

DOCKET

3/7/2019

**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**

CASE 2018-726 (Council District - 27)

JUSTIN PUCKETT, appellant and **L & S FAMILY ENTERTAINMENT, LLC**, owner of the property located at **5315 NOLENSVILLE PIKE**, requesting variances from setback and buffer requirements in the CS District, to install a cell phone tower. Referred to the Board under Section 17.12.020 C and 17.24.240 B. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Cell Tower

Map Parcel 16108002400

RESULT - Withdrawn

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 -

CASE 2019-007 (Council District - 8)

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

Use-Office

Map Parcel 06111012400

RESULT -

CASE 2019-009 (Council District - 8)

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

Use-Office

Map Parcel 06111012400

RESULT -

CASE 2019-043 (Council District - 17)

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

Use-Single Family

Map Parcel 09315031800

RESULT -

CASE 2019-054 (Council District - 21)

SCOTT MORTON, appellant and **22 DEVELOPMENTS LLC**, owner of the property located at **209 & 217 22ND AVE N**, requesting a special exception from build to zone and step back requirements, and a variance from parking requirements in the MUG-A District, to construct a hotel, restaurant, and mixed use development. Referred to the Board under Section 17.12.020.D, 17.12.020.D, 17.20.030. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Hotel

Map Parcel 09215011500

RESULT -

Map Parcel 09215012000

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 2019-068 (Council District - 24)

CAINE, JEFFERY & TIFFANY, appellant and owner of the property located at **3722 NEVADA AVE**, requesting a variance from sidewalk requirements in the RS5 District, to construct a single family residence without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 09213023300

RESULT -

CASE 2019-077 (Council District - 2)

BEN KELLY, appellant and **EIGHT-NINE KING DEVELOPMENT, LLC**, owner of the property located at **903 MANILA AVE**, requesting a variance from sidewalk requirements in the RS5 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 08204041000

RESULT -

CASE 2019-083 (Council District - 5)

EMILY MOGHADAM, appellant and owner of the property located at **207 MYRTLE ST**, requesting a variance from sidewalk requirements in the SP District, to construct two residential units without building sidewalks. The appellant is requesting to contribute to 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 08212018700

RESULT -

CASE 2019-084 (Council District - 16)

MYERS FLOORING, appellant and **ADE 787, LLC**, owner of the property located at **2919 SIDCO DR**, requesting variances from setback and size requirements in the IR District, to install a ground sign and wall signs on three facades of the building. Referred to the Board under Section 17.32.070.B and 17.32.130.F.1. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Commercial

Map Parcel 11816000600

RESULT -

CASE 2019-085 (Council District - 19)

15th and Church Equity Investors, appellant and owner of the property located at **1506 CHURCH ST 100**, requesting a variance from parking requirements in the MUI-A District, to construct condominiums. Referred to the Board under Section 17.20.030. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Residential

Map Parcel 09212034000

RESULT -

CASE 2019-086 (Council District - 19)

BERT MORTON, appellant and **CHARLOTTE AVENUE LODGING, LLC**, owner of the property located at **1500 CHARLOTTE AVE**, requesting variances from landscaping and parking requirements in the MUI-A District, to construct a hotel. Referred to the Board under Section 17.24.4 and 17.20.30. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Commercial

Map Parcel 09208017900

RESULT -

CASE 2019-087 (Council District - 21)

DY CONSTRUCTION INC, appellant and **DY PROPERTIES II LLC**, owner of the property located at **816 B 19TH AVE N**, requesting a variance from landscape buffer requirements in the MUL-A District, to construct a multi-family development. Referred to the Board under Section 17.24.230. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Multi-Family

Map Parcel 09207030200

RESULT - Withdrawn

CASE 2019-088 (Council District - 7)

HOMES AT 1319 OTAY ST, appellant and owner of the property located at **2217 B SCOTT AVE**, requesting a variance from fence height requirements in the R6 District, to maintain an existing fence. Referred to the Board under Section 17.12.040.26. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 072100B90000CO

RESULT -

CASE 2019-089 (Council District - 3)

RANDY YARD, appellant and owner of the property located at **4136 CREEK TRAIL DR**, requesting a variance from front setback requirements in the RS20 District, to construct a 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 04105000100

RESULT -

CASE 2019-090 (Council District - 19)

BARGE DESIGN SOLUTIONS appellant and **BELMONT AVENUE CHURCH OF CHRIST**, owner of the property located at **67 MUSIC SQ E**, requesting variances from setback requirements in the ORI District, to construct a commercial development. Referred to the Board under Section 17.12.020.C and 17.12.030.B. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Commercial

Map Parcel 10404008600

RESULT - Deferred Indefinitely

SHORT TERM RENTAL CASES

CASE 2018-636 (Council District - 25)

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

Use-Short Term Rental

Map Parcel 11809000100

RESULT -

CASE 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 -

CASE 2019-021 (Council District - 11)

MARTINEZ, MELVIN & BEATRIZ, appellant and owner of the property located at **509 DES MOINES DR**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required short-term rental permit in the R10 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 07503000800

RESULT -

CASE 2019-031 (Council District - 35)

WALDEN WILLIAM, 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 cancellation of a short term rental permit due to change of ownership in the AR2a District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 15500007300

RESULT -

CASE 2019-070 (Council District - 7)

HORNE, RYAN CHRISTOPHER, appellant and owner of the property located at **2227 RAVENWOOD DR**, requesting an Item A appeal challenging the zoning administrator's denial of a short term rental permit. Applicant operated without a permit in the RS10 District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 07208023700

RESULT -

CASE 2019-091 (Council District - 17)

TANNER, JAMES & JANUS & JAKE, appellant and owner of the property located at **1010 B CALDWELL AVE**, requesting an Item A appeal, challenging the zoning administrator's denial of a non-owner short term rental permit based on the property's zoning in the R8 District. Referred to the Board under Section 17.16.250.E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 105094G00200CO

RESULT -

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Justin Puckett
Property Owner: L+S Family
Representative: Justin Puckett

Date: 10/6/18
Case #: 2018-726
Map & Parcel: 161-8-24

Council District 27

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

Purpose: Cell Tower 110'

Activity Type: Cell Tower

Location: 5315 Nolensville PK N.T. 37211

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

Reason: New Cell Tower Violates Setbacks Based on HT and Buffer

Section(s): 17.12-020C 63.3' STOK, Request 0'
17.24-240B 10' Buffer B - request 0'

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.

NTCH-NM LLC
Appellant Name (Please Print)

Justin Puckett
Representative Name (Please Print)

1255 Rivera Drive Ste 1976
Address

144 Shadow Creek Ln
Address

Wrightwood CA, 92397
City, State, Zip Code

MEDINA TN 38355
City, State, Zip Code

323-608-7088
Phone Number

731-384-4268
Phone Number

kfisher@cleartalk.net
Email

jpuckett@cleartalk.net
Email

Appeal Fee: 200⁰⁰



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



3576269

APPLICATION FOR TELECOMMUNICATIONS PERMITS / CATC - T2018070236

THIS IS NOT A PERMIT

PARCEL: 16108002400

APPLICATION DATE: 11/06/2018

SITE ADDRESS:

5315 B NOLENSVILLE PIKE NASHVILLE, TN 37211
P/O PAR B KINGSWOOD PARK

PARCEL OWNER: L & S FAMILY ENTERTAINMENT, LLC

APPLICANT:

PURPOSE:

TO CONSTRUCT A 110' CELL TOWER WITH EQUIPMENT CABINETS/SHELTERS.

1...LOCATED ALONG THE SOUTHERN LOT LINE ADJACENT TO RM15 ZONED PROPERTY...SIDE LOT LINE OF PROPERTY.

2....THIS PROPERTY ZONED CS.

TOWER CODE SECTION 17.16.080 4 READS USE CHAPTER 17.12 CONCERNING HEIGHT.

****CODE REQUIRES THAT THE COUNCIL PERSON HAS THE RIGHT TO REQUEST A COMMUNITY MEETING WITHIN 30 DAYS OF THE APPLICATION...DISTRICT 27...DAVETTA BLALOCK

****SECTION 17.16.080 6 d IT SHALL PROVIDE A RECOMMENDATION CONCERNING NEW TOWER PERMITS..

*****AT BZA MEETING APPLICANT TO SHOW HOW THEY COMPLY WITH 17.16.080 C..EXCEPT FOR HT AND LANDSCAPING...

DENIED:

****...REQUIRED SIDE SETBACK BASED ON HEIGHT OF TOWER... MIN: LOWEST ENGINEERED FAILURE POINT OR 63.3' ..REQUEST ZERO...17.12.020 C.

****...BUFFER B AT 10' REQUIRED....REQUEST ZERO...17.24.240 B.

POC: JUSTIN PUCKETT 731-394-4263

jpuckett@cleartalk.net

jfisher@cleartalk.net

*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] Location Type

[A] Document Package Complete

[A] Location in ROW?

[A] Zoning Review on Telecom Permit

[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

Airport Authority Review On Bldg App

275-1762 kia_lewis@nashintl.com

[A] Bond & License Review On Bldg App

Section 106 Review

615-862-7970 Jessica.Reeves@nashville.gov

[J] Planning Telecommunications Review

[F] Address Review On Bldg App

862-8781 bonnie.crumby@nashville.gov



3354 HUNTERTOWN ROAD
VERSALLES, KY 40383

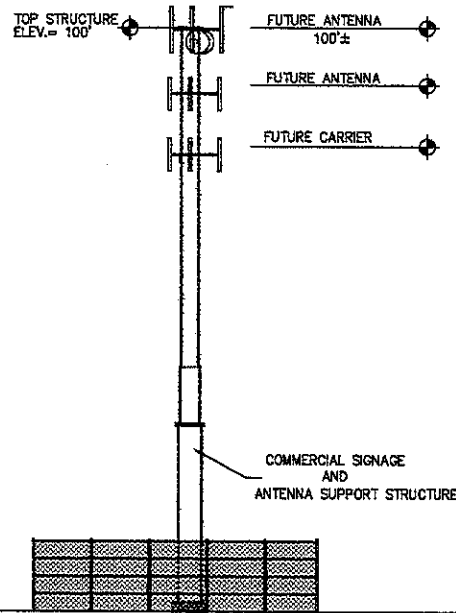
**NASHVILLE
TUSCULUM
STRIKE & SPARE**

DATE RELEASE: 10/25/2018

| REVISIONS | | |
|-----------|------|-------|
| NO. | DATE | ISSUE |
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |

CLEARTALK
12275 N HIDDEN VALLEY RD
MARICOPA, AZ
(303) 748-2714

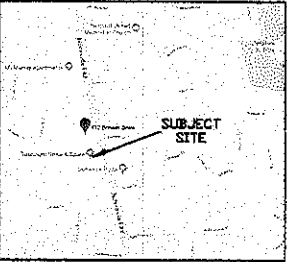
THIS MAP DOES NOT REPRESENT A TITLE SEARCH BY CLEARTALK OR ITS CONSULTANTS. ONLY APPARENT (SURFACE EXISTING) EASEMENTS ARE SHOWN AND SOME EASEMENTS AND/OR RIGHTS OF WAY MAY EXIST. THIS DRAWING IS CONSIDERED AND IS THE SOLE PROPERTY OF THE OWNER. IT IS PRODUCED SOLELY FOR USE BY THE OWNER AND ITS AFFILIATES. REPRODUCTION OR USE OF THIS DRAWING AND/OR THE INFORMATION CONTAINED IN IT IS FORBIDDEN WITHOUT THE WRITTEN PERMISSION OF THE OWNER.



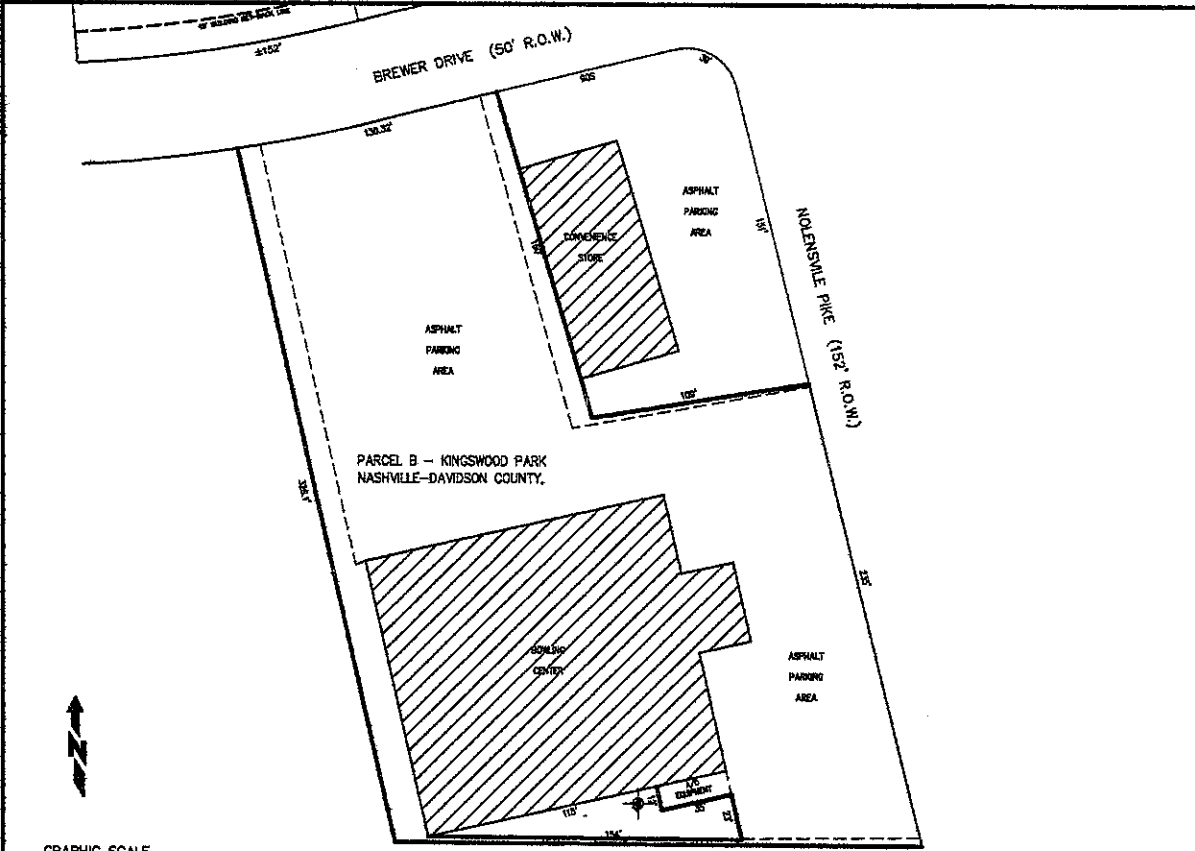
| | | |
|-----------------------------------|---|--|
| SITE NAME: | TUSCULUM STRIKE & SPARE | LAND IN DAVIDSON COUNTY, TENNESSEE, BEING LOT NO. 7 PARCEL IS DESIGNATED FOR COMMERCIAL USE ON THE PLAN OF KINGSWOOD PARK AS SHOWN ON PLAT OF RECORD IN PLAN BOOK 2600, PAGE 70, REGISTER'S OFFICE OF DAVIDSON COUNTY, TENNESSEE, TO WHICH REFERENCE IS HEREBY MADE FOR A MORE COMPLETE DESCRIPTION. |
| SITE NUMBER: | 125-TN-10000 | |
| SITE ADDRESS: | 5215 NOLESVILLE PIKE NASHVILLE, TN 37211 | |
| OWNER'S NAME: | J. & B. FAMILY ENTERTAINMENT, LLC | |
| OWNER'S ADDRESS: | 38 VOLUNTEER DRIVE HERNANDON, TN 37075 | REG. THE SAME PROPERTY CONVEYED TO SAS FAMILY ENTERTAINMENTS, LLC BY WARRANTY DEED OF RECORD AS INSTRUMENT NO. 20140801-000806, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE. |
| ASSESSOR'S PARCEL NUMBER(S): | 181.00.0.0024.00 | |
| NET AREA OF UNDERLYING PARCEL(S): | 2.11 ACRES | |
| LATITUDE: | N34°13'14.1" | LONGITUDE: W85°42'38.6" |

SITE INFORMATION LEGAL DESCRIPTION

- ① TOWER FOUNDATION
- ② 4' X 8' STEEL PLATFORM OR CONCRETE EQUIPMENT PAD
- ③ EQUIPMENT CABINET
- ④ BATTERY CABINET
- ⑤ PPO/YELCO RACK
- ⑥ ELECTRICAL BATTERYBOARD WITH GUTTER AND METER
- ⑦ 12' ACCESS GATE
- ⑧ 4' CHAIN LINK FENCE WITH 3-STRAND BARBED WIRE
- ⑨ 100' COLLOCATABLE MONOPOLE

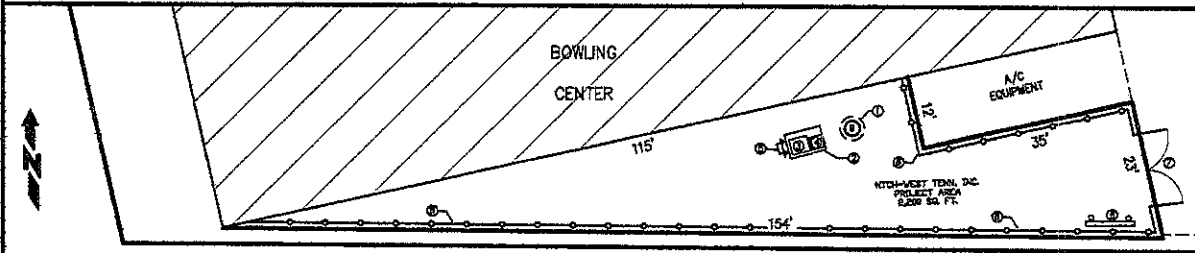


KEYNOTES VICINITY MAP NTS



GRAPHIC SCALE
0 25' 50' 100'
SCALE: 1" = 50'

SITE PLAN



GRAPHIC SCALE
0 10' 20' 40'
SCALE: 1" = 20'

ENLARGED SITE PLAN

| | |
|---|--|
| DRAWN BY: ALAN SMITHIE | |
| SITE NAME TUSCULUM STRIKE & SPARE | |
| SITE NUMBER | |
| SITE ADDRESS 5215 NOLESVILLE PIKE NASHVILLE, TN 37211 | |
| CUP/VARIANCE NUMBER | |
| SHEET TITLE ZD-1 | |
| SHEET NUMBER 1 OF 1 | |



N E L L O
CORPORATION

211 W. Washington St.
Suite 2000
South Bend, IN 46601

Phone: 574-288-3632
Fax: 574-288-6860
www.nelloinc.com

May 5, 2011

Mike Feigenbaum
NTCH Inc.
12275 N. Hidden Valle Road
Maricopa, AZ 85139
303-748-2714

Re: Fall Zone Letters

Dear Mr. Feigenbaum:

Upon customer request Nelco Corporation can design individual towers and monopoles with a custom fall zone radius as needed for specific applications.

Tony Krou
Tower Engineering Manager
Nelco Corporation
574-288-3632 ext 1241
800-80 NELLO

JUSTIFICATION FOR 5315 NOLENSVILLE PIKE SETBACK VARIANCE

To Whom it May Concern,

We would like to request a variance to the setback for the proposed monopole at 5315 Nolensville Pike, parcel number 161 08 0 024.00. The property in question is a 2,080 square foot section located on a 2.11 acre Commercial Service zoned property with a bowling alley on it. The parcel is located in a strip of commercial parcels that runs along Nolensville Pike surrounded by a large residential area, making it an ideal location for a communications site to serve this area of Nashville. Wireless Telecommunications Facilities are permitted by right with conditions in the Commercial Service district according to the Zoning Land Use Table.

We believe that this property is in a good location to provide cell service to this area. However, this parcel is primarily dedicated to parking for the main business, so we would like to locate the tower on the southern part of the property between the building and the property line. The proposed tower would be screened from view from the adjoining property by the existing trees along the entire property line. Our project would also allow a previously unused part of the property to be properly maintained and secured, discouraging dumping of old furniture from the apartment complex to the south, which has been a problem in the past.

The proposed tower would be 20' from the property line. The property to the south is zoned RM-15 and has rental units on it. We would also order the proposed 90' monopole with a 20' engineered fall zone. Attached is an example of a letter from a tower company that could engineer the fall zone according to our requirements.

As the world becomes more interconnected, simple cellular telephone service is being augmented by high-speed internet service provided through smartphones, wireless modems and mobile hotspots. All of these services rely on robust wireless networks. Cities of the future will depend on their telecommunications infrastructure in ways that we are only beginning to realize today. Old arguments that towers are unsightly or unnecessary are being replaced by the knowledge that good network reception makes a neighborhood more livable. Mobile devices and cell phones also emit less radio energy when a cell tower is near (the cell phone has to put out more signal to connect to a far-away tower, which also reduces battery charge duration).

The proposed tower will greatly benefit the general public residing in and traveling

through the surrounding area by improving communications coverage and internet speeds in these neighborhoods. The tower is not just for the use of our initial carrier, and will no doubt be used in the expansion of multiple wireless networks that are experiencing other capacity issues as the wireless needs of the people of Nashville grow. We intend to contact other networks to collocate on these new towers.

Feel free to contact me with any concerns, clarifications, etc.

Thank you for your consideration,



Keith Fisher

Site Development NTCH-NM, LLC (323) 828-1192 Cell

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

THE LOCATION WE HAVE CHOSEN IS PART OF THE PROPERTY THAT IS NOT USABLE FOR ANY OTHER PURPOSE AND WAS CREATED BY THE LOCATION OF THE BUILDING RELATIVE TO THE PROPERTY LINES. THIS SITUATION IS UNIQUE TO THIS PROPERTY AND IS NOT A SELF-IMPOSED HARDSHIP.

WE BELIEVE A CELL TOWER WOULD BE AN APPROPRIATE USE OF THIS SPACE, SINCE IT WOULD ALLOW THIS AREA TO BE MAINTAINED + SECURED, DISCOURAGING VANDALISM + DUMPING, WITHOUT REQUIRING THE AMOUNT OF SPACE REQUIRED BY MOST USES

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.

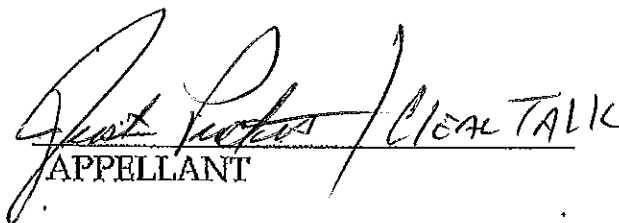
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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.

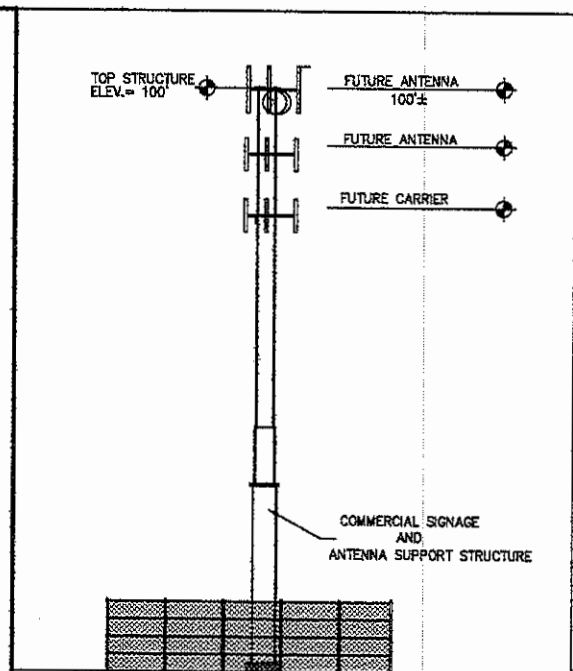
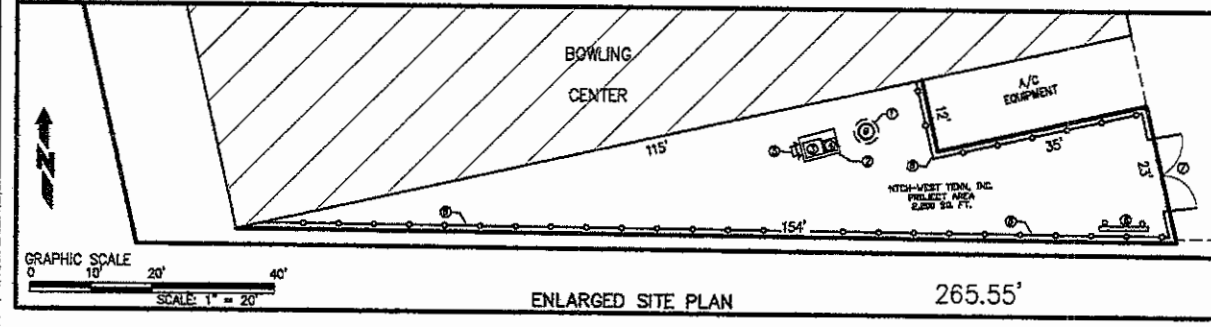
METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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


 APPELLANT

10/29/18
 DATE

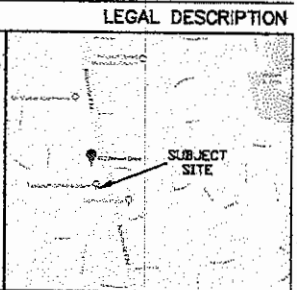




SITE NAME: TUSCULUM STRIKE & SPARE
SITE NUMBER: 125-TL-2000X
SITE ADDRESS: 5215 NOLENSVILLE PIKE NASHVILLE, TN 37211
OWNER'S NAME: L. & S. FINLEY ENTERTAINMENT, LLC
OWNER'S ADDRESS: 90 VOLUNTEER DRIVE, MEMPHISVILLE, TN 37078
ASSESSOR'S PARCEL NUMBER(S): 101 OR D 10224.000
NET AREA OF UNDERLYING PARCEL(S): 2.11 ACRES
LATITUDE: 35°52'14.1" **LONGITUDE:** 86°54'24.5"

LAND IN DAVIDSON COUNTY, TENNESSEE, BEING LOT NO. "PARCEL B, RESERVED FOR COMMERCIAL" ON THE PLAN OF KINGSWOOD PARK, AS SHOWN ON PLAT OF RECORD BY PLAN BOOK 2500, PAGE 70, REGISTERED OFFICE OF DAVIDSON COUNTY, TENNESSEE, T WHICH REFERENCE IS HEREBY MADE FOR A MORE COMPLETE DESCRIPTION.
 BEING THE SAME PROPERTY CONVEYED TO SAS FINLEY ENTERTAINMENTS, LLC BY WARRANTY DEED OF RECORD AS INSTRUMENT NO. 2014000-002866, REGISTERED OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

- SITE INFORMATION**
- ① TOWER FOUNDATION
 - ② 4" x 4" STEEL PLATFORM OR CONCRETE EQUIPMENT PAD
 - ③ EQUIPMENT CABINET
 - ④ BATTERY CABINET
 - ⑤ PPO/YELLOW RACK
 - ⑥ ELECTRICAL BACKBOARD WITH GUTTER AND METER
 - ⑦ 1/2" ACCESS DOOR
 - ⑧ 4" CHAIN LINK FENCE WITH 3-STRAND BARBED WIRE
 - ⑨ 100' COLLOCATABLE MONOPOLE



KEYNOTES **VICINITY MAP** **NTS**



3354 HUNTERTOWN ROAD
 VERSAILLES, KY 40383

**NASHVILLE
 TUSCULUM
 STRIKE & SPARE**

DATE RELEASE: 10/25/2018

REVISIONS

| NO. | DATE | ISSUE |
|-----|------|-------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |

CLEAR TALK
 12275 N HIDDEN VALLEY RD.
 MARICOPA, AZ
 (303) 748-2714

THIS MAP DOES NOT REPRESENT A TITLE SEARCH BY CLEAR TALK OR ITS CONSULTANTS. ONLY APPARENT (SURFACE EVIDENCE) EASEMENTS ARE SHOWN AND MORE EASEMENTS AND/OR RIGHTS OF WAY MAY EXIST. THIS DRAWING IS COPYRIGHTED AND IS THE SOLE PROPERTY OF THIS OFFICE. IT IS PRODUCED SOLELY FOR USE BY THE OWNER AND ITS AFFILIATES. REPRODUCTION OR USE OF THIS DRAWING AND/OR THE INFORMATION CONTAINED IN IT IS FORBIDDEN WITHOUT THE WRITTEN PERMISSION OF THE OWNER.

DRAWN BY:
 ALAN SMITHEE
SITE NAME

**TUSCULUM
 STRIKE & SPARE**
SITE NUMBER

SITE ADDRESS
 5215 NOLENSVILLE PIKE
 NASHVILLE, TN 37211
CUP/VARIANCE NUMBER

SHEET TITLE

ZD-1

SHEET NUMBER
 1 OF 1

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**



3553714

**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.

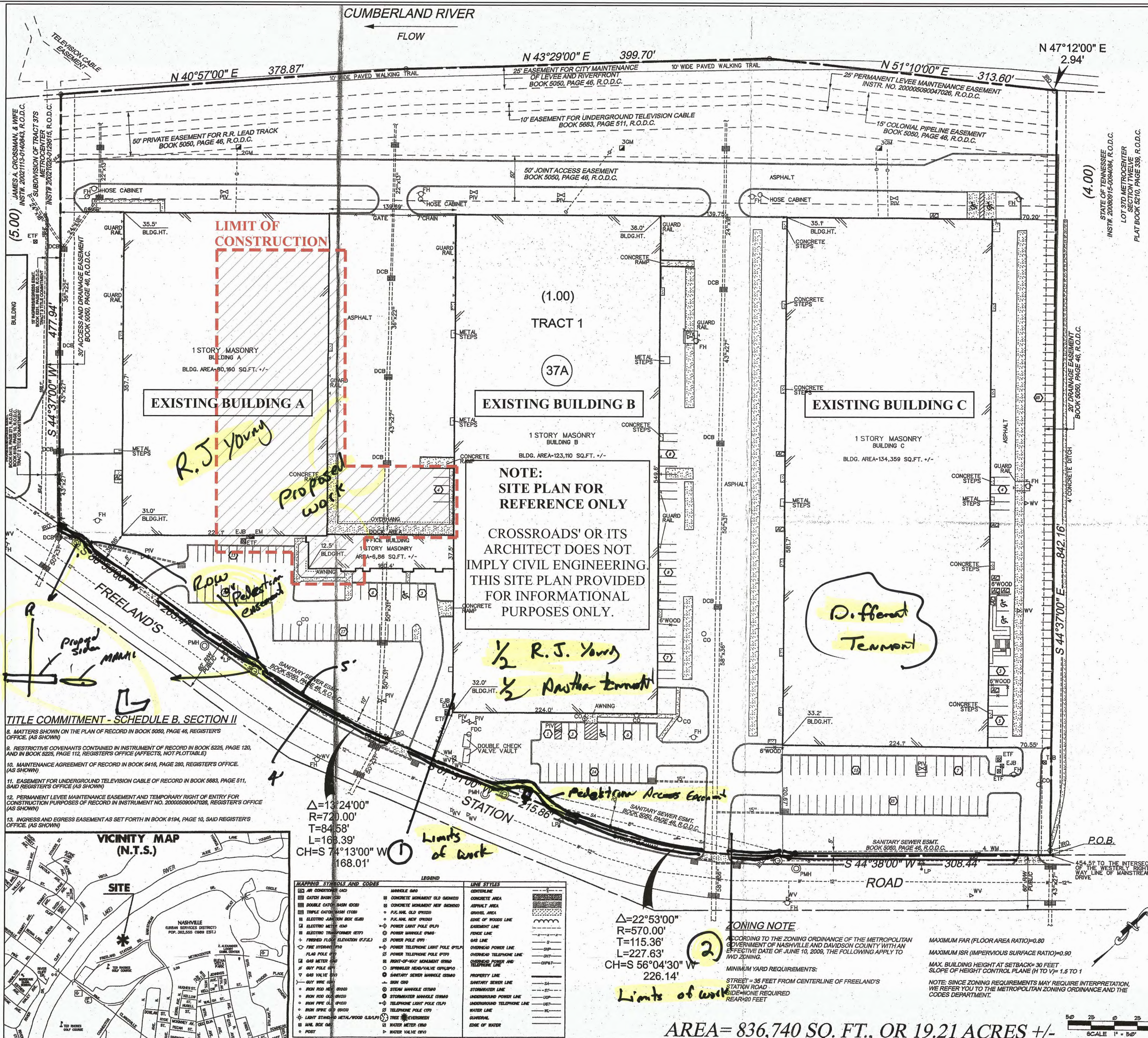
In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

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. 2004 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, ATLAS 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 UTILITIES DIVISION ACT, FOR ANYONE WHO ENGAGES IN EXCAVATION TO NOTIFY ALL KNOWN UTILITY OWNERS NO LESS THAN 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 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

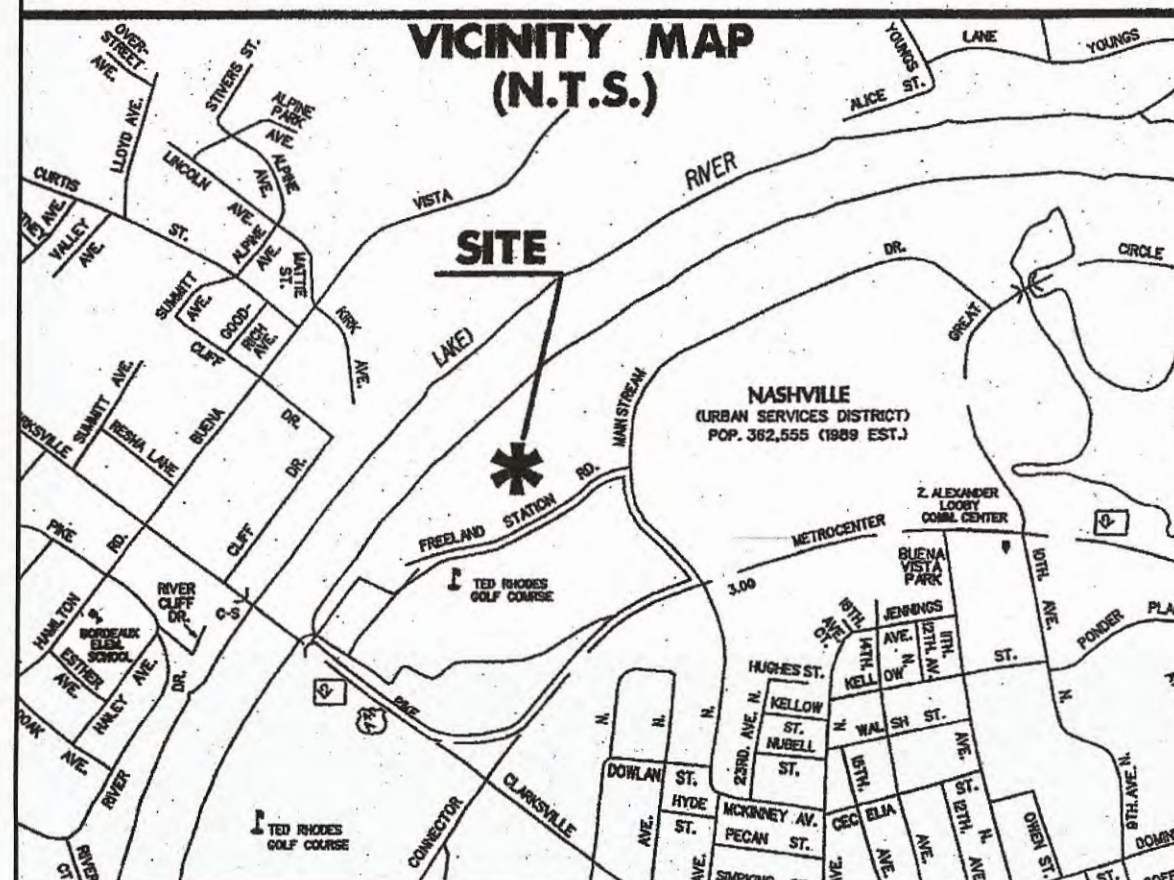
SURVEYOR'S DESCRIPTION
TRACT ONE - PARCEL 37A
Being a parcel of land in Nashville, Urban Services District, Second Councilmanic District, Davidson County, Tennessee, located on the northwestern side of Freeland's Station Road, west of Mainstream Drive, being Tract 37A as shown on the plan of Section 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 227.83 feet to an iron pin, said curve having a central angle of 22°53'00", a radius of 570.00 feet, and a chord of 115.36 feet, and a chord of 558°04'30"W, 226.14 feet, S67°31'00"W, 215.86 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, 188.01 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 southerly 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.

TITLE COMMITMENT - SCHEDULE B, SECTION II

- MATTERS SHOWN ON THE PLAN OF RECORD IN BOOK 5050, PAGE 46, REGISTER'S OFFICE, (AS SHOWN)
- RESTRICTIVE COVENANTS CONTAINED IN INSTRUMENT OF RECORD IN BOOK 5225, PAGE 120, AND IN BOOK 5225, PAGE 112, REGISTER'S OFFICE (AFFECTS, NOT PLOTTABLE)
- MAINTENANCE AGREEMENT OF RECORD IN BOOK 5416, PAGE 280, REGISTER'S OFFICE (AS SHOWN)
- EASEMENT FOR UNDERGROUND TELEVISION CABLE OF RECORD IN BOOK 5683, PAGE 511, SAID REGISTER'S OFFICE (AS SHOWN)
- PERMANENT LEVEE MAINTENANCE EASEMENT AND TEMPORARY RIGHT OF ENTRY FOR CONSTRUCTION PURPOSES OF RECORD IN INSTRUMENT NO. 200005090047026, REGISTER'S OFFICE (AS SHOWN)
- INGRESS AND EGRESS EASEMENT AS SET FORTH IN BOOK 5194, PAGE 10, SAID REGISTER'S OFFICE, (AS SHOWN)



MAPPING SYMBOLS AND CODES

| | | |
|--|--|--|
| (Symbol) AIR CONDITIONER (CAD) | (Symbol) MARKLE GARD | (Symbol) CENTERLINE |
| (Symbol) GUY WIRE (CAD) | (Symbol) CONCRETE MASONRY OLD (MASONRY) | (Symbol) CONCRETE AREA |
| (Symbol) DOUBLE GUY (MASONRY) | (Symbol) CONCRETE MASONRY NEW (MASONRY) | (Symbol) ASPHALT AREA |
| (Symbol) TRIPLE GUY (MASONRY) | (Symbol) P.A.C. LINE OLD (SPRINK) | (Symbol) DRIVE AREA |
| (Symbol) ELECTRO JUNCTION BOX (EJB) | (Symbol) P.A.C. LINE NEW (SPRINK) | (Symbol) LODGE OF WOODS LINE |
| (Symbol) ELECTRO METEOR (EJM) | (Symbol) POWER MANGROVE (MANG) | (Symbol) EASEMENT LINE |
| (Symbol) ELECTRO TRANSFORMER (ETP) | (Symbol) POWER POLE (PP) | (Symbol) FENCE LINE |
| (Symbol) FRESH FLOOD ELEVATION (FFLE) | (Symbol) POWER TELEPHONE LINE LIGHT (PTLN) | (Symbol) GAS LINE |
| (Symbol) FIVE INTERMETS (FIVE) | (Symbol) POWER TELEPHONE LINE (PTLN) | (Symbol) OVERHEAD POWER LINE |
| (Symbol) FLAG POLE (FP) | (Symbol) POWER TELEPHONE LINE (PTLN) | (Symbol) OVERHEAD TELEPHONE LINE |
| (Symbol) GAS METER (GM) | (Symbol) RIGHT-OF-WAY MAINTENANCE (ROW) | (Symbol) OVERHEAD POWER AND TELEPHONE LINE |
| (Symbol) GUY POLE (GP) | (Symbol) SPRINKLER HEAD/VALVE (SH/V) | (Symbol) WATER LINE |
| (Symbol) GUY VALVE (GV) | (Symbol) SANITARY SEWER MARKLE (SSM) | (Symbol) SANITARY SEWER LINE |
| (Symbol) IRON ROD NEW (IRON) | (Symbol) SANITARY SEWER (SS) | (Symbol) STORMSEWER LINE |
| (Symbol) IRON ROD OLD (IRON) | (Symbol) STEAM MARKLE (STM) | (Symbol) STORMSEWER MARKLE (STM) |
| (Symbol) IRON PIPE OLD (PIP) | (Symbol) STORMSEWER (STM) | (Symbol) TELEPHONE LINE (TEL) |
| (Symbol) IRON PIPE NEW (PIP) | (Symbol) TELEPHONE MARKLE (TM) | (Symbol) TELEPHONE POLE (TP) |
| (Symbol) LIGHT STRIP (MATERIAL/WOOD (LSM)) | (Symbol) TELEPHONE (TEL) | (Symbol) TREE (TREE) |
| (Symbol) LINE BOOK (LB) | (Symbol) WATER METER (WM) | (Symbol) WATER VALVE (WV) |
| (Symbol) POST | (Symbol) WATER VALVE (WV) | (Symbol) WATER VALVE (WV) |

ZONING NOTE
ACCORDING TO THE ZONING ORDINANCE OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY WITH AN EFFECTIVE DATE OF JUNE 10, 2006, THE FOLLOWING APPLY TO IWD ZONING.

MINIMUM YARD REQUIREMENTS:
STREET = 35 FEET FROM CENTERLINE OF FREELAND'S STATION ROAD
SIDE-WALK REQUIRED
REAR=30 FEET

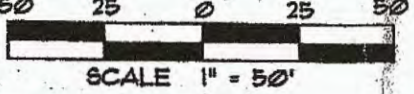
Handwritten:
LIMITS OF WORK

$\Delta=22^{\circ}53'00''$
 $R=570.00'$
 $T=115.36'$
 $L=227.63'$
 $CH=S 56^{\circ}04'30'' W$
 $226.14'$

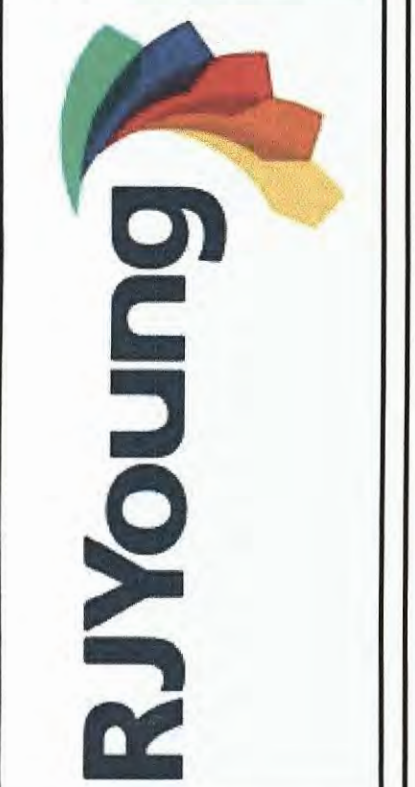
Handwritten:
LIMITS OF WORK

$\Delta=13^{\circ}24'00''$
 $R=720.00'$
 $T=84.58'$
 $L=168.39'$
 $CH=S 74^{\circ}13'00'' W$
 $168.01'$

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



CROSSROADS ARCHITECTURE
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

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-001 (730 A Freeland Station Road)

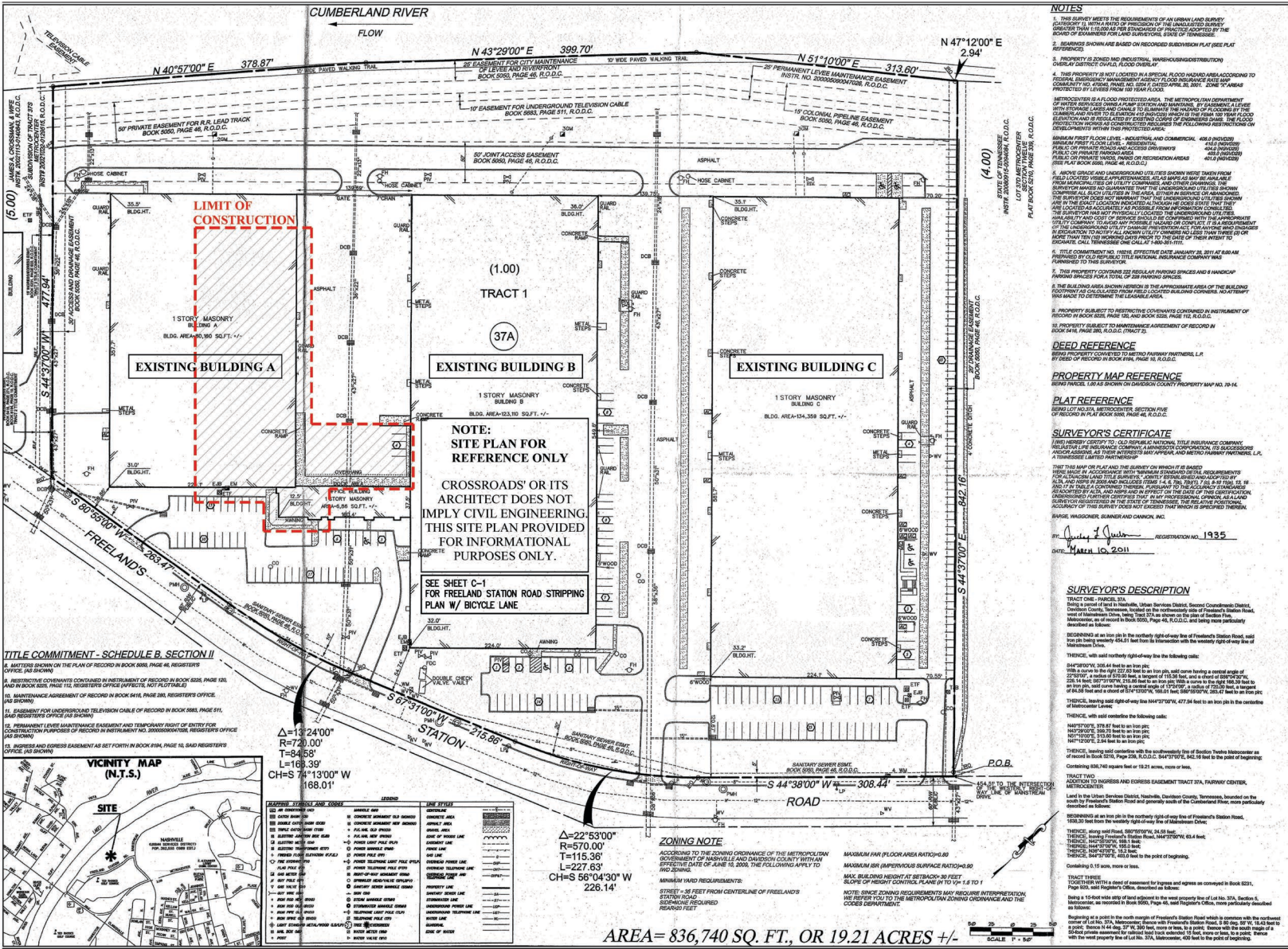
| | |
|--------------------------|--|
| Metro Standard: | 4' grass strip, 5' sidewalk, as defined by the Local Street standard |
| Requested Variance: | Construct alternative street design instead of sidewalks |
| Zoning: | IWD |
| Community Plan Policy: | D EC (District Employment Center) |
| MCSP Street Designation: | Local Street |
| Transit: | Property is approximately 0.22 miles from #9 – Metro Center |
| Bikeway: | Bike boulevard planned per WalknBike |

Planning Staff Recommendation: *Approve.*

Analysis: The applicant proposes conducting a 15,000 square foot internal renovation and a 30,000 square foot building addition. Instead of constructing sidewalks, the applicant will implement a two-way multi-use path by restriping the street within the existing roadway on the south side of Freeland Station Road from Mainstream Drive to the Cumberland River Greenway trailhead. Planning evaluated the following factors for the variance request:

- (1) The proposed renovation and addition is located in one area of the parcel with industrial uses. An attached site plan depicts the extent of work. A standard sidewalk along the property frontage will require removing trees or meandering a sidewalk across terrain.
- (2) The multi-use path is adjacent to a golf course on the south side of the street. There are no vehicular access points, so there will be no conflicts between people walking and biking along the multi-use path and trucks.
- (3) Unlike a sidewalk, the multi-use path design accommodates people walking and biking, and provides direct access to an existing greenway. It will enable Metro to connect the path to residential areas west of Rosa Parks Boulevard in the future.
- (4) Planning and Public Works support the alternative street design. Public Works Traffic Section will review the final plan for implementation.

Given the factors above, staff recommends **approval per Metro Public Works final guidance as indicated on the attached striping plan.**



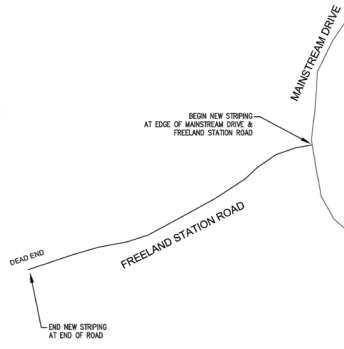
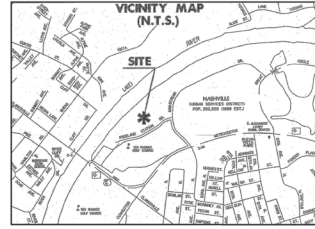
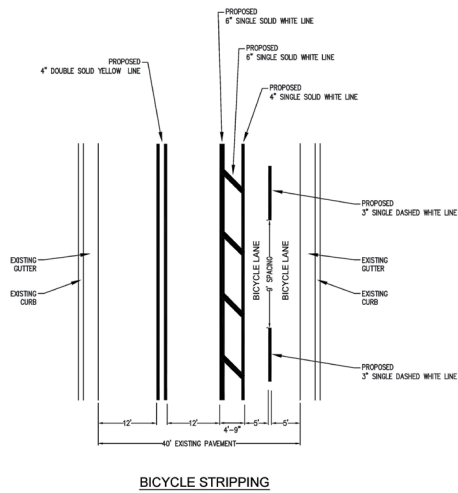
CROSSROADS ARCHITECTURE
 (615) 255-1796
 (615) 255-1799 FAX
 1607 Woodgarden Ave., Suite B
 Nashville, TN 37203

RJYoung

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: 18 FEB 2019

730 A Freeland Station Road – Striping Plan Pending Public Works Final Guidance

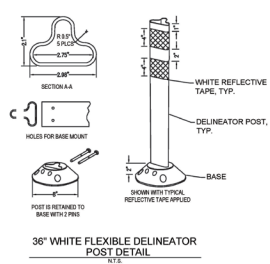


BA
BATSON & ASSOCIATES
 Civil Engineering Consultants

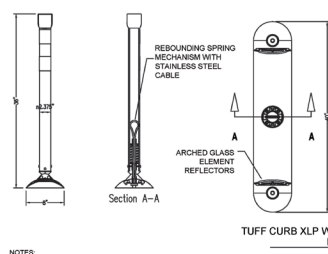
5150 REMINGTON DRIVE
 BRENTWOOD, TENNESSEE 37027
 (615) 424-4840 • FAX (615) 370-9363

FREELAND STATION ROAD
 FREELAND STATION ROAD
 NASHVILLE, TN

| | |
|-------------|------------|
| CASE NO. | |
| DESCRIPTION | DATE |
| | |
| PROJECT NO. | - |
| DATE | 7 FEB 2019 |
| DRAWN BY | NN |
| CHECKED BY | GMB |



- NOTES:**
1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS
 2. DIMENSIONS, MATERIALS, AND ATTACHMENTS MAY VARY BETWEEN MANUFACTURERS.
 3. COLOR OF POST SHALL MATCH COLOR OF APPLICABLE EDGE LINE.
 4. SUGGESTED MANUFACTURERS INCLUDE: PERCO DAVIDSON TRAFFIC CONTROL, SUPERIOR TRAFFIC CONTROL OR APPROVED BY METRO REPRESENTATIVE



- NOTES:**
1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
 2. DIMENSIONS, MATERIALS, AND ATTACHMENTS MAY VARY BETWEEN MANUFACTURERS.
 3. COLOR OF POST SHALL MATCH COLOR OF APPLICABLE EDGE LINE.
 4. SUGGESTED MANUFACTURERS INCLUDE: IMPACT RECOVERY SYSTEMS, INC. OR APPROVED BY METRO REPRESENTATIVE

NOTE:
 SEE THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) FOR MORE DETAILS

BIKEWAY PROJECT SHALL COORDINATE WITH TRAFFIC DEPT

BICYCLE STRIPPING PLAN

C-1
 SHEET 1 OF 1

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: MICHAEL WOODS

Date: 11/13/18

Property Owner: MYLES CRAWFORD

Case #: 2019-007

Representative: MICHAEL WOODS

Map & Parcel: 06111012400

Council District 08

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

Purpose: to construct a 3,108 sqft office addition

Activity Type: OFFICE

X Location: 4117 GALLATIN PIKE

This property is in the OU20-A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

OV-UDO
OV-NHL

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

Section(s): 17.20.120.1

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

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

6601 OWEN HILL RD
Address Address

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

615-405-2626
Phone Number Phone Number

mwoods321@yahoo.com
Email Email

Appeal Fee: \$200



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



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

PARCEL: 06111012400

APPLICATION DATE: 11/13/2018

SITE ADDRESS:

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

PARCEL OWNER: COBELL PROPERTIES, LLC

APPLICANT:

PURPOSE:

ZONED OR20-A.

NEIGHBORHOOD LANDMARK DESIGNATION.

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

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

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

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

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

[A] Zoning Review

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

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

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

PW - Public Works Sidewalk Capital Project Coordinatic

[A] Site Plan Review

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

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

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

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

[B] Fire Sprinkler Requirement 862-5230

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

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

MWS.DevelopmentServicesCenter@nashville.gov

[E] Water Availability Review For Bldg 862-7225

MWS.DevelopmentServicesCenter@nashville.gov

[E] Water Variance Approval For Bldg 862-7225

MWS.DevelopmentServicesCenter@nashville.gov

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

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

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

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

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

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

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

Specificati

 Copying



SITE DATA

PROJECT NAME: POWER CHIROPRACTICS AND WELLNESS
 COBELL PROPERTIES, LLC
 PROJECT ADDRESS: 4117 GALLATIN PIKE
 CITY: NASHVILLE 37216
 COUNTY: DAVIDSON
 STATE: TENNESSEE
 DISTRICT: 8TH COUNCIL DISTRICT
 EXISTING ZONING AND AREA DESIGNATION: OR20A - OFFICE/RESIDENTIAL (20 UNITS/ ACRE)
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 SIDE YARD: 5'
 REAR YARD: 20'

| | |
|-------|--|
| | |
| CURVE | |
| C1 | |

| PRE-DEVELOPED CONDITIONS | SQ. FT. | ACRES |
|--------------------------|---------|-------|
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| EXISTING BUILDING | 2,778 | 0.064 |
| EXISTING ASPHALT PRKG. | 10,032 | 0.230 |
| CONCRETE CURB | 405 | 0.009 |
| EXISTING SIDEWALK | 352 | 0.008 |
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| GRASS | 12,278 | 0.282 |
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| POST DEVELOPED CONDITIONS | SQ. FT. | ACRES |
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| BUILDING | 5,886 | 0.135 |
| ASPHALT PRKG. | 10,285 | 0.236 |
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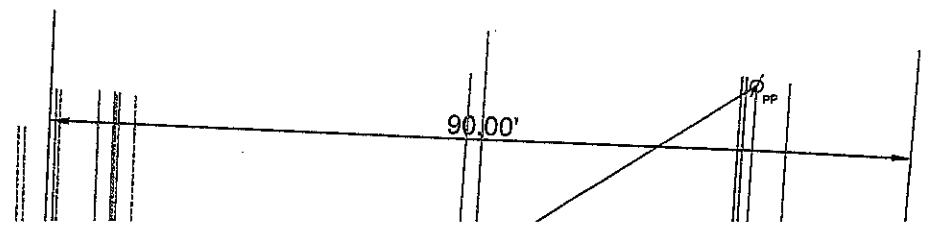
DEPARTMENT OF CODES ADMINISTRATION
 METROPOLITAN NASHVILLE, & DAVIDSON COUNTY
 ZONING REVIEW CHECKLIST
 Nonresidential and Multifamily Construction

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

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

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

4" PAINTED WHITE STRIPING (TYP.)



06111008200

06111008300



MCMAHAN AVE



06111012100

OR20

06111012200

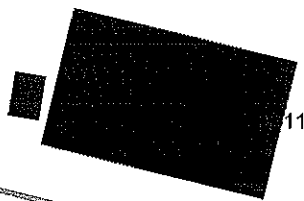


06111012300



RS7.5

06111032000



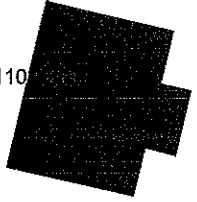
06111012400

OR20-A

06111031900



06111012500



06111012600



06111012700



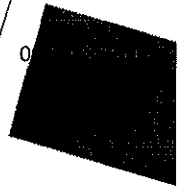
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GALLATIN PIKE
T4-M-AB5-IM

MUL-A

06111023700

GREENLAND AVE





06111008200

06111008300

06111008700

MCMAHAN AVE

06111012001

CR-20

06111012200

0611101

RS75
06111032000

0611102400

CR-20-A

T4-M-AB5-IM

GALLATIN PIKE

MUL-A

06111023700

GREENLAND AVE

0611101

06111012640

0611101

0611101

SUBSTITUTE ORDINANCE NO. BL2014-673

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by making applicable the provisions of a Neighborhood Landmark Overlay District to various properties located along the west side of Gallatin Pike between Virginia Avenue and Broadmoor Drive, (17.22 acres), zoned OR20-A and RS7.5, all of which is described herein (Proposal No. 2014NL-001-001).

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

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

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

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

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

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

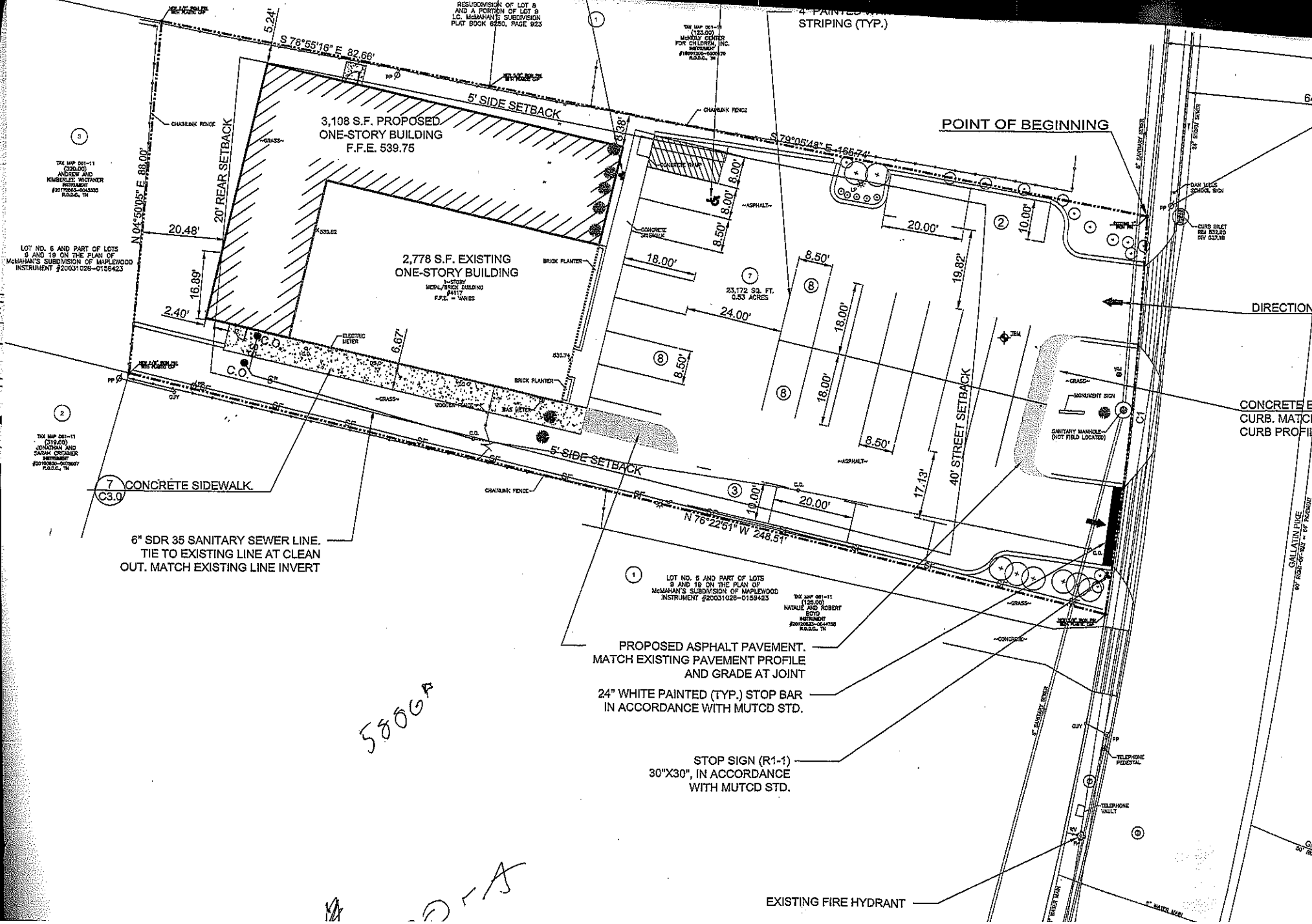
By making applicable the provisions of a Neighborhood Landmark Overlay District to various properties located along the west side of Gallatin Pike between Virginia Avenue and Broadmoor Drive, (17.22 acres), zoned OR20-A and RS7.5, being Property Parcel Nos. 128, 129, 130, 183, 184, 185, 186, 242, 243, 244, 245, 246, 247, 272, 273 as designated on Map 061-07 and Property Parcel Nos. 084, 085, 123, 124, 125, 126, 127, 128, 131 as designated on Map 061-11 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 061 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Karen Bennett

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



LOT NO. 6 AND PART OF LOTS 8 AND 19 ON THE PLAN OF McMAHAN'S SUBDIVISION OF MAPLEWOOD INSTRUMENT #20031028-0158423

RESUBDIVISION OF LOT 8 AND A PORTION OF LOT 9 AND A PORTION OF LOT 9 L.C. McMAHAN'S SUBDIVISION PLAT BOOK 6222, PAGE 922

TAX MAP 051-11 (125.00) MANDOLY CENTER FOR COLLEGE, INC. WATKINSVILLE, GA INSTRUMENT #19922000-010 R.O.S.C., TN

4" PAINTED WHITE STRIPING (TYP.)

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

2,778 S.F. EXISTING ONE-STORY BUILDING 1-STORY METAL/BRICK BUILDING PART F.F.E. - VARIES

23,172 SQ. FT. 0.53 ACRES

POINT OF BEGINNING

DIRECTION

CONCRETE CURB MATCH EXISTING CURB PROFILE

7 CONCRETE SIDEWALK C3.0

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

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

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

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

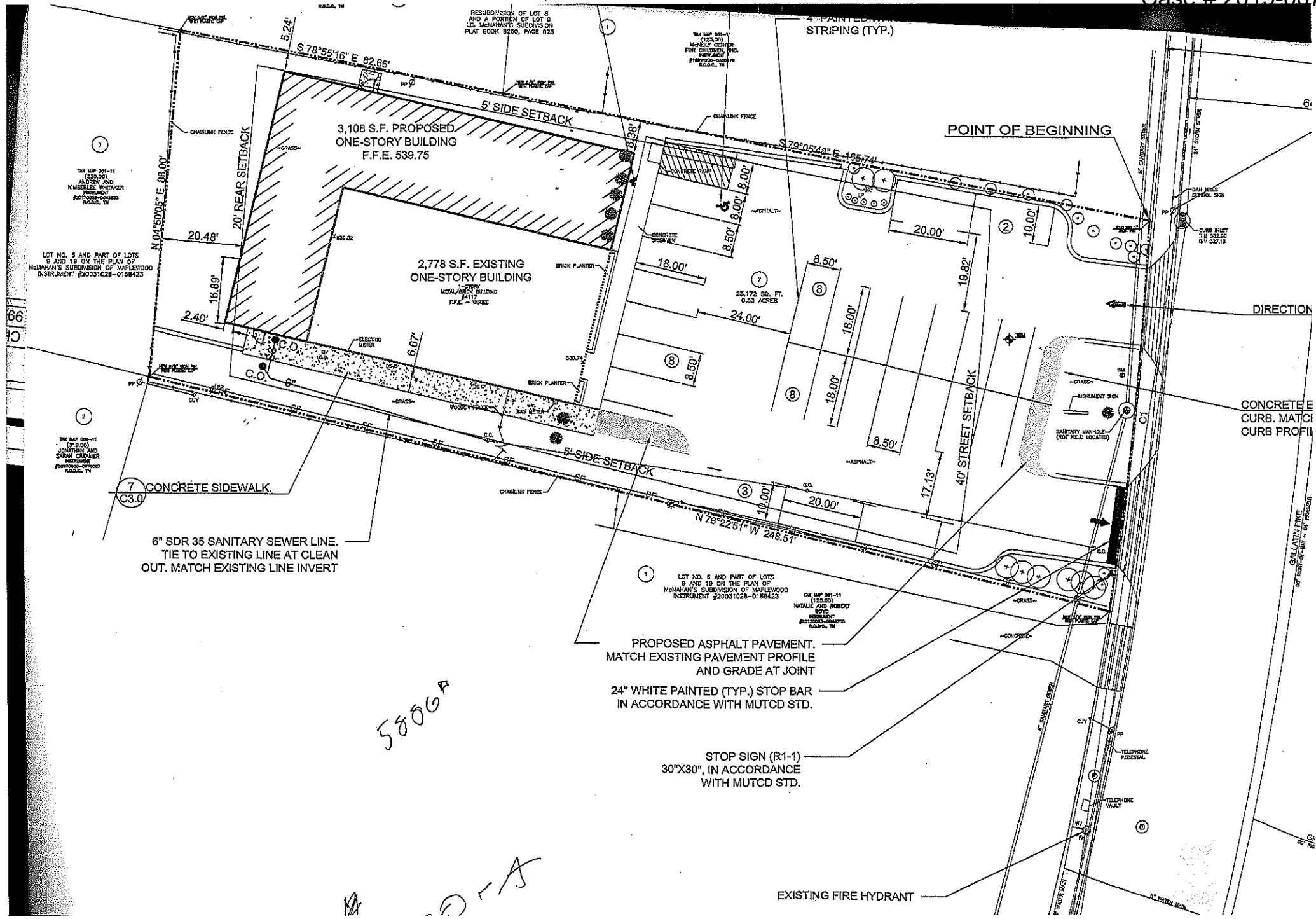
EXISTING FIRE HYDRANT

5806A

DFA

CALUMNIA PIKE W/ ROADWAY - 6' FROM

50' R.O.



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

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

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

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

EXISTING FIRE HYDRANT

5806A

DA

CONCRETE E
CURB. MATCH
CURB PROFIL

CALL LAIN FINE
BY 10/20/2019 - 64' PROBABLY

DIRECTION

POINT OF BEGINNING

4" PAINTED
STRIPING (TYP.)

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

THE MAP 091-11
(125.00)
MONTY CENTER
FOR CHILDREN (INC.)
MEMPHIS
#1897200-00079
K.S.C.A., TN

THE MAP 091-11
(125.00)
ANDREW AND
KARLENE WINTNER
PARTNERS
#207000-00083
K.S.C.A., TN

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

THE MAP 091-11
(125.00)
JENNIFER AND
SARAH CREANER
PARTNERS
#20031028-0158423
K.S.C.A., TN

LOT NO. 5 AND PART OF LOTS
8 AND 10 ON THE PLAN OF
McMANIS'S SUBDIVISION OF MAPLEWOOD
INSTRUMENT #20031028-0158423

THE MAP 091-11
(125.00)
WYALE AND ROBERT
BOND
MEMPHIS
#2012000-00079
K.S.C.A., TN

66

0

7 CONCRETE SIDEWALK.
C3.0

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-007 (4117 Gallatin Pike)

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

Planning Staff Recommendation: *Approve with conditions.*

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

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

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

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

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

Sent from my Verizon LG Smartphone

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

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

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

Nancy VanReece | Metro Nashville Councilmember, District 8

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

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

D O C K E T

1/3/2019

1:00 P.M.

METROPOLITAN BOARD OF ZONING APPEALS

P O B O X 196300

METRO OFFICE BUILDING

NASHVILLE, TENNESSEE 37219-6300

Meetings held in the Sonny West Conference Center

Howard Office Building, 700 2nd Avenue South

CASE 2019-005 (Council District - 8)

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

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

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

jurisdiction under Section 17.40.180 B.

Use-Office Map Parcel 06111012400

Results:

CASE 2019-006 (Council District - 8)

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

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

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

have jurisdiction under Section 17.40.18 B.

Use-Office Map Parcel 06111012400

CASE 2019-007 (Council District - 8)

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

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

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

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

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

Use-Office Map Parcel 06111012400

CASE 2019-008 (Council District - 8)

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

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

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

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

Use-Office Map Parcel 06111012400

CASE 2019-009 (Council District - 8)

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

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

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

Use-Office Map Parcel 06111012400

Results:

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

Braisted, Sean (Codes)

From: Shepherd, Jessica (Codes)
Sent: Tuesday, March 5, 2019 1:00 PM
To: Braisted, Sean (Codes)
Cc: Lifsey, Debbie (Codes)
Subject: FW: Case 2019-009 and Case 2019-007

From: Lamb, Emily (Codes)
Sent: Tuesday, March 5, 2019 11:49 AM
To: Lifsey, Debbie (Codes); Shepherd, Jessica (Codes)
Subject: FW: Case 2019-009 and Case 2019-007

For the case files.

Emily Lamb
Metro Codes Department

This email and any files transmitted with it may be confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this communication in error. If you have received this communication in error, please notify the sender immediately and in the interim please do not use, disseminate, forward, print or copy this communication.

From: VanReece, Nancy (Council Member)
Sent: Tuesday, March 5, 2019 11:48 AM
To: Lamb, Emily (Codes)
Cc: mwoods321@yahoo.com; pwrchirowellness@aol.com; jtruman@accelcre.com
Subject: RE: Case 2019-009 and Case 2019-007

4117 Gallatin Pike Variances.

Emily,

Thank you for your call and the opportunity to clarify.

After visiting with the applicant at the site and clarifying and narrowing down the requests, I am in support of these variances. The sidewalk variance includes right of way dedication and street access is best left as is for safety.

Please ask the Chairman to consider these for the consent agenda.

Nancy VanReece | Metro Nashville Councilmember, District 8

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

Lifsey, Debbie (Codes)

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

For the case file.

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

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

Nancy VanReece | Metro Nashville Councilmember, District 8
@nvr4district8 | www.nvr4district8.com | www.fb.com/nvr4district8 | 615-862-6780

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

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

Nancy VanReece | Metro Nashville Councilmember, District 8

@nvr4district8 | www.nvr4district8.com | www.fb.com/nvr4district8 | 615-862-6780

Lifsey, Debbie (Codes)

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

Importance: High

Hello Mr. Herbert and others,

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

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

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

Our concern on this case is twofold.

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

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

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

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

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

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

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

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

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

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

Best regards,
Carolyn Breda
Riverwood Residents Association

Lifsey, Debbie (Codes)

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

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

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

Thank you,

--
Julie Cook
juliecook2@gmail.com

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: MICHAEL WOODS

Date: 11/13/18

Property Owner: MYLES CRAWFORD

Case #: 2019-009

Representative: MICHAEL WOODS

Map & Parcel: 0611012400

Council District 08

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

Purpose: to construct a 3,108 sqft office addition

Activity Type: OFFICE

X Location: 4117 GALLATIN PIKE

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

OV-UDO
OV-NHL

Reason: a variance from street access requirements.

Section(s): 17.20.170

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

WOODS CONST. GROUP, LLC

MICHAEL WOODS
Appellant Name (Please Print)

Representative Name (Please Print)

6601 OWEN HILL RD
Address

Address

COLLEGE GROVE, TN 37046
City, State, Zip Code

City, State, Zip Code

615-405-2626
Phone Number

Phone Number

mwoods321@yahoo.com
Email

Email

Appeal Fee: \$200



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



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

PARCEL: 06111012400

APPLICATION DATE: 11/13/2018

SITE ADDRESS:

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

PARCEL OWNER: COBELL PROPERTIES, LLC

APPLICANT:

PURPOSE:

ZONED OR20-A.

NEIGHBORHOOD LANDMARK DESIGNATION.

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

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

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

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

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

[A] Zoning Review

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

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

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

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

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

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

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

Specificati
 Copying


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



SITE DATA

PROJECT NAME: POWER CHIROPRACTICS AND WELLNESS
COBELL PROPERTIES, LLC

PROJECT ADDRESS: 4117 GALLATIN PIKE

CITY: NASHVILLE 37216

COUNTY: DAVIDSON

STATE: TENNESSEE

DISTRICT: 8TH COUNCIL DISTRICT

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

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

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

EXISTING LAND USE: MEDICAL OFFICE

PROPOSED LAND USE: MEDICAL OFFICE

MINIMUM REQUIRED SETBACK LINES:

FRONT SETBACK: 40'

SIDE YARD: 5'

REAR YARD: 20'

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

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

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

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

PARKING REQUIREMENTS:

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

NUMBER OF PARKING SPACES PROVIDED = 29 SPACES

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

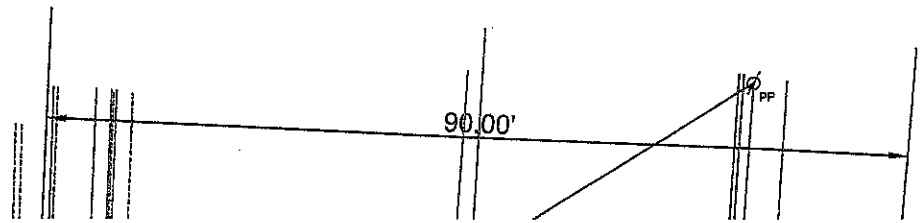
| | |
|-------|--|
| CURVE | |
| C1 | |

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

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

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

4" PAINTED WHITE
STRIPING (TYP.)



06111008200

06111008300



MCMAHAN AVE

012100

OR20

06111012200

06111012300

RS7.5

06111032000

111012400

OR20-A

06111031900

06111012500

06111012600

06111012700

06111012800

GALLATIN PIKE T4-M-AB5-IM

MUL-A

06111023700

GREENLAND AVE

0



MCMAHAN AVE

GALLATIN PIKE
T4-M-AB-5-IM

MUL-A

GREENLAND AVE

COR-20

COR-20-A

06111012100

06111012200

0611101

RS7.5
06111032000

06111012400

06111023700

06111012500

06111012600

06111012700

06111008200

06111008300

06111008700

SUBSTITUTE ORDINANCE NO. BL2014-673

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by making applicable the provisions of a Neighborhood Landmark Overlay District to various properties located along the west side of Gallatin Pike between Virginia Avenue and Broadmoor Drive, (17.22 acres), zoned OR20-A and RS7.5, all of which is described herein (Proposal No. 2014NL-001-001).

