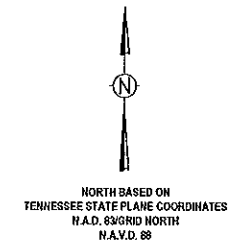
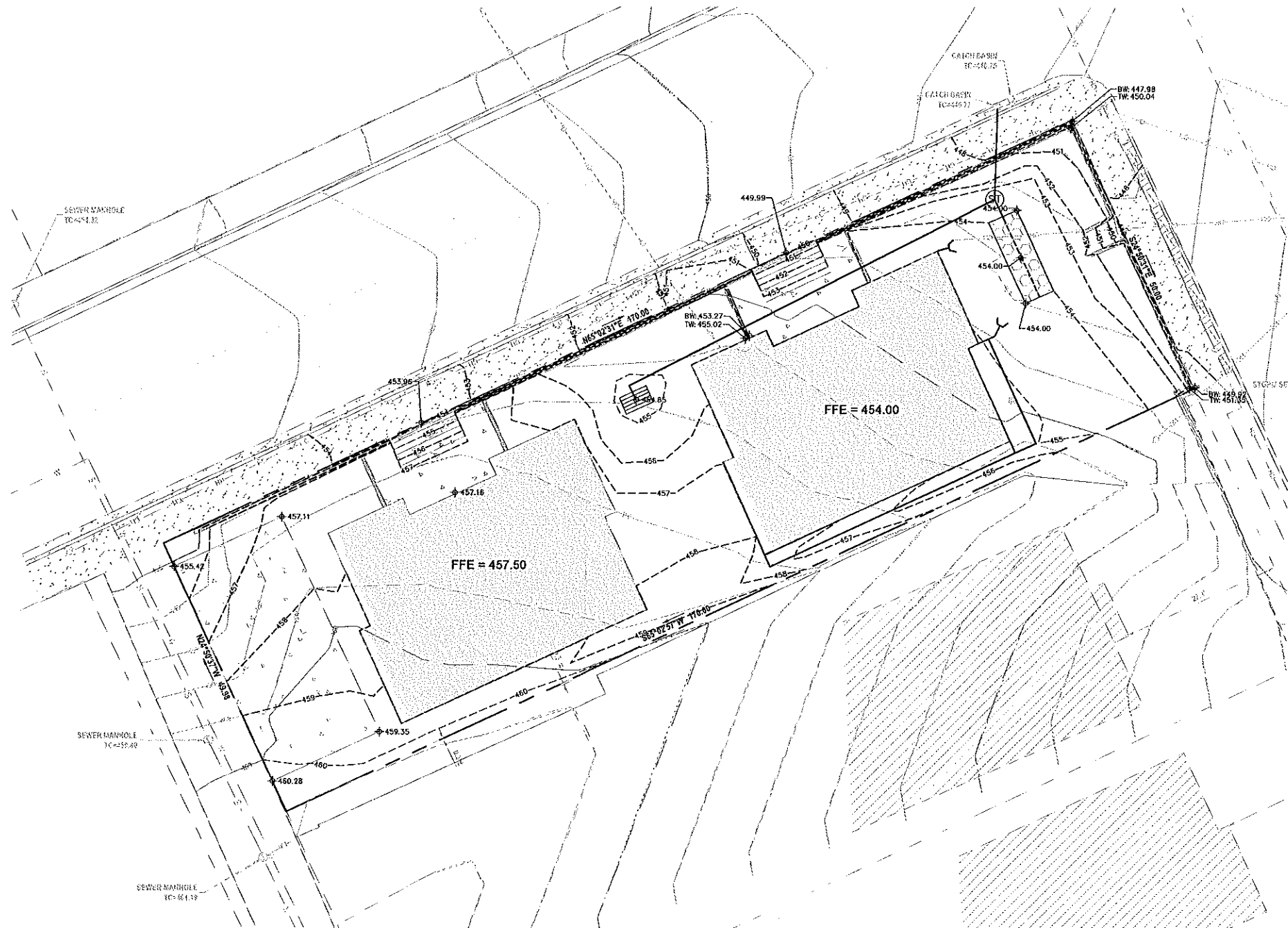
SITE LEGEND

	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		

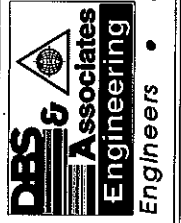
	PROPOSED CATCH BASIN		PROPOSED COMBINATION INLET
	GAS VALVE		GAS METER
	WATER VALVE		WATER METER
	FIRE HYDRANT		UTILITY POLE
	SANITARY SEWER MANHOLE		GUY WIRE
	TELEPHONE MANHOLE		BENCHMARK
	STORM SEWER CATCH BASIN		
	TREE		PERMEABLE PAVERS
	BUILDING		ASPHALT
	CONCRETE		

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 METER 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.cbsenrgr.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 #

Know what's below.
Call before you dig.
811
www.call811.com

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.

2018-616

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : John Stanbitz Date: 10/1/18
Property Owner: John Stanbitz Case #: 2018-616
Representative: John Stanbitz Map & Parcel: 10401021800

Council District 24

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

Purpose: to construct a single family residence without sidewalks or paying into the sidewalk fund

Activity Type: Single Family

Location: 221 38th Ave. N.

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: Variance from sidewalk requirements. Requesting not to build or pay

Section(s): 17.20.120

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

John Stanbitz
Appellant Name (Please Print)

Representative Name (Please Print)

221 38th Ave. N
Address

Address

Nashville TN 37209
City, State, Zip Code

City, State, Zip Code

615-418-3360 (Mobile)
Phone Number

Phone Number

johnstanbitz@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



3564667

ZONING BOARD APPEAL / CAAZ - 20180062212
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10401021800

APPLICATION DATE: 10/01/2018

SITE ADDRESS:

221 38TH AVE N NASHVILLE, TN 37209

LOT 93 PLAN OF PT WEST GROVE SUBD RESUB LOTS 92&93

PARCEL OWNER: STAUBITZ, JOHN & JOHANNA MARIE LEE

CONTRACTOR:**APPLICANT:****PURPOSE:**

to construct a single family residence with 3594 sf living area, 587 sf attached garage, 225 sf screen porch and 60 sf porch area. must comply with tree regulations one new two inch tree for every 30' road frontage. 43.7' min front s/b; 5' min side s/b; 20' min rear s/b. max allowed height is 45' three floors max.

*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**



3562729

**APPLICATION FOR BUILDING RESIDENTIAL - NEW // CARN - T2018060877
THIS IS NOT A PERMIT**

PARCEL: 10401021800

APPLICATION DATE: 09/25/2018

SITE ADDRESS:

221 38TH AVE N NASHVILLE, TN 37209

LOT 93 PLAN OF PT WEST GROVE SUBD RESUB LOTS 92&93

PARCEL OWNER: STAUBITZ, JOHN & JOHANNA MARIE LEE

APPLICANT:**PURPOSE:**

to construct a single family residence with 3594 sf living area, 587 sf attached garage, 225 sf screen porch and 60 sf porch area. must comply with tree regulations one new two inch tree for every 30' road frontage. 43.7' min front s/b; 5' min side s/b; 20' min rear s/b. max allowed height is 45' three floors max.

*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
CA - Zoning Sidewalk Requirement Review	SWREQ_IJEL	615-862-6500 Walter.Morgan@nashville.gov
PW - Sidewalk Payment In Lieu Decision	PAYINLIEU	615-862-6558 Jonathan.Honeycutt@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinat	NOTPLANNED	615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Fire Life Safety Review On Bldg App	IGNORE	615-862-6612 Chanda.Williams@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-862-7170 Shawna.Rodriguez@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-862-7170 Shawna.Rodriguez@nashville.gov
[E] Sewer Availability Review For Bldg	IGNORE	615-862-7170 Shawna.Rodriguez@nashville.gov
[E] Water Availability Review For Bldg	IGNORE	615-862-7170 Shawna.Rodriguez@nashville.gov
[A] Bond & License Review On Bldg App	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-862-6558 Jonathan.Honeycutt@nashville.gov
[D] Grading Plan Review For Bldg App	COND	(615) 862-6038 Logan.Bowman@nashville.gov
[C] Flood Plain Review On Bldg App	APPROVED	615-862-6978 David.Johnson@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A	COND	615-862-6558 Jonathan.Honeycutt@nashville.gov

September 30, 2018

Board of Zoning Appeals
800 2nd Avenue South
Nashville, TN 37210


Re: BZA Case at 221 38th Avenue North

Dear Chairman Ewing and Members of the Board of Zoning Appeals:

We request a variance in the Sidewalk Standards of Section 17.12.120 along the frontage of our property. The request is to construct a single family home at 221 38th Avenue North, Nashville, Tennessee, 37209. We allege the Board would have jurisdiction under Section 17.40.180(B). The hardships in this case are 1) Existing pre-war historic stone wall along the front of the lot and 2) Our home is the second to last on a dead end street without the possibility of connectivity.

We respectfully ask the Board of Zoning Appeals to grant the variance to not require us to construct a sidewalk nor pay the in-lieu fee.

Sincerely,



John Staubitz

APPLICATIONS FOR VARIANCE REQUESTS

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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.

John Staubitz
APPELLANT

9/30/2018
DATE

STANDARDS FOR A VARIANCE

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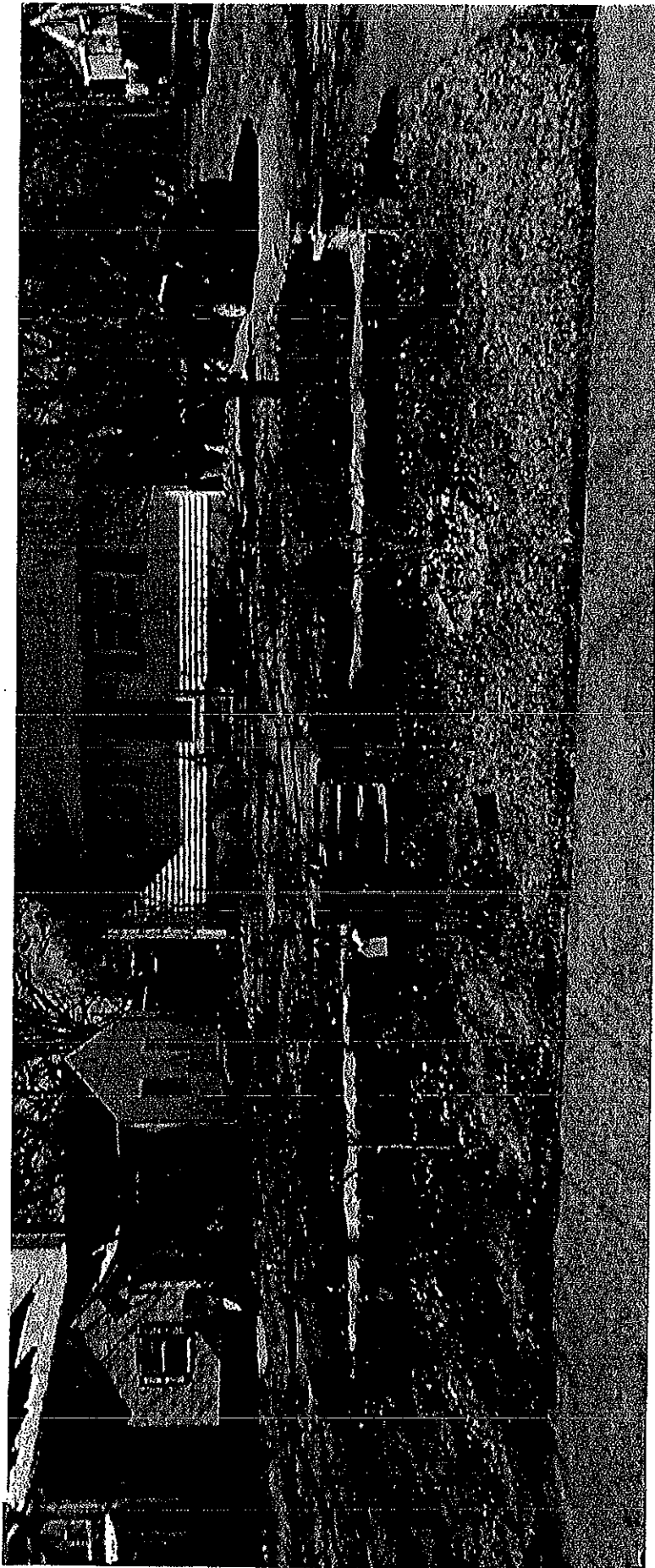
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WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

Pre-war historic storefront along R-o-w.
Second to last home on a dead end street.



September 30, 2018

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APPELLANT

9/30/2018
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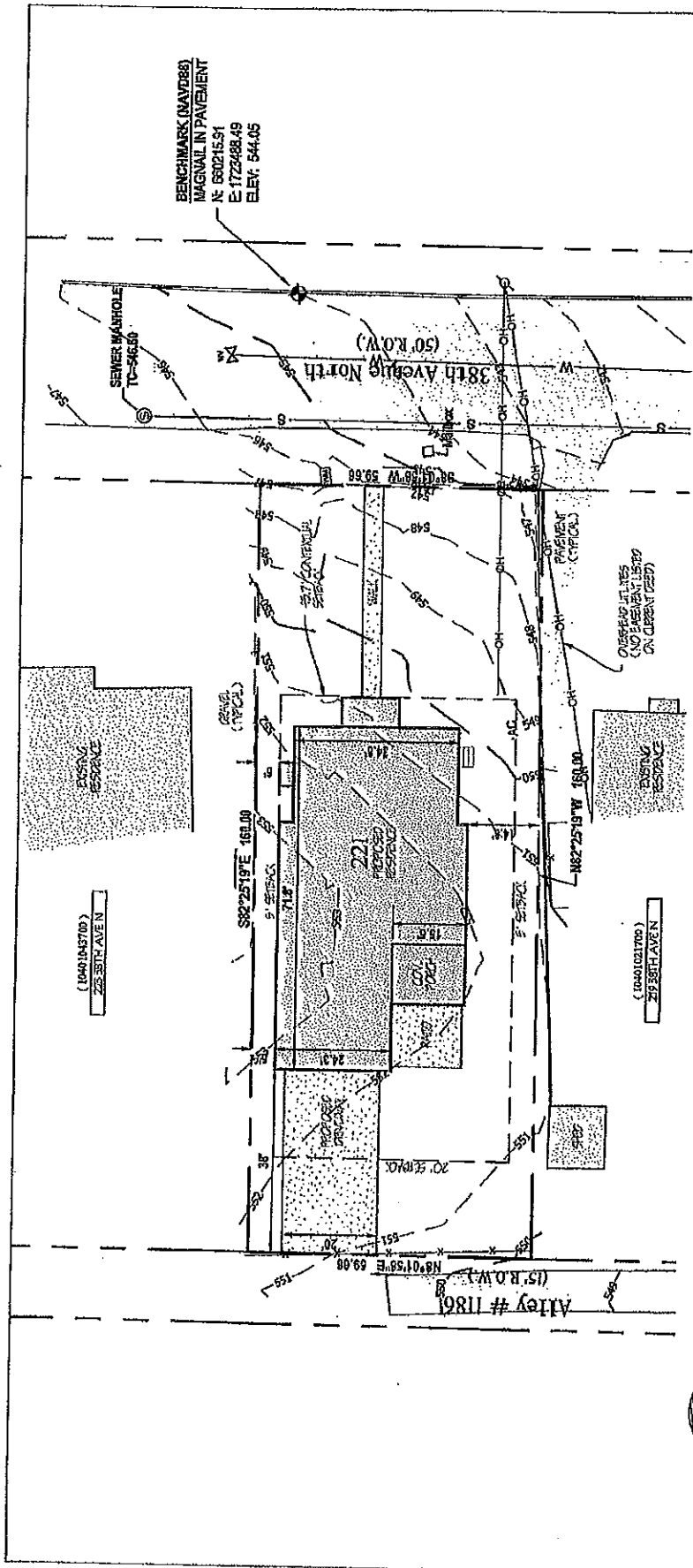
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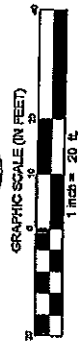
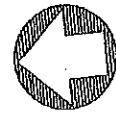
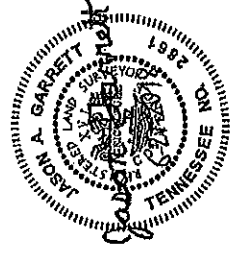
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

Pre-war historic stone wall along R-O-W.
Second to last home on a dead end street.



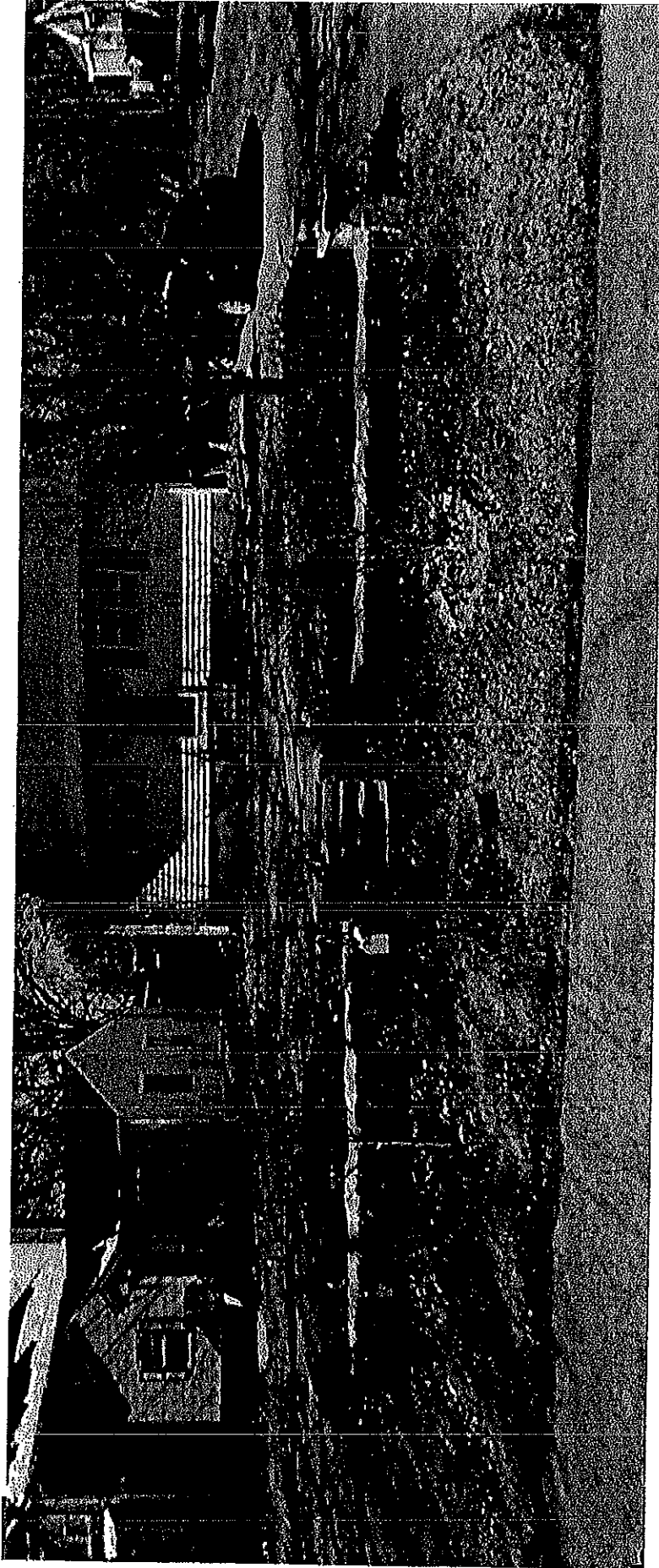
Sheet No.
V-2.1

Site Plan
221 38th Avenue North
Nashville, Davidson County, Tennessee



7711 Hayes Street
Nashville, TN 37208
clintelliottsurvey.com
(615) 459-3236





PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-616 (221 38th Avenue North)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Local Street standard
Requested Variance:	Not upgrade sidewalks; not contribute in lieu of construction (eligible)
Zoning	RS7.5
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	None existing; none planned
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant is constructing a new single family residence, and requests a variance from constructing sidewalks due to lack of existing sidewalks in the area, an existing retaining wall, and the location of the property at the end of a dead-end street.

- (1) No sidewalks currently exist on the 38th Avenue North property frontage. This is consistent with the block face.
- (2) Per the Zoning Ordinance, the applicant is eligible to contribute in lieu of construction. Electing to make the contribution in lieu of construction supplements Metro's annual sidewalk capital program by increasing sidewalk construction funds for areas surrounding this property, which is within one of Metro's sixteen pedestrian benefit zones. Staff finds no unique hardship for the property's frontage, as a sidewalk could be constructed on the site.

Given the factors above, staff recommends **disapproval**. The applicant shall contribute in-lieu of construction and for the property frontage 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: 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)

Chris Wright
Representative Name (Please Print)

Address

2204 Eastland Ave.
Address

City, State, Zip Code

Nashville, TN 37206
City, State, Zip Code

Phone Number

615-512-2777
Phone Number

Email

chris@wrightdeals.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



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.

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** please see attached*

"sidewalk variance circumstances" letter

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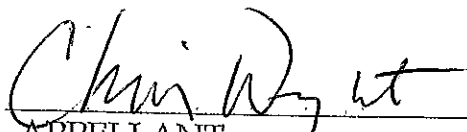
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 APPELLANT

10-2-18

 DATE

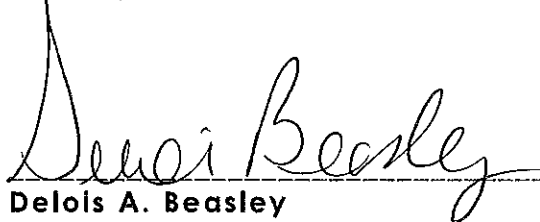
PERMISSION TO FILE A BOARD OF ZONING APPEALS REQUEST

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

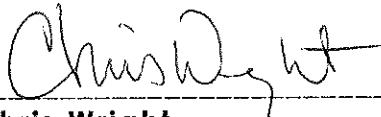
BOARD OF ZONING APPEALS SIDEWALK VARIANCE CIRCUMSTANCES

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.

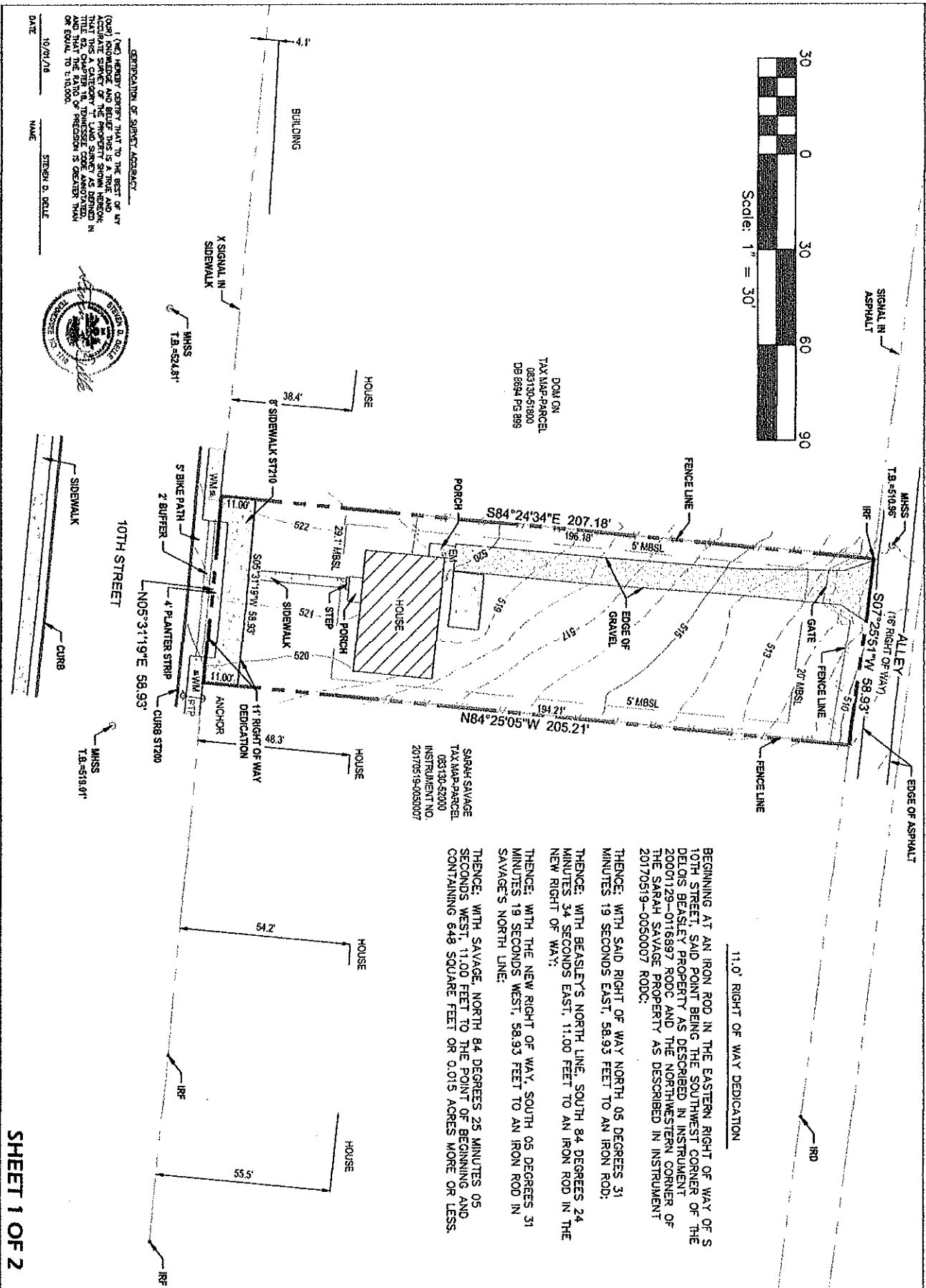
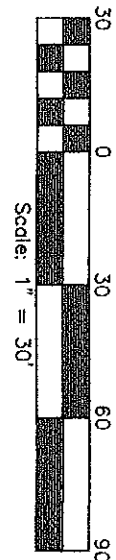
Sincerely,



Chris Wright

10-2-18

Date



DOM ON
TAX MAP-PARCEL
083130-51900
DB 8894 PG 898

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 08 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.

1. (NO) MEMBER CERTIFY THAT TO THE BEST OF MY (OUR) KNOWLEDGE AND BELIEF THIS IS A TRUE AND ACCURATE SURVEY AND THE PROPERTY SHOWN HEREON IS THE SAME AS SHOWN ON THE MOST RECENT MAPS IN TITLE 28, CHAPTER 18, TENNESSEE CODE ANNOTATED, AND THAT THE KIND OR PRECISION IS GREATER THAN OR EQUAL TO THAT OF...



DATE: 10/01/18
NAME: STEVE A. POOLE

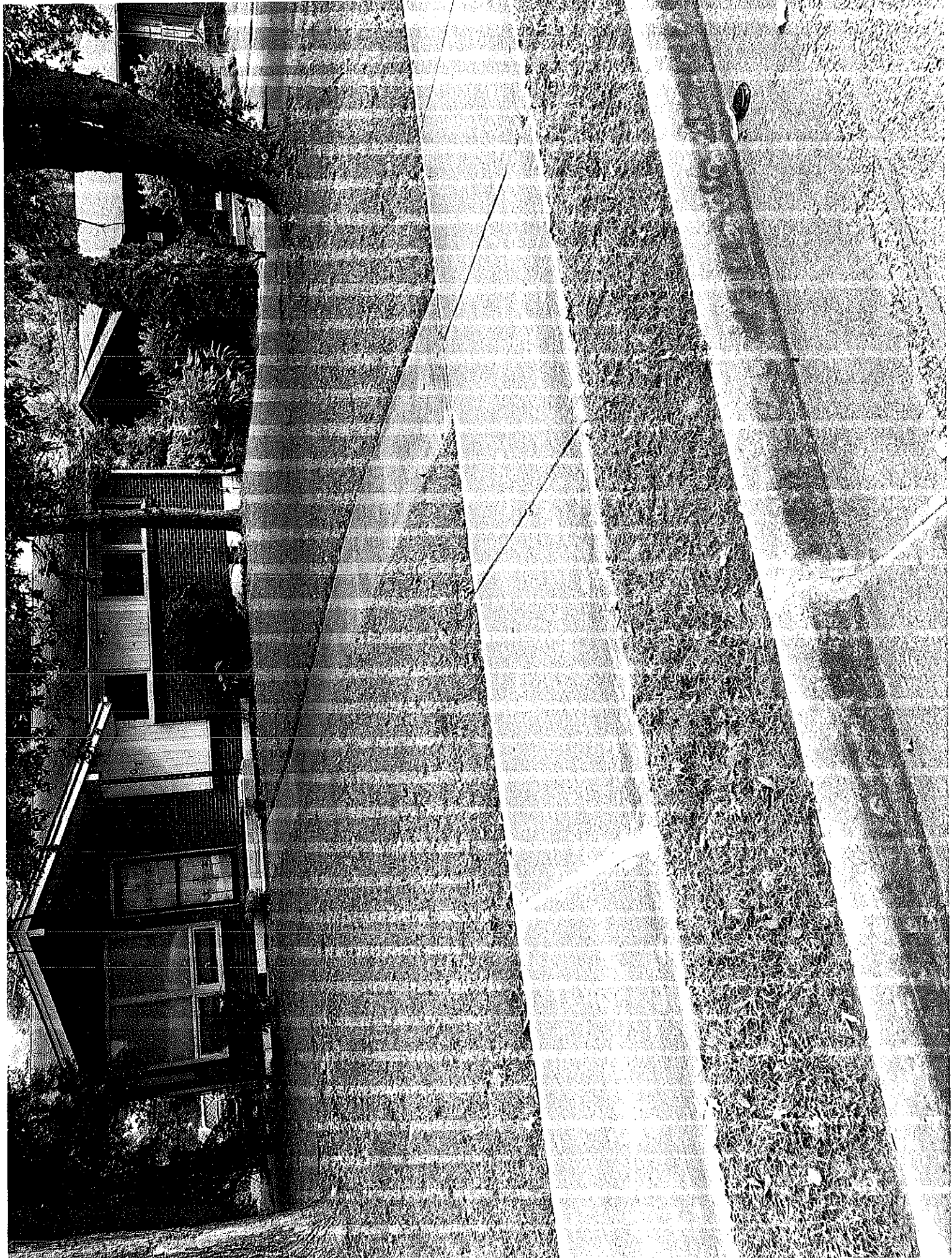


PREPARED BY: JSA
DATE: 10/01/18
JOB # 181849

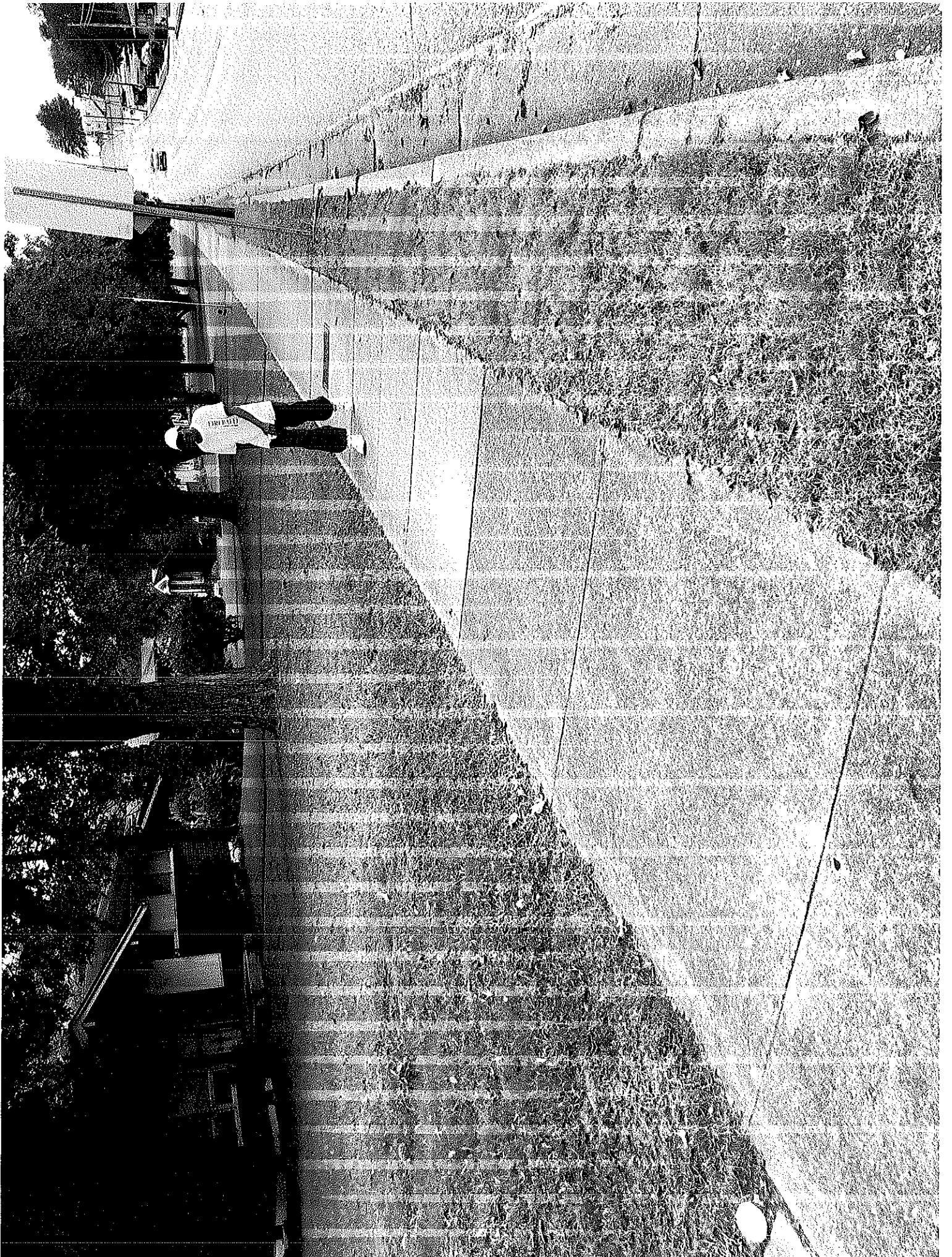
SITE PLAN

307 SOUTH 10TH STREET

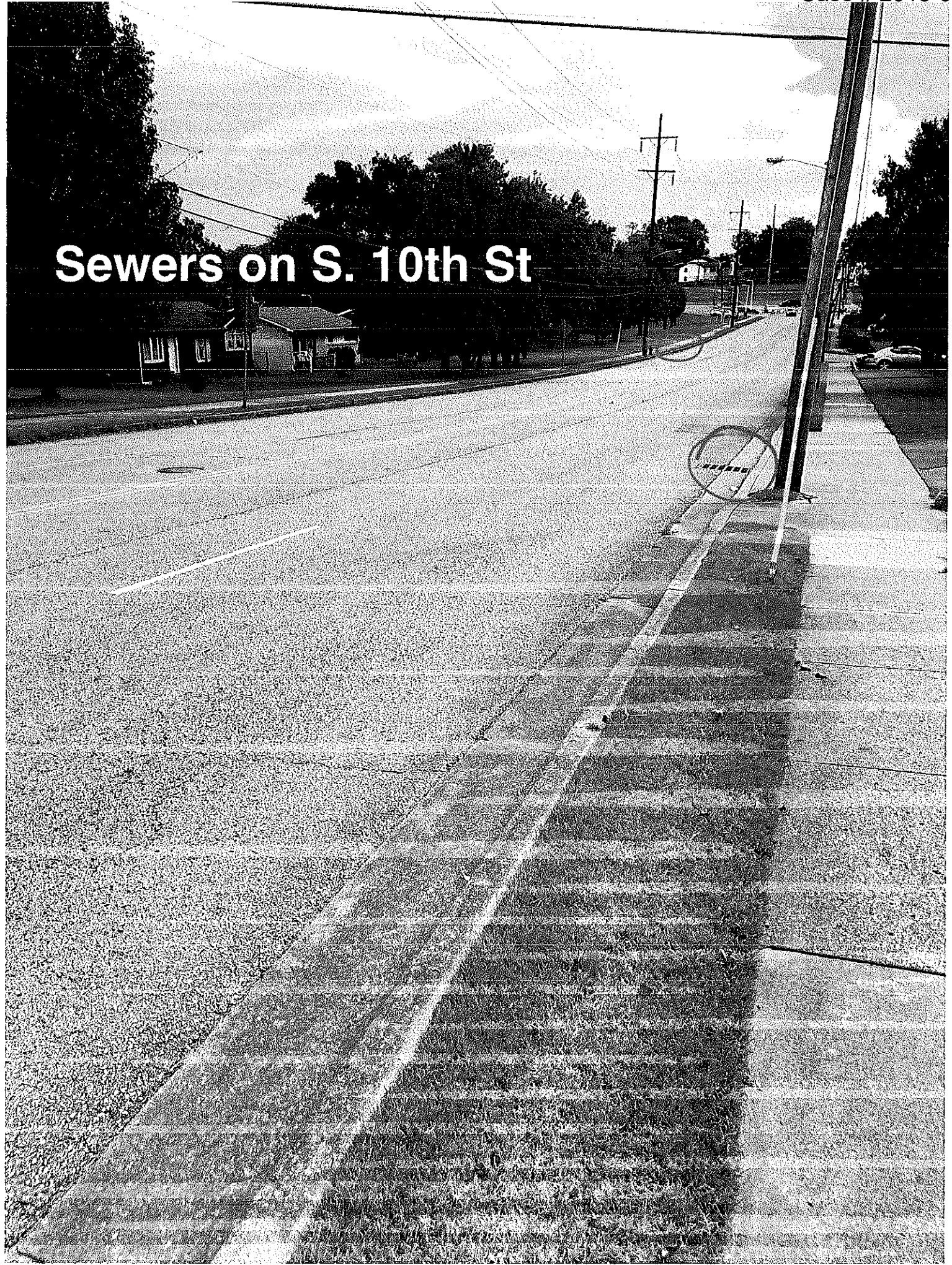
TAX MAP-PARCEL 083130-51900
NASHVILLE, TENNESSEE





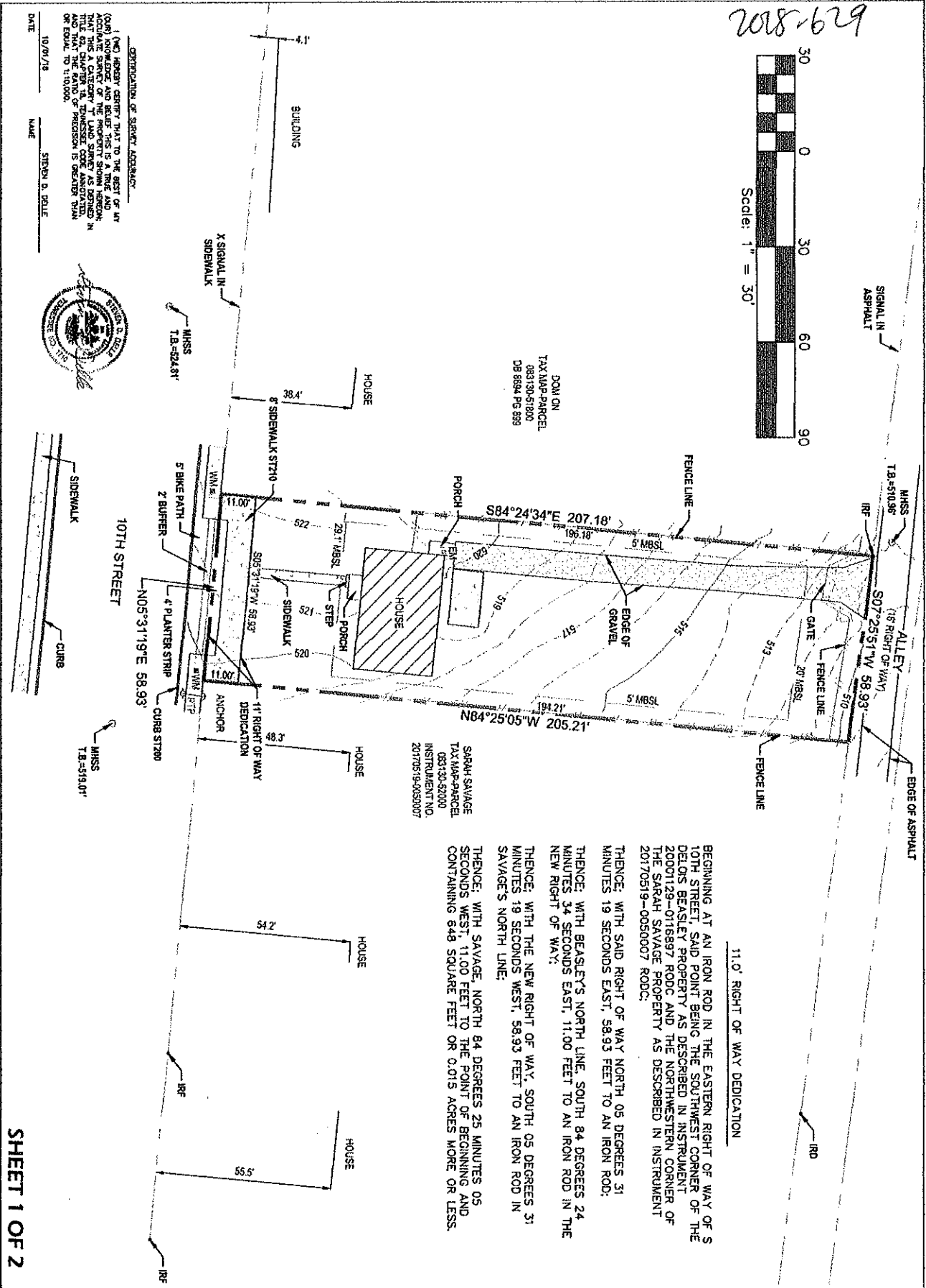
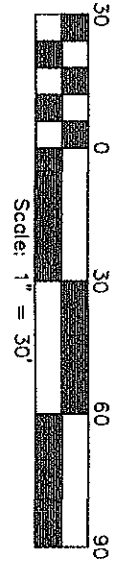


Sewers on S. 10th St





2018-629



DOMIN
TAX MAP-PARCEL
083130-51900
DB 6594 PG 689

SARAH SAVAGE
TAX MAP-PARCEL
083130-52000
INSTRUMENT NO.
20170519-0050007

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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.

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.)

DATE: 10/05/18
NAME: STEVEN D. BOYLE



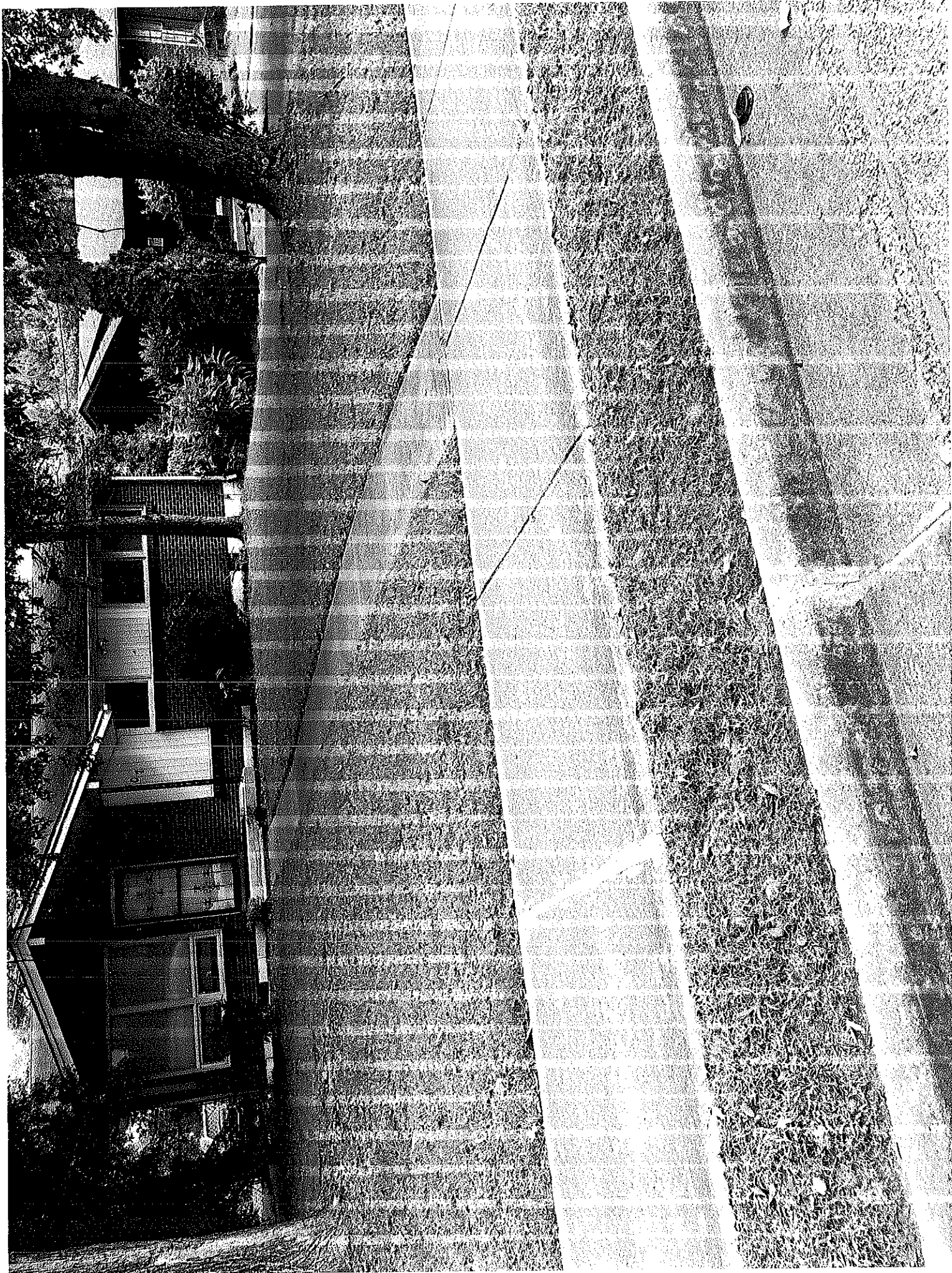
DRAWN BY: JS
DATE: 10/05/18
JOB # 18194

SHEET 1 OF 2

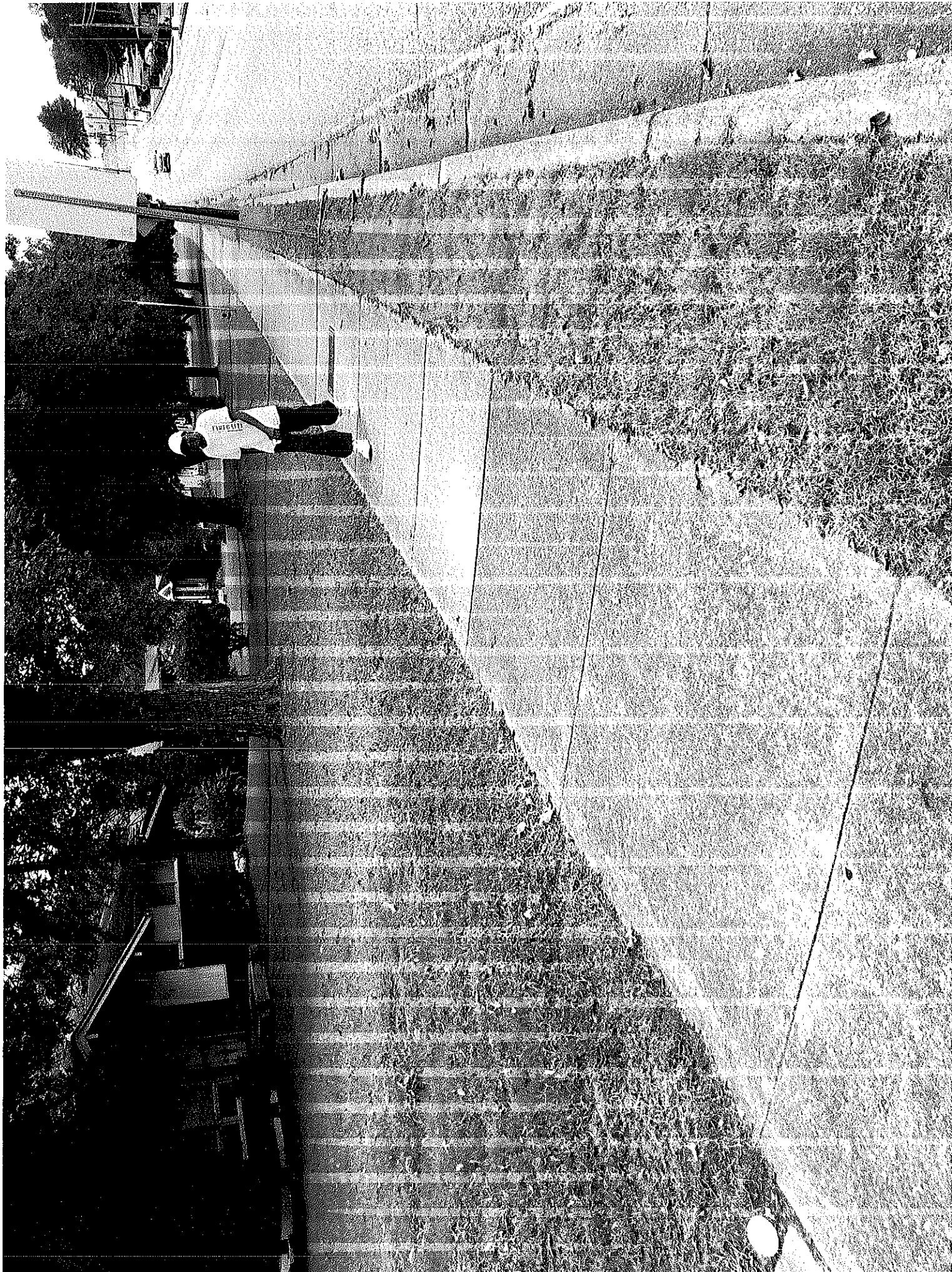
Delle Land Surveying
1104 Pardue Road
Ashland, Tennessee 37015
(615) 642-9146

SITE PLAN
307 SOUTH 10TH STREET

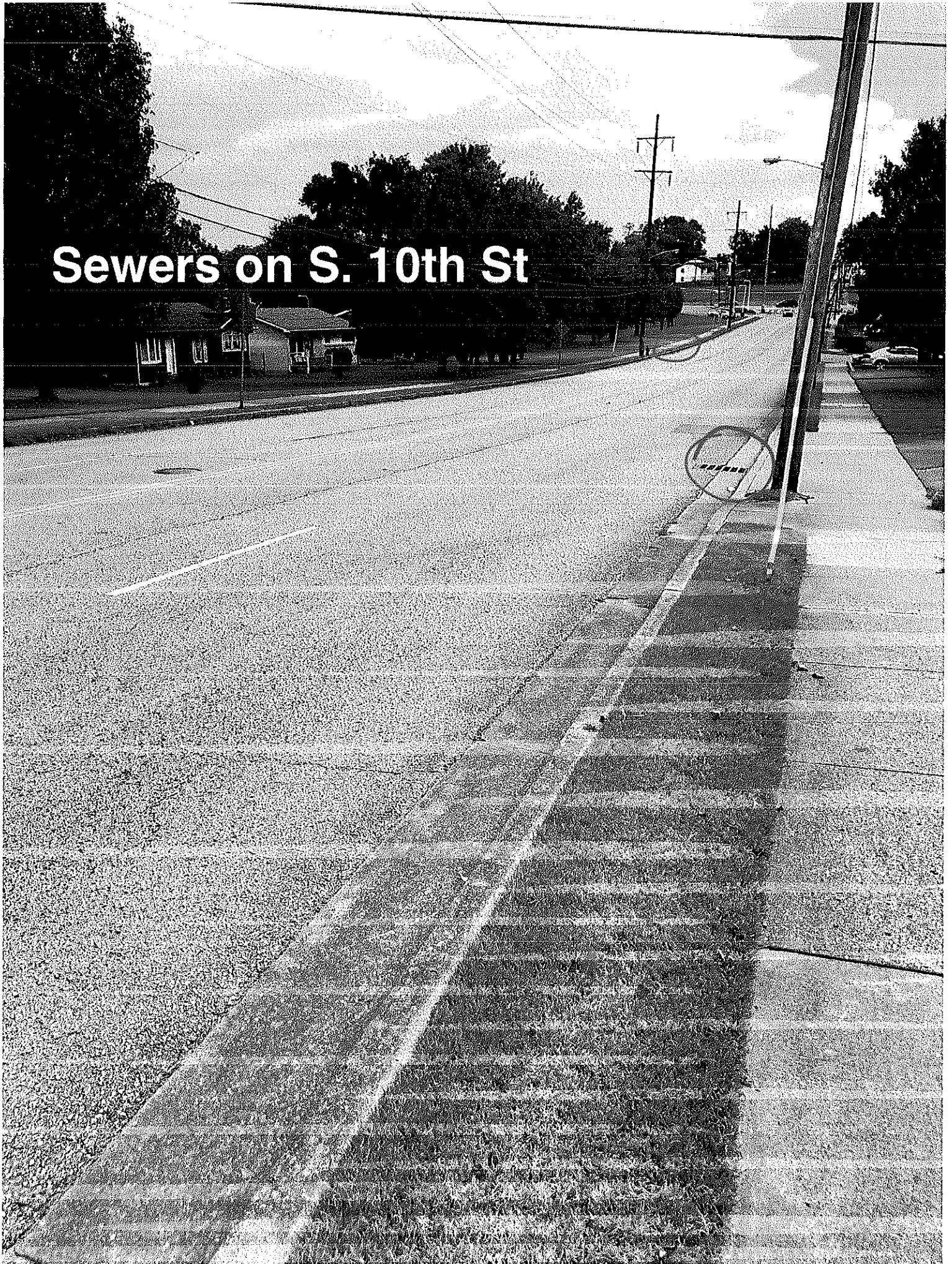
TAX MAP-PARCEL 083130-51900
NASHVILLE, TENNESSEE





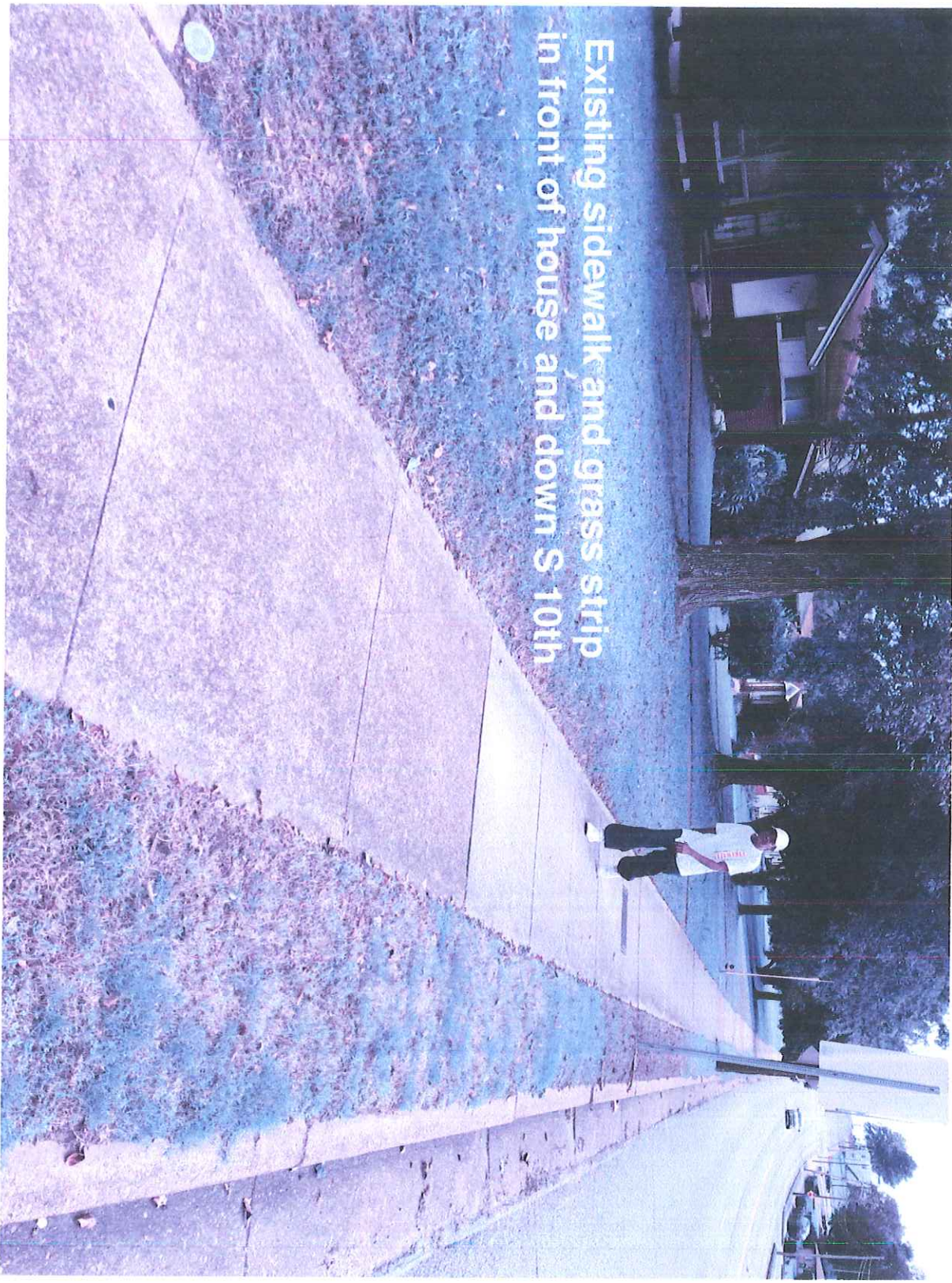


Sewers on S. 10th St

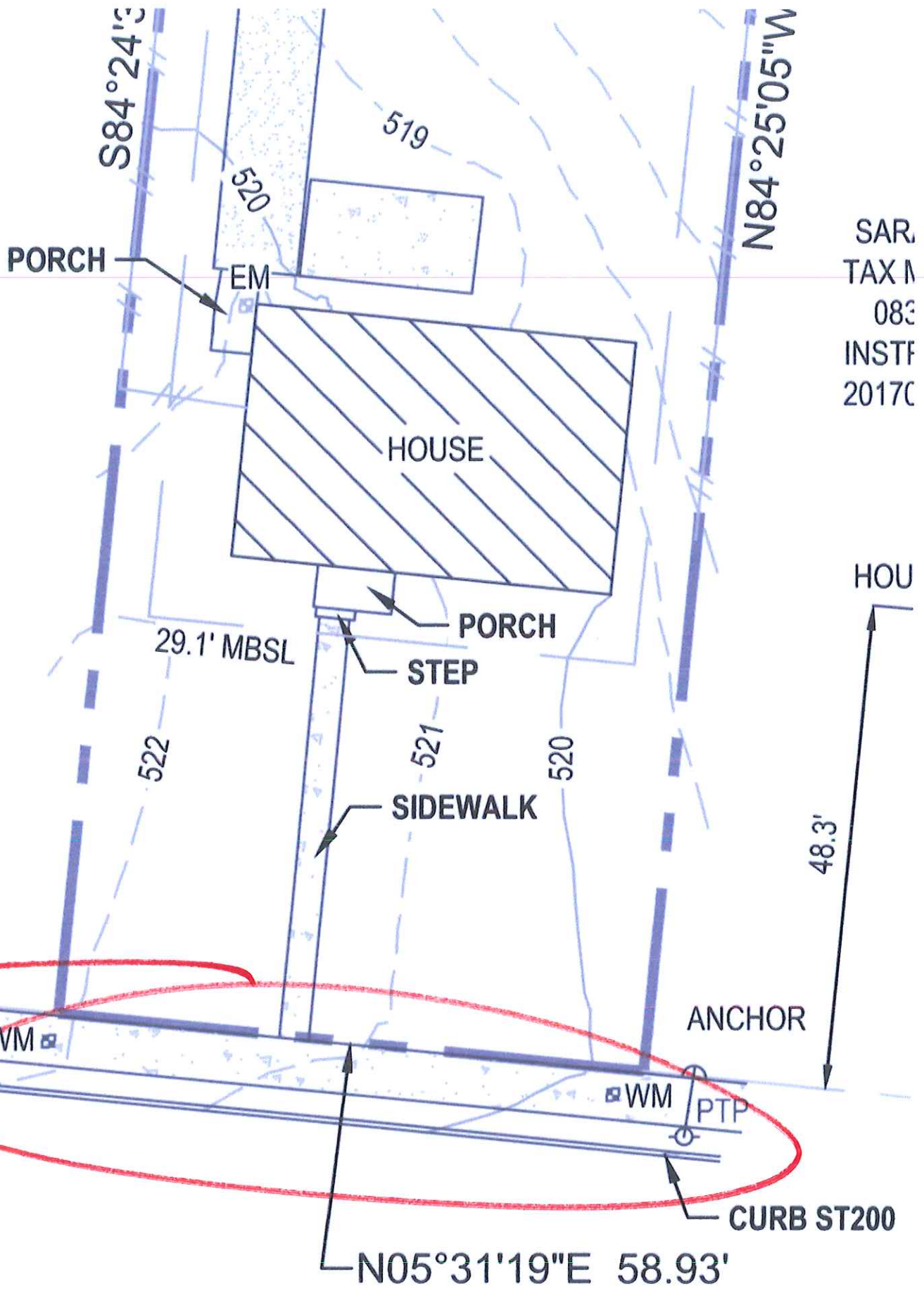




2018.6.29

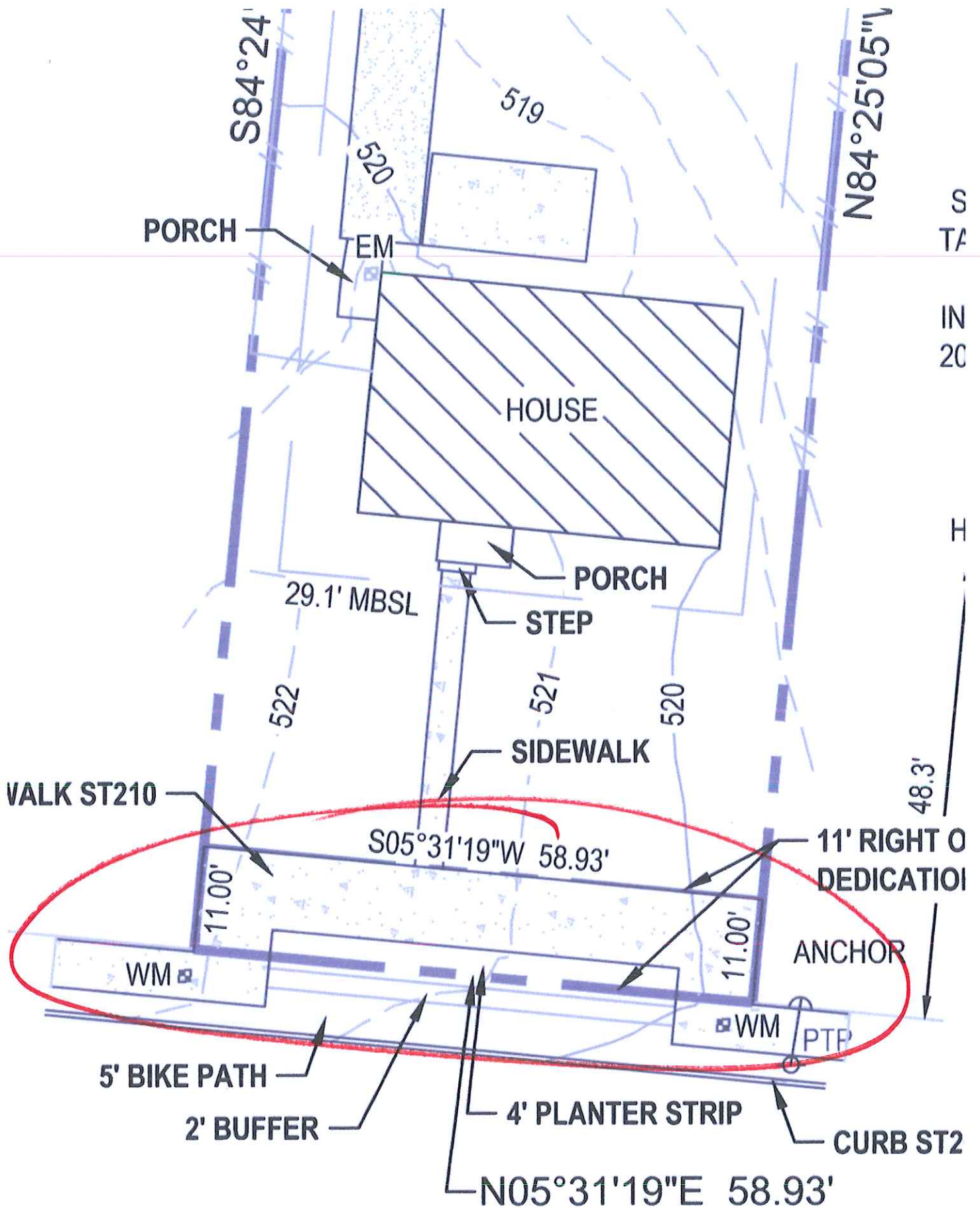


Existing sidewalk and grass strip
in front of house and down S 10th

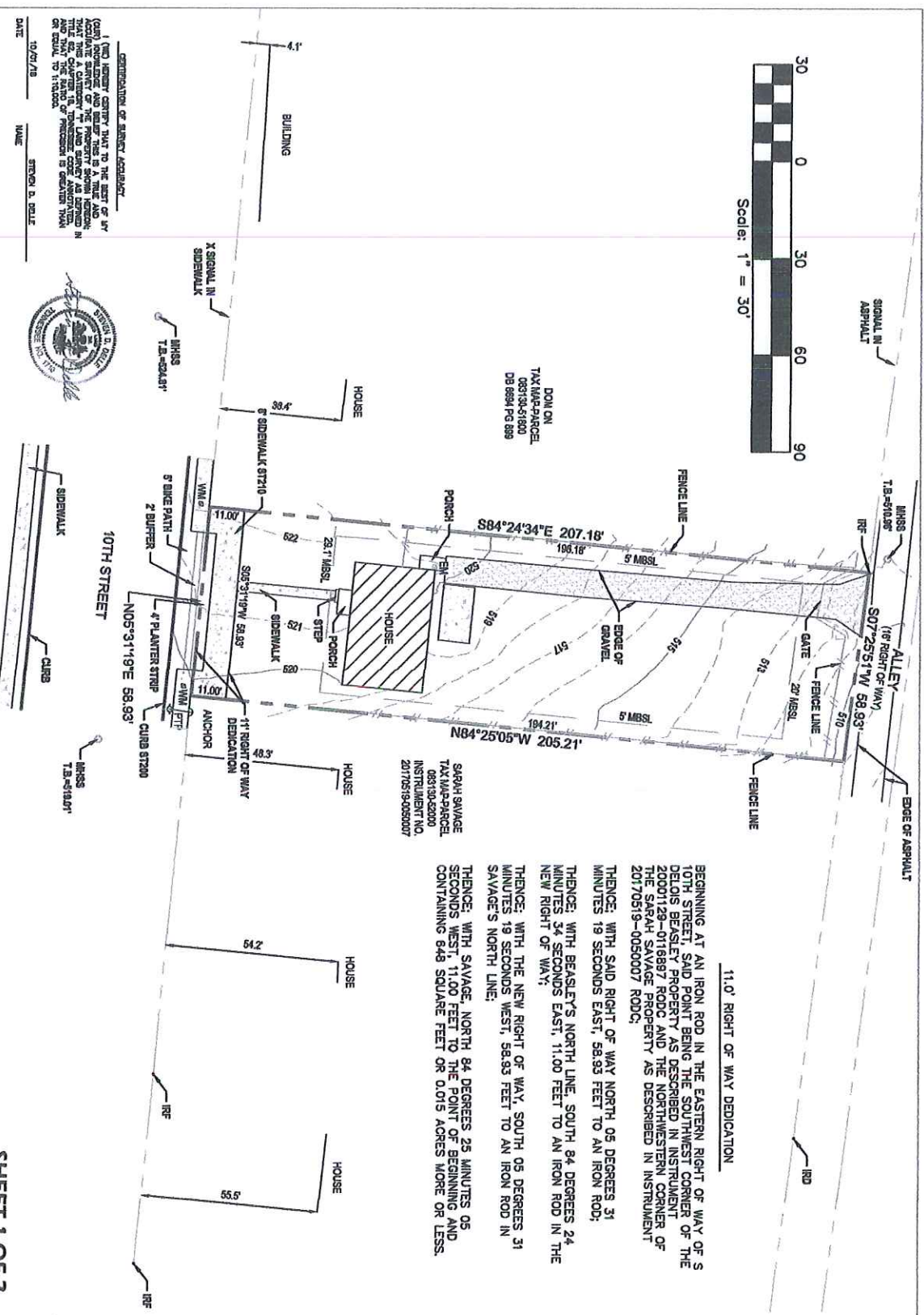
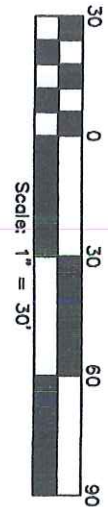


SAR
 TAX M
 083
 INSTF
 2017C

BEFORE : shows current sidewalk



AFTER : shows misalignment of the proposed sidewalk



CONTRIBUTION OF SURVEY EXPENSE:
 I (AND ANY OTHER PARTY) TO THE BEST OF MY
 KNOWLEDGE AND BELIEF THIS IS A TRUE AND
 CORRECT REPRESENTATION OF THE LAND AND
 THAT THIS A CURRENTLY VALID SURVEY AS SET FORTH
 IN THE RECORDS OF THE PUBLIC RECORDS OF THE
 STATE OF TENNESSEE. I HEREBY CERTIFY THAT
 I AM A LICENSED SURVEYOR IN THE STATE OF
 TENNESSEE.
 DATE: 10/27/78 NAME: STEVEN B. DEBLE



DON ON
 TAX MAP-PARCEL
 083130-51800
 DB 8694 PG 899

SARAH SAVAGE
 TAX MAP-PARCEL
 083130-62000
 INSTRUMENT NO.
 20170519-0050007

11.0' RIGHT OF WAY DEDICATION

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SHEET 1 OF 2

Delle Land Surveying
 1104 Perdue Road
 Ashland, Tennessee 37015
 (615) 642-9146

SITE PLAN

307 SOUTH 10TH STREET

TAX MAP-PARCEL 083130-51900
 NASHVILLE, TENNESSEE



BOUNDARY IS LOCATED
 DATE: 10/27/78
 12:00 P.M.

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.

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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)

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.

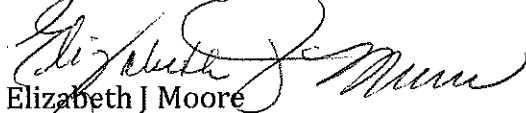
I **oppose** approval of this request because it will:

- 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

2018-629
OPPOSE

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

2018-629
OPPOSE

Lifsey, Debbie (Codes)

From: Withers, Brett (Council Member)
Sent: Friday, November 30, 2018 11:01 AM
To: Board of Zoning Appeals (Codes)
Cc: Michael, Jon (Codes); Lamb, Emily (Codes); Shepherd, Jessica (Codes); Briggs, Michael (Planning)
Subject: Recommendations for District 6 items on the 12/6 Board of Zoning Appeals agenda

Members of the Board of Zoning Appeals:

There are several District 6 items on the upcoming meeting agenda and I have provided a summary of my recommendations for all of those cases below. I will be traveling on Council business that day and will be unable to join the meeting. Thank you for your service on what bodes to be a lengthy meeting.

- Case 2018-595 for property located at 1414A Boscobel: This is an STR case that had appeared on the last meeting's agenda but I did not find that a decision was rendered. This is an appeal to be permitted to obtain an STR permit for this side of an HPR duplex even though there is already an STR permit for the other side of the duplex. Nearby neighbors wrote in opposition to this appeal as did I. I oppose this appeal on the basis that the Metro Code limits STR permits to no more than one per lot. I cosponsored with Council Member Burkley Allen the ordinance that established this limit and would ask you to uphold it and deny this appeal in the interest of consistency.
- Case 2018-629 for property located at 307 S 10th Street: This is an appeal to demolish a house and construct two new homes on the lot without building sidewalks to standard or paying into the in-lieu fund. This case had been on the last meeting agenda and several nearby neighbors wrote in opposition to this appeal and I joined them in that opposition. South 10th Street is an arterial boulevard that connects an existing neighborhood center including a school at 10th/Fatherland just north of this property to a largely undeveloped neighborhood center at 10th/Shelby that already has commercial zoning entitlements in place and could be built out virtually at any time. It will be important to have adequate sidewalks for the increasingly busy S 10th Street as vehicular and pedestrian activity is already increasing in this area as new housing and businesses are opening on this corridor. I have spoken with the applicant. There is an existing 2' planting strip that is sufficient to accommodate the utility poles in the area. Constructing new sidewalks to standard would not require the installation of curbs and gutters or utility relocation, and therefore I can see an argument that the in-lieu fee for this frontage could be more expensive than constructing sidewalks to current standard. My strong preference would be that the applicant construct new sidewalks to the full standard including a 4' planting strip and an 8' sidewalk. What I would accept as a compromise is for the applicant dedicate any right-of-way easements but construct sidewalks with an alternative design wherein the existing 2' planting strip would remain in place but the applicant would construct new 8' sidewalks across the property frontage. Constructing not one but two new homes without contributing to or constructing sidewalks is not acceptable to me, but I am willing to compromise by supporting the construction of sidewalks only (curbs and gutters already exist) with an alternative design that still meets the current standards for sidewalk width on an Arterial Boulevard.
- Case 2018-632 for property located at 1315 Greenwood Ave: this is a fence variance case. The applicants have done a great job of explaining the nature of their hardship, which arises from their house being located directly across from the T-intersection of Greenwood Ave and North 14th Street in the Eastwood neighborhood. Both of these streets are classified as Collector Streets in the Major and Collector Street Plan. The Bendts have unfortunately experienced several cars running the stop sign at 14th/Greenwood and crashing into their yard. The sidewalks that exist on Greenwood Ave in front of their home are narrow and lack a planting strip and therefore there is not a reasonable way for Public Works to install chevron signage or a barricade as would take place in other similar situations. The Bendts have gone to unusual expense to install an engineered fence that may help to withstand the impact of a car should another accident unfortunately happen. This fence is a few inches higher than Code permits, but it is in line with the height of neighboring fences on adjacent lots. A further hardship for the lack of opacity in the fence materials is that the fence design and slightly elevated height may help to obstruct the shining of headlights into the yard and the house when vehicles stop at the stop sign

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



Appellant: Chris Bendt
Property Owner: Chris Bendt
Representative: Chris Bendt

Date: 10-3-18
Case #: 2018-632
Map & Parcel: 053220020.00

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:

VARIANCE REQUEST TO ALLOW
39" HEIGHT, ALLOWABLE HEIGHT OF 30"
ALONG RIGHT-OF-WAY.
REQUESTING 9" ADDITIONAL HEIGHT

Activity Type:

Location: 1315 GREENWOOD

This property is in the HISTORIC Z6 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 HEIGHT OF FENCE

Section(s): 17.12.040. Z6A

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 Bendt
Appellant Name (Please Print)

Representative Name (Please Print)

1315 Greenwood Ave
Address

Address

Nashville TN 37206
City, State, Zip Code

City, State, Zip Code

310-592-0843
Phone Number

Phone Number

cbendtaw@gmail.com
Email

Email

Appeal Fee:

Nashville / Davidson County Parcel V



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.

Chris Benlt
APPELLANT

10/3/18
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?

On the following pages lists our reasons for hardship

To Whom It May Concern:

It was midnight on a random Wednesday night at my house in East Nashville on Greenwood Avenue, but instead of sleeping, I found myself once more staring at a gaping hole where my fence used to be. In the previous three weeks, I'd spent many nights looking out my front window at that busted-up fence, wishing, hoping and praying that another car wouldn't come barreling through the stop sign across from my house and into my yard ... again.

Several weeks earlier, an older woman in an SUV ran the stop sign at 14th and Greenwood and plowed through our horizontal wooden fence. Imagine being awoken by a loud crash and opening your front door to find two headlights staring you in the face, just 10 feet from your front door. What made it so much worse was knowing that my 2-year old and 2-week old were sleeping only a few feet behind that door. I vowed that day to do whatever it took to protect my family.

Since we moved into our house, we've had three different cars run through our fence, including a hit and run that luckily hit our neighbors' cars instead of crashing through one of our houses. Neighbors tell us this happened several times before we moved in, too, with one car even getting launched into the duplex where our house is now.

We've worked with our councilman and metro to get better signage installed and to better understand our options for preventing this in the future. However, there is ultimately nothing that can be done to stop a car from colliding head-on with our house. Our only option is to mitigate the damage if and when that happens again.

So we set out to build a stronger fence, enlisting a fence architect who designed a steel-framed fence filled with concrete. The six-inch slats sit 1.5" apart horizontally and are welded to 4x4 steel posts for a height of 39" (just above the legal height of an SUV bumper). He said a fence any shorter than that had the potential to hit under a bumper, bend back and launch the vehicle into our house. We couldn't take any chances; we needed a solution. We needed protection.

We built the fence in October 2017 and haven't had an incident since. I don't know if it's the extra signage or the new fence, but whatever it is, it's working.

However, four weeks ago, we received a notice in the mail that said we needed to take our fence down because it was nine inches too tall. While I respect the city's rules and regulations, I don't know how else to build the fence to code and yet still protect my family. We can't afford to pay the daily penalties or to have the existing fence removed, and I can't physically stop a car from crashing into my house and hurting my family.

Maybe the fence we have won't stop a car. Maybe it won't slow a car down. But at least it makes us feel comfortable sleeping at night.

Please don't make us alter it or tear it down. Please don't put us in danger.

Sincerely,

Chris Bendt

Request for Hardship Exception

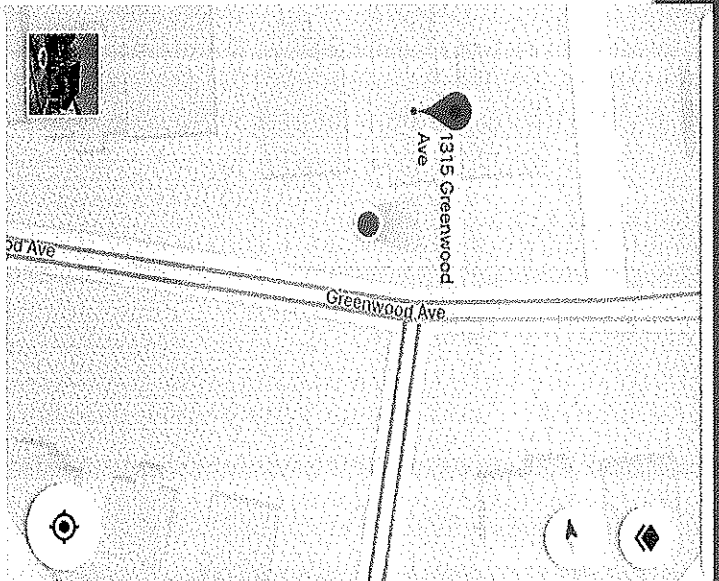
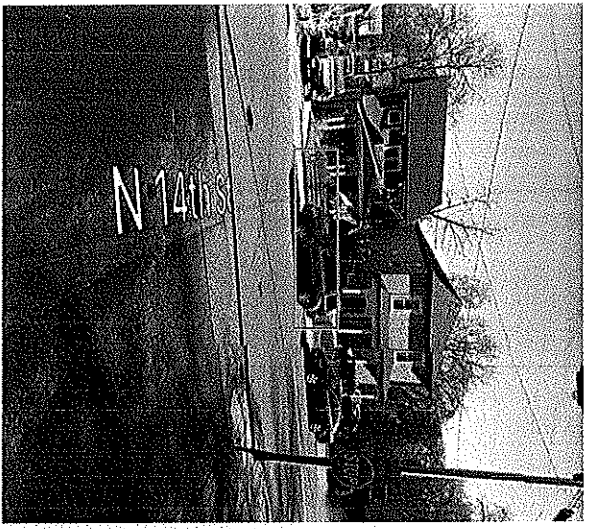
1315 Greenwood Ave

Contents

- Where we started
- What has happened since then
- Where we are today
- Why we need an exception

Where We're Located

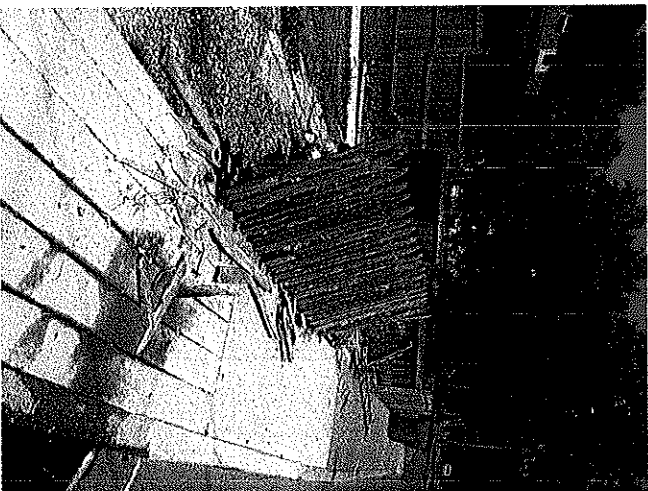
- Our house is located on 14th and Greenwood



1315 Greenwood Ave
1315 Greenwood Ave, Nashville, TN 37206

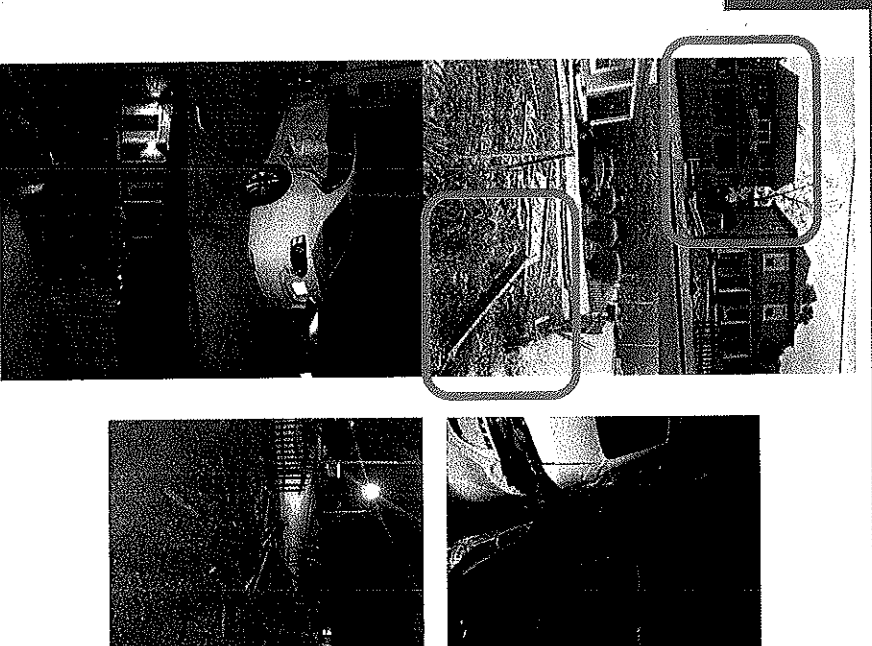
Accident #1 - 2013 (August)

- Picket fence, 4x4s sunk 18" down
- Fence destroyed by a 16 year old who took a right hand turn too sharp.
- No one hurt.



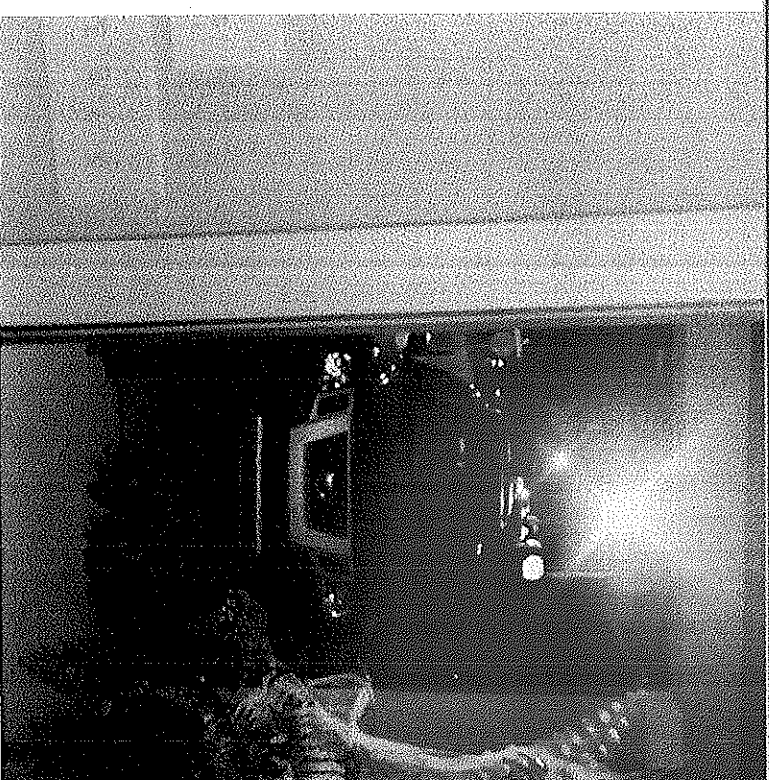
Accident #2 - 2017 (March)

- Rebuilt fence using wide wooden horizontal slats with 1" cedar and 4x4 steel posts 24" in ground.
- Hit and run large Truck, ran right through the stop sign on 14th, barreled through the right side of our fence and right into our neighbors cars.
- No one hurt, heavy damage to cars.



Accident #3 - 2017 (September)

- Rebuilt fence using wide wooden horizontal slats with 1" cedar and 4x4 steel posts 24" in ground.
- SUV ran through stop sign at 14th, ran through the steel posts and wooden slats, came within 2 feet from hitting our house where our 2 year old and newborn were sleeping.
- No one hurt. Property damage, not structural.



Safest Solution - What Would Work

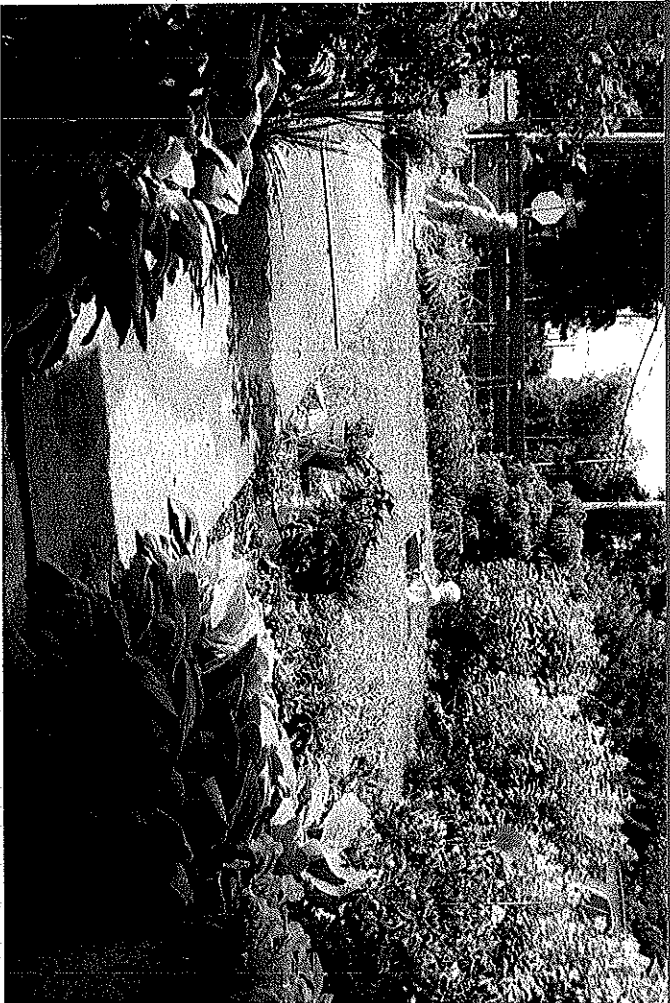
Consulted with fence expert, city and engineer to figure out a solution that will protect my family and home.

- Change wooden slats to steel - taking the same engineer design of guardrails
- Fill steel posts with concrete to ensure stability



Family

Here is our family playing in our front yard. Smith, Stone and my wife Faith. I would do anything in this world to keep them safe.



Notice from Department of Codes (9/7/18)

Received a notice by mail on
September 14th that our fence was 9"
too high

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
DEPARTMENT OF CODES & BUILDING SAFETY

NOTICE TO CORRECT VIOLATION

Notice sent to: **Veronica**
 Date of Notice: **09/07/2018**
 Case Number: **18-1189586**

Property Owner:
ERIN CHAVIS & FAITH
1315 GREENWOOD AVE
NASHVILLE TN 37208

MAILING ADDRESS:
 P. O. Box 19630
 NASHVILLE, TENNESSEE 37219
 TELEPHONE: (615) 862-6590
 FACSIMILE: (615) 862-6593

Msp/Parcel Number: 08310202000 **Location of Violation:** 1315 GREENWOOD AVE

You are hereby notified as owner, occupant, or agent, in control of the above referenced property, that the following conditions about said premises are a violation of the Metropolitan Code Section(s):

VIOLATION(S):

- 1) Section 17.12.046 - The maximum fence height measured from finish grade level on the side of the wall or fence exceeds the height allowed.
- 2) Section 17.12.040 (E) 2d(6) - Screening Walls or Fences (Front Setback) Greater Vertical enclosure shall be six feet in height within the remainder of the required front setback.

Therefore, you are to have the violation or cause removed and/or corrected before October 20, 2018. If you have any questions, believe this notice has been issued to you in error, or believe the code section indicated above is inapplicable and you are not in violation, please contact our office immediately to discuss the matter.

Said Section of the Code of the Metropolitan Government of Nashville and Davidson County, Tennessee, as referenced above, provides that the cited violation must be abated within the time set out and that upon failure to abate said violation, the Department of Codes Administration is empowered to prosecute the owner, occupant or agent for failure to abate the violation.

The Metropolitan Code provides for a penalty for anyone who violated or caused the violation of the Metropolitan Code, a fine of \$50.00 per day for each offense and each day of violation. Section 17.01.030 - Code Administration shall have the authority to assess the penalty for the violation of the Code. The penalty shall be assessed on the date the violation is brought into compliance by the code date.

Notice issued by: Darrell Hardick

Other Solutions - Why they would not work

When we consulted with fence expert, city and engineer to figure out a solution they advised that:

- A shorter fence would launch a vehicle in the air and into our house
 - Height well below key impact zone of truck/SUV.
- Any other building material (i.e. Rod iron or chain or steel cable) would not stop vehicle, and would not stop my kids from going into street.
- My front yard has a downslope towards house, moving fence back and increasing height would:
 - Allow only 10-12' of space for the car to stop.
 - Take away 200' sq of usable front yard for my kids.
- Current fence is a visual indicator that the driver must stop.

TN Bumper height

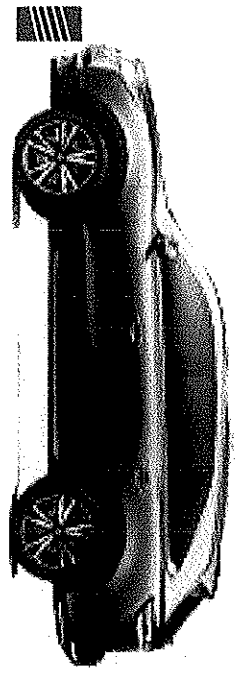
Four wheel drive vehicles in Tennessee are required to have bumpers that are no lower than 14 inches above the roadway and **no higher than 31 inches**. Passenger vehicle bumpers must be 22 inches or lower. Bumpers must be at least 4.5 inches tall.

(Measured to the bottom of the bumper.)

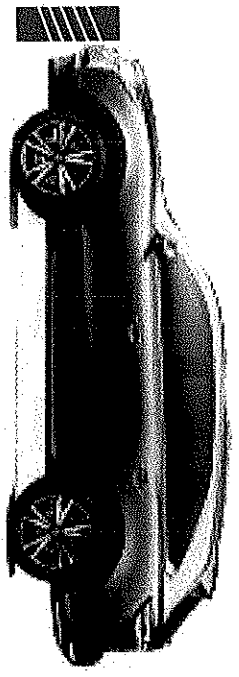
TC 55-9-215

Note: 31" + 4.5" = 35.5" to top of bumper

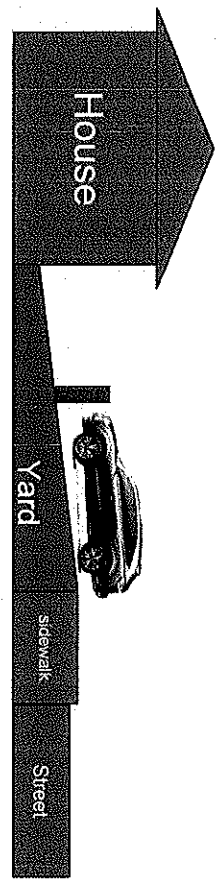
Diagrams - Shorter Fence or Set Back 10'



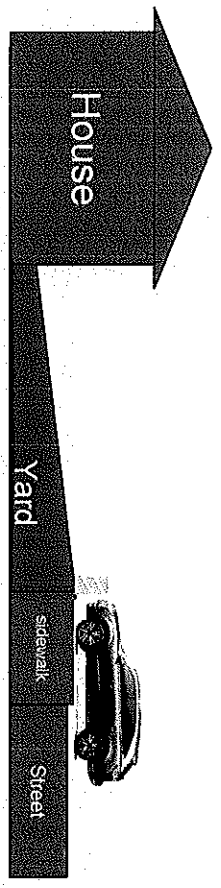
30" fence - below 4WD bumper - will launch vehicle



39" fence - above bumper - will stop vehicle



6' Fence set back 10'



█ = proposed fence
▨ = existing fence

Hardship Exception

I cannot protect my home and family from drivers if I have to follow the code.

- Removing the existing fence and building a new fence would:
 - Leave us without a fence for weeks during removal and rebuild (including excavation)
 - Not protect my home and family as well as the current fence
 - Leave little room to try and stop the car before it hits our house
- If I do not get a hardship exception then I am responsible for daily fines of \$50 or \$16k per year in order to protect my family
- If this is not done correctly I am scared that someone I care about could get hit and seriously injured

From: [Julie Jones](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Withers, Brett \(Council Member\)](#)
Subject: Case number 2018-632 - Chris and Faith Bendt
Date: Thursday, November 29, 2018 8:58:52 AM

November, 27, 2018

RE: Case No. 2018-632

To Whom It May Concern

My name is Julie Jones. My husband, Shane Jones, along with our two children, live at 1400 Greenwood Avenue. This is a letter of SUPPORT for the requested variance to code 17.12.040, for Chris and Faith Bendt at 1315 Greenwood Avenue, regarding keeping their existing fence, case number 2018-632.

We live across the street from Chris and Faith Bendt. We have lived at 1400 Greenwood Ave, since November 2003. Chris and Faith Bendt are valued neighbors and have only added value to our street, including the addition of their front fence several years ago, when their first son began walking and wanting to play in the front yard.

The location of their house and existing fence is mid-block and does not cause any visibility concerns at the intersection of North 14th St. and Greenwood Ave. The fence is aesthetically pleasing with a modern style and it provides a safety barrier for both their two small children and their home itself. It is also the exact same height to the adjacent neighbor's fence and the majority of the other existing fences on Greenwood.

Greenwood Avenue is a very busy street and has only gotten busier with the changes we have seen in the last ten years in East Nashville. When you have small children, like the Bendt's do, and live on a busy street, a front fence is paramount in order to enjoy your front yard and feel safe while doing so.

We have a front fence encasing our front yard for the same reason. I (Julie) tried for a number of years, as a member and officer of the Eastwood Neighborhood Association, to get traffic calming on Greenwood, to no avail. I finally just gave up. Instead, we built a front fence so our children and dog could play safely in the front yard. That was over ten years ago and we did not, until now, know anything about any fence height and setback requirements or restrictions.

Since the Bendt's have lived at 1315 Greenwood, there have been THREE incidents of a car running the stop sign at North 14th/Greenwood and driving through the fence and into their front yard. The third time, the car made it all the way up to their front door.

There was also a 4th incident, prior to the Bendt's living there, and *prior to there being any kind of fence*, where a car made it all the way through the yard, crashing INTO the house itself. We believe their existing fence is both visually and physically a barrier to this happening again. The Bendt's have even gone so far as to fill the metal posts with concrete in order to help stop any oncoming vehicles. Moving these posts and the existing fence would be a considerable expense. Further, having the fence so close to the house (per a 10 ft setback),

could put their children, and their home, in danger and greatly affect their quality of life.

We further feel that if someone is going to make a complaint about an existing fence, particularly one that has already been there for a number of years, there should be a good and valid reason. The Bendt's fence is not obtrusive. It does not cause any visibility issues. We are not sure what the complaint would have been about. The existing fence has caused no issues for years and is currently only being used as an example, along with several other neighbors.

Lastly, the current code refers to "solid" fences when limiting the height and setback. However, there is nothing written specifically about what this means exactly. We would argue that the Bendt's fence is not "solid" as there are spaces in between each board that you can see through and into the yard. It is not a privacy fence. The majority of existing fences on Greenwood have boards larger than the spaces in between them, most likely also unaware of any fence restrictions.

Therefore, because of all of these reasons, we feel it would be unnecessary and would cause undue hardship, to request that the Bendt's move/change their fence. As a close neighbor and someone who uses both streets that front their home, we support leaving their fence as it currently exists.

Thank you for taking the time to read our letter of support.

Regards,

Julie and Shane Jones

1400 Greenwood Ave

To the Board of zoning appeals:

Re: 2018-682
SUPPORT

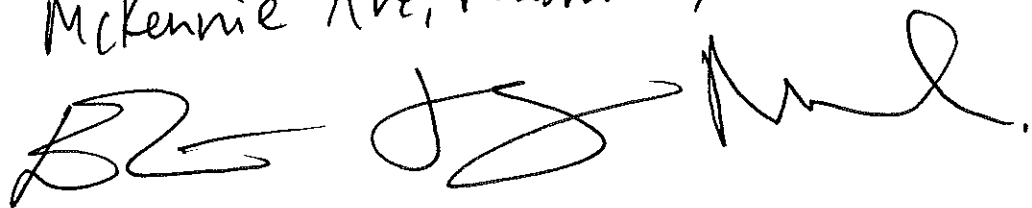
Parcel: 083 02002000

Zoning: R6

Local D.: 6

I am writing this letter in support of allowing a variance from the fence height restrictions for 1315 Greenwood Ave. Chris Bendt has young children and the house is located in a very busy intersection, and I have personally seen at least one car drive through his fence a few years ago. Until the City turns the 14th Street & Greenwood intersection into a four way stop, (because cars are speeding like crazy on Greenwood and there are accidents all the time), Mr. Bendt should be allowed a taller fence to protect his family & others. Additionally, if the fence is ~~slightly~~ taller than the zoning permits, it is minimal. The fence blends in with the aesthetics of the neighborhood and looks nice & well kept.

Sincerely, Elin & Matthew Neal, owners
of 1304 McKennie Ave, Nashville, TN 37206.



From: [Heather James](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Withers, Brett \(Council Member\)](#)
Subject: Case No: 2018-632
Date: Wednesday, November 28, 2018 12:21:37 PM

November 28, 2018

RE: Case No: 2018-632

To Whom It May Concern:

My husband and I live with our four children at 1311 Greenwood Avenue. This letter is in SUPPORT of the requested variance for code 17.12.040 for Chris and Faith Bendt at 1315 Greenwood Avenue, regarding case number 2018-632 (keeping their existing fence).

We have lived two houses down from the Bendts for the last five years. Before that, we lived across the street at 1314 Greenwood Avenue for seven years. While we have been on Greenwood, there have been four incidents involving automobiles and the Bendt's property (one being before they moved in). With two small children, their front fence is an absolute necessity on a busy street like Greenwood.

The location of their house and existing fence is mid-block and does not cause any visibility concerns at the intersection of 14th and Greenwood Avenue. The style is pleasing and is also completely appropriate, height-wise, with nearby fences.

The Bendt family are valued neighbors, and we want to make sure their family is safe in their own yard. Chris and Faith have even put metal/concrete-filled backing on the fence to enhance it's effectiveness in protecting their home and their family. Furthermore, the existing fence has been there for quite some time and has never caused a problem. It is not obtrusive and causes no visibility issues. Furthermore, the fence is not "solid" (which the code violation refers to but doesn't even seem to apply here). To move the fence to a 10 ft. setback would significantly reduce it's ability to protect their home and would look aesthetically out-of-proportion and incongruent with the size of their yard and surrounding houses.

We feel it is an unnecessary action to request the Bendt family move/change their existing fence.

We fully SUPPORT leaving their fence as it currently exists.

Sincerely,
Heather and Stephen James
(1311 Greenwood Avenue)

Sent from my iPhone

2018-632
Support

From: [Withers, Brett \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#); [Briggs, Michael \(Planning\)](#)
Subject: Recommendations for District 6 items on the 12/6 Board of Zoning Appeals agenda
Date: Friday, November 30, 2018 11:00:52 AM

Members of the Board of Zoning Appeals:

There are several District 6 items on the upcoming meeting agenda and I have provided a summary of my recommendations for all of those cases below. I will be traveling on Council business that day and will be unable to join the meeting. Thank you for your service on what bodes to be a lengthy meeting.

- Case 2018-595 for property located at 1414A Boscobel: This is an STR case that had appeared on the last meeting's agenda but I did not find that a decision was rendered. This is an appeal to be permitted to obtain an STR permit for this side of an HPR duplex even though there is already an STR permit for the other side of the duplex. Nearby neighbors wrote in opposition to this appeal as did I. I oppose this appeal on the basis that the Metro Code limits STR permits to no more than one per lot. I cosponsored with Council Member Burkley Allen the ordinance that established this limit and would ask you to uphold it and deny this appeal in the interest of consistency.
- Case 2018-629 for property located at 307 S 10th Street: This is an appeal to demolish a house and construct two new homes on the lot without building sidewalks to standard or paying into the in-lieu fund. This case had been on the last meeting agenda and several nearby neighbors wrote in opposition to this appeal and I joined them in that opposition. South 10th Street is an arterial boulevard that connects an existing neighborhood center including a school at 10th/Fatherland just north of this property to a largely undeveloped neighborhood center at 10th/Shelby that already has commercial zoning entitlements in place and could be built out virtually at any time. It will be important to have adequate sidewalks for the increasingly busy S 10th Street as vehicular and pedestrian activity is already increasing in this area as new housing and businesses are opening on this corridor. I have spoken with the applicant. There is an existing 2' planting strip that is sufficient to accommodate the utility poles in the area. Constructing new sidewalks to standard would not require the installation of curbs and gutters or utility relocation, and therefore I can see an argument that the in-lieu fee for this frontage could be more expensive than constructing sidewalks to current standard. My strong preference would be that the applicant construct new sidewalks to the full standard including a 4' planting strip and an 8' sidewalk. What I would accept as a compromise is for the applicant dedicate any right-of-way easements but construct sidewalks with an alternative design wherein the existing 2' planting strip would remain in place but the applicant would construct new 8' sidewalks across the property frontage. Constructing not one but two new homes without contributing to or constructing sidewalks is not acceptable to me, but I am willing to compromise by supporting the construction of sidewalks only (curbs and gutters already exist) with an alternative design that still meets the current standards for sidewalk width on an Arterial Boulevard.
- Case 2018-632 for property located at 1315 Greenwood Ave: this is a fence variance case. The applicants have done a great job of explaining the nature of their hardship, which arises from their house being located directly across from the T-intersection of Greenwood Ave and North 14th Street in the Eastwood neighborhood. Both of these streets are classified as Collector Streets in the Major and Collector Street Plan. The Bendts have unfortunately experienced several cars running the stop sign at 14th/Greenwood and crashing into their yard. The sidewalks that exist on Greenwood Ave in front of their home are narrow and lack a planting strip and therefore there is not a reasonable way for Public Works to install chevron signage or a barricade as would take place in other similar situations. The Bendts have gone to unusual expense to install an engineered fence that may help to withstand the impact of a car should another accident unfortunately happen. This fence is a few inches higher than Code permits, but it is in line with the height of neighboring fences on adjacent lots. A further hardship for the lack of opacity in the fence materials is that the fence design and slightly elevated height may help to obstruct the shining of headlights into the yard and the house when vehicles stop at the stop sign opposite their house. Several neighbors have written in support of this hardship appeal and I support the hardship in order to permit the Bendts to maintain their existing fence.
- Case 2018-635 for property located at 927 Woodland Street: This is a sidewalk variance hearing that is related to a nonconforming parking variance hearing for which I spoke in favor of the

To: Metropolitan Board of Zoning Appeals

From: Molly F. Collins

Date: December 3, 2018

Re: Appeal Case Number: 2018-632, permit # 20180064291

My name is Molly Collins and I live at 1313 Greenwood Avenue in east Nashville. Chris and Faith Bendt are my next-door neighbors and have submitted an appeal to request a variance from fence height restrictions at 1315 Greenwood Avenue. **I strongly support their request and ask that you grant the variance to allow their fence to remain.**

The Bendt's home at 1315 Greenwood Avenue is situated at the T intersection of 14th Street and Greenwood, a busy connector street. In the roughly seven years that we and the Bendt's have lived in our homes at this location, there have been at least three car crashes into their property. I was on hand for all of them. In the first, a young teenager learning to drive, overcorrected from a westbound turn onto Greenwood and leveled the Bendt's then-picket fence. Chris rebuilt the fence and fortified the structure with steel posts. Two years ago in the middle of a weekend night, a hit-and-run driver of a pick-up truck ran the stop sign at the T-intersection, crashed into the fence, and veered right into the front yard of the property at 1317, smashing two cars in the driveway. The driver backed up and sped off, according to a witness who saw the accident and gave chase for a short while. (I am not a structural engineer; however, I feel certain that the steel posts and height of the fence slowed the truck and prevented structural damage to both homes.) Again, Chris rebuilt the fence. Last summer, an intoxicated driver again ran the stop sign at 14th and Greenwood, crashed into the fence, and came to a stop on the Bendt's front lawn. The fortified fence stopped the car from hitting their house. A lower fence might have jettisoned the car upward or provided such limited protection that the car might have crashed into their home.

The Bendt's fence provides not only safety; it is visually appealing and aesthetically beautiful in the neighborhood. The Bendts are very active neighbors and gardeners and work hard to ensure that their yard is well-cared for and pleasing to look at. The height of the fence is sufficient for corralling their two young children (ages 4 and 1) and enables their entire family to be outside playing and working together safely. Additionally, the fence itself, as well as the gaps between boards, poses no sight restriction for anything in any direction.

Please grant their variation request. The fence is needed for safety, is attractive, presents no safety or visibility hazards to anyone, marks an appropriate boundary for children and yard activities, and offers a beautifying element to the neighborhood. I cannot think of better reasons to grant an appeal.

Please contact me if you have questions or need more information.

Molly F. Collins
1313 Greenwood Avenue
Nashville, TN 37206
254.319.5901

From: [Pamela Gordon](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Withers, Brett \(Council Member\)](#)
Subject: #2018-632
Date: Monday, December 3, 2018 8:55:45 AM

I am a neighbor of the Bendt family on Greenwood Ave. I want them to keep their fence so they stay safe! In my opinion, it's the fence and, mostly, the bushes on the property on the corner of Greenwood & N 14th, the house on the East side of the Bendt's, that impedes visibility.

Sincerely,
Pamela Gordon
1417 Greenwood Avenue

Sent from my iPhone

From: [Paul Stagner](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Withers, Brett \(Council Member\)](#)
Subject: Hearing: Case 2018-632 / 1315 Greenwood Avenue
Date: Friday, November 30, 2018 5:20:13 PM

Hello.

This is Paul Stagner. As of 11/28/18, I am the new owner of 1317 Greenwood, next door to the subject of the hearing on 12/06/2018 at 1:00 p.m.

After a brief explanation by the owner of 1315 Greenwood, I feel that their fence is justified in its design and purpose. There is a real hazard to 1315 from traffic that fails to stop across the street. They put up a steel reinforced fence behind the wood fence. Both fences are attractive in nature and do not detract from the marketability or utility of the surrounding neighborhood. The height of both fences is reasonable and consistent with adjacent properties. The horizontal fence planks that are visible from the street are attractive and accepted in the neighborhood.

I urge you to consider a waiver for the fence, as it does not block visibility from the nearby corner of 14th and Greenwood. Also, as a parent, I can see the owners concern to protect their two small children from any drunk/distracted driver that fails to stop.

