

D O C K E T

12/13/2018

1:00 P.M.

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

**Meeting held in the DSC Conference Room
800 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**

SHORT TERM RENTAL CASES

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 2018-658 (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 2018-669 (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 : Renee MaxDate: 9-28-18Property Owner: Anne BallardCase #: 2018-606Representative: Renee MaxMap & Parcel: 10411026600Council District 18

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

Purpose: To obtain a STRP permit.Activity Type: Short Term RentalLocation: 2619 Essex Pl.

This property is in the RS7.5 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated on an expired short term rental permit.

Section(s): 17.16.250 (E)

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

Renee Max

Appellant Name (Please Print)

Same as Appellant

Representative Name (Please Print)

718 Starlit

Address

Address

Nashville, TN 37205

City, State, Zip Code

City, State, Zip Code

(615) 975-7043

Phone Number

Phone Number

songbirdstudios@att.net

Email

Email

Appeal Fee: \$100.00



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



3564222

ZONING BOARD APPEAL / CAAZ - 20180061907
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10411026600

APPLICATION DATE: 09/28/2018

SITE ADDRESS:

2619 ESSEX PL NASHVILLE, TN 37212

LOT 126 BRANS RLTY CO SUB OF, EDGAR JONES HOME PLACE

PARCEL OWNER: BALLARD, ANNE T.

CONTRACTOR:

APPLICANT:

PURPOSE:

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required short term rental permit.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

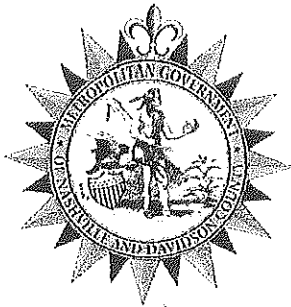
OFFICE ADDRESS
METRO OFFICE BUILDING -- 3rd FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS
POST OFFICE BOX 196900
NASHVILLE, TENNESSEE 37219-6900
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes

NOTICE

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

Kenley representing *Lenne Becklund*



AFFIDAVIT FOR SHORT TERM RENTAL

I, Anne Ballard hereby authorize Renee May to apply for a Short Term Rental Permit for my property located at 2619 Essex Pl Nashville, TN 37212

[Signature]
Signature

9-25-18
Date

Affiant's PRINTED Name Aubrey Hand
Affiant's Address 73 White Bridge Rd. #103 Nashville, TN 37205

Representative's Email songbirdstudios@att.net
Phone 615.975.7043

Notary Public on continued page...



AFFIDAVIT FOR SHORT TERM RENTAL

COUNTY OF DAVIDSON

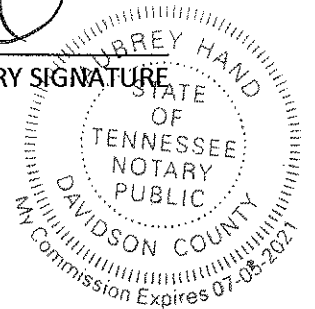
STATE OF TENNESSEE

Before me, Aubrey Hand, a Notary Public for said County and said State, appeared [Signature], with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who acknowledged that he/she is the Representative for STRP Permit# 100, and that in the capacity of Representative executed the foregoing Affidavit for the purposes therein contained.

This the 25 day of Sept., 2018.

[Signature]

NOTARY SIGNATURE



My Commission Expires: 07.05.21

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.

