

DOCKET

2/7/2019

1:00 P.M.

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

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

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

CASE 2018-663 (Council District - 16)

JUSTIN BUSTILLO, appellant and **IGLESIA DE CRISTO JEHOVA-SHAMA NASHVILLE TN**, owner of the property located at **520 RAYMOND ST**, requesting a special exception in the RS7.5 District, to construct an 1120 square foot addition to a church. Referred to the Board under Section 17.40.180 C. The appellant alleged the Board would have jurisdiction under Section 17.40.18 C.

Use-Religious Institution

Map Parcel 13301023200

RESULT -

CASE 2018-728 (Council District - 21)

PATRIC MARTIN, appellant and **RMRTN, LLC**, owner of the property located at **2404 ELLISTON PL**, requesting a variance from sidewalk requirements in the MUG-A District, to make improvements to an existing restaurant without building sidewalks. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Commercial

Map Parcel 09215006600

RESULT -

CASE 2019-005 (Council District - 8)

MICHAEL WOODS, appellant and **COBELL PROPERTIES, LLC**, owner of the property located at **4117 GALLATIN PIKE**, requesting a variance from parking requirements in the OR20-A, OV- UDO, OV-NHL District, to construct an office addition. Referred to the Board under Section 17.20.030, 17.20.060. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Office

Map Parcel 06111012400

RESULT - Deferred 3/7/19

CASE 2019-006 (Council District - 8)

MICHAEL WOODS, appellant and **COBELL PROPERTIES, LLC**, owner of the property located at **4117 GALLATIN PIKE**, requesting a variance from front and rear setbacks in the OR20-A, OV-UDO, OV-NHL District, to construct an office addition. Referred to the Board under Section 17.12.020D, 17.40.660 C. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Office

Map Parcel 06111012400

RESULT - Deferred 3/7/19

CASE 2019-007 (Council District - 8)

MICHAEL WOODS, appellant and **COBELL PROPERTIES, LLC**, owner of the property located at **4117 GALLATIN PIKE**, requesting a variance from sidewalk requirements in the OR20-A, OV-UDO, OV-NHL District, to construct an office addition without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Office

Map Parcel 06111012400

RESULT - Deferred 3/7/19

CASE 2019-008 (Council District - 8)

MICHAEL WOODS, appellant and **COBELL PROPERTIES, LLC**, owner of the property located at **4117 GALLATIN PIKE**, requesting a variance from landscape and rear buffer requirements in the OR20-A, OV-UDO, OV-NHL District, to construct an office addition. Referred to the Board under Section 17.24.230, 17.24.150, 17.24.160. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Office

Map Parcel 06111012400

RESULT - Deferred 3/7/19

CASE 2019-009 (Council District - 8)

MICHAEL WOODS, appellant and **COBELL PROPERTIES, LLC**, owner of the property located at **4117 GALLATIN PIKE**, requesting a variance from street access requirements in the OR20-A, OV-UDO, OV, NHL District, to construct an office addition. Referred to the Board under Section 17.20.170. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Office

Map Parcel 06111012400

RESULT - 3/7/19

CASE 2019-013 (Council District - 18)

ANTHONY EUBANKS, appellant and **SHEKINAH GLORY COMMUNITY CHURCH**, owner of the property located at **933 WARREN ST**, requesting an Item D appeal requesting a change in non-conforming use in the RS3.5 District, to convert an existing building into a coffee shop and build two single family houses without updating sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.40.180 D, 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Restaurant and Duplex

Map Parcel 08116070200

RESULT -

CASE 2019-020 (Council District - 6)

ANDERSON GREEN, appellant and **GLOZ WOODLAND, L.P.**, owner of the property located at **943-947 WOODLAND ST**, requesting a variance from sidewalk requirements in the CS, MDHA-EB District, to renovate a commercial property without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Commercial

Map Parcel 08212035200

RESULT -

Map Parcel 08212035300

Map Parcel 08212035400

CASE 2019-032 (Council District - 28)

GILBERTO ALVERADO, appellant and owner of the property located at **3711 EZELL RD**, requesting a variance from setback requirements in the R10 District, to construct an addition to a single-family residence. Referred to the Board under Section 17.12.020. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 14806016200

RESULT -

CASE 2019-033 (Council District - 33)

PURSER ARCHITECTURE and DESIGN, appellant and **NASHVILLE CHIN BAPTIST CHURCH**, owner of the property located at **5738 CANE RIDGE RD**, requesting a variance from sidewalk requirements in the AR2A District, to construct a new sanctuary without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Religious Institution

Map Parcel 17400009100

RESULT - Deferred 2/21/19

CASE 2019-043 (Council District - 17)

AZIZ ASHUROV, appellant and **CAPITAL INVEST, LLC**, owner of the property located at **1008 2ND AVE S**, requesting a variance from sidewalk requirements in the R6 District, to construct a single-family house without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 09315031800

RESULT -

CASE 2019-044 (Council District - 1)

AUDRA MOORE, appellant and **SMITH, SHERMAN R. ET UX**, owner of the property located at **3513 B HUNTLAND DR**, requesting a side setback variance in the AR2A District, to construct a detached garage. Referred to the Board under Section 17.12.020. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 03900020800

RESULT -

CASE 2019-045 (Council District - 25)

JOEL CAMPBELL, appellant and owner of the property located at **2032 OVERHILL DR**, requesting a variance from front setback requirements in the R15 District, to build an addition to the front of an existing single family home. Referred to the Board under Section 17.12.030.C.3. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 131020Z00100CO

RESULT - Deferred 2/21/19

CASE 2019-047 (Council District - 19)

ASHLEY QUINN, appellant and **KNA PROPERTIES, LLC**, owner of the property located at **502 A & B DR D B TODD JR BLVD**, requesting a variance from sidewalk requirements in the R6 District, to construct two single-family units on one property without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 092080E00100CO

RESULT -

Map Parcel 092080E00200CO

CASE 2019-048 (Council District - 28)

ISRAEL OLIVA, appellant and owner of the property located at **895 IRMA DR**, requesting a variance from rear setback requirements in the R8 District, to maintain an already existing shed. Referred to the Board under Section 17.20.040.E.1.A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Shed

Map Parcel 14812007700

RESULT -

CASE 2019-050 (Council District - 25)

CATALYST DESIGN GROUP, appellant and **WOODMONT CHRISTIAN CHURCH**, owner of the property located at **3605 HILLSBORO PIKE**, requesting a special exception and variance from sidewalk requirements in the RS40 District, to construct an addition to a church. Referred to the Board under Section 17.40.170.E.1 and 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Religious Institution

Map Parcel 11711000200

RESULT -

CASE 2019-051 (Council District - 16)

SOUVANNA STANDIFER, appellant and **LAO BUDDHAPATHIPP TEMPLE**, owner of the property located at **104 B GLENMONT DR**, requesting a special exception and variances from setback and sidewalk requirements in the RS15 District, to construct an accessory shelter for use of intermittent social religious functions. Referred to the Board under Section 17.16.170.E.1 , 17.20.120, 17.12.020.B. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Religious Institution

Map Parcel 11911015000

RESULT -

CASE 2019-052 (Council District - 24)

SPERO DEI CHURCH, INC, appellant and owner of the property located at **3701 PARK AVE**, requesting a special exception to use an existing building for a church and to construct An addition to a non-conforming structure in the RS5 District. Referred to the Board under Section 17.16.170.E, 17.16.660 C. The appellant alleged the Board would have jurisdiction under Section 17.40.180.

Use-Religious Institution

Map Parcel 09213013600

RESULT -

CASE 2019-053 (Council District - 10)

CEC, appellant and **WASTE MANAGEMENT, INC. OF TENNESSEE**, owner of the property located at **630 MYATT DR**, requesting a variance from sidewalk requirements in the IR District, to make interior renovations and expand the parking lot without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Material Recovery Facility

Map Parcel 03410012400

RESULT -

CASE 2019-054 (Council District - 21)

SCOTT MORTON, appellant and **22 DEVELOPMENTS LLC**, owner of the property located at **209 22ND AVE N**, requesting variances from build to zone, step back, and parking requirements in the MUG-A District, to construct a hotel, restaurant, and mixed use development. Referred to the Board under Section 17.12.020.D, 17.12.020.D, 17.20.030. The appellant alleged the Board would have jurisdiction under Section 17.40.180.

Use-Hotel

Map Parcel 09215011500

RESULT -

CASE 2019-054 (Council District - 21)

SCOTT MORTON, appellant and **22 DEVELOPMENTS LLC**, owner of the property Located at **217 22ND AVE N**, requesting variances from build to zone, step back, and parking requirements in the MUG-A District, to construct a hotel, restaurant, and mixed use development. Referred to the Board under Section 17.12.020.D, 17.12.020.D, 17.20.030. The appellant alleged the Board would have jurisdiction under Section 17.40.180.

Use-Hotel

Map Parcel 09215012000

RESULT -

CASE 2019-056 (Council District - 23)

CURTIS, ABBY, appellant and owner of the property located at **605 STARLIT RD**, requesting a variance from height restrictions in the RS40 District, to construct a detached structure with a chimney above height restrictions. Referred to the Board under Section 17.12.060.B. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Residential Construction

Map Parcel 10216003200

RESULT -

CASE 2019-057 (Council District - 17)

DUANE CUTHBERTSON, appellant and **1004 CALDWELL 33, GP**, owner of the property located at **1004 CALDWELL AVE**, requesting a variance from sidewalk requirement in the R8 District, to construct two single-family units without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 10509020700

RESULT -

CASE 2019-058 (Council District - 20)

DUANE CUTHBERTSON, appellant and **MRB DEVELOPERS, LLC**, owner of the property located at **610 45TH AVE N**, requesting a variance from side setback requirements in the R6 District, to construct two single-family units. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 09112011600

RESULT -

CASE 2019-061 (Council District - 11)

BARGE CAUTHEN and ASSOCIATES, appellant and **METRO GOV'T S DUPONT**, owner of the property located at **431 TYLER DR**, requesting a special exception in the R10 District, to construct a fire hall on a residentially zoned property. Referred to the Board under Section 17.16.140. The appellant alleged the Board would have jurisdiction under Section 17.40.180.

Use-Safety Services

Map Parcel 07500004500

RESULT -

SHORT TERM RENTAL CASES

CASE 2018-636 (Council District - 25)

CARNEY, MATTHEW, appellant and owner of the property located at **1009 BATTLEFIELD DR**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit in the RS10 District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 11809000100

RESULT -

CASE 2018-684 (Council District - 6)

SWIFT, DAVID & CHELSEA, appellant and owner of the property located at **914 BOSCOBEL ST**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated on an expired permit in the R8 District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short term Rental

Map Parcel 08216035100

RESULT -

CASE 2019-012 (Council District - 6)

SHIM, ERIN L. & DECHANT, ANNE E, appellant and owner of the property located at **1306 GARTLAND AVE**, requesting Item A appeal, challenging the zoning administrator's denial of a short term rental permit for an isolated portion of single family residence to be used for short-term rental after initial fire marshal inspection revealed non-conforming window size in upper bedroom in the R6 District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 08309006900

RESULT -

CASE 2019-014 (Council District - 19)

LORI LANE, appellant and **3L PROPERTIES, LLC**, owner of the property located at **900B LOCKLAYER ST**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. The Appellant operated after the STRP permit was cancelled due to change in ownership in the RS3.75 District. 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 08213036400

RESULT -

CASE 2019-015 (Council District - 19)

LORI LANE, appellant and **3L PROPERTIES, LLC**, owner of the property located at **1412 5TH AVE N**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated after the STRP permit was cancelled due to a change in ownership in the MUN District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 082090B00200CO

RESULT -

CASE 2019-031 (Council District - 35)

WALDEN WILLIAM G, appellant and **WALDEN WILLIAM G. & PAMELA NELL REVOCABLE TRUSTS**, owner of the property located at **8153 POPLAR CREEK RD**, requesting an Item A appeal, challenging the revocation of a short term rental permit due to change in ownership in the AR2a District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 15500007300

RESULT -

CASE 2019-041 (Council District - 1)

DAVID C RISNER ESQ, appellant and **ARI HOLDINGS, LLC**, owner of the property located at **5753 RIVER TRCE**, 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 short term rental permit in the AR2A District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 06600001900

RESULT -

CASE 2019-049 (Council District - 5)

GRAY, TIFFANY N, appellant and owner of the property located at **1032 BURCHWOOD AVE**, requesting item A appeal, challenging the zoning administrator's denial of an owner occupied short term rental permit due to separate ownership of two units on one lot in the R6 District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 072100G00200CO

RESULT -

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Julian Bustillo Date: 10-18-18
Property Owner: Iglesia de Cristo Jehova Case #: 2018-663
Representative: Julian Bustillo Map & Parcel: 133-1-232

Council District 16

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

Purpose: Special Exception to allow 1120 square foot addition to existing church.

Activity Type: New Construction-addition

Location: 520 Raymond St.

This property is in the RS9.5 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: Special Exception for Church

Section(s): 17.40.180(C)

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

Julian R. Bustillo
Appellant Name (Please Print)

Same
Representative Name (Please Print)

520 RAYMOND ST
Address

Address

NASHVILLE T.N 37211
City, State, Zip Code

City, State, Zip Code

615 429 4448
Phone Number

Phone Number

ROBERTO BUSTILLO@YAHOO.COM
Email

Email

Appeal Fee: \$ 200.00



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



3570358

ZONING BOARD APPEAL / CAAZ - 20180066202
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 13301023200**APPLICATION DATE:** 10/18/2018**SITE ADDRESS:**

520 RAYMOND ST NASHVILLE, TN 37211

LOTS 273, 275, & 277 SEC 2 SUNRISE HGTS & PT CL STREET

PARCEL OWNER: IGLESIA DE CRISTO JEHOVA-SHAMA NASI**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting special exception to allow construction of 1120SF addition to existing church.

Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.

Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATIONS FOR SPECIAL EXCEPTION REQUESTS

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing. I am aware that I am required to conduct a neighborhood meeting.

JULIAN ROBERTO BUSTILLO
APPELLANT

10-18-18
DATE

SPECIAL EXCEPTION REQUESTS

BZA Rules of Procedure, Item 9 (2) (e) requires BZA appellants to conduct neighborhood meetings regarding the case that will later appear before the BZA. The BZA Rule specifies, "In the interest of having informed stake holders in special exception cases, it is required that the appellant make contact with the district councilperson and neighbors within 600 feet of the subject property from a mailing list provided by the board staff. Information to be furnished by the applicant shall include a contact person and include a reasonable representation of your proposal and hold a meeting at a geographically convenient place, date, and time. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

Zoning staff will provide you a mailing list of property owners in proximity to the location designated for a special exception permit. The BZA Rule then requires you to contact those persons on the mail list, provide them with the date time and place to meet, and discuss your BZA request accordingly. If there is opposition to your case, this meeting gives you the chance to address those concerns prior to the public hearing at the BZA meeting.

You must create and provide documentation of your efforts to contact the neighboring property owners for the neighborhood meeting. Failure to do so can result in a deferral or denial of your appeal to the BZA.

I ACKNOWLEDGE MY RESONSIBILITIES regarding the neighborhood meeting preceding the public hearing for my BZA appeal for a special exception.

JULIAN ROBERTO BUSTILLO

10-18-18

APPELLANT (or representative)

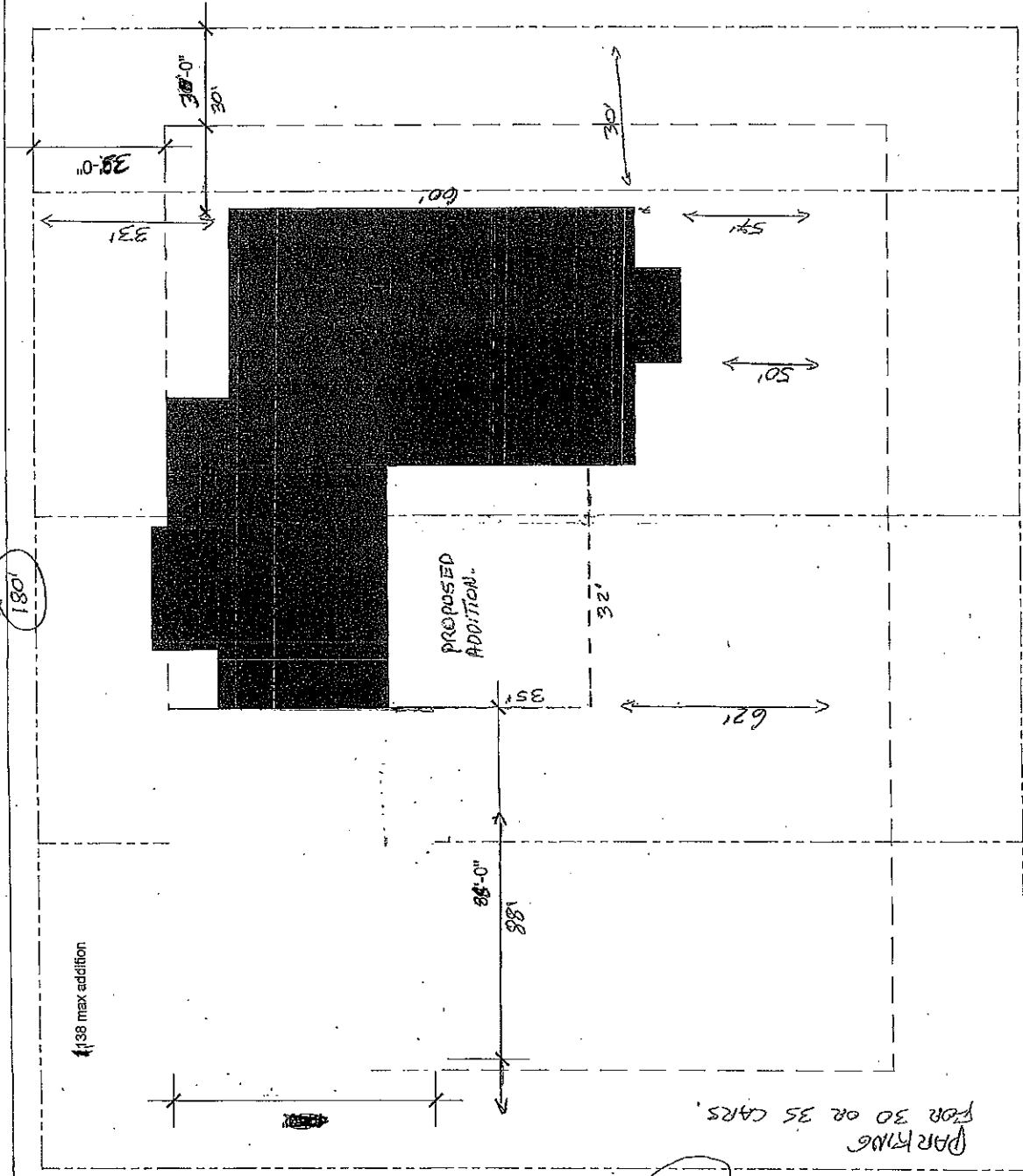
DATE



520 RAYMOND
ST WASHOUA
TN 37211

ISSUE DATE
4 OCTOBER 2018

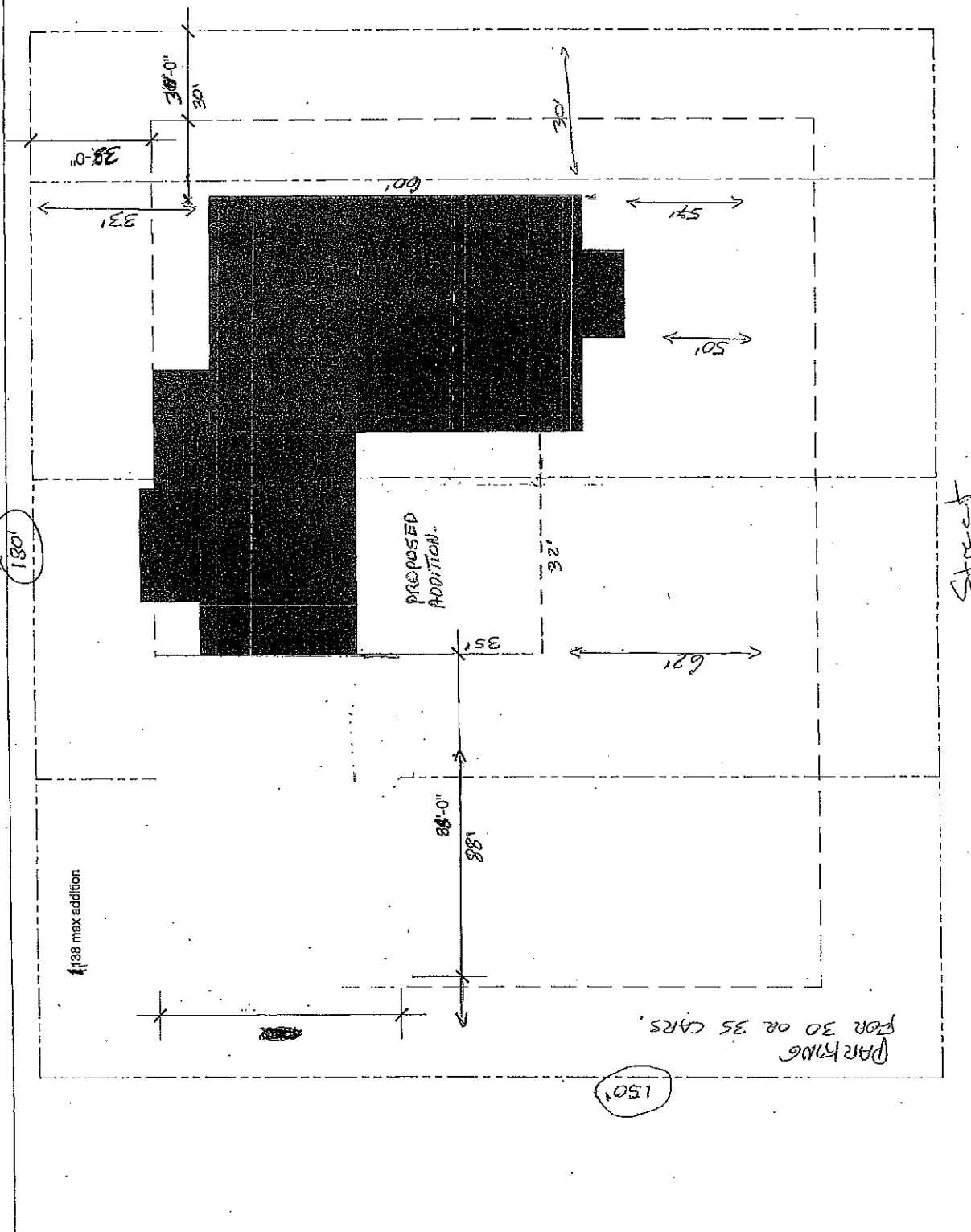
14' x 10'



520 RA YACOB
ST / MEHROUN
T.M. 3/21/

ISSUE DATE
4 OCTOBER 2008

1/4" = 1'-0"



From: [Ammarell, Beverly \(Public Works\)](#)
To: [Lifsey, Debbie \(Codes\)](#)
Cc: [Doyle, Devin \(Public Works\)](#)
Subject: 12/6/18 BZA meeting
Date: Wednesday, November 28, 2018 12:11:47 PM

2018-646 355 Haywood lane special Exception to allow construction of new temple

Variance: 17.40.180c variance to construct new temple

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

2018-663 520 Raymond St special exception to allow construction of 1120sf addition to existing church

Variance: 17.,40,180 c

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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Patrick Martin
Property Owner: RMBTN, LLC
Representative: ERIN LEAF

Date: 11-6-18
Case #: 2018-728
Map & Parcel: 09215006600

Council District 21

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

Purpose: tenant renovations

Activity Type: Commercial
Location: 2404 Elliston PL

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

Reason: Variance from sidewalk requirements
Section(s): 17.12.120

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

~~XXXXXXXXXXXX~~ PATRICK
Appellant Name (Please Print) MARTIN
6601 SUGAR VALLEY DR.
Address
NASHVILLE, TN 37211
City, State, Zip Code
615.479.0232
Phone Number
patrick@martinsbbgjoint.com
Email

ERIN LEAF
Representative Name (Please Print)
315 MADISON ST.
Address
NASHVILLE, TN 37209
City, State, Zip Code
262.388.3772
Phone Number
erin@remickmoorearchitect.com
Email

Appeal Fee: 200.00



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



3576267

**ZONING BOARD APPEAL / CAAZ - 20180070234
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09215006600**APPLICATION DATE:** 11/06/2018**SITE ADDRESS:**

2404 ELLISTON PL NASHVILLE, TN 37203

LOT 14 & 28 FARRELL RESUB. YANDELL

PARCEL OWNER: RMRTN, LLC**CONTRACTOR:****APPLICANT:****PURPOSE:**

tenant improvements to existing MARTINS BBQ

POC ERIN LEAF 262-388-3772

**Denied 17.12.120 not eligible to pay into the sidewalk fund.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



3541333

**APPLICATION FOR BUILDING COMMERCIAL - REHAB / CACR - T2018045409
THIS IS NOT A PERMIT**

PARCEL: 09215006600

APPLICATION DATE: 08/01/2018

SITE ADDRESS:

2404 ELLISTON PL NASHVILLE, TN 37203
LOT 14 & 28 FARRELL RESUB. YANDELL

PARCEL OWNER: RMRTN, LLC

APPLICANT: C & T DEVELOPMENT CO INC

1309 BRIARVILLE RD #201
MADISON, TN 37116 (615)860-2592

PURPOSE:

tenant improvements to existing MARTINS BBQ
POC ERIN LEAF 262-388-3772

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

[A] Zoning Review	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov
CA - Zoning Sidewalk Requirement Review		
[B] Building Plans Received	E-PLANS	615-880-2649 Ronya.Sykes@nashville.gov
[B] Building Plans Review	APPROVED	615-862-6039 John.Tyler@nashville.gov
[B] Fire Life Safety Review On Bldg App	APPROVED	615-862-5421 Patricia.Reynolds@nashville.gov
[B] Fire Sprinkler Requirement	YES	615-862-5421 Patricia.Reynolds@nashville.gov
[E] Cross Connect Review For Bldg App	COND	615-862-4045 Clay.Christain@nashville.gov
[A] Bond & License Review On Bldg App		
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[E] Grease Control Review On Bldg App	APPROVED	615-862-4590 joseph.welch@nashville.gov
[D] Grading Plan Review For Bldg App	APPROVED	(615) 862-6038 Logan.Bowman@nashville.gov
Kitchen Plans Review On Bldg App	APPROVED	615-340-5620 Steve.Crosier@nashville.gov

APPLICATIONS FOR VARIANCE REQUESTS

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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



 APPELLANT

11.06.18

 DATE



REMICK MOORE
A R C H I T E C T

Application for Variance

We are seeking variance for sidewalk redevelopment at 2404 Elliston Pl, Nashville, TN 37203. We would like to contribute to the Pedestrian Benefit Zone in-lieu of construction on the front facing Elliston Pl. side of the street.

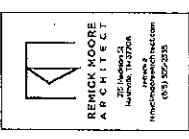
Elliston Place from 21st Ave. to 25th Ave:

Adopted MCSP: T5-M-AB3
Standard ROW = 98 ft.
Bike Lane Planned
Primary Street

ANALYSIS: This area is likely to redevelop and the curb-to-curb must move to accommodate bike lanes. The existing curb to curb dimension is 50 ft. This will make it difficult to add bike lanes without significant redevelopment. There are a few historic properties worth of conservation and requests for reduced ROW should be considered on their merits and degree of constraint. Bike lanes and the existing on-street parking are both important elements of the roadway and should both be incorporated in future development. It would be possible to implement the bike lane within the existing curb to curb dimension if on-street parking on one side of the street was removed.

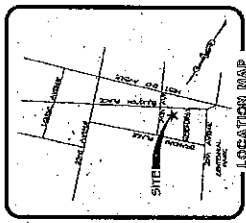
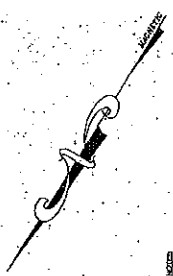
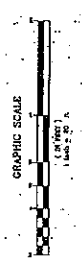
Hardship:

- Due to the adopted MCSP: T5-M-AB3 the sidewalk redevelopment would ensue significant construction which would encroach on and hinder the existing parking lot at the south end of the building. The degree of constraint on the existing conditions of the site are significant
- No other developed bike lanes to connect to on Elliston Pl.
- Overall construction and architecture costs would be high in adjusting the design of the building for the sidewalk / bike lane development. This is seen as an infeasible cost to the owner per the scope.
- The activity type of the building will remain the same.

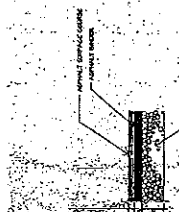
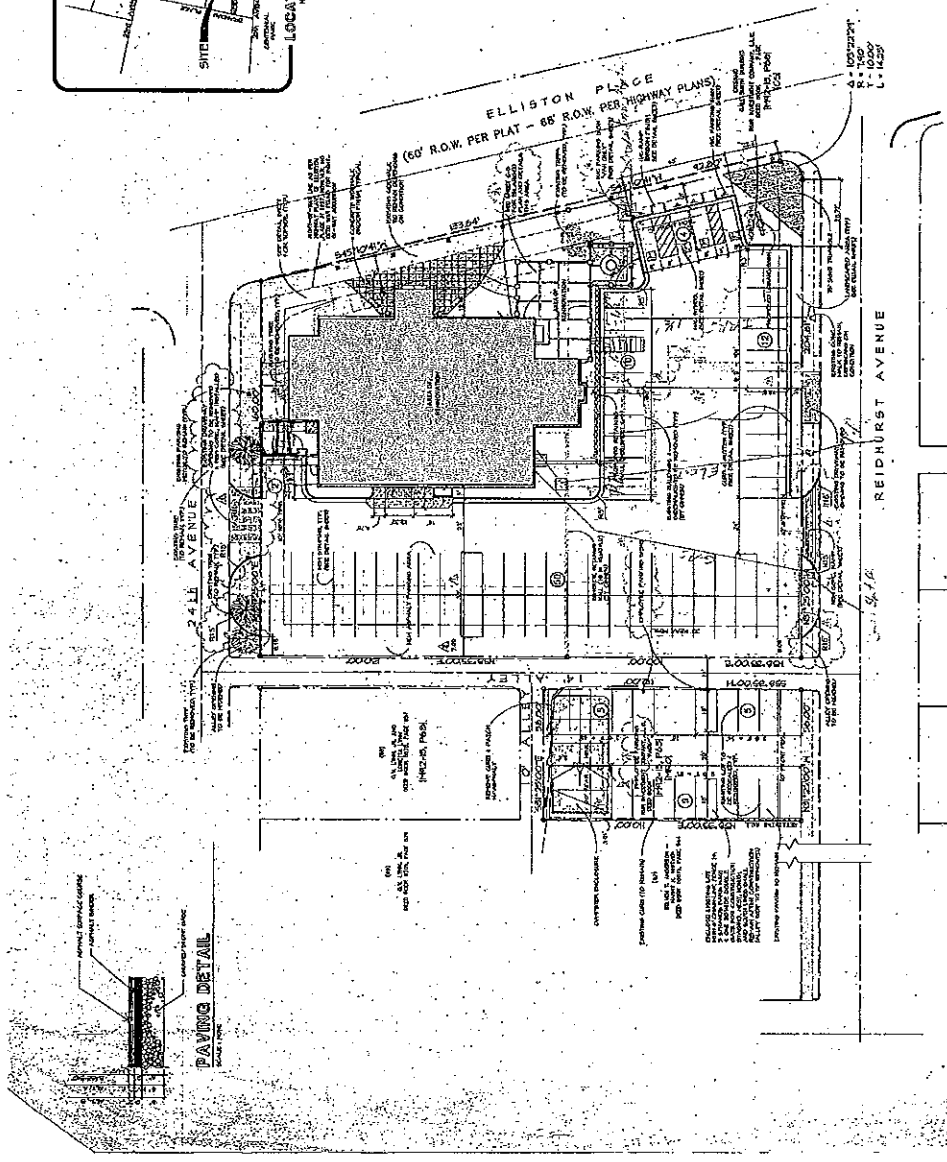


Martin's Bar-Que Joint
2405 Brown Mackay Rd., #100
Baltimore, MD 21220

Site Plan
C-1
Project No. 18-001
Date: 03/22/2018



- NOTES**
1. ALL DIMENSION WORK SHALL BE BY OWNER.
 2. ALL DIMENSION WORK SHALL BE BY OWNER.
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 19. ALL DIMENSION WORK SHALL BE BY OWNER.
 20. ALL DIMENSION WORK SHALL BE BY OWNER.



Existing Site Plan
18-001

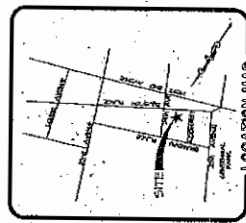
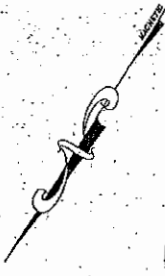
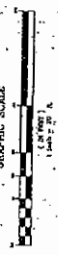
REBECK MOORE ARCHITECT
 222 Madison St.
 Nashville, TN 37204
 www.rebeckmoorearchitect.com
 (615) 320-3335



Martin's Bar-Cue Joint
 200 Brainerd Place NW - 210-1000
 Nashville, TN 37203

Site Plan
 11-20-18

C-1
 Project No. 07-27-2018



NOTES
 1. THE PROJECT SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES INFORMATION FROM THE LOCAL GOVERNMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE LOCAL GOVERNMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE LOCAL GOVERNMENT.

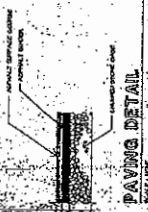
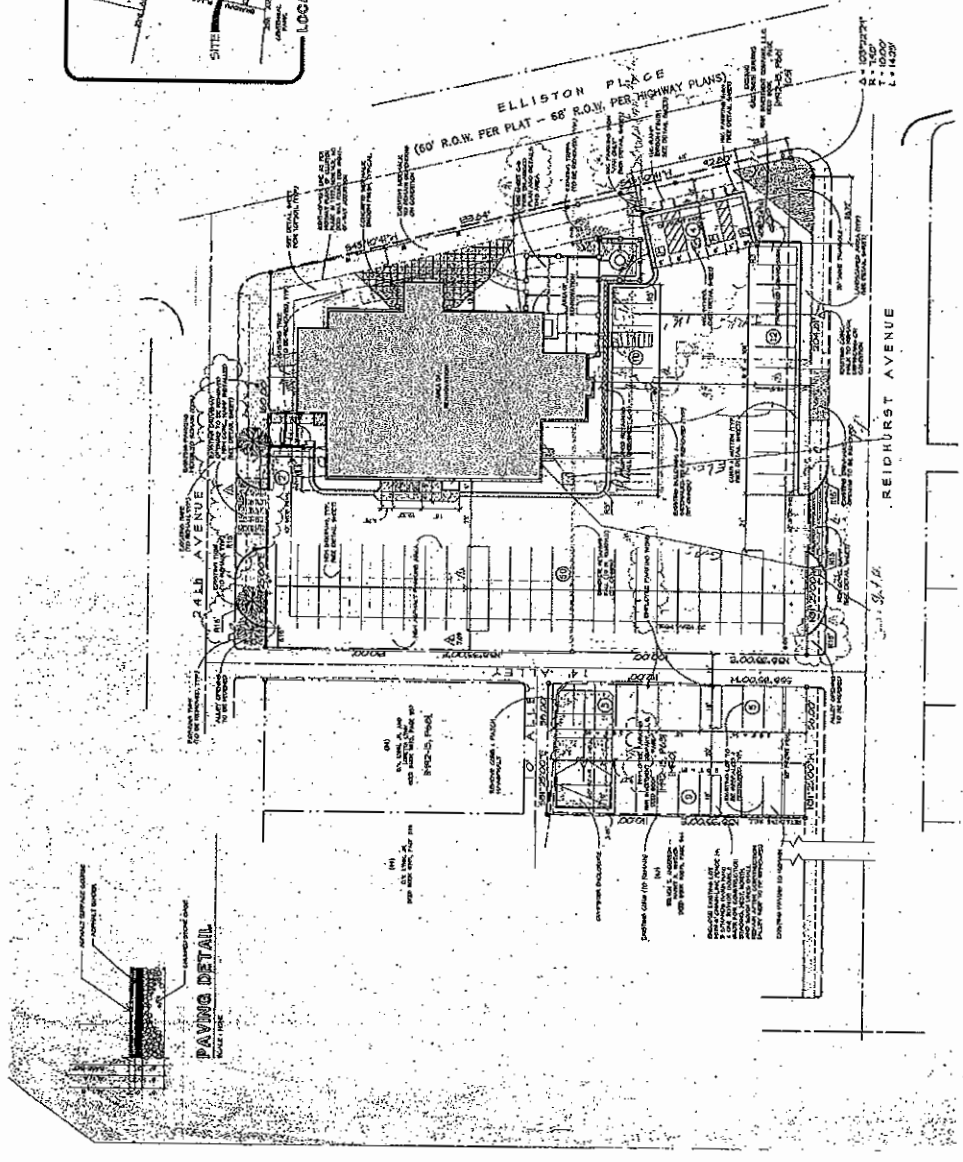
NOTES

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DATE	DESCRIPTION
11-20-18	ISSUED FOR PERMITS

1 Existing Site Plan
 11-20-18



PAVING DETAIL

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-728 (2404 Elliston Place)

Metro Standard:	Elliston Place – 4' grass strip, 10' sidewalk, as defined by the Major and Collector Street Plan
	24 th Avenue North – 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
	Reidhurst Avenue – 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Contribute in-lieu of construction for Elliston Place frontage (not eligible)
Zoning:	MUG-A
Community Plan Policy:	T5 MU (Center Mixed Use Neighborhood)
MCSP Street Designation:	Elliston Place – T5-M-AB3
	24 th Avenue North – Local Street
	Reidhurst Avenue – Local Street
Transit:	Approximately 315' north of #3 – West End/White Bridge and #5 – West End/Bellevue
Bikeway:	Existing bikeway for experienced cyclists

Planning Staff Recommendation: *Approve.*

Analysis: The applicant proposes to repurpose a 43,050 square foot building for a new restaurant and requests a variance to contribute in-lieu of upgrading sidewalks along Elliston Place. Planning evaluated the following factors for the variance request:

- (1) A 7' grass strip and 6' sidewalk currently exists along the 24th Avenue North frontage which meets and exceeds the Local Street standard.
- (2) Similarly, a 2' grass strip and 4' sidewalk currently exists along the Reidhurst Avenue frontage. While it does not explicitly meet the Local Street standard, the design of the sidewalk adequately provides space for utilities providing a clear pedestrian path, which meets the intent.
- (3) A 9' sidewalk without a grass strip currently exists along Elliston Place. Strict adherence to the sidewalk requirement would impact the existing structure's vestibule as well as possibly affecting existing off-street parking and outdoor dining area.

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

1. The applicant shall contribute in-lieu of construction for the Elliston Place frontage.



Triad Centre III
6070 Poplar Avenue, Suite 300
Memphis, Tennessee 38119
901.537.1000
Fax: 901.537.1010

Boyd L. Rhodes, Jr.
901.537.1041
brhodes@wyattfirm.com

Mail: P.O. Box 775000
Memphis, Tennessee 38177-5000

January 18, 2019

Via U.S. Mail and email BZA@nashville.gov

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

RE:	Appeal Case No.:	2018-728
	2404 Elliston Place	
	Map Parcel No.:	09215006600
	Zoning Classification:	MUG-A
	Council District:	21

Ladies and Gentlemen:

This law firm represents RMR Investment Company, LLC. Our client is the owner of the property at 2404 Elliston Place, as well as additional parcels in that vicinity.

RMR Investment Company, LLC is strenuously opposed to the request of Patrick Martin for a variance.

Among other reasons for the opposition, please note that Patrick Martin is NOT the owner of 2404 Elliston Place, he is NOT the tenant of that property, and he has no authority to request a variance. Any suggestion or representation made by Patrick Martin to the effect that 2404 Elliston Place is the property of Patrick Martin is absolutely false.

Please make this letter of opposition a part of the record in this Appeal Case No. 2018-728.

Very truly yours,

WYATT, TARRANT & COMBS, LLP

Boyd L. Rhodes, Jr., Attorney for
RMR Investment Company, LLC

BLRjr:lkm

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: MICHAEL WOODS

Date: 11/13/18

Property Owner: MYLES CRAWFORD

Case #: 2019-005

Representative: MICHAEL WOODS

Map & Parcel: 06111012400

Council District 08

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

Purpose:

to construct a 3,108 sqft
office addition

Activity Type: OFFICE

X Location: 4117 GALLATIN PIKE

This property is in the OR20-A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

OV-UDO
OV-NHL

Reason: a variance from parking requirements

Section(s): 17.20.030, 17.20.060

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

WOODS CONST. GROUP, LLC
MICHAEL WOODS
Appellant Name (Please Print)

Representative Name (Please Print)

6601 OWEN HILL RD
Address

Address

COLLEGE GROVE, TN 37046
City, State, Zip Code

City, State, Zip Code

615-405-2626
Phone Number

Phone Number

mwoods321@yahoo.com
Email

Email

Appeal Fee: \$200



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



3577940

**APPLICATION FOR BUILDING COMMERCIAL - ADDITION / CACA - T2018071415
THIS IS NOT A PERMIT**

PARCEL: 06111012400

APPLICATION DATE: 11/13/2018

SITE ADDRESS:

4117 GALLATIN PIKE NASHVILLE, TN 37216
LOT 7 & PT 9-10 MCMAHAN SUB OF MAPLEWOOD

PARCEL OWNER: COBELL PROPERTIES, LLC

APPLICANT:**PURPOSE:**

ZONED OR20-A.

NEIGHBORHOOD LANDMARK DESIGNATION.

EXISTING 2778 SQFT..MEDICAL OFFICE...CHIROPRACTIC OFFICE.

BZA 92-142 APPROVED PARKING LAYOUT AND VARIANCE IN BUFFER.

***THIS PERMIT TO CONSTRUCT A 3,108 SQFT ADDITION.

- 1....USE...OFFICE.....18 SPACES APPROVED....REQUIRED 29....17.20.030..... 2019-005
- 2....LAYOUT SHOWS VIOLATIONS IN BACKOUT AND PARALLEL SPACES.....17.20.060.. 2019-005
- 3.....REAR SETBACK 20'...REQUEST 17.6'.....17.12.020D 2019-006
- 4...ZONED OR20-A....REQUIRED FRONT STREET MAX SETBACK AT 80'....SHOWN AT 130'...REQUEST INCREASE IN THE NON-CONFORMITY BY BUILDING BEHIND THE MAX SETBACK ALLOWED....17.40.660 C.... 2019-006
- 5.....REQUIRED TO UPDATE SIDEWALKS..REQUEST NOT TO INSTALL AND NOT TO CONTRIBUTE...17.20.120J...2019-007
- 6...REAR BUFFER ' C AT 20'.... REQUIRED...REQUEST NONE..17.24.230... 2019-008
- 7...ALLOWED ONE ACCESS BASED ON STREET CLASSIFICATION AND FRONTAGE LENGTH.....REQUEST TO KEEP THE TWO EXISTING....17.20.170 2019-009
- 8....PERIMETER LANDSCAPING...REQUEST NONE...17.24.150. 2019-008
- 9....INTERIOR LANDSCAPING REQUIRED...REQUEST NONE..17.24.160. 2019-008

*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

CA - Zoning Sidewalk Requirement Review SWREQUIRED 615-862-6545 Richard.Thomopoulos@nashville.gov

[H] Historic Zoning Review - CA 862-7970 histlap1@nashville.gov

[F] Ramps & Curb Cuts Review For Bldg A 862-8782 PWPermitsl@nashville.gov

PW - Public Works Sidewalk Capital Project Coordinatic

[A] Site Plan Review

[B] Building Plans Received 615-862-6614 teresa.patterson@nashville.gov

[B] Building Plans Review 615-862-6581 Teresa.Patterson@nashville.gov

[B] Plans Picked Up By Customer 615-880-2649 Ronya.Sykes@nashville.gov

[B] Fire Life Safety Review On Bldg App 862-5230

[B] Fire Sprinkler Requirement 862-5230

[D] Grading Plan Review For Bldg App (615) 862-6038 Logan.Bowman@nashville.gov

[E] Cross Connect Review For Bldg App 862-7225

[E] Water Availability Review For Bldg MWS.DevelopmentServicesCenter@nashville.gov

862-7225

[E] Water Variance Approval For Bldg MWS.DevelopmentServicesCenter@nashville.gov

862-7225

MWS.DevelopmentServicesCenter@nashville.gov

PROJECT ADDRESS: 4117 GALLATIN PIKE
 CITY: NASHVILLE 37216
 COUNTY: DAVIDSON
 STATE: TENNESSEE
 DISTRICT: 8TH COUNCIL DISTRICT
 EXISTING ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)
 PROPOSED ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)
 MAP AND PARCEL NO.= MAP 061-11 PARCEL 24
 EXISTING LAND USE: MEDICAL OFFICE
 PROPOSED LAND USE: MEDICAL OFFICE
 MINIMUM REQUIRED SETBACK LINES:
 FRONT SETBACK: 40'
 SIDE YARD: 5'
 REAR YARD: 20'

PRE-DEVELOPED CONDITIONS	SQ. FT.	ACRES
TOTAL AREA	23,172	0.532
EXISTING BUILDING	2,778	0.064
EXISTING ASPHALT PRKG.	10,032	0.230
CONCRETE CURB	405	0.009
EXISTING SIDEWALK	352	0.008
WOODEN SHED	105	0.002
GRASS	12,278	0.282
TOTAL IMPERVIOUS	13,672	0.314

POST DEVELOPED CONDITIONS	SQ. FT.	ACRES
TOTAL AREA	23,172	0.532
BUILDING	5,886	0.135
ASPHALT PRKG.	10,285	0.236
CONCRETE CURB	355	0.008
EXISTING SIDEWALK	352	0.008
PROPOSED SIDEWALK	605	0.014
GRASS	5689	0.131
TOTAL IMPERVIOUS	17,483	0.401
NET IMP. SURF. INCREASE	3,811	0.087

MAX. FLOOR AREA RATIO: 5,464/23,172 = 0.25
 IMPERVIOUS SURFACE RATIO: 16,788/23,172 = 0.75
 PARKING REQUIREMENTS:
 1 SPACE PER 200 S.F. BUILDING = 5,886/200 = 29 SPACES
 NUMBER OF PARKING SPACES PROVIDED = 29 SPACES

DEPARTMENT OF CODES ADMINISTRATION
 METROPOLITAN NASHVILLE, & DAVIDSON COUNTY
 ZONING REVIEW CHECKLIST
 Nonresidential and Multifamily Construction

APPLICATION #	PROJECT NAME: POWER CHIROPRACTICS AND WELLNESS		
MAP/PARCEL # 61-11/124	EXAMINER:		
USE - CHAPTER 17.08 AND 17.16 **A - Approved, D - Denied, I - Incomplete, P - Pending, C - Conditional **			
Determine the use MEDICAL OFFICE			
Property zoning	OR20A	Overlay(s) OV-NHL	Surrounding Zoning OR20, OR20A, MUL-A
Use Charts:	P, PC, SE, A	P	
SITE CRITERIA ** Supplemental Checklist Also Required for UZO **			
Subdivision Plat (Note any special requirements such as easements, setback restriction and etc.)			
Minimum lot size	7,500	Footprint	5,464 S.F.
FAR		Maximum	0.8
		Requesting	0.24
ISR-Adjustments/ Slopes over 15 %:	0%	Maximum	0.7
		Requesting	
Street Setback/ Street Type(s): -			
Side yard	5'		
Rear yard	20'		
Height standards	3 STORIES	Number of Floors	1 STORY
PARKING AND ACCESS - CHAPTER 17.20 ** Supplemental Checklist Also Required for UZO **			
Ramp location and number 2 EXISTING AT GALLATIN PIKE			
Distance to nearest existing ramp (minimum 30') 15' TO THE SOUTH			
Distance to Intersections 50' minor street 185' arterial street 800' TO MCMAHAN AVENUE			
100' collector 250' controlled access ramp N/A			
Required parking based on uses	Required: 28 (1 PER 200 S.F.)	Providing: 29	
Required loading based on uses	N/A	Required	Providing
Surfacing over 5 spaces 1,750 sq. ft.			
Space sizes, aisle widths, angle data 18'X8.5' STALL WITH 24' TRAVEL LANE			
Queuing lanes N/A			
Over 10 spaces 20' queuing at exit N/A			
Number of compact spaces/ % NONE			
Number of handicapped spaces 1 VAN ACCESSIBLE			
Sidewalks required internal public INTERNAL & PUBLIC SIDEWALK			
LANDSCAPING STANDARDS - CHAPTER 17.24 ** Supplemental Checklist Also Required for UZO **			
Required buffer yards TYPE C TO BE PROVIDED			
Buffer yard adjustment			
Perimeter landscaping (can't be over future R.O.W.) NO			
Standard for 4 or more lanes N/A			
Standard for less than four lanes N/A			
Side lines adjacent to parking areas 5' minimum width with trees - 2.5' with tree islands 5' MIN. PROVIDED			
Interior landscaping minimum 8 % area N/A			
Opaque fence adjacent to residential in parking area TO BE PROVIDED WITHIN THE YARD BUFFER			
Screening around dumpsters (NO CHAIN LINK FENCE PERMITTED) N/A			

Specifications



Copying



CCAD REPROGRAPHICS, LLC
 480 CRAIGHEAD STREET SUITE 103 NASHVILLE, TN 37204 PHONE: (615) 386-6796 ccad@ccadreprographics.com
 1121 HARPETH INDUSTRIAL CT. SUITE 200 FRANKLIN, TN 37064 PHONE: (615) 614-0749 franklin@ccadreprographics.com
 500 WILSON PIKE CIRCLE SUITE 103 BRENTWOOD, TN 37027 PHONE: (615) 739-6286 brentwood@ccadreprographics.com



SITE DATA

PROJECT NAME: POWER CHIROPRACTICS AND WELLNESS
COBELL PROPERTIES, LLC

PROJECT ADDRESS: 4117 GALLATIN PIKE

CITY: NASHVILLE 37216

COUNTY: DAVIDSON

STATE: TENNESSEE

DISTRICT: 8TH COUNCIL DISTRICT

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IMPERVIOUS SURFACE RATIO: $16,788/23,172 = 0.75$

PARKING REQUIREMENTS:

1 SPACE PER 200 S.F. BUILDING = $5,886/200 = 29$ SPACES

NUMBER OF PARKING SPACES PROVIDED = 29 SPACES

DEPARTMENT OF CODES ADMINISTRATION
METROPOLITAN NASHVILLE, & DAVIDSON COUNTY

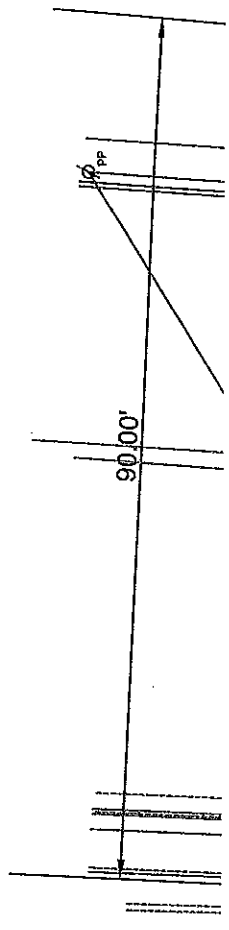
ZONING REVIEW CHECKLIST
Nonresidential and Multifamily Construction

APPLICATION #	PROJECT NAME: POWER CHIROPRACTICS AND WELLNESS
MAP/PARCEL # 61-11/124	EXAMINER:
USE - CHAPTER 17.08 AND 17.16 **A - Approved, D - Denied, I - Incomplete, P - Pending, C - Conditional **	
Determine the use	MEDICAL OFFICE

CURVE	
C1	

PHONE (615) 386-6796
ad@ccadreprographics.com

USE OF THIS DRAWING IS TO APPLY FOR VARIANCE FROM PROVISIONS OF:
SECTION "C" "STANDARDS 17.20.120 PROVISIONS OF SIDEWALK"
SECTION 17.12.020B DISTRICT BULK TABLE (REAR SETBACK REQUIREMENTS)
SECTION 17.24.150 PERIMETER PLANTING REQUIREMENTS.
SECTION 17.24.160 INTERIOR PLANTING REQUIREMENTS.
SECTION 17.16.03-G6 DRIVEWAY ACCESS



4" PAINTED WHITE STRIPING (TYP.)

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Charlton A. Woosley
4117 Gallatin Road
Map: 61-11
Parcel: 124
Zoning Classification: OP
APPEAL CASE # 92-142

ORDER

This matter came to be heard in public hearing on July 23, 1992 before the Metropolitan Board of Zoning Appeals upon application of the appellant for a variance in buffer and parking provisions to allow the construction of a 30' x 58' addition.

Based upon the testimony of the appellant, testimony of the witnesses and the entire record in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.16.060 (b) of the Metropolitan Code.
- (2) The appellant sought relief under Section 17.16.070 (b) of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the requirements for a variance under Section 17.132.060 of the Metropolitan Zoning Ordinance.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant SHALL BE ISSUED the requested variance, subject to the following conditions: none.

Upon motion by: Spann
Ayes: Karr, Meeks, Price, Saunders, Spann
Nays: None
Abstaining: None
Absent: Emamalie, Hoover
Seconded by: Saunders

ENTERED THIS 30th DAY OF July, 1992

METROPOLITAN BOARD OF ZONING APPEALS

John L. Jeff
Chairman

Rick Shepherd
Secretary

06111008200

06111008300



MCMAHAN AVE



012100

OR20

06111012200



06111012300

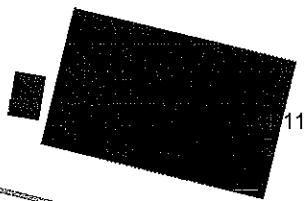


RS7.5

06111032000

111012400

OR20-A



06111031900

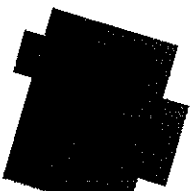
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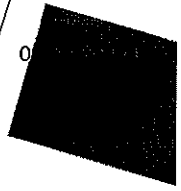
06111012800

GALLATIN PIKE T4-M-AB5-JM

MUL-A

06111023700

GREENLAND AVE





T4-M-A-B5-1M

GALLATIN PIKE

MUL-A

06111023700

GREENLAND AVE

MCCAMAHAN AVE

ROR-20

06111012200

RS7.5

06111032000

06111042400

CR20-A

06111042500

06111042600

06111042700

06111042800

SUBSTITUTE ORDINANCE NO. BL2014-673

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 making applicable the provisions of a Neighborhood Landmark Overlay District to various properties located along the west side of Gallatin Pike between Virginia Avenue and Broadmoor Drive, (17.22 acres), zoned OR20-A and RS7.5, all of which is described herein (Proposal No. 2014NL-001-001).

WHEREAS, the Neighborhood Landmark Overlay District can apply to an areas of historic and neighborhood value;

WHEREAS, this area contains structures that have been identified by the Metro Historical Commission as worthy of consideration and are included in the Gallatin Road Historic District;

WHEREAS, this area contains many structures currently utilized as single-family dwellings or small offices that contain a residential character, scale and orientation;

WHEREAS, the Neighborhood Landmark Overlay District will encourage the preservation of the historic structures and residential character of the area by enabling consideration of additional uses; and

WHEREAS, the Neighborhood Landmark Overlay District development plan will guide the reuse of or additions to existing buildings and redevelopment of sites, including vacant property, in a manner that maintains and enhances the area’s intensity, character, scale and orientation.

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:

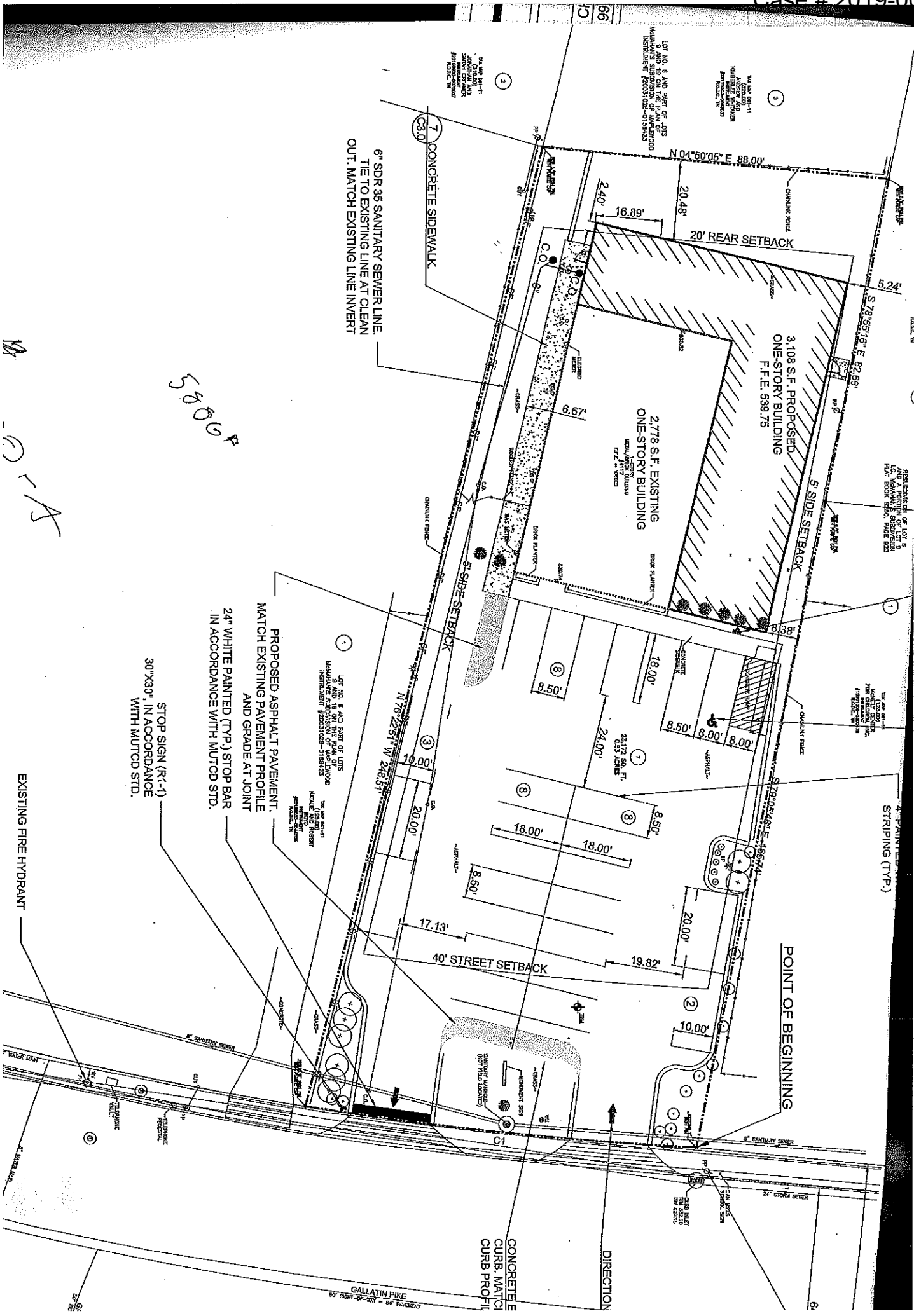
By making applicable the provisions of a Neighborhood Landmark Overlay District to various properties located along the west side of Gallatin Pike between Virginia Avenue and Broadmoor Drive, (17.22 acres), zoned OR20-A and RS7.5, being Property Parcel Nos. 128, 129, 130, 183, 184, 185, 186, 242, 243, 244, 245, 246, 247, 272, 273 as designated on Map 061-07 and Property Parcel Nos. 084, 085, 123, 124, 125, 126, 127, 128, 131 as designated on Map 061-11 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 attached sketch, which is attached to 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 061 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 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: Karen Bennett

LEGISLATIVE HISTORY	
Introduced:	February 4, 2014
Passed First Reading:	February 4, 2014
Referred to:	Planning Commission - Approved 9-0 (February 27, 2014) Planning & Zoning Committee
Passed Second Reading:	March 4, 2014
Substitute Introduced:	March 18, 2014
Passed Third Reading:	March 18, 2014



6" SDR 35 SANITARY SEWER LINE
TIE TO EXISTING LINE AT CLEAN
OUT. MATCH EXISTING LINE INVERT

PROPOSED ASPHALT PAVEMENT.
MATCH EXISTING PAVEMENT PROFILE
AND GRADE AT JOINT

24" WHITE PAINTED (TYP.) STOP BAR
IN ACCORDANCE WITH MUTCD STD.

STOP SIGN (R1-1)
30"x30", IN ACCORDANCE
WITH MUTCD STD.

EXISTING FIRE HYDRANT

5806A

W
O
A

GALLATIN PIKE
50' RIGHT-OF-WAY - 24" PAVEMENT

CONCRETE
CURB. MATCH
CURB PROFIL

DIRECTION

POINT OF BEGINNING

4. PAINTED
STRIPING (TYP.)

RESPONSIBILITY OF LOT 5
AND 2. FRONTAGE OF LOT 5
FOR REAR OF LOT 5
FOR REAR OF LOT 5

THE LOT 5
AND 2. FRONTAGE OF LOT 5
FOR REAR OF LOT 5
FOR REAR OF LOT 5

LOT NO. 8 AND PART OF LOTS
NUMBERED 18 AND 19 OF PLAN OF
SUBDIVISION #20031029-0158433

THE LOT 8 AND PART OF LOTS
NUMBERED 18 AND 19 OF PLAN OF
SUBDIVISION #20031029-0158433

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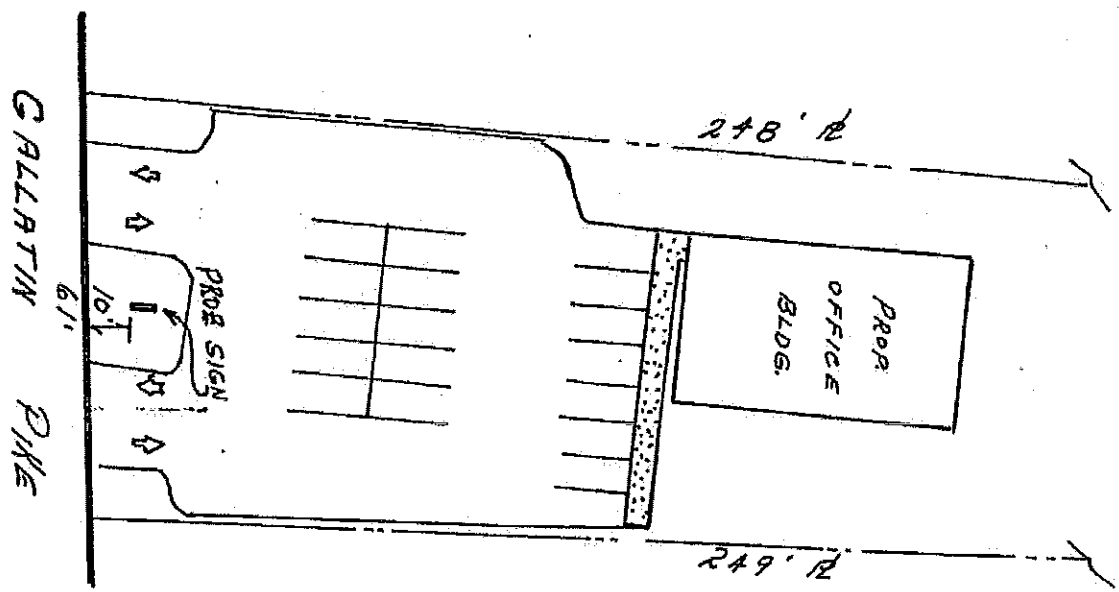
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NUMBERED 18 AND 19 OF PLAN OF
SUBDIVISION #20031029-0158433



INSPECTOR

WHM

89-68

REG. FRONT YARD 20'

PROPOSED 10'

VARIANCE

Lifsey, Debbie (Codes)

From: Julie Cook <juliecook2@gmail.com>
Sent: Tuesday, December 11, 2018 8:10 AM
To: Board of Zoning Appeals (Codes)
Subject: 4117 Gallatin Rd BZA Request

I don't even know where to begin on the multitude of variances this application has requested. The requirements are in place for a reason and the need to request so many variances, is essentially an attempt to put a square peg in a round hole. It simply doesn't work.

Please deny these requests as they make no sense for our neighborhood.

Thank you,

--

Julie Cook
juliecook2@gmail.com

From: [Breda, Carolyn](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Concerns about Case 2019-005 through 2019-009, on Feb 7 agenda
Date: Friday, February 1, 2019 1:40:22 PM
Importance: High

Dear Zoning Board Members, et al.,

We have received today an agenda for the Board's meeting Feb 7. There is a series of requests that concerns us greatly – all related to property in our area, at 4117 Gallatin Pike, District 8, with Michael Woods, appellant and Cobell Properties LLC.

The owner is requesting no fewer than FIVE variances from: 1) parking requirements, 2) front and rear setbacks, 3) sidewalk requirements, 4) landscape and rear buffer requirements, and 5) street access requirements.

This sounds like an owner who is making a mockery of Metro's rules. We also question the fairness and appropriateness of making five (or any) requests for land which we think is officially designated a Neighborhood Landmark. We are particularly concerned about the variances related to setbacks (neighbors' interests should matter), sidewalks, and landscaping (one of the best ways to rejuvenate streetscapes).

We ask that the requests for variances (at least the three noted above) be disapproved, and that this owner be asked to abide by regulations that others are asked to follow, and which are in place to protect and promote the livability, quality, and safety of our community.

Thank you for your consideration.

Best regards,
Carolyn Breda
Riverwood Residents Association

From: [Michael, Jon \(Codes\)](#)
To: [Lamb, Emily \(Codes\)](#)
Cc: [Shepherd, Jessica \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#)
Subject: Fw: BZA Agenda Thursday, January 3, 2019
Date: Thursday, January 3, 2019 6:27:29 AM

Sent from my Verizon LG Smartphone

----- Original message-----

From: VanReece, Nancy (Council Member)
Date: Wed, Jan 2, 2019 5:43 PM
To: Michael, Jon (Codes);
Cc:
Subject:RE: BZA Agenda Thursday, January 3, 2019

We went over this already -- I am not inclined to support any of this. Let me know if I'm missing something.

Nancy VanReece | Metro Nashville Councilmember, District 8

[@nvr4district8](#) | www.nvr4district8.com | www.fb.com/nvr4district8 | 615-862-6780

From: Fuqua, Barbara (Council Office)
Sent: Wednesday, January 02, 2019 3:50 PM
To: VanReece, Nancy (Council Member)
Subject: BZA Agenda Thursday, January 3, 2019

D O C K E T

1/3/2019

1:00 P.M.

METROPOLITAN BOARD OF ZONING APPEALS

P O B O X 196300

METRO OFFICE BUILDING

NASHVILLE, TENNESSEE 37219-6300

Meetings held in the Sonny West Conference Center

Howard Office Building, 700 2nd Avenue South

CASE 2019-005 (Council District - 8)

MICHAEL WOODS, appellant and **COBELL PROPERTIES, LLC**, owner of the property

located at **4117 GALLATIN PIKE**, requesting a **variance from parking requirements** in the

OR20-A, OV- UDO, OV-NHL District, to construct an office addition. Referred to the Board under Section 17.20.030, 17.20.060. The appellant has alleged the Board would have

jurisdiction under Section 17.40.180 B.

Use-Office Map Parcel 06111012400

Results:

CASE 2019-006 (Council District - 8)

MICHAEL WOODS, appellant and **COBELL PROPERTIES, LLC**, owner of the property

located at **4117 GALLATIN PIKE**, requesting a **variance from front and rear setbacks** in the

OR20-A, OV-UDO, OV-NHL District, to construct an office addition. Referred to the Board under Section 17.12.020 D., 17.40.660 C. The appellant has alleged the Board would

have jurisdiction under Section 17.40.18 B.

Use-Office Map Parcel 06111012400

CASE 2019-007 (Council District - 8)

MICHAEL WOODS, appellant and **COBELL PROPERTIES, LLC**, owner of the property

located at **4117 GALLATIN PIKE**, requesting a **variance from sidewalk requirements**

in the OR20-A, OV-UDO, OV-NHL District, to construct an office additions without building

sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120.

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

Use-Office Map Parcel 06111012400

CASE 2019-008 (Council District - 8)

MICHAEL WOODS, appellant and **COBELL PROPERTIES, LLC**, owner of the property

located at **4117 GALLATIN PIKE**, requesting a **variance from landscape and rear buffer**

requirements in the OR20-A, OV-UDO, OV-NHL District, to construct an office addition.

Referred to the Board under Section 17.24.230, 17.24.150, 17.24.160. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Office Map Parcel 06111012400

CASE 2019-009 (Council District - 8)

MICHAEL WOODS, appellant and **COBELL PROPERTIES, LLC**, owner of the property

located at **4117 GALLATIN PIKE**, requesting a **variance from street access requirements**

in the OR20-A, OV-UDO, OV, NHL District, to construct an office addition. Referred to the Board under Section 17.20.170. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Office Map Parcel 06111012400

Results:

*Barbara Fuqua
Metro Council Office
204 Metro Courthouse
615-862-6780*

Lifsey, Debbie (Codes)

From: Michael, Jon (Codes)
Sent: Tuesday, December 11, 2018 9:39 AM
To: Lifsey, Debbie (Codes); Shepherd, Jessica (Codes)
Cc: Lamb, Emily (Codes)
Subject: FW: 4117 Gallatin Pike BZA Appllication

For the case file.

From: VanReece, Nancy (Council Member)
Sent: Tuesday, December 11, 2018 7:29 AM
To: Michael, Jon (Codes)
Subject: Re: 4117 Gallatin Pike BZA Appllication

Thank you.
I am not in support of these variances.

Nancy VanReece | Metro Nashville Councilmember, District 8
@nvr4district8 | www.nvr4district8.com | [www.fb.com/nvr4district8](https://www.facebook.com/nvr4district8) | 615-862-6780

From: VanReece, Nancy (Council Member)
Sent: Friday, December 07, 2018 11:07 PM
To: Michael, Jon (Codes)
Subject: 4117 Gallatin Pike BZA Appllication

Hey Jon Michael -- what can you tell me about this?

Nancy VanReece | Metro Nashville Councilmember, District 8

@nvr4district8 | www.nvr4district8.com | [www.fb.com/nvr4district8](https://www.facebook.com/nvr4district8) | 615-862-6780

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: MICHAEL WOODS Date: 11/13/18
Property Owner: MYLES CRAWFORD Case #: 2019- 006
Representative: MICHAEL WOODS Map & Parcel: 06111012400

Council District 08

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

Purpose: to construct a 3,108 sqft office addition

Activity Type: OFFICE

X Location: 4117 GALLATIN PIKE

This property is in the 0220-A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason: OV-UDO
OV-NBL

Reason: a variance from rear setback requirements
Front and

Section(s): 17.12.020D, 17.40.660C

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

WOODS CONST. GROUP, LLC
MICHAEL WOODS
Appellant Name (Please Print) Representative Name (Please Print)

6601 OWEN HILL RD
Address Address

COLLEGE GROVE, TN 37046
City, State, Zip Code City, State, Zip Code

615-405-2626
Phone Number Phone Number

mwoods321@yahoo.com
Email Email

Appeal Fee: \$200



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



**APPLICATION FOR BUILDING COMMERCIAL - ADDITION / CACA - T2018071415
THIS IS NOT A PERMIT**

PARCEL: 06111012400

APPLICATION DATE: 11/13/2018

SITE ADDRESS:

4117 GALLATIN PIKE NASHVILLE, TN 37216
LOT 7 & PT 9-10 MCMAHAN SUB OF MAPLEWOOD

PARCEL OWNER: COBELL PROPERTIES, LLC

APPLICANT:

PURPOSE:

ZONED OR20-A.

NEIGHBORHOOD LANDMARK DESIGNATION.

EXISTING 2778 SQFT..MEDICAL OFFICE...CHIROPRACTIC OFFICE.

BZA 92-142 APPROVED PARKING LAYOUT AND VARIANCE IN BUFFER.

***THIS PERMIT TO CONSTRUCT A 3,108 SQFT ADDITION.

- 1....USE...OFFICE.....18 SPACES APPROVED....REQUIRED 29...17.20.030..... 2019-005
- 2....LAYOUT SHOWS VIOLATIONS IN BACKOUT AND PARALLEL SPACES.....17.20.060.. 2019-005
- 3....REAR SETBACK 20'...REQUEST 17.6'.....17.12.020D 2019-006
- 4...ZONED OR20-A....REQUIRED FRONT STREET MAX SETBACK AT 80'....SHOWN AT 130'...REQUEST INCREASE IN THE NON-CONFORMITY BY BUILDING BEHIND THE MAX SETBACK ALLOWED....17.40.660 C.... 2019-006
- 5.....REQUIRED TO UPDATE SIDEWALKS..REQUEST NOT TO INSTALL AND NOT TO CONTRIBUTE...17.20.120J...2019-007
- 6...REAR BUFFER ' C AT 20'.... REQUIRED...REQUEST NONE..17.24.230... 2019-008
- 7...ALLOWED ONE ACCESS BASED ON STREET CLASSIFICATION AND FRONTAGE LENGTH.....REQUEST TO KEEP THE TWO EXISTING....17.20.170 2019-009
- 8....PERIMETER LANDSCAPING...REQUEST NONE...17.24.150. 2019-008
- 9....INTERIOR LANDSCAPING REQUIRED...REQUEST NONE..17.24.160. 2019-008

*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		
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-862-6545 Richard.Thomopoulos@nashville.gov
[H] Historic Zoning Review - CA		862-7970 histlap1@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPPermitsl@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		
[A] Site Plan Review		
[B] Building Plans Received		615-862-6614 teresa.patterson@nashville.gov
[B] Building Plans Review		615-862-6581 Teresa.Patterson@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[B] Fire Sprinkler Requirement		862-5230
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[E] Cross Connect Review For Bldg App		862-7225
		MWS.DevelopmentServicesCenter@nashville.gov
[E] Water Availability Review For Bldg		862-7225
		MWS.DevelopmentServicesCenter@nashville.gov
[E] Water Variance Approval For Bldg		862-7225
		MWS.DevelopmentServicesCenter@nashville.gov

PROJECT ADDRESS: 4117 GALLATIN PIKE
 CITY: NASHVILLE 37216
 COUNTY: DAVIDSON
 STATE: TENNESSEE
 DISTRICT: 8TH COUNCIL DISTRICT
 EXISTING ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)
 PROPOSED ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)
 MAP AND PARCEL NO.= MAP 061-11 PARCEL 24
 EXISTING LAND USE: MEDICAL OFFICE
 PROPOSED LAND USE: MEDICAL OFFICE
 MINIMUM REQUIRED SETBACK LINES:
 FRONT SETBACK: 40'
 SIDE YARD: 5'
 REAR YARD: 20'

PRE-DEVELOPED CONDITIONS	SQ. FT.	ACRES
TOTAL AREA	23,172	0.532
EXISTING BUILDING	2,778	0.064
EXISTING ASPHALT PRKG.	10,032	0.230
CONCRETE CURB	405	0.009
EXISTING SIDEWALK	352	0.008
WOODEN SHED	105	0.002
GRASS	12,278	0.282
TOTAL IMPERVIOUS	13,672	0.314

POST DEVELOPED CONDITIONS	SQ. FT.	ACRES
TOTAL AREA	23,172	0.532
BUILDING	5,886	0.135
ASPHALT PRKG.	10,285	0.236
CONCRETE CURB	355	0.008
EXISTING SIDEWALK	352	0.008
PROPOSED SIDEWALK	605	0.014
GRASS	5,689	0.131
TOTAL IMPERVIOUS	17,483	0.401
NET IMP. SURF. INCREASE	3,811	0.087

MAX. FLOOR AREA RATIO: 5,464/23,172 = 0.25
 IMPERVIOUS SURFACE RATIO: 16,788/23,172 = 0.75
 PARKING REQUIREMENTS:
 1 SPACE PER 200 S.F. BUILDING = 5,886/200 = 29 SPACES
 NUMBER OF PARKING SPACES PROVIDED = 29 SPACES

DEPARTMENT OF CODES ADMINISTRATION
 METROPOLITAN NASHVILLE, & DAVIDSON COUNTY
 ZONING REVIEW CHECKLIST
 Nonresidential and Multifamily Construction

APPLICATION #	PROJECT NAME:	POWER CHIROPRACTICS AND WELLNESS	
MAP/PARCEL # 61-11/124	EXAMINER:		
USE - CHAPTER 17.08 AND 17.16 **A - Approved, D - Denied, I - Incomplete, P - Pending, C - Conditional **			
Determine the use MEDICAL OFFICE			
Property zoning	OR20A	Overlay(s) OV-NHL	Surrounding Zoning OR20, OR20A, MUL-A
Use Charts:	P, PC, SE, A	P	
SITE CRITERIA ** Supplemental Checklist Also Required for UZO **			
Subdivision Plat (Note any special requirements such as easements, setback restriction and etc.)			
Minimum lot size	7,500	Footprint	5,464 S.F.
FAR		Maximum	0.8
Requesting	0.24		
ISR-Adjustments/ Slopes over 15 %:	0%	Maximum	0.7
Requesting			
Street Setback/ Street Type(s): --			
Side yard 5'			
Rear yard 20'			
Height standards	3 STORIES	Number of Floors	1 STORY
PARKING AND ACCESS - CHAPTER 17.20 ** Supplemental Checklist Also Required for UZO **			
Ramp location and number 2 EXISTING AT GALLATIN PIKE			
Distance to nearest existing ramp (minimum 30') 15' TO THE SOUTH			
Distance to intersections 50' minor street 185' arterial street 800' TO MCMAHAN AVENUE			
100' collector 250' controlled access ramp N/A			
Required parking based on uses	Required:	28 (1 PER 200 S.F.)	Providing: 29
Required loading based on uses	N/A	Required	Providing
Surfacing over 5 spaces 1,750 sq. ft.			
Space sizes, aisle widths, angle data 18'X8.5' STALL WITH 24' TRAVEL LANE			
Queuing lanes N/A			
Over 10 spaces 20' queuing at exit N/A			
Number of compact spaces/ % NONE			
Number of handicapped spaces 1 VAN ACCESSIBLE			
Sidewalks required internal public INTERNAL & PUBLIC SIDEWALK			
LANDSCAPING STANDARDS - CHAPTER 17.24 ** Supplemental Checklist Also Required for UZO **			
Required buffer yards TYPE C TO BE PROVIDED			
Buffer yard adjustment			
Perimeter landscaping (can't be over future R.O.W.) NO			
Standard for 4 or more lanes N/A			
Standard for less than four lanes N/A			
Side lines adjacent to parking areas 5' minimum width with trees - 2.5' with tree islands 5' MIN. PROVIDED			
Interior landscaping minimum 8 % area N/A			
Opaque fence adjacent to residential in parking area TO BE PROVIDED WITHIN THE YARD BUFFER			
Screening around dumpsters (NO CHAIN LINK FENCE PERMITTED) N/A			

CCAD REPROGRAPHICS, LLC
 480 CRAIGHEAD STREET SUITE 103 NASHVILLE, TN 37204 PHONE (615) 386-6796 ccad@ccadreprographics.com
 1121 HARPETH INDUSTRIAL CT. SUITE 300 FRANKLIN, TN 37064 PHONE (615) 614-0749 franklin@ccadreprographics.com
 500 WILSON PIKE CIRCLE SUITE 103 BRENTWOOD, TN 37027 PHONE (615) 739-6286 brentwood@ccadreprographics.com

Specifications

Copying



SITE DATA

CURVE	
C1	

PROJECT NAME: POWER CHIROPRACTICS AND WELLNESS
COBELL PROPERTIES, LLC

PROJECT ADDRESS: 4117 GALLATIN PIKE

CITY: NASHVILLE 37216

COUNTY: DAVIDSON

STATE: TENNESSEE

DISTRICT: 8TH COUNCIL DISTRICT

EXISTING ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)

PROPOSED ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)

MAP AND PARCEL NO.= MAP.061-11 PARCEL 24

EXISTING LAND USE: MEDICAL OFFICE

PROPOSED LAND USE: MEDICAL OFFICE

MINIMUM REQUIRED SETBACK LINES:

FRONT SETBACK: 40'

SIDE YARD: 5'

REAR YARD: 20'

PRE-DEVELOPED CONDITIONS	SQ. FT.	ACRES
TOTAL AREA	23,172	0.532
EXISTING BUILDING	2,778	0.064
EXISTING ASPHALT PRKG.	10,032	0.230
CONCRETE CURB	405	0.009
EXISTING SIDEWALK	352	0.008
WOODEN SHED	105	0.002
GRASS	12,278	0.282
TOTAL IMPERVIOUS	13,672	0.314

POST DEVELOPED CONDITIONS	SQ. FT.	ACRES
TOTAL AREA	23,172	0.532
BUILDING	5,886	0.135
ASPHALT PRKG.	10,285	0.236
CONCRETE CURB	355	0.008
EXISTING SIDEWALK	352	0.008
PROPOSED SIDEWALK	605	0.014
GRASS	5689	0.131
TOTAL IMPERVIOUS	17,483	0.401
NET IMP. SURF. INCREASE	3,811	0.087

MAX. FLOOR AREA RATIO: $5,464/23,172 = 0.25$

IMPERVIOUS SURFACE RATIO: $16,788/23,172 = 0.75$

PARKING REQUIREMENTS:

1 SPACE PER 200 S.F. BUILDING = $5,886/200 = 29$ SPACES

NUMBER OF PARKING SPACES PROVIDED = 29 SPACES

DEPARTMENT OF CODES ADMINISTRATION
METROPOLITAN NASHVILLE, & DAVIDSON COUNTY
ZONING REVIEW CHECKLIST
Nonresidential and Multifamily Construction

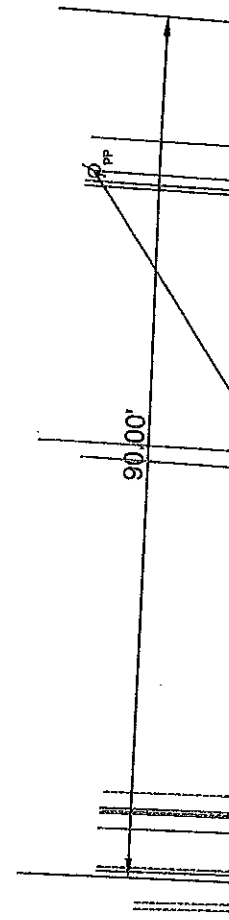
APPLICATION #	PROJECT NAME: POWER CHIROPRACTICS AND WELLNESS
MAP/PARCEL # 61-11/124	EXAMINER:

USE - CHAPTER 17.08 AND 17.16 **A - Approved, D - Denied, I - Incomplete, P - Pending, C - Conditional **
Determine the use MEDICAL OFFICE

PHONE (615) 386-6796
ad@ccadprographics.com

USE OF THIS DRAWING IS TO APPLY FOR VARIANCE FROM PROVISIONS OF:
 SECTION "C" "STANDARDS 17.20.120 PROVISIONS OF SIDEWALK"
 SECTION 17.12.020B DISTRICT BULK TABLE (REAR SETBACK REQUIREMENTS)
 SECTION 17.24.150 PERIMETER PLANTING REQUIREMENTS.
 SECTION 17.24.160 INTERIOR PLANTING REQUIREMENTS.
 SECTION 17.16.03-G6 DRIVEWAY ACCESS

4" PAINTED WHITE
 STRIPING (TYP.)



BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Charlton A. Woosley
4117 Gallatin Road
Map: 61-11
Parcel: 124
Zoning Classification: OP

APPEAL CASE # 92-142

ORDER

This matter came to be heard in public hearing on July 23, 1992 before the Metropolitan Board of Zoning Appeals upon application of the appellant for a variance in buffer and parking provisions to allow the construction of a 30' x 58' addition.

Based upon the testimony of the appellant, testimony of the witnesses and the entire record in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.16.060 (b) of the Metropolitan Code.
- (2) The appellant sought relief under Section 17.16.070 (b) of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the requirements for a variance under Section 17.132.060 of the Metropolitan Zoning Ordinance.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant SHALL BE ISSUED the requested variance, subject to the following conditions: none.

Upon motion by: Spann

Seconded by: Saunders

Ayes: Karr, Meeks, Price, Saunders, Spann

Nays: None

Abstaining: None

Absent: Emamalie, Hoover

ENTERED THIS 30th DAY OF July, 1992

METROPOLITAN BOARD OF ZONING APPEALS

John L. Spann

Chairman

Rick Shepherd

Secretary

06111008200

06111008300



MCMAHAN AVE



06111012100

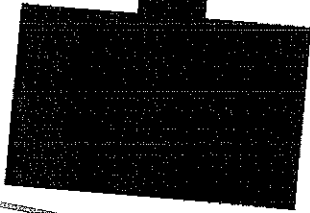


OR20

06111012200



06111012300



RS7.5

06111032000



06111012400

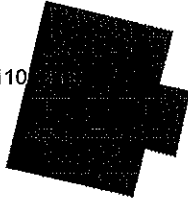
OR20-A



06111031900



06111012500



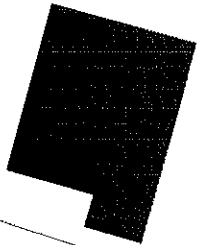
GALLATIN PIKE
T4-M-AB5-IM

MUL-A

06111023700



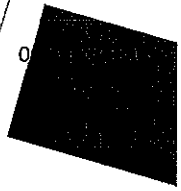
06111012600



GREENLAND AVE



06111012700



06111012800



06111008200

06111008300

06111008700

MCMAHAN AVE

06111012100

R20

06111012200

0611101

RS75

06111032000

06111042400

R20-A

GALLATIN PIKE
T4-M-AB-5-IM

MUL-A

06111023700

GREENLAND AVE

06111012600

06111012700

0012

SUBSTITUTE ORDINANCE NO. BL2014-673

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 making applicable the provisions of a Neighborhood Landmark Overlay District to various properties located along the west side of Gallatin Pike between Virginia Avenue and Broadmoor Drive, (17.22 acres), zoned OR20-A and RS7.5, all of which is described herein (Proposal No. 2014NL-001-001).

WHEREAS, the Neighborhood Landmark Overlay District can apply to an areas of historic and neighborhood value;

WHEREAS, this area contains structures that have been identified by the Metro Historical Commission as worthy of consideration and are included in the Gallatin Road Historic District;

WHEREAS, this area contains many structures currently utilized as single-family dwellings or small offices that contain a residential character, scale and orientation;

WHEREAS, the Neighborhood Landmark Overlay District will encourage the preservation of the historic structures and residential character of the area by enabling consideration of additional uses; and

WHEREAS, the Neighborhood Landmark Overlay District development plan will guide the reuse of or additions to existing buildings and redevelopment of sites, including vacant property, in a manner that maintains and enhances the area’s intensity, character, scale and orientation.

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:

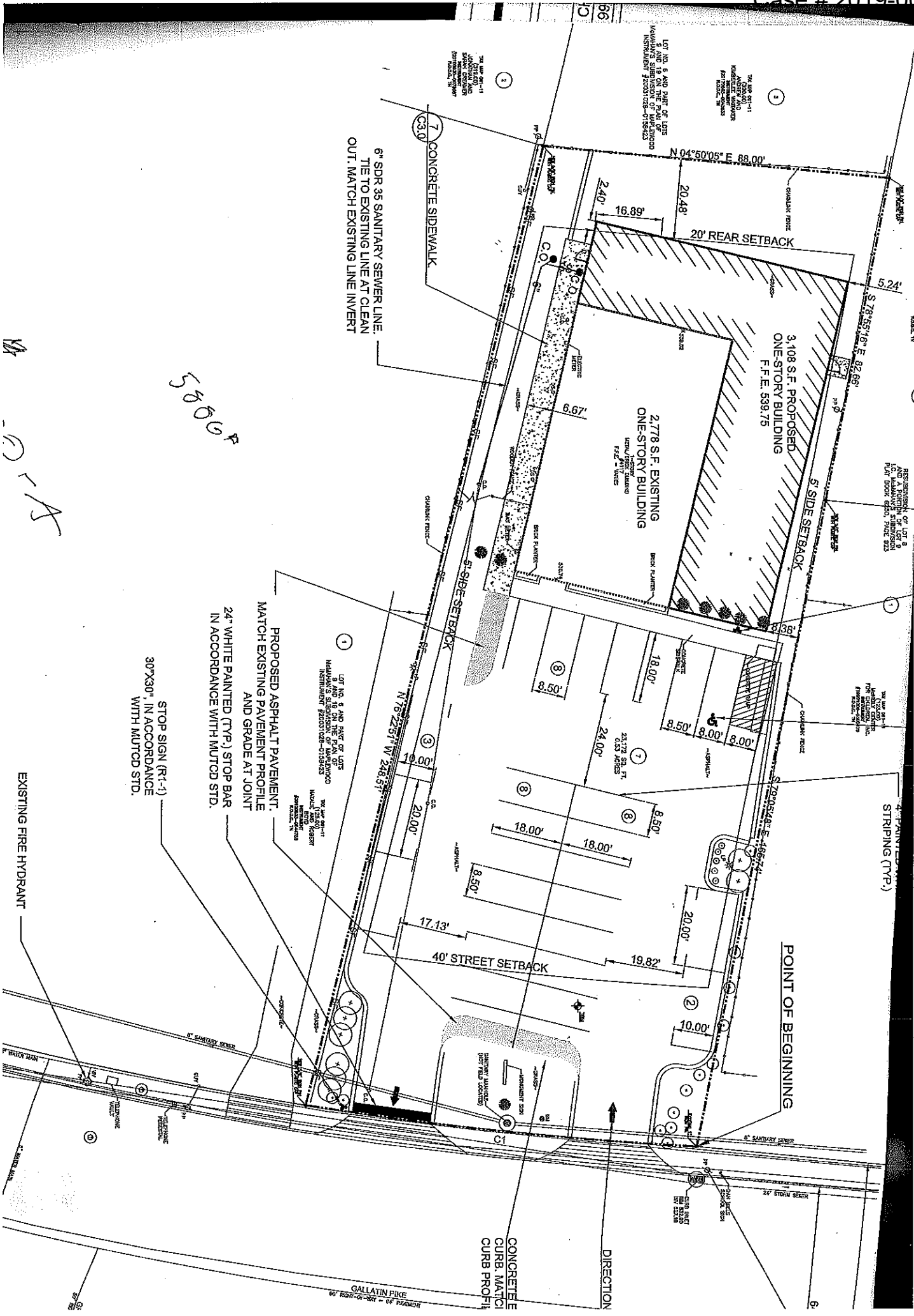
By making applicable the provisions of a Neighborhood Landmark Overlay District to various properties located along the west side of Gallatin Pike between Virginia Avenue and Broadmoor Drive, (17.22 acres), zoned OR20-A and RS7.5, being Property Parcel Nos. 128, 129, 130, 183, 184, 185, 186, 242, 243, 244, 245, 246, 247, 272, 273 as designated on Map 061-07 and Property Parcel Nos. 084, 085, 123, 124, 125, 126, 127, 128, 131 as designated on Map 061-11 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 attached sketch, which is attached to 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 061 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 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.

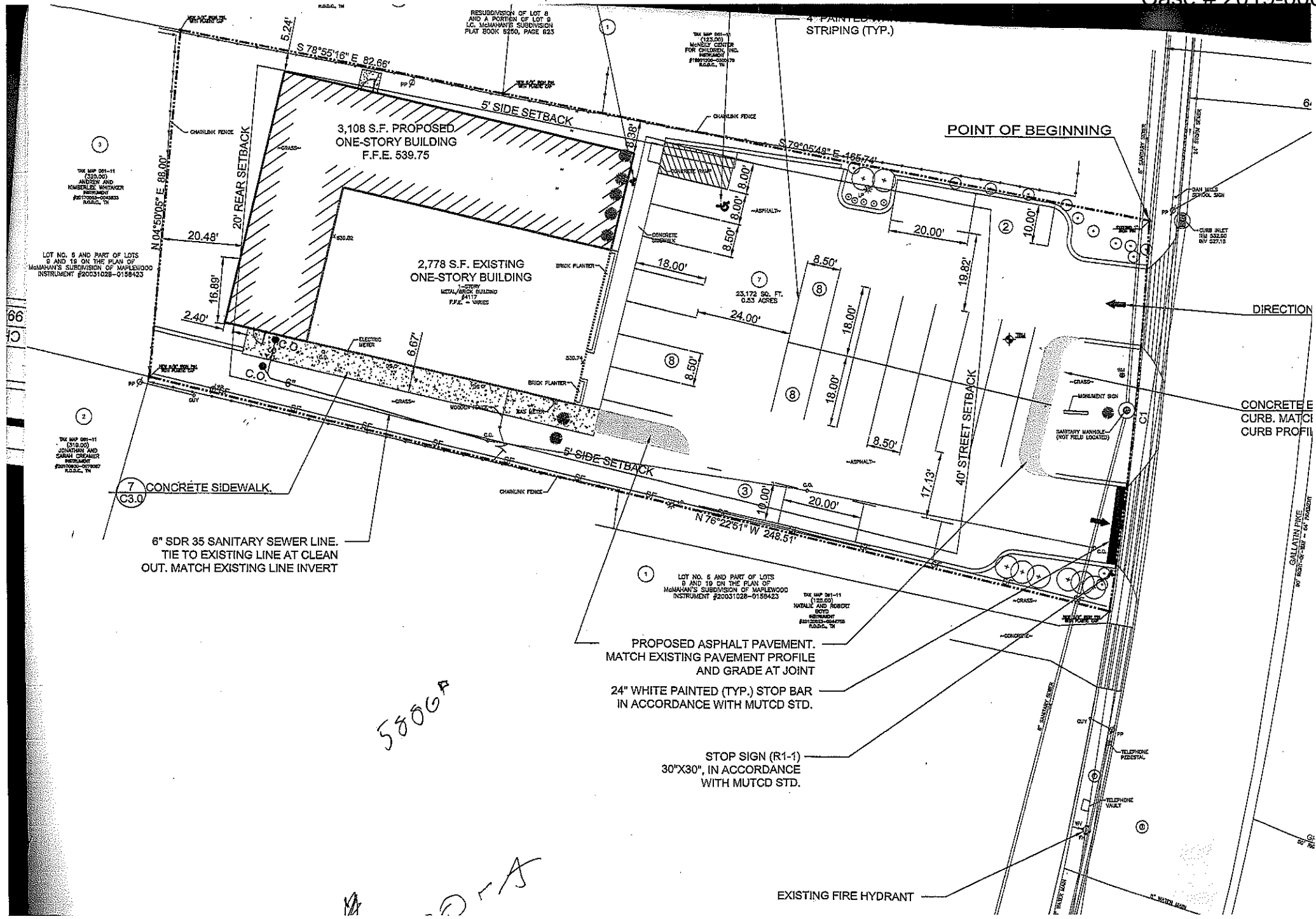
Sponsored by: Karen Bennett

LEGISLATIVE HISTORY	
Introduced:	February 4, 2014
Passed First Reading:	February 4, 2014
Referred to:	Planning Commission - Approved 9-0 (February 27, 2014) Planning & Zoning Committee
Passed Second Reading:	March 4, 2014
Substitute Introduced:	March 18, 2014
Passed Third Reading:	March 18, 2014



5806A

MA 0-1-A



LOT NO. 8 AND PART OF LOTS 9 AND 10 ON THE PLAN OF McMANIS'S SUBDIVISION OF MAPLEWOOD INSTRUMENT #20031028-0158423

THE MAP 091-11 (125.00) JENNIFER AND SARAH CREANER PROJECT #2019003-001007 KANSAS, TX

RESUBDIVISION OF LOT 8 AND A PORTION OF LOT 9 L.C. McMANIS'S SUBDIVISION PLAT BOOK 6250, PAGE 623

THE MAP 091-11 (125.00) MÓNICA CORDERO FOR CALISTOEN (INC.) PROJECT #1902000-000079 KANSAS, TX

LOT NO. 8 AND PART OF LOTS 9 AND 10 ON THE PLAN OF McMANIS'S SUBDIVISION OF MAPLEWOOD INSTRUMENT #20031028-0158423

THE MAP 091-11 (125.00) NATALIE AND ROBERT BOYD PROJECT #2019003-001007 KANSAS, TX

6" SDR 35 SANITARY SEWER LINE. TIE TO EXISTING LINE AT CLEAN OUT. MATCH EXISTING LINE INVERT

PROPOSED ASPHALT PAVEMENT. MATCH EXISTING PAVEMENT PROFILE AND GRADE AT JOINT

24" WHITE PAINTED (TYP.) STOP BAR IN ACCORDANCE WITH MUTCD STD.