Thank you,

Paul Stagner

(615) 394-2605 Phone/Text

HomeVestors

ANCHOR APPRAISALS



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Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Jesse Bushnell
Property Owner: 927 Woodland LLC
Representative : Jason Hitchcock

Date: 10-4-18
Case #: 2018-635
Map & Parcel: 82-12-343

Council District 6

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: Commercial Renovation

Location: 927 Woodland St.

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

Reason: Requesting variance from sidewalk requirement

Section(s): 17.12.120

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

Jesse Bushnell
Appellant Name (Please Print)

Jason Hitchcock
Representative Name (Please Print)

2500 21st Ave
Address

904 Main street suit A-1
Address

Nashville, TN 37212
City, State, Zip Code

Nashville, TN 37206
City, State, Zip Code

615-939-1767
Phone Number

615-981-1108
Phone Number

bushnelljt@gmail.com
Email

Jason@powellarchitects.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**



3565882

**ZONING BOARD APPEAL / CAAZ - 20180063101
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08212034300

APPLICATION DATE: 10/04/2018

SITE ADDRESS:

927 WOODLAND ST NASHVILLE, TN 37206
PT LOTS 11-12-13 PAYNES ADDN TO EDGEFIELD

PARCEL OWNER: 927 WOODLAND STREET, LLC

CONTRACTOR:**APPLICANT:****PURPOSE:**

requesting variance from sidewalk requirement

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATIONS FOR VARIANCE REQUESTS

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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

APPELLANT

10/4/18

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?

New sidewalk would eliminate
Existing parking spaces previously approved to Remain
by B24. Existing sidewalk to remain

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-635 (927 Woodland Street)

Metro Standard:	Woodland Street – 4' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
	McFerrin Avenue – 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not upgrade sidewalks; not contribute in lieu of construction (not eligible)
Zoning:	CS
Community Plan Policy:	T4 CM (Urban Mixed Use Corridor)
MCSP Street Designation:	T4-M-CA3
Transit:	#20 – Scott; Major Local Service planned per nMotion
Bikeway:	Minor Separated Bikeway planned per WalknBke

Planning Staff Recommendation: *Approve.*

Analysis: The applicant proposes to repurpose an existing 10,430 square foot structure for a new restaurant and requests a variance from upgrading sidewalks along both frontages of the property. Planning evaluated the following factors for the variance request:

- (1) An 8' sidewalk without a grass strip currently exists along the Woodland Street property frontage, which is consistent with adjacent properties along the block face to the east. Similarly, a 7' sidewalk without a grass strip currently exists along the McFerrin Avenue property frontage, which is consistent with adjacent properties to the north.
- (2) A previous variance to maintain nonconforming pull-in parking which currently exists in front of the building adjacent to Woodland Street received approval by the Board of Zoning Appeals on September 6, 2018 (Case No. 2018-483). Constructing sidewalks to the Major and Collector Street Plan standard will require the relocation of 11 parking spaces.
- (3) The existing structure is located directly to the rear of the existing sidewalk along McFerrin Avenue. Constructing sidewalks to the Major and Collector Street Plan standard would impact the structure, therefore right of way dedication is not feasible.

Given the factors above, staff recommends **approval**.

opposite their house. Several neighbors have written in support of this hardship appeal and I support the hardship in order to permit the Bendts to maintain their existing fence.

- **Case 2018-635 for property located at 927 Woodland Street:** This is a sidewalk variance hearing that is related to a nonconforming parking variance hearing for which I spoke in favor of the appeal to the Board at a hearing a few meetings ago. Neighbors and businesses in the vicinity of the 900 blocks of Woodland are experiencing quite a bit of parking congestion. The previous nonconforming parking variance that the Board granted permits the existing pull-in parking spaces to remain. The sidewalk variance is needed in this case because constructing sidewalks to the current standard would render those same parking spaces inaccessible. The current sidewalks are not quite to standard but are usable. In order to be consistent with the nonconforming parking variance that was granted, I ask the board to permit the applicant to keep the existing sidewalks in place in this appeal. For renovation projects, I have been supportive of foregoing in-lieu contributions with the thought that at some point if the building is demolished and the parcel is redeveloped new sidewalks should be constructed to the standard at that time. Therefore, in this building renovation or adaptive reuse case I support permitting the applicant to maintain the existing sidewalks and forego an in-lieu contribution other than making any repairs to abutting sidewalks that Public Works deems necessary.
- **Case 2018-665 for property located at 721 Groves Park Road:** This is a Contextual Overlay variance application. The applicant is seeking to construct a new single-family home on this property, which has duplex zoning entitlements. The variance seeks to permit a slight overage in lot coverage for the single-family home and to apply the provisions of the Sidewalk Bill to the Tillman Lane frontage rather than to the Groves Park frontage. The applicant made a presentation at the November meeting of Rolling Acres Neighborhood Association and their letter of support should be in your file. I find that there is a lot coverage and setback hardship given the unusual shape of this corner lot and the unusually small size of the existing houses on the two Tillman Lane properties that are adjacent to this lot. I also agree with applying Sidewalk Bill provisions to one side or the other of corner lots, but not both. There are no existing sidewalks in this vicinity and there are utility issues with constructing sidewalks on Groves Park Road. Therefore, I support the applicant's request to apply the Sidewalk Bill requirements to the Tillman frontage whether that be in the form of constructing new sidewalks or contributing to the in-lieu fund. In summary, I support both the Contextual Overlay lot coverage and contextual setback variance requests as well as the Sidewalk Bill variance request for this single-family home project.
- **Case 2018-687 for property located at 619 Rosebank Ave:** This is a sidewalk variance case for a corner lot located in the Rosebank neighborhood. There are existing sidewalks along the Rosebank Avenue frontage that do not meet current standards for a Collector Street but are usable. There are no sidewalks or curb-and-gutter system along the Meadow Rose frontage. There are utility poles and a fire hydrant behind the existing Rosebank Avenue sidewalks that could be impacted by constructing new sidewalks to standards. There is a culvert drainage system and other utility easements along the Meadow Rose side frontage. The applicant has asked to meet the requirements of the Sidewalk Bill by constructing new sidewalks along the Meadow Rose frontage inset ten feet from the street in order to avoid the culvert drainage system. My understanding is that in order to obtain a building permit Public Works and Metro Water Services would have to sign-off on a variance to construct sidewalks but not a curb and gutter system along Meadow Rose; therefore, granting a variance to construct a sidewalk but not a curb-and-gutter system along Meadow Rose could still potentially delay construction for an indefinite period of time. It is also my understanding that if Metro were to continue new sidewalks along Meadow Rose that we would need significant right-of-way dedication from homeowners in order to construct sidewalks with ten-foot planting strips. While I appreciate the applicant being willing to construct new sidewalks along the lengthy Meadow Rose frontage with a ten-foot inset, this design would not be continued by Metro and would result in pedestrians walking down the sidewalk and then down the neighbor's driveway. A further consideration is that I do have a Capital Improvements Budget request to add new sidewalks for Rosebank Avenue from Meadow Rose to Eastland across the street from this project and we will need to have an ADA-accessible ramp at this corner in order for pedestrians to access that new sidewalk when it is constructed. In consideration of all of these hardships and unique circumstances, my recommendation is that the applicant not construct new sidewalks on Meadow Rose that Metro would not be likely to continue but rather that they contribute to the in-lieu fund across the Rosebank Avenue property frontage (about 80 feet) minus any costs incurred by requiring them to install a new ADA-compliant corner ramp per Public Works standards.

Brett A. Withers

Metro Council, District 6

Mobile (615) 427-5946 | facebook.com/Brett A. Withers | twitter.com @brettawithers



949 Woodland Street
Nashville, Tennessee 37206
phone 615.227.5466 phax 615.227-2536
philprint.com

Metropolitan Government of Nashville and Davidson County

Board of Zoning Appeals
PO Box 196300
Nashville, TN 37210

Dear Members of the Board of Zoning Appeals,

As owners of a business that has been on Woodland Street for 50 years, we do not support approval by the Board of Zoning Appeals for the requested variance from sidewalk requirements for 927 Woodland Street.

This would allow for a single location along Woodland Street to remove the sidewalk in a neighborhood that relies heavily on pedestrian foot traffic. By eliminating the sidewalk at this location, it will create an unsafe environment for pedestrians and increase the number of accidents and fatalities. It is a proven fact that roadways without sidewalks are more than twice as likely to have pedestrian crashes as sites with sidewalks on both sides of the street. We also fear this will start a trend for other property owners to request this variance and destroy the character of the community.

I am urging the Zoning Board to not approve the proposed requested variance.

Sincerely,

A handwritten signature in cursive script that reads "Shealia Hearn".

Shealia Hearn

A handwritten signature in cursive script that reads "John Hearn".
John Hearn

2018-637

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Catherine Randolph Date: 10/5/18
Property Owner: 15 15 Case #: 2018-637
Representative: 11 11 Map & Parcel: 118-4-0 216.00

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: 2 structures on this parcel: House + Warehouse
ⓐ use warehouse as Animal Boarding
ⓑ remove + convert House to Storage

Activity Type: _____
Location: 2251 Winford Ave N.T. 37211

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 ⓐ

Reason: BZA ⓐ STRUCTURE HOUSING CATS/DOGS REQUIRED TO BE MIN 200' FROM EXISTING RESIDENCE.....AND.....NO KENNEL RUN SHALL BE CLOSER THAN 100' FROM AN EXISTING RESIDENCE.....
a...ON PARCEL 210 IS A RESIDENCE OWNED BY APPLICANT. CLOSER THAN 200' AND 100'
b...ON SUBJECT PROPERTY IS A RESIDENCE OWNED BY APPLICANT...CLOSER THAN 200' AND 100'
c...ON PARCEL 213 IS A RESIDENCE. CLOSER THAN 200'....APPROX 169'...
17.16.070 B.1.

Section(s): _____
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.

Catherine Randolph
Appellant Name (Please Print)
802
~~2251~~ Longview AV
Address
N.T. 37211
City, State, Zip Code

Representative Name (Please Print)

Address

City, State, Zip Code

615-294-1820
Phone Number

Phone Number

Crandolph802
Email
@Comcast
Net

Email

Appeal Fee: _____

BZA
ⓐ Also Sidewalks
required;
Request:
Not to Install
Not to
Contribute
17.20.120



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



3566397

**ZONING BOARD APPEAL / CAAZ - 20180063433
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 11804021600

APPLICATION DATE: 10/05/2018

SITE ADDRESS:

2251 WINFORD AVE NASHVILLE, TN 37211
LOTS 120 & 121 GRANDVIEW HGTS & PT CL ALLEY

PARCEL OWNER: RANDOLPH, CATHERINE & BERGMAN, JA **CONTRACTOR:**

APPLICANT:**PURPOSE:**

ADDITIONAL PERMIT REQUIRED.

***THIS IS BZA ONLY.

TWO STRUCTURES ON THIS PARCEL: WAREHOUSE AND HOUSE...WILL NEED ADDITIONAL PERMIT TO CONVERT WAREHOUSE TO AN ANIMAL BOARDING FACILITY...AND PERMIT TO CONVERT THE HOUSE TO STORAGE BLDG.

DENIED: ANIMAL BOARDING FACILITY.

STRUCTURE HOUSING CATS/DOGS REQUIRED TO BE MIN 200' FROM EXISTING RESIDENCE.....AND....NO KENNEL RUN SHALL BE CLOSER THAN 100' FROM AN EXISTING RESIDENCE.....

a..ON PARCEL 210 IS A RESIDENCE OWNED BY APPLICANT. CLOSER THAN 200' AND 100'

b...ON SUBJECT PROPERTY IS A RESIDENCE OWNED BY APPLICANT...CLOSER THAN 200' AND 100'..

c...ON PARCEL 213 IS A RESIDENCE. CLOSER THAN 200'....APPROX 169'...

17.16.070 B 1.

***ALSO SIDEWALKS REQUIRED: REQUEST NOT TO INSTALL AND NOT TO CONTRIBUTE TO THE SIDEWALK FUND...17.20.120...

POC: CATHERINE RANDOLPH 615-294-1820

carandolph802@comcast.net

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

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.

Catherine A. Randolph
APPELLANT

10/5/18
DATE

http://maps.nashville.gov/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

11804021600	2251 WINFORD AVE	CATHERINE & BERGMAN, JACK P.
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Choose the Development Type

Multi-Family or Non-Residential

Calculate Requirements:

Sidewalks **ARE** required for this project because this parcel is within the USD.

You are eligible to contribute to the Pedestrian Benefit Zones in lieu of construction, provided that there is not a substandard sidewalk on the property, existing sidewalk on the block face or proposed sidewalk on the block face. To help determine whether there is existing or

2251 WINFORD AVE

Parcel ID: 11804021600
Owner: RANDOLPH, CATHERINE & BERGMAN, JACK P.
Address: 2251 WINFORD AVE, NASHVILLE, TN 37211
Zoom to

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

10:02 AM 10/5/2018

17.16.060

and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.

e. Watering of Animals. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.

f. On-Site Waste Collection. All on-site waste shall be housed either within the kennel building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products from the kennel shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams, or rivers.

g. Building Temperature. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of an impervious material to permit proper cleaning and disinfecting.

h. Security Residence. The building footprint of an accessory security residence, if provided, shall be in addition to the maximum permitted building footprint of the veterinary clinic. All standards of Section 17.16.030(C) shall be met.

C. Outpatient Clinic. Outpatient clinics shall be limited to clinics with no more than six thousand square feet, with use being limited to occupational health, which is to be defined as those clinics that provide outpatient services limited to the treatment of minor work-related injuries, physical examinations and drug and alcohol screenings. (Ord. 2001-744 § 1, 2001; Ord. BL2000-480 § 1, 2000; Amdt. 1 with Ord. BL2000-242 § 1 (part), 2000; Ord. 96-555 § 4.2(D), 1997)

17.16.070 Commercial uses.

(Refer to zoning district land use table)

A. After Hours Establishments.

1. Street Standard. At a minimum, after hours establishments shall have driveway access on an arterial street.

2. Setback/Location Restrictions. No after hours establishment shall be located within five hundred feet from the property line of any residential property. Distances shall be measured in a straight line from the closest point of the after hours establishment building to the closest point of the residential property line.

B. Animal Boarding Facility

1. Setback. No part of any building or structure in which animals are housed shall be closer than two hundred feet, and no kennel run shall be located within one hundred feet, from any existing residence.

2. Building Temperature. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.

3. Cages. Each animal boarded at the facility shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to be of material and construction that permits cleaning and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.

4. Runs. Each run must have at least a six-foot high fence completely surrounding it. Fences must be maintained in escape-proof condition. Runs shall provide an adequate exercise area and protection from the weather. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.

5. Watering of Animals. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.

6. On-Site Waste Collection. All on-site waste shall be housed either within the kennel building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams or rivers.

C. Automated Teller Machine (ATM). Where a drive-up ATM kiosk abuts a residential zone district or district permitting residential use, a minimum setback of twenty feet shall be provided and landscape buffer yard Standard B shall be applied within the setback.

D. Automobile Convenience.

1. Minimum Street Frontage. Each parcel shall have a minimum street frontage of one hundred feet on each abutting street.

2. Gasoline Pumps. Gasoline pumps shall be at least twenty feet from any property line and a minimum of twenty feet from any public right-of-way.

3. Automatic Car Wash.

a. One automatic car wash, capable of washing only one car at a time, shall be located fifty feet away from any residential zone district or district permitting residential use.

b. All washing facilities shall be located within a building which is enclosed except those openings necessary for vehicular and pedestrian access. Such openings shall not face any adjacent residentially zoned property.



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R6

T4-F4 440

T4-F4 440

440 T4-F4

I440 W

I440 E

I440 RAMP

I440 RAMP

T4-F4

House Site House
11804021000

(WH) Warehouse House
11804021900

11804035700

11804021100

11804021400

11804021000

WH

11804028600

11804021200

11804021000

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ANIMAL BOARDING FACILITY



02/26/2018



440 T4-F4

440 T4-F4

1440 E

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WINDYVIEW AVE

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17.04.060

4. "Adult video" means a video, CD, laser disk, or similar medium with a cover available that depicts "specified sexual activities" or "specified anatomical areas."

5. "Adult video store" means a commercial establishment which, as one of its principal business purposes offers the sale or rental, or presentation for a fee or incidentally to another service, "adult videos," as defined in this section; or in conjunction therewith, regularly presents on the premises sexually oriented motion pictures or sexually oriented films, "adult videos," or sexually oriented live exhibitions which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined in this section and in Section 6.54.010 of the Metropolitan Code for observation by patrons therein.

6. "Specified anatomical areas" means:

a. Less than completely and opaquely covered:

i. Human genitals; pubic region,

ii. Buttock, and

iii. Female breast below a point immediately above the top of the areola; and

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

7. "Specified sexual activities" means:

a. Human genitals in a state of sexual stimulation or arousal;

b. Acts of human masturbation, sexual intercourse or sodomy;

c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

"Affordable housing" means housing that, on an annual basis, costs thirty percent or less than the estimated median household income for households earning sixty percent or less than the median household income for the applicable county based on the number of persons in the household, as established by Median Household Income in the Past 12 Months by Household Size (B19019) from the most recently available U.S. Census Bureau American Community Survey.

"After hours establishment" means any establishment open to the general public at any time between the hours of 3:00 a.m. and 6:00 a.m., which has for its primary purpose entertainment, teen clubs, dance clubs, and establishments which feature the playing of live or recorded music. If the establishment requires a cover charge upon entry, contains a dance floor, or uses either a disc jockey or a live band, it shall be considered an 'after hours establishment,' regardless of whether the establishment serves or sells prepared food for consumption.

"Agricultural activity" means the raising of animal, fowl, fish and agricultural or horticultural crops, including but not limited to soybeans, tobacco, timber, orchard fruits, vegetables, flowers and/or ornamental plants for commercial purposes.

"Airport/heliport" means passenger and freight loading and unloading facilities from aircraft and helicopters. Included are runways, hangers, refueling and repair facilities, parking and all other facilities needed to operate aircraft. Ticket purchasing, restaurants and retail stores are permitted as accessory uses.

"Alley" means a public or private right-of-way primarily designed for access to the side or rear of properties.

"Animal boarding facility" means any buildings or land used, designated or arranged for the temporary boarding, care and grooming of domesticated dogs and cats for profit. This use does not include an animal hospital.

"Animal hospital" means an enterprise for the care and treatment of the diseases and injuries of animals, and where animals may be boarded during their treatment and convalescence.

"Artisan distillery" means the production of alcoholic beverages in quantities not to exceed one thousand barrels per month, with a barrel containing not more than fifty-five U.S. liquid gallons. No artisan distillery shall be permitted within an adult entertainment establishment.

"Asphalt plant" means the manufacturing asphalt-type roofing materials, asphalt and tar paving mixtures, paving block made of asphalt and various compositions of asphalt or tar with other materials, and the recycling of old asphalt into asphalt-type material. This use also includes the stockpiling of bulk materials required for the process and the storage of the required equipment use in the operation.

"Assisted care living" means a licensed "assisted-care living facility" by the State of Tennessee Board of Health that provides domiciliary care, room, board and nonmedical living assistance service to primarily aged, ambulatory persons (sixty-two years of age or older) who live in a rooming unit. Where there is a common kitchen and communal area for all residents within the facility, three rooming units in the facility shall be counted as one dwelling unit for determining the facility's density.

"Attachment" means a building element permitted beyond the front of the "Build-to Zone", but not into the right-of-way.

"Auction house" means an establishment where the real or personal property of others is sold by a broker or auctioneer to persons who attend scheduled sales or events.

R6

I440 E



T4-F4

I440 RAMP

T4-F4 440

11804035700



11804035700

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IWD



11804023600

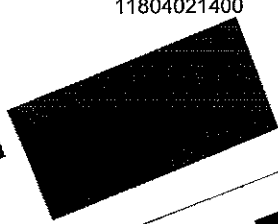
WINFORD AVE

LONGVIEW AVE

11804023700

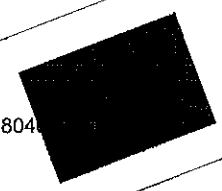
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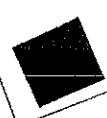
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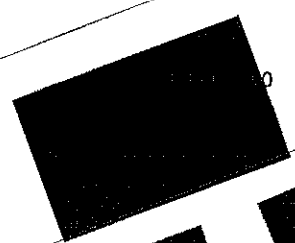


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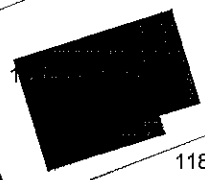
1837 AVE



11808002800



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11808026400

EUGENIA AVE

11808000400
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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?

ANIMAL BOARDING FACILITY



02/26/2018



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-637 (2251 Winford Avenue)

Metro Standard:	Winford Avenue – 4’ grass strip, 5’ sidewalk, as defined by the Local Street standard
	Longview Avenue – 4’ grass strip, 5’ sidewalk, as defined by the Local Street Standard
Requested Variance:	Not construct and upgrade sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	IWD
Community Plan Policy:	T4 MU (Urban Mixed Use)
MCSP Street Designation:	Winford Avenue – Local Street
	Longview Avenue – Local Street
Transit:	None existing; not planned
Bikeway:	None existing; not planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes renovating two existing structures on the property into a warehouse and a building for animal boarding, and requests a variance from constructing sidewalks or contributing in lieu of construction. Planning evaluated the following factors for the variance request:

- (1) A 6’ sidewalk without a grass strip currently exists along the Winford Avenue frontage, which is consistent with all of Winford Avenue. Part of this frontage is the existing bridge deck over I-440.
- (2) No sidewalk currently exists along the property’s frontage with Longview Avenue. There are no topographic constraints to sidewalk construction on this frontage. Staff sees no unique hardship to sidewalk construction on this frontage.
- (3) Sidewalk construction on the property’s Longview Avenue frontage will tie directly into sidewalks on Winford Avenue, and an existing sidewalk network on both sides of I-440.

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 Winford Avenue to accommodate future sidewalks per the Local Street standard.
3. Construct sidewalks on Longview Avenue per the Local Street standard.

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Subject: BZA positions for Dec. 6 meeting
Date: Tuesday, November 20, 2018 7:31:14 PM

Board members,

You have quite the task ahead of you for this meeting's agenda! Below are my positions on the District 17 items on the Dec. 6 agenda:

2018-522: **Deny**
2018-619: **Strongly deny**
2018-637: **Support**, as applicant has spoken with me
2018-638: **Deny**
2018-644: **Deny**
2018-662: **Strongly deny** based on resident complaints
2018-671: **Deny**
2018-672: **Deny**
2018-677: **Strongly deny**

Thank you, as always, for your service, and Happy Thanksgiving!

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727

[ColbySledge.com](#)

[Sign up for my weekly newsletter here!](#)

From: [Trevor J. Garrett](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Colby Sledge](#); [Michael, Jon \(Codes\)](#)
Subject: BZA Case 2018-637
Date: Wednesday, November 28, 2018 6:27:32 PM

Re: BZA Case 2018-637 (2251 WINFORD AVE)

Dear Member of the BZA,

I'm writing in opposition to the above referenced case. I live at 2221B Winford Ave, approximately 750 feet north of the property in this case.

This is a rapidly-developing area with residential homes on the north side of 440 and commercial on the south side of 440. Luckily, the neighborhood has decent sidewalks for the new residents and workers in the area to access, but the specific property has sub-par sidewalks on Winford and no sidewalks on Longview. Therefore, I specifically request that the BZA deny the appeal, and require the applicant/owner to install sidewalks to current code requirements.

Furthermore, while I respect the rights of someone to run a legal business such as an animal boarding facility, I believe that Metro Codes has well-founded regulations for distances between these boarding facilities and residences. I believe these regulations should be followed and the variance denied.

Thank you,
Trevor Garrett

From: Southern Roofing Company of TN 615 320 7892

12/03/2018 10:42

#510 P.001/001

2018-637
appeal

Wayne Amond
2306 Eugenia Ave.
Nashville, TN. 37211

December 3, 2018

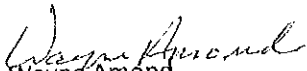
Metropolitan Government of Nashville
Board of Zoning Appeals

Via: Fax 615-862-6514

RE: Appeal Case Number 2018-637
2251 Winford Ave.
M/P 11804021600

Dear Board Members

As a property owner near the above referenced BZA appeal case please accept this letter as my opposition to this case being approved for the variances requested. I am furthermore requesting that the planned use of the current property for an animal boarding facility not be allowed. The property is in a blighted condition is not compatible to the neighborhood.


Wayne Amond

2018-638

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: NOBLE CONSTRUCTORS LLC
ROBERT BUCK
Property Owner: BENTO BOX, LLC
Representative: ROBERT BUCK

Date: 10-3-2018
Case #: 2018- 638
Map & Parcel: 105 07 044 700

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:

Activity Type: Restaurant

Location: 1281 3RD AVES

This property is in the IWD, OV-020 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: a variance from sidewalk requirements

Section(s): 17.20.120

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

Robert BUCK - NOBLE Constructors
Appellant Name (Please Print) Representative Name (Please Print)

220 GREAT CIRCLE SUITE 118
Address Address

NASHVILLE TN 37228
City, State, Zip Code City, State, Zip Code

615-961-0111
Phone Number Phone Number

rob@nobleconstructorsllc.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



3565513

ZONING BOARD APPEAL / CAAZ - 20180062808
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10507044700

APPLICATION DATE: 10/03/2018

SITE ADDRESS:

1281 3RD AVE S NASHVILLE, TN 37210
PT LOT 15 PLAN OF JOHN NELSON ADDN

PARCEL OWNER: BENTO NASHVILLE II, LLC

CONTRACTOR:


APPLICANT:**PURPOSE:**

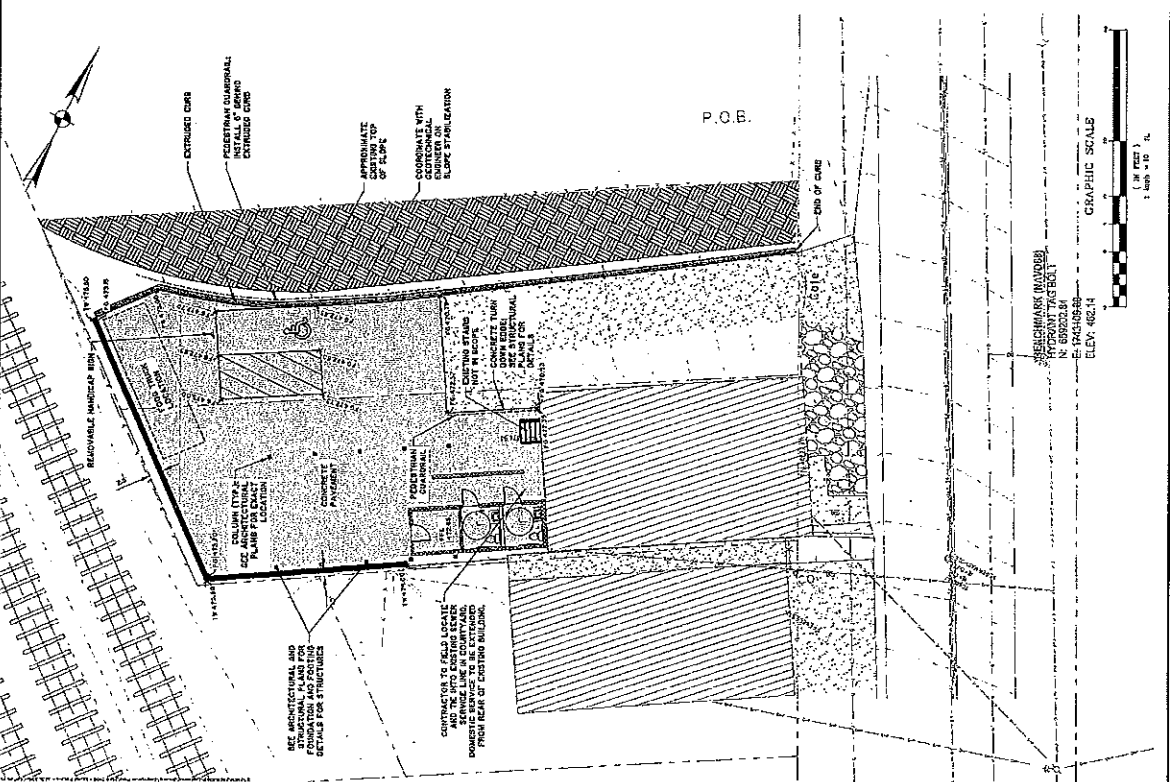
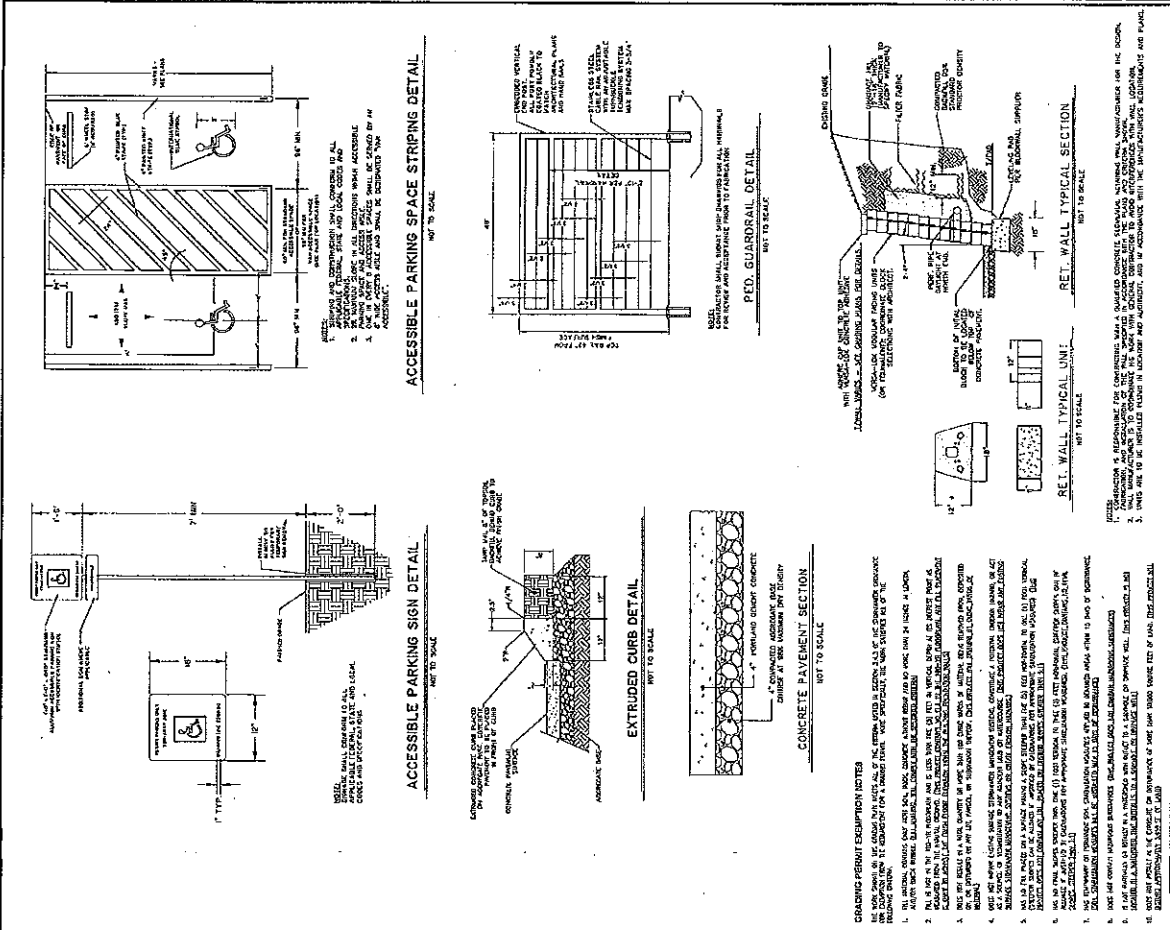
Requesting a sidewalk variance per METZO section 17.20.120. See application CACN T2018040491

*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.

	THOMAS HUTTON ARCHITECTS 1515 NORTH BRIDGE STREET, SUITE 1200 HOUSTON, TEXAS 77002-4185 WWW.THOMASHUTTON.COM	BENTBOX, LLC BENTO RESTAURANT BENTON RESTAURANT AND UTILITY PLAN
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C1.0

SECTION 1.00000 - CONSTRUCTION OF CONCRETE WALL A SHARED CONCRETE FOUNDATION WITH MANUFACTURED AND THE FOUNDATION SHALL BE STRIPED TO ALL APPLICABLE ADA REQUIREMENTS. THE FOUNDATION SHALL BE STRIPED TO ALL APPLICABLE ADA REQUIREMENTS. THE FOUNDATION SHALL BE STRIPED TO ALL APPLICABLE ADA REQUIREMENTS. THE FOUNDATION SHALL BE STRIPED TO ALL APPLICABLE ADA REQUIREMENTS.

CRACKING PERMIT EXEMPTION NOTES

- ALL CRACKS SHALL BE REPAIRED WITHIN 30 DAYS OF THE DATE OF THE PERMIT EXEMPTION.
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GRAPHIC SCALE
 1" = 10'-0" (VERTICAL)
 1" = 10'-0" (HORIZONTAL)

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

APPLICATIONS FOR VARIANCE REQUESTS

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.


ROBERT Buck

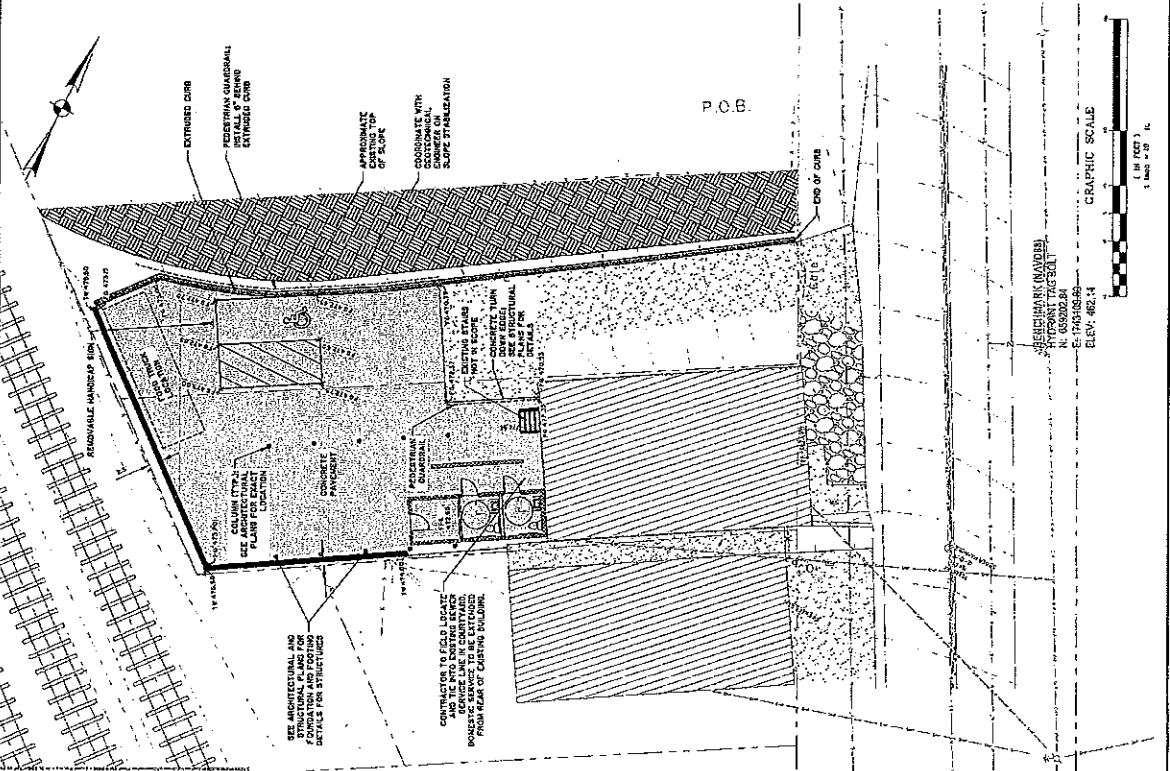
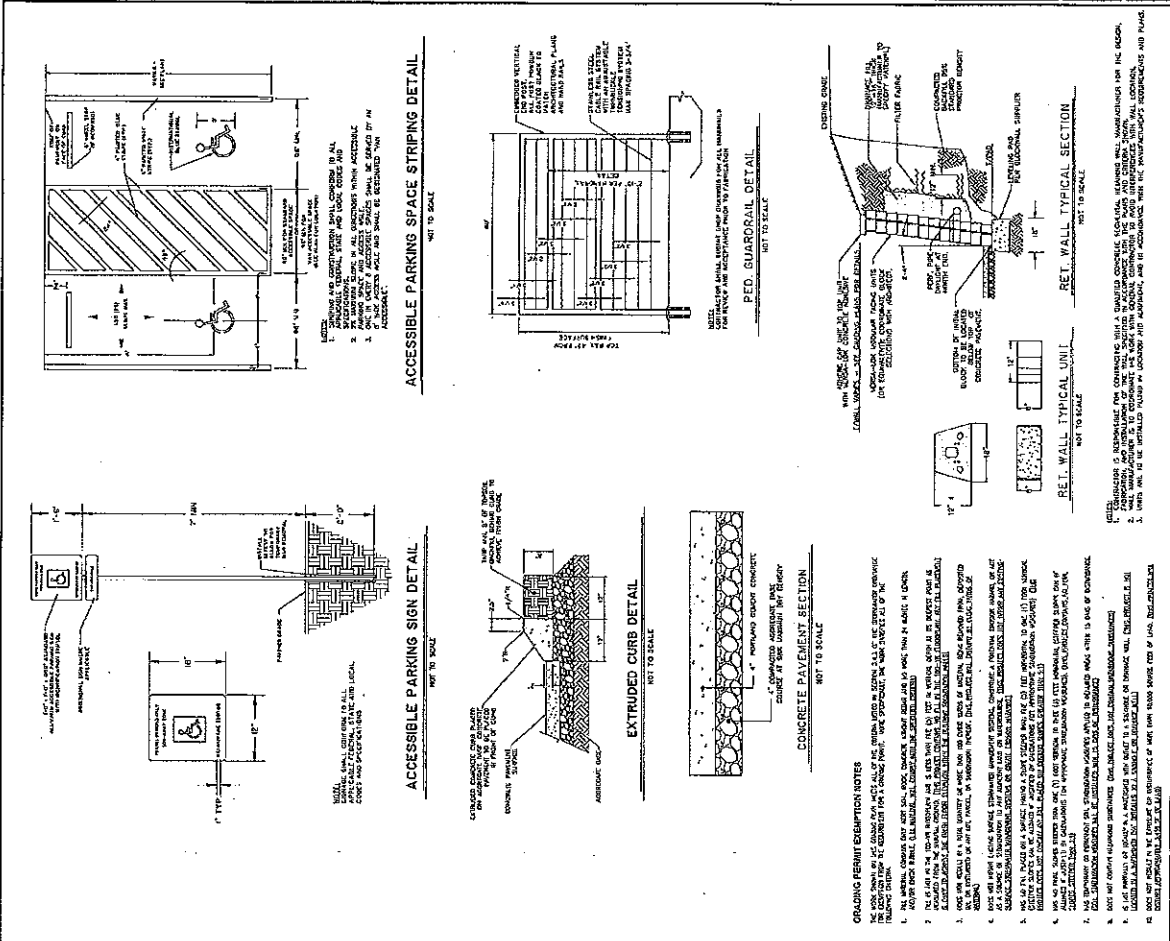
NOBLE Constructors LLC

APPELLANT

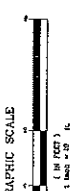
10-3-18

DATE

	THOMAS HUTTON REGISTERED PROFESSIONAL ENGINEER No. 12488, Exp. 12/31/2024 No. 12488, Exp. 12/31/2024	SITE LAYOUT GRADING AND UTILITY PLAN BENTO RESTAURANT BENTON BOX, LLC MARSHVILLE, TN	C1.0 SHEET NO. DATE
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- GRADING PERMIT EXEMPTION NOTES**
1. THE WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND ORDINANCES.
 2. THE WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND ORDINANCES.
 3. THE WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND ORDINANCES.
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 9. THE WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND ORDINANCES.
 10. THE WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND ORDINANCES.



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-638 (1281 3rd Avenue South)

Metro Standard:	4' grass strip, 5' sidewalk as defined by the Metro Local Street standard
Requested Variance:	Not construct sidewalks
Zoning:	IWD
Community Plan Policy:	T4 MU (Urban Mixed Use Neighborhood)
MCSP Street Designation:	Local Street
Transit:	Approximately 527' 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.*

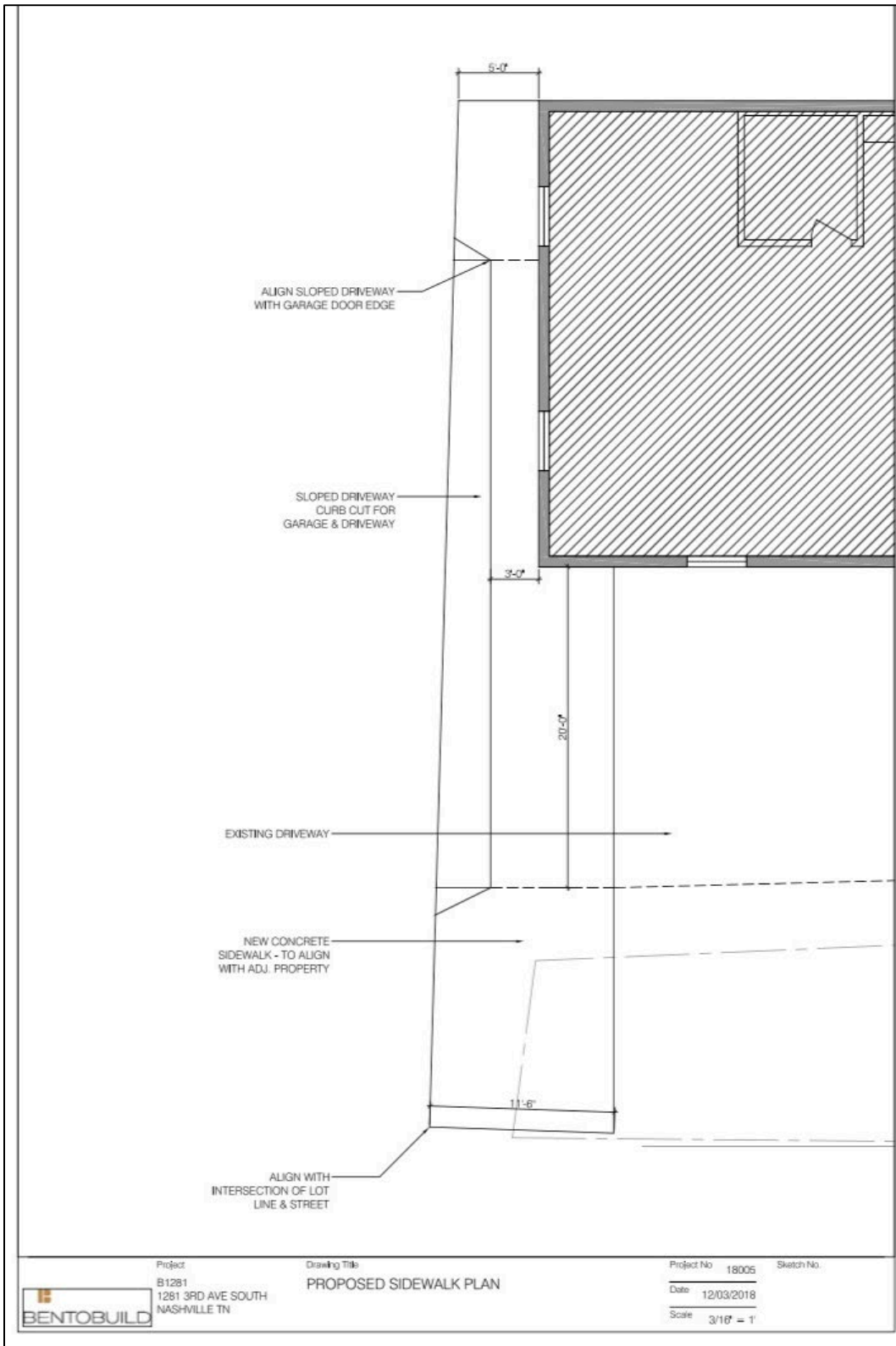
Analysis: The applicant is proposing to repurpose an existing 3,852 square foot building for a future restaurant and requests a variance from constructing sidewalks due to the placement of the existing building. Planning evaluated the following factors for the variance request:

- (1) The property is located directly adjacent to the Bento Box Nashville specific plan project which was approved by Metro Council on September 20, 2017 (case number 2016SP-039-004). While sidewalks are currently not located along the block face, a 5' grass strip and 6' sidewalk is currently under construction along the adjacent property's 3rd Avenue South frontage to the immediate north.
- (2) Given the constraints associated with the placement of the building along the frontage of the parcel, the applicant proposes to construct a 5' sidewalk design without a grass strip.
- (3) The property is located in close proximity to the South Nashville – Wedgewood Houston first tier Nashville Next Center. Establishing a connected pedestrian network adjacent to the area experiencing substantial levels of redevelopment and connectivity to high capacity transit is critical.

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

1. Construct the alternative sidewalk design as indicated on the attached site plan.

1281 3rd Avenue South – Site Plan Depicting Alternative Sidewalk Design



From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Subject: BZA positions for Dec. 6 meeting
Date: Tuesday, November 20, 2018 7:31:14 PM

Board members,

You have quite the task ahead of you for this meeting's agenda! Below are my positions on the District 17 items on the Dec. 6 agenda:

2018-522: **Deny**
2018-619: **Strongly deny**
2018-637: **Support**, as applicant has spoken with me
2018-638: **Deny**
2018-644: **Deny**
2018-662: **Strongly deny** based on resident complaints
2018-671: **Deny**
2018-672: **Deny**
2018-677: **Strongly deny**

Thank you, as always, for your service, and Happy Thanksgiving!

Colby

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

2018-638
oppose

**Cason A Dickinson
212 Kensington Park
Nashville, TN 37215**

Phone (615) 297-7210

Fax (615) 297-4424

November 14, 2018

**Board of Zoning Appeals
P.O. Box 196300
Nashville, Tennessee 37219**

**RE: Case # 2018-638 1281 Third Avenue South
Noble Constructors LLC**

Ladies / Gentlemen:

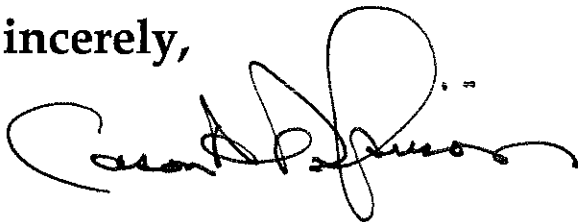
Your "Zoning Appeal Notice to Neighboring Owners" has been received. I tender this letter to you to respectfully request that no appeal be granted nor should the property owner's alternative to pay into the sidewalk fund be in anyway lessened or reduced. It is my feeling that the only way Metropolitan Governemnt can continue building sidewalks when the municipal

PAGE TWO (2).....

budget is reportedly so tight is for all property owners to build consistent with standard specifications.

Your consideration of this request will be greatly appreciated.

Sincerely,

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

Cason A. Dickinson

2018-639

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

Appellant: Boutros Boutros Date: 10/5/18
Property Owner: St. Mina Coptic Orthodox Case #: 2018-639
Representative: Boutros Boutros Map & Parcel: 161-3-31.01
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:

Special Exception to allow construction of two additions of 2594 square feet in total. Also requesting variance from sidewalk requirement.

Activity Type: New Construction - Church addition

Location: 476 McMurray 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 :

Special Exception to allow church additions & requesting variance from sidewalk requirement

Section(s): 17.16.170 (E), 17.20.120

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

[Signature] 11-8-17
Completed and witnessed, Date

FRBBOUTROS@gmail.com
Applicant's e-mail address

FR. BOUTROS BOUTROS
Name (Please Print)

[Signature]
Signature

476 McMurray Dr.
Mailing Address

Nashville TN 37211
City, State, Zip Code

(615) 293-1008
Phone Number

Appeals Fee: \$200.00

Sign Fee: _____

Total Fee: _____

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



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



3566442

**ZONING BOARD APPEAL / CAAZ - 20180063462
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 16103003101

APPLICATION DATE: 10/05/2018

SITE ADDRESS:

476 MCMURRAY DR NASHVILLE, TN 37211
LOTS 19 & 20 SEC 4 WHISPERING HILLS & AC TRACT

PARCEL OWNER: ST. MINA COPTIC ORTHODOX CHURCH

CONTRACTOR:

APPLICANT:**PURPOSE:**

BZA SPECIAL EXCEPTION AND VARIANCE

BZA Special Exception Appeal for addition and setbacks and Variance to sidewalk requirements. Requesting to build sidewalks on Cherrywood Drive except in front of handicap accessible parking spaces, and use existing sidewalks on McMurray Drive.

To construct 2574SF of additions (13x85 to left side, 1469Sf right side) to the sanctuary space for St. Mina Coptic Church.

Sidewalks are required, not eligible for fund

*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 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.

BISHOY SAAD

APPELLANT (or representative)

10/5/18

DATE

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.

BISHOY SAAD
APPELLANT

10/5/18
DATE

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.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.

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.

BISHOY SAAD
APPELLANT

10/15/18
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?

- EXISTING SIDEWALKS ON MCMURRAY
- BLOCKING HANDICAP PARKING SPOTS & ACCESS
ON CHERYWOOD

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-639 (476 McMurray Drive)

Metro Standard:	McMurray Drive – 6' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan standard
	Cherrywood Drive – 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not upgrade sidewalks; not construct sidewalks
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	McMurray Drive – T3-R-CA2
	Cherrywood Drive – Local Street
Transit:	Property is approximately 1/3 mile from #52 – Nolensville Pike BRT lite, future Light Rail per nMotion
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions*

Analysis: The applicant requests a variance from upgrading sidewalks along McMurray Drive due to physical constraints on the property related to existing slopes and drainage facilities. Additionally, the applicant requests a variance from constructing new sidewalks along Cherrywood Drive due to constraints related to 11 existing surface parking spaces. The existing 5' sidewalk along McMurray Drive is consistent with the sidewalk pattern established throughout the corridor from Nolensville Pike to Brewer Drive. There is no established sidewalk pattern along Cherrywood Drive to the west of the property.

Planning evaluated the following factors for the variance request:

- (1) The applicant is expanding the size of the existing religious institution by 2,574 square feet.
- (2) The site slopes down from the existing sidewalk, which has no storm drain facilities and a drainage ditch located behind the sidewalk. Metro Stormwater has reviewed the current infrastructure along this portion of McMurray Drive, and they have noted that there are unique Stormwater concerns in upgrading sidewalks to the MCSP standard at this location.
- (3) A surface parking lot is adjacent to Cherrywood Drive. Constructing sidewalks to the Metro Local Street standard would require the removal of the disabled parking spaces, but dedication of right-of-way is feasible where parking does not exist for future sidewalk construction by Metro.

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

1. Prior to the issuance of Use and Occupancy permits, the applicant shall extend the existing 5' sidewalk around the corner of the property from its current terminus along McMurray Drive to the eastern edge of the surface parking area along Cherrywood Drive. An ADA-compliant curb ramp shall also be installed for future crosswalk placement.
2. Prior to the issuance of building permits, dedicate right-of-way along McMurray Drive per the MCSP standard.
3. Prior to the issuance of building permits, dedicate right-of-way along Cherrywood Drive per the Metro Local Standard.

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: Emily Lamb
Date: November 21, 2018
BZA Hearing Date: December 6, 2018
Re: Planning Department Recommendation for a Special Exception, Case 2018-639

Pursuant to Section 17.40.300 of the Metro Zoning Code, the Metropolitan Planning Department is providing a recommendation on the following Special Exception case:

1. Case 2018-639 (476 McMurray Drive)

Request: A special exception for a religious institution to construct a 2,574 square-foot addition to an existing non-residential building.

Zoning: One and Two-Family Residential (R10) requires a minimum 10,000 square-foot lot and is intended for one and two-family dwellings at a density of 4.35 dwelling units per acre.

Land Use Policy: T3 Suburban Neighborhood Maintenance (T3 NM) policy is intended to maintain the general character of developed suburban residential neighborhoods. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T3 NM areas have an established development pattern consisting of low- to moderate-density residential development and institutional land uses. Enhancements may be made to improve pedestrian, bicycle, and vehicular connectivity.

Conservation (CO) policy is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed.

Planning Department Analysis: The site contains 5.83 acres of land and is located at the southwest corner of the intersection of McMurray Drive and Cherrywood Drive in the Southeast Community Plan Area. Existing conditions include several structures: a sanctuary auditorium, offices, classrooms, a gymnasium, two single-family residential units, and one hundred eighteen (118) associated parking spaces. Site access is from both Cherrywood Drive and McMurray Drive. The 6,060 square foot sanctuary auditorium was built in 1975, offices were built in 1979, classrooms were built between 2011 and 2014, and the gymnasium was built in 2014. This site is adjacent to McMurray Middle School, another religious use, and one and two-family residential land uses. Single-family residential is the primary land use within the immediate area.

Religious institutions are identified as appropriate within T3 Suburban Neighborhood Maintenance land use policy and are allowed within residential zoning districts with the approval of a Special Exception by the Board of Zoning Appeals. Conservation areas consisting of steep slopes are located in the southwestern portion of the site. The proposed addition is located in the eastern half of the site, which does not have slopes.

Currently, there is an existing sidewalk network within the immediate area including existing sidewalks on McMurray Drive. McMurray Drive is designated as a collector by the Major and Collector Street Plan, requiring a six-foot (6') wide sidewalk and a six-foot (6') wide planting strip. Cherrywood Drive is a local street requiring a five-foot (5') wide sidewalk and a four-foot (4') wide planting strip. The applicant has requested a variance from required sidewalk improvements due to constraints related to existing surface parking near Cherrywood Drive, existing slopes, and drainage facilities.

Staff recommends approval of this special exception request. The use is consistent with T3 Suburban Neighborhood Maintenance policy as it is identified as an appropriate land use for this policy area and is consistent with Conservation policy as this proposal will not disturb existing slopes.

Planning Recommendation: Approve

From: [Mary Jane Smithson](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Proposed Expansion - Permit #20180063462
Date: Monday, November 26, 2018 2:22:16 PM

Cynthia Chappell, David Ewing, David Harper, Christina Karpynech, J. Ross Pepper, Alma Sanford and David Taylor,

I am writing you to voice my opposition to the zoning exception proposed by the Coptic Orthodox Church located at the corner of Cherrywood Drive and McMurray Drive since I am unable to attend the meeting scheduled for today between 4:00 and 6:00 p.m. due to work. I am not real sure why a meeting to discuss this matter was scheduled when 75%+ people in the area are at work during that span of time. I reached out to Davette Blalock my District Representative to voice my opposition and Ms. Blalock responded that she wasn't involved in this issue and that I should voice my opposition to the Board of Zoning Appeals.

This "exception" is requesting that they be allowed to expand their building without meeting the zoning requirement for sidewalks. My bigger concern with this project and the expansion of the church is that they **DO NOT** have adequate parking available for the church now. Members of the church continue to park on the sides of the street during their services and hamper traffic from flowing unobstructed. There have been many instances when I have traveled Cherrywood during their services that I cannot even get down the road and they appear to think they own this section of the road. There is hardly room for one car to get through the road and if you meet an ongoing car you are stuck. They pull out in front of you, walk out in the road without looking, let their children run freely between the cars and you live in fear of hitting a child. I can't imagine that emergency vehicles could pass easily either if needed.

Unfortunately, over the past several years I have watched a steady decline of the properties located adjacent to the church and the houses around the church that have been purchased by the Coptic Orthodox Church. These properties are **NOT** maintained appropriately and it has become obvious that they are not going to maintain them appropriately. They have bought houses around the church and allowed members to reside there and the houses have been allowed to decline. They have been given guidelines in the past when exceptions were approved, i.e. the parking lot expansion on the opposite corner and they feel empowered to ignore those guidelines.

I have lived in this neighborhood for 62 years, my family moved here when I was 2 years old, and this area in the neighborhood has always been maintained well by the people who lived in the area – that is no longer the case. There are

many people who live in and around the church that have been forced to move due to the decline of the homes around them and it is time for all that to cease. People shouldn't have to worry about their property values declining in an area due to one "neighbor". There have been other churches in that location in past years and they were always respectful of their neighbors and the neighborhood.

I sincerely hope that you will not approve this zoning exception.

Mary Jane Smithson
611 Westcrest Drive, 37211
(615) 642-9162

RE: Appeal Case Number 2018-639
476 McMurray Drive

Dear Members of the Board of Zoning Appeals:

I am writing in opposition to the recent application for a permit to upgrade, renovate and enlarge the sanctuary at St. Mina Coptic Orthodox Christian Church.

In doing so, the Church will be adding approximately 200 seats and taking away some of the existing parking. At this point I am not aware of any official request for additional parking.

I spoke before your Board (in opposition) in December 2013 when the Church sought to build a parking lot on the duplex property at the corner of McMurray Drive and Cherrywood Drive ("A" on map below). Your board approved the request after the church AND Councilwoman Blalock assured you (as well as the participants who expressed opposition to the parking lots) that they would ensure that the "**substantial greenery**" suggested by the Division of Urban Forestry would front McMurray Drive so that the appearance of the parking lot would be appealing. As of today – three years later - there is NO shrubbery between the parking lot and McMurray Drive.



The church then annexed the property on lot B above and combined Parcel A and Parcel B into ONE parcel, using the address of Parcel A (see attached QuitClaim Deed). They then used your prior approval for Lot A to put a parking lot on Lot B as well. The Church has now acquired property C, so we can only anticipate that the parking lot will continue to be expanded at some point in the future.

My property sits at 463 McMurray Drive, indicated with the red pin. I see a LOT of concrete out the window. And anticipate seeing even more ... IN the yards of homes. I can't help but think this will not be helpful to my property value. Had the Church stood by its agreement and planted shrubbery along the street as it committed in 2013 I might feel differently. But for now it is a bit of an eyesore.

At the December 2013 meeting, there were also assurances by the Church and the Councilwoman that "No Parking" signs would be posted along Cherrywood so that cars would no longer park along the street. But that has NOT happened, and the street becomes very congested when the church is in session.

At the 2013 Board meeting, you encouraged me to contact the councilwoman about future concerns. So I sent Ms. Blalock an email on November 26 of this year and received no reply. Another neighbor sent an email to her and received the following reply:

Thank you for your letter but I did not organize the meeting for starters and they are to be heard by the BZA not the Council so I do not have authority over this. You and your neighbors should go to the BZA meeting or at least email or snail mail them each a letter so your voices can be heard.

And now the church wants to expand its sanctuary? This can only mean more people, more cars, and more traffic/parking issues.

I can understand and appreciate that the church is growing. But I don't appreciate what it is doing to the neighborhood's appearance.

In addition to the concerns I have expressed herein, I ask you to seriously consider the Church's history before your Board as you consider the current request.

Thank you,

Emily A. Booker

Information was provided from parties involved. No search of public records was performed.

THIS INSTRUMENT PREPARED BY:

Nashville Title Insurance Corporation
2818 Bransford Avenue
Nashville, TN 37204

Address New Owner(s)
St. Mina Coptic Orthodox Church of Tennessee
467 McMurray Drive
Nashville, TN 37211

Send Tax Bills To:
SAME

Map & Parcel No.:
Map 147-15-0 Parcel 194.00
Map 161-03-0 Parcel 31.00

BILL GARRETT, Davidson County

Trans: T20160106795 DEEDQC

Recvd: 12/05/16 14:39 2 pgs

Fees: 12.00 Taxes: 0.00



20161205-0127443

QUITCLAIM DEED

The sole purpose for this deed is to combine the parcels found in Instrument Numbers 20100628-0050044 and 20121119-0106517 into one deed.

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, receipt of which is hereby acknowledged, **St. Mina Coptic Orthodox Church of Tennessee** ("Grantor/Grantors") hereby quitclaim and convey unto **St. Mina Coptic Orthodox Church of Tennessee** ("Grantee/Grantees"), its successors and assigns, all of its right, title and interest in and to a certain tract or parcel of land located in Davidson County, Tennessee and described as follows:

A PARCEL OF LAND LOCATED IN THE 27TH CIVIL DISTRICT OF DAVIDSON COUNTY, TENNESSEE. BEING SHOWN AS LOT 1A & 1B OF THE PLAT OF THE WHISPERING HILLS, SECTION 4 (RECORD BOOK 2900, PAGE 22) AND TAX MAP 161-03 PARCELS 31.00 AND 194.00. BOUND ON THE NORTH BY ELIZABETH LOGAN (INSTRUMENT NUMBER 20080703-0068709); ON THE EAST BY MCMURRAY DRIVE; ON THE SOUTH BY CHERRYWOOD DRIVE; AND ON THE WEST BY LOTS 16, 17, AND 18 OF THE PLAT OF WHISPERING HILLS, SECTION 4 (RECORD BOOK 2900, PAGE 22) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN (OLD) ON THE WEST RIGHT OF WAY OF MCMURRAY DRIVE AT THE SOUTHEAST CORNER OF SAID ELIZABETH LOGAN TRACT, SAID PIN BEING THE NORTHEAST CORNER OF HEREIN DESCRIBED PARCEL; THENCE,

1. WITH RIGHT OF WAY OF SAID MCMURRAY DRIVE, A CURVE TO THE LEFT WITH A DELTA OF 19°42'12", A RADIUS OF 662.60', A LENGTH OF 227.86', A TANGENT OF 115.07', AND A CHORD BEARING OF S09°28'19"E, A DISTANCE OF 226.74' TO AN IRON PIN (OLD), AT THE NORTH END OF THE NORTHWEST RETURN CURVE AT THE INTERSECTION OF MCMURRAY AND CHERRYWOOD DRIVES; THENCE,
2. WITH SAID RETURN CURVE TO THE RIGHT WITH A DELTA OF 84°29'46", A RADIUS OF 25.00', A LENGTH OF 36.87', A TANGENT OF 22.71', AND A CHORD BEARING OF S22°54'42"W, A DISTANCE OF 33.62' TO AN IRON PIN (OLD), IN THE NORTHERLY RIGHT OF WAY OF CHERRYWOOD DRIVE; THENCE,
3. WITH THE NORTH RIGHT OF WAY OF SAID CHERRYWOOD DRIVE, S65°09'353"W, 31.22' TO AN IRON PIN (OLD); THENCE,
4. WITH A CURVE TO THE RIGHT WITH A DELTA OF 12°09'37", A RADIUS OF 412.70', A LENGTH OF 87.59', A TANGENT OF 43.96', AND A CHORD BEARING OF S71°14'24"W, A DISTANCE OF 87.43' TO AN IRON PIN (OLD); THENCE,
5. S77°40'00"W, 169.00' TO AN IRON PIN (OLD); THENCE,
6. LEAVING SAID RIGHT OF WAY OF CHERRYWOOD DRIVE AND WITH THE WEST LINE OF SAID LOTS 16, 17, AND 18 OF THE PLAT OF WHISPERING HILLS, SECTION 4, N12°16'32"W, 155.90' TO AN IRON PIN (OLD); THENCE,
7. S75°23'28"W, 28.85' TO AN IRON PIN (OLD); THENCE,
8. N14°24'34"W, 103.63' TO AN IRON PIN (OLD); THENCE,
9. WITH THE SOUTH LINE OF SAID ELIZABETH LOGAN, N75°40'43"E, 349.71' TO AN IRON PIN (OLD), TO THE POINT OF BEGINNING, CONTAINING 1.90 ACRES MORE OR LESS.

The above described property are the same parcels as described in Instrument Numbers 20100628-0050044 and 20121119-0106517, Register's Office for Davidson County, Tennessee, and both tracts having since surveyed and combined as one tract.

The above described tract is the proerty conveyed to St. Mina Coptic Orthodox Church of Tennessee by Warranty Deed from Jared A. Dorris and Camille H. Dorris, husband and wife, dated 8/2/10 and found of record in Instrument Number 20100628-0050044 and by Warranty Deed from Robert E. Potter, Sr. of record in Instrument Number 20121119-0106517, both found in the Register's Office for Davidson County, Tennessee.

This is improved property known as 464 and 470 McMurray Drive, Nashville, TN 37211.

Said property is conveyed subject to such limitations, restrictions and encumbrances as may affect the property.

IN WITNESS WHEREOF, the Grantor has (Grantors have) caused this instrument to be executed on this 5th day of December, 2016.

St. Mina Coptic Orthodox Church of Tennessee

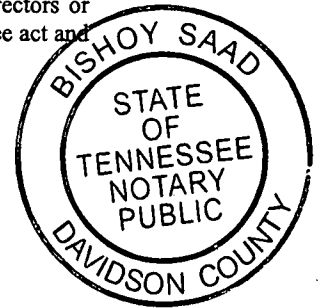
[Signature]
Father Boutros Boutros, Priest

STATE OF TENNESSEE
COUNTY OF DAVIDSON

On this 5th day of DEC., 2016, before me, appeared **Father Boutros Boutros**, to me personally known (or proved to me on the basis of satisfactory evidence), who, being by me duly sworn (or affirmed) did say that he is the Priest of **St. Mina Coptic Orthodox Church of Tennessee**, and that said instrument was signed and sealed in behalf of said the said **St. Mina Coptic Orthodox Church of Tennessee** by authority of its Board of Directors or Trustees and said **Father Boutros Boutros**, acknowledged said instrument to be the free act and deed of said **St. Mina Coptic Orthodox Church of Tennessee**.

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

[Signature] My Commission Expires: 01/08/19
NOTARY PUBLIC



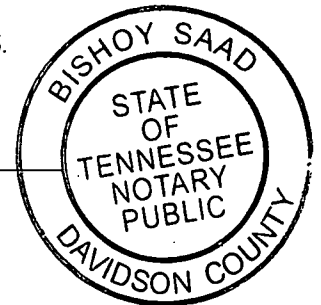
STATE OF TENNESSEE
COUNTY OF DAVIDSON

The actual consideration for this transfer is \$00.00.

[Signature]
AFFIANT

Subscribed and sworn to before me, this 5th day of DEC., 2016.

[Signature] My Commission Expires: 1/8/19
NOTARY PUBLIC



Lifsey, Debbie (Codes)

From: lcy31 <lcy31@bellsouth.net>
Sent: Monday, December 3, 2018 11:01 AM
To: Board of Zoning Appeals (Codes)
Subject: Appeal Case # 2018-639
Attachments: IMG_4344.JPG; IMG_4345.JPG; IMG_4358.JPG; IMG_4347.JPG; IMG_4359.JPG

Metropolitan Board of Zoning Appeals
 St. Mina/Boutros Boutros appeal
 Case # 2018-639
 Permit # 20180063462

December 3, 2018

Members of Zoning Appeals Board:

I am writing to oppose St. Mina's appeal request. I am concerned about continued construction/development of the Church and School, impact on the neighborhood and lack of concern for upkeep of current properties and for the neighborhood. The Church owns several properties in the neighborhood. Several of the properties on Cherrywood Drive are dilapidated. There is always litter strewn about the properties (including the church yard), garbage bins stored in front yards, and church service vehicles parked on several of the properties. There also seems to be no real plan. Everything is done piecemeal.

I'm including pictures of views of St. Mina and their properties across the street from my home. The view is directly from my living/dining room window. It's hard to imagine the addition to the main church building along Cherrywood Drive. It seems like it will encroach upon the street. I'm assuming they will need to excavate to maintain the parking under their addition?

8 years ago, I expressed concern to Davette Blaylock, our City Council representative, about the church outgrowing their property and my fear of an entire block of my neighborhood being converted to church/school buildings or parking lots. This is exactly what has happened.

I'm also very concerned about previous agreements/conditions with the BZA not being met, or the conditions maintained. At the BZA meeting on January 2, 2014, (an appeal to construct a parking lot at 470 McMurray Drive, across the street from my home) one of the agreed upon conditions was that there would be substantial greenery to provide a landscape buffer to create a "pleasing view" from the houses across the street. I was not at this meeting but have listened to the video recording. (Since then, 470 was annexed with the property next door and an additional parking lot has been constructed in that front yard!) My husband and I weren't able to attend this meeting, but we did meet with Father Boutros Boutros before the BZA meeting. At that time, we discussed landscaping that would improve our view of the parking lot. Father Boutros Boutros told us the Church would put in something that would be very nice. We even discussed a berm to raise the landscaping and block the view and headlights from shining in our front windows. Although we were still opposed to the parking lot, this made us a little more comfortable with their plans. My husband also wrote a letter to the BCA with our concerns.

It has been almost 4 years since the first lot went in and we still don't have the substantial landscape buffer that was promised. Shrubs were planted, but all have died and been removed. While shrubs in other areas of the property have been replaced, the area across from our house has not been re-landscaped. The general appearance of the current "landscaping" is very unattractive. I'm not sure if what is planted across from my neighbor is appropriate as a buffer and some of those bushes have

died. I have contacted Davette Blaylock several times about my concerns, but nothing has been done.

There was also an agreement with the BZA and neighbors, that parking along Cherrywood would be prohibited after the parking lot construction. This has never happened, although it is a topic of current discussion with the church. I won't be able to attend the current BZA meeting, but want the BZA to be aware that agreements that are made are not followed through with.

My main concern is to maintain the neighborhood. We're losing that feeling with the continued sprawl of St. Mina. It seems there is a general lack of concern for landscape planning to go along with any new construction or renovations of these properties. Trees have been removed on their properties with no plantings to replace what has been taken away.

Back in 2014 members of the BZA seemed to be sensitive to our and our neighbors concerns regarding preserving our neighborhood. There was also concern that the agreed upon conditions would be lost in the permitting process and/or forgotten in the future. It seems there is no regulation of decisions and promises that are made during BZA proceedings.

Sincerely,

Lora Yando
469 McMurray Drive
Nashville, TN 37211

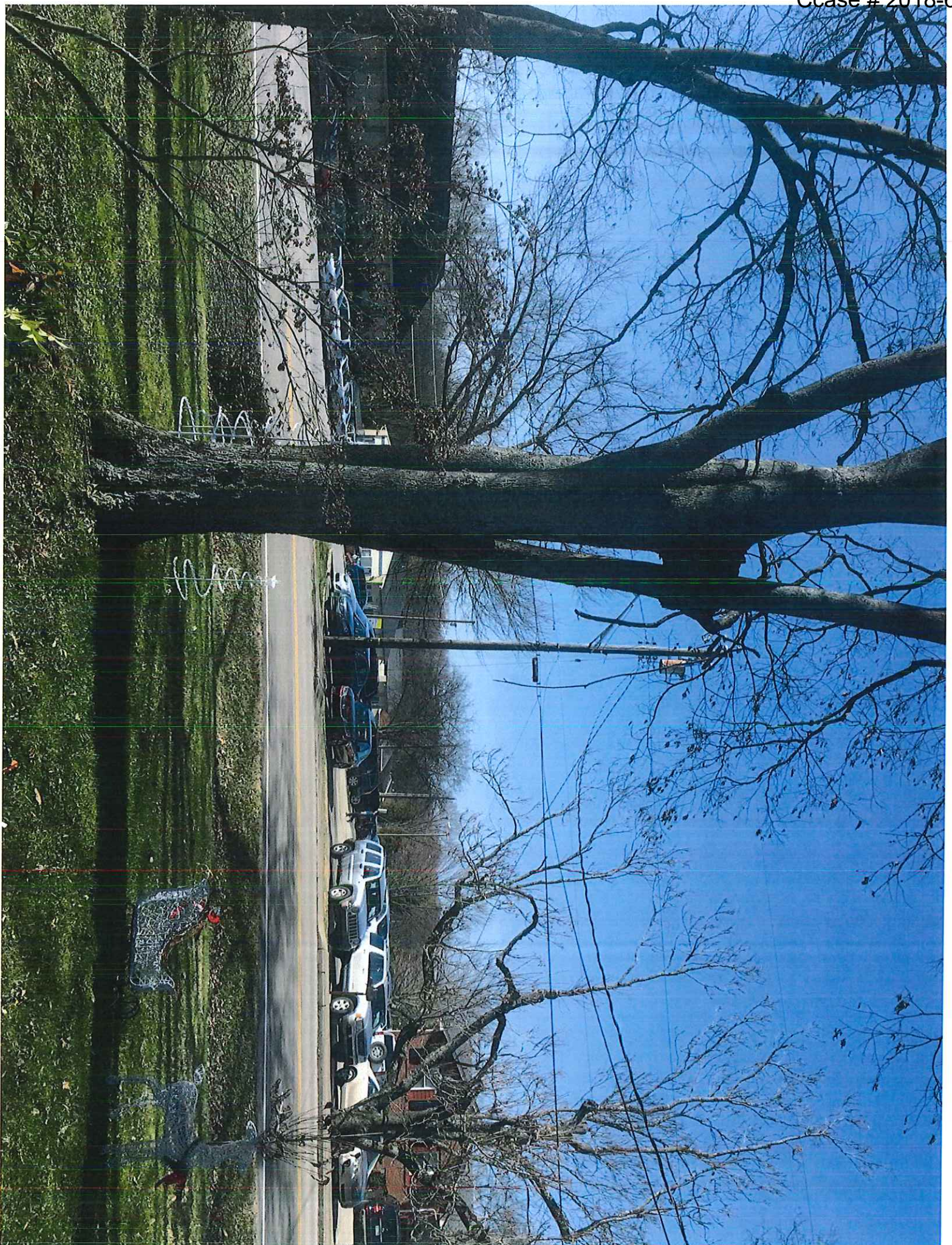




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Handwritten scribble







2018-640

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Allison Dawkins Date: 10/5/18
Property Owner: Jessie Boyle Case #: 2018-640
Representative: Allison Dawkins Map & Parcel: 81-07-25 001
81-07-25 002
Council District 21

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

Purpose: To construct Two New
Single Family Houses (HPR)
at 1301 Each

Activity Type: HPR Two Single Family Houses

Location: 1911A + B Ave N/N, T, 37208

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: Request Not to install Sidewalks +
Section(s): 17, 20, 120 Not to contribute

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

Allison Dawkins
Appellant Name (Please Print) Representative Name (Please Print)

815 Old Dickerson Dr
Address Address

Gallatinville 37072
City, State, Zip Code City, State, Zip Code

615-573-1287
Phone Number Phone Number

dawkinscontractingllc@yahoo.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



3566539

ZONING BOARD APPEAL / CAAZ - 20180063532
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 081072S00100CO

APPLICATION DATE: 10/05/2018

SITE ADDRESS:

1911 B 9TH AVE N NASHVILLE, TN 37208

UNIT 1911A TOWNHOMES AT 1911 9TH AVE NORTH

PARCEL OWNER: BOYLE, JESSIE L.

CONTRACTOR:

APPLICANT:**PURPOSE:**

TO CONSTRUCT TWO NEW SINGLE FAMILY HOUSES (HPR) AT 1301 SQFT WITH PORCHES AND DECKS (EACH).
SPLIT FROM 81-7-498.

DENIED:

SIDEWALKS REQUIRED AND NOT ALLOWED TO CONTRIBUTE. 17, 20, 120

REQUEST NOT TO BUILD AND NOT TO CONTRIBUTE.

POC: ALLISON DAWKINS 615-573-1297

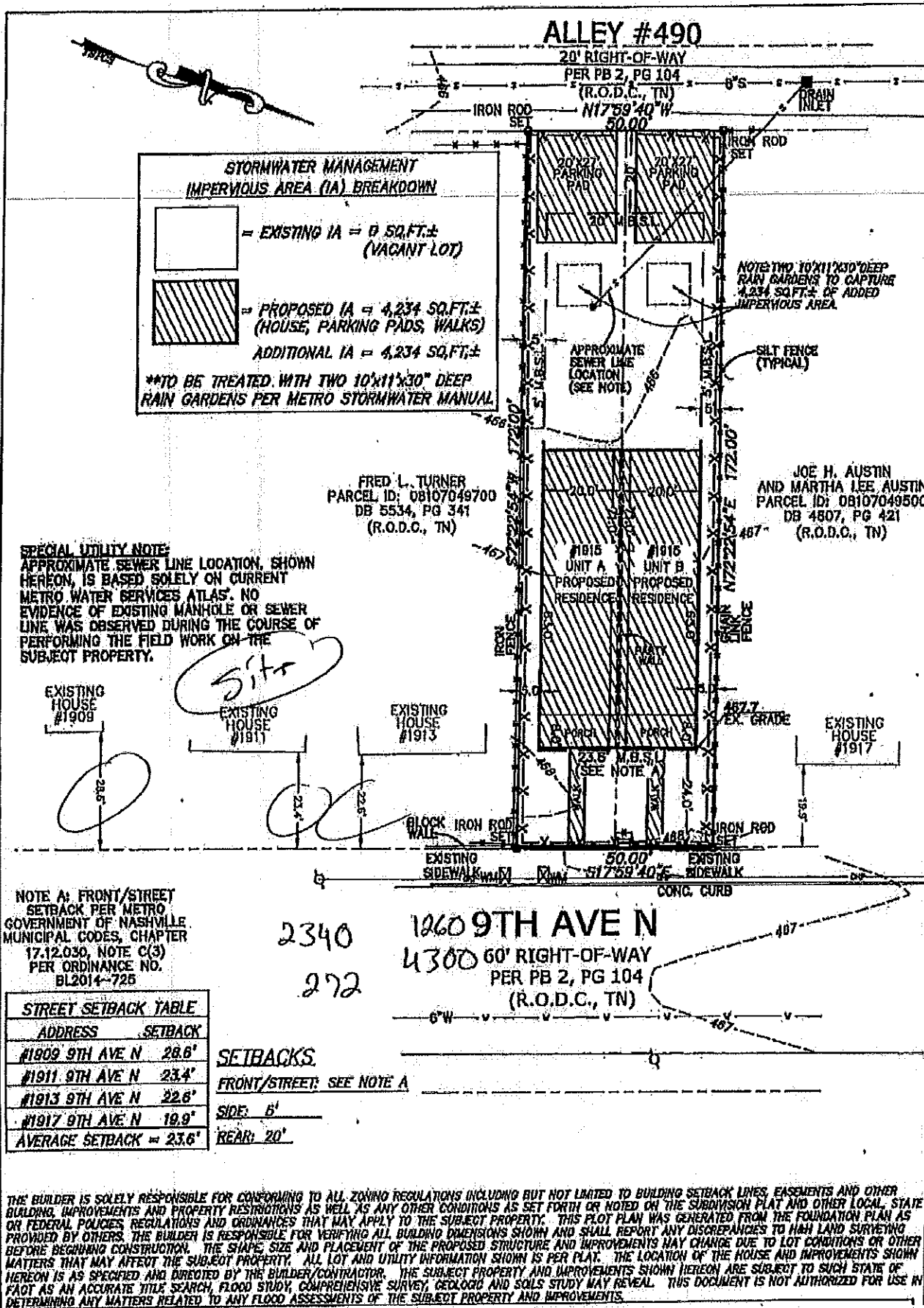
dawkinscontractingllc@yahoo.com

*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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



ALLEY #490

20' RIGHT-OF-WAY
PER PB 2, PG 104
(R.O.D.C., TN)

N17°59'40"W
50.00'

STORMWATER MANAGEMENT IMPERVIOUS AREA (IA) BREAKDOWN

= EXISTING IA = 0 SQ.FT.± (VACANT LOT)

= PROPOSED IA = 4,234 SQ.FT.± (HOUSE, PARKING PADS, WALKS)

ADDITIONAL IA = 4,234 SQ.FT.±

****TO BE TREATED WITH TWO 10'X11'X30" DEEP RAIN GARDENS PER METRO STORMWATER MANUAL**

FRED L. TURNER
PARCEL ID: 08107049700
DB 5534, PG 341
(R.O.D.C., TN)

JOE H. AUSTIN
AND MARTHA LEE AUSTIN
PARCEL ID: 08107049500
DB 4807, PG 421
(R.O.D.C., TN)

SPECIAL UTILITY NOTE:
APPROXIMATE SEWER LINE LOCATION, SHOWN HEREON, IS BASED SOLELY ON CURRENT METRO WATER SERVICES ATLAS. NO EVIDENCE OF EXISTING MANHOLE OR SEWER LINE WAS OBSERVED DURING THE COURSE OF PERFORMING THE FIELD WORK ON THE SUBJECT PROPERTY.

Sites

EXISTING HOUSE #1909

EXISTING HOUSE #1911

EXISTING HOUSE #1913

EXISTING HOUSE #1917

NOTE A: FRONT/STREET SETBACK PER METRO GOVERNMENT OF NASHVILLE MUNICIPAL CODES, CHAPTER 17.12.030, NOTE C(3) PER ORDINANCE NO. BL2014-725

STREET SETBACK TABLE	
ADDRESS	SETBACK
#1909 9TH AVE N	28.6'
#1911 9TH AVE N	23.4'
#1913 9TH AVE N	22.6'
#1917 9TH AVE N	19.9'
AVERAGE SETBACK = 23.6'	

SETBACKS
FRONT/STREET: SEE NOTE A
SIDE: 6'
REAR: 20'

2340
272

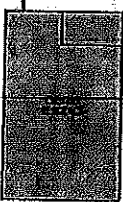
1260 9TH AVE N
4300 60' RIGHT-OF-WAY
PER PB 2, PG 104
(R.O.D.C., TN)

THE BUILDER IS SOLELY RESPONSIBLE FOR CONFORMING TO ALL ZONING REGULATIONS INCLUDING BUT NOT LIMITED TO BUILDING SETBACK LINES, EASEMENTS AND OTHER BUILDING IMPROVEMENTS AND PROPERTY RESTRICTIONS AS WELL AS ANY OTHER CONDITIONS AS SET FORTH OR NOTED ON THE SUBDIVISION PLAT AND OTHER LOCAL, STATE OR FEDERAL POLICIES, REGULATIONS AND ORDINANCES THAT MAY APPLY TO THE SUBJECT PROPERTY. THIS PLOT PLAN WAS GENERATED FROM THE FOUNDATION PLAN AS PROVIDED BY OTHERS. THE BUILDER IS RESPONSIBLE FOR VERIFYING ALL BUILDING DIMENSIONS SHOWN AND SHALL REPORT ANY DISCREPANCIES TO THE LAND SURVEYOR BEFORE BEGINNING CONSTRUCTION. THE SHAPE, SIZE AND PLACEMENT OF THE PROPOSED STRUCTURE AND IMPROVEMENTS MAY CHANGE DUE TO LOT CONDITIONS OR OTHER MATTERS THAT MAY AFFECT THE SUBJECT PROPERTY. ALL LOT AND UTILITY INFORMATION SHOWN IS PER PLAT. THE LOCATION OF THE HOUSE AND IMPROVEMENTS SHOWN HEREON IS AS SPECIFIED AND DIRECTED BY THE BUILDER/CONTRACTOR. THE SUBJECT PROPERTY AND IMPROVEMENTS SHOWN HEREON ARE SUBJECT TO SUCH STATE OF FACT AS AN ACCURATE TITLE SEARCH, FLOOD STUDY, COMPREHENSIVE SURVEY, GEOLOGIC AND SOILS STUDY MAY REVEAL. THIS DOCUMENT IS NOT AUTHORIZED FOR USE IN DETERMINING ANY MATTERS RELATED TO ANY FLOOD ASSESSMENTS OF THE SUBJECT PROPERTY AND IMPROVEMENTS.

8TH AVENUE NORTH
(60' R.O.W.)

22.8' FRONT SETBACK
(CONTEXTUAL AVERAGE)

23.7'



[0418704040]
806 9TH AVENUE N

23.7'



23.7'



[0418704040]
806 9TH AVENUE N

23.7'



[0418704040]
806 9TH AVENUE N

23.7'



[0418704040]
806 9TH AVENUE N



GRAPHIC SCALE (IN FEET)



CLINT
ELLIOTT
SURVEY

1111 Hayes Street
Nashville, TN 37203
clint@elliotts.com
615 496-3234



Building Setbacks
1907 A & B 9th Avenue North
Nashville, Davidson County, Tennessee

Sheet No.
V-2.3

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.

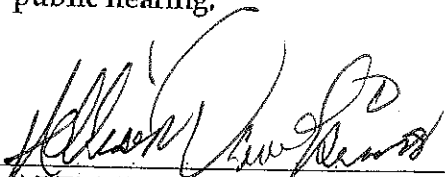
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

10/5/18

 DATE

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

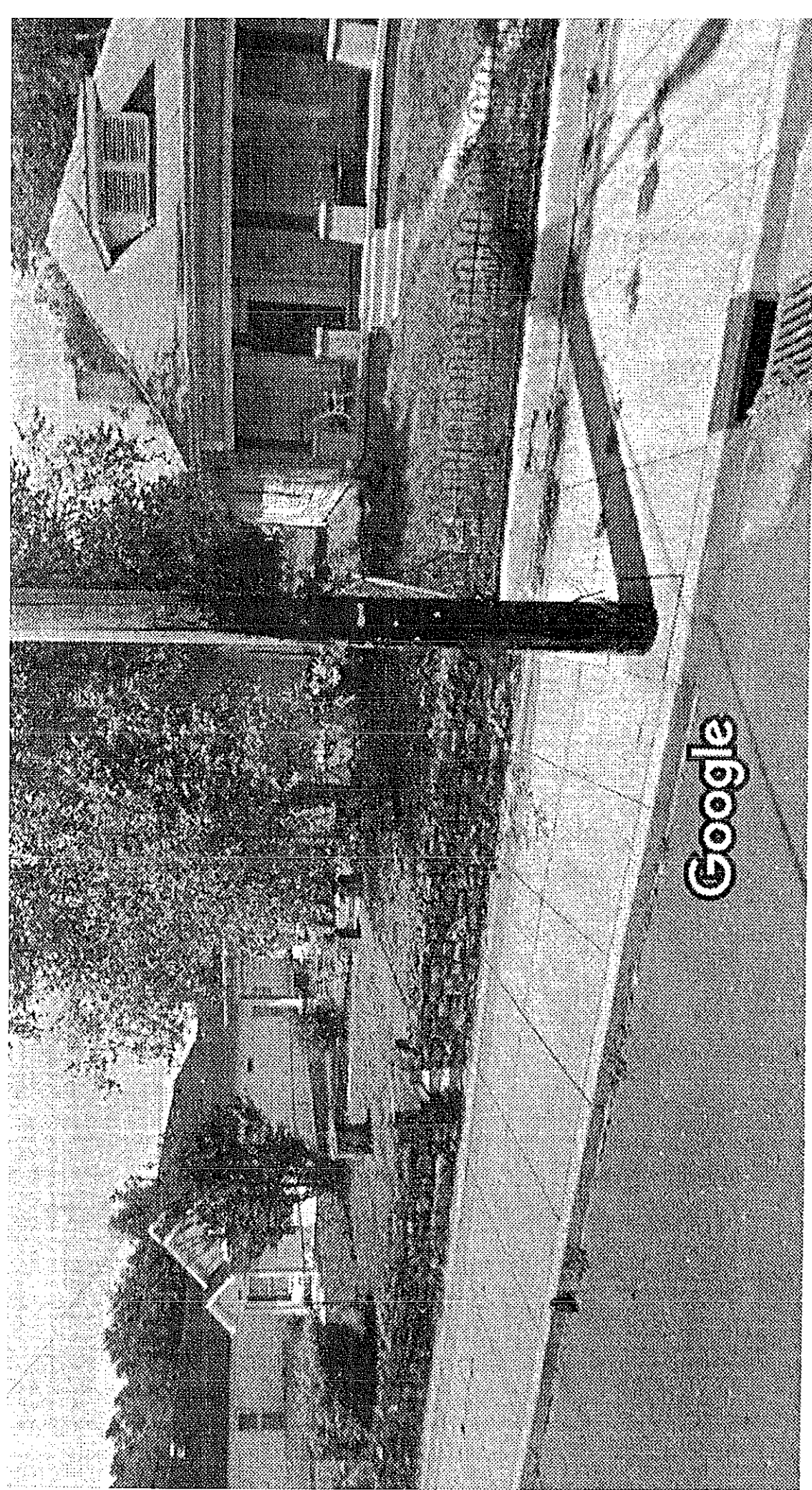
In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

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

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

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

Existing retaining wall





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



**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2018060301
THIS IS NOT A PERMIT**

PARCEL: 081072S00200CO

APPLICATION DATE: 09/21/2018

SITE ADDRESS:

1911 A 9TH AVE N NASHVILLE, TN 37208
UNIT 1911B TOWNHOMES AT 1911 9TH AVE NORTH

PARCEL OWNER: BOYLE, JESSIE L.

APPLICANT: DAWKINS CONTRACTING, LLC
A D DAWKINS

GOODLETTSVILLE, TN 37072
(615)573-1297

PURPOSE:

TO CONSTRUCT A NEW SINGLE FAMILY RES AT 1301 SQFT WITH PORCHES AND DECKS....THIS IS ONE OF TWO SINGLE FAMILY HOUSES...CONNECTED SIDE BY SIDE...SIDE SETBACKS MIN 5'...FRONT MIN 30'...REAR MIN 20'....HT AT 2 STORIES AND 35'.....SPLIT FROM 81-7-498.

SIDEWALKS REQUIRED AND NOT ALLOWED TO CONTRIBUTE...For every 30 feet of LOT frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property,..... Pursuant Ordinance # 2006-1263 Metropolitan code of Laws, I (the holder on this permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metropolitan Code.... ****SITE PLAN SENT TO FILE...

*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	615-862-6545 Richard.Thomopoulos@nashville.gov
[A] Zoning Review	APPROVED	615-862-6545 Richard.Thomopoulos@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		
[B] Fire Life Safety Review On Bldg App	IGNORE	615-862-5421 Patricia.Reynolds@nashville.gov
[E] Sewer Availability Review For Bldg	COND	615-862-4064 Gloria.Bryant@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-862-4064 Gloria.Bryant@nashville.gov
[E] Water Availability Review For Bldg	COND	615-862-4064 Gloria.Bryant@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-862-4064 Gloria.Bryant@nashville.gov
[A] Bond & License Review On Bldg App	APPROVED	615-862-6545 Richard.Thomopoulos@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov
[D] Grading Plan Review For Bldg App	COND	(615) 862-6038 Logan.Bowman@nashville.gov
CA - Zoning Sidewalk Requirement Review	BZAVARAPP	615-862-6545 Richard.Thomopoulos@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsl@nashville.gov



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



3561851

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2018060299
THIS IS NOT A PERMIT**

PARCEL: 081072S00100CO

APPLICATION DATE: 09/21/2018

SITE ADDRESS:

1911 B 9TH AVE N NASHVILLE, TN 37208
UNIT 1911A TOWNHOMES AT 1911 9TH AVE NORTH

PARCEL OWNER: BOYLE, JESSIE L.

APPLICANT: DAWKINS CONTRACTING, LLC
A D DAWKINS

GOODLETTSVILLE, TN 37072
(615)573-1297

PURPOSE:

TO CONSTRUCT A NEW SINGLE FAMILY RES AT 1301 SQFT WITH PORCHES AND DECKS....THIS IS ONE OF TWO SINGLE FAMILY HOUSES...CONNECTED SIDE BY SIDE...SIDE SETBACKS MIN 5'...FRONT MIN 30'...REAR MIN 20'....HT AT 2 STORIES AND 35'.....SPLIT FROM 81-7-498.
SIDEWALKS REQUIRED AND NOT ALLOWED TO CONTRIBUTE...For every 30 feet of LOT frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property..... Pursuant Ordinance # 2006-1263 Metropolitan code of Laws, I (the holder on this permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metropolitan Code.... ***SITE PLAN SENT TO FILE...

*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	615-862-6545 Richard.Thomopoulos@nashville.gov
[A] Zoning Review	APPROVED	615-862-6545 Richard.Thomopoulos@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		
[B] Fire Life Safety Review On Bldg App	IGNORE	615-862-5421 Patricia.Reynolds@nashville.gov
[E] Sewer Availability Review For Bldg	COND	615-862-4064 Gloria.Bryant@nashville.gov
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[F] Address Review On Bldg App	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov
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CA - Zoning Sidewalk Requirement Review	BZAVARAPP	615-862-6545 Richard.Thomopoulos@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsl@nashville.gov

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-664 (1911 A&B 9th Avenue North)

Metro Standard:	6' grass strip, 6' sidewalk as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalks; not contribute in lieu of construction (not eligible)
Zoning:	R6
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	T4-R-CA2
Transit:	300' to #42 – St. Cecilia/Cumberland
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant is proposing to construct two residential units on the lot and requests a variance due to the presence of existing sidewalks and a retaining wall. Planning evaluated the following factors for the variance request:

- (1) A 9' sidewalk with no grass strip currently exists along the entire property frontage, which is consistent with adjacent properties along the block face. There is also an existing retaining wall at the immediate back of the existing sidewalk.
- (2) While the existing sidewalk does not explicitly meet the Local Street standard, the 9' width from the back of curb meets the intent of creating sidewalk networks with a higher level of pedestrian comfort.
- (3) Upgrading the sidewalk to the Collector Avenue standard would require extensive construction with minimal immediate gains for pedestrian comfort along the street.

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

1. Maintain existing sidewalk conditions in a state of good repair per Metro 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-500 or ST-501 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.

2018-643

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Alex Crow Date: 10-9-18
Property Owner: L&H Prop. Case #: 2018-643
Representative: Alex Crow Map & Parcel: 92-6-318

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 reduction of setbacks.
Requesting 20' front setback, reduction of 2.9'
Requesting 10' Rear Setback, reduction of 10'
Requesting 3' side setback, reduction of 2'

Activity Type: New Construction - Single Family

Location: 735 29th Ave. N.

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

Reason: Does not meet minimum setbacks

Section(s): 17.12.020(A), 17.12-030(C) 3

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

ALEX CRAW
Appellant Name (Please Print)

P.O. Box 90680
Address

NASHVILLE, TN 37209
City, State, Zip Code

615-479-5225
Phone Number

CHNASHVILLEPROPERTIES@GMAIL.COM
Email

Alex CRAW
Representative Name (Please Print)

P.O. BOX 90680
Address

NASHVILLE, TN 37209
City, State, Zip Code

615-479-5225
Phone Number

CHNASHVILLEPROPERTIES@GMAIL.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**



3567333

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2018064040
THIS IS NOT A PERMIT**

PARCEL: 09206031800

APPLICATION DATE: 10/09/2018

SITE ADDRESS:

735 29TH AVE N NASHVILLE, TN 37209
PT. LOT 44 L. G. THUSS SUB. BARROW

PARCEL OWNER: CRAW, ALEX

APPLICANT: C & H PROPERTIES, LLC

NASHVILLE, TN 37205 615-479-5225

PURPOSE:

to construct 1085SF single family residence with 210SF porches. ' min. side setback, ' min. rear setback, front setback at ' per avg. not to be over any easements.

Sidewalks are required, not eligible for fund, existing sidewalks

***PURSUANT TO ORDINANCE NO 2008-1263 of the Metropolitan Code of Laws, I, holder of this permit, hereby certify that all construction and demolition waste generated by any and all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction or demolition waste shall be stored on the property in violation of any provisions of the Metropolitan Code* For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property.*

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

[A] Site Plan Review		
[A] Zoning Review		
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	clint.harper@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		
[B] Fire Life Safety Review On Bldg App		862-5230
[E] Sewer Availability Review For Bldg		862-7225
[E] Sewer Variance Approval For Bldg		
[E] Water Availability Review For Bldg		862-7225
[E] Water Variance Approval For Bldg		
[A] Bond & License Review On Bldg App		
[F] Address Review On Bldg App		862-8781 bonnie.crumby@nashville.gov
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[C] Flood Plain Review On Bldg App		862-6038 logan.bowman@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPPermitsl@nashville.gov



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



3567291

ZONING BOARD APPEAL / CAAZ - 20180064018
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09206031800

APPLICATION DATE: 10/09/2018

SITE ADDRESS:

735 29TH AVE N NASHVILLE, TN 37209
PT. LOT 44 L. G. THUSS SUB. BARROW

PARCEL OWNER: CRAW, ALEX

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting variance from setbacks as follows to allow for single family residence.
requesting 20' front setback, reduction of 7.9'
requesting 3' side setback, reduction of 2'
requesting 10' rear setback, reduction of 10'

*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.

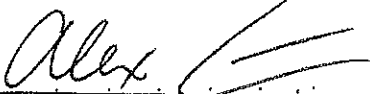
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We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

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.



APPELLANT

10/09/18

DATE

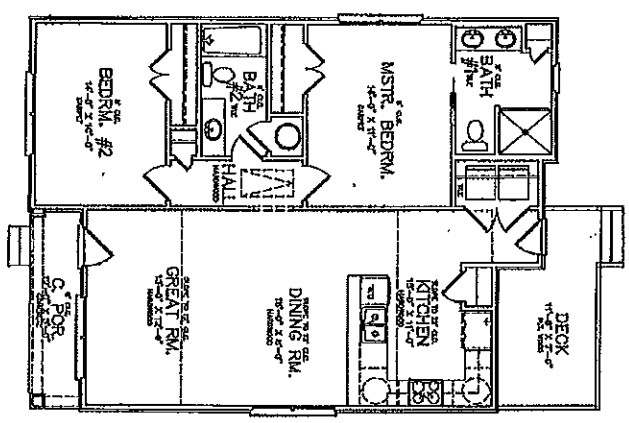
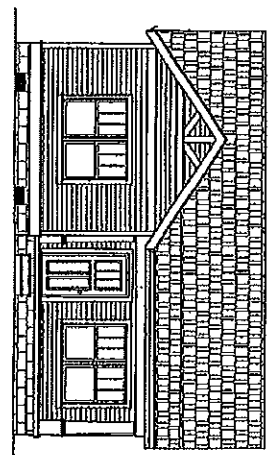
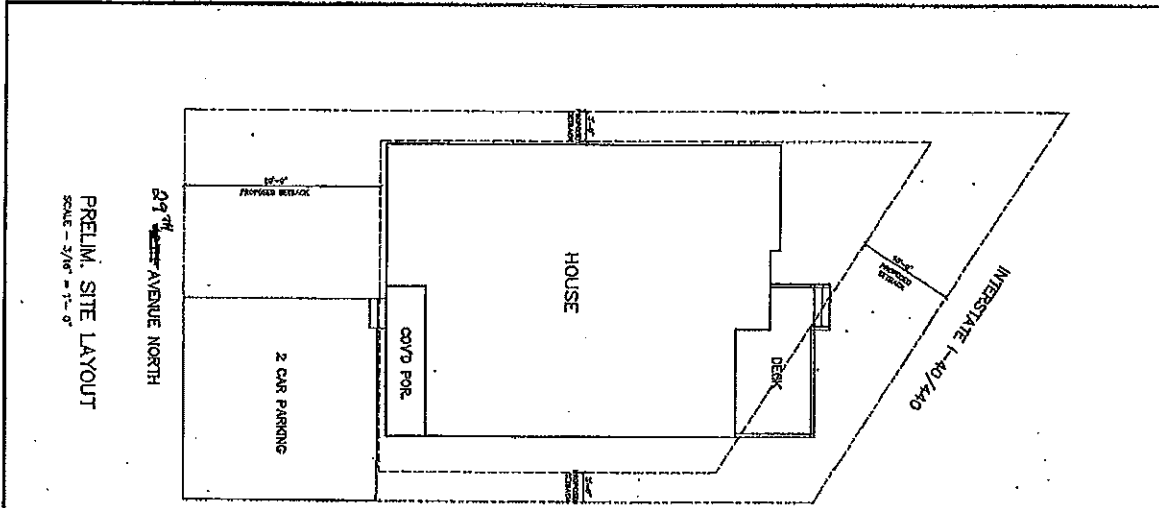
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At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

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?

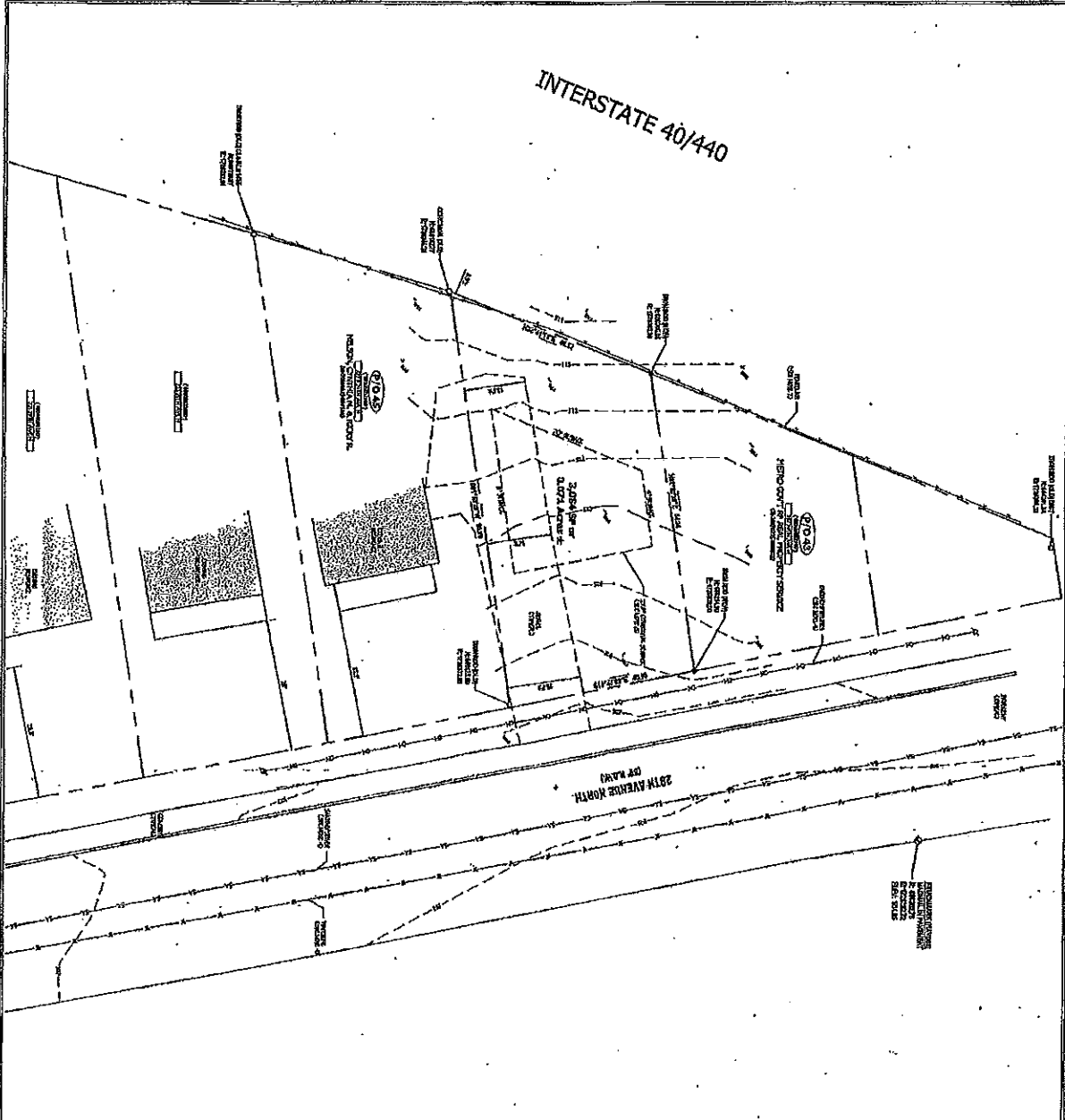
LOT IS VERY SMALL (3084 FT²) AND PREVIOUSLY HAD HOME. LOT IS ALSO SLANTED/ANGLED AT REAR OF PROPERTY



PER SQUARE FOOTAGE	
CONCRETE	1.00
FOUNDATION	1.00
ROOFING	1.00
MECHANICAL	1.00
ELECTRICAL	1.00
PLUMBING	1.00
PAINT	1.00
FINISHES	1.00
LANDSCAPE	1.00
TOTAL	110.00

<p>A NEW RESIDENCES BUILT BY: C & H PROPERTIES, LLC AT 735 29TH AVENUE NORTH NASHVILLE, TN 37209</p>	<p>JDH DESIGN ARCHITECTURAL JURJ HALL 3919 Henrietta Hill Drive Smyrna, Tennessee 37187 Phone: 615-405-0310 Web: jhd.design3d.com/coast.net</p>	<p>DATE: 5/11/2018 DRAWN BY: [Name] CHECKED BY: [Name] PROJECT: [Name]</p>
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NOT DATE 2/20/2014 12:50:40 AM
 FILED 10/10/14 PM 8:25:25 AM # 2018-643 - SubOrd



BZA APPLICATION
 FOR SETBACK VARIANCES

FRONT 27.9' → REQUESTING 20'
 BOTH SIDES 5' → REQUESTING 3'
 REAR 20' → REQUESTING 10'
 TO BUILD 1085 SQ FT HOME

3084 D² LOT,
 SMALL LOT SIZE

DEED REFERENCE
 [Text describing deed references]

PLAT REFERENCE
 [Text describing plat references]

SURVEYOR'S NOTES
 1. This survey was made from a true and correct copy of the deed...
 2. The survey was made from a true and correct copy of the deed...
 3. The survey was made from a true and correct copy of the deed...
 4. The survey was made from a true and correct copy of the deed...
 5. The survey was made from a true and correct copy of the deed...
 6. The survey was made from a true and correct copy of the deed...
 7. The survey was made from a true and correct copy of the deed...
 8. The survey was made from a true and correct copy of the deed...
 9. The survey was made from a true and correct copy of the deed...
 10. The survey was made from a true and correct copy of the deed...

SURVEYOR'S CERTIFICATE
 I, CLINT T. ELLIOTT, Registered Land Surveyor, do hereby certify that the foregoing is a true and correct copy of the survey as shown to me by the owner of the land described in the deed...
 CLINT T. ELLIOTT
 Registered Land Surveyor
 1700 Hayes St. #301, Nashville, TN 37203
 cte@clinttelliotts.com
 (615) 475-3225

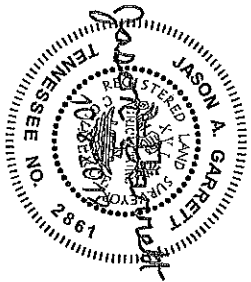
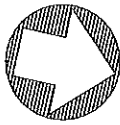
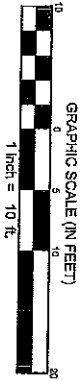
		Boundary & Topographic Survey V-1.00	Boundary & Topographic Survey 735 29th Avenue North Nashville, Davidson County, Tennessee 37209	CLINT T. ELLIOTT REGISTERED LAND SURVEYOR 1700 Hayes St. #301, Nashville, TN 37203 cte@clinttelliotts.com (615) 475-3225
		[Empty space for notes or signatures]	[Empty space for notes or signatures]	[Empty space for notes or signatures]

INTERSTATE 40/440



CLINT ELLIOTT SURVEY

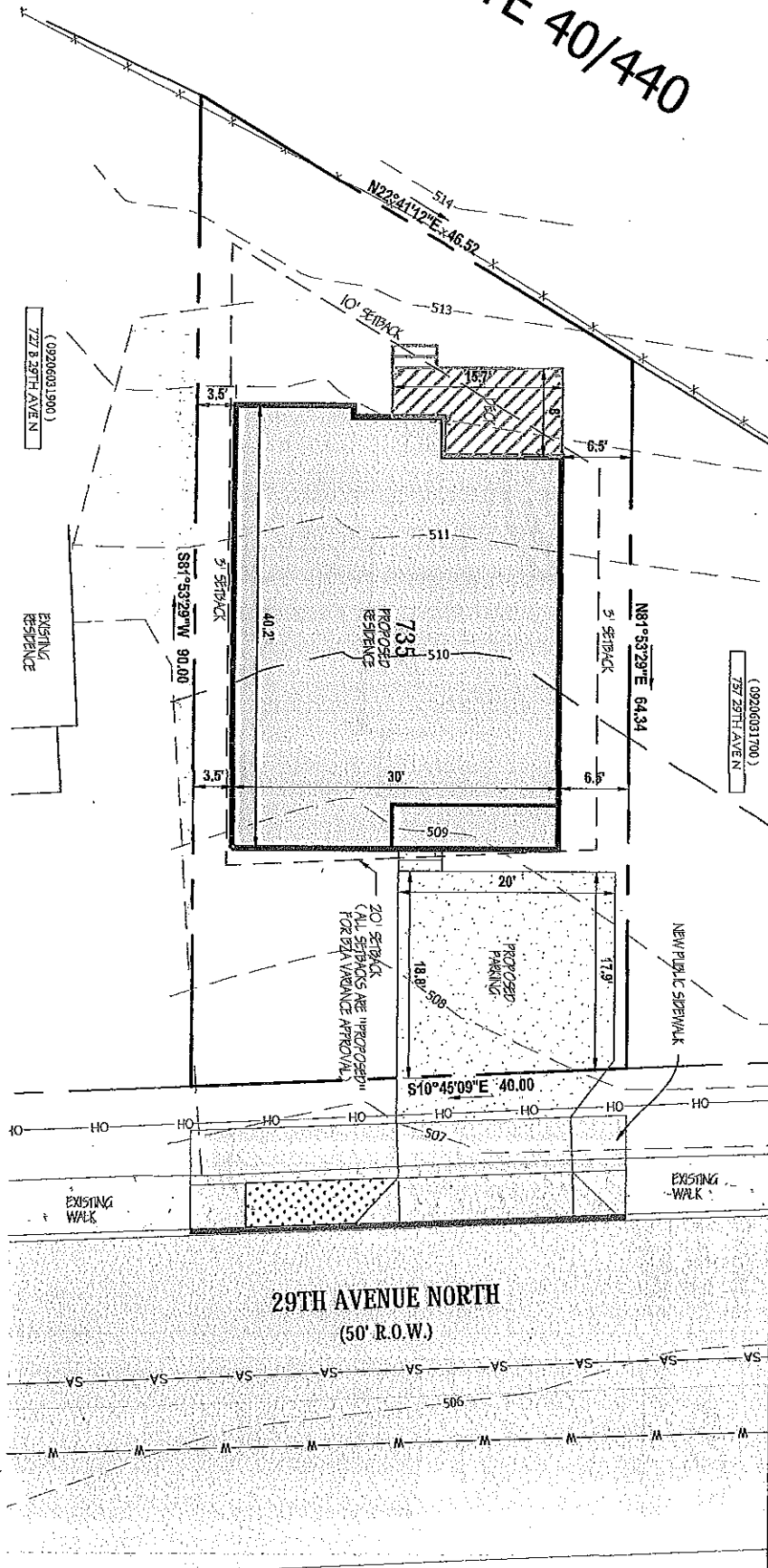
1711 Hayes Street,
Nashville, TN 37203
clintelliotts@survey.com
(615) 490-3236



Nashville, Davidson County, Tennessee
Site Plan
735 29th Ave N.

