

DOCKET

2/21/2019

**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**

Previously Heard Cases Requiring Board Action:

Case 2018-656 (3509 B Wrenwood Dr.) Motion to Set Aside the board order previously entered on 1/8/19 granting a variance from side setback requirements to permit an existing garage.

CASE 2019-001 (Council District - 2)

R.J. YOUNG, appellant and **METRO FAIRWAYS BUSINESS PARK, LLC**, owner of the property located at **730 A FREELANDS STATION RD**, requesting a variance from sidewalk requirements in the IWD District, to make interior renovations 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 Renovations

Map Parcel 07014000100

RESULT - Deferred 3/7/19

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)

ALVARADO, GILBERTO, appellant and owner of the property located at **3711 EZELL RD**, requesting a variance from side 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 3/21/19

CASE 2019-035 (Council District - 17)

BUFORD, JESSICA & ANDREW, appellant and owner of the property located at **59 LINCOLN ST**, requesting variances from non-conforming lot size, setback and sidewalk requirements in the R6 District, to construct a single family residence on an undersized lot without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.40.670, 17.12.020 B, 17.12.030 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 10504004900

RESULT -

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 17.40.18 B.

Use-Single Family

Map Parcel 09315031800

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 -

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 construct an addition to existing church on a non-conforming structure in the RS5 District. Referred to the Board under Section 17.16.170. E.1, 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 2019-055 (Council District - 5)

POWELL ARCHITECTURE AND BUILDING STUDIO, appellant and **305 ARRINGTON PARTNERS, LLC**, owner of the property located at **305 ARRINGTON ST**, requesting a variance from sidewalk requirements in the CL District, to renovate an existing restaurant 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-Restaurant

Map Parcel 08207013900

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 2019-060 (Council District - 21)

POWELL ARCHITECTURE AND BUILDING STUDIO, appellant and **1705 STATE STREET, LLC**, owner of the property located at **1705 STATE ST**, requesting a variance from sidewalk requirements in the MUI-A District, to renovate apartments 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-Multi-Family

Map Parcel 09212024000

RESULT -

CASE 2019-063 (Council District - 34)

SHORT, MARY HELEN, appellant and owner of the property located at **3910 CAYLOR DR**, requesting a variance from fence height requirements in the R20 District, to permit an existing fence. Referred to the Board under Section 17.12.040 26 A. and B. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 11713012500

RESULT -

CASE 2019-064 (Council District - 5)

CHAD HARRIS, appellant and **O.I.C. NORTH 2ND STREET COTTAGES**, owner of the property located at **607 & 609 N 2ND ST**, requesting a variance from sidewalk requirements in the R6-A District, to construct two new single family houses 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-Two-Family

Map Parcel 082070K90000CO

RESULT -

Map Parcel 082070K00100CO

CASE 2019-066 (Council District - 2)

DRUMEL, JORDAN & KELLEY, RONNIE JR, appellant and owner of the property located at **1010 A & B ALICE ST**, requesting an Item A appeal to determine numbers of stories in an HPR residence and a variance to allow a covered area on roof in the R8 District, to construct a single-family residence. Referred to the Board under Section 17.40.180 and 17.4.060. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-R8

Map Parcel 070070L00100CO

RESULT -

CASE 2019-067 (Council District - 23)

DUSTIN TIMMONS, appellant and **RYMAN, JOHN EDWARD & ROSIE C.**, owner of the property located at **995 DAVIDSON DR**, requesting a variance from sidewalk requirements in the RS15 District, to construct a single family residence without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 11502002700

RESULT -

CASE 2019-069 (Council District - 2)

ISRAEL HOLIDAY, appellant and, **DEEP RIVER DEVELOPMENT**, owner of the property located at **2225 A 24TH AVE N**, requesting a variance from setback requirements in the R6 District, to construct two single family residences. Referred to the Board under Section 17.12.020 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 081022C00100CO

RESULT -

CASE 2019-073 (Council District - 21)

JOSH HELLMER, appellant and **LIBERTY PLUS, LLC**, owner of the property located at **3833 DR WALTER S DAVIS BLVD**, requesting a variance to construct new homes using the existing curb cut and driveway in the R6 District. Referred to the Board under Section 17.20.170 B. 1. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 09104001001

RESULT -

CASE 2019-074 (Council District - 17)

JOSH HELLMER, appellant and **OSTEEN, MILDRED K. & BLACKMAN, CARL ETAL**, owner of the property located at **16 SHEPARD ST**, requesting variances from lot size, front setback and sidewalk requirements in the R6 District, to construct a single family residence without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.40.670, 17.12.030, 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 10504012800

RESULT -

CASE 2019-075 (Council District - 6)

DEWEY ENGINEERING, appellant and **HARRIS, ANTHONY N.**, owner of the property located at **815 MAIN ST**, requesting variances from sidewalk requirements and build to requirements in the MUG-A, MDHA District, to construct a mixed-use development with an alternative sidewalk design. Referred to the Board under Section 17.20.120 and 17.12.020 D. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Mixed-use

Map Parcel 08212022100

RESULT -

CASE 2019-076 (Council District - 19)

KATHRYAN WITHERS, appellant and **BELMONT AVE. CHURCH OF CHRIST, TRS.**, owner of the property located at **1001 16TH AVE S**, requesting a variance from rear setback requirements in the ORI District, to construct a hotel. Referred to the Board under Section 17.12.020 C. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Hotel

Map Parcel 10404017300

RESULT - Deferred Indefinitely

SHORT TERM RENTAL CASES

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 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 - Deferred 3/7/19

CASE 2019-014 (Council District - 19)

LORI LANE, appellant and **3L PROPERTIES, LLC**, owner of the property located at **900 B 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 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 issued STRP permit was cancelled due to a change in ownership in the MUN District, to obtain a permit. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 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 of ownership 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 - Deferred 3/7/19

CASE 2019-039 (Council District - 5)

GOMEZ, MICHAEL, appellant and owner of the property located at **717 JOSEPH AVE**, requesting an Item A appeal, challenging the interpretation of the law in the RM20 District and requesting reinstatement of the short term rental permit. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 08207019900

RESULT -Withdrawn

CASE 2019-072 (Council District - 17)

ANDRADY, AUTUMN & GERALD, appellant and owner of the property located at **754 BENTON AVE**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. The permit was revoked due to a change in property ownership. 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 10510022700

RESULT -

January 24th, 2019

Donald and Melissa Bouchard
3511 Wrenwood Dr.
Nashville, TN 37205

Metropolitan Board of Zoning Appeals
Council District 24
800 2nd Ave South
Nashville, TN 37210

Re: Rehearing Request Case 218-656

Dear Metro Board of Zoning Appeals,

Please accept this letter as notification of a request for a rehearing of Case 218-656. We are requesting that the case be reheard due to new evidence.

Following the 1/3/2019 BZA meeting, my husband and I were extremely confused about statements made by Mr. Dillingham during the meeting. In order to clarify where the confusion stemmed from, we have listed quotes from the meetings on 12/6/2018 and 1/3/2019. We have also included the YouTube time clip segments.

During the original hearing on 12/06/2018 City Council Woman Kathleen Murphy was present and spoke regarding the case. Per the public video, (YouTube) she spoke between minutes 21:30-22:37. She stated the following:

"I wanted to lend my support to them [neighbors] and encourage you to deny the variance because, again, it's not forgiveness. When you don't get a permit, there are consequences for that".

This hearing was postponed that day during the BZA meeting per Mr. Dillingham's request. It was rescheduled for 1/3/2019. Mr. Dillingham stated the following at minutes 32:05-32:55:

"She (meaning Kathleen Murphy) had spoken to a neighbor and was given information that was not correct. I have spoken with her since that and she has like become neutral".

The above statement confused us as we were in contact with Ms. Murphy between the dates of 12/7/2018 and 1/2/20/2019. She never mentioned that she had any change of opinion about the case as Mr. Dillingham stated on 1/3/2019. That being said, you can imagine how we felt when Mr. Dillingham stated that "she was given incorrect information" and "she has like become neutral". We were taken back by Mr. Dillingham's comments and not sure how to proceed. It is not within our character to speak on behalf of Ms. Murphy or anyone who is not in able to speak on their own behalf.

I contacted Mrs. Murphy directly after the meeting on 1/3/2019. I gave her a brief recap of what happened, and she asked if she could call us back on 1/4/2019. We spoke to Ms. Murphy on 1/4/2019 and she stated that she had ***not become neutral between 12/6/2018 and 1/3/2019 as Mr. Dillingham told the board during the hearing.*** Her opinion and statement on the variance request remained the same as it was on the 12/6/2018 meeting. She indicated that she never received incorrect information from any neighbor and she still supported the neighbors in this case. Ms. Murphy stated that if we are granted a rehearing that she will be present to tell the board the facts of her conversations with Mr. Dillingham.

By watching the YouTube clips from both BZA meetings you can clearly see the Zoning Board was misled by Mr. Dillingham's testimony on 1/3/2019. We understand the board holds our elected official's opinions in very high regard.

Since Mr. Dillingham misrepresented our elected official's stance, we would like to ask the board for a rehearing. Based on the video clips of the false statements made by Mr. Dillingham, it obvious the board was misguided. It is impossible to make an accurate decision without knowing all the facts of the case. Mr. Dillingham misrepresented Ms. Murphy's stance on the variance. Based on this, we feel that it is only fair to the board and all 21 neighbors listed on the petition to have this case reheard.

Thank you for your time and consideration of rehearing this case.

Warm Regards,

Don and Melissa Bouchard

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Martin Dillingham
3509 B WRENWOOD DR
Map Parcel:
Zoning Classification:

10401040800
R6

Appeal Case 2018-656

ORDER

This matter came to be heard in public hearing on 1/3/2019, before the Metropolitan Board of Zoning Appeals, upon application for a variance from side setback requirements to permit an existing garage.

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

Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.

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

The appellant HAS satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code.

It is, therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be GRANTED, subject to the following conditions: the appellant must paint the garage the same color as the house.

UPON MOTION BY: Alma Sanford

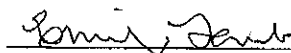
Seconded By: Ross Pepper

Ayes: David Taylor, Christina Karpyneec, Cynthia Chappell
Nays: David Ewing
Abstaining:
Absent: David Harper

ENTERED THIS 8th DAY OF January, 2019

METROPOLITAN BOARD OF ZONING APPEALS


Chair


Secretary

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF WASHINGTON AND DAVIDSON COUNTY



Appellant: Martin Dillingham
Property Owner: Martin Dillingham
Representative: Martin Dillingham

Date: 10-16-18
Case #: 2018-656
Map & Parcel: 10401040800

Council District 24

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

Purpose: GARAGE CONSTRUCTED DOES NOT MEET 3 FT REQUIRED SIDE SETBACK. USED EXISTING FOUNDATION, NEW CONSTRUCTION. GARAGE IS 2 1/2 FT FROM SIDE PROPERTY LINE.

Activity Type: RESIDENTIAL CONSTRUCTION

Location: 3509 WRENWOOD DR

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

Reason: VARIANCE TO SIDE SETBACK

Section(s): 17.12.040 E1b

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

Martin Dillingham
Appellant Name (Please Print)

Same
Representative Name (Please Print)

3509 Wrenwood Ave B
Address

Address

Nashville, TN 37205
City, State, Zip Code

City, State, Zip Code

615-948-7761
Phone Number

Phone Number

Martin.Dillingham@Comcast.net
Email

Email

Appeal Fee: _____



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



ZONING BOARD APPEAL / CAAZ - 20180065598
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10401040800

APPLICATION DATE: 10/16/2018

SITE ADDRESS:

3509 B WRENWOOD DR NASHVILLE, TN 37205
LOT 15 WRENWOOD

PARCEL OWNER: DILLINGHAM, MARTIN, JR.

CONTRACTOR:

APPLICANT:

PURPOSE:

Variance to 17.12.040 E1.b requesting 2 1/2 ft side setback.

Garage built without a permit.

To construct a 20 ft x 24 ft (440 sq ft) detached single story garage to rear of existing single family residence.
Minimum 3 ft side setbacks, minimum 10 ft rear setback per plat .No trades needed. ..Not to be used as living space,
no kitchen or full bath, no commercial use. Must comply with all easements.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



**APPLICATION FOR BUILDING RESIDENTIAL - NEW // GARN - T2018064267
THIS IS NOT A PERMIT**

PARCEL: 10401040800

APPLICATION DATE: 10/10/2018

SITE ADDRESS:

3509 WRENWOOD DR NASHVILLE, TN 37205
LOT 15 WRENWOOD

PARCEL OWNER: DILLINGHAM, MARTIN, JR.

APPLICANT: SELF CONTRACTOR RESIDENTIAL (SEE
APPLICANT INFORMATION)
Martin Dillingham 615-948-7761

PURPOSE:

Garage built without a permit.

To construct a 20 ft x 24 ft (440 sq ft) detached single story garage to rear of existing single family residence. Minimum 3 ft side setbacks, minimum 10 ft rear setback per plat. No trades needed. Not to be used as living space, no kitchen or full bath, no commercial use. Must comply with all easements. 1. Acknowledges applying for this self building permit in own name, & will act as own contractor accepting full responsibility for code compliance, for hiring & employing individuals & has ultimate responsibility for my own work & for the work of others. Acting as my own general contractor, I further understand that I may forfeit certain protections, which might be available to me through the State of Tenn general contractor's licensing process. I further acknowledge that as a self building permit holder I am responsible for requesting all required inspections & completing all authorized work in compliance with applicable adopted codes. I further understand that separate permits are required for any proposed electrical, plumbing, & gas/mechanical work and is not part of this building permit....

2. Pursuant # 2006-1263 Metro code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metro Code...3...You can dig your footers, but do not pour any concrete until you call for an inspection. Also do not put up any drywall until you call for an inspection. The idea is you do not cover up anything with concrete or drywall until an inspector has had a chance to review..***SITE PLAN SENT TO FILE

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

[A] Site Plan Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Zoning Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[E] Sewer Availability Review For Bldg		862-7225
[E] Sewer Variance Approval For Bldg		
[E] Water Availability Review For Bldg		862-7225
[E] Water Variance Approval For Bldg		
[A] Bond & License Review On Bldg App	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[F] Address Review On Bldg App		862-8781 bonnie.crumby@nashville.gov
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

This was an existing building so the hardship
is would be to relocate and remove the existing
Academy

APPLICATIONS FOR VARIANCE REQUESTS

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

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

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

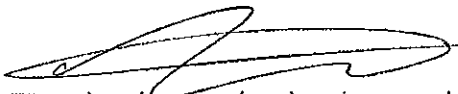
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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



APPELLANT

10-16-18

DATE

MAILING ADDRESS
P. O. Box 186300
NASHVILLE, TENNESSEE 37219
TELEPHONE (615) 862-6590
FACSIMILE (615) 862-6593



NOTICE TO CORRECT VIOLATION

Noticia Para Corregir Violacion

DEPARTMENT OF CODES & BUILDING SAFETY

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

Date of Notice:
Property Owner:

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Case Number:
01/25/2018
18-1173788
DILLINGHAM, MARTIN B., SR. & MARTIN B., JR.
7112 CRYSTAL SPRINGS RD
FAIRVIEW TN 37062
LL#: 200800723

Location of Violation:
3509 WRENWOOD DR
Map/Parcel Number:
10401040800

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

VIOLATION(S):

- 1)
Section 16.24.330 - Parking on Grass: Parking or storing motor vehicles on the grass is prohibited. Vehicles must be parked on a paved or graveled area, other than a sidewalk. This shall not be applicable to any vehicle for which a valid disabled driver license plate or placard has been issued and is visibly displayed on or in the vehicle.
- 2)
Section 16.24.330 (B) - Open Storage (Vehicles): It is unlawful for the owner, occupant, or person or entity in control of a building, structure, or premises to utilize the premises of such property for the open storage of any inoperable, unlicensed, or unregistered motor vehicle and/or tires and automotive parts.

Therefore, you are to have the violation or cause removed and/or corrected before: February 26, 2018
If you have any questions, believe this notice has been issued to you in error, or believe the code section indicated above is inapplicable and you are not in violation, please contact our office immediately to discuss this matter. Said Section of the Code of the Metropolitan Government of Nashville and Davidson County, Tennessee, as referenced above, provides that the cited violation must be abated within the time set out; and that, upon failure to abate said violation, the Department of Codes Administration is empowered to prosecute the owner, occupant, or agent for failure to abate the violation.

The Metropolitan Code provides for a penalty for anyone convicted of violating the laws of the Metropolitan Government of up to Fifty (\$50.00) Dollars for each offense and each day it continues Section 1.01.030. Note: In addition you will be held responsible for the payment of all court costs incurred with the processing of the court case regardless of whether or not the property is brought into compliance by the court date.

Notice Issued by: Jay Summers

3509 WRENWOOD

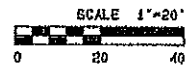
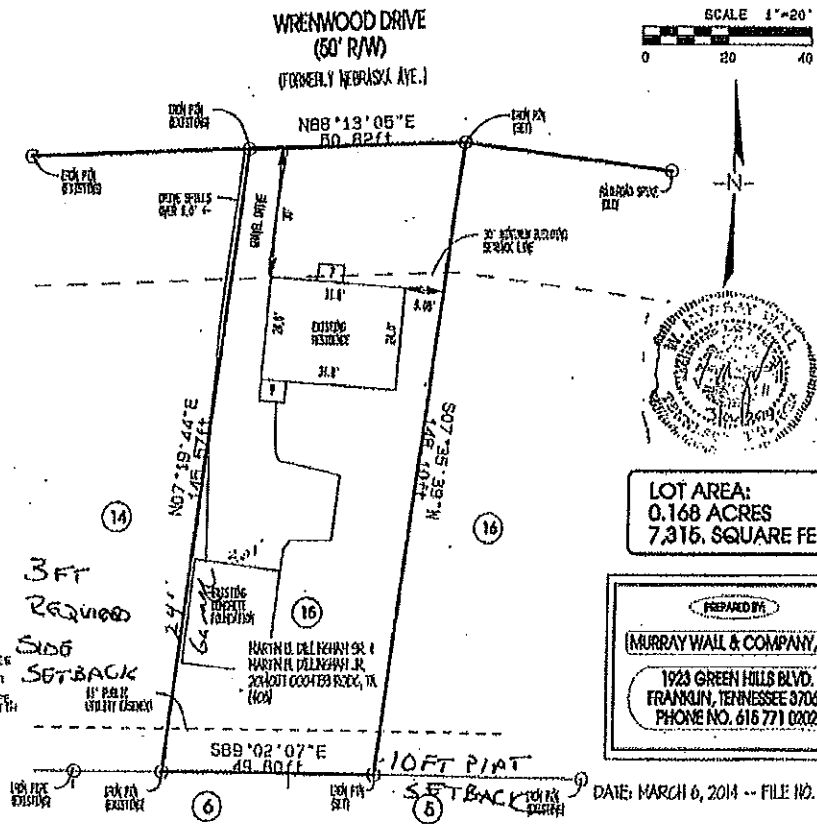
PROPERTY SURVEY FOR:
MARTIN B. DILLINGHAM SR. &
MARTIN B. DILLINGHAM JR.
PROPERTY ADDRESS:
3509 WRENWOOD DRIVE
NASHVILLE, DAVIDSON COUNTY, TN.

PARCEL ID:
 10401040800

PROPERTY INFORMATION:
 BEING LOT NO. 16, WRENWOOD ASSHOWN
 ON THE PLAT OF RECORD IN PLAT BOOK 1130,
 PAGE 65, R.O.D.C., TN.

MISCELLANEOUS NOTES

- THIS SURVEY MEETS OR EXCEEDS THE REQUIREMENTS OF A CATEGORY I (URBAN AND SUBURBAN) LAND SURVEY, AS PER THE STANDARDS OF PRACTICE AS REVISED AND ADOPTED BY THE BOARD OF EXAMINERS FOR LAND SURVEYORS STATE OF TENNESSEE.
- THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS GREATER THAN 1:10,000 OR DOES NOT EXCEED 1/10 OF A FOOT OF POSITIVE ERROR AT ANY CORNER.
- BEARING SYSTEM DERIVED FROM THE PLAT OF RECORD
- MANHOLE CORNER MARKS (60) PERTAIN TO PROPERTY TAX MAP NUMBER 104-01-0
- IN TENNESSEE IT IS A REQUIREMENT OF THE "IMPROVED UTILITY BUSINESS PRACTICE ACT", THAT PERSONS WHO ENGAGE IN EXCAVATION MUST NOTIFY ALL HIGH QUALITY UTILITIES (BY PHONE OR CALL 811).
- THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES (GAS, WATER AND SEWERAGE) UTILITIES SHOWN HEREIN FROM FIELD OR APPROPRIATE AT THE 600-521-0175 INFORMATION CENTER AVAILABLE BY THE RESPECTIVE UTILITIES (PLAT OF RECORD OR OTHER SOURCES AS NOTED HEREON). THE SURVEYOR MAKES NO GUARANTEE AS TO THE ACCURACY OF THE LOCATION OF ANY UTILITIES SHOWN HEREON. THE SURVEYOR'S LIABILITY DOES NOT EXTEND TO ANY DAMAGE TO ANY UTILITIES (GAS, WATER AND SEWERAGE) UTILITIES OR TO ANY DAMAGE TO ANY PERSONS OR PROPERTY CAUSED BY ANY UTILITIES (GAS, WATER AND SEWERAGE) UTILITIES. THE SURVEYOR'S LIABILITY DOES NOT EXTEND TO ANY DAMAGE TO ANY PERSONS OR PROPERTY CAUSED BY ANY UTILITIES (GAS, WATER AND SEWERAGE) UTILITIES. THE SURVEYOR'S LIABILITY DOES NOT EXTEND TO ANY DAMAGE TO ANY PERSONS OR PROPERTY CAUSED BY ANY UTILITIES (GAS, WATER AND SEWERAGE) UTILITIES.
- PROPERTY SUBJECT TO ANY AND ALL FINDINGS OF A CONVEYANCE AND SECURITY TITLE SEARCH, AS TITLE REPORT FURNISHED TO THIS SURVEYOR PRIOR TO SURVEY.



LOT AREA:
 0.168 ACRES
 7,315 SQUARE FEET

PREPARED BY:
MURRAY WALL & COMPANY, P.C.
 1923 GREEN HILLS BLVD.
 FRANKLIN, TENNESSEE 37067
 PHONE NO. 615 771 0002

DATE: MARCH 6, 2014 -- FILE NO. 2013-14

3 FT
 Required
 Side
 Setback

10 FT
 PIAT
 SETBACK

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : R.J. Young Date: 11/9/2018
Property Owner: Metro Fairways Business Case #: 2019-001
Representative: : Berkeley Nance Map & Parcel: _____

Council District 02

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

Purpose: To conduct interior renovations to existing office space

Activity Type: Commercial Renovations

Location: 730 A Freeland Station Rd.

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

Reason: Variance from sidewalk recommendations, requesting not to build or pay

Section(s): 17.20.120

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

R.J. Young
Appellant Name (Please Print)

BERKELEY NANCE
Representative Name (Please Print)

730B FREELAND STATION RD
Address

421 MURKIN RD
Address

NASHVILLE, TN 37228
City, State, Zip Code

FRANKLIN, TN 37069
City, State, Zip Code

Phone Number

615-405-4257
Phone Number

Email

berkeley@LEALANDCONSTRUCTORS.COM
Email

Appeal Fee: 720



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



3577441

**ZONING BOARD APPEAL / CAAZ - 20180071063
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 07014000100

APPLICATION DATE: 11/09/2018

SITE ADDRESS:

730 A FREELANDS STATION RD NASHVILLE, TN 37228

LOT 37-A METROCENTER SEC 5

PARCEL OWNER: METRO FAIRWAYS BUSINESS PARK, LLC

CONTRACTOR:

APPLICANT:**PURPOSE:**

to conduct interior renovations to 15,000SF of 1st floor for office space and to construct 30,000SF mezzanine with 15,000SF of that space built out for office space and the remaining open area.

no change to footprint

Sidewalks are required, applicant may pay in lieu of sidewalk requirements

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

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

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



**BUILDING COMMERCIAL - REHAB / CACR - T2018054939
Permit Tracking Checklist**

PARCEL: 07014000100 **APPLICATION DATE:** 08/28/2018 **PERMIT TRACKING #:** 3553714

SITE ADDRESS:

730 A FREELANDS STATION RD NASHVILLE, TN 37228
LOT 37-A METROCENTER SEC 5

PARCEL OWNER: METRO FAIRWAYS BUSINESS PARK, LLC**CONTRACTOR:****APPLICANT:****PURPOSE:**

to conduct interior renovations to 15,000SF of 1st floor for office space and to construct 30,000SF mezzanine with 15,000SF of that space built out for office space and the remaining open area.

no change to footprint

Sidewalks are required, applicant may pay in lieu of sidewalk requirements

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

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

[A] Zoning Review	APPROVED	clint.harper@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQ_ILEL	clint.harper@nashville.gov
PW - Sidewalk Payment In Lieu Decision		
[B] Building Plans Received	PAPERPLANS	615-862-6581 Teresa.Patterson@nashville.gov
[B] Building Plans Review	COND	615-862-6586 Jon.Atwood@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] Sewer Availability Review For Bldg	IGNORE	615-862-4045 Clay.Christain@nashville.gov
[E] Water Availability Review For Bldg	IGNORE	615-862-4045 Clay.Christain@nashville.gov
[E] Cross Connect Review For Bldg App	APPROVED	615-862-6825 Sara.Jinnette@nashville.gov
[A] Bond & License Review On Bldg App		
[A] Noise Mitigation Bldg App Review		
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[E] Grease Control Review On Bldg App	APPROVED	615-862-4591 angela.colter@nashville.gov
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[C] Flood Plain Review On Bldg App		862-6038 logan.bowman@nashville.gov

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

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.

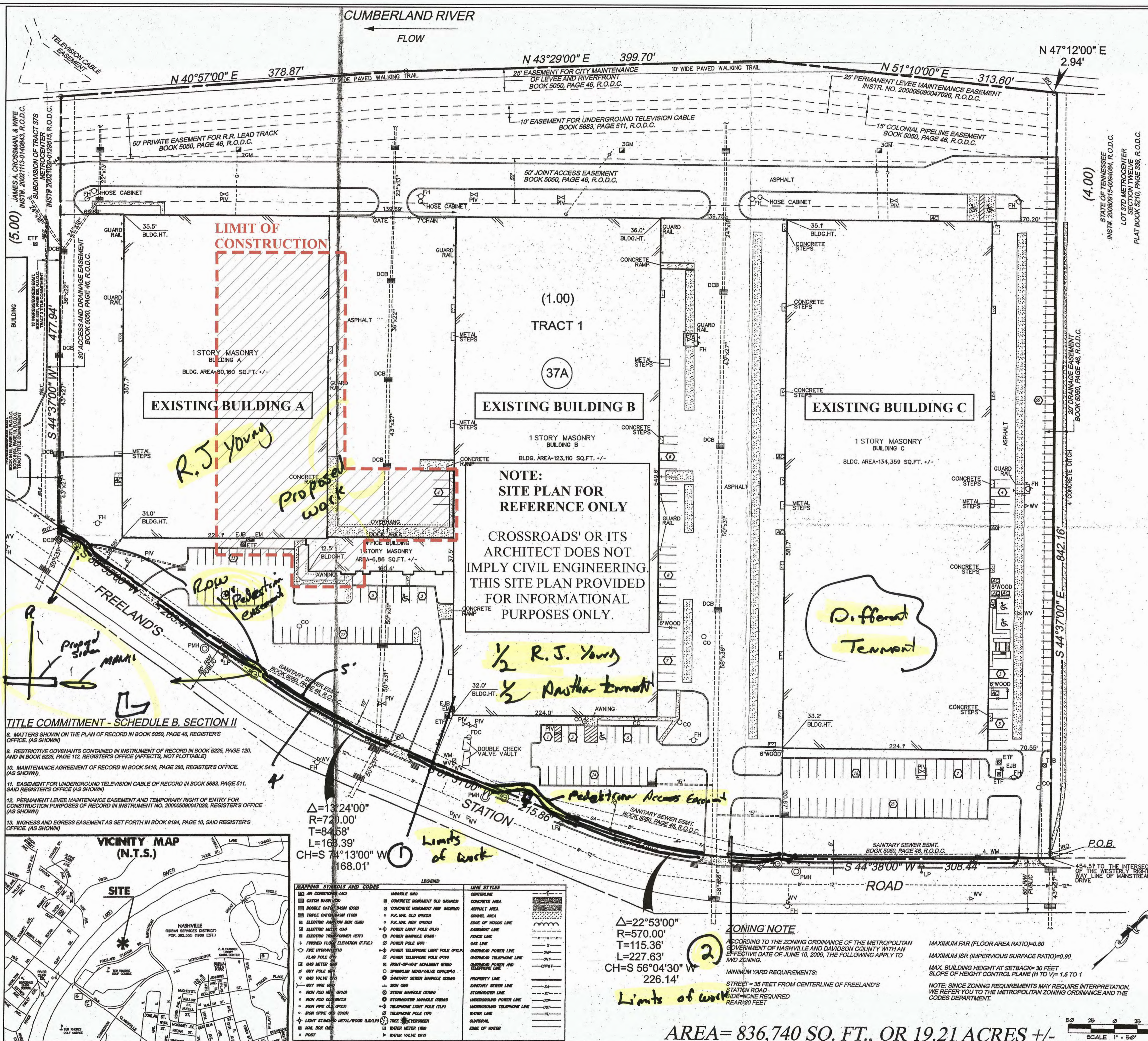
In Simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

DUE TO EXISTING OBSTACLES & TOPOGRAPHY
WE REQUEST TO MOVE THE SIDEWALK TO WORK
WITH THE CURRENT TOPOGRAPHY AND AVOID OBSTACLES



NOTES

- THIS SURVEY MEETS THE REQUIREMENTS OF AN URBAN LAND SURVEY (CATEGORY 1) WITH A RATIO OF PRECISION OF THE UNADJUSTED SURVEY GREATER THAN 1:10,000 AS PER STANDARDS OF PRACTICE ADOPTED BY THE BOARD OF EXAMINERS FOR LAND SURVEYORS, STATE OF TENNESSEE.
- BEARINGS SHOWN ARE BASED ON RECORDED SUBDIVISION PLAT (SEE PLAT REFERENCE).
- PROPERTY IS ZONED IWD (INDUSTRIAL, WAREHOUSING/DISTRIBUTION) OVERLAY DISTRICT: OV-FLD, FLOOD OVERLAY.
- THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY NO. 47026, PANEL NO. 5004 F, DATED APRIL 23, 2001. ZONE "X" AREAS PROTECTED BY LEVEES FROM 100 YEAR FLOOD.

METROCENTER IS A FLOOD PROTECTED AREA. THE METROPOLITAN DEPARTMENT OF WATER SERVICES OWNS A PUMP STATION AND MAINTAINS, BY EASEMENT, A LEVEE WITH STORAGE LAKES AND CANALS TO ELIMINATE THE HAZARD OF FLOODING BY THE CUMBERLAND RIVER TO ELEVATION 415 (NGVD29) WHICH IS THE FEMA 100 YEAR FLOOD ELEVATION AND IS REGULATED BY EXISTING CORPS OF ENGINEERS DAMS. THE FLOOD PROTECTION WORKS AS CONSTRUCTED REQUIRES THE FOLLOWING RESTRICTIONS ON DEVELOPMENTS WITHIN THIS PROTECTED AREA:

MINIMUM FIRST FLOOR LEVEL - INDUSTRIAL AND COMMERCIAL 408.0 (NGVD29)
MINIMUM FIRST FLOOR LEVEL - RESIDENTIAL 410.0 (NGVD29)
PUBLIC OR PRIVATE ROADS AND ACCESS DRIVEWAYS 404.0 (NGVD29)
PUBLIC OR PRIVATE PARKING AREA 403.0 (NGVD29)
PUBLIC OR PRIVATE YARDS, PARKS OR RECREATION AREAS 401.0 (NGVD29)
(SEE PLAT BOOK 5050, PAGE 46, R.O.D.C.)

- ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM FIELD LOCATED VISIBLE APPURTENANCES, AS MAPS AS MAY BE AVAILABLE FROM MUNICIPALITIES OR UTILITY COMPANIES, AND OTHER DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION CONSULTED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. AVAILABILITY AND DEPTH OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. TO AVOID ANY POSSIBLE HAZARD OR CONFLICT, IT IS A REQUIREMENT OF THE UNDERGROUND UTILITY DIVISION ACT, FOR ANYONE WHO ENGAGES IN EXCAVATION TO NOTIFY ALL KNOWN UTILITY OWNERS AT LEAST THREE (3) OR MORE THAN TEN (10) WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE. CALL TENNESSEE ONE CALL AT 1-800-361-1111.
- TITLE COMMITMENT NO. 110216, EFFECTIVE DATE JANUARY 28, 2011 AT 8:00 AM PREPARED BY OLD REPUBLIC TITLE NATIONAL INSURANCE COMPANY WAS FURNISHED TO THIS SURVEYOR.
- THIS PROPERTY CONTAINS 222 REGULAR PARKING SPACES AND 6 HANDICAP PARKING SPACES FOR A TOTAL OF 228 PARKING SPACES.
- THE BUILDING AREA SHOWN HEREON IS THE APPROXIMATE AREA OF THE BUILDING FOOTPRINT AS CALCULATED FROM FIELD LOCATED BUILDING CORNERS. NO ATTEMPT WAS MADE TO DETERMINE THE LEASABLE AREA.
- PROPERTY SUBJECT TO RESTRICTIVE COVENANTS CONTAINED IN INSTRUMENT OF RECORD IN BOOK 5225, PAGE 120, AND BOOK 5225, PAGE 112, R.O.D.C.
- PROPERTY SUBJECT TO MAINTENANCE AGREEMENT OF RECORD IN BOOK 5416, PAGE 280, R.O.D.C. (TRACT 2).

DEED REFERENCE
BEING PROPERTY CONVEYED TO METRO FAIRWAY PARTNERS, L.P. BY DEED OF RECORD IN BOOK 5194, PAGE 10, R.O.D.C.

PROPERTY MAP REFERENCE
BEING PARCEL 1.00 AS SHOWN ON DAVIDSON COUNTY PROPERTY MAP NO. 70-14.

PLAT REFERENCE
BEING LOT NO. 37A, METROCENTER, SECTION FIVE OF RECORD IN PLAT BOOK 5050, PAGE 46, R.O.D.C.

SURVEYOR'S CERTIFICATE
I (WE) HEREBY CERTIFY TO: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, RELIANT LIFE INSURANCE COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND/OR ASSIGNS, AS THEIR INTERESTS MAY APPEAR, AND METRO FAIRWAY PARTNERS, L.P., A TENNESSEE LIMITED PARTNERSHIP.

THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTIMETRIC AND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005 AND INCLUDES ITEMS 1-4, 6, 7(a), 7(b)(1), 7(c), 8-10, 11(a), 13, 16 AND 17 IN TABLE A CONTAINED THEREIN, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATE. UNDERSIGNED FURTHER CERTIFIES THAT, IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF TENNESSEE, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

BARGE, WAGGONER, SUMNER AND CANNON, INC.

BY: *James J. Quinn* REGISTRATION NO. 1935
DATE: MARCH 10, 2011

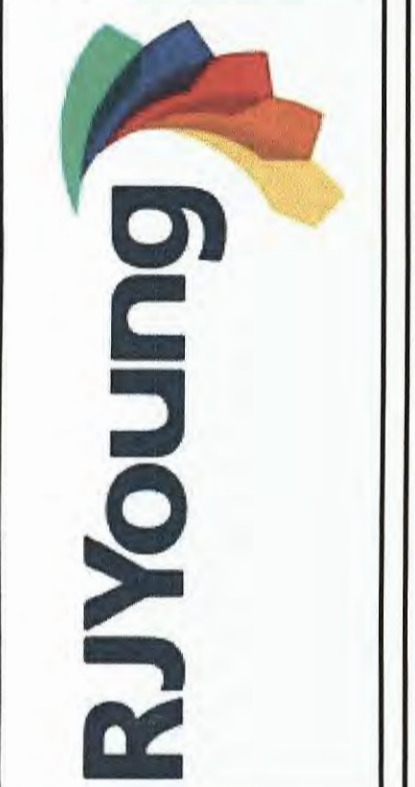
SURVEYOR'S DESCRIPTION
TRACT ONE - PARCEL 37A
Being a parcel of land in Nashville, Urban Services District, Second Councilmanic District, Davidson County, Tennessee, located on the northwestern side of Freeland's Station Road, west of Mainstream Drive, being Tract 37A as shown on the plan of Section Five, Metrocenter, as of record in Book 5050, Page 46, R.O.D.C. and being more particularly described as follows:
BEGINNING at an iron pin in the northerly right-of-way line of Freeland's Station Road, said iron pin being westerly 454.51 feet from its intersection with the westerly right-of-way line of Mainstream Drive.
THENCE, with said northerly right-of-way line the following calls:
S44°38'00" W, 308.44 feet to an iron pin;
With a curve to the right 227.63 feet to an iron pin, said curve having a central angle of 22°53'00", a radius of 570.00 feet, a tangent of 115.36 feet, and a chord of 558°04'30" W, 226.14 feet;
S67°31'00" W, 215.85 feet to an iron pin; With a curve to the right 168.39 feet to an iron pin, said curve having a central angle of 13°24'00", a radius of 720.00 feet, a tangent of 84.58 feet and a chord of S74°13'00" W, 168.01 feet;
S80°55'00" W, 283.47 feet to an iron pin;
THENCE, leaving said right-of-way line N44°37'00" W, 477.94 feet to an iron pin in the centerline of Metrocenter Levee;
THENCE, with said centerline the following calls:
N40°57'00" E, 378.87 feet to an iron pin;
N45°29'00" E, 399.70 feet to an iron pin;
N51°10'00" E, 313.60 feet to an iron pin;
N47°12'00" E, 2.94 feet to an iron pin;
THENCE, leaving said centerline with the southeasterly line of Section Twelve Metrocenter as of record in Book 5210, Page 239, R.O.D.C. S44°37'00" E, 842.16 feet to the point of beginning.
Containing 836,740 square feet or 19.21 acres, more or less.

TRACT TWO - INGRESS AND EGRESS EASEMENT TRACT 37A, FAIRWAY CENTER, METROCENTER
Land in the Urban Services District, Nashville, Davidson County, Tennessee, bounded on the south by Freeland's Station Road and generally south of the Cumberland River, more particularly described as follows:
BEGINNING at an iron pin in the northerly right-of-way line of Freeland's Station Road, 1638.30 feet from the westerly right-of-way line of Mainstream Drive;
THENCE, along said Road, S80°55'00" W, 24.58 feet;
THENCE, leaving Freeland's Station Road, N44°37'00" W, 63.4 feet;
THENCE, N42°35'00" W, 168.1 feet;
THENCE, N44°37'00" W, 185.0 feet;
THENCE, N58°55'00" E, 15.2 feet;
THENCE, S44°37'00" E, 403.0 feet to the point of beginning.
Containing 0.15 acres, more or less.

TRACT THREE
TOGETHER WITH a deed of easement for ingress and egress as conveyed in Book 5231, Page 920, said Register's Office, described as follows:
Being a 15-foot wide strip of land adjacent to the west property line of Lot No. 37A, Section 5, Metrocenter, as recorded in Book 5050, Page 46, said Register's Office, more particularly described as follows:
Beginning at a point in the north margin of Freeland's Station Road which is co-linear with the northwest corner of Lot No. 37A, Metrocenter; thence with Freeland's Station Road, S 80 deg. 55' W, 15.43 feet to a point; thence N 44 deg. 37' W, 350 feet, more or less, to a point; thence with the south margin of a 50-foot private easement for railroad lead track extended 15 feet, more or less, to a point; thence with the west property line of Lot No. 37A, Metrocenter, 400 feet to the point of beginning.



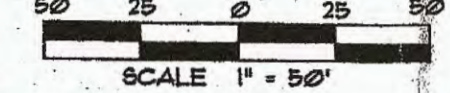
CROSSROADS ARCHITECTURE
(615) 255-7796
(615) 255-7797 FAX
667 Wedgewood Ave. • Suite B
Nashville • Tennessee • 37203



Renovation of Existing Facilities for:
R. J. Young Corporate Headquarters
730A Freeland Station Road Nashville, TN. 37228
Job Number: 18-009

A0.1
Site Plan
Released: Aug. 17, 2018

AREA = 836,740 SQ. FT., OR 19.21 ACRES +/-



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

GALLATINSBURG 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.)

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

December 3, 2018

 DATE

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

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

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

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

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



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.

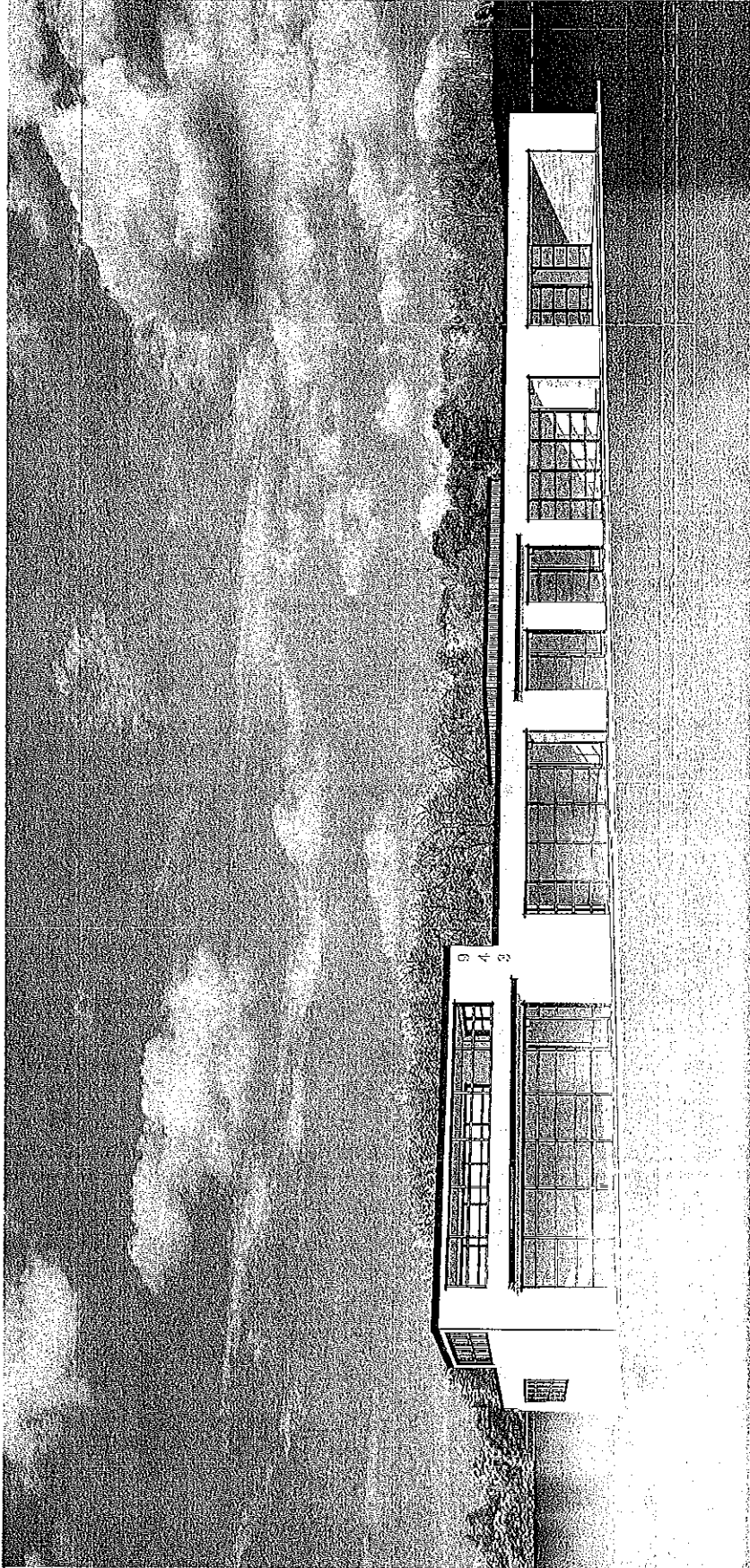
Thank you for your time and consideration in this matter.

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.

2018 STD Design, Inc. ALL RIGHTS RESERVED www.stdsgn.com

Woodland Office Study

OPTION A

11/06/18

2019-020

PROJECT DATA

PROPERTY OWNER:
 6102 WOODLAND L.P.
 1175 WASHLEE PIKE
 COLUMBI, TN 37068
 ATTN: ANDERSON GREED

DEVELOPER:
 GREEN & LITTLE
 1175 WASHLEE PIKE
 COLUMBI, TN 37068
 ATTN: ANDERSON GREED

AUTHORIZED AGENT:
 W&A ENGINEERING
 943 WOODLAND STREET
 NASHVILLE, TN 37203
 615.818.1023

PHYSICAL ADDRESS: 943, 945 & 947 WOODLAND STREET

TAX PARCELS: 0821203500A, 0821203500B, 08212035100

TOTAL PROJECT ACREAGE: 0.58 ACRES (25,700.4 S.F.)

CONTOUR INTERVAL: N/A

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

EXISTING ZONING: CS - COMMERCIAL SERVICES WITH MORA-EB AND 01-100 OVERLAY

EXISTING USE: OFFICE/RETAIL

EXISTING BUILDING SF: 14,600 +/-

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 474702024H DATED 04/2/2017.

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

THERE ARE NO WETLANDS DELINEATED ON SITE.

WATER SUPPLY: METRO WATER SERVICES

SURFACE DISPOSAL: METRO WATER SERVICES

SOLID WASTE: BY PRIVATE CONTRACT

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

NOTE: 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.



W&A Engineering

292 Woodland Street
 Nashville, TN 37206
 615.818.1023
 www.waeng.com

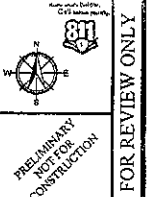
WOODLAND SITE PLAN

DAVIDSON COUNTY, TENNESSEE

943, 945 & 947 WOODLAND STREET - 0.58 ACRES

DATE: 11-16-2018

REVISIONS	
DATE	COMMENT

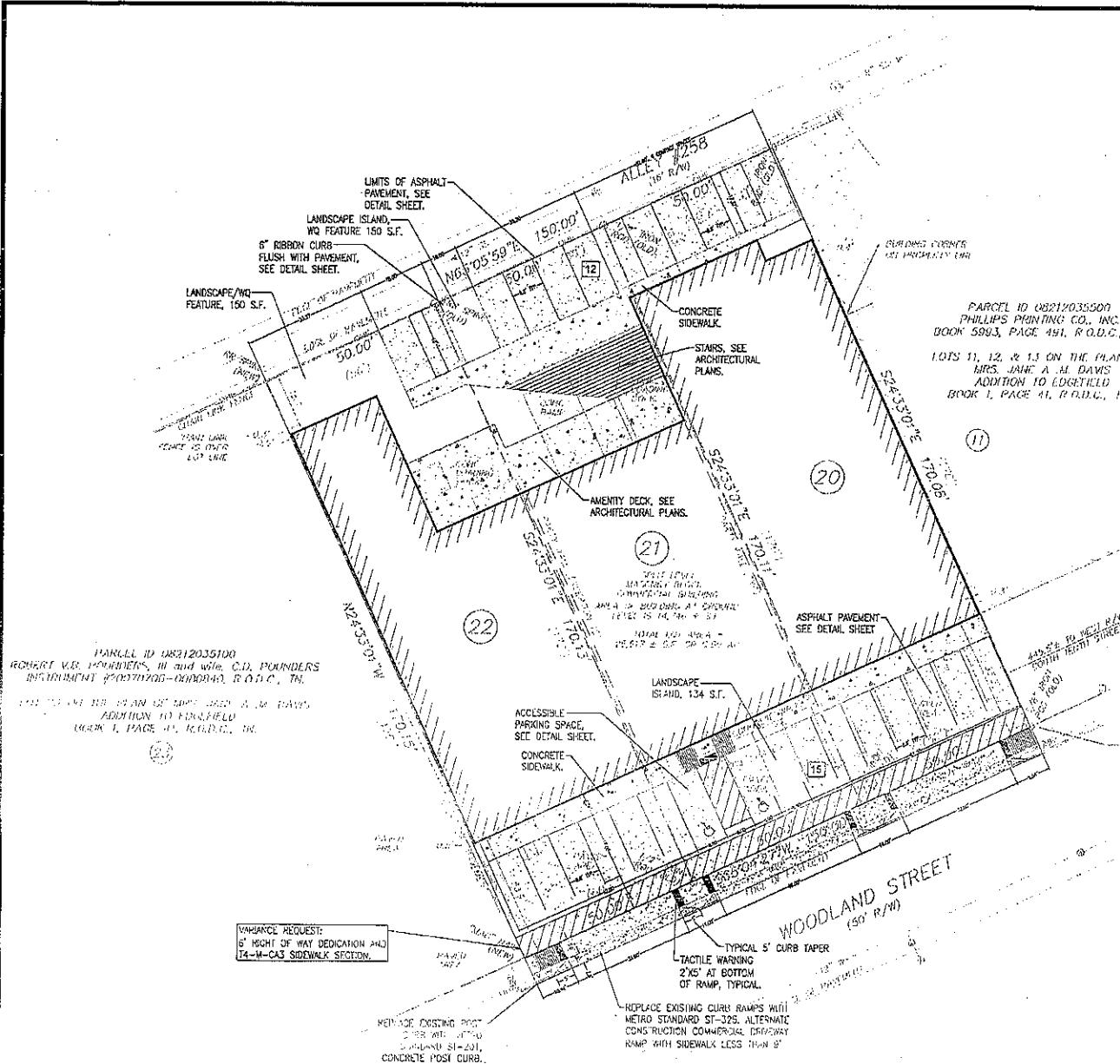


PRELIMINARY NOT FOR CONSTRUCTION

18336

CONCEPT PLAN

CP01



PARCEL ID 08212035100
 ROBERT W.B. FOUNDERS, III and wife, C.D. FOUNDERS
 INSTRUMENT #20070203-000000, R.O.D.C., TN

THIS IS THE PLAN OF MRS. JANE A. H. DAVIS
 ADDITION TO EDGEFIELD
 BOOK 1, PAGE 41, R.O.D.C., TN

Case # 2019-020

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.