STOP SIGN (R1-1) 30"X30", IN ACCORDANCE WITH MUTCD STD.

EXISTING FIRE HYDRANT

5806A

DFA

CONCRETE CURB. MATCH CURB PROFILE

CALLUTAN PIKE BY 2019003-001007 - 04' PAVEMENT

DIRECTION

POINT OF BEGINNING

4" PAINTED STRIPING (TYP.)

66

0

7 CONCRETE SIDEWALK. C3.0

20' REAR SETBACK

5' SIDE SETBACK

5' SIDE SETBACK

40' STREET SETBACK

N 76° 22' 51" W 248.51'

S 79° 05' 48" E 185.74'

5.24'

S 78° 55' 16" E 82.66'

N 04° 50' 05" E 88.00'

20.48'

16.89'

2.40'

2,778 S.F. EXISTING ONE-STORY BUILDING

3,108 S.F. PROPOSED ONE-STORY BUILDING F.F.E. 539.75

23,172 SQ. FT. 0.53 ACRES

24" STOP SIGN

CURB INLET (116 532.50) BY 227.15

10.00'

20.00'

19.82'

17.13'

18.00'

18.00'

18.00'

18.00'

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18.00'

18.00'

18.00'

18.00'

18.00'

Lifsey, Debbie (Codes)

From: Breda, Carolyn <carolyn.breda@Vanderbilt.Edu>
Sent: Wednesday, January 2, 2019 2:27 PM
To: Board of Zoning Appeals (Codes)
Subject: Grave Concerns about Two Cases on Board's Agenda fro Meeting Jan 3, 2019 (tomorrow)

Importance: High

Hello Mr. Herbert and others,

We have received today an agenda (revised) for the Board's meeting tomorrow, Jan 3. Regrettably, we are unable to attend this meeting but ask that our concerns below be shared with Board members, and others who may be interested in them.

There are two separate items on the agenda of deep concern:

- I. CASE 2019-010 (Council District - 7) Guerrier Development, LLC, appellant and GUERRIER DEVELOPMENT, LLC, owner of the property located at 1238 C MCGAVOCK PIKE, requesting a variance from sidewalk requirements in the R8 District, to construct two single family homes on one parcel without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20120 The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Single Family Map Parcel 07207019500 Results:

Our concern on this case is twofold.

First, the request refers only to the variance in the sidewalk requirement. We strongly oppose all such requests for sidewalk variances based on the city's mission and ours that our neighborhood (as well as Nashville at large) become "walkable." City leaders, planners, residents, and everyone in between talk a good talk about walkability and pedestrian safety in our neighborhoods, yet such requests for variances to sidewalks are routinely made and not infrequently approved. Worse – those who request variances to building sidewalks go even further, and request exemption from paying into the sidewalk fund. We understand that sometimes old sidewalks already exist and a developer seeks to save some money with a variance from building anew. Or some structural issue (drainage) may cost extra dollars to accommodate a sidewalk. So be it – those are costs developers should bear. Regulations for building sidewalks and particularly for sidewalk funding are meaningless for creating walkability if those rules are routinely dismissed. (FYI: We also support that any funding made in lieu of built sidewalks be used in the neighborhood, and certainly within the district, in which the variance is requested.)

Second, the variance refers to the construction of TWO single family homes. Metro records suggest that the total acreage of the proposed development is .27 acres or 11,608 sq ft with a R8 zoning, which requires a minimum of 8,000 sq ft per lot. By our calculations, 16,000 sq ft would be required for the two lots/houses proposed. Thus, it would seem that the developer is proposing not only to avoid his/her sidewalk obligation but the lot size requirement as well. We oppose the lot size variance if such is indeed the case.

- II. 4117 Gallatin Pike - Multiple cases
CASE 2019-005 (Council District – 8; Nan Reece) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from parking requirements in the OR20-A, OV- UDO, OV-

NHL District, to construct an office addition. Referred to the Board under Section 17.20.030, 17.20.060. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Office Map Parcel 06111012400 Results:

CASE 2019-006 (Council District - 8) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from front and rear setbacks in the OR20-A, OV-UDO, OV-NHL District, to construct an office addition. Referred to the Board under Section 17.12.020 D., 17.40.660 C. The appellant has alleged the Board would have jurisdiction under Section 17.40.18 B. Use-Office Map Parcel 06111012400 Results:

CASE 2019-007 (Council District - 8) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from sidewalk requirements in the OR20-A, OV-UDO, OV-NHL District, to construct an office additions without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Office Map Parcel 06111012400 Results:

CASE 2019-008 (Council District - 8) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from landscape and rear buffer requirements in the OR20-A, OV-UDO, OV-NHL District, to construct an office addition. Referred to the Board under Section 17.24.230, 17.24.150, 17.24.160. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Office Map Parcel 06111012400 Results:

CASE 2019-009 (Council District - 8) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from street access requirements in the OR20-A, OV-UDO, OV, NHL District, to construct an office addition. Referred to the Board under Section 17.20.170. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Office Map Parcel 06111012400

We have deep concerns about not one but **FIVE requests for variances**. We suppose one could admire this developer's moxie. Or, one could question the fairness or appropriateness of making five (or any) requests for land officially designated a Neighborhood Landmark. Surely some if not all of these requests go beyond the pale of what constitutes a reasonable request. We are particularly concerned about variances to setbacks (neighbors' interests should matter), sidewalks (here we go again), and landscaping (one of the best ways to rejuvenate streetscapes).

We are sorry that the holidays have precluded our abilities to present these concerns tomorrow in person, but appreciate very much your help in making our concerns known to Board members prior to the meeting for their deliberations. Thank you for all you do for the city and its residents.

Best regards,
Carolyn Breda
Riverwood Residents Association

Lifsey, Debbie (Codes)

From: Julie Cook <juliecook2@gmail.com>
Sent: Tuesday, December 11, 2018 8:10 AM
To: Board of Zoning Appeals (Codes)
Subject: 4117 Gallatin Rd BZA Request

I don't even know where to begin on the multitude of variances this application has requested. The requirements are in place for a reason and the need to request so many variances, is essentially an attempt to put a square peg in a round hole. It simply doesn't work.

Please deny these requests as they make no sense for our neighborhood.

Thank you,

--

Julie Cook
juliecook2@gmail.com

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: MICHAEL WOODS

Date: 11/13/18

Property Owner: MYLES CRAWFORD

Case #: 2019-007

Representative: MICHAEL WOODS

Map & Parcel: 06111012400

Council District 08

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

Purpose: to construct a 3,108 sqft office addition

Activity Type: OFFICE

X Location: 4117 GALLATIN PIKE

This property is in the OR20-A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

OV-UDO
OV-NHL

Reason: a variance from sidewalk requirements, no pay/no build

Section(s): 17.20.120.1

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

WOODS CONST. GROUP, LLC
MICHAEL WOODS
Appellant Name (Please Print) Representative Name (Please Print)

6601 OWEN HILL RD
Address Address

COLLEGE GROVE, TN 37046
City, State, Zip Code City, State, Zip Code

615-405-2626
Phone Number Phone Number

mwoods321@yahoo.com
Email Email

Appeal Fee: \$200



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



**APPLICATION FOR BUILDING COMMERCIAL - ADDITION / CACA - T2018071415
THIS IS NOT A PERMIT**

PARCEL: 06111012400

APPLICATION DATE: 11/13/2018

SITE ADDRESS:

4117 GALLATIN PIKE NASHVILLE, TN 37216
LOT 7 & PT 9-10 MCMAHAN SUB OF MAPLEWOOD

PARCEL OWNER: COBELL PROPERTIES, LLC

APPLICANT:

PURPOSE:

ZONED OR20-A.

NEIGHBORHOOD LANDMARK DESIGNATION.

EXISTING 2778 SQFT..MEDICAL OFFICE...CHIROPRACTIC OFFICE.

BZA 92-142 APPROVED PARKING LAYOUT AND VARIANCE IN BUFFER.

***THIS PERMIT TO CONSTRUCT A 3,108 SQFT ADDITION.

- 1....USE...OFFICE.....18 SPACES APPROVED....REQUIRED 29....17.20.030..... 2019-005
- 2....LAYOUT SHOWS VIOLATIONS IN BACKOUT AND PARALLEL SPACES.....17.20.060.. 2019-005
- 3....REAR SETBACK 20'...REQUEST 17.6'.....17.12.020D 2019-006
- 4...ZONED OR20-A....REQUIRED FRONT STREET MAX SETBACK AT 80'....SHOWN AT 130'...REQUEST INCREASE IN THE NON-CONFORMITY BY BUILDING BEHIND THE MAX SETBACK ALLOWED....17.40.660 C.... 2019-006
- 5.....REQUIRED TO UPDATE SIDEWALKS..REQUEST NOT TO INSTALL AND NOT TO CONTRIBUTE...17.20.120J...2019-007
- 6...REAR BUFFER ' C AT 20'.... REQUIRED...REQUEST NONE..17.24.230... 2019-008
- 7...ALLOWED ONE ACCESS BASED ON STREET CLASSIFICATION AND FRONTAGE LENGTH.....REQUEST TO KEEP THE TWO EXISTING....17.20.170 2019-009
- 8....PERIMETER LANDSCAPING...REQUEST NONE...17.24.150. 2019-008
- 9....INTERIOR LANDSCAPING REQUIRED...REQUEST NONE..17.24.160. 2019-008

*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		
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-862-6545 Richard.Thomopoulos@nashville.gov
[H] Historic Zoning Review - CA		862-7970 histlap1@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPPermitsl@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		
[A] Site Plan Review		
[B] Building Plans Received		615-862-6614 teresa.patterson@nashville.gov
[B] Building Plans Review		615-862-6581 Teresa.Patterson@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[B] Fire Sprinkler Requirement		862-5230
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[E] Cross Connect Review For Bldg App		862-7225
		MWS.DevelopmentServicesCenter@nashville.gov
[E] Water Availability Review For Bldg		862-7225
		MWS.DevelopmentServicesCenter@nashville.gov
[E] Water Variance Approval For Bldg		862-7225
		MWS.DevelopmentServicesCenter@nashville.gov

PROJECT ADDRESS: 4117 GALLATIN PIKE
 CITY: NASHVILLE 37216
 COUNTY: DAVIDSON
 STATE: TENNESSEE
 DISTRICT: 8TH COUNCIL DISTRICT
 EXISTING ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)
 PROPOSED ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)
 MAP AND PARCEL NO.= MAP 061-11 PARCEL 24
 EXISTING LAND USE: MEDICAL OFFICE
 PROPOSED LAND USE: MEDICAL OFFICE
 MINIMUM REQUIRED SETBACK LINES:
 FRONT SETBACK: 40'
 SIDE YARD: 5'
 REAR YARD: 20'

PRE-DEVELOPED CONDITIONS	SQ. FT.	ACRES
TOTAL AREA	23,172	0.532
EXISTING BUILDING	2,778	0.064
EXISTING ASPHALT PRKG.	10,032	0.230
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MAX. FLOOR AREA RATIO: 5,464/23,172 = 0.25
 IMPERVIOUS SURFACE RATIO: 16,788/23,172 = 0.75
 PARKING REQUIREMENTS:
 1 SPACE PER 200 S.F. BUILDING = 5,886/200 = 29 SPACES
 NUMBER OF PARKING SPACES PROVIDED = 29 SPACES

DEPARTMENT OF CODES ADMINISTRATION
 METROPOLITAN NASHVILLE, & DAVIDSON COUNTY
 ZONING REVIEW CHECKLIST
 Nonresidential and Multifamily Construction

APPLICATION #	PROJECT NAME:	POWER CHIROPRACTICS AND WELLNESS
MAP/PARCEL # 61-11/124	EXAMINER:	
USE - CHAPTER 17.08 AND 17.16 **A - Approved, D - Denied, I - Incomplete, P - Pending, C - Conditional **		
Determine the use MEDICAL OFFICE		
Property zoning OR20A	Overlay(s) OV-NHL	Surrounding Zoning OR20, OR20A, MUL-A
Use Charts: P, PC, SE, A	P	
SITE CRITERIA ** Supplemental Checklist Also Required for UZO **		
Subdivision Plat (Note any special requirements such as easements, setback restriction and etc.)		
Minimum lot size 7,500	Footprint 5,464 S.F.	
FAR	Maximum 0.8	Requesting 0.24
ISR-Adjustments/ Slopes over 15 %: 0%	Maximum 0.7	Requesting
Street Setback/ Street Type(s): --'		
Side yard 5'		
Rear yard 20'		
Height standards 3 STORIES	Number of Floors	1 STORY
PARKING AND ACCESS - CHAPTER 17.20 ** Supplemental Checklist Also Required for UZO **		
Ramp location and number	2 EXISTING AT GALLATIN PIKE	
Distance to nearest existing ramp (minimum 30')	15' TO THE SOUTH	
Distance to intersections 50' minor street 185' arterial street	800' TO MCMAHAN AVENUE	
100' collector 250' controlled access ramp	N/A	
Required parking based on uses	Required: 28 (1 PER 200 S.F.)	Providing: 29
Required loading based on uses	N/A	Required Providing
Surfacing over 5 spaces 1,750 sq. ft.		
Space sizes, aisle widths, angle data	18'X8.5' STALL WITH 24' TRAVEL LANE	
Queuing lanes	N/A	
Over 10 spaces 20' queuing at exit	N/A	
Number of compact spaces/ %	NONE	
Number of handicapped spaces	1 VAN ACCESSIBLE	
Sidewalks required internal public	INTERNAL & PUBLIC SIDEWALK	
LANDSCAPING STANDARDS - CHAPTER 17.24 ** Supplemental Checklist Also Required for UZO **		
Required buffer yards	TYPE C TO BE PROVIDED	
Buffer yard adjustment		
Perimeter landscaping (can't be over future R.O.W.)	NO	
Standard for 4 or more lanes	N/A	
Standard for less than four lanes	N/A	
Side lines adjacent to parking areas 5' minimum width with trees - 2.5' with tree islands	5' MIN. PROVIDED	
Interior landscaping minimum 8 % area	N/A	
Opaque fence adjacent to residential in parking area	TO BE PROVIDED WITHIN THE YARD BUFFER	
Screening around dumpsters (NO CHAIN LINK FENCE PERMITTED)	N/A	

CCAD REPROGRAPHICS, LLC
 480 CRAIGHEAD STREET SUITE 103 NASHVILLE, TN 37204 PHONE (615) 386-6796 ccad@ccadrepr@gmail.com
 111 HARPETH INDUSTRIAL CT SUITE 300 FRANKLIN, TN 37064 PHONE (615) 761-4749 franklin@ccadreprgraphics.com
 500 WILSON PIKE CIRCLE SUITE 103 BRENTWOOD, TN 37027 PHONE (615) 759-6286 brentwood@ccadreprgraphics.com

Specifications

Copying



SITE DATA

PROJECT NAME: POWER CHIROPRACTICS AND WELLNESS
COBELL PROPERTIES, LLC

PROJECT ADDRESS: 4117 GALLATIN PIKE

CITY: NASHVILLE 37216

COUNTY: DAVIDSON

STATE: TENNESSEE

DISTRICT: 8TH COUNCIL DISTRICT

EXISTING ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)

PROPOSED ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)

MAP AND PARCEL NO.= MAP 061-11 PARCEL 24

EXISTING LAND USE: MEDICAL OFFICE

PROPOSED LAND USE: MEDICAL OFFICE

MINIMUM REQUIRED SETBACK LINES:

FRONT SETBACK: 40'

SIDE YARD: 5'

REAR YARD: 20'

PRE-DEVELOPED CONDITIONS	SQ. FT.	ACRES
TOTAL AREA	23,172	0.532
EXISTING BUILDING	2,778	0.064
EXISTING ASPHALT PRKG.	10,032	0.230
CONCRETE CURB	405	0.009
EXISTING SIDEWALK	352	0.008
WOODEN SHED	105	0.002
GRASS	12,278	0.282
TOTAL IMPERVIOUS	13,672	0.314

POST DEVELOPED CONDITIONS	SQ. FT.	ACRES
TOTAL AREA	23,172	0.532
BUILDING	5,886	0.135
ASPHALT PRKG.	10,285	0.236
CONCRETE CURB	355	0.008
EXISTING SIDEWALK	352	0.008
PROPOSED SIDEWALK	605	0.014
GRASS	5689	0.131
TOTAL IMPERVIOUS	17,483	0.401
NET IMP. SURF. INCREASE	3,811	0.087

MAX. FLOOR AREA RATIO: $5,464/23,172 = 0.25$
 IMPERVIOUS SURFACE RATIO: $16,788/23,172 = 0.75$

PARKING REQUIREMENTS:
 1 SPACE PER 200 S.F. BUILDING = $5,886/200 = 29$ SPACES
 NUMBER OF PARKING SPACES PROVIDED = 29 SPACES

CURVE	
C1	

DEPARTMENT OF CODES ADMINISTRATION
 METROPOLITAN NASHVILLE, & DAVIDSON COUNTY
 ZONING REVIEW CHECKLIST
 Nonresidential and Multifamily Construction

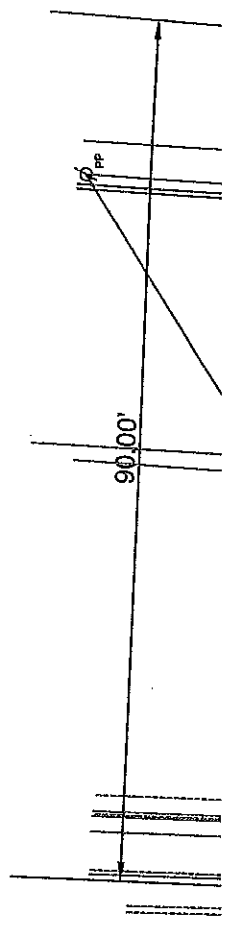
APPLICATION #	PROJECT NAME: POWER CHIROPRACTICS AND WELLNESS
MAP/PARCEL # 61-11/124	EXAMINER:

USE - CHAPTER 17.08 AND 17.16 **A - Approved, D - Denied, I - Incomplete, P - Pending, C - Conditional **
 Determine the use MEDICAL OFFICE

(ONE) (615) 386-6796
 ad@ccadprographics.com

USE OF THIS DRAWING IS TO APPLY FOR VARIANCE FROM PROVISIONS OF:
SECTION "C" "STANDARDS 17.20.120 PROVISIONS OF SIDEWALK"
SECTION 17.12.020B DISTRICT BULK TABLE (REAR SETBACK REQUIREMENTS)
SECTION 17.24.150 PERIMETER PLANTING REQUIREMENTS.
SECTION 17.24.160 INTERIOR PLANTING REQUIREMENTS.
SECTION 17.16.03-G6 DRIVEWAY ACCESS

4" PAINTED WHITE STRIPING (TYP.)



BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Charlton A. Wosley
4117 Gallatin Road
Map: 61-11
Parcel: 124
Zoning Classification: OP

APPEAL CASE # 92-142

ORDER

This matter came to be heard in public hearing on July 23, 1992 before the Metropolitan Board of Zoning Appeals upon application of the appellant for a variance in buffer and parking provisions to allow the construction of a 30' x 58' addition.

Based upon the testimony of the appellant, testimony of the witnesses and the entire record in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.16.060 (b) of the Metropolitan Code.
- (2) The appellant sought relief under Section 17.16.070 (b) of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the requirements for a variance under Section 17.132.060 of the Metropolitan Zoning Ordinance.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant SHALL BE ISSUED the requested variance, subject to the following conditions: none.

Upon motion by: Spann Seconded by: Saunders
Ayes: Karr, Meeks, Price, Saunders, Spann
Nays: None
Abstaining: None
Absent: Emalie, Hoover

ENTERED THIS 30th DAY OF July, 1992

METROPOLITAN BOARD OF ZONING APPEALS

Chas. J. Coffey

Chairman

Rick Shepherd

Secretary

06111008200

06111008300



MCMAHAN AVE



06111012100

OR20

06111012200

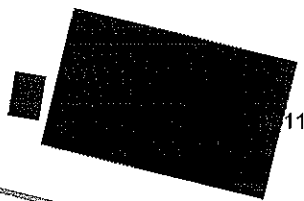


06111012300



RS7.5

06111032000



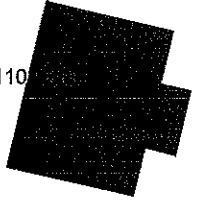
06111012400

OR20-A

06111031900



06111012500



06111012600



06111012700



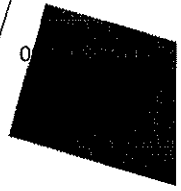
06111012800

GALLATIN PIKE
T4-M-AB5-IM

MUL-A

06111023700

GREENLAND AVE





06111008200

06111008300

06111008700

MCMAHAN AVE

06111012001

CR-20

06111012200

0611101

RS75
06111032000

0611102400

CR-20-A

T4-M-AB5-IM

GALLATIN PIKE

MUL-A

06111023700

GREENLAND AVE

0611101

06111012640

0611101

0611101

SUBSTITUTE ORDINANCE NO. BL2014-673

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 making applicable the provisions of a Neighborhood Landmark Overlay District to various properties located along the west side of Gallatin Pike between Virginia Avenue and Broadmoor Drive, (17.22 acres), zoned OR20-A and RS7.5, all of which is described herein (Proposal No. 2014NL-001-001).

WHEREAS, the Neighborhood Landmark Overlay District can apply to an areas of historic and neighborhood value;

WHEREAS, this area contains structures that have been identified by the Metro Historical Commission as worthy of consideration and are included in the Gallatin Road Historic District;

WHEREAS, this area contains many structures currently utilized as single-family dwellings or small offices that contain a residential character, scale and orientation;

WHEREAS, the Neighborhood Landmark Overlay District will encourage the preservation of the historic structures and residential character of the area by enabling consideration of additional uses; and

WHEREAS, the Neighborhood Landmark Overlay District development plan will guide the reuse of or additions to existing buildings and redevelopment of sites, including vacant property, in a manner that maintains and enhances the area’s intensity, character, scale and orientation.

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:

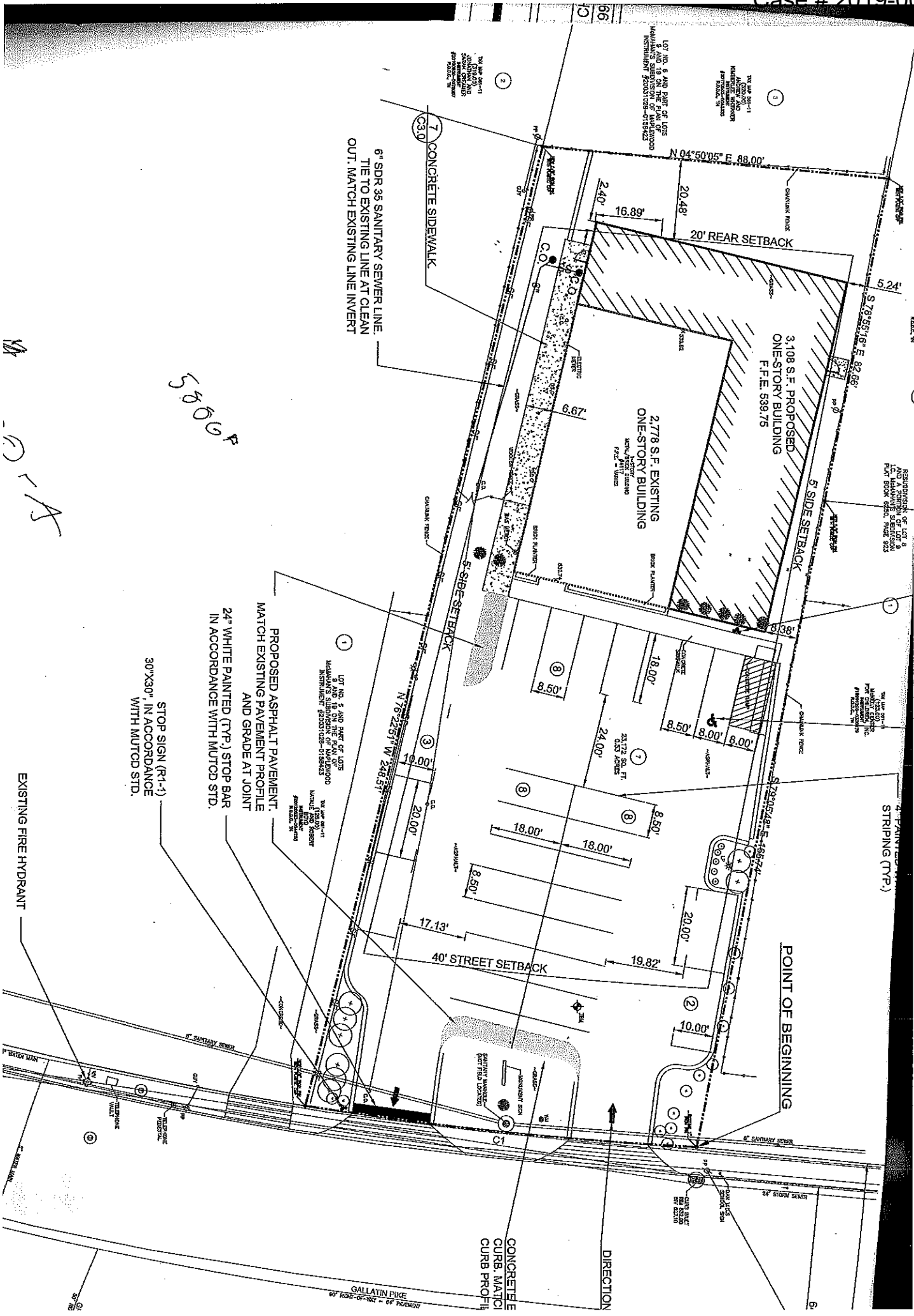
By making applicable the provisions of a Neighborhood Landmark Overlay District to various properties located along the west side of Gallatin Pike between Virginia Avenue and Broadmoor Drive, (17.22 acres), zoned OR20-A and RS7.5, being Property Parcel Nos. 128, 129, 130, 183, 184, 185, 186, 242, 243, 244, 245, 246, 247, 272, 273 as designated on Map 061-07 and Property Parcel Nos. 084, 085, 123, 124, 125, 126, 127, 128, 131 as designated on Map 061-11 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 attached sketch, which is attached to 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 061 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 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: Karen Bennett

LEGISLATIVE HISTORY	
Introduced:	February 4, 2014
Passed First Reading:	February 4, 2014
Referred to:	Planning Commission - Approved 9-0 (February 27, 2014) Planning & Zoning Committee
Passed Second Reading:	March 4, 2014
Substitute Introduced:	March 18, 2014
Passed Third Reading:	March 18, 2014



6" SDR 36 SANITARY SEWER LINE
TIE TO EXISTING LINE AT CLEAN
OUT. MATCH EXISTING LINE INVERT

PROPOSED ASPHALT PAVEMENT.
MATCH EXISTING PAVEMENT PROFILE
AND GRADE AT JOINT

24" WHITE PAINTED (TYP.) STOP BAR
IN ACCORDANCE WITH MUTCD STD.

STOP SIGN (R1-1)
30"X30", IN ACCORDANCE
WITH MUTCD STD.

EXISTING FIRE HYDRANT

5806A

Handwritten notes and symbols, including a large 'A' and some scribbles.

GALLATIN PIKE
60' ROAD-TO-PAV = 64' PAVEMENT

CONCRETE
CURB, MATCH
CURB PROFIL

DIRECTION

POINT OF BEGINNING

PAVEMENT STRIPING (TYP.)

RESPONSIBILITY OF LOT 8
AND 2 PORTION OF LOT 9
FOR BOOK 052-1, PAGE 912

THE LOT 8 AND
PORTION OF LOT 9
WAS SUBDIVIDED
BY THE FOLLOWING
INSTRUMENT:
BOOK 052-1, PAGE 912

THE LOT 8 AND
PORTION OF LOT 9
WAS SUBDIVIDED
BY THE FOLLOWING
INSTRUMENT:
BOOK 052-1, PAGE 912

LOT 10, 6 AND PART OF LOTS
11 AND 12, SUBDIVISION OF LAND
INSTRUMENT #2001028-0158423

THE LOT 10, 11
AND 12, SUBDIVISION
OF LAND, INSTRUMENT
#2001028-0158423

THE LOT 8 AND
PORTION OF LOT 9
WAS SUBDIVIDED
BY THE FOLLOWING
INSTRUMENT:
BOOK 052-1, PAGE 912

THE LOT 8 AND
PORTION OF LOT 9
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BOOK 052-1, PAGE 912

THE LOT 8 AND
PORTION OF LOT 9
WAS SUBDIVIDED
BY THE FOLLOWING
INSTRUMENT:
BOOK 052-1, PAGE 912

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-007 (4117 Gallatin Pike)

Metro Standard:	7' right-of-way reservation to accommodate future Light Rail, 4' grass strip, 10' sidewalk, as defined by the Major and Collector Street Plan and nMotion Plan
Requested Variance:	Not upgrade sidewalks; not contribute in lieu (not eligible)
Zoning:	OR20-A
Community Plan Policy:	T4 TR (Urban Transition)
MCSP Street Designation:	T4-M-AB5-IM
Transit:	#56 – Gallatin Pike BRT; future light rail per nMotion
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing a 3,100 square foot addition to the existing office building, and requests to dedicate right-of-way for future sidewalk construction, but not to upgrade the existing sidewalk. A 5' sidewalk with no grass strip currently exists along the frontage of the property. Planning evaluated the following factors for the variance request:

- (1) The property is on an existing Bus Rapid Transit Lite corridor, which is planned for Light Rail per the adopted nMotion Transit Plan. As transit frequency improves and the community plan policies for increased density are implemented through redevelopment, wider sidewalks will be needed. Additionally, the MCSP-required grass strip will provide a buffer from high-speed traffic, as well as space for utilities, poles, fire hydrants, and other obstructions.
- (2) Given nMotion recommendations and the scale of the applicant's building improvements, an alternative solution to dedicate right-of-way for future sidewalk widening supports a future Metro-led capital project. Additional right-of-way as outlined in the Major and Collector Street Plan in a right-of-way reservation may be necessary beyond this proposal to support future Light Rail.

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

1. Maintain existing sidewalk conditions in a state of good repair per Public Works final guidance. Any portion of the existing sidewalk along the property frontage that is not ADA compliant is to be removed and replaced in-kind with MPW Detail ST-210 sidewalk.
2. Prior to the issuance of building permits, dedicate 9' of right-of-way along the property frontage to accommodate future sidewalks per the Major and Collector Street Plan.

Lifsey, Debbie (Codes)

From: Breda, Carolyn <carolyn.breda@Vanderbilt.Edu>
Sent: Wednesday, January 2, 2019 2:27 PM
To: Board of Zoning Appeals (Codes)
Subject: Grave Concerns about Two Cases on Board's Agenda fro Meeting Jan 3, 2019 (tomorrow)

Importance: High

Hello Mr. Herbert and others,

We have received today an agenda (revised) for the Board's meeting tomorrow, Jan 3. Regrettably, we are unable to attend this meeting but ask that our concerns below be shared with Board members, and others who may be interested in them.

There are two separate items on the agenda of deep concern:

- I. CASE 2019-010 (Council District - 7) Guerrier Development, LLC, appellant and GUERRIER DEVELOPMENT, LLC, owner of the property located at 1238 C MCGAVOCK PIKE, requesting a variance from sidewalk requirements in the R8 District, to construct two single family homes on one parcel without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20120 The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Single Family Map Parcel 07207019500 Results:

Our concern on this case is twofold.

First, the request refers only to the variance in the sidewalk requirement. We strongly oppose all such requests for sidewalk variances based on the city's mission and ours that our neighborhood (as well as Nashville at large) become "walkable." City leaders, planners, residents, and everyone in between talk a good talk about walkability and pedestrian safety in our neighborhoods, yet such requests for variances to sidewalks are routinely made and not infrequently approved. Worse – those who request variances to building sidewalks go even further, and request exemption from paying into the sidewalk fund. We understand that sometimes old sidewalks already exist and a developer seeks to save some money with a variance from building anew. Or some structural issue (drainage) may cost extra dollars to accommodate a sidewalk. So be it – those are costs developers should bear. Regulations for building sidewalks and particularly for sidewalk funding are meaningless for creating walkability if those rules are routinely dismissed. (FYI: We also support that any funding made in lieu of built sidewalks be used in the neighborhood, and certainly within the district, in which the variance is requested.)

Second, the variance refers to the construction of TWO single family homes. Metro records suggest that the total acreage of the proposed development is .27 acres or 11,608 sq ft with a R8 zoning, which requires a minimum of 8,000 sq ft per lot. By our calculations, 16,000 sq ft would be required for the two lots/houses proposed. Thus, it would seem that the developer is proposing not only to avoid his/her sidewalk obligation but the lot size requirement as well. We oppose the lot size variance if such is indeed the case.

- II. 4117 Gallatin Pike - Multiple cases
CASE 2019-005 (Council District – 8; Nan Reece) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from parking requirements in the OR20-A, OV- UDO, OV-

NHL District, to construct an office addition. Referred to the Board under Section 17.20.030, 17.20.060. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Office Map Parcel 06111012400 Results:

CASE 2019-006 (Council District - 8) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from front and rear setbacks in the OR20-A, OV-UDO, OV-NHL District, to construct an office addition. Referred to the Board under Section 17.12.020 D., 17.40.660 C. The appellant has alleged the Board would have jurisdiction under Section 17.40.18 B. Use-Office Map Parcel 06111012400 Results:

CASE 2019-007 (Council District - 8) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from sidewalk requirements in the OR20-A, OV-UDO, OV-NHL District, to construct an office additions without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Office Map Parcel 06111012400 Results:

CASE 2019-008 (Council District - 8) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from landscape and rear buffer requirements in the OR20-A, OV-UDO, OV-NHL District, to construct an office addition. Referred to the Board under Section 17.24.230, 17.24.150, 17.24.160. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Office Map Parcel 06111012400 Results:

CASE 2019-009 (Council District - 8) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from street access requirements in the OR20-A, OV-UDO, OV, NHL District, to construct an office addition. Referred to the Board under Section 17.20.170. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Office Map Parcel 06111012400

We have deep concerns about not one but **FIVE requests for variances**. We suppose one could admire this developer's moxie. Or, one could question the fairness or appropriateness of making five (or any) requests for land officially designated a Neighborhood Landmark. Surely some if not all of these requests go beyond the pale of what constitutes a reasonable request. We are particularly concerned about variances to setbacks (neighbors' interests should matter), sidewalks (here we go again), and landscaping (one of the best ways to rejuvenate streetscapes).

We are sorry that the holidays have precluded our abilities to present these concerns tomorrow in person, but appreciate very much your help in making our concerns known to Board members prior to the meeting for their deliberations. Thank you for all you do for the city and its residents.

Best regards,
Carolyn Breda
Riverwood Residents Association

Lifsey, Debbie (Codes)

From: Julie Cook <juliecook2@gmail.com>
Sent: Tuesday, December 11, 2018 8:10 AM
To: Board of Zoning Appeals (Codes)
Subject: 4117 Gallatin Rd BZA Request

I don't even know where to begin on the multitude of variances this application has requested. The requirements are in place for a reason and the need to request so many variances, is essentially an attempt to put a square peg in a round hole. It simply doesn't work.

Please deny these requests as they make no sense for our neighborhood.

Thank you,

--

Julie Cook
juliecook2@gmail.com

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: MICHAEL WOODS

Date: 11/13/18

Property Owner: MYLES CRAWFORD

Case #: 2019-008

Representative: MICHAEL WOODS

Map & Parcel: 0611012400

Council District 08

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

Purpose: to construct a 3,108 sqft office addition

Activity Type: OFFICE

X Location: 4117 GALLATIN PIKE

This property is in the OR20-A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

OV-UDO
OV-NHL

Reason: 17.24.230, 17.24.150, 17.24.160

Section(s): a variance from landscape and rear buffer requirements.

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

WOODS CONST. GROUP, LLC

MICHAEL WOODS
Appellant Name (Please Print)

Representative Name (Please Print)

6601 OWEN HILL RD
Address

Address

COLLEGE GROVE, TN 37046
City, State, Zip Code

City, State, Zip Code

615-405-2626
Phone Number

Phone Number

mwoods321@yahoo.com
Email

Email

Appeal Fee: \$200



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



**APPLICATION FOR BUILDING COMMERCIAL - ADDITION / CACA - T2018071415
THIS IS NOT A PERMIT**

PARCEL: 06111012400

APPLICATION DATE: 11/13/2018

SITE ADDRESS:

4117 GALLATIN PIKE NASHVILLE, TN 37216
LOT 7 & PT 9-10 MCMAHAN SUB OF MAPLEWOOD

PARCEL OWNER: COBELL PROPERTIES, LLC

APPLICANT:

PURPOSE:

ZONED OR20-A.
NEIGHBORHOOD LANDMARK DESIGNATION.
EXISTING 2778 SQFT..MEDICAL OFFICE...CHIROPRACTIC OFFICE.
BZA 92-142 APPROVED PARKING LAYOUT AND VARIANCE IN BUFFER.
***THIS PERMIT TO CONSTRUCT A 3,108 SQFT ADDITION.

- 1....USE...OFFICE.....18 SPACES APPROVED....REQUIRED 29....17.20.030..... 2019 - 005
- 2....LAYOUT SHOWS VIOLATIONS IN BACKOUT AND PARALLEL SPACES.....17.20.060.. 2019 - 005
- 3....REAR SETBACK 20'...REQUEST 17.6'.....17.12.020D 2019 - 006
- 4...ZONED OR20-A....REQUIRED FRONT STREET MAX SETBACK AT 80'....SHOWN AT 130'...REQUEST INCREASE IN THE NON-CONFORMITY BY BUILDING BEHIND THE MAX SETBACK ALLOWED....17.40.660 C.... 2019 - 006
- 5.....REQUIRED TO UPDATE SIDEWALKS..REQUEST NOT TO INSTALL AND NOT TO CONTRIBUTE...17.20.120J... 2019 - 007
- 6...REAR BUFFER ' C AT 20'.... REQUIRED...REQUEST NONE..17.24.230... 2019 - 008
- 7...ALLOWED ONE ACCESS BASED ON STREET CLASSIFICATION AND FRONTAGE LENGTH.....REQUEST TO KEEP THE TWO EXISTING....17.20.170 2019 - 009
- 8....PERIMETER LANDSCAPING...REQUEST NONE...17.24.150. 2019 - 008
- 9....INTERIOR LANDSCAPING REQUIRED...REQUEST NONE..17.24.160. 2019 - 008

*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		
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-862-6545 Richard.Thomopoulos@nashville.gov
[H] Historic Zoning Review - CA		862-7970 histlap1@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPPermitsl@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		
[A] Site Plan Review		
[B] Building Plans Received		615-862-6614 teresa.patterson@nashville.gov
[B] Building Plans Review		615-862-6581 Teresa.Patterson@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[B] Fire Sprinkler Requirement		862-5230
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[E] Cross Connect Review For Bldg App		862-7225
		MWS.DevelopmentServicesCenter@nashville.gov
[E] Water Availability Review For Bldg		862-7225
		MWS.DevelopmentServicesCenter@nashville.gov
[E] Water Variance Approval For Bldg		862-7225
		MWS.DevelopmentServicesCenter@nashville.gov

PROJECT ADDRESS: 4117 GALLATIN PIKE
 CITY: NASHVILLE 37216
 COUNTY: DAVIDSON
 STATE: TENNESSEE
 DISTRICT: 8TH COUNCIL DISTRICT
 EXISTING ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)
 PROPOSED ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)
 MAP AND PARCEL NO. = MAP 061-11 PARCEL 24
 EXISTING LAND USE: MEDICAL OFFICE
 PROPOSED LAND USE: MEDICAL OFFICE
 MINIMUM REQUIRED SETBACK LINES:
 FRONT SETBACK: 40'
 SIDE YARD: 5'
 REAR YARD: 20'

PRE-DEVELOPED CONDITIONS	SQ. FT.	ACRES
TOTAL AREA	23,172	0.532
EXISTING BUILDING	2,778	0.064
EXISTING ASPHALT PRKG.	10,032	0.230
CONCRETE CURB	405	0.009
EXISTING SIDEWALK	352	0.008
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GRASS	12,278	0.282
TOTAL IMPERVIOUS	13,672	0.314

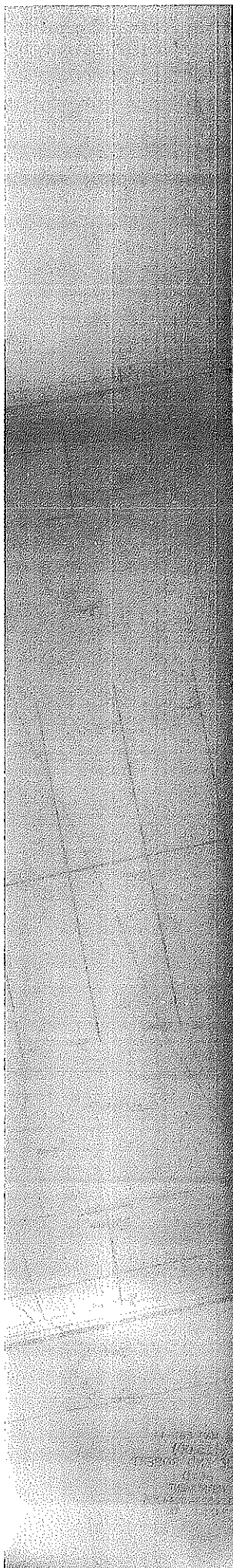
POST DEVELOPED CONDITIONS	SQ. FT.	ACRES
TOTAL AREA	23,172	0.532
BUILDING	5,886	0.135
ASPHALT PRKG.	10,285	0.236
CONCRETE CURB	355	0.008
EXISTING SIDEWALK	352	0.008
PROPOSED SIDEWALK	605	0.014
GRASS	5,689	0.131
TOTAL IMPERVIOUS	17,483	0.401
NET IMP. SURF. INCREASE	3,811	0.087

MAX. FLOOR AREA RATIO: $5,464/23,172 = 0.25$
 IMPERVIOUS SURFACE RATIO: $16,788/23,172 = 0.75$
 PARKING REQUIREMENTS:
 1 SPACE PER 200 S.F. BUILDING = $5,886/200 = 29$ SPACES
 NUMBER OF PARKING SPACES PROVIDED = 29 SPACES

DEPARTMENT OF CODES ADMINISTRATION
 METROPOLITAN NASHVILLE, & DAVIDSON COUNTY
 ZONING REVIEW CHECKLIST
 Nonresidential and Multifamily Construction

APPLICATION #	PROJECT NAME:	POWER CHIROPRACTICS AND WELLNESS
MAP/PARCEL # 61-11/124	EXAMINER:	
USE - CHAPTER 17.08 AND 17.16 **A - Approved, D - Denied, I - Incomplete, P - Pending, C - Conditional **		
Determine the use MEDICAL OFFICE		
Property zoning OR20A	Overlay(s) OV-NHL	Surrounding Zoning OR20, OR20A, MUL-A
Use Charts: P, PC, SE, A	P	
SITE CRITERIA ** Supplemental Checklist Also Required for UZO **		
Subdivision Plat (Note any special requirements such as easements, setback restriction and etc.)		
Minimum lot size 7,500	Footprint 5,464 S.F.	
FAR	Maximum 0.8	Requesting 0.24
ISR-Adjustments/ Slopes over 15 %: 0%	Maximum 0.7	Requesting
Street Setback/ Street Type(s): --		
Side yard 5'		
Rear yard 20'		
Height standards 3 STORIES	Number of Floors	1 STORY
PARKING AND ACCESS - CHAPTER 17.20 ** Supplemental Checklist Also Required for UZO **		
Ramp location and number	2 EXISTING AT GALLATIN PIKE	
Distance to nearest existing ramp (minimum 30')	15' TO THE SOUTH	
Distance to intersections 50' minor street 185' arterial street	800' TO MCMAHAN AVENUE	
100' collector 250' controlled access ramp	N/A	
Required parking based on uses	Required: 28 (1 PER 200 S.F.)	Providing: 29
Required loading based on uses	N/A	Required Providing
Surfacing over 5 spaces 1,750 sq. ft.		
Space sizes, aisle widths, angle data	18'X8.5' STALL WITH 24' TRAVEL LANE	
Queueing lanes	N/A	
Over 10 spaces 20' queueing at exit	N/A	
Number of compact spaces/ %	NONE	
Number of handicapped spaces	1 VAN ACCESSIBLE	
Sidewalks required internal public	INTERNAL & PUBLIC SIDEWALK	
LANDSCAPING STANDARDS - CHAPTER 17.24 ** Supplemental Checklist Also Required for UZO **		
Required buffer yards	TYPE C TO BE PROVIDED	
Buffer yard adjustment		
Perimeter landscaping (can't be over future R.O.W.)	NO	
Standard for 4 or more lanes	N/A	
Standard for less than four lanes	N/A	
Side lines adjacent to parking areas 5' minimum width with trees - 2.5' with tree islands	5' MIN. PROVIDED	
Interior landscaping minimum 8 % area	N/A	
Opaque fence adjacent to residential in parking area	TO BE PROVIDED WITHIN THE YARD BUFFER	
Screening around dumpsters (NO CHAIN LINK FENCE PERMITTED)	N/A	

CCAD REPROGRAPHICS, LLC
 480 CRAIGHEAD STREET SUITE 103 NASHVILLE, TN 37204 PHONE (615) 386-6796 ccad@ccadreprographics.com
 1121 HARPETH INDUSTRIAL CT. SUITE 300 FRANKLIN, TN 37064 PHONE (615) 614-1749 franklin@ccadreprographics.com
 500 WILSON PIKE CIRCLE SUITE 103 BRENTWOOD, TN 37027 PHONE (615) 759-6286 brentwood@ccadreprographics.com



SITE DATA

PROJECT NAME: POWER CHIROPRACTICS AND WELLNESS
COBELL PROPERTIES, LLC

PROJECT ADDRESS: 4117 GALLATIN PIKE

CITY: NASHVILLE 37216

COUNTY: DAVIDSON

STATE: TENNESSEE

DISTRICT: 8TH COUNCIL DISTRICT

EXISTING ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)

PROPOSED ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)

MAP AND PARCEL NO.= MAP 061-11 PARCEL 24

EXISTING LAND USE: MEDICAL OFFICE

PROPOSED LAND USE: MEDICAL OFFICE

MINIMUM REQUIRED SETBACK LINES:

FRONT SETBACK: 40'

SIDE YARD: 5'

REAR YARD: 20'

PRE-DEVELOPED CONDITIONS	SQ. FT.	ACRES
TOTAL AREA	23,172	0.532
EXISTING BUILDING	2,778	0.064
EXISTING ASPHALT PRKG.	10,032	0.230
CONCRETE CURB	405	0.009
EXISTING SIDEWALK	352	0.008
WOODEN SHED	105	0.002
GRASS	12,278	0.282
TOTAL IMPERVIOUS	13,672	0.314

POST DEVELOPED CONDITIONS	SQ. FT.	ACRES
TOTAL AREA	23,172	0.532
BUILDING	5,886	0.135
ASPHALT PRKG.	10,285	0.236
CONCRETE CURB	355	0.008
EXISTING SIDEWALK	352	0.008
PROPOSED SIDEWALK	605	0.014
GRASS	5689	0.131
TOTAL IMPERVIOUS	17,483	0.401
NET IMP. SURF. INCREASE	3,811	0.087

MAX. FLOOR AREA RATIO: $5,464/23,172 = 0.25$

IMPERVIOUS SURFACE RATIO: $16,788/23,172 = 0.75$

PARKING REQUIREMENTS:

1 SPACE PER 200 S.F. BUILDING = $5,886/200 = 29$ SPACES

NUMBER OF PARKING SPACES PROVIDED = 29 SPACES

DEPARTMENT OF CODES ADMINISTRATION
METROPOLITAN NASHVILLE, & DAVIDSON COUNTY
ZONING REVIEW CHECKLIST
Nonresidential and Multifamily Construction

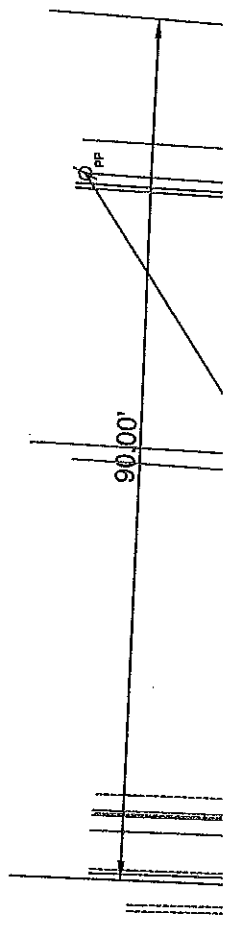
CURVE	
C1	

APPLICATION #	PROJECT NAME: POWER CHIROPRACTICS AND WELLNESS
MAP/PARCEL # 61-11/124	EXAMINER:
USE - CHAPTER 17.08 AND 17.16	**A - Approved, D - Denied, I - Incomplete, P - Pending, C - Conditional **
Determine the use	MEDICAL OFFICE

PHONE (615) 386-6796 ad@ceadprographics.com

USE OF THIS DRAWING IS TO APPLY FOR VARIANCE FROM PROVISIONS OF:
 SECTION "C" "STANDARDS 17.20.120 PROVISIONS OF SIDEWALK"
 SECTION 17.12.020B DISTRICT BULK TABLE (REAR SETBACK REQUIREMENTS)
 SECTION 17.24.150 PERIMETER PLANTING REQUIREMENTS.
 SECTION 17.24.160 INTERIOR PLANTING REQUIREMENTS.
 SECTION 17.16.03-G6 DRIVEWAY ACCESS

4" PAINTED WHITE
 STRIPING (TYP.)



BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Charlton A. Wosley
 4117 Gallatin Road
 Map: 61-11
 Parcel: 124
 Zoning Classification: OP
 APPEAL CASE # 92-142

ORDER

This matter came to be heard in public hearing on July 23, 1992 before the Metropolitan Board of Zoning Appeals upon application of the appellant for a variance in buffer and parking provisions to allow the construction of a 30' x 58' addition.

Based upon the testimony of the appellant, testimony of the witnesses and the entire record in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.16.060 (b) of the Metropolitan Code.
- (2) The appellant sought relief under Section 17.16.070 (b) of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the requirements for a variance under Section 17.132.060 of the Metropolitan Zoning Ordinance.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant SHALL BE ISSUED the requested variance, subject to the following conditions: none.

Upon motion by: Spann Seconded by: Saunders
 Ayes: Karr, Meeks, Price, Saunders, Spann
 Nays: None
 Abstaining: None
 Absent: Emalie, Hoover

ENTERED THIS 30th DAY OF July, 1992

METROPOLITAN BOARD OF ZONING APPEALS

Chen Liff
 Chairman

Rick Shepherd
 Secretary

06111008200

06111008300



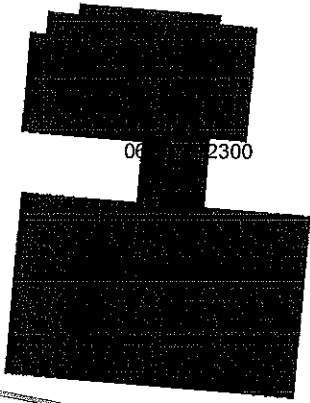
MCMAHAN AVE

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OR20

06111012200

06111012300

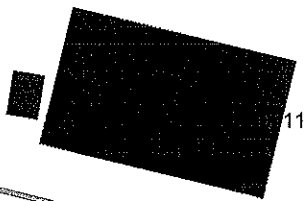


RS7.5

06111032000

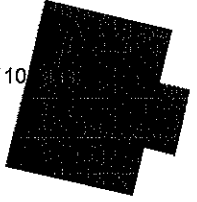
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OR20-A

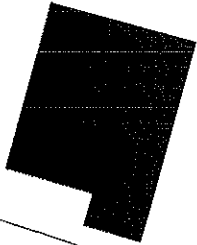


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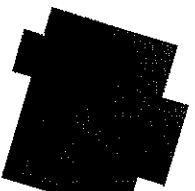
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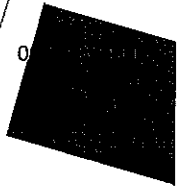
06111012800

GALLATIN PIKE T4-M-AB5-IM

MUL-A

06111023700

GREENLAND AVE





MCMAHAN AVE

T4-M-AB5-IM

GALATIN PIKE

MUL-A

GREENLAND AVE

06111008200

06111008300

06111093700

06111012100

OR20

06111012200

061110101

RS75
06111032000

06111012400

OR20-A

06111012500

06111012600

06111012700

06111023700

06111012800

SUBSTITUTE ORDINANCE NO. BL2014-673

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 making applicable the provisions of a Neighborhood Landmark Overlay District to various properties located along the west side of Gallatin Pike between Virginia Avenue and Broadmoor Drive, (17.22 acres), zoned OR20-A and RS7.5, all of which is described herein (Proposal No. 2014NL-001-001).

WHEREAS, the Neighborhood Landmark Overlay District can apply to an areas of historic and neighborhood value;

WHEREAS, this area contains structures that have been identified by the Metro Historical Commission as worthy of consideration and are included in the Gallatin Road Historic District;

WHEREAS, this area contains many structures currently utilized as single-family dwellings or small offices that contain a residential character, scale and orientation;

WHEREAS, the Neighborhood Landmark Overlay District will encourage the preservation of the historic structures and residential character of the area by enabling consideration of additional uses; and

WHEREAS, the Neighborhood Landmark Overlay District development plan will guide the reuse of or additions to existing buildings and redevelopment of sites, including vacant property, in a manner that maintains and enhances the area’s intensity, character, scale and orientation.

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 making applicable the provisions of a Neighborhood Landmark Overlay District to various properties located along the west side of Gallatin Pike between Virginia Avenue and Broadmoor Drive, (17.22 acres), zoned OR20-A and RS7.5, being Property Parcel Nos. 128, 129, 130, 183, 184, 185, 186, 242, 243, 244, 245, 246, 247, 272, 273 as designated on Map 061-07 and Property Parcel Nos. 084, 085, 123, 124, 125, 126, 127, 128, 131 as designated on Map 061-11 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 attached sketch, which is attached to 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 061 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 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: Karen Bennett

LEGISLATIVE HISTORY	
Introduced:	February 4, 2014
Passed First Reading:	February 4, 2014
Referred to:	Planning Commission - Approved 9-0 (February 27, 2014) Planning & Zoning Committee
Passed Second Reading:	March 4, 2014
Substitute Introduced:	March 18, 2014
Passed Third Reading:	March 18, 2014

LOT NO. 6 AND PART OF LOTS 5 AND 7
MADE PUBLIC ON THE PLAN OF CONDOLITION
INSTRUMENT #20031228-018523

LOT NO. 58-11
MAYNARD AVENUE
AND NEIGHBORING LOTS
FRONTED BY
MAYNARD AVENUE

LOT NO. 58-11
MAYNARD AVENUE
AND NEIGHBORING LOTS
FRONTED BY
MAYNARD AVENUE

6" SDR 36 SANITARY SEWER LINE
TIE TO EXISTING LINE AT CLEAN
OUT. MATCH EXISTING LINE INVERT

CONCRETE SIDEWALK

N 04°50'05" E 88.00'

20' REAR SETBACK

S 79°55'16" E 82.86'

3,108 S.F. PROPOSED
ONE-STORY BUILDING
F.F.E. 598.75

2,778 S.F. EXISTING
ONE-STORY BUILDING

5806A

Handwritten notes and sketches, possibly 'A' and '15'

RESIDUALS OF LOT 9
AND A PORTION OF LOT 8
PLAT BOOK SECTION 23
S 81°40'00" E 110.00'
S 72°00'00" W 110.00'

LOT NO. 58-11
MAYNARD AVENUE
AND NEIGHBORING LOTS
FRONTED BY
MAYNARD AVENUE

PAVING STRIPING (TYP)

PROPOSED ASPHALT PAVEMENT.
MATCH EXISTING PAVEMENT PROFILE
AND GRADE AT JOINT

24" WHITE PAINTED (TYP) STOP BAR
IN ACCORDANCE WITH MUTCD STD.

EXISTING FIRE HYDRANT

LOT NO. 6 AND PART OF LOTS 5 AND 7
MADE PUBLIC ON THE PLAN OF CONDOLITION
INSTRUMENT #20031228-018523

LOT NO. 58-11
MAYNARD AVENUE
AND NEIGHBORING LOTS
FRONTED BY
MAYNARD AVENUE

5' SIDE SETBACK

5' SIDE SETBACK

40' STREET SETBACK

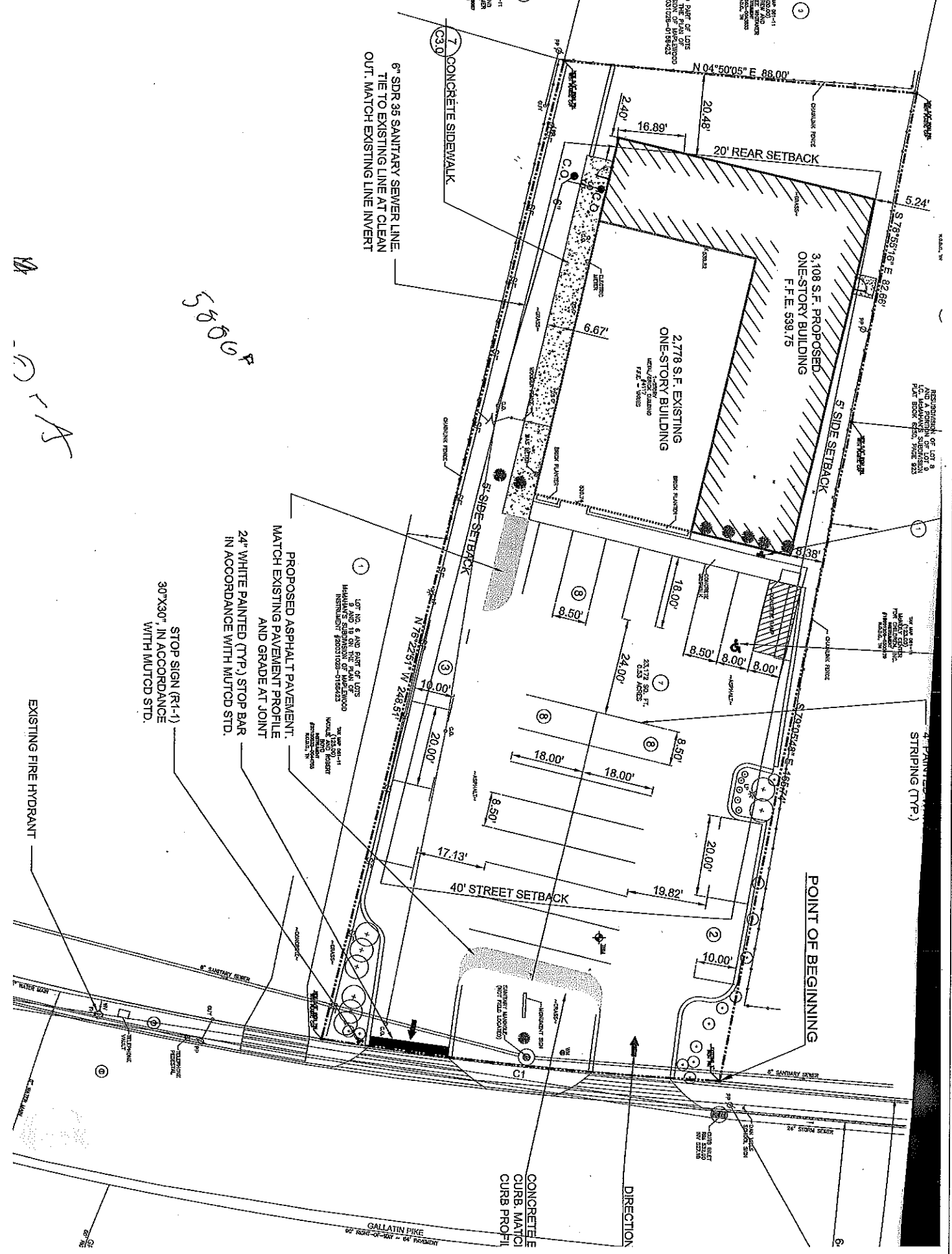
POINT OF BEGINNING

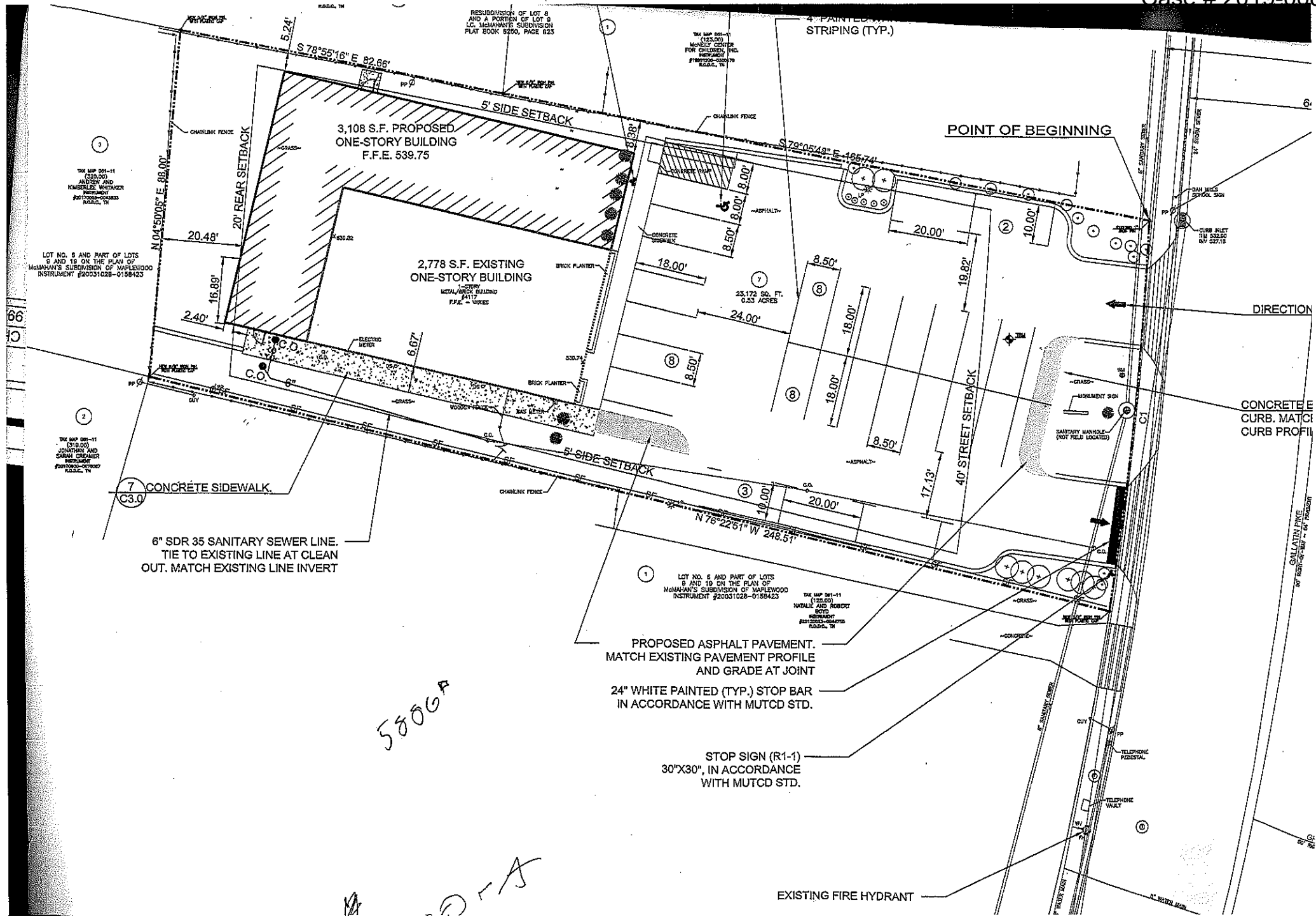


CONCRETE CURB MATCH CURB PROFILE

DIRECTION

GALLATIN PIKE
60' WIDE, 12' SIDEWALK - 64' PAVEMENT





THE MAP 001-11 (125.00) ANDREW AND MARLENE WINTCHER PARTNERSHIP 2077000-000003 KANSAS, TN

LOT NO. 8 AND PART OF LOTS 9 AND 19 ON THE PLAN OF MCMANHAN'S SUBDIVISION OF MAPLEWOOD INSTRUMENT #20031028-0158423

THE MAP 001-11 (125.00) JENNIFER AND SARAH CREANER PARTNERSHIP 2077000-000007 KANSAS, TN

RESUBDIVISION OF LOT 8 AND A PORTION OF LOT 9 L.C. MCMANHAN'S SUBDIVISION PLAT BOOK 6250, PAGE 623

THE MAP 001-11 (125.00) MCKENZIE CENTER FOR CHILDREN (INC. PARTNERSHIP) 21897200-000079 KANSAS, TN

LOT NO. 8 AND PART OF LOTS 9 AND 19 ON THE PLAN OF MCMANHAN'S SUBDIVISION OF MAPLEWOOD INSTRUMENT #20031028-0158423

THE MAP 001-11 (125.00) NATALIE AND ROBERT BOYD PARTNERSHIP 2077000-000078 KANSAS, TN

PROPOSED ASPHALT PAVEMENT. MATCH EXISTING PAVEMENT PROFILE AND GRADE AT JOINT

24" WHITE PAINTED (TYP.) STOP BAR IN ACCORDANCE WITH MUTCD STD.

STOP SIGN (R1-1) 30"X30", IN ACCORDANCE WITH MUTCD STD.

EXISTING FIRE HYDRANT

5806A

DFA

66

66

7 CONCRETE SIDEWALK. C3.0

6" SDR 35 SANITARY SEWER LINE. TIE TO EXISTING LINE AT CLEAN OUT. MATCH EXISTING LINE INVERT

POINT OF BEGINNING

DIRECTION

CONCRETE CURB. MATCH EXISTING CURB PROFILE

CALLUTAN PIKE 24' STREET SEWER 24' STREET SEWER

24' STREET SEWER

Lifsey, Debbie (Codes)

From: Breda, Carolyn <carolyn.breda@Vanderbilt.Edu>
Sent: Wednesday, January 2, 2019 2:27 PM
To: Board of Zoning Appeals (Codes)
Subject: Grave Concerns about Two Cases on Board's Agenda fro Meeting Jan 3, 2019 (tomorrow)

Importance: High

Hello Mr. Herbert and others,

We have received today an agenda (revised) for the Board's meeting tomorrow, Jan 3. Regrettably, we are unable to attend this meeting but ask that our concerns below be shared with Board members, and others who may be interested in them.

There are two separate items on the agenda of deep concern:

- I. CASE 2019-010 (Council District - 7) Guerrier Development, LLC, appellant and GUERRIER DEVELOPMENT, LLC, owner of the property located at 1238 C MCGAVOCK PIKE, requesting a variance from sidewalk requirements in the R8 District, to construct two single family homes on one parcel without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20120 The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Single Family Map Parcel 07207019500 Results:

Our concern on this case is twofold.

First, the request refers only to the variance in the sidewalk requirement. We strongly oppose all such requests for sidewalk variances based on the city's mission and ours that our neighborhood (as well as Nashville at large) become "walkable." City leaders, planners, residents, and everyone in between talk a good talk about walkability and pedestrian safety in our neighborhoods, yet such requests for variances to sidewalks are routinely made and not infrequently approved. Worse – those who request variances to building sidewalks go even further, and request exemption from paying into the sidewalk fund. We understand that sometimes old sidewalks already exist and a developer seeks to save some money with a variance from building anew. Or some structural issue (drainage) may cost extra dollars to accommodate a sidewalk. So be it – those are costs developers should bear. Regulations for building sidewalks and particularly for sidewalk funding are meaningless for creating walkability if those rules are routinely dismissed. (FYI: We also support that any funding made in lieu of built sidewalks be used in the neighborhood, and certainly within the district, in which the variance is requested.)

Second, the variance refers to the construction of TWO single family homes. Metro records suggest that the total acreage of the proposed development is .27 acres or 11,608 sq ft with a R8 zoning, which requires a minimum of 8,000 sq ft per lot. By our calculations, 16,000 sq ft would be required for the two lots/houses proposed. Thus, it would seem that the developer is proposing not only to avoid his/her sidewalk obligation but the lot size requirement as well. We oppose the lot size variance if such is indeed the case.

- II. 4117 Gallatin Pike - Multiple cases
CASE 2019-005 (Council District – 8; Nan Reece) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from parking requirements in the OR20-A, OV- UDO, OV-

NHL District, to construct an office addition. Referred to the Board under Section 17.20.030, 17.20.060. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Office Map Parcel 06111012400 Results:

CASE 2019-006 (Council District - 8) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from front and rear setbacks in the OR20-A, OV-UDO, OV-NHL District, to construct an office addition. Referred to the Board under Section 17.12.020 D., 17.40.660 C. The appellant has alleged the Board would have jurisdiction under Section 17.40.18 B. Use-Office Map Parcel 06111012400 Results:

CASE 2019-007 (Council District - 8) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from sidewalk requirements in the OR20-A, OV-UDO, OV-NHL District, to construct an office additions without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Office Map Parcel 06111012400 Results:

CASE 2019-008 (Council District - 8) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from landscape and rear buffer requirements in the OR20-A, OV-UDO, OV-NHL District, to construct an office addition. Referred to the Board under Section 17.24.230, 17.24.150, 17.24.160. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Office Map Parcel 06111012400 Results:

CASE 2019-009 (Council District - 8) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from street access requirements in the OR20-A, OV-UDO, OV, NHL District, to construct an office addition. Referred to the Board under Section 17.20.170. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Office Map Parcel 06111012400

We have deep concerns about not one but **FIVE requests for variances**. We suppose one could admire this developer's moxie. Or, one could question the fairness or appropriateness of making five (or any) requests for land officially designated a Neighborhood Landmark. Surely some if not all of these requests go beyond the pale of what constitutes a reasonable request. We are particularly concerned about variances to setbacks (neighbors' interests should matter), sidewalks (here we go again), and landscaping (one of the best ways to rejuvenate streetscapes).

We are sorry that the holidays have precluded our abilities to present these concerns tomorrow in person, but appreciate very much your help in making our concerns known to Board members prior to the meeting for their deliberations. Thank you for all you do for the city and its residents.

Best regards,
Carolyn Breda
Riverwood Residents Association

Lifsey, Debbie (Codes)

From: Julie Cook <juliecook2@gmail.com>
Sent: Tuesday, December 11, 2018 8:10 AM
To: Board of Zoning Appeals (Codes)
Subject: 4117 Gallatin Rd BZA Request

I don't even know where to begin on the multitude of variances this application has requested. The requirements are in place for a reason and the need to request so many variances, is essentially an attempt to put a square peg in a round hole. It simply doesn't work.

Please deny these requests as they make no sense for our neighborhood.

Thank you,

--

Julie Cook
juliecook2@gmail.com

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: MICHAEL WOODS

Date: 11/13/18

Property Owner: MYLES CRAWFORD

Case #: 2019-009

Representative: MICHAEL WOODS

Map & Parcel: 0611012400

Council District 08

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

Purpose: to construct a 3,108 sqft office addition

Activity Type: OFFICE

X Location: 4117 GALLATIN PIKE

This property is in the OR20-A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

OV-UDO
OV-NHL

Reason: a variance from street access requirements.

Section(s): 17.20.170

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

WOODS CONST. GROUP, LLC

MICHAEL WOODS
Appellant Name (Please Print)

Representative Name (Please Print)

6601 OWEN HILL RD
Address

Address

COLLEGE GROVE, TN 37046
City, State, Zip Code

City, State, Zip Code

615-405-2626
Phone Number

Phone Number

mwoods321@yahoo.com
Email

Email

Appeal Fee: \$200



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



**APPLICATION FOR BUILDING COMMERCIAL - ADDITION / CACA - T2018071415
THIS IS NOT A PERMIT**

PARCEL: 06111012400

APPLICATION DATE: 11/13/2018

SITE ADDRESS:

4117 GALLATIN PIKE NASHVILLE, TN 37216
LOT 7 & PT 9-10 MCMAHAN SUB OF MAPLEWOOD

PARCEL OWNER: COBELL PROPERTIES, LLC

APPLICANT:

PURPOSE:

ZONED OR20-A.

NEIGHBORHOOD LANDMARK DESIGNATION.

EXISTING 2778 SQFT..MEDICAL OFFICE...CHIROPRACTIC OFFICE.

BZA 92-142 APPROVED PARKING LAYOUT AND VARIANCE IN BUFFER.

***THIS PERMIT TO CONSTRUCT A 3,108 SQFT ADDITION.

- 1....USE...OFFICE.....18 SPACES APPROVED....REQUIRED 29....17.20.030..... 2019-005
- 2....LAYOUT SHOWS VIOLATIONS IN BACKOUT AND PARALLEL SPACES.....17.20.060.. 2019-005
- 3....REAR SETBACK 20'...REQUEST 17.6'.....17.12.020D 2019-006
- 4...ZONED OR20-A....REQUIRED FRONT STREET MAX SETBACK AT 80'....SHOWN AT 130'...REQUEST INCREASE IN THE NON-CONFORMITY BY BUILDING BEHIND THE MAX SETBACK ALLOWED....17.40.660 C.... 2019-006
- 5.....REQUIRED TO UPDATE SIDEWALKS..REQUEST NOT TO INSTALL AND NOT TO CONTRIBUTE...17.20.120J...2019-007
- 6...REAR BUFFER ' C AT 20'.... REQUIRED...REQUEST NONE..17.24.230... 2019-008
- 7...ALLOWED ONE ACCESS BASED ON STREET CLASSIFICATION AND FRONTAGE LENGTH.....REQUEST TO KEEP THE TWO EXISTING.....17.20.170 2019-009
- 8....PERIMETER LANDSCAPING...REQUEST NONE...17.24.150. 2019-008
- 9....INTERIOR LANDSCAPING REQUIRED...REQUEST NONE..17.24.160. 2019-008

*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

CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-862-6545 Richard.Thomopoulos@nashville.gov
[H] Historic Zoning Review - CA		862-7970 histlap1@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsl@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		
[A] Site Plan Review		
[B] Building Plans Received		615-862-6614 teresa.patterson@nashville.gov
[B] Building Plans Review		615-862-6581 Teresa.Patterson@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[B] Fire Sprinkler Requirement		862-5230
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[E] Cross Connect Review For Bldg App		862-7225
		MWS.DevelopmentServicesCenter@nashville.gov
[E] Water Availability Review For Bldg		862-7225
		MWS.DevelopmentServicesCenter@nashville.gov
[E] Water Variance Approval For Bldg		862-7225
		MWS.DevelopmentServicesCenter@nashville.gov

PROJECT ADDRESS: 4117 GALLATIN PIKE
 CITY: NASHVILLE 37216
 COUNTY: DAVIDSON
 STATE: TENNESSEE
 DISTRICT: 8TH COUNCIL DISTRICT
 EXISTING ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)
 PROPOSED ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)
 MAP AND PARCEL NO.= MAP 061-11 PARCEL 24
 EXISTING LAND USE: MEDICAL OFFICE
 PROPOSED LAND USE: MEDICAL OFFICE
 MINIMUM REQUIRED SETBACK LINES:
 FRONT SETBACK: 40'
 SIDE YARD: 5'
 REAR YARD: 20'

PRE-DEVELOPED CONDITIONS	SQ. FT.	ACRES
TOTAL AREA	23,172	0.532
EXISTING BUILDING	2,778	0.064
EXISTING ASPHALT PRKG.	10,032	0.230
CONCRETE CURB	405	0.009
EXISTING SIDEWALK	352	0.008
WOODEN SHED	105	0.002
GRASS	12,278	0.282
TOTAL IMPERVIOUS	13,672	0.314

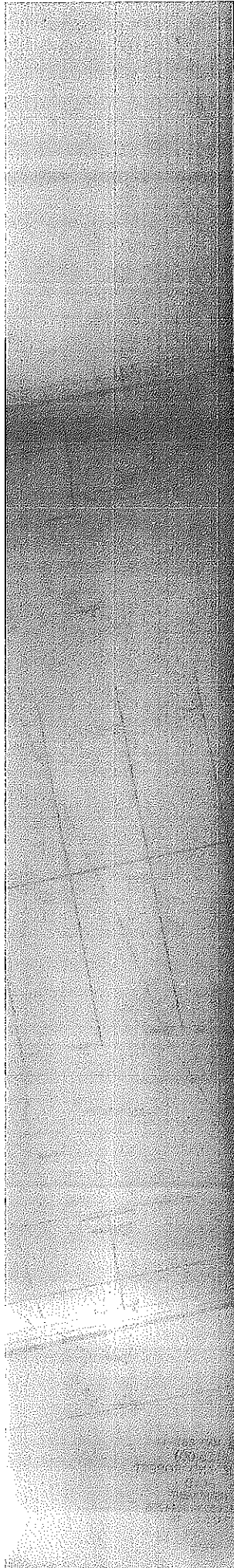
POST DEVELOPED CONDITIONS	SQ. FT.	ACRES
TOTAL AREA	23,172	0.532
BUILDING	5,886	0.135
ASPHALT PRKG.	10,285	0.236
CONCRETE CURB	355	0.008
EXISTING SIDEWALK	352	0.008
PROPOSED SIDEWALK	605	0.014
GRASS	5,689	0.131
TOTAL IMPERVIOUS	17,483	0.401
NET IMP. SURF. INCREASE	3,811	0.087

MAX. FLOOR AREA RATIO: 5,464/23,172 = 0.25
 IMPERVIOUS SURFACE RATIO: 16,788/23,172 = 0.75
 PARKING REQUIREMENTS:
 1 SPACE PER 200 S.F. BUILDING = 5,886/200 = 29 SPACES
 NUMBER OF PARKING SPACES PROVIDED = 29 SPACES

DEPARTMENT OF CODES ADMINISTRATION
 METROPOLITAN NASHVILLE, & DAVIDSON COUNTY
 ZONING REVIEW CHECKLIST
 Nonresidential and Multifamily Construction

APPLICATION #	PROJECT NAME:	POWER CHIROPRACTICS AND WELLNESS
MAP/PARCEL # 61-11/124	EXAMINER:	
USE - CHAPTER 17.08 AND 17.16 **A - Approved, D - Denied, I - Incomplete, P - Pending, C - Conditional **		
Determine the use MEDICAL OFFICE		
Property zoning OR20A	Overlay(s) OV-NHL	Surrounding Zoning OR20, OR20A, MUL-A
Use Charts: P, PC, SE, A	P	
SITE CRITERIA ** Supplemental Checklist Also Required for UZO **		
Subdivision Plat (Note any special requirements such as easements, setback restriction and etc.)		
Minimum lot size 7,500	Footprint 5,464 S.F.	
FAR	Maximum 0.8	Requesting 0.24
ISR-Adjustments/ Slopes over 15 %: 0%	Maximum 0.7	Requesting
Street Setback/ Street Type(s): --		
Side yard 5'		
Rear yard 20'		
Height standards 3 STORIES	Number of Floors	1 STORY
PARKING AND ACCESS - CHAPTER 17.20 ** Supplemental Checklist Also Required for UZO **		
Ramp location and number	2 EXISTING AT GALLATIN PIKE	
Distance to nearest existing ramp (minimum 30')	15' TO THE SOUTH	
Distance to intersections 50' minor street 185' arterial street	800' TO MCMAHAN AVENUE	
100' collector 250' controlled access ramp	N/A	
Required parking based on uses	Required: 28 (1 PER 200 S.F.)	Providing: 29
Required loading based on uses	N/A	Required Providing
Surfacing over 5 spaces 1,750 sq. ft.		
Space sizes, aisle widths, angle data	18'X8.5' STALL WITH 24' TRAVEL LANE	
Queueing lanes	N/A	
Over 10 spaces 20' queuing at exit	N/A	
Number of compact spaces/ %	NONE	
Number of handicapped spaces	1 VAN ACCESSIBLE	
Sidewalks required Internal public	INTERNAL & PUBLIC SIDEWALK	
LANDSCAPING STANDARDS - CHAPTER 17.24 ** Supplemental Checklist Also Required for UZO **		
Required buffer yards	TYPE C TO BE PROVIDED	
Buffer yard adjustment		
Perimeter landscaping (can't be over future R.O.W.)	NO	
Standard for 4 or more lanes	N/A	
Standard for less than four lanes	N/A	
Side lines adjacent to parking areas 5' minimum width with trees - 2.5' with tree islands	5' MIN. PROVIDED	
Interior landscaping minimum 8 % area	N/A	
Opaque fence adjacent to residential in parking area	TO BE PROVIDED WITHIN THE YARD BUFFER	
Screening around dumpsters (NO CHAIN LINK FENCE PERMITTED)	N/A	

CCAD REPROGRAPHICS, LLC
 480 CRAIGHEAD STREET SUITE 103 NASHVILLE, TN 37204 PHONE (615) 386-6796 ccad@ccadreprographics.com
 1121 HARPETH INDUSTRIAL CT SUITE 308 FRANKLIN, TN 37064 PHONE (615) 614-4749 franklin@ccadreprographics.com
 500 WILSON PIKE CIRCLE SUITE 103 BRENTWOOD, TN 37027 PHONE (615) 739-6286 brentwood@ccadreprographics.com



SITE DATA

PROJECT NAME: POWER CHIROPRACTICS AND WELLNESS
COBELL PROPERTIES, LLC

PROJECT ADDRESS: 4117 GALLATIN PIKE

CITY: NASHVILLE 37216

COUNTY: DAVIDSON

STATE: TENNESSEE

DISTRICT: 8TH COUNCIL DISTRICT

EXISTING ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)

PROPOSED ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)

MAP AND PARCEL NO.= MAP 061-11 PARCEL 24

EXISTING LAND USE: MEDICAL OFFICE

PROPOSED LAND USE: MEDICAL OFFICE

MINIMUM REQUIRED SETBACK LINES:

FRONT SETBACK: 40'

SIDE YARD: 5'

REAR YARD: 20'

PRE-DEVELOPED CONDITIONS	SQ. FT.	ACRES
TOTAL AREA	23,172	0.532
EXISTING BUILDING	2,778	0.064
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EXISTING SIDEWALK	352	0.008
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GRASS	12,278	0.282
TOTAL IMPERVIOUS	13,672	0.314

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PROPOSED SIDEWALK	605	0.014
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IMPERVIOUS SURFACE RATIO: $16,788/23,172 = 0.75$

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1 SPACE PER 200 S.F. BUILDING = $5,886/200 = 29$ SPACES

NUMBER OF PARKING SPACES PROVIDED = 29 SPACES

DEPARTMENT OF CODES ADMINISTRATION
METROPOLITAN NASHVILLE, & DAVIDSON COUNTY
ZONING REVIEW CHECKLIST
Nonresidential and Multifamily Construction

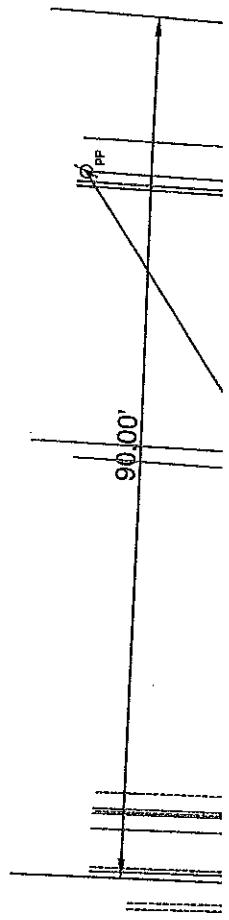
CURVE	
C1	

APPLICATION #	PROJECT NAME: POWER CHIROPRACTICS AND WELLNESS
MAP/PARCEL # 61-11/124	EXAMINER:
USE - CHAPTER 17.08 AND 17.16	**A - Approved, D - Denied, I - Incomplete, P - Pending, C - Conditional **
Determine the use	MEDICAL OFFICE

PHONE (615) 386-6796
ad@ceadprographics.com

USE OF THIS DRAWING IS TO APPLY FOR VARIANCE FROM PROVISIONS OF:
 SECTION "C" "STANDARDS 17.20.120 PROVISIONS OF SIDEWALK"
 SECTION 17.12.020B DISTRICT BULK TABLE (REAR SETBACK REQUIREMENTS)
 SECTION 17.24.150 PERIMETER PLANTING REQUIREMENTS.
 SECTION 17.24.160 INTERIOR PLANTING REQUIREMENTS.
 SECTION 17.16.03-G6 DRIVEWAY ACCESS

4" PAINTED WHITE
 STRIPING (TYP.)



BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Charlton A. Woolsley
 4117 Gallatin Road
 Map: 61-11
 Parcel: 124
 Zoning Classification: OP

APPEAL CASE # 92-142

ORDER

This matter came to be heard in public hearing on July 23, 1992 before the Metropolitan Board of Zoning Appeals upon application of the appellant for a variance in buffer and parking provisions to allow the construction of a 30' x 58' addition.

Based upon the testimony of the appellant, testimony of the witnesses and the entire record in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.16.060 (b) of the Metropolitan Code.
- (2) The appellant sought relief under Section 17.16.070 (b) of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the requirements for a variance under Section 17.132.060 of the Metropolitan Zoning Ordinance.

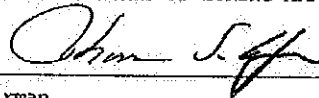
It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant SHALL BE ISSUED the requested variance, subject to the following conditions: none.

Upon motion by: Spann
 Ayes: Karr, Meeks, Price, Saunders, Spann
 Nays: None
 Abstaining: None
 Absent: Emamalie, Hoover

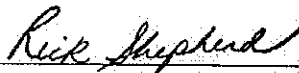
Seconded by: Saunders

ENTERED THIS 30th DAY OF July, 1992

METROPOLITAN BOARD OF ZONING APPEALS



Chairman



Secretary

06111008200

06111008300



MCMAHAN AVE

012100

OR20

06111012200

06111012300

RS7.5

06111032000

111012400

OR20-A

06111031900

06111012500

06111012600

06111012700

06111012800

GALLATIN PIKE T4-M-AB5-IM

MUL-A

06111023700

GREENLAND AVE

0



McMAHAN AVE

U4-M-AB-5-IM

GALLATIN PIKE

MUL-A

GREENLAND AVE

06111008200

06111008300

06111008700

06111012100

R20

06111012200

0611101

RS7.5

06111032000

06111012400

CR20-A

06111012500

06111012600

06111012700

06111012800

06111023700

SUBSTITUTE ORDINANCE NO. BL2014-673

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 making applicable the provisions of a Neighborhood Landmark Overlay District to various properties located along the west side of Gallatin Pike between Virginia Avenue and Broadmoor Drive, (17.22 acres), zoned OR20-A and RS7.5, all of which is described herein (Proposal No. 2014NL-001-001).

WHEREAS, the Neighborhood Landmark Overlay District can apply to an areas of historic and neighborhood value;

WHEREAS, this area contains structures that have been identified by the Metro Historical Commission as worthy of consideration and are included in the Gallatin Road Historic District;

WHEREAS, this area contains many structures currently utilized as single-family dwellings or small offices that contain a residential character, scale and orientation;

WHEREAS, the Neighborhood Landmark Overlay District will encourage the preservation of the historic structures and residential character of the area by enabling consideration of additional uses; and

WHEREAS, the Neighborhood Landmark Overlay District development plan will guide the reuse of or additions to existing buildings and redevelopment of sites, including vacant property, in a manner that maintains and enhances the area’s intensity, character, scale and orientation.

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:

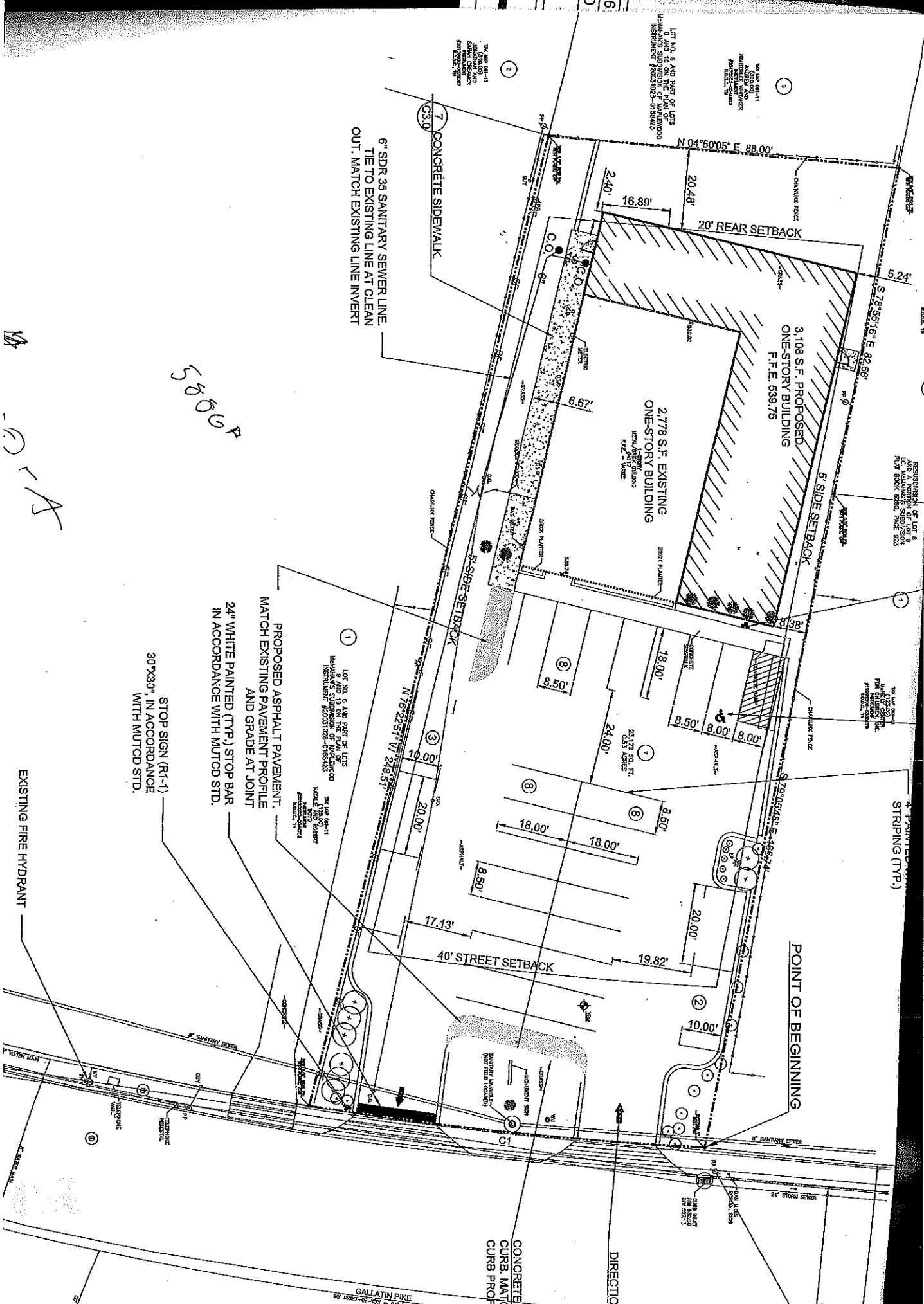
By making applicable the provisions of a Neighborhood Landmark Overlay District to various properties located along the west side of Gallatin Pike between Virginia Avenue and Broadmoor Drive, (17.22 acres), zoned OR20-A and RS7.5, being Property Parcel Nos. 128, 129, 130, 183, 184, 185, 186, 242, 243, 244, 245, 246, 247, 272, 273 as designated on Map 061-07 and Property Parcel Nos. 084, 085, 123, 124, 125, 126, 127, 128, 131 as designated on Map 061-11 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 attached sketch, which is attached to 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 061 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 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: Karen Bennett

LEGISLATIVE HISTORY	
Introduced:	February 4, 2014
Passed First Reading:	February 4, 2014
Referred to:	Planning Commission - Approved 9-0 (February 27, 2014) Planning & Zoning Committee
Passed Second Reading:	March 4, 2014
Substitute Introduced:	March 18, 2014
Passed Third Reading:	March 18, 2014



5806P

A

EXISTING FIRE HYDRANT

PROPOSED ASPHALT PAVEMENT.
MATCH EXISTING PAVEMENT PROFILE
AND GRADE AT JOINT

24" WHITE PAINTED (TYP.) STOP BAR
IN ACCORDANCE WITH MUTCD STD.

STOP SIGN (R1-1)
30"x30", IN ACCORDANCE
WITH MUTCD STD.

6" SDR 36 SANITARY SEWER LINE
TIE TO EXISTING LINE AT CLEAN
OUT. MATCH EXISTING LINE INVERT

7" CONCRETE SIDEWALK

CONCRETE
CURB MATCH
CURB PROFIL

DIRECTION

POINT OF BEGINNING

4" PAINTED
STRIPING (TYP.)