Sheet No.

V-2.1



29TH AVENUE NORTH
(50' R.O.W.)

SITE DATA: PRE-DEVELOPMENT

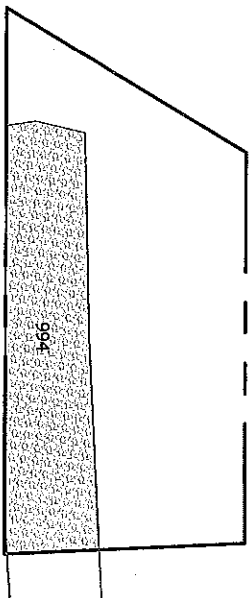
Total Site Area 3,084 SF
PRE-DEVELOPMENT IMPERVIOUS: 994 SF
 Buildings 0 SF
 Parking/Drives 994 SF
 Walks/Misc Pads 0 SF

SITE DATA: POST-DEVELOPMENT

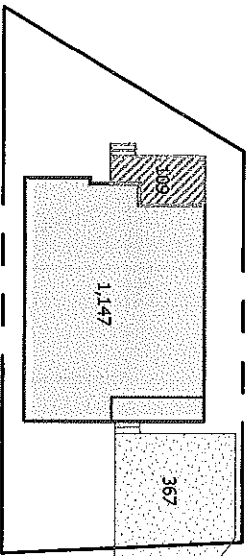
Total Site Area 3,084 SF
POST-DEVELOPMENT IMPERVIOUS: 1,623 SF (52.6%)
 Buildings 1,147 SF
 Parking/Drives 367 SF
 Walks/Misc Pads 109 SF
POST- IMPERVIOUS NET GAIN: 629 SF (TIER N/A)

STORMWATER NET GAIN TREATMENT

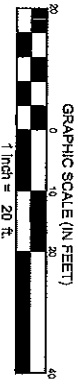
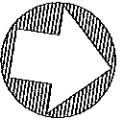
Total Site Area 3,084 SF
POST-DEVELOPMENT STORMWATER TREATMENT: 0 SF
 POST-DEVELOPMENT IMPERVIOUS AREA < 800 SF



PRE-DEVELOPMENT

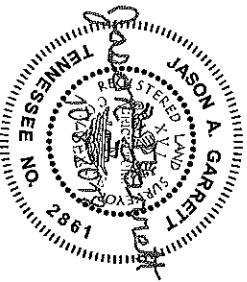


POST-DEVELOPMENT



CLINT ELLIOTT SURVEY

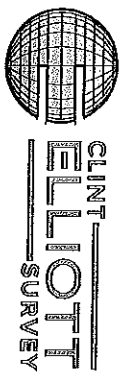
1711 Hayes Street
 Nashville, TN 37203
 clintelliotts@survey.com
 (615) 490-8236



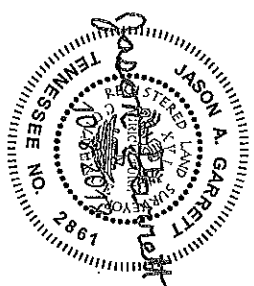
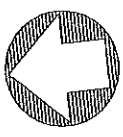
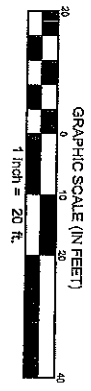
Impervious Areas
 735 29th Ave N.
 Nashville, Davidson County, Tennessee

Sheet No.

V-2.4



1711 Hayes Street
Nashville, TN 37203
clintelliotsurvey.com
(615) 490-3236

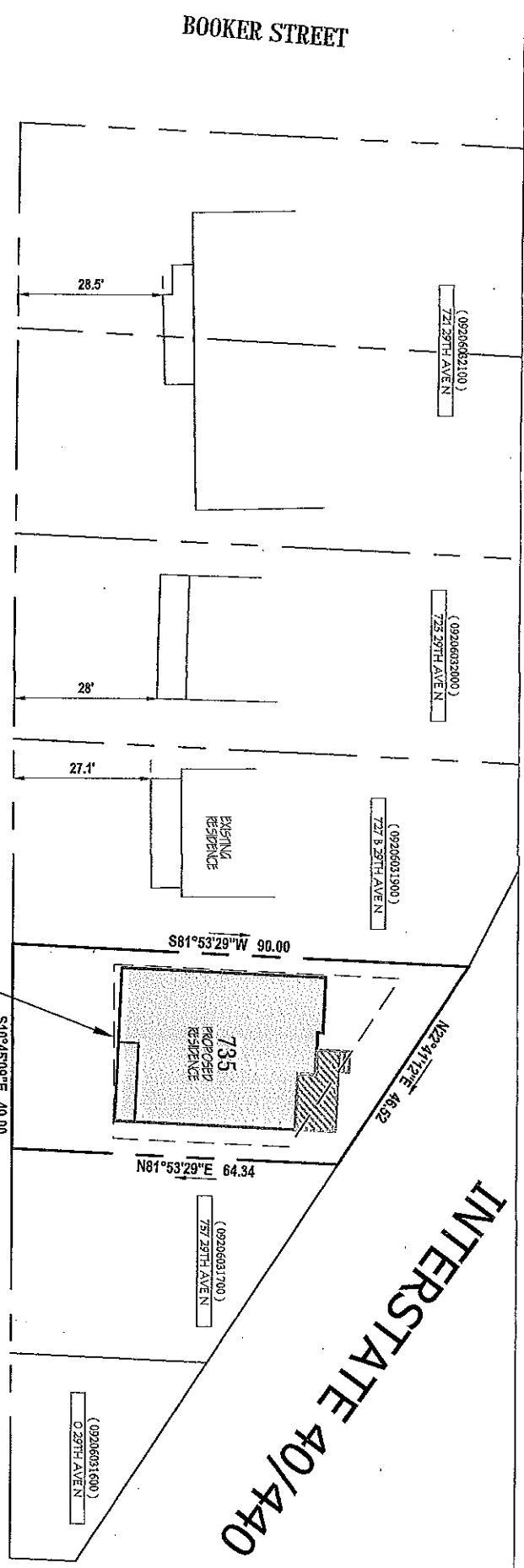


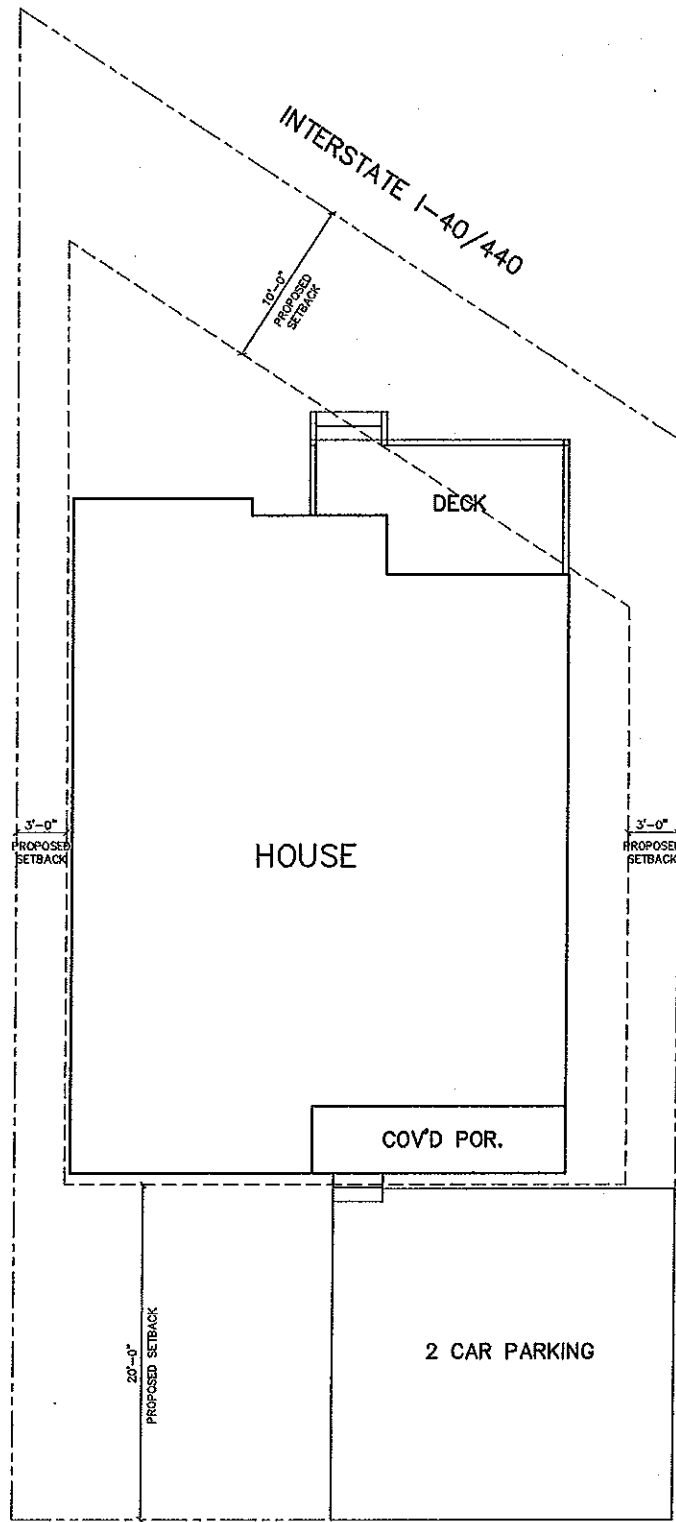
Building Setbacks
735 29th Ave N.
Nashville, Davidson County, Tennessee

Sheet No.
V-2.3

29TH AVENUE NORTH
(50' R.O.W.)

20' FRONT SETBACK
(REQUESTED FOR BZA APPROVAL)





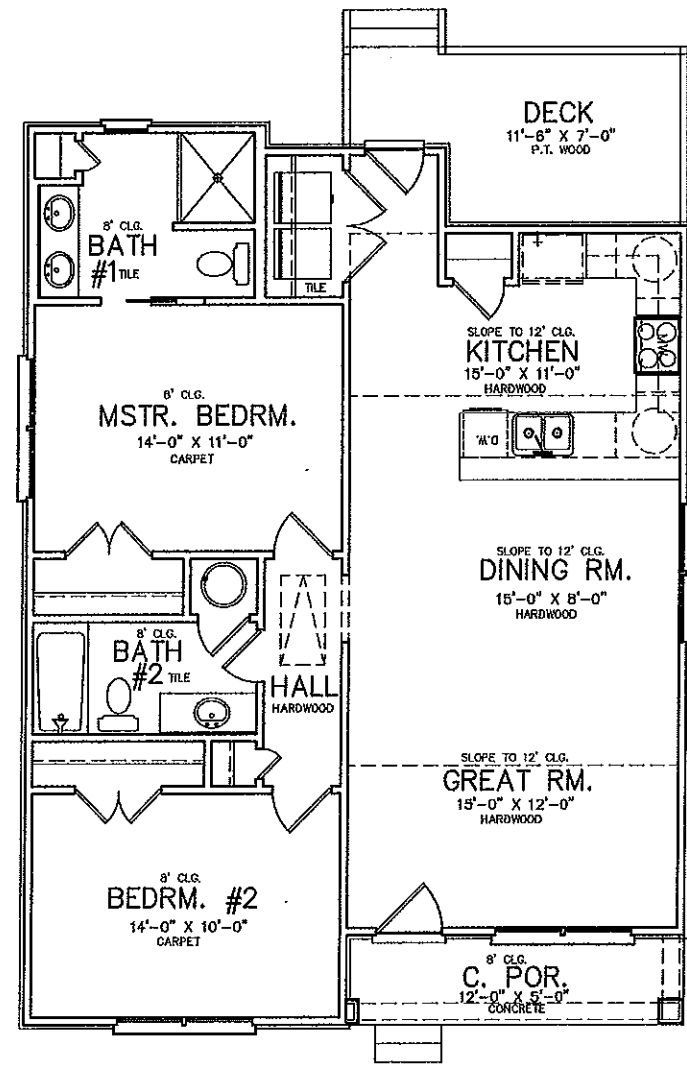
29TH AVENUE NORTH

PRELIM. SITE LAYOUT
SCALE - 3/16" = 1'- 0"



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

NEW SQUARE FOOTAGE	
OUTSIDE STUD	
SQUARE FOOTAGE (heated & cooled area only)	
FLOOR PLAN	1,085 sqft
TOTAL HEATED & COOLED	1,085 sqft
COVERED PORCH	60 sqft
TOTAL UNDER ROOF	1,145 sqft
DECK	110 sqft



PRELIM. FLOOR PLAN
SCALE - 1/4" = 1'- 0"

REVISIONS

NOTE: This set of drawings for a custom home is the copyrighted property of JDH DESIGN. This single copy is licensed pursuant to the terms and conditions of the design agreement and no right to reproduce or copy any portion of the plans.

These drawings are not to be reproduced by anyone or any method, including digitizing, scanning, photography, tracing, re-drawing, or other means. They may not be used by anyone for repeat construction, sales brochures, advertising, or any other purpose, without written consent of JDH DESIGN.

They may not knowingly be furnished to others for such purposes. They have been prepared by JDH DESIGN as an independent contractor and not as an employee of owner. All original tracings prepared by JDH DESIGN will remain in the office.

JDH DESIGN, 2013

JDH DESIGN ARCHITECTURAL
JUR I H A L L
3919 Henrieks Hill Drive
Smyrna, Tennessee 37167
Phone: 615-405-0310
Web: jdhdsgn3@comcast.net

A NEW RESIDENCES BUILT BY:
C & H PROPERTIES, LLC
AT
735 29TH AVENUE NORTH
NASHVILLE, TN 37209

Drawn	JDH
Checked	JLM
Filename	1.1
Issued	9/11/2018

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



Appellant: Devan McClish Date: 10/9/18
Property Owner: Stanley Hopp Case #: 2018-644
Representative: Devan McClish Map & Parcel: 93-15-0 D 001
93-15-0 D 002

Council District 17

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

Purpose: HPR Two S.F. Houses
Front + Back NOT Connected!
Already Built

Activity Type: HPR: TWO SINGLE FAMILY HOUSES... FRONT AND REAR UNITS MIN 6' BETWEEN HOUSE
1044 A & B 2ND AVE S. NASHVILLE, TN 37210
Location: MAP 93-15-0-D PARCELS 1 & 2.

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: DENIED: REQUIRED SIDE SETBACK FOR BOTH 5'....
REQUEST 6" ON THE FRONT UNIT AND
Section(s): REQUEST 3'3" ON THE REAR UNIT.
17.12.020

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.

Devan McClish
Appellant Name (Please Print)

Representative Name (Please Print)

Address

Address

City, State, Zip Code

City, State, Zip Code

615-418-3133
Phone Number

Phone Number

devan@torquedevelopment.com
Email

Email

Appeal Fee: 200⁰⁰



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



3567425

**ZONING BOARD APPEAL / CAAZ - 20180064110
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 093150D00100CO

APPLICATION DATE: 10/09/2018

SITE ADDRESS:

1044 A 2ND AVE S NASHVILLE, TN 37210
UNIT A 1044 2ND AVENUE SOUTH TOWNHOMES

PARCEL OWNER: HOPP, STANLEY G.

CONTRACTOR:

APPLICANT:**PURPOSE:**

HPR: TWO SINGLE FAMILY HOUSES... FRONT AND REAR UNITS MIN 6' BETWEEN HOUSES.

1044 A & B 2ND AVE S. NASHVILLE, TN 37210

MAP 93-15-0-D PARCELS 1 & 2.

DENIED: REQUIRED SIDE SETBACK FOR BOTH 5'....

REQUEST 6" ON THE FRONT UNIT AND

REQUEST 3'3" ON THE REAR UNIT.

17.12.020

POC: DEVAN MCCLISH 615-418-3133

devan@torquedevelopment.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

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.

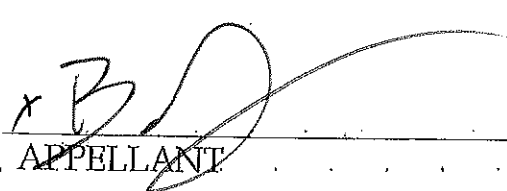
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

10/9/18

 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.

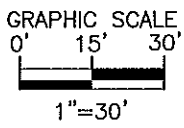
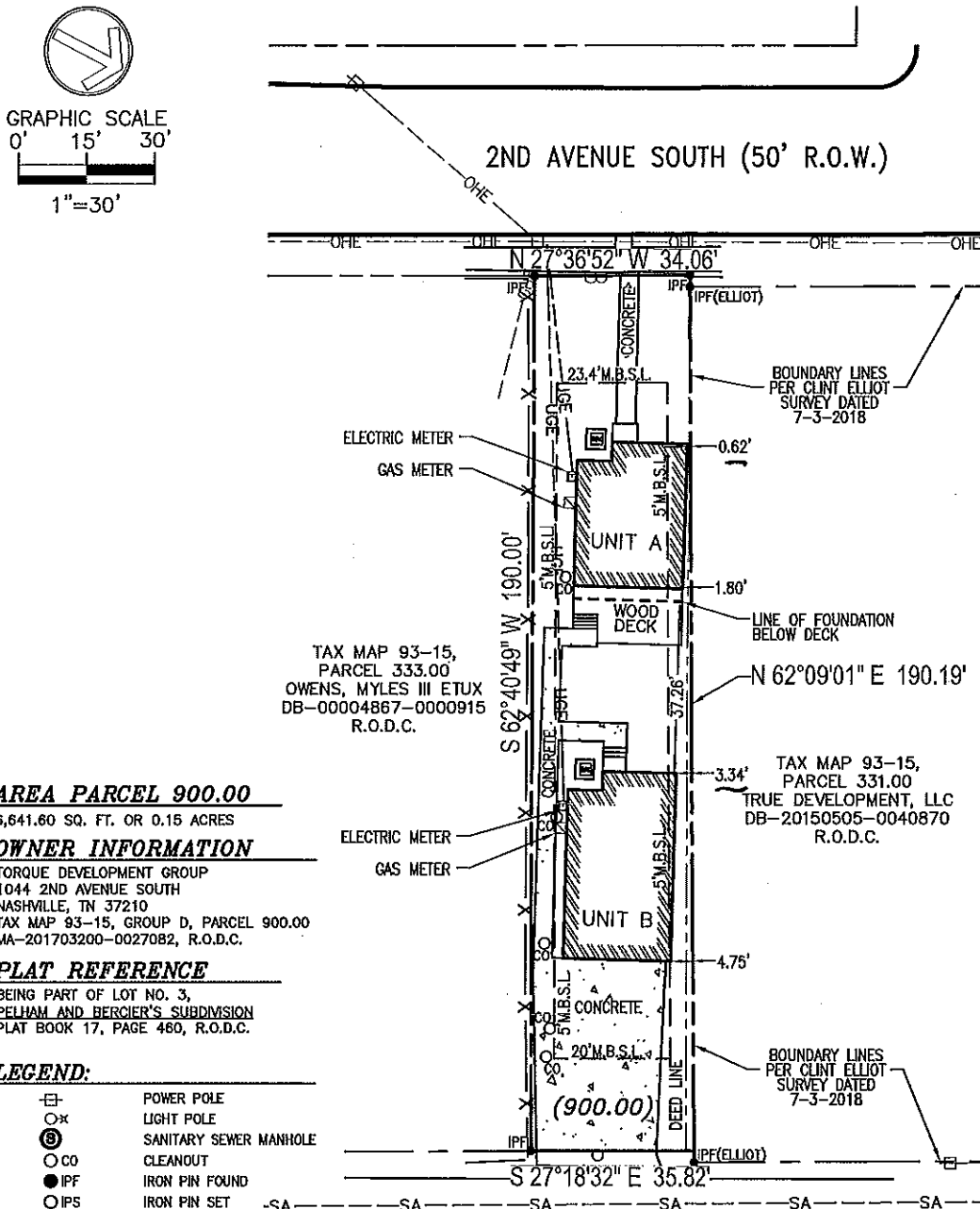
The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster 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?



AREA PARCEL 900.00

6,641.60 SQ. FT. OR 0.15 ACRES

OWNER INFORMATION

TORQUE DEVELOPMENT GROUP
 1044 2ND AVENUE SOUTH
 NASHVILLE, TN 37210
 TAX MAP 93-15, GROUP D, PARCEL 900.00
 MA-201703200-0027082, R.O.D.C.

PLAT REFERENCE

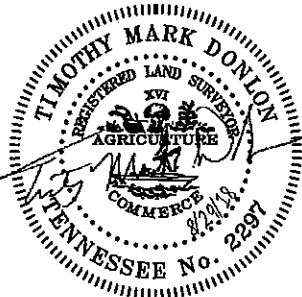
BEING PART OF LOT NO. 3,
 PELHAM AND BERCIER'S SUBDIVISION
 PLAT BOOK 17, PAGE 460, R.O.D.C.

LEGEND:

- ⊕ POWER POLE
- x LIGHT POLE
- ⊙ SANITARY SEWER MANHOLE
- CO CLEANOUT
- IPF IRON PIN FOUND
- IPS IRON PIN SET

NOTES:

- 1) THE SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITIES WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR WHOSE SIGNATURE APPEARS UPON THIS SURVEY.
- 2) UPON REVIEWING FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, MAP NUMBER 47037C0244H, DATED APRIL 5, 2017, IT HAS BEEN DETERMINED THAT THE LIMITS OF THE DETAIL STUDY DO NOT REACH THE SUBJECT PROPERTY. (FLOOD ZONE "X")
- 3) BASIS OF BEARING, REFERENCES TENNESSEE STATE PLANE.
- 4) ALL MEASUREMENTS TAKEN FROM THE OUTSIDE OF BLOCK.



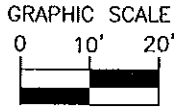
PREPARED BY:
 DONLON LAND SURVEYING, LLC
 TIMOTHY MARK DONLON
 1539 BELLE FOREST CIRCLE
 NASHVILLE, TN 37221
 TEL. (615) 673-8116, FAX (615) 673-8117
 tdonlon@bellsouth.net
<http://www.DonlonLandSurveying.com/>

AS-BUILT
 FOR
TAX MAP 93-15
GROUP D,
PARCEL 900.00 CO

MA-20170320-0027082
 DAVIDSON COUNTY, TENNESSEE

PREPARED FOR:
TORQUE
DEVELOPMENT GROUP
 1044 2ND AVENUE SOUTH
 NASHVILLE, TN 37210
 DATED: AUGUST 29, 2018

EXHIBIT B
HORIZONTAL PROPERTY REGIME
2ND AVENUE SOUTH (50' R.O.W.)



1"=20'

AREA PARCEL 332.00

6,460.00 SQ. FT. OR 0.15 ACRES

OWNER INFORMATION

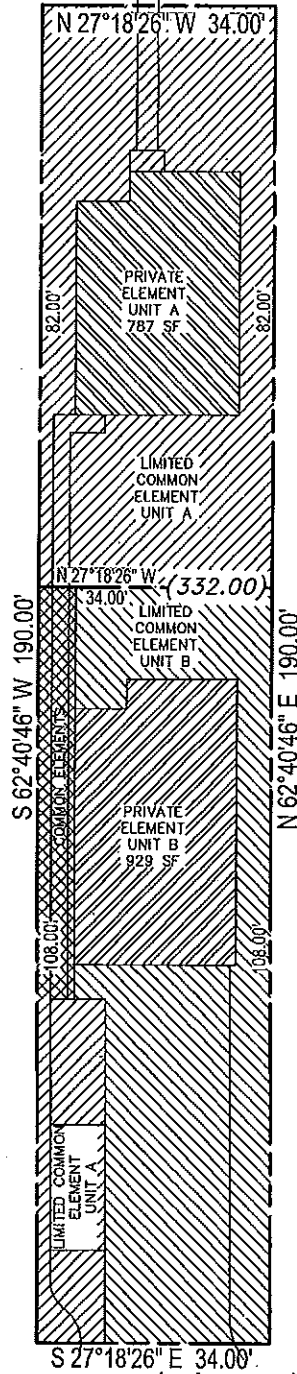
GRAY, JANIE M.
1044 2ND AVENUE SOUTH
NASHVILLE, TN 37210
TAX MAP 93-15, PARCEL 332.00
DB-00009255-0000728, R.O.D.C.

PLAT REFERENCE

BEING PART OF LOT NO. 3,
PELHAM AND BERGIER'S SUBDIVISION
PLAT BOOK 17, PAGE 46D, R.O.D.C.

LEGEND:

- LIMITED COMMON ELEMENTS
- PRIVATE ELEMENTS
- COMMON ELEMENTS



S 27°18'26" E 34.00'
ALLEY #169 (16' R.O.W.)

UNIT A & UNIT B
HOMES AT 1044 2ND AVE S.
FORMERLY KNOWN AS
TAX MAP 93-15
PARCEL 332.00

DB-00009255-0000728
DAVIDSON COUNTY, TENNESSEE

PREPARED FOR:
TORQUE DEVELOPMENT
GROUP, LLC

1044 2ND AVENUE SOUTH
NASHVILLE, TN 37210
DATED: MARCH 14, 2017

217016 GRAY MM



PREPARED BY:
DONLON LAND SURVEYING, LLC
TIMOTHY MARK DONLON

8120 SAWYER BROWN RD.
SUITE 110 A
NASHVILLE, TN 37221
TEL. (615) 673-9116, FAX (615) 673-9117
mtdonlonr@south.net
<http://www.DonlonLandSurveying.com/>

09315032800

09315034600

09315034500

09315034400

09315032900

09315034300

09315033000

09315034200

09315037600

09315037700

09315033100

09315034100

09315029700

R6

093150D90000CO

CAMERON ST

093150D00200CO

Site

093150D00100CO

09315033300

093150E90000CO

09315034000

09315029600

093150E00200CO

093150E00100CO

09315033900

09315029500

09315033500

093150C00500CO

09315038600

09315029400

093150C00400CO

093150C90000CO

093150C01000CO

09315029300

093150C00300CO

093150C00900CO

09315038500

093150C00100CO

093150C00200CO

093150C00800CO

SP(R)

093150C00600CO

093150C00700CO

09315033800

09315029200

105030E90000CO

SP(MR)

09315029100

105030E00400CO

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1/48 ALY

105030I90000CO

105030I00200CO

105030I90100CO

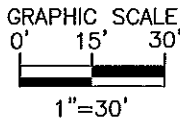
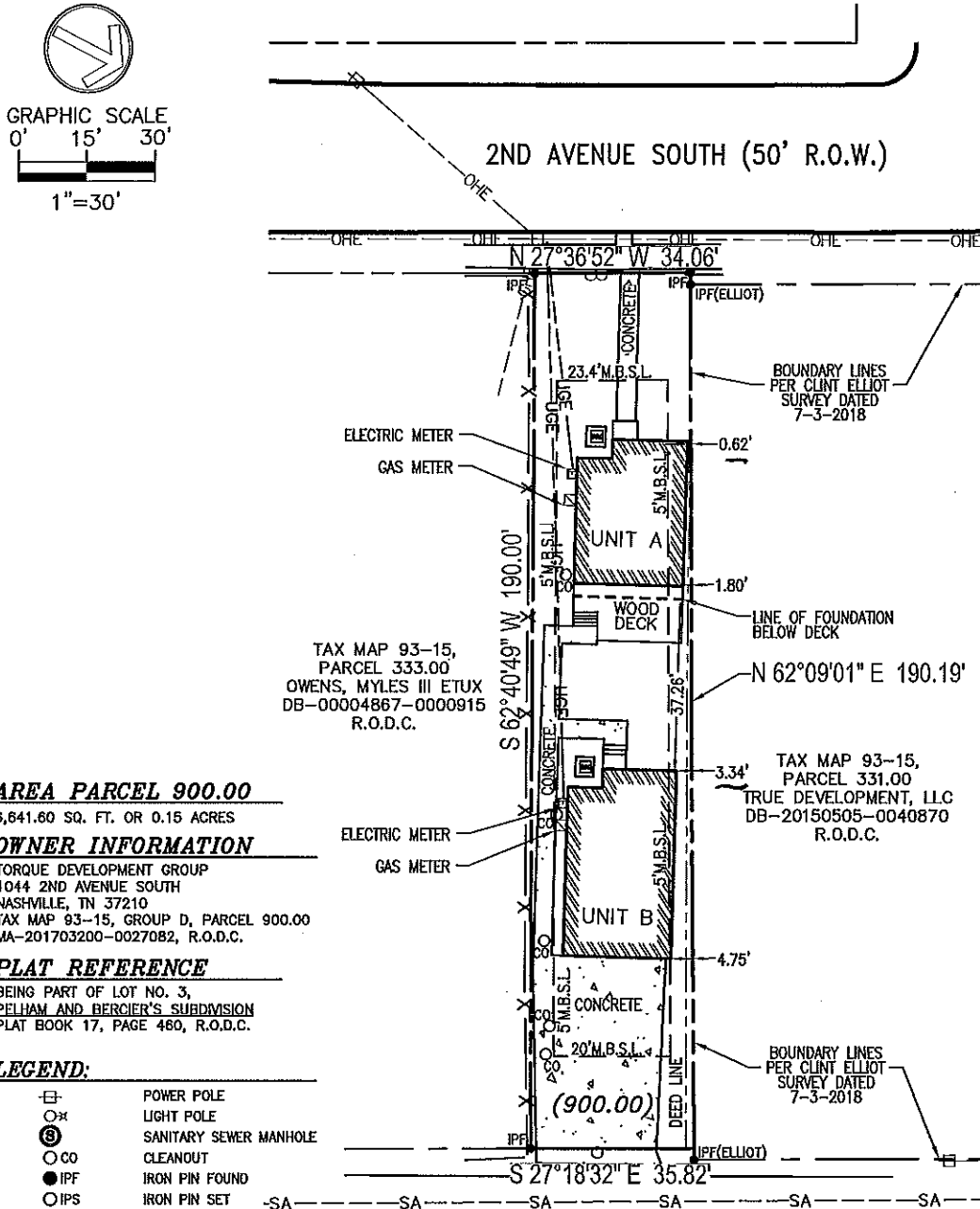
105030E00100CO

105030E00200CO

105030E00800CO

105030E00700CO

105030A90200CO



AREA PARCEL 900.00

6,641.60 SQ. FT. OR 0.15 ACRES

OWNER INFORMATION

TORQUE DEVELOPMENT GROUP
 1044 2ND AVENUE SOUTH
 NASHVILLE, TN 37210
 TAX MAP 93-15, GROUP D, PARCEL 900.00
 MA-201703200-0027082, R.O.D.C.

PLAT REFERENCE

BEING PART OF LOT NO. 3,
 PELHAM AND BERCIER'S SUBDIVISION
 PLAT BOOK 17, PAGE 480, R.O.D.C.

LEGEND:

- ⊕ POWER POLE
- x LIGHT POLE
- ⊙ SANITARY SEWER MANHOLE
- CO CLEANOUT
- IPF IRON PIN FOUND
- IPS IRON PIN SET

NOTES:

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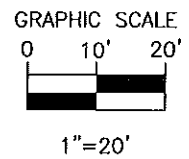
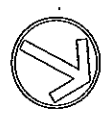
PREPARED BY:
 DONLON LAND SURVEYING, LLC
 TIMOTHY MARK DONLON
 153B BELLE FOREST CIRCLE
 NASHVILLE, TN 37221
 TEL. (615) 873-9116, FAX (615) 873-9117
 timdonlon@pelham169.com
<http://www.DonlonLandSurveying.com/>

AS-BUILT
 FOR
TAX MAP 93-15
GROUP D,
PARCEL 900.00 CO

MA-20170320-0027082
 DAVIDSON COUNTY, TENNESSEE

PREPARED FOR:
TORQUE
DEVELOPMENT GROUP
 1044 2ND AVENUE SOUTH
 NASHVILLE, TN 37210
 DATED: AUGUST 29, 2018

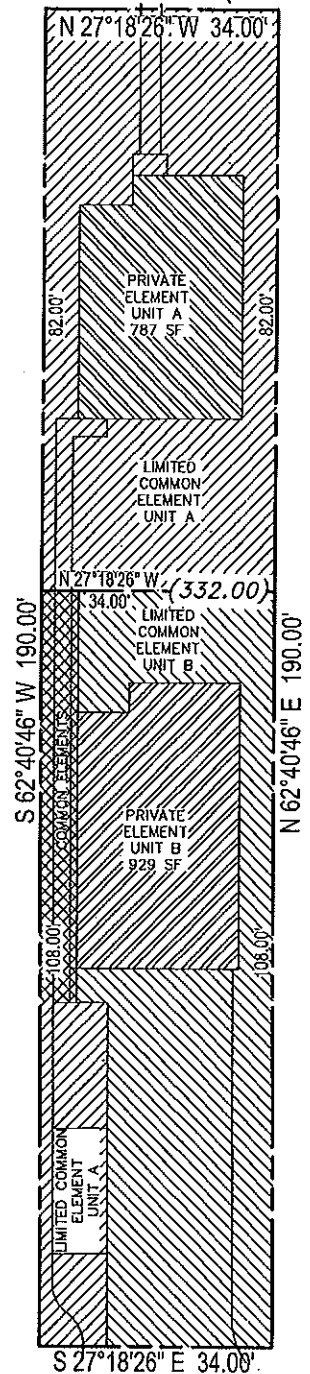
EXHIBIT B HORIZONTAL PROPERTY REGIME 2ND AVENUE SOUTH (50' R.O.W.)



AREA PARCEL 332.00
6,460.00 SQ. FT. OR 0.15 ACRES
OWNER INFORMATION
GRAY, JANIE M.
1044 2ND AVENUE SOUTH
NASHVILLE, TN 37210
TAX MAP 93-15, PARCEL 332.00
DB-00009255-0000728, R.O.D.C.

PLAT REFERENCE
BEING PART OF LOT NO. 3,
PELHAM AND BERGIER'S SUBDIVISION
PLAT BOOK 17, PAGE 460, R.O.D.C.

LEGEND:
LIMITED COMMON ELEMENTS
PRIVATE ELEMENTS
COMMON ELEMENTS



ALLEY #169 (16' R.O.W.)

UNIT A & UNIT B
HOMES AT 1044 2ND AVE S.
FORMERLY KNOWN AS
TAX MAP 93-15
PARCEL 332.00
DB-00009255-0000728
DAVIDSON COUNTY, TENNESSEE

PREPARED FOR:
TORQUE DEVELOPMENT GROUP, LLC
1044 2ND AVENUE SOUTH
NASHVILLE, TN 37210
DATED: MARCH 14, 2017



PREPARED BY:
DONLON LAND SURVEYING, LLC
TIMOTHY MARK DONLON
8120 SAWYER BROWN RD.
SUITE 110 A
NASHVILLE, TN 37221
TEL (615) 673-9116, FAX (615) 673-9117
mtdonlon@bellsouth.net
<http://www.DonlonLandSurveying.com/>

09315032800

09315034600

09315034500

09315034400

09315032900

09315034300

09315033000

09315034200

09315037600

09315037700

09315033100

09315029700

R6

093150D90000CO

09315034100

CAMERON ST

093150D00200CO

Site

093150D00100CO

09315033300

093150E90000CO

09315034000

09315029600

093150E00200CO

093150E00100CO

09315029500

09315033500

093150C00500CO

09315033900

09315029400

093150C00400CO

09315038600

09315029300

093150C90000CO
093150C00300CO

093150C01000CO

41A

093150C00900CO

09315038500

09315029400

093150C00100CO
093150C00200CO

093150C00800CO

11

SP(R)

093150C00600CO

09315029200

093150C00700CO

09315033800

105030E90000CO

09315029100

105030I00100CO

105030E00400CO

SP(MR)

148 ALY

105030I90000CO

105030I00200CO

105030I90100CO

105030E00300CO

105030E00200CO

105030E90100CO

105030E00100CO

105030E00800CO

105030E00700CO

105030A90200CO

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Subject: BZA positions for Dec. 6 meeting
Date: Tuesday, November 20, 2018 7:31:14 PM

Board members,

You have quite the task ahead of you for this meeting's agenda! Below are my positions on the District 17 items on the Dec. 6 agenda:

2018-522: **Deny**
2018-619: **Strongly deny**
2018-637: **Support**, as applicant has spoken with me
2018-638: **Deny**
2018-644: **Deny**
2018-662: **Strongly deny** based on resident complaints
2018-671: **Deny**
2018-672: **Deny**
2018-677: **Strongly deny**

Thank you, as always, for your service, and Happy Thanksgiving!

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: Robert Butler Date: 10/10/18
Property Owner: E. Trinity LN Properties LLC
Representative: Robert Butler Case #: 2018-645
Map & Parcel: 72-5-40

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: Renovations to Office Bldg
for Torco Title Co

Activity Type: Torco Title Company
Location: 935 E. Trinity LN N.T 37207

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

Reason: Sidewalks: Not to Install + Not to
Contributed
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.

Robert Butler
Appellant Name (Please Print)

Representative Name (Please Print)

Address

Address

City, State, Zip Code

City, State, Zip Code

615-419-1698
Phone Number

Phone Number

bob@profileandprinciple.com
Email

Email
Appeal Fee: 200⁰⁰



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



**ZONING BOARD APPEAL / CAAZ - 20180064293
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 07205004000

APPLICATION DATE: 10/10/2018

SITE ADDRESS:

935 E TRINITY LN NASHVILLE, TN 37207
PT BLK A SEC 1 ROTHWOOD

PARCEL OWNER: E TRINITY LN PROJECTS LLC

CONTRACTOR:

APPLICANT:

PURPOSE:

RENOVATIONS TO SPACE FOR TORRO TITLE COMPANY...REAL ESTATE CLOSING...OFFICE....THIS IS NOT A FINIANCIAL INSTITUTION NOR IS IT AN ALTERNATIVE FINIANCIAL INSTITUTION.....

SIDEWALKS REQUIRED....ASSESSED VALUE AT \$282,520....FOUR PREVIOUS RENOVATIONS SINCE 2015 EXCEED \$421,000.....

DENIED: SIDEWALKS REQUIRED AND NOT ALLOWED TO CONTRIBUTE.

REQUEST NOT TO INSTALL AND NOT TO CONTRIBUTE.

17.20.120

POC: ROBERT BUTLER 615-419-1698

bob@profileandprinciple.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.



AMBROSE AVE

2034 AVE

DR. RICHARD G. ADAMS DR

E TRINITY LN

T4-M-AB3-LM

City made is some paved area here for grassy area in aid of her
Shawna M 2016

City also made is for old parking lot

152 / P.

21st

Pace B2A

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.

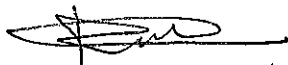
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

10/10/18

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:

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.

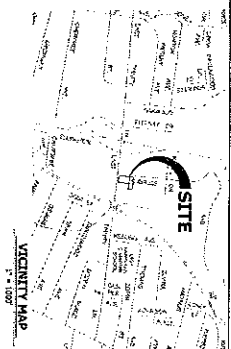
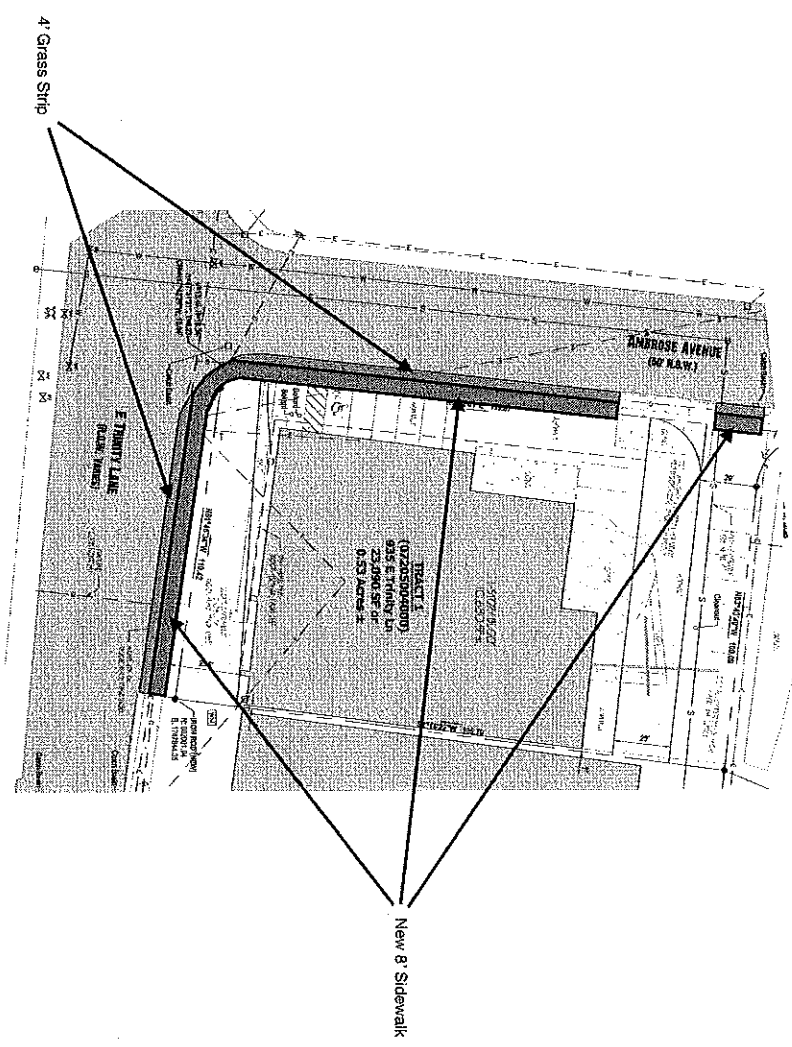
The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster 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?

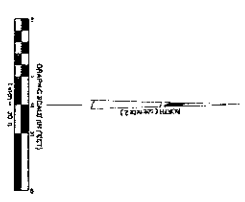


DEED REFERENCE
 Deed Reference: [Illegible text]

SURVEYOR'S NOTES
 1. The property is located in the Unincorporated District of Davidson County, Tennessee.
 2. The property is located in the Unincorporated District of Davidson County, Tennessee.
 3. The property is located in the Unincorporated District of Davidson County, Tennessee.
 4. The property is located in the Unincorporated District of Davidson County, Tennessee.
 5. The property is located in the Unincorporated District of Davidson County, Tennessee.

ALTA 2011 CERTIFICATION
 I, the undersigned, being a duly Licensed and Registered Professional Land Surveyor in the State of Tennessee, do hereby certify that I am the author of this survey and that I am a duly Licensed and Registered Professional Land Surveyor in the State of Tennessee.

SYMBOL LEGEND
 Symbol: [Illegible]
 Description: [Illegible]



	Date: 12-10-2018 Update per new Construction Rev: [] Issue: [] Revision Description: []	<p>CLINT T. ELLIOTT REGISTERED LAND SURVEYOR 7930 Hwy 70 South, Nashville Tn, 37221 P (615) 533-2054 c clintelliott@comcast.net</p>
	Project: 935 E Trinity Lane Client: [Illegible]	

V-1-00

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-645 (935 East Trinity Lane)

Metro Standard:	Trinity Lane – 4' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
	Ambrose Avenue – 4' grass strip, 5' sidewalk, as defined by the Metro Local Street Standard
Requested Variance:	Not upgrade sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	IR
Community Plan Policy:	D EC (District Employment Center)
MCSP Street Designation:	Trinity Lane – T4-M-AB3-LM
	Ambrose Avenue – Local Street
Transit:	None existing; Future Crosstown Route per nMotion
Bikeway:	Major Separated Bikeway planned per WalknBike

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant is conducting interior renovations within an existing office building and requests a variance due to the presence of existing sidewalks along both frontages of the property. Planning evaluated the following factors for the variance request:

- (1) A 5' sidewalk without a grass strip is located along the Trinity Lane property frontage which is consistent across several properties along the block face to the east.
- (2) A 5' sidewalk without a grass strip is currently located along the Ambrose Avenue property frontage. Strict adherence to the sidewalk requirement would necessitate in the loss of five parking spaces (inclusive of two handicap parking spaces) between the building and back of sidewalk.

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 Trinity Lane property frontage.
3. Prior to the issuance of building permits, dedicate right-of-way along the property's frontage with Trinity Lane 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: Jim Gilkey Date: 10/10/18
Property Owner: International Swaminarayan Case #: 2018-646
Representative: Jim Gilkey Map & Parcel: 147-12-43

Council District 30

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

Purpose: Special Exception to allow construction of new Temple.

Activity Type: New Construction - Religious temple
Location: 355 HAYWOOD LANE

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: To allow construction of new temple
Section(s): 17.40.180(C)

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

JIM GILKEY
Appellant Name (Please Print)

SAME
Representative Name (Please Print)

301 NORTH MAIN STREET
Address

SAME
Address

RUSSELLVILLE, KY 42276
City, State, Zip Code

SAME
City, State, Zip Code

270 726 3530
Phone Number

SAME
Phone Number

JIM@DDI-ENGINEERING.COM
Email

SAME
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**



3567886

**ZONING BOARD APPEAL / CAAZ - 20180064440
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 14712004300**APPLICATION DATE:** 10/10/2018**SITE ADDRESS:**

355 HAYWOOD LN NASHVILLE, TN 37211
S SIDE HAYWOOD LN E OF NOLENSVILLE PK

PARCEL OWNER: INTERNATIONAL SWAMINARAYAN SATS/**CONTRACTOR:****APPLICANT:****PURPOSE:**

special exception to allow construction of a temple for International Swaminarayan Satsang Organization Corp

*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. 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

10/10/18

 DATE

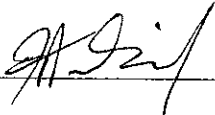
SPECIAL EXCEPTION REQUESTS

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 600 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."

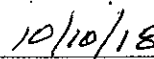
Zoning staff will provide you a mailing list of property owners in proximity to the location designated for a special exception permit. The BZA Rule then requires you to contact those persons on the mail list, provide them with the date time and place to meet, and discuss your BZA request accordingly. 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.

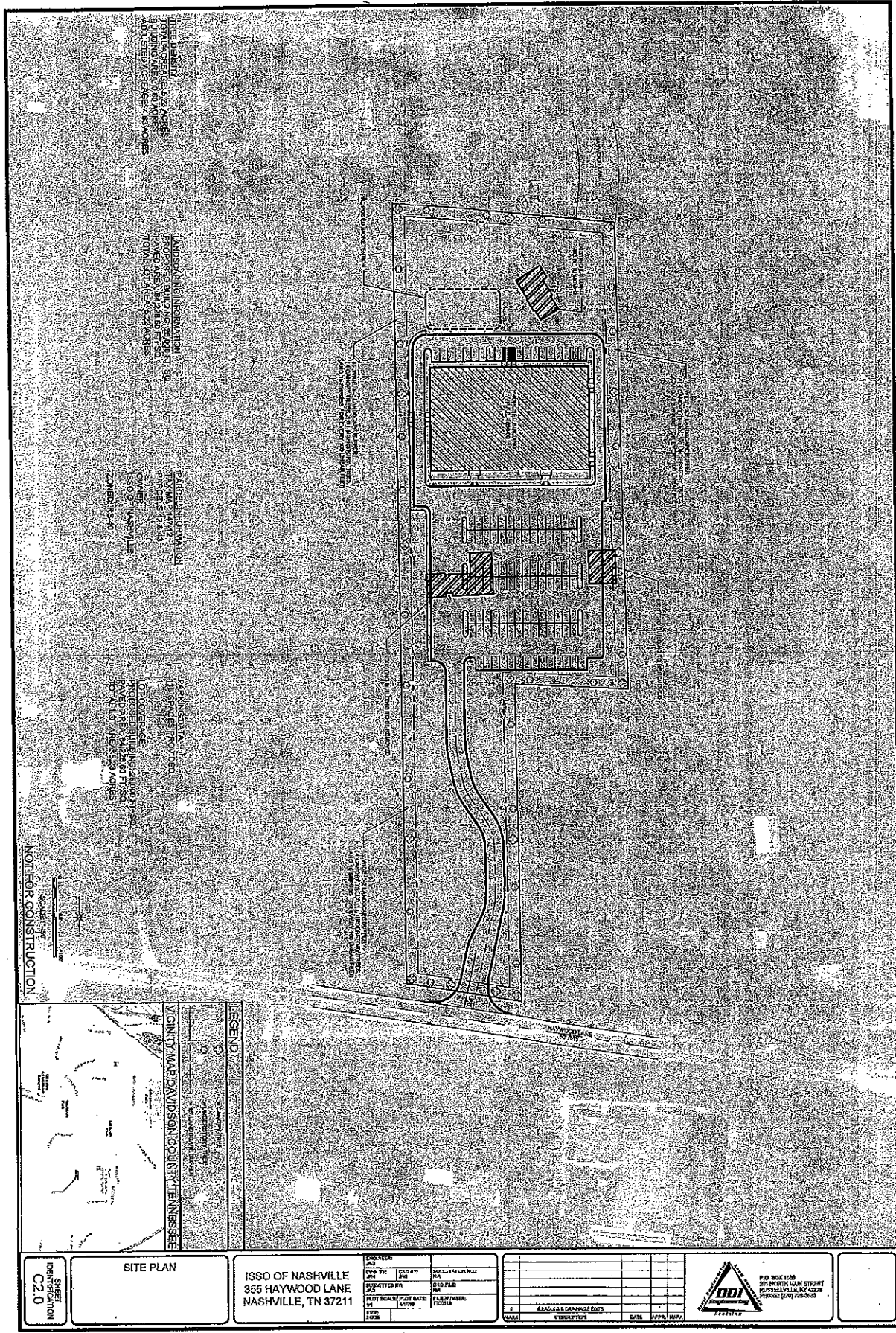
I ACKNOWLEDGE MY RESONSIBILITIES regarding the neighborhood meeting preceding the public hearing for my BZA appeal for a special exception.



APPELLANT (or representative)



DATE



THE DISTRICT
TOTAL AREA: 5.22 ACRES
BUILDING AREA: 10,000 SQUARE FEET
TOTAL LOT AREA: 5.22 ACRES

LANDSCAPING: 10,000 SQUARE FEET
TOTAL LOT AREA: 5.22 ACRES

OWNER: ISSO OF NASHVILLE
OWNER'S ADDRESS: 365 HAYWOOD LANE, NASHVILLE, TN 37211

PROPOSED CONSTRUCTION: 10,000 SQUARE FEET
EXISTING CONSTRUCTION: 0 SQUARE FEET
TOTAL LOT AREA: 5.22 ACRES

NOT FOR CONSTRUCTION

LEGEND

- Proposed Construction
- Existing Construction

VICINITY MAP OF DAVIDSON COUNTY, TENNESSEE

SITE PLAN

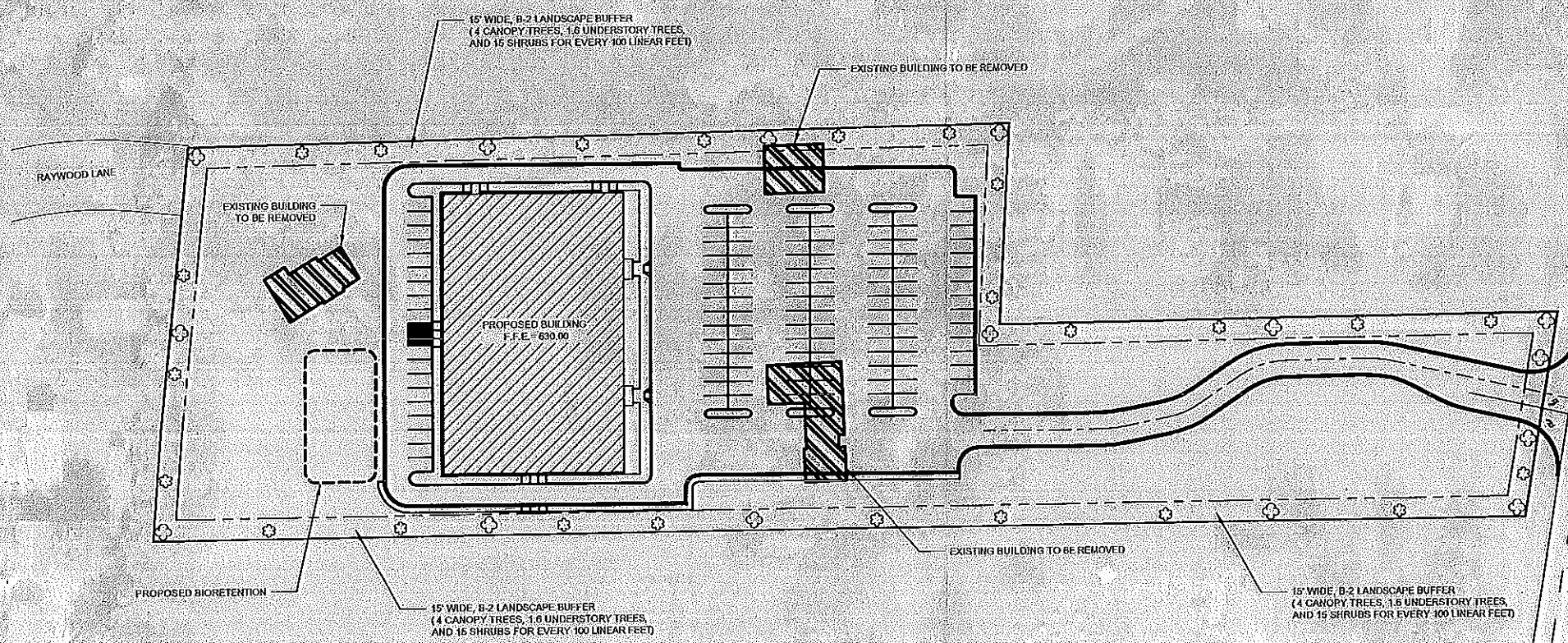
ISSO OF NASHVILLE
365 HAYWOOD LANE
NASHVILLE, TN 37211

DATE: 11/14/18
DRAWN BY: [Name]
CHECKED BY: [Name]

NO.	REVISIONS/CHANGES	DATE	BY	APP. MARK

DDI

100 BOX 1700
200 NORTH LAMAR STREET
NASHVILLE, TN 37203
PHONE: (615) 710-8000



TREE DENSITY
 TOTAL ACREAGE: 5.23 ACRES
 BUILDING AREA: 0.60 ACRES
 ADJUSTED ACREAGE: 4.63 ACRES

LANDSCAPING INFORMATION
 PROPOSED BUILDING: 26,000 FT. SQ.
 PAVED AREA: 84,228.60 FT. SQ.
 TOTAL LOT AREA: 5.23 ACRES

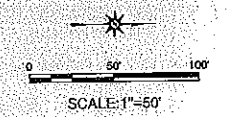
PARCEL INFORMATION
 TAX MAP 147-12
 PARCELS 42 & 43

OWNER:
 ISSO OF NASHVILLE

ZONED: RS-40

PARKING DATA:
 116 SPACES PROVIDED

LOT COVERAGE:
 PROPOSED BUILDING: 26,000 FT. SQ.
 PAVED AREA: 84,228.60 FT. SQ.
 TOTAL LOT AREA: 5.23 ACRES

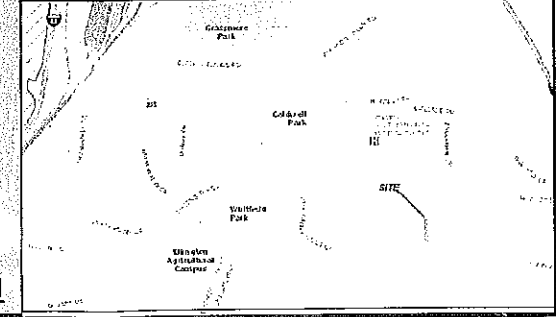


NOT FOR CONSTRUCTION

LEGEND

- = CANOPY TREE
- = UNDERSTORY TREE
- = 15' LANDSCAPE BUFFER

VICINITY MAP DAVIDSON COUNTY TENNESSEE



P.O. BOX 148
 201 NORTH MAIN STREET
 RUSSELLVILLE, KY 42276
 PHONE: (270) 728-3530

NO.	DESCRIPTION	DATE	APPR. MARK
0	GRADING & DRAINAGE ENDS		

ENGINEER:	JAC	DATE:	4/7/18
DESIGNED BY:	JAC	DATE:	4/7/18
SUBMITTED BY:	JAC	DATE:	4/7/18
PROJECT SCALE:	1" = 50'	DATE:	4/7/18
FILE NUMBER:	1700518	DATE:	4/7/18
SIZE:	24x36	DATE:	4/7/18

ISSO OF NASHVILLE
 355 HAYWOOD LANE
 NASHVILLE, TN 37211

SITE PLAN

SHEET IDENTIFICATION
 C2.0

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: Emily Lamb
Date: November 21, 2018
BZA Hearing Date: December 6, 2018
Re: Planning Department Recommendation for a Special Exception, Case 2018-646

Pursuant to Section 17.40.300 of the Metro Zoning Code, the Metropolitan Planning Department is providing a recommendation on the following Special Exception case:

1. Case 2018-646 (Haywood Lane)

Request: A Special Exception to permit construction of a new religious institution.

Zoning: Single-Family Residential (RS40) requires a minimum 40,000 square-foot lot and is intended for single-family dwellings at a density of 1.08 dwelling units per acre.

Land Use Policy: T3 Suburban Neighborhood Maintenance (T3 NM) policy is intended to maintain the general character of developed suburban residential neighborhoods. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T3 NM areas have an established development pattern consisting of low- to moderate-density residential development and institutional land uses. Enhancements may be made to improve pedestrian, bicycle, and vehicular connectivity.

Supplemental Policy: 12-T3-NM-01 consists of an area along both sides of Haywood Lane between Nolensville Pike and Interstate 24. The intent of the Supplemental Policy is to maintain the existing development pattern that features deep street setbacks and large backyards. The Supplemental Policy states that the existing zoning, RS40, should be continued.

Planning Department Analysis: The Special Exception proposes the construction of a new 26,000 square foot religious institution and associated parking on two parcels consisting of 5.6 acres. Each parcel has a single-family residential house and accessory structures that will be demolished. A total of 116 parking spaces are proposed with parking located in front of and behind the building. The site will have one point of access from Haywood Lane and the building is proposed to be set back from Haywood Lane further than the adjacent residential uses.

Currently, there are no sidewalks on either side of Haywood Lane. Sidewalks may be required by the Zoning Code.

Parking for the facility will be shielded from view on all sides. A 15 foot wide B-level landscape buffer will be installed on all sides of the site. The proposed building is located within the interior of the site and therefore the negative impacts from noise or other associated nuisances should have little impact upon the surrounding residential uses. Additionally, the deep setback as proposed is consistent with the intent of the Supplemental Policy in regards to building location and the proposed use is allowed by Special Exception within the RS40 zoning district which the Supplemental Policy supports. The site is located across Haywood Lane from an existing religious institution, which is within the same Supplemental Policy area, and the site is in close proximity to Nolensville Pike making it an appropriate location for a religious institution. A religious institution is an appropriate use within the T3 Suburban Neighborhood Maintenance land use policy and the proposed site plan meets the intent of the Supplemental Policy area.

Planning Recommendation: Approve with conditions.

Conditions

1. If required by the Metro Zoning Code, sidewalks shall be installed along the Haywood Lane frontage.
2. Provide one canopy tree for every fifteen parking spaces per Metro Zoning Code.
3. Provide a sidewalk with a minimum width of 5 feet from the proposed building to the new sidewalk along Haywood Lane.

From: [Ammarell, Beverly \(Public Works\)](#)
To: [Lifsey, Debbie \(Codes\)](#)
Cc: [Doyle, Devin \(Public Works\)](#)
Subject: 12/6/18 BZA meeting
Date: Wednesday, November 28, 2018 12:11:47 PM

2018-646 355 Haywood lane special Exception to allow construction of new temple

Variance: 17.40.180c variance to construct new temple

Response: Public Works takes no exception. This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

2018-663 520 Raymond St special exception to allow construction of 1120sf addition to existing church

Variance: 17.,40,180 c

Response: Public Works takes no exception. This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

From: [Martin Workman](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Hindu Temple
Date: Wednesday, November 28, 2018 2:21:59 PM

Please consider not giving them to build on Haywood lane at 355 Haywood. They have already violated the "right of way" by letting cars and trucks to "cut thru" to Ravenwood. Our traffic is up to an average of over 18,000 per day on a narrow 2 lane and often blocks our driveways for many of our neighbors. Please consider the longstanding taxpayers of Haywood lane.

Thank you for considering us.

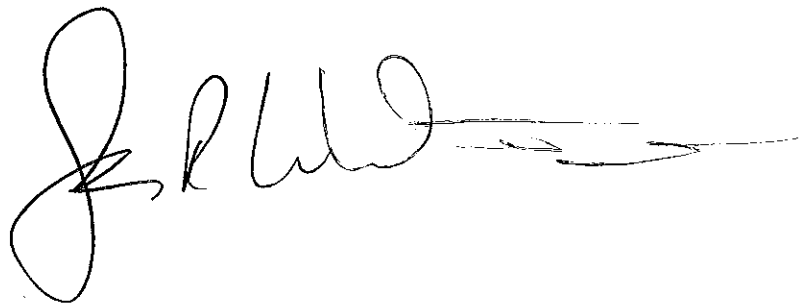
Martin Workman
305 Haywood lane
37211

2018-646
oppose

**BOARD OF ZONING APPEALS
METRO OFFICE BUILDING
800 SECOND AVE SOUTH
PO BOX 196300
NASHVILLE, TN 37219-6300
CASE# 2018-646**

**PLEASE BE ADVISED I OPPOSE CASE# 2018-646
DUE TO ENVIRONMENTAL CONCERNS AND THE
INCREASE IN TRAFFIC NOT ONLY ON THE HAYWOOD
LANE ACCESS BUT THE FUTURE ACCESS AT
RAYWOOD LANE. THANKS.**

**JOE R WHITE
387 MELPAR DRIVE
NASHVILLE TN. 37211**

A handwritten signature in black ink, appearing to read "JRW", with a long horizontal flourish extending to the right.

From: [Doris Smith](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Opposed to special exception 355 Haywood Ln for temple
Date: Sunday, December 2, 2018 11:12:01 AM

Dear Board Members:

I am a senior citizen, and I live at [362 Haywood Lane](#), directly across the street from the proposed temple at [355 Haywood Lane](#). I oppose this special exception for a structure that as I understand it, will be approximately 44,000 sq ft. This would be over 15 times the size of the average of homes on Haywood Lane and much bigger than any other religious building.

Additionally the structure will be BOTH a temple and a single family residence as their religious leader will have permanent residence there. Several bed and living rooms are planned.

The group will have ongoing tours and festivals in addition to worship activities. The increased burden to our already overly traveled road will be substantial. I was almost rear-ended during the summer 2018, and my nephew who lives next door was hit turning in his driveway directly across from where the entrance to [355 Haywood Lane](#) would be. The traffic counter at Apache Trail and Haywood Lane records an average of over 22,000 cars per day. This is a very heavily traveled street, especially for only one lane in each direction.

The overwhelming size of the proposed structure along with the burden and increased risk of vehicle collisions are my primary concerns.

Jason Potts, our councilman, does not live close to this area and, therefore, may not be directly affected by the proposed temple like a lot of the rest of us. He is not representing or leading the majority opposition to the building of the temple as we would like.

I am asking you to vote against the zoning exception requested by this group for [355 Haywood Lane](#).

Sincerely,

Doris Smith
[362 Haywood Lane](#)

From: [Hank Jones](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: I am opposed to temple at 355 Haywood Lane 2018-646
Date: Monday, December 3, 2018 10:31:24 AM

Board Members:

I live at [360 Haywood Lane](#), directly across the street from the proposed temple at [355 Haywood Lane](#). I oppose this special exception for a structure that as I understand it, will be very large, as much as 15 times the size of the average of homes on Haywood Lane and much bigger than any other religious building.

We long-time home owners want to preserve the nice community we enjoy. We have modest but nice homes and nice green space. This imposing structure would seriously erode a lot of what we currently have.

Please keep in mind that there are already 5 churches along the 3/4 mile stretch beginning at 355 Haywood Ln. The Hindu Temple would make SIX. None of the others approach the proposed size and dramatic facade of this proposed structure. The architecture would be so out of place, and they aren't flexible on this point.

Additionally the structure will be BOTH a temple and a single family residence as their religious leader will have permanent residence there. Several bed and living rooms are planned.

Since the previous approval the group has not attempted to be good neighbors. They have used Raywood Ln as they said they wouldn't (entrance and exit) and held large noisy outside gatherings. The police have had to be called to quiet things down. They have not communicated anything about what they had planned or not planned for the property. A few things have changed in two years, we have acquired another church on the road, and it doesn't have to be automatic that their request be approved again.

The group will have ongoing tours and festivals in addition to worship activities. The increased burden to our already overly traveled road will be substantial. The traffic counter at Apache Trail and Haywood Lane records an average of over 22,000 cars per day. This is a very heavily traveled street, especially for only one lane in each direction.

The overwhelming size of the proposed structure along with the burden and increased risk of vehicle collisions are among my primary concerns.

Jason Potts, our councilman, does not live close to this area and, therefore, may not be directly affected by the proposed temple like a lot of the rest of us. He is not representing or leading the majority opposition to the building of the temple as we would like. Just because he is not leading does not mean the opposition is small. It is large for all these reasons and many more.

I am asking you to vote AGAINST the zoning exception requested by this group for [355 Haywood Ln](#) to build a temple.

Hank Jones

360 Haywood Lane

From: [JERRY SCHWIEGER](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Case No. 2018-646 (355 Haywood Lane)
Date: Monday, December 3, 2018 7:52:46 AM

We are homeowners at 300 Haywood Lane and Linda is the secretary/treasurer of the Haywood Lane Neighborhood Association. We have lived in our home on Haywood Lane for 47 years.

We are asking that a vote by the BZA on Case No. 2018-646 be postponed to ensure that the appellant will this go-around supply information that the neighborhood first requested two years ago prior to the hearing in 2016 where the BZA granted an exception allowing the ISSO to build a temple on this same parcel. That exception has expired and a new one has been requested by Jim Gilkey of Russellville, Kentucky.

Last week, when we first learned of this request, we called Mr. Gilkey at his office number seeking more information. My call was returned on Monday, November 26 by Jason Holleman, the attorney for the ISSO. He informed me that a meeting with the neighborhood was scheduled for Monday, December 3 at 6:00 p.m. at the Edmonson Pike library, which is not in our neighborhood and difficult for some in our neighborhood to attend. He tried to get the Lutheran and Mormon churches in our neighborhood to allow him to use their building but they refused. He did not contact our neighborhood association nor the Fairlane Park group for help with a building. We are neighbors with and known to the churches in our area and we could have helped with a meeting place in our neighborhood. We did this two years ago for one of the meetings.

Any comments the neighbors have on this project must be received by the BZA by noon on Monday, December 3 in order to guarantee they will be in the meeting packet for the December 6 meeting. We cannot meet this deadline if we have comments to make after our session with the ISSO at 6 p.m. on December 3. While the meeting on December 3 meets the letter of the law, it does not meet the spirit of the law. Frankly, we are concerned about their unwillingness to supply all the information we requested, namely, a drawing of what the outside of the building will look like. We have never seen what they propose the building to look like. I told Mr. Holleman this last Monday and he said he would see what he could do. Due to the death and funeral of a friend, we will not attend the meeting tonight. I will talk with neighbors who do attend and hopefully this will be provided at the meeting.

A request for an exception was granted for another church, the Agape Mission Church, on Haywood Lane two or three years ago. The exception was granted by the BZA with the provision that the building would be brick. In the past few months, the church has been built and the group has met there one Sunday. The building is not brick, it is off-white siding. It sits on the lot perpendicular to the road, lower than the road, and with a sign that is hazardous because it is small, and difficult to read.

I mention this case because we don't want another group to not do what they agreed to. It is especially concerning when we have not even seen what the building is going to look like on the outside. The ISSO thinks that supplying us with an internal floor plan is sufficient. It is not, especially if you want you want to be a good neighbor.

We have other concerns. The lot at 355 Haywood Lane is at the crest of the hill. It will be dangerous to pull out of their driveway onto Haywood Lane. It is a poor site for a temple which will have more cars leaving the location than a house would, however, the ISSO is willing to assume this risk.

Please allow a postponement on a vote and help us to see what is proposed for our neighborhood so we will know what to expect.

Thank you.

Jerry and Linda Schwieger
300 Haywood Lane
Nashville, TN 37211

December 3, 2018

Via Electronic Mail - bza@nashville.gov
And by Hand Delivery

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

Re: *Case 2018-646*
355 Haywood Lane
Council District 30
Request for Hearing Deferral

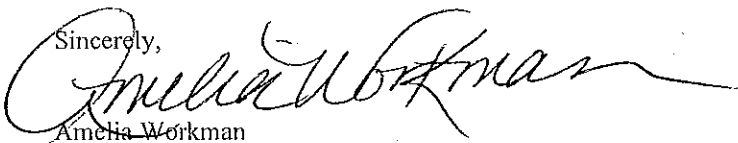
Dear Board of Zoning Appeals:

The Haywood Lane Neighborhood Group is requesting a 60-day deferral of the above case currently scheduled for Thursday, December 6, 2018, for the following reasons:

- This applicant applied and was granted permission to request a special exception on October 10, 2018. See *Exhibit A*. The letter from the BZA was mailed to property owners within 600 feet on October 30, 2018. See *Exhibit B*.
- The neighborhood meeting is not being held in our community because counsel told us they could not find a place to meet in the neighborhood. Our neighborhood groups have relationships with churches in our neighborhood and could have arranged a place in our community for this meeting, but they did not contact the leaders of the community--the same leaders that they met two years ago.
- The letter from the applicant's attorney going to the property owners within 600 feet was mailed November 21, 2018--the day before Thanksgiving. Since the USPS does not deliver mail on Thanksgiving, these notices did not reach the property owners until November 24 or 26--approximately one week before the scheduled 12-3-2018 neighborhood meeting. See *Exhibit C*.
- The obligatory neighborhood meeting is scheduled for TODAY at 6 p.m. Today is also the noon deadline to submit materials to the BZA. See *Exhibit D*. This does not give enough time for the community to attend the meeting and then be able to meet, comment, and discuss the ramifications of this applicant's request and not be in compliance with BZA rules.
- The District 30 Councilman did not contact the Haywood Lane Neighborhood Group nor to my knowledge anyone else in the Haywood Lane or Fairlane Park area neighborhoods to inform us of this community meeting or the special exception hearing.
- For such a large project coming into a residential neighborhood, notice should have been given weeks in advance. This applicant had time to do this but they chose not to inform the community nor the community leaders that were all involved two years ago. Our contact information has not changed. They are represented by the same counsel they had two years ago and that counsel is also aware of the attorney who represented our groups two years ago. He and the applicant could have made a good faith effort to contact the neighborhood groups well in advance of this public hearing on Thursday but they did not do this.
- Many of the residents in this neighborhood are elderly and do not utilize email, we communicate by mail and by word of mouth. We have tried to announce this to the community to get input, but it has been difficult to get the word out with such short notice.

We respectfully ask this Board to defer this matter because improper notice was given to the surrounding community who will be affected by this proposed temple on Haywood Lane. This will give the applicant and the affected neighborhoods the opportunity to meet and work out a reasonable solution to the concerns of the surrounding community before returning to the BZA for a public hearing.

Sincerely,



Amelia Workman
Haywood Lane Neighborhood Group

Attachments



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



3567886

ZONING BOARD APPEAL / CAAZ - 20180064440
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 14712004300

APPLICATION DATE: 10/10/2018

SITE ADDRESS:

355 HAYWOOD LN NASHVILLE, TN 37211
S SIDE HAYWOOD LN E OF NOLENSVILLE PK

PARCEL OWNER: INTERNATIONAL SWAMINARAYAN SATS/ CONTRACTOR:

APPLICANT:

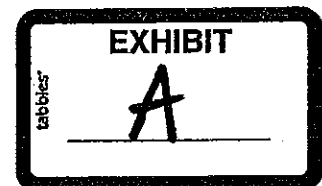
PURPOSE:

special exception to allow construction of a temple for International Swaminarayan Satsang Organization Corp

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



DAVID BRILEY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

October 30, 2018

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

ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS

RE: Appeal Case Number: 2018-646
 355 HAYWOOD LN
 Map Parcel: 14712004300
 Zoning Classification: RS40
 Council District: 30

This is to inform you that JIM GILKEY filed an appeal for the property at the above referenced location. The appellant requested a special exception. Should this request be approved, it would allow the applicant to construct a new temple.

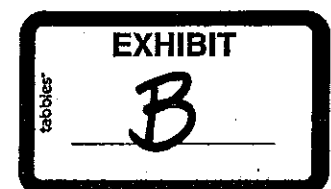
*******THIS IS NOT A ZONE CHANGE REQUEST*******

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on THURSDAY 12/6/2018, beginning at 1:00 p.m. in the Sonny West Conference Center of the Howard Office Building, 700 2nd Avenue South. If you wish to show support or opposition to your neighbor's request, you may do so in person. In lieu of a personal appearance, you may submit written communication to the Board prior to the scheduled board meeting date. We cannot guarantee written communication to be a part of the record unless it is received no later than Noon the Monday before the meeting date.

This letter is being sent to you because you are the owner of property located within 600' of the subject location. This request is only for the property at the above location. We are required by law to notify you of what your neighbor wishes to do on his/her property.

Should you have questions or require special accommodations (handicap accessibility), you may email us at BZA@nashville.gov. You can view this case at epermits.nashville.gov and search by permit # 20180064440 or search by the address.

METROPOLITAN BOARD OF ZONING APPEALS



WEST NASHVILLE LAW GROUP
Attorneys-At-Law
4800 Charlotte Avenue
Nashville, Tennessee 37209

Cleveland D. Bain, Esq.
Jason D. Holleman, Esq.
Or Counsel
Robert B. Young, Esq.

Phone: (615) 942-6812
Fax: (615) 383-7128

November 21, 2018

JONES, NANCY NEAL REVOCABLE LIVING TRUST, THE
360 HAYWOOD LN
NASHVILLE, TN 37211

Re: Community Meeting to Discuss 355 Haywood Lane

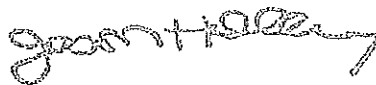
Dear JONES, NANCY NEAL REVOCABLE LIVING TRUST, THE,

The congregation of the Shree Swaminarayan Temple will hold a community meeting on Monday, December 3, 2018, at 6:00 pm at the Edmondson Pike Public Library located at 5501 Edmondson Pike, Nashville, Tennessee 37211. The purpose of this meeting will be to discuss with nearby property owners the renewal of the previously-approved special exception, under the same terms and conditions, to allow a house of worship on the property located at 355 Haywood Lane, Nashville, Tennessee 37211.

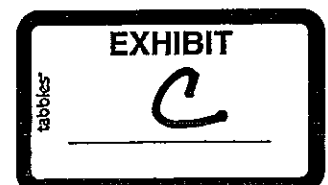
Representatives of the congregation will be in attendance to discuss the proposal and to gather community input prior to consideration by the Board of Zoning Appeals on Thursday, December 6, 2018.

If you cannot attend, but have questions about this request, please do not hesitate to contact me directly.

Sincerely



Jason D. Holleman



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

DATE



From: [Nancy Jones](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Opposed to exception at 355 Haywood Ln to build temple
Date: Monday, December 3, 2018 10:25:58 AM

Dear Board Members:

I am a senior citizen, and I own my house at [360 Haywood Lane](#), directly across the street from the proposed temple at [355 Haywood Lane](#). I oppose this special exception for a structure that as I understand it, will be very large, as much as 15 times the size of the average of homes on Haywood Lane and much bigger than any other religious building.

We long-time home owners want to preserve the nice community we enjoy. We have modest but nice homes and nice green space. This imposing structure would seriously erode a lot of what we currently have.

Please keep in mind that there are already 5 churches along the 3/4 mile stretch beginning at 355 Haywood Ln. The Hindu Temple would make SIX. None of the others approach the proposed size and dramatic facade of this proposed structure. The architecture would be so out of place, and they aren't flexible on this point.

Additionally the structure will be BOTH a temple and a single family residence as their religious leader will have permanent residence there. Several bed and living rooms are planned.

Since the previous approval the group has not attempted to be good neighbors. They have used Raywood Ln as they said they wouldn't (entrance and exit) and held large noisy outside gatherings. The police have had to be called to quiet things down. They have not communicated anything about what they had planned or not planned for the property. A few things have changed in two years, we have acquired another church on the road, and it doesn't have to be automatic that their request be approved again.

The group will have ongoing tours and festivals in addition to worship activities. The increased burden to our already overly traveled road will be substantial. The traffic counter at Apache Trail and Haywood Lane records an average of over 22,000 cars per day. This is a very heavily traveled street, especially for only one lane in each direction.

The overwhelming size of the proposed structure along with the burden and increased risk of vehicle collisions are among my primary concerns.

Jason Potts, our councilman, does not live close to this area and, therefore, may not be directly affected by the proposed temple like a lot of the rest of us. He is not representing or leading the majority opposition to the building of the temple as we would like. Just because he is not leading does not mean the opposition is small. It is large for all these reasons and many more.

I am asking you to vote AGAINST the zoning exception requested by this group for [355 Haywood Lane](#).

Sincerely,

Nancy Jones
Owner of 360 Haywood Ln

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Dan Rosenblatt Date: 10-11-18
Property Owner: Beasley, Matthew & Mary Riley Case #: 2018-649
Representative: Dan Rosenblatt Map & Parcel: 130-9-126

Council District 34

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

Purpose: Requesting variance of 3' on side setback to accommodate conversion of existing carport to garage.

Activity Type: Single Family - Renovation

Location: 1209 Nichol Ln.

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: Does not meet setback requirements

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.

Same Beasley
Appellant Name (Please Print)

Dan Rosenblatt
Representative Name (Please Print)

1209 Nichol Lane
Address

6509 Jocelyn Hollow
Address

Nashville, TN 37205
City, State, Zip Code

Nashville, TN 37205
City, State, Zip Code

Phone Number

615-946-0607
Phone Number

Email

dan@crestlinebuilders.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**



3568348

**ZONING BOARD APPEAL / CAAZ - 20180064792
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 13009012600

APPLICATION DATE: 10/11/2018

SITE ADDRESS:

1209 NICHOL LN NASHVILLE, TN 37205
LOT 14 BLK 4 HIGHLANDS OF BELLE MEADE

PARCEL OWNER: BEASLEY, MATTHEW LEWIS & RILEY, MAI

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting variance from setback requirements to enclose carport and convert to garage. minimum setback of 10', requesting 3' reduction to 7' setback.

*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?

wanting to enclose existing carport that
is already in the setback by two feet.

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

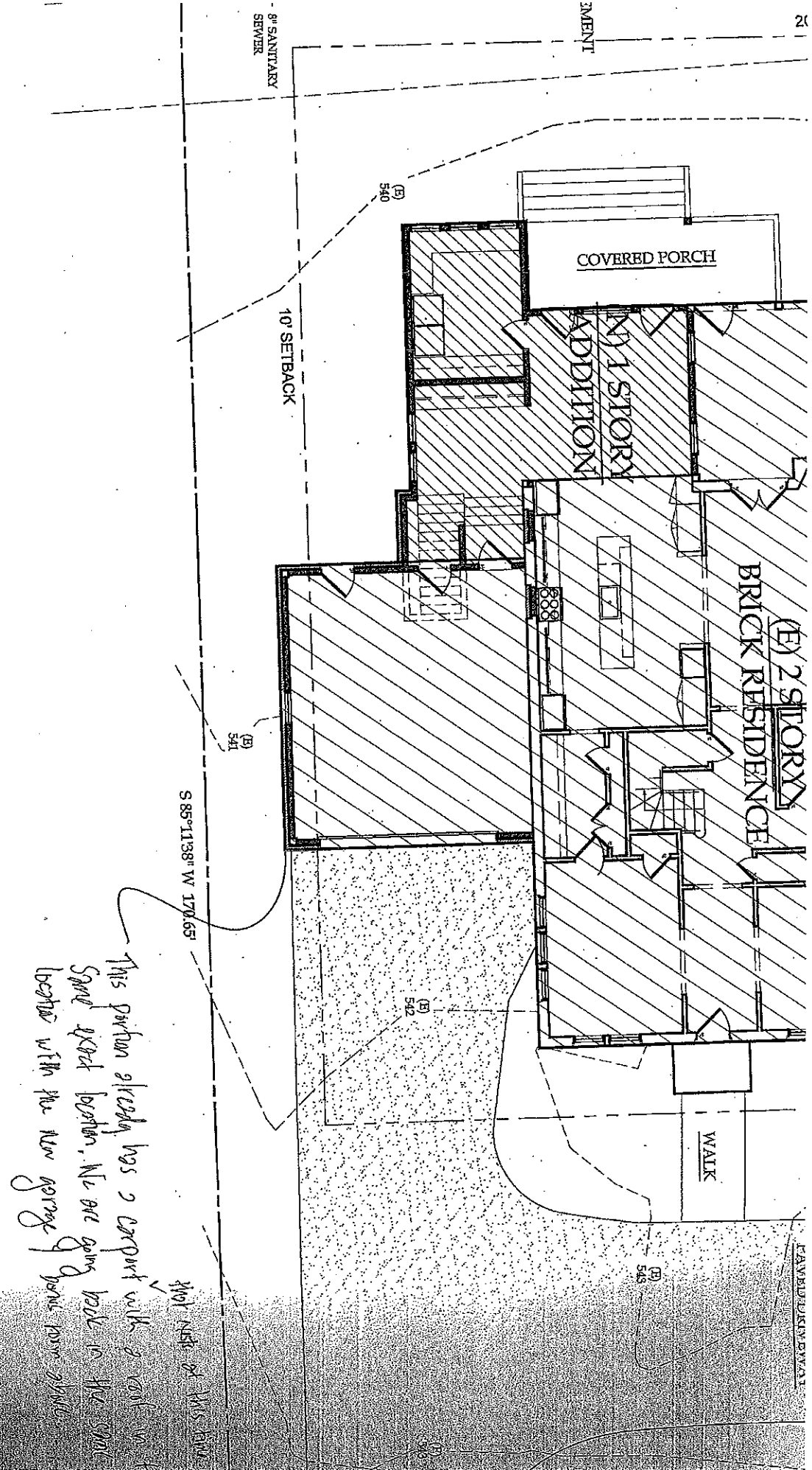
I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.

Andrea Putillo

APPELLANT

10/10/18

DATE



THIS PORTION ALREADY HAS A CARPORT WITH A CAR IN IT. SAND EXIST LOCATION. WE ARE GOING BACK IN THE SPOT LOCATED WITHIN THE NEW GARAGE & DRIVE FROM EXISTING.

THAT PART OF THIS DRIVE

(E) 2 STORY
BRICK RESIDENCE

(N) 1 STORY
ADDITION

COVERED PORCH

WALK

(E)
543

(E)
542

(E)
540

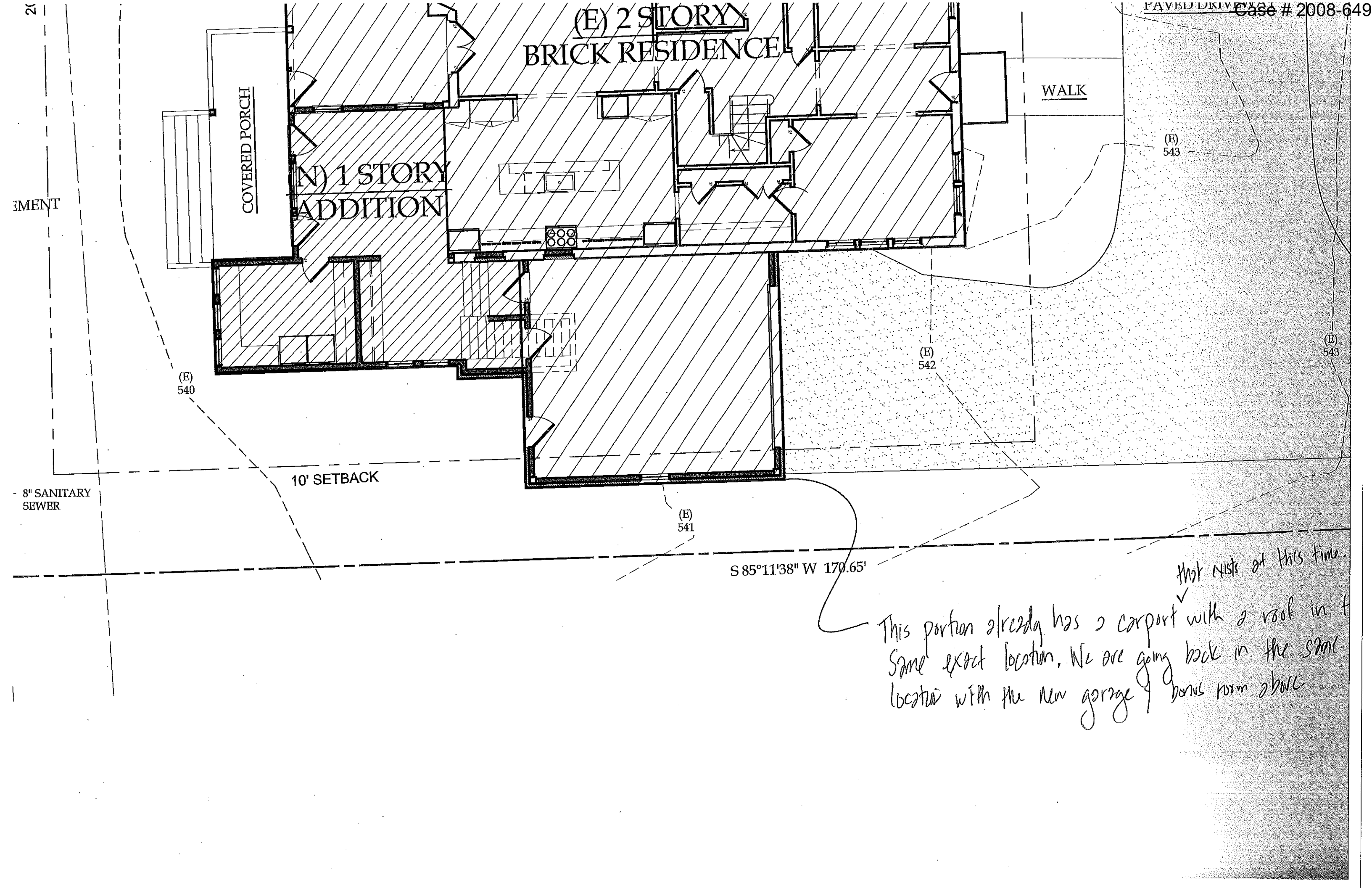
(E)
541

10' SETBACK

8" SANITARY
SEWER

S 85°11'38" W 170.65'

This portion already has a carport with a roof in the same exact location. We are going back in the same location with the new garage & bonus room above that exists at this time.



Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Ricky Scott Date: 10/11/18
 Property Owner: 552 Westboro LLC Case #: 2018-650
 Representative: Ricky Scott Map & Parcel: 91-13-31

Council District _____

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

Purpose: Propose Duplex

Activity Type: Duplex
 Location: 6353 B Columbia Av N.T. 37209

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: required lot size 8000^{sq} ft. Existing 7710^{sq} ft.
 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 ~~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.

290^{sq} ft Variance

Ricky Scott
Appellant Name (Please Print)

Representative Name (Please Print)

4705 ALABAMA AVE
Address

Address

NASHVILLE, TN, 37209
City, State, Zip Code

City, State, Zip Code

615-293-3102
Phone Number

Phone Number

ricky@buildkg.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**



**ZONING BOARD APPEAL / CAAZ - 20180064813
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09113003100

APPLICATION DATE: 10/11/2018

SITE ADDRESS:

6353 B COLUMBIA AVE NASHVILLE, TN 37209
LOT 4 BLK G SEC. 2 CROLEYWOOD

PARCEL OWNER: 552 WESTBORO, LLC

CONTRACTOR:

APPLICANT:

PURPOSE:

ZONED R8.
LOT SIZE AT 7710 SQFT.
REQUEST DUPLEX.

DENIED: VARIANCE AS TO LOT SIZE...REQUIRED 8000 SQFT...EXISTING 7710 SQFT...VARIANCE AT 290 SQFT.
17.12.020

POC: RICKY SCOTT 615-293-3102
ricky@buildkg.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.

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.

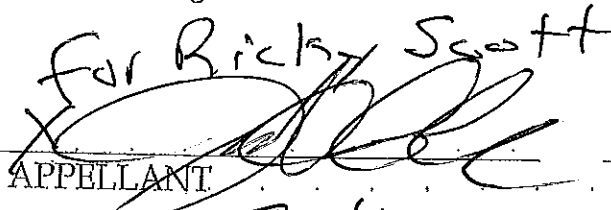
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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.

For Ricky Scott

 APPELLANT
 Justin Crandall

DATE

10/11/18

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:

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?

*Shape of Property
Specifically the rear lot line*

091131D90000CO
091131D00100CO

0911300400

09113000400

09113000500

09113000600

091130X00200CO

091130X00100CO

09113000800

09113000900

60

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091130X90000CO

COLUMBIA AVE

091130M90000CO

09113002900

09113003000

09113003100

09113055100

091131A00100CO

091131A90000CO

091131A00200CO

09113003700

09113003600

09113003500

09113003400

091130N00100CO

091130N90000CO

091130N00200CO

R8

BUCKNER PL

09113002900

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W BEND DR

CROLEY DR

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BUCKNER PL

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153

W BEND DR

CROLEY DR

From: [Michael, Jon \(Codes\)](#)
To: [Lifsey, Debbie \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#)
Subject: Fw: 2018-650
Date: Friday, November 2, 2018 8:44:43 AM

Sent from my Verizon LG Smartphone

----- Original message-----

From: Mary Carolyn Roberts
Date: Fri, Nov 2, 2018 7:33 AM
To: Michael, Jon (Codes);Herbert, Bill (Codes);
Cc:
Subject:2018-650

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! I hope you're having a good week.

I want to express my approval and support for BZA case 2018-650 that will be coming before you 12/6.

Thank you,



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

Janis C. Foster
6333 Columbia Ave.
Nashville, TN 37209

RE: Appeal Case Number 2018-650
6353-B Columbia Ave.
Map Parcel 09113603100
Zoning Classification R-8
Council District 20

Please let it be known that I am against building a duplex on Columbia Ave. This is against the characteristic of this neighborhood. I am excited with the revitalization of the neighborhood and want to continue living in harmony with my neighbors as I have done for 59 years.

Please do not allow a dwelling to be built on a sub-standard lot size.

Janis C. Foster

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Jeremy Newton
Property Owner: " "
Representative: " "

Date: 10-15-18
Case #: 2018-654
Map & Parcel: 16-0-80

Council District 3

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

Purpose: Requesting 18' reduction of side setback to 2'

Activity Type: New Construction - Garage
Location: 1954 Union Hill Rd.

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

Reason: Does not meet 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.

Jeremy Newton
Appellant Name (Please Print)

Same
Representative Name (Please Print)

1954 Union Hill rd
Address

Address

Goodlettsville, TN 37072
City, State, Zip Code

City, State, Zip Code

(615) 403-3503
Phone Number

Phone Number

NewtonJeremy@Hotmail.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



3569038

ZONING BOARD APPEAL / CAAZ - 20180065301
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 01600008000

APPLICATION DATE: 10/15/2018

SITE ADDRESS:

1954 UNION HILL RD GOODLETTSVILLE, TN 37072
N. OF UNION HILL ROAD & E. OF IVEY POINT ROAD

PARCEL OWNER: NEWTON, JEREMY R. & JENNIFER A.

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting variance from side setback for construction of a detached pole barn. 20' minimum, requesting 18' reduction for a 2' side setback.

*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?

The lot is Marrow and placement of my house pushes drive way to one side of lot, putting building in line with drive way.

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.

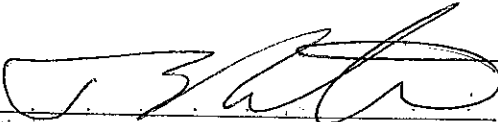
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We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

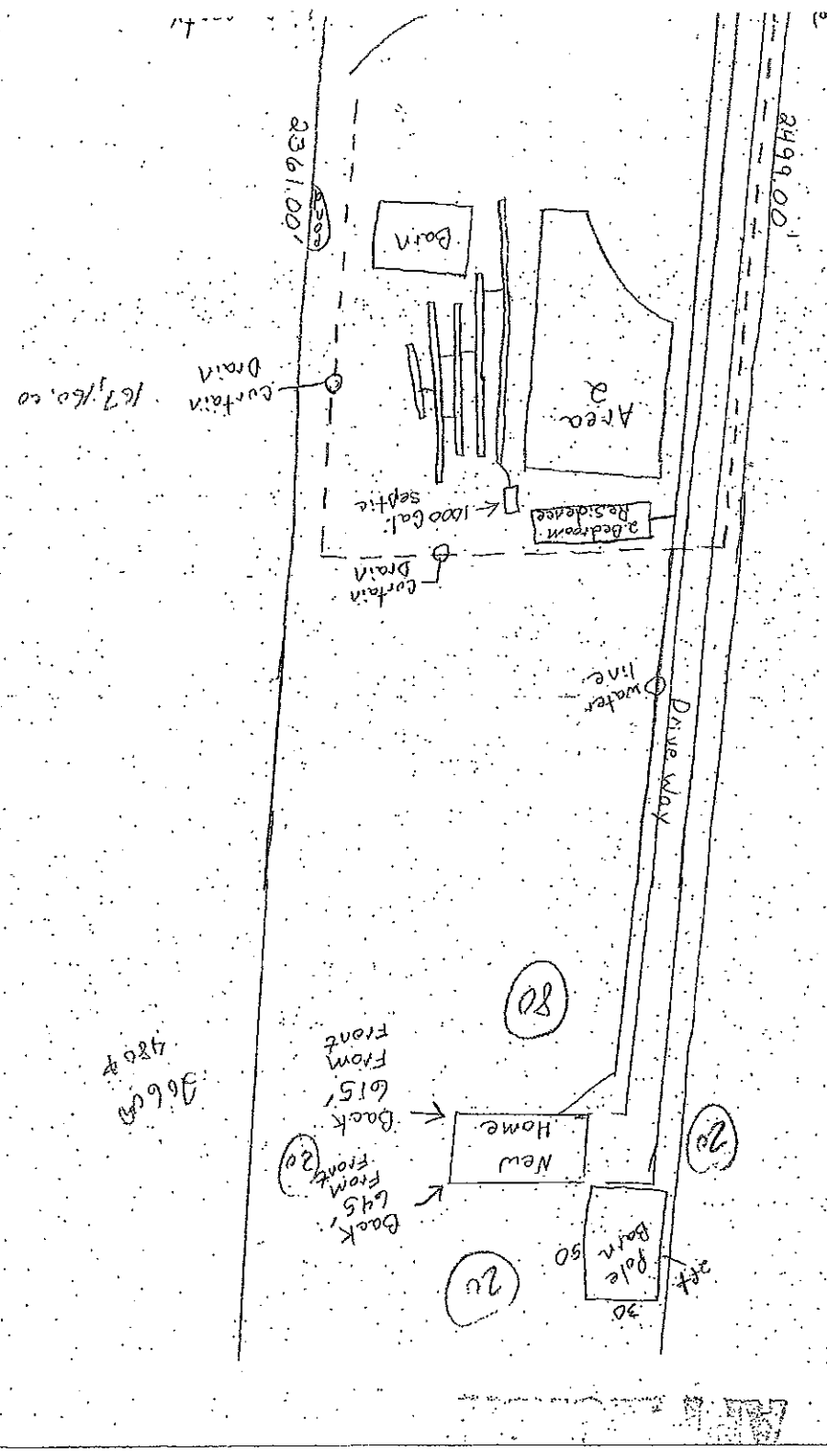
I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.



 APPELLANT

10/19/2018

 DATE



Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Martin Dillingham
Property Owner: Martin Dillingham
Representative: Martin Dillingham

Date: 10-16-18
Case #: 2018-656
Map & Parcel: 10401040800

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: GARAGE CONSTRUCTED DOES NOT MEET 3 FT REQUIRED SIDE SETBACK. USED EXISTING FOUNDATION, NEW CONSTRUCTION GARAGE IS 2 1/2 FT FROM SIDE PROPERTY LINE.

Activity Type: RESIDENTIAL CONSTRUCTION

Location: 3509 WRENWOOD DR

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

Reason: VARIANCE TO SIDE SETBACK

Section(s): 17.12.040 E1b

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.

Martin Dillingham
Appellant Name (Please Print)

Same
Representative Name (Please Print)

3509 Wrenwood Ave B
Address

Address

Nashville, TN 37205
City, State, Zip Code

City, State, Zip Code

615-948-7761
Phone Number

Phone Number

Martin.Dillingham@Comcast.net
Email

Email

Appeal Fee: _____



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



3569443

**ZONING BOARD APPEAL / CAAZ - 20180065598
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 10401040800**APPLICATION DATE:** 10/16/2018**SITE ADDRESS:**

3509 B WRENWOOD DR NASHVILLE, TN 37205
LOT 15 WRENWOOD

PARCEL OWNER: DILLINGHAM, MARTIN, JR.**CONTRACTOR:****APPLICANT:****PURPOSE:**

Variance to 17.12.040 E1b requesting 2 1/2 ft side setback.

Garage built without a permit.

To construct a 20 ft x 24 ft (440 sq ft) detached single story garage to rear of existing single family residence.

Minimum 3 ft side setbacks, minimum 10 ft rear setback per plat .No trades needed. ..Not to be used as living space, no kitchen or full bath, no commercial use. Must comply with all easements.

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 RESIDENTIAL - NEW / CARN - T2018064267
THIS IS NOT A PERMIT**

PARCEL: 10401040800

APPLICATION DATE: 10/10/2018

SITE ADDRESS:

3509 WRENWOOD DR NASHVILLE, TN 37205

LOT 15 WRENWOOD

PARCEL OWNER: DILLINGHAM, MARTIN, JR.

APPLICANT: SELF CONTRACTOR RESIDENTIAL (SEE
APPLICANT INFORMATION)
Matrin Dillingham 615-948-7761

PURPOSE:

Garage built without a permit.

To construct a 20 ft x 24 ft (440 sq ft) detached single story garage to rear of existing single family residence. Minimum 3 ft side setbacks, minimum 10 ft rear setback per plat .No trades needed. ..Not to be used as living space, no kitchen or full bath, no commercial use. Must comply with all easements.1. Acknowledges applying for this self building permit in own name, & will act as own contractor accepting full responsibility for code compliance, for hiring & employing individuals & has ultimate responsibility for my own work & for the work of others. Acting as my own general contractor, I further understand that I may forfeit certain protections, which might be available to me through the State of Tenn general contractor's licensing process. I further acknowledge that as a self building permit holder I am responsible for requesting all required inspections & completing all authorized work in compliance with applicable adopted codes. I further understand that separate permits are required for any proposed electrical, plumbing, & gas/mechanical work and is not part of this building permit....

2. Pursuant # 2006-1263 Metro code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolltion waste shall be stored on the property in violation of any provision of Metro Code...3...You can dig your footers, but do not pour any concrete until you call for an inspection. Also do not put up any drywall until you call for an inspection. The idea is you do not cover up anything with concrete or drywall until an inspector has had a chance to review..***SITE PLAN SENT TO FILE

*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) 862-4138 Lisa.Butler@nashville.gov
[A] Zoning Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[E] Sewer Availability Review For Bldg		862-7225
[E] Sewer Variance Approval For Bldg		
[E] Water Availability Review For Bldg		862-7225
[E] Water Variance Approval For Bldg		
[A] Bond & License Review On Bldg App	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[F] Address Review On Bldg App		862-8781 bonnie.crumby@nashville.gov
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov

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?

This was an existing building so the hardship
is would be to relocate and remove the existing
Abandonment.

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.

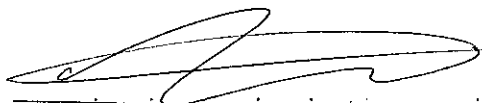
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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.



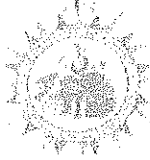
APPELLANT

18-16-18

DATE

MAILING ADDRESS

P. O. Box 196300
 NASHVILLE, TENNESSEE 37219
 TELEPHONE (615) 862-6590
 FACSIMILE (615) 862-6593

NOTICE TO CORRECT VIOLATION

Noticia Para Corregir Violacion

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS

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

Date of Notice:

Property Owner:

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Case Number:

01/25/2018

18-1173788

DILLINGHAM, MARTIN B., SR. & MARTIN B., JR.

7112 CRYSTAL SPRINGS RD

FAIRVIEW TN 37062

LL#: 200800723

Location of Violation:

3509 WRENWOOD DR

Map/Parcel Number:

10401040800

You are hereby notified as owner, occupant or agent in control of the above referenced property, that the following conditions about said premises are a violation of the Metropolitan Code Section(s).

VIOLATION(S):

1)

Section 16.24.330 - Parking on Grass: Parking or storing motor vehicles on the grass is prohibited. Vehicles must be parked on a paved or graveled area, other than a sidewalk. This shall not be applicable to any vehicle for which a valid disabled driver license plate or placard has been issued and is visibly displayed on or in the vehicle.

2)

Section 16.24.330 (B) -- Open Storage (Vehicles): It is unlawful for the owner, occupant, or person or entity in control of a building, structure, or premises to utilize the premises of such property for the open storage of any inoperable, unlicensed, or unregistered motor vehicle and/or tires and automotive parts.

Therefore, you are to have the violation or cause removed and/or corrected before: February 26, 2018

If you have any questions, believe this notice has been issued to you in error, or believe the code section indicated above is inapplicable and you are not in violation, please contact our office immediately to discuss this matter.

Said Section of the Code of the Metropolitan Government of Nashville and Davidson County, Tennessee, as referenced above, provides that the cited violation must be abated within the time set out; and that, upon failure to abate said violation, the Department of Codes Administration is empowered to prosecute the owner, occupant, or agent for failure to abate the violation.

The Metropolitan Code provides for a penalty for anyone convicted of violating the laws of the Metropolitan Government of up to Fifty (\$50.00) Dollars for each offense and each day it continues Section 1.01.030. Note: In addition you will be held responsible for the payment of all court costs incurred with the processing of the court case regardless of whether or not the property is brought into compliance by the court date.

Notice Issued by: Jay Summers

3509 WRENWOOD

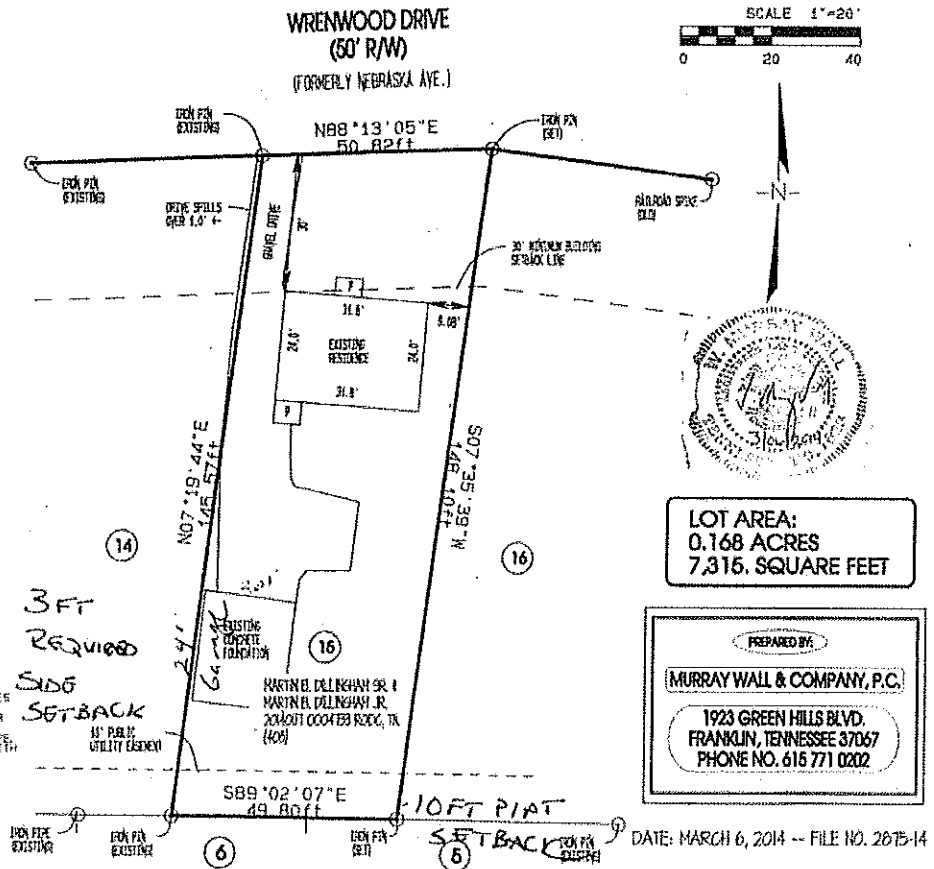
PROPERTY SURVEY FOR:
MARTIN B. DILLINGHAM SR. &
MARTIN B. DILLINGHAM JR.
PROPERTY ADDRESS:
3509 WRENWOOD DRIVE
NASHVILLE, DAVIDSON COUNTY, TN.

PARCEL ID:
 10401040800

PROPERTY INFORMATION:
 BEING LOT NO. 15, WRENWOOD ASSHOWN
 ON THE PLAT OF RECORD IN PLAT BOOK 1130,
 PAGE 65, R.O.D.C., TN.

MISCELLANEOUS NOTES

1. THIS SURVEY MEETS OR EXCEEDS THE REQUIREMENTS OF A CATEGORY 1 LEASING AND SUBDIVISION LAND SURVEY, AS PER THE STANDARD OF PRACTICE, AS REVISED AND ADOPTED BY THE BOARD OF EXAMINERS FOR LAND SURVEYORS STATE OF TENNESSEE.
2. THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS GREATER THAN 1 TO 500 OR DOES NOT EXCEED 1/10 OF A FOOT OF POSITIONAL ERROR AT ANY CORNER.
3. BEARING SYSTEM DERIVED FROM THE PLAT OF RECORD.
4. NUMBERS SHOWN THIS (S) PERTAIN TO PROPERTY TAX MAP NUMBER 104-01-0.
5. IN TENNESSEE IT IS A REQUIREMENT OF THE "UNDERGROUND UTILITY DAMAGE PREVENT ACT", THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UTILITY OWNER(S). TENNESSEE ONE CALL 811. *UTILITIES NOT CHECKED.
 THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SUBJECT SITE. INFORMATION MADE AVAILABLE BY THE RESPECTIVE UTILITY AND/OR PLAT(S) OF RECORD, OR OTHER SOURCES AS NOTED HEREON. THE SURVEYOR MAKES NO GUARANTEE(S) THAT THE UNDERGROUND UTILITIES SHOWN HEREON COMPILE ALL SUCH UTILITIES ON THE TRACT(S) PARCEL. EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION AS INDICATED THEREON. RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES AS SHOWN SHOULD BE DONE SO WITH THESE CIRCUMSTANCES CONSIDERED. RETAINED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD BE MADE PRIOR TO ANY DECISION RELATIVE THEREON TO MAKE AVAILABILITY AND COST OF SERVICES SHOULD BE CONFERRED WITH THE APPROPRIATE UTILITY COMPANY.
6. PROPERTY SUBJECT TO ANY AND ALL FINDINGS OF A CURRENT AND ACCURATE TITLE SEARCH. NO TITLE REPORT FURNISHED TO THIS SURVEYOR PRIOR TO SURVEY.