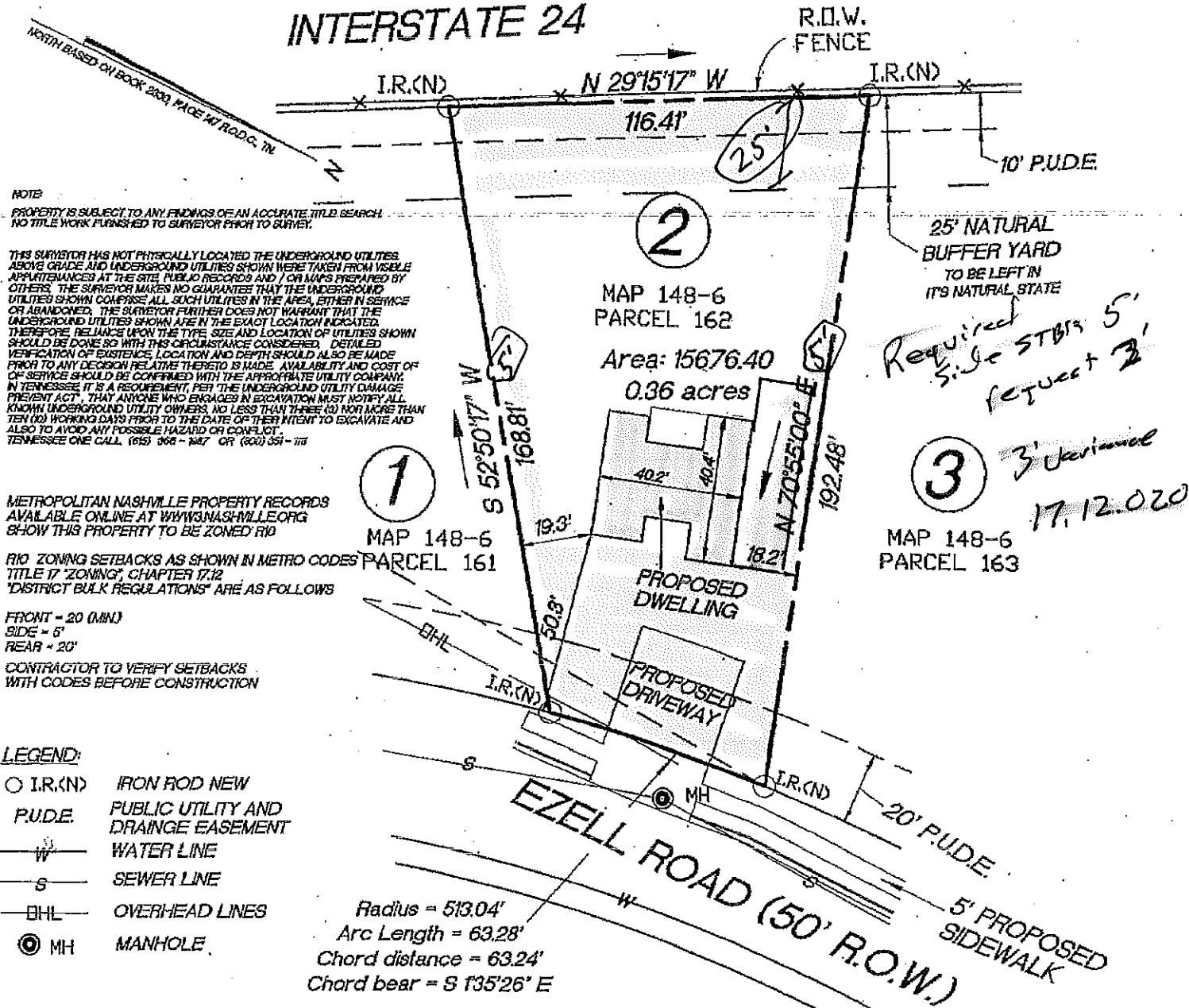
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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



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

Required Side STBRs 5' request 2'

3' driveway

17.12.020

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 EXCAVATION AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT. TENNESSEE ONE CALL, (615) 368-1447 OR (800) 551-1111

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

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

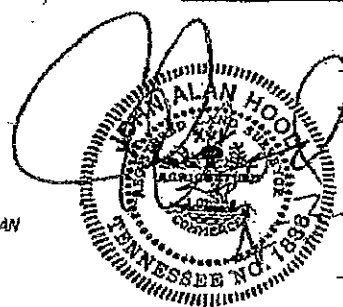
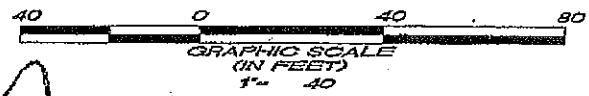
LAND DESCRIPTION:
 LOT 2, ARMSTRONGS EZELL
 ROAD SUBDIVISION
 (INSTRUMENT #20061206-0150834)

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

SURVEYORS CERTIFICATE

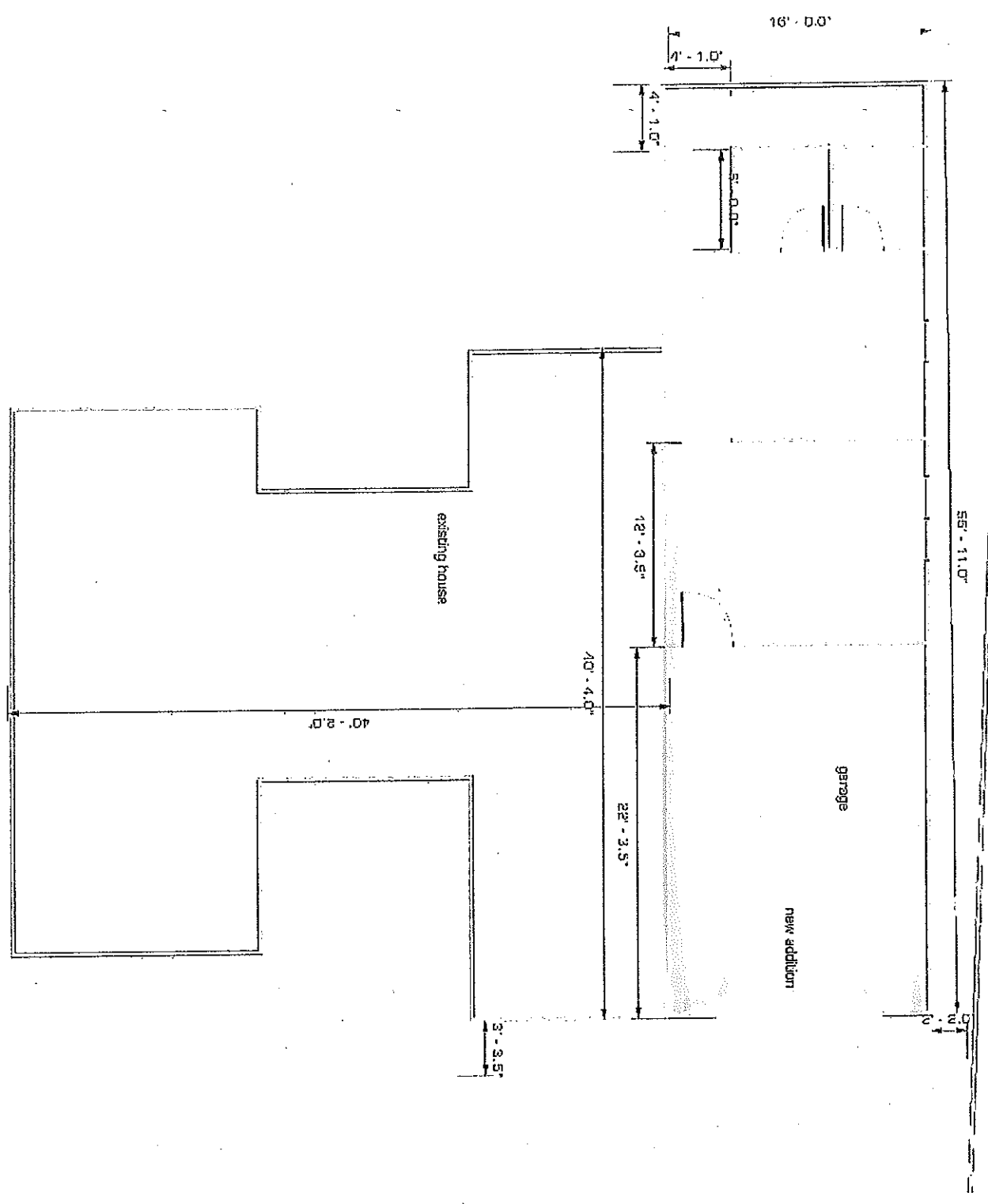
I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY WITH A DEGREE OF ACCURACY OF THE UNADJUSTED SURVEY BEING EQUAL TO OR GREATER THAN 1/10,000 AS SHOWN HEREON

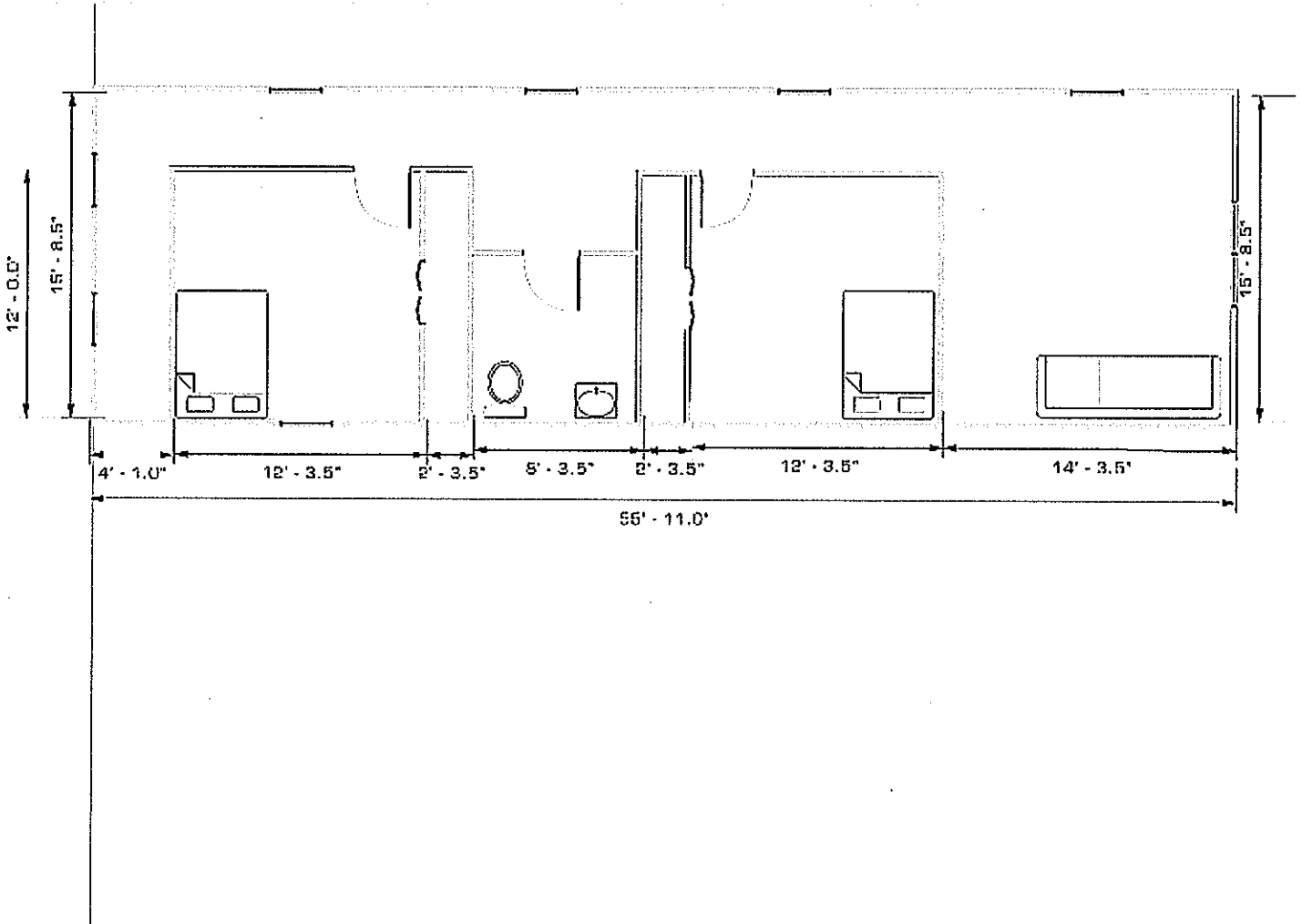
JOHN ALAN HOOD, T.M. R.L.S. NO. 1838

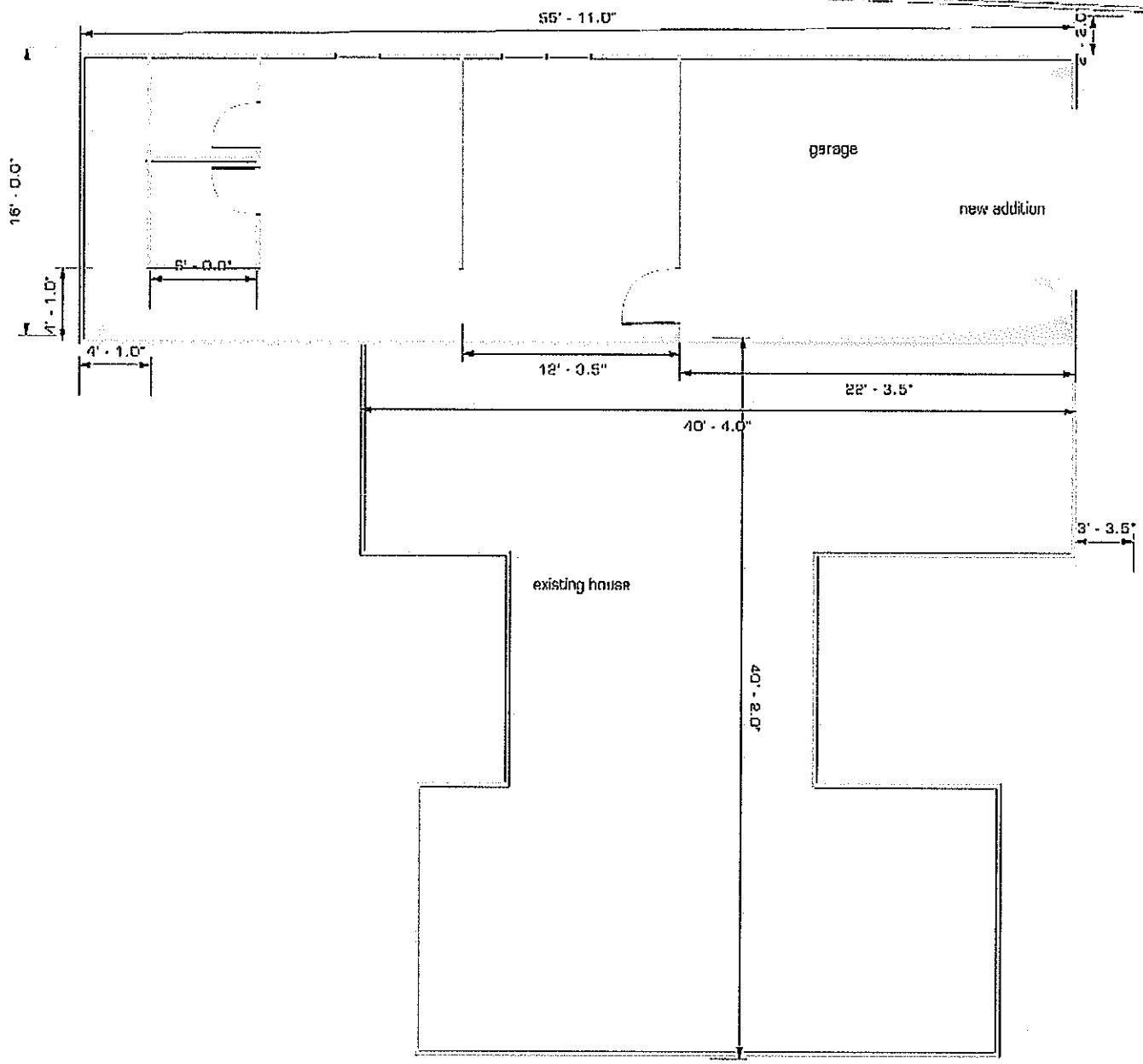


Tampbell, McRae and Assoc. Surveying, Inc.
 2918 BERRY HILL DRIVE
 NASHVILLE, TENNESSEE 37204
 PHONE (615) 298-2424 FAX(615)297-2828

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

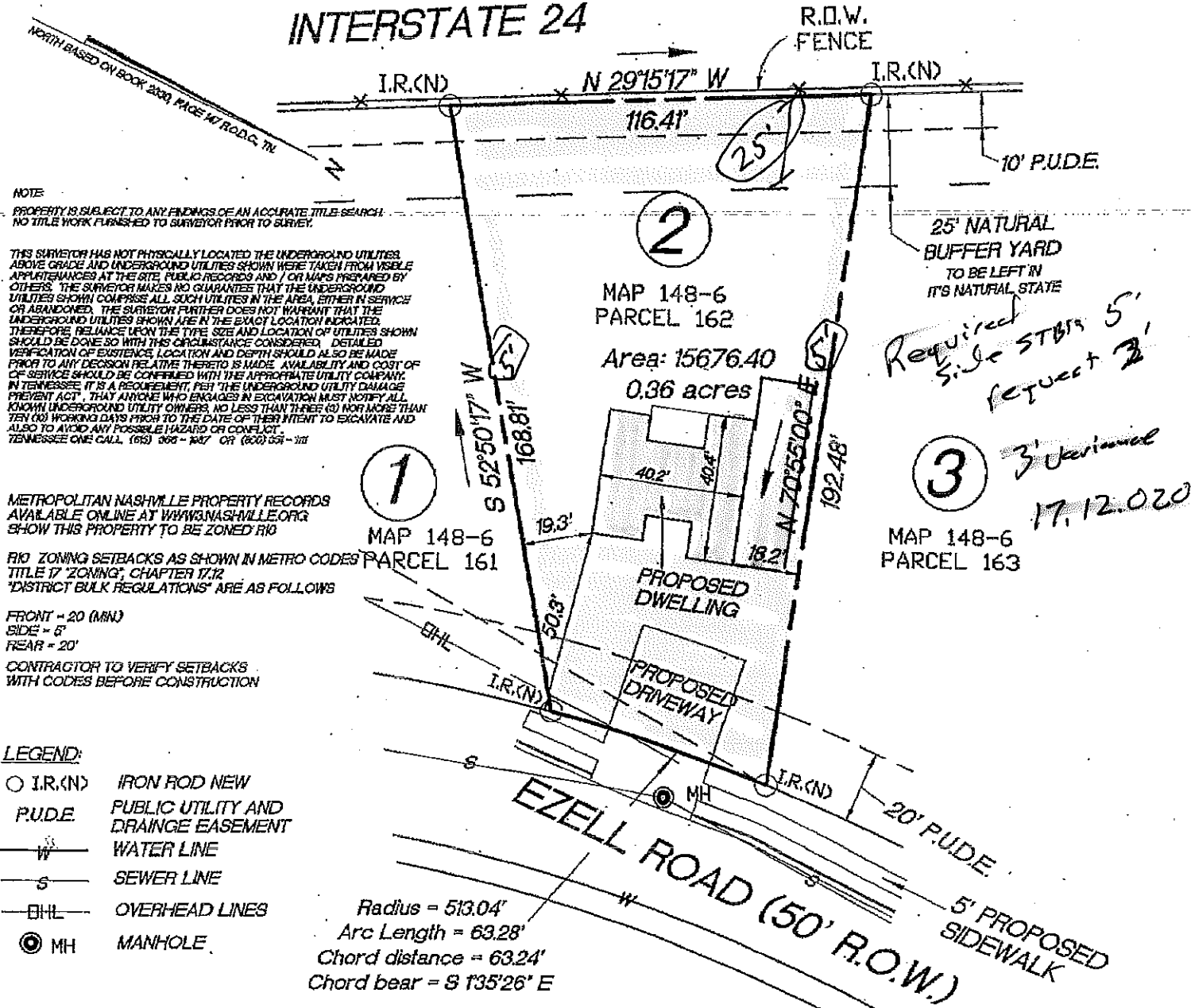
gilberto.alvarado3711@gmail.com

*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



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:

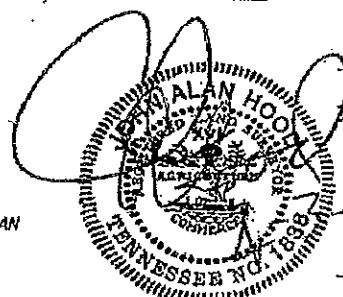
INSTRUMENT #20051017-0124875 R.O.D.C., TN

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

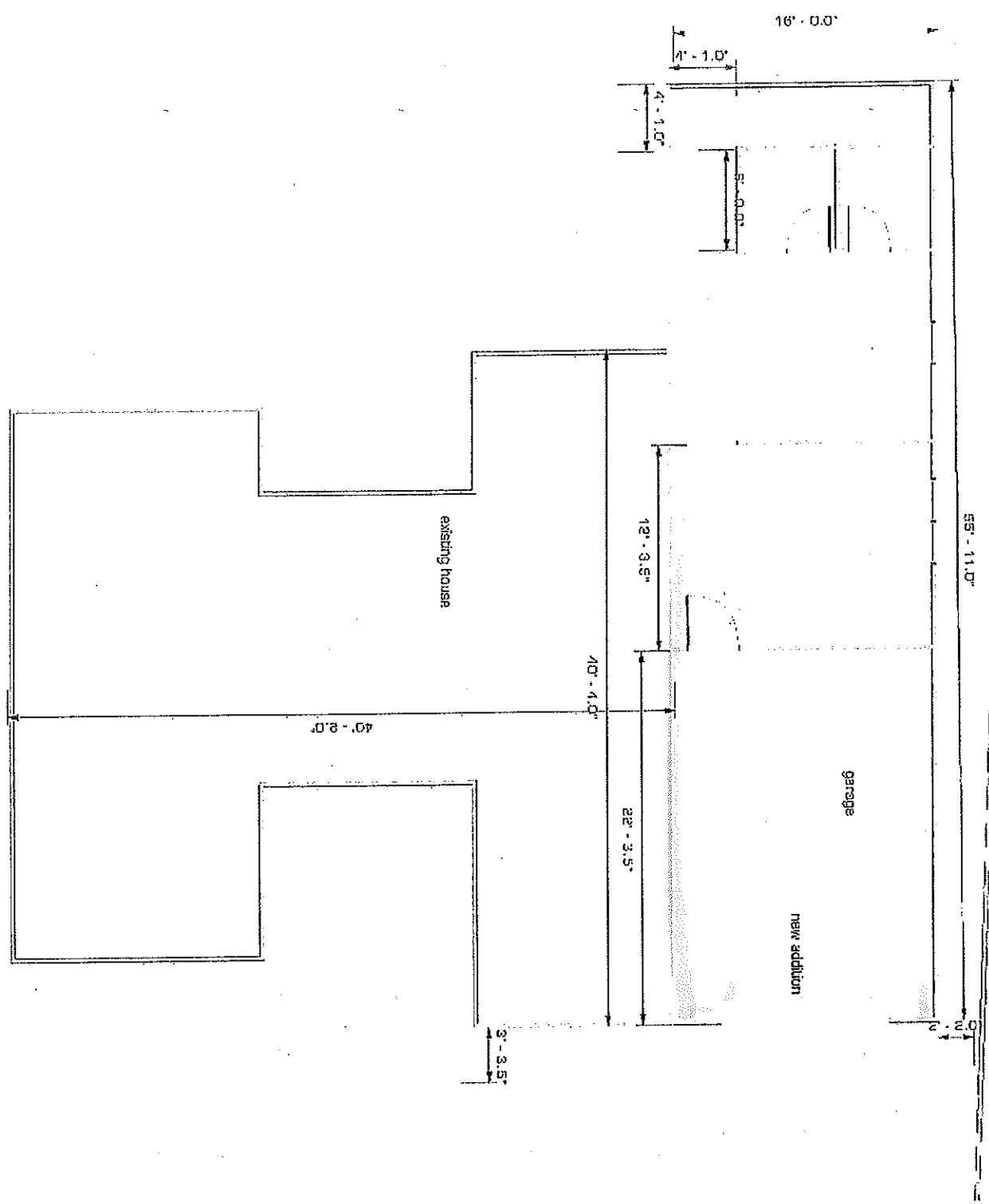
SURVEYORS CERTIFICATE

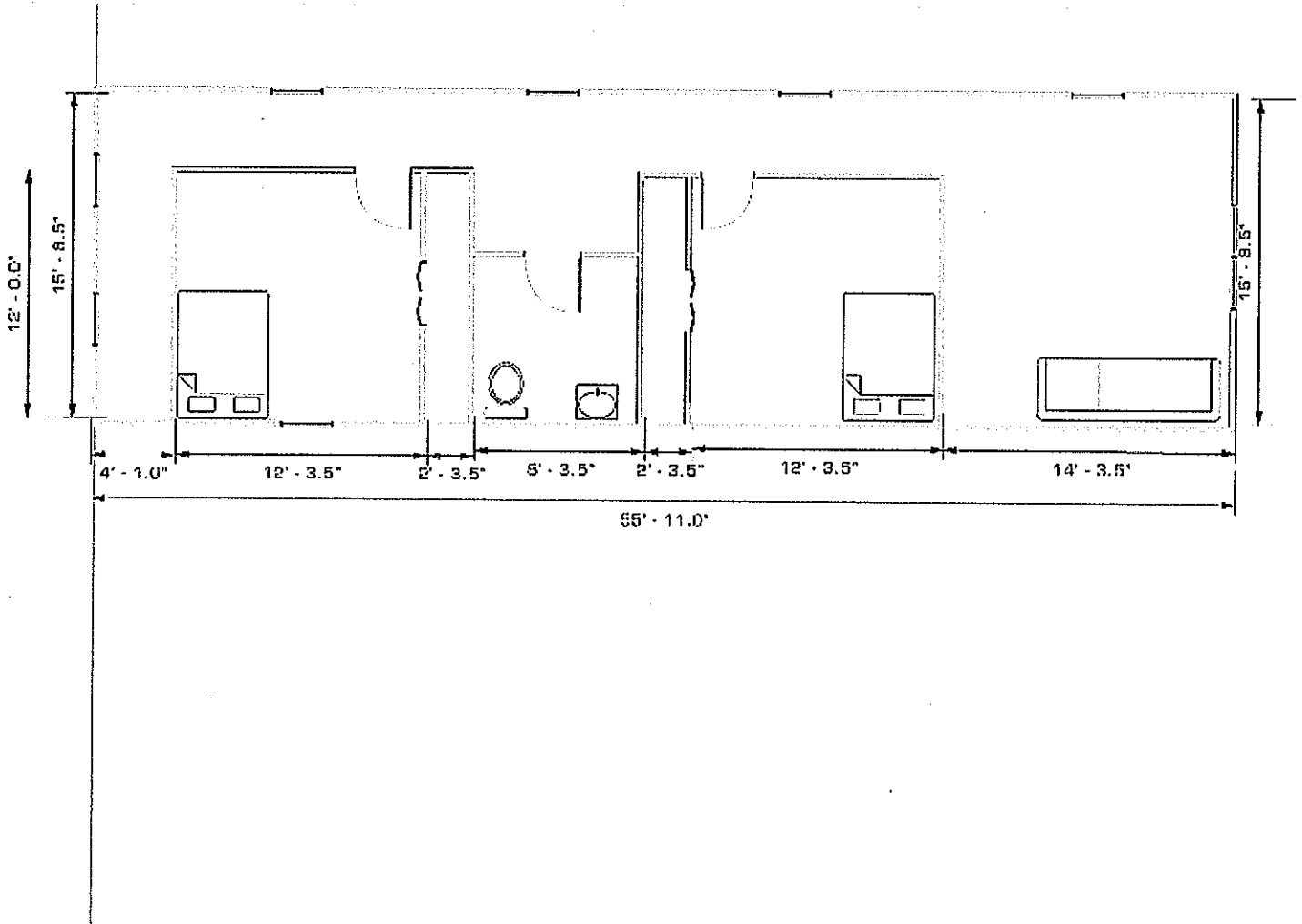
I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY WITH A DEGREE OF ACCURACY OF THE UNADJUSTED SURVEY BEING EQUAL TO OR GREATER THAN 1/10,000 AS SHOWN HEREON

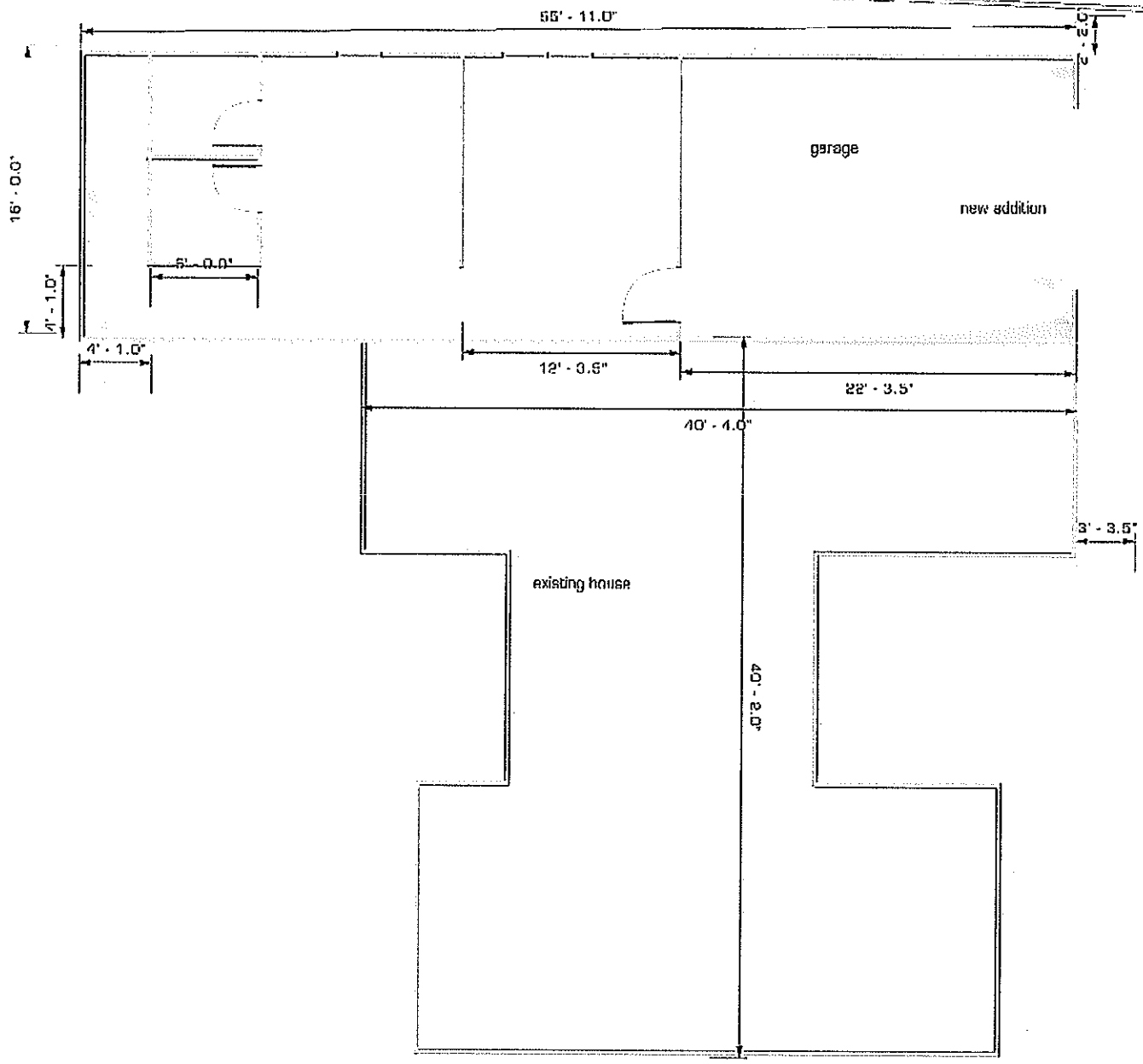
JOHN ALAN HOOD, TN, R.L.S. NO. 1838



ORDER# 295-22-5







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.)

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

Jonathan Davis Pursuer

Pursuer Architects & 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.

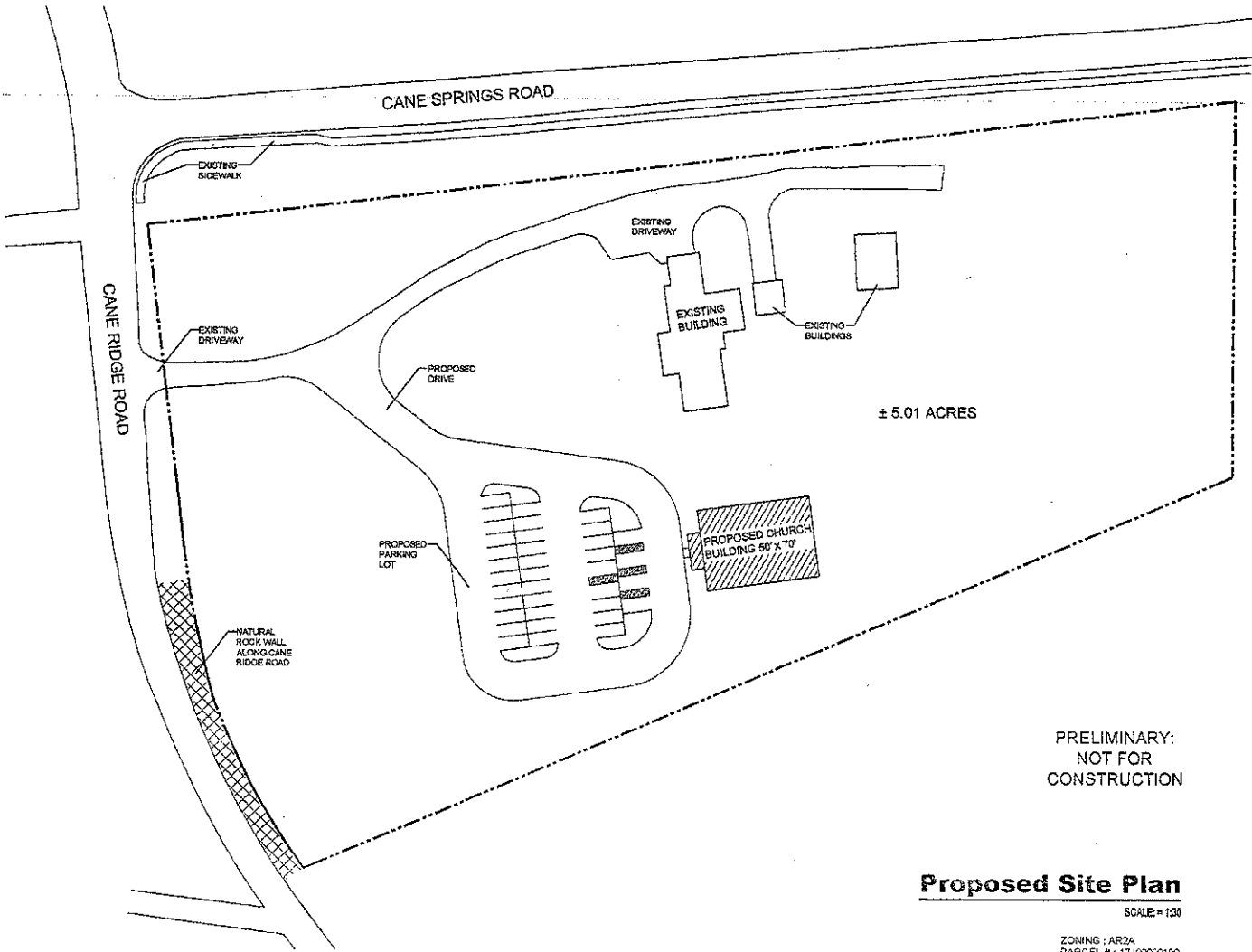
In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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



PRELIMINARY:
NOT FOR
CONSTRUCTION

Proposed Site Plan

SCALE = 1/320

ZONING : AR2A
PARCEL # : 17-00009100

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

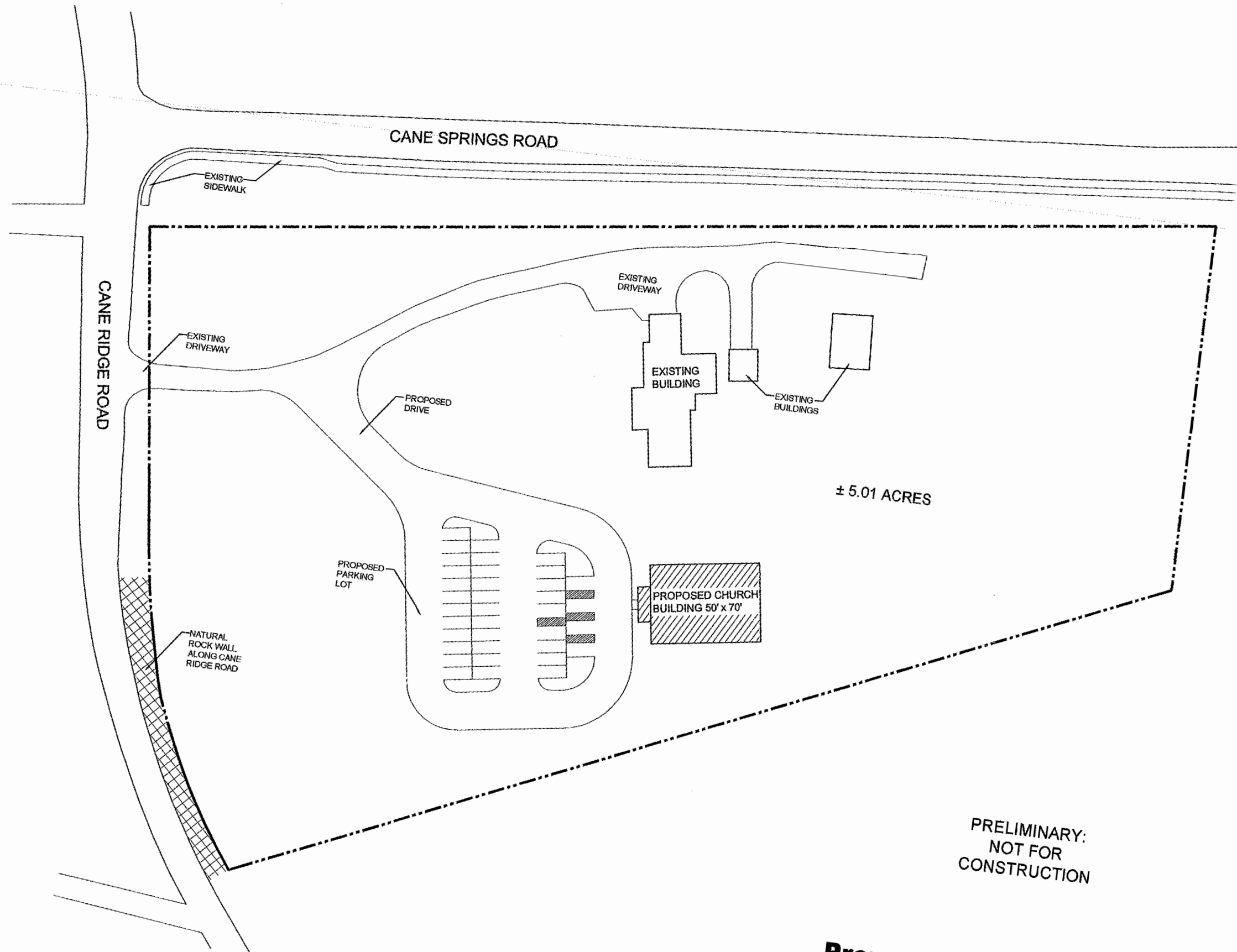


No. Revision/Issue	Date

Project Number:
Drawn by: TVH
Checked by: DP
Issue: 12/03/2013
© 2018 PAD, PLLC

Sheet Title & Number:
Proposed Site Plan

A0.2



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

PRELIMINARY:
 NOT FOR
 CONSTRUCTION

Proposed Site Plan

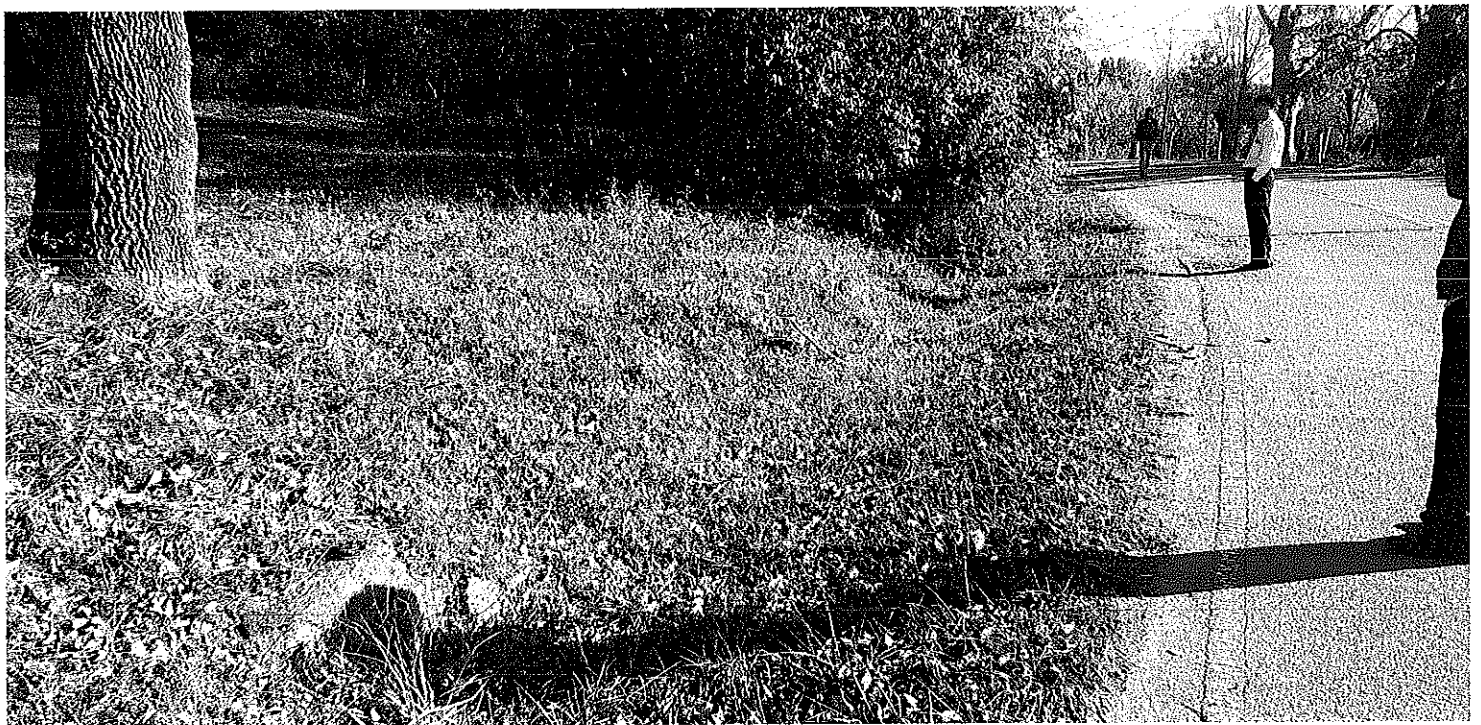
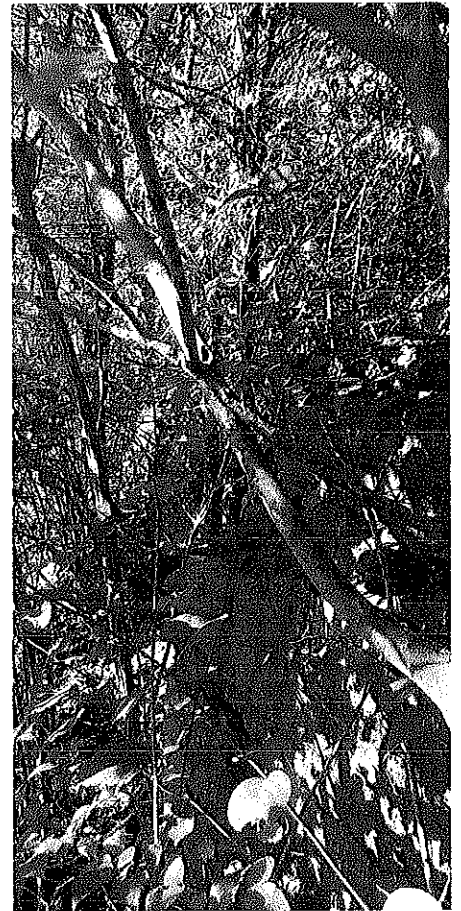
SCALE: = 1:30

ZONING : AR2A
 PARCEL # : 17400009100

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

Sheet Title & Number:
 Proposed Site Plan

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: Andrew Buford
Property Owner: Jessica Buford
Representative: _____

Date: 12/4/18
Case #: 2019-035
Map & Parcel: 105040049.00

Council District 17

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

Purpose: TO CONSTRUCT A SINGLE FAMILY RESIDENCE ON UNRESIZED (2,444 SQ FT) LOT
NO CONSTRUCTION PERMIT STARTED

Activity Type: RES. NEW CONSTRUCTION
Location: 59 LINCOLN ST

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

Reason: VARIANCE OF NON-CONFORMING LOT SIZE ^① SETBACK VARIANCE ^②
Section(s): ① 17.40.670 AND ② 17.12.030B AND 17.12.030A

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, ^③ sidewalk variance 17.20.120 Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Andrew Buford
Appellant Name (Please Print)

Representative Name (Please Print)

3704 Turley Dr
Address

Address

Nashville TN 37211
City, State, Zip Code

City, State, Zip Code

615-635-6679
Phone Number

Phone Number

remidtn@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 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.

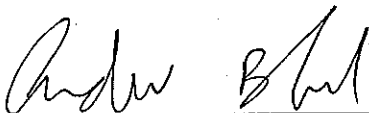
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

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

11-29-2018

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 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 setback requirements make the site too small to build. If a setback variance could be given a house could be built on the lot. This lot came from a tax sale because the owners did not even find value in paying the taxes. A variance would allow an affordable house to be built on the site.



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



3584068

**ZONING BOARD APPEAL / CAAZ - 20180075833
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 10504004900**APPLICATION DATE:** 12/04/2018**SITE ADDRESS:**

59 LINCOLN ST NASHVILLE, TN 37210
PT LOT 124 TRIMBLE ADDN

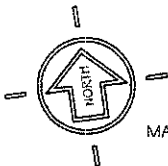
PARCEL OWNER: BUFORD, JESSICA**CONTRACTOR:****APPLICANT:****PURPOSE:**

Requesting a Variance of Non-Conforming lot size METZO section 17.40.670, a setback variance per METZO Sections 17.12.20(B) and 17.12.030(A) and a sidewalk variance per METZO section 17.20.120 for proposed new single family residence.

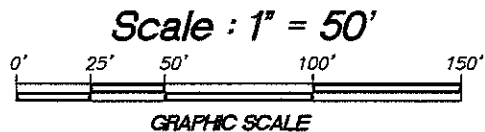
*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.



MAGNETIC NORTH



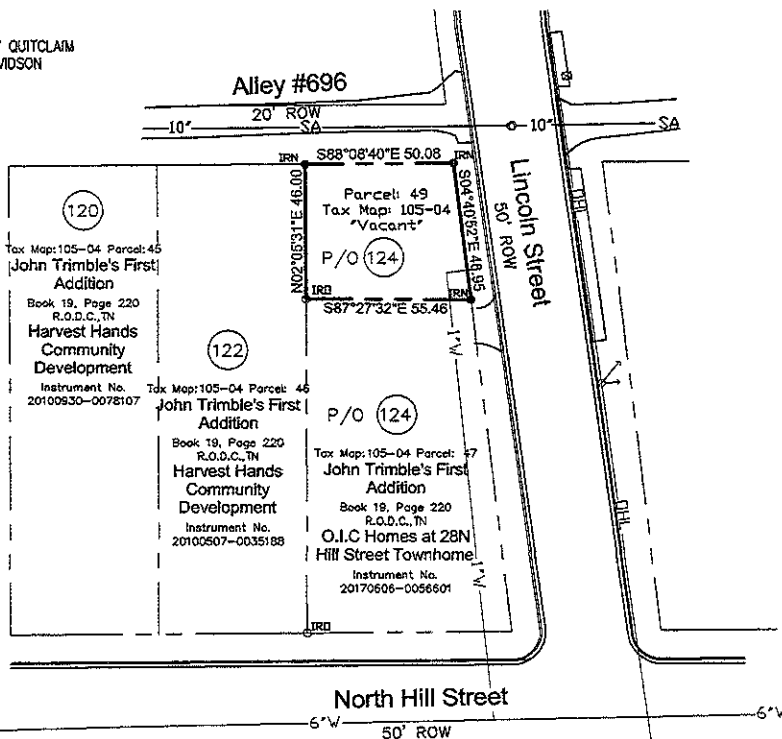
LOT SURVEY

ANDREW BUFORD
 59 Lincoln Street
 Nashville, Tennessee 37210

PROPERTY DESCRIPTION

BEING PART OF LOT NO. 124 ON THE PLAN OF JOHN TRIMBLE'S FIRST ADDITION TO NASHVILLE, OF RECORD IN BOOK 19, PAGE 220, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

BEING THE SAME PROPERTY CONVEYED TO JESSICA BUFORD BY QUITCLAIM FROM THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE, INSTRUMENT NO. 20181001-0096917

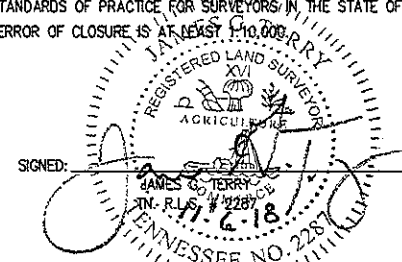


GENERAL NOTES

1. BEARINGS SHOWN HEREON ARE REFERENCED TO MAGNETIC NORTH
2. SUBJECT PROPERTY IS SHOWN AS PARCEL 49.00 ON DAVIDSON COUNTY TAX MAP NO. 105-04.
3. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN HEREON WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PROVIDED BY OTHERS. THIS 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 AS INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES 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. TENNESSEE ONE CALL 1-800-351-1111 OR 1-615-366-1987.
4. BY GRAPHIC PLOTTING AND SCALED MAP LOCATION ONLY, THIS PROPERTY IS NOT WITHIN AN AREA OF FLOOD INUNDATION AS DESIGNATED BY CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS WHICH MAKE UP A PART OF THE NATIONAL FLOOD INSURANCE ADMINISTRATION REPORT AS SHOWN ON F.E.M.A. MAP NUMBER 47037C 0244H, WHICH BEARS AN EFFECTIVE DATE OF APRIL 05, 2017.
5. NO TITLE REPORT HAS BEEN FURNISHED TO THIS SURVEYOR, THEREFORE, THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE SEARCH.

SURVEYORS CERTIFICATE

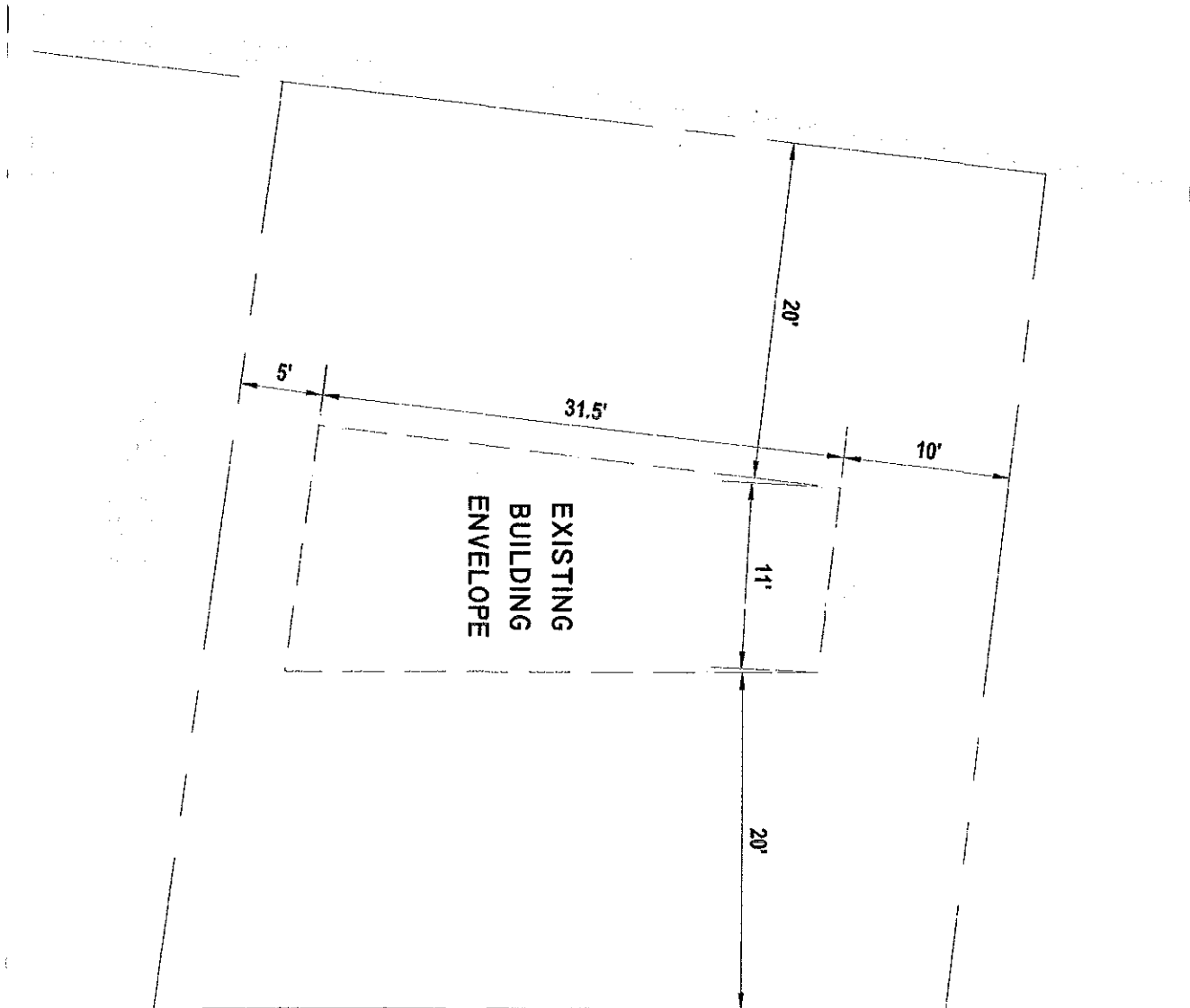
I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT STANDARDS OF PRACTICE FOR SURVEYORS IN THE STATE OF TENNESSEE AND THE UNADJUSTED ERROR OF CLOSURE IS AT LEAST 1/10,000

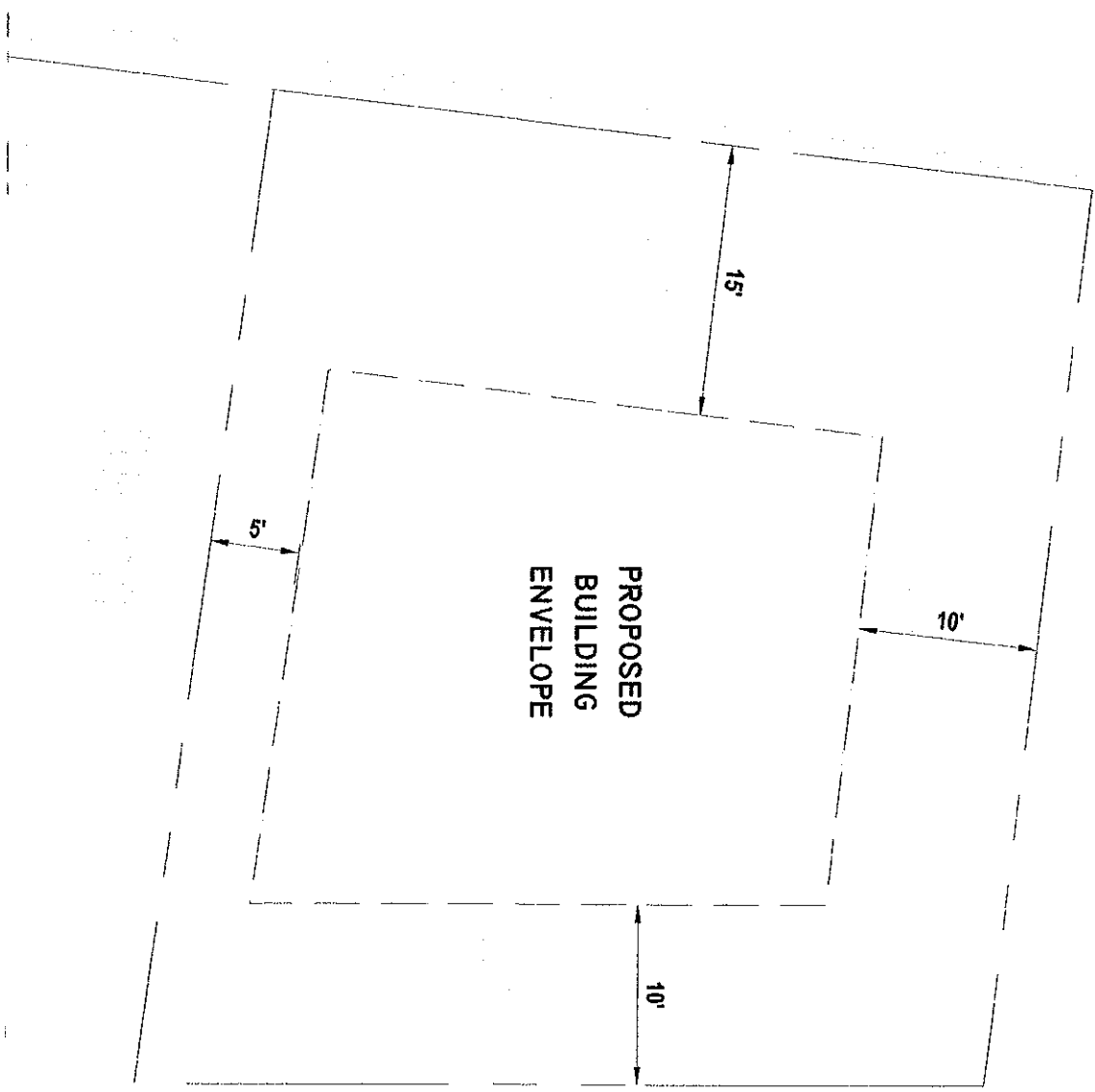


JAMES TERRY & ASSOCIATES
 LAND SURVEYORS
 2803 ELM HILL PIKE, SUITE K
 NASHVILLE, TENNESSEE 37214
 PHONE: (615) 490-6920

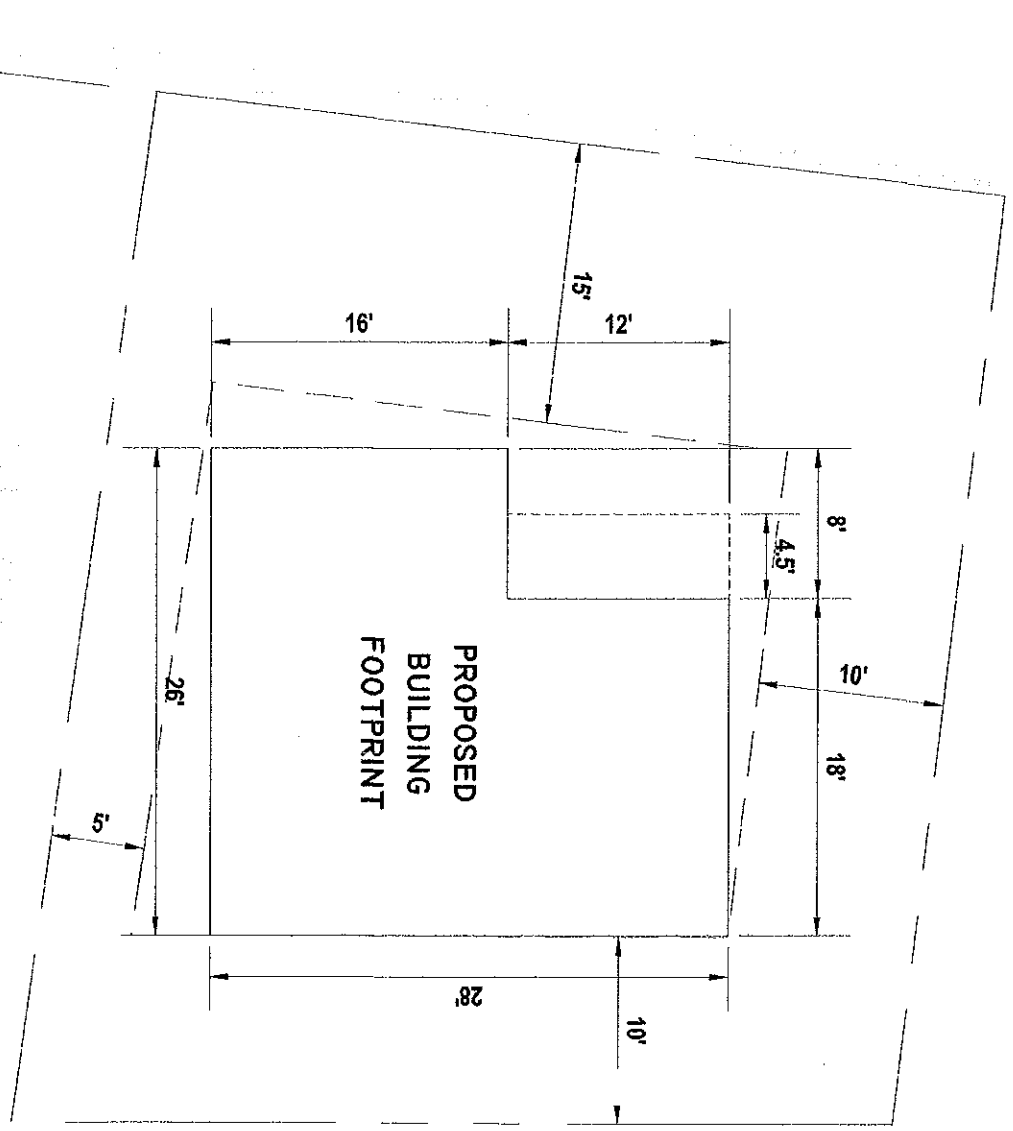
Total Area: 2,444 Square Feet or .06 Acres

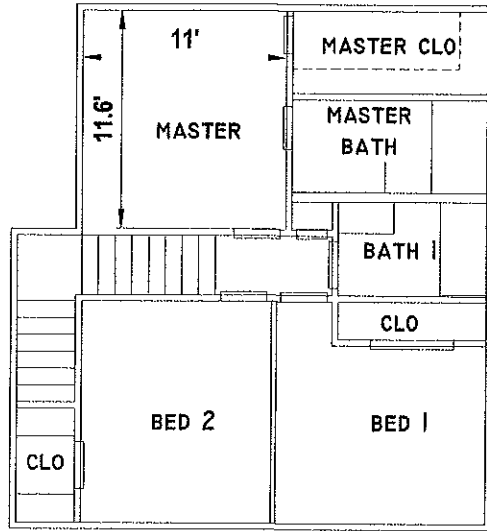
Job No. 2018-686





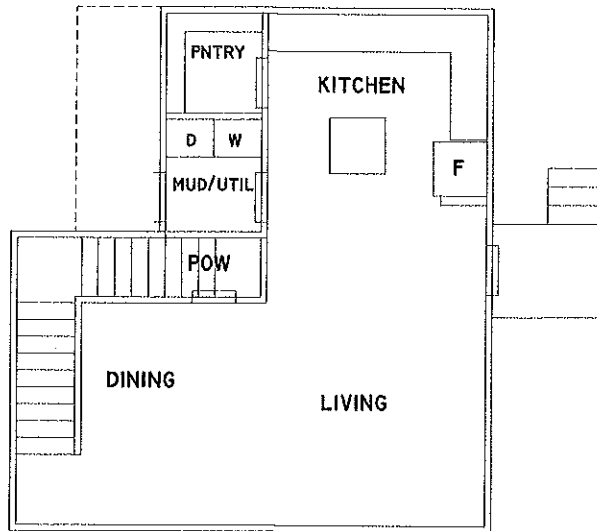
Front Lincoln St



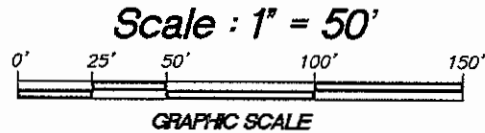
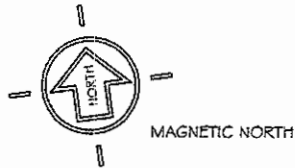


630 SF

1262 SF TOTAL



632 SF

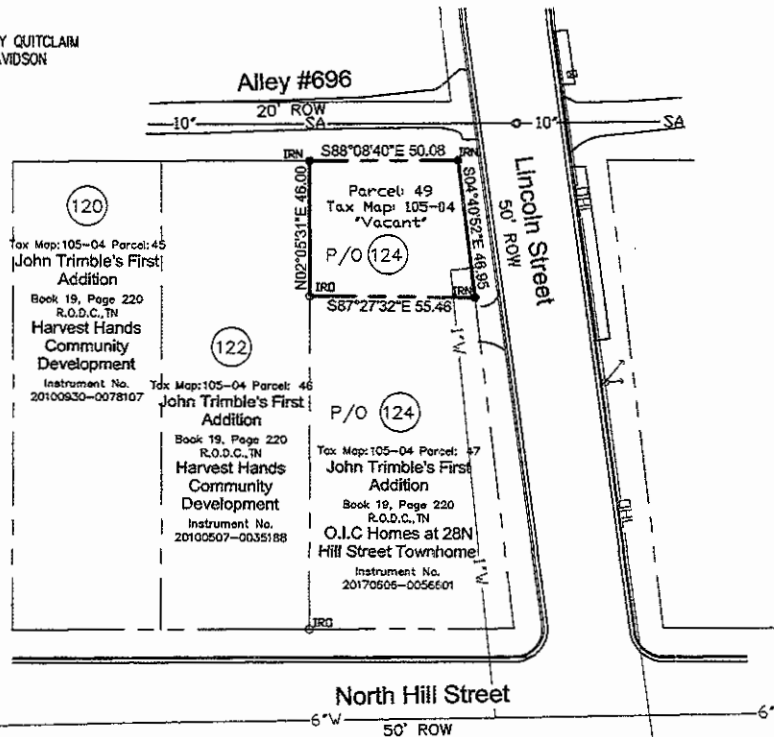


LOT SURVEY
ANDREW BUFORD
 59 Lincoln Street
 Nashville, Tennessee 37210

PROPERTY DESCRIPTION

BEING PART OF LOT NO. 124 ON THE PLAN OF JOHN TRIMBLE'S FIRST ADDITION TO NASHVILLE, OF RECORD IN BOOK 19, PAGE 220, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

BEING THE SAME PROPERTY CONVEYED TO JESSICA BUFORD BY QUITCLAIM FROM THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE, INSTRUMENT NO. 20181001-0096917



GENERAL NOTES

1. BEARINGS SHOWN HEREON ARE REFERENCED TO MAGNETIC NORTH
2. SUBJECT PROPERTY IS SHOWN AS PARCEL 49.00 ON DAVIDSON COUNTY TAX MAP NO. 105-04.
3. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES, ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN HEREON WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PROVIDED BY OTHERS. THIS 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 AS INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES 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. TENNESSEE ONE CALL 1-800-351-1111 OR 1-615-366-1987.
4. BY GRAPHIC PLOTTING AND SCALED MAP LOCATION ONLY, THIS PROPERTY IS NOT WITHIN AN AREA OF FLOOD INUNDATION AS DESIGNATED BY CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS WHICH MAKE UP A PART OF THE NATIONAL FLOOD INSURANCE ADMINISTRATION REPORT AS SHOWN ON F.E.M.A. MAP NUMBER 47037C 0244H, WHICH BEARS AN EFFECTIVE DATE OF APRIL 05, 2017.
5. NO TITLE REPORT HAS BEEN FURNISHED TO THIS SURVEYOR, THEREFORE, THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE SEARCH.