GALLATIN PIKE
60' SECT-OF-60' x 64' PARALLEL

LOT NO. 5 AND PART OF LOTS
HAWKINS'S SUBDIVISION OF WILSONWOOD
INSTRUMENT #20031028-0188423

LOT NO. 5 AND PART OF LOTS
HAWKINS'S SUBDIVISION OF WILSONWOOD
INSTRUMENT #20031028-0188423

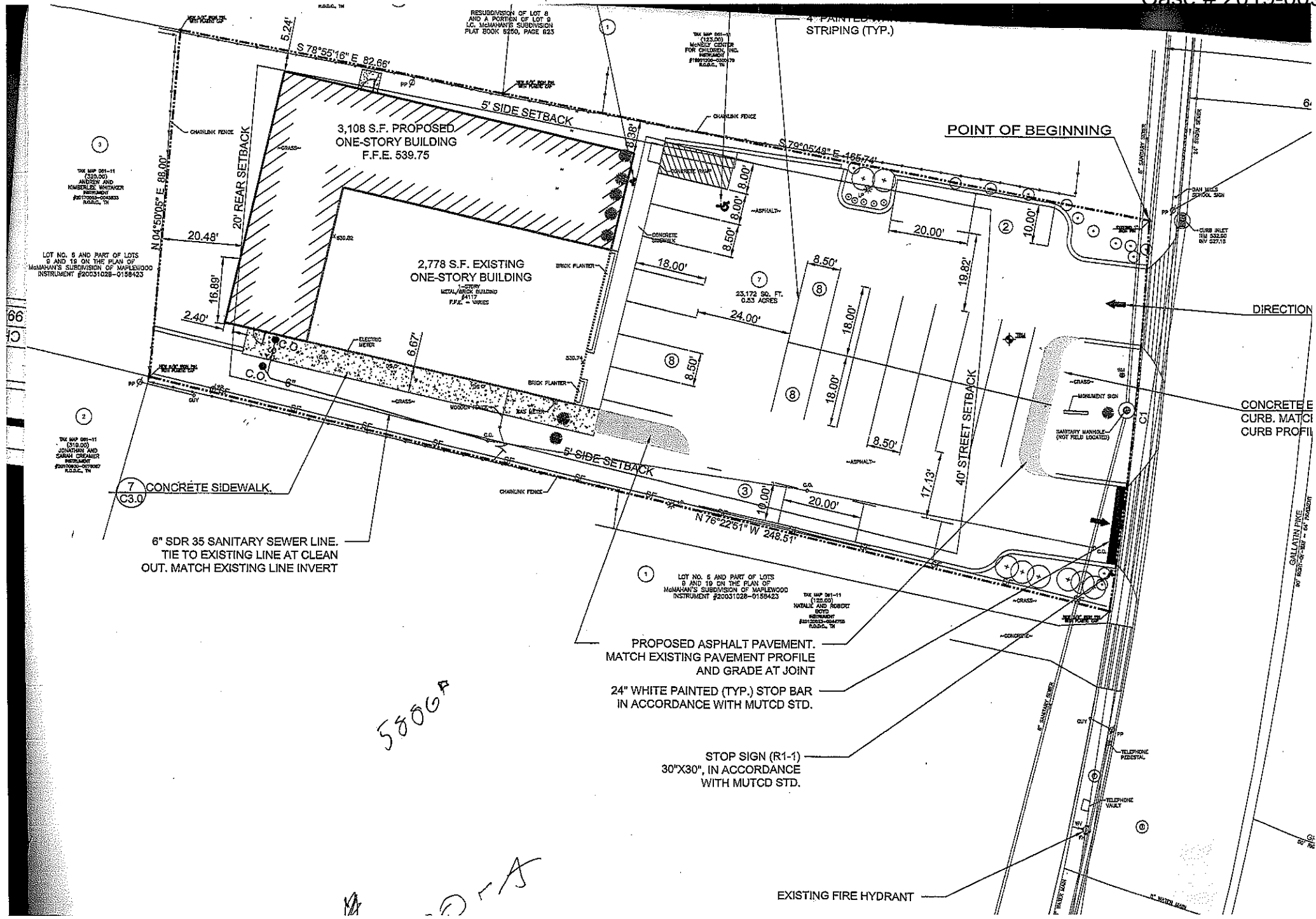
RESUBDIVISION OF LOT 5
AND A PORTION OF LOT 6
FLY BOOK 6254 PAGE 625

LOT NO. 5 AND PART OF LOTS
HAWKINS'S SUBDIVISION OF WILSONWOOD
INSTRUMENT #20031028-0188423

LOT NO. 5 AND PART OF LOTS
HAWKINS'S SUBDIVISION OF WILSONWOOD
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HAWKINS'S SUBDIVISION OF WILSONWOOD
INSTRUMENT #20031028-0188423

STOP SIGN (R1-1)
30"x30", IN ACCORDANCE
WITH MUTCD STD.



THE MAP 001-11 (125.00) ANDREW AND MARLENE WINTCHER PARTNERSHIP 2077000-000003 ROAD, TN

LOT NO. 8 AND PART OF LOTS 9 AND 19 ON THE PLAN OF McMANIS'S SUBDIVISION OF MAPLEWOOD INSTRUMENT #20031028-0158423

THE MAP 001-11 (125.00) JENNIFER AND SARAH CREANER PARTNERSHIP 2077000-000007 ROAD, TN

RESUBDIVISION OF LOT 8 AND A PORTION OF LOT 9 LC McMANIS'S SUBDIVISION PLAT BOOK 6250, PAGE 623

THE MAP 001-11 (125.00) MCKENZIE CENTER FOR CHILDREN (INC. PARTNERSHIP) 21897200-000079 ROAD, TN

4" PAINTED STRIPING (TYP.)

POINT OF BEGINNING

2,778 S.F. EXISTING ONE-STORY BUILDING
1-COPY METAL BRICK BUILDING #4117 P.F.F. - 1000000

3,108 S.F. PROPOSED ONE-STORY BUILDING
F.F.E. 539.75

7 CONCRETE SIDEWALK.
C3.0

6" SDR 35 SANITARY SEWER LINE. TIE TO EXISTING LINE AT CLEAN OUT. MATCH EXISTING LINE INVERT

PROPOSED ASPHALT PAVEMENT. MATCH EXISTING PAVEMENT PROFILE AND GRADE AT JOINT

24" WHITE PAINTED (TYP.) STOP BAR IN ACCORDANCE WITH MUTCD STD.

STOP SIGN (R1-1) 30"X30", IN ACCORDANCE WITH MUTCD STD.

EXISTING FIRE HYDRANT

CONCRETE CURB. MATCH CURB PROFILE

DIRECTION

5806A

DFA

66

0

2

7

1

7

8

8

8

8

8

8

8

8

Lifsey, Debbie (Codes)

From: Breda, Carolyn <carolyn.breda@Vanderbilt.Edu>
Sent: Wednesday, January 2, 2019 2:27 PM
To: Board of Zoning Appeals (Codes)
Subject: Grave Concerns about Two Cases on Board's Agenda fro Meeting Jan 3, 2019 (tomorrow)

Importance: High

Hello Mr. Herbert and others,

We have received today an agenda (revised) for the Board's meeting tomorrow, Jan 3. Regrettably, we are unable to attend this meeting but ask that our concerns below be shared with Board members, and others who may be interested in them.

There are two separate items on the agenda of deep concern:

- I. CASE 2019-010 (Council District - 7) Guerrier Development, LLC, appellant and GUERRIER DEVELOPMENT, LLC, owner of the property located at 1238 C MCGAVOCK PIKE, requesting a variance from sidewalk requirements in the R8 District, to construct two single family homes on one parcel without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20120 The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Single Family Map Parcel 07207019500 Results:

Our concern on this case is twofold.

First, the request refers only to the variance in the sidewalk requirement. We strongly oppose all such requests for sidewalk variances based on the city's mission and ours that our neighborhood (as well as Nashville at large) become "walkable." City leaders, planners, residents, and everyone in between talk a good talk about walkability and pedestrian safety in our neighborhoods, yet such requests for variances to sidewalks are routinely made and not infrequently approved. Worse – those who request variances to building sidewalks go even further, and request exemption from paying into the sidewalk fund. We understand that sometimes old sidewalks already exist and a developer seeks to save some money with a variance from building anew. Or some structural issue (drainage) may cost extra dollars to accommodate a sidewalk. So be it – those are costs developers should bear. Regulations for building sidewalks and particularly for sidewalk funding are meaningless for creating walkability if those rules are routinely dismissed. (FYI: We also support that any funding made in lieu of built sidewalks be used in the neighborhood, and certainly within the district, in which the variance is requested.)

Second, the variance refers to the construction of TWO single family homes. Metro records suggest that the total acreage of the proposed development is .27 acres or 11,608 sq ft with a R8 zoning, which requires a minimum of 8,000 sq ft per lot. By our calculations, 16,000 sq ft would be required for the two lots/houses proposed. Thus, it would seem that the developer is proposing not only to avoid his/her sidewalk obligation but the lot size requirement as well. We oppose the lot size variance if such is indeed the case.

- II. 4117 Gallatin Pike - Multiple cases
CASE 2019-005 (Council District – 8; Nan Reece) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from parking requirements in the OR20-A, OV- UDO, OV-

NHL District, to construct an office addition. Referred to the Board under Section 17.20.030, 17.20.060. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Office Map Parcel 06111012400 Results:

CASE 2019-006 (Council District - 8) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from front and rear setbacks in the OR20-A, OV-UDO, OV-NHL District, to construct an office addition. Referred to the Board under Section 17.12.020 D., 17.40.660 C. The appellant has alleged the Board would have jurisdiction under Section 17.40.18 B. Use-Office Map Parcel 06111012400 Results:

CASE 2019-007 (Council District - 8) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from sidewalk requirements in the OR20-A, OV-UDO, OV-NHL District, to construct an office additions without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Office Map Parcel 06111012400 Results:

CASE 2019-008 (Council District - 8) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from landscape and rear buffer requirements in the OR20-A, OV-UDO, OV-NHL District, to construct an office addition. Referred to the Board under Section 17.24.230, 17.24.150, 17.24.160. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Office Map Parcel 06111012400 Results:

CASE 2019-009 (Council District - 8) MICHAEL WOODS, appellant and COBELL PROPERTIES, LLC, owner of the property located at 4117 GALLATIN PIKE, requesting a variance from street access requirements in the OR20-A, OV-UDO, OV, NHL District, to construct an office addition. Referred to the Board under Section 17.20.170. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B. Use-Office Map Parcel 06111012400

We have deep concerns about not one but **FIVE requests for variances**. We suppose one could admire this developer's moxie. Or, one could question the fairness or appropriateness of making five (or any) requests for land officially designated a Neighborhood Landmark. Surely some if not all of these requests go beyond the pale of what constitutes a reasonable request. We are particularly concerned about variances to setbacks (neighbors' interests should matter), sidewalks (here we go again), and landscaping (one of the best ways to rejuvenate streetscapes).

We are sorry that the holidays have precluded our abilities to present these concerns tomorrow in person, but appreciate very much your help in making our concerns known to Board members prior to the meeting for their deliberations. Thank you for all you do for the city and its residents.

Best regards,
Carolyn Breda
Riverwood Residents Association

Lifsey, Debbie (Codes)

From: Julie Cook <juliecook2@gmail.com>
Sent: Tuesday, December 11, 2018 8:10 AM
To: Board of Zoning Appeals (Codes)
Subject: 4117 Gallatin Rd BZA Request

I don't even know where to begin on the multitude of variances this application has requested. The requirements are in place for a reason and the need to request so many variances, is essentially an attempt to put a square peg in a round hole. It simply doesn't work.

Please deny these requests as they make no sense for our neighborhood.

Thank you,

--

Julie Cook
juliecook2@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: Anthony Eubanks Date: 11/16/18
Property Owner: Shelbinah Glory Community Church Case #: 2019-013
Representative: Anthony Eubanks Map & Parcel: 81-16-702

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:

- 1....CONVERT EXISTING BLDG FOR USE AS A COFFEE SHOP/DELI
 - 2.....AND CONSTRUCT TWO NEW SINGLE FAMILY HOUSES.
- *****first request is to demo the non-conforming bldg. and construct two single family houses..

DENIED:

Activity Type: Restaurant Duplex
Location: 933 Warren St N.T. 37208

This property is in the R53.5 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: 1) Change in NCF use / 2) Site works: Not to
Section(s): 17.40.180 / Install + Not to construct 17.20.120

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

Anthony Eubanks
Appellant Name (Please Print)

Representative Name (Please Print)

Address

Address

City, State, Zip Code

City, State, Zip Code

615-400-4550
Phone Number

Phone Number

~~COOKIEUB~~
Email cookieeub@hotmail.com

Email

Appeal Fee: 200

Need a site plan showing layout of the both.

Also need a letter stating how this change will be less of an impact on the community. How it will be better for the community.

BZA



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



3579431

**ZONING BOARD APPEAL / CAAZ - 20180072564
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08116070200

APPLICATION DATE: 11/16/2018

SITE ADDRESS:

933 WARREN ST NASHVILLE, TN 37208

LOT 13 & PT LT 14 C M HOLT PLAN

PARCEL OWNER: SHEKINAH GLORY COMMUNITY CHURCH CONTRACTOR:

APPLICANT:**PURPOSE:**

EXISTING RS 3.75....30'X50' COMMUNITY CHURCH BLDG.

lot..65'x136'

*****BZA REQUEST TO:

1....CONVERT EXISTING BLDG FOR USE AS A COFFEE SHOP/DELI

2....AND CONSTRUCT TWO NEW SINGLE FAMILY HOUSES.

*****first request is to demo the non-conforming bldg. and construct two single family houses..

DENIED:

1...CHANGE IN NON-CONFORMING USE.

17.40.180 D.

2...sidewalks required to be updated and not allowed to contribute.....REQUEST NOT TO UPDATE AND NOT TO CONTRIBUTE...17.20.120

POC: ANTHONY EUBANKS 615-400-4550

cookieeubcookie@hotmail.com

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATIONS FOR INTERPRETATION AGAINST THE ZONING ADMINISTRATOR AND NON-COMPLYING / NON-CONFORMING USES

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

The day of the public hearing, it will be your responsibility to convey to the Board your request and the reasons for this request. In the case of questioning the Zoning Administrator in his interpretation of the Zoning Code, it is your job to explain to the Board why he is wrong and you are right. In the case of a non-conforming or non-complying structure, it is your job to explain to the Board how this change/enlargement, etc. would result in less of an impact on the surrounding area. **It would be to your benefit to contact your neighbors and explain to them what you are doing and attempt to obtain their support and evidence that support in some form at the public hearing.**

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I HEREBY GIVE PERMISSION TO the Department of Codes and Building Safety to post the required sign(s) on the subject property as required by the Zoning Code. I am aware that I am responsible for removing the sign(s) after the public hearing.


APPELLANT

11/16/18
DATE

APPLICATION FOR A VARIANCE REQUEST

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

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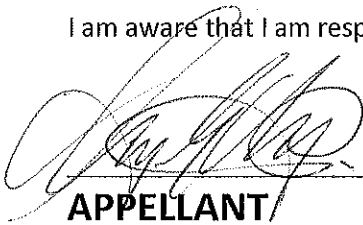
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METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



APPELLANT



DATE

Standards for a Variance

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

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

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

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

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

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

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

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

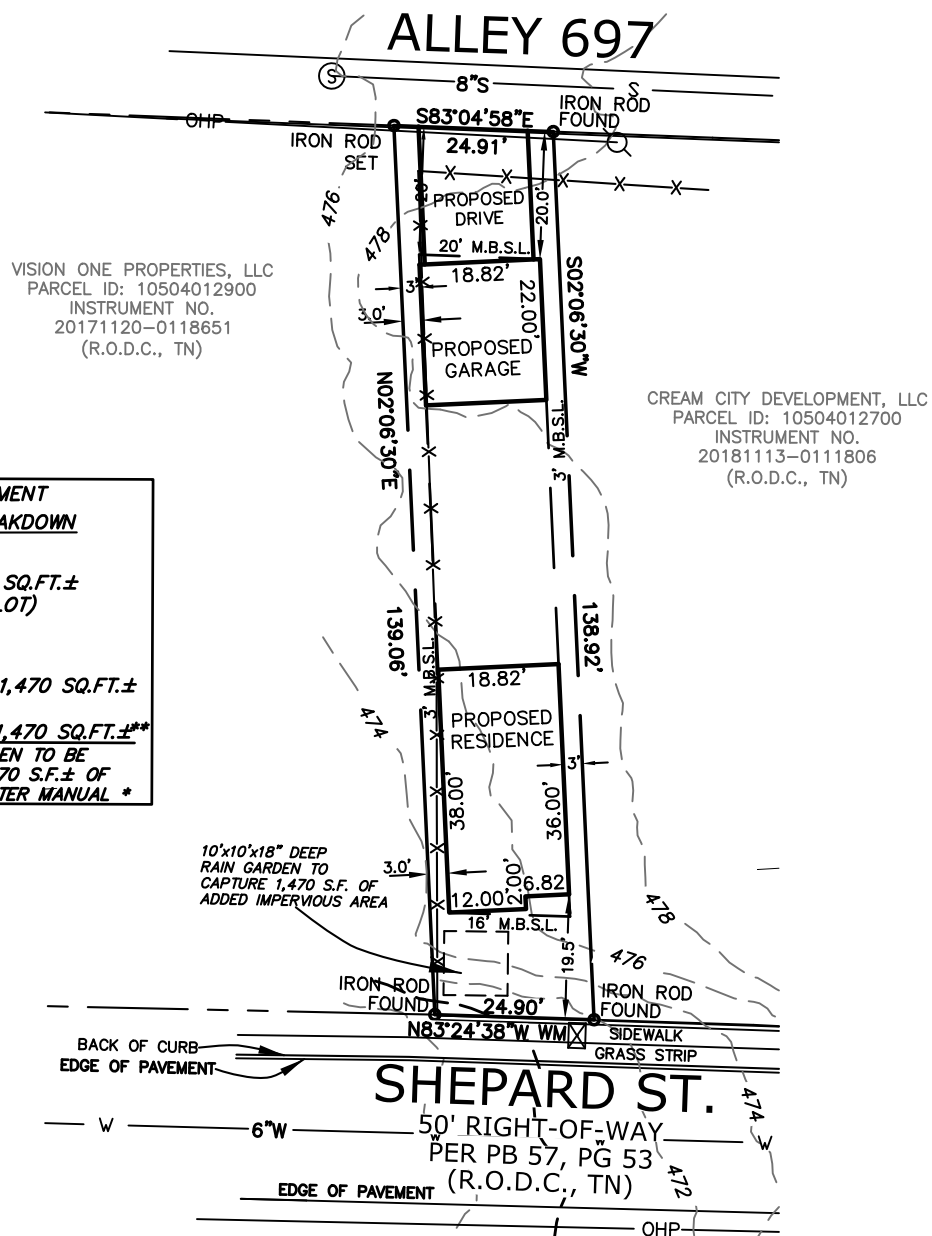
The Board shall not grant variances to the land use provisions of section 2.3, nor the density of Floor Area Ratio (FAR) standards of Tables 3-B and 2-C, nor the required size of residential lots approved by the Planning Commission under the authority of section 3.7 (Lot Averaging), section 3.8 (Cluster Lot Option) or Section 9. E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.


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

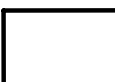


VISION ONE PROPERTIES, LLC
 PARCEL ID: 10504012900
 INSTRUMENT NO.
 20171120-0118651
 (R.O.D.C., TN)

CREAM CITY DEVELOPMENT, LLC
 PARCEL ID: 10504012700
 INSTRUMENT NO.
 20181113-0111806
 (R.O.D.C., TN)

STORMWATER MANAGEMENT IMPERVIOUS AREA (IA) BREAKDOWN

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

 = PROPOSED IA = 1,470 SQ.FT.±

ADDITIONAL IA = 1,470 SQ.FT.±**

* A 10'x10'x18" DEEP RAIN GARDEN TO BE CONSTRUCTED TO CAPTURE 1,470 S.F.± OF ADD'L IA PER METRO STORMWATER MANUAL *

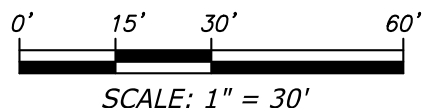
10'x10'x18" DEEP RAIN GARDEN TO CAPTURE 1,470 S.F. OF ADDED IMPERVIOUS AREA

NOTE A: FRONT/STREET SETBACK PER METROPOLITAN BOARD OF ZONING APPEALS, CASE NUMBER 2018-534, DATE 09/10/2018.

SETBACKS

- FRONT/STREET: 16' (SEE NOTE A)
- SIDE: 3'
- REAR: 20'

NOTE: CONTRACTOR ASSUMES SOLE RESPONSIBILITY TO ENSURE THAT CONSTRUCTION ADHERES TO M.B.S.L.'S

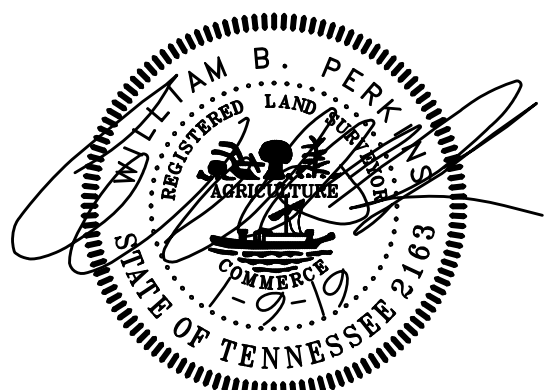


THE BUILDER IS SOLELY RESPONSIBLE FOR CONFORMING TO ALL ZONING REGULATIONS INCLUDING BUT NOT LIMITED TO BUILDING SETBACK LINES, EASEMENTS AND OTHER BUILDING, IMPROVEMENTS AND PROPERTY RESTRICTIONS AS WELL AS ANY OTHER CONDITIONS AS SET FORTH OR NOTED ON THE SUBDIVISION PLAT AND OTHER LOCAL, STATE OR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

STORMWATER PLOT PLAN

THIS PLOT PLAN WAS MADE FOR THE CONTRACTOR, PROPERTY OWNERS AND CODES DEPT. AND IS TO BE USED FOR OBTAINING THE BUILDING PERMIT ONLY. THIS PLAN IS NOT TO BE USED FOR A GENERAL PROPERTY SURVEY, MORTGAGE LOAN INSPECTION, OR A FOUNDATION INSPECTION SINCE NO IMPROVEMENTS EXIST AT THIS TIME.

OWNER: MILDRED K OSTEN & CARL BLACKMAN
 ADDRESS: 16 SHEPARD ST.
 CITY: NASHVILLE, DAVIDSON COUNTY, TENNESSEE
 LOT #P/O 19
 SUBD. TRIMBLE ADDITION
 RECORD: PLAT BOOK 57, PAGE 53 (R.O.D.C., TN)
 DEED: DEED BOOK 9473, PAGE 74 (R.O.D.C., TN)
 SCALE: 1"=30' DATE: JANUARY 9, 2019
 MAP: 105-04 PARCEL: 128.00
 AREA: 3,450 SQ.FT.± OR 0.079 AC.±



H & H LAND SURVEYING INC.
 612 A FITZHUGH BLVD.
 SMYRNA, TENNESSEE 37167
 PHONE: 615-355-6905 EMAIL: handhland@bellsouth.net
 JOB: 2019-0013 DRAWN BY: ACB

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Anderson Corbett Date: 12-2-18
Property Owner: 602 Woodland E Case #: 2019-020
Representative: Mike Donoho Map & Parcel: 082120352.00
082120353.00
082120354.00
Council District 06

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

Purpose:

NO PERMIT APPLICATION STARTED. MDHA-EB
PROPOSED RENOVATIONS TO EXISTING
COMMERCIAL BUILDING FOR FUTURE TENANTS.
BUILDING LOCATED ON 3 PARCELS

Activity Type: COMMERCIAL REHAB * SEE LETTER

Location: 943/945/947 WOODLAND ST REQ TO

This property is in the CS MDHA-EB 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: REPLACE @

Reason: VARIANCE TO SIDEWALKS EXISTING

Section(s): 17.20.120 SIZE/LOCATION

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

Anderson Corbett
Appellant Name (Please Print)

Mike Donoho
Representative Name (Please Print)

1175 Nashville Pike
Address

901 WOODLAND ST.
Address

GALLATINSVILLE TN 37066
City, State, Zip Code

Nashville TN 37206
City, State, Zip Code

615-452-4900
Phone Number

615-610-1023
Phone Number

Email

MDONOH0@VIDENGIWEBPAGE.COM
Email

Appeal Fee: 500.00

APPLICATIONS FOR VARIANCE REQUESTS

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

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METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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



 APPELLANT

December 3, 2018

 DATE

STANDARDS FOR A VARIANCE

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

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

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



Metro Nashville Davidson County
Board of Zoning Appeals
800 2nd Ave. S.
Nashville, TN 37210

Subject: Sidewalk Variance – 943, 945, 947 Woodland St.

Board of Zoning:

Existing Site Information:

We are seeking a variance of the required T4-M-CA3 sidewalk with 6' Right of Way dedication for the property located at 943, 945 & 947 Woodland Street. The 3 parcels have 0.2 acres each for a total of 0.6 acres. There are existing buildings on all 3 parcels that have an approximate total footprint of 15,000 S.F..

All 3 parcels are zoned CS (commercial service) with overlays of MDHA-EB East Bank Redevelopment Plan, Ordinance No. 099-1647 and OV-UZO Urban Zoning Overlay District.

The existing buildings are planned to be remodeled and will provide a fresh street front appearance. The updated look will comply as possible with the East Bank Redevelopment Plan. The existing pavement width of Woodland Ave. is approximately 34' with an existing 8' sidewalk with no planting strip.

Parking is a long-standing issue along Woodland St.. With an assumed use of General Office, the parking requirement is 1 space per 300 S.F. but because this site is also within a UZO district which allows an exemption for the first 2,000 S.F. and 1 space per 500 square feet for floor space in excess of 2,000 square feet. Based on 15,000 S.F. of office space the required parking is 26 total spaces with 2 ADA compliant spaces. The existing street front parking provides 17 spaces at this time. Additional spaces will be provided along the alley to make up the requirement.

Hardship:

According to the Metro Nashville Sidewalk Requirements base map, Code of Ordinances 17.20.120 we are required to comply with Classification T4-M-CA3 Right of Way cross section. This includes a 62' Right of Way width, 34' of pavement, 4' of plantings, 8' sidewalk and 2' additional frontage. The existing Right of Way for Woodland is 50'. Dedicating an additional 6' of property along the frontage of Woodland Street, approximately 900 S.F., would severely impact if not eliminate the required 17 existing parking spaces.

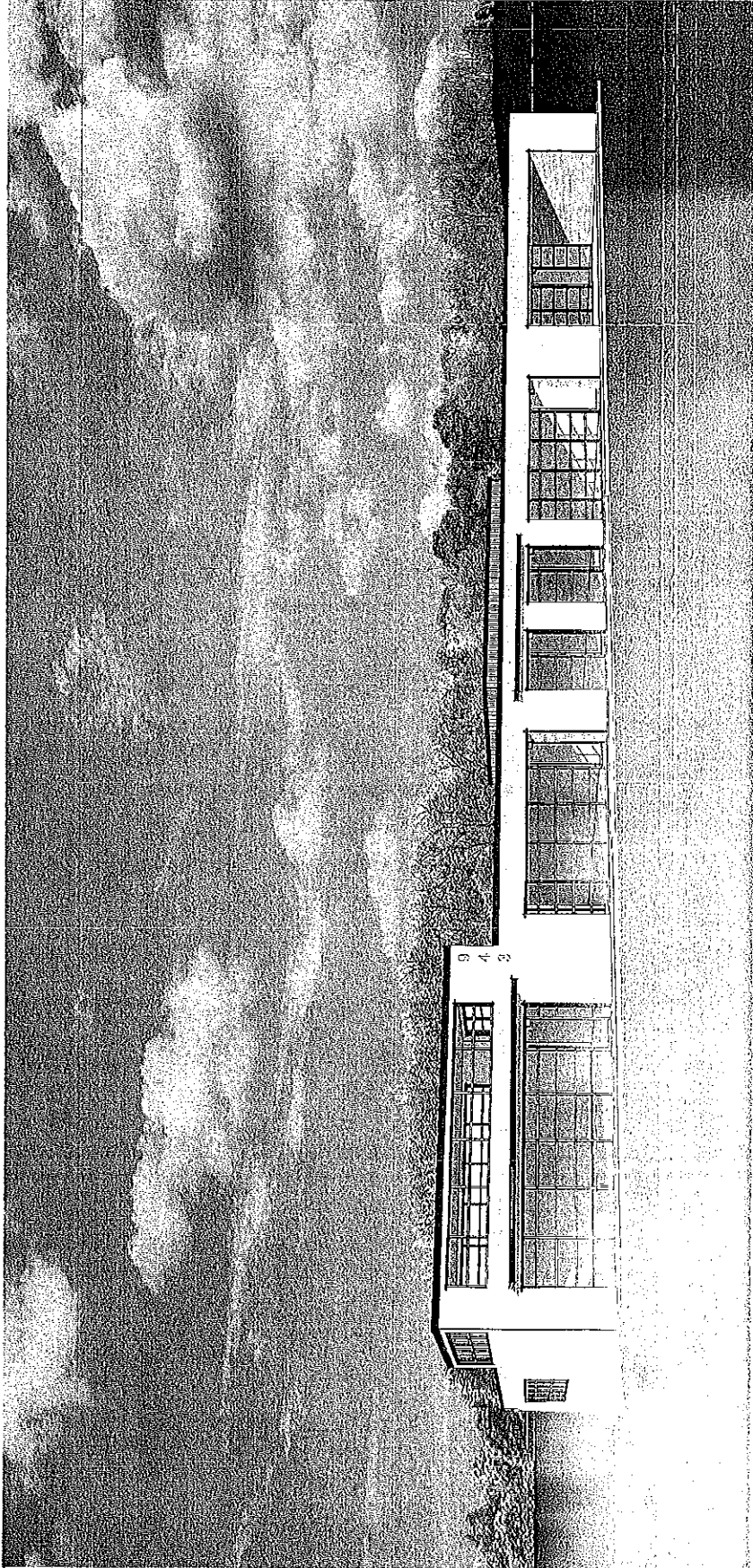
Thank you for your time and consideration in this matter.

Sincerely,

Michael Donoho
Project Manager

W&A Engineering
901 Woodland St.
Nashville, TN 37206
615-610-1023 Office
615-973-6453 Cell

2019-020

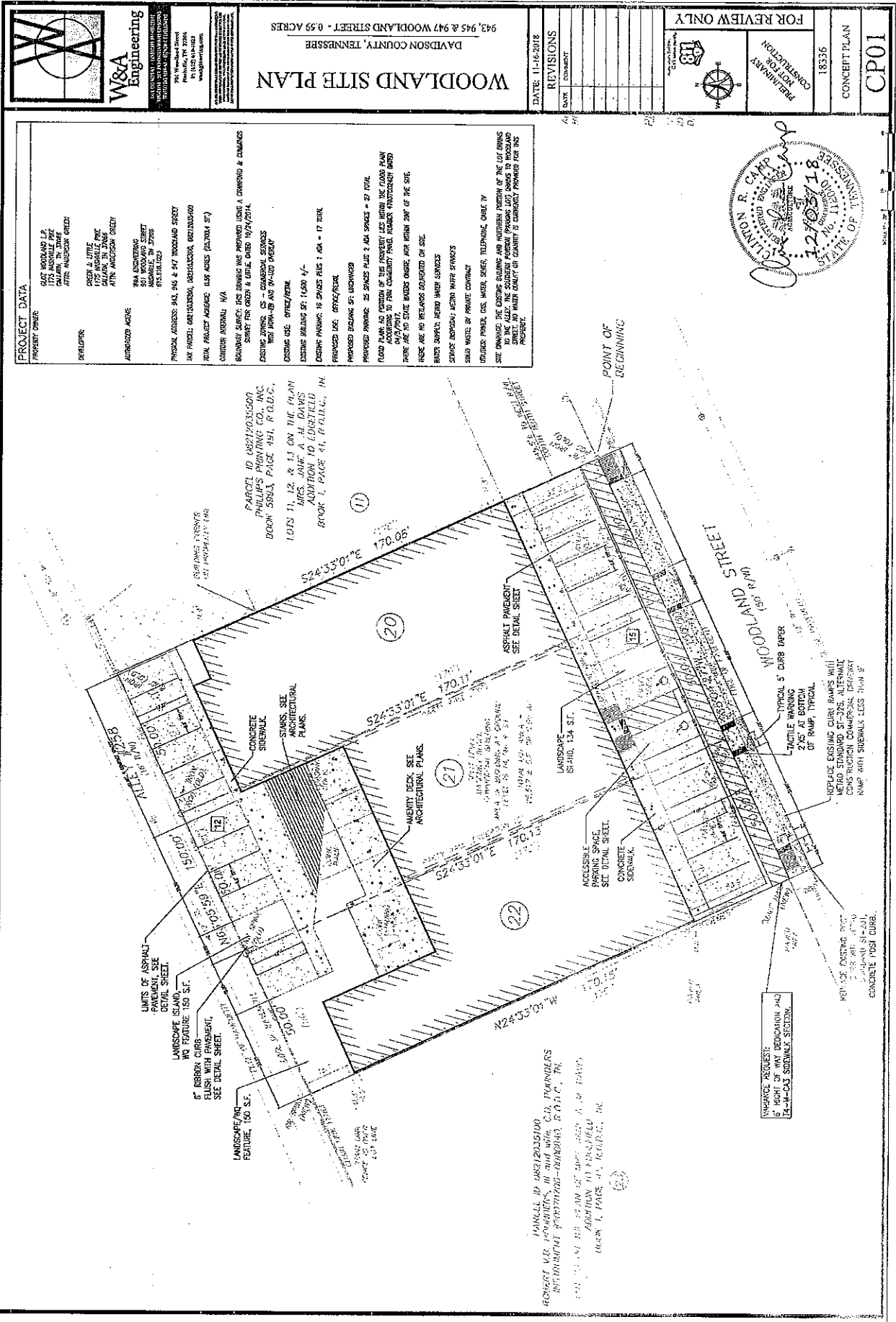


Architecture. Interior Design. Planning.

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Woodland Office Study
OPTION A
11/06/18

2019-020



W&A Engineering
 2045 WOODLAND L.P.
 943.945 & 947 WOODLAND STREET - 0.59 ACRES
 DAVENPORT, TN 37834
 TEL: 615-648-4222
 WWW.WANDENGIN.COM

WOODLAND SITE PLAN
 DAVENPORT COUNTY, TENNESSEE
 943.945 & 947 WOODLAND STREET - 0.59 ACRES

FOR REVIEW ONLY

PRELIMINARY FOR CONSTRUCTION

18336

CONCEPT PLAN

CP01

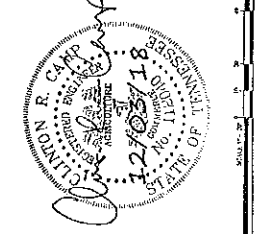
DATE: 11-16-2018

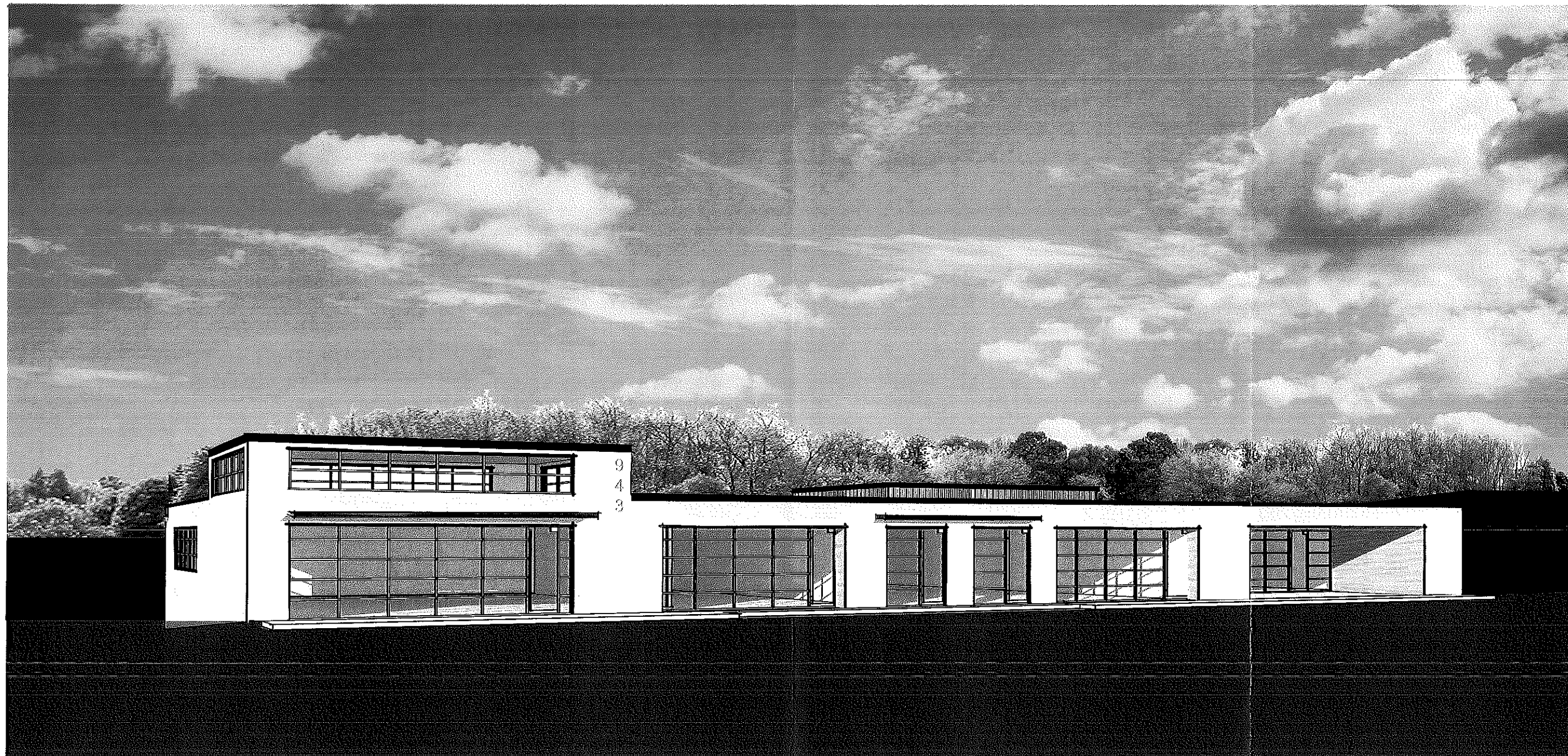
NO.	DATE	REVISIONS

PROJECT DATA
 PROPERTY OWNER: GUY WOODLAND L.P.
 DEVELOPER: CHIEF & PARTNER, INC. DALLAS, TX 75248
 ARCHITECT: ATTN: ANDERSON GREEDY
 ENGINEER: CHIEF & PARTNER, INC. DALLAS, TX 75248
 PLANNING: ATTN: ANDERSON GREEDY
 PHYSICAL ADDRESS: 943.945 & 947 WOODLAND STREET
 TAX PARCEL: 0881333000, 0881333001, 0882265600
 FUTA PARCEL ADDRESS: 0881333000 (04/20/14 ST.)
 CADASTRAL AERIAL: N/A
 BOUNDARY SURVEY: THIS SURVEY WAS PROVIDED USING A CONCORD & CHAMBERS SURVEY FOR GUY & LITTLE, DATED 10/24/2014.
 EXISTING ZONING: CS - COMMERCIAL SERVICES
 ZONING REGULATIONS: SEE CHAPTER 14 AND 15-100 ORDINANCE
 EXISTING USE: OFFICE/RETAIL
 EXISTING SQUARE FT: 14,600 +/-
 EXISTING PARKING: 18 SPACES PLUS 1 AM - 17 TOTAL
 PROPOSED USE: OFFICE/RETAIL
 PROPOSED BUILDING SF: UNCHANGED
 PROPOSED PARKING: 28 SPACES PLUS 2 AM SPACES = 32 TOTAL
 FLOOD PLANE: NO PORTION OF THIS PROPERTY LIES WITHIN THE FLOOD PLANE AS SHOWN ON THE FIRM COUNTY FLOOD MAP. FLOODER INFORMATION: UNDER THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP), THERE ARE NO STATE BARRIERS IN PLACE WITHIN ANY OF THE SITE. THERE ARE NO WETLANDS IDENTIFIED ON SITE.
 FUTURE SURVEYS: RETRO WATER SERVICES
 SERVICE RESPONSIBILITY: RETRO WATER SERVICES
 SLOPE: VARYING SLOPES
 UTILITY POWER, GAS, WATER, SEWER, TELEPHONE, CABLE, TV
 SEE PLAN FOR THE EXISTING BUILDING AND NEAREST PORTION OF THE LOT BOUNDARY TO THE ALLEY. THE SURVEY FOR THE EXISTING BUILDING LIES WITHIN WOODLAND STREET AND WATER QUANTITY OR QUALITY IS CURRENTLY PROVIDED FOR THIS PROJECT.

PARTIAL ID: 0881333000
 PHILLIPS PRINTING CO., INC.
 BOOK 388A, PAGE 181, R.O.D.C.
 10153 11, 12, & 13 ON THE PLAN
 MRS. JANE A. M. BARKS
 ADDITION TO LOGS/FIELD
 BOOK 1, PAGE 41, R.O.D.C., IN

REMARKS REQUEST:
 1. REQUEST FOR REVISIONS AND 2. REQUEST FOR SIGNATURE AND SEAL OF THE ENGINEER.
 3. REQUEST FOR SIGNATURE AND SEAL OF THE ENGINEER.
 4. REQUEST FOR SIGNATURE AND SEAL OF THE ENGINEER.



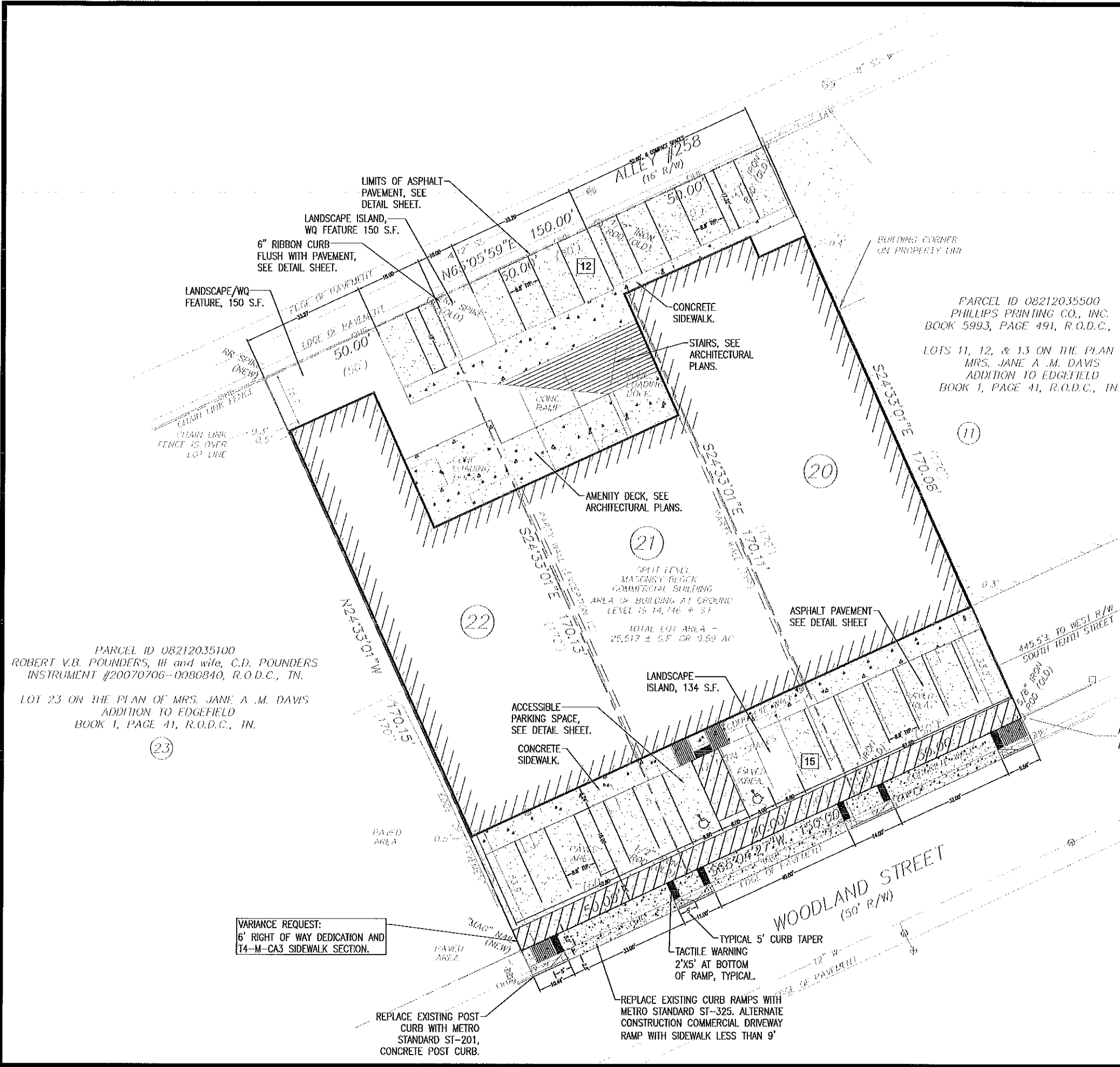


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Architecture. Interior Design. Planning.

Woodland Office Study
OPTION A
11/06/18



PROJECT DATA

PROPERTY OWNER: GLOZ WOODLAND L.P.
1175 NASHVILLE PIKE
GALLATIN, TN 37066
ATTN: ANDERSON GREEN

DEVELOPER: GREEN & LITTLE
1175 NASHVILLE PIKE
GALLATIN, TN 37066
ATTN: ANDERSON GREEN

AUTHORIZED AGENT: W&A ENGINEERING
901 WOODLAND STREET
NASHVILLE, TN 37206
615.610.1023

PHYSICAL ADDRESS: 943, 945 & 947 WOODLAND STREET
TAX PARCEL: 08212035200, 08212035300, 08212035400
TOTAL PROJECT ACREAGE: 0.59 ACRES (25,700.4 SF.)
CONTOUR INTERVAL: N/A

BOUNDARY SURVEY: THIS DRAWING WAS PREPARED USING A CRAWFORD & CUMMINGS SURVEY FOR GREEN & LITTLE, DATED 10/24/2014.

EXISTING ZONING: CS - COMMERCIAL SERVICES WITH MOHA-EB AND OV-10 OVERLAY

EXISTING USE: OFFICE/RETAIL

EXISTING BUILDING SF: 14,500 +/-

EXISTING PARKING: 16 SPACES PLUS 1 ADA = 17 TOTAL

PROPOSED USE: OFFICE/RETAIL

PROPOSED BUILDING SF: UNCHANGED

PROPOSED PARKING: 25 SPACES PLUS 2 ADA SPACES = 27 TOTAL

FLOOD PLAIN: NO PORTION OF THIS PROPERTY LIES WITHIN THE FLOOD PLAIN ACCORDING TO FIRM COMMUNITY PANEL NUMBER 47037C0242H DATED 04/5/2017.

THERE ARE NO STATE WATERS ONSITE, NOR WITHIN 200' OF THE SITE.

THERE ARE NO WETLANDS DELINEATED ON SITE.

WATER SUPPLY: METRO WATER SERVICES

SEWAGE DISPOSAL: METRO WATER SERVICES

SOLID WASTE: BY PRIVATE CONTRACT

UTILITIES: POWER, GAS, WATER, SEWER, TELEPHONE, CABLE TV

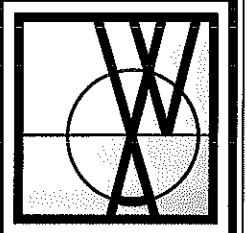
SITE DRAINAGE: THE EXISTING BUILDING AND NORTHERN PORTION OF THE LOT DRAINS TO THE ALLEY. THE SOUTHERN PORTION (PARKING LOT) DRAINS TO WOODLAND STREET. NO WATER QUALITY OR QUANTITY IS CURRENTLY PROVIDED FOR THIS PROPERTY.

PARCEL ID 08212035100
ROBERT V.B. POUNDERS, III and wife, C.D. POUNDERS
INSTRUMENT #20070706-0080840, R.O.D.C., TN.
LOT 23 ON THE PLAN OF MRS. JANE A. M. DAVIS
ADDITION TO EDGEFIELD
BOOK 1, PAGE 41, R.O.D.C., TN.

VARIANCE REQUEST:
6' RIGHT OF WAY DEDICATION AND
T4-M-CA3 SIDEWALK SECTION.

REPLACE EXISTING POST CURB WITH METRO STANDARD ST-201, CONCRETE POST CURB.

REPLACE EXISTING CURB RAMPS WITH METRO STANDARD ST-325. ALTERNATE CONSTRUCTION COMMERCIAL DRIVEWAY RAMP WITH SIDEWALK LESS THAN 9'



W&A Engineering

CONSULTING SERVICES - LANDSCAPE ARCHITECTURE
SURVEYING - SOIL AND ENVIRONMENTAL CONSULTING
TRAFFIC ENGINEERING - ECONOMIC DEVELOPMENT

901 Woodland Street
Nashville, TN 37206
P: (615) 610-1023
waeengineering.com

ALL DRAWINGS SHALL BE THE PROPERTY OF W&A ENGINEERING. THESE DRAWINGS ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF W&A ENGINEERING. W&A ENGINEERING SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. W&A ENGINEERING SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS ARISING FROM THE USE OF THESE DRAWINGS.

WOODLAND SITE PLAN

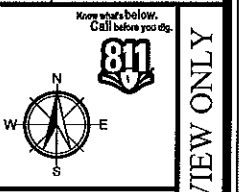
DAVIDSON COUNTY, TENNESSEE

943, 945 & 947 WOODLAND STREET - 0.59 ACRES

DATE: 11-16-2018

REVISIONS

DATE	COMMENT



PRELIMINARY NOT FOR CONSTRUCTION

18336

CONCEPT PLAN

CP01

FOR REVIEW ONLY

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-020 (943, 945, 947 Woodland Street)

Metro Standard:	4' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalks
Zoning:	CS (MDHA East Bank Redevelopment District)
Community Plan Policy:	T4 CM (Urban Mixed Use Corridor)
MCSP Street Designation:	T4-M-CA3
Transit:	#20 – Scott
Bikeway:	Minor protected bike lane planned per WalknBike plan

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant proposes to remodel an existing 15,000 square foot building located within the East Bank Redevelopment District.

- (1) An 8' wide sidewalk with no planting strip and continuous curb cut provides head-in parking for the site. The applicant indicates that the front parking lot provides 17 spaces of the required 26 total spaces per Code. Additional spaces will be provided along the alley to make up the requirement.
- (2) The applicant should work on an alternative sidewalk design that removes the continuous curb cut to Woodland Street, which is quickly transitioning to a more walkable urban development pattern as envisioned by the Community Plan and the MDHA Redevelopment District. This may require the applicant to be granted a parking reduction through the Board of Zoning Appeals. These issues can be worked through by meeting with engineers at Metro Public Works and urban designers at Metro Planning to develop an acceptable solution to the walking infrastructure needs and parking lot flow.

Given the factors above, staff recommends **disapproval**. **The applicant shall work with Metro Public Works and Metro Planning to develop an alternative sidewalk design and acceptable parking lot layout.**

Metropolitan Development and Housing Agency

URBAN DEVELOPMENT OFFICE
35 PEABODY STREET * SUITE 301 * NASHVILLE, TENNESSEE * TELEPHONE (615) 252-8504
MAILING ADDRESS : P.O. BOX 846 NASHVILLE, TENNESSEE 37202
TELEPHONE DEVICE FOR THE DEAF (615) 252-8599
TELECOPIER (615) 252-8559

Joseph B. Cain
Director of Urban Development

Direct Dial: (615) 252-8404
Facsimile: (615) 252-8559

January 15, 2019

Dan Tansey
943 Woodland
Nashville TN, 37206

Dear Mr. Tansey,

Thank you for submitting your plans for review to MDHA's East Bank Design Review Committee on January 15, 2019. MDHA is pleased to have approved the concept plan for 943 Woodland's building, but your site plan has been deferred.

Be aware that **your project will be inspected** to ensure compliance with the plans approved by MDHA's Design Review Committee. You must notify MDHA of any intent to deviate from the plans that were approved. In applicable cases where approved plans are not adhered to, MDHA will deny a use and occupancy permit for the project and may take legal action to ensure compliance.

We look forward to the implementation of your plans. Please forward this to any other appropriate person(s) associated with this project.

Please contact MDHA's Development Office at any time if we can be of further assistance to you.

Sincerely,



Parker Brown
Redevelopment District Manager



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

Metropolitan Government of Nashville and Davidson County

Board of Zoning Appeals
PO Box 196300
Nashville, TN 37210

RE: Appeal Case Number 2019-020

Dear Members of the Board of Zoning Appeals,

As owners of a business that has been on Woodland Street for 50 years, we do not support approval by the Board of Zoning Appeals for the requested variance from sidewalk requirements for 943, 945 and 947 Woodland Street.

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

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

Sincerely,

Shealia Hearn

John Hearn

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Gilberto A. Alvarado Date: 12/3/18
Property Owner: Gilberto A. Alvarado Case #: 2019-32
Representative: _____ Map & Parcel: 148-6-162
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: The reason is because I would need three more FT. for my addition.

Activity Type: Addition
Location: 3711 Ezell rd. Nashville, TN. 37211

This property is in the R10 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: I only have permission to do the addition in 13FT. and I would need 16FT.
Section(s): 17, 12, 020

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

required
5' setback
STBKR
request
2'

Gilberto A. Alvarado
Appellant Name (Please Print)

Representative Name (Please Print)

3711 Ezell rd.
Address

Address

Nashville, TN. 37211
City, State, Zip Code

City, State, Zip Code

(615) 415-2219
Phone Number

Phone Number

gilberto.alvarado3711@gmail.com
Email

Email

Appeal Fee:

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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

Gilberto A. Alvarado
APPELLANT

12-3-18
DATE

Standards for a Variance

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

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

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

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

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

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

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

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

The Board shall not grant variances to the land use provisions of section 2.3, nor the density of Floor Area Ratio (FAR) standards of Tables 3-B and 2-C, nor the required size of residential lots approved by the Planning Commission under the authority of section 3.7 (Lot Averaging), section 3.8 (Cluster Lot Option) or Section 9. E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

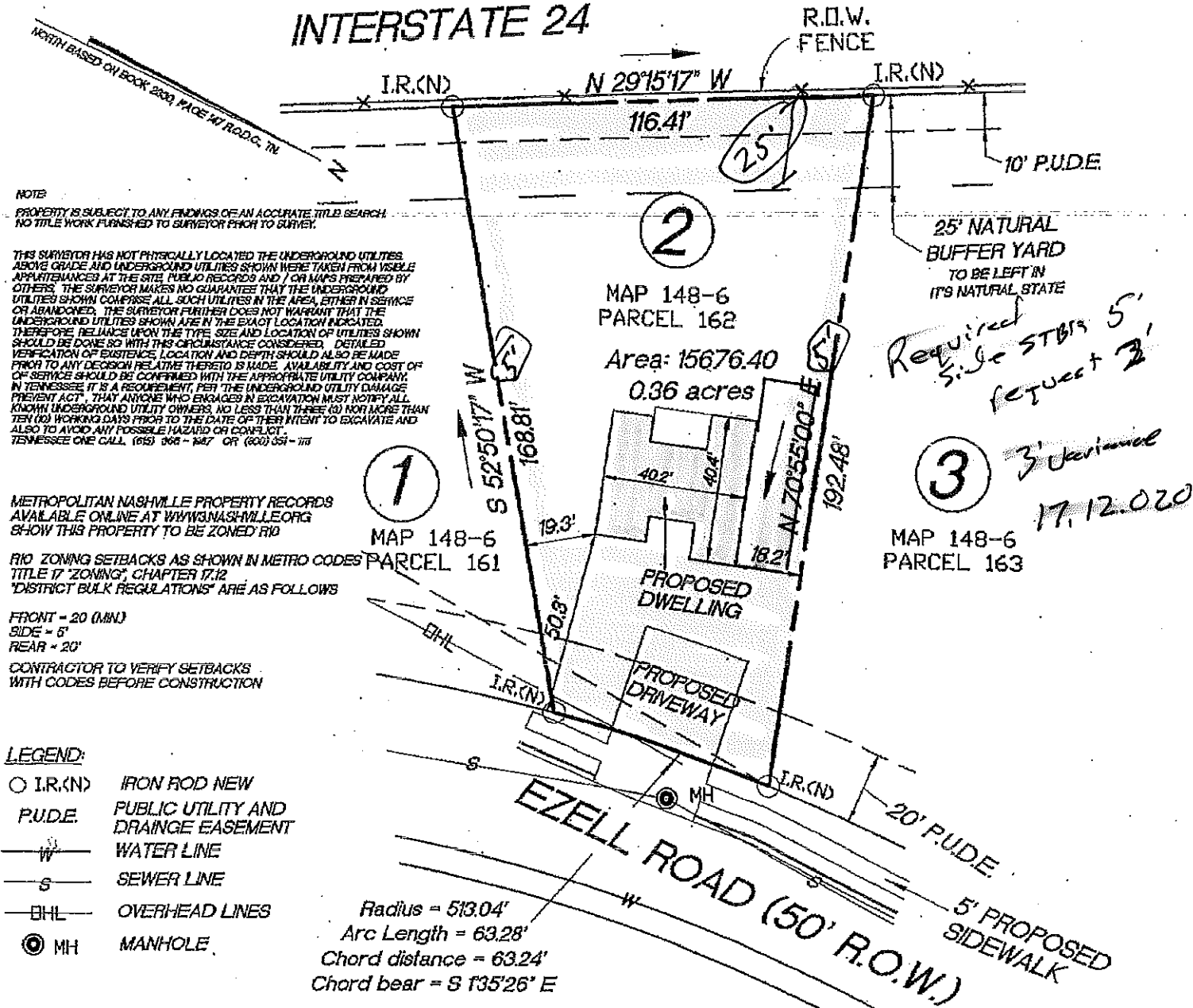
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

The only difficulty is the measurements, I only have permission for 13 feet but I would like to get approve 16 FT. to do the new addition. we are a family of 6, my two older daughters need more privacy. my house is of 3 bedrooms and I would like to add 2 bedrooms more over the garage.

INTERSTATE 24



NOTE
PROPERTY IS SUBJECT TO ANY FINDINGS OF AN ACCURATE TITLE SEARCH.
NO TITLE WORK FURNISHED TO SURVEYOR PRIOR TO SURVEY.

THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPEARANCES AT THE SITE, PUBLIC RECORDS AND / OR MAPS PREPARED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY IN TENNESSEE. IT IS A REQUIREMENT PER THE UNDERGROUND UTILITY DAMAGE PREVENT ACT, THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS, NO LESS THAN THREE (3) MONTHS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT. TENNESSEE ONE CALL, (615) 368-1447 OR (800) 551-7111

METROPOLITAN NASHVILLE PROPERTY RECORDS AVAILABLE ONLINE AT WWW.NASHVILLE.ORG SHOW THIS PROPERTY TO BE ZONED R10

R10 ZONING SETBACKS AS SHOWN IN METRO CODES TITLE 17 "ZONING", CHAPTER 17.12 "DISTRICT BULK REGULATIONS" ARE AS FOLLOWS

FRONT - 20' (MIN.)
SIDE - 5'
REAR - 20'

CONTRACTOR TO VERIFY SETBACKS WITH CODES BEFORE CONSTRUCTION

- LEGEND:**
- I.R.(N) IRON ROD NEW
 - P.U.D.E. PUBLIC UTILITY AND DRAINAGE EASEMENT
 - W WATER LINE
 - S SEWER LINE
 - B.H.L. OVERHEAD LINES
 - ⊙ MH MANHOLE

Radius = 513.04'
Arc Length = 63.28'
Chord distance = 63.24'
Chord bear = S 135°26' E

25' NATURAL BUFFER YARD TO BE LEFT IN ITS NATURAL STATE
Required Side STBRs 5' request 2'
3' driveway
17.12.020

BOUNDARY SURVEY / SITE PLAN

OWNERS:

S AND C CONSTRUCTION

SCALE 1" = 40' DATE: 4-3-07

PROPERTY LOCATED:

EZELL ROAD, 28TH COUNCIL DISTRICT, NASHVILLE, DAVIDSON COUNTY, TENNESSEE

MAP FLOOD MAP DATED
ZONE "X" 470040 0354F 4-20-01

THIS PROPERTY IS NOT LOCATED IN A FEMA-FIRM SPECIAL FLOOD HAZARD AREA BY MAPS AVAILABLE TO ME AT THIS TIME

LAND DESCRIPTION:

LOT 2, ARMSTRONGS EZELL ROAD SUBDIVISION
(INSTRUMENT #20061206-0150834)

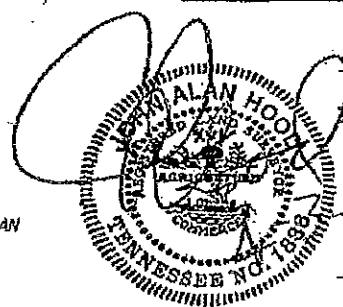
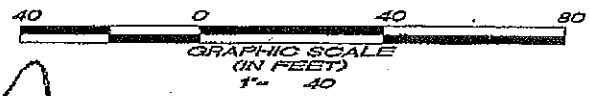
RECORDED:

INSTRUMENT #20051017-0124875
R.O.D.C., TN

SURVEYORS CERTIFICATE

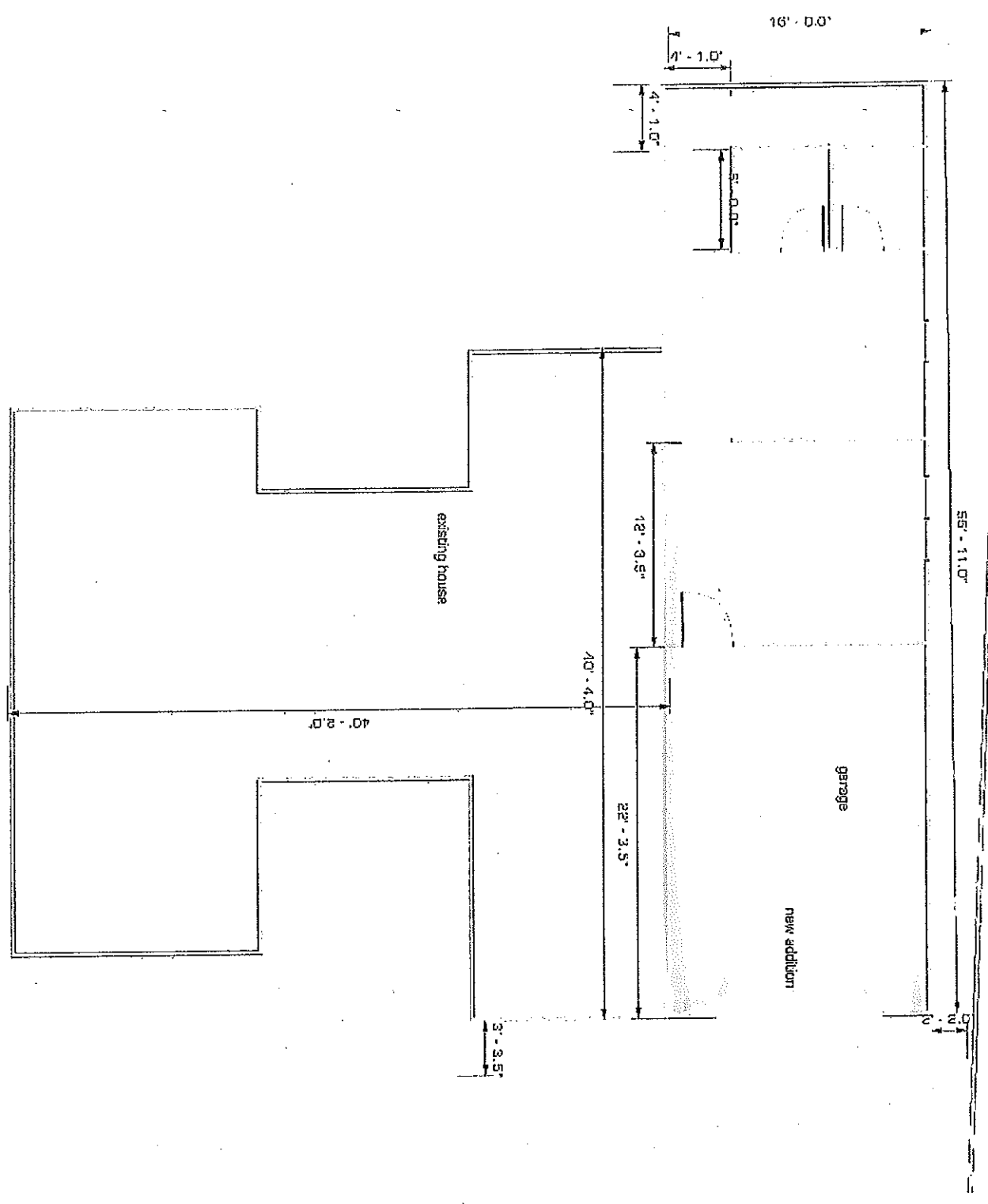
I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY WITH A DEGREE OF ACCURACY OF THE UNADJUSTED SURVEY BEING EQUAL TO OR GREATER THAN 1/10,000 AS SHOWN HEREON

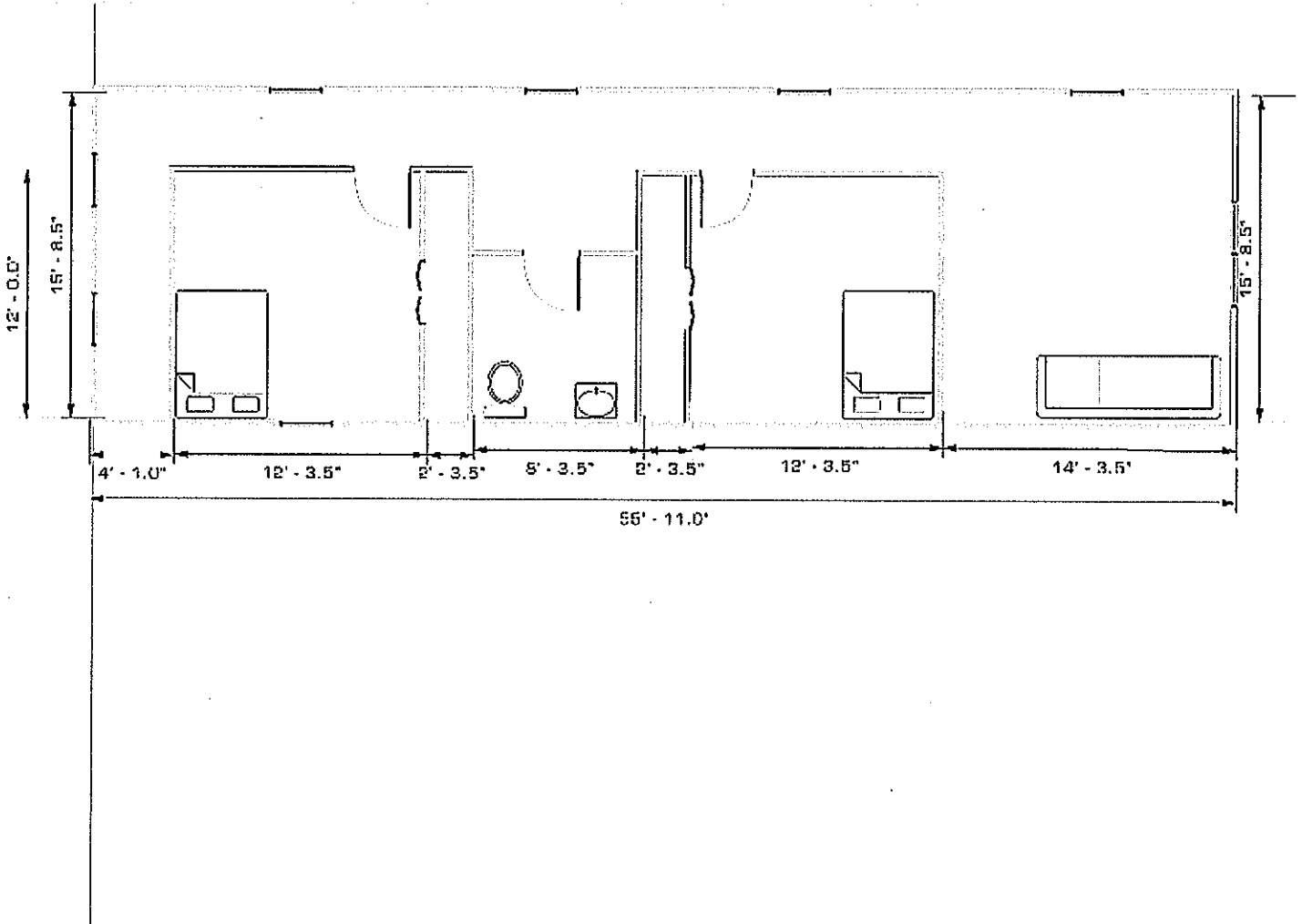
JOHN ALAN HOOD, T.M. R.L.S. NO. 1838

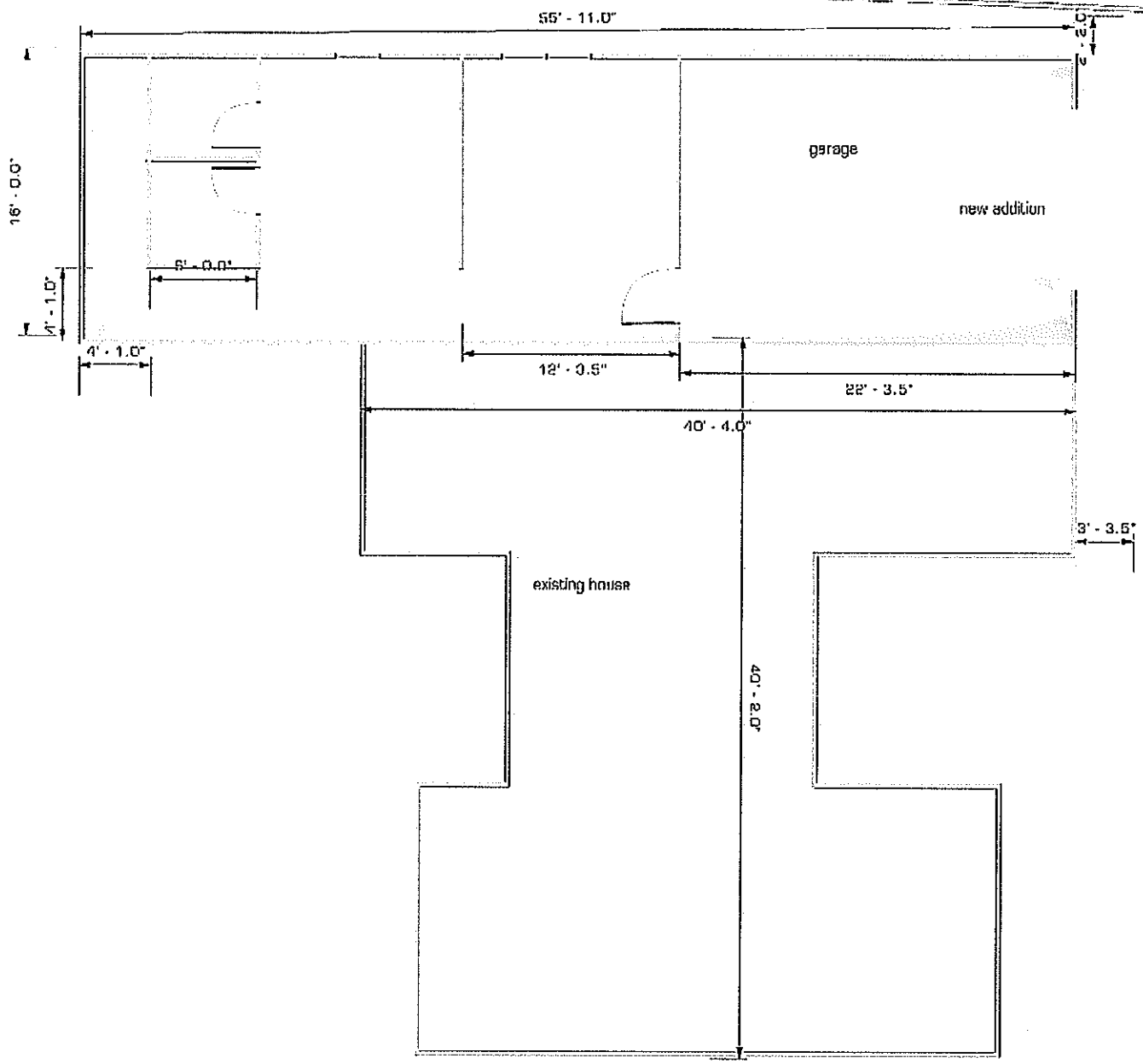


Tampbell, McRae and Assoc. Surveying, Inc.
2918 BERRY HILL DRIVE
NASHVILLE, TENNESSEE 37204
PHONE (615) 298-2424 FAX(615)297-2828

ORDER# 295-22-5









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



3583860

**ZONING BOARD APPEAL / CAAZ - 20180075678
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 14806016200**APPLICATION DATE:** 12/04/2018**SITE ADDRESS:**

3711 EZELL RD NASHVILLE, TN 37211

LOT 2 ARMSTRONG'S EZEL ROAD SUBDIVISION

PARCEL OWNER: ALVARADO, GILBERTO**CONTRACTOR:****APPLICANT:****PURPOSE:**

TO CONSTRUCT A NEW ADDITION AT TO SIDE OF SINGLE FAMILY RES..56'X16'.

REQUIRED SIDE SETBACK 5'...REQUEST 2'

17.12.020

POC:GILBERTO ALVARADO

615-415-2219

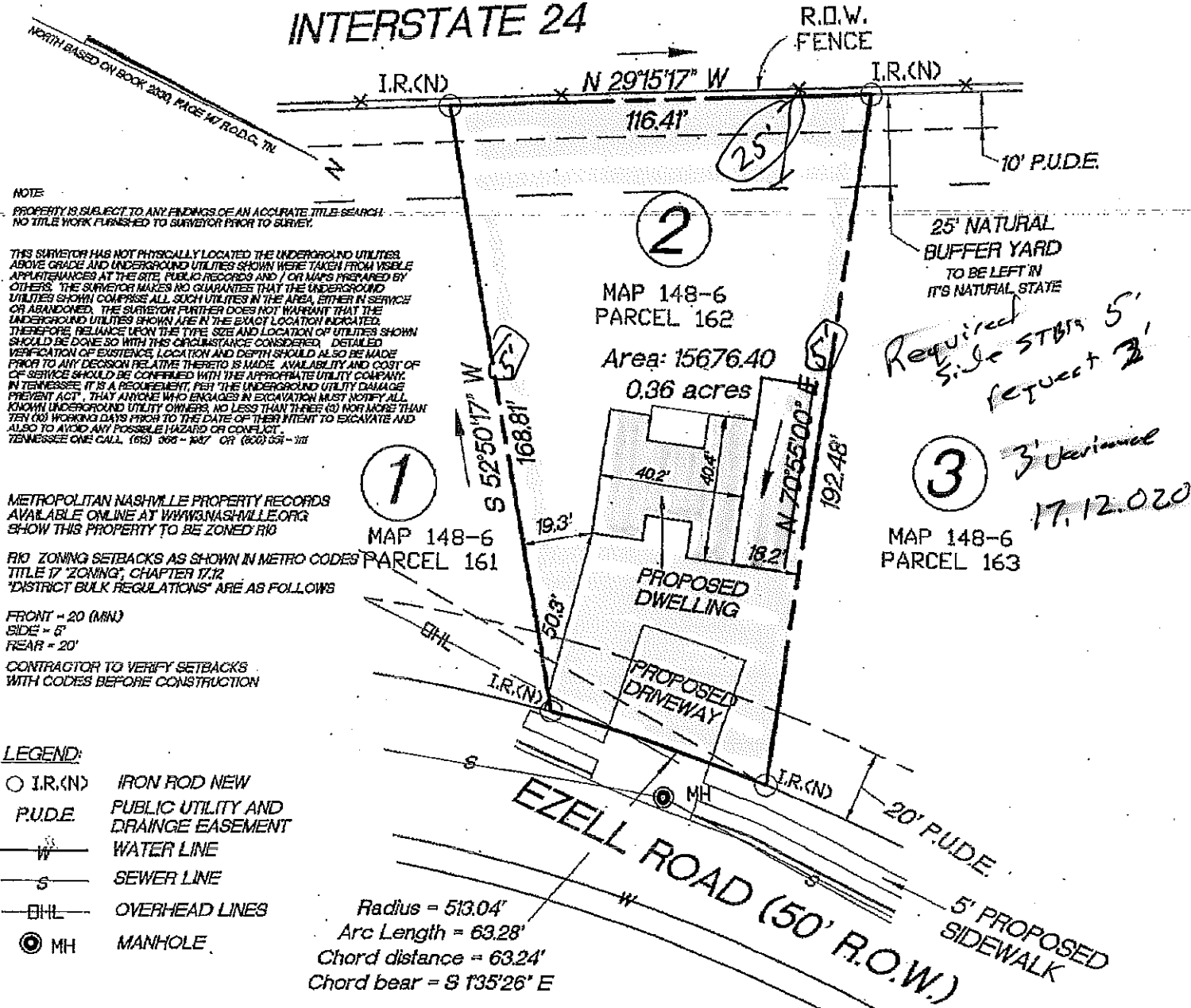
gilberto.alvarado3711@gmail.com

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

INTERSTATE 24



25' NATURAL BUFFER YARD TO BE LEFT IN ITS NATURAL STATE

Required Side STB's 5' request 2'

3' clearance

17.12.020

ORDER# 295-22-5

OWNERS:

S AND C CONSTRUCTION

PROPERTY LOCATED:

EZELL ROAD, 28TH COUNCIL DISTRICT, NASHVILLE, DAVIDSON COUNTY, TENNESSEE

LAND DESCRIPTION:

LOT 2, ARMSTRONGS EZELL ROAD SUBDIVISION (INSTRUMENT #20061206-0150834)

RECORDED:

INSTRUMENT #20051017-0124875 R.O.D.C., TN

SURVEYORS CERTIFICATE

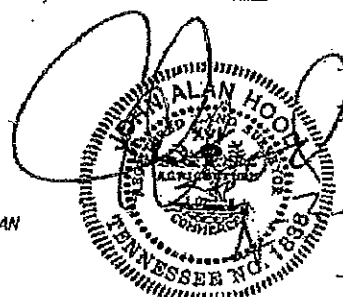
I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY WITH A DEGREE OF ACCURACY OF THE UNADJUSTED SURVEY BEING EQUAL TO OR GREATER THAN 1/10,000 AS SHOWN HEREON

JOHN ALAN HOOD, TN, R.L.S. NO. 1838

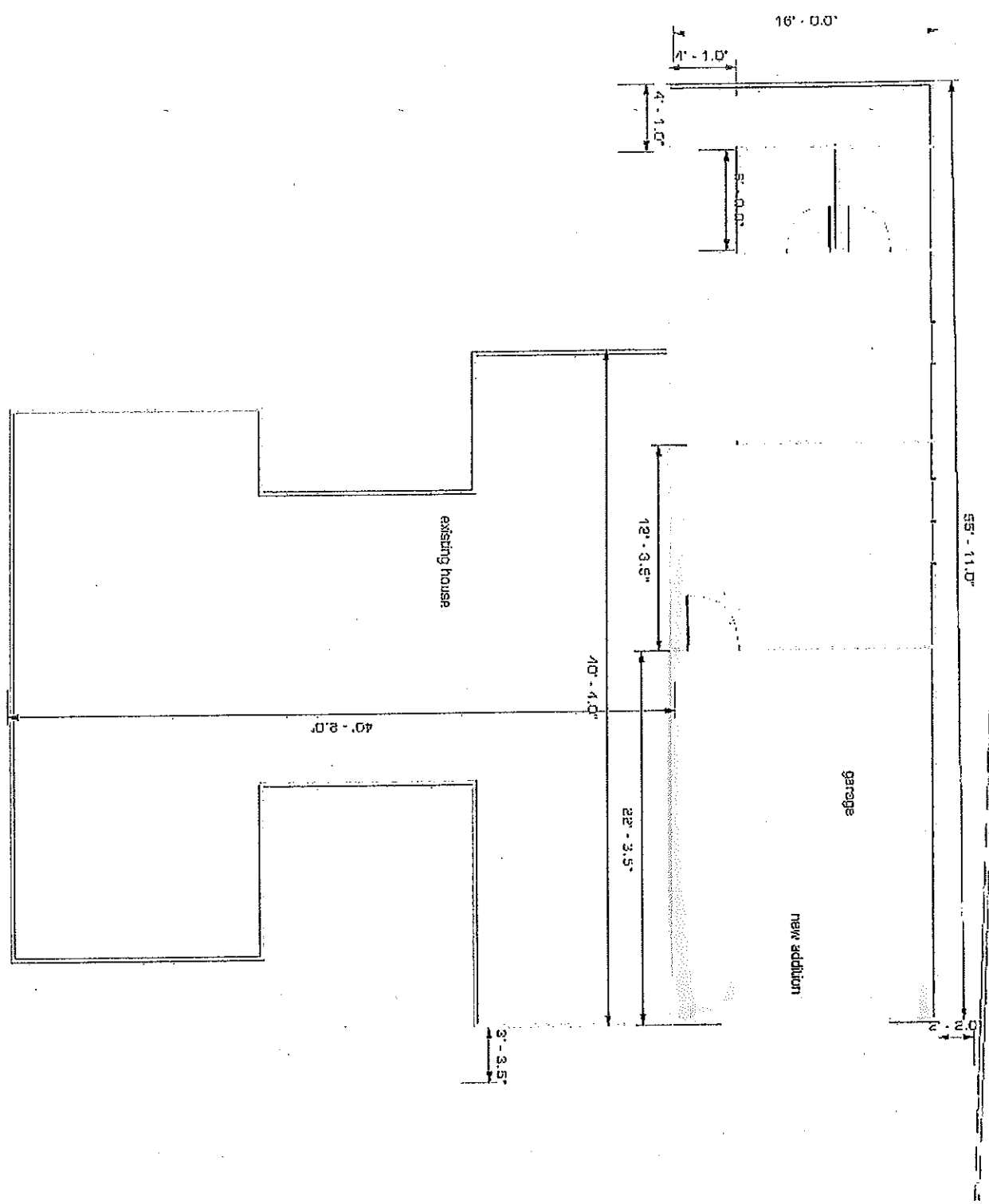
SCALE 1" = 40' DATE: 4-3-07

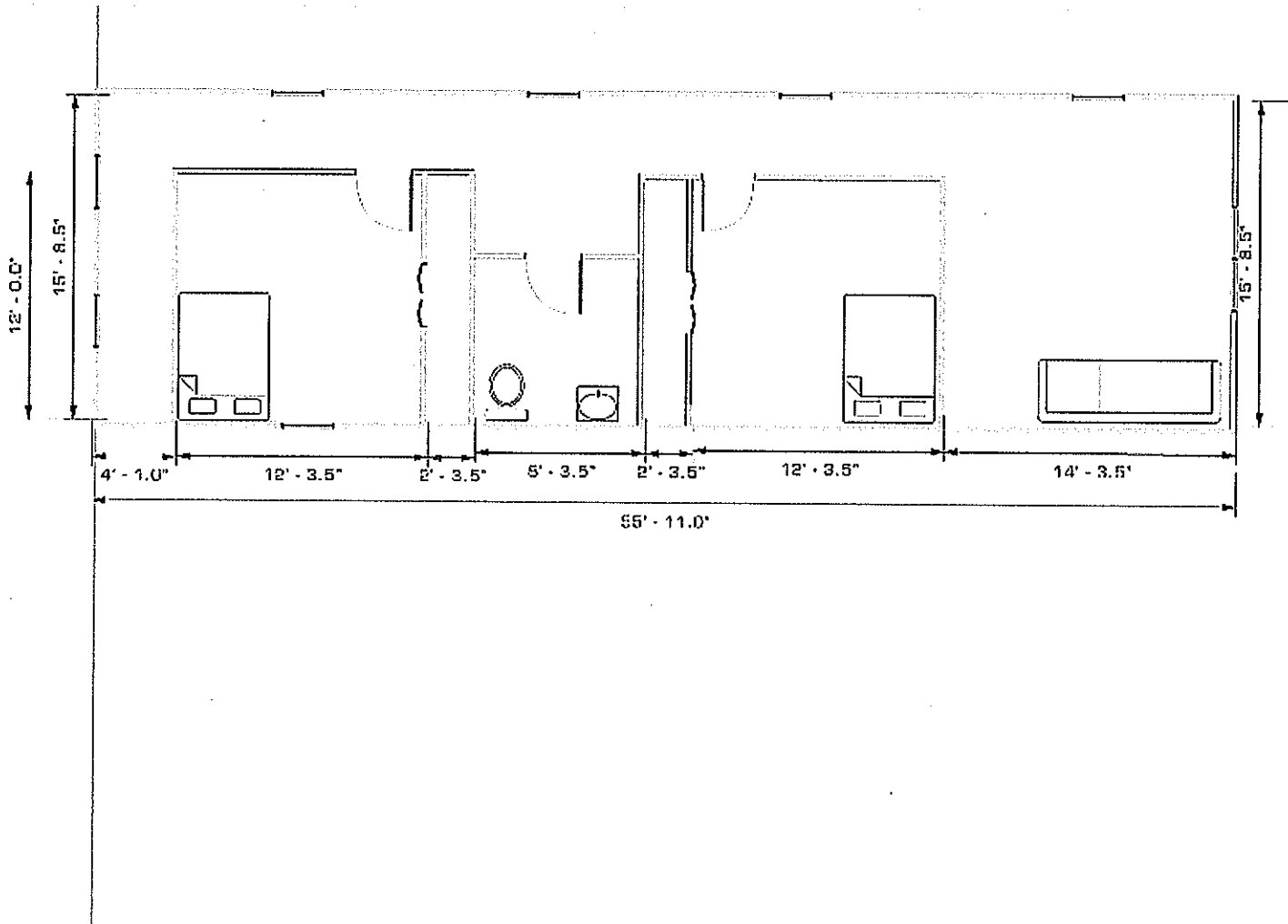
MAP FLOOD MAP DATED ZONE "X" 470040 0354F 4-20-01

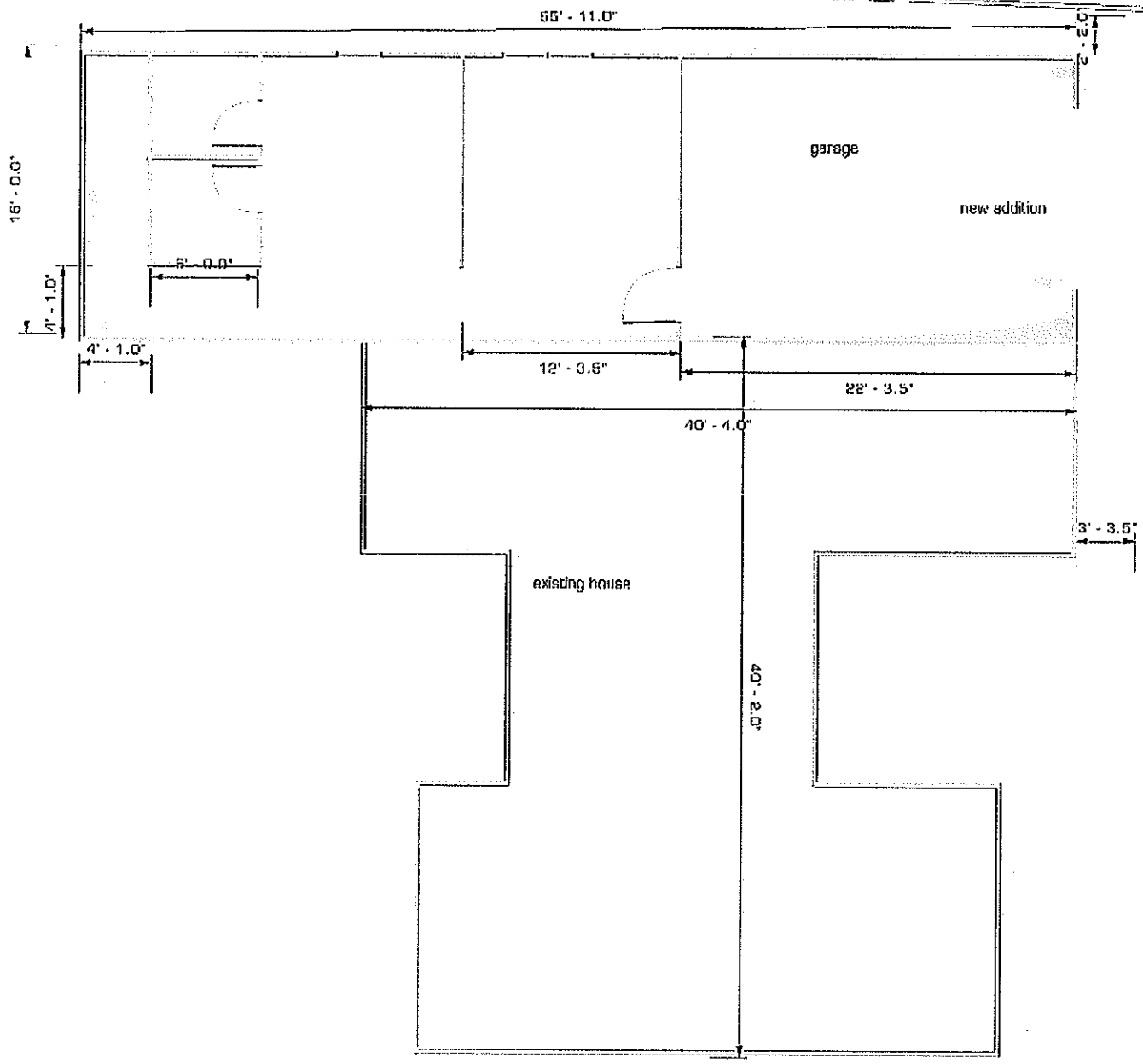
THIS PROPERTY IS NOT LOCATED IN A FEMA-FIRM SPECIAL FLOOD HAZARD AREA BY MAPS AVAILABLE TO ME AT THIS TIME.



Tampbell, McRae and Assoc. Surveying, Inc.
2918 BERRY HILL DRIVE
NASHVILLE, TENNESSEE 37204
PHONE (615) 298-2424 FAX(615)297-2828







Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Purser Architecture + Design Date: 12/04/18
Property Owner: Chin Baptist Church Case #: 2019-033
Representative: Dave Purser Map & Parcel: 17400009100

Council District 33

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

Purpose: Chin Baptist Church new sanctaary

Activity Type: Religious Institution

Location: 5738 Cane Ridge Road, A

This property is in the A22A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: sidewalk variance

Section(s): 17.20.120

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

Dave Purser
Appellant Name (Please Print)

Same
Representative Name (Please Print)

2819 Columbine Place
Address

5aw
Address

Nashville, TN 37204
City, State, Zip Code

City, State, Zip Code

615-943-8615
Phone Number

Phone Number

dave@padpllc.com
Email

Email

Appeal Fee: _____



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



3583991

**ZONING BOARD APPEAL / CAAZ - 20180075784
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 17400009100

APPLICATION DATE: 12/04/2018

SITE ADDRESS:

5738 CANE RIDGE RD ANTIOCH, TN 37013
E/S CANE RIDGE RD S OF OLD FRANKLIN RD

PARCEL OWNER: NASHVILLE CHIN BAPTIST CHURCH

CONTRACTOR:

APPLICANT:**PURPOSE:**

Requesting a sidewalk variance for proposed addition to church per METZO section 17.20.120. See building application CACA T2018055990.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATIONS FOR VARIANCE REQUESTS

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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



APPELLANT

Jonathan David Purser

PURSER ARCHITECTURE DESIGN

12/3/18
DATE

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

THE PROPERTY HAS A NATURAL ROCK WALL ALONG
A PORTION OF CALE RIDGE ROAD THAT PRESENTS A
HARDSHIP IN COMPLYING WITH THE SIDENACK REQUIREMENTS.