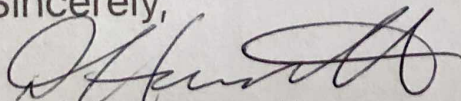
I completely respect the right of a homeowner to rent their home. However, regarding the current property, we have already had several issues. Firstly, because of the size of this home there are large parties that will stay for the weekend. They are quite loud and I have had to come outside to tell them 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

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 Belmont 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 Belmont Ave.
Address

511 Rosebank Ave.
Address

Nashville, TN 37212
City, State, Zip Code

Nashville, TN 37206
City, State, Zip Code

650-291-3129
Phone Number

615-870-4650
Phone Number

dhxu123@gmail.com
Email

j.hollin@mc.com
Email

Appeal Fee: _____

DAVID BRILEY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

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

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

July 16th, 2018

Gaungdou Xu
82 Heaton Close
Franklin, TN 37069

RE: Permit CASR #201514605
2818 Belcourt Ave

Dear Mr. Guangdou Xu:

Pursuant to Section 17.16.250(E) of the Metropolitan Code of Laws, this letter serves as your formal notice of the cancellation of the above referenced STRP permit. This property changed ownership after the date of permit issuance. Since the law does not allow any transfers of STRP permits, this permit has been invalid since the July 18th, 2015 ownership change.

All short term rental advertising, operations, and actual renting at this address must cease immediately. Any such actions at the subject address will be a violation of law and subject you to court proceedings. You have the right to appeal this action at the Board of Zoning Appeals.

Sincerely,

Jon Michael
Metro Codes

CC: The Eric and Jeffrey Family Trust

Search...

Address

SUMMARY

APN 10406030700 2818 BELCOURT AVE

- Address
- Owner
- Property
- Parcel Genealogy
- Comments
- Land Use
- Tax Assessments
- Flags
- Geographic Areas
- Zoning
- Permits / RFS

CURRENT OWNER

DING, SUHUA & XU, DONGHONG
 860 BANBURY LN
 MILLBRAE, CA 94030

Sale Code	Source	Instrument	Acquired	
		Quit Claim Deed	08-15-2018	
Valid Sale		QC-20180816 0081447 Q	Historical	No

Previous Owners

ERIC AND JEFFREY FAMILY TRUST, THE
 860 BANBURY LN
 MILLBRAE, CA 94030

Sale Code	Source	Instrument	Acquired	
		Quit Claim Deed	07-18-2015	
Valid Sale		QC-20150724 0072745 Q	Historical	08-15-2018

DING, SUHUA & XU, DONGHONG
 2818 BELCOURT AVE
 NASHVILLE, TN 37212

Sale Code	Source	Instrument	Acquired	
		Deed	04-15-2015	
Valid Sale	Q	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: [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 Karpynec; 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: [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



2018-618

Lifsey, Debbie (Codes)

From: Daniela Popa <popa_daniela@hotmail.com>
Sent: Sunday, October 28, 2018 1:38 PM
To: Board of Zoning Appeals (Codes)
Subject: opposing permit 20180062854

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

Lifsey, Debbie (Codes)

From: Nora Liggett <Nora.Liggett@wallerlaw.com>
Sent: Wednesday, October 31, 2018 11:56 AM
To: Board of Zoning Appeals (Codes)
Subject: Short term rental appeal for 2818 Belcourt Avenue

Dear Board of Zoning Appeals:

My name is Nora Liggett and I live at 2805 Belcourt Avenue. I am writing to let you know I am OPPOSED to your overturning the zoning administrator's revocation of a short term rental permit for 2818 Belcourt Avenue. This has been a problem bachelorette and bachelor party house in the past, with loud drunken parties and more guests than the short term rental regulations allow. I believe the property has had four codes type complaints lodged against it in the past.

Please uphold the zoning administrator's decision to revoke the permit.

Thanks,

Nora Liggett

Nora L. Liggett, Esq.
Partner

waller

Waller Lansden Dortch & Davis, LLP
511 Union Street, Suite 2700
Nashville, TN 37219
615.850.8908 |
nora.liggett@wallerlaw.com
vCard

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Lifsey, Debbie (Codes)

From: Tom Cash <tcash101@aol.com>
Sent: Thursday, December 6, 2018 6:52 AM
To: Board of Zoning Appeals (Codes)
Subject: 2808 Belcourt

Commissioners-

I write in opposition to the variance request at 2808 Belcourt. The property as an STRP has been problematic, hosted huge events, and has 4 official complaints lodged against it. Legally, it did change ownership and should not receive a new permit. In hearings over the years, responsible STR owners have called for Metro to enforce rules about STRs to make those who follow the rules stand out as members of a business model that can work. This is one of those instances where enforcement is needed to help the industry as a whole. Please deny.