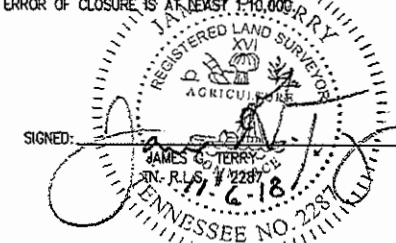
SURVEYORS CERTIFICATE

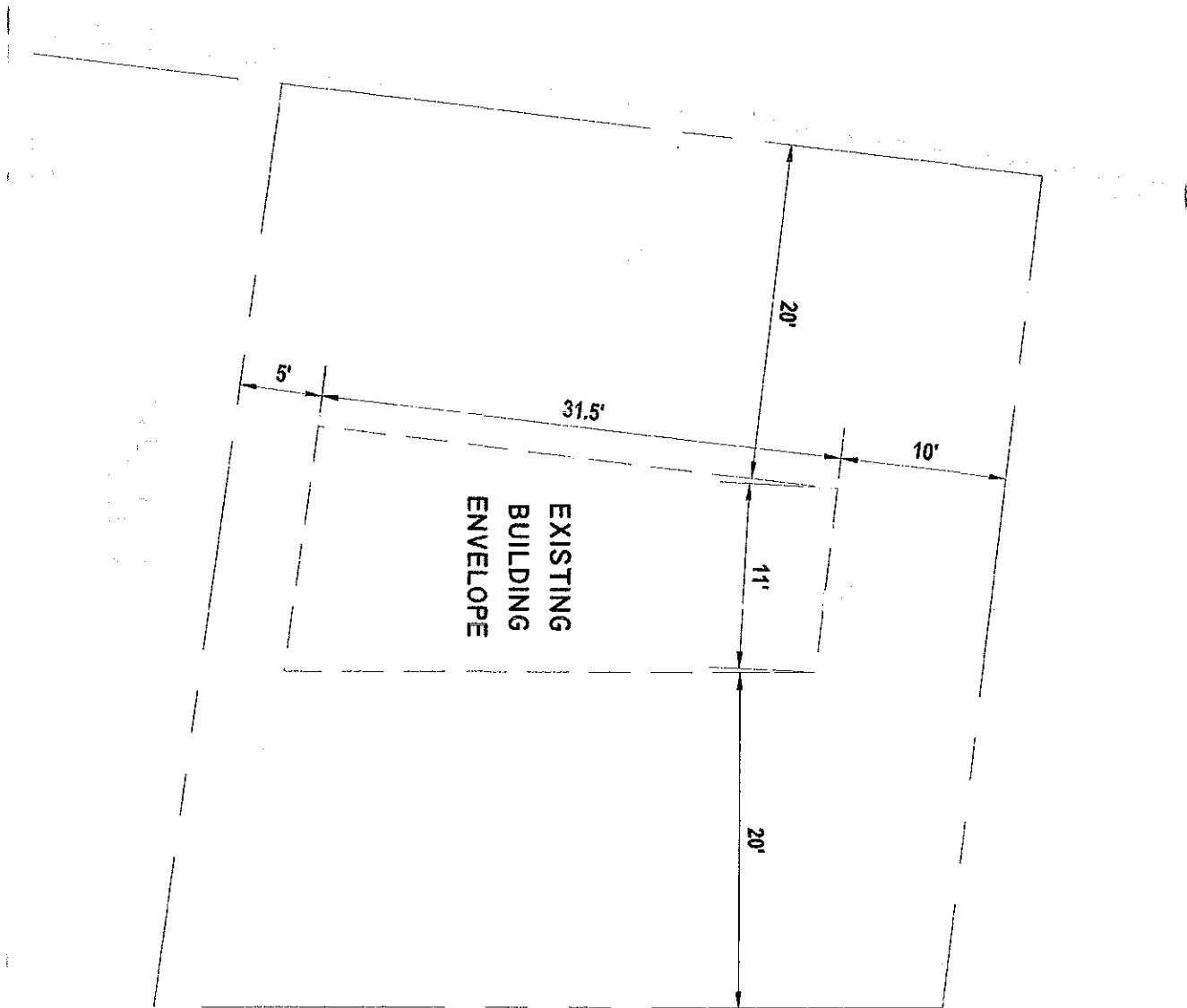
I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT STANDARDS OF PRACTICE FOR SURVEYORS IN THE STATE OF TENNESSEE AND THE UNADJUSTED ERROR OF CLOSURE IS AT LEAST 1/10,000

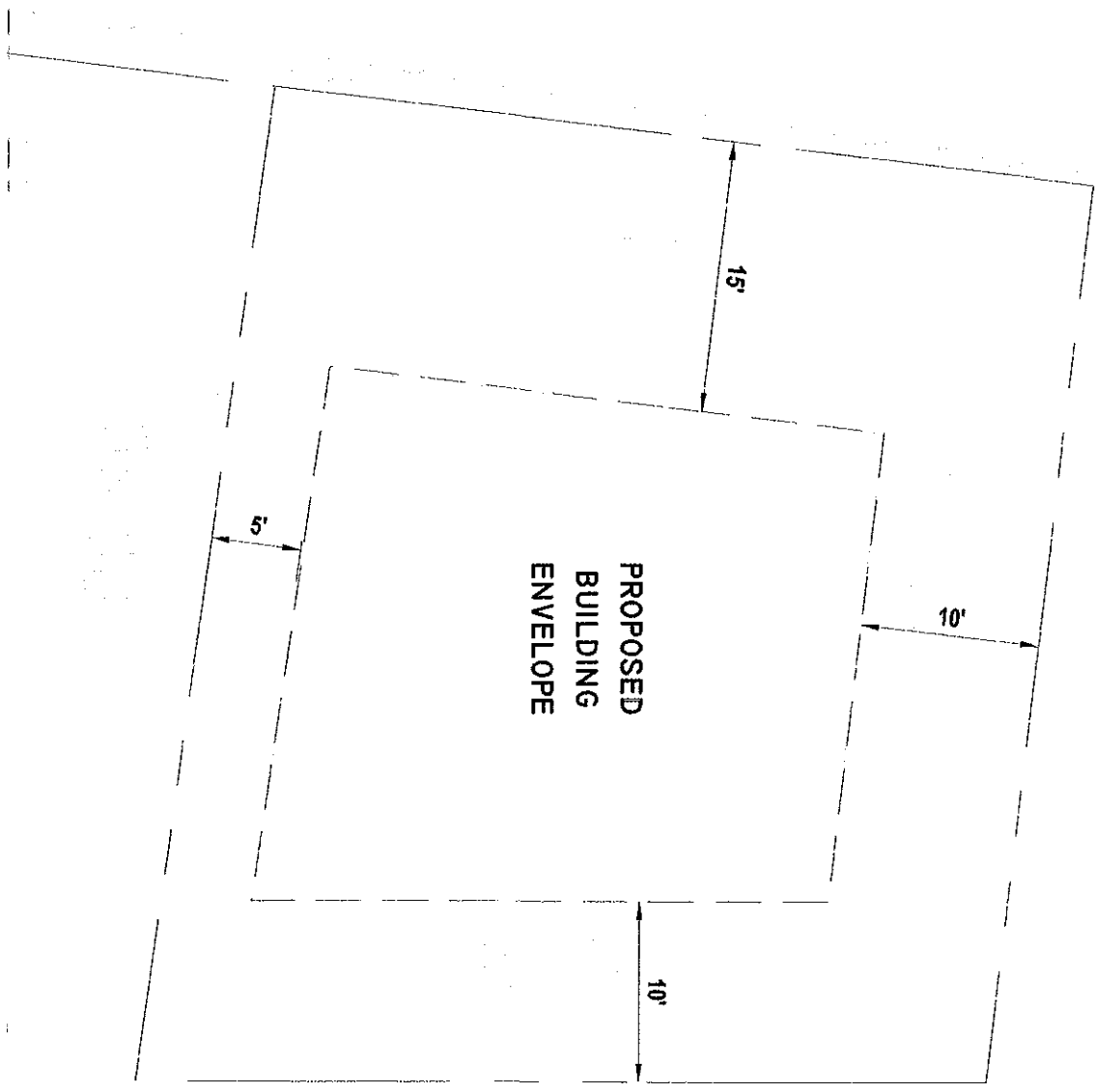
JAMES TERRY & ASSOCIATES
 LAND SURVEYORS
 2603 ELM HILL PIKE, SUITE K
 NASHVILLE, TENNESSEE 37214
 PHONE: (615) 490-6920

Total Area: 2,444 Square Feet or .06 Acres

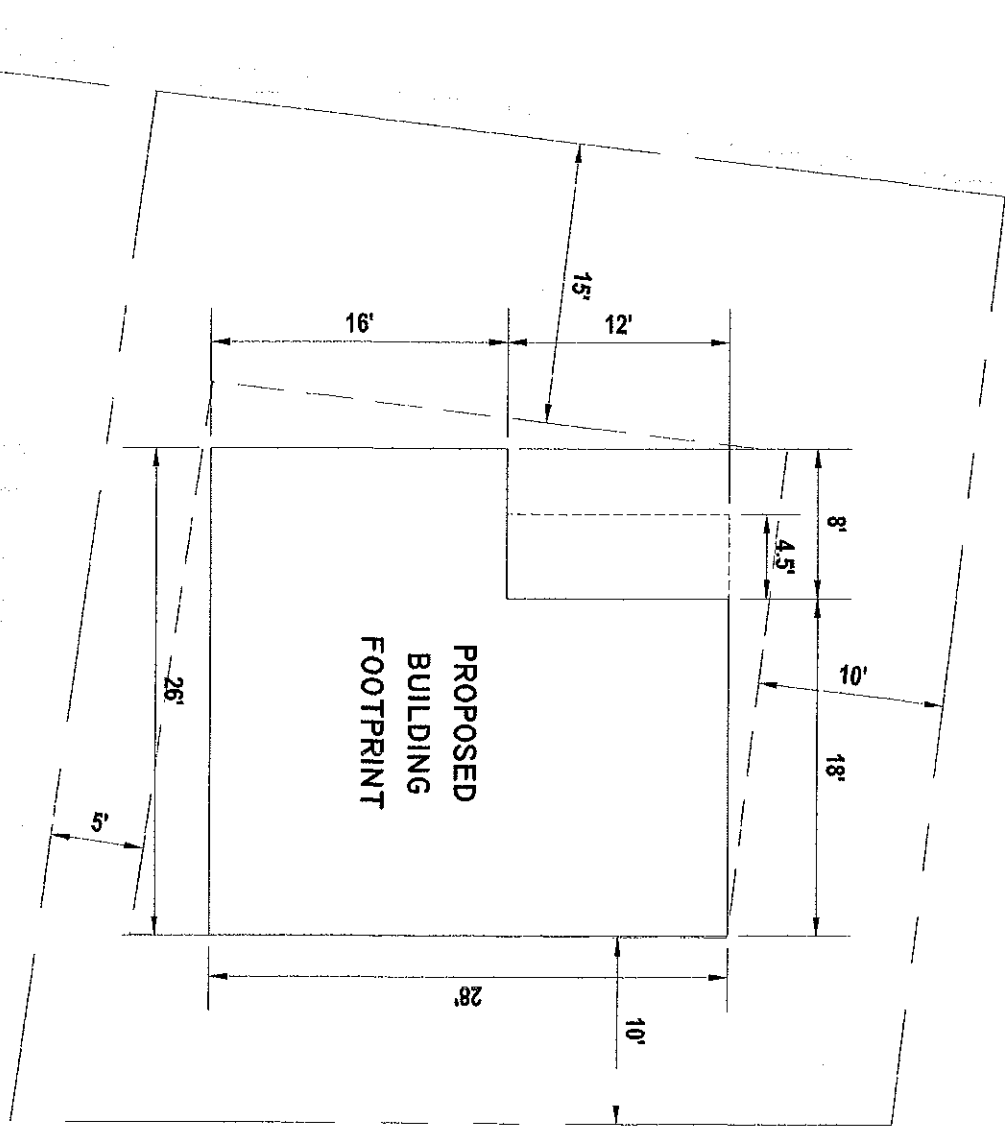
Job No. 2018-686

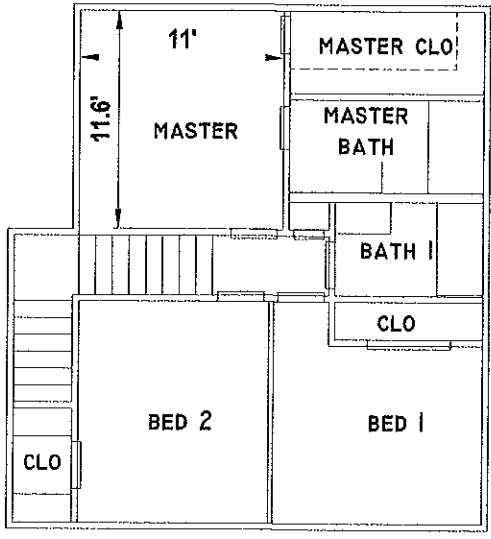






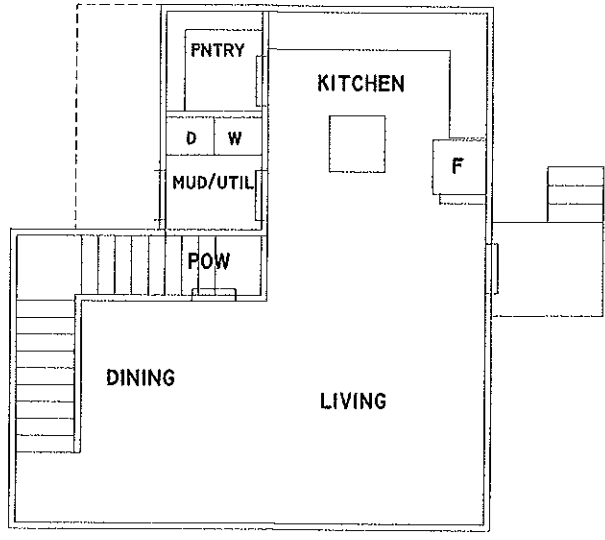
Front Lincoln St





630 SF

1262 SF TOTAL



632 SF

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-035 (59 Lincoln Street)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not construct sidewalks
Zoning	R6
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	Local Street
Transit:	Approximately 0.22 miles from #25 – Midtown
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant is constructing a single family dwelling, and requests a variance from constructing sidewalks due to the lack of existing sidewalks along the Lincoln Street block face. Per the Zoning Ordinance, the applicant is eligible to contribute in lieu of construction. Electing to make the contribution in lieu of construction supplements Metro's annual sidewalk capital program by increasing sidewalk construction funds for areas surrounding this property, within one of Metro's sixteen pedestrian benefit zones. Staff finds no unique hardship for the property.

Given the factors above, staff recommends **disapproval as the applicant has the option to contribute in-lieu of construction.** The applicant shall also dedicate right-of-way for future sidewalk construction.

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#); [Braisted, Sean \(Codes\)](#)
Subject: D17 items for Jan. 17
Date: Friday, January 11, 2019 10:20:07 AM

Good morning, Board members,

Here are my stances on the District 17 items before you next week:

- **Oppose** a request for a sidewalk variance on Pillow St. I have asked the applicant for the reason, and have not received one. (2018-619)
- **Neutral** on a setback variance request on 2nd Ave S., because I think the private parties are working this one out. (2018-644)
- **Strongly oppose** a request on Wade Ave. to build three units instead of two and not build sidewalks. The applicant has reached out via email, but I don't agree with the argument. (2018-677)
- **Neutral** on a request to raise the sign two feet at Enterprise on 8th Ave S. (2019-027)
- **Oppose** a request for all kinds of variances and exceptions to build on a substandard lot on Lincoln St. Substandard (too small to build on) lots are throughout Chestnut Hill/Trimble Bottom, and I'm going to be asking Planning/Zoning for a more comprehensive approach to them rather than this piecemeal one. (2019-035)
- **Oppose** a request to regain a short-term rental permit on 2nd Ave S. (2018-514)

Thank you, as always, for your invaluable service!

Colby

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

From: [Sledge, Colby \(Council Member\)](#)
To: [Braisted, Sean \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Subject: BZA positions
Date: Friday, February 15, 2019 2:42:13 PM

Hey y'all,

This will be out in my newsletter shortly:

Board of Zoning Authority meeting for Thurs., Feb. 21

[Thursday's BZA meeting](#) (1 p.m., 700 2nd Ave S.) features four District 17 appeals:

- 16 Shepard St, 59 Lincoln St and 1008 2nd Ave S. are all requesting setback and sidewalk exemptions, which **I oppose**. Chestnut Hill has a lot of substandard lots that need a more comprehensive approach.
- An STR permit denial on Benton Ave. that I am **neutral** on, as it was triggered by unique circumstances.

Emily, do you mind calling me on another issue? It will be brief.

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 : 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 Install + 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

Email

yahoo.com

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.

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?

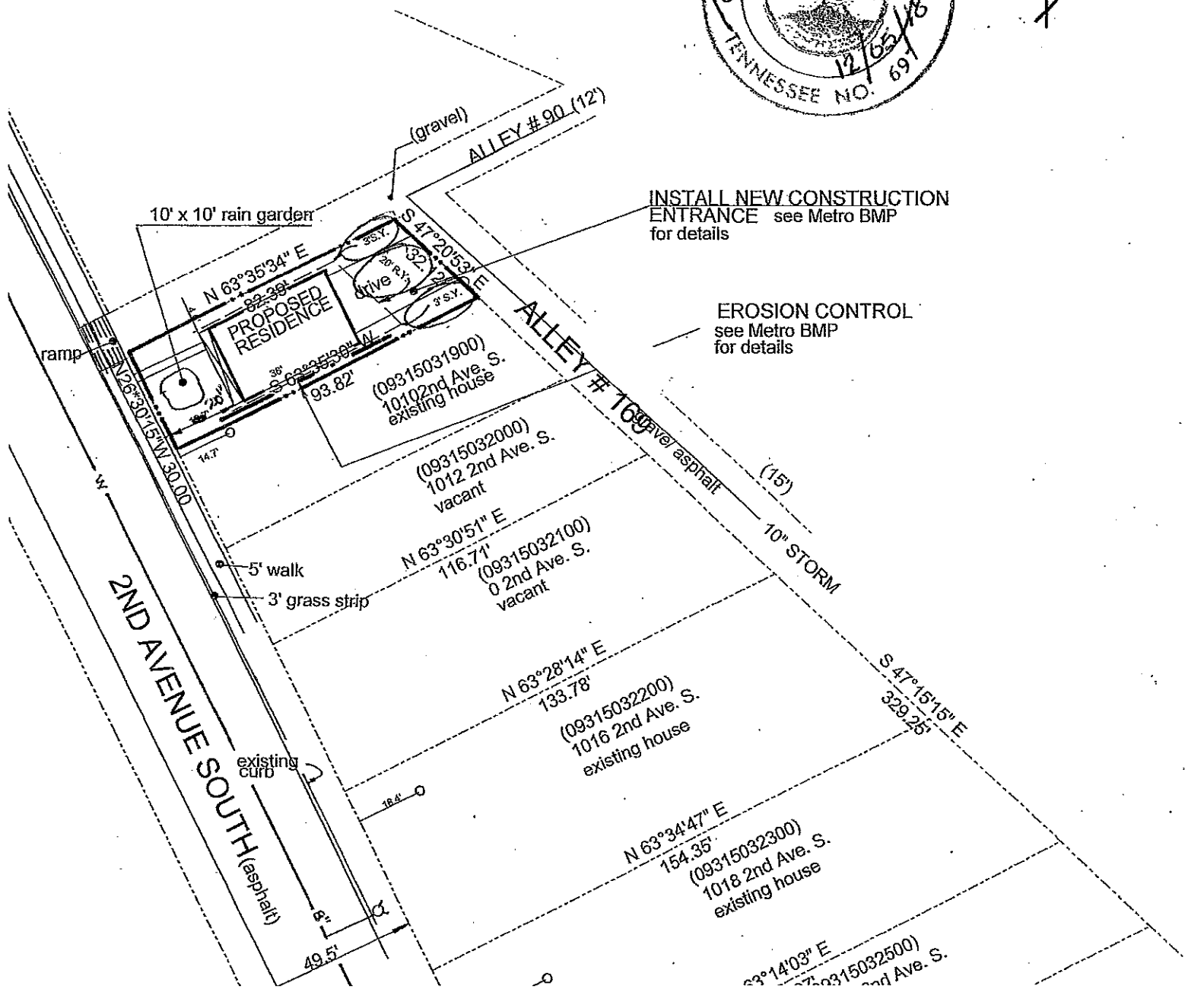
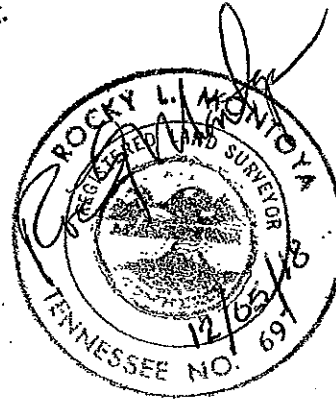
Sidewalks Exist

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

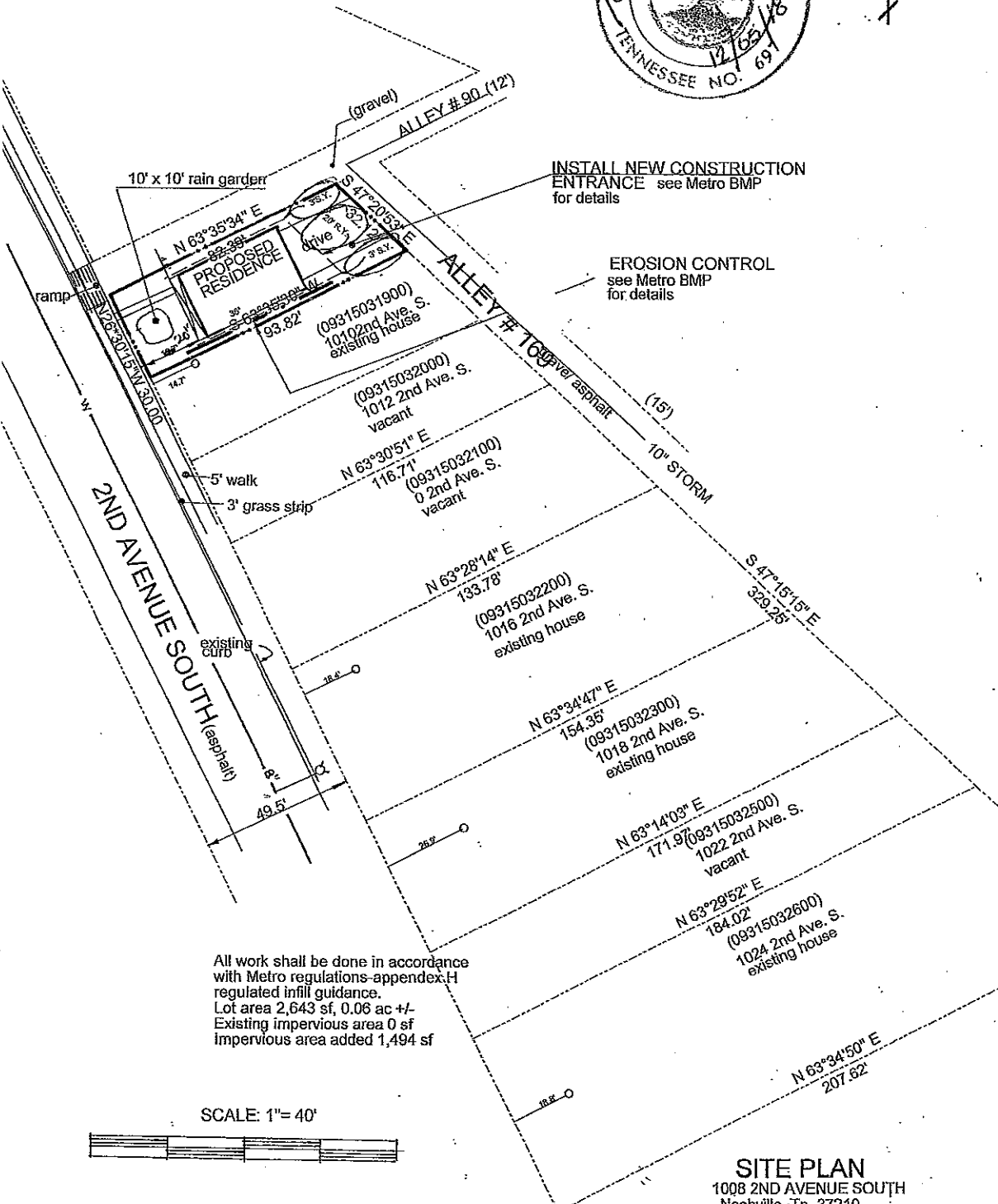
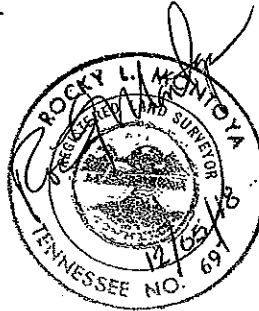
PREPARED By
 ROCKY L. MONTOYA-SURVEYOR
 1105 Old Dickerson Pike, Goodlettsville, 37072
 PHONE: 615-347-1210 EMAIL: rocky.surveyor@gmail.com



General Notes

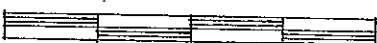
1. Bearing basis: Magnetic observation dated 11/29/18.
2. Map reference: Being parcel 318 as shown on Davidson county property map 93-15, R.O.D.C., Tn.
3. Plat reference : The Plan of The Nashville University Plan Of record in Plat book "U", page 212 R.O.D.C., Tn.
4. Deed reference: QC No. 20160519-0050362, 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 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

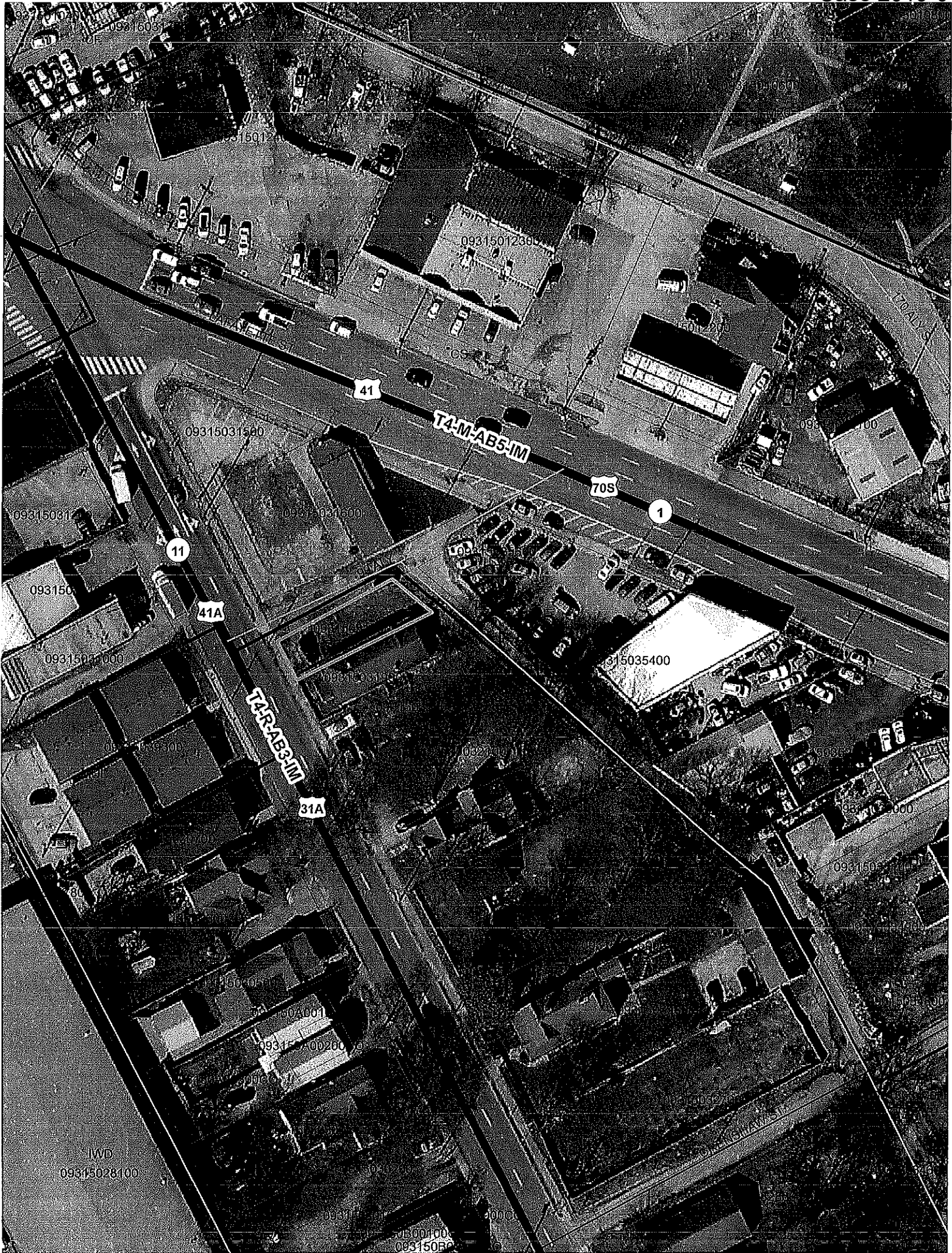


All work shall be done in accordance with Metro regulations-appendix H regulated infill guidance.
 Lot area 2,643 sf, 0.06 ac +/-
 Existing impervious area 0 sf
 impervious area added 1,494 sf

SCALE: 1" = 40'



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



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

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

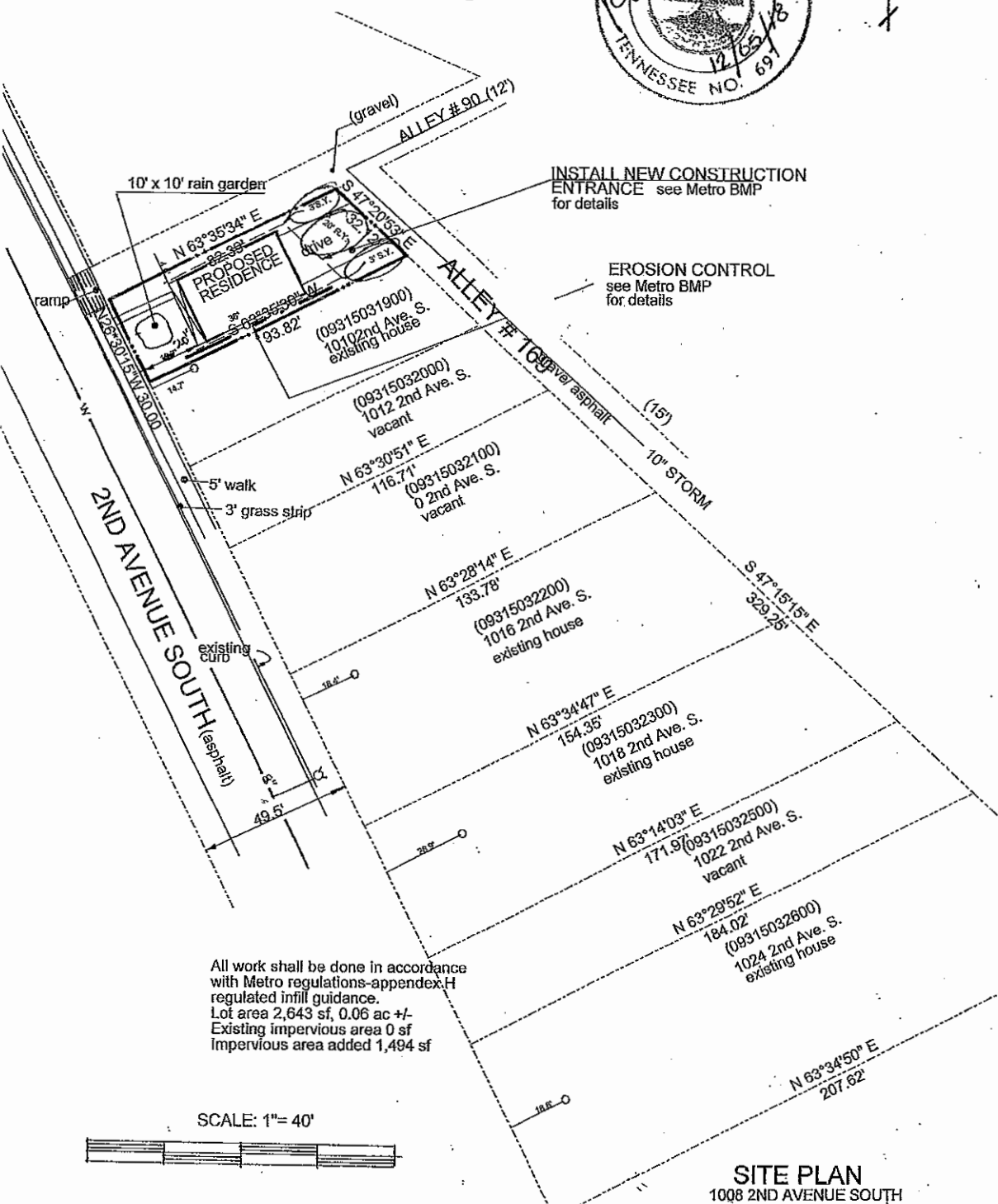
1. Bearing basis: Magnetic observation dated 11/29/18.
2. Map reference: Being parcel 318 as shown on Davidson county property map 93-15, R.O.D.C., Tn.
3. Plat reference : The Plan of The Nashville University Plan Of record in Plat book "U", page 212 R.O.D.C., Tn.
4. Deed reference: QC No. 20160519-0050362, 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 GIS Information.
7. Property zoned: R6

PREPARED By

ROCKY L. MONTOYA-SURVEYOR

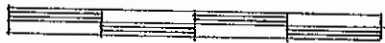
1105 Old Dickerson Pike, Goodlettsville, 37072

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



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: [Braisted, Sean \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Subject: BZA positions
Date: Friday, February 15, 2019 2:42:13 PM

Hey y'all,

This will be out in my newsletter shortly:

Board of Zoning Authority meeting for Thurs., Feb. 21

[Thursday's BZA meeting](#) (1 p.m., 700 2nd Ave S.) features four District 17 appeals:

- 16 Shepard St, 59 Lincoln St and 1008 2nd Ave S. are all requesting setback and sidewalk exemptions, which **I oppose**. Chestnut Hill has a lot of substandard lots that need a more comprehensive approach.
- An STR permit denial on Benton Ave. that I am **neutral** on, as it was triggered by unique circumstances.

Emily, do you mind calling me on another issue? It will be brief.

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 : 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

RUSS CARNEY@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 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

12/17/18
 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.

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.

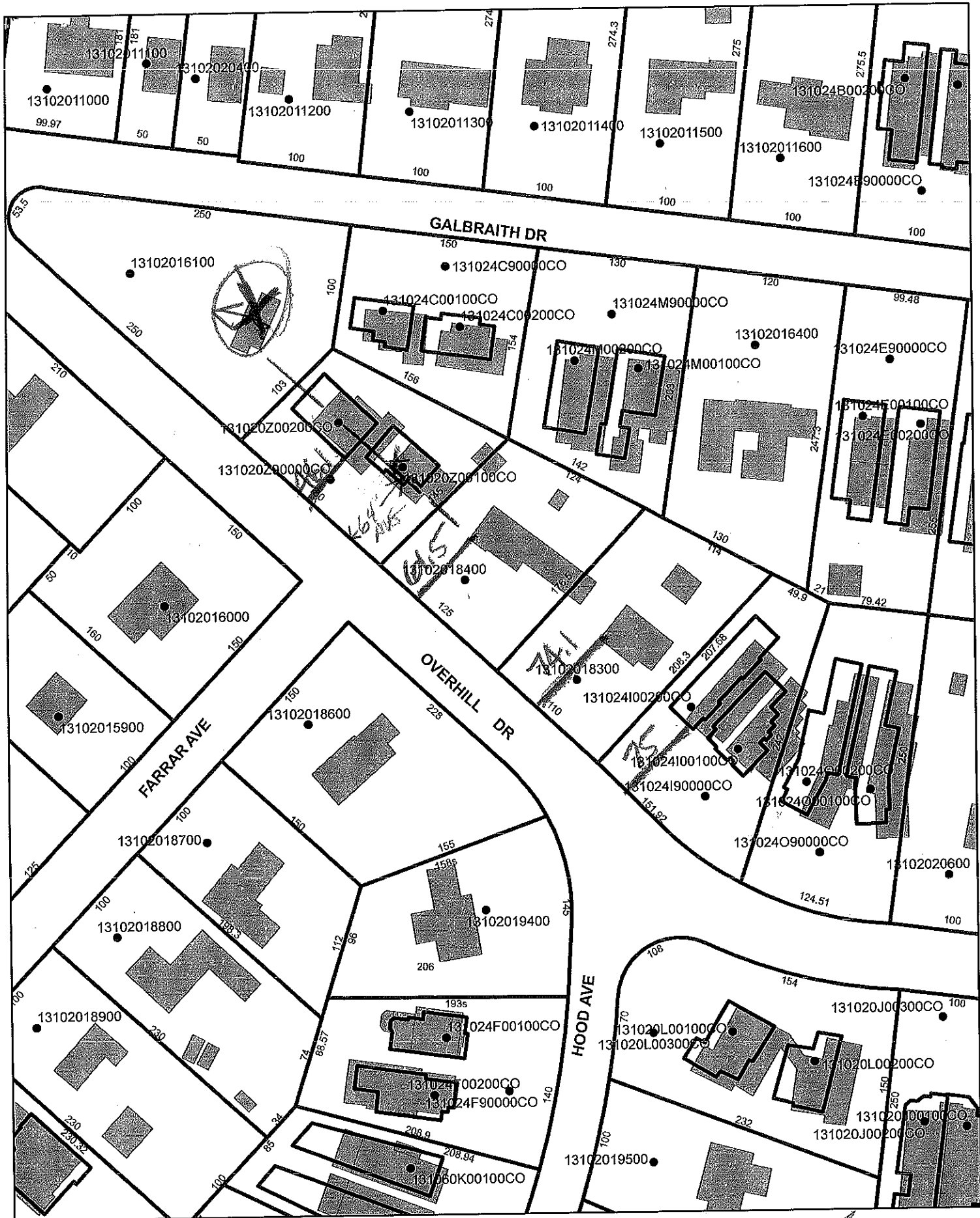
Our surveyor in 2018 used the legally recorded Overhill Cottage document that is on file with the county to create the most recent 2018 survey. We have used this survey to create our architectural plans that include our scaled site plan. We have incurred considerable expense for both the survey and architectural 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



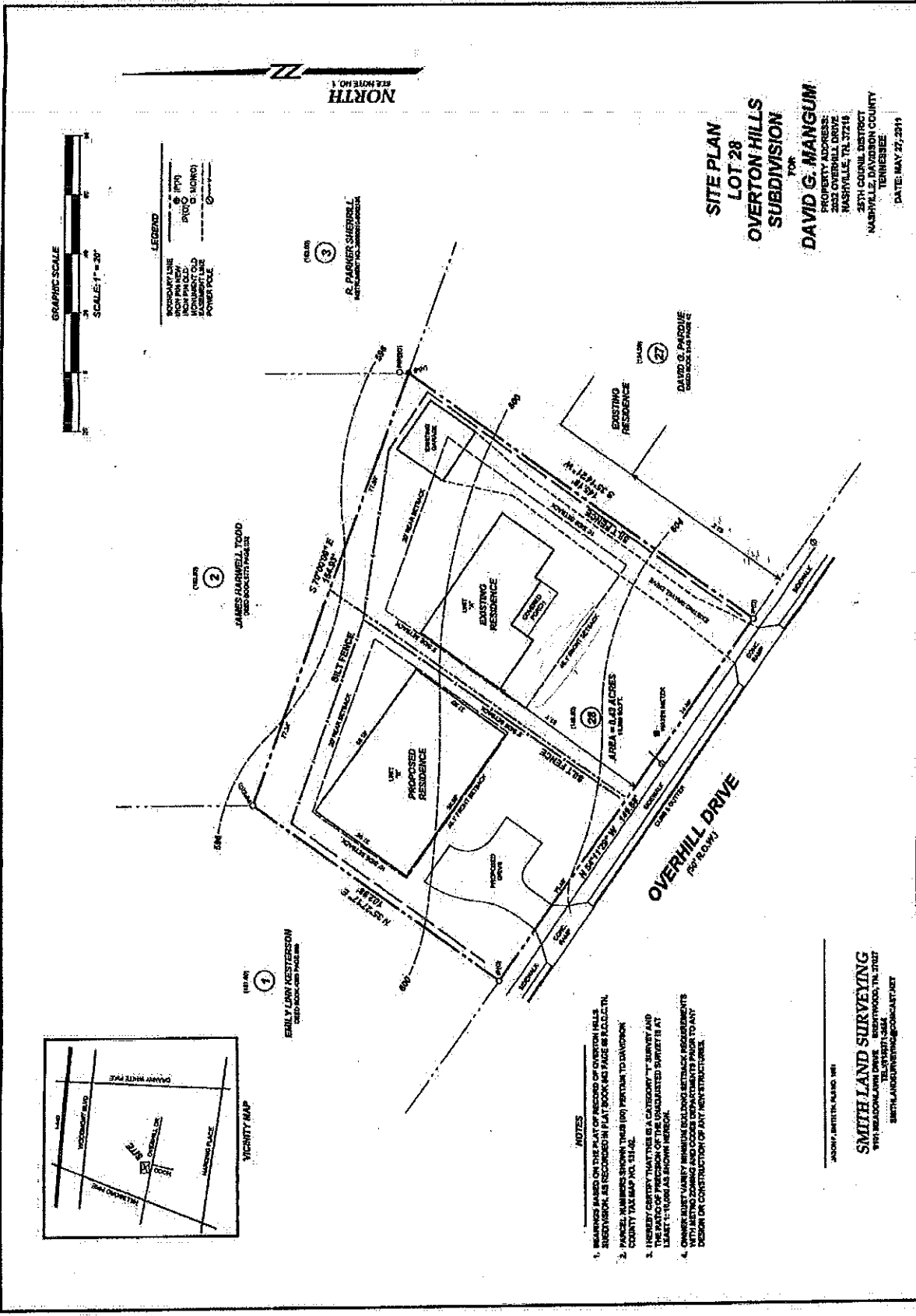


1 inch = 100 feet

AVG/4 FRONT SETBACK 64'

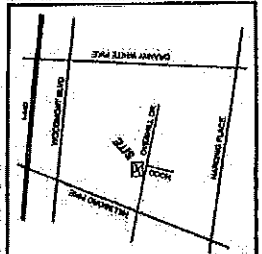


FILE



LEGEND
 BOUNDARY LINE
 6" PIP
 12" PIP
 18" PIP
 24" PIP
 30" PIP
 36" PIP
 42" PIP
 48" PIP
 54" PIP
 60" PIP
 66" PIP
 72" PIP
 78" PIP
 84" PIP
 90" PIP
 96" PIP
 102" PIP
 108" PIP
 114" PIP
 120" PIP
 126" PIP
 132" PIP
 138" PIP
 144" PIP
 150" PIP
 156" PIP
 162" PIP
 168" PIP
 174" PIP
 180" PIP
 186" PIP
 192" PIP
 198" PIP
 204" PIP
 210" PIP
 216" PIP
 222" PIP
 228" PIP
 234" PIP
 240" PIP
 246" PIP
 252" PIP
 258" PIP
 264" PIP
 270" PIP
 276" PIP
 282" PIP
 288" PIP
 294" PIP
 300" PIP
 306" PIP
 312" PIP
 318" PIP
 324" PIP
 330" PIP
 336" PIP
 342" PIP
 348" PIP
 354" PIP
 360" PIP
 366" PIP
 372" PIP
 378" PIP
 384" PIP
 390" PIP
 396" PIP
 402" PIP
 408" PIP
 414" PIP
 420" PIP
 426" PIP
 432" PIP
 438" PIP
 444" PIP
 450" PIP
 456" PIP
 462" PIP
 468" PIP
 474" PIP
 480" PIP
 486" PIP
 492" PIP
 498" PIP
 504" PIP
 510" PIP
 516" PIP
 522" PIP
 528" PIP
 534" PIP
 540" PIP
 546" PIP
 552" PIP
 558" PIP
 564" PIP
 570" PIP
 576" PIP
 582" PIP
 588" PIP
 594" PIP
 600" PIP
 606" PIP
 612" PIP
 618" PIP
 624" PIP
 630" PIP
 636" PIP
 642" PIP
 648" PIP
 654" PIP
 660" PIP
 666" PIP
 672" PIP
 678" PIP
 684" PIP
 690" PIP
 696" PIP
 702" PIP
 708" PIP
 714" PIP
 720" PIP
 726" PIP
 732" PIP
 738" PIP
 744" PIP
 750" PIP
 756" PIP
 762" PIP
 768" PIP
 774" PIP
 780" PIP
 786" PIP
 792" PIP
 798" PIP
 804" PIP
 810" PIP
 816" PIP
 822" PIP
 828" PIP
 834" PIP
 840" PIP
 846" PIP
 852" PIP
 858" PIP
 864" PIP
 870" PIP
 876" PIP
 882" PIP
 888" PIP
 894" PIP
 900" PIP
 906" PIP
 912" PIP
 918" PIP
 924" PIP
 930" PIP
 936" PIP
 942" PIP
 948" PIP
 954" PIP
 960" PIP
 966" PIP
 972" PIP
 978" PIP
 984" PIP
 990" PIP
 996" PIP
 1000" PIP

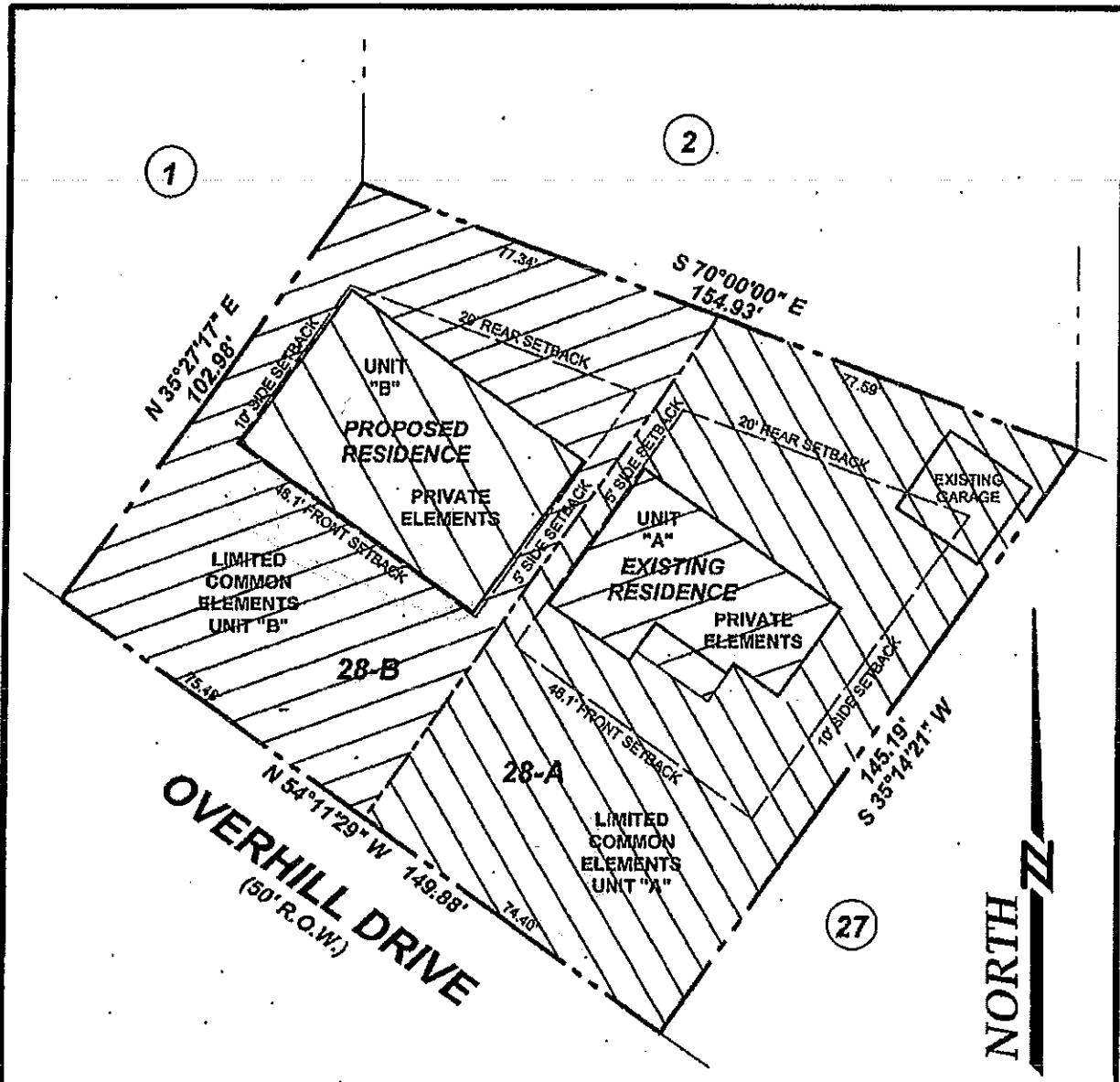
SITE PLAN
LOT 28
OVERTON HILLS
SUBDIVISION
 FOR
DAVID G. MANGUM
 PROPERTY ADDRESS:
 202 OVERHILL DRIVE
 NASHVILLE, TN 37216
 25TH COUNCIL DISTRICT
 MANVILLE, DAVIDSON COUNTY
 TENNESSEE
 DATE: MAY 27, 2019



- NOTES**
1. THIS PLAN IS A PRELIMINARY PLAN FOR THE OVERTON HILLS SUBDIVISION, AS RECORDED IN PLAT BOOK NO. 248, PAGE 84, D.C.E.N., COUNTY OF DAVIDSON, TN, 12/14/18.
 2. PARCELS SHOWN WITH (R) PERTAIN TO MANDON.
 3. THE CITY OF NASHVILLE IS A CATEGORY "M" SURVEY AND THE CITY ENGINEER HAS REVIEWED AND APPROVED THIS PLAN.
 4. THE CITY ENGINEER HAS REVIEWED AND APPROVED THIS PLAN WITH THE UNDERSTANDING AND COOPERATION OF THE CITY ENGINEER IN CONNECTION WITH THE CONSTRUCTION OF ANY NEW STRUCTURES.