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

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

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

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

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

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

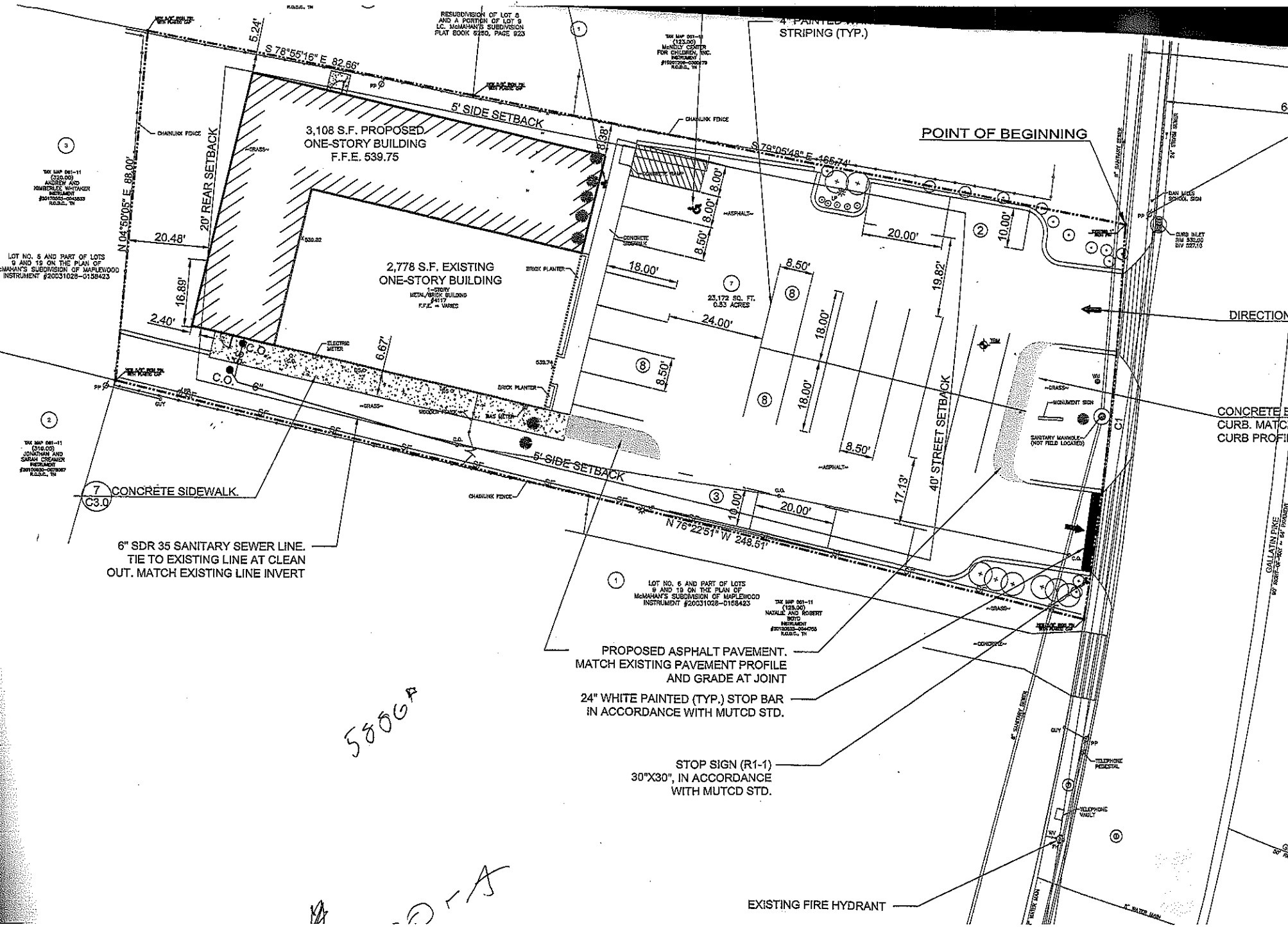
By making applicable the provisions of a Neighborhood Landmark Overlay District to various properties located along the west side of Gallatin Pike between Virginia Avenue and Broadmoor Drive, (17.22 acres), zoned OR20-A and RS7.5, being Property Parcel Nos. 128, 129, 130, 183, 184, 185, 186, 242, 243, 244, 245, 246, 247, 272, 273 as designated on Map 061-07 and Property Parcel Nos. 084, 085, 123, 124, 125, 126, 127, 128, 131 as designated on Map 061-11 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 061 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Karen Bennett

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



5806A

DFA

LOT NO. 6 AND PART OF LOTS 9 AND 18 ON THE PLAN OF McMAHAN'S SUBDIVISION OF MAPLEWOOD INSTRUMENT #20031028-0158423

RESUBDIVISION OF LOT 6 AND A PORTION OF LOT 9 AND A PORTION OF LOT 18 ON THE PLAN OF McMAHAN'S SUBDIVISION OF MAPLEWOOD INSTRUMENT #20031028-0158423

LOT NO. 6 AND PART OF LOTS 9 AND 18 ON THE PLAN OF McMAHAN'S SUBDIVISION OF MAPLEWOOD INSTRUMENT #20031028-0158423

THE MAP 06-11 (125.00) NAJALE AND ROBERT BOYO INSTRUMENT #20031028-0158423 R.O.B.C., TN

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

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

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

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

EXISTING FIRE HYDRANT

DIRECTION

CONCRETE CURB MATCH EXISTING CURB PROFILE

POINT OF BEGINNING

CALL LAIN FINE

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

Sent from my Verizon LG Smartphone

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

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

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

Nancy VanReece | Metro Nashville Councilmember, District 8

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

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

D O C K E T

1/3/2019

1:00 P.M.

METROPOLITAN BOARD OF ZONING APPEALS

P O B O X 196300

METRO OFFICE BUILDING

NASHVILLE, TENNESSEE 37219-6300

Meetings held in the Sonny West Conference Center

Howard Office Building, 700 2nd Avenue South

CASE 2019-005 (Council District - 8)

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

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

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

jurisdiction under Section 17.40.180 B.

Use-Office Map Parcel 06111012400

Results:

CASE 2019-006 (Council District - 8)

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

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

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

have jurisdiction under Section 17.40.18 B.

Use-Office Map Parcel 06111012400

CASE 2019-007 (Council District - 8)

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

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

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

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

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

Use-Office Map Parcel 06111012400

CASE 2019-008 (Council District - 8)

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

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

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

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

Use-Office Map Parcel 06111012400

CASE 2019-009 (Council District - 8)

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

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

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

Use-Office Map Parcel 06111012400

Results:

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

Braisted, Sean (Codes)

From: Shepherd, Jessica (Codes)
Sent: Tuesday, March 5, 2019 1:00 PM
To: Braisted, Sean (Codes)
Cc: Lifsey, Debbie (Codes)
Subject: FW: Case 2019-009 and Case 2019-007

From: Lamb, Emily (Codes)
Sent: Tuesday, March 5, 2019 11:49 AM
To: Lifsey, Debbie (Codes); Shepherd, Jessica (Codes)
Subject: FW: Case 2019-009 and Case 2019-007

For the case files.

Emily Lamb
Metro Codes Department

This email and any files transmitted with it may be confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this communication in error. If you have received this communication in error, please notify the sender immediately and in the interim please do not use, disseminate, forward, print or copy this communication.

From: VanReece, Nancy (Council Member)
Sent: Tuesday, March 5, 2019 11:48 AM
To: Lamb, Emily (Codes)
Cc: mwoods321@yahoo.com; pwrchirowellness@aol.com; jtruman@accelcre.com
Subject: RE: Case 2019-009 and Case 2019-007

4117 Gallatin Pike Variances.

Emily,

Thank you for your call and the opportunity to clarify.

After visiting with the applicant at the site and clarifying and narrowing down the requests, I am in support of these variances. The sidewalk variance includes right of way dedication and street access is best left as is for safety.

Please ask the Chairman to consider these for the consent agenda.

Nancy VanReece | Metro Nashville Councilmember, District 8

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

Lifsey, Debbie (Codes)

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

For the case file.

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

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

Nancy VanReece | Metro Nashville Councilmember, District 8
@nvr4district8 | www.nvr4district8.com | www.fb.com/nvr4district8 | 615-862-6780

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

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

Nancy VanReece | Metro Nashville Councilmember, District 8

@nvr4district8 | www.nvr4district8.com | www.fb.com/nvr4district8 | 615-862-6780

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 updates Required

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

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

Reason: Request Not to Installed + Not to contribute
Section(s): 17.20.120

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

Aziz Ashurov
Appellant Name (Please Print)
728 Crestmark Dr
Address
Mt Juliet TN 37122
City, State, Zip Code
615-707-7000
Phone Number

Representative Name (Please Print)

Address

City, State, Zip Code

Phone Number

azizjona@
Email
yahoo.com

Email
Appeal Fee: 100.00



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



3429922

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

PARCEL: 09315031800

APPLICATION DATE: 12/07/2017

SITE ADDRESS:

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

PARCEL OWNER: CAPITAL INVEST, LLC

APPLICANT: CAPITAL INVEST LLC

PURPOSE:

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

Zoned R6

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

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

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

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

Rear min 20'.

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

SIDEWALKS REQUIRED AND NOT ALLOWED TO CONTRIBUTE...

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

1...WATER.

2...SEWER.

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

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

POC: AZIZ ASHUROV 615-707-7000

azizjona@yahoo.com

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

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

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



APPELLANT

12/7/18
DATE

Standards for a Variance

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

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

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

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

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

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

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?

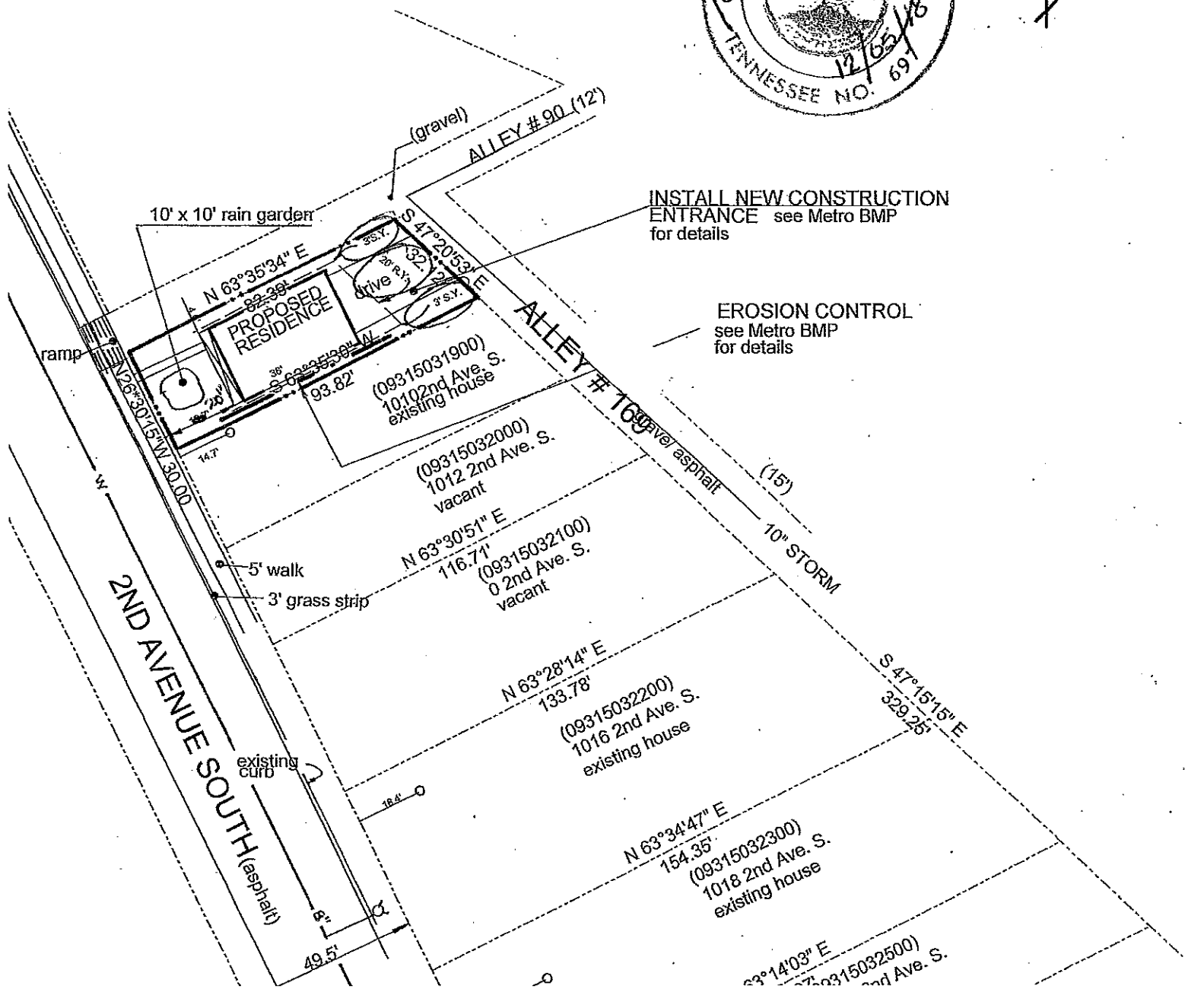
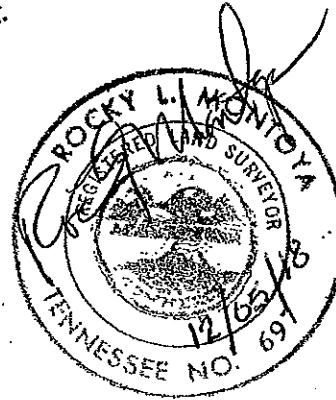
Sidewalks Exist

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

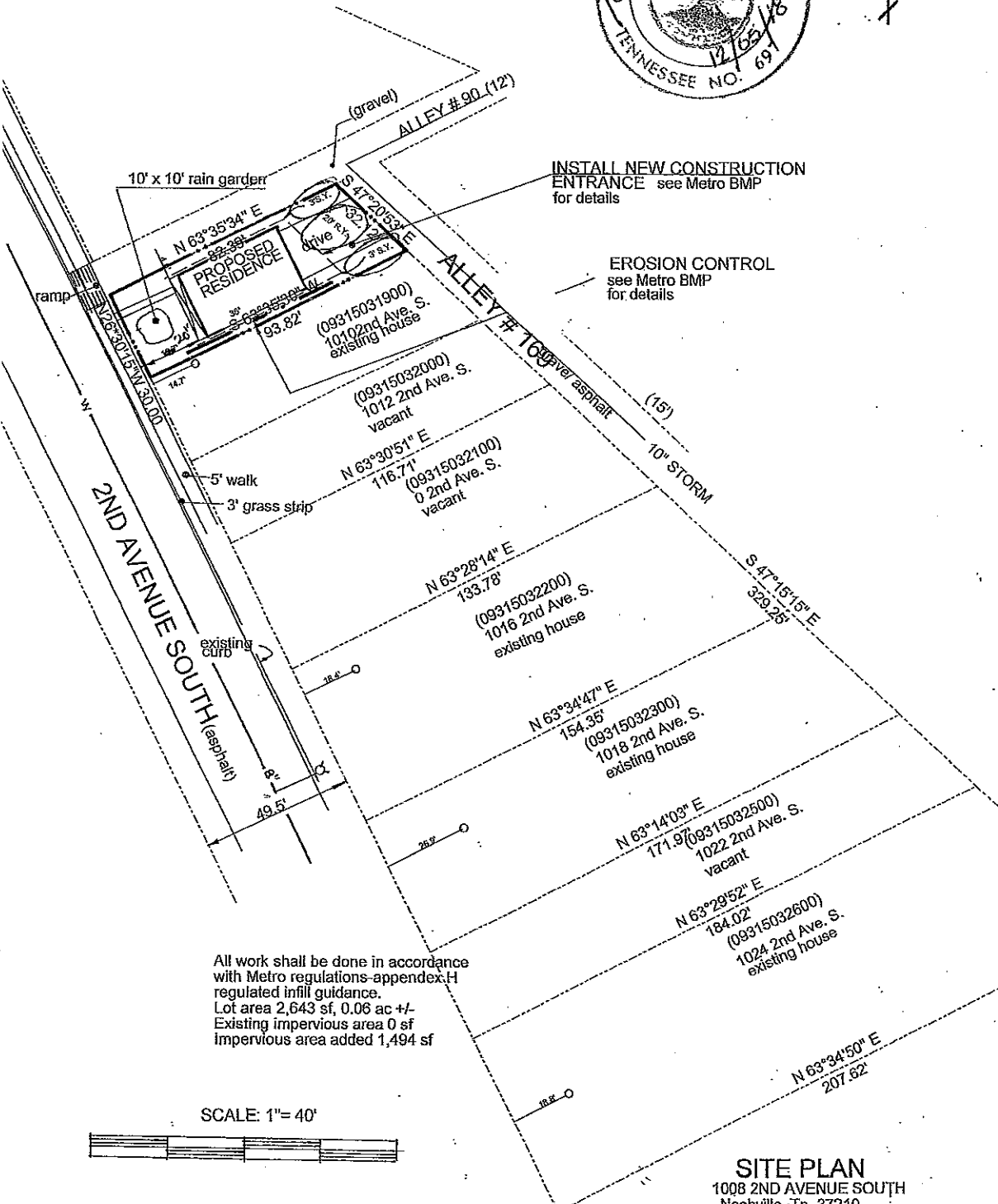
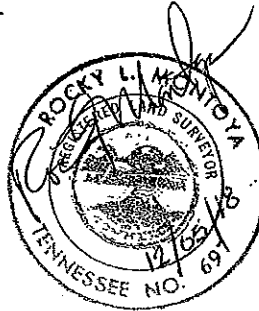
PREPARED By
 ROCKY L. MONTOYA-SURVEYOR
 1105 Old Dickerson Pike, Goodlettsville, 37072
 PHONE: 615-347-1210 EMAIL: rocky.surveyor@gmail.com



General Notes

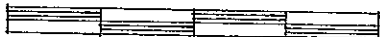
1. Bearing basis: Magnetic observation dated 11/29/18.
2. Map reference: Being parcel 318 as shown on Davidson county property map 93-15, R.O.D.C., Tn.
3. Plat reference : The Plan of The Nashville University Plan Of record in Plat book "U", page 212 R.O.D.C., Tn.
4. Deed reference: QC No. 20160519-0050362,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

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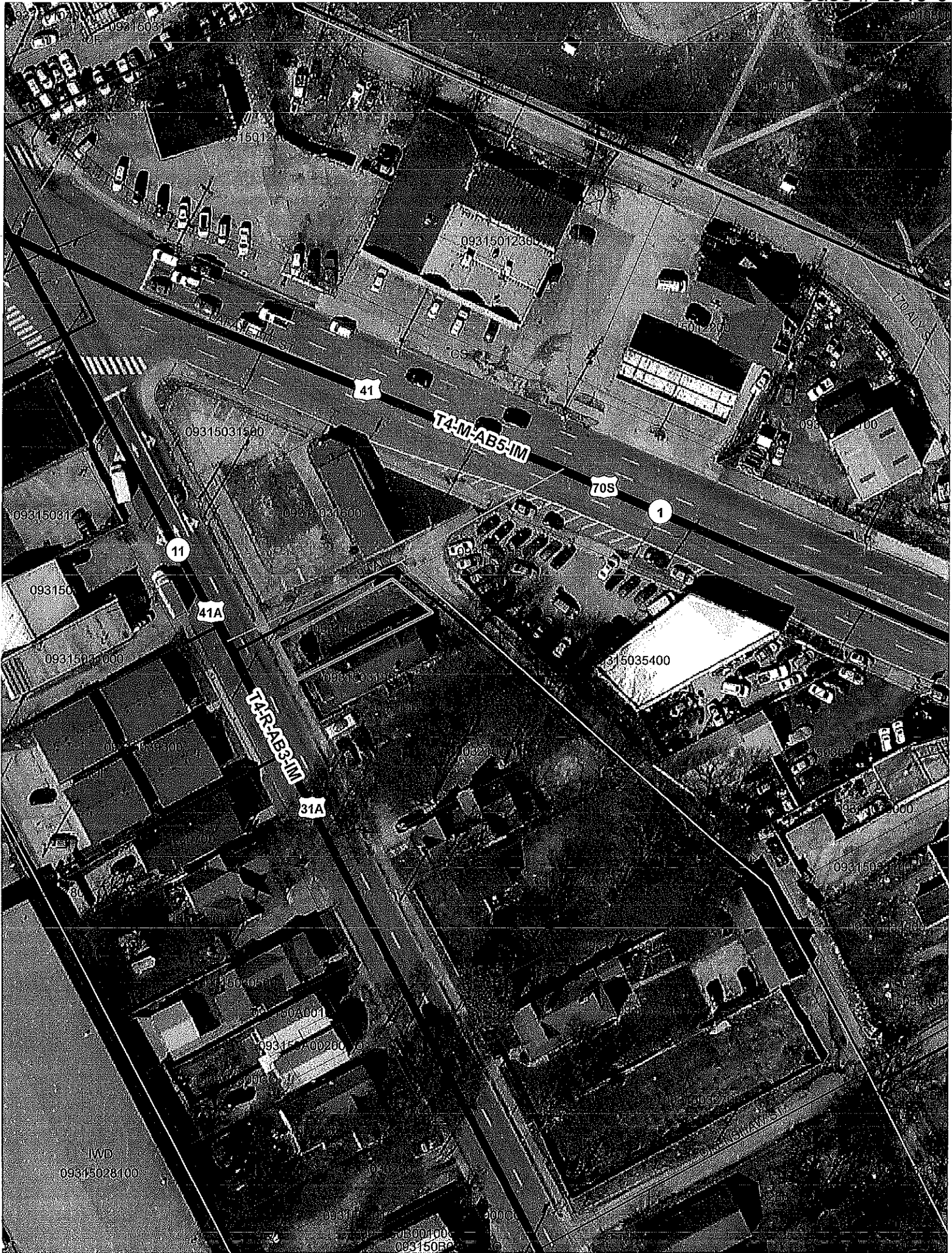


All work shall be done in accordance with Metro regulations-appendex H regulated infill guidance.
 Lot area 2,643 sf, 0.06 ac +/-
 Existing impervious area 0 sf
 impervious area added 1,494 sf

SCALE: 1" = 40'



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



41

T4-M-AB5-IM

70S

1

11

41A

T4-R-AB3-IM

31A

09315012380

09315012380

09315012380

09315031500

09315031500

09315031500

09315031500

09315031500

09315035400

09315035400

09315035400

09315035400

09315035400

IWB
09315028100

09315028100

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

Sidewalk Requirements

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

Search: 09315031800

09315031800 1008 2ND AVE S CAPITAL INVEST, LLC

Choose the Development Type
Residential 1 or 2 Family

Calculate Requirements

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

Legend

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

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

2:40 PM 12/7/2018

General Notes

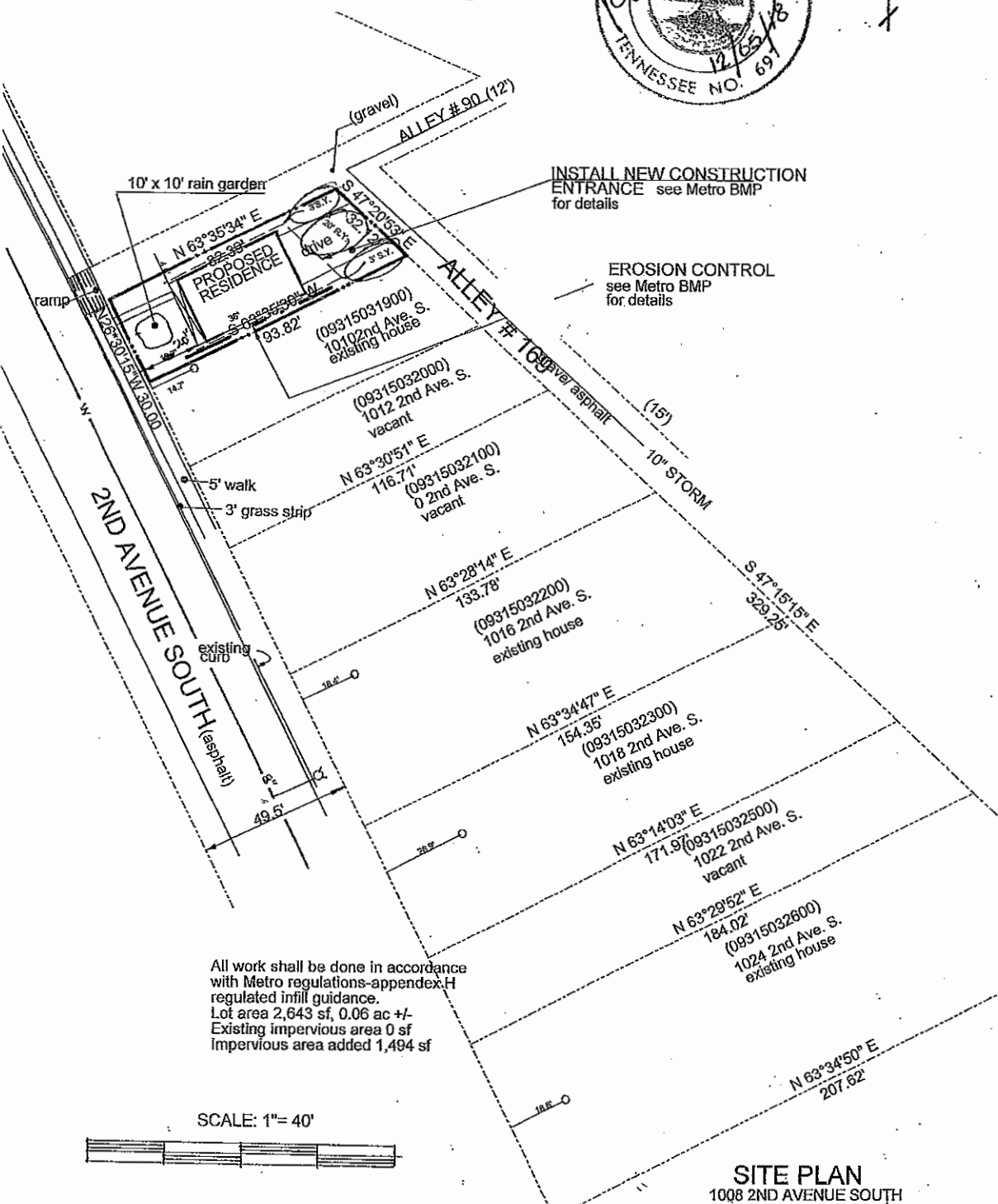
1. Bearing basis: Magnetic observation dated 11/29/18.
2. Map reference: Being parcel 318 as shown on Davidson county property map 93-15, R.O.D.C., Tn.
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6. Datum basis: Metro GIS Information.
7. Property zoned: R6

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

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

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

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

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

Planning Staff Recommendation: *Disapprove.*

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

- (1) A 2' grass strip and 5' sidewalk currently exists along the 2nd Avenue South property frontage, which is consistent with neighboring properties along the block face from Lafayette Street to Crenshaw Street. However, newer residential developments on 2nd Avenue South, south of Crenshaw Street, have upgraded and widened sidewalks on their property frontages with redevelopment.
- (2) While the existing sidewalk may currently provide adequate space for people walking, it is not sufficient for the needs of a future light rail corridor.

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

From: [Sledge, Colby \(Council Member\)](#)
To: [Michael, Jon \(Codes\)](#); [Board of Zoning Appeals \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Cc: [Braisted, Sean \(Codes\)](#)
Subject: District 17 items
Date: Friday, February 1, 2019 3:23:57 PM

Good afternoon, board members,

Below are my positions on D17 items on your Feb. 7 agenda:

2019-043 and 2019-057: I **oppose** both of these efforts not to pay into the sidewalk fund.

Thanks,

Colby

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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: SCOTT MORTON

Date: 12/18/18

Property Owner: 22 DEVELOPMENTS

Case #: 2019-054

Representative: _____

Map & Parcel: 2 PARCELS

092150115.00

Council District 21

092150120.00

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

Purpose:

SPECIAL EXCEPTION REQUEST

- ① REQUESTING TO ALLOW 7 STORIES IN BUILD-TO-SUITE (5 ALLOWED)
 - ② REQUESTING REDUCTION OF STEPBACK, VARIES FROM 0 FT TO 15 FT (15 FT REQUIRED)
 - ③ REDUCTION IN PARKING TO 70 SPACES, 234 REQUIRED.
- Activity Type: NEW COMMERCIAL CONSTRUCTION.

Location: 209 AND 217 22ND AVENUE N

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

Reason: SPECIAL EXCEPTION

Section(s): 17.12.020 D HEIGHT/STEP BACK 17.20.030 PARKING

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

SCOTT MORTON
Appellant Name (Please Print)

SAME
Representative Name (Please Print)

209 10TH AVE. SOUTH #425
Address

SAME
Address

NASHVILLE, TN, 37203
City, State, Zip Code

SAME
City, State, Zip Code

615-645-5520
Phone Number

SAME
Phone Number

SMORTON@SMITHGEESTUDIO.COM
Email

SAME
Email

Appeal Fee: _____

NO PERMIT APPLICATION STARTED



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



3588208

**ZONING BOARD APPEAL / CAAZ - 20180078717
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09215011500

APPLICATION DATE: 12/18/2018

SITE ADDRESS:

209 22ND AVE N NASHVILLE, TN 37203

LOTS 5, 6, 7, PT. 8 ELLISTON

PARCEL OWNER: 22 DEVELOPMENTS LLC

CONTRACTOR:

APPLICANT:**PURPOSE:**

Special Exception request for MUG-A Zoned Property within the UZO for proposed Hotel, retail, restaurant, Mixed Use Development

No Permit Application for Project.

(1) Build To Zone # of Stories, Requesting to allow 7 stories, 5 stories allowed per 17.12.020D

(2) Step Back Reduction varying from 0 ft to 15 ft within Build To Zone(see plans) per 17.12.020D

(3) Reduction to Parking requirements to 70 spaces, 234 required. 17.20.030

POC: Scott Morton 615-645-5520

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

There are currently no required inspections

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR SPECIAL EXCEPTION REQUESTS

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEAL (615) 862-6510

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



APPELLANT

12/18/2018

DATE

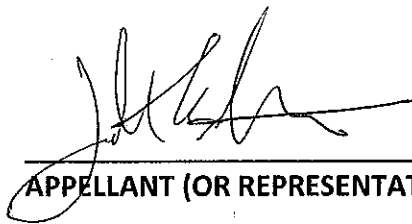
SPECIAL EXCEPTION REQUEST

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

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

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

I ACKNOWLEDGE MY RESPONSIBILITES regarding the neighborhood meeting preceding the public hearing for by BZA appeal for a special exception



APPELLANT (OR REPRESENTATIVE)

12 | 18 | 2018

DATE

Table 17.12.020D

MULTI-FAMILY, MIXED USE AND NONRESIDENTIAL ALTERNATIVE ZONING DISTRICTS

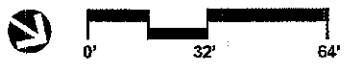
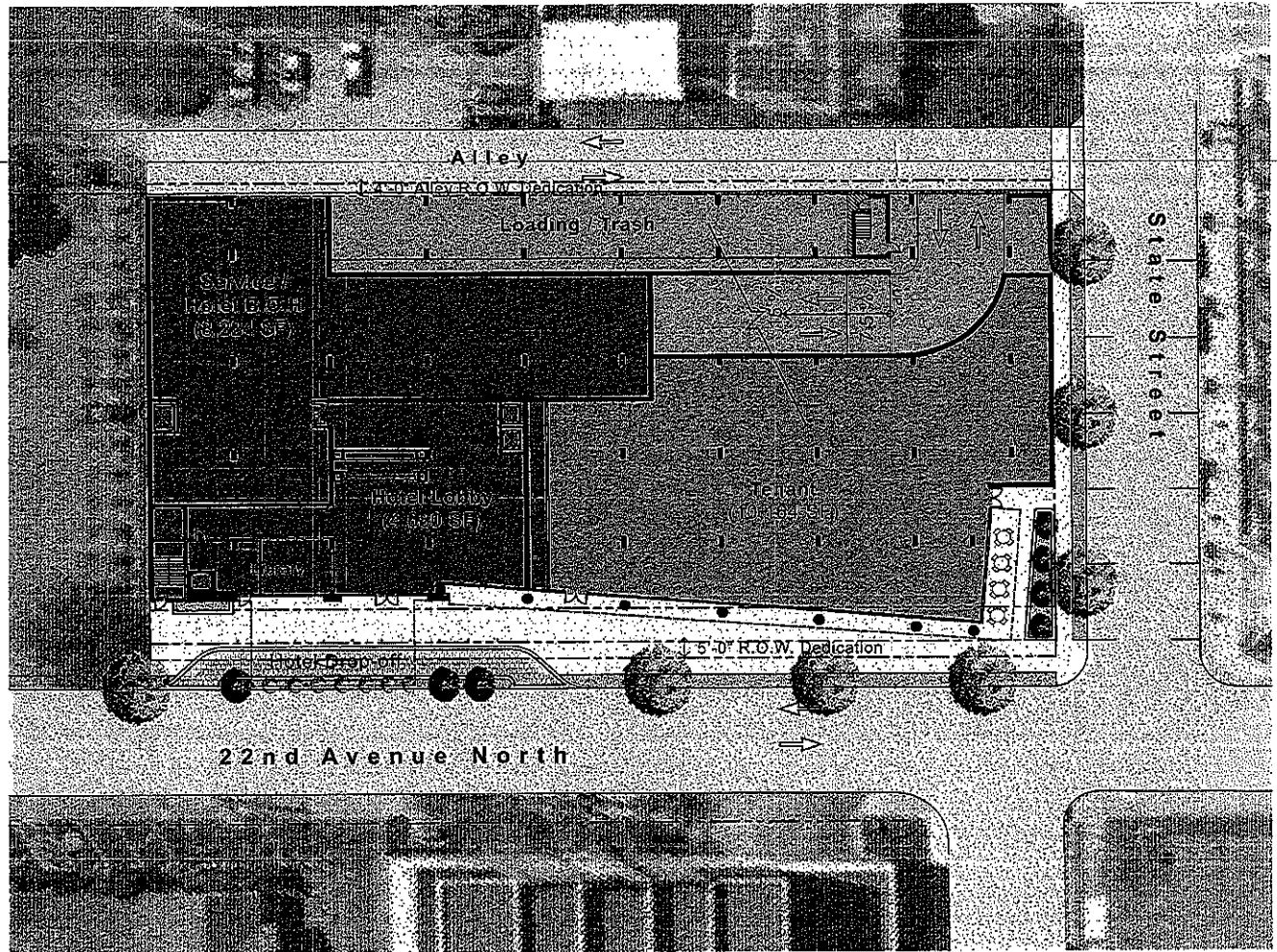
| Zoning District | Min. Lot Area | Max. Density | Max. FAR (see Note 1) | Max. ISR (see Note 2) | Min. Rear Setback (in ft.) | Min. Side Setback (in ft.) | Max. Height in Build-to Zone | Min. Step- back | Max. Height | Build-to Zone (in ft.) (See Note 3) |
|-------------------|---------------|---------------|--------------------------|--------------------------|----------------------------------|----------------------------------|---------------------------------|--------------------|------------------------|---|
| MUN-A | None | Doesn't apply | 0.60 | 0.80 | 20 | None req. | 3 stories in 45 feet | 15 feet | 4 stories in 60 feet | 0—15 in the UZO, 0—80 outside of the UZO |
| MUL-A | None | Doesn't apply | 1.00 | 0.90 | 20 | None req. | 3 stories in 45 feet | 15 feet | 4 stories in 60 feet | 0—15 in the UZO, 0—80 outside of the UZO |
| MUG-A | None | Doesn't apply | 3.00 | 0.90 | 20 | None req. | 5 stories in 75 feet | 15 feet | 7 stories in 105 feet | 0—15 |
| MUI-A | None | Doesn't apply | 5.00 | 1.00 | None req. | None req. | 7 stories in 105 feet | 15 feet | 15 stories in 150 feet | 0—15 |
| RM9-A | 15,000 | 15 | 0.60 See Note 8 | 0.70 | 20 | 10 See Note 3 | 20 feet | 15 feet | 35 feet | 0—15 in the UZO, 0—80 outside of the UZO |
| RM15-A | 10,000 | 9 | 0.75 See Note 8 | 0.70 | 20 | 10 See Note 3 | 20 feet | 15 feet | 35 feet | 0—15 in the UZO, 0—80 outside of the UZO |
| RM20-A, OR20-A | 7,500 | 20 | 0.80 See Note 2 | 0.70 | 20 | 5 See Note 3 | 30 feet | 15 feet | 45 feet | 0—15 in the UZO, 0—80 outside of the UZO |
| RM40-A, OR40-A | 6,000 | 40 | 1.00 See Note 1 | 0.75 | 20 | 5 See Note 3 | 45 feet | 15 feet | 60 feet | 0—15 |
| RM60-A | 6,000 | 60 | None | 0.80 | 20 | 5 See Note 3 | 65 feet | 15 feet | 90 feet | 0—15 |
| RM80-A | 6,000 | 80 | None | 0.90 | 20 | 5 | 65 feet | 15 feet | 90 feet | 0—15 |
| RM100-A | 6,000 | 100 | None | 0.90 | 20 | 5 | 65 feet | 15 feet | 90 feet | 0—15 |
| ORI-A | None | Doesn't apply | 3.00 | 0.90 | 20 | None req. | 65 feet | 15 feet | 105 | 0—15 |
| CN-A | None | Doesn't apply | 0.25 | 0.80 | 20 | None req. | 2 stories in 30 feet | Doesn't apply | 2 stories in 30 feet | 0—15 in the UZO, 0—80 outside of the UZO |

17.12.020

22nd and STATE - BZA APPLICATION

| DEVELOPMENT SUMMARY | |
|---|-------------------------|
| Commercial: | 10,164 SF |
| Hotel: | 168 Keys Total |
| Level 3 | 30 Keys |
| Level 4 | 36 Keys |
| Level 5 | 36 Keys |
| Level 6 | 36 Keys |
| Level 7 | 30 Keys |
| Parking Required: | 234 Spaces Total |
| Hotel (x1 / Key) | 168 Spaces |
| Employee (x1 / 4 Emp.) | 5 Spaces |
| Commercial (x1 / 150sf) (Restaurant) | 61 Spaces |
| Parking Provided: | 70 Spaces Total |
| P2 | 68 Spaces |
| On-street | 02 Spaces* |

*One legal on-street parking space can be substituted for 1/2 of every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking immediately abutting the property.



Floor Plan - Ground Level



December 18, 2018

22ND AND STATE MIXED-USE
Nashville, Tennessee

SGS #18127.00



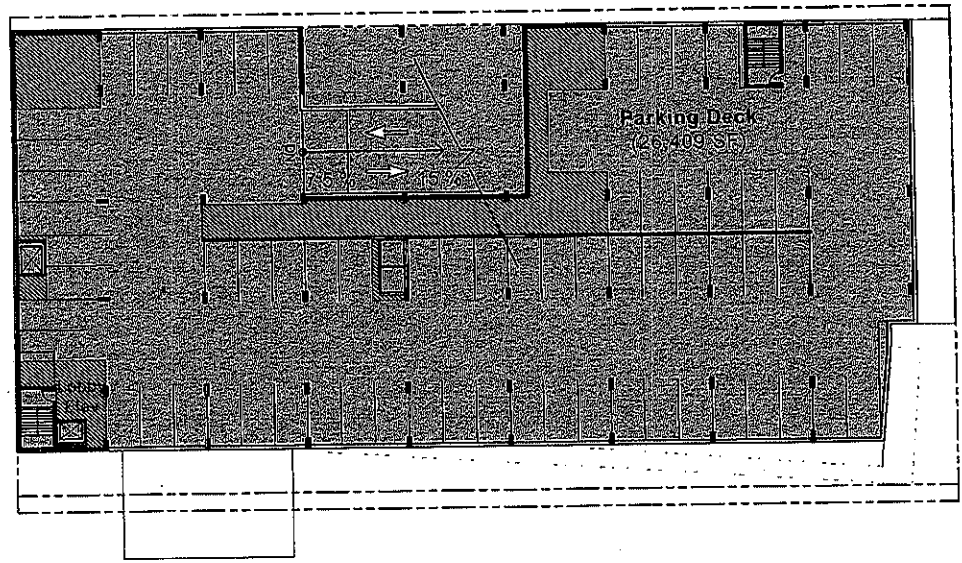
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Nashville, Tennessee 37203
p: 615.739.5555
www.smithgeestudio.com

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22nd and STATE - BZA APPLICATION

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Floor Plan - Level 2 Parking



December 18, 2018

22ND AND STATE MIXED-USE
Nashville, Tennessee

SGS #18127.00



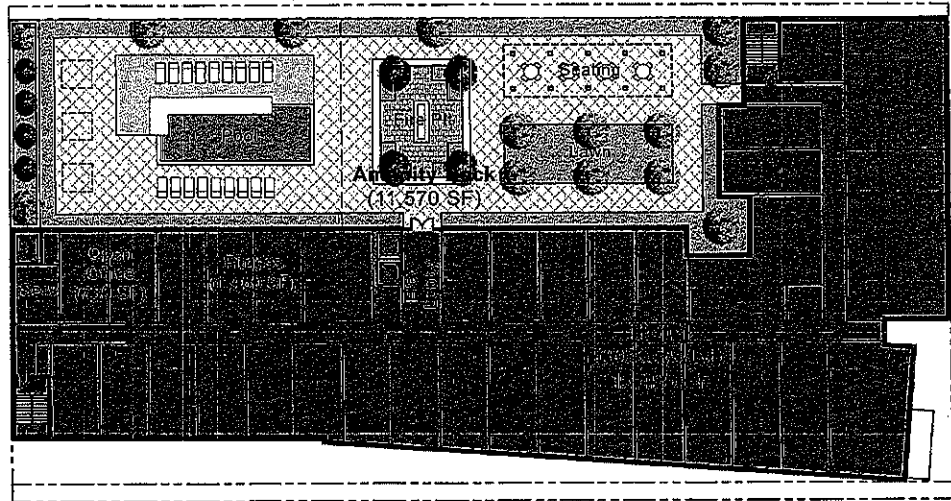
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22nd and STATE - BZA APPLICATION

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Floor Plan - Hotel Level 3



December 18, 2018

22ND AND STATE MIXED-USE
Nashville, Tennessee

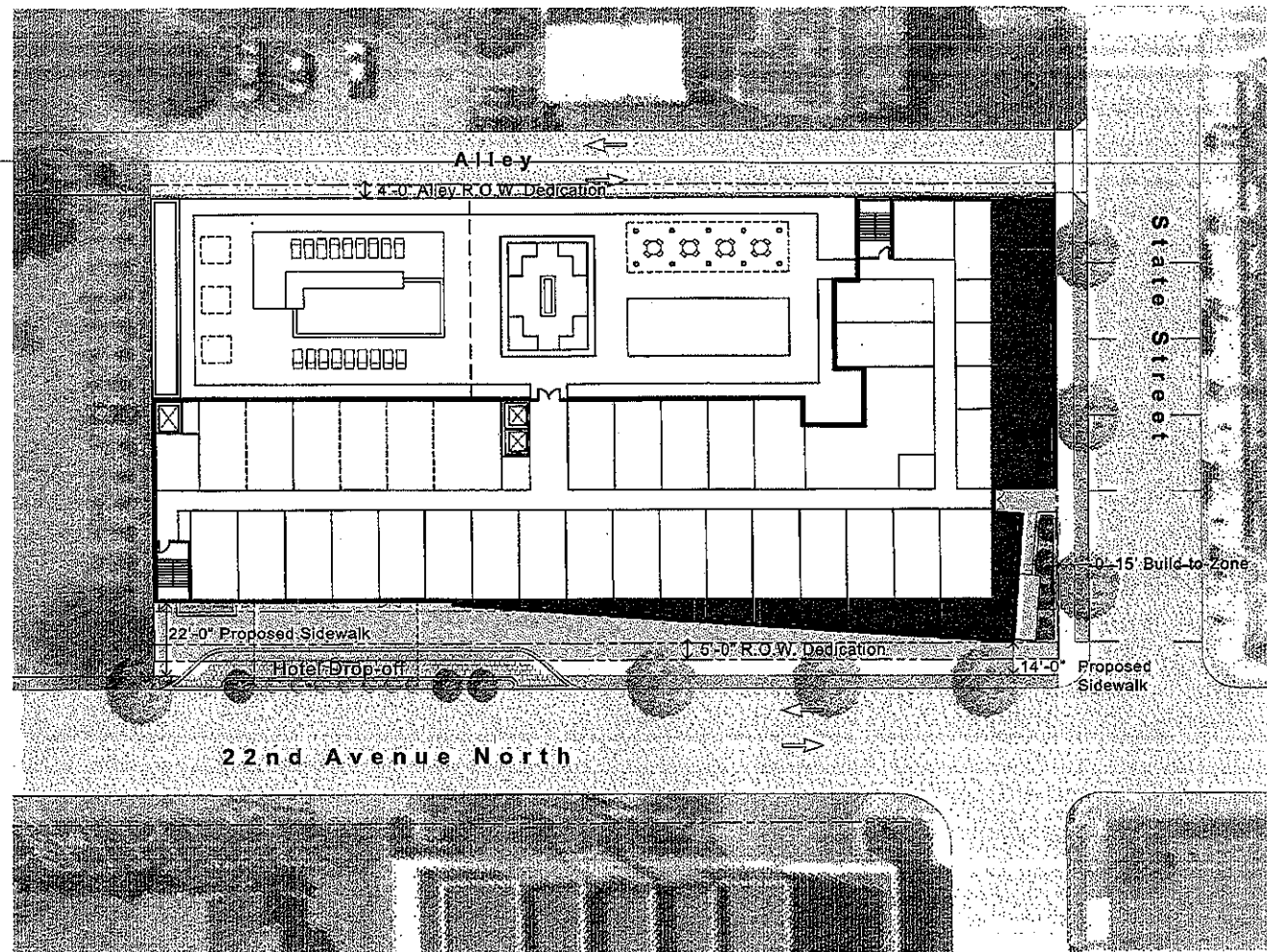
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22nd and STATE - BZA APPLICATION



LEGEND

- 0 ft. - 15 ft. Build-to-Zone
- Area that exceeds allowable number of stories with in build-to-zone



December 18, 2018

Special Exception Request #1
 Reduction to Building Stepback Required for 6th & 7th Stories

22ND AND STATE MIXED-USE
 Nashville, Tennessee

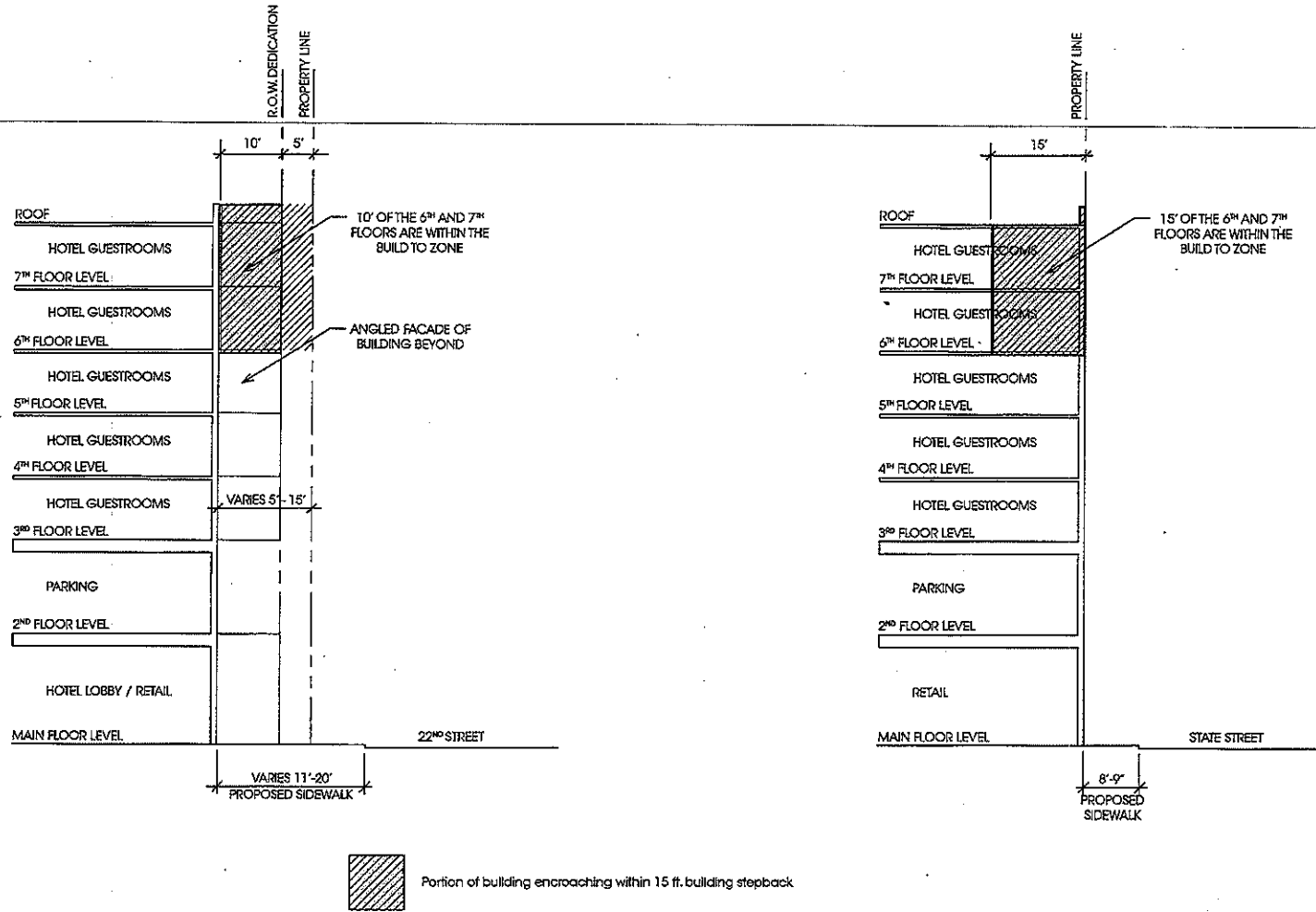
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22nd and STATE - BZA APPLICATION



Street Section Diagrams



December 18, 2018

22ND AND STATE MIXED-USE

Nashville, Tennessee

SGS #18127.00



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22nd and STATE - BZA APPLICATION

SHARED PARKING DEMAND STUDY

| PARKING SPACES | DRIVE UP | HOTEL | ROOMS |
|----------------|----------|--------------------------------|-------|
| 55 | 44% | FAIRFIELD INN & SUITES / GULCH | 126 |
| 70 | 42% | 22ND & STATE | 168 |
| 74 | 41% | KIMPTON AERTSON | 180 |
| 68 | 30% | THOMPSON NASHVILLE | 224 |
| 25 | 20% | 21c NASHVILLE | 124 |

AVERAGES

Hotel Occupancy: 60%

Overnight Valet Rate: \$35

Drive Up Ratio: 30%



December 18, 2018

Special Exception Request #2
Reduction to Required Parking per Zoning

22ND AND STATE MIXED-USE
Nashville, Tennessee

SGS #18127.00



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22nd and STATE - BZA APPLICATION

PARKING REQUIRED PER CODE

| USE | CODE REQUIREMENT | PROGRAM | PARKING SPACES REQUIRED | ZONING CODE REFERENCE |
|---------------------------|--------------------------|--------------|-------------------------|-----------------------|
| Hotel - guests | 1 per guestroom | 168 Keys | 168 spaces | Table 17.20.030 |
| Hotel - employees | 1 per 4 employees | 20 employees | 5 spaces | Table 17.20.030 |
| Restaurant (Full Service) | 1 per 150 SF above 1k SF | 10,164 SF | 61 spaces | Table 17.20.030 |
| TOTAL PROVIDED | | | 70 spaces | |



December 18, 2018

Special Exception Request #2
Reduction to Required Parking per Zoning

22ND AND STATE MIXED-USE
Nashville, Tennessee

SGS #18127.00



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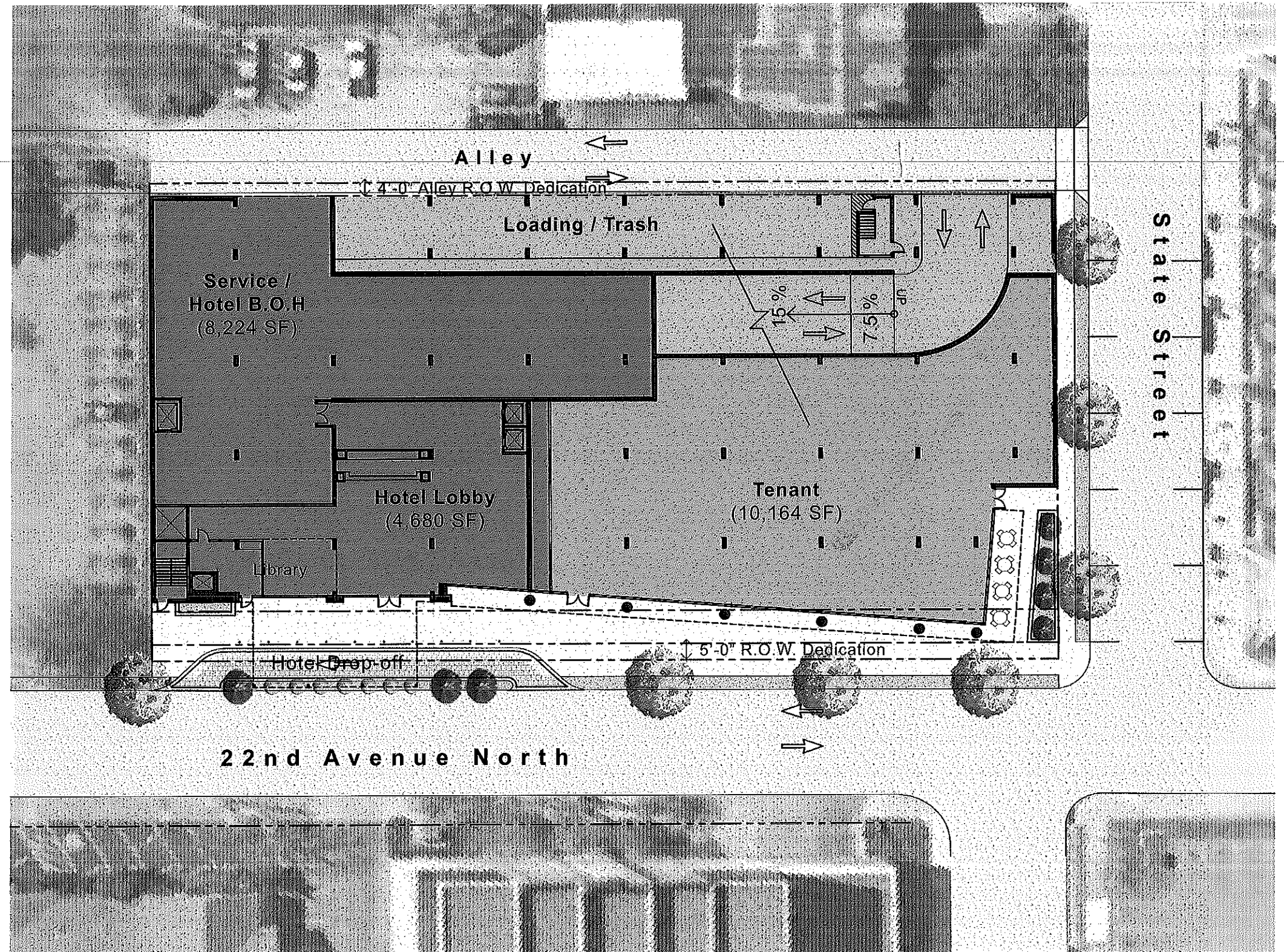
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2019-054

22nd and STATE - BZA APPLICATION

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Floor Plan - Ground Level



December 18, 2018

22ND AND STATE MIXED-USE Nashville, Tennessee

SGS #18127.00



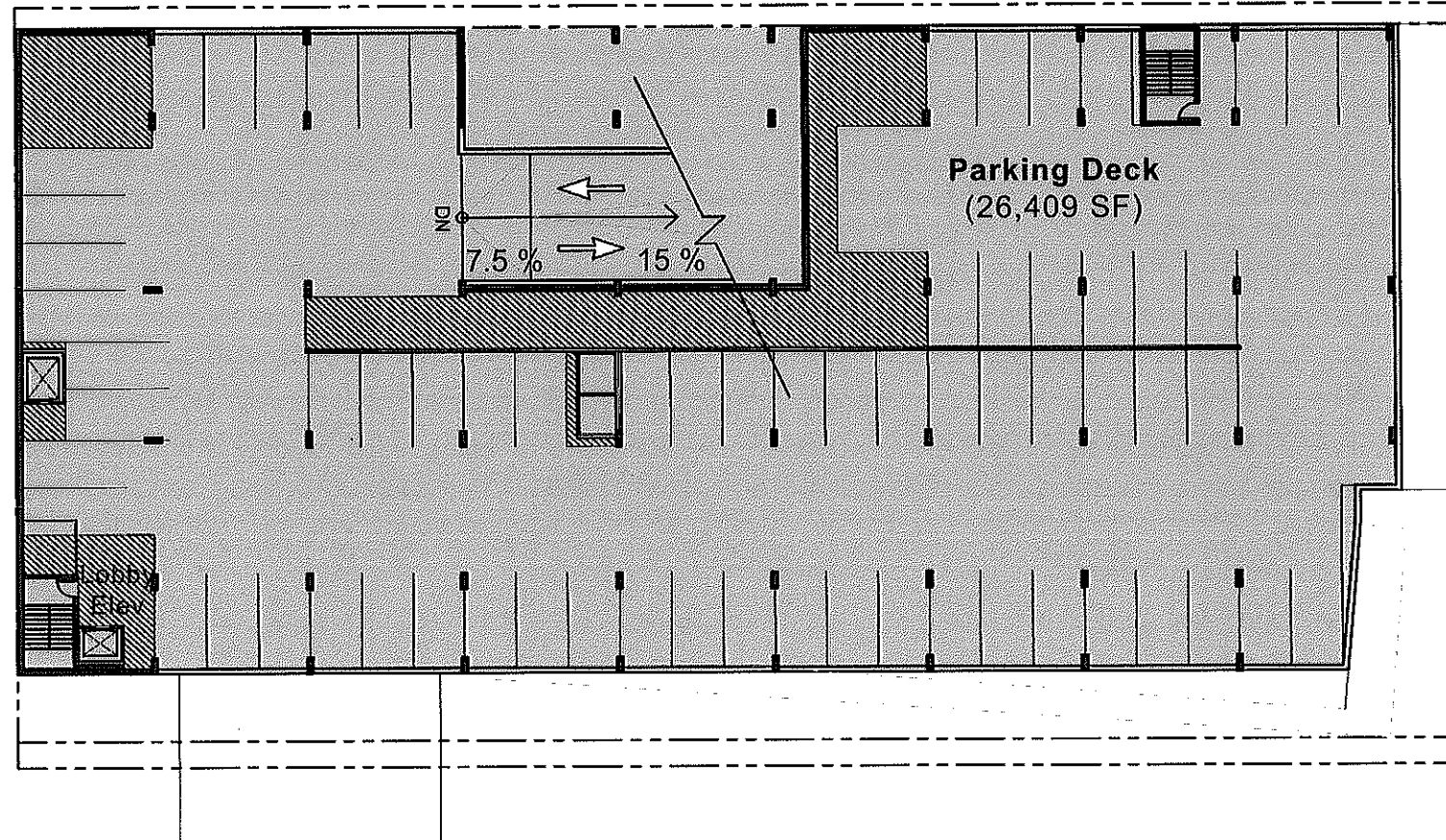
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22nd and STATE - BZA APPLICATION

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| Parking Provided: | 70 Spaces Total |
| P2 | 68 Spaces |
| On-street | 02 Spaces* |

*One legal on-street parking space can be substituted for 1/2 of every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking immediately abutting the property.

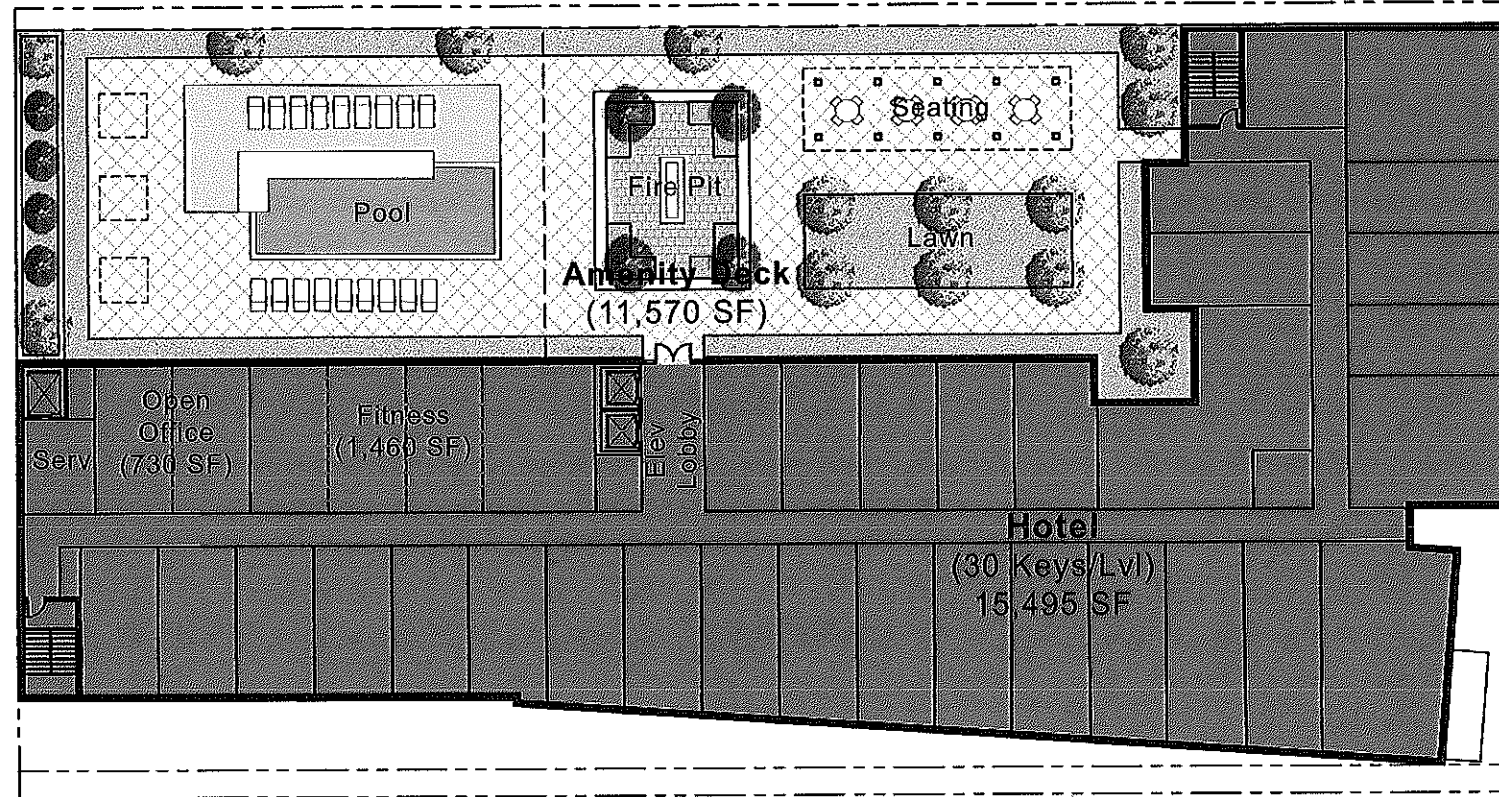


Floor Plan - Level 2 Parking

22nd and STATE - BZA APPLICATION

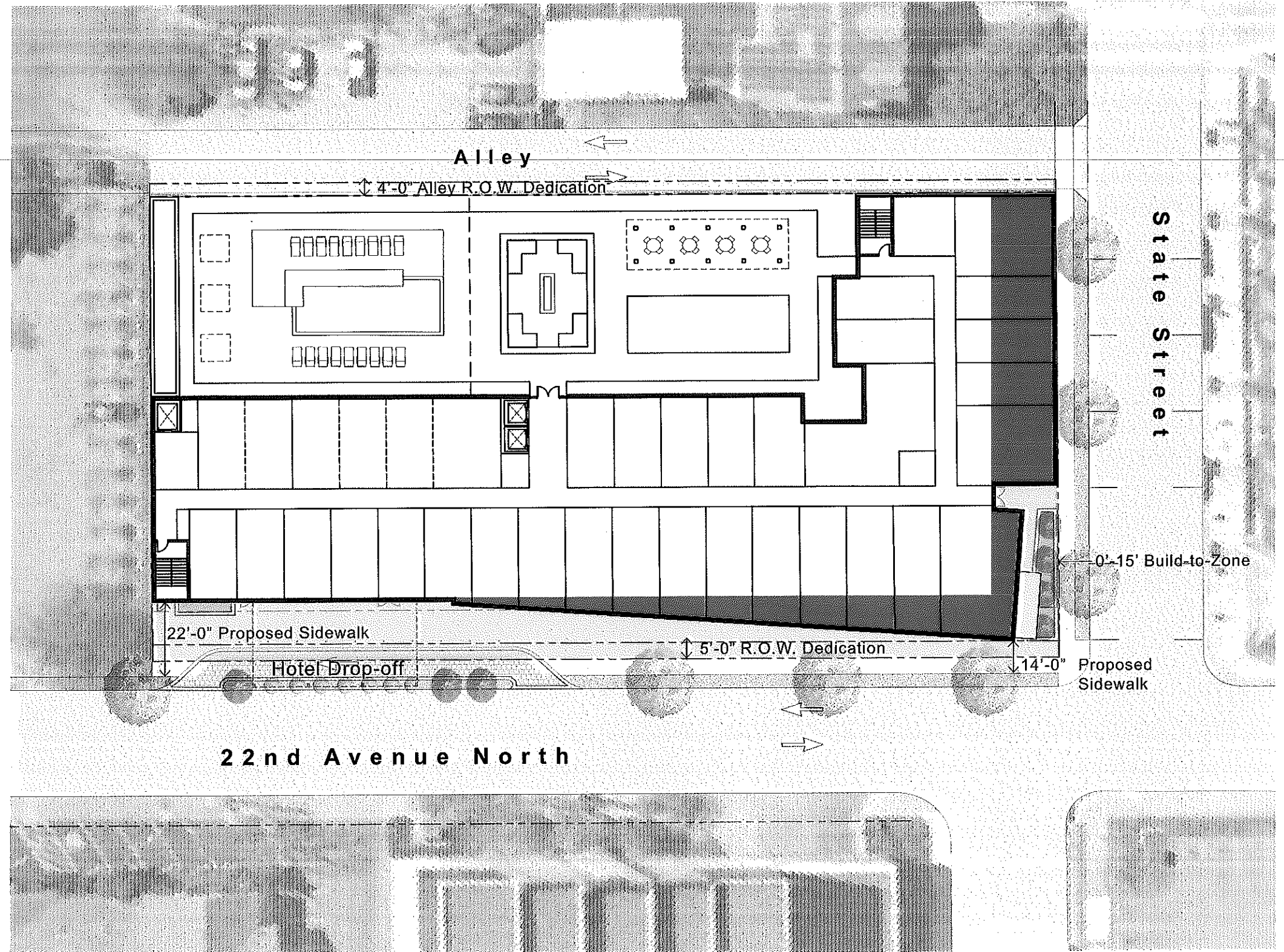
| DEVELOPMENT SUMMARY | |
|---|-------------------------|
| Commercial: | 10,164 SF |
| Hotel: | 168 Keys Total |
| Level 3 | 30 Keys |
| Level 4 | 36 Keys |
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



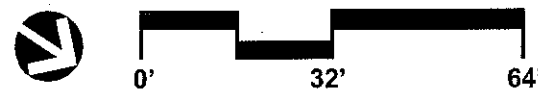
Floor Plan - Hotel Level 3

22nd and STATE - BZA APPLICATION



LEGEND

-  0 ft. - 15 ft. Build-to-Zone
-  Area that exceeds allowable number of stories with in build-to-zone



December 18, 2018

Special Exception Request #1
Reduction to Building Stepback Required for 6th & 7th Stories
22ND AND STATE MIXED-USE
Nashville, Tennessee

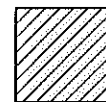
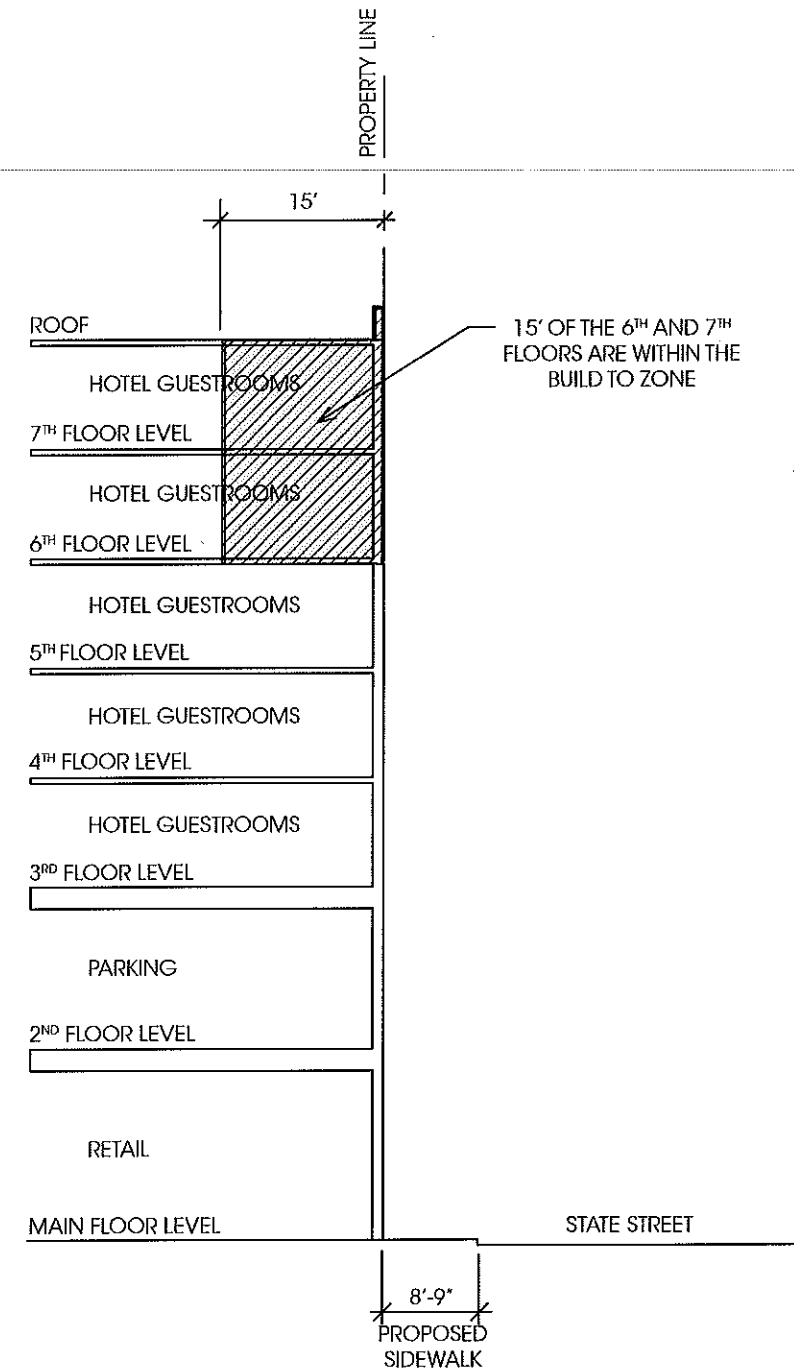
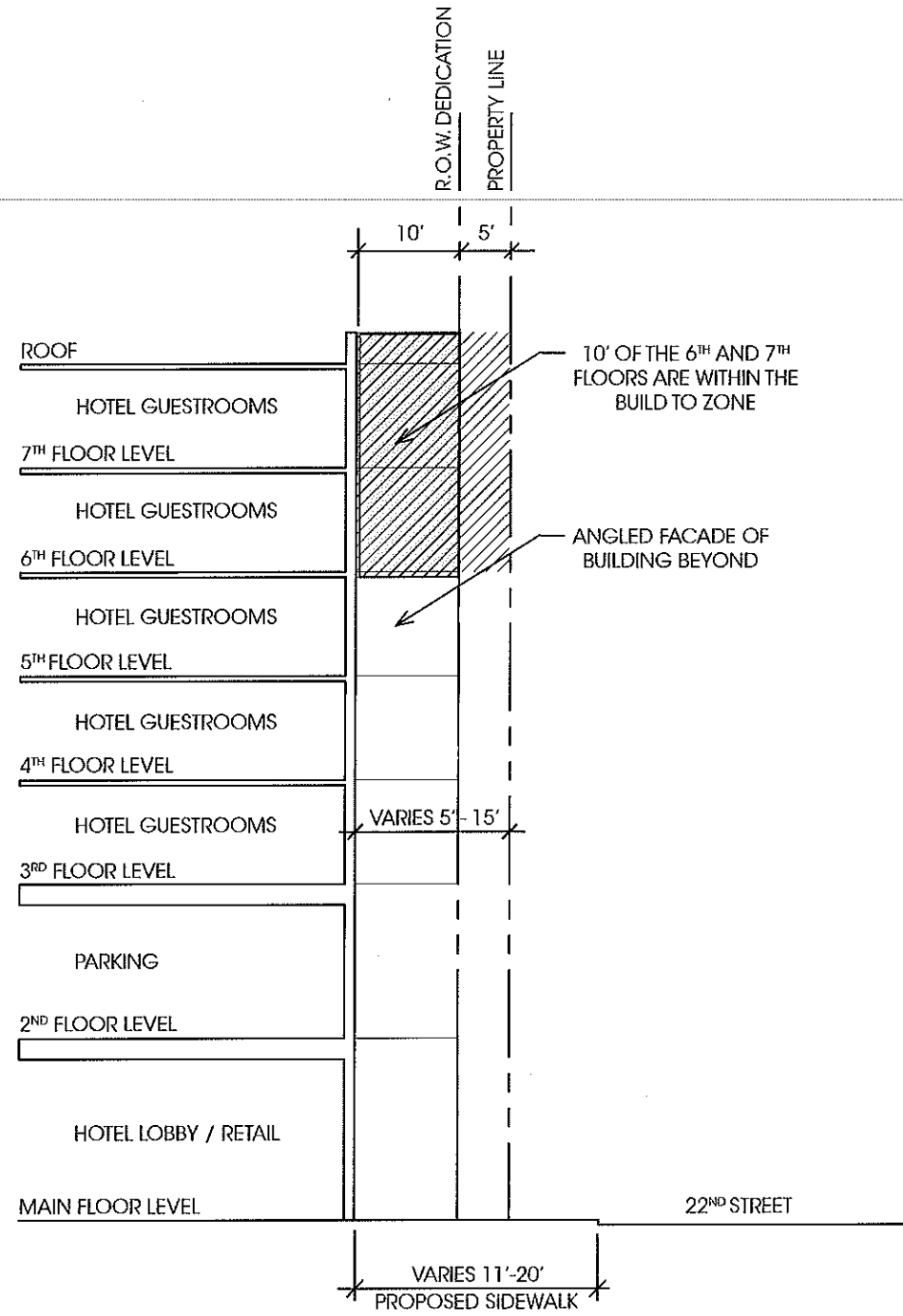
SGS #18127.00