Sincerely,
Tom Cash, President
Hillsboro West End Neighbors

Lifsey, Debbie (Codes)

From: MEREDITH GOULD <meredithgould@comcast.net>
Sent: Monday, October 29, 2018 4:37 PM
To: Board of Zoning Appeals (Codes)
Subject: Appeal Case number 2018-618

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

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

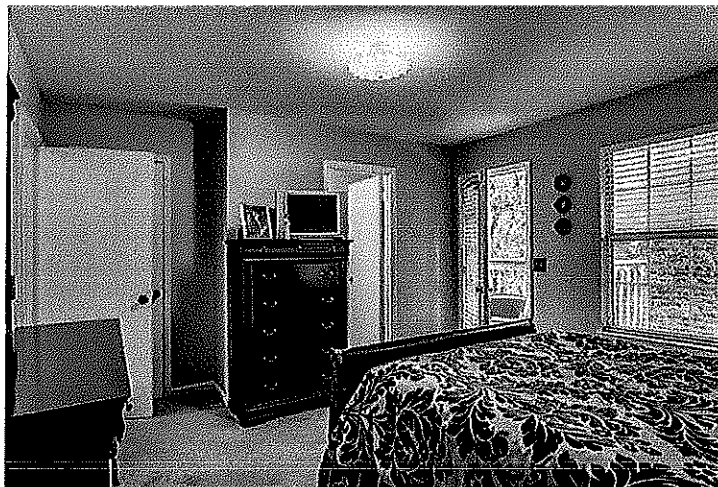
Rental Unit Record

5533 Thalman Dr, Brentwood, TN 37027, USA

Removed ✗
Identified ✓
Compliant ✓

PRINT

Airbnb - 26576101



BRENTWOOD MEADOWS
Brentwood, TN 37027
Google



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

Matched Details

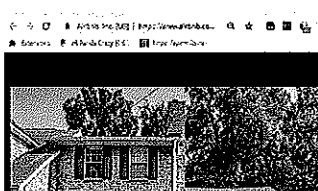
Analyst

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

Timeline of Activity

View the series of events and documentation pertaining to this property

Listing Details

✗ Listing air26576101 Removed
October 15th, 2018

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



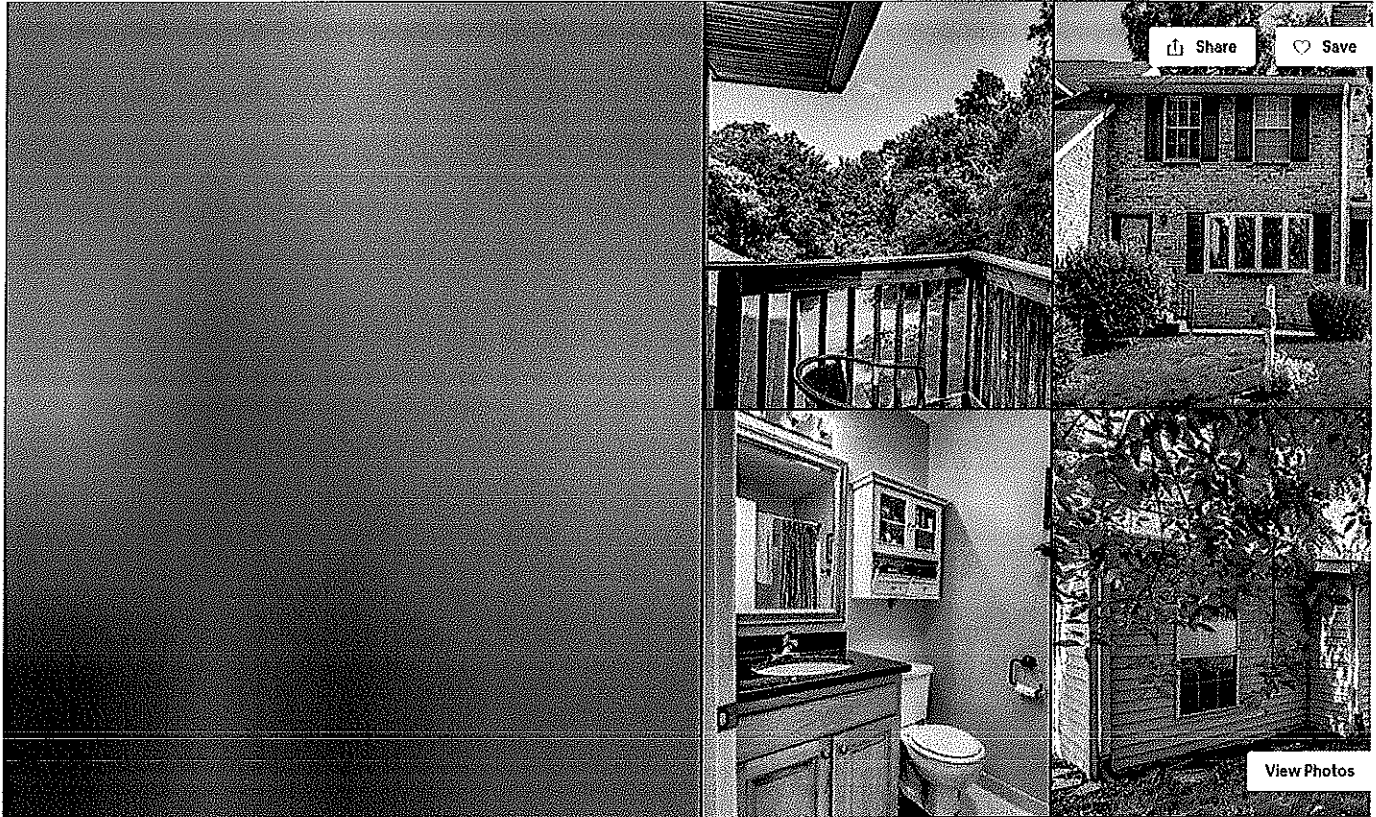
Search

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 P
Very nice, clean, and enjoyable.


 Marvin · September 2018 P
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 comf...
[Read more](#)

 Taylor · September 2018 P
Great place. Quiet, clean, smelled great. Will stay again if I'm in the area.

 Grace · September 2018 P
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 P
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 P
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 P