PAD

Pariser Architecture+Design, PLLC
2819 Columbus Place, Suite 5
Nashville, TN 37204
615.943.9815
www.padpllc.com

Chin Baptist Church
New Sanctuary
5798 Cane Ridge Road
Antioch, TN 37013

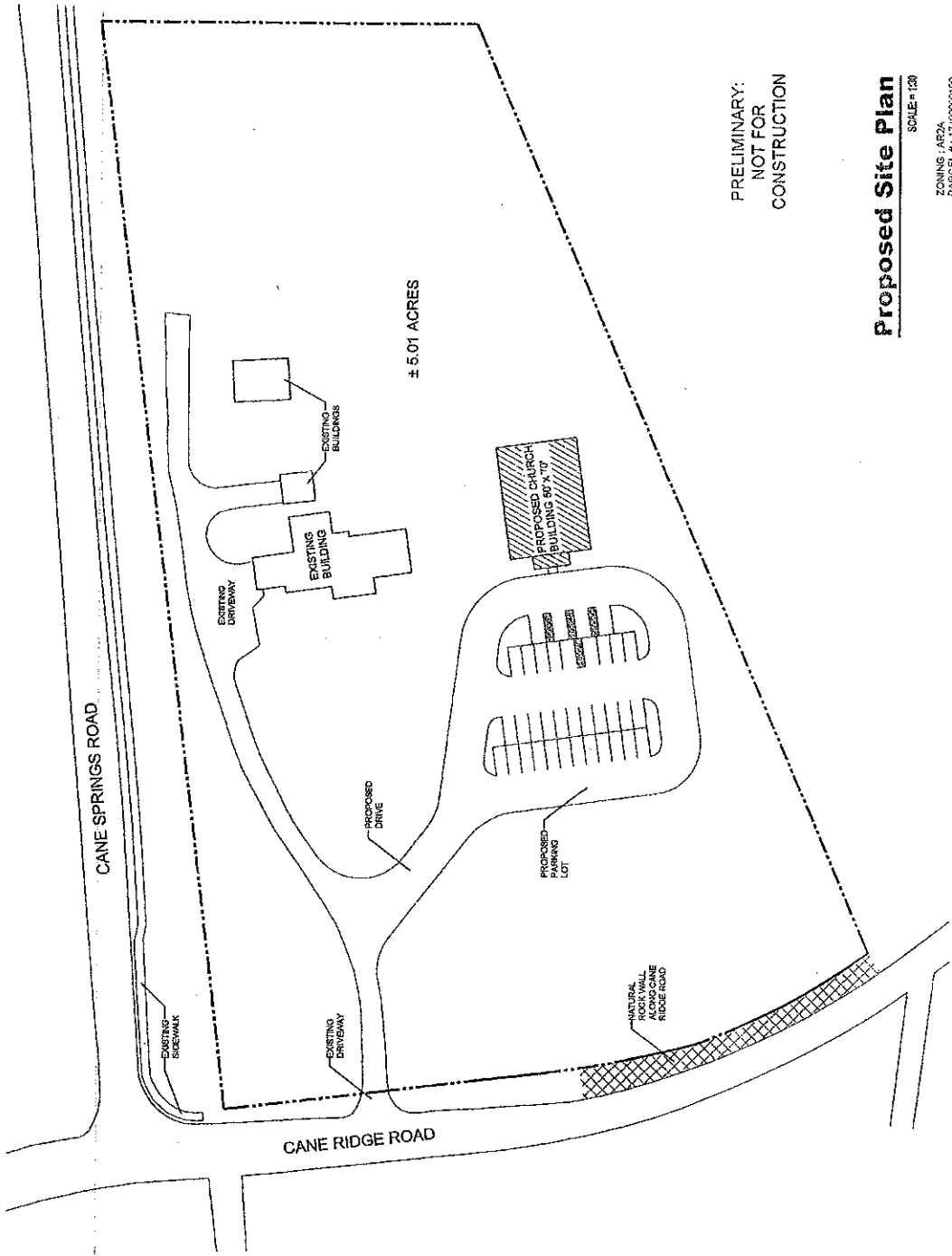


No. Revisions/Issues	Date

Project Number:
Drawn by: TVH
Checked by: DP
Issue: 12/03/2013
© 2013 PAD, PLLC

Sheet Title & Number:
Proposed Site Plan

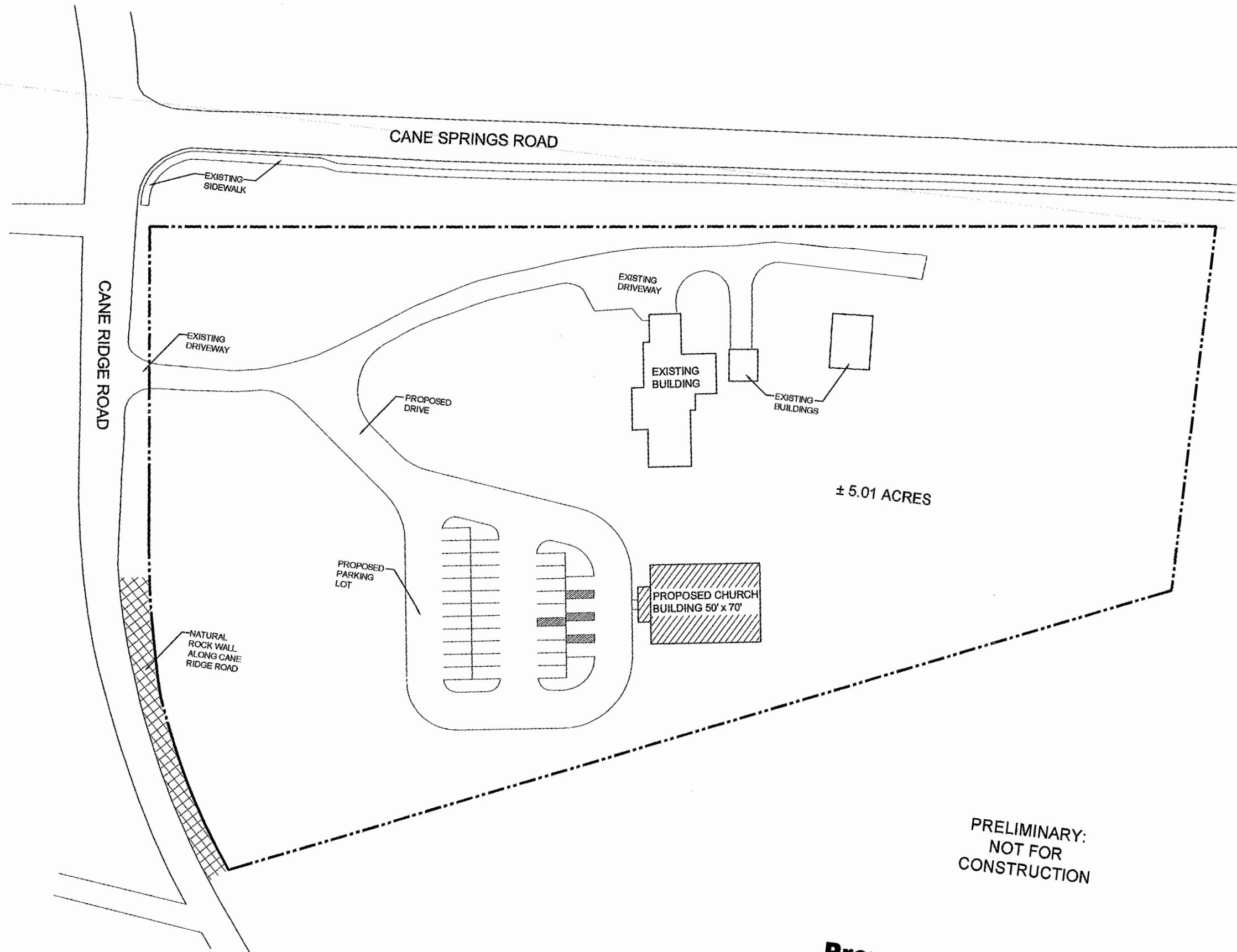
A0.2



PRELIMINARY:
NOT FOR
CONSTRUCTION

Proposed Site Plan

SCALE = 1/320
ZONING AREA:
PARCEL #: 17-00065100



PAD

Purser Architecture+Design, PLLC
 2819 Columbine Place, Suite 5
 Nashville, TN 37204
 615.943.8615
 www.padpllc.com

Chin Baptist Church
New Sanctuary
 5738 Cane Ridge Road
 Antioch, TN 37013



No. Revision/Issue	Date

Project Number:
 Drawn by: TVH
 Checked by: DP
 Issue: 12/03/2018
 © 2018 PAD, PLLC

Sheet Title & Number:
 Proposed Site Plan

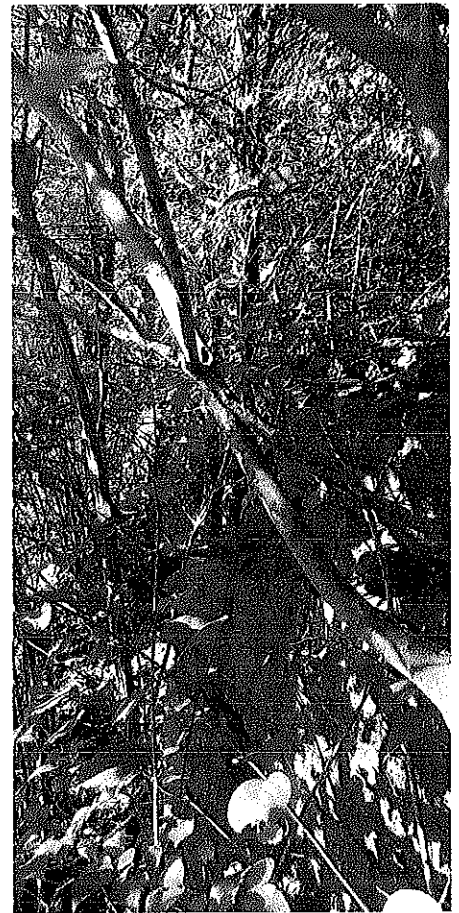
**PRELIMINARY:
 NOT FOR
 CONSTRUCTION**

Proposed Site Plan

SCALE: = 1:30

ZONING : AR2A
 PARCEL # : 17400009100

5738 Cane Ridge Road
Case # 2019-033
Photos of natural rock bluff



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-033 (5738 Cane Ridge Road)

Metro Standard:	Cane Ridge Road - 8' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan
	Cane Springs Road – 4' grass strip, 5' sidewalk, as defined by the Local Street standard
Requested Variance:	Not construct sidewalks
Zoning:	AR2A
Community Plan Policy:	T3 NE (Suburban Neighborhood Evolving) CO (Conservation – Stream Buffer, Slopes)
MCSP Street Designation:	Cane Ridge Road - T3-R-AB3 Cane Springs Road – Local Street
Transit:	None existing; none planned
Bikeway:	None existing; bike lane planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes expanding an existing church and requests a variance from upgrading sidewalks to the Major and Collector Street Plan standard due to rocky slopes and impacts to trees on the property frontage. Planning evaluated the following factors for the variance request:

- (1) There is a 4' grass strip and 5' sidewalk along the Cane Springs Road property frontage. No variance needed for this frontage.
- (2) There is currently no sidewalk on the Cane Ridge Road property frontage. The trees and rocky slope are identified within Conservation policy along the property frontage. Given the scale of improvements and the property is currently zoned AR2A, a right-of-way contribution is an acceptable alternative in this situation.

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

1. Maintain existing sidewalk conditions in a state of good repair per Public Works final guidance. Any portion of the existing sidewalk along the property frontage that is not ADA compliant is to be removed and replaced in-kind with MPW Detail ST-210 sidewalk.
2. Prior to the issuance of building permits, dedicate right-of-way along the Cane Ridge Road property frontage to accommodate future sidewalks per the Major and Collector Street Plan and Local Street standards, respectively.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Aziz Ashurov Date: 12/7/18
Property Owner: Capital Invest Case #: 2019-043
Representative: Aziz Ashurov Map & Parcel: 93-15-318

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: New S.F. House
sidewalk update Required

Activity Type: S.F.
Location: 1008 2nd Av S N.T. 37210

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

Reason: Request Not to Installed + Not to contribute

Section(s): 17.20.120

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

Aziz Ashurov
Appellant Name (Please Print)

Representative Name (Please Print)

728 Crestmark DR
Address

Address

Mt Juliet TN 37122
City, State, Zip Code

City, State, Zip Code

615-707-7000
Phone Number

Phone Number

azizjona@
Email
yahoo.com

Email

Appeal Fee: 100.00



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



3429922

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2017078048
THIS IS NOT A PERMIT**

PARCEL: 09315031800

APPLICATION DATE: 12/07/2017

SITE ADDRESS:

1008 2ND AVE S NASHVILLE, TN 37210
PT LOT 5 UNIVERSITY SUB

PARCEL OWNER: CAPITAL INVEST, LLC

APPLICANT: CAPITAL INVEST LLC

PURPOSE:

TO CONSTRUCT A NEW SINGLE FAMILY RES AT 2000 SQFT WITH ATTACHED 400 SQFT GARAGE AND PORCHES AND DECKS.....FOOTPRINT AT 800 SQFT.

Zoned R6

Lot at 2460 sqft...SEE 2013 DEMO PERMIT....

Max coverage—footprint.....50% or 1230 sqft.

MAX HT 3 STORIES.....Max ht 35'...from natural grade to the very top of the structure...natural grade measure from grade prior to grading.....

20' Front setback (avg. at 19.7)....4 closest houses to the south....do not cross the alley to get the 4 houses.

Rear min 20'.

Sides are different....SIDE SETBACK 3'...

SIDEWALKS REQUIRED AND NOT ALLOWED TO CONTRIBUTE...

*****ANY APPROVAL OVER 6 MONTHS NEEDS TO BE RE-APPROVED***

1...WATER.

2...SEWER.

DENIED: ...SIDEWALKS REQUIRED AND SINCE THEY EXISTS..NOT ALLOWED TO APPEAL.

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

POC: AZIZ ASHUROV 615-707-7000

azizjona@yahoo.com

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

[A] Site Plan Review		
[A] Zoning Review	APPROVED	615-862-6545 Richard.Thomopoulos@nashville.gov
[B] Fire Life Safety Review On Bldg App	IGNORE	615-862-5230 Barbara.Demonbeun@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Availability Review For Bldg	IGNORE	615-862-6825 Sara.Jinnette@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[E] Sewer Availability Review For Bldg	IGNORE	615-862-6825 Sara.Jinnette@nashville.gov
BZA Hearing		615-862-6505 Debbie.Lifsey@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-862-6545 Richard.Thomopoulos@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[A] Bond & License Review On Bldg App	APPROVED	615-862-6545 Richard.Thomopoulos@nashville.gov
[D] Grading Plan Review For Bldg App	APPROVED	(615) 862-6038 Logan.Bowman@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsI@nashville.gov

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



APPELLANT

12/7/18
DATE

Standards for a Variance

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

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

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

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

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

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

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The Board shall not grant variances to the land use provisions of section 2.3, nor the density of Floor Area Ratio (FAR) standards of Tables 3-B and 2-C, nor the required size of residential lots approved by the Planning Commission under the authority of section 3.7 (Lot Averaging), section 3.8 (Cluster Lot Option) or Section 9. E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

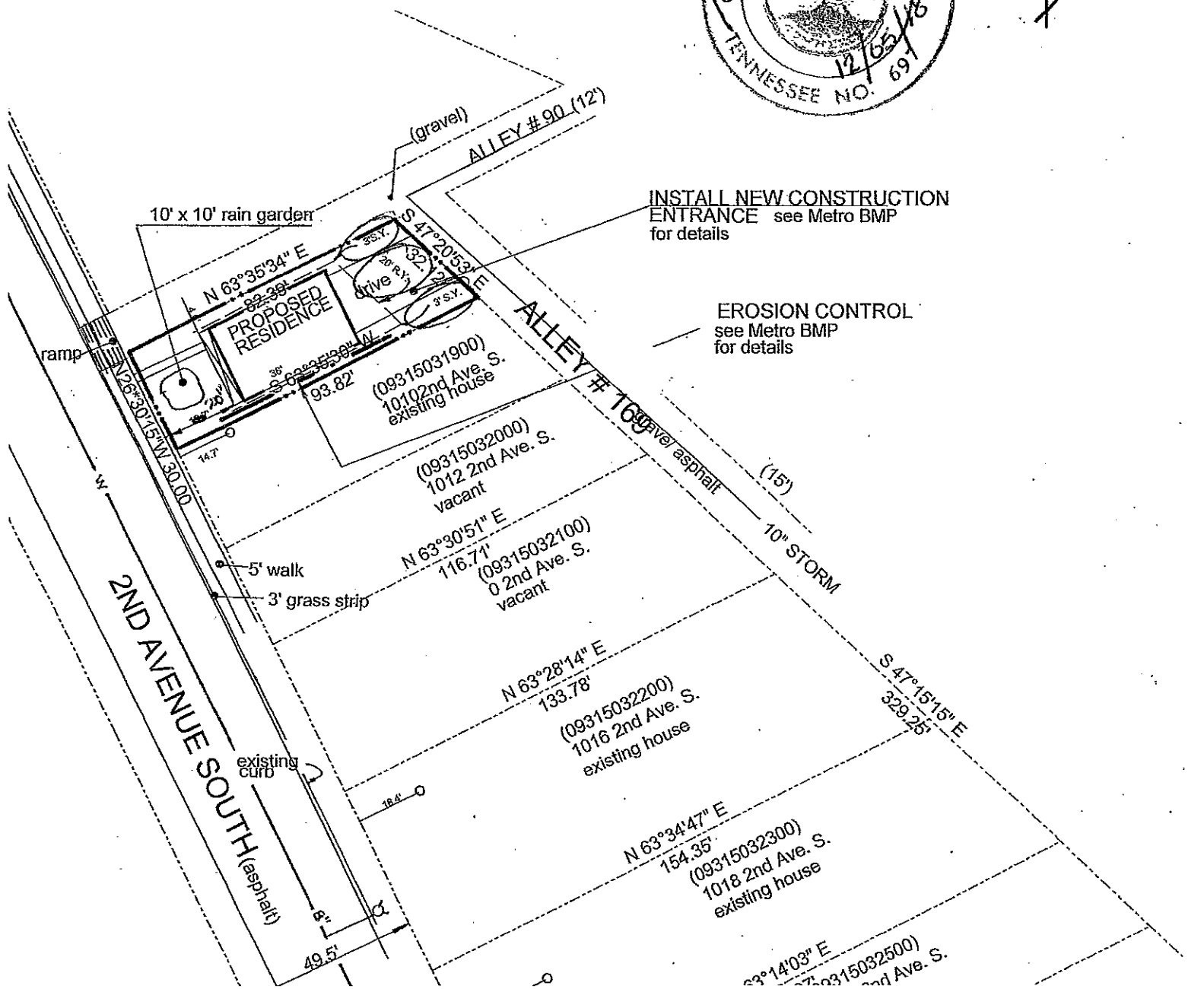
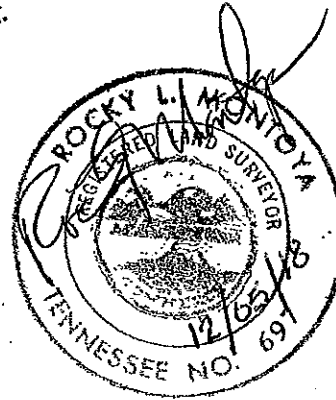
Sidewalks Exist

Small Lot

General Notes

1. Bearing basis: Magnetic observation dated 11/29/18.
2. Map reference: Being parcel 318 as shown on Davidson county property map 93-15, R.O.D.C., Tn.
3. Plat reference : The Plan of The Nashville University Plan Of record in Plat book "U", page 212 R.O.D.C., Tn.
4. Deed reference: QC No. 20160519-0050362, R.O.D.C., Tn.
5. Address: 1008 2nd Avenue South, Nashville, Tn. 37210
6. Area: lot contains 2,886 sq. ft. or 0.07 acres +/-
4. No title report was furnished to this surveyor.
5. Utilities: Existing visible utilities were field located as a part of this survey, other utilities, above and/or below ground, may exist of which the survey is unaware. Call before you dig.
6. Datum basis: Metro G I S Information.
7. Property zoned: R6

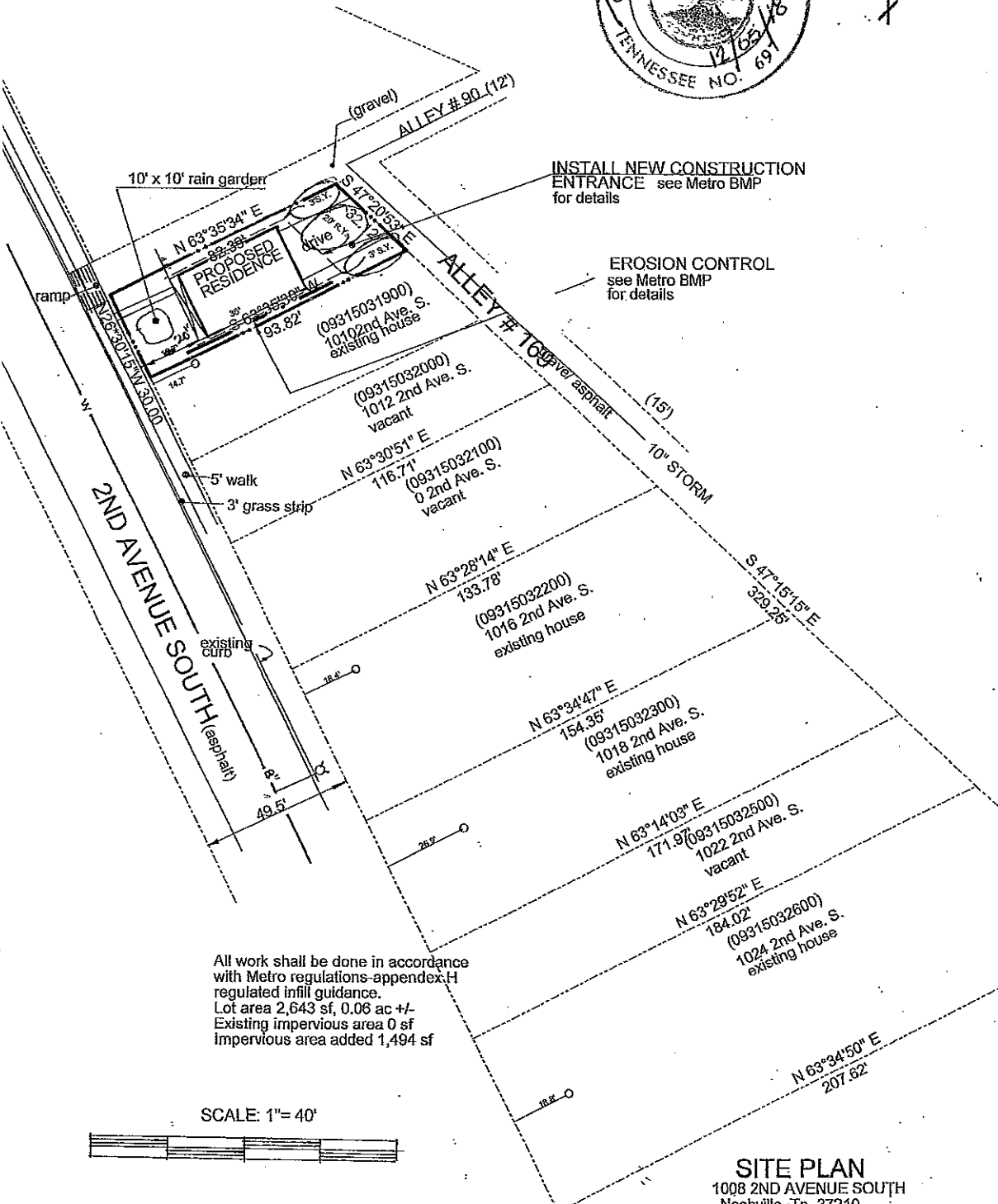
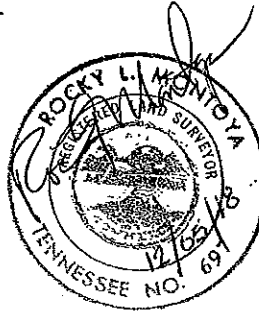
PREPARED By
 ROCKY L. MONTOYA-SURVEYOR
 1105 Old Dickerson Pike, Goodlettsville, 37072
 PHONE: 615-347-1210 EMAIL: rocky.surveyor@gmail.com



General Notes

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3. Plat reference : The Plan of The Nashville University Plan Of record in Plat book "U", page 212 R.O.D.C., Tn.
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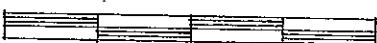


INSTALL NEW CONSTRUCTION ENTRANCE see Metro BMP for details

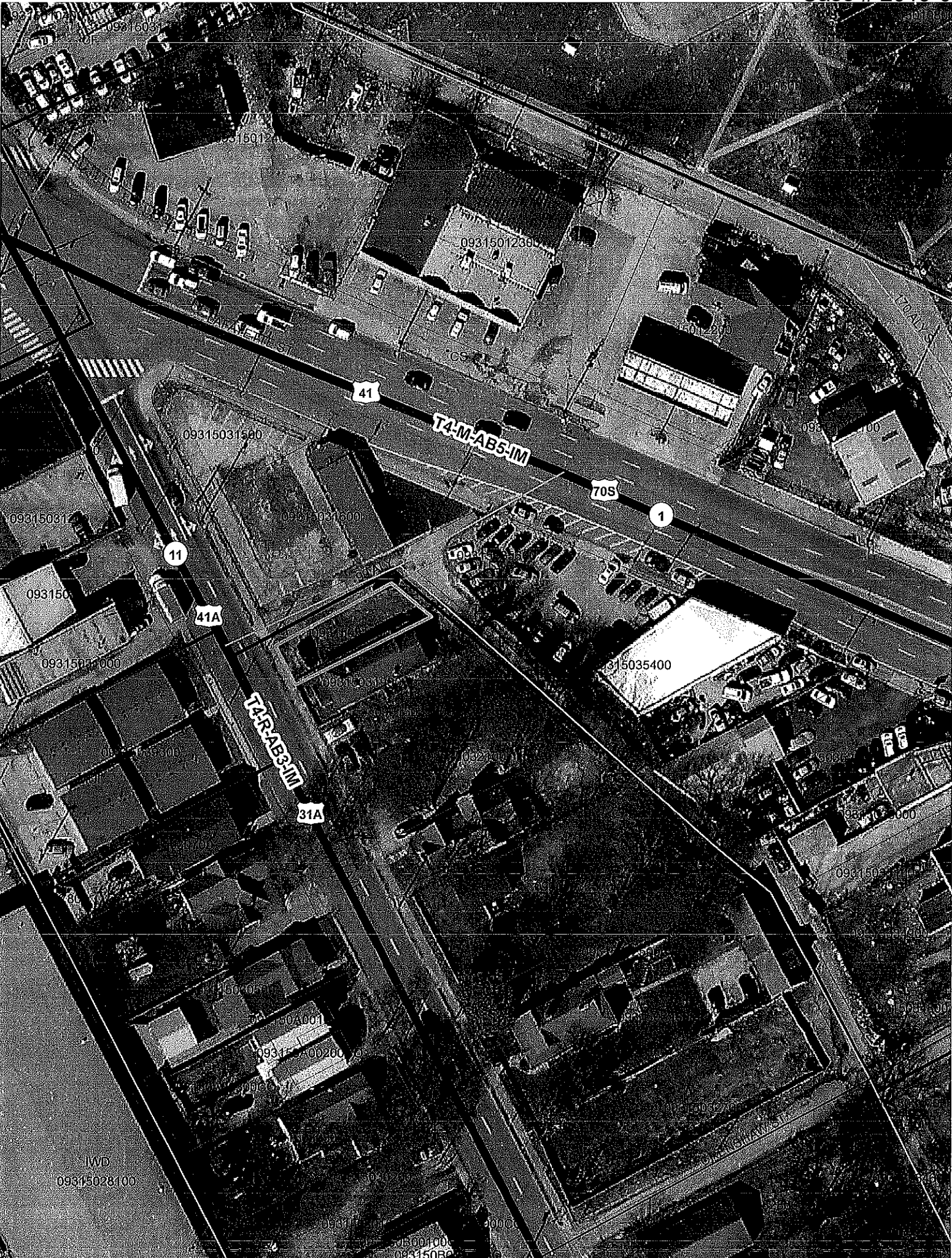
EROSION CONTROL see Metro BMP for details

All work shall be done in accordance with Metro regulations-appendix H regulated infill guidance.
 Lot area 2,643 sf, 0.06 ac +/-
 Existing impervious area 0 sf
 impervious area added 1,494 sf

SCALE: 1" = 40'



SITE PLAN
 1008 2ND AVENUE SOUTH
 Nashville, Tn. 37210



IWB
09315028100

09315001000
09315002000
09315003000
09315004000
09315005000
09315006000
09315007000
09315008000
09315009000
09315010000

http://maps.nashville.gov/SidewalkRequirements Sidewalk Requirements

Sidewalk Requirements

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

Search: 09315031800

09315031800 1008 2ND AVE S CAPITAL INVEST, LLC

Choose the Development Type
Residential 1 or 2 Family

Calculate Requirements

Sidewalks ARE required for this project because this parcel is within the UZO.
You are eligible to contribute to the Pedestrian Benefit Zone in lieu of construction, provided that there is not a substandard sidewalk on the property, existing sidewalk on the block face or

Legend

1008 2ND AVE S
Parcel ID: 09315031800
Owner: CAPITAL INVEST, LLC
Address: 1008 2ND AVE S, NASHVILLE, TN 37210
Zoom to

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

2:40 PM 12/7/2018

General Notes

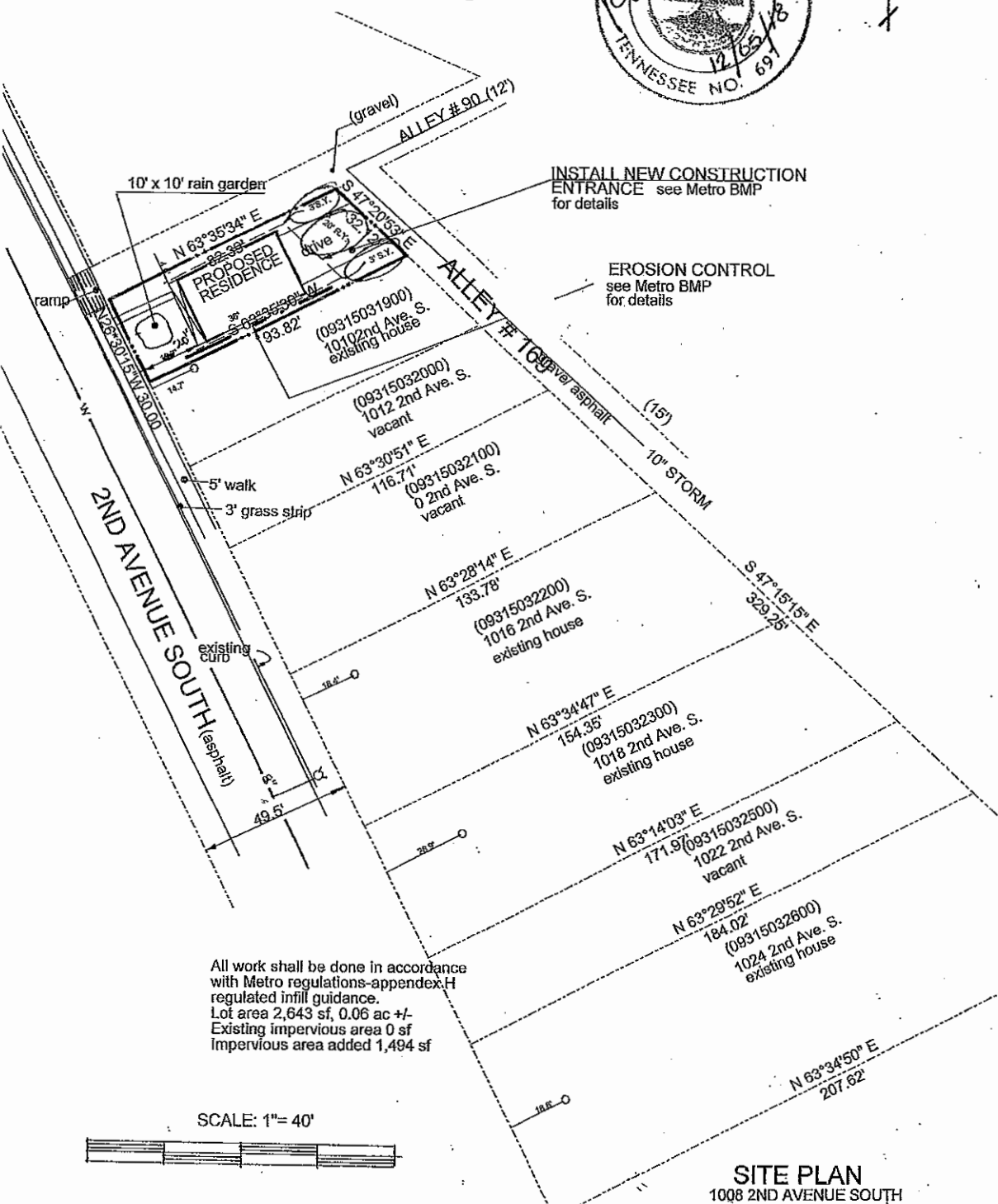
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6. Area: lot contains 2,886 sq. ft. or 0.07 acres +/-
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5. Utilities: Existing visible utilities were field located as a part of this survey, other utilities, above and/or below ground, may exist of which the survey is unaware. Call before you dig.
6. Datum basis: Metro GIS Information.
7. Property zoned: R6

PREPARED By

ROCKY L. MONTOYA-SURVEYOR

1105 Old Dickerson Pike, Goodlettsville, 37072

PHONE: 615-347-1210 EMAIL: rocky.surveyor@gmail.com

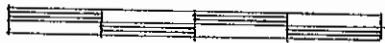


INSTALL NEW CONSTRUCTION ENTRANCE see Metro BMP for details

EROSION CONTROL see Metro BMP for details

All work shall be done in accordance with Metro regulations-appendex.H regulated infill guidance.
 Lot area 2,643 sf, 0.06 ac +/-
 Existing impervious area 0 sf
 Impervious area added 1,494 sf

SCALE: 1"= 40'



SITE PLAN
 1008 2ND AVENUE SOUTH
 Nashville, Tn. 37210

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-043 (1008 2nd Avenue South)

Metro Standard:	4' grass strip, 10' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	R6
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	T4-R-AB3-IM
Transit:	#52 – Nolensville Pike; planned for future light rail per nMotion
Bikeway:	Major separated bikeway planned per WalknBike plan

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant proposes constructing a single family dwelling and requests a variance from upgrading sidewalks to the Arterial Boulevard standard due to the presence of an existing sidewalk and small lot size. Planning evaluated the following factors for the variance request:

- (1) A 2' grass strip and 5' sidewalk currently exists along the 2nd Avenue South property frontage, which is consistent with neighboring properties along the block face from Lafayette Street to Crenshaw Street. However, newer residential developments on 2nd Avenue South, south of Crenshaw Street, have upgraded and widened sidewalks on their property frontages with redevelopment.
- (2) While the existing sidewalk may currently provide adequate space for people walking, it is not sufficient for the needs of a future light rail corridor.

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

From: [Sledge, Colby \(Council Member\)](#)
To: [Michael, Jon \(Codes\)](#); [Board of Zoning Appeals \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Cc: [Braisted, Sean \(Codes\)](#)
Subject: District 17 items
Date: Friday, February 1, 2019 3:23:57 PM

Good afternoon, board members,

Below are my positions on D17 items on your Feb. 7 agenda:

2019-043 and 2019-057: I **oppose** both of these efforts not to pay into the sidewalk fund.

Thanks,

Colby

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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Aundra Moore Date: 12/10/18
Property Owner: Sherman Smith Case #: 2019-044
Representative: Aundra Moore Map & Parcel: 39-208

Council District 1

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

Purpose: 30x30 New Detached Garage

Activity Type: Detached Garage

Location: 3513 B Hustland Dr Whites Creek TN 37189

This property is in the A-2g Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Required side setback 20' / request 10'

Section(s): 17.12.020

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

Aundra

Aundra Moore
Appellant Name (Please Print)

Representative Name (Please Print)

4856 Hickton Pike
Address

Address

White Creek 37189
City, State, Zip Code

City, State, Zip Code

615-293-8844
Phone Number

Phone Number

moore4less@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**



3585423

**ZONING BOARD APPEAL / CAAZ - 20180076797
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 03900020800

APPLICATION DATE: 12/10/2018

SITE ADDRESS:

3513 B HUNTLAND DR WHITES CREEK, TN 37189
LOT 14 HICKORY HOLLOW RESUB.

PARCEL OWNER: SMITH, SHERMAN R. ET UX

CONTRACTOR:

APPLICANT:**PURPOSE:**

DENIED: REQUIRED SIDE SETBACK MIN 20'...REQUEST 10'...17.12.020...SINCE OVER 700 SQFT NOT A PERMITTED
OBSTRUCTION AS TO THE SIDE SETBACK...NEEDS TO COMPLY WITH 17.12.020...

POC: AUNDRA MOORE 615-293-8844

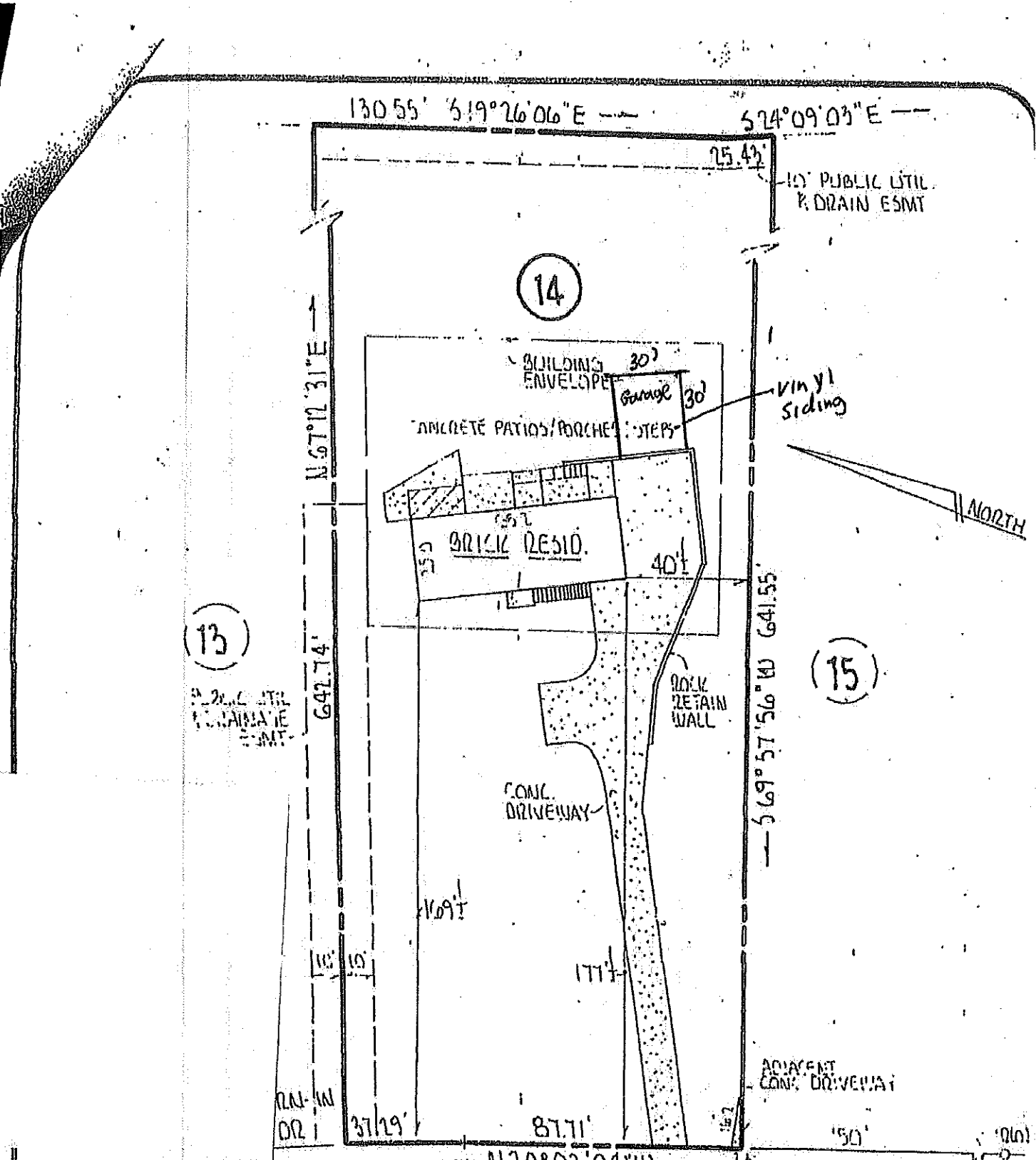
moores4less@gmail.com

SEE PERMIT 2018-065566...TO CONSTRUCT 30'X30' DETACHED GARAGE TO REAR OF RESIDENCE. 20' MINIMUM SIDE
SETBACK; 20' MINIMUM REAR SETBACK... ..NOT TO BE USED FOR LIVING OR COMMERCIAL PURPOSES... ..MAXIMUM
ALLOWED HEIGHT 24' NATURAL GRADE TO PEAK... ..NOT TO BUILD OVER OR OBSTRUCT ANY EASEMENTS... ..A
RESTRICTIVE COVENANT FOR DETACHED STRUCTURES MUST BE RECORDED PRIOR TO ISSUE OF ANY TRADE
PERMITS... ..

*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.



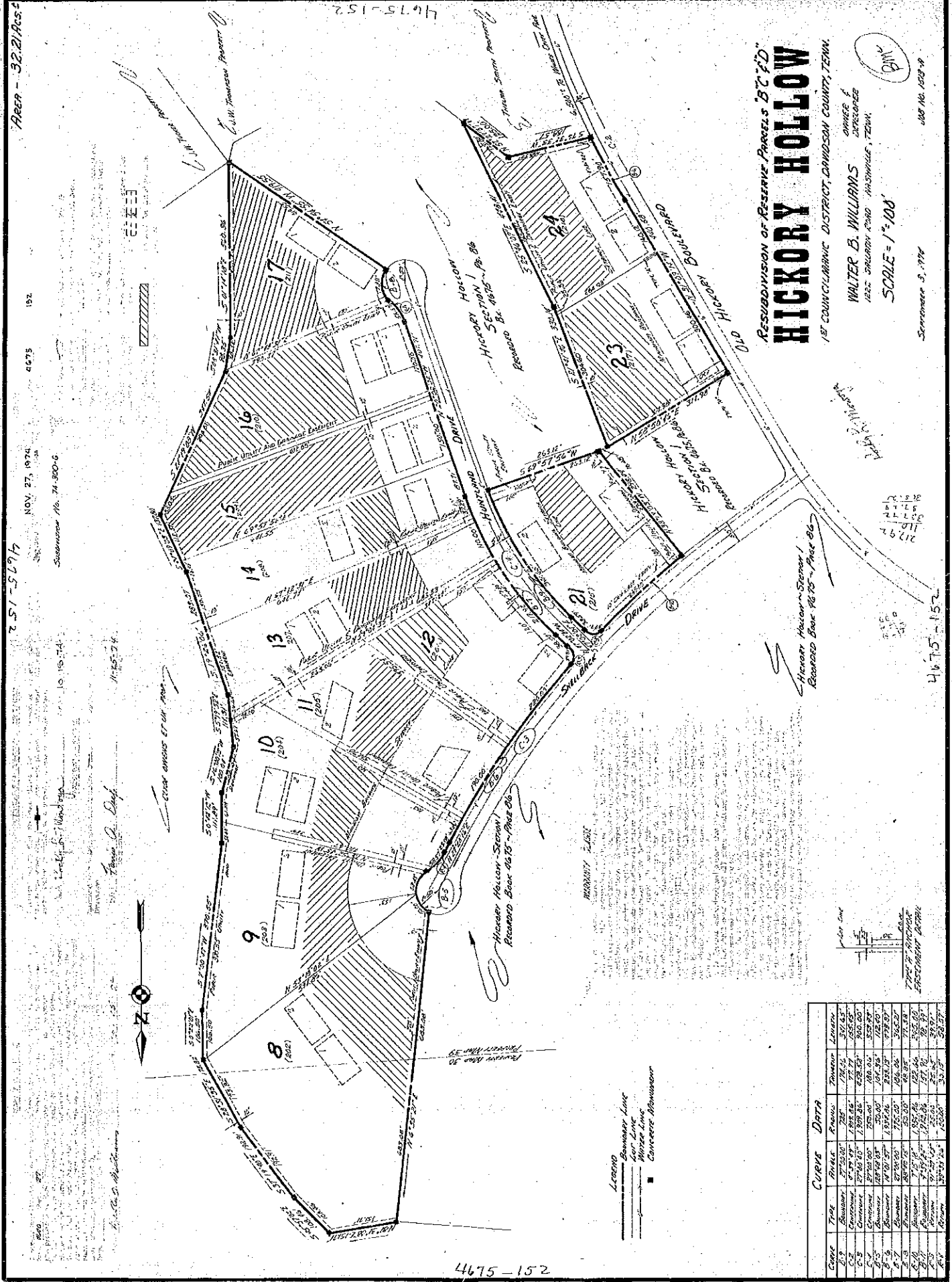
3513 HUNTLAND DRIVE (50')

MORTGAGE LOAN INSPECTION

SURVEY FOR SHERMAN R. SMITH & NINA E.

TO SECURE SECURITY FINANCIAL

SUBDIVISION RESUB. OF RESERVE PARCELS "D" "C" & "N" HICKORY LINDEN



RESUBDIVISION OF RESERVE PARCELS 'B' & 'D'
HICKORY HOLLOW
 1ST COUNCLANDIC DISTRICT, DAVIDSON COUNTY, TENN.

WALTER B. WILLIAMS
 1255 CALHOUN ROAD
 NASHVILLE, TENN.

SCALE = 1" = 100'

Survey No. 1774

JOB NO. 1008-4

AREA - 32.21 ACs ±

4675 152

NOV. 27, 1974

351-5174

Survey No. 74-300-G

10-15-74

11-25-74

CURVE DATA

Curve	Type	Angle	Radius	Chord	Length
C-1	Boundary	47° 30' 00"	175.74	120.68	207.68
C-2	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-3	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-4	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-5	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-6	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-7	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-8	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-9	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-10	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-11	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-12	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-13	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-14	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-15	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-16	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-17	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-18	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-19	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-20	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-21	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-22	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-23	Boundary	27° 14' 10"	1,209.85	428.52	800.00
C-24	Boundary	27° 14' 10"	1,209.85	428.52	800.00

- Legend**
- Boundary Line
 - Lot Line
 - Horse Line
 - Concrete Monument

4675-152

03900020400

0020500

039000

03900025300

03900020700

AR2A

03900020800

03900021500

03900020900

HUNTLAND DR

03900021400

4675 / 152
lot 14

03900021000

03900015000

03900021100

03900021300

Standards for a Variance

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

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

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

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

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

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

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

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

The Board shall not grant variances to the land use provisions of section 2.3, nor the density of Floor Area Ratio (FAR) standards of Tables 3-B and 2-C, nor the required size of residential lots approved by the Planning Commission under the authority of section 3.7 (Lot Averaging), section 3.8 (Cluster Lot Option) or Section 9. E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

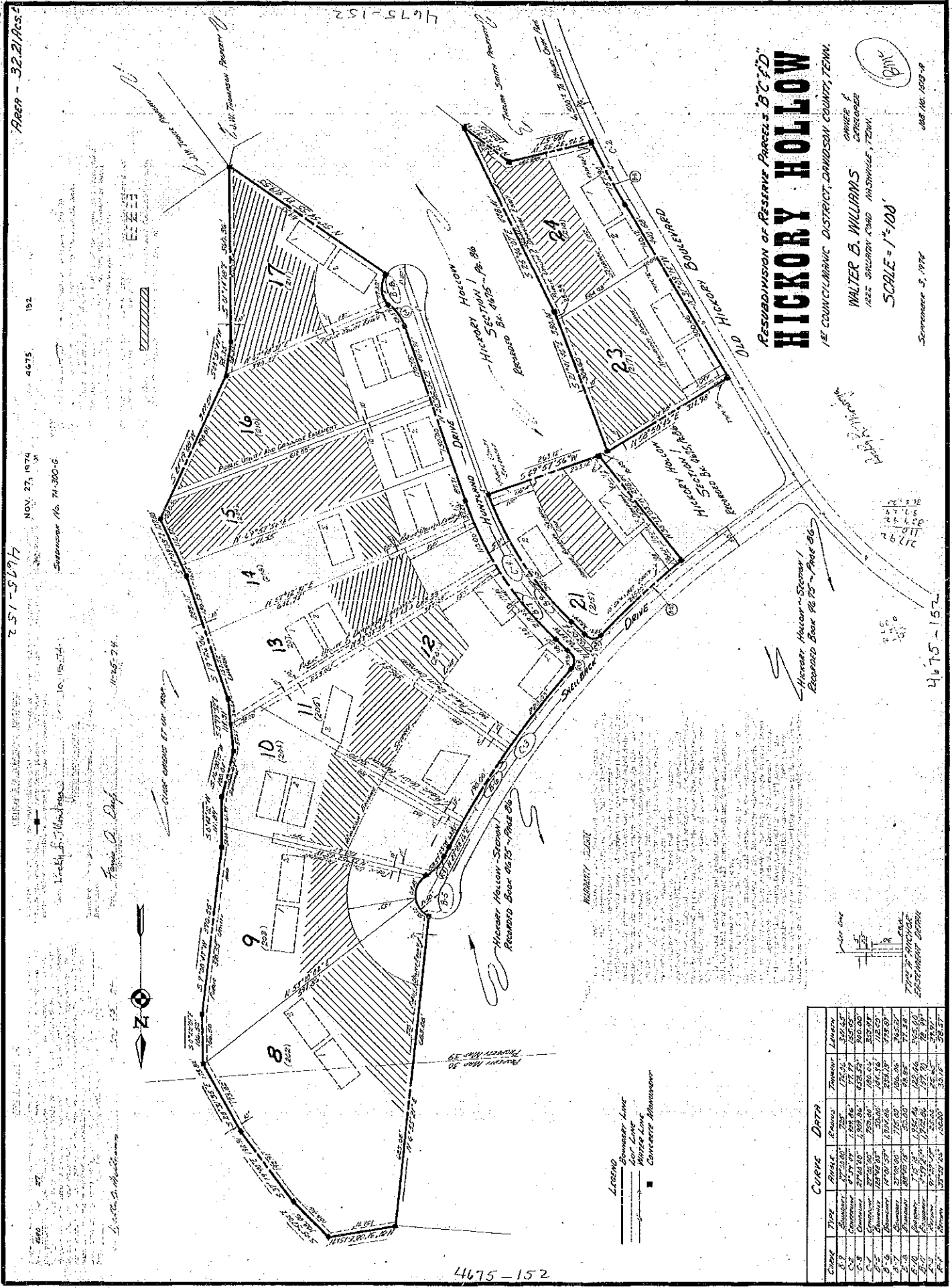
We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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


APPELLANT

12/10/18
DATE



HICKORY HOLLOW
 RESUBDIVISION OF RESERVE PARCELS B & C
 1ST COUNCILMANIC DISTRICT, DANFORDSON COUNTY, TENN.

OWNER: **WALTER B. WILLIAMS**
 1222 SHELBY ROAD, WASHINGTON, TENN.

SCALE = 1" = 100'

DATE: November 5, 1974



AREA - 32.21 AC'S
 4675-152
 NOV. 27, 1974
 SUPERVISOR No. 74-300-6
 4675-152
 10.15.74
 11-05-74

Curve Data

Curve	Type	Angle	Radius	Tangent	Length
C-1	Boundary	47° 19'	1,000.00	312.50	312.50
C-2	Boundary	27° 10'	1,200.00	428.23	310.00
C-3	Boundary	27° 10'	1,200.00	428.23	310.00
C-4	Boundary	27° 10'	1,200.00	428.23	310.00
C-5	Boundary	27° 10'	1,200.00	428.23	310.00
C-6	Boundary	27° 10'	1,200.00	428.23	310.00
C-7	Boundary	27° 10'	1,200.00	428.23	310.00
C-8	Boundary	27° 10'	1,200.00	428.23	310.00
C-9	Boundary	27° 10'	1,200.00	428.23	310.00
C-10	Boundary	27° 10'	1,200.00	428.23	310.00
C-11	Boundary	27° 10'	1,200.00	428.23	310.00
C-12	Boundary	27° 10'	1,200.00	428.23	310.00
C-13	Boundary	27° 10'	1,200.00	428.23	310.00
C-14	Boundary	27° 10'	1,200.00	428.23	310.00
C-15	Boundary	27° 10'	1,200.00	428.23	310.00
C-16	Boundary	27° 10'	1,200.00	428.23	310.00
C-17	Boundary	27° 10'	1,200.00	428.23	310.00
C-18	Boundary	27° 10'	1,200.00	428.23	310.00
C-19	Boundary	27° 10'	1,200.00	428.23	310.00
C-20	Boundary	27° 10'	1,200.00	428.23	310.00
C-21	Boundary	27° 10'	1,200.00	428.23	310.00
C-22	Boundary	27° 10'	1,200.00	428.23	310.00
C-23	Boundary	27° 10'	1,200.00	428.23	310.00
C-24	Boundary	27° 10'	1,200.00	428.23	310.00

Legend
 Boundary Line
 Lot Line
 Water Line
 Concrete Manometer

4675-152

January 9, 2019

RE: Appeal Case Number: 2019-044
3513 Huntland Drive
Map Parcel: 03900020800
Zoning Classification: AR2A
Council District: 1

We the undersigned have no opposition to the requested side set back variance at the above address.

Thank you,

Daniela Morici
3516 Huntland Dr.
Whites Creek, TN 37189

January 9, 2019

RE: Appeal Case Number: 2019-044
3513 Huntland Drive
Map Parcel: 03900020800
Zoning Classification: AR2A
Council District: 1

We the undersigned have no opposition to the requested side set back variance at the above address.

Thank you,

Larry E. Powell
Donna Powell
3404 Shellbark Dr.
Whites Creek, TN 37189

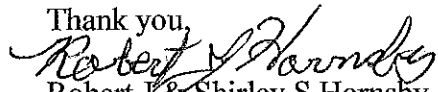
January 8, 2019

To whom it may concern

RE: Appeal Case Number 2019-044
Zoning Classification AR2A
Council District 1

I live next door to the Smiths, who are proposing this garage. I have no problem with the building, in fact I have given them written permission to do so.

Thank you,


Robert S. & Shirley S Hornsby

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : JOEL + KRISTEN CAMPBELL

Date: 12/11/2018

Property Owner: JOEL + KRISTEN CAMPBELL

Case #: 2019-045

Representative: RUSSELL CARNEY

Map & Parcel: 13102070000

Council District 25

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

Purpose:

TO BUILD ADDITION OFF FRONT OF EXISTING (UNRA) SINGLE FAMILY. REQUEST TO BUILD TO 46.1 SETBACK LINE IN LINE WITH UNIT B OF EXISTING HPR. PER 17.12.030C3 MIN. FRONT SETBACK IS 64' PER AVG.

Activity Type: RESIDENTIAL ADDITION

Location: 2032 OVERHILL 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: REQUESTING TO BUILD TO A 46.1 FRONT SETBACK

Section(s): 17.12.030C3

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

JOEL CAMPBELL
Appellant Name (Please Print)

RUSSELL CARNEY
Representative Name (Please Print)

2032 OVERHILL DR
Address

3102 BRAINTREE RD
Address

NASHVILLE TN 37215
City, State, Zip Code

FRANKLIN TN 37069
City, State, Zip Code

513-310-8470
Phone Number

615-456-4034
Phone Number

CAMPBELLJBIV@GMAIL.COM
Email

RUSSCARNEY@COMCAST.NET
Email

Appeal Fee: 100.00

APPLICATION FOR A VARIANCE REQUEST

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

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


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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



 APPELLANT

12/17/18
 DATE

Standards for a Variance

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

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

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

The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

See attached.

December 17, 2018

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

Re: 2032 Overhill Drive Variance Request

Dear Metropolitan Board of Zoning Appeals,

According to our scaled site plan, we are unable to comply with the zoning code for the front setback for the proposed addition to our 2032 Overhill Drive, 37215 home. We feel that we have a legitimate hardship case as listed below.

Our family purchased our existing home in 2012 as part of the Overhill Cottage property. At that time, we received a copy of the *Declaration of Covenants, Conditions, and Restrictions for Overhill Cottages, A Horizontal Property Regime with Private Elements*, prepared by Kevin Montgomery (copy attached). On page 24 of this document, Exhibit B shows the survey for the proposed residence and for our existing residence. The front setback is clearly listed as 46.1 feet. We purchased the home in good faith with the intent and expectations that we would have the option to improve the value of the home by renovating, using the surveyed front, rear, and side setbacks as set forth in this document. The proposed residence, shown on the document as Unit B, has been constructed and currently sits on the Overhill Cottage property with a 46.1-foot setback. It is only logical that we will be able to construct property renovations that place our home within the same front setback as our horizontal property regime neighbors.

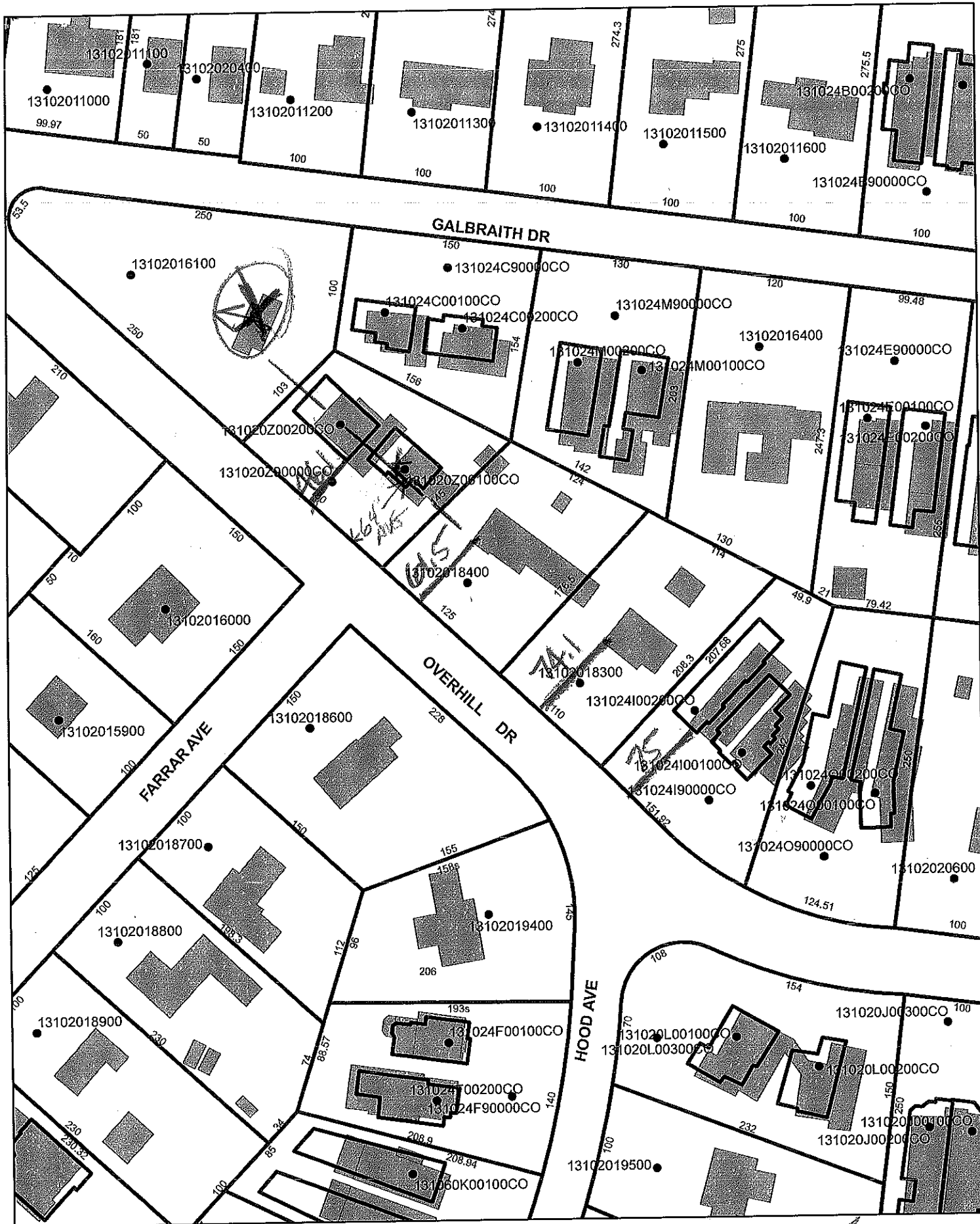
Our surveyor in 2018 used the legally recorded Overhill Cottage document that is on file with the county to create the most recent 2018 survey. We have used this survey to create our architectural plans that include our scaled site plan. We have incurred considerable expense for both the survey and architectural plans. If we cannot expand to the front of the property, we will need to expand to the rear of the property. Expanding to the rear of the property creates additional hardships. The non-conforming nature of our property becomes apparent if we are only given the option to build to our rear setback limit. If this is the only option, an attempt to improve the value of the home and other neighboring homes will be prevented due to lack of any outdoor living space allowed with this option. This will devalue the property and certainly will not increase the value of neighboring properties. If we are to build to the back of the rear setback we will be building ourselves out of a backyard. We have a very active one-year old and another baby will be born in March. We would love to raise our children in a home with a fenced backyard for safe play.

In addition, our proposed remodel and addition will be an improvement to the neighborhood. We will be making improvements with reputable architectural plans and a reputable builder. Since our property is in a prime Green Hills area, we intentionally will develop the property in the most aesthetically appealing manner. Having our front setback in a horizontal property regime with the house that sits on the same original property makes logical sense and will be more aesthetically pleasing. This improvement will enhance the value of the current property as well as the property values for all of the neighboring homes.

Thank you for your consideration in this matter.

Joel and Kristen Campbell
2032 Overhill Drive
Nashville, TN 37215



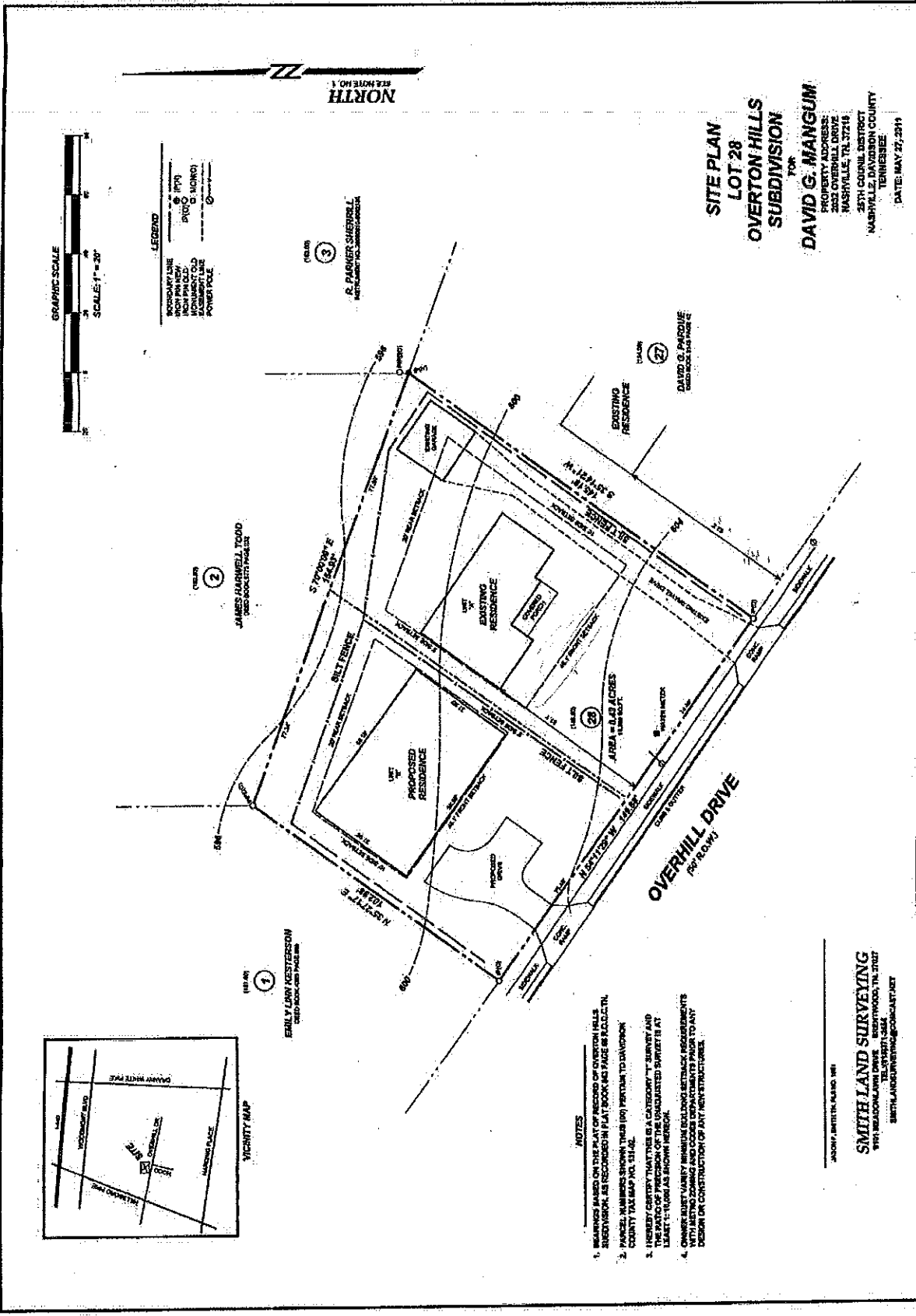


1 inch = 100 feet

AVS/4 FRONT SETBACK 64'



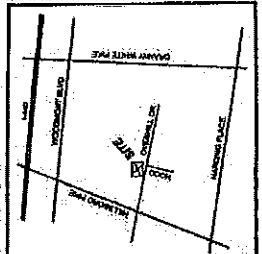
FILE



LEGEND
 BOUNDARY LINE
 IRON PIN NEW
 IRON PIN OLD
 MONUMENT OLD
 MONUMENT NEW
 EASEMENT LINE
 POWER POLE

NORTH
 REF NORTH NO. 1

SITE PLAN
LOT 28
OVERTON HILLS
SUBDIVISION
 FOR
DAVID G. MANGUM
 PROPERTY ADDRESS:
 202 OVERHILL DRIVE
 NASHVILLE, TN 37216
 25TH COUNCIL DISTRICT
 MARIETTA, DAVIDSON COUNTY
 TENNESSEE
 DATE: MAY 27, 2019



NEIGHBORHOOD MAP

LOT 28
 EMILY CARY WESTERSON
 USED SUBJECT PARCEL

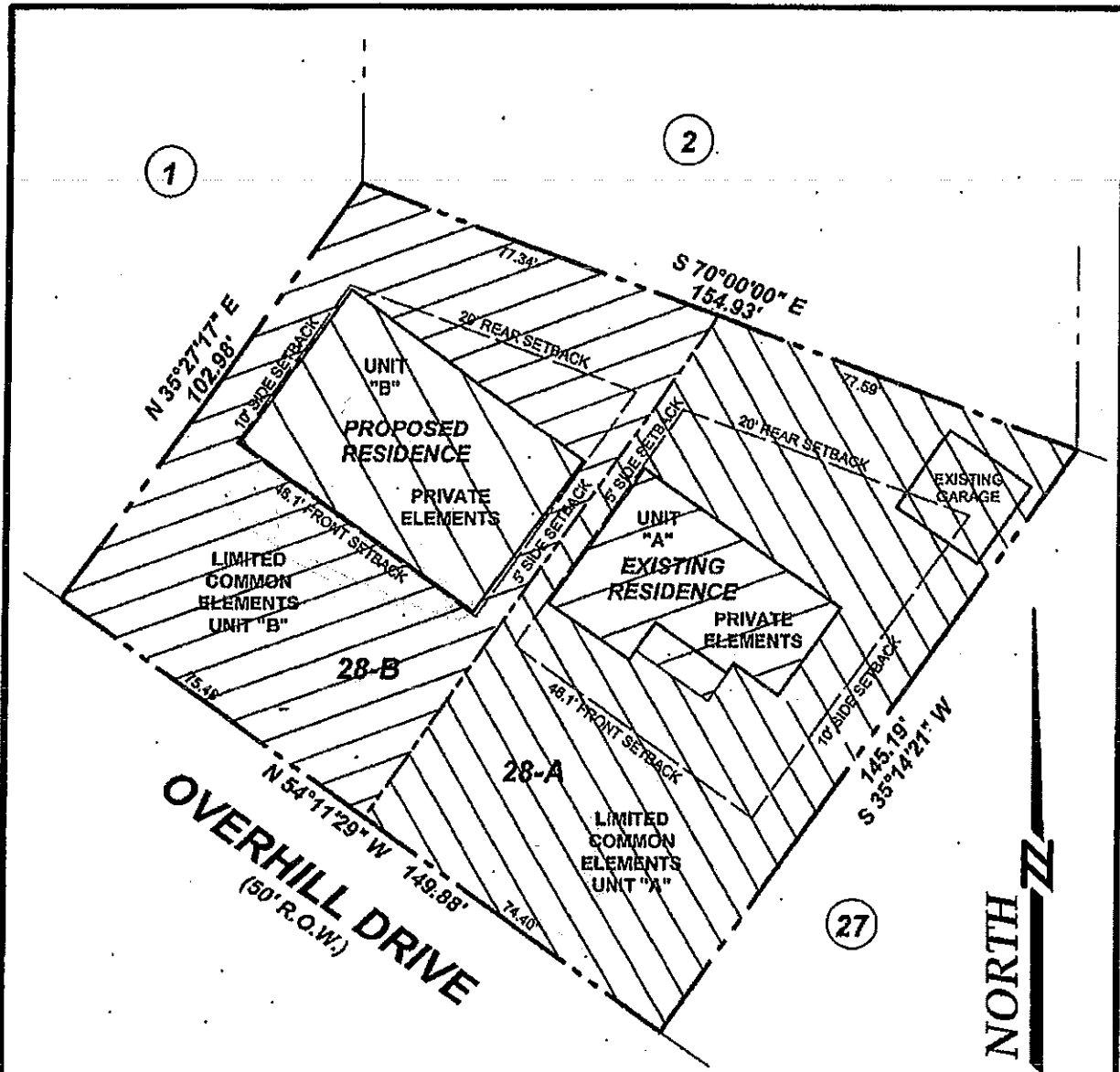
LOT 27
 JAMES HARWELL TODD
 USED SUBJECT PARCEL

LOT 29
 R. PARKER SHERRELL
 USED SUBJECT PARCEL

- NOTES**
1. THIS PLAN IS FOR THE PROPOSED CONSTRUCTION OF OVERTON HILLS SUBDIVISION, AS RECORDED IN PLAT BOOK NO. 248 AS B.L.G. IN COUNTY RECORD NO. 1244.
 2. PARCEL NUMBERS SHOWN THIS DAY PERTAIN TO MARIETTA COUNTY RECORD NO. 1244.
 3. THE PROPERTY SHOWN THIS DAY IS A CATEGORY "M" SURVEY AND THE PROPERTY IS NOT TO BE CONSIDERED SURVEYED AT LEAST 15' FROM ALL SHOWN FEATURES.
 4. THE PROPERTY SHOWN THIS DAY IS NOT TO BE CONSIDERED SURVEYED UNTIL THE PROPERTY IS CONSTRUCTED AND THE CONSTRUCTION OF ANY NEW STRUCTURES.

JERRY BRITTON, L.S. 181
SMITH LAND SURVEYING
 5111 BRADCOCK LANE DRIVE, WESTWOOD, TN 37093
 TEL: 615.731.5544
 EMAIL: LANDSURV@SMITHLANDSURV.COM

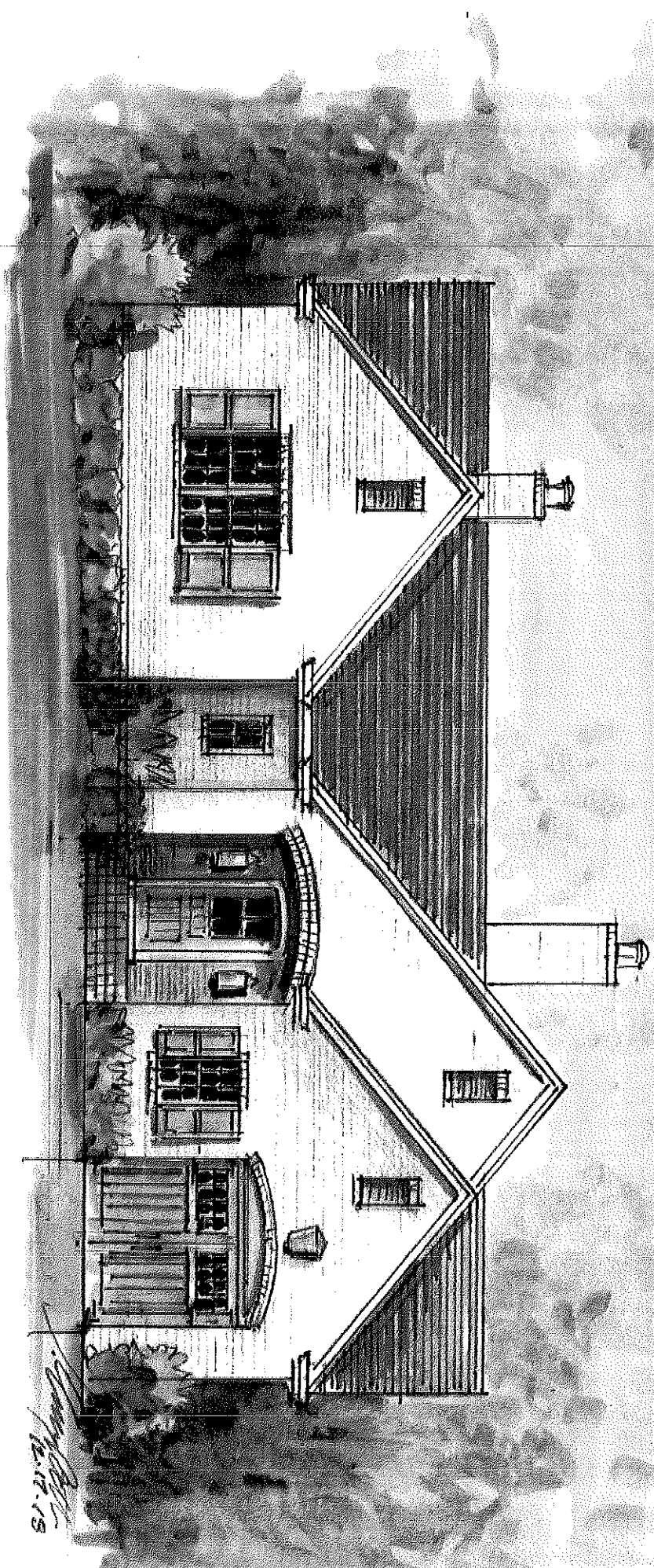
EXHIBIT B
OVERHILL COTTAGES
A HORIZONTAL REGIME WITH PRIVATE ELEMENTS



OVERHILL COTTAGES

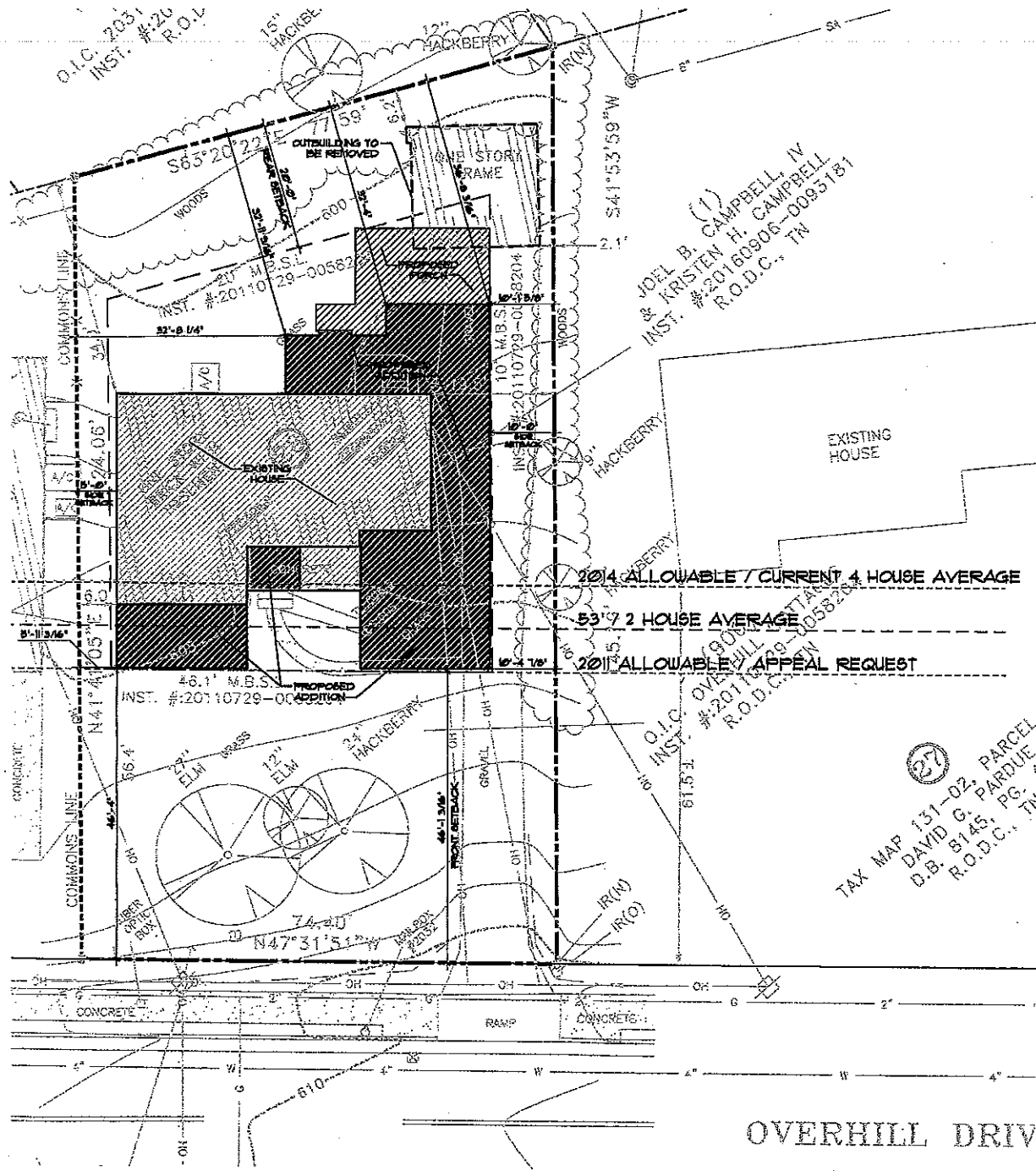
MAP 131-02 PARCEL 185.00
NASHVILLE, DAVIDSON COUNTY
TENNESSEE
SCALE: 1" = 30'

SMITH LAND SURVEYING
9101 MEADOWLAWN DRIVE BRENTWOOD, TN. 37027
TEL: (615) 371-2464
SMITHLANDSURVEYING@COMCAST.NET



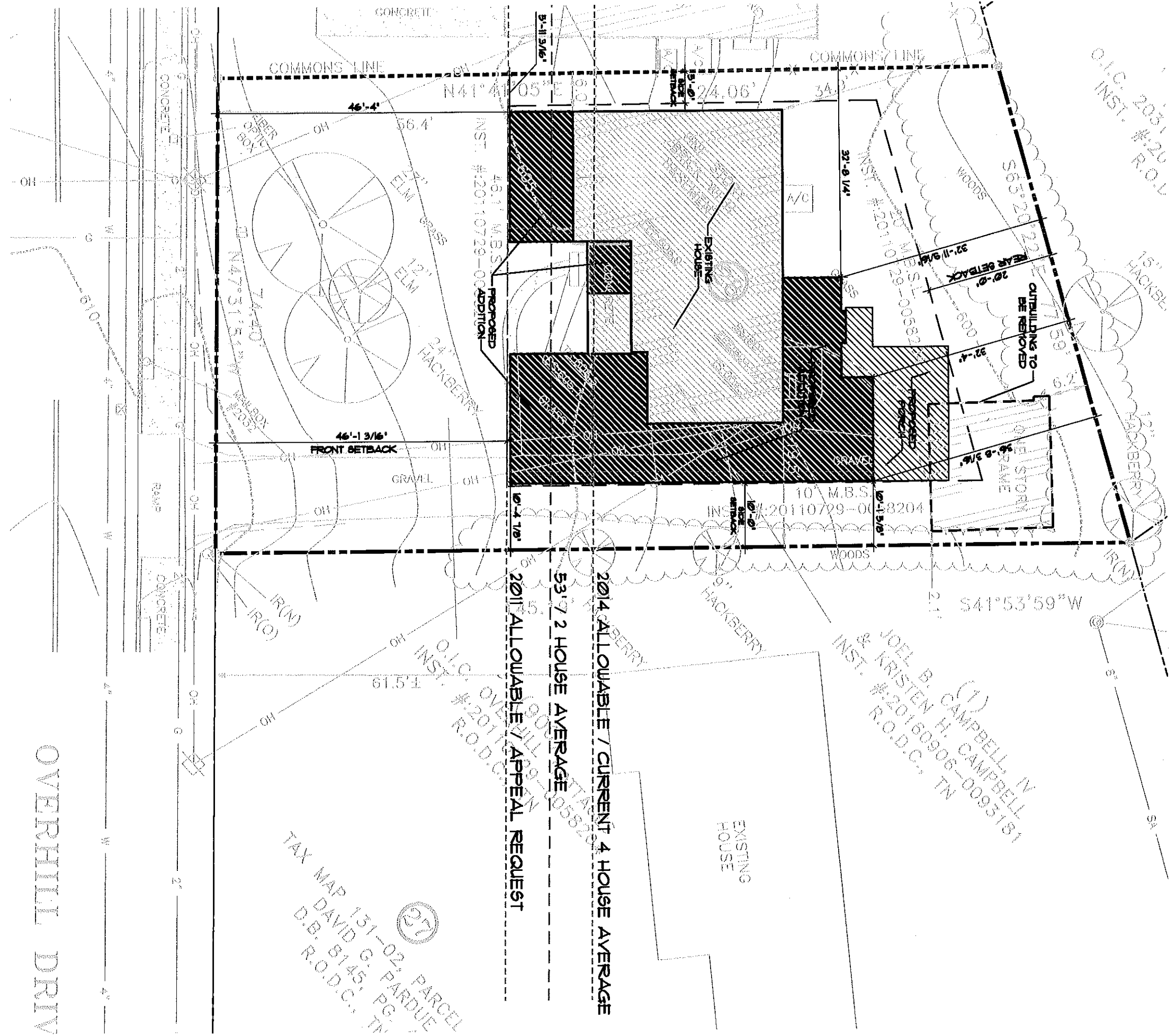
12-17-15

2019-045



2014 ALLOWABLE / CURRENT 4 HOUSE AVERAGE
 53'9" 2 HOUSE AVERAGE
 2011 ALLOWABLE / APPEAL REQUEST

OVERHILL DRIVE



2014 ALLOWABLE / CURRENT 4 HOUSE AVERAGE
 53' 7 2 HOUSE AVERAGE
 2011 ALLOWABLE / APPEAL REQUEST

JOEL B. CAMPBELL IV
 & KRISTEN H. CAMPBELL
 INST. #20180906-0095181
 R.O.D.C., TN

TAX MAP 131-02, PARCEL
 DAVID G. PARDUE
 D.B. 8145, PG.
 R.O.D.C., TN

OVERHILL DRIV

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Ashley Quinn Date: 12-14-18
Property Owner: KNA Properties LLC Case #: 2019-047
Representative: Will Creason Map & Parcel: 092080E0010000
092080E0020000
Council District 19

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

Purpose: Requesting variance from sidewalk requirements for HPR. Permits already issued. 2018018155 & 2018018157

Activity Type: New Construction - HPR
Location: 502 A & B Dr. D.B. Todd Jr. Blvd.

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

Reason: Requesting variance from sidewalk requirements
Section(s): 17.12.120

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

Ashley Quinn
Appellant Name (Please Print)

Will Creason
Representative Name (Please Print)

2139A Utopia Ave
Address

Same "
Address

Nashville TN 37211
City, State, Zip Code

Same "
City, State, Zip Code

615 210-8227
Phone Number

615 945-9556
Phone Number

ashley@cygnusconstructionllc.com
Email

will@cygnusconstructionllc.com
Email

Appeal Fee: \$200



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



3587219

**ZONING BOARD APPEAL / CAAZ - 20180077983
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 092080E00100CO**APPLICATION DATE:** 12/14/2018**SITE ADDRESS:**

502 A DR D B TODD JR BLVD NASHVILLE, TN 37203
UNIT A 502 DR DB TODD TOWNHOMES

PARCEL OWNER: KNA PROPERTIES, LLC**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting variance from the sidewalk requirements for both units of an HPR. (detached duplex)

*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.

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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

Ashley Quinn
APPELLANT

12/14/18
DATE

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

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

The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

No sidewalks on the street ~~to~~ adhere to the code.
~~It is~~ Sidewalk would end up running into neighbors
stone wall.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-047 (502 A&B Dr DB Todd Blvd)

Metro Standard:	4' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalks
Zoning:	R6
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	T4-M-AB3-IM
Transit:	#52 – Nolensville Pike; planned for future light rail per nMotion
Bikeway:	Major separated bikeway planned per WalknBike plan

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing a two family dwelling and requests a variance from upgrading sidewalks to the Arterial Boulevard standard due to the presence of an existing sidewalk and potential conflicts with a stone wall on the adjacent property. Planning evaluated the following factors for the variance request:

- (1) An 8' sidewalk with no grass strip currently exists along the Dr. DB Todd Jr. Boulevard property frontage, which is consistent with neighboring properties along the block face from Jo Johnston Avenue to Pearl Street.
- (2) The existing stone wall on the adjacent property presents an impediment to short term sidewalk connectivity.

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

1. Maintain existing sidewalk conditions in a state of good repair per Public Works final guidance. Any portion of the existing sidewalk along the property frontage that is not ADA compliant is to be removed and replaced in-kind with MPW Detail ST-210 sidewalk.
2. The applicant shall contribute in-lieu of construction for the property frontage.
3. Prior to the issuance of building permits, dedicate right-of-way along the property frontage to accommodate future sidewalks per the Major and Collector Street Plan standard.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Israel Oliva
Property Owner: " "
Representative: " "

Date: 12-14-18
Case #: 2019-048
Map & Parcel: 148-12-97

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:

Requesting reduction of rear setback to 1' to allow detached shed.

Activity Type: New Construction - Shed (constructed without Permit)

Location: 895 Irma Dr.

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

Reason: Does not meet minimum rear setback

Section(s): 17.12.040(E) 2(a).

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

Israel hugo Oliva
Appellant Name (Please Print)

Rufina Martinez
Representative Name (Please Print)

895 Irma dr
Address

895 Irma dr
Address

Antioch 37013
City, State, Zip Code

antioch TN 37013
City, State, Zip Code

615 573 9478
Phone Number

615 473 2944
Phone Number

israelhugo87@mail.com
Email

rufina.martinez.hernandez@gmail.com
Email

Appeal Fee: \$100.00



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



3587349

**ZONING BOARD APPEAL / CAAZ - 20180078087
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 14812007700**APPLICATION DATE:** 12/14/2018**SITE ADDRESS:**

895 IRMA DR ANTIOCH, TN 37013
LOT 20 SEC 2-A HAZELWOOD SUB

PARCEL OWNER: OLIVA, ISRAEL LUGO & HERNANDEZ, RUF**CONTRACTOR:**

APPLICANT: israel oliva
615-573-9478

PURPOSE:

requesting variance from rear setback to allow shed. requesting 1' rear setback.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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

(Israel Lugo)
APPELLANT

Rufina Martinez

12-14-18
DATE

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

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

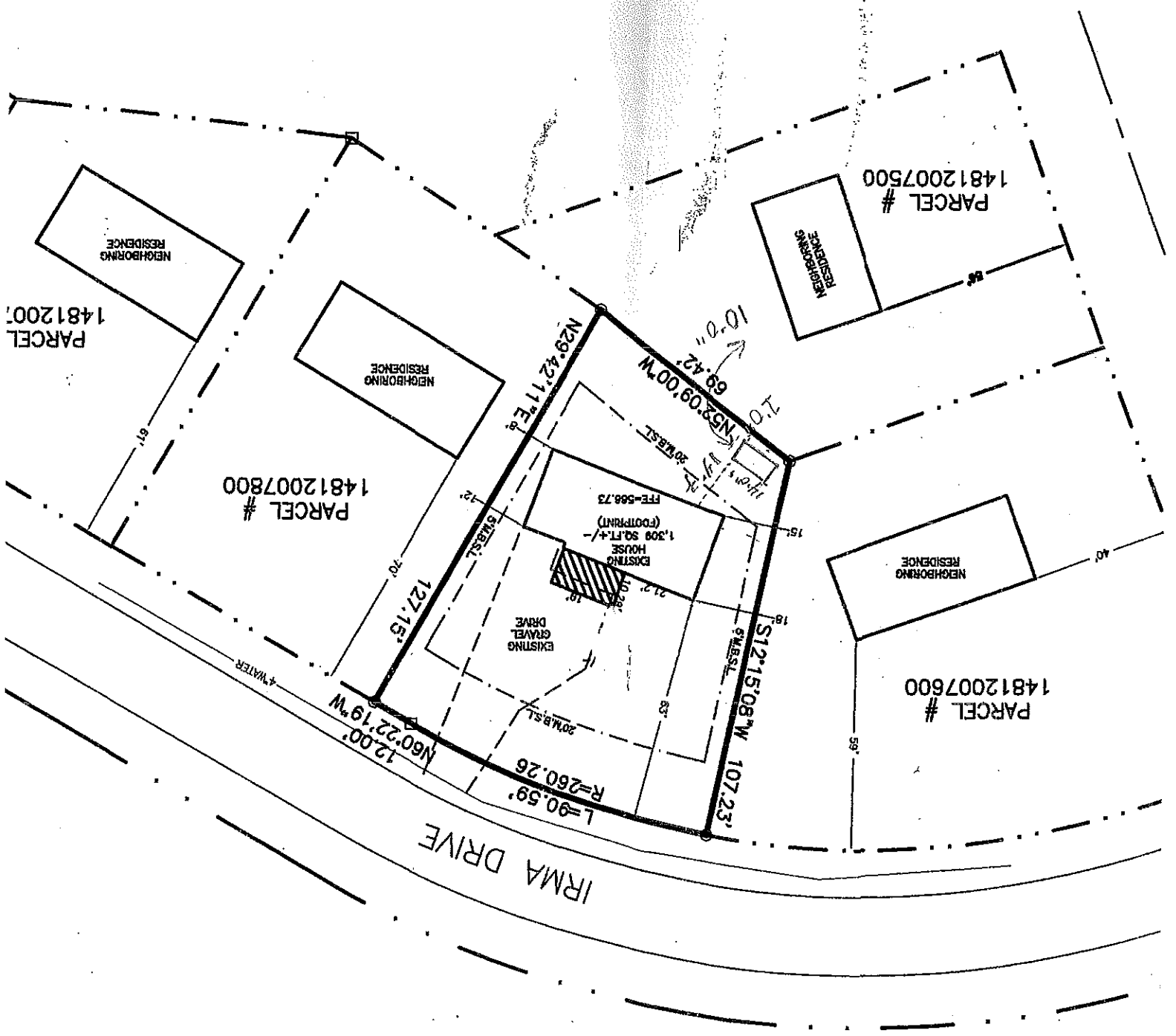
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

- the reason why you can not move is because
There is a tree
- difficult access for a forklift
- the terrain has a slope

RESIDENTIAL
895 IRMA
ANTIOCH
PARCEL II
28TH COUNCIL DISTRICT
ZON
DATE: JANUARY 4,

PROPERTY OWNERS: ISRAEL LUGO OLIVA &
RUFINA MARTINEZ HERNANDEZ



TOTAL AREA: 10,096 SQ.FT. +/- OR 0.23 AC. +/-

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: CATALYST DESIGN GROUP Date: 12-17-18

Property Owner: WOODMONT CHRISTIAN CHURCH Case #: 2019-050

Representative: PHILLIP PIERCE Map & Parcel: 117 11000 200

Council District 25

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

Purpose: SPECIAL EXCEPTION FOR MONUMENT ADDITION IN RESIDENTIAL ZONING AND SIDEWALK VARIANCE FOR PUBLIC SIDEWALK IMPROVEMENTS WITH OUT FUNDS IN LEU

Activity Type: _____

Location: 3605 HILLSBORO ROAD

This property is in the R540 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: _____

Section(s): 17.40.10 ED AND 17.20.120

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

CATALYST DESIGN GROUP
PHILLIP P. PIERCE
Appellant Name (Please Print)

same
Representative Name (Please Print)

5016 CENTENNIAL BLVD
Address SUITE 200

Address

NASHVILLE TN 37209
City, State, Zip Code

City, State, Zip Code

615-476-7238
Phone Number

Phone Number

PPIERCE@CATALYST-04.COM
Email

Email

Appeal Fee: _____



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



3587691

ZONING BOARD APPEAL / CAAZ - 20180078312
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11711000200

APPLICATION DATE: 12/17/2018

SITE ADDRESS:

3605 HILLSBORO PIKE NASHVILLE, TN 37215
W SIDE HILLSBORO PIKE S OF WOODMONT BLVD WOODMONT ESTATE

PARCEL OWNER: WOODMONT CHRISTIAN CHURCH

CONTRACTOR:

APPLICANT:

PURPOSE:

Requesting a Special Exception permit per METZO section 17.40.170 (E) (1) and a sidewalk variance per METZO section 17.20.120 for proposed 17,000 sf addition to Woodmont Christian Church.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



BUILDING COMMERCIAL ADDITION / CAGA - T2018078305
Permit Tracking Checklist

PARCEL: 11711000200 **APPLICATION DATE:** 12/17/2018 **PERMIT TRACKING #:** 3587683
SITE ADDRESS:
3605 HILLSBORO PIKE NASHVILLE, TN 37215
W SIDE HILLSBORO PIKE S OF WOODMONT BLVD WOODMONT ESTATE
PARCEL OWNER: WOODMONT CHRISTIAN CHURCH **CONTRACTOR:**
APPLICANT:

PURPOSE:

to construct a 200 seat auditorium on main floor and educational use on lower level for Woodmont Christian Church 17000 sf total. Special Exception per METZO section 17.16.170 (E) (1) and requesting a sidewalk variance per METZO section 17.20.120. Phillip Piercy 615-476-7238. need to combine parcels 1 & 2 on property map 117-11.

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

[A] Zoning Review	
CA - Zoning Sidewalk Requirement Review	
[A] Site Plan Review	
[B] Building Plans Received	615-862-6614 tereasa.patterson@nashville.gov
[B] Building Plans Review	615-862-6581 Teresa.Patterson@nashville.gov
[B] Plans Picked Up By Customer	615-880-2649 Ronya.Sykes@nashville.gov
[B] Fire Life Safety Review On Bldg App	862-5230
[B] Fire Sprinkler Requirement	862-5230
[D] Grading Plan Review For Bldg App	(615) 862-6038 Logan.Bowman@nashville.gov
[E] Cross Connect Review For Bldg App	862-7225
[E] Water Availability Review For Bldg	MWS.DevelopmentServicesCenter@nashville.gov
[E] Water Variance Approval For Bldg	862-7225
[E] Sewer Availability Review For Bldg	MWS.DevelopmentServicesCenter@nashville.gov
[E] Sewer Variance Approval For Bldg	862-7225
[A] Bond & License Review On Bldg App	MWS.DevelopmentServicesCenter@nashville.gov
Landscaping & Tree Review	862-7225
[F] Address Review On Bldg App	862-6488 stephan.kivett@nashville.gov
[F] Solid Waste Review On Bldg App	862-8781 bonnie.crumby@nashville.gov
[A] Noise Mitigation Bldg App Review	862-8782
[E] Grease Control Review On Bldg App	
BZA Hearing	862-4590 ECO@nashville.gov
[J] Subdivision Review Of Bldg App	615-862-6505 Debbie.Lifsey@nashville.gov
[F] Sidewalk Review For Bldg App	862-7190 planningstaff@nashville.gov
[C] Flood Plain Review On Bldg App	862-8758 Benjamin.york@nashville.gov
NES Review on Building Application	862-6038 logan.bowman@nashville.gov
	DSampson@NESPOWER.COM



December 17, 2018

**Mr. Jon Michael
Metro Codes Department
800 Second Avenue South
Nashville, TN 37210**

**Re: Woodmont Christian Church
Special Exception Request
Nashville, TN**

Dear Mr. Michael,

Please find attached and application and 8 copies of a plan for a Special Exception submittal for an expansion to the Woodmont Christian Church. The proposed expansion includes a chapel for smaller gatherings, an additional accessible entrance with drive under canopy and additional educational space for the growing demand on the children's programs. The expansion will be added to the south end of the building and will include parking expansions on the south side of the property as well.