SMITH GEE STUDIO, LLC
209 10th Avenue South • Suite 425
Nashville, Tennessee 37203
p: 615.739.5555
www.smithgeestudio.com

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22nd and STATE - BZA APPLICATION



Portion of building encroaching within 15 ft. building setback

Street Section Diagrams

22ND AND STATE MIXED-USE
Nashville, Tennessee

SHARED PARKING DEMAND STUDY

| PARKING SPACES | DRIVE UP | HOTEL | ROOMS |
|----------------|----------|--------------------------------|-------|
| 55 | 44% | FAIRFIELD INN & SUITES / GULCH | 126 |
| 70 | 42% | 22ND & STATE | 168 |
| 74 | 41% | KIMPTON AERTSON | 180 |
| 68 | 30% | THOMPSON NASHVILLE | 224 |
| 25 | 20% | 21c NASHVILLE | 124 |

AVERAGES

Hotel Occupancy: 60%

Overnight Valet Rate: \$35

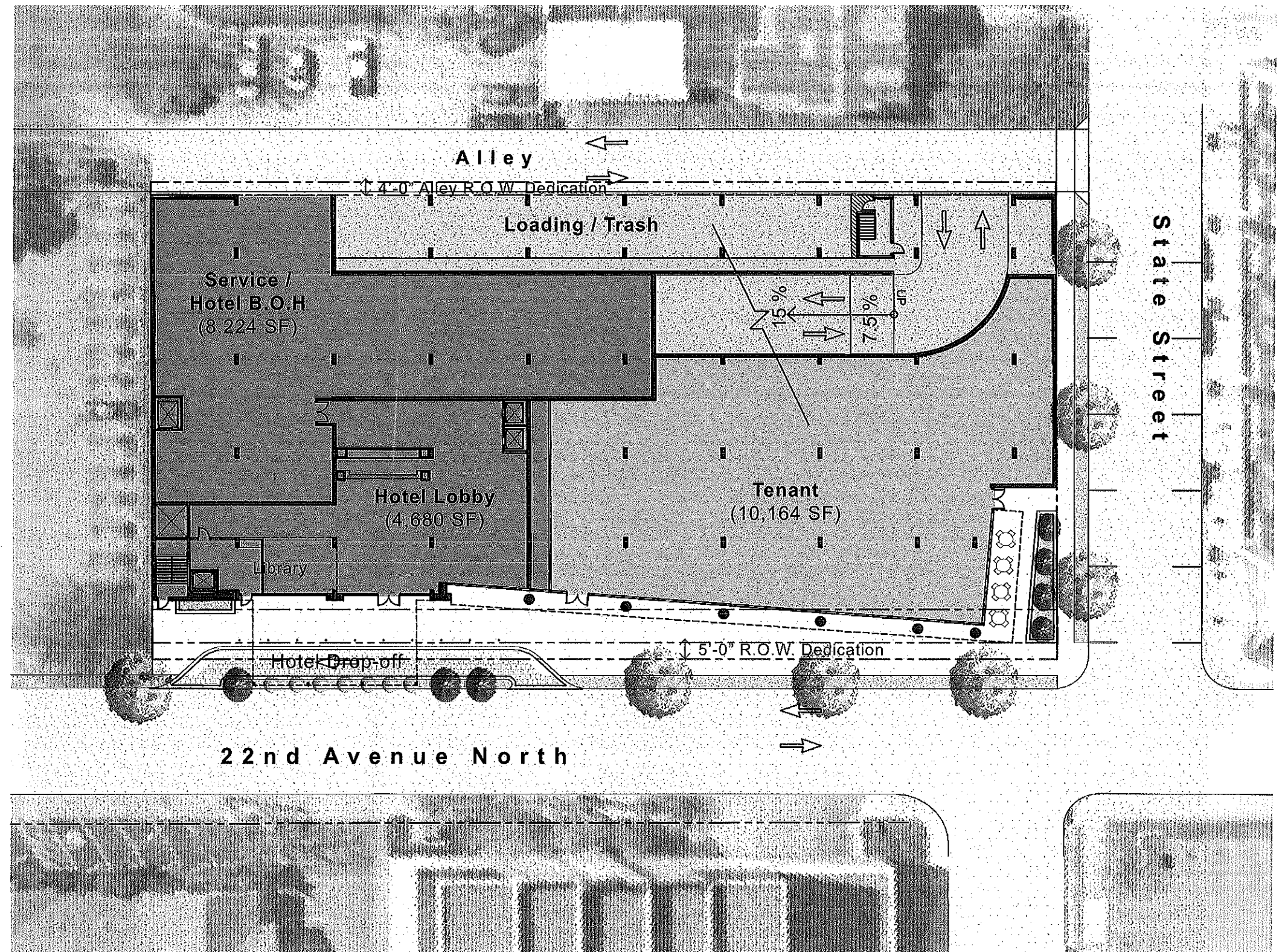
Drive Up Ratio: 30%

PARKING REQUIRED PER CODE

| USE | CODE REQUIREMENT | PROGRAM | PARKING SPACES REQUIRED | ZONING CODE REFERENCE |
|---------------------------|--------------------------|--------------|-------------------------|-----------------------|
| Hotel - guests | 1 per guestroom | 168 Keys | 168 spaces | Table 17.20.030 |
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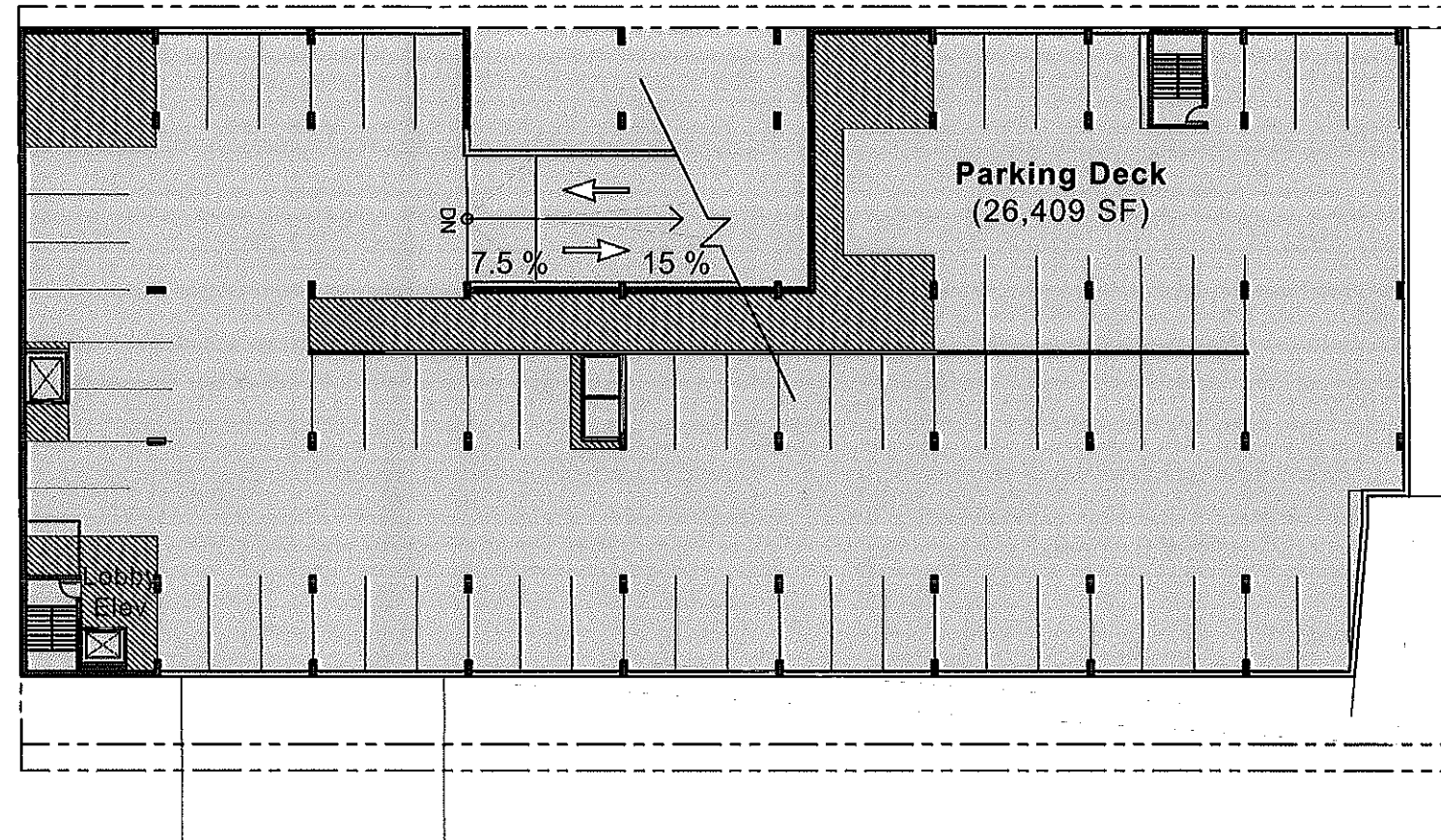


Floor Plan - Ground Level

22nd and STATE - BZA APPLICATION

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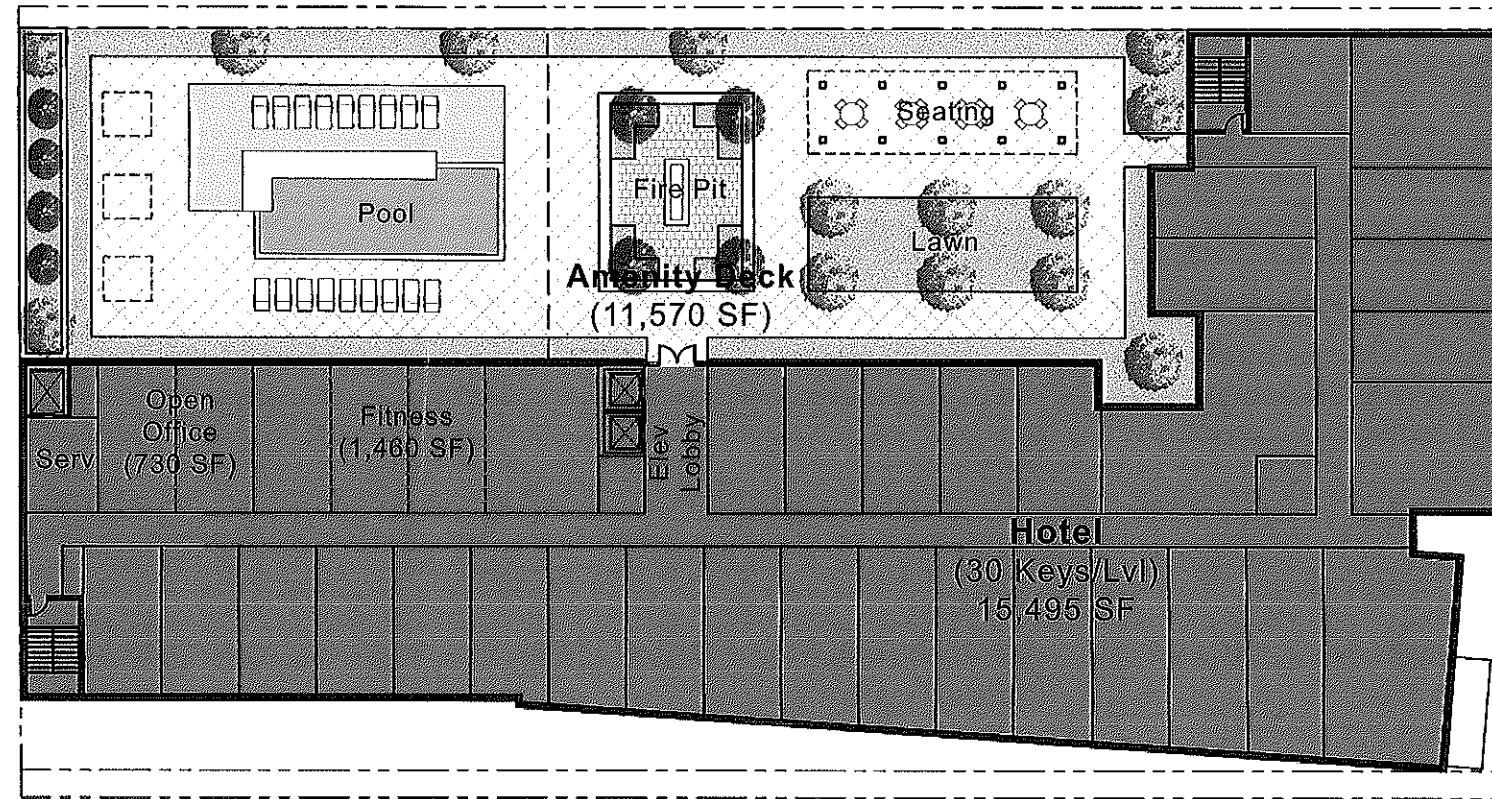


Floor Plan - Level 2 Parking

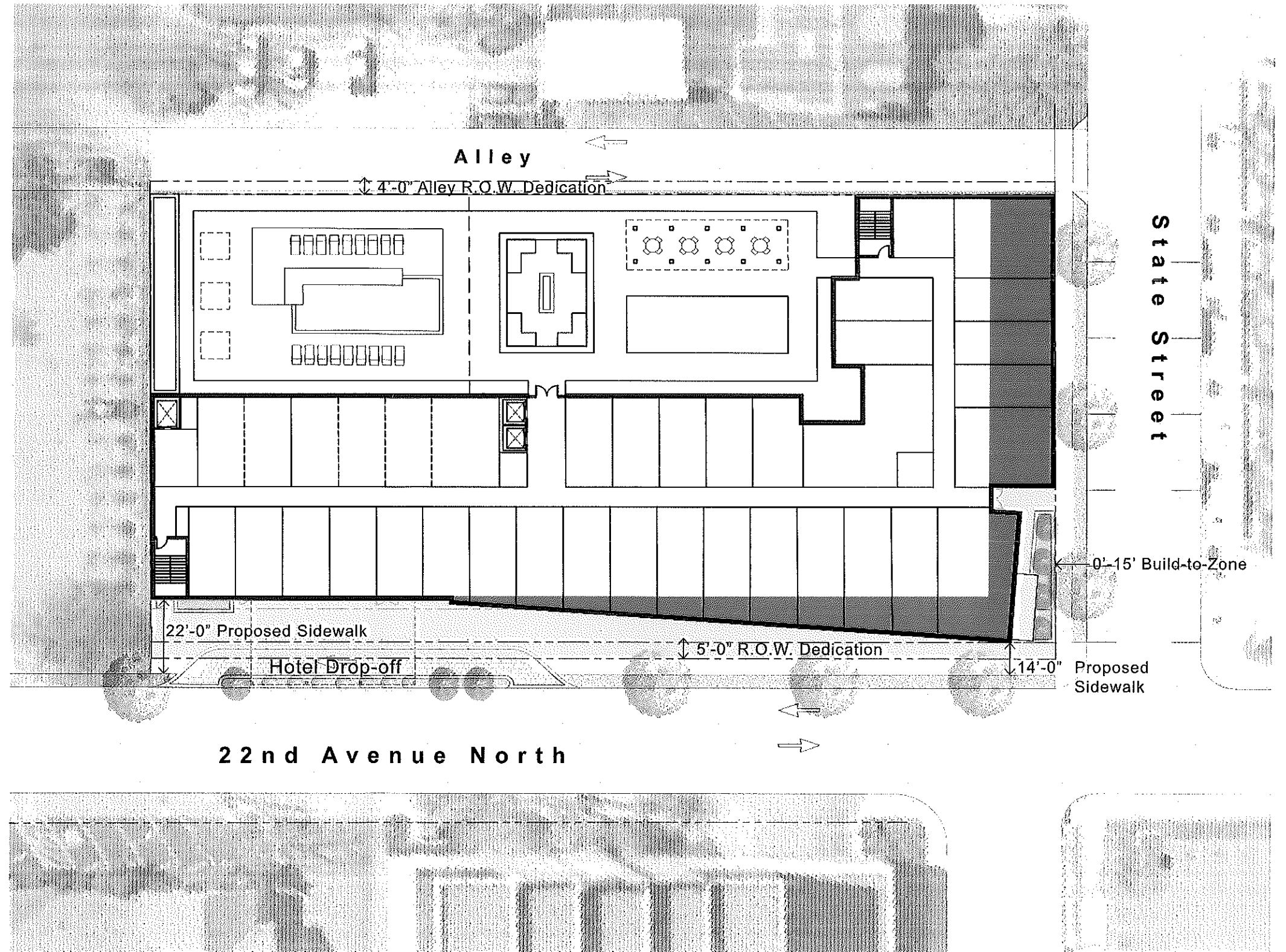
22nd and STATE - BZA APPLICATION

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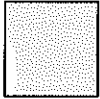
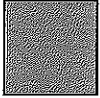
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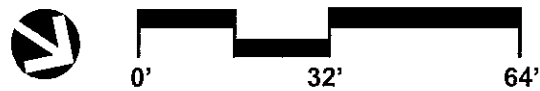


Floor Plan - Hotel Level 3



LEGEND

-  0 ft. - 15 ft. Build-to-Zone
-  Area that exceeds allowable number of stories with in build-to-zone



December 18, 2018

Special Exception Request #1
Reduction to Building Stepback Required for 6th & 7th Stories

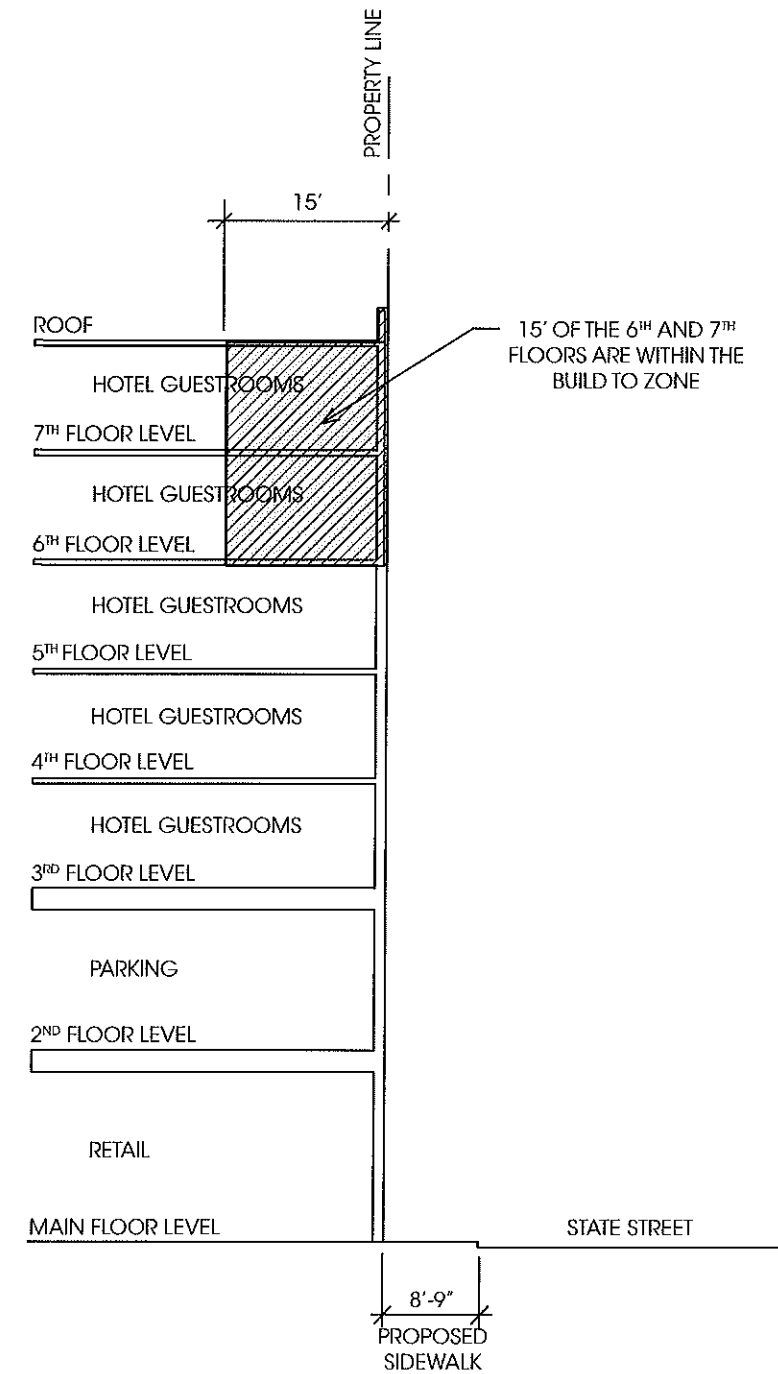
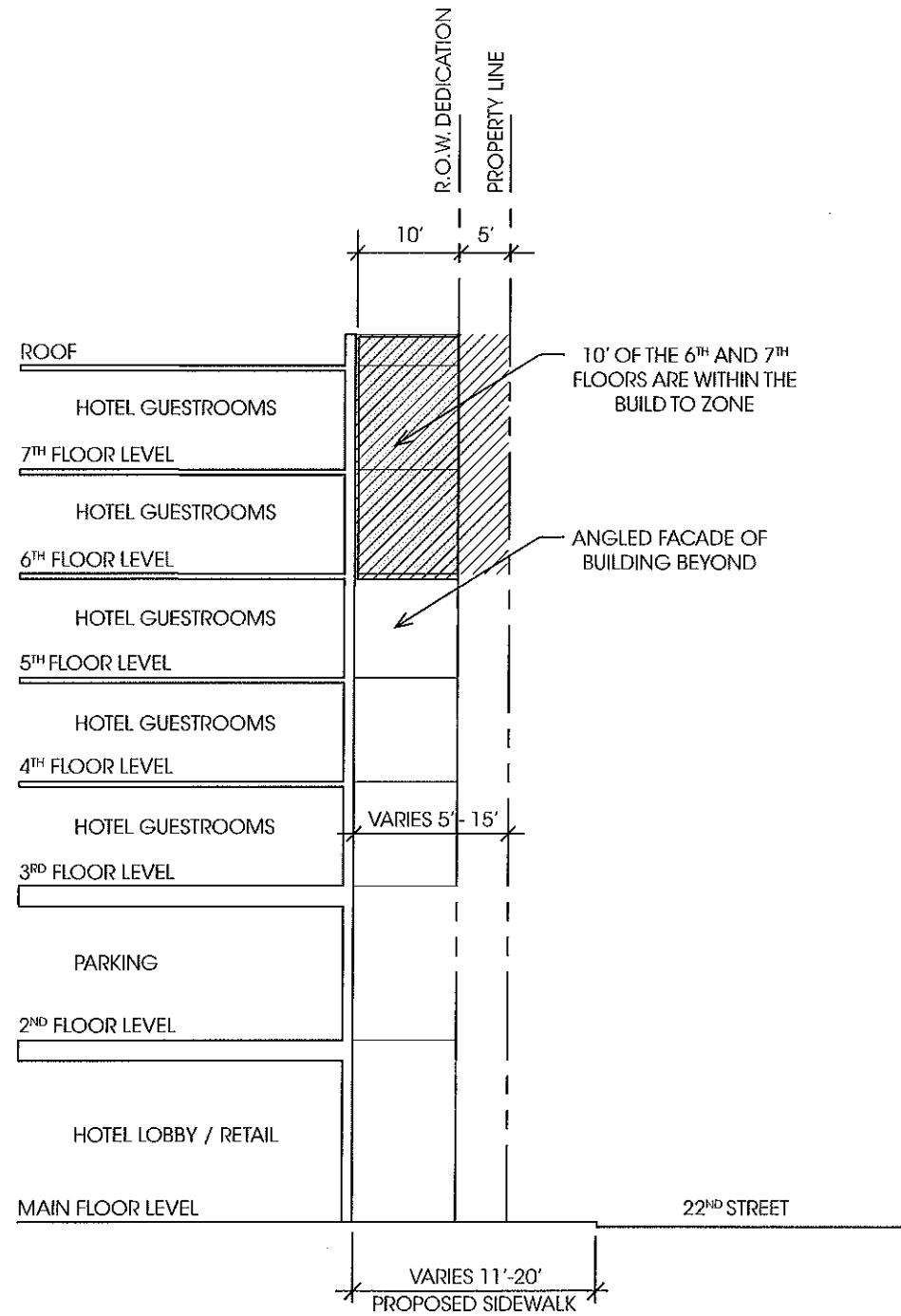
22ND AND STATE MIXED-USE
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SGS #18127.00



SMITH GEE STUDIO, LLC
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p: 615.739.5555
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22nd and STATE - BZA APPLICATION



 Portion of building encroaching within 15 ft. building setback

SHARED PARKING DEMAND STUDY

| PARKING SPACES | DRIVE UP | HOTEL | ROOMS |
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Hotel Occupancy: 60%

Overnight Valet Rate: \$35

Drive Up Ratio: 30%

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**West End Hotel
Scenario 1
Parking Demand**



Table
Project: West End Hotel 1
Description: Mixed-use Development

1/14/2019

SHARED PARKING DEMAND SUMMARY

PEAK MONTH: FEBRUARY -- PEAK PERIOD: 9 PM, WEEKEND

| Land Use | Project Data Quantity Unit | Weekday | | | | | Weekend | | | | | Weekday | | | Weekend | | |
|---|-------------------------------|-----------|----------|-------------------|--------------|----------|-----------|----------|-------------------|--------------|----------|-------------|-------------|--------------------------|-------------|-------------|--------------------------|
| | | Base Rate | Mode Adj | Non-Captive Ratio | Project Rate | Unit | Base Rate | Mode Adj | Non-Captive Ratio | Project Rate | Unit | Peak Hr Adj | Peak Mo Adj | Estimated Parking Demand | Peak Hr Adj | Peak Mo Adj | Estimated Parking Demand |
| | | | | | | | | | | | | 8 AM | February | | 9 PM | February | |
| Shopping Center (<400 ksf) | 5,000 sf GLA | 3.20 | 0.50 | 1.00 | 1.60 | /ksf GLA | 3.80 | 0.50 | 1.00 | 1.90 | /ksf GLA | 0.15 | 0.57 | 1 | 0.50 | 0.57 | 3 |
| Employee | | 0.70 | 0.50 | 1.00 | 0.35 | /ksf GLA | 0.80 | 0.50 | 1.00 | 0.40 | /ksf GLA | 0.40 | 0.80 | 1 | 0.65 | 0.80 | 1 |
| Hotel-Leisure | 168 rooms | 0.90 | 0.40 | 1.00 | 0.36 | /rooms | 1.00 | 0.39 | 1.00 | 0.39 | /rooms | 0.90 | 1.00 | 54 | 0.95 | 1.00 | 62 |
| Employee | | 0.25 | 0.30 | 1.00 | 0.08 | /rooms | 0.18 | 0.30 | 1.00 | 0.05 | /rooms | 0.90 | 1.00 | 12 | 0.55 | 1.00 | 5 |
| Residential, Rental, Shared Spaces | units | 1.50 | 1.00 | 1.00 | 1.50 | /unit | 1.50 | 1.00 | 1.00 | 1.50 | /unit | 0.85 | 1.00 | 0 | 0.99 | 1.00 | 0 |
| Reserved | sp/unit | 0 | 1.00 | 1.00 | 0 | /unit | 0 | 1.00 | 1.00 | 0 | /unit | 1.00 | 1.00 | 0 | 1.00 | 1.00 | 0 |
| Guest | units | 0 | 1.00 | 1.00 | 0 | /unit | 0 | 1.00 | 1.00 | 0 | /unit | 0.20 | 1.00 | 0 | 1.00 | 1.00 | 0 |
| Reserved | sp/unit | 0.00 | 1.00 | 1.00 | 0.00 | /unit | 0.00 | 1.00 | 1.00 | 0.00 | /unit | 1.00 | 1.00 | 0 | 1.00 | 1.00 | 0 |
| Guest | units | 0.15 | 1.00 | 1.00 | 0.15 | /unit | 0.15 | 1.00 | 1.00 | 0.00 | /unit | 0.20 | 1.00 | 0 | 1.00 | 1.00 | 0 |
| ULI base data have been modified from default values. | | | | | | | | | | | Customer | | 55 | Customer | | 65 | |
| | | | | | | | | | | | Employee | | 13 | Employee | | 6 | |
| | | | | | | | | | | | Reserved | | 0 | Reserved | | 0 | |
| | | | | | | | | | | | Total | | 68 | Total | | 71 | |

Shared Parking Reduction 71% 70%

| BZA Requirement | Count | Code | Requirement | Spaces | Reduction |
|-----------------|-------|--------------------|-------------|------------|-----------|
| Hotel | 168 | 1 per Guestroom | 168 | 134 | |
| Hotel Employee | 20 | 1 per 4 Employees | 5 | 4 | |
| Shopping | 5,000 | 1 Space per 200 sf | 25 | 20 | |
| Total | | | 198 | 158 | |

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 28, 2019
BZA Hearing Date: February 7, 2019
Re: Planning Department Recommendation for a Special Exception, Case 2019-054

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

1. Case 2019-054 (22nd Avenue North)

Request: A Special Exception to increase height in build-to-zone and reduce the minimum step-back requirement.

Zoning: Mixed Use General-Alternative (MUG-A) is intended for a moderately high intensity mixture of residential, retail, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

Overlay District: Urban Zoning Overlay District

Land Use Policy: T5 Center Mixed Use Neighborhood (T5 MU) is intended to maintain, enhance, and create high-intensity urban mixed use neighborhoods with a development pattern that contains a diverse mix of residential and non-residential land uses. T5 MU areas are intended to be among the most intense areas in Davidson County. T5 MU areas include some of Nashville's major employment centers such as Midtown that represent several sectors of the economy including health care, finance, retail, the music industry, and lodging. T5 MU areas also include locations that are planned to evolve to a similar form and function.

Supplemental Policy: 10-MT-T5-MU-03 Midtown Study applies to properties in three areas: West End Avenue between I-440 and 31st Avenue North, properties in the Elliston Place/State Street area; and properties in the Grand Avenue/18th Avenue South area. The intent of the Midtown

Study is to provide planning guidance at a more detailed level than a community plan. This site is located within the low rise area that allows building heights between 2-8 stories.

Planning Department Analysis: The first special exception proposes to allow a maximum of seven stories within the build-to zone where a maximum of five stories is allowed. The second special exception is to reduce the step-back requirement from a minimum of 15 feet to a minimum of zero feet. The intent of the special exception to reduce the step-back requirement is to allow for an angled façade of the building. Metro Zoning Code (17.12.020) specifies the criteria for modifying the height and step-back for a property located in the Urban Zoning Overlay District.

The existing site consists of two parcels. Existing conditions include a one story commercial building and a parking lot. The building north of the site is a 7-story residential building that does not have a step-back. The building east of the site, across 22nd Avenue North, is a 6-story office building which does not have a step-back. The required step-back of 15 feet is not consistent with the surrounding context at this location.

The Midtown Study supports low rise buildings, which are generally 2 – 8 stories. The site is located on 22nd Avenue North which is identified in as a secondary street. Additional height is supported along primary and secondary streets, verses along tertiary or local streets. The request for 7 stories is consistent with the Midtown Study. The proposed sidewalk is 14 feet wide which is consistent with the Midtown Study and the Major and Collector Street Plan. The wide sidewalk allows for a strong pedestrian-friendly environment.

Planning Recommendation: Approve.

HELEN SFIKAS ROGERS*
LAWRENCE J. KAMM
SIEW-LING SHEA*
GEORGE D. SPANOS
ETHAN R. PAGE
STELLA V. KAMM**
EUGENE F. GUERRE III

ROGERS, KAMM & SHEA

ATTORNEYS AT LAW

(615) 320-0600



PARALEGAL STAFF:
KATHLEEN MARCOTTE
RENEE BROWN
LAURA BLUM
ZELMA CANTRELL
WHITNEY CANTRELL
CAROL HALPIN

*RULE 31 MEDIATOR

**ALSO LICENSED IN KENTUCKY

March 1, 2019
Hand Delivery and U.S.P.S.

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

Re: CASE 2019-054 (Council District - 21)
209 & 217 22nd Avenue South
Request for additional time for case presentation at March 7 hearing

Dear Board Members:

This shall serve as a request for an additional ten minutes of time for our presentation in opposition of the above-referenced case under **Rule 8.(I)3** of the **Metropolitan Board of Zoning Appeals Rules of Procedure**. We have had an opportunity to speak with several neighbors who have expressed interest in attending the meeting. A public meeting was held today, March 1, 2019, and the architects from Smith Gee Studio, who have designed this project, personally met with myself and other attorneys from my office yesterday, February 28, 2019.

Based on the community interest and feedback, the information obtained in our meeting with the Smith Gee Studio architects, and the Public Meeting, we believe that it will require more than ten minutes to adequately present our position and help further inform you as to the impact this project will have on our neighborhood. Thus, we respectfully request an extra ten minutes of time, i.e.: twenty total minutes, at the March 7, 2019 hearing before the Metropolitan Board of Zoning Appeals.

With best wishes, I remain,

Very truly yours,


George Spanos

FRANKLIN OFFICE
317 MAIN STREET SUITE 206
FRANKLIN, TENNESSEE 37064
(615) 224-6421

NASHVILLE OFFICE & MAILING ADDRESS
The Wind in the Willows Mansion
2205 STATE STREET
NASHVILLE, TENNESSEE 37203-1850
FAX (615) 320-9933
WWW.HELENROGERSLAW.COM

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Land Development Solutions Date: 12.18.18
Property Owner: MRB Developers Case #: 2019-058
Representative: Duane Cuthbertson Map & Parcel: 09112-116

Council District 20

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

Purpose: Variance of the street setback along Georgia Avenue from 10' to 3'

Activity Type: Residential

Location: 610 45th Ave. N.

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

Reason: Does not meet side setback

Section(s): 17.12.030(A)

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

Duane Cuthbertson
Appellant Name (Please Print)

2814 12th Av. S.
Address

Nashville, TN 37204
City, State, Zip Code

615.924.9618
Phone Number

dcuthber@gmail.com
Email

SAME
Representative Name (Please Print)

N
Address

City, State, Zip Code

Phone Number

Email

Appeal Fee:

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



APPELLANT

12.18.18

DATE

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

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

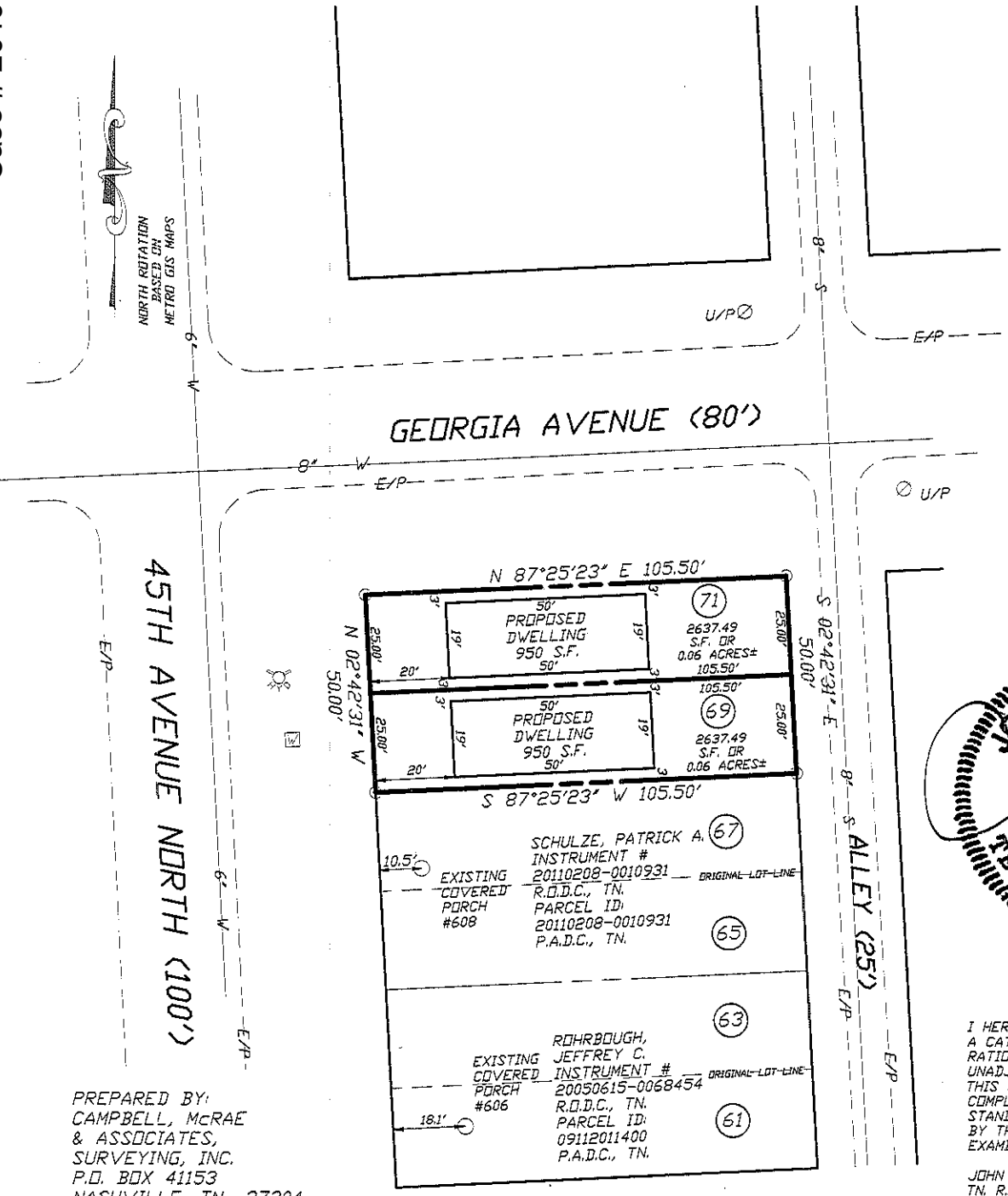
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively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

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

Two legal non-conforming lots exist.
Each lot is 25' wide; similar to most lots existing in the same neighborhood.

Application of the 10' side street setback would ~~reduce~~ reduce the building envelope to an unreasonable width (13') and would result in construction of a house that would be inconsistent with pattern established in surrounding community.

NORTH ROTATION
BASED ON
METRO GIS MAPS



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

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.

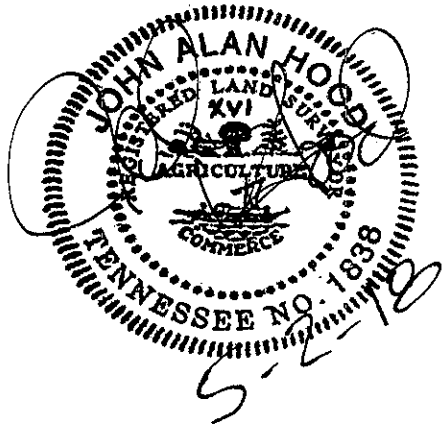


EXHIBIT MAP
 LOTS 69 AND 71, BLOCK 56,
 NO. 1 PLAN OF WEST NASHVILLE
 BOOK 57, PAGE'S 74 & 75
 R.O.D.C., TN.
 PROPERTY LOCATED IN THE 20TH
 COUNCIL DISTRICT OF NASHVILLE,
 DAVIDSON COUNTY TENNESSEE
 AT THE SOUTHEAST INTERSECTION
 OF 45TH AVENUE NORTH
 AND GEORGIA AVENUE
PROPERTY ADDRESS:
 610 A & B 45TH 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



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

ALLEY (25')



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:

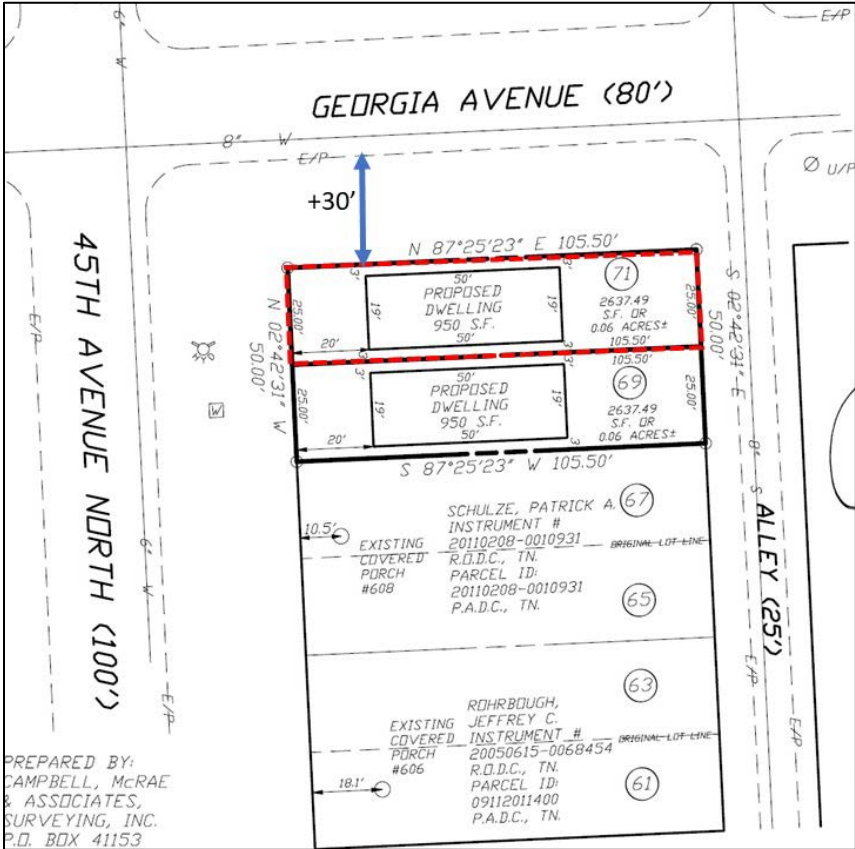
To construct a standard two-story single-family dwelling on an existing 25' wide residential lot. The 25' x 105' lot is legal non-conforming. The proposed dwelling will be one of two homes constructed on the R6 zoned existing parcel (the parcel contains the two legal lots). The proposed home is intended 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).

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: [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

From: [Lamb, Emily \(Codes\)](#)
To: [Shepherd, Jessica \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#)
Subject: FW: BZA Case # 2019-058
Date: Tuesday, February 5, 2019 11:14:18 AM

For the case file, please.


Emily Lamb
Metro Codes Department

This email and any files transmitted with it may be confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this communication in error. If you have received this communication in error, please notify the sender immediately and in the interim please do not use, disseminate, forward, print or copy this communication.

From: Mary Carolyn Roberts [mailto:marycarolynroberts@gmail.com]
Sent: Tuesday, February 5, 2019 11:04 AM
To: Michael, Jon (Codes); Lamb, Emily (Codes)
Subject: BZA Case # 2019-058

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

Good morning,
I would like to express my disapproval for 610 45th Ave, Case # 2019-058. This has been brought in front of my neighborhood association prior to this by a different owner and was denied.
Thank you,


Mary Carolyn Roberts
Village Real Estate
615-977-9262 (c)
615-383-6964 (w)
Metro Council, District 20

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[Contribute to Campaign](#)

From: [milton pirtle](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Requested Variance for : Appeal Case # 2019-058 610 45th Ave North
Date: Wednesday, January 23, 2019 9:08:51 AM

To Whom It May Concern,

Please be advised, I own property in this area and believe the request for this variance is acceptable.

Please note, there are already numerous similar houses in this neighborhood.

**Kind regards,
Milton Pirtle**

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Jeffery Caine
Property Owner: Jeffery Caine
Representative: Jeffery Caine

Date: 12-27-2018
Case #: 2019-068
Map & Parcel: 09213023300

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: Requesting a sidewalk variance per Met20
Section 17.20.120
Building Permit 2018073450

Activity Type: Residential Construction

Location: 3722 Nevada Ave

This property is in the OZ-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 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.

Jeffery Caine
Appellant Name (Please Print)

Jeffery Caine
Representative Name (Please Print)

1114 Watkins Creek Dr
Address

1114 Watkins Creek Dr
Address

Franklin, TN 37067
City, State, Zip Code

Franklin TN 37067
City, State, Zip Code

615-920-4957
Phone Number

615-920-4957
Phone Number

Caine05@AOL.com
Email

Caine05@AOL.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



3590085

ZONING BOARD APPEAL / CAAZ - 20180079957
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09213023300

APPLICATION DATE: 12/27/2018

SITE ADDRESS:

3722 NEVADA AVE NASHVILLE, TN 37209
PT BLK 28 CHARLOTTE PK 2ND EXT

PARCEL OWNER: CAINE, JEFFERY & TIFFANY

CONTRACTOR:

APPLICANT:**PURPOSE:**

Requesting a sidewalk variance per METZO section 17.20.120. see building permit CARN 2018073450.

*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**



3580621

**BUILDING RESIDENTIAL - NEW / CARN - 2018073450
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09213023300

APPLICATION DATE: 11/21/2018

SITE ADDRESS:

3722 NEVADA AVE NASHVILLE, TN 37209
PT BLK 28 CHARLOTTE PK 2ND EXT

PARCEL OWNER: CAINE, JEFFERY & TIFFANY

CONTRACTOR:

APPLICANT: CAINE, JEFFERY & TIFFANY

SELF CONTRACTOR RESIDENTIAL (SEI MCN00000)

3722 NEVADA AVE

NASHVILLE, TN 37209 615-920-4957

PURPOSE:

to construct 3080SF single family residence with 504SF garage and 605SF porches. 5' min. side setback, 20' min. rear setback, front setback at 40' per avg. not to be over any easements.

Sidewalks are required, not eligible for fund, existing sidewalk

***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.

| | |
|--|---|
| U&O PW Sidewalk FA - CA Final Approval | 862-8758 Benjamin.york@nashville.gov |
| SWGR U&O Sign-off | 862-6038 logan.bowman@nashville.gov |
| U&O Sewer Availability Final Approval | 862-7225 MWS.DevelopmentServicesCenter@nashville.gov |
| U&O Water Availability Final Approval | 862-7225 MWS.DevelopmentServicesCenter@nashville.gov |
| WS Existing Service Cut and Capped | 862-7225 MWS.DevelopmentServicesCenter@nashville.gov |
| Building Framing - Ceiling | |
| Building Floor Elevation | |
| Building Footing | |
| Building Foundation | |
| Building Framing | |
| Building Framing - Wall | |
| CA Building Progress Inspection | |
| Building Slab | |
| Codes Tree U&O Final Inspection | |
| Building Final | |
| U&O Letter | 615-862-6527 tawanna.dalton@nashville.gov |

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.

Jeffery Caine
APPELLANT

12-27-2018
DATE

Standards for a Variance

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

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

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

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

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

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

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

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

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

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

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

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

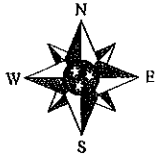
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED? 3722 Nevada Ave

Physical characteristics of the property -

- Severe slope within first 8 ft of Property
- Retaining wall would have to be put in including Handrail!
- Two trees would have to be removed
- utility pole would have to be moved
- side walk just repaired by the city

MINIMUM BUILDING SETBACKS

FRONT YARD..... 40'
 SIDE YARD..... 5'
 REAR YARD..... 20'
 (SEE NOTES 4 & 5)



BASIS OF BEARING:
 NAD 83
 TENNESSEE STATE
 PLANE COORDINATE SYSTEM 1180

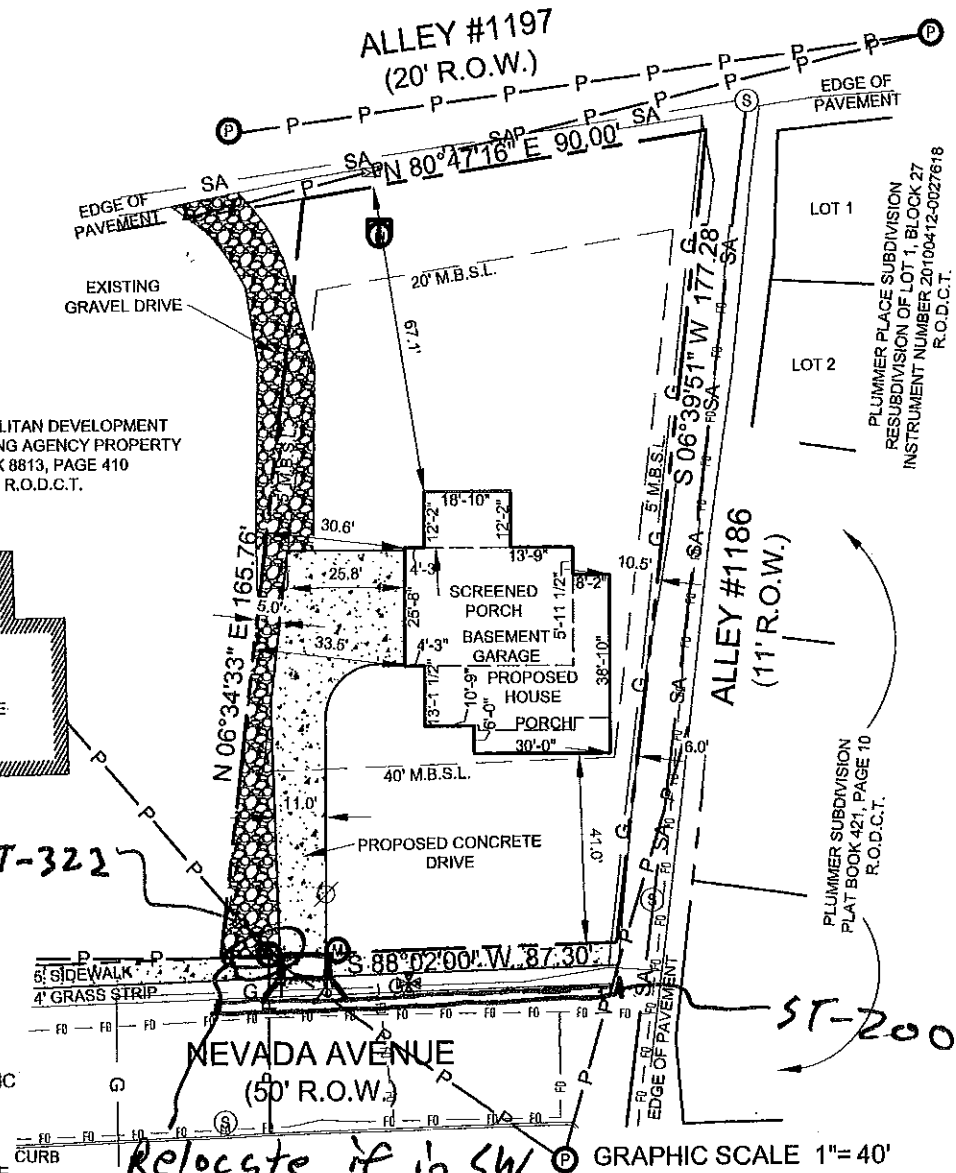
NOTES:

1. THIS PROPERTY IS SUBJECT TO ALL MATTERS SET FORTH ON A MAP OF CHARLOTTE PARK COMPANY'S 2ND ADDITION EXTENDED, AS RECORDED IN PLAT BOOK 421, PAGE 10, R.O.D.C.T. AND TO ALL RESTRICTIONS OF RECORD. BUILDER TO VERIFY BEFORE CONSTRUCTION ON THIS LOT.
2. THIS PLAN WAS COMPLETED UNDER THE AUTHORITY OF T.C.A. 62-18-126, AND DOES NOT CONSTITUTE A GENERAL PROPERTY SURVEY AS DEFINED UNDER THE REGULATION 0820-03-07.
3. THE BEARINGS AND DISTANCES SHOWN HEREON HAVE BEEN TAKEN FROM A BOUNDARY SURVEY PREPARED BY BYRD SURVEYING, INC.
4. THE FRONT SETBACK FOR THIS PROPERTY IS 40'. THIS VALUE WAS DERIVED FROM THE AVERAGE FRONT SETBACK OF THE FOUR NEAREST HOMES ON EITHER SIDE OF THE SUBJECT LOT. THE SETBACK MUST BE VERIFIED WITH METRO CODES DEPARTMENT BEFORE CONSTRUCTION.
5. THE SIDE AND REAR SETBACKS ARE PER METRO GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE CODE OF ORDINANCES, TITLE 17-ZONING, CHAPTER 17.12-DISTRICT BULK REGULATIONS, 17.12.030A-DISTRICT BULK TABLES-STREET SETBACKS FOR SINGLE AND TWO-FAMILY STRUCTURES AND TABLE 17.12.020A SINGLE-FAMILY AND TWO-FAMILY DWELLINGS FOR R6 ZONING.

DEPARTMENT OF PUBLIC WORKS
NO EXCEPTION TAKEN

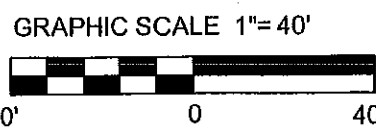
Corrections or comments made on plans and drawings during this review do not relieve the applicant(s) from compliance with the rules, regulations, and specifications of this department and other governmental agencies. This check is only for review of general conformance to the requirements of the Department of Public Works.

Signed: *[Signature]*
 Date: 12-26-18



LEGEND

- TEMPORARY ELECTRIC SERVICE POLE
- WATER METER
- GAS VALVE
- SEWER STUB
- SEWER METER
- POWER POLE
- UNDERGROUND FIBER OPTIC
- OVERHEAD POWER LINE
- GAS LINE
- SANITARY SEWER LINE
- SANITARY SEWER MANHOLE



PLOT PLAN

OWNER: JAY CAINE ET UX (AS OF 11-02-2018 TAX CARD)

PROPERTY ADDRESS: 3722 NEVADA AVENUE
 NASHVILLE, TENNESSEE (DAVIDSON COUNTY)

PROPERTY LOCATION: MAP OF CHARLOTTE PARK COMPANY'S
 2ND ADDITION EXTENDED
 EAST HALF OF BLOCK 27
 PLAT BOOK 421, PAGE 10, R.O.D.C.T.

BYRD SURVEYING INC.
 230-B W. DUNBAR CAVE ROAD
 CLARKSVILLE, TN 37040
 PHONE: (931) 806-0040
 FAX: (931) 553-0070
 NASHVILLE: (615) 733-3131
 TOLL FREE: 1-866-919-0040
 WWW.BYRDSURVEYING.COM

SERVING: TN, KY, AL, FL, NC, SC, & VA

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-068 (3722 Nevada Avenue)

| | |
|--------------------------|--|
| Metro Standard: | 4' grass strip, 5' sidewalk, as defined by the Metro Local Street Standard |
| Requested Variance: | Not upgrade sidewalks |
| Zoning: | RS5 |
| Community Plan Policy: | T4 NM (Urban Neighborhood Maintenance) |
| MCSP Street Designation: | Local Street |
| Transit: | Property 0.24 miles south from #10 – Charlotte and #42 – Charlotte Pk BRT Lite; Planned High Capacity Transit per nMotion. |
| Bikeway: | None existing; none planned |

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to construct a single family dwelling and requests a variance from upgrading sidewalks due to topographic features and existing sidewalks along the frontage of the site. Planning evaluated the following factors for the variance request:

- (1) A 5' wide sidewalk without a grass strip exists along the property's frontage, which is consistent with the adjacent property to the west along the block face.
- (2) The property has a grade change of 2'-6' from the back of the existing sidewalk. Constructing sidewalks to the Local Street standard will require new retaining walls which may impact the topography of adjacent properties to the east and west. Utilities will also be relocated. Given this combination of factors at this location, meeting the Local Street standard is extremely challenging.

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 dedicate right-of-way along the property frontage to accommodate a future 4' grass strip and 5' sidewalk.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : _____ Date: 1/3/2018
Property Owner: Eight Nine King Development, LLC Case #: 2019-077
Representative : _____ Map & Parcel: 08204041000

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 construct a single family home without constructing sidewalks or paying into the sidewalk fund

Activity Type: Single Family

Location: 903 Manila 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: 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 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.

Appellant Name (Please Print) _____

Representative Name (Please Print) _____

Address _____

City, State, Zip Code _____

Phone Number _____

Ben@89kdc.com
Email

Incomplete.
NO site plan
NO contact information



**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 - 20190000428
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08204041000

APPLICATION DATE: 01/03/2019

SITE ADDRESS:

903 MANILA AVE NASHVILLE, TN 37206
PT. LOTS 2, 3, 4 LOOKAWAY SUB.

PARCEL OWNER: EIGHT-NINE KING DEVELOPMENT, LLC

CONTRACTOR:

APPLICANT:

PURPOSE:

Requesting a sidewalk variance for proposed single family residence 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.

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

Ben@sga.com

JAN-15-01
 march-7
 Feb-5
 march 2nd

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?

Physical Characteristics of the property - Located in Historical Overlay the property on Sharpe Ave has existing sidewalks with handicap access. Neighboring homes are New & used Existing Sidewalk. Property on the main Ave side is ~~uniquely~~ uniquely shaped with shallow & narrowness extending the property length that present exceptional difficulties & hardships.

Likewise the topographical characteristics make Sidewalks & construction of a home beyond difficult and would not be affordable to anyone. Steep inclines surround property. Combined with historical set back requirements present extraordinary & exceptional difficulties & unique hardships.

Sidewalks would make property unaffordable & unusable.

APPLICATIONS FOR VARIANCE REQUESTS

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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

APPELLANT

DATE

1-3-19

Ben Kelly

Jessica Sheppard

2019-07

NOTE:
THIS SITE PLAN IS BASED FROM A EXISTING CONDITIONS SURVEY PERFORMED BY DONOVAN BENSON R.L.S # 3046 STAMPED 8/31/16

SHARPE AVENUE
Sewer

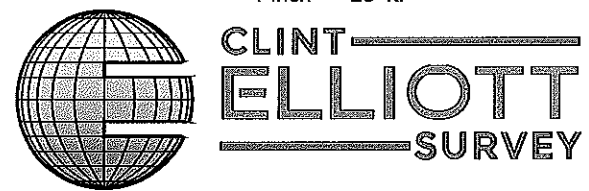
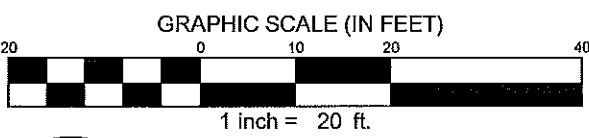
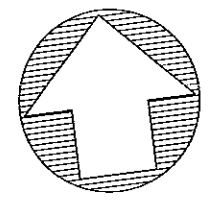
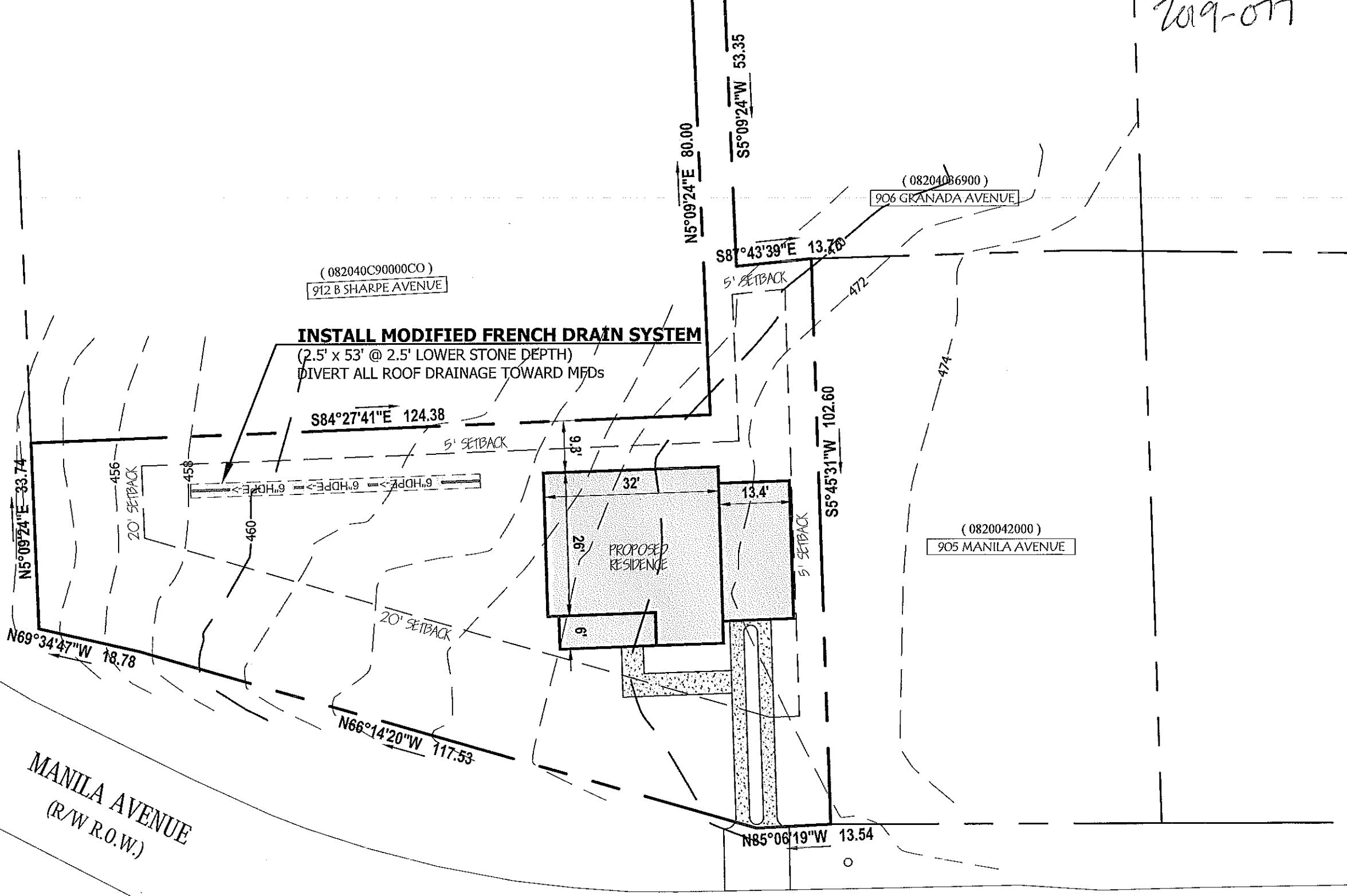
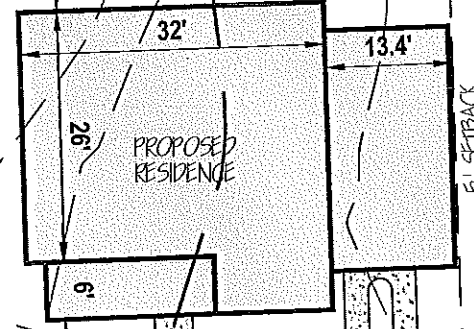
MANILA AVENUE
(R/W R.O.W.)
Water

(082040C90000CO)
912 B SHARPE AVENUE

(082040B6900)
906 GRANADA AVENUE

(0820042000)
905 MANILA AVENUE

INSTALL MODIFIED FRENCH DRAIN SYSTEM
(2.5' x 53' @ 2.5' LOWER STONE DEPTH)
DIVERT ALL ROOF DRAINAGE TOWARD MFDs



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



Site Plan
903 Manila Avenue
Nashville, Davidson County, Tennessee

Sheet No.
V-2.1

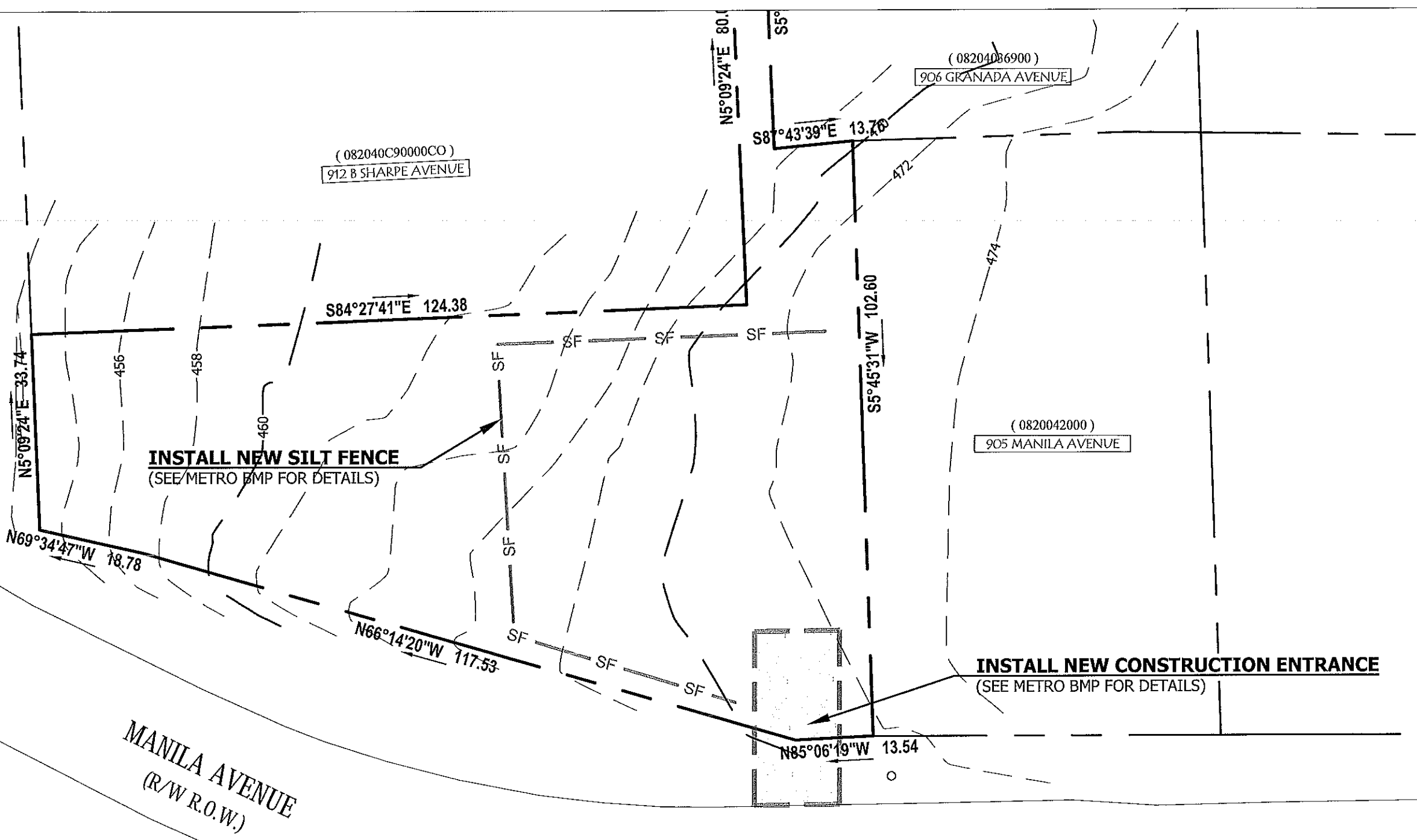
1-15
3-7
2-5
3-21

SHARPE AVENUE

(082040C90000CO)
912 B SHARPE AVENUE

(082040B6900)
906 GRANADA AVENUE

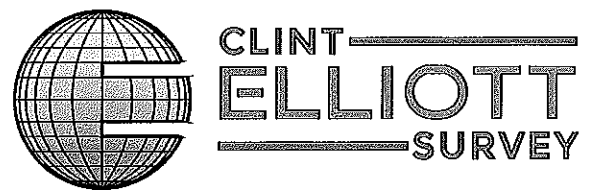
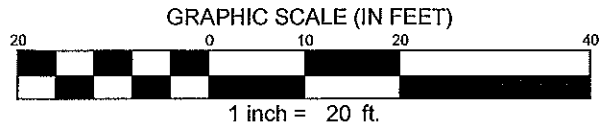
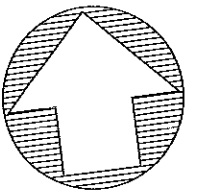
(0820042000)
905 MANILA AVENUE



INSTALL NEW SILT FENCE
(SEE METRO BMP FOR DETAILS)

INSTALL NEW CONSTRUCTION ENTRANCE
(SEE METRO BMP FOR DETAILS)

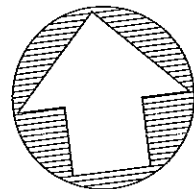
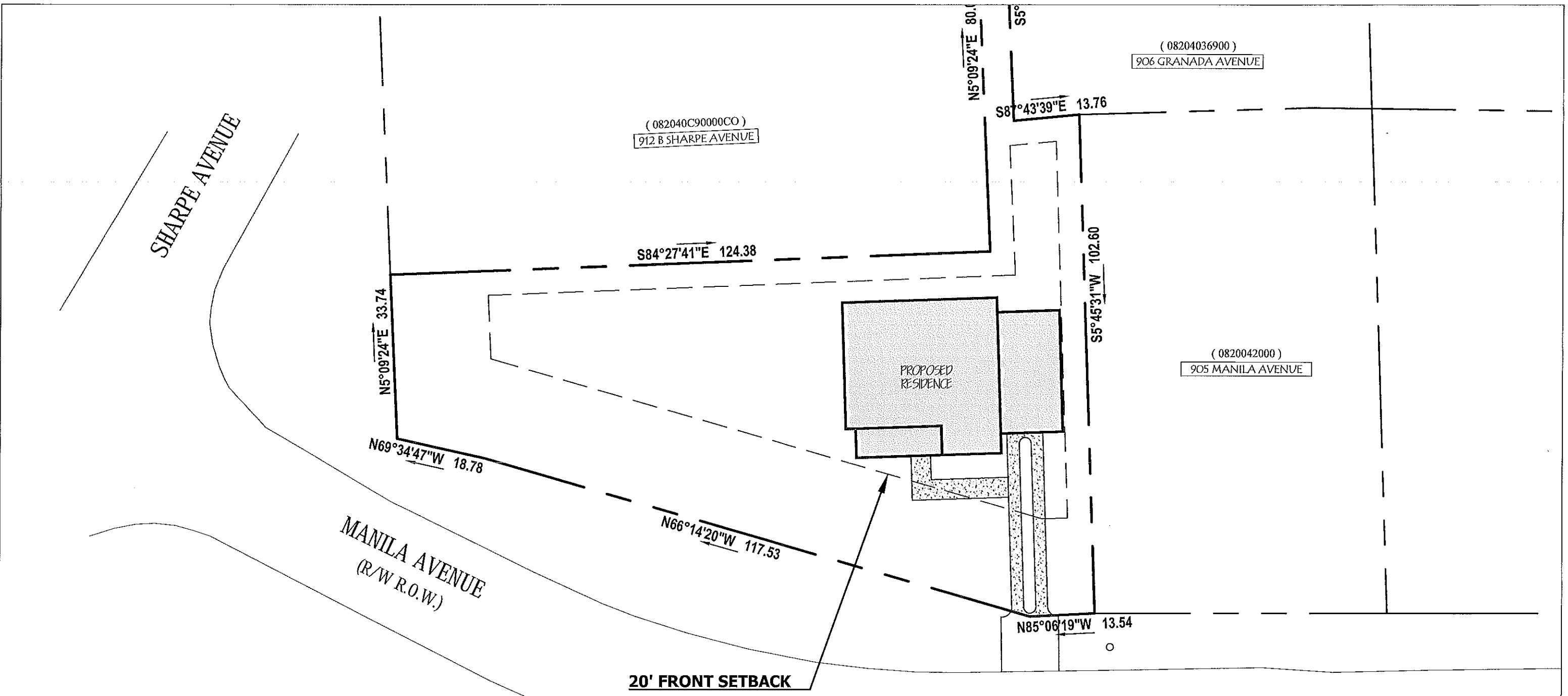
MANILA AVENUE
(R/W R.O.W.)



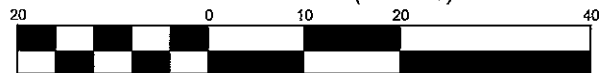
1711 Hayes Street
Nashville, TN 37203
clintelliottsvey.com
(615) 490-3236

EPSC Plan
903 Manila Avenue
Nashville, Davidson County, Tennessee

Sheet No.
V-2.2



GRAPHIC SCALE (IN FEET)



1 inch = 20 ft.



CLINT ELLIOTT SURVEY

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



Building Setbacks

903 Manila Avenue
 Nashville, Davidson County, Tennessee

Sheet No.

V-2.3

SITE DATA: PRE-DEVELOPMENT

Total Site Area 8893 SF

PRE-DEVELOPMENT IMPERVIOUS: 0 SF

Buildings 0 SF
Parking/Drives 0 SF
Walks/Misc Pads 0 SF

SITE DATA: POST-DEVELOPMENT

Total Site Area 8893 SF

POST-DEVELOPMENT IMPERVIOUS: 1631 SF (18.3%)

Buildings 1337 SF
Parking/Drives 192 SF
Walks/Misc Pads 102 SF

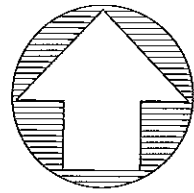
POST- IMPERVIOUS NET GAIN: 1631 SF (TIER I)

STORMWATER NET GAIN TREATMENT

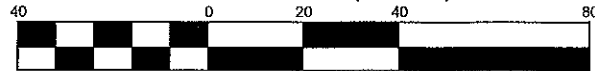
Total Site Area 8893 SF

POST-DEVELOPMENT STORMWATER TREATMENT: 1631 SF

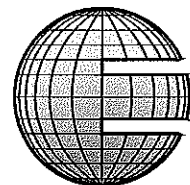
MODIFIED FRENCH DRAIN Required: 2.5' x 53' @ 2.5' Lower Stone Depth



GRAPHIC SCALE (IN FEET)



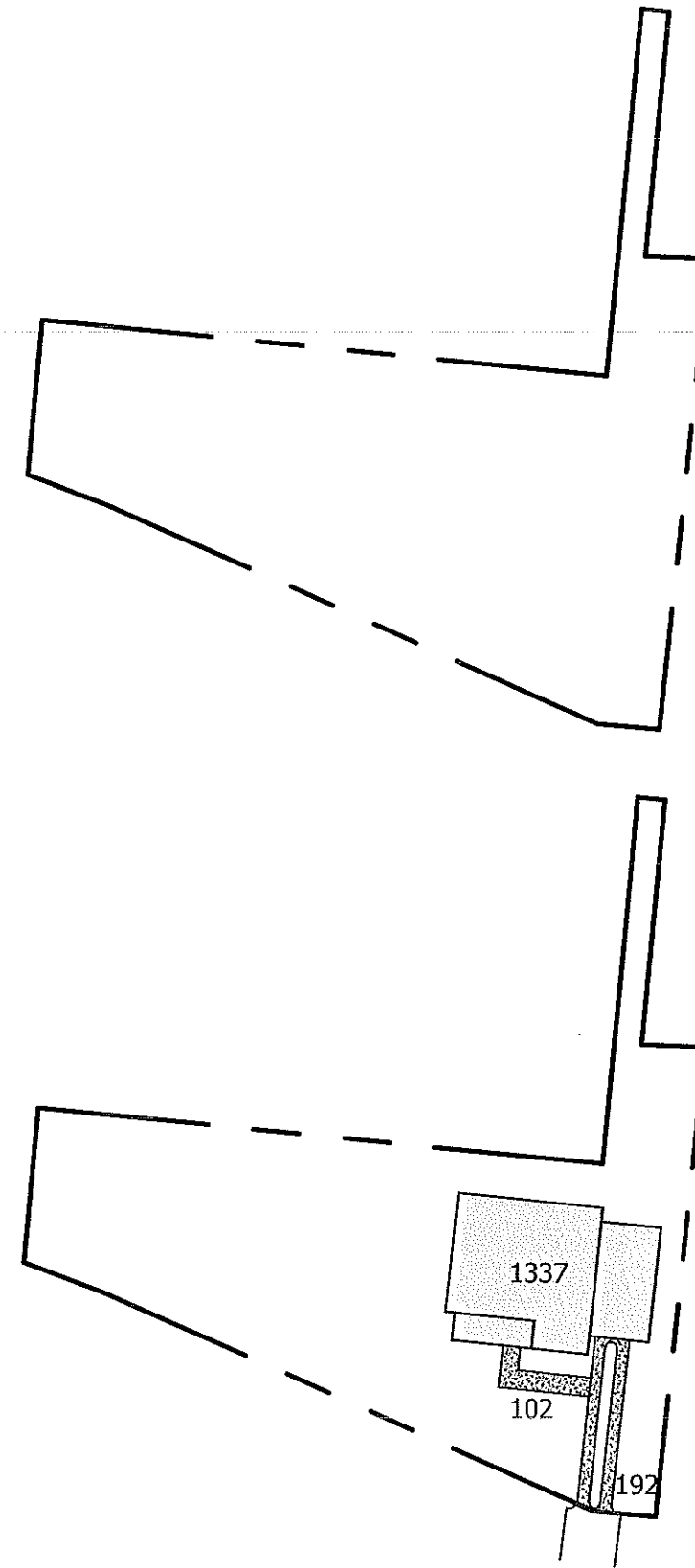
1 inch = 40 ft.