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

2018-658
oppose

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

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

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:

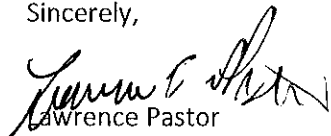
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- **Costly shared driveway:** Four other houses share the driveway that leads to her house. While our house is at the very end of the shared driveway and will only be slightly affected, several of our neighbors have expressed concern that the higher 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

RECORDED 17 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,

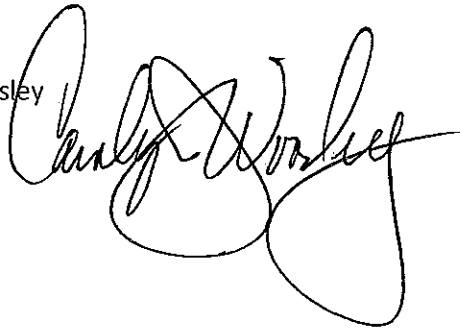
This letter is in opposition to the request to permit short term rentals at the above residential property.

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.

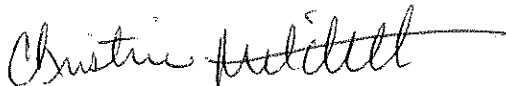
In addition to these shared areas the homes are accessed by a shared private road. This is shown in our deeds (see attached with this letter). This shared private road is equally owned and is to be maintained equally and with full commitment from each owner for maintenance, improvements, and changes. 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

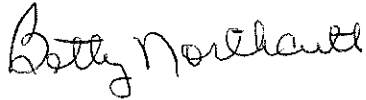
I oppose the short term rental license applied for by Robin Perry 5533 Thalman Drive and am in great support of my neighbors who also oppose it.