The church is bordered to the south by another church, to the north by Woodmont Blvd and a third church across Woodmont. Hillsboro Road runs along the Eastern boundary with apartments across the road that have only one access to Hillsboro. To the west there are 5 residential parcels that back up to the church and front Hoods Hill Road that the church does not have access, and a sixth residential house owned by the church.

The location of the expansion should not have any negative impact on the health safety or welfare of any of these neighbors or the general public.

The site will be designed per Metro regulations including stormwater and landscaping. A separate BZA is being submitted as a result of hardships in installing new sidewalk along Hillsboro Pike. The architectural design will match the existing building.

All existing driveway access points will remain the same and with the church being located at the intersection of two arterial roadways, no adjoining properties will be negatively impacted.

5016 Centennial Blvd, Suite 200, Nashville, TN 37209
615.866.2410 | www.catalyst-dg.com

Re: Woodmont Christian Church

2

There are a couple of existing trees that are proposed to remain, and the plan proposes a Type B buffer yard along the portion of the construction area that is adjacent to residential homes.

In addition to the plans and application this submittal includes an owner authorization letter and a review fee check of \$ 200.00. We are also coordinating with the council representative to schedule a neighborhood meeting prior to the BZA meeting.

Please let me know if you need any additional information to process this request.

Sincerely,

Catalyst Design Group



D. Phillip Piercy, PE
Project Manager

Enclosure(s)

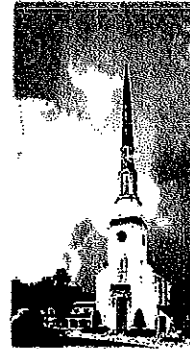
Catalyst Design Group

WOODMONT CHRISTIAN CHURCH

DISCIPLES OF CHRIST

3601 HILLSBORO ROAD
NASHVILLE, TENNESSEE 37215-2123

PHONE (615) 297-8563 • WEB WWW.WOODMONTCHRISTIAN.ORG



A BEACON
AND A BRIDGE

December 13, 2018

Mr. Jon Michael
Metro Nashville Planning Department
800 Second Avenue South
Nashville, TN 37210

**Re: Special Exception Submittal
Woodmont Christian Church
3601 Hillsboro Pike**

Dear Mr. Michael,

As the owner of this property, we authorize Catalyst Design Group to submit a request to the Metropolitan Nashville Board of Zoning Appeals for a special exception approval for a proposed addition to the church.

We appreciate your assistance, working with us and Catalyst Design Group to review and approve this request.

Please contact me if you have any questions or need additional information.


Christine Beck
Business Administrator

APPLICATIONS FOR SPECIAL EXCEPTION REQUESTS

After your appeal is filed, zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Notices will be sent to the district councilmember, *The Tennessean*, and the neighboring property owners within 300 feet of the property. The neighbor notices will be mailed approximately twenty-three (23) days prior to the public hearing.

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I HEREBY GIVE PERMISSION TO the Department of Codes and Building Safety to post the required sign(s) on the subject property as required by the Zoning Code. I am aware that I am responsible for removing the sign(s) after the public hearing.



APPELLANT

12-14-18

DATE

SPECIAL EXCEPTION REQUESTS

On May 1, 2003, the Board of Zoning Appeals approved a new condition/requirement for all special exception applications. It reads as follows:

"BZA Rules of Procedure Item 9. (2) e In the interest of having informed stake holders in special exception cases, it is required that the appellant make contact with the district councilperson and neighbors within 300 feet of the subject property from a mailing list provided by the board staff. Information to be furnished by the applicant shall include a contact person and include a reasonable representation of your proposal and hold a meeting at a geographically convenient place, date and time. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

In other words, we will provide you a mail list of those persons within 300 feet of the location designated for a special exception permit. We are required by law to notify these people (within 300 feet) of your request. The Board requires that you contact those persons on the mail list, give them a date, time, place to meet with you and discuss your request. If there is opposition, this will give you a chance to address their concerns prior to the public hearing.

You must make documentation to present to the Board concerning your efforts to contact these people. Failure to do so can result in a deferral or denial of your request.



12-14-18

Signature of Appellant or Representative



December 17, 2018

**Mr. Jon Michael
Metro Codes Department
800 Second Avenue South
Nashville, TN 37210**

**Re: Woodmont Christian Church
Sidewalk Variance Request
Nashville, TN**

Dear Mr. Michael,

Please find attached application and 8 copies of a plan for variance request relief from the Metro sidewalk ordinance. The church is working on plans for an addition to the south end of the existing building on parcel ID 11711000200 that would initiate the requirement for sidewalks along the Hillsboro Road right of way. The proposed expansion includes a chapel for smaller gatherings, an additional accessible entrance with drive under canopy and additional educational space for the growing demand on the children's programs.

We are also requesting relief from the requirement for funds in lieu of as well.

Hardship and Unique Characteristics

Along the frontage of this site where the sidewalk would be required there are several site features that would conflict with the required sidewalk. In addition to very large electrical poles and fire hydrant, there are also a historical marker and a historical stone wall. The wall serves as a partial retaining wall for a significant grade change that occurs in the area where the grass strip and sidewalk would be required. (see attached photos) In order to install the required sidewalk, the very large NES poles, historic marker and the stone wall would need to be removed. In addition, because of the grade change a significant retaining wall would be required to support the sidewalk. As a result of the grade change behind the wall the pedestrian and likely TDOT guard rails would be required. All these items would push the improvements into the site conflicting with the much of the existing parking where the church obtains their required parking. The cost of the improvements and the impact on the site and loss of parking would be too great to proceed with the church expansion project.

There are no existing sidewalks in the area of the church on either side of the roadway. To the north the first sidewalk along Hillsboro Road is approximately 3,300 feet away. To the south, an existing sidewalk is over 525' away.

5016 Centennial Blvd, Suite 200, Nashville, TN 37209
615.866.2410 | www.catalyst-dg.com

**Re: Woodmont Christian Church
Sidewalk Variance Request**

2

In addition to the request to not install the sidewalk we are also requesting relief from paying the fees in lieu. The church operates on donations and not as a typical business for profit. Paying into the sidewalk fund would take away from the missions of the church that their funds were intended to support when donated.

In addition to the plans and application this submittal includes an owner authorization letter and a review fee check of \$ 200.00. We are also coordinating with the council representative to schedule a neighborhood meeting prior to the BZA meeting.

Please let me know if you need any additional information to process this request.

Sincerely,

Catalyst Design Group



D. Phillip Piercy, PE
Project Manager

Enclosure(s)

Catalyst Design Group

APPLICATIONS FOR VARIANCE REQUESTS

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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



APPELLANT

12-14-18

DATE

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

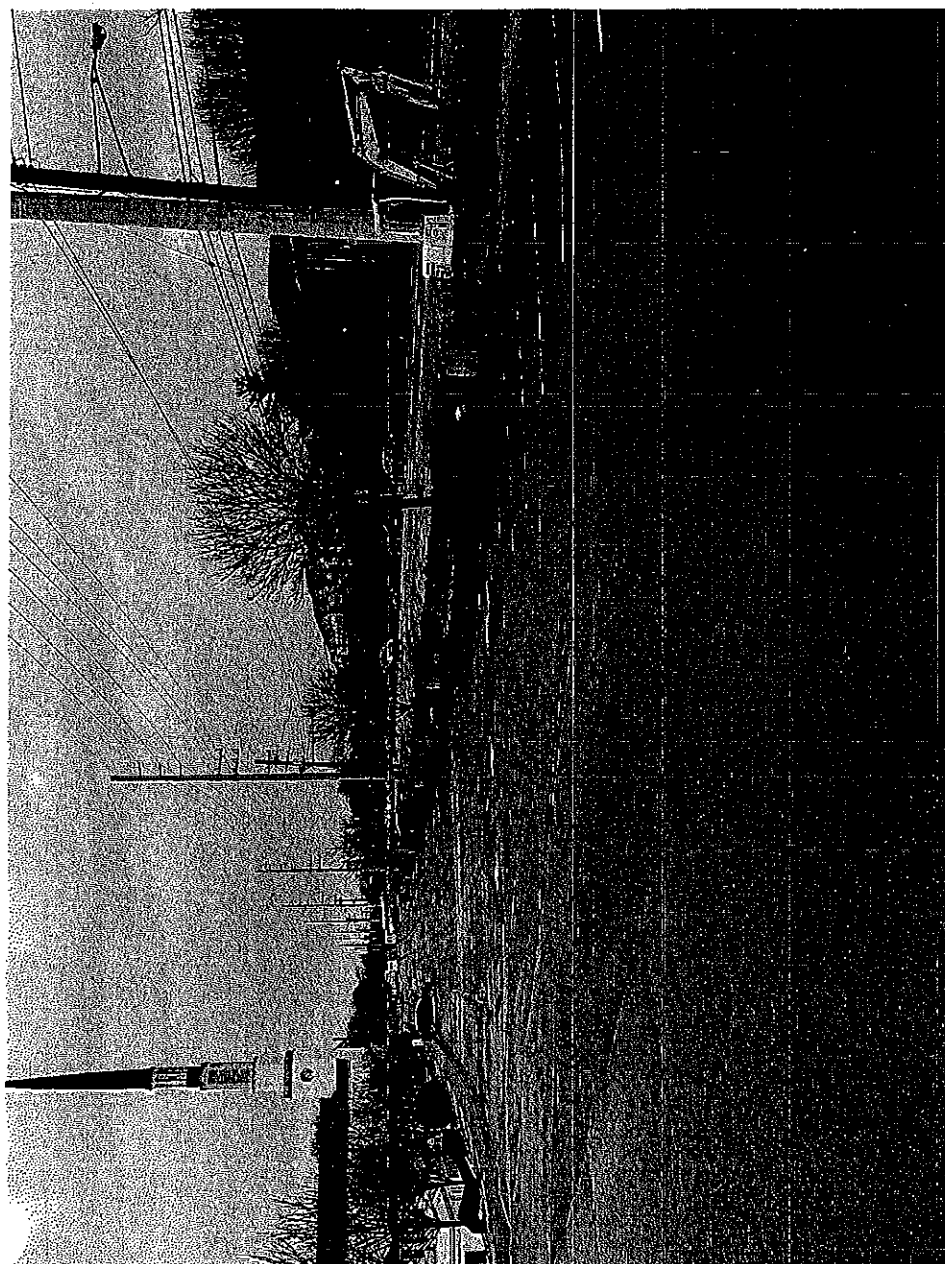
In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

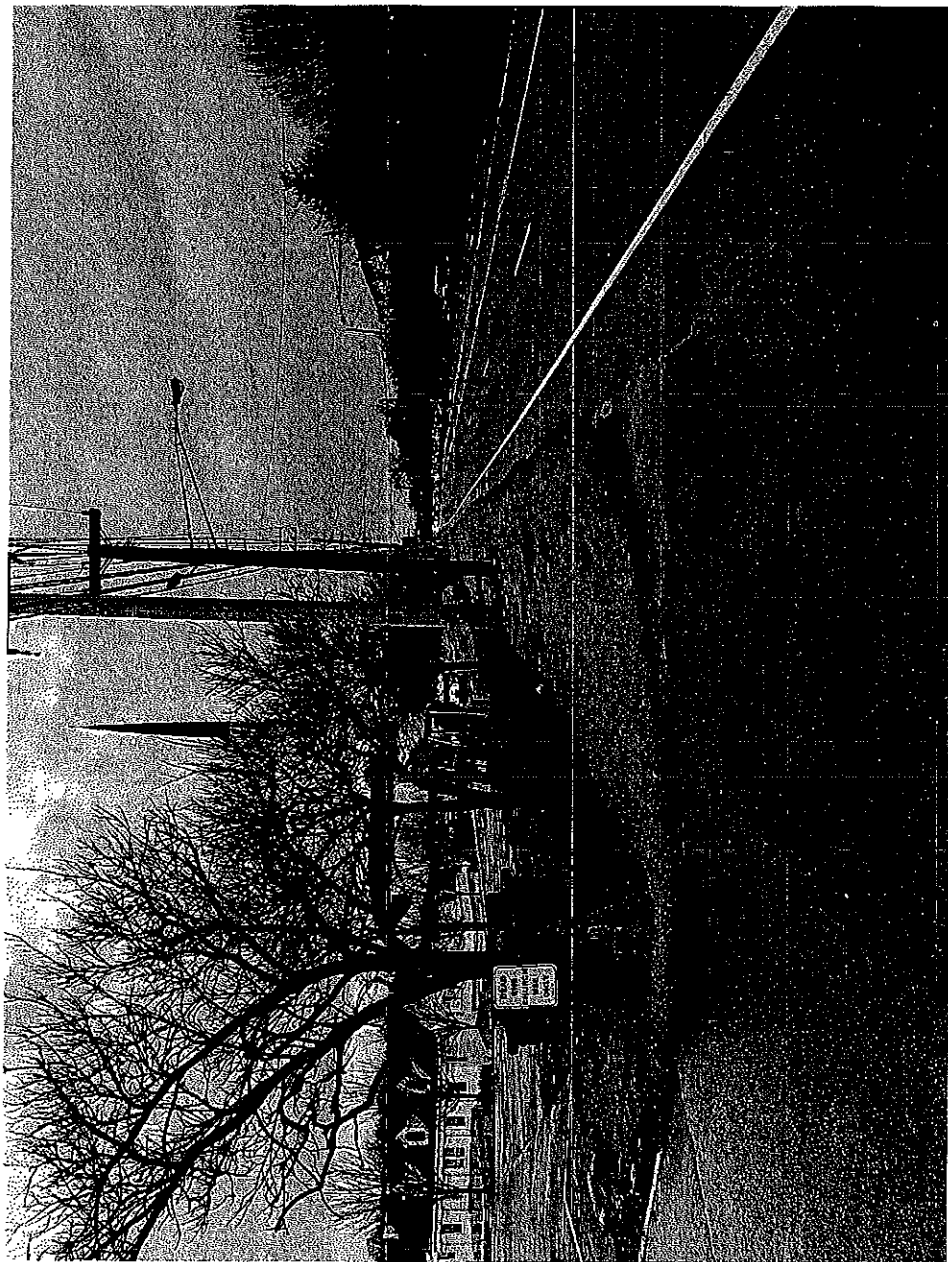
At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

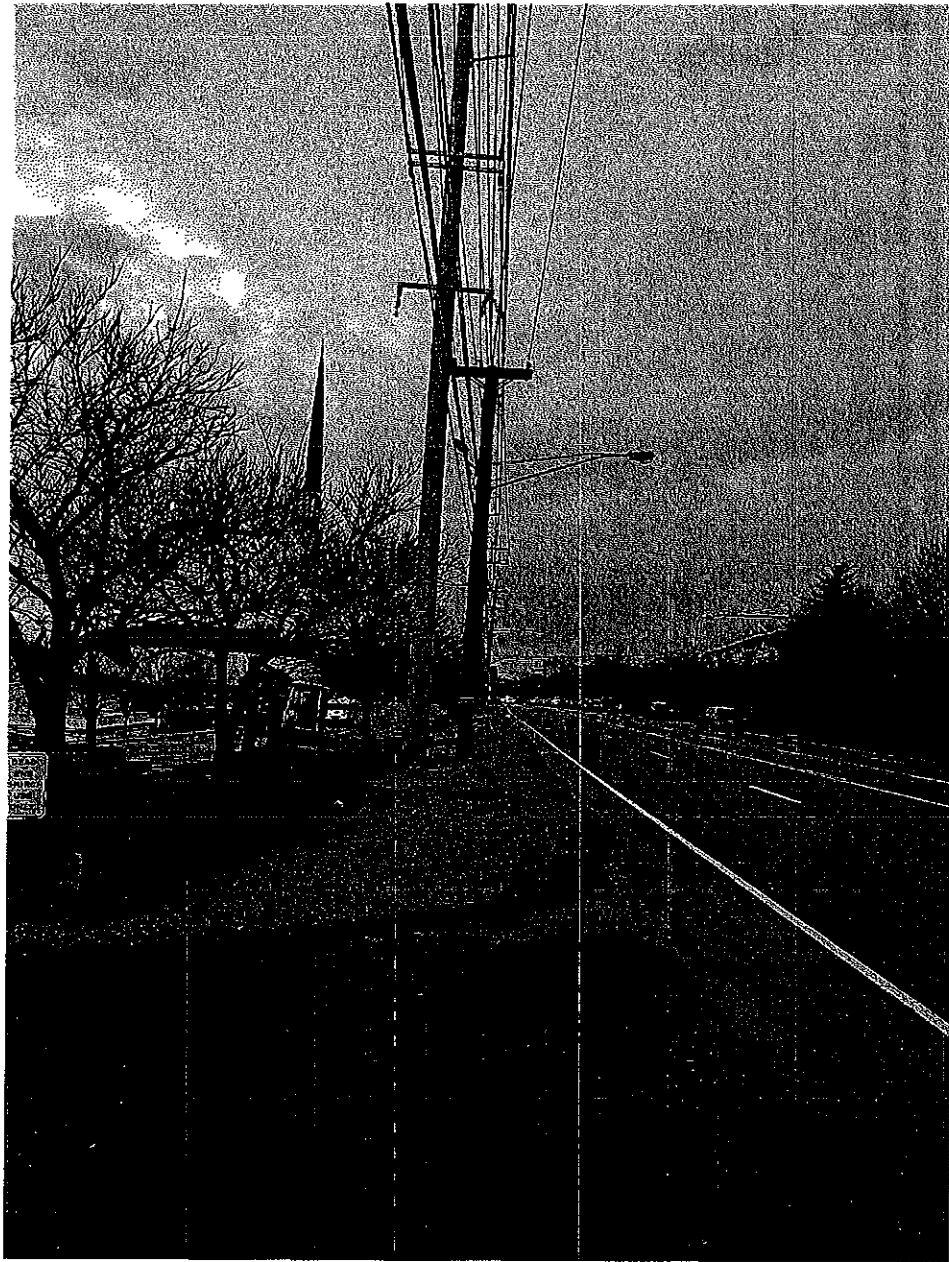
The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively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

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

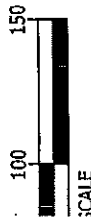
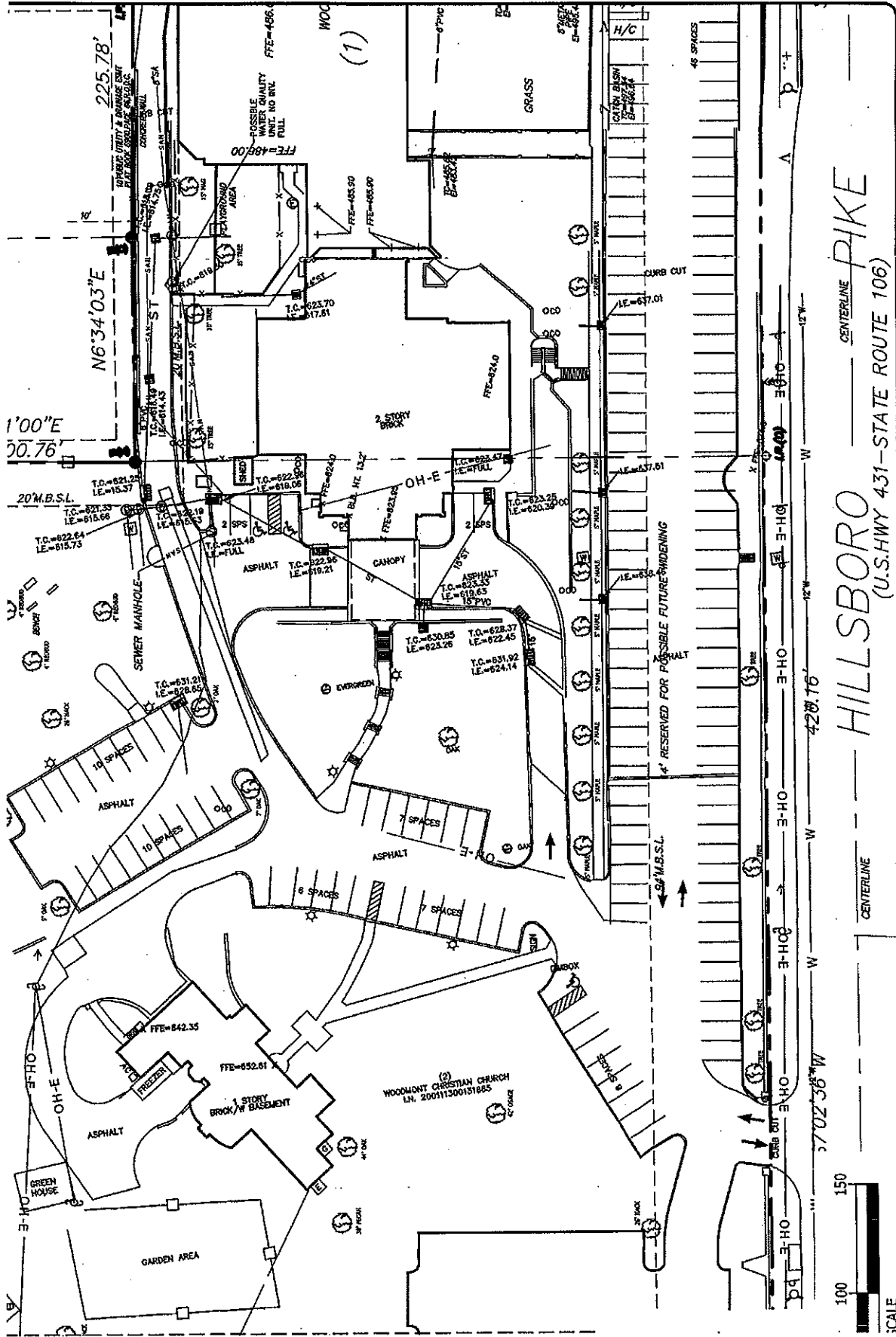
SEE ATTACHED LETTER



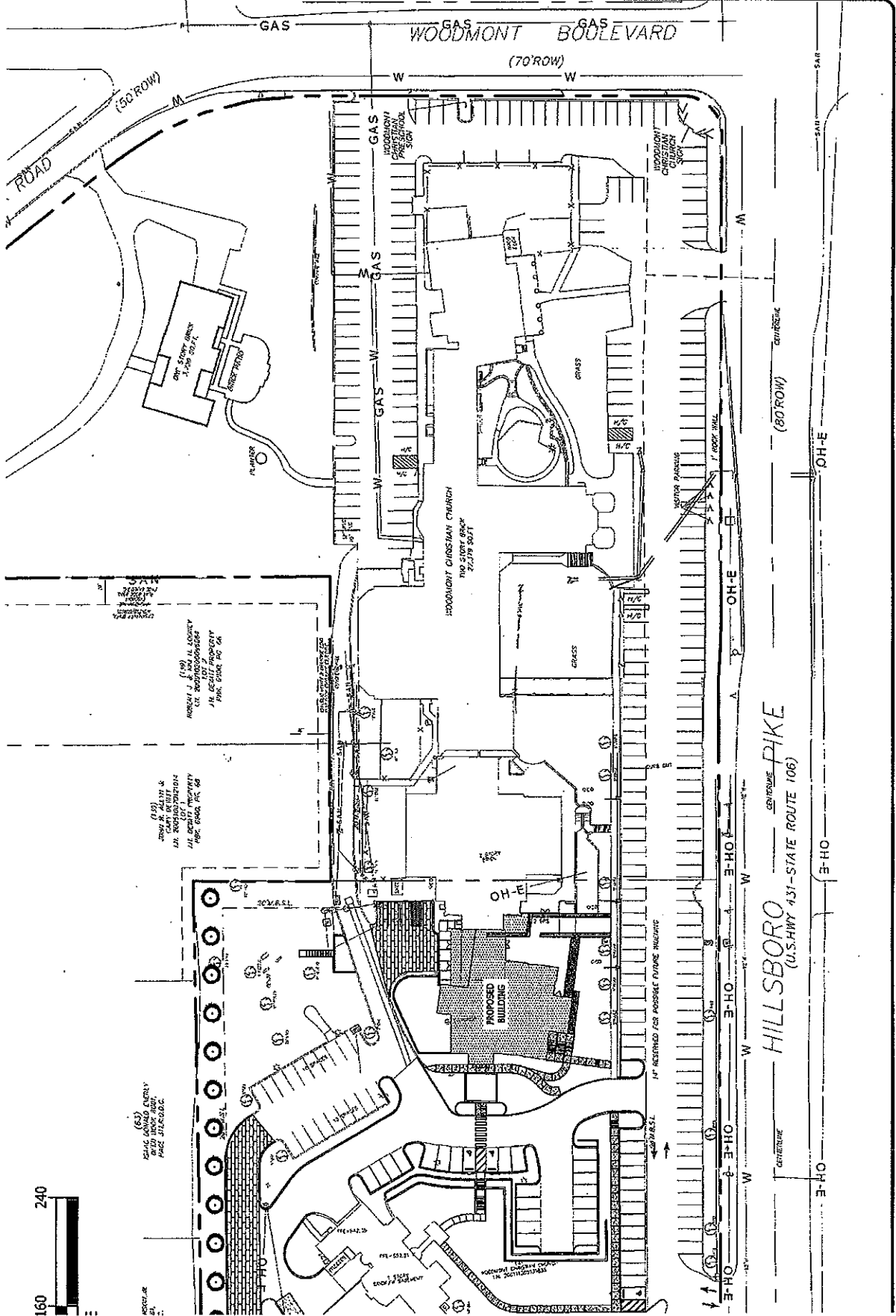




CLIENT INFO WOOD CHRISTIAN 3601 & 3605 HILLSBORO NASHVILLE, TENNESSEE	PROJECT MILESTONE WOODMONT CHRISTIAN CHURCH 3601 & 3605 HILLSBORO PIKE NASHVILLE, TENNESSEE, 37215 DAVIDSON COUNTY	NO. DATE DESCRIPTION	DRAWING TITLE BZA EXHIBIT- EXISTING CONDITIONS	PROJECT NUMBER 2018234 DRAWING NUMBER EXH
	PROJECT MILESTONE WOODMONT CHRISTIAN CHURCH 3601 & 3605 HILLSBORO PIKE NASHVILLE, TENNESSEE, 37215 DAVIDSON COUNTY	NO. DATE DESCRIPTION		



WOODMONT CHRISTIAN I 3601 & 3605 HILLSBORO MEMBERS TO CLIENT WORK	PROJECT MILESTONE WOODMONT CHRISTIAN CHURCH 3601 & 3605 HILLSBORO PIKE NASHVILLE, TENNESSEE, 37215 DAVIDSON COUNTY	NO. DATE DESCRIPTION	BZA EXHIBIT- PROPOSED	EXH PROJECT NUMBER: 2019050 DRAWING NUMBER:
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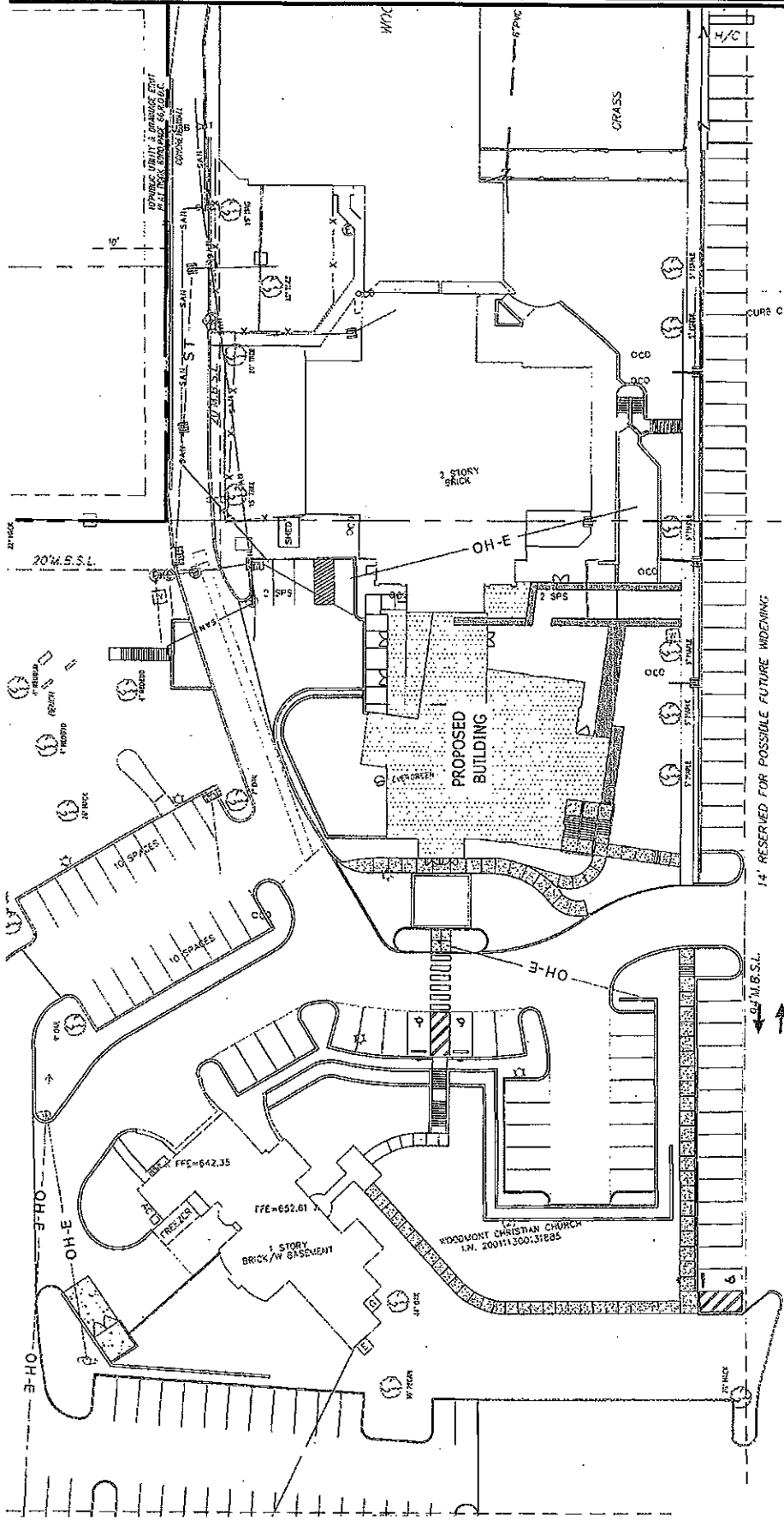


WOODMONT CHRISTIAN CHURCH
 3601 N. 3605 HILLSBORO PIKE
 NASHVILLE, TN 37215
 CLIENT PHONE NO.

PROJECT MILESTONE
WOODMONT CHRISTIAN CHURCH
 3601 & 3605 HILLSBORO PIKE
 NASHVILLE, TENNESSEE, 37215
 DAVIDSON COUNTY

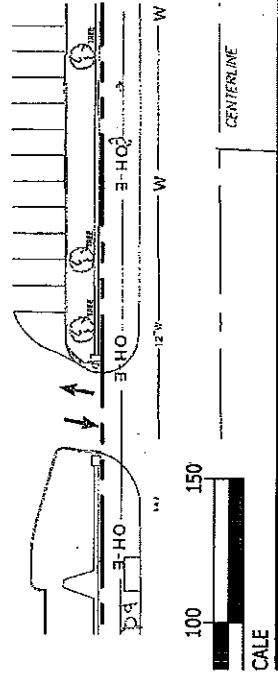
NO.	DATE	DESCRIPTION

LANDSCAPE EXHIBIT
 PROJECT NUMBER: 2018024
 DRAWING NUMBER: EXH-1



PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME / COMMON NAME	CONIT	SIZE	SPREAD
OCF	6	<i>Cercis canadensis</i> 'Forest Pansy' / Forest Pansy Redbud	B&B	8-10"	2-3'
C	12	<i>Cryptomeria japonica</i> / Japanese Cedar	B&B	5-8"	2-3'
SHRUBS	QTY	BOTANICAL NAME / COMMON NAME	CONIT	SIZE	SPREAD
IGN	18	<i>Ilex cornuta</i> 'Needlepoint' / Needlepoint Holly	#7	24-30"	24-30"
I	26	<i>Ilex crenata</i> 'Steeds' / Steeds Japanese Holly	#7	24-30"	24-30"
VDC	18	<i>Viburnum dentatum</i> 'Chicago Luster' / Chicago Luster Arrowwood	#7	30-36"	24-30"



Lifsey, Debbie (Codes)

From: Ammarell, Beverly (Public Works)
Sent: Tuesday, January 15, 2019 3:22 PM
To: Lifsey, Debbie (Codes)
Cc: Doyle, Devin (Public Works)
Subject: 2/7/19 BZA meeting

2019-050 Woodmont Christian Church 3605 Hillsboro Rd special Exception for addition , sidewalk variance
 Variance: 17.16.170 E variance and sidewalk variance
 Response: Public Works takes no exception. This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

2019-051 Religious temple 104 B Glenmont Dr special Exception for addition
 Variance: 17.16.170E1, 17.12.020B side setback, 17.20.120 variance
 Response: Public Works takes no exception. This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process

2019-052 Religious Institution Spero Dei Church 3701 Park Ave special Exception for addition , and from noncomplying structure
 Variance: 17.16.170 E , 17.16.660c variance side setback
 Response: Public Works takes no exception. This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

2019-054 hotel ,retail,restaurant mixed use 209 22nd Ave N special Exception for height and setbackand parking reduction from 234 req. spaces to 70 spaces
 Variance: 17.12.020D, height and setback, 17.20.030 parking
 Response: Public Works takes no exception. This does not imply approval of the submitted site plan as access, parking and design issues will be addressed and coordinated during the permitting process.

2019-061 fire hall in residential zoned property at existing fire hall location 431 Tyler Dr and Andrew Jackson pkwy special exception
 Variance:17.16.140 special exception
 Response: Public Works takes no exception. This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201
615.862.7150
615.862.7209

Memo

To: Metropolitan Nashville Board of Zoning Appeals
From: Metropolitan Nashville Planning Department
CC: Emily Lamb
Date: January 24, 2019
BZA Hearing Date: February 2, 2019
Re: Planning Department Recommendation for a Special Exception, Case 2019-050

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

1. Case 2019-050 (3605 Hillsboro Road) – Religious Institution

Request: A special exception for a religious institution to construct a 17,000 square-foot, 200 seat auditorium as an accessory use for an existing Religious Institution.

Zoning: Single-Family Residential (RS40) is a zoning district intended for low density residential, requiring a minimum 40,000 square foot lot and intended for single-family dwellings at a density of 0.93 dwelling units per acre.

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

Planning Department Analysis: A religious institution is identified as an appropriate use within the T3 Suburban Neighborhood Maintenance land use policy. Religious institutions are allowed within residential zoning districts with the approval of a Special Exception.

The site is located at 3605 Hillsboro Pike at the southwest corner of the intersection of Hillsboro Pike Court and Woodmont Boulevard. The religious institution spans two separate parcels; an existing

structure is located on the property line which separates the parcels. The religious institution currently owns both parcels. The site contains 3.94 acres of land and is located in the Green Hills - Midtown planning area. Existing site conditions include an approximately 68,730 square foot church structure, and several accessory structures as well as associated parking in the form of multiple surface parking lots. The current request is to construct a 17,000 square foot auditorium, educational space, and small chapel. The proposed structure will be constructed as an addition to the existing religious institution. The site plan indicates the proposed footprint will not be located closer to a property line than any existing structure.

The request also includes reconfiguration of the on-site parking with the removal of 37 existing parking spaces and the addition of 31 parking spaces. The proposed changes to the parking result in a net loss of 6 parking spaces. Existing vegetation along the western property line serves as a buffer between the site and adjacent residential uses and is proposed to remain. The church site contains a single point of access to Hillsboro Pike; the access will not be altered from its current state.

Hillsboro Pike is designated as an Arterial-Boulevard within the Major and Collector Street Plan and requires a 6 foot bike lane, 8 foot planting strip, and a 6 foot sidewalk. The applicant is requesting a variance from the sidewalk requirements and the payment in lieu of constructing the sidewalks. See associated report.

Existing religious institutions are identified as appropriate within T3 Suburban Neighborhood Maintenance (T3 NM) land use policy and are allowed to expand within residential zoning districts with the approval of a Special Exception by the Board of Zoning Appeals. The location and continued use of the property for a religious institution is consistent with the T3 NM policy.

Planning Recommendation: Approve the Special Exception to permit the construction of an auditorium.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-050 (3605 Hillsboro Pike)

Metro Standard:	Hillsboro Pike – 8' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan
	Woodmont Boulevard – 8' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Construct alternate sidewalk design
Zoning:	RS40
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	Hillsboro Pike – T4-R-AB5-IM
	Woodmont Boulevard – T3-R-AB4-LM
Transit:	#7 – Hillsboro; future BRT Lite for Hillsboro Pike and new Woodmont Connector crosstown route for Woodmont Boulevard
Bikeway:	Existing bikeways for experienced cyclists on Hillsboro Pike and Woodmont Boulevard

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to construct a 17,000 square foot building addition to an existing religious institutional use and requests a variance to construct an alternate sidewalk design along Hillsboro Pike. Planning evaluated the following factors for the variance request:

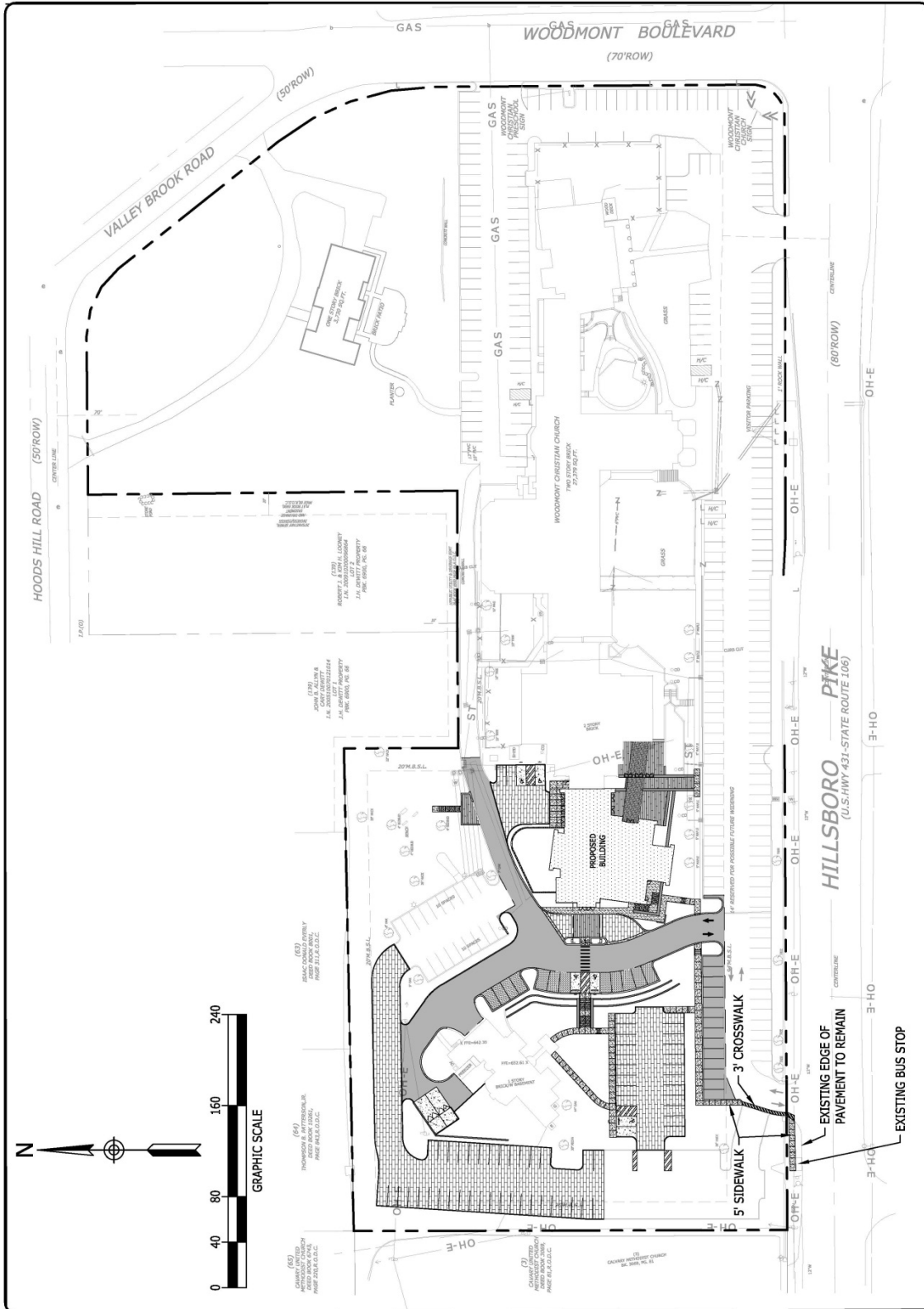
- (1) No sidewalk currently exists along the Woodmont Boulevard property frontage, which is a consistent condition with adjacent properties along the block face to the west. Constructing the Major and Collector Street Plan standard will require relocation of existing utilities, signage, and off-street parking.
- (2) No sidewalk exists along the Hillsboro Pike property frontage, with the nearest sidewalk being located approximately 570' to the south along the block face. A historic stone wall and historic marker occupies the vegetated area varying between 4' to 14' between the off-street parking area and back of curb. The grade slopes from the back of curb to the wall varies between 2'-8' along the frontage and slopes downwards from Hillsboro Pike. While accommodating a sidewalk is challenging for the majority of the frontage due to topography, guard rails, and the historic wall, the frontage of parcel 11711000200 is nearly at-grade with the pavement. The applicant does not propose any modifications or expansions to the use on parcel 11711000100 to the north.
- (3) The property is located approximately 371' north of the Green Hills Nashville Next first tier center. Establishing a connected pedestrian network through the construction of additional sidewalks is a major component associated with creating walkable mixed use centers.

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

1. Coordinate with WeGo Public Transit and Public Works to construct a 5' wide sidewalk along the property's Hillsboro Pike frontage connecting the WeGo bus concrete pad to the expanded off-street parking area as indicated on the attached site plan.

3605 Hillsboro Pike – Site Plan Depicting Alternative Sidewalk Design

 <p>DESIGN GROUP Catalyst</p> <p>815-985-1838 3605 HILLSBORO PIKE HOODS HILL, TN 37056</p>	<p>WOODMONT CHRISTIAN CHURCH 3605 HILLSBORO PIKE MADISON COUNTY, TENNESSEE, 37215</p>	<p>PROJECT MILESTONE WOODMONT CHRISTIAN CHURCH 3605 HILLSBORO PIKE MADISON COUNTY, TENNESSEE, 37215</p>	DATE	DESCRIPTION
<p>WOODMONT CHRISTIAN CHURCH 3605 HILLSBORO PIKE MADISON COUNTY, TENNESSEE, 37215</p>			<p>DRAWING TITLE BZA EXHIBIT - PROPOSED</p>	<p>PROJECT NUMBER 20190124</p> <p>DRAWING NUMBER EXH</p>



DATE PLOTTED: 01/24/2019 10:50:00 AM C:\PROJECTS\3605 HILLSBORO PIKE\3605 HILLSBORO PIKE\3605 HILLSBORO PIKE\3605 HILLSBORO PIKE.dwg

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Souvanna Standifer Date: 12/17/18
 Property Owner: Lao Buddhathipp Temple Case #: 2019-051
 Representative: Souvanna Standifer Map & Parcel: 119-11-150
 Council District 16

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

Purpose:

TO CONSTRUCT AN ACCESSORY 60 X 100 SHELTER FOR USE OF INTERMITTENT RANDOM SOCIAL CHURCH FUNCTIONS FOR WAT LAO BUDDHATHIP TEMPLE.

Activity Type: Religious Temple
 Location: 104 B Glenmont Dr N.T. 37210

This property is in the R515 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: SE 17.16.170E1 (2) Sidewalks! Not to update + Not to contribute 17.20.120

Section(s): Variance (3) side STB 20' request 8'10" 17.12.020B

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection 1 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.

(B+C)
Souvanna Standifer
 Appellant Name (Please Print) Representative Name (Please Print)

2219 Athens Ave
 Address Address

Murfreesboro, TN 37128
 City, State, Zip Code City, State, Zip Code

615-853-7700
 Phone Number Phone Number

Standifer.Souvanna@gmail.com
 Email Email

Souvanna Standifer Appeal Fee: 200⁰⁰

Standifer.Souvanna@gmail.com



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



3567861

**APPLICATION FOR BUILDING COMMERCIAL - ADDITION / CACA - T2018064419
THIS IS NOT A PERMIT**

PARCEL: 11911015000

APPLICATION DATE: 10/10/2018

SITE ADDRESS:

104 B GLENMONT DR NASHVILLE, TN 37210
LOT 15,16 & LOT 3 RESUB LOT 17 THOMPSON LANE PK

PARCEL OWNER: LAO BUDDHAPATHIPP TEMPLE

APPLICANT:**PURPOSE:**

TO CONSTRUCT AN ACCESSORY 60 X 100 SHELTER FOR USE OF INTERMITTENT RANDOM SOCIAL CHURCH FUNCTIONS FOR WAT LAO BUDDHAPATHIP TEMPLE.

DENIED: need BZA APPEAL

SPECIAL EXCEPTION

1....NEED SE APPEAL...17.16.170 E 1.

VARIANCE

2....REQUIRED SIDE SETBACK MIN 20'...REQUEST 8'10"..17.12.020 B.
3....SIDEWALKS REQUIRED AND NOT ALLOWED TO CONTRIBUTE....REQUEST TO KEEP AS IS AND NOT CONTRIBUTE...17.20.120...

POC: SOUVANNA STANDIFER...615-853-7700

standifer.souvanna@gmail.com

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

[A] Zoning Review		
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-862-6545 Richard.Thomopoulos@nashville.gov
BZA Hearing		615-862-6505 Debbie.Lifsey@nashville.gov
[C] Flood Plain Review On Bldg App		862-6038 logan.bowman@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[A] Site Plan Review		
[B] Building Plans Received		615-862-6614 teresa.patterson@nashville.gov
[B] Building Plans Review		615-862-6581 Teresa.Patterson@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[B] Fire Sprinkler Requirement		862-5230
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[E] Cross Connect Review For Bldg App		862-7225
		MWS.DevelopmentServicesCenter@nashville.gov
[A] Bond & License Review On Bldg App		
Landscaping & Tree Review		862-6488 stephan.kivett@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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


APPELLANT

12/17/18
DATE

Standards for a Variance

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

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

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

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

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

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

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

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

The Board shall not grant variances to the land use provisions of section 2.3, nor the density of Floor Area Ratio (FAR) standards of Tables 3-B and 2-C, nor the required size of residential lots approved by the Planning Commission under the authority of section 3.7 (Lot Averaging), section 3.8 (Cluster Lot Option) or Section 9. E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

APPLICATION FOR SPECIAL EXCEPTION REQUESTS

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEAL (615) 862-6510

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing. I am aware that I am required to conduct a neighborhood meeting.


APPELLANT

12-16-2018
DATE


SPECIAL EXCEPTION REQUEST

BZA Rules of Procedure, Item 9(2) (e) requirements to conduct neighborhood meetings regarding the case that will later appear before the BZA. The BZA Rules specifies, "In the Interest of having informed stake holder in special exception cases. It is required that the appellant make contact with the district council person and neighbors within 600 feet of the subject property from a mailing list provided by the board staff. Information by the applicant shall include a contact person and include a reasonable representation of the proposal and hold a meeting at a geographically convenient place, date, and time. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

Zoning staff will provide you a mailing list of property owners in proximity to the location designated for a special exception permit. The BZA Rule then requires you to contact those persons on the mailing list, provide them with the date, time and place of meeting, and discuss your BZA request accordingly. If there is opposition to your case, this meeting gives you the chance to address those concerns prior to the public hearing at the BZA meeting.

You must create and provide documentation of your efforts to contact the neighboring property owners for the neighborhood meeting. Failure to do so can result in a deferral or denial of your appeal to the BZA.

I ACKNOWLEDGE MY RESPONSIBILITES regarding the neighborhood meeting preceding the public hearing for by BZA appeal for a special exception



APPELLANT (OR REPRESENTATIVE)

12-16-2018

DATE

12.16.2018

10/1/2018

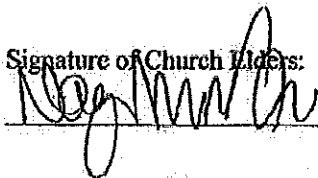
Letter of Intent

To Whom it Concerns,


This letter is to state that the new 60' x 100' building that is going to be constructed at the Wat Lao Buddhaphip Temple located at 104 Glenmont Drive, Nashville TN, will *NOT* be used for prayer. This building will be used only for intermittent random social church functions.

Thank You,

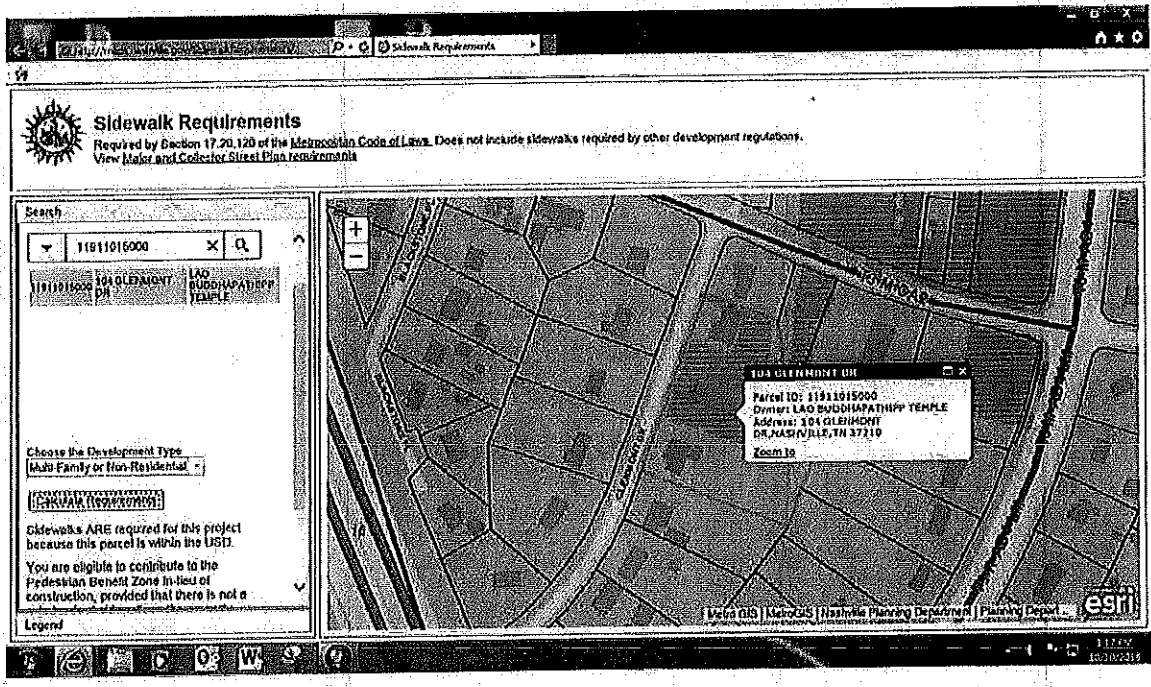
Signature of Church Elders:

 — President

10/1/2018

 PROJECT MANAGER

10/1/2018



Sidewalk 20 17, 12, 020B HT20

17, 16, 170 E.)

17, 20, 120 Sidewalk 125





0.98 Ac±

NOTE:
PARTS NOT SHOWN IN PLANS TO BE RECONSTRUCTED AS SHOWN

NOTE:
THE PERMITS OF THE CITY ENGINEER AND SURVEYOR AND APPROVAL OF THE BOARD OF PUBLIC WORKS SHALL BE OBTAINED BY THE SUBDIVIDER

OWNERS CERTIFICATE

We hereby certify that on the name of the property shown herein as recorded in Davidson County, Tennessee and that the plan of subdivision of the property shown herein and the same all parts and portions as shown on the plan of subdivision shown shall upon the subdivision recorded hereon be changed so as to produce lots area (less survey adjustment) and otherwise approved by the Metropolitan Planning Commission and upon no condition shall such lot or lots be made as provided here and that approved by the subdivision engineer as of record in Book 2331 B.O.D.C. Term, running with the line to the property.

by W. H. Wilkinson date: March 17, 1966
or John R. Wilkinson date: March 14, 1966

SURVEYORS CERTIFICATE

I hereby certify that the subdivision and shown herein is correct and that required monuments shown thereon have been placed as indicated. All other monuments are of equal weight or material as shown, unless otherwise noted.

by John R. Wilkinson date: March 11, 1966

COMMISSIONS APPROVAL

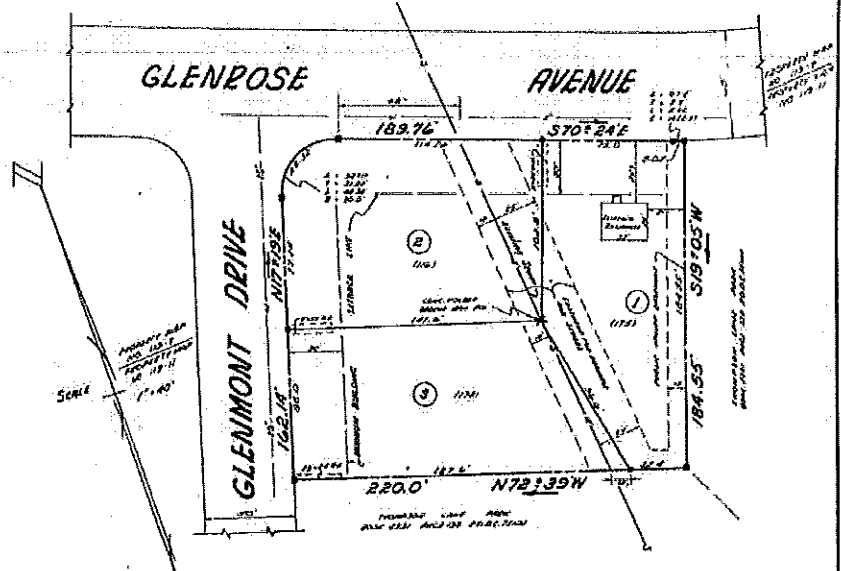
Approved by the Metropolitan Planning Commission of Nashville, and Davidson County, Tennessee
on March 9, 1966 date: 3-25-66

RECORD

Recorded March 14, 1966 Book 2331 Page 138
of the register's office of Davidson County, Tennessee.

SUBDIVISION NO. 65-176-U

NOTE:
each lot to be served by sanitary sewers only.

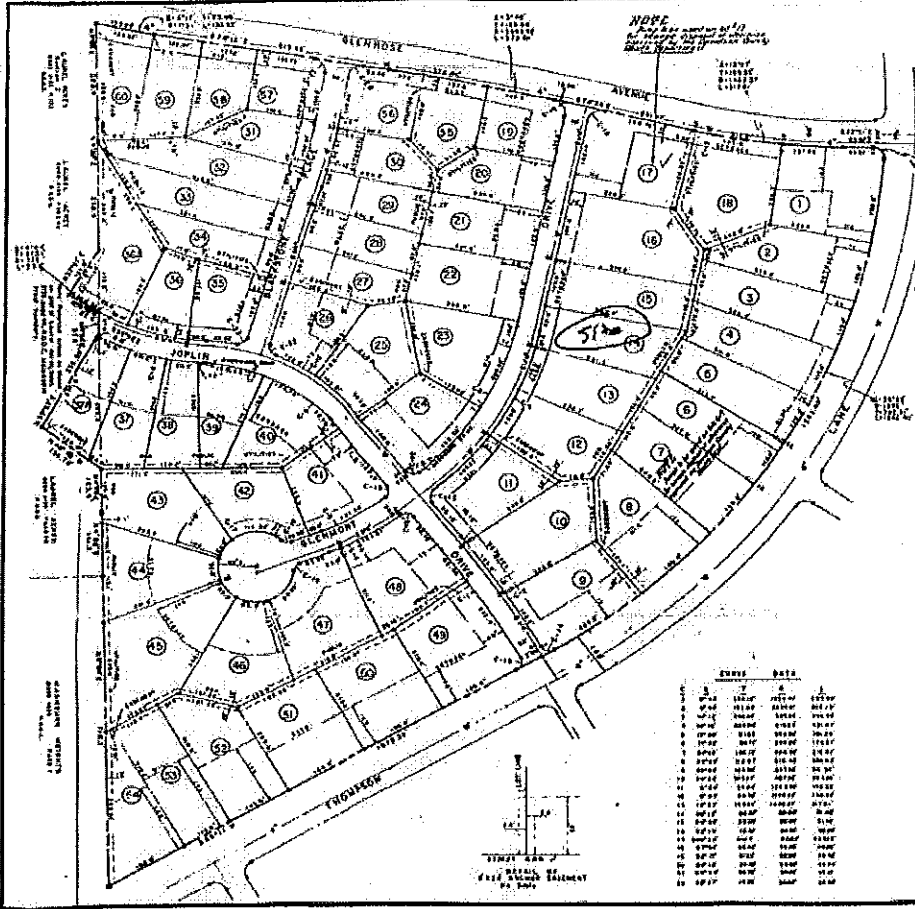


PLAN OF
THOMPSON LANE PARK
BEING A RESUBDIVISION OF LOT NO. 17 AS OF
RECORD IN BOOK 2331 PAGE 138 B.O.D.C. TERM.
6TH CIVIL DIST DAVIDSON CO. TENN.

FOR
W. H. WILKINSON
SCALE: 1" = 40'

E. S. YOUNG & CO.
SURVEYORS & ENGINEERS

Job 16 10-66



OWNER'S CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER AND HAVE THE FULL AND POSSESSION OF THE PROPERTY AS SHOWN HEREON AND HERETO AS PLACED HEREON BY DEEDS AND RECORDS OF THE COUNTY OF DAVIDSON, TENNESSEE, AND THAT THE SAME IS NOT SUBJECT TO ANY MORTGAGE, LIEN, ENCUMBRANCE, OR OTHER INTEREST OF ANY KIND, AND THAT THE SAME IS NOT SUBJECT TO ANY TAXES, AND THAT THE SAME IS NOT SUBJECT TO ANY OTHER CLAIM OR INTEREST OF ANY KIND, AND THAT THE SAME IS NOT SUBJECT TO ANY OTHER CLAIM OR INTEREST OF ANY KIND, AND THAT THE SAME IS NOT SUBJECT TO ANY OTHER CLAIM OR INTEREST OF ANY KIND.

DEEDS NAME J. H. Thompson
 DATE June 21, 1910

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT SHOWS A CORRECT AND ACCURATE SURVEY OF THE PROPERTY AS SHOWN HEREON, AND THAT THE SAME IS NOT SUBJECT TO ANY MORTGAGE, LIEN, ENCUMBRANCE, OR OTHER INTEREST OF ANY KIND, AND THAT THE SAME IS NOT SUBJECT TO ANY TAXES, AND THAT THE SAME IS NOT SUBJECT TO ANY OTHER CLAIM OR INTEREST OF ANY KIND, AND THAT THE SAME IS NOT SUBJECT TO ANY OTHER CLAIM OR INTEREST OF ANY KIND.

BY J. H. Thompson
 ADDRESS DAVIDSON, TENNESSEE

RECORD
 RECORDED IN BOOK 222, PAGE 138 OF THE REGISTER'S OFFICE OF DAVIDSON COUNTY, TENNESSEE.

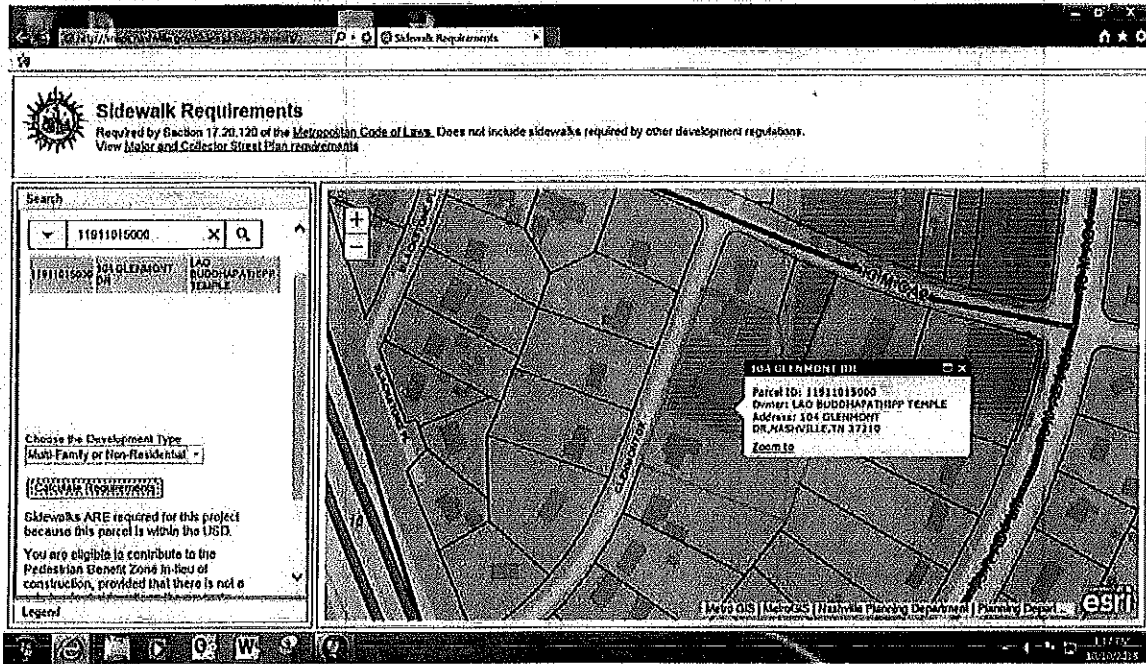
COMMISSIONER'S APPROVAL
 APPROVED BY THE DAVIDSON COUNTY PATRONAL COMMISSIONER
 DATE July 1, 1910
 BY J. H. Thompson
 REGISTER - TENNESSEE



THOMPSON LANE PARK
 6th CIVIL DISTRICT
 DAVIDSON COUNTY TENNESSEE
 SCALE: 1" = 100'
 CLASS MAP
 JUNE 21, 1910

LINE	BEARING	DISTANCE	AREA
1	N 89° 15' E	100.00	10000.00
2	S 89° 15' W	100.00	10000.00
3	N 89° 15' E	100.00	10000.00
4	S 89° 15' W	100.00	10000.00
5	N 89° 15' E	100.00	10000.00
6	S 89° 15' W	100.00	10000.00
7	N 89° 15' E	100.00	10000.00
8	S 89° 15' W	100.00	10000.00
9	N 89° 15' E	100.00	10000.00
10	S 89° 15' W	100.00	10000.00
11	N 89° 15' E	100.00	10000.00
12	S 89° 15' W	100.00	10000.00
13	N 89° 15' E	100.00	10000.00
14	S 89° 15' W	100.00	10000.00
15	N 89° 15' E	100.00	10000.00
16	S 89° 15' W	100.00	10000.00
17	N 89° 15' E	100.00	10000.00
18	S 89° 15' W	100.00	10000.00
19	N 89° 15' E	100.00	10000.00
20	S 89° 15' W	100.00	10000.00
21	N 89° 15' E	100.00	10000.00
22	S 89° 15' W	100.00	10000.00
23	N 89° 15' E	100.00	10000.00
24	S 89° 15' W	100.00	10000.00
25	N 89° 15' E	100.00	10000.00
26	S 89° 15' W	100.00	10000.00
27	N 89° 15' E	100.00	10000.00
28	S 89° 15' W	100.00	10000.00
29	N 89° 15' E	100.00	10000.00
30	S 89° 15' W	100.00	10000.00
31	N 89° 15' E	100.00	10000.00
32	S 89° 15' W	100.00	10000.00
33	N 89° 15' E	100.00	10000.00
34	S 89° 15' W	100.00	10000.00
35	N 89° 15' E	100.00	10000.00





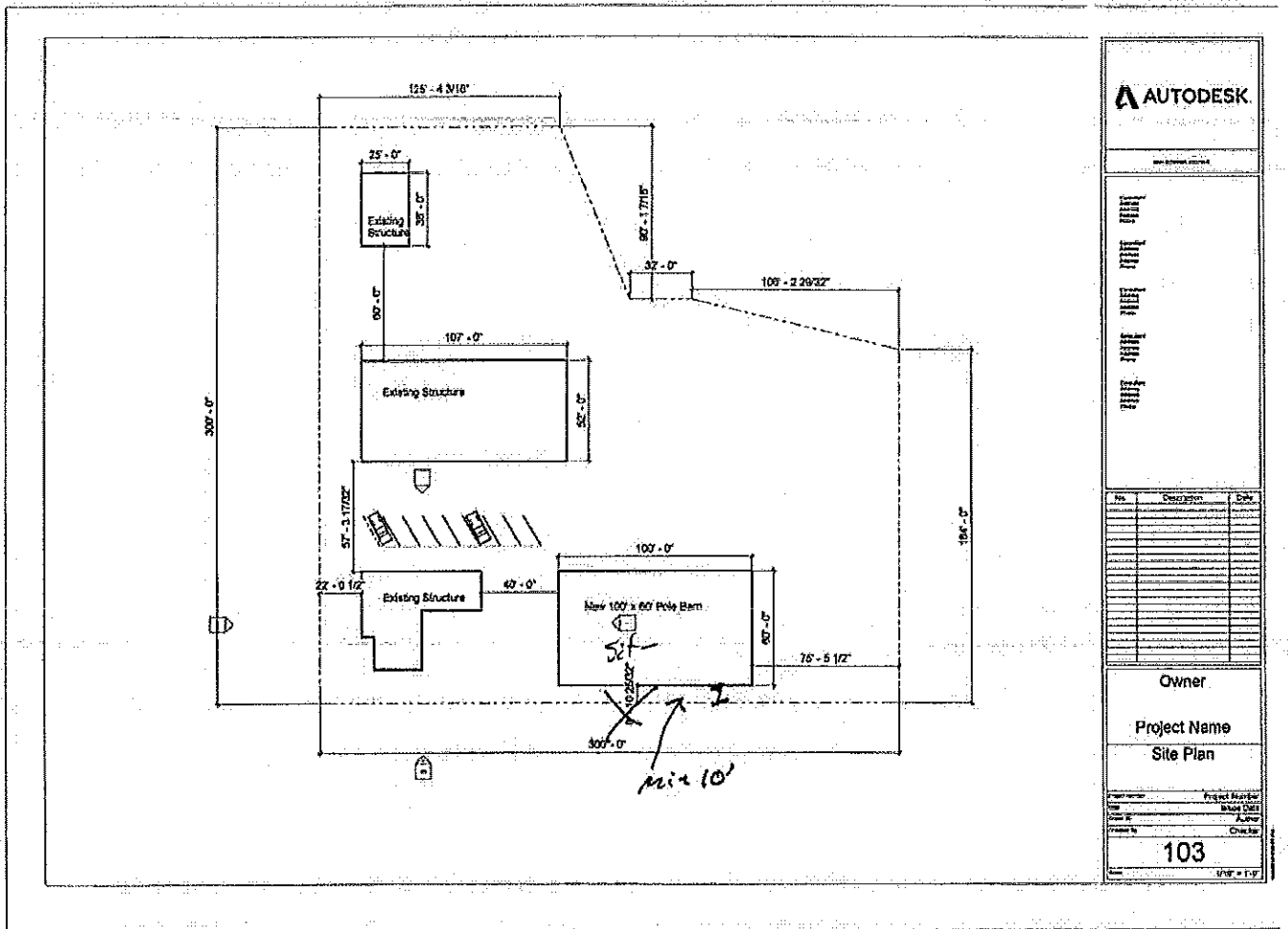
Side = 20

17, 12, 020B

HT 20

17, 16, 170 (E.)

17, 20, 120 Sidewalk 1/25







0.98 Ac.

NOTE:
REFER TO FRONT TO RECORD TO PROPERTY BOOKS 2331

NOTE:
THE RECORDING OF THIS PLAN CONVEYS RIGHTS AND INTERESTS THE RECORDS OF LOT NO. 17 AS OF 17 CIVIL DIST. 6TH CIVIL DIST. DAVIDSON CO. TENN.

OWNERS CERTIFICATE

We hereby certify that we are the owners of the property shown herein as recorded in Book 2331 Page 138 R.O.D.C. Tennessee and admit the plan of subdivision of the property shown herein and we will cause all public maps and plats to be filed for record as shown herein shall upon the subdivision recorded hereon or changed so as to provide less area than hereby established will otherwise appear by the Metropolitan Planning Commission and under the provisions of the act of 1917 be made to provide less area than approved by the Metropolitan Planning Commission as of record in Book 2331 Page 138 R.O.D.C. Tennessee with the date of this property.

By W.H. Wilkinson date: Nov. 13, 1966
and Edgar R. Nicholson date: Nov. 14, 1966

SURVEYORS CERTIFICATE

I hereby certify that the subdivision and shown herein is correct and that approved monuments shown thereon have been placed as indicated, all spot elevations are of equal height or within a 2' limit, unless otherwise noted.

By Edgar R. Nicholson date: Nov. 14, 1966

COMMISSIONS APPROVAL

Approved by the Metropolitan Planning Commission of Nashville and Davidson County, Tennessee.

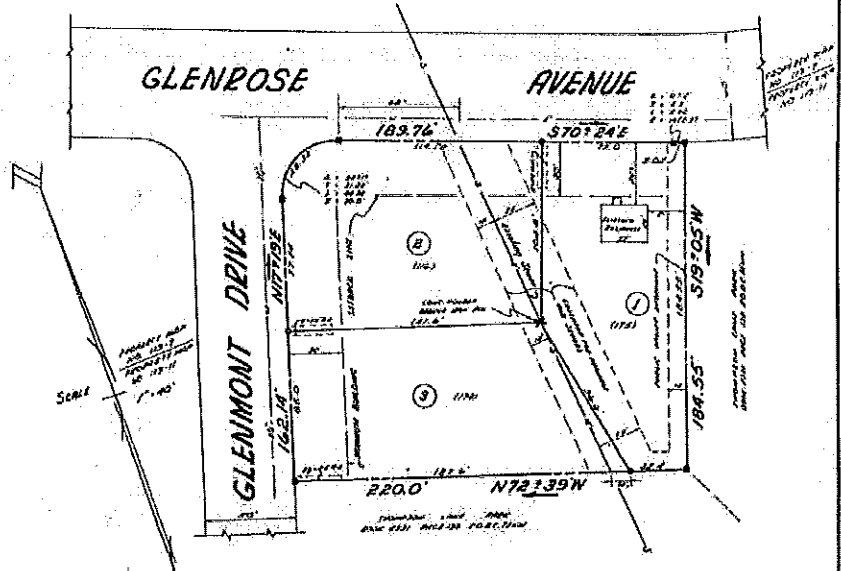
By Paul D. Gulp date: Nov. 2-25-66
Secretary

RECORD

Recorded in Book 2331 Page 138 of the registers office of Davidson County, Tennessee.

SUBDIVISION NO. 65-176-U

NOTE:
Each lot to be served by sanitary sewers only.



PLAN OF
THOMPSON LANE PARK
BEING A RESUBDIVISION OF LOT NO. 17 AS OF
RECORD IN BOOK 2331 PAGE 138 R.O.D.C. TENN.
6TH CIVIL DIST DAVIDSON CO. TENN.
FOR
W. H. WILKINSON
SCALE: 1" = 40'

E. L. YOUNG & CO.
ENGINEERS & SURVEYORS

Job 46 10-66

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-051 (104B Glenmont Drive)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not upgrade sidewalks; not contribute in-lieu of construction (eligible)
Zoning:	RS15
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance); CO (Conservation – Stream Buffer)
MCSP Street Designation:	Local Street
Transit:	Approximately 820' south from #77 – Thompson Connector
Bikeway:	None planned; none existing

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing a new accessory structure for religious use and requests a variance from upgrading sidewalks to the local street standard due to the lack of sidewalks in the area and the large property frontage. Planning evaluated the following factors for the variance request:

- (1) No sidewalk currently exists along the Glenmont Drive property frontage, which is consistent with neighboring properties along the entire block face.
- (2) Given the scale of improvements, sidewalk construction at this location under these conditions is premature.

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

1. Prior to the issuance of building permits, dedicate right-of-way along the property's Glenmont Avenue frontage to accommodate future sidewalks per the Local Street standard.

Lifsey, Debbie (Codes)

From: Ammarell, Beverly (Public Works)
Sent: Tuesday, January 15, 2019 3:22 PM
To: Lifsey, Debbie (Codes)
Cc: Doyle, Devin (Public Works)
Subject: 2/7/19 BZA meeting

2019-050 Woodmont Christian Church 3605 Hillsboro Rd special Exception for addition , sidewalk variance

Variance: 17.16.170 E variance and sidewalk variance

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

2019-051 Religious temple 104 B Glenmont Dr special Exception for addition

Variance: 17.16.170E1, 17.12.020B side setback, 17.20.120 variance

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

2019-052 Religious Institution Spero Dei Church 3701 Park Ave special Exception for addition , and from noncomplying structure

Variance: 17.16.170 E , 17.16.660c variance side setback

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

2019-054 hotel ,retail,restaurant mixed use 209 22nd Ave N special Exception for height and setbackand parking reduction from 234 req. spaces to 70 spaces

Variance: 17.12.020D, height and setback, 17.20.030 parking

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

2019-061 fire hall in residential zoned property at existing fire hall location 431 Tyler Dr and Andrew Jackson pkwy special exceotion

Variance:17.16.140 special exception

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201
615.862.7150
615.862.7209

Memo

To: Metropolitan Nashville Board of Zoning Appeals
From: Metropolitan Nashville Planning Department
CC: Emily Lamb
Date: January 25, 2019
BZA Hearing Date: February 7, 2019
Re: Planning Department Recommendation for a Special Exception, Case 2019-051

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

1. Case 2019-051 Lao Buddhathipp Temple (104 B Glenmont Drive)

Request: A Special Exception to permit construction of a new accessory structure on the campus of a religious institution and encroachment into minimum side yard setback.

Zoning: Single-Family Residential (RS15) requires a minimum 15,000 square-foot lot and is intended for single-family dwellings at a density of 2.9 dwelling units per acre.

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

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

Planning Department Analysis: The two-acre property is located at 104 B Glenmont Drive, near the intersection of Glenrose Avenue and Glenmont Drive. Existing site conditions include two single-family houses and a church building. Nearby zoning districts include Office/Residential (OR20), Commercial Service (CS), and Single-Family Residential (RS10). Land uses near the site consist primarily of single-family residential south and west of the site. Office, commercial, institutional and multi-family residential uses are located north of the site along Glenrose Avenue, a Major and Collector Street Plan designated collector avenue. The CO land use policy present on the property is a result of the presence of a stream buffer located along the north eastern site boundary.

The proposal is for a new 60-foot by 100-foot accessory structure in the form of a pole barn that will serve as a social gathering space. A special exception is required for the expansion of an existing religious institution which includes accessory structures. The two existing access points that serve the Lao Buddhapathipp Temple campus, located along Glenmont Drive, will remain. The accessory structure will be located along the southern site boundary behind the existing single-family house on the site. The applicant is also seeking approval of a side yard setback variance to allow a reduced setback from the southern site boundary for the proposed accessory structure.

Glenmont Drive is a local street and requires a 4 foot grass strip and 5 foot sidewalk, per local standards. The applicant is requesting a variance from the sidewalk requirements and the payment in lieu of constructing the sidewalks. See associated report.

Existing religious institutions are identified as appropriate within T3 Suburban Neighborhood Maintenance (T3 NM) land use policy and are allowed to expand within residential zoning districts with the approval of a Special Exception by the Board of Zoning Appeals. The accessory structure will be located outside of the existing buffer area thereby minimizing disturbance of an existing environmentally sensitive portion of the site. The location and continued use of the property for a religious institution is consistent with the T3 NM policy. The expansion of use and addition of the proposed accessory structure in the interior of the site does not significantly change the intensity of the site given that the property is already developed.

Planning Recommendation: Approve with conditions.

Conditions

1. Parking shall meet the requirements of the Metro Zoning Code and any additional parking required should be located beside or behind buildings.
2. A Type A landscape buffer yard shall be provided along the eastern and western property boundaries between the proposed accessory structure south parcel boundary of the site.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: David Perez-Spero Dei Church Date: 12/18/2018
 Property Owner: Spero Dei Church, Inc Case #: 2019-052
 Representative: David Abbey Map & Parcel: 09213013600
Development Management Company

Council District 24

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

Purpose: To construct an addition to existing church and use for Spero Dei Church

Activity Type: Religious Institution

Location: 3701 Park Avenue

This property is in the RS5 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Special Exception from non-complying structure

Section(s): 17.16.170 E.1, 17.16.660 C.

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

David Perez - Spero Dei Church
Appellant Name (Please Print)

107 44th Avenue N
Address

Nashville, TN 37209
City, State, Zip Code

615.436.8799
Phone Number

david@sperodei.com
Email

David Abbey - Development Mgmt Group
Representative Name (Please Print)

4209 Gallatin Pike
Address

Nashville, TN 37216
City, State, Zip Code

615.227.5863
Phone Number

dabbey@dmgnashville.com
Email

Appeal Fee: 200.00



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



3587542

**ZONING BOARD APPEAL / CAAZ - 20180078214
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09213013600**APPLICATION DATE:** 12/17/2018**SITE ADDRESS:**

3701 PARK AVE NASHVILLE, TN 37209
S W CORNER OF PARK AVE & 37TH AVE NORTH

PARCEL OWNER: SPERO DEI CHURCH, INC**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting a special exception permit and an addition to a non-complying structure per METZO sections 17.16.170 E (1) and METZO section 17.16.660 (C).

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



3587526

**APPLICATION FOR BUILDING COMMERCIAL - ADDITION / CACA - T2018078203
THIS IS NOT A PERMIT**

PARCEL: 09213013600

APPLICATION DATE: 12/17/2018

SITE ADDRESS:

3701 PARK AVE NASHVILLE, TN 37209
S W CORNER OF PARK AVE & 37TH AVE NORTH

PARCEL OWNER: SPERO DEI CHURCH, INC

APPLICANT:**PURPOSE:**

to construct an addition to existing church building and use for Spero Dei Church. special exception per METZO section 17.16.170 E (1) and addition to non-complying structure per METZO section 17.16.660 (C). POC DAVID ABBAY 615-227-5863. will need off site parking agreement.

*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		
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-862-6500 Walter.Morgan@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[A] Site Plan Review		
[B] Building Plans Received		615-862-6614 teresa.patterson@nashville.gov
[B] Building Plans Review		615-862-6581 Teresa.Patterson@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[B] Fire Sprinkler Requirement		862-5230
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[E] Cross Connect Review For Bldg App		862-7225
[E] Water Availability Review For Bldg		MWS.DevelopmentServicesCenter@nashville.gov
[E] Water Variance Approval For Bldg		862-7225
[E] Sewer Availability Review For Bldg		MWS.DevelopmentServicesCenter@nashville.gov
[E] Sewer Variance Approval For Bldg		862-7225
[A] Bond & License Review On Bldg App		MWS.DevelopmentServicesCenter@nashville.gov
Landscaping & Tree Review		862-6488 stephan.kivett@nashville.gov
[F] Address Review On Bldg App		862-8781 bonnie.crumby@nashville.gov
[F] Solid Waste Review On Bldg App		862-8782
[A] Noise Mitigation Bldg App Review		
BZA Hearing		615-862-6505 Debbie.Lifsey@nashville.gov
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@nashville.gov
[C] Flood Plain Review On Bldg App		862-6038 logan.bowman@nashville.gov

APPLICATIONS FOR SPECIAL EXCEPTION REQUESTS

After your appeal is filed, zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Notices will be sent to the district councilmember, *The Tennessean*, and the neighboring property owners within 300 feet of the property. The neighbor notices will be mailed approximately twenty-three (23) days prior to the public hearing.

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I HEREBY GIVE PERMISSION TO the Department of Codes and Building Safety to post the required sign(s) on the subject property as required by the Zoning Code. I am aware that I am responsible for removing the sign(s) after the public hearing.

David Perez - Spero Dei Church

APPELLANT

12-17-18

DATE

SPECIAL EXCEPTION REQUESTS

On May 1, 2003, the Board of Zoning Appeals approved a new condition/requirement for all special exception applications. It reads as follows:

"BZA Rules of Procedure Item 9. (2) e In the interest of having informed stake holders in special exception cases, it is required that the appellant make contact with the district councilperson and neighbors within 300 feet of the subject property from a mailing list provided by the board staff. Information to be furnished by the applicant shall include a contact person and include a reasonable representation of your proposal and hold a meeting at a geographically convenient place, date and time. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

In other words, we will provide you a mail list of those persons within 300 feet of the location designated for a special exception permit. We are required by law to notify these people (within 300 feet) of your request. The Board requires that you contact those persons on the mail list, give them a date, time, place to meet with you and discuss your request. If there is opposition, this will give you a chance to address their concerns prior to the public hearing.

You must make documentation to present to the Board concerning your efforts to contact these people. Failure to do so can result in a deferral or denial of your request.

David Abbey - Development Management Group



Signature of Appellant or Representative

December 18, 2018

Mr. Jon Michael
 Zoning Administrator
 Metro Department of Codes Administration
 800 2nd Avenue South
 Metro Office Building
 Nashville, TN 37210



**RE: Special Exception Request
 Proposed Spero Dei Church
 3701 Park Ave - Nashville, TN**

Dear Jon Michael,

On behalf of the property owner and the developer, Spero Dei Church, Inc., and as outlined in the Metro Zoning Code, we are submitting the enclosed special exception request for Board of Zoning Appeals review at the February 7, 2019 meeting. The proposed project combines two existing parcels totaling 0.77 acres at the Southwest corner of Park Avenue and 37th Avenue North for the re-development of an approximate existing 13,900 SF church with an addition of approximately 4,000 SF. Attached please find the following correspondence to support this request:

- 1) Completed application and fee check.
- 2) 8 copies of the proposed site plan that shows the proposed building placement and minimum setback encroachments.
- 3) 8 copies of the proposed building elevations showing proposed building heights.

We are requesting the following special exceptions to meet the existing RS5 zoning with UZO overlay requirements:

- 1) Use within the RS5 Zoning - this is an existing church use and is being redeveloped as a church use.
- 2) Minimum Building Setback (Side & two roads) - this is currently a non-conforming building and the proposed additions will not encroach further into the overall existing non-conforming extents than are currently in place.

We greatly appreciate your consideration of this matter. Should you have any questions or need additional information to facilitate our request, please feel free to give me a call at our office.

Sincerely,

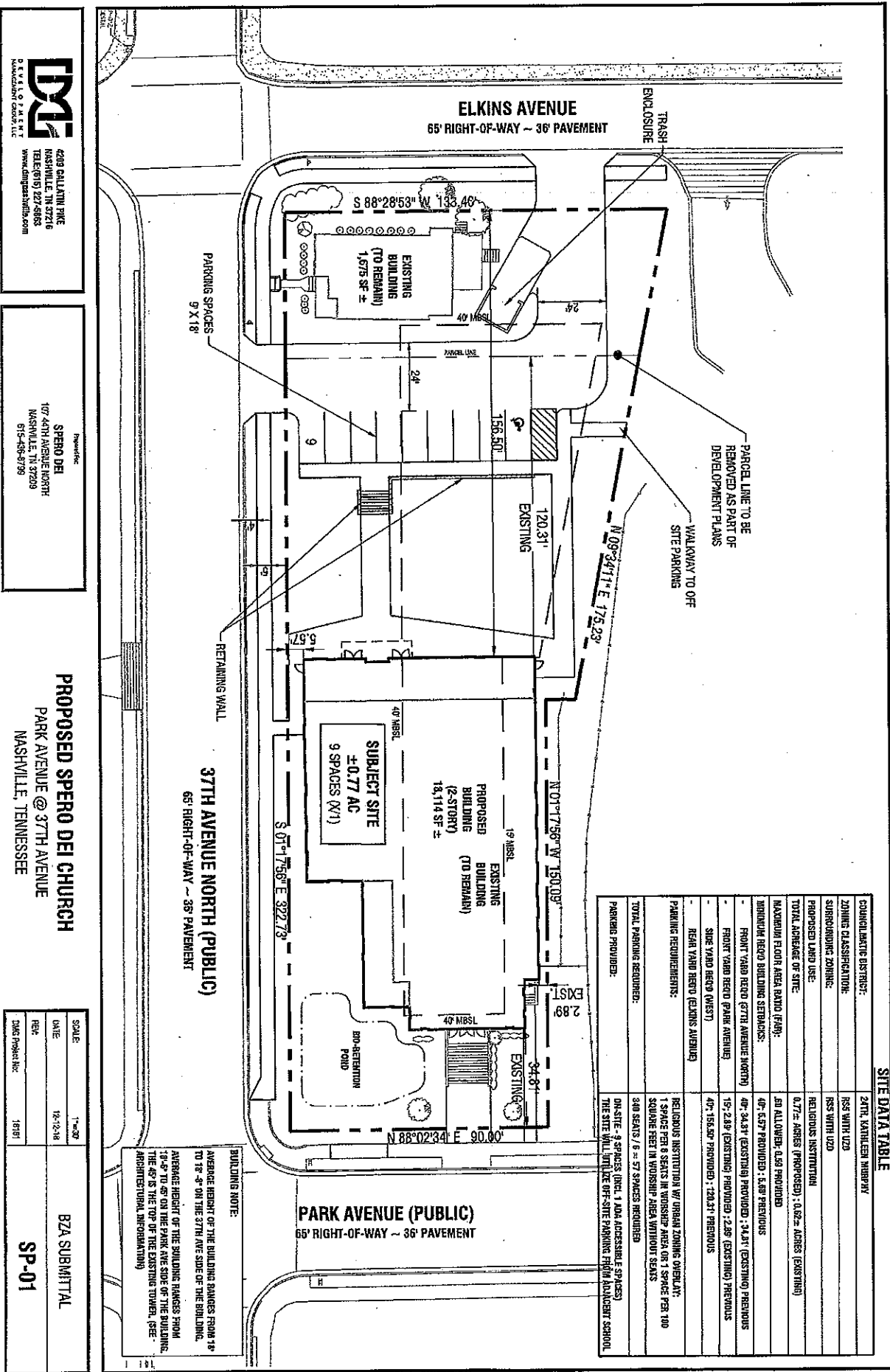
DEVELOPMENT MANAGEMENT GROUP, LLC

David S. Abbey, PE
 Sr. Development Project Manager

cc: David Perez, Spero Dei Church

4209 Gallatin Pike | Nashville, TN 37216 | Phone (615) 227-5863 | www.dmgnashville.com

2019-052



SITE DATA TABLE

COUNCIL/DISTRICT:	23TH, KATHLEEN HANBY
ZONING CLASSIFICATION:	R55 WITH U2D
SURROUNDING ZONING:	R55 WITH U2D
PROPOSED LAND USE:	RELIGIOUS INSTITUTION
TOTAL AREA OF SITE:	0.77± ACRES (PROPOSED : 0.52± ACRES (EXISTING))
MAXIMUM FLOOR AREA RATIO (FAR):	50 ALLOWED, 0.59 PROVIDED
MINIMUM REAR BUILDING SETBACKS:	40'-5.67' PROVIDED ; 5.80' PREVIOUS
FRONT YARD REAR (6TH AVENUE NORTH):	40'-34.81' (EXISTING) PROVIDED ; 34.81' (EXISTING) PREVIOUS
FRONT YARD REAR (PARK AVENUE):	15'-2.89' (EXISTING) PROVIDED ; 2.89' (EXISTING) PREVIOUS
SIDE YARD REAR (WEST):	40'-153.50' PROVIDED ; 104.31' PREVIOUS
REAR YARD REAR (ELKINS AVENUE):	RELIGIOUS INSTITUTION WITH REAR ZONING OVERLAY
PARKING REQUIREMENTS:	1 SPACE PER 8 SEATS IN WORSHIP AREA, 0.5 SPACE PER 100 SQUARE FEET IN WORSHIP AREA WITHOUT SEATS
TOTAL PARKING REQUIRED:	340 SEATS / 5 = 57 SPACES REQUIRED
PARKING PROVIDED:	ON-SITE - 4 SPACES (INCL. 1 ADA ACCESSIBLE SPACE) THE SITE WILL INFLUENCE OFF-SITE PARKING WITH ADJACENT SCHOOL

BUILDING NOTE:

AVERAGE HEIGHT OF THE BUILDING RANGES FROM 19 TO 18'-0" ON THE 37TH AVE SIDE OF THE BUILDING.
AVERAGE HEIGHT OF THE BUILDING RANGES FROM 19'-0" TO 45' ON THE PARK AVE SIDE OF THE BUILDING. THE 45' IS THE TOP OF THE EXISTING TOWER. (SEE ARCHITECTURAL INFORMATION)

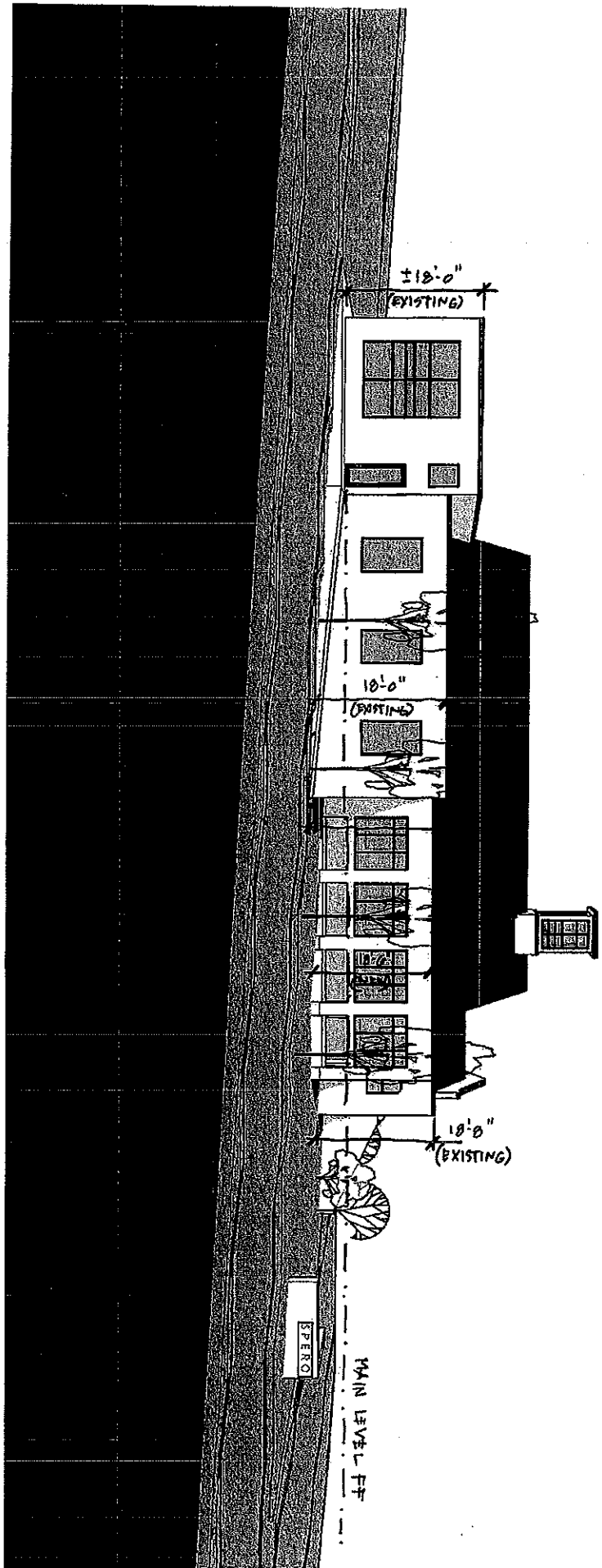
DDP
DEVELOPMENT
MANAGEMENT GROUP, LLC
4209 GALLATIN PIKE
NASHVILLE, TN 37216
TEL: (615) 227-5888
WWW.DDPGROUP.COM

Prepared by:
SPERO DEI
107 44TH AVENUE NORTH
NASHVILLE, TN 37209
615-458-9799

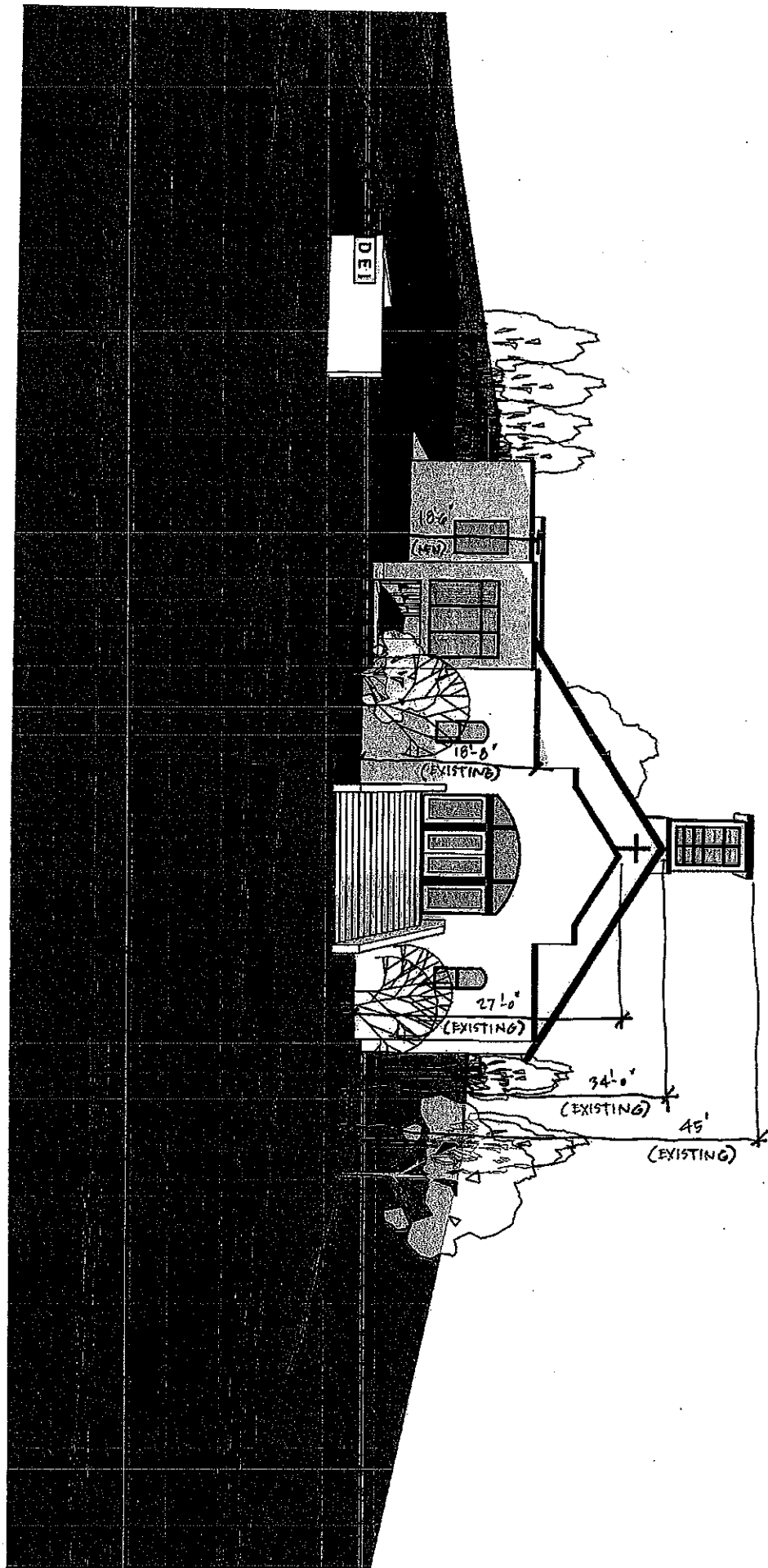
PROPOSED SPERO DEI CHURCH
PARK AVENUE @ 37TH AVENUE
NASHVILLE, TENNESSEE

SCALE:	1"=30'	BZA SUBMITTAL SP-01
DATE:	12-2-18	
REV:		
DWG PROJECT NO.:	18181	

37th AVE ELEVATION W/ HEIGHTS ABOVE GRADE



PARK AVENUE ELEVATION





**METRO
NASHVILLE
PUBLIC
SCHOOLS**

FACILITY REQUEST FORM

July 1, 2018-June 30, 2019 School Year

PHONE (615) 259-8620 FAX (615) 214-8895

For initial authorization, please take completed request form, insurance document, status letter, and hold harmless agreement to the school. Do NOT deliver directly to Facility Use office; the forms must be entered at the school before any processing can take place.