CLINT ELLIOTT SURVEY

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Nashville, TN 37203

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PRE-DEVELOPMENT

POST-DEVELOPMENT

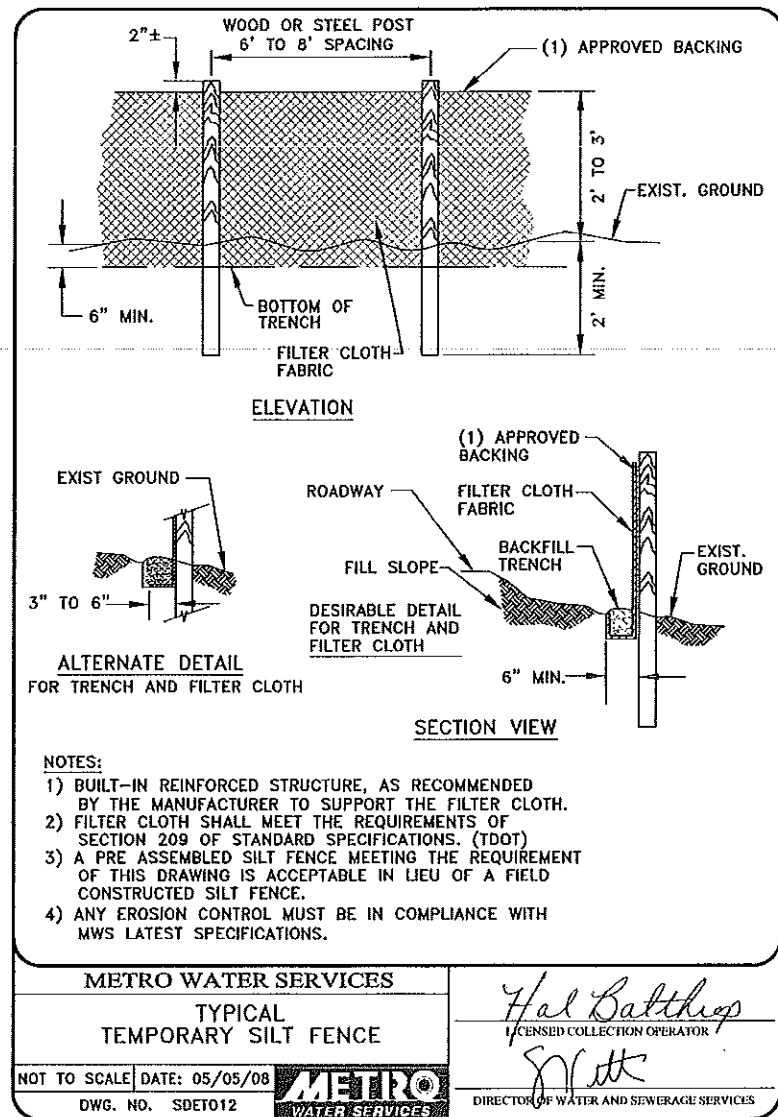
Impervious Areas

903 Manila Avenue

Nashville, Davidson County, Tennessee

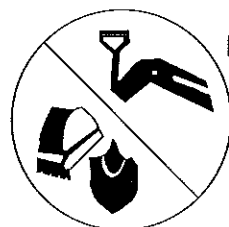
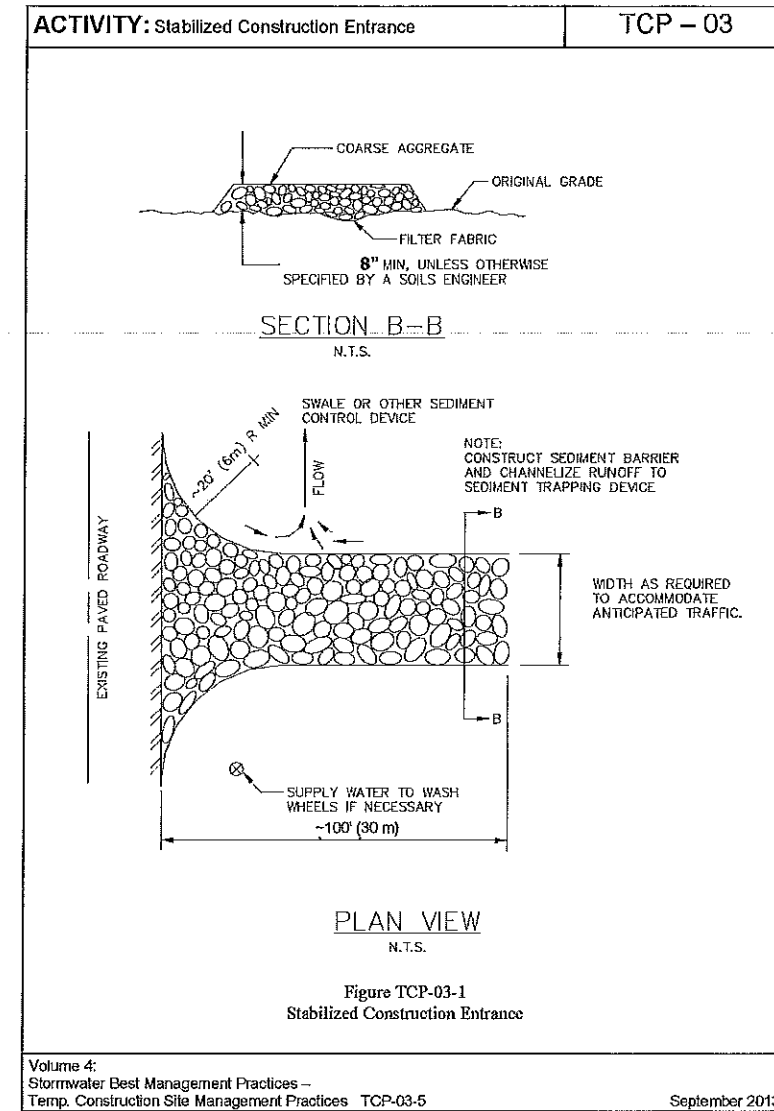
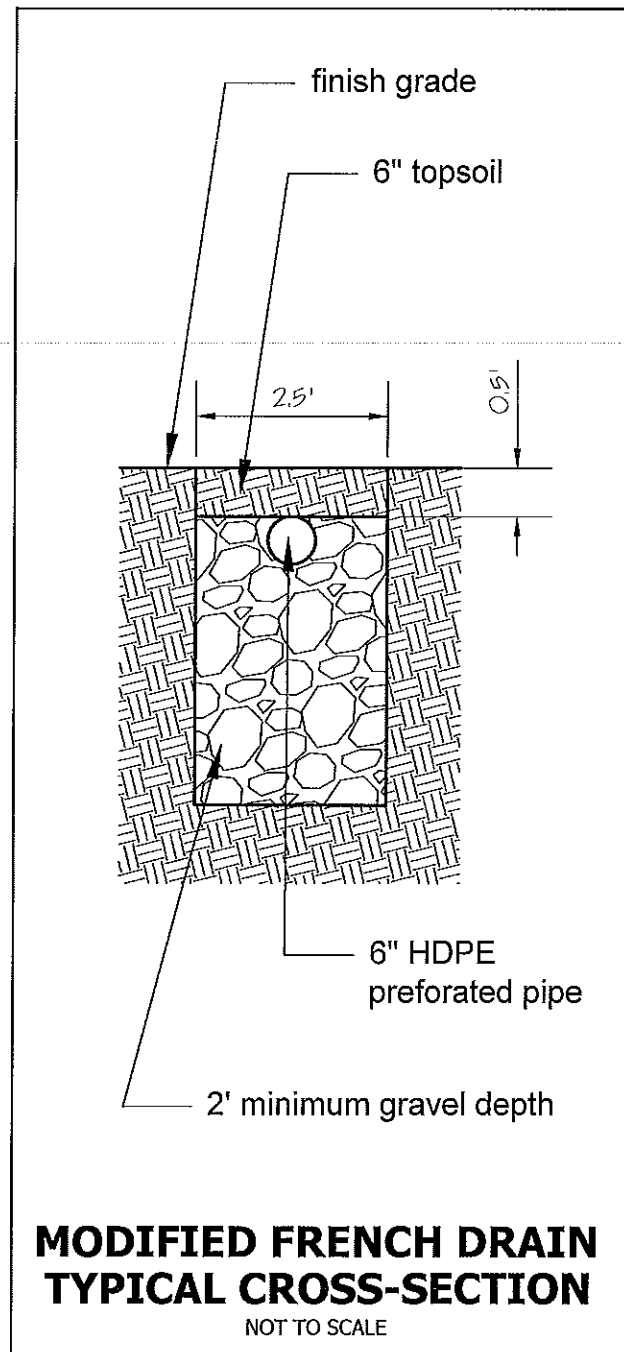
Sheet No.

V-2.4



SITE GRADING & EROSION CONTROL NOTES

1. NO PORTION OF THE PROPERTY SHOWN LIES WITHIN A 100 YEAR FLOOD HAZARD AREA AS PER THE CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY, (FIRM) MAP.
2. CLEAN SILT BARRIERS WHEN THEY ARE APPROXIMATELY 33% FILLED WITH SEDIMENT, SILT BARRIERS SHALL BE REPLACED AS EFFECTIVENESS IS SIGNIFICANTLY REDUCED, OR AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
3. REMOVE THE TEMPORARY EROSION AND WATER POLLUTION CONTROL DEVICES ONLY AFTER A SOLID STAND OF GRASS HAS BEEN ESTABLISHED ON GRADED AREAS AND WHEN THEY ARE NO LONGER NEEDED.
4. PROVIDE TEMPORARY CONSTRUCTION ACCESS(ES) AT THE POINT(S) WHERE CONSTRUCTION VEHICLES EXIT THE CONSTRUCTION AREA. MAINTAIN PUBLIC ROADWAYS FREE OF TRACKED MUD AND DIRT.
5. PROVIDE POSITIVE SLOPE (2% MINIMUM) TO DRAIN ALL BALCONIES, DECKS, PATIOS, WALL(S), DRIVEWAYS, GRADE ADJACENT TO BUILDINGS, AND SWALES REGARDLESS WHETHER PLANS GRAPHICALLY PORTRAY OR INDICATE SLOPE. FINAL CONSTRUCTION SHALL NOT PERMIT PONDING OF WATER IN ANY OF FOREGOING AREAS.



IF YOU DIG IN TENNESSEE...
 CALL US FIRST!
 1-800-351-1111
 1-615-366-1987
 TENNESSEE ONE CALL
 IT'S THE LAW



CLINT ELLIOTT SURVEY

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

Site Details
 903 Manila Avenue
 Nashville, Davidson County, Tennessee

Sheet No.
V-2.5

SKETCH LAYOUT
 PROVIDE PLAN AND ELEVATION VIEWS OF MFD AND HOUSE SHOWING ROOF AREA DIRECTED TO
 MFD AND KEY DIMENSIONS, CONNECTIONS AND OVERFLOW RELATIVE TO PROPERTY LINE.

Modified French Drain

SIZING CALCULATION:

| Rooftop Area (square feet) | Depth of Gravel From Top of Pipe (Inches) | | | |
|-------------------------------|--|-----|-----|-----|
| | 18 | 24 | 30 | 36 |
| | Required Linear Feet of MFD = | | | |
| 100 | 6 | 5 | 4 | 3 |
| 500 | 30 | 25 | 20 | 15 |
| 1000 | 60 | 45 | 40 | 35 |
| 2000 | 120 | 95 | 75 | 65 |
| 3000 | 185 | 140 | 115 | 100 |
| 4000 | 245 | 190 | 155 | 130 |
| 5000 | 305 | 235 | 195 | 165 |

MAINTENANCE:

1. INSPECT GUTTERS AND DOWNSPOUTS REMOVING ACCUMULATED LEAVES AND DEBRIS, CLEANING LEAF REMOVAL SYSTEM(S).
2. IF APPLICABLE, INSPECT PRETREATMENT DEVICES FOR SEDIMENT ACCUMULATION. REMOVE ACCUMULATED TRASH AND DEBRIS.
3. INSPECT MFD FOLLOWING A LARGE RAINFALL EVENT TO INSURE OVERFLOW IS OPERATING AND FLOW IS NOT CAUSING PROBLEMS.

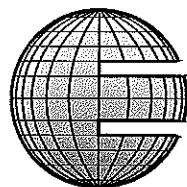
MEASURE CONTRIBUTING DRAINAGE AREA AND READ AREA FOR GIVEN MEDIA DEPTH.

CONTRIBUTING DRAINAGE AREA= 1631 SQ FT
 DEPTH OF STONE MEDIA= 30 INCHES
 WIDTH OF TRENCH= 30 INCHES
 LENGTH OF MFD= 53 FT

METRO NASHVILLE
 DEPARTMENT OF
 WATER SERVICES

ATTACHED THIS TWO-PAGE
 SPECIFICATION TO HOUSE
 PLAN SUBMITTAL

MODIFIED FRENCH DRAIN
 SPECIFICATIONS
 PAGE 2 OF 2



CLINT
ELLIOTT
 SURVEY

1711 Hayes Street
 Nashville, TN 37203

clintelliotsurvey.com
 (615) 490-3236

Stormwater Details

903 Manila Avenue
 Nashville, Davidson County, Tennessee

Sheet No.

V-2.6

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-077 (903 Manila Avenue)

| | |
|--------------------------|--|
| Metro Standard: | Manila Avenue – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street standard |
| | Sharpe Avenue – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street standard |
| Requested Variance: | Not build sidewalks; not contribute in-lieu of construction (not eligible) |
| Zoning: | RS5 |
| Community Plan Policy: | T4 NM (Urban Neighborhood Maintenance) |
| MCSP Street Designation: | Manila Avenue – Local Street |
| | Sharpe Avenue – Local Street |
| Transit: | 115’ north of #30 – McFerrin |
| Bikeway: | None existing; none planned |

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing a single family dwelling and requests a variance from upgrading/constructing sidewalks along both property frontages. Planning evaluated the following factors for the variance request:

- (1) An existing 5’ sidewalk is located along the property’s Sharpe Avenue frontage, adjacent to this property. Therefore, the applicant is unable to contribute in-lieu of construction per Code.
- (2) There is an approximate 24’ elevation change from the eastern portion of the applicant’s property to the Manila Avenue and Sharpe Avenue intersection. Constructing sidewalks to the Local Street standard along Manila Avenue will require excavating the frontage and retaining walls which may affect properties to the east. This is a significant challenge at this location.

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

1. The applicant shall dedicate right-of-way along both property frontages to accommodate future 4’ grass strip and 5’ sidewalks.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Emily Moghadam Date: 1/11/2019
Property Owner: Emily Moghadam Case #: 2019-83
Representative: Emily Moghadam Map & Parcel: 08212018700

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: *NO CONSTRUCTION PERMIT*
VARIANCE TO SIDEWALKS
REQUESTING CONTRIBUTION IN-LIEU OF
BUILDING
BL 2018-1099 CONDITIONS OF APPROVAL

Activity Type: RESIDENTIAL - 2 UNITS

Location: 207 MYRTLE

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

Reason: 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 5 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.

Emily Moghadam

Appellant Name (Please Print)

Representative Name (Please Print)

110 RULAND CIRCLE

Address

Address

HENDERSONVILLE, TN 37075

City, State, Zip Code

City, State, Zip Code

(615) 830-2767

Phone Number

Phone Number

BROWNEYEDGRL218@AOL.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



3593800

ZONING BOARD APPEAL / CAAZ - 20190002031
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08212018700

APPLICATION DATE: 01/11/2019

SITE ADDRESS:

207 MYRTLE ST NASHVILLE, TN 37206

LOT 66 NEIL S BROWN

PARCEL OWNER: MOGHADAM, MICHAEL HADIDIAN & EM CONTRACTOR:

APPLICANT:**PURPOSE:**

Requesting to make contribution in lieu of constructing sidewalks for SP development to include 2 residential Units.

***No construction Permit(s) started.

Variance request required due to Conditions of Approval for BL2018-1099

POC: Emily Moehadam 615-830-2767

*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.

Abbie Rickoff, AICP

Planner II | Land Development

Metropolitan Nashville Planning Department

800 Second Avenue South | P.O. Box 196300

Nashville, TN.37219-6300

phone: 615.862.7217

4. Please add (list) the BL2018-1099 Conditions of Approval to the final SP plans.
5. Per Condition #4: Contribution in-lieu of sidewalk construction shall be made. Sidewalks are required by the MCSP to be a five-foot sidewalk and four foot grass strip. A variance is appropriate given the existence of a complete sidewalk network on this block. Applicant must apply for a variance through the Board of Zoning Appeals.
 - You will need to comply with Condition #4, including filing for a variance per the language in BL2018-1099. Please provide status update.

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.

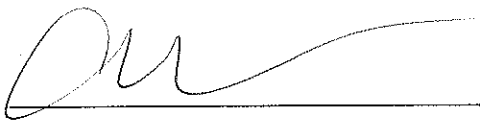
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Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



APPELLANT

01/11/19

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?

Variance request being submitted
as a condition of BL 2018-1099.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION**BZA Case 2019-083 (207 Myrtle Street)**

| | |
|--------------------------|--|
| Metro Standard: | 4' grass strip, 5' sidewalk, as defined by the Local Street Standard |
| Requested Variance: | Not construct sidewalks; contribute in lieu of construction (not eligible) |
| Zoning: | SP |
| Community Plan Policy: | T4 NM (Urban Neighborhood Maintenance) |
| MCSP Street Designation: | Local Street |
| Transit: | 390' east from #30 – McFerrin |
| Bikeway: | None existing; none planned |

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant is constructing one detached two-family residential unit on the property and requests to contribute in lieu of construction. Planning evaluated the following factors for the variance request:

- (1) The Metro Planning Commission approved an SP for the property that includes a condition to contribute in lieu of sidewalk construction.

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

1. Maintain existing sidewalk conditions in a state of good repair per Public Works final guidance. Any portion of the existing sidewalk along the property frontage that is not ADA compliant is to be removed and replaced in-kind with MPW Detail ST-210 sidewalk.
2. The applicant shall contribute in-lieu of construction for the property frontage.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF DAVIDSON COUNTY



Appellant: Perry Hausman Date: 1-14-19
Property Owner: ADE 287, LLC Case #: 2019- 84
Representative: Michael Price Map & Parcel: 118-16-6

Council District 16

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

Purpose:

Requesting variance to accommodate 10SF ground sign with 0' front setback and to allow wall signs on 3 facades that are over 155sq. (1 sign is 34SF larger & 2 signs are 14SF larger than allowed)

Activity Type: Commercial Signage

Location: 2919 Sidco Dr.

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

Reason: Does not meet setback or size requirements.

Section(s): 17.32.070(B), 17.32.130(F) 1

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

PERRY HUSMAN
MYERS FLOORING
Appellant Name (Please Print)

MICHAEL PRICE
DESIGN TEAM SIGN CO.
Representative Name (Please Print)

2919 SIDCO DR.
Address

4201 SIDCO DR.
Address

NASHVILLE, TN 37204
City, State, Zip Code

NASHVILLE, TN 37201
City, State, Zip Code

615-390-5595
Phone Number

615-995-1634
Phone Number

P.HOUSMAN@NASHVILLECARPET.COM
Email

M.PRICE@DESIGNTEAM.NET
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**



3594300

**ZONING BOARD APPEAL / CAAZ - 20190002363
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 11816000600**APPLICATION DATE:** 01/14/2019**SITE ADDRESS:**

2919 SIDCO DR NASHVILLE, TN 37204

LOTS 7, 8 & 9 SEC 1 SIDCO

PARCEL OWNER: ADE 787, LLC**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting variance to accommodate 10SF ground sign with 0' front setback and to allow wall signs on 3 facades that are over 15% of each façade. (1 sign is 34SF larger and 2 are 14Sf larger than allowed) 3' x 7.5' sign.

*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

1/14/19

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.

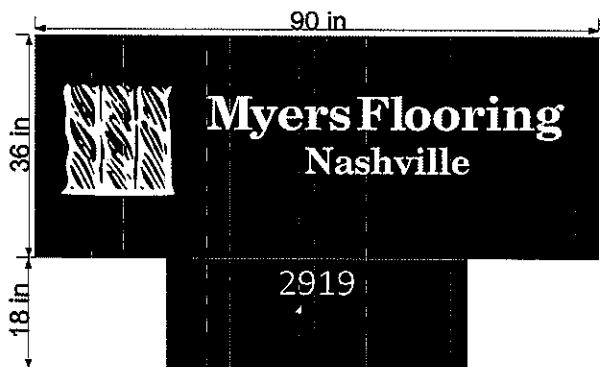
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively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

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

WALL SIGN - CAN NOT CENTER SIGNAGE ON TOWER.

GROUND SIGN - DUE TO PROPERTY LAYOUT, THERE IS NO WHERE TO PUT A GROUND SIGN. REQUESTING A ZERO FT. SETBACK

Entrance Sign



APPLIED VINYL GRAPHICS

3/8" THICK ALUMINUM PLATE LETTERING ON 1/2" STAND-OFFS



END VIEW



| | |
|------------------------|------------------|
| Designer: MAP | Date: 01/29/2019 |
| Client: MYERS FLOORING | |
| File Path: | |

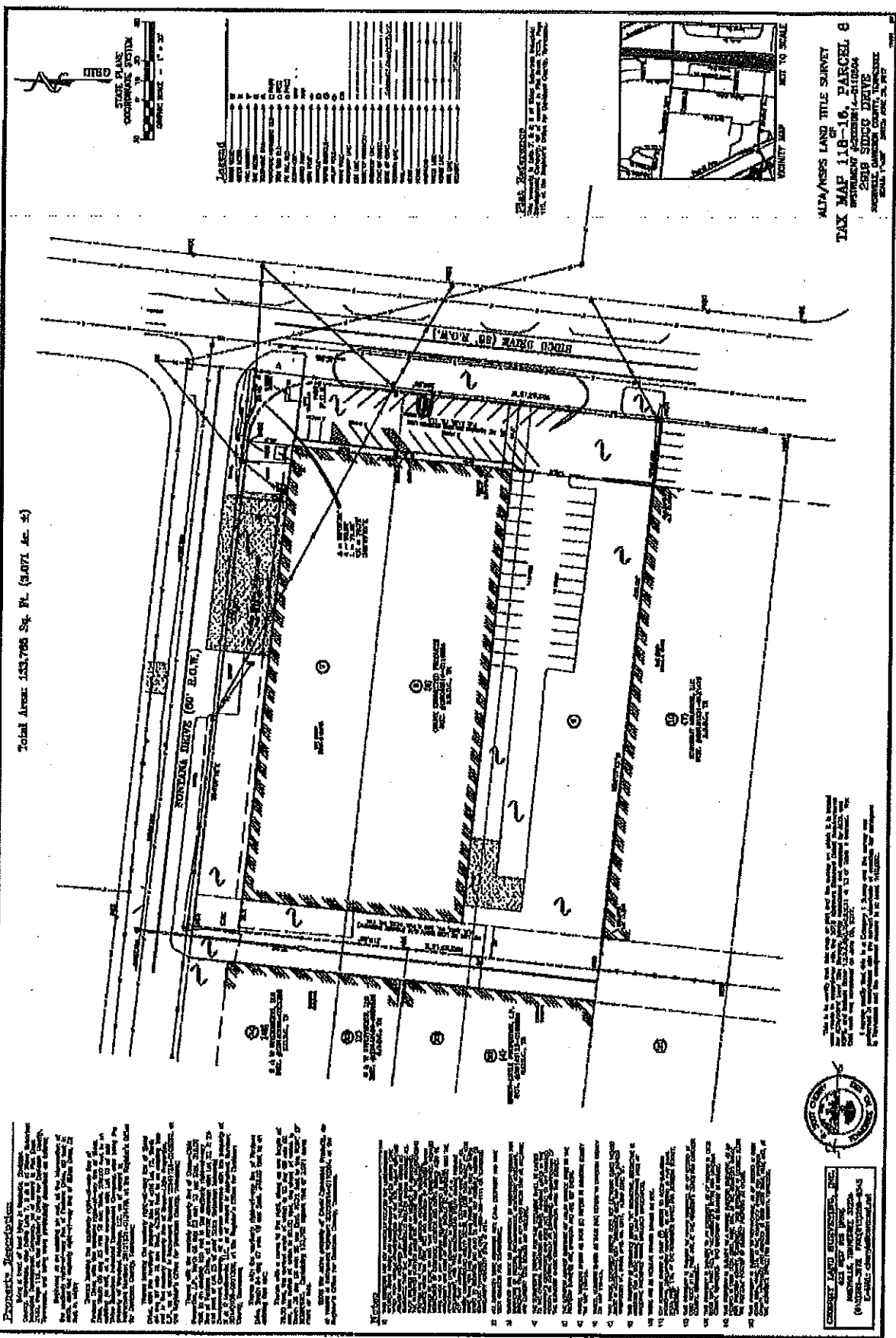
- Proof Is Approved. Proceed With Production Of Order
- Proof Is Approved With Corrections. Make Corrections As Indicated And Proceed With Production Of Order

Signature: _____
I have reviewed this proof in regard to: Sign type, order quantity, and accuracy of icons, symbols, and text (e.g. spelling capitalization, punctuation).
 Print Name: _____
 Date: _____



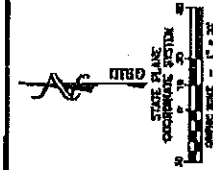
These plans are the exclusive property of Design Team Sign Company and are the result of the original work of its employees. They are submitted to your company for the sole purpose of your consideration of whether to purchase these plans or to purchase from Design Team Sign Company a product manufactured according to these plans. Distribution or exhibition of the plans to anyone other than employees of your company, or use of these plans to construct a product similar to one embodied herein, is expressly forbidden. In the event that exhibition or construction occurs, Design Team Sign Company expects to be reimbursed \$500 in compensation for time and effort entailed in creating these plans.

Total Area: 153,766 Sq. Ft. (3.471 Ac. ±)



Proprietary Information:
 The information contained on this drawing is the property of the Surveyor and is to be used only for the project and site for which it was prepared. It is not to be used for any other project or site without the written consent of the Surveyor. The Surveyor assumes no liability for the accuracy of the information provided on this drawing.

Notes:
 1. All dimensions are in feet and inches unless otherwise noted.
 2. All utility lines are shown in accordance with the utility records on file with the Surveyor.
 3. The proposed building is shown in accordance with the architectural drawings on file with the Surveyor.
 4. The proposed parking spaces are shown in accordance with the parking layout on file with the Surveyor.
 5. The proposed drive ways are shown in accordance with the site plan on file with the Surveyor.
 6. The proposed utility lines are shown in accordance with the utility records on file with the Surveyor.
 7. The proposed building is shown in accordance with the architectural drawings on file with the Surveyor.
 8. The proposed parking spaces are shown in accordance with the parking layout on file with the Surveyor.
 9. The proposed drive ways are shown in accordance with the site plan on file with the Surveyor.
 10. The proposed utility lines are shown in accordance with the utility records on file with the Surveyor.



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Plan Information:
 This drawing is a plan view of the proposed building and parking spaces. It is not to be used for any other project or site without the written consent of the Surveyor. The Surveyor assumes no liability for the accuracy of the information provided on this drawing.

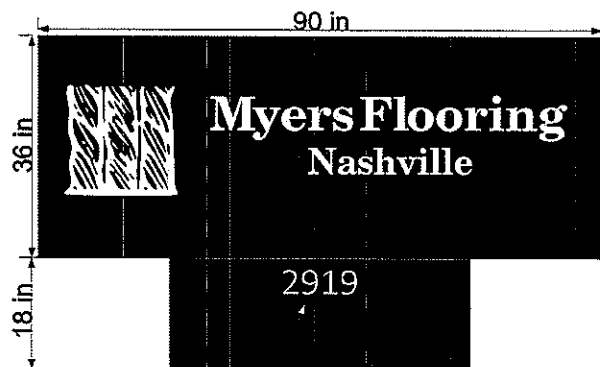


ALTA/ISS LAND TITLE SURVEY
 OF
TAX MAP 118-16, PARCEL 8
 2819 SIDING DRIVE
 WASHINGTON, MISSISSIPPI
 DATE: 1/11/17
 SCALE: AS SHOWN ON PLAN



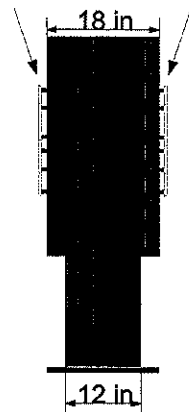
CONCRETE LAND SURVEYORS, INC.
 1000 N. 10TH ST.
 WASHINGTON, MISSISSIPPI 39204
 PHONE: (601) 933-1111
 FAX: (601) 933-1112
 EMAIL: CONCRETE@CSLSURVEYORS.COM

Entrance Sign



APPLIED VINYL GRAPHICS

3/8" THICK ALUMINUM PLATE LETTERING ON 1/2" STAND-OFFS



END VIEW



| | |
|------------------------|------------------|
| Designer: MAP | Date: 01/29/2019 |
| Client: MYERS FLOORING | |
| File Path: | |

- Proof Is Approved. Proceed With Production Of Order
- Proof Is Approved With Corrections. Make Corrections As Indicated And Proceed With Production Of Order

Signature: _____
I have reviewed this proof in regard to Sign type, order quantity, and accuracy of icons, symbols, and text (e.g. spelling capitalization, punctuation).

Print Name: _____

Date: _____



These plans are the exclusive property of Design Team Sign Company and are the result of the original work of its employees. They are submitted to your company for the sole purpose of your consideration of whether to purchase these plans or to purchase from Design Team Sign Company a product manufactured according to these plans. Distribution or exhibition of the plans to anyone other than employees of your company, or use of these plans to construct a product similar to one embodied herein, is expressly forbidden. In the event that exhibition or construction occurs, Design Team Sign Company expects to be reimbursed \$600 in compensation for time and effort entailed in creating these plans.

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: 15th Church Equity Investors

Date: _____

Property Owner: 15th Church Equity Investors

Case #: 2018- 85

Representative: Lee Molette

Map & Parcel: 92-12/340

Council District 19

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

Purpose:

To reduce parking spaces

Activity Type: Residential- Short Term Rental Condos

Location: 1506 Church St Nashville 37203

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

Reason: 17.20.030

Section(s): Variance from parking requirements.

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

15th Church Equity Investors
Appellant Name (Please Print)

Lee Molette
Representative Name (Please Print)

1506 Church St #130
Address

1506 Church St #131
Address

Nashville, TN 37203
City, State, Zip Code

Nashville, TN 37203
City, State, Zip Code

(615) 300.7862
Phone Number

(615) 300.7862
Phone Number

lee.fs.developers@gmail.com
Email

lee.fs.developers@gmail.com
Email

Appeal Fee: _____

Frank Stanton Developers, LLC

1506 Church St #130

Nashville, TN 37203

(615) 600.7862

1.11.19

Re: Variance Request

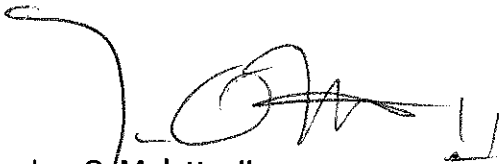
Dear Zoning Appeals Board

The property at 1506 Church is being developed as a Short- term rental condominium building. We are appealing to have the required parking requirement of 40 spaces reduced to 14. This requirement burdens the development with significant excessive parking requirements. We will submit supporting documentation and studies prior to our hearing. However, with the growth of ride-share and other alternative means of transportation including buses, most visitors are no longer driving. Therefore, they do not require as much parking. Our location is within walking distance of the majority of Nashville's entertainment districts & venues for our guests.

This reduction will allow us to create a more pedestrian friendly environment while avoiding both above grade parking and un-utilized building areas.

We respectfully submit this appeal for your consideration.

Warm regards

A handwritten signature in black ink, appearing to read 'Lee O. Molette, II', with a large, sweeping initial 'L' on the left side.

Lee O. Molette, II

President

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

1.11.19
DATE

| | |
|-------------|-------------------------------------|
| DATE | Checked: 02/28/2019 |
| PROJECT | Church Street Residences |
| SHEET | MOODY-NOLAN |
| DESCRIPTION | PROGRESSIVE RESPONSIVE ARCHITECTURE |
| SCALE | AS SHOWN |
| DRAWN BY | MOODY-NOLAN |
| CHECKED BY | FRANK STAMTON |
| DATE | 2/28/19 |
| DRAWN | MOODY-NOLAN |
| CHECKED | FRANK STAMTON |
| DATE | 2/28/19 |

Church Street Residences
MOODY-NOLAN
PROGRESSIVE RESPONSIVE ARCHITECTURE
FRANK STAMTON DEVELOPMENT

OVERALL FIRST FLOOR CHECKSET

MOODY-NOLAN ARCHITECTURE
1255 STATE ST.
ANN ARBOR MI 48106

FRANK STAMTON DEVELOPMENT
1255 STATE ST.
ANN ARBOR MI 48106

Proj. No.: 19-085
Rev.: 01
Date: 02/28/19

Overall First Floor
100% CD Checkset

GENERAL NOTES - FLOOR PLAN

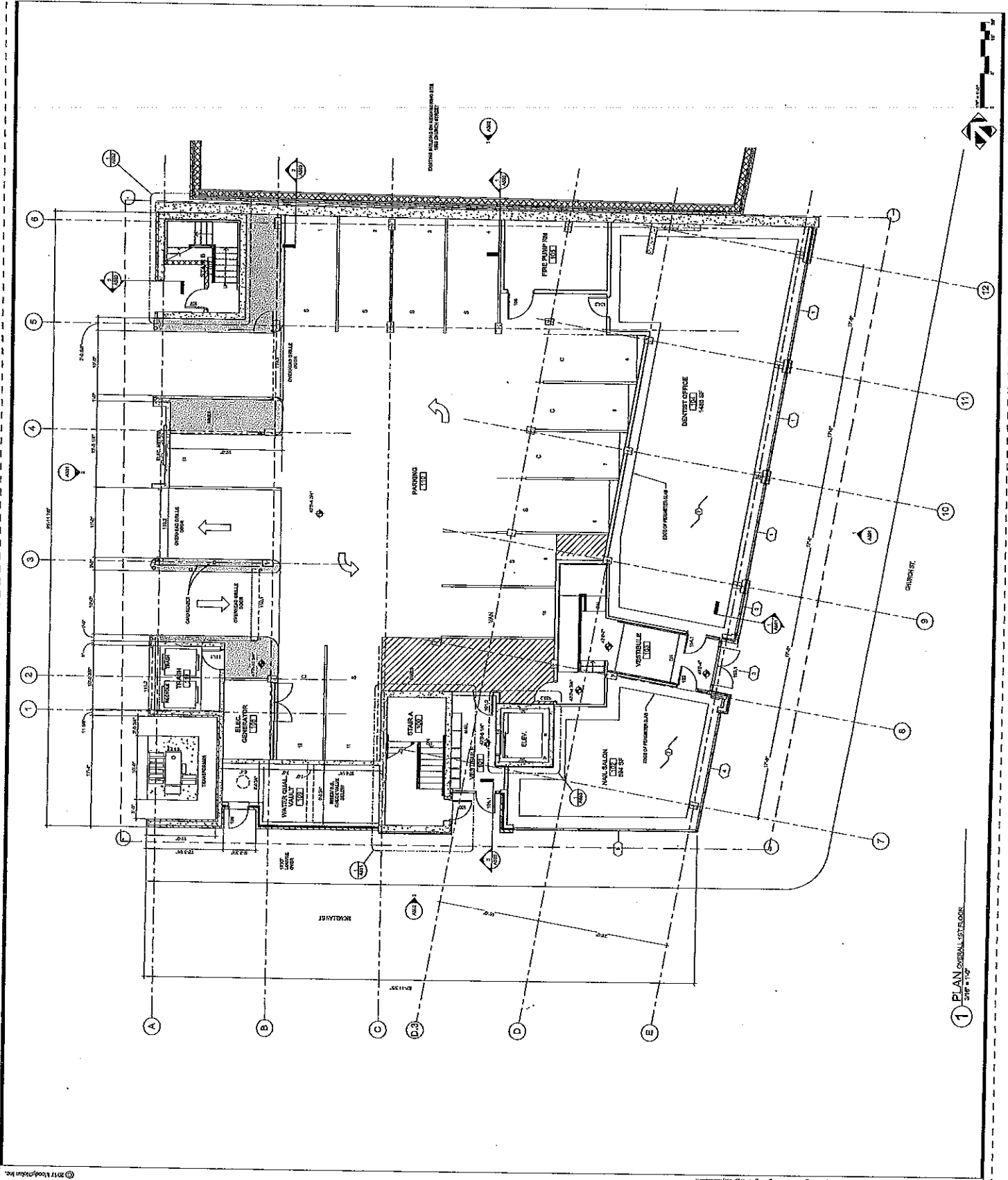
- 1. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
- 2. SEE STRUCTURAL DRAWINGS FOR WALL THICKNESS AND ALL DETAIL.
- 3. SEE ELECTRICAL DRAWINGS FOR ALL ELECTRICAL SYMBOLS AND SCHEDULES.
- 4. SEE MECHANICAL DRAWINGS FOR ALL MECHANICAL SYMBOLS AND SCHEDULES.
- 5. SEE FINISH SCHEDULES FOR ALL FINISHES.
- 6. SEE LANDSCAPE ARCHITECTURE DRAWINGS FOR ALL LANDSCAPE SYMBOLS AND SCHEDULES.
- 7. SEE CIVIL ENGINEERING DRAWINGS FOR ALL CIVIL ENGINEERING SYMBOLS AND SCHEDULES.
- 8. SEE ALL OTHER DRAWINGS FOR ALL OTHER SYMBOLS AND SCHEDULES.

CODED NOTES - FLOOR PLAN

- 1. SEE STRUCTURAL DRAWINGS FOR ALL DIMENSIONS OF WALLS, PARTITIONS, AND CEILING.
- 2. SEE MECHANICAL DRAWINGS FOR ALL DIMENSIONS OF MECHANICAL EQUIPMENT AND DUCTS.
- 3. SEE ELECTRICAL DRAWINGS FOR ALL DIMENSIONS OF ELECTRICAL EQUIPMENT AND PANELS.
- 4. SEE FINISH SCHEDULES FOR ALL FINISHES.
- 5. SEE LANDSCAPE ARCHITECTURE DRAWINGS FOR ALL LANDSCAPE SYMBOLS AND SCHEDULES.
- 6. SEE CIVIL ENGINEERING DRAWINGS FOR ALL CIVIL ENGINEERING SYMBOLS AND SCHEDULES.
- 7. SEE ALL OTHER DRAWINGS FOR ALL OTHER SYMBOLS AND SCHEDULES.

WALL PATTERN LEGEND

- 1. 1/2" CMU
- 2. 8" CMU
- 3. 12" CMU
- 4. 16" CMU
- 5. 20" CMU
- 6. 24" CMU
- 7. 28" CMU
- 8. 32" CMU
- 9. 36" CMU
- 10. 40" CMU
- 11. 44" CMU
- 12. 48" CMU
- 13. 52" CMU
- 14. 56" CMU
- 15. 60" CMU
- 16. 64" CMU
- 17. 68" CMU
- 18. 72" CMU
- 19. 76" CMU
- 20. 80" CMU



1 PLAN OVERALL 1ST FLOOR
Scale = 1/8"

PROJECT: 1255 STATE ST. ANN ARBOR MI 48106
MOODY-NOLAN ARCHITECTURE
1255 STATE ST. ANN ARBOR MI 48106

© 2017 Moody-Nolan Inc.

From: [Lisa Booy](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Oppose Case# 2019-085
Date: Thursday, February 28, 2019 11:45:47 AM
Importance: High

I am opposed to the zoning variance which has been requested in Case #2019-085.

I respectfully ask that the Board deny this variance as there is no hardship to justify such. If granted, the hardship will be our business and the other existing area businesses.

The proposed project consists of a 52 unit building with retail on the ground floor. It is my understanding that Codes requires 62 parking spaces for this project but they are asking for a 51 space REDUCTION (from 62 to 11 spaces). Our business is located adjacent to this project and I have first-hand knowledge of the limited parking available in the area without the additional living and/or short term rental space. Eleven parking spaces, as requested, is insufficient for the retail space proposed and to add 52 units of living space that will share the 11 parking spots is irrational.

Our business cannot share or contribute any parking as we utilize all of our parking to conduct our own business. We have a full-time staff, patients, repair, service and janitorial parking. We cannot assume the cost of a parking attendant to supervise our parking lot/spaces. We cannot assume the cost of an employee to supervise the towing of unauthorized automobiles. Our business has met codes requirements for parking and request the same be required of surrounding businesses.

There is very limited street parking and much of that is taken by area businesses, both during and after hours. There is NO access to a parking garage in our area. Although there is a paid parking lot with 18 spots that is only available after hours, they do not accommodate any parking during the day except to their own customers (all others are towed).

If this project plans to rely on the Uber/Lift model, then they will still require parking/pickup areas for these vehicles. Déjà Vu has attempted this model which has resulted in **severe congestion** on 15th Avenue that overflows onto Church Street. This area has become **dangerously overcrowded** with cars parked in “no parking” and/or loading zones, streets being blocked due to double-parking of Uber/Lift drop off and pickup, pedestrian foot traffic around vehicles that park on the sidewalks, and very restricted traffic flow for emergency vehicles.

Once again, for the safety of our employees, clients, customers and community, I ask that the Board deny the request for a reduction in required parking space.

Sincerely,

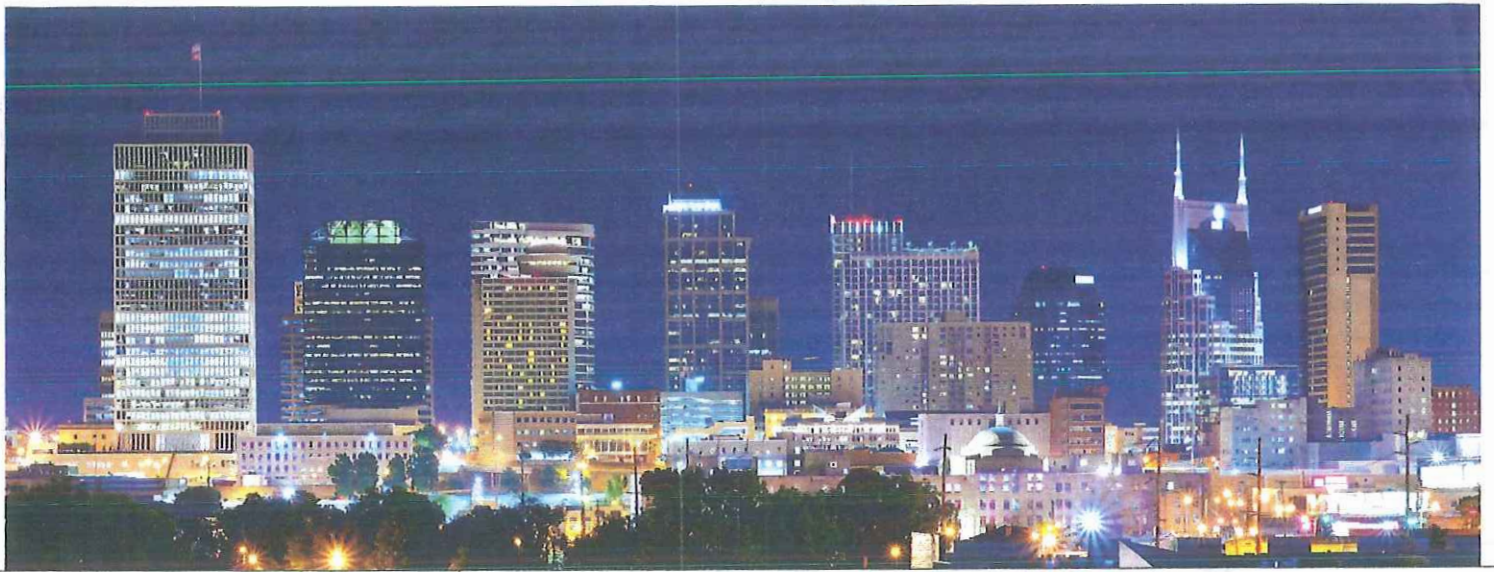
Lisa B. Booy

Lisa B. Booy
Director, Regulatory and Financial Affairs
Clinical Research Associates, Inc.
1500 Church St., Suite 100
Nashville, TN 37203
615-329-0197 (phone)

615-320-7883 (fax)

Lisa@CRAnashville.com

52 Condos | Studio, 1- and 2- Bedroom Options | All Qualify for Short-term Rental

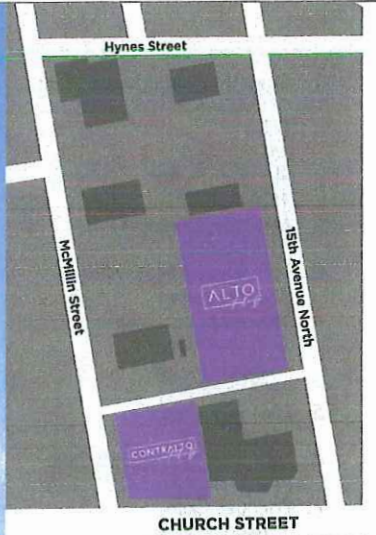


COMING 2020 TO 1506 CHURCH STREET IN NASHVILLE

AltoContralto.com

615.861.4164

MARKETED BY **VILLAGE**
615.383.6964



CONTRALTO
central city

Frank Stanton Developers, LLC**1506 Church St #130****Nashville, TN 37203****(615) 600.7862****2.26.19**

Re: Variance Request Case #2019-085

Dear Zoning Appeals Board

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

- A letter from a seasoned short-term rental management company
- A parking study used to secure a similar request a couple of blocks away
- Several pictures of nearby free and pay parking within 10-500 feet from the site
- Letters of Support from neighbors
- Letter from our Sales team

This reduction will allow us to create a more pedestrian friendly environment while avoiding both above grade parking and un-utilized building areas. Furthermore, this aligns with Metro's objective to promote the use of alternative means of transportation. Finally, urban planners are advising developers to plan for fewer drivers and even build garages so that can be converted to office or other uses. Especially in neighborhoods like Church Street.

We respectfully submit this appeal for your consideration.

Warm regards



Lee O. Molette, II

President



A Luxury Vacation Rental Management Company

806 Third Avenue South, Nashville, Tennessee 37210

Mr. Lee O Molette II, President
Frank Stanton Developers, LLC
533 Church Street #130
Nashville, Tn 37219

Dear Lee:

It was great speaking with you and discussing our experience with parking for vacation rentals in downtown Nashville. As you know we have managed properties in downtown for over five years. We believe that we understand the market.

After our discussion, I went back and confirmed our experience with downtown guests that stay in our properties. Approximately 30% of the visitors to our properties require parking for their stay. In one building on Second Avenue North, we have 15 units, and we offer parking for guests renting those units. However, we only secured 8 dedicated spaces for the 15 units. We also have additional spaces for the other guests that stay in other downtown properties. In three years of offering these parking options, we have not used all the spaces at one time.

Having nearby pay parking lots and some small percentage of dedicated spaces for guests to purchase would be my recommendation, based on our experience. Please let me know, if we can assist you further.

Sincerely,

A handwritten signature in black ink that reads "Alfonzo Alexander". The signature is fluid and cursive, with the first and last names clearly legible.

Alfonzo Alexander
Chief Executive Officer



Graduate Parking Demand



8/31/2017

Table
Project: Graduate
Description: Mixed-use Development

SHARED PARKING DEMAND SUMMARY

PEAK MONTH: AUGUST - PEAK PERIOD: 9 PM WEEKEND

| Land Use | Project Data Quantity Unit | Weekday | | | | | Weekend | | | | | Weekday | | | Weekend | | |
|--|-------------------------------|-----------|----------|-------------------|--------------|----------|-----------|----------|-------------------|--------------|----------|------------------|----------------------------------|--------------------------|----------------------------------|-----------------------|--------------------------|
| | | Base Rate | Mode Adj | Non-Captive Ratio | Project Rate | Unit | Base Rate | Mode Adj | Non-Captive Ratio | Project Rate | Unit | Peak Hr Adj 9 PM | Peak Mo Adj August | Estimated Parking Demand | Peak Hr Adj 9 PM | Peak Mo Adj August | Estimated Parking Demand |
| Hotel/Leisure | 200 Units | 0.50 | 0.35 | 1.30 | 0.32 | Rooms | 1.00 | 0.35 | 1.00 | 0.35 | Rooms | 0.85 | 1.00 | 61 | 0.95 | 1.00 | 67 |
| Restaurant/Lounge | 5,800 sq ft GLA | 18.00 | 0.50 | 0.50 | 3.00 | Rest GLA | 10.00 | 0.50 | 0.60 | 3.00 | Rest GLA | 0.67 | 0.69 | 12 | 0.67 | 0.59 | 12 |
| Conference Ctr/Banquet (20 to 50 sq ft/ga) | 7,500 sq ft GLA | 30.00 | 0.50 | 0.25 | 3.75 | Rest GLA | 30.00 | 0.50 | 0.25 | 3.75 | Rest GLA | 1.00 | 1.00 | 28 | 1.00 | 1.00 | 28 |
| Employee | | 0.25 | 0.50 | 1.00 | 0.13 | Rooms | 0.15 | 0.50 | 1.00 | 0.09 | Rooms | 0.20 | 1.00 | 5 | 0.25 | 1.00 | 10 |
| | | | | | | | | | | | | | Customer Employee Reserved Total | 107 5 0 105 | Customer Employee Reserved Total | 107 10 0 117 | |

ULI base data have been modified from default values.

Our review includes both the Nashville Code requirement for a project in the UZO district as well as the "market demand" as prepared by Hastings Architecture. Also, as a comparison of these two methods of determining parking demand, we have also prepared an estimate of the parking needed for the Graduate using the Urban Land Institute's Shared Parking Model. This model allows for using the ULI established baselines for parking demand but also incorporating the variables unique for each development. The variables to be used in the model include estimates of how many of the hotel guests will use alternative methods of transportation to arrive at the hotel (other than personal or rented automobile) and how many of the customers of the restaurant/ bar and meeting space will also be guests of the hotel and therefore not generate additional parking demand. My analysis (using the ULI model) projects the following peak parking demand for the Hotel:

- Hotel - 67 Spaces
 - Employee - 10 Spaces
 - Restaurant/Bar - 12 Spaces
 - Meeting - 28 Spaces
- TOTAL - 117 Spaces

Please note that the variables used in the calculations are based upon our own experience and empirical data of similar product hotels and also reflect the local conditions of this Nashville area.

Using the ULI model calculations and our experience the results are that the estimate for parking demand aligns with the market demand as prepared by Hastings Architecture and that building the requirement per the Nashville UZO code would result in excessive parking supply and the negative impact of wasted land resources, unnecessary maintenance and capital repair/replacement costs.

Please let me know if we can provide further information or clarification for our analysis.

Thanks,

Ryan

Ryan Hunt / COO - Partner / 615-554-7472 / ryan.hunt@premierparking.com

Premier Parking Office: 615-238-2250

421 Church Street / Nashville, TN 37219 / www.premierparking.com

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: HP Architecture APPEAL CASE 2017-272
 2000 West End Avenue
 Map: 92-16 Parcel: 4
 Zoning Classification: MUI-A

ORDER

This matter came to be heard in public hearing on 11/16/2017, before the Metropolitan Board of Zoning Appeals, upon application for a variance from parking requirements to reduce parking spaces from 202 to 117.

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

- 1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- 2) The appellant sought this permit under Section 17.40.180 (B) of the Metropolitan Code.
- 3) The appellant HAS satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be Granted.

UPON MOTION BY: David Ewing

Seconded by: Cynthia Chappell

Ayes: David Taylor, Richard King
 Nays: Christina Karpyneo, David Harper
 Abstaining:
 Absent: Alma Sanford

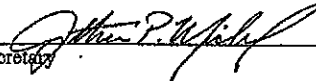
ENTERED THIS 20th DAY OF November, 2017

METROPOLITAN BOARD OF ZONING APPEALS

Chair



Secretary

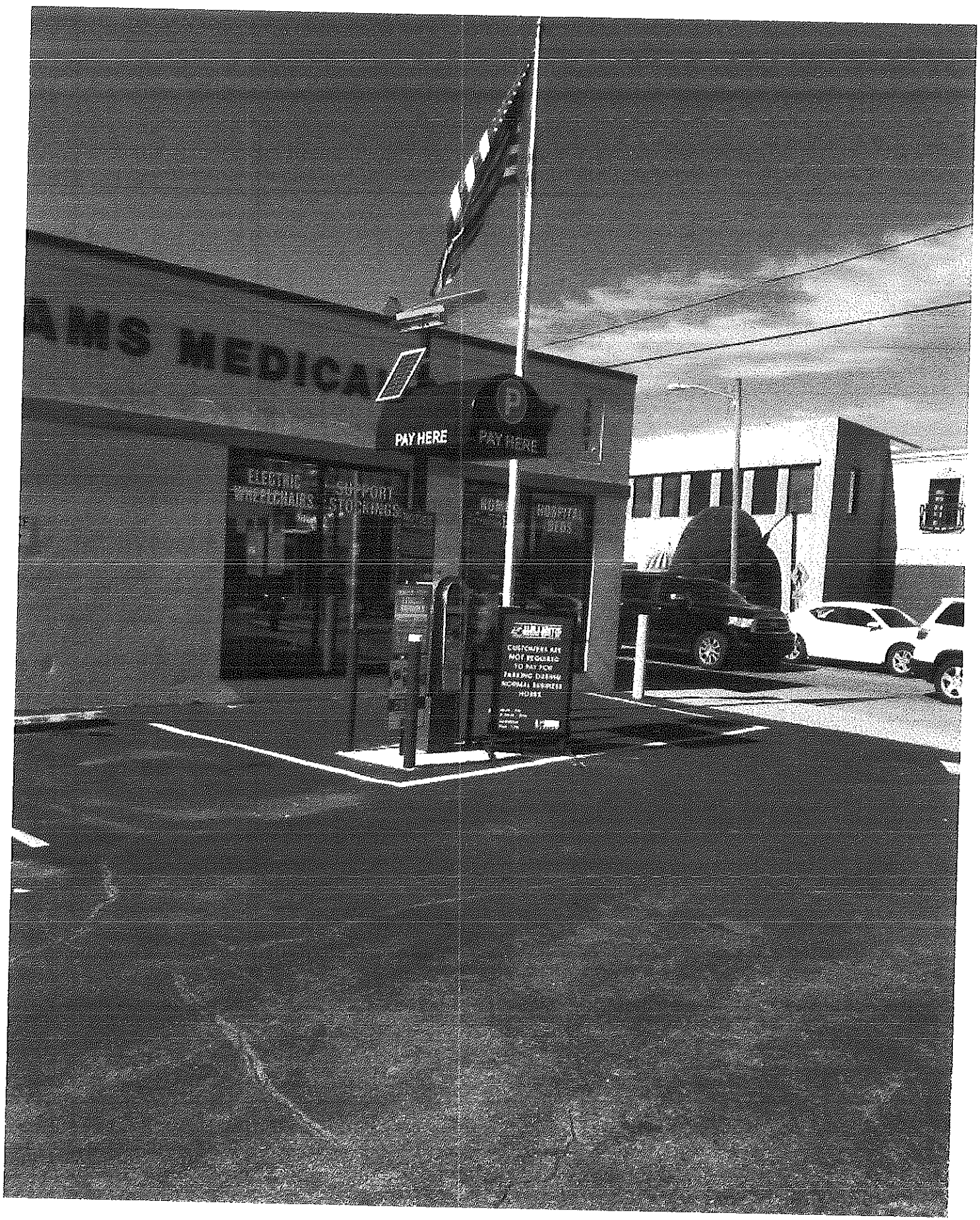


Behind Contralto



Alto parking lot
Friday 10.12.18

After 5:00 pay parking ^{FRIDAY} 10-12-18 Across the Street +



Friday 10.12.18 McMillan STR 3 out of 10

Case # 2019-085



Friday 1.4.19 McMillan STR property

cont of 10



Friday 10-12-18 Mc Millan 2 out of 7



Friday 1.4.19 McMillan STR

2 out of 7



Friday 10.12.18 Across the Street directly 4 meters



Friday 1.4.19 Church St directly across from Conralto
4 meters + 20 more free spaces



Friday 10.12.18 Church Street 20+ spaces directly across the street



Friday 1.4.19 Church St across from Contralto 20+ spaces



Friday 10.12.18 McMillan adjacent to Contralto

Case # 2019-085



1.4.19 McMillan Street + parking



Cynthia Kinnard & family

Sweetbriar

Nashville, TN

February 13, 2019

Re: 1506 Church St parking appeal

Dear BZA commission members:

We are writing this letter of support for the above appeal because it is an excellent project for our neighborhood and its growth. In fact, we sought Lee Mulette out and offered our support unsolicited. As we consider the new modes of transportation many visitors of the city use, we believe it only makes sense to reduce the number of parking spaces required. In addition, as significant landowners and former residents of nearby land since 1923, our family does not see a downside to the development.

Commission members, realizing there was concern from one or two of your members regrading parking during construction, we have offered use of our land for parking and staging during the process if necessary. We are excited to see a development of such high quality coming to our neighborhood and fully expect to reap benefits from it.

We urge you the commission to approve the appeal as applied for knowing that one of the families with nearly a 100 year legacy is supportive. Lastly, we are not planning to sell our land, and have turned down numerous lucrative offers.

Warm Regards



Cynthia H Kinnard & family

Landowners, neighbors & supporters

Shiv Investment Group
970 S Jefferson Avenue
Cookeville, TN 38501

February 22, 2019

Re: Appeal #2019-085

Dear BZA commission members:

Please consider this letter of support as you deliberate the appeal for a reduction of parking. As hoteliers with over 30 properties across the country. We have seen the use of our parking lots by guests reduced in recent years as a result of rideshare services. Therefore, we are comfortable with this project and do not see a negative impact for our neighborhood. In- fact a new development would be very beneficial. Lastly, we are willing to allow staging or parking for the development on our property if needed.

We own 216,218,220,222, & 224 15th Ave N. Also 215 & 217 14th Ave N. Please note as investors in this project, we have a vested interest in accommodating the needs of the development. We do not have any immediate plans for our property.

Respectfully


Neil Patel

Shiv Investment Group



February 27, 2019

Dear BZA,

Village is the sales team for the short-term rental community Contralto condominiums. As a firm that is heavily involved in the STR market, it is our experience that the development will need very little parking as most guests will use alternative modes of transportation.

With the addition of Publix, Whole Foods and all the restaurants, entertainment, and new office buildings in walking distance, this area is truly a walking community.

Our experience is no more than 30% of guests will need to park a vehicle.

Regards,

Mark Deutschmann
Founder & Chair Emeritus, Village
markd@villagetn.com
o: 615.383.6964 x113
d: 615.369.6151

villagetn.com

2206 21st Avenue South | Nashville, Tennessee 37212 | 615.383.6964

Board of Zoning Appeals

February 20, 2019

RE: Lee Molette Zoning Appeal Case # 2019-085

We respectfully submit our objections to the zoning variance mentioned above. The proposed project would be at the corner of Church and McMillin Streets. As provided below, our objection is based on statistical data for parking requirements, the physical limitations of parking on McMillin Street and Church Street and the disruption to the business of the existing establishments in the project area.

We operate a 15-unit short-term rental property (STRP) located at 321 McMillin Street. Our business, McMillin Court Vacation Rentals, has been in business for approximately 3 1/2 years. We have 26 on-site-private parking spaces available to our guests. Our data regarding the parking needs for operating a STRP complex is as follows:

- Our research shows a need of 1 ½ to 2 parking spots per rental unit. The number increases in higher tourist destinations such as Nashville.
- STRP's are often shared by multiple parties and require more than one parking space per unit.
- A high percentage of our guests bring their own vehicle to Nashville even though they may use riding services to get around town.
- Our 26 parking spaces are normally fully utilized when all 15 rental units have guests.
- STRP's also require parking for deliveries and cleaning crew.

Based on our experience and data, the proposed project would need a minimum of 1 ½ parking spaces per unit, or a total of 78 parking spaces for 52 units. This does not include the parking space required for the retail portion of the project.

McMillin Street has become a busy corridor between Charlotte and Church Streets. McMillin Street is not wide enough to accommodate side-street parking. The two "end" streets connected to McMillin Street (Church Street and Charlotte Ave.) both have heavy traffic flow. Any vehicles parked on McMillin Street resulting from an overflow from this project would obstruct the driver's ability to turn onto either Church Street or Charlotte Ave. and result in traffic congestion and potentially traffic accidents.

McMillin Street has approximately nine (9) retail businesses located on a street that is approximately ¼ mile long. The existing businesses have on-site private parking for their customers. There is not a surplus of parking available for anyone other than the customers of these establishments. The overflow

(continued)

of parked vehicles on McMillin Street from the project would interfere with the business of these established companies.

The area of Church Street surrounding the project is already adversely by other establishments operating without parking. Obviously, the parking problem on Church Street would be exacerbated by the lack of adequate parking by this project.

Sincerely,

Norton Smith

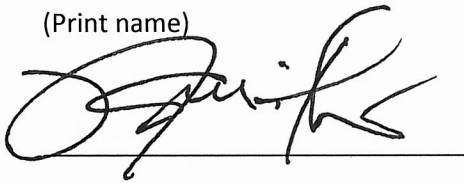
CFO

2/20/19

(Print name)

(title)

(date)



(signature)

Clay Louallen

Property Manager

2/20/19

(Print name)

(title)

(date)



(signature)

From: [Patrick Schipani](mailto:Patrick.Schipani)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Fwd: Appeal Case Number 2019-085
Date: Thursday, February 28, 2019 2:33:40 PM

Sent from my iPhone

Begin forwarded message:

From: Patrick Schipani <phschipani@aol.com>
Date: February 28, 2019 at 2:03:34 PM CST
To: CRALMS@AOL.COM
Cc: phschipani@aol.com
Subject: Fwd: Appeal Case Number 2019-085

-----Original Message-----

From: Patrick Schipani <phschipani@aol.com>
To: BZA <BZA@nashville.gov>
Sent:
Subject: Appeal Case Number 2019-085

Jon Michael, Zoning Administrator

METRO BOARD OF ZONING APPEALS

My wife and I are Frank Moore Holdings, owners of the building at 1500 Church St. that is adjacent to this proposed project. We are opposed to any variance for parking as requested for 1506 Church St. All parking presently in the area is private except on street parking. The demand for this parking is already beyond capacity.

We are opposed to this variance as it will create illegal parking on our property and the surrounding neighbors.

We are not in the core business district that has many public parking garages available for those businesses.

There are no physical or unique characteristics associated with 1506 Church St. that we feel would justify the granting of this proposed variance. We see none listed on the application

nor are there any visible unique characteristics at the property.

The VRBO as requested is something like a private residence/hotel. This will bring many renters and their visitors into the area looking for parking even though some will use taxis or Uber/Lyft.

The retail will also attract customers along with the employees that will need parking. We need our parking for the employees and staff at 1500 Church.

We feel that if adequate parking is not required it will cause injury to our property and require constant monitoring of illegal parking. We all want to be neighborly.

Church St. is a busy road and the alley in the rear needs to remain open to traffic at all times as we all use it several times a day. I cannot imagine all the renters, customers, employees, repairmen, etc. converging onto 11 parking spaces.

Mr. Lee Molette is a good man and has been a good neighbor to us all. We are not against his project, just very much opposed to the parking variance and the injury it will cause to the neighborhood.

We are opposed to granting any variance as requested in: Appeal Case Number 2019-085.

Thank You

Patrick Schipani
Frank Moore Holdings
1500 Church St./221, 223 15th Ave North. 37203
615.969.0829

February 21, 2019

VIA EMAIL (bza@nashville.gov)

Dear Board of Zoning Appeals Members:

Equitable Trust Company, Trustee of the J. M. Wilkerson, Jr. Trusts, is the owner of the parcels located at 1515, 1517, and 1519 Church Street. After reviewing the recording of the November 15th hearing, I am writing today to express our strong opposition to the parking variance request from 15th & Church Equity Investors at 1506 Church Street – BZA Case 2019-085. Here are our reasons:

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

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

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

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

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

Board of Zoning Appeals
November 30, 2018
Page Two

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

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

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

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

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

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

Sincerely,

Equitable Trust Company, Trustee

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

From: [Justin W. Leach](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: BZA Appeal Case No. 2019-085 / 15th & Church Equity Investors
Date: Monday, February 11, 2019 6:02:04 PM

To Whom It May Concern:

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

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

Sincerely,
Justin Leach
615-403-4315



CLINICAL RESEARCH ASSOCIATES, INC.

1500 CHURCH ST. • SUITE 100 • NASHVILLE, TN 37203 • 615-329-0197

FAX 615-320-7883 • www.ClinicalResearchAssociates.com

February 28, 2019

Via Email

Regarding: BZA Case 2019-085

Board of Zoning Appeals Members:

I am writing to respectfully voice my strong opposition to the variance requested by Mr. Lee Molette/15th & Church Equity Investors. I am the owner of the building and business adjacent and the parking lot running parallel to the proposed project.

For the past 10 years, Mr. Molette and I have had a handshake agreement to swap parking spaces as I own the ones closer to his office and likewise, his spaces are in close proximity to my office. On any given day, his building utilizes all of my spaces as well as over-flow into his parking lot. It is inconceivable with the same retail plus an additional 52 unit building could be served with only 11 parking spaces!! Even if every unit were filled with shared riders, as Mr. Molette suggested, there would not be enough parking for employees, customers, cleaning crews etc. Also, our handshake agreement will not be extended as construction begins. I will need all of my parking spaces for my employees and clients.

As stated in the **Standards For A Variance (Section 17.40.370)**, there has to be a hardship. The hardship cannot be self-imposed or solely for financial gain. Based

Greg Kyser, MD, LLC

1500 Church St. Ste. #200

Nashville TN, 37203

615 750 3696

Fax: 750 3749

Certified ABPN

Adult, Occupational and

Distinguished Fellow APA

Forensic Psychiatry

TO: Board of Zoning Appeals Members:

RE: BZA Case # 2019-085

I wish to express my opposition for the above stated appeal. My medical practice is located at 1500 Church Street which is next to Mr. Molette's proposed project. We do not have enough available parking on our block or surrounding streets to accommodate a 52 unit condo plus retail space with only 11 parking spaces, as requested.

The proposed limited parking will be injurious to my practice and clients. My clients are accustomed to available parking and easy access to my office. I do not have the resources to provide a parking attend to assure only my patients are parking in designated spaces plus over-night guest will be parked there after office hours and remain after our morning arrival. It would be a 24 hour job! Unfortunately, we have several businesses within our area with limited or no parking. We simply cannot absorb another one. Our narrow side streets are already congested without this additional burden. We have cars parked on the sidewalk leading into our building, which is a no parking zone.

Please consider the established businesses in this area and the safety issues which we face. We have provided parking for our use and have suffered with the encroachment of others. It is incumbent on Mr. Mollette to provide adequate parking for his building and for the board to vote NO for this appeal.

Sincerely,

Greg Kyser MD

3/4/19

From: [Jack Wilder](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Case 2019-085 Lee Mollette
Date: Friday, March 1, 2019 3:58:08 PM

I understand that Lee is asking for a variance to reduce the parking space requirement from 63 to 11 spaces. I have heard that bza suggested a reduction to 37 spaces, which sounds reasonable to me. I'm opposed to allowing only 11 spaces. I don't know what plan Lee has to accommodate parking for 52 units, but there is very little on-street parking available now. It sure seems like something close to 37 spaces would be more appropriate.

Jack Wilder
Wilder Equipment Co.
301 15th Ave. North
Nashville, Tn.

February 28, 2019

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

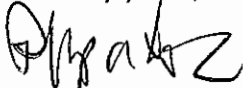
RE: Appeal Case #2019-085
1506 Church Street, Suite 100
Map parcel: 09212034000

To whom it may concern:

My business, Precision Autohaus, would be severely impacted by the proposed variance. We are located directly across an alley from the proposed development. The proposed reduction in parking spaces to accommodate a relatively large mixture of residential and commercial units is unrealistic. The area is already underserved by sufficient parking for a variety of business, including the Déjà vu Gentleman's Club which has zero onsite parking and Fit Factory which has limited parking. Our business and our neighbors, Clinical Research Associates, Inc. and E.S.S., Inc., have made the comment to secure sufficient parking for their employees and customers and we believe that the overflow from the proposed spaces will probably find its way to our parking areas.

In conclusion, I am strongly against this variance.

Sincerely yours,



Philip A. Crooke
Precision Autohaus
202 McMillin Street
Nashville, TN 37203
615-320-6551

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: BERT MORTON Date: 1/14/2019
Property Owner: CHARLOTTE AVENUE
LODGING, LLC Case #: 2019-086
Representative: JOSIE BOWEN Map & Parcel: 0920801700

Council District 19

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

Purpose: TO CONSTRUCT TOWN & PLACE SUITES
HOTEL WITH A SUBWAY RESTAURANT
AND ADDITIONAL TENANT.

Activity Type: COMMERCIAL CONSTRUCTION

Location: 1500 CHARLOTTE

This property is in the MU-1-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: VARIANCE TO LANDSCAPING & PARKING

Section(s): 17.24.4 AND 17.20.30

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.

BERT MORTON
Appellant Name (Please Print)

Representative Name (Please Print)

325 SEABOARD LN
Address SUITE 170

Address

FRANKLIN, TN 37067
City, State, Zip Code

City, State, Zip Code

615-333-7797
Phone Number

Phone Number

bmorton@ccinc.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



3594414

ZONING BOARD APPEAL / CAAZ - 20190002428
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09208017900

APPLICATION DATE: 01/14/2019

SITE ADDRESS:

1500 CHARLOTTE AVE NASHVILLE, TN 37203
LTS 14 TH 16, 35 & 36 WATKINS PLAN & PT CL ALLEY & STREET

PARCEL OWNER: CHARLOTTE AVENUE LODGING, LLC

CONTRACTOR:

APPLICANT:**PURPOSE:**

New Commercial Construction TownePlace Suites, Subway restaurant and additional future tenant ... Appealing:
(1) Landscape Buffer per 17.24 Article 4, requesting to not include a buffer at all (previously appealed/granted Case 2017-054)
(2) Parking requirements per 17.20.30, 175 parking spaces required, requesting reduction to 110 parking spaces
POC: Bert Morton 615-333-7797

No construction Permit application at this point**

*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.

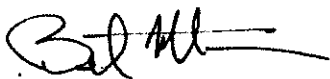
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

1/14/2019

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 Hardship Letter.



Civil & Environmental Consultants, Inc.

January 14, 2019

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

Subject: Variance Request
Proposed TownePlace Suites
1500 Charlotte Avenue
CACN T2017005288
Metropolitan Nashville, Davidson County, Tennessee
CEC Project No. 174-404

Board Members:

Civil & Environmental Consultants, (CEC), on behalf of our client, Charlotte Avenue Lodging, LLC, is submitting this letter to serve as a request for waiver from two provisions listed in Chapter 17 of the Metropolitan Nashville Zoning Code in order to construct a mixed-use facility consisting of a hotel, a Subway (take-out) restaurant, and a full-service restaurant. The two requested variances are as follows:

- Chapter 17.24, Article IV, Landscape Buffer Yard Requirements; and
- Table 17.20.030, Parking Requirements

The conditions supporting our request are explained below.

Landscape Buffer Yard Variance

The Metro Board of Zoning Appeals granted a variance from landscape buffer requirements on February 16, 2017 (Case Number 2017-054; Copy attached). Due to various delays in funding and design progress, the project has not obtained building permit approval within two years of the approval.

The parcel is zoned MUI-A, which does not specify building setbacks; however, since the property to the north (John Henry Hale Homes, an MDHA property) is RM9 zoning, a landscape buffer is required by the Zoning Ordinance. John Henry Hale Homes has a Class D buffer installed, which has a 15' landscaped area and a 8' retaining wall before their property line. An exhibit depicting the properties is included with this letter. This buffer was deemed sufficient by the Board in 2017, and we ask for this consideration to be re-granted.

Board of Zoning Appeals
Metro Nashville
Page 3
January 14, 2019

In three (3) years, there has been a 26% shift from rental cars to ride sharing. This data suggests that the large majority of out-of-town hotel guests travelling to Nashville by airplane will not require parking spaces.

Chandler, Arizona is a suburb outside of Phoenix, and has recently adopted changes (April 2018) to their zoning code to allow for reductions in parking based on ride sharing and autonomous vehicles. The City now allows up to a 40% reduction in parking for sites that support ride sharing. The proposed TownePlace Suites development has a loading and drop-off area on site that will support ride sharing.