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:

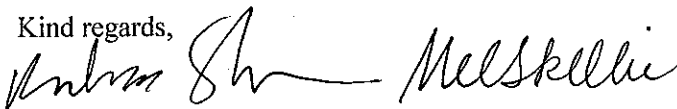
We are the property owners at 5526 Thalman Drive and are writing in response to the notice received regarding the appeal of denial for a short-term rental permit at 5533 Thalman Drive.

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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF DAVIDSON COUNTY



Appellant : Collins Legal, PLC Date: 10/17/2018
 Property Owner: Kevin Kwong Case #: 2018-661
 Representative: Grover Collins 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)

414 Union Street, Suite 1110
Address

Nashville, TN 37219
City, State, Zip Code

615-736-9596
Phone Number

grover@collins.legal
Email

Grover Collins
Representative Name (Please Print)

414 Union Street, Suite 1110
Address

Nashville, TN 37219
City, State, Zip Code

615-736-9596
Phone Number

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.

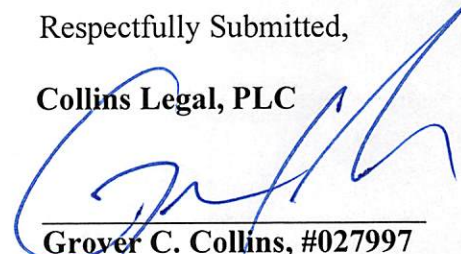
Given this, Mr. Kwong respectfully requests that this Board exercise its broad discretion and allow Mr. Kwong to resume operation of his short-term rental permit for the property.

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	Hester, Clint	Sep 26, 2015
REVIEW	[G] Pre Life Safety Review On Bid/ App	APPROVED	Hepner, 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	Peterson, Teresa	Sep 29, 2017
REVIEW	USO Life Safety/Final Approval	APPROVED	Peterson, Teresa	Jan 9, 2018
REVIEW	Review Short Term Rental Permit	RENEWER	Peterson, Teresa	Jan 9, 2018
REVIEW	Review Short Term Rental Permit	RENEWER	Peterson, Teresa	Jan 9, 2018

Quantity Group

PERMIT INFO	DESCRIPTION	QUANTITY	RATE	VALUE	AMOUNT	CONVERSION
CODE	DESCRIPTION					
HOW TAKEN	HOW TAKEN					
CODE	DESCRIPTION					
CASH FEE	SHORT TERM RENTAL PERMIT FEE				\$50.00	
CASH ONV	BUILDING CONFORMANCE FEE				\$1.15	
CASH FEE	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](tel:6158626590) 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 material is 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.

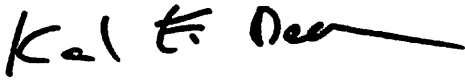
II. By deleting the phrase "paying adult guests" wherein it appears in subsection K., and substituting with the phrase "occupants".