Request for Denial of Variance

Case 218-656

3509 Wrenwood Drive

Section 1

Denial Request Letter and Neighborhood Petition

Petition Signatures

Section 2

Photos of Garage located at 3509 Wrenwood Drive

Section 3

Copy of Applicant Application

Copy of Property Survey

Section 4

Supporting Documentation

Application for Building Permit

Property Record Card

Appraisal of 3511A Wrenwood Ave

Social Media Post dated May 28, 2018

Statement from Property Owner of 3507B Wrenwood Dr

Request for Denial of Variance Request Case 218-656

Donald and Melissa Bouchard
3511A Wrenwood Dr.
Nashville, TN 37205

Metropolitan Board of Zoning Appeals
Council District 24
800 2nd Ave South
Nashville, TN 37210

November 15, 2018

Dear Metropolitan Board of Zoning Appeals,

As concerned neighbors of the property at 3509 Wrenwood Avenue (Parcel ID 10401040800) we are opposed to the variance request for the property (case 218-656) which will be before the board on December 6, 2018. We respectfully ask that no variance to be granted.

Our most compelling reasons include:

The variance request for a 2.5 side setback is not consistent with the current zoning requirements according to Section 17.12.040 E1b.

"Accessory buildings (including above-ground swimming pools extending more than twelve inches above ground level) of seven hundred square feet or less, when located to the rear of a principal structure, shall provide a minimum side setback equal to one-half of that required for the district (**but not less than three feet**) and a minimum rear setback of at least three feet, except when garage doors open directly to an alley, in which case the minimum rear setback shall be ten feet". As residents of the neighborhood, we feel that if this variance is granted it may set a precedence for future requests. Based on the proximity of the homes in the neighborhood, a minimum of a 3 ft setback is necessary for safety, privacy and consistency in the neighborhood.

No building permit was obtained prior to construction.

The garage was constructed without a building permit. "A building permit is required for a new accessory structure or addition thereto (accessory structures include garages, carports, patio covers, decks, porches and storage buildings including portable storage buildings of 100 square feet or more.) The newly constructed garage located at 3509 Wrenwood is 440 square feet and requires a building permit. The garage was built without going through proper procedure and obtaining building permit. As a result, the application and plans were not reviewed and approved by the Development Services Departments prior to the construction in May 2018.

Granting the variance creates a safety hazard for all adjacent properties.

The garage is located less than 3 feet from a wooden privacy fence. This fence is attached to two homes located on lots A and B of 3511 Wrenwood Ave. The proximity of the garage to the wooden fence presents a fire hazard to the neighboring homes.

Currently, the garage has no power source located in the structure. The owner is running an extension cord from the main home to the garage in order to provide power to the garage. He uses various power tools to work on the garage and to perform work on a vehicle located in the garage. This presents an electrical and fire hazard for all neighbors.

Granting the variance will result in a decrease in property values.

A decrease in property values will cause financial harm to the immediate neighbors. The size and location of the garage are not in line with the current standards of the neighborhood.

Self-Imposed Hardship

The hardship claimed by the property owner is a direct result of his action and is not within the standards for variance. No hardship would exist had the property owner obtained a building permit prior to construction in May. The variance appeal states that the garage was an "existing structure" which is not the case. The garage was built over a concrete slab that existed prior to May 2018. It is our opinion that the physical characteristics of the property do not prohibit him from complying with set back regulations.

Inconsistent with the design of the neighborhood

The parcel size is .17 acres or 7,405 square feet. The one story residence located on the property is 768 square feet. The garage is 440 square feet. Currently, there are no homes on Wrenwood Ave with any accessory structure of this size. The addition of a garage of this size is not consistent with the design and plan of the neighborhood. This will also cause additional harm to the adjacent neighbor's property values.

We respectfully ask that this variance request be denied.

Yours Sincerely,

Melissa and Donald Bouchard

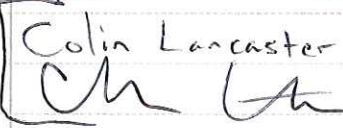



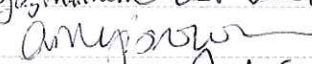


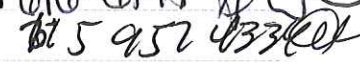


Melissa Bouchard

Donald Bouchard

11-15-2018

Petition Signatures

Case 218-656

NO.	NAME	Address	PHONE	EMAIL	Signature
01	Colin Lancaster	3503 Wrenwood	917-364-0546	ColinLancaster87@gmail.com	
02					
03	Megan Lancaster	"	"	meg419@gmail.com	
04	Matthew McKenna	3501 Wrenwood	410 949 0506	matthew.t.mckenna@gmail.com	
05	Justin Werthan	3507 Wrenwood	410 572-3325	justinwerthan@gmail.com	
06	Hilay Werthan	3507 Wrenwood	615-496-4880	hking.werthan@gmail.com	
07	DANIEL BALASUBRAMANIAN	3506 Wrenwood	615-830-8429	danielbal@gmail.com	
08	Jay Burkhardt	3508 Hillside	615-508-4676	burkhardtj@gmail.com	
09	Amy Brown	3508 Hillside	702-429-6972	AmyBrown	
10	Jodee Warwick	3506 Hillside Ave.	312 961 4225	JodeeWarwick	
11	Grace Woodside	3506 Hillside Ave	731-666-6090		
12	Andres Mutallana	3510A Wrenwood Ave	615 952 4330		
13	Brittany Nizzi	3505B Wrenwood Ave	nizzi@bellsouth.net	404 713 0115	
14	Kris Bergmann	3505A Wrenwood Ave	Kberg713@gmail.com	842 834 222	
15	Phillip Buchanan	3506A Wrenwood Ave	phillip.buchanan05@gmail.com		
16			260-609-7207		
17	Melissa Bouchard	3511A Wrenwood Ave	310-499-3415	MelissaBouchard	
18				melissajacksonbouchard@gmail.com	
19	Donald Bouchard	3511A Wrenwood Ave	310-728-9283		
20				dbouch544@gmail.com	
21	Allison Loehr	3507B Wrenwood Ave.	38918-704-5144	loehra@aol.com	

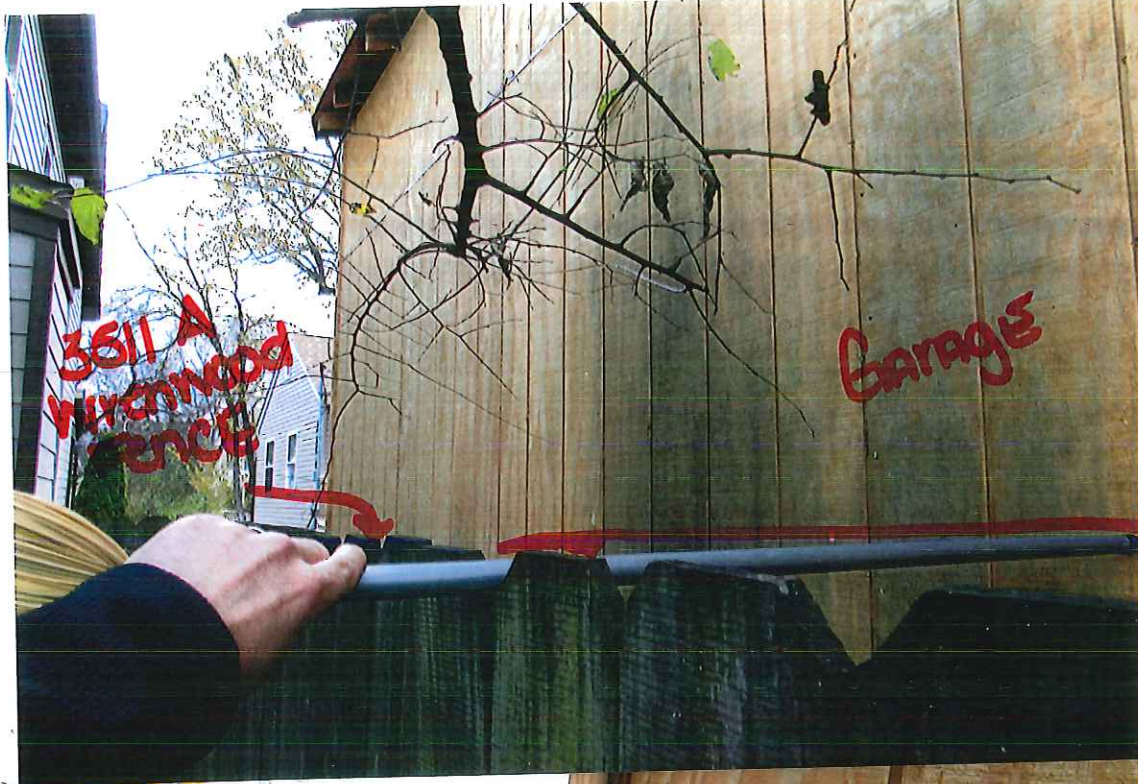
Petition Signatures

Case 218-656

NO.	NAME	Address	PHONE	EMAIL	Signature
01					
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Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Martin Dillingham
Property Owner: Martin Dillingham
Representative: Martin Dillingham

Date: 10-16-18
Case #: 2018-656
Map & Parcel: 10401040800

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:

GARAGE CONSTRUCTED DOES NOT MEET 3 FT REQUIRED SIDE SETBACK. USED EXISTING FOUNDATION, NEW CONSTRUCTION GARAGE IS 2 1/2 FT FROM SIDE PROPERTY LINE.

Activity Type: RESIDENTIAL CONSTRUCTION

Location: 3509 WRENWOOD DR

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

Reason: VARIANCE TO SIDE SETBACK

Section(s): 17.12.040 E1b

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.

Martin Dillingham
Appellant Name (Please Print)

Same
Representative Name (Please Print)

3509 Wrenwood Ave B
Address

Address

Nashville, TN 37205
City, State, Zip Code

City, State, Zip Code

615-948-7761
Phone Number

Phone Number

Martin.Dillingham@Comcast.net
Email

Email

Appeal Fee: _____

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.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?

This was an existing building so the hardship
& would be to relocate and remove the existing
foundation.

3509 WRENWOOD

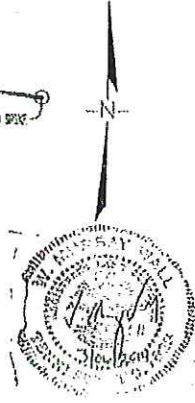
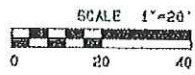
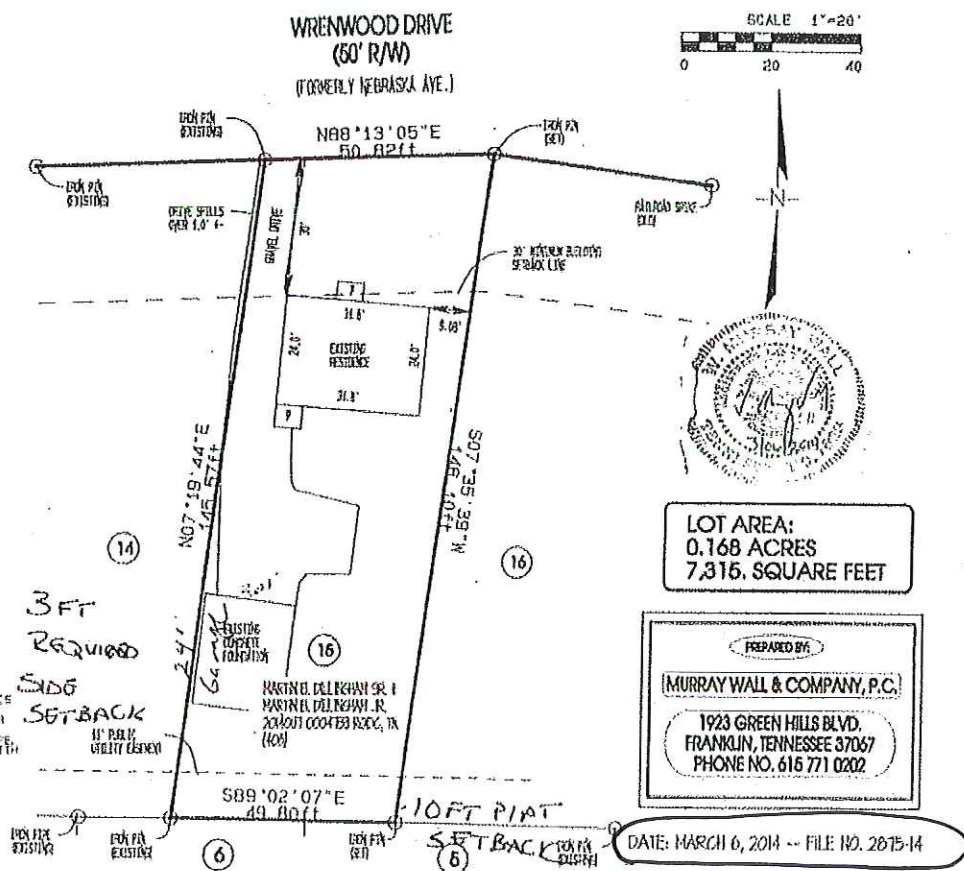
PROPERTY SURVEY FOR:
MARTIN B. DILLINGHAM SR. &
MARTIN B. DILLINGHAM JR.
PROPERTY ADDRESS:
3509 WRENWOOD DRIVE
NASHVILLE, DAVIDSON COUNTY, TN.

PARCEL ID:
 10401040800

PROPERTY INFORMATION:
 BEING LOT NO. 16, WRENWOOD ASSHOWN
 ON THE PLAT OF RECORD IN PLATBOOK 1130,
 PAGE 65, R.O.D.C., TN.

MISCELLANEOUS NOTES

1. THIS SURVEY MEETS OR EXCEEDS THE REQUIREMENTS OF A CATEGORY I (URBAN AND SUBDIVISION) LAND SURVEY, AS PER THE STANDARD OF PRACTICE, AS REVISED AND ADOPTED BY THE BOARD OF EXAMINERS FOR LAND SURVEYORS STATE OF TENNESSEE.
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LOT AREA:
 0.168 ACRES
 7,315. SQUARE FEET

PREPARED BY:
MURRAY WALL & COMPANY, P.C.
 1923 GREEN HILLS BLVD.
 FRANKLIN, TENNESSEE 37067
 PHONE NO. 615 771 0202

DATE: MARCH 6, 2014 -- FILE NO. 2075-14

* Survey completed in 2014 shows a concrete foundation. This clearly shows there was not an "existing building" as stated by Mr. Dillingham in the attached Application in the attached Application.

3509 WRENWOOD

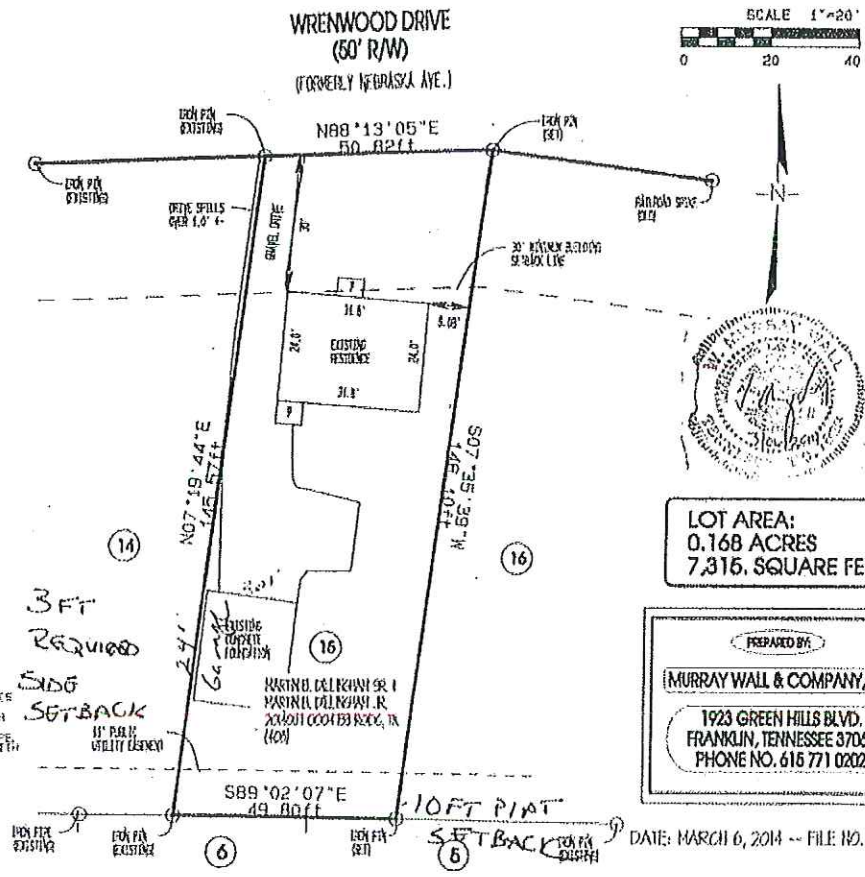
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PROPERTY ADDRESS:
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NASHVILLE, DAVIDSON COUNTY, TN.

PARCEL ID:
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LOT AREA:
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 7,316. SQUARE FEET

PREPARED BY:
MURRAY WALL & COMPANY, P.C.
 1923 GREEN HILLS BLVD.
 FRANKLIN, TENNESSEE 37067
 PHONE NO. 615 771 0202

DATE: MARCH 6, 2014 -- FILE NO. 2075-14



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



3567659

APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2018064267
THIS IS NOT A PERMIT

PARCEL: 10401040800

APPLICATION DATE: 10/10/2018

SITE ADDRESS:

3509 WRENWOOD DR NASHVILLE, TN 37205
LOT 15 WRENWOOD

PARCEL OWNER: DILLINGHAM, MARTIN, JR.

APPLICANT: SELF CONTRACTOR RESIDENTIAL (SEE
APPLICANT INFORMATION)
Matrin Dillingham 615-948-7761

PURPOSE:

Garage built without a permit.

To construct a 20 ft x 24 ft (440 sq ft) detached single story garage to rear of existing single family residence. Minimum 3 ft side setbacks, minimum 10 ft rear setback per plat .No trades needed. ..Not to be used as living space, no kitchen or full bath, no commercial use. Must comply with all easements.1. Acknowledges applying for this self building permit in own name, & will act as own contractor accepting full responsibility for code compliance, for hiring & employing individuals & has ultimate responsibility for my own work & for the work of others. Acting as my own general contractor, I further understand that I may forfeit certain protections, which might be available to me through the State of Tenn general contractor's licensing process. I further acknowledge that as a self building permit holder I am responsible for requesting all required inspections & completing all authorized work in compliance with applicable adopted codes. I further understand that separate permits are required for any proposed electrical, plumbing, & gas/mechanical work and is not part of this building permit....

2. Pursuant # 2006-1263 Metro code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolltion waste shall be stored on the property in violation of any provision of Metro Code...3...You can dig your footers, but do not pour any concrete until you call for an inspection. Also do not put up any drywall until you call for an inspection. The Idea is you do not cover up anything with concrete or drywall until an inspector has had a chance to review..***SITE PLAN SENT TO FILE

*Before a bullding 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) 862-4138 Lisa.Butler@nashville.gov
[A] Zoning Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[E] Sewer Availability Review For Bldg		862-7225
[E] Sewer Variance Approval For Bldg		
[E] Water Availability Review For Bldg		862-7225
[E] Water Variance Approval For Bldg		
[A] Bond & License Review On Bldg App	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[F] Address Review On Bldg App		862-8781 bonnie.crummy@nashville.gov
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov

Davidson County, TN
Assessor of Property

Unofficial Property Record Card

GENERAL PROPERTY INFORMATION

Map & Parcel: 104 01 0 408.00
Current Owner: DILLINGHAM, MARTIN, JR.
Mailing Address: 3509 WRENWOOD DR
NASHVILLE, TN 37205
Zone: 2
Neighborhood: 2126

Location: 3509 WRENWOOD DR
Land Area: 0.17 Acres
Most Recent Sale Date: 11/20/2017
Most Recent Sale Price: \$0
Deed Reference: 20171211-0125736
Tax District: USD

CURRENT PROPERTY APPRASIAL

Assessment Year: 2018
Land Value: \$200,000
Improvement Value: \$60,200
Total Appraisal Value: \$260,200

Assessment Classification*: RES
Assessment Land: \$50,000
Assessment Improvement: \$15,050
Assessment Total: \$65,050

LEGAL DESCRIPTION

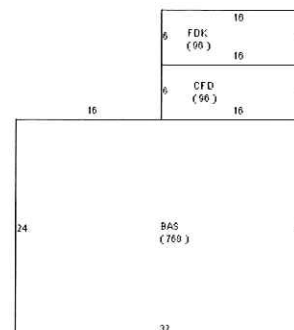
LOT 15 WRENWOOD

IMPROVEMENT ATTRIBUTES - Card 1 of 1

Building Type: SINGLE
FAM
Year Built: 1947
Square Footage: 768
Number of Living Units: 1
Building Grade: D
Building Condition: Fair

Rooms: 4
Beds: 2
Baths: 1
Half Bath: 0
Fixtures: 5

Exterior Wall: FRAME
Frame Type: RESD
FRAME
Story Height: ONE STY
Foundation Type: CRAWL
Roof Cover: ASPHALT



*This classification is for assessment purposes only and is not a zoning designation, nor does it speak to the legality of the current use of the subject property.

SUMMARY OF SALIENT FEATURES

SUBJECT INFORMATION	Subject Address	3511A Wrenwood Ave
	Legal Description	Unit A 3511 Wrenwood Avenue Townhomes / Neighborhood Code And Name: 2126 Vanderbilt
	City	Nashville
	County	Davidson
	State	TN
	Zip Code	37205
	Census Tract	0167.00
	Map Reference	104
SALES PRICE	Sale Price	\$ 475,400
	Date of Sale	05/02/2017
CLIENT	Borrower/Client	Don and Melissa Bouchard
	Lender	FRANKLIN SYNERGY BANK - MORTGAGE
DESCRIPTION OF IMPROVEMENTS	Size (Square Feet)	1,988
	Price per Square Foot	\$ 239.13
	Location	N,Res;
	Age	3
	Condition	C2
	Total Rooms	6
	Bedrooms	2
	Baths	2.1
APPRAISER	Appraiser	Shawn P. Stine
	Date of Appraised Value	05/22/2017
VALUE	Final Estimate of Value	\$ 460,000

Borrower/Client	Don and Melissa Bouchard	File No.	TRI0047
Property Address	3511A Wrenwood Ave		
City	Nashville	County	Davidson
State	TN	Zip Code	37205
Lender	FRANKLIN SYNERGY BANK - MORTGAGE		

APPRAISAL AND REPORT IDENTIFICATION

This Report is one of the following types:

- Appraisal Report** (A written report prepared under Standards Rule 2-2(a) , pursuant to the Scope of Work, as disclosed elsewhere in this report.)
- Restricted Appraisal Report** (A written report prepared under Standards Rule 2-2(b) , pursuant to the Scope of Work, as disclosed elsewhere in this report, restricted to the stated intended use by the specified client or intended user.)

Comments on Standards Rule 2-3

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- Unless otherwise indicated, I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification (if there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report).

Reasonable Exposure Time (USPAP defines Exposure Time as the estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.)

My Opinion of Reasonable Exposure Time for the subject property at the market value stated in this report is: 0-90 days

The Exposure Time for the subject property was developed from sales information deemed to be similar to the subject and captured as median days on the market between 0 and 90 days.

Comments on Appraisal and Report Identification

Note any USPAP-related issues requiring disclosure and any state mandated requirements:

Per USPAP 2016-2017: An Appraisal Report must summarize the appraiser's analysis and the rationale for the conclusions. Unless otherwise indicated or included, the appraisal excludes the development and analysis of the Income Approach to value as income capitalization methods are not typically considered applicable by real estate appraiser peers when appraising an amenity-type residential property such as the subject property.

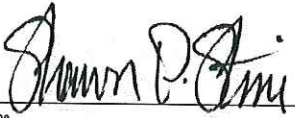
Therefore, this appraisal is not intended to be a full "narrative" report.

I have knowledge and experience in appraising this type of property in this market area. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as the MTRMLS multiple listing service, tax assessment records (CRS Tax System), public land records, and other such data sources for the area in which the property is located to the extent that these are available in my market area.

This appraisal contains additional commentary text addenda, maps and exhibits which are all an integral part of this appraisal report.

Prior Services Statement: I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

APPRAISER:

Signature: 
 Name: Shawn P. Stone

State Certification #: 4564
 or State License #:

State: TN Expiration Date of Certification or License: 05/31/2018
 Date of Signature and Report: 05/28/2017

Effective Date of Appraisal: 05/22/2017

Inspection of Subject: None Interior and Exterior Exterior-Only
 Date of Inspection (if applicable): 05/22/2017

SUPERVISORY or CO-APPRAISER (if applicable):

Signature: _____
 Name: _____

State Certification #: _____
 or State License #:

State: _____ Expiration Date of Certification or License: _____
 Date of Signature: _____

Inspection of Subject: None Interior and Exterior Exterior-Only
 Date of Inspection (if applicable): _____

Subject Photo Page

Borrower/Client	Don and Melissa Bouchard				
Property Address	3511A Wrenwood Ave				
City	Nashville	County	Davidson	State	TN
Lender	FRANKLIN SYNERGY BANK - MORTGAGE				
				Zip Code	37205



Subject Front

3511A Wrenwood Ave
 Sales Price 475,400
 Gross Living Area 1,988
 Total Rooms 6
 Total Bedrooms 2
 Total Bathrooms 2.1
 Location N,Res;
 View N,Res;
 Site 7841 sf
 Quality Q3
 Age 3



Subject Rear



Subject Street

Subject Photo Page

Borrower/Client	Don and Melissa Bouchard				
Property Address	3511A Wrenwood Ave				
City	Nashville	County	Davidson	State	TN
Lender	FRANKLIN SYNERGY BANK - MORTGAGE				
		Zip Code	37205		



Subject Side Elevation

3511A Wrenwood Ave
 Sales Price 475,400
 Gross Living Area 1,988
 Total Rooms 6
 Total Bedrooms 2
 Total Bathrooms 2.1
 Location N;Res;
 View N;Res;
 Site 7841 sf
 Quality Q3
 Age 3



Subject Side Elevation



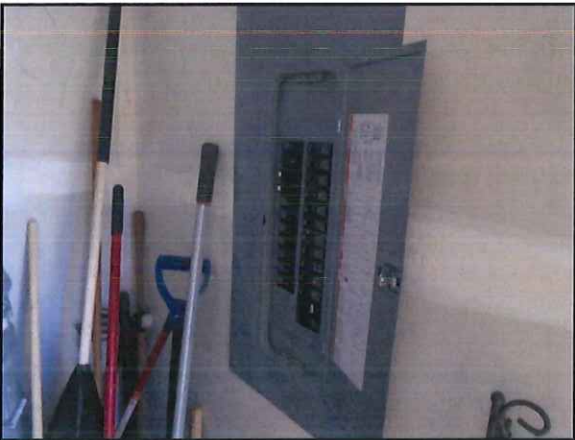
Subject Street

Subject Photo Page

Borrower/Client	Don and Melissa Bouchard				
Property Address	3511A Wrenwood Ave				
City	Nashville	County	Davidson	State	TN
Lender	FRANKLIN SYNERGY BANK - MORTGAGE				
				Zip Code	37205

**Subject HVAC**

3511A Wrenwood Ave	
Sales Price	475,400
Gross Living Area	1,988
Total Rooms	6
Total Bedrooms	2
Total Bathrooms	2.1
Location	N,Res;
View	N,Res;
Site	7841 sf
Quality	Q3
Age	3

**Subject Water Heater****Subject Electric Panel**

Joseph Young
May 28 · 🌐

Summer time barn raising at Martin Dillingham's house...



This facebook post dated May 28th shows the garage being constructed at 3509 Wrenwood. Which is the property owned by Martin Dillingham

Application for Building permit filed on October 10th 2018.

Like Comment Share

5

Write a comment... GIF 😊



November 27, 2018

From:

Allison Loehr
3507B Wrenwood Dr
Nashville, TN 37205

To:

Metropolitan Board of Zoning Appeals
Council District 24
800 2nd Ave South
Nashville, TN 37210

Re: Appeal Case Number 2018-656

Dear Metropolitan Board of Zoning Appeals,

I am writing in regard to Appeal Case Number 2018-656 which requests a variance from side setback requirements. I am a property owner adjacent to the appellant's property at 3509 Wrenwood Drive. It is my understanding that the variance appeal submitted states that the garage structure, which is the subject of the appeal, was an "existing structure". This is not the case. The garage was newly built in May 2018 over a concrete slab. The slab without walls or any other containment was all that existed in this location prior to May 2018. I hope this information is helpful in your review of the case.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allison Loehr', written in a cursive style.

Allison Loehr

2018-656
OPPOSE
11-16-17

I Roy Alsbrook oppose this
Zoning appeal

Roy Alsbrook
417 St Francis Ave
Nashville TN 37205

R Alsbrook

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Robert Rodgers Date: 10/16/18
Property Owner: Robert Rodgers Case #: 2018-657
Representative: Robert Rodgers Map & Parcel: 08111045700

Council District 21

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

Purpose: To use existing detached structure as an accessory dwelling

Activity Type: detached garage

Location: 1714 12th Ave. N

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

Reason: Variance from permitted conditions

Section(s): 17.16.250 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.

Robert Rodgers
Appellant Name (Please Print)

Robert Rodgers
Representative Name (Please Print)

1714 12th Ave N.
Address

1714 12th Ave N.
Address

Nashville TN 37208
City, State, Zip Code

Nashville TN 37208
City, State, Zip Code

615-415-3478
Phone Number

415-415-3478
Phone Number

robertwrodgers3478@yahoo.com
Email

robertwrodgers3478@yahoo.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**



**ZONING BOARD APPEAL / CAAZ - 20180065795
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08111045700

APPLICATION DATE: 10/17/2018

SITE ADDRESS:

1714 12TH AVE N NASHVILLE, TN 37208
PT LOT 120 D T MCGAVOCK AND OTHERS ADDN

PARCEL OWNER: RODGERS, ROBERT W.

CONTRACTOR:

APPLICANT:

PURPOSE:

Denied-17.16.250 A requesting a variance from permitted use. To use existing detached structure for an accessory dwelling.

RESTRICTIVE COVENANT FOR DETACHED STRUCTURE RECORDED 20180720-0070892

to construct 616SF 2nd story addition to detached garage to the rear of existing single family residence. no change to footprint. not to be over any easements. not to be used for living space or commercial purposes. Max height 16' to eave line.

***PURSUANT TO ORDINANCE NO 2008-1263 of the Metropolitan Code of Laws, I, holder of this permit, hereby certify that all construction and demolition waste generated by any and all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction or demolition waste shall be stored on the property in violation of any provisions of the Metropolitan Code* For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property.*

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



**BUILDING RESIDENTIAL - ADDITION / CARA - 2018042409
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08111045700

APPLICATION DATE: 07/20/2018

SITE ADDRESS:

1714 12TH AVE N NASHVILLE, TN 37208
PT LOT 120 D T MCGAVOCK AND OTHERS ADDN

PARCEL OWNER: RODGERS, ROBERT W.

CONTRACTOR:

APPLICANT: robert rodgers
, 615-415-3478

SELF CONTRACTOR RESIDENTIAL (SEI MCN00000)

PURPOSE:

RESTRICTIVE COVENANT FOR DETACHED STRUCTURE RECORDED 20180720-0070892

to construct 616SF 2nd story addition to detached garage to the rear of existing single family residence. no change to footprint. not to be over any easements. not to be used for living space or commercial purposes. Max height 16' to eave line.

***PURSUANT TO ORDINANCE NO 2008-1263 of the Metropolitan Code of Laws, I, holder of this permit, hereby certify that all construction and demolition waste generated by any and all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction or demolition waste shall be stored on the property in violation of any provisions of the Metropolitan Code* For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property.*

Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.

Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.

Building Framing - Ceiling

Building Final

Building Floor Elevation

Building Footing

Building Foundation

Building Framing

Charles.Hayes@nashville.gov

Building Framing - Wall

CA Building Progress Inspection

Building Slab

U&O Letter

615-862-6527 tawanna.dalton@nashville.gov

Inspection requirements may change due to changes during construction.

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

Mother 80 yrs old moving in as cant claim steps
& Surgery to knees - needing my (son) living
assistance. Im providing that space rather
than her going to Full Assisted Living.

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

10/16/2018

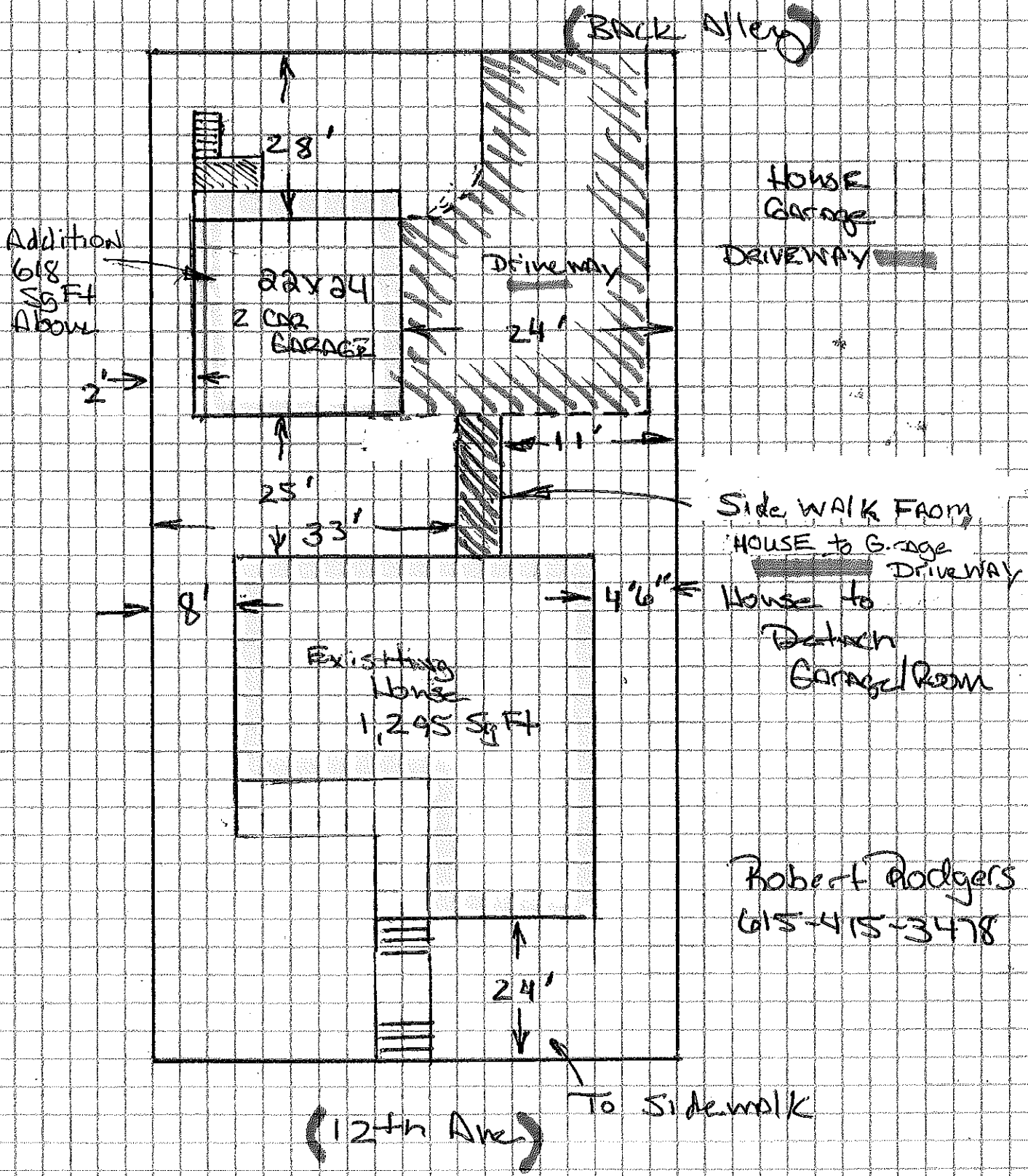
 DATE

Robert Rodgers

17-16-250 A

1714 12TH AVE NORTH
NASHVILLE TN 37208
LOT SIZE 7,841 SQ FT

LOT PLAN



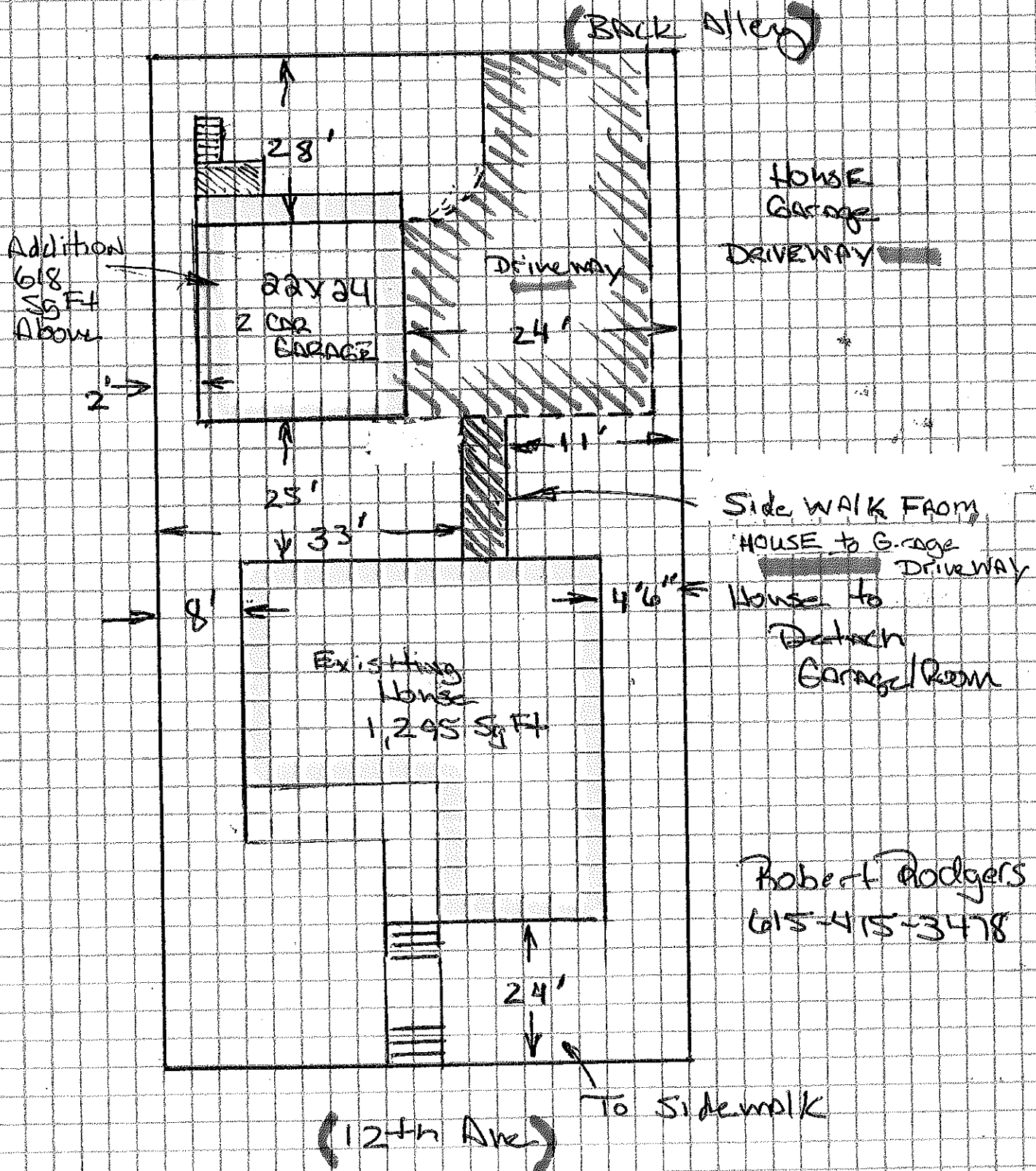
Robert Rodgers
615-415-3478

17-16-250 A

1714 12TH AVE NORTH
NASHVILLE TN 37208

PLOT PLAN

LOT SIZE 7,841 SQ FT



Robert Rodgers
615-415-3478

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: 10-18-18
Property Owner: TWELVE SOUTH PARTNERS, LLC Case #: 2018-664
Representative: JAY FULMER Map & Parcel: 11801004500

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:

REQUESTING VARIANCE OF SIDEWALK REQUIREMENT.

Activity Type: RETAIL RENOVATION

Location: 2705 12TH AVES

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

Reason: REQUESTING VARIANCE OF SIDEWALK REQUIREMENT

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.

SIAME
Appellant Name (Please Print)

JAY FULMER
Representative Name (Please Print)

Address

2002 RICHARD JONES RD, CS04
Address

City, State, Zip Code

NASHVILLE, TN 37215
City, State, Zip Code

Phone Number

615-345-3771
Phone Number

Email

JAY@FULMERENG.COM
Email

Appeal Fee: \$ 200.00



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



3570516

**ZONING BOARD APPEAL / CAAZ - 20180066326
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 11801004500**APPLICATION DATE:** 10/18/2018**SITE ADDRESS:**

2705 12TH AVE S NASHVILLE, TN 37204
PT LOT 21 DR E.T. NOEL SUB

PARCEL OWNER: TWELVE SOUTH PARTNERS, LLC**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting variance from sidewalk requirement

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



**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 - T2018065616
THIS IS NOT A PERMIT**

PARCEL: 11801004500

APPLICATION DATE: 10/16/2018

SITE ADDRESS:

2705 12TH AVE S NASHVILLE, TN 37204
PT LOT 21 DR E.T. NOEL SUB

PARCEL OWNER: TWELVE SOUTH PARTNERS, LLC

APPLICANT: THOMAS CONSTRUCTORS, LLC
PATRICK HOLCOMBE
SUITE 120
NASHVILLE, TN 37220 615-830-3630

PURPOSE:

to rehab a 2012 sf portion of existing non-res building for Marine Layer clothing retail space. PUBLIC WORKS STAFF PLEASE NOTE: THIS PROJECT EXCEEDS 50% OF ASSESSED VALUE OF PROPERTY. FULL COMPLIANCE WITH METRO COUNCIL BILL 2016-493 IS REQUIRED. PLEASE REVIEW ACCORDINGLY.

*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	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
CA - Zoning Sidewalk Requirement Review		
[B] Building Plans Received	PAPERPLANS	615-862-6581 Teresa.Patterson@nashville.gov
[B] Building Plans Review		615-862-6611 Richard.Harris@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	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[E] Grease Control Review On Bldg App		862-4590 ECO@nashville.gov
[D] Grading Plan Review For Bldg App	APPROVED	(615) 862-6038 Logan.Bowman@nashville.gov
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPPermitsl@nashville.gov
[F] Solid Waste Review On Bldg App		862-8782
[C] Flood Plain Review On Bldg App	APPROVED	615-566-3931 Wesley.Adkins@nashville.gov



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



3563985

**APPLICATION FOR BUILDING COMMERCIAL - REHAB / CACR - T2018061755
THIS IS NOT A PERMIT**

PARCEL: 11801004500

APPLICATION DATE: 09/28/2018

SITE ADDRESS:

2705 12TH AVE S NASHVILLE, TN 37204
PT LOT 21 DR E.T. NOEL SUB

PARCEL OWNER: TWELVE SOUTH PARTNERS, LLC

APPLICANT: BACON CONSTRUCTION CO

SUITE 105
FRANKLIN, TN 37067 (615)292-7713

PURPOSE:

interior renovation for MADEWELL retail space 1694 SQ.FT.
POC SHAWN SMITH 213-924-7895

*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	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov
[B] Building Plans Received	PAPERPLANS	615-862-6581 Teresa.Patterson@nashville.gov
[B] Building Plans Review		615-862-6614 Michael.Plunk@nashville.gov
[B] Fire Life Safety Review On Bldg App		615-862-5248 Joseph.Almon@nashville.gov
[B] Fire Sprinkler Requirement		615-862-5248 Joseph.Almon@nashville.gov
[E] Cross Connect Review For Bldg App		862-7225
[A] Bond & License Review On Bldg App	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[D] Grading Plan Review For Bldg App	APPROVED	(615) 862-6038 Logan.Bowman@nashville.gov
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@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

10/18/18
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?

EXISTING BUILDINGS ARE ALONG THE PROPERTY
LINE WHICH PREVENT REQUIRED SIDEWALKS
FROM BEING CONSTRUCTED.

Christopher Moran
1208 Dallas Ave.
Nashville, Tennessee 37212
615-294-3301

November 28, 2018

Department of Codes & Building Safety
Metro Office Building – 3rd Fl.
800 Second Ave. South
Nashville, Tennessee 37210

By FACIMILE 615-862-6514

RE: Zoning appeal case No. 2018-664
2705 12th Ave. South

To Whom It may concern:

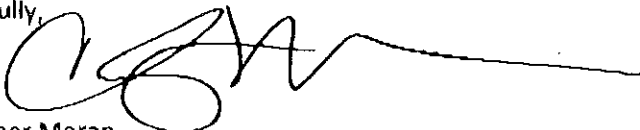
I am writing in opposition to the proposed sidewalk variance requested by Jay Fulmer at the subject property. Unfortunately, it is not clear from the October 30, 2018 NOTICE OF ZONING APPEAL whether the appellant requested a temporary or permanent variance, or the extent of that variance. The property is currently being renovated, and what appear to be temporary entrances have been constructed on both 12th Ave. South and Dallas Ave. Both of these structures violate the minimum sidewalk width requirements for CS property.

Whether temporary or permanent, a reduction in the sidewalk width on 12th Ave. South creates a significant hazard to vehicles attempting to enter 12th Ave. South from Dallas Ave. It is extremely difficult to obtain line-of-site northward onto 12th Ave. South without bringing one's vehicle partly into the intersection. The danger is only exacerbated by the heavy commuter and pedestrian traffic in the locale.

I am requesting that the Department deny this variance request and compel the property owner/appellant to remove the temporary structures immediately.

Thank you for your consideration.

Respectfully,



Christopher Moran

Cc: Burkley Allen, Metro Nashville Council District 18

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: STEPHANIE SHIPP Date: 10-19-18
Property Owner: DANIEL SHIPP Case #: 2018-665
Representative: STEPHANIE & DAN SHIPP Map & Parcel: 08307015300

Council District 06

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

Purpose: TO CONSTRUCT A SINGLE FAMILY RESIDENCE ON R10 ZONED PROPERTY

Activity Type: RESIDENTIAL CONSTRUCTION

Location: 721 GROVES PARK ROAD

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: VARIANCE TO REAR SETBACK AND SIDEWALK REQUIREMENT
Section(s): 17.36.470A AND 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.

STEPHANIE SHIPP
Appellant Name (Please Print)

SAME AS APPELLANT
Representative Name (Please Print)

721 GROVES PARK ROAD
Address

''
Address

NASHVILLE, TN 37206
City, State, Zip Code

''
City, State, Zip Code

615.497.0250
Phone Number

''
Phone Number

STEPHANIEJS SHIPP@GMAIL.COM
Email

''
Email

Appeal Fee: _____

APPLICATIONS FOR VARIANCE REQUESTS

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METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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 APPELLANT

10.19.2018

 DATE

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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

Dan and Stephanie Shipp
721 Groves Park Road
Nashville, TN 37206
615.497.0250
stephaniejshipp@gmail.com

October 19, 2018

Board of Zoning Appeals
700 2nd Avenue S
Nashville, TN 37210

Re: Hardship Letter for Sidewalk Variance at 721 Groves Park Road

To Whom It May Concern:

This letter is to request your consideration for a variance to not construct a sidewalk, or pay into the sidewalk fund, for our new single family home at 721 Groves Park Road, Nashville, TN 37206.

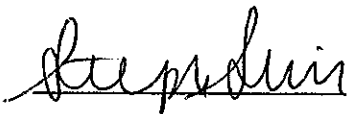
Our home is located in a neighborhood surrounded by Eastland Avenue and Porter Road, both of which have sidewalks for those who need to use them, and our house is about a quarter mile from those streets, with no houses along the way having sidewalks.

Our hardship for this sidewalk ordinance is that we are on a corner lot with 186 linear feet, with about 70 linear feet on the Groves Park Road frontage containing a drainage ditch. To construct a sidewalk on Groves Park Road, would require hiring a civil engineer to both plan and design the sidewalk, neither of which will be covered under our construction loan, which is based solely on the appraised value of the home. Pairing that with the Tillman Lane sidewalk construction would eliminate our ability to afford this home. To pay the in lieu of fee would cost close to \$30,000.

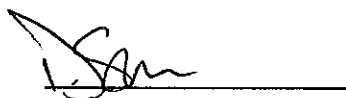
The drainage ditch on Groves Park Road limits our ability to construct a sidewalk on our lot.

Thank you for your consideration

Sincerely,

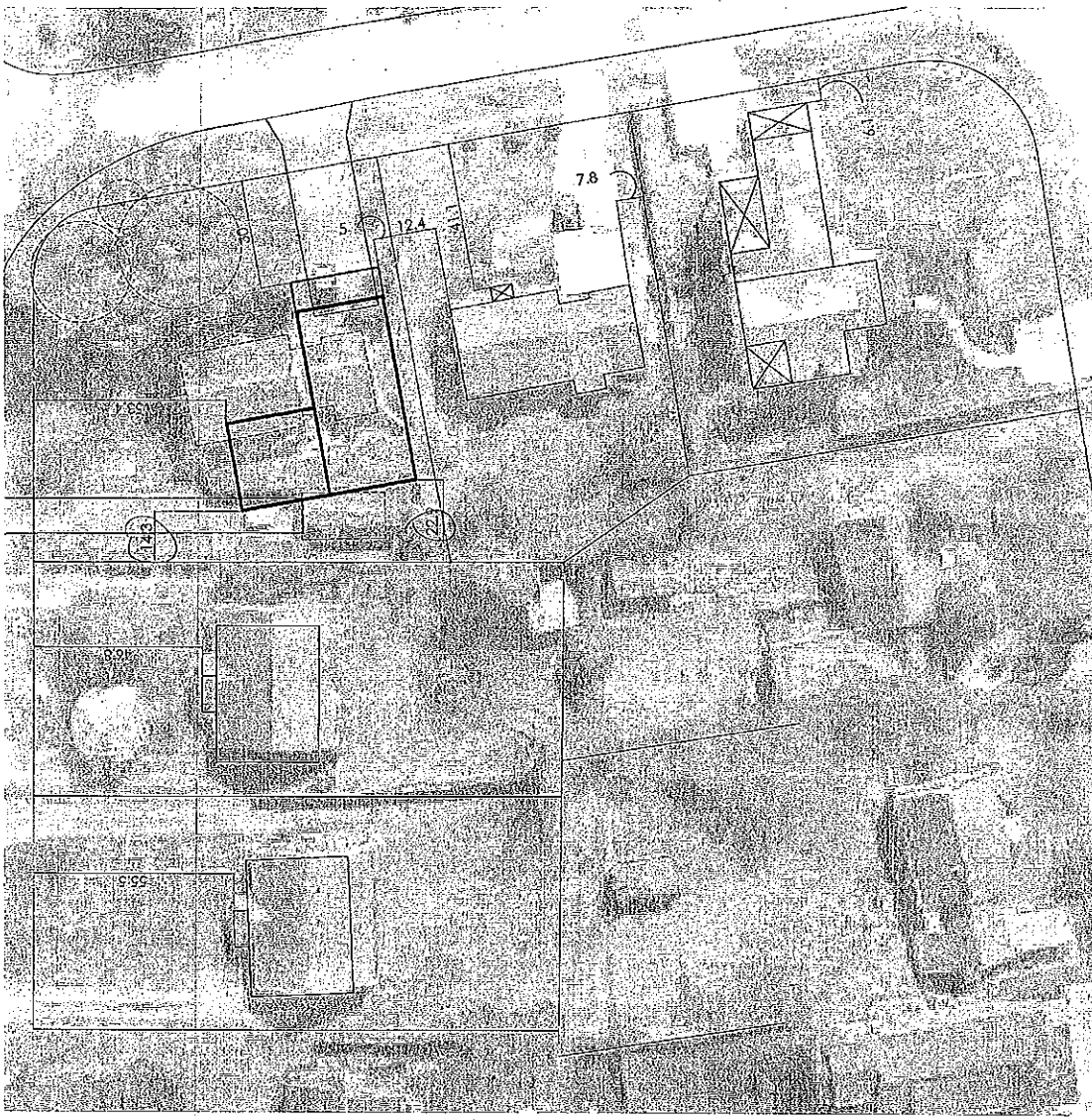


Stephanie Shipp



Daniel Shipp

*NOTE:
THIS PLAN IS A DESIGN INTERPRETATION OF CLIENT'S PROGRAM.
THIS PLAN IS NOT FOR CONSTRUCTION. SPACE PLAN ONLY.



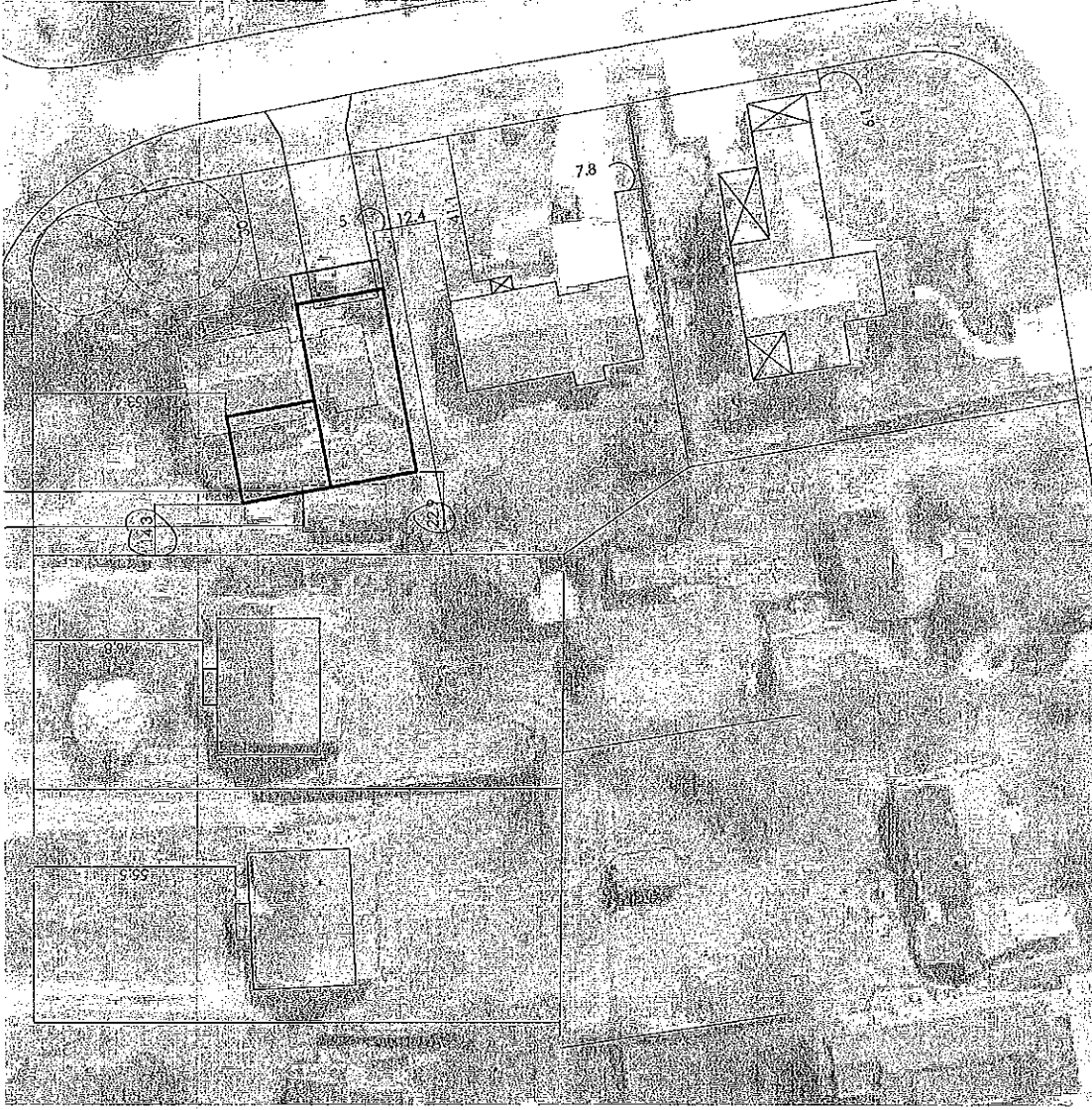
NOT TO SCALE

SITE PLAN

721 GROVES PARK RD.
INDIANAPOLIS, IN 46204



***NOTE:**
THIS PLAN IS A DESIGN INTERPRETATION OF CLIENT'S PROGRAM.
THIS PLAN IS NOT FOR CONSTRUCTION. SPACE PLAN ONLY.



NOT TO SCALE

SITE PLAN

721 GROVES PARK RD.
HARTFORD, CT 06105



Case 2018-665
Stephanie and Dan Shipp
721 Groves Park Road

Storm Drainage Ditch Illustration

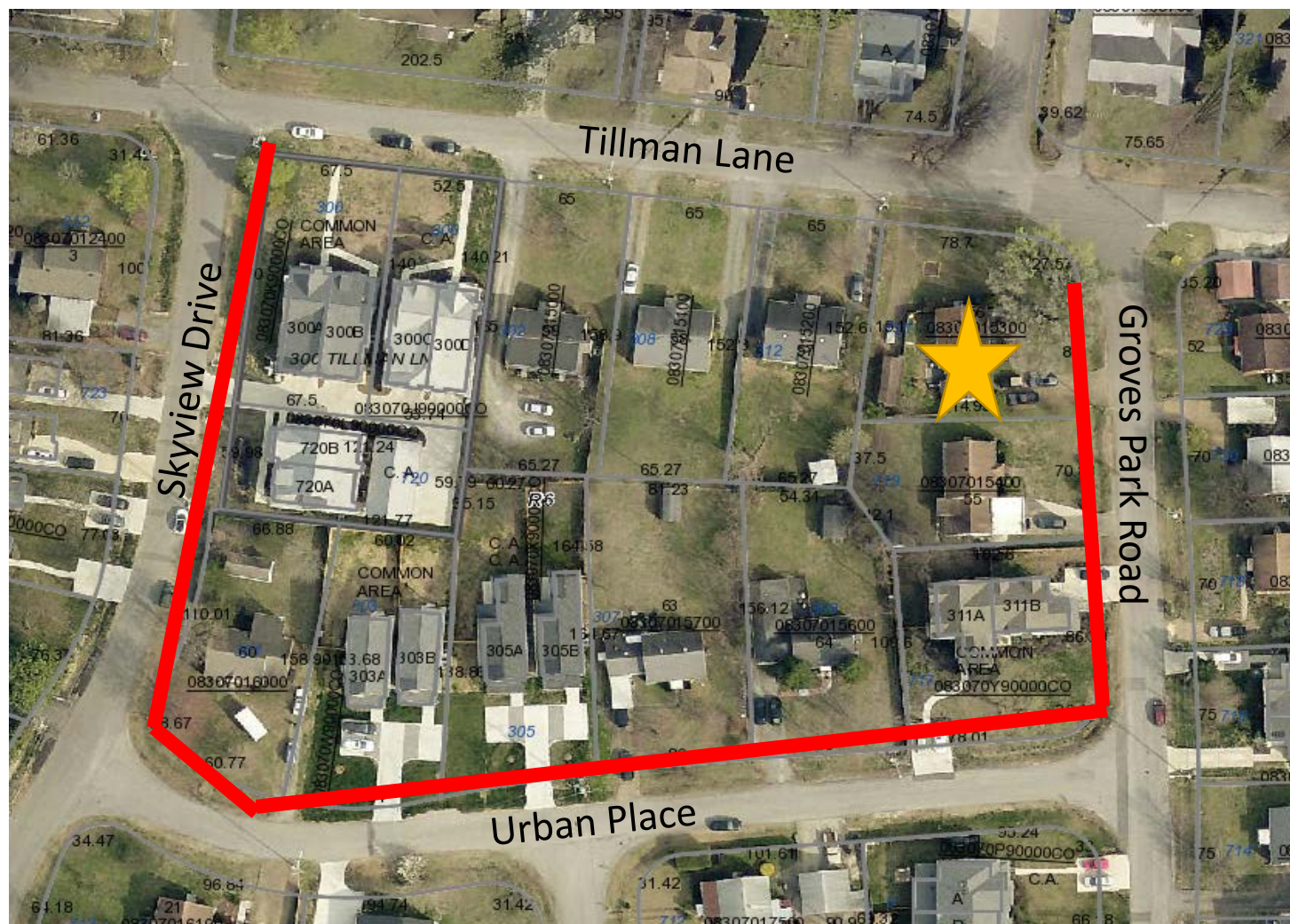
Aerial View of Our Block

The yellow star is our house.

The red line shows where there is a substantial storm drainage ditch, in the exact area the city would like for us to build a sidewalk, along our block – including Groves Park Road. This ditch continues on Groves Park Road, on both sides, all the way to Eastland Avenue.

Additionally, Urban Place and Skyview Drive also contain drainage ditches.

Because of this, our sidewalk would lead to nowhere - unless the city decides to build sidewalks along these drainage ditches.



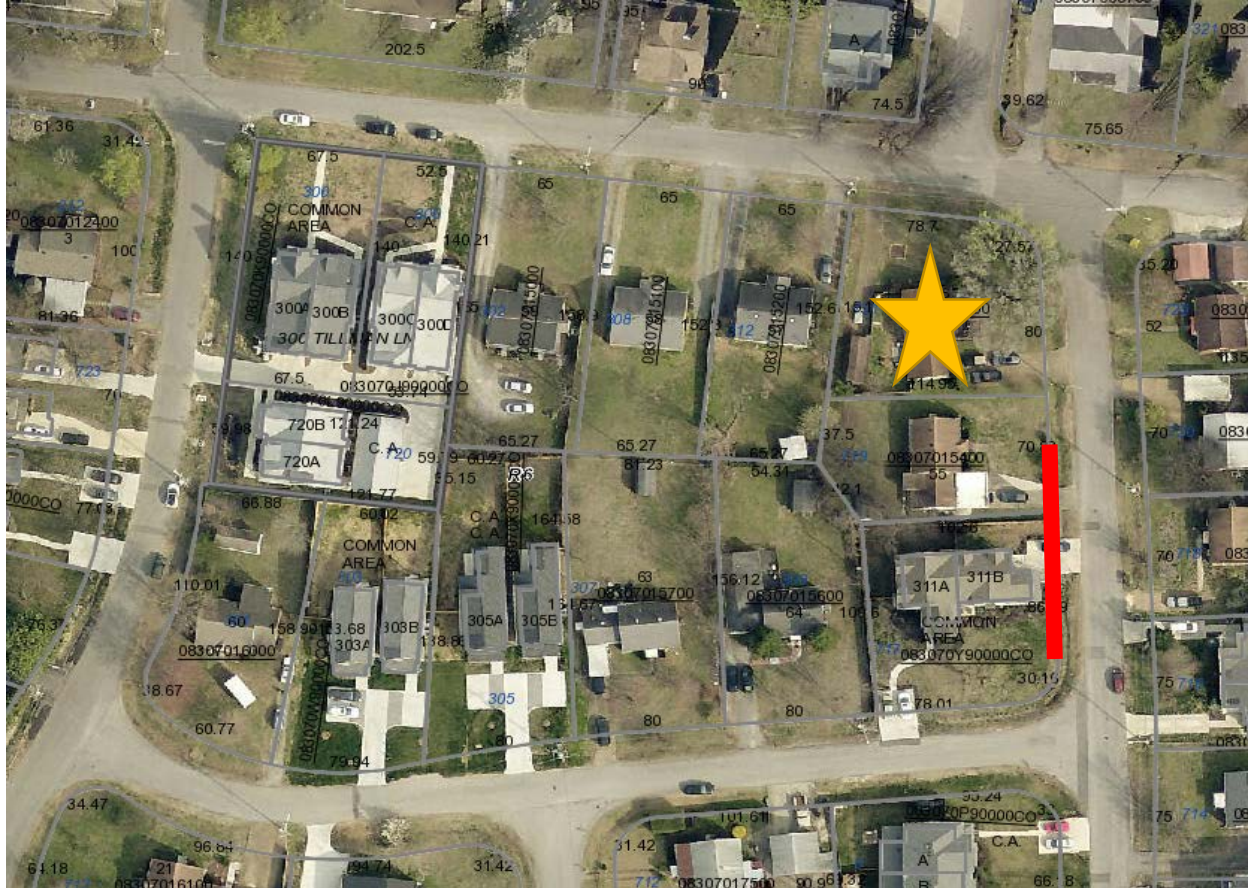
- The drainage ditch begins at our house on Groves Park Road. It isn't very deep towards the end of our street where Groves Park meets Tillman Lane, but as you can see in the picture, past our driveway, there is about a 2.5' drop off into the ditch – where our sidewalk would end.
- If someone were to walk on this sidewalk, assuming its safety (particularly at night), and falls off the end, am I then responsible for the potential injury? Is my neighbor responsible if the fall occurs on his property? These are the concerns I have with placing a sidewalk on Groves Park Road.



Now we will take you on tour of our block.....

- The map on the left will show you where we are on the block, represented by the red line.
- The yellow star is our address, 721 Groves Park Road.
- The picture on the right will show you the ditch located in the space where the city has chosen for the proposed sidewalk, should they come to fill in the blanks.

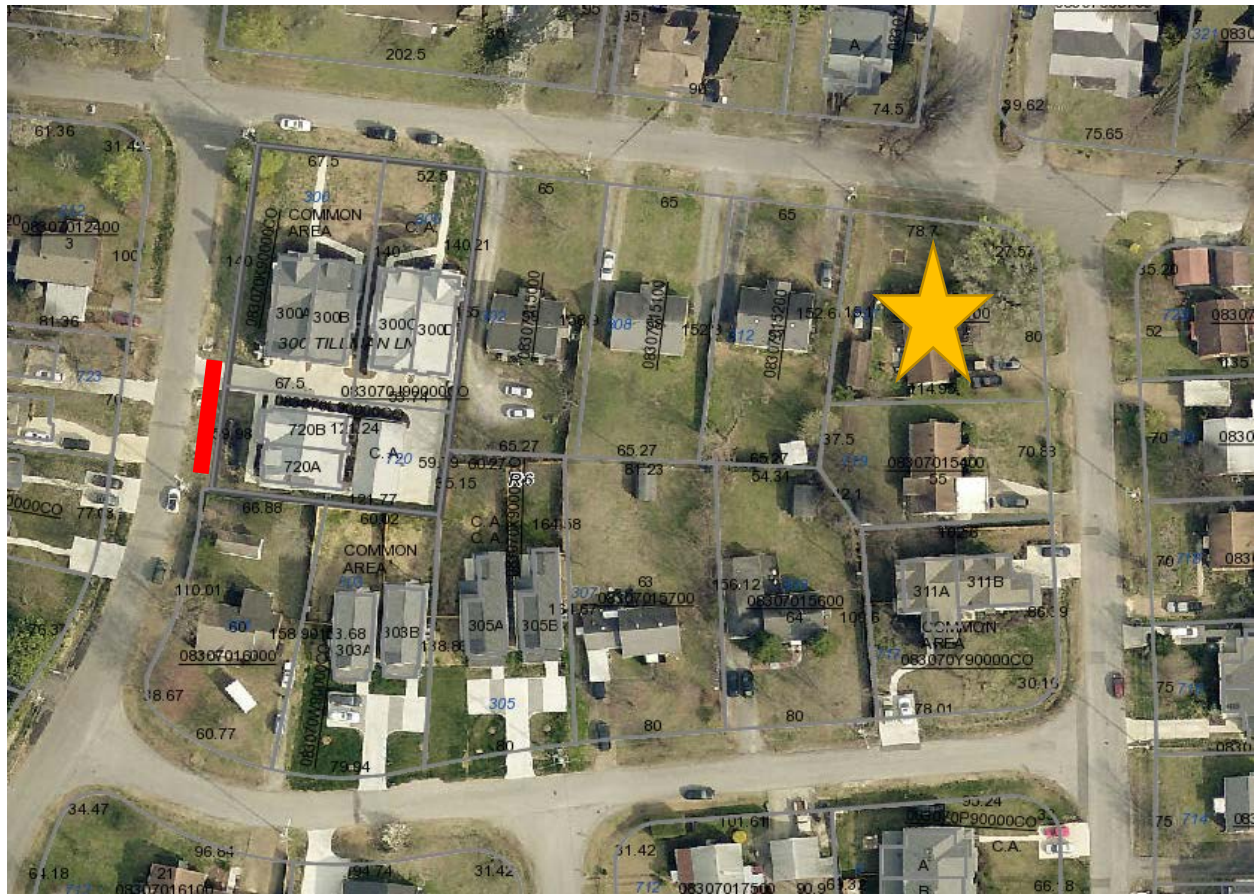
719 Groves Park Road and 717 Groves Park Road



Urban Place and Skyview Drive



Skyview Drive



Skyview Drive and Tillman Lane



Conclusion

- We ask that you grant us a variance on the construction of the sidewalk for our lot, and grant us the variance on paying the in lieu of fee, since it doesn't seem likely that our neighborhood will benefit from this new ordinance due to the storm water drainage ditches along our block.
- Thank you for your time and consideration as we prepare to build our home.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-665 (721 Groves Park Road)

Metro Standard:	Groves Park Road – 4’ grass strip, 5’ sidewalk, as defined by the Local Street standard
	Tillman Lane – 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:	R6
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Groves Park Road – Local Street
	Tillman Lane – Local Street
Transit:	¼ mile from #4 – Shelby
Bikeway:	None existing; not planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes a new single family residence on the property, and requests a variance from constructing sidewalks due to an existing ditch on the property’s Groves Park Road frontage. Planning evaluated the following factors for the variance request:

- (1) No sidewalks currently exist along the property’s frontages on Groves Park Road or Tillman Lane.
- (2) There is a ditch along Groves Park Road, and no ditch along Tillman Lane. Since the applicant is eligible to contribute in lieu-of-construction, engineering sidewalks along both frontages is challenging given the scale of proposed improvements. In this instance, contribution in-lieu of construction along one property frontage is an acceptable alternative solution.

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

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



ROLLING ACRES NEIGHBORS

542 SKYVIEW DRIVE
NASHVILLE, TN 37206

November 23, 2018

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

RE: Appeal Case No. 2018-665
721 Groves Park Rd.

At its regular meeting on November 13, 2018, Rolling Acres Neighbors considered the above referenced request for variances from setback and sidewalk requirements. Daniel and Stephanie Shipp attended and presented their plans.

The proposed single family home meets the goals of the contextual overlay while dealing with the hardships faced by building on a corner lot. The new structure replaces an existing home that suffered extensive damage and lingering problems from the 1998 East Nashville tornado. The membership was impressed by the Shipp's desire to rebuild on the lot and retain existing mature trees. Eventual sidewalk construction would best be accomplished by a comprehensive government project due to the difficulties presented by accommodating storm drainage in any sidewalk improvements.

The membership voted unanimously to endorse the Shipp's request for the variances and has authorized me to send you our recommendation.

Sincerely,

Cecil R. Herrell, AICP
Treasurer and Registered Agent, RAN

appeal to the Board at a hearing a few meetings ago. Neighbors and businesses in the vicinity of the 900 blocks of Woodland are experiencing quite a bit of parking congestion. The previous nonconforming parking variance that the Board granted permits the existing pull-in parking spaces to remain. The sidewalk variance is needed in this case because constructing sidewalks to the current standard would render those same parking spaces inaccessible. The current sidewalks are not quite to standard but are usable. In order to be consistent with the nonconforming parking variance that was granted, I ask the board to permit the applicant to keep the existing sidewalks in place in this appeal. For renovation projects, I have been supportive of foregoing in-lieu contributions with the thought that at some point if the building is demolished and the parcel is redeveloped new sidewalks should be constructed to the standard at that time. Therefore, in this building renovation or adaptive reuse case I support permitting the applicant to maintain the existing sidewalks and forego an in-lieu contribution other than making any repairs to abutting sidewalks that Public Works deems necessary.

- **Case 2018-665 for property located at 721 Groves Park Road:** This is a Contextual Overlay variance application. The applicant is seeking to construct a new single-family home on this property, which has duplex zoning entitlements. The variance seeks to permit a slight overage in lot coverage for the single-family home and to apply the provisions of the Sidewalk Bill to the Tillman Lane frontage rather than to the Groves Park frontage. The applicant made a presentation at the November meeting of Rolling Acres Neighborhood Association and their letter of support should be in your file. I find that there is a lot coverage and setback hardship given the unusual shape of this corner lot and the unusually small size of the existing houses on the two Tillman Lane properties that are adjacent to this lot. I also agree with applying Sidewalk Bill provisions to one side or the other of corner lots, but not both. There are no existing sidewalks in this vicinity and there are utility issues with constructing sidewalks on Groves Park Road. Therefore, I support the applicant's request to apply the Sidewalk Bill requirements to the Tillman frontage whether that be in the form of constructing new sidewalks or contributing to the in-lieu fund. In summary, I support both the Contextual Overlay lot coverage and contextual setback variance requests as well as the Sidewalk Bill variance request for this single-family home project.
- **Case 2018-687 for property located at 619 Rosebank Ave:** This is a sidewalk variance case for a corner lot located in the Rosebank neighborhood. There are existing sidewalks along the Rosebank Avenue frontage that do not meet current standards for a Collector Street but are usable. There are no sidewalks or curb-and-gutter system along the Meadow Rose frontage. There are utility poles and a fire hydrant behind the existing Rosebank Avenue sidewalks that could be impacted by constructing new sidewalks to standards. There is a culvert drainage system and other utility easements along the Meadow Rose side frontage. The applicant has asked to meet the requirements of the Sidewalk Bill by constructing new sidewalks along the Meadow Rose frontage inset ten feet from the street in order to avoid the culvert drainage system. My understanding is that in order to obtain a building permit Public Works and Metro Water Services would have to sign-off on a variance to construct sidewalks but not a curb and gutter system along Meadow Rose; therefore, granting a variance to construct a sidewalk but not a curb-and-gutter system along Meadow Rose could still potentially delay construction for an indefinite period of time. It is also my understanding that if Metro were to continue new sidewalks along Meadow Rose that we would need significant right-of-way dedication from homeowners in order to construct sidewalks with ten-foot planting strips. While I appreciate the applicant being willing to construct new sidewalks along the lengthy Meadow Rose frontage with a ten-foot inset, this design would not be continued by Metro and would result in pedestrians walking down the sidewalk and then down the neighbor's driveway. A further consideration is that I do have a Capital Improvements Budget request to add new sidewalks for Rosebank Avenue from Meadow Rose to Eastland across the street from this project and we will need to have an ADA-accessible ramp at this corner in order for pedestrians to access that new sidewalk when it is constructed. In consideration of all of these hardships and unique circumstances, my recommendation is that the applicant not construct new sidewalks on Meadow Rose that Metro would not be likely to continue but rather that they contribute to the in-lieu fund across the Rosebank Avenue property frontage (about 80 feet) minus any costs incurred by requiring them to install a new ADA-compliant corner ramp per Public Works standards.

Brett A. Withers

Metro Council, District 6

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Sebah Abdullah Date: 10/19/18
Property Owner: Majteby Rabi'ri Case #: 2018-668
Representative: Sebah Abdullah Map & Parcel: 43-9-14

Council District _____

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

Purpose: Existing Auto Sales
Request Adding Auto Repair

Activity Type: Auto Repair

Location: 409 Gallatin Pike N. Madison 37115

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: Denial must have 1320 from Existing
17,16,070 Section(s): Auto Sales, Auto Repair or Auto Service
EP

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.

Existing
Auto
Sales
across
street

Sebah Abdullah
Appellant Name (Please Print)

Representative Name (Please Print)

Address

Address

City, State, Zip Code

City, State, Zip Code

Phone Number

Phone Number

Email

Email

Appeal Fee: 200⁰⁰



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



3570808

**ZONING BOARD APPEAL / CAAZ - 20180066564
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 04309001400**APPLICATION DATE:** 10/19/2018**SITE ADDRESS:**

409 GALLATIN PIKE N MADISON, TN 37115
W SIDE GALLATIN PK S OF WILLIAMS AVE

PARCEL OWNER: RABIEI, MOJTABA**CONTRACTOR:****APPLICANT:****PURPOSE:**

bill 2018-1183 (17.16.070 E 9....

NO AUTO REPAIR BUSINESS WITHIN 1320 FEET FROM ANY AUTO SALES, REPAIR, SERVICE.
ACROSS THE STREET EXISTS AN AUTO SALES BUSINESS.

POC: 615-260-7805 . SEBAH ABDULLAH
sebah1030@yahoo.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.

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

10/19/18

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:

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.

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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?

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Mark Wallace Date: 10/22/08

Property Owner: Franklin Sunaper Co Case #: 2018-677

Representative: Mark Wallace Map & Parcel: 105-5-267

Council District 17

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

Purpose:

To construct 3 Units within one Building for 1112 Wade Townhomes development. RM20, UZO
Need addresses prior to issuing individual building permits.
Sidewalks ARE required for this project because this parcel is within the USD.

Activity Type: Triplex

Location: 1112 WADE AVE NASHVILLE, TN 37203

This property is in the RM20 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....Rejected, does not meet 7500 sq ft minimum lot area for RM20 Zoning....EXISTING AT 40X150=6000 SQFT PER SURVEY....17.12.020B.
- 2.....REQUEST NOT TO UPDATE NOR CONTRIBUTE TO SIDEWALK FUND....EXISTING SIDEWALKS...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.

Mark Wallace
Appellant Name (Please Print)

Representative Name (Please Print)

2000 Mallory Ln
Address

Address

Suite 130-541
City, State, Zip Code
Franklin TN, 37067

City, State, Zip Code

POC: MARK WALLACE 615-852-8573
e-mail: markwallacedc@yahoo.com

Phone Number

Email

Email

Appeal Fee: 200⁰⁰



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



**ZONING BOARD APPEAL / CAAZ - 20180066930
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 10505026700

APPLICATION DATE: 10/22/2018

SITE ADDRESS:

1112 WADE AVE NASHVILLE, TN 37203
LOT 33 BRANSFORD RLTY CO RESUB PT A B HILL

PARCEL OWNER: FRANKLIN SUNAPEE GP

CONTRACTOR:

APPLICANT:

PURPOSE:

BZA APPEAL...2018-677

3 Units within one Building for 1112 Wade Townhomes development. RM20, UZO

You are NOT eligible to contribute to the Pedestrian Benefit Zone in-lieu of construction because the parcel is within the UZO.

DENIED:

1....Rejected, does not meet 7500 sq ft minimum lot area for RM20 Zoning....EXISTING AT 40X150= 6000 SQFT PER SURVEY....17.12.020B.

2.....REQUEST NOT TO UPDATE NOR CONTRIBUTE TO SIDEWALK FUND....EXISTING SIDEWALKS...17.20.120.

POC: MARK WALLACE 615-852-8573

e-mail: markwallacedc@yahoo.com

MAX HT AT SETBACK LINE 30' WITH A 2' VERTICAL TO 1' HORIZONTAL SLOPE RATIO...SIDE SETBACKS MIN 5'...REAR MIN 20'....NO FAR...NEED 30% GREEN SPACE....
STREET SETBACK MIN 30'...PARKING 3 X 1.5 =4.5 SPACES..MINUS 10% FOR BUS ROUTE W/IN 660'. 4 SPACES.....SEE PLAN.....

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
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10505055000

105053F00100CO

10505025700

105053F00200CO

R8

10505025600

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10505025500

SP(R)

325

105050W00300CO

105050W90000CO

10505026700

10505026800

150

105050U01000CO

849 ALY

173

145

680 ALY

161

105050W00200CO

105050W00100CO

10505026900

RM20

105050U00100CO
105050U90000CO

161

1.63

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4045s

40

WADE AVE

43

40

40

40

40

10509011800

10509014100

10509014000

10509013900

10509013800

10509013700

10509013600

14S

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APPELLANT

10/22/18

DATE

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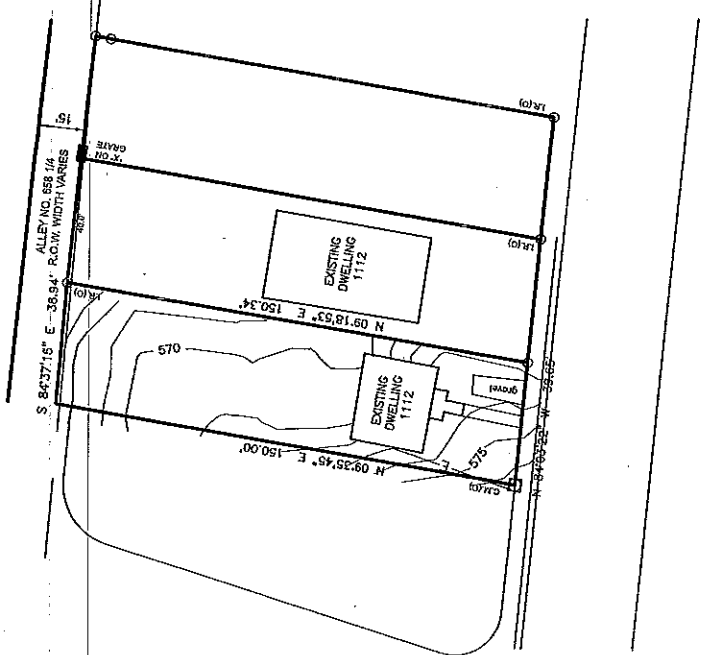
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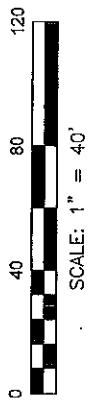
See Letter

Surveyor's Notes:

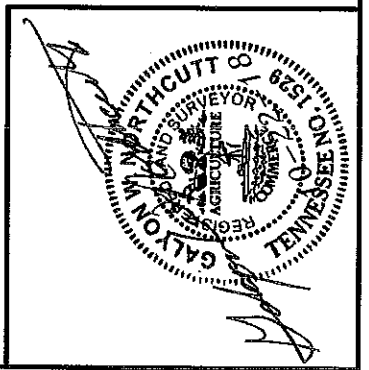
1. All bearings are magnetic and do not necessarily match a previously recorded plat.
2. This property may be subject to easements either recorded or unrecorded not available to this surveyor at the time of this survey but which may be revealed by a thorough title search.
3. Before construction or excavation is done, the contractor or owner must call Tennessee One Call to locate any underground utilities.
4. (XX) Denotes parcel number from Tax Map 105-05.



PLOT PLAN FOR:
 FRANKLIN SUNAPEE GROUP
 1112 WADE AVENUE
 NASHVILLE, TN 37203
 MAP 105-05 PARCEL 267
 INST # 20130829-0091513
 DATE: OCTOBER 22, 2018



Gailyon W. Northcutt
 2607 Forest View Drive
 Antioch, TN 37013
 TN RLS #1529
 615-406-8761



10505055000

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10505025700

105053F00200CO

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SP(R)

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105050W90000CO

10505026700

10505026800

150

105050U01000CO

849 ALY

173

145

105050W00100CO

105050W00200CO

10505026900

16.63

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RM20

4045s

40

105050U00100CO
105050U90000CO

WADE AVE

43

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10509013700

10509013600

14S

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-677 (1112 Wade Avenue)

Metro Standard:	4' grass strip, 5' sidewalk as defined by the Metro Local Street standard
Requested Variance:	Not upgrade sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	RM20
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	Property 400' from #17 – 12 th Avenue South; Future Rapid Bus per nMotion
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant is proposing a new triplex residential building, and requests a variance due to the presence of existing sidewalks. Planning evaluated the following factors for the variance request:

- (1) A 2' grass strip and 5' sidewalk exists along the entire property frontage, which is consistent with adjacent properties along the block face.
- (2) Staff sees no unique hardship to sidewalk construction.

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 Local Street standard.

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Subject: BZA positions for Dec. 6 meeting
Date: Tuesday, November 20, 2018 7:31:14 PM

Board members,

You have quite the task ahead of you for this meeting's agenda! Below are my positions on the District 17 items on the Dec. 6 agenda:

2018-522: **Deny**
2018-619: **Strongly deny**
2018-637: **Support**, as applicant has spoken with me
2018-638: **Deny**
2018-644: **Deny**
2018-662: **Strongly deny** based on resident complaints
2018-671: **Deny**
2018-672: **Deny**
2018-677: **Strongly deny**

Thank you, as always, for your service, and Happy Thanksgiving!

Colby

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

2018-677
OPPOSE

Dear zoning board members:

I am writing this letter to show my OPPOSITION toward appeal case 2018-677, permit #20180066930.

My name is Guozhen Luo and I live at 1022 Argyle Avenue, 37203 with my family. Mark Wallace filed an appeal for the property located at 1112 Wade Avenue. The hearing is scheduled at 12/6/2018 1PM. Unfortunately, I can't appear in person. But I would like to express my opposition with this letter.

I am attaching the original letter from metro zoning board.

Sincerely

Guozhen Luo



11/13/2018

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Capital Invest, LLC
Property Owner: Capital Invest, LLC
Representative: Aziz Ashurov

Date: 10/22/18
Case #: 2018-678
Map & Parcel: 07110009601

Council District 2

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

Purpose: New Residential Construction
single family

Activity Type: Residential Construction

Location: 520 Weakley Ave

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

Reason: Request 20ft front setback

Section(s): 17.12.030 C-3

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.

Capital Invest, LLC
Appellant Name (Please Print)

Aziz Ashurov
Representative Name (Please Print)

728 Crestmark DR
Address

728 Crestmark DR
Address

MT Juliet TN 37122
City, State, Zip Code

MT Juliet TN 37122
City, State, Zip Code

6157077000
Phone Number

6157077000
Phone Number

azizjona@yahoo.com
Email

azizjona@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**



3571526

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2018067045
THIS IS NOT A PERMIT**

PARCEL: 07110009601

APPLICATION DATE: 10/23/2018

SITE ADDRESS:

520 WEAKLEY AVE NASHVILLE, TN 37207
P/O LOTS 38 & 39 WEAKLEY & DOBBS SUB

PARCEL OWNER: CAPITAL INVEST, LLC

APPLICANT:**PURPOSE:**

PERMIT TO CONSTRUCT SINGLE FAMILY RESIDENCE... ..SQFT LIVING SPACE... ..44' MINIMUM FRONT SETBACK...5'
MINIMUM SIDE SETBACK... ..20' REAR SETBACK... ..MAXIMUM HEIGHT 3 STORIES/45 FEET... ..

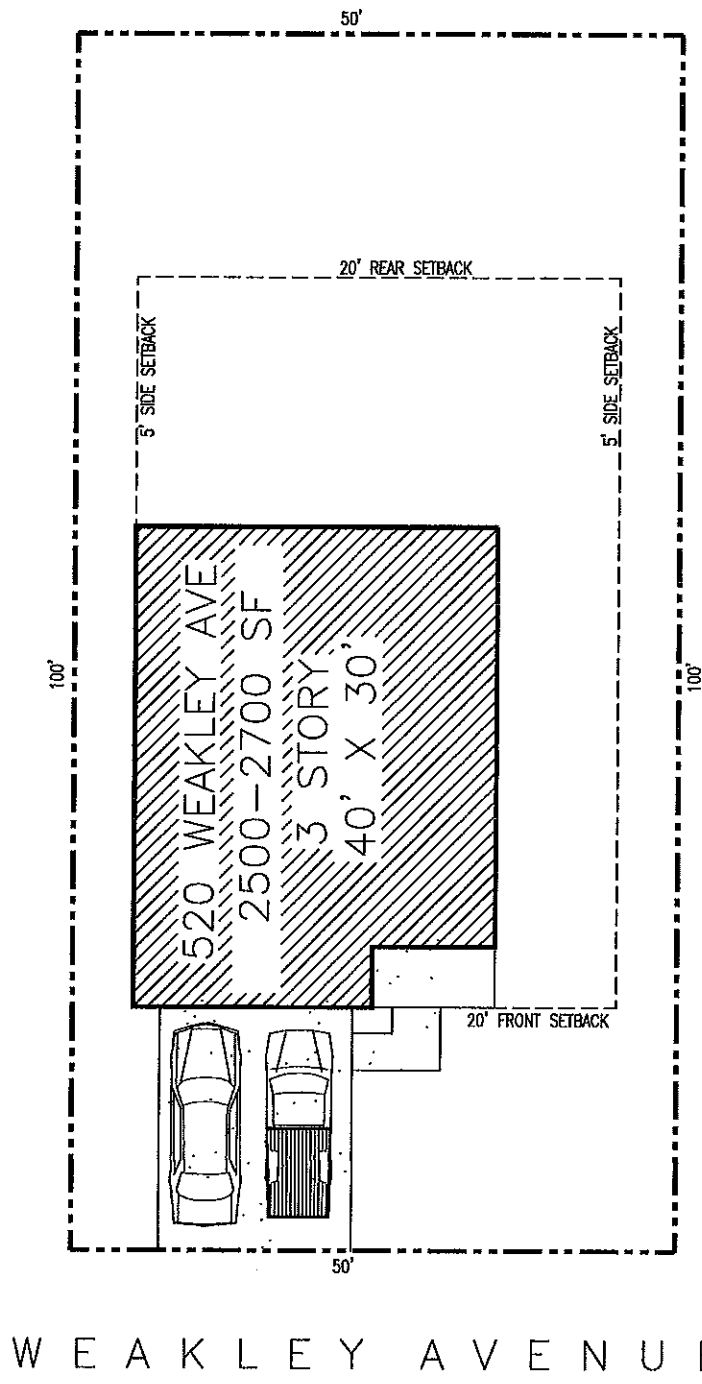
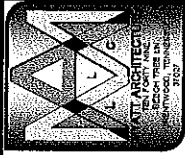
REQUEST 20' FRONT SETBACK AS SHOWN ON TABLE 17.12.030 A FOR RS5 ZONING DISTRICT/LOCAL STREET

REJECTED: 44' STREET SETBACK ALONG WEAKLEY AVE REQUIRED PER 17.12.030 C-3

POC:AZIZ ASHUROV 615-707-7000

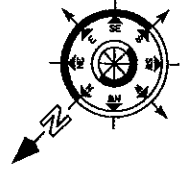
*Before a building permit can be issued for this project, the following approvals are required.
The Applicant is responsible for providing any plans or other information to the individual agencies*

[A] Site Plan Review	REJECTED	Thomas.Corcoran@nashville.gov
[A] Zoning Review	REJECTED	Thomas.Corcoran@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	Thomas.Corcoran@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		
[B] Fire Life Safety Review On Bldg App		862-5230
[E] Sewer Availability Review For Bldg		862-7225
[E] Sewer Variance Approval For Bldg		
[E] Water Availability Review For Bldg		862-7225
[E] Water Variance Approval For Bldg		
[A] Bond & License Review On Bldg App		
[A] Noise Mitigation Bldg App Review		
[F] Address Review On Bldg App		862-8781 bonnie.crumby@nashville.gov
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[C] Flood Plain Review On Bldg App		862-6038 logan.bowman@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsI@nashville.gov
[F] Solid Waste Review On Bldg App		862-8782



PROPOSED PLOT PLAN
1" = 10'-0"

PARCEL # 07110009601
520 WEAKLEY AVENUE
NASHVILLE, TENNESSEE 37207



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10/22/18

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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?

I would like to bring the front set back to standard 20 feet to be able to build the bigger house than current 500 sq feet house to increase the land use

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF DAVIDSON COUNTY



Appellant: PRISM PROPERTIES

Date: 10/23/2018

Property Owner: _____

Case #: 2018-680

Representative: CATALYST

Map & Parcel: 082

DESIGN GROUP

04019500

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 single family residence.

Activity Type: Single family

Location: 0 Sharpe Ave.

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: a variance from front setback requirements

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.

PRISM PROPERTIES
Appellant Name (Please Print)

CATALYST DESIGN GROUP
Representative Name (Please Print)

Address

5016 CENTENNIAL BLVD, SUITE 200
Address

City, State, Zip Code

NASHVILLE, TN 37209
City, State, Zip Code

Phone Number

615 866 2410
Phone Number

PRISM PROP@YAHOO.COM
Email

YOUNGKINGHAM@CATALYST-DA.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



3571552

ZONING BOARD APPEAL / CAAZ - 20180067064
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08204019500

APPLICATION DATE: 10/23/2018

SITE ADDRESS:

0 SHARPE AVE NASHVILLE, TN 37206
PT LOT 88 THORNBY PLACE

PARCEL OWNER: SCHEIBE, STEVE

CONTRACTOR:

APPLICANT:

PURPOSE:

Requesting a front setback variance for proposed residence to be constructed on property. 30.42' front contextual setback required. providing 20'. requesting a 10.42' front setback variance. 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.

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.

Steve Scheibe

 APPELLANT

October 23, 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.

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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?

EXISTING SHAPE AND SIZE ALONG WITH REQUIRED SETBACKS MAKES PROPERTY DIFFICULT TO DEVELOP.

EXISTING DRAINAGE FEATURE THROUGH PROPERTY CREATES A HARDSHIP AND SUBSTANTIALLY REDUCES USEABLE AREA.



5016 Centennial Blvd, Suite 200
Nashville, TN 37209
615.866.2410
catalyst-dg.com

Re: Sharpe Avenue Townhomes
Variance Request – Front Setback
Nashville, Tennessee

October 23, 2018

Mr. David Ewing, Chairman
Metropolitan Board of Zoning Appeals
Metropolitan Codes Department
Metro Office Building
800 2nd Avenue South
Nashville, Tennessee 37210

Dear Mr. Ewing:

On behalf of our client Steve Scheibe of Prism Properties, we are submitting a Variance Request for the proposed development of a property located at **0 Sharpe Avenue, Map 082, Parcel 04019600**. The requested variance is as follows:

1. **Front Setback** – The Metropolitan Code specifies in Section 17.12.030 – Street Setbacks, Table 17.12.030B that property within the RM20 zoning district shall have a 30'-0" front setback. The applicant proposes to use a 20'-0" front setback rather than the code established 30'-0". This variance is requested for the following reasons and hardships:
 - a. **Physical Characteristics of the Property:** The above referenced property is located at the end of Sharpe Avenue and directly abuts an active rail line. Its current zoning requires a landscape buffer from the adjacent zoning. These items reduce the overall useable area, which is furthermore reduced by a 30'-0" setback.
 - b. **Unique Characteristics:** A large regional drainage swale runs through the property. Based on the physical characteristics of the swale, additional buffers are required. The drainage feature and associated buffer reduces the useable area by 25%.
 - c. **No Injury to Neighboring Property:** The only neighboring property will be buffered by a required, 10'-0" minimum Type B landscape buffer. Furthermore, the location of the property will likely require the owner to provide significant improvements in the neighborhood by extending public road to create an area for a fire truck to turn around, extend a 60" culvert and improve approximately 350-400' of currently undersized public waterline all of which are improvements that would not be constructed otherwise.
 - d. **No Harm to Public Welfare:** As mentioned in Item C, the developer will likely be required to provide substantial improvements that will be beneficial to both the neighboring residents, overall neighborhood and city.

These items are also outlined in the attached Exhibits. While the variance request is minimal and is for only a 10'-0" relief, we believe this is enough to provide the developer with some additional flexibility in building sizes and offsets the hardships listed above. For the reasons outlined above, we ask that the

Variance Request – Front Setback
Re: Sharpe Avenue Townhomes
Project # 20180104
Nashville, Tennessee

October 23, 2018

Board of Zoning Appeals consider and grant our request to use a 20'-0" front setback rather than the code required 30'-0" front setback in the development of this parcel.

Please contact our office at (615) 866-2410 or jcunningham@catalyst-dg.com should any questions arise. Thank you and we look forward to working with you on this project.

Best Regards,

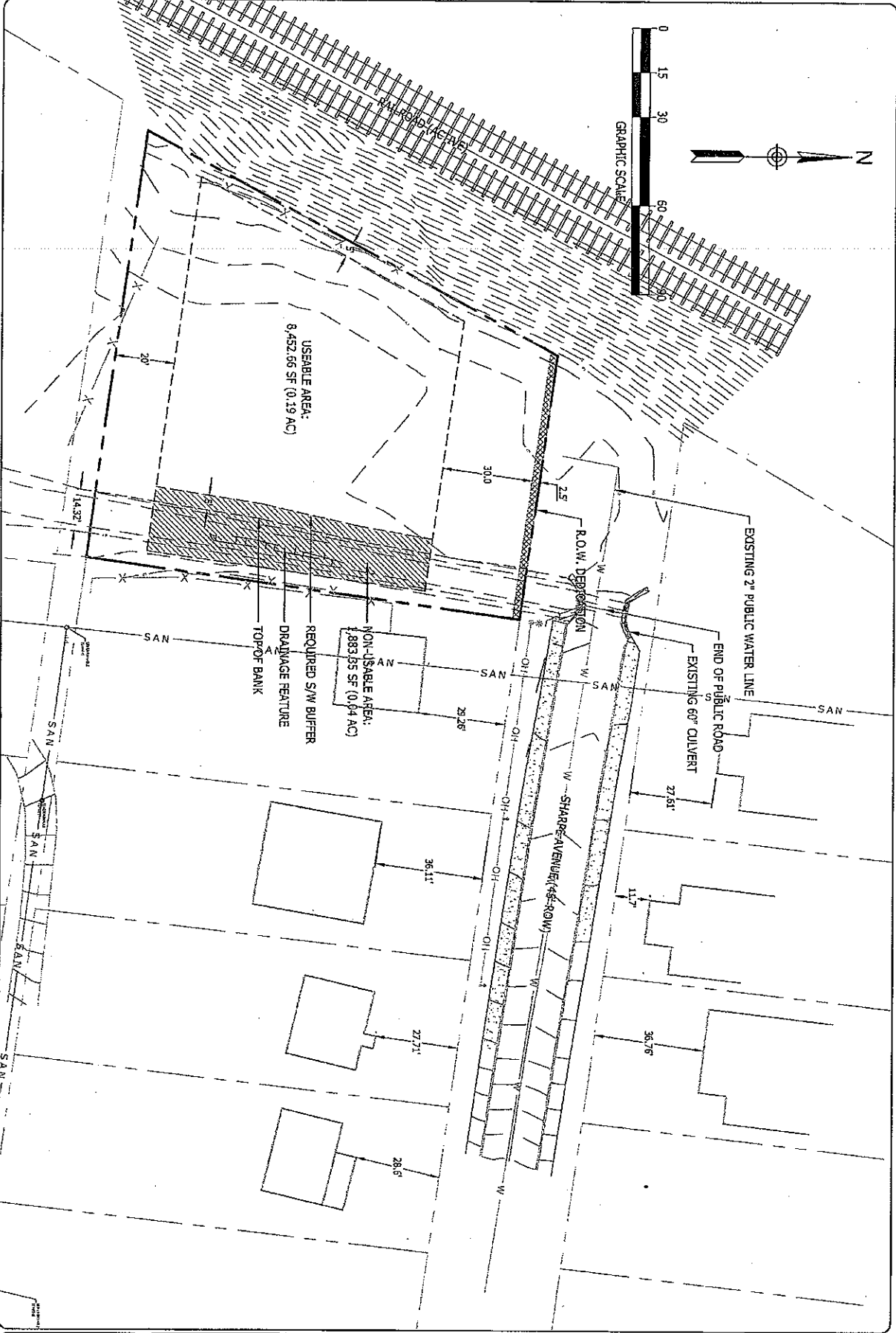
Catalyst Design Group



Jared A. Cunningham, PLA, ASLA
Project Manager / Landscape Architect

Enclosure(s)

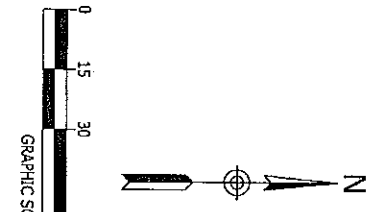
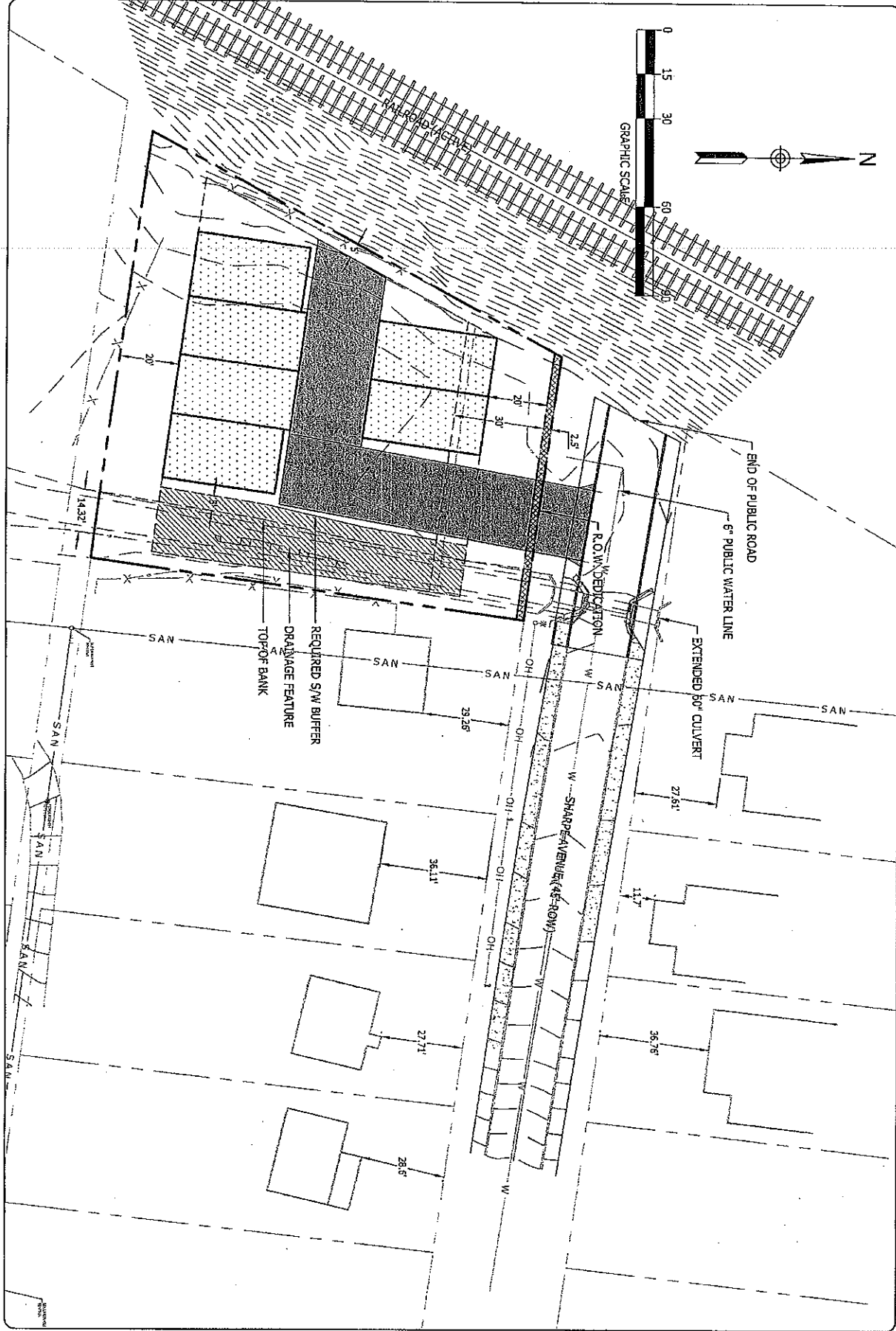
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2018-680

EXHA	EXHIBIT A - EXISTING CONDITIONS	BOARD OF ZONING APPEALS - VARIANCE SUBMITTAL SHARPE AVENUE TOWNHOMES 0 SHARPE AVENUE NASHVILLE, TN 37206 DAVIDSON		PRISM PROPERTIES P.O. BOX 1024 NASHVILLE, TN 37203 615-828-4458	 5224 EXTENSIVE BLVD., SUITE 200, NASHVILLE, TN 37209 (615) 219-2100 WWW.CATALYST-DSG.COM																																	
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EXH-B	EXHIBIT B - SITE PLAN	BOARD OF ZONING APPEALS - VARIANCE SUBMITTAL SHARPE AVENUE TOWNHOMES 0 SHARPE AVENUE NASHVILLE, TN 37206 DAVIDSON		PRISM PROPERTIES P.O. BOX 1624 NASHVILLE, TN 37203 615-818-8668	
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PRISM PROPERTIES
P.O. BOX 1024
NASHVILLE, TN 37203
615-828-4668



BOARD OF ZONING APPEALS - VARIANCE SUBMITTAL
SHARPE AVENUE TOWNHOMES
0 SHARPE AVENUE
NASHVILLE, TN 37206
DAVIDSON

NO.	DATE	DESCRIPTION

DRAWING TITLE
EXHIBIT B - SITE PLAN
PROJECT NUMBER
20180104
DRAWING NUMBER
EXH-B



P:\2018\20180104.dwg (Exhibit) 20180104_Exhibit-03.dwg-EXH-B-02 Oct 22, 2018 yammingham

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Tony McKay Date: 10/23/18
Property Owner: William Pillow Case #: 2018-681
Representative: Tony McKay Map & Parcel: 92-1-91

Council District _____

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

Purpose: Existing Residential Structure
① use as triplex
② codes shown as S.F. or Duplex

Activity Type: Triplex
Location: 1027 31st Ave N N.T. 37209

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: Triplex,
Section(s): 17.40.180 A

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.

Tony McKay
Appellant Name (Please Print) Representative Name (Please Print)

Address Address

City, State, Zip Code City, State, Zip Code

615-507-8595
Phone Number Phone Number

tony@tonymckay.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



3571660

ZONING BOARD APPEAL / CAAZ - 20180067152
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09201009100

APPLICATION DATE: 10/23/2018

SITE ADDRESS:

1027 31ST AVE N NASHVILLE, TN 37209
LOT 4 BLK 24 LONG & ASHWORTH SUB MIDWAY

PARCEL OWNER: PILLOW, WILLAIM ARMSTEAD III & ET AL

CONTRACTOR:

APPLICANT:**PURPOSE:**

REQUEST TO USE EXISTING RES AS A TRIPLEX...
BZA...NO CHANGE IN USE

ITEM A.....CODES SHOULD CONSIDER THIS A TRIPLEX.

17.40.180 A.

POC: TONY MCKAY 615-507-8595

tony@tonymckay.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.

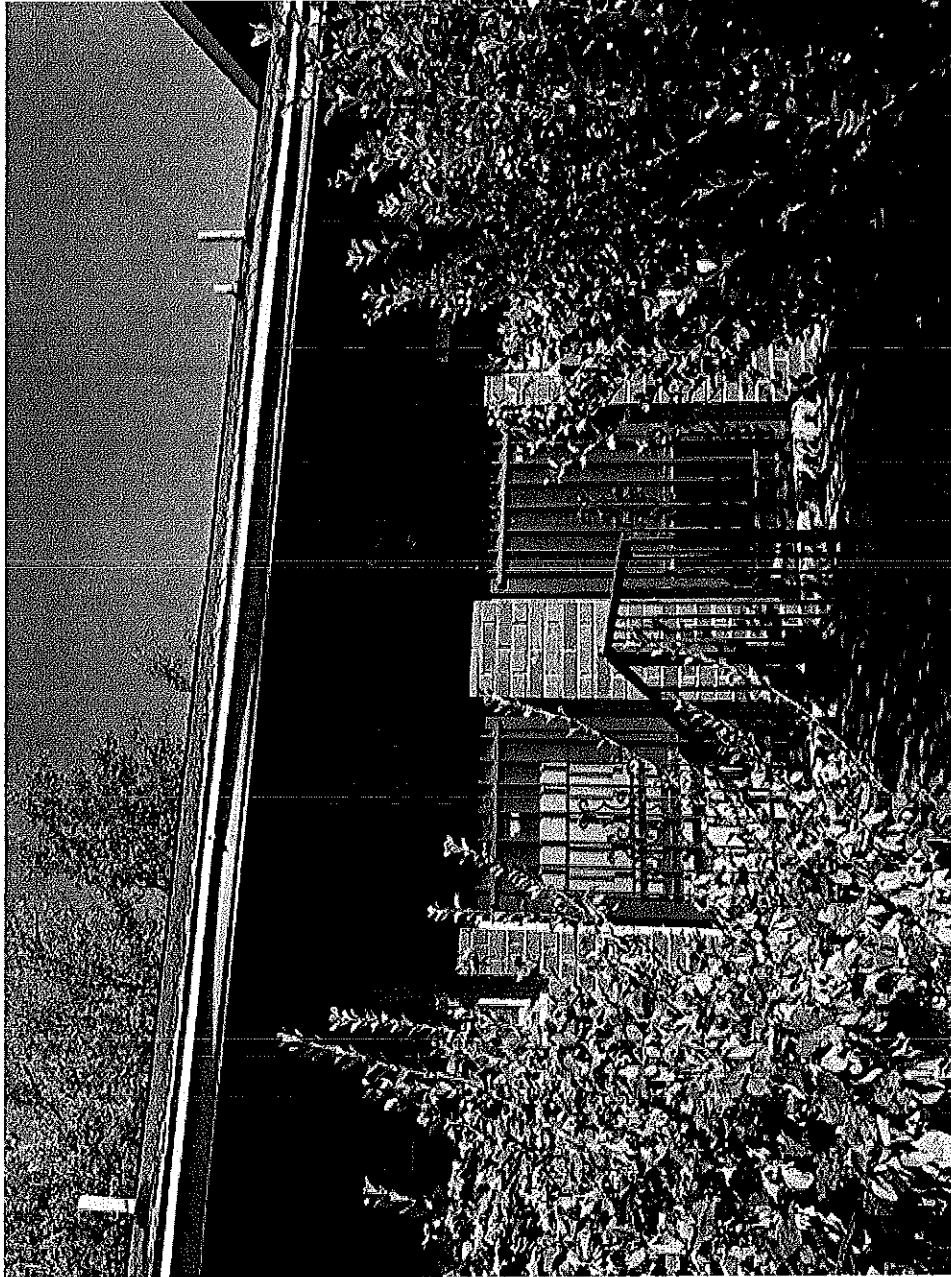


















2018-681
OPPOSE

11/29/18

John Kamler

1025 31st ave N.