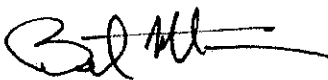
A study completed in Alexandria, Virginia collected parking usage data for ten hotels located in the city. It was observed that hotels had an average parking occupancy of 0.5 spaces per room with a range of 0.2 to 0.9 spaces per room. The average parking occupancy of hotels within ½ mile of the Metro commuter train was 0.3 spaces per room. For 9 of the 10 sites, actual parking demand was lower than the current minimum zoning requirement. The study also noted that multiple hotels in the study offer daily or monthly parking for non-hotel use to utilize excess parking. This indicates that urban hotel patrons do not tend to drive their own cars (or rental cars) to the hotel. Alternate modes of transportation are employed, such as trains, taxis, or ridesharing. The available data points towards reduced parking for downtown hotels, such as this one.

In closing, we appreciate your attention to this request. We believe that the proximity of this site to the Downtown Code zoning district and the continued trend of increased ride sharing participation more than justifies the proposed reduction in parking, and respectfully request the approval of this variance. We are confident that the development will serve to enhance this portion of Charlotte Avenue, and will provide rooms, restaurants, and jobs for the area. We are hopeful that you will agree to our proposal, and will allow variance from the Metro landscape buffer and parking requirements.

If you have any questions or require additional information, please do not hesitate to contact me by telephone at (615) 333-7797.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.



Bert Morton, PE
Project Manager

Attachments:
Decision Letter, Case Number 2017-054

MEGAN BARRY
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

RECEIVED FEB 27 2017

Bert Morton
325 Seaboard Lane, Suite 170
Franklin, TN 37067

RE: Case Number: 2017-054
1414 Charlotte Avenue Map: 92-8 Parcel(s): 185
Council District: 19

Dear Bert Morton

At its regularly scheduled meeting 2/16/2017, the Metropolitan Board of Zoning Appeals considered your appeal case and Granted your request for variance from landscape buffer requirements to construct an 8 story hotel.

Enclosed is a copy of the Board's Order as it pertains to your case. The appellant or any aggrieved property owner may request a rehearing within sixty (60) days of the entered Order. Further, the appellant or any aggrieved property owner may appeal the Board's decision to Chancery Court within that sixty (60) day period. After that time, the Board's decision becomes final and no further action may be taken.

Prior to construction, it will be necessary for you to come to this office to have proper plans approved and to obtain the required permit. It should be noted this approval pertains only to zoning. Therefore, all other requirements must be met.

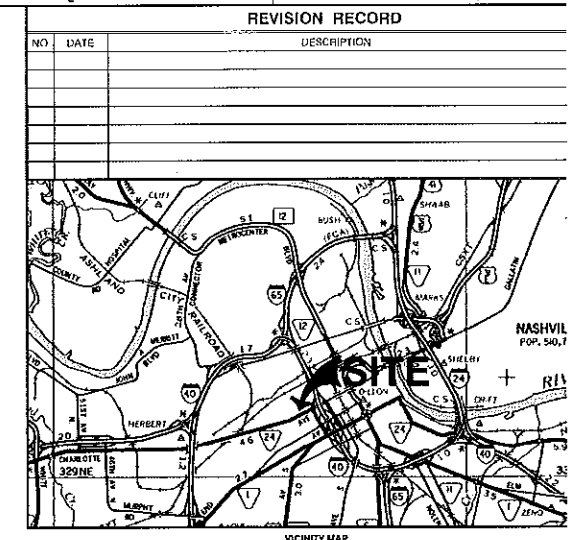
Section 17.40.250 of the Metro Zoning Ordinance states as follows: "All permits for variances or special exception uses authorized by the Board must be obtained within two years from the date of approval."

Sincerely,

Jon Michael

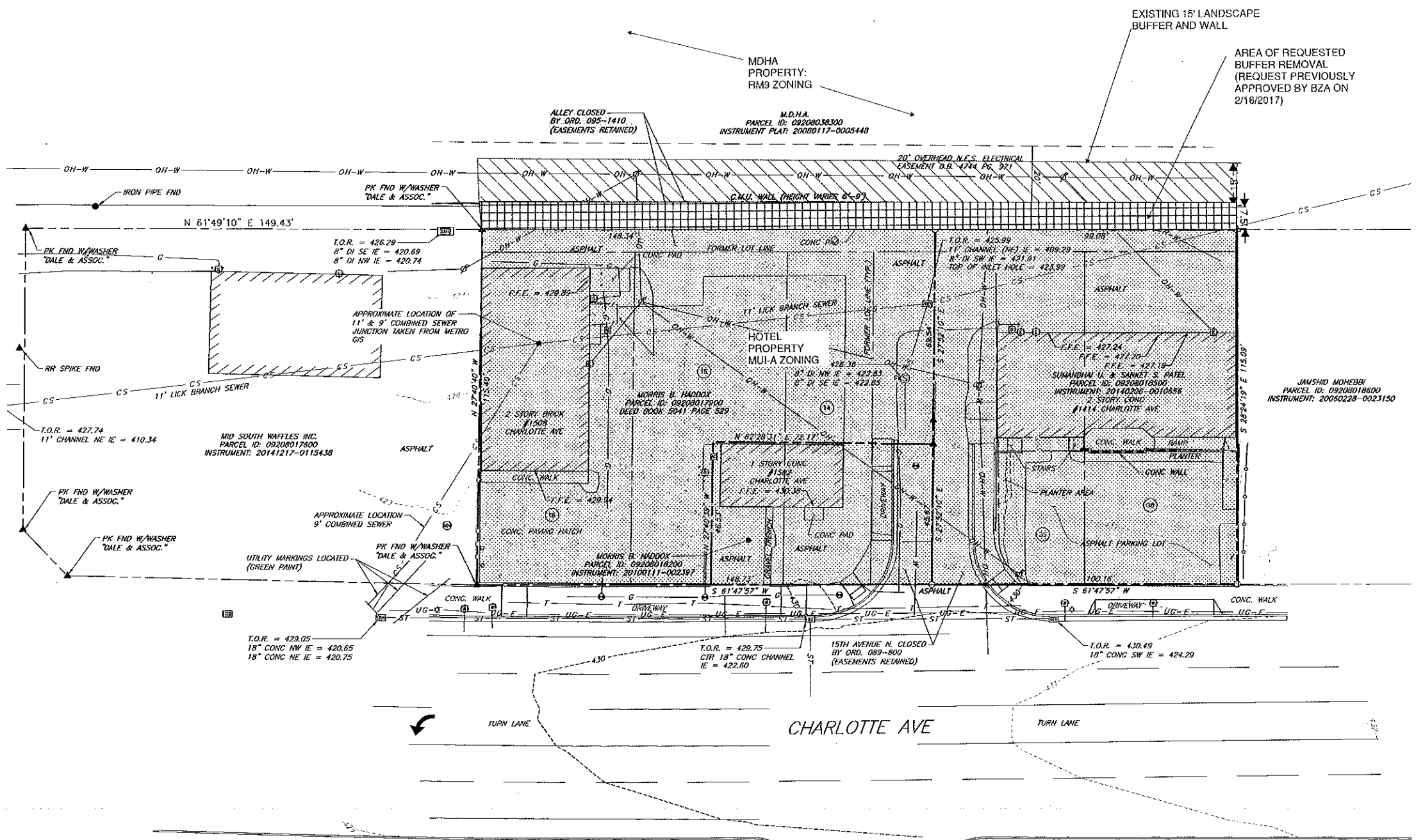
Secretary, Board of Zoning Appeals

NORTH GRID NAD83



EXISTING LEGEND:

- EXISTING PROPERTY LINE
- - - EXISTING ADJACENT PROPERTY LINE
- - - EXISTING RIGHT-OF-WAY
- - - EXISTING EASEMENT
- - - EXISTING INDEX CONTOUR
- - - EXISTING INTERMEDIATE CONTOUR
- x-x-x-x-x EXISTING FENCE
- CS EXISTING COMBINED SEWER LINE
- ST EXISTING STORM SEWER LINE
- G EXISTING GAS LINE
- T EXISTING TELEPHONE LINE
- W EXISTING WATER LINE
- UG-E EXISTING UNDERGROUND ELEC. LINE
- OH-W EXISTING OVERHEAD ELECTRIC
- △ MAG NAIL SET
- IRON PIN FOUND
- ▲ RAILROAD SPIKE FOUND
- ▲ MAG / PK NAIL FOUND
- ↑ SIGN
- ☆ LIGHT STANDARD
- AC UNIT
- BOLLARD
- ▣ CATCH BASIN
- ⊙ SANITARY MANHOLE
- ⊕ WATER BOX (WATER VALVE)
- ⊕ WATER METER
- ⊕ GAS BOX (GAS VALVE)
- ⊕ GAS METER
- ⊕ POWER POLE
- GUY WIRE
- ⊕ ELECTRIC METER
- ⊕ MANHOLE (UTILITY UNKNOWN)



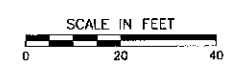
- GENERAL NOTES:**
- BEARINGS ARE BASED ON TENNESSEE STATE PLANE COORDINATE SYSTEM (NAD83).
 - ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
 - CONTOURS SHOWN HEREON ARE AT 1' INTERVALS.
 - THIS SURVEY WAS PREPARED USING THE CURRENT DEEDS AND PLATS OF RECORD.
 - ALL DEED BOOK AND PLAT REFERENCES PERTAIN TO REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.
 - ADJOINING PROPERTY LINES SHOWN WERE PLOTTED FROM INFORMATION TAKEN FROM EITHER DEED DESCRIPTION, RECORD PLATS, OR TAX MAPS.
 - DISTANCES ARE BASED ON A FIELD SURVEY USING EDM & GPS EQUIPMENT.
 - THE UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM VISIBLE FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEE THAT THEY COMPRISE ALL THE 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.
 - IT IS RECOMMENDED THAT YOU NOTIFY TENNESSEE ONE-CALL SYSTEM, INC. BEFORE ANY EXCAVATION IS CONDUCTED. PHONE: 1-800-351-1111.
 - NO TITLE REPORT WAS PROVIDED TO THIS SURVEYOR REGARDING THE SUBJECT PROPERTIES, THEREFORE, THIS SURVEY IS SUBJECT TO THE FINDINGS OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH AND REPORT MAY DISCLOSE.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON IS A CATEGORY 1 SURVEY AND THE ERROR OF PRECISION OF THE UNADJUSTED SURVEY DOES NOT EXCEED 1:10,000. THIS SURVEY WAS PERFORMED IN COMPLIANCE WITH THE CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE.

JANUARY 2019

DATE _____ SURVEYOR NAME _____



C&E
Civil & Environmental Consultants, Inc.
 325 Seaboard Lane - Suite 170 - Franklin, TN 37067
 Ph: 615.333.7797 - 800.763.2326 - Fax: 615.333.7751
 www.ccecinc.com

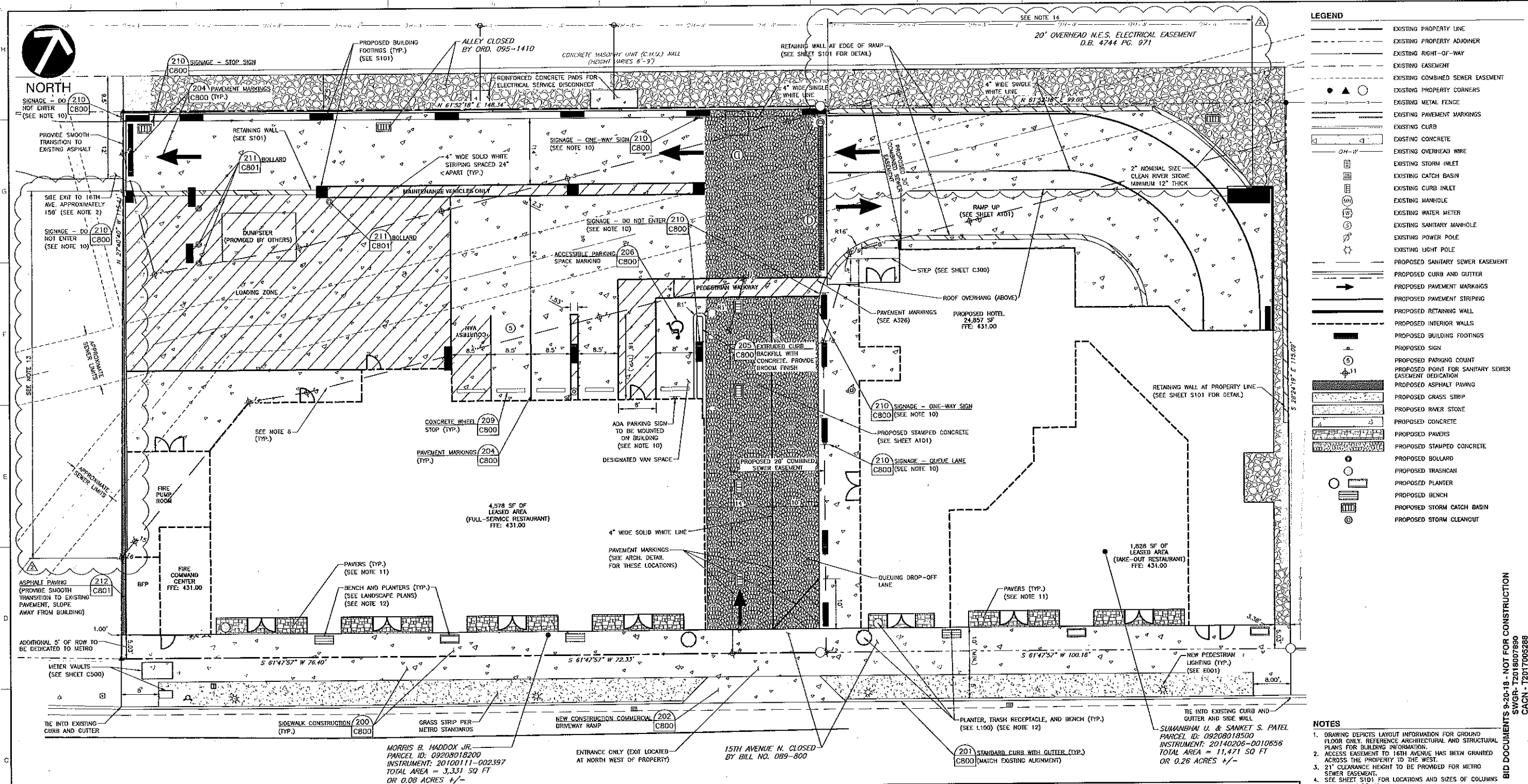
PROPERTY EXHIBIT OF TAX MAP 92-08 PARCELS 179, 182, 185

Situate in
19TH COUNCILMANIC DISTRICT DAVIDSON COUNTY, TENNESSEE

Made For
3H GROUP, INC. 505 RIVERFRONT PKWY CHATTANOOGA, TN

DATE: **JANUARY 2019** SCALE: **1"=20'** DRAWING NO.: **SV-1**
 DRAWN BY: **AAS** CHECKED BY: **RGM**
 PROJECT NO: **174-404** APPROVED BY: **JJC** SHEET **1** OF **1**

P:\2019\163-0271-Survey\Draw\1630271-001-1000.dwg(1630271-001-1000.dwg) - UP: 12/20/2018 1:41 PM



LEGEND

| | |
|--|---|
| | EXISTING PROPERTY LINE |
| | EXISTING PROPERTY ADJOINER |
| | EXISTING RIGHT-OF-WAY |
| | EXISTING EASEMENT |
| | EXISTING COMBINED SEWER EASEMENT |
| | EXISTING PROPERTY CORNERS |
| | EXISTING METAL FENCE |
| | EXISTING PAVEMENT MARKINGS |
| | EXISTING CURB |
| | EXISTING CONCRETE |
| | EXISTING OVERHEAD WIRE |
| | EXISTING STORM INLET |
| | EXISTING CATCH BASIN |
| | EXISTING CURB INLET |
| | EXISTING MANHOLE |
| | EXISTING WATER METER |
| | EXISTING SANITARY MANHOLE |
| | EXISTING POWER POLE |
| | EXISTING LIGHT POLE |
| | PROPOSED SANITARY SEWER EASEMENT |
| | PROPOSED CURB AND GUTTER |
| | PROPOSED PAVEMENT MARKINGS |
| | PROPOSED PAVEMENT STRIPING |
| | PROPOSED RETAINING WALL |
| | PROPOSED INTERIOR WALLS |
| | PROPOSED BUILDING FOOTPRINTS |
| | PROPOSED SIGN |
| | PROPOSED PARKING COUNT |
| | PROPOSED POINT FOR SANITARY SEWER EASEMENT DEDICATION |
| | PROPOSED ASPHALT PAVING |
| | PROPOSED GRASS STRIP |
| | PROPOSED RIVER STONE |
| | PROPOSED CONCRETE |
| | PROPOSED STAMPED CONCRETE |
| | PROPOSED BOLLARD |
| | PROPOSED TRASHCAN |
| | PROPOSED PLANTER |
| | PROPOSED BENCH |
| | PROPOSED STORM CATCH BASIN |
| | PROPOSED STORM CLEANOUT |

- NOTES**
- DRAWING DEPICTS LAYOUT INFORMATION FOR GROUND FLOOR ONLY. REFERENCE ARCHITECTURAL AND STRUCTURAL PLANS FOR BUILDING INFORMATION.
 - ACCESS EASEMENT TO 16TH AVENUE HAS BEEN GRANTED ACROSS THE PROPERTY TO THE WEST.
 - 21' CLEARANCE HEIGHT TO BE PROVIDED FOR METRO SEWER EASEMENT.
 - SEE SHEET S101 FOR LOCATIONS AND SIZES OF COLUMNS AND GRADE BEAMS.
 - POINTS DESIGNATE LIMITS OF SANITARY SEWER EASEMENT TO BE DEDICATED TO METRO.
 - CONSTRUCTION EQUIPMENT IN THE AREA OF THE COMBINED SEWER NEEDS TO BE TRACKED. WHEEL LOADS ARE NOT PERMISSIBLE.
 - SEE SHEET C201 FOR ACCESS PLAN.
 - SEE SHEET A101 FOR CONCRETE PAVEMENT INFORMATION.
 - OWNER TO CONTRACT WITH WASTE COMPANY FOR WASTE AND RECYCLING.
 - MOUNT SIGNS TO CONCRETE WALL WITH BOTTOM EDGE 50" ABOVE FINISHED GRADE. ATTACH TO CONCRETE WITH 3" ANCHOR BOLTS.
 - PEDESTRIAN PAVERS WILL BE 60 MM INTERLOCKING PRECAST CONCRETE PAVERS WITH SAND SWEEP JOINTS OVER A 1" THICK SAND BED ON A 4" THICK REINFORCED CONCRETE SUBSTRATE. PRODUCT WILL BE BELGARD (OLDCASTLE) URBANA STONE. PATTERN WILL BE 3 PIECE WITH LARGE SQUARE A. COLOR NOT YET DEFINED. DIMENSIONS VARY.
 - MANDATORY REFERRAL APPLICATION TO METRO PUBLIC WORKS HAS BEEN MADE.
 - SEE STRUCTURAL DRAWING S202 FOR SECTION DRAWING OF THIS AREA.
 - SEE STRUCTURAL DRAWING S201 FOR SECTION DRAWING OF THIS AREA.

REVISION RECORD

| NO. | DATE | DESCRIPTION |
|-----|------------|-------------------------|
| 1 | 12/24/2019 | ISSUED FOR PERMIT |
| 2 | 1/15/2020 | ISSUED FOR CONSTRUCTION |

**CHARLOTTE AVENUE LODGING, LLC
C/O 3H GROUP, INC
TOWNEPLACE SUITES
1414, 1500, 1506 CHARLOTTE AVENUE
NASHVILLE, TENNESSEE 37203**

SITE LAYOUT PLAN

| | |
|----------------------|---------------|
| DATE: JANUARY 2019 | DRAWN BY: AAS |
| DWG. SCALE: AS SHOWN | PEC: 174-404 |
| PROJECT NO.: | 174-404 |
| APPROVED BY: | 174-404 |

SANITARY SEWER EASEMENT POINTS

| POINT | NORTHING | EASTING |
|-------|-----------|------------|
| 1 | 665948.02 | 1733546.92 |
| 2 | 665928.79 | 1733546.65 |
| 3 | 665947.99 | 1733571.34 |
| 4 | 665968.95 | 1733584.59 |
| 5 | 665987.41 | 1733615.00 |
| 6 | 666019.78 | 1733650.87 |
| 7 | 666036.09 | 1733689.05 |
| 8 | 665915.09 | 1733692.93 |
| 9 | 665975.37 | 1733660.59 |
| 10 | 665986.05 | 1733658.19 |
| 11 | 665964.86 | 1733834.63 |
| 12 | 665946.39 | 1733961.40 |
| 13 | 665921.94 | 1733587.03 |
| 14 | 665914.44 | 1733577.06 |
| 15 | 665877.05 | 1733569.30 |
| 16 | 665872.63 | 1733568.46 |
| 17 | 665924.59 | 1733710.53 |
| 18 | 665982.28 | 1733679.39 |
| 19 | 666001.56 | 1733675.41 |
| 20 | 666019.18 | 1733694.98 |
| 21 | 666044.50 | 1733723.12 |
| 22 | 666072.06 | 1733753.74 |

ZONING REVIEW CHECKLIST

| | |
|--|--|
| APPLICATION #: T2017003288 PARCEL #: 09208017900 | PROJECT NAME: TOWNEPLACE SUITES EXAMINER: LISA BUTLER |
| USE - CHAPTER 17.08 AND 17.16 | SURROUNDING ZONING: MUR-A UZO - YES |
| DETERMINE THE USE: HOTEL, RESTAURANT PROPERTY ZONING: MUR-A | USE CHARTS: P - PERMITTED BY RIGHT |
| SUBDIVISION PLAT PARCELS TO BE COMBINED VIA QUILCLAIM DEED SANITARY SEWER EASEMENTS TO BE PROVIDED FOR ON-SITE PUBLIC SANITARY SEWERS. | PROVIDED LOT SIZE: 28,589 S.F. (0.66 AC) |
| MINIMUM LOT SIZE: NONE FOOTPRINT: 24,967 S.F. (0.57 AC) FAR: MAXIMUM 3.00 15R: EXISTING: 27,351/28,595 = 0.96 PROPOSED: 28,068/28,599 = 0.98 | MAX HEIGHT IN BUILT-TO-ZONE: 7 STORES IN 105 FT MIN. STEPMACK: 15 FEET PROPOSED: 9 FLOORS IN 121 FEET |
| BUILD TO ZONE: 0-15 FEET SIDE YARD: NONE REQUIRED REAR YARD: NONE REQUIRED MAX HEIGHT: 15 STORES IN 150 FEET | REQUIRED PARKING BASED ON USES: REQUIRED: 1500 CHARLOTTE AVENUE - HOTEL - 1 SPACE PER ROOMING UNIT + 1 SPACE/4 EMPLOYEES 156 ROOMS + 10 EMPLOYEES/4 = 159 SPACES 1506 CHARLOTTE AVENUE - FULL-SERVICE RESTAURANT - UZO - 1 SPACE PER 150 SF (FIRST 1,000 SF EXEMPT) 4,578 SF - 1,000 = 3,578/150 = 24 SPACES 1414 CHARLOTTE AVENUE - TAKE-OUT RESTAURANT 1,828 SF (SHRWAY) - UZO - EXEMPT |
| PARKING AND ACCESS - CHAPTER 17.20 | LANDSCAPING STANDARDS - CHAPTER 17.24 |
| PARKING REDUCTION (TRANSIT): 10% PARKING REDUCTION (PEDESTRIAN ACCESS): 10% REQUIRED PARKING PER REDUCTION: 147 SPACES PROVIDED PARKING: 165 SPACES | REQUIRED BUFFER YARD: NONE (PER BZA CASE 2017-054) BUFFER YARD ADJUSTMENT: N/A PERIMETER LANDSCAPING: NONE STANDARD FOR 4 OR MORE LANES: N/A STANDARD FOR 4 OR LESS LANES: N/A SIDE LINES ADJACENT TO PARKING AREAS 5' MINIMUM WIDTH WITH TREES - 2.5' WITH TREE ISLANDS: N/A INTERIOR LANDSCAPING MINIMUM 8% AREA: N/A (PER BZA CASE 2017-054) OPAQUE FENCE ADJACENT TO RESIDENTIAL IN PARKING AREAS: N/A (PER BZA CASE 2017-054) SCREEN AROUND DUMPSTERS (NO CHAIN LINK FENCE PERMITTED): N/A (IN BUILDING) TREE DENSITY: N/A |
| REQUIRED LOADING BASED ON USES: 2 10'x50' SPACES PROVIDED LOADING BASED ON USES: 1 24'x54' SPACE | AN ADDITIONAL 5' OF ROW WAS ACCOUNTED FOR IN DETERMINING THE PLACEMENT OF THE HOTEL ALONG CHARLOTTE AVE. |

MWS PROJECT NUMBERS

- 18-SL-51
- 18-WL-75

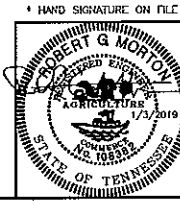
SCALE IN FEET

0 10 20



NOTE TO CONTRACTOR
THE CONTRACTOR SHALL REFER TO ALL PLANS WITHIN THIS PLAN SET. IT IS NOT THE ENGINEER'S INTENT THAT ANY SINGLE PLAN SHEET IN THIS SET OF DOCUMENTS FULLY DEPICT ALL WORK ASSOCIATED WITH THIS PROJECT.

REFERENCE
SURVEY WAS PROVIDED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. DATED APRIL 3, 2017 AND APPENDED IN MAY-JUNE 2017.



C200



DEVELOPER 3H GROUP HOTELS

OWNER CHARLOTTE AVENUE LODGING, LLC

565 RIVERPOINT PARKWAY CHARLOTTE, NC 28202 423-499-0497

PROJECT TOWNEPLACE SUITES MARRIOTT

TOWNEPLACE SUITES MARRIOTT

1500 CHARLOTTE AVENUE NASHVILLE, TN 37203

EDITION 8-7-18

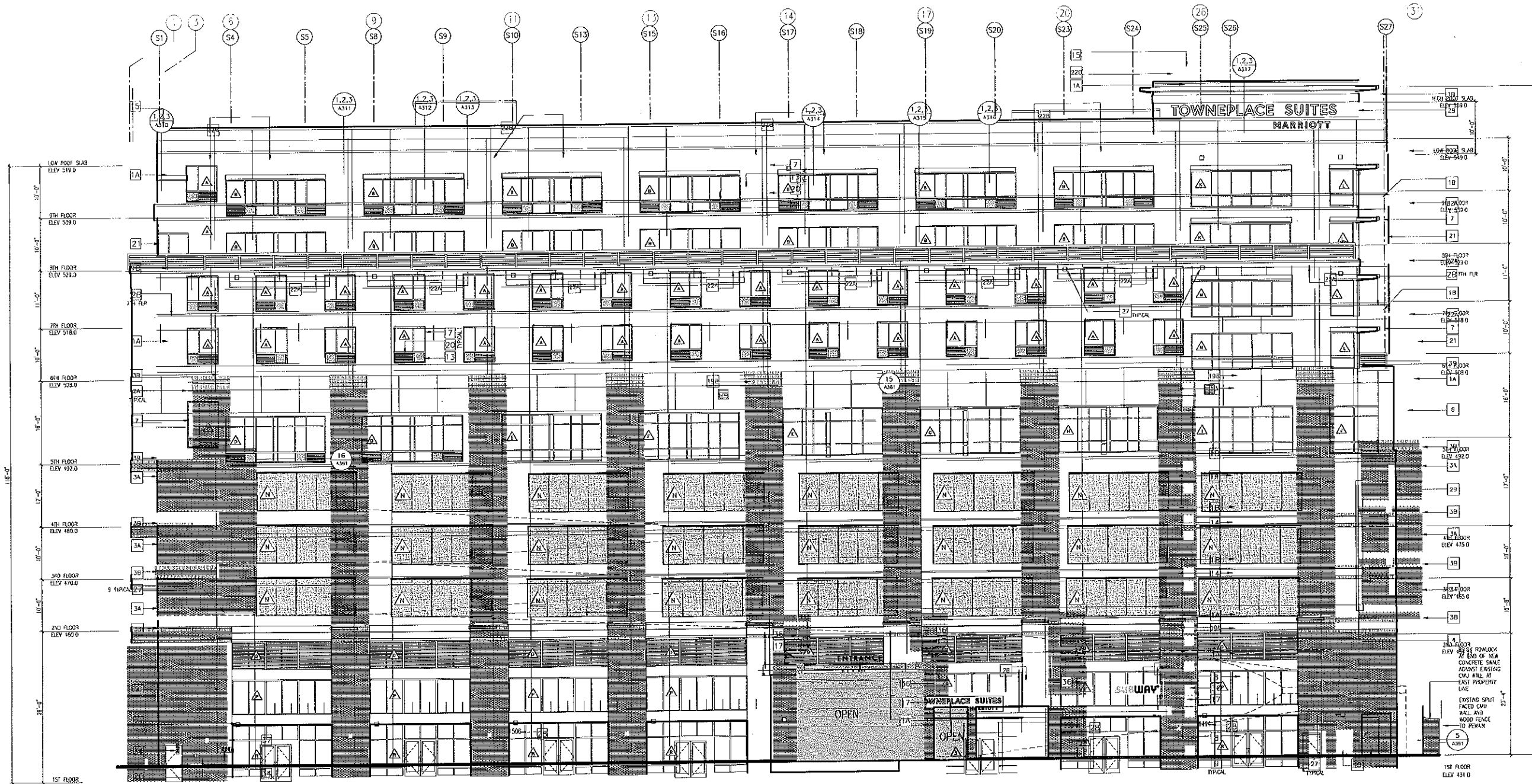
WLA PROJECT # 217051

DRAWN BY: CHECKED BY: APPROVED BY: PLOT DATE:

© 2018 ALL RIGHTS RESERVED. ENGINEERING ARCHITECTS

SOUTH ELEVATION

A201



SOUTH ELEVATION SCALE: 1/8" = 1'-0"

EXTERIOR FINISH MATERIALS LEGEND

Table with 2 columns: Material description and corresponding legend symbol. Includes items like EPS - COLOR 1, EPS - COLOR 2, and various brick veneer masonry types.

KEYED ELEVATION NOTES

Table with 2 columns: Item number and description. Lists 37 specific notes detailing construction and material requirements for the exterior finish.

EXTERIOR FINISH MATERIALS SCHEDULE

Table with 3 columns: Material description, manufacturer/product, and pattern/texture. Lists various materials like insulation, masonry, and metal panels with their respective specifications.

EXTERIOR FINISH MATERIALS SCHEDULE (continued)

Table with 3 columns: Material description, manufacturer/product, and finish/color/dimensions. Continues the list of materials and their specific finish and color requirements.

EIFS NOTES

Spacing, width, locations and construction of all joints and reveals shall comply with the requirements of the contract documents and the requirements for all applicable SWIFLIR conditions.



DEVELOPER
3H GROUP
HOTELS

OWNER
CHARLOTTE AVENUE LODGING, LLC

505 RIVERFRONT PARKWAY
CHATTANOOGA, TN
37402
423-499-0497

PROJECT

TOWNEPLACE SUITES MARRIOTT

1500 CHARLOTTE AVENUE
NASHVILLE, TN
37203

EDITION
8-7-18

WLA PROJECT # 217051

DRAWN BY:
CHECKED BY:
APPROVED BY:
PLOT DATE:

© 2018 ALL RIGHTS RESERVED
WLF000 LINDSAY ARCHITECT

EAST ELEVATION

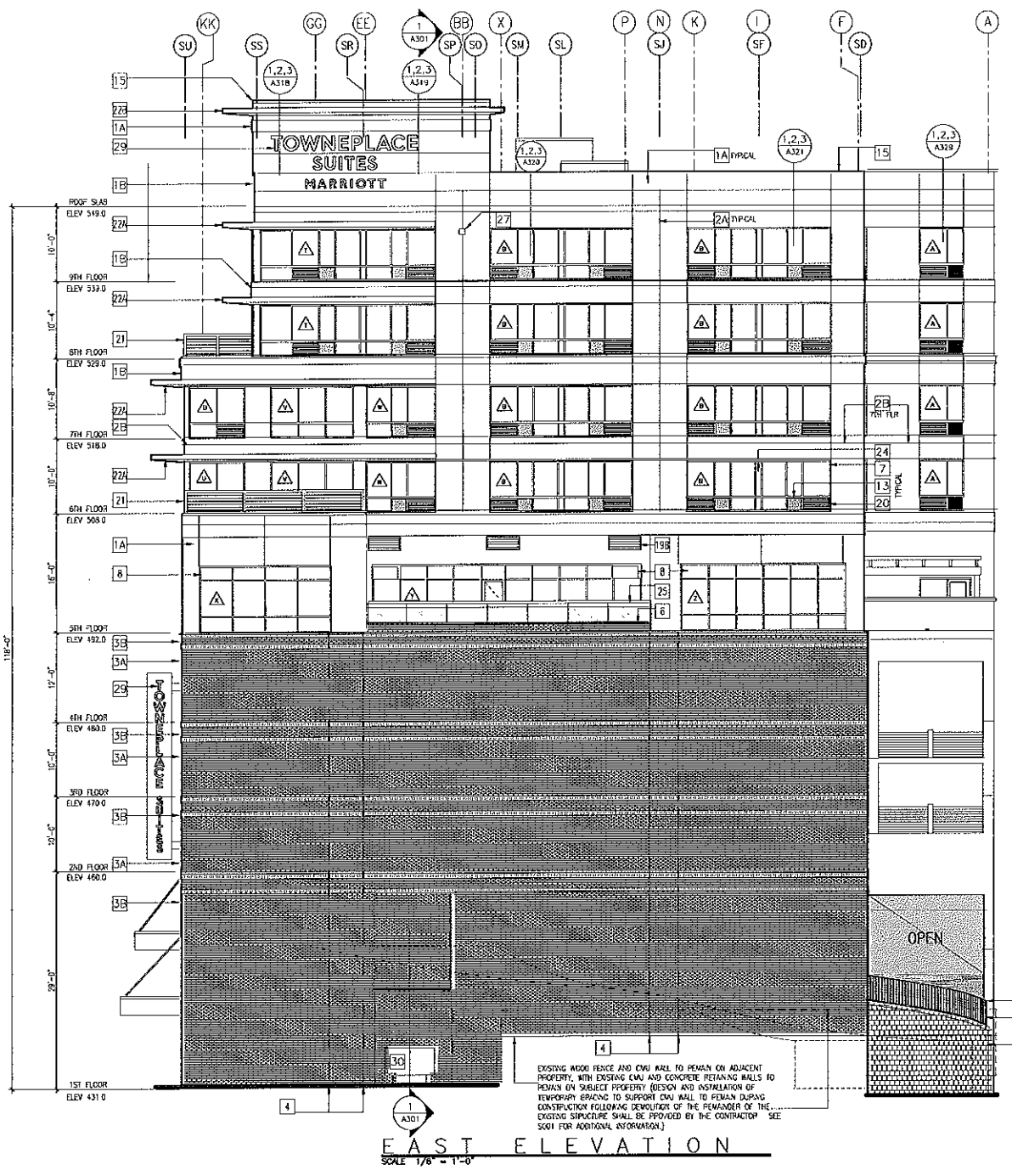


| EXTERIOR FINISH MATERIALS LEGEND | |
|---|--|
| EIFS - COLOR 1 DRYVIT OUTSULATION PLUS 90 SANDBLAST TEXTURE MATCH SHERWIN WILLIAMS INCREDIBLE WHITE 7028 | |
| EIFS - COLOR 2 DRYVIT OUTSULATION PLUS 90 SANDBLAST TEXTURE MATCH SHERWIN WILLIAMS ONLINE 7072 | |
| BRICK VENEER MASONRY - COLOR 1 MODULAR 3-5/8 x 7-5/8 x 2-1/4 DIERDREE VELOUR RED IRONSPOT | |
| BRICK VENEER MASONRY - COLOR 1 MODULAR 3-5/8 x 7-5/8 x 2-1/4 DIERDREE MANGANESE BROOKSPOT SMOOTH | |

EIFS NOTES

SPACING, WIDTH, LOCATIONS AND CONSTRUCTION OF ALL JOINTS AND REVEALS WITHIN EIFS AT ALL EXTERIOR WALL AND CEILING LOCATIONS SHALL COMPLY WITH THE REQUIREMENTS OF THE CONTRACT DOCUMENTS AND THE REQUIREMENTS FOR ALL APPLICABLE SIMILAR CONDITIONS ENCOUNTERED AS DEFINED BY THE EIFS MANUFACTURER NECESSARY FOR THE SPECIFIED EIFS WARRANTY. NOTHING IN THE CONTRACT DOCUMENTS SHALL BE CONSTRUED TO REPRESENT A CONFLICT WITH THE EIFS MANUFACTURER'S WARRANTY REQUIREMENTS. REFERENCE WALL SECTIONS AND EIFS JOINT/REVEAL DETAILS ON SHEET A302 FOR ADDITIONAL INFORMATION CONCERNING EIFS JOINT AND REVEAL SPACING, WIDTH, LOCATIONS AND CONSTRUCTION REQUIRED. DRAINABLE HORIZONTAL EIFS JOINTS ARE REQUIRED AT THE FULL PERIMETER OF THE BUILDING (WHERE APPLICABLE) AT GROUND LEVEL, 2ND FLOOR, 5TH FLOOR AND 7TH FLOOR, AS WELL AS ABOVE ALL EXTERIOR DOORS AND FENESTRATION AND AT ALL SOFFIT / PARADA CONDITIONS.

| KEYED ELEVATION NOTES | |
|-----------------------|---|
| NO | DESCRIPTION |
| 1A | EXTERIOR INSULATION FINISH SYSTEM WITH SECONDARY AIR/WEATHER BARRIER - COLOR 1 |
| 1B | EXTERIOR INSULATION FINISH SYSTEM WITH SECONDARY AIR/WEATHER BARRIER - COLOR 2 |
| 2A | EXTERIOR INSULATION FINISH SYSTEM SEALANT JOINT (SEE A302) |
| 2B | EXTERIOR INSULATION FINISH SYSTEM SEALANT JOINT WITH WEEPS (SEE A302) |
| 3A | BRICK VENEER MASONRY - COLOR 1 |
| 3B | BRICK VENEER MASONRY - COLOR 2 |
| 4 | BRICK VENEER MASONRY CONTROL JOINT (SEE 17/A304) |
| 5 | CONCRETE SEGMENTAL RETAINING WALL SYSTEM |
| 6 | CAST STONE WALL CAP |
| 7 | CLEAR ANODIZED ALUMINUM FIXED WINDOW |
| 8 | CLEAR ANODIZED ALUMINUM STOREFRONT |
| 9 | CLEAR ANODIZED ALUMINUM ENTRANCE |
| 10 | CLEAR ANODIZED ALUMINUM AUTOMATIC BEARING ENTRANCE |
| 11 | CLEAR ANODIZED ALUMINUM OVERHEAD COILING GRILLE |
| 12 | PREFINISHED ALUMINUM GUESTROOM CABANA DOORS |
| 13 | PREFINISHED ALUMINUM INSULATING EXTERIOR GLAZING WALL PANEL |
| 14 | PREFINISHED ALUMINUM PERFORMED EXTERIOR WALL PANELS |
| 15 | PREFINISHED ALUMINUM CORNICE |
| 16 | PREFINISHED ALUMINUM ROOF EDGE FLASHING |
| 17 | PREFINISHED ALUMINUM SCUPPER |
| 18 | PREFINISHED ALUMINUM GUTTER WITH DOWNSPOUT |
| 19A | PREFINISHED ALUMINUM ARCHITECTURAL LOUVER |
| 19B | PREFINISHED ALUMINUM MEDIANICAL LOUVER |
| 20 | PREFINISHED ALUMINUM FRAC LOUVER AND FRAME |
| 21 | PREFINISHED ALUMINUM QUARTER |
| 22A | PREFINISHED ALUMINUM SUNSCREEN (FINISH COLOR TO MATCH SW INCREDIBLE WHITE 7028) |
| 22B | PREFINISHED ALUMINUM SUNSCREEN (FINISH COLOR TO MATCH SW ONLINE 7072) |
| 23 | PREFINISHED ALUMINUM FOLDING EXTERIOR WALL SYSTEM |
| 24 | DRAGLE OSHINGANG SPANDREL GLASS |
| 25 | CLEAR TEMPERED MONOLITHIC GLASS WINDOW |
| 26 | HOLLOW METAL DOOR AND FRAME PAINTED TO MATCH ADJACENT EXTERIOR FINISH MATERIAL |
| 27 | LIGHT FIXTURE |
| 28 | BUILDING SIGNAGE (PREFERABLE DRYVIT STAINLESS SS 0.040 FOR ATTACHMENT THROUGH EIFS) |
| 29 | LUMINATED BUILDING SIGNAGE (PREFERABLE DRYVIT STD SS 0.040 FOR ATTACHMENT THROUGH EIFS) |
| 30 | TWO STAGGED NATURAL GAS METERS |
| 31 | GALVANIZED DOT CHAIRS |
| 32 | GALVANIZED TENSORED BARRIER CABLES |
| 33 | CLEAR HEART REDWOOD LUMBER PERGOLA |
| 34 | FIRE DEPARTMENT CONNECTION / FIRE PUMP TEST HEAD |
| 35 | BLACK VINYL COATED CHAIN LINK PERGOLA |
| 36 | PAINTED GALVANIZED 2" DIAMETER STEEL CATCH SUPPORT TENSION POSS |
| 37 | PAVING BOX |



| EXTERIOR FINISH MATERIALS SCHEDULE | | | |
|--|--|--|--|
| MATERIAL DESCRIPTION | MANUFACTURER / PRODUCT | PATTERN / REVEAL | FINISH / COLOR / DIMENSIONS |
| EXTERIOR INSULATION FINISH SYSTEM WITH SECONDARY AIR/WEATHER BARRIER - COLOR 1 | DRYVIT - DUALSULATION PLUS 90 | SANDBLAST | MATCH SHERWIN WILLIAMS INCREDIBLE WHITE 7028 |
| EXTERIOR INSULATION FINISH SYSTEM WITH SECONDARY AIR/WEATHER BARRIER - COLOR 2 | DRYVIT - DUALSULATION PLUS 90 | SANDBLAST | MATCH SHERWIN WILLIAMS ONLINE 7072 |
| TEMPERED MONOLITHIC GLASS WINDOW | DRYVIT - TMS | SANDBLAST | MATCH SHERWIN WILLIAMS ONLINE 7072 |
| BRICK VENEER MASONRY - COLOR 1 | O-DIERDREE | VELOUR | RED IRONSPOT / MODULAR |
| BRICK VENEER MASONRY - COLOR 2 | O-DIERDREE | SMOOTH | MANGANESE BROOKSPOT / MODULAR |
| CONCRETE SEGMENTAL RETAINING WALL SYSTEM | ANCHOR WALL SYSTEMS / ANCHOR DAWNING PRO | BEVELED SPILT ROCK FACE | TO BE DEFINED BY DEVELOPER |
| CAST STONE | CUSTOM CAST STONE | SMOOTH | JOINT BUTT |
| NOTHING FOR BRICK VENEER AND CAST STONE | CEMENT / MORTAR PREBLENDED MORTAR MIX TYPE N | NOT APPLICABLE | CHANGEL OCREAN |
| PREFINISHED ALUMINUM FIXED WINDOWS | ALUMINUM 9000 AM-POLY F.W. | NOT APPLICABLE | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612, CLASS 1 |
| PREFINISHED ALUMINUM STOREFRONT | ALU-HP / YES 4510 (GLASS) & YES 1545 (PERFORATED PANELS) | NOT APPLICABLE | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 |
| PREFINISHED ALUMINUM ENTRANCES | ALU-HP / SERIES 300 | NOT APPLICABLE | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 |
| PREFINISHED ALUMINUM ALL GLASS AUTOMATIC BEARING ENTRANCE | STANLEY ACCESS TECHNOLOGIES / DURAGLIDE 1000G | NOT APPLICABLE | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 |
| PREFINISHED ALUMINUM OVERHEAD COILING GRILLE | COOLSON / 5015 SECURITY GRILLE | STRAGGLE BRK PATTERN | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 |
| PREFINISHED ALUMINUM GUESTROOM CABANA DOORS | ALU-HP / SERIES 300 | NOT APPLICABLE | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 |
| PREFINISHED ALUMINUM INSULATING EXTERIOR GLAZING WALL PANELS | WAPES / WAPES R PANELS | EMBOSSED EXTERIOR | 7/16" X 1/4" RESIN FLUOROPOLYMER ANVA 2605 / SILVER |
| PREFINISHED ALUMINUM PERFORMED EXTERIOR WALL PANELS IN ALUMINUM STOREFRONT | WALCOCK'S METAL PRODUCTS - TITANIUM PANELS SET IN ALU-HP YES 1545 STOREFRONT FRAMING | 2" THICK PANELS | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 AT PANELS AND STOREFRONT FRAMING |
| PREFINISHED ALUMINUM FLASHING | TO BE DETERMINED | NOT APPLICABLE | 7/16" X 1/4" RESIN FLUOROPOLYMER ANVA 2605 / MATCH COLOR OF ADJACENT FINISH MATERIAL |
| PREFINISHED ALUMINUM CORNICES | PETERSON ALUMINUM CORPORATION / CONTINUOUS CLEAR | NOT APPLICABLE | 7/16" X 1/4" RESIN FLUOROPOLYMER ANVA 2605 / MATCH COLOR OF ADJACENT FINISH MATERIAL |
| PREFINISHED ALUMINUM SCUPPERS | TO BE DETERMINED | NOT APPLICABLE | 7/16" X 1/4" RESIN FLUOROPOLYMER ANVA 2605 / MATCH COLOR OF ADJACENT FINISH MATERIAL |
| PREFINISHED ALUMINUM GUTTERS/DOWNSPOUTS | TO BE DETERMINED | NOT APPLICABLE | 7/16" X 1/4" RESIN FLUOROPOLYMER ANVA 2605 / MATCH COLOR OF ADJACENT FINISH MATERIAL |
| PREFINISHED ALUMINUM ARCHITECTURAL LOUVERS | RUSMAN / ELF 52023 | NOT APPLICABLE | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 |
| PREFINISHED ALUMINUM MEDIANICAL LOUVERS | RUSMAN / ELF 3750X | NOT APPLICABLE | 7/16" X 1/4" RESIN FLUOROPOLYMER ANVA 2605 / MATCH COLOR OF ADJACENT EIFS |
| PREFINISHED ALUMINUM FRAC LOUVER AND FRAME | RELIABLE / REL 42 WITH 186 FRAME (CUSTOM SIZE) | NOT APPLICABLE | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 |
| PREFINISHED ALUMINUM QUARTERS | SEA ARCHITECTURAL PRODUCTS, INC | NOT APPLICABLE | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 |
| PREFINISHED ALUMINUM SUNSCREENS | ALUMINUM ARCHITECTURAL PRODUCTS | CUSTOM FABRICATED ALUMINUM SUNSCREENS | 7/16" X 1/4" RESIN FLUOROPOLYMER ANVA 2605 |
| PREFINISHED ALUMINUM FOLDING EXTERIOR WALL SYSTEM | ANCHOR WALL SYSTEMS / SUIZO | NOT APPLICABLE | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 |
| DRAGLE OSHINGANG SPANDREL GLASS | ELCOCASTE BUILDING ENVELOPE | NOT APPLICABLE | 1" THICK CLEAR WITH POLISHED EDGES AND BEVEL CORNERS |
| TEMPERED MONOLITHIC GLASS WINDOW | SEA ARCHITECTURAL PRODUCTS, INC | NOT APPLICABLE | 1" THICK CLEAR WITH POLISHED EDGES AND BEVEL CORNERS |
| PAINTED GALVANIZED HOLLOW METAL DOORS AND FRAMES | TO BE DETERMINED | NOT APPLICABLE | URETHANE ALKID GLOSS PAINTED TO MATCH COLOR OF ADJACENT FINISH MATERIAL |
| POOL DECK PERGOLA TILE | CEFRAM TECHNICS LTD. / MIPANO QUARTZITE | 1" OFFSETS / NATURAL FINISH | ATTRACTIVE / 8" x 24" PERIMBER |
| SEWER/CONCRETE PAVERS | BELGIAN (DUCASTLE) / IFRANVA SEINE | 3" BECC AND LARGE SCALPE PATTERN A | COLOR TO BE DEFINED BY DEVELOPER / 60 MM THICK / SIZES VARY |
| COLORFUL CONCRETE SIDEWALKS | L.M. SCORFELD / O-SPONGY P. LITHIOD-POME. CEMENT/GRAN | FINISH BRICKWORK FINISH | MATCH PATTERNEED CONCRETE COLOR |
| APPROX. COURT PATTERNEED CONCRETE | L.M. SCORFELD / LITHODIA PAREOPARTERS | LIMESTONE EUROPEAN FAN RANDOM INTERLOCKING | COLOR TO BE DEFINED BY DEVELOPER |
| POOL DECK PERGOLA | TO BE DETERMINED / CLEAR HEART REDWOOD | SUPPERFACED FOUR SIDES | TWO COATS OF EXTERIOR WATERPROOF CLEAR SEALER |

EXISTING MOOR FENCE AND CURB WALL TO REMAIN ON ADJACENT PROPERTY. WITH EXISTING CURB AND CONCRETE RETAINING WALLS TO REMAIN ON SUBJECT PROPERTY (DESIGN AND INSTALLATION OF TEMPORARY BRACING TO SUPPORT CURB WALL TO REMAIN DURING CONSTRUCTION FOLLOWING DEPOSITION OF THE FOUNDATION OF THE EXISTING STRUCTURE SHALL BE PROVIDED BY THE CONTRACTOR. SEE SOOT FOR ADDITIONAL INFORMATION.)

EAST ELEVATION
SCALE 1/8" = 1'-0"

WINFORD LINDSAY ARCHITECT

344 WEST PIKE STREET LAWRENCEVILLE, GA 30046

770 963 8989 VOICE 770 822 9402 FAX



DEVELOPER



OWNER

CHARLOTTE AVENUE LODGING, LLC

505 RIVERFRONT PARKWAY CANTON, GA 30115 770 402 4231-498-0497

PROJECT

TOWNEPLACE SUITES MARRIOTT

1500 CHARLOTTE AVENUE NASHVILLE, TN 37203

EDITION 8-7-18

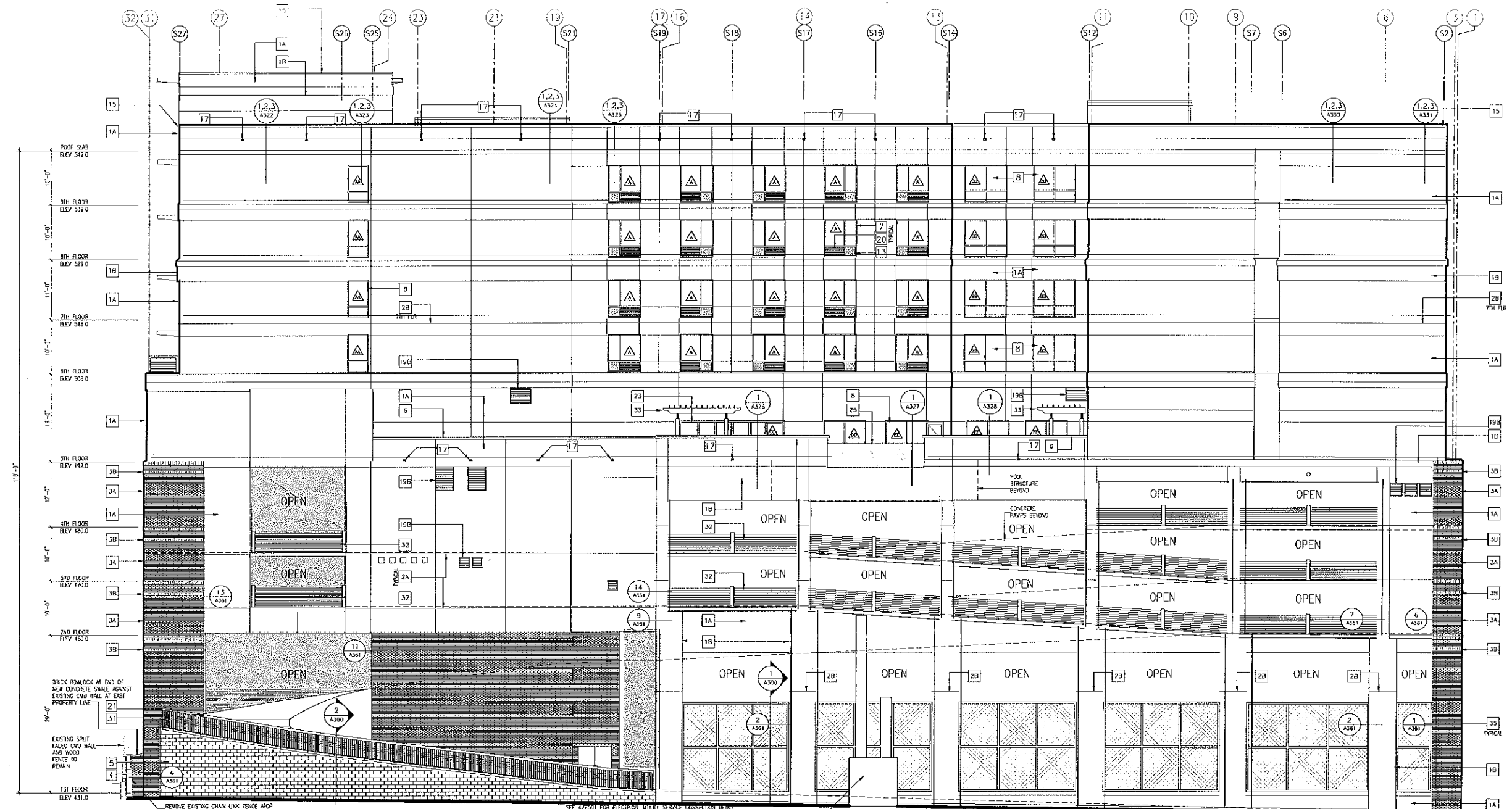
WLA PROJECT # 217051

DRAWN BY: CHECKED BY: APPROVED BY: PLOT DATE:

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NORTH ELEVATION

A203



NORTH ELEVATION SCALE 1/8" = 1'-0"

EXTERIOR FINISH MATERIALS LEGEND table with columns for material name and visual representation.

EIFS NOTES: GENERAL NOTE LOCATIONS AND CONSTRUCTION OF ALL JOINTS AND REVEALS WITHIN EIFS AT ALL EXTERIOR WALL AND CEILING LOCATIONS SHALL COMPLY WITH THE REQUIREMENTS OF THE CONTRACT DOCUMENTS AND THE REQUIREMENTS FOR ALL APPLICABLE SIMILAR CONDITIONS ENCOUNTERED AS DEFINED BY THE EIFS MANUFACTURER NECESSARY FOR EIFS JOINT/REVEAL DETAILS ON SHEET A202 FOR ADDITIONAL INFORMATION CONCERNING EIFS JOINT AND REVEAL SPACING, NOTCH, LOCATIONS AND CONSTRUCTION. REVEALS SHOULD BE SPACED AT 48" ON CENTER. EIFS JOINTS ARE LOCATED AT THE FULL PERIMETER OF THE BUILDING (WHERE APPLICABLE) AT CEILING LEVEL, 2ND FLOOR, 5TH FLOOR AND 7TH FLOOR, AS WELL AS ABOVE ALL EXTERIOR DOORS AND FENESTRATION AND AT ALL SCIMIT / PUNCH CONDITIONS.

KEYED ELEVATION NOTES table with columns for key number and description of notes.

EXTERIOR FINISH MATERIALS SCHEDULE table with columns for material description, manufacturer / product, pattern / texture, and finish / color / dimensions.

344 WEST PIKE STREET
LAWRENCEVILLE, GA
30044

770 963 8989 VOICE
770 822 3492 FAX



DEVELOPER
3H GROUP
HOTELS

OWNER
CHARLOTTE
AVENUE
LODGING, LLC

505 RIVERFRONT
AVENUE
CHATTANOOGA, TN
37402
423-499-0497

PROJECT

TOWNEPLACE
SUITES
MARRIOTT

1500 CHARLOTTE
AVENUE
NASHVILLE, TN
37203

EDITION
8-7-18

WLA PROJECT
217051

DRAWN BY:
CHECKED BY:
APPROVED BY:
PLOT DATE:

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WINFORD LINDSAY ARCHITECT

WEST ELEVATION

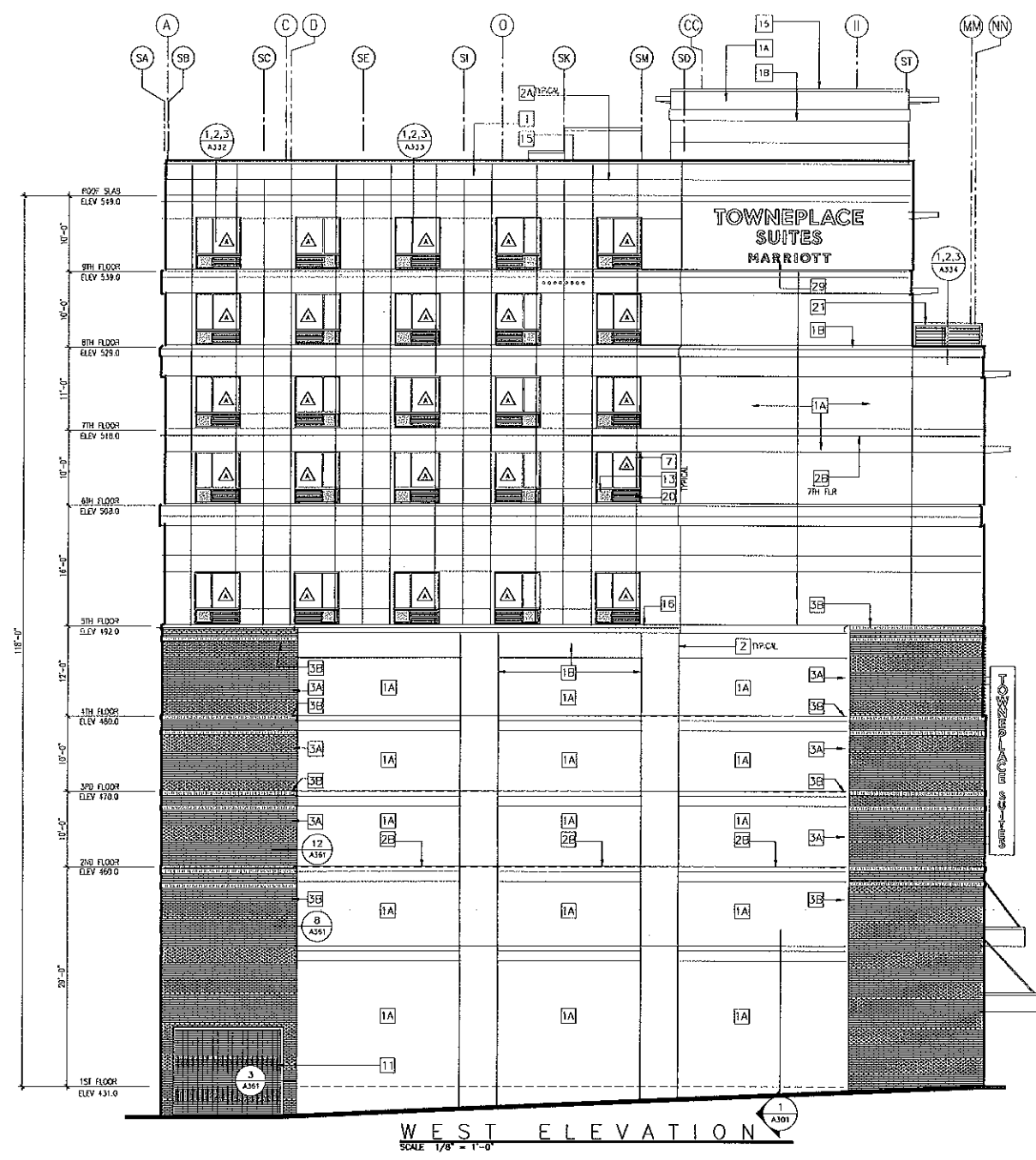
A204

| EXTERIOR FINISH MATERIALS LEGEND | |
|--|--|
| EIFS - COLOR 1 DRYKIT INSULATION PLUS MD SANDBLAST TEXTURE MATCH SHERWIN WILLIAMS INCREDIBLE WHITE 7028 | |
| EIFS - COLOR 2 DRYKIT INSULATION PLUS MD SANDBLAST TEXTURE MATCH SHERWIN WILLIAMS ONLINE 7072 | |
| BRICK VENEER MASONRY - COLOR 1 MODULAR 3-5/8 x 7-5/8 x 2-1/4 OVERSKEE VELOUR RED SPANSPOT | |
| BRICK VENEER MASONRY - COLOR 1 MODULAR 3-5/8 x 7-5/8 x 2-1/4 ENDICOTT MANGANESE BROWN SPOT SMOOTH | |

| EIFS NOTES | |
|--|--|
| SPACING, WIDTH, LOCATIONS AND CONSTRUCTION OF ALL JOINTS AND REVEALS WITHIN EIFS AT ALL EXTERIOR WALL AND CEILING LOCATIONS SHALL COMPLY WITH THE REQUIREMENTS OF THE CONTRACT DOCUMENTS AND THE REQUIREMENTS FOR ALL APPLICABLE SIMILAR CONDITIONS ENCOUNTERED AS DEFINED BY THE EIFS MANUFACTURER NECESSARY FOR THE SPECIFIED EIFS WARRANTY. NOTHING IN THE CONTRACT DOCUMENTS SHALL BE CONSTRUED TO REPRESENT A CONFLICT WITH THE EIFS MANUFACTURERS WARRANTY REQUIREMENTS. REFERENCE WALL SECTIONS AND EIFS JOINT/REVEAL DETAILS ON SHEET A362 FOR ADDITIONAL INFORMATION CONCERNING EIFS JOINT AND REVEAL SPACING, WIDTH, LOCATIONS AND CONSTRUCTION REQUIRED. DRAINABLE HORIZONTAL EIFS JOINTS ARE REQUIRED AT THE FULL PERIMETER OF THE BUILDING (WHERE APPLICABLE) AT GROUND LEVEL, 2ND FLOOR, 5TH FLOOR AND 7TH FLOOR, AS WELL AS ABOVE ALL EXTERIOR DOORS AND PENETRATION AND AT ALL SOFFIT / FASCIA CONDITIONS. | |

| KEYED ELEVATION NOTES | |
|---|--|
| REV DESCRIPTION | |
| 1A EXTERIOR INSULATION FINISH SYSTEM WITH SECONDARY AIR/WEATHER BARRIER - COLOR 1 | |
| 1B EXTERIOR INSULATION FINISH SYSTEM WITH SECONDARY AIR/WEATHER BARRIER - COLOR 2 | |
| 2A EXTERIOR INSULATION FINISH SYSTEM SEALANT JOINT (SEE A362) | |
| 2B EXTERIOR INSULATION FINISH SYSTEM SEALANT JOINT WITH KEEPS (SEE A362) | |
| 3A BRICK VENEER MASONRY - COLOR 1 | |
| 3B BRICK VENEER MASONRY - COLOR 2 | |
| 4 BRICK VENEER MASONRY CONTROL JOINT (SEE 17/A361) | |
| 5 CONCRETE SEISMIC RETAINING WALL SYSTEM | |
| 6 CAST STONE WALL CAP | |
| 7 CLEAR ANODIZED ALUMINUM FIXED WINDOW | |
| 8 CLEAR ANODIZED ALUMINUM STOREFRONT | |
| 9 CLEAR ANODIZED ALUMINUM ENTRANCE | |
| 10 CLEAR ANODIZED ALUMINUM AUTOMATIC SPRING ENTRANCE | |
| 11 CLEAR ANODIZED ALUMINUM OVERHEAD CEILING GRILLE | |
| 12 PREFINISHED ALUMINUM QUESTPOON CABANA DOORS | |
| 13 PREFINISHED ALUMINUM INSULATING EXTERIOR GLAZING INFILL PANEL | |
| 14 PREFINISHED ALUMINUM PERFORATED EXTERIOR WALL PANELS | |
| 15 PREFINISHED ALUMINUM COPING | |
| 16 PREFINISHED ALUMINUM ROOF EDGE FLASHING | |
| 17 PREFINISHED ALUMINUM SCUPPER | |
| 18 PREFINISHED ALUMINUM GUTTER WITH DOWNSPOUT | |
| 18A PREFINISHED ALUMINUM ARCHITECTURAL LOUVER | |
| 18B PREFINISHED ALUMINUM MECHANICAL LOUVER | |
| 20 PREFINISHED ALUMINUM PTAC LOUVER AND FRAME | |
| 21 PREFINISHED ALUMINUM GUARDRAIL | |
| 22A PREFINISHED ALUMINUM SUNSCREEN (FINISH COLOR TO MATCH SW INCREDIBLE WHITE 7028) | |
| 22B PREFINISHED ALUMINUM SUNSCREEN (FINISH COLOR TO MATCH SW ONLINE 7072) | |
| 23 PREFINISHED ALUMINUM FOLDING EXTERIOR WALL SYSTEM | |
| 24 SPANDE INSULATING SPANDREL GLASS | |
| 25 CLEAR TEMPERED MONOLITHIC GLASS CURTAINWALL | |
| 26 FLOOR METAL DOOR AND FRAME PAINTED TO MATCH ADJACENT EXTERIOR FINISH MATERIAL | |
| 27 LIGHT FIXTURE | |
| 28 BUILDING SCAVENGE (REFERENCE DRYKIT STANDARD DS 08.00 FOR ATTACHMENT THROUGH EIFS) | |
| 29 UNFINISHED BUILDING SCAVENGE (REFERENCE DRYKIT STD DS 08.00 FOR ATTACHMENT THROUGH EIFS) | |
| 30 TWO STAGED NATURAL GAS VENTERS | |
| 31 GALVANIZED RIB GUARDRAIL | |
| 32 GALVANIZED TENSORED BARRIER CABLES | |
| 33 CLEAR HEART REDWOOD LUMBER PERGOLA | |
| 34 FIRE DEPARTMENT CONNECTION / FIRE PUMP TEST HEADER | |
| 35 BLACK VINYL COATED CHAIN LINK FENCING | |
| 36 PAINTED GALVANIZED 2" DIAMETER STEEL CANOPY SUPPORT TENSION RODS | |
| 37 BRICK BOX | |

| EXTERIOR FINISH MATERIALS SCHEDULE | | | |
|--|---|---|--|
| GENERAL DESCRIPTION | MANUFACTURER / PRODUCT | PATTERN / TEXTURE | FINISH / COLOR / DIMENSIONS |
| EXTERIOR INSULATION FINISH SYSTEM WITH SECONDARY AIR/WEATHER BARRIER - COLOR 1 | DRYKIT - INSULATION PLUS MD | SANDBLAST | MATCH SHERWIN WILLIAMS INCREDIBLE WHITE 7028 |
| EXTERIOR INSULATION FINISH SYSTEM WITH SECONDARY AIR/WEATHER BARRIER - COLOR 2 | DRYKIT - INSULATION PLUS MD | SANDBLAST | MATCH SHERWIN WILLIAMS ONLINE 7072 |
| REQUIRED ACROTEC FINISH SYSTEM | DRYKIT - TMS | SANDBLAST | MATCH SHERWIN WILLIAMS ONLINE 7072 |
| BRICK VENEER MASONRY - COLOR 1 | OVERSKEE | VELOUR | RED SPANSPOT / MODULAR |
| BRICK VENEER MASONRY - COLOR 2 | ENDICOTT | SMOOTH | MANGANESE BROWN SPOT / MODULAR |
| CONCRETE SEISMIC RETAINING WALL SYSTEM | ANCHOR WALL SYSTEMS / ANCHOR DRAINAGE PRO | BEVELED SPIRIT ROCK FACE | TO BE DEFINED BY DEVELOPER |
| CAST STONE | CUSTOM CAST STONE | SMOOTH | LIGHT BUFF |
| MORTAR FOR BRICK VENEER AND CAST STONE | CEMEX / ACCURAC PREBLENDED MORTAR MIX TYPE N | NOT APPLICABLE | CITADEL CREAM |
| PREFINISHED ALUMINUM FIXED WINDOWS | QUVER 4500 AR-P20 FW | NOT APPLICABLE | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 611, CLASS I |
| PREFINISHED ALUMINUM STOREFRONT | WIK-AP / YES 45N (GLASS) & YES 45S (PERFORATED PANELS) | NOT APPLICABLE | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 |
| PREFINISHED ALUMINUM ENTRANCES | WIK-AP / SERIES 300 | NOT APPLICABLE | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 |
| PREFINISHED ALUMINUM ALL GLASS AUTOMATIC SPRING ENTRANCE | STANLEY ACCESS TECHNOLOGIES / DURADOME 3000G | NOT APPLICABLE | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 |
| PREFINISHED ALUMINUM OVERHEAD CEILING GRILLE | ROOFSYS / 5015 SECURITY GRILLE | STRAIGHT BAR PATTERN | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 |
| PREFINISHED ALUMINUM QUESTPOON CABANA DOORS | WIK-AP / SERIES 350 | NOT APPLICABLE | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 |
| PREFINISHED ALUMINUM INSULATING EXTERIOR GLAZING INFILL PANELS | WAPES / WAPES II PANELS | EXPOSED EXTERIOR | 100% KANAR RESIN FLUOROPOLYMER ANMA 2005 / SILVER |
| PREFINISHED ALUMINUM PERFORATED EXTERIOR WALL PANELS IN ALUMINUM STOREFRONT | MONOLITHIC METAL PRODUCTS - 173011241 PANELS SET IN WIK-AP YES 45S STOREFRONT FRAMING | 1" ROUND PERFORATIONS IN 1" THICK PANELS | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 AT PANELS AND STOREFRONT FRAMING |
| PREFINISHED ALUMINUM FLASHING | TO BE DETERMINED | NOT APPLICABLE | 100% KANAR RESIN FLUOROPOLYMER ANMA 2005 / MATCH COLOR OF ADJACENT FINISH MATERIAL |
| PREFINISHED ALUMINUM COPINGS | PETERSEN ALUMINUM CORPORATION / CONTINUOUS CLEAT | NOT APPLICABLE | 100% KANAR RESIN FLUOROPOLYMER ANMA 2005 / MATCH COLOR OF ADJACENT FINISH MATERIAL |
| PREFINISHED ALUMINUM SCUPPERS | TO BE DETERMINED | NOT APPLICABLE | 100% KANAR RESIN FLUOROPOLYMER ANMA 2005 / MATCH COLOR OF ADJACENT FINISH MATERIAL |
| PREFINISHED ALUMINUM GUTTERS/DOWNSPOUTS | TO BE DETERMINED | NOT APPLICABLE | 100% KANAR RESIN FLUOROPOLYMER ANMA 2005 / MATCH COLOR OF ADJACENT FINISH MATERIAL |
| PREFINISHED ALUMINUM ARCHITECTURAL LOUVERS | PUSPAN / ELF 3730D | NOT APPLICABLE | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 |
| PREFINISHED ALUMINUM MECHANICAL LOUVERS | PUSPAN / ELF 3735K | NOT APPLICABLE | 100% KANAR RESIN FLUOROPOLYMER ANMA 2005 / MATCH COLOR OF ADJACENT EIFS |
| PREFINISHED ALUMINUM PTAC LOUVER AND FRAME | RELIABLE / ABL 42 WITH 188 FRAME (CUSTOM SIZE) | NOT APPLICABLE | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 |
| PREFINISHED ALUMINUM GUARDRAILS | SUN ARCHITECTURAL PRODUCTS, INC. | NOT APPLICABLE | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 |
| PREFINISHED ALUMINUM SUNSCREENS | HEBRAS ARCHITECTURAL PRODUCTS | CUSTOM FABRICATED ALUMINUM SUNSCREENS | 100% KANAR RESIN FLUOROPOLYMER ANMA 2005 |
| PREFINISHED ALUMINUM FOLDING EXTERIOR WALL SYSTEM | WYHALL SYSTEMS / 510 | NOT APPLICABLE | CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612 |
| SPANDE INSULATING SPANDREL GLASS | ROCKCASTLE BUILDING ENVELOPE | NOT APPLICABLE | 1" THICK INSULATING SPANDREL GLASS COLOR TO BE SELECTED BY ARCHITECT |
| TEMPERED MONOLITHIC GLASS CURTAINWALL | SUN ARCHITECTURAL PRODUCTS, INC. | NOT APPLICABLE | 1" THICK CLEAR WITH POWDERED EDGES AND BLUNT CORNERS |
| PAINTED GALVANIZED FLOOR METAL DOORS AND FRAMES | TO BE DETERMINED | NOT APPLICABLE | EPHRAHE ALUMI GLOSS PAINTED TO MATCH COLOR OF ADJACENT FINISH MATERIAL |
| POOL DECK PORCELAIN TILE | CELANESE TECHNICS LTD. / MURANO QUADRATIC | 3 OFFSETS / NATURAL FINISH | INTRACITE / 8" x 24" RECTIFIED |
| SOBERNA CONCRETE RISERS | BLM, SCORFIELD / CHROME P. LITHOKE-PEWEE, COVENTRY | 3 PIECE AND LARGE SQUARE PATTERNS A | COLOR TO BE DEFINED BY DEVELOPER / 60 MM THICK / SHEET VARY |
| COLORADO CONCRETE SIDEWALKS | BLM, SCORFIELD / LITHOKE PAPERPATERS | FINE BRICK FINISH | MATCH PATTERNOED CONCRETE COLOR |
| SPRINKLER COURT PATTERNOED CONCRETE | BLM, SCORFIELD / LITHOKE PAPERPATERS | JANETONE BLUETONE FAN RANDOM INTERLOCKING | COLOR TO BE DEFINED BY DEVELOPER |
| POOL DECK PERGOLA | TO BE DETERMINED / CLEAR HEART REDWOOD | SURFACED FOUR SIDES | 180 GRAITS OF EXTERIOR WATERBORNE CLEAR SEALER |



WEST ELEVATION
SCALE 1/8" = 1'-0"

From: [Jack Cawthon](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Charlotte Ave Hotel, Haddock\(property\) Sreyas Surati](#)
Subject: Old Haddox Pharmacy and Subway, #2019-086
Date: Tuesday, March 5, 2019 11:11:01 AM

Board of Zoning Appeals

March 4, 2019

RE: Zoning Appeal Case # 2019-086

We respectfully submit our support of the zoning variance mentioned above.

The proposed project would be at 1500 Charlotte Avenue (site of the old Haddox Pharmacy and Subway shop). The current condition of this property is an eye-sore to the surrounding community and does not fare well as one of the main gateways to downtown Nashville.

We would welcome a project of this caliber. An eight-story Marriot hotel could be a trend setter for our community and help satisfy the demand for hotel rooms in the area. Nashville's tourists are attracted to this area by the nearby Marathon Village. This area has become a part of the downtown community.

The project area has many limitations for attracting prominent businesses. We are glad that the developers of this project are willing to work with the community and bring in such an upscale hotel. It does not serve the community well to continue having empty surface lots or car lots in this area. An established business without the landscape buffers would still be a welcome addition to the community.