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 : Barry King

Date: 10-19-18

Property Owner: Barry King

Case #: 2018-669

Representative: Barry King

Map & Parcel: 05104004200

Council 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 Rental

Location: 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,

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

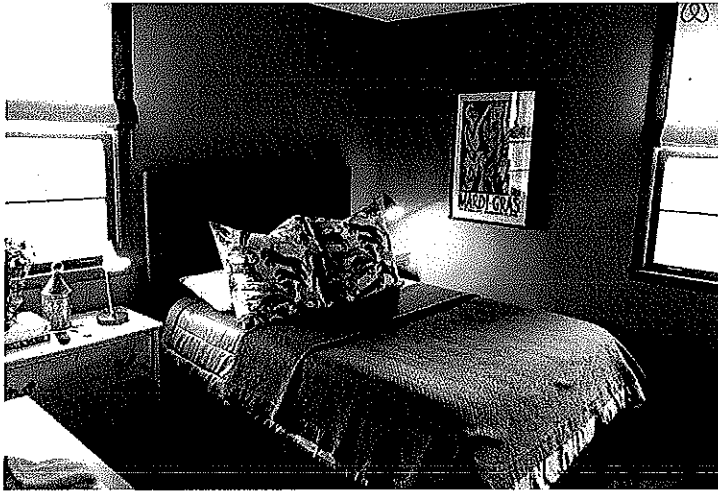
Rental Unit Record

637 Gibson Dr, Madison, TN 37115, USA

Removed X
 Identified ✓
 Compliant ✓



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

X Listing air27546946 Removed October 19th, 2018

● Listing air27546946 Reposted

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**

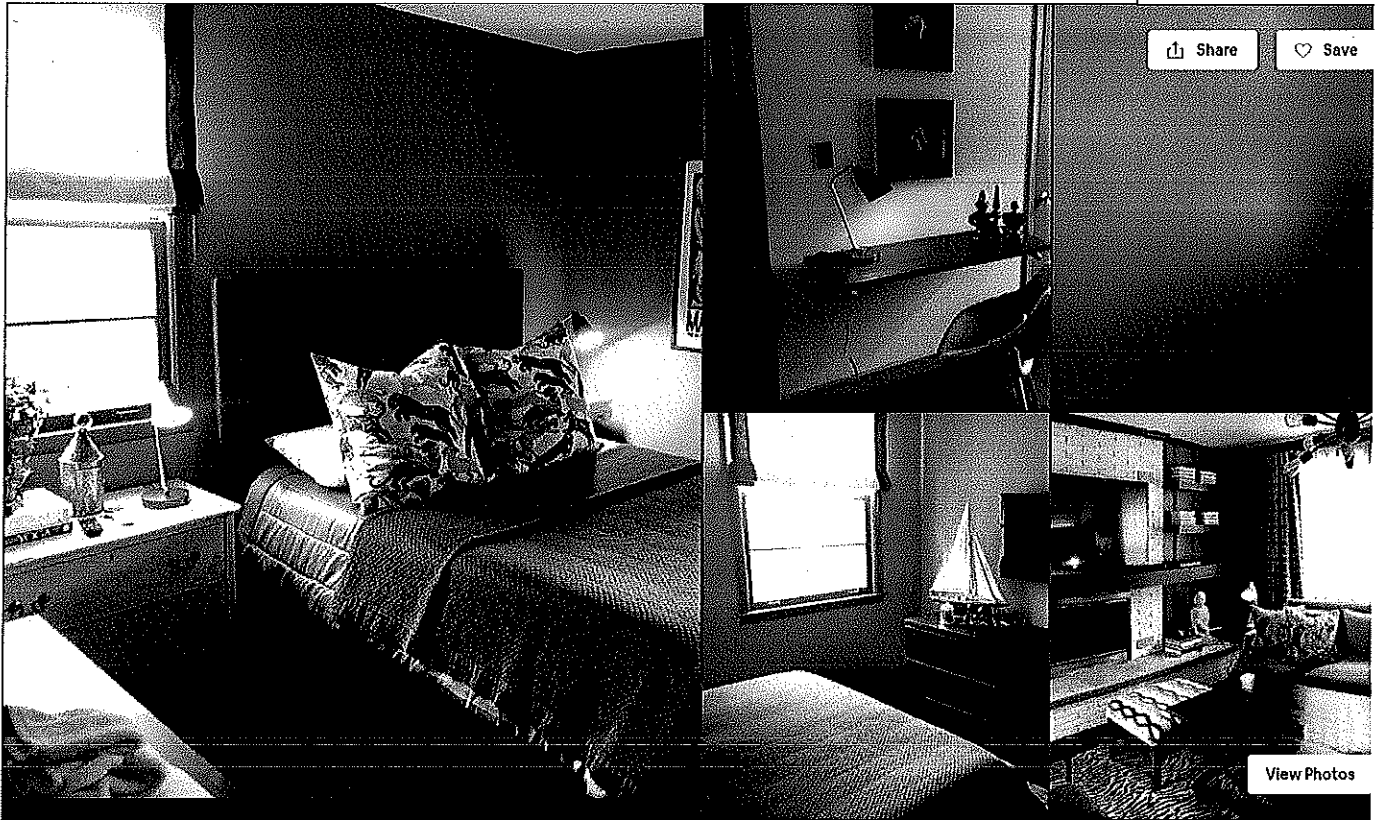
October 16, 2018 - 12:19AM America/Chicago