Nashville, TN 37209

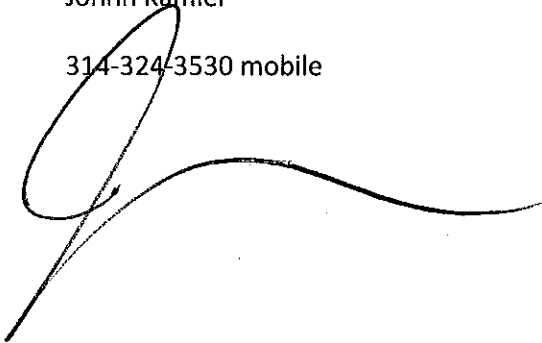
To whom it may concern. I have tried to call several times and have left messages about the zoning hearing about the property next door to me. I am writing to protest against the change in zoning. This property needs to remain a single family home as it would greatly decrease the value of my property and my neighbors properties as well. I already have an issue with the 1027 property as they have built an addition over onto my property which will be taken care of soon. I have spoken to my real estate agent and a property appraiser and both agree that allowing this property to become a tri-plex will be detrimental to the neighborhood. I am also writing to remain anonymous to prevent any hurt feelings.

If you have any questions please feel free to contact me any time.

Regards

Johnn Kamler

314-324-3530 mobile

A handwritten signature in black ink, appearing to be 'Johnn Kamler', with a long horizontal flourish extending to the right.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Purser Architecture
Property Owner: John Paul Andrews
Representative: Dave Purser

Date: 10-23-18
Case #: 2018-686
Map & Parcel: 85-3-2-D-900600
Co

Council District 7

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

Purpose: To construct a 900 sq ft detached accessory building

Activity Type: ~~1413 Riverside Drive~~ Accessory Bldg

Location: 1413 ~~EC~~ Riverside Drive

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: Variance in rear setback

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 B Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Same
Appellant Name (Please Print)

Dave Purser
Representative Name (Please Print)

Address

2819 Columbine Place Ste 5
Address

City, State, Zip Code

Nashville, TN 37204
City, State, Zip Code

Phone Number

615-943-8615
Phone Number

Email

Dave@padp1lc.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**



3571727

**ZONING BOARD APPEAL / CAAZ - 20180067201
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 083032D90000CO

APPLICATION DATE: 10/23/2018

SITE ADDRESS:

1413 C RIVERSIDE DR NASHVILLE, TN 37206
COMMON AREA 1413 RIVERSIDE DRIVE TOWNHOMES

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

EXISTING HPR....WITH AN UNIMPROVED ALLEY...TO REAR...

REQUEST TO INSTALL ONE 900 SQFT DETACHED ACCESSORY BLDG....USING 50% FOOTPRINT OF THE HPR'S....

DENIED: REQUIRED REAR SETBACK MIN 20'...REQUEST 3'.

17.12.020...

POC: DAVE PURSER 615-943-8615

Dave@padpllc.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.

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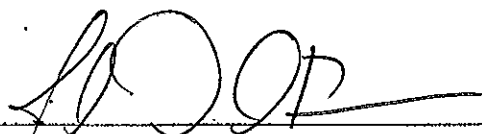
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Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

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

John David Pureser, Chief Manager
 Pureser Architecture & Design, PLLC
 on behalf of Paul & Jessica Andrews

10.22.18

 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.

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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.

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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?

The property topography in the rear yard presents a hardship such that the area suitable for building is significantly reduced. We request a 17'-0" variance to the required 20'-0" rear yard setback in order to recapture rear yard area that is suitable for building an accessory structure.

2018-686

From: Davis, Anthony (Council Member)
Anthony.Davis@nashville.gov
Subject: RE: Help with variance on Riverside Dr.
Date: Dec 1, 2018 at 7:22:40 PM
To: Paul Andrews pan@Dpamicrophones.Com

Hey Paul,

Little late to get something in there, my staff usually handles this a week before.

However, if you are at the BZA meeting, you can pass along, if your immediate neighbors are for it, then I am good, if not, than I am not, simple as that! If you did the work and spoke with your neighbors, than I am good.

Thanks, and good luck Monday!

Anthony Davis
Nashville Metro Council, District 7
anthony.davis@nashville.gov
[615-775-8746](tel:615-775-8746)

From: Paul Andrews [pan@Dpamicrophones.Com]
Sent: Friday, November 30, 2018 3:23 PM
To: Davis, Anthony (Council Member)
Subject: Help with variance on Riverside Dr.

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

Good Day Mr. Davis,

I hope this email finds you well.

My name is Paul Andrews,.. My wife Jessica and I are hoping to build a private recording studio in our backyard here in East Nashville at 1413 Riverside Dr.

We've recently moved here from Colorado and are super excited to be part of the community.

As we look into the logistics of an outbuilding in the backyard we understand a variance is required to meet the 1000 sf we are hoping to build. The main problem we have is a small swale way that cuts through our backyard that sometimes has water run through when it rains. Not wanting to disturb this, we would like to push the studio back away from it,.. which would then impose on the required 20' setback to the back of lot.

If I understand it correctly, if we were to limit our square footage to 673' we wouldn't need the variance to adjust the setback from 20' to 3' from back of lot. This unfortunately is just too small and wouldn't be worth building.

The really neat thing about this lot is that it backs up to an awesome wooded area that goes back several blocks behind the house. This is not only beautiful, but it also ensures that no one will be affected by a 3' off set as opposed to a 20'.

Our hope is that you would be willing to put in a good word for us so that we can have the 3' back of lot variance approved and we can

build accordingly.

Here's a picture of the backyard for your reference.

[cid:07025DB6-4B4C-4E95-8147-987B65621251@attlocal.net]

Here you can see the swale way that cuts from the right to the left at the bottom of the picture and the existing 20' setback that basically cuts our buildable area in half.

We have an appeal hearing this coming Thursday at 1pm and need to have any letters etc. submitted by this coming Monday the 3rd by noon. Our appeal case number is: 2018-636

So sorry for the late contact regarding this but we only learned about this today... 😊

Thank you so much for your time and any help would be very appreciated.

Kind Regards,

Paul Andrews

Global Sales Support & Business Development Manager

pan@dpamicrophones.com<mailto:pan@dpamicrophones.com>

720-597-1210

[cid:6B07E0B6-905B-4A06-934F-5AA4ECF5C5CD]

11/30/18

Appeal Case Number: 2018-686

To whom it my concern,

I William E. Brock, homeowner at 1413B Riverside Dr. Nashville TN 37206 fully support Paul Andrews and his request for a variance at 1413A Riverside Dr. Nashville TN 37206.

Thank you,

A handwritten signature in black ink, appearing to read 'W. Brock', written in a cursive style.

William Brock
1413 B Riverside Dr.
Nashville, TN37206

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Mary Cooper

Date: 10/23/18

Property Owner: _____

Case #: 2018-687

Representative: Mary Cooper

Map & Parcel: 08308015200

Council District 06

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

Purpose: to construct a second
single family residence.

Activity Type: single family

Location: 619 Rosebank Ave.

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 variance from sidewalk requirements

Section(s): 17.20.120

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

MARY C. COOPER
Appellant Name (Please Print)

Representative Name (Please Print)

506 UENES ST.
Address

Address

OLD HOWARD, TN 37130
City, State, Zip Code

City, State, Zip Code

423.991.3274
Phone Number

Phone Number

COOPER.MC@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**



3571770

**ZONING BOARD APPEAL / CAAZ - 20180067226
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08308015200

APPLICATION DATE: 10/23/2018

SITE ADDRESS:

619 ROSEBANK AVE NASHVILLE, TN 37206
LOT 2 SEC 1 MEADOW ROSE PARK

PARCEL OWNER: WRIGHT, MARY J.

CONTRACTOR:**APPLICANT:****PURPOSE:**

per METZO section 17.20.120, requesting a sidewalk variance to construct an addition residence on property to convert to HPR.

*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.

October 22, 2018

To Whom It May Concern,

This is a letter requesting a variance regarding the sidewalks at our property, 619 Rosebank 37206.

We would like to build a second structure on the back half of the lot and this will require us to bring the sidewalks up to code, requiring us re-do the front sidewalk (Rosebank) and create new sidewalks on the side street (Meadow Rose).

For the front sidewalk (Rosebank) we are requesting a variance based on the following hardships :

- There is already a sidewalk in place and it is the only sidewalk on the street, so adjusting the placement would not add any visual cohesion for the street.
- We would have to remove several hedges and bushes
- We would have to remove mature trees
- We would have to move and replace the fire hydrant

We propose to leave the front sidewalk (Rosebank) as is, and add new sidewalk on the side street (Meadow Rose).

For the side street (Meadow Rose), the code requests 4 feet of grass and 6 feet of sidewalk. We would like to have 10 feet of grass to avoid paving over the main water lines for the street to avoid having to bust through the sidewalk during any future water line repairs or adjustments. We would tie this new sidewalk into the existing front sidewalk for continuity.

Include with the letter is a scaled plan showing the layout if these requests are granted.

Thank you for your thoughtful consideration regarding these requests.

Sincerely,

MC Cooper
423.991.3274



Jill Weida
615.417.7075

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.

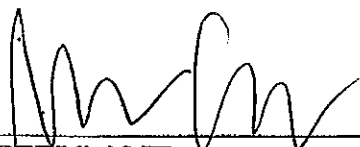
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

10.22.19

 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?

MOVEMENT TEMP OUT OF BUSHES, MATURE
TREES, FIRE HYDRANT, CURBENT SIDEWALK

2018-687

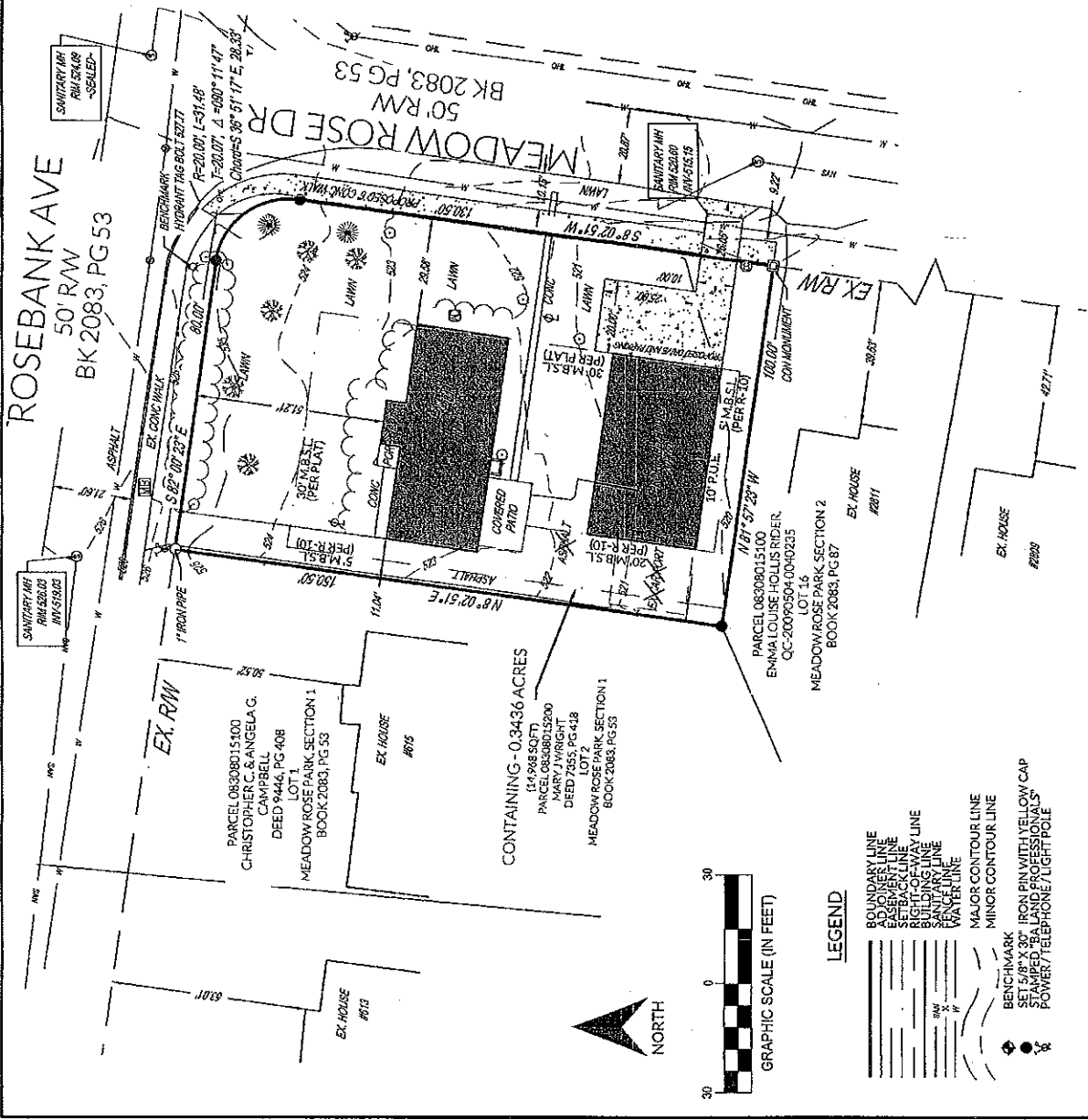
SURVEY NOTES

1. NORTH-AND BEARING SYSTEM IS REFERENCED TO THE RECORDED PLAT OF MEADOW PARK SECTION 1, AS RECORDED IN BOOK 2083, PAGE 53 AND A SURVEY PERFORMED BY BALAND PROFESSIONALS ON SEPTEMBER 6TH, 2018.
2. THIS SURVEY WAS PERFORMED BY BALAND PROFESSIONALS ON SEPTEMBER 6TH, 2018.
3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO THE PARCEL SHOWN HEREON WERE OBTAINED THROUGH STANDARD RESEARCH.
4. ALL UTILITIES ARE SHOWN TO THE BEST OF OUR KNOWLEDGE AND ARE BASED ON LOCATIONS TAKEN FROM OBSERVED EVIDENCE ONLY. NO CERTIFICATION IS MADE OR GIVEN THAT THE UTILITIES SHOWN ARE CORRECT OR THAT ALL UTILITIES IN THE FORM OF STORMSEWER, ELECTRIC, TELEPHONE CABLE, NATURAL GAS, AND DOMESTIC WATER ARE ALL LOCATED EITHER ON THE SUBJECT PROPERTY OR WITHIN THE PUBLIC RIGHT-OF-WAY ADJOINING SAID PARCEL.
5. THIS IS NOT A RECORDABLE DOCUMENT FOR TRANSFER OF TITLE.
6. ALL DATA SOURCES, DOCUMENTS AND RECORDS SHOWN HEREON ARE ON FILE IN THE DAVIDSON COUNTY RECORDERS OFFICE LOCATED IN NASHVILLE, TN.
7. THE ABOVE EASEL IS AVAILABLE VIA ROSEBANK AVE.
8. SETBACKS SHOWN ARE BASED ON THE EASEL IN MEADOW PARK SECTION 1, AS RECORDED IN BOOK 2083, PAGE 53 AND ON DISTRICT BULK TABLES IN 17.12.020 OF THE ZONING CODE OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY TENNESSEE (CURRENT ZONING "R-10").
9. FRONT SETBACK (SHOWN 00.00') IS FROM THE RECORDED PLAT OF MEADOW PARK SECTION 1, AS RECORDED IN BOOK 2083, PAGE 53.



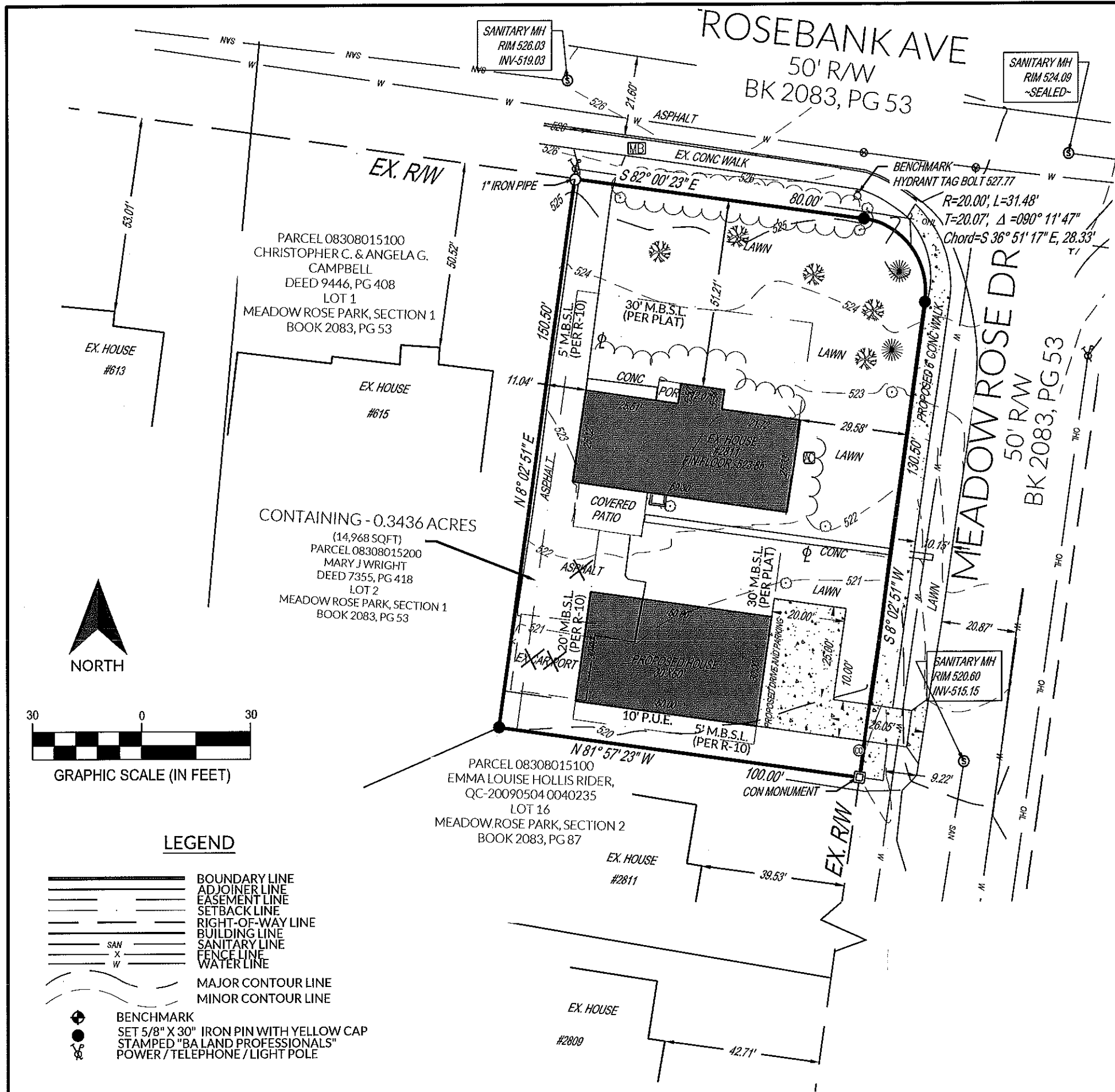
SIGNED _____ DATE 10/22/2018
 DONOVAN BENSON
 TN RLS #3046
 BENSON@BALANDPROFESSIONALS.COM
 937.286.5043

PRELIMINARY SITE PLAN	
MC COOPER	
618 ROSEBANK AVE NASHVILLE	11TH COUNCIL DISTRICT DAVIDSON COUNTY, TENNESSEE
SCALE: 1"=30'	DATE: 10/22/2018
DESIGN: N/A	JOB NO.: 18-0226
DRAWN: DPB	SHEET NO.:
CHECKED: JBA	1 OF 1
BA LAND PROFESSIONALS	



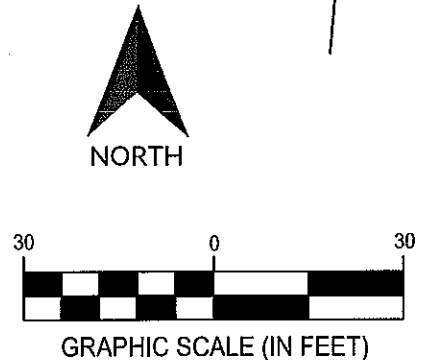
28-LAND-PROF-SAL-LAND-PROF-28-18-0226-0005-MC COOPER 618 ROSEBANK AVE PRELIM SITE PLAN - 10/22/2018 2:44 PM

2018-687



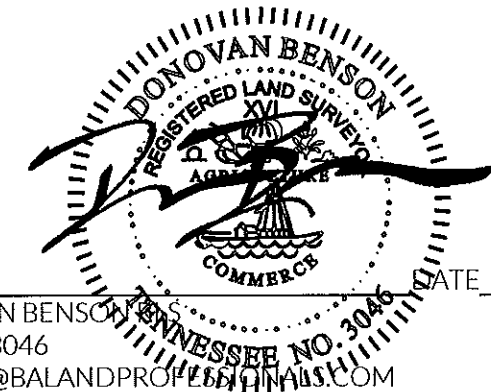
SURVEY NOTES

1. NORTH AND BEARING SYSTEM IS REFERENCED TO THE RECORDED PLAT OF MEADOW PARK, SECTION 1, AS RECORDED IN BOOK 2083, PAGE 53 AND A SURVEY PERFORMED BY BALAND PROFESSIONALS ON SEPTEMBER 6TH, 2018.
2. VERTICAL DATUM IS REFERENCED TO OPUS SOLUTION 07702490.180 AND A SURVEY PERFORMED BY BALAND PROFESSIONALS ON SEPTEMBER 6TH, 2018.
3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO THE PARCEL SHOWN HEREON WERE OBTAINED THROUGH STANDARD RESEARCH.
4. ALL UTILITIES ARE SHOWN TO THE BEST OF OUR KNOWLEDGE AND ARE BASED ON LOCATIONS TAKEN FROM OBSERVED EVIDENCE ONLY. NO CERTIFICATION IS MADE OR IMPLIED THAT THE UTILITIES SHOWN ARE CORRECT OR THAT ALL UTILITIES ARE SHOWN.
5. UTILITIES IN THE FORM OF STORM SEWER, ELECTRIC, TELEPHONE, CABLE, NATURAL GAS, AND DOMESTIC WATER ARE ALL LOCATED EITHER ON THE SUBJECT PROPERTY OR WITHIN THE PUBLIC RIGHT-OF-WAY ADJOINING SAID PARCEL.
6. THIS IS NOT A RECORDABLE DOCUMENT FOR TRANSFER OF TITLE.
7. ALL DATA SOURCES, DOCUMENTS AND RECORDS SHOWN HEREON ARE ON FILE IN THE DAVIDSON COUNTY RECORDER'S OFFICE LOCATED IN NASHVILLE, TN.
8. ACCESS TO THE SUBJECT PARCEL IS AVAILABLE VIA ROSEBANK AVE.
9. SETBACKS SHOWN ARE BASED ON THE RECORDED PLAT OF MEADOW PARK, SECTION 1, AS RECORDED IN BOOK 2083, PAGE 53 AND ON DISTRICT BULK TABLES IN 17.12.020 OF THE ZONING CODE OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY TENNESSEE (CURRENT ZONING "R 10").
10. FRONT SETBACK SHOWN (30.00') IS FROM THE RECORDED PLAT OF MEADOW PARK, SECTION 1, AS RECORDED IN BOOK 2083, PAGE 53.



LEGEND

- BOUNDARY LINE
- ADJOINER LINE
- EASEMENT LINE
- SETBACK LINE
- RIGHT-OF-WAY LINE
- BUILDING LINE
- SANITARY LINE
- FENCE LINE
- WATER LINE
- MAJOR CONTOUR LINE
- MINOR CONTOUR LINE
- BENCHMARK
- SET 5/8" X 30" IRON PIN WITH YELLOW CAP
- STAMPED "BALAND PROFESSIONALS" POWER / TELEPHONE / LIGHT POLE



PRELIMINARY SITE PLAN			
619 ROSEBANK AVE NASHVILLE		11TH COUNCIL DISTRICT DAVIDSON COUNTY, TENNESSEE	
SCALE: 1"=30'	DATE: 10/22/2018		
DESIGN: N/A		JOB NO.: 18-0225	
DRAWN: DPB		SHEET NO.:	
CHECKED: JBA		1 OF 1	

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-687 (619 Rosebank Avenue)

Metro Standard:	Rosebank Avenue – 6’ grass strip, 6’ sidewalk, as defined by the Local Street standard
	Meadow Rose Drive – 4’ grass strip, 5’ sidewalk, as defined by the Local Street standard
Requested Variance:	Contribute in lieu of construction on Rosebank Avenue; not construct sidewalks on Meadow Rose Drive
Zoning:	R10
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	Rosebank Avenue – T3-R-CA2
	Meadow Rose Drive – Local Street
Transit:	None existing; none planned
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing a second single family residence on the property, and requests to contribute in lieu of sidewalk construction on the Rosebank Avenue frontage, and requests a variance from sidewalk construction on the Meadow Rose Drive frontage. Planning evaluated the following factors for the variance request:

- (1) A 5’ sidewalk without a grass strip currently exists along the Rosebank Avenue frontage, which is consistent with all of Rosebank Avenue. Utility poles, a fire hydrant, as well as bushes and mature trees are directly behind the existing sidewalk.
- (2) No sidewalk currently exists along Meadow Rose Drive frontage.

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 Rosebank Avenue property frontage.
3. Prior to the issuance of building permits, dedicate right-of-way along the Rosebank Avenue and Meadow Rose Drive property frontages to accommodate future sidewalks per the Major and Collector Street Plan and Local Street standards, respectively.

appeal to the Board at a hearing a few meetings ago. Neighbors and businesses in the vicinity of the 900 blocks of Woodland are experiencing quite a bit of parking congestion. The previous nonconforming parking variance that the Board granted permits the existing pull-in parking spaces to remain. The sidewalk variance is needed in this case because constructing sidewalks to the current standard would render those same parking spaces inaccessible. The current sidewalks are not quite to standard but are usable. In order to be consistent with the nonconforming parking variance that was granted, I ask the board to permit the applicant to keep the existing sidewalks in place in this appeal. For renovation projects, I have been supportive of foregoing in-lieu contributions with the thought that at some point if the building is demolished and the parcel is redeveloped new sidewalks should be constructed to the standard at that time. Therefore, in this building renovation or adaptive reuse case I support permitting the applicant to maintain the existing sidewalks and forego an in-lieu contribution other than making any repairs to abutting sidewalks that Public Works deems necessary.

- Case 2018-665 for property located at 721 Groves Park Road: This is a Contextual Overlay variance application. The applicant is seeking to construct a new single-family home on this property, which has duplex zoning entitlements. The variance seeks to permit a slight overage in lot coverage for the single-family home and to apply the provisions of the Sidewalk Bill to the Tillman Lane frontage rather than to the Groves Park frontage. The applicant made a presentation at the November meeting of Rolling Acres Neighborhood Association and their letter of support should be in your file. I find that there is a lot coverage and setback hardship given the unusual shape of this corner lot and the unusually small size of the existing houses on the two Tillman Lane properties that are adjacent to this lot. I also agree with applying Sidewalk Bill provisions to one side or the other of corner lots, but not both. There are no existing sidewalks in this vicinity and there are utility issues with constructing sidewalks on Groves Park Road. Therefore, I support the applicant's request to apply the Sidewalk Bill requirements to the Tillman frontage whether that be in the form of constructing new sidewalks or contributing to the in-lieu fund. In summary, I support both the Contextual Overlay lot coverage and contextual setback variance requests as well as the Sidewalk Bill variance request for this single-family home project.
- Case 2018-687 for property located at 619 Rosebank Ave: This is a sidewalk variance case for a corner lot located in the Rosebank neighborhood. There are existing sidewalks along the Rosebank Avenue frontage that do not meet current standards for a Collector Street but are usable. There are no sidewalks or curb-and-gutter system along the Meadow Rose frontage. There are utility poles and a fire hydrant behind the existing Rosebank Avenue sidewalks that could be impacted by constructing new sidewalks to standards. There is a culvert drainage system and other utility easements along the Meadow Rose side frontage. The applicant has asked to meet the requirements of the Sidewalk Bill by constructing new sidewalks along the Meadow Rose frontage inset ten feet from the street in order to avoid the culvert drainage system. My understanding is that in order to obtain a building permit Public Works and Metro Water Services would have to sign-off on a variance to construct sidewalks but not a curb and gutter system along Meadow Rose; therefore, granting a variance to construct a sidewalk but not a curb-and-gutter system along Meadow Rose could still potentially delay construction for an indefinite period of time. It is also my understanding that if Metro were to continue new sidewalks along Meadow Rose that we would need significant right-of-way dedication from homeowners in order to construct sidewalks with ten-foot planting strips. While I appreciate the applicant being willing to construct new sidewalks along the lengthy Meadow Rose frontage with a ten-foot inset, this design would not be continued by Metro and would result in pedestrians walking down the sidewalk and then down the neighbor's driveway. A further consideration is that I do have a Capital Improvements Budget request to add new sidewalks for Rosebank Avenue from Meadow Rose to Eastland across the street from this project and we will need to have an ADA-accessible ramp at this corner in order for pedestrians to access that new sidewalk when it is constructed. In consideration of all of these hardships and unique circumstances, my recommendation is that the applicant not construct new sidewalks on Meadow Rose that Metro would not be likely to continue but rather that they contribute to the in-lieu fund across the Rosebank Avenue property frontage (about 80 feet) minus any costs incurred by requiring them to install a new ADA-compliant corner ramp per Public Works standards.

Brett A. Withers

Metro Council, District 6

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: David Haverkamp Date: 10/23/18
Property Owner: David Wetherston Case #: 2018-688
Representative: David Haverkamp Map & Parcel: 104-16-4C

Council District 18

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

ZONED RM20, UZO

existing single family res.

REQUEST IS TO CONSTRUCT A NEW 2 UNIT BLDG.

You are NOT eligible to contribute to the Pedestrian Benefit Zone in-lieu of construction because the parcel is within the UZO.

Activity Type: Triplex
Location: 1704 Blair Bu N.T. 37212

This property is in the RM20 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 reasons:

Denied:

- 1.....Rejected, does not meet 7500 sq ft minimum lot area for RM20 Zoning....EXISTING AT IRR SHAPED 50 X 139 = 7137 SQFT...17.12.020B.
- 2.....REQUEST NOT TO UPDATE NOR CONTRIBUTE TO SIDEWALK FUND....EXISTING SIDEWALKS...17.20.120.

H2C

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.

David Haverkamp
Appellant Name (Please Print)

David Haverkamp
Representative Name (Please Print)

Address

Address

City, State, Zip Code

City, State, Zip Code

402-578-9293
Phone Number

402-578-9293
Phone Number

dave.haverkamp@gmail.com
Email

dave.haverkamp@gmail.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**



3571848

**ZONING BOARD APPEAL / CAAZ - 20180067286
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 10416004600

APPLICATION DATE: 10/23/2018

SITE ADDRESS:

1704 BLAIR BLVD NASHVILLE, TN 37212
PT LOT 142 BELMONT LAND CO

PARCEL OWNER: WATTERSON, DANIEL J.,JR.

CONTRACTOR:

APPLICANT:**PURPOSE:**

BZA APPEAL...2018-688

ZONED RM20, UZO

existing single family res.

REQUEST IS TO CONSTRUCT A NEW 2 UNIT BLDG.

You are NOT eligible to contribute to the Pedestrian Benefit Zone in-lieu of construction because the parcel is within the UZO.

DENIED:

1....Rejected, does not meet 7500 sq ft minimum lot area for RM20 Zoning....EXISTING AT IRR SHAPED 50 X 139 = 7137 SQFT...17.12.020B.

2.....REQUEST NOT TO UPDATE NOR CONTRIBUTE TO SIDEWALK FUND....EXISTING SIDEWALKS...17.20.120.

POC: DAVID HAVERKAMP 402-578-9293

dave.haverkamp@gmail.com

MAX HT AT SETBACK LINE 30' WITH A 2' VERTICAL TO 1' HORIZONTAL SLOPE RATIO...SIDE SETBACKS MIN 5'...REAR MIN 20'...NO FAR...NEED 30% GREEN SPACE...
STREET SETBACK MIN 30'...PARKING 3 X 1.5 =4.5 SPACES..MINUS 10% FOR BUS ROUTE W/IN 660'. 4 SPACES.....SEE 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

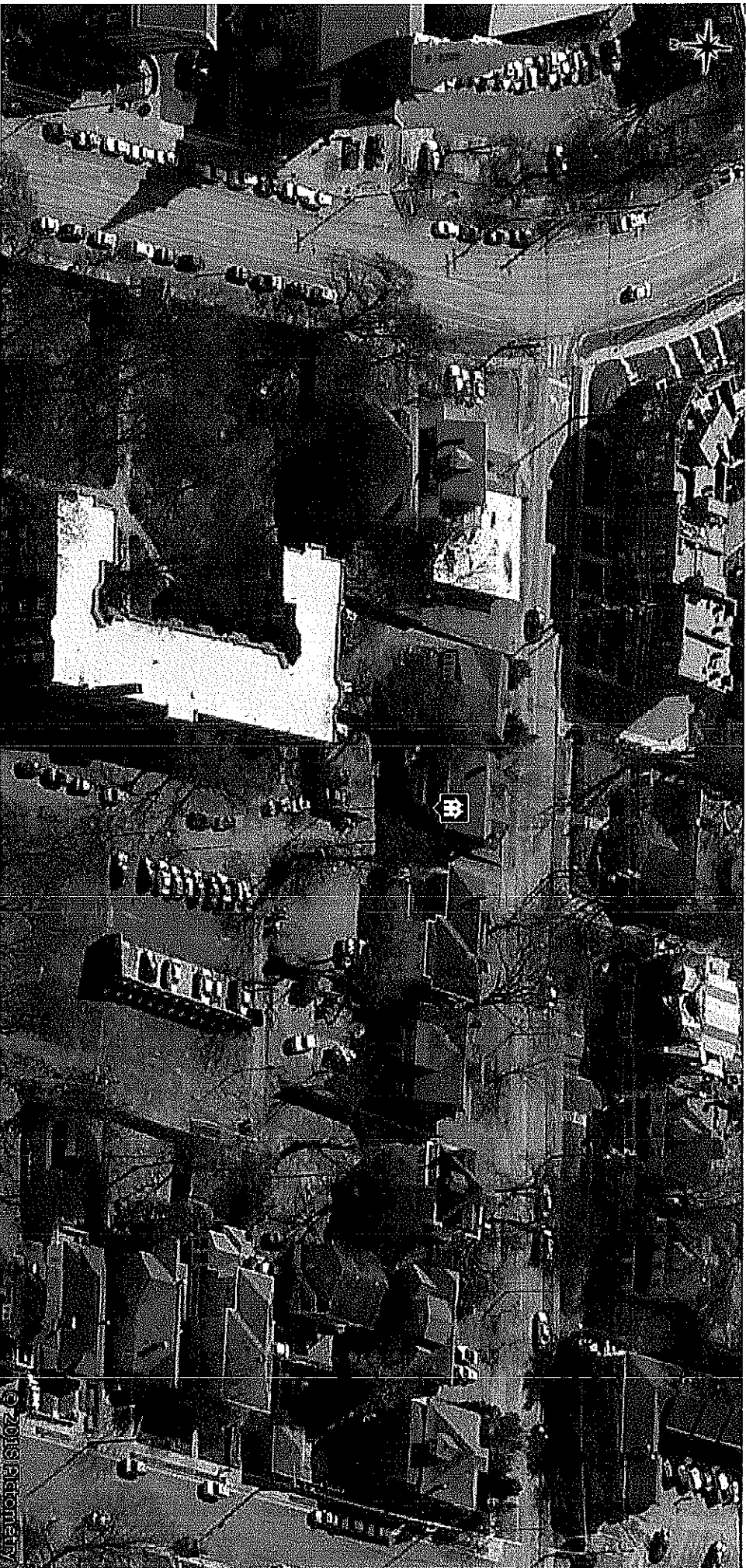
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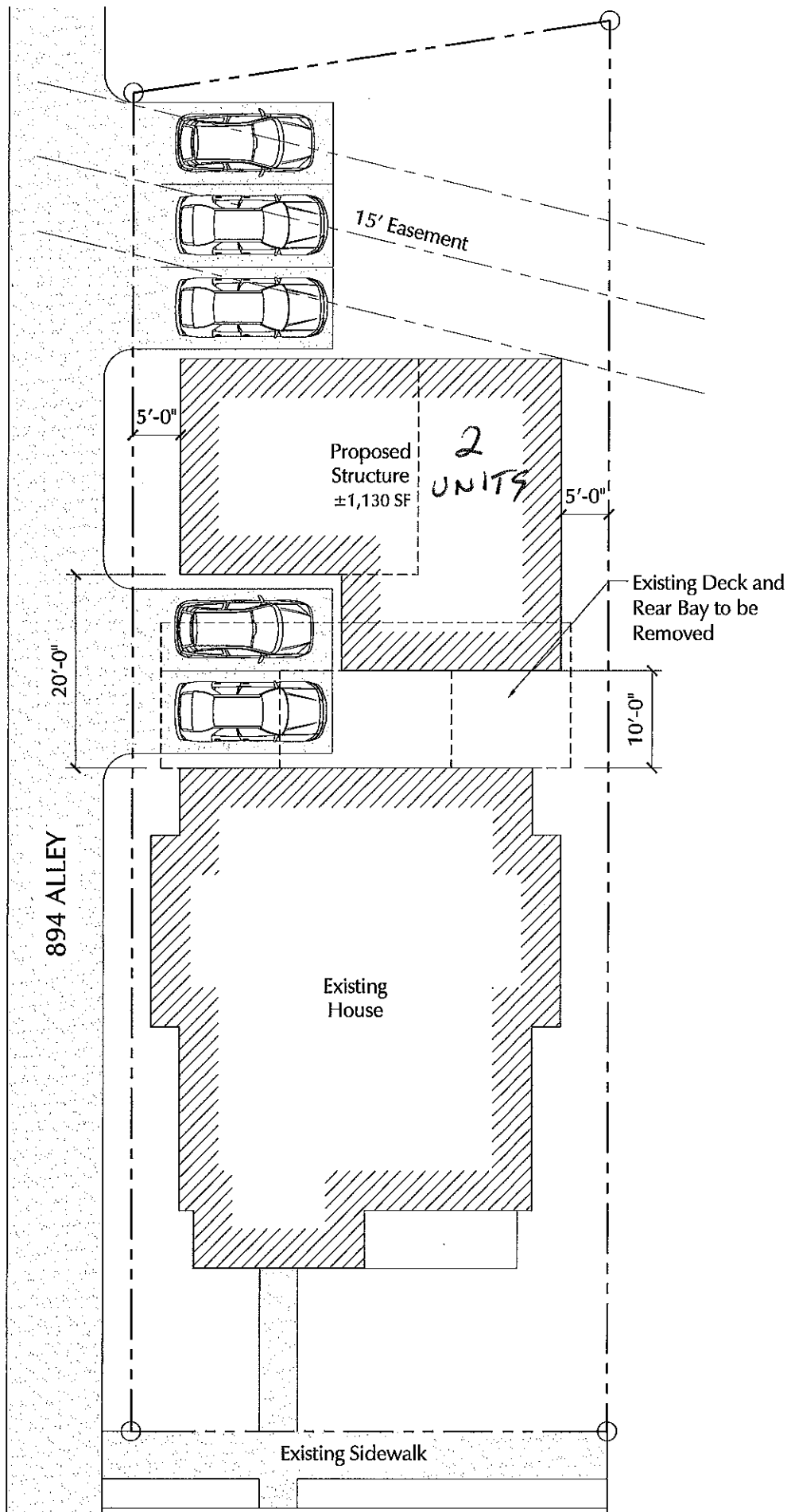
APT BLDG TO REAR

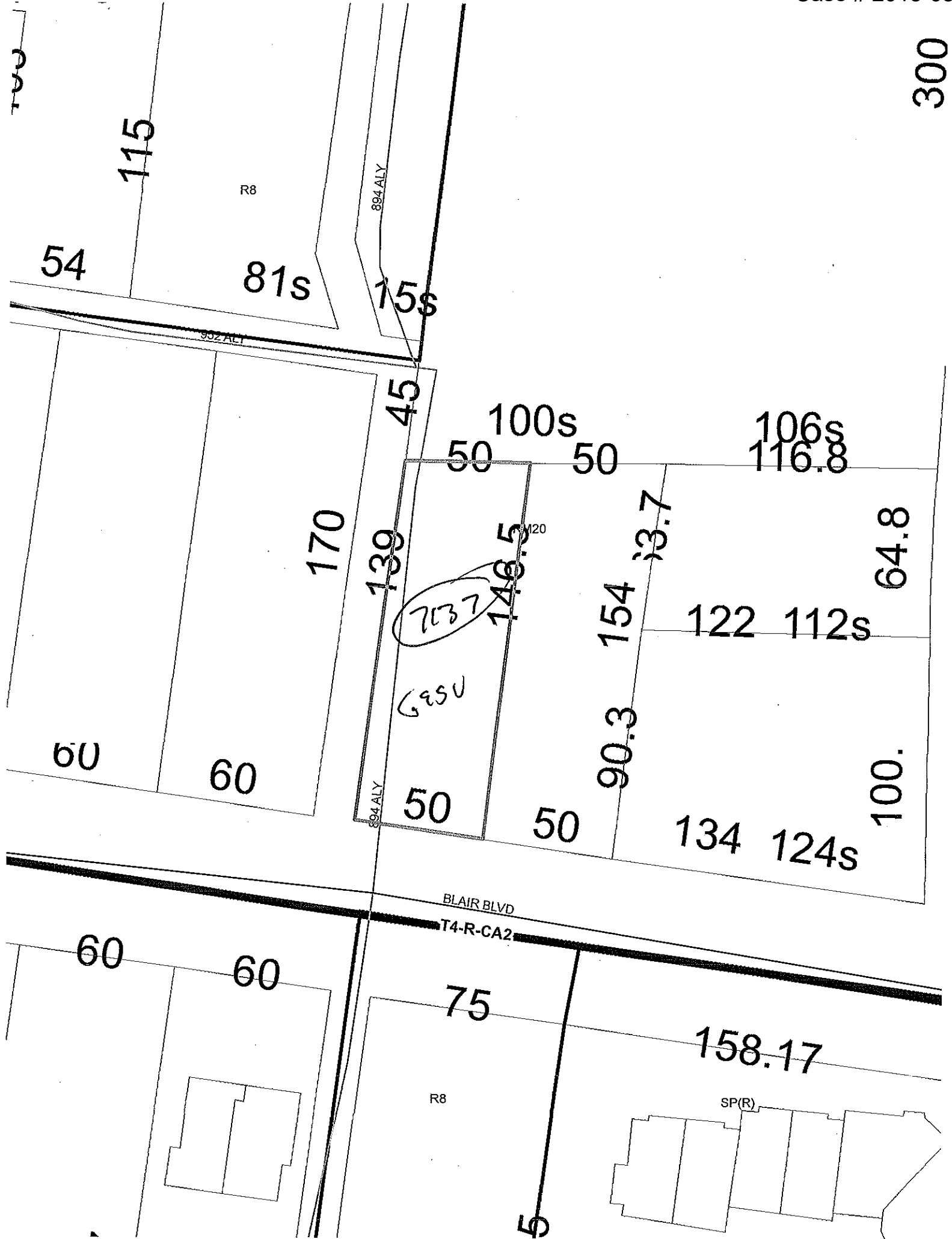


©2018 Pictometry

PARKING LOT SHOWN TO REAR







7537

695U

BLAIR BLVD

T4-R-CA2

SP(R)

R8

R8

894 ALY

892 ALY

894 ALY

5

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.

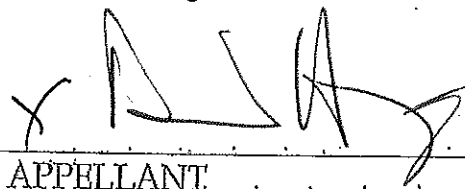
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

10/23/18

DATE

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

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

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

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

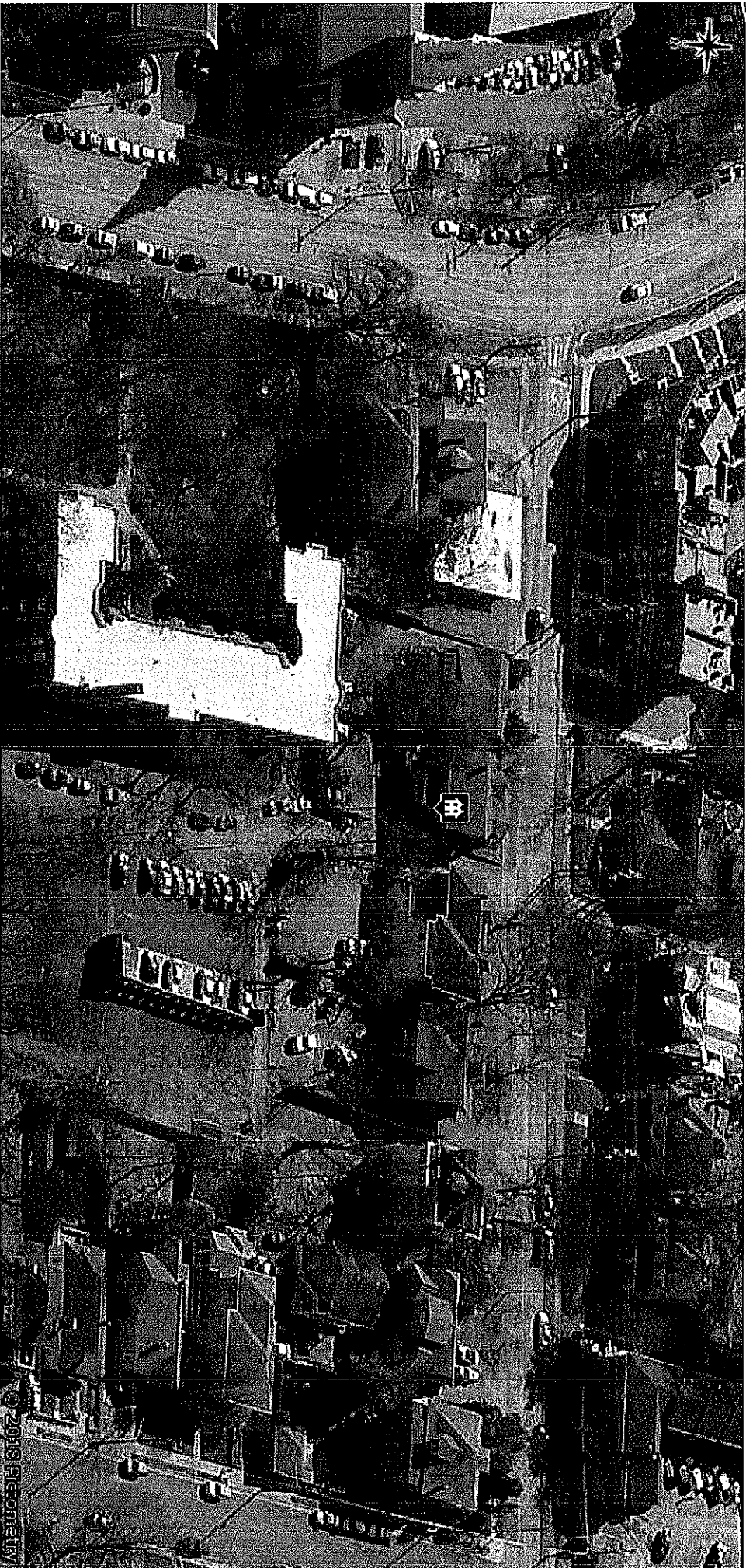
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

Irregular lot

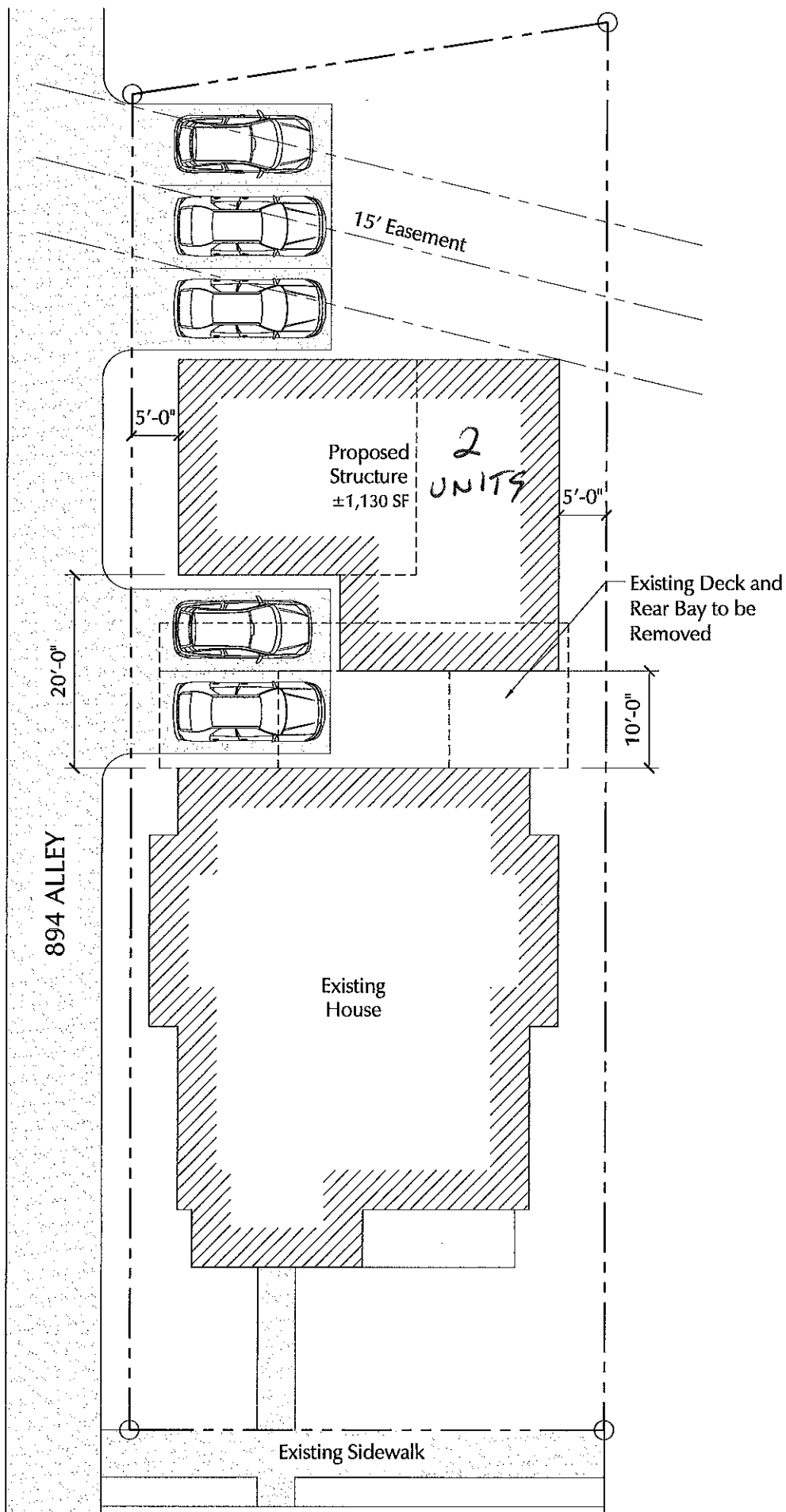
APT BLDG TO REAR



PARKING LOT SHOWN TO REAR



02/18/2018



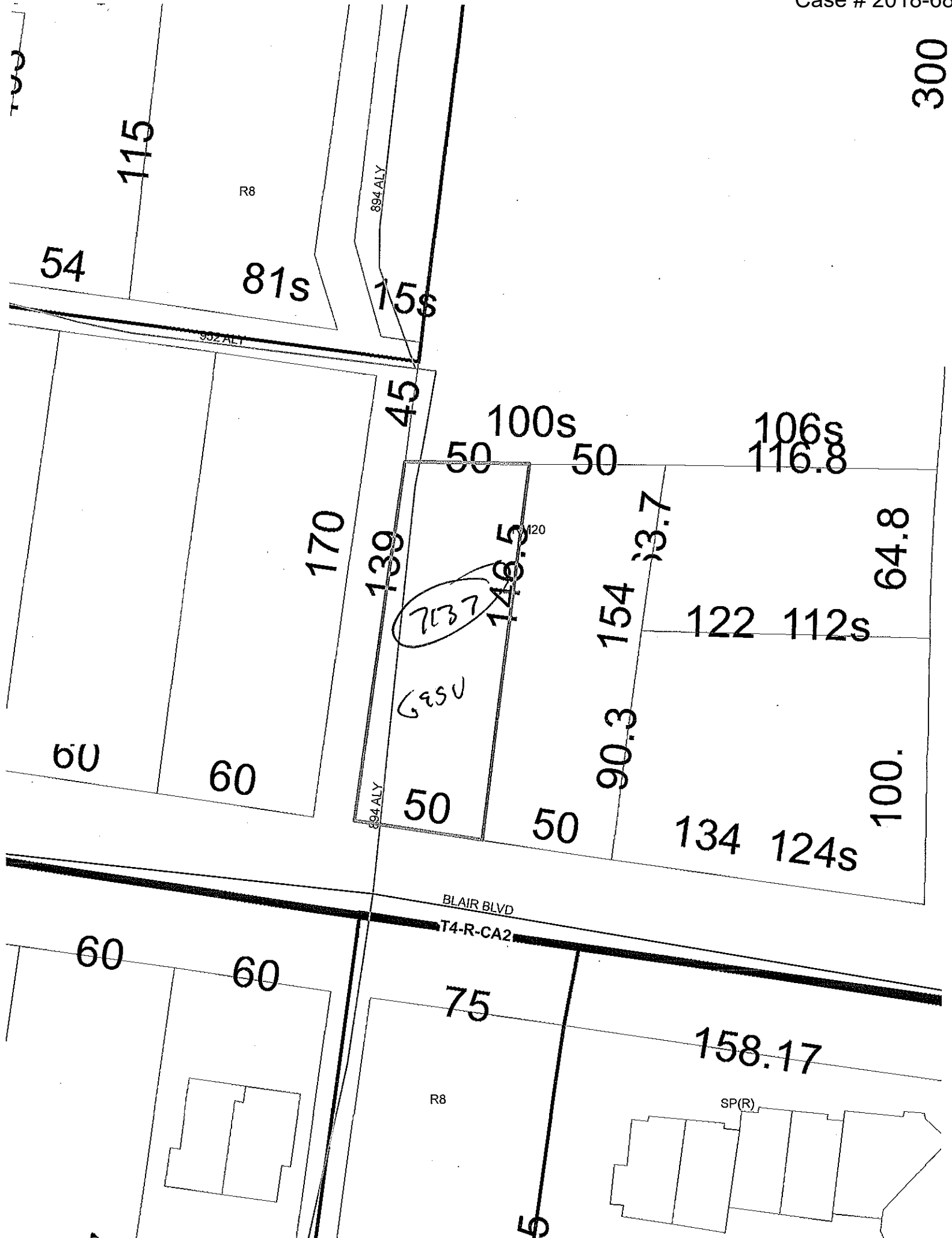
①

Site Plan - Opt. 'B'



Scale: 1" = 10'-0"

BLAIR BLVD.



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-688 (1704 Blair Boulevard)

Metro Standard:	6' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalk; not contribute in-lieu of construction (not eligible)
Zoning:	RM20; Belmont-Hillsboro Neighborhood Conservation Overlay
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	T4-R-CA2
Transit:	Property approximately 250' south from #2 – Belmont; #21 – University Connector
Bikeway:	Existing bikeway for experienced cyclists

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing a new 2-unit residential building and requests a variance from upgrading sidewalks due to the presence of existing sidewalks along both frontages of the site. Planning evaluated the following factors for the variance request:

- (1) The existing structure is located within the Belmont-Hillsboro Neighborhood Conservation Overlay District. A 5' sidewalk with a 7' grass strip currently exists along the entire property frontage. The existing structure is located directly to the rear of the existing sidewalk. In this instance, upgrading sidewalks to the Major and Collector Street Plan standard will impact the historic character of the neighborhood's streetscape.

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.

2018-688
OPPOSE

Jaime Bryan & Mark Watrous
1716 Blair Blvd
Nashville, TN 37212

Metropolitan Government of Nashville
Board of Zoning Appeals
RE: Appeal case number: 2018-688
1704 Blair Blvd
Map Parcel: 10416004600
Zoning Classification: RM20
Council District: 18

November 15, 2018

To the Board of Zoning Appeals,

We have been notified by mail that David Haverkamp has filed an appeal for the property located at:

1704 Blair Blvd
Nashville, TN 37212

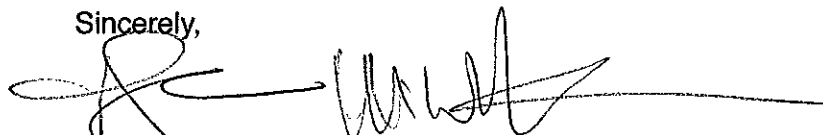
to allow building of two family units on a property without building sidewalks or paying into a sidewalk fund.

As I am sure the board is aware, Blair Blvd is thoroughfare for the residents of Belmont-Hillsboro and Belmont students. This area is a high foot traffic area due to its proximity to Belmont and the neighborhoods high walkability to restaurants, shopping and grocery store. As such, we strongly object to a property directly on this thoroughfare being exempt from building sidewalks. This jeopardizes the safety of our residential community and the Belmont University student community. Especially considering the high volume of traffic on Blair Blvd.

We request that if the board considers allowing 2 single family units to be built on this property that the board does not exempt the owner from building sidewalks.

Thank you for your consideration and the job you do to make sure our communities are developed responsibly and safely,

Sincerely,



Jaime Bryan & Mark Watrous

Case No: 2018-688

Hello,

I strongly oppose the
variances requested by David
Haverkamp for the property
at 1704 Blair Blvd.

Please do not approve this.

Jann Henshaw
18th Ave. S.

VIA: Facsimile and email – 10:30 a.m. 12/3/2018

Metro Board of Zoning Appeals
800 2nd Ave, S
Nashville, TN 37210

Re: Appeal Case Number: 2018-688
1704 Blair Blvd
Map/Parcel: 104-16-0-046.00
Zoning Classification: RM20
Council District: 18

This is being presented as opposition to the request in the above request for a variance for a triplex on the subject property. Current zoning is for a duplex and the square footage of the lot is not sufficient to meet the requirements for a triplex.

The Developer is requesting a variance for a purpose that does not conform to the zoning for the site. For this reason, this request should be denied as a matter of law. To approve this request would be an abuse of discretion and an illegal or arbitrary act by the Board. Pursuant to T.C.A. 13-7-107. **Rules of procedure and jurisdiction of board of appeals**, the board of zoning appeals has neither the power to zone nor to amend the zoning ordinances. *Merritt v Wilson County Bd. Of Zoning Appeals*, 656 S.W.2nd 846. To approve a variance for a use for which it is not zoned, is paramount to amending the current zoning.

Further, the Metro Code provides that:

Sec. 18.02. - Enactment, revisions, modification or changes *of zoning* regulations.

Zoning regulations shall be enacted by the council only on the basis *of* a comprehensive plan prepared by the metropolitan planning commission in accordance with the applicable state laws and as provided in section 3.05 *of* this Charter.

Any revision, modification or change in the *zoning* regulations *of* the metropolitan government as provided in this section shall be made only by ordinance. Where a proposed ordinance revises, modifies, or changes the *zoning* regulations and is not accompanied at introduction by a favorable recommendation *of* the metropolitan planning commission, a copy thereof shall be promptly furnished by the metropolitan clerk to said planning commission, and the same shall not be passed on second reading until the recommendation *of* said planning commission with respect to the proposal has been received or thirty (30) days have elapsed without such recommendation. No ordinance making any revision, modification or change in the *zoning* regulations which has been disapproved by the metropolitan planning commission shall be finally passed or become effective unless it shall be adopted by a two-thirds majority *of* the whole membership *of* the council and also then be approved by the metropolitan mayor, with a three-fourths majority *of* the whole membership *of* the council required to override a veto.

The only recourse for the developer is to seek rezoning of the tract for the purpose in which he is requesting a variance.

A handwritten signature in cursive script, appearing to read "Susan Evans".

Susan Evans
2121 Belmont Blvd., #5
Nashville, TN 37212

DAVID BRILEY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

October 30, 2018

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

ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS

RE:	Appeal Case Number:	2018-688
	1704 BLAIR BLVD	
	Map Parcel:	10416004600
	Zoning Classification:	RM20
	Council District:	18

This is to inform you that David Haverkamp filed an appeal for the property at the above referenced location. The appellant requested variances from minimum lot size requirements and sidewalks requirements. Should this request be approved, it would allow the applicant to construct two single family units on a parcel with an existing single family unit without building sidewalks or paying in to the sidewalk fund.

*******THIS IS NOT A ZONE CHANGE REQUEST*******

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on THURSDAY 12/6/2018, beginning at 1:00 p.m. in the Sonny West Conference Center of the Howard Office Building, 700 2nd Avenue South. If you wish to show support or opposition to your neighbor's request, you may do so in person. In lieu of a personal appearance, you may submit written communication to the Board prior to the scheduled board meeting date. We cannot guarantee written communication to be a part of the record unless it is received no later than Noon the Monday before the meeting date.

This letter is being sent to you because you are the owner of property located within 600' of the subject location. This request is only for the property at the above location. We are required by law to notify you of what your neighbor wishes to do on his/her property.

Should you have questions or require special accommodations (handicap accessibility), you may email us at BZA@nashville.gov. You can view this case at epermits.nashville.gov and search by permit # 20180067286 or search by the address.

METROPOLITAN BOARD OF ZONING APPEALS

BUILDING • ELECTRICAL • GAS/MECHANICAL • PLUMBING • PROPERTY STANDARDS • ZONING

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Inetta Presley
Property Owner: Inetta Presley
Representative: Mary Presley

Date: 10-24-18
Case #: 2018-689
Map & Parcel: 71-8-49

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 lot size variance to allow construction of 2 HPR's for a total of 4 units. current lot is 11,000 SF & the minimum required is 12,000 SF.

Activity Type: New Construction - Single Family

Location: 314 Duke St.

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

Reason: Does not meet minimum lot size

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.

~~Inetta Presley~~ ~~Mary Presley~~
Appellant Name (Please Print)

Mary Presley
Representative Name (Please Print)

314 Duke St
Address

4397 Mt. Sharon Rd.
Address

Nash. TN 37207
City, State, Zip Code

Greenbrier, TN 37073
City, State, Zip Code

615 586-3247
Phone Number

615-571-1719
Phone Number

jessicapresley74@gmail.com
Email

mpresley33@gmail.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



3572065

ZONING BOARD APPEAL / CAAZ - 20180067446
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 07108004900

APPLICATION DATE: 10/24/2018

SITE ADDRESS:

314 DUKE ST NASHVILLE, TN 37207
PT LOTS 50-51-64-65 J B HAYNIES ORIENTAL PLAN

PARCEL OWNER: PRESLEY, INETTA J.

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting lot size variance to allow construction of 2 HPR's for a total of 4 units. minimum lot size requirement 12,000SF, current lot at 11,000SF.

*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.

Mary Prud'homme
 APPELLANT

10/24/18
 DATE

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

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

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

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

314 & 316 Duke St. owned by Inetta Presley, spoke with own of Prince property that connects to back of property. He agreed to give 10-ft of his property
(Justin Hicks)

he was building on Prince. The paperwork was signed by Inetta Presley. Then, assured by Justin Hicks that he would file at deeds office. Justin then sold the properties on Prince after. NOW, ~~the~~ the new owners will not sign the 10 feet back to Inetta Presley. When we have the property in contract now to sell on Duke St.

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

Date: 9-24-18

Property Owner: Tyler Englett

Case #: 2018-595

Representative: Tyler Englett

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

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

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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

Appellant : Ezra & Jillian CohenDate: 9-24-18Property Owner: Ezra & Jillian CohenCase #: 2018-596Representative: Ezra & Jillian CohenMap & Parcel: 14715001300Council 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 RentalLocation: 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.

[Handwritten Signature] 9-24-18

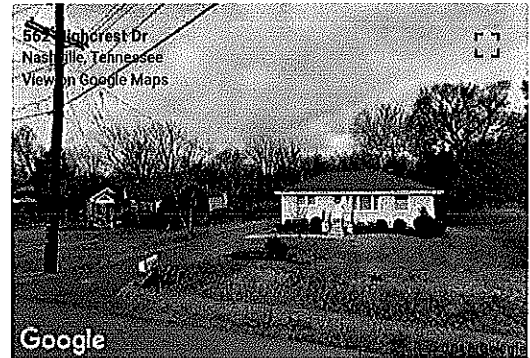
Rental Unit Record

562 Highcrest Dr, Nashville, TN 37211, USA

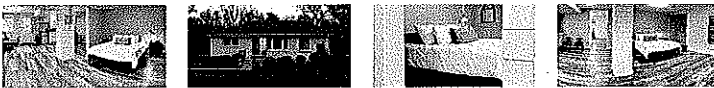
Removed ✗
Identified ✓
Compliant ✓

PRINT

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

✗ Listing air12990616 Removed
September 22nd, 2018

Listing Details

9/24/2018


Matched property listing

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

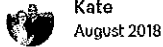
Ezra & Jillian's place was very homey, easy to get to, spacious, and very clean. Will definitely be recommending to others!

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](#) ▾

2018-596
OPPOSE

I strongly oppose this property
being rental property!

11/8/18

Thank you,
Connie Carter

(sorry, printer is broken)

2018-596
oppose

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

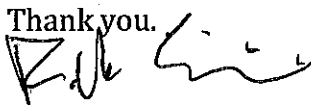
While I am all in favor of earning an income, I oppose zoning 562 Highcrest Drive for a short-term rental permit. As I live within 600 feet of the property, I am concerned what short-term renters impact will be to the rest of the residents of Highcrest Drive.

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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant: Joy GoodwinDate: 9-25-18Property Owner: Joy GoodwinCase #: 2018-598Representative: Joy GoodwinMap & Parcel: 12009000900Council 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 RentalLocation: 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 X
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

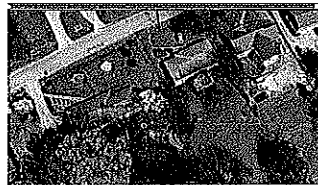
Explanation

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

X 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 

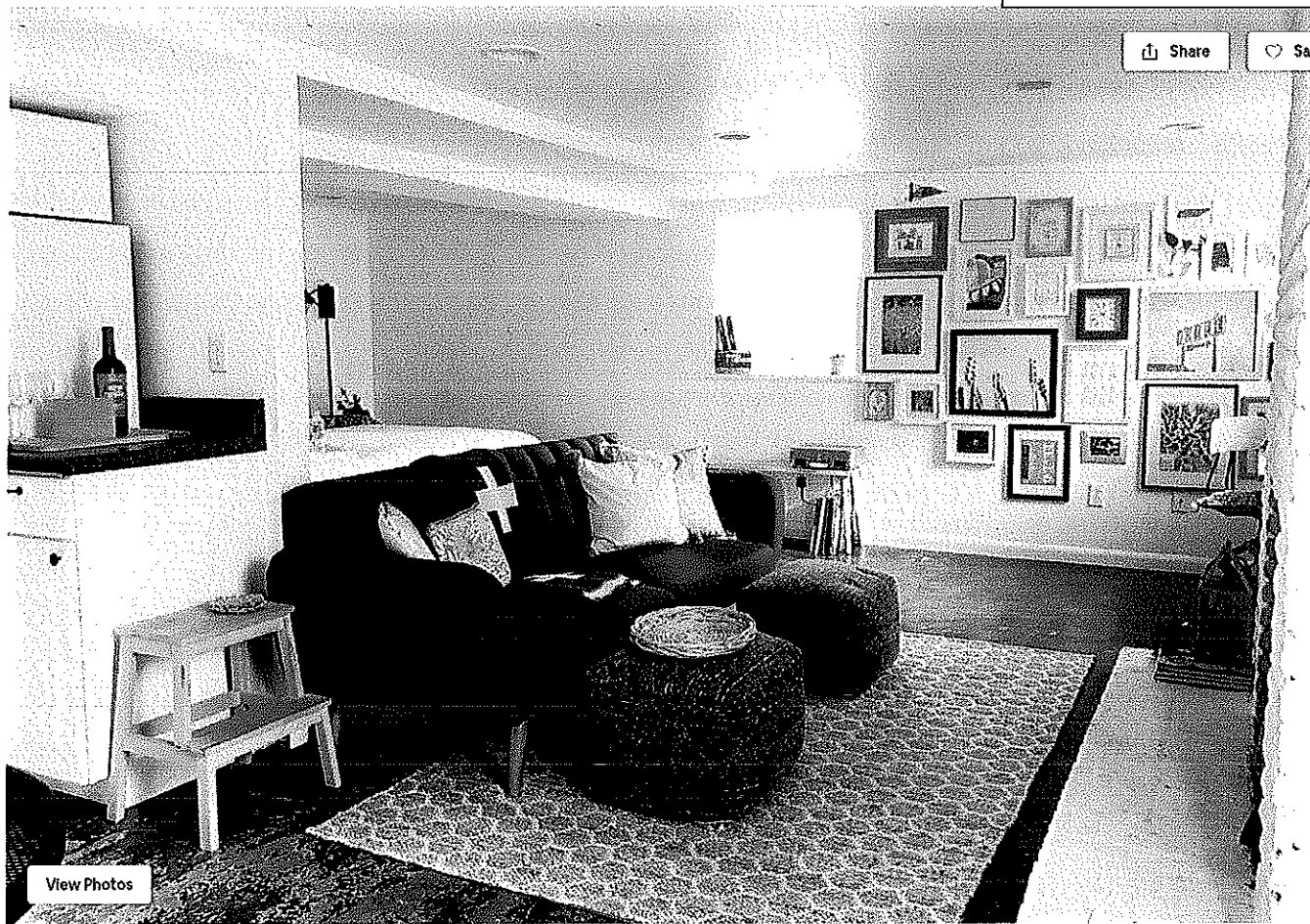
June 07, 2018 - 11:51AM America/Chicago

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

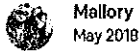
This place is amazing. Joy was so helpful and made the stay super easy and stress free. If you are heading to Nashville stay here!!



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.

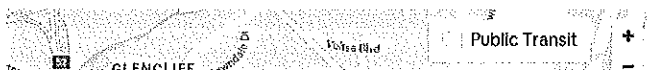
The Honey House is located in a quiet neighborhood 5 miles south of downtown Nashville. We are convenient to the airport, all major highways, and just a \$10 uber ride downtown.

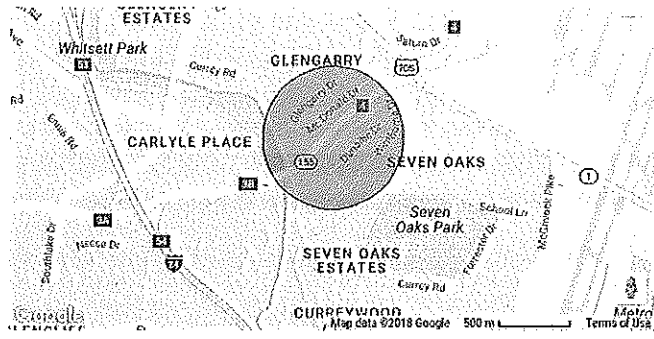
Getting around

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

2018-598
oppose

October 29, 2018

Rudy Celada
505 Dunailie Drive
Nashville, TN 37217

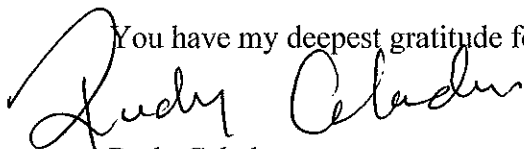
Department of Codes and Building Safety
Metro Office Building-3rd Floor
800 Second Avenue, South
Nashville, Tennessee 37210

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

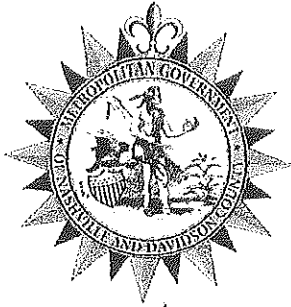
OFFICE ADDRESS
METRO OFFICE BUILDING -- 3rd FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

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.

[Handwritten signature] representing *[Handwritten signature]* Anne 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

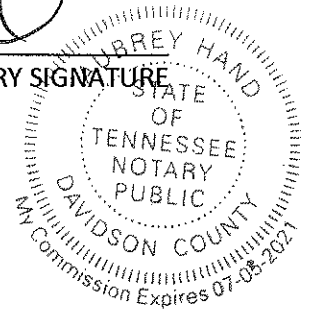
STATE OF TENNESSEE

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

Case # 2018-606

11/16/18

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

To whom it may concern,

I live at [2617 Essex Place](#), directly adjacent to the property in question, 2619 Essex place. We have lived here for the last 3 months, having moved from Williamson county.

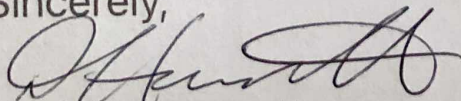
I completely respect the right of a homeowner to rent their home. However, regarding the current property, we have already had several issues. Firstly, because of the size of this home there are large parties that will stay for the weekend. They are quite loud and I have had to come outside to tell them to keep the noise level down after midnight on several occasions. My children's room is directly above this property's back porch which seems to be a common place for after hours congregation.

Secondly, we have had one incident which has required a phone call to police. On the night of November 4 at 2 AM, a woman staying in the house next-door walked through our gate and onto our front porch. Our dogs started barking which woke us up. When we came to the front and looked out the window, we could see her looking into our cars with a flashlight. I called the police and they searched the area and made sure that nothing had been stolen or vandalized.

My understanding is that current codes within Davidson County allow for short term rental as long as the house is occupied by the owner. There are other short term rentals on our street and we have not had any of the same problems. All of these properties are occupied by the owner. The current property at 2619 is NOT occupied by the owner and there is no oversight of the renters. This would seem to be in complete violation of current codes/regulations.

In short, the current arrangement is unacceptable.

Sincerely,



David Huneycutt

David.Huneycutt@hcahealthcare.com

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

2018-618

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



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 void.

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

615-291-3129
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...

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
	Q	Deed	04-15-2015
Valid Sale	\$695,000	DB-20150416 0033695 Q	Historical 07-18-2015

JAMIE R. HOLLIN

Attorney at Law

511 Rosebank Avenue

Nashville, Tennessee 37206

615-870-4650 | j.hollin@me.com

November 14, 2018

Delivered via Electronic Mail

Mr. Jon Michael, Zoning Administrator
Metropolitan Nashville Department of Codes Administration
800 2nd Avenue, South
Nashville, TN 37210

Re: Appeal of Decision in Case No. 2018-618 (Permit No. 201514605)

Dear Mr. Michael:

I represent the owners of the property located at 2818 Belcourt Avenue, Nashville, Tennessee, 37212 (the "Property"). By letter dated July 16, 2018, their short-term rental permit was canceled. I write to ask that this letter be included in the administrative record for purposes of their appeal of this determination.

Your letter, in relevant part, stated "[t]his property changed ownership after the date of permit issuance. Since the law does not allow transfers of STRP permits, this permit has been invalid since the July 18, 2015 ownership changes." As the records of your department indicate, the STRP permit was issued to my clients on April 17, 2015. This date is significant because Tenn. Code Ann. § 13-7-603 makes applicable the ordinance in place at the time the permit was issued as the applicable ordinance in question here, if any.

Applicable Local Law

On the date of issuance of the STRP permit (April 17, 2015), BL2014-951¹ ("Bill") was not yet effective due to the language in Section 2 of the Bill delaying implementation, which stated:

[t]he department of codes administration shall begin accepting STRP applications on March 31, 2015, and shall begin enforcing the provisions of this Ordinance from and after July 1, 2015.

In other words, my clients received their STRP permit (April 17, 2015) prior to the effective date of the Bill. As a consequence, the applicable ordinance or regulation to my client's STRP permit is the ordinance in place prior to the Bill. Accordingly, the applicable law in this instance is the determination letter authored by your predecessor, now Director, Mr. Bill Herbert dated October 24, 2014 ("Letter"). (*Copy attached*).

¹ BL2014-909 establishing that STRP was an accessory use under Title 17 of MCL also had a delayed effective date of July 1, 2015.

Page 2 of 2
Mr. Jon Michael
November 14, 2018

Consequently, as the Letter describes, the STRP use at-issue here is an “incidental subordinate use to a principal residential use.”

Text of BL2014-951 and MCL § 6.28.030(P)

Alternatively, if a court or the BZA finds that the Bill is applicable, it is instructive to pay close attention to the text cited in your letter in contrast to the language of the Bill.

Your letter states: “[t]his property changed ownership after the date of permit issuance. Since the law does not allow transfers of STRP permits, this permit has been invalid since the July 18, 2015 ownership changes.”

BL2014-951 created MCL § 6.28.030(P), which states: “[a] STRP permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a STRP on the property.”

Seemingly, your letter conflates *transfer of property ownership* with the prohibition against *transferring the STRP permit* as identified in MCL § 6.28.030(P). To be clear, not even an attempt has been made by my clients to transfer their STRP permit. Obviously, MCL § 6.28.030(P) does not prohibit the transfer of property. Instead, it prohibits *transfer of the permit*. While my clients did quitclaim the Property to a trust in which they’re trustee,² they did not transfer their STRP permit. In fact, my clients are the same people who own the Property pre and post quitclaim, and as such they’re the same people using the Property as an STRP property.

In closing, we ask that the STRP permit be re-instated for the reasons set forth herein. If you have any questions or concerns in this matter, please let me know.

Sincerely,



Jamie R. Hollin
Attorney for Appellants

² The STRP permit in question is a non-owner-occupied permit.

KARL F. DEAN
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

October 24, 2014

Council-Lady Burkley Allen
Metropolitan Council Office
One Public Square, Suite 204
P. O. Box 196300
Nashville, Tennessee 37219-6300

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

RE: Short-Term Rental Property

Council-Lady Allen:

You have requested a memorandum opinion from this office summarizing the current zoning law regarding Short-Term Rental Property (hereinafter "STRP") also known as Vacation Rental By Owner.

Currently, Metro has no zoning regulations that are specific to STRPs. Over the last several years, STRPs have become increasingly popular. To date, this office has construed STRPs to be an incidental subordinate use to a principal residential use. It is well established by state law that zoning ordinances, being in derogation of the common law, must be strictly construed in favor of a property owner's right to the free use of his or her property. *Tenn. Manufactured Hous. Ass'n v. Metro. Gov't of Nashville & Davidson County*, 798 S.W.2d 254, 260 (Tenn. Ct. App. 1990). With no zoning regulations applicable to STRPs, we have allowed STRPs to operate anywhere a residential use is allowed. It appears to this office that the STRP use is different from a hotel/motel, bed & breakfast, or boarding house based upon how those terms are defined within the Metropolitan Code. Being that the zoning code does not presently contain a use classification that defines STRP, and does not set forth districts where they can be located, it is the opinion of this office that we currently have no authority under the zoning code to regulate the STRP use.

To date we have been applying the principles set forth in a 2009 Tennessee Court of Appeals decision that provides guidance as to how a county should regulate STRPs within its zoning code. In *Wade v. Patterson*, 2009 WL 211878 (Tenn. Ct. App.), Hamilton County, through its building commissioner, sought to enjoin a property owner from operating an STRP. The building commissioner contended that the STRP was not a permitted use or an accessory use in a residential district. He asserted that a house is not supposed to be a commercial venture for short-term occupants. The court held that Hamilton County's zoning regulations, as applied to the owner, were unconstitutionally vague and unenforceable because Hamilton County's zoning code did not contain a use classification for STRPs and failed to designate where they could be located.

Based upon this decision, this office has not required a permit to operate an STRP because we currently have no authority under the zoning code to do so. It is the opinion of this office that STRPs may be regulated and a use permit required provided the zoning code is amended to define the term "Short-Term Rental Property" and to create a classification for STRPs within the Zoning District Land Use Table which designates the STRP use as an accessory use in zoning districts that allow a residential use.

Should you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Herbert", with a long, sweeping horizontal line extending to the right.

Bill Herbert
Zoning Administrator

From: [Allen, Burkley \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Braisted, Sean \(Codes\)](#); [Michael, Jon \(Codes\)](#)
Subject: BZA Case 2018-618
Date: Tuesday, December 4, 2018 3:10:40 PM

Dear Members of the Board,

I am asking you to uphold the zoning administrator's revocation of the STRP permit for property located at 2818 Belcourt. The law in place in 2105 states very clearly that STRP permits cannot be transferred to new owners, and the property operated for a number of years with the permit under one name and the property under another. That is a violation of the law in place when the permit was issued.

Thanks for your careful consideration of this.

Burkley Allen
Metro Council 18th District
615-383-6604

President Pro Tem
Council Committees - Planning Committee
Budget and Finance
Ad Hoc Affordable Housing
Public Works



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: [Braisted, Sean \(Codes\)](#)
To: [Lifsey, Debbie \(Codes\)](#)
Subject: Fwd: BZA Packet for November 15, 2018
Date: Wednesday, November 14, 2018 5:00:10 PM

Sent from my iPhone

Begin forwarded message:

From: "Mendes, Bob (Council Member)" <Bob.Mendes@nashville.gov>
Date: November 14, 2018 at 4:58:27 PM CST
To: "Braisted, Sean (Codes)" <Sean.Braisted@nashville.gov>
Subject: RE: BZA Packet for November 15, 2018

Sean,

Is it too late for me to submit a comment to the BZA on one of these? It is Case 2018-618. That one is where the STR property was transferred to a new owner...but kept operating as a STR...and now the new owner seeks a variance to continue operating as a STR.

I am pretty sure that I authored the language prohibiting the transfer of a permit from one owner to the next. I know I was present for all or nearly all of the Council debate on this topic.

As drafted, I did not intend for there to be exceptions to this rule for any purposes. The intent was to have a fair phase out of STRs in traditional neighborhoods zoned as Residential while allowing an existing property owner who bought under the old law to continue to operate as an STR until they sold the property. I would be very worried about granting any exceptions to this. No exceptions were intended.

I should add that I live at 416 Fairfax, which is within a few blocks of this property. I am familiar with this STR and it is not what I would call a problem property. And I agree with what one commenter wrote about long term college student rentals in the area typically being a more difficult neighbor than this property. Despite this, I feel strongly that these facts are NOT relevant. I would argue that there is no basis in the Metro Code for the BZA to essentially decide that this is a "good STR" and allow the variance. I would argue that the BZA should view this situation as one where the Metro Code does not allow any exceptions, and the variance should be denied.

I am opposed to this variance. Let me know if this email is sufficient, or if I should email to the BZA directly through the standard email. Thanks very much.

Bob

Bob Mendes
bob.mendes@nashville.gov

From: Braisted, Sean (Codes)
Sent: Wednesday, November 14, 2018 10:49 AM
To: Alma Sanford; Christina Karpyne; Council Members; Cynthia Chappell; David Ewing;

David Harper; David Taylor; Herbert, Bill (Codes); Lamb, Emily (Codes); Lifsey, Debbie (Codes); Michael, Jon (Codes); Shepherd, Jessica (Codes)
Subject: BZA Packet for November 15, 2018

BZA Members and Councilmembers,

The final board packet including planning recommendations and public comments for the BZA meeting on November 15, 2018 is available here:

<https://www.nashville.gov/document/ID/d1ebffb6-7aa8-448d-ae07-4a293004e5c9/November-15-2018-Final-Board-Packet.pdf>

Any late additions will be handed out at the meeting.

Thank you,

Sean Braisted

Public Information Officer

Metro Department of Codes and Building Safety

(615) 862-7861 (office)

(615) 339-7497 (cell)

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](#)

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: [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 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.

2018-627

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Baker Donelson

Date: 10.2.18

Property Owner: Adrian Lam

Case #: 2018-627

Representative: Joey Hargis

Map & Parcel: 01-0-3-15001.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 owners 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

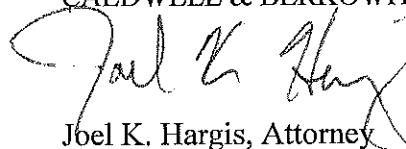
On behalf of our client, Adrian Lam, we respectfully wish to appeal the Zoning Administrator's interpretation regarding short term rental permits.

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.

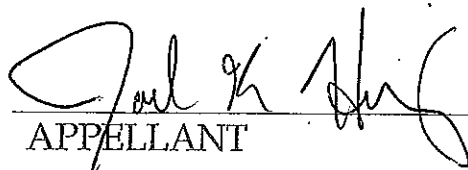
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

Table of Exhibits

1. Permit and Application Documents
2. Drivers License
3. STRP Ordinance
4. 1040 Tax Return
5. Mortgage Interest Statement
6. Tax Return Letter
7. Current Bank Statement
8. Copy of Current Insurance
9. Current Gas Bill
10. Current Case Law - Domicile v Residence
11. TN Supreme Ct Case - Domicile v Residence
12. STRP CLE taught by Zoning Administrator
13. Summons



**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

ISSUED ON: 1/22/2018

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

Approval (Where Required)

Date

SITE ADDRESS:

1822 9TH AVE N A NASHVILLE, TN 37208
UNIT A 1822 9TH AVENUE NORTH HOMES

PARCEL: 081083E00100CO

Tax District: USD

Census Tr: 37013700

PARCEL OWNER:**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

CONTACT:

Domio, Inc.
Jaron Caston
8 Academy Pl.
Nashville, TN 37216

PERMIT DETAILS:

Estimated Value:

Const Type:

Sq Footage:

Parking Required: N

Parking Provided: N

Sprinklers? N

Metro Water:

Public Constr? N

Number of Floors:

Sewer or Septic:

Total # Buildings:

Total # Units:

Garage: N

Number of Bedrooms:

Number of Kitchens:

ZONING ASSIGNMENTS:

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





**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

ISSUED ON: 1/22/2018

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

Approval (Where Required)

Date

CASR

FEE / PAYMENT:

[2017/10/11] SHORT TERM RENTAL PERMIT FEE...	\$ 50.00	\$ 50.00
[2018/01/22] CA - CONVENIENCE FEE...	\$ 1.15	\$ 1.15
PERMIT FEE/PAYMENT.....	\$ 51.15	\$ 51.15

Payment Detail:

01/22/2018 CREDIT CC #6643

Pmt Total: \$ 51.15

Issue Date: 1/22/2018

Issued By: AHBROWN

A 2.30% convenience fee has been charged on this credit card transaction. This fee is collected by a third party processor and Metro does not receive any part of it. By tendering your card or card number you were charged the convenience fee as calculated above and you agree to pay this fee to the card issuer.



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



3413840

APPLICATION FOR RESIDENTIAL SHORT TERM RENTAL / CASR - T2017065779
THIS IS NOT A PERMIT

PARCEL: 081083E00100CO

APPLICATION DATE: 10/11/2017

SITE ADDRESS:

1822 9TH AVE N A NASHVILLE, TN 37208
UNIT A 1822 9TH AVENUE NORTH HOMES

PARCEL OWNER: LAM, ADRIAN & DONALD YUIKI

APPLICANT:

CONTACT: Domio, Inc.
Jaron Caston
8 Academy Pl.
Nashville, TN 37216

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.

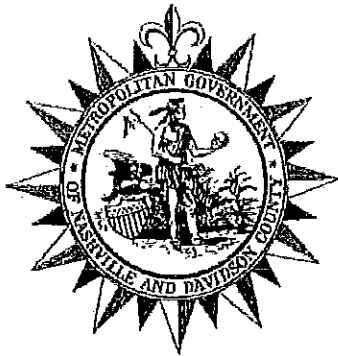
Homeowner has confirmed that subject property is not in violation of a Homeowners Association

*Before a 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	APPROVED	615-880-3245 David.Frabutt@nashville.gov
[A] Bond & License Review On Bldg App	APPROVED	615-880-3245 David.Frabutt@nashville.gov
U&O Life Safety Final Approval		862-5230 fdplans@nashville.gov

FILE

Charlie Cardwell, Metropolitan Trustee Property Tax Payment



2016

THANK YOU FOR YOUR PAYMENT!
PROPERTY TAX PAYMENT - FTB
LOCKBOX

ADDRESS INFORMATION 1822 9TH AVE N NASHVILLE	Account	Bill 1
	Receipt	3359441 Date Jan 25, 2017
	Received By	FTB LOCKBOX
	Received By	FTB LOCKBOX

APPRAISAL INFORMATION	
Classification	RESIDENTIAL
Land Value	\$11,000.00
Improvement	\$0.00
Total Value	\$11,000.00
Assessed Percent	25
Assessed Value	\$2,750.00
Tax Rate	4.516000000
Total Base Tax	\$124.19

PAYMENT INFORMATION	
Previous Balance	\$124.19
Tax Paid Today	\$124.19
Interest Paid Today	\$0.00
Total Paid Today	\$124.19

METHOD	PAID BY	AMOUNT
Ck#999999	FTB LOCKBOX	\$124.19

BALANCE DUE

\$0.00

OUT OR TEAR ALONG THIS LINE

New Owner: ADRIAN LAM

~~KENDRICK GROUP, LLC, THE
8109 HILLDALE DR
BRENTWOOD, TN 37027~~

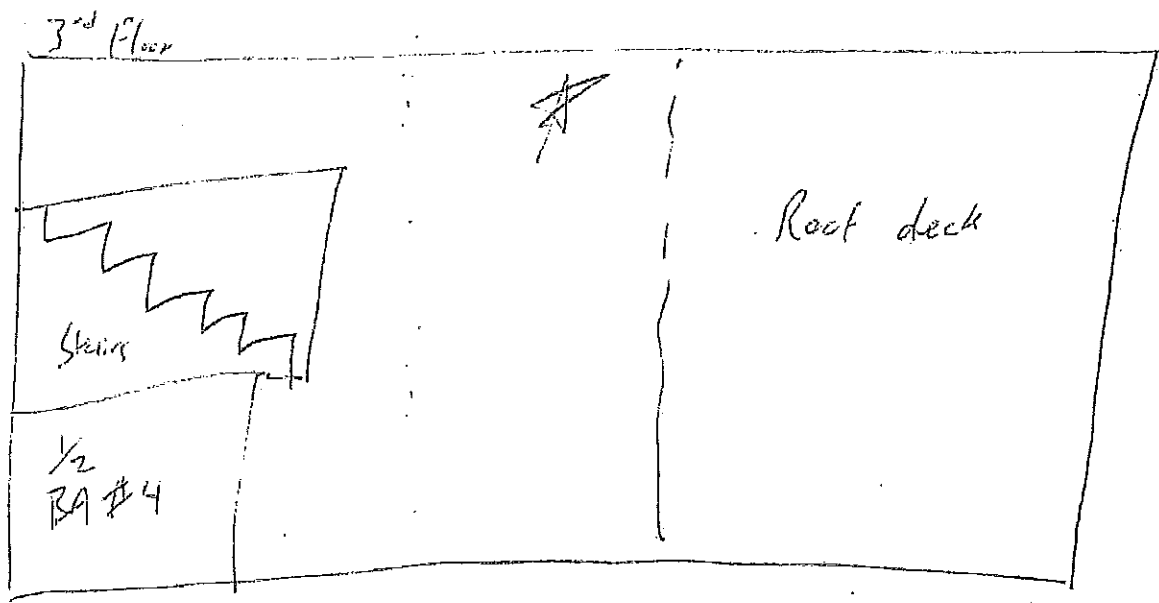
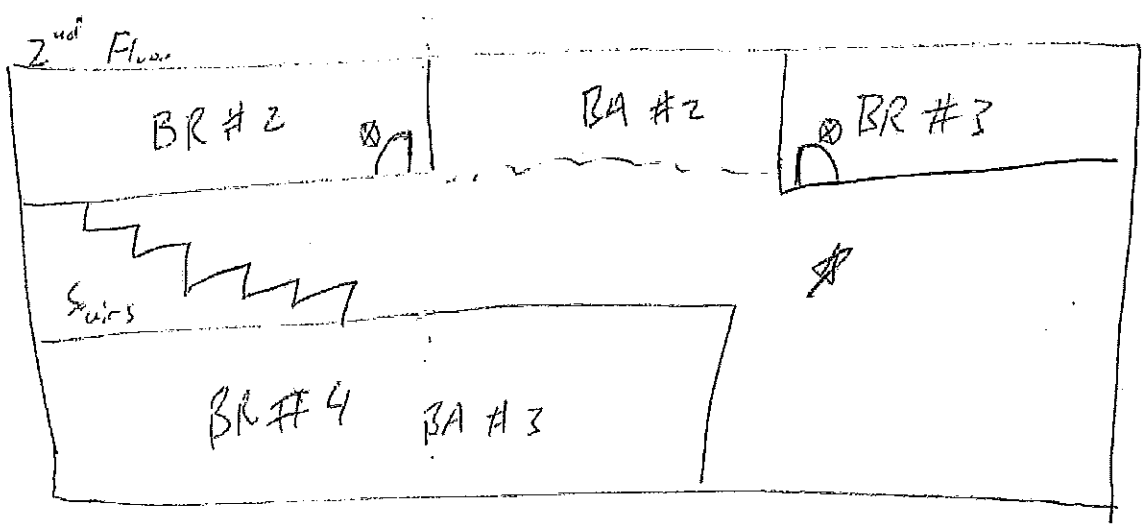
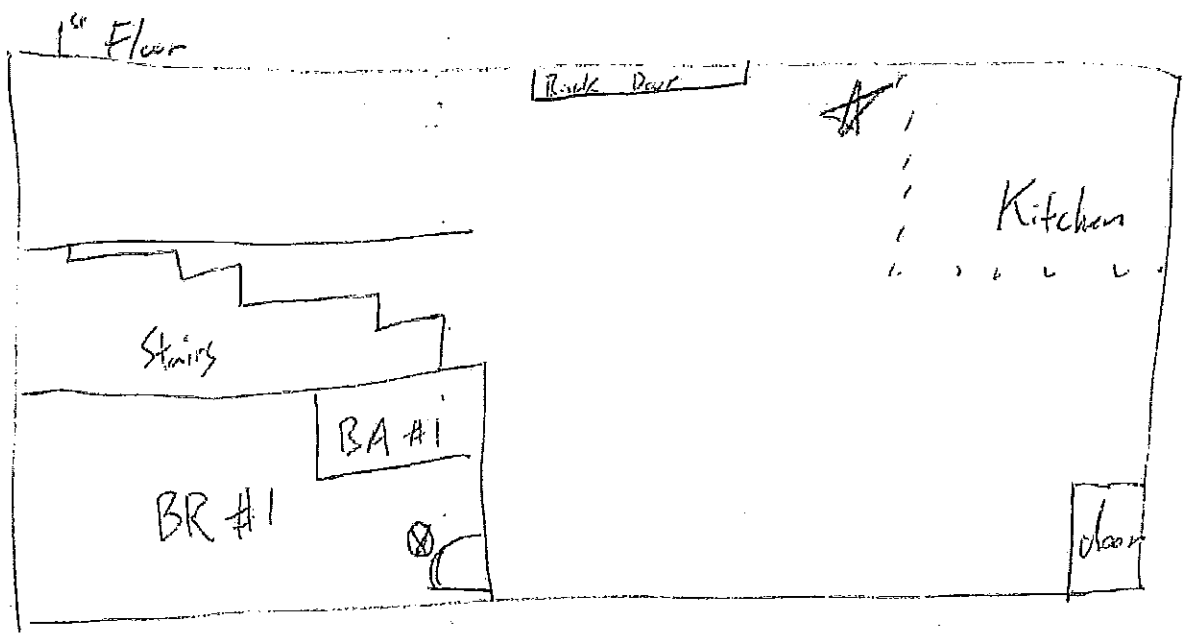
Metropolitan Trustee
PO BOX 305012
Nashville, TN 37230-5012

1822A N. Nashville Ave N
Nashville TN, 37208

Owner: Adrian Cain

Date: 10/11/17

Key:
* Fire Detector



000001
 Liberty Mutual Office
 4017 Hillsboro Pike Ste 406
 Nashville TN 37215



Adrian Lam
 Donald Y Lam
 1822 9th Ave N Unit A
 Nashville TN 37208-1524

Thank you for insuring with Liberty Mutual.

This package contains your updated policy declarations and documents that reflect changes made to your policy.

- Change Section II Limits
- Add HomeSharing Coverage

Please look over this information and keep it with your insurance documents.

Be sure to download our mobile app or visit LibertyMutual.com/register and check out our eService options. eService makes it easy to get information and manage your Liberty Mutual account online whenever you like.

If you have any questions about your coverage, available discounts or product offerings, please call us at 1-615-463-5990/ 1-888-649-8711.

Sincerely,
 Your Liberty Mutual Service Team



CONTACT US

Questions About
 Your Policy

By Phone

1-615-463-5990

1-888-649-8711

Mon - Fri 8AM-10PM EST

Sat 8AM-8PM EST

Sun 11AM-5PM EST

Liberty Mutual Office

4017 Hillsboro Pike Ste 406

Nashville TN 37215

Visit Us Online

LibertyMutual.com

To Report a Claim

By Phone

1-800-2CLAIMS

(1-800-225-2467)

Online

LibertyMutual.com/Claims

Sign Up for eService

- Pay your bill

- Go paperless

- View your policy

- File or view a claim

Manage your policy 24/7 at

LibertyMutual.com/register

40000004H3725857444740000000

CONTINUE TO THE NEXT PAGE
 FOR A GUIDE TO YOUR
 HOME ENDORSEMENT
 PACKET





Want to Add a Coverage?
Call 1-615-463-5990 or
1-888-649-8711 to talk to your
agent about the availability of
this coverage and whether it
meets your needs.

Policy Number:

[REDACTED]

Report a Claim:

1-800-2CLAIMS or
LibertyMutual.com/Claims

Coverage Information

Standard Policy with HomeProtector Plus™

SECTION I COVERAGES	LIMITS	PREMIUM
A. Dwelling with Expanded Replacement Cost	\$ 372,400	
B. Other Structures on Insured Location	\$ 37,240	
C. Personal Property with Replacement Cost	\$ 279,300	
D. Loss of Use of Insured Location	Actual Loss Sustained	

SECTION II COVERAGES	LIMITS	PREMIUM
E. Personal Liability (each occurrence)	\$ 1,000,000	
F. Medical Payments to Others (each person)	\$ 1,000	

POLICY DEDUCTIBLES

Losses covered under Section I are subject to a deductible of: \$1,000

If losses are a result of Wind/Hail they are subject to a deductible of .5%: \$1,862

Total Standard Policy with HomeProtector Plus™	\$ 1,177
--	----------

ADDITIONAL COVERAGES	DEDUCTIBLE	LIMITS	PREMIUM
Credit Card, Fund Transfer, Forgery	\$ 1,000	\$	0
Liberty Mutual HomeSharing Coverage™			INCL
Coverage E increased limit			INCL
Total Additional Coverages		\$	0

Total 12 Month Policy Premium \$1,177.00

Additional Coverages and Products Available*

We've reviewed your policy and have identified additional optional coverages and products that can add valuable protection. Talk to your agent about purchasing the following coverages and products and whether they meet your needs.

- Multi-Policy Discounts: Having more than one insurance policy with Liberty Mutual can save you time and money. Learn more about how you can bundle your auto, home, renters, or condo insurance.
- Home Computer and Smartphone: If your smartphone or other devices are not insured, repairing or replacing them can be expensive. Did you know you can insure multiple devices for up to \$10,000 with a deductible of \$50.00?



As required by law, I hereby certify that all the information provided regarding my Short Term Rental Property permit application is true and accurate.

Name (printed) Adriana Lewis
Signed [Signature]
Date 10/11/17

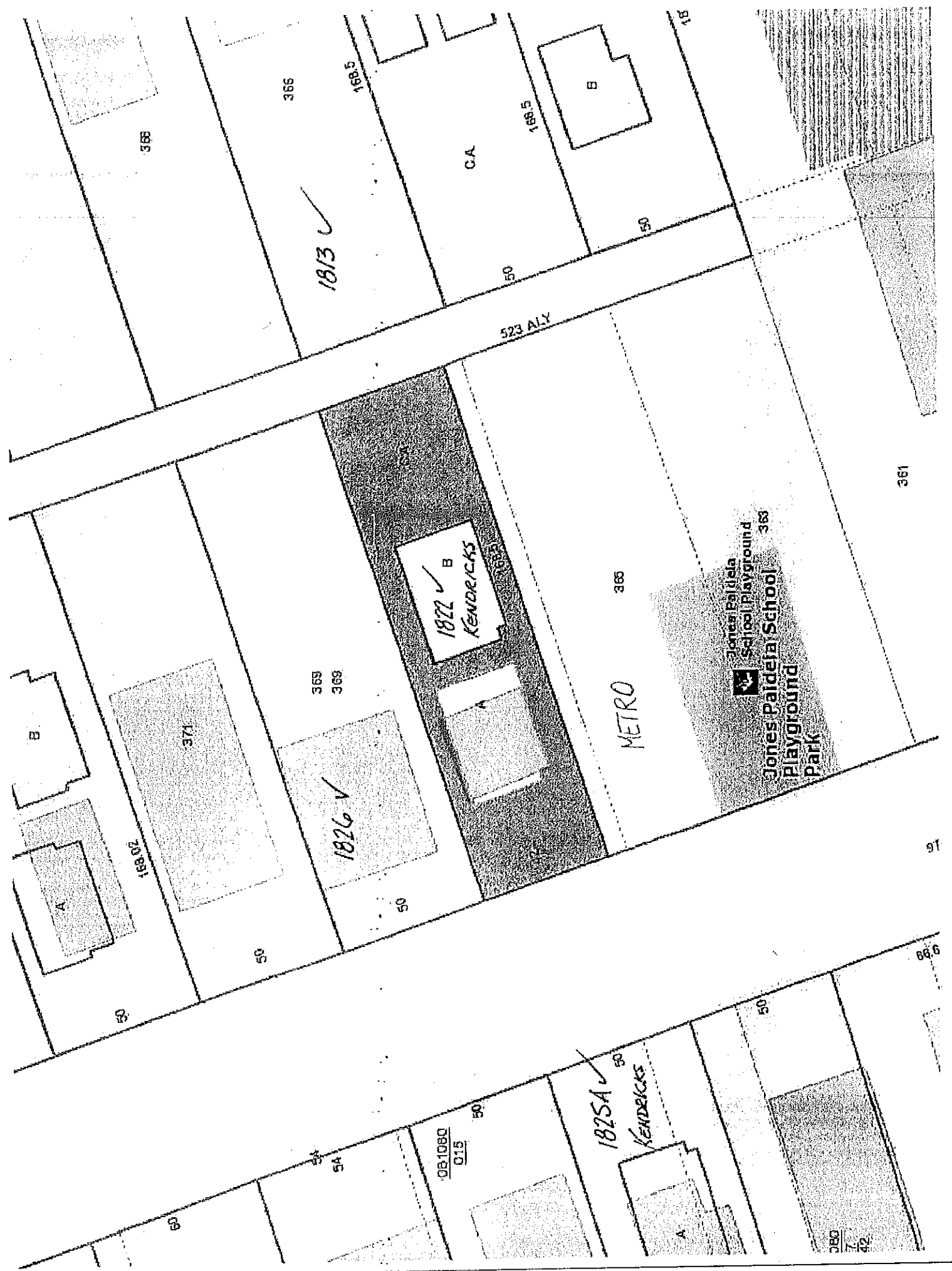
County of DAVIDSON
State of TENNESSEE

On this 11th day of October, 2017.

Notary [Signature]

Commission Expires _____ Seal

A circular notary seal for the State of Tennessee. The text inside the seal reads "STATE OF TENNESSEE" and "NOTARY PUBLIC". The name "WILLIAM ROBERTSON" is visible at the top of the seal, and "DAVIDSON COUNTY" is at the bottom. The seal is stamped over the "Seal" label.



1813 ✓

1822 ✓ B
Kendricks

1826 ✓

1825A ✓
Kendricks

523 ALY

METRO

Jones Paldeja School Playground
Jones Paldeja School Playground Park

08-1080
D15

380
7
42



FedEx Office

Address: 1440 BROADWAY
 NEW YORK
 NY 10018
 Location: TSSKL
 Device ID:
 Transaction:
 [REDACTED]

*Verification via
 Serial. Print
 Copy Not Available*

FedEx Ground			
787980293679	0.1 lbs. (S)		9.69
Declared Value	1		
FedEx Home Delivery			
787980309866	0.1 lbs. (S)		9.69
Declared Value	100		
FedEx Ground			
787980321536	0.2 lbs. (S)		9.69
Declared value	1		
FedEx Home Delivery			
787980336263	0.1 lbs. (S)		9.69
Declared Value	1		
Mailr PhtDoc5.75x8.5			
771342339379	4 (T)		\$5.56
Shipment subtotal:			\$38.76

Justin Roberts,
1825B 9th Ave North
Nashville, TN 37208

To Whom it May Concern,

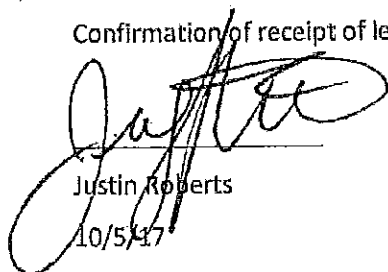
The purpose of this letter is to inform you that we will at times have guests that stay at our property for short-term periods of time. Your safety, security and quiet enjoyment of your home are our top priority. If you have any questions, please don't hesitate to contact Jaron Caston at 214-695-9421.

Sincerely,



Adrian Lam
1822A 9th Avenue North Owner

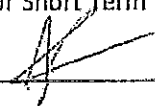
Confirmation of receipt of letter.



Justin Roberts
10/5/17

Homeowners Association

- o This notification confirms that no Homeowners Association exists governing the property applying for Short Term Rental Property Certification.

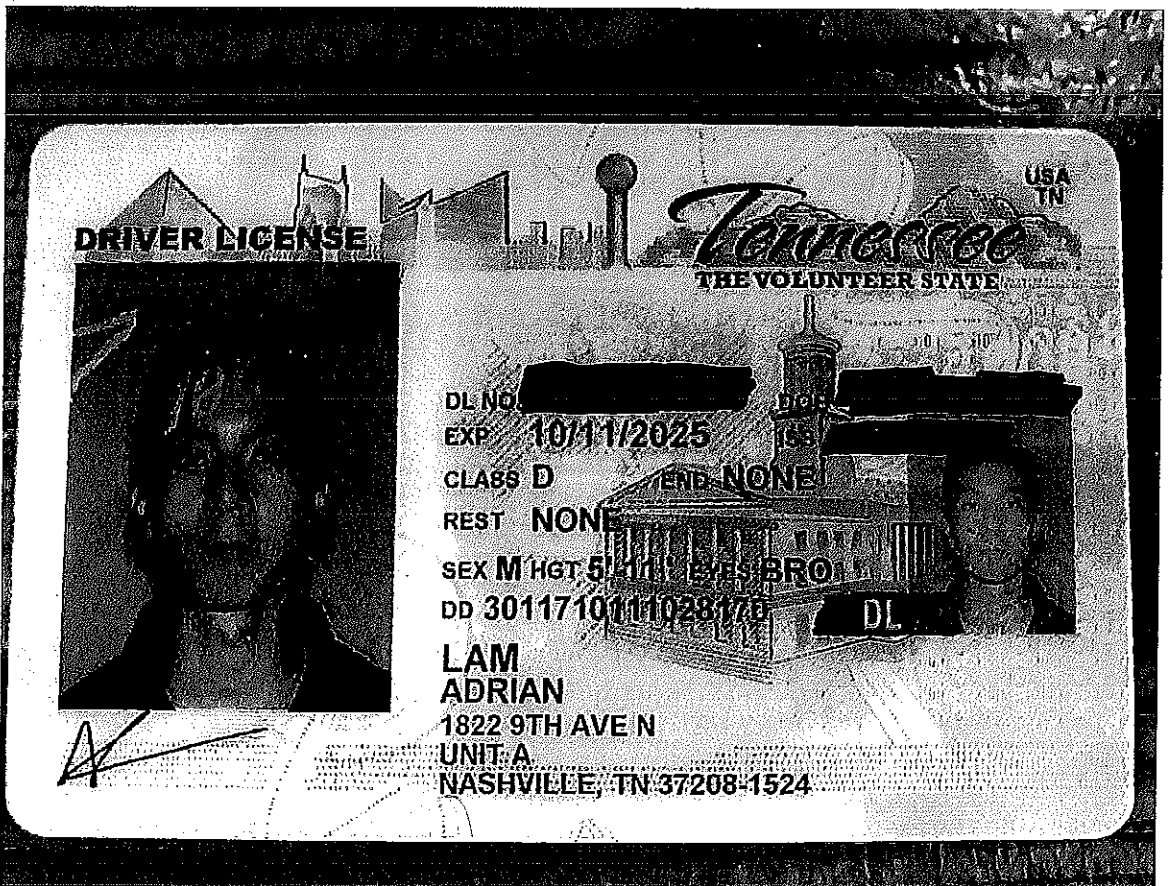
Signed Date 10/11/17OR

- o This notification confirms that operating a Short Term Rental Property will not violate any Home Owners Association Agreement or bylaws, Condominium Agreement, Covenants, Codes and Restrictions or any other agreement governing and limiting the use of the proposed STRP property.