Thank you for your consideration,

Jack Cawthon, Founder/President, Jack Cawthon's Bar-B-Que

Jack Cawthon
Jack's Bar-B-Que
jack@jacksbarbque.com
www.jacksbarbque.com
615 207 4333

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Deron Jenkins
Property Owner: DY Properties
Representative: Deron Jenkins

Date: 1-14-19
Case #: 2019-087
Map & Parcel: 92-7-302

Council District 21

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

Purpose: Requesting reduction of landscape
buffer to allow 5' with 8' masonry
wall.

Activity Type: New Construction - Multi-Family

Location: 816 B 19th Ave. N.

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

Reason: Does not meet requirement for landscape buffer

Section(s): 17.24.230

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.

DY Construction Inc
Appellant Name (Please Print)

Deron Jenkins / David Scott
Representative Name (Please Print)

911D 19th Ave North
Address

911D 19th Ave North
Address

Nashville 37208
City, State, Zip Code

Nashville 37208
City, State, Zip Code

615-569-3699
Phone Number

615-569-3699
Phone Number

DYConstruction25@aol.com
Email

DYConstruction25@aol.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



3594429

ZONING BOARD APPEAL / CAAZ - 20190002440
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09207030200

APPLICATION DATE: 01/14/2019

SITE ADDRESS:

816 B 19TH AVE N NASHVILLE, TN 37208
PT LOT 10 FULCHER SUB 17 HARDING & LYTLE

PARCEL OWNER: DY PROPERTIES II LLC

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting reduction of landscape buffer requirement to allow 5' with 8' masonry wall.

*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 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.

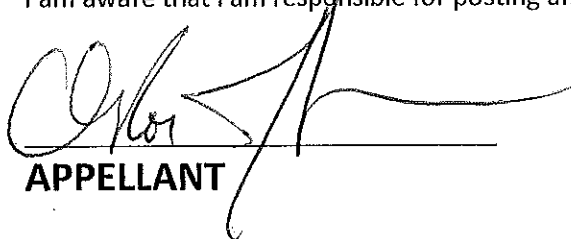
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

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

1/14/19

DATE

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?

Lot size & the number of different zonings (4) from the adjacent properties. Trying to conform to all 4 different zonings make this a hardship. MUL-A & IR are not common as adjacent properties.

615 0047
T 726 4391
F 726 4391
S 1615
sixteenth
avenue south
nashville
tennessee
37212

NOTE: THIS DRAWING WAS GENERATED FROM A SURVEY PROVIDED BY W.T. SMITH LAND SURVEYING DATED 12/17/2018

(09207030000)
822 19TH AVE N
PNI, LLC
DB-20180228 0018745
R.O.D.C. TN
ZONING: RM20

DASHED LINE INDICATES 2FT-TALL RETAINING WALL WITH 6FT-TALL PRIVACY FENCE. TOTAL HEIGHT ABOVE DRIVE = 8FT-TALL. NO LANDSCAPE BUFFER REQUIRED BETWEEN MULA AND RM20 ZONING DISTRICTS.

POWER POLE TO BE REMOVED

N 67°02'19" E 147.05'

HATCHED AREA INDICATES NEW DRIVE, SIDEWALKS, AND HARDSCAPE

ZONING: RM20

PRELIMINARY DRAWING

METRO BOARD OF ZONING APPEALS

PRIVATE RESIDENCES

0 19TH AVE N &
816 19TH AVE N
NASHVILLE, TN
3 7 2 0 8

JOB NUMBER

18022

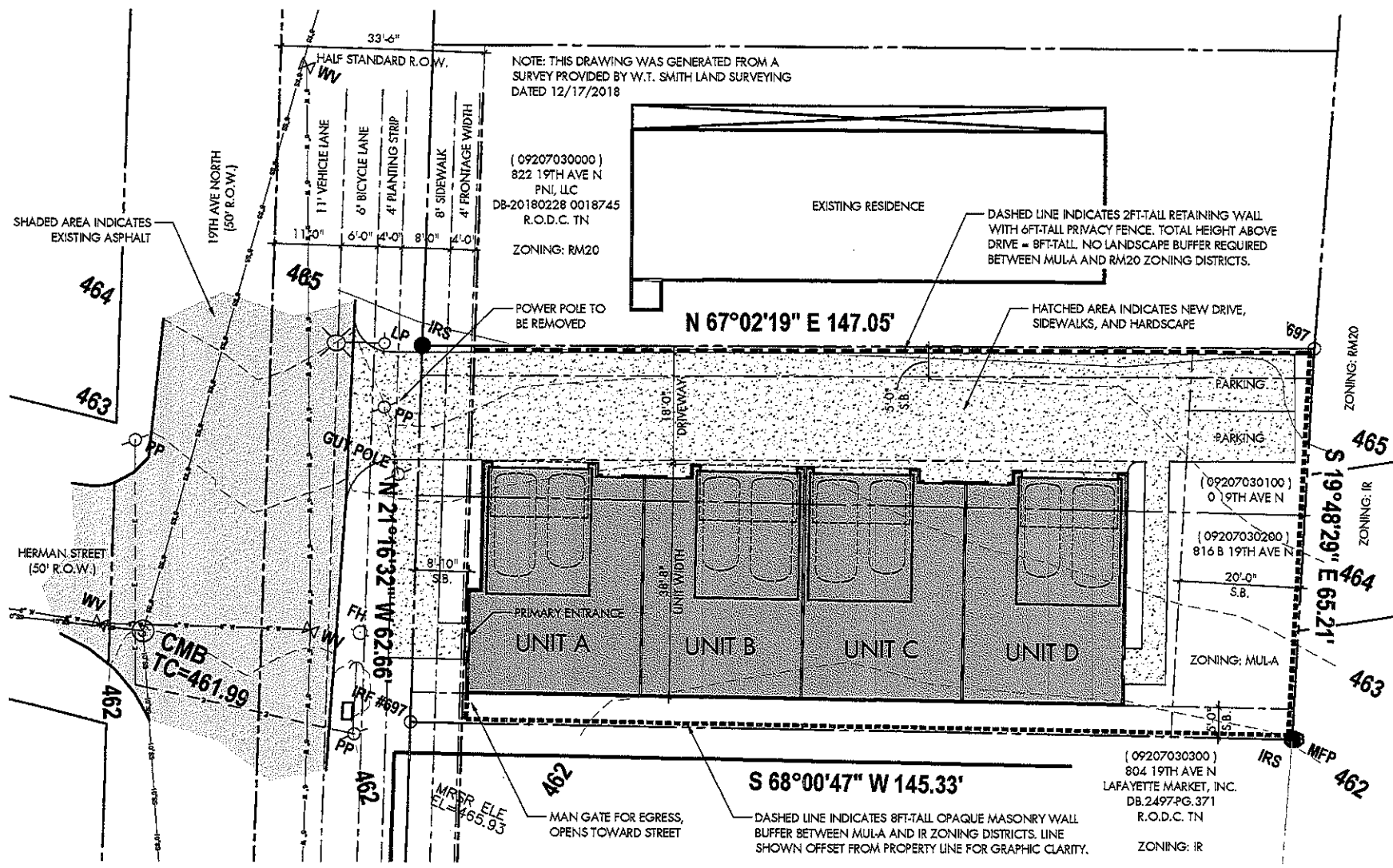
SITE PLAN

SHEET NUMBER

AS1.01

DATE

JANUARY 14, 2019
www.baueraskewarchitecture.com



SITE PLAN DIAGRAM - FOUR CONNECTED UNITS
UNITS A, B, C, & D

COPYRIGHT 2019 BAUER/ASKEW Architecture, pllc. NO PART OF THIS WORK COVERED BY THE COPYRIGHT MAY BE REPRODUCED OR COPIED IN ANY FORM OR BY ANY MEANS - GRAPHIC, ELECTRONIC, OR MECHANICAL, INCLUDING PHOTOCOPIING - WITHOUT PRIOR WRITTEN PERMISSION FROM BAUER ASKEW ARCHITECTURE, PLLC. IT IS A VIOLATION OF THE LAW FOR ANY PERSON UNLESS ACTING UNDER THE DIRECTION OF THE ARCHITECT TO ALTER AN ITEM IN ANY WAY.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Homes at 1319 Otay St. Date: 1/15/19

Property Owner: Homes at 1319 Otay St. Case #: 2019-088

Representative: JONA Development, LLC
Scott Jones Map & Parcel: 072100B90000C0

Council District 7

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

Purpose:

to leave an existing fence in the current location.

the fence is 4' tall.

Activity Type: Residential Privacy fence

Location: 2217 B Scott Ave. 37216

This property is in the R-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: The house only has a front yard, moving the fence back 10' will hinder the use of the yard.

Section(s): 17.12.040 26.

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.

Homes at 1319 Otay St.
Appellant Name (Please Print)

Scott Jones
Representative Name (Please Print)

2217 B Scott Ave.
Address

335 Gillette Dr.
Address

Nashville, TN 37216
City, State, Zip Code

Franklin, TN 37069
City, State, Zip Code

901-550-1347
615-642-4426
Phone Number

615-943-6942
Phone Number

Jayparkerc@comcast.net
Email

scott@jona.development.com
Email

Appeal Fee: \$100.00



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



3594621

ZONING BOARD APPEAL / CAAZ - 20190002580
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 072100B90000CO

APPLICATION DATE: 01/15/2019

SITE ADDRESS:

2217 B SCOTT AVE NASHVILLE, TN 37216
COMMON AREA HOMES AT 1319 OTAY STREET

PARCEL OWNER: O.I.C. HOMES AT 1319 OTAY STREET

CONTRACTOR:

APPLICANT:**PURPOSE:**

Per 17.12.040 26. Screening Walls or Fences. The maximum permitted height measured from finish grade level on the side of the wall or fence with the greatest vertical exposure shall be two and one-half feet (2.5') in height within ten feet (10') of a street right-of-way.

Request to keep/maintain existing four foot (4') high solid fence running along street right-of-way of Scott Avenue. Fencing services/encloses side yards for both units; A and B of Homes at 1319 Otay Street (ownership in common).

*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.

Homes at 1319 Otay St.
APPELLANT

1/15/19
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.

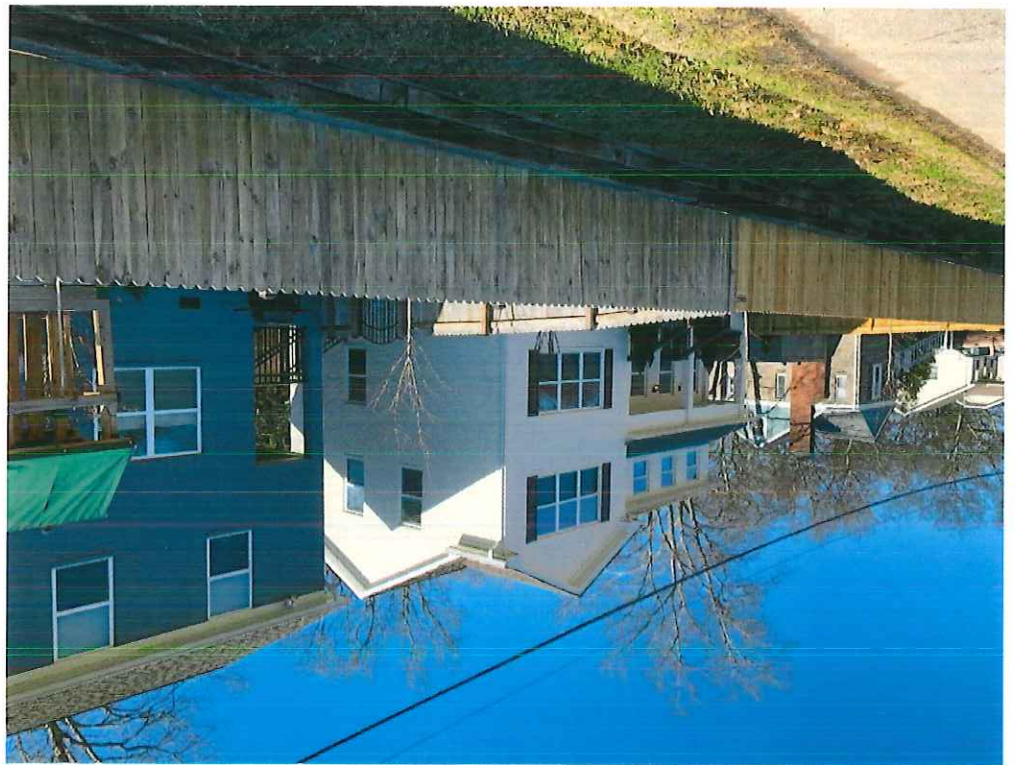
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively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

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

Where the houses currently sit on the property, the homes do not have any back yards. By fencing in the front yards to exclude the ditch, this provides safety for pets and children. Removing the fence would decrease the safety of the current fenced in front yard.







880-6100











From: [DJ Sullivan](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: 20190002580
Date: Monday, February 11, 2019 12:51:00 PM

Re:Permit # 20190002580

I live across the street at 2220 Scott. I support them being able to keep the existing solid 4 foot fence. It looks fine.

Thank You,

DJ Sullivan



METROPOLITAN COUNCIL

Member of Council

ANTHONY DAVIS

Metro Councilman District 7

1516 Dugger Drive • Nashville, TN 37206

Telephone 615-775-8746 • Anthony.Davis@nashville.gov

March 4, 2019

Chair, David Ewing and Members
Metropolitan Board of Zoning Appeals
Metro Office Building/ Sonny West Conference Center
700 Second Avenue South
Nashville, TN 37219-6300

RE: Appeals Case No. 2019-088
Property Located at Homes at 1319 Otay St. /2217B Scott Ave

Dear Chair Ewing and Members,

I am writing to express my support for the above referenced variance request at 2217B Scott Avenue. A variance from fence height requirements, which would allow the applicant to maintain an existing fence. This case will be on the BZA's agenda for the meeting of March 7, 2019.

I have not heard any opposition from neighbors on this matter. Furthermore, the request seems reasonable with the existing structure. Thank you for moving to approve this variance.

I sincerely appreciate your service to Metro Nashville.

Cordially,

Anthony Davis, Councilmember
Metro Council, District 7

AD/dc

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Randy Yard
Property Owner: Randy Yard
Representative: Randy Yard

Date: 1-15-19
Case #: 2019-089
Map & Parcel: 41-5-1

Council District 3

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

Purpose:

Requesting variance in front setback to allow 32' front setback. Street average is 68.5' this would be a 36.5' Reduction

Activity Type: New Construction - Single Family

Location: 4136 Creek Trail Dr.

This property is in the RS20 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 front setback requirement

Section(s): 17.12.030(c) 3

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

Randy Yard
Appellant Name (Please Print)

Same
Representative Name (Please Print)

3456 Chandler Cove Way
Address

Address

Antioch, TN 37013
City, State, Zip Code

City, State, Zip Code

253-279-1625
Phone Number

Phone Number

randy.y11@hotmail.com
Email

Email

Appeal Fee: \$100.00



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



3594757

ZONING BOARD APPEAL / CAAZ - 20190002651
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 04105000100

APPLICATION DATE: 01/15/2019

SITE ADDRESS:

4136 CREEK TRAIL DR WHITES CREEK, TN 37189
LOT 13 CREEK TRAIL SUB-REVISED

PARCEL OWNER: YARD, RANDY

CONTRACTOR:

APPLICANT:

PURPOSE:

request variance to allow a front setback of 32'. street average is 68.5', this represents a 36.5' reduction.

*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.)

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

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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.

Randy Yard
APPELLANT

1/15/19
DATE

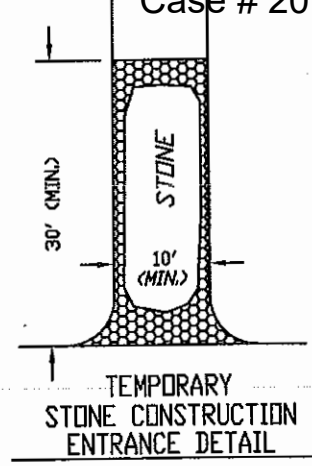
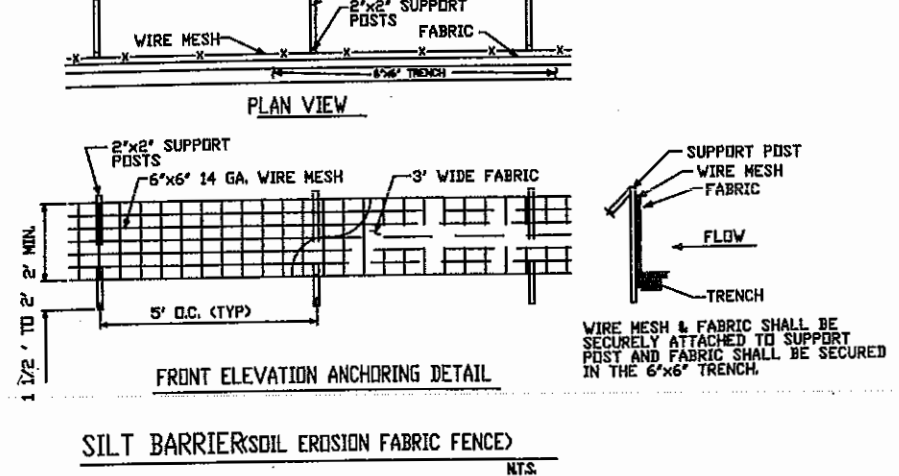
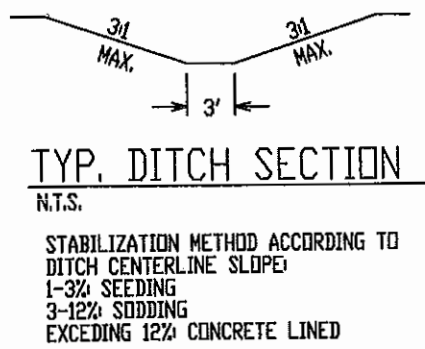
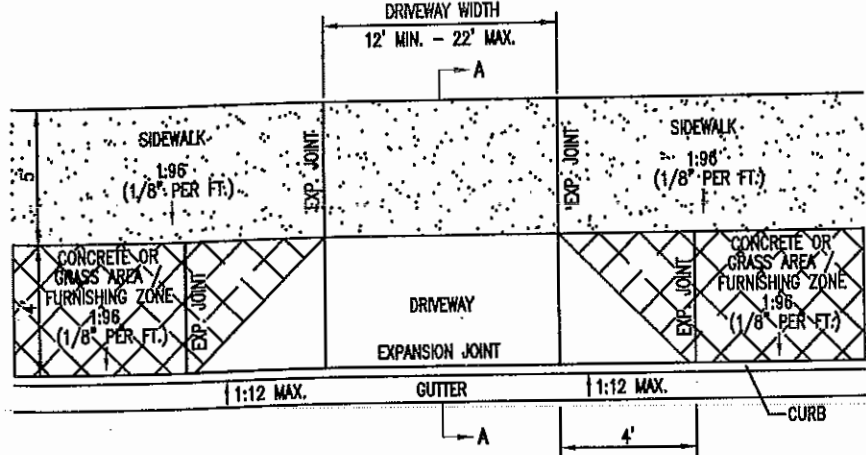
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At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

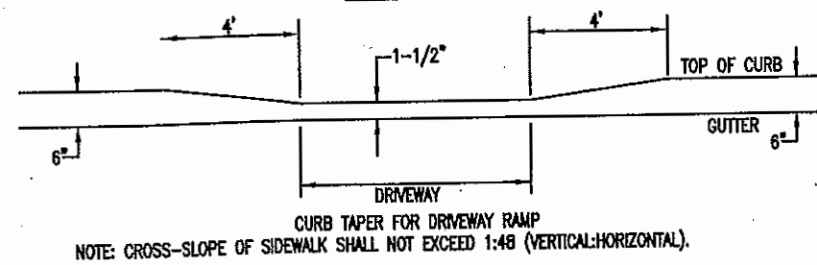
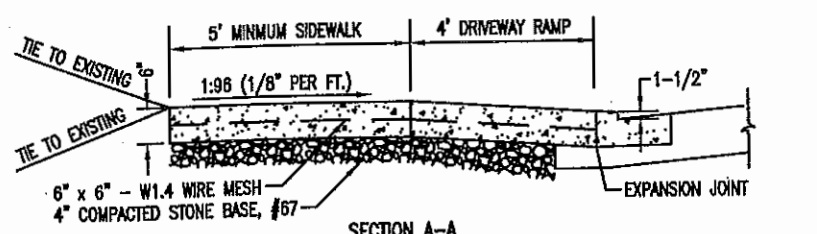
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WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

Topographic. If I build to the required set back there is 20' of slope through the foundation. If I can move forward there is only 6'



1) STONE SIZE 1-1/2\"/>



RESIDENTIAL CONCRETE DRIVEWAY RAMP NOT TO SCALE

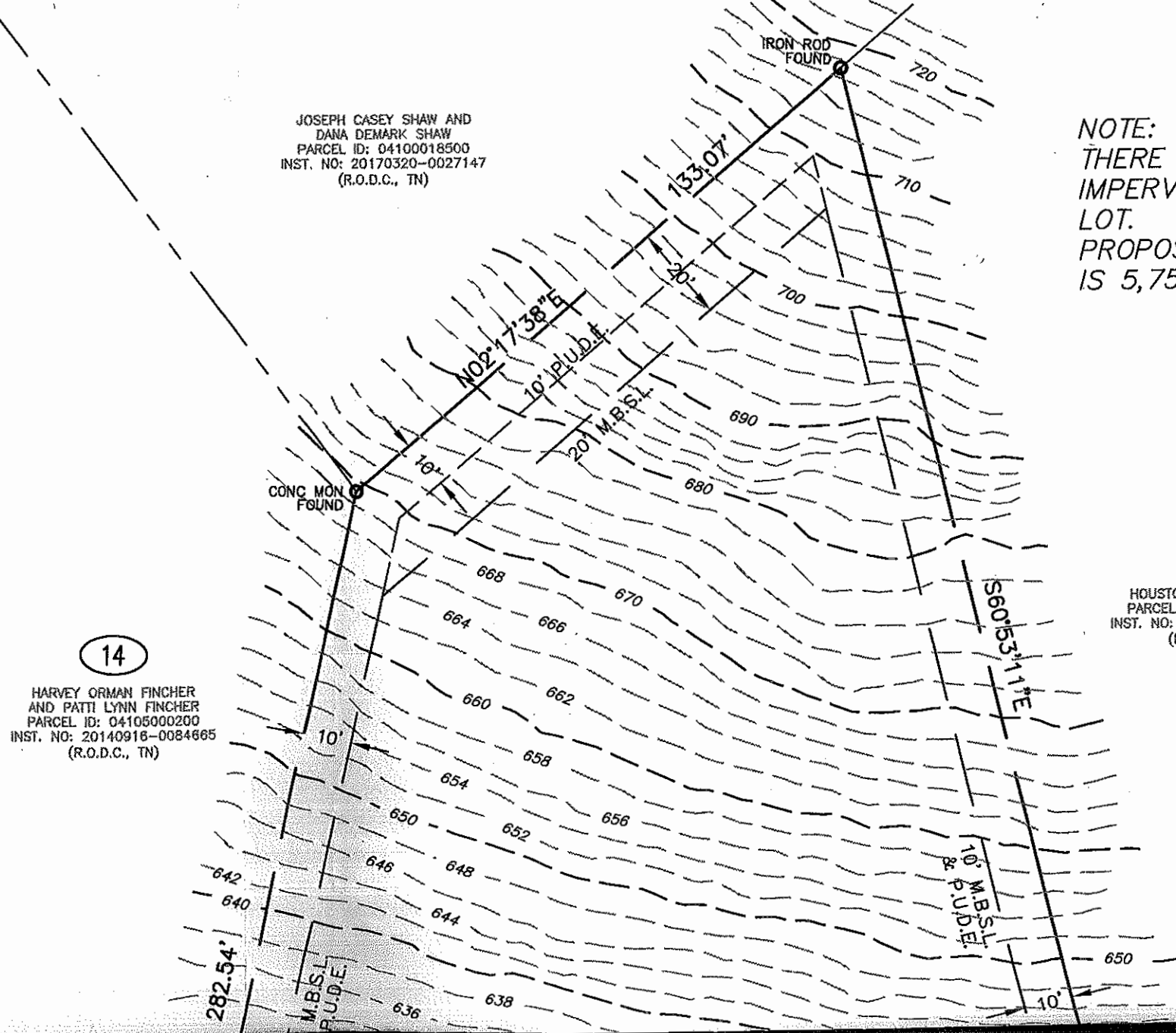
CRITICAL LOT PLAN

CRITICAL LOT NOTE
 FOR LOTS DESIGNATED CRITICAL, PRIOR TO ISSUANCE OF A BUILDING PERMIT, A GRADING PLAN COMPLETE WITH THE FOLLOWING INFORMATION AT A SCALE OF 1\"/>

APPROVAL WILL BE BASED UPON CARE TO MINIMIZE BOTH LOT AREAS SUBJECT TO GRADING AND THE AMOUNT OF CUT/FILL REQUIRED TO PREPARE THE LOT AS A BUILDING SITE.

NO CORNERS WERE SET OR RESET AT THE TIME OF THIS INSPECTION.

NOTE: HAY OR STRAW BALES ARE NOT PERMISSIBLE AS SILTATION BARRIERS.



NOTE:
 THERE ARE NO EXISTING IMPERVIOUS AREAS ON THE LOT.
 PROPOSED IMPERVIOUS AREA IS 5,754 Sq.Ft. ±

12

HOUSTON H. FRENCHMAN
 PARCEL ID: 04102003500
 INST. NO: 20101109-0089863
 (R.O.D.C., TN)

14

HARVEY ORMAN FINCHER
 AND PATTI LYNN FINCHER
 PARCEL ID: 04105000200
 INST. NO: 20140918-0084665
 (R.O.D.C., TN)

HORIZONTAL LOCATION DATA SHOWN ON THIS SURVEY WAS GATHERED USING STANDARD RADIAL SURVEYING TECHNIQUES WITH AN ELECTRONIC TOTAL STATION AND DATA COLLECTOR AND GLOBAL POSITIONING SYSTEM (GPS) UNIT AND IS BASED ON A POSITIONAL SOLUTION DERIVED FROM REAL-TIME KINEMATIC GPS OBSERVATIONS PROCESSED BY TENNESSEE DOT NETWORK. BEARINGS ARE EXPRESSED IN THE TENNESSEE STATE PLANE COORDINATE SYSTEM (HORIZONTAL = NAD83-C.O.R.S.; VERTICAL = NAVD88; ZONE TN 4100, GEOID MODEL MID TN 12A), USING SOKKIA GPS MODEL GRX2 GNSS RECEIVER RTK (L1+L2), HORIZONTAL ACCURACY=5mm+.05ppm AND VERTICAL ACCURACY=10mm+.08ppm.

WITHIN DESCRIBED TRACT OF LAND LIES WITHIN ZONE X AS SAID TRACT IDENTIFIED BY SCALE ON FEMA MAP NUMBER 47037C0118H ON THE FLOOD HAZARD SURVANCE RATE MAPS FOR NASHVILLE AND DAVIDSON COUNTY, TENNESSEE PER REVISED APRIL 5, 2017).

LIENSHIP INFORMATION INDICATED HEREON IS AS IDENTIFIED IN COUNTY RECORDS.

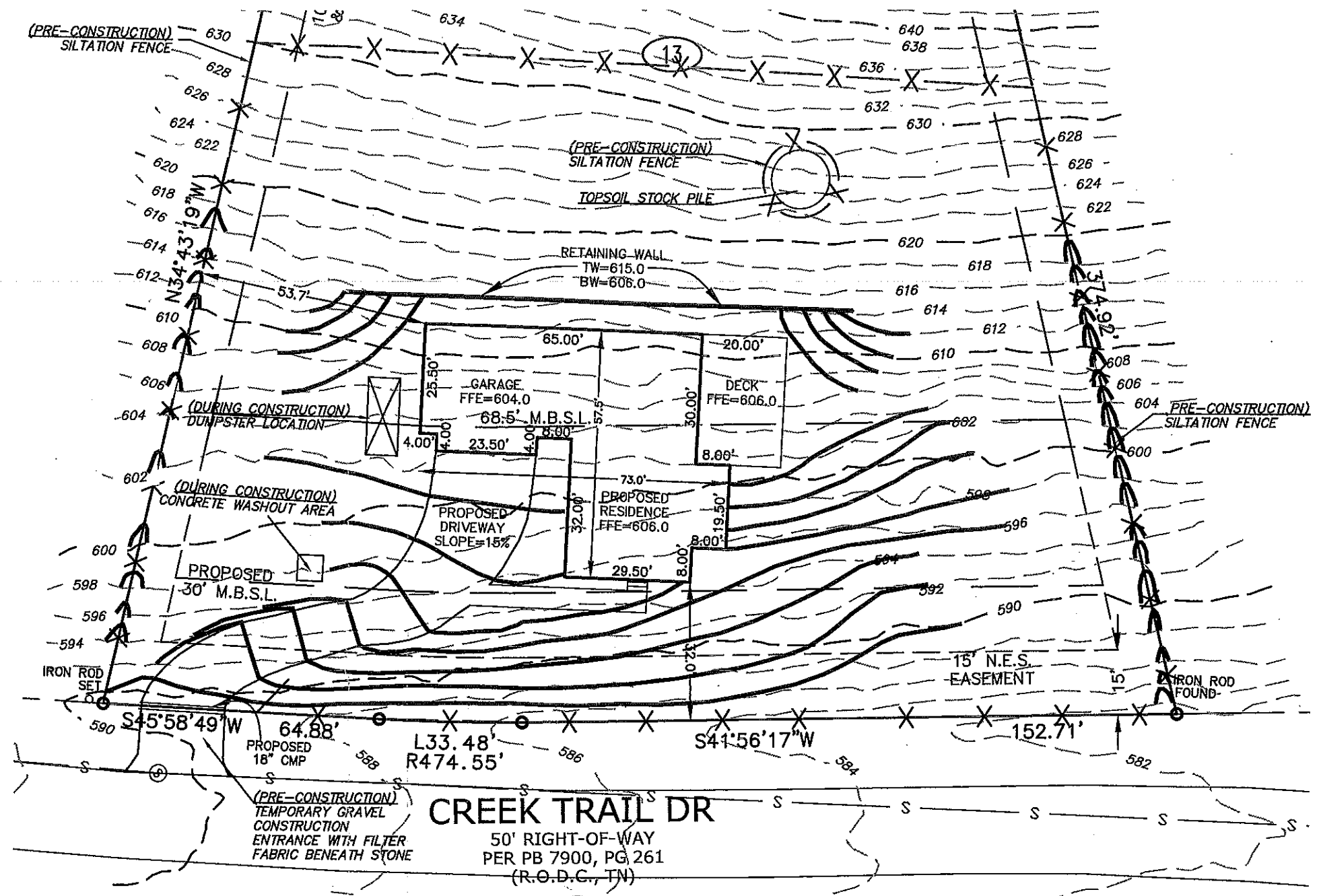
SURVEYOR HAS NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE MAINTENANCES AT THE SITE, PUBLIC RECORDS, AND/OR MAPS PREPARED BY OTHERS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES 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 IF MADE. LIABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY.

IN TENNESSEE IT IS A REQUIREMENT OF THE "UNDERGROUND UTILITY DAMAGE PREVENTION ACT" THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNER(S) NO LESS THAN THREE NOR MORE THAN TEN WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY HAZARD OR CONFLICT. THE TENNESSEE ONE CALL SERVICE PHONE NUMBER IS 1-800-351-1111. UTILITIES WERE NOT CHECKED DURING THE COURSE OF THIS SURVEY.

WITHIN PLAT AND SURVEY WERE PREPARED WITHOUT BENEFIT OF CURRENT EVIDENCE OF SOURCE OF TITLE FOR THE SUBJECT TRACT OR ADJOINERS AND THEREFORE SUBJECT TO ANY STATEMENT OF FACTS REVEALED BY EXAMINATION OF SUCH DOCUMENTS.

SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THOSE MATTERS IDENTIFIED IN THE CERTIFICATION AND DOES NOT EXTEND TO ANY OTHER PARTIES.

PROPERTY IS SUBJECT TO ALL MATTERS SET FORTH ON THE RECORDED INSTRUMENT PLAT OF CREEK TRAIL SUBDIVISION AS RECORDED IN PLAT BOOK 7900, PAGE 261 R.O.D.C., TN. AND IS SUBJECT TO ALL RESTRICTIONS OF RECORD. BUILDER TO VERIFY BEFORE CONSTRUCTION ON THIS LOT.

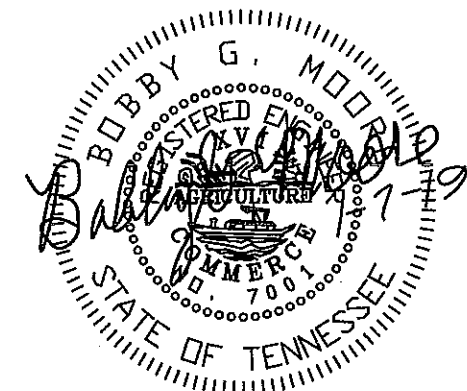


RANDY YARD
 4136 CREEK TRAIL DR.
 CREEK, DAVIDSON COUNTY, TENNESSEE
 SUBD. CREEK TRAIL SUBDIVISION
 PLAT BOOK 7900, PAGE 261, R.O.D.C., TN
 DATE: JANUARY 7, 2019
 PARCEL: 01.00 PLAN: # 73.00'X57.50' LHFE
 419 SQ.FT. ± OR 1.32 AC±

MINIMUM SET BACKS
 FRONT YARD: SEE NOTE (A)
 SIDE YARD: 5'
 REAR YARD: 35'

NOTE A: FRONT/STREET SETBACK PER METRO GOVERNMENT OF NASHVILLE MUNICIPAL CODES, CHAPTER 17.12.030, NOTE C(5) PER ORDINANCE NO. BL2017-833

| STREET SETBACK TABLE | |
|-------------------------|---------|
| ADDRESS | SETBACK |
| #4140 CREEK TRAIL DR | 83.1' |
| #4144 CREEK TRAIL DR | 37.0' |
| #4150 CREEK TRAIL DR | 111.4' |
| #4154 CREEK TRAIL DR | 42.3' |
| AVERAGE SETBACK = 68.5' | |



JANUARY 7, 2019 | DWN. BY: ACB | CKD. BY: BGM | TITLE: CRITICAL LOT PLAN

Scale : 1" = 30'



RANDY YARD
 LOT 13-CREEK TRAIL SUBDIVISION
 INSTRUMENT # 20180907-0089019, R.O.D.C., TN.

H & H LAND SURVEYING, INC.

612 A FITZHUGH BLVD.
 SMYRNA, TENNESSEE 37167
 PHONE: (615) 831-0756

**BEFORE THE METROPOLITAN NASHVILLE DAVIDSON COUNTY BOARD OF
ZONING APPEALS**

| | | | |
|----------------------|--------------------------------------|---|---------------------------------|
| Appellant: | Randy Yard |) | |
| Site Address: | 4136 Creek Trail Dr. (Lot 13) |) | Case #: 2019-089 |
| | Whites Creek, TN 37189 |) | Map & Parcel: 41-5-1 |
| | |) | |

OBJECTIONS TO SETBACK VARIANCE

Comes now the below owners of residences (hereinafter Opponents) in the Creek Trail Subdivision (hereinafter Subdivision) objecting to the setback variance sought by Appellant, a "self-contractor".

FACTS

As part of Appellant's application for his building permit for an 1800 square foot single family residence, on November 5, 2018 Appellant submitted to the Metropolitan Department of Codes and Building Safety a Critical Lot Plan which provided for a 60-foot setback. See Exhibit 3 attached hereto. Subdivision residents advised Appellant of the Restrictive Covenant and its provisions, see Exhibit 2 attached hereto, and provided him a copy of same. On January 7, 2019, Appellant submitted another document entitled Critical Lot Plan to support his request for a variance to allow a 32-foot front setback, reporting that the street/front average setback is 68.5 feet. See Exhibit 4. Both Critical Lot Plans state that property "is subject to all restrictions of record. Builder to verify before construction on this lot." See Exhibits 3 and 4. Of note, Appellant's Lot 13, 4136 Creek Trail Drive is subject to the 68.5 feet average street/front setback as well as the Subdivision Restrictive Covenant provisions of a minimum 2400 square foot residence and placement of the garage on the side or to the rear of the residence. See,

e.g., Exhibits 1 and 2, Paragraphs 4 and 5, Davidson County Register of Deeds Book 7762 Page 423. Appellant's proposed construction violates all three requirements.

Analysis and Argument

Opponents aver that the granting of the variance substantially impairs the intent and purpose of Section 17.40.370, Metro Code of Ordinances and should be denied for the following reasons.

1. The physical characteristics of Appellant's property are not sufficient or unique to impose a topographic hardship, permitting a 36.5' variance from the average 68.5' setback. "Based on recent field observations and parcel comparisons..., it appears to be no apparent negative impact on parcel 04105000700 (4136 Creek Trail Drive), that would prohibit a builder from achieving the existing average building setback distance or the average building square footage as demonstrated by the other above referenced [4140 Creek Trail, parcel 04105000200; 4144 Creek Trail, parcel 04105000300; 4150 Creek Trail, parcel 04105000400; 4154 Creek Trail, parcel 04105000500] parcels." See Exhibit 1 attached hereto; see also Exhibit 6 ("With some excavation, the need for the setback variance would not be needed....") These expert opinions are substantially supported by the fact that Appellant *himself* initially submitted a Critical Lot Plan which provided for a 60-foot setback. See Exhibit 3. Additionally, Opponents assert that all lots in the Creek Trail Subdivision are challenged by similar sloped and topographical conditions. See Exhibit 5 attached hereto (pictures of Subdivision residences and topography); Exhibit 6.

As the Court of Appeals found in *Cobble et al. v. Green County, Tennessee, et al.*, No. E2017-00896-COA-R3-CV (Tenn. Ct. App. 2017) "if every lot is exceptional, no lot is exceptional... and the subject property simply is not distinctive." To take a position that the topography and slope is a challenge warranting a variance would mean "the exceptions collapse the rule in this subdivision." *Id.* The Court of Appeals consequently reversed the Board of Zoning Appeals' grant of a variance. *Id.* Similarly, in this case, the variance should be denied.

2. Upon information and belief, based upon conversations with Appellant, the Appellant's alleged hardship is solely based upon a desire to effectuate a cost savings and therefore is self-imposed to avoid or minimize the additional construction costs, including but not limited to, grading Lot 13 and complying with the minimum 2400 square footage. See Exhibit 1 ("Based on recent field observations and parcel comparisons..., it appears to be no apparent negative impact on parcel 04105000700 (4136 Creek Trail Drive), that would prohibit a builder from achieving the existing average building setback distance or the average building square footage as demonstrated by the other above referenced [4140 Creek Trail, parcel 04105000200; 4144 Creek Trail, parcel 04105000300; 4150 Creek Trail, parcel 04105000400; 4154 Creek Trail, parcel 04105000500] parcels."); Exhibit 6 ("The request for setback consideration in our expert opinion is solely for the purpose of cost saving for this project. Several structures in the subdivision performed the needed excavation to meet the setback minimum of 68.5 feet. Based upon our visual observation, any proposed structure

constructed on Lot 13, 4136 Creek Trail Drive in our expert opinion can with additional costs meet this minimum setback as other builds have....”) Opponents aver that properly grading/excavating Lot 13 would remedy Appellant’s alleged, self-imposed topography hardship. See Exhibits 1 and 6. Pecuniary loss is not a sufficient basis upon which to grant a variance. See, e.g., *McClurkan v. Board of Zoning Appeals*, 565 S.W.2d 495, 497 (Tenn. 1977). All other existing houses in the Subdivision excavated to achieve the required setback and/or compliance with the Subdivision’s Restrictive Covenants. See Exhibit 5 attached hereto.

3. Opponents aver that “[t]his proposal to allow the setback will diminish the aesthetics and flow of the neighborhood thereby possibly impacting the values of the existing homes.” See Exhibit 6.
4. Lastly, Opponents respectfully submit that this Board cannot appropriately or effectively evaluate Appellant’s request for a front setback variance where Appellant is otherwise in violation of the Restrictive Covenants and thus does not meet requirements to build in this Subdivision. Opponents aver that the granting of the variance will compromise the integrity of the Subdivision’s Restrictive Covenants and thus the neighborhood. See Exhibit 6. The Appellant is seeking a variance utilizing an invalid permit for an 1800 square foot home where the minimum square footage pursuant to the Subdivision’s Restrictive Covenant is 2400 square feet, exclusive of open porches, garages and carports. See Exhibits 2 (paragraph 4, Davidson County Register of Deeds Book 7762 Page 423) and 3. Further, Appellant’s plan places the garage on the front of the house in violation of the Subdivision’s Restrictive Covenant. See Exhibits 2 (paragraph

5, Davidson County Register of Deeds Book 7762 Page 423), 3 and 4. All residences in the Subdivision have garage doors either to the side or rear as set forth in the Restrictive Covenant. See, e.g., Exhibit 5. There is nothing about the physical characteristics of Lot 13, 4136 Creek Trail Drive sufficient or unique to make it distinctive from the other residences in the Subdivision. It is opined by a contracting and/or engineering expert that there is no reason Appellant cannot comply with not only the front setback, but also the 2400 square footage and the placement of the garage on the side or rear. See Exhibits 1 and 6.

'A permit for use prohibited by a valid zoning ordinance, regulation or restriction is void and subject to revocation.'
 8 Eugene McQuillen, *The Law of Municipal Corporations* Section 25.153 (3d ed. 2000) 'A zoning or building permit or certificate may be revoked or nullified where it was illegally issued, as where it was unauthorized, or violates or does not comply with, or conform to, the zoning laws, or where it was issued under a mistake of fact.'
 101 A C.J.S. *Zoning & Land Planning* Section 293 (2005). 'The issuance of a building permit results in a vested right only when the permit was legally obtained in every respect, and was validly issued.' 101A C.J.S. *Zoning & Land Planning* Section 290 (2005).

Capps d/b/a Stephanie's Cabaret and Smith Investment Group, L.P. v.

Metropolitan Government of Nashville and Davidson County, No. M2007-01013-COA-R3-CV (Tenn. Ct. App. 2008).

Conclusion

Based upon the foregoing, Appellant's variance should be denied: 1) The variance is not needed because Appellant can excavate his lot to achieve the setback requirement. His lot has no physical characteristics and/or is not unique from other lots in the Subdivision to permit variance due to a topography hardship. 2) Upon information and belief, the variance is only sought to

effectuate a cost savings. 3) The variance request diminishes the aesthetics and flow of the neighborhood thereby possibly impacting the values of the existing homes; and 4) The Board cannot appropriately or effectively evaluate Appellant's request for a variance where he is in violation of the Subdivision's Restrictive Covenant in that his building permit is invalid inasmuch it is for an 1800 square foot house with a front facing garage. The Restrictive Covenant provides for a minimum square footage of 2400 and a side or rear facing garage.

Respectfully submitted,

Owners:

Patti Fincher

Address: 4140 Creech Trail Dr.

Owners:

John Richardson
Denise Richardson

Address: 4154 CREEK TRAIL DR.

Owners:

John H. Blair
Stacy M. Blair

Address: 4171 Creech Trail Dr

Owners: Colleen
Sharon

Address: 4150 CREEK TRAIL DR.

Owners: Terica Coleman

Address: 209 APARNA CT.

Owners: [Signature]
209 (w)

Address: 209 APARNA CT.

Owners: Sharon H. Reed
[Signature]

Address: 212 ATARACT

Owners: [Signature]
Regina Night

Address: 101 MEGHANA DRIVE

Owners: Alynn E. Wade
Rosa Wade

Address: 109 Meghana Dr.
37189

Owners: Ray P. Brown

Janice Brown

Address: 4104 CREEK TRAIL DR.
Whites Creek, TN 37189

Owners: Denzale Rivers

4187 Creek Trail

Address: Whites Creek 37189

Owners: Shawn Lee

4196 Creek Trail D

Address: Whites Creek TN 37189

Owners: Greg & Julia Powell

Address: 4160 Creek Trail Whites Creek, TN 37189

Owners: Oran Miller

Jammy Miller

Address: 4144 Creek Trail

Owners: Mark T. B.

Ralph Brown

Address: 4174 Brick Church PK
Whites Creek, TN 37189

Owners: David R. Monaghan
Sherrin M. Monaghan
Address: 108 Meghana Dr.

Owners: David Rodriguez
[Signature]
Address: 4178 Buick Church Ave.

Owners: Richard Brennan
[Signature]
Address: 4116 Creek Trail Dr

Owners: _____

Address: _____

Owners: _____

Address: _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Randy Yard, 3456 Chandler Cove Way, Antioch, TN 37013, via hand delivery, on this 4th day of March, 2019.

Tommy L. Miller



EXHIBIT 1

TYLER

Construction Engineers, P.C.
810 Dominican Drive, Nashville, TN 37228
tel. 615.469.5398

February 21, 2019

RESIDENTIAL PROPERTY – LIMITED BUILDING SITE ANALYSIS

Prepared For: *John Richardson and several additional residents of Creek Trail Drive, Nashville, TN*

Requested By: *John Richardson and several additional residents of Creek Trail Drive, Nashville, TN*

Date of Inspection: **February 17, 2019**

Weather: **Partly Cloudy - 43 Deg F**

Parcel ID: Creek Trail Drive, Nashville, TN 37189
Parcel Numbers: 04105000100, 04105000200, 04105000300, 04105000400, 04105000500, 04105000600, 04105000700

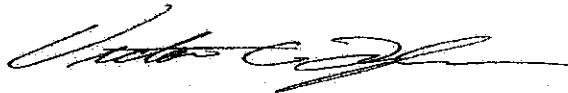
Tyler Construction Engineers, P.C. was engaged by Mr. John Richardson, owner-occupant of 4154 Creek Trail, to conduct a limited site analysis on parcels on Creek Trail Drive as referenced above and evaluate the general existing topography relative to buildable area.

All parcels, except for parcel 04105000700 (4136 Creek Trail Drive), have existing residential structures present. All above referenced parcels' topography are generally considered moderate to steep slopes (i.e., a slope of 20% or more is usually considered steep). Based on recent field observations and parcel comparisons (see Chart 1 attached), it appears to be no apparent negative impact on parcel 04105000700 (4136 Creek Trail Drive), that would prohibit a builder from achieving the existing average building setback distance or the average building square footage as demonstrated by the other above referenced parcels.

Observations made on limited visual site analysis performed on February 17, 2019 and use of Metro Nashville Planning Department online GIS map system and general knowledge of typical construction practices. No warranties, expressed or implied, are made by the conclusions, opinions, recommendations, or services provided. This site analysis was limited to readily visible elements.

For questions or comments or to obtain additional information presented in this report, please contact:

Victor C. Tyler, P.E., M.ASCE, NSPE



President, Tyler Construction Engineers, P.C.
810 Dominican Drive, Ste 313, Nashville, TN 37207
Email: victor@tyler-engineers.com

attachment

Chart 1

| Address | Parcel | Approx. Slope | Bldg. Sq. Ft. | Bldg. Setback |
|------------------|-------------|---------------|---------------|---------------|
| 4136 Creek Trail | 04105000100 | 31% | N/A | N/A |
| 4140 Creek Trail | 04105000200 | 19% | 3131 sf | 83.1 ft. |
| 4144 Creek Trail | 04105000300 | 21% | 3499 sf | 37.0 ft. |
| 4150 Creek Trail | 04105000400 | 20% | 3628 sf | 111.4 ft. |
| 4154 Creek Trail | 04105000500 | 26% | 2708 sf | 42.3 ft. |
| 4160 Creek Trail | 04105000600 | 23% | 3627 sf | |
| 4164 Creek Trail | 04105000700 | 18% | 4197 sf | |

Average Slope: 22.6%

Average Bldg SF: 3,462 square feet

Average Bldg Setback: 68.5 feet



EXHIBIT 2



Bill Garrett

Davidson

CUSTOMER RECEIPT - RECORDING SERVICES

Customer Name : OSCAR MILLER

HOLD AT COUNTER

Receipt Number: T20130094912
Date/Time: 11/06/2013 12:18:40
Method Received: Walk-In
Clerk: ahite

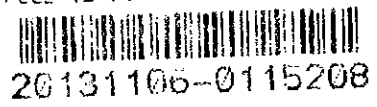
Transaction Detail

| Instrument Number | Instrument Type | Gen. Fee | Equip. Fee | Transfer Tax | Mortgage Tax | Copy | Cert. Copy | Copy Fee | # Pgs | Consideration | Subtotal |
|----------------------------------|-----------------|----------|------------|--------------|--------------|------|------------|----------|-------|---------------|----------|
| 201311060115208 | REST | \$10.00 | \$2.00 | \$0.00 | \$0.00 | N | N | \$0.00 | 1 | | \$12.00 |
| First Party Name CREEK TRAIL | | | | | | | | | | | |
| Second Party Name CREEK TRAIL | | | | | | | | | | | |

Payment Information

| Method of Payment | Payment Control ID | Authorized Agent | Company | Amount |
|-------------------|--------------------|------------------|---------|---------|
| Check | 1296 | | | \$12.00 |

AMOUNT PAID: \$12.00
 LESS AMOUNT DUE: \$12.00
 CHANGE RECEIVED: \$0.00

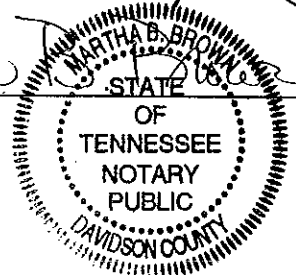


Creek Trail Subdivision
 Ballot to Extend Restrictive Covenants

By signature below, I vote to extend the original Restrictive Covenants for Creek Trail Subdivision, executed on 27 January 1989, and recorded in the Register's Office of Davison County, Tennessee, Book 7762 Pages 422-229.

| Lot | | Lot | |
|-----|------------------------------|-----|--------------------|
| 1 | | 18 | <i>[Signature]</i> |
| 2 | <i>[Signature]</i> | 19 | <i>[Signature]</i> |
| 3 | | 20 | |
| 4 | | 21 | |
| 5 | <i>Raymond P. Brown</i> | 22 | <i>[Signature]</i> |
| 6 | | 23 | |
| 7 | <i>Alvin Wade</i> | 24 | |
| 8 | <i>Regina Wright</i> | 25 | <i>[Signature]</i> |
| 9 | <i>[Signature]</i> | 26 | |
| 10 | <i>Mayglora Merrimon</i> | 27 | |
| 11 | | 28 | <i>[Signature]</i> |
| 12 | | 29 | <i>[Signature]</i> |
| 13 | | 30 | <i>[Signature]</i> |
| 14 | | 31 | <i>[Signature]</i> |
| 15 | <i>Oscar Miller 10/28/13</i> | 32 | <i>[Signature]</i> |
| 16 | <i>[Signature] 11/4/13</i> | 33 | <i>[Signature]</i> |
| 17 | <i>[Signature] 10/28/13</i> | | |

Martha B. Brown
 Notary Public



11-28-2013 Oscar Miller 10/28/13
 Prepared by: Oscar Miller Date

My Commission Expires:
 January 6, 2014

TAI

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BOOK 7762 PAGE 422

This instrument prepared by:
DR. KHUSHRU H. FRENCHMAN
Imperial Boulevard
Hendersonville, TN 37075

1002 01/31 0101 03CHECK 24.00

RESTRICTIVE COVENANTS
CREEK TRAIL SUBDIVISION

The following covenants and restrictions are hereby declared as covenants running with the land and binding upon all lots in Creek Trail Subdivision, a plat of which is of record in Plat Book 6900, Page 774, Register's Office of Davidson County, Tennessee; and all subsequent owners thereof in any capacity whatsoever, until November 1, 2013, and subject to extension thereafter in intervals of ten (10) years by a vote of 51% of the owners of lots in said subdivision area; but with the understanding and agreement that any of the said restrictions may be changed or altered upon written consent of the owners of the 75% of the lots in said subdivision, said instruments of extension or instruments of change and consent shall be duly acknowledged and recorded in the Register's Office of Davidson County, Tennessee, in order to become effective.

The Restrictive Covenants are as follows:

1. All of the lots in Creek Trail Subdivision hereinafter referred to as the "subdivision" are to be used for single family residences exclusively. Plans for all buildings, garages, outbuildings, and any variance must be submitted, prior to commencing building, to a committee consisting of three (3) members, herein after referred to as the Architectural Review Committee, consisting of Dr. Kush Frenchman, A. C. Sloan, and Diana Currey. Dr. Kush Frenchman, as developer of said subdivision, shall have the power and authority to remove the other two (2) members of the committee and appoint their successors.

All matters submitted to the Architectural Review Committee for review shall be decided within fourteen (14) days after submission by owners or builders.

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BOOK 7762 PAGE 423

2. No building or any part thereof, including porches, steps, patios, etc., shall be erected any closer than the minimum building setback lines as set out in Exhibit "A" hereto attached.

3. A perpetual easement is reserved on each lot as shown on the recorded plat of said subdivision for the construction and maintenance of drainage and utilities and no structure of any kind shall be erected or maintained upon or over said easements as to interfere with the proper uses thereof. All of said lots shall be subject to the Power Line Agreement exhibited hereto as Exhibit "B".

4. The Ground Floor area of the main structure, exclusive of open porches, garages and carports, shall not be less than 2,400 square feet for a one story dwelling and not less than 1,500 square feet on ground floor level for a dwelling of more than one story. In no instance shall the structure contain less than 2,400 square feet exclusive of open porches, garages, and carports. In calculating square footage, all rooms must be at least six (6) feet in height. Areas over garages, sometimes referred to as "Bonus Rooms", shall count one half (1/2) of floor space for square footage requirements. The exterior of any structure must be approved by the Architectural Review Committee. No exposed foundation of building blocks will be allowed. No building materials may be stored on lots longer than a period of thirty (30) days before construction begins and not more than thirty (30) days after completion of construction, and all structures shall be completed within one year from starting date. All structures shall have landscaping and shrubbery.

5. Garages and carports must open to side or rear of dwelling and shall not open so as to be visible from street, unless said lot is absolutely not conducive to specifications and must be constructed in the front.

6. No used house or other residential unit for either temporary or permanent residence purposes shall be moved onto any lot or site for the purpose of being finished thereon.

7. Any outbuildings, vegetable gardens, clotheslines, dog pens, etc., shall be located to the rear of the dwelling. Outbuildings shall be permanently constructed on said lot and shall be screened as to not be visible to adjoining property owners.

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8. Contractors, builders and owners of lots will not be permitted to stock pile mounds of dirt, sod, stumps, trees or other items of a similar nature on vacant lots in such a manner that weeds and grass cannot be easily cut and raked. Any owner of a lot shall be responsible for keeping the weeds and grass cut on the same during the entire period of ownership. Failure to comply will give the developer or his authorized agent the right to have it mowed at the expense of the owner.

9. No lot or lots may be divided or altered to produce less area than shown on the recorded plat of the subdivision unless the division be approved by 75% of the Lot Owners in the subdivision and also by the governing Planning Commission. Any lot affected by said division or alteration will remain subject to these restrictive covenants.

10. Flower beds, garden plots, and the like shall be maintained on any lot in such manner that erosion will not cause mud or debris to wash on driveways, streets, or neighboring property, and immediately following the harvest season of any articles in such flower beds or gardens, all stalks, sticks, supports, and the like shall be removed. The height of the shrubbery along streets and driveways at or near the public streets shall be kept trimmed so as not to constitute a safety hazard to persons entering or leaving such premises or persons located thereon.

11. No mailboxes other than conventional mailboxes approved by the United Post Office Department may be used.

12. All driveways are to be gravel or any upgrade such as concrete.

13. All areas for the storage of garbage cans, incinerators, trash burners and the like, and all other containers for trash shall be so screened as to not be visible from any street within the development.

14. No signs shall be permitted on any lot or building, except real estate signs placed upon the property for sale.

15. No structure of a temporary character, trailer, basement, tent, shack, garage, motor home, barn or other outbuilding, shall be

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used on any lot at any time as a residence either temporarily or permanently.

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16. No illegal use of any kind shall be made of or carried on upon any lot, nor shall anything be done thereon which is or may become a nuisance or annoyance to the neighborhood.

17. No animals, livestock, or poultry of any kind shall be raised, bred, kept or maintained on any lot except that dogs, cats, or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose.

18. Any drainage structure including driveway culverts, headwalls, or ditching to be approved by the Davidson County Highway Department and shall be of the same type as the existing structures in the subdivision.

19. No vehicle of any type including, boats and similar watercraft, shall be dismantled for repair or painting on any lot or site except where the same is carried out inside of a garage or basement.

20. Satellite Antennas are permitted as follows:

1. Located back of house.

21. If any present or subsequent owner of any of the lots in the said subdivision, including their heirs and assigns, shall violate any of the covenants or restrictions contained herein, or in said recorded plat of said development, it shall be lawful for any person or persons owning other properties in said development at the time to institute any proceedings at law or in equity against the person or persons violating or attempting to violate such covenants or restrictions, and to prevent the same by injunction, or recover damages for such violations.

22. If any one or more of the restrictions or covenants herein contained are declared invalid by any order of any court having jurisdiction, such invalidation shall in no way affect any other restrictions herein contained, all of which shall remain in full force and effect, each being treated as a separate instrument.

23. All restrictions, covenants and conditions herein contained including the restrictions in said plat of the development are hereby declared to be covenants to be running with the land, and shall be binding upon and applicatory upon all persons who now own property or who may after own, possess, or occupy any part of said property during the term of said covenants as aforesaid.

Executed this 27th day of JAN, 1989.

Approved and accepted by *[Signature]* *[Signature]*

Exhibit B to Restrictive Covenants of
Creek Trail Subdivision

BOOK 7762 PAGE 428

AGREEMENT FOR CONSTRUCTION OF OVERHEAD PRIMARY ELECTRIC POWER LINES

This Agreement made and entered into this 1st day of December, 1988, between THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, acting by and through THE ELECTRIC POWER BOARD of said Government, and operating under the service name of NASHVILLE ELECTRIC SERVICE, hereinafter referred to as NES or Distributor and DR. KUSH FRENCHMAN, hereinafter referred to as Developer.

WITNESSETH:

WHEREAS, NES is a public utility authorized to provide electrical service and is willing to do so with its usual customary and established overhead distribution system, and pursuant to its rules and regulations and conditions; and

WHEREAS, Developer is developing Creek Trail Subdivision located on Brick Church Pike in Nashville, Tennessee; and

WHEREAS, Developer desires to use overhead electric service, the parties here and now agree as follows:

1. Developer agrees to use all-electric power for the 33 lots in Creek Trail Subdivision in Nashville, Tennessee.
2. NES agrees to supply overhead primary service to all of these lots at no additional cost, and in consideration thereof Developer agrees to not install any gas service in the development area.
3. It is agreed that for five years from and after the date of this agreement, the Developer shall not install any gas service to any of the 33 lots, and in the event gas service is provided to any of the 33 lots to the effect that the residence built would not be all-electric, the Developer then shall pay NES \$710.00 per lot.
4. This agreement binds Developer, its successors and assigns, and it is agreed that if the Subdivision is transferred or conveyed to a new owner, the new owner agrees to accept the terms and conditions of this agreement. If the new owner or assigns do not accept or fail to accept the terms and conditions of this agreement, then Developer shall remain fully responsible and bound by the terms of this agreement.
5. In the event this agreement is placed in the hands of an attorney for collection, the Developer agrees to pay all the costs, including court cost and reasonable attorney's fees.

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STATE OF TENNESSEE
COUNTY OF HENDERSON

BOOK 7762 PAGE 426

Before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared, KHUSHRU H. FRENCHMAN & KITA FRENCHMAN, the bargainor, with whom I am personally acquainted, and who, upon oath, acknowledged that he executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal at office in Hendersonville, Tennessee, this the 27 day of January, 1989.

Parlette J. Oldham
NOTARY PUBLIC

My Commission expires 1-21-91



05506

IDENTIFICATION
JUN 31 3 51 PM '89
FELIX Z. WILSON, REGISTER
HENDERSON COUNTY, TN

BK

7762

OFF REC

BOOK 7762 PAGE 429

IN WITNESS WHEREOF, we have hereto set our hands and sealed this agreement on the date above first written.

THE METROPOLITAN GOVERNMENT OF NASHVILLE & DAVIDSON COUNTY, Acting By and Through the ELECTRIC POWER BOARD of Said Government

ATTEST:

W. J. Roberts
Secretary
Electric Power Board

ATTEST:

By *John J. Hatcher*
Chairman

Approved: F. & L.
By *F. W.*
Legal Dept.
Date: *12-29-86*

DR. KUSH FRENCHMAN

By *K. Frenchman*
Title *MD*

DA

1762

OFF REC

BILL HONER, MAYOR

Exhibit A to Restrictive Covenants
of Creek Trail Subdivision



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

BUILDING
ELECTRICAL
HOUSING
PLUMBING
ZONING

DEPARTMENT OF CODES ADMINISTRATION
METRO HOWARD BUILDING
700 2ND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37201

BOOK 7762 PAGE 427

January 26, 1989

RE: Creek Trail Subdivision

To Whom It May Concern:

The referenced subdivision has a 30 ft. front setback, 10 ft. side setback
and a 20 ft. rear setback unless otherwise noted on plat.

If you have any further questions, please do not hesitate to contact me at
259-6750.

Sincerely,

Rick Shepherd
Rick Shepherd
Zoning Examiner

dw

DA

1762



EXHIBIT 3



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



3575716

**BUILDING RESIDENTIAL - NEW / CARN - T2018069872
Permit Tracking Checklist**

PARCEL: 04105000100

APPLICATION DATE: 11/05/2018 PERMIT TRACKING #: 3575716

SITE ADDRESS:

4136 CREEK TRAIL DR WHITES CREEK, TN 37189
LOT 13 CREEK TRAIL SUB-REVISED

PARCEL OWNER: YARD, RANDY

CONTRACTOR:

APPLICANT: SELF CONTRACTOR RESIDENTIAL (SEE AP
SELF RESIDENTIAL

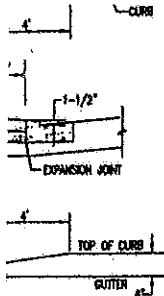
SELF CONTRACTOR RESIDENTIAL (SEE APPLICANT

PURPOSE:

to construct a single family residence with 1800 sf living area, 900 sf attached garage and 612 sf deck/porch areas. must comply with tree regulations one new two inch tree for every 30' road frontage. 60' min front s/b; 10' min side s/b; 20' min rear s/b. will be owners personal residence.

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

| | | |
|---|----------|---|
| [A] Site Plan Review | APPROVED | 615-862-6500 Walter.Morgan@nashville.gov |
| [A] Zoning Review | APPROVED | 615-862-6500 Walter.Morgan@nashville.gov |
| [B] Fire Life Safety Review On Bldg App | | 862-5230 |
| [E] Sewer Availability Review For Bldg | | 862-7225 |
| [E] Sewer Variance Approval For Bldg | | MWS.DevelopmentServicesCenter@nashville.gov |
| [E] Water Availability Review For Bldg | | 862-7225 |
| [E] Water Variance Approval For Bldg | | MWS.DevelopmentServicesCenter@nashville.gov |
| [A] Bond & License Review On Bldg App | APPROVED | 862-7225 |
| [F] Address Review On Bldg App | | MWS.DevelopmentServicesCenter@nashville.gov |
| [D] Grading Plan Review For Bldg App | | 615-862-6500 Walter.Morgan@nashville.gov |
| [C] Flood Plain Review On Bldg App | | 862-8781 bonnie.crumby@nashville.gov |
| [F] Ramps & Curb Cuts Review For Bldg A | | (615) 862-6038 Logan.Bowman@nashville.gov |
| [F] Solid Waste Review On Bldg App | | 862-6038 logan.bowman@nashville.gov |
| | | 862-8782 PWPermitsI@nashville.gov |
| | | 862-8782 |



CALCULATIONS:
RAMP

PLAN

R TO ISSUANCE OF A COMPLETE WITH THE OF 1" = 20'-0" SHALL BE PROVIDED FOR FINISHED FLOOR LEVELS AND ELEVATIONS. (SEE SHEET FOR SLOPES AND FINISHES.) EXISTING AND PROPOSED LIMITS OF PROTECTION SHALL BE SHOWN WITHIN THE PLAN.

TO MINIMIZE BOTH THE AMOUNT OF LOT AS A BUILDING

THE TIME

PERMISSIBLE AS SILTATION BARRIERS.

IN THIS SURVEY WAS GATHERED USING WITH AN ELECTRONIC TOTAL STATION USING SYSTEM (GPS) UNIT AND IS BASED ON REAL-TIME KINEMATIC GPS DOT NETWORK. BEARINGS ARE EXPRESSED IN DEGREES (HORIZONTAL ANGLE) IN THE TRIM 4100, GEOID MODEL MID TN GNSS RECEIVER RTK (L1+L2), HORIZONTAL ACCURACY=10mm+0.08ppm.

AS WITHIN ZONE X AS SAID TRACT 47037C0118H ON THE FLOOD MAP OF DAVIDSON COUNTY, TENNESSEE

AS IS AS IDENTIFIED IN COUNTY

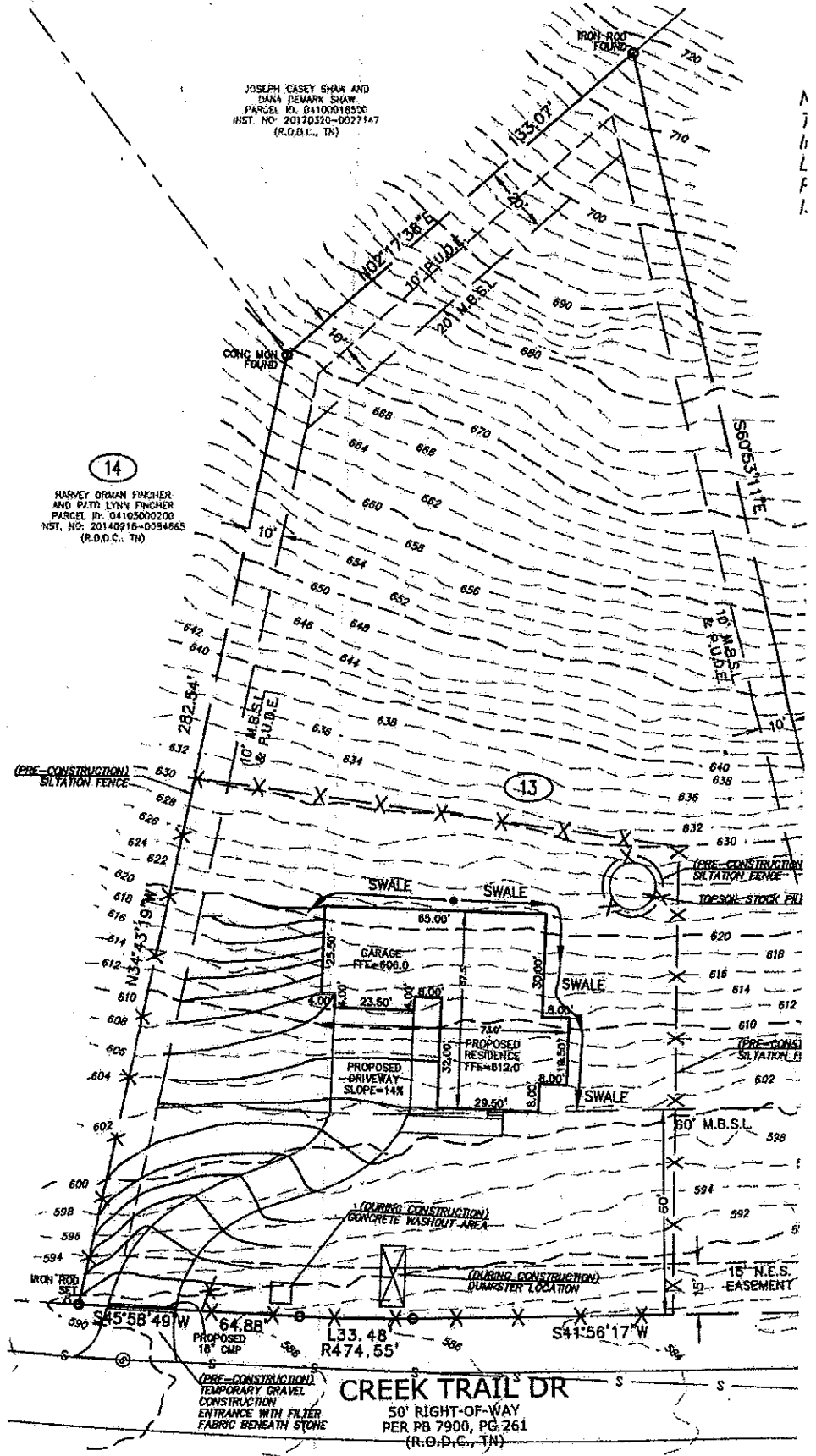
ALL UNDERGROUND UTILITIES, AS SHOWN WERE TAKEN FROM VISIBLE RECORDS, AND/OR MAPS PREPARED BY OTHERS. THE UNDERGROUND UTILITIES IN THE AREA, EITHER IN SERVICE OR NOT, DOES NOT WARRANT THAT THE EXACT LOCATION AS INDICATED. THE LOCATION OF ALL UTILITIES WITH THIS CIRCUMSTANCE IS UNCERTAIN. LOCATION AND DEPTH INFORMATION RELATIVE THERETO IS MADE TO BE CONFIRMED WITH THE

IF UNDERGROUND UTILITY DAMAGE OCCURS IN EXCAVATION MUST NOTIFY THE UTILITY COMPANY NO LESS THAN THREE (3) HOURS BEFORE THE DATE OF THEIR INTENT TO EXCAVATE. THE TENNESSEE ONE CALL SYSTEM UTILITIES WERE NOT CHECKED DURING

PREPARED WITHOUT BENEFIT OF CURRENT SURVEY OF SUBJECT TRACT OR ADJOINERS AND THE STATE OF FACTS REVEALED BY

CONSTRUCTION SHALL BE LIMITED TO THOSE SHOWN AND DOES NOT EXTEND TO ANY OTHER

REQUIREMENTS SET FORTH ON THE RECORDED PLAT AS RECORDED IN PLAT BOOK. SUBJECT TO ALL RESTRICTIONS OF THE PLAT ON THIS LOT.



JOSEPH CASEY SHAW AND DANA DEMARK SHAW
PARCEL ID: 04100018500
INST. NO: 20170320-0027147
(R.O.D.C., TN)

14
HARVEY ORWAN FINCHER AND PATR LYNN FINCHER
PARCEL ID: 04105000200
INST. NO: 20140916-0394665
(R.O.D.C., TN)

13

NOTE A: FRONT/STREET SETBACK PER METRO GOVERNMENT OF NASHVILLE MUNICIPAL CODES, CHAPTER 17.02.030 NOTIF (2/3)

CREEK TRAIL DR
50' RIGHT-OF-WAY PER PB 7900, PG.261 (R.O.D.C., TN)



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



3575716

BUILDING RESIDENTIAL - NEW / CARN 2018069872

ISSUED ON: 11/20/2018

I hereby certify that I am the agent of the owner, or other person in control of this property, and that the information given herein, and as shown on the application and the permit, is true; and that I am authorized by said owner, or other person in control of this property, to obtain this permit. I understand that if the construction and/or installation for which this permit is issued is contrary to the requirements of Metropolitan codes or regulations, said violations must be corrected, and the permit may be voided. I further certify that I am in compliance with the State of Tennessee statutes relating to licensing contractors for the work described in this permit. Work must start within six(6) months and must be completed within two(2) years of issue date. Permits become invalid if work does not start within six(6) months or is suspended for one(1) year after start date. Extensions of ninety(90) days each may be allowed in writing by the Director.

Approval (Where Required)

Date

SELF RESIDENTIAL

CARN

FEE / PAYMENT:

| | | |
|---|--------------------|--------------------|
| [2018/11/05] CA BUILDING ZONING EXAMINE FEE... | \$ 25.00 | \$ 25.00 |
| [2018/11/05] CA BUILDING VALUATION FEE - RESID... | \$ 1,127.09 | \$ 1,127.09 |
| [2018/11/20] CA - CONVENIENCE FEE... | \$ 26.50 | \$ 26.50 |
| PERMIT FEE/PAYMENT | \$ 1,178.59 | \$ 1,178.59 |

Payment Detail:

| | | | | |
|--------------------|------------|--------|-------------------|------------|
| 11/20/2018 | CREDIT | 182005 | Pmt Total: | \$ 1178.59 |
| Issue Date: | 11/20/2018 | | Issued By: | MPOTTER |

A 2.30% convenience fee has been charged on this credit card transaction. This fee is collected by a third party processor and Metro does not receive any part of it. By tendering your card or card number you were charged the convenience fee as calculated above and you agree to pay this fee to the card issuer.



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



3575716

BUILDING RESIDENTIAL, NEW / CARN - 2018069872

ISSUED ON: 11/20/2018

I hereby certify that I am the agent of the owner, or other person in control of this property, and that the information given herein, and as shown on the application and the permit, is true; and that I am authorized by said owner, or other person in control of this property, to obtain this permit. I understand that if the construction and/or installation for which this permit is issued is contrary to the requirements of Metropolitan codes or regulations, said violations must be corrected, and the permit may be voided. I further certify that I am in compliance with the State of Tennessee statutes relating to licensing contractors for the work described in this permit. Work must start within six(6) months and must be completed within two(2) years of issue date. Permits become invalid if work does not start within six(6) months or is suspended for one(1) year after start date. Extensions of ninety(90) days each may be allowed in writing by the Director.

Approval (Where Required)

Date

SELF RESIDENTIAL

SITE ADDRESS:

4136 CREEK TRAIL DR WHITES CREEK, TN 37189
LOT 13 CREEK TRAIL SUB-REVISED

PARCEL: 04105000100
Tax District: GSD
Census Tr: 37010106

PARCEL OWNER:**PURPOSE:**

to construct a single family residence with 1800 sf living area, 900 sf attached garage and 612 sf deck/porch areas. must comply with tree regulations one new two inch tree for every 30' road frontage. 60' min front s/b; 10' min side s/b; 20' min rear s/b. will be owners personal residence.

CONTRACTOR:

SELF CONTRACTOR RESIDENTIAL (SEE APPLICANT INFORMATION) MCN00000

APPLICANT:

SELF CONTRACTOR RESIDENTIAL (SEE SELF RESIDENTIAL

555555555

PERMIT DETAILS:

Estimated Value: \$270,250.56

Const Type: VB-100 VB-100

Sq Footage: 1800 1512

Parking Required: N

Parking Provided: N

Sprinklers? N

Metro Water:

Public Constr? N

Number of Floors:

Sewer or Septic:

Total # Buildings:

Total # Units:

Garage: N

Number of Bedrooms:

Number of Kitchens:

ZONING ASSIGNMENTS:

RS20 SINGLE FAMILY 20,000 SQUARE FOOT LOT

EXHIBIT 4

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.