SMITH LAND SURVEYING
 5111 BRADCOCK LANE DRIVE, WESTWOOD, TN 37027
 TEL: 615.271.3344
 EMAIL: LANDSURV@SMITHLANDSURV.COM

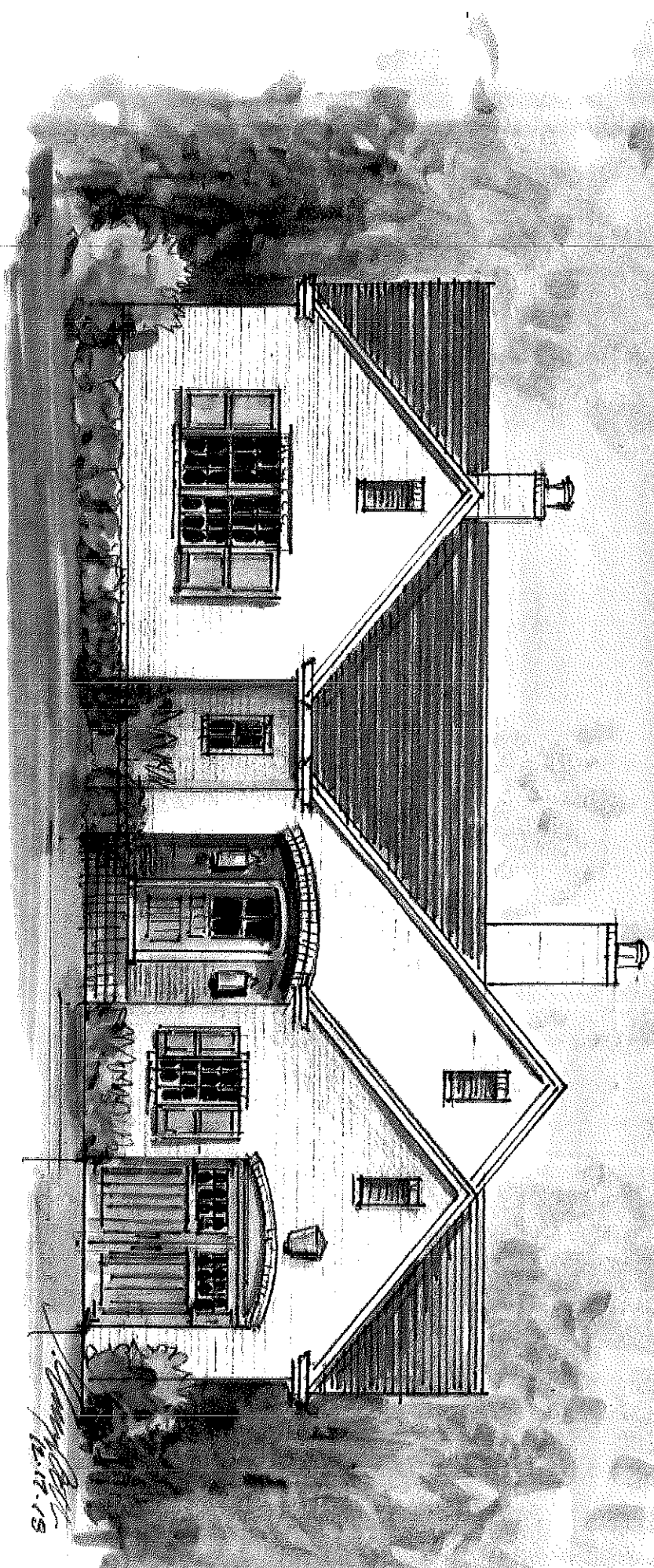
EXHIBIT B
OVERHILL COTTAGES
A HORIZONTAL REGIME WITH PRIVATE ELEMENTS



OVERHILL COTTAGES

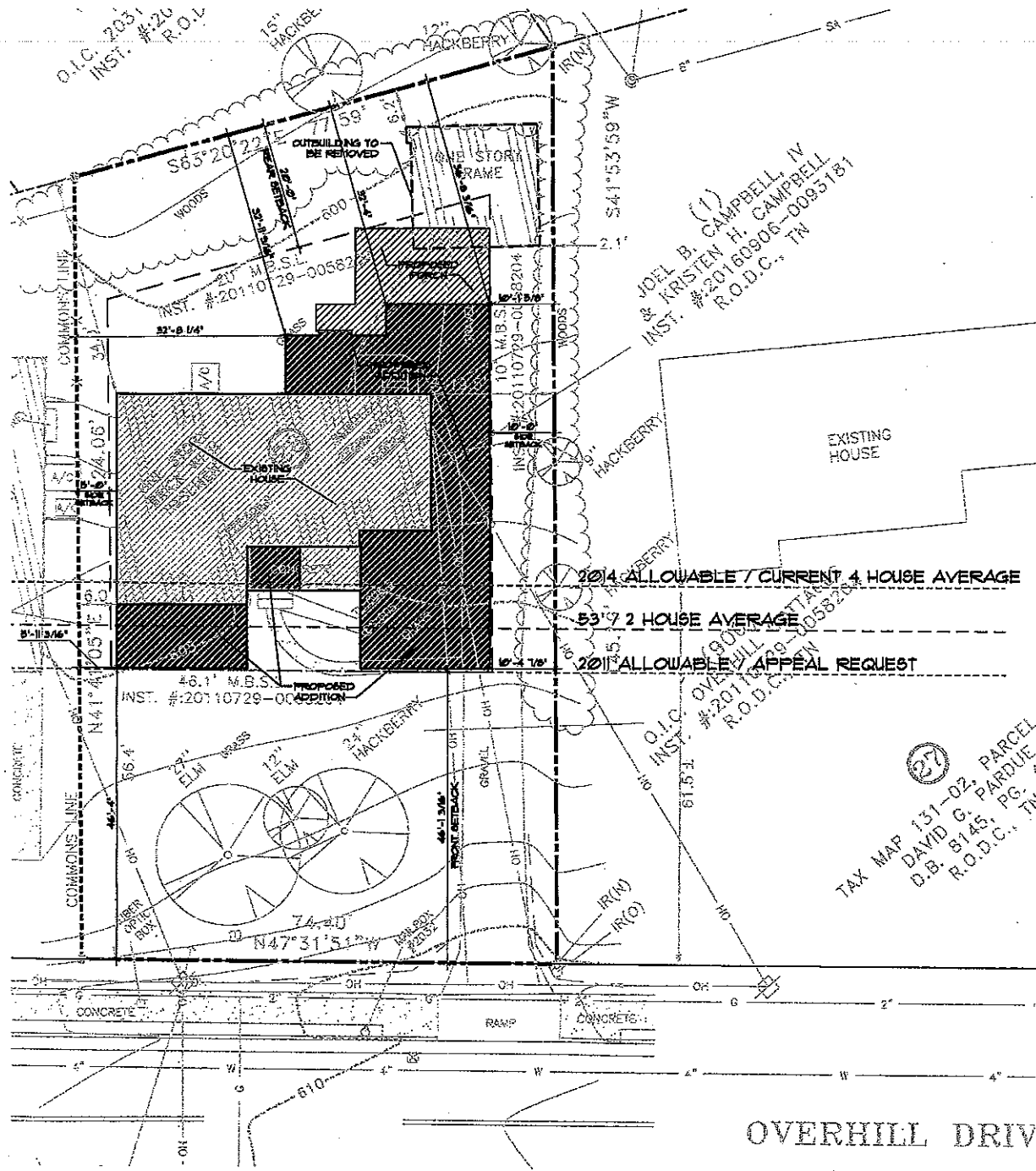
MAP 131-02 PARCEL 185.00
NASHVILLE, DAVIDSON COUNTY
TENNESSEE
SCALE: 1" = 30'

SMITH LAND SURVEYING
9101 MEADOWLAWN DRIVE BRENTWOOD, TN. 37027
TEL: (615) 371-2464
SMITHLANDSURVEYING@COMCAST.NET



12-17-15

2019-045



O.I.C. 2031
INST. #20
R.O.L.

(1)
JOEL B. CAMPBELL, IV
& KRISTEN H. CAMPBELL
INST. #20180906-0095181
R.O.D.C., TN

2014 ALLOWABLE / CURRENT 4 HOUSE AVERAGE

53'9" 2 HOUSE AVERAGE

2011 ALLOWABLE / APPEAL REQUEST

O.I.C. OVERHILL DRIVE
INST. #20180906-0095181
R.O.D.C., TN

27
TAX MAP 131-02, PARCEL
DAVID G. PARDUE
D.B. 8145, PG. 7
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 : 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,

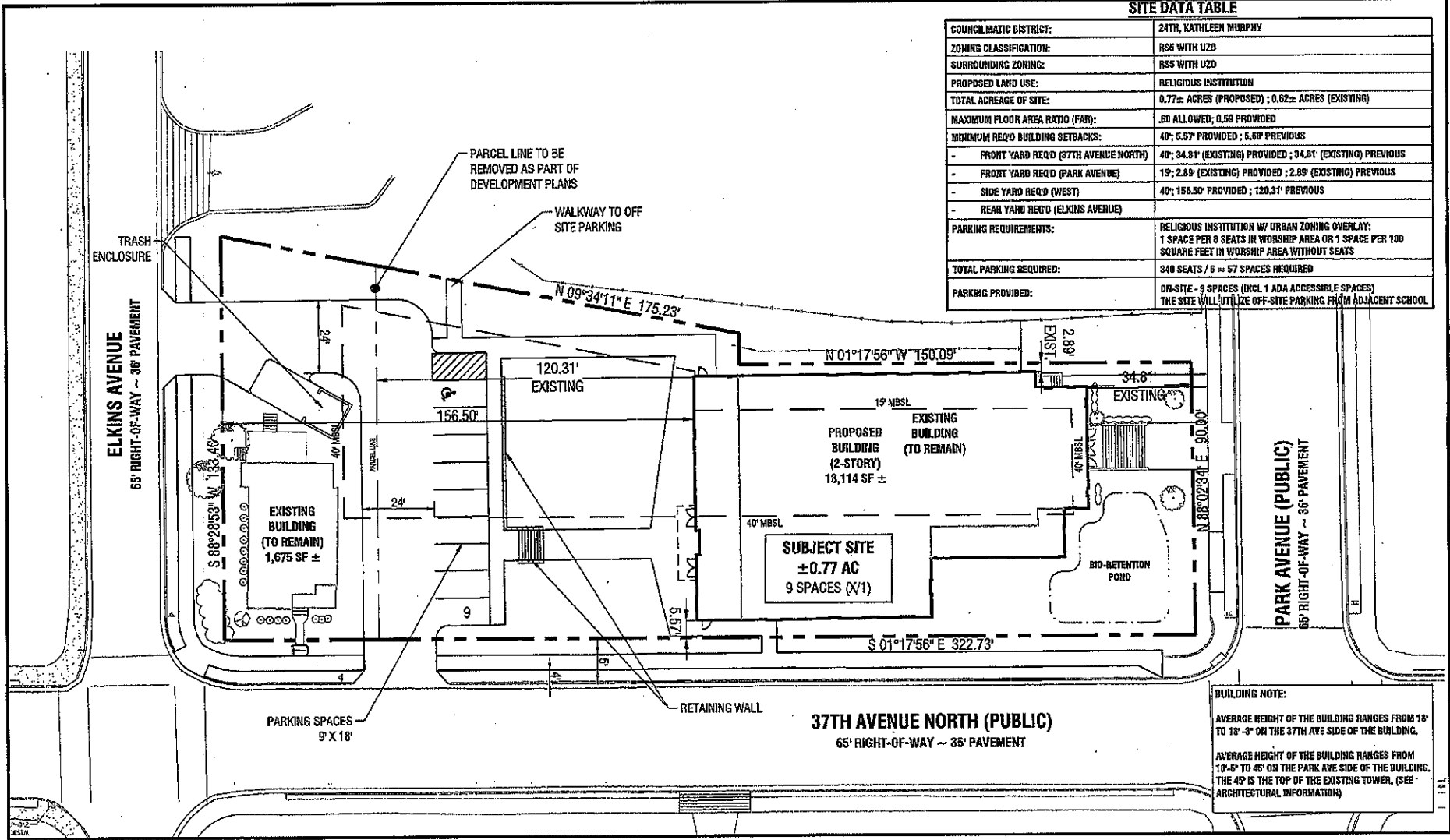
DEVELOPMENT MANAGEMENT GROUP, LLC

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:	24TH, KATHLEEN MURPHY
ZONING CLASSIFICATION:	R55 WITH UZD
SURROUNDING ZONING:	R55 WITH UZD
PROPOSED LAND USE:	RELIGIOUS INSTITUTION
TOTAL ACREAGE OF SITE:	0.77± ACRES (PROPOSED); 0.62± ACRES (EXISTING)
MAXIMUM FLOOR AREA RATIO (FAR):	.60 ALLOWED; 0.59 PROVIDED
MINIMUM REQ'D BUILDING SETBACKS:	40'; 5.57' PROVIDED; 5.69' PREVIOUS
- FRONT YARD REQ'D (37TH AVENUE NORTH)	40'; 34.81' (EXISTING) PROVIDED; 34.81' (EXISTING) PREVIOUS
- FRONT YARD REQ'D (PARK AVENUE)	15'; 2.89' (EXISTING) PROVIDED; 2.89' (EXISTING) PREVIOUS
- SIDE YARD REQ'D (WEST)	40'; 156.50' PROVIDED; 120.31' PREVIOUS
- REAR YARD REQ'D (ELKINS AVENUE)	
PARKING REQUIREMENTS:	RELIGIOUS INSTITUTION W/ URBAN ZONING OVERLAY: 1 SPACE PER 8 SEATS IN WORSHIP AREA OR 1 SPACE PER 100 SQUARE FEET IN WORSHIP AREA WITHOUT SEATS
TOTAL PARKING REQUIRED:	340 SEATS / 6 = 57 SPACES REQUIRED
PARKING PROVIDED:	ON-SITE - 9 SPACES (INCL 1 ADA ACCESSIBLE SPACES) THE SITE WILL UTILIZE OFF-SITE PARKING FROM ADJACENT SCHOOL

BUILDING NOTE:
 AVERAGE HEIGHT OF THE BUILDING RANGES FROM 18' TO 18'-3" ON THE 37TH AVE SIDE OF THE BUILDING.
 AVERAGE HEIGHT OF THE BUILDING RANGES FROM 19'-6" TO 45' ON THE PARK AVE SIDE OF THE BUILDING. THE 45' IS THE TOP OF THE EXISTING TOWER. (SEE ARCHITECTURAL INFORMATION)

DG
 DEVELOPMENT MANAGEMENT GROUP, LLC
 4209 GALLATIN PIKE
 NASHVILLE, TN 37216
 TELE: (615) 227-5855
 www.dmgasthetics.com

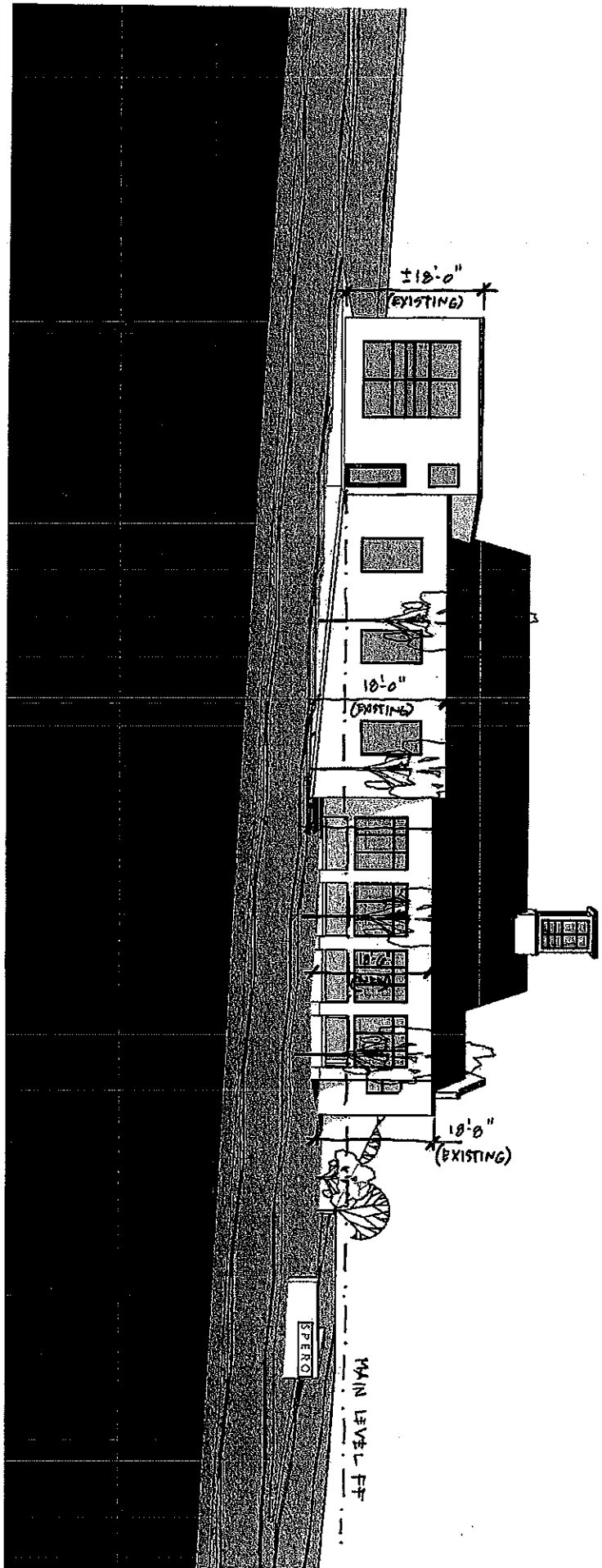
Prepared For:
SPERO DEI
 107 44TH AVENUE NORTH
 NASHVILLE, TN 37209
 615-436-8799

PROPOSED SPERO DEI CHURCH
 PARK AVENUE @ 37TH AVENUE
 NASHVILLE, TENNESSEE

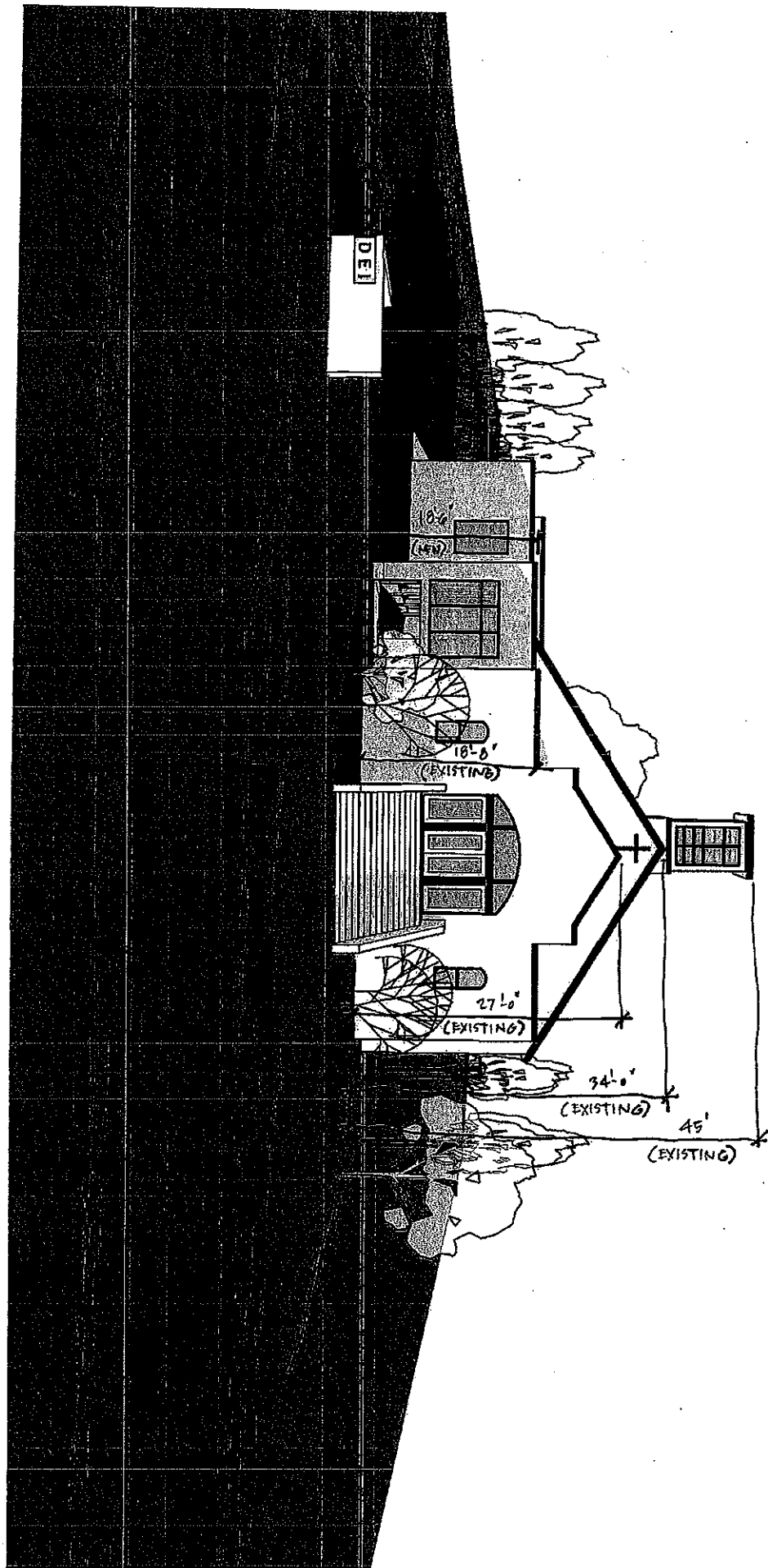
SCALE:	1"=30'
DATE:	12-12-18
REV:	
DMS Project No:	18191

BZA SUBMITTAL
SP-01

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

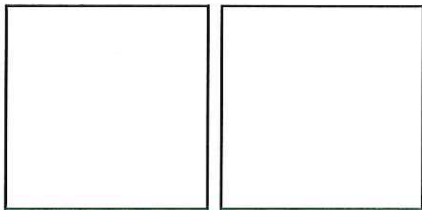
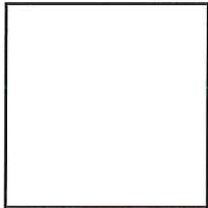
<SPERO DEIPARK ELEM. SHARED PARKING AGREEMENT.PDF>

--

David Moses Perez

Senior Minister

e. david@sperodei.com w. sperodei.com





METRO NASHVILLE PUBLIC SCHOOLS

FACILITY REQUEST FORM July 1, 2018-June 30, 2019 School Year

PHONE (615) 259-8520 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 Dei 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@sperodei.com Alternate phone

Requested Facility: Please check appropriate box.
Table with 5 columns: Aux. Gym \$150/day, Large Gym \$225/day, Flex Rm. \$85/day, Library \$50/day, Elem. Fields \$35/day, etc.

*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: Table with columns Date of Event, Time in, Time out. Includes rows for Monday through Sunday with specific times for Sunday (6:30am to 1:30pm).

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

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 2019-052

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.

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



Appellant: POWELL ARCHITECTURE & BUILDING STUDIOS Date: 12.18.18
Property Owner: 305 Arrington St Case #: 2019-055
Representative: 1 Map & Parcel: 0820703900

Council District 65

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

Purpose: Sidewalk variance

Activity Type: Restaurant

Location: 305 Arrington St.

This property is in the 6 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: a variance from sidewalk requirements

Section(s): 17.20.120

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

Manley Seale of PABS
Appellant Name (Please Print)

Representative Name (Please Print)

904 A Main St
Address

Address

Nashville TN
City, State, Zip Code

City, State, Zip Code

615-320-5000
Phone Number

Phone Number

manley@powellarchitects.com
Email

Email

Appeal Fee:



12.18.18

BZA VARIANCE REQUEST

To Whom it May Concern:

We are requesting a variance to the sidewalk ordinance for the property located at 305 Arrington Street due to several factors. They are listed below:

1. There existing retaining wall of the neighboring property is built to the existing sidewalk. If required upgrade the sidewalk for the 39' stretch of frontage along Meridian St, there would be an awkward transition for the pedestrian.
2. If we required to upgrade the existing sidewalk along Arrington we would lose a required parking space.

Please see attached site plan showing existing and proposed conditions. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Seale". The signature is fluid and cursive.

Manley Seale, AIA

Architecture • Interior Design • Design/Build • Planning

904 Main St., Suite A1, Nashville, TN 37206

T 615.320.5000 F 615.226.0106

T 2018045615

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

APPLICATIONS FOR VARIANCE REQUESTS

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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



 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 the neighborhood and the way it is developed. One or more of these conditions MUST affect your inability to build or occupy the property to prove your case.

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

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

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

- 1) We would lose a required parking space
- 2) The neighboring property would present an awkward transition between its retaining wall that is against the sidewalk.



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



3588274

**ZONING BOARD APPEAL / CAAZ - 20180078766
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08207013900**APPLICATION DATE:** 12/18/2018**SITE ADDRESS:**

305 ARRINGTON ST NASHVILLE, TN 37207
N E CORNER MERIDIAN ST & ARRINGTON ST

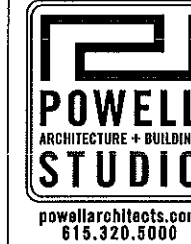
PARCEL OWNER: 305 ARRINGTON PARTNERS, LLC**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting a sidewalk variance per METZO section 17.20.120. see application CACR T2018045615

*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.



RED HEADED STRANGER
305 ARRINGTON STREET
NASHVILLE, TN 37206
PERMIT SET

REVISIONS
4 CODE REVISION 12.03.18
2

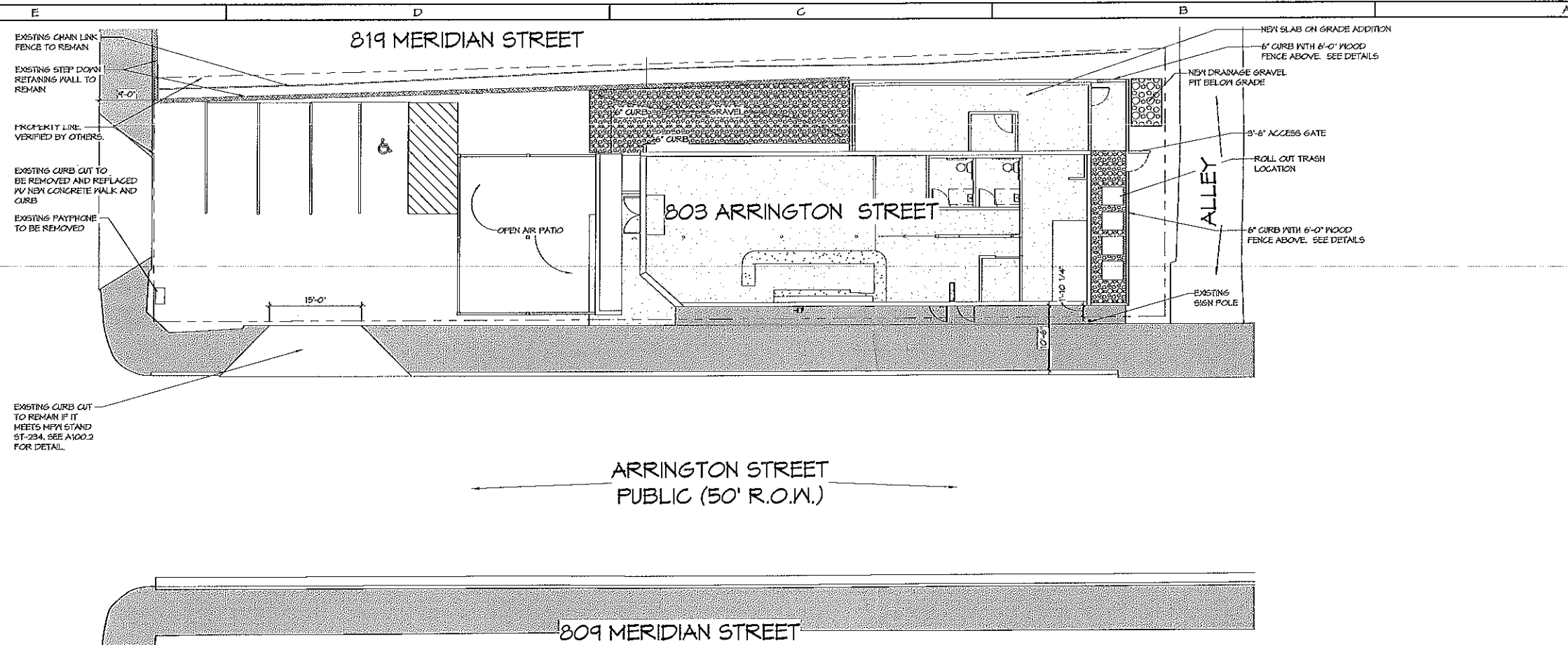


PROJECT #: 11103
ISSUED: 12.11.18
DRAWN BY: Author

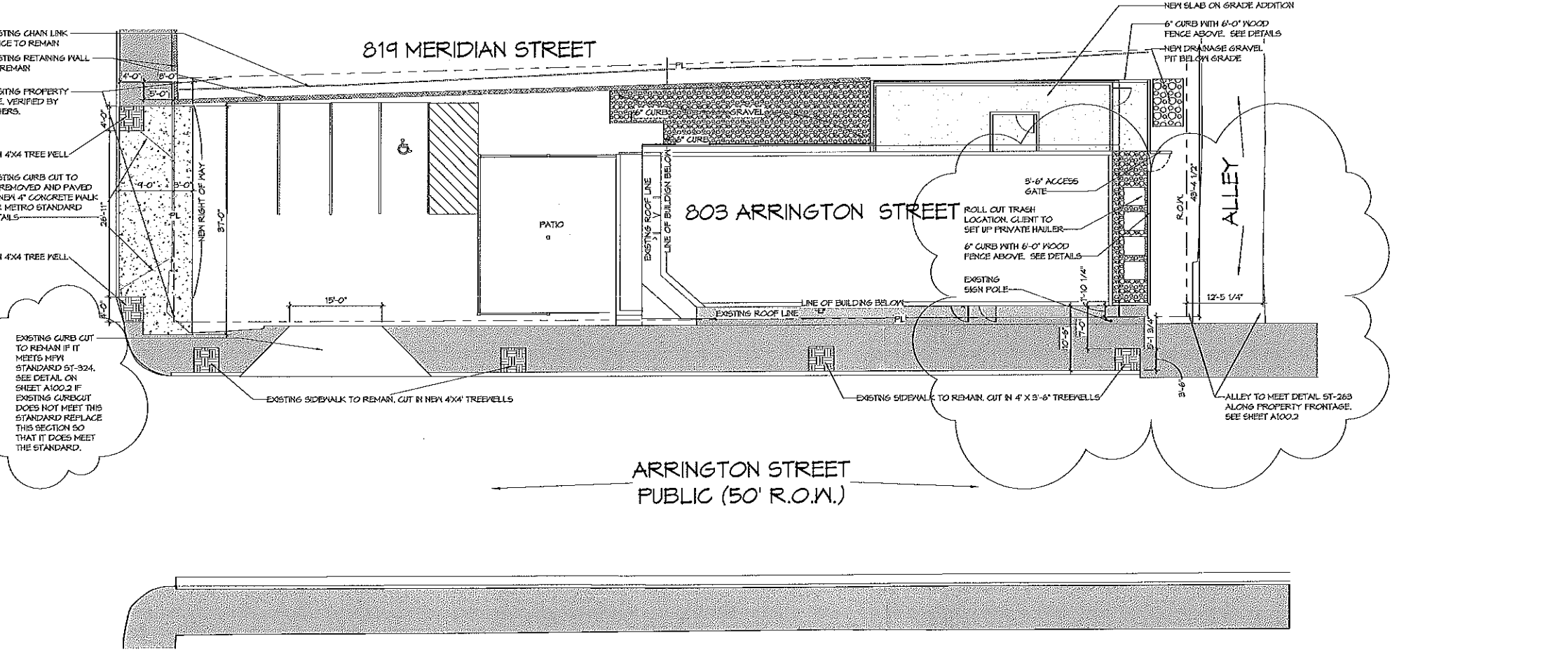
SIDEWALK PLAN

A100.1

2018-055



1 ARCHITECTURAL EXISTING SIDEWALK PLAN
1"=10'-0"



2 ARCHITECTURAL PROPOSED SIDEWALK PLAN
1"=10'-0"

12/18/2018 10:55:54 AM
Y:\2017\1103 Red Headed Stranger\10-Revit & CAD\11103-RHS-RVT2018_VE.rvt

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-055 (305 Arrington Street)

Metro Standard:	Meridian Street - 4' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
	Arrington Street - 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not upgrade sidewalks
Zoning:	CL
Community Plan Policy:	T4 NC (Urban Neighborhood Center)
MCSP Street Designation:	Meridian Street - T4-M-CA2
	Arrington Street - Local Street
Transit:	#28 – Meridian
Bikeway:	None existing; Bike Boulevard planned for Meridian Street

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing a new restaurant and requests a variance from upgrading sidewalks along both frontages due to the presence of existing sidewalks, an existing retaining wall on the neighboring property, and impacts to required parking. Planning evaluated the following factors for the variance request:

- (1) An 8' sidewalk without a grass strip currently exists along both frontages. 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 for the property's Arrington Street frontage.
- (2) The neighboring property has an existing retaining wall that would impede pedestrians if the MCSP design were constructed. The applicant has already dedicated 4' of right-of-way for future sidewalk construction to the Collector-Avenue standard. This will ensure Metro can connect sidewalks in the future should the neighboring property redevelop.

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.

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: 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

LEGEND
I.R.(D)-IRON ROD (OLD)
I.R.(N)-IRON ROD (NEW)
W=WATER LINE (RECORD)
S= SEWER LINE (RECORD)
OHL=OVERHEAD LINES
E/P =EDGE PAVEMENT

ACCORDING TO METRO GIS MAPS
PROPERTY IS ZONED R6
SETBACKS FOR R6 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
PROPERTY IS LOCATED IN ZONE 'X' UNSHADED
MAP 470040 PANEL 0239 H
EFFECTIVE DATE = 4-5-2017

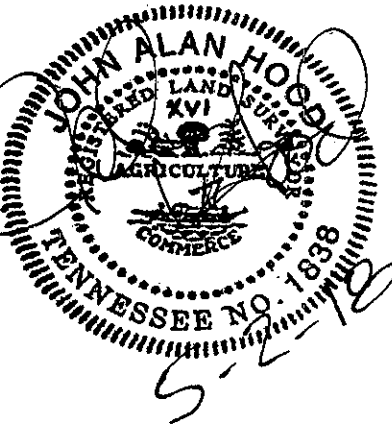
THIS SURVEY WAS PREPARED FROM THE
LATEST RECORDED DEED DESCRIPTION.
THIS SURVEY IS SUBJECT TO THE FINDINGS
OF A CURRENT TITLE EXAMINATION.
NO TITLE REPORT WAS FURNISHED PRIOR TO
THE SURVEY.

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.

EXHIBIT MAP

LOTS 69 AND 71, BLOCK 56,
NO. 1 PLAN OF WEST NASHVILLE
BOOK 57, PAGE'S 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



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.

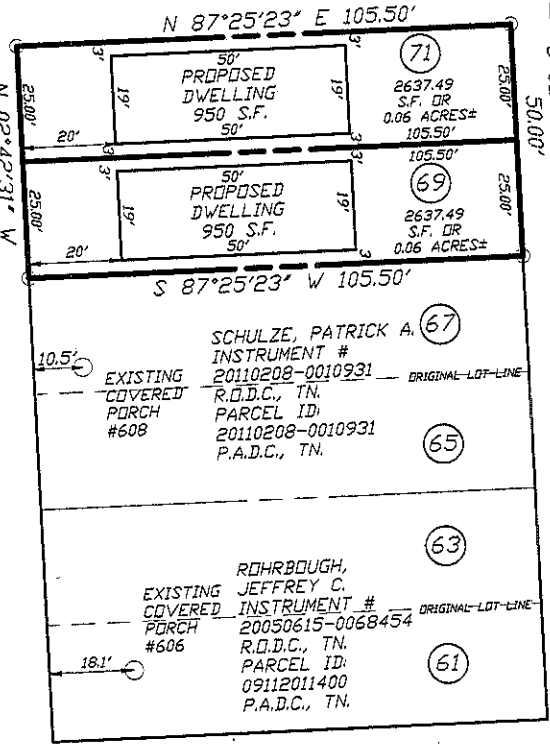
JOHN ALAN HOOD
TN. R.L.S.#1838



GEORGIA AVENUE (80')

45TH AVENUE NORTH (100')

ALLEY (25')



PREPARED BY:
CAMPBELL, MCRAE
& ASSOCIATES,
SURVEYING, INC.
P.O. BOX 41153
NASHVILLE, TN., 37204
PH. 615-298-2424
EMAIL cmas@att.net



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:

- 1. 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).



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:

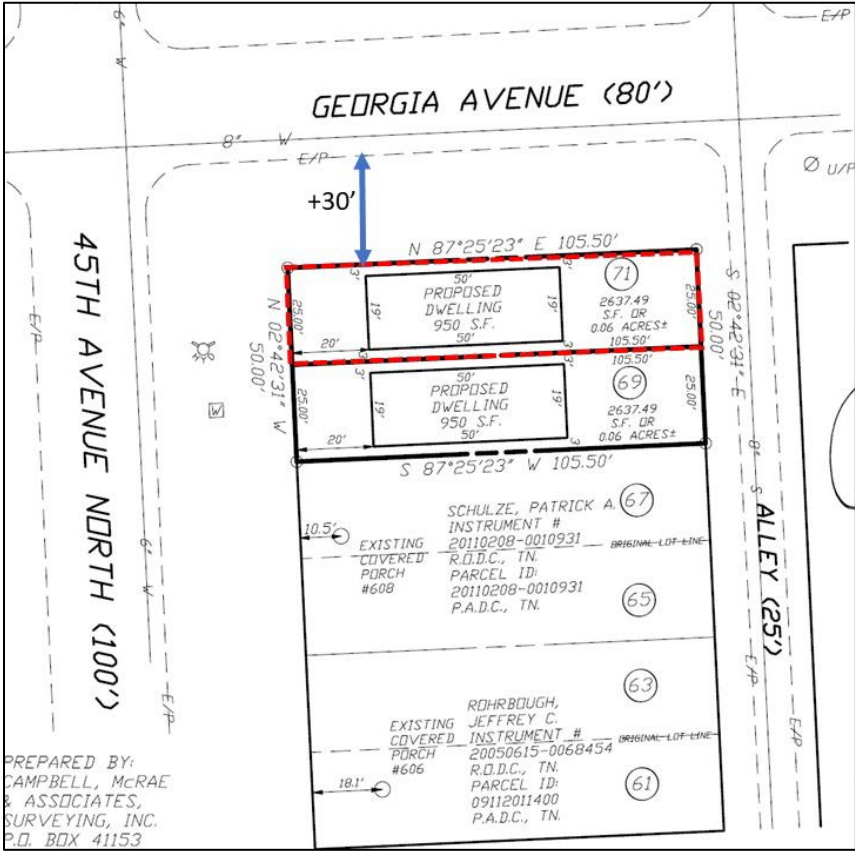
Variance of the side street setback from 10' to 3' – in order to expand the lot's building envelope to 19 feet. The requested 19' wide building envelope is consistent with the building envelopes permitted on the other similar 'lots' on this block face and the multitude of 25' wide lots found in the greater 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.

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.

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

F


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

[Sign Up for Future Newsletters](#)

[Contribute to Campaign](#)

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: Powell ARCHITECTURE & BUSINESS STUDIOS Date: 12.19.18

Property Owner: _____

Case #: 2019- 060

Representative: _____

Map & Parcel: 092/2024000

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: Sidewalk Variance
to renovate apartment
buildings.

Activity Type: Multi-Family

Location: 1705 STATE ST.

This property is in the MU1-A OV-020 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: 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.

Manley SEAL
Appellant Name (Please Print)

Representative Name (Please Print)

904 A MAIN ST.
Address

Address

Nashville, TN 37206
City, State, Zip Code

City, State, Zip Code

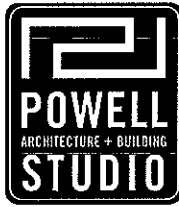
615-320-5000
Phone Number

Phone Number

manley@powellarchitects.com
Email

Email

Appeal Fee:



12.18.18

BZA VARIANCE REQUEST

To Whom it May Concern:

We are requesting a variance to the sidewalk ordinance for the property located at 1705 State Street due to the reason listed below.

1. The property is a narrow property and the only parking available existing along the front facing State ST. Adding the landscape strip to this existing 9' plus sidewalk would omit this parking. This property needs the parking. The project consist of an interior renovation with no change to the use.

Please see attached site plan showing existing and proposed conditions. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "M Seale". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Manley Seale, AIA

Architecture • Interior Design • Design/Build • Planning

904 Main St., Suite A1, Nashville, TN 37206

T 615.320.5000 F 615.226.0106

T2018074574

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

12.18.18

 DATE

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.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 existing property is narrow and the only parking available is along State Street. If we required to add landscaping to this 9' plus existing sidewalk we will lose this existing parking.



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



3588276

**ZONING BOARD APPEAL / CAAZ - 20180078768
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09212024000

APPLICATION DATE: 12/18/2018

SITE ADDRESS:

1705 STATE ST NASHVILLE, TN 37203

LOT 196 BOYD HOME TRACT

PARCEL OWNER: 1705 STATE STREET, LLC

CONTRACTOR:

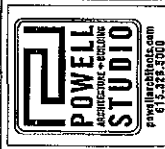
APPLICANT:**PURPOSE:**

Requesting a sidewalk variance per METZO section 17.20.120. see application CACR T2018074576.

*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.



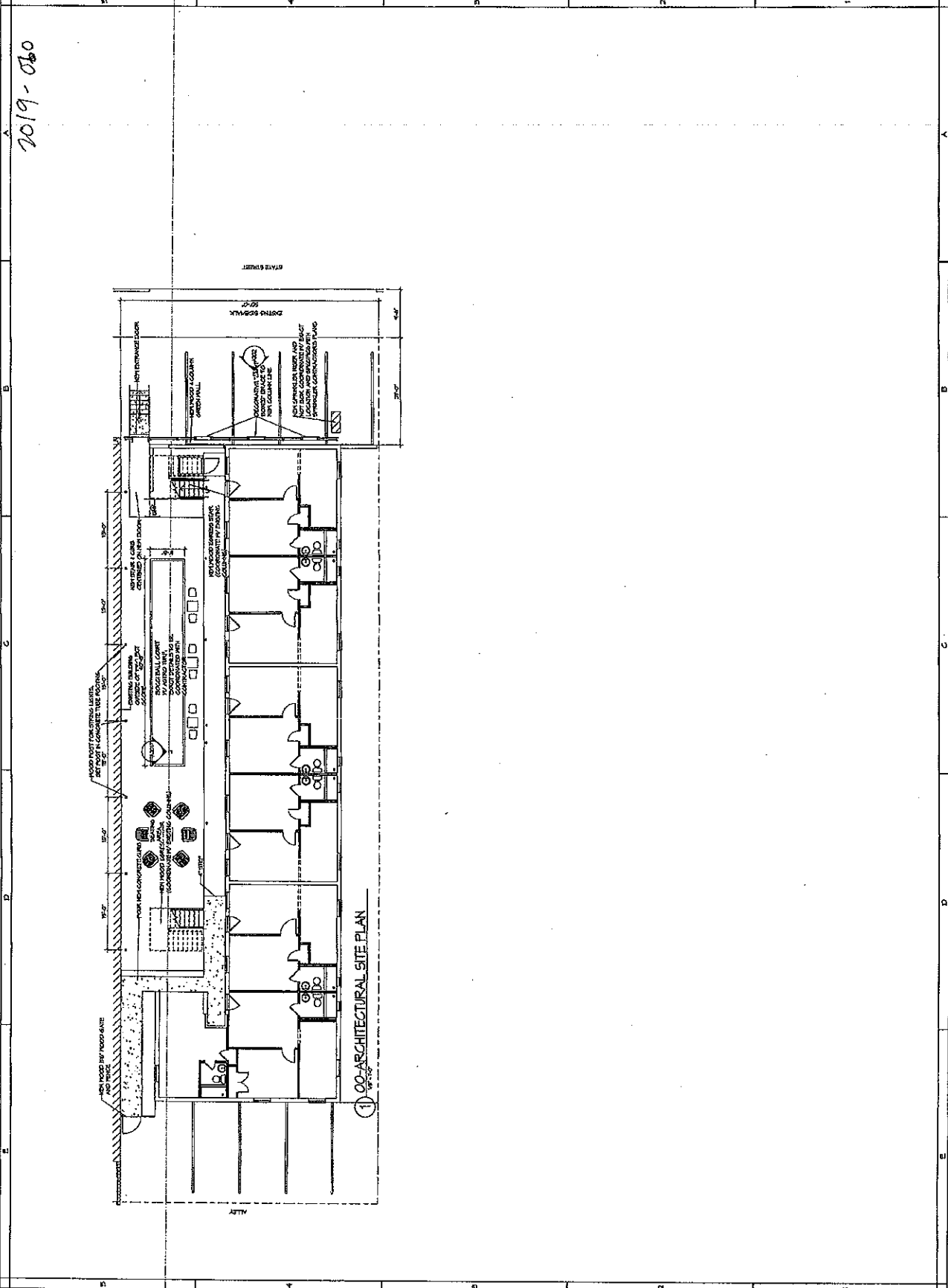
STATE STREET APARTMENTS
 1705 STATE ST.
 NASHVILLE, TN 37203
 PERMIT SET



PROJECT #:
 ISSUED:
 DRAWN BY:
 ARCHITECTURAL SITE PLAN

A101

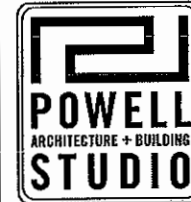
REVISIONS



1-00-ARCHITECTURAL SITE PLAN

C:\Users\jsherriff\Documents\1705 State Street Apt-RV1701A\1705 State Street-Arch-RV1701A\1705 State Street-Arch-RV1701A.dwg
 12/13/2019 11:52:39 AM

2019-060



powellarchitects.com
615.320.5000

STATE STREET APARTMENTS

1705 STATE ST.
NASHVILLE, TN 37203

PERMIT SET

REVISIONS



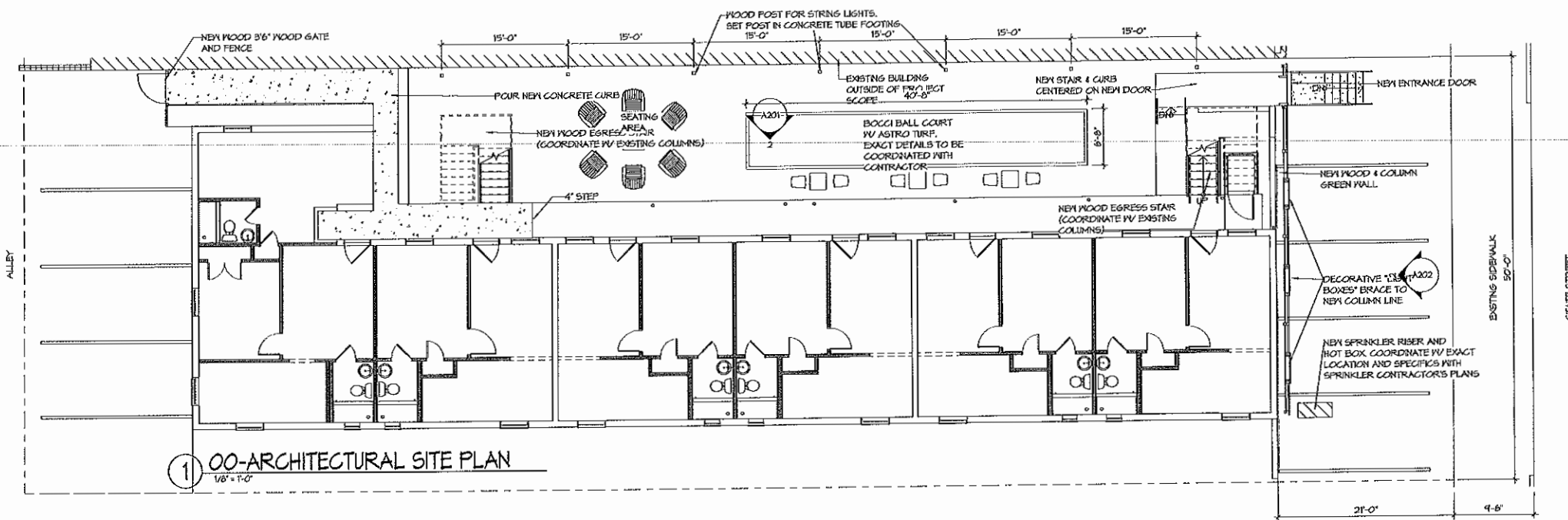
PROJECT #: 18059

ISSUED: 11/26/18

DRAWN BY: Author

ARCHITECTURAL SITE
PLAN

A101



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-060 (1705 State Street)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not upgrade sidewalks
Zoning:	MUI-A
Community Plan Policy:	T5 MU (Center Mixed Use Neighborhood)
MCSP Street Designation:	Local Street
Transit:	Approximately 350' east of #10 – Charlotte
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant proposes interior renovations to an existing 14-unit multi-family structure and requests a variance from upgrading sidewalks along State Street. Planning evaluated the following factors for the variance request:

- (1) The property is located within the Midtown first tier Nashville Next Center. While a 9' sidewalk without a grass strip currently exists along the State Street frontage, it is directly adjacent to four off-street head-in parking spaces attached to the existing building. Utilities are located within the 9' sidewalk space. Establishing a continuous pedestrian path, through the utilization of street trees is critical as a means to continue to create a comfortable walking urban environment.
- (2) On-street parking is currently available with additional space provided through the removal of the four head-in parking spaces.
- (3) A 4' furnishing zone and 5' sidewalk are located directly across from the subject property along South Street.

Given the factors above, staff recommends **disapproval**. **The applicant shall coordinate with Metro Public Works on an alternative design solution that installs 4' x 6' tree wells within the 4' furnishing zone area to the back of existing curb, while maintaining a 5' clear pedestrian zone.**

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Mary Helen Short
Property Owner: Mary Helen Short
Representative: Mary Helen Short

Date: 12/20/18
Case #: 2019-063
Map & Parcel: 117130125.00

Council District 34

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

Purpose: Appealing height of fence which is already built. Fence is 8 ft in height, max. allowed 30" for first 10ft, then 6 ft allowable to setback.

Activity Type: APPEAL - NO PERMIT REQUIRED FOR FENCE

Location: 3910 CAYLOR DRIVE

This property is in the R20 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: VARIANCE TO HEIGHT OF FENCE

Section(s): 17.12.040 26 2 & b

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

Mary Helen Short
Appellant Name (Please Print)

Representative Name (Please Print)

3910 Caylor Dr
Address

Address

Nashville, TN 37215
City, State, Zip Code

City, State, Zip Code

615-269-0538
Phone Number

Phone Number

maryhelenshort11111@gmail.com
Email
(six "1"s)

Email

Appeal Fee:



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



3588930

ZONING BOARD APPEAL / CAAZ - 20180079181
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11713012500

APPLICATION DATE: 12/20/2018

SITE ADDRESS:

3910 CAYLOR DR NASHVILLE, TN 37215
LOT 20 ABBOTT MARTIN EST SEC 2

PARCEL OWNER: SHORT, MARY HELEN

CONTRACTOR:

APPLICANT:**PURPOSE:**

- 17.12.040 26 a & b. The maximum permitted height of fence:
- a. Two and one-half feet in height within ten feet of a street right-of-way.
 - b. Six feet in height within the remainder of the required front setback.

REQUESTING 8 FT FENCE HEIGHT FROM PROPERTY LINE TO HOUSE

POC: Mary Short 615-269-0538

*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.

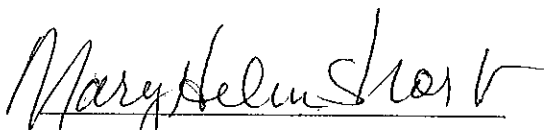
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

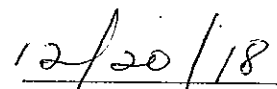
Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

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.


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 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?