Signed _____

Date _____

Contact Information**Owner:**Name: Adrian LaimAddress: 1822 A North Ave NCity & Zip: Nashville TN 37208Phone: 626-251-3371email: adrian @ yahoo.com
laim 012**Responsible Party:**Name: Jovan CorstonAddress: 8 Academy PlCity & Zip: Nashville TN 37216Phone: 214-695-9421email: jovan.corston @ stuyvesant.com



tabbies
EXHIBIT
2

DL NO. [REDACTED]
 EXP 10/11/2025
 CLASS D
 REST NONE
 SEX M HGT 5'11" EYES BRO
 DD 3011710111028178
LAM
ADRIAN
 1822 9TH AVE N
 UNIT A
 NASHVILLE, TN 37208-1524

- E. Short Term Rental Property (STRP)—Owner-Occupied. A STRP is permitted as an accessory use in all zoning districts that allow residential use provided a permit has been issued for operation of the property as a STRP pursuant to this section. In IWD, IR and IG, STRP is permitted as an accessory use to a multi-family use associated with Manufacturing, Artisan use.
1. Requirements and restrictions..
 - a. No person or entity shall operate a STRP or advertise a residential property for use as a STRP without the owner of the property first having obtained a STRP permit issued by the department of codes administration in accordance with the provisions of this chapter.
 - b. Any advertising or description of a STRP on any internet website must: (a) prominently display the permit number for the STRP unit; or (b) include an image of the permit, or a link to an image of the permit, in which the permit number is legible.
 - c. In IWD, IR, and IG, STRP—Owner-occupied is permitted as an accessory use to a multi-family use associated with manufacturing, artisan.
 - d. To qualify for an STRP—Owner-occupied permit, the owner of the property shall permanently reside in the STRP or, for conforming uses in single-family and one and two-family zoning districts, the owner shall permanently reside in a residential unit on the same lot. The owner of the property: (1) must be a natural person or persons; (2) may not be a limited liability entity, including without limitation a corporation or limited liability company; and (3) may not be an unincorporated entity, including without limitation a partnership, joint venture, or trust.
 - e. Only one permit shall be issued per lot in single-family and two-family zoning districts.
 - f. Ownership of two-family dwellings.
 - i. The property ownership of the two-family units cannot be divided.
 - ii. The two-family units shall be owned by the same person and one of the two units shall be the primary residence of the owner.
 - iii. Prior to the issuance of a permit, an instrument shall be prepared and recorded with the register's office covenanting that the two-family dwelling may only be used under the conditions listed above as long as the STRP—Owner-occupied permit is valid.
 2. Application.
 - a. STRP permit applications shall be valid for ninety calendar days from the date filed and shall expire if the application process has not been completed within that time."
 - b. The STRP permit application shall verify by affidavit that all of the information being provided is true and accurate and the application shall include the following information:
 - i. The name, telephone number, address, and email address of the owner and of a person or business ("responsible party") residing or located within twenty-five miles of the STRP that is responsible for addressing all maintenance and safety concerns;
 - ii. Proof of insurance evidencing homeowner's fire, hazard, and liability insurance. Liability coverage shall have limits of not less than one million dollars per occurrence.



- iii. Proof of written notification to the owner of each adjacent property prior to filing the application. For each such adjacent property, proof of written notification shall be: (a) a signature of an owner; (b) a signed receipt of U.S. registered or certified mail addressed to an owner; or (c) notice from the U.S. Postal Service that registered or certified mail to an owner was refused or not timely accepted.
 - iv. For owners applying for an owner-occupied permit, ~~two documents~~ giving proof of owner-occupation shall be provided. Each document must be current and show the owner's name and address matching that of the property to be utilized for short term rental. Acceptable documentation includes: ~~(a)~~ Tennessee Driver's license; (b) other valid State of Tennessee identification card; (c) Davidson County voter registration card; (d) current employer verification of residential address or a letter from the employer on company letterhead with original signature. (If the employer does not have letterhead, the signature of the employer must be notarized.); ~~(e)~~ current automobile, life or health insurance policy. (Wallet Cards not accepted); (f) paycheck/check stub, (g) work ID or badge, (h) Internal Revenue Service tax reporting W-2 form; or ~~(i)~~ a bank statement.
 - v. A statement that the applicant has confirmed that operating the proposed STRP would not violate any home owners association agreement or bylaws, condominium agreement, covenants, codes and restrictions or any other agreement governing and limiting the use of the proposed STRP property.
 - vi. Proof of payment of all taxes due, including property taxes and, for permit renewals, all applicable room, occupancy, and sales taxes required by state law or the Metropolitan Code.
3. Signage. Any sign, as defined in Section 17.32.030.B of this Zoning Code, on a property used for a STRP shall be governed by the provision of Chapter 17.32, Sign Regulations, of this Zoning Code.
4. Regulations.
- a. All STRP occupants shall abide by all applicable noise restrictions and regulations regarding the public peace and welfare contained in the Metropolitan Code, and all applicable waste management provisions of Chapter 10.20 of the Metropolitan Code.
 - b. The STRP shall meet all applicable requirements of the state and local building and fire safety codes, including, but not limited to, having approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards installed as follows:
 - i. In all sleeping areas.
 - ii. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
 - iii. In each story within the sleeping unit, including basements.
 - c. Parking shall be provided as required by Section 17.20.030. No recreational vehicles, buses, or trailers shall be visible on the street or property in conjunction with the STRP use.
 - d. No food shall be prepared for or served to the transient by the permit holder.
 - e. The principal renter of a STRP unit shall be at least twenty-one years of age.
 - f. Maximum occupancy. The maximum number of occupants permitted on a

STRP property at any one time shall not exceed more than twice the number of sleeping rooms plus four. Simultaneous rental to more than one party under separate contracts shall not be allowed. The occupancy maximum shall be conspicuously posted within the STRP unit. Advertising a STRP for more occupants than allowed by this regulation shall be grounds for revocation of the permit.

- g. The STRP owner shall not receive any compensation or remuneration to permit occupancy of a STRP for a period of less than twenty-four hours. The maximum stay for any guest shall be thirty consecutive days.
- h. The name and telephone number of the local responsible party shall be conspicuously posted within the STRP unit. The responsible party shall answer calls twenty-four hours a day, seven days a week for the duration of each short term rental period to address problems associated with the STRP.
- i. Expiration and renewal of permit.
 - i. A STRP permit shall expire three hundred sixty-five days after it is issued unless it is renewed prior to its expiration.
 - ii. For STRP units that have received no documented complaints to metro codes, police, or public works during the most recent permit period, a renewal application may be submitted by mail, online, or in person according to regulations promulgated by the metro codes department. All such renewal applications shall include:
 - (1) The payment of a fifty dollar renewal fee; and
 - (2) A statement verified by affidavit that:
 - (a) Includes all of the information required in an application under Section 17.16.250.E.2; and
 - (b) The STRP continues to be in full compliance with all applicable laws, including the payment of all applicable taxes.
 - iii. For an STRP that has received no documented complaints to metro codes, police, or public works during the most recent permit period, a thirty calendar day grace period for renewal after the expiration of the STRP permit may be allowed by the zoning administrator upon a showing by the owner of a reasonable explanation other than neglect or mistake for the delay.
 - iv. For an STRP with documented complaints to metro codes, police, or public works during the most recent permit period, no grace period shall be allowed and all permit renewal applications shall be submitted timely. The permit may be renewed upon the payment of a fifty dollar renewal fee, and the submission of a statement verified by affidavit that includes all of the information required in an application under Section 17.16.250.E.2.
- j. The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law or the Metropolitan Code.
- k. A STRP permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a STRP on the property.
- l. Denial or Revocation of Permit.
 - i. Upon the filing of a complaint regarding a STRP permit, the department

of codes administration shall notify the permit holder in writing or by e-mail of such complaint.

- ii. If the zoning administrator determines, based on reasonably reliable information that the zoning administrator has obtained including without limitation public records or reports, records of regularly conducted activity, or a direct or online statement against a person's own interest, that three violations of this section or other Code sections referenced in this section have occurred within a twelve month period, the permit to operate a STRP may be revoked.
- iii. Before revoking any permit, the department of codes administration shall give the permit holder fifteen days written notice of the alleged violation(s) against him/her.
- iv. Any denial or revocation of a STRP permit may be appealed to the board of zoning appeals as an administrative appeal pursuant to Section 17.40.180.A. of the Metropolitan Zoning Code.
- v. Once a STRP permit has been revoked, no new permit shall be issued to the applicant for the same property for a period of one year.
- vi. The penalty for operating a short term rental property without a permit shall be:
 - (1) A fifty dollar fine as imposed by a court of competent jurisdiction. Each day of operation without a permit shall constitute a separate offense.
 - (2) Upon a finding by the board of zoning appeals that a short term rental property has operated without a permit, there shall be a waiting period of up to one year from the date of such finding for the property to become eligible for a STRP permit, as determined by the BZA. Properties that have been denied a permit by the board of zoning appeals and made subject to the one year waiting period prior to October 4, 2016 may re-appeal to the board of zoning appeals with no payment of an appeal fee. The length of the waiting period shall be based upon whether the operator was aware or unaware of the requirement that the STRP have a permit. Evidence to be evaluated in making this decision may include but is not limited to:
 - (a) The testimony of the STRP operator;
 - (b) The testimony of neighbors or others with knowledge of the STRP operation;
 - (c) Evidence that the operator was informed of the requirement and disregarded this information;
 - (d) Evidence that the operator had looked into requirements and misunderstood them;
 - (e) Prior or repeat offenses by the operator under this section; and
 - (f) Whether the operator, upon being informed of the requirement, obtained or attempted to obtain a permit before renting the STRP again.
 - (3) Upon a finding of a court of competent jurisdiction that a short term rental property has operated without a permit, in addition to

any other relief granted; there shall be a waiting period of three years from the date of such finding for the property to become eligible for a STRP permit.

Form **1040** Department of the Treasury — Internal Revenue Service (99) **U.S. Individual Income Tax Return** **2017** OMB No. 1545-0074 IRS Use Only — Do not write or staple in this space.

For the year Jan. 1 - Dec. 31, 2017, or other tax year beginning , 2017, ending , 20 See separate instructions.

Your first name and initial Last name **ADRIAN LAM** Your social security number [REDACTED]

If a joint return, spouse's first name and initial Last name Spouse's social security number

Home address (number and street). If you have a P.O. box, see instructions. Apt. no. **1822 A, 9TH AVE N** Make sure the SSN(s) above and on line 6c are correct.

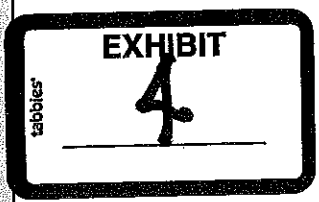
City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions). Foreign country name Foreign province/state/county Foreign postal code **NASHVILLE, TN 37212** Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. You Spouse

Filing Status 1 Single 2 Married filing jointly (even if only one had income) 3 Married filing separately. Enter spouse's SSN above & full name here. 4 Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. 5 Qualifying widow(er) (see instructions)

Exemptions 6a Yourself. If someone can claim you as a dependent, do not check box 6a. 6b Spouse. Boxes checked on 6a and 6b No. of children on 6c who: • lived with you. • did not live with you due to divorce or separation (see instructions). Dependents on 6c not entered above. Add numbers on lines above. 6c Dependents: (1) First name Last name (2) Dependent's social security number (3) Dependent's relationship to you (4) if child under age qualifying for child tax credit (see instructions). d Total number of exemptions claimed.

Income 7 Wages, salaries, tips, etc. Attach Form(s) W-2. 7 8a Taxable interest. Attach Schedule B if required. 8a b Tax-exempt interest. Do not include on line 8a. 8b 9a Ordinary dividends. Attach Schedule B if required. 9a b Qualified dividends. 9b 10 Taxable refunds, credits, or offsets of state and local income taxes. 10 11 Alimony received. 11 12 Business income or (loss). Attach Schedule C or C-EZ. 12 13 Capital gain or (loss). Attach Schedule D if required. If not required, check here. 13 14 Other gains or (losses). Attach Form 4797. 14 15a IRA distributions. 15a b Taxable amount. 15b 16a Pensions and annuities. 16a b Taxable amount. 16b 17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E. 17 18 Farm income or (loss). Attach Schedule F. 18 19 Unemployment compensation. 19 20a Social security benefits. 20a b Taxable amount. 20b 21 Other income. List type and amount. 21 22 Combine the amounts in the far right column for lines 7 through 21. This is your total income. 22

Adjusted Gross Income 23 Educator expenses. 23 24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ. 24 25 Health savings account deduction. Attach Form 8889. 25 26 Moving expenses. Attach Form 3903. 26 27 Deductible part of self-employment tax. Attach Schedule SE. 27 28 Self-employed SEP, SIMPLE, and qualified plans. 28 29 Self-employed health insurance deduction. 29 30 Penalty on early withdrawal of savings. 30 31a Alimony paid b Recipient's SSN. 31a 32 IRA deduction. 32 33 Student loan interest deduction. 33 34 Tuition and fees. Attach Form 8917. 34 35 Domestic production activities deduction. Attach Form 8903. 35 36 Add lines 23 through 35. 36 37 Subtract line 36 from line 22. This is your adjusted gross income. 37



RECIPIENT'S/LENDER'S name, address, and telephone no. Dovenmuehle Mortgage, Inc., Servicer for InterLinc Mortgage Services, LLC 1 Corporate Drive, Suite 360 Lake Zurich, IL 60047-8945 1-877-604-7299		*Caution: The amount shown may not be fully deductible by you. Limits based on the loan amount and the cost and value of the secured property may apply. Also, you may only deduct interest to the extent it was incurred by you, actually paid by you, and not reimbursed by another person.	OMB No. 1545-0901 2017 Form 1098	<input checked="" type="checkbox"/> CORRECTED (if checked) Mortgage Interest Statement	
RECIPIENT'S/LENDER'S federal identification no. [REDACTED]	PAYER'S/BORROWER'S taxpayer identification no. [REDACTED]	1 Mortgage interest received from payer(s)/borrower(s)* \$ [REDACTED]	Copy B For Payer/ Borrower The information in boxes 1 through 10 is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if the IRS determines that an underpayment of tax results because you overstated a deduction for this mortgage interest or for these points, reported in boxes 1 and 6; or because you didn't report the refund of interest (box 4); or because you claimed a non-deductible item.		
PAYER'S/BORROWER'S name, street address (including apt. no.), city or town, state or province, country, and ZIP or foreign postal code ADRIAN LAM DONALD YUIKI LAM 1822A 9TH AVE N NASHVILLE TN 37208-1524		2 Outstanding mortgage principal as of 1/1/2017 \$ [REDACTED]			3 Mortgage origination date [REDACTED]
PAYER'S/BORROWER'S name, street address (including apt. no.), city or town, state or province, country, and ZIP or foreign postal code ADRIAN LAM DONALD YUIKI LAM 1822A 9TH AVE N NASHVILLE TN 37208-1524		4 Refund of overpaid interest \$ [REDACTED]			5 Mortgage insurance premiums \$ [REDACTED]
PAYER'S/BORROWER'S name, street address (including apt. no.), city or town, state or province, country, and ZIP or foreign postal code ADRIAN LAM DONALD YUIKI LAM 1822A 9TH AVE N NASHVILLE TN 37208-1524		6 Points paid on purchase of principal residence \$ [REDACTED]			7 Is address of property securing mortgage same as PAYER'S/BORROWER'S address? If "Yes," box is checked <input type="checkbox"/> If "No," see box 8 or 9, below
PAYER'S/BORROWER'S name, street address (including apt. no.), city or town, state or province, country, and ZIP or foreign postal code ADRIAN LAM DONALD YUIKI LAM 1822A 9TH AVE N NASHVILLE TN 37208-1524		8 Address of property securing mortgage 1822 A 9TH AVE N NASHVILLE TN 37208			9 If property securing mortgage has no address, below is the description of the property
10 Number of mortgaged properties [REDACTED]		Account number (see instructions) [REDACTED]			

This information is provided for your use in preparing your 2017 tax returns. You are responsible for providing us with your correct SSN/TIN. Please contact our Customer Service Department at the above phone number if this number is wrong. Please review the reverse side for important Internal Revenue Service information.



[REDACTED]

LAM ROBINSON & CO
100 N. BARRANCA STREET SUITE 200
WEST COVINA, CA 91791
(626) 430-9062

October 17, 2018

ADRIAN LAM
1822 A. 9TH AVE N
NASHVILLE, TN 37208

Federal Submission ID: [REDACTED]
Filing Status: Single

Dear Adrian,

Your 2017 Federal Income Tax Return was acknowledged as accepted by the Internal Revenue Service on October 15, 2018. No tax is payable with the filing of this return. There is an overpayment of \$946, of which \$916 has been applied to your 2018 estimated tax. If you have questions about the return, wait four weeks from the acceptance date before calling the IRS Tele-Tax number, 1-800-829-4477.

Your 2017 California Individual Income Tax Return, with Submission ID 9649952018288014xrc2, was acknowledged as accepted by the State of California on October 15, 2018. There is an overpayment of \$236, of which \$232 has been applied to your 2018 estimated tax. No tax is payable with the filing of this return.

Your 2017 New York Income Tax Return, with Submission ID 9649952018288014xrcn, was acknowledged as accepted by the State of New York on October 16, 2018. There is an overpayment of \$599, of which \$599 has been applied to your 2018 estimated tax. No tax is payable with the filing of this return.

Your Tennessee Income Tax Return, with Submission ID 9649952018288014xrd7, was acknowledged as accepted by the State of Tennessee on October 16, 2018. No tax is payable with the filing of this return.

Please be sure to call if you have any questions.

Sincerely,

JONG H. YIM

EXHIBIT

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P.O. Box 15284
Wilmington, DE 19850

ADRIAN LAM
1822 9TH AVE N UNIT A
NASHVILLE, TN 37208-1524

Preferred Rewards

Customer service information

- ☎ 1.888.888.RWDS (1.888.888.7937)
- TDD/TTY users only: 1.800.288.4408
- En Español: 1.800.688.6086
- 🌐 bankofamerica.com
- ✉ Bank of America, N.A.
P.O. Box 25118
Tampa, FL 33622-5118

Please see the **Important Messages - Please Read** section of your statement for important details that could impact you.

Your State Bar of California Adv Relationship Banking Preferred Rewards Platinum

for October 11, 2018 to November 7, 2018

Account number [REDACTED]

ADRIAN LAM

Account summary

Beginning balance on October 11, 2018	[REDACTED]
Deposits and other additions	[REDACTED]
Withdrawals and other subtractions	[REDACTED]
Checks	[REDACTED]
Service fees	[REDACTED]
Ending balance on November 7, 2018	[REDACTED]



Proud to support the brave women and men in our military
Trusted products and services through deployment and beyond. Bank of America is here for those who serve. Visit bankofamerica.com/military to learn more about our military customer benefits.

LIFE / BETTER CONNECTED®

SSM-01-18



000001
Liberty Mutual Office
PO Box 970
Mishawaka IN 46546



Adrian Lam
Donald Y Lam
1822 9th Ave N Unit A
Nashville TN 37208-1524

Thank you for being a Liberty Mutual Home Customer since 2017!

This package contains your homeowners renewal. Please look over this information and keep it with your important documents.

Remember, you can download our mobile app or visit LibertyMutual.com/register 24 hours a day to get information and manage your Liberty Mutual account.

Please also feel free to ask us to review your insurance rate before your policy renews on 08/18/2018. We have included an "Information about Policy Rate Determination" notice in this package which will provide you additional details. As always, thank you for continuing to trust Liberty Mutual with your insurance needs.

If you have any questions about your coverage, available discounts or product offerings, please call me or a member of my service team.

Sincerely,

[Redacted Signature]

Sales Representative

[Redacted Contact Information]

Please contact me to schedule an appointment so I can be available for your visit.



CONTACT US

Questions About Your Policy

By Phone
1-615-463-5990
1-888-649-8711

Sign Up for eService

- Pay your bill
- Go paperless
- View your policy
- File or view a claim

Manage your policy 24/7 at LibertyMutual.com/register

Visit Us Online
LibertyMutual.com

To Report a Claim

By Phone
1-800-2CLAIMS
(1-800-225-2467)

Online
LibertyMutual.com/Claims

Lost your bill and need to make a payment? Here is the address:

Liberty Mutual Insurance
P.O. Box 7500
Dover, NH 03821-7500

40000006H3725857444740000000

CONTINUE TO THE NEXT PAGE FOR A GUIDE TO YOUR HOME RENEWAL PACKET

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EXHIBIT

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A GUIDE TO YOUR HOME RENEWAL PACKET

PAGE	SECTION
------	---------

1	Policy Declarations Includes important information about your policy, including insurance information as well as your discounts and benefits.
1	Coverage Information Includes important coverage information. Please review this section in detail to ensure you are fully covered. Contact us with any questions.
5-8	Important Notices & Policy Forms This section includes any notices and policy forms that may change your coverages.


Named Insured:

1. Adrian Lam
2. Donald Y Lam

Policy Number:
Policy Period:

08/18/2018 to 08/18/2019

Mailing Address:

 1822 9th Ave N Unit A
 Nashville TN 37208-1524

Affinity:

 National Association of
 Realtors

THIS IS NOT YOUR HOME INSURANCE BILL. YOU WILL BE BILLED SEPARATELY.



Questions about your Policy?
Call 1-615-463-5990 or
1-888-649-8711

Policy Number: [REDACTED]

Report a Claim:
1-800-2CLAIMS or
LibertyMutual.com/Claims



ACTION REQUIRED:
PLEASE REVIEW AND KEEP FOR YOUR RECORDS.

Policy Declarations

Total 12 Month Premium: [REDACTED]

Your discounts and benefits have been applied. Includes state sales tax and local surcharge where applicable.

Through your affiliation with the National Association of Realtors your policy includes special group savings on your home insurance.

Insurance Information

Named Insured: Adrian Lam
Donald Y Lam

Policy Number: [REDACTED]

Mailing Address: 1822 9th Ave N Unit A
Nashville TN 37208-1524

Policy Period: 08/18/2018-08/18/2019 12:01 a.m.
standard time at the address of the
Named Insured at Insured Location.

Insured Location: Same as Mailing address above Declarations Effective: 08/18/2018

DISCOUNTS AND BENEFITS SECTION

Your discounts and benefits have been applied to your total policy premium.

- Inflation Protection Discount
- Claims Free Discount
- Recent Home Buyer Discount
- Mortgagee Billing Discount
- Basic Home Safety
- Smart Home
 - Theft Protection
 - Fire Protection
- New or Renovated Home Discount
- Early Shopper Discount
- New Roof Discount
- Paperless Policy Discount

Coverage Information

Standard Policy with HomeProtector Plus™

SECTION I COVERAGES

LIMITS

PREMIUM

- A. Dwelling with Expanded Replacement Cost
- B. Other Structures on Insured Location
- C. Personal Property with Replacement Cost
- D. Loss of Use of Insured Location

[REDACTED]
Actual Loss Sustained

Policy
Declarations



Want to Add a Coverage?

Call 1-615-463-5990 or 1-888-649-8711 to talk to your agent about the availability of this coverage and whether it meets your needs.

Policy Number: [REDACTED]

Report a Claim:

1-800-2CLAIMS or LibertyMutual.com/Claims



Coverage Information continued

SECTION II COVERAGES	LIMITS	PREMIUM
E. Personal Liability (each occurrence)	[REDACTED]	[REDACTED]
F. Medical Payments to Others (each person)	[REDACTED]	[REDACTED]

POLICY DEDUCTIBLES

Losses covered under Section I are subject to a deductible of [REDACTED].
 If losses are a result of Wind/Hail they are subject to a deductible of .5% [REDACTED].

Total Standard Policy with HomeProtector Plus™	\$ [REDACTED]
---	----------------------

ADDITIONAL COVERAGES	DEDUCTIBLE	LIMITS	PREMIUM
Credit Card, Fund Transfer, Forgery	\$	1,000	\$ 0
Liberty Mutual HomeSharing Coverage™			INCL
Coverage E increased limit			INCL
Total Additional Coverages			\$ 0

Total 12 Month Policy Premium: [REDACTED]

Additional Coverages and Products Available*

We've reviewed your policy and have identified additional optional coverages and products that can add valuable protection. Talk to your agent about purchasing the following coverages and products and whether they meet your needs.

- **Multi-Policy Discounts:** Having more than one insurance policy with Liberty Mutual can save you time and money. Learn more about how you can bundle your auto, home, renters, or condo insurance.
- **Home Computer and Smartphone:** If your smartphone or other devices are not insured, repairing or replacing them can be expensive. Did you know you can insure multiple devices for up to \$10,000 with a deductible of \$50.00?
- **Identity Fraud Expense:** A stolen identity can be scary and expensive. We'll provide counseling, and pay up to \$30,000 for expenses such as lost wages and attorney fees incurred to recover your identity.

*These optional coverages are subject to policy provisions, limitations, and exclusions. Daily limits or a deductible may apply. For a complete explanation, please consult your agent today.



Questions about your Policy?

Call 1-615-463-5990 or
1-888-649-8711

Policy Number:

Report a Claim:

1-800-2CLAIMS or
LibertyMutual.com/Claims

Mortgage Information

Mortgagee 1:

Policy Forms and Endorsements: The following forms and endorsements are applicable to your policy

LibertyGuard® Deluxe Homeowner Policy
(HO 00 03 04 91)

Home Protector Plus (FMHO 3331 0312)

Credit Card, Fund Transfer, Forgery
(HO 04 53 04 91)

Protective Devices (FMHO 4172 1014)

Amendatory Mold End (FMHO 3370 1112)

Seepage Exclusion End (FMHO 3391 1112)

Special Provisions - Tennessee (FMHO6100TN 1115)

Inflation Protection (FMHO-2835 11 03)

Liberty Mutual HomeSharing Coverage
(FMHO 6510 0616)

No SecII/Limit I-Daycare (HO 04 96 04 91)

Lead Poisoning Exclusion (FMHO-976 05/92)

Windstorm or Hail Deductible (FMHO 3366 0912)

Waiver Of Ded-Theft (FMHO 1087 1014)

Fuel Storage Exclusion (FMHO-1097 1/97)

Education Coverage End (FMHO-2357)

Arson Reward (FMHO-993)

Important Messages

Flood Insurance: Your Homeowners policy **does not** provide coverage for damage caused by flood, even if the flood is caused by a storm surge. Liberty Mutual can help you obtain this coverage through the Federal Emergency Management Agency (FEMA) if your community participates in the National Flood Insurance Program. Please call your representative for more information.

Hail/Windstorm Deductible: This policy contains a separate deductible, different than your Section I deductible, for windstorm or hail losses. This may result in a higher out of pocket expense if a loss occurs due to windstorm or hail. Your deductible will be listed with your Standard Policy in the Policy Deductibles section.

Your Service Office

Liberty Mutual Office
4017 Hillsboro Pike Ste 406
Nashville TN 37215

Account Number: 1004080831001

ADRIAN LAM

Service Address:

1822 9TH AVE # A N

NASHVILLE, TN 37208

Billing Date: 10/16/18

Net Amount Due By: 10/30/18

Rate Schedule*: 301 TN RESIDENTIAL RATE

*Rate schedule and calculation information is available on our website.

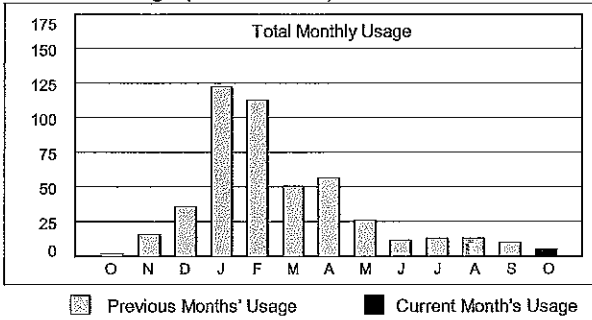
Message For ADRIAN LAM

Natural Gas Water Heaters

Save money and get all the hot water you need with a natural gas water heater. Natural gas water heaters deliver hot water more quickly and for lower costs than comparable electric models. Learn more at piedmontng.com.

Gas Usage History

13-Month Usage (Total Therms)



	10/17	10/18
Therms	2	5
Days	28	25
Avg Temp	65	65
Amount		

Account Summary

Previous Bill Amount

Payment(s) Received through 10/15/18 - Thank you

Past Due Balance

\$0.00

Current Billing and Other Basic Charges

Gas - Current Month Charges

Local Franchise Fee

Total Current Balance

Net Amount Due By 10/30/18

Gross Amount Due After 10/30/18

Purchase Gas Adjustment

.573340

All bills are payable by the due date. A late charge of 1.5% (.50 minimum) will be added to appropriate non-utility balances not paid by the due date.

Current Reading - based on actual read

Meter Number	Service Period		Meter Reading		Reading Difference	Meter Multiplier	Gas Used (CCF)	Heat Factor	Number of Therms Used
	From	To	Previous	Current					
T1033946	09/10/18	10/05/18	464	469	5 X	1.000 =	5 X	1.06907 =	5
Total Therms Used	5								
Number of Days	25								

17369 /008938 NOJRN4

PO BOX 937
TOLEDO, OH 43697-0937

Please check here and fill out reverse to enroll in *Share the Warmth Round Up*.



17369 1 AV 0.375 08684/17369 /008938 0050 1 NOJRN4
ADRIAN LAM
1822 9TH AVE # A N
NASHVILLE, TN 37208-1524

Account Number:

Net Amount Due By 10/30/18:

Gross Amount Due After 10/30/18:

Your Account Will Be Drafted On 10/30/18. Do not Pay.

Send payment to:

PIEDMONT NATURAL GAS
PO BOX 1246
CHARLOTTE, NC 28201-1246



000NOJRN4000086842 171 00

280 S.W.3d 206
 Court of Appeals of Tennessee,
 Middle Section, at Nashville.

In re CONSERVATORSHIP
 OF William Paul ACKERMAN.

No. M2007-00717-COA-R3-CV.

Assigned on Briefs Feb. 19, 2008.

July 29, 2008.

Permission to Appeal Denied by
 Supreme Court Jan. 20, 2009.

Petition for Review Denied Feb. 17, 2009.

Synopsis

Background: Appointment of conservatorship was sought for incompetent. The Probate Court, Davidson County, Randy Kennedy, J., appointed incompetent's sister and son co-conservators, and incompetent's wife pro se appealed.

[**Holding:**] The Court of Appeals, Charles D. Susano, Jr., J., held that incompetent was domiciled in county where petition for conservatorship was filed.

Affirmed.

West Headnotes (7)

[1] Mental Health

⊕ Decisions Reviewable

Pro se appeal filed approximately five days prior to entry of final order in conservatorship proceeding was prematurely filed, and thus treated as being filed on date on which final order was entered. Rules App.Proc., Rules 3(a), 4(d).

1 Cases that cite this headnote

[2] Domicile

⊕ Domicile of Choice and Change of Domicile

Mental Health

⊕ Particular Courts

Mental Health

⊕ Venue

Incompetent was domiciled in county where petition for conservatorship was filed, and thus probate court had jurisdiction to appoint incompetent's sister and son co-conservators, notwithstanding incompetent's wife's argument that he was domiciled in county where he lived for two weeks upon his marriage to wife; incompetent lived in rehabilitation center in county for approximately three years before petition was filed, he received pension benefits from county sheriff's department, and he was found incompetent prior to his marriage and two-week stay in other county. West's T.C.A. § 34-13-101 (2000).

Cases that cite this headnote

[3] Mental Health

⊕ Jurisdiction

Mental Health

⊕ Venue

Venue is jurisdictional in conservatorship proceedings, and probate and other local trial courts should not exercise jurisdiction over the person or property of disabled persons who are not residents of their geographic area. West's T.C.A. § 34-13-101(b) (2000).

1 Cases that cite this headnote

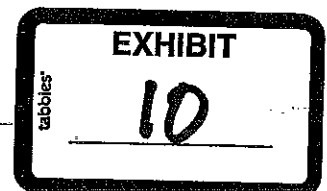
[4] Domicile

⊕ Domicile Distinguished from Residence


At any given time, a person may have more than one residence but may have only one domicile or legal residence.

Cases that cite this headnote

[5] Domicile



⇒ Domicile of Choice and Change of Domicile

 A person cannot acquire a new domicile or legal residence without first abandoning another.


1 Cases that cite this headnote

[6] Domicile

⇒ Domicile of Choice and Change of Domicile

Domicile

⇒ Intent

 To change domicile or legal residence, a person must: (1) actually change his or her residence to a new place; (2) intend to abandon his or her old domicile; and (3) intend to establish a new domicile at the new residence.

2 Cases that cite this headnote

[7] Domicile

⇒ Intent

Mental Health

⇒ Jurisdiction

Mental Health

⇒ Venue

A person who is mentally incompetent cannot voluntarily change domicile or legal residence because he or she does not have the requisite intent either to abandon the old domicile or to acquire a new one.

2 Cases that cite this headnote

Attorneys and Law Firms

***207** Cathy Drake-Ackerman, Russellville, Kentucky, appellant, Pro Se.

T.J. Jones, Nashville, Tennessee, for the appellees, John R. Ackerman, Sammie A. Guthrie, and William Paul Ackerman, III.

CHARLES D. SUSANO, JR., J., delivered the opinion of the court, in which D. MICHAEL SWINEY and SHARON G. LEE, JJ., joined.

OPINION

CHARLES D. SUSANO, JR., J.

Relatives of William Paul Ackerman (“Ward”)—a brother, sister, and son—sought appointment as co-conservators of his person and property. Cathy Drake-Ackerman (“Wife”) has appealed, questioning whether the probate court had jurisdiction over Ward. We hold that the evidence does not preponderate against the probate court’s findings. Accordingly, we affirm.

***208 I.**

Ward¹ suffered his first stroke and seizure in August 2002, followed by a second in February 2003, after which his sister, Sammie A. Guthrie (“Sister”), began handling his checkbook. Ward first met Wife in September 2004 while visiting in Russellville, Kentucky. He suffered another stroke in July 2005, at which time he became a patient at the Lakeshore Wedgewood Rehabilitation Center and Nursing Home in Davidson County. In early 2006, Wife started dating Ward while he lived at Lakeshore, and, in April 2006, the couple were married. They had been married for approximately 30 days when Ward suffered another stroke during the couple’s honeymoon in Florida.

Ward underwent brain surgery while still in Florida. According to the guardian ad litem, Wife had a nervous breakdown at that time. Sister began making health care decisions regarding Ward pursuant to a power of attorney for health care dated July 25, 2005. The power appointed her as his health care agent. Upon returning to Nashville, Ward resumed living at Lakeshore. The May 2006 surgery left Ward unable to care for himself. His condition necessitates round-the-clock nursing care.

On February 1, 2007, John R. Ackerman (“Brother”), Sister, and William Paul Ackerman, III (“Son”) (collectively “the relatives”), filed a petition in the

Davidson County Probate Court seeking the appointment of a conservator for Ward.

A guardian ad litem was appointed on February 8, 2007. At a hearing held on February 22, 2007, two attorneys representing Wife were given a copy of the guardian ad litem's report, but Wife apparently terminated the employment of both attorneys prior to the hearing. Neither the attorneys nor Wife filed any pleading in opposition to the relatives' petition. Jurisdiction was not opposed. It is undisputed that Wife did not oppose the appointment of a conservator for Ward, nor did she contest the necessity for the appointment of one.

After the hearing, the trial court ordered that the relatives be appointed as temporary co-conservators over Ward's person and property. The order provides that Wife is allowed a 20-minute visit with Ward for the purpose of allowing her to see how he is doing. She was ordered to have her personal physician give the court an affidavit "that states in [the doctor's] professional opinion if her condition is such that he believes it is in her best interest to be able to meet with (visit) and communicate with her husband ... [and] ... whether or not her medical condition is such that she is capable of doing so without a likely dilemma, as evidenced by previous anxiety situations."

On March 22, 2007, Wife filed a notice of appeal with respect to the order from the February 22, 2007 hearing—an order that only named the relatives as *temporary* co-conservators. A final hearing was scheduled for March 27, 2007. The trial court's order pertaining to the February 22, 2007, hearing was not signed until March 27, 2007. A second order deleting the "temporary" designation was signed on March 30, 2007. At the March 27, 2007, hearing, the court ordered that Sister and Son be the co-conservators for Ward. The order states that Wife was not present at the final hearing in this matter and, therefore, made no objection to the trial court's jurisdiction or the final appointment of the *209 Sister and Son as conservators. The final order was entered April 20, 2007, along with the property management plan.

II.

The issue presented for review by Wife, as taken verbatim from her brief, is as follows:

Whether the Seventh Circuit Court for Davidson County, Tennessee had good cause for the exercise of jurisdiction as to the matters alleged in the Petition For Appointment of Conservator for William Paul Ackerman and whether the Power of Attorney that was exercised to place Mr. Ackerman in a Nursing Home, in the state of Tennessee, was, in fact, a valid, legal document.

In her reply brief, Wife stated that her appeal "is based on the question of the authority for jurisdiction concerning the Appointment of Conservator for her husband and has nothing whatsoever to do with *WHO* is appointed to serve as Conservator." (Capitalization and emphasis in original).

III.

Our standard of review in this non-jury case is *de novo* upon the record of the proceedings below and there is no presumption of correctness with respect to the trial court's conclusions of law. *Campbell v. Florida Steel Corp.*, 919 S.W.2d 26, 28–9 (Tenn.1996); Tenn. R.App. P. 13(d). The trial court's factual findings, however, are presumed to be correct and we must affirm such findings absent a preponderance of evidence to the contrary. *Union Carbide Corp. v. Huddleston*, 854 S.W.2d 87, 91 (Tenn.1993).

IV.

A.

[1] As a threshold issue, the relatives contend that the order from which Wife appeals—the February 22, 2007, order—only named the relatives as *temporary* co-conservators. The relatives argue that the order from the March 27, 2007, hearing—the final order of the court—was not appealed by Wife. They contend that Wife's appeal should be dismissed for lack of jurisdiction.

Wife, acting *pro se* in this matter, admits that she filed her appeal before the final order was signed. She has moved this court to suspend the requirement of Tenn. R.App. P.

3. She argues that it is obvious that she would have delayed the filing of her notice of appeal until after the final order if she had been aware of Rule 3.

Tenn. R.App. P. 3(a) provides as follows:

In civil actions every final judgment entered by a trial court from which an appeal lies to the Supreme Court or Court of Appeals is appealable as of right. Except as otherwise permitted in Rule 9 and in Rule 54.02 Tennessee Rules of Civil Procedure, if multiple parties or multiple claims for relief are involved in an action, any order that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties is not enforceable or appealable and is subject to revision at any time before entry of a final judgment adjudicating all the claims, rights, and liabilities of all parties.

Rule 3(a), however, must be read in conjunction with Tenn. R.App. P. 4(d), which provides that

[a] prematurely filed notice of appeal shall be treated as filed after the entry of the judgment from which the appeal is taken and on the day thereof.

We conclude that the notice of appeal filed by Wife on March 22, 2007, was "prematurely filed" and, hence, is "treated" as being filed April 20, 2007, the date on *210 which the final order in this case was entered. We have jurisdiction of this appeal. Accordingly, the relatives' issue is without merit.

B.

[2] Wife asserts that Ward is not a resident of or domiciled in the state of Tennessee but is only in a nursing home in this state to recuperate from his most recent stroke and surgery. She contends that Ward is a resident of Logan County, Kentucky, where the couple was married in April 2006. Thus, she argues that the trial court did

not have good cause for exercising jurisdiction as to the matters alleged in the relatives' petition. Accordingly, Wife asserts that the probate court erred when it appointed the Sister and Son as conservators for Ward.

[3] The authority for the probate court's jurisdiction is found in Tenn.Code Ann. § 34-13-101 (2007)²:

(a) Actions for the appointment of a conservator may be brought in a court exercising probate jurisdiction or any other court of record in any county in which there is venue.

(b) An action for the appointment of a conservator shall be brought in the county of residence of the alleged disabled person.

Because of Tenn.Code Ann. § 34-3-101(b), venue is jurisdictional in conservatorship proceedings. Accordingly, probate and other local trial courts should not exercise jurisdiction over the person or property of disabled persons who are not residents of their geographic area. *In re Conservatorship of Clayton*, 914 S.W.2d 84, 89 (Tenn.Ct.App.1995).

[4] [5] [6] At any given time, a person may have more than one residence but may have only one domicile or legal residence. *Bearman v. Camatsos*, 215 Tenn. 231, 385 S.W.2d 91, 93 (1964). A person cannot acquire a new domicile or legal residence without first abandoning another. *McElhaney v. Chipman*, 647 S.W.2d 643, 644 (Tenn.Ct.App.1982). To change domicile or legal residence, a person must: (1) actually change his or her residence to a new place; (2) intend to abandon his or her old domicile; and (3) intend to establish a new domicile at the new residence. *Denny v. Summer County*, 134 Tenn. 468, 184 S.W. 14, 16 (1916).

In *Clayton*, 914 S.W.2d at 89, the court held that " 'the term county of residence' in [now Tenn.Code Ann. § 34-3-101(b)] means the county of the disabled person's legal residence or domicile and that our courts cannot exercise personal jurisdiction in proceedings to appoint a conservator over disabled persons who just happen to be within their territorial jurisdiction." *Id.* at 91. "Because of the fiduciary nature of the responsibilities, the court with the closest ties to the disabled person and his or her family and property should be the court that exercises jurisdiction in a conservatorship proceeding." *Id.* at 90.

Ward has lived most of his life in Tennessee. He receives a retirement pension from the Davidson County Sheriff's Department. For the most part, he has resided at Lakeshore since approximately June 2005. Since returning from Florida after his most recent stroke, Ward has been residing in Davidson County at Lakeshore. Prior to living at Lakeshore, Ward lived in Nashboro Village in Davidson County. He is not someone who just happens to be within the court's territory; his closest ties are clearly with Davidson County, Tennessee, and not Russellville, *211 Kentucky. We do not find that Ward abandoned his ties to Davidson County by living in Russellville, Kentucky, for approximately two weeks upon his marriage to Wife.

[7] A person who is mentally incompetent cannot voluntarily change domicile or legal residence because he or she does not have the requisite intent either to abandon the old domicile or to acquire a new one. *In re Chaffee*, 211 Tenn. 88, 362 S.W.2d 467, 469 (1962); *Hannon v. Hannon*, 185 Tenn. 307, 206 S.W.2d 305, 306 (1948). Wife argues that Ward was incompetent as of July 2005 when he designated Sister and Brother to serve as his agents in a power of attorney.³ She relies on a letter from Dr. Richard Garman, Jr., dated December 7, 2006, in which he states that when he examined Ward on July 18, 2005, seven days prior to the signing of the power of attorney, Ward was not competent to make decisions on his own behalf. The letter provides, in pertinent part, as follows:

I have enclosed a copy of my most recent progress note from 12/06/06 on this patient as he was examined in his room at Lakeshore Wedgewood in Nashville, Tennessee. This patient will need longterm care to sustain himself. He has mental status changes, is confused, and has some expressive and receptive aphasia. He is also very easily manipulated and agitated and has a history of noncompliance. He needs supervision with his medication and needs to avoid alcohol completely. This patient is not competent to

make medical, legal, or financial decisions and would not be competent at this point to give a deposition. On my examination on 12/06/06 the patient did not know who the President of the United States is or the Mayor of Nashville, or where he was living, or what the date, time of day, month, or year are. This patient is not, and will not be, competent to make decisions in regards to his own behalf. He was also not capable of making decisions when I first examined this patient on 07/18/05....

As far as Wife is concerned, this letter proves too much. The evidence—particularly the letter from Dr. Garman dated December 7, 2006—does not preponderate against, but rather is consistent with, a finding that Ward was not competent to change his domicile to Kentucky from and after July 18, 2005, the date upon which Dr. Garman first examined him and found him “not ... competent to make decisions in regard to his own behalf.” There is nothing in the record even remotely suggesting that Ward changed his domicile from Tennessee to Kentucky at any time prior to July 18, 2005. On the contrary, *all* of the evidence supports the conclusion that Ward was, at all critical times in this case, a domiciliary of Davidson County, Tennessee.

V.

The judgment of the trial court is affirmed. Costs on appeal are taxed to the appellant, Cathy Drake-Ackerman. This *212 case is remanded to the trial court for enforcement of the trial court's judgment and for collection of costs assessed below, all pursuant to applicable law. In view of Wife's pro se status and her sincere attempts to present her arguments despite her mental health difficulties, we do not find this appeal to be frivolous.

All Citations

280 S.W.3d 206

Footnotes

- 1 Ward was formerly a professional staff drummer for Nashville's RCA recording studios, the Grand Ole Opry, 1 and the television show “Hee-Haw.” He is also retired from the Davidson County Sheriff's Department.
- 2 The former chapter on conservatorship generally, Tenn.Code Ann. §§ 34-13-101 to 34-13-109, was transferred to §§ 34-3-101 to 34-3-109 in 2001.
- 3 The document provided, in part, as follows:

In re Conservatorship of Ackerman, 280 S.W.3d 206 (2008)

This instrument is intended to avoid the need for a court-appointed conservator or other fiduciary, but in the event an action is filed in Court for the appointment of a conservator or other fiduciary, I hereby nominate my sister and brother, SAMMIE A. GUTHRIE and JOHN R. ACKERMAN, or either of them individually and independently of each other, to be court-appointed conservator or fiduciary. I direct that my said, sister and brother, SAMMIE A. GUTHRIE and JOHN R. ACKERMAN, or any other Successor/Fiduciary be allowed to serve without bond, the same being hereby expressly waived.

(Capitalization in original.)

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Denny v. Sumner County, L.R.A. 1917A, 285 (1916)

134 Tenn. 468, 184 S.W. 14, 7 Thompson 468

L.R.A. 1917A, 285
Supreme Court of Tennessee.

DENNY
v.
SUMNER COUNTY ET AL.

March 11, 1916.

Synopsis

Appeal from Chancery Court, Sumner County; J. W. Stout, Chancellor.

Bill for injunction by W. R. Denny against Sumner County and another. Decree for defendants, and complainant appeals. Reversed, with decree for complainant.

West Headnotes (7)

[1] Domicile

⇨ Nature and Elements

Domicile

⇨ Domicile by Operation of Law

The law will, from facts and circumstances, fix a legal **residence** for one, unless he voluntarily fixes it himself.

2 Cases that cite this headnote

[2] Domicile

⇨ Domicile Distinguished from **Residence**

Taxation

⇨ Place of Taxation

"Domicile" and "residence" are not synonymous as applied to situs for taxation; "domicile" importing a legal relation between a person and a particular place, based on actual **residence** with intention to remain there.

16 Cases that cite this headnote

[3] Domicile

⇨ Domicile of Choice and Change of Domicile

The rule that a domicile once fixed remains until another is acquired does not apply to a change from a domicile of choice to that of origin, in which case the domicile of origin is acquired the moment the other is given up.

3 Cases that cite this headnote

[4] Domicile

⇨ Intent

To constitute a change of domicile of choice, there must be actual **residence** in the new place, with intention to abandon the old and to acquire the new one.

10 Cases that cite this headnote

[5] Domicile

⇨ Intent

The mere intention to acquire a new domicile avails nothing, and an actual removal, though not merely temporary, is insufficient without concurrent intent.

3 Cases that cite this headnote

[6] Domicile

⇨ Intent

Taxation

⇨ Personal Property

Complainant, removing from his domicile of origin in T. county to S. county, and there purchasing a farm for investment and intending to stay only during education of his son, held to retain domicile in T. county for the taxation of personalty.

1 Cases that cite this headnote

[7] Taxation

⇨ Personal Property

The taxation of personal property is dependent on a domicile of the owner.

Cases that cite this headnote



Denny v. Sumner County, L.R.A. 1917A, 285 (1916)

134 Tenn. 468, 184 S.W. 14, 7 Thompson 468

Attorneys and Law Firms

*15 Ed T. Seay, of Nashville, for appellant.

Geo. W. Boddie, of Gallatin, for appellees.

Opinion

WILLIAMS, J.

The bill of complaint was filed by Denny to enjoin the county of Sumner and the board of equalization of that county from making an assessment of complainant's personal estate and to prevent collection of taxes based on any such assessment. The preliminary steps had been taken to assess complainant's holdings of personal property in that county at \$40,000 for the year 1915, and the tax authorities of Trousdale county also made an assessment of the property for that year in the same amount, claiming that situs for taxation was in the latter county.

Denny was born in Smith county, Tenn., in 1867, and had his domicile there until 1902, when he removed to Trousdale county, in this state.

In 1913 he sold his farms in Trousdale and Smith counties, and also his personal property, with only a few exceptions. He was at that time, and has since remained, a widower; he and a son 15 years of age constituting his family.

Not finding the school advantages of Trousdale county adequate, as he thought, he considered going to Lebanon, Wilson county, or to Gallatin, Sumner county, for the purpose of placing his son in school. He was persuaded by a close personal friend who lived in Gallatin to choose the latter place, and he went there early in 1914 and placed his son at once in a boys' training school. At first he rented a house and 21 acres of land that surrounded it. Later, finding that this place was on the market at \$10,000, he purchased it at about \$8,000, but as an investment. The acreage was located in the suburbs of Gallatin and he was persuaded by his friend that it was or would become valuable for subdivision purposes.

Before going to Gallatin Denny had this friend to ascertain from a leading attorney of the Gallatin bar whether his going to that place for the purpose of educating his son would operate to change his domicile;

his desire being to retain his legal residence in Trousdale county. He was assured that it would not. He took up his abode, along with his son, in Gallatin for the purpose indicated, and, as he testifies, with the intent not to make it his permanent home. The proof discloses his intention to be: To purchase a farm in some county of this state when one could be found that was satisfactory, and to make his permanent residence at the place where it was purchased; to place his son later on in Vanderbilt University, at Nashville, and to go there and abide (if a farm had not been purchased at the time) while his son was going through a college course; and, if a farm had not been found elsewhere, to go back to Trousdale county and purchase one there when his son was through school. He was a farmer, and purposed bringing up his son as a farmer after the education of the latter was completed.

Complainant made unsuccessful efforts to buy farms in Sumner, Williamson, and Maury counties; and, as stated, he testifies that he had no intention of residing permanently in Gallatin, or in Sumner county, unless he should succeed in making the purchase of a farm there. The other proofs as to his *16 contemporaneous declarations are to the effect that his intention was to retain domicile in Trousdale county; that he had no purpose to remain in Gallatin permanently, but to use it as a base for educating his son and for finding a farm in some Tennessee county; no particular county being in mind.

Denny has continued all along to vote in Trousdale county and to pay taxes on personalty there.

In this state we seem to have no reported case dealing with the subject of domicile in respect of the place of taxation of personal effects. However, we have cases in which domicile has been defined when the same had relation to other subject-matters. Some of these cases are pertinent to the one in hand. Thus *Allen v. Thomason*, 11 Humph. (30 Tenn.) 536, 54 Am. Dec. 55, and *Kellar v. Baird*, 5 Heisk. (52 Tenn.) 39 (relating to succession); *Layne v. Pardee*, 2 Swan (32 Tenn.) 232 (marital rights); *Pearce v. State*, 1 Sneed (33 Tenn.) 66, 60 Am. Dec. 135 (elective franchise); *White v. White*, 3 Head (40 Tenn.) 405; *Williams v. Saunders*, 5 Cold. (45 Tenn.) 60 (forum for probate of will) and *Keelin v. Graves*, 129 Tenn. 103, 165 S. W. 232, L. R. A. 1915A, 421, and *Hascall v. Hafford*, 107 Tenn. 355, 65 S. W. 423, 89 Am. St. Rep. 952 (exemptions). See, also, other cases discussing domicile in relations that do not furnish so close an analogy. *Foster v. Hall*, 4 Humph. (23 Tenn.) 346, and *Stratton v. Brigham*, 2 Sneed (34 Tenn.)

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420 (residence for attachment purposes); Sparks v. Sparks, 114 Tenn. 666, 88 S. W. 173 (residence for divorce); and Laue v. Grand Fraternity, 132 Tenn. 235, 177 S. W. 941, L. R. A. 1915F, 1056 (forfeiture of life insurance).

[1] For purposes of taxation of personal property one must, of course, have a domicile fixed in some particular county and municipal corporation or civil district of the state.

[2] [3] "Domicile" and "residence" are not synonymous in the law relating to situs for taxation, "domicile" importing a legal relation existing between a person and a particular place based on actual residence, plus a concurrent intention there to remain, as at a fixed abiding place.

A man may have two or more residences, but only one domicile or legal residence. He must have a domicile somewhere; he can have only one; therefore, "in order to lose one, he must acquire another."

The law will, from facts and circumstances, fix a legal residence for him, unless he voluntarily fixes it himself, and, when his legal residence is once fixed, it requires both fact and intention to change it. As contradistinguished from his legal residence, he may have an actual residence in another state or county. He may abide in the latter without surrendering his legal residence in the former, provided he so intends. His legal residence, for the purpose indicated, may be merely ideal, but his actual residence must be substantive. He may not actually abide at his legal residence at all, but his actual residence must be his abiding place. Tipton v. Tipton, 87 Ky. 245, 8 S. W. 440; Long v. Ryan, 30 Grat. (Va.) 718.

[4] To constitute a change from a domicile to another domicile of choice, as is claimed in the instant case, three things are essential: (a) Actual residence in the other or new place; (b) an intention to abandon the old domicile; and (c) an intention of acquiring a new one at the other place. Sparks v. Sparks, supra; Foster v. Hall, supra.

The definition of "domicile" approved by the Supreme Court of the United States in the recent cases of Williamson v. Osenton, 232 U. S. 619, 624, 34 Sup. Ct. 442, 58 L. Ed. 758, 761 (domicile for divorce), and Gilbert v. David, 235 U. S. 561, 35 Sup. Ct. 164, 59 L. Ed. 360 (domicile for federal jurisdiction), is that given by Dicey in his Conflict of Laws (2d Ed.) p. 111. This definition

is in negative form, and a change of domicile is said to be effected where there is a change of abode and "the absence of any present intention to not reside permanently or indefinitely in the new abode." The same essential factors, as we conceive, appear in the definition when thus phrased:

"As some writers express it, there must be an animus non revertendi and an animus manendi or animus et factum. Berry v. Wilcox, 44 Neb. 82, 62 N. W. 249, 48 Am. St. Rep. 706; Hayes v. Hayes, 74 Ill. 312, 316; Jopp v. Wood, 34 L. J. Ch. N. S. 212; Moorhouse v. Lord, 10 H. L. Cas. 272. The factum is the transfer of the bodily presence, and the animus is the intention of residing permanently, or for an indefinite period. A change of domicile therefore involves a question of fact and intent. The fact is easily proved because it is shown by the mere transfer of the bodily presence from the old to the new place of abode, but the intent with which the change is made is to be determined from the character of the residence, its object and purpose, in connection with the other evidence in the case. Residence in a particular place is a fact obvious to the senses, and cannot be easily mistaken, but its value in fixing domicile is unimportant unless accompanied with an intent of remaining permanently or indefinitely, or, as it is sometimes said, with no present intent of removing therefrom. Residence alone, however long continued, will not effect a change of domicile. On this point the authorities speak with practically one voice." Pickering v. Winch, 48 Or. 500, 87 Pac. 763, 9 L. R. A. (N. S.) 1159, and note.

[5] Reference may be made parenthetically to an exception recognized in this state to the rule that a domicile once fixed remains until another is actually acquired, arising in event of a change from a domicile of choice to that of origin. Then, if the removal be with the intention to resume his domicile of origin, the latter is reacquired before it is reached, or even while the person is in itinere, "for it reverts from the moment the other is given up." Allen v. Thomason, supra, citing Story on Conflict of Laws. The doctrine touching this exception is confined, however, to changes from one country to another, or from one state of the Union to another. Kellar v. Baird, supra; *17 Story, J., in Catlin v. Gladding, 4 Mason, 308, Fed. Cas. No. 2520; Udney v. Udney, 4 L. R. H. L. Sc. App. 441, 9 Eng. R. C. 782. The exception thus recognized in this state should be held in mind to prevent confusion in the attempted application of the language used in opinions enforcing the doctrine to instances where it has no relevancy.

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In the case of *Bulkley v. Williamstown*, 3 Gray (Mass.) 493, it appeared that prior to the tax test date of May 1, 1853, Bulkley, an inhabitant of Williamstown, had made preparations for removing from that town to Rock Island, Ill., and the last week of April he left Williamstown. He and his family went first to Adams, Mass., there taking rooms with board, and they were in Adams on the test date. The trial judge instructed the jury that, if plaintiff had removed from Williamstown with a bona fide intention of abandoning residence in that town from that time, and with no present intention of ever making it his home, still he had domicile there for purpose of taxation until he actually acquired one elsewhere. On appeal a verdict based on the instruction was sustained, and it was said:

"The question of domicile is often a difficult one; and it is a matter of surprise, considering the number of cases, that questions do not arise more frequently. The difficulty is intrinsic in determining, under the various combinations of circumstances, what constitutes habitancy or domicile, which, for most purposes at least, are the same. * * * The question in this case is: Where was the plaintiff's domicile on 1st day of May, 1853? Clearly not in Rock Island, Ill., for he had not taken up his abode there. But he was an inhabitant of Massachusetts for the purposes of taxation, and of some town, city, or district. * * * Whether he had left Williamstown with an intent to make Adams his place of abode was a question of fact, which was left to the jury, who decided that he had not, which appears to us to be right, according to the evidence as reported."

See, also, *Borland v. Boston*, 132 Mass. 89, 42 Am. Rep. 424, and cases there cited.

In the case last named it appeared that a person domiciled in Boston left for an indefinite term of absence, and on leaving he had determined never to return to reside in Boston; and before May 1, 1877, he had decided to take up his residence on his return from his travels in Connecticut,

and on his return in 1879 he went to Connecticut to reside. It was held that his domicile for taxation purpose on May 1, 1877, was in Boston; the court assigning as reasons for the judgment:

"Although he might have left the commonwealth with the fixed purpose to abandon it as a residence, he did not leave it on his way to a place certain which he had determined upon as his future residence, and was proceeding to with due dispatch; and upon the general rule that, having had a domicile in this commonwealth, he remains an inhabitant for the purpose of taxation until he acquired a new domicile, the intention and fact had not concurred at the time when this tax was assessed."

See, also, *Ayer v. Weeks*, 65 N. H. 248, 18 Atl. 1108, 6 L. R. A. 716, 23 Am. St. Rep. 37.

[6] The mere intention to acquire a new domicile without the fact of an actual removal and residence avails nothing; neither does the fact of an actual removal without such intention. This intent is as essential as the fact of actual residence. A mere change in the place of abode, though more than temporary, is not sufficient, unless the intent concur.

"This intention, it is true, may be inferred from circumstances, and the residence may be of such a character and accompanied by such indices of a permanent home that the law will apply to the facts a result contrary to the actual intention of the party. Thus one cannot make a permanent, fixed commercial residence with all the surroundings of a permanent home in one place and a domicile in another by a mere mental act. But a residence for mere pleasure or health is not regarded as of any great weight in determining the question of a change of domicile." *Pickering v. Winch*, supra; *Still v. Woodville*, 38 Miss. 646; *Ayer v. Weeks*, supra.

In such case he does not lose his former domicile so long as his intention remains conditional, as, for example, where he may seek employment, intending to change his permanent home only if he finds it. 9 R. C. L. 553-555; *Berry v. Wilcox*, 48 Am. St. Rep. 716, note.

Denny v. Sumner County, L.R.A. 1917A, 285 (1916)

134 Tenn. 468, 184 S.W. 14, 7 Thompson 468

In State ex rel. v. Scott, 171 Ind. 349, 86 N. E. 409, it was said:

"So it may be * * * said that a journey into another state or territory for inspection, accompanied with an intent permanently to remove to such other state if a satisfactory place is found, does not amount to a change of residence until an approved location had been * * * discovered and chosen," etc.

[7] We are of opinion that the chancellor held an erroneous view as to the effect of the proof. Denny's domicile remained in Trousdale county. Clearly he acquired no domicile in the town of Gallatin; his intention to remain there was not even conditional. His intention to make a legal residence in the county of Sumner may be said to have been conditional; that is, on his finding a farm there that was satisfactory. And as clearly his purpose was not to remain permanently or for an indefinite time. The limit of his purposed stay was until the preparatory school course of his son was concluded. Such a purpose falls within the spirit of the rulings above outlined. There was therefore lacking the intent that is necessary to change one's domicile.

The counsel of the county places much emphasis on his contention that the domicile in Trousdale county was abandoned, in that it is claimed that Denny left there with no fixed, absolute, and unconditional intent to return to it as his home. As we have seen, however, the case turns upon the ruling that Trousdale county was perforce his domicile until another was acquired, and such other was not acquired by a voluntary fixing of a habitation at the new place to remain conditionally or for a temporary and special purpose. 9 R. C. L. 555, § 20. Reversed, with decree here.

***18 On Petition to Rehear.**

A petition to rehear has been filed and considered, but a re-examination of the case serves only to confirm the soundness of the views already expressed.

It so happens that the Supreme Court of Georgia had under consideration the question of domicile, in a case involving succession to property by will of a testator at the time we had the pending case under review. A few days before the above opinion was handed down by us, that court filed (February 26, 1916) its opinion, in which it was ruled:

"If a person actually removes to another place, with the intention of remaining there for an indefinite time as a place fixed domicile, such a place becomes his domicile. If a person leaves the place of his domicile temporarily, or for a particular purpose, and does not take up an actual residence elsewhere with the avowed intention of making a change in his domicile, he will not be considered as having changed his domicile. Crawford v. Wilson, 4 Barb. (N. Y.) 505; Ross v. Ross, 103 Mass. 575.

If there be both actual residence and an intention of remaining--the animus manendi--then a domicile is established." Worsham v. Ligon (Ga.) 87 S. E. 1025.

A rehearing is denied.

All Citations

L.R.A. 1917A, 285, 134 Tenn. 468, 184 S.W. 14, 7 Thompson 468

Jon Michael, November 2018

SHORT TERM RENTAL PROPERTIES

Local Law, State Law, and Why What Your Neighbor Told You is Probably Wrong

Why bother regulating short term rentals?

- Maintaining the residential character of residential neighborhoods.
- Level playing field among commercial lodging operations from regulatory perspective.
- Sales tax, Income tax, Hotel/Motel tax.

Public Policy vs. Administration

- You and I both have opinions on whether we think the regulatory scheme is a good one.
- But nobody in this room gets a vote at either the Metro Council or the State Legislature.
- So at Codes, we just administer and enforce these laws as best we can.
- No matter how many times those laws change.



- Must set a permit before advertising for less than a 30 day stay - violation if not.
 o go to ~~the~~ website to see what you need
- Permit is only good for 1 year
- Rent first & pay your taxes

The Permitting Process

- In Metro, you do not get to rent out a room or even a whole house for a period of 30 days or less until you have a Short Term Rental Permit.
- Apply for a permit, in person, at the Metro Codes Department.
- Provide the required insurance documentation, notices to owners of the adjacent properties, and a signed affidavit confirming that there are no HOA guidelines violated this STR operation.
- Upon Codes' approval of those items, you'll be directed to schedule a home inspection with the Fire Marshal.
- Once all the requirements are met, you'll come back to the Codes Department to pay for and pick up the actual STRP Permit. No advertising, rentals, or other operations are allowed until then.
- IT IS A ONE YEAR PERMIT. RENEWALS ARE REQUIRED BEFORE THE EXPIRATION DATE.

HOST Compliance

- In 2017, Metro entered a contract with a California-based software company whose product catches non-permitted short term rental operators.
- The HOST Compliance system is impressive. HOST scours not only the obvious AirBnB, VRBO, and other leading commercial platforms, but also social media sites, smaller real estate listing agencies, and many other websites that we'd never think to check.
- They're good at what they do.
 - If Codes had the staff to pursue it, HOST could provide a list with between **1,200 and 2,000 illegal STRP operations** later today. But we'd drown in the work. So Codes hits about 200 per month instead.
 - Of note, tax collections from the STRP operations have skyrocketed since HOST Compliance started its work for Metro.
- Bottom Line: **Don't screw around with non-permitted STRP use.** You get caught eventually. And government bureaucrats are not known for their understanding and sympathetic manner.

Practice Points (For Permitting, For Environmental Court, and for the Board of Zoning Appeals)

- owner occupied - easier to get - Show Drivers license that matches deed

STRP Permitting

If you're helping someone apply for the STRP permit:

- Confirm whether it's a non-owner occupied property.
- If not, confirm whether the zoning allows a non-owner occupied property. (Nine out of ten single family residences will be in R or RS zoning districts, and thus will not be eligible for a non-owner occupied permit.)
- Confirm whether this is a totally new permit. If the client had another permit or another STRP operation, that opens the door to other potential complications for you to resolve.
- Pay close attention to determine if your client is lying. You'll usually know. That can yield unpleasant surprises for your representation.

- confirm zoning

*TRY to determine if
our client is lying do you*

- 1 year ~~wait~~ period of wait's if found in violation - But BZA can move that down

Board of Zoning Appeals - when applicants who a permit

If you represent an appellant at the BZA ...

-
- Reach out the Property Standards Division.
(Mr. Osborn or Mr. McBroom, generally.)
 - Even though Property Standards is more involved with Environmental Court work, it's still the best start on BZA work for you.
 - Gather whatever information they can share regarding the nature of the problem.
 - Reach out to the district council member, to at least head off any overt opposition.
 - With the vast majority of cases, it's a matter of your client operating when they didn't have a permit. Therefore,
 - You're asking the BZA for something after your client violated the law.
 - Be humble. Don't grovel. But recognize that 'entitled' is the wrong posture.
 - In these cases, your client already has a one year ban on their ability to apply for the permit. The trip to BZA is a request to reduce that time, based on a handful of factors.

- You can help your BZA case by:
 - **Cancelling any listings** that remained after Codes' notice of violation.

 - **Take down the STRP listing immediately, ON ALL PLATFORMS.** (Hint: There are a few of the lesser known platforms that your client will forget they ever listed. But HOST won't forget. So be thorough on this removal process.)
 - **Prompt efforts to apply** for the permit or otherwise comply with the law.
- Fully **expect the neighbors to detest the idea** of living next to or near an STRP. You won't win that battle. But in most instances, you don't need to do so.
- Finally, don't let your client surprise you with new information at the BZA hearing. Scrutinize their stories. If they're lying, you do with that what you do with that. But I've watched some surprised lawyers scramble on the spot when Pinocchio's nose grew.

*But a lot of issues
arise with be demands
to your case*

Environmental Court *- violation when you operated with a Permit*

If you represent a defendant in Environmental Court:

- Reach out to the prosecutor from Metro Legal.

(Cate Pham, Justin Marsh, or whomever)

- Know that your client is up against a possible 3

no being ← year injunction he or she (or the corporate, "it")

fails to get into full compliance with the law as fast as possible.

- Understand that an Environmental Court case and a BZA case can (and often do) proceed simultaneously.

- Both tribunals can yield their own decisions.
- But since the court can clobber your client with a 3 year injunction, focus foremost on making the court happy.

- Recognize that the Court often likes to see that the case is pursuing its administrative remedy (i.e. - the appeal at BZA), and often grants deferrals to await that resolution.

- But as with BZA cases, the cleaner your clients' hands, the better. Stop operating. Pay every penny of every tax owed.

- Ask for a deferral if necessary

The Intersection of State and Local Law

- The state law, very generally speaking, created more protections for STRP operators, namely with regarding to de facto grandfathering principles.
- The most recent Metro ordinance (608) created a two year phase out for Non-Owner Occupied permits in residentially zoned districts.
- The state statute nullifies the phase out process. So those who maintain their legally issued permits without any other problems will be allowed to renew those permits annually.
- Even those who lose STRP permits get more protection under the state statute:
 - With cancelled and expired permits, applicants get to make a new application for a new permit under the regulatory guidelines that were in place on the date they started operating a STRP.
 - For most, that precedes 608, and creates broader access to permits, especially for Non-Owner Occupied permits.

- The caveat is that the state statute does not allow that retroactive application of prior ordinances under three specific scenarios involving:

- Sale or transfer or ownership. - LLC - NEW CO-OWNER
- Revocation based on three violations, as *own occupied permit does not include violations even if you have them*
- Cessation of STRP use for 30 or more months.

- The cessation or use and revocation scenarios are now and are going to remain exceedingly rare.

- People that get the permits, tend to keep it up.
- And with revocations, we practically have to have video of you, at the property, announcing your intentional and knowing violations of generally applicable local laws, specifically in conjunction with the STRP usage, and a signed affidavit confirming the violations. Actually, we need three of those. Then you can get revoked.

- So the sale or transfer of ownership still results in permit cancellation, by operation of law.

- "But I just put it in a family trust!"
- "But my tax lawyer said to put it in an LLC!"
- "But I just did this to refinance the property!"

Dissect what steps the permit can be lost

So What's Next with STRP Regulation?

We know of at least one bill that will track through Metro Council, probably before the end of this year.

- Council staff continues the work on a bill that will reconcile the overt conflicts between the state and local law. Although we already apply the state side of those conflicts, the clarification will be helpful.
- That bill is also expected to update the comically underwhelming fee structure for STRP permits, based largely on an outside consultant's fee study.

We know of one more bill that may track through Metro Council later in 2019.

- An every growing number of Council Members recognize the value in and need for a separate appeal board to hear STRP cases.
- Those cases don't really belong at the BZA. But there was nowhere else for them to go when the original legislation was prepared in 2014-2015.
- The industry might do well to jump up and down in support of a separate board.

- The Board could and should be composed of both industry types and neighborhood types, along with at least one district Council Member.
-
- The wait time to get a case in front of that Board will be much shorter than with BZA cases.
 - The increased subject matter focus will inevitably yield more expertise in this area.
 - The BZA should be focused on cases involving the Metro Zoning Code, and not this particular area of business regulation.
 - Plus, Metro already has business regulation Board for Transportation Licensing, Beer Permitting, and Sexually Oriented Businesses.

However, it's important to remember that if the industry and its operators don't like any of those changes to local law, then it's entirely probable that their lobbyists would file more state legislation to pursue their objectives.

And then perhaps, we'll meet again for a CLE thereafter.

An Addendum:

The Most Common Pitfalls, Legal Violations, and Generally Incorrect Assumptions

- Thinking the state law totally mooted local law. *→ incorrect*
- Thinking that if it's your home, you need no permit. *— Yes you do*
- Advertising before receiving the STRP permit. *— don't do it*
- Not paying attention to the renewal date. *— write it down*
- Getting cute with "Owner Occupied" status. *— Either it's your primary residence or it's not*
- Investing in property ASSUMING STRP usage. *— get it in writing but you buy it*
- Missing application notice to all adjacent owners.
- Altering the ownership structure for the property.
- Failing to vet your STRP property manager.
- Assuming that the BZA is a breeze.
- Assuming that Environmental Court is a breeze.
- Not stopping immediately when busted. *— STOP - ~~and~~*
- Failing to pay the Hotel/Motel tax as required.
- Thinking you can just drop by at lunch to apply for a permit and have a lengthy discussion of the whole process. The line is long, and the demand is high.
- Listening to your neighbor. *— Don't listen to your neighbor
— talk to codes*

STATE OF TENNESSEE, COUNTY OF DAVIDSON

To Any Lawful Officer to Execute and Return:

Summon LAM, ADRIAN & DONALD YORK 081033E09100CO

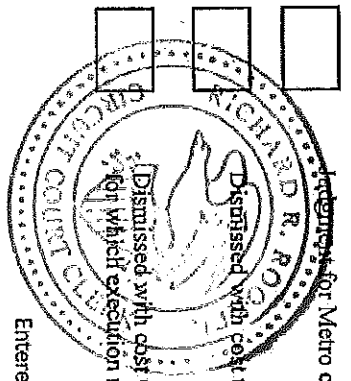
To appear before the Metropolitan General Sessions Court of Davidson County, Tennessee, to be held in Court 5D, Justice A. A. Birch Building, 408 Second Avenue North, Nashville, Tennessee, on Wednesday, 26th day of September, 2018 at 1:00 p.m., then and there to answer in civil action brought by the Plaintiff(s)

ON 7-31-18 VIOLATION OF METRO CODE SECTION 17.16.070.U.1.a- OPERATING NON-OWNER OCCUPIED STRP WITHOUT A NON-OWNER OCCUPIED PERMIT AT ADDRESS 1822 A 9th Ave N, Nashville, TN 37208. Metro seeks an Order to remedy violations: Robert Osborn (615-862-6590)



NOTICE: FAILURE TO APPEAR IN COURT IN THE DATE ASSIGNED BY THIS CITATION/WARRANT CAN RESULT IN THE COURT ORDERING YOU TO PAY A CIVIL FINE/PENALTY, COURT COSTS AND LITIGATION TAXES TO THE METROPOLITAN GOVERNMENT; THE ISSUANCE OF AN EXECUTION AND GARNISHMENT TO COLLECT THE FINE/ PENALTY, COSTS AND TAXES; AND THE ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST FOR CONTEMPT OF COURT, WITH A PENALTY OF UP TO FIVE (5) DAYS IN JAIL AND/OR A FINE OF UP TO

JUDGMENT
Richard R. Booker
I hereby certify that this is a true copy of the original instrument filed in my office this 26th day of September, 2018.
Richard R. Booker, Deputy Clerk



Entered: 20

COURTROOM 5D
No. 18-0249756

ENVIRONMENTAL COURT

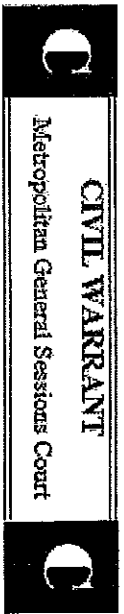
Plaintiff(s) Metro Codes Department Robert Osborn

vs.

Defendant LAM, ADRIAN & DONALD YORK

Address 11 - 02 49TH AVE APT 2D LONG ISLAND CITY, NY 11101

Defendant Address



Issued 8-23-2018

Richard Booker, Deputy Clerk

Day of the week: Wednesday

Setter for 1:00 p.m. on 26th day of September, 2018

Courtroom 5D Justice A. A. Birch Building 408 Second Avenue North P.O. box 198904 Nashville, Tennessee

Reset for: Carry to hand same day issued and executed as commanded on:

Served: 20

Attorney for Plaintiff Telephone Attorney for Defendant



If you have a disability and require assistance, please contact 880-3399

Judge/Referee Division IV, Metropolitan General Sessions Court



Tre Hargett
Secretary of State

Division of Business Services
Department of State
State of Tennessee
312 Rosa L. Parks AVE, 6th FL
Nashville, TN 37243-1102

LAM, ADRIAN
APT 2D
1102 49TH AVE
LONG ISLAND CITY, NY 11101-5658

08/09/2018

RE: METRO CODES DEPARTMENT ROBERT OSBORN

VS: LAM, ADRIAN.

Notice of Service

The enclosed process, notice or demand is hereby officially served upon you by the Tennessee Secretary of State pursuant to Tennessee law. Please refer to the process, notice or demand for details concerning the legal matter. If you have any questions, please contact the clerk of the court that issued the process, notice or demand.

The process, notice or demand may have a court date and time that you must appear to defend yourself or the number of days from the date of service by which you are required to file an answer. Failure to appear in court at the time specified or failure to file an answer in the given time could result in a default judgement being rendered against you for relief sought in the lawsuit.

The Secretary of State's office cannot give you legal advice. If you need legal advice, please consult a private attorney.

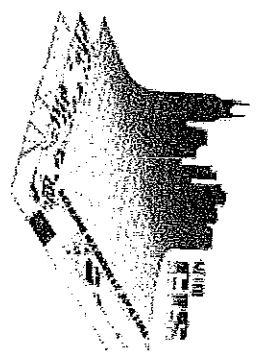
Tre Hargett
Secretary of State

Enclosures: Original Documents

DOCUMENT INFORMATION

SOS Summons #: 06108122
Case #: 18GC16756
Certified #: 70173380000075648650

11/15/2018



Parcel Record

Nashville Planning Department
800 2nd Ave S
P.O. Box 196300
Nashville, TN 37219-6300
maps.nashville.gov

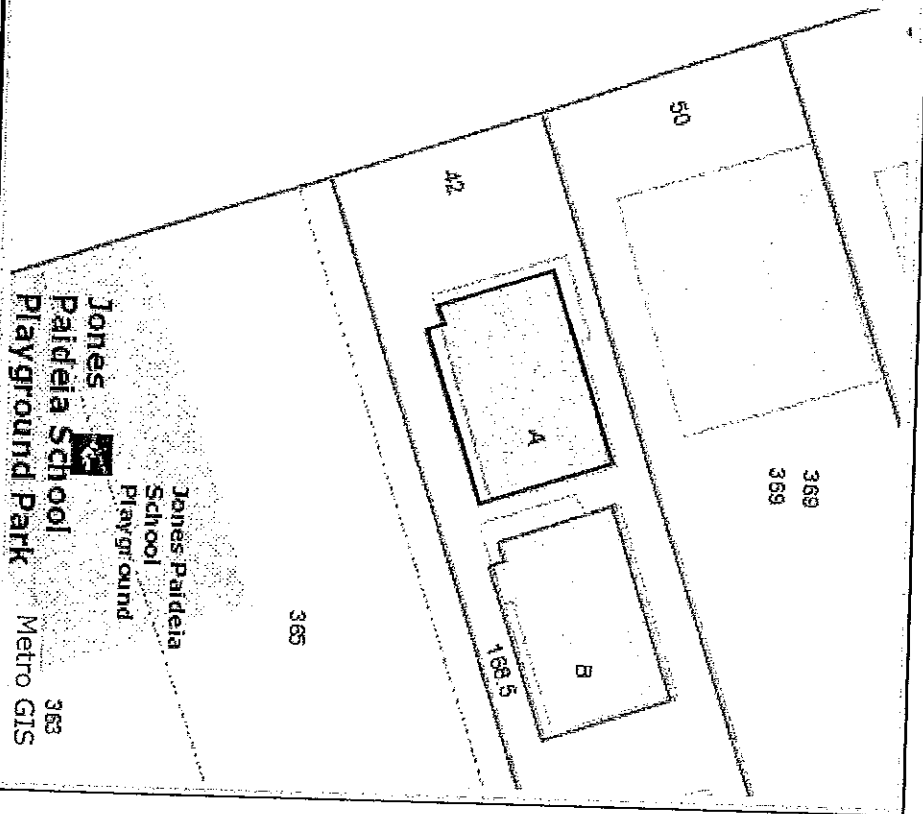
Parcel Details

Parcel ID: 081083E00100CC
Parcel Address: 1822 A 9TH AVE N
 NASHVILLE, TN 37208
Owner: LAM, ADRIAN & DONALD YUIKI
Acquired Date: 8/17/2017
Sale Price: \$ 490,000.00
Sale Instrument: DB-20170825 0087469
Mailing Address: 11 - 02 49TH AVE APT 2D
 LONG ISLAND CITY, NY 11101
Legal Description: UNIT A 1822 9TH AVENUE NORTH
 HOMES
Acreage: 0
Frontage Dimension: 0
Side Dimension: 0
Parcel Instrument: MA-20160429 0042368
Parcel Instrument Date: 4/28/2016
Census Tract: 37013700
Tax District: USD
Council District: 21
Land Use Description: RESIDENTIAL CONDO

Zoning

Zone Code: OV-UZO
Zone Description:
Effective Date: 7/25/2007

Hide



Jones
 Paideia School
 Playground
 363
 Metro GIS

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

2018-636

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



Appellant : Matthew Carney
Property Owner: Matthew Carney
Representative: Matthew Carney

Date: 10-5-18
Case #: 2018-636
Map & Parcel: 11809000100

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 obtain a STRP permit.

Activity Type: Short Term Rental

Location: 1009 Battlefield Dr.

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

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated 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.

Matthew Carney
Appellant Name (Please Print)

Representative Name (Please Print)

1009 Battlefield Dr.
Address

Address

Nashville, TN 37204
City, State, Zip Code

City, State, Zip Code

(615) 429-4676
Phone Number

Phone Number

matthewacarney@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**



3566379

**ZONING BOARD APPEAL / CAAZ - 20180063419
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 11809000100**APPLICATION DATE:** 10/05/2018**SITE ADDRESS:**

1009 BATTLEFIELD DR NASHVILLE, TN 37204
S SIDE BATTLEFIELD DR W OF LEALAND LN

PARCEL OWNER: CARNEY, MATTHEW**CONTRACTOR:****APPLICANT:****PURPOSE:**

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required short term rental permit.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

Rental Unit Record

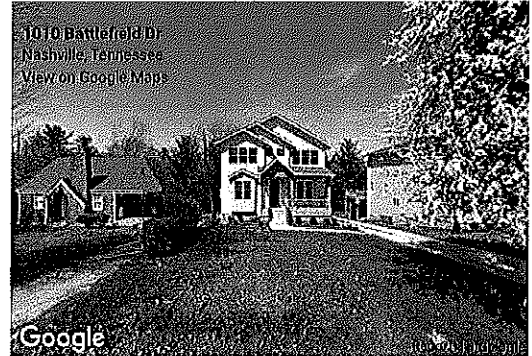
1009 Battlefield Dr, Nashville, TN 37204, USA

Removed X
Identified ✓
Compliant ✓



Airbnb - 19912518

Airbnb - 18238539



Identified Address

1009 Battlefield Dr, Nashville, TN 37204, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.114576, -86.788349

Parcel Number

11809000100

Owner Name

CARNEY, MATTHEW

Owner Address

1009 Battlefield Dr
Nashville, TN 37204, US

Registration / Permit Number

505273

Matched Details

Analyst

QHQC

Explanation

Exterior image from the listing matches aerial view image.

Listing Photos

Matching 3rd Party Sources



The deck has not been constructed yet in this aerial view, but the rest of the home/door matches

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 URL - <https://www.airbnb.com/rooms/19912518>
 Listing Status ● Inactive
 Host Compliance Listing ID - air19912518
 Listing Title - The Battlefield Tudor "B" 12South Living
 Property type - House
 Room type - Private room
 Listing Info Last Captured - Aug 15, 2018
 Screenshot Last Captured - Aug 19, 2018
 Price - \$98/night
 Cleaning Fee - \$35





Information Provided on Listing

Contact Name - Matthew
 Latitude, Longitude - 36.115480, -86.789342
 Minimum Stay (# of Nights) - 2
 Max Sleeping Capacity (# of People) - 2
 Number of Reviews - 25
 Last Documented Stay - 08/2018

Listing Screenshot History

 View Latest Listing Screenshot

August (2) September (0) October (0)

- ✗ Listing air18238539 Removed August 21st, 2018
- ✗ Listing air19912518 Removed August 21st, 2018
- 📅 2 Documented Stays August, 2018
- 📅 3 Documented Stays July, 2018
- 📅 4 Documented Stays June, 2018
- Listing air18238539 Reposted June 23rd, 2018
- Listing air19912518 Reposted June 23rd, 2018
- ✗ Listing air18238539 Removed June 22nd, 2018
- ✗ Listing air19912518 Removed June 22nd, 2018
- 📅 7 Documented Stays May, 2018
- ✓ Listing air19912518 Identified May 24th, 2018
- 📅 7 Documented Stays April, 2018
- ✉ Airbnb Letter: Delivered April 9th, 2018 
- ✉ Airbnb Letter: Sent April 3rd, 2018 
- 📅 7 Documented Stays March, 2018
- ✉ First Warning - No STR or Tax: Delivered March 10th, 2018 
- Listing air18238539 Reposted March 4th, 2018
- Listing air19912518 Reposted March 4th, 2018
- ✉ First Warning - No STR or Tax: Sent March 4th, 2018 
- ✗ Listing air18238539 Removed March 2nd, 2018
- ✗ Listing air19912518 Removed March 2nd, 2018
- 📅 4 Documented Stays February, 2018
- Listing air18238539 Reposted February 5th, 2018
- Listing air19912518 Reposted February 5th, 2018
- ✗ Listing air18238539 Removed January 31st, 2018
- ✗ Listing air19912518 Removed January 31st, 2018

- 📅 2 Documented Stays
January, 2018
- 📅 1 Documented Stay
December, 2017
- 📅 4 Documented Stays
November, 2017
- 📅 5 Documented Stays
October, 2017
- 📅 6 Documented Stays
September, 2017
- ✓ Listing air18238539 Identified
September 19th, 2017
- 📅 4 Documented Stays
August, 2017
- ✳ Listing air19912518 First Crawled
August 6th, 2017
- Listing air19912518 First Activity
August 3rd, 2017
- 📅 3 Documented Stays
July, 2017
- 📅 4 Documented Stays
June, 2017
- ✳ Listing air18238539 First Crawled
April 22nd, 2017
- Listing air18238539 First Activity
April 18th, 2017

August 19, 2018 - 02:32AM America/Chicago



Search

Become a host Earn credit Help Sign up Log in

Aug 19, 2018 2:32am America/Chicago

Share

Save



View Photos

PRIVATE ROOM IN HOUSE

The Battlefield Tudor "B" 12 South Living

Nashville



Matthew

2 guests 1 bedroom 1 bed 1 private bath

Dates

Check In → Check Out

Guests

1 guest

Request to Book

You won't be charged yet

Report this listing

HOME HIGHLIGHTS

Great location · 95% of recent guests gave this home's location a 5-star rating.

Helpful · Not helpful

Quick responses · 14 recent guests said this host responded quickly.

Helpful · Not helpful

Outstanding hospitality · 15 recent guests said this host offered outstanding hospitality.

Helpful · Not helpful

If you are looking for location and relaxation you found it! This 1942 Tudor home was fully renovated in 2017 with all the best features. You may fall in love with it and want to stay longer. A quick 3 block walk past the park gets you access to all the shops and restaurants on 12th!

The space

This newly renovated Tudor offers the perfect upstairs queen guest bedroom getaway. It is owned by a local restaurateur and he knows the town pretty well. The home is just minutes from downtown and includes a full bath with a jetted tub/shower, small galley kitchen (fridge) with laundry giving you everything you need for a short or extended stay.

Guest access

You will have access to the upstairs common area that includes a TV, recliner and love seat for relaxing. The love seat has a twin sized memory foam pull out if needed. The space also includes a stocked fridge (water, soda's, adult beverages) and a washer/dryer that are available for your use. Directly off your bedroom is a massive 16'x40' deck with your own entrance. There is an identical bedroom & bathroom directly across the common area that may or may not have another AirBNB guest staying as well.

Interaction with guests

If you have any questions at any time of the day don't hesitate to call or text. I love to host and like to keep my guests happy and feeling at home. Your privacy will be respected at all times. But feel free to relax with me and Mr Kitty at any time.







Other things to note

Mr Kitty is the ruler of the house. He's a little pug dog that enjoys saying hello from time to time. He's friendly, entertaining, cute and very playful. He will most likely be the first to greet you. It's ok, give him a rub and you'll be good to go your entire stay and he will keep you safe. (there is a gate that blocks him off from your accommodations should you not want him in your space) (he can roam as he pleases though the back yard but please be cautious when opening doors or gates. He's not fun to chase down the street with his playful nature) 2 available street parking spots. (never block the driveway please) Should you need specific off street parking please let us know. Always keep the gates closed in the back yard to let Mr Kitty have his space.

Hide ^

Contact host

Amenities

-  Free parking on premises
-  TV
-  Kitchen
-  Dryer
-  Wifi
-  Hangers

Show all 28 amenities

Sleeping arrangements



Bedroom 1
1 queen bed

Accessibility

Wide doorway to the home's entrance Wide hallway clearance

Show all


Availability

..


25 Reviews ★ ★ ★ ★ ★

Search reviews

Accuracy	★ ★ ★ ★ ★	Location	★ ★ ★ ★ ★
Communication	★ ★ ★ ★ ★	Check-in	★ ★ ★ ★ ★
Cleanliness	★ ★ ★ ★ ★	Value	★ ★ ★ ★ ★

 Lee
August 2018

This place was amazing! Highly recommend staying here. Great location, walkable to 12 South and quick reasonable Uber rides to everywhere else. Super clean, newly updated, all of the features were top of the line. Although this is listed as a shared space with a private bath, we felt as if we had the place to ourselves because of the privacy it offered. Check in and out with your own lockbox made it super easy to come and go as you please. To top it all off a nice and friendly host, who was very quick to respond to messages.

 Brian
August 2018

Awesome place! And especially awesome if you're a pair of couples looking to stay together but would still like your own private space (book both the A & B suites). Close to 12 South but on a quiet street away from the hubbub. Very cool private entrance with a huge shared deck. Nice size bedroom with a large closet and shelves. Very nice and super-clean bathroom. And even a nice little shared living room space with a big TV and recliner. If that wasn't enough, Matthew is an awesome, chill host that really cares about making your stay great. A superb AirBnB experience - highly recommended!!!

 Michaela
July 2018

Amazing location a short uber ride from anywhere in Nashville. The space was spotless and the house was beautiful. The private entrance was convenient as well. Overall, we thoroughly enjoyed our stay!

 Tracy
June 2018

We had a wonderful trip to Nashville, and Matthew's place was superb. It was only a mile from all the restaurants on 12 South and a \$9 uber ride to Broadway (cheaper and more convenient than parking yourself). The room and bathroom were much larger than expected and sooo nice. We're couldn't have asked for better.

 Teresa
June 2018

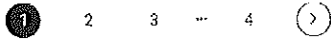
What a wonderful place to stay! Comfortable, clean, close to many area attractions and downtown.. We very much enjoyed staying here. Will definitely be back!

 Zach
May 2018

Matthew has an awesome home in a wonderful neighborhood. His new deck and upstairs renovations are impressive! Our room was perfect for our weekend stay. Matthew was an accommodating host and gave us plenty of suggestions for places to visit in Nashville. I definitely recommend him.

 Erica
May 2018

This place is great! I highly recommend it. Walkable to shops and restaurants and super quick Uber ride to downtown. His place is extremely clean and nice, and amazing deck off the bedroom. I would definitely stay here again.



Hosted by Matthew



Nashville, Tennessee, United States · Joined in May 2015

★ 67 Reviews • Verified

Nashville business owner that enjoys literally everything that life has to offer. Cars, Boats, Business, Moonshine & Bourbon are on the top end of the list.

Languages: English

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

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

Great shops, restaurants and bars. Walkability gives you convenience to everything around. There is a brand new community center around the block at Sevier Park which is a great option for a workout (\$3 for guests). Multiple privately owned yoga studios or gyms are close by as well. The 12th South Farmers Market is every Tuesday afternoon from 3:30-6:30 at the park. Nashville is a very active town with so much to do.

Getting around

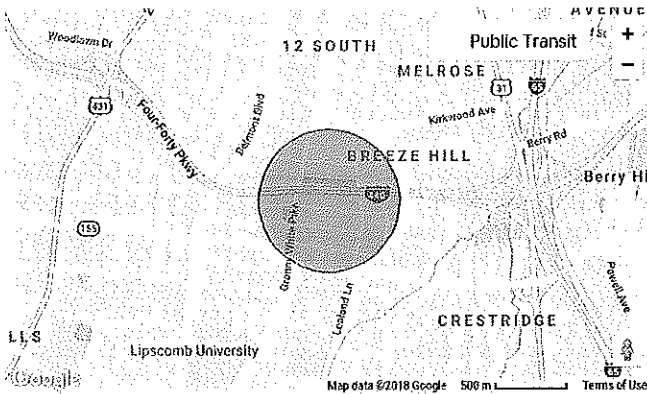
Any cab, lyft or uber ride will be inexpensive since you are 3 miles from downtown. One of the Nashville B-cycle bike rental stations is located at the north side of the sevier park. There is a bus route that is close by if needed.

Hide ^

Matthew's Guidebook Things to do in Nashville

Nearby landmarks

- Frist Art Museum 3.3 mi
- Country Music Hall of Fame and Museum 3.5 mi
- Centennial Park 3.5 mi
- Ryman Auditorium 3.7 mi
- The Parthenon 3.8 mi



Exact location information is provided after a booking is confirmed.

Policies

House Rules

- Not suitable for children and infants
- No smoking

- No pets
- No parties or events
- Check-in time is 3PM - 2AM (next day)
- Check out by 10AM
- Self check-in with lockbox

The house is ruled by one adorable little pug dog named "Mr Kitty" he will most likely come say hello and would like a second to smell you and note that you are ok and safe. There is a barrier gate to keep him out from your space and away from you so feel free to use it.

You must also acknowledge

Pet(s) live on property - "Mr Kitty" is my friendly little pug dog... He loves to say hello with a sniff but will give you your space.

Must climb stairs - Your private space is located in the upper level of the home and up an easy 13-14 step staircase.

Some spaces are shared - There is a common area between 2 individual rentals with a TV, couch, table and chair along with a stocked fridge & washer/dryer for your common use.

Hide rules ^

Explore other options in and around Nashville

More places to stay in Nashville: Apartments · Bed and breakfasts · Lofts · Villas · Condominiums

Asheville Vacation Rentals
 Stone Mountain
 Princeton
 St Louis
 Memphis
 Rutland

Cloverdale Vacation Rentals
 Louisville
 Sherman Oaks
 Atlanta
 Rosemont
 Braintree

Highland Vacation Rentals
 Nashville
 Centreville
 Portsmouth
 River Ranch
 League City

[Airbnb](#)

[Discover](#)

[Hosting](#)



From: [Pulley, Russ \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Lamb, Emily \(Codes\)](#)
Subject: BZA case 2018-636
Date: Wednesday, November 28, 2018 11:46:24 AM

I am writing to address the appeal of Matthew Carney for the property at 1009 Battlefield Drive, challenging the zoning administrator's denial of a short term rental permit.

I have heard from Zoning Examiner Robert Osborn who worked on this case. He stated that he communicated with Mr. Carney via email informing Mr. Carney that he did not have a valid permit. Mr. Osborn then informed Mr. Carney to cease operation of his short term rental. Evidence indicates that Mr. Carney did not comply with Mr. Osborn and continued to operate.

I have not heard from the appellant regarding this matter. It appears to me that the evidence of non compliance is compelling. I certainly trust the judgement of this board. Considering the evidence, I do support denial of the appeal.

Again, thank you all for the fine work this Board does and the long hours you are called on to serve. I very much appreciate the thought you all put into your decisions and your service to this city.

Russ Pulley
Nashville Metro Council
District 25
615-308-4972

RE: Appeal Case Number: 2018-636
1009 BATTLEFIELD DR
Map Parcel: 11809000100
Zoning Classification: RS10
Council District: 25

November 25, 2018


Dear Office of Zoning,

I am writing to express my concern about the appellant, Mr. Matthew Carney's, request to Item A appeal to challenge the zoning denial of a short-term rental permit. Allowing Mr. Carney, or any future appellant, to follow through with this appeal poses a number of threats. Short-term rentals have no stake in the community and are not worth altering the neighborhood's character merely to provide lodging for tourist and given privilege to individual business ventures. This is a single-family resident and should be kept in tact for young families raising their kids and retired residents to find security among their long-time neighbors. It would be unfair to alter our neighborhood to accommodate complete strangers simply for profit.

We genuinely oppose to Mr. Carney's request for a short-term rental permit.

Name: Elmer & Fatima Terry

Address: 1007 Battlefield Drive Nashville, TN 37204

Signature: 

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



Appellant: Robin Perry Date: 10-17-2018
 Property Owner: Robin Perry Case#: 2018-658
 Representative: Robin Perry Map & Parcel: 16109014400

Council District: 04

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: 5533 Thalman Dr.

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: 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.

Robin Perry

SAME

Appellant Name (Please Print)

Representative Name (Please Print)

5533 Thalman Dr.

Address

Address

Brentwood, TN 37027

City, State, Zip Code

City, State, Zip Code

(615) 480-4322

Phone Number

robinperryoceanlover@comcast.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



3569865

ZONING BOARD APPEAL / CAAZ - 20180065863
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 16109014400

APPLICATION DATE: 10/17/2018

SITE ADDRESS:

5533 THALMAN DR BRENTWOOD, TN 37027
LOT 63-B BRENTWOOD MEADOWS SEC 3 ZONE LOT DIV

PARCEL OWNER: PERRY, ROBIN A.

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.

Robin Perry
10-17-2018

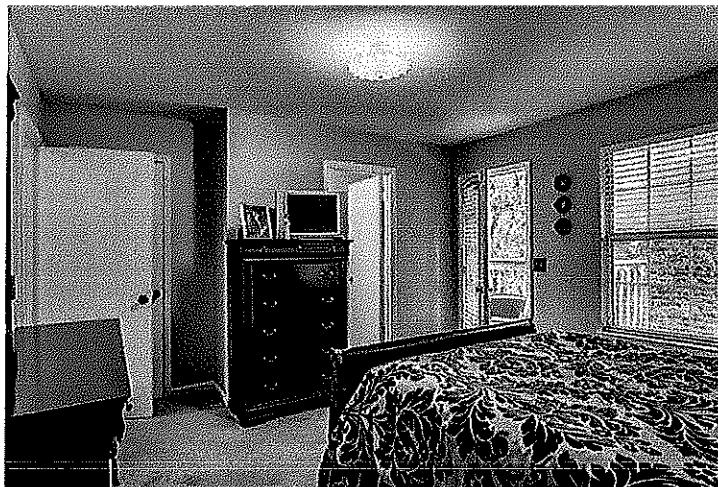
Rental Unit Record

5533 Thalman Dr, Brentwood, TN 37027, USA

Removed ✗
Identified ✓
Compliant ✓



Airbnb - 26576101



Identified Address

5533 Thalman Dr, Brentwood, TN 37027, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.043519, -86.749470

Parcel Number

16109014400

Owner Name

PERRY, ROBIN A.

Owner Address

5533 THALMAN DR
BRENTWOOD, TN 37027, US

Timeline of Activity

View the series of events and documentation pertaining to this property

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 a listing from the Zillow site, then getting all other information from the tax assessor site.

Listing Photos



same property

Matching 3rd Party Sources



Zip Code Match

City Name Match

✗ Listing air26576101 Removed
October 15th, 2018

Listing Details

10/17/2018

Matched property listing

Listing URL - <https://www.airbnb.com/rooms/26576101>

Listing Status ● Inactive

Host Compliance Listing ID - air26576101

Listing Title - Charming Brentwood Escape

Property type - House

Room type - Private room

Listing Info Last Captured - Oct 10, 2018

Screenshot Last Captured - Oct 08, 2018

Price - \$40/night

Cleaning Fee - \$15

- ☹️ call_center: 5533 Thalman Dr , Brentwood
October 9th, 2018
- 📅 3 Documented Stays
October, 2018
- ⚠️ First Warning - No STR or Tax: Sent 📅
October 5th, 2018
- 📅 8 Documented Stays
September, 2018
- ✓ Listing air26576101 Identified
September 24th, 2018
- 📅 8 Documented Stays
August, 2018
- Listing air26576101 Reposted
August 15th, 2018
- ✕ Listing air26576101 Removed
August 15th, 2018
- 📅 1 Documented Stay
July, 2018
- ✳️ Listing air26576101 First Crawled
July 9th, 2018
- Listing air26576101 First Activity
July 7th, 2018

Information Provided on Listing

Contact Name - Alexandra

Latitude, Longitude - 36.042662, -86.749260

Minimum Stay (# of Nights) - 1

Max Sleeping Capacity (# of People) - 2

Max Number of People per Bedroom - 2

Number of Reviews - 20

Last Documented Stay - 10/2018

Listing Screenshot History

View Latest Listing Screenshot

August (3)

September (2)

October (2)

October 08, 2018 - 12:07AM America/Chicago



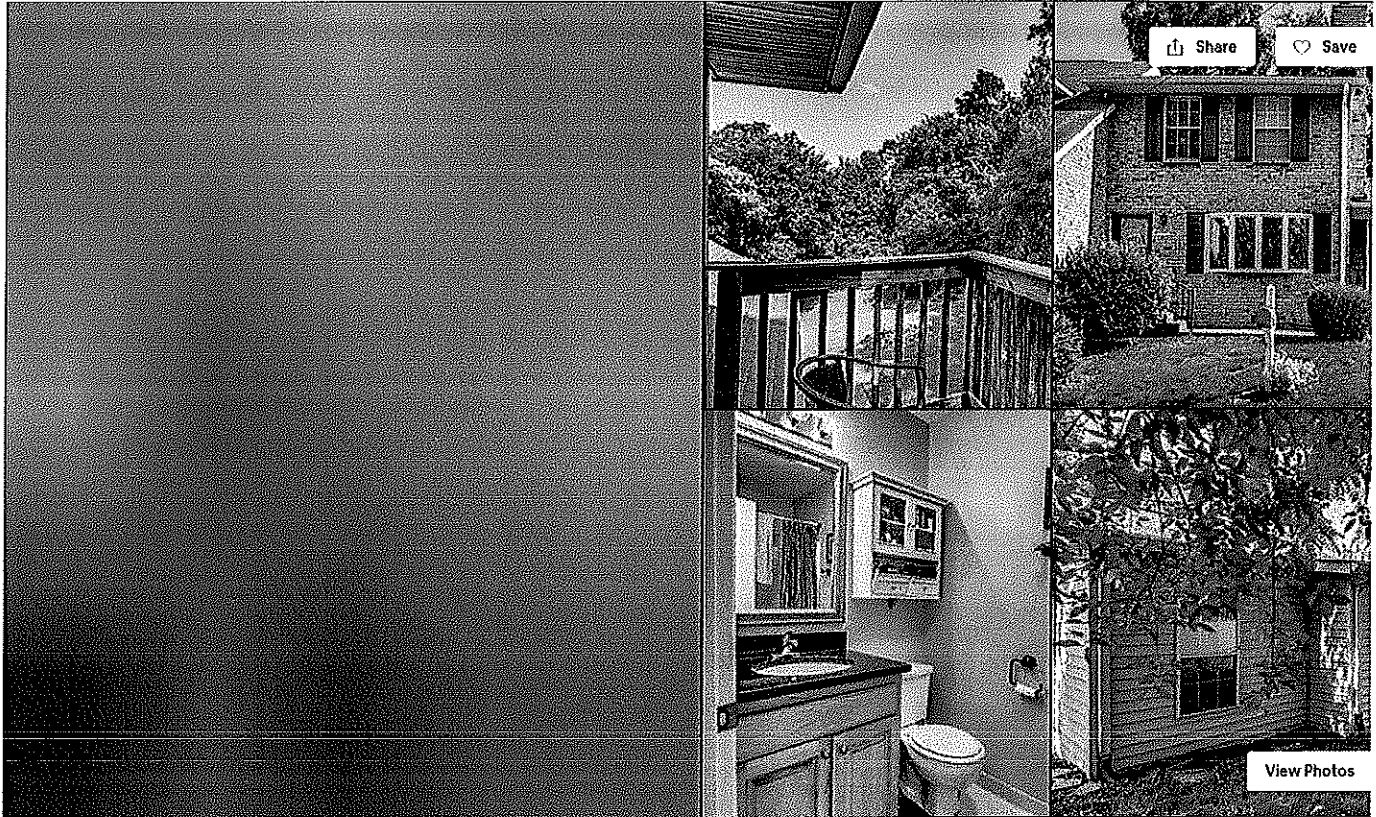
Search

Become a host Help Sign up Log in

Oct 8, 2018 12:07am CT

Share

Save



View Photos

PRIVATE ROOM IN HOUSE

Charming Brentwood Escape

Brentwood



Alexandra

2 guests 1 bedroom 1 bed 1 private bath

HOME HIGHLIGHTS

Sparkling clean · 12 recent guests have said that this home was sparkling clean.

Helpful · Not helpful

Situated in the middle of everywhere, our modest Brentwood home is close to everything: 15 minutes to Nashville, 20 minutes from the airport and 15 minutes from Beautiful Historic Franklin. Your own private bedroom and full bathroom includes a TV, plenty of closet space and personal private deck, for beautiful views, anytime of the day! It's the perfect little getaway for the single traveler or cute couple.

Read more about the space

Contact host

Amenities

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

Show all 31 amenities

Sleeping arrangements

\$40 per night
★★★★★ 18

Dates

Check in → Check out

Guests

1 guest

Book

You won't be charged yet

Report this listing

Bedroom 1
1 queen bed

Availability

Updated 1 day ago

October 2018							November 2018						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
											1	2	3
4	5	6	7	8	9	10	4	5	6	7	8	9	10
11	12	13	14	15	16	17	11	12	13	14	15	16	17
18	19	20	21	22	23	24	18	19	20	21	22	23	24
25	26	27	28	29	30	31	25	26	27	28	29	30	

18 Reviews ★★★★★

Search reviews

Accuracy	★★★★★	Location	★★★★★
Communication	★★★★★	Check-in	★★★★★
Cleanliness	★★★★★	Value	★★★★★

David · October 2018
Very nice, clean, and enjoyable.

Marvin · September 2018
I was able to check in early due to my arrival time in Nashville. The host was very polite and understanding. The private room was very comfortable.
[Read more](#)

Taylor · September 2018
Great place. Quiet, clean, smelled great. Will stay again if I'm in the area.

Grace · September 2018
Alex's place is hidden in a nice neighborhood, I almost missed it! I didn't get to meet her until the second to last day of my stay, but she...
[Read more](#)

Lois · September 2018
Very nice room, balcony, and bath. I liked the privacy and quiet. The bed was very comfortable and all was very clean. The host was out of...
[Read more](#)

Arthur · September 2018
Enjoyed my stay very much. I needed a nice, quiet place to come "home" to each night while I attended a conference in Nashville. This did th...
[Read more](#)

Rebekah · September 2018
Alexandra's place was a cute home in Brentwood with wonderful hospitality and we felt right at home.

The neighborhood

Alexandra's home is located in Brentwood, Tennessee, United States.

My neighborhood is Professional and very quiet.
Lots of Trees, rabbits and at the dead end, of the street.
Very secluded..

Alexandra's Guidebook Things to do in Nashville

Nearby landmarks

Nashville Zoo at Grassmere	4.9 mi
Radnor Lake State Park	5.4 mi

Exact location information is provided after a booking is confirmed.

Hosted by Alexandra

Brentwood, Tennessee, United States · Joined in August 2016



★ 19 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

Policies

House Rules

- Not suitable for children and infants
- No smoking
- No pets
- No parties or events
- Check-in time is 3PM - 12AM (midnight)
- Check out by 11AM
- Read all rules ▾

Cancellations

- Moderate - Free cancellation for 48 hours
- After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.
- Read more about the policy ▾

From: [Joyce Kennedy](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: permit # 20180065863 5533 Thalman Drive Brentwood, TN
Date: Monday, November 19, 2018 5:37:13 PM

I received a letter from the Metropolitan Board of Zoning Appeals about a neighbor who wants to get an appeal challenging the zoning administrator's denial of a short term rental permit. The address is 5533 Thalman Drive, Brentwood, TN.

I agree with the administrator. **I would like the denial of the permit to continue.** The home is a zero lot line home at the end of a culdesak. I looked at the home today and would like to write that I would not like to see the short term rentals allowed. There is very little space for parking at the dead end of the street. The street is not a public street, more of a driveway with about 4 zero lot line homes. The street can hardly accommodate two way traffic. The home did not look to me as if it were very well maintained. I do not know if the owner also lives in the area, but if this home were not carefully supervised, it could be a problem for the other home owners. It is closed off from view at the end of a dead end street, it looks like a perfect place for those who wanted to do something illegal to get away with it unseen as it is very secluded.

This home is only 2 blocks from Granbery Elementary School. There does not need to be any danger to children by having questionable behavior in the neighborhood.

I would not like to set a precedent for other homes on the street to start short term rentals. All the homes on the street are zero lot line homes and if the permit was allowed, other home owners would follow and the outcome would not be good for the neighborhood.