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. Thank!

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

 2 3 

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

Memo 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



Appellant : Staci Koger

Date: 10-22-18

Property Owner: Staci Koger

Case #: 2018-670

Representative: Staci Koger

Map & Parcel: 04700010800

Council 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 Rental

Location: 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

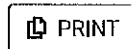
Pending your appeal of the denial of your application for a short term rental permit (STRP), you are prohibited from operating the STRP. Should you continue to advertise and/or operate the STRP at the subject property, the matter will be referred to Metro Legal for prosecution in Environmental Court.

Stu K 10/22/18

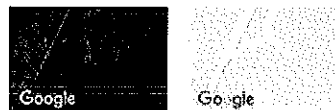
Rental Unit Record

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

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 Screenshot

August 4

September 4

October 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](#)

[View Photos](#)

Wifi

Hangers

Show all 30 amenities

Sleeping arrangements



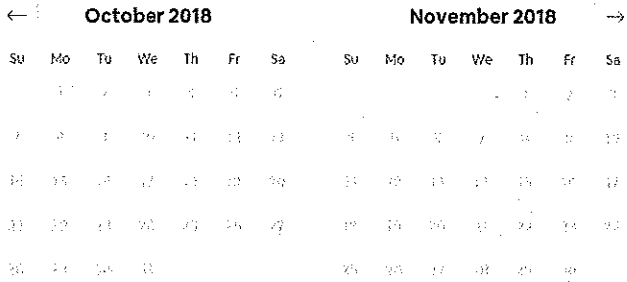
Bedroom 1
1 queen bed



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 Johnson

Date: 10-22-18

Property Owner: Harold Johnson

Case #: 2018-672

Representative: Matthew McInteer

Map & Parcel: 105020C00200CO

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 maintain a STRP permit.

Activity Type: Short Term Rental

Location: 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)

214 McMillan St.

Address

Nashville, TN 37203

City, State, Zip Code

(615) 533-4078

Phone Number

Email

Matthew McInteer

Representative Name (Please Print)

2809 12th Avenue South

Address

Nashville, TN 37204

City, State, Zip Code

(615) 724-6200

Phone Number

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



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
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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

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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



Appellant : Carl Kahle

Date: 10-22-18

Property Owner: Carl Kahle

Case #: 2018-675

Representative: Carl Kahle

Map & Parcel: 13501007800

Council 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 Rental

Location: 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

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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 7/22/18 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.

Rental Unit Record

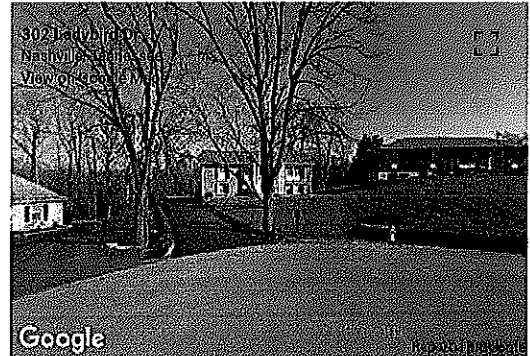
300 Ladybird Dr, Nashville, TN 37217, USA

DEACTIVATED AT ZONING

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