My fence alleviates the hardship of having to see the two new builds next door - 3912 Caylor Drive. I've lived in my home since 1965; owned it since 2010 when my mother died, and the view from my front yard was changed, with these new builds, to be a frustrating change to my life. I'm 75 years old and cannot bear to be in my front yard with these detached front yard garages, and almost solid concrete front yard next door. I'm the next to last house on the 3rd of a 3 dead end street neighborhood - so the 8' fence/backing out of drive ways is not an issue. My fence is 12 feet back from the street, between the 2 properties.


METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
NOTICE TO CORRECT VIOLATION

Noticia Para Corregir Violacion

Date of Notice: 11/21/2018

Case Number: 18-1193006

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS

METRO OFFICE BUILDING - 3rd Floor

800 SECOND AVENUE, SOUTH

NASHVILLE, TENNESSEE 37210

Property Owner: LL#: 200901459

SHORT, MARY HELEN

3910 CAYLOR DR

NASHVILLE TN 37215

MAILING ADDRESS

P. O. Box 196300

NASHVILLE, TENNESSEE 37219

TELEPHONE (615) 862-6590

FACSIMILE (615) 862-6593

Variance

Requested

Map/Parcel Number: 11713012500

Location of Violation: 3910 CAYLOR DR

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

VIOLATION(S):

- 1) Section 17.12.040 (E) 26(b) - Screening Walls or Fences (Front Setback) Greatest vertical exposure shall be six feet in height within the remainder of the required front setback.

Therefore, you are to have the violation or cause removed and/or corrected before: December 27, 2018

If you have any questions, believe this notice has been issued to you in error, or believe the code section indicated above is inapplicable and you are not in violation, please contact our office immediately to discuss this matter.

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

The Metropolitan Code provides for a penalty for anyone convicted of violating the laws of the Metropolitan Government of up to Fifty (\$50.00) Dollars for each offense and each day it continues Section 1.01.030. Note: In addition you will be held responsible for the payment of all court costs incurred with the processing of the court case regardless of whether or not the property is brought into compliance by the court date.

Notice Issued by: Chuck Rice

Variance Requested

Response - my house is next to last on the 3rd of a series of 3 dead-end streets, therefore, there is only 1 house and driveway beyond mine. The 8' fence rule says it's to protect drivels backing out of driveways - but 6' limits visibility just as much as 8'. The new build, next door - 3912 Caylor Dr has an 8' tall fence backing up to mine - both 12' from street.

Variance is requested to allow my fence to stay:

See 2 drawings showing location of my fence (3910 Caylor) related to the neighborhood and to the 8' fence that backs up to it @ 3912 Caylor - next door.
Mary Helen Short

Drawing # 2 - 3910 Caylor Drive

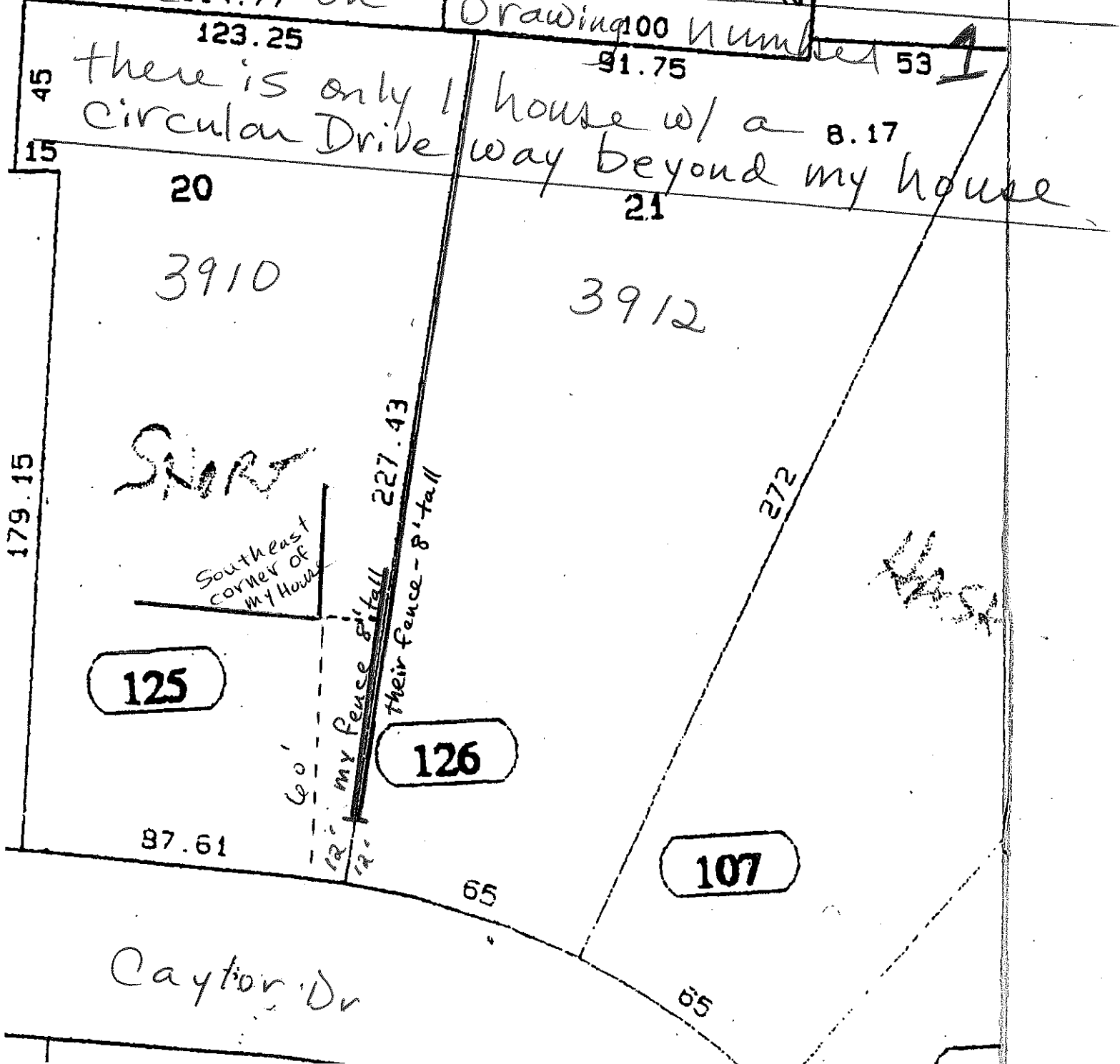
Please note - my 8' fence, between 3910 + 3912 - 1 is 8' tall - the 8' fence behind it is @ 3912 Caylor Drive - Both are 12' from the street.

117-13
0002

See 114.77 on

Drawing 100 Number 53 **1**

there is only 1 house w/ a circular Drive way beyond my house



SW

Southeast corner of my house

125

126

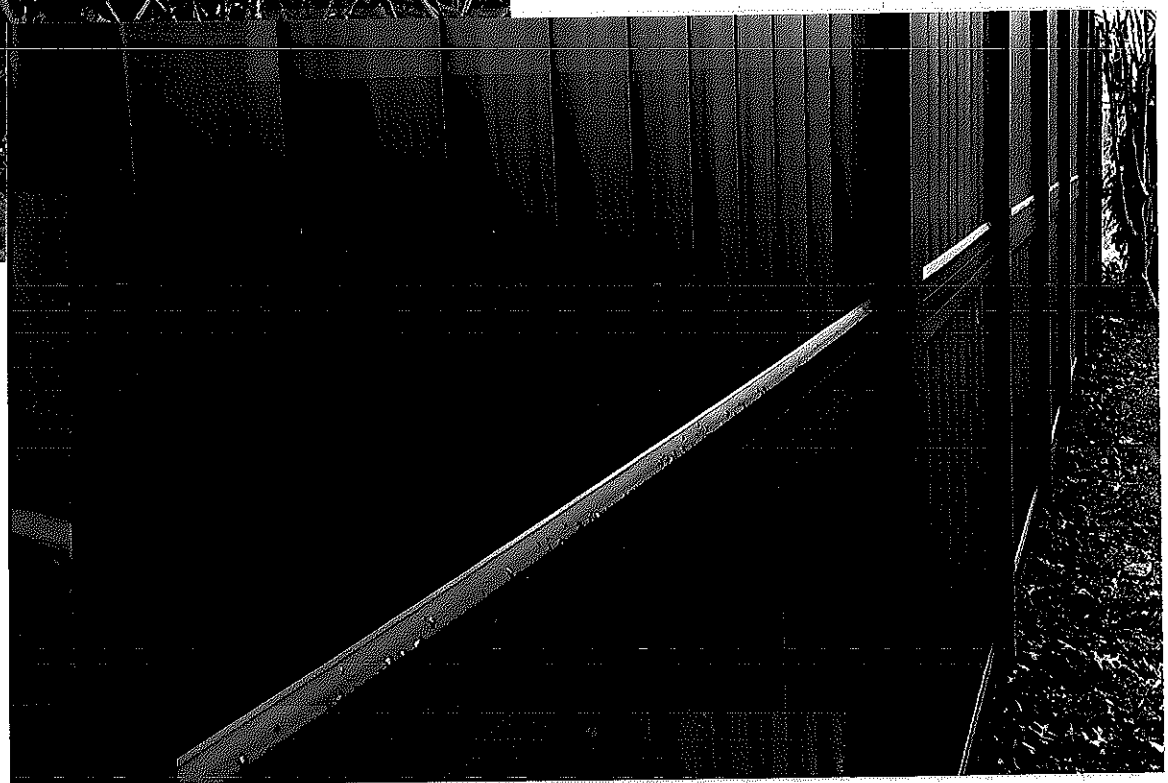
107

Caylor Dr

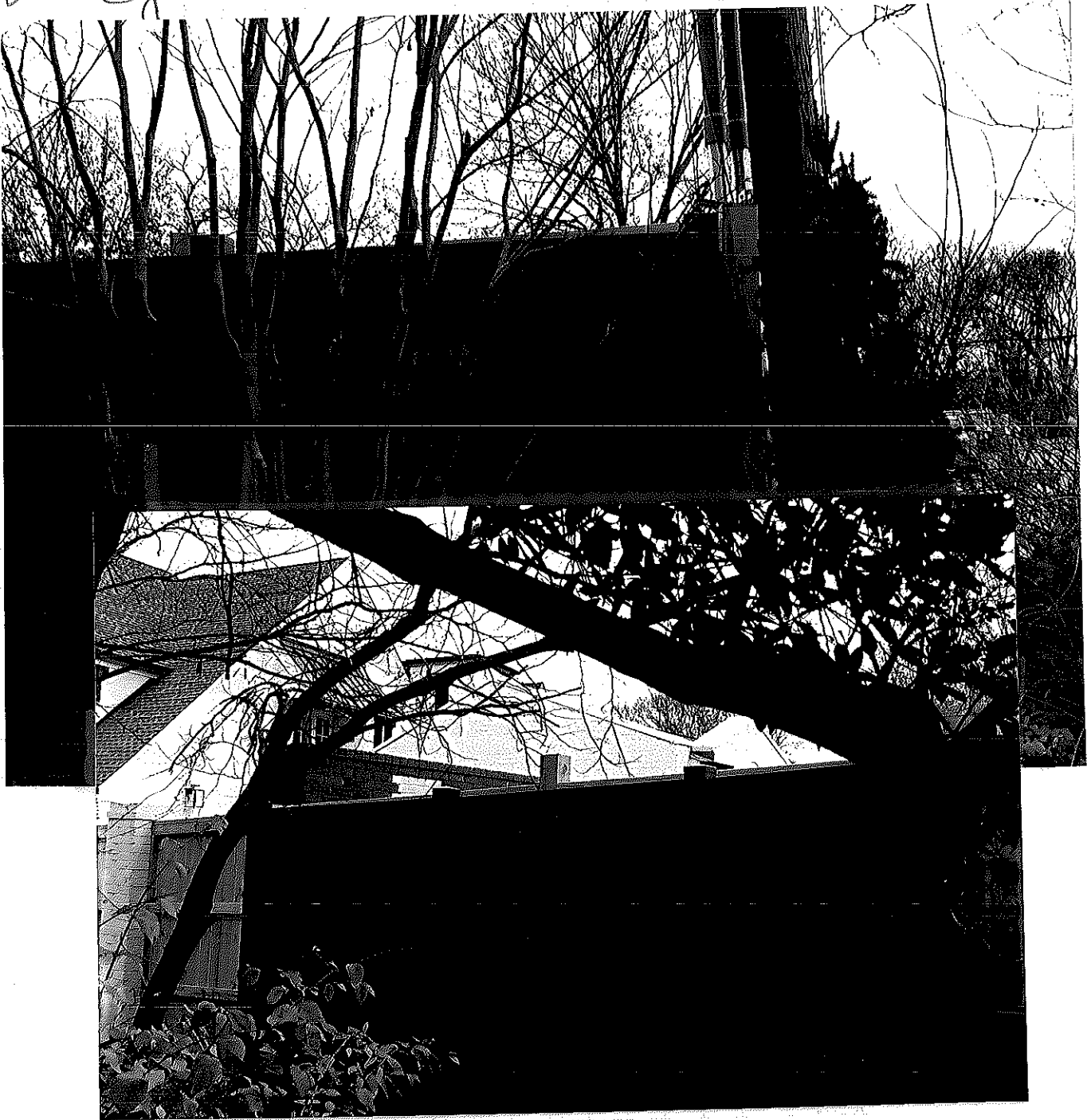
12' between the street
and my fence @ 3910 Caylor Dr



My fence from
corner of my house
to 12' from
Street



2 Photos showing that the fence @ 3912 Caylor dr is higher than mine (@ 3910 Caylor dr. See the pine above my Mocha-Walnut Vinyl



From: maryshepherd@comcast.net
To: angel@metrowest.com
Subject: RE: Case number 2019-063
Date: Wednesday, December 26, 2018 @ 4:27 AM

From: mary sheor [mailto:maryshepherd11111@gmail.com]
Sent: Saturday, December 22, 2018 7:24 AM
To: Shepherd, Jessica (Cohen)
Cc: Henderson, Angel (Council Member)
Subject: Case number 2019-063

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

Hi Jessica - as my appeal for my fence @ 3910 Cayler Dr - Las, the Code Appeals Examiner, suggested that I send photos to you, specifically the last one showing the current situation, since the Google on-line photo still shows the 3912 Cayler house that was taken down and replaced with 2 new houses.
Thank you for your assistance.
Mary Helen Sheor

3910 Cayler Dr fence - my fence - with the 3912 Cayler Dr. (P) fence above and closer to the street than mine



3910 Cayler Dr fence - my fence - with the 3912 Cayler Dr. (P) fence behind it



3912 Cayler Dr fence—my fence—showing the 3912 Cayler Dr (S) fence above it



With Cedar Dr fence - any fence



9112 Caylor Dr fence—my fence—12' back at back from street



9110 Caylor Dr fence—my fence—from opposite end of my yard which is 1 yard away from the dead end of the street



9112 Caylor Dr W fence immediately in front of my fence, looking @ my house (green roof), and toward 9108 Caylor Dr @ the dead end of the street. (The tall brown roof beyond 9108 is across a chain link fence W/Abbotfield.)

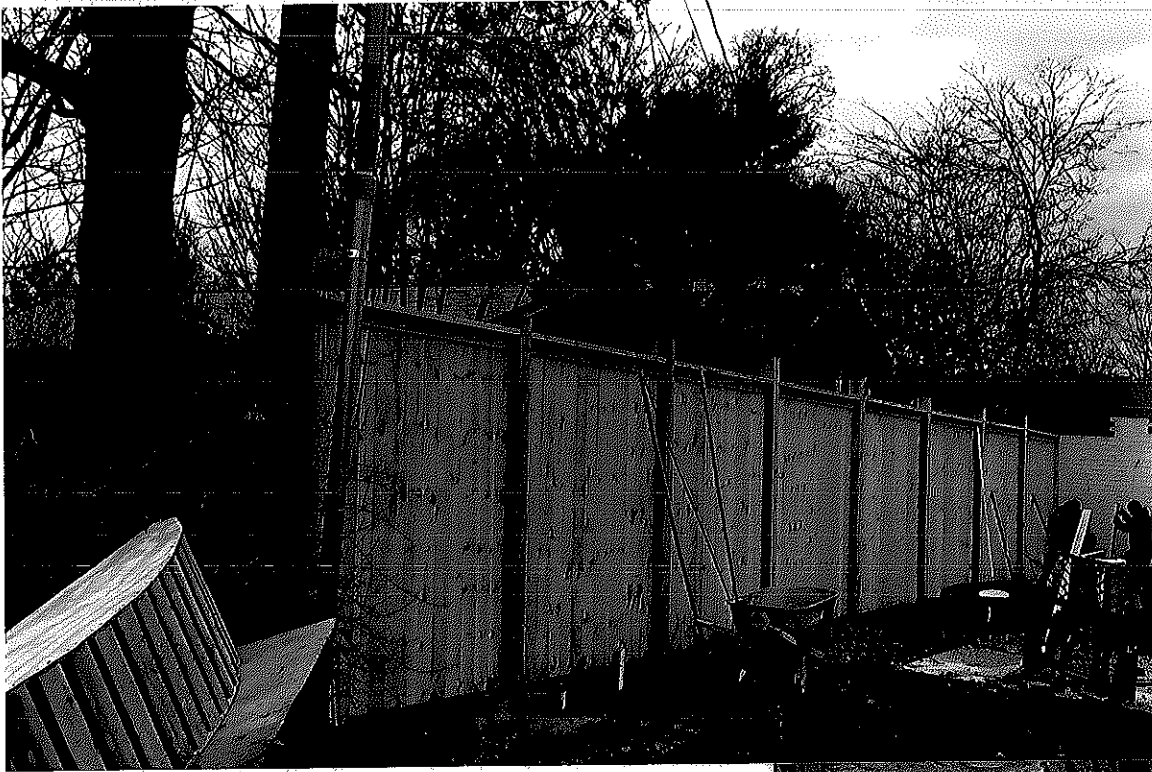


Shot from my iPad

8' fence @ 3912 Caylar
wide - 3" behind mine

@
3910

Caylar
dr



Both
come to
12' from
the edge
of the
street

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Chad Harris Date: 12/20/18
Property Owner: OIC N 2nd St Cottage Case #: 2019-064
Representative: Chad Harris Map & Parcel: 82-07-011 900.00

Council District 5

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

Purpose: 2 New S.F. Houses HPR

Activity Type: HPR duplex

Location: 607+609 N 2nd St N.T. 37207

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

Reason: Side walks: Not to Install, update, Nor 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.

Chad Harris
Appellant Name (Please Print)

Representative Name (Please Print)

4705 ALABAMA AVE
Address

Address

NASHVILLE, TN, 37209
City, State, Zip Code

City, State, Zip Code

615-891-9023
Phone Number

Phone Number

chad@buildkg.com
Email

Email

Appeal Fee: 100^{sq}



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



3589104

**ZONING BOARD APPEAL / CAAZ - 20180079297
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 082070K90000CO

APPLICATION DATE: 12/20/2018

SITE ADDRESS:

609 N 2ND ST NASHVILLE, TN 37207
COMMON AREA NORTH 2ND STREET COTTAGES

PARCEL OWNER: O.I.C. NORTH 2ND STREET COTTAGES

CONTRACTOR:

APPLICANT:**PURPOSE:**

REQUEST TO CONSTRUCT TWO SINGLE FAMILY HOUSES...HPR.....SIDE ALLEY.
SEE T2018-078335 AND T2018-078341 AT 607 AND 609 N 2ND ST.

***in order to process with construction before the appeal
need to submit sidewalk design plans and have them approved by public works.

DENIED:

REQUEST NOT TO INSTALL OR UPDATE SIDEWALKS AND NOT TO CONTRIBUTE TO THE FUND...
17.20.120.

POC: CHAD HARRIS ~~615~~-891-9023

chad@buildkg.com 615

*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.



APPELLANT

12/20/18
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.

08207020100 08207022200
 08207022100 50
 08207020400 50
 08207020500 50
 08207020800 50
 08207020700 08207021900
 142.5 50

08207023200
 08207023300
 08207023400
 08207023500
 08207023600
 174.25

08207029200
 08207029100
 08207029000
 08207028900
 08207028800
 174.25
 50 50 50 50 50 33.3

307 ALY
 150 148s
 RM 20 08207021800
 08207020800 08207021700
 08207021600
 150 143.5
 082070J90000CO 082070J00200CO
 SP(R)
 082070J00100CO
 082070A00200CO
 082070A90000CO
 SP(R)
 082070A00100CO
 08207021304
 08207021303
 R6-A
 08207021302
 08207021301
 082070D90000CO
 082070D00400CO
 082070D00300CO
 RM 40
 082070D00100CO
 146
 08207021200

GRACE ST
 150
 08207023700
 08207023800
 08207054500
 08207023900
 08207024000
 08207024100
 08207024200
 082070K00100CO
 R6-A
 082070K00200CO
 082070K00100CO
 326 ALY
 51.8
 150
 08207027000
 08207026900
 08207026800
 08207026700
 08207026600
 08207026500
 150
 08207026400
 193.15 198s
 515
 57 50
 130.82
 BERRY ST

STOCKELL ST
 515
 08207027100
 SP(R)

50 54s 30 30 50 50 50
 08207024500 08207024700 08207024800 08207024900

GENERAL NOTES

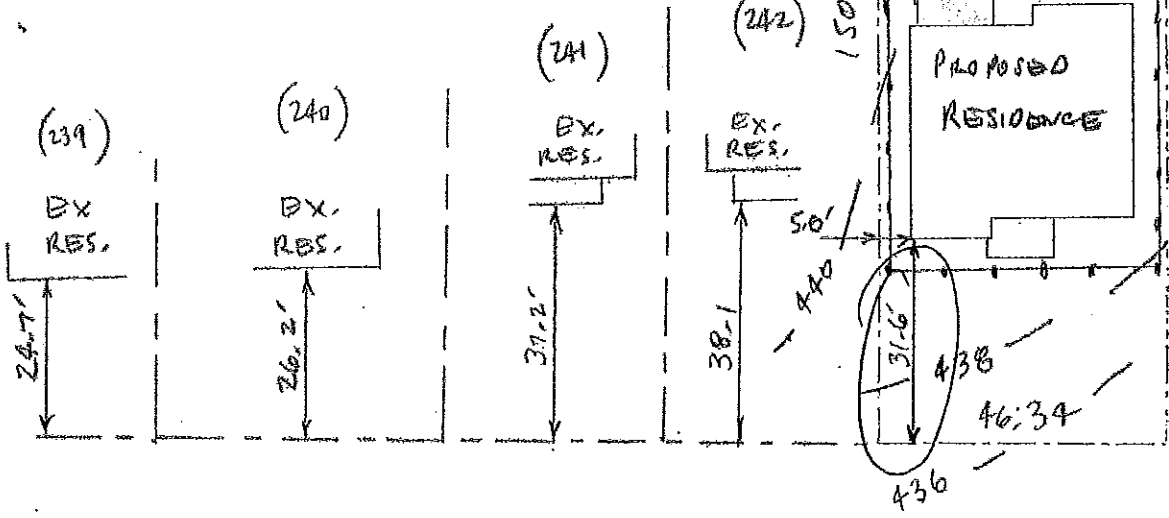
THIS PLOT PLAN WAS MADE FOR THE CONTRACTOR, PROPERTY OWNERS AND CODES DEPARTMENT AND IS TO BE USED FOR OBTAINING THE BUILDING PERMIT ONLY. THIS PLAN IS NOT TO BE USED FOR A GENERAL PROPERTY SURVEY, MORTGAGE LOAN INSPECTION, OR A FOUNDATION INSPECTION. THE UNDERSIGNED MAKES NO WARRANTY THAT A BUILDING PERMIT WILL BE ISSUED OR IF THE LOT IS BUILDABLE.

BUILDERS TO VERIFY ALL LOT DATA AS SHOWN WITH RECORDED PLAT AND RESTRICTIONS PRIOR TO START OF CONSTRUCTION.

ALL INFORMATION ON PLOT PLAN IS DEEMED TO BE ACCURATE BUT NOT GUARANTEED. HOME IS SUBJECT TO BEING MOVED IN THE FIELD.

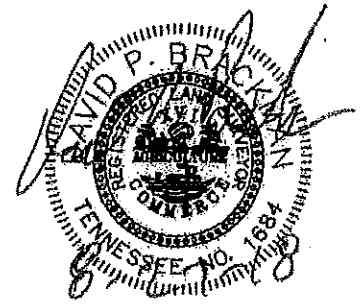
CONSTRUCTION ENTRANCES

Lot Area: 6951.36 Sq. Ft.
 EXISTING IMPERVIOUS AREA = 2850 ± SQ. FT.
 PROPOSED IMPERVIOUS AREA = 3252 ± SQ. FT.
 INCREASE OF 402 ± SQ. FT.



PLOT PLAN

NORTH 2ND STREET



OWNER: MICHAEL YANG
 PROPERTY LOCATED: 609 N. 2nd STREET
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE
 PROPERTY: TAX MAP 82-07
 PARCEL 243
 RECORDED: INSTR # 20160108-0002239
 SCALE: 1" = 30'
 DATE: AUGUST 27, 2018

2448
 252
 495
 1188
 3496



DAVID P. BRACKMAN, RLS

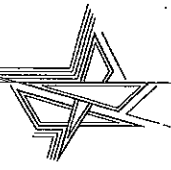
1707 Gale Lane
 Nashville, TN 37212
 PH (615) 476-8107
 FAX (615) 298-2605
 Email: dbrack@bellsouth.net

FILE NO. 14-142

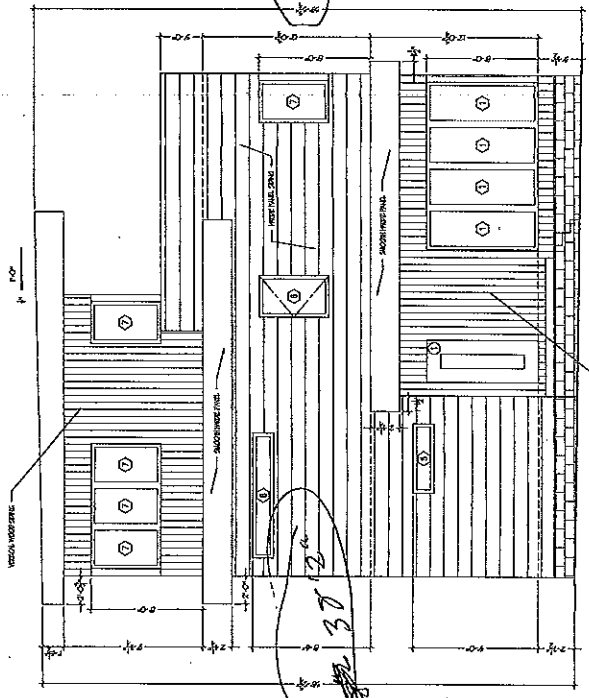
RYAN THOMAS RYAN THOMAS ARCHITECTURE
1000 WEST 10TH AVENUE SUITE 100
DENVER, CO 80202
TEL: 303.733.1111 FAX: 303.733.1112
WWW.RYAN-THOMAS-ARCHITECT.COM

RYAN THOMAS
1000 WEST 10TH AVENUE SUITE 100
DENVER, CO 80202
TEL: 303.733.1111 FAX: 303.733.1112
WWW.RYAN-THOMAS-ARCHITECT.COM

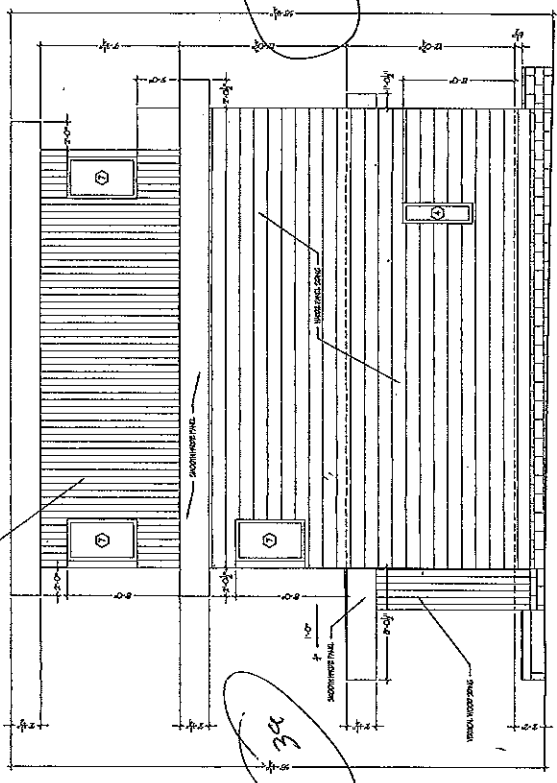
609 N. 2ND
NASHVILLE, TENNESSEE



JUNE 2019
SHEET NUMBER
A09 of 10



WEST ELEVATION
FRONT



NORTH ELEVATION

GENERAL NOTES

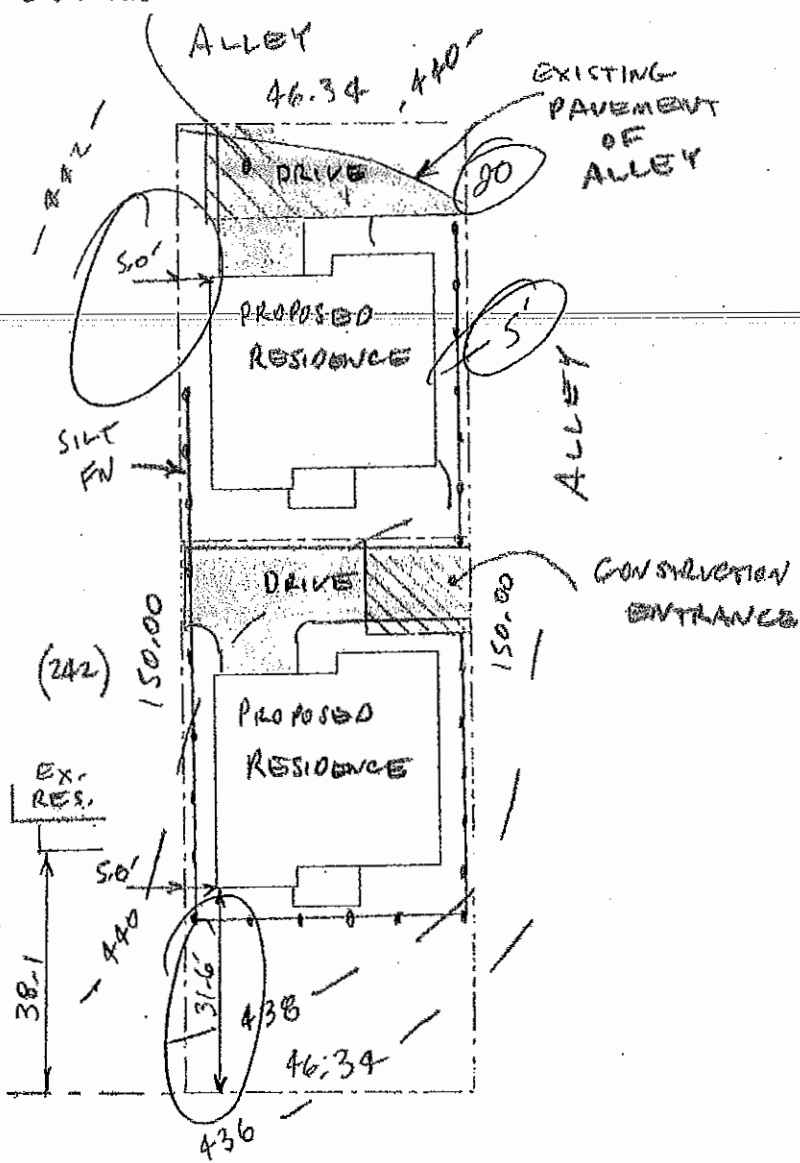
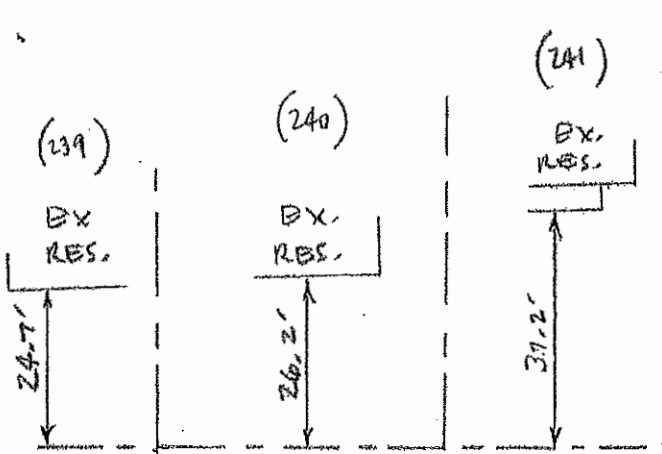
THIS PLOT PLAN WAS MADE FOR THE CONTRACTOR, PROPERTY OWNERS AND CODES DEPARTMENT AND IS TO BE USED FOR OBTAINING THE BUILDING PERMIT ONLY. THIS PLAN IS NOT TO BE USED FOR A GENERAL PROPERTY SURVEY, MORTGAGE LOAN INSPECTION, OR A FOUNDATION INSPECTION. THE UNDERSIGNED MAKES NO WARRANTY THAT A BUILDING PERMIT WILL BE ISSUED OR IF THE LOT IS BUILDABLE.

BUILDERS TO VERIFY ALL LOT DATA AS SHOWN WITH RECORDED PLAT AND RESTRICTIONS PRIOR TO START OF CONSTRUCTION.

ALL INFORMATION ON PLOT PLAN IS DEEMED TO BE ACCURATE BUT NOT GUARANTEED. HOME IS SUBJECT TO BEING MOVED IN THE FIELD.

CONSTRUCTION ENTRANCE

Lot AREA: 6951.36 Sq. Ft.
 EXISTING IMPERVIOUS AREA = 2850 ± SQ. FT.
 PROPOSED IMPERVIOUS AREA = 3252 ± SQ. FT.
 INCREASE OF 402 ± SQ. FT.



PLOT PLAN

NORTH 2ND STREET



OWNER: MICHAEL YANG
 PROPERTY LOCATED: 609 N. 2nd STREET
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE
 PROPERTY: TAX MAP 82-07
 PARCEL 243
 RECORDED: INSTR # 20160108-0002239
 SCALE: 1" = 30'
 DATE: AUGUST 27, 2018

2448
 252
 495

1188
 3496



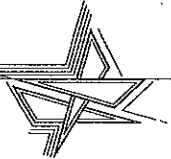
DAVID P. BRACKMAN, RLS

1707 Gale Lane PH (615) 476-8107
 Nashville, TN 37212 FAX (615) 298-2606
 Email: dbrack@bellsouth.net

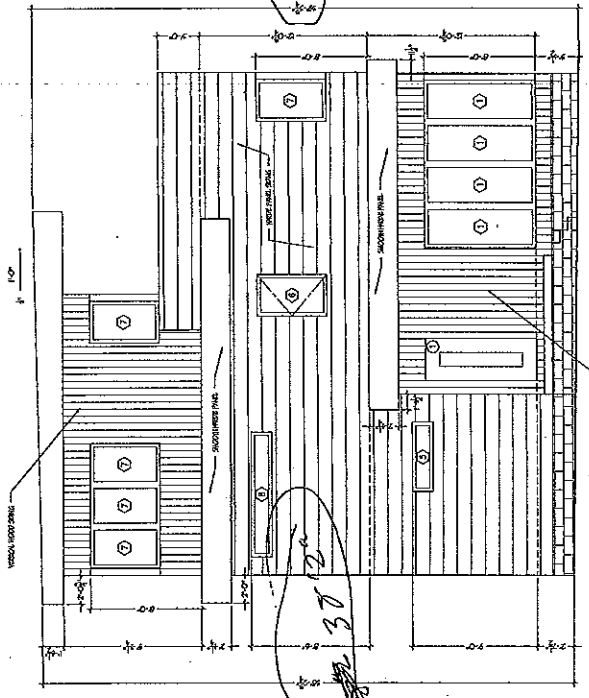
FILE NO. 14-142

ALL DIMENSIONS UNLESS OTHERWISE NOTED SHALL BE IN FEET AND INCHES TO THE NEAREST 1/8" UNLESS OTHERWISE NOTED.

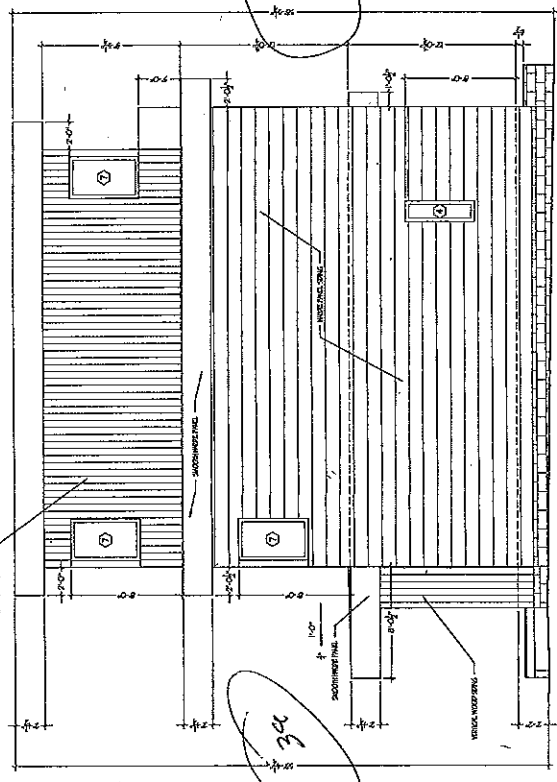
RYAN THAMES
108 LEAWOOD DR., NASHVILLE, TN 37205 615.817.4100 RYAN@RYANTHAMES.COM
609 N. 2ND
NASHVILLE, TENNESSEE



DATE: JUNE 01, 2019
SHEET NUMBER: A09 of 10
6-19



WEST ELEVATION
FRONT



NORTH ELEVATION

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-064 (607 & 609 North 2nd Street)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not upgrade sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	R6-A
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	Local Street
Transit:	¼ mile from #23 – Dickerson Road; planned for bus rapid transit, per nMotion
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing two new single family residences and requests a variance from upgrading sidewalks. Planning evaluated the following factors for the variance request:

- (1) A 7' sidewalk without a grass strip currently exists along the property's North 2nd Street 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 for the frontage.
- (2) The frontage also has an existing retaining wall that would impede pedestrians if the Local Street standard design were constructed. Dedicating right-of-way will ensure Metro can connect sidewalks in the future should the neighboring property redevelop.

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 North 2nd Street property frontage to accommodate future sidewalks per the Local Street standard.



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



3589467

**ZONING BOARD APPEAL / CAAZ - 20180079528
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 070070L00100CO **APPLICATION DATE:** 12/21/2018

SITE ADDRESS:

1010 A ALICE ST NASHVILLE, TN 37218
UNIT A 1010 ALICE STREET

PARCEL OWNER: DRUMEL, JORDAN & KELLEY, RONNIE JR. **CONTRACTOR:**

APPLICANT:

PURPOSE:

item A appeal to determine number of stories in an HPR residence/variance to allow covered area on roof.

*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.

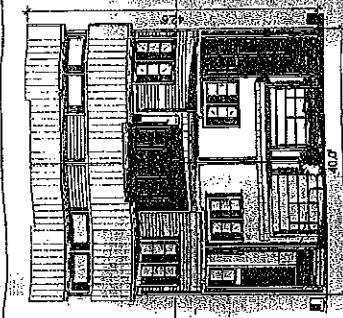
APPELLANT

DATE

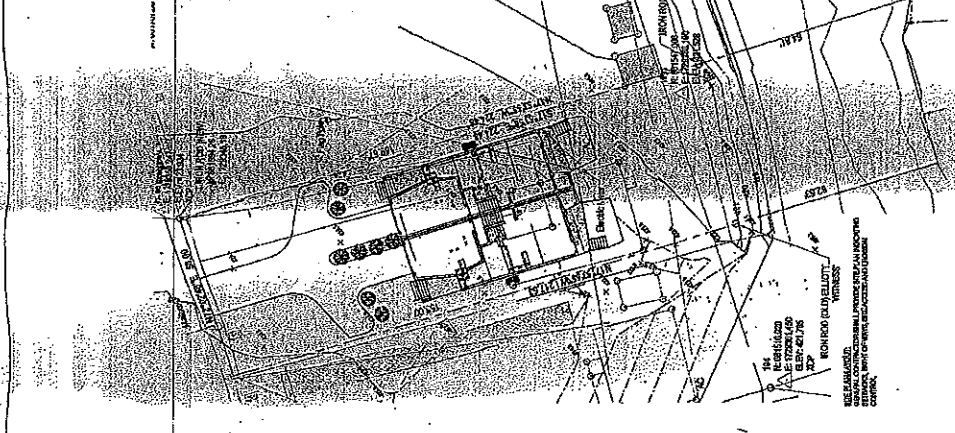
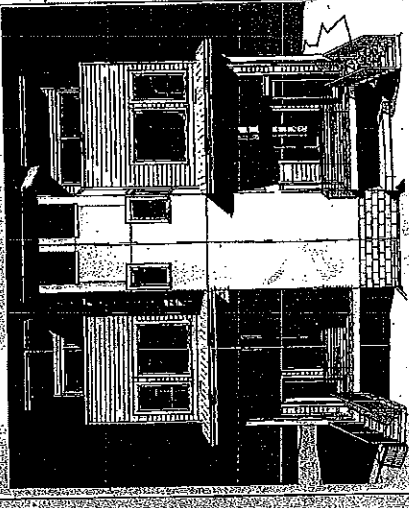
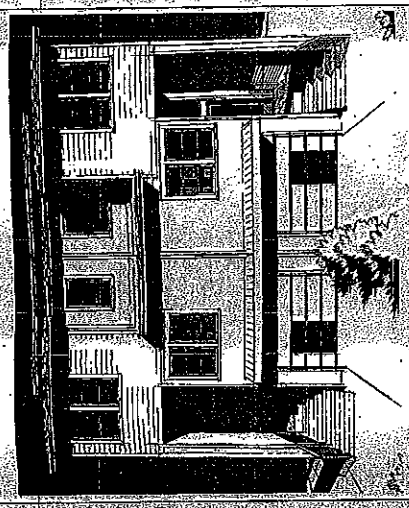
12-21-18

2019-066

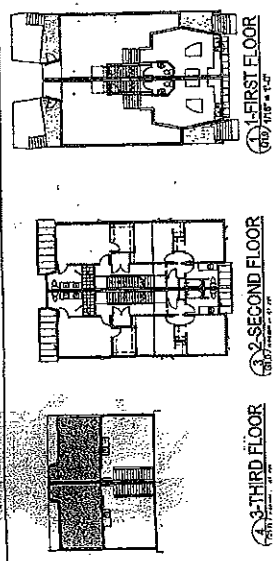
1010 ALICE STREET



BUILDING HEIGHT
18' - 10"



SITE PLAN
718' x 10'



PROJECT AREAS	
Name	AREA
GARAGE	284 SF
STORAGE	318 SF
TERRACE	282 SF
DECK	16 SF
PORCH	47 SF
TOTAL	1037 SF

PROJECT AREAS	
Name	AREA
HALLS	142 SF
STORAGE	278 SF
MECHA	213 SF
TOTAL	633 SF

PROJECT AREAS	
Name	AREA
GARAGE	284 SF
STORAGE	318 SF
TERRACE	282 SF
DECK	16 SF
PORCH	47 SF
TOTAL	1037 SF

PROJECT AREAS	
Name	AREA
FIRST FLOOR	346 SF
SECOND FLOOR	278 SF
MECHA	213 SF
TOTAL	837 SF

S. MITCHELL HOODE, AIA
1300 Outer Loop
Nashville, Tennessee
37212
(615) 299-0419
mitchhoode@comcast.net

ARCHITECTURE
Copyright © 2018 by
S. Mitchell Hoode, AIA. No
part of this document may be
reproduced or transmitted in
any form or by any means
electronic, mechanical, or
any information storage and
retrieval system, without the
written permission of the
Architect.

Two Family Attached Homes at
1010 ALICE STREET
Nashville, TN

COVER

G1.0
PROJECT: 1821
DATE: 06.14.18

GENERAL NOTES
1. JOB SITE SURVEY IS SOLELY THE RESPONSIBILITY OF THE CONTRACTOR.
2. INVESTIGATE FIELD CONDITIONS AND ASCERTAIN THAT WORK SPACES ARE SUFFICIENT TO ACCOMMODATE THE PROJECT IMMEDIATELY UPON PROBLEMS WITH FIELD CONDITIONS.
3. BEFORE COMMENCING WORK, ANALYZE CONTRACT DOCUMENTS AND REPORT IN WRITING ANY DISCREPANCIES OR CONFLICTS TO THE ARCHITECT IMMEDIATELY. CONTRACTOR SHALL BE RESPONSIBLE TO CORRECT ANY DEFECTIVE WORK CAUSED BY PROCEEDING WHERE INCONSISTENCIES OR DISCREPANCIES ON THE DRAWINGS OCCUR AND A CLARIFICATION FROM THE ARCHITECT IS NOT SOUGHT.
4. CONTRACTOR SHALL COMPLY WITH ALL RULES AND REGULATIONS OF AGENCIES HAVING JURISDICTION AND SHALL CONFORM TO ALL CITY, COUNTY, STATE, AND FEDERAL CONSTRUCTION SAFETY AND SANITARY LAWS, CODES, STATUTES, AND ORDINANCES. ALL FEES, TAXES, PERMITS, APPLICATIONS AND PERMITS OF INSPECTION, AND TRAILING OF ALL WORK WITH GOVERNMENTAL AGENCIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
5. ALL WORK SHALL BE PERFORMED BY SKILLED AND QUALIFIED WORKERS WITH THE BEST PRACTICES OF THE TRADES INVOLVED, AND IN COMPLIANCE WITH BUILDING REGULATIONS AND GOVERNMENTAL LAWS, STATUTES AND ORDINANCES.
6. ALL MATERIALS SHALL BE NEW UNLESS, MANUFACTURED MATERIALS AND EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS AND INSTRUCTIONS.
7. THESE CONTRACT DOCUMENTS ARE PROVIDED TO THE GENERAL CONTRACTOR ON A DESIGN/BUILD BASIS. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR COORDINATING STRUCTURAL, MECHANICAL, PLUMBING AND ELECTRICAL ISSUES.

PROJECT INFORMATION
SCOPE OF WORK: NEW CONSTRUCTION OF A TWO FAMILY DWELLING THAT IS 2 STORIES 3 BEDROOMS 2 1/2 BATH.
OWNER: SETBACKS:
FRONT - 8'0" / 4'
SIDE - 5'0" / 5'
REAR - SEE SURVEY

PROPERTY LOCATION
1010 ALICE STREET
NASHVILLE, TN 37215

DRAWING INDEX

NUMBER	SHEET NAME
G1.0	COVER
G1.1	PROJECT VIEWS
A1.1	FIRST SECOND FLOOR PLANS, DOOR SCHEDULES
A1.2	GARAGE, THIRD FLOOR, ROOF PLAN, WINDOW SCHEDULE
A1.3	FOUNDATION PLAN, FRAMING SCHEDULES
A1.4	SCHEMATIC FRAMING PLANS
A2.1	ELEVATIONS
A2.2	ELEVATIONS
A3.1	BUILDING SECTIONS
A3.2	BUILDING SECTIONS
A3.3	BUILDING SECT SECTION
A4.1	WALL SECTIONS
A4.2	WALL SECTIONS
A6.1	CEILING PLANS, ROOM AREAS, PERIMETER SCHEDULE

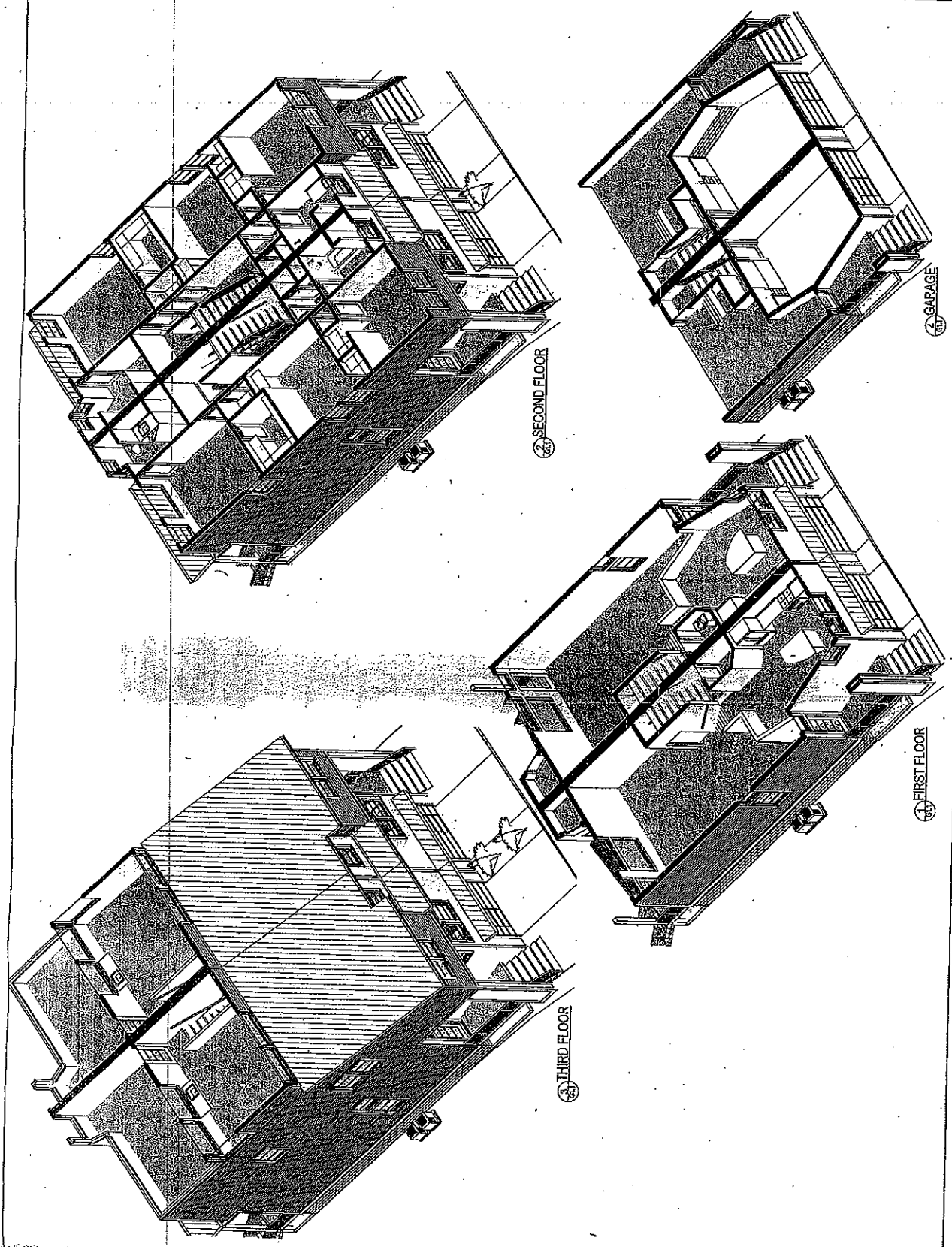
S. MITCHELL HOUSE, AA
1010 Alice Street
Nashville, TN 37212
615.259.2918
smh@spg.com

HOUSEHOLD CONCEPTS
ARCHITECTURE
S. Mitchell, C. Kelly, AA
Information contained in
this drawing is for the
project only and is not to be
used for any other project
without the written consent
of the architect. Any use
beyond the Project is not
the responsibility of the
Architect.

Two Family Attached Homes at
1010 ALICE STREET
Nashville, TN

PROJECT VIEWS

G
PROJECT
DATE



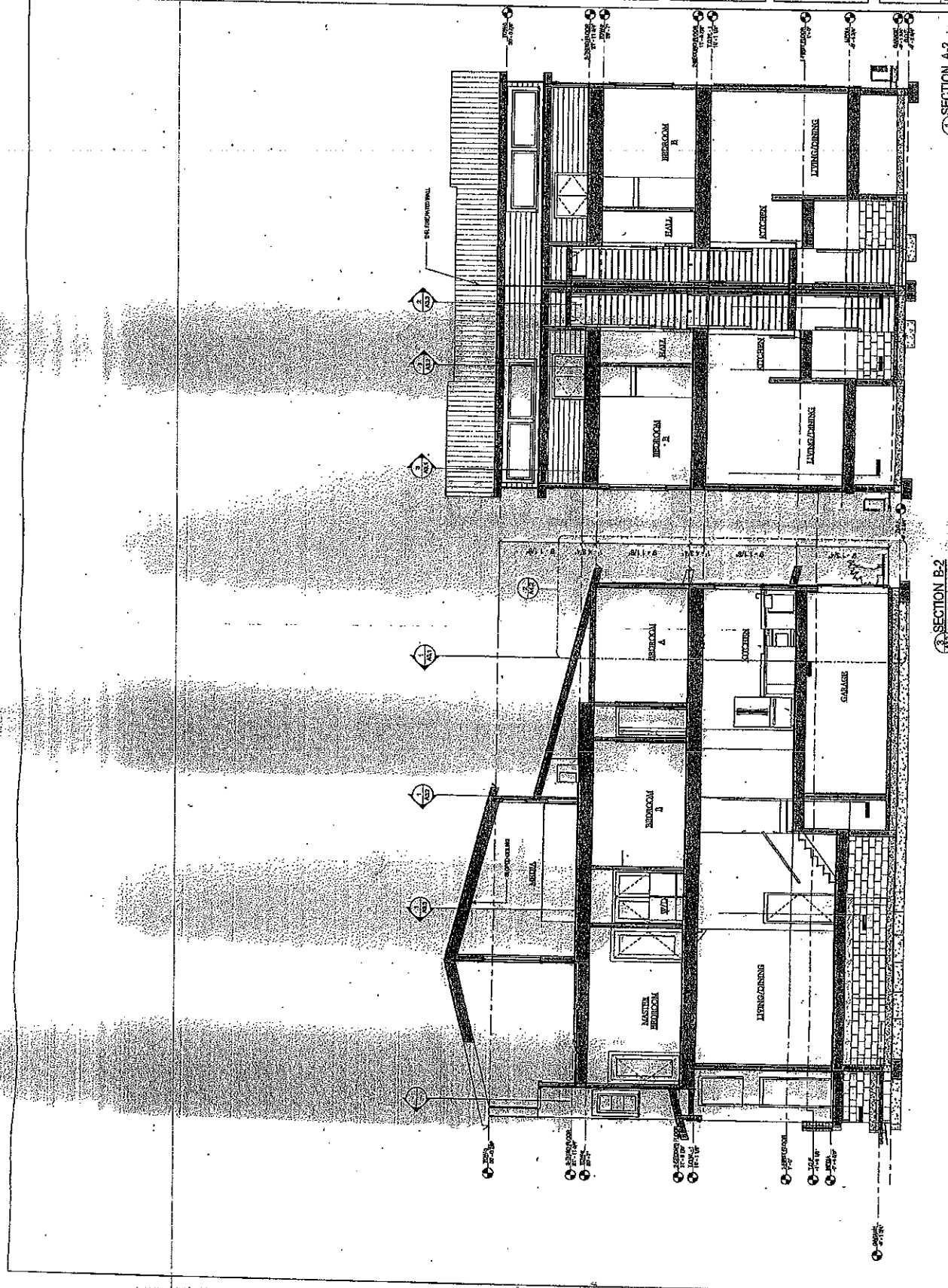
S. MITCHELL HOUSE WA
 1800 Cedar Lane
 Nashville, Tennessee
 37212
 @103904919
 mitchellhouse@comcast.net

HOMESTEAD CONCEPTS
 ARCHITECTURE
 Copyright © 2019 by
 Homestead Concepts, LLC. The
 information on this AIA/CES
 Learning Unit is intended for
 the Architect. This document is intended
 for use in the US only. All rights reserved.
 All other rights reserved. No part of this
 document may be reproduced or
 transmitted in any form or by any
 means, electronic, mechanical, or
 otherwise, without the prior written
 permission of the
 Architect.