Organization Spero Del Church Purpose worship services
 School requested Park Avenue Elementary
 Contact Name Travis Spaw Phone 615 436-8799 Fax _____
 Billing address 107 44th Ave. N.
 City Nashville State TN Zip 37219
 Email address travis@sperodel.com Alternate phone _____

Request Facility Use for the following:

<input type="checkbox"/> Aux. Gym \$150/day	<input type="checkbox"/> Large Gym \$225/day	<input type="checkbox"/> Flex Rm. \$85/day	<input type="checkbox"/> Library \$50/day	<input type="checkbox"/> Elem. Fields \$35/day
<input type="checkbox"/> Elem. Cafe, \$70/day	<input type="checkbox"/> M.S.Cafe. \$90/day	<input type="checkbox"/> H.S. Cafe. \$135/day	<input type="checkbox"/> Classroom(s) \$18/day _____ (# of rooms)	
<input type="checkbox"/> Auditorium \$180/day	<input type="checkbox"/> P.E. Room \$90/day	<input type="checkbox"/> Football Field \$225/day	<input type="checkbox"/> Ball Fields(non-football): \$150/day	
<input type="checkbox"/> Track \$200/day	<input checked="" type="checkbox"/> Parking Lot (varies)	<input type="checkbox"/> Other: _____		

*Custodial fee has a 4-hour minimum for all after hour events.

Start Date: 4/1/19 End Date: 12/31/19

One Time Only Weekly (complete details below) Monthly (complete details below)

Please Note: There is a \$30.00 per hour fee for custodian for events outside normal business hours. There is a 4-hour minimum.

Day(s) and Time of Use:

	Date of Event	Time in	Time out
Monday	_____	_____	_____
Tuesday	_____	_____	_____
Wednesday	_____	_____	_____
Thursday	_____	_____	_____
Friday	_____	_____	_____
Saturday	_____	_____	_____
Sunday	<u>4/1/19 - 12/31/19</u>	<u>6:30am</u>	<u>1:30pm</u>

Will Cafeteria be used? Yes No Will kitchen/equipment be used? Yes No

Will Cafeteria worker be needed? Yes No

Please Note: An additional fee of \$15-\$40 per hour if cafeteria staff is needed

By signing below, I agree that I have read, understand, and will abide by Metro Nashville Public School Facility Use Policy and Procedures. I also understand that a \$30.00 per hour fee is charged for custodial services outside normal hours.

Signature of Requestor _____ Date 9/25/18

Signature of Cafeteria Manager _____ Date _____
 (ONLY if kitchen/equipment is being used).

OFFICE USE ONLY

Approved by FU Office _____ Schedule #: _____ Invoice # _____
 COI: _____ Hold Harmless: _____ Deposit Amount: _____
 Custodial @ \$30.00/hr \$ _____
 Total Charges \$ _____ One Time Recurring School-related

NOTE: Final Approval from the Office of Building and Facility Use is REQUIRED prior to use of any facility. Please allow 14 days for processing. If you wish to make a donation to a school, please submit a donation form. Donations are not accepted in lieu of facility use payments.

HOLD HARMLESS AGREEMENT

FACILITY USE

I/We agree to be responsible for the conduct of the audience in and about the facility and for any damage incurred. I/We have reviewed the policy, rules, and regulations of the Metropolitan Nashville Public Schools, and further agree that the school property will be used in accordance with the rules and regulations of the Metropolitan Nashville Public Schools. I/We understand that no contract shall extend beyond one year from the date that the contract is executed.

I/We agree to indemnify and hold harmless Metropolitan Nashville Public Schools and the Metropolitan Government of Nashville and Davidson County from:

- a) Any claim, damages, costs, and attorney fees for injuries or damages arising, in part or in whole, from the organization's use of the facility; and
- b) Any claim, damages, penalties, costs, and attorney fees arising from any failure of the organization, its officers, employees, and/or agents, to observe applicable laws.

I/We further acknowledge that Metropolitan Nashville Public Schools and the Metropolitan Government of Nashville and Davidson County make no warranties about the safety, maintenance, or inspection of the facility before, during, or after it is being used by the requesting organization.

I/WE UNDERSTAND THAT A CUSTODIAL AND/OR CAFETERIA MANAGER FEE OF \$30 PER HOUR WILL BE CHARGED FOR EVENTS OUTSIDE NORMAL OPERATING HOURS FOR BUILDING SUPERVISION AND/OR CLEAN-UP, AND/OR FOR THE USE OF THE KITCHEN FACILITIES. THERE IS A MINIMUM OF 4 HOURS THAT WILL BE BILLED. I/WE AGREE TO PAY THE AMOUNT(S) BILLED AFTER USE OF THE FACILITY.

NAME OF ORGANIZATION: Spens Dei Church

REQUESTOR'S SIGNATURE: [Signature]

REQUESTOR'S PRINTED

NAME AND TITLE: Travis Spaw : Operations Lead

DATE: 10/1/18

Burse, Gene (Planning)

From: David Abbey <dabbey@dmgnashville.com>
Sent: Friday, January 25, 2019 12:55 PM
To: Burse, Gene (Planning)
Subject: Spero Dei Park Ave Elem - Parking agreement
Attachments: FacilityRequest_ParkAveEleParking_190401.pdf

Gene, attached is the facility agreement that has been submitted. See below for some correspondence on the parking agreement. The principal has indicated she is OK with this but haven't signed awaiting further progression of the process. Also, I have found out from the architect that it would be an addition of 40 seats above the existing number of 220 to make it now 260. I hope this helps and please let me know if you have any additional questions.

Thanks



DON KENDALL
 President
 4209 Gallatin Pike
 Nashville, TN 37216
 (615) 227-5863 Office
 (615) 969-6489 Cell
 dkendall@dmgnashville.com

From: Don Kendall
Sent: Wednesday, October 03, 2018 10:19 AM
To: david@sperodei.com
Subject: Fwd: Park Ave Elem - Parking agreement

FYI. We can discuss in detail when we meet next week. This should work since it's how the school system operates.

Don Kendall

Sent from my iPhone

Begin forwarded message:

From: "Taylor-White, Tamikia L" <Tamikia.Taylor-White@mnps.org>
Date: October 3, 2018 at 9:20:54 AM CDT
To: Don Kendall <dkendall@dmgnashville.com>, "Proffitt, David R" <David.Proffitt@mnps.org>
Subject: RE: Park Ave Elem - Parking agreement

We operate a July 1st through June 30th calendar and scheduling is don't as such. We are not able to commit to anything beyond that timeframe annually. You are more than welcome to apply annually, and if the space is available and the Principal approves it, the process is fairly simple.

Thanks,

Tamikia

Tamikia White, Ph. D
Metro Nashville Public Schools
Office of Facility Use
2601 Bransford Avenue
Nashville, TN 37204
(615) 259-8520 (office)
(615) 214-8895 (fax)



**METRO
 NASHVILLE
 PUBLIC
 SCHOOLS**

*Responsibility * Achiever * Learner * Arranger * Belief*

From: Don Kendall <dkendall@dmgnashville.com>
Sent: Tuesday, October 2, 2018 5:37 PM
To: Proffitt, David R <David.Proffitt@mnps.org>
Cc: Taylor-White, Tamikia L <Tamikia.Taylor-White@mnps.org>
Subject: RE: Park Ave Elem - Parking agreement

David/Tamika,

Attached is a copy of what was submitted. Is it possible to set this up on an annual basis with the ability to renew with mutual consent? We'd just like to know that we have something solid in place to facilitate the new facility that is planned. We'd greatly appreciate the opportunity to discuss in greater detail with the appropriate parties.

Thanks for your input.



**DEVELOPMENT
 MANAGEMENT GROUP, LLC**

DON KENDALL
 President
 4209 Gallatin Pike
 Nashville, TN 37216
 (615) 227-5863 Office
 (615) 969-6489 Cell
dkendall@dmgnashville.com

From: Proffitt, David R <David.Proffitt@mnps.org>
Sent: Thursday, September 27, 2018 4:13 PM
To: Don Kendall <dkendall@dmgnashville.com>
Cc: Taylor-White, Tamikia L <Tamikia.Taylor-White@mnps.org>
Subject: RE: Park Ave Elem - Parking agreement

Mr. Kendall,

Unfortunately I never received a voice mail..... There will not be a lease per say created. A Facilities Use Agreement will have to be created instead. That is administered through the school and our manager for facility use Ms. Tamikia Taylor-White. Tamikia is copied here. You should complete a Facility Use Form (found on line on our website at <https://www.mnps.org/facilities-and-use>) and submit it directly to the school. They in turn will submit the form to Ms. Taylor-White.

Thank you!

David R Proffitt, AIA, LEED AP, CCCA
 Architect
 Executive Director of Facilities, Maintenance and Construction
 Metropolitan Nashville Public Schools

From: Don Kendall [<mailto:dkendall@dmgnashville.com>]
Sent: Wednesday, September 26, 2018 1:27 PM
To: Proffitt, David R <David.Proffitt@mnps.org>
Subject: Park Ave Elem - Parking agreement

David,
 I left you a voice mail earlier at your office. I'd like to discuss the parking agreement our client is seeking from Park Avenue Elementary and see what guidance you can provide on how we should proceed with this. I've attached a copy of what we submitted for consideration. We're open to altering this agreement or starting over with something you're more comfortable with. Your assistance is greatly appreciated.

Thanks



DON KENDALL
 President
 4209 Gallatin Pike
 Nashville, TN 37216
 (615) 227-5863 Office
 (615) 969-6489 Cell
dkendall@dmgnashville.com

From: David Perez <david@sperodei.com>
Sent: Tuesday, September 25, 2018 5:01 PM
To: Don Kendall <dkendall@dmgnashville.com>
Subject: Fwd: Fw: Parking

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

From: Short, Deltina F <Deltina.Short@mnps.org>
Date: Tue, Sep 25, 2018 at 11:08 AM
Subject: Fw: Parking
To: David Perez <david@sperodei.com>

FYI below

Deltina F. Short
 Principal
 Park Avenue Enhanced Option School
 Phone: 298-8412
 FAX: 298-6751

Park Avenue Enhanced Option School...
Preparing And Empowering Our Students To Succeed

From: Proffitt, David R
Sent: Wednesday, September 19, 2018 12:15 PM
To: Short, Deltina F
Cc: Shumate, Robin L; Pitman, Stephen R; Gossage, Jeff L; Taylor-White, Tamikia L
Subject: Re: Parking

Copying a couple of folks. I think if this is over long term it should be a contract or MOU. I suppose it could be a facility use agreement but with outside entities I'm personally more comfortable with a more "legal" document that the board approves in most cases. Those copied can clarify.

David Proffitt, AIA
 Architect
 Executive Director for Facilities, Maintenance and Construction
 Metropolitan Nashville Public Schools
 Sent from my iPhone

On Sep 19, 2018, at 11:42 AM, Short, Deltina F <Deltina.Short@mnps.org> wrote:

Good Morning David,
 FYI below
 and attachment. Could you please assist me with this matter?
 Deltina F. Short
 Principal
 Park Avenue Enhanced Option School
 Phone: 298-8412
 FAX: 298-6751

Park Avenue Enhanced Option School...
Preparing And Empowering Our Students To Succeed

From: Harkey, Corey (Legal) <Corey.Harkey@nashville.gov>
Sent: Wednesday, September 19, 2018 10:48 AM
To: Short, Deltina F
Subject: RE: Parking

This is an agreement providing the church access to school's property for parking. The principal at the school does *not* have the authority to bind MNPS into allowing the church to use the parking lot. You may want to reach out to MNPS Central Office, possibly through your EDSSI and ultimately maybe David Proffitt or facility people, to discuss this request further.

Regards,

Corey

Corey Harkey, Assistant Metropolitan Attorney

Department of Law, Metropolitan Courthouse, Suite 108

P.O. Box 196300, Nashville, Tennessee 37219-6300

615.862.6341 office; 615.862.6352 fax

This electronic message transmission contains information from the Department of Law of the Metropolitan Government of Nashville and Davidson County, Tennessee, which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.

From: Short, Deltina F [<mailto:Deltina.Short@mnps.org>]
Sent: Wednesday, September 19, 2018 8:29 AM
To: Harkey, Corey (Legal)
Subject: Parking

Good Morning,

Please find attached a copy of an utilizing parking at Park Avenue. Should I sign this or not?

Deltina F. Short

Principal

Park Avenue Enhanced Option School

Phone: 298-8412

FAX: 298-6751

Park Avenue Enhanced Option School...

Preparing And Empowering Our Students To Succeed

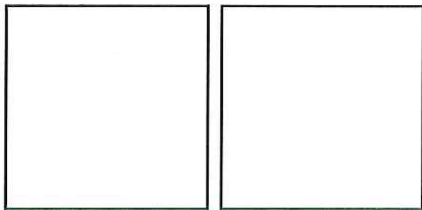
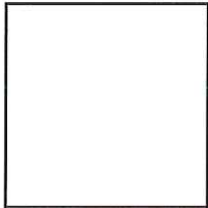
<SPERO DEIPARK ELEM. SHARED PARKING AGREEMENT.PDF>

--

David Moses Perez

Senior Minister

e. david@sperodei.com w. sperodei.com



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201
615.862.7150
615.862.7209

Memo

To: Metropolitan Nashville Board of Zoning Appeals
From: Metropolitan Nashville Planning Department
CC: Emily Lamb
Date: January 25, 2019
BZA Hearing Date: February 7, 2019
Re: Planning Department Recommendation for a Special Exception, Case 2019-052

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

1. Case 2019-036 Spero Dei Church Addition (3701 Park Avenue and 319 37th Avenue North)

Request: A Special Exception to permit construction of a 4,000 square-foot addition to an existing religious institution.

Zoning: Single- Family Residential (RS5) requires a minimum 5,000 square-foot lot and is intended for one and two-family dwellings at a density of 8.71 dwelling units per acre.

Overlay District: Urban Zoning Overlay District

Land Use Policy: T4 Urban Neighborhood Maintenance (T4 NM) policy is intended to maintain the general character of existing urban residential neighborhoods. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Planning Department Analysis: The site is located at the southwest corner of the intersection of 37th Avenue North and Park Avenue. Existing conditions include a church building with associated surface parking. Nearby zoning districts include Commercial Service (CS), Specific Plan-Mixed Use and Industrial Restrictive (IR). This site is located within a large area of Single-

Family Residential (RS5) zoning. Land uses near the site include single-family residential with some duplexes and an elementary school near the site.

The proposal is for a 4,000 square-foot addition to an existing church building. The proposed addition is located along both the east and south sides of the church and has a height of two stories. The cumulative ground floor area covers approximately 2,000 square feet. This addition includes 40 additional seats in the sanctuary and which brings the total to 260 seats. The plan includes an area for stormwater mitigation at the corner of Park Avenue and 37th Avenue North, currently an area for surface parking. Two existing access points will be reduced to one access point along 37th Avenue North. This proposal includes an off-site parking agreement with Park Avenue Elementary School, west of the site. The plan proposes removal of some existing parking spaces in the center and north sections of the site. These areas will be converted to open space that will include walkways and areas for stormwater mitigation.

Existing religious institutions are identified as appropriate within T3 Suburban Neighborhood Maintenance (T3 NM) land use policy and are allowed to expand within residential zoning districts with the approval of a Special Exception by the Board of Zoning Appeals. The location and continued use of the property for a religious institution is consistent with the T3 NM policy. The proposed addition does not significantly change the intensity of the site given that the property is already developed.

Planning Recommendation: Approve with conditions.

Conditions

1. Parking shall meet the requirements of the Metro Zoning Code.

Lifsey, Debbie (Codes)

From: Ammarell, Beverly (Public Works)
Sent: Tuesday, January 15, 2019 3:22 PM
To: Lifsey, Debbie (Codes)
Cc: Doyle, Devin (Public Works)
Subject: 2/7/19 BZA meeting

2019-050 Woodmont Christian Church 3605 Hillsboro Rd special Exception for addition , sidewalk variance

Variance: 17.16.170 E variance and sidewalk variance

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

2019-051 Religious temple 104 B Glenmont Dr special Exception for addition

Variance: 17.16.170E1, 17.12.020B side setback, 17.20.120 variance

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

2019-052 Religious Institution Spero Dei Church 3701 Park Ave special Exception for addition , and from noncomplying structure

Variance: 17.16.170 E , 17.16.660c variance side setback

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

2019-054 hotel ,retail,restaurant mixed use 209 22nd Ave N special Exception for height and setbackand parking reduction from 234 req. spaces to 70 spaces

Variance: 17.12.020D, height and setback, 17.20.030 parking

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

2019-061 fire hall in residential zoned property at existing fire hall location 431 Tyler Dr and Andrew Jackson pkwy special exceotion

Variance:17.16.140 special exception

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

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: CEL

Date: 12-18-2018

Property Owner: WASTE MANAGEMENT

Case #: 2019-053

Representative: PETER CHIMERA

Map & Parcel: _____

Council District 10

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

Purpose:

SIDE WALK AND ROADWAY IMPROVEMENTS
VARIANCE INTERIOR IMPROVEMENTS,
PARKING EXPANSION, EMPLOYEE BREAK
ROOM CONSTRUCTION

Activity Type: INTERIOR AND EXTERIOR IMPROVEMENTS

Location: 630 MYATT DRIVE

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

Reason: ~~SIDEWALKS~~ PROVISION OF SIDEWALKS.

Section(s): 17.20.120

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

CEL
Appellant Name (Please Print)

PETER CHIMERA
Representative Name (Please Print)

325 SEABOARD LN
Address

325 SEABOARD LN
Address

FRANKLIN, TN, 37067
City, State, Zip Code

FRANKLIN, TN, 37067
City, State, Zip Code

615-333-7797
Phone Number

615-333-7797
Phone Number

PCHIMERA@CELINC.COM
Email

PCHIMERA@CELINC.COM
Email

Appeal Fee: _____

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



APPELLANT

12/18/2018
DATE

Standards for a Variance

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

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

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

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

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

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

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

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

The Board shall not grant variances to the land use provisions of section 2.3, nor the density of Floor Area Ratio (FAR) standards of Tables 3-B and 2-C, nor the required size of residential lots approved by the Planning Commission under the authority of section 3.7 (Lot Averaging), section 3.8 (Cluster Lot Option) or Section 9. E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

DRAINAGE ISSUES
ROAD WAY IN STATE OF DIS REPAIR.



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



3587975

**ZONING BOARD APPEAL / CAAZ - 20180078506
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 03410012400**APPLICATION DATE:** 12/18/2018**SITE ADDRESS:**

630 MYATT DR MADISON, TN 37115
W/S MYATT DR N OF EDENWOLD RD

PARCEL OWNER: WASTE MANAGEMENT, INC. OF TENNESSEE **CONTRACTOR:****APPLICANT:****PURPOSE:**

Requesting a sidewalk variance per METZO section 17.20.120 for required sidewalks. see permit CACR 2018066184.

*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.



Civil & Environmental Consultants, Inc.

December 17, 2018

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

Subject: Sidewalk Waiver Request Letter
Waste Management Rivergate Facility
630 Myatt Drive
Metropolitan Nashville, Davidson County, Tennessee
CEC Project No. 183-703

Board Members:

Please allow this letter to serve as a request for waiver from the Metropolitan Nashville sidewalk requirements listed in Section 17.20.120 of the Metropolitan Nashville Zoning Code, "Provision of Sidewalks," and Metro's requirement to bring adjacent public streets to Metro Public Works' standards. The purpose of this request is to eliminate sidewalk and roadway improvement requirements from Edenwold Road. The conditions supporting our request are explained below.

The project associated with this request involves interior and exterior improvements to the existing waste transfer station and recycling facility.

Metro never officially closed Edenwold Road and technically, it is considered open; however, over twenty years ago Metro and/or the owners of the property at the time agreed to place concrete barriers blocking the road from through traffic. At that time, maintenance of Edenwold Road stopped, and dead end signs were placed at Edenwold's intersections with Myatt Drive and Gallatin Pike. Since its closing, this section of Edenwold Road has fallen into disrepair; the pavement has failed, and vegetation has overgrown the road. Since this road is functionally closed, it would not make sense for our client to improve it to Metro standards. Further, since maintenance has been suspended for so long it would be unfair for our client to improve a road that is in a state of disrepair at no fault of their own.

Furthermore, there is no need for sidewalk on this section of Edenwold Road. If the road were opened, and sidewalk were installed, the sidewalk would stop approximately 575 feet before the next driveway. This driveway serves an industrial facility that receives little foot traffic.

Nashville's WalknBike Plan outlines the priority levels for sidewalk on Nashville's roadways. The plan describes the different need characteristics, and complies them to give each road a priority score. Some of the factors for need, and the total priority are listed below:

- The WalknBike Plan conducted a survey of Nashville residents and classified sidewalk and bike needs based on resident input. This was used to create the attached map, Public Input:

Board of Zoning Appeals
Metro Nashville
Page 2
December 17, 2018

Pedestrian Needs. Edenvold Road is not listed as a "route that could be improved for pedestrians" or "barrier to walking."

- The WalknBike Plan reviewed Nashville's pedestrian and bike crash history, and generated a map indicating areas of low and high crash frequency for bikes and pedestrians. The attached maps, Crash Analysis - Bike Crash Frequency, and Crash Analysis - Pedestrian Crash Frequency, show pedestrian and bike crash rates of 0 for the area surrounding the site.
- The WalknBike Plan references the 2014 MPO Regional Bicycle and Pedestrian Study's Health Priority Area map. This map shows areas with a higher need for sidewalks based on poverty, unemployment, access to a vehicle, and aging populations. The attached map shows a health priority score of two. The plan calls for a focus on areas scoring three or above.
- The WalknBike Plan includes a map showing the Pedestrian Level of Service for pedestrians on various routes throughout Nashville. The plan does not show a pedestrian level of service for Edenvold Road, indicating that this roadway does not constitute need to accommodate pedestrian traffic.
- The WalknBike Plan includes a Pedestrian Supply and Demand map that classifies the supply and demand for sidewalks as either low or high. The map does not show Edenvold Road, indicating that this roadway does not constitute need to accommodate pedestrian traffic.
- As step three in the process of prioritizing sidewalks, each road was assigned a priority level from 0-195. Edenvold Road scored between 46 and 109, as shown on the attached map. This is the third lowest of four priority categories.
- The WalknBike Plan concluded with the attached map, Prioritized Sidewalk Network. The map does not show Edenvold Road or the adjacent portions of Myatt Drive or Gallatin Pike as priorities.

A major functional obstacle for sidewalk would be the need to install curb and gutter, and subsequently closed drainage. The road is located in a low lying flat area. Because of this, it would be very difficult to install a closed drainage system that could outfall to the drainage ditch on Myatt Drive.

In closing, we appreciate your attention to this waiver request. While Waste Management appreciates Nashville's efforts to promote a more walkable community, it is evident that incorporation of a sidewalk along the property line will not provide the benefits for which the program is intended. We are hopeful that you will agree, and will waive the sidewalk requirement for this property.

If you have any questions or require additional information, please do not hesitate to contact me by telephone at (615) 333-7797.

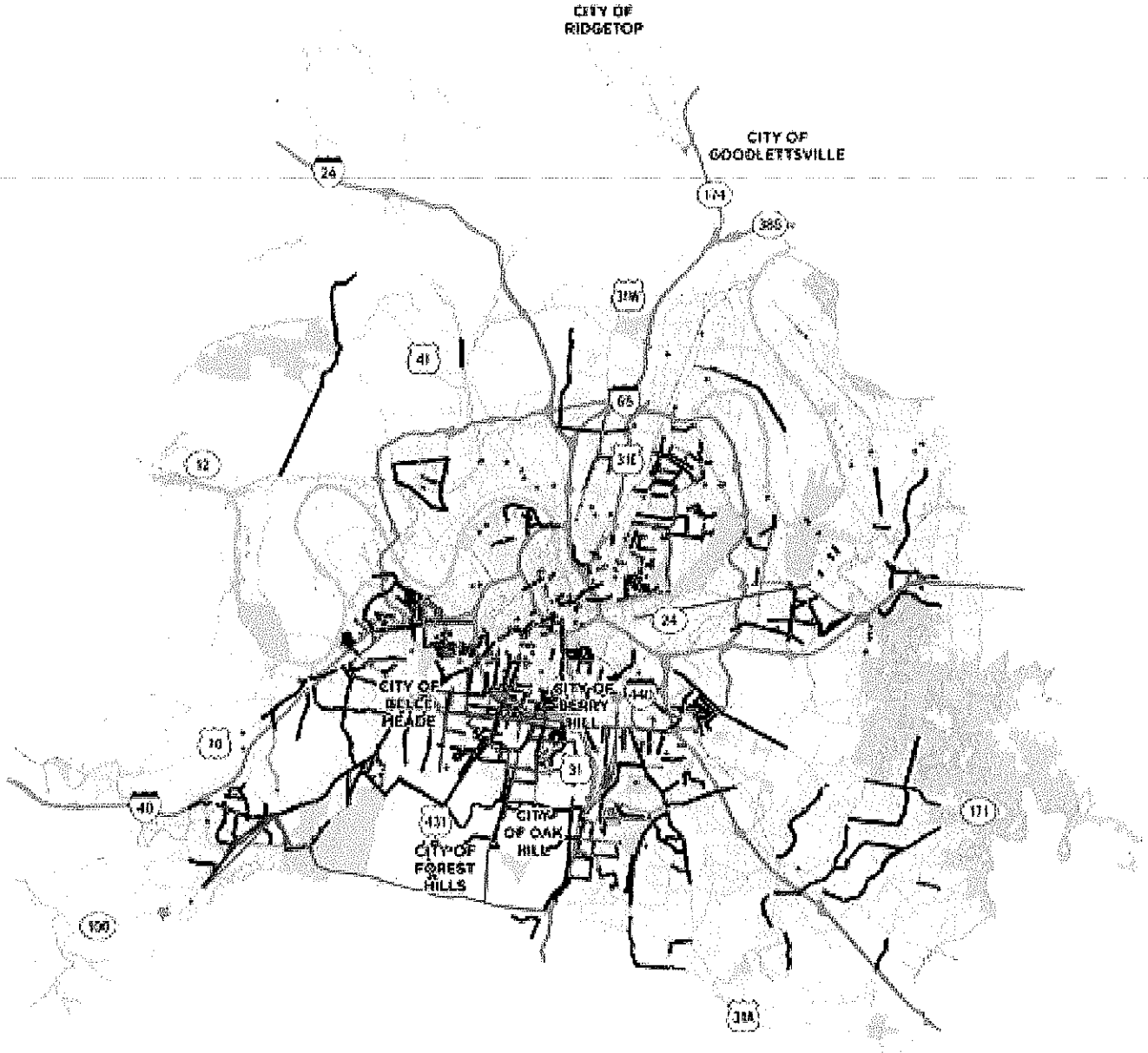
Sincerely,

Board of Zoning Appeals
Metro Nashville
Page 3
December 17, 2018

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

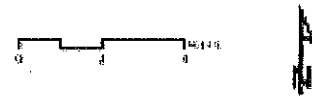
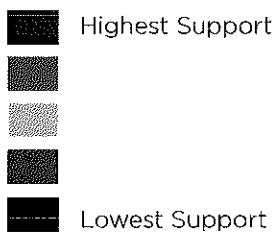
Peter Chimera, EI
Project consultant

Attachments:
Site Layout Plan
WalkNBike Maps
Site Photographs



**PUBLIC INPUT:
PEDESTRIAN NEEDS**

“Route that could be improved for pedestrians” or
“Barrier to walking”

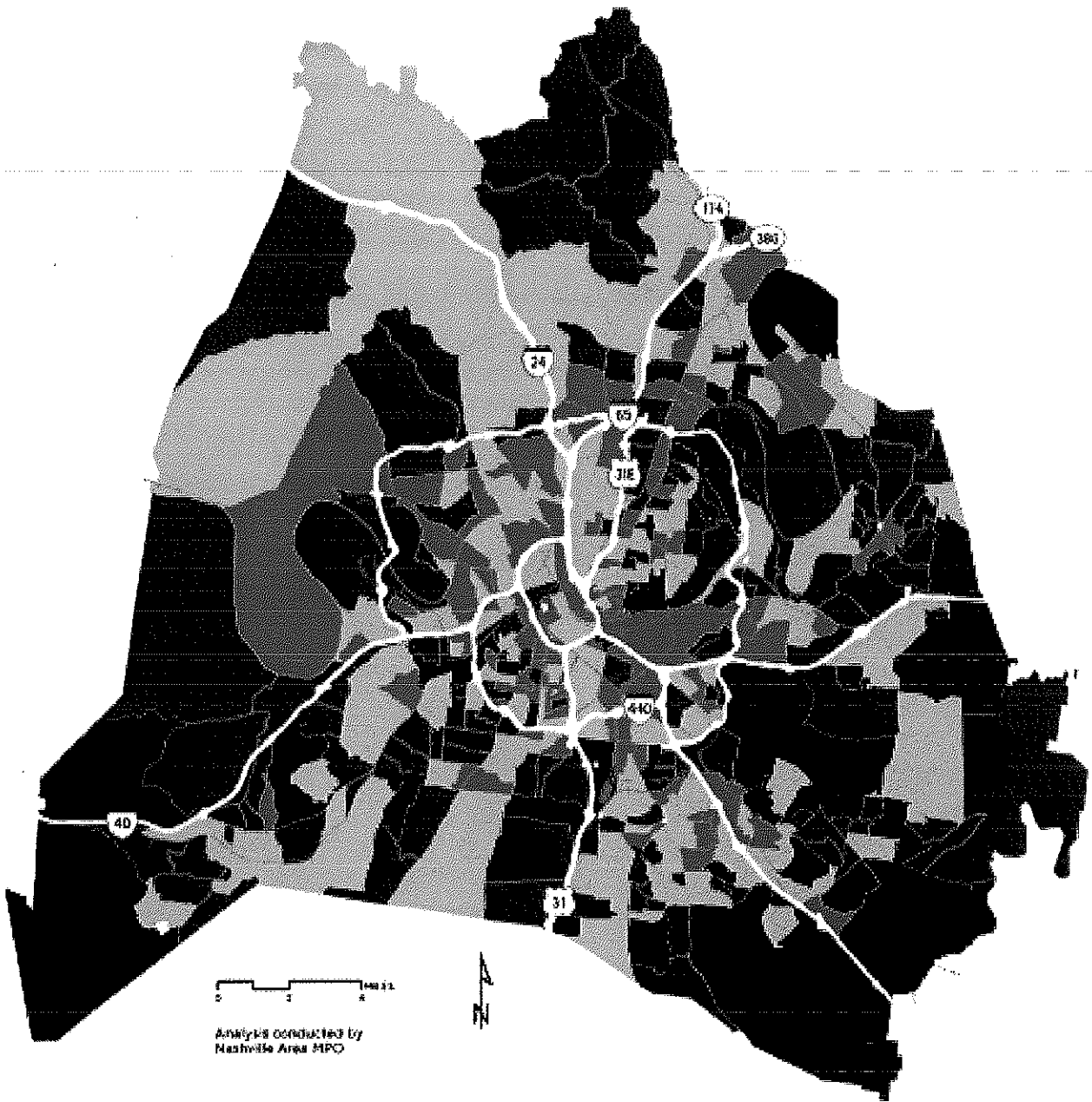




CRASH ANALYSIS

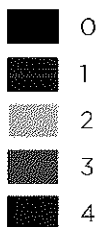
PEDESTRIAN CRASH FREQUENCY

- 1
- 2
- 3-4
- 5-8
- 9-11



HEALTH PRIORITY AREAS

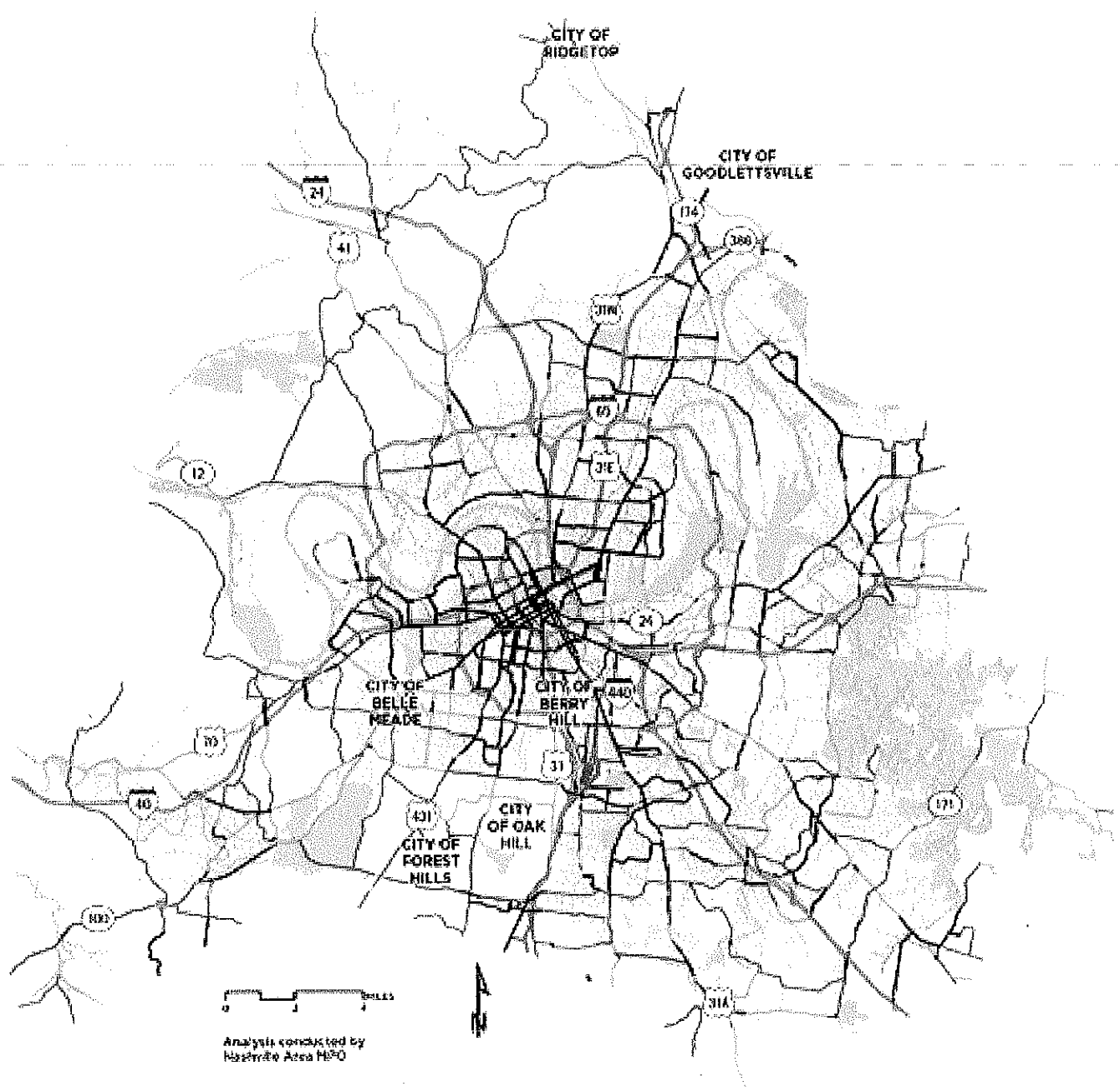
2014 MPO REGIONAL BICYCLE AND PEDESTRIAN STUDY



CATEGORIES

- Households in poverty
- Unemployed population
- Households without access to a vehicle
- Aging population (>65)

WALKNBIKE PLAN

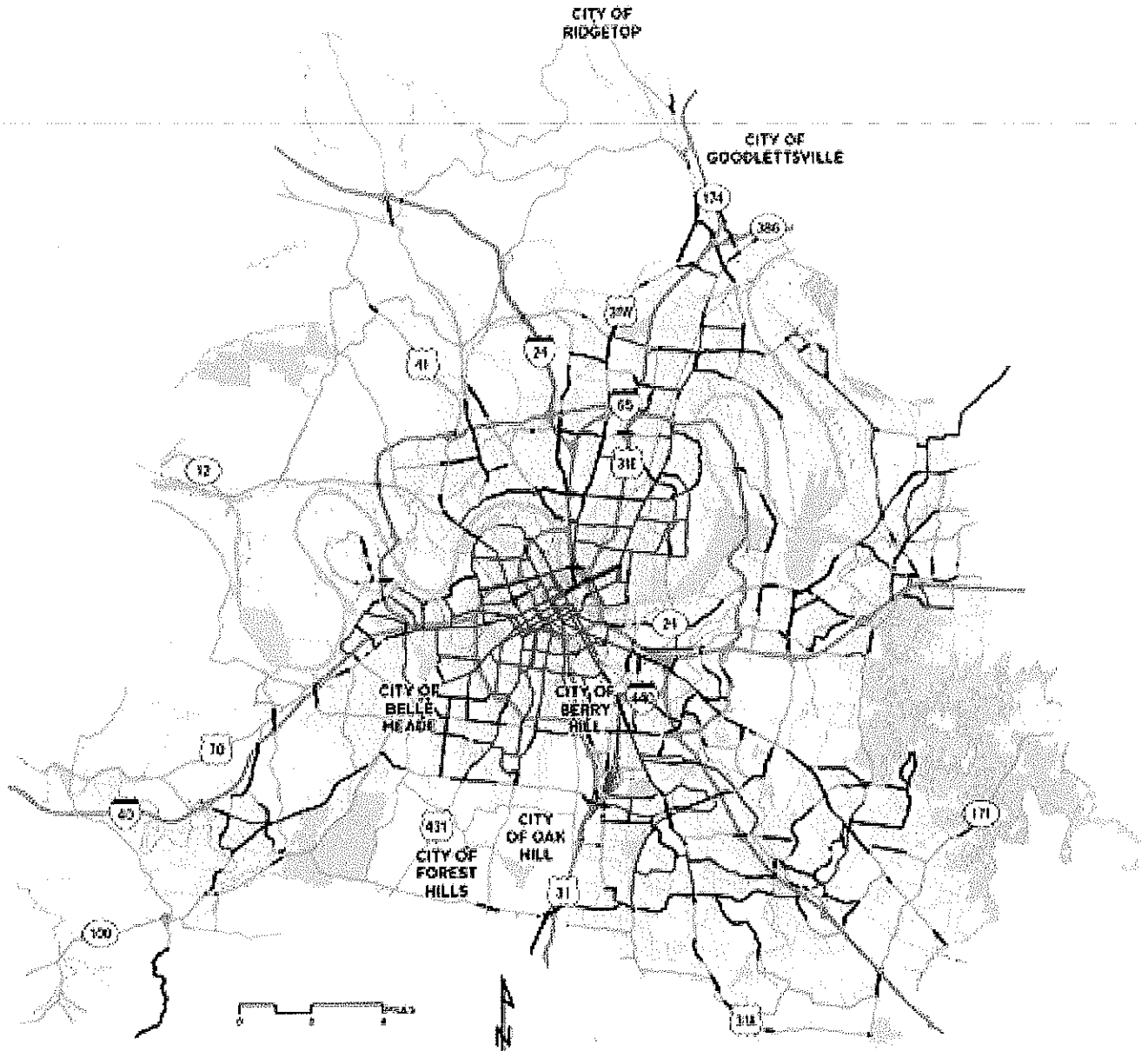


PEDESTRIAN LEVEL OF SERVICE

LEVEL OF SERVICE

- A
- B
- C
- D
- E
- F

WALKNBIKE PLAN



PEDESTRIAN SUPPLY AND DEMAND

- High demand/low supply
- High demand/high supply
- Low demand/low supply
- Low demand/ high supply

Step 3

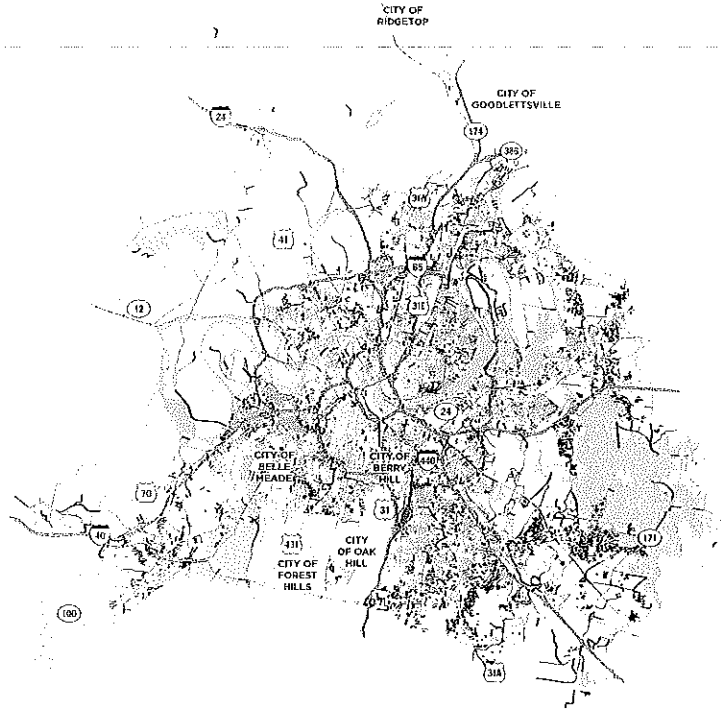
Prioritize Projects

Priority Score

- 0 - 25
- 26 - 45
- 46 - 109
- 110 - 195

1,900 MILES

\$10.3 BILLION



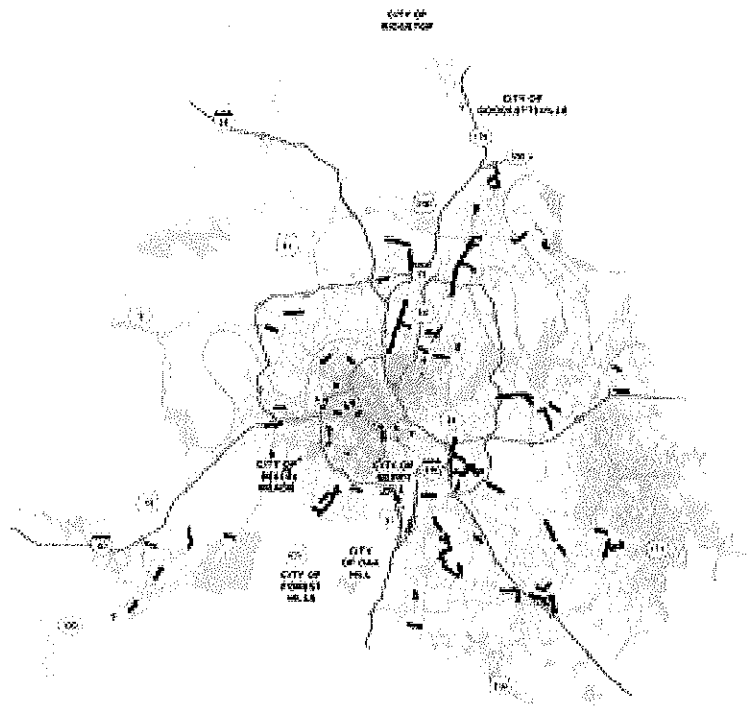
Step 4

Select Priority Sidewalk Network

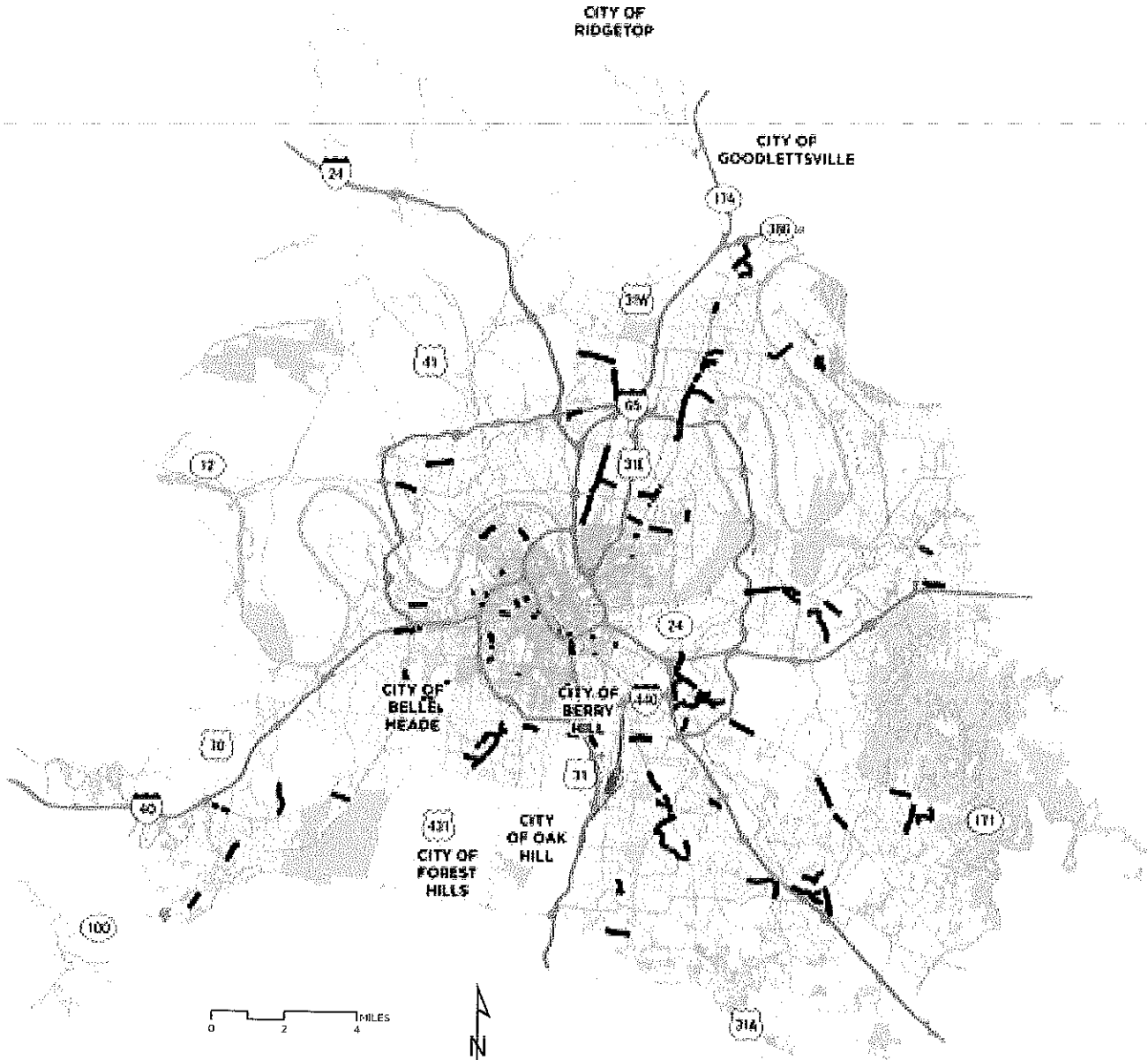
- Destination + Transit Access Projects
- School Connection Projects
- Vision Zero Projects
- Sidewalk Gap Projects

71 MILES

\$450,000,000

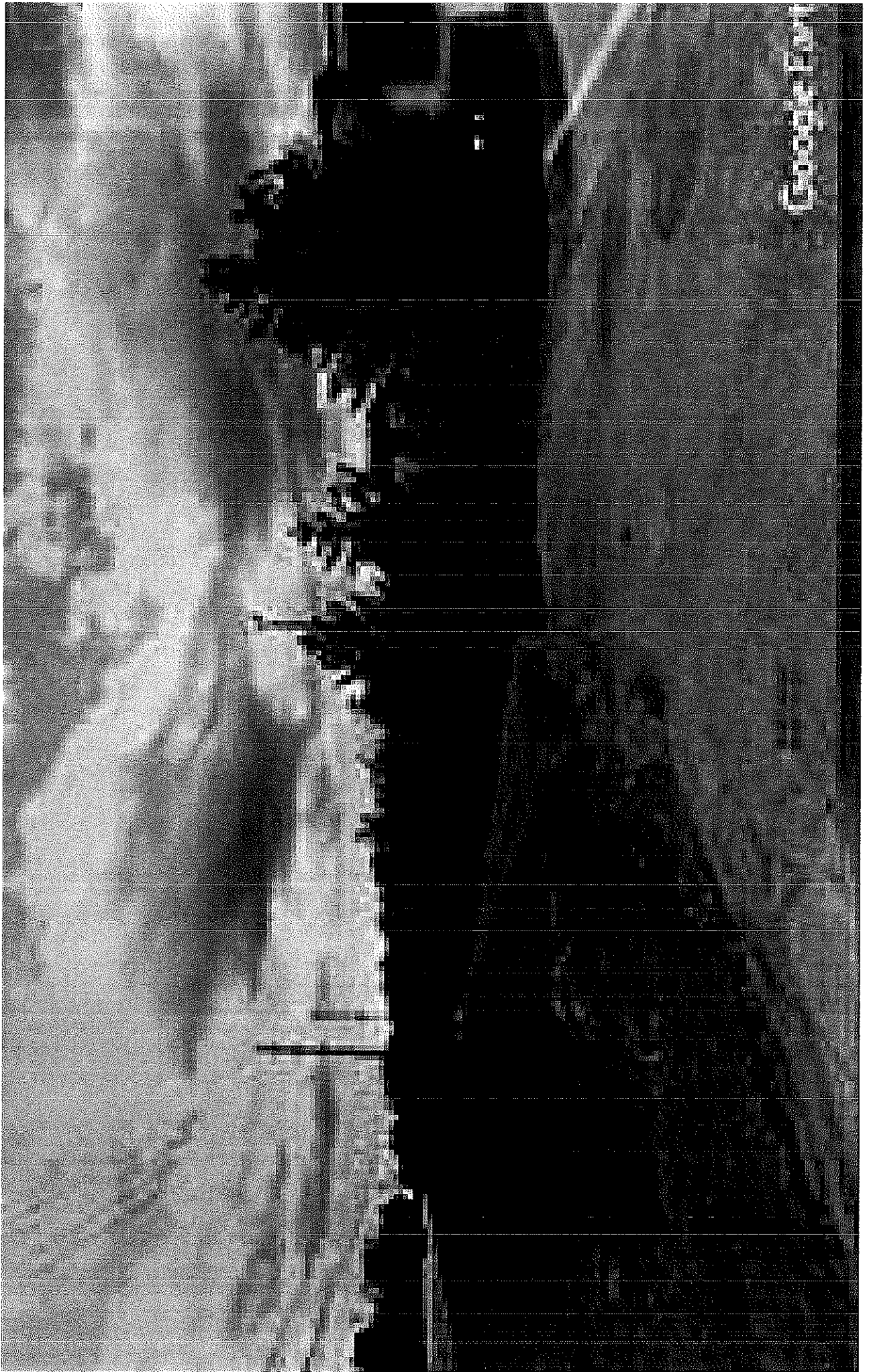


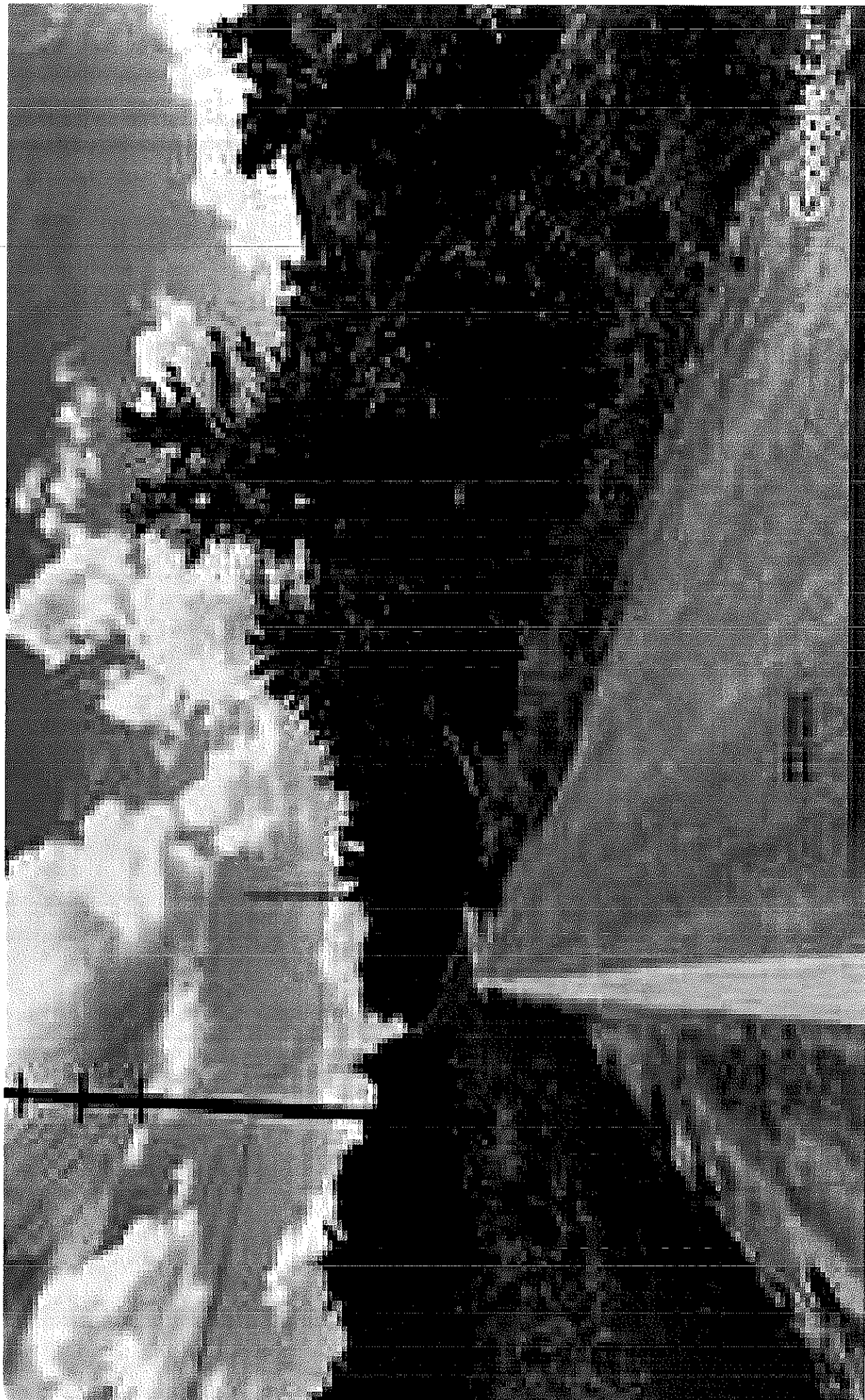
WALKNBIKE PLAN



PRIORITIZED SIDEWALK NETWORK

- Destination + Transit Access Projects
- - -** School Connection Projects
- · ·** Vision Zero Projects
- Sidewalk Gap Projects
- - -** Existing sidewalk





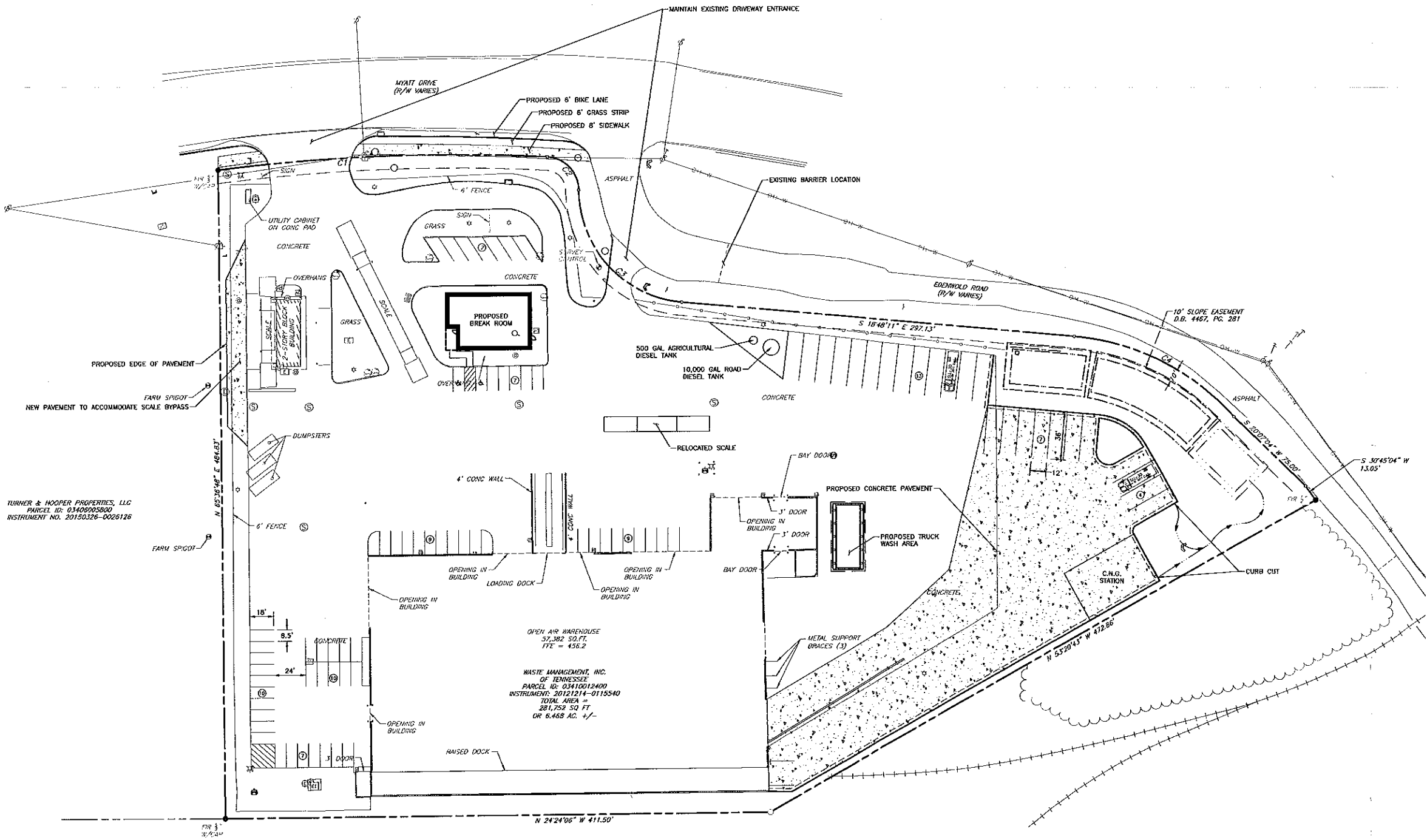




NORTH

LEGEND

- EXISTING PROPERTY LINE
- - - EXISTING ADJACENT PROPERTY LINE
- - - EXISTING EASEMENT
- - - EXISTING CHAINLINK FENCE
- - - EXISTING STORM SEWER LINE
- - - EXISTING OVERHEAD ELECTRIC
- - - EXISTING RAILROAD TRACKS
- BREAK IN BOUNDARY LINE
- FOUND IRON ROD (FIR)
- REBAR IRON PIN SET AND CAP
- SIGN
- LIGHT STAND
- AC UNIT
- BOLLARD
- HANDICAP PARKING SYMBOL
- STORM MANHOLE
- CATCH BASIN (TYPE)
- ROOF DOWNSPOUT
- SANITARY MANHOLE
- CLEAN OUT
- WATER BOX
- FIRE HYDRANT
- WATER METER
- PW - POST INDICATOR VALVE
- FARM SPIGOT
- BUSH SHRUB (SIZE)
- POWER POLE
- ELECTRIC METER
- TRANSFORMER
- GUY WIRE
- TELEPHONE PEDESTAL
- SURVEY CONTROL POINT
- PROPOSED CURB & GUTTER
- PROPOSED EDGE OF PAVED DRIVE
- PROPOSED RETAINING WALL
- PROPOSED PARKING COUNT
- PROPOSED PARKING STALL
- PROPOSED LIMITS OF BURETENTION
- PROPOSED GRASS CHANNEL



TURNER & HOOPER PROPERTIES, LLC
PARCEL ID: 03400005800
INSTRUMENT NO. 20150326-0026126

OPEN AIR WAREHOUSE
37,382 SQ. FT.
17E = 456.2

WASTE MANAGEMENT, INC.
OF TENNESSEE
PARCEL ID: 03410012400
INSTRUMENT: 20121214-0115540
TOTAL AREA =
281,752 SQ. FT.
OR 6.465 AC. +/-

ABP TN (MADISON), LLC
PARCEL ID: 03400006300
INSTRUMENT NO. 20110428-0032617

SITE DATA

PROJECT NAME: RIVERGATE FACILITY PARKING IMPROVEMENTS
 PARCEL I.D.: 03410012400
 ADDRESS: 630 MYATT DRIVE
 CITY: NASHVILLE
 COUNTY: DAVIDSON
 STATE: TENNESSEE
 COUNCIL DISTRICT: 10
 COUNCIL MEMBER: DOUG PARQUE

EXISTING ZONING: IR - INDUSTRIAL RESTRICTIVE
 EXISTING USE: INDUSTRIAL
 PROPOSED USE: INDUSTRIAL
 ACREAGE OF EXISTING SITE: 6.47 AC
 SQUARE FOOTAGE OF EXISTING SITE: 281,751.7± SF
 GROSS SQUARE FOOTAGE OF BUILDINGS: 59,831.6± SF
 IMPERVIOUS SURFACE RATIO: 0.71

FEMA FIRM MAP NUMBER: 47037C0137H
 FEMA FIRM EFFECTIVE DATE: APRIL 5, 2017
 THIS PROPERTY IS NOT LOCATED IN AN AREA DESIGNATED AS A SPECIAL FLOOD AREA

TOTAL DISTURBED AREA = 4.40 ACRES
 PROPOSED IMPERVIOUS AREA = 1.13 ACRES

REVISION RECORD

NO.	DATE	DESCRIPTION

C&E

Civil & Environmental Consultants, Inc.
 325 Seaboard Lane · Suite 170 · Franklin, TN 37067
 615-333-7797 · 800-753-0326
 www.candec.com

WASTE MANAGEMENT, LLC.
 RIVERGATE FACILITY
 PARKING IMPROVEMENTS
 630 MYATT DRIVE
 NASHVILLE DAVIDSON COUNTY, TN

SITE PLAN

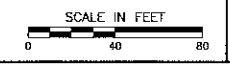
DATE	DESCRIPTION	BY
DECEMBER 2018	DRAWN BY	PEC
AS SHOWN	CHECKED BY	DRAFT
PROJECT NO:	193-703	DRAFT
APPROVED BY:		

DRAWING NO: **C200**

SHEET OF



NOTE TO CONTRACTOR
 THE CONTRACTOR SHALL REFER TO ALL PLANS WITHIN THIS PLAN SET. IT IS NOT THE ENGINEER'S INTENT THAT ANY SINGLE PLAN SHEET IN THIS SET OF DOCUMENTS FULLY DEPICT ALL WORK ASSOCIATED WITH THIS PROJECT.



* HAND SIGNATURE ON FILE

P:\2018\102-703-000\001\102703-001-C200-SITE IMPROVEMENTS.dwg (12/12/2018 4:19 PM) - 12/14/2018 4:19 PM

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-053 (630 Myatt Drive)

Metro Standard:	Myatt Drive – 6’ grass strip, 8’ sidewalk as defined by the Major and Collector Street Plan
	Edenwold Road – 4’ grass strip, 5’ sidewalk as defined by the Metro Local Street standard
Requested Variance:	Not construct sidewalks along Edenwold Road
Zoning:	IR
Community Plan Policy:	D IN (District Industrial)
MCSP Street Designation:	Myatt Drive – T3-M-AB5
	Edenwold Road – Local Street
Transit:	None existing; none planned
Bikeway:	Existing bikeway for experienced cyclists on Myatt Drive

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant is proposing interior and exterior renovations to the existing material recovery facility and requests a variance to not construct sidewalks along the Edenwold Road property frontage. Planning evaluated the following factors for the variance request:

- (1) No sidewalks exist on both property frontages with Myatt Drive and Edenwold Road. The applicant proposes to construct a 6’ grass strip and 8’ sidewalk along Myatt Drive, which meets the Major and Collector Street Plan standard.
- (2) While Edenwold Road is a Metro-owned local street, Metro and adjacent property owners along the street barricaded it from public entry in the 1990s as the street functions similarly as a driveway for neighboring industrial usage. The Metro Public Works Local Street standards cannot be met with the lack of ongoing maintenance and vegetation overgrowth.

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

1. The applicant shall construct sidewalks along the Myatt Drive property frontage per the attached site plan.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: SCOTT MORTON
Property Owner: 22 DEVELOPMENTS
Representative: _____

Date: 12/18/18
Case #: 2019-054
Map & Parcel: 2 PARCELS
092150115.00
092150120.00

Council District 21

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

Purpose:

SPECIAL EXCEPTION REQUEST

- ① REQUESTING TO ALLOW 7 STORIES IN BUILD-TO-SUITE (5 ALLOWED)
 - ② REQUESTING REDUCTION OF STEPBACK, VARIES FROM 0 FT TO 15 FT (15 FT REQUIRED)
 - ③ REDUCTION IN PARKING TO 70 SPACES, 234 REQUIRED.
- Activity Type: NEW COMMERCIAL CONSTRUCTION.

Location: 209 AND 217 22ND AVENUE N

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

Reason: SPECIAL EXCEPTION

Section(s): 17.12.020 D HEIGHT/STEP BACK 17.20.030 PARKING

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

SCOTT MORTON
Appellant Name (Please Print)

SAME
Representative Name (Please Print)

209 10TH AVE. SOUTH #425
Address

SAME
Address

NASHVILLE, TN, 37203
City, State, Zip Code

SAME
City, State, Zip Code

615-645-5520
Phone Number

SAME
Phone Number

SMORTON@SMITHGEESTUDIO.COM
Email

SAME
Email

Appeal Fee: _____

NO PERMIT APPLICATION STARTED



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



3588208

**ZONING BOARD APPEAL / CAAZ - 20180078717
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09215011500

APPLICATION DATE: 12/18/2018

SITE ADDRESS:

209 22ND AVE N NASHVILLE, TN 37203

LOTS 5, 6, 7, PT. 8 ELLISTON

PARCEL OWNER: 22 DEVELOPMENTS LLC

CONTRACTOR:

APPLICANT:**PURPOSE:**

Special Exception request for MUG-A Zoned Property within the UZO for proposed Hotel, retail, restaurant, Mixed Use Development

No Permit Application for Project.

(1) Build To Zone # of Stories, Requesting to allow 7 stories, 5 stories allowed per 17.12.020D

(2) Step Back Reduction varying from 0 ft to 15 ft within Build To Zone(see plans) per 17.12.020D

(3) Reduction to Parking requirements to 70 spaces, 234 required. 17.20.030

POC: Scott Morton 615-645-5520

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

There are currently no required inspections

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR SPECIAL EXCEPTION REQUESTS

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEAL (615) 862-6510

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing. I am aware that I am required to conduct a neighborhood meeting.



APPELLANT

12/18/2018

DATE

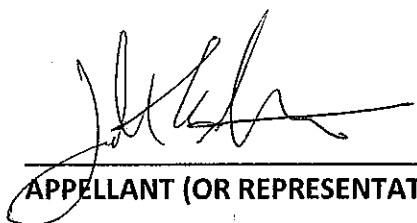
SPECIAL EXCEPTION REQUEST

BZA Rules of Procedure, Item 9(2) (e) requirements to conduct neighborhood meetings regarding the case that will later appear before the BZA. The BZA Rules specifies, "In the Interest of having informed stake holder in special exception cases. It is required that the appellant make contact with the district council person and neighbors within 600 feet of the subject property from a mailing list provided by the board staff. Information by the applicant shall include a contact person and include a reasonable representation of the proposal and hold a meeting at a geographically convenient place, date, and time. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

Zoning staff will provide you a mailing list of property owners in proximity to the location designated for a special exception permit. The BZA Rule then requires you to contact those persons on the mailing list, provide them with the date, time and place of meeting, and discuss your BZA request accordingly. If there is opposition to your case, this meeting gives you the chance to address those concerns prior to the public hearing at the BZA meeting.

You must create and provide documentation of your efforts to contact the neighboring property owners for the neighborhood meeting. Failure to do so can result in a deferral or denial of your appeal to the BZA.

I ACKNOWLEDGE MY RESPONSIBILITES regarding the neighborhood meeting preceding the public hearing for by BZA appeal for a special exception



APPELLANT (OR REPRESENTATIVE)

12 | 18 | 2018

DATE

Table 17.12.020D
MULTI-FAMILY MIXED USE AND NONRESIDENTIAL ALTERNATIVE ZONING DISTRICTS

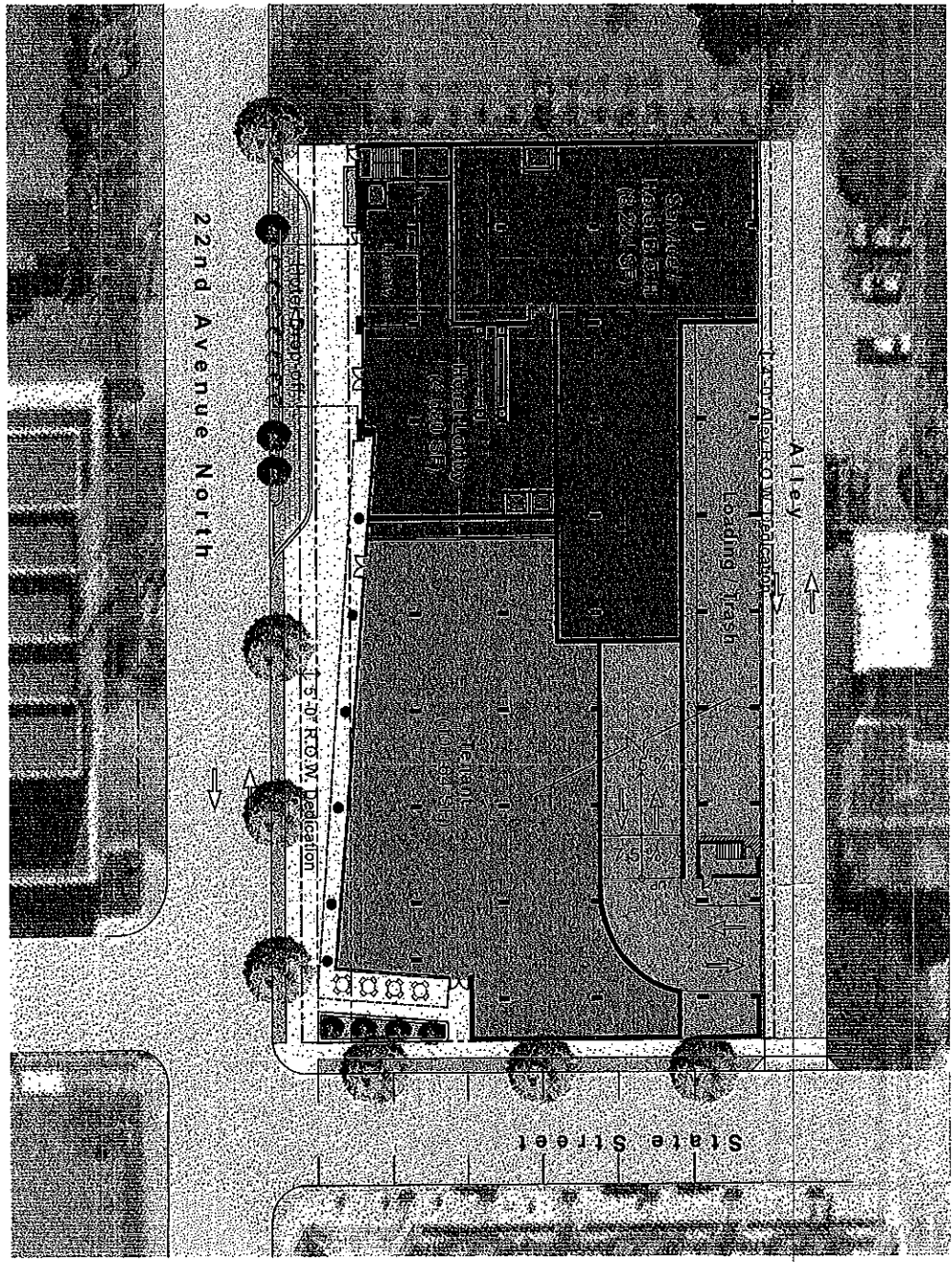
Zoning District	Min. Lot Area	Max. Density	Max. FAR (see Note 1)	Max. ISR (see Note 2)	Min. Setback (in Ft.)	Rear Setback (in Ft.)	Min. Side Setback (in Ft.)	Max. Height in Build-to Zone	Min. Step-back	Max. Height	Build-to Zone (in Ft.) (See Note 3)
MUN-A	None	Doesn't apply	0.60	0.80	20		None req.	3 stories in 45 feet	15 feet	4 stories in 60 feet	0-15 in the UZO, 0-80 outside of the UZO
MUL-A	None	Doesn't apply	1.00	0.90	20		None req.	3 stories in 45 feet	15 feet	4 stories in 60 feet	0-15 in the UZO, 0-80 outside of the UZO
MUG-A	None	Doesn't apply	3.00	0.90	20		None req.	5 stories in 75 feet	15 feet	7 stories in 105 feet	0-15
MUL-A	None	Doesn't apply	5.00	1.00	None req.	None req.	None req.	7 stories in 105 feet	15 feet	15 stories in 150 feet	0-15
RM9-A	15,000	15	0.60 See Note 8	0.70	20		10 See Note 3	20 feet	15 feet	35 feet	0-15 in the UZO, 0-80 outside of the UZO
RM15-A	10,000	9	0.75 See Note 8	0.70	20		10 See Note 3	20 feet	15 feet	35 feet	0-15 in the UZO, 0-80 outside of the UZO
RM20-A, OR20-A	7,500	20	0.80 See Note 2	0.70	20		5 See Note 3	30 feet	15 feet	45 feet	0-15 in the UZO, 0-80 outside of the UZO
RM40-A, OR40-A	6,000	40	1.00 See Note 1	0.75	20		5 See Note 3	45 feet	15 feet	60 feet	0-15
RM60-A	6,000	60	None	0.80	20		5 See Note 3	65 feet	15 feet	90 feet	0-15
RM80-A	6,000	80	None	0.90	20		5	65 feet	15 feet	90 feet	0-15
RM100-A	6,000	100	None	0.90	20		5	65 feet	15 feet	90 feet	0-15
ORA-A	None	Doesn't apply	3.00	0.90	20		None req.	65 feet	15 feet	105	0-15
CN-A	None	Doesn't apply	0.25	0.80	20		None req.	2 stories in 30 feet	Doesn't apply	2 stories in 30 feet	0-15 in the UZO, 0-80 outside of the UZO

22nd and STATE - BZA APPLICATION

2019-054

DEVELOPMENT SUMMARY	
Commercial:	10,164 SF
Hotel:	168 Keys Total
Level 3	30 Keys
Level 4	36 Keys
Level 5	36 Keys
Level 6	36 Keys
Level 7	30 Keys
Parking Required:	234 Spaces Total
Hotel (X1 / Key)	168 Spaces
Employee (X1 / 4 Emp.)	5 Spaces
Commercial (X1 / 150sf)	61 Spaces
Parking Provided:	70 Spaces Total
P2	68 Spaces
On-street	02 Spaces*

*One legal on-street parking space can be substituted for 1/2 of every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking immediately abutting the property.



SOUTHROCK
Ventures

December 18, 2018

22ND AND STATE MIXED-USE
Nashville, Tennessee

Floor Plan - Ground Level

SGS #18127.00

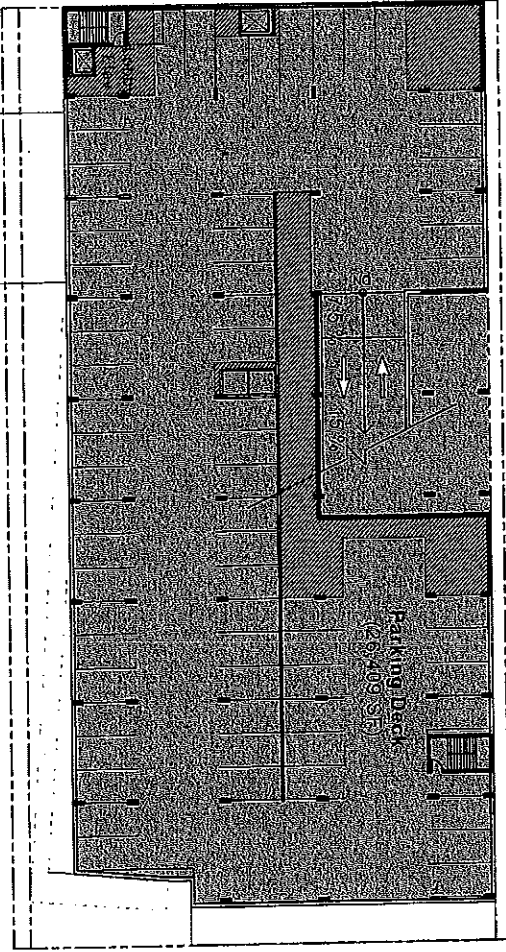


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209 10th Avenue South • Suite 425
Nashville, Tennessee 37203
p: 615 239 5555
www.smithgeestudio.com
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22nd and STATE - BZA APPLICATION

DEVELOPMENT SUMMARY	
Commercial:	10,164 SF
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P2	68 Spaces*
On-street	02 Spaces*

*One legal on-street parking space can be substituted for 1/2 of every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking immediately abutting the property.



December 18, 2018

Floor Plan - Level 2 Parking
22ND AND STATE MIXED-USE
 Nashville, Tennessee

SGS #18127.00

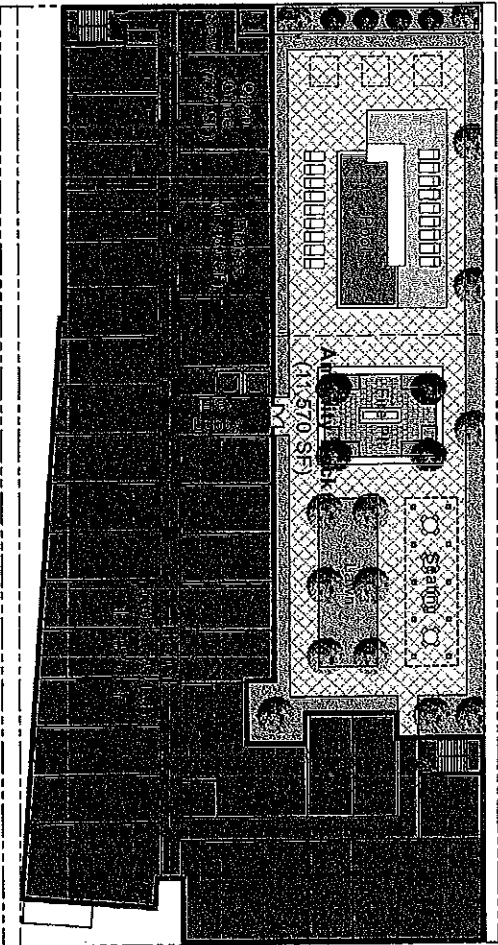


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 209 10th Avenue South • Suite 425
 Nashville, Tennessee 37203
 Tel: 615.739.5555
 www.smithgeestudio.com
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22nd and STATE - BZA APPLICATION

DEVELOPMENT SUMMARY	
Commercial:	10,164 SF
Hotel:	168 Keys Total
Level 3	30 Keys
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Level 5	36 Keys
Level 6	36 Keys
Level 7	30 Keys
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Hotel (x1 / Key)	168 Spaces
Employee (x1 / 4 Emp.)	5 Spaces
Commercial (x1 / 150sf)	61 Spaces
Parking Provided:	70 Spaces Total
P2	68 Spaces
On-street	02 Spaces*

*One legal on-street parking space can be substituted for 1/4 of every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking immediately abutting the property.



December 18, 2018

Floor Plan - Hotel Level 3

22ND AND STATE MIXED-USE

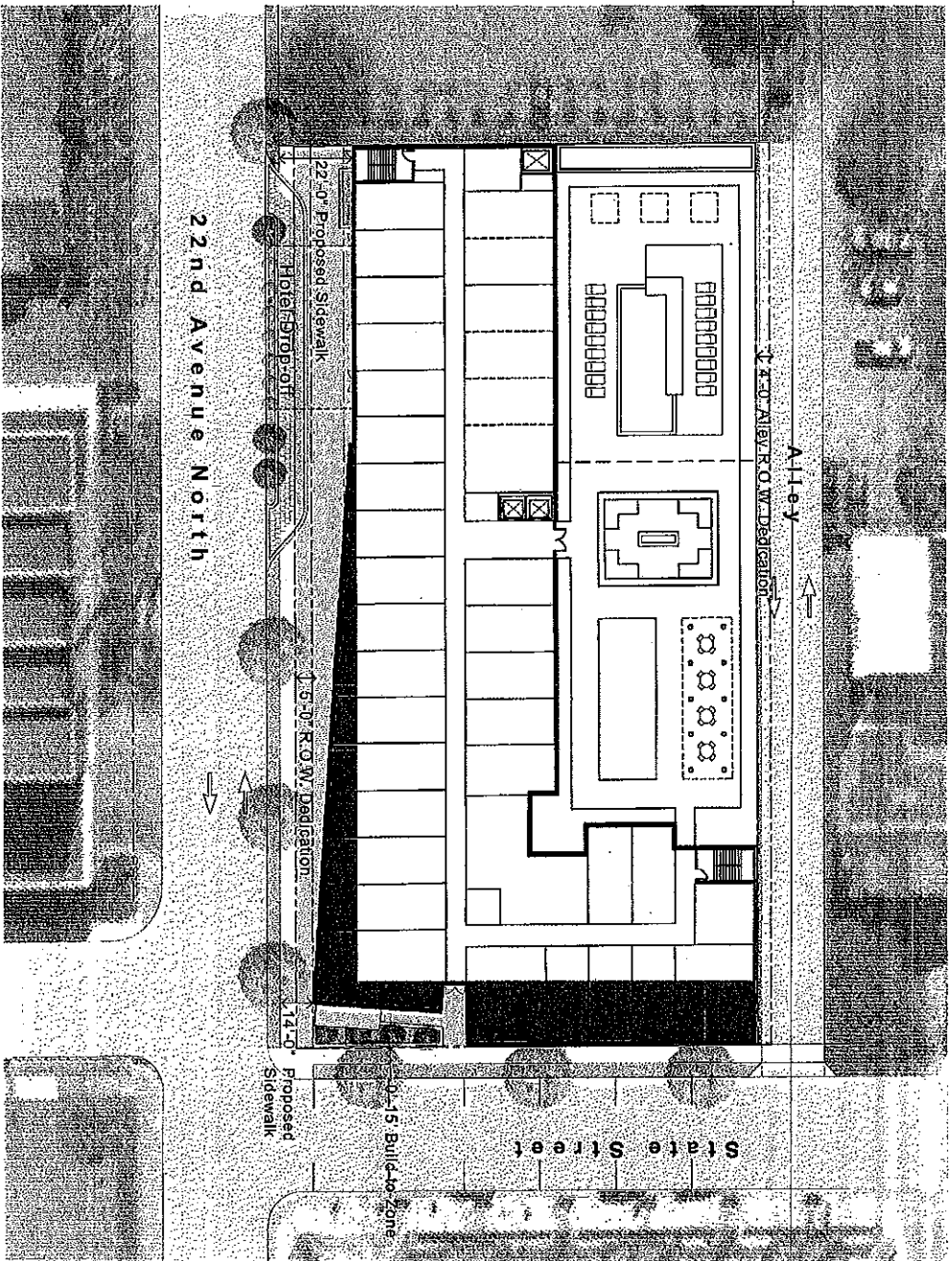
Nashville, Tennessee

SGS #18127.00





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 Nashville, Tennessee 37203
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22nd and STATE - BZA APPLICATION



LEGEND

	0 ft. - 15 ft. Build-to-Zone
	Area that exceeds allowable number of stories with in build-to-zone



December 16, 2018

Special Exception Request #1
 Reduction to Building Stepback Required for 6th & 7th Stories
22ND AND STATE MIXED-USE
 Nashville, Tennessee

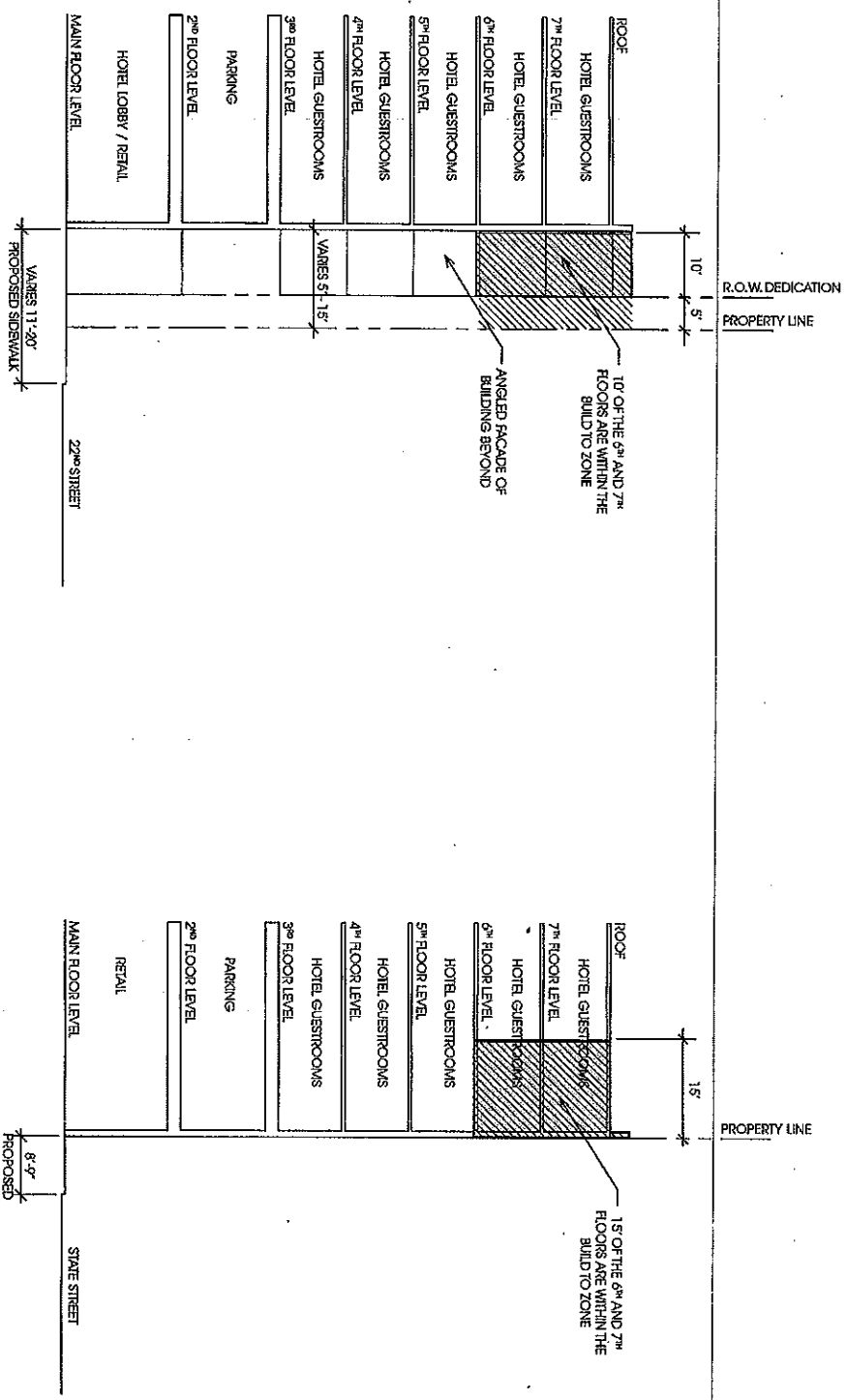
SCS #18127.00



SMITH GEE STUDIO, LLC
 209 10th Avenue South • Suite 425
 Nashville, Tennessee 37203
 P: 615.736.5555
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22nd and STATE - BZA APPLICATION



December 18, 2018

22ND AND STATE MIXED-USE
Nashville, Tennessee

Street Section Diagrams

SCS #18127.00



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22nd and STATE - BZA APPLICATION

SHARED-PARKING-DEMAND-STUDY

PARKING SPACES	DRIVE UP	HOTEL	ROOMS
55	44%	FAIRFIELD INN & SUITES / GULCH	126
70	42%	22ND & STATE	168
74	41%	KIMPTON AERTSON	180
68	30%	THOMPSON NASHVILLE	224
25	20%	21c NASHVILLE	124

AVERAGES

- Hotel Occupancy: 60%
- Overnight Valet Rate: \$35
- Drive Up Ratio: 30%



December 18, 2018

Special Exception Request #2
 Reduction to Required Parking per Zoning
22ND AND STATE MIXED-USE
 Nashville, Tennessee

SGS #18127.00



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22nd and STATE - BZA APPLICATION

PARKING REQUIRED PER CODE

USE	SQ. FT. REQUIREMENT	PROGRAM	PARKING SPACES REQUIRED	ZONING CODE REFERENCE
Hotel - guests	1 per guestroom	168 Keys	168 spaces	Table 17.20.030
Hotel - employees	1 per 4 employees	20 employees	5 spaces	Table 17.20.030
Restaurant (Full Service)	1 per 150 SF above 1K SF	10,164 SF	61 spaces	Table 17.20.030
TOTAL PROVIDED			70 spaces	



December 18, 2018

Special Exception Request #2
 Reduction to Required Parking per Zoning
22ND AND STATE MIXED-USE
 Nashville, Tennessee

SGS #18127/00



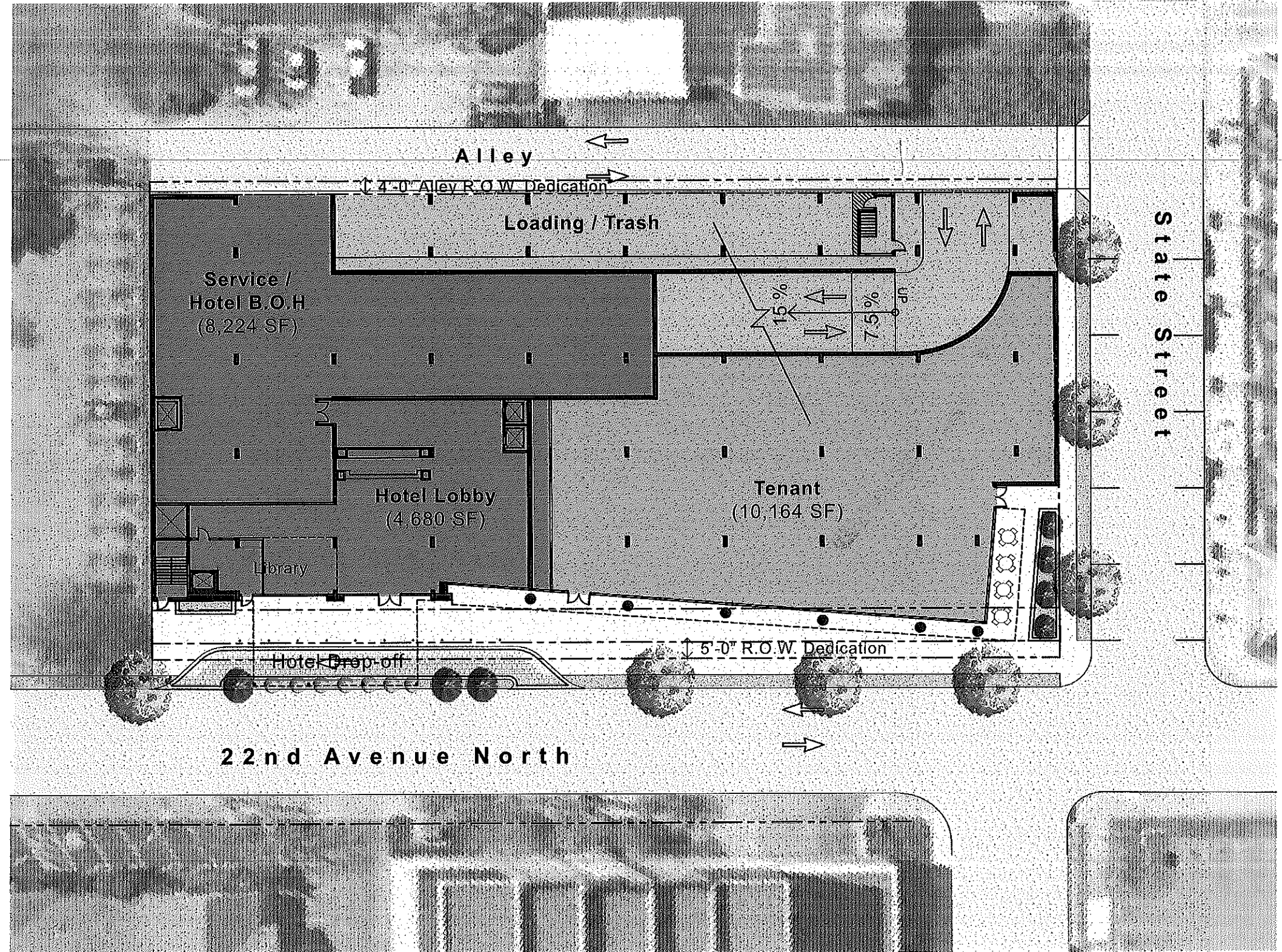
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2019-054

22nd and STATE - BZA APPLICATION

DEVELOPMENT SUMMARY	
Commercial:	10,164 SF
Hotel:	168 Keys Total
Level 3	30 Keys
Level 4	36 Keys
Level 5	36 Keys
Level 6	36 Keys
Level 7	30 Keys
Parking Required:	234 Spaces Total
Hotel (x1 / Key)	168 Spaces
Employee (x1 / 4 Emp.)	5 Spaces
Commercial (x1 / 150sf) (Restaurant)	61 Spaces
Parking Provided:	70 Spaces Total
P2	68 Spaces
On-street	02 Spaces*

*One legal on-street parking space can be substituted for 1/2 of every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking immediately abutting the property.