Randy Yard
APPELLANT

1/15/19
DATE

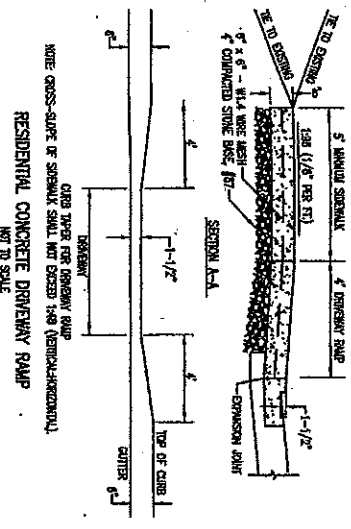
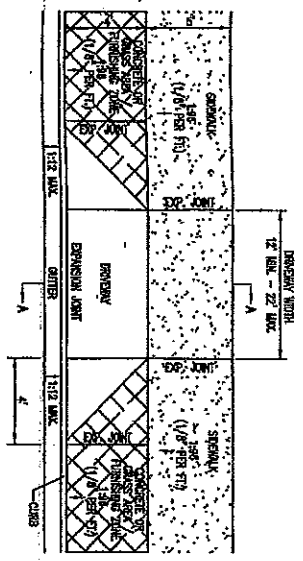
In Simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

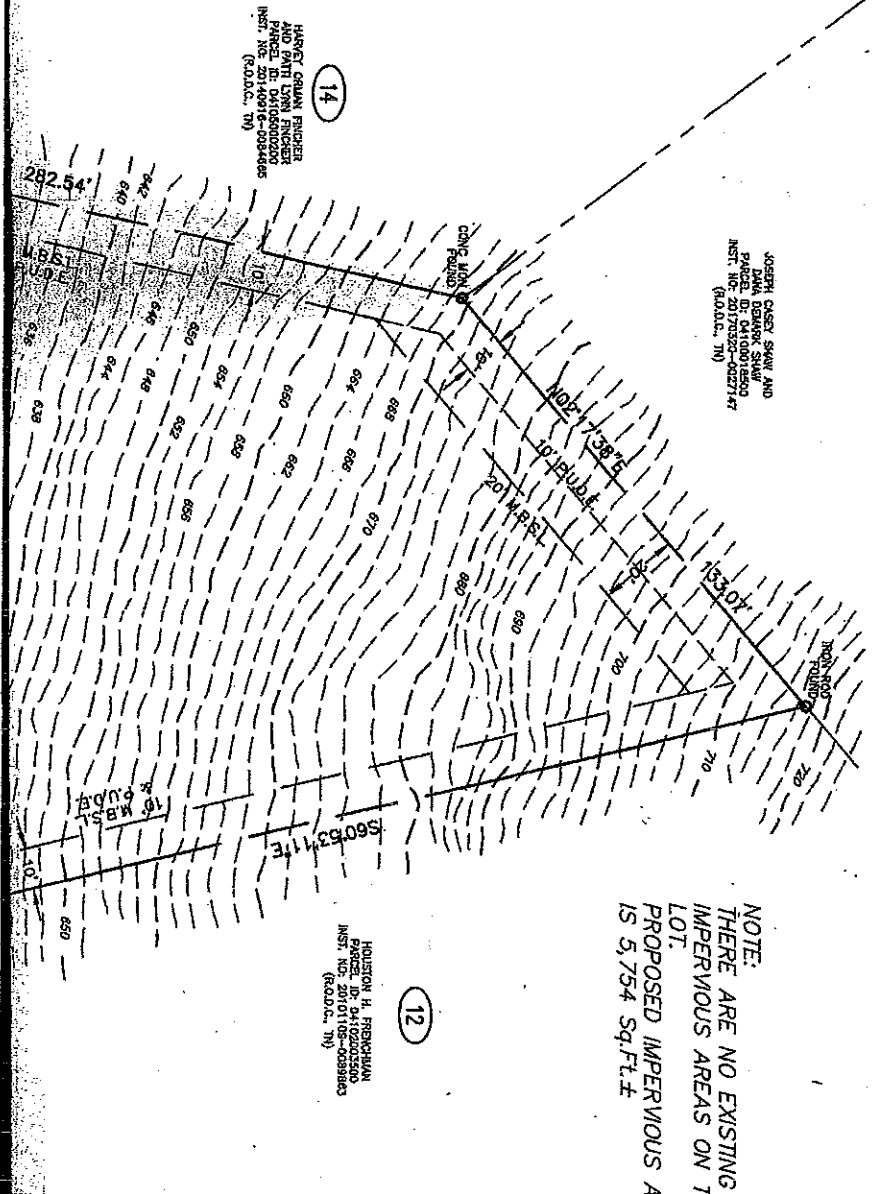
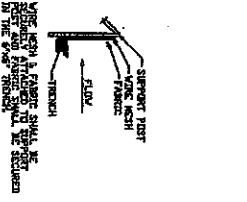
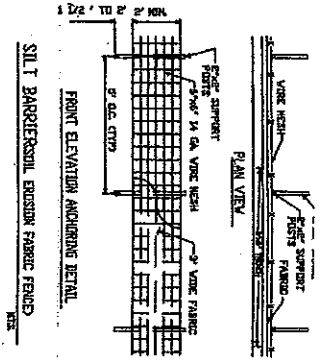
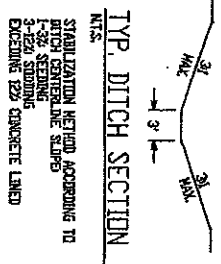
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

Topographic. If I build to the required set back there is 20' of slope through the foundation. If I can move forward there is only 6'



CRITICAL LOT PLAN

CRITICAL LOT NOTE
 FOR LOTS DESIGNATED CRITICAL, PRIOR TO ISSUANCE OF A BUILDING PERMIT, A GRADING PLAN COMPLETE WITH THE FOLLOWING INFORMATION AT A SCALE OF 1" = 20'-0" SHALL BE SUBMITTED TO THE PLANNING AND FINISHED STAFF FOR APPROVAL. BUILDING LOCATIONS AND FINISHED FLOOR ELEVATIONS; LOCATION OF ALL PREPARED SITE IMPROVEMENTS; TIP AND BOTTOM ELEVATIONS OF RETAINING WALLS; EXISTING AND PROPOSED CONDITIONS AT A MAXIMUM INTERVAL OF TWO FEET; SPECIFIED AND ILLUSTRATED METHODS OF STABILIZING GRADED SLOPES STEEPER THAN 3:1 PERCENT; LIMITS OF GRADING AND EXISTING TREES TO BE PRESERVED WITHIN THE LIMITS OF GRADING AND METHOD OF PROTECTION DURING CONSTRUCTION.
 APPROVAL WILL BE BASED UPON CARE TO INDICATE BOTH LOT AREAS SUBJECT TO GRADING AND THE AMOUNT OF CUT/FILL REQUIRED TO PREPARE THE LOT AS A BUILDING SITE.
 NO CORNERS WERE SET OR RESET AT THE TIME OF THIS INSPECTION.
 NOTE: HAY OR STRAW BALES ARE NOT PERMISSIBLE AS SILTATION BARRIERS.



JOSEPH CASEY SWAIN AND PARTNER ARCHITECTS
 1000 W. BENTLEY BLVD.
 SUITE 201
 HOUSTON, TX 77027
 (713) 863-1111

HARRY GUNN FINCHER AND PARTNERS ARCHITECTS
 1000 W. BENTLEY BLVD.
 SUITE 201
 HOUSTON, TX 77027
 (713) 863-1111

HOUSTON H. FRISCHMAN ARCHITECTS
 1000 W. BENTLEY BLVD.
 SUITE 201
 HOUSTON, TX 77027
 (713) 863-1111

NOTE:
 THERE ARE NO EXISTING IMPERVIOUS AREAS ON THE LOT.
 PROPOSED IMPERVIOUS AREA IS 5,754 Sq.Ft.

STANDARD NOTES

HORIZONTAL LOCATION DATA SHOWN ON THIS SURVEY WAS GATHERED USING INWARD RADIAL SURVEYING TECHNIQUES WITH AN ELECTRONIC TOTAL STATION. DATA COLLECTOR AND GLOBAL POSITIONING SYSTEM (GPS) UNIT AND IS BASED IN A POSITIONAL SOLUTION DERIVED FROM REAL-TIME KINEMATIC GPS OBSERVATIONS PROCESSED BY TENNESSEE DOT NETWORK BEARINGS ARE EXPRESSED IN THE TENNESSEE STATE PLANE COORDINATE SYSTEM (HORIZONTAL = 83-C.O.R.S.; VERTICAL = NAVD83; ZONE TN 4100; GRID MODEL AND TN 1924). USING SOKKIA GPS MODEL GR2 GPRS RECEIVER PTK (L1+L2) HORIZONTAL Accuracy = ±(5mm+0.05ppm) AND VERTICAL ACCURACY = ±(10mm+0.05ppm).

WITHIN DESCRIBED TRACT OF LAND LESS WITHIN ZONE X AS SAID TRACT IS BY SCALE ON FEMA MAP NUMBER 470203018R ON THE FLOOD SURVIVANCE RATE MAPS FOR NASHVILLE AND DAVIDSON COUNTY, TENNESSEE P. REVISED APRIL 5, 2017).

MEMBERSHIP INFORMATION INDICATED HEREON IS AS IDENTIFIED IN COUNTY RECORDS.

SURVEYOR HAS NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES. WE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE UTILITIES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL 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. BEFORE RELIANCE UPON THE TYPE, SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES SHOULD BE DONE SO WITH THIS CIRCUMSTANCE SURVEYOR DETAIL VERIFICATION OF EXISTENCE, LOCATION AND DEPTH. IT IS ALSO BE MADE PRIOR TO ANY DESIGN RELATIVE THERETO TO IS MADE. LIABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY.

TENNESSEE IT IS A REQUIREMENT OF THE "UNDERGROUND UTILITY DAMAGE PREVENTION ACT" THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY KNOWN UNDERGROUND UTILITY OWNERS(S) NO LESS THAN THREE (3) WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE. ALSO TO AVOID ANY HAZARD OR CONFLICT, THE TENNESSEE ONE CALL PHONE NUMBER IS 1-800-351-1111. UTILITIES WERE NOT CHECKED DURING COURSE OF THIS SURVEY.

WITHIN PLAT AND SURVEY WERE PREPARED WITHOUT BENEFIT OF CURRENT EVIDENCE OF SOURCE OF TITLE FOR THE SUBJECT TRACT OR ADJOINERS AND THEREFORE SUBJECT TO ANY STATEMENT OF FACTS REVEALED BY EXAMINATION OF SUCH DOCUMENTS.

SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THOSE THINGS IDENTIFIED IN THE CERTIFICATION AND DOES NOT EXTEND TO ANY UNMADE PARTY.

PROPERTY IS SUBJECT TO ALL MATTERS SET FORTH ON THE RECORDED PLAT OF CREEK TRAIL SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 261 R.O.D.C. TN, AND IS SUBJECT TO ALL RESTRICTIONS OF R.O.D. BUILDER TO VERIFY BEFORE CONSTRUCTION ON THIS LOT.

RANDY YARD
 413E CREEK TRAIL DR.
 TOWN OF CREEK TRAIL, DAVIDSON COUNTY, TENNESSEE

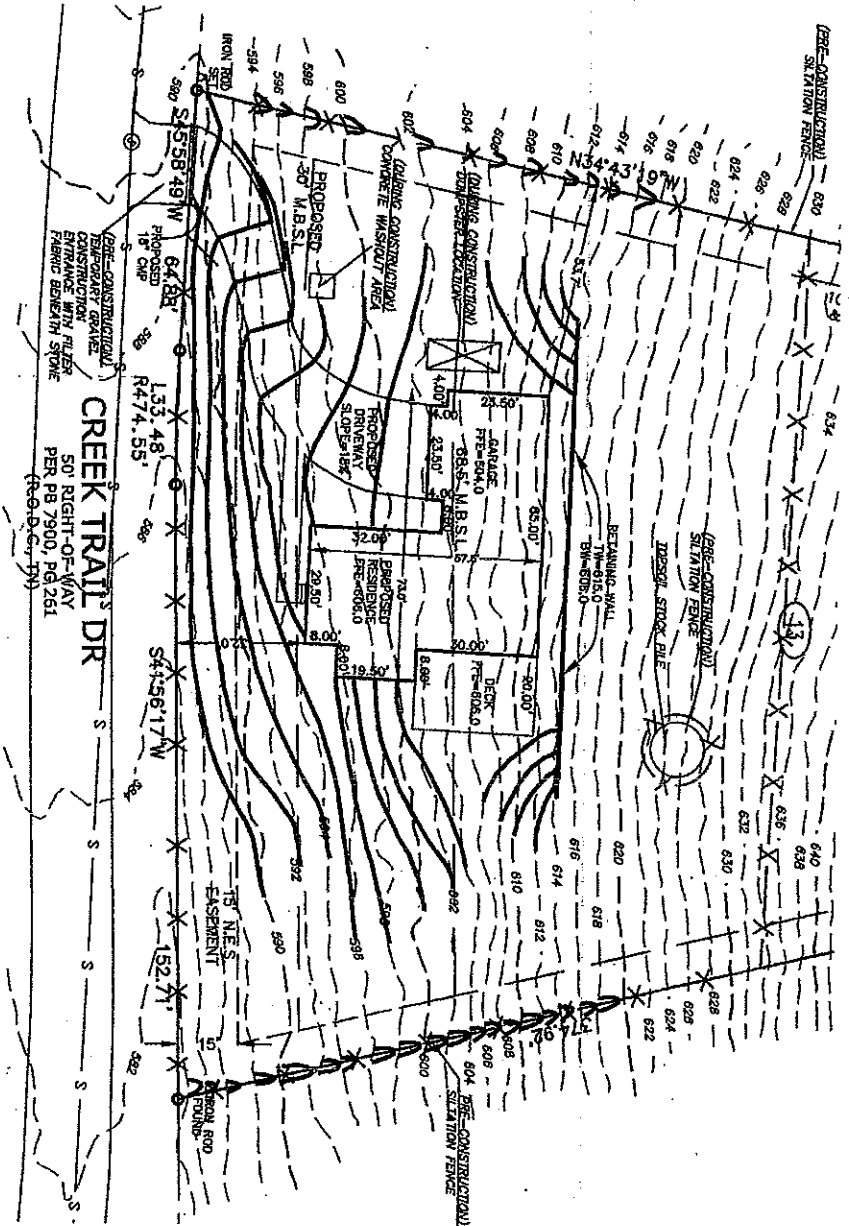
MINIMUM SET BACKS
 FRONT YARD: SEE NOTE (A)
 SIDE YARD: 5'
 REAR YARD: 35'

PLAT BOOK 260A, PAGE 261, R.O.D.C. TN
 REC. DATE: JANUARY 2, 2019
 PARCEL: DL 09 PLAN: # 21.00232Z-07 LIME
 413E CREEK TRAIL DR. 4132 ACRES

JANUARY 7, 2019 DWN. BY: ACB ICD. BY: BSM

Scale: 1" = 30'

0 30 60 90



NOTE A: FRONT/STREET SETBACK FOR NASHVILLE MUNICIPAL CODES CHAPTER 17.12.035, NOTE C(5) PER ORDINANCE NO. B1.2017-833

| STREET SETBACK TABLE | ADDRESS | SETBACK | |
|---------------------------|---------------------------|----------------------------|---------------------------|
| 4140 CREEK TRAIL DR 53.1' | 4141 CREEK TRAIL DR 53.0' | 4142 CREEK TRAIL DR 111.4' | 4143 CREEK TRAIL DR 42.3' |
| AVERAGE SETBACK = 64.5' | | | |

RANDY YARD
 LOT 13-CREEK TRAIL SUBDIVISION
 INSTRUMENT # 20180907-0089019, R.O.D.C., TN

H & H LAND SURVEYING, INC.
 612 A FITZHUGH BLVD.
 SMYRNA, TENNESSEE 37167
 PHONE: (615) 831-0756



EXHIBIT 5



4140 Creek Trail Drive

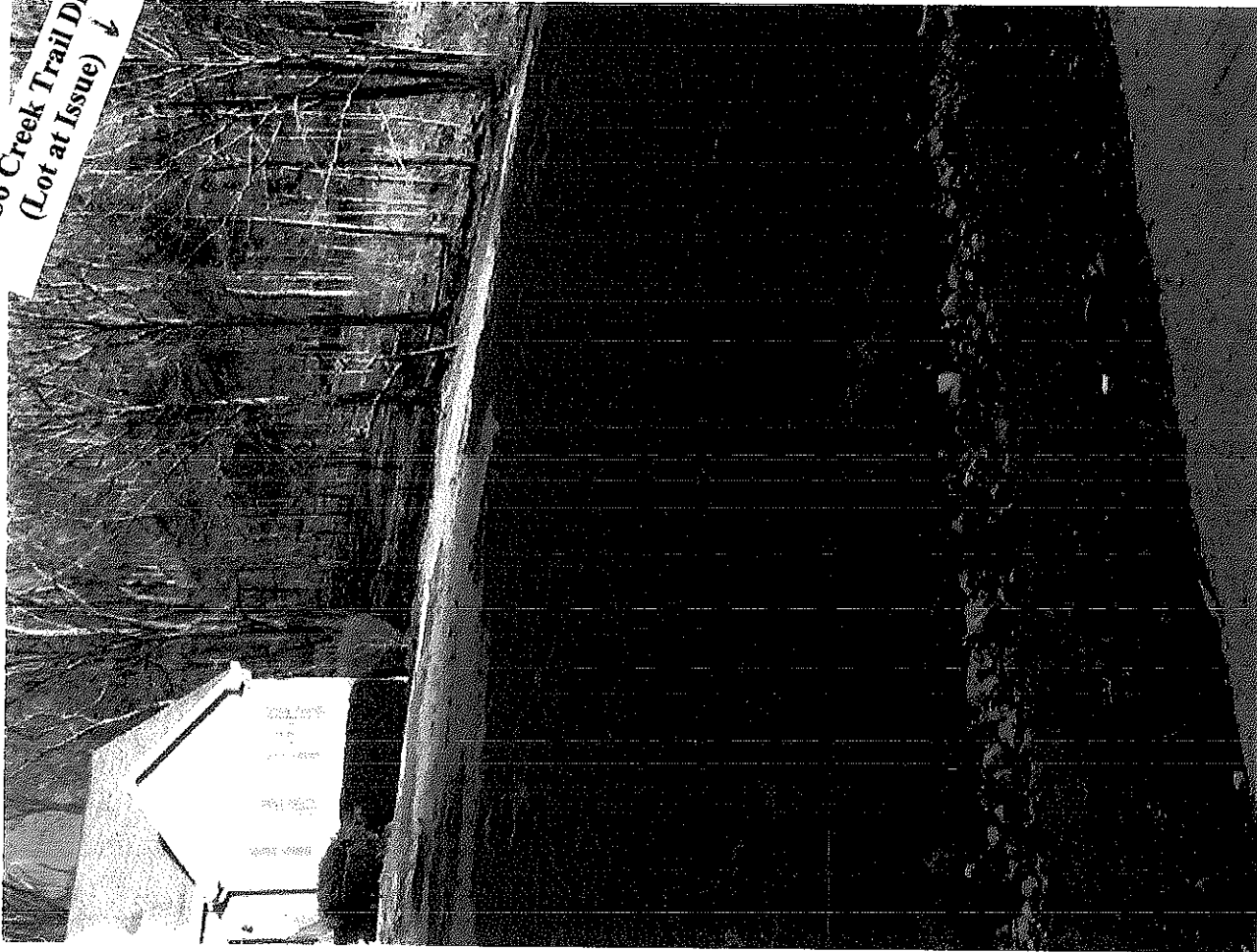
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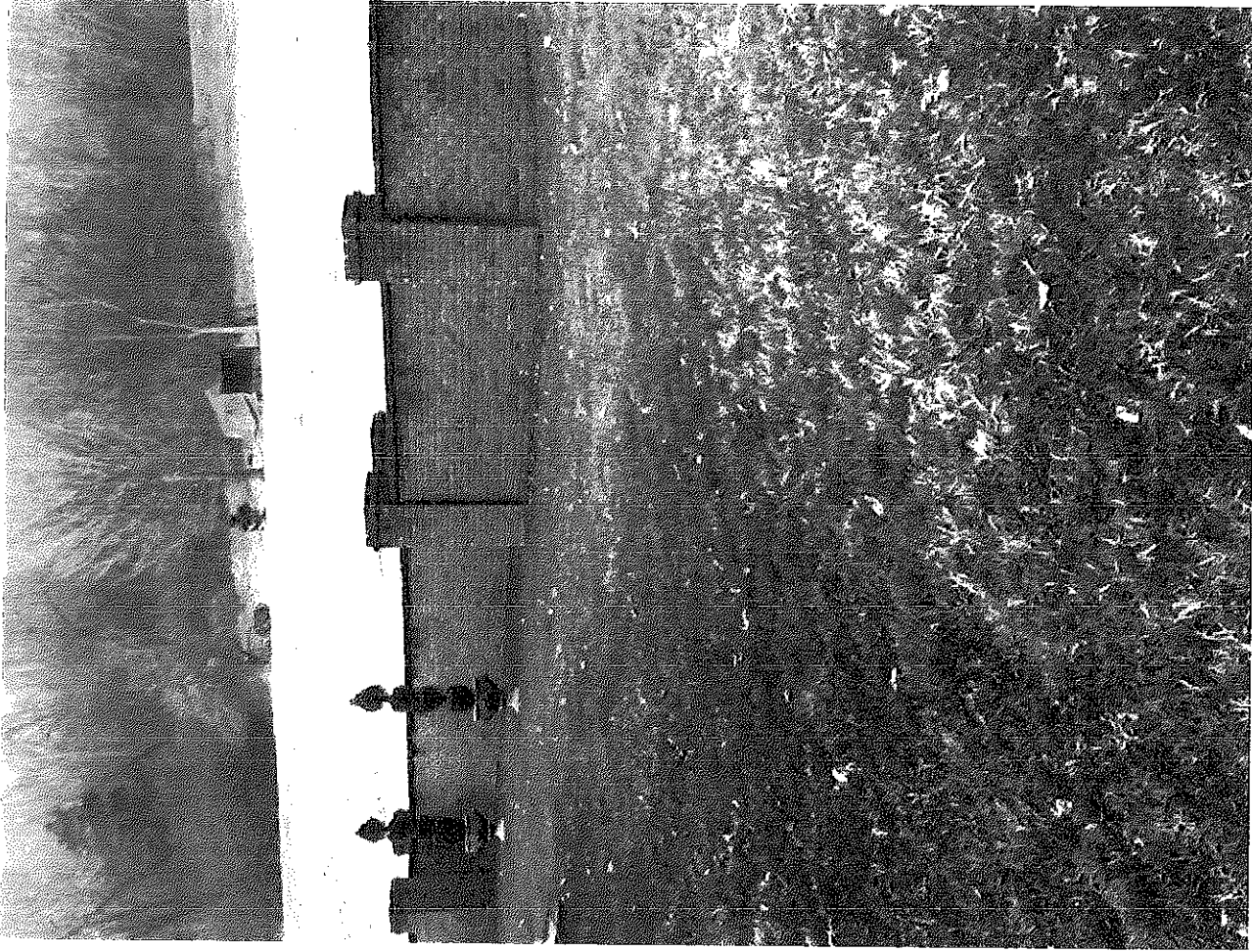
4140 Creek Trail Drive
(REAR)

Sent from my iPhone

4136 Creek Trail Drive
(Lot at Issue) ↓

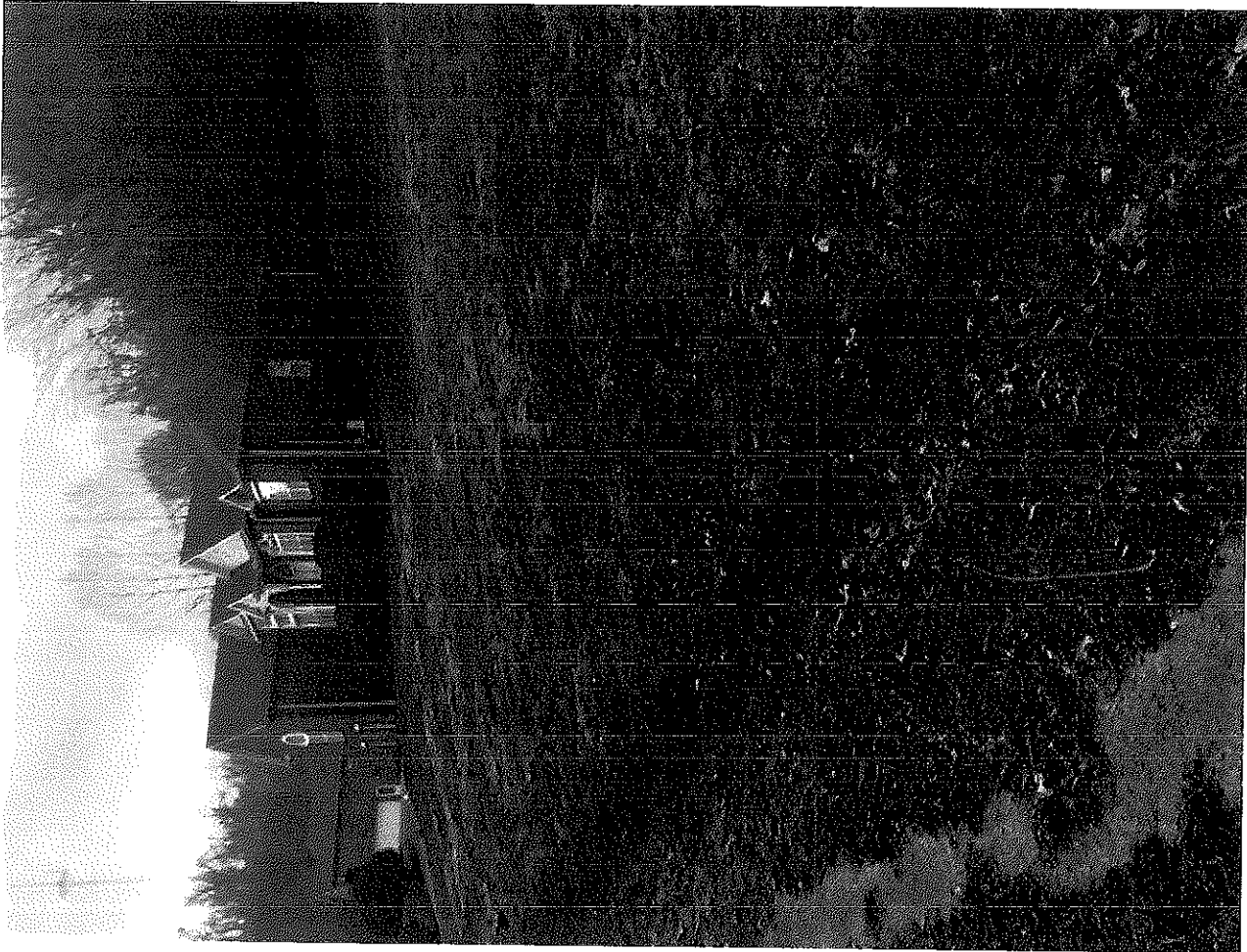


Sent from my iPhone



4144 Creek Trail Drive
(Rear)

Sent from my iPhone



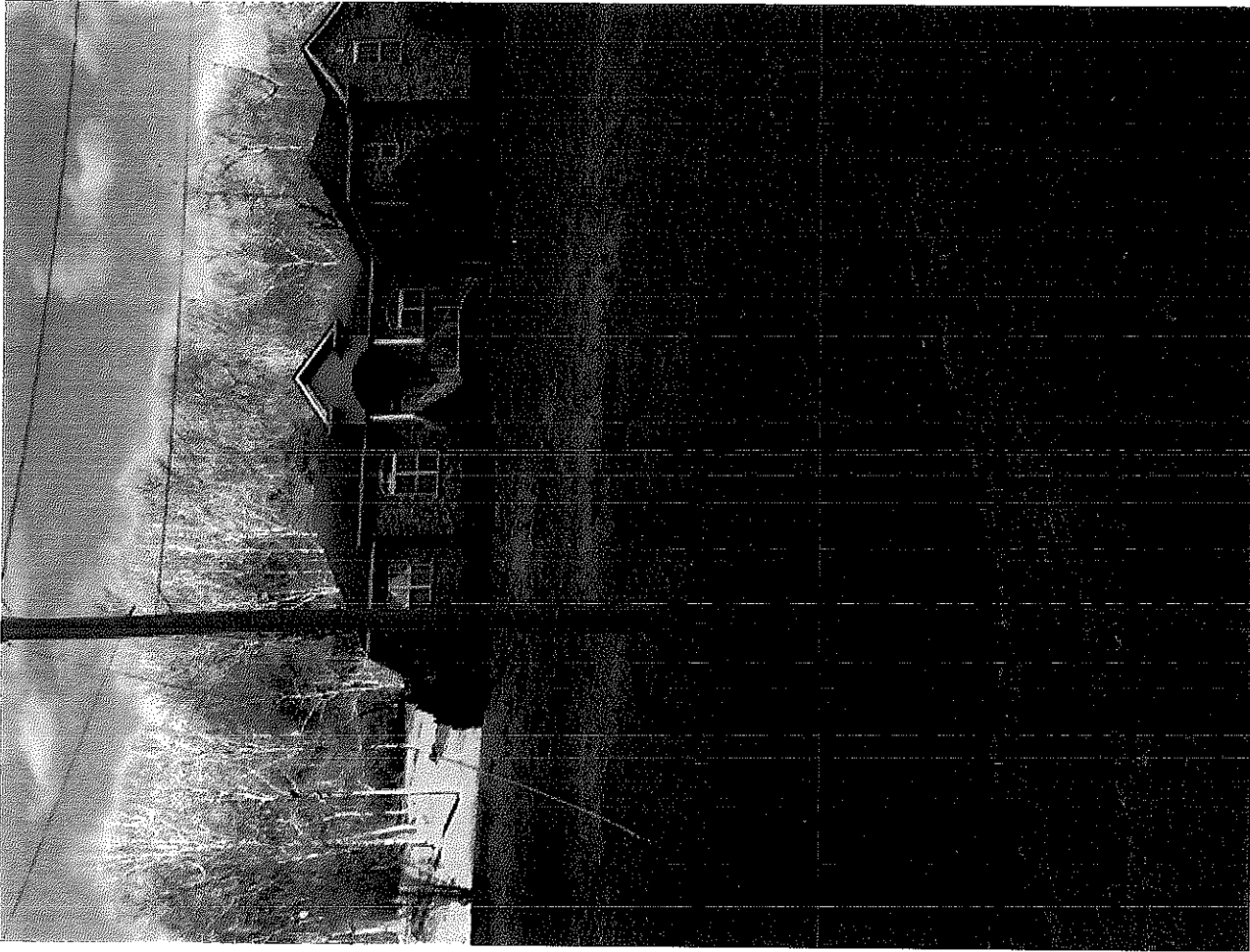
4154 Creek Trail Drive
(Side)

Sent from my iPhone



4150 Creek Trail Drive

Sent from my iPhone



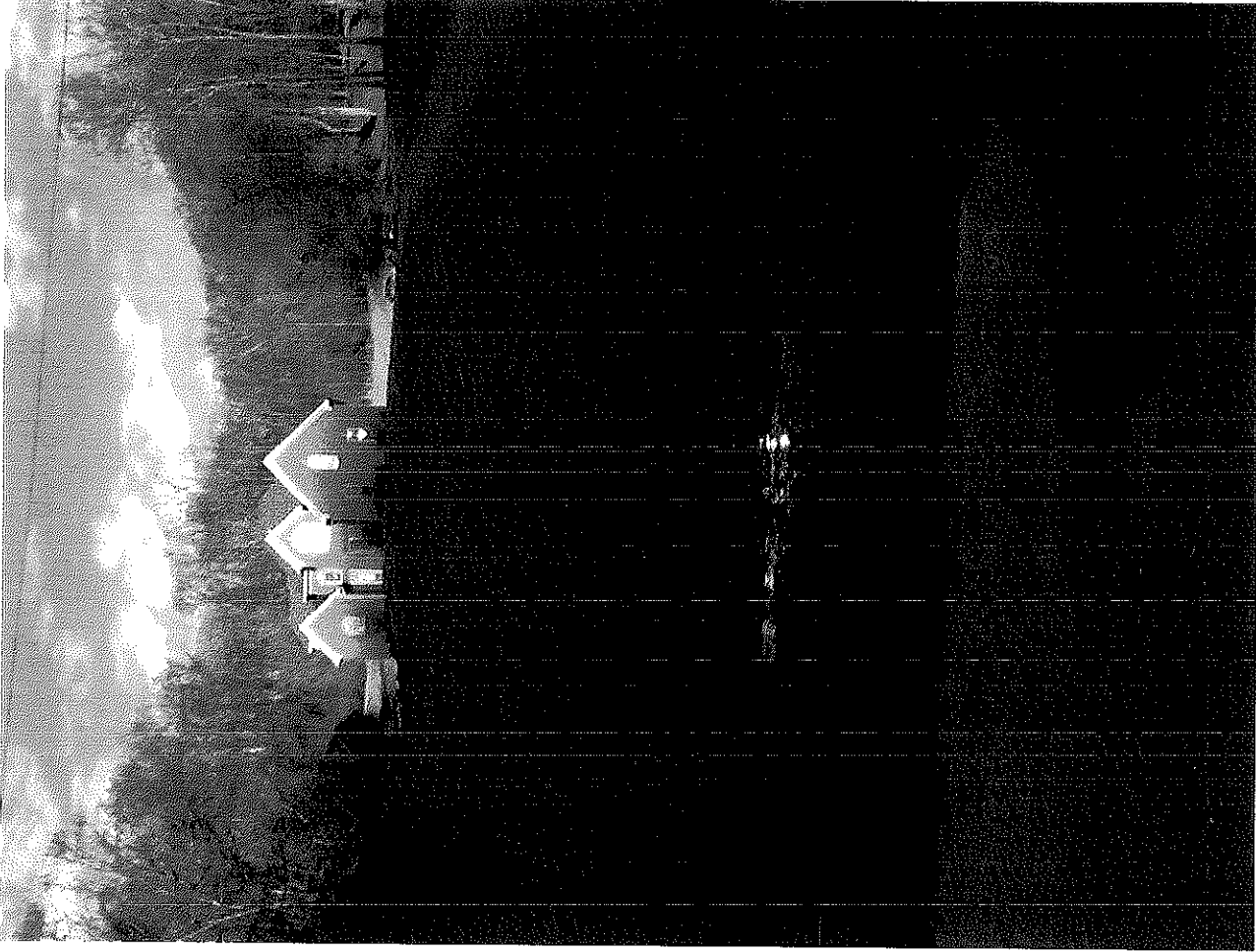
4160 Creek Trail Drive

Sent from my iPhone



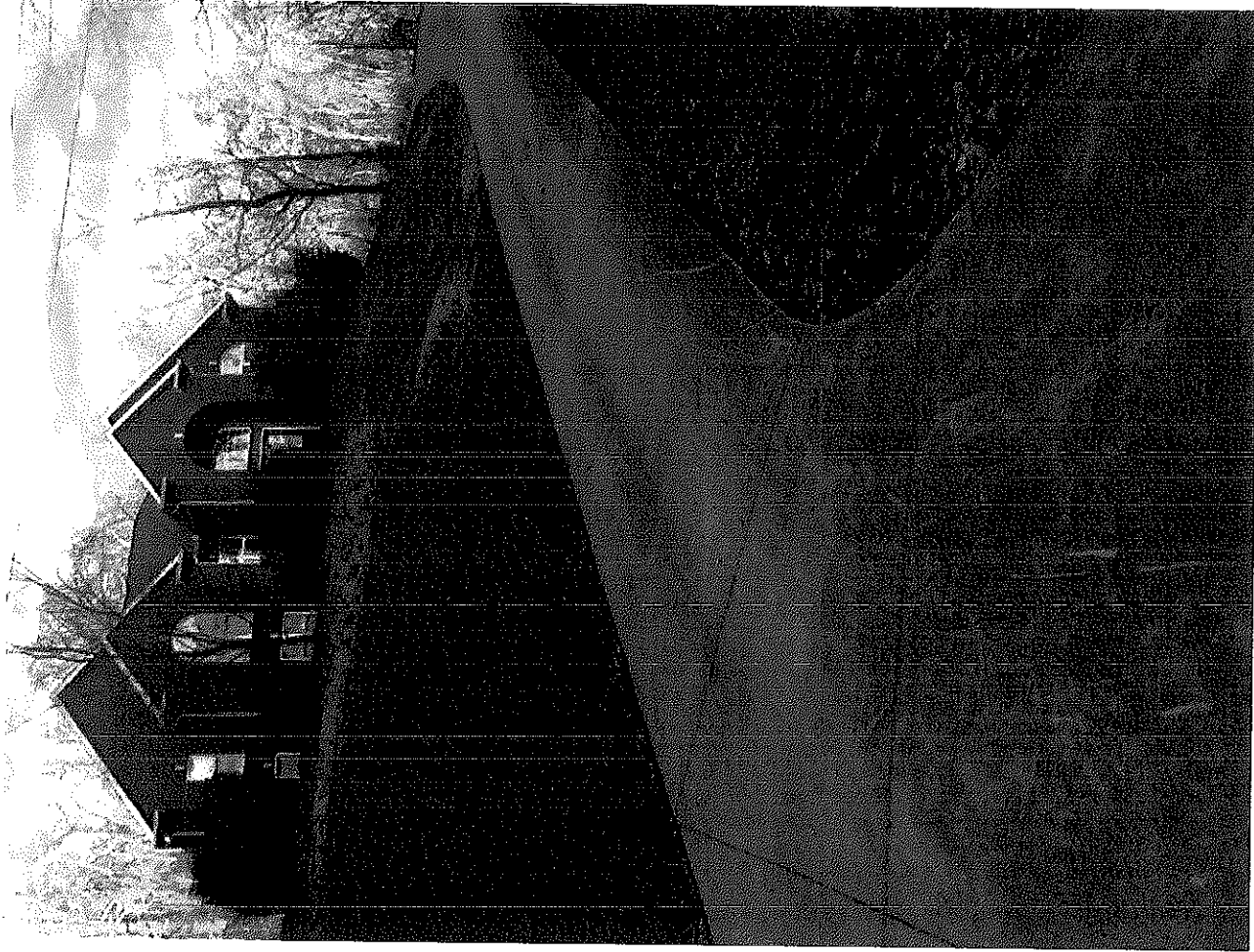
4164 Creek Trail Drive

Sent from my iPhone



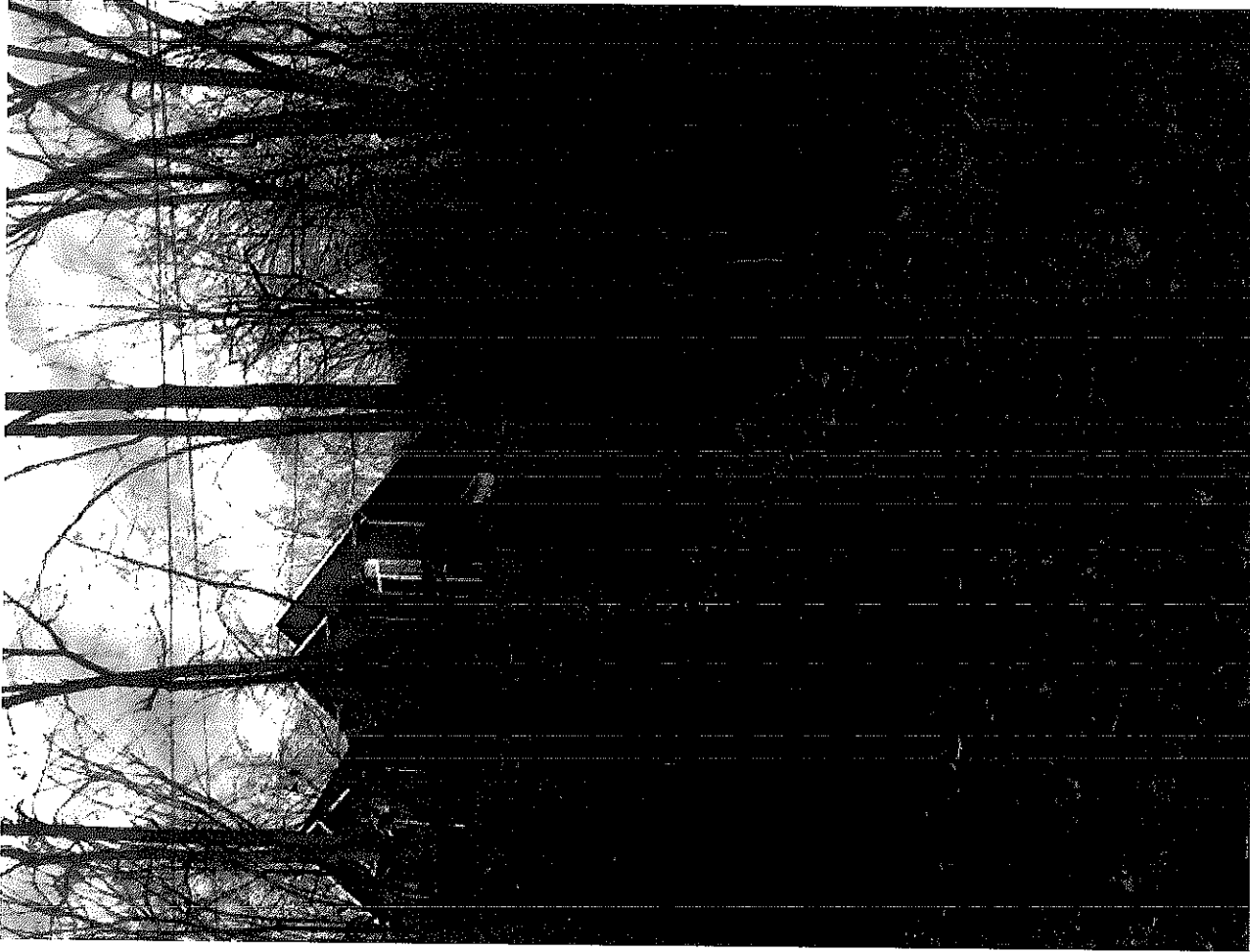
4164 Creek Trail Drive

Sent from my iPhone



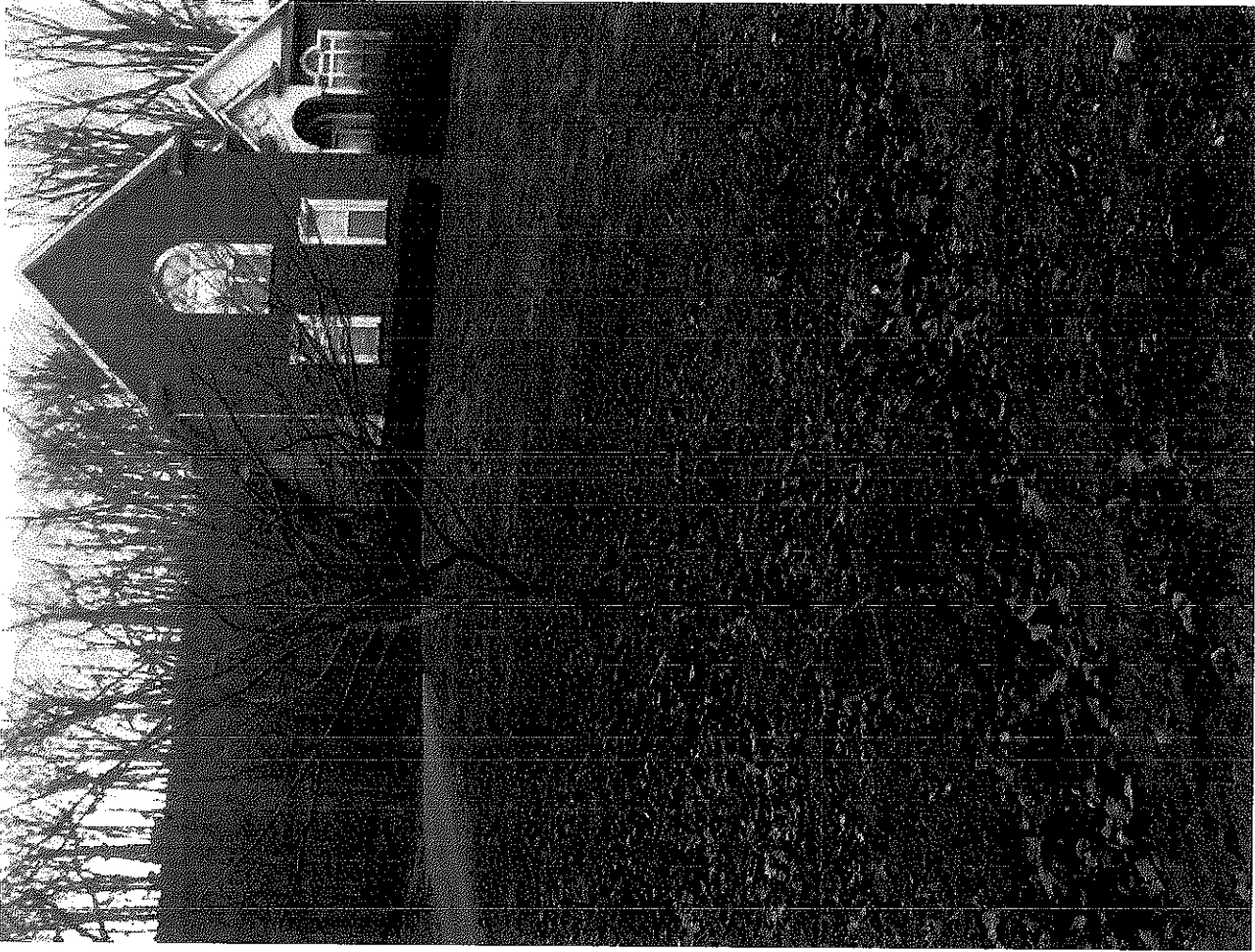
4176 Creek Trail Drive

Sent from my iPhone



4176 Creek Trail Drive
(SIDE)

Sent from my iPhone



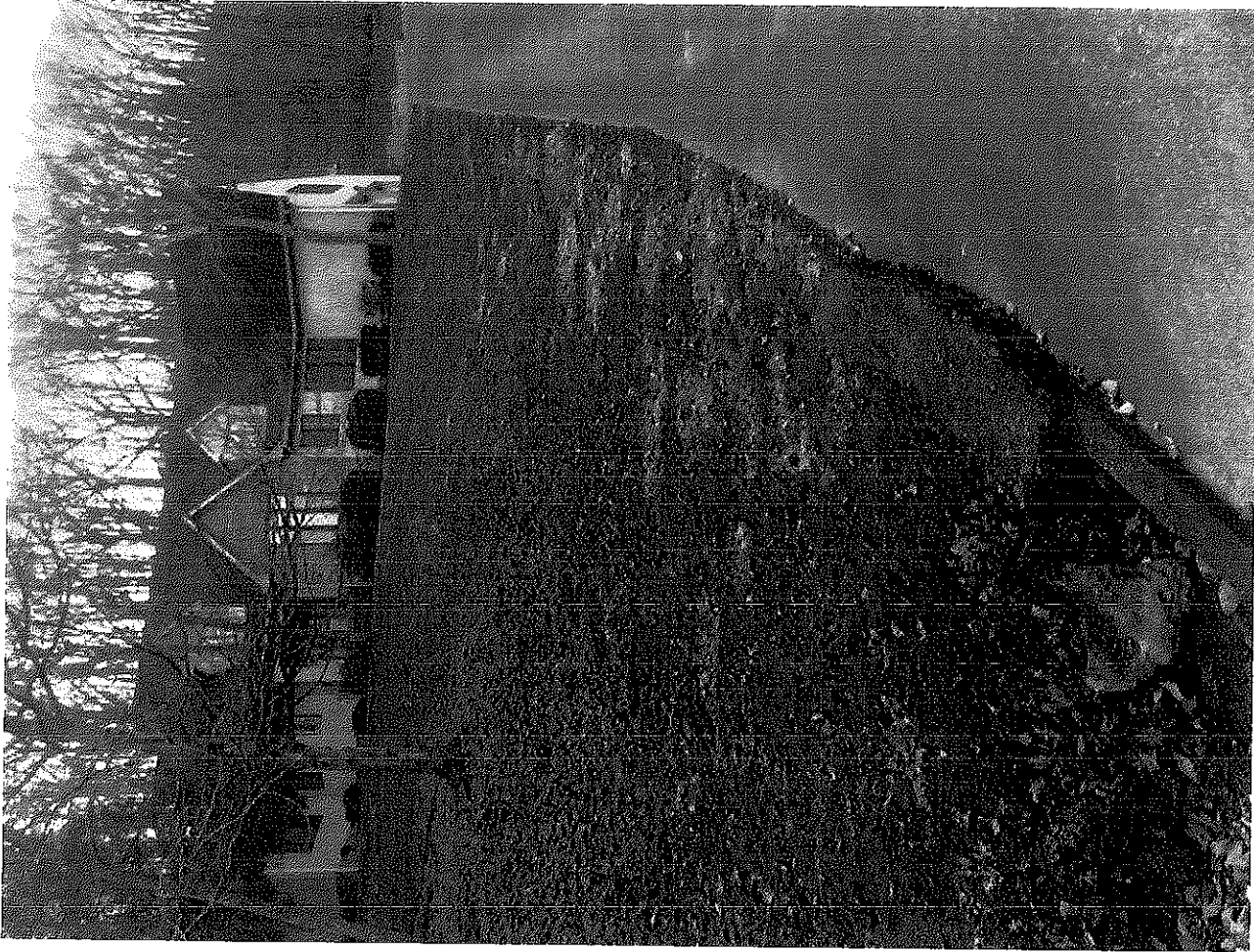
4187 Creek Trail Dr

Sent from my iPhone



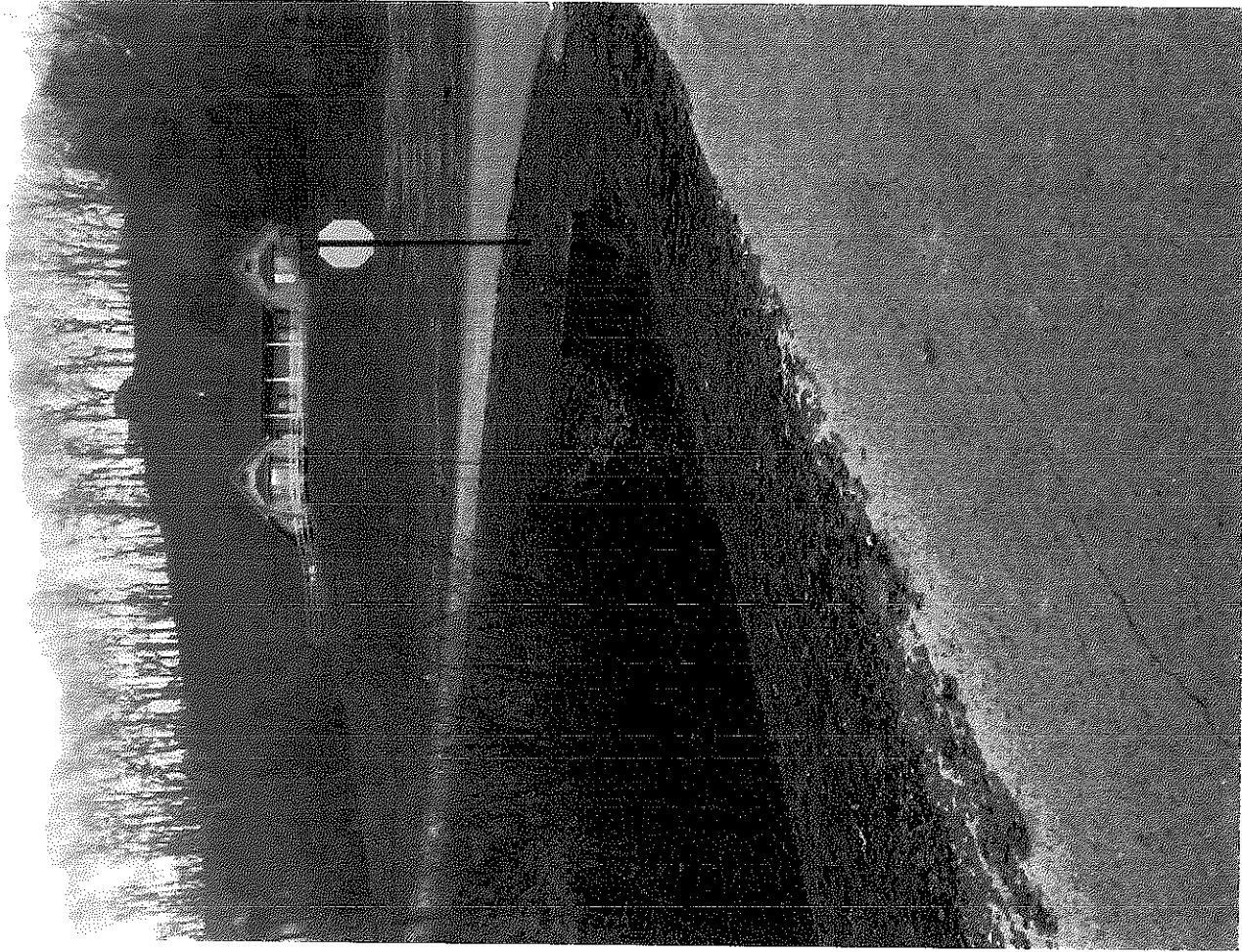
4191 Creek Trail Drive

Sent from my iPhone



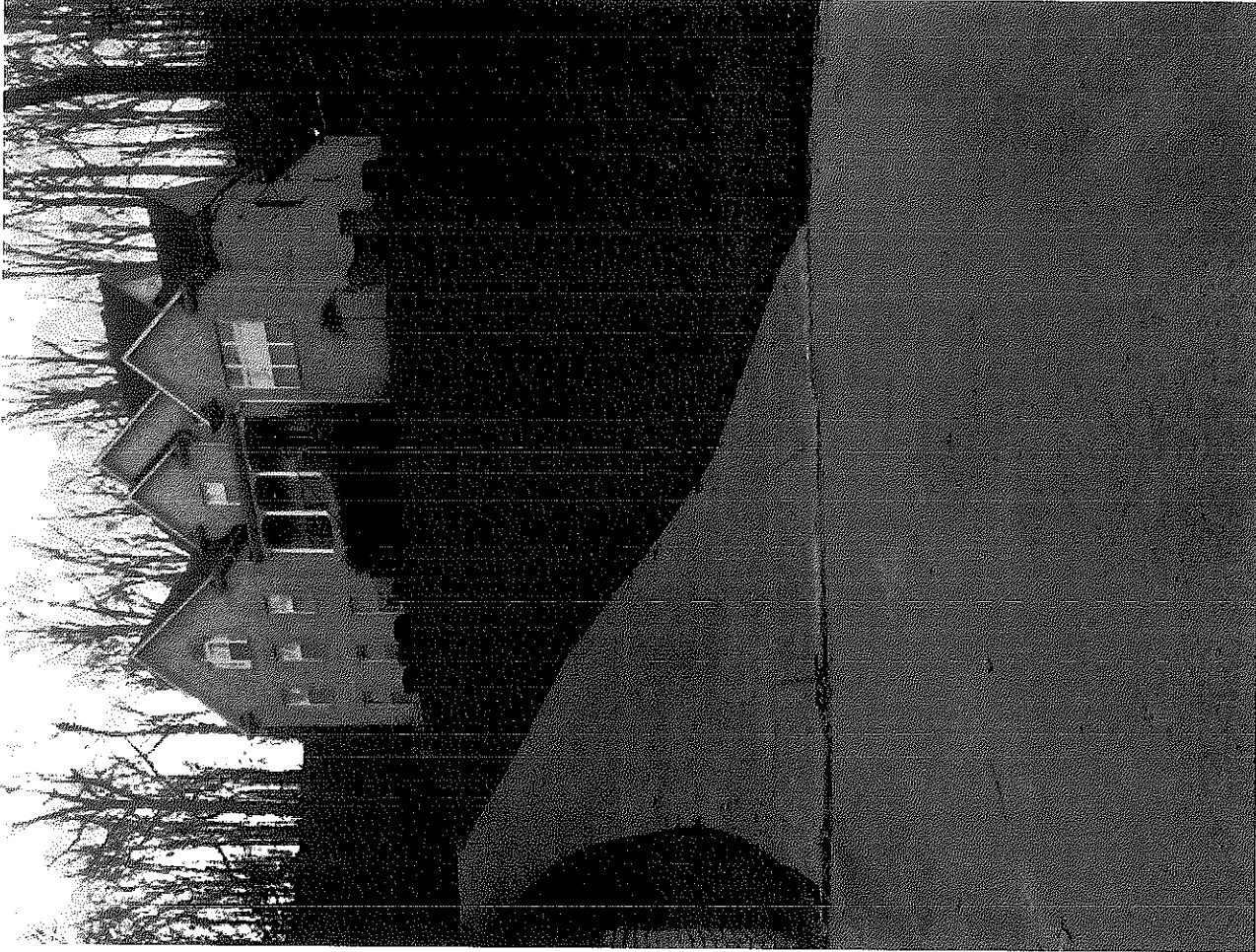
4191 Creek Trail Drive

Sent from my iPhone



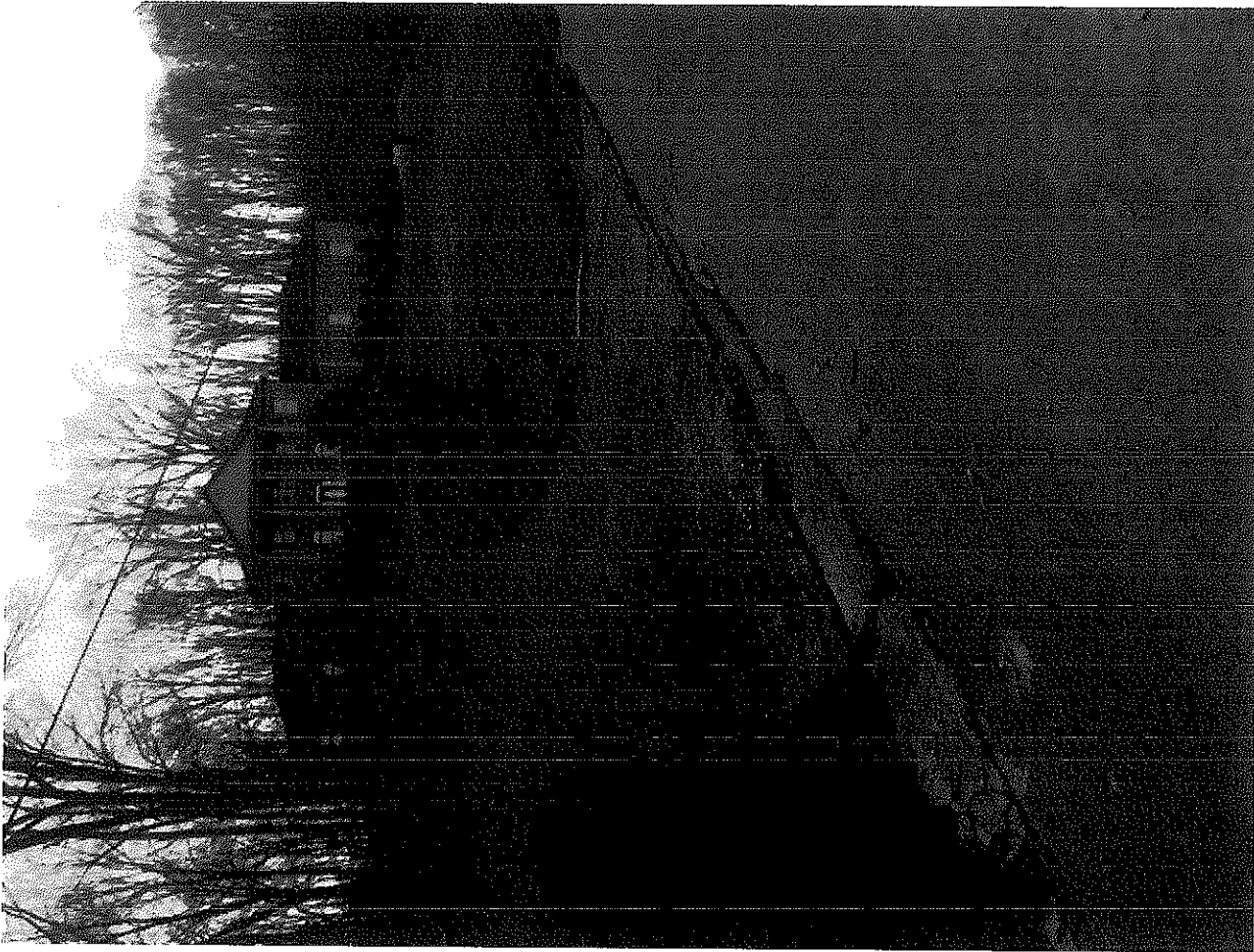
200 Aparna Court

Sent from my iPhone



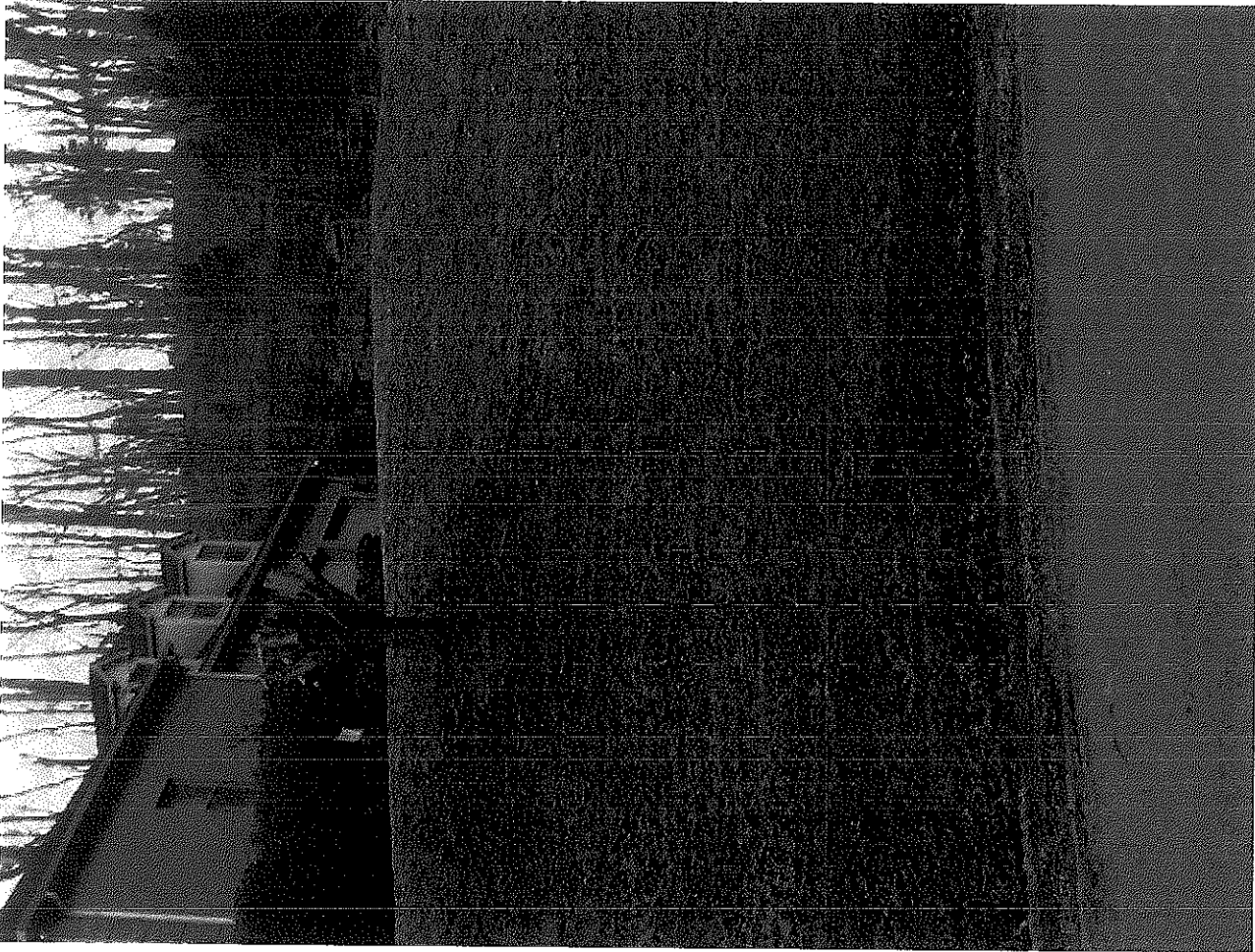
212 Aparna Court

Sent from my iPhone



209 Aparna Court

Sent from my iPhone



209 Aparna Court

(SIDE)

Sent from my iPhone



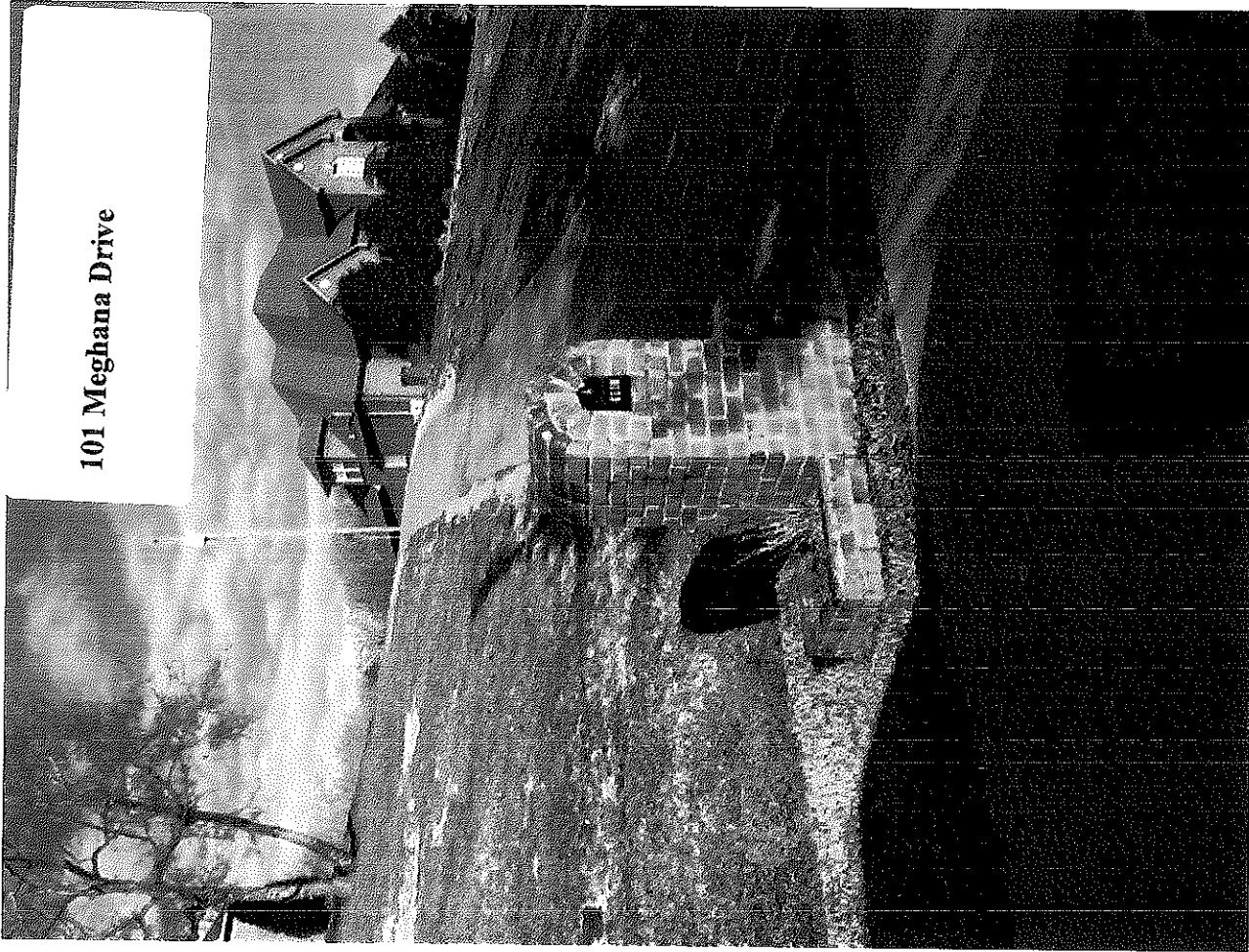
4175 Creek Trail Drive

Sent from my iPhone



4171 Creek Trail Drive

Sent from my iPhone



Sent from my iPhone



4116 Creek Trail Drive

Sent from my iPhone



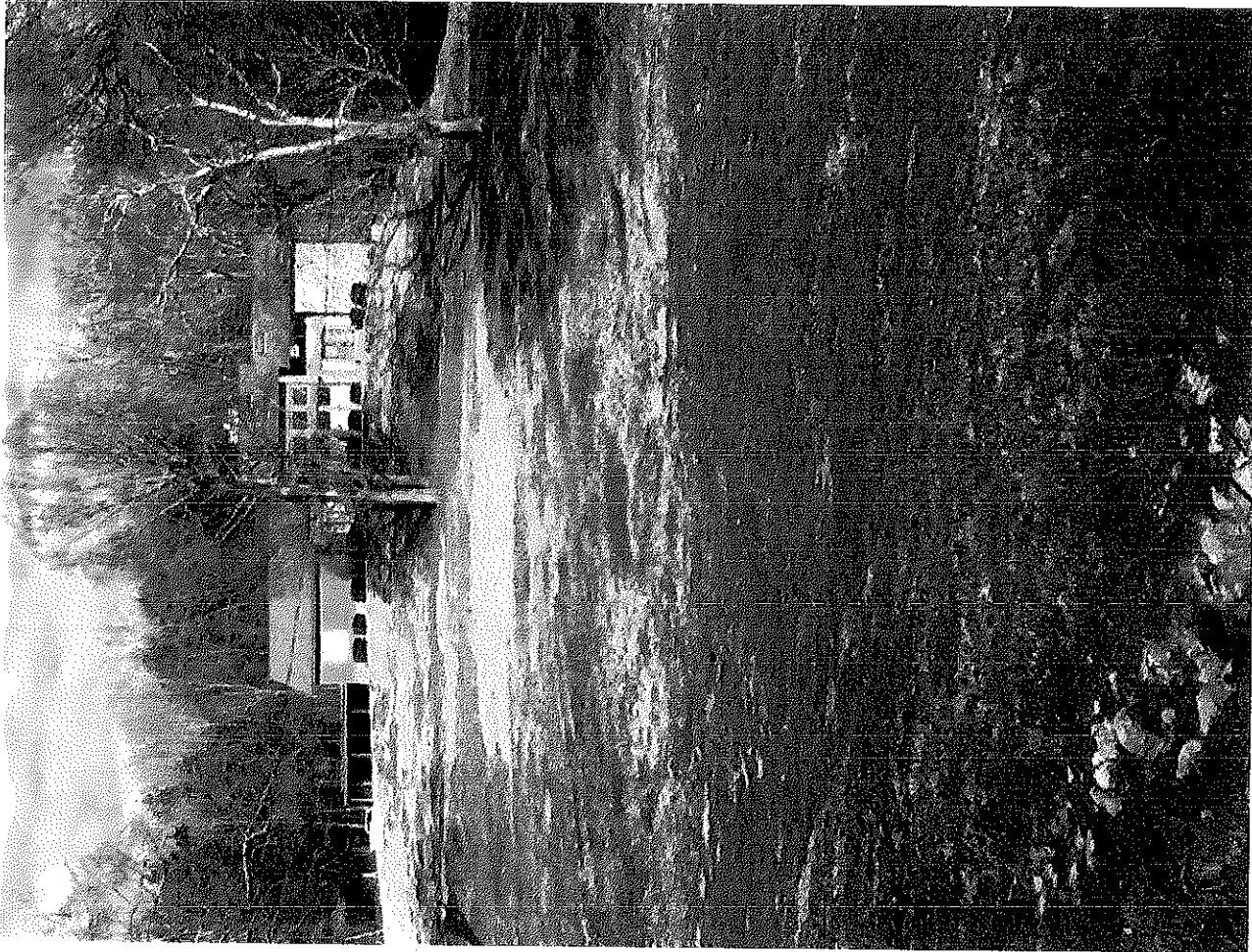
4120 Creek Trail Drive

Sent from my iPhone



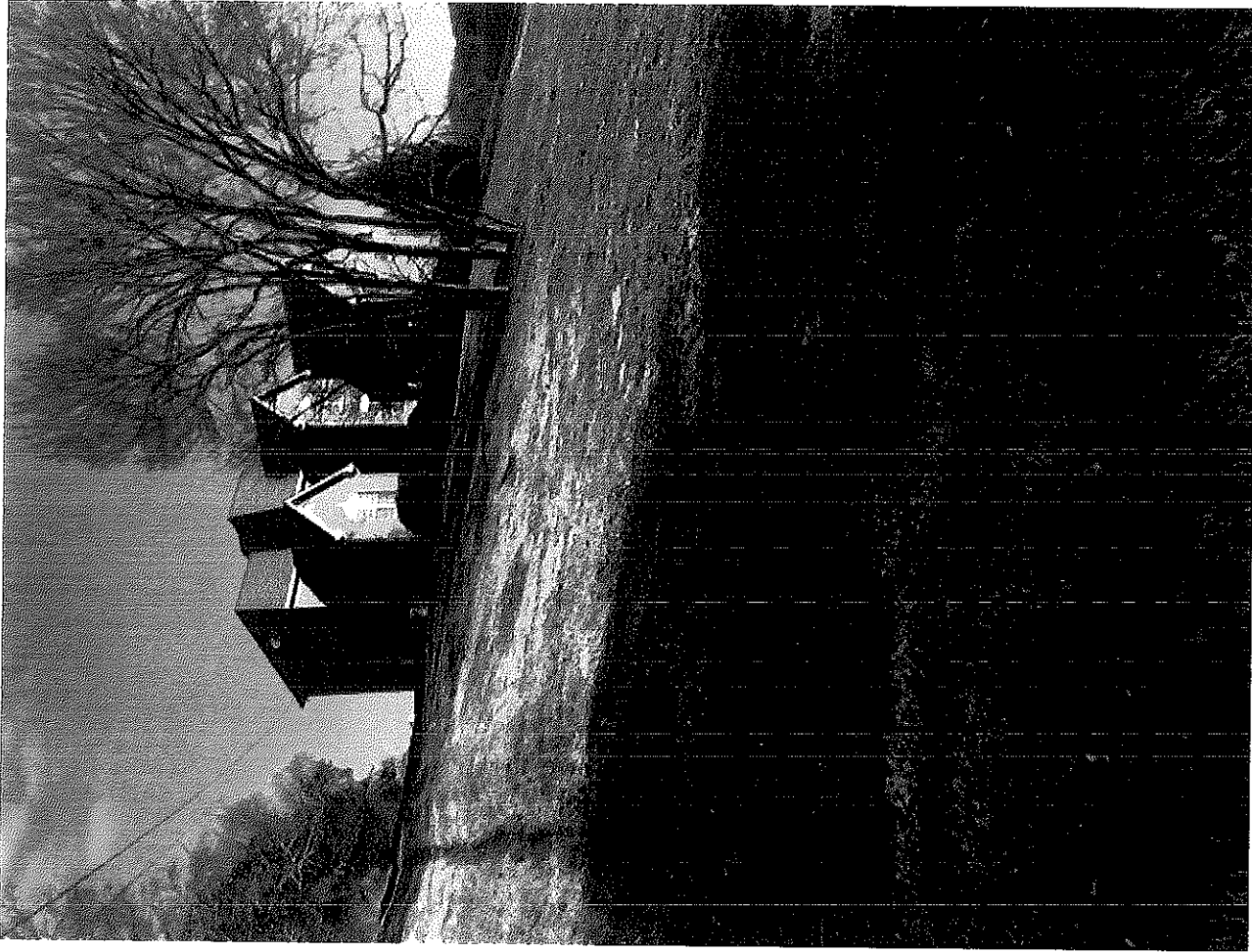
108 Meghana Drive

Sent from my iPhone



109 Meghana Drive

Sent from my iPhone



4104 Creek Trail Drive

Sent from my iPhone

EXHIBIT 6

W & A

Wright & Associates Quality Contractors

101 MEGHANA DR
WHITES CREEK TN 37189
LICENCE # 00048616
wright.associates@comcast.net.

Creek Trail Subdivision:

PROPERTY: 4136 Creek Trail Dr. Lot 13
CITY, STATE: Whites Creek TN 37139
MAP & PARCEL: 41-5-1

Setback(s):

The request for setback consideration in our expert opinion is solely for the purpose of cost saving for this project. Several structures in the subdivision performed the needed excavation to meet the setback minimum of 68.5 feet. Based upon our visual observation, any proposed structure constructed on Lot 13, 4136 Creek Trail Drive in our expert opinion can with additional costs, can meet this minimum setback as other builds have (see addresses listed below).