Two Family Attached Homes at
 1010 AULCE STREET
 Nashville, TN

BUILDING
 SECTIONS

A3.2
 PROJECT 19-001
 DATE 03/11/19



SECTION A-2
 1/4" = 1'-0"

SECTION B-2
 1/4" = 1'-0"

2019-066

1010 ALICE STREET

5 GENERAL NOTES

1. JOB SITE SAFETY IS SOLELY THE RESPONSIBILITY OF THE CONTRACTOR.
2. INVESTIGATE FIELD CONDITIONS AND ASCERTAIN THAT WORK IS FEASIBLE AS SHOWN. NOTIFY THE ARCHITECT IMMEDIATELY OF ANY PROBLEMS WITH FIELD CONDITIONS.
3. BEFORE COMMENCING WORK, ANALYZE CONTRACT DOCUMENTS AND REPORT IN WRITING ANY DISCREPANCIES DISCOVERED THEREIN. CONTRACTOR SHALL BE RESPONSIBLE TO CORRECT ANY DEFECTIVE WORK CAUSED BY PROCEEDING WHERE INCONSISTENCIES OR DISCREPANCIES ON THE DRAWINGS OCCUR AND A CLARIFICATION FROM THE ARCHITECT IS NOT SOUGHT.
4. CONTRACTOR SHALL COMPLY WITH ALL RULES AND REGULATIONS OF AGENCIES HAVING JURISDICTION AND SHALL CONFORM TO ALL CITY, COUNTY, STATE, AND FEDERAL CONSTRUCTION, SAFETY AND SANITARY LAWS, CODES, STATUTES, AND ORDINANCES. ALL FEES, TAXES, PERMITS, APPLICATIONS AND PERMITS OF INSPECTION, AND THE FILING OF ALL WORK WITH GOVERNMENTAL AGENCIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
5. ALL WORK SHALL BE PERFORMED BY SKILLED AND QUALIFIED WORKERS WITH THE BEST PRACTICES OF THE TRADES INVOLVED, AND IN COMPLIANCE WITH BUILDING REGULATIONS AND GOVERNMENTAL LAWS, STATUTES AND ORDINANCES.
6. ALL MATERIALS SHALL BE NEW & UNUSED, MANUFACTURED MATERIALS AND EQUIPMENT SHALL BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS AND INSTRUCTIONS.
7. THESE CONTRACT DOCUMENTS ARE PROVIDED TO THE GENERAL CONTRACTOR ON A DESIGN/BUILD BASIS. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR COORDINATING STRUCTURAL, MECHANICAL, PLUMBING AND ELECTRICAL ISSUES.

S. MITCHELL HODGE, AIA
1900 Cedar Lane
Nashville, Tennessee
37212
(615)260-0919
mitchhodge@comcast.net

HOMESTEAD CONCEPTS/
ARCHITECTURE
Copyright © 2018 by
S. Mitchell Hodge, AIA. The
information contained in
this document is intended
for use on this project only.
Any use beyond this project
is strictly prohibited and any
consequences of use
beyond this project are not
the responsibility of the
Architect.

PROJECT INFORMATION:

SCOPE OF WORK: NEW CONSTRUCTION OF A TWO FAMILY DWELLING THAT IS 3 STORIES, 3 BEDROOMS, 2 1/2 BATH.

OWNER: RONNIE KELLEY/JORDAN DRUMEL
1010 ALICE STREET
NASHVILLE, TN 37216

SETBACKS:
FRONT - 60'-0"
SIDE - 5'-0"
REAR - SEE SURVEY

PROPERTY LOCATION:
1010 ALICE STREET
NASHVILLE, TN 37216

DRAWING INDEX

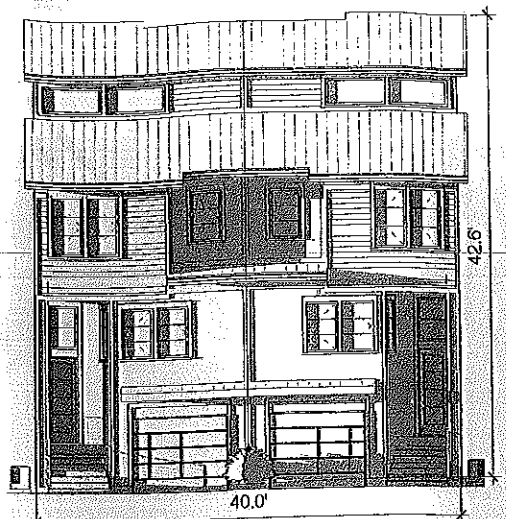
NUMBER	SHEET NAME
G1.0	COVER
G1.1	PROJECT VIEWS
A1.1	FIRST & SECOND FLOOR PLANS, DOOR SCHEDULES
A1.2	GARAGE, THIRD FLOOR, ROOF PLAN, WINDOW SCHEDULE
A1.3	FOUNDATION PLAN, FRAMING SCHEMATICS
A1.4	SCHEMATIC FRAMING PLANS
A2.1	ELEVATIONS
A2.2	ELEVATIONS
A3.1	BUILDING SECTIONS
A3.2	BUILDING SECTIONS
A3.3	BUILDING/STAIR SECTION
A4.1	WALL SECTIONS
A4.2	WALL SECTIONS
A6.1	CEILING PLANS, ROOM AREAS, PERIMETER SCHEDULE

Two Family Attached Homes at
1010 ALICE STREET
Nashville, TN

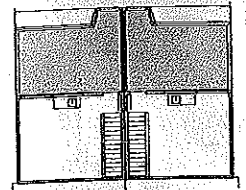
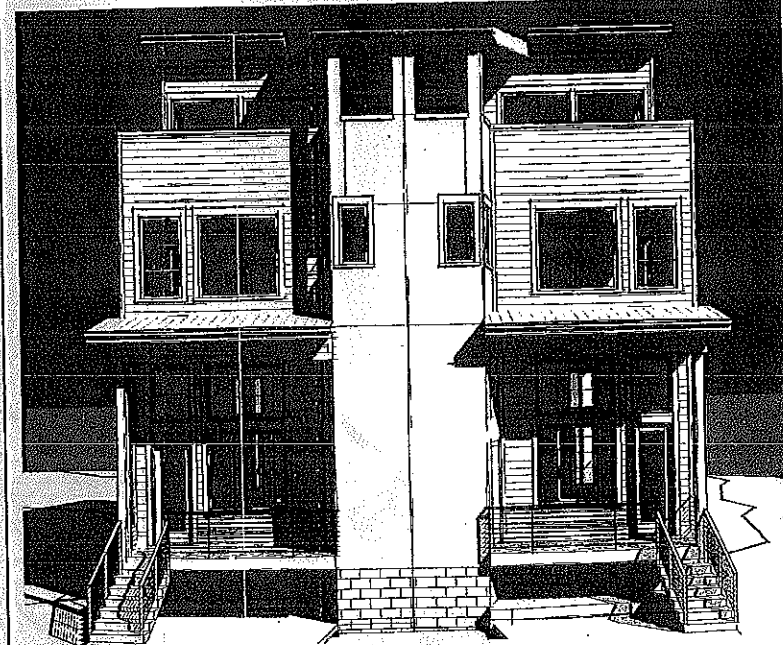
COVER

G1.0

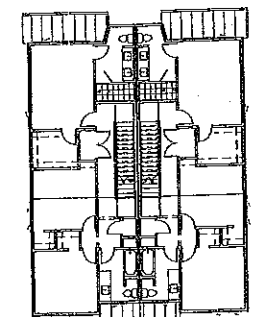
PROJECT: 1821
DATE: 06.14.18



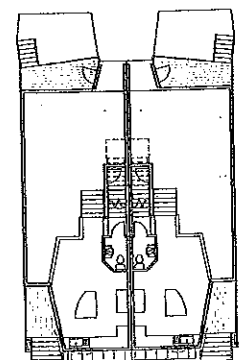
8 BUILDING HEIGHT
G1.0 1/8" = 1'-0"



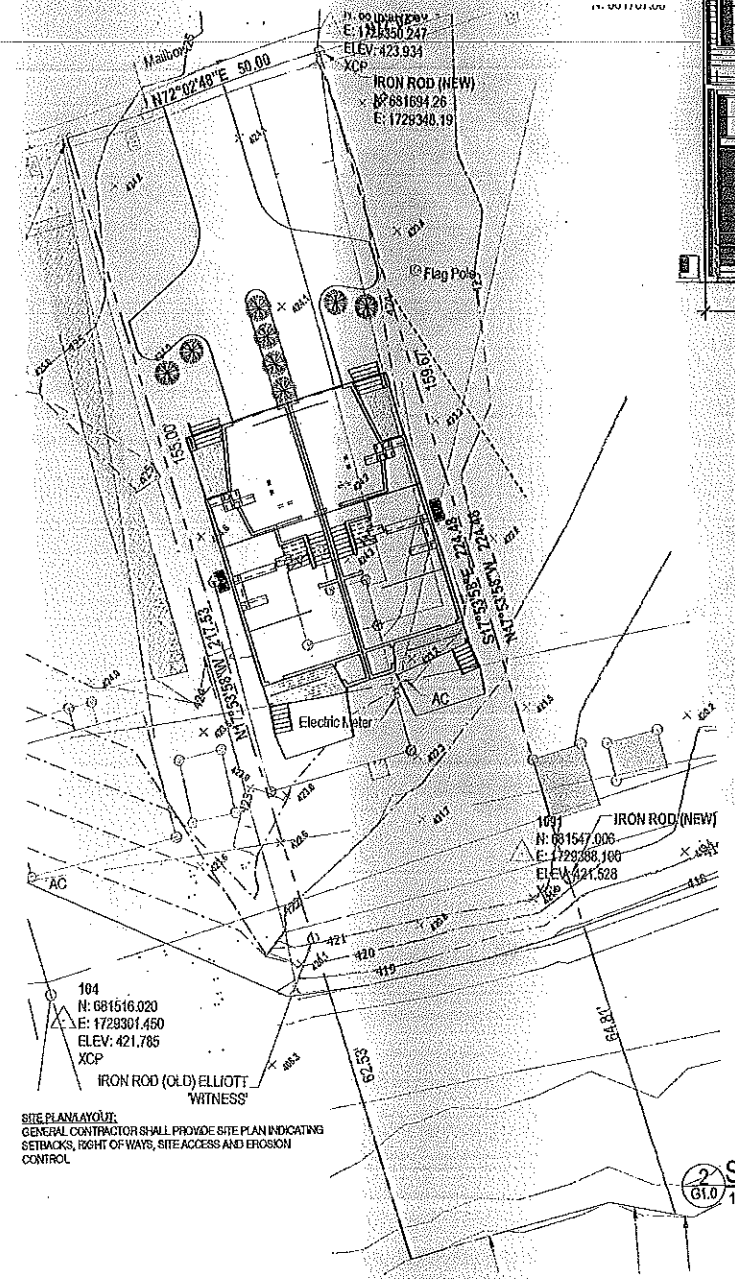
4 3-THIRD FLOOR
G1.0 1/16" = 1'-0"



3 2-SECOND FLOOR
G1.0 1/16" = 1'-0"



1 1-FIRST FLOOR
G1.0 1/16" = 1'-0"



2 SITE PLAN
G1.0 1/16" = 1'-0"

Name	AREA
1010 A	
FIRST FLOOR	692 SF
SECOND FLOOR	942 SF
MEDIA	279 SF
TERRACE	2113 SF

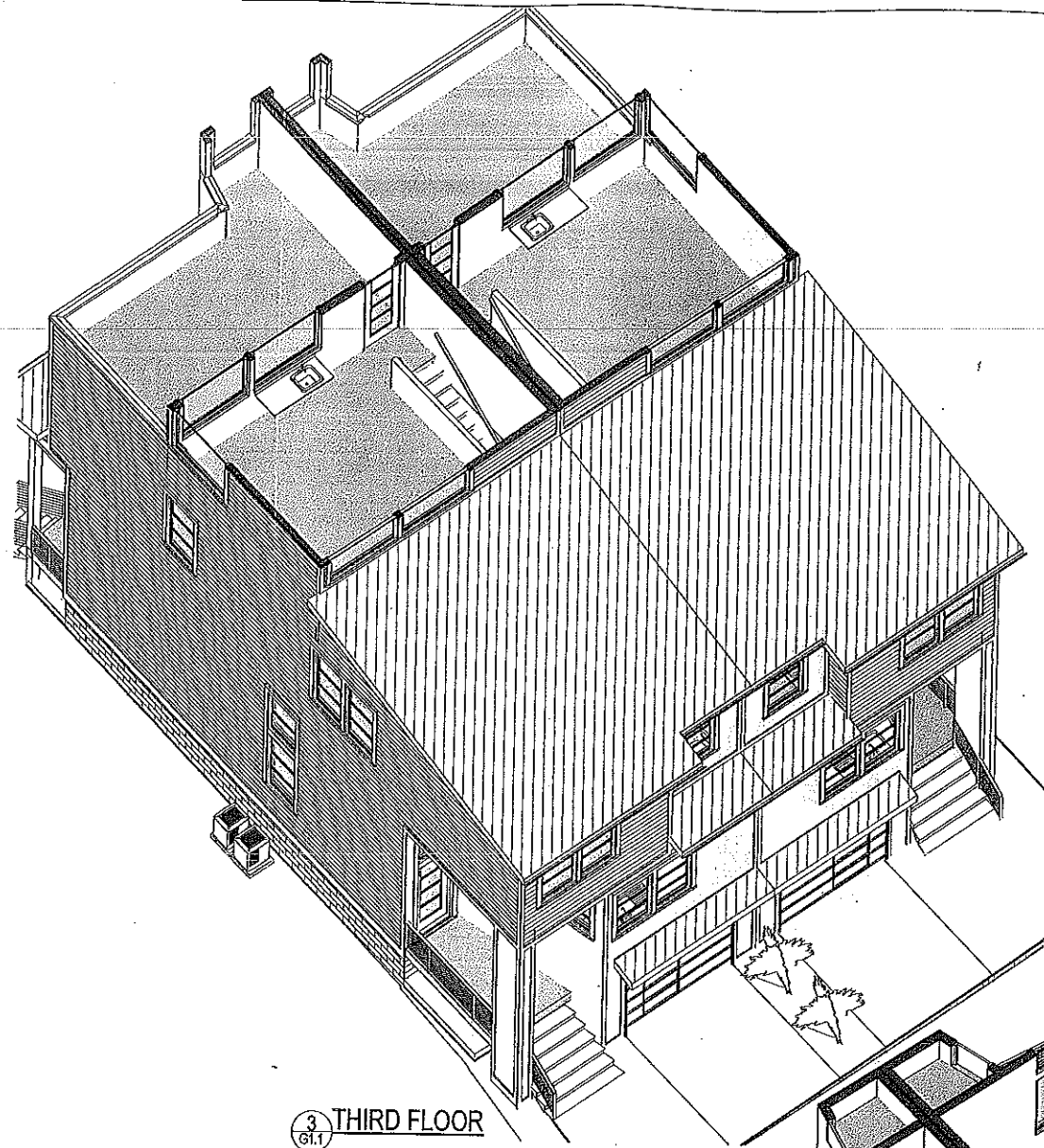
Name	AREA
GARAGE	284 SF
STORAGE	28 SF
TERRACE	265 SF
PORCH	87 SF
PORCH	69 SF
TERRACE	421 SF

Name	AREA
1010 B	
FIRST FLOOR	692 SF
SECOND FLOOR	942 SF
MEDIA	279 SF
TERRACE	2113 SF

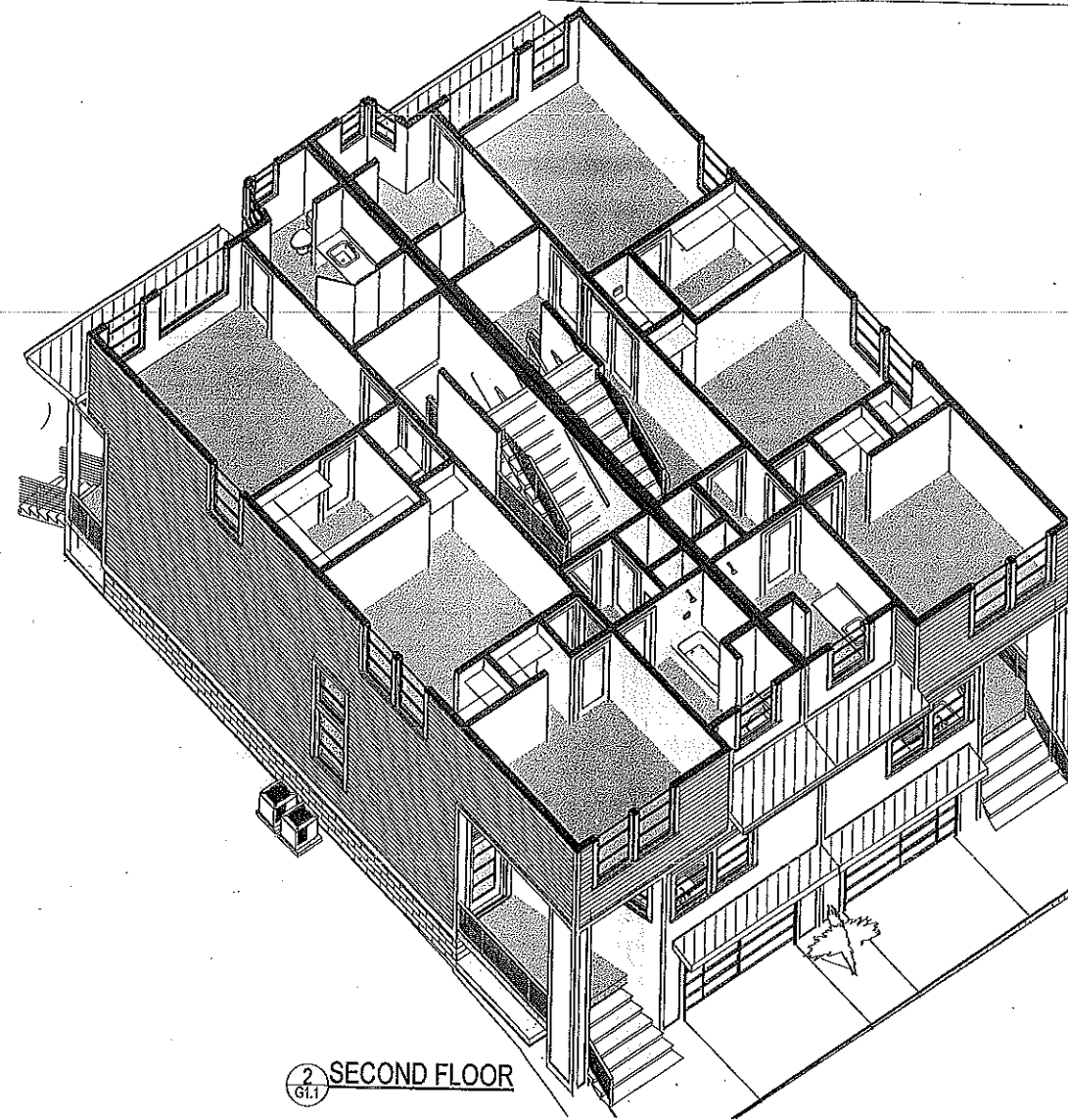
Name	AREA
GARAGE	284 SF
STORAGE	28 SF
TERRACE	265 SF
PORCH	87 SF
PORCH	69 SF
TERRACE	421 SF

SITE PLAN NOTES:
GENERAL CONTRACTOR SHALL PROVIDE SITE PLAN INDICATING SETBACKS, RIGHT OF WAY, SITE ACCESS AND EROSION CONTROL.

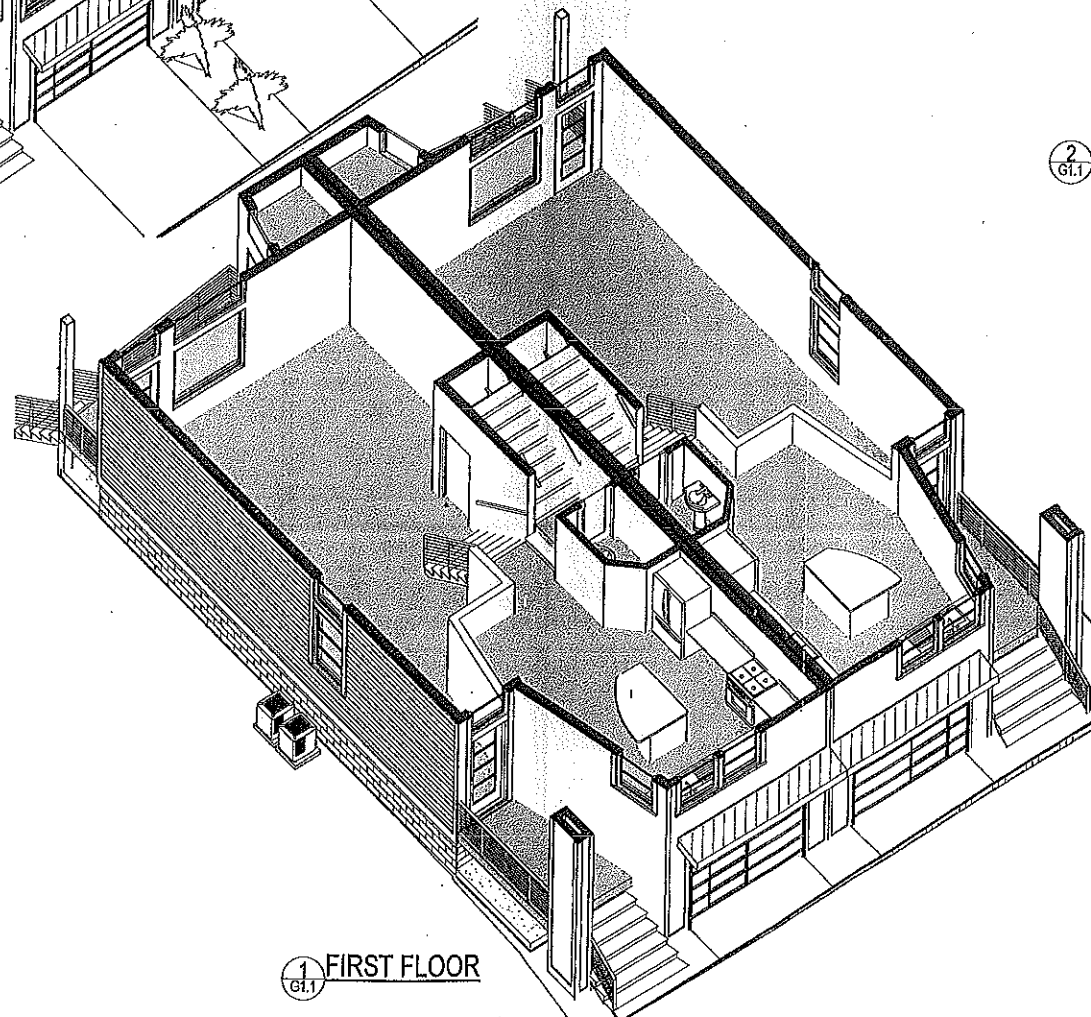
07/14/2018 10:45:47 AM



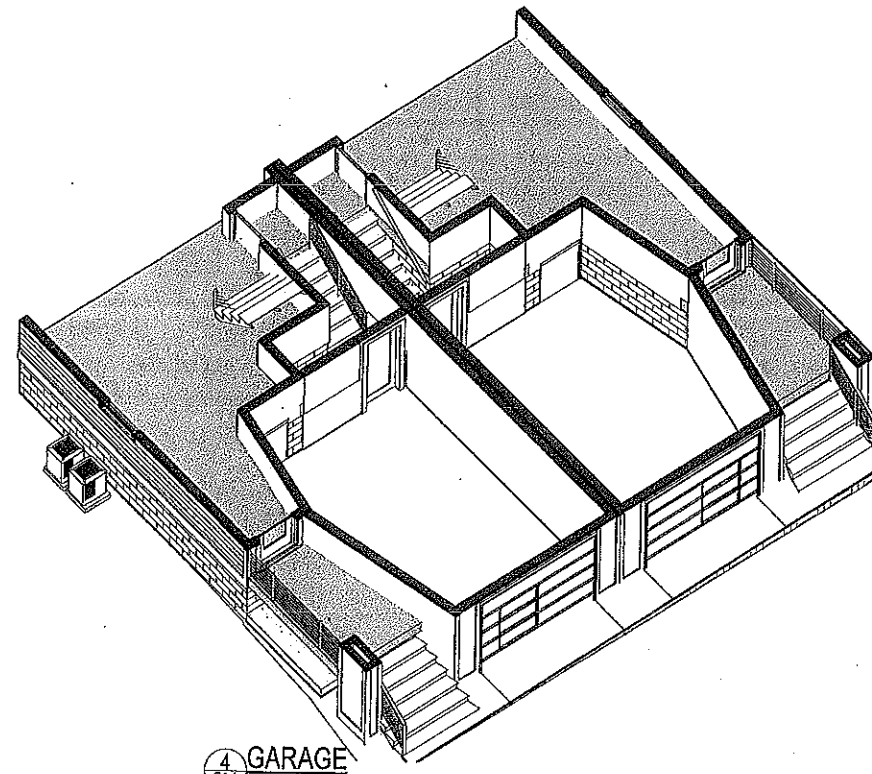
3 THIRD FLOOR
G1.1



2 SECOND FLOOR
G1.1



1 FIRST FLOOR
G1.1



4 GARAGE
G1.1

S. MITCHELL HODGE, AIA
1900 Cedar Lane
Nashville, Tennessee
37212
(615)260-0919
mitchhodge@comcast.net

HOMESTEAD CONCEPTS/
ARCHITECTURE

Copyright © 2018 by
S. Mitchell Hodge, AIA. The
information contained in
this Document is intended
for use on this Project only.
Any use beyond this Project
is strictly prohibited and any
consequences of use
beyond this Project are not
the responsibility of the
Architect.

Two Family Attached Homes at
1010 ALICE STREET
Nashville, TN

PROJECT VIEWS

G1.1

PROJECT: 1824
DATE: 06/14/2018

S. MITCHELL HODGE, AIA
 1900 Cedar Lane
 Nashville, Tennessee
 37212
 (615)260-0919
 mlchhodge@comcast.net

HOMESTEAD CONCEPTS/
 ARCHITECTURE

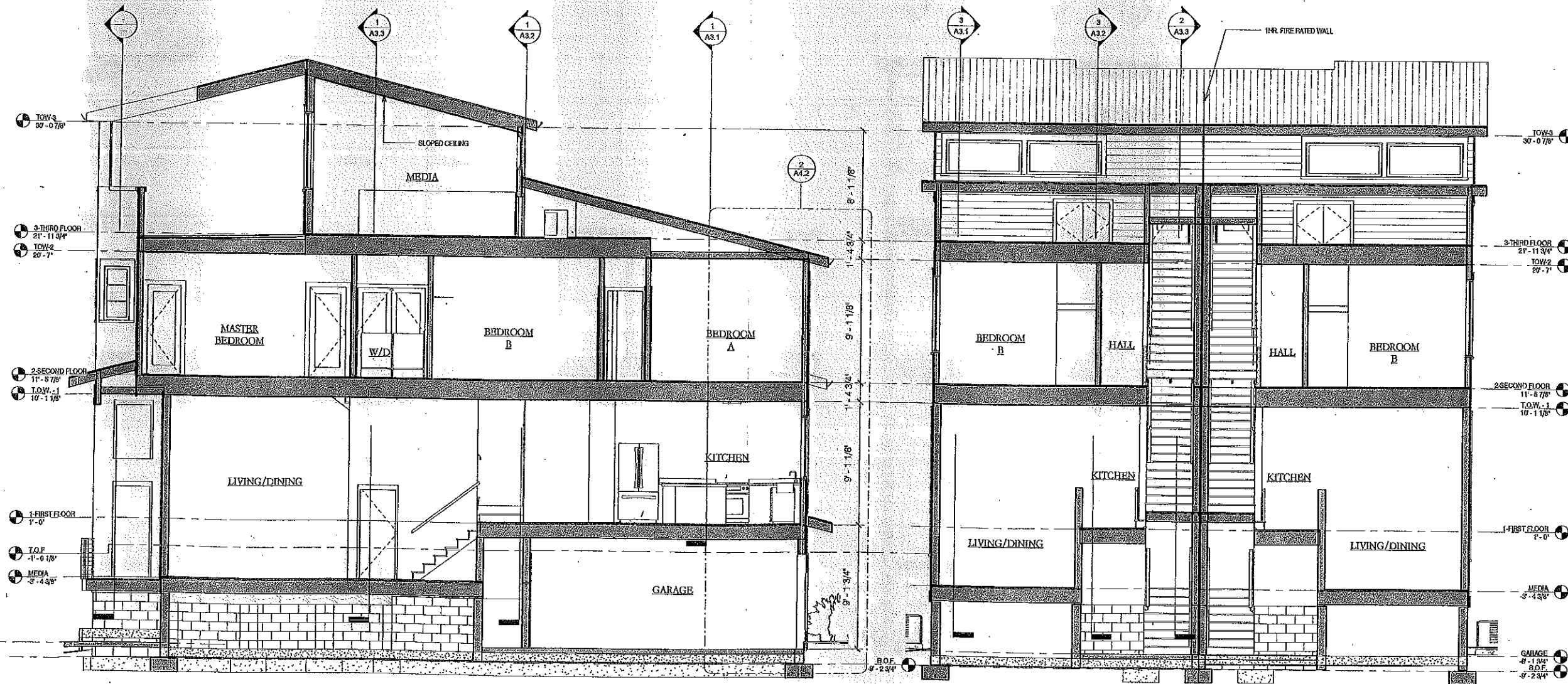
Copyright © 2018 by
 S. Mitchell Hodge, AIA. The
 information contained in
 this Document is intended
 for use on this Project only.
 Any use beyond this Project
 is strictly prohibited and any
 consequences of use
 beyond this Project are not
 the responsibility of the
 Architect.

Two Family Attached Homes at
 1010 ALICE STREET
 Nashville, TN

BUILDING
 SECTIONS

A3.2

PROJECT: 1821
 DATE: 06.14.18



SECTION B-2
 1/4" = 1'-0"

SECTION A-2
 1/4" = 1'-0"

PRINTED: 6/14/2018 10:45:37 AM

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF DEKALB, HAMILTON AND DAVIDSON COUNTY



Appellant: Dustin Timmons Date: 6/12/18
Property Owner: Rosie Ryman Case #: 2019-067
Representative: Dustin Timmons Map & Parcel: 11502662700
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: to construct a single family residence

Activity Type: Single Family

Location: 995 Davidson Dr. Nashville TN 37205

This property is in the RS15 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Variance from sidewalk requirements requesting not to pay or build sidewalks

Section(s): 17.20.120...

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

Completed and witnessed, Date

Dustin Timmons
Name (Please Print)

[Signature]
Signature

dustin.timmons@bellsouth.net
Print Applicant's e-mail address

PO Box 150221
Mailing Address

Nashville TN 37215
City, State, Zip Code

615-456-7983
Phone Number

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

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



3588631

ZONING BOARD APPEAL / CAAZ - 20180078996
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11502002700

APPLICATION DATE: 12/19/2018

SITE ADDRESS:

995 DAVIDSON DR NASHVILLE, TN 37205
W SIDE DAVIDSON DR N OF WINDROWE DR

PARCEL OWNER: RYMAN, JOHN EDWARD & ROSIE C.

CONTRACTOR:

APPLICANT:**PURPOSE:**

Requesting a sidewalk variance for proposed new residence permitted under CARN 2018005913 per METZO section 17.20.120

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



3443146

**APPLICATION FOR BUILDING RESIDENTIAL - NEW // CARN # T2018006913
THIS IS NOT A PERMIT**

PARCEL: 11502002700

APPLICATION DATE: 02/01/2018

SITE ADDRESS:

995 DAVIDSON DR NASHVILLE, TN 37205
W SIDE DAVIDSON DR N OF WINDROWE DR

PARCEL OWNER: RYMAN, JOHN EDWARD & ROSIE C.

APPLICANT: DONNELLY TIMMONS & ASSOCIATES
INC
JOSEPH DONNELLY
NASHVILLE, TN 37215 615-456-7985

PURPOSE:

to construct 3750SF single family residence with 400Sf garage and 400Sf porches. 10' min. side setback, 20' min. rear setback, front setback at ' per avg. not to be over any easements.

Sidewalks are required, applicant may pay in lieu of sidewalk requirements

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

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

[A] Site Plan Review		
[A] Zoning Review	APPROVED	clnt.harper@nashville.gov 862-5230
[B] Fire Life Safety Review On Bldg App		862-7225
[B] Sewer Availability Review For Bldg		862-7225
[E] Sewer Variance Approval For Bldg		
[E] Water Availability Review For Bldg		862-7225
[E] Water Variance Approval For Bldg		
[A] Bond & License Review On Bldg App	APPROVED	clnt.harper@nashville.gov
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@nashville.gov
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[C] Flood Plain Review On Bldg App		862-6038 logan.bowman@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPPermits1@nashville.gov

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

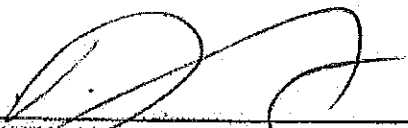
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

6/12/18

 DATE

DONNELLY TIMMONS & ASSOCIATES INC.

Custom Builders

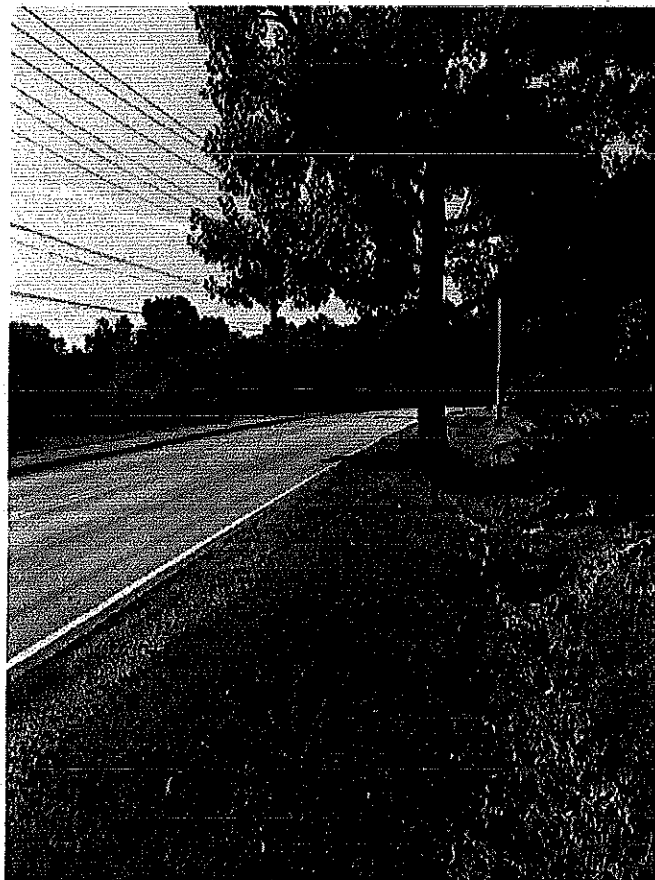
Metropolitan Board of Zoning Appeals
PO Box 196300
Metro Office Building
Nashville, TN 37219-6300

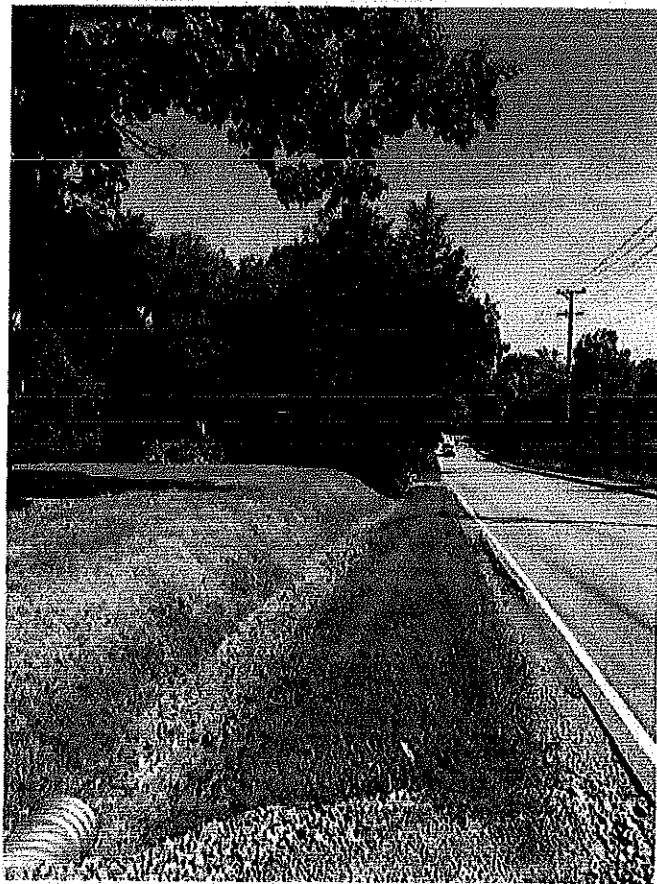
We are requesting a variance from the sidewalk requirement at 995 Davidson Dr. Nashville, TN 37205. There are many existing hardships on this property all of which would make sidewalk construction impossible or extremely expensive.

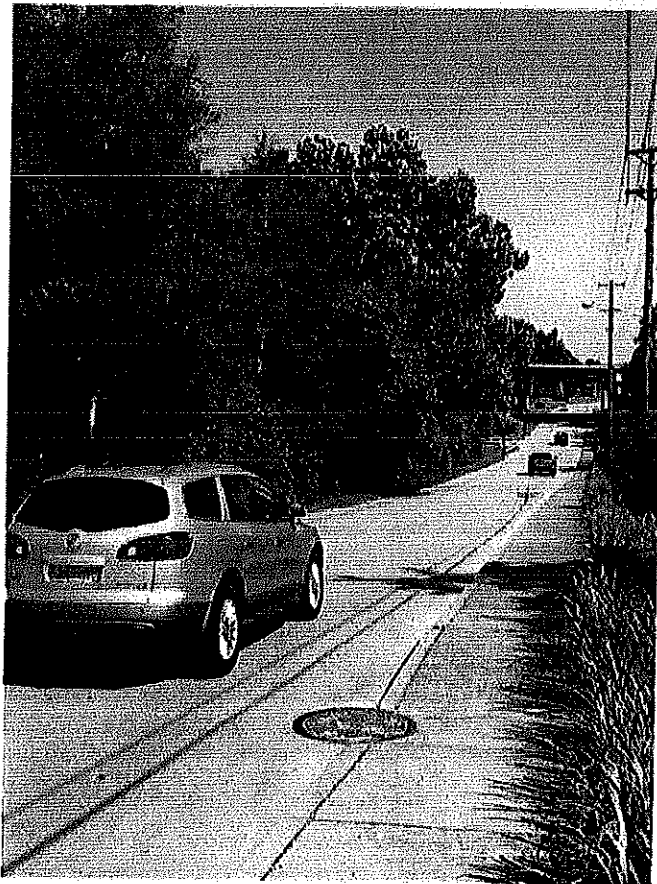
- This property has a large drainage ditch at the front of the property running along Davidson Dr., due to the topography along Davidson Dr. sidewalk construction would be impossible and risks damage to existing drainage.
- There is a large 24" caliper tree in the right of way.
- There are guardrails along Davidson Dr. where the creek flows under the Downey Dr. intersection.
- The unique shape of the lot leaves it with almost 600' of road frontage along Davidson Dr. but roughly 280' of that frontage falls in both Zone 1 and Zone 2 flood buffers. There is also an existing sidewalk on the opposite side of Davidson Dr. directly across the street from the property. There are no existing sidewalks on either side of the property.

We feel that these hardships along with the existing sidewalk across the street should exempt this property from the sidewalk requirement.

Thank you,
Dustin Timmons (Contractor)
Rosie Ryman (Owner)







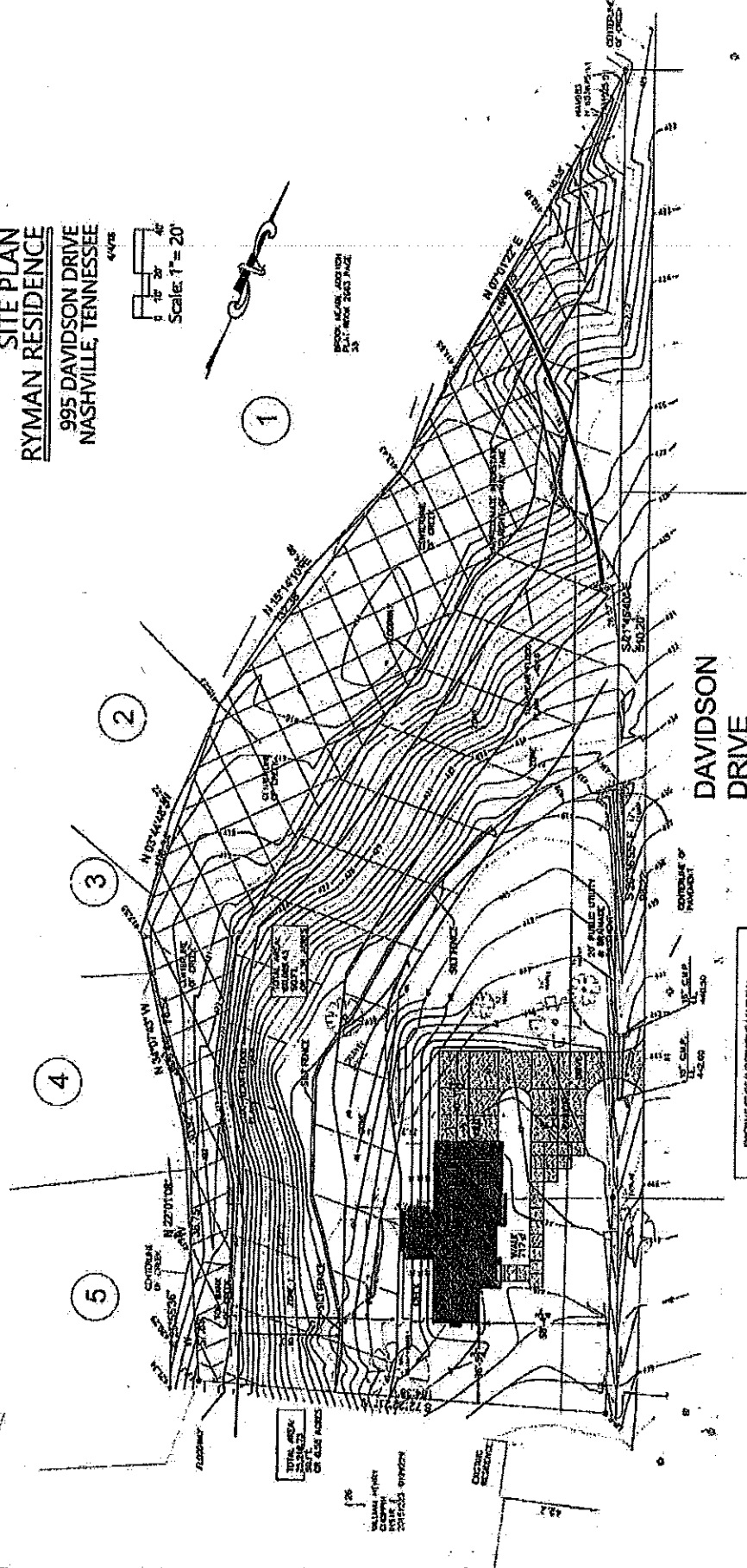
2018-388

SITE PLAN
RYMAN RESIDENCE
 995 DAVIDSON DRIVE
 NASHVILLE, TENNESSEE

Scale: 1" = 20'



PROPOSED ACQUISITION
 2/3



Scale: 1" = 20'

EXISTING SF OF IMPERVIOUS MATERIAL	
1298 SF	FOOTPRINT OF HOUSE
2796 SF	DRIVEWAY
784 SF	TERRACE AND WALKS
5228 SF	SITE TOTALS
PROPOSED SF OF IMPERVIOUS MATERIAL	
2373 SF	FOOTPRINT OF PROPOSED HOUSE
2358 SF	PROPOSED DRIVEWAY
777 SF	PROPOSED WALKS
6019 SF	PROPOSED SITE TOTALS

PROPOSED ACQUISITION
 2/3

TOTAL AREA
 23,500 SF
 OF THIS PARCEL

WALKWAY
 DRIVEWAY
 TERRACE AND WALKS

EXISTING
 CONCRETE

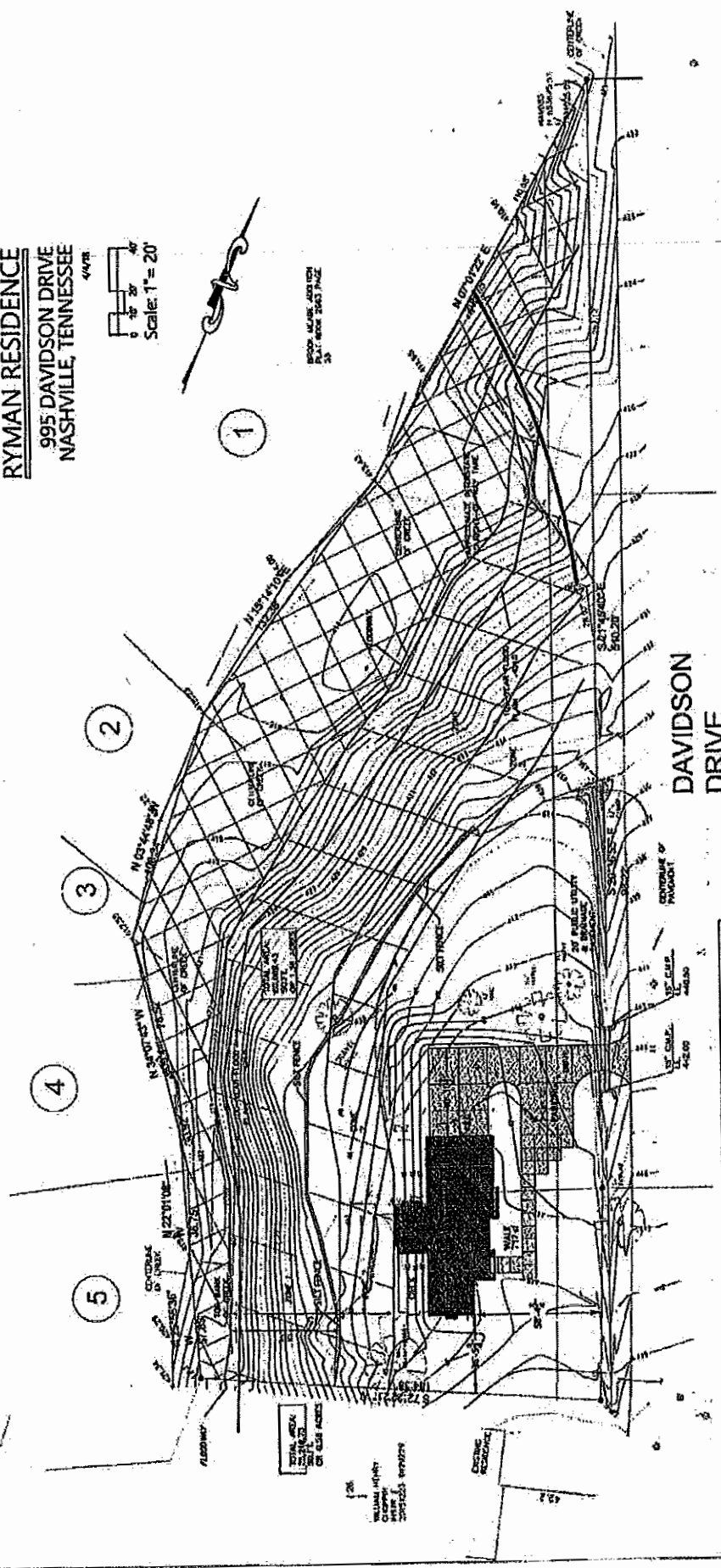
1" = 20'
 1" = 20'

2018-388

SITE PLAN
RYMAN RESIDENCE
 995 DAVIDSON DRIVE
 NASHVILLE, TENNESSEE



Scale: 1" = 20'



Scale: 1" = 20'

EXISTING SF OF IMPROVED MATERIAL	
1,108 SF	FOOTPRINT OF HOUSE
2,706 SF	DRIVEWAY
784 SF	TERRACES AND WALKS
5,824 SF	SITE TOTALS
PROPOSED SF OF IMPROVED MATERIAL	
2,078 SF	FOOTPRINT OF PROPOSED HOUSE
2,945 SF	PROPOSED DRIVEWAY
717 SF	PROPOSED WALKS
6,078 SF	PROPOSED SITE TOTALS

EXISTING IMPROVED MATERIAL
 PLAT BOOK 1045 PAGE 12

TOTAL AREA OF CLEARING
 TOTAL AREA OF CONSTRUCTION
 TOTAL AREA OF SITE

WILLIAM HENRY
 CIVIL ENGINEER
 1000 17TH AVENUE
 NASHVILLE, TENNESSEE 37203

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-067 (995 Davidson Drive)

Metro Standard:	6' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not construct sidewalks; not contribute in-lieu of construction (eligible)
Zoning:	R15
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	T3-R-CA2
Transit:	Approximately 0.32 miles south of #10 – Charlotte and #50 – Charlotte Pike BRT Lite
Bikeway:	None existing, none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to construct a single family residence and requests a variance from constructing sidewalks and contributing in-lieu of construction along the property's frontage with Davidson Drive. Planning evaluated the following factors for the variance request:

- (1) There is no sidewalk along the property frontage, which is consistent with adjacent properties along the block face to the north and south. A 5' sidewalk without a grass strip currently exists along the frontage of Davidson Drive across from the applicant's property.
- (2) A drainage ditch exists along the property's frontage with Davidson Drive. Constructing sidewalks to the Major and Collector Street Plan standard will require relocation, fill, and/or piping which will impact stormwater flow on adjacent properties to the north and south.

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

1. Prior to the issuance of building permits, dedicate right-of-way along the Davidson Drive 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 HOLLIDAY
Property Owner: Deep River Dev
Representative: Israel Holliday

Date: 12/28/15
Case #: 2019-169
Map & Parcel: 81-02-2-C 001.00

Council District 2

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

Purpose: HPR Duplex

Activity Type: Duplex (HPR)

Location: 2225 A 24th Av N, N1T 37208

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

Reason: Side STBK: Required 5' / Request 3'6"

Section(s): 17.12.020 A

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

Israel Holliday
Appellant Name (Please Print)

Representative Name (Please Print)

Address

Address

City, State, Zip Code

City, State, Zip Code

615-414-6605
Phone Number

Phone Number

Israel@hollidayre.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**



3590307

**ZONING BOARD APPEAL / CAAZ - 20180080094
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 081022C00100CO

APPLICATION DATE: 12/28/2018

SITE ADDRESS:

2225 A 24TH AVE N NASHVILLE, TN 37208
UNIT 2225A HOMES AT 2225 24TH AVENUE NORTH

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

- 1....NEW HPR DUPLEX CONSTRUCTED UNDER PARCELS 1 AND 2.
- 2.....SITE PLAN SHOWS A REQUIRED SIDE SETBACK AT 5'
- 3....SURVEY EXHIBIT A SHOWS A BUILD TO SIDE SETBACK AT 5'.

- 1.....NEW HPR DUPLEX CONSTRUCTED ****ADJACENT**** PROPERTY TO THE SOUTH.
- 2....SITE PLAN SHOWS REQUIRED 5' SIDE SETBACK.
- 3....SURVEY EXHIBIT B SHOWS A BUILD TO SIDE SETBACK AT 5' ALSO.

- 1...SO PER SURVEYS SHOULD BE 10' BETWEEN THE HOUSES.
- 2....BUT FIELD MEASUREMENTS SHOW 10' BETWEEN THE HOUSES AT THE FRONT****BUT***ONLY 8'6" BETWEEN THE HOUSES AT THE REAR.
- 3...BOTH SURVEYORS STATE THEY ARE CORRECT.

THE CONTRACTOR OF THIS PROPERTY IS FILING AN APPEAL. REQUESTING A SIDE SETBACK VARIANCE....INSTEAD OF THE REQUIRED 5'...REQUESTING 3'6"...VARIANCE OF 1'6"....17.12.020A

POC: ISRAEL HOLLIDAY 615-414-6605

Israel@hollidayre.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.