Floor Plan - Ground Level



December 18, 2018

22ND AND STATE MIXED-USE Nashville, Tennessee

SGS #18127.00

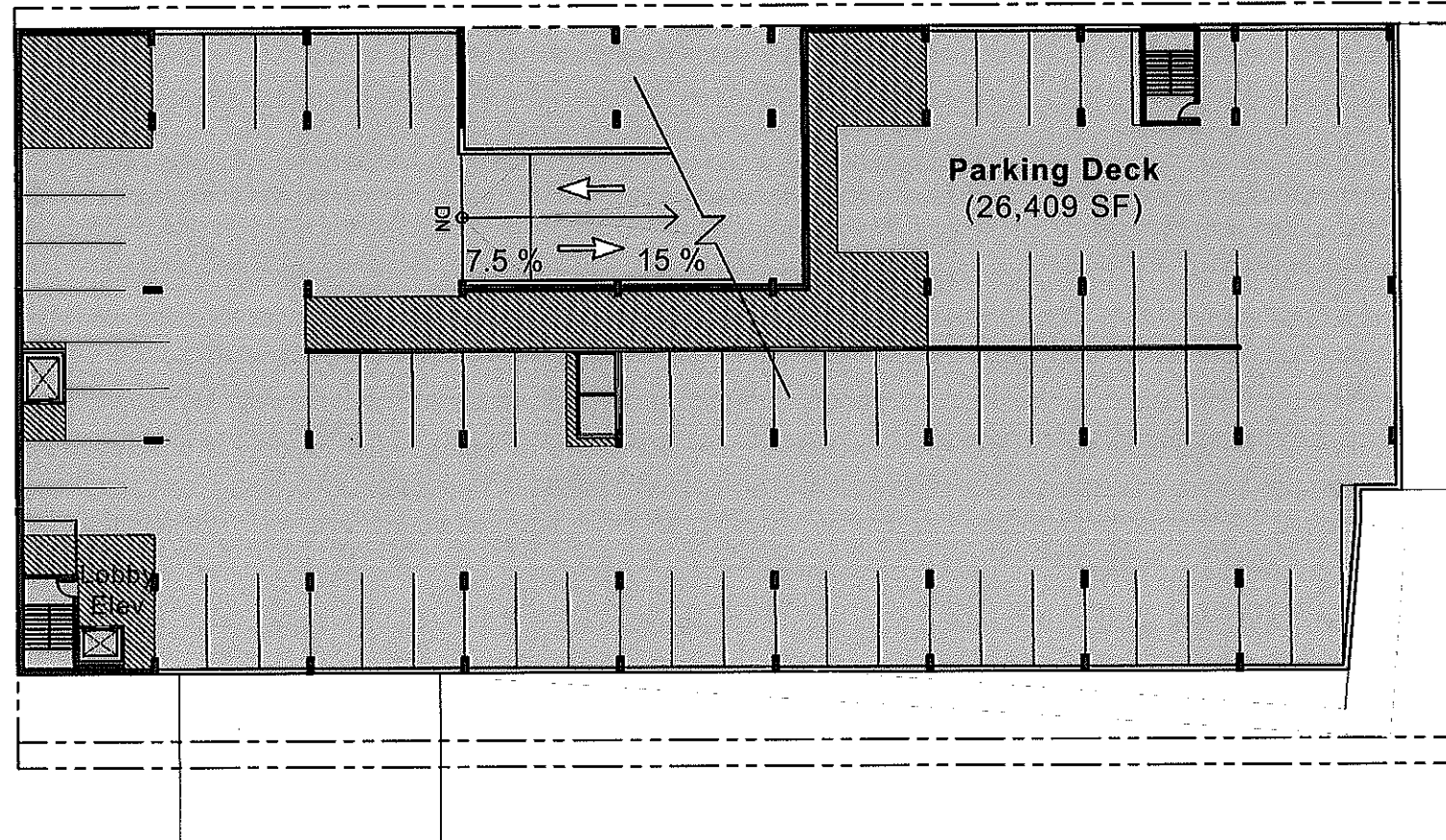


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22nd and STATE - BZA APPLICATION

DEVELOPMENT SUMMARY	
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Hotel:	168 Keys Total
Level 3	30 Keys
Level 4	36 Keys
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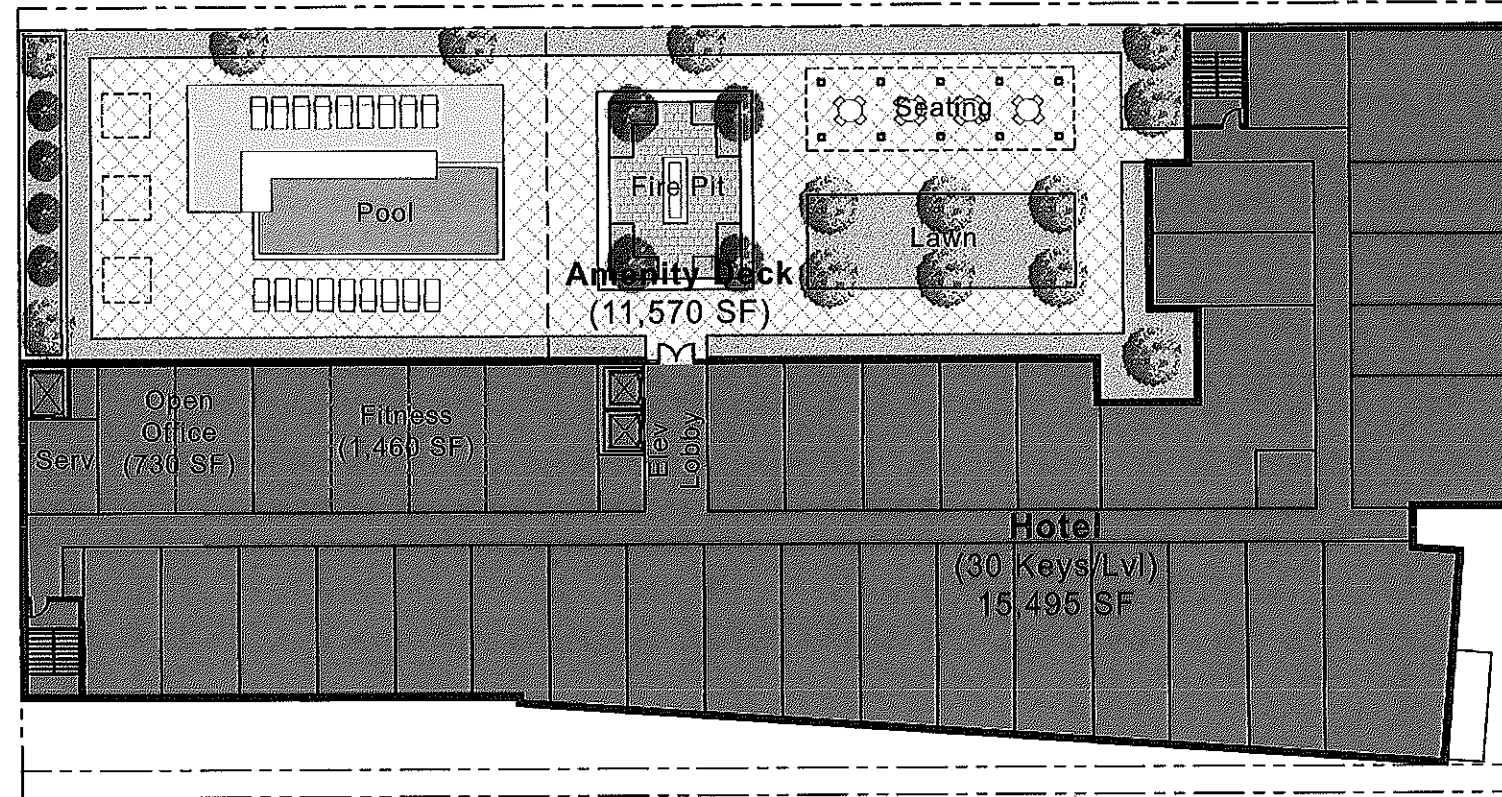


Floor Plan - Level 2 Parking

22nd and STATE - BZA APPLICATION

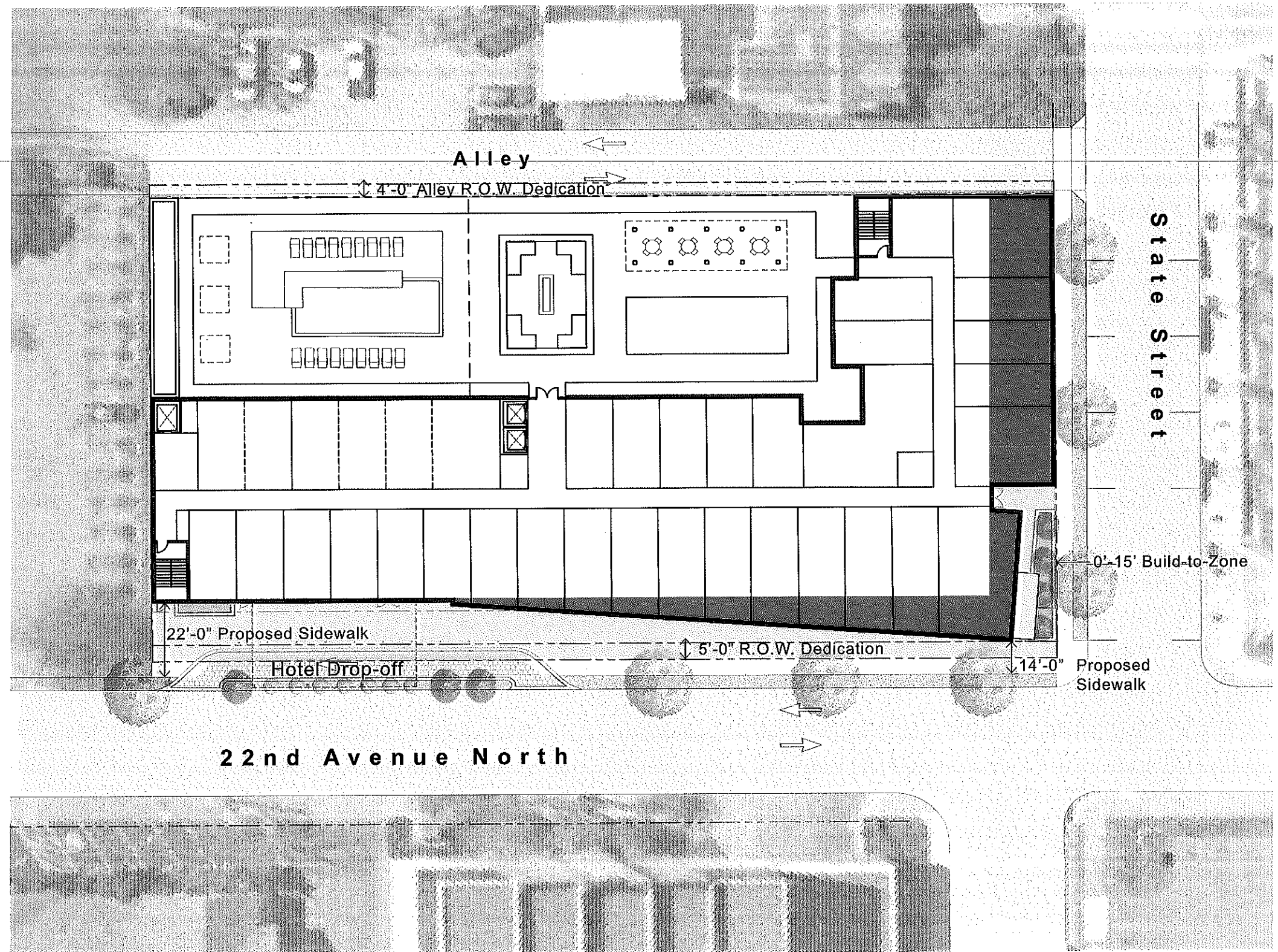
DEVELOPMENT SUMMARY	
Commercial:	10,164 SF
Hotel:	168 Keys Total
Level 3	30 Keys
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



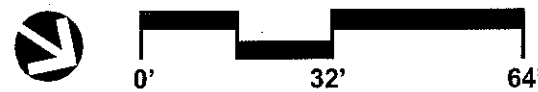
Floor Plan - Hotel Level 3

22nd and STATE - BZA APPLICATION



LEGEND

-  0 ft. - 15 ft. Build-to-Zone
-  Area that exceeds allowable number of stories with in build-to-zone



December 18, 2018

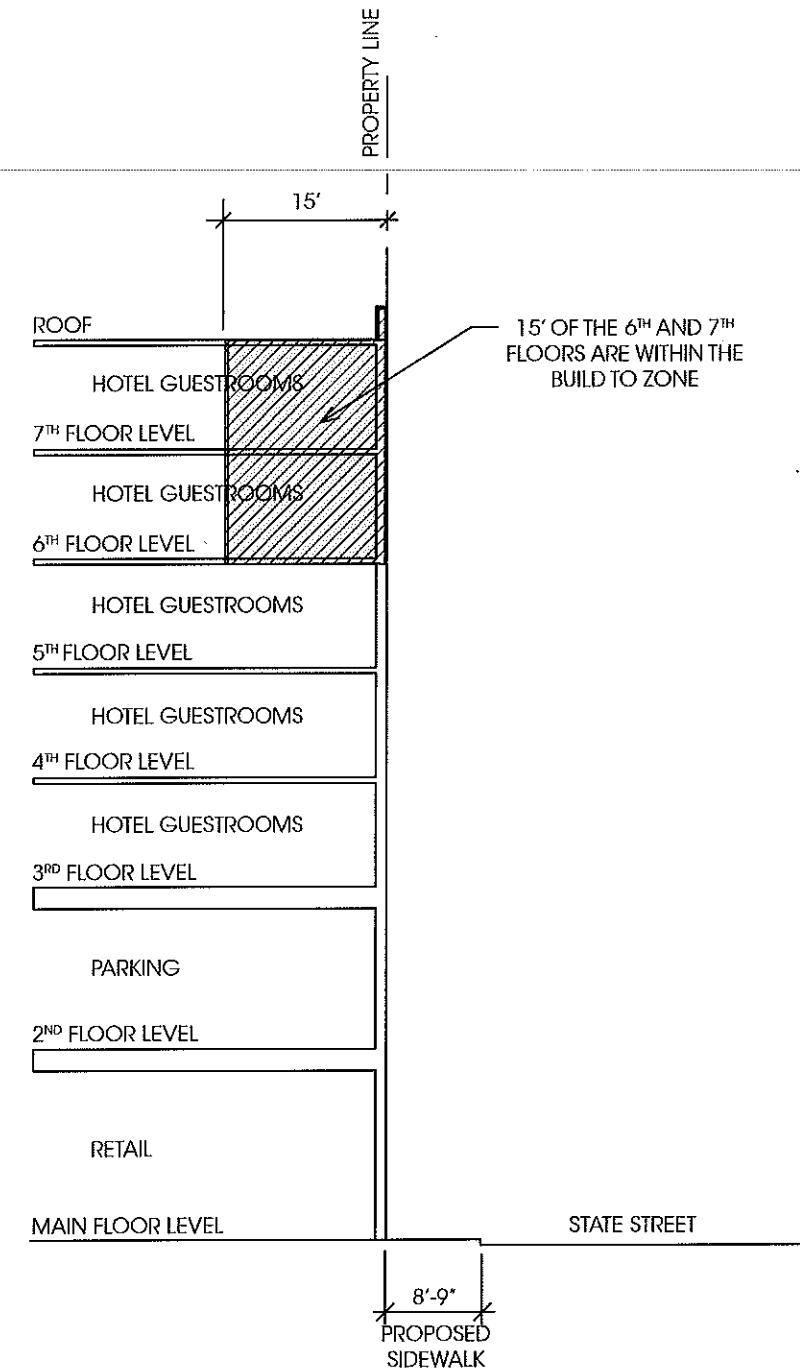
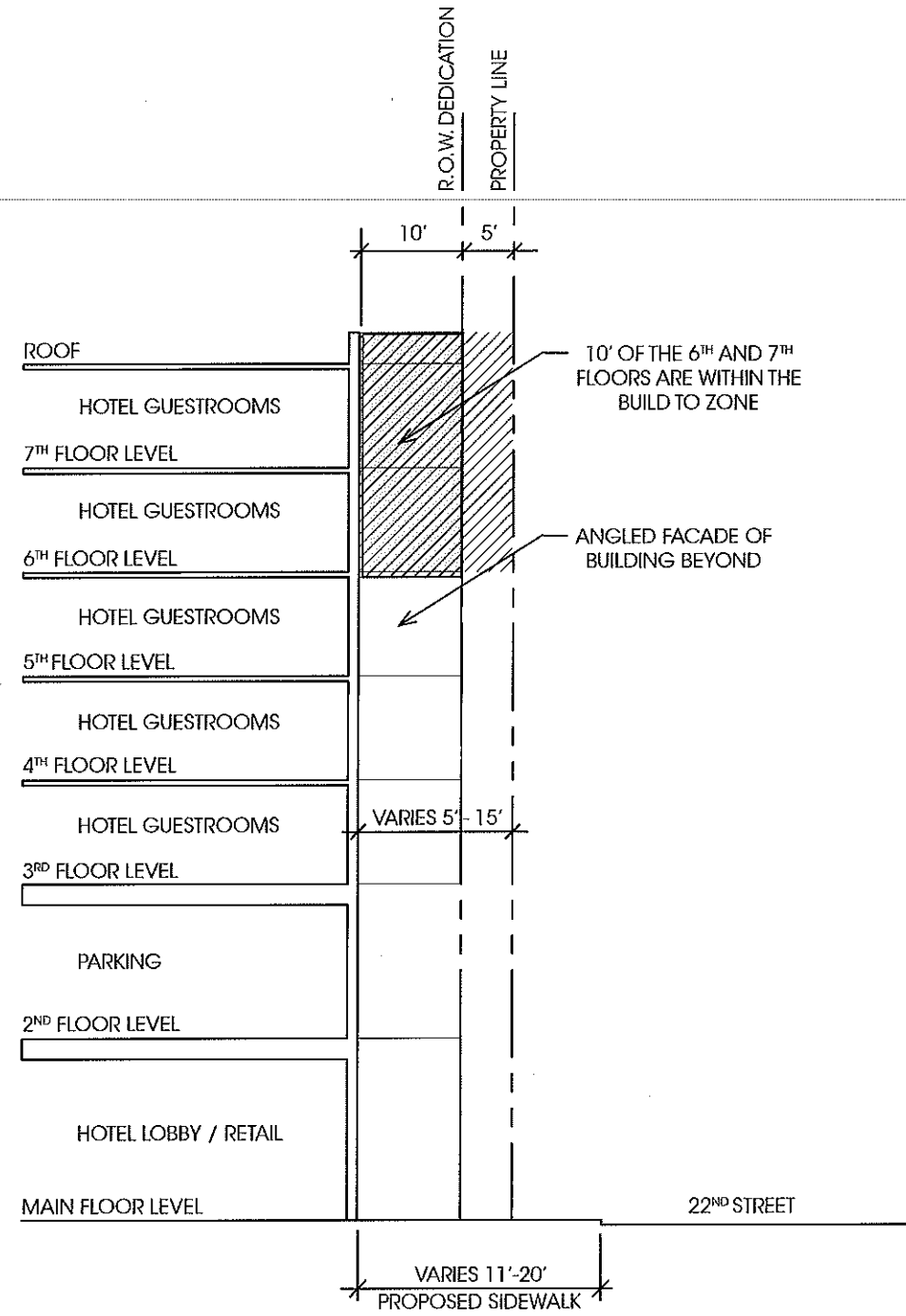
Special Exception Request #1
 Reduction to Building Stepback Required for 6th & 7th Stories
22ND AND STATE MIXED-USE
 Nashville, Tennessee

SGS #18127.00



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22nd and STATE - BZA APPLICATION



 Portion of building encroaching within 15 ft. building setback

Street Section Diagrams

22ND AND STATE MIXED-USE
Nashville, Tennessee

December 18, 2018

SGS #18127.00



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22nd and STATE - BZA APPLICATION

SHARED PARKING DEMAND STUDY

PARKING SPACES	DRIVE UP	HOTEL	ROOMS
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AVERAGES

Hotel Occupancy: 60%

Overnight Valet Rate: \$35

Drive Up Ratio: 30%

22nd and STATE - BZA APPLICATION

PARKING REQUIRED PER CODE

USE	CODE REQUIREMENT	PROGRAM	PARKING SPACES REQUIRED	ZONING CODE REFERENCE
Hotel - guests	1 per guestroom	168 Keys	168 spaces	Table 17.20.030
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Restaurant (Full Service)	1 per 150 SF above 1k SF	10,164 SF	61 spaces	Table 17.20.030
TOTAL REQUIRED			234 spaces	
TOTAL PROVIDED			70 spaces	



December 18, 2018

Special Exception Request #2
 Reduction to Required Parking per Zoning
22ND AND STATE MIXED-USE
 Nashville, Tennessee

SGS #18127.00



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METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201
615.862.7150
615.862.7209

Memo

To: Metropolitan Nashville Board of Zoning Appeals
From: Metropolitan Nashville Planning Department
CC: Emily Lamb
Date: January 28, 2019
BZA Hearing Date: February 7, 2019
Re: Planning Department Recommendation for a Special Exception, Case 2019-054

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

1. Case 2019-054 (22nd Avenue North)

Request: A Special Exception to increase height in build-to-zone and reduce the minimum step-back requirement.

Zoning: Mixed Use General-Alternative (MUG-A) is intended for a moderately high intensity mixture of residential, retail, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

Overlay District: Urban Zoning Overlay District

Land Use Policy: T5 Center Mixed Use Neighborhood (T5 MU) is intended to maintain, enhance, and create high-intensity urban mixed use neighborhoods with a development pattern that contains a diverse mix of residential and non-residential land uses. T5 MU areas are intended to be among the most intense areas in Davidson County. T5 MU areas include some of Nashville's major employment centers such as Midtown that represent several sectors of the economy including health care, finance, retail, the music industry, and lodging. T5 MU areas also include locations that are planned to evolve to a similar form and function.

Supplemental Policy: 10-MT-T5-MU-03 Midtown Study applies to properties in three areas: West End Avenue between I-440 and 31st Avenue North, properties in the Elliston Place/State Street area; and properties in the Grand Avenue/18th Avenue South area. The intent of the Midtown

Study is to provide planning guidance at a more detailed level than a community plan. This site is located within the low rise area that allows building heights between 2-8 stories.

Planning Department Analysis: The first special exception proposes to allow a maximum of seven stories within the build-to zone where a maximum of five stories is allowed. The second special exception is to reduce the step-back requirement from a minimum of 15 feet to a minimum of zero feet. The intent of the special exception to reduce the step-back requirement is to allow for an angled façade of the building. Metro Zoning Code (17.12.020) specifies the criteria for modifying the height and step-back for a property located in the Urban Zoning Overlay District.

The existing site consists of two parcels. Existing conditions include a one story commercial building and a parking lot. The building north of the site is a 7-story residential building that does not have a step-back. The building east of the site, across 22nd Avenue North, is a 6-story office building which does not have a step-back. The required step-back of 15 feet is not consistent with the surrounding context at this location.

The Midtown Study supports low rise buildings, which are generally 2 – 8 stories. The site is located on 22nd Avenue North which is identified in as a secondary street. Additional height is supported along primary and secondary streets, verses along tertiary or local streets. The request for 7 stories is consistent with the Midtown Study. The proposed sidewalk is 14 feet wide which is consistent with the Midtown Study and the Major and Collector Street Plan. The wide sidewalk allows for a strong pedestrian-friendly environment.

Planning Recommendation: Approve.

Lifsey, Debbie (Codes)

From: Ammarell, Beverly (Public Works)
Sent: Tuesday, January 15, 2019 3:22 PM
To: Lifsey, Debbie (Codes)
Cc: Doyle, Devin (Public Works)
Subject: 2/7/19 BZA meeting

2019-050 Woodmont Christian Church 3605 Hillsboro Rd special Exception for addition , sidewalk variance

Variance: 17.16.170 E variance and sidewalk variance

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

2019-051 Religious temple 104 B Glenmont Dr special Exception for addition

Variance: 17.16.170E1, 17.12.020B side setback, 17.20.120 variance

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

2019-052 Religious Institution Spero Dei Church 3701 Park Ave special Exception for addition , and from noncomplying structure

Variance: 17.16.170 E , 17.16.660c variance side setback

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

2019-054 hotel ,retail,restaurant mixed use 209 22nd Ave N special Exception for height and setbackand parking reduction from 234 req. spaces to 70 spaces

Variance: 17.12.020D, height and setback, 17.20.030 parking

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

2019-061 fire hall in residential zoned property at existing fire hall location 431 Tyler Dr and Andrew Jackson pkwy special exceotion

Variance:17.16.140 special exception

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

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210



Appellant: BRYAN + ABBY CURTIS

Date: 12/18/2018

Property Owner: BRYAN AND ABBY CURTIS

Case #: 2019-056

Representative: Scott Wilson ARCHITECT

Map & Parcel: 102 160 032 00

Council District 23

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

Purpose:

Appeal The 24' max height restriction on a detached structure to allow for a chimney at 25'7"

Activity Type: Residential - New Construction

Location: 605 Starlit Road

This property is in the RS40 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: CHIMNEY 1'-7" OVER MAX HEIGHT OF 24'

Section(s): 17.12.060 B

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

BRYAN + ABBY CURTIS
~~Brent Legendre~~
Appellant Name (Please Print)

Brent Legendre - Scott Wilson
Representative Name (Please Print)

605 Starlit Rd.
Address

317 Main St. Ste 202
Address

Nashville, TN.
City, State, Zip Code

Franklin, TN. 37064
City, State, Zip Code

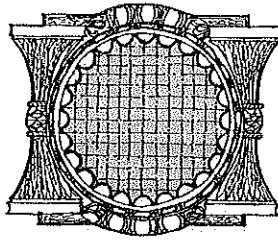
(623) 670-1050
Phone Number

615-377-9131
Phone Number

Amcurtis@gmail.com
Email

Brent@swalle.com *
Email

Appeal Fee: _____



SCOTT WILSON ARCHITECT, LLC
317 Main Street, Ste. 202
Franklin, Tennessee 37064
615.377.9131 office

Zoning appeal for:

Bryan and Abby Curtis
605 Starlit Road
Nashville, Tennessee

The Curtis' are wanting to build a detached garage structure at the rear of the property. There will be a small recreation room as part of the garage building. In this recreation room the owners wish to have a wood burning fireplace. Current zoning states that for detached structures, the maximum height for any part of that structure is 24'-0". The current height of the main ridge of the garage structure is 23'-7". However, with the chimney, the height will go above the 24' height by 1'-7" to a maximum height of 25'-7". The owners are requesting to appeal this to allow for the chimney and the wood burning fireplace.

Thomas Corcoran is the zoning official that we have been working with.

Thank you for your consideration
in this matter.

Sincerely,
Brent Legendre
-Project manager.



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



3588199

ZONING BOARD APPEAL / CAAZ - 20180078709
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10216003200

APPLICATION DATE: 12/18/2018

SITE ADDRESS:

605 STARLIT RD NASHVILLE, TN 37205
LOT 244 SEC 10 HILLWOOD EST

PARCEL OWNER: CURTIS, ABBY

CONTRACTOR:

APPLICANT: CURTIS, ABBY
605 STARLIT RD
NASHVILLE, TN 37205 615-670-1050

PURPOSE:

Construct detached accessory structure with chimney.

Request to construct chimney at height of 25'-7" extending 1'-7" above maximum allowed height of 24'. Per 17.12.060 B

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

NO-Permit

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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

Bryan + Abby Curtis

APPELLANT

12-18-18

DATE

Standards for a Variance

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

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

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

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

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

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

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

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

The Board shall not grant variances to the land use provisions of section 2.3, nor the density of Floor Area Ratio (FAR) standards of Tables 3-B and 2-C, nor the required size of residential lots approved by the Planning Commission under the authority of section 3.7 (Lot Averaging), section 3.8 (Cluster Lot Option) or Section 9. E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

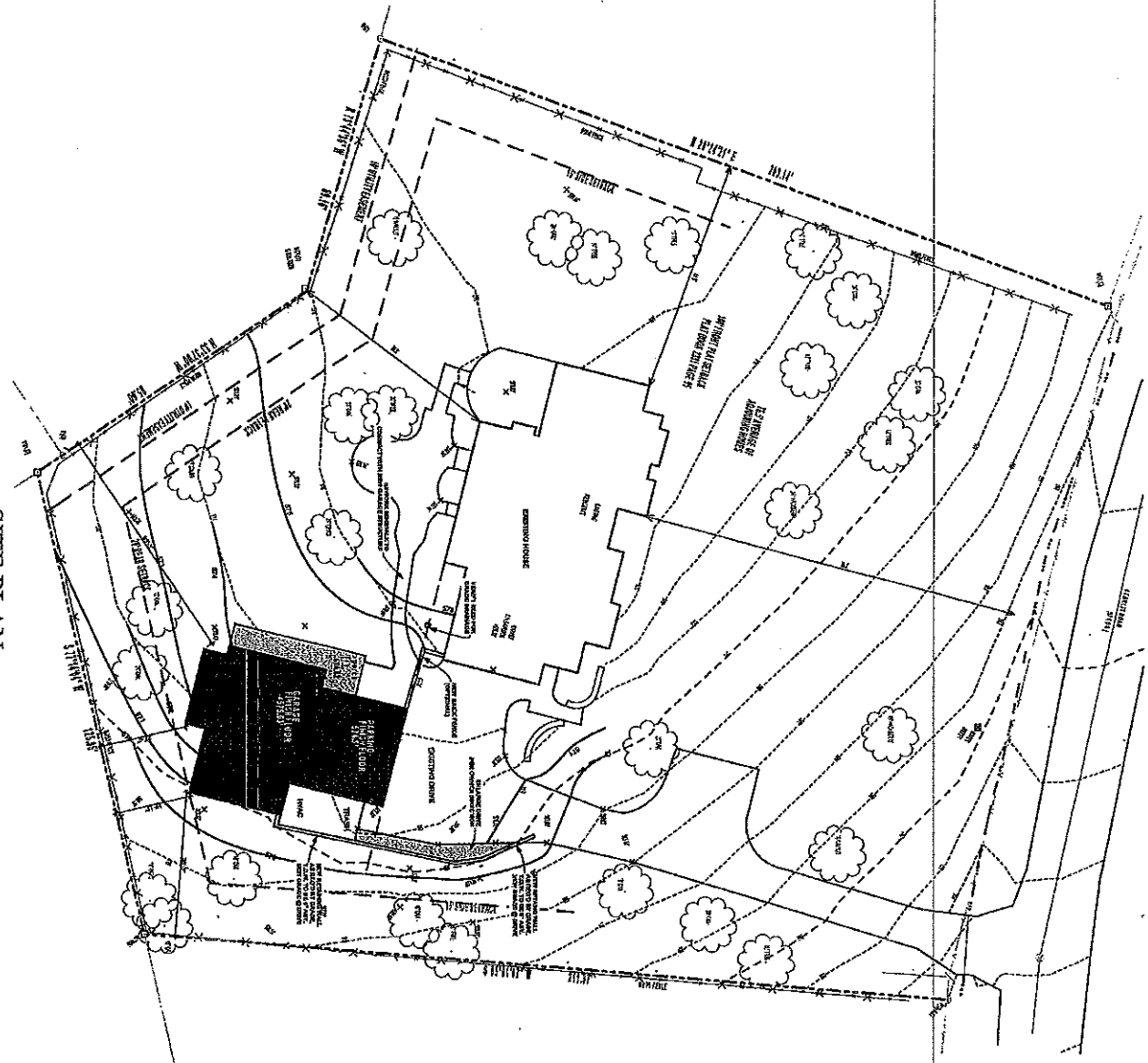
In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

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

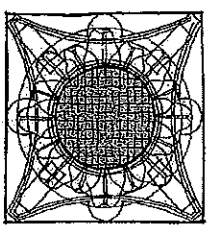
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

SITE PLAN
1" = 30'



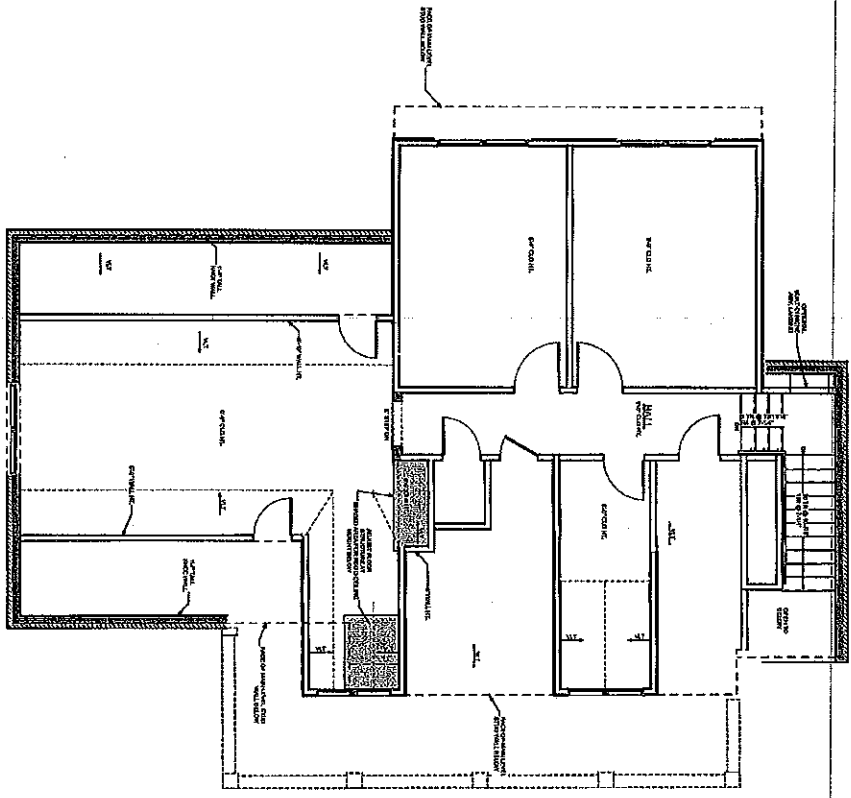
2019-056



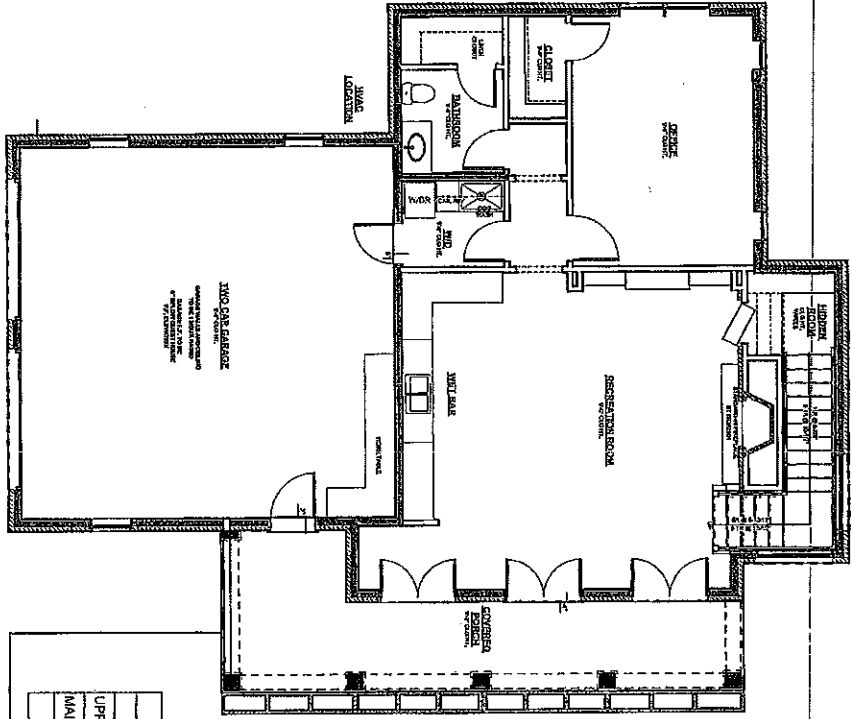
SCOTT WILSON
ARCHITECT, LLC

317 Main Street, Suite 202
 Franklin, TN 37064
 (615) 377-9131 office
 www.scottwilsonarchitect.com

CURTIS
RESIDENCE
 NASHVILLE
 TENNESSEE



UPPER LEVEL PLAN



MAIN LEVEL PLAN

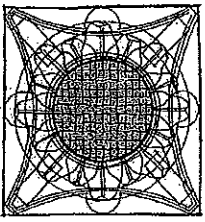
AREA CALCULATIONS H&C	
AREA	GROSS S.F.
UPPER LEVEL	1,127
MAIN LEVEL	1,109
	2,236 sq ft

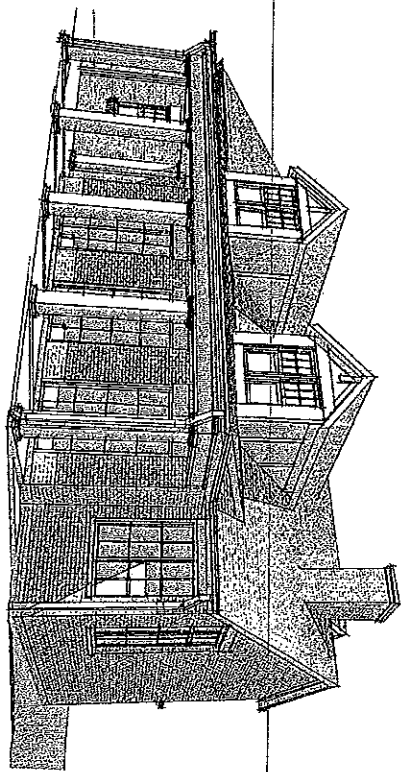
FLOOR PLANS
1/8" = 1'-0"

**CURTIS
RESIDENCE**
NASHVILLE
TENNESSEE

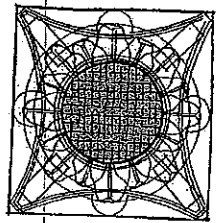
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**SCOTT WILSON
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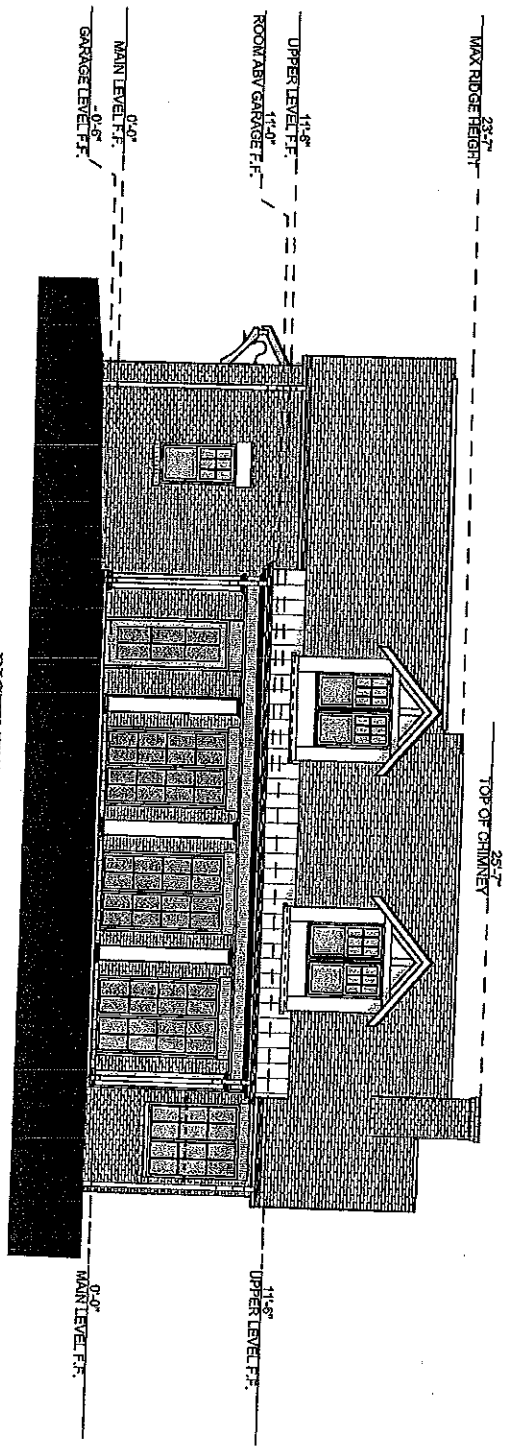


PERSPECTIVE



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ARCHITECT, LLC**

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RIGHT ELEVATION
1/8"=1'-0"

ELEVATION AND PERSPECTIVE

**CURTIS
RESIDENCE**
NASHVILLE
TENNESSEE

MAX RIDGE HEIGHT 23'-7"

TOP OF CHIMNEY 25'-7"

UPPER LEVEL F.F. 11'-8"

ROOM ABV GARAGE F.F. 11'-0"

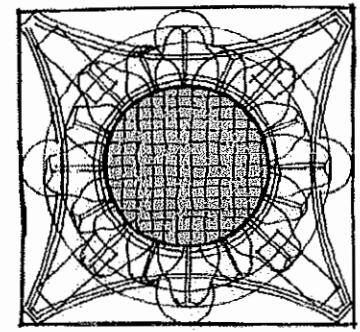
MAIN LEVEL F.F. 0'-0"

GARAGE LEVEL F.F. -0'-8"

UPPER LEVEL F.F. 11'-8"

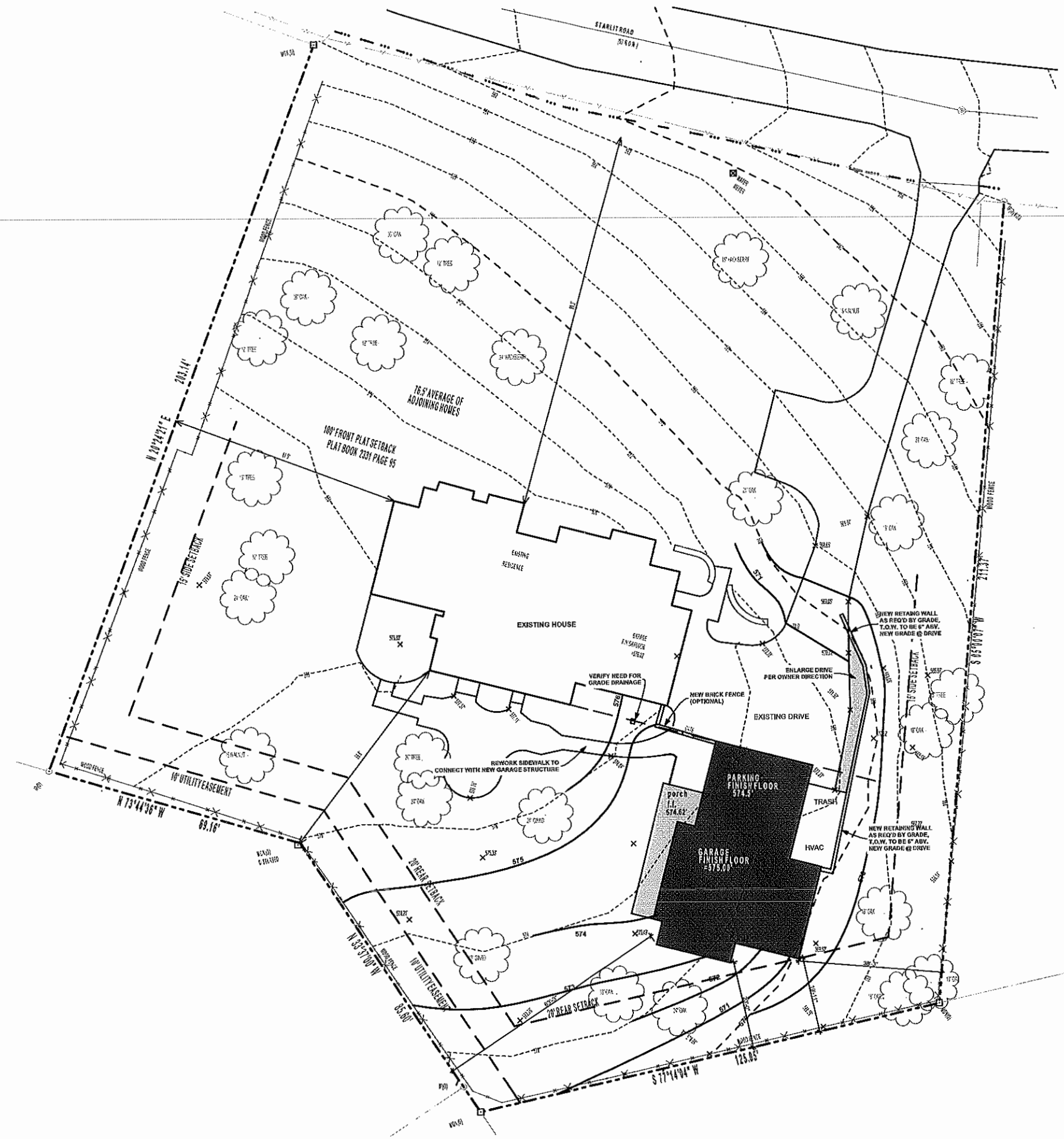
MAIN LEVEL F.F. 0'-0"

2019-056



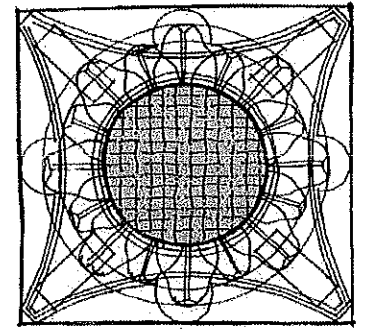
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(615) 377-9131 office
www.scottwilsonarchitect.com



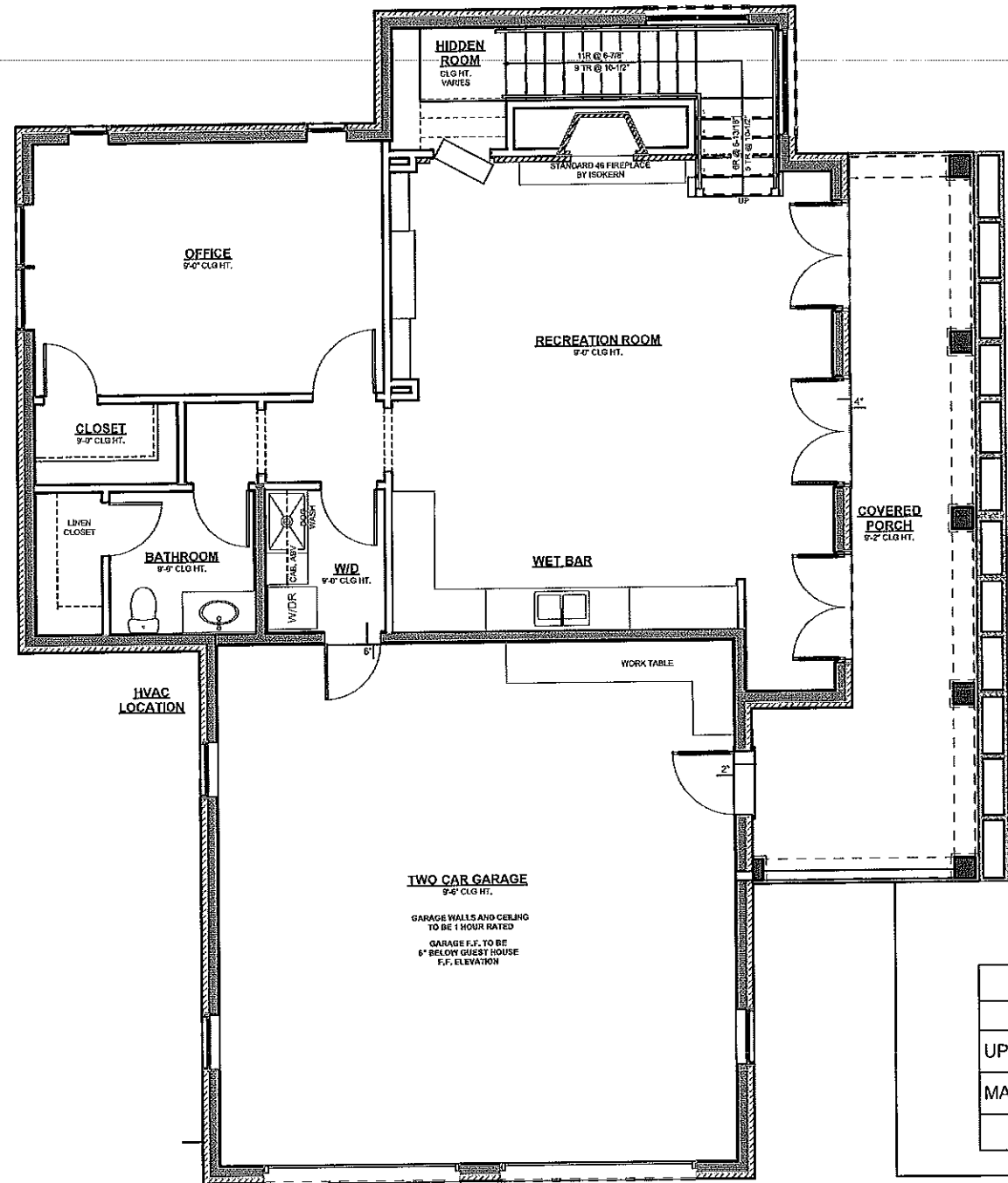
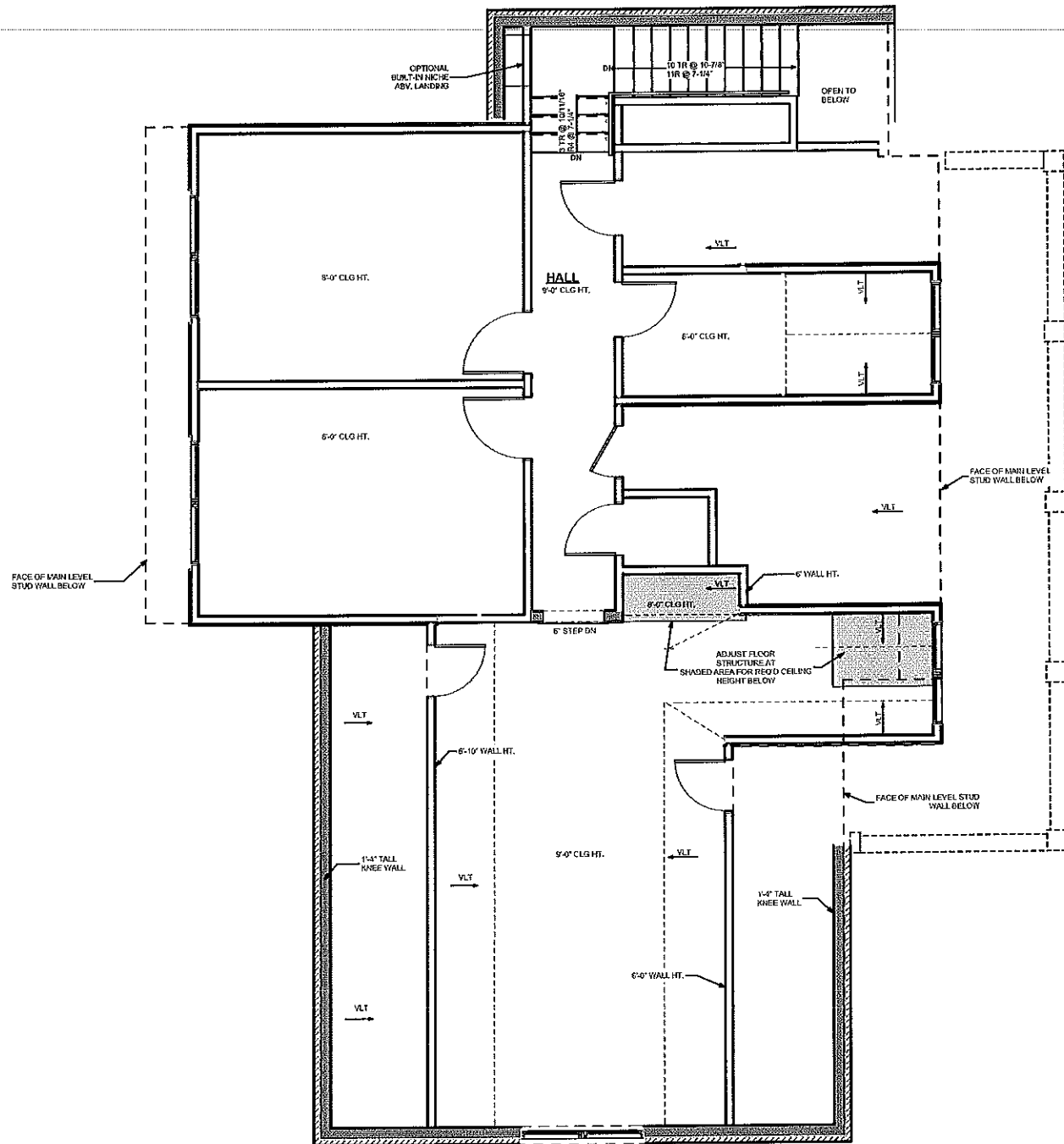
SITE PLAN
1" = 30'

CURTIS RESIDENCE
NASHVILLE
TENNESSEE



**SCOTT WILSON
ARCHITECT, LLC**

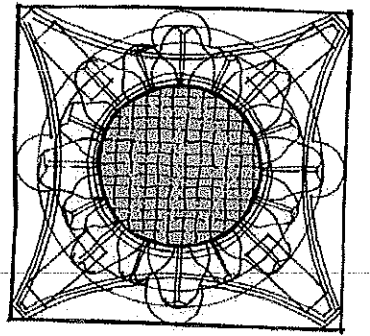
317 Main Street, Suite 202
Franklin, TN 37064
(615) 377-9131 office
www.scottwilsonarchitect.com



AREA CALCULATIONS H&C	
AREA	GROSS S.F.
UPPER LEVEL	1,127
MAIN LEVEL	1,109
	2,236 sq ft

FLOOR PLANS
1/8" = 1'-0"

**CURTIS
RESIDENCE**
NASHVILLE
TENNESSEE

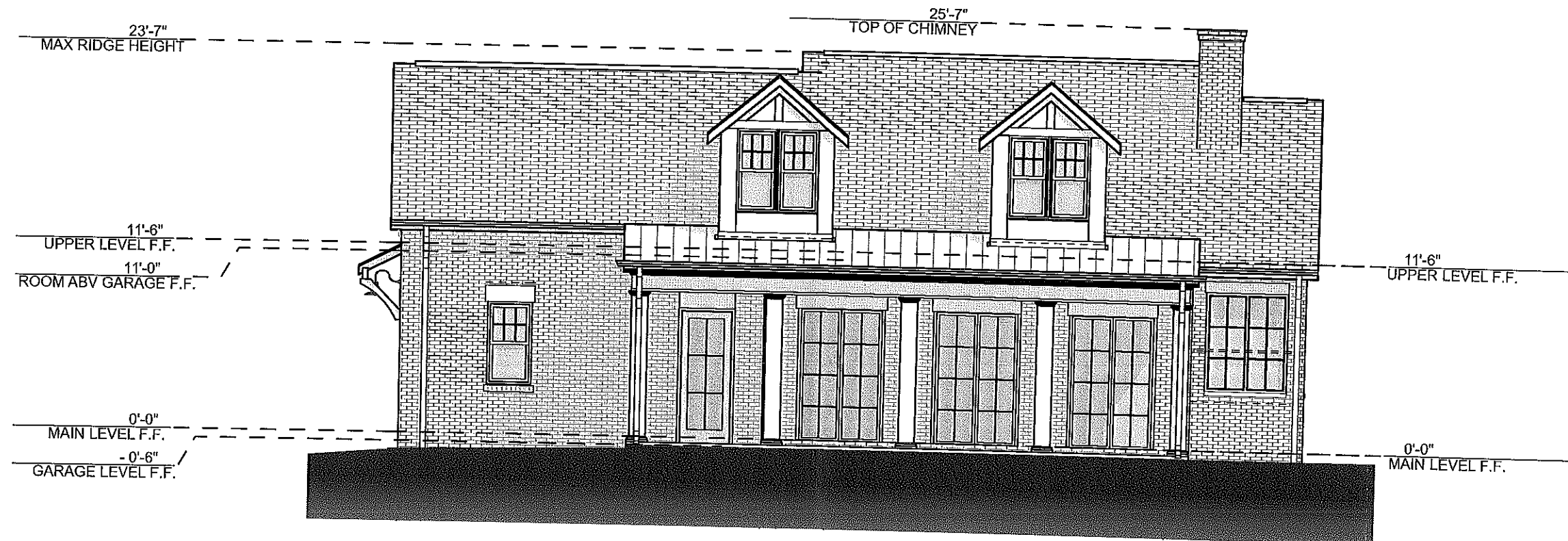


**SCOTT WILSON
ARCHITECT, LLC**

317 Main Street, Suite 202
Franklin, TN 37064
(615) 377-9131 office
www.scottwilsonarchitect.com



PERSPECTIVE



RIGHT ELEVATION
1/8"=1'-0"

ELEVATION AND PERSPECTIVE

**CURTIS
RESIDENCE**
NASHVILLE
TENNESSEE

January 17, 2019

Zoning Appeal Case Number: 2019-056
605 Starlit Rd
Map Parcel: 10216003200
Zoning Classification: RS40
Council District: 23

Dear Board of Zoning Appeals,

This letter is to state my support for the 1 ft, 7 inches needed for the fireplace height for appeal number: 2019-056.

We are the adjoining neighbor to 605 Starlit Rd. and the new garage with recreation will be closest to our property line.

Sincerely,



Dr. Greg Kyser
771 Graeley Dr.
Nashville, TN 37205

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Land Development Solutions Date: 12.18.18
Property Owner: 1004 Caldwell 33, GP Case #: 2019-057
Representative: Duane Cuthbertson Map & Parcel: 10509-207

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: Variance from sidewalk requirement

Activity Type: New Construction - HPR

Location: 1004 Caldwell Ave

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

Reason: Requesting variance from sidewalk requirement

Section(s): 12-12-120

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

Duane Cuthbertson
Appellant Name (Please Print)

Duane Cuthbertson
Representative Name (Please Print)

2814 12th Av S.
Address

Same
Address

Nashville, TN 37204
City, State, Zip Code

City, State, Zip Code

615.924.9618
Phone Number

Phone Number

dcuthber@gmail.com
Email

Email

Appeal Fee: \$200.00

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



 APPELLANT

12-18-18
 DATE

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

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

The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

A sidewalk exists along the street frontage
and along this block face.



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



3588148

ZONING BOARD APPEAL / CAAZ - 20180078669
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10509020700

APPLICATION DATE: 12/18/2018

SITE ADDRESS:

1004 CALDWELL AVE NASHVILLE, TN 37204
LOT 3. RES. SUB. P/O LOT 39 WAVERLY PLACE

PARCEL OWNER: 1004 CALDWELL 33, GP

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

requesting variance from sidewalk requirements for construction of HPR.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

SITE DATA
 ORIGINAL
 PARCEL ID
 10509020700
 P.A.D.C., TN
 8555.78
 S.F. OR
 0.20 ACRES±

CONTOURS SCALED FROM
 METRO GIS MAPS

NORTH ROTATION
 BASED ON METRO
 GIS MAPS

EXISTING I.A.
 HOUSE - 737 S.F.
 MISC. CONCRETE - 210 S.F.
TOTAL EXISTING I.A.
947 S.F.

PROPOSED I.A.
 HOUSE'S - 2832 S.F.
 DRIVE'S - 850 S.F.
TOTAL PROPOSED I.A.
3682 S.F.

3682 - 947 = 2735

NET NEW I.A.
2735 S.F.

CONTRIBUTING DRAINAGE AREA
 (ROOFTOP RUNOFF) = 2832 S.F.

A
 46 L.F.
 MODIFIED
 FRENCH DRAIN
 36" DEPTH
 GRAVEL FROM
 TOP PIPE

B
 46 L.F.
 MODIFIED
 FRENCH DRAIN
 36" DEPTH
 GRAVEL FROM
 TOP PIPE

ACCORDING TO METRO GIS MAPS
 PROPERTY IS ZONED R8
 SETBACKS FOR R8 ZONING TAKEN FROM
 DISTRICT BULK TABLES TITLE 17 "ZONING"
 CHAPTER 17.12

FRONT = STREET AVERAGE
 SIDES = 5'
 REAR = 20'
 VERIFY SETBACKS WITH CODES BEFORE
 DESIGN OR CONSTRUCTION DECISIONS
 ARE MADE.

BY GRAPHIC SCALING FROM THE LATEST
 F.E.M.A. / FLOOD INSURANCE RATE MAP
 THIS PROPERTY IS NOT LOCATED IN A
 F.E.M.A. / F.I.R.M SPECIAL FLOOD HAZARD AREA
 MAP 470040 PANEL 0243 H
 EFFECTIVE DATE = 4-5-17

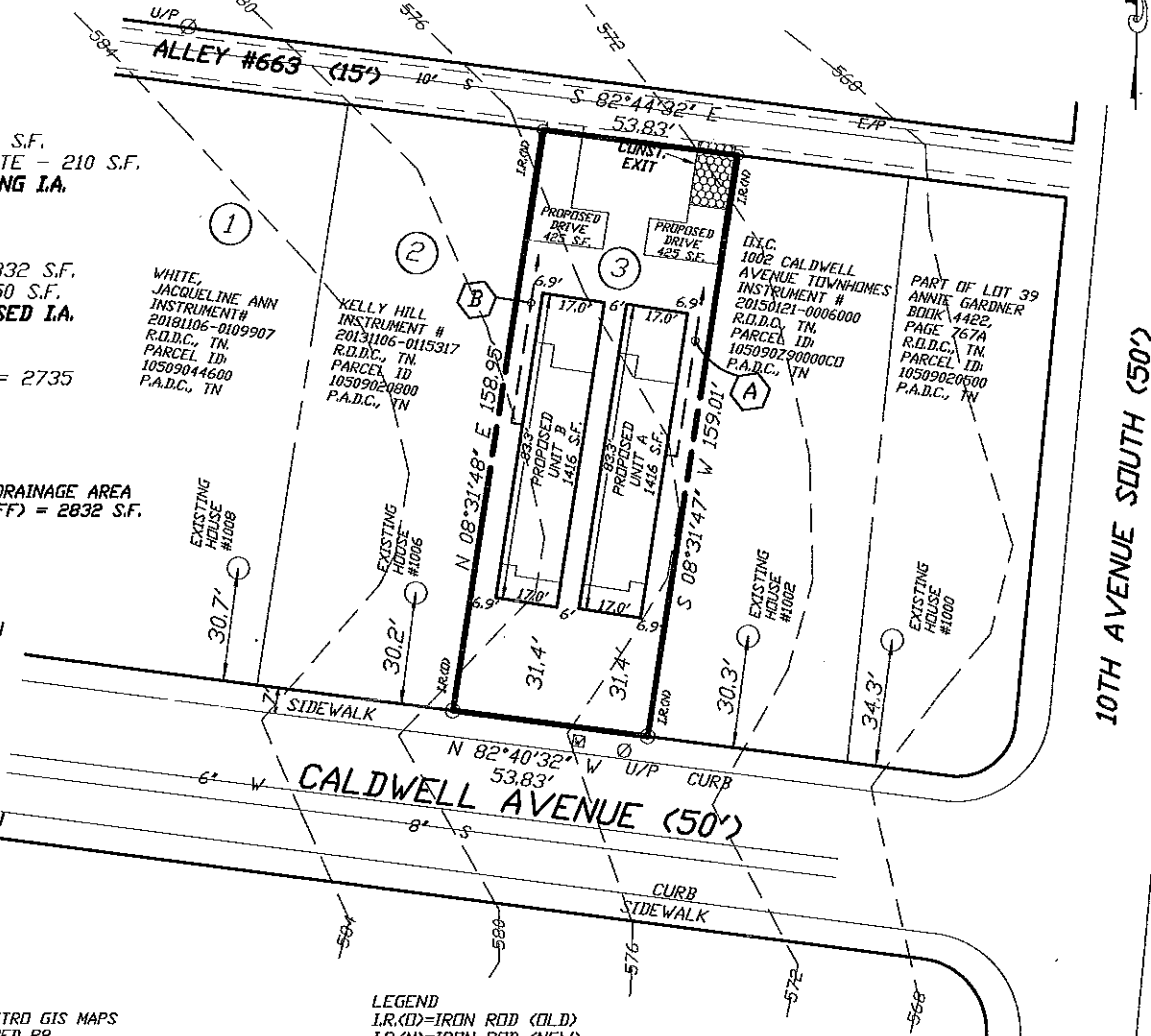
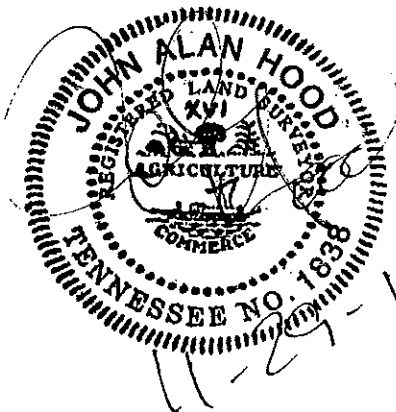
THIS SURVEY WAS PREPARED FROM THE
 LATEST RECORDED DEED DESCRIPTION.
 THIS SURVEY IS SUBJECT TO THE FINDINGS
 OF A CURRENT TITLE EXAMINATION.
 NO TITLE REPORT WAS FURNISHED PRIOR TO
 THE SURVEY.

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

PREPARED BY:
 CAMPBELL, McRAE
 & ASSOCIATES,
 SURVEYING, INC.
 P.O. BOX 41153
 NASHVILLE, TN, 37204
 PH. 615-298-2424
 EMAIL cmas@att.net

LEGEND
 I.R.(O)=IRON ROD (OLD)
 I.R.(N)=IRON ROD (NEW)
 W=WATER LINE (RECORD)
 S=SEWER LINE (RECORD)
 OHL=OVERHEAD LINES
 E/P=EDGE PAVEMENT

SITE PLAN
 RESUBDIVISION OF PART OF
 LOT 39, WAVERLY PLAN
 3842, PAGE 234
 R.O.D.C., TN.
PROPERTY LOCATED IN THE 17TH
 COUNCIL DISTRICT OF NASHVILLE,
 DAVIDSON COUNTY TENNESSEE
 ON THE NORTHERLY MARGIN OF
 CALDWELL AVENUE, WEST
 OF 10TH AVENUE SOUTH
PROPERTY ADDRESS:
 1004 CALDWELL AVENUE,
 NASHVILLE, TN., 37204
DEED REFERENCE:
 BOOK 4866, PAGE 593
 R.O.D.C., TN.
PARCEL ID:
 10509020700 P.A.D.C., TN.
 DATE: 10-10-14
 SCALE: 1"=50'
PREPARED FOR:
 WILLIAM SMALLMAN



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-057(1004 Caldwell Avenue)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street Standard
Requested Variance:	Not upgrade sidewalks
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	Property 695' east from #17 – 12 th Avenue South; Planned Rapid Bus per nMotion.
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to construct a two-family dwelling and requests a variance from upgrading sidewalks due to topographic features and existing sidewalks along the frontage of the site. Planning evaluated the following factors for the variance request:

- (1) A 7' wide sidewalk without a grass strip exists along the property's frontage, which is consistent with adjacent properties to the east and west along the block face.
- (2) The property has a grade change of 2'-4' from the back of the existing sidewalk. Strict adherence to the sidewalk requirement would necessitate in the installation of new retaining walls which may impact the topography of adjacent properties to the east and west.

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

1. The applicant shall pay the in-lieu contribution for the property frontage.
2. Prior to the issuance of building permits, dedicate right-of-way along the property frontage to accommodate future sidewalks per the Metro Local Street standard.

From: [Sledge, Colby \(Council Member\)](#)
To: [Michael, Jon \(Codes\)](#); [Board of Zoning Appeals \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Cc: [Braisted, Sean \(Codes\)](#)
Subject: District 17 items
Date: Friday, February 1, 2019 3:23:57 PM

Good afternoon, board members,

Below are my positions on D17 items on your Feb. 7 agenda:

2019-043 and 2019-057: I **oppose** both of these efforts not to pay into the sidewalk fund.

Thanks,

Colby

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

CASE #: 2019-057

PARCEL #: 10509020700
OPPOSE

TO THE BOARD:

I LIVE AT 1001 CADWELL AVE. I'M NOT

OK WITH ~~1001~~ CADWELL BEING GRANTED A ZONING
VARIANCE.

SIDEWALK LAWS ARE IN PLACE FOR A REASON.

THERE ARE SEVERAL OTHER DOUBLE-BUILDS THAT
HAVE BEEN GRANTED A VARIANCE ON OUR STREET,
AND AS A RESULT THE SIDEWALK IS IN
DISREPAIR. MISSING SECTIONS, BUMPY, ETC.

PLEASE HONOR THE EXISTING CODE, ENTER THE
THE EXISTING CODE, AND HAVE THESE DEVELOPERS
IMPROVE THE NEIGHBORHOOD VS - BUILDING 2
Houses ON A SMALL LOT ? TAKING THEIR MONEY
? LEAVING.

THANKS, BLAKE ARON

From: [M.Elliott/Margaret F. Leeper](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Permit# 20180078669
Date: Wednesday, January 23, 2019 7:12:15 PM

We would oppose the removal of sidewalks. Sidewalks enrich our street. We are against a variance that would remove them.

Margaret and Kyle Leeper
Caldwell Ave residents

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Land Development Solutions Date: 12.18.18
Property Owner: MRB Developers Case #: 2019-058
Representative: Duane Cuthbertson Map & Parcel: 09112-116

Council District 20

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

Purpose: Variance of the street setback along Georgia Avenue from 10' to 3'

Activity Type: Residential

Location: 610 45th 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: Does not meet side setback

Section(s): 17.12.030(A)

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

Duane Cuthbertson
Appellant Name (Please Print)

2814 12th Av. S.
Address

Nashville, TN 37204
City, State, Zip Code

615.924.9618
Phone Number

dcuthber@gmail.com
Email

SAME
Representative Name (Please Print)

N
Address

City, State, Zip Code

Phone Number

Email

Appeal Fee:

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



APPELLANT

12.18.18

DATE

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

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

The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

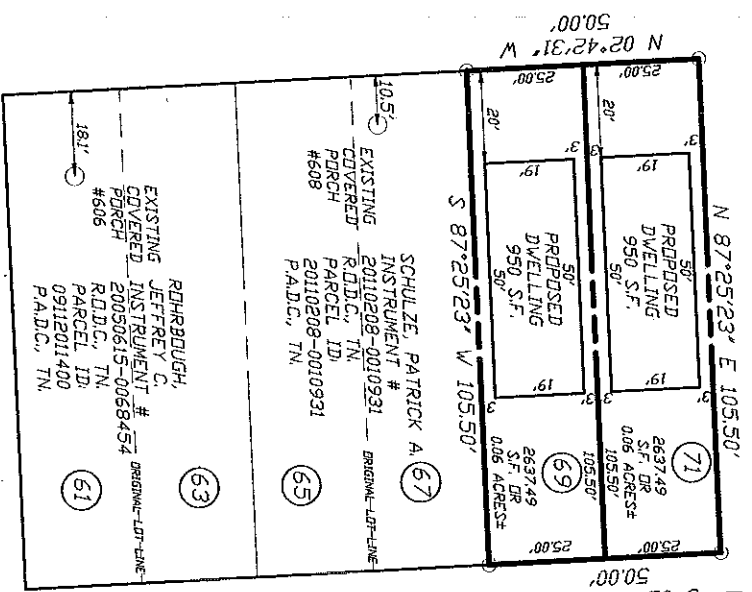
Two legal non-conforming lots exist.
Each lot is 25' wide; similar to most lots existing in the same neighborhood.

Application of the 10' side street setback would ~~reduce~~ reduce the building envelope to an unreasonable width (13') and would result in construction of a house that would be inconsistent with pattern established in surrounding community.

NORTH ROTATION
BASED ON
METRO GIS MAPS

45TH AVENUE NORTH (100')

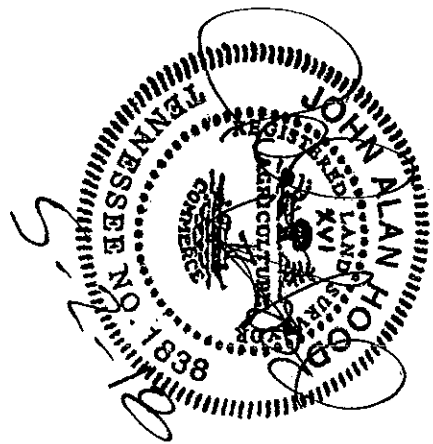
GEORGIA AVENUE (80')



PREPARED BY:
CAMPBELL, MCRAE
& ASSOCIATES,
SURVEYING, INC.
P.O. BOX 41153
NASHVILLE, TN, 37204
PH. 615-298-2424
EMAIL cmas@att.net

ALLEY (25')

LEGEND
R-100-800 R2D (OLD)
R-100-800 R2D (NEW)
UNSATURATED LINE (RECORDED)
S- SEWER LINE (RECORDED)
D-10-20 OVERHEAD LINES
E/P - EDGE PAVEMENT



I HEREBY CERTIFY THAT THIS IS
A CATEGORY I SURVEY WITH THE
RATIO OF PRECISION OF THE
UNADJUSTED SURVEY BEING 1:24,000
THIS SURVEY WAS DONE IN
COMPLIANCE WITH THE CURRENT
STANDARDS OF PRACTICE ADOPTED
BY THE TENNESSEE STATE BOARD OF
EXAMINERS FOR LAND SURVEYORS.

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



ACCORDING TO METRO GIS MAPS
PROPERTY IS ZONED R6
SETBACKS FOR R6 ZONING TAKEN FROM
DISTRICT BULK TABLES TITLE 17 ZONING
CHAPTER 1712
FRONT = STREET AVERAGE
SIDES = 20'
REAR = 30'
VERIFY SETBACKS WITH CODES BEFORE
DESIGN OR CONSTRUCTION DECISIONS
ARE MADE.

BY GRAPHIC SCALING FROM THE LATEST
FEMA / FLOODED INSURANCE RATE MAP
THIS PROPERTY IS NOT LOCATED IN A
FEMA / FIRM SPECIAL FLOODED HAZARD AREA
PROPERTY IS LOCATED IN ZONE "X" UNSHADED
MAP 47004G PANEL 0239 H
EFFECTIVE DATE = 4-5-2017

THIS SURVEY WAS PREPARED FROM THE
LATEST RECORDED DEED DISPOSITION.
THIS SURVEY IS SUBJECT TO THE FINDINGS
OF A CURRENT TITLE EXAMINATION.
NO TITLE REPORT WAS FURNISHED PRIOR TO
THE SURVEY.

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

EXHIBIT MAP

LOTS 69 AND 71, BLOCK 56,
NO. 1 PLAN OF WEST NASHVILLE
BOOK 57, PAGES 74 & 75
R.O.D.C., TN.

PROPERTY LOCATED IN THE 20TH
COUNCIL DISTRICT OF NASHVILLE,
DAVIDSON COUNTY TENNESSEE
AT THE SOUTHEAST INTERSECTION
OF 45TH AVENUE NORTH
AND GEORGIA AVENUE

PROPERTY ADDRESS:
610 A & B 45TH AVENUE NORTH,
NASHVILLE, TN, 37209

DEED REFERENCE:
INSTRUMENT # 20140102-0000470
R.O.D.C., TN.
ORIGINAL PARCEL ID# 09112011600
P.A.D.C., TN.

DATE: 5-2-18
SCALE: 1"=40'
PREPARED FOR:
MRB DEVELOPMENT



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



3588162

ZONING BOARD APPEAL / CAAZ - 20180078680
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09112011600

APPLICATION DATE: 12/18/2018

SITE ADDRESS:

610 45TH AVE N NASHVILLE, TN 37209
LOTS 69 71 BLK 56 WEST NASH PLAN 1

PARCEL OWNER: MRB DEVELOPERS, LLC

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting variance of side setback from 10' to 3' along Georgia Ave. parcel will be divide back into original 25' wide lots.

*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.

BZA: 2019-058

610 45th Avenue North

February 7, 2019

**REQUEST:**

- Variance of the street setback along Georgia Avenue from 10' to 3'

PROPOSAL:

To construct a standard two-story single-family dwelling on an existing 25' wide residential lot. The 25' x 105' lot is legal non-conforming. The proposed dwelling will be one of two homes constructed on the R6 zoned existing parcel (the parcel contains the two legal lots). The proposed home is intended to blend with the pattern emerging along this street in the neighborhood. It is not dissimilar to development patterns existing throughout the greater neighborhood (19' wide two-story homes on 25 wide lots).

610 45th Avenue North
BZA 2019-058



25 ft. wide originally platted lots, each intended to accommodate single-family dwellings

CHALLENGE:

The subject property (part of 610 45th Avenue North) consists of only 25' of lot width. As the property is a corner lot it is subject to two street setbacks. The side street setback is situated along Georgia Avenue (north property line). The Code allows the side street setback (20 ft.) to be reduced by 50% - to 10 ft. The application of the side street setback of 10' in combination with a 3' setback on the south side **reduces the lot's building envelop to 12 feet wide**. While possible, it is not practical or desirable to construct a 12' wide house on the subject property. A 12' wide house would not be compatible with the surrounding neighborhood.

REQUEST:

Variance of the side street setback from 10' to 3' – in order to expand the lot's building envelope to 19 feet. The requested 19' wide building envelope is consistent with the building envelopes permitted on the other similar 'lots' on this block face and the multitude of 25' wide lots found in the greater neighborhood.

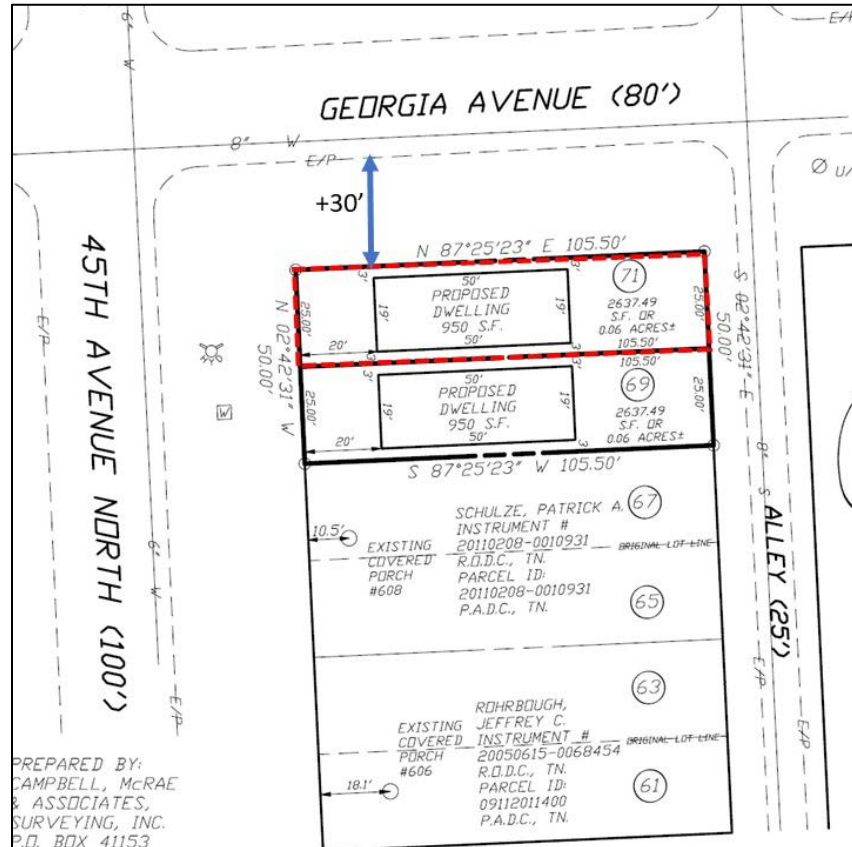
UNIQUE CONDITIONS:

- The lot was originally created in 1887 as part of the West Nashville subdivision (attached).
- The lot is existing and contains a width of 25' and a depth of 105'.
- It is uniquely small even for an originally platted 'shotgun' lot.
- It is a narrow corner lot. Established prior to current code requirement for a street setback along a lot's side yard. It is not uncommon for corner lots (the current subdivision regulations require it) to be established with a larger width to accommodate a practical and legislative requirement for a deeper setback from a side street. While there can be found similar 25' wide corner lots in the surrounding neighborhood, many appear to have been originally platted with additional width.
- Further, while there are other 25' wide corner lots in the neighborhood, most of those contain near 150' of depth. When combined with another 25' wide lot (as many are) they qualify as a duplex eligible parcel. This allows for flexibility across the combined parcel to accommodate two dwellings and comply with the current Code requirement for a side street setback. The subject lot only contains 105' of depth and combined this particular parcel does not qualify as duplex eligible.
- The Rights of Way adjacent to the site are significantly wide and if sized per the current requirements would likely contribute / transfer sufficient additional buildable area to the subject property. 45th Avenue to the west was established with 100' of ROW while Georgia Avenue to the north was established with 80' of ROW. Neither street is a major street. Current standards would likely only require approximately 50' of width. There is 50' of additional ROW in 45th Avenue North and 30' additional feet of ROW associated with Georgia Avenue.
- There is more than 30' of separation between the subject lot and the edge of pavement in Georgia Avenue; a distance greater than the width of the lot. This separation area is unbuildable and will perform practically as the 'side setback' / yard for the proposed dwelling – providing for the intent of the code requirement.
- The subject lot provides a side yard to Georgia (to the north). It is separated from other lots facing Georgia by an alley. All other lots front Georgia Avenue and do not present side yards to Georgia similar to the subject lot.

610 45th Avenue North
BZA 2019-058

The requested Variance will enable a standard two-story dwelling to be constructed on the lot in a manner that is consistent with those proposed on the other 25' wide lot in this parcel. There are multiple lots on this block – all containing widths of 25'. This particular lot is the only lot subject to a side setback larger than 3 feet. It is also the only lot on the block face with a side yard abutting a public street. There are several 25' wide lots to the south on 45th (perceptively part of this block) containing 19' wide homes constructed – or under construction.

The variance requested will allow this block to be redeveloped in a consistent manner.



The Variance requested will not impair the spirit and / or intent of the Code. The separation between this lot and the back of the sidewalk will provide more than sufficient spacing between the street /travelway and proposed home. The alley to the east provides a buffer between this lot and others fronting Georgia Avenue. There is no uniform pattern of development immediately around this property that will be disrupted as a result of the variance being granted – in fact granting the variance will allow an additional dwelling to be constructed in a manner consistent with the emerging pattern.

The home, if permitted, will provide one additional traditional housing unit in an urban neighborhood where infrastructure and services exist. Allowing one additional household to live within close proximity to necessary services and employment reduces demand on traffic and mitigates impacts to the environment while adding to the vitality and viability of Nashville's urban neighborhoods.

610 45th Avenue North
BZA 2019-058

The homes proposed are generally traditional in vernacular and will provide orientation toward 45th Avenue, similar to the pattern on the block. They will be two stories in height and proportional. Parking will be located behind the homes with access generated from the alley.



From: [Lamb, Emily \(Codes\)](#)
To: [Shepherd, Jessica \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#)
Subject: FW: BZA Case # 2019-058
Date: Tuesday, February 5, 2019 11:14:18 AM

For the case file, please.


Emily Lamb
Metro Codes Department

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From: Mary Carolyn Roberts [mailto:marycarolynroberts@gmail.com]
Sent: Tuesday, February 5, 2019 11:04 AM
To: Michael, Jon (Codes); Lamb, Emily (Codes)
Subject: BZA Case # 2019-058

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

Good morning,
I would like to express my disapproval for 610 45th Ave, Case # 2019-058. This has been brought in front of my neighborhood association prior to this by a different owner and was denied.
Thank you,


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

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From: [milton pirtle](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Requested Variance for : Appeal Case # 2019-058 610 45th Ave North
Date: Wednesday, January 23, 2019 9:08:51 AM

To Whom It May Concern,

Please be advised, I own property in this area and believe the request for this variance is acceptable.

Please note, there are already numerous similar houses in this neighborhood.

**Kind regards,
Milton Pirtle**

From: [Erik Lund](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Roberts, Mary Carolyn \(Council Member\)](#)
Subject: Permit #20180078680, 610 45th Ave N., Neighbor opposing Setback and Sidewalk Variance Request
Date: Friday, January 25, 2019 6:55:41 PM

Dear BZA,

My name is Erik Lund. I live at 4507 Georgia Avenue and I am writing to express my opposition to the requested sidewalk and sideyard setback variances at 610 45th Avenue.

Our neighborhood's street-scapes and safety have suffered from BZA granting too many variances to setbacks and sidewalk requirements. We are an urban neighborhood with many walkable destinations, but without sidewalks we have no choice but to walk out in busy streets. However, we do so with no clear path to actually walk in those streets because most of the new housing lacks sufficient parking and residents are forced to park in the street and block the shoulders for pedestrians. The pedestrian danger is further compounded by setback variances that diminish sight-lines of motorists approaching intersections.

610 45th Avenue is a corner lot at the intersection of 45th Ave N. and Georgia Avenue. It is one block from the I-40, 46th Avenue Exit. Although we are a residential neighborhood, Georgia Avenue experiences very heavy commercial traffic due to the traffic cutting through to all of the businesses and light industry on 44th Ave. We currently have no sidewalks East of 46th Avenue in the Nations and have no choice but to walk in the streets. It is very unsafe with the amount of traffic and the number of cars parked on the street forcing us to practically walk in the center of the road. The intersection where this house is located is particularly dangerous due to the number of vehicles that make illegal turns off the I-40 Exit Ramp directly onto 45th and come barreling into our neighborhood at Highway speeds and usually run the Georgia Stop Sign right in front of this property. I bring this up only to reinforce the need for sidewalks to promote safer pedestrian streets. We also need to abide by the current setbacks to maintain better sight lines to further promote pedestrian safety. Myself and many other residents are often walking our dogs and children along Georgia in the street. Changing the side yard set back at 610 45th Avenue would cut off the motorists ability to see anyone walking in the road as they turn that corner.

Reducing the side setback would also alter the street frontage and building alignment of adjacent homes that both new and existing homes along the neighboring blocks have followed and maintained. Although we lack sidewalks, the view down Georgia is pleasant with all the homes and porches aligned. Reducing the side setback at 610 45th Avenue would stick out beyond all the other properties and appear very disruptive to the rest of the block.

The Nations is one of the fastest growing neighborhoods in Nashville. We need to stop compromising resident safety in favor of development greed. Its time to promote smarter urban design and safer streets for the people that already live here. As stated already, 610 45th Avenue is a corner lot. The other three corners of this intersection still have 3 original homes that could all potentially be future housing developments. The property at 610 45th could set a precedent by placing a sidewalk at the first corner of this busy intersection. A sidewalk here would allow a safe place to wait while crossing the street and would start a precedent for continuity of sidewalks in adjacent future developments. Waiving these sidewalk requirements would be a missed opportunity and will lead to a continued pattern of variances

and that leave the streets in their currently unsafe condition while continued growth and neighborhood congestion only heightens the risk to residents every time we set foot in the road.

My suggestion to the owner of 610 45th avenue is that they work with their architect towards a creative solution within the current setback and sidewalk requirements to seek a more positive contribution to the neighborhood. Hopefully one with sidewalks and adequate off street parking. We don't need another pair of tall-skinnyies crammed on a corner lot at a busy intersection at the expense of our neighborhood safety.

Sincerely
Erik Lund
4507 Georgia Ave.
Nashville, TN 37209
216.272.8671
elund3@gmail.com

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Barge Cauthen + Associates
Property Owner: Metro Government
Representative: JOHN GORE

Date: 12-18-18
Case #: 2019-061
Map & Parcel: 75/45

Council District _____

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

Purpose: NEW FIRE HALL ON RESIDENTIALLY ZONED PROPERTY

Activity Type: SAFETY SERVICES

Location: 431 TYLER DRIVE, 37076

This property is in the R10 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: NEW FIRE HALL

Section(s): _____

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

Metro Government
Appellant Name (Please Print)

431 Tyler Drive
Address

Nashville, TN 37076
City, State, Zip Code

Phone Number

Email

JOHN GORE BARGE CAUTHEN + ASSOC
Representative Name (Please Print)

6606 Charlotte Pike
Address SUITE 210

Nashville, TN 37206
City, State, Zip Code

615-356-9911
Phone Number

kgore@bargecauthen.com
Email

Appeal Fee:

APPLICATIONS FOR SPECIAL EXCEPTION REQUESTS

After your appeal is filed, zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Notices will be sent to the district councilmember, *The Tennessean*, and the neighboring property owners within 300 feet of the property. The neighbor notices will be mailed approximately twenty-three (23) days prior to the public hearing.

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I HEREBY GIVE PERMISSION TO the Department of Codes and Building Safety to post the required sign(s) on the subject property as required by the Zoning Code. I am aware that I am responsible for removing the sign(s) after the public hearing.

APPELLANT

12.18.18

DATE

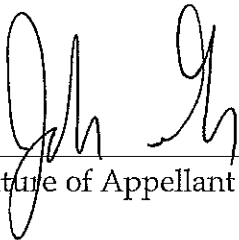
SPECIAL EXCEPTION REQUESTS

On May 1, 2003, the Board of Zoning Appeals approved a new condition/requirement for all special exception applications. It reads as follows:

"BZA Rules of Procedure Item 9. (2) e In the interest of having informed stake holders in special exception cases, it is required that the appellant make contact with the district councilperson and neighbors within 300 feet of the subject property from a mailing list provided by the board staff. Information to be furnished by the applicant shall include a contact person and include a reasonable representation of your proposal and hold a meeting at a geographically convenient place, date and time. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

In other words, we will provide you a mail list of those persons within 300 feet of the location designated for a special exception permit. We are required by law to notify these people (within 300 feet) of your request. The Board requires that you contact those persons on the mail list, give them a date, time, place to meet with you and discuss your request. If there is opposition, this will give you a chance to address their concerns prior to the public hearing.

You must make documentation to present to the Board concerning your efforts to contact these people. Failure to do so can result in a deferral or denial of your request.



Signature of Appellant or Representative

December 18, 2018

Ms. Emily Lamb
Metropolitan Board of Zoning Appeals
Metro Howard Office Building
700 Second Avenue South
Nashville, Tennessee 37201

Re: Nashville Fire Department Station 32
Map 75, Parcel 45
BC&A No. 2297-15

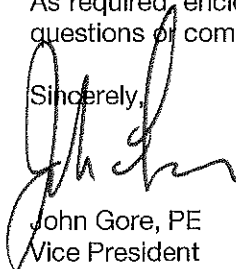
Dear Ms. Lamb:

On behalf of our client, Nashville Fire Department, we are requesting consideration of a Special Exception under the provision of Article III: Uses Permitted by Special Exception (SE); Section 17.16.140 Applicability in the Zoning Code, for a new Fire Hall Facility at the location of an existing fire hall, located at 431 Tyler Drive in Nashville. This is an existing 34 acre parcel which also has a Metro school on the south west portion of the property. We are requesting to be placed on the agenda for the February 7, 2018 Board of Zoning Appeals.

This proposed project consists of a one-story fire hall containing bunk rooms, living quarters, storage rooms, and a apparatus bay for fire trucks. The project also includes 30 new parking spaces as well as landscaping and water quality improvements. The property also has an existing cell tower which will remain.

As required, enclosed are eight sets of drawing exhibits. Please contact me if with any questions or comments you may have regarding this project.