Thank you

November 21, 2018

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

Appeal Case Number: 2018-658

Dear Members of the Metropolitan Zoning Appeals Board:

In response to your notice dated 30 October 2018, we are writing to voice our **opposition** to the granting of a short-term rental permit for 5533 Thalman Dr, for the following reasons:

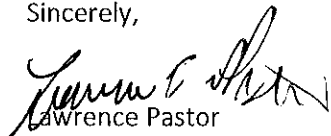
- **Fire hazard:** Our house at 5535 Thalman Dr is attached to 5533 Thalman (we live in a zero-lot-line) and fear that unsupervised and lightly vetted guests may inadvertently cause a house fire. While this is a remote possibility, it is a very big concern as we typically leave our pets at home.
- **Diminished privacy:** The bedroom which was/will be rented short-term is located on the second floor of her house with a small deck that directly overlooks our back porch. If at all possible, we would like to be able to maintain our privacy rather than be forced to interact with a complete stranger.
- **Access issues:** The carport at 5533 Thalman has capacity for two cars only and there have been times where guests (or at times the owner) parked on the shared driveway, blocking access to our own house. This can also be dangerous in an emergency situation where an ambulance or fire truck may need access to our house.
- **Costly shared driveway:** Four other houses share the driveway that leads to her house. While our house is at the very end of the shared driveway and will only be slightly affected, several of our neighbors have expressed concern that the higher volume of traffic may shorten the lifespan of said shared driveway which could in turn lead to an earlier than expected costly maintenance.

In addition to the above concerns, we have had issues with speeding on our shared driveway and guests knocking at our door at 11pm. We are fearful that one day we may not hear a car coming while we walk our dogs (there is a blind curve just before reaching 5533 Thalman).

It would be greatly appreciated if the Board would consider the concerns noted above as these are not easy to remedy should the short-term rental permit be granted.

Thank you very much for taking the time to read our letter.

Sincerely,


Lawrence Pastor


Yolanda Pastor

M

Chris Mitchell
5522 Thalman Dr
Brentwood, TN 37027

BOOK 017 PAGE 423

J 2 4 8 5

RUSH

IDENTIF. REFERENCE

JUL 30 10 50 AM '85

FELIX Z. NELSON II REGISTER
DAVIDSON COUNTY, TNROAD MAINTENANCE DECLARATION

WHEREAS, the undersigned is the owner of the property described in Book 6250, Page 555, Register's Office of Davidson County, Tennessee; and,

WHEREAS, the undersigned has applied to the Metropolitan Planning Commission of Nashville and Davidson County, Tennessee, for the approval of a lot subdivision of said property to be known as Brentwood Meadows, Section III, Davidson County, Tennessee; and,

WHEREAS, the Plat of Brentwood Meadows, Section III, shows that private roads will be located on said property; and,

WHEREAS, the undersigned desires to provide for the maintenance and upkeep of said private roads.

NOW, THEREFORE, for and in consideration of the premises, the undersigned makes the following declaration:

1. The private roads shown on the Plat of Brentwood Meadows, Section III, shall be maintained according to the current general standards established in the area for paved roads, and the said roads shall be maintained in such a manner so as not to impede the movement of vehicular travel. Each of said roads shall be maintained with a relatively level surface and without ruts, washed-out areas, pot holes or other damaged or deteriorated areas which would impede vehicular travel. The said roads shall be graded, graveled, and paved as necessary to comply with the intent and terms of this declaration. Higher standards for the upkeep, maintenance and repair of said roads may be established by the undersigned or by subsequent owners, but the

for the upkeep, maintenance and repair of said roads may be established by the undersigned or by subsequent owners, but the foregoing standards shall be deemed to be the minimum standards for such upkeep, maintenance and repairs of said roads.

2. This declaration shall run with the land, and the subsequent owners of lots 60, 61 and 62 as shown on said Plat

Lots:

- 60 - 5520 Katie White
5522 me
- 61 - 5524 Joe Ennis
5526 Bud & Mel Skellie
- 62 - 5528 Karen & Arni Jones
5530 Phil Phillips

shall each be liable for their one-third share of the cost of the upkeep, maintenance and repair of the road serving them, and the owners of lots 63, 64 and 65 shall be liable for their one-third of the cost of upkeep, maintenance and repair of the road serving them.

3. Said roads may be used by emergency vehicles of all types, including, but not limited to, ambulances, police and fire-fighting equipment, which shall have the right of way for said emergency use as provided by law.

4. If said roads are dedicated to and accepted by the Metropolitan Government of Nashville and Davidson County, Tennessee, or any other governmental entity or agency, or if a horizontal property regime or planned unit development is established with respect to said property and if the master deed, declaration, or bylaws thereof provide for the maintenance of said roads as common areas in the same manner as stipulated in Paragraph 1 above, this declaration shall terminate and thereafter be null and void and of no force and effect.

Witness our hands this 29 day of ~~March~~ ^{JULY}, 1985.

G.T. SCOTT REALTY & CONSTRUCTION

BY G. T. Scott

LOTS:
63 - Carolyn Woosley
Betty Northcutt
5525 + 5527

64 - Jamie & Julie Johnson
Christina Carter
5529 5531

65 - 5535 Yolanda Pastor
5533 Robin Perry

Metro Board of Zoning Appeals

RE: Zoning Appeals Case # 2018-658 Robin Perry 5533 Thalman Drive

HEARING DATE: December 6, 2018 @ 1pm

Please find the enclosed 8 **OPPOSING LETTERS** for the short-term rental application appeal hearing on December 6, 2018 from the residents of Thalman Drive, Brentwood TN.

Also attached a "road maintenance declaration" from our deeds explaining our shared private road.

Hand Delivered to the zoning board on November 29, 2018

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

October 30, 2018

ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS

RE: Appeal Case Number: 2018-658
5533 THALMAN DR
Map Parcel: 16109014400
Zoning Classification: R15
Council District: 4

This is to inform you that Robin Perry filed an appeal for the property at the above referenced location. The appellant requested 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. Should this request be approved, it would allow the applicant to obtain a permit.

*******THIS IS NOT A ZONE CHANGE REQUEST*******

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on THURSDAY 12/6/2018, beginning at 1:00 p.m. in the Sonny West Conference Center of the Howard Office Building, 700 2nd Avenue South. If you wish to show support or opposition to your neighbor's request, you may do so in person. In lieu of a personal appearance, you may submit written communication to the Board prior to the scheduled board meeting date. We cannot guarantee written communication to be a part of the record unless it is received no later than Noon the Monday before the meeting date.

This letter is being sent to you because you are the owner of property located within 600' of the subject location. This request is only for the property at the above location. We are required by law to notify you of what your neighbor wishes to do on his/her property.

Should you have questions or require special accommodations (handicap accessibility), you may email us at BZA@nashville.gov. You can view this case at epermits.nashville.gov and search by permit # 20180065863 or search by the address.

METROPOLITAN BOARD OF ZONING APPEALS

Metropolitan Government of Nashville and Davidson County
Board of Zoning Appeals
Department of Codes and Building Safety

RE: Case 2018- 658 Item A Appeal for short term rental at 5533 Thalman Drive
Permit # 20180065863

To the Zoning Board,

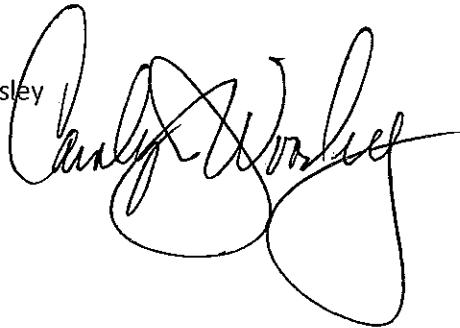
This letter is in opposition to the request to permit short term rentals at the above residential property.

I am the owner of 5525 Thalman Drive. Mine is the first residence on a short, one-way lane. This dead-end lane does not appear on any digital maps. Thalman Drive terminates at a cul-de-sac. Maintenance to this private drive is the responsibility of the home owners, not the city. The property cited in this appeal is the last residence on this one-way lane. There is no city- maintained parking nor is there any room to turn around a vehicle. Because the address doesn't appear on maps, delivery services and visitors pull in and out of private drives and have been known to knock on doors creating an unsafe situation for residents and their pets. It is the request of the neighborhood home owners that it not be permitted to advertise for or sell short term rental at this location.

Regards,

Carolyn J Woosley

5525 Thalman

A handwritten signature in black ink, appearing to read "Carolyn J Woosley", written over the typed name and address.

Metro Davidson County Board of Zoning Appeals

RE: **Appeal Case # 2018-658**
5533 Thalman Drive, Brentwood TN 37027

From: Christine Mitchell
Homeowner within 600 feet of property

I have owned 5522 Thalman Drive since 1996. I strongly oppose the above mentioned property to operate as a short term rental business due to serious concerns and space limitations in our unique neighborhood setting. We live in very close proximity to each other. Privacy is an issue as well as serious safety concerns for medical, police, and fire accessibility, and equally sharing a private road to access our homes as explained below:

Our homes/properties are listed as zero lot line properties. Some of our homes share common areas such as sidewalks, roofs, yards, exterior bricks, and interior walls.

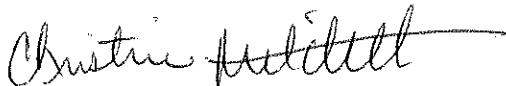
In addition to these shared areas the homes are accessed by a shared private road. This is shown in our deeds (see attached with this letter). This shared private road is equally owned and is to be maintained equally and with full commitment from each owner for maintenance, improvements, and changes. The shared private road is not shown on area digital maps/GPS apps because it is a private road and is to be used by the homeowners to access their homes.

Each home has a limited designated parking area on their property accessible from this shared road. There is no street parking available, as the road is very narrow. If a vehicle parks on the shared road, other homeowners will not be able to access their home and designated parking area.

There have been instances in the past at 5533 Thalman (operating illegally this summer as an airbnb with out a license), when a car was parked on the shared road and a homeowner was blocked from accessing their home. There just simply is not room for any additional vehicles in this tight area.

Please consider the legitimate concerns, the sensitivity of our unique but wonderful neighborhood, the safety and privacy issues, and deny the short-term rental license application again for 5533 Thalman Drive.

Sincerely,



Christine Mitchell
615-500-4180

TO: Metro Zoning Board Appeals November 24, 2018
FROM: Ms. Betty Northcutt
5527 Thalman Drive
RE: Case 2018-658

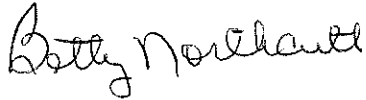
I oppose the short term rental license applied for by Robin Perry 5533 Thalman Drive and am in great support of my neighbors who also oppose it.

Our homes are close together and do not have room for extra vehicles or guests other than our own. I worry about having strangers driving in and out. We have a close group of neighbors and we watch out for each other. Several of us have keys to each other's home for emergencies. We get each other's mail and packages when the other is out of town.

Our driveway is private property and leads to each resident and we are responsible for it financially. Anything that relates to the private driveway is to be shared by us not by one individual resident.

Thank you for accepting this letter of opposition.

Best Regards,



Betty Northcutt
5527 Thalman Drive

November 25, 2018

Metropolitan Government of Nashville Davidson County
Board of Zoning Appeals

Appeal Case 2018-658
5533 Thalman Drive
Brentwood, TN 37027

I have owned and lived at 5530 Thalman Drive for 20 years. I **strongly oppose the short-term rental license applied for by the above mentioned address.** It was denied once, please deny it again.

Our homes are zero lot lines with very restricted parking and little to no extra space for parked vehicles other than the homeowners. We share a lot of common space and our homes are set up like a duplex with a common wall but are individually owned each with separate address.

Most importantly, we share and privately own the road that accesses our individual homes. We do not want any more wear and tear on our driveway because it is our financial obligation to share the cost to maintain it, not Metro.

We do not want anyone using our property other than the homeowners, immediate family and friends, the USPO, service companies, and police, fire, or rescue, just as you would not want a stranger using your driveway!

Thank you for the opportunity to speak for my neighborhood.

Sincerely,



Elmer P. Phillips
5530 Thalman Drive

Metropolitan Government of Nashville and Davidson County

Board of Zoning Appeals

RE: Appeal Case Number 2018-658
5533 Thalman Drive

Dear Sir or Madam:

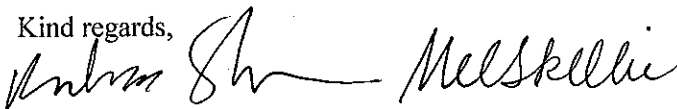
We are the property owners at 5526 Thalman Drive and are writing in response to the notice received regarding the appeal of denial for a short-term rental permit at 5533 Thalman Drive.

We are opposed to the permitting of short-term renting in our neighborhood. Houses should be homes and not hotels. The influx of out-of-town visitors upsets the peaceful enjoyment of long-standing residential neighborhoods. Short-term renters have no stake in the community, and therefore no reason to care how the neighborhood around them suffers from their vacation activities. The subject property shares a roof and wall with another property. The other owners' rights to quiet enjoyment may be greatly affected by the subject property being a short-term rental.

Our neighborhood is a small, close community of zero lot line homes with very limited parking. Most of us are responsible for the private drives that allow access to our properties. Any additional vehicles create a strain.

We appreciate the opportunity to voice our concerns and hope they will be considered.

Kind regards,



Richard Skellie and Mel Skellie
5526 Thalman Drive

November 23, 2018

Metropolitan Government of Nashville Davidson County
Board of Zoning Appeals

RE: Appeal Case 2018-658
Robin Perry
5533 Thalman Drive
Brentwood, TN 37027

We have co-owned the property at 5522 Thalman Drive, Brentwood, TN with Christine Mitchell, our daughter who resided at the property, since August of 1996. We do not currently live at the property.

We are writing this letter to support all the residents who live on Thalman Drive and are directly affected by this application for a short-term rental business.

We agree with the other owners concerns and do strongly oppose the short-term rental license being applied for by 5533.

Sincerely,

The image shows two handwritten signatures in cursive. The first signature is "Gerard Killmeyer" and the second is "Margaret Killmeyer".

Gerard and Margaret Killmeyer
Co-owners of 5522 Thalman Drive

5413 Bradfield Drive
Nashville, TN 37220
615-833-4649

November 28, 2018

Metro Board of Zoning Appeals

Appeals Case 2018-658
Robin Perry 5533 Thalman Drive

We have lived at 5510 Thalman Drive for 9 pleasant years!

We also oppose this short-term rental application for the same reasons expressed in many of our neighbor's letters. Please deny this appeal.

Regards,

A handwritten signature in cursive script that reads "Bob and Sandra Smith". The signature is written in black ink and is positioned below the "Regards," text.

Bob and Sandra Smith

2018-658
OPPOSE

11-29-2018

Metropolitan Board of Zoning Appeals

We object to the short
term rental permit of
5533 Thalman Drive
Brentwood TN. 37027

It is a dead end street
with no turn around.
You must back out or
turn around in drive way.
Recycling and trash trucks
would not be able to drive
that portion of street if a
car was parked on street.
All houses are duplexes.
with 2 car space.

Thank you for the
opportunity to express
our point of view.

Sincerely,

Elizabeth M. Ventura

Karen Ventura
5517 Thalman Dr.
Brentwood TN 37027

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Collins Legal, PLC
Property Owner: Kevin Kwong
Representative: : Grover Collins

Date: 10/17/2018
Case #: 2018-661
Map & Parcel: -82-3-B00200

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:

This permit was canceled in error and in violation of State law.

Activity Type: Short Term Rental Permit

Location: 1102A Joseph Avenue, Nashville, TN 37207

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: Permit is located in an SP

Section(s): MCL 17.16.250 et seq.

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.

Collins Legal, PLC
Appellant Name (Please Print)

Grover Collins
Representative Name (Please Print)

414 Union Street, Suite 1110
Address

414 Union Street, Suite 1110
Address

Nashville, TN 37219
City, State, Zip Code

Nashville, TN 37219
City, State, Zip Code

615-736-9596
Phone Number

615-736-9596
Phone Number

grover@collins.legal
Email

grover@collins.legal
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



3570311

ZONING BOARD APPEAL / CAAZ - 20180066170
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 082030B00200CO

APPLICATION DATE: 10/18/2018

SITE ADDRESS:

1102 A JOSEPH AVE NASHVILLE, TN 37207
UNIT A 1102 JOSEPH AVENUE TOWNHOMES AMEND

PARCEL OWNER: KWONG, KEVIN

CONTRACTOR:

APPLICANT:**PURPOSE:**

Permit was cancelled because property is located in an SP.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

DAVID BRILEY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS

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

MAILING ADDRESS

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

October 12, 2018

Mr. Kevin Kwong
13309 47th Place West
Mukilteo, Washington 98275

RE: Permit CASR #201542068
1102 A Joseph Avenue

Permit CASR #201543099
1102 B Joseph Avenue

Dear Mr. Kwong:

Pursuant to Section 17.16.250 of the Metropolitan Code of Laws this letter cancels the two above referenced STRP permits. These permits were issued in error. The subject property is zoned SP (Specific Plan). SP zoning districts only allow short term rental use if the SP ordinance for that particular property allows short term rental use. Short term rental use is not permitted under the SP ordinance that governs this particular property, unless it's an owner occupied use. Thus, these non-owner occupied permits never should have issued.

We have had the STRP permits for these two units under review by the Codes Department, the Planning Department and the Legal Department. However, this SP zoning district offers no ability to operate the STRP without an owner occupied status.

Any further short term rental activity conducted at these units will constitute a violation of law. Advertising, booking, renting, or any other type of short term rental operation conducted without the legally required permit will subject you to court proceedings. You have the right to appeal this decision at the Board of Zoning Appeals.

Sincerely,

Jon Michael
Metro Codes

ORDINANCE NO. BL2014-802

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from RS5 to SP zoning for property located at 1102 Joseph Avenue, approximately 80 feet north of Evanston Avenue, (0.16 acres), to permit one single-family dwelling or a detached two-family dwelling, all of which is described herein (Proposal No. 2014SP-026-001).

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from RS5 to SP zoning for property located at 1102 Joseph Avenue, approximately 80 feet north of Evanston Avenue, (0.16 acres), to permit one single-family dwelling or a detached two-family dwelling, being Property Parcel No. 032 as designated on Map 082-03 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and Metropolitan Clerk's Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 082 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to one single-family dwelling or a detached two-family dwelling.

Section 4. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
2. There shall be no parking or driveways in the front yard area along Joseph Avenue.

Section 5. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 6. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Section 7. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RS3.75 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Scott Davis

[View Sketch](#)

[View Site Plan](#)

**Amendment No. 1
To
Ordinance No. BL2014-802**

Madam President:

I move to amend Ordinance No. BL2014-802 by deleting Section 4 in its entirety and substituting with the following new Section 4:

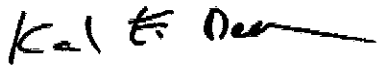
Section 4. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
2. There shall be no parking or driveways in the front yard area along Joseph Avenue. All driveways and parking shall be located at the rear of the property.
3. One detached unit shall have a different roof line from the other detached unit so as to maintain aesthetic variety.
4. A second story porch shall only be permitted for one of the units. The front exterior facade of the second story shall include windows in lieu of an upper level porch and door.
5. If the units are detached, each structure shall be no less than 19 feet wide and no more than 24 feet wide.
6. If the units are detached, the developer shall have the option of designating the front structure as the primary structure and

the rear structure as the secondary structure. If the developer chooses to build such a primary and secondary structure, the following requirements shall apply:

- (a) A minimum six foot separation shall be required between the units.
 - (b) For the primary structure, the minimum side setback shall be five feet.
 - (c) The minimum rear setback for the secondary structure shall be 20 feet.
 - (d) The primary structure shall be no more than two stories and shall be limited to a maximum height of 29 feet at the front setback and 35 feet total.
 - (e) The secondary structure shall be located behind the primary structure and shall clearly be subordinate to the primary structure in height, size, and massing.
7. A wooden privacy fence shall be constructed along the two adjacent property lines. Such privacy fence shall be a minimum of six feet and a maximum of ten feet in height. If two units are constructed, a similar privacy fence shall be constructed between the units.
8. At least two trees shall be planted on the property. Each tree shall be a minimum two-inch caliper and a minimum of six feet in overall height.

Sponsored by: Scott Davis

LEGISLATIVE HISTORY	
Introduced:	June 3, 2014
Passed First Reading:	June 3, 2014
Referred to:	Planning Commission - Approved with Conditions 8-0 (May 22, 2014) Planning & Zoning Committee
Passed Second Reading:	July 1, 2014
Deferred:	July 15, 2014
Amended:	August 5, 2014
Passed Third Reading:	August 5, 2014
Approved:	August 8, 2014
By:	
Effective:	August 15, 2014

Requests for ADA accommodation should be directed to the Metropolitan Clerk at 615/862-6770.
Last Modified 08/11/2014 15:10:41

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS OF NASHVILLE AND
DAVIDSON COUNTY**

IN THE MATTER OF:)	
)	
Kevin Kwong,)	
)	
Appellant,)	Case No.: 2018-661
)	
v.)	
)	
Metropolitan Department of Codes & Building Safety,)	
)	
Appellee.)	

APPEAL OF STRP PERMIT DENIAL

Introduction

Kevin Kwong (“Mr. Kwong”) is the owner of 1102 A Joseph Avenue Nashville, Tennessee. On September 30, 2015, Mr. Kwong invested a significant amount of money to purchase a single-family home located at 1102 A Joseph Avenue Nashville, Tennessee (the “Property”). Mr. Kwong took all required precautions to obtain his non-owner-occupied short-term rental permit (“STRP”) for the Property. Every year, Mr. Kwong would properly renew his permit as required by the ordinance.

On August 17, 2018, Mr. Kwong submitted STRP Renewal application to extend the STRP through September 29, 2019. Mr. Kwong waited 30 days, and on September 17, 2018, followed up with Jon Michael of Metro Codes to inquire about the status of the renewal application. Receiving no response, and making every effort to ensure compliance, Mr. Kwong sent two additional follow-up emails, dated September 24 and October 12 respectively, to Jon Michael. In addition, on October 12th, Mr. Kwong reached out via email to David Frabutt and Clint Harper at Metro Codes seeking information. Later that day, Mr. Kwong finally received an email response

from Mr. Harper and then a second from Mr. Michael informing Mr. Kwong that he could no longer operate his STRP and that his permit was being canceled. See *Exhibit 1*.

Mr. Kwong's appeal to this Board centers primarily on a single claim for relief. Mr. Kwong submits that this STRP is squarely protected by the law passed by the Tennessee legislature on May 17, 2018. Mr. Kwong would offer that Metro Codes did error and the STRP be reinstated.

Summary of Proceedings Below

By September 30, 2015, Mr. Kwong had completed all of the necessary steps to obtain a permit and actually received STRP CASR #201542068. See *Exhibit 2*.

Mr. Kwong renewed the permit through September 29, 2018. *Id.*

On August 17, 2018, Mr. Kwong applied to renew and extend the permit through September 29, 2019.

On October 4, 2018, Robert Osborn with Metro Codes sent a violation letter to Mr. Kwong. A copy of the letter is attached hereto as *Exhibit 3*.

On October 12, 2018, Jon Michael with Metro Codes sent a cancellation letter to Mr. Kwong. A copy of the letter is attached hereto as *Exhibit 4*.

On October 17, 2018, Mr. Kwong, through her counsel, Grover C. Collins, applied for an appeal to the BZA. A copy of the letter is attached hereto as *Exhibit 5*.

Grounds for Relief

The state law protects Mr. Kwong's interest in the STRP.

In this case, the revocation of Mr. Kwong's STRP is not warranted for several reasons.

First, and most importantly, Mr. Kwong's actions and the action by Metro Codes fit squarely under the state law passed in May of this year. Because the STRP was renewed, this STRP is grandfathered within the meaning of Public Chapter No. 972. More specifically, T.C.A. § 13-7-602(3)(A) applies to this set of facts because the application for renewal of the STRP was approved

pursuant to the ordinance. A copy of the law is attached as *Exhibit 6*.

Second, it is important to note that the STRP issued to Mr. Kwong for the property was issued under Metro Ordinance BL2014-951. This version of the ordinance fails to mention the SP designation as a roadblock to permit. A copy of the ordinance is attached hereto as *Exhibit 7*.

Third, unlike many property owners before this BZA, Mr. Kwong made every effort to comply in good faith with all applicable rules and regulations and did so.

Fourth, Mr. Kwong has not violated any Metro Codes' requirement of obtaining an STRP or operating an STRP.

Finally, revocation of Mr. Kwong's STRP will also cause Mr. Kwong to suffer significant financial harm due to the loss in revenue. This cannot possibly be a just punishment for a homeowner who is not alleged to be responsible for any wrongdoing other than entrusting the government to tell them what the applicable law was at the time of application and renewal.

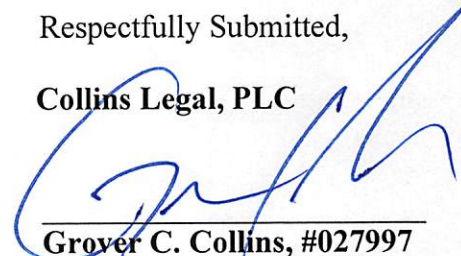
Given this, Mr. Kwong respectfully requests that this Board exercise its broad discretion and allow Mr. Kwong to resume operation of his short-term rental permit for the property.

Conclusion

For the foregoing reasons, Mr. Kwong respectfully requests that this honorable Board overturn the Codes Department's decision to deny the short-term rental permit.

Respectfully Submitted,

Collins Legal, PLC



Grover C. Collins, #027997

Collins Legal, PLC

414 Union Street #1110

Nashville, TN 37219

(615) 736-9596 – t (615) 736-9596 – f

grover@collins.legal

Attorney for Appellant

EXHIBIT 1



Kevin Kwong <kevin.r.kwong@gmail.com>

1102A - Permit Number CASR 201542068

9 messages

Kevin Kwong <kevin.r.kwong@gmail.com>
To: jon.michael@nashville.gov

Mon, Sep 17, 2018 at 10:08 AM

Jon,

Hi, I submitted my STRP Renewal on 8/17 and I wanted to make sure your office received the renewal application and affidavit and everything is ok and being processed.

Please let me know if there are any issues.

Thank you,
Kevin Kwong

Kevin Kwong <kevin.r.kwong@gmail.com>
To: jon.michael@nashville.gov

Mon, Sep 24, 2018 at 8:03 AM

Hi Jon,

Just following up with you. Did you get a chance to review my documents? Just wanted to make sure we were all good before the expiration.

Thank you,
Kevin Kwong
[Quoted text hidden]

Kevin Kwong <kevin.r.kwong@gmail.com>
To: jon.michael@nashville.gov

Fri, Oct 12, 2018 at 7:42 AM

Jon,

Hi, I just wanted to followup again. My permit now shows expired. Is that ok during the processing time? I havent heard back from anyone about the notarized paperwork I sent in August.

Thank you for your time,
Kevin Kwong
[Quoted text hidden]

Kevin Kwong <kevin.r.kwong@gmail.com>
To: david.frabutt@nashville.gov

Fri, Oct 12, 2018 at 8:36 AM

David,

Hi, sorry to bother you, but I was looking for some help getting my short term rental permit renewed. I sent in the notarized paperwork (attached) to be renewed on August 17th and I havent seen any update on the Epermits website. The license now shows expired, which worries me. Condra Stephens in admin mentioned that the renewal was under review but codes was back up, which is fine if its still being processed. I just wanted to make sure I'm staying compliant and theres nothing needed from my end.

If theres any thing you can do I'd appreciate it.

Thank you,
Kevin Kwong
[Quoted text hidden]

2 attachments

 **USPS Certified 2018-2019 CASR Renewal.pdf**
489K

 **CASR 201542068 2018-2019 STRP Permit Renewal.pdf**
529K

Kevin Kwong <kevin.r.kwong@gmail.com>
To: clint.harper@nashville.gov

Fri, Oct 12, 2018 at 8:37 AM

Clint,

Hi, sorry to bother you, but I was looking for some help getting my short term rental permit renewed. I sent in the notorized paperwork (attached) to be renewed on August 17th and I havent seen any update on the Epermits website. The license now shows expired, which worries me. Condra Stephens in admin mentioned that the renewal was under review but codes was back up, which is fine if its still being processed. I just wanted to make sure I'm staying compliant and theres nothing needed from my end.

If theres any thing you can do I'd appreciate it.

Thank you,
Kevin Kwong

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

From: **Kevin Kwong** <kevin.r.kwong@gmail.com>
Date: Fri, Oct 12, 2018 at 7:42 AM
Subject: Re: 1102A - Permit Number CASR 201542068
To: <jon.michael@nashville.gov>

[Quoted text hidden]

Harper, Clint (Codes) <clint.harper@nashville.gov>
To: Kevin Kwong <kevin.r.kwong@gmail.com>

Fri, Oct 12, 2018 at 8:48 AM

You will be contacted if there is an issue but all renewals must be reviewed prior to approval and processing.

Clint Harper

Zoning Examiner

615-862-6621

From: Kevin Kwong [mailto:kevin.r.kwong@gmail.com]

Sent: Friday, October 12, 2018 10:38 AM
To: Harper, Clint (Codes)
Subject: Fwd: 1102A - Permit Number CASR 201542068

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

[Quoted text hidden]

Kevin Kwong <kevin.r.kwong@gmail.com>
To: clint.harper@nashville.gov

Fri, Oct 12, 2018 at 8:51 AM

Thanks for getting back to me Clint.

I'm just concerned that I sent in the renewal documents in August and now its October and the permit shows expired. Is that ok for now, should I continue as is? Would it be possible to verify that my paperwork was received?

I have no problem if its just a backup review process, just want to make sure I am staying compliant with the law.

Thank you,
Kevin

[Quoted text hidden]

Michael, Jon (Codes) <Jon.Michael@nashville.gov>
To: Kevin Kwong <kevin.r.kwong@gmail.com>

Fri, Oct 12, 2018 at 12:58 PM

Kevin:

As you know, we have had this one for a while. We've had the two permits at the 1102 Joseph address under review by multiple departments to confirm permit eligibility. Unfortunately, the SP (Specific Plan) zoning district for this property does not allow non-owner occupied STRP use. Therefore, this permit never should have issued in the first place. Instead, both permits will be cancelled. The attached letter is being placed in Metro Mail this afternoon.

Obviously, you will have no penalty or corrective action based upon the operation during the period that you held these permits. However, any advertising, listing, or actual rental of the short term rental property from this point forward will constitute a violation of law. That fact and your appellate rights are covered in the letter.

While I'm sorry that the news is bad, we wanted to turn every stone in order to see if there was a way to continue the previously permitted use. Alas, this is what's required under law.

Jon Michael

Metro Codes

From: Kevin Kwong [mailto:kevin.r.kwong@gmail.com]
Sent: Friday, October 12, 2018 9:42 AM
To: Michael, Jon (Codes)
Subject: Re: 1102A - Permit Number CASR 201542068

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

Jon,

[Quoted text hidden]

[Quoted text hidden]

Kevin Kwong

[Quoted text hidden]



CANCEL 1102 A and B Joseph Avenue - SP.pdf
62K

Kevin Kwong <kevin.r.kwong@gmail.com>
To: Jon.Michael@nashville.gov

Fri, Oct 12, 2018 at 1:04 PM

Jon,

Thanks for getting back to me. Wouldnt I be able to continue to operate under House Bill 1020 which allowed people who have been operating in the past to continue?

Thanks,
Kevin Kwong

[Quoted text hidden]

EXHIBIT 2

Permit

← Back To Search

Permit Summary
Parcel/Address
Contacts
Contractor
Related Permits
Reviews / Inspections
Quantity Group
Fees
Comments
Documents
Bonds & Surety Information
Condition
Flags

Permit Summary

Permit Number: CASR 201542068
 Type: Residential Short Term Rental / Short Term Rental - Non-Owner Occupied
 Status: Cancelled

Scope of Work

By making this application for a Residential Short Term Rental permit, I certify that I will comply with all requirements of Ordinance 01.2014.0951L 4 bdr-12 max occ.

Parcel/Address

Address: 1102 A JOSEPH AVE
 K-1740700-536
 NASHVILLE, TN 37207
 APN: 084.03010020000
 N: 676842-752

Contacts

PERMIT/LICENSE APPLICANT
 Name: Kwong, Kevin
 Address: 13305 47th Pl W
 MULTICO,WA 98275

CONTACT
 Company Name: Kevin Kwong
 Address: 1102 A Joseph
 Nashville, TN 37207
 Cell Phone: 425-210-5609

PROPERTY OWNER
 Name: KWONG, KEVIN
 Title: 20150918 0064795
 Address: 13305 47TH PL W
 MULTICO,WA 98275

Contractors

Related Permits

No data available

Available Reports

Reviews / Inspections

TYPE	DESCRIPTION	STATUS	COMPLETED BY	COMPLETED
REVIEW	[A] Zoning Review	APPROVED	Hespar, Clint	Sep 26, 2015
REVIEW	[G] Pre Life Safety Review On Bid/ App	APPROVED	Hespar, Patricia	Sep 28, 2015
REVIEW	Permit Issued	ISSUED	Brown, Adrienne	Sep 30, 2015
REVIEW	Building Payment Approval	APPROVED	System Process,	Sep 30, 2015
REVIEW	Reopen Short Term Rental Permit	RENEWER	Patterson, Teresa	Sep 29, 2017
REVIEW	USO Life Safety/Final Approval	APPROVED	Patterson, Teresa	Jan 9, 2018
REVIEW	Review Short Term Rental Permit	RENEWER	Patterson, Teresa	Jan 9, 2018
REVIEW	Reopen Short Term Rental Permit			

Quantity Group

PERMIT INFO	DESCRIPTION	QUANTITY	RATE	VALUE	AMOUNT	CONVERSION
CODE	DESCRIPTION					
HOW TAKEN	HOW TAKEN					
FEES						
CODE	DESCRIPTION					
CASHFEE	SHORT TERM RENTAL PERMIT FEE				\$50.00	
CASHCONV	BUILDING CONFORMANCE FEE				\$1.15	
CASHFEE	SHORT TERM RENTAL PERMIT FEE				\$90.00	
					Total Fees:	\$101.15

Payments

TYPE	DESCRIPTION	DATE	AMOUNT
CREDIT		Sep 30, 2015	\$1.15
CREDIT		Sep 30, 2015	\$50.00
CHECK		Sep 29, 2017	\$50.00
Total Payments			\$101.15

Comments

rec email from customer to update contact info Amy Walters' Playist Properties- 806 AND AVE S NASHVILLE, TN 37210-2018 Work. Phone 615-218-2866 Also could you list my phone number on permit applicant 425-210-5609 per Kevin Brown?
 CUSTOMER DIDNT PAY TO RENEW FOS 2016-2017 YEAR. SENT IN RENEWAL FOR 2017-2018 SHOULD EXPIRE IN SEPT 2018. WAS ON TO RENEW PERJON MICHAEL. SET STATUS TO OPEN AND FIXED RENEWAL DATES
 Update contact information. Remove Playist Properties (Amy Walters) and replace with Owner due to act of performance by owner. PDF
 10/12/18 permit issued in error short term rental not allowed SP see attached cancellation letter

Documents

NAME	UPLOADED BY	UPLOADED DATE
CANCEL 1107 A and B Joseph Avenue - SP.pdf	195	Oct 12, 2018

Bonds & Surety Information

No data available

Condition

No data available

Flags

No data available

EXHIBIT 3

METRO GOV OF NASHVILLE & DAVIDSON CTY
DEPARTMENT OF CODES & BUILDING SAFETY
PO BOX 196300
NASHVILLE, TN 37219-6300



KWONG KEVIN
13309 47TH PL W
MUKILTEO, WA 98275-5853



October 4, 2018

RE: Notice of Short Term Rental Property Violation at 1102a Joseph Avenue, Nashville, TN (Parcel # 082030B00200)

Dear KWONG, KEVIN:

You are hereby notified as owner of the above-referenced property that the property is in violation of the Metropolitan Code of Laws Section 17.16.250.E – Short Term Rental Property.

Pursuant to MCL § 17.16.250.E, it is illegal to advertise and/or rent property in Nashville on a short term basis (fewer than 30 days) without first having obtained a short term rental permit from the Department of Codes Administration. Based on MCL § 17.16.250.E, you are ineligible to rent this property on a short term basis until you obtain a short term rental permit. Accordingly, effective immediately you must discontinue advertising and/or renting your property on a short term basis, cancel any existing reservations, and remove any advertisements pertaining to the short term rental of the property.

Please be advised that the penalty for violating MCL § 17.16.250.E is a fine of \$50 per day as well as a three year waiting period to become eligible for a permit if you continue to operate without a permit. In the event you fail to discontinue advertising and/or operating this short term rental without a permit, we intend to initiate court action to stop the advertisement and/or operation.

If you have any questions, please contact Robert Osborn at (615) 862-6590 or via email at robert.osborn@nashville.gov.

Respectfully,

Robert Osborn
Metro Codes, Property Standards Division

010170000001327



EXHIBIT 4

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

October 12, 2018

Mr. Kevin Kwong
13309 47th Place West
Mukilteo, Washington 98275

RE: Permit CASR #201542068
1102 A Joseph Avenue

Permit CASR #201543099
1102 B Joseph Avenue

Dear Mr. Kwong:

Pursuant to Section 17.16.250 of the Metropolitan Code of Laws this letter cancels the two above referenced STRP permits. These permits were issued in error. The subject property is zoned SP (Specific Plan). SP zoning districts only allow short term rental use if the SP ordinance for that particular property allows short term rental use. Short term rental use is not permitted under the SP ordinance that governs this particular property, unless it's an owner occupied use. Thus, these non-owner occupied permits never should have issued.

We have had the STRP permits for these two units under review by the Codes Department, the Planning Department and the Legal Department. However, this SP zoning district offers no ability to operate the STRP without an owner occupied status.

Any further short term rental activity conducted at these units will constitute a violation of law. Advertising, booking, renting, or any other type of short term rental operation conducted without the legally required permit will subject you to court proceedings. You have the right to appeal this decision at the Board of Zoning Appeals.

Sincerely,

Jon Michael
Metro Codes

EXHIBIT 5

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Collins Legal, PLC

Date: 10/17/2018

Property Owner: Kevin Kwong

Case #: 2018-

Representative: : Grover Collins

Map & Parcel: -82-3-B00200

Council District _____

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

Purpose:

This permit was canceled in error and in violation of State law. See attached documentation .

Activity Type: Short Term Rental Permit

Location: 1102A Joseph Avenue, Nashville, TN 37207

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: Permit is located in an SP

Section(s): MCL 17.16.250 et seq.

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.

Collins Legal, PLC
Appellant Name (Please Print)

Grover Collins
Representative Name (Please Print)

414 Union Street, Suite 1110
Address

414 Union Street, Suite 1110
Address

Nashville, TN 37219
City, State, Zip Code

Nashville, TN 37219
City, State, Zip Code

615-736-9596
Phone Number

615-736-9596
Phone Number

grover@collins.legal
Email

grover@collins.legal
Email

Appeal Fee: 100.00

EXHIBIT 6

Cline, Seth 11/1/2018
For Educational Use Only

SHORT-TERM RENTAL ACT, 2018 Tennessee Laws Pub. Ch. 972 (H.B. 1020)

2018 Tennessee Laws Pub. Ch. 972 (H.B. 1020)

TENNESSEE 2018 SESSION LAWS

2018 SESSION OF THE 110th GENERAL ASSEMBLY

Additions and deletions are not identified in this document.

Vetoed are indicated by ~~Text~~ ;
stricken material by ~~Text~~ .

Pub. Ch. 972

H.B. No. 1020

SHORT-TERM RENTAL ACT

By Representative Cameron Sexton

Substituted for: Senate Bill No. 1086

By Senator Stevens

AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7; Title 13;
Title 56; Title 62; Title 66; Title 67 and Title 68, relative to short-term rental units.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 7, is amended by adding the following new part:

<< TN ST § 13-7-601 >>

§ 13-7-601.

This part shall be known and may be cited as the "Short-Term Rental Unit Act."

<< TN ST § 13-7-602 >>

§ 13-7-602.

As used in this part:

(1) "Effectively prohibit" means a local governing body acts or fails to act in a manner that prevents a property owner from using the owner's property as a short-term rental unit after reasonable compliance with generally applicable local laws;

(2) "Generally applicable local law" means an ordinance, resolution, regulation, rule, or other requirement of any type other than zoning enacted, maintained, or enforced by a local governing body that applies to all property or use of all property and does not apply only to property used as a short-term rental unit;

**Cline, Seth 11/1/2018
For Educational Use Only**

SHORT-TERM RENTAL ACT, 2018 Tennessee Laws Pub. Ch. 972 (H.B. 1020)

(3) “Used as a short-term rental unit” means the property was held out to the public for use as a short-term rental unit, and:

(A) For property that began being held out to the public for use as a short-term rental unit within the jurisdiction of a local governing body that required a permit to be issued or an application to be approved pursuant to an ordinance specifically governing short-term rental units prior to using the property as a short-term rental unit, a permit was issued or an application was approved by the local governing body for the property; or

(B) For property that began being held out to the public for use as a short-term rental unit within the jurisdiction of a local governing body that did not require a permit to be issued or an application to be approved pursuant to an ordinance specifically governing short-term rental units, the provider remitted taxes due on renting the unit pursuant to title 67, chapter 6, part 5 for filing periods that cover at least six (6) months within the twelve-month period immediately preceding the later of:

(i) The effective date of this act; or

(ii) The effective date of an ordinance, resolution, regulation, rule, or other requirement by a local governing body having jurisdiction over the property requiring a permit or an application to be approved pursuant to an ordinance specifically governing short-term rental units;

(4) “Local governing body” means the legislative body of a city, municipality, county, or other political subdivision of this state that has authority to enact a zoning ordinance, resolution, regulation, rule, or other requirement of any type regarding land use in its jurisdiction;

(5) “Prohibit” means to forbid or ban the operation of short-term rental units, either permanently or temporarily, within a local governing body's jurisdiction, portion of the local governing body's jurisdiction, or a portion of an owner's property;

(6) “Property” means a tract of land as recorded with the register of deeds office of the county where the property is located;

(7) “Provider” means any person engaged in renting a short-term rental unit and includes an owner of a residential unit that is made available through a vacation lodging service as that term is defined in § 62–13–104;

(8) “Residential dwelling” means a cabin, house, or structure used or designed to be used as an abode or home of a person, family, or household, and includes a single-family dwelling, a portion of a single-family dwelling, or an individual residential dwelling in a multi-dwelling building, such as an apartment building, condominium, cooperative, or timeshare; and

(9) “Short-term rental unit” or “unit” means a residential dwelling that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days and does not include a hotel as defined in § 68–14–302 or a bed and breakfast establishment or a bed and breakfast homestay as those terms are defined in § 68–14–502.

<< TN ST § 13–7–603 >>

§ 13–7–603.

**Cline, Seth 11/1/2018
For Educational Use Only**

SHORT-TERM RENTAL ACT, 2018 Tennessee Laws Pub. Ch. 972 (H.B. 1020)

(a) Except as otherwise provided in subsection (b), an ordinance, resolution, regulation, rule, or other requirement of any type that prohibits, effectively prohibits, or otherwise regulates the use of property as a short-term rental unit shall not apply to property if the property was being used as a short-term rental unit by the owner of the property prior to the enactment of the ordinance, resolution, regulation, rule, or other requirement by the local governing body. The ordinance, resolution, regulation, rule, or other requirement in effect at the time the property began being used as a short-term rental unit is the law that governs the use of the property as a short-term rental unit until the property is sold, transferred, ceases being used as a short-term rental unit for a period of thirty (30) continuous months, or has been in violation of a generally applicable local law three (3) or more separate times as provided by § 13-7-604. For purposes of this subsection (a), an ordinance, resolution, regulation, rule, or other requirement is in effect at the time it is lawfully enacted by the local governing body and not the time in which it is introduced for consideration by the local governing body.

(b) Notwithstanding subsection (a), an ordinance, resolution, regulation, rule, or other requirement of any type enacted prior to January 1, 2014, that prohibits or effectively prohibits the use of property as a short-term rental unit may apply to any property within a local governing body's jurisdiction, regardless of the property's existing use. However, this subsection (b) applies only to ordinances, resolutions, regulations, rules, or other requirements that expressly limit the period of time a residential dwelling may be rented, and does not apply to ordinances, resolutions, regulations, rules, or other requirements that generally prohibit commercial activity or the renting of residential dwellings to transients.

<< TN ST § 13-7-604 >>

§ 13-7-604.

(a) Section 13-7-603 does not prevent a local governing body from prohibiting the continued use of property as a short-term rental unit if, as a direct result of the operation of the short-term rental unit, the unit has been in violation of a generally applicable local law three (3) or more separate times, and the provider has no appeal rights remaining for any of the three (3) violations. The burden of proof that a violation of a generally applicable local law was a direct result of the operation of the short-term rental unit is on the local governing body.

(b)(1) The local governing body may authorize short-term rental units through a permitting or application process.

(2) Notwithstanding this part to the contrary, a local governing body that authorizes short-term rental units through a permitting or application process pursuant to subdivision (b)(1) may suspend the continued use of property as provided in § 13-7-603(a) during the time that the unit does not maintain a permit or approved application if the permitting or application requirements are reasonable.

(3) Nothing in this subsection (b) extinguishes a provider's right to continued use of property as a short-term rental unit set out in § 13-7-603(a) unless the property is sold, transferred, ceases being used as a short-term rental unit for a period of thirty (30) continuous months, or has been in violation of a generally applicable local law three (3) or more separate times as provided by subsection (a).

(c) A local governing body that accepts public complaints regarding the operation of short-term rental units in its jurisdiction pursuant to a permitting or application process shall assure that all complainants are notified that any false complaint made against a short-term rental unit provider are punishable as perjury under § 39-16-702.

**Cline, Seth 11/1/2018
For Educational Use Only**

SHORT-TERM RENTAL ACT, 2018 Tennessee Laws Pub. Ch. 972 (H.B. 1020)

(d) If a local governing body prohibits, effectively prohibits, suspends, or otherwise regulates property used as a short-term rental unit that is also subject to § 13-7-603(a), the provider may challenge the prohibition, regulation, suspension, or regulation as in conflict with this part through a civil action or appeal. The circuit or chancery court has jurisdiction of any appeal instituted by a provider pursuant to this subsection (d) and review is de novo.

<< TN ST § 13-7-605 >>

§ 13-7-605.

Nothing in this part prohibits:

- (1) A condominium, co-op, homeowners association, or other similar entity from prohibiting or otherwise restricting an owner of property within the jurisdiction of the condominium, co-op, association, or other similar entity from using the owner's property as a short-term rental unit as provided for in the entity's governing documents;
- (2) A lessor, through the terms of a lease agreement, from restricting the use of the leased property as a short-term rental unit; or
- (3) A property owner from placing a restrictive covenant or easement on the property that restricts the future use of the property as a short-term rental unit as authorized under existing law.

<< TN ST § 13-7-606 >>

§ 13-7-606.

This part supersedes any ordinance, resolution, regulation, rule, or other requirement of any type enacted, maintained, or enforced by a local governing body that is in conflict with this part.

SECTION 2. Tennessee Code Annotated, Section 68-14-302(6), is amended by adding the following language to the end of the subdivision:

<< TN ST § 68-14-302 >>

“hotel” does not include a short-term rental unit, as defined in § 13-7-602;

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Approved this 17th day of May, 2018

End of Document

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EXHIBIT 7

ORDINANCE NO. BL2014-951**An ordinance to amend Chapter 6.28 of the Metropolitan Code pertaining to Short Term Rental Property.**

WHEREAS, short-term rental of homes can provide a flexible housing stock that allows travelers a safe accommodation while contributing to the local economy; and

WHEREAS, short-term rental of homes can provide homeowners an opportunity to hold property in difficult economic circumstances or as an investment; and

WHEREAS, hotel taxes from short term rental of homes can be used to promote travel and tourism and to support the local tourism industry; and

WHEREAS, the needs of long-term residents should be balanced with the allowance of short-term rentals.
NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Chapter 6.28 of the Metropolitan Code is hereby amended by adding the following new Section 6.28.030:

6.28.030 Short Term Rental Property (STRP).

A. For purposes of this section, "Short Term Rental Property (STRP)" means a residential dwelling unit containing not more than four sleeping rooms that is used and/or advertised for rent for transient occupancy by guests as those terms are defined in Section 5.12.010 of the metropolitan code. Residential dwelling units rented to the same occupant for more than 30 continuous days, Bed and Breakfast establishments, boarding houses, hotels, and motels shall not be considered Short Term Rental Property.

B. For purposes of this section, "owner-occupied" means the owner of the property permanently resides in the STRP or in the principal residential unit with which the STRP is associated on the same lot.

C. No person or entity shall operate a STRP or advertise a residential property for use as a STRP without the owner of the property first having obtained a STRP permit issued by the department of codes administration.

D. Application. The STRP permit application shall include the following information:

1. The name, telephone number, address, and email address of the owner and of a person or business ("responsible party") residing or located within twenty-five miles of the STRP that is responsible for addressing all maintenance and safety concerns;

2. Proof of insurance evidencing homeowner's fire, hazard, and liability insurance. Liability coverage shall have limits of not less than \$1,000,000 per occurrence.

3. If the STRP unit shares a common wall or a common driveway with another property owner, proof of written notification to such neighboring property owner(s) prior to filing the application.

E. Signage. Signs, advertising, or any other display on the property indicating that the dwelling unit is being utilized, in whole or in part, as a STRP is prohibited.

F. All STRP occupants shall abide by all applicable noise restrictions contained in the Metropolitan Code and all applicable waste management provisions of Chapter 10.20 of the Metropolitan Code.

G. The STRP shall have approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards installed as follows:

1. In all sleeping areas.

2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

3. In each story within the sleeping unit, including basements.

H. No recreational vehicles, buses, or trailers shall be visible on the street or property in conjunction with the STRP use.

I. No food shall be prepared for or served to the transient by the permit holder.

J. The principal renter of a STRP unit shall be at least twenty-one (21) years of age.

K. Maximum occupancy. The maximum number of paying adult guests permitted on a STRP property at any one time shall not exceed more than twice the number of sleeping rooms plus four. Simultaneous rental to more than one party under separate contracts shall not be allowed. The occupancy maximum shall be conspicuously posted within the STRP unit.

L. The STRP owner shall not receive any compensation or remuneration to permit occupancy of a STRP for a period of less than twenty-four (24) hours. The maximum stay for any guest shall be thirty (30) consecutive days.

M. The name and telephone number of the local responsible party shall be conspicuously posted within the STRP unit. The responsible party shall answer calls twenty-four (24) hours a day, seven (7) days a week for the duration of each short term rental period to address problems associated with the STRP.

N. Expiration of permit. A STRP permit shall expire three hundred sixty-five (365) days after it is issued. STRP

permits may be renewed upon the payment of a fifty dollar renewal fee to the department of codes administration.

O. The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law or the Metropolitan Code.

P. A STRP permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a STRP on the property.

Q. STRP permit holders shall obtain a use permit from the zoning administrator as an accessory use to the primary residential use pursuant to section 17.16.250.E. of the metropolitan code. No more than 3% of the single-family or detached two-family residential units within each census tract shall be permitted as non-owner-occupied short-term rental use as determined by the Zoning Administrator.

R. Denial or Revocation of Permit.

1. Upon the filing of three or more complaints within a calendar year regarding a STRP permit, the department of codes administration shall notify the permit holder in writing of such complaints.
2. If the department of codes administration determines that violations of this section or any other ordinance or law relating to STRPs have occurred, the permit to operate a STRP may be revoked.
3. Before revoking any permit, the department of codes administration shall give the permit holder fifteen days written notice of the alleged violation(s) against him/her.
4. Any denial or revocation of a STRP permit may be appealed to the board of zoning appeals as an administrative appeal pursuant to section 17.40.180.A. of the metropolitan zoning code.

Section 2. The department of codes administration shall begin accepting STRP applications on March 31, 2015, and shall begin enforcing the provisions of this Ordinance from and after July 1, 2015.

Section 3. This Ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Burkley Allen, Charlie Tygard, Peter Westerholm, Anthony Davis

Amendment No. 1
To
Ordinance No. BL2014-951

Madam President:

I move to amend Ordinance No. BL2014-951 by amending Section 1 as follows:

I. By deleting the provisions of subsection G. and substituting with the following new subsection G.:

G. The STRP shall meet all applicable requirements of the state and local building and fire safety codes, including, but not limited to, having approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards installed as follows:

1. In all sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
3. In each story within the sleeping unit, including basements.

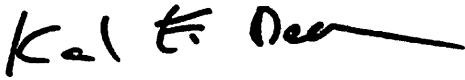
II. By deleting the phrase "paying adult guests" wherein it appears in subsection K., and substituting with the phrase "occupants".

III. By adding the following provisions at the end of subsection R.:

5. Once a STRP permit has been revoked, no new permit shall be issued to the applicant for the same property for a period of one year.
6. The penalty for operating a short term rental property without a permit shall be:
 - a. A fifty dollar fine. Each day of operation without a permit shall constitute a separate offense.
 - b. Upon a finding that a short term rental property has operated without a permit, there shall be a one year waiting period from the date of such finding for the property to become eligible for a STRP permit.

Sponsored by: Burkley Allen

LEGISLATIVE HISTORY	
Introduced:	November 18, 2014
Passed First Reading:	November 18, 2014
Referred to:	Codes Committee

	Convention & Tourism Committee
Deferred to January 6, 2015:	December 2, 2014
Deferred to February 3, 2015:	January 6, 2015
Amended:	February 3, 2015
Passed Second Reading:	February 3, 2015
Passed Third Reading:	February 24, 2015 - Roll Call Vote
Approved:	February 26, 2015
By:	

Requests for ADA accommodation should be directed to the Metropolitan Clerk at 615/862-6770.

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



Appellant : Collins Legal, PLC
Property Owner: TBC I, LLC
Representative: : Grover Collins

Date: Oct 16, 2018
Case #: 2018- 662
Map & Parcel: 105 09 0R 002.00

Council District 17

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

Purpose:

The renewal should have been renewed pursuant to State law.

Activity Type: Short Term Rental Permit

Location: 1014B West Grove Ave, Nashville, TN 37203

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: Transfer of Property from LLC back into LLC

Section(s): MCL 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.

Collins Legal, PLC
Appellant Name (Please Print)

Grover Collins
Representative Name (Please Print)

414 Union Street, Suite 1110
Address

414 Union Street, Suite 1110
Address

Nashville, TN 37219
City, State, Zip Code

Nashville, TN 37219
City, State, Zip Code

615-736-9596
Phone Number

615-736-9596
Phone Number

grover@collins.legal
Email

grover@collins.legal
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**



3570307

**ZONING BOARD APPEAL / CAAZ - 20180066167
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 105090R00200CO**APPLICATION DATE:** 10/18/2018**SITE ADDRESS:**

1014 B W GROVE AVE NASHVILLE, TN 37203
UNIT B 1014 WEST GROVE AVENUE TOWNHOMES

PARCEL OWNER: TBC I, LLC**CONTRACTOR:****APPLICANT:****PURPOSE:**

Transferring property from LLC back into LLC.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

DAVID BRILEY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

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

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

March 26, 2018

Freeman Wizer
1014 A W. Grove Avenue
Nashville, Tennessee 37203

RE: Permit CASR #201516993
1014 B W. Grove Avenue

Dear Mr. Wizer:

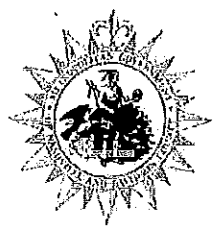
Pursuant to Section 17:16.250(E) of the Metropolitan Code of Laws, this letter serves as your formal notice of the cancellation of the above referenced STRP permit. This property changed ownership after the date of permit issuance. Since the law does not allow transfers of STRP permits, this permit has been invalid since the June 21, 2016 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 decision at the Board of Zoning Appeals.

Sincerely,

Jon Michael
Metro Codes

METRO GOV OF NASHVILLE & DAVIDSON CTY
DEPARTMENT OF CODES & BUILDING SAFETY
PO BOX 196300
NASHVILLE, TN 37219-6300



TBC I LLC
1014B W GROVE AVE
NASHVILLE, TN 37203-5448



April 2, 2018

RE: Notice of Short Term Rental Property Violation at 1014B West Grove Avenue, Nashville, TN (Parcel # 105090R00200)

Dear TBC I, LLC:

You are hereby notified as owner of the above-referenced property that the property is in violation of the Metropolitan Code of Laws Section 17.16.250.E – Short Term Rental Property.

Pursuant to MCL § 17.16.250.E, it is illegal to advertise and/or rent property in Nashville on a short term basis (fewer than 30 days) without first having obtained a short term rental permit from the Department of Codes Administration. Based on MCL § 17.16.250.E, you are ineligible to rent this property on a short term basis until you obtain a short term rental permit. Accordingly, effective immediately you must discontinue advertising and/or renting your property on a short term basis, cancel any existing reservations, and remove any advertisements pertaining to the short term rental of the property.

Please be advised that the penalty for violating MCL § 17.16.250.E is a fine of \$50 per day as well as a three year waiting period to become eligible for a permit if you continue to operate without a permit. In the event you fail to discontinue advertising and/or operating this short term rental without a permit, we intend to initiate court action to stop the advertisement and/or operation.

If you have any questions, please contact Robert Osborn at (615) 862-6590.

Respectfully,

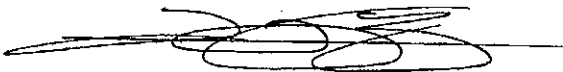
Robert Osborn
Metro Codes, Property Standards Division

AFFIDAVIT

Comes now affiant FREEMAN WIZER / TBCI LLC, designated representative for Short Term Rental Property ("STRP") Permit # 201516993 for the property located at 1014B W GROVE AVE, NASHVILLE, TN 37203 and states as follows, based upon the affiant's personal knowledge:

1. That I am over the age of eighteen and competent to provide this Affidavit.
2. That I am the designated representative for STRP Permit # 201516993
3. That I wish to continue the permitted operation of an STRP at 1014B W GROVE AVE, NASHVILLE, TN 37203, pursuant to MCL 6.28.030.
4. That the floor plan at the permitted address has not changed since the prior STRP inspection and approval by the Metro Fire Marshal.
5. That I possess the full insurance coverage for the STRP, as required by MCL 6.28.030.
6. That I have paid all applicable taxes related to this permit and this land use.
7. That I have not violated the requirements for operation of a permitted STRP, pursuant to MCL 6.28.030.

FURTHER, AFFIANT SAITH NOT:



SIGNATURE

3/6/18

DATE

Affiant's PRINTED Name	<u>FREEMAN WIZER / TBCI LLC</u>
Affiant's Address	<u>P.O. BOX 121792</u>
	<u>NASHVILLE, TN 37212</u>
Representative's Email	<u>FREEMANWIZER@GMAIL.COM</u>
Phone	<u>615-545-7050</u>

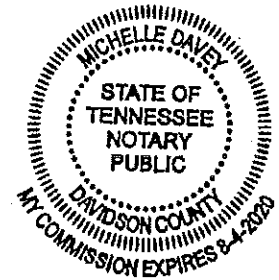
COUNT OF DAVIDSON)
STATE OF TENNESSEE)

Before me, a notary public for said county and said state, appeared Freeman Wizer,
~~with whom I am personally acquainted~~, or proved to me on the basis of satisfactory evidence, and who
acknowledged that he is the Representative for STRP Permit # 201516993, and that
in the capacity of Representative executed the foregoing Affidavit for the purposes therein contained.

This the 6 day of March, 2018.

Michelle Dawey

My Commiission Expires: 8-4-2020



**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS OF NASHVILLE AND
DAVIDSON COUNTY**

IN THE MATTER OF:)	
)	
TBC I, LLC)	
)	
Appellant,)	Case No.: 2018-662
)	
v.)	CONTESTED CASE
)	HEARING REQUESTED
)	
Metropolitan Department of Codes & Building Safety,)	
)	
Appellee.)	
)	

APPEAL OF STRP PERMIT DENIAL

Introduction

TBC I, LLC (“TBC I”) is a Tennessee Limited Liability Company with its principal place of business located at 1014 A West Grove Avenue, Nashville, TN 37203. On November 12, 2013, TBC I, LLC purchased real property located at 1014 West Grove Ave, Nashville TN from one of the members of the LLC, Freeman Wizer. A copy of the Deed is provided as Exhibit 1. Shortly after that, the members of TBC I, LLC sought to divide the property through the use of a Horizontal Property Regime (“HPR”) creating two parcels, Unit 1 and Unit 2 which would be known as the West Grove Townhomes. The HPR was completed and recorded with the Register’s office on May 24, 2007. A copy of the HPR docs is provided as Exhibit 2. As a result of the HPR, the new addresses of the homes were 1014 A and 1014 B West Grove Ave, Nashville, TN 37203 respectively. Upon completion of the townhomes, 1014 A West Grove was conveyed from the TBC I to Mr. Wizer. To date, Mr. Wizer, along with his wife reside at 1014 A West Grove Ave. TBC I retained ownership of 1014 B West Grove Ave (“Unit B”).

On May 1, 2015, TBC I obtained a non-owner-occupied short-term rental permit (“STRP”) for the rental of Unit B. A copy of the permit is attached as Exhibit 3. Immediately after that, TBC I began operating Unit B as a short-term rental under the then existing law and Metro ordinances. It is important to note that the STRP issued to TBC I for Unit B was issued under Metro Ordinance BL2014-951. A copy of this ordinance is attached as Exhibit 4.

On April 18, 2016, TBC I renewed the STRP on Unit B. Again, on March 31, 2017, TBC I renewed the STRP on the property. On March 6, 2018, TBC I attempted to renew the STRP but received a notification from Jon Michael with Metro Codes that the STRP was formally canceled. A copy of the letter from Mr. Michael is attached as Exhibit 5. Despite the letter being addressed to Mr. Wizer, TBC I was the owner and operator of the STRP. At no time did this STRP change hands in fact, at all times hereto, TBC I was the owner and operator of the STRP for Unit B.

On June 13, 2016, the members of TBC I briefly placed Unit B into the ownership of the members individually to take advantage of an interest rate change. A copy of this warranty deed is attached as Exhibit 6. Immediately after that on June 21, 2016, the property was again in the hands of TBC I. Again, while the property briefly moved from the individual members of TBC I for 8 days, the ownership of the STRP never changed hands. In fact, the STRP was again renewed almost a year after the June 21 “transfer” on March 31, 2017. Because the STRP was renewed, this STRP is grandfathered within the meaning of Public Chapter No. 972. More specifically, 13-7-602(3)(A) applies to this set of facts because the application for renewal of the STRP was approved pursuant to the ordinance.

TBC I’s appeal to this Board centers primarily on a single claim for relief. TBC I submits that this STRP is squarely protected by the law passed by the Tennessee legislature on May 17, 2018. As such, TBC I would offer that the zoning examiner did error and the STRP be re-instated.

Summary of Proceedings Below

By May 1, 2015, TBC I had completed all of the necessary steps to obtain a permit received the STRP for Unit B.

On April 18, 2016, TBC I successfully renewed the STRP for Unit B.

On March 31, 2017, TBC I successfully renewed the STRP for Unit B for a second time.

On March 6, 2018, TBC I was denied the renewal of the STRP for Unit B.

On Oct 16, 2108, TBC I, through her counsel, Grover C. Collins, applied for an appeal to the BZA.

Grounds for Relief

The state law protects TBC I's interest in the STRP.

In this case, the revocation of TBC I's STRP is not warranted for several reasons.

First, and most importantly, TBC I's actions and the action by Metro Codes fit squarely under the state law passed in May of this year. Because the alleged transfer occurred in 2016 and the Codes department then renewed the permit, TBC I is grandfathered.

Second, unlike many property owners before this BZA, TBC I made every effort to comply in good faith with all applicable rules and regulations and did so.

Third, TBC I has not violated any Metro Codes' requirement of obtaining an STRP or operating an STRP.

Finally, revocation of TBC I's STRP will also cause TBC I to suffer significant financial harm due to the loss in revenue. This cannot possibly be a just punishment for an actor who is not alleged to be responsible for any wrongdoing other than entrusting the government to tell them what the applicable law was at the time of application and renewal.

In light of these considerations, TBC I respectfully requests that this Board exercise its broad discretion and allow TBC I to continue operation of for their short-term rental permit for the

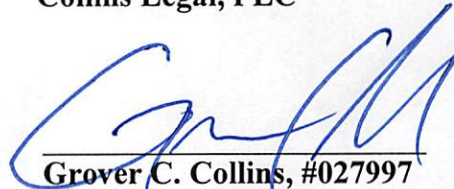
property.

Conclusion

For the foregoing reasons, TBC I respectfully requests that this honorable Board overturn the Codes Department's decision to cancel the short-term rental permit.

Respectfully Submitted,

Collins Legal, PLC



Grover C. Collins, #027997

Collins Legal, PLC

414 Union Street #1110

Nashville, TN 37219

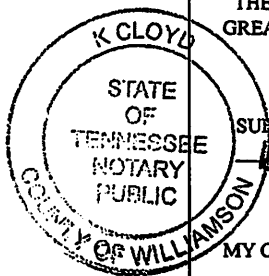
(615) 736-9596 - telephone

(615) 915-0481 - facsimile

grover@collins.legal

Attorney for Appellant

EXHIBIT 1

WARRANTY DEED		STATE OF TENNESSEE COUNTY OF WILLIAMSON
Davidson County DEEDWARR Recvd: 11/14/13 10:48 3 pgs Fees:18.00 Taxes:871.65 20131114-0117648		THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS \$235,580.80 SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE <u>12th</u> DAY OF <u>November</u> , 2013. My Commission Expires: <u>7-5-16</u> (AFFIX SEAL)
THIS INSTRUMENT WAS PREPARED BY Mid-State Title & Escrow, Inc., 128 Holiday Court, Suite 125, Franklin, TN 37067		
ADDRESS NEW OWNER(S) AS FOLLOWS: TBC I, LLC <small>(NAME)</small> 800 County Road I. West <small>(ADDRESS)</small> Shoreview MN 55126 <small>(CITY) (STATE) (ZIP)</small>	SEND TAX BILLS TO: Same As New Owner <small>(NAME)</small> <small>(ADDRESS)</small> <small>(CITY) (STATE) (ZIP)</small>	MAP-PARCEL NUMBERS 105-09-306.00

FOR AND CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEES, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, WE, Freeman I. Wizer, a married man HEREINAFTER CALLED THE GRANTORS, HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO TBC I, LLC, HEREINAFTER CALLED THE GRANTEES, THEIR HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN DAVIDSON COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

Land in Davidson County, Tennessee, being Lot No. "C" on the Plan of Leaside Subdivision of record in Plat Book 1424, Page 148, in the Register's Office for Davidson County, Tennessee.

Said Lot "C" fronts 56 feet on the north side of West Grove Avenue and runs back between parallel lines 145 feet to an alley.

Being the same property conveyed to Freeman I. Wizer by Deed from Alethia Williams, Executrix of The Estate of Roxie Woodard of record at Instrument No. 20090812-0075779, Register's Office for Davidson County, Tennessee, dated August 7, 2009 and recorded on August 12, 2009.

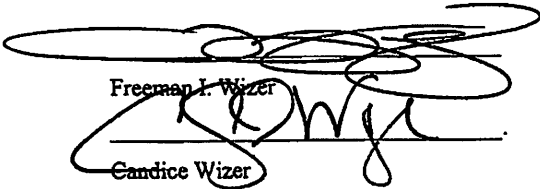
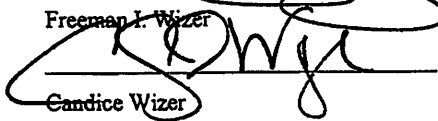
Candice Wizer, joins in the execution of this instrument for the purpose of conveying her interest, marital or otherwise, in the above described property.

Subject to: Property taxes have been prorated and the Grantee has assumed payment thereof when same become due and payable, Easements or claims of easements not shown by the Public Records. If improvements are completed after January 1 of any year, the law requires supplemental assessment for the year in which improvements are completed as defined by statute. We assume no liability for taxes assessed by correction pursuant to the provisions of Tennessee Code Annotated, Section 67-5-603 et seq. Subject to all matters shown on the Plan of record in Plat Book 1424, Page 148, Register's Office for Davidson County, Tennessee.

This property, known as 1014 W. Grove Avenue, Nashville, TN 37203
(House Number) (Street) (P.O. Address) (City or Town) (Postal Zip)

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

Witness my/our hand(s) this 12th DAY OF November, 2013.


Freeman I. Wizer

Candice Wizer

STATE OF Tennessee

COUNTY OF Williamson

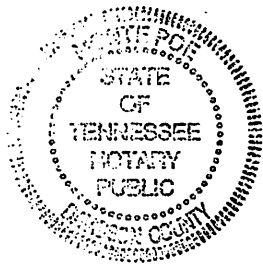
Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Freeman I. Wizer and Candice Wizer, with whom I am personally acquainted (or provided to me on the basis of satisfactory evidence), and who acknowledged that he/she/they executed the within instrument for the purposes therein contained.

Witness my hand and official seal, this the 12th day of November, 2013


Notary Public

My Commission Expires: 9/5/14

(SEAL)



True Copy Certification

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

Signature

State of Tennessee
County of Williamson

Personally appeared before me, the undersigned, a notary public for this county and state, Yvette Meldrum who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Notary's Signature

My Commission Expires: 7-5-16

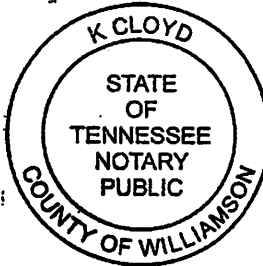


EXHIBIT 2

THIS INSTRUMENT PREPARED BY:
Peter Weiss, Attorney
Weiss & Weiss, Attorneys at Law
761 Old Hickory Blvd, Suite 301
Brentwood, TN 37027

Davidson County	DEEDMAST
Recvd: 05/24/07 14:46	38 pgs
Fees: 192.00	Taxes: 0.00
20070524-0062237	

MASTER DEED
OF
WEST GROVE TOWNHOMES

THIS MASTER DEED OF West Grove Townhomes is made and entered into by, Exodus Industries, Inc., a Tennessee Corporation, hereinafter referred to as the "Developer".

WITNESSETH:

THAT WHEREAS, the Developer is the record owner and holder of the legal title of a tract or parcel of real property located in Davidson County, Tennessee, and more particularly described on Exhibit "A" attached and made a part hereto (hereinafter referred hereto as the "Property"); and,

WHEREAS, the Developer desires to submit the Property described on Exhibit "A" together with all buildings, structures, improvements, and other permanent fixtures of whatever kind thereon, and all rights and privileges belonging or in anyway pertaining thereto, to the provisions of the Horizontal Property Act of the State of Tennessee as the same may be amended from time to time; and,

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

NOW THEREFORE, the Developer declares as follows:

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

A. "Act" means the Horizontal Property Act of the State of Tennessee as the same may be amended from time to time.

B. "Association" means West Grove Townhomes Homeowners' Association, Inc., a

Tennessee not-for-profit corporation.

- C. "Attorney's Opinion" shall mean the certificate to be filed subsequently hereto, as pertaining to the proposed improvements to be erected on the property described on Exhibit "A", which will be prepared by Peter Weiss, Attorney at Law, an attorney licensed to practice law in the State of Tennessee, which states that all legal documents required by Tennessee Code Annotated, Section 66-27-101, et seq., for the creation of a Planned Unit Development, are of record and therefor, a Planned Unit Development is created, as recited in the said Act.
- D. "Board" means the Board of Directors of West Grove Townhomes Homeowners' Association, Inc.
- E. "Buildings" mean the building located on the parcel and forming a part of the property and containing the Units. The Buildings are delineated on the Plats.
- F. "By-Laws" mean the By-Laws of the West Grove Townhomes Homeowners' Association, Inc. For purposes of the Act, all provisions contained in the body of this Master Deed dealing with the administration and maintenance of the property shall be deemed to be part of the By-Laws.
- G. "Common Elements" mean any areas shown on the plan as common elements and or all other elements of the buildings desirable or rationally of common use or necessary to the existence, upkeep and safety of the condominium regime established by this Master Deed; and, all other amenities dedicated for the common use of the Unit Owners. Common Elements shall not include the Private Elements nor Limited Common Elements.
- H. "Developer" shall refer to Exodus Industries, Inc., a Tennessee Corporation, its successors and/or assigns, provided such successors and/or assigns are designated in writing by Developer as a successor and/or assign of the rights of Developer set forth herein.
- I. "Limited Common Elements" means all Common Elements contiguous to and serving exclusively a single Unit or one or more adjoining Units as an inseparable appurtenance thereto, the enjoyment, benefit or use of which is reserved to the lawful occupants of such Unit or Units either in this Master Deed, on the Plat, or by the Board. Limited Common Elements shall include, but shall not be limited to, the separate furnace, air conditioner and water heater located within or adjacent to a Unit and serving only such Unit or Units, pipes, ducts, electrical wiring and conduits located entirely within a Unit or adjoining Units and serving only such Unit or Units, any balconies and porches, and such portions of the perimeter walls, floors, and ceilings, doors, vestibules, windows, screens, and entryways, and all associated fixtures and

structures therein as lie outside the Unit boundaries, but are for the exclusive use of said Unit or Units.

J. "Majority" or "Majority of the Unit Owners" mean the Owners of both of the Units.

K. "Master Deed" means this instrument, by which the property is submitted to the provisions of the Act, as hereinafter provided, and such Master Deed as amended from time to time.

L. "Occupant" means a person or persons in possession of a Unit, regardless of whether said person is a Unit Owner.

M. "Parcel" means the Parcel(s) or Tract(s) of real estate described on Exhibit "A" attached to this Master Deed and submitted hereby to the provisions of the Act.

N. "Person" means a natural individual, corporation, partnership, trustee, or other legal entity capable of holding title to real property.

O. "Plat" means the Plat or Plats of survey of the Parcel or Parcels submitted to the provisions of the Act showing each building and expressing its area, location and other data necessary for identification, said Plat or Plats being of record in the Register's Office for Davidson County, Tennessee and/or being attached to this Master Deed, or as may be attached to a future Supplement and Amendment of this Master Deed .

P. "Private Elements" shall mean and include the lot area upon which the unit is located and the improvements located thereon, including but not limited to the, parking area(s), mailbox, yard area, deck, porch, any plants, landscaping, shrubbery and fences (if any) thereon, for which fee simple ownership and exclusive use is reserved to that unit only. Limited Common Elements located upon Private Elements shall be deemed Private Elements.

Q. "Property" means all the land, property and space comprising the Parcel as defined in Item "M" above, and all improvements and structures erected, constructed or contained therein or thereon, including the Buildings and all easements, rights and appurtenances belonging thereto, and all furniture, furnishings, fixtures, and equipment intended for the mutual use, benefit or enjoyment of Unit Owners, submitted to the provisions of the Act.

R. "Record" or "Recording" refers to the record or recording in the Register's Office for Davidson County, Tennessee.

S. "Rules and Regulations" refer to the rules and regulations concerning the use of the Units and the Common Elements, as adopted from time to time by the Board in accordance with the Master Deed and By-Laws.

T. "Unit" means the entire individual building(s), consisting of the enclosed dwelling space, as shown on the Plat(s), which enclosed space is not owned in common with Unit Owners of other Units. Each Unit is numbered as shown on the Plat(s). The boundaries of each Unit shall be and are the exterior surfaces of its perimeter walls and a Unit includes both the portion of the Buildings so described and the air space so encompassed, excepting Common Elements. It is intended that the term Unit as used in this Master Deed shall have the same meaning as the term "Apartment" as used in the Act.

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

V. "Eligible Mortgage Holders" shall mean those holders of a first mortgage on a Unit who have requested the Association to notify them on any proposed action that requires the consent of a specified percentage of mortgage holders.

2. Submission of Property of the Act. The Developer does hereby submit and subject the Parcels and the Property to the provisions of the Horizontal Property Act of the State of Tennessee, as amended from time to time, and does hereby establish a Horizontal Property Regime to be known as West Grove Townhomes.

3. Plat. The Plats set forth the numbers and location of each Unit and other data as required by the Act.

4. Units. The legal description of each Unit shall consist of the identifying number of each Unit as shown on the Plat(s). Every deed, lease, mortgage, deed of trust, or other instrument shall legally describe a Unit by its identifying number as shown on the Plat and every such description by number shall be deemed good and sufficient for all purposes, as provided in the Act. Except, as provided by the Act, no Unit Owner shall, by deed, plat, court decree or otherwise, subdivide or in any other manner cause his Unit to be separated into tracts or parcels different from the whole Unit as shown on the Plat(s).

5. a. (1) Association of Unit Owners and Administration and Operation of the Property. There has been formed an Association having the name West Grove Townhomes Homeowners' Association, Inc., a Tennessee not-for-profit corporation, which Association shall be the governing body for all Unit Owners, and shall be operated to provide for the maintenance, repair, replacement, administration, and operation of the property, as provided in the Act, this Master Deed and the By-Laws. The By-Laws for the Association shall be the By-Laws attached to this Master Deed as Exhibit "B" and made a part hereof. The Board of Directors of the Association shall be elected and serve in accordance with the provisions of the By-Laws. The fiscal year of the Association shall be determined by the Board, and may be changed from time to time as the Board deems advisable. The Association shall not be deemed to be conducting a business of any kind. All activities undertaken by the Association shall be for the sole benefit of the Unit Owners, and all funds received by the Association shall be held and applied by it for the use and benefit of Unit Owners, in accordance with the provisions of this Master Deed and By-Laws. A Unit Owner's membership shall automatically terminate when he ceases to be a Unit Owner. Upon the conveyance or transfer of a Unit Owner's ownership interest to a new Unit Owner, the new Unit Owner shall simultaneously succeed to the former Unit Owner's membership in the Association. Each Unit shall have one (1) vote.

a. (2) Membership and Voting Rights. The Association shall have two classes of voting membership:

CLASS "A". Class "A" members shall be all Unit Owners, with the exception of the Developer, and shall be entitled to one (1) vote for each Unit owned. When more than one (1) person holds an interest in any Unit, all such persons shall be members. The vote for such Unit shall be exercised as they determine, but in no event shall more than one (1) vote be cast with respect to any Unit.

CLASS "B". The Class "B" members shall be the Developer and which shall be entitled to three (3) votes for each Unit owned. The Class "B" membership shall cease and be converted to Class "A" membership on the happening of either of the following events, whichever occurs earlier:

- a. At such time as both units have been conveyed to unit purchasers,
or
- b. On the last day of the month occurring Five (5) years following the first conveyance to a unit purchaser.

b. (1) Management of Property. The Board shall have the authority to engage the services of an agent (herein sometimes referred to as the "Managing Agent") to maintain, repair, replace, administer, and operate the property, or any part thereof, to the extent deemed advisable by the Board, subject to the provisions of Subparagraph No. (2) below. The Board shall require

that such Managing Agent have fidelity bond coverage on its employees handling Association funds. The cost of such services shall be a common expense, as defined in Paragraph No. 10 hereof.

c. (2) Initial Management Contract. Prior to the appointment of the First Board as provided herein, the Developer, on behalf of the Association, may employ a management company, to act as Managing Agent for the Property provided, however, that such contract shall not exceed a period of two (2) years and shall be able to be terminated by the Association without penalty or advance notice of more than Ninety (90) days notice.

d. Use by Developer. During the period of sale by Developer of any Units, Developer and Developer's agents, employees, contractors, and subcontractors, and their respective agents and employees, shall be entitled to access, ingress to and egress from the buildings and property as may be required for purposes of sale of Units. While Developer owns any of the Units and until each Unit sold by it is occupied by the Purchasers, Developer and its employees may use and show one (1) or more of such unsold or unoccupied Units as a model Unit or Units and may use one (1) or more of such unsold or unoccupied Units as a sales office, and may maintain customary signs in connection therewith.

e. Non-Liability of Directors and Officers. To the extent permitted by law, neither the directors nor officers of the Association shall be personally liable to Unit Owners for any mistake of judgment or for any other acts or omissions of any nature whatsoever as such directors or officers, except for any acts or omissions found by a court to constitute gross negligence or fraud. Unit Owners shall indemnify and hold harmless each of the directors or officers and their respective heirs, executors, administrators, successors and assigns in accordance with the provisions of Article VIII of the By-Laws.

6. Board's Determination Binding. In the event of any dispute or disagreement between any Unit Owners relating to the property, or any questions of interpretation or application of the provisions of this Master Deed or By-Laws, the determination thereof by the Board shall be final and binding on all Unit Owners.

7. Ownership of the Common Elements. Each Unit is hereby allocated an equal undivided interest in the Common Elements. The ownership of a Unit shall not be conveyed separate from the undivided ownership in the Common Elements appurtenant to such Unit. The undivided interest in the Common Elements appurtenant to any Unit shall be deemed conveyed or encumbered with that Unit, even though the legal description in the instrument conveying or encumbering such Unit may refer only to the fee title to that Unit.

8. Use of the Common Elements. Each Unit Owner shall have the right to use the Common

Elements (except the Limited Common Elements and portions of the property subject to leases made by or assigned to the Board) in common with all other Unit Owners, as may be required for the purposes of access, ingress to, egress from, use, occupancy and enjoyment of the respective Unit owned by such Unit Owner. Such right to use the Common Elements shall extend not only to each Unit Owner, but also to his agent, servants, tenants, family members, customers, invitees, and licensees. However, each Unit Owner shall have the right to the exclusive use and possession of the Limited Common Elements contiguous to and serving such Unit alone or with adjoining Units. Such rights to use Common Elements, including the Limited Common Elements, shall be subject to and governed by the provisions of the Act, Master Deed, By-Laws, and rules and regulations of the Association. In addition, the Association shall have the authority to lease, grant concessions or grant easements with respect to parts of the Common Elements, subject to the provisions of this Master Deed and By-Laws. All income derived by the Association from leases, concessions or other sources shall be held and used for the benefit of the members of the Association, pursuant to such rules, resolutions and regulations as the Board may adopt or prescribe.

9. Decks, Porches, Driveways and Yards. Porches, patios, walkways, driveways, parking areas, and yards on the property shall be part of the Private Elements, and shall be assigned to and used by the respective Unit Owners, as designated on the plat subsequently recorded.

10. A. Common Expenses. Each Unit Owner shall pay an equal share of the expenses of the administration and operation of the Common Elements and of any other expenses incurred in conformance with this Master Deed and By-Laws (which expenses are herein sometimes referred to as "common expenses"), including, but not limited to, the maintenance and repair of the property and any and all replacements and additions thereto. Except for its responsibilities as a Unit Owner, as provided herein, Developer shall not have any responsibility for the maintenance, repair or replacement of any part of the Common Elements after the date this Master Deed is recorded; provided, however, in the event Developer expends any of its own funds for the repair, replacement or maintenance of any of the Common Elements, Developer shall be entitled to a credit for such sums against any common expenses Developer might be required to pay by virtue of being a Unit Owner. Each Unit Owner shall be responsible for paying an equal share of the common expenses. Assessments for the payment of common expenses shall be in such amounts and shall be payable at such times as determined in the manner provided in the By-Laws. No Unit Owner shall be exempt from payment of his equal share of the common expenses by waiver or non-use of enjoyment of the Common or Limited Common Elements or by abandonment of his Unit. If any Unit Owner shall fail to make such payment of assessments for common expenses when due, the amount thereof together with any reasonable late charge established by the Board, and together with interest at the rate of Fifteen (15%) percent per annum, after said assessments become due and payable shall constitute a continuing lien on the Unit against which the assessment is made, as provided in the Act. Each

Unit Owner shall be personally liable for his portion of each assessment made while he is the owner of a Unit; however, said personal obligation shall not pass to successors in title unless assumed by them or as required by Tennessee Code Annotated Section 66-27-101 et seq.

Each Unit Owner acquiring title to his Unit from the Developer shall pay a deposit at time of closing, which will be non-refundable, to the Association in order to establish a working capital fund for initial expenses of the Association. Said deposit shall be in an amount established by the Board, equaling two-twelfths (2/12) of the initial yearly assessment for common expenses.

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

11. Mortgages. Each Unit Owner shall have the right, subject to the provisions herein, to mortgage his Unit together with his respective ownership interest in the Common Elements. No Unit Owner shall have the right or authority to mortgage or place a lien on the property or any part thereof, except to the extent of his own Unit, its Limited Common Elements, its Private Elements, and its appurtenant interest in the Common Elements.

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

13. Insurance. The Board may obtain insurance for the property, exclusive of the additions within, improvements to and decorating of the Units by Unit Owners; the Limited Common Elements; and, the Private Elements, against loss or damage by fire, vandalism, malicious mischief and such other hazards as are covered under standard extended coverage provisions, for the full insurable replacement cost of the Common Elements and the Units, and against such other hazards and for such amounts as the Board may deem advisable. Insurable replacement cost shall be deemed the cost of restoring the Common Elements, Units, or any part thereof, to substantially the same condition in which they existed prior to damage or destruction. Such

insurance coverage shall be written in the name of, and the proceeds thereof shall be payable to, the Board, as the Trustee for the Unit Owners in proportion to the Unit Owners' respective percentages of ownership in the Common Elements, as set forth in this Master Deed, and for the holders of mortgages on the Units, if any. The policy of insurance should also contain, if possible, a waiver of subrogation rights by the insurer against the Unit Owners. The premiums for such insurance shall be a common expense. However, at the option of the Board and/or Unit Owners, premiums for such insurance may be separately billed to Unit Owners in equal shares.

In the event of damage to or destruction of any buildings or Common Elements as a result of fire or other casualty covered by insurance proceeds (unless more than two-thirds (2/3) of all buildings require reconstruction), the Board shall, in its sole and absolute discretion, determine and without intervention of any Unit Owner arrange for the prompt repair and restoration of the damaged portions of all Units, buildings and Common Elements substantially in accordance with the original plans and specifications therefore. Where the insurance indemnity is insufficient to cover the cost of such repairs and restoration, the deficit shall be paid by all Unit Owners with each Unit Owner to bear an equal proportion thereof. The insurance indemnity shall be delivered pro-rata to the Unit Owners entitled to it in accordance with the applicable provisions of the By-Laws or in accordance with a decision all of the Unit Owners if no By-Law provisions are applicable. The Board shall not be responsible for the repair, replacement or restoration of any wall, ceiling or floor decorations or covering, or any other part of a Unit for which the responsibility of maintenance and repair is that of a Unit Owner, or for furniture, furnishings, fixtures, appliances, or equipment installed in the Unit by a Unit Owner or occupant unless insurance therefore is specifically provided for in the insurance policy obtained by the Board.

The Board may also obtain comprehensive public liability insurance, in such amounts as it deems desirable, and workmen's compensation insurance and other liability insurance in such amounts as it deems desirable, insuring each Unit Owner, mortgagee of record, the Association, its officers, directors, and employees, Developer, and the Managing Agent, if any, from liability in connection with the property. The premiums for such insurance shall be a common expenses. However, at the option of the Board and/or Unit Owners, premiums for such insurance may be separately billed to each Unit Owner with each Unit Owner to bear a proportion thereof based upon his percentage of ownership in the Common Elements. The Board shall retain in safekeeping any such public liability policy for six (6) years after the expiration date of the policy.

The Board may also obtain Fidelity Coverage covering officers, directors and employees who handle or are responsible for handling Association funds. Such bonds shall be in such amounts as the Board may determine, but in no event less than the maximum amount of funds that will be in the custody of the Association (or its management company) at any time during

the term of each bond and shall contain waivers of any defense based upon the exclusion of persons serving without compensation.

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

Each Unit Owner shall be responsible for obtaining his own insurance on the contents of his Unit; the Limited Common Elements; and, the Private Elements serving his Unit, as well as his additions and improvements thereto, and those parts of the Unit for which the responsibility of maintenance and repair is that of the Unit Owner, and for decorations, furnishings, and personal property therein, and personal property stored elsewhere on the property, if any. In addition, in the event a Unit Owner desires to insure against his personal liability and loss or damage by fire or other hazards above and beyond the extent that his liability, loss or damage is covered by the liability insurance and insurance against loss or damage by fire and such other hazards obtained by the Board for all of the Unit Owners as part of the common expenses, as above provided, said Unit Owner may, at his option and expense, obtain additional insurance.

14. Maintenance, Repairs and Replacements. Each Unit Owner, at his own expense, shall furnish and be responsible for all maintenance of, repairs to and replacements within his Unit, its Limited Common Elements and its Private Elements. Except to the extent hereinafter set forth, maintenance of, repairs to and replacements within the Common Elements shall be the responsibility of and shall be furnished by the Association, and the cost thereof shall be part of the common expenses, subject to the By-Laws, and Rules and Regulations of the Association. The expenses for the maintenance, repair or replacement of a Unit's Private Elements and Limited Common Elements (including but not limited to the water heater, furnace, air conditioner, heating, and air conditioning ducts, and plumbing and electrical wiring and other items serving only such Unit), shall be borne by the Owner of the Unit to which such Private Elements and Limited Common Elements are appurtenant; and, at the discretion of the Board, maintenance of, repairs to, and replacements within the other Private Elements and Limited Common Elements may be assessed in whole or in part to Unit Owners benefitted thereby. Further, at the discretion of the Board, the Board may direct Unit Owners who stand to be benefitted by such maintenance of, repairs to, and replacements within the Private Elements and Limited Common Elements to arrange for such maintenance, repairs and replacements in the name and for the account of such benefitted Unit Owners, pay the cost thereof with their own

funds, and procure and deliver to the Board such lien waivers and contractor's and subcontractor's sworn statements as may be required to protect the property from all mechanic's or materialmen's lien claims that maintain, repair, or replace the electrical wiring, plumbing, or other utilities of a Unit; however, if it shall become necessary to gain entry to another Unit, it shall be the responsibility of the Association to provide such maintenance, repair or replacement, but the cost of such maintenance, repair, or replacement may be assessed to the Unit Owners benefitted thereby, as hereinabove provided.

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

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

15. Alterations, Additions or Improvements. Except as provided in Paragraph No. 16 herein, no alteration of any Common Elements, or any additions or improvements thereto, shall be made by any Unit Owner without the prior written approval of the Board (or by consent of both Unit Owners). The Board may authorize and charge as common expenses alterations, additions and improvements of the Common Elements as provided in the By-Laws. Any Unit Owner may make alterations, additions or improvements to his Unit, including the Limited Common Elements and Private Elements serving his Unit, without the prior written approval or consent of the Board or the owner(s) of the adjoining unit; however, any and all alterations, additions or improvements shall comply with the zoning and code requirements, as established by the Metropolitan Government of Nashville, Davidson County, Tennessee at the time said alterations, additions or improvements are commenced and such Unit Owner shall be responsible for any damage to other Units, the Common Elements, the Property, or any part thereof, resulting from such alterations, additions or improvements.

16. Decorating. Each Unit Owner, at his own expense, shall furnish and be responsible for all decorating within his Unit, Private Elements, and Limited Common Elements serving his

Unit, as may be required from time to time, including painting, wallpapering, washing, cleaning, paneling, floor covering, draperies, window shades, curtains, lighting, and other furnishings and decorating. Each Unit Owner shall be entitled to the exclusive use of the interior surfaces of the perimeter walls, floors and ceilings of his Unit, and such Unit Owner shall maintain said interior surfaces in good conditions at his sole expense, as may be required from time to time. Said maintenance and use of interior surfaces shall be subject to the rules and regulations of the Association, but each Unit Owner shall have the right to decorate such interior surfaces from time to time as he may see fit and at his sole expense. Decorating of the Common Elements (other than interior surfaces within the Units as above provided and other than of Private Elements, Limited Common Elements) and any redecorating of Units, to the extent such redecorating of Units is made necessary by damage to Units caused by maintenance, repairs or replacement of the Common Elements by the Association, shall be furnished by the Association as part of the common expenses. All windows and screens forming part of a perimeter wall of a Unit shall be cleaned and washed, and any damage thereto repaired, at the expense of the Unit Owner of that Unit.

17. **Encroachments.** If any portions of the Common Elements shall actually encroach upon any Unit or Private Elements, or if any Unit or its Private Elements, shall actually encroach upon any portions of the Common Elements, or if any Unit shall actually encroach upon another Unit, as the Common Elements and Units are shown on the Plat, there shall be deemed to be mutual easements in favor of the owners of the Common Elements and the respective Unit Owners involved, to the extent of such encroachments, so long as the same shall exist.

18. **Use and Occupancy Restrictions.** Subject to the provisions of the By-Laws, no part of the property may be used for purposes other than housing and the related common purposes for which the property was designed and as allowed by zoning laws. Each Unit shall be used as a residence or such other use permitted by this Master Deed, and for no other purpose, except that professional and quasi-professional people may use their residence (not in violation of municipal zoning laws) as an ancillary or secondary facility to an office established elsewhere. No unit may be offered by its owner to the public at large for temporary transient accommodations; however, nothing in this Section shall prohibit Unit Owners from leasing their Units to others to be used as an apartment of residence. The foregoing restrictions as to residence shall not, however, be construed in such manner as to prohibit a Unit Owner from: (a) maintaining his personal professional library; (b) keeping his personal business or professional records or accounts; or (c) handling his personal business or professional telephone calls or correspondence. Such uses are expressly declared customarily incident to the principal residential use and not in violation of said restrictions.

The Common Elements shall be used only by Unit Owners and their agents, servants, tenants, family members, customers, invitees, and licensees for access, ingress to, and egress

from the respective Units and for such other purposes incidental to use of the Units. The use, maintenance and operation of the Common Elements shall not be obstructed, damaged or unreasonably interfered with by any Unit Owner, and shall be subject to any lease, concession or easement, presently in existence or entered into by the Board at some future time, affecting any part or all of said Common Elements.

19. **Remedies.** In the event of any violation of the provisions of the Act, this Master Deed, By-Laws, or rules and regulations of the Association by any Unit Owner (either by his own conduct or by the conduct of any Occupant of his Unit), the Association, or its successors or assigns, shall have each and all of the rights and remedies which may be provided for in the Act, this Master Deed, By-Laws, or said rules and regulations, or which may be available at law or in equity, and may prosecute an action or other proceedings against such defaulting Unit Owner and/or others for enforcement of any lien and the appointment of a receiver for the Unit and ownership interest of such Unit Owner, or for damages or injunction or specific performance, or for judgment for payment of money and collection thereof, or the right to take possession of the Unit and to sell the same as provided hereinafter in this Paragraph No. 19, or for any combination of remedies, or for any other relief. All expenses of the Board in connection with any such actions or proceedings, including court costs and attorney's fees and other fees and expenses and all damages, liquidated or otherwise, together with interest thereon at the rate of Fifteen (15%) percent per annum or such other uniform lawful rate as the Board shall determine, until paid, shall be charged to and assessed against such defaulting Unit Owner, and shall be added to and deemed part of his respective share of the common expenses, and the Board shall have a lien for all of the same, as well as for nonpayment of common expenses, upon the Unit, and its appurtenant interest in the Common Elements of such defaulting Unit Owner and upon all of his additions and improvements thereto and upon all of his personal property in his Unit or located elsewhere on the property; provided, however, that such lien shall be subordinate to the lien of a recorded first mortgage or deed of trust on the Unit, to the extent hereinabove set forth in Paragraph No. 10 (b) hereof. In the event of any such default by any Unit Owner, the Board and the Manager or Managing Agent, if so authorized by the Board, shall have the authority to correct such default, and to do whatever may be necessary for such purpose and all expenses in connection therewith shall be charged to and assessed against such defaulting Unit Owner. Any and all such rights and remedies may be exercised at any time and from time to time, cumulatively or otherwise, by the Board. This Paragraph shall not be amended, changed, modified or rescinded without the prior consent of all holders of record of mortgage and deed of trust liens against the Units.

The violation of any restriction or condition or regulation adopted by the Board or the breach of any covenant or provision herein contained, shall give the Board the right, in addition to any other rights provided for in this Master Deed: (a) to enter (either peaceably or forcibly without liability to such Unit Owner for such entry) upon the Unit, or any portion of the property

upon which or as to which such violation or breach exists, and to summarily abate and remove, at the expense of the defaulting Unit Owner, any structure, thing or condition that may exist thereon contrary to the intent and meaning of the provisions hereof, and the Board, or its employees or agents, shall not thereby be deemed guilty in any manner of trespass; or (b) to enjoin, abate or remedy by appropriate legal proceedings, either at law or in equity, the continuance of any breach; or (c) to take possession (either peaceably or forcibly without liability to such Unit Owner for such entry) of such Unit Owner's interest in the property and to maintain an action for possession of such Unit in the manner provided by law.

If any Unit Owner (either by his own conduct or by the conduct of any other Occupant of his Unit) shall violate the Act, or any of the covenants or restrictions or provisions of this Master Deed, the By-Laws, or the regulations adopted by the Board, and if such default or violation shall continue for ten (10) days after notice to the Unit Owner in writing from the Board, or shall occur repeatedly during any ten (10) day period after such written notice or request to cure such violation from the Board, then the Board shall have the power to issue to said defaulting Owner a notice in writing terminating the rights of said defaulting Owner to continue as a Unit Owner and to continue to occupy, use, or control his Unit, and thereupon an action in equity may be filed by the Board against said defaulting Owner for a decree of mandatory injunction against such defaulting Owner or Occupant, or in the alternative, for a decree declaring the termination of said defaulting Owner's right to occupy, use, or control the Unit owned by him on account of said violation, and ordering that all the right, title and interest of said defaulting Owner in the property shall be sold (subject to the lien of any existing deed of trust or mortgage) at a judicial sale upon such notice and terms as the court shall determine, except that the court shall enjoin and restrain the said defaulting Owner from reacquiring his interest at such judicial sale. The proceeds of any such judicial sale shall first be paid to discharge court costs, court reporter charges, reasonable attorney's fees, and all other expenses of the proceeding and sale, and all such items shall be taxes against said defaulting Unit Owner in said decree. Any balance of proceeds, after satisfaction of such charges and any unpaid assessments hereunder, or any liens, shall be paid to said defaulting Unit Owner. Upon the confirmation of such sale, the purchaser shall thereupon be entitled to a deed to the Unit and the Unit Owner's corresponding percentage of ownership in the Common Elements, and to immediate possession of the Unit sold and may apply to the court for a writ of assistance for the purpose of acquiring such possession, and it shall be a condition of any such sale, and the decree shall so provide, that the purchaser shall take the interest in the Unit Ownership sold subject to this Master Deed.

20. **Amendment.** The provisions of this Master Deed may be amended by an instrument in writing, setting forth such amendment, signed by both Unit Owners.

Amendments of a material nature must be agreed to by both members of the

Homeowner's Association. In addition thereto, approval must be obtained from eligible mortgage holders (eligible mortgage holders shall be defined as those holders of a first mortgage on a Unit who have requested the Homeowner's Association to notify them on any proposed action that requires the consent of a specified percentage of eligible mortgage holders). A change to any of the following shall be considered under this section as material:

1. Voting Rights.
2. Assessments, assessment liens, or the priority of assessment liens.
3. Reserves for maintenance, repair and replacement of common areas.
4. Responsibility for maintenance and repairs.
5. Reallocation of interests in the common areas or right to their use.
6. Redefinition of Unit boundaries.
7. Conversion of Units into common areas or vice versa.
8. Expansion or contraction of the project or the addition, annexation or withdrawal of property to or from the project.
9. Insurance or fidelity bond changes.
10. Leasing of Units.
11. Imposition of any restriction on a Unit Owner's right to sale or transfer his or her property.
12. A decision by the Homeowner's Association to establish self-management when professional management has been required previously by the projects documents or by an eligible mortgage holder.
13. Restoration and repair of the project (after a hazard damage or partial condemnation, in a manner other than specified in the project documents.
14. Any action to terminate the legal status of the project after substantial destruction or condemnation occurs.
15. Any provisions that expressly benefit mortgage holders, insurers or guarantors.

However, if the Act, this Master Deed or the By-Laws require the consent or agreement of all Unit Owners or of all lien holders for any action specified in the Act or in this Master Deed, then any instrument amending any provision of this Master Deed with respect to such action shall be signed by both Unit Owners and/or all lien holders or both as required by the Act or this Master Deed. Any amendment shall be effective upon the recording of such instrument in the Office of the Register of Davidson County, Tennessee; provided, however, that no provisions in this Master Deed may be amended so as to conflict with the provisions of the Act.

21. Perpetuities and Restraints on Alienation. If any of the options, privileges, covenants, or rights created by this Master Deed shall be unlawful, void or voidable for violation of the rule against perpetuities, when such provision shall continue only until twenty-one (21) years after

the death of the survivor of the now living descendants of the Governor of Tennessee holding office as of the date of this Master Deed.

22. **Rights and Obligations.** Each Grantee of Developer, by the acceptance of a deed of conveyance, accepts the same subject to all restrictions, conditions, covenants, reservations, liens, and charges, and the jurisdiction, rights, and powers created or reserved by this Master Deed. All future Unit Owners and Occupants shall be subject to and shall comply with the provisions of this Master Deed. Any restrictions or rules in the By-Laws which are more than administrative in nature such as, but not limited to, reservations and future rights of Developer are hereby incorporated into and made a part of this Master Deed by reference. All rights, benefits and privileges hereby imposed shall be deemed and taken to be covenants running with the land, and shall bind any person having at any time any interest or estate in said land, and shall inure to the benefit of such grantee in like manner as though the provisions of this Master Deed were recited and stipulated at length in each and every deed of conveyance or contract for conveyance.

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

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

23. **Condemnation.** In the event of a taking of part of the Common Elements in condemnation or by eminent domain, the award made for such taking shall be payable to the Association. If a majority of the Board in their sole and absolute discretion approve the repair and restoration of such Common Elements, the Board shall arrange for the repair and restoration

of such Common Elements, and the Board shall disburse the proceeds of such award to the contractors engaged in such repair and restoration in appropriate progress payments. In the event the Board does not approve the repair and commence restoration of such Common Elements within one hundred twenty (120) days after taking by the public or private authority, the Board shall disburse the net proceeds of such award on the basis of such Unit's percentage of ownership in the Common Elements.

24. **Rights Reserved.** Unit Owner's right of enjoyment in the Common Elements shall be subject to:

(a) The right of the Association, as provided in its By-Laws or Rules and Regulations, to suspend the enjoyment rights of any member for any period during which any assessment remains unpaid, and for such period as it considers appropriate for any infraction of its published Rules and Regulations;

(b) The right of the Association to charge reasonable fees for the use of any part or parts of the Common Elements;

(c) The right of the Association to diminish in any way or to dedicate or transfer all or any part of the Common Elements to any public agency or authority for such purposes and subject to such conditions as may be agreed to by the members entitled to vote thereon, provided that no such diminution or dedication or transfer or determination as to the purposes or as to the conditions thereof, shall be effective unless members of the Association entitled to cast both votes of the Association have agreed to such dedication, transfer, purpose, or condition;

(d) The right of Developer, at his sole expense, to expand, or extend existing driveways, parking areas and yard, and to construct, expand, enlarge or relocate sewers, utility lines or service connections, in order to serve the existing Buildings; and,

(e) The right of the Association to grant such easements and rights-of-way to such utility companies or public agencies or authorities as it shall deem necessary for the proper servicing and maintenance of the Common Elements and the Units.

25. **Federal National Mortgage Association and/or Federal Home Loan Mortgage Corporation Regulations.** Notwithstanding anything to the contrary contained in this Master Deed or in the By-Laws of the Association, all terms, conditions, regulations, insurance standards and other requirements which are now existing, or which may be amended from time to time by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, pertaining to condominiums, are hereby incorporated as terms and conditions of this Master Deed and By-Laws and such shall be governing upon the Property, Developer, and the Association, so long as such terms or conditions are not inconsistent with the laws of the

State of Tennessee as found in T.C.A. Section 66-27-101, et seq., as amended.

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

(a) A first mortgagee of a Unit at his request is entitled to written notification from the Association of any default by the mortgagor of such Unit in the performance of such mortgagor's obligations under this Master Deed, By-Laws, or any of the condominium documents, which is not cured within sixty (60) days.

(b) Any first mortgagee of a Unit who comes into possession of the Unit pursuant to the remedies provided in the mortgage, or deed of trust, or by foreclosure of the mortgage or deed of trust, or by deed in lieu of foreclosure, shall take the property free of any claims for unpaid assessments or charges against the mortgaged Unit which accrue prior to the time such holder comes into possession of the Unit (except for claims for a pro rata share of such assessments or charges resulting from a pro rata real location of such assessments or charges to all Units including the mortgaged Unit).

(c) Unless all of the first mortgagees (based upon one (1) vote for each mortgage owned) of Units have given their prior written approval, the Association shall not be entitled to:

(i) Change the pro rata interest or obligations of any Unit for (a) purposes of levying assessments or charges or allocating distributions of hazard insurance proceeds or condemnation awards, and for (b) determining the pro rata share of each Unit in appurtenant real estate and any improvements thereon, which are owned by Unit Owners in undivided pro rata interests (Common Elements);

(ii) Use hazard insurance proceeds for losses to the property (whether to Units or Common Elements) for other than the repair, replacement or reconstruction of such improvements, except as provided by T.C.A. Section 66-27-118, in case of substantial loss to the Units and/or Common Elements.

(d) First mortgagees shall have the right to examine the books and records of the Association.

(e) An adequate reserve fund for the replacement of Common Elements will be

established and funded by regular monthly payments rather than by special assessments.

(f) As set forth in T.C.A. Section 66-27-120, all taxes, assessments, and charges which may become liens prior to the first mortgage under the laws of the State of Tennessee shall relate only to the Unit and not to the property as a whole.

(g) No Unit Owner, or any other party, shall have priority over any rights of the first mortgagees of Units in the case of a distribution to Unit Owners of insurance proceeds or condemnation awards for losses to or a taking of Units and/or Common Elements.

(h) Any agreement for professional management of the property, whether it be by Developer, its successors and assigns, or any other person or entity, may be terminated on ninety (90) days' written notice, and the terms of any such contract shall so provide and shall not be of a duration in excess of three (3) years.

(i) The Association shall give to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, or any lending institution servicing such mortgages, as are acquired or insured by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, notice in writing of any loss to or the taking of Common Elements if such loss or taking exceeds Ten Thousand (\$10,000.00) Dollars. The Association may rely upon the information contained in the book entitled Mortgages of Units as must be established pursuant to the By-Laws, for a list of mortgagees to be notified hereby.

(j) The interest of a first mortgagee in a mortgaged Unit shall be superior to the interests of any person, group, partnership, corporation, or entity of any kind, including any interest the Association, Developer, or any Unit Owner may have in any portion of the property, regardless of the nature of the interest or the manner in which it is acquired.

(k) Notwithstanding the above, any first mortgagee shall have all of the rights granted to a first mortgagee herein, and in addition shall have all of the rights granted to an institutional first mortgagee under its deed of trust, and under the laws of the State of Tennessee.

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

apply in whole or in part against such lien or obligation. The amount of any such lien or obligation shall continue to be a charge or lien upon the Unit and the beneficiaries of such trust, notwithstanding any transfers of the beneficial interest of any such trust or any transfer of title to such Unit.

27. **Notices.** Notices provided for in the Act, Master Deed or By-Laws shall be in writing and shall be addressed to the Association or any Unit Owner, as the case may be, at West Grove Townhomes Homeowners' Association, Inc., c/o Exodus Industries, Inc., a Tennessee Corporation, 308 Seaboard Lane, Suite Four, Franklin, Tennessee 37067, or at such other address as hereinafter provided. The Association may designate a different address or addresses for notices to it by giving written notice of such change of address to all Unit Owners. Any Unit Owner may designate a different address for notices to him by giving written notice to the Association. Notices addressed as above shall be deemed delivered when mailed by United States registered or certified mail, or when delivered in person with written acknowledgment of the receipt thereof.

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

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

29. **Common Open Space.** Any Common Open Space established by an adopted final master development plan for condominiums shall be subject to the following:

(a) The Metropolitan Planning Commission and the Metropolitan County Council may require that the landowner provide for and establish an organization for the ownership and maintenance of any Common Open Space, and such organization shall not be dissolved nor shall it dispose of any Common Open Space, by sale or otherwise (except to an organization conceived and established to own and maintain the Common Open Space), without first offering to dedicate the same to the Metropolitan Government of Nashville and Davidson County and the said dedication be approved by the Metropolitan Planning Commission. However, the conditions of any transfer shall conform to the adopted final master development plan.

(b) In the event that the organization established to own and maintain Common Open

Space, or any successor organization, shall at any time after the establishment of the Condominium fail to maintain the Common Open Space in reasonable order and condition in accordance with the adopted master development plan, the zoning administrator may serve written notice upon such organization and/or the owners or residents of the Condominium and hold a public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the zoning administrator shall call upon any public or private agency to maintain the Common Open Space for a period of one (1) year. When the zoning administrator determines that the organization is not prepared for the maintenance for the Common Open Space such agency shall continue maintenance for yearly periods.

(c) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the Condominium development that have a right of enjoyment of the common open space, and shall become a lien on said properties.

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

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

IN WITNESS WHEREOF, the said Developer has executed this instrument this the ___ day of May, 2007.