1620' ALY

80

08102018600
R19

081022J00200CO

081022J00100CO

081022J90000CO

50

08102001200

100

50

*

Site

081022C90000CO

081022C00200CO

081022C00100CO

50

*

081022A90000CO

081022A00200CO

081022A00100CO

081022F90000CO

081022F00200CO

081022F00100CO

081022E90000CO

081022E00200CO

081022E00100CO

081022I90000CO

081022I00200CO

24TH AVEN

50

08102007000

50

08102020900

50

08102006800

50

08102017100

08102006700

50

081022D90000CO

41

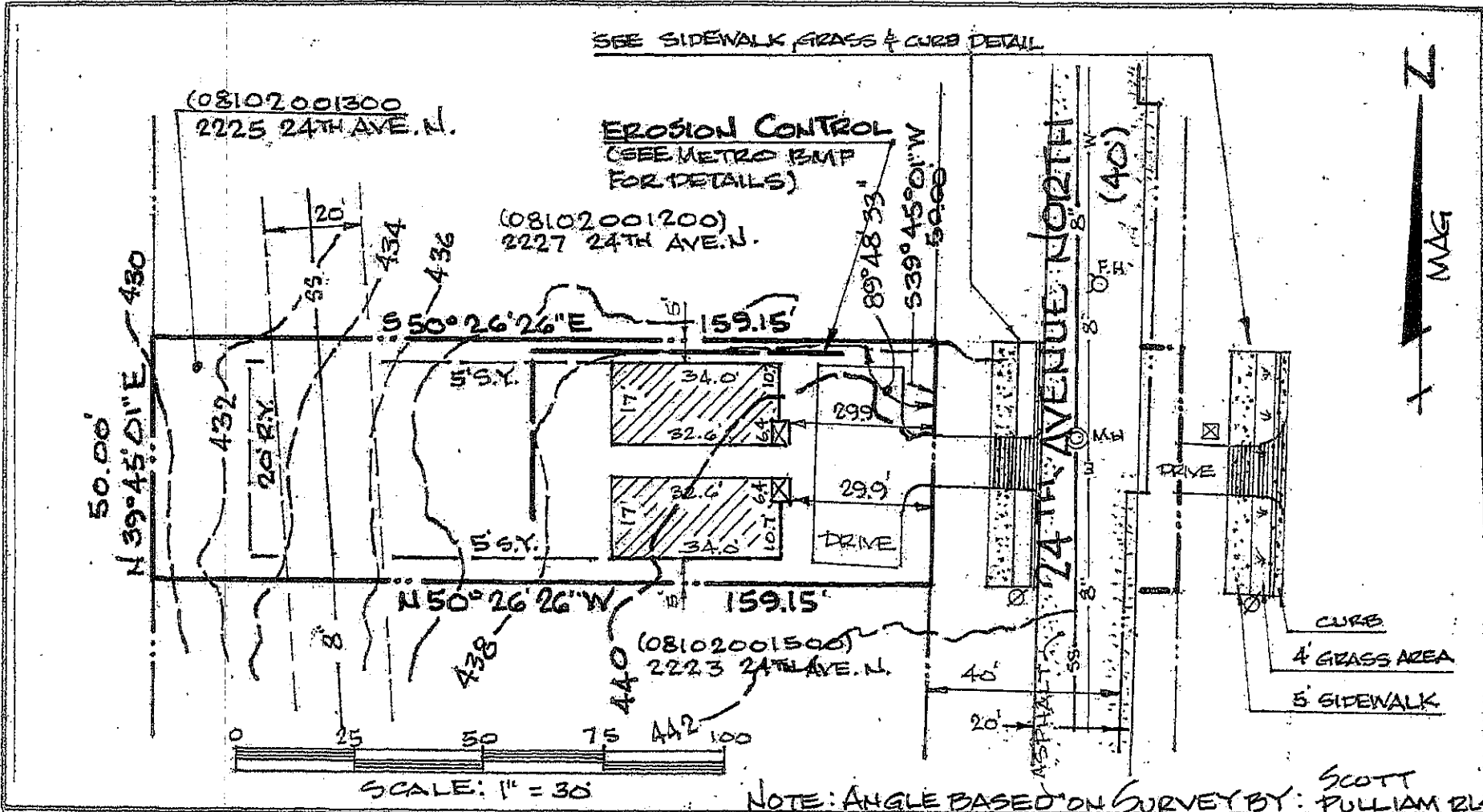
081022G90000CO

41

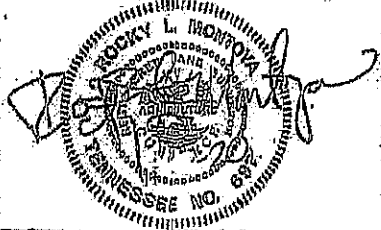
081022H90000CO

08102007300

SEE SIDEWALK, GRASS & CURB DETAIL



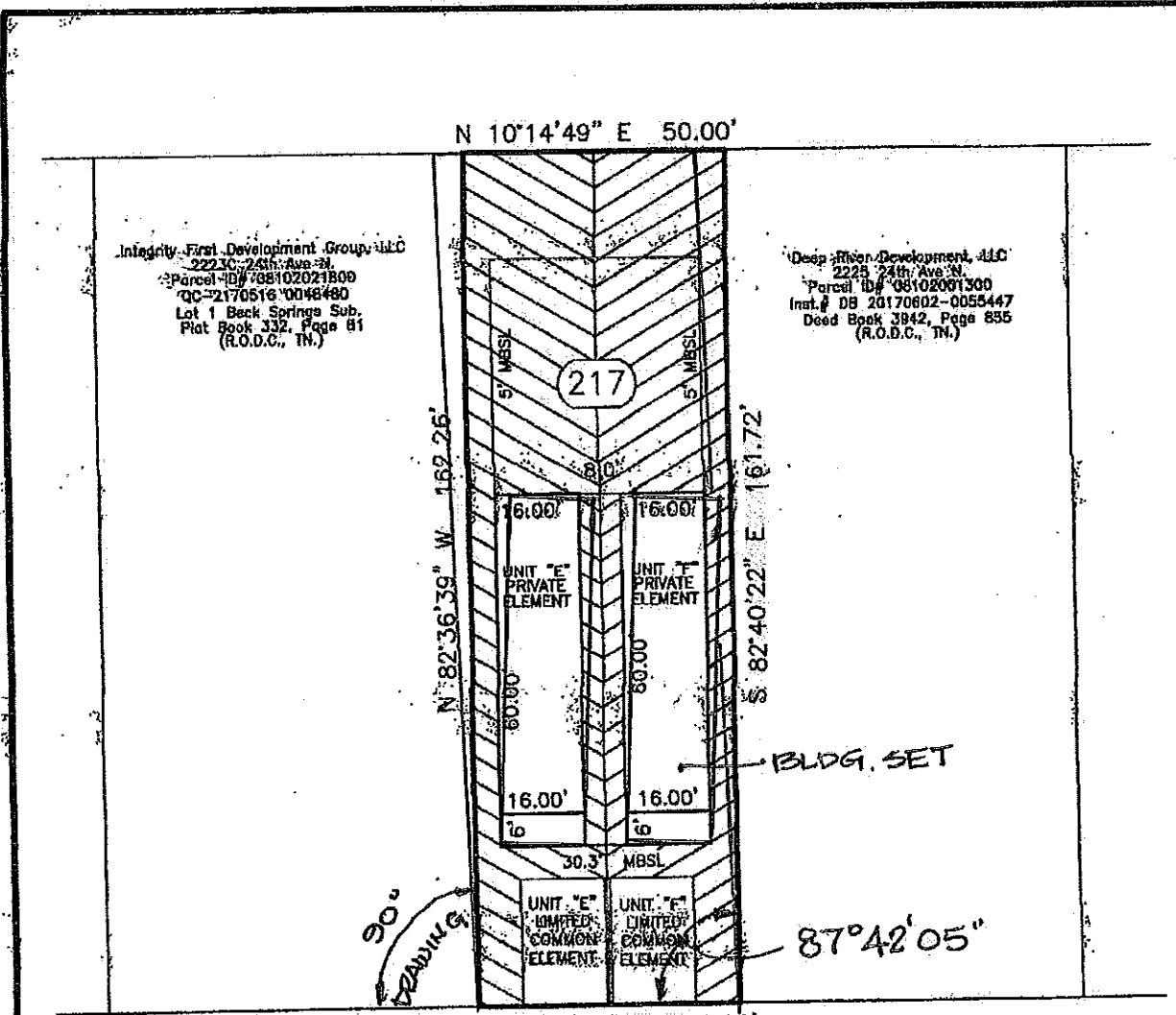
Prepared By:
r.l. montoya - Land Surveying
 1105 Old Dickerson Road
 Goodlettsville, Tn. 37072
 Phone: 615-347-1210 Email: rocky.surveyor@gmail.com



Site Plan
 2225 24TH AVENUE NORTH
 Nashville - Davidson Co., Tn.

SHEET NO.
S-1.0

EXHIBIT "A"



Integrity First Development Group, LLC
 2225 E. 24th Ave. N.
 Parcel ID# 08102021800
 QC-2170516-0048480
 Lot 1 Beck Springs Sub.
 Plat Book 332, Page 81
 (R.O.D.C., TN.)

Deep River Development, LLC
 2225 E. 24th Ave. N.
 Parcel ID# 08102001300
 Inst. # DB 20170602-0055447
 Deed Book 3942, Page 835
 (R.O.D.C., TN.)

90°
DRAWING

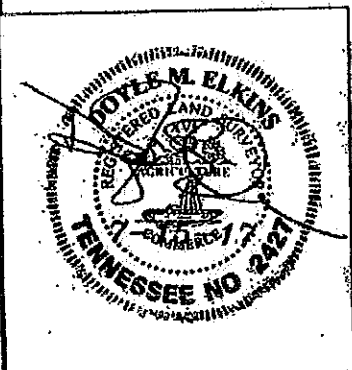
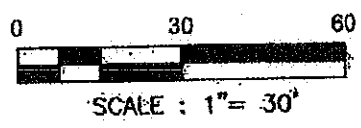
BLDG. SET

87°42'05"

24th AVE N.
 40' R.O.W.

AREA:
 8,079.1 sq.ft. or 0.19 Ac.

EXHIBIT
 "B"



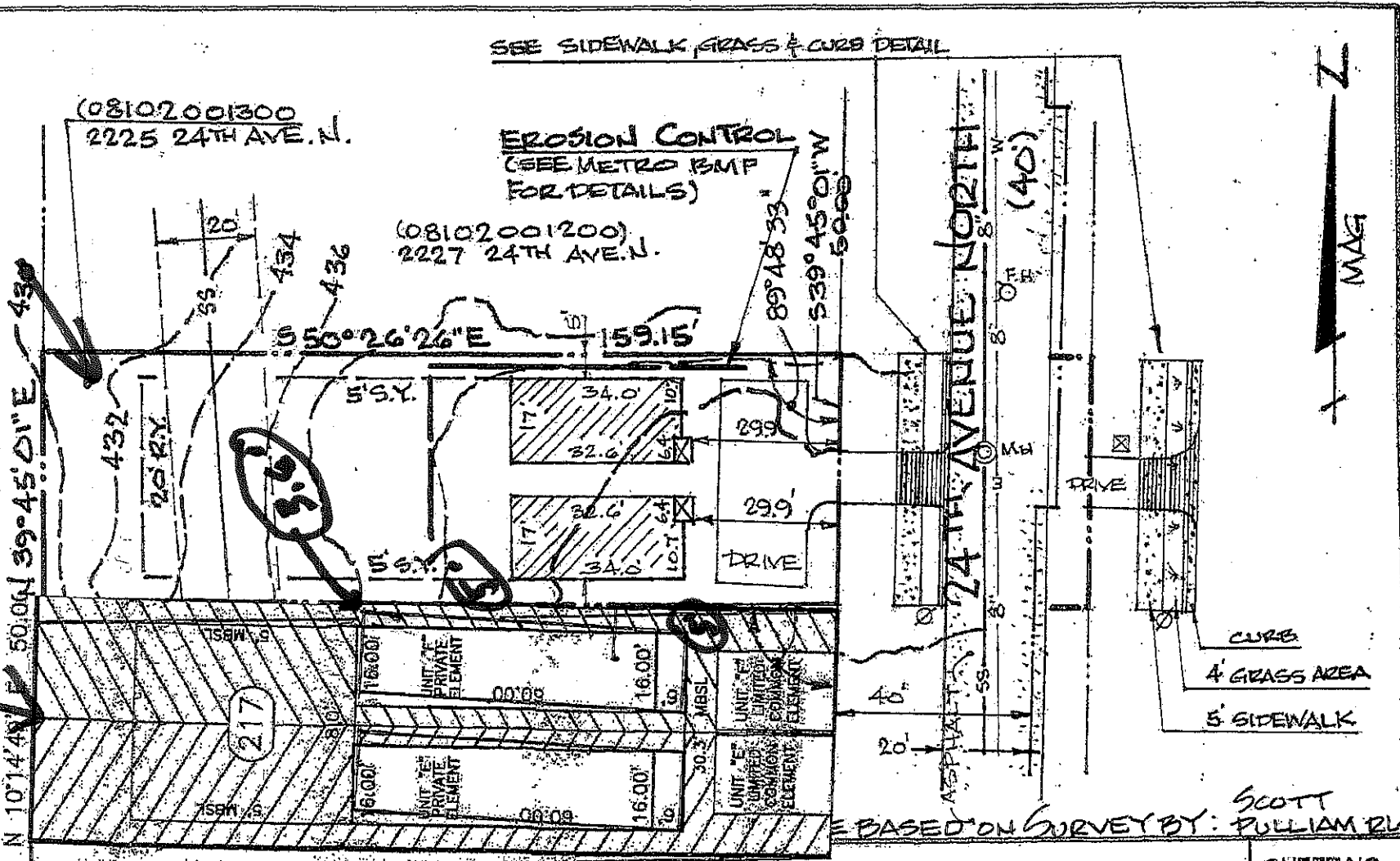
Doyle M. Elkins
 610 W. College St #135
 Murfreesboro, TN 37130
 TN-RLS #2427
 615-408-9761

EXHIBIT MAP
 2225 E & F 24th AVE. N.
 METRO PARCEL ID# 08102021700
 2nd CIVIL DISTRICT
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE
 SCALE: 1" = 30' DATE: 7/15/17

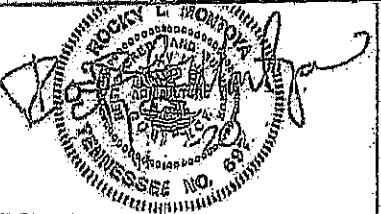
931-636-2414 (a)

65-414-6605

Exhibit B Exhibit A



r.l. montoya - Land Surveying
 1105 Old Dickerson Road
 Goodlettsville, Tn, 37072
 Phone: 615-347-1210 Email: rocky.surveyor@gmail.com



Site Plan
 2225 24TH AVENUE NORTH
 Nashville - Davidson Co., Tn.

SHEET NO.
S-1.0

Capitol
 Exhibit B
 App
 to pond

~~EXHIBIT A~~

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

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.

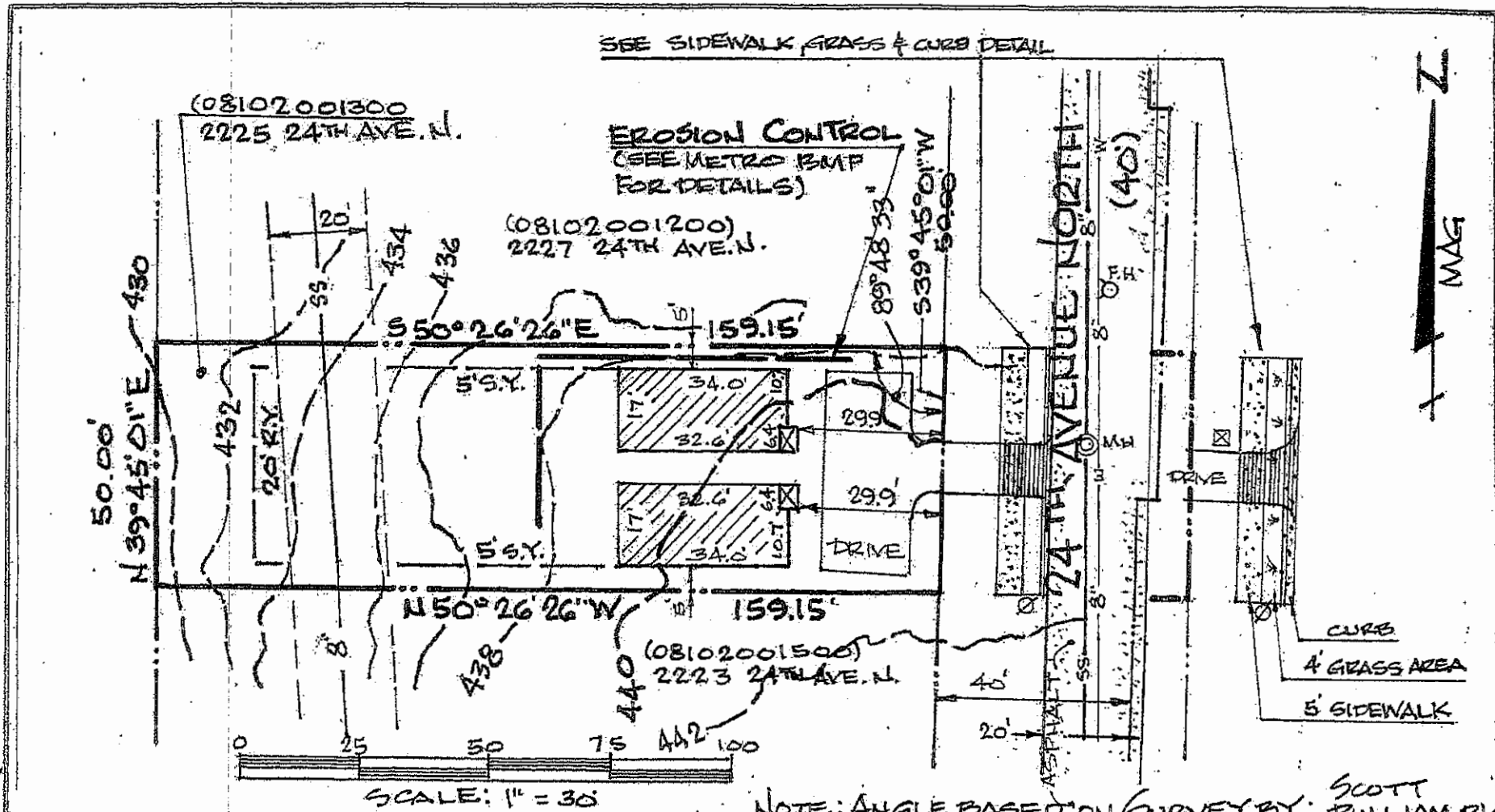
In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. ~~The Board can also consider other practical difficulties such as mature trees, easements,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

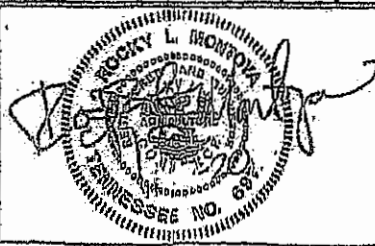
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively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

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

*See Info on face
of permit*



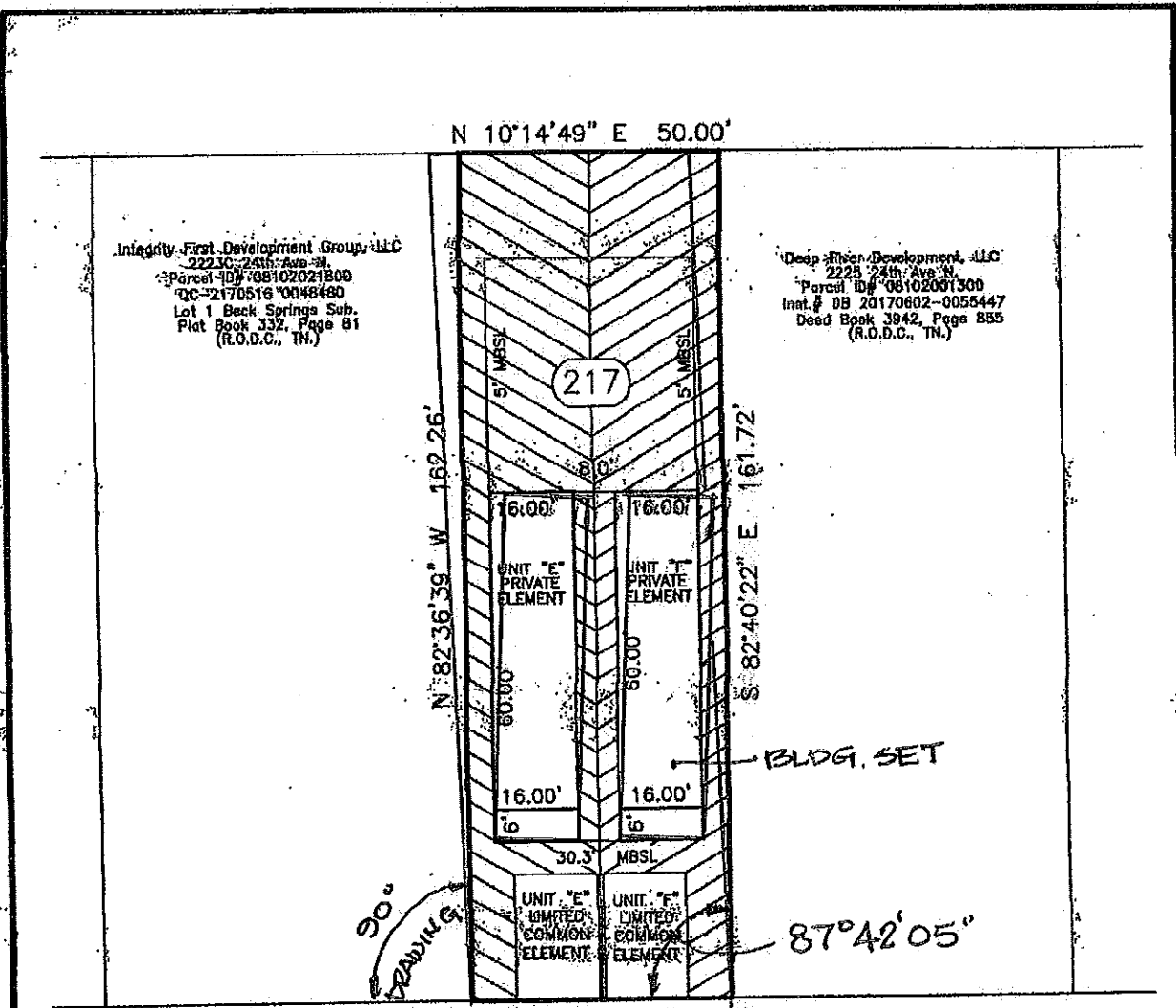
Prepared By:
r.l. montoya - Land Surveying
 1106 Old Dickerson Road
 Goodlettsville, Tn. 37072
 Phone: 615-347-1210 Email: rocky.surveyor@gmail.com



Site Plan
 2225 24TH AVENUE NORTH
 Nashville - Davidson Co., Tn.

SHEET NO.
S-1.0

EXHIBIT "A"



Integrity First Development Group, LLC
 2228 24th Ave N
 Parcel ID# 08102021700
 QC-2170516-0048480
 Lot 1 Beck Springs Sub.
 Plat Book 332, Page 81
 (R.O.D.C., TN.)

Deep River Development, LLC
 2228 24th Ave N
 Parcel ID# 08102091300
 Int. # 08 2017002-005447
 Deed Book 3942, Page 835
 (R.O.D.C., TN.)

S 09°37'33" W 50.00'

24th AVE N.

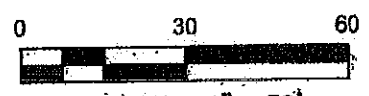
40' R.O.W.

AREA:

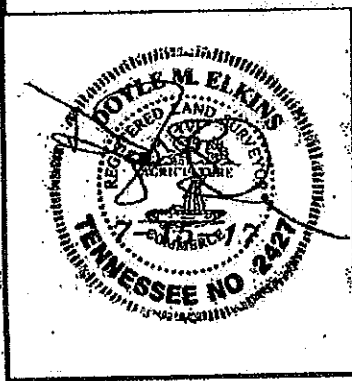
8,079.1 sq.ft. or 0.19 Ac.

EXHIBIT

"B"



SCALE : 1" = 30'



Doyle M. Elkins
 610 W. College St #135
 Murfreesboro, TN 37130
 TN RLS #2427
 615-406-9761

EXHIBIT MAP
 2228 E & F 24th AVE N
 METRO: PARCEL ID# 08102021700
 2nd CIVIL DISTRICT
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE
 SCALE: 1" = 30' DATE: 7/15/17

931-636-2414 (a)

65-414-6605

Copied Exhibits A+B TO OUR PAGE

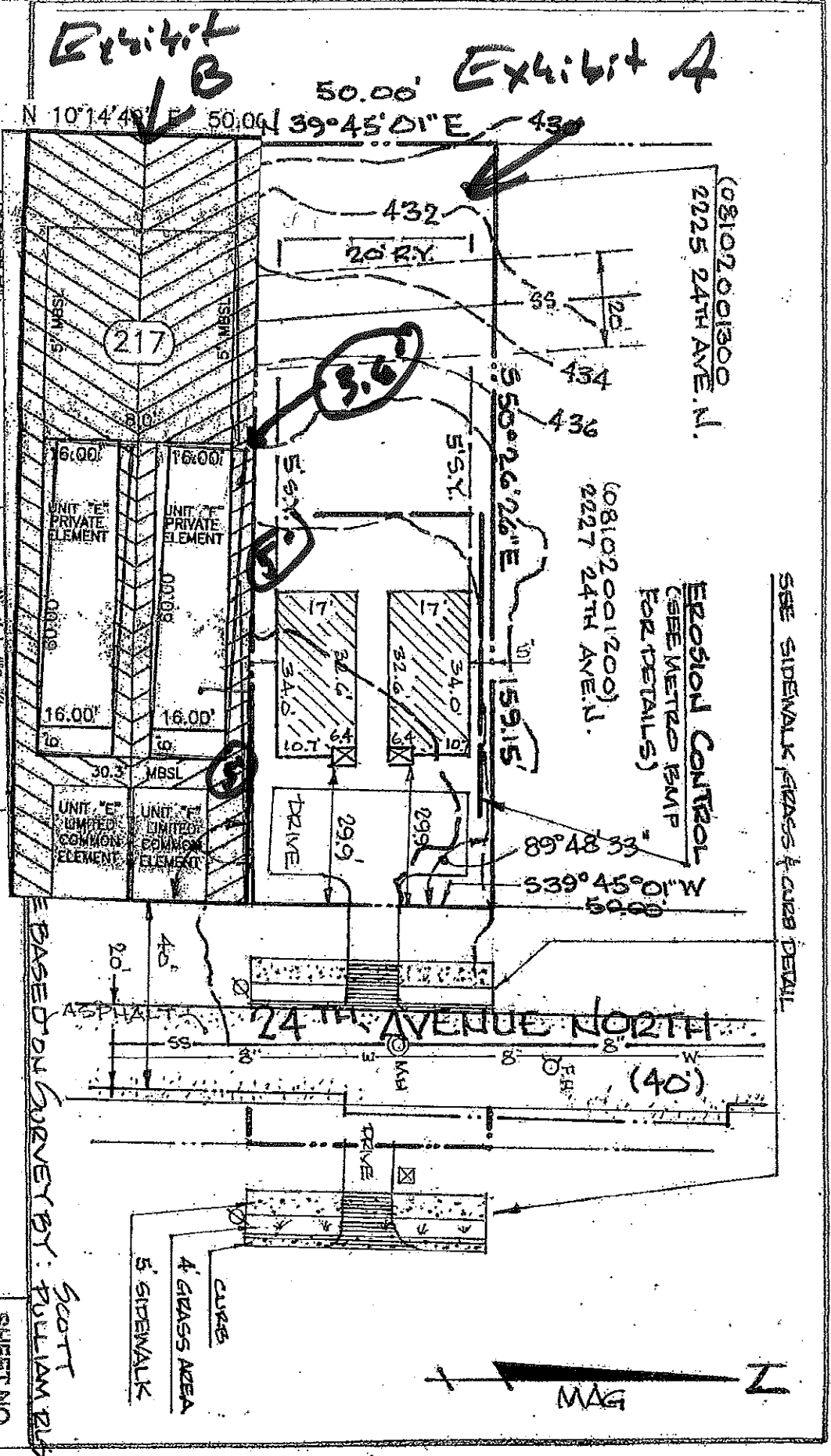
Exhibit B
50.00' Exhibit A

F.L. Monroya - Land Surveying
7106 Old Davidson Road
Goodlettsville, TN, 37072
Phone: 615-947-1210 Email: floyd.surveyor@gmail.com



Site Plan
2225 24TH AVENUE NORTH
Nashville - Davidson Co., TN

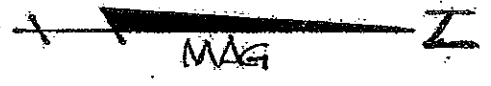
SHEET NO.
S-1.0



SEE SIDEWALK, GRASS & CURB DETAIL

EROSION CONTROL
(SEE METRO BMP
FOR DETAILS)

(08102001300)
2225 24TH AVE. N.
(08102001200)
2027 24TH AVE. N.



~~EXHIBIT A~~

BASED ON SURVEY BY: SCOTT FULLAM RD

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: JOSH HELLMER Date: 01/02/19
Property Owner: LIBERTY PLUS, LLC Case #: 2019-073
Representative: SEMIH GULERTIP Map & Parcel: _____

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: REQUEST TO CONTINUE USING EXISTING CURB CUT AND DRIVEWAY LOCATED 50 FEET FROM STREET INTERSECTION.

Activity Type: DRIVEWAY USE (RESIDENTIAL)

Location: 3833 DR WALTER S DAVIS BLVD

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: CONTINUE USE OF EXISTING DRIVE 50' FROM INT.

Section(s): 170.20.170 B.1

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.

JOSH HELLMER
Appellant Name (Please Print)

SEMIH GULERTIP
Representative Name (Please Print)

1071 2ND AVE S
Address

1048 SINGING SPRINGS RD
Address

NASHVILLE, TN 37210
City, State, Zip Code

MT JULIET, TN 37122
City, State, Zip Code

920-207-4721
Phone Number

615-866-8042
Phone Number

HELLMERJ@HOTMAIL.COM
Email

SAM@KNBCABINET.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 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

01/02/19

 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 EXISTING DRIVEWAY IS THE ONLY ACCESS
TO THE PROPERTY, WE WOULD LIKE TO
CONTINUE TO USE IT, AND BUILD NEW
HOMES



1 inch = 40 feet





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



3590939

ZONING BOARD APPEAL / CAAZ - 20190000117
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09104001001

APPLICATION DATE: 01/02/2019

SITE ADDRESS:

3833 DR WALTER S DAVIS BLVD NASHVILLE, TN 37209
ES 39TH AVE NO & N OF CENTENNIAL BLVD

PARCEL OWNER: LIBERTY PLUS, LLC

CONTRACTOR:

APPLICANT:**PURPOSE:**

REQUEST VARIANCE FOR CONTINUED USE OF EXISTING CURB CUT AND DRIVEWAY TO SINGLE FAMILY RESIDENCE,
LOCATED ON DR WALTER S DAVIS BLVD, 50 FEET FROM THE POINT OF INTERSECTION WITH 39TH AVE N.

PER 170.20.170 B. 1 ALONG THE FRONTAGE OF AN ARTERIAL STREET (DR WALTER S DAVIS BLVD) NO DRIVEWAY
RAMP SHALL BE LOCATED WITHIN ONE HUNDRED EIGHTY-FIVE FEET OF A STREET INTERSECTION... ..

*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.



1 inch = 40 feet



Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: JOSH HELMER
Property Owner: JOSH HELMER
Representative: N/A

Date: 01/02/19
Case #: 2019-074
Map & Parcel: 10504012800

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: SINGLE FAMILY / NEW CONSTRUCTION

Activity Type: CONSTRUCT A NEW SINGLE FAMILY HOME

Location: 16 SHEPARD ST NASHVILLE, TN 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: 1. LOT SIZE 2. FRONT S/B 3. NOT TO INSTALL SW

Section(s): 1. 17,40,670 2. 17,12,030, C3 3. 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.

JOSH HELMER
Appellant Name (Please Print)

Representative Name (Please Print)

1071 2ND AVE S
Address

Address

NASHVILLE, TN 37210
City, State, Zip Code

City, State, Zip Code

920-207-4721
Phone Number

Phone Number

HELLMERS @ NORMAL.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.

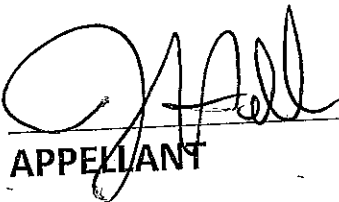
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

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.



APPELLANT

01 / 02 / 19
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?

- RETAINING WALL PREVENTS NEW SIDEWALKS

- FRONT SETBACK REQUEST IS TO MATCH THE NEW HOUSE TO BE BUILT AT 18 SHEPARD, AND THE EXISTING HOUSE AT 20 SHEPARD

- LOT IS UNDERSIZED, THE ENTIRE STREET IS SIMILAR IN SIZE, WE WILL BE ABLE TO MEET SETBACK REQUIREMENTS. THERE WAS A HOUSE DEMOLISHED ON THE PROPERTY IN 1981.



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



3590955

**ZONING BOARD APPEAL / CAAZ - 20190000124
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 10504012800

APPLICATION DATE: 01/02/2019

SITE ADDRESS:

16 SHEPARD ST NASHVILLE, TN 37210
PT LOT 19 TRIMBLE ADDN

PARCEL OWNER: OSTEEN, MILDRED K. & BLACKMAN, CARL CONTRACTOR:

APPLICANT:**PURPOSE:**

PER 17.40.670 MINIMUM OF 3,750 SF REQUIRED FOR NONCONFORMING LOT AREA TO CONTRUCT SINGLE FAMILY RESIDENCE... ..

1. REQUEST TO BUILD SINGLE FAMILY RESIDENCE ON 3,425 SF PLATTED PARCEL (91% OF 3,750 SF)

PER 17.12.030C.3 MINIMUM FRONT SETBACK IS AVERAGE OF 4 NEAREST SINGLE/TWO FAMILY HOMES.

2. REQUEST 16' FRONT SETBACK

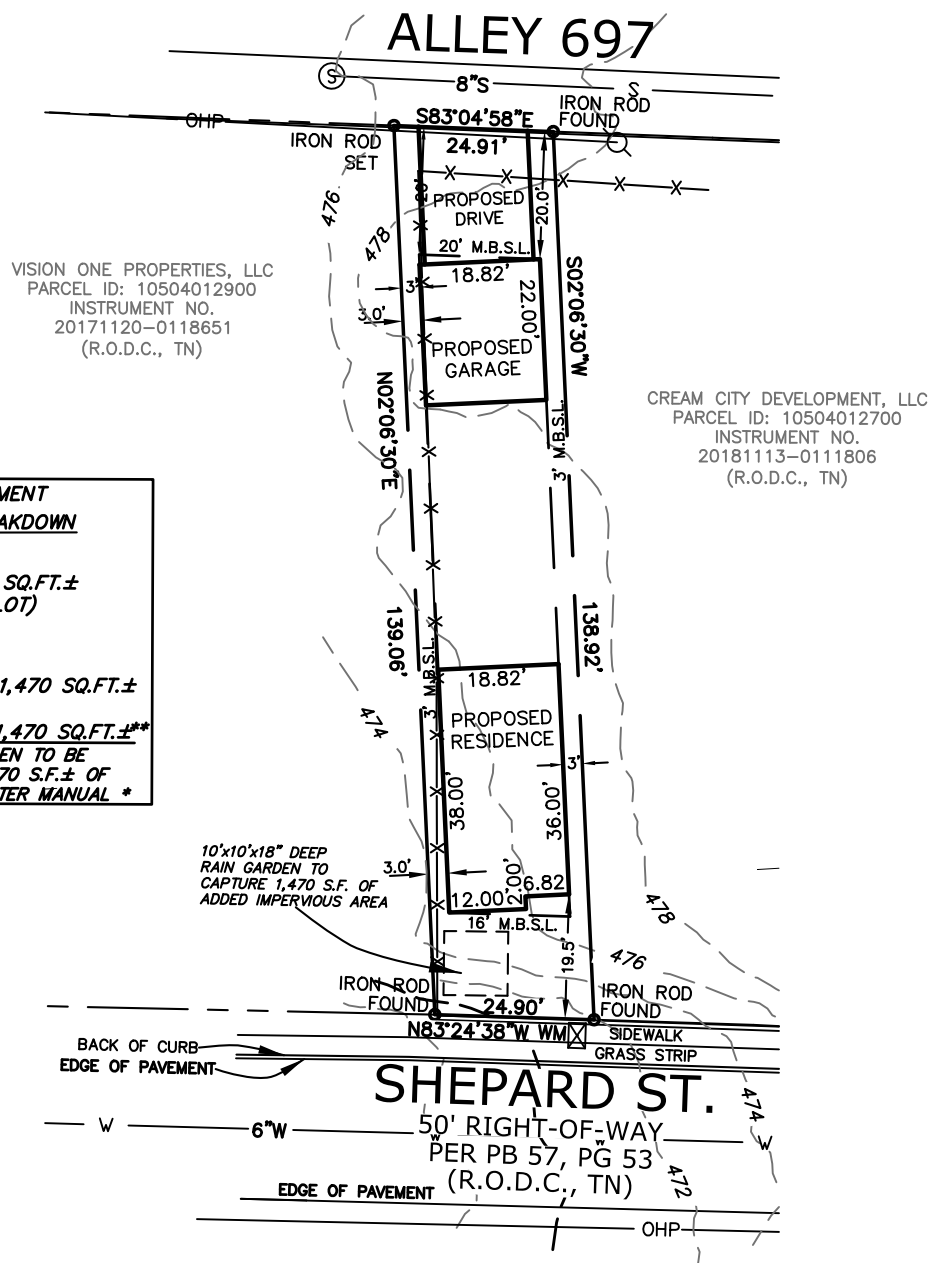
PER 17.20.120 SIDEWALKS REQUIRED

3. REQUEST NOT TO INSTALL SIDEWALKS

*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.

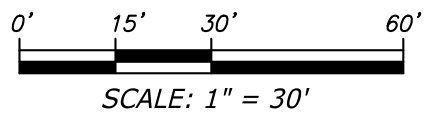


NOTE A: FRONT/STREET SETBACK PER METROPOLITAN BOARD OF ZONING APPEALS, CASE NUMBER 2018-534, DATE 09/10/2018.

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

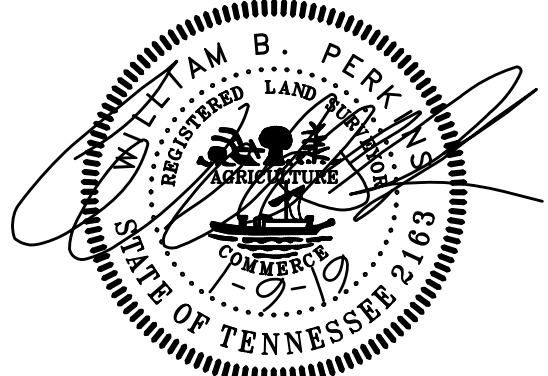


THE BUILDER IS SOLELY RESPONSIBLE FOR CONFORMING TO ALL ZONING REGULATIONS INCLUDING BUT NOT LIMITED TO BUILDING SETBACK LINES, EASEMENTS AND OTHER BUILDING, IMPROVEMENTS AND PROPERTY RESTRICTIONS AS WELL AS ANY OTHER CONDITIONS AS SET FORTH OR NOTED ON THE SUBDIVISION PLAT AND OTHER LOCAL, STATE OR 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 OSTEEN & 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

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-074 (16 Shepard Street)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not upgrade sidewalks
Zoning:	R6
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	Local Street
Transit:	¼ mile from #25 – Midtown
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing a new single family residence and requests a variance from upgrading sidewalks, due to an existing retaining wall and the narrow lot shape. Planning evaluated the following factors for the variance request:

- (1) A 5' sidewalk without a grass strip exists along the property's Shepard Street frontage.
- (2) The property has slope and an existing retaining wall. The width of the parcel is narrow.

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

1. Maintain existing sidewalk conditions in a state of good repair per Public Works final guidance. Any portion of the existing sidewalk along the property frontage that is not ADA compliant is to be removed and replaced in-kind with MPW Detail ST-210 sidewalk.
2. The applicant shall contribute in-lieu of construction for the property frontage.
3. Prior to the issuance of building permits, dedicate right-of-way along the property frontage to accommodate future sidewalks per the Local Street standard.

From: [Sledge, Colby \(Council Member\)](#)
To: [Braisted, Sean \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Subject: BZA positions
Date: Friday, February 15, 2019 2:42:13 PM

Hey y'all,

This will be out in my newsletter shortly:

Board of Zoning Authority meeting for Thurs., Feb. 21

[Thursday's BZA meeting](#) (1 p.m., 700 2nd Ave S.) features four District 17 appeals:

- 16 Shepard St, 59 Lincoln St and 1008 2nd Ave S. are all requesting setback and sidewalk exemptions, which **I oppose**. Chestnut Hill has a lot of substandard lots that need a more comprehensive approach.
- An STR permit denial on Benton Ave. that I am **neutral** on, as it was triggered by unique circumstances.

Emily, do you mind calling me on another issue? It will be brief.

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: Dewey Engineering
Property Owner: Anthony Harris
Representative: Michael Dewey

Date: 1/2/19
Case #: 2019-75
Map & Parcel: M: 82-12 P: 221

Council District 6

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

Purpose:

Request variance for alternative sidewalk design variance along Mill Ave per section 17.20.120. Request for variance from future ROW dedication requiring 97' along Main St, ~~per 17.12.020~~, recognizing 10' of ROW Dedication, requesting 8.5' to be within Build-to-Zone per 17.12.020 D.

Activity Type: Mixed Use

Location: 815 Main St

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

Reason: To provide efficient parking for a multi-family/mixed use development.

Section(s): 17.20.120 & 17.12.020 D

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.

Dewey Engineering
Appellant Name (Please Print)
2925 Berry Hill Dr
815 Main St
Address

Nashville, TN 37204
City, State, Zip Code

615-401-9956
Phone Number

mdewey@dewey-engineering.com
Email

Representative Name (Please Print)

Address

City, State, Zip Code

Phone Number

Email

Appeal Fee: _____



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



3589640

**APPLICATION FOR BUILDING COMMERCIAL - SHELL / CACH - T2018079653
THIS IS NOT A PERMIT**

PARCEL: 08212022100

APPLICATION DATE: 12/26/2018

SITE ADDRESS:

815 MAIN ST NASHVILLE, TN 37206
P/O LOT 9 NEIL S. BROWN & P/O CLOSED ROAD

PARCEL OWNER: HARRIS, ANTHONY N.

APPLICANT:**PURPOSE:**

***REQUEST....4 STORY MAX HT AT 59' WITH GROUND FLOOR PARKING STRUCTURE AND LESS THAN 2000 SQFT
RETAIL....WITH UPPER FLOORS AT 17 ONE BEDROOM UNITS....REQUIRED PARKING 14....PARKING STRUCTURE HAS 16
1*****MUG-A (17.12.020D...)... zoned UZO with a future ROW at 97' along Main ST...We show the existing ROW at
77'....

Need 10' setback then 0' to 15' for the build to. Your site plan shows a setback at 8'6".

2****Along Neill Av. Your property is 64' wide. The original lot was 50' wide. The closed street is 14' of the 64'.

BUT you are not allowed to construct any building over the 14'. The city closes the street but they maintain easement rights to the closed street. YOU have to go back to the city and request that they give up all rights to the 14' so that you may build on the closed street. YOU show part of your building over the closed street.

3***NOTE 3 d....Along Neill Av the property is 160' long. you are required to have, IF a parking deck is located along the street to have a min of 75% of 160' or 120' devoted to office or other non-parking commercial uses.

4***NOTE 3 f....NEED TO COMPLY .FIRST FLOOR RESIDENTIAL USES A MIN RAISED FOUNDATION AT 18" TO 36".

5*** NOTE 3 c... PRIMARY ENTRANCE TO FACE MAIN ST.

6****NOTE 3 g..FIRS FLOOR ALONG BOTH STREET FOR THE COMMERCIAL USE AND PARKING SHALL BE A MIN 40% GLAZING....AND 25% GLAZING FOR RESIDENTIAL USES.

7****NOTE 3 g....ABOVE THE 1ST FLOOR GLAZING SHALL BE MIN 25%...

8*****17.20.120...REQUIRED TO UPDATE OR INSTALL NEW SIDEWALKS AND NOT ALLOWED TO CONTRIBUTE..

9***LOT AT 64X160 = 10,240 SQFT,,,REQUIRED 10% OR 1,024 SQFT GREEN SPACE....

10****FLOOR AREA AT 3 OR 30,720 SQFT...

Before a building permit can be issued for this project, the following approvals are required.

The Applicant is responsible for providing any plans or other information to the individual agencies

[A] Site Plan Review	REJECTED	615-862-6545 Richard.Thomopoulos@nashville.gov
[A] Zoning Review	REJECTED	615-862-6545 Richard.Thomopoulos@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-862-6545 Richard.Thomopoulos@nashville.gov
BZA Hearing		615-862-6505 Debbie.Lifsey@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Building Plans Received		615-862-6614 teresa.patterson@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[B] Building Plans Review		615-862-6581 Teresa.Patterson@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[B] Fire Sprinkler Requirement		862-5230
[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] Sewer Availability Review For Bldg		862-7225
		MWS.DevelopmentServicesCenter@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

1/2/19
DATE

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

January 2, 2019

Codes Administration
800 2nd Ave South
Nashville, TN 37210

**RE: Hardship Letter – 815 Main Street
Building Permit # T2018079653**

Please accept this letter as the Hardship Letter to accompany the application for the variance requests to the Zoning Ordinance for the property located at 815 Main Street. It is our understanding that sidewalks are required per section 17.20.120 the Zoning Ordinance. It is also our understanding per discussion with Codes, the future ROW along Main Street is proposed to be 97' wide and per section 17.12.020D the Build-to-Zone should be based on the future ROW.

The owners of the property will ensure that all other requirements set forth by the Zoning Ordinance will be met. However, due to the existing topography and width of the property, the owners are seeking a variance from the standard sidewalk requirement along Neill Ave. This property is also located within the MDHA-EB overlay. We have coordinated with Planning, Public Works, and MDHA regarding the layout of the much-needed parking area. The parking area has been reduced in width as much as possible per coordination with staff. The right of way along Neill Ave was abandoned a while back, where the right of way for existing Neill Ave is only 20' wide. Due to the width of the property, we are requesting the requirement for the grass strip be eliminated with this design.

The subject lot is 0.25 acres and is only 64' wide. Additionally, per our coordination with staff, the front façade has been designed to align with the project across Neill Ave at 809 Neill Ave. We are requesting a variance to maintain a consistent street scape along Main Street.

Please let us know if you have any questions. Thank you for your consideration of this request.

Sincerely,

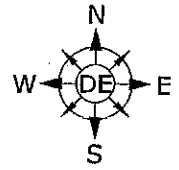
Michael Dewey, PE
Dewey Engineering

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.

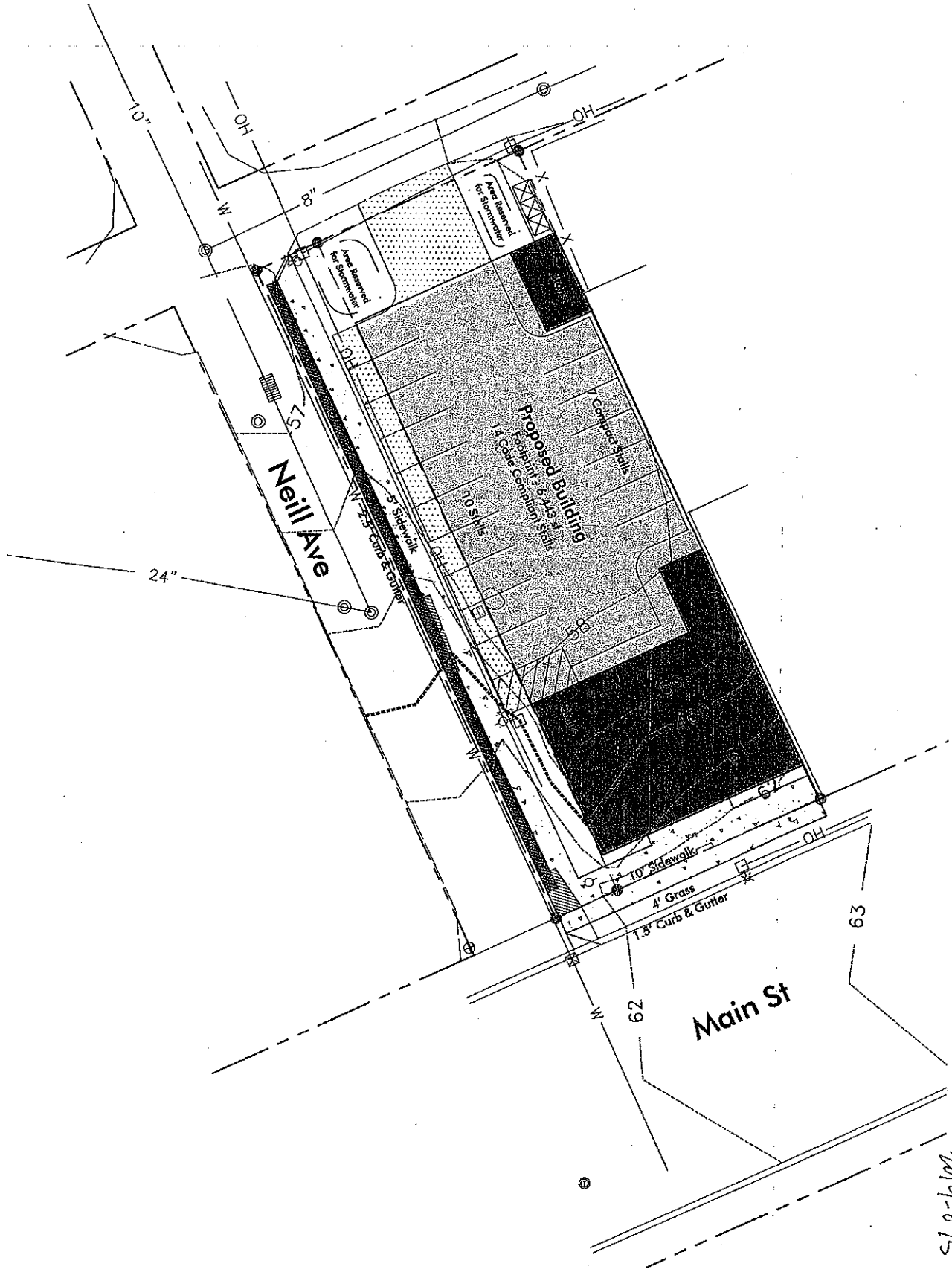
At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

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.

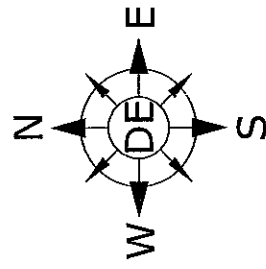
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?



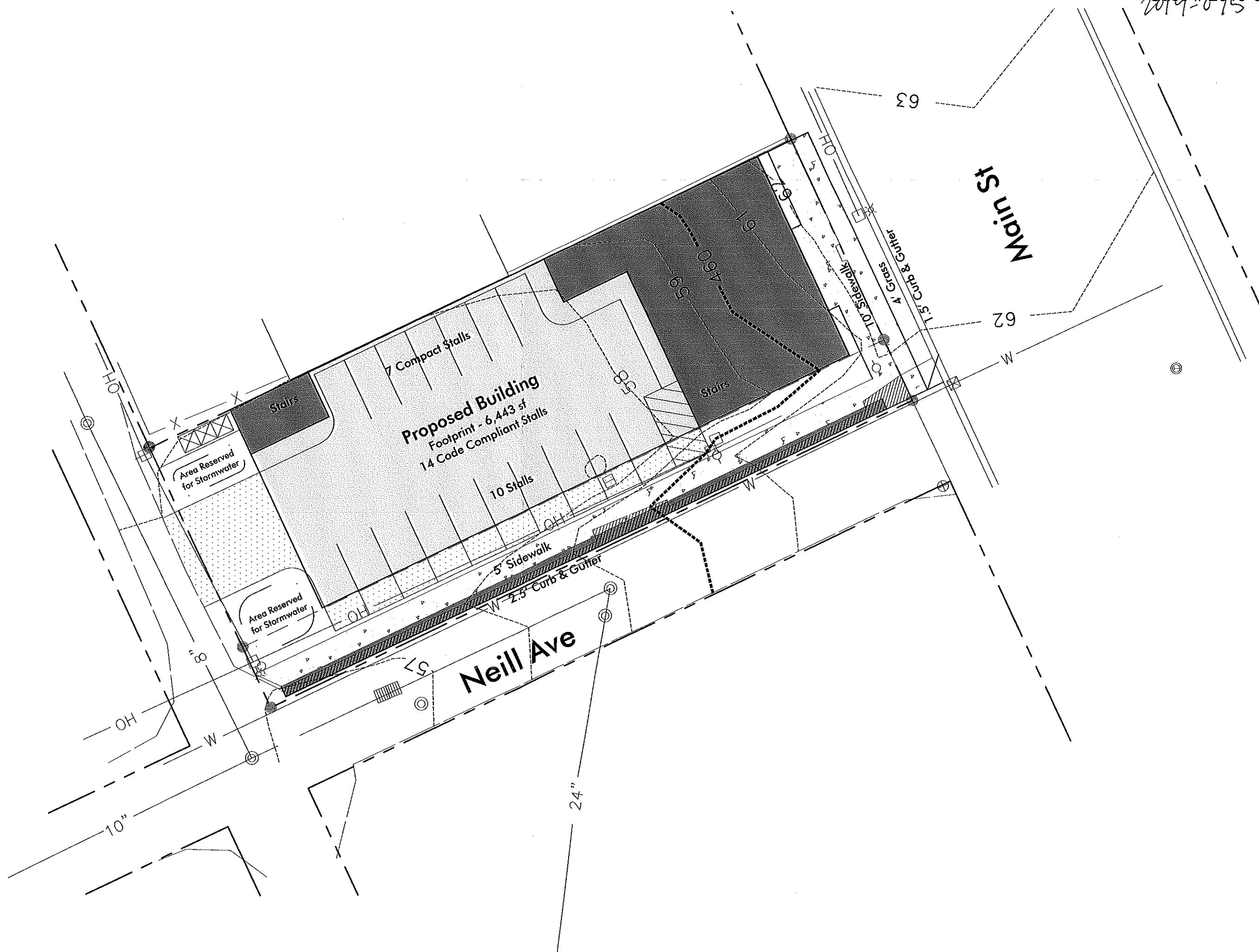
Scale 1" = 20'



2019-075



Scale 1" = 20'



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-075 (815 Main Street)

Metro Standard:	Main Street – 4' grass strip, 10' sidewalk, as defined by the Major and Collector Street Plan
	Neill Avenue - 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Construct alternate sidewalk design for Neill Avenue
Zoning:	MUG-A
Community Plan Policy:	T4 CM (Urban Mixed Use Corridor)
MCSP Street Designation:	Main Street – T4-M-AB4-IM
	Neill Avenue – Local Street
Transit:	#6 – Lebanon Pike, #9 – Metro Center, #26 – Gallatin Pike, #30 – McFerrin, #56 – Gallatin Pike BRT Lite, #93 – Music City Star West End Shuttle; Future High Capacity Transit planned per nMotion
Bikeway:	None existing; none planned

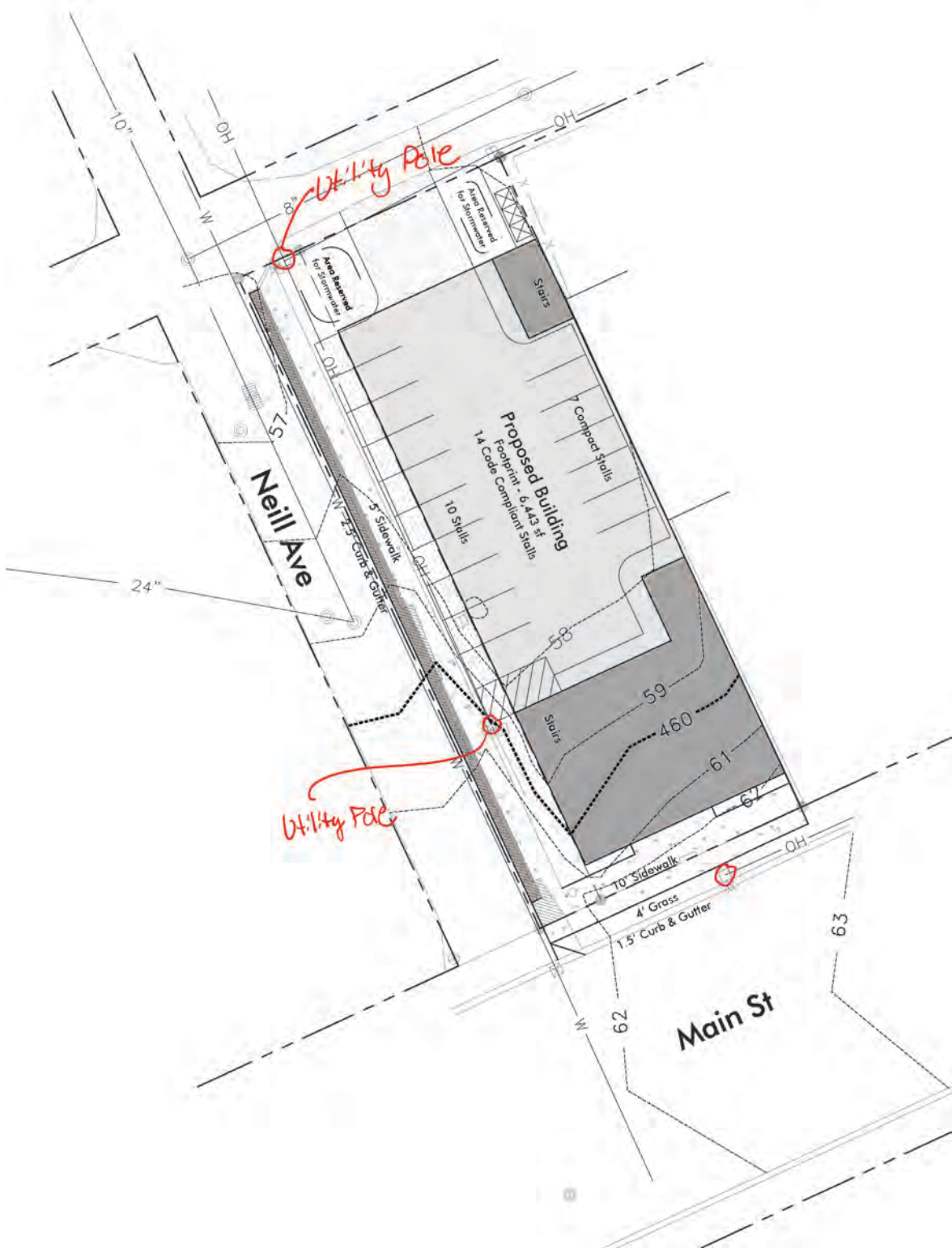
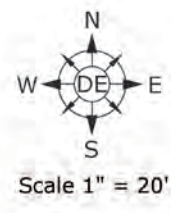
Planning Staff Recommendation: *Approve.*

Analysis: The applicant proposes to construct a mixed use building and requests a variance to construct an alternate sidewalk design along Neill Avenue due to right of way constraints along the property's frontage. Planning evaluated the following factors for the variance request:

- (1) The applicant proposes to construct a 4' grass strip and 10' sidewalk along the Main Street property frontage which meets the Major and Collector Street Plan standard.
- (2) This segment of Neill Avenue is approximately 20' wide, which was reduced in width following a right-of-way abandonment for a previous mixed use development that was never built. While a 4' furnishing zone would enhance the pedestrian experience within the first tier Nashville Next Center, constructing the Major and Collector Street Plan sidewalk standard will require relocation of utilities that currently occupy the area to the rear of the proposed 5' sidewalk or the inclusion of a wider furnishing zone to accommodate utilities.
- (3) The applicant has worked with Planning and Public Works on the alternative sidewalk design attached.