Sincerely,



John Gore, PE
Vice President

cc: Mr. Steve Jones, Messer Construction

P:\2297 TMP\2297-15 NFD Stations 32&37\Corr\Station 32 BZA submittal.ltr.doc



6606 CHARLOTTE PIKE, STE 210
NASHVILLE, TENNESSEE 37209
615.356.9911 PHONE
615.352.6737 F A X
WWW.BARGECAUTHEN.COM



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



3588204

ZONING BOARD APPEAL / CAAZ - 20180078714
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 07500004500

APPLICATION DATE: 12/18/2018

SITE ADDRESS:

431 TYLER DR HERMITAGE, TN 37076
W/S ANDREW JACKSON PKWY N/S TYLER LANE

PARCEL OWNER: METRO GOV'T S DUPONT

CONTRACTOR:

APPLICANT:

PURPOSE:

Per METZO section 17.16.140, requesting a Special exception permit for proposed Metro Fire Hall.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



3588205

**BUILDING COMMERCIAL - NEW / CACN - T2018078715
Permit Tracking Checklist**

PARCEL: 07500004500

APPLICATION DATE: 12/18/2018 PERMIT TRACKING #: 3588205

SITE ADDRESS:

431 TYLER DR HERMITAGE, TN 37076
W/S ANDREW JACKSON PKWY N/S TYLER LANE

PARCEL OWNER: METRO GOV'T S DUPONT

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

to construct a new Metro fire Hall #32. POC JOHN GORE 615-356-9911

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

[A] Site Plan Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[A] Zoning Review	SWREQUIRED	615-862-6500 Walter.Morgan@nashville.gov
CA - Zoning Sidewalk Requirement Review		615-862-6558 Jonathan.Honeycutt@nashville.gov
PW - Public Works Sidewalk Capital Project Coordination Revi		862-5230
[B] Fire Life Safety Review On Bldg App		862-5230
[B] Fire Sprinkler Requirement		615-862-6614 teresa.patterson@nashville.gov
[B] Building Plans Received		615-862-6581 Teresa.Patterson@nashville.gov
[B] Building Plans Review		615-880-2649 Ronya.Sykes@nashville.gov
[B] Plans Picked Up By Customer		(615) 862-6038 Logan.Bowman@nashville.gov
[D] Grading Plan Review For Bldg App		862-7225
[E] Cross Connect Review For Bldg App		MWS.DevelopmentServicesCenter@nashville.gov
[E] Grease Control Review On Bldg App		862-4590 ECO@nashville.gov
[E] Sewer Availability Review For Bldg		862-7225
[E] Sewer Variance Approval For Bldg		MWS.DevelopmentServicesCenter@nashville.gov
[E] Water Availability Review For Bldg		862-7225
[E] Water Variance Approval For Bldg		MWS.DevelopmentServicesCenter@nashville.gov
[F] Address Review On Bldg App		862-7225
[F] Ramps & Curb Cuts Review For Bldg A		MWS.DevelopmentServicesCenter@nashville.gov
[F] Solid Waste Review On Bldg App		862-7225
[A] Bond & License Review On Bldg App		MWS.DevelopmentServicesCenter@nashville.gov
Kitchen Plans Review On Bldg App		862-8781 bonnie.crumby@nashville.gov
Landscaping & Tree Review		862-8782 PWPermitsI@nashville.gov
[A] Noise Mitigation Bldg App Review		862-8782
ADA, TITLE II REVIEW ON BLDG APP		340-5620 steve.crosier@nashville.gov
[F] Sidewalk Review For Bldg App		862-6488 stephan.kivett@nashville.gov
NES Review on Building Application		
[C] Flood Plain Review On Bldg App		862-8960 jerry.hall@nashville.gov
BZA Hearing		862-8758 Benjamin.york@nashville.gov
		DSampson@NESPOWER.COM
		862-6038 logan.bowman@nashville.gov
		615-862-6505 Debbie.Lifsey@nashville.gov

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201
615.862.7150
615.862.7209

Memo

To: Metropolitan Nashville Board of Zoning Appeals
From: Metropolitan Nashville Planning Department
CC: Emily Lamb
Date: January 29, 2019
BZA Hearing Date: February 7, 2019
Re: Planning Department Recommendation for a Special Exception, Case 2019-061

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

1. Case 2019-061 (431 Tyler Drive)

Request: A special exception for a new one-story fire hall on a residentially zoned property.

Zoning: Single-Family Residential (RS10). RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

Land Use Policy: Open Space (OS) is intended to preserve and enhance existing open space in the T2 Rural, T3 Suburban, T4 Urban, T5 Center, and T6 Downtown Transect areas. The OS Policy is intended to preserve and enhance existing open space in the T2 Rural, T3 Suburban, T4 Urban, T5 Center, and T6 Downtown Transect areas. OS policy includes public parks and may also include private land held in conservation easements by land trusts and private groups or individuals

Planning Department Analysis: The site is located at 431 Tyler Drive and contains 34.2 acres of land along Tyler Drive and Andrew Jackson Parkway. Tyler Drive is identified as a residential collector street within the Major and Collector Street Plan. Andrew Jackson Parkway is identified as an arterial-boulevard on the Major and Collector Street Plan. The site contains an existing school on the south west portion of the property and has an existing cell tower at the south west corner of the site which will remain. The predominate land use pattern surrounding the site consists of one and two-family structures, with community, institutional, and utility uses to the north.

Safety services are under the land use table (17.08.030) under utilities. Safety service is defined in 17.04.060 to include fire stations. This request proposes to permit construction of an 18,000 SF, one-story fire hall containing bunk rooms, living quarters, storage rooms, and an apparatus bay for fire trucks. The project also includes 30 new parking spaces as well as landscaping and water quality improvements.

The proposed fire hall is consistent with the Open Space policy area. Fire halls are considered a civic building which is supported by the policy.

Planning Recommendation: Approve with conditions.

Conditions

1. A type "C" landscape buffer shall be maintained or installed along all shared property lines.

Lifsey, Debbie (Codes)

From: Ammarell, Beverly (Public Works)
Sent: Tuesday, January 15, 2019 3:22 PM
To: Lifsey, Debbie (Codes)
Cc: Doyle, Devin (Public Works)
Subject: 2/7/19 BZA meeting

2019-050 Woodmont Christian Church 3605 Hillsboro Rd special Exception for addition , sidewalk variance

Variance: 17.16.170 E variance and sidewalk variance

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

2019-051 Religious temple 104 B Glenmont Dr special Exception for addition

Variance: 17.16.170E1, 17.12.020B side setback, 17.20.120 variance

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

2019-052 Religious Institution Spero Dei Church 3701 Park Ave special Exception for addition , and from noncomplying structure

Variance: 17.16.170 E , 17.16.660c variance side setback

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

2019-054 hotel ,retail,restaurant mixed use 209 22nd Ave N special Exception for height and setbackand parking reduction from 234 req. spaces to 70 spaces

Variance: 17.12.020D, height and setback, 17.20.030 parking

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

2019-061 fire hall in residential zoned property at existing fire hall location 431 Tyler Dr and Andrew Jackson pkwy special exceotion

Variance:17.16.140 special exception

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

Stan and Kelly Boyd
4205 Rachel Donelson Pass
Hermitage, Tennessee 37076
(615) 293-0486

January 22, 2019

Councilman Larry Hagar
Metropolitan Council Office
One Public Square, Suite 204
P. O. Box 196300
Nashville, TN 37219-6300

Metropolitan Board of Zoning Appeals
PO Box 196300
Nashville, TN 37219-6300

Dear Councilman Hagar and Metropolitan Board of Zoning Appeals,

RE: Appeal Case Number: 2019-061
431 Tyler Drive
Map Parcel: 07500004500
Zoning Classification: R10
Council District: 11

I previously provided the attached letter outlining multiple reasons why the proposed Fire Hall should not be constructed on Andrew Jackson Parkway, and I want to thank Councilman Hagar for the time he took to schedule and hold a meeting March 1, 2018.

I am still a member of the Heritage Meadows Homeowners Association, and my home is the second house on the left on Rachel Donelson Pass at the intersection of Andrew Jackson Parkway. It will be immediately in front of the new Fire Hall if it is constructed.

My opposition to the construction remains unchanged from 2018. However, I do need to update some items after attending the meeting held at the Hermitage Police Precinct office.

1. If Metro makes this unjustifiable conversion of recreational school property to this proposed industrial fire hall, I want everyone to understand that my wife and I will be immediately, permanently and negatively impacted by the continual operations of a Metro fire hall.
2. We are opposed to its construction on Andrew Jackson Parkway for the reasons listed below.
 - a. Tremendous, Repetitive and Permanent Source of Noise
 - i. I asked for and never received any data for the existing fire hall at Plantation Drive. It is reasonable for Metro to be transparent and let the affected constituents know exactly what is being placed without any precedence for this land use on Andrew Jackson Parkway.
 - ii. Based on the statements from the Fire Chief at the meeting, I now understand:
 1. The new station is expected to be a Top 5 facility in Metro where fire trucks and ambulances will be dispatched at all hours of the day and night;
 2. Fire hall operations will be far greater than my original estimates;

- a. I originally projected 3 to 4 dispatches per/day for 1,095 to 1,460 times each year, but
 - b. The Chief predicted 10 dispatches per/day or 3,650 dispatches/year.
3. Since I have lived in my home for nearly 14 years, an average of 10 dispatches per day equals:
- a. 3,650 dispatches per year; and
 - b. 51,100 dispatches over the next 14 year period at 10 per day.

Why would Metro managers believe anybody wants to have quiet school property that is the only large area of green space open for recreation on Andrew Jackson Parkway to be converted into 51,100 thousand industrial siren blasts at our front doors?

How has our community been engaged beyond a brief meeting in March 2018, a single rezoning sign on Andrew Jackson Parkway, and a single page follow-up letter?

3. Other More and Better Locations Remain Available

- a. I have already shared that land for sale already exists at the intersection of Old Hickory Boulevard and Old Lebanon Dirt Road.
 - i. This available property is only 8 tenths of a mile from the existing fire hall at the intersection of Old Hickory Boulevard and Plantation Drive.
 - ii. Please see the attached letter dated March 1, 2018
- b. Regardless of the availability of the Old Lebanon Dirt Road site, it remains inappropriate to needlessly construct this fire hall in a residential area on green space for a school for any reason whatsoever.
 - i. There is no precedence for use of the property on Andrew Jackson Parkway for a fire hall and the existing use of a school's green space should never be converted to be used as an industrial fire hall.
 - ii. The neighborhood residents had no expectation of such an intrusive use when we bought our homes and invested to live in the Hermitage area.
- c. Additionally, all of our homes have recently been reappraised by Metro for future tax hikes.
 - i. While my house is not on the market today, Zillow posted:
 - 1. In March 2018 an estimated value on my home was just over \$272,000 for a nearly \$85,000 increase in its value since our purchase in 2004;
 - 2. Zillow charted the value of my home being consistently above the average home value in Nashville over the last 10 years;
 - 3. On January 22, 2019 Zillow estimated my home to be worth \$299,185 or \$27,785 more than this time last year and approximately \$112,000 more than our purchase price in 2004.

Boyd to Hagar
January 22, 2019
Page 2 of 2

- ii. Is Metro prepared to dramatically lower the calculations for the tax assessed value of all our homes in Heritage Meadows Subdivision based on the damage caused by this new, unwarranted and unprecedented permanent intrusion?

4. Precedence of other Metro Projects

- a. The site of a proposed jail in Antioch and the site of a proposed police station on Jefferson Street were both abandoned at the requests of Council persons and area residents.
- b. We request the same representation to abandon an unjustified proposal to convert green space used by children at a school to a loud and intrusive industrial fire hall on Andrew Jackson Parkway.

My neighbors also raised the issues at the March 1, 2018 meeting of:

1. There being no traffic light at the intersection of Andrew Jackson Parkway and Rachel Donelson Pass and how difficult it is to simply turn left or right from the subdivision already (many wrecks have happened already at this intersection); and
2. Placing the fire hall in a school zone and the congestion that occurs on the street during the mornings and afternoons when the two (2) schools are in session seems unwise.

In lieu of a new fire hall, I'd like to suggest an alternative use for the Andrew Jackson Parkway school property. Since the property is already zoned for residential uses, why could Metro not provide affordable teacher housing as is proposed off Nolensville Pike in South Nashville at 336 Woodycrest Avenue? Maybe 11 acres is not available at Andrew Jackson Parkway but a smaller set of homes could be built and still be in conformance with the existing zoning for our neighborhood. Please see the attached article from the Tennessean.

Thank you, it's my hope that everyone understands why the Andrew Jackson Parkway Site is the wrong location for any new fire hall in our residential neighborhood and the rezoning request will be denied by the Board.

Sincerely,



Stan Boyd

C: Metropolitan Board of Zoning Appeals, PO Box 196300 Nashville, TN 37219-6300
Bill Herbert, Metropolitan Board of Zoning Appeals by email at bza@nashville.gov
Mayor's Office of Neighborhoods & Community Engagement, 1 Public Square, Suite 100, Nashville, TN 37201
Kristina Heming, Property Manager at Crye-Leike, kristina.heming@crye-leike.com

DAVID BRILEY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

December 27, 2018

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

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

ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS

RE: Appeal Case Number: 2019-061
 431 TYLER DR
 Map Parcel: 07500004500
 Zoning Classification: R10
 Council District: 11

This is to inform you that Barge Cauthen and Associates filed an appeal for the property at the above referenced location. The appellant requested a special exception. Should this request be approved, it would allow the applicant to construct a fire hall on a residentially zoned property.

*******THIS IS NOT A ZONE CHANGE REQUEST*******

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on THURSDAY 2/7/2019, 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 # **20180078714** or search by the address.

METROPOLITAN BOARD OF ZONING APPEALS

<https://www.tennessean.com/story/money/2019/01/14/nashville-mnps-schools-talks-trade-land-affordable-teacher-housing/2547996002/>

Nashville schools officials in talks to trade land for affordable teacher housing

[Sandy Mazza](#), Nashville Tennessean Published 6:00 a.m. CT Jan. 14, 2019



Metro Nashville Public Schools is in talks with developers to trade a bus transportation center on a hill off Nolensville Pike for an affordable housing development there for teachers. Friday, Jan. 11, 2019, in Nashville, Tenn. (Photo: George Walker IV / The Tennessean)

Metro Nashville Public Schools officials want to trade an 11-acre bus depot with a developer to build affordable housing for teachers.

The rough plan, approved recently by school board's budget committee, is backed by Mayor David Briley, according to his spokesman.

District officials don't yet have specifics, and are now in discussions with developers about how to structure the land swap.

"We've had quiet conversations for years about what to do to help teachers and school employees who are being priced out of the market," school board member Will Pinkston said. "For us to come together on this as something worth exploring, that gives me hope we can find something feasible that's attractive to teachers."

Lack of affordable workforce housing

City leaders have long [acknowledged the dwindling supply of available housing](#) for teachers and other crucial sectors of the workforce, as housing costs have skyrocketed with the city's development boom.

Overall, wages have risen much more slowly than housing costs for years. In 2018, home prices jumped nearly 10 percent while wages increased less than 3 percent, according to federal data.

The homes would be designated "workforce housing," meaning potential tenants qualify if they make 60 percent to 120 percent of the area median income – which was \$74,900 for a family of four in 2018.

Nashville public school teachers make between \$43,363 and \$76,066 a year, according to the district's current salary schedule.

Development partners sought

The MNPS transportation center, which is used for bus parking, repairs and offices, sits on a hill overlooking the city off Nolensville Pike in South Nashville at 336 Woodycrest Avenue.



Metro Nashville Public Schools is in talks with developers to trade a bus transportation center on a hill off Nolensville Pike for an affordable housing development there for teachers. Friday, Jan. 11, 2019, in Nashville, Tenn. (Photo: George Walker IV / The Tennessean)

School district officials hope a developer will build workforce housing there as well as a new bus center elsewhere, in exchange for the land.

"In return for this site, we would swap this land we currently have to the developer," Metro Nashville Public Schools construction director David Proffitt said. "We're reaching out to developers to determine their interest and to see if something like this is feasible."

In the next few weeks, those conversations will inform an official request-for-information proposal that will be released publicly to any interested developers.

This property was one of several at the center of Metro discussions in July about selling land to close a multi-million-dollar budget gap.

Councilman Colby Sledge initially suggested selling the bus center as an alternative, after [Edgehill residents protested the proposed sale of the old Murrell School building](#) at 1450 14th Ave S. and adjacent Edgehill Community Memorial Park, a popular gathering place.

At the time, school board members insisted that the bus depot [couldn't be sold because it is critical to district transportation infrastructure](#).

Stan and Kelly Boyd
4205 Rachel Donelson Pass
Hermitage, Tennessee 37076
(615) 293-0486

March 1, 2018

Dear Councilman Rhoten and Councilman Hagar,

Thank you for the time you're taking to schedule and hold a meeting tonight.

I am a member of the Heritage Meadows Homeowners Association, and my home is the second house on the left on Rachel Donelson Pass at the intersection of Andrew Jackson Parkway.

If Metro makes this unjustifiable conversion of recreation school property to this proposed industrial fire hall, I want you and Metro to understand that my wife and I will be immediately, permanently and negatively impacted by the continual operations of a Metro fire hall.

Consequently, we are opposed to its construction on Andrew Jackson Parkway for the reasons listed below.

1. Tremendous, Repetitive and Permanent Source of Noise

- a. I have asked for and have not received any data for the existing fire hall at Plantation Drive. It is reasonable for Metro to be transparent and let the affected constituents know exactly what is being placed without any precedence for this land use on Andrew Jackson Parkway.
- b. Yet even the simplest understanding of fire hall operations make us aware that:
 - i. Fire trucks and ambulances will be dispatched at all hours of the day and night;
 - ii. Just 3 dispatches per day means 1,095 times we will be assaulted by sirens each year; and
 - iii. 4 dispatches per day means 1,460 times we will be assaulted by sirens each year.
 - iv. Will there be more than 3-4 dispatched per day based on the current fire hall?
- c. Since I have lived in my home for nearly 14 years, 3 to 4 average dispatches per day equals:
 - i. 15,330 dispatches over the next 14 year period at 3 per day; and
 - ii. 20,440 dispatches over the next 14 year period at 4 per day.

Why would Metro managers believe that anybody wants to have quiet school property that is the only large area of green space open for recreation on Andrew Jackson Parkway to be converted into 15 to 20 thousand industrial siren blasts at our front doors?

2. Other More and Better Locations Are Available

- a. I have already shared with you both and the Mayor's office of Neighborhoods and Community Engagement that land is for sale already exists at the intersection of Old Hickory Boulevard and Old

Boyd to Hagar and Rhoten
March 1, 2018
Page 2 of 2

Lebanon Dirt Road. This available property is only 8 tenths of a mile from the existing fire hall at the intersection of Old Hickory Boulevard and Plantation Drive.

- b. Regardless of the availability of the Old Lebanon Dirt Road site, it remains inappropriate to needlessly construct this fire hall in a residential area on green space for a school for any reason whatsoever.
- c. There is no precedence for use of the property on Andrew Jackson Parkway for a fire hall and the existing use of a school's green space should never be converted to be used as an industrial fire hall.
- d. Consequently, the neighborhood residents had no expectation of such an intrusive use when we bought our homes and invested in the Hermitage area.
- e. Additionally, all of our homes have recently been reappraised by Metro for future tax hikes.
 - i. While my house is not on the market today, Zillow posts:
 - A. An estimated values on my home at just over \$272,000 for a nearly \$85,000 increase in its value since our purchase; and
 - B. It charts the value of my home being consistently above the average home value in Nashville over the last 10 years.
 - ii. Is Metro prepared to dramatically lower its calculations for the tax assessed value of all our homes based on this new, unwarranted and unprecedented permanent intrusion?

3. Precedence of other Metro Projects

- a. The site of a proposed jail in Antioch and the site of a proposed police station on Jefferson Street were both abandoned at the requests of Council persons and area residents.
- b. We request the same representation to abandon an unjustified proposal to convert green space used by children at a school to a loud and intrusive industrial fire hall on Andrew Jackson Parkway.

Thank you and it's my hope that you understand why the Andrew Jackson Parkway Site is the wrong location for any new fire hall.

Sincerely,



Stan Boyd

C: Kristina Heming, Property Manager at Crye-Leike

Page 311 TBLHISTORY R... x 4205 Rachel Donelson Pa... x

Secure | <https://www.google.com/maps/place/4205+Rachel+Donelson+Pass,+Hermitage,+TN+37076/@36.2000411,-86.6085026,607m/data=!3m1!1e3!4m5!3m4!1s0x88...>

Apps Imported From IE Notification GasLog UST Regulatory Reform Alternative Workspac Articles & Presentatic Regensis SmartWay Traffic

Sign in

4205 Rachel Donelson Pass

Dupont Tyler Middle School

Tulip Grove Elementary School

Andrew Jackson Pkwy

Rachel Donelson Pass

Stoner Ridge

Pakenhams Retreat

Map

Google

World Of Time

Imagery ©2018 Google, Map data ©2018 Google United States Terms Send feedback 200 ft

11:26 AM 2/23/2018

Old Lebanon Dirt Rd & T X

Secure | <https://www.google.com/maps/dir/Old+Lebanon+Dirt+Rd+%26+Old+Hickory+Blvd,+Hermitage,+TN+37076/Nashville+Fire+Department+-+Station+32,+4031...>

Apps Imported From IE Notification GasLog UST TDEC Intranet Regulatory Reform Alternative Workspac Articles & Presentatic Regensis SmartWay Traffic

Sign in

Nashville Fire Department - Station 32

Zaxby's Chicken Fingers & Buffalo Wings

Hobby Lobby

Goodwill Industries of Middle Tennessee

Steak 'n Shake

2 min 0.8 miles

17 min 0.8 miles

17 min 0.8 miles

Chili's Grill & Bar

The Home Depot

IHOP

Lowe's Home Improvement

Hermitage Hills Shopping Center

Old Lebanon Dirt Road & Tennessee 265

Satellite

Map data ©2018 Google United States Terms Send feedback 500 Thursday, March 01, 2018 8:02 AM 3/1/2018

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Matthew Carney

Date: 10-5-18

Property Owner: Matthew Carney

Case #: 2018-636

Representative: Matthew Carney

Map & Parcel: 11809000100

Council District 25

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

Purpose: To obtain a STRP permit.

Activity Type: Short Term Rental

Location: 1009 Battlefield Dr.

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

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

Section(s): 17.16.250 (E)

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

Matthew Carney
Appellant Name (Please Print)

Representative Name (Please Print)

1009 Battlefield Dr.
Address

Address

Nashville, TN 37204
City, State, Zip Code

City, State, Zip Code

(615) 429-4676
Phone Number

Phone Number

matthewacarney@gmail.com
Email

Email

Appeal Fee: \$100.00



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



3566379

ZONING BOARD APPEAL / CAAZ - 20180063419
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11809000100

APPLICATION DATE: 10/05/2018

SITE ADDRESS:

1009 BATTLEFIELD DR NASHVILLE, TN 37204
S SIDE BATTLEFIELD DR W OF LEALAND LN

PARCEL OWNER: CARNEY, MATTHEW

CONTRACTOR:

APPLICANT:

PURPOSE:

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

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

Rental Unit Record

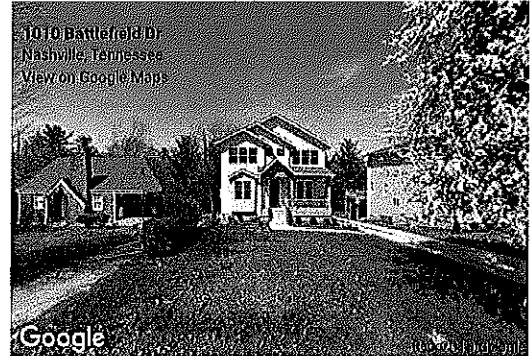
1009 Battlefield Dr, Nashville, TN 37204, USA

Removed X
Identified ✓
Compliant ✓



Airbnb - 19912518

Airbnb - 18238539



Matched Details

Analyst QHQC

Explanation
Exterior image from the listing matches aerial view image.

Listing Photos



Matching 3rd Party Sources



The deck has not been constructed yet in this aerial view, but the rest of the home/door matches

Zip Code Match

Owner Name Match

City Name Match

Identified Address

1009 Battlefield Dr, Nashville, TN 37204, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.114576, -86.788349

Parcel Number

11809000100

Owner Name

CARNEY, MATTHEW

Owner Address

1009 Battlefield Dr
Nashville, TN 37204, US

Registration / Permit Number

505273

Timeline of Activity

View the series of events and documentation pertaining to this property

Listing Details

Listing URL - <https://www.airbnb.com/rooms/19912518>

Listing Status ● Inactive

Host Compliance Listing ID - air19912518

Listing Title - The Battlefield Tudor "B" 12South Living

Property type - House

Room type - Private room

Listing Info Last Captured - Aug 15, 2018

Screenshot Last Captured - Aug 19, 2018

Price - \$98/night

Cleaning Fee - \$35

Information Provided on Listing

Contact Name - Matthew

Latitude, Longitude - 36.115480, -86.789342

Minimum Stay (# of Nights) - 2

Max Sleeping Capacity (# of People) - 2

Number of Reviews - 25

Last Documented Stay - 08/2018

Listing Screenshot History

View Latest Listing Screenshot

August (2) September (0) October (0)

- ✘ Listing air18238539 Removed August 21st, 2018
- ✘ Listing air19912518 Removed August 21st, 2018
- 2 Documented Stays August, 2018
- 3 Documented Stays July, 2018
- 4 Documented Stays June, 2018
- Listing air18238539 Reposted June 23rd, 2018
- Listing air19912518 Reposted June 23rd, 2018
- ✘ Listing air18238539 Removed June 22nd, 2018
- ✘ Listing air19912518 Removed June 22nd, 2018
- 7 Documented Stays May, 2018
- ✓ Listing air19912518 Identified May 24th, 2018
- 7 Documented Stays April, 2018
- ✍ Airbnb Letter: Delivered April 9th, 2018
- ✍ Airbnb Letter: Sent April 3rd, 2018
- 7 Documented Stays March, 2018
- ✍ First Warning - No STR or Tax: Delivered March 10th, 2018
- Listing air18238539 Reposted March 4th, 2018
- Listing air19912518 Reposted March 4th, 2018
- ✍ First Warning - No STR or Tax: Sent March 4th, 2018
- ✘ Listing air18238539 Removed March 2nd, 2018
- ✘ Listing air19912518 Removed March 2nd, 2018
- 4 Documented Stays February, 2018
- Listing air18238539 Reposted February 5th, 2018
- Listing air19912518 Reposted February 5th, 2018
- ✘ Listing air18238539 Removed January 31st, 2018
- ✘ Listing air19912518 Removed January 31st, 2018

- 📅 2 Documented Stays
January, 2018
- 📅 1 Documented Stay
December, 2017
- 📅 4 Documented Stays
November, 2017
- 📅 5 Documented Stays
October, 2017
- 📅 6 Documented Stays
September, 2017
- ✓ Listing air18238539 Identified
September 19th, 2017
- 📅 4 Documented Stays
August, 2017
- ✳ Listing air19912518 First Crawled
August 6th, 2017
- Listing air19912518 First Activity
August 3rd, 2017
- 📅 3 Documented Stays
July, 2017
- 📅 4 Documented Stays
June, 2017
- ✳ Listing air18238539 First Crawled
April 22nd, 2017
- Listing air18238539 First Activity
April 18th, 2017

August 19, 2018 - 02:32AM America/Chicago



Search

Become a host Earn credit Help Sign up Log in

Aug 19, 2018 2:32am America/Chicago

Share

Save



View Photos

PRIVATE ROOM IN HOUSE

The Battlefield Tudor "B" 12 South Living

Nashville



Matthew

2 guests 1 bedroom 1 bed 1 private bath

Dates

Check In → Check Out

Guests

1 guest

Request to Book

You won't be charged yet

Report this listing

HOME HIGHLIGHTS

Great location · 95% of recent guests gave this home's location a 5-star rating.

Helpful · Not helpful

Quick responses · 14 recent guests said this host responded quickly.

Helpful · Not helpful

Outstanding hospitality · 15 recent guests said this host offered outstanding hospitality.

Helpful · Not helpful

If you are looking for location and relaxation you found it! This 1942 Tudor home was fully renovated in 2017 with all the best features. You may fall in love with it and want to stay longer. A quick 3 block walk past the park gets you access to all the shops and restaurants on 12th!

The space

This newly renovated Tudor offers the perfect upstairs queen guest bedroom getaway. It is owned by a local restaurateur and he knows the town pretty well. The home is just minutes from downtown and includes a full bath with a jetted tub/shower, small galley kitchen (fridge) with laundry giving you everything you need for a short or extended stay.

Guest access

You will have access to the upstairs common area that includes a TV, recliner and love seat for relaxing. The love seat has a twin sized memory foam pull out if needed. The space also includes a stocked fridge (water, soda's, adult beverages) and a washer/dryer that are available for your use. Directly off your bedroom is a massive 16'x40' deck with your own entrance. There is an identical bedroom & bathroom directly across the common area that may or may not have another AirBNB guest staying as well.

Interaction with guests

If you have any questions at any time of the day don't hesitate to call or text. I love to host and like to keep my guests happy and feeling at home. Your privacy will be respected at all times. But feel free to relax with me and Mr Kitty at any time.







Other things to note

Mr Kitty is the ruler of the house. He's a little pug dog that enjoys saying hello from time to time. He's friendly, entertaining, cute and very playful. He will most likely be the first to greet you. It's ok, give him a rub and you'll be good to go your entire stay and he will keep you safe. (there is a gate that blocks him off from your accommodations should you not want him in your space) (he can roam as he pleases though the back yard but please be cautious when opening doors or gates. He's not fun to chase down the street with his playful nature) 2 available street parking spots. (never block the driveway please) Should you need specific off street parking please let us know. Always keep the gates closed in the back yard to let Mr Kitty have his space.

Hide ^

Contact host

Amenities

-  Free parking on premises
-  TV
-  Kitchen
-  Dryer
-  Wifi
-  Hangers

Show all 28 amenities

Sleeping arrangements



Bedroom 1
1 queen bed

Accessibility

Wide doorway to the home's entrance

Wide hallway clearance

Show all


Availability

..


25 Reviews ★★★★★

Search reviews

Accuracy	★★★★★	Location	★★★★★
Communication	★★★★★	Check-in	★★★★★
Cleanliness	★★★★★	Value	★★★★★

 Lee
August 2018

This place was amazing! Highly recommend staying here. Great location, walkable to 12 South and quick reasonable Uber rides to everywhere else. Super clean, newly updated, all of the features were top of the line. Although this is listed as a shared space with a private bath, we felt as if we had the place to ourselves because of the privacy it offered. Check in and out with your own lockbox made it super easy to come and go as you please. To top it all off a nice and friendly host, who was very quick to respond to messages.

 Brian
August 2018

Awesome place! And especially awesome if you're a pair of couples looking to stay together but would still like your own private space (book both the A & B suites). Close to 12 South but on a quiet street away from the hubbub. Very cool private entrance with a huge shared deck. Nice size bedroom with a large closet and shelves. Very nice and super-clean bathroom. And even a nice little shared living room space with a big TV and recliner. If that wasn't enough, Matthew is an awesome, chill host that really cares about making your stay great. A superb AirBnB experience - highly recommended!!!

 Michaela
July 2018

Amazing location a short uber ride from anywhere in Nashville. The space was spotless and the house was beautiful. The private entrance was convenient as well. Overall, we thoroughly enjoyed our stay!

 Tracy
June 2018

We had a wonderful trip to Nashville, and Matthew's place was superb. It was only a mile from all the restaurants on 12 South and a \$9 uber ride to Broadway (cheaper and more convenient than parking yourself). The room and bathroom were much larger than expected and sooo nice. We're couldn't have asked for better.

 Teresa
June 2018

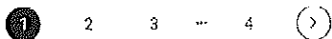
What a wonderful place to stay! Comfortable, clean, close to many area attractions and downtown.. We very much enjoyed staying here. Will definitely be back!

 Zach
May 2018

Matthew has an awesome home in a wonderful neighborhood. His new deck and upstairs renovations are impressive! Our room was perfect for our weekend stay. Matthew was an accommodating host and gave us plenty of suggestions for places to visit in Nashville. I definitely recommend him.

 Erica
May 2018

This place is great! I highly recommend it. Walkable to shops and restaurants and super quick Uber ride to downtown. His place is extremely clean and nice, and amazing deck off the bedroom. I would definitely stay here again.



Hosted by Matthew



Nashville, Tennessee, United States · Joined in May 2015

★ 67 Reviews • Verified

Nashville business owner that enjoys literally everything that life has to offer. Cars, Boats, Business, Moonshine & Bourbon are on the top end of the list.

Languages: English

Response rate: 100%

Response time: within an hour

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. Learn more

The neighborhood

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

Great shops, restaurants and bars. Walkability gives you convenience to everything around. There is a brand new community center around the block at Sevier Park which is a great option for a workout (\$3 for guests). Multiple privately owned yoga studios or gyms are close by as well. The 12th South Farmers Market is every Tuesday afternoon from 3:30-6:30 at the park. Nashville is a very active town with so much to do.

Getting around

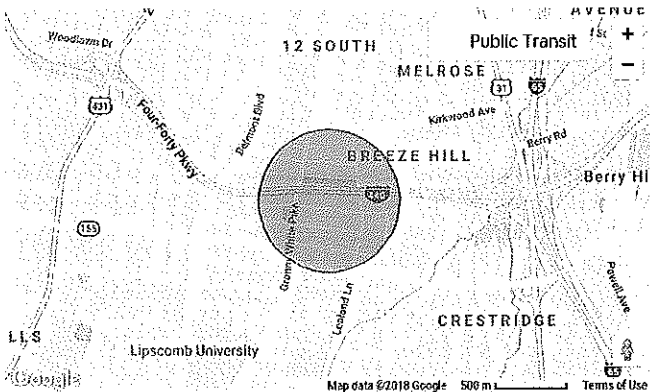
Any cab, lyft or uber ride will be inexpensive since you are 3 miles from downtown. One of the Nashville B-cycle bike rental stations is located at the north side of the sevier park. There is a bus route that is close by if needed.

Hide ^

Matthew's Guidebook Things to do in Nashville

Nearby landmarks

- Frist Art Museum 3.3 mi
- Country Music Hall of Fame and Museum 3.5 ml
- Centennial Park 3.5 mi
- Ryman Auditorium 3.7 mi
- The Parthenon 3.8 mi



Exact location information is provided after a booking is confirmed.

Policies

House Rules

- Not suitable for children and infants
- No smoking

- No pets
- No parties or events
- Check-in time is 3PM - 2AM (next day)
- Check out by 10AM
- Self check-in with lockbox

The house is ruled by one adorable little pug dog named "Mr Kitty" he will most likely come say hello and would like a second to smell you and note that you are ok and safe. There is a barrier gate to keep him out from your space and away from you so feel free to use it.

You must also acknowledge

Pet(s) live on property - "Mr Kitty" is my friendly little pug dog... He loves to say hello with a sniff but will give you your space.

Must climb stairs - Your private space is located in the upper level of the home and up an easy 13-14 step staircase.

Some spaces are shared - There is a common area between 2 individual rentals with a TV, couch, table and chair along with a stocked fridge & washer/dryer for your common use.

Hide rules ^

Explore other options in and around Nashville

More places to stay in Nashville: Apartments · Bed and breakfasts · Lofts · Villas · Condominiums

Asheville Vacation Rentals
 Stone Mountain
 Princeton
 St Louis
 Memphis
 Rutland

Cloverdale Vacation Rentals
 Louisville
 Sherman Oaks
 Atlanta
 Rosemont
 Braintree

Highland Vacation Rentals
 Nashville
 Centreville
 Portsmouth
 River Ranch
 League City

Airbnb

Discover

Hosting



From: [Pulley, Russ \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Lamb, Emily \(Codes\)](#)
Subject: BZA case 2018-636
Date: Wednesday, November 28, 2018 11:46:24 AM

I am writing to address the appeal of Matthew Carney for the property at 1009 Battlefield Drive, challenging the zoning administrator's denial of a short term rental permit.

I have heard from Zoning Examiner Robert Osborn who worked on this case. He stated that he communicated with Mr. Carney via email informing Mr. Carney that he did not have a valid permit. Mr. Osborn then informed Mr. Carney to cease operation of his short term rental. Evidence indicates that Mr. Carney did not comply with Mr. Osborn and continued to operate.

I have not heard from the appellant regarding this matter. It appears to me that the evidence of non compliance is compelling. I certainly trust the judgement of this board. Considering the evidence, I do support denial of the appeal.

Again, thank you all for the fine work this Board does and the long hours you are called on to serve. I very much appreciate the thought you all put into your decisions and your service to this city.

Russ Pulley
Nashville Metro Council
District 25
615-308-4972

RE: Appeal Case Number: 2018-636
1009 BATTLEFIELD DR
Map Parcel: 11809000100
Zoning Classification: RS10
Council District: 25

November 25, 2018


Dear Office of Zoning,

I am writing to express my concern about the appellant, Mr. Matthew Carney's, request to Item A appeal to challenge the zoning denial of a short-term rental permit. Allowing Mr. Carney, or any future appellant, to follow through with this appeal poses a number of threats. Short-term rentals have no stake in the community and are not worth altering the neighborhood's character merely to provide lodging for tourist and given privilege to individual business ventures. This is a single-family resident and should be kept in tact for young families raising their kids and retired residents to find security among their long-time neighbors. It would be unfair to alter our neighborhood to accommodate complete strangers simply for profit.

We genuinely oppose to Mr. Carney's request for a short-term rental permit.

Name: Elmer & Fatima Terry

Address: 1007 Battlefield Drive Nashville, TN 37204

Signature: 

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : David & Chelsea Swift

Date: 10-23-18

Property Owner: David & Chelsea Swift

Case #: 2018-684

Representative: David & Chelsea Swift

Map & Parcel: 08216035100

Council District 06

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

Purpose: To apply for a STRP permit.

Activity Type: Short Term Rental

Location: 914 Boscobel St.

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

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

Chelsea Swift
Appellant Name (Please Print)

Representative Name (Please Print)

914 Boscobel St.
Address

Address

Nashville, TN 37206
City, State, Zip Code

City, State, Zip Code

(615) 403-5084
Phone Number

Phone Number

chelsea@chelseaswift.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



3571712

ZONING BOARD APPEAL / CAAZ - 20180067190
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08216035100**APPLICATION DATE:** 10/23/2018**SITE ADDRESS:**

914 BOSCOBEL ST NASHVILLE, TN 37206
LOT 8 W W TOTTENS ADDN

PARCEL OWNER: SWIFT, DAVID & CHELSEA**CONTRACTOR:****APPLICANT:****PURPOSE:**

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

10/23/18

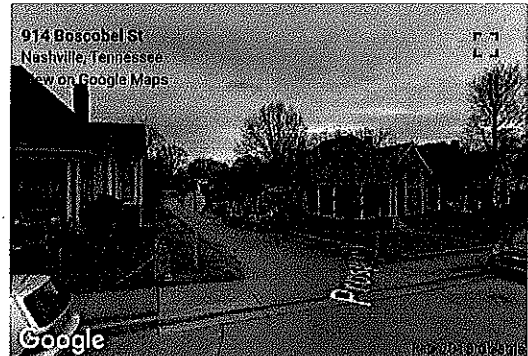
Rental Unit Record

914 Boscobel St, Nashville, TN 37206, USA

Active ●
Identified ✓
Compliant X

PRINT

Airbnb - 5821962



Identified Address

914 Boscobel St, Nashville, TN 37206, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.172011, -86.753600

Parcel Number

08216035100

Owner Name

SWIFT, DAVID & CHELSEA

Owner Address

914 BOSCOBEL ST
NASHVILLE, TN 37206, US

Registration / Permit Number

502349

Timeline of Activity

View the series of events and documentation pertaining to this property

Matched Details

Analyst

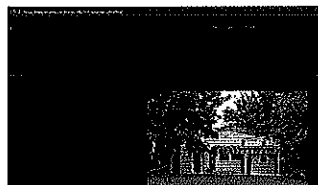
EGPL

Explanation

The estate and holpads pages for the address show the same backyard and interior as the listing photos. The listing was posted by David and Chelsea and Davld and Chelsea Swift are listed as the owners in the parcel records.

Listing Photos

Matching 3rd Party Sources



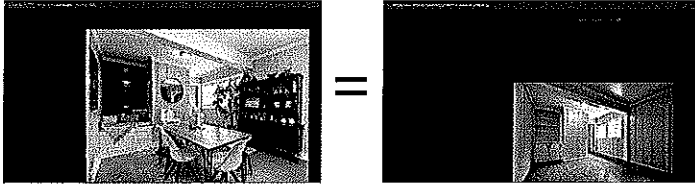
The back exterior is the same.



The sink and mirror are the same.

10/23/2018

Matched property listing



The bookcase has been turned into a sitting area but the rest of the room is the same.

Zip Code Match

Owner Name Match

City Name Match

Listing Details

Listing URL	- https://www.airbnb.com/rooms/5821962
Listing Status	● Active
Host Compliance Listing ID	- air5821962
Listing Title	- 3/2 Fun, Historical Abode!
Property type	- House
Room type	- Entire home/apt
Listing Info Last Captured	- Oct 20, 2018
Screenshot Last Captured	- Oct 22, 2018
Price	- \$170/night
Cleaning Fee	- \$120

Information Provided on Listing

Contact Name	- David & Chelsea
Latitude, Longitude	- 36.169321, -86.758440
Minimum Stay (# of Nights)	- 1
Max Sleeping Capacity (# of People)	- 6
Max Number of People per Bedroom	- 2
Number of Reviews	- 109
Last Documented Stay	- 10/2018

Listing Screenshot History

View Latest Listing Screenshot

August **3**
September **5**
October **6**

- Listing air5821962 Reposted October 20th, 2018
- ✕ Listing air5821962 Removed October 20th, 2018
- ✔ First Warning - No STR Permit: Delivered October 12th, 2018
- 3 Documented Stays October, 2018
- ✔ First Warning - No STR Permit: Sent October 5th, 2018
- 4 Documented Stays September, 2018
- ✔ Listing air5821962 Identified September 24th, 2018
- 5 Documented Stays August, 2018
- 4 Documented Stays July, 2018
- 3 Documented Stays June, 2018
- 5 Documented Stays May, 2018
- 3 Documented Stays April, 2018
- 4 Documented Stays March, 2018
- Listing air5821962 Reposted March 4th, 2018
- ✕ Listing air5821962 Removed March 2nd, 2018
- 4 Documented Stays February, 2018
- 1 Documented Stay January, 2018
- Listing air5821962 Reposted January 6th, 2018
- ✕ Listing air5821962 Removed December 30th, 2017
- 1 Documented Stay December, 2017
- 2 Documented Stays November, 2017
- 3 Documented Stays October, 2017
- 2 Documented Stays September, 2017
- 4 Documented Stays August, 2017
- 4 Documented Stays July, 2017
- 3 Documented Stays June, 2017

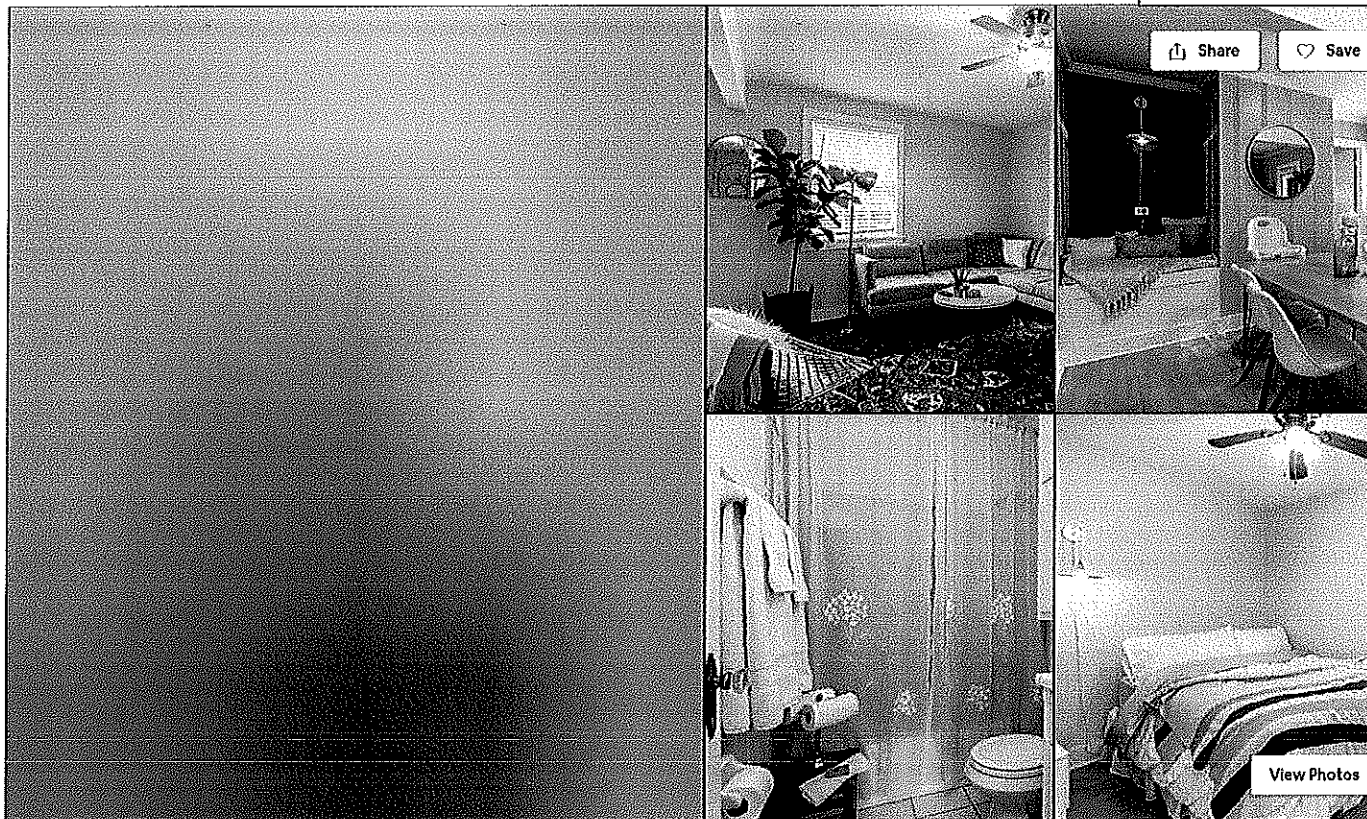
- ☐ 5 Documented Stays
May, 2017
- ☐ 5 Documented Stays
April, 2017
- ☐ 2 Documented Stays
March, 2017
- ☐ 1 Documented Stay
February, 2017
- ☐ 2 Documented Stays
January, 2017
- ☐ 2 Documented Stays
December, 2016
- ☐ 1 Documented Stay
November, 2016
- ☐ 3 Documented Stays
October, 2016
- ☐ 4 Documented Stays
September, 2016
- ☐ 5 Documented Stays
August, 2016
- ✳ Listing air5821962 First Crawled
July 21st, 2016
- ☐ 3 Documented Stays
July, 2016
- ☐ 4 Documented Stays
June, 2016
- ☐ 6 Documented Stays
May, 2016
- ☐ 4 Documented Stays
April, 2016
- ☐ 2 Documented Stays
March, 2016
- ☐ 1 Documented Stay
February, 2016
- ☐ 1 Documented Stay
January, 2016
- ☐ 1 Documented Stay
October, 2015
- ☐ 1 Documented Stay
September, 2015
- Listing air5821962 First Activity
September 28th, 2015

October 22, 2018 - 11:09PM America/Chicago

Search

Become a host Help Sign up Log in

Oct 22, 2018 11:09pm CT



ENTIRE HOUSE

3/2 Fun, Historical Abode!

Nashville



David & Chelsea

6 guests 3 bedrooms 3 beds 2 baths

HOME HIGHLIGHTS

Great check-in experience · 100% of recent guests gave this home's check-in process a 5-star rating.

Helpful · Not helpful

David & Chelsea is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Helpful · Not helpful

\$170 per night

★★★★★ 109

Dates

Check in → Check out

Guests

1 guest

Book

You won't be charged yet

Report this listing

The house has a renovated, native Nashville vibe w/an inviting patio.

The light, fun, eclectic atmosphere is highlighted by hardwood floors, original character, and a spacious floor plan.

Read more about the space

Contact host

Amenities

Standard: Kitchen, Wifi, Cable TV, Iron, TV, and 16 more

Other highlights: Free parking on premises, Babysitter recommendations, Bath tub, Pack 'n Play/travel crib, Single level home, and 6 more

Show all 32 amenities

Sleeping arrangements



Bedroom 1
1 king bed



Bedroom 2
1 queen bed



Bedroom 3
1 queen bed



Availability

Updated 2 months ago

October 2018							November 2018						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5					1	2	3
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	

109 Reviews ★★★★★

Search reviews

Accuracy	★★★★★	Location	★★★★★
Communication	★★★★★	Check-in	★★★★★
Cleanliness	★★★★★	Value	★★★★★

Amanda
October 2018

Perfect space for a weekend with friends and conveniently located to all of Nashville's hot spots. Chelsea was extra accommodating when my friends and I asked to check out a couple of hours later due to having an evening flight. Very much appreciated!

Martha
October 2018

It's a great house that has a well stocked kitchen and was very comfortable. Everything went smoothly as far as check in, and we received a response promptly when we had a question. It was a quick commute downtown and there were also restaurants within walking distance. I'd highl...Read more

Craig
October 2018


David & Chelsea's place was the perfect spot for my family and I's visit to Nashville. 6 of us came and slept comfortably in their 3 bed rooms and everything that we could possibly need was available to us. We came for an Eagles and Titans football game, so the location was only ...Read more

Dawn
September 2018


David and Chelsea's home is a great spot to stay while in Nashville. Relatively close to downtown, we found the short Uber ride was more convenient than driving downtown at night. Great house for up to three couples. Cute restaurants and coffee shops a few minutes walk from the h...Read more

Cheryl
September 2018

Great location, close to everything! The house is adorable, and the beds are so comfortable! David and Chelsea were great hosts and very quick to respond. I would definitely stay there again.

 Louise
September 2018

David and Chelsea's place is very cute and comfortable. We enjoyed the location (go to Edley's BBQ!) and the spaciouness of the house. It was a quick trip over the bridge to downtown where our weekend events took place.

 Leslie
August 2018

Super cute house and great location! I'd definitely stay here again.

1 2 3 ... 16 >

The neighborhood

David & Chelsea's home is located in Nashville, Tennessee, United States.

Our immediate neighborhood is Historic Edgefield, a neighborhood in East Nashville with a designated historic overlay, so there are mostly renovated 1900's homes on our street. It's a fantastic neighborhood to stay in and has a historic yet eclectic vibe!

[Read more about the neighborhood](#) v

Things to do in Nashville

Nearby landmarks

The Johnny Cash Museum & Cafe	1.3 mi
The George Jones	1.5 ml
Country Music Hall of Fame and Museum	1.5 mi
Frist Art Museum	2.0 mi
Bicentennial Capitol Mall State Park	2.1 mi


Exact location information is provided after a booking is confirmed.

Hosted by David & Chelsea

Nashville, Tennessee, United States · Joined in November 2013



★ 112 Reviews  Verified

David & Chelsea is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests. 

Hello! We are Chelsea and David! We have a sweet little 11 month old daughter named Shiloh and a floppy-eared dog named Roosevelt. Chelsea is a stay at home mom in the city. She left the work force and is currently attempting to keep David, Shiloh, and Roosevelt alive and w...[Read more](#)

Languages: English

[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

No smoking

Check-in is anytime after 3PM

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](#) ▾

Explore other options in and around Nashville

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Erin Shim & Anne DeChant
Property Owner: Erin Shim & Anne DeChant
Representative: Erin Shim & Anne DeChant

Date: 11-16-18
Case #: 2019-012
Map & Parcel: 09309006900

Council District 06

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

Purpose: To apply for a STRP permit.

Activity Type: Short Term Rental

Location: 1306 Gartland Ave.

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

Reason: Item A appeal, challenging the zoning administrator's denial of isolated portion of single family residence to be used for short term rental after initial fire marshal inspection revealed non-conforming window size in upper bedroom.

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.

Erin Shim & Anne DeChant
Appellant Name (Please Print)

Same
Representative Name (Please Print)

1306 Gartland Ave.
Address

Address

Nashville, TN 37206
City, State, Zip Code

City, State, Zip Code

(440) 488-5189
Phone Number

Phone Number

elshim.els@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**



3579331

**ZONING BOARD APPEAL / CAAZ - 20180072490
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08309006900**APPLICATION DATE:** 11/16/2018**SITE ADDRESS:**

1306 GARTLAND AVE NASHVILLE, TN 37206
PT LOT 6 BLK 2 BAILEY SUB ALLISON

PARCEL OWNER: SHIM, ERIN L. & DECHANT, ANNE E.**CONTRACTOR:****APPLICANT:****PURPOSE:**

Item A appeal, challenging the zoning administrator's denial of isolated portion of single family residence to be used for short term rental after initial fire marshal inspection revealed non-conforming window size in upper bedroom.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



3561091

**APPLICATION FOR RESIDENTIAL SHORT TERM RENTAL / CASR - T2018059738
THIS IS NOT A PERMIT**

PARCEL: 08309006900

APPLICATION DATE: 09/19/2018

SITE ADDRESS:

1306 GARTLAND AVE NASHVILLE, TN 37206
PT LOT 6 BLK 2 BAILEY SUB ALLISON

PARCEL OWNER: SHIM, ERIN L. & DECHANT, ANNE E.

APPLICANT: Erin Shim
1306 Gartland Ave.
Nashville, TN 37210 440 488.5189

CONTACT: Erin Shim
1306 Gartland Ave.
Nashville, TN 37210

*ORIGINAL PERMIT
APPLICATION*

PURPOSE:

NOTE: In response to Fire Marshal inspection rejection of second floor window access, the area to be used for short term rental purposes will be confined to the first floor foyer, living room, owner's bedroom, and owner's bathroom as labeled on attached floor plan. Bedroom count is 1 with an occupancy count of 6.

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.

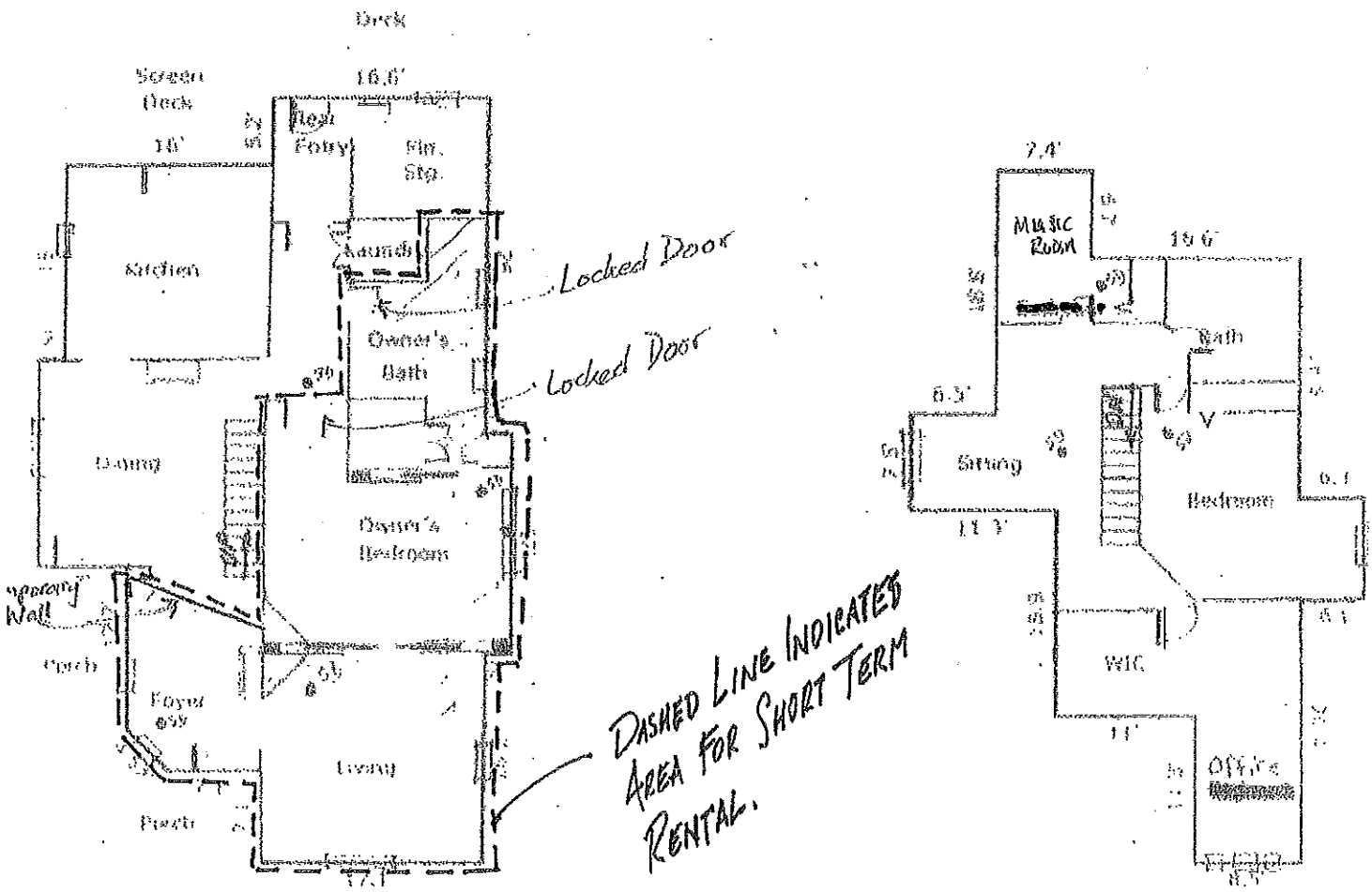
Floor Plan and smoke detectors verified.

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	REJECTED	615-862-5233 Chad.Young@nashville.gov



First Floor
(1717.85 Sq Ft)

STRP =
Shaded Area

Second Floor
(1020.91 Sq Ft)

1306 GARTLAND AVE
NASHVILLE TN 37206

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



Appellant: Lori Lane Date: 11/19/2018
Property Owner: Lori Lane Case #: 2019-014
Representative: Jamie Hollin Map & Parcel: 08213036400

Council District 19

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

Purpose: STP permit revocation. Change of ownership

Activity Type: _____

Location: 900 B Locklayer

This property is in the RS3.5 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: Zoning administrator erred.

Section(s): 11.14.250 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.

Lori Lane
Appellant Name (Please Print)

Jamie R. Hollin
Representative Name (Please Print)

711 Rosebank Ave.
Address

511 Rosebank Ave.
Address

Nashville, TN 37206
City, State, Zip Code

Nashville, TN 37206
City, State, Zip Code

615-870-4650
Phone Number

615-870-4650
Phone Number

j.hollin@me.com
Email

j.hollin@me.com
Email

Appeal Fee: _____



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



3580149

ZONING BOARD APPEAL / CAAZ - 20180073111
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08213036400

APPLICATION DATE: 11/20/2018

SITE ADDRESS:

900 B LOCKLAYER ST NASHVILLE, TN 37208
LOT 24 BLK. B. BRANS. RLTY. CO. SUB. OF NO. HILL TRACT

PARCEL OWNER: 3L PROPERTIES, LLC

CONTRACTOR:

APPLICANT:**PURPOSE:**

an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated after the issued STRP permit was cancelled due to change in ownership

*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
03-Jan-19 10:32:20AM

Owner Change

Parcel: 08213036400

Parcel Acreage: 0.08

Parcel Created: 10-Nov-73

ADDRESS

900 B LOCKLAYER ST ,NASHVILLE, TN 37208 - Property

Current Owner

3L PROPERTIES, LLC, 1720 6TH AVE N A2, NASHVILLE, (US) TN, 37208

Sale		Instrument	
Code	I	Type	Quit Claim Deed
Source	I	Number	QC-20160407 0033586
Valid Sale		Acquired	1-Apr-16
Price	\$0.00	Historical	

Previous Owners

LANE, LORI, 900 B LOCKLAYER ST, NASHVILLE, (US) TN, 37208

Sale		Instrument	
Code	Q	Type	Deed
Source	I	Number	DB-20150610 0054645
Valid Sale		Acquired	8-Jun-15
Price	\$332,000.00	Historical	01-Apr-16

MEGAN HARRY
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

February 8, 2018

Ms. Lori Lane
900 B Locklayer Street
Nashville, TN 37208

RE: Permit CASR #201523523
900 B Locklayer Street

Dear Ms. Lane:

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 after the date of permit issuance. Since the law does not allow transfers of STRP permits, this permit has been invalid since the April 1, 2016 ownership change.

All short term rental advertising, operations, and actual renting at this address must cease immediately. Any such further actions at this 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

2019-014. Oppose

Bonnie S. Bashor
902A Locklayer St
Nashville, TN 37208

December 29, 2018

Metropolitan Board of Zoning Appeals
P.O. Box 196300
Nashville, TN 37210-6300

Re: Zoning Appeal Case Number: 2019-014
900B Locklayer St

To Whom It May Concern:

I wish to show opposition to this appeal request.

This neighborhood, Hope Gardens, is a quiet residential neighborhood and a part of an MDHA redevelopment district. This area of Hope Gardens is zoned RS. However, it is being overrun with short-term rentals (STRs), both legal and illegal, owner-occupied and non-owner-occupied. The property in question operated legally as a non-owner occupied STR; it then changed ownership, the permit was cancelled, and it continued to operate illegally without a permit. The original owner is now appealing not receiving a new permit for this non-owner-occupied STR, long after the original permit was cancelled.

The rules about STRs are quite clear. No new non-owner occupied STR permits will be issued in residentially-zoned areas. When a permitted property in a residentially-zoned area changes hands, it is no longer eligible for a non-owner-occupied STR permit.

Please uphold these very sensible rules. Hope Gardens does not need more STRs. In fact, there are already several within about 200 feet of my house.

Thank you for your consideration.



Bonnie S Bashor
Owner and occupant of 902A Locklayer St.

From: [Jake Marshall](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case Number 2019-014
Date: Tuesday, January 1, 2019 11:12:14 AM

To Whom it May Concern:

I am the property owner and resident of 914 Ireland St and am within 600 ft of the property attempting to gain a short term rental permit as mentioned in appeal case number 2019-014 and reference permit #20180073111. I wish my comments to be entered into the public record for the appeal decision.

I do not support the property being granted a short term rental license as I believe it is a threat to public safety, detriment to property values, and quality of life for current residents.

I may be reached at this email address or at 540.604.7864 should you have any needs for further inquiry of my beliefs.

Thank you,

John "Jake" Marshall

--

Sent from Gmail Mobile _____ Jake Marshall, MPS, PEM, FF/NRP
540.604.7864

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



Appellant: Lori Lane
Property Owner: Lori Lane
Representative: Jamie Hollin

Date: 11/19/2018
Case #: 2019-015
Map & Parcel: 082090800200C0

Council District 19

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

Purpose: STR permit revocation - Change of Ownership

Activity Type: Short Term Rental
Location: 1412 5th Ave. North

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

Reason: Zoning administrator email.

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.

Lori Lane
Appellant Name (Please Print)

Jamie Hollin
Representative Name (Please Print)

571 Rosebank Ave
Address

571 Rosebank Ave.
Address

Nashville, TN 37206
City, State, Zip Code

Nashville, TN 37206
City, State, Zip Code

615-870-4650
Phone Number

615-870-4650
Phone Number

j.hollin@me.com
Email

j.hollin@me.com
Email

Appeal Fee: _____



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



3580154

ZONING BOARD APPEAL / CAAZ - 20180073113
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 082090B00200CO APPLICATION DATE: 11/20/2018

SITE ADDRESS:

1412 5TH AVE N NASHVILLE, TN 37208
LOT 2 D T MCGAVOCK 1ST ADDN RESUB OF LOTS 63 & 64 SECOND REV

PARCEL OWNER: 3L PROPERTIES, LLC

CONTRACTOR:

APPLICANT:

PURPOSE:

an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated after the issued STRP permit was cancelled due to change in ownership

*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
03-Jan-19 10:34:29AM

Owner Change

Parcel: 082090B00200CO

Parcel Acreage: 0.06

Parcel Created: 02-Nov-01

ADDRESS

1412 5TH AVE N ,NASHVILLE, TN 37208 - Property

Current Owner

3L PROPERTIES, LLC, 1760 6TH AVE N A2, NASHVILLE, (US) TN, 37208

Sale		Instrument	
Code	I	Type	Quit Claim Deed
Source	I	Number	QC-20160407 0033587
Valid Sale		Acquired	1-Apr-16
Price	\$0.00	Historical	

Previous Owners

LANE, LORI L., 1720 6TH AVE N A-2, NASHVILLE, (US) TN, 37208

Sale		Instrument	
Code	Q	Type	Deed
Source	I	Number	DB-20150527 0048691
Valid Sale		Acquired	26-May-15
Price	\$360,000.00	Historical	01-Apr-16

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 17, 2018

3L Properties, LLC
1760 6th Ave N A2
Nashville, TN 37208

RE: Permit CASR #201520981
1412 5th Ave N

Dear Ms. Lane

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 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 1, 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

CC: John Jihant
1825 Championship Blvd
Franklin, TN 37064

From: [Jessica Himes](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Opposition to permit 20180073113
Date: Friday, January 11, 2019 11:32:17 AM

Good morning,

My husband and I live at 1326 5th Ave N and would like to express our opposition to an STRP permit being granted to the new owner of 1412 5th Ave N.

If you have any questions regarding this opposition, please feel free to contact me.

Respectfully,

Jessica Himes

January 3, 2019

Metropolitan Board of Zoning Appeals
Metro Office Building
800 Second Avenue South
Nashville, TN 37210

RE: Appeal Case No: 2019-015

Dear Members of the Board:

I would like to register my opposition for the above appeal to reinstate the STR permit to the property at 1412 5th Avenue N. Metro regulations clearly stipulate that an existing STRP issued to a property owner is no longer valid when ownership of that property changes, which has occurred in this case.

This property is also a member of the DT McGavock HOA, and I also own a home in this 10 unit HOA. I have attached a copy of our amended Bylaws which prohibit short term leasing. This property was grandfathered in until the expiration of the current permit effective at the date of the amendment (page 3, #9). Please reject this appeal for the abovementioned reasons.

Thank you for your time and consideration,

Kellye Joiner
425 Van Buren Street
Nashville, TN 37208

BILL GARRETT, Davidson County

Trans: T20160086168 REST

Recvd: 09/30/16 12:38 7 pgs

Fees: 37.00 Taxes: 0.00



20160930-0103316

This Instrument Prepared by:
 Robert J. Notestine III
 Attorney at Law
 109 Kenner Avenue, Suite 201
 Nashville, TN 37205

**AMENDMENT TO THE DECLARATION
 OF RESTRICTIONS AND BYLAWS
 OF THE D.T. MCGAVOCK, FIRST ADDITION
 OF RECORD IN INSTRUMENT 20021213-0157068
 AS PREVIOUSLY AMENDED IN INSTRUMENT 20031208-0176006, AND IN
 INSTRUMENT 20090116-0004233, REGISTER'S
 OFFICE FOR DAVIDSON COUNTY, TENNESSEE**

THIS AMENDMENT, executed and made effective this 22nd day of September, 2016 by the Members representing the owners of all of the units in D. T. McGavock, First Addition with the consent and agreement of the owners of units in the Van Buren Townhomes, as provided in the Restrictive Covenants, by a vote at a special meeting of the unit owners held on September 22, 2016, hereby amends the Restrictive Covenants and By-laws as follows:

1. The Restrictive Covenants shall apply as amended herein to all lots and/or units in the D. T. McGavock, First Addition (D. T. McGavock) and in the Van Buren Townhomes (Van Buren).
2. D.T. McGavock and Van Buren shall be administered according to their respective Restrictive Covenants and Master Deed except as is modified herein. Further, Van Buren shall be subject to the By-Laws of record in Instrument 20020802-0092618, Register's Office for Davidson County, Tennessee (the By-Laws) which are the Bylaws of the D.T. McGavock Homeowners' Association (the Association).

3. Article B of the By-Laws is amended to include both the Lot Owners in D. T. McGavock and the Unit Owners in Van Buren as Members.
4. The term "Lots" shall continue to describe the parcels of real property within D. T. McGavock. The term "Units" shall describe private elements in Van Buren.
5. The number of Lots and Units to be administered pursuant to these By-laws is ten (10) with six (6) Lots in D. T. McGavock and four (4) units in Van Buren.
6. Article 5 of the By-Laws is amended to change the number of directors in section 5.2 to four (4) and add the sentence at the end of the section as follows: Two (2) Directors shall be owners in D. T. McGavock and two (2) directors shall be owners in Van Buren.
7. Article 8 of the By-Laws is amended to add a new sentence 8.5 **SEPARATE BUDGETS**. A separate budget shall be prepared for D. T. McGavock and for Van Buren. However, financial administration of both D. T. McGavock and Van Buren shall be conducted by the Board and through any association manager it elects to employ. Funds shall be expended as directed by the Board taking into consideration the different maintenance responsibilities of the Board for each development as provided in The Restrictive Covenants and the Master Deed.
8. Article 8 of the By-Laws is further amended to add a new section 8.6 as follows:
DELINQUENT DUES. Any member not current on dues forfeits the right to vote on any issues and Association business matters that arise during their delinquency. Late fees for dues and assessments will be charged as follows: \$25.00 each month for the first three months of delinquency, \$50.00 each month for the following three months of delinquency. After six months, the Board will cause to be placed a lien on

any delinquent member's property until all dues, assessments and fines are paid. In addition, the delinquent member will pay any fees associated with legal action and collection of monies. Any member not current on monies owed to the Association shall not rent their property as either a long-term basis or as a permitted short-term rental basis.

9. A new section 9.8 is added as follows: **Short Term Leasing.** Except as it otherwise provided herein, the attempt to lease any Unit or Lot or the improvements thereto, for less than thirty (30) days shall be a violation of the Restrictive Covenants, Master Deed and of the By-laws of the Association and the Board of the Association shall have recourse to all remedies as provided in the Restrictive Covenants, Master Deed and By-laws, including but not limited to imposing fines for said violations at a rate to be determined by the Board of the Association. Those two units who currently hold short-term vacation rental permits from the Metropolitan Government shall be permitted to lease on a short term or vacation rental basis as long as they hold all necessary permits. Upon expiration of these permits, said Lots or Units shall not be permitted to be leased for short-term or vacation rentals.

10. A new Article 10 to the Bylaws is adopted as follows:

ARTICLE X: USE RESTRICTIONS. The following use restrictions shall apply to

D. T. McGavock and Van Buren:

10.1 **Parking.** Parking is allowed only in designated parking spots. Parking is not allowed on the asphalt circle of the common area except in the two designated parking spots. Parking is not allowed on the back berm on the south of the common

area, nor on the adjacent asphalt. Any vehicle parked so that a portion of it extends outside a designated parking space and into the common area is in violation of the parking policy. Violators not impeding access to parking spots or garages will be fined \$25.00 per instance. Violators impeding access to parking spots and garages will be fined \$100.00 per instance and will be towed at their own expense. Violators parking in a way that does physical damage to the common area will be fined \$250.00 per instance and will be responsible for all costs related to repairing the damage. Contractors and other workers are allowed to park in the common area temporarily as long as their vehicles are attended and are able to give way for resident access. Any member needing to obstruct the common area for these purposes is responsible for notifying neighbors at least 24 hours in advance.

10.2 Outer gates. For security and to prevent access to the common area by unauthorized persons, any owner on property with a gate that opens onto 5th Avenue North or Van Buren Street is responsible for ensuring that it is closed and secured except when in active use. An open and/or unlocked gate is never to be left unattended.

11. These Amendments shall be effective Authorization of the Members and execution hereinafter. Exhibit A attached here contains the signatures of the Lot Owners approving the Amendment and the signatures of the Unit Owners of Van Buren, all of whom have consented to be part of the Association.

THIS AMENDMENT to the Restrictive Covenants and By-Laws shall in no way be construed to amend, alter, or revise any other provision of the Restrictive Covenants and By-

laws, except as provided herein. However, to the extent that the terms, condition and provisions of this Amendment are contrary and conflict with the terms, conditions, and provisions of the Restrictive Covenants and Bylaws, the terms, conditions, and provisions herein shall supersede and control over the terms, conditions, and provisions of the Restrictive Covenants and By-laws.

D. T. MCGAVOCK
HOMEOWNER'S ASSOCIATION

By: [Signature]

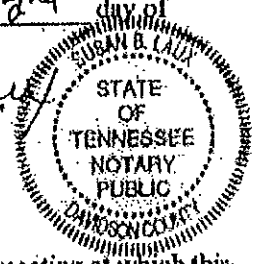
Title: President
Robert D. Earp Jr.

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Before me, Susan B. Laux of the state and county mentioned, personally appeared Robert D. Earp Jr., with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged him/herself to be President of D. T. McGavock Homeowner's Association, and as such President acknowledged that he/she is authorized to execute the foregoing instrument on behalf of the D.T. McGavock Homeowner's Association, the within named bargainor, a nonprofit corporation, and that he/she as such President, executed the foregoing instrument for the purpose therein contained, by signing the name of the nonprofit corporation by him/herself as President.

Witness my hand and seal, at office in Nashville this 22nd day of Sept, 2016.

Susan B. Laux
Notary Public



My Commission Expires: 1/6/2020

I certify that the Owners of Lots and Units voting at the special meeting at which this Amendment is being considered by ballot and/or proxy.

D.T. MCGAVOCK
HOMEOWNER'S ASSOCIATION

By: Greer Henry
Greer Henry

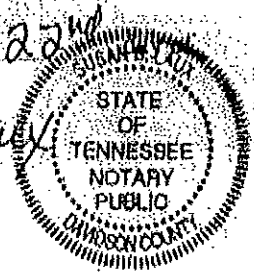
Title: Secretary

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Before me, Susan B. Lantz of the state and county mentioned, personally appeared Greg Henry with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged him/herself to be Secretary of D.T. McGavock Homeowner's Association, and as such Secretary acknowledged that he/she is authorized to execute the foregoing instrument on behalf of the D. T. McGavock Homeowner's Association, the within named bargainer, a nonprofit corporation, and that he/she as such Secretary, executed the foregoing instrument for the purpose therein contained, by signing the name of the nonprofit corporation by him/herself as Secretary.

Witness my hand and seal, at office in Nashville this 22nd Sept, 2016.

Susan B. Lantz
Notary Public



My Commission Expires: 1/6/2020

EXHIBIT A

Name(s)	Lot/Unit/Address	Signature
<u>Robert D. Eap Jr.</u>	<u>427 Van Buren St., 37208</u>	<u>[Signature]</u>
<u>Greer Henry</u> <u>MAURKIN MURPHY</u>	<u>415 Van Buren St, 37208</u> <u>419 VAN BUREN ST 37208</u>	<u>Greer Henry</u> <u>[Signature]</u>
<u>Kellye Joiner</u> <u>Lori Lane</u>	<u>425 Van Buren St</u> <u>1412 5th Ave N</u>	<u>Kellye Joiner</u> <u>[Signature]</u>
<u>Stephen Burke</u> <u>Cindi Jones</u> <u>Woods</u>	<u>1414 5th Ave N</u> <u>1410 5th Ave N</u>	<u>[Signature]</u> <u>[Signature]</u>
<u>Jaclyn Moniot</u> <u>ELIAS HADDAD</u>	<u>421 Van Buren St. 37208</u> <u>417 VAN BUREN ST 37208</u>	<u>Jaclyn Moniot</u> <u>[Signature]</u>
<u>Jim Tard</u>	<u>1416 5th Ave North 37208</u>	<u>[Signature]</u>

From: [Richard Audet](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case No.: 2019-015
Date: Sunday, January 13, 2019 4:20:39 AM

Metropolitan Board of Zoning Appeals
Metro Office Building
800 Second Avenue South
Nashville, TN 37210

RE: Appeal Case No.: 2019-015

Dear Members of the Board:

This is to register my opposition to the above referenced appeal for the reinstatement of the STRP permit to the new owner of the property at 1412 5th Avenue, N. Current regulations of both Metro Planning and the HOA of which this property is a part, clearly stipulate that an existing STRP permit is issued to the property owner and that this permit no longer remains valid when the ownership changes hands. Such a situation appears to be the case for this property and so the STRP should not automatically be transferred to the new ownership. Please reject this appeal for the above mentioned reason.

Thank you for your consideration.

Richard Audet
414 Van Buren Street
Nashville, TN 37208

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: William Walden
Property Owner: William Walden
Representative: Tamie R. Hollin

Date: 12/4/2018
Case #: 2019-031
Map & Parcel: 155 00007300

Council District 30

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

Purpose: appeal revocation of short term rental permit

Activity Type: Short term rental

Location: 8153 Poplar Creek Rd

This property is in the AR 2A 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: ownership changed

Section(s): 17.16.260 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.

William Walden
Appellant Name (Please Print)

Tamie Hollin
Representative Name (Please Print)

8159 Poplar Creek Rd
Address

511 Rosebank Ave.
Address

Nashville, TN 37206
City, State, Zip Code

Nashville, TN 37206
City, State, Zip Code

615-466-2943
Phone Number

615-876-4680
Phone Number

with
Email
w.walden@comcast.net

j.hollin@me.com
Email

Appeal Fee: \$100



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



3583865

ZONING BOARD APPEAL / CAAZ - 20180075682
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 15500007300

APPLICATION DATE: 12/04/2018

SITE ADDRESS:

8153 POPLAR CREEK RD NASHVILLE, TN 37221
P/O LOT 1 D. G. WALDEN SUB

PARCEL OWNER: WALDEN WILLIAM G. & PAMELA NELL RE

CONTRACTOR:

APPLICANT: WILLIAM WALDEN
8159 POPULAR CREED ROAD
Nashville, TN 37206

PURPOSE:

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Permit cancelled due to change of ownership. Permit cannot be transferred

*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 FL. COR.
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS

POST OFFICE BOX 196300
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6511
www.nashville.gov/codes

November 28, 2018

William Walden
8159 Poplar Creek Rd
Nashville, TN 37221

RE: Permit CASR #201537120
8153 Poplar Creek Rd

Dear Mr. Walden:

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 after the date of permit issuance. Since the law does not allow any transfers of STRP permits, this permit has been invalid since the January 15, 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,

Emily Herring Lamb
Metro Codes



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
03-Jan-19 10:36:30AM

Owner Change

Parcel: 15500007300

Parcel Acreage: 11.53

Parcel Created: 03-Aug-72

ADDRESS

8153 POPLAR CREEK RD ,NASHVILLE, TN 37221 - Property

Current Owner

WALDEN WILLIAM G. & PAMELA NELL REVOCABLE TRUSTS, 8153 POPULAR CREEK RD,
NASHVILLE, (US) TN, 37221

Sale		Instrument	
Code	U	Type	Deed
Source	I	Number	DB-20160128 0008055
Valid Sale		Acquired	15-Jan-16
Price	\$0.00	Historical	

Previous Owners

WALDEN, WILLIAM G. & PAMELA N., 8153 POPLAR CREEK RD, NASHVILLE, (US) TN, 37221

Sale		Instrument	
Code	I	Type	Quit Claim Deed
Source	I	Number	QC-20120509 0040304
Valid Sale		Acquired	9-May-12
Price	\$0.00	Historical	15-Jan-16



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



2066722

**RESIDENTIAL SHORT TERM RENTAL / CASR - 201537120
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 15500007300

APPLICATION DATE: 08/28/2015

SITE ADDRESS:

8153 POPLAR CREEK RD NASHVILLE, TN 37221
P/O LOT 1 D. G. WALDEN SUB

PARCEL OWNER:**CONTRACTOR:**

APPLICANT: Walden, William G. & Pamela N.
81593 POPLAR CREEK RD
NASHVILLE, TN 37221 615-218-7929

PURPOSE:

By making this application for a Residential Short Term Rental permit, I certify that I will comply with all requirements of Ordinance BL2014-951.

2 BDRMS

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

U&O Life Safety Final Approval	APPROVED	615-862-5230 FMORrequest@nashville.gov
Renew Short Term Rental Permit	RENEWSR	615-862-6581 Teresa.Patterson@nashville.gov

Inspection requirements may change due to changes during construction.

12-30-18

To Metropolitan Board of Zoning Appeals

Appeal Case No: 2019-031
8153 Poplar Creek Road
Map Parcel: 15500007300
Zoning Classification: AR2a
Council District: 35

This is in response to a letter dated December 11, 2018 mailed to property owners within 600 feet of the subject location.

I do not believe that a short-term rental permit should transfer from one owner of property to a subsequent owner of that property automatically. I understand from the referenced letter that Metro has cancelled the permit because of change of ownership and that the new owner must reapply under the current Metro ordinance. That makes sense to me, therefore I am against this appeal and would prefer that Metro uphold the current rules and deny the appeal.

The subject property is a remnant of farm land surrounded by family-oriented neighborhoods. I am concerned that short term renters may seize upon the opportunity provided by that open land to attract a large party or shoot firearms. Short-term rentals can attract irresponsible renters who are incompatible with the adjacent neighborhood.

Thank you for the opportunity to express my opinion.

David Carter
8137 Poplarwood Lane
Nashville, TN 37221
615-662-5859

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

December 11, 2018

ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS

RE: Appeal Case Number: 2019-031
8153 POPLAR CREEK RD
Map Parcel: 15500007300
Zoning Classification: AR2a
Council District: 35

This is to inform you that filed an appeal **for the property at the above referenced location**. The appellant requested an Item A appeal, challenging the short term rental ordinance. Permit cancelled due to change of ownership and permit cannot be transferred from one owner to another. Should this request be approved, it would allow the applicant to reinstate permit.

*******THIS IS NOT A ZONE CHANGE REQUEST*******

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on **THURSDAY 1/17/2019, 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 # **20180075682** or search by the address.

METROPOLITAN BOARD OF ZONING APPEALS

From: [Barbara Reese](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Reference: Appeal Case 2919-031 8153 Poplar Creek Rd., zone AR2a, council district 35
Date: Tuesday, January 15, 2019 9:32:17 PM

To Whom It May Concern,

I am writing to support the Walden's B&B. My property backs up to their property and we have been neighbors for 22 years.

I have never heard or seen anything disruptive over the fence and You don't even know anyone is there, because they have been so selective in who they rent to.

We have the benefit of a beautiful view of their property without any of the work and very rarely see any activity there.

Furthermore, the Walden's have let us know what their plans are and we have their contact information if we have concerns. I have never had to call them.

I understand the concerns in metro with B&Bs but there is absolutely no reason for concern with This B&B.

Thank you for your consideration in letting them continue as they have been for a few years.

Barbara Reese
205 Cold Spring Court
Nashville 37221

Sent from my iPhone Barbara Reese

From: [Leslie Sperrazza](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Ref: appeal case 2909-031
Date: Wednesday, January 16, 2019 7:28:47 AM

Re: 8153 Poplar Creek Road
Zone AR2A
Council district 35

To Whom It May Concern,

I am writing to support the Walden's B&B. My property backs up to their property and we have been neighbors for 15 years.

I have never heard or seen anything disruptive from the farm or it's owners. They are very quiet and respectful of us. We have the benefit of a beautiful view of their property without any of the work and very rarely see any activity there.

Furthermore, the Walden's have let us know what their plans are and we have their contact information if we have concerns. I have never had to call them.

I understand the concerns in metro with B&Bs but there is absolutely no reason for concern with this B&B.

Thank you for your consideration in letting them continue as they have been.

Sincerely,
Leslie and Dennis Sperrazza
404 West Griffin Court
Nashville 37221

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF DAVIDSON COUNTY

Appellant : David C Risner EsqDate: 12-6-18Property Owner: David C Risner EsqCase #: 2019-041Representative: Bransford MaxwellMap & Parcel: 06600001900Council District 01

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

Purpose: To apply for a STRP permit.Activity Type: Short Term RentalLocation: 5753 River Tree

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.

David C Risner Esq
Appellant Name (Please Print)

Bransford Maxwell
Representative Name (Please Print)

5753 River Tree
Address

300 James Robertson Pkwy #201-A
Address

Nashville, TN 37218
City, State, Zip Code

Nashville, TN 37201
City, State, Zip Code

Phone Number

(615) 496-1496
Phone Number

Email

bransford@dvermgmt.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



3584650

ZONING BOARD APPEAL // CAAZ - 20180076246
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 06600001900

APPLICATION DATE: 12/06/2018

SITE ADDRESS:

5753 RIVER TRCE NASHVILLE, TN 37218
S OF RIVER TRACE W OF BACK CREEK RD

PARCEL OWNER: ARI HOLDINGS, LLC

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.

BRANFORD MAXWELL
Bransford Maxwell

Rental Unit Record

5753 River Trace, Nashville, TN 37218, USA

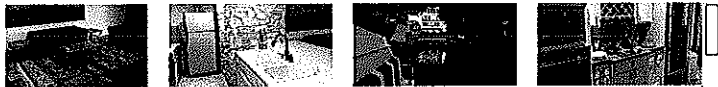
Removed
Identified
Compliant

PRINT

Listing(s) Information

Airbnb - 28750651

HomeAway - 121.7358353.6715206



Rental Unit Information



Identified Address

5753 River Trace, Nashville, TN 37218, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.209887, -86.967861

Parcel Number

06600001900

Owner Name

ARI HOLDINGS, LLC

Owner Address

3814 Charlotte Ave
Nashville, TN 37209, US

Matched Details

Analyst

CHN6

Explanation

Managements website photos at <http://dyervacations.onerooftop.com/property/37017> match listing and provide address.

Listing Photos



Exterior is the same.

Matching 3rd Party Sources



Timeline of Activity

View the series of events and documentation pertaining to this property

Listing air28750651 Removed
November 22nd, 2018

12/6/2018

Matched property listing

Kitchen matches.

Zip Code Match

City Name Match

Listing Details

Listing URL	— https://www.airbnb.com/rooms/28750651
Listing Status	● Inactive
Host Compliance Listing ID	— air28750651
Listing Title	— NASHVILLE RIVER HOUSE - DOCK ACCESS
Property type	— House
Room type	— Entire home/apt
Listing Info Last Captured	— Nov 19, 2018
Screenshot Last Captured	— Nov 20, 2018
Price	— \$300/night
Cleaning Fee	— \$235

- Listing hma121.7358353.6715206 Removed
November 22nd, 2018
- First Warning - No STR or Tax: Delivered
November 18th, 2018
- First Warning - No STR or Tax: Sent
November 13th, 2018
- Listing air28750651 Identified
November 10th, 2018
- 1 Documented Stay
October, 2018
- Listing air28750651 First Crawled
October 9th, 2018
- Listing air28750651 First Activity
October 9th, 2018
- Listing hma121.7358353.6715206 First Crawled
October 5th, 2018
- Listing hma121.7358353.6715206 First Activity
October 3rd, 2018

Information Provided on Listing

Contact Name	— Clark
Latitude, Longitude	— 36.208044, -86.844679
Minimum Stay (# of Nights)	— 1
Max Sleeping Capacity (# of People)	— 8
Max Number of People per Bedroom	— 2.7
Number of Reviews	— 1
Last Documented Stay	— 10/2018

Listing Screenshot History

View Latest Listing Screenshot

October 5

November 5

December 0

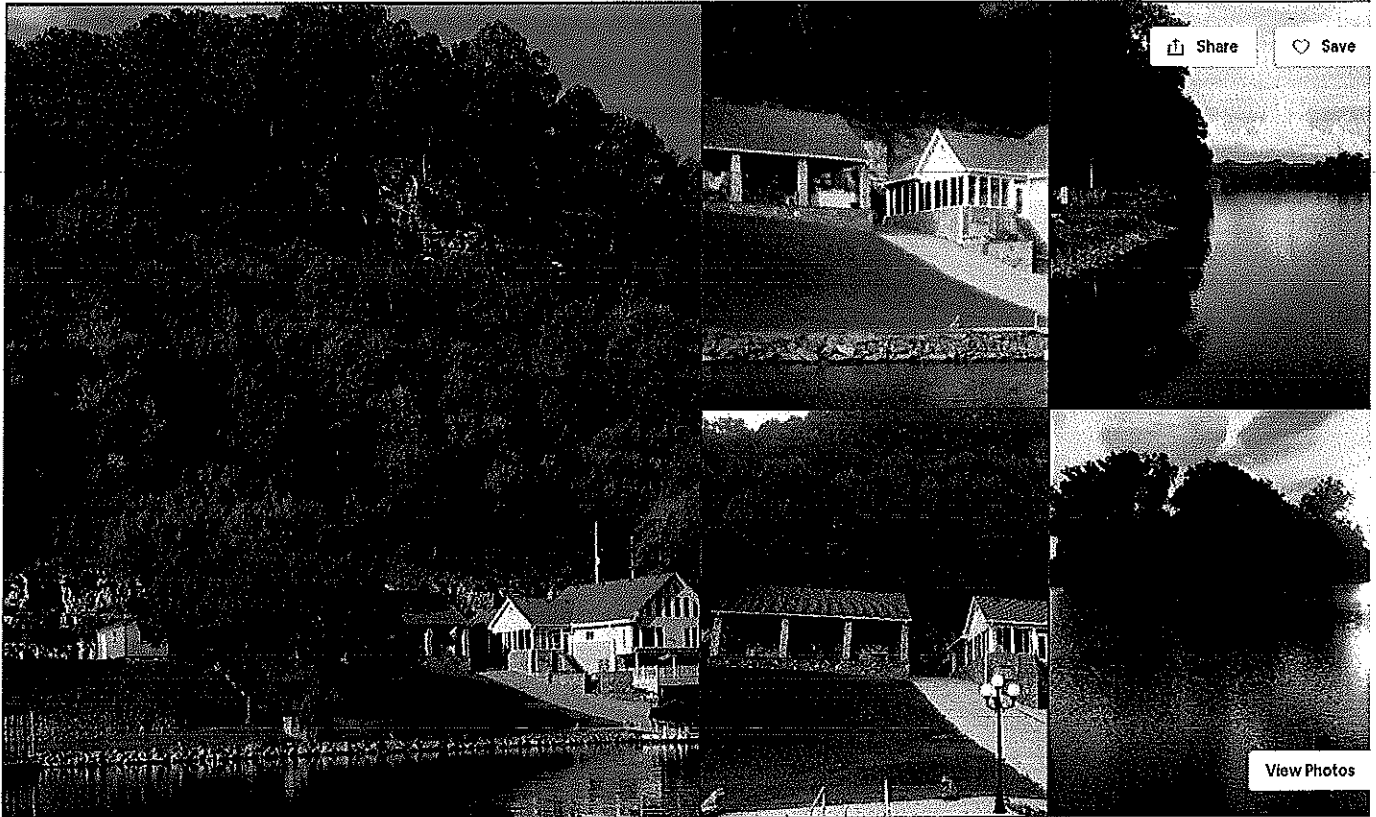
November 20, 2018 - 05:12AM America/Chicago



Search

Become a host Help Sign up Log in

Nov 20, 2018 5:12am CT



Share

Save

View Photos

ENTIRE HOUSE

NASHVILLE RIVER HOUSE - DOCK ACCESS

Nashville

8 guests 3 bedrooms 5 beds 3 baths

Self check-in

Check yourself in with the keypad.

****BRAND NEW VACATION RENTAL**** Great for a weekend, week, or month long getaway!

Looking for a getaway without actually getting away. This beautiful one of a kind river house has everything for family, friends, or just a bunch of people that like to eat, drink, and be merry!

Located 20 minutes outside Nashville, but still access one road that takes you directly back into town. The River House is a three story renovated house. 3 large bedrooms, 3 bathrooms, 2 kitchens, game room, 2 living rooms, 2 patios (one with working waterfall), 40 person entertaining patio with outdoor kitchen, floating boat dock, and the only boat ramp on the river.

A few notable features: It boasts a chef kitchen with appliances that you will only find in a restaurant setting. A 24 person dining table is located in the veranda surrounded by windows that all view the river. Outdoor patio seating to take in the amazing sunrises and sunsets. Every bedroom overlooks the river and every room is set with a tv and accessories should the weather not cooperate. Please check it out, ask questions. The folks at Dyer Management would love to host you at this beautiful house.

Contact host

Amenities

Free parking on premises

Indoor fireplace



Clark

\$300 per night

Dates

Check in

→ Check out

Guests

1 guest

Book

You won't be charged yet

Report this listing

Matched property listing

- Kitchen
- Cable TV
- Wifi
- Iron

Show all 36 amenities

Sleeping arrangements



Bedroom 1
1 king bed, 1 couch



Bedroom 2
1 queen bed



Bedroom 3
1 queen bed, 1 couch

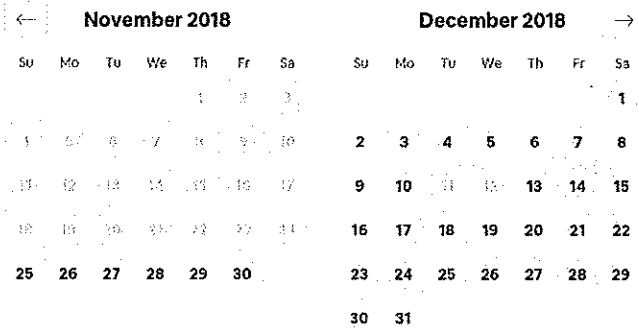
Accessibility

- Flat path to front door
- Accessible-height bed

Show all

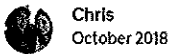
Availability

Updated today



1 Review

Search reviews



Chris
October 2018

Great place! Location was perfect...downtown wasn't far and the house had great setting! Gorgeous house with great amenities. Would recommend for sure!

This host has 538 reviews for other properties.

[View other reviews](#)

Hosted by Clark



Dallas, Texas, United States · Joined in October 2017

★ 601 Reviews

What's up ya'll? Just a group of native Nashvillians who built a company to service the ever growing tourism population. We love our city, great food, Nashville sports, and all types of music. We are very laid back and will be as hands off with the guests as much as possible...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

Matched property listing

never communicate outside of the Airbnb website or app. [Learn more](#)

The neighborhood

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

Exact location information is provided after a booking is confirmed.

Policies

House Rules

No smoking

No pets

Check-in is anytime after 4PM and check out by 11AM

Self check-in with keypad

[Read all rules](#) ▾

Cancellations

Strict - Free cancellation for 48 hours

After that, cancel up to 7 days before check-in and get a 50% refund, minus the service fee.

[Read more about the policy](#) ▾



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

Appellant: Tiffany Gray Date: 12-17-18
 Property Owner: Tiffany Gray Case #: 2019-049
 Representative: Tiffany Gray Map & Parcel: 072100G00200CO
 Council District: 05

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

Purpose: To obtain a STRP permit
 Activity Type: Short Term Rental
 Location: 1032 Burchwood Ave.

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

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit due to separate ownership of the two units of a two family property.

Section: 17.16.250 E

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

Appellant Name: Tiffany Gray Representative: _____
 Phone Number: (615) 812-3646 Phone Number: _____
 Address: 1032 Burchwood Ave. Address: _____
Nashville, TN 37216
 Email address: tifgray@hotmail.com Email address: _____

Appeal Fee: _____



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



3587652

ZONING BOARD APPEAL / CAAZ - 20180078291
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 072100G00200CO

APPLICATION DATE: 12/17/2018

SITE ADDRESS:

1032 BURCHWOOD AVE NASHVILLE, TN 37216
UNIT B 1030 BURCHWOOD AVENUE TOWNHOMES

PARCEL OWNER: GRAY, TIFFANY N.

CONTRACTOR:

APPLICANT:

PURPOSE:

Item A appeal, challenging the zoning administrator's denial of an owner occupied short term rental permit due to separate ownership of the two units of a two family property.

Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.

Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.

There are currently no required inspections

Inspection requirements may change due to changes during construction.