"DEVELOPER"

Exodus Industries, Inc., a Tennessee Corporation

By:  _____

Gwen H. Shamblin, President

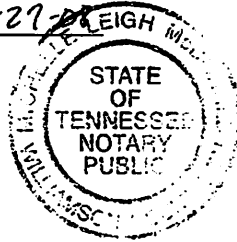
State of Tennessee
County of Davidson

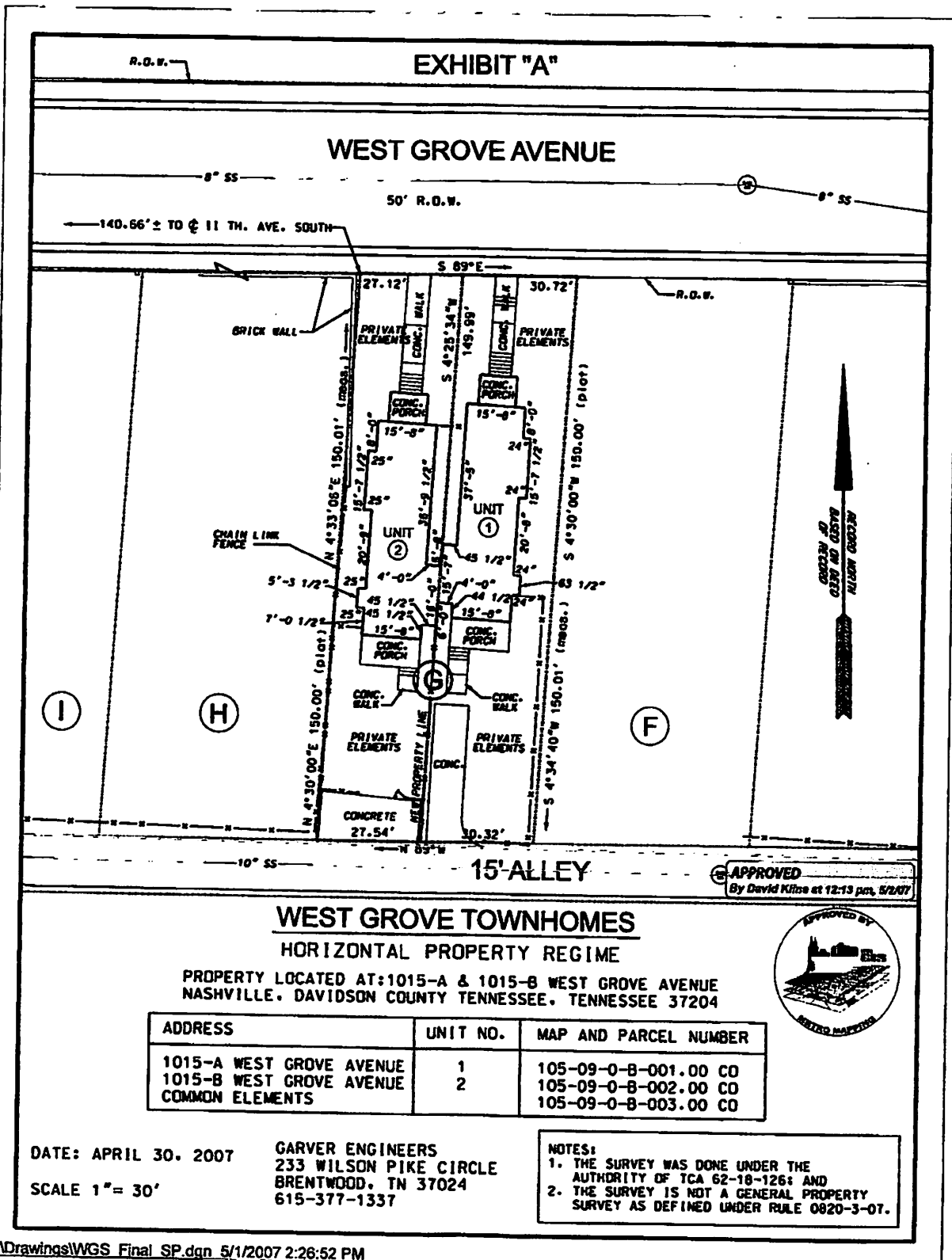
Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named Gwen H. Shamblin, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged herself to be President of Exodus Industries, Inc., a Tennessee Corporation, the within named bargainor, a Tennessee Corporation, and that she as such President, executed the within instrument for the purposes therein contained by signing the name of the Tennessee Corporation by herself, as President.

Witness my hand and official seal at Williamson Co, Tennessee, this 18th day of May, 2007.

Michelle McDonald
Notary Public

My commission expires: 9-27-08





APPROVED
By David Kline at 12:13 pm, 5/2/07

WEST GROVE TOWNHOMES

HORIZONTAL PROPERTY REGIME

PROPERTY LOCATED AT: 1015-A & 1015-B WEST GROVE AVENUE
NASHVILLE, DAVIDSON COUNTY TENNESSEE, TENNESSEE 37204



ADDRESS	UNIT NO.	MAP AND PARCEL NUMBER
1015-A WEST GROVE AVENUE	1	105-09-0-8-001.00 CO
1015-B WEST GROVE AVENUE	2	105-09-0-8-002.00 CO
COMMON ELEMENTS		105-09-0-8-003.00 CO

DATE: APRIL 30, 2007
SCALE 1" = 30'

GARVER ENGINEERS
233 WILSON PIKE CIRCLE
BRENTWOOD, TN 37024
615-377-1337

NOTES:
1. THE SURVEY WAS DONE UNDER THE AUTHORITY OF TCA 62-18-126; AND
2. THE SURVEY IS NOT A GENERAL PROPERTY SURVEY AS DEFINED UNDER RULE 0820-3-07.

EXHIBIT "B"**ATTORNEY'S CERTIFICATE**

This certificate is intended to serve at the attorney's opinion which is required pursuant to the terms of Tennessee Code Annotated Section 66-27-103. The undersigned, Peter Weiss, an attorney licensed to practice law in the State of Tennessee, hereby declares that upon proper recording of this certificate and additional documents filed herewith, all legal requirements for the creation of a Horizontal Property Regime development under the terms of the Tennessee Horizontal Property Act, as contained in Tennessee Code Annotated Section 66-27-101 et seq., have been met:

- 1). A Final Use & Occupancy certificate, which is attached hereto, as Exhibit "A" to this Attorney's Certificate, issued by the Metropolitan Government of Nashville and Davidson County, Department of Codes Administration, which states that the construction of the completed residences shown on Exhibit "A" to the Master Deed of West Grove Townhomes, are in substantial compliance with applicable building codes and ordinances of Nashville, Davidson County, Tennessee.
- 2). The Charter of the West Grove Townhomes Homeowners' Association, Inc. (a Tennessee Not For Profit Mutual Benefit Corporation).
- 3). The Master Deed of West Grove Townhomes, a Horizontal Property Regime.
- 4). By-Laws of West Grove Townhomes Homeowners' Association, Inc., a Tennessee Not For Profit Mutual Benefit Corporation, which By-Laws are attached as Exhibit "C" to the Master Deed of West Grove Townhomes.
- 5). The Site Plans of West Grove Townhomes, A Horizontal Property Regime, which site plans show private and common elements.

Witness my hand this the 18th day of May, 2007.



Peter Weiss, Attorney

State of Tennessee
County of Davidson

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named Peter Weiss, the bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Brentwood, Tennessee, this 18th day of May, 2007.

My commission expires: 1/3/2011



Notary Public

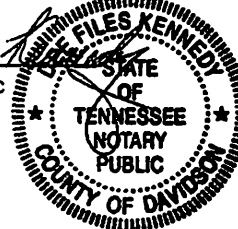


EXHIBIT "A" to Attorney's Opinion

BILL PURCELL
MAYOR

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



DEPARTMENT OF CODES & BUILDING SAFETY

May 24, 2007

EXODUS INDUSTRIES INC
308 SEABOARD LANE
FRANKLIN, TN 37067OFFICE ADDRESS
METRO OFFICE BUILDING - 3rd FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210MAILING ADDRESS
POST OFFICE BOX 196300
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codesRE: FINAL USE AND OCCUPANCY
1015 West Grove Ave, NASHVILLE, TN 37203
Map/Parcel No: 10509031100
Building Permit: 200607807
Issued: August 16, 2006

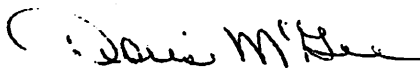
Gentlemen:

The Department of Codes Administration and other required Metropolitan Departments has inspected the newly constructed duplex with porches and decks with intent to condo at later date, at the above location.

Through routine inspections and visual observations it has been determined that the work performed substantially complies with the applicable codes and ordinances of the Metropolitan Government of Nashville and Davidson County. Therefore, we hereby approve it for Final Use and Occupancy. However, granting of the Final Use and Occupancy in no way relieves the contractors of their responsibility for any work performed not in accordance with applicable codes and ordinances.

Thank you for your cooperation.

Very truly yours,


Manley Biggers, P.E.
Assistant Director

MB: mkm

cc: Map/Parcel File

BUILDING • ELECTRICAL • GAS/MECHANICAL • PLUMBING • PROPERTY STANDARDS • ZONING

EXHIBIT " C "
BY-LAWS OF
WEST GROVE TOWNHOMES HOMEOWNERS'
ASSOCIATION, INC.

ARTICLE I
Members (Unit Owners)

Section 1. Eligibility. The members of West Grove Townhomes Homeowners' Association, Inc., a Tennessee not-for-profit corporation, shall consist of the Unit Owners of the property known as West Grove Townhomes located at Nashville, Davidson County, Tennessee (the "Property"). If a Unit Owner is a trust, then the member shall be a beneficiary of such trust, and if a Unit Owner or such a beneficiary is a corporation or partnership, the member may be an officer, partner or employee of such Unit Owner or beneficiary.

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

Section 3. Regular Meetings. The first regular meeting of the Unit Owners (the "First Meeting") may be held, subject to the terms hereof on any date, at the option of the Board; provided, however, that the First Meeting shall be held not less than ten (10) days, nor more than one hundred twenty (120) days after Developer has sold and delivered deeds for both of the Units. Subsequent to the First Meeting there shall be a regular annual meeting of Unit Owners held each year within fifteen (15) days of the anniversary of the First Meeting. All such meetings of Unit Owners shall be held at such place in Davidson County, Tennessee, and at such time as specified in the written notice of such meeting which shall be delivered to both Unit Owners at least ten (10) days prior to the date of such meeting.

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

Section 5. Delivery of Notice of Meeting. Notices of meetings shall be delivered either personally or by mail to Unit Owners at the addresses given to the Board by Unit Owners for such purpose, or to a Unit Owner's unit if no separate address for such purpose has been given to the Board.

Section 6. Voting. Each Unit shall have one (1) vote. If any Unit Owner consists of more

than one (1) person, the voting rights of such Unit Owner shall not be divided, but shall be exercised as if the Unit Owner consisted of only one (1) person in accordance with the proxy or other designation made by the persons constituting such Unit Owner. In the event of disagreement among such persons and an attempt by two (2) or more of them to cast such vote, such persons shall not be recognized, and such vote shall not be counted. Developer may exercise the voting rights with respect to Units owned by it.

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

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

ARTICLE II Board of Directors

Section 1. Number, Election and Term of Office. The Board of Directors of the Association (referred to in the Horizontal Property Act of the State of Tennessee as the "board of administrators" and sometimes referred to herein as the "Board") shall consist of three (3) members (hereinafter referred to as "Directors"). Directors shall be elected at the regular annual meeting of Association members by the vote of Unit Owners, except that until such time as the First Meeting of members is held, the Directors (hereinafter called "members of the First Board") shall be appointed by Developer. Those candidates for election as Director receiving the greatest number of votes cast either in person or by proxy at the meeting shall be elected. Every Director, except for members of the First Board, shall hold office for the term of three (3) years and until his successor shall be elected and qualified. At the first regular annual meeting, the members shall elect one (1) Director for a term of one (1) year; one (1) Director for a term of two (2) years, and one (1) Director for the term of three (3) years. At each annual meeting thereafter the members shall elect replacement Directors for a term of three (3) years.

Section 2. Qualification. Directors need not be a Unit Owner or the spouse of a Unit Owner. If a Unit Owner is a trustee of a trust, a Director may be a beneficiary of such trust; and if a Unit Owner or such a beneficiary is a corporation or partnership, a Director may be an officer, partner or employee of such Unit Owner or beneficiary. If a Director shall cease to meet such qualifications during his term, he shall thereupon cease to be a Director and his place on the Board shall be deemed vacant.

Section 3. Vacancies. Any vacancy occurring in the Board shall be filled by majority vote of the remaining members thereof. Any Director so elected or appointed to fill a vacancy shall hold

office for a term equal to the unexpired term of the Director whom he succeeds.

Section 4. Nomination. Nomination for election to the Board shall be made by a Nominating Committee which shall consist of three (3) members appointed by the Board to serve from the close of one (1) annual meeting to the close of the succeeding annual meeting. Such appointment shall be announced at the annual meeting. The Nominating Committee may nominate any number of qualified individuals, but no less than the number of Directors to be elected. The nominations shall be made at least thirty (30) days prior to the annual meeting and a brief statement about the qualifications of each individual so nominated shall be included with the notice of the annual meeting. Nominations shall also be allowed from the members at the annual meeting.

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

Section 6. Removal. Any Director may be removed from office with or without cause by the vote of both Unit Owners.

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

Section 8. Quorum. A simple majority of Directors shall constitute a quorum.

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

- (a) to elect and remove the officers of the Association;
- (b) to administer the affairs of the Association and the Property;
- (c) to engage the services of an agent (hereinafter sometimes called the "Managing Agent") to maintain, repair, replace, administer, and operate the Property or any part thereof for all Unit Owners, upon such terms and for such compensation and with such authority as the Board may approve;
- (d) to formulate policies for the administration, management and operation of the Property and the Common Elements;
- (e) to adopt rules and regulations, with written notice thereof to all Unit Owners, governing the administration, management, operation and use of the Property and the Common Elements, and to amend such rules and regulations from time to time and to establish reasonable financial assessments for infractions thereof;
- (f) to provide for the maintenance, repair and replacement of the Common Elements and payments therefore, and to approve payment vouchers or to delegate such approval to the officers or the manager or Managing Agent;

- (g) to provide for the designation, hiring and removal of employees and other personnel, including accountants and attorneys, and to engage or contract for the services of others, and to make purchases for the maintenance, repair, replacement, administration, management, and operation of the Property and the Common Elements, and to delegate any such powers to the Managing Agent (and any such employees or other personnel who may be the employees of a Managing Agent);
- (h) to appoint committees of the Board and to delegate to such committees the Board's authority to carry out certain duties of the Board;
- (i) to determine the fiscal year of the Association and to change said fiscal year from time to time as the Board deems advisable;
- (j) to fix the estimated annual budget, and to provide the manner of assessing and collecting from Unit Owners their respective shares of such estimated expenses, as hereinafter provided;
- (k) to borrow money for the purpose of repair or restoration of Common Elements without the approval of the members of the Association;
- (l) to secure insurance policies as required by the Master Deed, and in this regard, annually to review the amounts of coverage afforded by such policies;
- (m) unless otherwise provided herein or in the Master Deed, to comply with the instructions of a majority of Unit Owners as expressed in resolutions duly adopted at any annual or special meeting of Unit Owners;
- (n) to be responsible for and maintain all streets, roads, utilities, and any other services of a public nature that are classified as Common Elements in the Master Deed;
- (o) to exercise all other powers and duties of Unit Owners as a group referred to in the Horizontal Property Act of the State of Tennessee or in the Master Deed or these By-Laws.

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

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

ARTICLE III Officers

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

- (a) a President, who shall be a Director, who shall preside over meetings of the Board and of Unit Owners, and who shall be the chief executive officer of the Association;
- (b) a Secretary/Treasurer, who shall keep the minutes of all meetings of the Board and of Unit Owners, and who shall, in general, perform all the duties incident to the office of Secretary and who shall also be responsible for financial records and books of account and the manner in

which such records and books are kept and reported;

(c) such additional officers as the Board shall see fit to elect.

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

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

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

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

ARTICLE IV Assessments

Section 1. Annual Budget. The Board shall establish an annual budget to provide for the needs of the Association. Such budget shall take into account the estimated common expenses and cash requirements for the year, including, but not limited to, salaries, wages, payroll taxes, legal and accounting fees, working capital fund, supplies, materials, parts, services, maintenance, repairs, replacements, landscaping, insurance, fuel, power, and all other common expenses. To the extent that the assessments and other cash income collected from Unit Owners during the preceding year shall be more or less than the expenditures for such preceding year, the surplus or deficit, as the case may be, shall also take into account the estimated net available cash income for the year from the lease, operation or use of the Common Elements. The annual budget shall provide for a reserve for contingencies for the year and replacements, in reasonable amounts as determined by the Board.

Section 2. Assessments. The estimated annual budget for each fiscal year shall be approved by the Board, and copies thereof shall be furnished by the Board to each Unit Owner, not later than thirty (30) days prior to the beginning of such year. On or before the first day of the first month and of each succeeding month of the year covered by the annual budget, each Unit Owner shall pay, as his respective monthly assessment for the common expenses, one-twelfth (1/12) of his proportionate share of the common expenses for such year as shown by the annual budget. In the event that the Board shall not approve an estimated annual budget or shall fail to determine new monthly assessments for any year, or shall be delayed in doing so, each Unit Owner shall continue to pay each month the amount of his respective monthly assessment as last determined. Each Unit Owner shall pay his monthly assessment on or before the first day of each month to the Managing Agent

or otherwise as directed by the Board. No Unit Owner shall be relieved of his obligation to pay any assessment by abandoning or not using his Unit, the Private Elements, the Common Elements, or the Limited Common Elements.

Section 3. Partial Year or Month. Commencing with the date of occupancy of his Unit, each Unit Owner of newly developed units, shall pay his assessment for the following month or fraction of a month, which assessment shall be in proportion to his respective ownership interest in the Common Elements and the number of months and days remaining of the period covered by the current annual budget, and which assessment shall be computed by the Board.

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

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

Section 6. Expenditures. Except for the Management Agreement described in Article II, Section 9 (c) hereof and expenditures and contracts specifically authorized by the Master Deed and By-Laws, the Board shall not approve any expenditures in an amount in excess of ten (10%) percent of the annual budget for the then current year, unless required for emergency repair, protection or operation of the Common Elements or Limited Common Elements, nor enter into any contract for more than three (3) years, without the prior approval of both Units.

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

If any Unit Owner shall fail or refuse to make any such payment of assessments when due, such delinquent payment shall be subject to a late charge in an amount established by the Board, and such delinquent payment together with interest at the rate of Fifteen (15%) per cent per annum. Such delinquent payment, together with penalty and interest, shall constitute a lien, as provided in the Act, enforceable by the Board, on the interest of such Unit Owner in the Property.

The Association, or its successors and assigns, acting through the Board or its agents, shall have the right to maintain a suit to foreclose any such lien, and there shall be added to the amount due the costs of said suit and other fees and expenses, together with legal interest and reasonable attorney's fees to be fixed by the court. Furthermore, if any Unit Owner shall fail or refuse to pay

when due his proportionate share of the common expenses, and such Unit Owner withholds payment thereof after demand by the Association in writing setting forth the amount claimed, the Association shall have the right to possession of such Unit. The Association, acting through its Board, shall have the authority to exercise and enforce any and all rights and remedies as provided for in the Horizontal Property Act, the Master Deed, or these By-Laws, or as are otherwise available at law or in equity, for the collection of all unpaid assessments.

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

The Board shall, upon receipt of fifteen (15) days written notice to the Association and upon payment of a reasonable fee, furnish to any Unit Owner a statement of his account setting forth the amount of any unpaid assessment(s) or other charges due and owing from said Unit Owner.

Section 9. Discharge of Liens. The Board may cause the Association to discharge any mechanic's lien or other encumbrances which in the opinion of the Board may constitute a lien against the Property or the Common Elements, rather than a lien against only a particular Unit. When less than all the Unit Owners are responsible for the existence of any such lien, the Unit Owners responsible shall be jointly and severally liable for the amount necessary to discharge the same and for all costs and expenses, including attorney's fees, incurred by reason of such lien.

Section 10. Holding of Funds. All funds collected hereunder shall be held and expended for the purposes designated herein, and (except for such special assessments as may be levied hereunder against less than all the Unit Owners and for such adjustments as may be required to reflect delinquent or prepaid assessments) shall be deemed to be held for the benefit, use and account of all the Unit Owners in proportionate amounts.

ARTICLE V Use and Occupancy Restrictions

Section 1. General. No unlawful, noxious or offensive activities shall be carried on in any Unit or elsewhere on the Property, nor shall anything be done therein or thereon which shall constitute a nuisance or which shall in the judgment of the Board cause unreasonable noise or disturbance to others.

Each Unit Owner shall maintain his Unit in good condition and in good order and repair, at his own expense, and shall not do or allow anything to be done in his Unit which may increase the cost or cause the cancellation of insurance on other Units or on the Common Elements. No Unit Owner shall display, hang, store or use any clothing, sheets, blankets, laundry or other

articles outside of his Unit, or which may be visible from the outside of his Unit (other than draperies, curtains, or shades of a customary nature and appearance, subject to the Rules and Regulations of the Association), or paint or decorate or adorn the outside of his Unit, or install outside his Unit any canopy or awning, or outside radio or television antenna, or C.B. radio transmitters, or other equipment, fixtures or items of any kind, without the written permission of the Managing Agent, acting in accordance with the Board's direction. No Unit Owner shall display, hang, store, or use any sign outside his Unit, in a hallway, or elsewhere, which may be visible from the outside of his Unit, without the prior written permission of the Managing Agent, acting in accordance with the Board's direction.

No structure of a temporary character, trailer, tent, shack, garage, barn, or other out-buildings shall be permitted on the Property at any time temporarily or permanently, except with the prior written consent of the Board; provided, however, that temporary structures may be erected for use in connection with the repair or rebuilding of the Buildings or any portion thereof.

Section 2. Trash. Trash, garbage and other waste shall be kept only in sanitary containers, and shall be disposed of in a clean and sanitary manner as prescribed from time to time by Rules and Regulations of the Association.

Section 3. Use by Developer. During the period of sale by Developer of any Units, Developer, and Developer's agents, employees, contractors and subcontractors, and their respective agents and employees, shall be entitled to access, ingress to and egress from the Building and Property as may be required for the purposes of sale of Units. In addition, Developer reserve the right to enter into, upon, over and under any Unit for a period of one (1) year after the date of sale of the Unit for such purposes as may be reasonably necessary for Developer or their agents to service any Unit. While Developer own any of the Units and until each Unit sold by it is occupied by Purchasers, Developer and their employees may use and show one (1) or more of such unsold or unoccupied Units as a model Unit or Units and may use one (1) or more of such unsold or unoccupied Units as a sales office, and may maintain customary signs in connection therewith. During the period of sale by Developer, the Developer shall be allowed a seat on the Board of Directors and voting privileges as provided in Article II herein.

Section 4. Storage. Articles of personal property belonging to any Unit Owner, such as baby carriages, bicycles, wagons, toys, furniture, clothing, and other articles, shall not be stored or kept in the Common Elements, but shall be confined to the units or storage areas within the units and/or its Private Elements. Storage of boats, trailers, campers, and motor homes on the Property shall be subject to the Rules and Regulations of the Association applicable thereto.

Section 5. Wiring. No Unit Owner shall overload the electrical wiring in the Building,

or operate any machines, appliances, accessories, or equipment in such manner as to cause, in the judgment of the Board, an unreasonable disturbance to others, or connect any machines, appliances, accessories, or equipment to the heating or plumbing system without the prior written consent of the Board or the prior written consent of the Managing Agent, given in accordance with the Board's direction.

Section 6. Rules and Regulations. Unit Owners shall be subject to such further restrictions as may be contained in Rules and Regulations of the Association concerning the use of Units and the Common Elements which may be enacted from time to time by the Board. All such Rules and Regulations shall be binding Rules and Regulations of the Association unless rejected by all of the votes of Unit Owners, and copies of such Rules and Regulations and any amendments or additions thereto shall be furnished to all Unit Owners upon request.

ARTICLE VI Contractual Powers

No contract or other transaction between this Association and one (1) or more of its Directors, or between the Association and any corporation, firm or association in which one (1) or more of the Directors of the Association are Directors, or are financially interested, is void or voidable because such Director or Directors are present at the meeting of the Board or a committee thereof which authorizes or approves the contract or transaction or because his or their votes are counted, if the circumstances specified in either of the following subparagraphs exists:

(a) the fact of the common directorship or financial interest is disclosed or known to the Board or committee and noted in the minutes and the Board or committee authorizes, approves or ratifies the contract or transaction in good faith by a vote sufficient for the purpose without counting the vote or votes of such Director or Directors; or

(b) the contract or transaction is just and reasonable as to the Association at the time it is authorized or approved.

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

ARTICLE VII Amendments

Section 1. These By-Laws may be amended, at a regular or special meeting of the members, by a vote of both members present in person or by proxy subject to Section 2 below.

Any proposed amendment in these By-Laws shall require written notice of the proposed amendment to be delivered to members of the Association in writing at least fifteen (15) days

prior to any meeting at which the subject amendment will be considered.

Section 2. Mortgage Approvals. Any and all amendments eligible for approval in Section 1 of this Article shall be subject to the following conditions and restrictions:

Amendments of a material nature must be agreed to by members who represent both votes in the Homeowners' Association. In addition thereto, approval must be obtained from eligible mortgage holders who represent all of Units that are subject to mortgages held by eligible holders (eligible mortgage holders shall be defined as those holders of a first mortgage on a Unit who have requested the Homeowner's Association to notify them on any proposed action that requires the consent of a specified percentage of eligible mortgage holders). A change to any of the following shall be considered under this Section, as material:

1. Voting Rights.
2. Assessments, assessment liens, or the priority of assessment liens.
3. Reserves for maintenance, repair and replacement of common areas.
4. Responsibility for maintenance and repairs.
5. Reallocation of interests in the common areas or right to their use.
6. Redefinition of unit boundaries.
7. Conversion of units into common areas or vice versa.
8. Expansion or contraction of the project or the addition, annexation or withdrawal of property to or from the project.
9. Insurance or fidelity bond changes.
10. Leasing of units.
11. Imposition of any restriction on a unit owners right to sale or transfer his or her property.
12. A decision by the Homeowner's Association to establish self-management when professional management has been required previously by the projects documents or by an eligible mortgage holder.
13. Restoration and repair of the project (after a hazard damage or partial condemnation, in a manner other than specified in the project documents.
14. Any action to terminate the legal status of the project after substantial destruction or condemnation occurs.
15. Any provisions that expressly benefit mortgage holders, insurers or guarantors.

Section 4. Condemnation. Should the unit owners consider termination of the legal status of West Grove Townhomes Homeowners' Association, Inc., for any reason other than the substantial destruction or condemnation of the Association property, eligible mortgage holders, as heretofore defined, that represent all of the mortgaged units must agree to said termination of said legal status. Each eligible mortgage holder shall be given written notification of said intent

to terminate the legal status of the Association and shall have thirty (30) days in which to respond to said notice. An eligible mortgage holder who fails to submit a response to said written proposal for amendment within thirty (30) days after it receives proper notice of the proposal shall be deemed to assent to said amendment, providing that said notice was delivered by certified or registered mail, with a return receipt requested.

These By-Laws may be amended or modified from time to time by action or approval of all of the Unit Owners. Such amendments shall be recorded in the Office of the Register's Office of Davidson County, Tennessee.

ARTICLE VIII

Indemnification

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

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

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

Section 4. Miscellaneous. The Association and the Board shall have the power to raise and the responsibility for raising, by special assessment or otherwise, any sums required to discharge its obligations under this Article; provided, however, that the liability of any Unit Owner arising out of any contract made by or other acts of the Directors, officers, or members of such committees, or out of the aforesaid indemnity in favor of the Directors, officers, or members of such committees, shall be limited to such proportion of the total liability hereunder as said Unit Owner's percentage of interest in the Common Elements bears to the total percentage interest of all Unit Owners in the Common Elements. Every agreement made by the Directors, officers, or members of such committees, or by the Managing Agent on behalf of Unit Owners shall provide that the Directors, officers, members of such committees, or the Managing Agent, as the case may be, are acting only as agents for Unit Owners and shall have no personal liability thereunder (except as Unit Owners), and that each Unit Owner's liability thereunder shall be limited to such proportion of the total liability thereunder as his percentage of interest in the Common Elements bears to the total percentage interest of all Unit Owners in the Common Elements. The indemnification provided by this Article VIII shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under any statute, agreement, vote of members of the Association, or disinterested members of the Board of otherwise, both as to action in his official capacity and as to action in another capacity while holding such office. Such right to indemnification shall continue as to a person or entity who has ceased to be a member of the Board, officer of the Association, or a member of such committee, and shall inure to the benefit of their heirs, executors, administrators, successors, and assigns of such person or entity.

ARTICLE IX

Mortgages

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

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

from, or any other default by, the owner of the mortgaged Unit.

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

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

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

ARTICLE X

Definition of Terms

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

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

ARTICLE XI

Conflicts

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

Secretary of State
Division of Business Services
 312 Eighth Avenue North
 6th Floor, William R. Snodgrass Tower
 Nashville, Tennessee 37243

DATE: 12/06/06
 REQUEST NUMBER: 5898-1042
 TELEPHONE CONTACT: (615) 741-2286
 FILE DATE/TIME: 12/06/06 1239
 EFFECTIVE DATE/TIME: 12/06/06 1239
 CONTROL NUMBER: 0535574

TO:
 WEISS & WEISS
 761 OLD HICKORY BLVD
 SUITE 301
 BRENTWOOD, TN 37027

Davidson County CHARTER
 Recvd: 05/24/07 14:39 6 pgs
 Fees: 7.50 Taxes: 0.00

20070524-0062236

RE:
 WEST GROVE TOWNHOMES HOMEOWNERS' ASSOCIATION, INC.
 CHARTER - NONPROFIT

CONGRATULATIONS UPON THE INCORPORATION OF THE ABOVE ENTITY IN THE STATE OF TENNESSEE, WHICH IS EFFECTIVE AS INDICATED.

A CORPORATION ANNUAL REPORT MUST BE FILED WITH THE SECRETARY OF STATE ON OR BEFORE THE FIRST DAY OF THE FOURTH MONTH FOLLOWING THE CLOSE OF THE CORPORATION'S FISCAL YEAR. ONCE THE FISCAL YEAR HAS BEEN ESTABLISHED, PLEASE PROVIDE THIS OFFICE WITH THE WRITTEN NOTIFICATION. THIS OFFICE WILL MAIL THE REPORT DURING THE LAST MONTH OF SAID FISCAL YEAR TO THE CORPORATION AT THE ADDRESS OF ITS PRINCIPAL OFFICE OR TO A MAILING ADDRESS PROVIDED TO THIS OFFICE IN WRITING. FAILURE TO FILE THIS REPORT OR TO MAINTAIN A REGISTERED AGENT AND OFFICE WILL SUBJECT THE CORPORATION TO ADMINISTRATIVE DISSOLUTION.

WHEN CORRESPONDING WITH THIS OFFICE OR SUBMITTING DOCUMENTS FOR FILING, PLEASE REFER TO THE CORPORATION CONTROL NUMBER GIVEN ABOVE. PLEASE BE ADVISED THAT THIS DOCUMENT MUST ALSO BE FILED IN THE OFFICE OF THE REGISTER OF DEEDS IN THE COUNTY WHEREIN A CORPORATION HAS ITS PRINCIPAL OFFICE IF SUCH PRINCIPAL OFFICE IS IN TENNESSEE.

 FOR: CHARTER - NONPROFIT

ON DATE: 12/06/06

FROM:
 WEISS & WEISS ATTORNEYS AT LAW
 761 OLD HICKORY
 BLVD STE 301
 BRENTWOOD, TN 37027-0000

	FEES	
RECEIVED:	\$200.00	\$0.00
TOTAL PAYMENT RECEIVED:	\$200.00	

RECEIPT NUMBER: 00004056035
 ACCOUNT NUMBER: 00369829



SS-4458

Riley C. Darnell

RILEY C. DARNELL
 SECRETARY OF STATE

RECEIVED
DECEMBER 12 2018
SECRETARY OF STATE
5898.1042

**ARTICLES OF INCORPORATION
OF
WEST GROVE TOWNHOMES HOMEOWNERS' ASSOCIATION, INC.**

In compliance with the requirements of Tennessee Nonprofit Corporation Act, the undersigned natural person, of Nashville, Davidson County, Tennessee, has this day voluntarily formed a corporation not for profit and does hereby certify:

ARTICLE I

The name of the corporation is West Grove Townhomes Homeowners' Association, Inc., hereafter referred to as the "Association".

ARTICLE II

This corporation is a mutual benefit corporation.

ARTICLE III

The name and address of the corporation's initial registered agent and office is:

Andy Nissen
C/O Exodus Industries
308 Seaboard Lane, Suite Four
Franklin, Williamson County, Tennessee 37067

ARTICLE IV

The name and address of the incorporator is:

Mr. Peter Weiss, Attorney at Law
761 Old Hickory Blvd., Suite 301
Brentwood, Davidson County, Tennessee 37027

ARTICLE V

The principal office of the corporation is located at 308 Seaboard Lane, Suite Four Franklin, Williamson County, Tennessee 37067.

ARTICLE VI

The Corporation does not contemplate pecuniary gain and is organized as a corporation not for profit.

ARTICLE VII

The corporation will have members.

ARTICLE VIII

The specific purposes for which the Association is formed are to provide for maintenance, preservation and architectural control of the residence Units, Limited Common Elements, Private Elements and Common Elements within that certain tract of property described, as follows:

Land in Davidson County, Tennessee, being part of Lot No. 18 on the Plan of Jones and Dudley's Addition to Nashville, as of record in Book 57, page 147, Register's Office for Davidson County, Tennessee and also being Lot "G" on the unrecorded Plan of Tennessee Construction & Development Company's resubdivision of Lot No. 16 and the westerly part of Lot No. 18 in the Jones and Dudley's Subdivision, described according to a survey made by John M. Sullivan, County Surveyor, January 7, 1950, as follows:

Beginning on the southerly margin of W. Grove Street at the corner of Lots "F" and "G", being 58 feet west of the northwest corner of the property conveyed to Carroll W. Jolly and wife, by deed from Burton Robnett, et al, of record in Book 1468, page 435, said Register's Office; thence, with the line between said two lots, southwardly 150 feet to the northerly margin of an alley; thence, with said alley, westwardly 58 feet to the corner of Lots "G" and "H"; thence, with the line between said Lots "G" and "H", northwardly 150 feet to the southerly margin of said W. Grove Street; thence, with the same, eastwardly 58 feet to the beginning;

and, to promote the health, safety and welfare of the residents within the above-described property and any additions thereto as may hereafter be brought within the jurisdiction of this Association for this purpose to:

(a) Exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in that certain Master Deed of West Grove Townhomes, hereinafter called the "Master Deed", applicable to the property and recorded, or to be recorded, in the Office of Register of Deeds, Nashville, Davidson County, Tennessee, and as the same may be amended from time to time as therein provided, said Master Deed being incorporated herein as if set forth at length;

(b) Fix, levy, collect and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the Master Deed; to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of the Association, including all licenses, taxes or governmental charges levied or imposed against the property of the Association;

(c) Acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association;

(d) With the assent of all members, borrow money, mortgage, pledge, execute deed(s) of trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;

(e) Dedicate, sell or transfer all or part of the Common Elements to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument has been signed by all members, agreeing to such dedication, sale or transfer;

(f) Participate in mergers and consolidations with other non-profit corporations organized for the same purposes or annex additional residential property and Common Elements, provided that any such merge, consolidation or annexation shall have the assent of all members; and,

(g) Have and to exercise any and all powers, rights and privileges which a corporation organized under the Non-Profit Corporation Law of the State of Tennessee, by law, may now or hereafter have or exercise.

ARTICLE IX MEMBERSHIP

Every person or entity who is a record owner of a fee or undivided fee interest in any Unit which is subject to assessment by the Association, including contract sellers, shall be a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of any Unit which is subject to assessment by the Association.

ARTICLE X VOTING RIGHTS

The Association shall have two classes of voting membership:

Class "A". Class "A" member(s) shall be all Unit Owners, with the exception of the Owner (or "Developer", as defined in the Master Deed), and shall be entitled to one (1) vote for each Unit owned. When more than one (1) person holds an interest in any Unit, all such persons shall be members. The vote for such unit shall be exercised as they determine, but in no event shall more than one (1) vote be cast with respect to any Unit.

Class "B". The Class "B" member(s) shall be the Owner (or "Developer", as defined in the Master Deed), and shall be entitled to three (3) votes for each Unit owned. The Class "B" membership shall cease and be converted to Class "A" membership on the happening of either the following events, whichever occurs earlier:

- (a) Both of the units have been conveyed to unit purchasers, or
- (b) On the last day of the month occurring Five (5) years following the first conveyance to a unit purchaser.

ARTICLE XI
BOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board of Three (3) Directors, who need not be members of the Association. The number of Directors may be changed by amendment of the By-Laws of the Association. The initial Directors shall be appointed by the Owner and shall serve in said capacity until the selection of their successors.

At the first annual meeting the members shall elect one (1) Director for the term of one (1) year, one (1) Director for the term of two (2) years, and one (1) Director for the term of three (3) years; and at each annual meeting thereafter the members shall elect replacement Directors for the term of three (3) years.

ARTICLE XII
DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by all members. Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any nonprofit corporation, association, trust or other organization to be devoted to such similar purposes.

ARTICLE XIII
DURATION

The corporation shall exist perpetually.

ARTICLE XIV
AMENDMENTS

Amendment of these Article shall require shall require the assent of the entire membership.

ARTICLE XV
LIABILITY OF DIRECTOR(S) TO THE CORPORATION AND/OR ITS MEMBERS

No Director of the West Grove Townhomes Homeowners' Association, Inc., shall be personally liable to the corporation or its members for monetary damages for breach of fiduciary duty as a Director; provided, that such provision shall not eliminate or limit the liability of a Director (i) for any breach of the Director's duty of loyalty to the corporation or its members, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, or (iii) for unlawful distributions pursuant to Section 48-58-304 of the Tennessee Nonprofit Corporation Act.

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Tennessee, I, the undersigned incorporator of this Association, have executed these Articles of Incorporation this 5th. day of December, 2006.



Peter Weiss, Incorporator

EXHIBIT 3

**Metropolitan Government of Nashville and Davidson County
Department of Codes and Building Safety**

Site Address: 1014 B W GROVE AVE NASHVILLE, TN 37203

Permit #: 201516993

SHORT TERM RENTAL PERMIT

Issue Date: May 1, 2015

Parcel: 105090R00200CO

NOTICE

Permit Tracking #: 2040417

No work may be done on any part of a building or structure beyond that required applicable inspections.

Keep Jobsites Clean and Safe.

EXHIBIT 4

ORDINANCE NO. BL2014-951**An ordinance to amend Chapter 6.28 of the Metropolitan Code pertaining to Short Term Rental Property.**

WHEREAS, short-term rental of homes can provide a flexible housing stock that allows travelers a safe accommodation while contributing to the local economy; and

WHEREAS, short-term rental of homes can provide homeowners an opportunity to hold property in difficult economic circumstances or as an investment; and

WHEREAS, hotel taxes from short term rental of homes can be used to promote travel and tourism and to support the local tourism industry; and

WHEREAS, the needs of long-term residents should be balanced with the allowance of short-term rentals.
NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Chapter 6.28 of the Metropolitan Code is hereby amended by adding the following new Section 6.28.030:

6.28.030 Short Term Rental Property (STRP).

A. For purposes of this section, "Short Term Rental Property (STRP)" means a residential dwelling unit containing not more than four sleeping rooms that is used and/or advertised for rent for transient occupancy by guests as those terms are defined in Section 5.12.010 of the metropolitan code. Residential dwelling units rented to the same occupant for more than 30 continuous days, Bed and Breakfast establishments, boarding houses, hotels, and motels shall not be considered Short Term Rental Property.

B. For purposes of this section, "owner-occupied" means the owner of the property permanently resides in the STRP or in the principal residential unit with which the STRP is associated on the same lot.

C. No person or entity shall operate a STRP or advertise a residential property for use as a STRP without the owner of the property first having obtained a STRP permit issued by the department of codes administration.

D. Application. The STRP permit application shall include the following information:

1. The name, telephone number, address, and email address of the owner and of a person or business ("responsible party") residing or located within twenty-five miles of the STRP that is responsible for addressing all maintenance and safety concerns;

2. Proof of insurance evidencing homeowner's fire, hazard, and liability insurance. Liability coverage shall have limits of not less than \$1,000,000 per occurrence.

3. If the STRP unit shares a common wall or a common driveway with another property owner, proof of written notification to such neighboring property owner(s) prior to filing the application.

E. Signage. Signs, advertising, or any other display on the property indicating that the dwelling unit is being utilized, in whole or in part, as a STRP is prohibited.

F. All STRP occupants shall abide by all applicable noise restrictions contained in the Metropolitan Code and all applicable waste management provisions of Chapter 10.20 of the Metropolitan Code.

G. The STRP shall have approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards installed as follows:

1. In all sleeping areas.

2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

3. In each story within the sleeping unit, including basements.

H. No recreational vehicles, buses, or trailers shall be visible on the street or property in conjunction with the STRP use.

I. No food shall be prepared for or served to the transient by the permit holder.

J. The principal renter of a STRP unit shall be at least twenty-one (21) years of age.

K. Maximum occupancy. The maximum number of paying adult guests permitted on a STRP property at any one time shall not exceed more than twice the number of sleeping rooms plus four. Simultaneous rental to more than one party under separate contracts shall not be allowed. The occupancy maximum shall be conspicuously posted within the STRP unit.

- L. The STRP owner shall not receive any compensation or remuneration to permit occupancy of a STRP for a period of less than twenty-four (24) hours. The maximum stay for any guest shall be thirty (30) consecutive days.
- M. The name and telephone number of the local responsible party shall be conspicuously posted within the STRP unit. The responsible party shall answer calls twenty-four (24) hours a day, seven (7) days a week for the duration of each short term rental period to address problems associated with the STRP.
- N. Expiration of permit. A STRP permit shall expire three hundred sixty-five (365) days after it is issued. STRP permits may be renewed upon the payment of a fifty dollar renewal fee to the department of codes administration.
- O. The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law or the Metropolitan Code.
- P. A STRP permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a STRP on the property.
- Q. STRP permit holders shall obtain a use permit from the zoning administrator as an accessory use to the primary residential use pursuant to section 17.16.250.E. of the metropolitan code. No more than 3% of the single-family or detached two-family residential units within each census tract shall be permitted as non-owner-occupied short-term rental use as determined by the Zoning Administrator.
- R. Denial or Revocation of Permit.
1. Upon the filing of three or more complaints within a calendar year regarding a STRP permit, the department of codes administration shall notify the permit holder in writing of such complaints.
 2. If the department of codes administration determines that violations of this section or any other ordinance or law relating to STRPs have occurred, the permit to operate a STRP may be revoked.
 3. Before revoking any permit, the department of codes administration shall give the permit holder fifteen days written notice of the alleged violation(s) against him/her.
 4. Any denial or revocation of a STRP permit may be appealed to the board of zoning appeals as an administrative appeal pursuant to section 17.40.180.A. of the metropolitan zoning code.

Section 2. The department of codes administration shall begin accepting STRP applications on March 31, 2015, and shall begin enforcing the provisions of this Ordinance from and after July 1, 2015.

Section 3. This Ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Burkley Allen, Charlie Tygard, Peter Westerholm, Anthony Davis

**Amendment No. 1
To
Ordinance No. BL2014-951**

Madam President:

I move to amend Ordinance No. BL2014-951 by amending Section 1 as follows:

I. By deleting the provisions of subsection G. and substituting with the following new subsection G.:

G. The STRP shall meet all applicable requirements of the state and local building and fire safety codes, including, but not limited to, having approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards installed as follows:

1. In all sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
3. In each story within the sleeping unit, including basements.

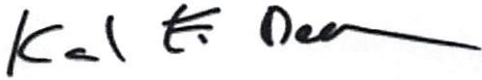
II. By deleting the phrase "paying adult guests" wherein it appears in subsection K., and substituting with the phrase "occupants".

III. By adding the following provisions at the end of subsection R.:

5. Once a STRP permit has been revoked, no new permit shall be issued to the applicant for the same property for a period of one year.
6. The penalty for operating a short term rental property without a permit shall be:

- a. A fifty dollar fine. Each day of operation without a permit shall constitute a separate offense.
 b. Upon a finding that a short term rental property has operated without a permit, there shall be a one year waiting period from the date of such finding for the property to become eligible for a STRP permit.

Sponsored by: Burkley Allen

LEGISLATIVE HISTORY	
Introduced:	November 18, 2014
Passed First Reading:	November 18, 2014
Referred to:	Codes Committee Convention & Tourism Committee
Deferred to January 6, 2015:	December 2, 2014
Deferred to February 3, 2015:	January 6, 2015
Amended:	February 3, 2015
Passed Second Reading:	February 3, 2015
Passed Third Reading:	February 24, 2015 - Roll Call Vote
Approved:	February 26, 2015
By:	

Requests for ADA accommodation should be directed to the Metropolitan Clerk at 615/862-6770.

EXHIBIT 5

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

March 26, 2018

Freeman Wizer
1014 A W. Grove Avenue
Nashville, Tennessee 37203

RE: Permit CASR #201516993
1014 B W. Grove Avenue

Dear Mr. Wizer:


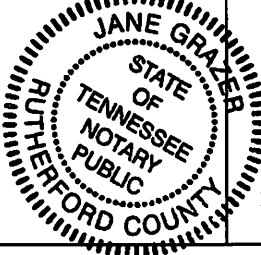
Pursuant to Section 17.16.250(E) of the Metropolitan Code of Laws, this letter serves as your formal notice of the cancellation of the above referenced STRP permit. This property changed ownership after the date of permit issuance. Since the law does not allow transfers of STRP permits, this permit has been invalid since the June 21, 2016 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 decision at the Board of Zoning Appeals.

Sincerely,

Jon Michael
Metro Codes

EXHIBIT 6

WARRANTY DEED		STATE OF TENNESSEE COUNTY OF <u>Rutherford</u> THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS \$510,000.00
BILL GARRETT, Davidson County Trans: T20160053571 DEEDWARR Recvd: 06/23/16 10:57 2 pgs Fees: 13.00 Taxes: 1887.00  20160623-0064072		Affiant <u>BJ</u> SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE <u>13th</u> DAY OF <u>JUNE</u> , 20 <u>16</u> Notary Public <u>[Signature]</u> MY COMMISSION EXPIRES: <u>08/18/18</u> (AFFIX SEAL)
MST 2016-0151 (Seller only)		
THIS INSTRUMENT WAS PREPARED BY: James T. Oglesby, Attorney and Yvette L. Meldrum, Attorney Mid-State Title & Escrow, Inc., 128 Holiday Court, Suite 125, Franklin, TN 37067		
ADDRESS NEW OWNER(S) AS FOLLOWS:	SEND TAX BILLS TO:	MAP-PARCEL NUMBERS
William K. Shackelford <u>etal</u>	<u>same address</u>	105-09-0R-002.00-CO
(NAME)	(NAME)	
1014B West Grove Ave	<u>as new owner</u>	
(ADDRESS)	(ADDRESS)	
Nashville, TN37203		
(CITY) (STATE) (ZIP)	(CITY) (STATE) (ZIP)	

FOR AND CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEES, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, WE, TBC I LLC, a Tennessee limited liability company HEREINAFTER CALLED THE GRANTORS, HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO William K. Shackelford, HEREINAFTER CALLED THE GRANTEES, THEIR HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN DAVIDSON COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

****and Freeman Wizer, as tenants in common**
 Land in Davidson County, Tennessee, being Unit No. B of The Plan of 1014 West Grove Avenue Townhomes, as shown on Exhibit "C" of 1014 West Grove Avenue Townhomes (a Planned Unit Development), of record in Instrument No. 20131118-0118727, Register's Office of Davidson County, Tennessee, to which plat reference is hereby made for a more complete and accurate legal description.

This conveyance is made subject to all the provisions of the Tennessee "Horizontal Property Act" as the same is set out in Section 66-27-101 et seq. of the Tennessee Code Annotated and is subject to the By-Laws and Charter for the administration thereof, and is subject to easements, rights and interests in favor of other unit owners and all sewer, water, electrical, telephone and other utility easements now or hereafter established over, through or upon the land embracing the regime and building thereon; and also including, without limitations, all conditions, covenants, restrictions and options, burdens, Assessments and other undertakings contained in the Master Deed of record in Instrument Number 20131118-0118727, Register's Office for Davidson County, Tennessee.

Being a portion of the same property conveyed to TBC I LLC by deed from Freeman I Wizer et ux of record in Instrument No. 20131114-0117648, Register's Office for Davidson County, Tennessee, dated 11/12/2013.

Subject to: Property taxes have been prorated and the Grantee has assumed payment thereof when same become due and payable, 2016 tax a lien on 01/01/2016 but not yet due and payable. All matters appearing of record in Declaration of Protective Covenants of record in Instrument No. 20131118-0118727, said Register's Office including Plat attached and bylaws appended. Subject to all matters shown on the Plan of record in Plat Book 1424, Page 148, Register's Office for Davidson County, Tennessee.

This property, known as 1014B West Grove Ave, Nashville, TN 37203
(House Number) (Street) (P.O. Address) (City or Town) (Postal Zip)

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

Witness my/our hand(s) this 13th DAY OF June, 2016.

TBC I, LLC

BY: Yvette Meldrum, Authorized Agent
Yvette Meldrum, Authorized Agent

STATE OF Tennessee
COUNTY OF Williamson

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Yvette Meldrum as Authorized Agent, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), who made oath that the statements contained in the foregoing instrument are true of his/her own knowledge, and who, upon oath, acknowledged himself/herself to be the Authorized Agent of the maker, and that s/he, acting in such capacity, and authorized so to do, executed the foregoing instrument in behalf of the maker, for the purposes therein contained.

Witness my hand and official seal, this the 13th day of June, 2016.

[Signature]
Notary Public

My Commission Expires: 09-05-2016

(SEAL)



From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Subject: BZA positions for Dec. 6 meeting
Date: Tuesday, November 20, 2018 7:31:14 PM

Board members,

You have quite the task ahead of you for this meeting's agenda! Below are my positions on the District 17 items on the Dec. 6 agenda:

2018-522: **Deny**
2018-619: **Strongly deny**
2018-637: **Support**, as applicant has spoken with me
2018-638: **Deny**
2018-644: **Deny**
2018-662: **Strongly deny** based on resident complaints
2018-671: **Deny**
2018-672: **Deny**
2018-677: **Strongly deny**

Thank you, as always, for your service, and Happy Thanksgiving!

Colby

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

1017A West Grove Avenue
Nashville, TN 37203

November 17, 2018

Dear Board of Zoning Appeals:

I am writing in reference to permit #20180066167. I apologize that we are not able to attend the scheduled meeting on December 6th regarding this matter, but we will be out of the country.

We own a house across the street on West Grove Avenue, and ask that you consider denying this permit request based on several experiences that we have had in the two years that we have resided here. Nashville has become the spot for girls' trips, bachelor and bachelorette parties, etc., and this is the clientele that is attracted to a house that sleeps many people near both 12 South and downtown. These trips also tend to involve heavy drinking, and because of that, people staying in our neighborhood are not always on their best behavior.

We've had crowds of people hanging around that we don't know, we've had noise complaints late at night, and we've even had an airbnb guest defecate between our house and our neighbor's house, but none of these things compare to having an intoxicated guest attempt to break into our house in the middle of the night. We have several outdoor cameras, so we were able to eventually pull them up and see that this was not a gun-wielding robber, but a drunk guest staying across the street instead. Still, imagine the fear in those few minutes when we had someone aggressively banging on our door and trying to pry the door handle open when it was locked.

When we moved to West Grove, we knew that it was a neighborhood in transition. There is a lot of construction and as is everything in Nashville, the area is growing. However, we are hoping that this growth brings with it more stability, and not less. And we have good reason to believe that such rentals across the street bring too much of the unexpected, which isn't what we want for ourselves, for our families, and for our neighbors.

Thank you for your time and consideration.

Sincerely,

Megan and Satish Reddy

From: [David Hooper](#)
To: [Board of Zoning Appeals \(Codes\)](#); [Sledge, Colby \(Council Member\)](#)
Subject: re: appeal 2018-662 / 1014B West Grove
Date: Thursday, November 29, 2018 3:02:31 PM

To Whom It May Concern:

Words matter. So I think it's funny that the letter you sent on the appeal of 2018-662 says it's a "neighbor's request" when Collins Legal, LLC isn't a neighbor at all.

At the end of West Grove at 12th Ave is a single building with MULTIPLE STR properties going for \$300/night. Along West Grove are MULTIPLE non-owner occupied STRs, some for \$1000/night or more.

That's great tax revenue for the city, but it's not good for the people who actually live here or want to live here. West Grove is not a commercial street.

This neighborhood and its residents don't need another STR from an anonymous investment group, especially one who has already shown it's not playing by the rules you've established.

David Hooper

From: [Liane Moneta-Koehler](#)
To: [Sledge, Colby \(Council Member\)](#); [Board of Zoning Appeals \(Codes\)](#)
Subject: Opposition to STR appeal case 2018-662
Date: Saturday, December 1, 2018 3:22:07 PM

Hi Colby & BZA,

I'm writing in opposition to the STR permit appeal for 1014B W Grove Ave - Case number 2018-662 (Permit number 20180066167). Thank you for enforcing the rules.

I live across the street at [1015B W Grove Ave](#) with my husband and 3 kids. We would like long term residents in the neighborhood. People that we might befriend. Children for our kids to play with. Or even just familiar faces to smile at when we bike passed. We want neighbors, not visitors.

In particular, when the house operated as a AirBnB, visitors were especially inconsiderate to the neighborhood community. Noise was a mild issue, but more concerning was the public urination.

Thank you,
Liane Moneta-Koehler
[1015B W Grove Ave](#)

From: [Shawn Bailes](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case # 2018-662 (1014B West Grove)
Date: Thursday, November 15, 2018 11:59:47 AM

Dear BZA,

This correspondence is in support of the Appeal Case # 2018-662 located at 1014B West Grove Ave. The owner has operated his short term rental as a model citizen/neighbor and should continue to be able to do so in the future. I own several properties within a block of this property and have never had an issue with this property, nor have I heard of any issues from the neighborhood. Thank you in advance for your consideration.

Sincerely,

Shawn Bailes
President/CEO

FMBCInvestments

REAL ESTATE: Investor Lending • Rehabs • Custom Building • Rentals

Phone (615) 297-1152

Fax (615) 297-1172

Cell (615) 479-0404

3716 West End Ave.

Nashville, TN 37205

sbailes@FMBCInvestments.com

www.FMBCInvestments.com

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : Patrick ThomasDate: 10-19-18Property Owner: Patrick ThomasCase #: 2018-666Representative: Patrick ThomasMap & Parcel: 090080K00100COCouncil District 20

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

Purpose: To renew a STRP permit.Activity Type: Short Term RentalLocation: 647 C James Ave.

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

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required short term rental permit.

Section(s): 17.16.250 (E)

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

Patrick Thomas

Appellant Name (Please Print)

Same

Representative Name (Please Print)

647 C James Ave.

Address

Address

Nashville, TN 37209

City, State, Zip Code

City, State, Zip Code

(817) 723-0128

Phone Number

Phone Number

apatrickthomas@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



3570711

ZONING BOARD APPEAL / CAAZ - 20180066484
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 090080K00100CO APPLICATION DATE: 10/19/2018

SITE ADDRESS:

647 C JAMES AVE NASHVILLE, TN 37209
UNIT C JAMES AVENUE TOWNHOMES AMENDED

PARCEL OWNER: THOMAS, ALBERT P. IV & HELLSTERN, RO 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 - 8th FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS
POST OFFICE BOX 198300
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.

10/19/18

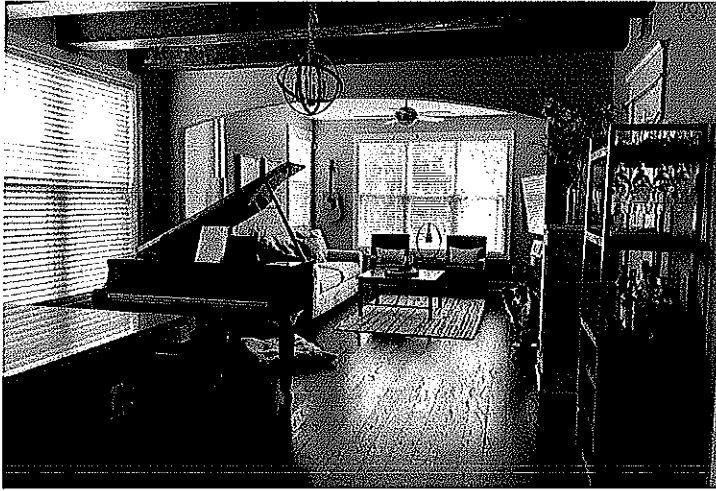
Rental Unit Record

647 James Ave, Nashville, TN 37209, USA

Removed ✗
Identified ✓
Compliant ✓

PRINT

Airbnb - 28157033



Identified Address

647 James Ave, Nashville, TN 37209, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.162201, -86.874354

Parcel Number

090080K00100

Owner Name

THOMAS, ALBERT P. IV & HELLSTERN, RONALD A.

Owner Address

647 C JAMES AVE
NASHVILLE, TN 37209, US

Matched Details

Analyst 7SOZ

Explanation
The streetview matches. The Trulia pictures match.

Listing Photos

Matching 3rd Party Sources



The exterior matches.



The kitchen is identical.

Timeline of Activity

View the series of events and documentation pertaining to this property

✗ Listing air28157033 Removed
October 17th, 2018

10/19/2018

Matched property listing

Zip Code Match

City Name Match

First Warning - No STR or Tax: Delivered
October 12th, 2018

2 Documented Stays
October, 2018

First Warning - No STR or Tax: Sent
October 5th, 2018

9 Documented Stays
September, 2018

Listing air28157033 Identified
September 24th, 2018

Listing air28157033 First Crawled
August 31st, 2018

Listing air28157033 First Activity
August 31st, 2018

Listing Details

Listing URL - <https://www.airbnb.com/rooms/28157033>

Listing Status ● Inactive

Host Compliance Listing ID - air28157033

Listing Title - Private room in new home! Amazing location!

Property type - House

Room type - Private room

Listing Info Last Captured - Oct 16, 2018

Screenshot Last Captured - Oct 16, 2018

Price - \$49/night

Cleaning Fee - \$

Information Provided on Listing

Contact Name - Patrick

Latitude, Longitude -- 36.161122, -86.873767

Minimum Stay (# of Nights) - 1

Max Sleeping Capacity (# of People) - 2

Max Number of People per Bedroom - 2

Number of Reviews - 12

Last Documented Stay - 10/2018

Listing Screenshot History

View Latest Listing Screenshot

August 1

September 4

October 4

October 16, 2018 - 01:04PM America/Chicago



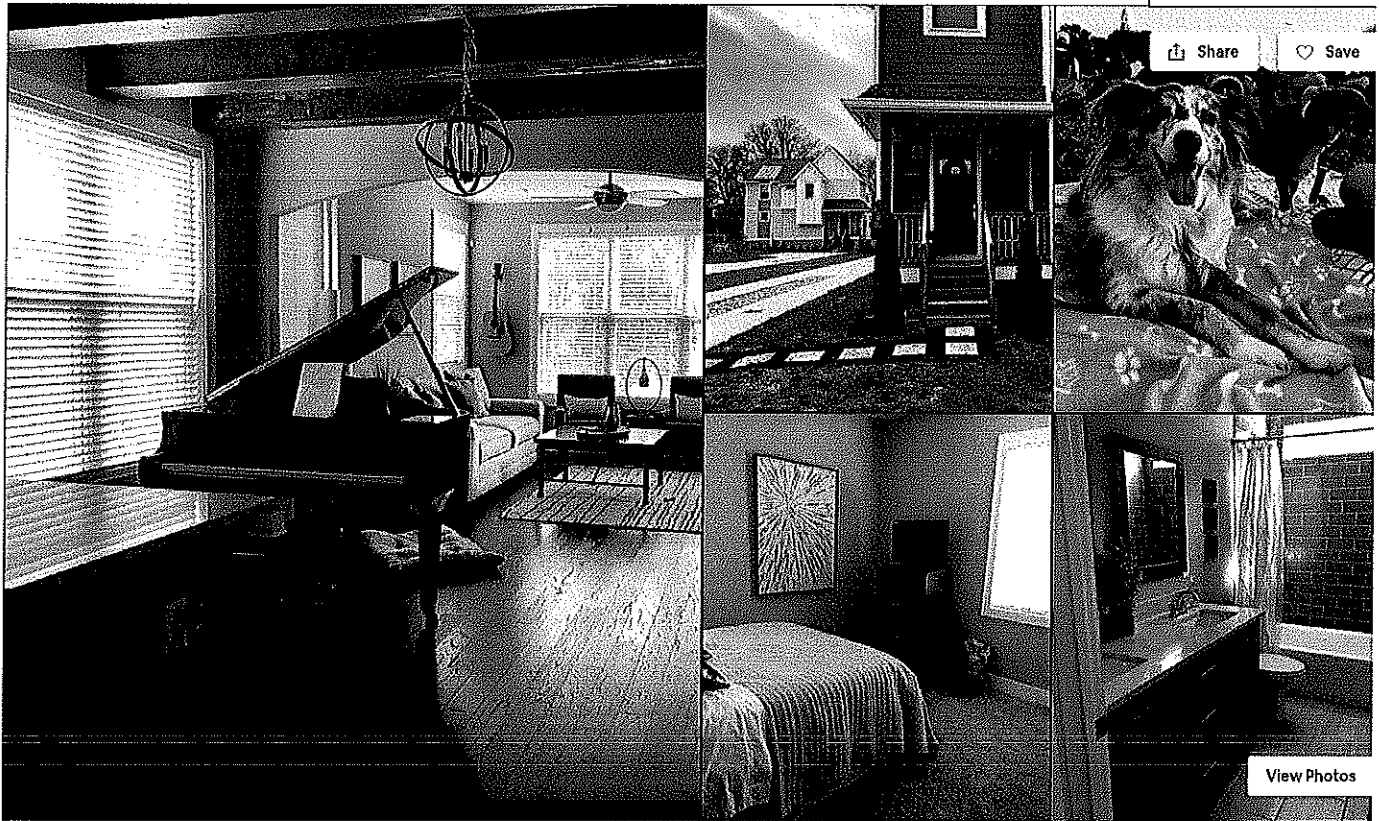
Search

Become a host Help Sign up Log in

Oct 16, 2018 1:04pm CT

Share

Save



View Photos

PRIVATE ROOM IN HOUSE

Private room in new home! Amazing location!

Nashville



Patrick

2 guests 1 bedroom 1 bed 1.5 private baths

HOME HIGHLIGHTS

Great check-in experience · 100% of recent guests gave this home's check-in process a 5-star rating.

Helpful · Not helpful

Sparkling clean · 5 recent guests have said that this home was sparkling clean.

Helpful · Not helpful

Self check-in · Easily check yourself in with the lockbox.

Helpful · Not helpful

Private room in a brand new house in one of Nashville's hottest areas. 10-12 minutes to downtown. Less than 5 minutes from shopping, Costco, coffee shops, and many restaurants and bars. Walking distance to the Cumberland River and Blue Moon Riverfront Bar and Grill. Room comes with private bathroom with bathtub and all the essentials including fresh coffee in the morning. Annie, our 4 yr old Australian Shepherd, is also great company!

Read more about the space

Contact host

Amenities

Free parking on premises

Breakfast

Kitchen

Iron

\$59 per night

★★★★ 12

Dates

Check in

→ Check out

Guests

1 guest

Request to Book

You won't be charged yet

Report this listing

Wifi

TV

Show all 20 amenities

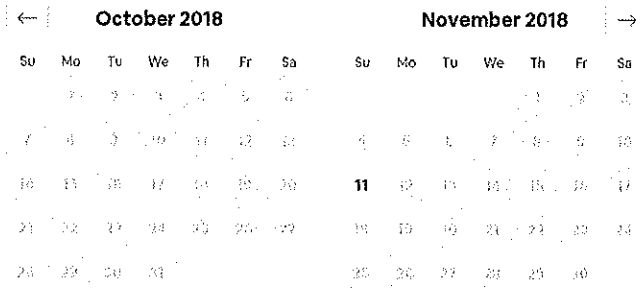
Sleeping arrangements



Bedroom 1
1 queen bed

Availability

Updated 1 day ago



12 Reviews ★★★★★

Search reviews

Accuracy	★★★★★	Location	★★★★★
Communication	★★★★★	Check-in	★★★★★
Cleanliness	★★★★★	Value	★★★★★

Briggs
October 2018

Patrick's house was extremely clean, well-appointed and they were very welcoming hosts. It was a great value and we appreciate the hospitality.

Marsha & Greg
October 2018

This is an impeccably clean place! The bed was super comfy. It was a short distance to downtown Nashville. We highly recommend it!

Nic
September 2018

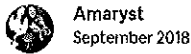
Great house! Neighbor even let us park our giant Uhaul in his yard. Great folks and a nice space. Everything was easy! House is brand new and beautiful.

Alyssa
September 2018

Patrick and Lauren were lovely hosts! Their food recommendations were always delicious, they were friendly and the location was awesome. It was a great first stay in Nashville!

Heather
September 2018

Lovely hosts, home, and pup! It was immaculately clean and comfortable, and we felt right at home. 100% recommend.



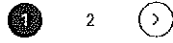
Amaryst
September 2018

Fantastic hosts, give great advice on BBQ places, and have a stylish, comfortable and welcoming home. Their dog is beautiful and friendly! Would recommend to anyone looking for a fun and welcoming stay in Nashville! Thanks again!



Sadé
September 2018

You'll enjoy the comfort of this home! Great hospitality



Hosted by Patrick

Nashville, Tennessee, United States · Joined in July 2016

★ 17 Reviews ✨ Verified



Contact host

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

About the home

When you stay in an Airbnb, you're staying in someone's home.

This is Patrick's place.

Lauren helps host.



The neighborhood

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

We are in West Nashville in what is known as the Nations. It is an area that has seen tremendous growth in the last few years due to its central location and proximity to downtown and the river.

[Read more about the neighborhood](#) ▾

Things to do in Nashville

Nearby landmarks

Centennial Park	4.5 mi
The Parthenon	4.6 mi
Bicentennial Capitol Mall State Park	5.4 mi
Belle Meade Plantation	5.5 mi
Frist Art Museum	5.8 mi

Exact location information is provided after a booking is confirmed.

Policies

House Rules

Not suitable for children and infants

No smoking

No pets

No parties or events

Check-in is anytime after 3PM

Check out by 11AM

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](#) ▾

From: [Herbert, Bill \(Codes\)](#)
To: [Shepherd, Jessica \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#)
Subject: FW: BZA 2018-666
Date: Monday, November 5, 2018 1:05:03 PM
Attachments: [~WRD000.jpg](#)

From: Mary Carolyn Roberts [mailto:marycarolynroberts@gmail.com]
Sent: Monday, November 05, 2018 9:49 AM
To: Herbert, Bill (Codes); Michael, Jon (Codes)
Subject: BZA 2018-666

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!

I want to express my support for BZA case number 2018-666. This is a hard working couple who fell into the AIRBNB pitfall and are struggling to make ends meet. The address is 647C James Ave, 37209. The name on the account is Patrick Thomas (full name is Albert Patrick Thomas IV.)

Thank you,



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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF WASHINGTON AND DAVIDSON COUNTY

Appellant : Barry KingDate: 10-19-18Property Owner: Barry KingCase #: 2018-669Representative: Barry KingMap & Parcel: 05104004200Council District 8

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

Purpose: To renew a STRP permit.Activity Type: Short Term RentalLocation: 637 Gibson Dr.

This property is in the R20 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.

Barry King

Appellant Name (Please Print)

Same

Representative Name (Please Print)

637 Gibson Dr.

Address

Address

Madison, TN 37115

State, Zip Code

City, State, Zip Code

(615)509-7011

Phone Number

Phone Number

barrykingdesigns@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



3570855

ZONING BOARD APPEAL / CAAZ - 20180066594
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

----- PARCEL: 05104004200 ----- APPLICATION DATE: 10/19/2018 -----

SITE ADDRESS:

637 GIBSON DR MADISON, TN 37115
LOT 13 DALE HGTS

PARCEL OWNER: KING, BARRY M. & JERRY & DONNA J.

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.

Gregory B. [Signature] 10/19/18

Rental Unit Record

637 Gibson Dr, Madison, TN 37115, USA

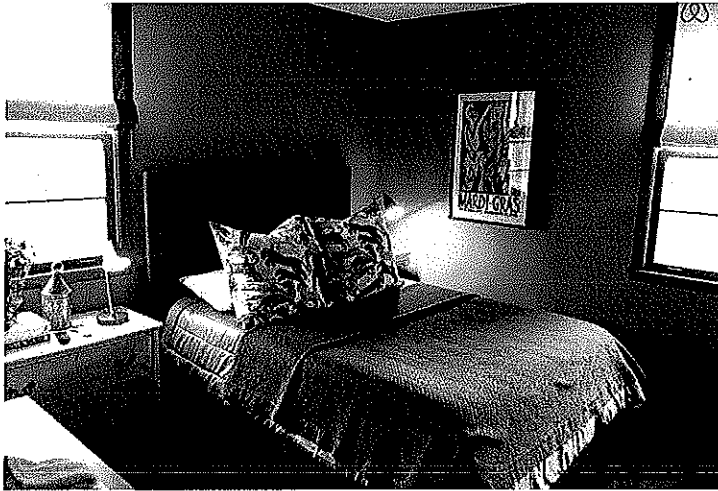
Removed

Identified

Compliant

PRINT

Airbnb - 27546946



Identified Address

637 Gibson Dr, Madison, TN 37115, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.255299, -86.720205

Parcel Number

05104004200

Owner Name

KING, BARRY M. & JERRY & DONNA J.

Owner Address

637 GIBSON DR
MADISON, TN 37115, US

Matched Details

Analyst

CZBL

Explanation

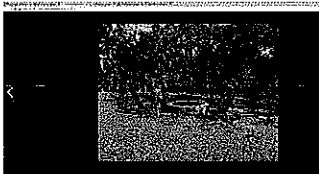
The outside photos match. Host name is Barry, owner's name is also Barry

Listing Photos



features with arrows match

Matching 3rd Party Sources



firepit match



Timeline of Activity

View the series of events and documentation pertaining to this property

- Listing air27546946 Removed October 19th, 2018
- Listing air27546946 Reposted

10/19/2018

Matched property listing

Zip Code Match

Owner Name Match

October 17th, 2018

City Name Match

Listing air27546946 Removed
October 16th, 2018

3 Documented Stays
October, 2018

First Warning - No STR or Tax: Delivered
October 11th, 2018

Listing air27546946 Reposted
October 11th, 2018

Listing air27546946 Removed
October 10th, 2018

First Warning - No STR or Tax: Sent
October 5th, 2018

9 Documented Stays
September, 2018

Listing air27546946 Identified
September 24th, 2018

4 Documented Stays
August, 2018

Listing air27546946 First Crawled
August 10th, 2018

Listing air27546946 First Activity
August 9th, 2018

Listing Details

Listing URL	— https://www.airbnb.com/rooms/27546946
Listing Status	● Inactive
Host Compliance Listing ID	— air27546946
Listing Title	— Handsome Nashville Bedroom
Property type	— House
Room type	— Private room
Listing Info Last Captured	— Oct 15, 2018
Screenshot Last Captured	— Oct 16, 2018
Price	— \$30/night
Cleaning Fee	— \$20

Information Provided on Listing

Contact Name	— Barry
Latitude, Longitude	— 36.255919, -86.719924
Minimum Stay (# of Nights)	— 1
Max Sleeping Capacity (# of People)	— 2
Max Number of People per Bedroom	— 2
Number of Reviews	— 16
Last Documented Stay	— 10/2018

Listing Screenshot History

View Latest Listing Screenshot

August **2**

September **5**

October **4**

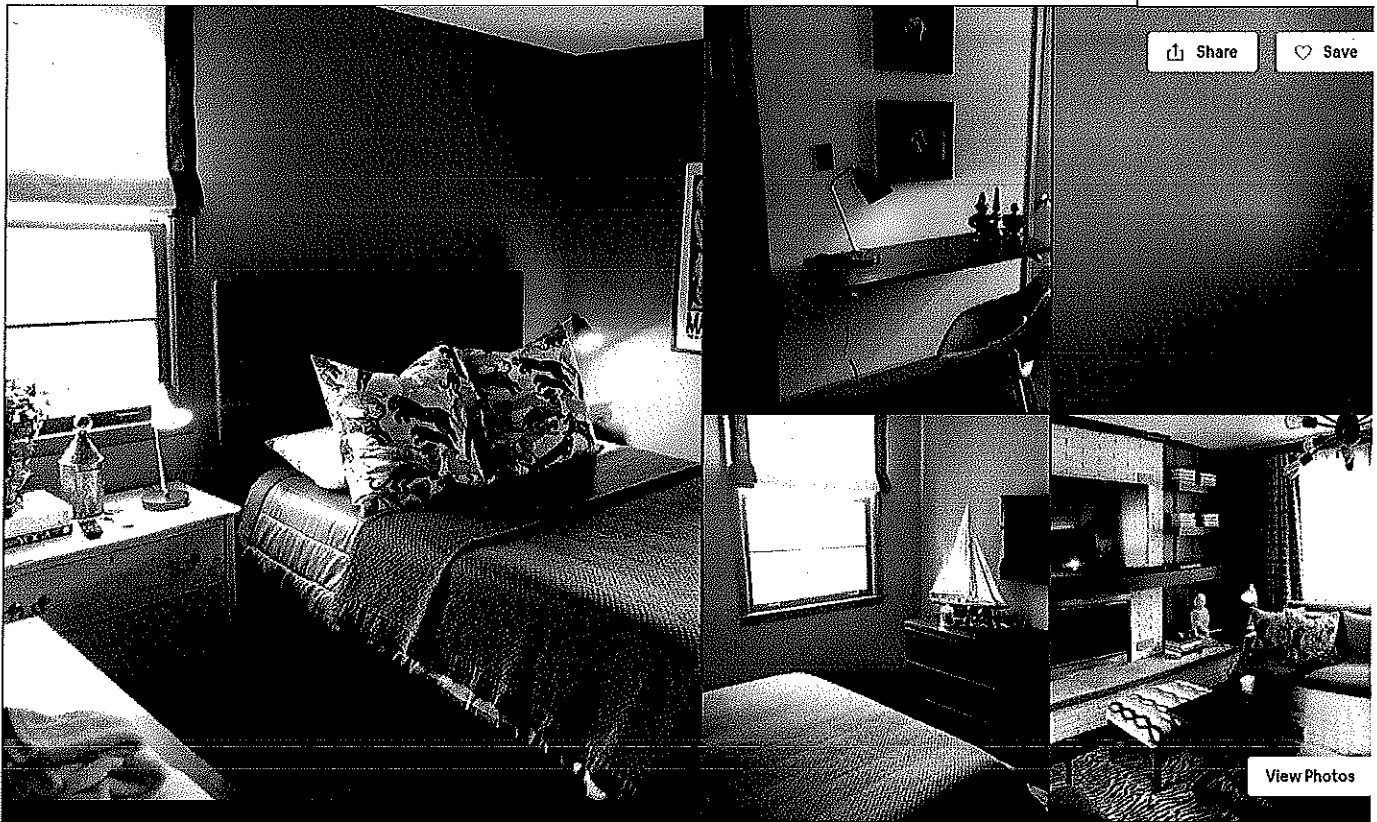
October 16, 2018 - 12:19AM America/Chicago



Search

Become a host Help Sign up Log in

Oct 16, 2018 12:19am CT



Share

Save

View Photos

PRIVATE ROOM IN HOUSE

Handsome Nashville Bedroom

Nashville



Barry

2 guests 1 bedroom 1 bed 1 shared bath

HOME HIGHLIGHTS

Great location · 100% of recent guests gave this home's location a 5-star rating.

Helpful · Not helpful

Barry is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Helpful · Not helpful

Sparkling clean · 9 recent guests have said that this home was sparkling clean.

Helpful · Not helpful

Stylish, comfortable Queen Bedroom with shared bath, in a mid century ranch home. There is a desk area in the room along with USB outlets, WIFI, a large TV with DirectTV, Netflix, Hulu, and Amazon Prime. You are welcome to relax in well designed living areas, and I'm available for any information you might need about the area. There are outdoor entertaining areas, fire pit, covered porches. 1 mile from East Nashville, 2 miles from Opryland Hotel, and 10 minutes from downtown.

Read more about the space

Contact host

Amenities

Free parking on premises

Indoor fireplace

\$30 per night

★★★★★ 16

Dates

Check in

→ Check out

Guests

1 guest

Book

You won't be charged yet

Report this listing

Wifi

Cable TV

Gym

Iron

Show all 39 amenities

Accessibility

Wide doorway to the home's entrance

Well-lit path to entrance

Show all

Availability

Updated 6 days ago

October 2018							November 2018						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	

16 Reviews ★★★★★

Search reviews

Accuracy	★★★★★	Location	★★★★★
Communication	★★★★★	Check-in	★★★★★
Cleanliness	★★★★★	Value	★★★★★

Joseph
October 2018

This was the first time I've booked a private bedroom instead of a whole place. I wasn't sure what to expect, but Barry was very communicative before my stay and made me feel very comfortable during it. Turns out we also had a lot in common. Great person and a great place. I loo...Read more

Evan
October 2018

Barry was great! Place was beautiful, quiet, and great value. Thanks for having me!

Response from Barry:
Thanks Evan. Glad to meet you!
October 2018

Nike
September 2018


We had a short but very nice stay with Barry. His home is beautifully designed and it's super easy to go in and out of the private room. We had everything we needed and were less than a 10 minute drive from cool spots in East Nashville. Our drive downtown was less than 20 minutes...Read more

Response from Barry:
Thank you Nike! It was a pleasure having you and Archie. Hope your trip was fantastic.
September 2018


Tal
September 2018


A great place and a great host. Thankst

A great place and a great host. Thanks.


 **Paul**
September 2018


Barry made us feel right at home and was an outstanding host.

 **Response from Barry:**
Really enjoyed having you both as guests! Have a fun trip!
September 2018


 **John**
September 2018

Barry's place was exactly what I was looking for. Convenient overnight stay, only 15 minutes from the airport. The shared space was comfortable and privacy was respected. I'd stay at Barry's place again, no question.

 **Response from Barry:**
Thanks John! Glad to have had you as a guest!
September 2018

 **Zachary**
September 2018

Everything was as described. Room was clean and comfortable.

 **Response from Barry:**
Glad to have had you as a guest Zachary. Safe travels home.
September 2018



The neighborhood

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

Quiet residential neighborhood, close to unique restaurants and shopping. The neighborhood is safe and convenient to walk, run or bike. We are a quick 12 minute drive to downtown Nashville, Germantown, the Gulch, Midtown and the airport. East Nashville, our hippest neighborhood is just a mile away, and 5 Points is a quick 10 minute drive. Opry Mills and the Opryland Hotel and Convention Center are 2 miles away.

[Read more about the neighborhood](#) ▾

Things to do in Nashville


Exact location information is provided after a booking is confirmed.

Hosted by Barry

Nashville, Tennessee, United States · Joined in August 2016

★ 18 Reviews ✪ Verified



Barry is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests. 

Interior Designer, Gaymer, traveler, fitness junkie, foodie, flow flagger. I'm a great cook and crave great craft beer. I love chasing waterfalls.

Barry supports the Living Wage Pledge
People who clean this host's listing are paid a living wage. [Learn more](#)

Languages: English

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](#)

Policies

House Rules

- Not suitable for children and infants
- No smoking
- No pets
- No parties or events
- Check-in is anytime after 3PM
- Check out by 11AM
- [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](#) ▾

Explore other options in and around Nashville

11-26-18

Metco Board of Zoning Appeals

Regarding Appeal Case Number 2018-669,
637 Gibson Dr, Map parcel 05104004200
Mr. Bruce King. Mr King is requesting Item A
appeal challenging zoning admin denied previously
for a short term rental permit.

This is not a business or ~~commercial~~ or
commercial area. Not to be used for motel or
hotel purposes.

Zoning rules should be upheld. You also
have negative comments about short term
rentals.

I respectfully ask this permit be denied.
Again zoning rules should be upheld.

Emilyn Harder
636 Gibson Dr
Madison, IN 37115

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : Staci KogerDate: 10-22-18Property Owner: Staci KogerCase #: 2018-670Representative: Staci KogerMap & Parcel: 04700010800Council District 8

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: 4965 Sulphur Creek Dr.

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

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required short term rental permit.

Section(s): 17.16.250 (E)

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

Staci Koger

Appellant Name (Please Print)

Same

Representative Name (Please Print)

4965 Sulphur Creek Rd.

Address

Address

Nashville, TN 37218

City, State, Zip Code

City, State, Zip Code

(615)210-7884

Phone Number

Phone Number

staci3381@comcast.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**



3568240

**APPLICATION FOR RESIDENTIAL SHORT TERM RENTAL / CASR - T2018064696
THIS IS NOT A PERMIT**

PARCEL: 04700010800

APPLICATION DATE: 10/11/2018

SITE ADDRESS:

4965 SULPHUR CREEK RD NASHVILLE, TN 37218
S. SIDE SULPHUR CREEK ROAD E. OF OLD HICKORY BLVD

PARCEL OWNER: KOGER, RICHARD N. & STACI

APPLICANT: Staci Koger
4965 Sulphur Creek Rd.
Nashville, TN 37218 615 210-7884

CONTACT: Staci Koger
4965 Sulphur Creek Rd.
Nashville, TN 37218

PURPOSE:

STRP Permit is for accessory dwelling only.

By making this application for a Residential Short Term Rental Permit, I certify that I will comply with all requirements of Ordinance BL2014-951, BL2016-381, BL2016-492, BL2017-608, and State of Tennessee Public Chapter No. 972.

Property is Owner occupied, 1 sleeping rooms, 6 person maximum occupancy.

Proof of residence has been verified.

Owner compliance letter verified.

Floor Plan and smoke detectors verified.

Notification to adjacent residences confirmed.

Applicant has confirmed that subject property is not in violation of a Homeowners Association

*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	APPROVED	615-880-3245 David.Frabutt@nashville.gov
[A] Bond & License Review On Bldg App	APPROVED	615-880-3245 David.Frabutt@nashville.gov
U&O Life Safety Final Approval - STRP		615-862-5380 dorothy.joecken@nashville.gov



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



3571046

ZONING BOARD APPEAL / CAAZ - 20180066723
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 04700010800 APPLICATION DATE: 10/22/2018

SITE ADDRESS:

4965 SULPHUR CREEK RD NASHVILLE, TN 37218
S. SIDE SULPHUR CREEK ROAD E. OF OLD HICKORY BLVD

PARCEL OWNER: KOGER, RICHARD N. & STACI

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

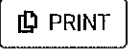
Pending your appeal of the denial of your application for a short term rental permit (STRP), you are prohibited from operating the STRP. Should you continue to advertise and/or operate the STRP at the subject property, the matter will be referred to Metro Legal for prosecution in Environmental Court.

Stu K 10/22/18

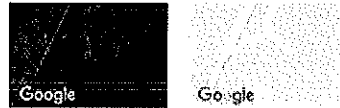
Rental Unit Record

4965 Sulphur Creek Rd, Nashville, TN 37218, USA

Removed X
Identified ✓
Compliant X



Airbnb - 26063544



Identified Address

4965 Sulphur Creek Rd, Nashville, TN 37218, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.238910, -86.903202

Parcel Number

04700010800

Owner Name

KOGER, RICHARD N. & STACI

Owner Address

4965 SULPHUR CREEK RD NASHVILLE, TN 37218, US

Matched Details

Analyst

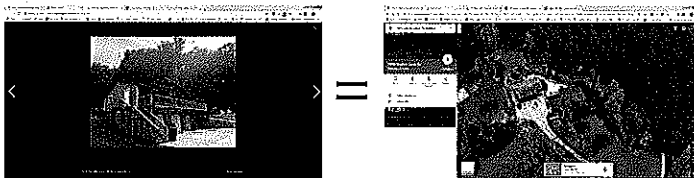
PK9V

Explanation

Tax record matched BOTH names.

Listing Photos

Matching 3rd Party Sources



Garage is not yet renovated, but matches perfectly to description.

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

X Listing air26063544 Removed October 20th, 2018

10/22/2018




Matched property listing

Listing URL	— https://www.airbnb.com/rooms/26063544	 First Warning - No STR or Tax: Delivered  October 12th, 2018
Listing Status	● Inactive	
Host Compliance Listing ID	— air26063544	 First Warning - No STR or Tax: Sent  October 5th, 2018
Listing Title	— The Milky Way in the hills of Nashville TN	
Property type	— Guesthouse	 Listing air26063544 Identified September 24th, 2018
Room type	— Entire home/apt	 6 Documented Stays August, 2018
Listing Info Last Captured	— Oct 18, 2018	
Screenshot Last Captured	— Oct 17, 2018	 Listing air26063544 First Crawled July 20th, 2018
Price	— \$120/night	● Listing air26063544 First Activity July 20th, 2018
Cleaning Fee	— \$	

Information Provided on Listing

Contact Name	— Rick & Staci
Latitude, Longitude	— 36.238836, -86.903936
Minimum Stay (# of Nights)	— 1
Max Sleeping Capacity (# of People)	— 4
Max Number of People per Bedroom	— 4
Number of Reviews	— 6
Last Documented Stay	— 08/2018

Listing Screenshot History

 View Latest Listing ScreenshotAugust  4September  4October  4

October 17, 2018 - 04:07PM America/Chicago

Search

Become a host Help Sign up Log in

Oct 17, 2018 4:07pm CT



ENTIRE GUESTHOUSE

The Milky Way in the hills of Nashville TN

Nashville



Rick & Staci

4 guests 1 bedroom 1 bed 1 bath

HOME HIGHLIGHTS

Great check-in experience - 100% of recent guests gave this home's check-in process a 5-star rating.

Helpful · Not helpful

Sparkling clean - 5 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

We are just 13 miles away from Bridgestone Arena/Broadway in the middle of downtown Nashville and 7.5 miles away from the famous Fontanel Mansion formerly owned by Barbara Mandrell. Brand new guest house built July 2018 located in the quiet rolling hills of Nashville, Tennessee. The Milky Way, named by our contractor due to the color scheme, is set on an old family non-working farm with the exception of gathering eggs from a few of our own chickens and ducks.

[Read more about the space](#) ▾

Contact host

Amenities

Free parking on premises

TV

Kitchen

Dryer

\$120 per night

★★★★★ 6

Dates

Check in → Check out

Guests

1 guest ▾

[Book](#)

You won't be charged yet

Report this listing

Wifi

Hangers

Show all 30 amenities

Sleeping arrangements



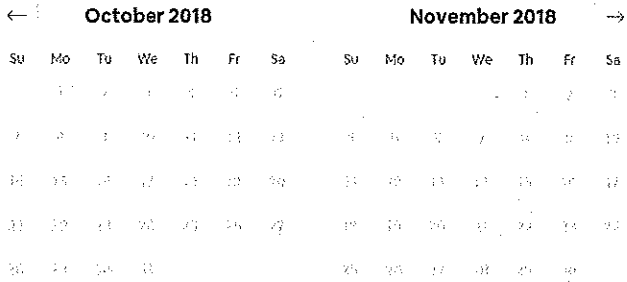
Bedroom 1
1 queen bed



Common spaces
1 sofa bed

Availability

Updated 5 days ago



6 Reviews ★★★★★

Search reviews

- Accuracy ★★★★★
- Communication ★★★★★
- Cleanliness ★★★★★
- Location ★★★★★
- Check-in ★★★★★
- Value ★★★★★

Jared
August 2018

Wow! What an awesome place to the "Milky Way" is to stay. Rick and Staci are awesome, and were great hosts. Rick greeted us upon arrival. They were available should we need anything, but also gave us space. The place is amazing. Kitchen, dining room, living space (with TV), bath...Read more

Russ
August 2018

The property is exactly as advertised. Rick & Staci made everything easy in the process and had an outstanding property. It was a great place to stay if you want to get outside of the city and be more in the nature aspect of Tennessee. Definitely would recommend for the convenien...Read more

Logan
August 2018

An honest, lovely place to relax just outside the city. Considerate family with a nice home and a nice vacation.

Paul
August 2018

The apartment is very spacious and clean. It is away from the hustle of the city but despite the distance a quick and pleasant drive. We will be back if it works out on a return trip.

Casey
August 2018

This was our first stay in an Airbnb so we were hesitant to stay somewhere brand new with no reviews but we are so glad we did! The Milky Way is far enough away from Nashville to be far from the noise and traffic, but it was a short 15 or 20 minute drive to everywhere we needed t...Read more



Nadia
August 2018

Such an amazing stay away from the hustle and bustle of the city! The animals are amazing! The accommodation is the best I have stayed in! So clean and homey! Really recommend this place!

Hosted by Rick & Staci

Joined in June 2018



★ 6 Reviews ♦ Verified

Rick and I have been married since 2004. We were both born and raised in Nashville. We have 3 children. The oldest is away in the Marine Corp and the other two are younger and still live at home with us. We love our family and friends and animals. We like to relax and we like to ...Read 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

Rick & Staci's home is located in Nashville, Tennessee, United States.

There's a farm-to-table restaurant called The Old School 2.5 miles down the road or we are just minutes away from any famous Nashville restaurant. 4 miles up the road is a Dollar General and a country store called Tony's Foodland, for any grocery needs or 7 miles to Walmart, 11 to Target.

Read more about the neighborhood ▾

Things to do in Nashville

Exact location information is provided after a booking is confirmed.

Policies

House Rules

- No smoking
- No pets
- No parties or events
- Check-in time is flexible
- Check out by 10AM
- Self check-in with keypad

[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](#) ▾

Explore other options in and around Nashville

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : Harold JohnsonDate: 10-22-18Property Owner: Harold JohnsonCase #: 2018-671Representative: Matthew McInteerMap & Parcel: 105020C00100COCouncil District 17

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

Purpose: To maintain a STRP permit.Activity Type: Short Term RentalLocation: 116 9th Cir. S

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

Reason: Item A appeal, challenging the zoning administrator's cancellation of an existing short term rental permit due to name change.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.

Harold Johnson

Appellant Name (Please Print)

Matthew McInteer

Representative Name (Please Print)

214 McMillan St.

Address

2809 12th Avenue South

Address

Nashville, TN 37203

City, State, Zip Code

Nashville, TN 37204

City, State, Zip Code

(615) 533-4078

Phone Number

(615) 724-6200

Phone Number

Email

matthew@b2mlaw.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



3571092

ZONING BOARD APPEAL / CAAZ - 20180066757
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 105020C00100CO APPLICATION DATE: 10/22/2018

SITE ADDRESS:

116 9TH CIR S NASHVILLE, TN 37203
UNIT A 116 9TH CIRCLE SOUTH

PARCEL OWNER: JOHNSON, HAROLD

CONTRACTOR:

APPLICANT:

PURPOSE:

Item A appeal, challenging the zoning administrator's cancellation of existing STRP permit due to owner name change.

*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.



BELL, McCANN & McINTEER, PLC

Matthew W. McInteer

Direct: (615) 292-2600

Fax: (615) 829-8440

Email: matthew@b2mlaw.com

2809 12th Ave. S., Nashville, TN 37204

October 22, 2018

VIA HAND DELIVERY

Metropolitan Board of Zoning Appeals
800 2nd Avenue South
Nashville, TN 37210

*Re: Harold Johnson - Administrative Appeal
Permit Nos.: 201531105 - 116 9th Cir S
Revocation of Short Term Rental Permit*

Dear Members of the Board:

This administrative appeal is submitted on behalf of Harold Johnson ("Appellant"). Appellant contests and appeals the cancellation of Short Term Rental Permit number 201531105 previously issued for his property located at 116 9th Circle S, Nashville, TN 37203.

On July 23, 2015, Appellant Harold Johnson applied for a Short Term Rental Permit at 116 9th Cir S, Nashville, Tennessee, a property owned by Mr. Johnson. Permit number 201531105 was subsequently issued on December 22, 2015. On April 18, 2016, Mr. Johnson transferred title to 116 9th Circle S into the name of his *wholly owned single-member LLC*, Progressive Development, LLC. The STRP remained in effect and was properly renewed by the Department of Codes on two occasions. On June 13, 2017, to comply with pending amendments that would require ownership as a natural person, Mr. Johnson retitled the property back in his own natural name. Thereafter, on November 14, 2017, Metro Nashville Codes Department again properly renewed Mr. Johnson's permit, which was properly in force when Metro Codes purported to cancel the same by letter dated September 28, 2018.

Mr. Johnson's permit has never been transferred nor has it expired. The property has always been 100% owned by Mr. Johnson. There is no basis for revocation of the permit in the Metro Code. As such, Appellant respectfully asserts that any revocation was in error and requests that the Board reverse the cancellation, reinstating the permit.

Thank you for your consideration of this matter. With best regards, I am

Very truly yours,

Matthew W. McInteer

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

September 28, 2018

Mr. Harold Johnson
PO Box 331235
Nashville, TN 37203

RE: Permit CASR #201531105
116 9th Cir S

Dear Mr. Johnson:

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 twice after the date of permit issuance. Since the law does not allow any transfers of STRP permits, this permit has been invalid since the April 18th, 2016 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

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Subject: BZA positions for Dec. 6 meeting
Date: Tuesday, November 20, 2018 7:31:14 PM

Board members,

You have quite the task ahead of you for this meeting's agenda! Below are my positions on the District 17 items on the Dec. 6 agenda:

2018-522: **Deny**
2018-619: **Strongly deny**
2018-637: **Support**, as applicant has spoken with me
2018-638: **Deny**
2018-644: **Deny**
2018-662: **Strongly deny** based on resident complaints
2018-671: **Deny**
2018-672: **Deny**
2018-677: **Strongly deny**

Thank you, as always, for your service, and Happy Thanksgiving!

Colby

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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : Harold JohnsonDate: 10-22-18Property Owner: Harold JohnsonCase #: 2018-672Representative: Matthew McInteerMap & Parcel: 105020C00200COCouncil District 17

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

Purpose: To maintain a STRP permit.Activity Type: Short Term RentalLocation: 118 9th Cir. S

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

Reason: Item A appeal, challenging the zoning administrator's cancellation of an existing short term rental permit due to name change.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.

Harold Johnson

Appellant Name (Please Print)

Matthew McInteer

Representative Name (Please Print)

214 McMillan St.

Address

2809 12th Avenue South

Address

Nashville, TN 37203

City, State, Zip Code

Nashville, TN 37204

City, State, Zip Code

(615) 533-4078

Phone Number

(615) 724-6200

Phone Number

Emailmatthew@b2mlaw.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



3571100

ZONING BOARD APPEAL / CAAZ - 20180066763
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 105020C00200CO

APPLICATION DATE: 10/22/2018

SITE ADDRESS:

118 9TH CIR S NASHVILLE, TN 37203

UNIT B 116 9TH CIRCLE SOUTH

PARCEL OWNER: JOHNSON, HAROLD

CONTRACTOR:

APPLICANT:**PURPOSE:**

Item A appeal, challenging the zoning administrator's cancellation of existing STRP permit due to owner name change.

*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.



BELL, McCANN & McINTEER, PLLC

Matthew W. McInteer

Direct: (615) 292-2600

Fax: (615) 829-8440

Email: matthew@b2mlaw.com

2809 12th Ave. S., Nashville, TN 37204

October 22, 2018

VIA HAND DELIVERY

Metropolitan Board of Zoning Appeals
800 2nd Avenue South
Nashville, TN 37210

*Re: Harold Johnson - Administrative Appeal
Permit No.: 201531106 - 118 9th Cir S
Revocation of Short Term Rental Permit*

Dear Members of the Board:

This administrative appeal is submitted on behalf of Harold Johnson ("Appellant"). Appellant contests and appeals the cancellations of Short Term Rental Permit number 201531106 previously issued for his property located at 118 9th Circle S, Nashville, TN 37203.

On July 23, 2015, Appellant Harold Johnson applied for a Short Term Rental Permit at 118 9th Cir S, Nashville, Tennessee, a property owned by Mr. Johnson. Permit number 201531106 was subsequently issued on December 22, 2015. On March 8, 2016, Mr. Johnson transferred title to 118 9th Circle S into the name of his *wholly owned single-member LLC*, Progressive Development, LLC. The STRP remained in effect and was properly renewed by the Department of Codes on two occasions. On June 13, 2017, to comply with pending amendments that would require ownership as a natural person, Mr. Johnson retitled the property back in his own natural name. Thereafter, on November 14, 2017, Metro Nashville Codes Department again properly renewed Mr. Johnson's permit, which was properly in force when Metro Codes purported to cancel the same by letter dated September 28, 2018.

Mr. Johnson's permit has never been transferred nor has it expired. The property has always been 100% owned by Mr. Johnson. There is no basis for revocation of the permit in the Metro Code. As such, Appellant respectfully asserts that any revocation was in error and requests that the Board reverse the cancellation, reinstating the permit.

Thank you for your consideration of this matter. With best regards, I am

Very truly yours,

Matthew W. McInteer

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

September 28, 2018

Mr. Harold Johnson
PO Box 331235
Nashville, TN 37203

RE: Permit CASR #201531106
118 9th Cir S

Dear Mr. Johnson:

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 twice after the date of permit issuance. Since the law does not allow any transfers of STRP permits, this permit has been invalid since the March 8, 2016 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

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Subject: BZA positions for Dec. 6 meeting
Date: Tuesday, November 20, 2018 7:31:14 PM

Board members,

You have quite the task ahead of you for this meeting's agenda! Below are my positions on the District 17 items on the Dec. 6 agenda:

2018-522: **Deny**
2018-619: **Strongly deny**
2018-637: **Support**, as applicant has spoken with me
2018-638: **Deny**
2018-644: **Deny**
2018-662: **Strongly deny** based on resident complaints
2018-671: **Deny**
2018-672: **Deny**
2018-677: **Strongly deny**

Thank you, as always, for your service, and Happy Thanksgiving!

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727

[ColbySledge.com](#)

[Sign up for my weekly newsletter here!](#)

From: [David Berndt](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case 2018-672. 118 9Th Cir S
Date: Friday, November 16, 2018 12:47:15 PM

I am writing to ask that this owner NOT be granted to a short term rental permit.

Metro Nashville needs to strongly enforce current law/codes. Short term rentals devalue my property and cause a security risk.

David Berndt
1005 9Th Ave. South
Nashville, TN. 37203

Sent from my iPad

From: [James Ryan Snellen, CFP](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Please deny permit #20180066763 & #201800066757
Date: Monday, December 3, 2018 9:51:11 AM

Please deny the applicant's request for STRP. A quick look at ownership history will show that Harold Johnson acquired the property in question on 6/25/2014. (as seen on Parcel Viewer). The property was changed to his business entity of "Progressive Development, LLC" on 3/8/16 and 4/26/18 as he subdivided the lots. On 4/13/17 he changed the ownership from his company back to his sole entity name.

Harold Johnson has owned the property for many years and is an investor who does not reside in the neighborhood. Unless laws have changed, I do not believe investors are allowed STRP.

--

[Ryan Snellen, CFP](#)
270.312.7703

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : Harold JohnsonDate: 10-22-18Property Owner: Harold JohnsonCase #: 2018-673Representative: Matthew McInteerMap & Parcel: 092090U00100COCouncil District 24

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

Purpose: To maintain a STRP permit.Activity Type: Short Term RentalLocation: 425 A 36th Ave N

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

Reason: Item A appeal, challenging the zoning administrator's cancellation of an existing short term rental permit due to name change.

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.

Harold Johnson

Appellant Name (Please Print)

Matthew McInteer

Representative Name (Please Print)

214 McMillan St.

Address

2809 12th Avenue South

Address

Nashville, TN 37203

City, State, Zip Code

Nashville, TN 37204

City, State, Zip Code

(615) 533-4078

Phone Number

(615) 724-6200

Phone Number

Email

matthew@b2mlaw.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



3571110

ZONING BOARD APPEAL // CAAZ - 20180066768
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 092090U00100CO APPLICATION DATE: 10/22/2018

SITE ADDRESS:

425 A 36TH AVE N NASHVILLE, TN 37209
UNIT A HOMES AT 425 36TH AVENUE AMENDED

PARCEL OWNER: JOHNSON, HAROLD

CONTRACTOR:

APPLICANT:

PURPOSE:

Item A appeal, challenging the zoning administrator's cancellation of existing STRP permit due to owner name change.

*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.



BELL, McCANN & McINTEER, PLC

Matthew W. McInteer

Direct: (615) 292-2600

Fax: (615) 829-8440

Email: matthew@b2mlaw.com

2809 12th Ave. S., Nashville, TN 37204

October 22, 2018

VIA HAND DELIVERY

Metropolitan Board of Zoning Appeals
800 2nd Avenue South
Nashville, TN 37210

*Re: Harold Johnson - Administrative Appeal
Permit Nos.: 201609648 - 425 A 36th Ave N
Revocation of Short Term Rental Permit*

Dear Members of the Board:

This administrative appeal is submitted on behalf of Harold Johnson ("Appellant"). Appellant contests and appeals the cancellation of Short Term Rental Permit number 201609648 previously issued for his property at 425 A 36th Avenue N, Nashville, TN 37209.

On March 4, 2016, Appellant Harold Johnson applied for a Short Term Rental Permit at 425 A 36th Avenue N, Nashville, Tennessee, a property owned by Mr. Johnson. Permit number 201609648 was subsequently issued on October 19, 2016. On December 28, 2016, Mr. Johnson transferred title to 118 9th Circle S into the name of his *wholly owned single-member* LLC, Progressive Development, LLC. The STRP remained in effect and was properly renewed by the Department of Codes. On June 13, 2017, to comply with pending amendments that would require ownership as a natural person, Mr. Johnson retitled the property back in his own natural name. Mr. Johnson's permit, which was properly in force when Metro Codes purported to cancel the same by letter dated September 28, 2018.

Mr. Johnson's permit has never been transferred nor has it expired. The property has always been 100% owned by Mr. Johnson. There is no basis for revocation of the permit in the Metro Code. As such, Appellant respectfully asserts that any revocation was in error and requests that the Board reverse the cancellation, reinstating the permit.

Thank you for your consideration of this matter. With best regards, I am

Very truly yours,

Matthew W. McInteer

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

September 28, 2018

Mr. Harold Johnson
PO Box 331235
Nashville, TN 37203

RE: Permit CASR #201609648
425 A 36th Ave N

Dear Mr. Johnson:

Pursuant to Section 17.16.250(B) 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 twice after the date of permit issuance. Since the law does not allow any transfers of STRP permits, this permit has been invalid since the December 28, 2016 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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : Carl KahleDate: 10-22-18Property Owner: Carl KahleCase #: 2018-675Representative: Carl KahleMap & Parcel: 13501007800Council District 28

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

Purpose: To apply for a STRP permit.Activity Type: Short Term RentalLocation: 300 Ladybird Dr.

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

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated on an expired 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.

Carl Kahle

Appellant Name (Please Print)

Representative Name (Please Print)

300 Ladybird Dr.

Address

Address

Nashville, TN 37217

City, State, Zip Code

City, State, Zip Code

(931) 206-6605

Phone Number

Phone Number

carlpad83@yahoo.com

Email

Email

Appeal Fee: \$100.00



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS

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

MAILING ADDRESS

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

NOTICE

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

Call 7/24/18 10/22/18



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



3571286

ZONING BOARD APPEAL / CAAZ - 20180066887
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 13501007800

APPLICATION DATE: 10/22/2018

SITE ADDRESS:

300 LADYBIRD DR NASHVILLE, TN 37217
LOT 107 TOWN PARK ESTATES

PARCEL OWNER: KAHLE, CARL

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.

DEACTIVATED AT ZONING

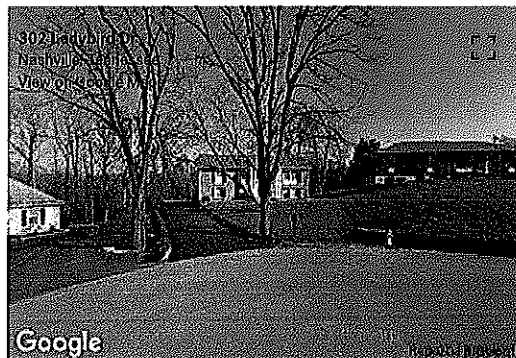
Rental Unit Record

300 Ladybird Dr, Nashville, TN 37217, USA

Active ●
Identified ✓
Compliant X

PRINT

Airbnb - 7080948



Identified Address

300 Ladybird Dr, Nashville, TN 37217, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.100928, -86.665622

Parcel Number

13501007800

Owner Name

KAHLE, CARL

Owner Address

300 Ladybird Dr
Nashville, TN 37217, US

Registration / Permit Number

500826

Matched Details

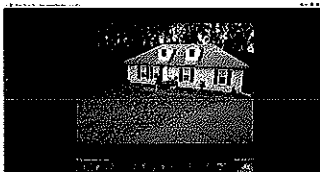
Analyst

300G

Explanation

View of property from Google Streetview matches listing photo. The address was further confirmed using the parcel map from the county assessor website.

Listing Photos



Matching 3rd Party Sources



Same exterior.

Zip Code Match

Owner Name Match

City Name Match

Timeline of Activity

View the series of events and documentation pertaining to this property

Listing Details

Listing URL	- https://www.airbnb.com/rooms/7080948
Listing Status	● Active
Host Compliance Listing ID	- air7080948
Listing Title	- 11 Miles From Downtown Nashville
Property type	- House
Room type	- Entire home/apt
Listing Info Last Captured	- Oct 20, 2018
Screenshot Last Captured	- Oct 17, 2018
Price	- \$125/night
Cleaning Fee	- \$100

Information Provided on Listing

Contact Name	- Carl And Ann Marie
Latitude, Longitude	- 36.101830, -86.665284
Minimum Stay (# of Nights)	- 3
Max Sleeping Capacity (# of People)	- 6
Max Number of People per Bedroom	- 2
Number of Reviews	- 111
Last Documented Stay	- 10/2018





Listing Screenshot History

 View Latest Listing Screenshot

August **2**

September **5**

October **4**

- First Warning - No STR Permit: Delivered
October 12th, 2018 
- 2 Documented Stays
October, 2018
- First Warning - No STR Permit: Sent
October 5th, 2018 
- 4 Documented Stays
September, 2018
- 5 Documented Stays
August, 2018
- 2 Documented Stays
July, 2018
- 2 Documented Stays
June, 2018
- 5 Documented Stays
May, 2018
- 1 Documented Stay
April, 2018
- Airbnb Letter: Delivered
April 9th, 2018 
- Airbnb Letter: Sent
April 4th, 2018 
- 4 Documented Stays
March, 2018
- Listing air7080948 Reposted
March 3rd, 2018
- ✘ Listing air7080948 Removed
March 2nd, 2018
- 2 Documented Stays
February, 2018
- 1 Documented Stay
January, 2018
- 2 Documented Stays
December, 2017
- 3 Documented Stays
November, 2017
- 5 Documented Stays
October, 2017
- 2 Documented Stays
September, 2017
- 3 Documented Stays
August, 2017
- Listing air7080948 Identified
August 2nd, 2017
- 5 Documented Stays
July, 2017
- 3 Documented Stays
June, 2017
- 2 Documented Stays
May, 2017
- 4 Documented Stays
April, 2017

- 📅 4 Documented Stays
March, 2017
- 📅 1 Documented Stay
February, 2017
- 📅 1 Documented Stay
January, 2017
- 📅 2 Documented Stays
December, 2016
- 📅 2 Documented Stays
November, 2016
- 📅 3 Documented Stays
October, 2016
- 📅 1 Documented Stay
August, 2016
- 📅 3 Documented Stays
July, 2016
- ✳ Listing air7080948 First Crawled
July 21st, 2016
- 📅 3 Documented Stays
June, 2016
- 📅 3 Documented Stays
May, 2016
- 📅 4 Documented Stays
April, 2016
- 📅 4 Documented Stays
March, 2016
- 📅 1 Documented Stay
February, 2016
- 📅 2 Documented Stays
January, 2016
- 📅 6 Documented Stays
December, 2015
- 📅 3 Documented Stays
November, 2015
- 📅 7 Documented Stays
October, 2015
- 📅 3 Documented Stays
September, 2015
- 📅 1 Documented Stay
August, 2015
- Listing air7080948 First Activity
August 28th, 2015

2018-675
OPPOS

Mrs. John F. Morgan Jr.
304 Ladybird Ave.
Nashville, TN 37217

Board of Zoning Appeals
Metco, Nashville, TN
Case # 2018-675

Dear Sir,

I am in opposition to short term rental permits in our neighborhood. It is not satisfactory, sometimes loud and some beer cans end up in my culvert, which is very deep and I am 87 yrs old, it is hard for me to get down there to pick them up.

Garbage can sometimes stays in the street all week. These homes are not groomed like a permanent residence. The airport did us in and now short term rental is doing us in.

One weekend two men in a truck rented the house, looked all around everywhere - quite scary.

Carl Kable is a very nice

person, I like him a lot, he
moved to a nice neighborhood
and I don't think he would
enjoy this next to his house,
as he is very particular, as
I am.

We need your help to keep
a nice neighborhood.

Thank you
Joann Grogan