Given the factors above, staff recommends **approval**. **The applicant shall construct an alternative sidewalk design as per the attached site plan.**

815 Main Street – Site Plan Depicting Alternative Sidewalk Design along Neill Avenue



Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Kathryn Withers

Date: 1/2/2019

Property Owner: Belmont Ave. Church of Christ

Case #: 2019- 076

Representative: David Roos

Map & Parcel: 104-4/173

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:

Commercial Construction & Hotel with retail on street frontages.

Activity Type: Commercial Construction

Location: 1001 16th Ave. South

This property is in the OR1 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: 20' REAR SETBACK REQUIRED, REQUEST 10'

Section(s): 17.12.020C

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.

Kathryn Withers
Appellant Name (Please Print)

David Roos
Representative Name (Please Print)

615 3rd Ave. South
Address

615 3rd Ave. South
Address

Nashville, TN, 37210
City, State, Zip Code

Nashville, TN, 37210
City, State, Zip Code

615-252-1500
Phone Number

615-252-1500
Phone Number

kathryn.withers@bargdesign.com
Email

david.roos@bargdesign.com
Email

Appeal Fee: \$200⁰⁰



December 28, 2018
File No. 3699800

Metropolitan Board of Zoning Appeals
Attn: Mr. David Ewing, Chair
800 2ND Avenue South
Nashville, Tennessee 37219

RE: REAR SETBACK VARIANCE
1001 16TH AVENUE SOUTH; MAP 104-4, PARCEL 173

Dear Chairman Ewing and Board Members:

On behalf of our client, we respectfully request your support for a Rear Yard Setback Variance of 10 feet. The property is unique in that it has frontage on three rights of way – Music Square South (formerly Grand Avenue), 16th Avenue, and Alley #440, and the cumulative impact of the required setbacks and dedications result in an impaired buildable envelope. Additionally, the location of the required rear yard setback creates an undesirable gap along the streetscape of 16th Avenue South.

The property is located within the ORI zoning district, and the following setbacks/dedication apply and are illustrated on the attached graphic.

- **Music Square South** is currently a 46' right-of-way (ROW) where the Major and Collector Street Plan (MCSP) requires 64', resulting in a setback of 32' from the center line of the ROW for the MCSP, plus an additional 10' setback for the ORI street setback. This locates the setback on Music Square South approximately 19' feet behind where a building currently exists on the site.
- **16th Avenue South** is currently a 55' ROW where the MCSP requires a 68' ROW, resulting in a setback of 34' from the center line of the ROW, plus an additional 10' setback for the ORI street setback. This locates the setback on 16th Avenue South approximately 10' behind where a building currently exists on the site.
- **Orientation.** The Zoning Ordinance indicates that the front façade of a building on a corner lot is to be oriented to the shorter of the two frontages, in this case Music Square South, making the southern property line a rear lot line where a 20' setback is required. This results in an undesirable gap of 20' along the streetscape of 16th Avenue.
- **Alley #404** is currently a 12' ROW, and this property would be required to dedicate 4' with new development.

We propose that a lot with two fronts also has two sides and no rear yard. This interpretation would allow for a 0' side yard setback as required in the ORI district, along the southern property line. The desired development on the property requires a 10' setback, which is more than the ORI side yard setback of 0'. Through the setbacks illustrated above, we ask that the board find that 1001 16th Avenue South has a unique hardship resulting from the setbacks and dedications resulting from having frontage on three rights of ways and approve the requested variance of 10' from the rear property line that is essentially a side yard setback.

Sincerely,

Kathryn Withers, AICP
Planning Manager

Kathryn Withers, AICP
Planning Manager

Enclosures

cc: Mark McDonald, Oldacre McDonald
Jeff Cundiff, Barge Design Solutions

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.

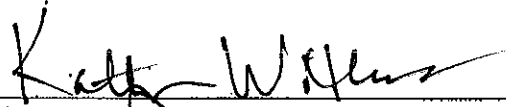
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

12.28.10

 DATE

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

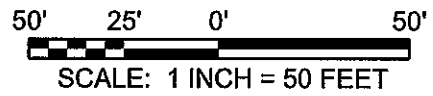
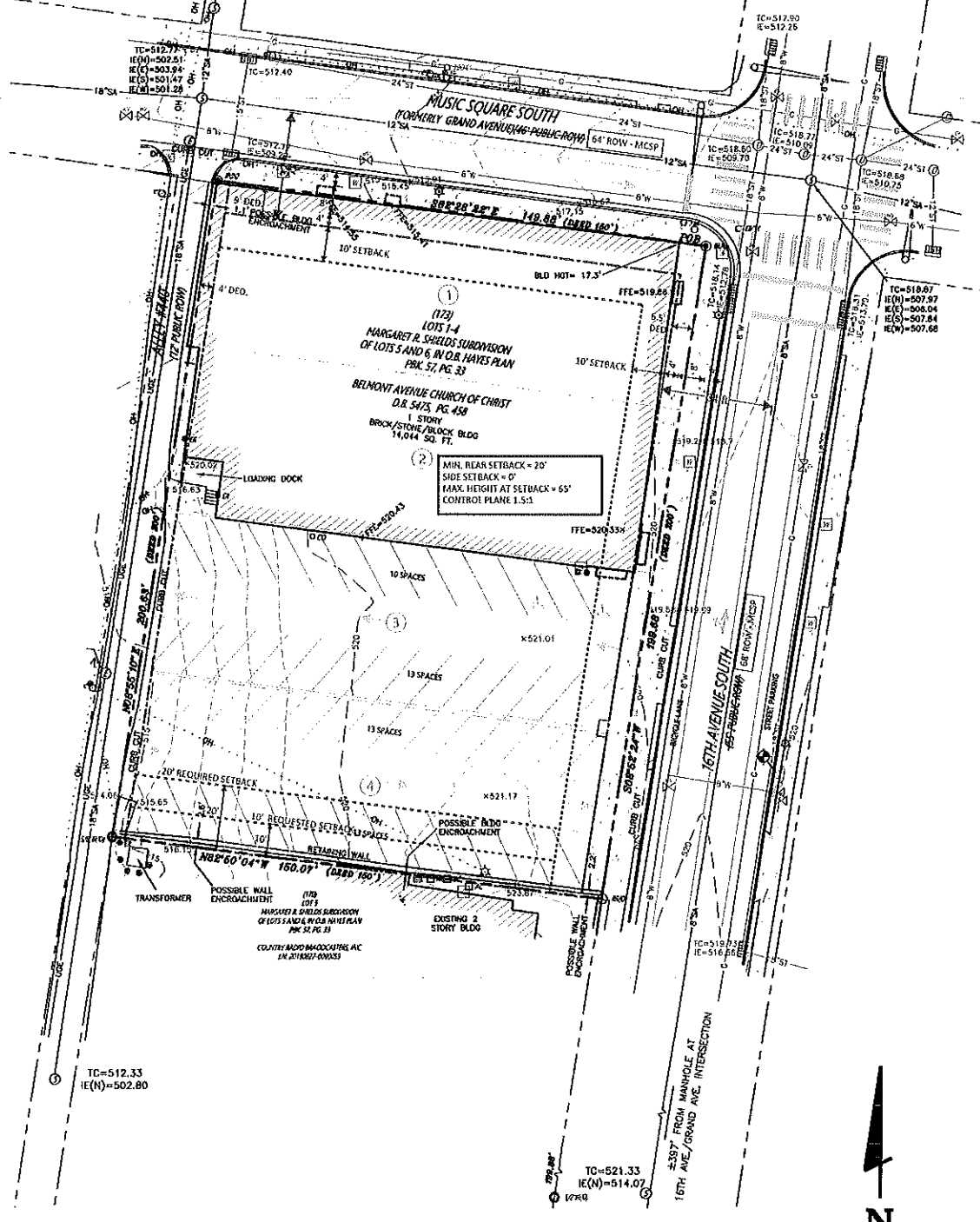
At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

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

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

See attached letter.

PARKING SUMMARY	
REGULAR SPACES	49
HANDICAP SPACES	2
TOTAL	51



BARGE
DESIGN SOLUTIONS

615 Third Avenue South | Suite 700
Nashville, TN 37210

EXHIBIT

1001 16TH AVENUE SOUTH

DRAWN BY: MIC	CHECKED BY: JDC
------------------	--------------------

DRAWING NO:
EX-1

PROJECT NO: 3699800	DATE: 01/02/2018
------------------------	---------------------



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



3590848

ZONING BOARD APPEAL / CAAZ - 20190000067
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10404017300

APPLICATION DATE: 01/02/2019

SITE ADDRESS:

1001 16TH AVE S NASHVILLE, TN 37203
LOT 1 2 3 4 SHIELDS SUB 5 6 ROKEBY

PARCEL OWNER: BELMONT AVE. CHURCH OF CHRIST, TRS.

CONTRACTOR:

APPLICANT:**PURPOSE:**

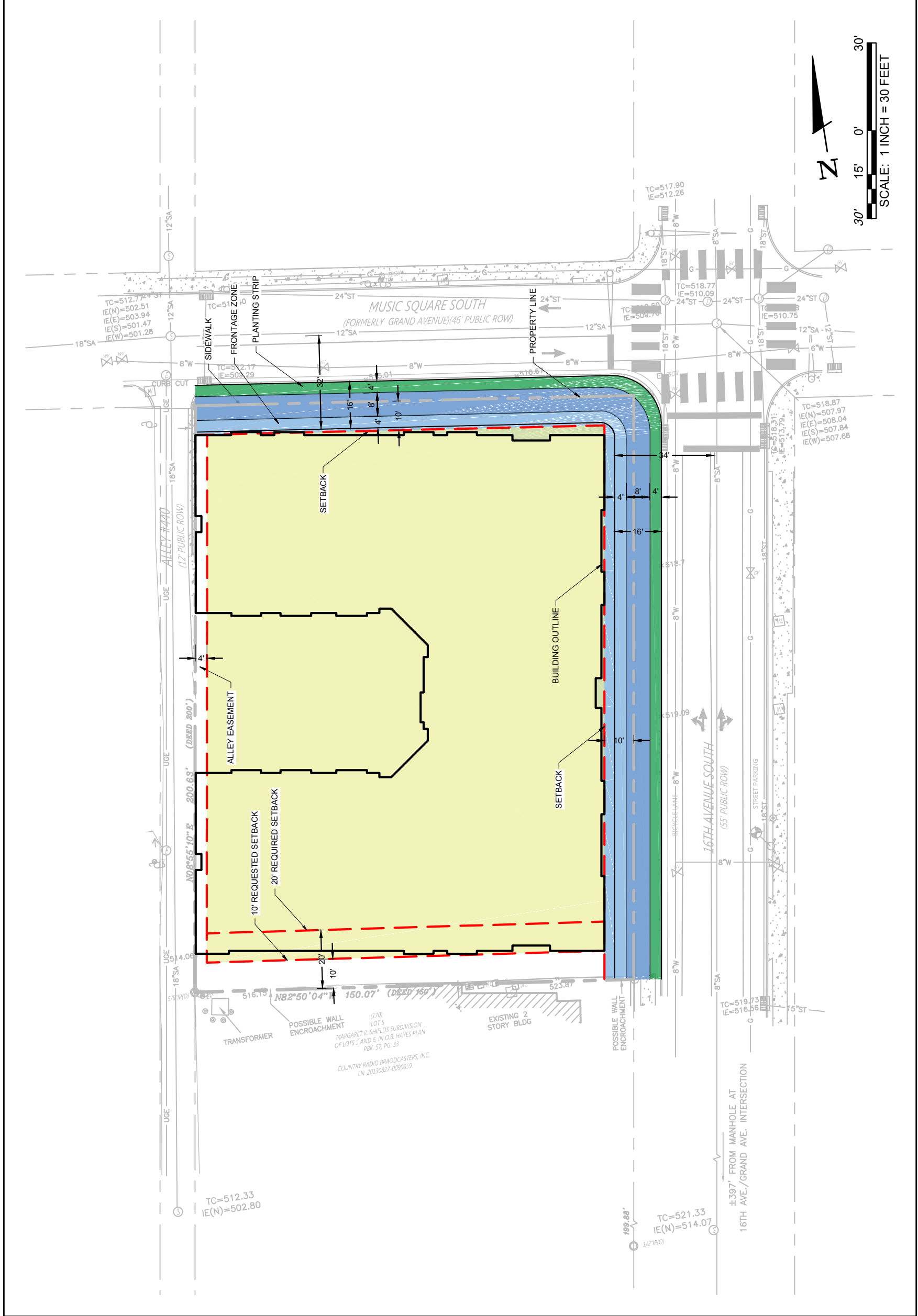
TO CONSTRUCT COMMERCIAL BUILDING... ..HOTEL WITH RETAIL SPACE ON FIRST FLOOR... ..NO PERMIT
INITIATED...NO ZONING REVIEW CONDUCTED...

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

 <p style="font-size: 8px;">615 3rd Avenue South # Suite 700 / Nashville, Tennessee 37210 PHONE: (615) 254-1500 / FAX: (615) 255-6272</p>	<p>PRELIMINARY NOT FOR CONSTRUCTION</p>	<p>1001 16th AVE S NASHVILLE, TN 37212</p>	<p>SITE PLAN</p>
--	---	--	------------------



USER: JLCUNDRIF
 FILE: \\36-368990\04-CAD\CML\Exhibits\2019-02-11\EX-01.dwg
 SAVE: 12/12/2019
 PLOTTED: 2/12/2019

EX-01
 FILE NO. 3689900
 © Copyright 2019, Barge Design Solutions, Inc. ALL RIGHTS RESERVED

2019-076
Support

February 9, 2019

Department of Codes & Building Safety
Board of Zoning Appeals
P.O. Box 196300
Nashville, TN 37219-6300

Re: Appeals Case Number 2019-076*, 1001 16th Ave South, Map Parcel 10404017300
* Note: The search was for 2019 0000 067. The last two numbers may have been reversed.

Dear Sir/Madam:

I support the 10 foot setback Kathryn Withers is requesting. I own the following nearby properties:

- 65 Music Square West
- 1706 Grand Ave
- 1708 Grand Ave
- 1710 Grand Ave

Thank you for the opportunity to weigh in on your decision.

Sincerely,



David V. Mastran
President, QuaverMusic.com



BELMONT CHURCH
THE CHURCH ON THE ROW

February 1, 2019

Dear Members of the Board of Zoning Appeals,

I am writing to respectfully request your support for a Rear Yard Setback Variance of 10 feet for the property at 1001 16th Avenue South. The property is unique in that it has frontage on three rights of way: Music Square East (16th Avenue), Music Square South(formerly Grand Avenue) and Alley #440, and the cumulative impact of the required setbacks and dedications result in a hardship of an impaired building envelope. The full required rear yard setback of 20 feet creates an undesirable gap along the streetscape of 16th Avenue South and a reduction of 10 feet would be more consistent with the existing setbacks between buildings along 16th Avenue South.

Sincerely,

Nelson Wennerlund
Chief Financial Officer signing for
Belmont Church
68 Music Square East
Nashville, TN 37203
615-308-0349
nelsonw@belmont.org

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

*ORIGINAL PERMIT
APPLICATION*

CONTACT: Erin Shim
1306 Gartland Ave.
Nashville, TN 37210

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.

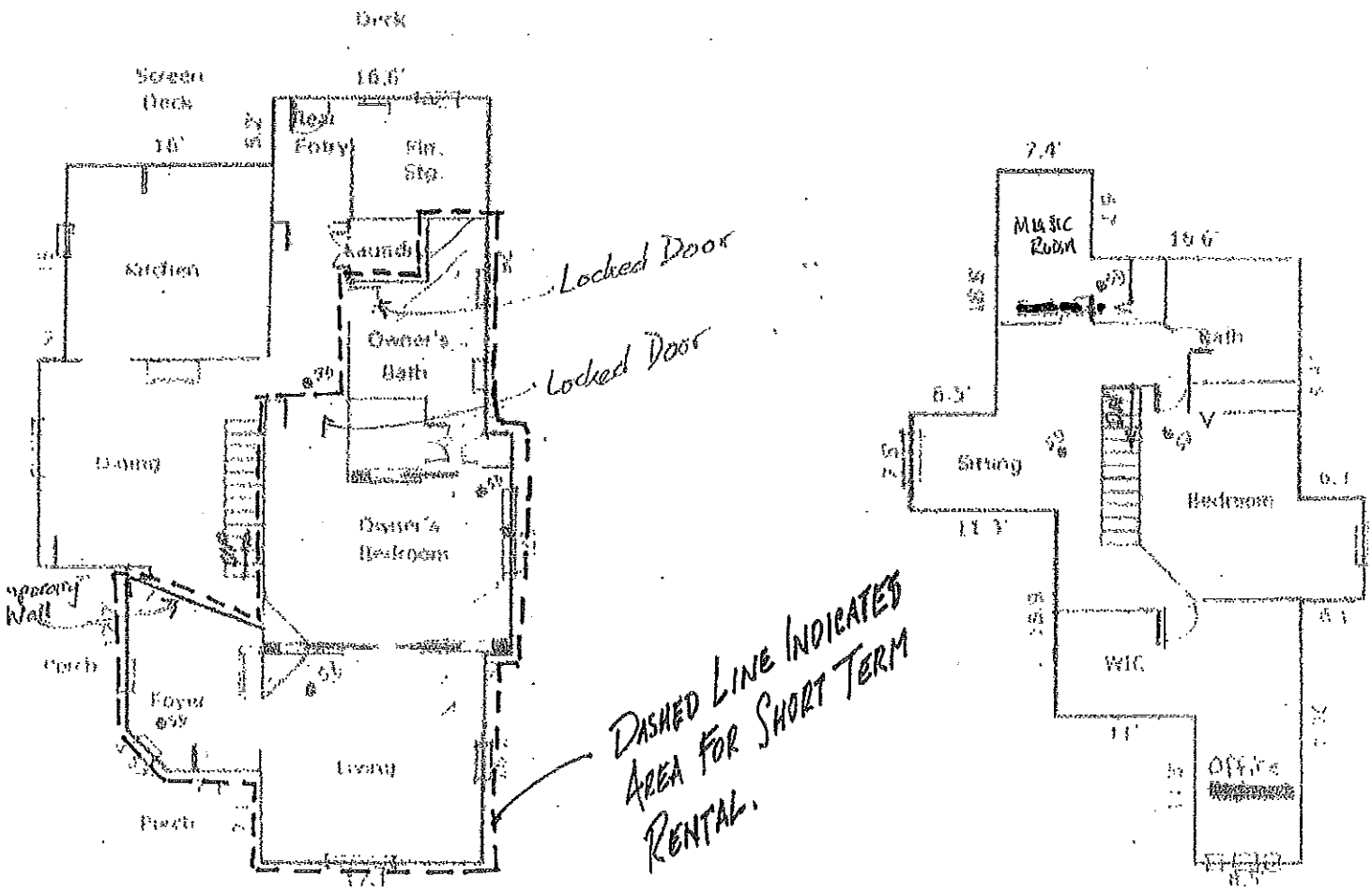
Floor Plan and smoke detectors verified.

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)

Second Floor
(1020.91 Sq Ft)

STRP =
Shaded Area

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 12:34 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 in 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

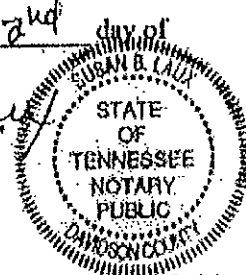
Robert D. Earp Jr.

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: [Signature]

Greer Henry

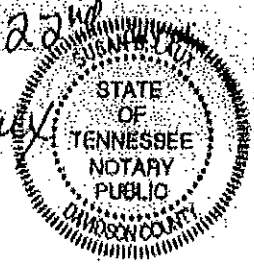
Title: Secretary

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Before me, Susan B. Lantz of the state and county mentioned, personally appeared Greer 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. Eay Jr.</u>	<u>427 Van Buren St., 37208</u>	<u>[Signature]</u>
<u>Greer Henry</u> <u>MAURKEN 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: 15500007300

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

5th 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.

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

January 17, 2019

Members of the Board of Zoning Appeals
700 Second Avenue, South
Nashville, TN 37210

Re: Case No 2019-031 | 8153 Poplar Creek Road

Dear Members of the Board:

Thank you for your service to our city. Mr. and Mrs. Walden are the owners of 8153 Poplar Creek Road. Their property is zoned AR2-A, which requires very large lots. The Waldens have been good neighbors over the many years they've lived there.

I am happy to support their appeal regarding their short-term rental permit and the reasons are as follows:

1. There have been no complaints from surrounding neighbors relative to their use of their property as a short-term rental;
2. There have been no concerns expressed by neighbors regarding their effort to reacquire their short-term rental permit via this BZA appeal;
3. The Waldens should not be victim to a regulatory technicality; and
4. It was not my intent to prohibit a short-term rental owner from enjoying the benefits of the laws of Tennessee that keep real estate out of probate.

For these reasons, I ask that each of you consider voting to reinstate the Waldens' short-term rental permit. If you have any questions, please contact me.

Sincerely,



Dave Rosenberg
Council Member, District 35



Pam Walden <pwalden215@gmail.com>

Fwd: Reference: Appeal Case 2919-031 8153 Poplar Creek Rd., zone AR2a, council district 35

2 messages

Barbara Reese <bves_1@yahoo.com>
To: Pam Walden <pwalden215@gmail.com>

Wed, Jan 16, 2019 at 6:28 AM

Sending to you both ways.

Sent from my iPhone Barbara Reese

Begin forwarded message:

From: Barbara Reese <bves_1@yahoo.com>
Date: January 15, 2019 at 9:32:06 PM CST
To: BZA@Nashville.gov
Subject: Reference: Appeal Case 2919-031 8153 Poplar Creek Rd., 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 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

Pam Walden <pwalden215@gmail.com>
To: Barbara Reese <bves_1@yahoo.com>

Wed, Jan 16, 2019 at 6:29 AM



Pam Walden <pwalden215@gmail.com>

Fwd: Reference appeal case : 2909-031

2 messages

Craig <craig.lewisnia@gmail.com>
To: pwalden215@gmail.com

Wed, Jan 16, 2019 at 5:44 PM

Sent from my iPhone

Begin forwarded message:

From: Craig <craig.lewisnia@gmail.com>
Date: January 16, 2019 at 4:28:37 PM CST
To: bza@nashville.gov
Subject: Reference appeal case : 2909-031

My name is Craig Lewis. I live across the street from 8153 Poplar Creek Rd Nashville. I have lived there for many years. Never have I heard any kind of commotion or any sort of disruption from that their short term rental. This sounds stupid ones codes behalf. I'm all for their short term term talk to continue... if fact many of their neighbors use the short term rental for their visiting family. Craig Lewis 8140 Poplar Creek. Nashville.

Sent from my iPhone

Pam Walden <pwalden215@gmail.com>
To: Craig <craig.lewisnia@gmail.com>

Wed, Jan 16, 2019 at 8:13 PM

Received, thank you.

[Quoted text hidden]



Pam Walden <pwalden215@gmail.com>

Fwd: Ref: appeal case 2909-031

1 message

Leslie Sperrazza <leslie.sperrazza429@gmail.com>
To: pwalden215@gmail.com

Wed, Jan 16, 2019 at 7:57 AM

Good morning.

I wanted you to know as your "neighbor" we support you. I sent this today and hopefully this nonsense gets resolved. I truly hope it helps.
Leslie Sperrazza

Begin forwarded message:

From: Leslie Sperrazza <leslie.sperrazza429@gmail.com>
Date: January 16, 2019 at 7:28:40 AM CST
To: bza@nashville.gov
Subject: Ref: appeal case 2909-031

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 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

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



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

Appellant: Gerry Andrady Date: 1-2-19
Property Owner: Gerry Andrady Case #: 2019-072
Representative: Gerry Andrady Map & Parcel: 10510022700
Council District: 17

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

Purpose: To obtain a STRP permit
Activity Type: Short Term Rental
Location: 754 Benton 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 because of name change due to divorce.

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: Gerry Andrady Representative: _____
Phone Number: (615) 573-1047 Phone Number: _____
Address: 754 Benton Ave. Address: _____
Nashville, TN 37204 _____
Email address: gandrady@gmail.com Email address: _____

Appeal Fee: _____

DAVID BRILEY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

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

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

August 23, 2018

Autumn Andrady
754 Benton Ave
Nashville, TN 37204

RE: Permit CASR #201518940
754 Benton Ave

Dear Mrs. Andrady

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 February 21, 2018 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: Autumn & Gerald Andrady
8202 Foxview Ct
Brentwood, TN 37027



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
03-Jan-19 3:05:32PM

Owner Change

Parcel: 10510022700

Parcel Acreage: 0.34

Parcel Created: 02-Oct-69

ADDRESS

754 BENTON AVE ,NASHVILLE, TN 37204 - Property

Current Owner

ANDRADY, GERALD, 1132 BANBURY LN, BRENTWOOD, (US) TN, 37027

Sale		Instrument	
Code	I	Type	Quit Claim Deed
Source	I	Number	QC-20180926 0095520
Valid Sale		Acquired	26-Sep-18
Price		Historical	

Previous Owners

ANDRADY, AUTUMN & GERALD, 8202 FOXVIEW CT, BRENTWOOD, (US) TN, 37027

Sale		Instrument	
Code	U	Type	Quit Claim Deed
Source	I	Number	QC-20180222 0016973
Valid Sale		Acquired	21-Feb-18
Price		Historical	26-Sep-18

From: [Sledge, Colby \(Council Member\)](#)
To: [Braisted, Sean \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Subject: BZA positions
Date: Friday, February 15, 2019 2:42:13 PM

Hey y'all,

This will be out in my newsletter shortly:

Board of Zoning Authority meeting for Thurs., Feb. 21

[Thursday's BZA meeting](#) (1 p.m., 700 2nd Ave S.) features four District 17 appeals:

- 16 Shepard St, 59 Lincoln St and 1008 2nd Ave S. are all requesting setback and sidewalk exemptions, which **I oppose**. Chestnut Hill has a lot of substandard lots that need a more comprehensive approach.
- An STR permit denial on Benton Ave. that I am **neutral** on, as it was triggered by unique circumstances.

Emily, do you mind calling me on another issue? It will be brief.

Colby

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

Braisted, Sean (Codes)

From: Lisa York <lisa.york@comcast.net>
Sent: Wednesday, February 20, 2019 2:54 PM
To: Board of Zoning Appeals (Codes)
Subject: Appeal Case 2019-072

Hello BZA~

I understand Appeal Case # 2019-072, Permit #21080061529 (Gerry Andradý) is being heard tomorrow, Thursday, February 21. As a neighbor who lives three homes away from the AirBnB property, I respectfully ask you to vote NO to continuance of his permit. Gerry is a truly wonderful person, though he and his ex-wife own MANY short term houses in our tiny historic neighborhood, so he'll be fine without this one. Woodland-in-Waverly would like more neighbors, not weekend tourists. With the short term rental permit denied, he can still rent the property with a long term lease; hopefully to individuals or a family who will become active WIW Neighbors. The house up for appeal sleeps 12 people (wow!) and tends to cater mostly to young males and females on weekends.

Again, Gerry is a kind person, though WIW does NOT need another 10-12 person short term rental property.

Thank you for considering voting NO to Case 2019-072.

Lisa A. York
2100 Grantland Ave 37204

2019-072
OPPOSE

**Maria C. Schaffner
2002 Ridley Blvd.
Nashville, TN 37203**

February 8, 2019

Metro Nashville Zoning Commission:

I am writing in response from being sent a letter re:

Appeal Case Number: 2019-072
754 Benton Avenue
Map Parcel: 10510022700
Zoning Classification: R6
Council District 17

because I am the owner of property located within 600' of the subject location.

I am opposed to this property being granted a short term rental permit based on three main reasons.

The first, I believe we have enough short term rentals in our neighborhood and even more so within a mile or two radius. It is not uncommon for large SUVs to drop off loud groups of people dragging suitcases and coolers, especially on the weekends, in our neighborhood. I understand these exuberant partyers want to come into town and have a good time, but our neighborhood is not a hotel lobby and bar.

Secondly, after a quick five minute Google search and look on Metro's Property Assessor's website, it is clear that Mr. Gerry Andrady and Ms. Autumn Collins Andrady were in business together and own several properties in the neighborhood. This is their business. They knew, or I believe – should have professionally known – the effects of changing the ownership of a piece of their

property. If they did know, then Mr. Andradý chose to take that chance. If he did not know, it does not reflect well on how he runs his business. Neither option impresses me – especially given my third reason to oppose the permit.

My children and I have lived in our house for over twenty-four years. I have never met Mr. or Ms. Andradý. They have never communicated with me re: their use of short term rentals in the past – or how their business will impact me, my family, and/or the neighborhood in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria C. Schaffner". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Maria C. Schaffner

DAVID BRILEY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

January 08, 2019

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: 2019-072
 754 BENTON AVE
 Map Parcel: 10510022700
 Zoning Classification: R6
 Council District: 17

This is to inform you that Gerry Andrady filed an appeal for the property at the above referenced location. The appellant requested to obtain a permit. Should this request be approved, it would allow the applicant an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. The Permit was revoked due to a change in property ownership. *****

*******THIS IS NOT A ZONE CHANGE REQUEST*******

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on THURSDAY 2/21/2019, 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 # 20180061529 or search by the address.

METROPOLITAN BOARD OF ZONING APPEALS

Home > Tennessee > Nashville > Andrady Homes > Complaints

Complaints Andrady Homes

754 Benton Ave
Nashville, TN 37204

<http://andradyhomes.com/>

Email this Business

(615) 573-1047

Complaint Type: Problems with Product/Service **Status:** Answered

05/04/2018

I booked a vacation rental and signed a contract for that rental on February 18. The rental was for April 25-30. On April 23 I was informed that they made a mistake. They double booked the rental and couldn't fulfill the contract. They offered to allow me to stay at their home. I said if there was nothing better then we would do that. They were unable to find anything acceptable and on April 24 told me that staying at their place was no longer an option. Since I was now in a position of finding a place 1 day prior to arrival I had to book hotel rooms. It was my feeling that due to the position that they put me in they should cover the difference in cost of the hotel room. They refused to honor the contract and refused to provide another solution. Product_Or_Service: Vacation Rental

Desired Outcome

Other (requires explanation) Since they wouldn't fulfill the contract, I feel that they should cover my additional expenses.

BBB Business Profiles may not be reproduced for sales or promotional purposes.

BBB Business Profiles are provided solely to assist you in exercising your own best judgment. Information in this BBB Business Profile is believed reliable, but not guaranteed as to accuracy.

When considering complaint information, please take into account the company's size and volume of transactions, and understand that the nature of complaints and a firm's responses to them are often more important than the number of complaints.

BBB Business Profiles generally cover a three-year reporting period. BBB Business Profiles are subject to change at any time. If you choose to do business with this business, please let the business know that you contacted BBB for a BBB Business Profile.

As a matter of policy, BBB does not endorse any product, service or business.

appliances, home improvements, or other issues typically handled by a landlord. The only benefit to staying in our house was the location, but the headache of dealing with this landlord for the numerous issues of this old, decrepit property became too much to handle and we decided we needed to move. I would highly not recommend any properties by this landlord, as they have always proved unresponsive and negligent of us and other tenants by this landlord.

Show Less

• Ben S

and I connected, but did no business



Autumn and Gerry are scam artists. Find help elsewhere

• Wally W

listed and sold my home



Autumn is the worst person I've ever met. She took advantage of me in a desperate vulnerable situation and I have encountered 3 others she has done wrong. Not a good person. Stay away from her if you want a peaceful life.

Is Autumn the right agent for you?

Answer a few questions to see how well Autumn's strengths match your needs

Are you looking to Buy or Sell?

Buy

Sell

Are you Autumn?

[Claim Your Profile](#)

More Agents like Autumn



Steven R.

Serving Nashville, Hendersonville
385 transactions

105 10 0 215.00 ANDRADY, GERALD
(/prc/property/114671/card/1)
762 Roycroft Pl
Nashville
37203
Total Appraised Value: \$777,500
Land Size: 0.190 acres
Land Use: R11

2.



105 10 0 227.00 ANDRADY, GERALD
(/prc/property/114682/card/1)
754 Benton Ave
Nashville
37204
Total Appraised Value: \$1,154,900
Land Size: 0.340 acres
Land Use: R11

3.



105 10 0 237.00 ANDRADY, GERALD
(/prc/property/114691/card/1)
759 Roycroft Pl
Nashville
37203
Total Appraised Value: \$670,400
Land Size: 0.170 acres
Land Use: R11

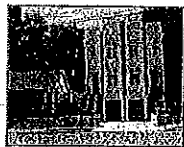
4.



105 10 0 238.00 ANDRADY, GERALD
(/prc/property/114692/card/1)

Total Appraised Value: \$374,400
Land Size: 0.260 acres
Land Use: R11

8.



105 11 0S 001.00 ANDRADY, GERALD
(/prc/property/259019/card/1)
525 A Wedgewood Ave
Nashville
37203
Total Appraised Value: \$499,500
Land Size: N/A
Land Use: R15

9.



092 12 0 335.00 ANDRADY, GERALD
(/prc/property/89114/card/1)
208 Mcmillin St
Nashville
37203
Total Appraised Value: \$175,000
Land Size: 0.110 acres
Land Use: C20

10.



105 01 0 021.00 ANDRADY, GERALD & AUTUNM
(/prc/property/112180/card/1)
915 15th Ave S
Nashville
37212
Total Appraised Value: \$474,800
Land Size: 0.150 acres
Land Use: C12



105 11 0S 002.00 ANDRADY, GERALD & PEEPLES, CHA
(/prc/property/259020/card/1)

525 B Wedgewood Ave

Nashville

37203

Total Appraised Value: \$499,500

Land Size: N/A

Land Use: R15

12.



105 10 0 369.00 ANDRADY, GERALD C.

(/prc/property/114760/card/1)

753 A Roycroft Pl

Nashville

37203

Total Appraised Value: \$306,400

Land Size: 0.170 acres

Land Use: C12

13.



105 11 0 176.00 ANDRADY, GERALD C.

(/prc/property/115007/card/1)

1808 Neal Ter

Nashville

37203

Total Appraised Value: \$297,300

Land Size: 0.170 acres

Land Use: R11

14.



105 01 0 137.00 ANDRADY, GERALD C.

(/prc/property/112270/card/1)

105 06 0 190.00 ANDRADY, AUTUMN
(/prc/property/113515/card/1)
750 Alloway St
Nashville
37203
Total Appraised Value: \$302,000

Land Size: 0.140 acres
Land Use: C12

2.



105 10 0 206.00 ANDRADY, AUTUMN
(/prc/property/114662/card/1)
744 Roycroft Pl
Nashville
37203
Total Appraised Value: \$299,400
Land Size: 0.190 acres
Land Use: C12

3.



105 10 0 211.00 ANDRADY, AUTUMN
(/prc/property/114667/card/1)
754 Roycroft Pl
Nashville
37203
Total Appraised Value: \$380,000
Land Size: 0.200 acres
Land Use: C12

4.



105 10 0 230.00 ANDRADY, AUTUMN
(/prc/property/114685/card/1)

Total Appraised Value: \$318,500
Land Size: 0.190 acres
Land Use: R11

8.



105 14 0 290.00 ANDRADY, AUTUMN
(/prc/property/115853/card/1)
2300 Lindell Ave
Nashville
37204

Total Appraised Value: \$258,800
Land Size: 0.150 acres
Land Use: R11

9.



105 14 0 303.00 ANDRADY, AUTUMN
(/prc/property/115865/card/1)
2111 White Ave
Nashville
37204

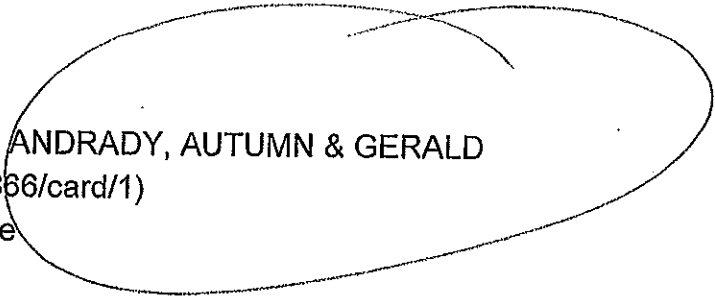
Total Appraised Value: \$859,000
Land Size: 0.570 acres
Land Use: C12

10.



105 14 0 304.00 ANDRADY, AUTUMN & GERALD
(/prc/property/115866/card/1)
2226 Grantland Ave
Nashville
37204

Total Appraised Value: \$298,900
Land Size: 0.190 acres
Land Use: C12



County, Tennessee, to which Plan reference is hereby made for a more complete description of the property. Being the same property conveyed to David A. Harris and wife, Nola Harris by Deed from Jay Pigue of record in Instrument No. 20010403-0032119, Register's Office for Davidson County, Tennessee, dated March 27, 2001.

Being the same property conveyed to Autumn Andrady, a married woman, by deed from Nola Harris, an unmarried woman, dated July 31, 2012 and filed of record as Inst. No. 20120801-0067847, Register's Office for Davidson County, Tennessee.

This is () unimproved (X) improved property known as: 725 Benton Avenue Nashville, TN 37204
(House #) (Street) (City or Town) (Postal Zip)

Land in Davidson County, Tennessee, being Lot Nos. 6 and 7 on the Plan of C. S. Caldwell's 2nd Roycroft Subdivision, of record in Plat Book 421, Page 176, in the Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description of the property.

Being the same property conveyed to Autumn Andrady by Warranty Deed from Wilbur R. Demonbreun, a single man, of record in Instrument No. 20130314-0025508, Register's Office for Davidson County, Tennessee, dated March 12, 2013 and recorded on March 14, 2013.

This is () unimproved (X) improved property known as: 754 Benton Avenue Nashville, TN 37204
(House #) (Street) (City) (Postal Zip)

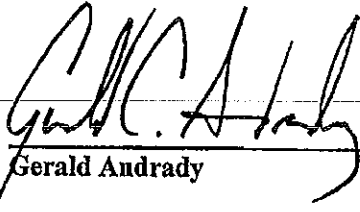
Land in Davidson County, Tennessee, being Lot Nos. 19 and 20 on the Plan of C. S. Caldwell's 2nd Roycroft Subdivision, of record in Plat Book 421, Page 176, in the Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description of the property.

Being part of the same property conveyed to Kenneth B. Marcom by Deed from Edna Young Wynne of record in Book 4811, Page 529, Register's Office for Davidson County, Tennessee, dated May 1, 1974.

Being the same property conveyed to Gerald C. Andrady by Deed from U.S. Bank National Association as Trustee for the Registered Holders of ABFC 2007-WMC1 Trust Asset Backed Funding Corporation Asset Backed Certificates, Series 2007-WMC1 of record in Instrument No. 20110622-0048012, Register's Office for Davidson County, Tennessee, dated May 19, 2011.

This is () unimproved (X) improved property known as: 755 Roycroft Place Nashville, TN 37203
(House #) (Street) (City or Town) (Postal Zip)

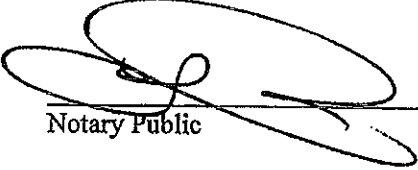
Witness my hand this the 21 day of February, 2018.


Gerald Andrad

STATE OF Tennessee
COUNTY OF Williamson

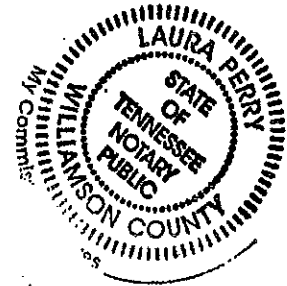
On this 21 day of February, 2018, before me personally appeared **Gerald Andrad** to me known (or proved to me on the basis of satisfactory evidence) to be the person who executed the foregoing instrument for the purpose therein contained.

Witness my hand and official seal, this the 21 day of February, 2018.


Notary Public

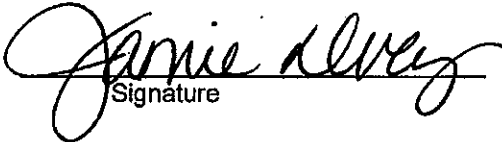
My Commission Expires: 10.12.19

(SEAL)



True Copy Certification

I, Jamie Ivey, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration therewith and that this is a true and correct copy of the original document executed and authenticated according to law.

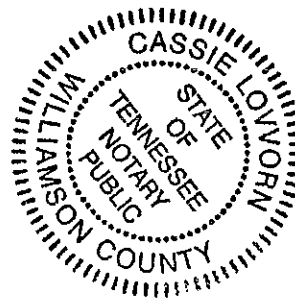

Signature

State of Tennessee
County of Williamson

Personally appeared before me, Cassie Lovvorn, a notary public for this county and state, Jamie Ivey, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.


Notary's Signature

My Commission Expires: 03/03/2019



Land in Davidson County, Tennessee, being Lot No. 7 of Block 12 on the Plan of the Subdivision of certain blocks in Yarbrough's Subdivision of Woodland, as of record in Book 161, Page 87, in the Register's Office for Davidson County, Tennessee.

Said Lot No 7 fronts 50 feet on the easterly side of Grantland Avenue and runs back between parallel lines with the northerly margin of Warner Street, now Bradford Avenue, 165 feet to an alley.

Being the same property conveyed to Gerald C. Andrady and wife, Autumn Andrady by Deed from Jean Galloway-Reed of record in Instrument No. 20130805-0081922, Register's Office for Davidson County, Tennessee, dated July 30, 2013.

This is () unimproved (X) improved property known as: 2226 Grantland Avenue Nashville, TN 37204
(House #) (Street) (City or Town) (Postal Zip)

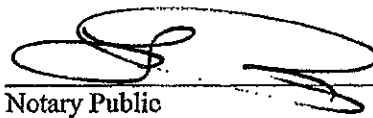
Witness my hand this the 21 day of February, 2018.


Autumn Andrady

STATE OF Tennessee
COUNTY OF Williamson

On this 21 day of February, 2018, before me personally appeared Autumn Andrady to me known (or proved to me on the basis of satisfactory evidence) to be the person who executed the foregoing instrument for the purpose therein contained.

Witness my hand and official seal, this the 21 day of February, 2018.

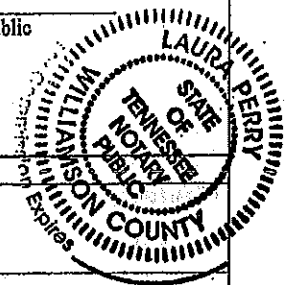

Notary Public

My Commission Expires: 10.12.19

(SEAL)



<h2 style="margin: 0;">QUITCLAIM DEED</h2>	<p>STATE OF TENNESSEE COUNTY OF <u>Williams</u></p> <p>THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS \$0.00</p> <p style="font-size: 1.5em; text-align: center;"><i>Jamie Kley</i> Affiant</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE <u>21</u> DAY OF <u>February</u>, 2018.</p> <p style="text-align: center;"><i>[Signature]</i> Notary Public</p> <p>MY COMMISSION EXPIRES: <u>10.12.19</u> (AFFIX SEAL)</p>	
Bill Garrett Davidson County Batch# 61589 DEEDQC 02/22/2018 12:00:30 PM 5 pgs Fees: \$27.00 Taxes: \$0.00 20180222-0016973		
<p>THIS INSTRUMENT WAS PREPARED BY Homeland Title, LLC 1896 General George Patton Drive Franklin, TN 37067</p>		
ADDRESS NEW OWNER (S) AS FOLLOWS: Autumn Andrady and Gerald Andrady (NAME) 8202 Foxview Court (ADDRESS) Brentwood, TN 37027 (CITY) (STATE) (ZIP)	SEND TAX BILLS TO: SAME (NAME) (ADDRESS) (CITY) (STATE) (ZIP)	MAP / PARCEL NUMBER (S) 105 10 0 277.00 105 10 0 328.00 105 10 0 236.00 105 14 0 304.00



Information furnished by the parties, no title search was performed.

FOR AND IN CONSIDERATION OF THE SUM OF NO DOLLARS AND NO CENTS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEE AND FOR OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT ALL OF WHICH IS HEREBY ACKNOWLEDGED, WE, AUTUMN ANDRADY, UNMARRIED (aka AUTUMN LEIGH COLLINS ANDRADY and AUTUMN LEIGH COLLINS) and GERALD ANDRADY, UNMARRIED (aka GERALD C. ANDRADY) HEREINAFTER CALLED THE GRANTORS, HAVE BARGAINED AND SOLD, AND DO HEREBY QUITCLAIM AND CONVEY UNTO AUTUMN ANDRADY, UNMARRIED AND GERALD ANDRADY, UNMARRIED, AS TENANTS IN COMMON WITH RIGHT OF SURVIVORSHIP, HEREINAFTER CALLED THE GRANTEES, THEIR HEIRS AND ASSIGNS, ALL OF THEIR RIGHT TITLE AND INTEREST IN AND TO THE FOLLOWING DESCRIBED TRACTS/PARCELS OF LAND IN DAVIDSON COUNTY, STATE OF TENNESSEE AS FOLLOWS, TO WIT:

Land in Davidson County, Tennessee, being Lot No. 1 on the Plan of Final Plat, Bass Subdivision, of record in Plat Book 11190, Page 127, in the Register's Office for Davidson

743 Roycroft Pl
Nashville
37203
Total Appraised Value: \$651,600
Land Size: 0.170 acres
Land Use: R11

5.



105 10 0 312.00 ANDRADY, AUTUMN
(/prc/property/114719/card/1)
755 Benton Ave
Nashville
37204
Total Appraised Value: \$363,700
Land Size: 0.250 acres
Land Use: R11

6.



105 13 0 338.00 ANDRADY, AUTUMN
(/prc/property/115519/card/1)
917 Bradford Ave
Nashville
37204
Total Appraised Value: \$485,600
Land Size: 0.180 acres
Land Use: R11

7.



105 14 0 095.00 ANDRADY, AUTUMN
(/prc/property/115700/card/1)
2213 Grantland Ave
Nashville
37204



PROPERTY RECORD CARD
PROPERTY # 19514000500
ADDRESS: 100 MAIN ST
CITY: BOSTON

(<http://www.padctn.org>)



Number

Owner <input type="checkbox"/>	Andrady, autumn
--------------------------------	-----------------

Search Examples

Enter 3 or more characters

Name: Doe, John

Address: Main St, 100

Map & Parcel: 19514000500 or 199000c00100CO

For **Sales Search** select your property and click the Red
Comper Sales Search under the map on the Property Summary
Page

Page(s) 1 2

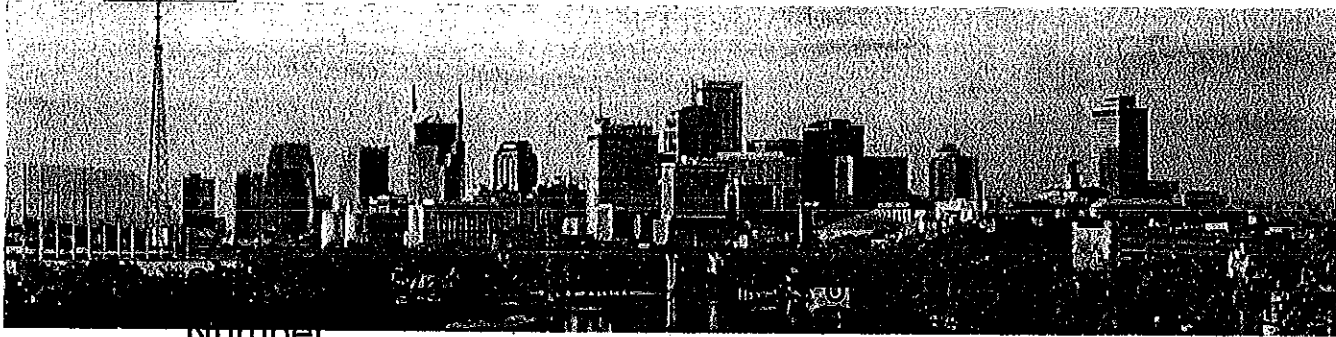
Showing 1 to 10 of 11 results	
1.	



PROPERTY RECORD CARD
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF REVENUE



(http://www.padctn.org)



Number

Owner	<input type="checkbox"/>	Andrady, gerald
-------	--------------------------	-----------------

Search Examples

Enter 3 or more characters

Name: Doe, John

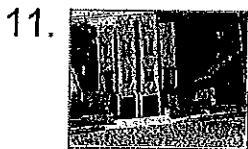
Address: Main St, 100

Map & Parcel: 19514000500 or 199000c00100CO

For **Sales Search** select your property and click the Red
Comper Sales Search under the map on the Property Summary
Page

Page(s) 1 2

Showing 11 to 20 of 14 results



761 Roycroft Pl
Nashville
37203
Total Appraised Value: \$466,400
Land Size: 0.170 acres
Land Use: C12

5.



105 10 0 328.00 ANDRADY, GERALD
(/prc/property/114735/card/1)
725 Benton Ave
Nashville
37204
Total Appraised Value: \$946,900
Land Size: 0.310 acres
Land Use: R11

6.



105 13 0 336.00 ANDRADY, GERALD
(/prc/property/115517/card/1)
913 Bradford Ave
Nashville
37204
Total Appraised Value: \$410,800
Land Size: 0.180 acres
Land Use: R11

7.



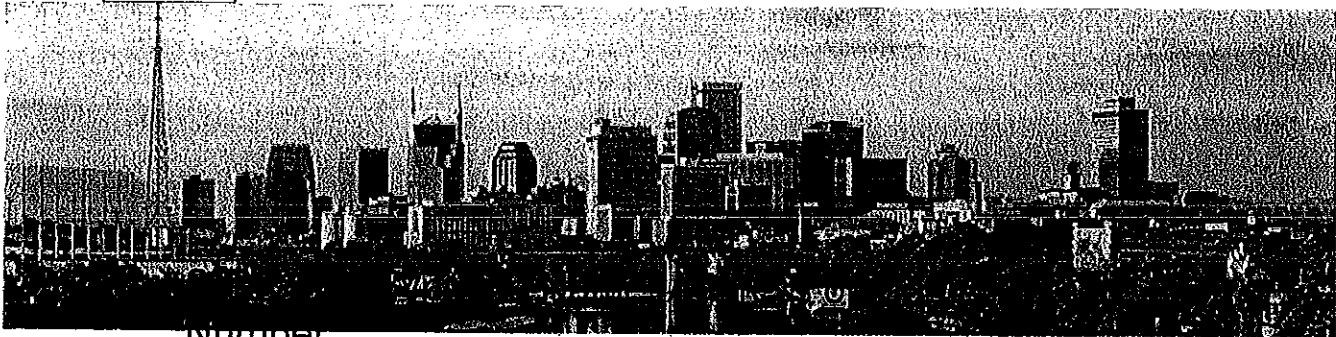
172 09 0A 237.00 ANDRADY, GERALD
(/prc/property/221028/card/1)
1132 Banbury Ln
Brentwood
37027



PROPERTY RECORD CARD
PROPERTY RECORD CARD



(<http://www.padctn.org>)



Number

Owner <input type="checkbox"/>	Andrady, gerald
--------------------------------	-----------------

Search Examples

Enter 3 or more characters

Name: Doe, John

Address: Main St, 100

Map & Parcel: 19514000500 or 199000c00100CO

For **Sales Search** select your property and click the Red Comper Sales Search under the map on the Property Summary Page

Page(s) 1 2

Showing 1 to 10 of 14 results	
1.	

Lifsey, Debbie (Codes)

From: Nancy Kirkland <nancykirklandis@gmail.com>
Sent: Thursday, February 14, 2019 2:48 PM
To: Board of Zoning Appeals (Codes)
Subject: RE: Appeal Case Number 2019-072

RE: Appeal Case Number 2019-072

To whom it may concern:

I am a resident of Woodland-in-Waverly and was notified of an appeal for the property at **754 Benton** because of the close proximity to my home. I have lived on a parallel street for 16 years and am also past-president and past secretary for the W-I-W Neighborhood Association. I know many of the residents of this small neighborhood.

The property at 754 Benton is one of the finest jewels of the neighborhood and the renovation done to this property by the Andrady's was enthusiastically received. It is broadly regarded as a guest house and I believe it is a great asset to the neighborhood as a short term rental. It's exactly the type of property that *should* be used for short term rental as it provides visitors to our city an historic, beautiful Nashville home in an urban neighborhood that is well preserved and maintained.

I am also acquainted with the owner, Gerry Andrady, and know that he is a very responsible property owner and manager who addresses issues promptly and with sincere concern. I am very much in favor of re-instituting the permit required for this property to be used as a short term rental.

Sincerely,
Nancy Kirkland
742 Roycroft Place
615.593.9733