Creek Trail Drive:

4116 – Minimum excavation
4120 – Excavation
4140 – Minimum excavation/retaining wall built
4144 – Minimum excavation/retaining wall built
4150 - Minimum excavation/retaining wall built
4164 – Excavation
4176 – Excavation
4175 – Minimum excavation
4187 - Minimum excavation
4171/4191 - Minimum excavation/retaining wall built

Aparna Court:

200 - Minimum excavation/retaining wall built
209 - Minimum excavation/retaining natural
212 - Minimum excavation/retaining natural

Meghana Drive:

101 – Excavation/retaining wall built
109 – Excavation/retaining wall built
131 – Excavation

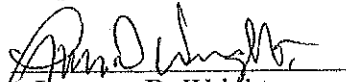
Garage Modification:

Modifying the garage front of structure to side(s) of the structure should be easily accomplished without extensive costs according to the plans presented to some members of the Creek Trail Subdivision (plans were not stamped but were sketched). Material

costs should not change. The only costs that may be incurred is a change order, but notations on the plans prior to the build should prevent that from occurring. With some excavation, the need for the setback variance would not be needed, and this will also allow easy access to side garage doors bringing the structure closer to the guidelines of the restricted covenant and in line with all builds in the Creek Trail Subdivision.

It is our belief that the board should rule in the favor of the Creek Trail Subdivision because of the investments made by the existing residents. This proposal to allow the setback will diminish the aesthetics and flow of the neighborhood thereby possibly impacting the values of the existing homes. All other homeowners have complied with the restricted covenant to maintain the values of each of their neighbors, at varying costs to themselves. To allow this structure which has not proven to be the size requirement of the restricted covenant, along with a setback that isn't a necessary setback but one that saves this builder the cost that all others have paid, and to allow the garage to remain in the front because of the argument that the costs of excavation is too great, would be an affront to those who have complied with this covenant. None of the arguments or requests have validity, but only excuses this builder/owner of the costs that others paid which demonstrates their adherence to a common interest, *their values both financial and personal*.

Respectfully,


Lorenzo D. Wright

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Barge Design Solutions Date: 1/15/19
Property Owner: Belmont Ave. Church of Christ
Representative: Kathryn Withers Case #: 2019-090
Map & Parcel: 104-4 PARCEL 86

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: APPEAL Prior to Permit Application for
PROPOSED COMMERCIAL DEVELOPMENT

Activity Type: Comm New Construction
Location: LOT MUSIC SQUARE EAST

This property is in the ORI 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: SETBACK VARIANCE
Section(s): 17.12.020C AND 17.12.030B

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.

Kathryn Withers
Appellant Name (Please Print)

Representative Name (Please Print)

615 3rd Ave S, Suite 700
Address

Address

Nashville, TN 37210
City, State, Zip Code

City, State, Zip Code

615-252-4213
Phone Number

Phone Number

Kathryn.withers@
Email bargedesign.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



3594837

ZONING BOARD APPEAL / CAAZ - 20190002711
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10404008600

APPLICATION DATE: 01/15/2019

SITE ADDRESS:

67 MUSIC SQ E NASHVILLE, TN 37203
LOT 34 HAYES 1ST ADDN

PARCEL OWNER: BELMONT AVENUE CHURCH OF CHRIST

CONTRACTOR:

APPLICANT:**PURPOSE:**

Setback Variance Request for proposed Commercial Development. (1) Requesting 0 ft setback underground (parking garage) required 10 ft on both street
(2) Requesting 0 ft rear setback (underground) and 10 ft for building, 20 ft required rear setback.
POC: Kathryn Withers 615-252-4213

*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.



January 14, 2019
File No. 36998.00

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

**RE: REAR SETBACK VARIANCE
67 MUSIC SQUARE EAST; MAP 104-4, PARCEL 86**

Dear Chairman Ewing and Board Members:

On behalf of Oldacre McDonald, we respectfully request your support for several setback variances on property located at 67 Music Square East. The property is only 50' wide and has frontage on three rights-of-way – Music Square E (16th Avenue), Music Square South (formerly Grand Avenue), and Alley #440, and the cumulative impact of the required setbacks and dedications leave the building envelope severely impaired.

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 (Grand Avenue)**
Requested Setback: 0' underground and 10' at ground level.
Required Setback: There 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 centerline of the ROW for the MCSP, plus an additional 10' for the ORI street setback.
- **Music Square E (16th Avenue South)**
Requested Setback: 0' underground and 10' at ground level.
Required Setback: There is currently a 55' ROW where the MCSP requires a 68' ROW, resulting in a setback of 34' from the centerline of the ROW, plus an additional 10' for the ORI street setback.
- **Rear setback:**
Requested Setback: 0' underground and 10' at ground level.
Required Setback: 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 East, making the southern property line a rear lot line where a 20' setback is required.
- **Alley #404** is currently a 12' ROW, and this property would be required to dedicate 4' with new development.

Through the setbacks illustrated above, we ask that the board find that 67 Music Square East has a unique hardship resulting from the setbacks and dedications resulting from having frontage on three rights-of-way.

Sincerely,

Kathryn Withers, AICP
Planning Manager

F:\36\36998\3699800\02_COMM\LETTERS\2019_01_14_BZAmemo2.docx

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.

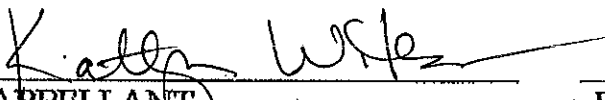
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

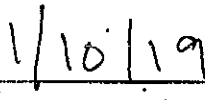
Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

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


 DATE

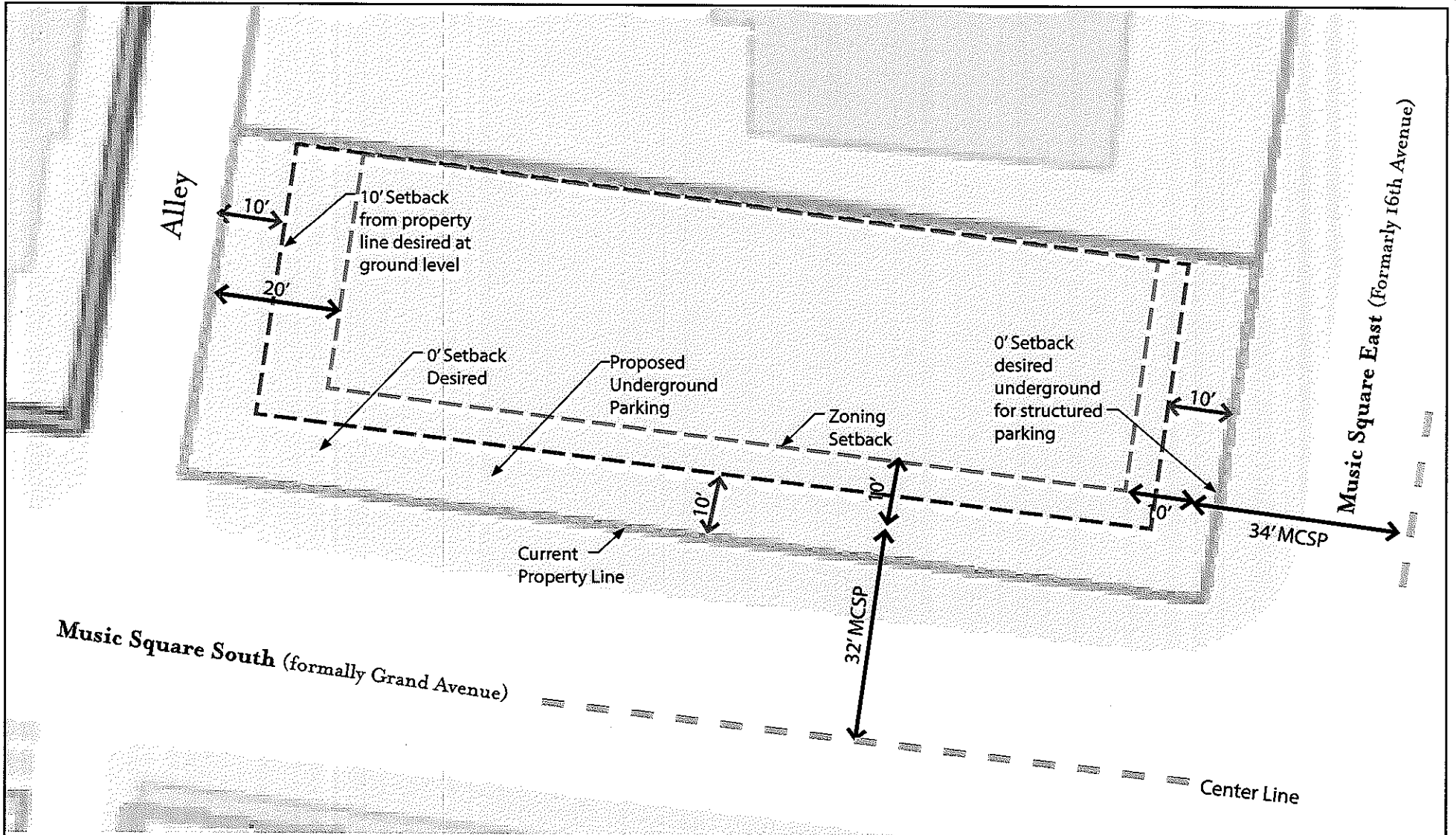
In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

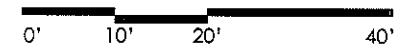
See attached letter.



Legend

- Zoning Setbacks
- Desired Setbacks at Ground Level
- Underground Parking

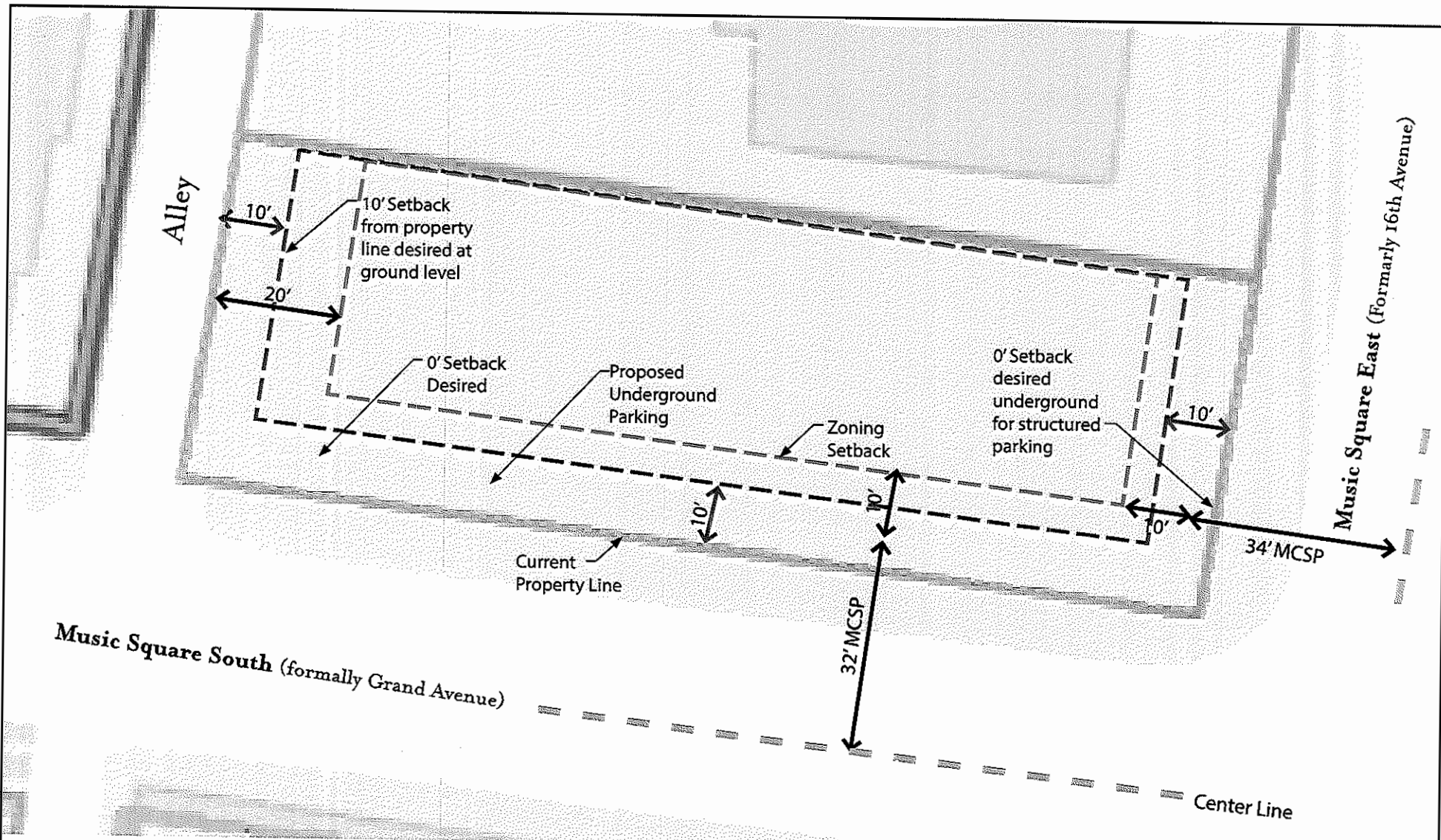
SCALE: 1" = 20'



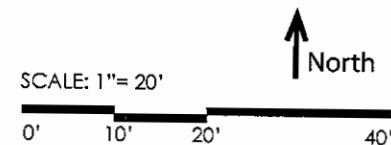
67 Music Square East
January 14, 2019 Exhibit

Prepared
by:





- Legend**
- Zoning Setbacks
 - Desired Setbacks at Ground Level
 - ... Underground Parking



67 Music Square East
January 14, 2019 Exhibit

Prepared by: **BARGE**
DESIGN SOLUTIONS

2018-636

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Matthew Carney

Date: 10-5-18

Property Owner: Matthew Carney

Case #: 2018-636

Representative: Matthew Carney

Map & Parcel: 11809000100

Council District 25

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

Purpose: To obtain a STRP permit.

Activity Type: Short Term Rental

Location: 1009 Battlefield Dr.

This property is in the RS10 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

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

Section(s): 17.16.250 (E)

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

Matthew Carney
Appellant Name (Please Print)

Representative Name (Please Print)

1009 Battlefield Dr.
Address

Address

Nashville, TN 37204
City, State, Zip Code

City, State, Zip Code

(615) 429-4676
Phone Number

Phone Number

matthewacarney@gmail.com
Email

Email

Appeal Fee: \$100.00



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



3566379

ZONING BOARD APPEAL / CAAZ - 20180063419
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11809000100

APPLICATION DATE: 10/05/2018

SITE ADDRESS:

1009 BATTLEFIELD DR NASHVILLE, TN 37204
S SIDE BATTLEFIELD DR W OF LEALAND LN

PARCEL OWNER: CARNEY, MATTHEW

CONTRACTOR:

APPLICANT:**PURPOSE:**

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

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

Rental Unit Record

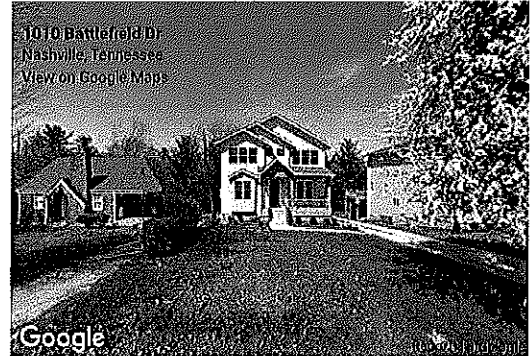
1009 Battlefield Dr, Nashville, TN 37204, USA

Removed X
Identified ✓
Compliant ✓



Airbnb - 19912518

Airbnb - 18238539



Matched Details

Analyst QHQC

Explanation
Exterior image from the listing matches aerial view image.

Listing Photos



Matching 3rd Party Sources



The deck has not been constructed yet in this aerial view, but the rest of the home/door matches

Zip Code Match

Owner Name Match

City Name Match

Identified Address

1009 Battlefield Dr, Nashville, TN 37204, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.114576, -86.788349

Parcel Number

11809000100

Owner Name

CARNEY, MATTHEW

Owner Address

1009 Battlefield Dr
Nashville, TN 37204, US

Registration / Permit Number

505273

Timeline of Activity

View the series of events and documentation pertaining to this property

Listing Details

Listing URL - <https://www.airbnb.com/rooms/19912518>

Listing Status ● Inactive

Host Compliance Listing ID - air19912518

Listing Title - The Battlefield Tudor "B" 12South Living

Property type - House

Room type - Private room

Listing Info Last Captured - Aug 15, 2018

Screenshot Last Captured - Aug 19, 2018

Price - \$98/night

Cleaning Fee - \$35

Information Provided on Listing

Contact Name - Matthew

Latitude, Longitude - 36.115480, -86.789342


Minimum Stay (# of Nights) - 2

Max Sleeping Capacity (# of People) - 2





Number of Reviews - 25

Last Documented Stay - 08/2018

Listing Screenshot History

 View Latest Listing Screenshot

August (2) September (0) October (0)

- ✕ Listing air18238539 Removed August 21st, 2018
- ✕ Listing air19912518 Removed August 21st, 2018
- 📅 2 Documented Stays August, 2018
- 📅 3 Documented Stays July, 2018
- 📅 4 Documented Stays June, 2018
- Listing air18238539 Reposted June 23rd, 2018
- Listing air19912518 Reposted June 23rd, 2018
- ✕ Listing air18238539 Removed June 22nd, 2018
- ✕ Listing air19912518 Removed June 22nd, 2018
- 📅 7 Documented Stays May, 2018
- ✓ Listing air19912518 Identified May 24th, 2018
- 📅 7 Documented Stays April, 2018
- ✉ Airbnb Letter: Delivered April 9th, 2018 
- ✉ Airbnb Letter: Sent April 3rd, 2018 
- 📅 7 Documented Stays March, 2018
- ✉ First Warning - No STR or Tax: Delivered March 10th, 2018 
- Listing air18238539 Reposted March 4th, 2018
- Listing air19912518 Reposted March 4th, 2018
- ✉ First Warning - No STR or Tax: Sent March 4th, 2018 
- ✕ Listing air18238539 Removed March 2nd, 2018
- ✕ Listing air19912518 Removed March 2nd, 2018
- 📅 4 Documented Stays February, 2018
- Listing air18238539 Reposted February 5th, 2018
- Listing air19912518 Reposted February 5th, 2018
- ✕ Listing air18238539 Removed January 31st, 2018
- ✕ Listing air19912518 Removed January 31st, 2018

- 📅 2 Documented Stays
January, 2018
- 📅 1 Documented Stay
December, 2017
- 📅 4 Documented Stays
November, 2017
- 📅 5 Documented Stays
October, 2017
- 📅 6 Documented Stays
September, 2017
- ✓ Listing air18238539 Identified
September 19th, 2017
- 📅 4 Documented Stays
August, 2017
- ✳ Listing air19912518 First Crawled
August 6th, 2017
- Listing air19912518 First Activity
August 3rd, 2017
- 📅 3 Documented Stays
July, 2017
- 📅 4 Documented Stays
June, 2017
- ✳ Listing air18238539 First Crawled
April 22nd, 2017
- Listing air18238539 First Activity
April 18th, 2017

August 19, 2018 - 02:32AM America/Chicago



Search

Become a host Earn credit Help Sign up Log in

Aug 19, 2018 2:32am America/Chicago

Share

Save



View Photos

PRIVATE ROOM IN HOUSE

The Battlefield Tudor "B" 12 South Living

Nashville



Matthew

2 guests 1 bedroom 1 bed 1 private bath

Dates

Check In → Check Out

Guests

1 guest

Request to Book

You won't be charged yet

Report this listing

HOME HIGHLIGHTS

Great location · 95% of recent guests gave this home's location a 5-star rating.

Helpful · Not helpful

Quick responses · 14 recent guests said this host responded quickly.

Helpful · Not helpful

Outstanding hospitality · 15 recent guests said this host offered outstanding hospitality.

Helpful · Not helpful

If you are looking for location and relaxation you found it! This 1942 Tudor home was fully renovated in 2017 with all the best features. You may fall in love with it and want to stay longer. A quick 3 block walk past the park gets you access to all the shops and restaurants on 12th!

The space

This newly renovated Tudor offers the perfect upstairs queen guest bedroom getaway. It is owned by a local restaurateur and he knows the town pretty well. The home is just minutes from downtown and includes a full bath with a jetted tub/shower, small galley kitchen (fridge) with laundry giving you everything you need for a short or extended stay.

Guest access

You will have access to the upstairs common area that includes a TV, recliner and love seat for relaxing. The love seat has a twin sized memory foam pull out if needed. The space also includes a stocked fridge (water, soda's, adult beverages) and a washer/dryer that are available for your use. Directly off your bedroom is a massive 16'x40' deck with your own entrance. There is an identical bedroom & bathroom directly across the common area that may or may not have another AirBNB guest staying as well.

Interaction with guests

If you have any questions at any time of the day don't hesitate to call or text. I love to host and like to keep my guests happy and feeling at home. Your privacy will be respected at all times. But feel free to relax with me and Mr Kitty at any time.







Other things to note

Mr Kitty is the ruler of the house. He's a little pug dog that enjoys saying hello from time to time. He's friendly, entertaining, cute and very playful. He will most likely be the first to greet you. It's ok, give him a rub and you'll be good to go your entire stay and he will keep you safe. (there is a gate that blocks him off from your accommodations should you not want him in your space) (he can roam as he pleases though the back yard but please be cautious when opening doors or gates. He's not fun to chase down the street with his playful nature) 2 available street parking spots. (never block the driveway please) Should you need specific off street parking please let us know. Always keep the gates closed in the back yard to let Mr Kitty have his space.

Hide ^

Contact host

Amenities

-  Free parking on premises
-  TV
-  Kitchen
-  Dryer
-  Wifi
-  Hangers

Show all 28 amenities

Sleeping arrangements



Bedroom 1
1 queen bed

Accessibility

- Wide doorway to the home's entrance
- Wide hallway clearance

Show all


Availability

..


25 Reviews ★★★★★

Search reviews

| | | | |
|---------------|-------|----------|-------|
| Accuracy | ★★★★★ | Location | ★★★★★ |
| Communication | ★★★★★ | Check-in | ★★★★★ |
| Cleanliness | ★★★★★ | Value | ★★★★★ |

 **Lee**
August 2018

This place was amazing! Highly recommend staying here. Great location, walkable to 12 South and quick reasonable Uber rides to everywhere else. Super clean, newly updated, all of the features were top of the line. Although this is listed as a shared space with a private bath, we felt as if we had the place to ourselves because of the privacy it offered. Check in and out with your own lockbox made it super easy to come and go as you please. To top it all off a nice and friendly host, who was very quick to respond to messages.

 **Brian**
August 2018

Awesome place! And especially awesome if you're a pair of couples looking to stay together but would still like your own private space (book both the A & B suites). Close to 12 South but on a quiet street away from the hubbub. Very cool private entrance with a huge shared deck. Nice size bedroom with a large closet and shelves. Very nice and super-clean bathroom. And even a nice little shared living room space with a big TV and recliner. If that wasn't enough, Matthew is an awesome, chill host that really cares about making your stay great. A superb AirBnB experience - highly recommended!!!

 **Michaela**
July 2018

Amazing location a short uber ride from anywhere in Nashville. The space was spotless and the house was beautiful. The private entrance was convenient as well. Overall, we thoroughly enjoyed our stay!

 **Tracy**
June 2018

We had a wonderful trip to Nashville, and Matthew's place was superb. It was only a mile from all the restaurants on 12 South and a \$9 uber ride to Broadway (cheaper and more convenient than parking yourself). The room and bathroom were much larger than expected and sooo nice. We're couldn't have asked for better.

 **Teresa**
June 2018

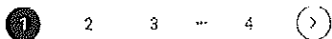
What a wonderful place to stay! Comfortable, clean, close to many area attractions and downtown.. We very much enjoyed staying here. Will definitely be back!

 **Zach**
May 2018

Matthew has an awesome home in a wonderful neighborhood. His new deck and upstairs renovations are impressive! Our room was perfect for our weekend stay. Matthew was an accommodating host and gave us plenty of suggestions for places to visit in Nashville. I definitely recommend him.

 **Erica**
May 2018

This place is great! I highly recommend it. Walkable to shops and restaurants and super quick Uber ride to downtown. His place is extremely clean and nice, and amazing deck off the bedroom. I would definitely stay here again.



Hosted by Matthew



Nashville, Tennessee, United States · Joined in May 2015

★ 67 Reviews • Verified

Nashville business owner that enjoys literally everything that life has to offer. Cars, Boats, Business, Moonshine & Bourbon are on the top end of the list.

Languages: English

Response rate: 100%

Response time: within an hour

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. Learn more

The neighborhood

Matthew's home is located in Nashville, Tennessee, United States.

Great shops, restaurants and bars. Walkability gives you convenience to everything around. There is a brand new community center around the block at Sevier Park which is a great option for a workout (\$3 for guests). Multiple privately owned yoga studios or gyms are close by as well. The 12th South Farmers Market is every Tuesday afternoon from 3:30-6:30 at the park. Nashville is a very active town with so much to do.

Getting around

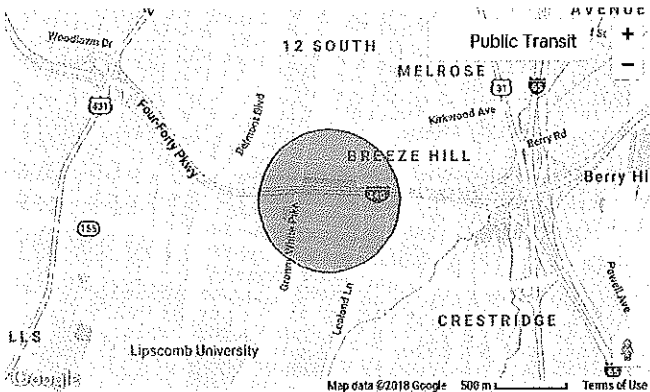
Any cab, lyft or uber ride will be inexpensive since you are 3 miles from downtown. One of the Nashville B-cycle bike rental stations is located at the north side of the sevier park. There is a bus route that is close by if needed.

Hide ^

Matthew's Guidebook Things to do in Nashville

Nearby landmarks

- Frist Art Museum 3.3 mi
- Country Music Hall of Fame and Museum 3.5 mi
- Centennial Park 3.5 mi
- Ryman Auditorium 3.7 mi
- The Parthenon 3.8 mi



Exact location information is provided after a booking is confirmed.

Policies

House Rules

- Not suitable for children and infants
- No smoking

- No pets
- No parties or events
- Check-in time is 3PM - 2AM (next day)
- Check out by 10AM
- Self check-in with lockbox

The house is ruled by one adorable little pug dog named "Mr Kitty" he will most likely come say hello and would like a second to smell you and note that you are ok and safe. There is a barrier gate to keep him out from your space and away from you so feel free to use it.

You must also acknowledge

Pet(s) live on property - "Mr Kitty" is my friendly little pug dog... He loves to say hello with a sniff but will give you your space.

Must climb stairs - Your private space is located in the upper level of the home and up an easy 13-14 step staircase.

Some spaces are shared - There is a common area between 2 individual rentals with a TV, couch, table and chair along with a stocked fridge & washer/dryer for your common use.

Hide rules ^

Explore other options in and around Nashville

More places to stay in Nashville: Apartments · Bed and breakfasts · Lofts · Villas · Condominiums

Asheville Vacation Rentals
 Stone Mountain
 Princeton
 St Louis
 Memphis
 Rutland

Cloverdale Vacation Rentals
 Louisville
 Sherman Oaks
 Atlanta
 Rosemont
 Braintree

Highland Vacation Rentals
 Nashville
 Centreville
 Portsmouth
 River Ranch
 League City

Airbnb

Discover

Hosting



From: [Pulley, Russ \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Lamb, Emily \(Codes\)](#)
Subject: BZA case 2018-636
Date: Wednesday, November 28, 2018 11:46:24 AM

I am writing to address the appeal of Matthew Carney for the property at 1009 Battlefield Drive, challenging the zoning administrator's denial of a short term rental permit.

I have heard from Zoning Examiner Robert Osborn who worked on this case. He stated that he communicated with Mr. Carney via email informing Mr. Carney that he did not have a valid permit. Mr. Osborn then informed Mr. Carney to cease operation of his short term rental. Evidence indicates that Mr. Carney did not comply with Mr. Osborn and continued to operate.

I have not heard from the appellant regarding this matter. It appears to me that the evidence of non compliance is compelling. I certainly trust the judgement of this board. Considering the evidence, I do support denial of the appeal.

Again, thank you all for the fine work this Board does and the long hours you are called on to serve. I very much appreciate the thought you all put into your decisions and your service to this city.

Russ Pulley
Nashville Metro Council
District 25
615-308-4972

From: [Pulley, Russ \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Subject: District 25 cases
Date: Thursday, February 7, 2019 12:49:02 PM

Here are my comments on the three cases from the district 25 due to appear before you at today's hearing:

2019-045; 2032 Overhill Dr.

I am in support of this request for a variance. However, there are a number of neighbors who have concerns from whom I have heard over the past couple of days. Therefore, I have communicated with the applicant and we both agree that we would like to request that this matter be deferred to the BZA hearing on 2/21 so that we can engage the neighbors and let them know specifically what the property owner has in mind.

2019-050; Woodmont Christian Church

I have met with several individuals representing the applicant on this request for sidewalk variance. In addition, we have held one community meeting where approximately 15 members of the community attended.

Michael Briggs with the planning department has suggested an alternative to the required sidewalk based upon the difficulty presented to the property owner in constructing a sidewalk at the required location. I am in support of this alternative sidewalk.

2018-636; 1009 Battlefield Dr

I was copied on an email from Matthew Carney, the applicant, to Robert Osborne in May 2018. Prior to this morning, that's the only contact I had with the applicant. This morning I reached out to the applicant by phone if you told me of his dilemma. I encouraged him to state the facts to the board of zoning appeals accurately. He did admit that he operated the short term rental after hearing from Mr. Osborne. I am not going to take a position on this. I certainly respect the judgment of Commissioners to rule properly after hearing the evidence.

Thank you very much for all you do for our city. I very much appreciate your service.

Russ Pulley

Sent from my iPhone

RE: Appeal Case Number: 2018-636
1009 BATTLEFIELD DR
Map Parcel: 11809000100
Zoning Classification: RS10
Council District: 25

November 25, 2018


Dear Office of Zoning,

I am writing to express my concern about the appellant, Mr. Matthew Carney's, request to Item A appeal to challenge the zoning denial of a short-term rental permit. Allowing Mr. Carney, or any future appellant, to follow through with this appeal poses a number of threats. Short-term rentals have no stake in the community and are not worth altering the neighborhood's character merely to provide lodging for tourist and given privilege to individual business ventures. This is a single-family resident and should be kept in tact for young families raising their kids and retired residents to find security among their long-time neighbors. It would be unfair to alter our neighborhood to accommodate complete strangers simply for profit.

We genuinely oppose to Mr. Carney's request for a short-term rental permit.

Name: Elmer & Fatima Terry

Address: 1007 Battlefield Drive Nashville, TN 37204

Signature: 

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Erin Shim & Anne DeChant
Property Owner: Erin Shim & Anne DeChant
Representative: Erin Shim & Anne DeChant

Date: 11-16-18
Case #: 2019-012
Map & Parcel: 09309006900

Council District 06

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

Purpose: To apply for a STRP permit.

Activity Type: Short Term Rental

Location: 1306 Gartland Ave.

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

Reason: Item A appeal, challenging the zoning administrator's denial of isolated portion of single family residence to be used for short term rental after initial fire marshal inspection revealed non-conforming window size in upper bedroom.

Section(s): 17.16.250 (E)

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

Erin Shim & Anne DeChant
Appellant Name (Please Print)

Same
Representative Name (Please Print)

1306 Gartland Ave.
Address

Address

Nashville, TN 37206
City, State, Zip Code

City, State, Zip Code

(440) 488-5189
Phone Number

Phone Number

elshim.els@gmail.com
Email

Email

Appeal Fee: \$100.00



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



3579331

**ZONING BOARD APPEAL / CAAZ - 20180072490
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08309006900**APPLICATION DATE:** 11/16/2018**SITE ADDRESS:**

1306 GARTLAND AVE NASHVILLE, TN 37206
PT LOT 6 BLK 2 BAILEY SUB ALLISON

PARCEL OWNER: SHIM, ERIN L. & DECHANT, ANNE E.**CONTRACTOR:****APPLICANT:****PURPOSE:**

Item A appeal, challenging the zoning administrator's denial of isolated portion of single family residence to be used for short term rental after initial fire marshal inspection revealed non-conforming window size in upper bedroom.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



3561091

APPLICATION FOR RESIDENTIAL SHORT TERM RENTAL / CASR - T2018059738
THIS IS NOT A PERMIT

PARCEL: 08309006900

APPLICATION DATE: 09/19/2018

SITE ADDRESS:

1306 GARTLAND AVE NASHVILLE, TN 37206
PT LOT 6 BLK 2 BAILEY SUB ALLISON

PARCEL OWNER: SHIM, ERIN L. & DECHANT, ANNE E.

APPLICANT: Erin Shim
1306 Gartland Ave.
Nashville, TN 37210 440 488.5189

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

ORIGINAL PERMIT
APPLICATION

PURPOSE:

NOTE: In response to Fire Marshal inspection rejection of second floor window access, the area to be used for short term rental purposes will be confined to the first floor foyer, living room, owner's bedroom, and owner's bathroom as labeled on attached floor plan. Bedroom count is 1 with an occupancy count of 6.

By making this application for a Residential Short Term Rental Permit, I certify that I will comply with all requirements of Ordinance BL2014-951, BL2016-381, BL2016-492, BL2017-608, and State of Tennessee Public Chapter No. 972.

Property is Owner occupied, 1 sleeping rooms, 6 person maximum occupancy.

Proof of residence has been verified.

Owner compliance letter verified.

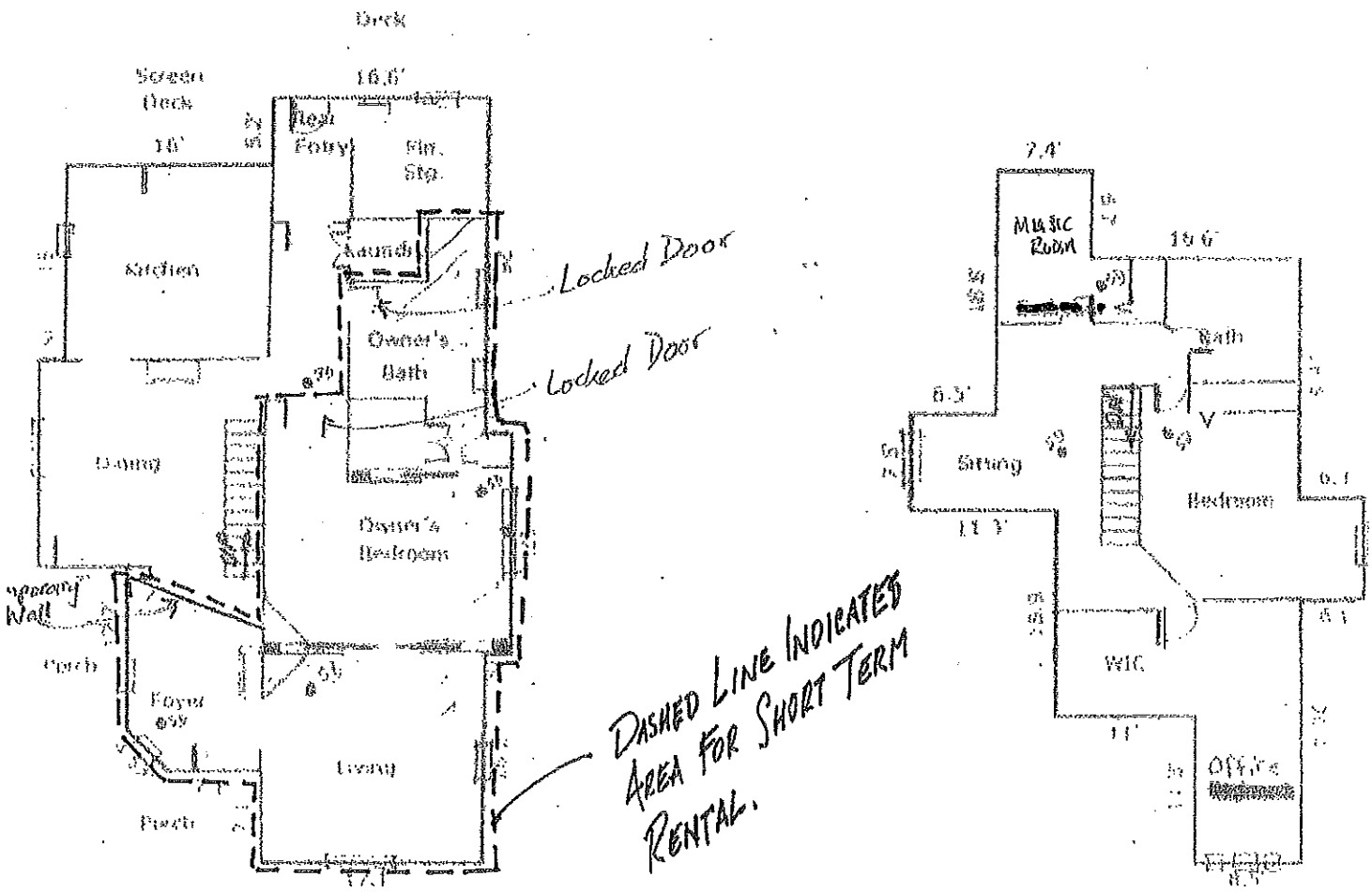
Floor Plan and smoke detectors verified.

Notification to adjacent residences confirmed.

Applicant has confirmed that subject property is not in violation of a Homeowners Association

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

| | | |
|---------------------------------------|----------|--|
| [A] Zoning Review | APPROVED | 615-880-3245 David.Frabutt@nashville.gov |
| [A] Bond & License Review On Bldg App | APPROVED | 615-880-3245 David.Frabutt@nashville.gov |
| U&O Life Safety Final Approval - STRP | REJECTED | 615-862-5233 Chad.Young@nashville.gov |



First Floor
(1717.85 Sq Ft)

Second Floor
(1020.91 Sq Ft)

STRP = Shaded Area

Dashed Line Indicated Area for Short Term Rental.

1306 GARTLAND AVE
NASHVILLE TN 37206

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Melvin & Beatriz Martinez

Date: 11-28-18

Property Owner: Melvin & Beatriz Martinez

Case #: 2019-021

Representative: Melvin & Beatriz Martinez

Map & Parcel: 07503000800

Council District 11

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: 509 Des Moines Dr.

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

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

Section(s): 17.16.250 (E)

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

Melvin & Beatriz Martinez
Appellant Name (Please Print)

Same
Representative Name (Please Print)

509 Des Moines Dr.
Address

Address

Hermitage, TN 37076
City, State, Zip Code

City, State, Zip Code

(702) 472-1854
Phone Number

Phone Number

melvinpiano@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



3582013

ZONING BOARD APPEAL / CAAZ - 20180074368
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 07503000800

APPLICATION DATE: 11/28/2018

SITE ADDRESS:

509 DES MOINES DR HERMITAGE, TN 37076
LOT 16 SEC. 1 TULIP GROVE

PARCEL OWNER: MARTINEZ, MELVIN & BEATRIZ

CONTRACTOR:

APPLICANT:**PURPOSE:**

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

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS

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

MAILING ADDRESS

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

NOTICE

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

Martin Mairs
[Signature]

11/28/18
11/28/18

Rental Unit Record

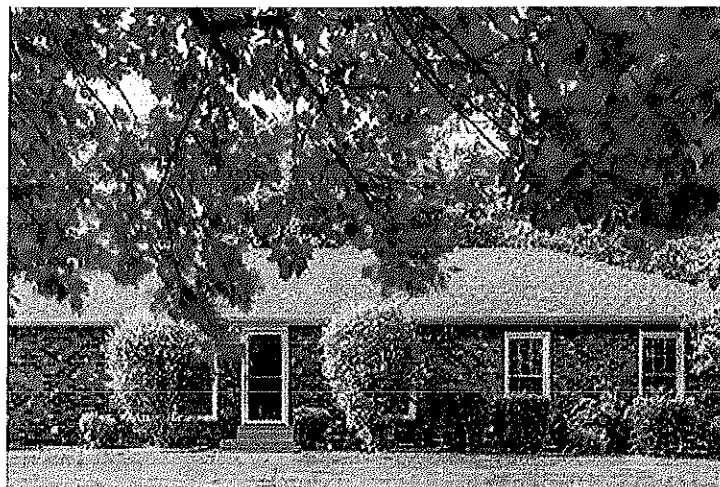
509 Des Moines Dr, Hermitage, TN 37076, USA

Removed X
Identified ✓
Compliant ✓

PRINT

Listing(s) Information

Airbnb - 29156646



Rental Unit Information



Identified Address

509 Des Molnes Dr, Hermltage, TN 37076, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.210228, -86.604801

Parcel Number

07503000800

Owner Name

COTTLE, RONALD V.

Owner Address

509 DES MOINES DR
HERMITAGE, TN 37076, US

Matched Details

Analyst

GJGN

Explanation

I found identical match to listing front photo on zillow (the crop is slightly different). The address is shown on this page as 509 Des Moines Drive. Lister names Melvin and Beatriz exactly match the tax owner names at this address (MARTINEZ, MELVIN & BEATRIZ).

Listing Photos



front of home match on zillow

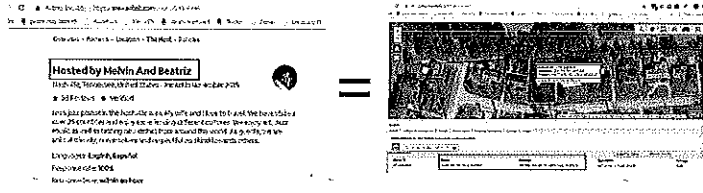
Matching 3rd Party Sources



Timeline of Activity

View the series of events and documentation pertaining to this property

X Listing air29156646 Removed November 22nd, 2018



lister names match tax owners

Zip Code Match

City Name Match

Listing Details

| | |
|----------------------------|--|
| Listing URL | - https://www.airbnb.com/rooms/29156646 |
| Listing Status | ● Inactive |
| Host Compliance Listing ID | - air29156646 |
| Listing Title | - Private Entrance/Charming Master Bedroom |
| Property type | - House |
| Room type | - Private room |
| Listing Info Last Captured | - Nov 19, 2018 |
| Screenshot Last Captured | - Nov 19, 2018 |
| Price | - \$48/night |
| Cleaning Fee | - \$10 |

Information Provided on Listing

| | |
|-------------------------------------|-------------------------|
| Contact Name | - Melvin And Beatriz |
| Latitude, Longitude | - 36.209121, -86.604161 |
| Minimum Stay (# of Nights) | - 1 |
| Max Sleeping Capacity (# of People) | - 2 |
| Max Number of People per Bedroom | - 2 |
| Number of Reviews | - 21 |
| Last Documented Stay | - 11/2018 |

Listing Screenshot History

View Latest Listing Screenshot

September 0

October 5

November 5

- First Warning - No STR or Tax: Delivered November 19th, 2018
- 7 Documented Stays November, 2018
- First Warning - No STR or Tax: Sent November 13th, 2018
- Listing air29156646 Identified November 10th, 2018
- 14 Documented Stays October, 2018
- Listing air29156646 First Crawled October 10th, 2018
- Listing air29156646 Reposted October 10th, 2018
- Listing air29156646 Removed October 9th, 2018
- Listing air29156646 First Activity October 8th, 2018

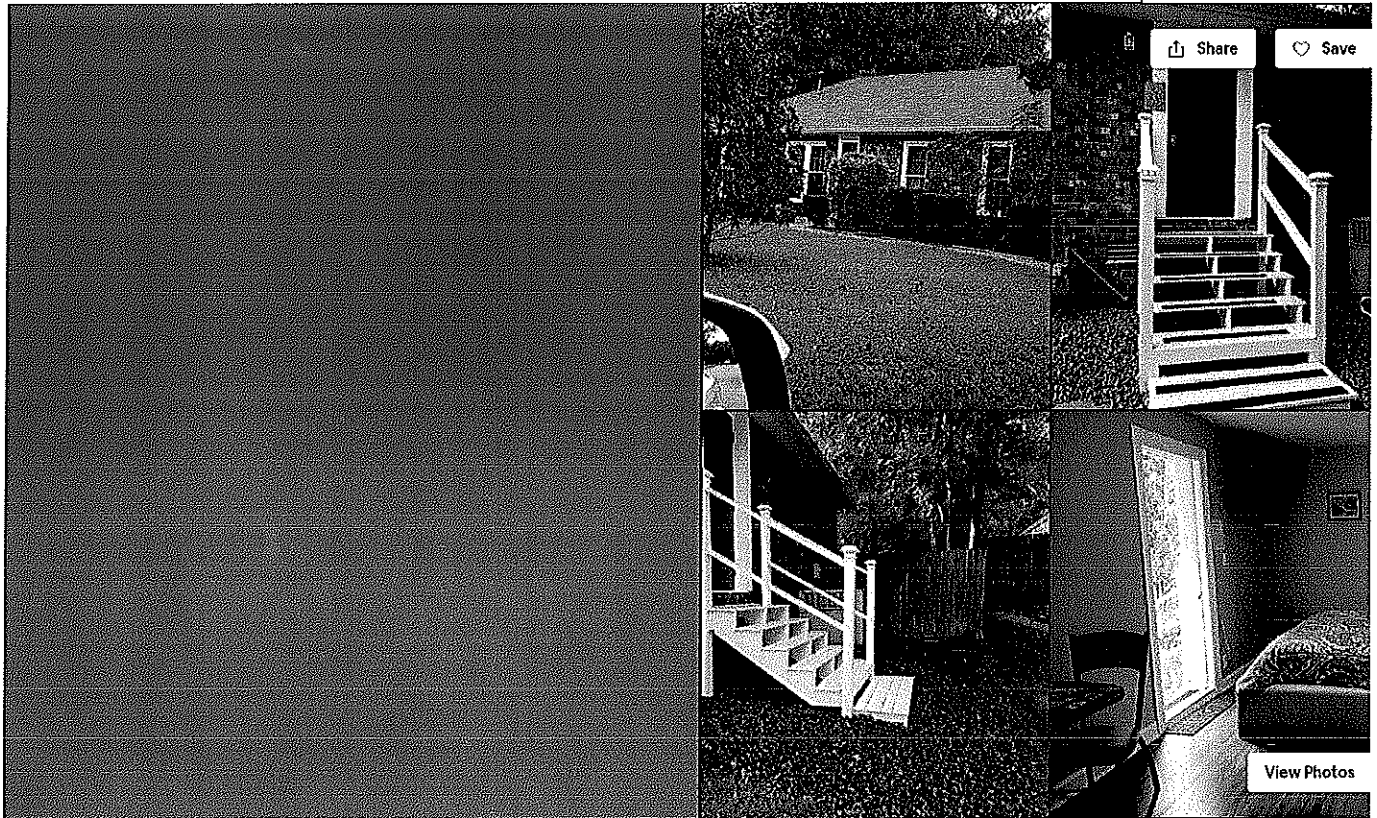
November 19, 2018 - 05:43AM America/Chicago



Search

Become a host Help Sign up Log in

Nov 19, 2018 5:43am CT



PRIVATE ROOM IN HOUSE

Private Entrance/Charming Master Bedroom

Nashville

2 guests 1 bedroom 1 bed 1 private bath

- Self check-in**
Check yourself in with the keypad.
- Sparkling clean**
16 recent guests have said that this home was sparkling clean.
- Great location**
95% of recent guests gave this home's location a 5-star rating.



Melvin And Beatriz

\$48 per night
★★★★★ 21

Dates

Check in → Check out

Guests

1 guest

Book

You won't be charged yet

Report this listing

Come stay in our adorable and spacious Nashville/Hermitage get away and enjoy all the amenities we have to offer, from a "private entrance" to a "private bath", our room is equipped with all the essentials you need for a comfortable delightful stay. Since we offer a door code you can check in "ANYTIME" after 3pm. We are 10 minutes from the airport, 15 minutes from downtown Nashville and 10 min from Percy Priest Lake and a short distance from restaurants and shopping centers.

Read more about the space

Contact host

Amenities

- Wifi
- TV
- Iron
- Hangers
- Laptop friendly workspace
- Hair dryer

Show all 22 amenities

Sleeping arrangements



Bedroom 1
1 queen bed

Accessibility

Step-free access to the bathroom

Wide entryway to common space

Availability

Updated 5 days ago

| November 2018 | | | | | | | December 2018 | | | | | | |
|---------------|----|----|----|----|----|----|---------------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa |
| | | | | | 3 | 4 | | | | | | | 1 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 27 | 28 | 29 | 30 | | | | 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| | | | | | | | 30 | 31 | | | | | |

21 Reviews ★★★★★

Search reviews

| | | | |
|---------------|-------|----------|-------|
| Accuracy | ★★★★★ | Location | ★★★★★ |
| Communication | ★★★★★ | Check-In | ★★★★★ |
| Cleanliness | ★★★★★ | Value | ★★★★★ |

Tracey
November 2018

Room was very clean and nice and in a quiet neighborhood...hosts were very quick to respond if I needed anything...will definitely stay there again if I return to Nashville

Nancy
November 2018

You won't be disappointed at this location! It is close to downtown Nashville yet very private! Melvin was very quick to respond to any questions you may have and the place was very clean and comfortable! Thanks for a great stay!

Brittany
November 2018

Melvin and Beatriz's place was amazing! We loved the private entry, the cute set up! Their place is VERY VERY clean, cute and cozy!!! I would highly recommend staying here. This will be our first choice every time we come back. The neighborhood was quiet and safe. They live close...Read more

Jeffrey
November 2018

An absolute picture perfect stay! Super clean and excellent location for my needs. Definitely recommend this space.



Marle
November 2018

You will find this space as described. Private and SEPARATE from the rest of the home (which could pass as "entire place to self" in my opinion)! CLEAN, up to date, with thoughtful touches! Melvin was SO kind. I arrived on a rainy night, and he greeted me with an umbrella! The do...Read more



Jane
November 2018

This Airbnb is very welcoming, comfortable, and beautifully decorated. It has everything you need as Melvin & Beatriz have created your home away from home with much attention to detail. You won't be let down.



Rosita
November 2018

awesome bed for a comfortable sleep. The bathroom is beautiful and it's closet is spacious. The private entrance is well planned. Be prepared for the owners sleeping in their room on the other side of the wall, and the TV with rabbit ears to adjust for streaming.



Response from Melvin And Beatriz:

Hi Rosita, thank you for your review and for your suggestions this way we can improve the service we provide to better accommodate our guests. The rabbit ears we already replaced for a better TV receiver after you guys had problems with it and this one works like a charm. We also relocated the place where we sleep to another room in the house this way our guest feel more comfortable and away from any noise. Thank you again for staying with us we hope you book with us again so you can see our improvements.

November 2018



Hosted by Melvin And Beatriz



Nashville, Tennessee, United States · Joined in November 2015

★ 45 Reviews Verified

I'm a jazz pianist in the Nashville area. My wife and I love to travel. We have visited over 25 countries and enjoy experiencing different cultures. We enjoy art, Jazz music as well as tasting new dishes from around the world. As guests, we are animal friendly, non smokers an...Read more

Languages: English, Español

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. Learn more

About the home

When you stay in an Airbnb, you're staying in someone's home:

This is Melvin And Beatriz's place.



Melvin helps host.



The neighborhood

Melvin And Beatriz's home is located in Nashville, Tennessee, United States.

Our property backs up into "The Hermitage", former president Andrew Jackson's home and plantations and what is now a historical museum that offers tours of

the historical mansion and where you can experience the delightful landscape and tranquil beauty. We are also 10 minutes from Percy Priest Lake where you can experience the Nashville Shore water park and enjoy many outdoor activities such as camping, fishing or maybe rent a boat or jet ski in one of their 5 marinas. Downtown Nashville is 15 minutes away, go and experience Broadway Street and enjoy dozens of local venues that offer great food and the best country music Nashville has to offer. Also, you can visit historical landmarks and places such as the Grand Ole Opry House, Gaylord Opryland Resort and Gardens, Centennial Park "The Parthenon", Country Music Hall of Fame and Museum, Nashville Zoo, Cheekwood Botanical Gardens and Museum of art among many other wonderful places.

[Read more about the neighborhood](#) ▾

Exact location information is provided after a booking is confirmed.

Policies

House Rules

Not suitable for children and infants - The entrance to the room has 6 steps. We are afraid that a child might be playing on the stairs and fall.

No smoking

No pets

No parties or events

Check-in is anytime after 3PM

Check out by 11AM

Self check-in with keypad

[Read all rules](#) ▾

Cancellations

Moderate - Free cancellation for 48 hours

After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.

[Read more about the policy](#) ▾

Metropolitan Board of Zoning Appeals

Re: Appeal Case Number: 2019-021

509 Des Moines Dr.

Map Parcel: 07503000800

Zoning Classification: R10

Council District: 11

To Zoning Appeals Board:

In regard for the request for a short term rental permit, I strongly oppose this request. I have inherited the property at 513 Des Moines Dr. from my aunt, Ruby Creekmore, who passed away in November 2018. When the property at 509 Des Moines Dr. was purchased a door was put in on the side of the house where my bedroom windows are and due to the close proximity it is disturbing to have someone use that entrance at many times of the day and night. Although I do not live there right now and am undecided what I want to do with the home, I am there several nights each month. If I choose to live there it will be very disturbing having people coming and going late at night. I feel by allowing the short term rental it is going to hurt the property values and is unfair to the families that live in a residential neighborhood and some have lived there 50 years.

Thank you for your time and again I am strongly opposed to the request for a short term rental permit.

Sincerely,

Paige Mullins

mullins@chartertn.net

March 1, 2019

Board of zoning Appeals
800 Second Ave South
Nashville, TN 37219

Dear Sirs, RE: Appeal Case Number 2019-021

We are opposed to Melvin and Patricia Martinez, of 509 Old Mexico
drive, Hermitage, TN, obtaining a short term rental permit.

We support the legal process in obtaining the proper permits in
running a short term rental. We are opposed to persons trying
to avoid the proper steps to run a short term rental.

Sincerely,
William & Meriel Easton
4435 Andrew Jackson Hwy
Hermitage, TN 37076

From: [Nate Paulk](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: CASE 2019-021
Date: Tuesday, March 5, 2019 11:57:40 AM

Dear Board of Zoning Appeals,
Please accept this letter as a recommendation to approve Melvin and Beatriz Martinez's application for a short term rental permit.

My family lives directly across the street from them and have found them to be exemplary neighbors since they purchased the home. Not only have they beautified the property, but have made great effort to build a relationship with our family.

My wife and I often ask ourselves the question, " How can we help our neighbors thrive?" If operating a STR out of their home helps Melvin and Beatriz to thrive, then we are all for it. Since it will be an owner-occupied STR, we have full faith they will operate it with great care and responsibility to their neighbors.

I am certain some of our fellow neighbors are opposed to this permit....and have been told there is a petition with names on it. I'm sure your Board recognizes how such a petition can be inconclusive when there is no check on the messaging used to gather signatures. We acknowledge fear of change in the hearts of some of our neighbors, but we hope our vote will be weighted more than those not even within sight of the home.

We are certain Melvin and Beatrice will be responsible STR operators and are pleased to speak in favor of approving their permit.

Thank you for your consideration.

Sincerely,
Nate Paulk

508 Des Moines Drive
Hermitage, TN 37076

Short Term Rentals DON'T belong in residential neighborhoods! Don't Motel My Neighborhood!

Do not let the American Dream be destroyed by corporate and private greed. Nashville already voted to limit Air B&Bs in our neighborhoods.. The new owner's at 509 Des Moines Dr. was operating one of these short term 'party houses' in our neighborhood without a permit and has since applied. We, the undersigned neighbors DO NOT want this permit #20180074368 to be approved.

Appeal Case #2019-021 should be denied! This property is in Council District 11.

Many Air B&Bs including this one was operated ILLEGALLY (meaning they are operating illegally without a business licenses, are not paying sales taxes, hotel room tax and do not carry the proper insurance). How do we know any of this without the meeting we were supposed to have had prior to their beginning operation.

Currently, individuals who want to operate a Short Term Rental need to apply for a business license. Neighbors should have been notified of the business application. The Martinez's built a new structure in the back yard for the stated purpose of giving piano lessons.

ACT NOW and sign this letter of petition stating your opinion of this appeal being granted or not at 509 Des Moines Dr., Hermitage, TN. It is important, *not only* the Councilman Larry Hager knows our individual positions, but also The Zoning Board or other Governing body who determines the approval or denies it.

TO BE CLEAR:

We are not fighting against a home owner who wants to rent out a room in their home (that they live in) or operate as a true Bed & Breakfast.

We are not fighting against a home owner who wants to rent/lease a home for a minimum of 30 days or more.

WE ARE fighting against companies/individuals turning homes into MOTELS and letting tourists stay for 2-3 nights with no homeowner present. .

I am against the approval I am for it being here
I live @ 542 Des Moines Hermitage, TN 37076

Signed *Alvin J. Baskin*

Short Term Rentals DON'T belong in residential neighborhoods! Don't Motel My Neighborhood!

Do not let the American Dream be destroyed by corporate and private greed. Nashville already voted to limit Air B&Bs in our neighborhoods.. The new owner's at 509 Des Moines Dr. was operating one of these short term 'party houses' in our neighborhood without a permit and has since applied. We, the undersigned neighbors DO NOT want this permit #20180074368 to be approved.

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I am against the approval X I am for it being here _____
I live @ 541 Des Moines Dr Hermitage, TN 37076

Signed Carole Evans

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I am against the approval I am for it being here _____
I live @ 531 Des Moines Dr Hermitage, TN 37076

Signed Nancy Senter

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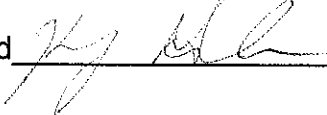
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I live @ 532 Des Moines Hermitage, TN 37076

Signed 

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I am against the approval I am for it being here
I live @ 529 Des Moines Hermitage, TN 37076

Signed Debra Stewart

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I live @ 528 Des Moines Dr, Hermitage, TN 37076

Signed Frances N. Buckner

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I am against the approval I am for it being here
I live @ 525 Des Moines Dr. Hermitage, TN 37076

Signed 

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I am against the approval 2/10 I am for it being here _____
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Signed Jessie A. Holly

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Signed RP Williams

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Signed J.C. Hall

Martha Holland

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Signed Long L. Kincaid
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I live @ 508 JUNEAU CT Hermitage, TN 37076

Signed C. H. T. [Signature]

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 Signed Pam Milau

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Signed Leopolda Hernandez

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Signed Mary Jane Johnson

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Signed Deborah Pauer

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I am against the approval I am for it being here
I live @ 4405 Jumeau Dr. Hermitage, TN 37076

Signed Patricia J Roguet

Short Term Rentals DON'T belong in residential neighborhoods! Don't Motel My Neighborhood!

Do not let the American Dream be destroyed by corporate and private greed. Nashville already voted to limit Air B&Bs in our neighborhoods.. The new owner's at 509 Des Moines Dr. was operating one of these short term 'party houses' in our neighborhood without a permit and has since applied. We, the undersigned neighbors DO NOT want this permit #20180074368 to be approved.

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TO BE CLEAR:

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WE ARE fighting against companies/individuals turning homes into MOTELS and letting tourists stay for 2-3 nights with no homeowner present. .

I am against the approval I am for it being here
I live @ 7412 Juneau Hermitage, TN 37076

Signed Betha Stagg

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I am against the approval X I am for it being here _____
I live @ 4413 Suneau Dr. Hermitage, TN 37076

Signed Thomas G. King

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Signed Mary D. Melton

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Signed Rebecca Day Wilson

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I live @ 4425 Suneau Dr. Hermitage, TN 37076

Signed Rhonda G Mills

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I am against the approval I am for it being here
I live @ 4437 Sunnyside Hermitage, TN 37076

Signed Gale W. Berg

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Signed Christi Wilches

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I live @ 4449 Sunbeam Drive Hermitage, TN 37076

Signed Walter VanHorn

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I live @ 4412 Andrew Johnson Hermitage, TN 37076

Signed Brian Smith

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 Hermitage, TN
 Signed _____

Jagouty Patel

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Signed Stacia Thompson

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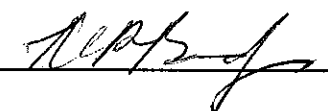
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Signed Rose Kennedy

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I live @ 4500 Andrew Jackson PKY Hermitage, TN 37076

Signed John Haylett

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: William Walden
Property Owner: William Walden
Representative: Tamie R. Hollin

Date: 12/4/2018
Case #: 2019-031
Map & Parcel: 155 00007300

Council District 30

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

Purpose: appeal revocation of short term rental permit

Activity Type: Short term rental

Location: 8153 Poplar Creek Rd

This property is in the AR 2A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: ownership changed

Section(s): 17.16.260 E

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

William Walden
Appellant Name (Please Print)

Tamie Hollin
Representative Name (Please Print)

8159 Poplar Creek Rd
Address

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.

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

December 11, 2018

ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS

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

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

RE: Appeal Case Number: 2019-031
8153 POPLAR CREEK RD
Map Parcel: 15500007300
Zoning Classification: AR2a
Council District: 35

This is to inform you that filed an appeal **for the property at the above referenced location**. The appellant requested an Item A appeal, challenging the short term rental ordinance. Permit cancelled due to change of ownership and permit cannot be transferred from one owner to another. Should this request be approved, it would allow the applicant to reinstate permit.

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

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on **THURSDAY 1/17/2019, beginning at 1:00 p.m.** in the Sonny West Conference Center of the Howard Office Building, 700 2nd Avenue South. If you wish to show support or opposition to your neighbor's request, you may do so in person. In lieu of a personal appearance, you may submit written communication to the Board prior to the scheduled board meeting date. **We cannot guarantee written communication to be a part of the record unless it is received no later than Noon the Monday before the meeting date.**

This letter is being sent to you because you are the owner of property located within 600' of the subject location. This request is only for the property at the above location. We are required by law to notify you of what your neighbor wishes to do on his/her property.

Should you have questions or require special accommodations (handicap accessibility), you may email us at BZA@nashville.gov. You can view this case at epermits.nashville.gov and search by permit # **20180075682** or search by the address.

METROPOLITAN BOARD OF ZONING APPEALS

From: [Barbara Reese](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Reference: Appeal Case 2919-031 8153 Poplar Creek Rd., zone AR2a, council district 35
Date: Tuesday, January 15, 2019 9:32:17 PM

To Whom It May Concern,

I am writing to support the Walden's B&B. My property backs up to their property and we have been neighbors for 22 years.

I have never heard or seen anything disruptive over the fence and You don't even know anyone is there, because they have been so selective in who they rent to.

We have the benefit of a beautiful view of their property without any of the work and very rarely see any activity there.

Furthermore, the Walden's have let us know what their plans are and we have their contact information if we have concerns. I have never had to call them.

I understand the concerns in metro with B&Bs but there is absolutely no reason for concern with This B&B.

Thank you for your consideration in letting them continue as they have been for a few years.

Barbara Reese
205 Cold Spring Court
Nashville 37221

Sent from my iPhone Barbara Reese

From: [Leslie Sperrazza](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Ref: appeal case 2909-031
Date: Wednesday, January 16, 2019 7:28:47 AM

Re: 8153 Poplar Creek Road
Zone AR2A
Council district 35

To Whom It May Concern,

I am writing to support the Walden's B&B. My property backs up to their property and we have been neighbors for 15 years.

I have never heard or seen anything disruptive from the farm or it's owners. They are very quiet and respectful of us. We have the benefit of a beautiful view of their property without any of the work and very rarely see any activity there.

Furthermore, the Walden's have let us know what their plans are and we have their contact information if we have concerns. I have never had to call them.

I understand the concerns in metro with B&Bs but there is absolutely no reason for concern with this B&B.

Thank you for your consideration in letting them continue as they have been.

Sincerely,
Leslie and Dennis Sperrazza
404 West Griffin Court
Nashville 37221

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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Ryan Horne

Date: 12/28/18

Property Owner: Ryan Christopher Horne

Representative: Ryan Horne

Case #: 2019-070

Map & Parcel: 07208023700

Council District 07

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: 2227 Ravenwood Dr.

This property is in the RS10 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Item A appeal, challenging the zoning administrator denial of a short term rental permit. Applicant operated without a permit.

Section(s): 17.16.250 E.

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

Ryan Horne
Appellant Name (Please Print)

Representative Name (Please Print)

2227 Ravenwood Drive
Address

Address

Nashville, TN 37216
City, State, Zip Code

City, State, Zip Code

770-366-3853
Phone Number

Phone Number

ryanhornemusic@gmail.com
Email

Email

Appeal Fee:



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



3590371

**ZONING BOARD APPEAL / CAAZ - 20180080136
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 07208023700**APPLICATION DATE:** 12/28/2018**SITE ADDRESS:**

2227 RAVENWOOD DR NASHVILLE, TN 37216

LOT 197 SEC 3 DALEWOOD

PARCEL OWNER: HORNE, RYAN CHRISTOPHER**CONTRACTOR:****APPLICANT:****PURPOSE:**

To obtain a short term rental permit

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

Dashboard

Rental Unit Record

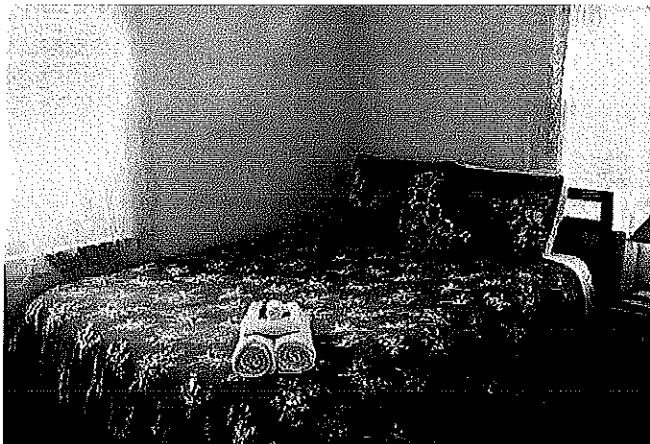
2227 Ravenwood Dr, Nashville, TN 37216, USA

Removed X
Identified ✓
Compliant ✓

PRINT

Listing(s) Information

Airbnb - 9922342



Rental Unit Information



Identified Address

2227 Ravenwood Dr, Nashville, TN 37216, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.204143, -86.713302

Parcel Number

07208023700

Owner Name

HORNE, RYAN CHRISTOPHER

Owner Address

2227 Ravenwood Dr
Nashville, TN 37216, US

Matched Details

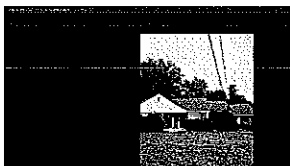
Analyst

EGPL

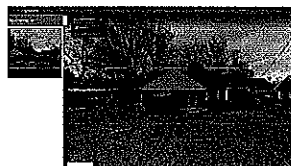
Explanation

The google street view shows the same exterior as the listing photos. The listing was posted by a Ryan and a Ryan Horne is listed as the owner for the address in the parcel records.

Listing Photos



Matching 3rd Party Sources



The exterior is the same.

Timeline of Activity

View the series of events and documentation pertaining to this property

Zip Code Match

Owner Name Match

City Name Match

X Listing air9922342 Removed November 6th, 2018

2 Documented Stays October, 2018

- ☒ 4 Documented Stays
February, 2017
- ☒ 1 Documented Stay
January, 2017
- ☒ 2 Documented Stays
November, 2016
- ☒ 5 Documented Stays
October, 2016
- ☒ 7 Documented Stays
September, 2016
- ☒ 5 Documented Stays
August, 2016
- ☒ 5 Documented Stays
July, 2016
- ✳ Listing air9922342 First Crawled
July 21st, 2016
- ☒ 6 Documented Stays
June, 2016
- ☒ 4 Documented Stays
May, 2016
- ☒ 4 Documented Stays
April, 2016
- ☒ 2 Documented Stays
March, 2016
- ☒ 3 Documented Stays
February, 2016
- ☒ 2 Documented Stays
January, 2016
- Listing alr9922342 First Activity
January 16th, 2016

February 15, 2019

Metro Board of Zoning Appeals
Dept. of Codes & Building Safety
P.O. Box 196300
Nashville TN 37210

RE: Appeal Case # 2019-070 2227 Ravenwood Drive

To whom it may concern:

I wish to oppose Mr. Horne's request for a short term rental permit. I am a homeowner in the immediate area and do not want any additional short term rentals for this area of Inglewood, Council District 7.

Thank you.

Sincerely,



Luanne Stehno
2221 Berrywood Road
Nashville TN 37216

February 17th, 2019

Melanie Carter
Ridgecrest Dr
Nashville, Tn 37216

Re: Appeal Case Number: 2019-070
2227 Ravenwood Dr
Map Parcel : 07208023700
Zoning Classification: RS10
Council District : 7

To whom it may concern,

I received a notice letting me know that an application for a Short Term Rental has been received, denied, and is being appealed currently by Mr. Christopher Horne, 2227 Ravenwood Dr. The fact that Mr. Horne began operating the Short Term Rental before obtaining a permit is concerning. As an owner within 600 ft of the property owned by Mr. Christopher Horne, 2227 Ravenwood Dr., I oppose any Short Term Rental permits that could possibly be obtained by him. I have seen the damage Short Term renters cause not just to the rental property, but also to neighboring property of the rental, the noise they bring to an area, and the disrespect some short term renters have for the people who live in the area they are temporarily staying in. As a long term resident of East Nashville, living here all my life, I do not feel like Short Term Rentals bring anything to my neighborhood but problems we have never had before. I live on a quiet street and want it to stay that way. If a permit is allowed, it is not Mr. Horne who will have to deal with the possible bad behavior of his short term renters, it is residents, like myself, who will have to deal with it. While I appreciate Mr. Horne's desire to do with his property as he wants in order to make some money, I do not approve of it being at the neighborhoods expense as temporary renters go in and out of the home he owns every week.

Sincerely,

Melanie Carter

2019-070
OPPOSE

Timothy A. Cain

*2221 Ridgecrest Dr.
Nashville, TN 37216*

Appeal Case Number 2019-070
2227 Ravenwood Drive
Map Parcel: 07208023700
Zoning Certification: RS10
Council District: 7

This is in response to the notification mailed to me on January 22, 2019.

With this letter I am showing opposition to the neighbor's request for a short-term rental permit and uphold the zoning administrator's denial to grant such permit.

Respectfully,



Timothy A. Cain



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

Appellant: Jake Tanner Date: 1-15-19
 Property Owner: James & Janus & Jake Tanner Case #: 2019-091
 Representative: Jake Tanner Map & Parcel: 105094G00200CO
 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: 1010 B Caldwell Ave.

This property is in the R8 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant does not qualify to apply under Public Chapter No. 972.
 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 hereby requested in the above requirement as applied to this property.

Appellant Name: Jake Tanner Representative: Same
 Phone Number: (661) 373-4547 Phone Number: _____
 Address: 1010 B Caldwell Ave. Address: _____
Nashville, TN 37204
 Email address: jake@outstandingnow.com Email address: _____

Appeal Fee: _____



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

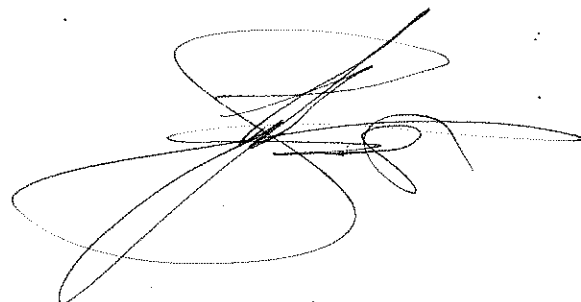
DEPARTMENT OF CODES & BUILDING SAFETY

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

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

NOTICE

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



7/15/18

2019-091
OPPOSE

Lifsey, Debbie (Codes)

From: Clare Eng <clare.eng@belmont.edu>
Sent: Friday, February 15, 2019 3:39 PM
To: Board of Zoning Appeals (Codes)
Subject: Permit 20190002831 (1010B Caldwell Avenue)

Dear Board of Zoning Appeals:

I write regarding permit number **20190002831**, the appeal against the city's denial of a short-term rental permit to **1010B Caldwell Avenue**. Because of my work, I am unable to attend the public hearing on this matter that is scheduled for 7 March. My family and I live diagonally across the street from this house, and we ask the board NOT to give the house a short-term rental permit. For some time now, 1010B has been illegally let periodically—and the short-term guests bring with them unneighborly and disruptive behavior that we have talked about with other neighbors who are similarly upset by the illegal short-term rentals. If 1010B Caldwell Av were to get a permit to legally engage in short-term rental, it would only exacerbate the situation, and set an unwanted precedent. **We do not want short-term rentals in our neighborhood.**

Sincerely,

Clare Sher Ling Eng, Ph.D., LLB (Hons)
Associate Professor of Music Theory
College of Visual & Performing Arts
School of Music
Telephone: 615-460-6267
Email: clare.eng@belmont.edu



1900 Belmont Boulevard | Nashville, TN 37212
Visit us: belmont.edu

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Braisted, Sean \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Subject: D17 BZA items
Date: Thursday, February 28, 2019 2:26:15 PM

Board members,

Thanks, as always, for your service. I am **strongly opposed** to both District 17 items (2019-043 and 2019-091) on the March 7 agenda.

Sincerely,

Colby

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